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PROCEEDINGS AND DEBATES OF THE 92^{d} CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, September 7, 1972*

The House met at 12 o'clock noon.

Msgr. Thomas Cawley, V.F., LL.D., Visitation Parish, Johnstown, Pa., offered the following prayer:

O God, the Source of wisdom and knowledge, we humbly beseech You to enlighten the minds and to strengthen the wills of the men and women in this assembly so that they may clearly see, and have the courage to enact, the measures that will promote the general welfare of the people who have sent them here.

Let the light of Thy divine wisdom direct their deliberations, so that they may tend to the preservation of domestic tranquillity and the insuring of national happiness, the continuation of a reasonable prosperity, the establishment of job opportunities for all who wish to work, and are qualified to work, that they may help to terminate the Vietnam war, on conditions of honor, and with a guarantee to the South Vietnamese of freedom from the danger of attack by enemies outside their borders, and of corruption within, and tend finally to the establishment of a lasting peace, with justice for all, throughout the entire world.

We ask these blessings of You in the name of our Lord Jesus Christ, Your Son, who lives forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3323) entitled "An act to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes."

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 976) entitled "An act to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HART, Mr. MOSS, Mr. COOK, and Mr. GRIFFIN to be the conferees on the part of the Senate.

The message also announced that Mr. MAGNUSON was appointed as a conferee on the bill (H.R. 14989) entitled "An act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes" in lieu of Mr. Ellender, deceased.

The message also announced that the Vice President, pursuant to Public Law 89–491, appointed Mr. MONTOYA as a member of the American Revolution Bicentennial Commission in lieu of Mr. PASTORE, resigned.

The message also announced that the Vice President, pursuant to Public Law 91–452, appointed Mr. MCCLELLAN, Mr. CANNON, Mr. COOK, and Mr. GURNEY as members, on the part of the Senate, of the Commission on the Review of the National Policy Toward Gambling.

TRIBUTE TO THE REVEREND MONSIGNOR THOMAS CAWLEY

(Mr. SAYLOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAYLOR. Mr. Speaker and my colleagues in the House, the prayer this morning was offered by Rev. Msgr. Thomas Cawley, who has had a rewarding and illustrious career.

Monsignor Cawley was born in St. Augustine, Pa., the youngest of 10 children.

Monsignor Cawley attended St. Vincent Prep School, College, and Seminary, where he was an outstanding athlete. During his years at St. Vincent he was given several opportunities by the major league teams to play baseball.

Instead Monsignor Cawley chose the priesthood and in February of 1923 was ordained a priest in the Order of St. Benedict.

He was the first principal of the Johnstown Catholic High School. He assumed that position within 1 week after he was ordained. He served in that position for 28 years.

In February of 1951 he became the pastor of the Visitation Parish of Johnstown, Pa., where he has served continuously from that time until now. Prior to assuming his duties as pastor of the Church of the Visitation, he also served at Our Mother of Sorrows Church in Johnstown, Pa.

He will celebrate in February of next year his golden jubilee in the priesthood.

This, I believe, is an outstanding record for an individual who has devoted his life to God, to people, and particularly to the young people of this country.

It is a pleasure for us to have had him here today.

THE LATE HONORABLE WILLIAM S. HILL

(Mr. BROTZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROTZMAN. Mr. Speaker, it is with great sadness that I rise to advise my colleagues of the death of the Honorable William S. Hill who so ably served the Second District of Colorado for 18 years in the House of Representatives. He was first elected from the district, I now have the privilege of representing, in 1940 and he was reelected every 2 years until his retirement in 1958.

During his distinguished lifetime, Bill Hill served as a legislator, teacher, businessman, and farmer. While a Member of the House, he rose to the chairmanship of the Select Committee on Small Business and to a position of high standing on the Agriculture Committee. Because of his unselfish willingness to help, I personally benefited from the experience he gained in Congress, and it made my adjustment to congressional chores much easier than would otherwise have been the case.

Although Bill Hill was born and educated in Kansas, he came to Colorado as a young man with his bride, the former Rachel Trower, and homesteaded north of Cheyenne Wells, Colo., where he taught school. Later he was to become the principal and then the superintendent of schools at Laporte, Colo.

In 1919, Bill Hill became Colorado's first 4–H Club leader, and in the early 1920's, he served as secretary of the Colorado Farm Bureau. Between 1924 and 1928 Bill Hill served in the Colorado House of Representatives. At that time he was in the real estate business in Fort Collins, and in 1927 he bought a farm implement dealership. His first try at winning election to the U.S. House of Representatives in 1938 fell short, and Bill Hill was appointed personal secretary to former Colorado Gov. Ralph Carr. In 1940 he won the first of nine consecutive races for Congress.

Mr. Speaker, I know that all of my colleagues in the House and especially those who served in this distinguished body with Bill Hill, will be as saddened as I was to learn of his death during the Labor Day recess. Mrs. Brotzman joins me in extending our deepest sympathy to Mrs. Hill, their son, Alden T. Hill of Fort Collins. Colo., and the other members of the Hill family.

Mr. GERALD R. FORD. Will the gentleman yield?

Mr. BROTZMAN. I am glad to yield to the distinguished minority leader.

Mr. GERALD R. FORD. I regretfully read of Bill Hill's passing. It brought back some of the finest memories that I have of my early years here in the House of Representatives. My life was enriched by my close friendship with Bill Hill.

Bill Hill went out of his way to try to be helpful, friendly, and cooperative in every way with new Members.

The legislative record he wrote in the House is one that will go down as outstanding for the people of the Second District, the people of the State of Colorado, and the citizens of America.

For those of us who were privileged to know him we benefited greatly from his friendliness, his high ideals, and his determined effort to do at all times what was good for the country.

I extend to his family my condolences in this hour of sadness.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. BROTZMAN. I am glad to yield to the distinguished Speaker.

Mr. ALBERT. I join the gentleman in the well in this expression of sorrow at the death of my friend, Bill Hill.

I knew Mr. Hill from the first day that I came to the Congress. I served for many years on the Committee on Agriculture with him.

He was a close friend. He was every inch a gentleman and a person who loved life and who lived a very full life. He lived a long and beautiful life. I am not sure what his age was at his death, but he retired several years ago voluntarily.

He was a wonderful gentleman and he and his wonderful wife were friends of Mrs. Albert and me. Our lives were enriched to have been able to know them while Bill served in the House. We join in extending our deepest condolences to Mrs. Hill.

Mr. BOGGS. Will the gentleman yield?

Mr. BROTZMAN. I am glad to yield to the distinguished majority leader.

Mr. BOGGS. I should like to join in the remarks made by the distinguished Speaker and the distinguished minority leader.

Bill Hill was a close friend of Members on both sides of the aisle. I think every Member who served here with him knew him, liked him, respected him, and knew of his dedication to his constituency, his State, and our country.

If I remember correctly, I read in the press that he lived to be 84.

Mr. BROTZMAN. That is correct.

Mr. BOGGS. That is a long life for any one of us, and I hope that his latter years were happy ones.

I thank the gentleman for yielding and express to his family my sorrow and that of my own family to his family.

Mr. BROTZMAN. I thank the gentleman.

I yield to the distinguished gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I take this opportunity to join with my colleague from Colorado in saying that I, too, served here with Bill Hill. He was a Member of Congress who served his district and his country well.

He had a lovely wife and left a lovely widow, Rachel. I wish for Rachel the best of everything.

Mr. BROTZMAN. I thank the gentleman from Ohio.

GENERAL LEAVE

Mr. BROTZMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks in the Record on the life, character, and service of the late Honorable William S. Hill.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

REFURNISHING OF THE SPEAKER'S LOBBY

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GROSS. Mr. Speaker, I doubt that I will ever become reconciled to the alleged facelifting that has taken place in the next room otherwise and commonly known as the Speaker's lounge. It seems to me it is a cross between a highfalutin' cocktail bar and a tearoom. I cannot really describe it.

I understand that the new rug, and all its gaudy colors, cost somewhere around $30,000. It seems to me that in this time of stress and strain financially we might have been spared a rug of that cost.

I am going to await some facts and figures on the alleged transformation that has taken place, including the new, white upholstered furniture, marble top tables, and crystal chandeliers.

Apparently, the deeper we go in debt around this place, the more plush become the surroundings. If there is any way to do it, I suggest that the old furnishings be restored and we get back to normal.

Mr. BOGGS. Will the gentleman yield?

Mr. GROSS. I am delighted to yield to the distinguished majority leader. Perhaps he can give me some facts and figures as to who directed this and why.

Mr. BOGGS. As he well knows, I have great respect for the gentleman. He is an expert at citing facts and figures. The facts and figures are readily available and can be obtained from the Architect of the Capitol, an appointee of the President. I suggest the gentleman direct his inquiry to the Architect, but I will also say that I do not think it is so terribly extravagant.

I may not exactly agree with the motif, the decor, but I find it not too unusual for a chamber of this kind to have a rug. I think that is all right.

Mr. GROSS. Evidently the gentleman has been in consultation with the Architect of the Capitol. Suppose he just give us a horseback figure as to what all of this cost.

Mr. BOGGS. I find horseback figures ordinarily bad figures. The gentleman is very anxious to get his figures. I suggest he conduct his own inquiries.

Mr. HALL. Will the gentleman yield?

Mr. GROSS. I yield to my good friend, the gentleman from Missouri.

Mr. HALL. I wonder if my friend knows that one of our colleagues, an esteemed Member who engages in interring of remains and runs a pretty fancy parlor, walked into our refurbished Speaker's lobby for the first time and said, "Where is the body?"

We all like comfort and even splendor in its proper place and time. I cannot exactly guess how long the Speaker's "parlor" is—even when lighted with $25,000 chandeliers—but with 435 Members in this body—and that is usually only when the National Capitol Historical Society takes a picture of the House in session—and counting 2 feet per Member plus the cost of the wheat-stubble-thick rug in the "parlor" at slightly over $30,000, its value to the taxpayers amounts to about $68 a foot. Figuring the price of some of the fine leather shoes that some of us are able to afford, I guess that altogether there is approximately $200 in U.S. currency protecting each Member of this Chamber from resting their bare soles on the floor. If one were to continue pondering and attempt to compute—I shudder when I say "compute"—with our own electronic voting just around the corner—if one were to figure the dollar amount for the total restoration and support of this proud old building, one could easily calculate that there are millions of taxpayers' dollars preventing the collective esteemed colleagues of this body from resting their feet firmly on the ground.

Should this evolve, they might—just might—deem it worth informed citizens' judicious, all-out, and responsible action at the polls in November.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am happy to yield to the minority leader. I hope he can shed some light on the cost of the new furniture and where it came from.

Mr. GERALD R. FORD. I do not have the cost figure, and I agree with the majority leader that the best source is the Architect of the Capitol.

I do not object too much to the changes. My only objection to it is the fact that the furniture did not come from the furniture capital of the world, Grand Rapids, Mich.

APPOINTMENT AS MEMBERS OF THE NATIONAL COMMISSION ON THE FINANCING OF POSTSECONDARY EDUCATION

The SPEAKER. Pursuant to the provisions of section 140(g), Public Law 92-318, the chairman appoints as members of the National Commission on the Financing of Postsecondary Education the following Members on the part of the House: Mr. Brademas, of Indiana; and Mr. Dellenback, of Oregon..

CALL OF THE HOUSE

Mr. DENHOLM. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 354]

Abourezk
Abzug
Anderson, Ill.
Ashley
Aspinall
Baring
Barrett
Bell
Blanton
Blatnik
Bow
Brasco
Brinkley
Brown, Mich.
Camp
Carey, N.Y.
Carney
Celler
Chamberlain
Chisholm
Clark
Clay
Colmer
Corman
Cotter
Coughlin
Davis, Ga.
Davis, Wis.
Dent
Diggs
Dingell
Dorn
Dow
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Edwards, Calif.
Eilberg
Esch
Evins, Tenn.
Flowers
Ford, William D.
Fuqua
Galifianakis
Gallagher
Giaimo
Goldwater
Grasso
Gray
Green, Pa.
Hansen, Wash.
Harrington
Hastings
Hathaway
Helstoski
Jones, Tenn.
Karth
Keith
Koch
Landrum
Lloyd
Long, La.
Lujan
McCloskey
McClure
McDonald, Mich.
McEwen
McKevitt
McMillan
Mailliard
Mathias, Calif.
Melcher
Miller, Calif.
Mink
Mitchell
Mollohan
Moorhead
Mosher
Murphy, N.Y.
Nichols
Pelly
Pepper
Pirnie
Pryor, Ark.
Pucinski
Reid
Rhodes
Rooney, N.Y.
Ruppe
Ryan
St Germain
Sandman
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Shipley
Sisk
Smith, N.Y.
Springer
Stanton, James V.
Stephens
Stokes
Stuckey
Talcott
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thone
Van Deerlin
Vander Jagt
Vanik
Veysey
Whalley
Wiggins
Wilson, Charles H.
Wright
Yates

The **SPEAKER.** On this rollcall 311 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On August 16, 1972:

H.R. 9936. An act to amend the Federal Food, Drug, and Cosmetic Act to provide for a current listing of each drug manufactured, prepared, propagated, compounded, or processed by a registrant under that act, and for other purposes; and

H.R. 15692. An act to authorize for a limited period additional loan assistance under the Small Business Act for disaster victims, to provide for a study and report to the Congress by the President setting forth recommendations for a comprehensive revision of disaster relief legislation, and for other purposes.

On August 17, 1972:

H.R. 1462. An act to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes; and

H.R. 9545. An act to amend section 6(b) of the Revised Organic Act of the Virgin Islands relating to qualifications necessary for election as a member of the legislature.

On August 18, 1972:

H.J. Res. 1278. Joint resolution making further continuing appropriations for the fiscal year 1973, and for other purposes.

On August 19, 1972:

H.R. 9092. An act to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes.

On August 20, 1972:

H.R. 2127. An act for the relief of the estate of Charles Zonars, deceased;

H.R. 11632. An act for the relief of Vincent J. Sindone;

H.R. 14106. An act to amend the Water Resources Planning Act to authorize increased appropriations; and

H.R. 16254. An act making certain disaster relief supplemental appropriations for the fiscal year 1973, and for other purposes.

On August 22, 1972:

H.R. 2131. An act for the relief of the Howrey Lumber Co.;

H.R. 5065. An act to amend the Natural Gas Pipeline Safety Act of 1968, and for other purposes;

H.R. 6957. An act to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the U.S. mining laws, and for other purposes;

H.R. 10676. An act for the relief of Lester L. Stiteler;

H.R. 13324. An act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce, and for related purposes;

H.R. 15097. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1973, and for other purposes; and

H.R. 15690. An act making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1973, and for other purposes.

On August 25, 1972:

H.R. 15586. An act making appropriations for public works for water and power development, including the Corps of Engineers—Civil, the Bureau of Reclamation, the Bonneville Power Administration and other power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1973, and for other purposes.

On August 29, 1972:

H.R. 755. An act to amend the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, to convert criminal penalties to civil penalties in certain instances, and for other purposes;

H.R. 2394. An act for the relief of Antonio Benavides;

H.R. 2703. An act for the relief of Mrs. Concepcion Garcia Balauro;

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force (retired);

H.R. 5158. An act for the relief of Maria Rosa Martins;

H.R. 5814. An act to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734(a), 2734(b), or 2737;

H.R. 8549. An act to amend title 10, United States Code, to broaden the authority of the Secretaries of the military departments to settle certain admiralty claims administratively, and for other purposes;

H.R. 9256. An act for the relief of Kyong Ok Goodwin (Nee Won);

H.R. 10310. An act to establish the Seal Beach National Wildlife Refuge;

H.R. 10713. An act for the relief of Wilma Busto Koch;

H.R. 11185. An act to amend the Internal Revenue Code of 1954 with regard to the exempt status of veterans' organizations, and for other purposes;

H.R. 12392. An act to amend title 28, United States Code, section 1491, to authorize the Court of Claims to implement its judgments for compensation;

H.R. 15474. An act to amend the Public Health Service Act to provide assistance for programs for the diagnosis, prevention, and treatment of, and research in, Cooley's anemia; and

H.R. 15580. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes.

On August 30, 1972:

H.R. 12931. An act to provide for improving the economy and living conditions in rural America.

WHEAT INDUSTRY COUNCIL

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, I do not favor the proposal before the House to create a Wheat Industry Council and otherwise commit Federal resources to a program devoted to the stimulation of the wheat producing industry. While it is true that this project would be reasonably self-supporting, it would not be entirely so and I am opposed to authorizing the expenditure of Federal funds for the purposes set forth. Whatever the situation might be in other years and other circumstances, it is clear today that the wheat industry needs no stimulation from anyone.

The U.S. detente with Russia and the administration's support of wheat sales to the U.S.S.R., coupled with financing by the Export-Import Bank, have combined to create a very strong buyers' market in this commodity which is raising prices and will undoubtedly redound to the benefit of the producers. For this reason, therefore, as a matter of principle I oppose Federal involvement and have voted against this bill.

CONGRESSMAN BEVILL SUPPORTS STRONG MILITARY DEFENSE

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, since the Cuban missile confrontation the Russians have embarked on a deliberate course of obtaining military superiority over the United States.

The Soviets currently have the SS9 missile, capable of carrying 25 megatons—a U.S. Minuteman II carries about 1 to 2 megatons. Prior to the May 26 SALT agreement, the Soviets had dug 25 silos for a new missile even larger than the SS9. And they are building new nuclear-powered strategic ballistic missile submarines at a rate of seven to nine per year and could at this rate have twice as many such submarines as the United States in 5 years.

It is estimated that the Soviets now have a total of about 340 to 350 submarines, all built since World War II. About 100 of these are nuclear powered.

The total U.S. force is 137 submarines, 95 of which are nuclear powered, the remainder diesel powered. Most of our diesel units were built during World War II.

There have been several proposals offered in Congress recently to cut our defense spending drastically.

Mr. Speaker, I am opposed to broad cuts in the defense budget.

If history teaches us anything, it is surely that weakness invites attack. This country must not be lulled into a false sense of security because of various agreements with the Russians and other nations. We must not allow our strength to dwindle while these other countries continue to build up their forces.

I believe it is most important that we go forward with a program to maintain an adequate military defense. As a member of the Appropriations Committee, I intend to continue supporting sufficient appropriations to insure that this country remains strong militarily.

CONFERENCE REPORT ON H.R. 2, UNIFORMED SERVICES HEALTH PROFESSIONS REVITALIZATION ACT

Mr. HÉBERT. Mr. Speaker, I call up the conference report on the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of August 16, 1972.)

Mr. HÉBERT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. HÉBERT. Mr. Speaker, I am happy to report that only yesterday, the other body adopted the conference report filed on H.R. 2.

As you are aware, H.R. 2 is a bill which, as indicated in its title, will establish a Uniformed Services University of the Health Sciences and will also provide scholarships to selected persons for education in medicine, dentistry, and other health professions.

This bill, H.R. 2, received the overwhelming approval of this body on November 3, 1971. At that time, it passed the House with a vote of 351 yeas to 31 nays.

Unfortunately, on June 6, 1972, the other body, in acting on this bill, saw fit to amend it in a number of particulars. The principal amendment sought by the Senate was the deletion of the authority for the establishment of a medical school for the Armed Forces.

As a consequence of this action by the Senate, the House disagreed to the Senate amendments and a conference was agreed to by the Senate.

The conferees, after very careful and serious discussion, agreed to the House version of the bill and therefore restored the authorization for the establishment of the medical school.

Thus, the bill before you today is almost identical in every substantive provision to that which was passed so overwhelmingly by the House on November 3, 1971.

The conference agreement, in accordance with the rules of the House, was printed in the Congressional Record on August 16, 1972, 28362–28365, and is also printed as a House document, Report No. 92–1350.

To say that I am pleased with the results of the conference in reaching an agreement and accepting the House version of this legislation is hardly an accurate reflection of my feelings. I am truly ecstatic.

As many of the older Members of this body are aware, I have fought this legislative battle for this legislative objective for more years than I care to recount. A quarter of a century has passed since I first envisioned the establishment of a medical academy for the Armed Forces.

I have pursued that dream relentlessly for these 25 years with scant success until this Congress.

Perhaps, my dear colleague on the other side of the aisle, Dr. Hall, summed it up most appropriately when he said that the time has finally come for this dream to become a reality.

I know that many other Members of this body have shared this dream with me, and I will therefore not attempt to call the roll for fear that I might miss one or more of my colleagues who have joined me in this worthy cause. However, I wish to take this opportunity to express my gratitude for their patience and invaluable assistance.

This is truly constructive legislation which will, in one way or another, contribute to the well-being of every American.

I trust the House will adopt this conference report without a dissenting vote.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the distinguished gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I take this opportunity to congratulate most sincerely our distinguished chairman, the gentleman from Louisiana (Mr. Hébert) for his leadership in this very important development. Some of us joined with the gentleman as early as 9 or 10 years ago in the introduction of similar legislation because we felt that the leadership of the gentleman from Louisiana in this field was extremely critical, and because there was a very definite need for the institution that this legislation envisions, plus the scholarships that the program will herewith initiate by virtue of the passage of this legislation.

Mr. Speaker, I think the entire Nation owes the distinguished Chairman a very deep vote of thanks.

Mr. HÉBERT. Mr. Speaker, I certainly do sincerely thank the gentleman from Texas for his contribution, and for his very generous remarks concerning my effort. It is because of people like the gentleman from Texas through the years who came to my aid and assistance that we are able to bring to a finality today what I believe will go down as one of the most important pieces of legislation that the Congress has passed in the last half century.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to my dear friend, the gentleman from Iowa (Mr. Gross).

Mr. GROSS. I thank the gentleman from Louisiana for yielding, and I would ask him if there is anything in the conference report that provides for the accelerated release of medical officers from the various branches of the services?

Mr. HÉBERT. The answer is "No." The officer who takes advantage of either the medical academy or the scholarship program at private medical schools is committed to spend at least 1 year for each of the years that he has received Government assistance. In other words, under the medical program if it takes 7 years then he is committed to give 7 years of service.

Mr. GROSS. I would like to ask the gentleman one other question. Although it does not pertain particularly to the conference report I have been informed in recent days that certain hospitals operated by the services are doing face-lifting jobs for the wives of retired high-ranking officers. Has the gentleman any information concerning this?

Mr. HÉBERT. That has not come to my attention, and I never heard of it until the gentleman mentioned it now. However, if the gentleman would desire, I would be happy to have the committee look into the matter.

Mr. GROSS. I cannot understand why, with the need for medical services in the civilian segment of our population, there should be medical officers assigned to this sort of thing. I would hope that the gentleman and his committee would take a look to ascertain whether the information I have been given is accurate.

Mr. HÉBERT. We shall certainly take a look into it. definitely.

Mr. BENNETT. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the distinguished gentleman from Florida (Mr. Bennett).

Mr. BENNETT. Mr. Speaker, I wish to join with all of the other Members in deeply congratulating the chairman in connection with this matter.

Mr. Speaker, I congratulate our able chairman, Congressman Hébert, on the great leadership he has shown in bringing this measure to final successful enactment. Today is indeed a great day, in that this measure so long needed is now about to become law. It will mean much to our servicemen in improved health care and it gives the country a chance to eliminate, eventually, the doctors' draft, the only draft we have that is based on a person's professional attainment. In my opinion this measure is really landmark legislation, perhaps the most important and meritorious bill passed by this Congress.

I have been interested in establishing a medical school for the Armed Forces for over 2 decades. It seems very consistent with the proposals of George Washington in 1790 and 1796 when he recommended a national university and also a national military academy. A similar bill was introduced by me in the 84th Congress, January 13, 1955. Since that time I have reintroduced such bills and others to achieve a better medical program for our military, which would also help all U.S. citizens.

There is a critical health manpower need in the United States today, as was pointed out in the recent report on the Comprehensive Health Manpower Training Act of 1971. While we have 332,000 physicians in active practice today, we need 50,000 more today, and the National Institute of Public Health reports we will be 28,000 doctors short by 1980.

An Armed Forces medical school would help solve this shortage of doctors, not only for the military, but also for civilians, particularly in areas of great need.

A military medical school would stop the rapid turnover of doctors in the Armed Forces, which one report states totals some 5,000 each year. It would save the Government money in training and indoctrination costs because there would be greater permanency of service. Students attending the military medical school would be the best trained in America, and the staff and faculty would be of the highest quality, drawing upon the expertise of the civilian practice and the military. Students would be exposed not only to the basic medical teaching available at civilian medical colleges, but also to additional facets of military clinical medicine.

The Government now pays 40 percent of all health care in the United States, totaling $67 billion, including 30 percent of all medical facilities construction. A military medical school would be of comparative minuscule cost, and the challenge to the faculty and students would be enormously attractive and beneficial to our total society.

There is wide support for an Armed Forces medical school among doctors. For example, my good friend, Dr. Leo M. Wachtel of Jacksonville, Fla., one of the most outstanding doctors in the Nation, wrote to me about my legislation to establish the medical school:

> This appears to me to be a desirable step in the right direction for the obvious purpose of assisting young men and women to obtain a medical education and at the same time provide physicians for armed services. I personally think it is a good bill and can find no part in it that might be objectionable to any of the members of organized medicine.

Additionally, Dr. Louis M. Rousselot, the former Assistant Secretary of Defense for Health and Environment, wrote to me on October 6, 1970:

> I am strongly in favor of the establishment of a Uniformed Services University of the Health Services under the broad concepts covered.

I urge passage of this bill.

Mr. RANDALL. Mr. Speaker, will the gentleman yield?

Mr. HÉBERT. I yield to the distinguished gentleman from Missouri.

Mr. RANDALL. Mr. Speaker, it is a privilege to join in support of this conference report. It has been a long, hard pull over many years. Now, today is a day of final victory. We are doing something today which I believe in the future will be looked upon with gratitude by our fellow countrymen. Today is a red-letter day not only for the men and women in the services and their dependents but for all America.

Now, Mr. Speaker, I would like to respond briefly to the gentleman from Iowa concerning his inquiry to the chairman of the committee, Mr. Hébert.

During the recent August recess it was my privilege to visit a large Army hospital near where I was visiting with my daughter and her family in California. It is one of the greatest Army hospitals in America, Fitzsimons General, in Denver. I can assure all of my colleagues that they were so busy at that hospital with returnees from Vietnam, that they had no time to do or perform any of the frivolous operations the gentleman from Iowa has said he has heard of in military hospitals.

Returning to the conference report, let me conclude by extending congratulations to Chairman Hébert for his long and determined fight. H.R. 2 will at last become law and stand as a tribute to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I yield to the gentleman from New York (Mr. Pike).

Mr. PIKE. Mr. Speaker, I appreciate the chairman yielding.

Mr. Speaker, I do not know whether this is the appropriate time to make this suggestion or not, but I would simply observe that, talking with the other members of the committee, and having watched the effort and energy and love that the chairman has put into this project over the years, I think it might be appropriate if sometime down the road when this edifice is constructed and in operation, it might be designated "The F. Edward Hébert School of Military Medicine."

Mr. HÉBERT. That, coming from my friend, the gentleman from New York, is most appreciated, but I must direct his attention to the fact that they usually name these buildings after a man who is dead—and I hope I am around a little bit longer than that.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. Hall).

Mr. HALL. Mr. Speaker, I certainly want to add my commendations and compliments to the distinguished chairman of the Committee on Armed Services.

I would say definitely, in addition to his erstwhile comments that this is an idea that has perhaps been too late aborning. Certainly, this is an improved bill, Mr. Speaker—in the eyes of some of us—even over that bill which passed so overwhelmingly in the House. I say it is improved because it puts us back on a principled basis wherein appropriations will be annual and on a line-item basis of authorization; and indeed, as unusual as it may seem, the other body reduced the overall cost.

Mr. Speaker, the conference report we bring to you—unanimously—is the answer to the "zero draft effects" being sought by the Department of Defense and Selective Service which applies specifically to previous discriminatory legislation involving doctors and nurses by profession only.

It does much more than that. In addition to the five principal differences reported in the joint report of the conferees for the other body and the House, it has come up with a workable solution vesting wide powers in the Secretary of Defense, in coordination with other Cabinet branches of the Government, and leaving wide latitude for the Board of Regents to be appointed under his aegis, and for their rapid and efficient effectuation of this bill. The method of selection, the maintenance of scholarships in civilian institutions, the provision for 20 percent accretion to civilian needs from those that can be spared from the Uniform Services University of Health Sciences make it most workable.

So, Mr. Speaker we have here an idea finally being born, fathered by one of the patriarchs of the Congress on a most legitimate basis, which will provide not only the utilization of all of the vast and available medical facilities, including the National Institute of Pathology, the National Library of Medicine, the National Institutes of Health, the Armed Forces Radiation Research Institute, and the three great hospitals, the Malcolm Grow Hospital at Andrews Air Force Base, the Bethesda Naval Hospital in Bethesda, and the great Army Medical Center—just to mention a few within the 25-mile radius, which have certainly been underutilized; but we have a method of creating an espirit de corps among professionals so that we will undoubtedly take a great stride forward toward solving the problem of retention of a rare and scarce and critical category of highly trained personnel, and we will no longer lose our chiefs of the services. The ultimate objective of all this, Mr. Speaker, is to maintain quality medical care in both military and civilian life.

Mr. Speaker, I am a proud signer of this conference report. I think this bill that has been engendered and brought into being by the distinguished chairman, the gentleman from Louisiana, is worthy of passage.

Mr. HÉBERT. I thank the gentleman from Missouri. I must say to the Members of this House the gentleman from Missouri has been one of the most valuable assistants I have had, as has the gentleman from Florida. I started the ball rolling on this proposal 25 years ago.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the

Speaker announced that the ayes appeared to have it.

Mr. THONE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 310, nays 13, not voting 108, as follows:

[Roll No. 355]

YEAS—310

Abbitt
Abernethy
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Badillo
Baker
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Bevill
Biaggi
Biester
Bingham
Boggs
Boland
Bolling
Brademas
Bray
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byron
Cabell
Caffery
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chappell
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Coughlin
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, S.C.
de la Garza
Delaney
Dellenback
Dellums
Derwinski
Devine
Dickinson
Diggs
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Garmatz
Gaydos
Gettys
Gonzalez
Goodling
Green, Oreg.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Kee
Kemp
King
Koch
Kuykendall
Kyl
Kyros
Latta
Leggett
Lennon
Lent
Link
Long, Md.
McClory
McCollister
McCulloch
McDade
McFall
McKay
McKinney
Macdonald, Mass.
Madden
Mahon
Mallary
Martin
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Metcalfe
Michel
Mikva
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
O'Neill
Passman
Patman
Patten
Perkins
Pettis
Peyser
Pike
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rees
Reuss
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruth
St Germain
Sarbanes
Satterfield
Saylor
Scheuer
Sebelius
Seiberling
Shoup
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Widnall
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—13

Crane
Dennis
Edwards, Calif.
Fraser
Gibbons
Gross
Landgrebe
Mann
Pickle
Rarick
Schmitz
Whitten
Zwach

NOT VOTING—108

Abourezk
Anderson, Ill.
Aspinall
Baring
Bell
Blackburn
Blanton
Blatnik
Bow
Brasco
Brinkley
Brown, Mich.
Byrnes, Wis.
Camp
Carey, N.Y.
Carney
Chamberlain
Chisholm
Clancy
Colmer
Corman
Cotter
Davis, Ga.
Davis, Wis.
Denholm
Dent
Dingell
Dorn
Dow
Dowdy
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Esch
Evins, Tenn.
Flowers
Ford, William D.
Fuqua
Galifianakis
Gallagher
Giaimo
Goldwater
Grasso
Gray
Green, Pa.
Halpern
Hansen, Wash.
Harrington
Hastings
Hathaway
Jonas
Jones, Tenn.
Karth
Keating
Keith
Kluczynski
Landrum
Lloyd
Long, La.
Lujan
McCloskey
McClure
McCormack
McDonald, Mich.
McEwen
McKevitt
McMillan
Mailliard
Mathias, Calif.
Melcher
Miller, Calif.
Mink
Mosher
Murphy, N.Y.
Nichols
Pelly
Pepper
Pirnie
Pryor, Ark.
Pucinski
Reid
Rhodes
Rooney, N.Y.
Ruppe
Ryan
Sandman
Scherle
Schneebeli
Schwengel
Scott
Shipley
Sisk
Smith, N.Y.
Springer
Stanton, James V.
Stuckey
Talcott
Thompson, N.J.
Van Deerlin
Vander Jagt
Vanik
Veysey
Whalley
Wiggins
Wilson, Bob
Wilson, Charles H.
Yates

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Bow.
Mr. Rooney of New York with Mr. Camp.
Mr. Brasco with Mr. Rhodes.
Mr. Blatnik with Mr. Sandman.
Mr. Carney with Mr. Springer.
Mrs. Chisholm with Mr. Gallagher.
Mr. Giaimo with Mrs. Dwyer.
Mrs. Grasso with Mr. Edwards of Alabama.
Mr. Cotter with Mr. Goldwater.
Mr. Charles H. Wilson with Mr. Halpern.
Mr. Aspinall with Mr. Pirnie.
Mr. Carey of New York with Mr. Pelly.
Mr. Davis of Georgia with Mr. Scott.
Mr. Dent with Mr. Talcott.
Mr. Eilberg with Mr. McClure.
Mr. Evins of Tennessee with Mr. Lujan.
Mrs. Hansen of Washington with Mr. Jonas.
Mr. Karth with Mr. Lloyd.
Mr. Jones of Tennessee with Mr. Keating.
Mr. Melcher with Mr. Keith.
Mr. Miller of California with Mr. McDonald of Michigan.
Mrs. Mink with Mr. Mosher.
Mr. Murphy of New York with Mr. Mathias of California.
Mr. Nichols with Mr. Ruppe.
Mr. Pepper with Mr. Scherle.
Mr. Pucinski with Mr. Schneebeli.
Mr. Ryan with Mr. Smith of New York.
Mr. Gray with Mr. Vander Jagt.
Mr. Green of Pennsylvania with Mr. Davis of Wisconsin.
Mr. Fuqua with Mr. Whalley.
Mr. Edmondson with Mr. Bob Wilson.
Mr. Dorn with Mr. Esch.
Mr. Dow with Mr. Wiggins.
Mr. Denholm with Mr. Byrnes of Wisconsin.
Mr. Corman with Mr. Bell.
Mr. Abourezk with Mr. Anderson of Illinois.
Mr. Harrington with Mr. Brown of Michigan.
Mr. Hathaway with Mr. McEwen.
Mr. Baring with Mr. Chamberlain.
Mr. Blanton with Mr. McKevitt.
Mr. Brinkley with Mr. Clancy.
Mr. Colmer with Mr. Mailliard.
Mr. Dingell with Mr. Blackburn.
Mr. Flowers with Mr. Schwengel.
Mr. William D. Ford with Mr. Landrum.
Mr. Galifianakis with Mr. Long of Louisiana.
Mr. Reid with Mr. McCormack.
Mr. Kluczynski with Mr. McMillan.
Mr. Shipley with Mr. Sisk.
Mr. James V. Stanton with Mr. Stuckey.
Mr. Van Deerlin with Mr. Vanik.
Mr. Yates with Mr. Pryor of Arkansas.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HÉBERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

NATIONAL CAPITAL HOUSING AUTHORITY 1971 REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on the District of Columbia:

To the Congress of the United States:

I am transmitting herewith the National Capital Housing Authority's Fiscal Year 1971 report which summarizes the major steps taken during that period to improve the housing supply for the citizens of the District of Columbia.

RICHARD NIXON.

THE WHITE HOUSE, *September 7, 1972.*

SECOND ANNUAL REPORT ON LOCATION OF NEW FEDERAL FACILITIES IN AREAS OF LOW POPULATION DENSITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture:

To the Congress of the United States:

I am transmitting today the second annual report on the location of new Federal facilities in areas of low population density.

This report describes the second year efforts of all executive departments and agencies with respect to the location of new offices and other facilities in low population density areas as required by the Agricultural Act of 1970. This Administration is committed to both the revitalization of rural America and the maintenance of a sound balance between rural and urban America. This commitment is reflected by the data in this report showing that during the last year more than half of all newly located offices and other facilities have been placed in areas of lower population density.

The philosophy of this administration concerning the location of Federal facilities was expressed in Executive Order 11512 in February of 1970:

> Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in that area. . . .

We have since moved to carry out this philosophy through a wide variety of actions. The Agricultural Act of 1970 serves as a further stimulus in the same direction. I am confident that our choice of locations for new offices and facilities is strengthening the balance between rural and urban America.

RICHARD NIXON.

THE WHITE HOUSE, *September 7, 1972.*

AMTRAK APPROPRIATIONS

• (Mr. STAGGERS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matters.)

Mr. STAGGERS. Mr. Speaker, as every Member knows, since Congress chartered the National Railroad Passenger Corporation and Amtrak began operating the passenger trains, the service has required federal financial support. As far as the Treasury is concerned, however, there is an offset to the Amtrak appropriations that has not been widely discussed yet that should be of considerable interest.

Under the Rail Passenger Service Act of 1970 the railroads that had been operating intercity passenger trains were permitted on May 1 of last year, if they joined Amtrak, to turn over the responsibility of running the trains to the new corporation. Because these services had been operating at a loss under approved Interstate Commerce Commission and Internal Revenue Service accounting procedures, the net effect has been to improve the profitability of the benefiting railroads. A corresponding effect, which has not been well noted, is the impact on taxes that will result as a consequence of the shifting of the passenger-train burden to Amtrak.

The additional taxes the Treasury may anticipate receiving from the increase in taxable income stemming from the creation of Amtrak is considerable. Mr. Roger Lewis, president of Amtrak, asked the consulting firm of Arthur Andersen & Co. to make an estimate of the Federal taxes that should be generated as a result of Amtrak's assumption of the passenger train deficits. Even after assuming that the railroads' losses would have remained at the same levels as in 1969, and allowing for some railroads not paying taxes because of their overall deficit position—including the Penn Central—the study showed that Federal tax revenues would be increased by approximately $61 million annually for the first 3 years and approximately $78 million annually thereafter.

In considering the cost of running the Amtrak trains to the taxpayers, these additional tax revenues can be properly regarded as an offset to the amounts we have appropriated. In the light of these figures it can be seen that the cost to the taxpayer for running the Amtrak trains is less than it might appear if one were to look at only the appropriations totals.

The following letter, from the Arthur Andersen firm to Mr. Lewis, provides the details of the tax study:

ARTHUR ANDERSEN & CO.,
Washington, D.C., October 7, 1971.

MR. ROGER LEWIS,
President, National Railroad Passenger Corporation, Washington, D.C.

DEAR MR. LEWIS: In your discussion with Harvey Kapnick in August, it was suggested that you may want to consider mentioning to Congress the possible tax effect of Amtrak and the related discontinuation of intercity passenger service by the twenty railroads contracting with the National Railroad Passenger Corporation. Mr. Sydney Sterns has asked me to elaborate on the point and to summarize certain considerations in this letter to you. The concept was basically that as a result of discontinuation of service or reimbursement by NRPC for Amtrak service continued, the taxable income of some of the railroads will increase and to that extent could result in additional tax revenue flowing into the Federal Treasury that could be considered an offset to the appropriations requested by NRPC.

Because of the multiple factors involved in arriving at the tax effects of these events, any estimate of the amount of such adidtional Federal revenue must be derived using a number of assumptions. One such set of assumptions which would result in an estimated amount of additional tax revenues would be as follows:

1. In the absence of Amtrak, the railroads' losses on intercity passenger service would remain at the same level as 1969, and such losses are fairly measured by the losses solely related to passenger service as reported to the I.C.C. for 1969, adjusted for the estimated amounts included therein which relate to commuter service.

2. Those contracting railroads which are not paying taxes, either directly or by holding companies, are the Penn Central, Grand Trunk Western, and the Milwaukee Road. This assumption does not attempt to give consideration to changes in operations that could affect taxability or that may result from the tax bill now pending before Congress.

3. The effective tax rate on this incremental increase in taxable income would be 48%.

4. Those railroads not taking Amtrak stock in return for their entry fees would deduct the entry fee for tax purposes as paid.

5. Payments by railroads for employee protection arising pursuant to the events surrounding Amtrak start-up and losses claimed by railroads on equipment retired and not considered since they are not presently determinable.

Based on these assumptions, Federal tax revenues would be increased by approximately $61,617,000 annually for the first three years, and $78,135,000 annually thereafter. This has been summarized on the attached schedule illustrating the estimated effect by contracting railroad.

Although the amount of estimated additional tax revenue would vary based on the assumptions used, the concept remains that the creation and continued existence of Amtrak will generate Federal tax revenues which would not otherwise be collected and could be considered an offset to Federal funding requirements of NRPC.

If you have any questions regarding this or other matters, please contact us.

Very truly yours,

ROBERT H. PORTER.

CALCULATION OF ESTIMATED ADDITIONAL FEDERAL TAX REVENUES FROM RAILROADS RESULTING FROM CONTRACTS WITH THE NATIONAL RAILROAD PASSENGER CORPORATION

Taxpaying road	Operating deficits eliminated	Annual payment of deductible entry fee	Net increase in in taxable income	Annual tax at 48 percent	
				1st 3 years	After 1st 3 years
Atchison, Topeka & Santa Fe	$26,227	$7,018	$19,209	$9,220	$12,589
Baltimore & Ohio	5,945	1,613	4,332	2,079	2,854
Burlington Northern	39,059	------------	39,059	18,748	18,748
Central of Georgia	1,733	398	1,335	641	832
Chesapeake & Ohio	5,244	1,551	3,693	1,773	2,512
Chicago & North Western	2,223	42	2,181	1,047	1,067
Delaware & Hudson	242	108	134	64	116
Gulf, Mobile & Ohio	3,351	748	2,603	1,249	1,608
Illinois Central	8,859	2,889	5,970	2,866	4,252
Louisville & Nashville	$7,756	$1,992	$5,764	$2,767	$3,723
Missouri Pacific	3,283	831	2,452	1,177	1,576
Norfolk & Western	6,891	1,942	4,949	2,376	3,308
Richmond, Fredericksburg & Potomac	1,168	563	605	290	561
Seaboard Coast Line	16,022	5,364	10,658	5,116	7,691
Southern Pacific	10,301	3,079	7,204	3,458	4,944
Union Pacific	24,477	6,257	18,220	8,746	11,749
Total	162,781	34,413	128,368	61,617	78,135

Note: This schedule has been prepared using the assumptions set forth in the attached letter of Oct. 7, 1971. Amounts of operating deficits on intercity service are derived from Arthur Andersen & Co.'s report of 1969 passenger service revenue and expense data, dated April 1971.

TITLE TO LANDS IN OREGON IN THE UNITED STATES IN TRUST FOR THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION, OREG.

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1096 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1096

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12114) to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 12114, it shall be in order to take from the Speaker's table the bill S. 2969 and to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Missouri (Mr. Bolling) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. Quillen), pending which I yield myself such time as I may consume.

Mr. Speaker, I know of absolutely no controversy on this rule and reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 12114 is to grant a trust title to 60,660 acres of land in Oregon, known as the McQuinn Strip, to the Confederated Tribes of the Warm Springs Reservation of Oregon.

In 1855, the Warm Springs Reservation was established by treaty, but the McQuinn Strip was subsequently taken away from the tribe as the result of an erroneous survey. Both the tribe and the U.S. Government are agreed on this. However, the Government has continued to hold title to the McQuinn Strip and most of the lands are administered by the national forest system. In 1948, Congress provided that all money received from the sale of timber or leasing of land on the McQuinn Strip be given to the Confederated Tribes. These gross revenues have been averaging about $500,000 per year. The cost of administering the land is borne by the Government.

This bill provides that the administration of the land will be taken over by the tribes, which will result in a saving to the U.S. Government of about $50,000 per year.

The committee report contains letters from the Department of Agriculture and the Department of Interior recommending that consideration of this bill be deferred pending the outcome of an administration study of instances in which a tribe seeks land beyond the present reservations boundary.

The committee report also contains a statement by the Confederated Tribes favoring this bill.

There are no minority views in the committee report.

The Committee on Interior and Insular Affairs reported the bill by a voice vote.

This bill was scheduled to be brought up under suspension of the rules on Monday, August 7, 1972, but it was not reached on that date.

Mr. Speaker, I urge adoption of the rule and yield back the balance of my time.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HALEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12114) to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 12114, with Mr. Hanna in the Chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Florida (Mr. Haley) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. Saylor) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HALEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the enactment of this bill will, as a practical matter, make a change in the law that is more a change of form than of substance. It will give to the Confederated Tribes of the Warm Springs Reservation a trust title to 60,660 acres of land, but the tribes already receive all of the economic benefits of ownership. After the land is restored to the reservation, it will be managed by the tribes and the Bureau of Indian Affairs, rather than by the Forest Service, but it will continue to be managed on a sustained yield basis, and the public interests will be protected.

The bill has a long history. The land was a part of the Warm Springs Reservation when it was established by treaty. A mistake was made when the boundary of the reservation was surveyed, however, and this land was excluded from the reservation as a result of the mistake. Later, another survey was made by a man named McQuinn, and the McQuinn line was determined to be the correct one by the Court of Claims.

The Court of Claims decision was made in 1941, under a jurisdictional act enacted by Congress in 1930. Although the court held that the McQuinn line was the correct one, it also held that the land in dispute had in fact been appropriated by the United States to its own use. The court determined the value of the land, but allowed setoffs that were greater than the value of the land, with the result that the Indians received neither land nor money.

In 1948, Congress recognized that this result was unfair, and a statute was enacted giving the tribes the gross revenues thereafter received from the administration of the land. All except a small acreage is administered by the Forest Service as a part of the national forest system. The revenues received from timber sales and grazing permits have in recent years been about $500,000 per year, and these gross revenues have gone to the Tribes. The Government pays the full cost of administration.

The Indians have never been satisfied with this situation. They attach great significance to ownership of the land. Although they have all the economic benefits of ownership, without bearing any of the cost of administration, they want the land to be returned to their reservation, as the treaty originally provided.

The land can be returned to the tribes without in any way prejudicing the public interest. The bill was drafted in cooperation with the counties and local interests involved, and the bill contains a number of specific requirements that safeguard these local interests.

The Forest Service recommended that action on the bill be deferred until a general study could be made of other cases where Indian tribes may seek to obtain national forest lands. The committee disagreed with this recommendation because a return of the McQuinn Strip would in no way prejudice the administration of the national forests or prejudice the public interest in the land. The Forest Service did not question the merits of this transfer, but was merely fearful that the bill might set a precedent for other transfers. The committee felt that a delay is not necessary. Since no objections have been raised to this particular bill, it should be enacted, and other cases, if any, can be considered on their merits.

Mr. Chairman, the Government did not intend to take the McQuinn Strip away from the Indians. It did so purely by mistake, and there is no reason why the Government should not correct its mistake by returning the land to the tribes. Nothing has occurred during the intervening period which makes it necessary for the Government to retain the land in order to protect any public interest. The primary public interest involved is the continued administration of the area on the basis of sound conservation principles. That type of administration will be assured if the land is returned to the reservation and made a part of the tribal forest. Present law requires tribal forests to be administered on a sustained yield basis, which is the same requirement that applies to the national forests.

I urge enactment of the bill.

Mr. SAYLOR. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, some of my colleagues may be inclined to describe this bill as another one of those noncontroversial Indian bills. I want to tell you that this bill is controversial. The controversy over the lands involved in this bill has been around since 1855.

H.R. 12114 is a bill to declare title to certain Federal lands, known as the McQuinn Strip, in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon. The bill does far more than declare title to 60,660 acres of Federal lands to be held in trust by the United States for the use and benefit of the Warm Springs Reservation.

The administration has requested that consideration of this legislation be deferred pending a study by the administration of instances in which Indian tribes are seeking lands beyond the present reservation boundaries. The administration position, once again, places me in that enviable position of being able to say "I told you so," because I predicted in the consideration of the Taos Indian Blue Lake bill that the transfer of lands to the Taos Blue Lake Indians in trust would open the door for the deluge of numerous claims by Indian tribes for a return of their lands.

If we in the Congress do not step back and take a careful and hard look at the situation we are creating, then we will find ourselves in the position of not only having paid the Indians for the lands we have taken from them pursuant to an adjudication by the Indian Claims Commission or the Court of Claims, but that we have also spent millions of taxpayers' dollars in care and protection of Indian lands, millions of dollars in contesting for and against Indian land claims, and then returning the lands to the Indians for their use, benefit, and enjoyment and subjecting the public interest to conditional terms, agreements and rules and regulations pursuant to tribal agreement.

I do not oppose the just settlement of valid Indian claims. I wholeheartedly support such an approach. I supported the establishment and continuation of the Indian Claims Commission, and I have consistently supported numerous individual, meritorious Indian claims bills passed out of the Committee on Interior and Insular Affairs. I do not, however, support an uncoordinated approach to declaring Federal lands in trust for the Indians, after the Indians have been paid for these lands. Nor do I find any merit in the argument of those who self-servingly state that the declaration of title in trust is not significant since legal title remains in the United States. Such statements are morally wrong and contrary to the principles of acting in good faith.

The Committee on Interior and Insular Affairs in its consideration of H.R. 12114 not only refused to accede to the administration request to delay consideration of this bill pending a study, but also refused to look at the action of the Congress in 1948 in respect to these McQuinn Strip lands.

The act of July 3, 1948 (62 Stat. 1237), was an affirmative congressional resolution of this boundary dispute. The act of July 3, 1948 was passed, because the Indians were not satisfied with the decisions rendered by the Court of Claims in 1941 and 1945, and the tribe continued its claims for a return of these lands. Congress then passed the act of July 3, 1948, which provided that the McQuinn Strip would be managed as part of the national forest, and that all revenues from the lands were to be credited to the Confederated Tribes of the Warm Springs Reservation.

Without refuting the 1948 act or the revenues received thereunder, the tribe has not been satisfied and has sought to have the lands returned as evidenced by H.R. 12114, now before the House.

I also find that the Committee on Interior and Insular Affairs in its consideration of H.R. 12114 failed to consider or include in its report the letter from the Department of Agriculture, dated July 10, 1972, renewing its request for deferral, calling the committee's attention to technical defects in the bill, and proposing perfecting amendments to the bill. For the purpose of completing the committee report and the record on this legislation, I incorporate by reference as part of my remarks the letter from the Department of Agriculture, dated July 10, 1972, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 10, 1972.

HON. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives.

DEAR MR. CHAIRMAN: At the recent hearing of your Subcommittee on Indian Affairs, Forest Service Chief John McGuire indicated that this Department wishes to provide some amendments to H.R. 12114 of a perfecting nature, should the Committee determine that the bill should be approved.

We continue in our recommendation that H.R. 12114 be deferred pending the outcome of a study of instances in which a tribe seeks land beyond present reservation boundaries. In addition to our concern about timing, there are a number of technical defects in the bill which we wish to bring to the Committee's attention. Our additional perfecting amendments are set forth in the enclosed supplemental statement.

The Office of Management and Budget advises that there is no objection to this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Acting Secretary.

USDA SUPPLEMENTAL STATEMENT ON H.R. 12114

In addition to our basic concerns regarding enactment of H.R. 12114, we wish to point out other technical problems the bill would create. In order to aid your consideration of this legislation, the following discussion points out those changes needed to eliminate these additional problems.

Section 3 of H.R. 12114 would provide that the distributive shares of National Forest receipts of the counties involved would not be affected by the bill. In effect, the McQuinn Strip would be considered as National Forest acreage for the purposes of distributing 25% of net National Forest receipts to the respective counties under the Act of May 23, 1908 (35 Stat. 260, 16 U.S.C. 500). Although this would not disrupt the existing approach to distribution of receipts, we question whether this is equitable to all the counties involved, which also have National Forest acreage. Such a provision would clearly not be consistent with the purposes of the 1908 Act.

Subsection 4(c) of the bill provides that the portion of Pacific Crest Trail within the McQuinn Strip would be managed by the Tribes and open in perpetuity to public use. The National Trails System Act (82 Stat. 919, 16 U.S.C. 1241–48) provides that the Pacific Crest Trail is to be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior. The Trail was established so as to provide a continuous, uninterrupted trail from the Canadian to the Mexican Border. H.R. 12114 would assure continued public use of the Trail, but would confuse the status and administrative responsibility for that portion of the Trail within the McQuinn Strip. We believe the Trail right-of-way should remain under the administrative control of the Secretary of Agriculture and that, if enacted, subsection 4(c) of H.R. 12114 should be amended to read as follows:

"(c) For that portion of the Pacific Crest Trail traversing the lands in the McQuinn Strip, the United States reserves an easement 200 feet in width for continued administration of the Pacific Crest Trail in accord with the provisions of the National Trails System Act (82 Stat. 919, 16 U.S.C. 1241–48)."

Subsection 4(f) of the bill would permit continued use by the Forest Service without charge of the Bear Springs Ranger Station and all fire lookout stations within the Strip. To clarify the authority of the Forest Service to administer and maintain these improvements and related appurtenances, and to better define the area involved, subsection 4(f) should be amended to read as follows:

"(f) the Secretary of Agriculture shall retain, administer, and maintain the administrative improvements and appurtenant facilities comprising the Bear Springs Ranger Station as defined herein and all fire lookout stations presently located within the McQuinn Strip, so long as he determines said facilities are needed. The use of the Tribal lands associated with said facilities shall be without charge and shall include the right of public access thereto. The Bear Springs Ranger Station shall include that portion of the following described tract lying within the McQuinn Strip and consisting of approximately 200 acres:

WILLAMETTE PRINCIPAL MERIDIAN

Township 5 South, range 10 east.

Section 23, southwest quarter southwest quarter.

Section 22, southeast quarter southeast quarter.

Section 26, northwest quarter northwest quarter.

Section 27, east half northeast quarter."

In subsection 4(h) the term "public road" is not defined. We believe the term should be made more definite, that future maintenance responsibility should be clarified, and that use of public trails should be continued. Thus the subsection should be amended to read as follows:

"(h) All public roads and trails within the McQuinn Strip, as delineated on a map entitled "McQuinn Strip Transportation System, 1972", which is available for inspection in the Office of the Chief, Forest Service, Department of Agriculture, shall be made available for public access in perpetuity by the Confederated Tribes of the Warm Springs Reservation of Oregon. Maintenance of said roads and trails shall be by the Tribes unless otherwise agreed to by a public authority."

To clearly establish fence maintenance responsibility subsection 4(i) should be amended by adding "and maintaining" after "providing" in lines 5 and 10 on page 6 of the bill.

The phrase "all valid existing water rights including" should be inserted at the beginning of line 14 in subsection (j) on page

6 of the bill to cover water rights other than those specifically mentioned.

Further, the transfer of National Forest lands which would be affected by H.R. 12114 would eliminate from the National Forest a critical source of rock used in road construction and other maintenance work on other portions of the National Forest and on other lands near by. Accordingly, a new subsection (k) should be added to section 4 of the bill as follows:

"(k) Rock needed for road construction and maintenance purposes shall continue to be made available to the Forest Service and other public bodies at a reasonable cost, subject to reasonable limitations and conditions, from the Pole Hill Quarry Site in section 31, township 5 south, range 11 east, Willamette Principal Meridian, and from other sites deemed suitable by the Secretary of the Interior."

In addition to the specific matters covered by section 4 of the bill there are a number of timber sale contracts, special uses, and other agreements between the Forest Service and other parties affecting lands within the McQuinn Strip. These should be honored and if the bill is enacted they should be administered by the Secretary of the Interior. Accordingly, a new subsection (1) should be added to section 4 of the bill to read as follows:

"(1) Except as otherwise provided herein the Secretary of the Interior shall recognize and administer any lease, contract, permit, right-of-way, or easement that has been issued by the Secretary of Agriculture involving lands within the McQuinn Strip until such rights, privileges or benefits, by their terms, expire, and shall deposit any monies received under said agreements to the appropriate Tribal account. Nothing in this Act shall limit the right of any such lessee, contractee, permittee, or grantee, to the complete enjoyment of all rights, privileges, and benefits heretofore granted."

Finally, consideration should be given by the Tribes to continued protection of the research natural areas and scenic areas that now exist or are being studied for designation within the McQuinn Strip. The southernmost portion of the Strip contains a portion of the Olallie Scenic Area, an important and valuable area which will continue to be administered as such within the adjacent Mt. Hood National Forest.

Mr. Chairman, when we appeared before the Rules Committee someone said we did not have this report from the Department, and that is the reason why it was not included. Is it not rather strange that we included one of the amendments, which is in their recommendations, but that we had just forgotten about all the others?

Because of this I must oppose this bill. I would hope that a motion would be made to recommit this bill to the Committee on Interior and Insular Affairs and that it would be accepted by the House. For this reason, I would ask Members not to support this legislation.

Mr. HALEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. ULLMAN).

Mr. ULLMAN. Mr. Chairman, today the House has an opportunity to right a wrong that has been perpetuated for more than 100 years against the Confederated Tribes of the Warm Springs Reservation. My bill, H.R. 12114, provides for the transfer of title to 60,660 acres of land in Oregon in trust for the Warm Springs Indians. I wish to express my deep appreciation of the efforts of my good friend and colleague JIM HALEY, the chairman of the Indian Affairs Subcommittee, and of course the distinguished chairman of the Interior and Insular Affairs Committee, my good friend WAYNE ASPINALL, for recognizing the equities of this situation and taking such prompt action on my bill.

In 1855, a treaty was signed establishing the Warm Springs Reservation. An 1871 survey chartered a boundary line which the Indians felt did not encompass all lands covered by the treaty. In 1877, a surveyor named McQuinn was commissioned by the Government to make a new survey. McQuinn concluded that the 1871 survey was wrong and the Indians were right. In 1889, the Interior Department adopted the McQuinn line as the correct boundary. Due to public pressure from settlers north of the reservation, Congress passed a statute in 1894 adopting the 1871 survey line. In 1930, Congress, realizing the inequity of the 1894 action, passed a jurisdictional statute authorizing the Court of Claims to determine the correct boundary. In 1941, the Court of Claims determined that the McQuinn boundary was correct, and that the Federal Government had illegally appropriated the land. But once again equity was not done, because based on the offsets policy then practiced with respect to Indians, it was determined that the value of the land was owed to the Government, and the tribe therefore had nothing coming.

In 1948, Congress passed a statute providing that the tribe would receive all gross receipts from use of the McQuinn strip lands by the Federal Government. Since that time, all revenues and economic benefits from the land have gone to the tribe, but the Indians justifiably want the title. The original McQuinn strip was about 80,000 acres, but since 1855, about 17,000 acres had passed into private ownership. Because the Indians feel quite strongly about their land, they have repurchased 11,000 acres of this land at a cost of $450,000.

This legislation represents a sincere effort by the Warm Springs Indians to deal with all interested parties. The bill allows grazing rights to continue in effect for 20 more years. The Indians have agreed that timber sales to provide companies within McQuinn strip will be unaffected for 20 years. Because counties share in revenues from National Forest land, and most of this land is within the Mount Hood National Forest, county governments expressed fear that withdrawal of this land from the National Forest would result in revenue loss. Section 3 of my bill deals with this problem by assuring that the proportional share of revenue for counties will not change. The bill also contains provisions for maintaining the Pacific Crest Trail within the strip and for maintaining other recreational areas such as the high mountain lakes. A 10 year agreement between the Oregon State Game Commission and the Warm Springs Tribe will also go into effect if the legislation is approved.

Federal lands now constituting the McQuinn Strip should be returned to the Warm Springs Tribe. The Court of Claims recognizes the actual boundaries in 1941, but failed to establish an equitable remedy. The Congress again in 1948 recognized the boundary, but politically it was evidently not then feasible to make the transfer. So the Congress set up the revenue scheme. Now, political opposition to the transfer of McQuinn strip to the Warm Springs Tribe has virtually vanished. The Warm Springs Indians have demonstrated to everyone in Oregon their outstanding organizational ability in managing resources. The tribe has indicated its desire to establish all necessary safeguards to guarantee the protection of all persons interested in the area.

Because of this unique legislative and judicial history I have described, and the strong background of progressive development of resources by the Warm Springs Tribe itself, it is my judgment that the House should adopt this legislation as the only fair way to deal with the situation. Such action would be another step in improving relations between the tribe, the State of Oregon, the Federal Government, and all non-Indian friends and neighbors.

Mr. HALEY. Will the gentleman yield?

Mr. ULLMAN. I certainly am glad to yield.

Mr. HALEY. Mr. Chairman, I thank my colleague for yielding.

I want to call the attention of the Members of the House to the fact that the study that these departments are supposed to make has not been started. No time has been set to make this study. It has been a long time since they should have been doing a little studying on it.

I also call the attention of the House to the fact that they waited until the day of the hearings in the subcommittee before they made any such decision.

So it seems to me, if they had really wanted to do the job and to be fair to these Indians, they would have taken a little time to study this matter years and years ago.

Furthermore, I might say the testimony, as I recall it, of the Forest Service was that the transfer of these lands will not interfere in any way with the administration of any national forest. I thought the committee ought to have that information.

Mr. ULLMAN. I thank the gentleman for his remarks.

Mr. SAYLOR. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WYATT).

Mr. WYATT. Mr. Chairman, I thank the gentleman from Pennsylvania for this courtesy.

I acknowledge the gentleman's argument and only say that I understand his position but am strongly in support of the passage of this bill introduced by my colleague from Oregon, AL ULLMAN.

I am doing so not because I am also from the State of Oregon, but because I favor doing simple equity to a very fine group of Indians whom I think are entitled under the law and under any fair concept of equity to have full title and a title that has no cloud whatsoever upon it. I do not feel that it sets any precedent which will in any way bind or be harmful to this body or to our Government.

Mr. SAYLOR. Mr. Chairman, I have no further requests for time.

Mr. HALEY. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title to the lands, together with all improvements thereon, known as the "McQuinn Strip," is declared to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon, and a part of the Warm Springs Reservation of Oregon, and such lands are excluded from the Mount Hood and Willamette National Forests. The Secretary of the Interior shall administer such lands in accordance with, and for the purpose of, this Act.

SEC. 2. As used in this Act, the term "McQuinn Strip" means the approximately sixty-one thousand three hundred and sixty acres of federally owned lands which are within the following described area:

An area bounded by a line beginning at a point in the middle of the channel of the Deschutes River, established as the initial point of the Handley Survey of 1871; thence in a direct line northwestardly to the seven-and-one-half-mile post of the McQuinn Survey of 1887; thence continuing northwestardly along the line of the McQuinn Survey to the thirty-mile post thereof at Little Dark Butte in the Cascade Mountains; thence following the McQuinn Survey southwestardly in a direct line to the summit of Mount Jefferson; thence northeastardly in a direct line to the western terminus of the northern boundary of the Warm Springs Indian Reservation as established by the Act of June 6, 1894 (28 Stat. 86); thence along said northern boundary to the place of beginning,

excluding any lands which are within the exterior boundaries of the Mount Jefferson Wilderness area.

SEC. 3. The distributive shares of the respective counties of receipts from the national forests from which the lands described in section 2 of this Act are excluded, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended, shall not be affected by the elimination of lands from such national forests by the enactment of this Act.

SEC. 4. The declaration of trust made by this Act shall be subject to the following provisions:

(a) Commercial timber from lands described in section 2 shall continue to be sold by public oral auction with qualifying sealed bids until January 1, 1992, such timber to be managed on a sustained yield basis, to be appraised and sold in accordance with established rules and regulations of the Secretary of Interior, and to be designated for primary manufacture in the United States. During such period until January 1, 1992, the Confederated Tribes of the Warm Springs Reservation of Oregon shall not participate in the bidding and shall not purchase or cut and remove any of the timber from the McQuinn Strip.

(b) Existing valid livestock grazing permits issued by the United States Government shall be converted to lease agreements between the Confederated Tribes of the Warm Springs Reservation of Oregon and the permittees, such leases to be on the same fee schedule, terms and conditions as existing permits, except that the leases shall continue until January 1, 1992.

(c) That portion of the Pacific Crest Trail traversing the lands in the McQuinn Strip shall be managed by the Confederated Tribes and shall be open in perpetuity to public use on the same basis and under the same circumstances as adjacent segments administered by the United States Forest Service;

(d) All lakes within the boundaries of the lands transferred by this Act shall be open to public fishing, with appropriate access thereto, under rules and regulations adopted by the Confederated Tribes and approved by the Secretary of Interior;

(e) The Confederated Tribes shall enter into a cooperative agreement with the Oregon State Game Commission for the enforcement of State regulations and laws affecting hunting and fishing on all lands, streams, and lakes in the McQuinn Strip for a period of ten years from the date of this Act. The cooperative agreement shall give the commission the option to extend the agreement for an additional ten-year period if, in the judgment of said commission, additional time is required for the Confederated Tribes of the Warm Springs Reservation of Oregon to develop an effective program of fish and game management on such lands. Notwithstanding the preceding provisions of this subsection, the cooperative agreement shall provide that the area known as Sunflower Flats, and described as follows:

All of the McQuinn Strip within township 5 south and township 6 south, range 11 east of the Willamette meridian, Wasco County, Oregon, lying west of the Simnasho-Wapinitia road,

shall be managed jointly by the Confederated Tribes of the Warm Springs Reservation of Oregon and the Oregon State Game Commission until the agreement is canceled by mutual agreement, and that no hunting shall be permitted in such area without the joint agreement of both the Confederated Tribes and the Oregon State Game Commission.

(f) The United States Forest Service shall have the right to the use without charge of all fire lookout stations within the McQuinn Strip, and the improvements and the lands upon which such improvements are located at the Bear Springs Ranger Station for so long as they are needed: *Provided,* That during such use, the Forest Service shall maintain the improvements.

(g) All public campgrounds within the McQuinn Strip shall be managed and maintained by the Confederated Tribes in perpetuity for use by the public with appropriate access thereto on the same basis that other comparable campgrounds are maintained by the Forest Service.

(h) All public roads within the McQuinn Strip shall be maintained as public roads in perpetuity.

(i) The Confederated Tribes of the Warm Springs Reservation of Oregon shall place an adequate fence for the control of livestock along the north boundary of the McQuinn Strip as soon as practicable after the enactment of this Act: *Provided,* That where fee patent lands are bisected by said north line, the Confederated Tribes shall pay 50 per centum of the cost of providing an adequate livestock fence along the boundary lines of such fee patent lands located within the McQuinn Strip in the event the owner of such fee patent lands shall desire to fence the same. On all fee patent lands located within the McQuinn Strip, the Confederated Tribes shall pay 50 per centum of the cost of providing an adequate livestock fence around said fee patent lands provided the owner of such lands desires to fence the same.

(j) The lands subject to this Act shall be subject to the Water Right Agreement entered into on the twenty-ninth day of June, 1971, recorded July 8, 1971, in the records of Wasco County, Oregon, under Microfilm Numbered 711138, between the Confederated Tribes of the Warm Springs Reservation of Oregon and the Juniper Flat District Improvement Company, an Oregon corporation.

SEC. 5. The Confederated Tribes of the Warm Springs Reservation of Oregon, with the approval of the Secretary of Interior, shall promulgate such rules and regulations, and shall enter into such contracts with the State of Oregon and with individuals, organizations, and agencies of the United States, as may be necessary or desirable to effectuate the provisions of this Act.

Mr. SAYLOR (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 1, line 3, before "lands" insert "Federal".

Page 3, line 25 through Page 4, line 5, strike out all of subsection (c) and insert in lieu thereof:

"(c) For that portion of the Pacific Crest Trail traversing the lands in the McQuinn Strip, the Secretary of Agriculture shall retain a right-of-way of not to exceed 200 feet in width for continued administration by the Secretary as the Pacific Crest Trail in accord with the provisions of the National Trails System Act (82 Stat. 919, 16 U.S.C. 1241–48)."

The committee amendments were agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. HANNA, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill H.R. 12114, to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to House Resolution 1096, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SAYLOR. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SAYLOR moves to recommit the bill, H.R. 12114, to the Committee on Interior and Insular Affairs.

Mr. HALEY. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. HALEY. Mr. Speaker, pursuant to the provisions of House Resolution 1096, I call up for immediate consideration the Senate bill (S. 2969) to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 2969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title to the Federal lands, together with all improvements thereon, known as the McQuinn Strip, is declared to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon, and a part of the Warm Springs Reservation of Oregon, and such lands are excluded from the Mount Hood and Willamette National Forests. The Secretary of the Interior shall administer such lands in accordance with, and for the purpose of, this Act.

SEC. 2. As used in this Act, the term "McQuinn Strip" means the approximately 61,360 acres of federally owned lands which are within the following described area:

An area bounded by a line beginning at a point in the middle of the channel of the Deschutes River, established as the initial point of the Handley Survey of 1871; thence in a direct line northwesterly to the seven-and-one-half-mile post of the McQuinn Survey of 1887; thence continuing northwesterly along the line of the McQuinn Survey to the thirty-mile post thereof at Little Dark Butte in the Cascade Mountains; thence following the McQuinn Survey southwesterly in a direct line to the summit of Mount Jefferson; thence northeastward in a direct line to the western terminus of the northern boundary of the Warm Springs Indian Reservation as established by the Act of June 6, 1894 (28 Stat. 86); thence along said northern boundary to the place of beginning, excluding any lands which are within the exterior boundaries of the Mount Jefferson Wilderness Area.

SEC. 3. The distributive shares of the respective counties of receipts from the national forests from which the lands described in section 2 of this Act are excluded, as paid under the provisions of the Act of May 23, 1908 (35 Stat. 260), as amended, shall not be affected by the elimination of lands from such national forests by the enactment of this Act.

SEC. 4. The declaration of trust made by this Act shall be subject to the following provisions:

(a) Commercial timber from lands described in section 2 shall continue to be sold by public oral auction with qualifying sealed bids until January 1, 1992, such timber to be managed on a sustained yield basis, to be appraised and sold in accordance with established rules and regulations of the Secretary of Interior, and to be designated for primary manufacture in the United States. During such period until January 1, 1992, the Confederated Tribes of the Warm Springs Reservation of Oregon shall not participate in the bidding and shall not purchase or cut and remove any of the timber from the McQuinn Strip.

(b) Existing valid livestock grazing permits issued by the United States Government shall be converted to lease agreements between the Confederated Tribes of the Warm Springs Reservation of Oregon and the permittees, such leases to be on the same fee schedule, terms, and conditions as existing permits except that the leases shall continue until January 1, 1992.

(c) For that portion of the Pacific Crest Trail traversing the lands in the McQuinn Strip, the Secretary of Agriculture shall retain a right-of-way of not to exceed 200 feet in width for continued administration by the Secretary as the Pacific Crest Trail in accord with the provisions of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1241–48).

(d) All lakes within the boundaries of the lands transferred by this Act shall be open to public fishing, with appropriate access thereto, under rules and regulations adopted by the Confederated Tribes and approved by the Secretary of Interior.

(e) The Confederated Tribes shall enter into a cooperative agreement with the Oregon State Game Commission for the enforcement of State regulations and laws affecting hunting and fishing on all lands, streams, and lakes in the McQuinn Strip for a period of ten years from the date of this Act. The cooperative agreement shall give the commission the option to extend the agreement for an additional ten-year period if, in the judgment of said commission, additional time is required for the Confederated Tribes of the Warm Springs Reservation of Oregon to develop an effective program of fish and game management on such lands. Notwithstanding the preceding provisions of this subsection, the cooperative agreement shall provide that the area known as Sunflower Flats, and described as follows:

> All of the McQuinn Strip within township 5 south and township 6 south, range 11 east of the Willamette meridian, Wasco County, Oregon, lying west of the Simnasho-Wapinitia Road,

shall be managed jointly by the Confederated Tribes of the Warm Springs Reservation of Oregon and the Oregon State Game Commission until the agreement is canceled by mutual agreement, and that no hunting shall be permitted in such area without the joint agreement of both the Confederated Tribes and the Oregon State Game Commission.

(f) The United States Forest Service shall have the right to the use without charge of all fire lookout stations within the McQuinn Strip, and the improvements and the lands upon which such improvements are located at the Bear Springs Ranger Station for so long as they are needed: *Provided,* That during such use, the Forest Service shall maintain the improvements.

(g) All public campgrounds within the McQuinn Strip shall be managed and maintained by the Confederated Tribes in perpetuity for use by the public with appropriate access thereto on the same basis that other comparable campgrounds are maintained by the Forest Service.

(h) All public roads within the McQuinn Strip shall be maintained as public roads in perpetuity.

(i) The Confederated Tribes of the Warm Springs Reservation of Oregon shall place an adequate fence for the control of livestock along the north boundary of the McQuinn Strip as soon as practicable after the enactment of this Act: *Provided,* That where fee patent lands are bisected by said north line, the Confederated Tribes shall pay 50 per centum of the cost of providing an adequate livestock fence along the boundary lines of such fee patent lands located within the McQuinn Strip in the event the owner of such fee patent lands shall desire to fence the same. On all fee patent lands located within the McQuinn Strip, the Confederated Tribes shall pay 50 per centum of the cost of providing an adequate livestock fence around said fee patent lands provided the owner of such lands desires to fence the same.

(j) The lands subject to this Act shall be subject to the Water Right Agreement entered into on the 29th day of June 1971, recorded July 8, 1971, in the records of Wasco County, Oregon, under microfilm numbered 711138, between the Confederated Tribes of the Warm Springs Reservation of Oregon and the Juniper Flat District Improvement Company, an Oregon corporation.

SEC. 5. The Confederated Tribes of the Warm Springs Reservation of Oregon, with the approval of the Secretary of Interior, shall promulgate such rules and regulations, and shall enter into such contracts with the State of Oregon and with individuals, organizations, and agencies of the United States, as may be necessary or desirable to effectuate the provisions of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill (H.R. 12114) was laid on the table.

LEGISLATIVE PROGRAM FOR WEEK OF SEPTEMBER 11

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of inquiring of the distinguished majority leader the program for the rest of this week, if any, and the schedule for next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the first question asked by the gentleman from Michigan, we have completed the program for this week, and I will ask that we go over until Monday.

The program for the next is as follows:

Monday is District Day, and there is one bill, H.R. 15550, Alexandria, Va., waterfront bill.

Tuesday, H.R. 16188, the Immigration and Nationality Act amendments, with an open rule and 1 hour of debate.

Wednesday, H.R. 15003, the consumer product safety bill, subject to a rule being granted.

For Thursday and the balance of the week, the Defense appropriations bill for fiscal 1973, subject to a rule being granted.

And, of course, conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, it has just been called to my attention that the American Revolution Bicentennial Commission legislation is unfinished business. Is there any plan or program to take that up and to include it in next week's program?

Mr. BOGGS. In reply to the gentleman from Michigan, the answer is no, there is no plan to include that next week.

Mr. GERALD R. FORD. I thank the gentleman.

ADJOURNMENT TO MONDAY, SEPTEMBER 11, 1972

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REQUEST TO POSTPONE VOTES ON TUESDAY NEXT TO WEDNESDAY

Mr. BOGGS. Mr. Speaker, in view of the fact that there are five primaries scheduled on Tuesday next, I ask unanimous consent that any votes on final passage of bills that may occur on Tuesday be postponed until Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object, it would appear to me that we have walked up this hill many times and we have now again reversed ourselves and are walking down again.

Before, we have had five primaries, and we have not let the Nation's business suffer as a result thereof, in spite of similar requests. We are trying desperately to adjourn sine die in order that those who are running to be the people's Representatives again for the next Congress should have a chance to "mend their fences," and meet their people and seek information on which to exercise mature future judgment. I see no reason why we should reverse ourselves again and let the Nation's business as a whole be deferred or affected. I, therefore, object.

The SPEAKER. Objection is heard.

1473—NICOLAUS COPERNICUS—1973

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, students of history recognize that Poland has never ceased to produce great people whose influence has been felt far beyond the frontiers of their native land.

From the soil of Poland have sprung such famous persons as John Sobieski, the warrior-king who led the coalition that turned back the Turkish invaders at the gates of Vienna and saved Western European civilization, Marie Sklodowska Curie, the physicist, famous musicians such as Frederic Chopin and Ignace Paderewski, Thaddeus Kosciusko, the builder of the U.S. Military Academy, and Casimir Pulaski, the founder of the U.S. cavalry.

Great as these people were, their greatness is overshadowed by that of Nicolaus Copernicus, the versatile genius who, while achieving universal and undying fame as an astronomer, also made a reputation as a physician, an economist, an ecclesiastic, a statesman, and a soldier. Next year, 1973, will be the 500th anniversary of the birth of this extraordinary man. It will be appropriately celebrated, not only in his native Poland, but throughout Western Europe and in the United States and Canada.

While we frequently have annual observances and occasionally celebrate silver and golden anniversaries, centennials, and sesquicentennials, and bicentennials, seldom do we have the opportunity to participate in a quincentenary celebration. The observance of the 500th anniversary of the nativity of Copernicus ought therefore to be more than a mere one-day affair. We ought now to begin preparing for a yearlong period of tribute to this great man.

Those of my colleagues who desire background information that would be of great help when they write speeches for Copernican observances would derive benefit from a scholarly work that has just been issued. This book, from the talented pen of Wanda M. Stachiewicz, is entitled "Copernicus and His World."

The author's choice of title is very fitting, for the world as seen through the eyes of Copernicus is radically different from that envisioned by the followers of Ptolemy. Her work, which is the product of extensive research, should interest those who are unacquainted with the remarkable career of Copernicus, as well as those who are familiar with this great man but would nonetheless welcome further knowledge.

Publication of Wanda Stachiewicz' contribution to the literature of Poland's greatest son was made possible by the Polish Institute of Arts and Sciences in America. Active not only in the distribution of her scholarly book, but in laying the groundwork for next year's observance, is the Copernicus Quincentennial Observance and Committee, an arm of the Polish American Congress. My dear friend Dr. Edward C. Rozanski, who is general chairman of the Congress' Illinois Division, is doing everything in his power to acquaint his fellow Americans with the remarkable career of Copernicus, the worldwide influence he exerted, and the longlasting effects of his work.

THE PLIGHT OF THE RUSSIAN JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. EILBERG) is recognized for 10 minutes.

Mr. EILBERG. Mr. Speaker, on August 15 it was reported that the Soviet Union had put a price on the head of every educated Russian who wants to emigrate to Israel.

In addition to the now "normal" $1,000 fee for emigration permits and other "necessary" forms, the Russian Government is demanding a ransom of from $5,000 to $25,000 for each Jewish person with a higher education who wants to go to Israel.

This action is the same as Hitler's barbarism of trading Jews for trucks and Fidel Castro's demands of ransom for the prisoners captured at the Bay of Pigs. It will create a class of 20th-century slaves, who are forced to work in a country which despises them and which they want to leave, but cannot because they do not have the fortune to pay their own ransom.

The Russian Government has shown itself to be brutal and unfeeling in its treatment of its Jewish citizens. At a time when the Russians claim to the "world leaders" in so many areas they still look to the czars and Stalin for guidance in their official policy toward Jews who are unfortunate enough to live in that country.

For years the leaders of the Soviet Union have been trying to stamp out the Jewish religion by forbidding the printing of religious books and the manufacture of religious articles. Synagogues have been closed and Jewish publications and the Jewish theater have been abolished.

At the same time Jews have been faced with bigotry and discrimination in factories and in universities. Jewish men have been drafted into the army as punishment for speaking out against this type of harassment and Jews have been charged with every possible crime and given unreasonably harsh sentences after secret trials.

All of this would lead a person to think that the Russians would be happy to have Jews leave the country, but the reverse is obviously true.

They have made it almost impossible for a Jew to leave the country unless they forfeit just about everything they own but the clothes on their back. Now they have asked for even more. The Russian leaders are demanding a ransom for each educated Jew who wants to leave which is beyond the means of practically every Russian citizen.

The response to all of this by the Russian Jews is more and more requests for permission to leave the country and louder and louder protests against the government's policies.

The Russian reaction has been more threats and harassment and more jailings, inductions into the army, and cutting off of telephones so there can be no contact with the outside world.

In the past we have been able to help these people by focusing the weight of world opinion upon the Russians because of their policies toward this oppressed minority.

This criticism and condemnation is the only hope of the Russian Jews. If these people are forgotten the harassment and discrimination will only continue and increase, but if the actions and policies of the Russians are continually exposed to the people of the world and officially criticized by leaders of government the Russians will be forced to let them emigrate to Israel and freedom.

In two days the Jewish people will be celebrating Rosh Hashonah, the Jewish New Year. This is the beginning of the holiest period in our religion.

It is a time of prayer and reflection over the happenings of the past year and one of hope for the coming year, including hope for all Russian Jews.

For the Jews of Russia there will be no

For this reason, Mr. Speaker, I offer hope unless we act to force their leaders to let them be free.

H. CON. RES. ——

A concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel

Whereas, the Soviet Union has refused to permit Jewish citizens to emigrate from a land where they are forced to live with bigotry and repression to Israel, which is offering them a home;

Whereas, the Soviet Union has been confiscating almost all of the possessions of those Jews who are permitted to go to Israel; and

Whereas, the Soviet Union has begun demanding a ransom of up to $25,000 for Jews who have an advanced education:

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the government and leaders of the Soviet Union should be condemned for creating a class of slaves in the 20th Century by forcing thousands of people to live and work in a country which they want to leave, because they do not have money to ransom themselves into freedom.

Mr. ANNUNZIO. Mr. Speaker, I rise to commend my distinguished colleague from Pennsylvania, Congressman EILBERG, for taking the lead in introducing legislation with reference to emigration of the Soviet Jews.

A few weeks ago the Soviet Union put a price on the head of every educated Russian Jew who wants to emigrate to Israel. According to Soviet authorities, a schedule of fees for the emigration of Jews from the Soviet Union, ranging from $5,000 to $37,000 depending on the prospective emigrant's level of education went into effect on August 14.

The old general fee was about $1,000 per emigrant, and the drastically increased fees, which were recently announced, make emigration nearly impossible for an entire category of Soviet Jews.

The Soviet action in raising exit fees is deplorable and can only be regarded as extortion. As the Washington-Post commented editorially on August 22:

> It is bad enough that the Soviet Union makes emigration so difficult for those of its citizens who choose to leave. It is doubly reprehensible that the nation professing to be an enlightened great power could engage in the Sordid practice of selling human beings.

Mr. Speaker, I am today joining Congressman EILBERG and many of my other colleagues in introducing a "sense of the Congress" resolution condemning the Russian Government and leaders for this new policy. On the eve of Rosh Hashanah, the Jewish New Year, and one of the holiest days of the Jewish religion, it is fitting that the international community express its sympathy and that world opinion be brought to bear in behalf of the unfortunate Soviet Jews who have been victimized by this most recent Soviet injustice.

The text of the "sense of Congress" resolution follows:

CONCURRENT RESOLUTION

Expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel.

Whereas, the Soviet Union has refused to permit Jewish citizens to emigrate from a land where they are forced to live with bigotry and repression to Israel, which is offering them a home;

Whereas, the Soviet Union has been confiscating almost all of the possessions of those Jews who are permitted to go to Israel; and

Whereas, the Soviet Union has begun demanding a ransom of up to $25,000 for Jews who have an advanced education:

Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the government and leaders of the Soviet Union should be condemned for creating a class of slaves in the 20th Century by forcing thousands of people to live and work in a country which they want to leave, because they do not have the money to ransom themselves into freedom.

GENERAL LEAVE

Mr. DANIELSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous matter on the special order given today by the gentleman from Pennsylvania, (Mr. EILBERG) on emigration of Soviet Jews.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HIGH HOLY DAYS 5733

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 10 minutes.

Mr. ANNUNZIO. Mr. Speaker, the Jewish High Holy Days begin this year on September 8 and 9 with Rosh Hashanah and conclude on September 18 with Yom Kippur. Rosh Hashanah marks the beginning of the Jewish religious New Year 5733 and is a period of personal spiritual reexamination for the Jewish people all over the world.

The High Holy Days are significant for their rich symbolism of the paradox of the human experience. They are intensely personal and emphasize the individual alone with himself and his God and, at the same time, emphasize the oneness of humanity. It is a time of repentance and remembrance of errors past. Yet, it is also a time of cheer and optimism as the New Year begins—a time of quiet reflection but also one of joyful human interaction.

On Rosh Hashanah, religious services are conducted in synagogues throughout the world where Jews pray for forgiveness and for a year of peace and happiness for themselves and the world. "Unite all of us in the bond of brotherhood" is the beginning of one of the ancient and beautiful prayers associated with this holy day. It is also a time spent with family and friends discussing the events of the past year. The high point of Rosh Hashanah is the blowing of the shofar, or ram's horn, which symbolizes the beginning of the High Holy Days, and its shattering sound is meant to awaken man's conscience to renew his faith and return to his God.

September 18, the Day of Atonement, or Yom Kippur, is the climax of 10 days of penitence and is the holiest of all the Jewish holidays. The entire day is spent in prayer, fasting, and worship. On the Day of Atonement, the Jewish people seek to be in harmony with the world by expressing a true feeling of repentance through prayer. It is a holiday during which years gone by are recalled and loved ones who have passed away are remembered in prayer.

Rosh Hashanah and Yom Kippur evoke in the Jewish people a sense of awe, high seriousness, and especially obedience to God's law. The meaningful practice of the Jewish faith, I believe, has influenced Jewish moral law far beyond the confines of practicing Judaism. The historic Jewish concepts of social justice and individual human dignity have done much to guide the course of western democracy and, in particular, to shape the philosophical system of government created by the American Founding Fathers.

The message of the Jewish New Year is a universal one which all men should heed. As in all human affairs, however, the picture is mixed. Emigration of Jews from the Soviet Union to Israel has increased. Israel remains strong and is perhaps more secure because of the withdrawal of Soviet personnel from Egypt.

On the other hand, the Soviets have increased restrictions on emigration for many educated Jews, and cultural and religious persecution continue unabated. Horror such as that witnessed by the world this week in Munich at the Olympic games attests to the fact that various types of subtle and not so subtle pressure will continue for the Israelis.

It is a time for untiring vigilance and humane concern. I feel it is our responsibility, as the world's greatest democracy, to make every possible effort to focus international attention and opinion on the problem of Soviet anti-Semitism and guerrilla atrocities. By so doing, the full force of our official position in the interest of human justice and decency will be brought to bear.

It is for these reasons that I have introduced legislation in the Congress urging the President to pressure the Soviet Union regarding emigration and the religious and cultural rights of Jews in that country. I have also introduced legislation to insure that the Mideast military balance be maintained by the sale of armaments so desperately needed by Israel.

We must never relax our efforts to rally the international community to unite in condemnation against guerrilla atrocities such as those at Lod Airport in Tel Aviv and at the Munich Olympics. Foreign Minister Abba Eban of Israel, in referring to these attacks, said:

> One of the factors which has encouraged the activities of murder organizations such as Fatah is international apathy and indulgence.

In an uncertain world, we must remain ever alert and use our influence to encourage hopeful signs of peace and friendship, while being courageous enough to firmly stand against murder, outrage, and even the most subtle of oppression.

I should like, on this occasion, to extend my greetings and best wishes for the holiday season to my constituents and my many friends of the Jewish faith. In the coming year, may the Jewish people know freedom from persecution, from which they have particularly suffered, and may they experience peace, well-being, prosperity, and spiritual enlightenment.

WATER POLLUTION CONTROL BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Kemp) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, the water pollution control bill still languishes in conference. As each day passes, the situation becomes more critical in Erie County, N.Y., and I am sure, throughout the Nation.

I introduced my version of the Senate bill in the House and at the time, pointed out the need to transcend political considerations, especially in this election year, on such a critical legislative proposal. As you can see from the enclosed letter from EPA's Region II Administrator, Gerald Hansler to the Erie County Executive, Ned Regan, the passage of a water pollution control bill is paramount in the day-to-day planning of all environmental programs.

Environmental Protection Agency,
New York, N.Y., September 6, 1972.

Mr. Edward V. Regan
County Executive, Erie County, Erie County Edward A. Rath Office Building, Buffalo, N.Y.

Dear Mr. Regan: This is in further response to your letter of July 14, 1972 in which you requested that the Environmental Protection Agency notify the Corps of Engineers to waive the 25% local contribution for the dredge disposal site facilities. As stated in our letter of August 16, 1972, this waiver can be recommended only if:

1. domestic and industrial sources of pollution in the geographic area involved are meeting Federally-approved State water quality standards implementation plans; and

2. a water quality management plan for the basin has been submitted by the State and approved by EPA under 40 CFR 35.150.

I regret to inform you that the 25% local share cannot be waived at this time because many point source dischargers in the area are out of compliance with the Federally-approved implementation schedules under the New York State water quality standards. Also, the water quality management basin plan submitted by the State of New York needs modification before it can be approved.

None of the thirteen municipal dischargers in the Erie-Niagara Drainage Basin are meeting the Federally-approved State implementation plans under the water quality standards requirements. Also only five of the thirteen industrial point sources are in compliance with their abatement schedules as approved by the Federal Government in 1967.

Regrettably, much of the delay in meeting previous Federally-approved abatement schedules can be traced to Congressional inaction to amend the construction grants section of the Federal Water Pollution Control Act, and to reimburse New York State for pre-financing Federal shares. Also, it is recognized that industry is in a difficult position in determining whether to provide pretreatment and discharge into a municipal system, or provide complete treatment and discharge directly into a waterway. The latter indecision on the part of industry is because they are unaware of cost sharing formulas which may be included in new water pollution control laws.

The 25% local share could be waived if revised and updated abatement schedules for point source dischargers in the Erie-Niagara area were consummated. There are three methods by which Federally-approved revised schedules can be completed. They are:

1. The State of New York could propose new schedules, give public notice and hold public hearings on the new schedules, adopt such schedules, and submit them to the EPA Regional Administrator for approval;

2. The Administrator of EPA could call a water quality standards revisions conference, at the request of the Governor, and arrive at a new set of implementation plans for point source dischargers; or

3. I could issue 180-day notices against each and every point source discharger in the area and if each discharger submitted an acceptable abatement schedule and met that schedule, then the dischargers in the area would be in compliance with Federally-approved water quality standards implementation plans.

Also, to obtain the 25% waiver, the State of New York must submit in final form an acceptable water quality management plan for the drainage basin.

These matters have been discussed with Mr. Henry L. Diamond, Commissioner, New York State Department of Environmental Conservation since December 16, 1971. Since the State has primary responsibility for enforcing water pollution control laws, it is hoped that they will revise the present outdated implementation plan for the Erie-Niagara area through the public notice/public hearing process. But again, uncertainty exists as to revised procedural requirements included in the pending "water" legislation.

Your interest in cleaning up pollution of Lake Erie and the Niagara River is very much appreciated. It is hoped that you will move forward now with the Corps of Engineers in the construction of upland disposal facilities.

Sincerely yours,
Gerald M. Hansler, P.E.,
Regional Administrator.

Mr. Speaker, there are indications that some of the conferees would be willing to report legislation with the clear intention of forcing the President to veto the measure. As I mentioned, I supported the Senate concept which I felt to be realistic and also voted for the House version.

I urge the conferees to accept in the spirit of compromise the responsibility of meeting the immediate demands of this Nation. If they do, I can say that I would not vote to sustain a veto.

MASSACRE IN MUNICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Halpern) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, like countless others, I join in expressing my profound sympathy to the families and countrymen of the slain Israeli athletes who were the innocent victims of this senseless act of terrorism.

The massacre in Munich is just one more horrible example of the constant threats and violence that plague a people who wish to be free. The only reason that these victims were denied life was because they were nationals of a tiny country who has fought valiantly in the past 25 years for their political freedom.

Upon learning of this dastardly act I immediately cabled Avery Brundage, president of the International Olympic Committee, and urged a temporary suspension of the games and requested that additional security precautions be taken to protect other athletes during the remaining days of the Olympic competition. I also hail the unanimous action of the House yesterday when it passed the resolution expressing sympathy to the families of these brave young men and resoundingly condemned this despicable act by a group of cowardly assassins.

The real tragedy, Mr. Speaker, is that these senseless acts have been perpetrated against innocent people who came to Munich with peace in their hearts and a desire for friendly competition. This vicious attack by this terrorist group was not only a crime against Israel, but a crime against the entire world community.

What is especially frustrating is the apparent inability to establish a system or an agreement between world nations which would prevent this type of barbaric act from happening again. There is nothing but condemnation that the world could feel for this wild act and yet we are unable to rest assured that this will not happen again.

The nations of the world cannot permit those responsible for this massacre in Munich, the atrocity at Lod Airport earlier this summer, and the day-to-day terrorist activities to go unpunished. Until they are made accountable for their actions men of good will can not rest with a clear conscience.

While the people of Israel and the entire world grieve for their immeasurable loss I can only hope and pray that the spirit of men everywhere firmly resolve that this type of terrorism shall not take place again.

No one can undo the tragic events of this week, but hopefully, this massacre in Munich will help us to find new ways of ending hatred and bloodshed between men and point the way for finding international peace.

TROPICAL STORM "AGNES" FLOODS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. Young) is recognized for 30 minutes.

Mr. YOUNG of Florida. Mr. Speaker, during the month of June, massive flooding occurred in South Dakota and several of the mid-Atlantic States. These conditions were the result of heavy rains in the Black Hills of South Dakota and Tropical Storm "Agnes" which brought monsoon-like rains to areas extending from Florida to New York. Flooding along streams and waterways created major crises for cities and great numbers of people—crises of such magnitude that local authorities were unable to cope with the multitude of problems generated by disasters of this nature and scope.

Major areas affected by these floods were:

SOUTH DAKOTA

A four-county area—Lawrence, Pennington, Meade, and Custer—in the southwestern part of the State along the numerous creeks that feed the Cheyenne River. Tropical Storm "Agnes" struck the States of Florida, North Carolina, Virginia, West Virgina, Maryland, New York, and Pennsylvania. Although flooding occurred in many other areas, it was in these heavily populated/built-up areas that the assistance of the National Guard was required. The major problems identified with the disaster were: transportation, shelter, food and medicines, communications, sanitation and potable water, search, rescue, and body recovery, security and traffic control, clean-up and restoration.

Each of the aforementioned problems required immediate attention; however, maximum effort was required to reopen highways, reestablish communications, remove sources of disease and pollution, implement a traffic control plan, locate suitable land fills for debris disposal, body recovery, and a myriad of other tasks associated with clean-up operations.

Although these floods occurred in two separate parts of the country within the same month with devastation and problems being the same, the suddenness in which they occurred classified them in two separate and distinct categories. In Rapid City, we had flash flooding with little or no warning, with tremendous destruction and loss of life in a matter of a few hours. The flooding from Hurricane Agnes began in Florida and proceeded up the coastal States where it struck with monsoonlike rains. Some degree of advance planning was possible.

The story of the South Dakota National Guard participation in the Rapid City and the surrounding four-county flood area is truly one of the shining hours in the proud history of this State's National Guard.

On that fateful Friday night of June 9, during the early hours of the evening, no one could have possibly dreamed of a deluge of up to 14 inches of rain. Falling over an area primarily of mountains, hills, and canyons, these waters were soon funneled into Rapid, Box Elder, and Battle Creeks in depths exceeding 23 feet. A drop in elevation of 1,786 feet from Pactola Dam, the beginning of Rapid Creek, to Rapid City, some 20 miles through the canyons, caused devastating, swift-moving water.

Guard participation began at 1845 hours on a call from the Lawrence County sheriff to M. G. Corning, the adjutant general, requesting Guard assistance in the Boulder Canyon area. Commanders in Camp Rapid, as well as key staff members of HQ detachment, were immediately called to the emergency operations center at Camp Rapid. It should be noted here that most guardsmen were on pass for the weekend. Only 665 guardsmen were at Camp Rapid for annual training. Another 1,015 artillerymen and support units were holding annual training in the Badlands some 50 miles east of Rapid City; 237 engineers were at Roubaix, 35 miles west of Rapid City. Family day for guardsmen in the Badlands finished in the afternoon, and they were free to enjoy the weekend in the Black Hills.

As the progression of events and calls for assistance multiplied, the call was put out over radio and TV for all guardsmen to report to Camp Rapid. With the guardsmen scattered to the four winds, it was impossible to utilize unit alert rosters for notification. Guardsmen reported in as soon as they received notification. The best estimate of Guard strength on Friday night was in the neighborhood of 600. This figure increased to about 1,100 by Saturday noon.

In a flash flood disaster of this nature, requests for assistance pour in continuously. The job must be done, and maintaining unit integrity was impossible. Rescue and reaction teams were dispatched with engineers, artillerymen, transportation, medics, or anyone available to make up a team. Electrical power failed in the flooded area. The rains were coming down in torrents, and the creek kept rising. Soon there were houses, trailers, cars, trees, and debris of every description moving in the flooded area.

The decision to mobilize the other Guard units of the State not at annual training was made at 0100 hours Saturday morning, June 10. These units, an engineer combat battalion, water supply company, float bridge company, and a platoon of the medical company were from 250 to 350 miles east of Rapid City. These units alerted their men, loaded equipment, and began the motor march arriving in Rapid City late that afternoon. Our panel bridge company was at annual training with the North Dakota Guard at Camp Grafton, N. Dak. This unit was called on Saturday morning. They arrived at Camp Rapid on Monday—a move of 650 miles. This brought the total guardsmen on site to 3,028, the highest total utilized.

A complete power failure in the city occurred at 2347 hours on Friday night. The loss of power increased the number of requests for Guard assistance as emergency generators were needed at hospitals and refugee centers. Working under the most adverse conditions—pitch dark, torrential rains, bridge washouts, and unknown hazards — guardsmen risked their own lives attempting to save others. The number of acts of individual heroism may never be known; however, three guardsmen did lose their lives in rescue operations. Mayor Barnett and other governing officials credit guardsmen rescue teams of saving over 1,000 people.

Saturday morning, with fog and light rain hanging over the city, the first view of the unbelievable happenings of the previous night were seen. Death and destruction in the devastated area gave the appearance of war at its worst.

Every available guardsman and all equipment was being utilized as the waters were receding with search and rescue being the main effort on Saturday. The arrival of the additional Guard units on Saturday afternoon allowed for the systematic planning for the grim task of body search and recovery, and laying out security plans with law enforcement.

Hurried erection of three bridges over Rapid Creek by the engineer bridge companies gave access to many isolated areas.

The 12 helicopters from the Guard aviation section, augmented by two medivac choppers from Fort Carson and seven from Ellsworth Air Force Base did yeoman work during the entire operation flying every conceivable mission from emergency evacuation, delivery of food and water, body recovery to aerial observation of destruction in mountainous terrain without accident or incident. 506 hours were flown on 390 missions.

Damage to the city water treatment plant and water mains put exceedingly heavy demands for potable water. The engineer water supply company soon had six erdalators producing potable water at various locations in the city and at Keystone.

The medical company moved into various locations in the four-county area attending to sick and injured as well as giving over 12,000 shots for typhoid and tetanus.

On Sunday, June 11, the search for bodies began. Every demolished house, trailer, automobile, and debris pile had to be gone through in search for the dead.

Security of a disaster area normally exceeds the capacity of local law enforcement agencies during the seven nights that the curfew was in effect, looting was held to a minimum.

As the first week of recovery operations progressed, a systematic plan of Guard withdrawal was formulated by the adjutant general with the concurrence of the Governor, mayor, county commissioners, and State civil defense. The phase-down period started on Friday, June 16. Guard tasks were rapidly returned to civil agencies having the responsibility. Units were returning to home stations, sometimes to the dismay of the guardsmen as they felt they should remain and assist.

A provisional battalion of 250 guardsmen remained during the period of June 17 to 23.

Mr. Robert Finch, counsellor to the President, who viewed the disaster for the President, stated:

> It was an act of God that the National Guard was on duty at the time.

The performance of the South Dakota National Guard during the Rapid City disaster can best be summarized by this headline of the Rapid City Journal of June 17, "Guard Leaving City, But Not Hearts of People." From the Rapid City story of flash flooding which occurred without warning and preparation, we now move to the east coast, and what happened during the tropical storm "Agnes," and the ensuing monsoon-like rains. It is my pleasure to introduce LTC Frank Jones of the Pennsylvania National Guard. Colonel Jones.

The first time anyone heard about "Agnes," she was just a squall in the northwest Caribbean Sea. By Friday, June 16, the official word went out—"Agnes" had become a tropical storm. She was gaining strength just north of the Yucatan Peninsula.

She was the first tropical storm of the 1972 season and on June 18, she began to make headlines. That day she officially became a hurricane.

On a northerly course, she doubled her speed and struck inland near Panama City and the Florida panhandle and began to decrease in intensity. Sometime on Monday, June 19, the National Weather Service downgraded her to a tropical depression—not much more than a squall again.

By June 20, the former hurricane was pushing up through the Carolinas with heavy rains that brought the first real threat of flooding.

Since flood damage, varying from slight to moderate, to severe, generally is quite similar no matter where it occurs, and since Pennsylvania suffered the most severe damage, I will concentrate my remarks on that State. The requirements for men, equipment, and the numbers of days involved in each State will provide a good basis for comparison. In almost every instance, the initial call for guardsmen was directed to units best suited to the task; that is, transportation units for evacuation, medical units to work in refugee centers and hospitals, and engineers to work on dikes, provide potable water, and reinforce, protect, or construct bridges.

The first real property damage occurred in Virginia—the damage centered around Richmond, Fredricksburg, Charlottesville, and Roanoke, and required that some 1,200 guardsmen be called to duty to assist in recovery operations for approximately 5 days. Over 1,000 persons were evacuated and 292 sheltered in armories. Some 250 helicopter missions were flown in the Richmond area alone.

West Virginia, along the fringes of the storm, suffered water damage in and around Wheeling, Moundsville, and Benwood—151 guardsmen from five units were called to State duty to assist in evacuating families from 1,163 homes and moving almost 100 house trailers or mobile homes to safer areas.

Maryland was lashed by heavy rains and flooding occurred in the vicinity of Ellicott City and along the Patapsco River to the west. Here 14 units were called to duty for 2 to 15 days for a total of 6,337 man-days.

"Agnes" then moved into central Pennsylvania and New York State, heavily flooding the Chemung and Susquehanna River Valleys and their tributaries. New York Guardsmen used 21,472 man-days in their operations covering 13 counties in which they evacuated personnel, and performed traffic control and security duties.

At this point, "Agnes" met a huge mass of cold air and became stalled over central Pennsylvania—she stayed put—instead of moving, as is the usual thing.

During the night of June 21–22, many National Guard commanders assembled volunteer forces to assist local communities, and to evacuate their own vehicles and equipment to other armories located outside the expected high water area. Throughout the night, Guardsmen and civilians worked hand-in-hand in numerous communities in the Wyoming Valley reinforcing dikes, bracing store windows, and evacuating the elderly and infirm in anticipation of high water.

By 0700 hours, the Adjutant General of Pennsylvania was receiving requests for assistance from civil defense coordinators, hospitals, police officials, and numerous other agencies. The operations center at the Department of Military Affairs opened at 0730, calling units in response to missions received through the civil defense operations center in Harrisburg. In Lykens, three mountain reservoirs gave way to the pressure of rising water, sending torrents of water through the streets. In Danville, two diesel engines pulling a Penn Central freight train plunged into a creek when a bridge collapsed. In Herndon, three homes were flattened by a mud slide, and all along the Swatara Creek, residents were climbing trees to escape the rising waters.

From the Chesapeake Bay to the Wilkes-Barre/Scranton area, to Lock Haven on the West Branch, the story was the same.

By Friday morning, June 23, the only way to reach Harrisburg's two airports was by boat, and emergency passengers were taken through waters 7 feet deep to the few bare spots on the inundated runways suitable for helicopters. A 1930 to 0700 curfew was in effect in Harrisburg, 2 feet of water and mud covered the main floor of the State's $2.5 million executive mansion, and some 3,182 guardsmen from 66 units were working in 52 communities. It was only Friday morning, and the river had not yet crested.

In the midst of the flood waters, fire was becoming a major problem. As gas lines broke, fuel and oil poured from overturned cars, heating oil gurgled up from ruptured storage tanks, and the already polluted waters were becoming filled with everything that was foul and flammable. Adjacent to the Governor's Mansion on North Second Street in Harrisburg, 16 homes were consumed by flames as members of the 104th Armored Cavalry vainly tried to move fire fighting equipment and firemen to the scene in armored personnel carriers.

While guardsmen and civilian volunteers still struggled to reinforce the dike in the Wilkes-Barre area, the civil defense and fire sirens, a warning that the dike had been topped, began to wail. Uptown, downtown, across the river in Forty Fort, Edwardsville, and Kingston, the raging waters knew no bounds. Some 145,000 people had been successfully evacuated by the time the waters broke over the dike. The guardsmen of the 1st Battalion, 109th Field Artillery, most of whom live in Wilkes-Barre and its suburbs, retreated slowly in the face of rising waters—still rescuing the reluctant and securing the area against looters. Boats of every description were manned by civil defense personnel, police, and guardsmen of the 2d Bn., 190th Infantry equipped with radios to patrol inundated areas. Almost 75 percent of these men lost their homes or suffered immeasurable property damage. The water rose to 18 feet on the drill floor of the Kingston Armory.

The Wilkes-Barre/Scranton Airport at Avoca looked like a military base camp. The hilltop runway was immune from the swirling muddy waters, but in the valley below, the city had been ravaged.

On Saturday, with 4,130 guardsmen now on duty in some 73 communities, the Susquehanna River crested at an all-time high of 32.57 feet in Harrisburg, 15 feet above flood stage; and 40.6 feet in Wilkes-Barre, 18 feet above flood stage. The dubious distinction of being the hardest hit area in the State now shifted from Harrisburg to Wilkes-Barre. The airport was the only operational facility for miles. Food, clothing, medical supplies, and fresh water were being delivered by military and civilian aircraft at the rate of one aircraft per minute. Headquarters and Headquarters Company, 228th Supply and Transport Battalion, moved by air and overland from Indiantown Gap Military Reservation to the airport to assume responsibility for storage and distribution of supplies.

Meanwhile, in the residential area, dozens of homes were burning themselves out only after the fire reached the waterline. Downriver from Wilkes-Barre, huge mudslides blocked roads not already closed by flood waters. All up and down the valley, debris-laden bridges were being ripped from their foundations further isolating many small communities.

Sunday morning found still more guardsmen being called to duty, and the total now approached 5,000. During the day, the water slowly began to recede. This was the first positive sign in days, but it also revealed the severity of the damage. Washed out and sunken roads, roadbeds of railroads completely washed out, automobiles perched precariously against trees, buildings, and atop other vehicles, and buildings moved completely off their foundations. Uprooted trees and piles of debris, now barely recognizable as furniture and building materials blocked streets and littered the countryside.

In many areas, people began returning to their homes to face the agonizing task of trying to salvage enough to start again. In most instances, it was easier to discard everything, furniture, clothing, appliances, and mementos spanning a lifetime.

This was the grueling task, faced by the thousands of residents and over 6,000 guardsmen alike. The Guard, of necessity, had to get involved in debris removal because virtually every street in the Wyoming Valley was impassable. Bridges still intact and usable were a rarity, the lack of electricity and water was commonplace. Decayed foodstuffs and dead animals added to the stench of the drying mud, and pervaded the entire area.

No sooner did the guardsmen and civilian contractors report that a street had been cleared of rubble and debris, than more discarded belongings of the flood victims would be slowing down or stopping traffic again. Some streets had to be cleared one or more times each day in order to keep traffic flowing. Telephone poles, uprooted trees, and sections of houses and mobile homes littered the streets and required that special power equipment, cutting torches, and front-end loaders be available. Narrow city streets precluded the efficient use of most of the available civilian 15 and 20-ton trailer dumps. Although it required double handling, the 111th Infantry established temporary land fills near the city liimts where the Guard's 2½-ton and 5-ton trucks dumped debris which was reloaded onto the trailer dumps for the long haul to a permanent land fill.

During their 15-day annual training—AT—period, in Wilkes-Barre, the 103d Engineer Battalion from Philadelphia used thier own 70-odd trucks, plus those available from civilian contractors, to move 27,869 loads totaling 144,919 tons of debris. Additionally, they operated the permanent and temporary landfills, provided potable water, and cleared an untold number of debris clogged streets and shopping centers. One very ticklish assignment involved the removal of several leaking drums of naphtha found precariously balanced on overhead steam, water, and power lines in a flood-damaged warehouse.

The Pennsylvania Air Guard launched into disaster recovery operations on June

22 when they began evacuating families from nearby Highspire. Over the next 3 weeks, they moved 76,000 pounds of food from Pittsburgh to Wilkes-Barre, transported helicopter parts from Connecticut, picked up electronic gear in Ohio for the FCC tower at Harrisburg International Airport, and provided the 201st Civil Engineering Flight and its heavy equipment to aid in cleanup operations in Wilkes-Barre. All of this was accomplished despite the fact that their operational facilities at Harrisburg were completely wiped out by 10 feet of water.

Almost from the very start, Army guardsmen were performing security missions in many small isolated communities, and, in the two major disaster areas, they augmented the police forces to preserve order and prevent the looting that so often follows on the heels of any disaster. The few police available in many small communities simply could not cope with the demands for police assistance.

As the less severely damaged communities recovered from the initial shock of the flood and were able to cope with their own problems, the guardsmen were withdrawn for other assignments or released from duty. Although the total number of guardsmen on duty never went above 6,102 at any given time, over 10,000 men from 136 units performed from 1 to 15 days duty between June 22 and August 5.

The contribution of Army aircraft in an operation of this magnitude is almost impossible to put into words. From the very beginning, many areas were inaccessible except by air. Army Guard aircraft logged almost 1,000 hours of flight time while flying over 1,500 missions. These figures do not include those missions flown by the Ohio Army Guard, Air Force Reserve, and the active services. Tasks performed by guardsmen during the period included emergency medical care, transportation, communications, rescue operations, providing emergency power to hospitals, security, transporting food, clothing, medical supplies, debris removal, operating and securing evacuation centers, and feeding evacuees, water purification, traffic control, and graves registration.

CONDEMNATION OF MURDER OF MEMBERS OF ISRAELI OLYMPIC TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, I rise to condemn the dastardly murder of 11 members of the Israeli Olympic team.

What the Palestinian terrorists apparently seem incapable of getting through their thick skulls is that their acts of horror, like those of other terrorist groups in the world, are working against their cause instead of for it.

Even had the Palestinians succeeded in securing the release of 200 terrorists held prisoners in Israeli jails, the random, despicable nature of their act would have reflected discredit upon them and upon their cause, while generating sympathy for their victims and the cause of their victims.

Arabic nations which permit terrorists organizations such as "Black September" to operate from their territories only invite military reprisals from the Israelis. But more than this, they deserve the scorn of civilized peoples of all nations, for it was men of their blood who defiled the very fabric of the human spirit in what they did at Munich.

While the decision to continue the games was no doubt a difficult one, I believe it was the correct thing to do. This band of marauders should not be allowed to completely shut down the Olympic games and the spirit of international brotherhood which is so much a part of this athletic event.

I call on all nations not to allow this tragedy to destroy this spirit of brotherhood, and I call on all nations to exercise restraint in this difficult time. No doubt one of the motives of this outlaw group was to fan the flames of war in the Middle East. For without an active war, these guerrilla groups are even more of a nonentity than they already are, if that is possible.

HEARINGS SET ON NEWSMEN'S PRIVILEGE AND RELATED MEASURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, Subcommittee No. 3 of the Committee on the Judiciary, under my chairmanship, has scheduled 3 days of public hearings on pending legislation to enact a Newsmens Privilege Act or a Free Flow of Information Act. These measures would protect newsmen against the compulsory disclosure of information and the source of information acquired by them in the course of news gathering.

The hearings will be held at 10 a.m. on Wednesday and Thursday, September 20 and 21, and Wednesday, September 27, in room 2226, Rayburn House Office Building. Our first witnesses will be Members of the House who are authors of pending legislation. At present there are pending in the subcommittee 21 measures of five varieties introduced by 11 Members of the House. Cosponsors of legislation of this character aggregate 48 additional Members of the House. The subcommittee is advised that 18 States have enacted some sort of newsmen's privilege.

This very important issue reflects a kind of conflict and confrontation between two principles that are vital to our democratic institutions. The first is the well-established rule that a government is entitled to, and must be able to, secure the testimony of its citizens. The other is the equally urgent proposition that information shall be fully available to the people and that the members of the press whose activities serve to disseminate the news shall not be cut off from their sources. It is argued that this will happen if newsmen can be forced to reveal information given them in confidence.

The problem is highlighted by the recent decision of the Supreme Court of the United States in Branzburg against Hayes and others in re Pappas, and United States against Caldwell. The Court held that the first amendment of our Federal Constitution does not relieve a newspaper reporter of the obligation that all citizens have to respond to a grand jury subpena and answer questions relevant to a criminal investigation. In the view of the five-man majority of the Court, therefore, the amendment does not afford him a constitutional testimonial privilege for an agreement he makes to conceal the criminal conduct of his source or evidence thereof.

At the hearings the subcommittee will initiate its search for the best and most acceptable resolution of the apparent conflict of values highlighted by the Branzburg, Pappas, and Caldwell cases.

In addition to hearing congressional authors of pending bills, the subcommittee will invite a representative of the Department of Justice, whose 1970 guidelines for the issuance of subpenas to the news media are still in effect, and, to the extent time allows, will also receive testimony from interested members of the public. The approach and the interest of the subcommittee are not limited to the precise narrow compass of pending legislation, but extend to broader related questions affecting a free press and freedom of speech.

WATER SUPPLY STUDY

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the water supply study for Northeastern United States of the Army Corps of Engineers has recently been the subject of intemperate and ill founded discussion in Connecticut. I certainly favor the greatest possible discussion of this study, but I believe that it should be based upon fact and I regret that political motives have misrepresented and distorted the issues. The whole subject of water supply for our section of the country is too important to be kicked around for partisan advantage in a campaign and any consideration should be kept on the high level befitting such a vital issue.

With the purpose of placing the whole matter in proper perspective, I should like to set forth a few facts.

The Northeastern United States Water Supply Study had its genesis in the continuous drought which afflicted this area of the Nation for a 5-year period ending in 1967. Because of the widespread distress caused and the calamity which might eventually result from continued neglect and the growth of the northeastern megalopolis, the Congress decided in the aftermath of that distress to request the Corps of Engineers to make a study of the problem of water supply and distribution as its related to the Northeastern United States.

This study was undertaken and has been a matter of public record for more than a year. It has been in the hands of the Governors and State officials of the affected States. Twenty-three initial public meetings, including one in Hartford, have been held in coordination with various Governors and over 30,000 notices were mailed out to publicize these meetings. In addition to these officials, the New England River Basin Commission has been consulted in connection with the matters set out in the study.

In order to obtain the fullest information, I have discussed the whole question with Lt. Gen. F. J. Clarke, Chief of Engineers of the Department of the Army. He has also given me in writing a summary of the scope of the study. He emphasizes that the study "is an engineering assessment of over 100 possible projects and is more in the nature of a working paper, which together with the results of social, environmental, economic and institutional studies now underway, will provide a sound basis for final plan formulation and selection. A fully coordinated report with appropriate recommendations on a final plan will be prepared for the corps for submission to the Congress for consideration."

General Clarke further states:

> The report contains no recommendation for authorization or appropriations, and is no more than a catalog of possible water supply developments for meeting future water needs for the New York-Northern New Jersey-Western Connecticut Metropolitan Area.

The general stated:

> To label the feasibility report as "the announcement of plans to raid Connecticut's fresh water resources for the benefit of out-of-state areas" is simply a misrepresentation of the report's intent.

He further points out that the study is a compilation of every major water supply area from the St. Lawrence River to Virginia considered for the year 2020. To single out western Connecticut is to give an inaccurate picture of the whole. And stating that an area such as the Housatonic Valley will be flooded fails to express the tentative nature of the report and provides an undue basis for alarm.

It is essential to bear in mind that the study is only preliminary and clearly no action could be pending until the executive branch has come to a conclusion and made a recommendation. The final report is not scheduled until 1974. Even if such recommendation were made it would, of course, not be binding and any plans would have to be recommended to the Congress and approved. In addition, the necessary appropriation bills would have to be passed. Certainly the Congress will give any proposals arising from this study the minutest and most careful scrutiny.

The study in question is therefore a long-range examination of a difficult problem which affects the health and safety of millions of people in our Northeastern States. Clearly, the problem called for national investigation since its scope exceeded State boundaries. The Corps of Engineers has prepared the results of the preliminary investigation and has promptly placed them in the public domain and continues to stimulate study and discussion of these results. Some of the proposals will be discarded out of hand and others may be accepted. There are possible detriments involved but there are also possible benefits for the State of Connecticut as well as other metropolitan areas.

In view of the importance of the subject, the consequences for millions of Americans, and the need for quiet and earnest consideration, I believe that the Corps of Engineers should be permitted to carry on as they have been doing to encourage discussions of all aspects of the factors which have been presented, so that a fair and workable proposal may be achieved for the final report in 1974.

After the report has been filed, it will be the function of the President and the Congress to consider its proposals. If they are not worthy of acceptance, they will be discarded. If some, or all, are worthy of acceptance then they will be implemented and the country will thereby take the steps necessary to provide its concentration of population with the volume of acceptable water which is required in the activities of a modern community. At the present time, this whole subject belongs in the realm of the office and the laboratory rather than the political platform of rhetoric and double-talk.

General Clarke's letter to me of August 23, 1972, is appended herewith:

DEPARTMENT OF THE ARMY,
Washington, D.C., August 23, 1972.

Hon. JOHN S. MONAGAN,
House of Representatives,
Washington, D.C.

DEAR MR. MONAGAN: Reference is made to your recent letter and to our discussion of last Thursday concerning the Corps' Northeastern U.S. Water Supply (NEWS) Study. Hopefully, issues raised by the news clips attached to your letter were clarified by our discussion of the NEWS Study and the feasibility report furnished to you at that time.

To label the feasibility report as the "announcement of plans to raid Connecticut's fresh water resources for the benefit of out-of-state areas" is simply a misrepresentation of the report's intent. The report contains no recommendations for authorization or appropriations, and is no more than a catalog of possible water supply developments for meeting future water needs of the New York City-Northern New Jersey-Western Connecticut Metropolitan Area. It is an engineering assessment of over 100 possible projects and is more in the nature of a working paper, which together with the results of social, environmental, economic and institutional studies now underway, will provide a sound basis for final plan formulation and selection. A fully coordinated report with appropriate recommendations on a final plan will be prepared by the Corps for submission to the Congress for consideration.

In addition to the coordination being maintained with the Federal, State, and other governmental agencies, public participation is being encouraged through the use of periodic public meetings. Twenty-three initial public meetings were held throughout the study area by our North Atlantic Division Engineer, and other meetings were held by our New England Division Engineer in the eastern Massachusetts-Rhode Island area relative to initial planning for that area. Additional public meetings will be held as the study progresses.

Public awareness of the meetings is maintained through the release of public notices which are mailed to all persons who have indicated an interest in the study. Approximately 30,000 notices were mailed in connection with the initial public meetings. Mailing lists used for this purpose are retained in our North Atlantic Division Office where the lists are periodically up-dated as new interest is indicated in the study. You will continue to be informed in advance by the Division Engineer on future public meetings and on significant study accomplishments.

I trust that this and our previous discussion of the NEWS study will meet your needs. If I can be of further assistance, please call upon me at any time.

Sincerely yours,
F. J. CLARKE,
Lieutenant General, USA,
Chief of Engineers.

DEBTS: A LOOK AT THE OTHER SIDE

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HANNA. Mr. Speaker, our economy has often been described as a "credit economy," a label used by those who decry the fact of rapidly increasing public and private debt. Debt management is a vitally important skill in both the public and private sector. While the public debt gets most of the attention of the media and the politicians, private debt is much larger, faster growing, and of far greater importance to the national economy. When we look at the private debt picture, we find that by far the largest segment of private debts is in mortgages on homes and businesses. It is to this type of debt and its meaning for the economy as a whole that I address myself here today.

Mortgage loans amounted to $451.1 billion in 1970. This was one-third of the total private debt and almost one-fourth of the total public and private debt combined. Of this total, $150 billion was held by savings and loan associations, $74.3 billion by life insurance companies, $73.2 billion by commercial banks, $57.9 billion by mutual savings banks, and $94 billion by other types of mortgage lenders. Of the total $451.1 billion, $321.3 billion—over one-half of the total individual private debt—was in home mortgages.

It is worth noting that this type of credit picture has some very admirable and highly desirable qualities. First of all, the debts created by this activity are all secured. Second, the credit has encouraged the creation of solid, long lasting new wealth in the form of domestic, commercial and industrial structures. Finally, the application of capital to this type of endeavor has added bonuses for the economy as a whole. The dollar turnover resulting from construction is one of the highest of all economic activities, having a factor of 9 to 11 depending on the input-output ratio one uses.

In conclusion, Mr. Speaker, it would be wise for all of us to keep in mind that debt represents more than liabilities; it also represents the accumulation of national wealth.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CORMAN, for Thursday, September 7, 1972, on account of official business.

Mr. GOLDWATER (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mr. McKevitt (at the request of Mr. Gerald R. Ford), for September 7, on account of official business.

Mr. Talcott (at the request of Mr. Gerald R. Ford), for today, on account of official business.

Mr. Charles H. Wilson (at the request of Mr. Boggs), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Archer) to revise and extend their remarks and include extraneous material:)

Mr. Kemp, for 15 minutes today.

Mr. Halpern, for 5 minutes, today.

Mr. Young of Florida, for 30 minutes, today.

Mr. Edwards of Alabama, for 5 minutes, today.

(The following Members (at the request of Mr. Danielson) to revise and extend their remarks and include extraneous material:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Rooney of Pennsylvania, for 30 minutes, September 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Monagan to extend his remarks during debate on the wheat bill.

(The following Members (at the request of Mr. Archer) and to include extraneous material:)

Mr. Whalen.
Mr. King in five instances.
Mr. Kuykendall.
Mr. McCloskey.
Mr. Hunt.
Mr. Carter.
Mr. Wyman in two instances.
Mr. Hosmer.
Mr. Cleveland.
Mr. Schmitz in 10 instances.
Mr. Halpern in five instances.
Mr. Nelsen.
Mr. Veysey in two instances.
Mr. Smith of New York.
Mr. Bray in three instances.

(The following Members (at the request of Mr. Danielson) to revise and extend their remarks, and to include extraneous matter:)

Mr. Abourezk in five instances.
Mr. Howard.
Mr. Burton.
Mr. Rarick in three instances.
Mr. Gonzalez in three instances.
Mr. Annunzio.
Mr. O'Neill in two instances.
Mr. Gaydos in five instances.
Mrs. Grasso in 10 instances.
Mr. Clark.
Mr. Hungate in three instances.
Mr. Dulski in six instances.
Mr. Ichord.
Mr. Fraser in five instances.
Mr. Bevill.
Mr. Brasco.
Mr. Tiernan.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 55. Joint resolution proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 3323. An act to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes.

ADJOURNMENT

Mr. DANIELSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until Monday, September 11, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2310. A letter from the Commissioner of Social Security, Department of Health, Education, and Welfare, transmitting a copy of proposed regulations on the disclosure of certain reports and records relating to administration of the medicare program, published in the Federal Register on September 2, 1972; to the Committee on Ways and Means.

RECEIVED FROM THE COMPTROLLER GENERAL

2311. A letter from the Acting Comptroller General of the United States, transmitting a report that the Department of Housing and Urban Development could realize benefits by revising its policies and practices for acquiring existing structures for low-rent public housing; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. EILBERG: Committee on the Judiciary. H.R. 1536. A bill to amend section 319 of the Immigration and Nationality Act; with amendment (Rept. No. 92–1385). Referred to the House Calendar.

Mr. RODINO: Committee on the Judiciary. H.R. 8273. A bill to amend section 301(b) of the Immigration and Nationality Act, as amended; with amendment (Rept. No. 92–1386). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASPINALL (for himself, Mr. Saylor, Mr. Johnson of California, Mr. Hosmer, Mr. Camp, Mr. Lujan, Mr. Abourezk, Mr. Steed, Mr. Evans of Colorado, Mr. Andrews of North Dakota, and Mr. Denholm):

H.R. 16554. A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments; to the Committee on Interior and Insular Affairs.

By Mr. DELANEY:

H.R. 16555. A bill to provide payments to States for public elementary and secondary education and to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. FLYNT:

H.R. 16556. A bill to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education; to the Committee on Agriculture.

By Mr. STEPHENS:

H.R. 16557. A bill to authorize and direct the Secretary of Agriculture to convey any interest held by the United States in certain property in Jasper County, Ga., to the Jasper County Board of Education; to the Committee on Agriculture.

By Mr. HECHLER of West Virginia:

H.R. 16558. A bill to promote and protect the free flow of interstate commerce without impairment to the environment; to assure that activities which affect interstate commerce will not impair environmental rights; to provide a right of action for relief for protection of the environment from impairment by activities which affect interstate commerce; and to establish the right of all citizens to the protection, preservation, and enhancement of the environment; to the Committee on the Judiciary.

By Mr. HILLIS (for himself, Mr. Drinan, Mr. Fraser, Mr. Mikva, Mr. Harrington, Mr. Flood, Mr. Dellums, Mr. Esch, Mr. Coughlin, Mr. Hungate, and Mr. Roy):

H.R. 16559. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. HOSMER:

H.R. 16560. A bill to designate the San Joaquin Wilderness, Sierra National Forest, and Inyo National Forest in the States of California; to the Committee on Interior and Insular Affairs.

By Mr. McMILLAN:

H.R. 16561. A bill to retrocede a portion of the District of Columbia to the State of Maryland and for other purposes; to the Committee on the District of Columbia.

By Mr. MEEDS:

H.R. 16562. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Daniels of New Jersey, Mr. Esch, Mr. Perkins, Mr. Quie, Mrs. Green of Oregon, Mr. Thompson of New Jersey, Mr. Dent, Mr. Pucinski, Mr. Brademas, Mr. Hawkins, Mr. William D. Ford, Mrs. Mink, Mr. Scheuer, Mr. Burton, Mr. Gaydos, Mr. Clay, Mrs. Chisholm, Mr. Biaggi, Mrs. Grasso, Mrs. Hicks of Massachusetts, Mr. Mazzoli, and Mr. Badillo):

H.R. 16563. A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes, to the Committee on Education and Labor.

By Mr. REID:

H.R. 16564. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. REID (for himself, Mr. Anderson of Tennessee, Mr. Badillo, Mr. Brasco, Mr. Celler, Mr. Edwards of California, Mr. Fish, Mr. Green of Pennsylvania, Mr. Harrington, Mr. Hechler of West Virginia, Mr. Helstoski, Mr. Madden, Mr. Miller of California, Mr. Rhodes, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Sikes, Mr. Charles H. Wilson, Mr. Wolff, Mr. Randall, Mr. Rangel, Mr. Collins of Illinois, Mr. Forsythe, and Mr. Podell):

H.R. 16565. A bill to prevent aircraft piracy by requiring the use of metal detection devices to inspect all passengers and baggage boarding commercial aircraft in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. REID (for himself, Mr. Stokes, and Mr. Gude):

H.R. 16566. A bill to prevent aircraft piracy by requiring the use of metal detection devices to inspect all passengers and baggage boarding commercial aircraft in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. REID (for himself, Mr. Alexander, Mr. Baring, Mr. Vander Jagt, and Mr. Yatron):

H.R. 16567. A bill to insure international cooperation in the prosecution or extradition to the United States of persons alleged to have committed aircraft piracy against the laws of the United States or international law; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHMITZ:

H.R. 16568. A bill to amend the Labor-Management Reporting and Disclosure Act of 1959 to require that all officers of national labor organizations be elected by secret ballot of the members; to the Committee on Education and Labor.

By Mr. TEAGUE of California:

H.R. 16569. A bill to authorize the Secretary of Interior to engage in feasibility investigations of certain water research development proposals; to the Committee on Interior and Insular Affairs.

By Mr. THOMSON of Wisconsin:

H.R. 16570. A bill to amend the Occupational Safety and Health Act of 1970 to provide additional assistance to small employers; to the Committee on Education and Labor.

By Mr. DENHOLM:

H.J. Res. 1295. Joint resolution relative to the attendance of Senators and Representatives during sessions of Congress; to the Committee on the Judiciary.

By Mr. ADDABBO:

H. Res. 1111. Resolution expressing the sense of the House on the tragic killings of Israeli Olympic team members at the XX Olympiad at Munich; to the Committee on Foreign Affairs.

SENATE—*Thursday, September 7, 1972*

The Senate met at 10 a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord of all life, whose Word asks "What shall it profit a man if he shall gain the whole world and lose his own soul," help us to guard carefully and share wisely the great wealth of the soul. May the treasury of experience and wisdom and truth be opened that all may gain from the spiritual heritage entrusted to our keeping. Help us, in sharing material resources, to share also the resources of the mind and heart. Give us the higher grace to distribute not only the coinage of the realm but also the coinage of the spirit, those hidden values which make for strength of character and purposeful living. Hasten the day when all peoples shall seek first the Kingdom of God and His righteousness, knowing that when we have done that all else will be added. As we have paused to pray here, so may we continue to pray by doing our duty according to Thy will.

In Thy holy name we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, D.C., September 7, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. James B. Allen, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

James O. Eastland,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, September 6, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production, Marketing and Stabilization of Prices of the Committee on Agriculture and Forestry; the Subcommittee on General Legislation of the Committee on Armed Services; the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs; a special subcommittee of the Committee on the Judiciary; the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary; the Subcommittee on Public Buildings and Grounds of the Committee on Public Works; the Committee on Commerce; the Committee on Finance; the Committee on Foreign Relations; and the Committee on Labor and Public Welfare may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the executive calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

NATIONAL SCIENCE BOARD

The second assistant legislative clerk proceeded to read sundry nominations in the National Science Board.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Chair would inquire whether the distinguished acting Republican leader desires recognition at this time.

Mr. SAXBE. No, Mr. President.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period not to exceed 30 minutes for the transaction of routine morning business, with statements therein limited to 3 minutes.

WHERE IS THE MONEY COMING FROM?

Mr. ROBERT C. BYRD. Mr. President, from almost every capital city and from almost every head of government in the world, have come statements denouncing the outrageous conduct by Arab terrorists in Munich yesterday.

No amount of denunciation or condemnation of those dastardly acts will bring back the persons who were murdered, or will bring solace to their families. No words will be enough to bring an end to the international terror being practiced by these maddened fanatics. What is needed is positive and courageous action by governments and by government leaders who are in a position to be effective in stopping these crimes against humanity.

The Governments of the United States, Great Britain, and France, plus others in the Middle and Near East, spend vast amounts of money on their intelligence services. Great Britain and France, particularly, have had close political, diplomatic, and commercial ties in the Middle Eastern countries for close to 200 years. It is inconceivable to me that the intelligence services of these two nations are not fully aware of the inner workings of the forces that spawn these worldwide assassinations. It is also unlikely that the intelligence services of the United States are not privy to the full facts in these matters, if the cooperation between the United States and British intelligence is as close as we are led to believe.

Worldwide terrorism costs money—lots of it. Where is it coming from? If the intelligence services of the free world nations do not know, they must be unbelievably incompetent. If, as is much more likely, they do know, so do their governments and heads of state.

It is easy to heap obloquy on the madmen who actually carry out the acts of terror and murder. It takes courage and statesmanship to denounce the much more significant sources of the money that makes these acts possible.

The anger and disgust of the civilized world has been aroused against the Black September terrorists. I submit that it is time for someone who knows the truth about their financing, and whose relative neutrality in the Arab-Israeli conflict insures an acceptable impartiality, to stand up and tell the world in plain words, which governments, segments of governments, or individuals are supplying the money for the fanaticism to continue.

The Palestinians are not the only ones who have a fanatical fringe, either at home or abroad. If the responsibility is not squarely placed where it truly belongs, and soon, and pressures brought to bear to end terrorism by cutting off its main means of operation—money—the lust for revenge will insure a sickening bloodbath all over the world.

PRIVILEGE OF THE FLOOR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the distinguished Senator from Maine (Mr. MUSKIE), that during the further consideration of the revenue sharing bill, Alvin From, of the staff of the Intergovernmental Relations Subcommittee, be allowed the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AS OTHERS SEE US

Mr. SAXBE. Mr. President, I call to the attention of my colleagues a most interesting column in the September 9, National Observor by Edwin A. Roberts, Jr. Mr. Roberts, in turn, is commenting on the recent interview of Yugoslav Communist theoretician, Milovan Djilas, by New York Times foreign correspondent C. L. Sulzberger.

In these times when it is almost a required reflex to wring hands over the spreading malaise of our country, it is a refreshing thing to cite an objective view which says just the opposite.

Although their backgrounds and careers are widely divergent, both Djilas and Sulzberger are individualists, never simply hewing to the party line or the editorial policy of their respective employers.

This is why Mr. Roberts considers the comments on America and its foreign policy by Djilas—"this enormously brave and brilliant heretic"—so important.

For Djilas believes President Nixon's visit to both Peking and Moscow to be not only an "impressive historical act," and not only to show that "Mr. Nixon understands what communism is," but finally as proof that "the United States won the cold war because of the internal disintegration of communism."

Why did that disintegration occur in the Communist countries and not in the United States? Because, says Djilas, "you are a nonideological country and thus were able to avoid a stalemate," because you were able to "enlarge some of the basic democratic ideas—like individual human rights—thus helping to erode the Communist system," and because "you proved the truth of your theory that no economic system can develop isolated from others. And you stayed strong enough."

Mr. President, I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A JOURNALIST'S SURPRISING INTERVIEW ABOUT AMERICA

(By Edwin A. Roberts, Jr.)

Among journalists who specialize in analyzing foreign affairs, C. L. Sulzberger of the New York Times occupies a niche all his own. Over the years Sulzberger has chatted with almost every major foreign figure on the world stage, as well as scores of lesser lights in scores of greater and lesser countries.

His datelines are often surprising. If there is a crisis in Japan, Sulzberger might well be telling us about the unrest in Prague. If a South American nation is going up in smoke, his report might come from Paris and lament the weaknesses of the Atlantic alliance.

Well, nobody can be everywhere at the same time, and at least one of his readers is content for Sulzberger to choose his itinerary as he pleases, because when this veteran reporter goes prospecting, he frequently unearths gold in abundance.

He did exactly that recently in a visit to Yugoslavia where he interviewed Milovan Djilas, probably the world's most famous unhappy Communist theoretician. Marshal Tito has repeatedly tried to neutralize Djilas, occasionally by throwing him in jail, but this enormously brave and brilliant heretic goes right on speaking his mind. What Djilas told Sulzberger the other day is, I think, worth the thoughful consideration of all Americans, especially in a year when domestic politicians are busily casting mud upon the waters.

Djilas told Sulzberger: "President Nixon's trips to Peking and Moscow represented a very impressive historical act. That showed that Nixon understands what communism is. President Johnson played on the conflict between the Russians and the Chinese. That is a classical kind of policy. But Nixon saw that it would be better to have good relations with both of them—while at the same time remaining strong. He knows you can't afford to be weak."

A NONIDEOLOGICAL COUNTRY

Djilas said further: "The United States won the Cold War because of the internal disintegration of communism. Because you remained strong you were able to accelerate this inevitable process. Nixon's Peking and Moscow trips were a result. But the U.S. should neither overestimate nor underestimate that victory. You won because you are a nonideological country and thus were able to avoid a stalemate like that which prevailed between Christianity and Islam after their wars, a victory for neither side.

"The New Left and those influenced by it think the U.S. is wracked by crisis, but the so-called crisis in American society is largely imaginary. Race and class and generation gaps do exist but there is no fundamental crisis. The crises you have are aspects of the difficulty of adjusting to the electronic and technological revolutions of our time.

"But you have emerged stronger on the world scene because the Communist world divided into factions while, at the same time, the United States succeeded in enlarging some of the basic democratic ideas—like individual human rights—thus helping to erode the Communist system.

"And economically you succeeded in pressing the Marxist world into collaboration with you. You proved the truth of your theory that no economic system can develop isolated from others. And you stayed strong enough."

FROM A FOREIGN VANTAGE POINT

Djilas' words are as welcome as a summer breeze on the Dalmatian coast. They carry great weight because the record is clear that Djilas says what he believes, whatever the consequences, and because from his foreign vantage point he can view America in broad and detached terms. There is no reason to think his analysis is influenced by special regard for either the Democratic or Republican parties.

So here we have one of the world's most respected political thinkers—and a maverick Communist at that—stating that the United States has won the Cold War because of its military strength, its devotion to trade, and its ability to remain flexible in international relations because it is not locked in by dogma.

What a dazzling compliment. There is material here for a Fourth of July speech, or for a tract on what's right with America. But why should such observations seem so startling? The reason, I think, is that for too long the American public has been bombarded with volleys of criticism from domestic cynics.

We have heard, for instance, that President Nixon's conduct of the Vietnam War makes him a spiritual kin of Hitler. We have heard that the United States is threatening world peace by maintaining a large military capability. We have heard that racial tensions are about to tear America apart. We have heard that the United States has been delinquent in its diplomatic negotiations. We have even heard the nation has lost the respect of other countries.

WHAT UGLY LIES

What ugly lies we Americans choose to tell about ourselves. And how ironic that we must hear the truth from one of the few individuals in the world who is famous for telling the truth.

This nation has been struggling for a generation to ease tensions abroad while eliminating injustices at home. The price has been high. It has been costly, always in money and occasionally in blood, to convince the Communist world that the United States, while disdaining territorial gain for itself, is committed to resist the territorial ambitions of others. It has been costly to attempt to rectify the social inequities of the past, because with every step forward a badly used minority becomes more impatient to realize its rising expectations.

America has paid—and is paying—the price. But still the legions of complainers among the intellectuals and the young have faulted the nation at every turn, ridiculing the best efforts of a representative government to solve problems that embody historic hostilities and prejudices.

If our nation is not a perfect model for the world, it is nevertheless a nation that has often been right. We have the word of Milovan Djilas on that.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

VETERANS DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1030, S. 2108.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 2108, a bill to amend chapters 17 and 31 of title 38, United States Code, to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence, and alcohol or drug abuse disabilities and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Veterans Drug and Alcohol Treatment and Rehabilitation Act of 1972".

Sec. 2. (a) Section 601(1) of title 38, United States Code, is amended by inserting "(including alcoholism and drug dependence)" immediately after "disease".

(b) Section 601 of such title is further amended by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively, and by inserting after paragraph (1) of such section a new paragraph (2) as follows:

"(2) The term 'veterans', with respect to furnishing hospital care and medical services under this chapter for a service-connected disability, includes (except as otherwise provided in subchapter VI of this chapter and section 3103 of this title) a person who served in the active military, naval, or air service and who was discharged or released therefrom with an other than dishonorable discharge."

(c) Section 601(6) of such title (as redesignated by subsection (b) of this section) is amended by inserting "and rehabilitative services" immediately after "medical services".

(d) Section 601(7) of such title (as redesignated by subsection (b) of this section) is amended by striking out "and treatment" and inserting in lieu thereof a comma and "treatment, and rehabilitative services".

(e) Paragraph (8) of section 601 of such title (as redesignated by subsection (b) of this section) is amended to read as follows:

"(8) The term 'domiciliary care' includes necessary medical services and rehabilitative services, and, in the case of veterans who are unable to defray the expense of transportation, transportation and incidental expenses."

(f) Section 601 of such title is further amended by adding at the end thereof a new paragraph as follows:

"(9) The term 'rehabilitative services' includes, but is not limited to, such professional counseling, educational and vocational guidance, education, training, and job referral and placement services (including therapeutic work for remuneration through arrangements with private industry, and essential transportation associated therewith), and such other intensive skilled services applied, on an inpatient or outpatient basis, over such a protracted period as may be necessary to assist the patient to return, as soon (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

Sec. 3. Section 602 of title 38, United States Code, is amended by—

(1) striking out "an active" and inserting in lieu thereof "a"; and

(2) striking out "two years" both times it appears therein and inserting in lieu thereof "three years".

Sec. 4. (a) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding after section 612 a new section as follows:

"§ 612A. Eligibility for readjustment medical counseling

"The Administrator, subject to the provisions of section 3103 of this title and within the limits of the Veterans' Administration facilities, shall furnish readjustment medical counseling and appropriate followup care and treatment under this subchapter to any person who served in the active military, naval, or air service during the Vietnam era and was discharged or released therefrom with other than a dishonorable discharge and who requests such counseling in order to assist such person in readjusting to civilian life following his discharge or release from the Armed Forces. The Administrator, in cooperation with the Secretary of Defense, shall take appropriate action, as provided in section 241 of this title, to insure that all veterans eligible for assistance under this section are advised of their eligibility for such assistance and are encouraged to take full advantage thereof."

(b) The table of sections at the beginning of chapter 17 of such title is amended by inserting immediately below

"612 Eligibility for medical treatment."

the following:

"612A. Eligibility for readjustment medical counseling."

Sec. 5. Section 618 of title 38, United States Code, is amended by inserting "(a)" before "The Administrator" where it first appears and adding the following new subsection:

(b) In providing rehabilitative services under this chapter, the Administrator shall take appropriate action to make it possible for the patient to take maximum advantage of any benefits to which he is entitled under chapter 31, 34, or 35 of this title."

Sec. 6. (a) Chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following new subchapter:

SUBCHAPTER VI—SPECIAL MEDICAL TREATMENT AND REHABILITATIVE SERVICES FOR ALCOHOLISM, DRUG DEPENDENCE, OR ALCOHOL OR DRUG ABUSE DISABILITIES

"§ 651. Definition

"As used in this subchapter and notwithstanding any other provision of this title, the term 'veteran', except as provided in section 654 of this title, means a person who has been discharged or released from a period of active military, naval, or air service, regardless of the nature of such discharge or release, and regardless of section 3103 of this title, and who has an alcoholism, drug dependence, or alcohol or drug abuse disability.

"§ 652. Treatment and rehabilitative services for veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities

"(a) The Administrator shall furnish to any veteran for an alcoholism, drug dependence, or alcohol or drug abuse disability such special medical treatment and rehabilitative services and such hospital and domiciliary care (hereinafter in this subchapter collectively referred to as treatment and rehabilitative services) as he finds to be reasonably necessary to bring about the veterans' recovery and rehabilitation from such disability.

"(b) Such treatment and rehabilitative services shall (1) include, but not be limited to, medical examination, diagnosis, and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counseling (including appropriate referrals for legal assistance), educational and vocational guidance, and crises intervention, and (2) be provided in hospital, domiciliary, outpatient, and half-way house and other community-based facilities (including store-front facilities located in areas where large numbers of veterans eligible for treatment and rehabilitative services under this subchapter reside) over which the Administrator has direct and exclusive jurisdiction or in other Government or public or private facilities for which the Administrator contracts in accordance with such regulations as he shall prescribe.

"(c) In providing for treatment and rehabilitative services under this subchapter to any veteran, the Administrator shall offer alternative modalities of treatment to such veteran based upon the individual needs of such veteran.

"(d) In contracting for treatment and rehabilitative services in non-Veterans' Administration facilities pursuant to this subchapter, the Administrator shall, wherever feasible, give priority to community-based, multiple-modality, treatment and rehabilitation programs which include among their staff former addict counselors and veterans (as defined in section 101 of this title) of the Vietnam era and stress out-reach efforts to identify and counsel veterans eligible for treatment and rehabilitative services under this subchapter.

"(e) The Administrator shall, upon receipt of application for treatment and rehabilitative services under this subchapter by any veteran who has been discharged or released from a period of active military, naval, or air service, with other than an honorable or general discharge—

"(1) advise such veteran of his right to apply to the appropriate military, naval, or air service for a review of the nature of his discharge or release for the purpose of changing the nature of his discharge and thus removing any ineligibility to the receipt of benefits under this title or any other law;

"(2) advise such veteran of the policy of the Armed Forces with respect to review of the nature of any discharge received in connection with alcohol or drug use or possession; and

"(3) advise such veteran of all programs under this title and any other law to which he is entitled or would be entitled with a general or honorable discharge.

The Administrator shall offer and, if requested, provide to any veteran within the purview of this subsection such assistance as may be necessary to facilitate the process of preparing and filing an application for a review of the nature of such veteran's discharge or release from a period of active military, naval, or air service.

"(f) (1) Any veteran eligible for treatment and rehabilitative services under this subchapter as a result of service in the active military, naval, or air service during the Vietnam era shall be entitled to such treatment and rehabilitative services.

"(2) If such veteran—

"(A) requests, but is not provided promptly, treatment and rehabilitative services in a facility or program over which the Administrator has direct and exclusive jurisdiction, or

"(B) requests treatment and rehabilitative services in a non-Veterans' Administration facility or program which the Administrator, as hereafter provided in this paragraph, has determined provides treatment and rehabilitative services consistent with the provisions of this subchapter, and there is no facility or program described in clause (A) readily accessible to such veteran,

then such veteran shall be entitled to payment on his behalf by the Administrator of the reasonable value of such treatment and rehabilitative services consistent with the provisions of this subchapter (including services in accordance with and under the provisions of section 654 of this title) provided to such veteran in a non-Veterans' Administration facility or program which the Administrator, in accordance with standards established in such regulations as he shall prescribe (as to drug treatment and rehabilitation programs, with the concurrence of the Director of the Special Action Office for Drug Abuse Prevention in the Executive Office of the President), has determined provides such treatment and rehabilitative services consistent with the provisions of this subchapter.

"(3) The Administrator shall make payment to a non-Veterans' Administration facility which has provided treatment or rehabilitation services under paragraph (2) as follows: (A) for treatment and rehabilitative services provided, out of any funds appropriated for the medical care of veterans for any fiscal year, and (B) for rehabilitative services provided under and in accordance with the provisions of section 654 of this title, out of any funds in the Special Rehabilitation Revolving Fund established under section 655 of this title.

"(g) (1) The Administrator shall also provide for treatment and rehabilitative services in the case of any veteran eligible therefor under this subchapter who has been charged with, or convicted of, a criminal offense by any court of competent jurisdiction in the United States, who is not confined and who is not required to participate in the treatment and rehabilitation program by any such court. In addition, the Administrator shall, to the maximum extent feasible, furnish drugs and medicines to any veteran who is incarcerated by a unit of general local government if such veteran was receiving treatment and rehabilitative services under this subchapter immediately prior to his incarceration and if such drugs and medicines are ordered by the attending physician under conditions he determines provide adequate safeguards against abuse; and the Administrator shall continue to furnish such drugs and medicines to such veteran until such time as the Administrator determines that responsibility for appropriate treatment will be assumed by a non-Veterans' Administration facility or program.

"(2) The Administrator may also provide for treatment and rehabilitative services to any veteran eligible therefor under this subchapter who is under the jurisdiction of a court of competent jurisdiction as the result of having been charged with, or having been convicted of, a criminal offense and who is required to participate in a treatment and rehabilitation program by such court, but such services may be provided only under such conditions as the Administrator determines will insure that the participation of such veteran in the program in question will not impair the voluntary nature of the treatment and rehabilitative services being provided to other patients in such program.

"§ 653. Outreach and counseling

"(a) The Administrator shall utilize all available resources of the Veterans' Administration in seeking out and counseling toward treatment and rehabilitation all veterans, especially Vietnam era veterans, eligible for treatment and rehabilitative services under this subchapter.

"(b) To carry out the provisions of subsection (a) of this section, and to provide counselors for treatment and rehabilitation programs under this subchapter, the Administrator shall, to the maximum extent feasible, contract for the services of or employ former addict veterans. The Administrator is authorized to employ or contract for the services of such veterans without regard to those provisions of title 5 relating to the appointment of persons in the competitive service, to pay such persons without regard to the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, and to provide such veterans with all necessary job training.

"(c) The Administrator shall carry out an affirmative action program, in consultation with the Secretary of Labor and the Chairman of the Civil Service Commission, (1) to urge all Federal agencies, private and public firms, organizations, agencies, and persons to provide appropriate employment opportunities for veterans provided treatment and rehabilitation under this subchapter who have been determined by competent medical authority to be sufficiently rehabilitated to be employable and (2) in coordination with the Secretary of Labor, to place such veterans in such opportunities.

"§ 654. Special Rehabilitation Program of education and training for certain veterans

"(a) Pursuant to regulations prescribed by the Administrator and without regard to a veteran's eligibility for any other benefits under this title, the Administrator shall, in accordance with the provisions of and limitations in this subchapter and subject to the provisions of section 3103 of this title, provide a special program of rehabilitative services patterned after education and training programs under chapter 31 of this title, to any veteran who was discharged or released after January 31, 1955, from active military, naval, or air service with a discharge under other than dishonorable conditions to any veteran discharged or released after such date with an undesirable or bad conduct discharge if (1) such veteran is suffering from alcoholism, drug dependence, or an alcohol or drug abuse condition, (2) the Administrator determines that such alcoholism, drug dependence, or condition was acquired or aggravated while such veteran was performing such service, and (3) such veteran is eligible for and requests treatment and rehabilitative services under this subchapter. Such services may be provided to any such veterans for up to one year after he has been discharged from the treatment and rehabilitation program as recovered.

"(b) The Administrator shall pay a monthly subsistence allowance from the Special Rehabilitation Revolving Fund established under section 655 of this title in an amount not less than 75 per centum, nor more than the full amount, of the subsistence allowance provided under chapter 31 of this title, to each veteran participating in the special rehabilitation program established by this section.

"(c) Where any benefit payments have been made in the case of any veteran to the Special Rehabilitation Revolving Fund (established by section 655 of this title) pursuant to the provisions of section 655(b) of this title, the benefit entitlement of such veteran on which such payments were based shall be reduced accordingly.

"(d) The total period of participation by any veteran in the special rehabilitation program established by this section shall not exceed a total of twenty-four months, except that, in extraordinary cases and in accordance with such regulations as the Administrator shall prescribe, the Administrator may approve an additional period of participation and payment of such subsistence allowance as he determines necessary when he finds that the veteran is making reasonable progress in his rehabilitation program and the additional assistance is necessary to accomplish the purpose of the program.

"(e) If the Administrator finds that any veteran, while receiving rehabilitative services under this section, is not eligible for benefits under chapter 31, 34, or 35 of this title because of the nature of his discharge or release, has successfully completed the rehabilitation program prescribed by the Administrator, and has been recovered, for a period of one year or more, from the disability for which he received such rehabilitative services, under such regulations as the Administrator shall prescribe, such veteran shall, for as long as he continues his recovery, be eligible for any readjustment benefits under chapter 31, 34, or 35 of this title to which he would have been entitled except for the nature of his discharge or release. Such eligibility shall extend retroactively to the date such veteran entered the special rehabilitation program established under this section.

"(f) In the case of any veteran who while receiving benefits under this section was not eligible for benefits under chapter 31, 34, or 35 of this title because of the nature of his discharge or release and who the Administrator finds has later become eligible for such benefits by virtue of a review and correction of the nature of such discharge or release by the Secretary of the service concerned, the total number of months of the period of eligibility for such benefits shall be reduced by the total number of months of the veteran's participation in the special rehabilitation program established by this section.

"(g) No veteran shall enter the program established under this section later than eight years after the date of enactment of this section or of such veteran's discharge or release, whichever is later.

"§ 655. Special Rehabilitation Revolving Fund

"(a) For the purposes of section 654 of this title, there is hereby established in the Treasury of the United States a fund which shall be known as the Special Rehabilitation Revolving Fund (hereinafter in this subchapter referred to as the 'Fund').

"(b) In the case of any veteran who is provided rehabilitative services under section 654 of this title and who is entitled to benefits under chapter 31, 34, or 35 of this title, including the restoration of any benefits under section 654(e) of this title, the total monetary amount of such benefits for the period during which such services are provided shall be paid into the Fund by transfer from current and future appropriations for readjustment benefits.

"(c) From such sums as are appropriated for the medical care of veterans for any fiscal year, the Secretary of the Treasury is authorized and directed to transfer to the Fund—

"(1) within 30 days after the date of enactment of this section, $5,000,000; and

"(2) thereafter from time to time until June 30, 1980, such sums (not in excess of $5,000,000 in any one fiscal year) as the Administrator shall determine and certify to the Secretary as will be necessary to maintain the solvency of the Fund.

"(d) Amounts transferred or paid into the Fund shall remain available until expended.

"§ 656. Audits by Comptroller General

"(a) All financial transactions made in connection with the Fund and with contracts with and payments to non-Veterans' Administration facilities and programs under this subchapter shall be audited annually by the Comptroller General of the United States in accordance with the principles and procedures applicable in revolving funds and commercial corporate transactions and under such rules and regulations as he shall prescribe. The representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property in connection with such transactions necessary to facilitate audits made pursuant to this section, and such representatives shall be afforded full facilities for verifying transactions.

"(b) The expenses of any audit performed under this section shall be borne out of appropriations to the General Accounting Office, and appropriations in such sums as may be necessary to conduct any such audit are authorized.

"(c) A report of such audit for any fiscal year shall be made by the Comptroller General to the Congress not later than six months following the close of such fiscal year. The report shall set forth the scope of the audit and shall include with respect to the Fund a statement of assets and liabilities, capital, and surplus or deficit; a statement of surplus or deficit analysis; a statement of income and expense; a statement of sources and application of funds; and such statements and information as may be deemed necessary to keep the Congress informed of the operations and financial condition of the Fund and of such non-Veterans' Administration facilities and programs, together with such recommendations with respect thereto as the Comptroller General may deem advisable, including a report of any impairment of capital or lack of sufficient capital noted in the audit. A copy of each such report shall be furnished to the Administrator.

"(d) The Comptroller General shall carry out his responsibilities under this section in such a way as to comply with the provisions, respecting medical confidentiality, set forth in section 659 of this title.

"§ 657. Budget requests

"For the fiscal year ending June 30, 1973, and for each fiscal year thereafter, there shall be included in the budget required to be submitted to Congress pursuant to section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11), a separate line item showing the estimated expenditures by the Veterans' Administration under this subchapter during such fiscal year for the treatment and rehabilitation of eligible veterans, broken down so as to reflect expenditures from medical care appropriations and from the Fund.

"§ 658. Treatment of members of the Armed Forces by the Veterans' Administration

"(a) Any member of the active military, naval, or air service who is determined by the Secretary of the military department concerned to have an alcoholism, drug dependence, or alcohol or drug abuse disability, may, pursuant to such terms as may be mutually agreeable to the Secretary concerned and the Administrator, and subject to the provisions of the Act of March 4, 1915, as amended (31 U.S.C. 686), be transferred to any Veterans' Administration facility within the last ninety days of his tour of duty and be provided treatment and rehabilitative services under this subchapter as if he were a veteran.

"(b) The Administrator shall from time to time make a report to the Secretary concerned as to the progress of the treatment of any member transferred to him pursuant to the provisions of this section, and the Administrator shall release such member to the Secretary concerned when the Administrator finds that the alcohol or drug abuse disability of such member is stabilized, or certifies that (1) such member refuses to comply with the terms and conditions of the treatment prescribed, or (2) the treatment which could otherwise be provided will be of no further benefit to such member.

"(c) No member of the active military, naval, or air service shall be transferred to any Veterans' Administration facility pursuant to subsection (a) of this section unless such member requests such transfer in writing for a specified period of time within his tour of duty. No such member thereafter transferred shall be retained for treatment by the Administrator beyond such specified period of time within his tour of duty unless the member in writing requests treatment for a further specified period of time and such request is approved by the Secretary concerned and the Administrator.

"§ 659. Medical confidentiality

"(a) Notwithstanding any other provision of law, all records made or information divulged by a person in connection with the provision of treatment and rehabilitative services under the provisions of this subchapter shall be kept confidential by the Administrator, and such record, information, or the fact of such treatment may be disclosed only for the purposes and under the circumstances expressly authorized in this section.

"(b) If the patient who is the subject of the record, information, or fact of treatment obtained or provided under the provisions of this subchapter—

"(1) has voluntarily requested in writing a waiver of confidentiality (A) to medical personnel for the purpose of diagnosis or treatment, (B) to his attorney, or (C) to government personnel or a named person or organization (i) in connection with the patient (or his family, successors, heirs, or assigns) obtaining benefits to which he may (or they might) be entitled, or (ii) where the director of the facility responsible for treatment, rehabilitation, or placement of the patient determines that such disclosure would be clearly beneficial for the patient;

"(2) is determined, by competent medical authority, to be a clear and present danger to himself or others and the disclosure of such record, information, or fact is determined to be necessary to alleviate such danger; or

"(3) is deceased and the Administrator determines that the disclosure of such record, information, or fact is necessary for any of the survivors of such patient to obtain benefits to which they may be entitled, including the pursuit of legal action;

then such record, information, or fact may be disclosed for the purposes and under the circumstances specified herein.

"(c) Any record, information, or fact of treatment obtained or provided under the provisions of this subchapter may also be disclosed if authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment and rehabilitative services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record, information, or fact, is necessary, shall impose appropriate safeguards against unauthorized disclosure.

"(d) The Administrator shall insure that any record, information, or fact of treatment obtained or provided under the provisions of this subchapter shall not be released or divulged in any manner, for any purpose, or with any effect adverse to the interests of the veteran by the Veterans' Administration or any person, program, or organization carrying out functions under this title in connection with any judicial proceeding (criminal or civil), administrative proceeding, or criminal or other investigation to which such patient is a party unless authorized under subsection (b) or (c) of this section.

"(e) Nothing in this section shall prohibit the Administrator from releasing statistical data compiled without reference to individual names or other identifying characteristics.

"(f) The prohibitions of this section shall continue to apply to any record, information, or fact of treatment obtained or provided under the provisions of this subchapter concerning any person who has been a patient, irrespective of whether or when he ceases to be a patient.

"(g) Except as authorized under this section, any person who discloses any record, information, or fact of treatment obtained or provided under the provisions of this subchapter shall be fined not more than $500 in the case of a first offense, and not more than $5,000 in the case of each subsequent offense.

"§ 660. Reports.

"The Administrator shall submit to the Congress six months after the enactment of this section and thereafter on each February 1 a full report on the implementation of this subchapter, separately with respect to alcoholism and alcohol abuse, on the one hand, and to drug dependency and abuse on the other, and an evaluation of the effectiveness of alternate treatment and rehabilitation programs provided hereunder, including (1) the number of veterans and servicemen provided treatment and/or rehabilitative services, (2) the average duration of such treatment and/or services, (3) the estimated percentage of successful rehabilitation and enduring recovery cases, (4) an analysis of successful and unsuccessful rehabilitation experience, (5) a full accounting of receipts and disbursements from the Fund and an estimate of medical care appropriations to be transferred to the Fund in the succeeding fiscal year, (6) a description of outreach, information dissemination, and job development and placement efforts, (7) a full accounting of payments to, and an evaluation of services and programs provided in, non-Veterans' Administration facilities, (8) experience under the medical confidentiality provisions. (9) plans for new program directions, and (10) such recommendations for legislations as the Administrator deems appropriate."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER VI—SPECIAL MEDICAL TREATMENT AND REHABILITATIVE SERVICES FOR ALCOHOLISM, DRUG DEPENDENCE, OR ALCOHOL OR DRUG ABUSE DISABILITIES

"Sec.
"651. Definition
"652. Treatment and rehabilitative services for veterans suffering from alcoholism, drug dependence, or alcohol or drug abuse disabilities.
"653. Outreach and counseling.
"654. Special Rehabilitation Program of education and training for certain veterans.
"655. Special Rehabilitation Revolving Fund.
"656. Audits by Comptroller General.
"657. Budget requests.
"658. Treatment of members of the Armed Forces by the Veterans' Adminstration.
"659. Medical confidentiality.
"660. Reports.".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the text of S. 2108 be amended by adding a comma and the word "or" after the word "conditions" on line 5, page 20.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment in the nature of a substitute.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from its consideration of H.R. 9265, a companion bill, and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 9265), the Servicemen's, Veterans', and Ex-servicemen's Drug Treatment and Rehabilitation Act of 1971.

Mr. ROBERT C. BYRD. Mr. President, I move to strike all after the enacting clause of H.R. 9265 and to substitute therefor the text of S. 2108, as reported and as amended.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

Mr. CRANSTON. Mr. President, the bill before us, S. 2108, the proposed Veterans' Drug and Alcohol Treatment and Rehabilitation Act of 1972, which I reported from the Committee on Veterans' Affairs on September 1 and the provisions of which we will shortly move be inserted in lieu of the provisions of H.R. 9265, represents the culmination of extensive work over the last 18 months by the Veterans' Affairs Subcommittee on Health and Hospitals, which I am privileged to chair.

It is particularly significant that this bill has such broad-based bipartisan cosponsorship—six Democrats and six Republicans representing every region of the country—and is cosponsored by every member of the Veterans' Affairs Committee.

Mr. President, this consensus and broad-based support required a great deal of flexibility and accommodation on the part of all members of the Veterans' Affairs Committee and the Health and Hospitals Subcommittee, and I wish to express my particular admiration and gratitude today for the cooperation and courtesies extended to me by all members of the committee and particularly by the chairman, Mr. Hartke, and the ranking minority member, Mr. Thurmond. They were ably assisted by the chief counsel of the committee, Guy McMichael, and the minority staff members, Ed McGinnis and Tyler Craig, and I wish to express my thanks to them as well for their outstanding efforts in behalf of this committee substitute.

I also want to note my appreciation for the great assistance of the distinguished Senator from West Virginia (Mr. Randolph) who serves as the ranking majority member of our Health and Hospitals Subcommittee and who has played such a forceful and vital role in moving this bill through subcommittee and full committee to the floor today.

Mr. President, the need for a comprehensive drug addiction treatment and rehabilitation program was poignantly highlighted in a July 16, 1972, article by Paul Starr in the Sunday Washington Post entitled "Drug (Mis) treatment for GI's." I ask unanimous consent that the text of this article be set forth in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, July 16, 1972]

DRUG (MIS) TREATMENT FOR GI'S

(By Paul Starr)

(Note.—The author is studying the problems of Vietnam veterans at the Center for the Study of Responisve Law.)

The soldier was standing in front of the VA psychiatrist.

"When do I get out of here?" he demanded. "Just tell me when I get out of here."

He must have asked that question a dozen times in a single day. Nothing else seemed to be on his mind. Only a week before the Army had shipped him back from Vietnam after a urine test singled him out as a heroin user. Following a brief stay at a military base stateside, he had been transferred to a Veterans' Administration hospital for mandatory treatment before discharge. But he wasn't interested in getting treatment, only in getting discharged. Almost to a man, the soldiers sent to the VA claim they have no problem with drugs. "My problem's been the Army," they insist, and many of them may well be right.

In the uproar over heroin use in Vietnam and the need for treatment programs, scarcely anyone has considered the viewpoints or situations of the soldiers themselves. As a result, a great deal of money and effort is being expended, most of it with little impact on the problem. And with failure becoming more apparent, public policy has edged toward compulsory forms of treatment that may only aggravate the situation.

Under current procedures, soldiers identified as drug users are assigned to VA hospitals while still on active duty if their term of service is about to end. If it is not, they receive treatment within the services.

The mandatory referrals to the VA were instituted late last year by the administration to ensure that no soldier would be released without 30 days of drug-free experience and to take the burden of providing that experience off the military.

An earlier policy had left the decision on whether to undergo VA treatment up to the individual GI. But in mid-September, Dr. Jerome Jaffe, President Nixon's top adviser on drug abuse, reported that voluntary treatment "was not working as we had hoped." Since the previous July, when urine tests were first used, only 23 identified drug users had decided on their own to go to the VA. Dissatisfied, the administration decided that soldiers would be assigned against their wishes to veterans' hospitals for up to one month before discharge. The administration also asked Congress for authority to involuntarily extend a drug user's service 30 days. This measure, still pending, would permit the government to channel every outgoing serviceman thought to be using drugs through the VA, including those apprehended in the last days of their tour. Some congressmen want to go further. Rep. John Murphy (D-N.Y.) has proposed a bill that would provide for compulsory treatment in any federal institution for as long as 42 months.

JUST A FORMALITY

Few people at VA hospitals, either staff or patients, seriously believe the treatment is anything more than a formality. Even the goal of 30 drug-free days is not always achieved, since drugs are widely available on VA awards. And because the hospital staffs find many of the Vietnam veterans angry and uncooperative, the soldiers are often quickly released on an outpatient basis and told to come back in a few weeks to pick up their military discharge papers. In the meantime, the men are able to go home—or back to the streets.

A recent case exemplifies typical practices under the referral system. Twenty-one years old, identified as a drug user by urinalysis in Vietnam, this soldier insisted to VA physicians that he only smoked heroin now and then, never maintained it and had never become addicted.

Day 1 (initial evaluation): "He is showing at present a very negative attitude toward being on a drug program as he feels no problem."

Day 7 (progress report): ". . . very negative attitude—all he wants is out—claims he has no drug problem."

Day 8: Discharged.

While the VA has in the past year and a half established 36 drug treatment centers in its extensive hospital system, soldiers "medevac'd" from Southeast Asia generally will have little to do with them. "They never want to come in," says Ruth Stoffer, director of a tough residential treatment unit in Bedford, Mass. "The hospital is responsible for them, but not our program. They go on a psychiatric ward."

Placing drug-using soldiers in wards with psychiatric patients is bitterly resented by the young GIs who see themselves as perfectly healthy. "It's hard to get along with them," says one veteran who spent time on a unit with mental patients. "Some of them were slobbering all over their food. You just don't put yourself in that category."

RESULT IS ALIENATION

Once they receive their military discharge papers, the soldiers leave VA hospitals—few with fond memories. Although one of the purposes of the referral system is ostensibly to impress upon them the availability of VA drug programs, the effect more likely is permanent alienation from the VA and from therapy. The retention rate beyond the required stay runs close to zero.

"Most of them don't want to stay," admits Dr. William Winick, director of the Brockton, Mass., VA hospital. "We're somewhat disappointed because we went to some lengths to provide a program." The story is the same elsewhere.

"The reality is that most men who are about to be discharged and who have been caught on drugs don't want treatment," says June Schwartz, a veterans' assistance counselor in the Baltimore drug program. "The first reason is that many who are caught in urinalysis are not addicted. The urinalysis showed heroin, but maybe they were smoking it. Another reason is that even if they were addicted, a lot of them have no intention of stopping. It's only after they've reached the streets again and experienced the hassle of earning money to get drugs that they want to stop.

"And a third factor is the forced treatment in the Army. We've seen this a number of times. A lot of them are forced to detoxify in Vietnam under not very pleasant circumstances. Then they're forced to go through an Army treatment program and then the VA. By that time, they've had it."

Those addicts who do voluntarily enter VA drug programs come in off the streets after having spent months or years facing the brutal conditions of addiction in the United States—constant hustling, legal entanglements, imprisonment, family problems, adulterated drugs, hepatitis, community hostility. But even then they are reluctant to go to the VA, fearing that their medical records will not be kept confidential or that they may lose other veterans' benefits. "I thought twice about coming here because of government identification," stated one patient. And Dr. Winick of Brockton concedes, "They identify us as a quasi-military organization," an impression which is only strengthened by the mandatory referral system.

Because of government control, complicated intake procedures, eligibility limitations, and the general orientation of the VA toward older veterans, many VA drug programs now have a "bad name" on the streets—or no name at all. While the agency has touted its efforts nationally, they generally offer little community outreach. Consequently, some programs run well below capacity. The Bedford unit has beds and staff for 40 drug users; this spring it had only 13 patients, virtually all of whom entered the hospital to escape heavy criminal charges. The VA's outpatient clinic in Boston, primarily a methadone maintenance program, is running at half capacity while every other methadone program in Boston has a waiting list of 6 to 12 months. In New York the waiting list for municipal methadone programs runs well into the thousands, but at the three New York VA hospitals there has been no overflow. They treat a little more than 500 addicts, in a city where the official estimates place addicted veterans at about 10,000.

Sen. Alan Cranston (D-Calif.) cites the VA's heavy reliance on methadone maintenance as one reason for the small numbers. In many areas, no other long-term VA treatment is available. In Washington, for example, the VA offers methadone but no intensive, drug-free program. Patients seeking such therapy are referred elsewhere. "There's not a whole lot we can do," says Dr. N. R. Tamarkin, chief of the Washington unit, adding that he hopes to secure space for a therapeutic community in the near future. But whatever the type of therapy, Cranston points to the lack of demand for VA programs as evidence "that tens of thousands of veteran addicts on the streets today simply have no faith in the VA drug treatment programs."

NO JUNKIE IDENTITY

The resistance to treatment goes beyond mere distrust of the VA, however. The GIs resist the entire notion that they are sick and need rehabilitation. "They don't want to identify with junkies," says one older addicted veteran. "They feel when they left Vietnam, they left their habit."

At least initially, the veterans do appear to differ sharply from street addicts here. They are generally in better physical condition, showing few of the secondary signs of addiction—such as hepatitis—since they have been smoking or snorting heroin rather than injecting it (the source of nearly all the medical complications). Their motivation has often been situational: They may have begun drug use not as an expression of emotional disturbance but as an act of self-medication in an oppressive setting. And perhaps most important, for the returning soldiers heroin addiction has not represented a total identity as it has for the street addict. They have not submerged all other aspects of their lives in the pursuit of heroin and the means to buy it. Since they bought drugs cheaply in Vietnam and the Army supplied their other needs, the soldiers have not yet had to organize their lives around their habits.

And many may not be willing to do so. Dr. Norman Zinberg—a Harvard psychiatrist who traveled to Vietnam last year and has been interviewing veterans since then—has found a strong inhibition against both the needle and the junkie life. Twenty-four of the 26 men he has been seeing have stopped on their own. Unfortunately, when a veteran comes home and gives up his habit because of what it would mean to his family, there is no social agency, no class of professionals, no treatment program that can claim him as their success. As a result, such cases never get counted in the making of public policy. The possibility that going home is more effective therapy than any treatment program now available is scarcely considered.

The probability of natural remission is hard to evaluate. Veterans who stop using heroin, Dr. Zinberg cautions, have not repudiated or even regretted their past use; on the contrary, many of them "speak well" of the drug. They simply find the social barriers to continuing drug use too steep. It is an open question whether their abstinence represents genuine remission or merely a hiatus in drug use. In the fact of harsh pressures at home, they may revert to heroin for the same escape it provided in Southeast Asia. Older addicted veterans are skeptical about the younger men. "They might not do it now," says one addict, "but it's a crutch and they know it's there."

BREACH OF RIGHTS

The tendency of some Vietnam veteran heroin users toward remission or at least dormancy should rule out a policy of enforced treatment. Not only is commitment to institutionalized care an unwarranted breach of the mens individual rights, but also it almost guarantees aggravation of their problems. On a long-term basis it would serve only to confirm an identity that in many cases may turn out to be ephemeral. By labeling them with the stigma of addiction, cutting them off from families, friends and jobs, institutionalized treatment would leave the men with a minimum of social support on reentry to civilian life. Moreover, the past record of involuntary treatment has been abysmal.

On the other hand, if treatment is to be voluntary, then the implications must be faced squarely. Those veterans who continue to use heroin will enter therapeutic programs only after they have run into serious trouble at home. "You don't submit yourself to treatment until you've hit rock bottom," says one veteran addict, and on their way to "rock bottom," the men are going to hurt many persons, not just themselves.

The hope that mandatory referrals to the VA might present that kind of deterioration seems to have little basis. Even if returning soldiers were placed in an ideal therapeutic setting—and the VA is far from that—they would probably still refuse treatment because they won't accept society's definition of them as sick. This is the critical impasse, not just in the treatment of veterans, but in the treatment of other addicts as well. While the United States has been moving from a penalt to a medical approach toward heroin addiction, the people most directly affected find the medical conception no more palatable. The users and the addicted not only refuse to take part in drug programs; they refuse to accept the ideology behind them. It is only when they encounter the extreme social and physical problems of addiction—created not so much by their dependence on heroin as by their dependence on a vicious black market—that they begin to adjust to the dominant values of the society and accept the premise that they are sick and in need of therapy.

NO EASY SOLUTION

There is no easy way out of this situation. Compulsory institutionalization reinforces as many problems as it relieves while voluntary treatment ensures that hard-core addicts will create misery for themselves and their communities before accepting treatment. A third alternative is a radical restructuring of our entire approach to the problem along the lines the British have followed. But at this point, few Americans are willing to support heroin maintenance as a last option in a multi-modality program.

The history of drug addiction in America suggests a troublesome pattern: First drug abuse takes its victims, then public hysteria and moralistic legislation take many more. The case of heroin use in Vietnam seems to be no exception. Out of a genuinely serious problem we seem fully capable of creating a much larger one. By indiscriminately categorizing all users of opium and heroin in Vietnam as addicts and by suggesting that their involvement is more serious than street addiction here because of the purity of drugs available in Vietnam, the press has encouraged a new wave of scrapegoating and regressive legislation. The irony is that this climate has been fanned by both political persuasions—by the left to heighten antiwar sentiment and by the right in concern for the morale and strength of the armed forces.

The victims of this antagonistic cooperation will most likely be the men everyone presumed to help. They will bear the stigma of addiction and, if Rep. Murphy and others have their way, the onus of forced treatment. Whereas a year ago the problem centered on the military's reluctance to acknowledge the extent of drug abuse, today the dangers are institutional overreaction and overtreatment. Just like the addicts themselves, the public seems incapable of handling the problem of drugs with moderation.

BACKGROUND

Mr. CRANSTON. Mr. President, the Subcommittee on Health and Hospitals of the Senate Committee on Veterans' Affairs and the Subcommittee on Alcoholism and Narcotics of the Senate Committee on Labor and Public Welfare, chaired by my friend and colleague (Mr. HUGHES), and on which I also serve, as he does on the Health and Hospitals Subcommittee, conducted joint oversight hearings on drug addiction and abuse and on alcoholism and alcohol abuse among military veterans on June 15 and June 23, 1971. The Health and Hospitals Subcommittee conducted additional hearings on S. 2108, H.R. 9265, and related veterans' addiction treatment and rehabilitation bills on July 20 and September 14, 1971. At these very extensive hearings, testimony was presented by the Administrator and Deputy Administrator of Veterans' Affairs, the Chief Medical Director of the Veterans' Administration, as well as other VA representatives, veterans' organizations, U.S. Senators, physicians, Vietnam veteran ex-addicts, representatives of non-VA, community-based drug treatment and rehabilitation programs, and by other concerned persons.

The Subcommittee on Health and Hospitals by poll unanimously referred S. 2108, with a proposed committee substitute amendment which I proposed, to the full Veterans' Affairs Committee for action. The Committee on Veterans' Affairs met in executive session on June 23 and unanimously approved and ordered favorably reported S. 2108, with a committee substitute amendment and a title amendment.

Mr. President, there has been some delay between the date that the committee ordered S. 2108 reported and the filing of the report, which I think deserves some explanation. During the period in question and immediately prior thereto, we were involved in negotiations with the House Committee on Veterans' Affairs on two major veterans' health bills which I authored (S. 2219/H.J. Res. 748 and S. 2354/H.R. 10880), the Veterans' Administration Health Manpower Training Act of 1972 and the Veterans' Health Care Expansion Act of 1972, respectively, as well as being in the process of reporting out, preparing the committee report and passing in the Senate an extensive veterans education and employment measure, the Vietnam Era Veterans Readjustment Act of 1972—S. 2161/H.R. 12828. It was clear during the period while we were engaging in these extensive negotiations on these three very complex measures that there would be no time or inclination to open negotiations on still a third measure at that time. Since we have now made very substantial progress in our negotiations on all three of these measures, I am hopeful that we will reach agreement in the next 2 weeks on each of them, and thus, the time now seems appropriate to send this fourth measure, S. 2108 to the House for its consideration.

PROVISIONS OF COMMITTEE SUBSTITUTE

Mr. President, the basic purpose of S. 2108 is to provide for a fully funded, comprehensive drug and alcohol treatment and rehabilitation program for addicted veterans regardless of the nature of discharge or finding of service connection in the usual sense required for eligibility for certain VA medical treatment. Recognizing that the return of the veteran addict to a productive and personally fulfilling social role requires far more than merely identification and detoxification, the committee substitute places particular stress on providing highly individualized, community-based, multimodality, in-house and contract services, including a wide range of vocational and educational counseling and rehabilitative services and job placement assistance for all addict veterans. In addition, the committee substitute requires the Administrator to carry out a rehabilitation program, of a type similar to the chapter 31 program—in title 38, United States Code—of vocational rehabilitation for most Vietnam era veterans with addiction disabilities.

A collateral purpose of the committee substitute is the provision of readjustment medical counseling at VA facilities for other than dishonorably discharged, recently returned veterans, as well as a broadening of the eligibility for basic VA hospital care and medical services for service-connected disabilities to veterans with undesirable discharges and inclusion of a comprehensive definition of "rehabilitative services" in the basic chapter 17 VA medical program provisions.

Mr. President, precise figures on the number of veterans suffering from drug addiction are not available, but estimates from the administration, veterans organizations and people active in the drug treatment field range all the way from 50,000 to as high as 400,000. The program in the committee substitute would cost $419 million during its first year of operation and would provide services for some 326,000 Vietnam men and post-Korean conflict veterans with drug or alcohol disabilities. An additional $47 million would be spent during the second year with expenditures of $27.8 million during each of the last 3 years.

The VA budget for drug treatment this year is a mere $23.3 million. However, there is no sense in increasing the fiscal year 1973 budget until a law is passed that directs the VA to do a more comprehensive job so as to increase the demand for help by veterans who need that help. The 5-year program in the committee substitute would:

First, give the VA its first broad range program for treating and rehabilitating addicted veterans.

Second, require contracting for care in community facilities for Vietnam-era addict veterans when VA services are not available.

This provision is vital. Several months ago I received a letter from a retired Los Angeles police officer. He wrote that his son had enlisted in the army at the age of 17 in the hope that the service would "make him a man." This young veteran served one tour of duty in Vietnam and returned for another. He became a heroin addict, and his father says his son and other addicts were permitted to remain in their barracks for 5 months without being made to work and without being identified as users because the commanding officer feared bad publicity. I do not know if these facts are precisely true. I do know that I hear stories like this day in and day out. This young veteran arrived home on Christmas day 1971. He has since been arrested four times, on each occasion for an offense attributable to his addiction.

Realizing he needed help, he sought treatment at the Sepulveda VA hospital in California. His father writes me that although his son had received a general discharge under honorable conditions, he was refused treatment at this and another VA facility and was told to go to San Francisco, at his own expense, if he wanted VA treatment.

The father's letter makes the excellent point that even had appropriate treatment been available at the Sepulveda VA hospital in San Fernando Valley, that facility was 60 miles from their home. Having to travel 120 miles round trip daily to participate in a methadone maintenance program or in a drug-free treatment program is not what I call a framework in which effective rehabilitation could have been carried out in this case.

Another example—one young veteran, 21 years old, returned from Vietnam to his home in Los Angeles. He had been a heroin addict overseas for about 8 months. Honorably discharged, he sought drug treatment at the VA Brentwood Hospital. Because the VA correctly concluded he was not a suitable candidate for methadone maintenance, due to his young age and short-term addiction, and because methadone maintenance was the only modality of treatment offered by the VA in Los Angeles, this young veteran was told no treatment was available. He was given the names of several local and non-VA treatment programs, and told to seek treatment elsewhere at his own expense. The VA did not follow up on his case in any way at all, and made no effort to assist him further. Upon making further inquiry, I learned that the closest VA facility to Los Angeles, which could provide a modality of treatment suitable to this young man's condition, was at Palo Alto near San Francisco, more than 400 miles away.

A particularly tragic case was reported in the papers several months ago. A young veteran in the South was sent to prison for a robbery he committed to get money for his habit. His leg had been badly shattered by a land mine in Vietnam, and during the course of his treatment there he had become addicted to morphine. While he was in jail, his leg became gangrenous and it had to be amputated.

Mr. President, if effective treatment and rehabilitation programs were to be made available to veterans like those I have described for their conditions acquired in the service, they, and many others like them, might well not be where they are now—behind bars.

Third, set up VA machinery to seek out and counsel addicted veterans and help them obtain review and correction of less than honorable discharges by the military. The Defense Department established a drug amnesty program last summer. But, in general, the military's efforts to rehabilitate men who have become addicted while in the ranks have been halfhearted, poorly coordinated, and ineffective. Incredibly, DOD has few, if any, reliable figures available of the number of men who are being rehabilitated, and little hard data on the effectiveness of various military treatment programs.

Fourth, give the VA authority to treat and rehabilitate some 18,000 addicted veterans who received less than honorable discharges because of drug use.

Fifth, establish VA programs, in cooperation with other Federal agencies and public and private employers, to assist recovered addicts in finding productive employment.

Sixth, guarantee that medical records of addicted veterans remain confidential. Veterans have been reluctant in the past to enter VA treatment programs for fear that their addiction will not be kept confidential. This fear has been well founded. Prior to enactment of the recent comprehensive drug act, establishing the White House Special Action Office for Drug Abuse Prevention, the VA had provided information on the drug treatment of numerous veterans, without their consent or knowledge, to State and Federal agencies, such as the Postal Service and the U.S. Civil Service Commission, when those agencies requested it.

Seventh, allow treatment of veterans even though their addiction may not have been acquired while in the service, thus eliminating the difficulty of establishing when an honorably discharged veteran, who escaped detection for his drug usage during service, actually acquired or aggravated his addiction disability.

Eighth, restore medical benefits for service-connected conditions to certain disabled veterans who were given undesirable discharges because of drug use or other reasons.

Mr. President, regarding the new eligibility for outpatient psychiatric care and the provision for readjustment medical counseling to Vietnam-era veterans, this is a matter about which I have been greatly concerned for the last several years based upon information given to me by individuals returned from Vietnam, as well as psychiatrists, psychologists, and others who have worked with men and women who had served there. This concern was heightened by the hearings on veterans' readjustment which I chaired in November and December of 1970 be-

fore the former Subcommittee on Veterans' Affairs of the Committee on Labor and Public Welfare.

A highly perceptive August 28, 1972, article in the New York Times by Jon Nordheimer, entitled "Postwar Shock Besets Veterans of Vietnam", provides perhaps the best capsulized summary of the very serious readjustment problems that far too many returning veterans are experiencing without any real, concerted effort being made by the Federal Government to assist them in coping with those problems.

Mr. President, I ask unanimous consent that the full text of this article be set forth in the RECORD at the conclusion of my remarks.

Mr. President, the committee report—92–1084—contains a detailed summary of provisions, background statement, discussion, cost estimate, and section-by-section analysis of the committee substitute, and I ask unanimous consent that the appropriate portions of the report be set forth in the RECORD at this point.

SUMMARY OF PROVISIONS OF THE COMMITTEE SUBSTITUTE

1. Provides that alcoholism and drug dependence are disabilities for the purpose of treatment under chapter 17 of title 38, United States Code; expands hospital and medical care eligibility for service-connected disabilities to all veterans with other than a dishonorable discharge; adds to chapter 17 a comprehensive definition of rehabilitative services (including VA assistance to aid the veteran in the maximum utilization of GI bill benefits during rehabilitation) and makes rehabilitative services a part of the definitions of hospital care, medical services, and domiciliary care (which is also redefined in chapter 17); makes outpatient psychiatric care available to veterans for psychosis developing within 3 years (presently two years) of discharge; and establishes eligibility for Vietnam era veterans with other than dishonorable discharges to readjustment medical counseling and appropriate followup care and treatment when requested by the veteran.

2. Establishes a special medical treatment and rehabilitative services program for any veteran with an alcoholism, drug dependence or alcohol or drug abuse disability. In-hospital and outpatient care and contracts with approved community programs for treatment and rehabilitation, as well as outreach efforts, are included. The committee substitute stresses the need to offer veteran addicts alternative treatment modalities based on individual readjustment needs.

3. Establishes a Special Rehabilitation Revolving Fund to finance a special rehabilitation program of counseling, education, and training for post-Korean conflict veterans with discharges rendering them eligible for VA benefits, for which the VA may contract with non-VA programs or provide directly. This fund would also finance the payment to participating veterans of a subsistence allowance, of at least 75 percent of but no greater than the full amount of the vocational rehabilitation subsistence allowance under chapter 31 of this title (currently $135). Participation in the program of such veterans would be limited to 24 months as would their receipt of a subsistence allowance except in extraordinary circumstances.

4. Establishes a basic entitlement to treatment and rehabilitative services for drug or alcohol disabilities on the part of any Vietnam era veteran (includes participation in the special rehabilitation program eligible therefor) so that such a veteran who requests VA treatment but is not provided it promptly is entitled to reimbursement (or direct payment to the program) for the reasonable cost of treatment and rehabilitative services provided in approved community programs in accordance with the provisions of the overall program. Payments for treatment and rehabilitation would be payable from current and future VA medical care appropriations; for rehabilitation from the Special Rehabilitation Revolving Fund in the case of those veterans eligible to participate in the special rehabilitation program.

5. Requires the VA to provide for treatment and rehabiiltative services on request to eligible veterans who have been charged with or convicted of a criminal offense by Federal, state or local authority and are not incarcerated and are not participating in the program by the courts; and to continue medical treatment, whenever feasible and where it will not lead to further drug abuse, for any veteran incarcerated in local jails pending trial or following conviction if such veteran was receiving treatment and rehabilitative services at the time of his confinement—this treatment to continue until the Administrator determines that the responsibility for appropriate treatment will be assumed by a non-Veterans' Administration facility or program. The Committee substitute also authorizes the Adminstrator to provide for treatment and rehabilitative services for non-incarcerated veterans eligible under the subchapter who are participating in the VA program under court order, but only when the Administator makes an individual case-by-case finding that the particular veteran's participation in such VA program will not impair the voluntary nature of the services provided to other patients in the program.

6. Requires the Administrator to seek out, and counsel toward treatment and rehabilitation, all addict veterans, especially Vietnam era veterans; and authorizes the Administrator to employ or contract for the services of former addict veterans, to carry out an affirmative action program to promote the employment of recovered veteran addicts by the Federal Government and private and public employers and to assist in placing these veterans in such jobs.

7. Requires annual GAO audits of the Special Rehabilitation Revolving Fund and of all contracts with and payments to non-VA drug treatment facilities and programs.

8. Requires a line item in the annual budget for all alcohol and drug abuse treatment and rehabilitation programs.

9. Provides for the voluntary transfer to and treatment in VA facilities of any addict serviceman who requests such transfer, within the last ninety days of his tour of duty (under the same circumstances as for veterans) for a specified period of treatment.

10. Establishes a strict medical confidentiality requirement based on early VA experience under the recently enacted omnibus drug bill (P.L. 92–255) with respect to release of information and records obtained during treatment and rehabilitation of an addict veteran or servicemen under this new program. Basically, release of any such record or information would be made only to certain named persons and organizations for treatment or obtaining benefits or other purpose clearly beneficial to the veterans, and only when voluntarily requested in writing by the subject veteran; where competent medical authority determines the patient is a clear and present danger to himself or society and disclosure is necessary to alleviate the danger; or after the veteran's death for certain legal proceedings. Otherwise, disclosure is permitted only by court order. The Administrator is charged with ensuring that under no circumstances are VA records or information (or that controlled by contractors) made available in any judicial or administrative proceeding or for any investigation to which the patient or former patient is a party, unless for purposes not adverse to the veteran or where authorized under this provision. Computation and release of statistical data not identifying directly or indirectly particular patients are permitted for research and public health purposes. Penalties identical to those in P.L. 92–255 are specified for unauthorized disclosures. Under this confidentiality provision, access would be authorized for veterans organizations' service officers who have been granted specific and separate powers of attorney for access to drug abuse records by addict veterans. This need not mean a separate form; a separate release provision and signature specifically for these purposes could be added to the standard VA power of attorney form.

COMPARISON WITH H.R. 9265

S. 2108 shares a basic purpose with H.R. 9265, namely providing the VA with legislative authority to treat all drug dependent ex-servicemen without regard to a finding of service-connection or the nature of their discharge, and includes those provisions comparable to all the provisions of the House bill supported by the administration. The House bill, however, is considerably more circumscribed in its approach, particularly with regard to a comprehensive program of rehabilitation following initial treatment for drug dependency. In addition, H.R. 9265 does not cover alcohol disabilities. Nor does the House bill include provisions, such as those in the Senate committee substitute, which provide for alternate treatment modalities, community-based treatment facilities, mandatory contract services in certain circumstances, comprehensive outreach efforts, medical confidentiality, annual reports to the Congress, GAO audit and expanded VA hospital care, medical services, rehabilitative services, and readjustment medical counseling for certain veterans.

Finally, the House bill, unlike the Committee substitute, provides for VA treatment of active duty servicemen who do not voluntarily consent to VA treatment whereas the Committee substitute requires a serviceman's individual written consent for a specified period of time before he can be transferred to a VA drug treatment program while on active duty. Also, the House bill, unlike the committee substitute, specifically authorizes VA treatment, confinement and discipline of veterans civilly or criminally committed to the VA by a U.S. District Court.

BACKGROUND

Neither drug addiction nor alcoholism are new problems to the Veterans Administration. For years the VA has treated the medical consequences of both drug abuse and alcohol abuse in its hospitals. Furthermore, the VA has long recognized alcoholism as a treatable condition and has established 41 alcoholism treatment units which have met with considerable success.

VA DRUG ABUSE TREATMENT AND REHABILITATION PROGRAM

By 1968 the growing nature of the current drug abuse problem among servicemen and veterans had become apparent. During that year, data on the incidence of veterans discharged from VA hospitals with principal or associated diagnoses of dependence upon a number of addictive drugs began to show a substantial increase. The 1971 data showing the skyrocketing incidence of drug abuse in one calendar year is telling evidence of the magnitude of the problem:

VETERANS' ADMINISTRATION—ADMISSIONS MANIFESTING DRUG ABUSE OR DEPENDENCE

	January 1971–June 1971		July 1971–December 1971	
	Hospital care	Outpatient care	Hospital care	Outpatient care
Opiates and derivatives	1,481	504	5,621	2,856
Other drugs	1,717	525	2,468	842

To meet this growing trend, the VA established five drug dependence treatment centers in Fiscal Year 1971. While original plans were to establish an additional 13 treatment centers in fiscal year 1972, and 14 more in fiscal year 1973, because of the urgency of the situation the VA requested a supplement to its budget request for FY 1972, which was granted by Congress, enabling the VA to open a total of 27 more units in FY 1972. An additional 12 centers have just been activated in FY 1973, for a total of 44 centers.

DRUG DEPENDENCE TREATMENT CENTERS

Each Drug Dependence Treatment Center (DDTC) has an inpatient section and an outpatient section. The suggested inpatient staffing pattern includes a physician, nursing personnel, ex-addict counselors, a psychologist or chaplain (part-time), a social worker, a secretary, a lab technician, and a physical medicine therapist. The average inpatient section consists of 15–30 beds and is expected to treat about 200 patients during a 12-month period.

The larger centers (with an outpatient caseload of about 200) have an outpatient staff usually consisting of a physician (part-time), a nurse, a nursing assistant, ex-addict counselors, a part-time chaplain or a psychologist, a social worker, a secretary, lab technicians, a pharmacist, and a statistical clerk. Centers which have a caseload of approximately 125 outpatients use the back-up services of the inpatient staff plus some of the above personnel.

The following table lists centers presently in operation, or being activated in FY 1973.

Present Veterans' Administration Drug Dependence Treatment Centers

Allen Park, Mich.[1]
Atlanta, Ga.
Baltimore, Md.
Battle Creek, Mich.[1]
Bedford, Mass.[1]/Providence, R.I.[1]
Birmingham/Tuscaloosa, Ala.[1]
Boston, Mass.
Brecksville, Ohio.
Bronx/Montrose, N.Y.[1]
Brooklyn, N.Y.
Buffalo, N.Y.
Chicago (West Side), Ill.
Cincinnati, Ohio.[1]
Dallas, Tex.[1]
Denver, Colo.
Downey, Ill.[1]
East Orange, N.J.
Hines, Ill.[1]
Houston, Tex.
Indianapolis, Ind.
Iowa City, Iowa.
Little Rock, Ark./Memphis, Tenn.[2]
Los Angeles (Brentwood), Calif.
Martinez, Calif.[1]
Miami, Fla.
Minneapolis, Minn.
New Orleans, La.
New York, N.Y.
Northport, N.Y.[1]
Oklahoma City, Okla.
Omaha, Nebr.
Palo Alto, Calif.
Philadelphia/Coatesville, Pa.[2]
Pittsburgh (General), Pa.
Salem/Richmond, Va.[1]
Salt Lake City, Utah.
San Diego, Calif.[1]
Sepulveda/Los Angeles (OPC), Calif.[2]
St. Louis, Mo.
Syracuse/Albany, N.Y.[2]
Topeka, Kans.
Vancouver/Tacoma/Seattle, Wash.[2]
Washington, D.C.
Wood, Wis.[1]

The VA is currently relying primarily upon methadone maintenance in its centers, but is beginning to focus also on the more promising forms of psycho-social therapy. These forms include psychiatric counseling, group therapy, confrontation, practical job counseling, and social rehabilitation. Some of the DDTC's are experimenting with a drug-free approach and a few are relying entirely on psycho-social forms of therapy.

In order to provide services which are easily accessible to many veterans who do not live in close proximity to DDTC's, the VA has under consideration the establishment of satellite clinics in major population centers across the country. The committee strongly approves of this approach especially the use of storefront facilities coordinated with community-based outreach efforts, and has placed stress on this approach in the committee substitute. Such satellite clinics would be most useful to veterans being treated with methadone maintenance. They will be staffed by an ex-addict counselor, a part-time doctor, pharmacist or nurse authorized to dispense drugs, and by personnel from the DDTC who will provide, on an itinerant basis, treatment and testing as needed. Department of Veterans Benefits personnel are also involved in these clinics, as well as in the central unit, furnishing veterans assistance counselors, community services specialists, and vocational counselors as needed. Two such clinics are now open: one in Houston, Texas, and one in San Francisco, California, but many more are needed.

In FY 73 with the additional 12 DDTC's, the VA has advised that it will be able to provide treatment to over 30,000 veterans suffering from drug dependence. This caseload is expected to generate as many as 904,280 outpatient visits during this year. The system of DDTC's will be staffed with approximately 1,260 specially trained drug treatment personnel in addition to the regular hospital supportive staff. In addition, other VA hospitals will be staffed with a special alcohol or drug rehabilitation technician.

The committee notes that this 30,000 estimate is up sharply from the estimate of 19,200 included in the March 27, 1972, VA report to Subcommittee Chairman Cranston, *infra*.

The figures showing drug abuse treatment by the VA through June 30 at each VA facility are set forth in the appendix to this report.

Contracts with community programs

In addition to the utilization of VA resources, the VA has also contracted with community agencies to treat veterans. Contracts with the New York Narcotic Addiction Control Commission have been signed which will provide a limited range of basic drug treatment services to an additional 1,100 veterans. Another contract has been entered into with the West Philadelphia Mental Health Corporation for the treatment of 80 veterans, and several other such arrangements are under consideration. Under the committee substitute, such contract arrangements would be greatly facilitated.

Training

The VA has used the facilities at the Yale Drug Depandence Institute and the California State College at Hayward, California, to provide training for members of its staff who will be involved in the drug treatment programs. The Lexington and Fort Worth NIMH Clinical Research Centers have also been used for workshops for VA personnel. The Lexington facility and the VA hospital at Houston, Texas, are currently being used to provide training for laboratory personnel. In August 1971, a week long training program was provided by personnel at the VA hospital at Palo Alto, California, for 30 persons working in DDTC's. This course will be repeated periodically.

Other VA facilities are planned for training purposes. Site visits to ongoing programs and conferences for continuing education of the staffs of these centers are regularly held.

Approximately $200,000 was set aside in FY 1972 for the training of VA staff in the treatment of drug dependent veterans, and this amount will be expanded in FY 1973. In order to provide further technical assistance and evaluation, a series of site visits covering all DDTC's was conducted in the period March-June 1972. Visitation teams included VA, DOD, and the Special Action Office for Drug Abuse Prevention personnel and consultants. The Committee believes that the results of these site visits should lead to significant improvements in the effectiveness of the DDTC's.

Research

VA investigators have conducted addiction research in a number of VA hospitals. Although only approximately $250,000 was available to underwrite drug abuse resesarch in FY 1972, a meaningful addiction research program requiring a $2,000,000 budget is scheduled for FY 1973. With the VA's expanded drug program, the Committee believes the VA can make important contributions to the biological and behavioral aspects of the drug addiction problem.

In January 1972, the VA began pilot testing a drug treatment evaluation record form at selected field stations. The implementation of this form, as well as other monitoring techniques, should enable the VA to make timely program changes as needed. With the resources available in the VA health delivery system, it should be able to adjust quickly to any changes in treatment or rehabilitation which are required, as well as bring its resources to bear at the point of greatest need. The results of this program can also have great applicability to community programs.

VA ALCOHOL ABUSE TREATMENT AND REHABILITATION PROGRAMS

The Veterans Administration operates and staffs the nation's largest single system for alcoholism rehabilitation. Alcohol abuse and related disorders (liver cirrhosis, delirium tremens, neuropathy, alcohol related brain damage and other complications) represented 13% of the total VA hospital discharges for 1969. The VA has over the years concentrated on efforts to identify the early stages of alcohol abuse and to initiate rehabilitative steps for the veteran. Comparable programs have recently been initiated by the Department of Defense. The effect will be a reduction in the likelihood of a veteran becoming a hospital revolving-door emergency case when the later stages of alcohol abuse have been reached.

From 1965 to 1969, the VA witnessed a doubling of hospitalized cases with alcohol-related diagnoses in its hospital system, from 55,000 to over 105,000 cases. The majority of these cases represented serious medical complications resulting from late stage alcohol abuse.

Expenditures for the alcoholism rehabilitation program in fiscal year 1970 was only $800,000. In FY 1971, it jumped to $8.1 million, in FY 1972 to $12.5 million, and in FY 1973 a budget of about $18 million is proposed. Treatment facilities for FY 1973 will be increased from the current 41 to 55. In FY 1974, 24 new Alcohol Treatment Units are scheduled to be added, bringing the total number of such units to 79.

The following table lists VA Alcohol Treatment units in operation together with those being activated in FY 1973:

Veterans' Administration Alcohol Treatment Units

REGION 1

Albany, N.Y.
Bedford, Mass.
Brockton, Mass.
Brooklyn, N.Y.
Coatesville, Pa.
E. Orange, N.J.
Lyons, N.J.
Northampton, Mass.

REGION 2

Augusta, Ga.
Hampton, Va.
Houston, Tex.
Lexington, Ky.

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[1] To be activated during fiscal year 1973.

[2] Joint arrangement activated at satellite hospital in FY 1973.

Little Rock, Ark.
Mountain Home, Tenn.
Nashville, Tenn.
Salem, Va.
Temple, Tex.
Waco, Tex.

REGION 3

Battle Creek, Mich.
Brecksville, Ohio
Danville, Ill.
Downey, Ill.
Fort Meade, S. Dak.
Hines, Ill.
Indianapolis, Ind.
Leavenworth, Kans.
Lincoln, Nebr.
Marion, Ind.
Minneapolis, Minn.
Oklahoma City, Okla.
Topeka, Kans.

REGION 4

Albuquerque, N. Mex.
American Lake, Wash.
Los Angeles (Brentwood), Calif.[1]
Palo Alto (GM), Calif.
Phoenix, Ariz.
Roseburg, Oreg.
Salt Lake City, Utah
Seattle, Wash.
Sheridan, Wyo.
White City, Oreg.

Planned for Fiscal Year 1973

Albany, N.Y.[2]
Boston OPC, Mass.
Brooklyn, N.Y.[2]
Buffalo, N.Y.
Philadelphia, Pa.
Pittsburgh (LFR), Pa.
Togus, Maine
Washington, D.C.
Atlanta, Ga.
Bay Pines, Fla.
Biloxi, Miss.
Mountain Home, Tenn.
Shreveport, La.
Tuscaloosa, Ala.
Waco, Tex.[2]
Downey, Ill.[2]
Knoxville, Tenn.
Leavenworth, Kans.[2]
Wood, Wis.
Fort Lyon, Colo.
Roseburg, Oreg.[2]
Seattle, Wash.[2]
Tucson, Ariz.
White City, Oreg.[2]

These specialized treatment units are varied in terms of size and treatment approaches. Units range from 15 beds to nearly 100, totaling about 1500, and provide from 3 to 12 weeks of inpatient care. Patient self-government is used with success in many units. In general, treatment includes re-education, group therapy, vocational guidance and milieu therapy with emphasis on aftercare and followup. The VA reports that the rehabilitative efforts are successful for about one-third of the patients and another third show some improvement. The treatment rendered in VA facilities utilizes the interdisciplinary approach to treatment, involving psychiatrists, psychologists, social workers and other para-professionals.

The growing acceptance of alcoholism as a physical disability rather than a result of intentional misconduct or willful neglect should bring about greater emphasis on treatment of alcohol abusers in VA hospitals. A new and very long overdue DOD directive provides that an alcohol abuser in the military has the same rights as any other sick person and will not lose his pension, retirement, medical or other rights because of alcohol abuse.

It is estimated that alcohol abuse affects about 3 million veterans. The peak incidence is in the 45 to 55 age bracket, mainly World World II veterans. The Committee recognizes the magnitude of the problem and believes that more adequate VA resources must be made available for the treatment and rehabilitation of the alcohol abuser.

Training

The maintenance of professional treatment for alcohol abusers in VA treatment programs is of paramount importance. Each Alcohol Treatment Center encourages staff participation in nearby university courses, university summer schools, and provides in-service training to staff members. Innovative treatment approaches and evaluation of existing programs lead to the development of new treatment concepts and necessitate the continuance and expansion of education and training programs.

Research

The Veterans' Administration conducts one of the nation's largest programs of intramural alcoholism research through individual and cooperative studies. The primary concerns of this research are to develop a wealth of exchangeable information which can not only increase the amount of knowledge in the field but also maximize the effect of varying therapeutic techniques in order to eliminate the problem behavior of the alcohol abuser and help him develop effective coping mechanisms.

In spite of the high incidence of alcohol abuse in the nation, very few large-scale studies have been conducted to evaluate the effectiveness of different drugs used in the treatment of the alcoholic during the withdrawal period. About 25% of all patients undergoing treatment develop withdrawal symptoms (including delirium tremens and convulsions) that are severe and can cause death.

The VA contribution to solving these problems has been through two cooperative studies. The first, "Treatment of Acute Alcohol Withdrawal," was completed in 1969. The second, completed in 1971, was entitled "Treatment of Delirium Tremens." Both studies represent large-scale projects accomplished for the first time in this field.

The former study, involving 537 patients in 23 VA hospitals, established Librium (chlordiazepoxide) as the treatment of choice in the prevention of delirium tremens and convulsions. Seventeen VA hospitals participated in the latter study of 202 patients in the treatment of delirium tremens. The study compared the relative safety and efficacy of chlordiazepoxide, paraldehyde, perphenazine and pentobarbital. Although there were no statistically significant differences in the outcome among the four groups, the use of paraldehyde and chlordiazepoxide resulted in fewer terminations because of worsening signs or symptoms.

Sixty VA hospitals are now involved in 287 different research projects. In 1970 thirty-five VA hospitals reported 90 articles were published in professional and scientific journals. Research undertaken at the VA hospitals will continue to provide a wealth of information useful in the treatment of these patients.

The VA invests more than 70 million dollars a year in medical research conducted at approximately 130 different hospitals, many associated with medical or graduate schools. This year a total of six million dollars representing a coalition of resources from various agencies will go into research related to alcohol abuse and general drug dependence. This should increase already extensive VA contributions to studies and innovations in these fields.

DISCUSSION

NEED FOR THE BILL

At present, the Veterans Administration does not have the authority to treat drug and alcohol dependent veterans (or any veteran for that matter) with less than an honorable or general discharge, except under extraordinary circumstances. As a result, many thousands of veterans who have become addicted while in the service, primarily in Southeast Asia, have been denied the treatment and rehabilitative services which they need to cope with this tragic disability. The President, the Congress, the Veterans Administration, and the major veterans organizations are all in agreement that new legislative authority permitting the VA to care for all former members of the Armed Forces with drug-related disabilities is necessary. In addition, there is similar agreement that the VA needs legislative authority to provide both inpatient and outpatient treatment to drug dependent veterans regardless of a finding of service-connection, as well as significantly broadened authority to provide appropriate rehabilitative services, and to contract, where appropriate, for the provision of such treatment and services.

Defense Department programs and less than general or honorable discharges

In the summer of 1971, the Department of Defense established a drug abuse amnesty program. The major thrust of the DOD program is the identification and detoxification of drug dependent servicemen. The Committee believes that the extensive program of rehabilitation which must follow identification and initial treatment and which is essential to the successful readjustment to civilian life of a drug dependent serviceman is properly the responsibility of the Veterans Administration. The Committee substitute includes a provision for the voluntary transfer of servicemen upon request to VA facilities for appropriate treatment and rehabilitative services during the last ninety days of the individual's tour of duty. The bill also provides for an additional treatment period of specified duration beyond the required tour of duty at a VA treatment facility, if requested by the serviceman.

In addition to the amnesty program, the Department of Defense has instituted a new procedure to review and recharacterize to "under honorable conditions" discharges involving drug abuse given before the amnesty program was instituted. This recharacterization policy, however, applies only to those administrative discharges issued "solely on the basis of personal use of drugs or possession of drugs for the purpose of such use." Information made available to the Committee indicates that the review procedure has proven to be quite slow and burdensome. Between last August when the review program was established and the beginning of this year, only 976 "bad" discharges were reviewed by DOD and, of these, only 50 were upgraded to "under honorable conditions." This procedure has not provided an effective form of relief for the estimated 18,000 drug abusing addicted veterans who were discharged under other than honorable conditions prior to the institution of the amnesty program and therefore are ineligible for VA treatment. The Committee substitute would have the immediate effect of removing the bar to VA treatment for these men, as well as very substantially broadening the scope and location of the treatment and services provided for by the VA.

During hearings on this and other legislation, the representatives of many veterans organizations testified in strong support of the treatment of all drug addicted veterans regardless of the nature of discharge or finding of service-connection, and also favored a significant expansion of the treatment and rehabilitative services which the VA is authorized to provide to these men. In his statement to joint hearings of the Subcommittee on Health and Hospitals and the Subcommittee on Alcoholism and Narcotics, Mr. Francis W. Stover, the director of the national legislative service of the Veterans of Foreign Wars stated:

"What I am saying, Mr. Chairman, is that drug addiction among servicemen and veterans is a veterans' problem. It is the responsibility of the VA. The root cause of drug addiction and use among the majority of veterans is service in the Armed Forces. The Congress should make it clear that this veterans' problem be the responsibility of the VA, the agency of Government created specifically to care for those who have fought our Nation's battles and his widow and orphan.

In response to a question as to whether he favored the full treatment of drug-addicted military veterans, even though dishonorably discharged, Mr. Stover stated:

"Yes, if they are veterans. The VA should take care of them—rehabilitate them. These veterans are not heroes. But nevertheless veterans who desperately need help. The VA takes care of the aftermath of war and these drug addicted veterans are a part of the war's consequences. . . . We believe the full resources of the VA should be given to solve this problem, whether medical or otherwise. It seems ridiculous to limit the Veterans Administration capability to these drug centers. We think they should use every available resource and service to solve this problem."

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[1] Transferred from extended care hospital.

[2] Upgrading.

"If it is determined that the VA is not able to handle it within its own system and also to provide treatment in or near the veterans' community, I think there should be provision for utilization of community and other facilities."

Comprehensiveness of treatment and rehabilitation

The Committee strongly believes that legislation to expand the VA's authority to care for drug and alcohol abusing veterans must include a specific, comprehensive and long-term program of rehabilitation. For the first time under title 38, the Committee substitute would define "rehabilitative services" generally, as well as for addicted veterans, to include group therapy, individual counseling (including appropriate referrals for legal assistance), education and training, and educational and vocational guidance and job placement in addition to any other services necessary to assist the veteran in his successful recovery and readjustment.

The Committee also believes that such VA drug treatment legislation must emphasize a multimodality, community-based approach. Unless the present VA drug treatment program is improved and expanded in these directions, it is probable that the large numbers of veteran addicts who have thus far not sought out VA treatment will be unlikely to do so in the future.

Need to expand number of veterans served

The Committee recognizes that the Veterans Administration has very substantially upgraded its drug treatment programs and facilities in the last year. VA figures indicate that approximately 20,000 drug abusing veterans have been treated by the VA to date. Present VA plans contemplate the treatment of approximately 30,000 veterans in fiscal years 1975.

However, much of this treatment is confined to detoxification and methadone maintenance, without any effective rehabilitation efforts. And significant progress remains to be made in the numbers treated as well. The estimated total of veteran addicts in the country ranges from a low of 60,000 to 100,000 or more. The Committee notes that according to Defense Department figures, **between July 1, 1966, and December 31, 1971, over 21,000** servicemen received discharges termed for **"drug abuse." Unquestionably, a great many more servicemen discharged during this period** were, in fact then, or at some point during their service, drug abusers, but es**caped detection while in service. The breakdown by type of discharge is set forth in the following table:**

DRUG ABUSE DISCHARGES FROM THE ARMED SERVICES

Fiscal year	Totals	Honorable	General	Undesirable	Dishonorable
1967	147	8	20	119	--------
1968	1,036	114	336	586	--------
1969	2,998	257	1,085	1,501	155
1970	4,769	331	2,143	2,116	179
1971	7,658	1,052	4,725	1,881	--------
1st 6 [1] months of fiscal year 1972	4,478	865	2,865	748	--------
Grand total	21,086	2,627	11,174	6,951	334

[1] Estimates based upon applying ½ of the totals for calendar year 1971 to fiscal year 1971 (added to the actual figure for the half of fiscal year 1971) and ½ of such totals to the 1st half of fiscal year 1972. The totals available after fiscal year 1970 were on the basis of calendar years, not fiscal years.

The overwhelming difficulties faced by New York City alone indicate the continuing severity of the problem. There are between 85,000 and 200,000 heroin addicts in New York City alone. The Special Action Office for Drug Abuse Prevention considers 125,000 to be the best estimate of this addict population. The Addiction Services Agency of New York City estimates that a minimum of ten thousand of these addicts are veterans, who have not received any form of treatment.

As recently as June 30, 1972, the VA was treating only 585 veterans at its drug treatment centers in New York City. At the same time, local drug treatment programs were treating an estimated 3,500 veterans addicts; there were an additional 2,000 addict veterans on non-VA methadone maintenance program waiting lists, and an unknown number of such veterans on waiting lists for drug-free programs. To meet part of this need, the Veterans Administration has recently contracted with the New York State Narcotic Addiction Control Commission to provide drug treatment services to an additional 1,100 veterans.

Alternative treatment modalities

Currently, a major deficiency in the existing VA drug treatment units in New York, Los Angeles, and many other VA stations is that methadone maintenance is the only treatment modality available to veteran addicts in the accessible geographical area.

The adequacy of a drug abuse treatment program cannot be measured simply in terms of bedspace or the number of doses of methadone dispensed. The testimony at the joint hearings and indeed the entire weight of expert opinion on the problem of drug abuse indicates that effective drug treatment must stress a multimodality approach. The provision of only one modality of treatment—methadone maintenance—at VA stations such as New York City and Los Angeles has had the effect of denying VA care to veteran addicts for whom this modality is inappropriate.

The Committee is impressed by the medical and expert opinions it has received indicating that large numbers of veteran addicts are short-term addicts who have become drug dependent in a foreign land and that such individuals have a far better chance of recovery without methadone maintenance or other substitute drug dependency than the unfortunate longer term "street junkie" of our inner cities. Thus, the Committee substitute directs the Administrator to offer alternative treatment modalities to each veteran based on his individual needs.

Much is still unknown about the efficacy and the consequences of the maintenance modality of treatment. While maintenance appears to be appropriate and perhaps the only possible treatment for many addicts, there is the serious danger that maintenance will be excessively and unnecessarily relied upon as a drug treatment modality, simply because of the ease of its administration. The urgent social need to reduce street crime which results from widespread addiction—a need which the Committee feels is most pressing—should not obscure the grave responsibility of the Nation to strive for the maximum possible recovery and rehabilitation of veteran drug abusers, many of whom are young men with the potential for self-fulfilling, socially productive lives. To condemn such men to an addiction existence for many years, given the circumstances surrounding their addiction and their ages, seems to the Committee to be acceptable only as a last resort.

Treatment in community facilities

In addition, at the present time, the great distances which a veteran addict must frequently travel between his home and a VA treatment center is a significant deterrent to an individual who is otherwise motivated to seek VA treatment and rehabilitation services. Even the most motivated veteran addict, who lives 30 miles from a VA treatment center, is understandably discouraged by the prospect of a 60 mile round trip each time he visits the treatment unit.

Asked whether the VA should contract with non-VA programs and facilities to cope with this problem, the National Commander of AMVETS, Mr. Robert Showalter, testified:

"By all means, yes. Because of the geographical locations of some of the hospitals, it would mean that a veteran would have to travel 200 or 300 miles for outpatient care. So I do wholeheartedly agree that they should be contracted out to the agencies approved by the Government or the VA."

And Mr. Edward H. Golembieski, the director of national veterans' affairs and rehabilitation commission of the American Legion, testified as follows in regard to contracting with community-based programs to care for and followup on addict veterans:

While the recent advances by the VA in the treatment of addicted veterans are certainly commendable, the Committee is convinced that the Federal Government, through the VA, has a profound and continuing obligation to provide complete and comprehensive treatment and rehabilitative services to each drug dependent veteran who desires such care, particularly in view of the conditions in the Indochina theater which have proved so conducive to the addiction of Vietnam era servicemen. The VA does not now have that capability, and will not be able to develop it within its own facilities in the foreseeable future in all areas of the United States where such treatment is needed. Yet the need is there and must be met now. The Committee is convinced that the severity of the present veteran addiction problem requires that the resources of non-VA drug treatment programs of approved quality be utilized by the VA as soon as possible to the extent necessary to meet the full treatment need.

It is important to note that the Committee substitute requires that the Administrator contract only with those non-VA programs and facilities which he determines provide treatment and rehabilitative services consistent with those which the bill directs the Administrator to provide in VA facilities; and that the Administrator is required to contract with non-VA facilities only if the VA cannot provide promptly appropriate modalities of treatment as well as the required rehabilitative services. If the VA should develop the in-house capability to provide appropriate care to all veterans who request it, then there would be no need for the Administrator to contract with non-VA programs and facilities, and the Committee substitute does not require him to do so under such circumstances.

The Committee notes that the VA has stated: "We favor the basic contract authority to permit us to provide care and services in non-VA facilities, when appropriate." The Committee believes that it is not only appropriate but essential that such facilities be available to any drug dependent veteran to whom the VA cannot provide appropriate treatment and rehabilitative services within its own facilities.

The effect of the Committee substitute's provisions is that only if a veteran requests but is not promptly provided with appropriate treatment and rehabilitative services in a VA facility, or if he requests a particular modality of care which is not readily accessible in a VA program or facility is the Administrator required to contract with a non-VA program or facility for such treatment and rehabilitative services. In this way, no addict veteran will be denied VA care because an appropriate treatment modality is not accessible in a VA facility. Nor will addict veterans be forced to leave their communities and families to seek care in an unfamiliar environment. The evidence presented to the Committee indicates that the best place to bring about a veteran's rehabilitation is in his home community where the support of family and friends is available as well as the maximum assistance in terms of living arrangements, and so forth.

Community-based outreach efforts

In order to provide the greatest relevance, credibility, and accessibility to existing VA treatment facilities, the Committee substitute requires that the VA provide care in half-way house and other community-based facilities within its jurisdiction such as store fronts located in areas with large numbers of addict veterans, in addition to the already existing traditional hospital and outpatient clinic settings. As noted, the VA has already made a beginning in this direction.

To provide the extensive new treatment and rehabilitative services mandated by the Committee substitute to as many veterans as possible, the Administrator is provided the affirmative responsibility to seek out and counsel toward treatment and rehabilitation as many addict veterans as possible. The Administrator is authorized and urged to hire or contract for the services of ex-addict veterans to carry out this responsibility as effectively as possible. Likewise, in contracting for the services of non-VA programs and facilities, the Administrator is directed to give priority to community-based, multimodality treatment and rehabilitation programs which include former addict veterans as staff counselors.

Treatment of veterans involved in criminal cases

The Committee substitute would also provide for the provision of treatment and rehabilitative services to veterans charged with or convicted of criminal offenses, but who are not incarcerated or participating under court order, and for the on-going treatment of incarcerated veterans who were receiving treatment and rehabilitative services at the time of their confinement in a local jail. The responsibility of the Administrator to provide appropriate care to such an incarcerated veteran would continue until that responsibility is assumed by a non-Veterans Administration facility or program.

In addition, in order to provide the VA with maximum administrative flexibility, the Committee substitute also gives the Administrator discretionary authority to provide in VA facilities treatment and rehabilitative services for addicted veterans who would participate in the VA program as a condition imposed by the court, but to do so only where an individual case-by-case decision is made that the veteran's participation under such quasi-mandatory circumstances and conditions will not operate to impair the voluntary character of the particular VA treatment program. In adding this provision the Committee intended to strike a balance between the needs of the particular veteran under court jurisdiction and those of the veterans in the VA treatment program. Substantial testimony presented to the Subcommittee on Health and Hospitals urged that everything be done to ensure that VA programs not assume responsibility for any mandatory type of treatment. In this regard, the Chief Medical Director of the VA testified:

"Our facts thus far indicate the critical factor in rehabilitation of a drug user is his motivation, his desire to be rehabilitated. If, indeed, he is committed [by a court] and the desire is not present, and if, needed, the commitment acts as a restraint to motivation, then we would have very little assurance that they will be successful."

At the same time, the Committee was concerned about the situation in which the VA program might in some places be the only available or appropriate program and thus be the only alternative to continued incarceration of the veteran addict in question. Thus, treatment under certain conditions was authorized in the Committee substitute.

SPECIAL PROGRAM OF REHABILITATION

The Committee substitute establishes a Special Rehabilitation Program of education and training under chapter 17 for (1) a veteran discharged after January 31, 1955, with a discharge under other than dishonorable conditions or, if not covered under (1), then (2) for a veteran with a bad conduct or undesirable discharge (unless barred by section 3103 of such title) whose addiction was acquired or aggravated in service—giving the veteran the benefit of the doubt on this question. The veteran could continue participation in this special program, regardless of discharge, for up to one year after discharge from the program of treatment and rehabilitative services.

The Committee believes that the nature of a drug or alcohol disability requires the specific, personalized type of assistance which has characterized the VA chapter 31 vocational rehabilitation program if the addict veteran is to have a realistic chance of achieving employability and making a productive and personally rewarding readjustment to civilian life. The payment of costs of education and training which the Committee substitute directs the Administrator to underwrite for eligible addict veterans is particularly important to the successful rehabilitation of the many tens of thousands of addict veterans in the country today.

The Administrator would also be authorized—as he is under the chapter 31 vocational rehabilitation program—to assist in the rehabilitation of addict veterans by the maximum utilization and the expansion of VA facilities, the employment of additional personnel and vocational rehabilitation experts, by the cooperation with other Federal and state agencies for job referral, and by contracting with approved public or private institutions and programs for additional suitable vocational training facilities.

In addition, medical evidence as well as the experience of successful drug treatment and rehabilitation programs to date indicate that a modest substance allowance is necessary for a veteran who is undergoing what frequently must be a full-time program of treatment and rehabilitation and who cannot usually find or hold a job in the meantime. The process of recovery from drug or alcohol addiction is one of the most difficult readjustment processes. Therefore, the Committee substitute provides for the payment of a monthly subsistence allowance of not less than 75% of, nor more than, the full amount of the subsistence allowance provided under chapter 31 (Vocational Rehabilitation).

The Committee wishes to emphasize that eligibility for participation in this special education program does not reward the veteran addict. Rather, the Committee substitute recognizes that the addict veteran is suffering from a disability of a particularly severe nature, and seeks to provide the addict who is motivated to recover from his disability with the comprehensive vocational rehabilitation assistance needed to give him a realistic chance of substantial or complete recovery. It is indisputable that even the most complete treatment program is of little value to an addict who is not qualified for and cannot find a job.

Eligibility for the Special Rehabilitation Program is conditioned on the continued participation of the eligible veteran addict in either a Veterans Administration program or a non-VA program which the Administrator has approved, and, following discharge from such a program as recovered, upon the veteran's continued recovery from his addiction. Thus, a veteran addict participating in the Special Rehabilitation Program would have to stay basically "clean" of illicit drugs.

In addition, the participating veteran would "pay" a month's GI bill benefit entitlement (under chapter 34 of title 38) for each month he stays in the Special program. And, except for the very few post-Korean conflict addict veterans, who had exhausted all GI entitlement (36 months generally) prior to entering the Special program and those discussed in the following paragraph who do not achieve restoration of benefits, the funds expended by the VA on the veteran's rehabilitation would be money to which he would be entitled under the GI bill.

The Committee substitute also provides that a veteran with less than an honorable or general discharge who (1) has received the benefits of this special program, (2) is not eligible for benefits under chapter 31, 34, or 35 of this title due to a less than honorable or general discharge, and (3) has successfully completed the treatment and rehabilitation prescribed by the Administrator, and has been recovered for at least one year, will be considered retroactively eligible for any benefits under chapter 31, 34, or 35 to which the nature of his discharge has been the sole bar. The period of such a veteran's entitlement would be reduced accordingly and the amount of GI bill entitlement for the participation period transferred to the Special Rehabilitation Revolving Fund.

The Committee carefully considered and found unpersuasive the contention of the Veterans Administration that the rehabilitation for veteran addicts after treatment should be carried out within the present structure of the GI bill program. Rather, the Committee determined that an addict treatment program can have lasting effect only if fully integrated with a comprehensive rehabilitation program and that the relatively *laissez faire* approach of the GI bill was not generally well suited for the education and training of a recovered addict fresh from a treatment program. The testimony strongly suggested that the rehabilitation program for such an addict must be developed on an individualized basis in terms of the degree of recovery the addicted veteran is making or has made and thus requires extensive counselling, guidance, planning and direction not a standard part of the GI bill program.

The Committee was keenly aware of the pitfalls involved in expecting a former addict to have the control and internal discipline so soon after his detoxification to be able to marshall the monthly GI bill check to meet his basic needs and to select and progress in an appropriate course of education or training at an appropriate institution or establishment given the wide variations among each veteran's qualifications, potential and the extent of his recovery. In the same way, the Committee believed that the veteran addict would need some funds available for his subsistence after the VA had assisted him in selecting and pursuing an appropriate course of education or training and thus provided for the subsistence allowance, described above.

FUNDING FOR THE SPECIAL REHABILITATION PROGRAM: SPECIAL REHABILITATION REVOLVING FUND

The Committee substitute provides for the establishment of a Special Rehabilitation Revolving Fund in the Department of the Treasury in order to finance the Special Rehabilitation Program. Monies will be transferred into the Fund in two ways: 1) in the case of a veteran who is eligible for chapter 31, 34, or 35 benefits who participates in the Special Rehabilitation Program, the total amount of such benefits to which he would otherwise be entitled for the period of his participation will be paid into the Fund month-for-month; and 2) the Secretary of the Treasury is directed to transfer monies from funds appropriated for the VA medical program as may be necessary to inaugurate the Fund and ensure its solvency no more than $5 million in any one fiscal year.

The Special Rehabilitation Revolving Fund will be largely self-supporting because the bulk of the necessary monies will be transferred from the open-ended current and future appropriations for VA readjustment benefits under chapters 31, 34 and 35 of title 38. It would need augmentation from medical care appropriations only for those relatively few veterans who (A) have exhausted GI bill entitlements or (B) have undesirable or bad conduct discharges not qualifying them for VA benefits but who do qualify for drug dependence treatment because their addiction is held to have been aggravated or acquired in service and who do not subsequently qualify, by staying "clean" for a year after discharge as recovered from a VA treatment program, for retroactive restoration of GI bill eligibility.

This latter category includes, as previously noted, approximately 21,000 veterans who have received other than general or honorable discharges for drug abuse which have been in most cases (under VA policies) a bar to VA benefits. The Committee recognizes that some of these veterans will not be able to show that their addiction was acquired or aggravated in service and thus to qualify for the Fund that way, or to convince the VA, through the regular adjudication process, that their discharge was not under "other than dishonorable conditions", thus qualifying them for regular VA benefits, including the Special program. Those falling in this non-qualifying class, as well as all veterans with dishonorable discharges or those for reasons covered in the bars-to-benefits provision in section 3103 of title 38 would still be eligible for regular VA medical treatment and rehabilitate services under the basic provisions of the new subchapter—funded out of medical care appropriations.

In view of the Department of Defense amnesty program and the fact that large numbers of veteran addicts were undetected in service and therefore honorably discharged prior to the amnesty program, it is anticipated that the great majority of post-Korean addicts veterans will be eligible for the Special Rehabilitation Program. Thus, the thrust of the Special Rehabilitation Program is not to create a major new monetary benefit for veteran addicts, but rather to utilize creatively and fully existing benefit entitlements in order to extend to veteran addicts the type of comprehensive program of vocational rehabilitation they require. The Committee wishes to stress that in this way the Special Rehabilitation Revolving Fund will be maintained largely by funds which have already been legislatively mandated.

Monies from the Fund, in addition to the payment of a subsistence allowance, may also be used for payment to approved non-VA facilities and programs contracting with the VA to provide the special rehabilitative services required under the Special Rehabilitation Program. Payment to such contract facilities for the initial medical treatment of such a veteran addict would be provided out of funds appropriated for the VA medical program.

BUDGET LINE ITEM FOR DRUG AND ALCOHOL ABUSE TREATMENT AND REHABILITATION AND ANNUAL AUDIT

The Committee substitute requires that the VA annual budget include a separate line item for the treatment and rehabilitation of alcohol and drug dependent veterans under the provisions in the bill. In this way, the Committee seeks to insure that the funds which this bill would call for to provide for the urgently needed expansion of VA drug treatment programs are not diverted to meet the unexpected needs of other aspects of the VA hospital medical program. The budget item would include estimated expenditures both from medical care appropriations and sums set aside in the Special Rehabilitation Revolving Fund.

In addition, the Committee substitute directs that a comprehensive annual audit of the Special Rehabilitation Revolving Fund, and of all contracts with and payments to non-VA facilities and programs, be conducted by the Comptroller General consistent with the principles governing commercial transactions. The Committee believes that this annual audit and the report thereof will be of significant assistance to the Congress in assessing the effectiveness of the treatment and rehabilitation program carried out under the provisions in the Committee substitute, especially the operation of the Special Rehabilitation Program as financed by the Special Rehabilitation Revolving Fund.

TRANSFER OF ACTIVE DUTY SERVICEMEN TO VA FACILITIES

At hearings on September 9, 1971, the Committee was distressed to learn of a change in Department of Defense policy with respect to the transfer of active duty addicts during their service to VA facilities for treatment. Prior policy had permitted such transfers only when requested by the serviceman in question as one of three options: treatment in a military facility; treatment in a VA facility; "early out" separation. The revised policy offered him only two options: treatment in a military facility or treatment in a VA facility. The concern of the Committee is expressed in the following April 17, 1972, letter to Dr. Jerome Jaffe, Director, Special Action Office for Drug Abuse Prevention, Executive Office of the President, from Senator Alan Cranston, Chairman of the Subcommittee on Health and Hospitals:

APRIL 17, 1972.

Dr. JEROME JAFFE,
Director, Special Action Office for Drug Abuse Prevention, 726 Jackson Place, Washington, D.C.

DEAR DR. JAFFE: During your appearance before the Subcommittee on Health and Hospitals of the Veterans' Affairs Committee on September 14, 1971, you discussed the procedures followed by the Department of Defense in providing medical treatment to drug dependent separatees. Following the hearings you provided the Subcommittee with DOD directives on these procedures.

These directives indicate that the separatee is given the opportunity to choose between treatment in an Armed Forces facility or in a Veterans Administration facility. No other choice is open to him since the directive no longer permits an addicted serviceman to be processed under the "early out" procedure. The effect of this is that if he refuses treatment in an Armed Forces facility, the September 10, 1971, directives prohibit him from declining transfer to a VA facility; "Drug dependent personnel are not to be given the option of declining transfer by Armed Services Medical Regulation Office to Veterans Administration, although strong preference for another civilian treatment facility may be accommodated in appropriate cases." The Directive closes with the following sentence: "This message supercedes any previous instructions stating or implying that the drug dependent separatee may decline transfer to a Veterans Administration facility prior to discharge."

I do not see how any interpretation can be placed on this directive other than that some servicemen are being transferred through ASMRO to VA drug programs who do not want drug treatment at the VA facility. The effect of this directive will very likely be an overcrowding of the limited VA facilities by separatees in the last weeks of their service who have no inclination to seek treatment for their illness. At the same time, the 32 drug treatment centers of the Veterans Administration have waiting lists of veterans who are self-motivated to seek treatment. Using the limited resources of the Veterans Administration to care for these veterans would be far wiser, I believe, than using these resources for the temporary housing of members of the services who are assigned to them without electing, or even with a strong indisposition for, treatment.

A better solution to the disposition of the drug dependent serviceman about to be separated from the Armed Forces would be intensive counseling by an appropriate person followed by assignment to a DOD medical facility unless he voluntarily chooses assignment for the remainder of his duty to a VA or community facility and understands that such assignment involves a commitment on his part for a protracted treatment period that could last up to a year or more.

I think medical opinion is in general agreement that a treatment and rehabilitation program for drug abusers cannot be effective unless the patient himself is motivated to seek treatment. The Chief Medical Director of the Veterans Administration, Dr. Marc J. Musser, testifying on July 20, stated in connection with the related question of civil or criminal commitment: "Our facts thus far indicate the critical factor in rehabilitation of a drug user is his motivation, his desire to be rehabilitated. If indeed, he is committed and the desire is not present, and if, indeed, the commitment acts as a restraint to motivation, then we would have very little assurance that whatever our efforts might be that they will be successful."

And in your September 14 testimony, you stated in connection with the same question: "Involuntary civil commitment, as we know it today, might require additional specialized treatment facilities since those coerced into treatment often impair the effectiveness of programs designed for volunteers. Those addicts who require coercion should not be integrated into a regular treatment milieu for they destroy the therapeutic atmosphere for others."

I would assume that since the DOD directive of September 10 you have had some experience with the assignment of separatees to program for drug abusers cannot be effective VA treatment centers for drug addiction treatment and rehabiliation. It would be of great interest to the members of the Subcommittee if you could provide a report on the effectiveness of such a procedure in enrolling separatees in continuing programs of treatment after their discharge. (I understand that significant numbers of such servicemen upon receiving discharge papers just leave the hospital.) Please indicate in your report the number of those assigned to VA facilities who left at the end of their tours of duty without completing a treatment program and the number of those who voluntarily continued their treatment programs at the end of their tours of duty. The report should also indicate the capacity of the facility to provide treatment, the number of veterans seeking treatment at the facility, and, if possible, an estimate of the veteran population in the geographic area who are drug dependent and who if adequate outreach services were provided could be expected to seek treatment at the facility.

Thank you for your consideration of the points I have made and for your continuing cooperation with the Subcommittee.

Sincerely,

ALAN CRANSTON,
Chairman, Subcommittee on Health and Hospitals.

Although no reply has been made to the above letter, it is the Committee's understanding that the success rate of treatment for servicemen transferred to the VA for treatment because they do not wish to remain in a military facility (rather than that they *elect* VA treatment) has been extremely low. Because of this and the concerns expressed and the testimony quoted in the letter, the Committee substitute includes provisions authorizing transfer of active duty servicemen to VA facilities for treatment within the last ninety days of their service only if the serviceman specifically requests such transfer for a specified period of time (and any specified extension of that period) in writing.

MEDICAL CONFIDENTIALITY

The Committee was extremely concerned about the possibility that in the past a number of addict veterans who might otherwise have sought VA treatment have not done so for fear that the fact of their disability and information revealed during treatment would not be kept confidential.

The Committee has ample reason to believe that until recently the fear of many veterans about such VA disclosure of information relating to treatment for alcohol or drug dependence has, in fact, been well-founded. Prior to the enactment of P.L. 92-255, the "Drug Abuse Office and Treatment Act of 1972" (March 21, 1972), the Veterans' Administration regulations permitted the release of medical information pertaining to such patients to all other Federal agencies and to state unemployment and state health agencies at the request of such agencies. This release was often made without the veteran's consent. In cases where information was released without the veteran's consent, the veteran was not advised of this disclosure.

On the other hand, the application of section 408 of P.L. 92-255, rendering the records of the identity, diagnosis, prognosis, or treatment of any patient or ex-patient, maintained in connection with any drug abuse function confidential and authorizing their release for only certain very limited purposes and under prescribed conditions, has created several problems which, the Committee believes, require amendatory legislation. While we fully concur in the purpose of this confidentiality provision, its restrictive language has in some cases actually worked to the detriment to the patients concerned.

The following are some of the situations the VA has actually encountered that the Committee feels require the enactment of a somewhat broader authority to disclose records of drug treatment. Most of the following arose as an actual case or cases.

1. Several cases have arisen in which a veteran being provided drug treatment and rehabilitation by the Veterans Administration has faced criminal prosecution for a drug-related offense and his attorney has requested a statement from the VA to the effect that he has enrolled in its drug rehabilitation program, is continuing to receive treatment, and is progressing well. The attorneys desired the statements for use in the veterans' defense in attempting to obtain probation or a lesser sentence. Under section 408, the VA has been unable to provide such statements. Some of the more critical cases, such as where the person is in jail and the record of his participation in a VA drug treatment program is essential to obtaining his release, have been handled sympathetically by the VA's interpreting certain court officials as "governmental personnel" and his release from jail as a "benefit" within the terms of release exceptions under section 408.

2. For many years, representatives (recognized and accredited by the Veterans Administration) of veterans service organizations either named by the Congress or approved by the Veterans Administration and of the American Red Cross have, pursuant to law (now 38 U.S.C. Chap. 59), been recognized in the preparation, presentation, and prosecution of claims of veterans and their dependents and survivors under laws administered by the Veterans Administration. These accredited representatives have performed and continue to perform an invaluable service to veterans and their survivors, without charge to claimants. In the case of drug patients, section 408 precludes the VA from furnishing any information to or allowing the veterans' accredited representatives to review their clients' VA records. The net result of this provision is to deny these veterans the right to representation in connection with their claims before that agency.

3. Section 3404 of title 38, has also authorized, for many years, the recognition by the Veterans' Administration of attorneys of claimants and certain others in connection with the preparation, presentation, and prosecution of their claims under VA legislation. Section 408 similarly precludes the release of information from the records of drug patients to these attorneys. Although the VA has not reported any actual case in which the confidentiality provision of existing law has created a problem as regards attorneys in this setting, a similar broadening of the authority to make disclosure to these individuals is desirable to deal with this issue.

4. One of the most critical and difficult problems has arisen from the VA's inability to disclose drug-related information to prospective employers of these patients. It is well recognized that the rehabilitation of drug dependent individuals is not completed until the patient has been employed and is actively involved in a job and participating in society in general. In light of this, the VA has undertaken to contact potential employers, acquaint them with its program, and persuade them to employ partially rehabilitated drug patients. This activity has, according to the VA, worked very well and employers have been very willing to accept these drug patients as employees. Unfortunately, the confidentiality provisions of section 408 have, for all intents and purposes, completely stopped this effort since they preclude the VA from identifying drug patients as such in contacting employers and attempting to place the patients in jobs. It is readily apparent that this result is actually harmful to, rather than protective of, these veterans.

5. Throughout the country, registers are being kept of patients receiving methadone maintenance. In some cases, these are operated by State or municipal governments; in other instances, the records are kept by eleemosynary organizations or institutions; and in a few locations, private individuals maintain the registers. The purposes of the registers are to insure that a patient does not receive duplicate methadone dosages from more than one treatment center and thus injure or kill himself from an overdose, or to prevent the patient from selling the duplicate methadone dosage to others. Under section 408, with the patient's written consent, the VA now cooperates in most of these methadone registers under the authority to disclose information to "medical personnel for the purpose of diagnosis or treatment of the patient." The problem arises in connection with registers not maintained by medical personnel. Broadening of the law is necessary to provide clear authority for the VA to cooperate with all of the registers, whether or not maintained by medical personnel.

6. Where the patient is deceased, and the disclosure of such a drug abuse record, information, or fact is necessary for any of the survivors of such patients to obtain other benefits to which they may be entitled, section 408 precludes the VA from disclosing such information, which works as a hardship for the survivors. This information—where the drug patient may not have voluntarily requested in writing a waiver of confidentiality—may be required in order to develop claims for benefits to which the survivors are potentially entitled, under programs administered by the Federal Government, by other governments, by private industry, and by other entities. Again, although the situation has not arisen, specific language would be necessary to permit release of information looking toward the development of a potential claim where there has been an alleged malpractice action or other tort. There are, of course, other types of litigation with respect to which the now confidential information might also be essential.

To try to meet some of these concerns, the VA issued on July 12, 1972, VA Circular 00-72-19 "Release of Information under Drug Abuse Office and Treatment Act of 1972," which amplifies an earlier very restrictive issuance of April 20, 1972. The new Circular is as follows:

VA CIRCULAR 00-72-19

Subj: Release of information under Drug Abuse Office and Treatment Act of 1972.

1. Scope

This circular amends and amplifies Circular 00-72-10, which concerned section 408 of the Drug Abuse Office and Treatment Act of 1972, Public Law 92-255, and the release of information concerning patients from VA records maintained in connection with drug abuse prevention functions. Other interpretations are being considered and, as appropriate, will be forthcoming.

2. Background

Section 408 of the Drug Abuse Office and Treatment Act, PL 92-255, approved by the President on March 21, 1972, limits the disclosure of certain patient drug related information. These provisions were discussed in VA Circular 00-72-10, April 20, 1972.

It was recognized when that circular was issued that it did not answer many questions that would inevitably arise as the result of the law's provisions. I have asked the General Counsel to answer a number of questions. After discussing with the Special Action Office on Drug Abuse Prevention and the Department of Justice, he has provided me with the following interpretations and answers.

(1) Q. On what date did PL 92-255 become effective? Do the provisions of section 408 govern the release of information from records reflecting drug abuse treatment provided patients at any time prior to that date?

A. PL 92-255 became effective on the date of its approval by the President, March 21, 1972. The restrictions on the release of information in section 408 are limited in application to records stemming from "Drug abuse prevention functions" afforded patients on or after that date. The term "Drug abuse prevention function" as defined in the Act, is very broad and includes virtually any activity in any way related to drug abuse, i.e. education (counseling), treatment, rehabilitation, research, etc. However, the Administrator has determined that VA records disclosing drug use or drug abuse treatment provided patients at any time prior to March 21, 1972 (whether the record pertains to VA, one of the military departments, or others) will be handled in accordance with the spirit expressed in PL 92-255 with the one exception that such information may be disclosed to accredited representatives with a proper power of attorney, and attorneys representing the claimant.

(2) Q. Do the provisions of section 408 restrict the release of information between VA elements, i.e. from a VA physician to VA social workers, adjudication officials, etc.?

A. The law authorizes the disclosure of information, with the consent of the patient, to medical personnel for the purpose of treatment. All those VA employees who are part of the treatment and rehabilitative team are thus authorized to receive such information. Also, in VA form 21-526, the veteran specifically consents to the release of information concerning himself stemming from his examination or treatment. This will permit adjudicatory officials to examine the medical file when necessary to make a decision on the claim.

(3) Q. What type of written consent should be obtained from a patient being afforded drug abuse treatment in order to release information in accordance with subsection 408(b)(1)?

A. VA form 07-3288 "Request for and consent to release of information from claimant's records" should be executed by the VA patient or claimant. This form will be overprinted or stamped with the following legend:

"This information is released subject to the 'confidentiality' provision of section 408 of Public Law 92-255."

Until an appropriate stamp can be obtained, the legend may be added by typewriter to the VA form.

(4) Q. Subsection 408(b) (1) (A) authorizes disclosure, with the patient's written consent, of records to medical personnel for the purpose of diagnosis or treatment of the patient. Who is encompassed within the term "medical personnel"?

A. "Medical personnel" includes physicians, dentists, nurses, pharmacists, and paramedical and other supporting personnel.

(5) Q. Who is included within the term "governmental personnel" in subsection 408 (b) (1) (B)?

A. "Governmental personnel" includes personnel of the Federal, State, county, and municipal governments. Release of information to these officials, with the written consent of the patient, is authorized only for the purpose of obtaining benefits that they are attempting to aid the patient in securing benefits to which he is entitled. Again, release to such individuals will be made with the written consent of the patient or former patient has given written consent, the agency will be requested to furnish a copy of the consent for VA files.

(6) What does the term "Benefits" include?

A. Since the purpose of this provision is to aid the veterans concerned, the term "Benefits" should be interpreted liberally. Nevertheless, it will be necessary to determine in each case that some purpose beneficial to the veteran will be served through the release of the information to the governmental personnel. While it is not feasible to identify all potential benefits, that term will include welfare assistance, probation, parole (when the veteran is in custody of law enforcement officials it may be presumed that disclosure of the information will be beneficial unless circumstances clearly indicate otherwise), and efforts by a governmental agency to assist the patient in obtaining housing or employment, e.g. the special programs authorized by the Civil Service Commission for the employment of rehabilitated drug dependent persons.

(7) Q. Does the law restrict the release of drug-related information to persons representing claimants and patients, such as attorneys and representatives of organizations recognized under 33 USC 3402?

A. Information within the scope of PL 92-255, i.e. received after March 21, 1972, may be released to accredited representatives who are employees of a State government, who hold a power of attorney from, and with the written consent of, the veteran. Attorneys generally and accredited representatives who do not come within the term "governmental personnel" may not be afforded access to information within the scope of PL 92-255. Files in which there has been activity resulting in the generation of drug abuse information since the date of enactment of the law should not be released to accredited representatives of national recognized organizations, attorneys or a person recognized for a particular claim.

(8) Q. In some areas a centralized register is maintained of all patients, by name, on methadone maintenance programs. May the VA participate in such a registry program?

A. One of the purposes of these registers is to prevent a person on methadone maintenance from receiving too large a supply or too frequent a dose of methadone; thus, it is a part of medical treatment and VA information can be supplied to the control registers under that release authority. However, VA should obtain assurance from the control register that the confidentiality required by PL 92-255 will be maintained.

(9) Q. Without the patient's consent information may be released under section 408 (b) (2) (C) if ordered by a "court of competent jurisdiction." What courts meet this qualification?

A. For the purposes of the release of information in the custody of the VA, under this Act, a "court of competent jurisdiction" is any Federal court. If the records are sought to be used in a hospital collection case in which the plaintiff's attorney has agreed to include the Government's claim, an order issued by a proper court must be obtained even though the veteran has consented to release.

The foregoing limitation of a "court of competent jurisdiction" to a Federal court does not preclude disclosure of information in the custody of the VA to State or municipal courts in those situations where the veteran has provided his written consent and the release is sought for the purpose of obtaining benefits (as discussed in questions 6 and 7 above) since officials of such courts are considered to be "governmental personnel."

To alleviate the apprehension of veterans and to provide full protection for veteran addicts who seek and receive treatment and rehabilitative services from the VA, the Committee has included in the Committee substitute a strict medical confidentiality provision which provides criminal sanctions for unauthorized disclosure of information but which at the same time meets the legitimate needs for disclosure identified above. The Committee substitute requires that all records made or information divulged in connection with treatment and rehabilitative services, as well as the fact of such treatment, provided under the new subchapter, be kept confidential by the Administrator except under the following circumstances: (1) if a veteran voluntarily requested disclosure (A) to medical personnel for additional diagnosis or treatment, or (B) to his attorney, or (C) to government agencies or a named person or organization (i) to obtain benefits to which he is entitled or (ii) where a VA treatment facility director determines disclosure would clearly benefit the veteran; (2) if competent medical authority determines that the veteran is a clear and present danger to himself or others and that disclosure is necessary to alleviate this danger; (3) if the veteran is deceased and the Administrator determines disclosure is needed for his survivor to obtain a benefit or bring a lawsuit; or (4) if such disclosure is authorized by a court order.

The Committee was particularly concerned that these medical confidentiality requirements not interfere with the appropriate access of veterans' organization service personnel to VA treatment records. This was the single greatest problem arising as a result of the medical confidentiality provisions included in P.L. 92-255, and the Committee expressly intends that section 659(b) (1) in the new subchapter be construed to permit disclosure of necessary treatment records to veterans' organization service officers in connection with their representation of veterans in VA claims pursuant to powers of attorney when the veteran addict signs a separate release statement expressly by waiving the confidentiality provisions regarding addiction treatment. (Such a release statement and signature could be included as an additional specific item in the present standard VA power of attorney form.)

IMPORTANCE OF PROVIDING TREATMENT AND REHABILITATION TO ALCOHOLIC AND ALCOHOL DEPENDENT VETERANS UNDER THIS BILL

Although the VA is giving primary emphasis to the treatment of drug addicted veterans and public attention is now focused on that aspect of addiction, the Committee is greatly concerned by the fact that alcohol abuse affects an estimated 3 million veterans. Indeed, the Veterans Administration estimates that one third of the total alcohol abusing population are veterans. For far too long alcoholism has been the most prevalent and yet untreated disease in this country.

The Veterans Administration operates the nation's largest unified system of alcoholism treatment and rehabilitation. In 1969, for example, alcohol abuse and related disorders accounted for 13% of total VA hospital discharges.

The Committee believes that the VA should and must play a larger role in the stepped up national fight against alcoholism. The Committee substitute will enable the VA to utilize its enormous resources in this urgent effort to a far greater extent than it is now doing. The Committee wishes to stress that the treatment and rehabilitation of alcohol dependent veterans under the Committee substitute should in no way limit the ability of the VA to care for drug addicted veterans, because the VA is provided with the authority to augment its own facilities by contracting for the treatment of both types of addict veterans.

PSYCHIATRIC CARE AND READJUSTMENT MEDICAL COUNSELING

The Committee was convinced by extensive testimony developed at hearings on veterans readjustment conducted by the Subcommittee on Veterans Affairs at the end of the 91st Congress and hearings on this legislation and by medical evidence that significant numbers of Vietnam era veterans who are not addicts have nevertheless suffered severe psychiatric problems. These problems are frequently of a subtle nature and do not always manifest themselves soon after discharge. Therefore, the Committee substitute provides that a psychosis which arises within three years after discharge, rather than an active psychosis which arises within two such years (as at present), will be presumed to be service-connected. The effect of this is to authorize the provision of unlimited outpatient care for veterans meeting these criteria of disability.

In 1951, Section 602, containing the original active psychosis presumption, was added to title 38 by Public Law 82-239. The House-passed bill—H.R. 320—had included a three-year period for active psychosis and the Senate reduced it to two years—(See Rept. No. 749, 82d Cong., 1st Sess. 1951.)

The Committee is of the view that the same justification underlying the original provision for active phychoses arising from World War II and the Korean conflict should be applied to the types of psychiatric conditions which seem to characterize the Indochina War. The purpose and rationale of section 602 were described in the 1951 House and Senate committee reports as follows:

"The Committee is of the opinion that the bill is fully justified in view of the difficulty medical science has in tracing the exact causes of psychoses. The additional presumptive period would authorize service connection in many meritorious cases which are barred under existing law. The presumption is of course rebuttable when there is affirmative evidence to the contrary. . . . (H.R. Rept. No. 239, 82d Cong., 1st Sess. 2 (1951)).

"It is generally recognized that the disease of psychoses is not only an individual problem but involves broad social aspects as well. It is urgent that those who suffer from this unfortunate malady should receive prompt and complete institutional care and treatment. Although war veterans are now entitled to hospitalization by the Veterans' Administration for non-service-connected psychosis, their admission is subject to availability of beds and their inability to defray the expenses. . . . (S. Rept. No. 749, 82d Con., 1st Sess. 2 (1951))."

In addition, the Committee substitute directs the Administrator to provide readjustment medical counseling and appropriate follow-up care to Vietnam era veterans with other than a dishonorable discharge (or a discharge barred under section 3103 of title 38) upon the veteran's request. The purpose of this provision is to make fully available—and to encourage and facilitate the use of—the full resources of the VA's medical services to those returning veterans who feel the need for professional counseling to help them in their readjustment to civilian life.

In the sensitive field of psychological or psychiatric counseling, the Committee believes that availability and ease of access to such services must be emphasized and all unnecessary barriers removed. A recently returned veteran should know that help is available, and that if he asks for it his request will be speedily honored.

Under present VA law and regulation, a veteran is not eligible for outpatient care unless it is established that he is suffering from a service-connected condition or is in need of hospitalization. Under this new provision, all VA facilities to assist in readjustment will be made more visible and accessible.

The Committee believes that the provision in the committee substitute to provide readjustment counselling in all VA facilities under the general direction of the Department of Medicine and Surgery—taking full advantage of its 924 psychologists, 335 psychologists' attendants and technicians, 600 psychology trainees, 2115 social workers, 268 social worker assistants, and 479 social work trainees—can be of significant assistance to the successful readjustment of large numbers of recently discharged veterans, both addict and nonaddict.

CONCLUSION

The need for the type of approach embodied in the Committee substitute is summed up concisely and effectively in a June 26, 1972, letter to Senator Cranston from Dr. Jerome H. Jaffe, Director, Special Action Office for Drug Abuse Prevention, Executive Office of the President. The administration's chief drug treatment spokesman wrote as follows:

DEAR SENATOR CRANSTON: The press briefing of April 13th in New York City referred to in your May 11, 1972, letter, in its broadest perspective, addressed the severe situation faced by the people of New York City, its business leaders, and its social and political institutions in developing a totally coordinated health care delivery system for treating and rehabilitating the heroin addicted population of the City. Various authorities cite this population as ranging from 85,000 to 200,000 ("best estimate" at 125,000), many of whom are veterans. The message I hoped to convey at the press conference was that veterans should have access to all community-based treatment programs and not be restricted to what the local Veterans' Administration Hospital can offer at any one moment in time.

More importantly, your query concerning the general strategy which the government should employ to care for veteran addicts is timely. Title III of PL 92-255 requires the development of a general strategy for all federal drug abuse prevention functions by December 1972. We are now working with the Veterans' Administration to structure that part of the total strategy which will address the veteran drug abuse situation.

Some of the major issues which this strategy will address are:

(*a*) establishing and sustaining links and administrative vehicles for utilizing local community-based resources, both as an adjunct to the Veterans' Administration care delivery system for drug dependent veterans, and offering these veterans, through referral, a wider variety of treatment/rehabilitation modalities;

(*b*) establishing a broader variety of rehabilitation modalities at Veterans Administration treatment centers;

(*c*) establishing residential, therapeutic community facilities within the Veterans' Administration care delivery system;

(*d*) broadening the treatment base to include all veteran addicts, regardless of type of discharge;

(*e*) initiating cooperative Veterans' Administration, other hospital and medical institution research clinical studies;

(*f*) targeting Veterans' Administration capacities for skills training, supplemental education and job placement assistance for ex-addict veterans to lay a firm base for the rehabilitated veterans to resume a normal life style; and

(*g*) developing innovative outreach capability to induce drug dependent veterans into appropriate treatment/rehabilitation programs, regardless of who administers the program.

I appreciate your concern over improving delivery of treatment to heroin addicts who are veterans and hope you will continue to be in close touch with the Special Action Office whenever you feel we might be of assistance.

Sincerely,

JEROME H. JAFFE, M.D.,
Director.

COST ESTIMATES PURSUANT TO SECTION 252 OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

In accordance with section 252(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510, 91st Congress), the Committee, with the help of some technical assistance by the VA, estimates the following costs for carrying out the provisions of the Committee substitute in S. 2108 in fiscal years 1973 through 1977:

SUMMARY OF ANNUAL COSTS, S. 2108

[In thousands of dollars]

Item	Years after passage 1	2	3	4	5
Total	419,120	47,120	27,893	27,893	27,893
Hospital care	185	185	185	185	185
Domiciliary care	180	180	180	180	180
Outpatient care	11,136	11,136	11,136	11,136	11,136
Rehabilitation	391,200	18,200			
Outreach and counseling	2,027	2,027	1,000	1,000	1,000
Psychoses and readjustment medical counselling	15,392	15,392	15,392	15,392	15,392

Assumptions and estimates—S-2108

1. Veteran population Dec. 31, 1971:
a. Vietnam era, 5,597,000.
Post-Korean, 3,116,000.
2. Vietnam Era veterans:
a. Military discharges [1] for:
Drug addiction, 21,000.
Alcoholism, 1,000.
Total 22,000.
b. Veterans developing condition:
Drug addiction,[2] 60,000.
Alcoholism,[3] 150,000.
Total, 210,000.
c. Total eligible, 232,000.
3. Post-Korean Conflict veterans:
a. Drug addiction,[4] 10,000.
b. Alcoholism,[5] 84,000.
Total eligible, 94,000.

4. Estimated dishonorably discharged Vietnam era veterans having a drug or alcohol problem (from DOD), 800.

5. Costs:

a. Hospital care: Additional cost would be for estimated 200 patients at an average of 25 days @ $37, $185,000.

b. Domiciliary care: Same as for hospital care except an estimated 50 members @ $3,600 per year, $180,000.

c. Outpatient care: Fee cost per outpatient visit, $11.00; Administrative costs, $9.00; Total cost per visit, $20.[6]

40 percent [7] of total eligible (232,000) will use outpatient facilities and will average 6 visits a year—number of veterans, 92,800.

Formula—92,800 x $20 x 6 visits, $11,136,000.

d. Special Rehabilitation: S. 2108 provides to all Vietnam and post-Korean veterans with general or honorable discharges plus certain with undesirable or bad conduct discharges the following: Professional counseling, education and vocational guidance, education and training, job referral and placement, work for pay through arrangement with private industry, intensive skilled services.

Transportation associated with rehabilitation: (a) Estimated cost per veteran for these services (does not include cost of initial and followup medical treatment), $3,000; [8] (b) Number who will use service: (1) Vietnam era veterans, 37,600; [10] total 130,400.

(c) Formula: 130,400 at $3,000,[12] $391,200,000; 26,000 [11] at $700, $18,200,000; total cost $409,400,000.

e. An estimate of the first year cost for a counseling program to reach and help the veterans identified above, is as follows:

(a) Department of Medicine and Surgery requirements: 92 ex-addict counselors (GS 4-6) at each VAH not now employing them, $825,240; 37 ex-addict counselors at DOD drug rehabilitation centers, $331,890.

(b) Department of Veterans Benefits requirements 100 ex-addict counselors at U.S. Veterans Assistance Centers, $897,000.

Total cost: (229 FTE), $2,027,130.

f. Service-connected psychoses: Presumes that a psychosis developing within three years of discharge from service is to be service connected. This is an extension of 1 year, i.e., present law presumes 2 years from discharge from service. Specific data are not available which show the number of veterans having a service connected psychosis found to exist within 2 years of discharge from military service. The best estimate of the number of such eligible persons since World War II is 4,000 cases. The extension to three years should produce an additional one-third more or 1,300 cases. 1,300 at $27 per day for 320 days a year,[13] $15,392,000.

FOOTNOTES

[1] Data obtained from Department of Defense.

[2] Estimated by VA drug and alcohol service.

[3] Estimated 6 percent of 2,500,000 alcoholic veterans.

[4] Estimated 16.7 percent of number of age 44 or less veterans discharged from VA hospitals for treatment for opium addiction during 6 months ending December 1971. This percentage applied to 60,000 Vietnam era veterans with drug addiction.

[5] The proportion (2.7 percent) of the Vietnam era veterans who are alcoholics to total Vietnam era veterans was applied to total Post-Korean veteran population.

[6] Based on present fee basis cost for service-connected outpatient treatment and administrative costs estimated to be 45 percent of total cost of outpatient care.

[7] Based on experience of veterans on compensation and pension rolls utilizing VA outpatient facilities from House Print No. 86, 92nd Congress.

[8] Estimate based upon information supplied by VA Mental Health and Behavioral Sciences Services and the National Institutes of Mental Health, H.E.W., one year, one time.

[9] Same as number who will get outpatient care.

[10] Same proportion of eligible Vietnam era veterans who would use service.

[11] Estimated 20 percent would require additional rehabilitation beyond one year at $700 per person.

[12] Virtually the full rehabilitation cost for veterans in the Special Rehabilitation Program would be financed from GI bill entitlements. For example, the estimated $3,000 12-month rehabilitation cost would be fully covered if the educational assistance allowance under chapter 34 is increased to $250 as included in S. 2161 as passed by the Senate on August 3, 1972, which is pending in the House.

[13] The VA was unable to provide any esti-

mate of the cost for the readjustment medical counseling provision. The committee believes that this $15.4 million for service-connected psychosis is probably considerably on the high side and would be sufficient to cover added costs under readjustment medical counseling (for example, $6,000,000 would provide for basic counseling at $50/veteran, for 100,000 veterans plus more intensive additional counseling, at $100/veteran, for 10,000 of those veterans needing more intensive help). The committee believes that much can be accomplished in this area by the more effective utilization of the VA's psycho/social staff within DM & S, entailing only minimal additional expenditure.

SECTION-BY-SECTION ANALYSIS OF COMMITTEE SUBSTITUTE

Section 1. Establishes the short title of the act as the "Veterans Drug and Alcoholic Treatment and Rehabilitation Act of 1972."

Section 2. Subsection (a).—Amends section 601(1), which defines the term "disability" for purposes of chapter 17 (Hospital, Domiciliary and Medical Care) of title 38, to include alcoholism and drug dependence within the meaning of "disease."

Subsection (b).—Amends section 601, which sets forth definitions for purposes of chapter 17, by adding a new paragraph (2) to define the term "veteran" specifically for the purposes of the furnishing of hospital care and medical services under that chapter for a service-connected disability. For that specified purpose under the new definition, veterans with undesirable discharges (as long as the nature of such a discharge would not involve any of the conditions specified under the bars-to-benefits provision of present section 3103) would be made eligible for such care and services. Under the new definition it is possible that a very few veterans with bad conduct discharges not imposed by a court-martial proceeding would also be made eligible for such specified care and services. The new definition would not in any way alter the ineligibility of a veteran with a dishonorable discharge for such services under chapter 17, for which such a veteran is presently ineligible even for a service-incurred disability.

Subsection (c).—Amend section 601(6) (as redesignated by subsection (b)), which defines "hospital care" for purposes of chapter 17, to include "rehabilitative services" (which is defined in a new paragraph (9) added to present section 601 by subsection (f)) within such definition.

Subsection (d).—Amends-section 601(7) (as redesignated by subsection (b)), which defines "medical services" for purposes of chapter 17, to include "rehabilitative services" within such definition.

Subsection (e).—Amend section 601(8) (as redesignated by subsection (b)), which defines "domiciliary care" for purposes of chapter 17, by rewriting such definition to include rehabilitative services within such definition and to make clear that such term includes "necessary medical services".

Subsection (f).—Amends section 601 by adding a new paragraph (9) defining "rehabilitative services," which is defined to include "such professional counseling, educational and vocational guidance, education, training, and job referral and placement services (including therapeutic work for remuneration through arrangements with private industry, and essential transportation associated therewith), and such other intensive skilled services applied, on an inpatient or outpatient basis, over such a protracted period as may be necessary to assist the patient to return, as soon (and as completely rehabilitated) as practicable, to his or her family and community as a productive, self-respecting, and self-sustaining member of society."

The reference to therapeutic work for remuneration through arrangements is intended to make clear the authority to engage in such activities as are and have been carried out at VA facilities at Los Angeles, Palo Alto, and Menlo Park, Calif., and other stations, as to which programs the VA is currently conducting an extensive review to determine the need for more extensive statutory authority. In the interim, the VA has assured the Committee that no such therapeutic work arrangements will be discontinued or significantly reduced. The Committee looks forward to receiving a full report on the VA study as soon as it is completed.

Section 3.—Amends section 602 which establishes a presumption of service-connection for active psychoses developed within 2 years after discharge from the service, to establish such presumption in the case of any psychoses developed within 3 years of such discharge.

Section 4. Subsection (a).—Amends subchapter II of chapter 17 by adding a new section 612A (Eligibility for readjustment medical counseling).

New section 612A. Subsection (a).—Directs the Administrator (except in the case of veterans with discharges falling within the bars-to-benefits provision of present section 3103) to furnish, under chapter 17, readjustment medical counseling and appropriate follow-up care and treatment, to any such Vietnam era (a veteran with service after August 5, 1964) veteran who requests such counseling in order to assist in his readjustment to civilian life; and also directs the Administrator, in cooperation with the Secretary of Defense, to take all appropriate actions under the outreach services program, provided for in present section 241, to insure that all veterans eligible for such counseling are advised of such eligibility and encouraged to take full advantage of it.

Subsection (b).—Amends the table of sections at the beginning of chapter 17 to reflect the addition of the new section 612A made by subsection (a) of section 4 of the Committee Print.

Section 5.—Amends section 618, which authorizes certain therapeutic and rehabilitation activities to direct the Administrator to take appropriate action to make it possible for patients receiving rehabilitative services in VA medical and domiciliary facilities to take maximum advantage of their GI bill entitlements under chapters 31, 34, and 35.

Section 6. Subsection (a).—Amends chapter 17 by adding a new subchapter VI (Special Medical Treatment and Rehabilitative Services for Alcoholism, Drug Dependence or Alcohol or Drug Abuse Disabilities).

New Section 651.—Establishes a definition of the term "veteran" for purposes of this new special subchapter and thereby establishes eligibility for treatment and services under such subchapter for any person discharged from active military service, regardless of the nature of discharge (and regardless of the bars-to-benefits provisions of present section 3103) who has an alcoholism, drug dependence or alcohol or drug abuse disability (hereinafter referred to as the drug disabilities) without any need for a finding of service-connection in connection with such disability.

New section 652.—Sets forth the basic provisions governing the provision of treatment and rehabilitative services for veterans suffering from one of the drug disabilities.

Subsection (a).—Directs the Administrator to furnish any veteran suffering from one of the drug disabilities with such special medical treatment and rehabilitative services or hospital and domiciliary care as he finds reasonably necessary to effect the veteran's recovery and rehabilitation.

Subsection (b).—Specifies that treatment and rehabilitative services under the new subchapter shall include "medical examination, diagnosis, and classification of disability, all appropriate short-term services for the acute effects of the disability, alcohol and drug withdrawal treatment, group therapy, individual counseling (including appropriate referrals for legal assistance), educational and vocational guidance, and crises intervention. . . ." It also specifies that such treatment and services shall be made available in VA directly administered hospitals, domiciliary facilities, and outpatient clinics as well as halfway houses and other community-based facilities, and in non-VA public or private facilities under contract with the Administrator.

Subsection (c).—Directs the Administrator to offer alternative modalities of treatment to each such veteran receiving treatment and rehabilitative services under the new subchapter (whether in VA or contract facilities) and specifies that the alternatives offered shall be based upon the individual needs of each such veteran.

Subsection (d).—Directs the Administrator to contract for treatment and services under the new subchapter to give the greatest feasible priority to community-based, multiple-modality programs employing former addict counselors and specifically Vietnam-era veterans (as defined in present section 101(1)) and to include in such contractual arrangements the carrying out of maximum outreach efforts to identify and counsel veterans eligible under the new subchapter.

Subsection (e).—Directs the Administrator upon receiving an application for treatment and services under the new subchapter from a veteran with an other than honorable or general discharge to (1) advise him of his right to apply to the appropriate military service to obtain a review of the nature of his discharge wtih a view toward removing any bar to eligibility for the receipt of veterans benefits under title 38; (2) advise him of the current military policy regarding a review of discharges received in connection with alcohol or drug abuse offenses; and (3) advise him of all programs under title 38 and any other law to which he is or would be entitled if he had a general or honorable discharge. The subsection also directs the Administrator to offer, and, if requested, to provide any veteran within the provisions of the new subsection all appropriate assistance needed to facilitate the process of preparing and filing with the military an application for a review of the nature of his discharge.

Subsection (f). Paragraph (1).—Sets forth a special entitlement to treatment and services for any Vietnam era veteran under conditions specified in paragraph (2) of the subsection.

Paragraph (2).—Provides that in the case of a Vietnam era veteran with one of the drug disabilities (1) if he requests but is not promptly provided treatment and services in a VA-directly administered program, or (2) if there is no such VA facility or program readily accessible to the veteran and he requests treatment in a non-VA facility or program approved by the Administrator (as providing treatment and services consistent with all the provisions of the new subchapter), then in either case such a veteran is entitled to the Administrator paying to such non-VA program or facility the reasonable value of the treatment and services provided consistent with all the provisions of this subchapter (including such rehabilitation as may be provided under the Special Rehabilitation Program established by new section 654), when the non-VA facility is approved by the Administrator as providing treatment and services consistent with all the provisions of this subchapter in accordance with standards established in regulations which he prescribes (as to drug abuse, with the concurrence of the Director of the Special Action Office for Drug Abuse Prevention).

Paragraph (3).—Provides that payments for treatment and services in non-VA facilities under paragraph (2) shall be made from funds appropriated for medical care of veterans and, where the veteran is eligible for the Special Rehabilitation Program established by new section 654, from the Special Rehabilitation Revolving Fund established under new section 655.

Subsection (g). Paragraph (1).—Directs the Administrator to provide (either in VA-directly administered facilities or programs or those under contract with him) for treatment and services in the case of certain veterans eligible under the new subchapter who are involved in criminal proceedings as follows: (1) for a veteran under criminal charge or conviction who is not confined and who is not required to participate in a treatment and rehabilitation program by any court of competent jurisdiction; (2) to the maximum feasible extent furnish necessary drugs and medicines for any veteran incarcerated in a local jail who was receiving treatment and services under the new subchapter immediately prior to incarceration when prescribed by the attending physician with adequate safeguards against abuses; and (3) continue furnishing such drugs and medicines to a veteran under (2) until the Administrator determines that responsibility for appropriate treatment will be assumed by a non-VA facility or program.

Paragraph (2).—Authorizes the Administrator to provide (either in VA-directly administered facilities or programs or those under contract with him) for treatment and services to any veteran under the new subchapter who has been criminally charged or convicted and who is required to participate in a treatment and rehabilitation program by a court of competent jurisdiction, but only under such conditions as the Administrator determines, on a case-by-case basis, will insure that the veteran's participation in the particular program will not impair the voluntary nature of the services provided other patients in such program.

New Section 653. Subsection (a).—Directs the Administrator to utilize all VA resources to seek out and counsel toward treatment and rehabilitation all veterans eligible under the new subchapter, especially those of the Vietnam era.

Subsection (b).—Directs the Administrator, to the maximum extent feasible, to contract for the services of or employ former addict veterans and authorize such employment or contracts without regard to United States Code title 5 provisions regarding appointments in the competitive service at pay rates without regard to the title 5 classification procedures and General Schedule pay rates, and to provide such veterans with all necessary job training.

Subsection (c).—Directs the Administrator to carry out, in consultation with the Secretary of Labor and the chairman of the Civil Service Commission, an affirmative action program under which all Federal agencies, private and public firms and persons would be urged to provide maximum employment opportunities for veterans provided treatment and rehabilitative services under the new subchapter who are determined to be sufficently rehabilitated to hold gainful employment and, in coordination with the Secretary of Labor, to attempt to place such veterans in such employment opportunities.

New section 654.—Establishes a Special Rehabilitation Program of education and training for certain veterans eligible under the new subchapter.

Subsection (a).—Directs the Administrator, pursuant to regulations he shall prescribe and in accordance with all the provisions and limitations in the new subchapter, to provide for all post-Korean conflict (those with service after January 31, 1955) veterans eligible under the new subchapter and whose discharges are under other than dishonorable conditions, a special program of rehabilitative services patterned after education and training programs for vocational rehabilitation under present chapter 31. This subsection also makes eligible for the Special Program any post-Korean conflict veterans with an undesirable or bad conduct discharge who is not otherwise eligible and who is suffering from a drug or alcohol abuse disability when the Administrator determines that such disability was acquired or aggravated in service. The duration of services under the Special Program established by this new section cannot exceed one year following discharge from the treatment and rehabilitation program as recovered.

Subsection (b).—Directs the Administrator to pay to veterans in the Special Rehabilitation Program under subsection (a) an allowance not less than 75 percent, nor more than 100 percent, of the current subsistence allowance provided under chapter 31 (presently $135). Such allowances will be paid from the Special Rehabilitation Revolving Fund established under new section 655.

Subsection (c).—Provides that any benefit payments made to the Special Rehabilitation Revolving Fund in the case of any veteran will serve to reduce proportionately such veteran's benefit entitlement on which such payments were based.

Subsection (d).—Limits a veteran's total period of participation (both before and after recovery) under the Special Rehabilitation Program established by the new section 654 to a total of 24 months except in extraordinary cases where the Administrator, in accordance with regulations he shall prescribe, approves an additional period and payment of such additional subsistence allowance as he determines necessary for a veteran to continue reasonable progress toward his rehabilitation goal.

Subsection (e).—Provides for the partial restoration of GI bill benefits (under chapter 31, 34, or 35 of title 38) for a veteran not eligible for those benefits who has successfully completed the prescribed rehabilitation program and remains recovered for at least a year after his discharge. Under this subsection, such veteran—for example, a veteran with an undesirable discharge—would become eligible for readjustment benefits to which he would have been entitled had his discharge been honorable or general, and such eligibility would be restored retroactively to the day such veteran entered the Special Rehabilitation Program. Such restoration of eligibility would continue only so long as a veteran remained in a recovered condition insofar as his disability was concerned.

Subsection (f).—Provides that any veteran who, while receiving benefits under the Special Rehabilitation Program established by the new section 654, was not generally eligible for GI bill benefits because of the nature of his discharge and who later becomes eligible for such benefits as a result of a review and correction of such discharge by the military will have the total number of months of his GI bill entitlement (restored by such review and correction) reduced by the total number of months of his participation in the Special Rehabilitation Program. For example, a veteran who had served at least 18 months would generally be entitled to 36 months of chapter 34 GI bill benefits. If such veteran had a disqualifying discharge but later became entitled to his period of earned entitlement and had participated for 12 months in the Special Rehabilitation Program, his total remaining GI bill entitlement would be 24 months.

Subsection (g).—Provides a cut-off of eligibility under the Special Rehabilitation Program established by the new section 654 of eight years after a veteran's discharge or the date of enactment, whichever is later.

New Section 655. Subsection (a).—Establishes in the Treasury of the United States a Fund known as the Special Rehabilitation Revolving Fund for the purpose of financing the Special Rehabilitation Program established by and carried out under new section 654.

Subsection (b).—Provides that there shall be transferred from the readjustments benefits appropriations item to the fund an appropriate monetary amount in the case of a veteran provided services under the Special Rehabilitation Program who is entitled to GI bill benefits (including the restoration of any benefits based on recovery as provided under new section 654(e)) as follows: the dollar amount of GI bill allowance for each month or portion thereof during which the veteran participated in such rehabilitation program. For example, in the case of a veteran with a general or honorable discharge who participated in the Special Rehabilitation Program for the maximum 24 months, (given the present GI bill rate of $175 for a veteran with no dependents) there would be transferred from the readjustment benefits account to the funds $4,200 ($175 x 24). Further, in the case of the example cited above under section 654(e), a transfer of $2,100 ($175 x 12) would be made from the readjustment benefits account to the fund based upon the retroactive restoration of GI bill entitlement for such veteran.

Subsection (c).—Directs the Secretary of the Treasury to transfer to the fund from medical care appropriations $5 million within 30 days after enactment and thereafter such sums from such appropriation item (not in excess of $5 million in any one fiscal year) as the Administrator determines and certifies as necessary to maintain the solvency of the fund.

Subsection (d).—Continues the availability until expended of amounts transferred or paid into the fund.

New section 656. Subsection (a).—Specifies that all financial transactions made in connection with the Special Rehabilitation Revolving Fund and with contracts with and payments to non-VA facilities and programs under the new subchapter shall be audited annually by the Comptroller General of the United States in accordance with general accounting principles and that the Comptroller General for the purposes of such audit shall have access to all books, records, documents, and things in connection with such transactions necessary for such audit.

Subsection (b).—Specifies that the expenses of any audit under the new section 656 shall be borne out of General Accounting Office appropriations and authorizes such additional appropriations to the GAO as are necessary to conduct any such audit.

Subsection (c).—Requires the Comptroller General to report to the Congress no later than six months after the close of each fiscal year, the results of such annual audit and specifies the scope of the audit, including a statement of future assets, liabilities, capital and surpluses or deficit, an analysis thereof, a statement of income and expenses and of sources and application of funds, and general information necessary to inform the Congress of the financial status of the fund and of non-VA facilities and programs receiving payments under the new subchapter. The Comptroller General's report would also contain appropriate recommendations by him, including a report of any impairment of capital or lack of sufficient capital, particularly for the Special Rehabilitation Revolving Fund. A copy of each such audit will also be furnished to the Administrator of Veterans' Affairs.

Subsection (d).—Directs the Comptroller General to carry out his audit responsibilities so as to comply with the provisions respecting medical confidentiality set forth in new section 659.

New section 657.—Requires a line item in the President's annual budget submission showing the estimated VA expenditures under the new subchapter, broken down so as to reflect expenditures for medical care appropriations and from the Special Rehabilitation Revolving Fund.

New section 658.—Establishes procedures and requirements regarding the transfer and treatment therein of active-duty servicemen to VA medical facilities in connection with one of the drug disabilities.

Subsection (a).—Provides for the transfer of an active-duty serviceman with one of the drug disabilities to a VA medical facility for treatment pursuant to mutually agreed upon terms between the Secretary of the military Department concerned and the Administrator and subject to reimbursement by such Service. Such transfers are authorized only within the last 90 days of a tour of duty. After such a transfer, a serviceman would receive treatment and rehabilitative services on the same terms and conditions as prescribed for a veteran in the new subchapter.

Subsection (b).—Requires the Administrator to report periodically to the Secretary concerned regarding the progress of the treatment of each serviceman transferred and to release such serviceman back to the Secretary concerned when the Administrator finds that the disability is stabilized or certifies that the member is refusing to comply with reasonable terms and conditions of treatment or that treatment would otherwise no longer be beneficial to such serviceman.

Subsection (c).—Prohibits transfers under new section 658 unless the serviceman in question specifically requests transfer for a specified period of time within his remaining tour of duty and does so in writing and further prohibits the extension of such treatment beyond such specified period of time unless the serviceman specifically requests a specified extension and such request is approved by the Secretary and the Administrator.

New section 659.—Establishes very specific and generally protective requirements with respect to the maintenance of confidentiality regarding treatment and rehabilitation under the new subchapter.

Subsection (a).—Establishes the principle that, notwithstanding any other law, all records made or information divulged in connection with treatment and rehabilitation under the new subchapter shall be kept confidential by the Administrator and that the record, information, or fact of treatment may be disclosed only for the limited purposes and under the circumstances expressly authorized in new section 659.

Subsection (b).—Permits disclosure under the following circumstances: (1) if the veteran voluntarily requests in writing a waiver (*a*) to medical personnel for diagnosis and treatment, (*b*) to his attorney, or (*c*) to Government personnel or a named person or organization (for example, a veterans' organization) (i) in connection with the veteran patient or his successors obtaining benefits or (ii) when the Director of a facility responsible for treatment and rehabilitation determines that disclosure would be clearly beneficial to the veteran; (2) when the veteran is determined, by competent medical authority to be a clear and present danger to himself and others and disclosure is necessary to alleviate such danger; or (3) when the Administrator determines that disclosure is necessary for the survivor of a deceased veteran to obtain benefits through legal action. The extent of disclosure is specifically limited by the exact factual context and will be only as complete as absolutely necessary to carry out the specified purpose for which for which the information is disclosed.

Subsection (c).—Permits disclosure for other purposes if authorized by an appropriate court order under a good cause procedure and establishes the criteria for weighing the factors for and against such disclosure. When granting disclosure under this subsection, a court is directed to impose appropriate safeguards against the unauthorized use or disclosure of material covered by the court order.

Subsection (d).—Imposes upon the Administrator the responsibility to insure that any record, information, or fact of treatment under the new subchapter shall not be disclosed in any manner or for any purpose or with any effect adverse to the interests of the veteran by either the VA or any person, program or organization carrying out VA responsibilities, unless such disclosure is specifically authorized under subsection (b) or (c) of the new section 659.

Subsection (e).—Authorizes the release of purely statistical data compiled without reference to name or other identifying (either directly or indirectly) characteristics.

Subsection (f).—Continues in effect the procedures of new section 659 with respect to any former patient under the new subchapter regardless of his present patient status.

Subsection (g).—Establishes civil fines for unauthorized disclosures identical to those provided for in P.L. 92–255.

New section 660.—Requires the Administrator to submit the Congress six months after enactment and thereafter on each September 1 a report on the implementation of the new subchapter, broken down separately with respect to alcoholism and drug abuse disabilities, and an evaluation of the effective alternate treatment and rehabilitation modalities provided under the new subchapter. The report will also include (1) numbers of patients treated, (2) average duration of treatment, (3) estimates of successful rehabilitation and recovery, (4) an analysis of rehabilitation experience, (5) a full accounting of receipts and disbursements of the Special Rehabilitation Revolving Fund and an estimate of the amount of medical care appropriations to be transferred to the fund in the next fiscal year, (6) a description of outreach and employment efforts, (7) a full accounting of payments to non-VA facilities and an evaluation of services provided therein, (8) experience under the medical confidentiality provisions, (9) new program plans, and (10) any legislative recommendations.

Section 6. Subsection (b).—Amends the table of sections at the beginning of chapter 17 of title 38 to reflect the addition of the new subchapter added by subsection (a) of section 6.

TITLE AMENDMENT

Amends the title to eliminate reference to chapter 31 of title 38 in the long title of the bill.

Mr. CRANSTON. Mr. President, in closing, I want to express my appreciation to the Veterans' Administration General Counsel's office, particularly Al Bronaugh and Charles Johnston, to the Office of Legislative Counsel, particularly Hugh Evans, and to the printing clerk of the committee, Harold Carter, for their extremely competent assistance in the preparation of the bill. And I wish to pay special thanks to the leadership on both sides of the aisle for the speed with which this bill has been brought before the Senate for action.

CONCLUSION

Mr. President, in passing this bill today, the Senate will be taking its strongest action to date toward helping veterans with drug and alcohol abuse disabilities who have been unable or unwilling to receive treatment and rehabilitation services from the Veterans' Administration. The comprehensive approach in this bill is badly needed, and I know that the House Committee, chaired by my good friend, Olin Teague of Texas, who authored the initial piece of legislation in this field, will give careful consideration to the Senate provisions.

I urge all Senators to support the provisions of the S. 2108 Committee substitute which we are about to move be inserted in place of the text of H.R. 9265, the House passed bill.

Mr. President, I ask unanimous consent that the article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 28, 1972]

Postwar Shock Besets Veterans of Vietnam

(By Jon Nordheimer)

San Francisco, Aug. 20—The flight from Saigon and Danang reach California in 18 hours, telescoping night into day and into night again, and the big jet transports drop out of the gloom of the Pacific sky to land at Travis Air Force Base as another sunrise rims the high peaks of the Sierra Nevada range far to the east.

On board the planes are sleepy young soldiers, members of the dwindling force of American troops in Vietnam, coming home from a war in a strange land where they had served with gradations of comprehension and devotion.

They step out on the chilled tarmac and stretch and shiver. The temperature is more than 30 degrees cooler here in northern California than it had been the day before in Vietnam.

It is the first shock of reentry for the Vietnam veteran. In the coming months, as he goes out into America and tries to pick up the threads of the life he had left behind, there will be more.

For it is now becoming clear, at a time when it is almost too late to do anything about it, that a significant number of Vietnam veterans are encountering serious readjustment problems on return to civilian life that, for some at least, is as severe a test of emotional stability as any stress they encountered in the service.

The ailment has been called the post-Vietnam syndrome, or PVS, but the term is not sufficiently broad to encompass the wide range of emotional problems that some of the veterans are experiencing.

HARD TO DEFINE

Just what Vietnam service does to a young man emotionally is difficult to define, but it is related to the shattering experience of war itself, with the added ingredient that this war, unlike others, does not give many of the men who wage it feelings of patriotism, or even purpose.

The men who suffer post-Vietnam syndrome are not dramatically ill. They do not go berserk or totally withdraw. Instead they are bewildered, disillusioned, unable to cope. Their problems usually crop up after they leave the service and previous indications of trouble almost always went untreated by the military.

For the last few years, the Government has declared that the special circumstances of combat in Vietnam produced the lowest psychiatric casualty rate in the history of modern American warfare. The Defense Department contended that the rate of mental breakdowns was 12 per 1,000 troops; the corresponding rate for Korea was 37 per 1,000, and in World War II it was 101 per 1,000.

These figures are hotly disputed by private physicians who have made empirical studies of the PVS, and the debate has taken on political overtones that chilled the issue, with the Government digging in to defend its policies against what is perceived in Washington as an attack by critics of the war.

Essentially, the Government has viewed the problem as mild compared with the staggering number of combat-zone breakdowns that occurred among World War II servicemen. The critics have countered that what they describe as the Government's blindness and intransigence, produced by a desire to gain public support for the Nixon Administration's war policy, were contributing to a mental health disaster for the more than three million soldiers, sailors and airmen who had served in Vietnam.

SERIOUS SOCIAL PROBLEM

There is evidence that the problem is more pervasive than has been acknowledged by the Government, and may indeed be building to a social problem of serious magnitude.

Yet it is equally apparent from an extensive survey that the problem is slow to develop and difficult to identify and that its complexities defy easy explanations.

One interpretation advanced in some psychiatric quarters is that guilt over participation in a war many see as immoral is disturbing the veteran upon his return home.

Unquestionably, that is a source of dislocation for some of the better educated and more sensitive veterans as typified by the outcries of the Vietnam Veterans Against the War, and to some extent it may be detected in many others who have made no overt antiwar expressions and may even support the country's Vietnam policies, the survey showed.

But for the majority of the emotionally distressed veterans it would appear that the restive nature of American society itself is a contributing factor, and the rapidly changing values the veteran finds at home, the hostility of his peers, the guilt of his parents and the lack of interest of his community may combine with a poor job market to keep him off balance from the moment he takes off his uniform.

A psychiatrist compared the difficulty of the Vietnam veteran to a boy at an amusement park. "He has spent an exhausting day on the scariest, most dizzying thrill rides with apparent success, but he finds it impossible to step aboard a moving merry-go-round. His equilibrium has been upset, and he can't perform a simple task of balance. When he pukes, the people watching him can't figure out why such a simple exercise is so unsettling."

AN UNKNOWN FACTOR

The survey made clear that in the majority of cases the emotional disorders of men who have served in Vietnam showed up not in the combat zone but, rather, after the return to the United States. This, unlike other wars, has been the chief psychiatric phenomenon of Vietnam for the American soldier.

In some hospitals, more than 80 per cent of the mental patients suffered breakdowns after discharge from the military service. What is not known, when these figures are compared to past experience, is to what extent the greater sophistication about mental illness has contributed to a willingness among veterans to seek professional help than in the past.

Another finding was that the Government has been less than diligent in providing resources to investigate the nature of emotional illness that the veteran brings home from Vietnam and to deliver health care services to him.

Although the rate of full-blown psychosis among Vietnam servicemen has been low, and in line with what would be expected among this age group in the general population (for schizophrenia, about 8.5 per 1,000) the emotional problems in the greater number of cases have been characterized by anxiety, disillusionment, confusion, apathy and listlessness—fairly mild disorders that nonetheless can be as disabling in a social setting as schizophrenia.

Only infrequently does the ailment reach a point where the individual becomes a problem to society and is remanded for psychiatric care. Usually, because the Vietnam veteran tends to come from a low socio-economic or minority group where his tensions and fears cannot find easy access to mental health care, his "odd" behavior or inactivity simply goes unnoticed or is dismissed as inconsequential to the community's safety.

This lack of access, it has been found, has led to the growing usage of drugs by the veteran back in the United States whether he had been addicted in Vietnam or not. The availability of drugs in this country, as it had been in Vietnam, can offer instant escape from tensions and anxiety, whether these fears have been created by the weapons of war or the more subtle hazards of civilian life.

Moreover, it was found that bureaucratic red tape and the lack of a focus of resources have cut psychiatric services to the veteran, should he seek help. The Veterans Administration has only in the last year officially recognized the scope of the problem and moved to adjust its program of care for the emotionally disturbed veteran. Yet a shortage of qualified psychiatric personnel still makes the V.A.'s 165 hospitals largely dependent on the dispensing of tranquilizers as the primary treatment schedule.

STAFFS ARE STRAINED

The best and most effective treatment of the PVS, when it is detected, would appear to be sympathetic counseling, which is what the V.A. has attempted to introduce in the last year, but the professional staffs have been strained by the rising number of veterans seeking help, particularly in the urban areas where they are doing more counseling work with drug addicts.

Another drain on manpower is the large number of neurological casualties coming home from Vietnam—men with damaged brains whose lives have been saved by the new technology of surgery and medicine but who have been deprived of the mental resources to care for themselves.

In 1967, only a small number of the V.A.'s 80,000 hospital beds were occupied by Vietnam veterans; by 1972, more than 50,000 psychiatric in-patients from Vietnam had been cared for and a larger number sought help in outpatient clinics, and admissions have grown each year.

Dr. Marc J. Musser, chief medical director of the Veterans Administration, who oversees the nation's largest total health care system, conceded in an interview that the veterans "usually have to get in pretty bad shape before they'll turn to an institution like ours for care."

He said that the V.A. was caught short by the differences in needs between the younger and older veterans, that the changes to provide care for "the new breed" were being implemented in hospitals around the country and that hospital directors had been encouraged to experiment with new programs. He remains unconvinced, however, that the differences have meaning beyond the generational approaches to life, he said, and added that the dire mental health development predicted by critics of the war had failed to materialize.

MORE CANDID VIEWS

While V.A. administrators in Washington minimize the extent of the PVS, some experts on regional V.A. staffs, the men and women personally involved with veterans, are convinced that the figures used in Washington are more revealing of political pressures than reality. For the most part, these physicians were reluctant to express their views publicly for two reasons: They feared bureaucratic reprisals for challenging the views of superiors and they felt that the absence of hard research on the problem left them exposed to challenges that their conclusions could not be supported by documentation, which they concede.

At the same time, however, they point out that the V.A.'s own evidence is scanty and rests solely on research done with veterans whom it has made contact with and little or nothing is understood about the countless troubled veterans who shun V.A. assistance because the agency represents the system the veteran is reacting against at home.

"If you're all messed up inside," remarked one V.A. psychiatrist, "it's pretty hard to seek help in a Government hospital where the first thing you see is the picture of Richard Nixon on the wall, the guy who sent you to Vietnam in the first place."

There were others with wide experience in the V.A. system who have become largely independent of it and consequently were more candid about the nature and scope of the problem.

"I'd say that 50 per cent of the men returning from Vietnam need some form of professional help to overcome the problems of adjustment," asserted Dr. Cherry Cedarleaf, a senior staff psychiatrist on a leave of absence from the V.A. Hospital in Minneapolis.

"That's not to say that one out of two veterans is crazy," she explained in an interview, "but that a sizable number of young men are returning to society as unmotivated, listless and apathetic individuals who would benefit from counseling."

Dr. George F. Solomon, an associate professor at Stanford University who has been attached for 10 years to the psychiatric research wing of the V.A. Hospital in Palo Alto, Calif., insisted that the Vietnam psychiatric casualty rate defended by the Government was "utterly misleading." He referred to the statistic that only 12 soldiers out of 1,000 broke down under stress in Vietnam.

A PROBLEM FOR SOCIETY

"I've worked with lots of veterans outside the hospital and you see a lot of things that never come to the attention of the V.A.," Dr. Solomon said in an interview.

"I think the V.A., within the limitations of its bureaucracy and budgeting and the fact that it was designed for another era, is trying," he went on. "But I don't think this problem should be perceived as just another problem for the V.A.—it should be a problem for society at large."

He said that the military services had failed to follow through on cases of emotional illness that become manifest in Vietnam. In most cases, he said, soldiers who break down there are returned to duty after a period of rest and the individual is regarded as normal unless the problem resurfaces or becomes exaggerated.

Moreover, he noted, soldiers displaying emotional symptoms are often given expeditious administrative discharges, branded as disciplinary problems instead of psychiatric. Military drug abuses are considered medical cases, he said, when they should be evaluated in relation to the stresses in Vietnam that led them to seek solace in drugs.

"I have strong feelings that drug-taking behavior prevented psychiatric casualties that otherwise would have been manifested in more traditional ways," Dr. Solomon said. "Heroin is a powerful tranquilizer."

SIGNALING FOR HELP

No one knows how many of the veterans who experience re-entry problems had first signaled for help while still in the military. The Defense Department has not published studies on the subject and, as far as could be determined, has not commissioned any.

There is no follow-up. If a soldier breaks down for one reason or another, he is considered cured if he starts acting rational after a reasonable period of rest.

An understanding of the mood of the returning Vietnam veteran is dependent on some knowledge of his Vietnam experience and the multiple pressures and frustrations he encounters on his return home. This is set forth here, based on scores of interviews across the country with veterans, physicians and Government officials.

The italicized segments are based on conversations with Vietnam veterans who are psychiatric patients in V.A. hospitals or who have had serious adjustment problems. The segments are interspersed here because they illuminate some of the dominant psychological problems that afflict the Vietnam veteran.

NORMAN

"Why are they afraid of us? Family, friends and strangers? Why do they ask us questions about how many people we killed? I killed a few, but I don't want to talk about it. It was self-preservation. Why can't they understand that and let us alone?"

The one-year tour of duty in Vietnam has been cited as the chief asset in keeping psychiatric casualties low. From the day he entered the country, the American soldier knew the exact date of his departure, and all his efforts were directed toward surviving the next 365 days.

This knowledge was especially comforting if the individual, as was true in a great number of cases, did not support the cause he was asked to risk his life for, or if he felt the military was restrained from exercising its full might against an ambiguous enemy, further jeopardizing his personal safety. The result is that the soldier had no investment in the war and its outcome other than his own survival.

There were other advantages that militated against emotional trouble. The United States enjoyed superior fire power and controlled the skies over Vietnam. There were no enemy air or artillery bombardments, except at temporarily besieged outposts, that placed prolonged stress on the "grunt" in the field. There was also the awareness that, if wounded, the soldier could be evacuated within minutes by helicopter, and that fewer than 3 per cent of those who arrived alive at the base hospital later died. These were powerful therapeutic factors contributing to the mental health of the men in the field.

Still, there were breakdowns in the field, and in all of the years of fighting in Vietnam there were more emotional problems that came to the attention of the medical units than the combined total of those who had been killed or wounded by the tangible acts of war.

CARY

On his way into the field for the first time in Vietnam, Cary witnessed another marine cradling a dead buddy and sobbing beyond comfort. "I promised myself I'd never let that happen to me. I'd play the loner and not get attached to anyone who is going to get killed. It was like I lost all respect for love. So I built a wall around me." The wall crumbled one summer day below the DMZ. "Alpha and Bravo companies were wiped out and we were sent in to pick up the bodies. After three days in the hot sun the bodies stunk. I picked up one and the arms came off in my hands. All the time we were under fire. I couldn't help myself. I just went to pieces."

The history of military psychiatry dates back to World War I when "shell shock" was considered to be the physical impact of an artillery round's concussion on the brain, resulting in eccentric or hysterical behavior. By World War II, "battle fatigue" was interpreted by Freudian psychiatrists as a manifestation of deep, inner personality conflicts, and casualties were moved from the front lines to the safety of hospitals and the rear, and yet the illness persisted and even deepened.

The cumulative lessons of the two World Wars and Korea were refined into a plan of treatment and put into practice in Vietnam. Essentially, the thesis was that mental breakdowns in the field were due as much to physical exhaustion as to any other cause.

The patient was confined to bed rest as near his unit as possible, and impressed always with the fact that he was going back to duty as soon as possible. He was never evacuated to the rear, where his guilt over deserting his outfit might reinforce his fixation, unless he was a psychotic and helpless.

NERVOUS EXHAUSTION

This treatment of "nervous exhaustion" produced impressive statistical results and perhaps prevented more serious psychic damage. Yet the long-range effect on the soldier who returned home fully aware of his moment of mental collapse is not known. Ronald Glasser, a former Army medical officer who wrote the book "365 Days," which recorded the experiences of physicians in Vietnam, raised that point.

The new treatment works, he wrote. "The men are not lost to the fight and the terrifying stupidity of war is not allowed to go on crippling forever.

"At least, that's the official belief. But there is no medical or psychiatric follow-up on the boys after they've returned to duty. No one knows if they are the ones who die in the very next firefight, who miss the (boobytrap) wire stretched out across the tract, or gun down unarmed civilians. Apparently the Army doesn't seem to want to find out."

Military psychiatrists identified three major periods of stress for a G.I. in Vietnam: when he first arrives and is overcome by culture shock and his illusions about the war are shattered; when he goes off on his rest and recreation leave, and the last month of duty when he has to sweat out the final days of survival so he can go home alive.

"Everybody has the date he's going home circled on his calendar and the emotion is very extreme because he's getting out and leaving his buddies in the unit," observed Eleanor Kyle, a chief social worker in the V.A.'s medical and surgical program in Washington.

"There's some guilt about leaving them, but the desire to survive is greater. What effect these strong emotions have on a person's mental health is something we don't know. Some of the guys can't handle it, but many do quite well."

RICHARD

"When I was on short-time calendar was when I got all messed up in my head. I had 10 days left in my tour and they ordered me to go on bunker duty with a bunch of [new guys]. I said I wasn't pulling, not with a bunch of new guys, they'll get me killed, but they put us out there anyway. Imagine, me with 10 days to go. I was scared. I wouldn't let any of them stand guard duty alone. They would've fallen asleep and gotten all of us shot. I sat on top of that bunker for 10 straight nights, sweating out every minute. I started smoking for the first time in my life and I still haven't broken the habit, and that was two years ago."

The soldiers who survive are flown to California with the mud and dust still on their shoes. They are in a hurry to get home and they get their wish, reaching the living rooms of America in less than two days from the war zone. They are processed for discharge at the Oakland Army Terminal in four to six hours by an assembly line of doctors and clerks set up in an old post office building that looks like a cargo shed.

The new veterans are the lucky ones—the survivors—coming home sound in body from a struggle that has killed more than 38,000 of their number and wounded 303,000 more. But the war's casualty list does not end at the gate to the Oakland Army Terminal.

"THE GOOD OLD DAYS"

There are no bands there. No welcoming committees of grateful citizens. There is a black ghetto, the smell of industrial wastes, and usually a long line of traffic backed up to the ramps of the Bay Bridge to San Francisco. For the young men who pass this way, the cab ride from Building 640 to the airport is the slowest thing that has happened to them since leaving the jungles of Vietnam barely 24 hours earlier.

"One advantage of the good old days of World War II," remarked Dr. Jonathan Borus, of Walter Reed Army Research Center, who believes he is the only Army psychiatrist to have done extensive research on the problems of the returning Vietnam veteran, "was the troop ship that took three weeks to a month to come home. A man had more time to go through the transition of change, and he could have some of his fantasies about home knocked down by the other guys.

"And in the States he spent a few weeks in a processing center, which broke him gradually into civilization before he got home. Now events move too rapidly. My God, the Marines even brought them home in jungle fatigues."

PAUL

"I'd write home and tell my parents I had been in a firefight, and when I got home I found out they actually thought I spent the year in Vietnam fighting forest fires. We'd sit around those first few days watching the war news on television and my dad would say, did you do that? And I'd say, Yeah. I did that. I had to do that to go on living. And my folks got scared, man. They thought their little boy was a killer."

A lot of the veterans were having trouble at home before they entered the Army, and any expectation that things had magically changed was dissipated a few days after their discharge.

Dr. Carl R. Stuen of the psychiatric staff at the V.A. hospital in Tacoma, Wash., studied a group of disturbed patients who had served in Vietnam and learned that more than 80 percent had enlisted in the service and had not been drafted. Correlating this with other background data, Dr. Stuen speculated that enlistment had been an attempt to escape problems at home or with society, or was viewed as a way to "find a place to belong—to create an identity."

In another V. A. study compiled by Dr. Gayle K. Lumry and Dr. Gordon A. Braatz of the psychiatric staff at the V. A. hospital in Minneapolis, which contrasted the Vietnam veteran against his World War II counterpart, it was found that the incidence of schizophrenia was lower among the former group (Vietnam). But the proportion of personality disorders had climbed from 35 per cent (World War II) to 54 per cent (Vietnam).

SUICIDAL ACTS ON RISE

In large measure because of the battlefield treatment of such cases, the incidence of a classical combat neurosis like hysterical paralysis has nearly disappeared in Vietnam, Dr. Lumry said in an interview. However, there has been a corresponding rise in suicidal acts, which she suspects is related to dramatic social changes in the society and not in the combat experience.

And because the nature of the draft from 1964 to 1969 tended to draw men from the minorities and lower economic ranges of whites, she noted, this crop of veterans is more ill-prepared than perhaps any other in the ability to gather forces, shape plans and cope with a complex society and rapid transition from military to civilian life.

Dr. Lumry agreed that her findings, like the Stuen report in Tacoma, were based on research done with patients who for one reason or another had sought help from the Government, and no data existed on the faceless veterans who have remained silent and unidentified.

Still, the Tacoma and Minneapolis studies have formed the core of the V.A.'s response to the problem and the conclusion that the Vietnam veteran has not been greatly disturbed by his combat experience and that those who have suffered mental breakdowns or severe depressions had either a predisposition to mental illness or had encountered problems at home that could not be worked out in a satisfactory manner.

SONNY

Sonny said he had wanted to enlist in the Marine Corps at 17 to make his father proud. "I wanted to turn Vietnam into a grease spot and I dreamt about coming home a hero to tickertape parades. Maybe if I came back with only a single row of ribbons I'd be proud, like I had done something for my country." His Vietnam tour ended unheroically. A corporal in his outfit struck him and he lost the sight of one eye. He tried to resume high school after his medical discharge but "could not stand the looks of my classmates when they found out I had been in Vietnam." He could not find work. One night at a party he took mescaline for the first time. "The bathroom turned into fields of Vietnamese I had killed and all I could see was blood all over the walls and the floor, and the bodies of gooks grinning at me." A few nights later he swallowed 48 sleeping tablets. "I couldn't commit suicide in a violent way. It had to be in a soft, gentle way. I had my stomach full of violence." Friends found him and rushed him to a hospital.

The PVS proponents have charged that the Government's refusal to accept Vietnam as a trauma that has had a profound and lasting psychological impact on a considerable number of veterans has resulted in a policy of official neglect to the young men it had asked to serve the country.

Dr. Robert Lifton of Yale, Dr. Gerald Caplin of Harvard, Dr. Chaim Shatin of New York and Dr. Peter Bourne of Atlanta, among others, have detected disturbing elements among nonpsychotic veterans that they feel are quite unlike the disorders that developed after other wars. Significantly, these physicians have worked primarily with veterans who have been reluctant to seek help in the V.A.'s wards and clinics. Their conclusions, while they do not consistently share one another's views, point to a malaise that is directly traceable to the Vietnam experience.

Dr. Lifton referred to "psychic numbing," the inability to love, and Dr. Shatin mentions the "grief of soldiers," the compounded shame and guilt over surviving a war where so many others had perished. And there is the question of the morality of the war itself.

MICHAEL

Michael is embittered by those veterans who express guilt over the war. He thinks they are copping out, placing the blame on Vietnam when the problem really exists deep within themselves. He sees his own troubles that way, and yet in long conversations his thoughts always seem to return to Vietnam and the agony and sweat of the war there. "I was in Vietnam three days. I was 18 years old. And we found this G.I. hung up by the river and he was shot in the knees and the shoulders and the VC had cut out his groin. They were like animals. You had to get down to their level."

He was wounded on one patrol and left for dead until his cries summoned back his unit. "But the worst for me was a chopper lift into the Horseshoe south of Danang. We were trying to land and rounds were coming through the floor. The chopper was cut up so badly we had to return to the landing zone and board another and head back into the whole goddam mess again. A friend of mine—Whitey, we called him—got killed before the chopper even landed. He got hit in the head and I held him in my arms and I swear to God I didn't even know where I was."

The tour changed his attitude about the war, which he now calls "such a stupid, wasteful thing." Back in this country he began having blackouts and unexplained attacks of anxiety. He lashed out blindly at friends. "I got to hate what I was, a sort of semimercenary. I wouldn't even wear the uniform if I could help it. It was like everyone thought you were a killer or something worse."

He works now as a lineman for New York Bell Telephone Company and believes he has his problem under control with the help of 100 milligrams of Librium a day. "Just enough to knock the edge off my nerves, just like a good shot of whiskey." But the Librium has not stopped the recurring nightmare that is always the same. He is wounded and covered with blood and the mud of Vietnam, and he sees the VC moving silently through the eel grass toward him. He screams for his buddies to come back and help, but they are all dead. Overhead, in a circling helicopter, is Whitey, but he, too, is dead.

The veterans keep returning and slip back into America with no bands playing and almost without notice. They land in California, heavy with sleep, and are processed for discharge in Oakland.

"We can separate 225 bodies a day here, 24 hours a day, seven days a week—it's efficient as hell," says Capt. Barbara Parker, the base information officer. "The paperwork is routed into data processing machines in one direction and the bodies go off in another direction and the two meet up at the end, all packed up and ready to go home."

The men are issued final paychecks and leave on a journey to retrace the steps that carried them one year earlier to an uncertain war. On their way off the base, they pass Warehouse 4, the mortuary, where other military travelers from Southeast Asia are also processed, awaiting final shipment home in crated wooden coffins.

When the paperwork is complete, the men are gathered in a briefing room where 10 color combat photographs taken in Vietnam hang on the pale green walls, and a chief warrant officer named Edward Terwilleger cautions them about excessive taxi rates to the local commercial airports.

Then Warrant Officer Terwilleger stiffens and says: "Gentlemen, on behalf of the President and the Chief of Staff, thank you very much for your service. Dismissed."

VETERANS DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1972 IS NECESSARY LEGISLATION

Mr. RANDOLPH. Mr. President, one of the stark tragedies of the Vietnam war is the residual destruction of young lives through the addiction of drugs and alcohol. These veterans are, in a sense, war casualties who are wounded or killed without honor, without purpose and, in far too many cases, without the care and treatment accorded other veterans.

I am a cosponsor with Senator CRANSTON and Senator HARTKE of S. 2108, and I commend the able Senator from California and the able chairman of the Committee on Veterans' Affairs for their total dedication to the problems of controlling addiction and providing treatment and rehabilitation. It has taken us many years and cost thousands of wasted lives to come to the realization that the alcoholic and the addict are not criminals solely because of their addiction. The prescription of punishment is slowly being superseded by the scientific knowledge that addiction is an illness and must be treated as such.

This bill would for the first time consider alcoholism among veterans as a treatable disease in the same manner as other disabilities. It also would eliminiate a Catch 22 situation in treating those veterans with dishonorable discharges who are addicted. In many cases, this addiction led to a dishonorable discharge, yet existing authority prevented treatment.

S. 2108 would authorize the treatment and rehabilitation of veterans and exservicemen with an alcohol or drug dependence condition in an humane and hopeful program. It would broaden both the eligibility and the type of services which could be provided, and it permits appropriate treatment services outside the Veterans' Administration hospital.

As a member of the Senate Committee on Veterans' Affairs, I have long felt that the barriers to easy access to psychological and psychiatric counseling should be removed. The veteran, or any person addicted to drugs, suffers from such low self-esteem that in many cases he cannot, or will not, brave the stigma of a mental hospital. To reach him or her, it is sometimes necessary to provide treatment in less formal and less rigidly structured surroundings.

Mr. President, I hope that this bill will be speedily enacted into law and swiftly implemented by the Veterans' Administration. Every tick of the clock that these diseases go untreated means another second of life that thousands of veterans unnecessarily dwell in a hellish world of fear and fantasy, and robs our society of uncounted moments in which these unfortunate humans could be functioning, productive citizens.

Mr. BOGGS. Mr. President, as a cosponsor of S. 2108 I wish to express my strong support for this legislation which would improve treatment and rehabilitation programs for veterans suffering from drug dependence or alcoholism.

I can think of no more urgent problem requiring our attention than drug abuse and I cannot think of a group which we have a greater obligation to assist than our veterans. Whatever their reason for becoming dependent on drugs or alcohol may be, they have rendered a service to their country and we have a responsibility to help them back on the road to successful rehabilitation.

S. 2108 would make it possible for us to fulfill this obligation to the best of our ability. VA services provided to addicted veterans would be greatly expanded beginning with outreach programs designed to reach veterans in need of treatment, through appropriate treatment programs, to special vocational rehabilitation and counseling programs. The Veterans' Administration has done a commendable job so far in each of these areas, but the task is a big one and there are still a large number of veterans who are not being reached.

This legislation would facilitate drug treatment for veterans who need it in a number of ways. First, it would provide that drug treatment and rehabilitative services would be available to any veteran who needs them regardless of his discharge status or whether his dependence is service-connected in the usual sense. It would also permit addicted active duty servicemen to volunteer for VA treatment and rehabilitative programs during the last 90 days of their tour of duty. We cannot afford to ignore any drug dependent veteran. The costs of doing so are too high for the individual and for society.

Nor should any addicted veteran be discouraged from seeking help because of a lack of VA treatment facilities in his own community. I am, therefore, happy to note that this legislation emphasizes that VA drug treatment facilities be located at a reasonable distance from any veteran's home. This might mean a halfway house or a store-front center for outpatient care. Or treatment might be provided at established VA hospitals where 12 new drug dependence treatment centers are scheduled to be opened this fiscal year, or at satellite clinics currently under consideration. Where this variety of facilities still does not reach addicted veterans seeking help, the VA is encouraged under this legislation to expand its contracts with non-VA facilities to provide it.

In addition, great stress would be placed on avoiding reliance on any one type of treatment available to a veteran. For some, rapid detoxification may be the answer; for others methadone maintenance may be more suitable. For still others, individual counseling or group therapy may be most effective.

The Committee on Veterans' Affairs has wisely recognized that vocational counseling and rehabilitation are critical elements in the complete rehabilitation of the addicted veterans. I am, therefore, pleased that this legislation would create a special program of education, vocational training, and job placement geared specially to the need of the rehabilitated addict.

All of these provisions are intended to encourage addicted veterans to seek individualized treatment and to return to a productive, rewarding life. I urge Senators to support them.

Mr. President, I congratulate the Veterans' Affairs Committee on this legislation, particularly the distinguished chairman. the Senator from Indiana (Mr. Hartke), the distinguished ranking minority member, the Senator from South Carolina (Mr. Thurmond), and the chairman of the Health and Hospitals Subcommittee, the distinguished Senator from California (Mr. Cranston).

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 9265) was read a third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I move that consideration of S. 2108 be indefinitely postponed.

The motion was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 9265 be printed as it was passed by the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the remarks of the two leaders on tomorrow, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Allen) laid before the Senate the following letters, which were referred as indicated:

Report on Information and Technical Assistance

A letter from the Secretary of Agriculture, transmitting, pursuant to law, the third annual report on information and technical assistance delivered by the Department of Agriculture in fiscal year 1972 (with an accompanying report); to the Committee on Agriculture and Forestry.

Budget Transfer to Central Electric Power Cooperative, Inc.

A letter from the Administrator, Rural Electrification Administration, Department of Agriculture, transmitting information pursuant to Senate Report No. 497 relative to the approval of a budget transfer requested by Central Electric Power Cooperative, Inc., of Cayce, S.C. (with an accompanying paper); to the Committee on Appropriations.

Reports From the Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Opportunity For Greater Efficiency And Savings Through The Use of Evaluation Techniques In The Federal Government's Computer Operations", dated August 22, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Concentrated Employment Program In New York City Has Not Met Its Employment Objectives", Department of Labor, dated September 7, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Benefits Could Be Realized By Revising Policies and Practices For Acquiring Existing Structures For Low-Rent Public Housing", Department of Housing and Urban Development, dated September 7, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, on the reports made by that Office during the month of August 1972 (with an accompanying report); to the Committee on Government Operations.

Report of Foundation of Federal Bar Association

A letter from the secretary of the Foundation of the Federal Bar Association, transmitting, pursuant to law, an audit report for the fiscal year ended September 30, 1971 (with an accompanying report); to the Committee on the Judiciary.

Remedy for Postal Interruptions in Patent and Trademark Cases

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend Title 35 of the United States Code to provide a remedy for postal interruptions in patent and trademark cases (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Allen):

The petition of Lewis Gene Freeman, of Kokomo, Ind., praying for a redress of grievances; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. METCALF, from the Committee on Government Operations, with amendments:

S. 3529. A bill to prescribe certain standards and procedures governing the establishment and operation of advisory committees in the Federal Government, and for other purposes (Rept. No. 92-1098).

SENATE RESOLUTION 360—ORIGINAL RESOLUTION AUTHORIZING SUPPLEMENTAL EXPENDITURES REPORTED BY THE COMMITTEE ON VETERANS' AFFAIRS (S. REPT. NO. 92-1099)

(Referred to the Committee on Rules and Administration.)

Mr. HARTKE, from the Committee on Veterans' Affairs, reported the following original resolution:

S. Res. 360

Resolved, That, in holding hearings, reporting such hearing, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Veterans' Affairs, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

Sec. 2. The expenses of the committee under this resolution shall not exceed $50,000, of which amount not to exceed $10,000, shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202 (i) of the Legislative Reorganization Act of 1946, as amended).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1973.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

CHANGE OF REFERENCE—S. 3941

Mr. CRANSTON. Madam President, I ask unanimous consent that the Committee on Public Works be discharged from further consideration of S. 3941, a bill to establish Capitol Hill as a historic district, and that S. 3941 be referred to the Committee on the District of Columbia. I have cleared the discharge of this bill with the Senator from West Virginia (Mr. Randolph), chairman of the Committee on Public Works, the Senator from Kentucky (Mr. Cooper), ranking minority member of the Committee on Public Works, and the Senator from Alaska (Mr. Gravel), chairman of the Subcommittee on Public Buildings.

The PRESIDING OFFICER (Mrs. Edwards). Without objection, it is so ordered.

Mr. CRANSTON. Madam President, I am delighted at this time to announce the cosponsorship of the Senator from Kentucky (Mr. Cooper) for S. 3941. Senator Cooper has asked that his remarks relative to S. 3941 be printed in the Record, and I ask unanimous consent that the statement of Senator Cooper be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Cooper

Mr. President, I know that Senator Cranston has asked that S. 3941, which was referred to the Committee on Public Works, be re-referred to the Committee on the District of Columbia. Of course, I have no objection to referring the bill to the District Committee, which is the Committee having jurisdiction.

I have had an opportunity to look at the bill. Senators Cranston and Mathias are to be commended for introducing what seems to me to be a very constructive proposal, and one that I would hope might be enacted.

There is already on the calendar a bill authorizing construction of an extension of the Senate office building and a study for a Senate garage, which also contains elements of the bill Senators Boggs and I introduced as S. 3575. In that proposal I suggested a design competition to develop plans for the Capitol Hill area, and hopefully, to move toward a unified approach for both Federal facilities and any private development, and certainly for conservation of the historical aspects and character of the area.

I stated at that time that I thought architects and planners could contribute toward use of transitional forms, in appropriate scale and with respect for traditional styles, to maintain this national site, which would not only be enjoyed by visitors but would also stimulate use by the community which it serves—both Federal workers and residents of the area.

It seems to me that Senators Cranston and Mathias have a similar idea and, in fact, may have developed it more fully in their bill. I make these remarks simply to say that re-referral of the bill indicates no lack of interest on the part of the Public Works Committee, and I hope the bill will be considered, developed and acted upon.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Hermann F. Eilts, of Pennsylvania, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary to the People's Republic of Bangladesh;

Viron P. Vaky, of Texas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Costa Rica;

Frederick Irving, of Rhode Island, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Iceland;

George W. Landau, of Maryland, a Foreign officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Paraguay;

Adm. Horacio Rivero, U.S. Navy, retired, of California, to be Ambassador Extraordinary and Plenipotentiary to Spain;

Frank T. Bow, of Ohio, to be Ambassador Extraordinary and Plenipotentiary to Panama;

Joseph A. Mendenhall, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Malagasy Republic;

Talcott W. Seelye, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Tunisia; and

Gale W. McGee, U.S. Senator from the State of Wyoming, and James B. Pearson, U.S. Senator from the State of Kansas, to be Representatives of the United States of America to the 27th session of the General Assembly of the United Nations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RIBICOFF:

S. 3961. A bill to revise certain duties of the U.S. General Accounting Office relating to the audit of Government corporations and certain revolving fund accounts. Referred to the Committee on Government Operations.

By Mr. MAGNUSON (by request):

S. 3962. A bill to ratify certain payments made by the United States under the Federal Airport Act, as amended; and

S. 3963. A bill to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws. Referred to the Committee on Commerce.

By Mr. FANNIN (for himself, Mr. Bennett and Mr. Hansen):

S. 3964. A bill to amend section 516 of the Tariff Act of 1930. Referred to the Committee on Finance.

By Mr. SPARKMAN (for himself and Mr. Allen):

S. 3965. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement periods of service performed in nonappropriated fund instrumentalities of the Armed Forces, and for other purposes. Referred to the Committee on Post Office and Civil Service.

By Mr. MATHIAS:

S. 3966. A bill to authorize a Federal payment for certain additional rapid transit facilities in the District of Columbia and environs. Referred to the Committee on the District of Columbia.

By Mr. McINTYRE (for himself and Mr. Cotton):

S. 3967. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the State of New Hampshire for addition to the national forest system, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. JORDAN of North Carolina (for himself and Mr. Ervin):

S. 3968. A bill to authorize the Secretary of Agriculture to make grants for research to develop techniques of and information on the growing, harvesting, and processing of tobacco to assist tobacco producers in protecting the health of tobacco users. Referred to the Committee on Agriculture and Forestry.

By Mr. McCLELLAN:

S. 3969. A bill for the relief of United States Forgecraft Corp. Referred to the Committee on the Judiciary.

By Mr. DOLE:

S.J. Res. 264. A joint resolution to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Southeast Asia. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. RIBICOFF:

S. 3961. A bill to revise certain duties of the U.S. General Accounting Office relating to the audit of Government Corporations and certain revolving fund accounts. Referred to the Committee on Government Operations.

Mr. RIBICOFF. Mr. President, the increasingly important and complex role the General Accounting Office is expected to play in relation to Congress makes it essential that we make optimum use of that Office's available personnel resources. I am today introducing legislation which will start us toward that goal.

This bill essentially consists of titles III and IV of S. 4432 (91st Congress, second session). The bill passed the Senate unanimously on October 9, 1970. This legislation was an outgrowth of hearings held in 1969 by the Subcommittee on Executive Reorganization on the capability of the General Accounting Office to analyze and audit Federal programs. In those hearings, we explored the operations of GAO in providing its services to Congress. Our objective was to initiate changes which would enable GAO to provide greater assistance to Congress in analyzing and evaluating Federal programs.

As an initial step in that direction this legislation changes the requirements for GAO audits of certain Federal programs from annual to 3-year evaluations. Involved are the auditing of wholly and mixed ownership Government Corporations, as well as the Federal Deposit Insurance Corporation, the Federal Crop Insurance Corporation, National Homeownership Corporation, District of Columbia Redevelopment Corporation, Federal Home Loan Banks, as well as certain revolving Federal funds. These corporations have been annually audited, in some cases since 1946, by the General Accounting Office pursuant to the congressional mandate.

In view of improvements made in the accounting systems and internal controls at these corporations, as disclosed in the annual financial audits made by the GAO, the auditing of such corporation once every 3 years will be entirely adequate. A review of 12 reports issued in calendar years 1971 and early 1972, pursuant to the Government Control Act, showed only three which contained qualifications of the opinion on the financial statements. Each of these proved to be continuing qualifications and not attributable to deficiencies in present accounting methods. An audit and report every third year as proposed in this bill will provide more than adequate information.

Much of the information presently included in annual audit reports will continue to become available to the Congress annually through the budgeting process.

The General Accounting Office believes, and I agree, that a rigid statutory requirement for annual audits does not serve the best concepts of modern accounting or auditing, and is generally out of step with current practices in the private sector. If we are to create a truly responsive and flexible structure in GAO we ought to recognize those innovations which have been adopted and proven elsewhere which can be of use to this Congress. This legislation will achieve a marked improvement in the quality of services provided by the General Accounting Office.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the Record along with a letter from the Comptroller General concerning the bill.

There being no objection, the bill and letter were ordered to be printed in the Record, as follows:

S. 3961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS TO THE GOVERNMENT CORPORATION CONTROL ACT

Section 1 (a) Section 105 of the Government Corporation Control Act (31 U.S.C. 850) is amended by adding thereto the following sentence: "Effective January 1, 1972, each wholly owned Government corporation shall be audited at least once in every three years."

(b) The first sentence of section 106 of such Act (31 U.S.C. 851) is amended to read as follows: "A report of each audit conducted under section 105 shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit."

(c) Section 202 of such Act (31 U.S.C. 857) is amended by adding thereto the following sentence: "Effective January 1, 1972, each mixed-ownership Government corporation shall be audited at least once in every three years."

(d) The first sentence of section 203 of such Act (31 U.S.C. 858) is amended to read as follows: "A report of each audit conducted under section 202 shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last year covered by such audit."

AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT

Sec. 2. (a) Section 17(b) of the Federal Deposit Insurance Act (12 U.S.C. 1827(b)) is amended by adding thereto the following sentence: "The Corporation shall be audited at least once in every three years."

(b) The first and second sentences of section 17(c) of such Act (12 U.S.C. 1827(c)) are amended to read as follows: "A report of each audit conducted under subsection (b) of this section shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last fiscal year covered by such audit. On or before the expiration of five and one-half months following the close of the last fiscal year covered by such audit the Comptroller General shall furnish the Corporation a short form report on his audit of the Corporation at the close of the last fiscal year covered by such audit."

AMENDMENT TO FEDERAL CROP INSURANCE ACT

Sec. 3. Section 513 of the Federal Crop Insurance Act (52 Stat. 76; 7 U.S.C. 1513) is amended to read as follows:

"The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary of Agriculture a complete report as to the business of the Corporation."

AMENDMENT TO THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

Sec. 4. Section 107(g) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)) is amended by:

(1) adding a new sentence at the end of subparagraph (1) thereof as follows: "Such audit shall be made at least once in every three years."

(2) substituting the following sentence in lieu of the first sentence in subparagraph (2) thereof: "A report of each such audit shall be made by the Comptroller General to the Congress not later than six and one-half months following the close of the last fiscal year covered by such audit.

AMENDMENT OF DISTRICT OF COLUMBIA REDEVELOPMENT ACT OF 1945

Sec. 5. Section 17 of the District of Columbia Redevelopment Act of 1945 (60 Stat. 801) is amended by deleting the word "annual" from the clause "such books shall be subject to annual audit by the General Accounting Office."

AMENDMENT TO THE FEDERAL HOME LOAN BANK ACT

Sec. 6. Section 18(c)(6) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)) is amended by deleting the word "annually" from clause (B) of the first sentence thereof.

AMENDMENT OF FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

Sec. 7. Section 109(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 756(c)) is amended to read as follows:

"(c)(1) As of June 30 of each year, there shall be covered into the United States Treasury as miscellaneous receipts any surplus in the General Supply Fund, all assets, liabilities, and prior losses considered, above the amounts transferred or appropriated to establish and maintain said fund.

"(2) The General Accounting Office shall make audits of the General Supply Fund in accordance with the provisions of the Accounting and Auditing Act of 1950 and make reports on the results thereof."

AMENDMENT TO THE FEDERAL AVIATION ACT OF 1958

Sec. 8. That part of the second sentence of section 1307(f) of the Federal Aviation Act of 1958 (49 U.S.C. 1537(f)) which precedes the proviso is amended to read as follows: "The Secretary shall maintain a set of accounts which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950:".

AMENDMENT WITH RESPECT TO THE BUREAU OF ENGRAVING AND PRINTING FUND

Sec. 9. Section 6 of the Act entitled "An Act to provide for financing the operations of the Bureau of Engraving and Printing, Treasury Department, and for other purposes" (31 U.S.C. 181d) is amended to read as follows:

"The financial transactions, accounts, and reports of the fund shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950."

AMENDMENT WITH RESPECT TO THE VETERANS' CANTEEN SERVICE

Sec. 10. Section 4207 of title 38, United States Code, is amended to read as follows:

"Sec. 4207. Audit of accounts

"The Service shall maintain a set of accounts which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950."

AMENDMENT WITH RESPECT TO THE HIGHER EDUCATION INSURED LOAN PROGRAM

Sec. 11. Paragraph (2) of section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)(2)) is amended to read as follows:

"(2) maintain with respect to insurance under this part a set of accounts, which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950, except that the transactions of the Commissioner, including the settlement of insurance claims and of claims for payments pursuant to section 428, and transactions related thereto and vouchers approved by the Commissioner in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government."

AMENDMENTS WITH RESPECT TO CERTAIN HOUSING PROGRAMS

Sec. 12. (a) Section 106(a)(2) of the Housing Act of 1949 (63 Stat. 417; 42 U.S.C. 1456(a)(2)) is amended to read as follows:

"(2) maintain a set of accounts which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950: *Provided,* That such financial transactions of the Administrator as the making of advances of funds, loans, or grants and vouchers approved by the Administrator in connection with such financial transactions shall be final and conclusive upon all officers of the Government."

(b) Section 402(a)(2) of the Housing Act of 1950 (64 Stat. 78; 12 U.S.C. 1749a(a)(2)) is amended to read as follows:

"(2) maintain a set of accounts which shall be audited by the General Accounting Office in accordance with the provisions of the Accounting and Auditing Act of 1950: *Provided,* That such financial transactions of the Administrator as the making of loans and vouchers approved by the Administrator in connection with such financial transactions shall be final and conclusive upon all officers of the Government."

AMENDMENT TO THE FEDERAL CREDIT UNION ACT

Sec. 13. Section 209(b)(2) of the Federal Credit Union Act as added by section 1 of Public Law 91–468 (12 U.S.C. 1789(b)(2) is amended by deleting the word "annually" therefrom.

AMENDMENT WITH RESPECT TO AUDIT OF THE GOVERNMENT PRINTING OFFICE

Sec. 14. The third sentence of subsection 309(c) of title 44 of the United States Code is amended to read as follows:

"The General Accounting Office shall audit the activities of the Government Printing Office at least once in every three years and shall furnish reports of such audits to the Congress and the Public Printer."

Comptroller General of the
United States,
Washington, D.C., June 28, 1972.

Hon. John L. McClellan,
Chairman, Committee on Government Operations, U.S. Senate.

Dear Mr. Chairman: I am transmitting herewith a proposed bill to revise certain duties of the United States General Accounting Office relating to the audit of Government corporations and of certain revolving funds.

The proposed bill would amend the Government Corporation Control Act and certain other statutes to provide for audits of Government corporations at least once in every 3 years and for audits of certain specific funds in accordance with the provisions of the Accounting and Auditing Act of 1950, in lieu of annual audits as presently required.

Also enclosed is a list of the Government Corporations and specific funds that would be affected by the proposed bill.

The present requirements for annual audit are not entirely compatible with the flexibility needed by our Office for the maximum utilization of our professional resources which is necessary to meet the heavy demand on these resources by the increasing number and complexity of congressional requests and by the added functions vested in the Comptroller General by recent legislation. One of the objectives of the recent reorganization in our Office was to place us in a more viable position to handle our total workload. The enclosed bill is another step toward that objective and one which if enacted will not, in my opinion, dilute congressional oversight of the operations of the corporations and funds covered in the bill.

I hope that you will give favorable consideration to the enclosed bill, and I shall be pleased to discuss it with you further if you so desire.

Sincerely yours,

Elmer B. Staats,
Comptroller General of the United States.

By Mr. MAGNUSON (by request):

S. 3962. A bill to ratify certain payments made by the United States under the Federal Airport Act, as amended. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to ratify certain payments made by the United States under the Federal Airport Act as amended, and ask unanimous consent that the letter of transmittal and section-by-section analysis be printed in the Record with the text of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 3962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 10 of Public Law 87–255 (75 Stat. 527), there is hereby ratified and confirmed each payment of the United States made to the sponsor of an airport development project under the Federal Airport Act, as amended (49 U.S.C. 1101–1120), if that payment was made—

(a) Under a grant agreement authorized under section 12 of the Federal Airport Act, as amended, that was—

(1) entered into before September 21, 1961, and

(2) amended after September 21, 1961, but before January 21, 1969; and

(b) For an allowable project cost named in section 5(a) of Public Law 87–255 (75 Stat. 526); and

(c) In an amount equal to more than 50 per centum, but not more than 75 per centum, of that allowable project cost.

Sec. 2. Section 1 of this Act does not apply to a payment made by the United States that otherwise would not be authorized under the Federal Airport Act, as amended, if section 10 of Public Law 87–255 had not been enacted.

The Secretary of Transportation,
Washington, D.C., August 2, 1972.
Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: Enclosed for introduction and referral to the appropriate Committee is a draft bill "To ratify certain payments made by the United States under the Federal Airport Act, as amended."

The Federal Airport Act (49 U.S.C. 1101–1120) was amended September 20, 1961 by Public Law 87–255. This amendment, in section 5, authorized the Federal Government to encourage the installation of airport runway approach lights (ALS) by providing up to 75 per centum of the authorized individual project costs. Prior to the enactment of this amendment the Federal Government was authorized to provide up to 50 per centum of individual project costs.

Section 10 of Public Law 87–255 provides that the amendments therein "shall not apply with respect to projects for which amounts have been obligated by the execution of grant agreements before their enactment. With respect to such projects, the Federal Airport Act shall continue to apply as if this Act had not been enacted."

Subsequent to the enactment of these amendments, the then Federal Aviation Agency amended agreements with several ALS project sponsors which had originally been negotiated prior to the enactment date but which had not yet been *funded.* Pursuant to these renegotiated agreements, the Federal Aviation Administration provided *75 per centum* of the authorized project costs instead of the previously authorized *50 per centum.* (See enclosed figures.)

It has now been determined by the General Accounting Office and the General Counsel of the Department of Transportation relying on Section 10 of P.L. 87–255 that the renegotiated agreements are not authorized under existing law, with respect to the increased Federal participation from 50 to 75 per centum.

There are, therefore, two possible alternatives: to seek reimbursement for the overpayments from the several project sponsors involved, or to seek Congressional ratification of the overpayments, which amounts to an approximate total of $350,299.39 for 32 projects. It is felt that the spirit, if not the letter, of the Act was observed in permitting the overpayments; that is, to encourage the installation of ALS systems by the Nation's airports.

The time, difficulty, and expense of instituting reimbursement proceedings, and the other inherent problems, strongly suggest that Congressional ratification of these overpayments is the most appropriate course of action.

We have reviewed the environmental and civil rights implication of this legislation and have determined that there is no adverse effect from the passage of this legislation.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely,

John A. Volpe.

Section-by-Section Analysis

Section 1 of the proposed legislation would ratify payments made under the Federal Airport Act, as amended (49 U.S.C. 1101–1120), for all contracts made under section 12 of the Federal Airport Act entered after 21 September 1961 but before 21 January 1969. Such ratification would apply only to allowable projects cost under that act. These dates delineate the time period within which the renegotiated contracts were entered.

Section 2 of the Act limits the ratification to only those payments indicated in Section 1 and specifically excludes all other overpayments, if any.

Section 10(d)(1) grants for "land required for the installation of approach light systems":

Region and sponsor	Item
Eastern:	
Baltimore, Md	2,502.14
Islip, N.Y	3,529.67
Pittsburgh, Pa	24,989.87
Lynchburg, Va	552.00
Subtotal	31,573.68
Southern:	
Birmingham, Ala	78,122.00
Huntsville, Ala	35,831.00
Raleigh-Durham, N.C	4,460.81
Do	78.59
Miami, Fla	40,219.00
Do	33,211.00
Orlando, Fla	46,404.00
Memphis, Tenn	14,697.43
Bristol, Tenn	17,574.75
Lexington, Ky	10,365.19
Subtotal	280,963.77
Southwestern:	
Oklahoma City, Okla	1,117.15
San Antonio, Tex	23,333.02
Do	12,136.58
New Orleans, La	4,176.17
Subtotal	40,762.92
Western: None	0
Northwestern: Seattle, Wash	36,065.00
Northeastern:	
Beverly, Mass	1,972.67
Portland, Maine	1,415.39
Subtotal	3,388.06
Central:	
Cedar Rapids, Iowa	7,268.08
Hutchinson, Kans	2,212.73
Omaha, Nebr	4,770.86
Subtotal	14,251.67
Rocky Mountain: None	0
Great Lakes:	
Akron, Ohio	2,175.00
Cleveland, Ohio	7,580.89
Columbus, Ohio	39,793.58
Dayton, Ohio	3,270.11
Indianapolis, Ind	6,436.52
Lansing, Mich	6,088.24
Subtotal	65,344.34
Alaskan: None	0
Pacific: None	0
All regions: Sec. 10(d)(1) total	472,349.44

SEC. 10(d)(2) GRANTS FOR IN-RUNWAY LIGHTING

Region and sponsor	Item
Eastern: None	0
Southern: None	0
Southwestern: None	0
Western: Oakland, Calif	22,279.49
Northwestern: None	0
Northeastern: None	0
Central: None	0
Rocky Mountain: None	0
Great Lakes: None	0
Alaskan: None	0
Pacific: None	0
All regions: Sec. 10(d)(2) total	22,279.49

Section 10(d)(3) grants for "high intensity runway lighting", *except* those grants for "installation of high intensity lighting on designated instrument landing runways by the Administrator":

Region and sponsor	Item
Eastern: None	0
Southern: None	0
Southwestern: None	0
Western: None	0
Northwestern: None	0
Northeastern: None	0
Central: St. Louis, Mo	35,600.46
Rocky Mountain: None	0
Great Lakes: None	0
Alaskan: None	0
Pacific: None	0
All regions sec. 10(d)(3) total, less exception	35,600.46

Section 10(d)(4) grants for "runway distance markers":

Region and sponsor	Item
Eastern: None	0
Southern: None	0
Southwestern: None	0
Western: None	0
Northwestern: None	0
Northeastern: None	0
Central: None	0
Rocky Mountain: None	0
Great Lakes: None	0
Alaskan: None	0
Pacific: None	0
All regions:	
Sec. 10(d) (4) total	0
Sec. 10 grand total	530, 229. 39

By Mr. MAGNUSON (by request):

S. 3963. A bill to amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce by request, for appropriate reference, a bill to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws, and I ask unanimous consent that a communication in connection therewith be printed in the RECORD together with the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., August 10, 1972.

HON. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft bill, "To amend section 27 of the Merchant Marine Act of 1920, to provide a monetary penalty for the transportation of merchandise in violation of the coastwise laws."

Section 27 of the Merchant Marine Act of 1920, as amended (46 U.S.C. 883), generally prohibits the transportation of merchandise between points in the United States in vessels other than vessels built and documented under the laws of the United States or owned by citizens of the United States. Presently the exclusive penalty for violation of the section is the forfeiture of the merchandise involved. Seizing the merchandise creates enormous administrative problems such as storage of the merchandise, disposition of perishable cargoes, transportation of bulk shipments, and assignment of Customs personnel to make necessary arrangements. The proposed legislation would as an alternative to the seizure of the merchandise provide for the assessment of a monetary penalty in the value of the merchandise against the vessel owner, agent or operator, or against persons such as the consignee, with a commercial interest in the importation. As under existing law, the Secretary of the Treasury would be authorized to remit or mitigate any penalty or forfeiture assessed under the section.

The Department urges enactment of the proposed legislation in order to provide Customs officials with a more effective and administratively easier means of enforcing section 27 of the Act.

There is enclosed a comparative type showing the changes that would be made in existing law by the draft bill.

It will be appreciated if you will lay the enclosed draft bill before the Senate. A similar proposal has been transmitted to the House of Representatives.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely yours,

GEORGE P. SHULTZ.

COMPARATIVE TYPE SHOWING CHANGES IN EXISTING LAW MADE BY PROPOSED BILL

Changes in existing law proposed to be made by the bill are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is underscored):

SECTION 27 OF THE MERCHANT MARINE ACT OF 1920, AS AMENDED (46 U.S.C. 883)

SEC. 27. That no merchandise shall be transported by water, or by land and water, on penalty of forfeiture [thereof] *of the merchandise (or the value thereof to be recovered from any consignor, seller, owner, consignee, agent or other person or persons so transporting or causing said merchandise to be transported)*, between points in the United States, including Districts, Territories, and possessions thereof embraced within the coastwise laws, either directly or via a foreign port, or for any part of the transportation, in any other vessel than a vessel built in and documented under the laws of the United States and owned by persons who are citizens of the United States, or vessels to which the privilege of engaging in the coastwise trade is extended by section 18 or 22 of this Act:

S. 3963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 27, Merchant Marine Act of 1920, as amended (46 U.S.C. 883), is further amended by deleting the word "thereof" where it first appears and by inserting in lieu thereof "of the merchandise (or the value thereof to be recovered from any consignor, seller, owner, consignee, agent or other person or persons so transporting or causing said merchandise to be transported)".

By Mr. FANNIN (for himself and Mr. BENNETT):

S. 3964. A bill to amend section 516 of the Tariff Act of 1930. Referred to the Committee on Finance.

Mr. FANNIN. Mr. President, today, on behalf of myself and Senator BENNETT, I am introducing a technical amendment to section 516 of the Tariff Act of 1930. The amendment is intended to give a complainant the right to appeal an adverse ruling under the Countervailing Duty Act. At present only importers have the right to judicial review of an administrative decision that a bounty or grant exists with respect to certain imported merchandise.

The countervailing duty concept is almost as old as international trade itself. For centuries it has been recognized that the encouragement of exports through Government subsidy distorts the natural and most efficient allocation of resources in international trade and creates false competitive advantages. The device most commonly used over the years to counteract the harmful effects of such subsidies has been the countervailing duty. The countervailing duty is simply a duty imposed by the importing country to offset the unfair advantage created by the subsidy.

Our general countervailing duty law was originally enacted as a part of the Tariff Act of 1897. It was reenacted in the Tariff Acts of 1909 and 1913, widened in scope in 1922, and, in its present form, embodied in section 303 of the Tariff Act of 1930. Under its provisions, whenever a foreign government has subsidized a dutiable import into this country, the Secretary of the Treasury is required to determine the amount of the subsidy and to impose an additional duty on the import equal to the net amount of the subsidy.

There is nothing unique about our countervailing duties statute. Almost every major trading nation has something of a similar nature. Many international trade treaties have contained its equivalent. GATT, the most comprehensive and universal trade agreement in world history, recognizes and treats with such laws.

Mr. President, under the existing statute, in addition to the lack of a time limit for administrative action, no appeal procedure is provided for a domestic manufacturer in cases where the Treasury Department decides not to act on a complaint or in the event of an adverse decision. This interpretation was affirmed by a recent decision of the Court of Customs and Patent Appeals in *United States* v. *Hammond Lead Products, Inc.*, 440 F.2d 1024. The Court stated that the Customs Court lacked jurisdiction to review a complainants' challenge that Treasury had failed to assess a countervailing duty. Thus, we are faced with a situation where an importer has the right to judicial review under the statute but a domestic manufacturer is denied his day in court.

The amendment that is being introduced today would enable our domestic producers to begin using effectively an instrument that we have already on hand, one designed for the sole purpose of insuring fair competition.

A countervailing duty is not a barrier to free trade. On the contrary, it is a means of promoting free trade. While a protective tariff is designed to offset the real competitive advantage of a foreign producer—in other words, to restrict competition—a countervailing duty is designed to insure that products compete according to their relative merits.

Mr. President, this amendment also provides that countervailing duties assessed under a final court decision will be applicable as of the date the Secretary of the Treasury publishes a negative decision on an American manufacturer's petition under the Countervailing Duty Act.

I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 516 of the Tariff Act of 1930 (19 U.S.C. 1516) is amended to read as follows:

"SEC. 516. PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS.

"(a) The Secretary shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification, the rate of duty and the additional duty described in section 303 of this Act (hereinafter referred to as 'countervailing duties'), if any, imposed upon designated imported merchandise or a class or kind manufactured, produced, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the appraised value is too low, that the classification is not correct, that the proper rate of duty is not being assessed, or that countervailing duty should be assessed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper, and (3) the reasons for his belief including, in appropriate instances, the reasons for his belief that countervailing duties should be assessed.

"(b) If, after receipt and consideration of a petition filed by an American manufacturer, producer, or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, that the classification of the article or rate of duty assessed thereon is not correct, or that countervailing duties should be assessed, he shall determine the proper appraised value or classification or rate of duty or the countervailing duties in accordance with section 303 of this Act, and notify the petitioner of his determination. All such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin, or, in the case of countervailing duties after the date such notice to the petitioner is published in the Federal Register shall be appraised or classified or assessed as to rate of duty or countervailing duties in accordance with the Secretary's determination.

"(c) If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) is correct or that countervailing duties shall not be assessed, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate of duty assessed upon or the failure to assess countervailing duties upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty or that countervailing duties shall not be assessed and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon or failure to assess countervailing duties upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate customs offer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

"(d) Notwithstanding the filing of an action pursuant to section 2632 of title 28, United States Code, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

"(e) The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

"(f) If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of publication of the court decision, or, in the case of countervailing duties, after the date of publication of the Secretary's decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

"(g) Regulations shall be prescribed by the Secretary to implement the procedures required under this section."

By Mr. MATHIAS:

S. 3966. A bill to authorize a Federal payment for certain additional rapid transit facilities in the District of Columbia and environs. Referred to the Committee on the District of Columbia.

ADDITIONAL METRO FACILITIES FOR VISITORS TO ARLINGTON NATIONAL CEMETERY AND THE SMITHSONIAN INSTITUTION

Mr. MATHIAS. Mr. President, in a message to the Congress early this year, President Nixon outlined a broad plan for Federal partnership in the observance of the American Revolution Bicentennial here in the National Capital area.

The President suggested a many-faceted effort involving both the District of Columbia and the suburban areas. The program includes both major improvements for the benefit of the 3 million people resident in this area and efforts to improve the facilities which are used primarily by the millions of tourists who visit Washington each year.

In 1976, our bicentennial year, it is projected that visitor traffic to Washington may average up to 100,000 people daily. Adequate transportation to and from the sites tourists are most interested in is an absolute necessity.

A key to any transportation plan is the Metro system, now under construction with plans for initial operations in 1974. By the summer of 1976, two of the major lines running through downtown Washington are scheduled to be fully operational. The outward reach of the system is expected by then to be providing service as far as Ardmore and Silver Spring in Maryland and Rosslyn and Huntington in Virginia. The bonding authority granted the Metro system by this Congress hopefully will provide the key to keeping construction on schedule. Legislation now in committee authorizing public acquisition of the four local bus companies serving this area hopefully will provide the key to a fully integrated bus-rapid transit system for the benefit of residents and tourists alike.

In his message on the bicentennial in the National Capital area, President Nixon recommended construction of a Metro station at Arlington National Cemetery. Such a station would promote smoother tourist flow to the cemetery and would offer the arriving visitor one more convenient point at which to transfer from private to public transportation to reach the Capital itself.

In his message, the President also discussed plans for the development and enhancement of the Mall in order that it might become a more attractive focal point for the many millions of tourists visiting the Capital. As planning has progressed, it has become evident that an additional entrance to the Smithsonian Institution Metro station would not only provide further convenience to visitors but would also contribute significantly to their safety.

The legislation I am introducing would authorize the Federal Government, through the Department of Transportation, to spend up to $7,385,000 for the additional station at Arlington Cemetery and the additional entrance at the Smithsonian Institution.

President Nixon has set as a goal the realization by 1976 of a dramatic improvement in the quality of life in Metropolitan Washington for all whose physical or spiritual home is here. In the impressive program which the President has outlined, this is one small—but important—point. I would hope that the Congress will be able to act promptly on this legislation so that the necessary planning can go forward to include these facilities in the rapid transit system we all are looking forward to seeing in operation.

By Mr. McINTYRE (for himself and Mr. COTTON):

S. 3967. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the State of New Hampshire for addition to the National Forest System, and for other purposes. Referred to the Committee on Agriculture and Forestry.

SAVE SANDWICH NOTCH

Mr. McINTYRE. Mr. President, I introduce a bill to save Sandwich Notch, located deep in the White Mountains of my State of New Hampshire.

Sandwich Notch is one of the most unusual natural areas remaining in the United States. One of its unique features is that unlike most notches which were too inaccessible for human habitation, Sandwich Notch played an important role in the history of New Hampshire.

The Notch's long history is filled with the vastness of life that existed in this picturesque hamlet snuggled in the White Mountains. In fact, as early as 1795 a cart track was approved that opened up a transportation route through the forests of the notch.

This tiny trail grew in importance as it was realized that it was the shortest route to the sea from Vermont and northern New Hampshire. The small road grew into a commercial highway by the early 1800's and farms, homes, and taverns began to dot the route through the area.

Today, this notch remains remarkably untouched with its waterfall, numerous ponds, and thick forests that make it one of the finest examples of New Hampshire scenery. It abounds with game, including a dense population of moose, practically extinct elsewhere in New England.

But, Mr. President, New Hampshire has seen a rapid growth in recent years. Growth that has taken, and will continue to take, some of its most beautiful regions.

I rise today because New Hampshire—and, indeed, all of New England—is threatened by the loss of Sandwich Notch. Were the Notch to be developed we would all be losers.

I believe that this would be a profound setback to those of us who are concerned about the environment and who want to see certain areas preserved for their scenic, recreational, and wildlife features.

My bill is added to the efforts of countless citizens in New Hampshire who are now engaged in an effort to save the Notch. Local residents, outdoor organizations, fish and game clubs are all working to build public support for this worthwhile cause.

I would also like to point out, Mr. President, that this is a bipartisan effort. The Governor of New Hampshire, both Members of the House of Representatives, and my distinguished colleague in this body, Norris Cotton, all support this project.

Special credit should also go to the Society for the Protection of New Hampshire Forests, and its executive director, Paul Bofinger, for the yeomen work done in this area. Were it not for the society's constant educational and informational efforts to save New Hampshire's precious forestlands the effort to save Sandwich Notch might never have gotten this far.

It is with this in mind, Mr. President, that I introduce this bill to authorize and direct the Secretary of Agriculture of the White Mountain National Forest, and thereby assure the citizens of New Hampshire and its many visitors the untold beauty of this most important region.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2818

At the request of Mr. Proxmire, the Senator from New York (Mr. Javits) was added as a cosponsor of S. 2818, a bill to prohibit the use of diethystilbestrol (DES) in raising livestock.

S. 3880

At the request of Mr. Mathias (for Mr. Schweiker) the Senator from South Dakota (Mr. McGovern) was added as a cosponsor of S. 3880, the National Diabetes Education and Detection Act.

SENATE RESOLUTION 361—SUBMISSION OF A RESOLUTION TO REFER A BILL TO THE COURT OF CLAIMS

(Referred to the Committee on the Judiciary.) Mr. McClellan submitted the following resolution:

S. RES. 361

Resolved, That the bill (S. 3969) entitled "A bill for the relief of United States Forgecraft Corporation", now pending in the Senate, together with all the accompanying papers, is hereby referred to the Chief Commissioner of the United States Court of Claims; and the Chief Commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate, at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States or a gratuity and the United States or a gratuity and the amount, if any, legally or equitably due from the United States to the claimant.

INTERIM AGREEMENT BETWEEN U.S. AND U.S.S.R.—AMENDMENT

AMENDMENT NO. 1486

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted an amendment intended to be proposed by him to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

VOCATIONAL REHABILITATION ACT AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1487

(Ordered to be printed and referred to the Committee on Labor and Public Welfare.)

Mr. HUMPHREY. Mr. President, the amendment I am submitting today, to add a new title to H.R. 8395, Vocational Rehabilitation Act Amendments of 1972, will provide for Federal matching funds for State programs of vocational counseling and retraining for public safety officers who become disabled as the result of injury in the line of duty on those who retire after completing the required years of service.

Originally introduced on June 8, 1972 as S. 3690, and referred to the Senate Committee on Labor and Public Welfare, the Public Safety Officer Retraining Act closes a serious gap in our manpower and vocational rehabilitation programs. We depend upon the protective services of our public safety officers, for which they must develop highly specialized and demanding skills. Yet all too often, when the utilization of these skills is abruptly terminated by disabling injury or required retirement, the serious need of these public servants for a continued useful and productive life is ignored by society. The nationwide dimensions of this need are indicated by 1970 statistics showing 38,583 firefighters injured in the line of duty and over one-third of the 43,171 assaults on policemen resulting in injuries.

The legislation passed by the House includes under the definition of "vocational rehabilitation services," recruitment and training services to provide employment opportunities in public safety and law enforcement, among other fields. I believe the inclusion of my amendment in the bill as finally enacted by Congress meets an important requirement to expand this definition to serve those who are denied the opportunity to continue being employed in these fields.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Amendment No. 1487

At the end of the bill add the following new title:

TITLE —PUBLIC SAFETY OFFICER RETRAINING ACT

Sec. . This title may be cited as the "Public Safety Officer Retraining Act".

Sec. . The Manpower Development and Training Act of 1962 (76 Stat. 23) is amended by adding at the end thereof the following new title:

"TITLE VI—PROGRAMS FOR RETRAINING PUBLIC SAFETY OFFICERS

"STATEMENT OF PURPOSE

"Sec. 601. It is the purpose of this title to provide a method whereby a State may utilize Federal matching funds, together with its own funds for the purposes of establishing and conducting manpower and related programs for vocational counseling and retraining of public safety officers who have become disabled as the result of injury sustained in the line of duty or those who retire after completing the required years of service.

"DEFINITIONS

"Sec. 602. For the purposes of this title the term—

"(1) 'Secretary' means the Secretary of Labor;

"(2) 'public safety officer' means, pursuant to regulations issued by the Secretary, a person who is employed by a Federal, State, or unit of general local government in any activity pertaining to—

"(A) the enforcement of the criminal laws, crime prevention, control, or education, including highway patrol;

"(B) a correctional program, facility, or institution;

"(C) a court having criminal jurisdiction, where the activity is determined by the Secretary to be potentially dangerous because of contact with criminal suspects, prisoners, or parolees, or

"(D) firefighting, done voluntarily or otherwise, with or without compensation.

"AUTHORIZATION FOR GRANTS

"Sec. 603. The Secretary is authorized to make a grant to any State which meets the requirements of section 604 equal to an amount, not to exceed 75 per centum of the cost of the activities undertaken by a State pursuant to the provisions of this title.

"APPLICATIONS AND CONDITIONS

"Sec. 604. (a) Any State which desires a grant under this title shall make application to the Secretary at such time, in such manner, and containing or accompanied by such information as he deems reasonably necessary.

"(b) No grant may be made under the provisions of this title unless the Secretary finds that—

"(1) after consultation with said State, the effectiveness of Federal manpower and related programs for the vocational counseling and retraining of public safety officers within such State can be facilitated or improved by additional State efforts and activities; and

"(2) such application (A) described how such additional efforts and activities will be undertaken in support of existing Federal programs, (B) demonstrates that such efforts and activities are not inconsistent with programs assisted under other titles of this Act, (C) demonstrates that such efforts and activities will contribute to carrying out the purposes of this title; and (D) provides assurances that the State will pay the non-Federal share of the cost of such activities.

"RULES AND REGULATIONS

"Sec. 605. The Secretary may prescribe such rules and regulations under this title as he deems necessary.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 606. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title."

CONFORMING AMENDMENT

Sec. 3. Section 302 of such Act is amended by inserting "or title VI," immediately after "title II," the first time it appears.

Mr. McCLELLAN. I submit along with Senator Hruska a proposed amendment to H.R. 15883, an act for the protection of foreign officials. This amendment is rooted in my profound concern for the tragic events of Munich during the past week.

The bill under consideration recognizes that the United States as a host country has a particular responsibility to protect the person and property of foreign officials, including ambassadors, agents, employees and their families, while such persons are present within our territorial confines. However, the measure would not offer any expanded protection for foreign citizens, who might visit our shores as official guests of our country as members of an Olympic contingent. Thus, had the situs of the kidnaping and subsequent murder of the Israeli standard bearers been Milwaukee rather than Munich, our response would have been limited to State law-enforcement resources. No Federal jurisdiction would exist despite the fact that our responsibilities would at least parallel those which exist vis-a-vis visiting diplomatic personnel.

It is still too early to judge the actions of West Germany in response to this Arab terroristic lunacy. However, it is at least clear that the state governments of West Germany now realize that their Federal government cannot be limited to a mere consultative role with regard to such matters. State governments simply cannot cope alone with crimes involving international politics and diplomacy.

Hopefully, we will never again witness the political assassination of visiting athletes in any country. Nonetheless, our criminal laws must recognize such behavior as a violation of Federal as well as State law and authorize the use of Federal law-enforcement resources in such cases.

The amendment I propose will extend the umbrella of Federal protection to cover official guests of the United States as designated by the Secretary of State so as to include visiting athletes in international competition.

I urge its adoption.

FEDERAL REVENUE-SHARING ACT—AMENDMENT

AMENDMENT NO. 1489

(Ordered to be printed and to lie on the table.)

Mr. EAGLETON (for himself and Mr. Cranston) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14370) to provide payments to localities for high priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. CRANSTON. Mr. President, States such as California, Pennsylvania, and Maine have recognized the deplorable property tax burden carried by our low income elderly, and have passed laws to reduce their property tax burdens. Unfortunately, Federal law cancels out these benefits for individuals on public assistance. For example, under current Federal law, for every dollar of tax relief provided by a State, an elderly homeowner loses a dollar of old age assistance. If our goal is to allow our elderly to live with the dignity and respect to which they are entitled, we must allow them to retain their homes and maintain them at acceptable standards.

This tax relief amendment, which I am pleased to cosponsor with Senator Eagleton, will remove a major Federal barrier to the realization of this goal. By providing for the exclusion of property tax rebates in computing income under public assistance programs, this amendment will allow the States to grant property tax relief without fear that the payments will be deducted from the recipient's next assistance check.

Current Federal law governing public assistance grants requires that the State agency take into consideration any other income or resources of the recipient in determining his monthly need.

While States are authorized, and in some cases required, not to consider certain types of income in making their determination of need, there is no specific direction to the States regarding property tax benefits. Since these property tax rebates are not specifically exempted, State departments of social welfare construe these payments as income, to be deducted from the old age allowance. The result is that many elderly homeowners who receive old-age assistance, for example, are not able to benefit from a property tax rebate because their grants are reduced by an equivalent amount. For this reason, a State such as California, which is committed to providing its elderly citizens with property tax relief, is reluctantly forced to exclude 78,000 old age assistance homeowners from their property tax relief provisions.

I find this situation intolerable. In California the maximum old age assistance housing allowance for an individual is $63 per month. But there are many cases in which property taxes take more than $50 of this amount, leaving the recipient only 10 or 12 dollars to pay for utilities, insurance, upkeep, and home repairs. With an average total income of $187 per month, it is these elderly who are in greatest need of tax relief. Under present Federal law, they are denied over $16.9 million per year in tax relief, or an average of $250 per home, per year in California alone. Meanwhile other senior citizens, who are financially much better off, are allowed to receive benefits.

Among the hardest hit by rising property taxes, and the most in need of relief, are our senior citizens who receive old age assistance. HEW studies indicate that over 54 percent of these recipients live in seriously substandard housing; 15 percent of their homes have no running water, and 30 percent have no flush toilets. Largely because of excessive property taxes they are unable to set aside enough of their income for maintenance or repairs. Many recipients, including more than one-quarter of old age assistance homeowners in California, are unable to meet their basic requirements for food, clothing, and shelter.

In order to help remedy this situation, and to provide much needed funds, our bill will amend the Social Security Act to exempt property tax relief benefits from income for purposes of calculating need under old age assistance. In this manner we can allow the States to provide required relief to our elderly citizens who need it most.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the Record.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT No. 1489

At the end of the bill, add the following:

TITLE IV—MISCELLANEOUS PROVISIONS

CERTAIN TAX REFUNDS NOT TO BE CONSIDERED AS INCOME OR RESOURCES UNDER PUBLIC ASSISTANCE PROGRAMS

Sec. 401. The Social Security Act is amended by adding at the end of title XI thereof a new section as follows:

"CERTAIN TAX REBATES NOT TO BE CONSIDERED AS INCOME OR RESOURCES

"Sec. 1121. As used in sections 2(a) (10), 1002 (a) (8), 1402 (a) (8), and 1602 (a) (14) of this Act, the terms 'income' and 'resources' do not include any amount received by an individual from any public agency as a return or refund of taxes paid by him on real property or on food purchased by him."

AMENDMENTS NOS. 1490 AND 1491

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted two amendments intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1492

(Ordered to be printed and to lie on the table).

Mr. RIBICOFF. Mr. President, the Finance Committee's claim that all but four States and the District of Columbia will receive more under the bill now before us than under the House bill is somewhat misleading and premature.

The reason most States may get more money is that the committee wants to add $1 billion to the House bill's $5.3 billion.

No States, especially the urban States who are scheduled to receive the bulk of this $1 billion, can rely on getting this new money. The reason is simple. In order to distribute the $5.3 billion of pure revenue sharing funds, the committee established a trust fund which would bypass the congressional appropriations process and thus guarantee distribution to the States.

The committee has not, however, treated the $1 billion social service fund in the same way. The committee bill simply authorizes the appropriation of the money for the social service fund. Because this fund must also go through the entire congressional appropriations process, no one here today can say how much, if any, of the $1 billion will ever reach the States.

The committee has held this new fund out as the equalizer for the urban States. Unless the committee's formula for distributing the $5.3 billion is improved, it will be just that—the one and only place where the urban States receive their due.

I, therefore, submit an amendment whch I intend to propose to H.R. 14370, creating a social service trust fund. By creating a trust fund we would insure the existence of the $1 billion and its distribution to the States. Unless we make such a change it is possible that not a single dollar of this social service fund will reach the States and localities.

Mr. President, I ask unanimous consent that a table listing the amounts each State would lose if the $1 billion is not appropriated.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Amounts in millions States receive under Subtitle B.

Alabama	$10.6
Alaska	.8
Arizona	9.6
Arkansas	4.8
California	134.0
Colorado	11.8
Connecticut	17.5
Delaware	2.9
District of Columbia	6.3
Florida	34.3
Georgia	15.7
Hawaii	3.2
Idaho	1.8
Illinois	65.3
Indiana	19.9
Iowa	7.0
Kansas	6.5
Kentucky	9.3
Louisiana	14.1
Maine	2.5
Maryland	21.5
Massachusetts	36.0
Michigan	47.0
Minnesota	15.8
Mississippi	5.5
Missouri	21.4
Montana	1.7
Nebraska	4.9
Nevada	2.8
New Hampshire	1.4
New Jersey	50.4
New Mexico	7.5
New York	118.0
North Carolina	12.7
North Dakota	1.5
Ohio	55.1
Oklahoma	8.7
Oregon	8.2
Pennsylvania	57.4
Rhode Island	6.2
South Carolina	6.4
South Dakota	1.7
Tennessee	12.3
Texas	57.4
Utah	6.1
Vermont	1.1
Virginia	19.9
Washington	15.5
West Virginia	4.3
Wisconsin	17.2
Wyoming	.8

NOTICE OF HEARING CONCERNING SURFACE RIGHTS IN INDIAN LANDS

Mr. JACKSON. Mr. President, I announce for the information of the Members of the Senate and other interested persons that the Committee on Interior and Insular Affairs will hold open, public hearings on September 14 and 15 on H.R. 11128, a bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive Order Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes.

I have scheduled hearings on this measure before the full committee because of the complexities of the issues and the lateness of the session. A hearing before the full committee will permit our members to have the benefit of the official views of the administration and the Navajo and Hopi tribal officials prior to reaching a judgment on the bill.

The hearings will be held in room 3110, New Senate Office Building and will begin each day at 10 a.m.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings scheduled by the Subcommittee on Parks and Recreation on the bills listed below have been postponed to September 21 and 22. This was done to accommodate the Secretary of the Interior and permit him to appear as a witness at these important sessions, which will begin each day at 10 a.m. in room 3110 of the New Senate Office Building.

September 21, 1972—S. 715 and H.R. 10751, to establish the Pennsylvania Avenue Development Corporation of 1972.

September 22, 1972—S. 2342, S. 3174, and H.R. 10220, to establish the Golden Gate National Recreation Area in the State of California.

ADDITIONAL STATEMENTS

REMARKABLE PROGRESS IN RHODESIA

Mr. FANNIN. Mr. President, one of the amazing stories of the past decade has been the determination of the Rhodesian people to carry on alone in the face of unreasonable and unfair international economic and political sanctions. Despite enormous odds, there has been great progress within Rhodesia both for the white and the black population.

Sanctions imposed by Great Britain and the United Nations are an unjustifiable intrusion into the affairs of a responsible government.

Our own Government acted wisely when we resumed the purchase of Rhodesian chrome. I believe that we should continue this policy.

The unfairness of the sanctions against Rhodesia was again demonstrated within the past month by the ridiculous decision to bar Rhodesians—both black and white—from the Olympic games. These same athletes and Olympic officials who demanded the ouster of Rhodesia because of racial policies apparently ignored completely the blatant racial action being taken by the Uganda Government to expel tens of thousands of nonblacks from Uganda.

Mr. President, we see very little printed in today's newspapers or broadcast on television giving us a true picture of what is happening in Rhodesia. Arizonans, however are fortunate that they have been given some excellent insight by the outstanding editor of the Tucson Daily Citizen, Paul A. McKalip.

Mr. McKalip went to Rhodesia in June and spent a week in that country. He was able to compare what he saw this summer with what he saw in Rhodesia 7 years earlier before the break with the United Kingdom. The Citizen editor wrote two articles which were published in the Tucson newspaper on August 1 and August 2.

Mr. President, I ask unanimous consent that these articles be printed in the RECORD so that Senators may be informed of the remarkable progress that has been made in Rhodesia in the face of great odds.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SEVEN YEARS AFTER INDEPENDENCE—RHODESIA'S POLITICAL STRUCTURE DEMONSTRATES ITS STABILITY

(By Paul A. McKalip)

"Bad news travels fast" is an old expression. In today's world of instant communication, one must add "and far."

For most of its 80-year history, a place called Rhodesia in the southern part of Africa below the equatorial belt was little known beyond the fact that it was one of the lucrative colonies of the British colonial empire.

For adventurous world travelers and readers of National Geographic magazine, it was known also for the world-famous but remote Victoria Falls on the fabled Zambezi River.

Just seven years ago, Rhodesia became another "hot spot" on the world geopolitical map when the minority white government issued its unilateral declaration of independence from mother England.

UDI, as the action became known, was seen as the only means by which the quarter-million Europeans, mostly of English origin, could avoid an overnight sellout of Rhodesia's long westernized-style development to the overwhelming majority of African natives who are still primitive bush dwellers.

The Rhodesian government in power had seen already the turmoil and chaos which had resulted from similar grants of independence to other colonial holdings of European nations in black Africa.

In some of them, such as the Congo, ambitions and old animosities of rival native tribes exploded into mass destruction of property and population.

Nevertheless, the news of Rhodesia's declaration of independence, after failing to win an acceptable accommodation with the British government, started political and economic repercussions which continue today.

By coincidence more than design, in fact motivated principally by a long desire to see the Victoria Falls, I was in Rhodesia in the spring of 1965, six months before UDI.

I visited Salisbury, the beautiful, modern capital city, and talked with many persons in and out of government.

One thing was obvious. The white minority, far from repressing and exploiting the Africans, was pursuing a policy of development, of education and economic opportunity for all of the nearly five million people of Rhodesia.

England, however, was being rebuffed in its effort to impose its own political policy for Rhodesia and could not accept such affront by the "bad boy" of the British Commonwealth family.

Eschewing military response to UDI in the months following November, 1965, when such response admittedly might have quelled the rebellion in the fashion of earlier colonial tactics, England sought to strangle the rebellion by imposing sanctions.

The United Nations is committed by its charter to remain aloof from the internal affairs of nations. It is a proper policy. In the case of the Rhodesian sanctions proposed by England, the United Nations approved on the flimsy, transparent grounds that the Rhodesian action represented "a threat to world peace."

This summer I returned to Salisbury by deliberate intent born of sustained interest in the problem, the people and the future of a land with great resources, attractions and potential.

Some personal observations were at once enlightening and reassuring.

The country was obviously peaceful. The national police force is composed of only 4,000 members. Three-fourths of them are Africans. In the British tradition, the police do not even carry arms.

Africans and Europeans were going about their business in trade, industry and agriculture side by side. It is true that the black Africans mostly still are in the ranks of unskilled labor, but there is no arbitrary barrier to their economic advancement.

In the four-star, top-rated Jameson Hotel in Salisbury, the reception office was staffed by blacks and whites alike wearing the formal striped trousers and morning coats. The accounting department was staffed by Africans.

There were also blacks among the guests in the hotel, and in the dining room and in the cocktail lounge. There is no color barrier in any public place.

At Government House, the residence now of the Rhodesian state president which formerly was occupied by the British colonial governor, the guard complement, including officers, is entirely African.

On the political front, likewise, there was a new commitment and determination to make the best of England's final rejection of the independence settlement proposals which had been negotiated and approved by representatives of the two governments.

I arrived in Salisbury shortly after the "bad news" of the British government's official "No" to the bilateral proposals had been announced, making headlines around the world.

There was consternation, disappointment approaching disbelief, but no sense of despair.

It was recognized that some of the more immediate political gains assured for Africans in the proposed settlement would be likely to come more slowly. Their political progress would be linked to the practical pace of educational and economic progress.

It was also recognized that the struggle for economic progress, both industrially and agriculturally, would have to continue for both Africans and Europeans under the added burden of sanctions.

But if the outside world expected restlessness or even possibly upheaval in the wake of the Rhodesian setback, it was nowhere evident.

If anyone had cause to be despairing or angry, it might have been most of all the indomitable Ian Douglas Smith, prime minister and rallying force in the Rhodesian Front government in the 10 years before and since UDI,

I was fortunate to arrange a private interview with Smith early in my visit. The seven years of challenge and frustration since UDI had worn on him but lightly.

He is a rather slightly built man whose strength is reflected in strong features of face and especially piercing eyes.

Now only 53 years of age, and looking boyishly younger in some respects, his dedication to Rhodesia and the future of 5 million people is unswerved by adversity.

When I entered his office, he invited me to sit at the side of his large, well-ordered desk. He swung his chair sideways to allow him to stretch out his legs and half recline as he conversed easily but intently.

Almost at once, without being asked the obvious question, he volunteered his disappointment at the British "No" to the settlement. He went on to point out that the sanctions had been imposed to force Rhodesia to negotiate an agreement with the British government on the territory's political future.

"This government did negotiate and did come to agreement with the British government. This government approved the agreement and it was the British who finally rejected it," he declared.

He made it clear that he felt any legitimacy for sanctions had been wiped away by the British and that sanctions in the future would be less respected by other nations even though they might remain on the U.N. books.

Smith recognized, as a practical politician, that the British government could not afford to allow sanctions to be revoked officially.

It is, of course, that realism which has allowed Ian Smith to steer the small country successfully through countless dangerous shoals during the past 10 years, before and after UDI. Now he assessed the future this way:

"I believe any sort of settlement at this moment would be an embarrassment to the British government of the United Kingdom. I believe that at the moment they have lost their will to settle.

"Therefore, the contract we made has been closed by the British rejection."

The prime minister said essentially the same thing in a public statement a couple days later and concluded with this exhortation to Rhodesians:

"Let us be realistic and accept the fact that the only practical way forward is to get on with the job under our existing 1969 Constitution, sanctions and all."

The Rhodesia Herald, large national daily newspaper published in Salisbury, headlined the prime minister's public statement this way: "Smith Firm: We Are Not Talking to U.K." And a subheadline carried his words in quotation marks: "The contract has been closed . . ."

The Rhodesia Herald generally is strong in its opposition to the Smith government and outspoken in criticism of its policies. The Herald's editorial comment the next day on the above news was, therefore, significant:

"We agree with most of Mr. Smith's assessment of the situation . . . There will be no recognition. Sanctions will continue in official force.

". . . The present situation is normal, and will continue to be so for as far ahead as one can see. The country must make the best of it.

"And a good best can be made.

". . . Rhodesia's greatest asset is her people. If her people—all of them—are able to give of their full potential, then the sky's the limit."

There has been substantial evidence that Rhodesia's people, European and African, are agreed on the country's potential and on their dedication to it.

In the face of continuing armed threats from Communist-trained outside guerrilla forces to the north, African natives in rural areas of the country have been quick to join in reporting and thwarting occasional incursions.

African and white military police share the duties of border patrol.

One of the most important symbols of the stability of the new government is the office of president, which has been occupied by Clifford W. Dupont since the 1969 Constitution was adopted.

Dupont is a polished gentleman of English heritage. He was deputy prime minister under Smith before the 1965 independence move. After the ties with Britain were severed, Dupont was first named to the position of officer administering the government. That position was created above and apart from politics to take the place of the British crown's representative.

Now, as president, he also is above politics and parliament and serves principally in a ceremonial and symbolic capacity. His office assures the continuity of government as a viable entity. It is he who officially calls and opens each parliamentary session.

With Clifford Dupont as the representative of government and Ian Douglas Smith as active leader of the government, it is clear that colonial Rhodesia has produced a breed of indigenous Rhodesians who are equal to the challenge of "making the best of it."

It is too bad that "bad news travels fast," probably because it is the most sensational or alarming kind of news.

A look at the situation in Rhodesia first hand and in depth reveals the whole truth about a country which has emerged from British rule with faith in itself and in its future, given only time and opportunity.

WHAT ABOUT THOSE SANCTIONS—EMBATTLED RHODESIA IS MAKING GOOD DESPITE BRITAIN

(By Paul A. McKalip)

Seeing is believing.

And seeing the progress in Rhodesia, after seven years of struggle for independence from Great Britain, is to believe that the little country in southern Africa is well on its way to succeeding.

No shots have been fired by the British against the Rhodesians as they were in America's War of Independence two centuries ago. In this one, the British government chose to wage political and economic war.

The cutting off of diplomatic relations with the rebel government in Salisbury was awkward, perhaps, because it affected Rhodesian passports and therefore travel.

The real weapon that was relied upon to subdue Rhodesia was the sanctions which Great Britain imposed with the support of the United Nations.

Well, what about sanctions? How are things going in the land-locked nation? Things are going well indeed. I can report that from firsthand observation, inquiries and interviews during my recent visit to Rhodesia.

UNEXPECTED BOOM

Having been there seven years ago, just before the country announced its unilateral declaration of independence (UDI), I had a good basis for comparison.

One would expect to find the country and its people in a kind of holding operation, but certainly not in anything like an economic boom. That's what it is, though.

A growth rate of 11 per cent last year, the establishment of 1,600 new industrial enterprises in the past six years, home building at a record pace and much of it for Africans, a steady rise in both immigration and tourism, and a shortage of skilled labor add up to all the boom the Rhodesian economy could possibly stand at this time.

If an American needed an object lesson which he could understand, and feel, this was it:

Upon my arrival, a U.S. $10 bill bought $7 Rhodesian. Before I left, during which time the British pound had been floated again and had shaken the international money market, a U.S. $10 bill was good for only $6 Rhodesian.

The Rhodesian dollar has been strong all along, and inflation has been controlled.

CARS GALORE

There were other object lessons readily apparent. Two old friends, Douglas Garner and Sam Brewer, met my wife and me at the Salisbury airport. We went out to Brewer's automobile for the ride to the hotel.

The car was a brand new Peugeot sedan. There were plenty of other late-model French cars on the streets, including Citroens and Renaults. There were also German BMWs and Mercedes, and Italian Alfa Romeos. And scads of Japanese Toyota and Datsun trucks.

The only makes conspicuously missing were British and American, except for a few very old ones.

Where did the new vehicles come from? Questions such as that kept coming forth, but not the answers. Understandably. The "who" and "how" of import-export trade are closely held secrets.

As one industrial spokesman said later, "We don't like to say we trade with anybody. That protects everybody."

As we drove into the city, we passed huge warehouses. In the early years of sanctions, they had been built to store Rhodesia's unsold tobacco crop. Tobacco was the backbone of the country's agriculture, and the backbone was undergoing strain.

The tobacco's all gone now, except for the current crop. Meanwhile, the squeeze forced a diversification of agriculture which has proved only beneficial.

Farther on, we drove past a large plant with the initials "WMI" on the flag flying over it. Those initials provided a partial clue to the automobile question. They stood for Willowvale Motor Industries.

Before 1966, the plant had been occupied by English Ford. When the English picked up and left under the sanctions ban, the Rhodesians turned the facility into an automobile assembly plant of their own. The parts get there for assembly—somehow.

CAPITAL CONSTRUCTION

Arriving in downtown Salisbury, which is the capital and principal city of the country, the first sights were towering new office buildings that hadn't been there in 1965.

Two tall construction cranes were busy in the erection of other new buildings, one destined to be an eight-story, 250-room luxury hotel.

Later on, we took a drive through the residential suburbs. There were rows of new houses in European neighborhoods being occupied by arriving immigrants and whole subdivisions in areas set aside for Asian Indians and for Africans.

There are approximately 300,000 urban Africans who live and work in Salisbury, together with some 115,000 Europeans. The racial groups work together at all levels of commercial enterprise, share all public and recreational facilities, but live in separate housing areas.

That is the limited extent of separation and generally it is preferred that way by the various groupings. As one minister in the government put it, "the future will be determined by racial harmony," which he felt does exist at present.

AFRICAN LIVING

In the African residential sections, there are homes ranging from modest single and duplex rentals to attractive homes being purchased and luxury residences custom built in the $50,000 to $100,000 range by wealthy Africans.

One African bus company operator, for example, has built a three-story house on a hillside lot in Marimba Heights. In the African tradition of multiple wives, which is still prevalent and legal, one of his wives occupies the second floor of the house and the other wife has the third floor.

Outside Salisbury is the imposing new headquarters building for Rhodesia Broadcasting Service and Rhodesian Television. Aside from all the latest electronics equipment, some of it imported "somehow," there was a beautiful Wilton rug, at least 16 by 30 feet, on the main studio floor.

"Oh, that," explained Harvey Ward, head of RBC/TV News Service, "why, since sanctions we make our own rugs in Rhodesia."

There is, in fact, little except for the heaviest industrial equipment and sophisticated machine tools which isn't being made now in the country.

Television sets? Made in Rhodesia. Stereos and other electronics? Newsprint for the big newspaper in Salisbury, and other papers? Made now in Rhodesia, together with toilet tissue (brand name "Wish") and paper products which were almost nonexistent in the early period of sanctions.

The list goes on: furniture, from fine office equipment to high style home furnishings. Pharmaceuticals, made in a spotless new plant. Dishes and tableware. Steel. Truck and bus bodies. Clothing for the whole family.

CHEAPER, BETTER

During an internal air flight, I sat with a manufacturer of men's clothing from Johannesburg, South Africa. He told me frankly that if it were not for import quotas on Rhodesian clothing in South Africa, he would be hard put to compete and stay in business. His customers told him frankly they would rather buy the Rhodesian product.

Cheaper, because of cheap labor, but shoddy in quality? No, admitted the South African manufacturer, "Rhodesia's clothing is not only cheaper but also better."

J. C. Graylin, chief executive of the Association of Rhodesian industries, said that the 1,600 new industrial projects launched in just six years were equal to what would have taken 26 years under continued British authority.

"We're under siege," he explained the surge simply. It still isn't easy going.

"The biggest problem is generating capital for all our development needs," Graylin said. "We can't borrow capital abroad." That's one pipeline on which the British have been able to keep the valves pretty well closed.

Imports of critically needed items, materials and equipment must, therefore, be controlled carefully to match approximately with exports.

But even though gasoline, 100 per cent imported, was rationed a few years back, it is now pumped without limit at any service station. One is surprised to see familiar signs such as Mobil and Shell plus BP (British Petroleum), Caltex (a Texaco affiliate) and Total (French).

The British-owned Rhodesian Herald would greatly like some new presses. The Herald's editor, Reese Meier, conceded that under the circumstances the presses aren't as essential right now as other things. His wants are far down on the import priorities list.

OPTIMISM

Rhodesia's minister of foreign affairs, J. H. Howman, took a position of optimism about the trade problem. He expressed the opinion that "sanctions are only a nuisance now" and would continue to erode slowly.

Since Britain's rejection of the settlement agreement which the two governments had worked out, there is "no enthusiasm anywhere for the continuation of sanctions," Howman observed.

He noted that informal relations with much of the world, many nations in Europe, Asia and Africa, are good. "It is ridiculous to suggest that Rhodesia is a non-state."

The facts of life—stable government, a stable dollar, a booming economy, a united people who have not flinched—seem to bear out Minister Howman's contention.

DEATH OF MRS. EVELYN WALKER ROBERT

Mr. TALMADGE. Mr. President, I was very saddened by the death Wednesday of Mrs. Evelyn Walker Robert, the wife of Lawrence Wood "Chip" Robert, onetime treasurer of the National Democratic Committee and leader in party activities.

Affectionately known to her many friends as "Evie," Mrs. Robert was one of America's most charming ladies. She was an extremely intelligent and hardworking woman, who spent a great part of her full and productive life helping others and doing humanitarian work.

Mrs. Robert was born in Atlanta and loved and respected throughout the State of Georgia, as is Chip Robert, a graduate of Georgia Tech, and long a leader in State and national political circles.

Georgians mourn the passing of Evie Robert, and Mrs. Talmadge joins me in extending our heartfelt sympathies to Chip Robert and the entire family.

I ask unanimous consent than an article from the Washington Post on the death of Mrs. Robert be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 7, 1972]

EVIE ROBERT, SOCIETY LEADER, DIES

(By Jean R. Halley)

Evelyn Walker Robert, better known as Evie, who had been a leading hostess in Washington and fought a valiant battle against a kidney ailment for five years, died yesterday at George Washington Hospital.

She was the wife of Lawrence Wood (Chip) Robert, at one time treasurer of the Democratic National Committee and a former assistant secretary of the Treasury.

Mrs. Robert and her husband had spent the weekend at their home near Warrenton, Va., and she had driven them back to Washington, where they reside at the Mayflower Hotel, Sunday night. After their return she complained of not feeling well and went to the hospital.

She had been a frequent patient there, where she used a kidney machine twice a week. Her husband had purchased the machine for her and she had donated it to the hospital with the condition that it remain available for her use.

Mrs. Robert was the granddaughter of Alice McClellan Birney, one of the founders of the PTA in this country. She planned to attend a tribute to her grandmother later this month.

She was born 63 years ago in Atlanta while her mother was stopping over there en route to Washington.

Mrs. Robert attended school in Paris and liked to point out jokingly that she went to five colleges in her early years but graduated from none.

She made her debut in Washington and was presented to the Court of St. James', where she met the then Prince of Wales. They became lifelong friends.

The story is told that she once turned down the Prince of Wales when he asked her to dance, a think unheard of when royalty makes a request. She explained that she didn't accept because she was taller than he was.

Later, as the Duke of Windsor, he and his duchess were guests at her home here and the Roberts were guests of the Windsors in Nassau.

Mrs. Robert, once described as a New Deal glamor girl and lobbyists' Lorelei, was noted for her Washington parties, where she liked to combine celebrities, diplomats, senators and cabinet officers. To these she would add society figures and then, perhaps, somebody's secretary.

She was an avid horse-woman and counted many well-known generals among her friends after becoming acquainted with them while riding at Ft. Myer. She loved animals and presented a number of various species to the Atlanta Zoo.

Mrs. Robert was also a working woman. One time she wanted to move some chicken houses on a large farm she had on the Eastern Shore of Maryland, so she borrowed a jeep and moved them herself.

Mrs. Robert said it was more fun than riding a horse or elephant. And ride an elephant she did, dressed as a Far Eastern princess, when the Greatest Show on Earth came to town in 1940.

Perhaps her best job was that offered her by the late Eleanor (Cissie) Patterson, publisher of the old Washington Times-Herald, who thought of her as a daughter. Mrs. Patterson asked Mrs. Robert to write a column, which Mrs. Robert did, calling it Evie's Rib. It was published for a number of years.

Mrs. Robert, whose trademark was a necklace of black pearls, dwelt in high society. She and her husband, for example, were close friends of the Roosevelts.

But salesgirls, news vendors, chauffeurs, children, panhandlers and dressmakers also were among her friends. On occasion, she would call up her favorite beauty parlor and invite all its employees in for cocktails.

Considered a great beauty, she was also a capable business woman and aided her husband, whom she married in 1935, in both his political and business endeavors.

In his absence, she took care of his mail, relayed to him what was important and attended to the rest herself. She was his confidential secretary when he was treasurer of the Democratic National Committee and sometimes his substitute as greeter at conventions.

In addition to her husband, she is survived by a daughter, Alice Birney Jones.

REPORT FROM THE HEARTLAND

Mr. PEARSON. Mr. President, this week's issue of Newsweek magazine contains a descriptive article about a small community in my State, the community of St. Francis, Kans. The article describes both the problems and the promises of St. Francis and thousands of other small communities across rural America. The problems of such communities are characterized by the statement of the school superintendent when he stated:

> We are exporting our only resource, our children. There is nothing to come back to, jobs or farming.

The promise is symbolized by a businessman who had moved from a large city to locate in St. Francis when he said:

> We didn't know what living was till we got here.

Mr. President, I ask unanimous consent that the article about a typical farm and small town community be printed in the Record at the conclusion of my remarks.

Mr. President, we have become, in many respects, an urbanized nation. The great cities dominate the American scene and the problems which beset these consume the energies and resources of our Federal, State, and local governments. In many respects, this massive urbanization, this great gathering in of people and industry is a symbol of modern progress and a sign of America's greatness. Yet, as the urban crisis has deepened and the problems of the cities have defied solution, we have come to recognize that this urbanization has been mismanaged, too many of the metropolitan areas are overcrowded and overburdened, too many of our rural communities are underpopulated and underdeveloped.

As we review our past and assess the present, many of us have come to recognize that we must seek a more equitable rural-urban balance in the future. We must slow the exodus from farm and small town America. We must improve economic and social conditions in rural America so that those who prefer to live in small communities will have a meaningful opportunity to do so.

This is essential to the national welfare for two reasons. First, we need to relieve the pressure on the cities. Second, we must prevent the future decline of rural communities because they are such a vital source of national strength and because they make such an important contribution to the American character.

Mr. President, for these reasons I have long urged a national commitment to the goal of rural development and balanced national growth. We are beginning to make some legislative progress, but much more remains to be done. Congress must continue to focus its attention on the need for rural development throughout the decade of the seventies.

There being no objection, the article was ordered to be printed in the Record, as follows:

Report From the Heartland

(By Frank Morgan)

St. Francis, Kans.—In this Rodgers and Hammerstein country, where cerulean skies stretch endlessly over golden plains, people are beginning to think everything's going their way—temporarily. Long freight trains loaded with wheat crawl away from the twelve-story grain elevator each day while farmers exultantly wave them on. With bumper crops harvested, the farmers have watched wheat prices shoot up 20 per cent in only a few weeks, due mainly to Russia's unexpected purchase of 400 million surplus bushels. In addition, the cool, wet summer guarantees excellent wheat planting in September and good growth over the winter, as well as plenty of winter feed for beef cattle. There are trials facing St. Francis—perhaps even terminal illness for part of the prairie way of life—but for the moment they are masked by all the outward and visible signs of ease.

All but untouched by the turmoil facing most Americans—urban strife, the war, rising crime, chronic joblessness, soaring taxes, inflationary prices and a deteriorating quality of life—the 1,800 people in this remote northwestern Kansas farm community are leading what in the '70s has to be called an idyllic life. Homes are left unlocked even while owners are on vacation in the Rockies or at Disneyland. The last murder in Cheyenne County, of which St. Francis is the county seat, was in 1962, and a crime wave is two successive nights of vending machine break-ins at a filling station on Route 36. The three local policemen, who spend most of their time snagging speeders, note license plate numbers of all cars in town after 10 p.m. each night. "If anything happens, someone out that night did it or saw it," says one lawman.

The drug menace passed through—thirteen arrests last year for possession of marijuana weed, as it's called here—but it is only a minor irritant now, thanks to Sheriff Ray Lee's heavy surveillance of every single teenage party ("We go through the incinerators the next morning to see if it was a beer party or not") and tips from local anti-drug young people. An occasional carload of hippies stops in St. Francis, but not for long. Sheriff Lee says, "We visit with them a while and try to make it clear that they'd be happier somewhere else."

HOMEGROWN

There has never been any racial conflict in St. Francis, simply because there is not a single black family living in the county. Women's liberation is incomprehensible to farm wives who drive tractors, operate milk routes and manage the accounts. Many working residents are poverty-stricken, earning less than $3,000 a year, but don't know it because of the low cost of living and homegrown food. Succulent beefsteak tomatoes accompany every meal, which always includes at least three vegetables, a huge platter of steak or other meat, salads and desserts—more calories than most city dwellers consume in a day.

On Saturday nights the Riverside Golf Club throws a smorgasbord party, the churches offer a basket supper, and the only movie house in town, currently showing "The Godfather," is generally packed. Many head for the Elks Club in Goodland, 33 miles southeast, for a "red beer" (beer mixed with tomato juice) and a sirloin-steak dinner for $3.75 (also offered: lamb fries, or "Rocky Mountain oysters" as the deep fat-fried lamb testicles are named). At the Elks Club, they dance every dance while Eddie Frank's Orchestra mixes oldies with polkas. Country and Western is out, despite what the Easterner may think: "I'm a hick but I can't stand that stuff and no one else I know can either," says Don Krien, a young St. Francis farmer.

A big affair in the last few weeks, sandwiched in between the annual Cheyenne County Fair and the St. Francis Fall Golf Tournament, was the unveiling at the Farmer's Co-op of the newest John Deere tractor—$14,000, including air-conditioned cab, radio and stereo tape deck.

There's a remoteness to St. Francis that is not wholly geographical. The network evening news programs come on at 5:30 when most men are in the fields, playing golf, or at the office, and wives are fixing supper. Practically no one here saw the Democratic convention because July is wheat-harvest time, with eighteen-hour days for the entire family. But the people are not as unsophisticated as the Easterner's sterotype might have it. A well-stocked and used city library in the basement of the courthouse subscribes to more than 50 magazines, ranging from Successful Farming and Irrigation Age to Opera News, Saturday Review and Ebony (despite the absence of blacks). There's a constant flurry of concerts, lectures and programs at women's clubs, schools and churches, and a university extension course in Elements of Art was heavily subscribed this year.

ADVERSITY

For all their good life, St. Francis people have a gnawing apprehension that the town as it is now is dying. Farmers who have known drought, dust storms, hail, floods and ever-fluctuating prices are facing a new adversity, and it is ominously different. "We are exporting our only resource, our children," says Carl Sperry, superintendent of St. Francis's two schools and an educator here for 25 years. "There is nothing to come back to, jobs or farming." Cheyenne County's population has declined from 7,200 in the Dust Bowl 1930s to 4,200 today—a result of the small farmer being squeezed out, farms getting bigger and no new jobs opening in the town.

Raymond Zimbelman is typical of the St. Francis and Midwestern farmer. He and his wife Dorine were both born on farms in St. Francis. He attended high school here ("no one thought of college in those days, you went to the farm"), then went to work on his father's spread, which he bought in 1951. His oldest daughter, 24, is a registered nurse in nearby Yuma, Colo. Another daughter, 18, left last week for Fort Hays State College ("I'm just glad to get out of here, it's so dull living in a small town," she said on returning from seeing the town movie for the second time last week). The only son, 16, is a junior in high school, a center on the varsity football team and a calf-raising 4-H member who has helped farm since he was 10. He plans to go to college and has made it pretty clear that he doesn't want to farm. "That's just as well," says Zimbelman. "I do not know what we'd do if he wanted to."

"What we're seeing," says Zimbelman, who at 50 is considered one of the "young farmers" in town, "is the first generation of farmers who aren't turning their land over to their sons. Some boys don't want to farm. But we both can't afford to live off the one place anyway, and my son won't be able to afford starting out on his own. He'll go off to college, I'll retire and that will be the end of the farm my father homesteaded."

St. Francis did attract one new enterprise last year. Consolidated Freight Trucklines of Chicago moved twenty drivers from Chicago to St. Francis as a way station between the Denver and Kansas City route. Ironically, the twenty drivers have been moving into the farm homes abandoned by the farmers and have taken to country living with gusto: they buy horses, their children join 4–H and enter exhibits at the county fair, their wives bake bread and raise their own vegetables. The truck drivers wear nothing but cowboy boots, hats and clothes. "You'd think they were cowboys," says one native, "only the Chicago accent gives them away."

And the town has had a few urban expatriates. Arthur Kruger, 42, moved his family from Denver in 1971 and bought out the local clothing store. "Things were just getting worse and worse," Kruger now says of his old life, "—taxes, forced busing of my kids, and we just wanted the opportunity for better life we knew existed in a small town." Kruger now takes his two young sons out golfing at Riverside two or three afternoons a week, and he and his wife are active in the Lutheran Church. "We didn't know what living was till we got here," he says.

FOREIGN TRADE AND INVESTMENT ACT

Mr. HARTKE. Mr. President, the Hartke Foreign Trade and Investment Act of 1972 has been directed to the restoration of some balance to the international trade picture. Recognizing the impact of unfair international practices, the Hartke approach is designed to save American jobs and preserve our diversified industrial base.

In the past, many of the charges of unfair competition have been leveled at the Japanese. Ironically, they are now being subjected to the same type of ruinous competition in a field long thought to be a Japanese preserve—high quality cameras.

Faced with an invasion of world markets by Chinese, Soviet, and East European cameras, the Japanese are now being forced to relocate some of their production facilities abroad. Properly applied antidumping procedures might have afforded the Japanese some relief against a similar Western onslaught, but are apparently of no avail in trading with the socialist bloc.

The Japanese case puts in clear relief the danger to our diversified industrial base. We have already lost the quality camera market. Many of our electronic industries are presently headed down the same road to industrial oblivion.

Mr. President, a recent issue of Forbes magazine has recounted the current plight of the Japanese in a most interesting fashion. Because of its implications for our own trade quandry. I ask unanimous consent that the Forbes article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Look Who's Crying Now

Mounting wage rates, foreign dumping, unfair competition. Sounds like an American businessman talking. Actually, those are the wails of Japanese executives suddenly worried about one of their prestige industries: cameras.

When Japanese businessmen launched their postwar invasion of foreign markets, one of their first victories was in cameras. In the early years, their Nikons and Canons and Minoltas pushed Germany's Leica and Rolleiflex brands hard. Then, when the single-lens reflex camera captured the bulk of the quality market, the Japanese, especially with the Asahi Pentax, walked off with almost all the prizes. Today quality cameras are close to being a Japanese monopoly.

Western businessmen raised the expected cry of "unfair competition from cheap Japanese labor." Since a Japanese worker earned almost a third less than a German worker, it was impossible to compete with the Japanese, German camera manufacturers complained. What added insult to injury, they said, was the fact that Japanese cameras were imitations of German cameras. The Nikon was a copy of the Contax, the Canon of the Leica, the Yashica of a Rolleiflex model.

Actually, the Japanese cameras were better, as well as cheaper, but the low price unquestionably was a factor in making them so popular.

Fifteen years later, look at who is undercutting whom. Last year the Zenit camera, a single-lens reflex, began selling in Japan for the equivalent of about $45, a third less than a comparable Japanese camera. The Zenit is made in the U.S.S.R. In West Germany, Canada and the U.S., the Communist Chinese now sell cameras called the Seagull and the Pearl River. The former is an imitation of the best-selling Japanese Minolta SR–2 line, but is priced an average one-sixth less. In Australia, East German camera makers are undercutting Japanese list prices by as much as 50%.

The Communist-made cameras are not top-quality cameras. In that market, price is never an object. In the medium-quality market, however, price always is, and that is where the Communists are offering the Japanese stiff competition. They're now selling as many cameras in the United Kingdom as the Japanese, for example, although the value is nowhere near as great: U.K. photographic imports from Japan last year ran to $7.8 million, as compared with $800,000 from East Germany and less than $918,000 from the Soviet Union.

For Japan, it is one of their first tastes of the same U.S. problems they took advantage of during the Fifties and Sixties. There are mounting labor costs. Wages are growing at 15% to 20% a year. Ten years ago, the typical Japanese factory workers earned 29 cents an hour. Today that figure is $1.46. With labor 80% of the cost of a camera, Japan's longtime cost edges is rapidly evaporating.

Then there is the desire of the Communist Chinese, East Germans and Russians for dollars and other currencies, the same eagerness that characterized Japan during the past two decades. This means that the Communists are willing to sell a camera overseas for less than it costs to make; they can always make up the difference on the home market. "When they want dollars for any reason, they don't care what price they sell at," says Sam Kusumoto, head of Minolta operations in the U.S.

And adding to the headaches of Japan's camera industry was the yen evaluation, which forced most of the companies to raise export prices 15%. (Over half of the cameras produced are exported.) For example, Nikon Fs went from $230 to $265.

Like the Japanese, the Communists have been quick to see why cameras are an ideal entree into international trade. Their high labor content, of course, gives low-wage countries a big advantage. Their relatively high price and small size minimize the importance of shipping costs. And the technology, once developed, can easily be copied.

To offset their increased labor costs, the Japanese are setting up plants in Southeast Asia. Yashica is making cameras in Hong Kong, where costs will average 20% lower. Ricoh and Canon have gone into Taiwan Mamiya is manufacturing in Korea.

The Japanese are also making some other sensible moves. They are shifting more of their production from moderate-priced ($100 to $250) cameras to expensive ($250 and up) ones. In all probability, they would have done this even if the Communists had not entered the medium-quality market. The Japanese are keenly aware that as wages rise a nation must produce higher and higher quality goods, because it will be increasingly unable to compete with low-wage countries in low-quality goods. Even before they started producing cameras in low-wage areas like Hong Kong, Taiwan and Korea, they already had started producing low-quality textiles there.

What the Communist camera threat did, therefore, was merely to step up the move abroad.

Still, the gods must be laughing. Here are the Japanese, long a target for charges of unfair competition. And now they're being undercut by the Communists.

SOCIAL SERVICES PROGRAM

Mr. ROTH. Mr. President, during the past several weeks, I have on many occasions spoken with other Senators concerning the social services program, an open-ended Federal program which I consider the equivalent of "back door" revenue sharing.

As you may recall, the Federal commitment for the funding of social services practically exploded during the past 2 fiscal years as State after State discovered and took advantage of the liberal financing provisions of the program. In one State alone, the Federal contribution increased by 42,000 percent; in other States, increases of several hundred percent are quite usual.

For instance, although the original social services budget estimate for this fiscal year was $1.2 billion, it is now estimated that at least $4.7 billion will be spent on the program. This would be about a sevenfold increase since fiscal year 1971, when we spent $746 million in Federal money for social services. Frankly, these large and apparently disproportionate increases in spending disturb me deeply. It is for this reason that I have worked with the distinguished senior Senators from New Hampshire and Washington (Mr. Cotton and Mr. Magnuson) to impose some sort of spending ceiling on this social services program. Unfortunately, our efforts have not met with complete success thus far, but I am hopeful that a ceiling will be adopted by the Senate before we adjourn.

Whatever its level, however, such a ceiling would serve as merely an interim measure. For years beyond 1973, Congress must undertake an honest assessment of this program's worth. There is no doubt that the threat posed by the vastly increased spending for social services is a very serious problem; but perhaps more serious is the almost complete lack of information as to how this money is spent, because without such data we have no way of knowing whether our money is being wasted or spent soundly.

At this time, there is no single person or agency who knows how many State programs are being financed under social services; similarly, nobody knows exactly what the State programs are. And, as many Senators might suspect, since we do not know how many or what kind of programs are being financed, we have no idea how well the social services program has achieved its stated goal of keeping persons off welfare. Personally, I doubt seriously that the number of trained professional social workers in this country has increased several hundred percent during the past 2 years; and, I doubt that the "social services" made available to the blind, disabled, and the poor have increased several hundred percent in the past 2 years. I am certain that even if the number of social workers and the number of programs have increased, there has not been a corresponding decrease in the welfare rolls.

Despite my personal doubts, however, I consider this program too important for a decision as to its future to be based solely on personal conjecture or speculation. Rather, I believe that Congress should have available to it as much concrete, factual data as possible. It is for this reason that I have requested the General Accounting Office to undertake a study of the social services program. Specifically, I have asked the GAO to consider providing the Congress with reports on:

The effect that social services have on helping welfare recipients achieve self-support or reduced dependency; and,

The manner in which the Department of Health, Education, and Welfare and several States account for Federal dollars spent on social services and the type of State programs being financed with these dollars.

Such information will, I believe, be extremely valuable to the Congress and assist us in assessing the effectiveness of this enormously expensive program. I ask unanimous consent that the text of my letter to Comptroller General Staats be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C., *September 1, 1972.*

HON. ELMER B. STAATS,
Comptroller General of the United States, General Accouting Office, Washington, D.C.

DEAR MR. STAATS: Recent articles in the press and discussions in Congress have highlighted a significant problem with that part of the Nation's welfare program dealing with social services. Because of certain provisions in the Social Security Act and broad Federal regulations, the Federal Government has an open-ended commitment to match three Federal dollars for each dollar that States spend on social services to the poor. The definition of social services—developed by the Department of Health, Education, and Welfare—covers almost anything imaginable, except education.

This open-ended social service commitment has apparently become an unofficial revenue-sharing program and has caused the amount of Federal funds spent on social services to increase from $345 million in fiscal 1969 to an estimated $4 billion in fiscal 1973.

The Senate Committee on Appropriations tried to hold down the tremendous cost growth of the social service program through placing a limitation on the amount of Federal dollars that could be spent on social services. The limitation, however, was eliminated in conference. Although there will undoubtedly be further attempts to institute cost limitations, such limitations will only provide short-term solutions.

Social services certainly have some proper role in our Nation's welfare program. But to adequately assess what this role should be and arrive at long-term solutions for making the welfare program more effective, the Congress needs information on program performance and the manner in which States are spending Federal funds. The Congress does not know whether services are effective, or even what specific State programs are being financed with Federal social service dollars.

I urge, therefore, that the General Accounting Office undertake work to provide the Congress with the answers. Specifically, I request that you consider providing the Congress with reports on:

The effect that social services have on helping welfare recipients achieve self-support or reduced dependency, and

The manner in which the Department of Health, Education, and Welfare and several States account for Federal dollars spent on social services and the type of State programs being financed with these dollars.

I can assure you that such reports would be extremely useful to the Congress.

I look forward to your response.

Sincerely,

WILLIAM V. ROTH, Jr.,
U.S. Senate.

COMPROMISING LEGAL SERVICES TO THE POOR

Mr. HUMPHREY. Mr. President, I fully share the serious concern of those Senators who worked diligently for months on end to achieve enactment of effective legislation to continue and expand the war on poverty, only to find it necessary to make significant compromises in the final conference report on this legislation to avoid a second veto by the President that would have halted existing economic opportunity programs altogether.

Not only was it deemed necessary to drop the authorization of a vitally needed child development program, leaving it to an uncertain future, after Senate passage, as separate legislation; not only was it deemed necessary to cut back total authorizations by $1,031,900,000 below what the Senate had originally approved for fiscal 1973, and $918.2 million below its authorizations for fiscal 1974; not only was it necessary to give the President even more than a controlling role in the appointment of the Board of Directors of a newly authorized Legal Services Corporation to meet his unique definition of an independent, nonpolitical agency; no, none of this was sufficient. To save the war on poverty from ending in total defeat under the present administration, it was deemed necessary for the Senate and House conferees, deeply committed to these programs, to agree that the entire title creating the Legal Services Corporation, which supposedly had been worked out over lengthy negotiations with an administration which publicly gave this Corporation its support, must now be stricken from the bill. While the present legal services program in the Office of Economic Opportunity does continue to exist on paper, it should be clearly recognized that this program has been without a director since February. That fact in itself demonstrates an absence of commitment by the Nixon administration to giving millions of poor Americans the access to legal services that is demanded if we are to bring into reality the promise of equal justice and opportunity.

In previous Senate debate on the Economic Opportunity Amendments of 1972, I stated my profound concern that effective legal aid not be denied to over 25 million poor Americans who must be guaranteed the equal protection of the laws. It is the denial of this protection that is the harsh reality of poverty. It is the height of hypocrisy to counsel a poor family that ours is a government of laws when, under those laws, they find no recourse in the face of an eviction notice, or outright fraud, or unexpected interest charges that make it impossible to meet loan payments, or a civil or criminal action without adequate defense counsel. Equality before the law means that low-income persons must have the same access to justice as do more affluent Americans.

I urge the administration to recognize the intent of Congress that the war on poverty must no longer be a halfhearted skirmish—a firm position expressed in congressional action to authorize funding levels for economic opportunity programs at $200 million above the budget request for fiscal 1973 and $300 million above the actual spending level for the last fiscal year. I call upon this administration to raise the OEO legal services program to its full scale of operation as authorized by Congress. And I insist that the next Congress put itself immediately to the task of enacting legislation to end the exploitation and despair of millions of poor Americans who are without effective recourse to legitimate systems of settling disputes—the bedrock foundation of respect for the law.

TVA WEIGHS THE SOCIAL AND ENVIRONMENTAL NEEDS OF TENNESSEE WITH REGIONAL PLANNING

Mr. BROCK. Mr. President, the Tennessee Valley Authority's contribution to Tennessee and the other States of the Tennessee River Valley is immeasurable. In countless areas the TVA has served as the catalyst for growth in the seven State region.

Today, TVA has a new challenge: to walk the narrow path between the current economic needs of our citizens and the impact meeting those contemporary needs will have on our environment over the long term.

The Tennessee Valley Authority is in perhaps the most opportune position to set an example for the rest of the Nation on how this tightrope should be traversed. The regional scope of the TVA permits it to plan development measuring its impact, not just on the people in the local area but valley wide, and not just this year but for the foreseeable future.

Mr. President, in an address before the Oak Ridge Rotary Club of Oak Ridge, Tenn., TVA Chairman A. J. Wagner made an excellent analysis of the questions we must answer if regional planning and environmentally sound development is to succeed. The interaction of social needs and environmental protection is perhaps the most complex relationships we face in determining the shape of the American future. The relationship between population, food supply, resource availability, pollution, technology, and industrial growth are all mutually interacting aspects of a dynamic system, many of which are difficult to quantify in traditional economic terms. It is vital that we develop a systematic approach to weigh these considerations so that we may efficiently and effectively allocate our resources meeting the demands of the future.

Because it represents a cogent and thoughtful perspective, and because it illustrates the remarkable insight of a fine public servant, Mr. President, I ask unanimous consent that the entire text of Chairman Wagner's speech be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks by A. J. Wagner, Chairman, Tennessee Valley Authority, Before Oak Ridge Rotary Club, Oak Ridge, Tenn., August 3, 1972

Since the beginning, a prime obstacle to civilized advancement has been man's penchant for extremism. Polarization of ideals and ideas has been the stumbling block in the way of world peace, of humanitarian causes of every stripe throughout history. And today, in this Nation's newfound and long overdue concern over the state of our environmental condition, it threatens to dissipate invaluable time, energies and resources—where there are none to spare—from the everlasting quest for true and full equality in life.

We suffer still from a "we—they" complex. "If only *they* would stop developing, building, industrializing, polluting, (choose your own word depending on the special interest you espouse), then *we* could have a clean and safe society."

Last month's issue of *Tennessee Survey of Business* reported on a graphic example of this syndrome. A University of Tennessee marketing survey explored the extent to which Tennesseans are willing to pay the cost of cleaning up the environment. The survey, while limited in scope, revealed some shocking but predictable feelings. While some 85 percent of those interviewed agreed that environmental quality was a matter of extreme importance, over 60 percent would be willing to pay only a token amount to remedy environmental problems, and over 30 percent stated they would pay *nothing* to improve *any* aspect of our environment. In short, when brought to the realities of actually paying more for goods and services and other basics to solve environmental problems, the majority do not manifest the will to act. For too many of our people, the problem is not personal. It belongs to someone else, some place else.

To be sure, there are some purposeful polluters who act in single-minded pursuit of quick personal profit, dumping their wastes needlessly at the deliberate expense of the public's air, water, and land. When such situations are discovered, there can be no compromise. They must be stopped. But at the root of our troubles we will not find a cause so simple as the greed of a few men. In truth, all men are polluters. And in the main, our environmental problems are produced in fulfilling human wants that are basically reasonable and necessary.

Certainly, this Nation and its people stand at least partially guilty before the charge of materialism. But adequate housing, protection from extremes of weather, proper diet, personal mobility, meaningful employment and enjoyable leisure are basics which can hardly be considered excessive. Yet each has a marked and lasting impact on our environment. Collectively, fed by the increasing needs of a growing population, they form the real environmental dilemma we face today.

In this setting, there are no simple answers. The scope of environmental quality demands that we patiently and persistently identify the true dimensions of our problems and the consequences and the costs of alternatives available for their solutions. It calls for a broad overview, a balanced approach that recognizes the interlocking nature not only of our environmental problems but of *all* living things. We in TVA are deeply committed to this approach, and it is in this context that I want to discuss a few of the major environmental issues facing our Tennessee Valley region today.

As a point of beginning, any honest assessment must deal with what will be necessary to meet the legitimate needs of all Valley people, not only in this decade but through the end of this century and beyond. This issue is basic to all others. A recognition and concern for this fact is why so many of you in Oak Ridge are working to develop peaceful uses of the atom, and to avoid adverse environmental effects in the process. Unfortunately, however, much environmental talk today refuses to face up to these hard questions at the outset, and that refusal leads to some myopic views and gross misconceptions about what *is* and what is *not* possible as we move to shape the future of the region.

What do we know about the years just ahead? How many people will we have in this Valley and what can, should, and must be done to provide the basics of quality living for those people? How many jobs, how many homes, schools, how many hospitals, how much energy and what kind of quality must be built into these ingredients?

Let's look at some hard facts. This week there are two million more Americans than there were last summer. Although the nationa birthrate has been declining for several years, the mathematics of motherhood is still adding more than one percent per year to the Nation's population.

In our region, conditions are similar. By the end of this century, the Valley region is projected to have a population approaching 9.9 million, an increase of more than three million people from its 1970 level. Some 2.3 million people are at work in the region today. Jobs to serve the Valley a generation from now must climb more than 50 percent, an addition of around 1.4 million to the labor force. This is not just a statistic to satisfy someone's notion about a growing economy. It is the very human and social problem of finding useful and satisfying outlets for the hopes, the ambitions and the talents of the young people growing up here today.

Of course, these projections are not absolute. Many factors, some over which we have control and many others over which we do not, will affect current trends. But what we *do* know is that no amount of wishing can change the inexorable fact that many more people are going to make increasingly heavy demands on our finite resource base as we move swiftly toward the year 2000.

Remember, we cannot deal with a world as we might *wish* it to be. We are living here and now in a *real* world and these are *real* people we are talking about. The parents of the children to be born in 1990 are already here. Zero population growth may well be the ultimate answer to many of our problems, but the simple truth is that it cannot be realized immediately and no decision in this regard somewhere down the road can change the fact that the people already here and those who inevitably will follow must be provided the best living and working conditions possible.

This, then, is the basic framework within which our decisions must be made. People, and their demands for food, clothing, shelter—and the industries and businesses to provide these necessities—are going to come. And if we don't recognize this inevitable fact and begin now to plan for and control this movement, then the worst fears of all of us who are *sincerely* interested in the environmental future will be realized.

Our problems extend beyond what might be termed mere people pressure. *Where* the people are is an issue that must be considered in tandem with *how many* people there are and will be. For more than seven out of ten Americans, home is now an urban setting and, if present trends continue, by the end of this century the ratio is expected to climb to 9 of 10. Nationally, our cities, for decades, have had to cope with an enormous influx from the countryside, and they have never recovered. The city migrant increasingly finds his dream of the good life has become a nightmare of congestion and decay, while his country cousins have too often been left in areas of lonely decline.

One alternative to solving our problems here in the region is to shove them off on someone else, some place else. In a word, continued outmigration to Cleveland, Detroit, Chicago, and other major metropolitan centers. But is this a fair choice for people? Is this the opportunity for quality in life we hear so much about?

Such callous disregard for the millions of Americans who have not shared fully in the abundance of this, the richest Nation in the history of the world, is totally unacceptable. It stifles and destroys the lives of those who, unprepared, migrate to the industrial slums of our large metropolitan centers. And it adds intolerably to the seemingly unsolvable problems of those beleaguered officials who are trying so desperately to cope with too many people in too little space with too few resources.

The soul-searing ugliness of hard-core poverty is the chief environmental ugliness we still have to combat in this Nation. The idea that there is "an inherent richness in rural poverty," as one well-meaning person tried to explain to me recently, is pure myth. If there is any "richness" in poverty—rural or urban—it escapes me. And it is long past time for those of us secure in our suburban ranchers to understand it for what it really is.

It has been suggested that continued economic growth cannot be part of our future in this Valley. Instead of sending our talented young people and our poor to Detroit, it is apparently feared that we would bring Detroit to the Valley, wrecking our environmental hopes in the process.

But there is another alternative—a course that can enable us to have economic gains and still maintain the overall quality of life we hold so precious. Here in the Valley, planned industrial growth is helping disperse population, countering the national trend toward sprawling metropolitan clusters.

Eighty percent of this region's new industrial jobs are being created outside the metropolitan centers. The people who are filling these new jobs still have access to open space, to green fields and forests and lakes and streams. Here lies opportunity to create a life-style that can be a living model of the best of *both* economic and environmental excellence. This opportunity should be easy to understand here in Oak Ridge—a living and working example.

What we are suggesting is a viable alternative to the concepts of "no growth" or, on the other hand, mere "growth for growth's sake."

The balanced approach to planning for the region's future is the critical factor. We cannot concentrate on city, suburb, or countryside alone. If we really expect to provide present and future citizens with the opportunity to stay and live and work in this region, and if we expect to sustain a livable environment in the process, we must move now to create a rural-urban mix of people and jobs and services on a regionwide basis. We need to help create a system of cities, towns, and villages with open space within and in-between.

The alternative to such planning is chaos, compounded of unfettered development and maximum adverse impact on the environment. Look at typical urban development today with its sterile, treeless tracts and highway strip growth. Imagine those areas a couple of decades from now. I think you can see in your mind's eye the same pollution and decay that now afflicts old inner cities, except that it would be compounded on a scale too devastating to fully comprehend.

Given these predictable parameters of both the problems and the opportunities facing the Valley, we can make some judgments, based on sound fact rather than wishful thinking, about what we have to do to get the kind of quality we want out of life.

We must have a balance between controlled water supply and the need for scenic streams, preserved in their natural state for the aesthetic value they provide. Maintaining this balance requires that we assess all of the factors involved and come up with the best possible use of a particular watercourse, the one that will serve the greatest number of people over the longest period of time.

If the people now living and those inevitably to be born in the Duck River area of middle Tennessee, for example, are to stay in the area, building that blend of urban opportunity and rural heritage we are seeking, they must have a controlled, safe water supply. If the people of the lower Little Tennessee are to alleviate their crying need for jobs and improved incomes, they must be allowed to take advantage of the unique potential of the water and land resources available to them.

But the people of this Valley also need their Obed, Emory, Buffalo, and Hiwassee Rivers, preserved and protected. This is the balanced approach to regional development at work. In some areas it calls for carefully coordinated development. In others it demands the preservation of land and water in its present condition. This is true in respect to all of our basic resources. The inevitable pressures of people and their legitimate needs dictate that neither the status quo nor unbridled change can hold sway. We must have a blending of the best of both.

A catalyst for much of the environmental and economic progress over the past four decades has been electric energy. It will remain a vital factor in any hopes for quality living in the Valley of the future. Producing the growing amounts of electricity required in this region presents difficult, but not unsolvable, problems. For example, to meet energy needs over at least most of the remainder of this century will require the mining of coal—and some of that coal will have to be obtained from surface mines. Again, we need to separate fact from fantasy. Idealistically, we might *wish* we had not had to have the ultimate weapon of destruction that created this city of Oak Ridge. We might also wish we did not have to face the environmental problems produced by strip mines. But considering the alternatives, we did, and we do. The "real world" question is, what do you do about it?

We can begin by saying that destruction of the American landscape cannot be tolerated as a byproduct of strip mining. We can work to develop techniques and technology to reclaim and restore most strippable land, and we can say that where such techniques are not applicable the land must not be mined.

We now have the necessary technology to reclaim most mined lands, restoring their productive and aesthetic value. Indeed, it is of more than passing interest to note that this technology has been and is continuing to develop rapidly. Men have been going into the black holes of deep mines for centuries and still human and environmental hazards remain. But we now have the ability to extract a vital and valuable mineral resource by strip mining without destroying the countryside in the process.

It can be done. Is it being done? TVA can help, but it can't do the whole job alone. As the only major purchaser of coal in this country requiring reclamation of its suppliers and in working to refine the technology to enable even more effective reclamation, we are trying to show the way. The real stumbling block is public desire, the need for an informed citizenry and the will of their elected representatives to develop and apply national solutions to a national problem.

This, again, is the broad, balanced approach at work. It says, in effect, use technology to *serve* man's needs rather than allowing him to become the servant of technology. It says we can control the hazards of mining, of ash and gaseous air pollution—and this is what TVA and other concerned conservationists are working to accomplish.

For the first time in man's history, we have the opportunity to disprove the myth that muck and money are inseparable, that man must destroy to create. Through wise application of scientific knowledge, we can replace the concept of planned obsolescence that has prevailed too long in our throwaway society with a new emphasis on reuse and recycling of resources and wastes.

A prime example is the joint efforts by TVA, the Commonwealth Edison Company, the Atomic Energy Commission, and the total electric industry to build and operate the Nation's first liquid metal fast breeder reactor plant on the TVA system. Our goal is to demonstrate that the breeder can produce electricity efficiently and reliably with a minimum impact on the environment. It has the potential to extend the useful life of our basic energy sources by many centuries. It is environmentally cleaner and holds the promise of being more economical than present generation methods.

These same concepts of testing and demonstrating need to be expanded to address all of the broad questions facing this Nation and its hopes for a better way of life.

New technologies for improved transportation, communication, waste processing and new techniques for education, rural health, recreation—to name just a few—are needed to foster successful, integrated town-country communities. This is where efforts like the new city of Timberlake come in. Here we have the opportunity to test many new ideas within the context of a viable, living community. It extends the concept of "new towns" beyond the "bedroom community" stage, where residents merely spend a few hours away from their jobs. It would have its own economic base, the modern industrial complex on Tellico Lake—a complex that can show the way to a nonpolluting industrial society while providing the jobs and income so vital to halting the forced flight of our people to some overcrowded metropolis. This same spirit is at the heart of an effort just beginning in the lower Elk River area, an effort designed to expand social, cultural, and economic opportunities without sacrificing the uncluttered quality of rural life.

How much land will be needed for future business and industry? How much for homes and community services? Which natural and scenic areas must be preserved to assure balance and provide for a wide variety of recreational experiences? Where will trees grow and which areas should remain in farm land? TVA is seeking answers to these hard questions—answers based on the possible and the plausible as well as the desirable. But, in the end, society—and that means all of us—must make the decisions on the directions we want to go.

This is why it is so critically important that the public have access to creditable and accurate information upon which to base those decisions. If we are to act intelligently, we simply must be able to distinguish between what is fact and what is personal opinion. As I indicated at the outset of our discussion, in a climate of polarization this difference is not always clear.

There will be differences of opinion, of course. This is as it should be. But success will depend on the extent to which we form our opinions on the basis of facts rather than hunch. It will depend on the use of reason rather than emotion, on a sincere desire to provide real *help* instead of mere *headlines*.

Our goal in this region should be to provide people with alternatives involving a variety of living and working environments, aiming at the highest possible quality in each, offering the greatest benefits for the greatest number over the longest period of time.

Perhaps you have heard about the tourist who asked the distance between this atomic city of Oak Ridge and Cades Cove in the Smoky Mountains. The answer someone gave: "About 150 years." This is our great challenge. We must be about the task of bridging this time span, pledged to keep the best of both eras.

EFFECT OF BILLS TO CONTROL BARBITURATE DIVERSION ON PHYSICIANS AND PHARMACISTS

Mr. BAYH. Mr. President, during the past year, the Subcommittee To Investigate Juvenile Delinquency, of which I am chairman, has been investigating the problems of barbiturate diversion and abuse. Barbiturates, like amphetamines, are not viewed with the concern that we view morphine and heroin, although we know that when used improperly, barbiturates may be even more debilitating. Casual attitudes toward these potentially destructive drugs, coupled with a readily available supply, appear intimately connected with the current trend in barbiturate abuse.

Many witnesses, including former barbiturate addicts and law enforcement officials, have told the subcommittee that barbiturates are obtained illicitly from friends, street dealers, physicians, pharmacies, or by pilfering abundantly supplied family medicine cabinets. Others have suggested that a significant percentage of the persons abusing barbiturates obtain them originally through legitimate channels and then resort to self-medication, nonmedical use, or even illicit dealing. Newspaper reporters working with the district attorney in New York City obtained barbiturates with prescription blanks printed at nominal cost, bearing the name of "Dr. D. M. Sugob" which, spelled backwards, reads "Bogus, M.D.". These prescriptions showed no BNDD number as required by law. A youngster, age 16, himself formerly a barbiturate addict, remarked that it is less of a "hassle" to obtain "downers"—barbiturates—than it is to purchase cigarettes.

Although specific numerical estimates differ, there appears to be a consensus that a significant proportion of legitimately produced barbiturates find their way into the illicit market. Mr. John Ingersoll, the Director of the U.S. Bureau of Narcotics and Dangerous Drugs, recently told the subcommittee that:

> Unlike the case of all other major drugs of abuse it appears that barbiturates are supplied exclusively from what begins as legitimate production.

In April, I introduced two bills designed to provide a more effective means of dealing with the problems of barbiturate diversion and abuse. The first bill, S. 3539, would provide for the rescheduling of four commonly abused shorter-acting barbiturates from schedule III to schedule II of the Controlled Substances Act. This change would subject these particular barbiturates to stricter production and distribution controls as well as more stringent import and export regulations. The second bill, S. 3538, would require all manufacturers and producers of solid oral form barbiturates to place identifying marks or symbols on their products.

On July 20, I introduced S. 3819 to require manufacturers to incorporate inert, innocuous tracer elements in schedule II and III substances. Law enforcement officials have testified that the markings and tracers would assist them in tracing barbiturates diverted to the illicit market back to the original production and distribution sources.

We are not sure whether all of these measures will be necessary to deal effectively with the diversion and abuse of barbiturates. The subcommittee will continue its consideration of these bills during the coming months before recommending specific legislative action.

Many legitimate inquiries regarding the rescheduling of barbiturates have been raised by physicians and pharmacists. It is important to remember that the scheduling of a controlled substance in schedule II is intended to accomplish one objective, to deter or prevent diversion of the substance whether by fraud, theft, pilferage, or burglary. Rescheduling will also effect changes in the manner barbiturates are handled by physicians and pharmacists. A brief discussion of these changes follows:

SECURITY

All "practitioners" must store schedule II drugs in a securely locked, substantially constructed cabinet. BNDD indicates that locked desks, file cabinets with locks, wood or metal cabinets with locks, or small safes meet this requirement. The Controlled Substances Act defines the term practitioner as follows:

> A physician, dentist, veterinarian, scientific investigator, pharmacy, hospital, or other person licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which he practices or does research, to distribute, dispense, conduct research with respect to, administer, or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

ORDER FORMS

A triplicate order form is required for each distribution of a controlled substance listed in schedule II. The purpose of the order forms is to permit BNDD to trace the movement of the substances and to enable agents to spot diversion, for example, excessive orders or leaks. Forms are not required when schedule II drugs are procured by a patient pursuant to a written prescription or when they are dispensed or administered directly to a patient by a registered individual practitioner. The forms are free.

RECORDS AND INVENTORIES

All dispensers of schedule II drugs are required to maintain exact records regarding the distribution and maintenance of these drugs for at least 2 years from the date of the entry. Individual practitioners must maintain these records separately from other records. Pharmacists and institutional practitioners must maintain records and inventories separately and keep schedule II prescriptions in a separate prescription file. An individual practitioner is not required to keep records with respect to nonnarcotic substances in schedule II which he dispenses in any manner unless he regularly charges his patients, either separately or together with charges for other professional services, for such substances so dispensed. Thus, when he substitutes his services for those of a pharmacist, records must be kept. The act provides the following relevant definitions:

> The term "individual practitioner" means a physician, dentist, veterinarian, or other individual licensed registered, or otherwise permitted, by the United States or the jurisdiction in which he practices, to dispense a controlled substance in the course of professional practice, but does not include a pharmacist, a pharmacy, or an institutional practitioner.
>
> The term "institutional practitioner" means a hospital or other person (other than an individual) licensed, registered, or otherwise permitted, by the United States or the jurisdiction in which it practices, to dispense a controlled substance in the course of professional practice, but does not include a pharmacy.
>
> The term "pharmacist" means any pharmacist licensed by a State to dispense controlled substances, and shall include any other person (e.g., a pharmacist intern) authorized by a State to dispense controlled substances under the supervision of a pharmacist licensed by such State.
>
> The term "prescription" means an order for medication which is dispensed to or for an ultimate user but does not include an order for medication which is dispensed for immediate administration to the ultimate user. (E.g., an order to dispense a drug to a bed patient for immediate administration in a hospital is not a prescription.)

PRESCRIPTIONS

First, a pharmacist may dispense schedule II drugs only pursuant to a written prescription signed by the prescribing individual practitioner, except that in the case of an emergency, a pharmacist may dispense a schedule II substance upon receiving oral authorization of the prescriber provided that:

The quantity is limited to the amount required to treat the patient during the emergency;

The pharmacist reduce the prescription to writing;

If the prescriber is not known to the pharmacist a reasonable effort is made to verify the authenticity of the authorization; and

Withing 72 hours the prescriber supply a written prescription to the pharmacist.

Second, the refilling of a prescription for a controlled substance listed in schedule II is prohibited, except when authorized by a physician.

Barbiturate abuse is a problem that should concern us all. It reaches into every strata of American society. Barbiturate abuse can lead to psychological or physical dependency, or both. Barbiturate withdrawal is a serious medical emergency requiring hospitalization. It is more dangerous than heroin withdrawal and can be deadly.

The abuse and diversion of legitimately produced dangerous drugs into channels other than legitimate medical, scientific and industrial channels should be a primary concern for all citizens. While the current focus of concern today is on heroin addiction, it would be folly to overlook the present and prospective role of legitimately produced dangerous drugs such as barbiturates.

DR. IRA A. MORRIS, WINNER OF JOHNS HOPKINS HOSPITAL'S DANIEL BAKER, JR., MEMORIAL AWARD

Mr. BEALL. Mr. President, as a member of the Health Subcommittee of the Committee on Labor and Public Welfare, I have long been interested in the health care available to the citizens of the Nation. Of particular concern to me is the development and maintenance of trained health care personnel to wage the battle against all forms of disease in this country. It is, therefore, most encouraging to learn of a doctor who possesses an extraordinary dedication to his patients, substituting friendly conversation and genuine concern for institutional coldness and factory-like efficiency.

Such a man is Dr. Ira A. Morris, this year's winner of the Johns Hopkins Hospital's Daniel Baker, Jr., Memorial Award for dedication and attentiveness. Dr. Morris has combined personal involvement with medical proficiency.

I ask unanimous consent that the article entitled "Hopkins Cites 'People Doctor,'" published in the Baltimore Evening Sun of August 17, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOPKINS CITES "PEOPLE DOCTOR"

(By Robert Douglas)

Although the horse-and-buggy doctor making friendly house calls has ridden off into medical history, his legendary concern for

patients is something many physicians strive for today.

Dr. Ira A. Morris apparently is one who does. He is this year's winner of the Johns Hopkins Hospital's Daniel Baker, Jr., Memorial Award, for dedication and attentiveness.

Dr. Morris, attacking institutional coldness with a warm handshake and sympathetic conversation, says he tries to put into practice his belief that patients must be approached with an eye to their personal problems.

The social and domestic problems of a sick person frequently are related to the physical illness, he continues, and so it is hard to deal with that problem without recognizing the first.

"I can remember when my father was in the hospital when I was young and how appreciative we were when the doctor came out to talk," Dr. Morris recalls.

LIKE GOLDEN RULE

He says he tries to treat his patients as he would want to be treated—a simple extension of the golden rule.

Talking things out is a vital part of patient care, in his view. Unfortunately, most doctors do not spend enough time with their patients, according to this father of two young children.

Although he recognizes that time binds, he insists, "There is just no substitute for sitting down and talking to the patient and his family."

Of course there is more to Dr. Morris's method than talk.

He will "follow a patient he has treated from one ward to another even when he is no longer responsible for the patient," according to Jeannette Montanari, a staff worker in the division of clinical pharmacology. "He takes a personal, as well as professional interest in his people."

The combination of innumerable extra checks and sincere interest in his patients convinced 293 of Dr. Morris' senior colleagues to select him from a field of 78 as the twentieth recipient of the Baker award.

Presented to the Hopkins physician "most outstanding in providing attentive, sympathetic and devoted care to patients in the best tradition of the art of the practice of medicine," the award carries $1,000 and a personal plaque to go along with the permanent one which now bears his name in the lobby of the hospital's Marburg building.

A surprise banquet was held not long ago when Dr. Morris discovered he would receive the ward, established by Mrs. Baker in memory of her husband who owned the Standard Lime and Stone Company before his death as a patient at the Hopkins.

Dr. Morris's delicate touch with people also extends to his relationship with other staff members.

"He doesn't seem to antagonize others even though they know he is there checking to make sure an order is carried out," Karen Atkins, an assistant head nurse in the intensive care, unit, says.

Dr. Gary Kammer echoed this and adds that the Hopkins award winner mixes his "pliable personality" with "everyday pragmatism."

SWITCHED FROM RESEARCH

"In treating patients Dr. Morris brings to bear what is known in modern medicine and makes it work," the senior assistant resident continues. "He can take what he reads in a journal and apply it."

The desire to work with people drew the 31-year-old physician from a research fellowship program to the Hopkins in 1970.

For two years at the National Institutes of Health, Dr. Morris had worked on ribonucleic acid and protein synthesis, research begun during medical school at Harvard.

The change from the laboratory research to the wards at the Hopkins was easy and logical, the Boston University graduate explains. "I like research, but in 1970 I wanted to get back to clinical medicine. The staff training at Hopkins is excellent and enables me to blend clinical work with academic medicine."

The mixing of both interests steered the Rockville resident into the hospital and away from private practice.

"Hospitals provide academic research, and have emergency and intensive care practice, unlike private practice. A difference," he went on "comparable to playing golf and watching a televised match."

INSTRUCTOR IN MEDICINE

As a recently appointed instructor in medicine on the Hopkins faculty, Dr. Morris plans to remain for some time teaching and researching in the field of clinical pharmacology—a new area of medical research Hopkins entered three years ago.

Dr. Morris's studies center upon discovering a drug to treat shock patients.

Most of Dr. Morris's clinical work seems to lead to people, and frequently into their personal lives.

Treating a middle-aged businessman who has had a heart attack, Dr. Morris may try to convince the businessman to slow down and avoid certain activities. The final leg of treatment for a poor patient may include a personal call to a social worker.

"Thank you's" may return via notes or grateful spouses, but generally "Most people are grateful and I can generally detect it," Dr. Morris says.

One 84-year-old patient did not want his gratitude missed, so he left a silver covered copy of the Old Testament imported from Israel. Dr. Morris recalls being surprised because he actually spent very little time with the man.

A substantial part of the doctor's day is spent working on emergency room care. With his promotion to faculty instructor in medicine came the newly created post of associate physician-in-charge of the medical emergency service (all emergency care not requiring surgery). Long range planning and daily organization of emergency care also are among his new responsibilities.

Dr. Morris has some ideas for improving emergency room care. One is giving nurses expanded responsibilities. This would free doctors to work in the areas most needed and enable patients to be treated faster.

The harsh reality of an emergency room is a long way from the easy, calculated pace of the horse-and-buggy doctor, or even TV's jack of all medical trades, Marcus Welby, M.D.

"The image Dr. Welby gives is normally a desirable one," Dr. Morris says. "He represents an ideal doctor for most Americans—but makes people expect too much."

OLYMPIC TRAGEDY FORCES CONSIDERATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the senseless murder of 10 members of the Israel Olympic team by Palestinian terrorists is a flagrant commission of the crime of genocide.

It is a tragedy for both Germany and Israel, agonizingly reminiscent of past horrors, that these young men should have been struck down in the midst of international athletic competition. We can only condemn such cold-blooded tactics which subvert the dignity of human lives to political ambitions. The grief of the families of the victims is a grief which we must all share in a world where innocent human life is so cheap as to be marketed for nationalistic aims.

This act of lawless terrorism must force us again to consider the importance of the United Nations Convention on Genocide. It is the stated conviction of the convention that international cooperation is imperative to free mankind from the odious scourge of such actions directed at national, ethnic, racial, or religious groups.

The Genocide Convention, which the United States has not yet ratified, resulted following the extermination of millions of Jews during World War II. The International Military Tribunal decided that the mass murders of the Jews in Germany was not a war crime and thus lay outside its jurisdiction. The United Nations then declared genocide an international crime. The U.S. representative to the United Nations signed the Genocide Convention 2 days later. The Convention, according to article 13, was to take effect 90 days after the 20th country ratified the Convention. This occurred on January 12, 1951.

Twenty-four years have now passed without the United States becoming a party to this important document. Seventy-five other nations have become party to it.

Tragedies as the one in Munich must not be allowed to continue. Such incidents, international in scope, must be brought under control by the nations of the world acting together. What is really at issue here is the attempt to curb the grievous excesses of mankind. The time has come when genocide must be outlawed by internationally accepted treaties. The Genocide Convention seeks to set a higher standard of international morality in the face of such crimes against humanity as occurred in Munich. We must not be content with our outrage. I urge the Senate to ratify the Genocide Convention swiftly and place the United States in active opposition to such atrocities.

PRISON REFORM

Mr. BURDICK. Mr. President, I was interested to hear the remarks of the distinguished Senator from Oklahoma (Mr. BELLMON) on a subject in which I have a deep interest. In noting the first anniversary of the tragedy at Attica, a New York State correctional facility, he has lamented the record of this Congress in passing legislation concerning reform of our corrections system.

In his remarks, my distinguished colleague repeated the statement of the President, that:

> No institution within our society has a record which presents such a conclusive case of failure as does our prison system.

It is with regret that I must concur in this statement, but at the same time I must ask Senator BELLMON to join me in efforts to enact constructive legislation.

Since the tragedy of Attica, the present administration has sent to Congress two proposals in the area of corrections, neither involving the kind of major change necessary to do what must be done. One of these proposals is now Public Law 92–293. The other was sent up only 2 days ago.

Let us look at the record of proposals which others have made in this field of corrections:

The legislation proposed by Senator

BELLMON, S. 662, is most worth while in its purpose. It would authorize research and demonstration grants to establish model penal systems. This authority, however, has already been given by Congress, in the Safe Streets Act Amendments of 1970, as stated by the administration in its testimony before my subcommittee.

Legislation which I introduced, S. 2732, which the distinguished Senator characterized as "an important part of the rehabilitation process," has also been a subject of study by the Subcommittee on National Penitentiaries because it concerns jobs that will enable ex-offenders to live in a lawful manner. This legislation, however, has been vigorously opposed by this administration, despite its own studies which conclude that such an approach is necessary.

While I can understand the interest of an administration in suggesting modifications to legislation which will make its implementation more effective, I cannot understand a studied refusal to sit down and discuss such modifications.

Nine months ago, I was pleased to hear the man who was serving as Attorney General endorse the concept of safe and effective alternatives to prison commitments, a proposal which had been rolling around in my mind for some time. I have introduced the legislation necessary to authorize such a program, and I am hopeful today that partisanship will not be a barrier to its enactment.

Third, I have found in my many visits to penal and correctional institutions that the administration of parole is one of the serious causes of disruption and difficulty in them. Under my direction, the subcommittee staff has prepared legislation reorganizing parole procedures for the U.S. Board of Parole, which has been agreed to in principle by the administration—but with the proviso that no legislation be enacted this year.

I believe that the record of the current Congress in the area of corrections is good. We have provided new treatment programs for the institutions which restore hope to inmates, we have provided new resources desperately needed for the community supervision of those offenders who can benefit from this kind of treatment; we have provided the additional correctional officers needed to preserve the safety and security of inmates and institutions, and we have appropriated funds to ultimately replace some of these walled fortresses with treatment-centered institutions.

I invite the Senator from Oklahoma and other Senators to join in these constructive efforts to reduce the recidivistic crime which threatens the safety and security of our Nation.

TRIBUTE TO BORIS YOUNG

Mr. TUNNEY. Mr. President, throughout this great land many hundreds of thousands of people are selflessly dedicated and devoted in tasks to help others. Standing at the pinnacle of this group is the remarkable Boris Young, who will be honored by his peers at a testimonial banquet on October 1 at the Century Plaza Hotel in Los Angeles.

Boris Young is a leader's leader. His inspiration has been directly responsible for many thousands of people to make personal commitments to work on behalf of important community welfare programs. Mr. Young had early in life recognized the importance of the interrelationships between the goals and aspirations of the young State of Israel and the United States.

There are some significant parallels between these two countries. Each was born as a democracy to fulfill the hopes and dreams of its people. Each has had to fight for survival. At the start, each has had to go abroad for help to achieve its own economic development. The United States as a fledgling nation sent Benjamin Franklin and other emissaries to Europe to borrow funds to aid our Nation. Israel created its bond sales program as a means of generating economic muscle.

There are differences, too, in the circumstances of the birth of these nations. The United States was born in revolution by men wanting to be free. Israel was given nationhood by the common consent of world opinion through the United Nations in 1948 following the slaughter of 6 million Jews in Europe. Now, almost 25 years after the founding of Israel, that nation has developed into our most stanch ally in the Middle East. This tiny nation provides the foothold of democracy in that important section of the world.

The central core of Boris Young's work for nearly one-third of a century has been intertwined with the fate of Israel. He has constantly been in the forefront of American leadership striving to help in its dynamic development, to help insure the survival of this small nation, despite the fact that Israel is isolated and surrounded by a sea of hostile forces scores of times larger than itself both in population and land mass.

Championing the weak when right is on the side of the weak is a hallmark of Mr. Young's character.

He could have had a different kind of life. Mr. Young attended Harvard College and Columbia Law School, earning high honors. He also devoted himself to causes he felt were important.

Soon after graduation he became a member of the staff of Gov. Herbert H. Lehman, of New York, and won high praise for his important research contributions.

A rich, remunerative career in business was waiting in the wings for Boris Young. But he turned it aside to work in the area of his dreams—to help the fledgling State of Israel attain statehood, to help it provide a refuge for Jews salvaged from the genocidal mania then sweeping Europe and at the same time to establish a foothold for democracy in the Middle East.

In those formative years he was an inspiration to many as he rallied support for the small state-to-be.

As it was no surprise that when the Israel bond organization was developed, Boris Young's association with that group began. In January 1951 he directed the Israel bond campaign in Boston, the first one in any major city in America. This inaugurated the program which has helped to give more than $2 billion in loans to aid in the rapid growth of this developing nation. These loans, let the record be clear, have always been repaid promptly when due, complete with stipulated interest.

Subsequently, Mr. Young became supervisor for the sale of Israel bonds in the New England area before moving to Toronto to launch the Israel bond program in Canada.

He spent 1 year as city manager of the Los Angeles bond office in 1954 and for the following 6 years headed the Philadelphia program for bond sales. He returned to Los Angeles in 1961 and now, after 11 more years of service, he is leaving the Israel bond organization. His enviable record shows that wherever he went, year after year, he helped to break existing records of participation in terms of dollars raised for Israel to pursue its development program, in percentage increases over his own and other community efforts and in recruitment of volunteers to aid in this important program both for Israel and the United States.

Boris Young turns people on. The leaders he developed for the bond campaigns became inspired leaders for many major philanthropic endeavors. He helped many to set a purpose and goal to their lives by working on programs to help others.

When Boris Young made his decision to leave the bond program, many of the lay leadership who worked with him were quick with praise.

Attorney Eugene L. Wyman, a distinguished leader in California, declared:

> Boris Young has made a contribution to the State of Israel, and therefore to the United States perhaps unequaled by any man in this country.

Business executive Amnon Barness, chairman of the Board of Daylin, Inc., said:

> Boris Young is a man who has lived and breathed Israel 24 hours a day. His contribution must not only be measured by the millions of dollars in Israel Bonds he has been responsible for selling. Any evaluation must include the inspiration he has given countless thousands of people encouraging them to devote their energies to the cause and survival of the State of Israel.

Victor M. Carter, well-known California philanthropist who now serves as chairman of the board of Tel Aviv University, called Mr. Young "one of the most successful persons in the history of fundraising . . . the most capable, most hardworkwing, most dedicated person in his field."

Joseph D. Shane, attorney and investment banker, described Boris Young as "a man with dimension and imagination" noting that he had "served Israel with unparalleled dedication."

Joseph N. Mitchell, president of Beneficial Standard Corp. said of Mr. Young:

> He has responded to the challenge of the needs of the State of Israel far beyond that which might have been expected . . . He is truly a man of accomplishment and a person who will never be forgotten by those who know him.

It is most fitting that a tribute dinner honoring Boris Young will be held to further the sale of Israel bonds. It is a tribute to this remarkable man that the important and distinguished leaders who have served as general chairmen for the various campaigns through the years will serve as cochairman for this occasion. They will be joined by an outstanding woman representing the women's division of all campaigns.

The cochairmen of the dinner are: Messrs. Wyman, Barness, Carter, Shane, and Mitchell as well as Hershey Gold, Los Angeles businessman and current general chairman of the Los Angeles Israel bond campaign, and Mrs. J. Louis Freibrun, chairman of the board of governors of the Los Angeles women's division of Israel bonds.

Mr. President, it is with a great sense of pride that I ask Senators to join me in a unanimous salute and tribute to Boris Young, who has devoted his life for the cause of his people and the State of Israel.

TESTIMONY OF LT. JACK STONEBRAKER ON BEHALF OF THE FRATERNAL ORDER OF POLICE IN SUPPORT OF S. 2507

Mr. BAYH. Mr. President, I invite the attention of Senators to the testimony of Lt. Jack Stonebraker, Jr., national legislative committee chairman for the Fraternal Order of Police in support of S. 2507, which passed the Senate on August 9, 1972. On September 14, 1971, Lieutenant Stonebraker appeared before the Subcommittee To Investigate Juvenile Delinquency and urged the passage of legislation to prohibit the sale of Saturday night special handguns to the public. I believe it is especially significant that this measure has the support of the Fraternal Order of Police, an organization of more than 140,000 members.

In his testimony, Lieutenant Stonebraker cited statistics from the FBI uniform crime reports which showed that during the 1960's, 561 law enforcement officers were killed in the line of duty. Handguns were used in 81 percent of these deaths.

I should like to update these figures for the Senate. From 1970 through April 1972, 260 more police officers have been killed in the line of duty. Thus, during the past 12 years, a total of 821 of our law enforcement officers have been killed—78 percent by handguns.

I ask unanimous consent that the testimony of Lieutenant Stonebraker on behalf of the Fraternal Order of Police be printed in the RECORD. I should also like to commend him for his work as a dedicated police officer in the city of Muncie, Ind., for the past 16 years.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF LT. JACK STONEBRAKER, JR.

My name is Jack Stonebraker, Jr. I am National Legislative Committee Chairman for the Fraternal Order of Police, the oldest and largest of National police organizations. I am a full-time Police Officer, serving as such for the last fifteen years, in the city of Muncie, Indiana. I come to Washington, D.C. bi-weekly to promote legislation beneficial to police officers nationally, and to the professionalization of law enforcement so we may enjoy the preservation of life, liberty, property, and the pursuit of happiness as these were granted by the Constitution and the Bill of Rights.

Mr. Chairman, thank you for affording me the privilege of presenting facts in behalf of the Amendments to the Gun Control Act of 1968, introduced by Senator Birch Bayh and his colleagues. I am most happy that the Committee is considering this legislation which would provide more stringent regulations governing the sale of firearms not suitable for sporting purposes. I wish to state that we in professional law enforcement are not opposed to the true sportsman nor his weapons, provided their use remains within the confines of the code and the statutes. As professional law enforcement personnel, we feel primary concern and interest in providing the citizens with the protection of their lives, property and rights.

As this Committee knows, in 1968, Congress enacted Public Law No. 90–618—"Gun Control Act of 1968." This law, as passed by Congress, was for the purpose of providing support to federal, state and local law enforcement officials in their fight against crime and violence. This Act was passed with the intent of limiting the accessibility of the small calibre, inexpensive handguns, which prior to that time were largely imported from foreign manufacturers. The amendment as introduced would strengthen, we feel, the current statute, in that "domestically" manufactured weapons would be required to conform with safety standards and sales criteria.

Under ordinary circumstances the Policeman's life is not an enviable one. Within the past two or three years, the burdens laid upon law enforcement officials have been greatly increased. The danger which is present in even relatively common times has been compounded by a series of developments of which this Committee is well aware. The tremendous increase in violent demonstrations on and off the campuses has added to the perils with which the police officer is faced.

The crime rate increases steadily. In many cities the streets are not safe at night and there are areas where the passerby is not safe even in the daytime. Many businesses and industries in the larger cities are folding simply because they are burglarized and robbed so often. During the first six months of 1971: robberies were up 17%, aggravated assault—8%, and murders—11%. It is in these three categories of crime that guns are most commonly used.

Obviously, an orderly society is impossible without adequate and efficient policemen and statutes which are to be enforced.

The Fraternal Order of Police feels that a series of measures should be enacted by the Federal Government to make police work more attractive and safe. One of these measures is the Amendment to the Gun Control Act of 1968. I don't think I need to emphasize that all crime is, in reality, interstate in character.

In the commission of violent crimes we find that weapons—to wit: guns—are used between 65% and 70% of the times. The *Uniform Crime Report—Crime in the United States*, published annually by the Justice Department, indicates the tremendous percentage of increase in violent crimes and the use of weapons in the same. From 1960, to 1969, 561 law enforcement officers were killed in the line of duty and firearms were used in 96 percent of these incidents.

I need not point out to you that the death of a police officer is a financial burden upon the community as the funds invested in his training, etc. are lost completely and a replacement must be trained and schooled. Nor need I tell you that the overwhelming majority of policemen are family men. Nor do I need to emphasize that the death of a policeman or law-abiding citizen results in nearly every instance with the most serious consequences to his widow and children; to say nothing of the grief and sorrow they undergo. To quote F.B.I. Director, J. Edgar Hoover, "When a law enforcement officer dies at the hands of a killer, part of our system of law dies with him."

Permit me to quote the words of Detective Harry Koch, of the Maricopa County, Arizona, Sheriff's Office, who wrote: "A Part of America Died. . . .

Somebody killed a policeman today
  And a part of America died . . .
A piece of our country he swore to protect
  Will be buried with him at his side.

The beat that he walked was a battlefield, too,
  Just as if he had gone off to war;
Though the flag of our nation won't fly at half-mast
  To his name they will add a gold star.

The suspect who shot him will stand up in court
  With counsel demanding his rights,
While a young, widowed mother must work for her kids
  And spend many long, lonely nghts.

Yes, somebody killed a policeman today . . .
  Maybe in your town or mine,
While we slept in comfort behind our locked doors
  A cop put his life on the line.

Now his ghost walks the beat on a dark city street,
  And he stands at each new rookie's side;
He answered the call . . . of himself gave his all,
  And a part of America died . . ."

We, in law enforcement, feel the restriction on the availability of inexpensive, small calibre handguns would be beneficial to law enforcement and society in general. I could cite example after example in which the small calibre, domestic handgun—the so-called "Saturday Night Special"—has been used in crimes of violence and the victims were honorable individuals living within the legal framework of society.

Reasons for the use of this type of weapon are obvious—the gun is inexpensive, easily obtained, easily concealed and it is lethal. The weapons are sold, with no questions asked, to non-residents, criminals, and immature juveniles.

Previous testimony before Committee hearings has called for the Gun Control Act to "prohibit the domestic production of these junk guns."

I believe that Congress must act—must act upon this Amendment without delay—before the incidents of criminal misuse of these guns reaches astronomical proportions.

I need not tell the members of this Committee that we are engaged in a war with crime, a war which we are losing. Adequate and efficient police forces are not the only necessity in the fight against crime. The Fraternal Order of Police feels that the whole field of criminal law must be intelligently and thoughtfully worked over so that the criminal may not spend months or years awaiting trial after committing lawless acts; meanwhile committing other crimes. Liberal judicial trends have a "demoralizing effect" on law enforcement. It is disconcerting to know that you have arrested a violent criminal and meet him coming down the street. We feel that the courts must face reality and realize what a cancer crime has come to be to the country as a whole.

First steps first—that is why we, on behalf of the Fraternal Order of Police and its National President John J. Harrington, urge the passage as quickly as possible of this amendment which would assist toward the objectives we all seek—a stable, orderly and prosperous society.

Gentlemen of the Congress, I sincerely appreciate the opportunity to appear before you and ask your most serious and sincere deliberations.

CAMPAIGN SPENDING

Mr. HARTKE. Mr. President, last year I offered an amendment to the Federal Election Campaign Act which would have outlawed campaign spot advertisements of less than a minute's duration. Although that amendment did not pass, I continue to believe that such a provision is necessary to insure increased dialog on substantive issues during election campaigns. So long as the use of 60-second commercial messages for campaigns remains prevalent, we will continue to countenance the selling of elective offices. All that the 30- and 60-second messages can do is to permit slick slogans and repulsive mudslinging.

Our system of representative government requires an informed electorate to function effectively. No candidate for public office can communicate his position on any issue of importance in 1 minute or less. If we require candidates to use at least 5 minutes of commercial time, we will encourage them to stand up to the scrutiny of the American people and be judged by their character, their ideals, and the power of their vision.

Mr. President, I ask unanimous consent that two articles which highlight the importance of this subject be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Here's What I'd Do About Political TV Spots

(By John E. O'Toole)

Recently I found myself in Washington, D.C. In an earlier and more innocent era, that might be the last place you'd look for an adman. But in the balmy autumn of 1971 many of us were there at the cordial invitation of the Federal Trade Commission.

Washington is a city from which has been heard, in recent months, a lot of commentary about our business which might make the most hardened of us reluctant to tell our kids what we do for a living.

And as I was cabbing it back to National Airport, I thought about all the elected officials in that very city who had used television in their campaigns in ways that would never be tolerated for product advertising. I thought of abuses and misuses which, were they for a product, would never get past a continuity acceptance department. And I got mad. Not only because of the importance of the electoral process, but because of the inequity of many of the thinking electorate accusing us of "packaging candidates" and "selling Presidents."

And we can do something about it. All of us in advertising agencies and particularly people in broadcasting. We can learn from the mistakes of 1970 and make 1972 the year some maturity enters the whole area of political campaigning on television.

There is some evidence that mistakes were made in '70. A week after the November elections Foote, Cone & Belding interviewed more than 1600 people through our Monthly Information Service and the Gallup Organization. We wanted to know if voters shared our concern with the way TV was used. We found three-quarters of the sample favoring restrictions or control of political advertising on television. Most were concerned about the inequity of TV time and funds among the candidates. Of those favoring restriction, 23% felt the content wasn't truthful or honorable enough. That percentage was higher here in the West, interestingly enough.

Well, how did we reach this sorry state?

It all began back in 1952—the first election in which television advertising was employed. General Eisenhower, with the help of Robert Montgomery and Rosser Reeves, did a series of spots in which he answered questions asked by voters usually ending with: "Let's clean up the mess in Washington."

From there, for twenty years, the political use of television has, for the most part, gone downhill.

There have been some brilliant exceptions. The Kennedy-Nixon debates, for example—a format so candid and revealing it has been skillfully avoided by presidential hopefuls ever since. There has been little subsequent use of debates and longer length expositions. In the 1968 campaign, 70% of the TV advertising was in "spots." Meanwhile, television was getting a larger and larger proportion of the campaign media expenditure, 58 million dollars in 1968. And television time got more and more expensive. As a result, the standard campaign today is a big reach/frequency spot effort of 10, 20, 30 and 60-second commercials: the most expensive form of communication this side of Telstar. And if you can't afford it, you don't play. Even if you're an embryonic Abe Lincoln.

With that much cash going into media, needless to say a lot of people got their mitts into the creative work. A lot of people who don't share with most of us a certain respect for the powerful tools of mass communication and for the rationality of the individual.

Professional image-builders began to emerge and take over the creation and production of the messages. In the public mind, these people were lumped into the pejorative designation "Madison Avenue," although many of them didn't represent any recognized advertising agency.

But they talked like the worst huckster stereotype. And the statements they made about their craft—statements that would get one forcibly ejected from any reputable ad agency—sounded like this:

"Our job is to glamourize them and hide their weaknesses."

"It's much more important to know the man than to know his stand on an issue."

"If I had only three weeks for a campaign, I'd pick a pretty boy."

"He was a beautiful, beautiful body and we were selling sex."

"Voting is an emotional response."

Well, friends, in my opinion that's a sad compendium of cynicism.

The people behind those statements are making some mistakes about product advertising, too. But I won't get into that right now. Their fundamental error, if not sin, is in equating the communications program of a candidate for public office with the advertising of a consumer product.

If you say it's just like advertising packaged goods, the simile breaks down immediately. Most packaged goods are minor purchases. Most depend for their survival on establishing a predisposition to repurchase. The consumer's most effective response to a disparity between advertising claim and reality is never to buy it again.

When you "buy" a Presidential candidate as a result of this advertising, you're stuck with the "purchase" for four years—with results that can be far more devastating than not getting your teeth as white as you'd hoped.

If you draw the comparison with a big-ticket purchase, the analogy crumbles just as quickly. An appliance, an automobile, an insurance policy are not sold by advertising. They are sold by a dealer or an agent. Advertising can only establish, in the mind of the prospect, an appropriateness between his need or life-style and the product, then direct him to the personal salesman and the actual product.

Unfortunately, this essential second step is missing if you apply the same techniques to selling a candidate. And the candidate offers you neither a money-back guarantee nor any kind of service warranty.

Furthermore, none of the safeguards imposed upon contemporary television advertising apply to political spots. Even the libel laws are suspended.

The NAB and network continuity acceptance departments wouldn't think of challenging the statements, claims and promises made by a political commercial. Indeed, I wonder if the FTC is going to insist on the same kind of documentation from candidates as it demands from automobile manufacturers in 1972.

So it's not only insulting to the issues and office involved to equate them with claims for a can of soup, it's potentially quite dangerous.

But it's been done. Done consistently since 1952. And I'd like to show you some examples.

There have been commercials that didn't mention, much less provide an opinion on, a single issue.

FILMS

JFK—"It's Up to You"
Nixon—"Nixon's the One"
Taft—"One Man Who Can Win"

There have been commercials that never once showed you the candidate.

Buckley—"John Wayne"
Evans—Water ID

There have been commercials so caught up with image-building you wouldn't know there was a political campaign going on.

FILM

Agnew—"My Kind of Man"

Some just registered the product name.

FILM

Lindsay—"Snow Removal"

But primarily the theme has been disparagement.

FILMS

Smith—"Police are Pigs"
Humphrey—"Laughing Man"

When communication like that can form an important part of a major political campaign, there's something very wrong. And since the advertising industry is being blamed for it, I think we ought to initiate some remedies.

One possibility is for advertising agencies not to accept a political account. This is the simplest solution. It's our solution at FCB at the moment. But I'm not sure it's the right solution. I think the talents that reside in an agency could, under the right conditions, be ideal for creating and placing meaningful messages for a candidate. What are those conditions? Well they certainly aren't a high-level, saturation barrage of spots.

The system adopted in England seems very reasonable to me. Under the Independent Television Act, political commercials are forbidden. However, during general elections the BBC and ITA allocate a certain number of free broadcasts to each party, the number based generally on the membership of the party.

In the 1970 elections, the Conservative and Labour parties each received five TV broadcasts of ten minutes duration and seven radio broadcasts of either ten or five-minute length. The Liberal party was given three TV broadcasts and four radio.

After a year-long study headed up by Newton Minow, the Twentieth Century Fund recommended something similar for the U.S.—one of the few nations in the world, incidentally, that allows political candidates to purchase TV time.

The Fund suggested that, during the last five weeks of a presidential campaign, all TV and radio stations simultaneously carry six prime time half-hour programs featuring the candidates and attempting to "illuminate campaign issues and give the audience insight into the abilities and personal qualities of the candidates."

That sounds pretty reasonable, too. As an absolute minimum, I think we should have the restrictions on TV expenditures put forth in the bill approved by the Senate on August 5. This bill—which would also rescind the ridiculous equal-time proviso, at least for presidential candidates—made so much sense to both parties that it passed with an 88–2 vote.*

(* Note: However, this provision was eliminated from the bill as it finally passed both houses.)

But the House has turned it into a partisan political joke composed, as far as one can perceive through the procedural pandemonium, of a multiplicity of different plans.

Equally important is the kind of message to be used. Notice the word "message." The idea and terminology of political TV "spots" should be dumped forever, 10-second, 30-second, even 60-second lengths are inadequate and inappropriate for presenting a candidate to the voter.

These lengths defy a discussion of issues and encourage the shallowest kind of imagery, the shoddiest kind of logic and the most reprehensible kind of mud-slinging.

I'm in total agreement with Ward Quaal of WGN Continental Broadcasting who will not allow a political message of less than five minutes on his stations. If, in an uncharacteristic display of responsibility, the broadcasting industry would follow Quaal's example and set a five-minute minimum on political messages, many of the abuses would automatically be eliminated.

I don't think any political image-builder would risk the ennui inherent in five minutes of groovy music and up-shots of a grinning candidate. I don't think they could successfully refrain from giving us a glimpse of their man for five minutes or manage to elude every issue. And I am at least hopeful that they would see the peril in a full five-minute implication that the other guy is a fascist freak. But just in case, I would suggest a few simple guidelines that would not unduly restrict the creative construction of the message.

And these guidelines would be a code for political broadcast messages that the candidate himself would assent to in writing, before he or his supporters would be sold time on any station.

One, the message should be designed to help the voter know and understand the candidate, his character and his ability to communicate.

Two, the message should establish what the issues are which the candidate feels are important.

Three, the message should clearly state where the candidate stands on these issues.

That's all. It's very simple. So simple that I'm sure many of the professional image-builders would smile at the naivete of such an ingenuous proposal. They'd probably point out that longer lengths would blow their reach and frequency and render their TV campaign ineffective. I have a little too much faith in the intelligence of the American voter, having dealt with him as a consumer for some time, to buy that.

And, like a good adman, I also have some research. There was a study done on political broadcast advertising by the School of Journalism and Mass Communication at the University of Wisconsin. It was done in areas of Wisconsin and Colorado among 512 voters after the 1970 campaigns.

Here's the last paragraph of the introduction: "The results of this study suggest that a moderate number of high-quality, substantively informative advertisements may be more effective than a saturation presentation of superficial image-oriented spots."

And here's the final sentence of the study: "Thus, the most effective advertising strategy would be one that allocates campaign funds away from a high frequency of exposure approach into a more modest number of ads containing substantive informational content that is presented in an interesting and entertaining manner by skilled producers."

I'm urging the broadcast industry to set a minimum length of five minutes on all political messages. And to insist that the content concern itself with the candidate, his view of the issues and his proposed solutions.

And I'm urging all of us in the advertising business not to be beguiled into making commercials that confuse a candidate and an office with a deodorant.

If these minimum standards of responsibility aren't observed—if we have an encore of those abuses that characterized television campaigning in '70—those fragile strands of public confidence that we're trying so hard to maintain for advertising could be eroded entirely.

GFWC Clubwoman's Complete Program of the Month: Political Spending—On With Reform?

(By Mrs. Harold M. Burkholder)

Important bulletin—As we go to press, President Nixon signed the Federal Election Campaign Act of 1971 which became effective in April, 1972.

The new law imposes a limit on what a candidate for federal office can spend on communications, particularly TV. The question is: will the new law take care of the inequities in campaign spending?

True, this law is better than nothing, but closing up all loopholes is a big order.

Looking back, the Corrupt Practices Act adopted in 1925 never was strictly enforced. No one wished to prosecute those who gave him money for his campaign.

We offer you herewith a study of the situation facing candidates for federal office, a situation which still may prevail, despite the law, as the same question is relevant: will it be enforced?—Dorothy Burkholder.

Politics has got so expensive it takes a lot of money even to get beat with.—Will Rogers.

Political campaign costs are rising sharply across the nation, and winners as well as losers are bitterly complaining. The situation is getting so far out of hand that many claim only a candidate with a bulging campaign treasury can hope to win.

The strategies which are inherent to politics are age-old, but television, relatively new on the scene, is compelling candidates to raise such vast sums of money in order to compete, that it may have damaging effects on the entire American system of government.

The Congressional Quarterly noted "the outstanding political upsets of 1970 have been made by men of great wealth, presenting their politics to the voters on television and spending their way from obscurity to success in a matter of weeks."

Columnist James Reston had this to say about the influence of television on political campaigns: "it has unbalanced the political system in favor of the men in office and the men of wealth."

THE PROBLEM

In order to be elected today to the United States Senate, a candidate may need to raise several millions of dollars. The disturbing, but realistic factor in this is that any donor of $5,000 or $10,000 wants something in return—for his business, his cause, or himself.

The largest sums given candidates come from anonymous contributors which obscures the extent to which a public servant might be obligated to private interests.

Right here we must recognize that the problem is not one restricted to any single political party, but one which crosses all boundaries and affects all areas of the country.

The largest chunk of the political dollar today is spent on television, and this slice is getting bigger yearly. In 1966, during the off-year congressional elections, broadcasting expenditures rose 60 percent over 1962. Costs in the 1968 presidential election shot up 70 percent over 1964. And they're continuing to climb.

To get a clear picture of this, one has to listen to the experts, to hear what candidates—both those elected and those defeated—have to say.

There is a unanimity of expression: discouragement, a good deal of plain alarm over the financial needs which many term a "national scandal."

In New York during the last Senatorial campaign, Richard Ottinger's campaign manager, Steve Berger, commented on his candidate's unsuccessful bid for the Senate seat. *"Campaign spending is out of hand, we'd better do something fast."* Ottinger had spent a fortune in his effort, nearly $2 million alone for television time.

In Minnesota, the campaign chairman for the unsuccessful Republican candidate, Clark McGregor, commented: *"I've gotten disillusioned with the process . . . The increment of money is the ultimate determinant—building image and so forth—is the opposite of everything we believe is democracy."*

In California, Jess Unruh's finance chairman had this to say about his candidate's losing bid for governor: *"Really, the guy with the biggest pocketbook can do the best job. No question that television is the key."*

In New York City, during the last gubernatorial contest, the money flowed as never before. The exact sums spent will never come to light because of incomplete records and loopholes in the reporting laws. But some of those closely involved gauged that as much as $35 million may have been spent in the senatorial and gubernatorial races.

Two New Jersey contenders, Harrison Williams and Nelson Gross spent $166,592 and $265,609 respectively for New York City TV time. Yet these figures do not include the cost of producing the commercials.

Nor do the figures reflect the other multitude of costs for operating political campaigns such as buying time on TV stations outside of New York City.

CANDIDATES DESPAIR

Loser Charles Goodell has said he finished the campaign $400,000 in debt. *"We always were on the verge of blackout because of lack of money,"* he commented.

Mr. Goodell's campaign costs broke down thusly: a total cost of about $1.3 million. Television, $700,000; staff salaries, $200,000; office rent, $60,000; phones, $100,000; and the remainder for miscellaneous costs.

What candidates report and what they actually spent is something that cannot be proven. Governor Nelson Rockefeller reported about $6 million for his campaign. Other estimates put the range for his campaign between $1 and $20 million. Richard Ottinger, another wealthy man, able to put personal funds into his campaign, spent about $4 million for his losing race.

The point then, of all this is that the consensus of opinion from media men to campaign managers to candidates to political strategists is that something must be done to curb the cost of political campaigns lest we irreparably damage our democratic system of government.

Let's look at a few other campaign expenditures. Senator Vance Hartke, of Indiana, in his bid for reelection spent the bulk of his campaign funds for broadcasting. This amounted to about $286,000 more than half of the $550,000 reportedly spent on his campaign. *"We bought up a lot of soap opera time,"* Hartke's press secretary said, *"We went after the blue collar audience, the old folks and women—groups that our research showed were the most swayable."*

In California, during the 1970 election year, the state was suffering from the economic slump. Campaign funds were hard to come by. For that reason, less was spent by candidates in the primary and general election. The surprisingly low costs were: John Tunney, successful candidate for the U.S. Senate—$1.6 million. George Murphy—$1.5 million. Jesse Unruh—$1 million. In 1968, Allan Cranston spent $2 million to get elected to the U.S. Senate, and his opponent, Max Rafferty, spent about $2.5 million.

However, following the election, Tunney was faced with huge indebtedness . . . how to pay off $350,000 to $400,000 chiefly in loans.

In medium sized states, candidates are reported to have spent upwards of $500,000 on radio and television alone.

WHERE, EXACTLY, DOES THE MONEY GO?

The increasing costliness and complexity of political campaigns entails an almost endless variety of expenditures, defying complete categorization. Alexander Heard in *The Costs of Democracy*, published in 1960 noted just a few:

"Radio and Television broadcasting eat up millions. Thousands go to pay for rent, electricity, telephone, telegraph, auto hire, airplanes, airplane tickets, registration drives, hillbilly bands, public relations counsel, the Social Security tax on payrolls. Money pays for writers and for printing what they write, for advertising in many blatant forms, and for the boodle in many subtle guises. All these expenditures are interlarded with outlays for the hire of donkeys and elephants, for comic books, poll taxes and sample ballots, for gifts to the United Negro College Fund and the Police Relief Association, for a $5.25 traffic ticket in Maryland and $66.30 worth of convention liquor in St. Louis . . ."

Furthermore, the Washington Post had this to say on the subject:

"In 1956, total expenditures for political radio and TV broadcasting at all levels during the general elections was about $9.8 million. The figure was more than $14 million in 1960 and about 24.6 million in 1964. The three major television networks in 1968 reported political broadcasting charges of $8.9 million for the Presidential primary and general election campaigns that year. The amount was more than double of the 1964 total of $4.1 million.

"Other major expenditures during election campaigns included newspaper advertising, which for a moderate statewide campaign was likely to consume 10 to 15 percent of the total budget; public relations firms, which took 40 and 23 percent, respectively, of direct expenditures by the Democratic and Republican national committees in 1960; and public opinion polls. In addition, large sums were needed for campaign materials (buttons, bumper stickers, brochures, etc.); headquarters and staff, which were likely to take between 20 and 30 percent of most campaign budgets; billboards; and expenses of actually getting the voters to the polls on election day, which have been estimated to account for one-eighth of all campaign expenditures."

WHO CARES ABOUT THE CORRUPT PRACTICES ACT?

So the pressures on candidates are twofold: they must acquire a great deal of money in order to conduct their campaigns but in so doing they might obligate themselves to a large number of individuals and businesses.

But the real amounts are seldom revealed. Money flows in subterranean channels. There is no way to trace most of it if it is given in cash, not checks. A look at the formal spending reports on file in the Capitol are ample testimony to this.

The Corrupt Practices Act requires candidates to file a statement of their total expenditures for the general—but not primary—election.

Sworn statements—some of them—go like this: One successful senatorial candidate reported no contributions received; his single expenditure was a $150 filing fee.

In actuality, his campaign cost around $550,000, out of which his campaign managers paid $150,000 for TV time and billboards.

Another senatorial candidate who captured a seat in one of the nation's largest states declared, *"I have not personally received any funds for my candidacy. All funds have been received and expended by campaign committees working for my election."* But the fact of the matter is that his campaign cost in the neighborhood of a million dollars.

Yet another man who fought a winning battle for a Senate seat in his State reported receiving no contributions and expenditures of only $2,118. When he was asked about this sworn statement he responded that he was advised to report zero, that most senatorial candidates did so on the basis that candidates are not required to know about their campaign financing. Altho this seems to be stretching the law, he said he merely was doing the same as everyone else.

WAYS TO RESOLVE THE PROBLEM

In actuality, the situation is not as venal as it appears to be. The fault lies with the law itself which is unrealistic, allowing a candidate only $25,000 to conduct a campaign. This forces them to look the other way.

Granted, the situation is out of hand. What, then, can be done about it? Unfortunately, no one has a panacea. But several possible improvements have been suggested.

Spending should be limited in all areas, not just television.

Full disclosure laws should be enacted—and enforced.

Realistic spending limits should be established—not the foolishly low ones now in force.

A complete reform of the entire election system.

Shortening of the campaign time. In Britain, for example, elections take place three weeks after a government falls.

Public financing for campaigns.

Right now, Florida has a new law on campaign spending that is attracting much national attention. Although, it too has a number of loopholes, it's a great improvement.

The Florida law says that no candidate for governor or U.S. senator can spend more than $350,000 in the primary and the same amount in the general. No one may give a candidate more than $3,000 in either campaign.

It's worth noting that Lawton Chiles won a Senate seat in Florida with only $30,000 in television expenses. But Chiles also blazed a new path by demonstrating that a candidate could command TV time if he created real news . . . and for free.

The Florida law does not include any restrictions on out-of-state donations, a loophole which is often used. Even so, the law is being examined carefully and watched by other states.

We now have a new federal tax deduction law which permits a deduction on federal income tax returns of up to $50 ($100 per couple) for contributions to candidates for federal, state or local office. This has long been urged to stimulate small gifts from many people and curtail the need for candidates to lean heavily on a few rich special-interest givers.

But some studies of the law by private groups indicate discriminatory flaws and claim that the new law may stifle much legitimate fund raising and permit deductions for phony candidates. An example could be two people with no intention of running, might announce for an office, exchange $50 in campaign contributions, take the deductions and not be heard of again.

Much better, some claim, would be for Congress immediately to pass a law allowing tax incentives only on contributions to: (a) Candidates who have filed. (b) Committees certifying that they raise funds only for candidates who have filed. (c) Any party on the ballot in 10 or more states or who received 10 percent of the vote for any federal office in the previous election.

PLANNING YOUR PROGRAM

Contact your Republican and Democratic Committees and ask them for speakers to talk on the subject: Political Spending—Time for Reform! It's necessary for you to have someone from both major parties, as the viewpoint of the "in's" might vary slightly from the viewpoint of the "out's."

The overall picture, however, as presented in the beginning of this section, has a unanimity of agreement. Everyone wants reform.

GETTING PRESS COVERAGE

As always, phone your newspaper's city editor—or better, Woman's Editor—and invite him (or her) to the meeting or to send a reporter to the meeting. The subject is very newsworthy, elections are coming up and everyone is interested to know more about a reform program that would work.

Also get in touch with your local radio and TV stations. The media will respond to your program on this timely subject.

Additionally, mail out, a week prior to the meeting, a press release. Adapt the following to your purposes:

SAMPLE PRESS RELEASE

Date: ------------

From: (Name of Club's Press Chairman or President.) (Address and phone number.)

Will the high cost for political campaigns soon make it impossible for any but a candidate with a lavishly endowed campaign treasury aspire to public office?

This problem will be discussed by a representative from the Republican and Democratic parties in a program, "Political Spending—Time for Reform?" at the ------------ Club, next -------------- at ------------ o'clock, Mrs. ------------ Program Chairman, moderating; Mrs. ------------, Club President, presiding.

Mr. ------------, who is ----- (title) ----- for the Republicans, and Mr. --------------, representing the Democrats, will address themselves to the topic that campaign spending is out of hand and both candidates and political operatives agree that regardless of party or region, the problem is altering the political process and endangering the effectiveness and honesty of the political system.

Mrs. ------------, -------- (name of club) -------- President, said, "Most successful campaigns of 1970 were made by men of great wealth, able to spend vast sums needed for TV. This situation permitted our political system to be unbalanced in favor of the men in office and men of great affluence. The question is: will the new law correct this inequity?

The ------------ Club will probe the problem, and, at its meeting, will examine various proposals to correct the situation. Mrs. ------ ------ further commented, "When it takes a million dollars or more to elect a U.S. Senator, this certainly narrows the field for candidates . . . unless a man chooses to accept so much assistance that he becomes completely obligated to private interests."

Club members will hold a discussion following the program and the club plans to study the issue and send recommendations to State, local and National officials.

DOVER, DEL., OPPORTUNITIES INDUSTRIALIZATION CENTER—ANOTHER EXAMPLE OF OIC SUCCESS

Mr. BOGGS. Mr. President, only last year an Opportunities Industrialization Center office was opened in Dover, Del., and already it has become the hub of far-reaching and innovative job training programs for Delawareans.

For several years I have sponsored legislation to increase Federal funding for OIC's because of their proven record of success throughout the country in the field of manpower training. The Dover experience is a prime example of the kind of achievements that OIC's are making nationwide.

I am particularly enthusiastic about the Dover OIC's involvement with the Veterans Upward Bound program which seeks to open job and educational opportunities for veterans, and the talent search program which encourages high school dropouts to further their education.

An excellent article on the Dover OIC by Barbara Jordan appeared recently in the Delaware State News. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Delaware State News, Sept. 3, 1972]

DOVER OIC IS EXPANDED

(By Barbara Jordan)

DOVER.—Ex-servicemen who need job skills to secure employment and high school students who have been overlooked by the "system" can now look to the expanded Delaware O.I.C. offices in Dover for help.

O.I.C. (Opportunities Industrialization Center) is the largest private non-profit training organization in the United States. Started in Philadelphia in 1963 to help the underprivileged gain employment, there are now over 150 branches nationwide.

A Wilmington office was established in 1967, and in March, 1971, a Dover branch was started under the leadership of the late Eugene E. Taylor.

The expansion of the Dover office changes the direction of the local group from laying the groundwork and planning to physical training.

Not only moving from concepts to realities, the Dover O.I.C. is also moving from the Townsend building to the second floor of 229 Loockerman St., above the Army-Navy Store on Sept. 14.

In their new home with an expanded staff, the Dover branch will also begin setting up classes such as typing and keypunch, and offer motivation courses like Black history.

But the big project for the branch is the Veterans Upward Bound and Talent Search programs. Both are funded by the Department of Health, Education and Welfare, with Delaware selected as the pilot state for Veterans Upward Bound.

The veterans' program has three main objectives: enrollment in college, vocational training and job placement.

The target of this program, according to project director James D. McNair II, is the "disadvantaged" ex-serviceman who does not have the education or job skills needed to secure proper employment.

The Talent Search program is designed to find qualified youths with financial or cultural need who have exceptional potential for post secondary educational training. They are encouraged to complete high school and to pursue further education.

Delaware O.I.C. has received federal funding for the two projects. As a pilot, Delaware is the only state developing the Upward Bound project. Other states are working on different pilots, and those that are successful may be instituted in other states.

With the expansion of the Dover office, staff changes and additions have been made. John D. Adkins Jr. of the Wilmington O.I.C. office has been appointed acting regional coordinator for Dover replacing Eugene Taylor who died recently.

Adkins is a veteran of three wars and a retired Army master sergeant who has worked with D.O.I.C. in public relations and job development.

James D. McNair II, named project director for the Veterans Upward Bound and Talent Search programs, recently retired from the Air Force with the rank of Major. He flew 81 combat missions over North Vietnam as a jet pilot.

McNair has a B.S. degree in education from Indiana University. He is a member of the Dover Alumni Chapter of Kappa Alpha Psi, the Kent County Community Legal Aid Society Advisory Board, and is president of Capitol Esquires Limited, a Dover community service organization.

Members of McNair's staff are: Eugene Cannon, Ernest Wilson, Vera L. Taylor, Fern Spellman, Audrey L. Duffy and Sandra F. Smith.

Cannon is a recent graduate of Delaware State College and a Navy Vietnam veteran. He is the information-research specialist for Upward Bound and Talent Search and works out of the Wilmington office.

He has worked as a stock and bond investment administrator for Banker's Trust Co. in New York, and was Inner City Recreational Coordinator for the Catholic Youth Organization of Delaware.

Wilson is the Upward Bound specialist who will counsel and place veterans. He was assistant director of men's residence halls at Delaware State College. A graduate of Wiley College, Wilson is an Army Vietnam veteran.

Ms. Taylor graduated from the University of Delaware where she was a counselor for the College Try program. She is working as a Talent Search specialist with that program.

Ms. Spellman also graduated from the University of Delaware and also worked for the College Try program. She will be a specialist with the Talent Search program.

Ms. Duffy, a graduate of Delaware State College, is working as McNair's secretary, and Ms. Smith, a graduate of Lake Forest High School, is working as Adkins' secretary.

THE EQUAL RIGHTS AMENDMENT

Mr. TUNNEY. Mr. President, the equal rights amendment (ERA) passed the Senate on March 22, 1972, and went before the various State legislatures for action. Nearly 6 months after final congressional action on the ERA, only 20 States have ratified the provisions to give women equal rights under the Constitution. Before the ERA can go into effect, 18 more States must ratify the amendment. Since the end of the legislative year is soon approaching, I think it is extremely appropriate for concerned citizens to exert pressure on the various State legislatures which have not yet acted upon the ERA.

California, unfortunately, is among the States which have not yet ratified the ERA. On a recent trip to California I made a speech on this matter before the State of California Commission on the Status of Women. I ask unanimous consent that the contents of the speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JOHN V. TUNNEY TO STATE OF CALIFORNIA COMMISSION ON THE STATUS OF WOMEN

I have accepted your kind invitation to come here today because of my great interest in the California Commission and its work. I have come here to listen to your plans and to share what experience I can. And I have come to offer my strong support for your purpose and your program.

I would anticipate that of immediate concern is what possibility there may still be of securing passage of the Equal Rights Amendment by the State Senate. On May 22, I sent the following telegram to Senator James Mills, Chairman of the Senate Rules Committee:

DEAR JIM: While I deeply respect the prerogative of the State Legislature to work its own will, I hope you will entertain this expression of my personal views on a matter in which we are jointly involved—ratification of the Equal Rights Amendment.

As a co-sponsor of the ERA in the Senate and intimately involved in Committee action prior to its passage, I heard in depth from women's groups, labor representatives, other constituents and my colleagues. It is my heartfelt conviction that an amendment to the U.S. Constitution is necessary to provide the dignity and legal status a majority of our population has long been denied. Protective legislation and hopes for judicial remedy will not prevent various forms of direct and invidious discrimination against which American women have fought for over fifty years.

17 States have already ratified the ERA and 21 more are needed. I urge your committee to report favorably on May 24 so that the California Legislature may ratify in this session.

Best regards.

Despite my pleas—and those of thousands of my constituents, the Rules Committee voted 3 to 2 against favorably reporting the bill.

Why—after an arduous campaign that lasted fifty years and finally earned broad support from the Congress and millions of Americans—were the members of the Senate Rules Committee unwilling to ratify the principle that equality of rights under law shall not be denied or abridged on account of sex? How fundamental that notion is!

From questions I asked and from the large volume of mail I received on the subject, I understand that two basic arguments against the ERA were persuasive to the Senate Rules Committee.

First, it was granted that enactment of the ERA would repeal protective labor legislation which the unions and others had fought hard to pass. In fact, however, this legislation was superseded eight years ago by Title VII of the Civil Rights Act of 1964. Title VII provides that there shall be no discrimination on the basis of sex in terms or conditions of employment. For years, the Equal Employment Opportunities Commission, which recently acquired certain added and long-overdue enforcement powers, has fought employment practices which treated men differently from women.

Let me make myself clear. I'm not against protective labor legislation. But I think that this legislation must be applied equally to both sexes. Consider, for example, a construction job in which workers are required to carry heavy loads. Such jobs have been restricted traditionally to men—either because of a statute, union rule, or simply company practice. One would be foolish to argue that all women and all men would make equally good construction workers, and it is probably true that more men than women would make good construction workers. Still, some men would be far worse than some women, and the better and fairer procedure would be to define those valid characteristics which make a good construction worker (a certain minimum amount of physical strength, perhaps a minimum height and age, a specified level of intelligence). On the basis of these tests—applied *equally* to all applicants regardless of sex—

the best candidates would be selected. And if it turned out that most of those selected were men, so be it. The importance of the open procedure would be that this arbitrary roadblock to a woman's pursuit of the career of her choice would be eliminated.

I have selected an extreme example. Easier cases can be cited in the professional fields and the white collar trades. That gross discrimination has existed in employment is shown by a wide variety of statistics. Indeed, a report filed in January of this year by H.E.W. asserted that women are discriminated against in virtually every aspect of American life—and that sex discrimination existed *even* in H.E.W. itself! According to the report, women are 63% of the H.E.W. workforce and hold 14% of the top jobs.

Median salaries differ radically, as does access to the professions. A sex discrimination suit was brought this year atgainst the University of California at Berkeley by some faculty and graduate students. They charged that women held only 3% of the 1,087 tenured faculty positions, despite the fact that they were 42% of the undergraduates, 26% of the graduate students, and 19% of the non-tenured faculty. A management program in the university president's office pays women $8,000 a year less than it pays equally qualified and similarly situated males.

Women comprise 7% of American physisians, 3% of lawyers, 1% of engineers. Do these professions depend on unique physical characteristics? Obviously not, as shown by the evidence of many other countries where women have greater professional opportunities. Only 300 of the close to 9,000 judges are women—and most of them are on county courts. There is one woman in the Senate, and ten in the House.

As a final comment on protective labor legislation, it should be pointed out that the ERA would not repeal legislation which is legitimately based on a unique physical characteristic which applies to *all* members of one sex. Thus there can still be rape laws. On the other hand, I can't think of a labor law that would not be better cast in terms of criteria I mentioned earlier: physical strength, intelligence, age, etc.

The second argument which I am told carried great weight against the passage of the ERA by the Senate Rules Committee was that passage of the amendment would send our daughters off to war. Yet under present law, women could be drafted. All that would change with passage of the ERA would be that women would be subject to the draft on the same basis as men. They would be included in the lottery. They would also be eligible for medical and other deferments. Again here, the medical examination considers such factors as health and physical strength. It is well known that few Army jobs are on the front lines or on bomber crews, and those jobs go to people with the requisite physical fitness.

But it isn't just that the ERA will send few women to the front lines—and then only those with adequate strengths. It is also that with equal privileges come equal obligations. I sense that the fact that women have been excluded from the draft has contributed disproportionately to the perpetuation of the stereotype of the male as protector. As a male, I accept the responsibility of protecting those who need protection, but I shun any preconceived notion which would prevent women from sharing this responsibility.

Let me suggest that as you continue to press for state ratification of the ERA you meet the two arguments I have discussed. Another suggestion is that you help to organize voters in blocs, and have each bloc exert pressure on the state legislator from its district. On the federal level, it was found that lobbying by organized and recognized groups was far more effective than thousands of individual letters from constituents. For years, various versions of the equal rights amendment had failed to gather support until some Congressmen and Senators and some interested groups began to organize the lobby effort. The result was that, for example, a local club of the National Organization of Business and Professional Women, or the local U.A.W. would vote to support the ERA and communicate this endorsement to the relevant legislator. The effort worked.

As I said upon voting for the ERA, equal treatment under law is only a first step. Much is left to be done to eliminate the subtle forms of discrimination against women that derive from socially ingrained ideas about the woman's proper role. Decent child care facilities and adequate financial support for them are a must. I have read your thorough report on this subject and support your recommendations completely.

On the federal level, I have pushed for a liberal tax deduction for child care. In the field of education, I was just recently successful in amending the Higher Education Act and other acts dealing with higher education to ban sex discrimination in programs that receive Federal funds. In another area, I am most distressed at evidence of substantial discrimination against women in loan and consumer credit transactions, and support legislation recently introduced in the House on these subjects.

But I came here to hear of your plans and to lend my support. I would now like to open this discussion to your activities and your questions.

NATIONAL HEALTH INSURANCE PROGRAM

Mr. PACKWOOD. Mr. President, when the 92d Congress began some 20 months ago, there was speculation that a broad national health insurance program would be written before we adjourned. Now, with adjournment in view, it looks like there will not be time to pass such legislation.

We have seen over a dozen national health insurance bills presented to the Congress. We have noted the thorough hearings before the House Ways and Means Committee last year, with over 200 witnesses appearing during nearly 5 weeks of hearings.

The Committee on Finance also held a few days of exploratory hearings last year, hearing mainly from the sponsors of the various proposals. The Health Subcommittee, on which I serve, conducted a series of hearings on health care at various cities last year, hearings which, however, focused more on problems and emotions than on solutions.

In the course of these various hearings, two different approaches, two philosophies toward the Federal role in health care emerged.

Both camps recognize that all Americans should have available the best possible medical care at affordable prices. But there is a radical difference of opinion on how this care should be provided and financed. One camp feels that it is the clear role of the Federal Government to pay—and/or provide—medical care for all Americans, regardless of their ability to pay or their present preferences for receiving and paying for their medical care.

The other camp holds that the Federal role should be restricted to the provision and financing of care for those who cannot pay for their own. Additionally, the Federal role under this theory would properly include providing opportunities for new methods of treatment and new delivery systems.

Mr. President, all of us here have confronted these divergent views. For a number of reasons, I have concluded that the second approach—permitting limited Federal involvement—is more feasible, more desirable, and more realistic. Accordingly I cosponsored a bill which embodied the principles closest to those I believed would work and would make sense. That bill is S. 987, the Health Care Insurance Act of 1971, also known as medicredit.

Mr. President, I ask unanimous consent that a summary and analysis of medicredit be printed at this point in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HEALTH CARE INSURANCE ASSISTANCE ACT OF 1971—MEDICREDIT

Medicredit would: (1) pay the full cost of health insurance for those *too poor* to buy their own, (2) help those who can afford to *pay a part*—if not all—of their health insurance premium (the less they can afford to pay, the more the government would help out), and (3) see to it that no American would have to bankrupt himself because of a long-lasting, catastrophic illness.

(This bill addresses itself only to *financing* health care; other legislation and program involve medical manpower supply and distribution, the method of delivering care, and other problems such as environment, health education, and peer review.)

WHO PAYS FOR WHAT?

Medicredit is designed to give maximum help to those who need it most, and minimum help to those who are best able to pay their own way. Financial condition is determined by the amount of federal income tax a person or family pays whether by withholding or direct payment by the individual when he files his tax return.

Low-income families—If a person or family owes no federal income tax for the year—whether because of no income, low income or number of dependents—the total cost of the basic and catastrophic coverage is paid by the federal government. The family would receive a "certificate of entitlement" which would cover the entire premium or membership cost for an approved program from whatever insurance company or plan the family chooses.

All others—For families or individuals who pay federal income tax, the formula is complicated. The cost of the approved policy or plan is divided into two parts. Most of it is for the basic coverage; a smaller portion is for catastrophic coverage. The insurance company or plan determines how much is for each.

The federal government pays for the catastrophic coverage for everyone.

It pays a percentage of the cost of basic coverage according to the amount of income tax the family or person owes, as follows:

Income tax owed:	*Percent Government pays*
$1–10	99
11–20	98
21–30	97
31–40	96
41–50	95
51–60	94
61–70	93
71–80	92
81–90	91
91–100	90
101–110	89
111–120	88
121–130	87
131–140	86

141–150	85
151–160	84
161–170	83
171–180	82
181–190	81
191–200	80
201–210	79
211–220	78
221–230	77
231–240	76
241–250	75
251–260	74
261–270	73
271–280	72
281–290	71
291–300	70
301–310	69
311–320	68
321–330	67
331–340	66
341–350	65
351–360	64
361–370	63
371–380	62
381–390	61
391–400	60
401–410	59
411–420	58
421–430	57
431–440	56
441–450	55
451–460	54
461–470	53
471–480	52
481–490	51
491–500	50
501–510	49
511–520	48
521–530	47
531–540	46
541–550	45
551–560	44
561–570	43
571–580	42
581–590	41
590–600	40
601–610	39
611–620	38
621–630	37
631–640	36
641–650	35
651–660	34
661–670	33
671–680	32
681–690	31
691–700	30
701–710	29
711–720	28
721–730	27
731–740	26
741–750	25
751–760	24
761–770	23
771–780	22
781–790	21
791–800	20
801–810	19
811–820	18
821–830	17
831–840	16
841–850	15
851–860	14
861–870	13
871–880	12
881–890	11
891 and over	10

Health insurance certificates

A beneficiary eligible for full payment of premium by the Federal Government would be entitled to a certificate acceptable by carriers for health care insurance for himself and his dependents. Eligible beneficiaries with whom the Government would be sharing the cost of premium could elect between a credit against income tax of a certificate. The Carrier, as defined in the bill, would present certificates received in payment of premium to the Federal Government for redemption.

QUALIFICATION OF PARTICIPATING CARRIERS

To participate in the plan, a carrier would have to qualify under state law, provide certain basic coverage, make coverage available without pre-existing health conditions, and guarantee annual renewal. An assigned risk insurance pool among carriers would be utilized as appropriate.

DEDUCTIBLES

There are deductible (or co-insurance) in both the basic and catastrophic coverage, but it is important to note that those paid under basic coverage apply to the one required under catastrophic coverage.

Basic Coverage: Under the basic coverage portion of Medicredit's approved programs, there are three deductibles:

1. The patient pays $50 per stay in the hospital as an inpatient.

2. The patient pays 20% of the first $500 of expenses for outpatient or emergency care (maximum of $100) in a 12-month period.

3. The patient pays 20% of the first $500 of expenses for medical care services (maximum of $100) in a 12-month period.

For example, a mother takes her child to the eye doctor. The charge for the office call is $10. Basic coverage pays $8 and the mother is billed for only $2. If a visit to a hospital emergency room cost $27, basic coverage would pay $21.60 and the patient would be billed for $5.40.

All money spent by the patient on any or all of the basic coverage deductibles then applies to satisfying the deductible "corridor" explained in the next section.

Catastrophic Coverage: Persons who need the additional help of catastrophic hospital or extended care facility coverage are required to satisfy a deductible "corridor" of expenses after basic coverage runs out before the catastrophic coverage begins.

(Deductibles under basic coverage are for each person; the catastrophic "corridor" applies to the entire family.)

The size of the corridor depends on the financial condition of the family. The corridor is based on taxable income—the amount left over on the income tax form after all deductions and personal exemptions have been taken. The corridor is computed as follows:

1. 10% of the first $4,000 of taxable income.

2. Plus 15% of the next $3,000 of taxable income.

3. Plus 20% of any additional amount of taxable income.

4. Minus any amounts spent on deductibles under basic coverage.

COVERAGE

The approved protection (whether insurance policy or membership plan) must provide payment of expenses for these services:

Inpatient care: In a hospital or extended care facility for 60 days during a 12-month policy period, in a semi-private room. Within the 60-day limit, two days in an extended care facility count as only one day.

Inpatient hospital services cover all care customarily provided in a hospital, including bed, board and nursing services; drugs and oxygen; blood and plasma (after the first three pints); biologicals and supplies; appliances and equipment furnished by the hospital; surgery or delivery room; recovery room; intensive care or coronary care unit; rehabilitation unit; care for pregnancy or any of its complications and psychiatric care.

Inpatient extended care facility services cover all care customarily provided in an extended care facility, including bed, board and nursing services; physical, occupational or speech therapy; and drugs, biologicals, supplies, appliances and equipment furnished by the extended care facility.

Outpatient or emergency care: The policy or plan covers all care customarily provided as outpatient or emergency care, including diagnostic services—X-rays, electrocardiograms, laboratory tests and other diagnostic tests; use of operating, cystoscopic and cast rooms and their supplies; and use of the emergency room and supplies.

Medical care: The policy or plan covers expenses of all medical services—preventive, diagnostic or therapeutic—provided or ordered by a Doctor of Medicine or Doctor of Osteopathy, whether in a hospital, an extended care facility, the physician's office, the patient's home or elsewhere.

Those services include diagnosis or treatment of illness or injury; psychiatric care; well-baby care; inoculations and immunizations of infants and adults; physical examinations; diagnostic X-ray and laboratory services; radiation therapy; consultation; services for pregnancy and its complications; and anesthesiology.

Also included are dental or oral surgery related to the jaw or any facial bone; and ambulance service.

Cosmetic surgery (plastic surgery) is excluded except when related to birth defects or burns or scars caused by injury or illness.

CATASTROPHIC COVERAGE

The policy or plan pays all expenses for services described under Basic Coverage in a hospital or extended care facility during days in excess of the 60-day basic limit. Only 30 days are covered in an extended care facility under catastrophic coverage, however.

In addition, the catastrophic coverage includes blood and plasma in connection with outpatient medical services (after the first three pints) and prosthetic aids ordered by a physician.

Medical care services are not included under catastrophic coverage because they continue without limit under basic coverage.

HEALTH INSURANCE ADVISORY BOARD

A health insurance advisory board of eleven members, a majority of whom shall be practicing physicians, and including the Secretary of HEW and the Commissioner of Internal Revenue and other persons qualified by virtue of education, training, or experience, would be appointed by the President with Senate consent. The Board would establish minimum qualifications for carriers, and in consultation with carriers, providers and consumers, would develop programs designed to maintain the quality of health care and the effective utilization of available financial resources, health manpower, and facilities. It would report annually to the President and Congress.

MEDICREDIT PRINCIPLES

Mr. PACKWOOD. Mr. President, medicredit reflects the very sound principle of limited Federal participation. Federal assistance, in my judgment, should be called into play only when the family or individual is in need of help. If the individual or family has adequate health insurance provided through employment arrangements, on an individual basis, or through medicare, it would be both unnecessary and undesirable to replace it with a Federal bureaucracy, at Federal expense, and add tens of billions of dollars in taxes—both direct and indirect—along the way.

But if the individual or family is without health insurance, because they cannot afford it, assistance must be provided. What then is the most effective, equitable and efficient way to provide that assistance?

THE EMPLOYER'S ROLE

The administration has indicated support for an approach which requires employers to provide health insurance for all employees. This approach has two important benefits. It reflects the present facts of life, since most employers now do provide health insurance, and it would hold Federal spending down at a time when we have quite enough demands on the Federal dollar.

Medicredit is not incompatible with this approach. It gives the employee credit for 80 percent of the amount the employer pays for health insurance in his behalf. Thus it too would recognize the now common practice of employer-provided health insurance and would encourage its expansion to the relatively few employees not now covered.

The administration's proposal is reflective of another basic principle which I believe we must use in writing legislation in this field. We should build upon the present insurance system, rather than destroy it. Certainly the system is not perfect. Individual policies—as opposed to group policies—still are too costly in terms of the percentages of premium dollars retained by the company, and there are some policies which do not contain adequate benefits.

Some policies cover only in-hospital care and tend to encourage that type of care which is most costly. Fortunately, this situation has been changing rapidly. It is one reason that hospitals across the country are only 75 percent occupied. More and more care is being provided and paid for on an outpatient basis or at a clinic—care which was formerly provided on an inpatient basis. And health insurance is paying for this care—at reduced cost to the company and thus to all of us who pay the premiums. A good example is in my State of Oregon, which has pioneered the concept of preadmission testing—saving both the patient, the insurance company, and the hospital.

At any rate, health insurance has done a commendable job in protecting tens of millions of Americans. There is no reason to throw out the system, because it is not perfect. We must continue to strengthen the best features and eliminate only those which are incompatible with efficient quality health care.

MEDICREDIT BENEFITS

On the question of quality health care, it is important to stress that medicredit requires insurance policies with a broad range of benefits, broader than the administration bills and probably as comprehensive as any which have been introduced.

Medicredit is even more comprehensive in the area of mental illness and psychiatric benefits than the bill proposed by the chairman of the Senate Health Subcommittee, Senator KENNEDY, which has been billed by some enthusiastic backers as providing all care. Its realistic supporters acknowledge it would pay for perhaps 70 percent of the care of the average American family.

Medicredit stresses keeping people healthy. It requires insurance coverage of annual physical examinations, well-baby care, immunizations and inoculations, and physician care whether in a hospital or at a clinic or physician's office. It also covers, as I indicated, psychiatric care regardless of where provided, not just custodial care.

The wide range of medicredit benefits would accomplish several important objectives.

First, it would upgrade the benefits in all health insurance policies.

Second, it would encourage care in less-expensive settings.

Third, it would encourage all Americans to see a physician when illness is suspected, rather than wait until it is not only obvious but possibly aggravated by delay.

CATASTROPHIC ILLNESS PROTECTION

All who have presented bills in this national health insurance field have spoken of the case where medical and hospital bills are so high that they threaten to bankrupt the family.

Thus virtually all the bills have tried to provide a national program to cushion every family against such a catastrophe. I am pleased at the approach used in S. 987, since it bases the trigger point for Federal assistance—through the insurance policy—on family income. The sliding deductible is tied to family circumstances.

Thus a long serious illness for a poor family would be paid for by its basic insurance first. When these benefits are exhausted, the catastrophic benefits would immediately come into play and take care of the balance of the costs—without limit. For a family of average means, and today that is a family with $10,000 income, the basic benefits would be the same. In the case of serious illness, such a family would have a deductible cost of about $500 to pay before all additional bills would be covered without limit.

For those with higher income, a higher deductible is provided before the unlimited benefits come into play. Even for a well-off family of $30,000 income, the deductible is within what they should be able to afford—$4,500. It is true that such a family might not have the money neatly tucked aside for such a serious illness, but certainly it should be within their means to assume that much of their catastrophic bills before wage earners at lower brackets are asked, through taxes, to subsidize their medical bills.

Incidentally, S. 987 uses an interesting fiscal device to provide for such unlimited catastrophic benefits. After estimating the annual cost per family of such benefit at $50, it would have the Federal Government pay that $50 for every family in the form of a tax credit.

FREE CHOICE OF PATIENTS

One reason why the United States provides most of its citizens with a level of medical care unmatched anywhere in the world is that we have developed a multiple approach to the delivery of care. We do not require any one form of medical care such as a clinic, a physician in solo practice or a hospital outpatient department. We have all of these, plus more. In effect they compete for the patient. He is able to pick and choose, and if a physician or institution is not responsive to the public, it will learn about it through reduced income and usage.

We as patients can change doctors and change insurance plans. We can choose prepaid groups or health insurance or take a chance that we do not need either. In short, we have pluralism, and the patient—or consumer if you will—is the winner in the form of higher quality care and more accessible care.

This is not to say that this situation exists everywhere. There are many areas, especially in rural and inner-city settings, where even one form of care is not readily available. But it is important as we gradually begin to shape the form of national health insurance that we do not try to impose just one delivery system on areas which now have shortages.

Again, S. 987 would allow the patient his choice of the setting in which he receives his care. He could opt for a monthly payment to an HMO, choose Blue Cross and Blue Shield, buy a policy from one of the many commercial companies or pick some other coverage method. It is up to the individual.

COMPULSION, ADMINISTRATION, FINANCING

One critical area of disagreement here in Congress and around the country concerns the question of compulsion versus voluntarism. Should national health insurance be compulsory or voluntary? Some argue that it must be mandatory in order to protect the uneducated and the unemployed, for there is no other way to be sure that they have insurance coverage.

I cannot agree that compulsion is the answer, however. In my judgment, we can reach everyone who wants or needs to be reached through employers, welfare agencies, and other social organizations.

As for administration of such a program, it must certainly be in the hands of private industry. But just as certainly, this industry must be subject to strict State standards that are effective and protect the public, or there will be a clear need for Federal intervention.

Financing should be a combination of private industry, Federal and State taxes, and individual contributions.

Quality must be assured, but the best route is not yet clear. Perhaps it is the medical foundation; perhaps it is a PSRO; perhaps it is a quality care commission as envisioned in HMO legislation now under consideration; perhaps it is an entirely new and innovative approach. We need to give them all a chance to prove their effectiveness or lack thereof.

This, then, Mr. President, sums up some of the issues surrounding national health insurance and the route that it is likely to take, as it now appears. It is too late for action in this Congress, but action is likely in the 93rd Congress. But I emphasize, Mr. President, that we should move forward only after careful and thorough review and evaluation of these and still other critical issues.

HABEAS CORPUS PETITIONS FROM STATE AND FEDERAL PRISONERS

Mr. SCOTT. Mr. President, several weeks ago the Senator from Nebraska (Mr. HRUSKA) and I introduced S. 3833, a bill to revise Federal court procedures relating to review of habeas corpus petitions from State and Federal prisoners. This bill is currently pending before the Senate Constitutional Rights Subcommittee.

If our system of criminal justice is to work fairly and effectively, we must make certain that all of our citizens charged with crimes are afforded a fair and prompt trial, that the innocent are acquitted, that the guilty are convicted, and that this process begins and ends within a reasonable period of time. It is to insure that our judicial system meets these responsibilities that S. 3833 was introduced.

For a number of years the Senator from Nebraska has been a leader in the field of Federal criminal procedures and the workings of our Federal judicial system. His concern and his knowledge of this field was amply demonstrated in an address he gave last week to the Eighth Circuit Judicial Conference in his home city of Omaha, Nebr.

Because I believe that Senator HRUSKA's remarks will be of interest to the Senate, I ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS OF REMARKS BY SENATOR ROMAN L. HRUSKA

There has been, in recent times, considerable re-examination by judges, legislators, prosecutors and other enforcement officers as to some of the basic questions inherent in any system of criminal justice;

(1) Why punish?

(2) Who should be punished?

(3) How much punishment should be inflicted?

It has become increasingly clear that the scope of this re-examination of fundamental notions of justice has focused, primarily, if not entirely, upon the purpose to be served by state sanctioned punishment. It is axiomatic that state inflicted punishment is legitimate only if it serves two major objectives:

(1) The reduction of crime; and

(2) The promotion of respect for the criminal law.

Both of these objectives are the sine quo non to any system of punishment that intends to receive the approbation of the population subject to the criminal justice system.

Both objectives have evoked considerable discussions in many quarters of government, the news media, and the bar.

In recent days, the urgency of meeting a great responsibility resting on the bar was presented by one of America's leading authorities on administration of criminal justice.

He noted the necessity to maintain a system of criminal justice which not only protects those accused of committing a crime, but one that is also responsive to the needs of society. He went on to say:

"*Our present system is failing. It no longer commands the respect of the criminal element of society, or, for that matter, of any element of society. It is clear that we must seek reform, and in so doing we must not be afraid to question principles that have previously been universally accepted. We must explore every possible avenue of change.* We cannot leave a stone unturned . . . We can no longer afford those who violate the law with the luxury of an inadequate system incapable of properly disposing of the charges against them. If we can make our system more workable, I assure you that the rate of crime will be reduced, that crime will become controllable . . ."

Not too long ago a bill was introduced in the Congress to achieve speedy trials of criminal cases. No doubt its introducer was motivated by the idea of seeking reform by questioning principles previously universally accepted. He desired to make improvement by inducing and assuring expedited trial and disposition of criminal trials. His solution was to provide that unless trial and disposition were achieved within a designated number of days or months after indictment or arraignment, the pending charges would be dismissed with prejudice and the defendant exonerated.

It was thought that this remedy would cause in the prosecutor and the court and all else concerned, the necessary and compulsory drive to achieve speed in trial of such cases. Certainly a noble and laudable objective.

It did not take much time in formal committee hearings, however, to develop many unworkable aspects.

Exceptions would have to be made to accommodate time consumed by dilatory tactics by defense counsel; by disability and unavailability of witnesses, or of even the defendant himself; of time needed to develop or discover needed evidence or testimony by investigation; the state of the court's docket; the inadequacy of judge power, prosecutor power and other manpower due to no fault of either.

Finally and quite fundamentally there comes the realization that such a statute would unduly invade the domain of the court, which is already under mandate and obligation to accord such trials preferred attention and priority.

In fact, the inflexibility imposed would be counterproductive—with the result of a new and additional avenue for escape from trial and highly probable conviction and punishment as to many who are accused of crime.

As the testimony proceeded a while, it became manifest that the approach was highly vulnerable and unacceptable. One of the witnesses who was from the Department of Justice then observed that while the goal of the bill was desirable—to achieve speedy trials—it would not work very well to that end. But there were other means which would be more effective.

The Chairman of the Sub-Committee, an erudite scholar of the law, with long years as a member of the bench, and as a practitioner, requested some "for instances."

The witness proceeded to enumerate various approaches, and concluded by promising early transmittal to Congress of a habeas corpus measure which would enable substantial relief from congestion in the courts.

Leaving aside for the moment the specific measure referred to, some of the other proposals to make speedy trials possible include a number that are rapidly receiving increased currency and acceptability. Some are as follows:

Revision and limitation of the exclusionary rule.

Decriminalization of certain offenses which can be effectively and properly treated without full and complete criminal justice processing in the courts.

Distinguishing between serious and minor offenses.

Modification of right to counsel in certain types of violations where counsel is not essential to assure fairness of trial.

Review right of trial by jury in cases involving petty offenses.

And others.

The Sub-Committee witness did promise an early legislative proposal for reform of existing Federal habeas corpus practice.

This pledge was duly redeemed by presentation earlier this year of recommended amendments to a House measure (H.R. 13722) and by transmittal to the Senate of a measure which I had the privilege to introduce as S. 3833 only last month.

URGENT NEED FOR HABEAS CORPUS REFORM

In 1960 about 1,200 petitions were filed for habeas corpus writs. By 1970, the number was about 11,000. These were filings by state and federal prisoners under 28 U.S.C. Sections 2254 and 2255 only.

In 1960, 5% of total civil filings were such habeas corpus petitions. By 1970 they were 13%.

In 1969, 20% of all appeals from district courts were from final orders in collateral attack proceedings by state and federal prisoners.

The result has been a tremendous, almost intolerable burden on the entire system—state and federal.

The volume of work and the burden thereof is not sufficient in and of itself to call for reform. If they were required for fair and constitutional criminal justice administration, then regardless of time and burden, they would have to be borne.

But they—the volume of work and its burden—are not required by the Constitution; they are not necessary to achieve fairness to the defendant. The exact opposite is true in fact. They militate against the defendant, against other accused persons not yet tried, and against the public and society in general.

Present habeas corpus practice lacks terminal facilities in the search for an ultimate decision to impose final criminal sanction on a defendant. There now is an endless inquiry into finality of criminal judgments.

For two reasons this seriously impairs operation of the entire criminal justice system in America.

First, that endless inquiry undermines any effort to rehabilitate the prisoners involved.

Second, there is forced in the judiciary in allocating its judge power and time, the choice between (1) the demands of those accused and not yet tried, and (2) the demands of those already convicted.

In the very nature of things it is imperative to realize that endless search for certitude cannot be tolerated. After due and fair inquiry, there does come a definite point of time and place when the judgment and decision must be regarded as final and conclusive.

Put in another way, if state inflicted punishment is to serve its major objectives of (1) reducing crime, and (2) promoting respect for the criminal law, certain things are necessary. Among them are assurance to those accused of crime that they will be accorded a fair and prompt trial; that the innocent will be acquitted; that the guilty will be convicted and punishment will be meted out; that they will be given opportunity for review and appeal as required by fairness and by the Constitution; and that the process involved be one which begins and ends within a reasonable time frame.

These things the pending measures seek to do.

The effort in S. 3833 is to extend to everyone accused of crime all of his constitutional rights but at the same time to deny him the opportunity to abuse the great writ to the detriment of the administration of justice, of the public good, and his own good.

In the formation of S. 3833 two approaches were brought together and embodied in a single bill.

The Habeas Corpus Committee of NAAG[1] drafted legislation which would restrict collateral attacks in the Federal courts on State court proceedings. This proposal would require that collateral attacks be primarily presented in the State courts, rather than in the lower Federal courts, subject to review by the U.S. Supreme Court.

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[1] "National Association of Attorneys General" has long and effectively been concerned in securing reform in habeas corpus practice.

"The Department of Justice, working independently on the habeas corpus question, drafted a proposal to restrict the use of collateral attacks to alleged violations of a constitutional rights that involves the integrity of the fact-finding process or of the appellate process. All other legal objections on behalf of the defendant were to be restricted to the time of the trial or to consideration on direct appeal following the trial. Under the Department's proposal, they could not be subject to collateral attack thereafter. That route would be limited to factors, such as perjured testimony, which show a flaw in the fact-finding process."

It should be particularly noted that the bill does not provide either a repeal or any impairment of or trespass upon the Great Writ as guaranteed by the Constitution in Article I, Section 9, clause 2:

"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion the public safety may require it."

It is clear that the writ protected by this "Suspension Clause" is the writ as known to the framers of the Constitution. That form is not in any way impaired or violated by the pending bill.

The Congress, however, has greatly expanded the writ by legislation. The first expansion was in 1867, when the writ was by law broadened to *applicability* to such federal prisoners and also to such state prisoners who "may be restrained of his or her liberty in violation of the Constitution, or of any treaty or law of the U.S."

This enactment was followed by the Supreme Court decisions broadening the concept of habeas corpus. But at no time did the Court, in interpreting the Act of 1867, indicate that its decisions resulted from any consitutional mandate.

Habeas corpus thus exists today in its expanded state primarily as a matter of statutory construction, and not as . . .

With the support of eminent, highly regarded authority it can be soundly concluded that the writ is not constitutionally required to be any broader than it was in common law; Congress can amend its previously enacted law dealing with habeas corpus if it so chooses.

This Senator earnestly hopes and believes Congress will so choose.

The bill pending in the House and Senate are proposals on which the Congress will base its choice.

Speaking to the Senate Bill, may I say as its introducer that it is deemed by me to to be a vehicle for a thorough legislative processing, in open committee hearings, by committee discussions, by final report to the Senate floor where that body will work its will.

While I believe it to be carefully considered in its present form, I am not wedded nor fixed of mind to its exact form and substance. To its general thrust and purpose, yes; but not as to exact language or specific provision.

Our minds on it are not fixed and closed. We are receptive to constructive and good faith suggestions.

Often it has been amply demonstrated that there is much to be gained by the centering of many minds of diverse background and experience in hearings and legislative measures.

The expression of views, the exchange of ideas, the interchange of thoughts—all of these are wholesome and fruitful.

Any input whether in formal hearing, by personal appearance, or written statement by letter or otherwise, is certainly welcome. Any such input is invited, with the assurance that it will receive careful consideration, with an open mind, which seeks improvement.

It is my belief that great care has been taken in the drafting to limit the type of claim that could be raised to violations of the Constitution where the right violated "has as its primary purpose the protection of the reliability of either the fact-finding process at the trial or the appellate process on appeal from the judgment of conviction."

This language seeks to make clear that the types of violations with which the bill is concerned are those which do not allow a fair trial or appeal; that is, these which cannot be corrected through these processes.

There is the requirement also that the petitioner show that a different result would probably have obtained if the violation of the constitutional right had not occurred. In reality this requirement is a modification of the principle as evolved by the Court that some constitutional errors occurring at trials can be characterized as "harmless."

Notwithstanding a listing of certain types of claims which would not be cognizable on habeas corpus, there are various constitutional claims that would continue to be available, e.g.:

(1) That the Court was without jurisdiction to try the case and sentence the defendant.

(2) Prejudicial publicity and mob-dominated juries.

(3) Right to counsel for an indigent.

(4) Right of an indigent to a transcript and to counsel for an appeal.

(5) The lack of appropriate confrontation rights at trial.

(6) Use of perjured testimony by the prosecution.

The goal sought is this: the basic fairness of the trial and appeal process would remain subject to collateral attack. But claims of constitutional deprivation, not related to the basic fairness of the trial or appeal, which the defendant had already had an opportunity to litigate at trial or on appeal, would no longer be cognizable on Federal habeas corpus.

It is through reforms such as these that progress can be made on the overall problem of court congestion and trial delays.

Our system of justice will thereby be advanced in its striving for fair and speedy adjudication of guilt or innocence.

REVENUE SHARING OPPOSED BY PRESIDENT EISENHOWER'S COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. STEVENSON. Mr. President, the revenue-sharing legislation before us represents a sharp departure not only from past wisdom and experience, but also from the considered positions of previous administrations, Republican as well as Democratic. President Nixon's revenue-sharing initiative flies in the face of recommendations made when he was Vice President by President Eisenhower's Commission on Intergovernmental Relations—the prestigious Kestnbaum Commission. The comments and conclusions of the Kestnbaum Commission are as relevant today as they were when its report was issued in 1955. I ask unanimous consent that the portion of the Commission's report concerned with the concept of revenue sharing be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SUBSIDIES VERSUS CONDITIONAL GRANTS

Many central governments—including those of the federal systems of Canada and Australia—and some of our State governments make grants in the form of broad subsidies. The Commission has considered whether a similar policy by the National Government might be preferable to the use of the conditional type of grant.

It has been argued that a subsidy policy would provide maximum help to the States that most need funds, give all States an opportunity to use money where they feel their need is greatest, preserve for them a larger and more independent governing role, and relieve the National Government of administrative burdens and of the difficult task of selecting specific objects of aid. The National responsibility would be limited to the minimum supervision needed to prevent fraud.

Experience with different types of grants, however, suggests that subsidies would not materially relieve pressures for National action for specific objectives. Other factors that are responsible for the establishment of existing grant programs would still remain. Among them are such conditions within the States as the fear of being placed at a competitive disadvantage by fully exploiting their own taxable resources, insufficient interest in certain programs of concern to the Nation, and lack of technical skills and information. Even in New York, where fiscal capacity has not been wanting, the Temporary Commission on the Fiscal Affairs of State Government found that in many fields Federal grants had helped to stimulate activity and to raise standards.[1]

In short, if a system of subsidies were adopted, there is no assurance that the funds would be used to provide all the services thought necessary by the National Government. There would still be pressure for National programs for specific objectives. The end result would be a piling of conditional grants on top of subsidies, as in Canada and Australia, or enlargement of the field of direct National provision of services, or both.

There are other objections to unconditional subsidies. National authorities would have inadequate control over the use of appropriated funds. On the State and local side, a policy of unconditional subsidies with no matching requirements would be likely to undermine the sense of financial responsibility. The tendency would be for States and localities to look more and more to the National Government to perform the disagreeable task of extracting money from the taxpayer.

CONTINUED USE OF CONDITIONAL GRANTS

Where aid is determined to be necessary, the National Government's conditional grants represents a basically sound technique, despite their piecemeal development and hodgepodge appearance. It is the only technique that is in any sense self-limiting, both as to objectives and amounts of expenditure and as to the extent and nature of National control. When Federal aid is directed toward specific activities, it is possible to observe the effects of each grant, to evaluate the progress of aided activities, and to relate the amount of financial assistance to needs. There is more assurance that Federal funds will be used to promote the Nation's primary interests. Finally, the direct control exercised by the National Government is confined to limited and well-defined governmental activities, leaving other areas of State and local responsibility relatively unaffected.

RETIREMENT OF GORDON F. HARRISON

Mr. JAVITS. Mr. President, June 30, 1972, brought the retirement of Gordon F. Harrison, staff director of the Senate

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[1] *A Program for Continued Progress in Fiscal Management,* Feb. 1955, vol. 1, pp. 214, 217–219.

Committee on Rules and Administration of which I was at one time a member.

To the position of staff director of the Senate Committee on Rules and Administration which challenges not only legislative but administrative knowledge of the Senate, Gordon F. Harrison brought the benefit of his excellent prior experience which included service as a trial lawyer with the Civil Division of the Department of Justice and service as a legislative assistant to Senator Theodore Francis Green of Rhode Island who in 1955 appointed him staff director. In addition Gordon Harrison brought with him a high degree of integrity and compassion which combined with knowledge which earned him the admiration and respect of all who have had the good fortune of working with him. Attestation to the success with which Gordon Harrison met this difficult challenge is his reappointment as staff director by the subsequent four chairmen of the Committee on Rules and Administration.

I should like to join Senators who have already paid tribute to this devoted public servant who for 35 years—18 of which were in the capacity of staff director—served the members and staff personnel with equal commitment and equal dedication. Conversely, this respect and affection has most deservedly been returned by those members and staff personnel who have benefited from his judgment and will miss his wise and sound counsel.

ECONOMIC PROPOSALS OF DEMOCRATIC PRESIDENTIAL NOMINEE

Mr. SCOTT. Mr. President, the September 3 Philadelphia Inquirer contains an editorial by John S. Knight which presents an unbiased and, to my mind, well-thought-out view of the Democratic presidential nominee's newest economic proposals. I ask unanimous consent that Mr. Knight's remarks be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

McGOVERN'S ECONOMIES: MINUSES OUTWEIGH PLUSES

(By John S. Knight)

Well, Sir, George McGovern and his tax experts finally finished their homework and the senator has presented his "new" reforms to an anxious Wall Street.

It was a shrewd gambit. A Presidential candidate's appearance before the New York Society of Security Analysts automatically insures wide distribution of his views. Mr. McGovern did not fuzz the issues. He said what he had to say, and he said it well.

But other than his recantation of the widely ridiculed plan to give $1,000 to every man, woman and child in the country, the tenor of Sen. McGovern's thinking has not changed. As Eileen Shanahan says in the New York Times, "the new programs that the senator unveiled moved more toward classical liberal positions and away from the radicalism that characterized some of his earlier proposals."

Here we may have a difference but without a distinction. For, as the senator has said so clearly, "money made by money should be taxed at the same rate as money made by men." This sophism undoubtedly carries popular appeal.

But in practice, can we afford to do away with all incentives for risk capital which promote business growth? How can the McGovern program stimulate employment and earnings by making it unattractive for the entrepreneur to launch new ventures or expand those presently in existence?

This is the gut issue presented by the Democratic candidate. He would not destroy capitalism, but simply enfeeble it.

Likewise, Mr. McGovern's proposal to tax capital gains at regular income rates would dry up investments made in anticipation of growth. Presently, utility companies are in need of capital funds to meet expanding demands for power. Other corporations are selling securities to finance improvements required by federal, state and city ecological agencies.

If the business climate becomes increasingly unattractive to the prospective investor, from what source are these funds to be obtained?

And to tax capital gains at death, in addition to present high estate taxes, amounts to virtual confiscation.

Mr. McGovern reassures us there will be no additional federal taxes on Americans whose income derive from wages and salaries. This is a dubious assumption which must have caused Wilbur Mills to wince. If Mr. McGovern becomes President, he will shortly find that additional income from loophole closing will be insufficient to meet the needs of our wildly extravagant government.

To exclude investors from the tax-free benefits of municipal and state bonds, the senator would remove the exemption and have the Federal Government subsidize the difference. So who pays then? Why, every income taxpaying citizen in the country.

Sen. McGovern is on better ground with his recommendations to do away with accelerated depreciation and excessive depreciation on real estate investments made as tax shelters. There is need for reform in this field.

McGovern would alter the present 7 percent investment tax credit on new plant equipment—an idea devised by the late President Kennedy—to apply only to the "net increases." How this concept would be defined by the bureaucrats baffles me at the moment.

The investment tax credit, intended to stimulate purchases of new equipment with resultant business activity, and additional employment, is a useful tool in a sagging economy. It is not needed in times of great national prosperity.

The idea, then, is not to repeal or alter but to suspend when times are good, and to reactivate in periods of recession.

I like Sen. McGovern's idea of a program for "public service" jobs provided the money is not used for what my father used to describe as "more papsuckers on the public payroll."

Franklin Roosevelt's WPA, although ridiculed as "leaf-raking", did undertake many useful projects in dealing with unemployment during the dark depression days of the early 1930s. The same can be said of the Civilian Conservation Corps.

So why not an Ecology Corps to help clean up our lakes and streams? We have today many untrained people excluded from employment by the minimum wage law. They are simply not being hired by small businesses because of the cost involved.

Unfortunately, McGovern's emphasis is on "one million persons who might be employed by government agencies." This is precisely what we don't need. The senator should do some more rethinking here.

While I have not examined all of Sen. McGovern's proposals in depth, the thrust of his position is to redistribute the wealth, to take from those who have—either from inheritance or their life labors—and promise to give it to the have-nots.

In essence, this is a kind of prairie populism at best, and undiluted socialism at its worst.

What the senator seems to overlook is that America was built on a highly competitive system under which the risk-takers and investors won or lost; a system which rewarded hard work, stimulated creativity and made possible our tremendous advances in science and medicine.

It is easy to deride the so-called work ethic and its rewards; or the aspirations, the genius, and even the dreams which led to great achievements.

But these are the attributes which made us a great country, senator, not the theoreticians who pervade our government and much of the academic community.

Mr. McGovern may also overlook the fact that among the older generations at least, thrift and saving is a deeply inculcated virtue.

So when you suggest, senator, that you favor some exemptions for estates of only "moderate" size, and for family business "within moderate limits," you are promising in effect to hand to a profligate government the life accumulations of the individual achiever—none of which will ever come into the hands of the poor.

I applaud Sen. McGovern for his candor, and his clear, unequivocal exposition of his policies.

This is surely the year of the choice, not the echo. So you, dear readers, can take it from there.

THE NATIONAL CONGRESS ON THE WORD OF GOD

Mr. INOUYE. Mr. President, the National Congress on the Word of God—aimed at revitalizing preaching with a basis in Scripture, and resolving the current crisis in faith—is now being held at the National Shrine of the Immaculate Conception, here in Washington, D.C. Hosts for the Congress, expected to be one of the most significant religious events of 1972, are the U.S. Catholic Conference, the National Conference of Catholic Bishops and the archbishop of Washington, Patrick Cardinal O'Boyle, D.D.

People of every faith, or of none, were invited and especially clergymen, young people, educators, ecumenists, scholars, religious journalists, parents, and anyone interested in religious education and adult education.

The Congress on the Word of God is a truly ecumenical endeavor, open to all, with several Protestant dignitaries participating on the panels of several of the concurrent conferences which deal with various aspects of preaching and the word of God, including liturgy, Scripture, communications, religious education, missions, and social development.

For the individual, clergyman or layman, if it succeeds, the program will mean that the Sunday sermon will be a renewed source of growth in spiritual life. On the national level, it is hoped that the congress marks a significant step in the revitalization of the Christian community, and in increased ecumenical cooperation between Catholics and Protestants.

I ask unanimous consent that a letter from the Papal Secretary of State, Jean Cardinal Villot, addressed to Patrick Cardinal O'Boyle, archbishop of Washington, be printed in the RECORD. The letter conveys Pope Paul VI's "special apostolic blessing" to every person participating in the National Congress on the Word of God, and it provides an outline of a basic conditions for effective Gospel preaching.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Secretariat of State,
The Vatican, August 4, 1972.

Cardinal Patrick O'Boyle,
Archbishop of Washington,
Washington, D.C.

Dear Cardinal O'Boyle: It was with special joy that the Holy Father learned of the National Congress on the Word of God that is being held in September at the National Shrine of the Immaculate Conception. He has directed me to convey to you and to the participants his greeting of peace and affection in Jesus Christ.

His Holiness assures all concerned of his prayers for divine guidance in the important task which they have set before themselves: renewal in preaching. He hopes that they will emerge from this Congress more firmly convinced than ever that such a renewal must be founded upon the Word of God, which "is living and effective, sharper than any two-edged sword" (Heb 4:12). But, as they certainly recognize, this Word must be proclaimed. This is what the Prophets and Apostles did. This is what the Martyrs did, confessing aloud even in their agony the Lordship of Jesus Christ. This is what the venerable Fathers of the East and West did, in their eloquent yet simple homilies whose words still have the power to touch us today.

This indeed is what the Word Incarnate Jesus himself did revealing the mystery of his being and of our salvation in the words which he spoke to his disciples and to all who came to listen to him (cf. Mt 11:27).

With such a heritage and with such a history, will not those who have the charge of preaching today strive to ensure that they will fulfill this responsibility as effectively as possible? Certainly the very Word of God is at the source of effective preaching. That is why preaching must be the proclamation of this Word and therefore centered upon Sacred Scripture, which is "the Word of God . . . consigned to writing under the inspiration of the Holy Spirit" (Dei Verbum, 93). What this means, of course, is that preaching thereby becomes centered on Christ himself, for as Saint Augustine has said, "In the Scriptures every verse sings of Christ" (In Epistulam Ioannis Tractatus, 2, 1).

The man who preaches must therefore be familiar with the Scriptures, not simply as one who reads them, but as one who, in imitation of the Mother of the Lord (cf. Lk 2: 19), ponders the mysteries contained therein and contemplates their depths. He must moreover be familiar also with sacred Tradition, which with Scripture forms "one sacred deposit of the Word of God, which has been committed to the Church" (Dei Verbum, 10). Consequently, he must be thoroughly acquainted with the teaching of the Magisterium, which serves this Word and explains it faithfully (cf. ibid.); and he must engage in continuing study of the Fathers, exegesis and theology in order to understand more profoundly the Word of God as its meaning has been unfolded through the centuries. Finally, as far as possible, he ought to know well those who listen to him, so that he will be able to address himself to their anxieties, their doubts, their questions, their needs.

In short, preaching must proceed from deep conviction, serious learning and loving compassion (cf. Mk 6: 34). If these conditions are fulfilled, it will be not only intelligent and knowledgeable but also capable of strengthening faith, raising hearts to the Lord and imparting the principles upon which the People of God can build their lives in today's world. May every bishop, every priest, every deacon who preaches be able to say joyfully: "This is what we proclaim to you: what was from the beginning, what we have heard . . . we speak of the word of life" (1 Jn 1: 1).

It is my honor to convey to all taking part in the National Congress this message on behalf of the Holy Father. Praying that the Word of God may be proclaimed ever more effectively and imploring the Holy Spirit to grant wisdom, understanding and courage to those who strive to realize this goal, His Holiness cordially imparts to all participating in the National Congress his special Apostolic Blessing.

I am happy to express my own prayerful best wishes for the success of this important work.

Sincerely yours in Christ,
J. Card. Villot,
Secretary of State.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair lays before the Senate the unfinished business, Senate Joint Resolution 241, which the clerk will please state by title.

The assistant legislative clerk read the joint resolution by title, as follows: A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The Senate proceeded to consider the joint resolution.

The ACTING PRESIDENT pro tempore. The pending business is the amendment of the distinguished Senator from Montana (Mr. Mansfield), Amendment 1434. The vote on the amendment will take place not later than 12 o'clock.

The question is on agreeing to the amendment of the Senator from Montana.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on the amendment by Mr. Mansfield be equally divided between and controlled by the distinguished author of the amendment (Mr. Mansfield) and the distinguished chairman of the Committee on Foreign Relations (Mr. Fulbright).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I ask unanimous consent that the time be equally charged.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS TO 11:30 AM

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess until the hour of 11:30 a.m. today.

The motion was agreed to; and at 10:40 a.m. the Senate took a recess until the hour of 11:30 a.m., whereupon the Senate was called to order by the Presiding Officer (Mr. Gambrell).

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the proviso that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I yield 10 minutes to the distinguished Senator from Kentucky (Mr. Cooper) and 5 minutes to the distinguished Senator——

The PRESIDING OFFICER. The Senator has only 10 minutes.

Mr. MANSFIELD. I yield the time from the other side, 5 minutes from the time of the Senator from Washington.

Mr. COOPER. Mr. President, I urge the Senate to support the Mansfield amendment to be voted on shortly. I regret that it has been necessary to attach any amendment to the interim agreement on offensive nuclear weapons. It is my view that the amendment of the Senator from Washington has raised doubts about the agreement itself and doubts about the future course of negotiations leading to further agreements on the limitation of nuclear weapons.

I am informed that the Mansfield amendment is supported by the administration. I must say that this information has come to me from one of the liaison officers of the administration, Mr. Korologos.

It endorses the relevant sections of the Declaration of Basic Principles of Mutual Relations between the United States and the Soviet Union. These principles were signed by President Nixon and Mr. Brezhnev in Moscow on May 29.

The Mansfield amendment is the correct interpretation of the purposes and intentions contained in the interim agreement. The Jackson amendment as it now stands is in direct contradiction to this spirit and according to the statements made by the President, Dr. Kissinger, the Secretary of State, and other high officials of this Government.

We are all for equality or parity or

sufficiency, and for the maintenance of the deterrent, but it is a fact known by Members of the Senate that the nuclear systems of the United States and the Soviet Union are asymetrical and that an agreement for numerical equality in intercontinental launchers or throw weight is at present and will be in the foreseeable future all but impossible to achieve.

If the arguments of the distinguished Senator from Washington could be carried into effect, it would mean that the United States and the Soviet Union would have to have identical nuclear systems. Of course, that is impossible.

The President and his chief spokesmen have stated repeatedly that, in arriving at the present interim agreement and the ABM Treaty, and in future SALT negotiations and under any future agreement or treaties resulting from future negotiations overall equality or parity based on qualitative as well as quantitative factors will be an overriding criterion.

Senator MANSFIELD's amendment, of which I am a cosponsor, endorses this concept of overall parity; Senator JACKSON's amendment, unless it is amended to include specific reference to overall parity or equality for all strategy nuclear systems, would, in fact, prescribe a course of action which in practical terms is impossible to attain, and would severely restrict the possibility for further limitations on nuclear weapons. The administration has said that it does not accept Senator JACKSON's interpretation of his own amendment. Further, the administration has repeatedly stressed that all factors—quality, megatonnage, numbers of deliverable warheads, reliability, accuracy, forward basing, time on station, and so on—must all be taken into account in any agreement or treaty. This position of the administration is in contradiction to Senator JACKSON's limited interpretation of equality.

For these reasons, I hope that the Senate will overwhelmingly approve the Mansfield amendment and quickly move to pass the interim agreement so that the Congress can affirm its support of the President's efforts and all of our efforts to bring the dangerous nuclear arms race to a halt.

Mr. President, I want to read this provision of the Mansfield amendment which is found on page 2, beginning with line 13, and through line 21:

> " 'Both sides recognize that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives,' and
>
> " 'The prerequisites for maintaining and strengthening peaceful relations between the United States of America and the Union of Soviet Socialist Republics are the recognition of the security interests of the parties based on the principle of equality and the renunciation of the use or threat of force.'."

This is what the President of the United States said in his agreement with Leonid Brezhnev of the Soviet Union:

> Security interests of the parties based on the principles of equality.

So if my good friend the Senator from Washington, a distinguished Member of this body and one who has spent many years in this field, argues that only his amendment can secure equality, I will argue that that is not true, but that if this amendment of the Senator from Montana (Mr. MANSFIELD) is passed, calling for equality on both sides, it will as effectively, without any doubt and without obfuscation, prescribe equality.

Furthermore, we will remove any doubt, not only as to this interim agreement which we are now called upon to and should approve at an early date, but as to the purpose of our country to achieve a treaty on the limitation of offensive nuclear systems. Our country, under President Nixon, for 3½ years has sought to attain this first step toward the limitation of offensive nuclear systems. Before that, it was urged by President Johnson, and plans were made during the administration of President Kennedy. We have come to this point, and now, for a month, we have been delayed in the approval of this important resolution.

I hope that the adoption of the Mansfield amendment will move this body off of the impasse that we have been in, and that we will move forward to achieve, in the next phase of our negotiations, a true limitation on offensive nuclear weapons.

I thank the Senator from Montana.

Mr. JACKSON. Mr. President, the amendment before us has the virtue, rare in the Senate these days, of being noncontroversial. Despite the procedural complications that have tied up the SALT resolution there is, so far as I know, little if any opposition to the amendment offered by the distinguished majority leader. As has been previously indicated by the able Senator from Kentucky, as I understand, the administration has announced its support of the amendment.

All the amendment does is to single out for special congressional approval language previously agreed upon by the United States and the Soviet Union. Such special approval can serve a useful purpose. In the present case it serves the purpose of enabling those of us who support the principle of equality in intercontinental strategic forces to also go on record in support of the exercise of mutual restraint, reciprocity, and mutual accommodation in United States-Soviet relations. Indeed, what could be more in the spirit of reciprocity than a future SALT treaty that leads to equality in the numbers of intercontinental strategic launchers as between the United States and the Soviet Union?

It is because I find the Mansfield amendment a useful opportunity to join in expressing hope for a more stable strategic relationship that I shall vote for it.

I want to be clear, Mr. President, on the relationship between the pending amendment offered by the distinguished majority leader and the amendment that I intend to offer at a later time along with the many cosponsors. I might say that there are now more than 40 cosponsors of my amendment.

The Mansfield and Jackson amendments are complementary. Indeed, they rather reinforce each other: the Mansfield amendment restates the hopes for accommodation and restraint and the Jackson amendment proposes one specific basis upon which such accommodation and restraint might be built. That basis, as I have so often argued, must be equality in intercontinental strategic forces between the United States and the Soviet Union.

I cannot conclude, Mr. President, without urging those Senators who may disagree with my amendment to join with me in an effort to let the Senate work its will on the substance of our disagreement. I hope that the readiness of the proponents of my amendment to join with the majority and minority leaders in agreeing on a time certain for a vote on this amendment will mean that we can proceed without delay to an agreement establishing a time certain for a vote on my amendment and on amendments to it. The Senate has urgent business before it and the cooperation of all of us will be necessary to the timely conclusion of our work.

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

I support the amendment proposed by the Senator from Montana, the majority leader. I think it properly states the purpose and the intent of the United States and Russia in concluding the interim agreement. I regret that I am unable to agree with the Senator from Washington on several points.

The first is that I think it ought to be very clear that those of us who support the interim agreement as presented by the administration are not those responsible for the delay in the Senate's action upon that agreement. We take the position that the Senate ought to proceed under its rules to deal with all amendments, and then vote on the resolution itself. The Senator from Washington, if I understand him correctly, takes the position that he will not call up his own amendment and will not allow us to act upon it unless we agree to his specific requirements that all action upon all amendments to his amendment be controlled by unanimous-consent agreement. This I reject as an improper procedure. I do not agree with it. I want to make it clear that it is the Senator from Washington who is standing in the way of proceeding under the rules of the Senate to deal with the amendments in the order they may be presented. To say that we are objecting to the Senate working its will is, in my view, a distortion of the facts as they now exist.

I also disagree with the Senator's use of the word "equality." He is not asking for equality between the United States and Russia; he means equality in specific weapons systems that is, in effect, the ICBM, or what he calls in his amendment intercontinental strategic forces.

This, I believe, is a misconcepton of the whole effort that has been brought to bear by both countries to bring about a degree of parity, or equality, if you like, in their overall strategic weapons systems, including not only the ICBM's, but aircraft, other forward-based nuclear weapons, and—although they are not involved directly—the nuclear submarines of our allies. All those systems were in the back of their minds and were considered by the two parties in reaching this agreement.

The administration, both the President and Dr. Kissinger, speaking for the President, have made it quite clear that in their view there is at least parity or equality, if you like, as between the nuclear weapons of the United States and of Russia.

I think that to continue to state that all the Senator from Washington is asking is equality between the United States and Russia in strategic weapons is a gross distortion of the facts. It is a gross distortion of what his amendment in fact means. This is indicated by his refusal to delete the word "intercontinental" from his amendment. He is also unwilling to substitute the word "sustaining" instead of "leading to," in connection with reference to our strategic posture. These proposals that have been made in our negotiations would make his resolution much more in accord with the concept of equality.

But the Senator from Washington refuses to do that. He very clearly is saying that in intercontinental missiles there must be the same numerical equality; otherwise, he does not approve of the agreement. What that would mean is not equality. In view of our superiority in these other areas, numerical equality in ICBM's, would clearly result in superiority overall for the United States. That is the reason, of course, why the administration accepted this disparity in the number of ICBM's. It is quite clear.

I think that if we are going to vote on this amendment, it ought to be understood what is involved. It does not call for overall equality, as between the two defense systems of the two countries. I very much regret that the Senator from Washington continues to say that all he is asking is equality, period. If he would add each time, "I am asking for equality in ICBM's——"

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. FULBRIGHT. I yield myself 2 additional minutes.

I do think that, in the interest of public understanding, this point should be made very clear. My own view is similar to that of the Senator from Kentucky, who just spoke on this matter, that the effect of the Senator from Washington's amendment, seeking, as it does, overall superiority and numerical equality in ICBM's, is to undermine the spirit of the agreement made between President Nixon and Mr. Brezhnev.

This was reported in the New York Times on yesterday, in commenting upon an article in Investia. The Russians interpret this amendment, together with the statements and the actions with regard to the Trident, the B-1, and other weapons systems, as indicating that we are not really sincere in seeking a limitation of nuclear weapons, that we have used and are proceeding to use this agreement as an excuse for a vast increase in our weapons systems.

We have already approved in this body—I did not vote for it—the Trident system, a vast, expensive system, for which the present cost estimate is $13 billion—no doubt it will be far more than that—for 10 submarines, unusually large submarines, twice as large, I believe, as anything now in being. So that this is interpreted as an effort to increase the superiority of the United States in this area.

The basic concept of the administration, as repeated time and again, is that we can get an agreement with the Russians provided there is an overall equality. I believe that "parity" is the word often used.

President Nixon, himself, some years ago used the word "sufficiency" to describe the needs of balance as between our system of defense and that of the Russian Government. I subscribe to that. I think that is a proper way to look at it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield myself 1 additional minute.

In fact, I think that the only way we can get any agreement in the future is on the basis of approximate overall equality. I do not believe the Russians will proceed with phase II if they believe we are not willing to accept overall equality. I think the future negotiations will come to naught unless we are prepared to accept that concept.

I think the great harm of the Jackson amendment is that it rejects that concept and requires—if it is followed—that our negotiators insist upon numerical equality in ICBM's and, of course, that we also retain our superiority in all other weapons systems.

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I rise as a cosponsor of the Mansfield amendment because I think one thing, in fairness, should be made clear; and that is that in my view the reason for adopting the Mansfield amendment as an amendment to this resolution is the fact that it answers the question of the Jackson amendment. I believe that it therefore makes completely unnecessary the Jackson amendment. In my view, the Jackson amendment, considering the controversy which surrounds it, represents a commitment by those who vote for it as to what they are going to do in all the 5 years from now. It has no effect upon the agreement, but it has a vital and material effect upon the future policy of the United States as we vote here.

The words of Senator MANSFIELD's amendment, repeated from the communique, are "will do their utmost to avoid military confrontations and to prevent the outbreak of nuclear war." That will be my standard of judgment in voting for weapons systems, and I do not wish to be tied down to numerical equivalency in any particular kind of weapons systems.

Therefore, I feel justified—unless it is amended so that it does the same thing—to vote against the Jackson amendment, precisely because we have adopted the Mansfield amendment. So this is not just a meaningless gesture to please MIKE MANSFIELD. It is a material, critical, substantive element of what we are adopting here. I think it ought to be made clear, in all fairness, as we are having a rollcall vote, that this represents one Senator's concept, my concept, of what we ought to say in this regard. If we say it in the resolution, that seems to me to end any question about how Senators will vote on the future of the weapons systems.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FULBRIGHT. Does not the Senator agree that the words he mentioned are inherently inconsistent with the thrust of the Jackson amendment?

Mr. JAVITS. That seems to me crystal clear.

Mr. FULBRIGHT. They are not complementary. They are inconsistent.

Mr. JAVITS. Exactly. As it stands. So I do not want to fool around about the idea that I am voting for some pious statement in the Mansfield amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. JACKSON. Mr. President, will the Senator yield me 1 minute?

Mr. MANSFIELD. I yield.

Mr. JACKSON. Mr. President, obviously, the Mansfield amendment is not a substitute for the Jackson amendment. It is complementary, as I have indicated.

I would be a bit foolish if I did not understand what is going on here. Here we have more than 40 cosponsors of my amendment, and we cannot get an agreement to vote on that amendment. We worked out an agreement yesterday to vote on the Mansfield amendment, and I think we have established a precedent here of some cooperation; and I hope that the Senator from Arkansas will cooperate in an effort to limit debate in the closing hours of this session so that the Senate can vote on an amendment that has more than 40 cosponsors.

That is exactly where we stand. It is a pretty sorry day if the Senator from Arkansas will not cooperate when we are called upon to vote on an important interim agreement, which is not a treaty and which is not the basis for the final negotiations.

The Senate certainly should be in a position to give advice and not just consent in connection with the follow-on SALT negotiations. I want to try to help implement the Fulbright doctrine, which stipulates, as he has announced it here over and over again, that the Senate should have something to say about policy——

The PRESIDING OFFICER (Mr. GAMBRELL). The time of the Senator from Washington has expired.

Mr. JACKSON (continuing). And give its advice and not just its consent on foreign policy matters.

Mr. FULBRIGHT. If the Senator from Montana will yield me a few seconds, I only want to say that the Senator from Washington has not offered his amendment. When he offers his amendment, we can talk about some kind of agreement for voting on it.

Mr. MANSFIELD. Mr. President, in the time left to me I want to call upon the Senate to support the words of the

President of the United States promulgated at Moscow on May 29, 1972, because this amendment is nothing but what President Nixon has said and agreed to in his meeting with Chairman Brezhnev.

I think that support of this amendment is support of the President of the United States.

The PRESIDING OFFICER (Mr. Gambrell). Under the previous order, the hour of 12 noon having arrived, the question is on agreeing to the amendment (No. 1434) of the Senator from Montana (Mr. Mansfield).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Jersey (Mr. Williams), and the Senator from Oklahoma (Mr. Harris), are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon), and the Senator from Massachusetts (Mr. Kennedy) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from New Jersey (Mr. Case), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), the Senator from Illinois (Mr. Percy), the Senator from Ohio (Mr. Taft), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from New Jersey (Mr. Case), the Senator from Oregon (Mr. Hatfield), the Senator from Illinois (Mr. Percy), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 84, nays 1, as follows:

[No. 400 Leg.]

YEAS—84

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fulbright
Gambrell
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Weicker
Young

NAYS—1

Goldwater

NOT VOTING—15

Baker
Bellmon
Cannon
Case
Fong
Harris
Hatfield
Hughes
Kennedy
McGovern
Mundt
Percy
Taft
Thurmond
Williams

So Mr. Mansfield's amendment (No. 1434) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

PRINTING OF COMPILATION ENTITLED "FEDERAL AND STATE STUDENT AID PROGRAMS, 1971" AS A SENATE DOCUMENT

Mr. PELL. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 31.

The PRESIDING OFFICER (Mrs. Edwards) laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 31) authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document which was, on page 1, lines 7 and 8, strike out "forty-three thousand nine hundred" and insert "forty-four thousand".

Mr. PELL. Madam President, I move that the Senate concur in the amendment of the House with an amendment, which I send to the desk.

The PRESIDING OFFICER (Mrs. Edwards). The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 1, line 3, strike "1971" and insert in lieu thereof "1972".

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution:

S. 3323. An act to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes; and

H.J. Res. 55. A joint resolution proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the United States Navy.

The enrolled bill and joint resolution were subsequently signed by the Acting President pro tempore (Mr. Allen).

QUORUM CALL

Mr. ROBERT C. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVENUE SHARING ACT OF 1972—PRIVILEGE OF THE FLOOR

Mr. McCLELLAN. Madam President, I ask unanimous consent that Mr. James Calloway of the staff of the Committee on Government Operations be permitted to be present during consideration of the amendment which I shall call up on the revenue sharing bill.

The PRESIDING OFFICER (Mrs. Edwards). Without objection, it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. FULBRIGHT. Madam President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business at the moment is Senate Joint Resolution 241.

Mr. FULBRIGHT. Madam President, Senate Joint Resolution 241, I believe, is the so-called interim agreement.

The PRESIDING OFFICER. That is correct.

Mr. FULBRIGHT. It is the so-called interim agreement on the control of nuclear weapons.

I wish to reiterate for the information of Senators what I think the situation is.

We have just approved the Mansfield amendment. The joint resolution is now open for amendment. If the Senator from Washington will lay before the Senate his amendment then I certainly will be willing to discuss the matter with him and certain other Members who have pending amendments, specifically the Senator from Missouri and possibly the Senator from California, but one at a time, if he wishes to have an agreement on a time certain to vote on one of those amendments.

The Senator from Washington stated a moment ago that he had over 40 cosponsors. I think he raises a question that is very important. It is my belief that some of those cosponsors do not understand the way the Senator from Washington uses the word "equality." In his statement here a moment ago to the Senate, and as he made it before, he used the word "equality" without qualification. He said all his amendment seeks to do in the future is to lay down guidelines that our negotiators should seek equality.

I think I would understand and I think many members in the public would understand that to mean overall equality, and that is overall equality of nuclear weapons, equality of capacity to develop new ones, either offensive or defensive weapons. That is what I take the statement to mean.

I do not believe it is understood that what the Senator from Washington is really saying is that regardless of the degree of superiority we may have in the field of airplanes and the capacity to deliver nuclear weapons by airplanes or from forward bases, or our superiority in other areas these are excluded from his concept of equality and that all that the Senator is contemplating when he uses the word "equality" is in numbers of intercontinental missiles.

I believe in view of that circumstance, and aside from others, that a thorough discussion of the significance of the Senator from Washington's amendment is necessary if the Senate is to vote intelligently and with understanding on what is involved in this agreement.

Within the last few days there have been indications that this is the way at least the Russians understand the agreement. The article I referred to earlier in Isvestia makes clear the Russians believe this amendment is an effort to undermine the interim agreement, it is an indication of lack of desire on our part to proceed with significant restrictions on nuclear arsenals.

So I submit, in view of this circumstance, in addition to others, that a quick disposal of the Jackson amendment would be very much against the interest of this country. I believe that everything has indicated in recent days that the country as a whole is interested in stopping the arms race. I believe the condition of our budget, with the very large deficit projected this year of some $27 billion already, and others are saying it will go as high as $35 billion, indicates the necessity for restriction on the exorbitant demands of the strategic weapons system. So in view of that I cannot believe that 40 Senators understand the significance of the amendment to be offered, I assume, by the Senator from Washington.

I think if they understood that this would inhibit, if not prevent, further progress in the control and limitation of nuclear weapons, that they would not support it. It is very easy to misunderstand what the amendment does when it is presented in this fashion.

In the negotiations about this amendment prior to the recess it was suggested that certain amendments to the proposed Jackson amendment be considered, such as insertion of the word "overall" or removal of the word "intercontinental," leaving the meaning to be overall equality as the goal. The Senator from Washington, of course, rejected such suggestions, which leads only to the conclusion that he is not interested in overall equality; he is interested only in the numerical equality of ICBM's. I think that is the significance of it.

Madam President, I will not detain the Senate much longer.

I do believe adequate debate on the Jackson amendment is, of course, important. We have clear proof of the situation with regard to the equality or sufficiency of our own weapons system which will be presented when the Jackson amendment is before us. That will be the time to clarify the significance of the Jackson amendment. So I suggest again it is quite a distortion of the truth and facts to state that those who are opposed to the Jackson amendment are preventing its consideration by the Senate, or, as the Senator said, that we are preventing the Senate from working its will. The rules of this body are clear. Rule XXII provides against the limitation of debate except by unanimous consent, and unanimous consent is not the usual procedure to be followed in important issues. It is not unusual, of course, on routine issues. Neither I nor anyone else has objected to these overall unanimous-consent agreements on what I call relatively routine matters, things that come year after year.

I emphasize that this interim agreement is not a routine matter in my opinion. It could be the most significant move by this Congress in many years, if it is properly implemented and if we accept it in the spirit in which it was intended at the time of the summit meeting. It, along with the ABM agreement, could be a landmark action by Congress and the country if it is carried through properly, and by that I mean if we accept genuine parity or sufficiency, to use the word of the President, in this area rather than trying to manipulate this whole matter to the point that we have superiority and continuing superiority.

We had superiority for a long time. But the clear fact is that if we insist upon superiority, there will be no further progress in the control of armaments. On the contrary, it would result in a vast increase, in the acceleration of the arms race, in my opinion, because the reaction against the failure of phase II in the SALT agreements would be an increase in the arms race because of the disappointment, as well as because of suspicion that would arise then, on the part of both sides, that the other side was going for that myth of first strike capability. I do not believe first strike capability is a possibility under present conditions, or the foreseeable conditions, but it is a concept which has been sold and much talked about and could be easily distorted into a justification for an unlimited arms race.

Mr. JACKSON. Madam President, I just have a few brief remarks. I think the RECORD discloses that from the very outset the chairman of the Foreign Relations Committee has not been of a mind to move this measure along. I would point out that when word was out that I was going to offer an amendment calling for equality in intercontinental strategic forces the matter went over for a whole week. The interim agreement was already the pending business. The Foreign Relations Committee went into a series of sessions to discuss my amendment. On the very day that we started to discuss the interim agreement, I offered, as I did on the ABM treaty, to agree to a unanimous-consent proposal so that we could get an early vote, and the Senator from Arkansas objected.

So I think the record is very clear, and to say that we do not use the unanimous-consent device as a means to get action on important bills is rather absurd. We have the revenue sharing vote today, and we have a very important amendment we are going to vote on, by unanimous consent, by 5 o'clock. This goes on day after day. I have always opposed filibusters——

Mr. FULBRIGHT. Madam President, will the Senator yield?

Mr. JACKSON. I yield.

Mr. FULBRIGHT. I have said I would not object to doing it on an individual basis. On the revenue sharing bill, there is no overall package deal to dispose of it at one time, and the Senator from Louisiana will not make such an agreement.

Mr. JACKSON. Well, is the Senator from Arkansas willing to enter into a unanimous-consent agreement to cover my amendment and all amendments thereto?

Mr. FULBRIGHT. That is not what the Senator from Louisiana has done. I am willing to agree to a unanimous-consent agreement, as far as I am concerned—of course, with the agreement of the Senator from Missouri—on his amendment. I have said that all along.

Mr. JACKSON. But we have to get an agreement on all amendments to the amendment.

Mr. FULBRIGHT. That is not the procedure being followed on the revenue-sharing bill.

Mr. JACKSON. When a matter is made the pending business of the Senate and then it is delayed for over a week, day after day, before it is even brought up for debate or discussion, I think it is a clear indication that the chairman of the committee recognizes that we have a majority of Senators in support of our amendment and he does not want a vote on it.

Mr. FULBRIGHT. Will the Senator yield——

Mr. JACKSON. May I just finish? May I say I think it is amazing for the chairman of the Foreign Relations Committee to tell over 40 Members of the Senate that they do not know what the Jackson amendment is about, that they do not know what equality in intercontinental strategic forces is about. I think the American people and my colleagues know what my amendment is about, and that is why they are supporting it. I think it is most unusual for one Senator to say to over 40 other Senators that they really do not know what "equality" means or what they are doing in cosponsoring my amendment. Let the Senators have an opportunity to vote and then we will find out their views. I think that is what should be done here.

Mr. FULBRIGHT. Madam President, I do not know why the Senator keeps talking about equality. He never finishes that expression. Equality in intercontinental ballistic missiles. He says equality. Equality is a term, I admit——

Mr. JACKSON. Madam President, will the Senator yield at that point?

Mr. FULBRIGHT. Yes, I yield.

Mr. JACKSON. My amendment does not say intercontinental strategic missiles; it says intercontinental strategic forces. Read the amendment. That includes bombers. That includes missiles fired from land bases. It includes missiles fired from submarines.

Mr. FULBRIGHT. If that is true, why

does the Senator object to the word "overall" strategic?

Mr. JACKSON. For the obvious reason.

Mr. FULBRIGHT. What is the reason?

Mr. JACKSON. For the obvious reason that the addition of the term overall would of necessity mean more than my amendment intends. I have said repeatedly that the intercontinental strategic forces to be balanced on the basis of equality are ICBM's, SLBM's and intercontinental range bomber forces. I am not including, for example, tactical weapons. Addition of the word "overall" could prejudice the position of our NATO partners and other allies who are not participating directly in the SALT negotiations.

Mr. FULBRIGHT. Of course, we are getting into the type of debate which is appropriate to the Senator's amendment. I think that is quite proper. The only thing is, I think it would be more appropriate to make these arguments—and we shall make them—when and if the Senator's amendment is offered. They are legitimate questions of our differences of view. But I do not think it is clear at all from the Senator's amendment and what has been said in the press that he is talking about overall nuclear equality in strategic weapons. It is not only weapons in Europe that we have, but we have weapons all around the periphery of the Soviet Union. We have them in Turkey. We have control of when they are used. We have them in the Far East. We have them on aircraft carriers. We have 14 of them commissioned now, and we soon will have 16, and the Russians have none. Are these intercontinental or not? If they fly off an aircraft carrier in the North Sea, I admit they are not from our continent, but they are the same kind of destructive weapon.

This argument is on the merits. I was talking about the procedure primarily. I reiterate that when the Senator presents his proposal that all he asks is equality—equality of intercontinental strategic forces—I say that the average person would be impressed. Certainly I would be included in the definition of an average person. If he came to me, I would say, "Sure, I am for equality." Everybody is for equality. The interim agreement is for equality. The President says it gives equality—at least equality.

The argument can be made that the Russians have inferiority at the moment, and that is why the permission was given in the interim agreement to increase their numbers of submarines.

Mr. CRANSTON. Madam President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CRANSTON. Is there a pending amendment?

Mr. FULBRIGHT. No.

Mr. CRANSTON. Can the Senator say why we cannot proceed to vote on the interim agreement?

Mr. FULBRIGHT. Because the Senator from Washington will not allow us to vote on the interim agreement. That is the reason why we have not been able to vote on the agreement. The Senator said it was held up 1 week. I did not hold it up a week. I was perfectly willing to vote on it. It was the leadership, anticipating it was very controversial—so it is and was—for its own convenience, in order for the leadership to proceed with important and critical measures, that laid it aside.

The Senator says he has a majority. He said 40. That is not a majority.

Mr. JACKSON. I said we have over 40 cosponsors. I said a majority of Senators support my amendment. The Senator knows it.

Mr. FULBRIGHT. I know no such thing. I am not a prophet. I do not know how the elections are going to come out. The polls may show it, but I do not know it, and the Senator's poll may show it. I have been subjected to this many times. It depends on the way one presents his oral description of what an amendment means. I suspect a number of Senators think the Senator means overall equality, that he takes all the weapons systems, offensive, defensive, puts them up against the Russians, and that there is approximate equality. That is what the interim agreement actually provides for, but the Senator is offering an amendment which does not say that at all, and it is clear that is not proposed. His amendment calls for numerical equality in intercontinental ballistic missile forces, and he ignores all the other areas of nuclear weaponry where we have advantages or superiority, including the weapons that we already have in place around the periphery of the Soviet Union, on our aircraft carriers, and in Europe.

The other members of the Armed Services Committee—he does not have to take my word about it; the Senator from Missouri has had considerable experience, and is a former Secretary of the Air Force; he has said and will say that these weapons in Europe can be put on a fighter-bomber and, with one refueling, delivered to Moscow. The weapon does not come from the United States, but a 2- or 3-kiloton weapon delivered on Moscow, coming from Germany, is just as destructive as one coming out of a submarine.

All of these factors were taken into consideration by the President. Dr. Kissinger, at the White House, described this, and answered all of the questions as to whether there was parity as well as sufficiency, and he said there was. He said in no uncertain terms that this was not an imprudent agreement which leaves the United States in an inferior position.

Inferiority is clearly the implication in the Senator's amendment. It is very cleverly written. He says, "Strategic forces inferior to the limit provided for the Soviet Union." The implication is clear that we are inferior in our strategic forces.

Well, what does he mean by our strategic forces? Again he comes back; the only thing he can mean is ICBM's.

Nobody denies that there is a numerical inferiority. However, our country, years ago, deliberately rejected the idea of weapons such as the SS–9's and the Titans, big multimegaton weapons. We deliberately chose the smaller, 1-megaton Minuteman, because it is a more efficient way to use our capacity for destruction.

Mr. JACKSON. Madam President, will the Senator yield at that point?

Mr. FULBRIGHT. Yes. Is that not so?

Mr. JACKSON. Or would the Senator say that an SS–9 might be designed for a first-strike capability, in order to knock out a hardened site? Otherwise, why would they want to have a 25-megaton warhead capability?

Mr. FULBRIGHT. We started out——

Mr. JACKSON. The forces we sought were totally different. We never sought a first-strike capability to knock out hardened sites. That is the difference, and that is what is disturbing about the huge Soviet missiles and the still larger missiles they are now developing.

Mr. FULBRIGHT. The Senator assumes all of this. I do not think he has any basis for that at all. He is trying to read the minds of the Russians.

The first effort we made was to develop a big one, bigger than we now have. We were far ahead in technology, and so on, and our own military people, looking at it, decided that it was less efficient to put 10 or 20 or 25 megatons in one missile, less efficient than to put the same or less megatonnage in four or five missiles, for various reasons. First, there is flexibility; you can fire at more targets more easily. It is more accurate; and 4 megatons, in the calculations I have, which come from expert sources, 4 megatons properly delivered in a Minuteman will cause the equivalency, they call it, in destruction, of 16 megatons, or about 4 to 1. If you concentrate it all in one, it is not efficient.

We started out that way, and simply as a matter of sophistication and knowledge, we decided it was more efficient to go to the Minuteman.

I think that is true. Everything we have been doing is to that effect, that that is correct. We are not about to go back to the big one.

When you MIRV a weapon, you have fewer megatons, but they divided it up. Why did they divide it up? Because it is more efficient to put mirved missiles in submarines. They are still so destructive no one can withstand it.

Mr. JACKSON. Mr. President, will the Senator yield for clarification at that point?

Mr. FULBRIGHT. I yield for that purpose.

Mr. JACKSON. Did the Senator want to leave the record as I understood he left it, that we had the choice of several warheads for Minuteman, and could deliver up to a total of 4 megatons? Is that what the Senator said?

Mr. FULBRIGHT. No; 4 separate megatons, I mean four missiles, 1 megaton per missile, is a more efficient way to use it than one big missile. We decided that years ago, more efficient than one missile with 10 or 15 megatons in it. We made the decision that it was more efficient and more effective.

Mr. JACKSON. It is not a matter, I would say, of efficiency. I think it is a matter of strategic policy.

Mr. FULBRIGHT. I mean efficiency in destructive power, the deliverability of destructive power. These are details that

I have very good information on, and at the proper time—it is premature now, I guess, since the Senator's amendment is not even up; but whenever he offers it, the details of this will be properly developed, not only by me but by members of the Armed Services Committee who take this view and who have the information, and others with sources that I think are unanswerable.

Mr. CRANSTON. Madam President, will the Senator yield to me briefly, so that I may put a question to the Senator from Washington?

Mr. FULBRIGHT. I yield for that purpose.

Mr. CRANSTON. The Senator from Washington, in colloquy with the Senator from Arkansas, stated that the trouble with the word "overall" was that nuclear tactical weapons would then be included.

Would the Senator accept the word "overall" if it was followed by the words "exclusive of nuclear tactical weapons?"

Mr. JACKSON. What would it mean then? Can the Senator explain what it would mean?

Mr. CRANSTON. It would mean that all relevant factors in measuring sufficiency of force would be considered, but nuclear tactical weapons would not be considered.

Mr. JACKSON. What relevant factors?

Mr. CRANSTON. There are many factors that we have gone over in this debate. The great ring of forward position forces that are used on sea, in the air, and from the ground. You would consider more than simply the number of missiles and throw weight.

Mr. JACKSON. Well, I would just point out that obviously you have to consider the relative posture, as we are talking about it, first in intercontinental strategic terms, to determine whether or not you are going to have any basis of equality or parity.

When the Soviets get 1,618 land-based missiles, and we have our thousand, when the Soviets get 950 launching tubes for 62 Y-class submarines, and we have 44 ballistic missile submarines with a total of 710 tubes, I think it is apparent to the people of this country and to Members of the Senate that this is not equality; and when you add on top of that that they have a 4-to-1 advantage in throwweight, that is, in the capacity of these items that we are talking about, it is clear that we have not achieved parity.

I remember in the arguments over the ABM that the contention against the ABM was that when the Soviet Union got around our number of land-based missiles, they would stop deployment of ICBM's at around a thousand. Here they are at 1,618 already.

You know, you have to ask, Why was not some determination made by those who constantly worry about U.S. forces to get the Russians to cut back and reduce theirs? There is a golden opportunity for the Russians to agree to a thousand land-based missiles and to the 42 Y-class submarines they now have, or to 44. There is a golden opportunity, Madam President, to have a real arms limitation agreement that will save money and resources on both sides.

Mr. FULBRIGHT. Madam President, this comes back, I submit to the Senator from Washington, to the same argument as before. One reason the Russians thought they should have more ICBM's was that they had no capacity to put weapons around our borders, as we have around theirs in such places as Turkey, Korea, and elsewhere, as well as in aircraft carriers. They do not have a single aircraft carrier.

This is a matter of each country's decision as to how it looks after its defense. Not having the capacity to do what we have done, to have in being 7,000 warheads in Europe and other large numbers on aircraft carriers, and so on, scattered around the world, how do they offset that to reach even a degree of equality? They cannot do that under the situation in which they operate.

The Senator is taking one area—ICBM's. He talks about the submarines. We believe, and we have been told, that we have superior submarines. We already have superior submarines. They are beginning to develop a missile that can travel a couple of hundred miles more than ours, but we have underway the Trident submarine, and so forth. There is the ever-increasing sophistication.

I think that the way the Senator presents his case is very deceptive. I would have thought the same thing. If I had no background on it and the Senator approached me cold and said, "Aren't you for equality with the Russians on strategic missiles?" I would say, "Sure, I am."

He would say, "Would you cosponsor my bill?"

I would say, "Sure. I'm for equality."

But it never would have occurred to me that the kind of equality he is talking about is superiority—equality in one area, and we are clearly superior in the others.

It can mean nothing, in truth, but superiority if we accept the Senator's idea that we must have 1,618 ICBM's and 740 submarine tubes, just what the Russians could have, and they all, of course, would have to be exactly of the same explosive power and length. The whole idea that this one category should be balanced off nicely so that each side has the same amount is absolutely irrelevant and is a wrong way to look at it.

When you consider the power of destruction of one-fourth of all these weapons on the other country, in view of the fact that we have already agreed to the ABM treaty, in which each country has said it is not going to proceed to develop a defense against these weapons, then we do not need 1,600.

Then comes into play what the President has called sufficiency. I submit that 400 on each side is sufficient, because the other side has said, "We do not propose to develop and we do not have a defense against intercontinental ballistic missiles or against submarine missiles." The only kind of defense either would have at the present time, I suppose, is some kind of defense against those missiles delivered by airplanes, because we both have antiaircraft defenses of some kind, but we have nothing that could deal with a submarine launched missile or an intercontinental ballistic missile. So when you get above 400, which often has been used as a figure adequate to destroy three-fourths of each other's industrial capacity and kill 300 million people—that is enough to completely demoralize and destroy the other country's society.

So in talking about this, the Senator is confusing the issue by equating nuclear weapons with conventional weapons. It is true that there is considerable merit in saying, with respect to conventional weapons, that we ought to have so many .45's against their .45's, so many different guns. There is some relevance in that argument. But with nuclear weapons, if there is no defense against it, I submit that the Senator is playing around with the numbers game of a thousand or 1,600 or 2,000, and it is utterly meaningless. It has no significance. The concept of equality under those circumstances is meaningless.

The idea of first-strike capability seems to me also to be meaningless, because there is literally no possibility of a straight first-strike capability on either side with weapons of this kind and deployed as they are, including submarine weapons. Assume, for example—and I do not think they could—that the Russians could destroy 1,000 Minutemen, which is a fantastic and ridiculous assumption, what are they going to do about the submarines?

A first-strike capability means that the country attacked could not effectively retaliate. With 700 or 500 or even 400, they could render unacceptable damage to the other.

So I think the whole idea of equality, as submitted by the Senator, is simply not a meaningful term under the circumstances, because it is not understood that way, and I would not have understood it that way.

Mr. JACKSON. Madam President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JACKSON. The Senator has dwelt at great length on the subject of the 7,000 warheads in Europe. Would the Senator give the Senate the benefit of his views as to the number of bombs or warheads we could put on Soviet soil in connection with a move on our part and, second, how many we could put on Soviet soil in the event of a Soviet first strike against our forces in Europe?

Mr. FULBRIGHT. This has been discussed, as I have said, at considerable length. The Senator from Missouri discussed it the other day. He stated time and again that with one refueling, the fighter bombers, of which we have several hundred, could take a nuclear weapon of about 200 kilotons, I think he said——

Mr. JACKSON. How many weapons?

Mr. FULBRIGHT. To Moscow.

If the Senator is asking how many they could shoot down, nobody knows how efficient they are, but if you send enough of them over, you can. We will discuss all those matters in the debate.

Mr. JACKSON. I would like to get this one point clarified.

Mr. FULBRIGHT. We will get it clarified in the debate.

Mr. JACKSON. I also asked the Senator for his view of the number of weapons we would have after a Soviet first strike on our forces in Europe. As I pointed out——

Mr. FULBRIGHT. We have plenty of weapons.

I want to ask the Senator this question, for my own information and that of the Senate: There is no pending amendment. Is the Senator going to continue to filibuster this resolution, or is he going to offer his amendment, and why can he not offer his amendment and let us have the debate relative to his amendment?

Mr. JACKSON. I have never filibustered at any time. I point out that the Senator from Washington has a long record in favor of modifying rule XXII, and he has supported moves to limit debate, which the Senator from Arkansas has not done. I believe very strongly and feel very deeply that we ought to reach an early agreement here to get a vote as soon as possible.

I am prepared and ready to enter into a unanimous-consent agreement, Madam President, to bring about a time limitation on the Jackson amendment and amendments thereto. We agreed on a time certain for the Mansfield amendment, and the Senator from Arkansas certainly should be willing to agree to a unanimous-consent agreement, so that Senators will know when the various amendments to the amendment and the final action on the amendment can be voted upon.

Mr. FULBRIGHT. We have gone over this again. I do not want to deceive anybody. Under the rules of the Senate, the pending business is the resolution as presented by the administration, as reported unanimously by the Committee on Foreign Relations. It is ready for action. If the Senator is not willing to allow us to act on that, it seems to me that under the rules he has no alternative, unless he wants to filibuster, to offering his amendment.

With respect to the idea of unanimous consent, he is absolutely wrong in saying that that is essential. I am not going to make any such agreement. I made that very clear yesterday and on other occasions. I am not going to make the kind of agreement the Senator wants, and that is all there is to it. If he offers his amendment, I am perfectly willing to make an agreement, so far as I am concerned, on the amendments to his amendment as they come up. That is the only procedure I can follow. I do not understand the words like "equality," and, as the Senator says, "filibustering." If he has not filibustered, I do not know what the word means. I am not against filibustering under proper circumstances but I think the Senator should take the consequences of it and accept it.

Mr. JACKSON. Madam President, my record in the Senate on the subject of filibustering is an open book. The voting records are clear. I will put my record alongside the record of the Senator from Arkansas favors thed octrine of filibustering.

Mr. FULBRIGHT. I do not deny that I have filibustered. The only difference here is that the Senator from Washington denies it. It is a proper thing to do under the proper circumstances.

Mr. JACKSON. The Senator from Arkansas favors the doctrine of filibustering. He has never voted to limit debate in this body. To say that the Senator from Washington is filibustering is nonsense.

Mr. ROBERT C. BYRD. Madam President, will the Senator from Washington yield to me without losing his right to the floor?

Mr. JACKSON. I have no further comment. I yield.

REVENUE SHARING ACT OF 1972

Mr. ROBERT C. BYRD. Madam President, under the order previously entered, I ask that the Chair now lay aside Senate Joint Resolution 241 and that the Senate proceed to the consideration of H.R. 14370.

The PRESIDING OFFICER. The Chair lays before the Senate H.R. 14370 which the clerk will state.

The legislative clerk read as follows:

> H.R. 14370, to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Madam President, on behalf of the distinguished Senator from Arkansas (Mr. McClellan), I yield 1 minute to the distinguished Senator from Washington (Mr. Jackson).

Mr. JACKSON. Madam President, I have several unanimous-consent requests here.

DISPOSITION OF JUDGMENTS IN FAVOR OF CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 6797.

The PRESIDING OFFICER (Mrs. Edwards) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 6797) to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets numbered 316, 316–A, 317, 145, 193, and 318, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Jackson, Mr. Burdick, Mr. Metcalf, Mr. Fannin, and Mr. Bellmon conferees on the part of the Senate.

DISPOSITION OF FUNDS TO PAY A JUDGMENT IN FAVOR OF CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 7742.

The PRESIDING OFFICER (Mrs. Edwards) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 7742) to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket numbered 332–A, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Jackson, Mr. Burdick, Mr. Metcalf, Mr. Fannin, and Mr. Bellmon conferees on the part of the Senate.

DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT IN FAVOR OF CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 10858.

The PRESIDING OFFICER (Mrs. Edwards) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 10858) to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket numbered 266, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendments and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Jackson, Mr. Burdick, Mr. Metcalf, Mr. Fannin, and Mr. Bellmon conferees on the part of the Senate.

ACQUISITION OF A VILLAGE SITE FOR CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 3337.

The PRESIDING OFFICER (Mrs. Edwards) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 3337) to authorize the acquisition of a village site for the Payson Bank of Yavapai-Apache Indians, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON conferees on the part of the Senate.

DISPOSITION OF FUNDS TO PAY A JUDGMENT IN FAVOR OF CERTAIN INDIANS

Mr. JACKSON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 8694.

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 8694) to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets numbered 22–E and 22–F, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. JACKSON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON conferees on the part of the Senate.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the time consumed thus far be charged equally against both sides on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Madam President, I ask unanimous consent that during debate on the Revenue Sharing Act of 1972, now the pending bill, and for such time as debate may continue on the bill, that my staff member, Mrs. Marilyn Koester, may be permitted the privilege of the floor.

Mr. ROBERT C. BYRD. Madam President, I will not object, of course, but may I ask the distinguished Senator if this includes the time during the rollcall votes.

Mr. HANSEN. I would like, if I may, to have her on hand in the Chamber during those times; yes.

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally charged to both sides.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOUISIANA CREOLE GUMBO

Mr. LONG. Mr. President, it was my pleasure this morning to have an early lunch in the Senate dining room, where I had the pleasure of tasting the Louisiana creole gumbo, an authentic product of my former senior colleague in the Senate, Allen J. Ellender.

I was privileged to share that occasion with my colleague from Louisiana, Mrs. ELAINE S. EDWARDS. This is the same recipe that Senator Ellender for so many years prepared personally and served to Presidents, to First Ladies, to Members of this body, to ladies of the press and other members of the press, and to distinguished visitors to the Senate.

As one who has had occasion to enjoy gumbo soup in some of the best restaurants in Louisiana and in some of the smaller restaurants, less famous, perhaps, which sometimes prepared some very good gumbo, I must say that I was not the least bit disappointed in the handiwork of the excellent help available to the Senate Restaurant today.

I should like to congratulate the distinguished Senator from Alabama (Mr. ALLEN) who is the chairman of the Senate Restaurant Subcommittee of the Committee on Rules and Administration, and the subcommittee's ranking Republican member, the Senator from Michigan (Mr. GRIFFIN) as well as the Senator from West Virginia (Mr. ROBERT C. BYRD), who suggested that this would be a fitting tribute to the memory of one of our great Senators of all times, on their decision to place the Allen Ellender gumbo on the menu each Thursday.

They have displayed a great sense of taste, not only culinary but also in sentiment, in so honoring our late colleague, who died July 27 in the midst of his campaign for a seventh Senate term, which was going well at the time.

Presidents, their wives, and many of us here were privileged to attend Allen Ellender's famous gumbo luncheons each year for his friends and colleagues here in the Capitol. By placing an authentic Louisiana gumbo, prepared from Allen Ellender's recipe, on the menu each Thursday, we are honoring his memory and reminding everyone that Allen Ellender was not only the No. 1 Senator in seniority but also the No. 1 Senator in Louisiana culinary skill.

Mr. President, I ask unanimous consent that all of the recipes of the "chef supreme," Allen Ellender, be printed in the RECORD.

There being no objection, the recipes were ordered to be printed in the RECORD, as follows:

SENATOR ALLEN ELLENDER'S RECIPES

BASIC SAUCE

5 tablespoons fat (vegetable oil or smoked bacon fat)
1 rounded tablespoon flour
2 pounds onions, chopped fine
3 pieces celery, chopped fine
1 medium bell pepper, chopped fine
1 lemon (Use grated rind, then remove white pulpy membrane and chop rest of lemon)
3 pods garlic
A few dashes each of Worcestershire sauce, Tabasco, thyme, McCormick "Season all"
2 bay leaves
Salt to taste

To the fat, add flour and brown, stirring constantly, to make scorchy-tasting roux. Add the onions, fry slowly until well-browned and reduced to pulp. Add the rest of the ingredients at one time and continue to cook slowly for at least 30 to 45 minutes.

GUMBO

Basic sauce
2½ pounds okra
3 pounds peeled shrimp tails
1 pound crab meat
1 pint oysters
Parsley and onion tops

After cutting in small pieces, cook the okra slowly in a small pot in about 2 tablespoons of fat until no longer ropy, stirring often to prevent scorching or browning. Add to basic sauce and continue to cook for not less than 20 minutes. Add shrimp and crab meat, and about 10 minutes later, the oysters. Add water to make the sauce of a soupy consistency. Cook for about 20 minutes after the mixture has started boiling. About 10 minutes before serving, add a handful of chopped onion tops and parsley. Serve over rice in soup plates.

SHRIMP CREOLE

Basic sauce (If a thicker sauce is preferred, make roux with 2 to 4 tablespoons of flour instead of one.)

3 pounds peeled shrimp tails
2 cans tomato paste

Cook tomato paste with sauce thoroughly, add shrimp and continue cooking for 15 to 20 minutes, stirring as necessary. Serve with rice.

JAMBALAYA

Basic sauce

½ can tomato sauce (not paste or whole tomatoes)

3 pints oysters

3 cups rice

Onion tops and parsley, chopped fine (about a handful, mixed together)

Add tomato sauce to basic sauce and cook thoroughly. Add oysters and cook for about 10 minutes after boiling starts. Now add rice, chopped onion tops and parsley. Add enough water to make sure you have two cups liquid in the pot for each cup of rice. Stir and mix thoroughly until mixture comes to a boil. Cover tightly and lower flame to simmer. Cook for about 25 minutes. Do not remove the lid. Test rice to be sure it is done thoroughly at the end of the 25-minute cooking period.

CHICKEN WITH SAUCE PIQUANTE

Basic sauce (If a thicker sauce is preferred, make roux with 2 to 4 tablespoons flour instead of one.)

Two 2½- to 3-pound chickens, cut in pieces

1 can tomato sauce

2 cans tomato paste

Cook tomato sauce and paste with basic sauce very thoroughly. Then add chicken and cook until tender. Serve with rice or spaghetti.

COURTBOUILLON

Basic sauce (As above, if thicker sauce is desired, make roux with 2 to 4 tablespoons flour instead of one.)

5 pounds fish, preferably channel bass or red snapper, cut in pieces

1 can tomato sauce

2 cans tomato paste

Cook tomatoes with sauce thoroughly, then add fish and cook slowly until done, stirring very gently in order not to break up fish pieces. Serve with rice.

(All of the above recipes will serve from 12 to 16 people. Recipes may be cut down by halving ingredients, if desired. To make sauce of proper consistency to suit the taste, add water as needed during last stages of cooking. The gumbo should be of the consistency of a thick soup and the remainder of the dishes should be of the consistency of a stew).

OYSTER STEW

2½ tablespoons fresh bacon fat
1 pound onions
2 pints fresh oysters
3 cups milk
Parsley and onion tops

Put fat in a 3-quart saucepan and when hot, add chopped onions. Cook onions until clear but not brown, on slow flame. Add oysters, with liquid, and cook until oysters curl. In meantime, add a handful of chopped onion tops and parsley. Add hot milk. Serve immediately.

ROAST DUCK

Salt and pepper inside of duck to taste, then stuff with a few pieces of celery, apple and onion. Stab breast portion in several places and insert small slivers of garlic. Salt and pepper outside to taste, then smear liberally with peanut, vegetable or coconut oil, or bacon fat.

In an iron Dutch oven with a tight fitting lid, place 1 medium or small onion, chopped, 1 pod garlic, 1 stalk celery, about ¼ bell pepper, all chopped fine. Add 1 bay leaf, a few dashes of ground thyme, Tabasco sauce, Worcestershire sauce, and a little salt. Add a small amount of water, just enough to keep ingredients from burning, and add more water from time to time as needed.

Place duck on rack in Dutch oven and cook with above mixture so that flavors will steam through duck on rack. Keep cover on tightly and cook until duck is tender.

Remove pulp from bottom of pot; remove rack and brown duck in gravy, either by continuing to cook on top of stove or by putting it in oven. Cooked pulp may be returned to gravy, along with mushrooms, and served over rice with the duck.

CREOLE PRALINES

2 cups granulated sugar
1 cup dark or light brown sugar
1 stick (¼ pound) butter
1 cup milk
2 tablespoons Karo syrup
4 cups pecan halves (If large halves, crush in small pieces.)

Put all ingredients except the pecans in a 3-quart saucepan and cook for about 20 minutes, after boiling starts, stirring occasionally. Add the pecans and cook the mixture until liquid forms a soft ball when a little is dropped into cold water. Stir well and then drop by spoonfuls on waxed paper. Place a few sheets of newspaper beneath the waxed paper. I find it convenient to place a small table near the stove, over which I put a few sheets of newspaper, and then put the waxed paper over that.

Mr. LONG. Mr. President, I urge all my colleagues today to sample the Senate Restaurant's version of the Allen J. Ellender gumbo. I think they will find it about the same as they recall down through the years, with the exception that if they have a southern taste, they will probably require a little taste of tabasco to make it completely authentic.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON THE LOCATION OF NEW FEDERAL OFFICES AND OTHER FACILITIES—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Agriculture and Forestry:

To the Congress of the United States:

I am transmitting today the second annual report on the location of new Federal facilities in areas of low population density.

This report describes the second year efforts of all executive departments and agencies with respect to the location of new offices and other facilities in low population density areas as required by the Agricultural Act of 1970. This Administration is committed to both the revitalization of rural America and the maintenance of a sound balance between rural and urban America. This commitment is reflected by the data in this report showing that during the last year more than half of all newly located offices and other facilities have been placed in areas of lower population density.

The philosophy of this administration concerning the location of Federal facilities was expressed in Executive Order 11512 in February of 1970:

> Consideration shall be given in the selection of sites for Federal facilities to the need for development and redevelopment of areas and the development of new communities, and the impact a selection will have on improving social and economic conditions in that area. . . .

We have since moved to carry out this philosophy through a wide variety of actions. The Agricultural Act of 1970 serves as a further stimulus in the same direction. I am confident that our choice of locations for new offices and facilities is strengthening the balance between rural and urban America.

RICHARD NIXON.

THE WHITE HOUSE, *September 7, 1972*

REPORT OF NATIONAL CAPITAL HOUSING AUTHORITY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mrs. EDWARDS) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the District of Columbia:

To the Congress of the United States:

I am transmitting herewith the National Capital Housing Authority's Fiscal Year 1971 report which summarizes the major steps taken during that period to improve the housing supply for the citizens of the District of Columbia.

RICHARD NIXON.

THE WHITE HOUSE, *September 7, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mrs. EDWARDS) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, informed the Senate that, pursuant to the provisions of section 140 (g), Public Law 92–318, the Speaker had appointed Mr. BRADEMAS of Indiana and Mr. DELLENBACK of Oregon as members of the National Commission on the Financing of Postsecondary Education, on the part of the House.

The message announced that the House had passed, without amendment, the bill (S. 2969) to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. This will be a live quorum. I ask that the respective spokesmen on both sides of the aisle get word to Senators so that not too much time will be consumed in establishing a quorum. I ask unanimous consent that the time be charged equally against both sides, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk called the roll and the following Senators answered to their names:

[No. 401 Leg.]

Bennett
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cook
Curtis
Eagleton
Edwards
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
McClellan
Montoya
Muskie
Pell
Schweiker
Stevenson
Symington
Talmadge
Young

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Chiles
Church
Cooper
Cotton
Cranston
Dole
Dominick
Eastland
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gravel
Griffin
Hart
Hartke
Humphrey
Inouye
Javits
Magnuson
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Moss
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Tower
Tunney
Weicker

The PRESIDING OFFICER. A quorum is present.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1450

The PRESIDING OFFICER. Under the previous order, the pending question is on the amendment of the Senator from Arkansas (No. 1450).

Mr. McCLELLAN. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk proceeded to read amendment No. 1450.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 1450) are as follows:

On page 36, strike out lines 11 through 22 and insert the following:

"(d) EXPENDITURES FROM TRUST FUND.—

(1) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for making payments to State governments and units of local governments under this subtitle. Amounts so appropriated may be used only for making such payments but shall remain available without fiscal year limitation.

"(2) ADVANCE FUNDING.—To the end of affording the responsible officials of State governments and units of local government adequate notice of the amount of payments to which each State government and unit of local government will be entitled under this subtitle, appropriations are hereby authorized to be included in appropriation Acts for the fiscal year next preceding the fiscal year for which the appropriations are made."

On page 38, line 1, strike out "moneys appropriated to the Trust Fund" and insert "moneys appropriated for expenditure from the Trust Fund".

On page 38, after line 14, insert the following: "If, for any fiscal year, the total amount appropriated for expenditure from the Trust Fund is less than the amount specified for allocation in the preceding sentence, then, for purposes of this subsection, the total amount so appropriated shall be substituted for the amount so specified."

At the end of the bill insert the following:

"TITLE IV—APPROPRIATIONS FOR REVENUE SHARING PAYMENTS

"SEC. 401. APPROPRIATIONS FOR ENTITLEMENT PERIODS BEGINNING JANUARY 1, 1972, AND JULY 1, 1972.

"There are hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for payments to State governments and units of local governments under subtitle A of the Revenue Sharing Act of 1972 for the fiscal year ending June 30, 1972, $2,650,000,000, and for the fiscal year ending June 30, 1973, $5,450,000,000, both sums to be derived from the Revenue Sharing Trust Fund and to remain available until expended."

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. Would it now be in order to move to have the pending revenue-sharing bill, H.R. 14370, as reported by the Finance Committee, referred to the Committee on Appropriations?

The PRESIDING OFFICER. Such a motion would be in order.

Mr. McCLELLAN. I thank the Chair.

Mr. President, I yield myself such time as I may need.

Mr. President, I have no intention, as of now, of making such a motion, but I did want to establish that it would be in order to so move, because the issue here is the question of whether the Appropriations Committee should have an opportunity to consider the provisions of section 104 of the bill as reported.

This matter, I may say, Mr. President, has been discussed in the Appropriations Committee, and it was the first impression of the committee that such a motion should be made. However, in view of the time element involved here and the effort being made by everyone and the desire of everyone to bring this session of Congress to adjournment sine die as soon as possible, hopefully by the 30th of this month, the Committee on Appropriations decided that, rather than ask that the bill be referred to it, that we would simply submit an amendment which would do what the committee thought should be done, and likely what the Appropriations Committee would have done had the bill been referred to it.

That is the amendment that is now before us, and that amendment, Mr. President, is the amendment which I present as chairman of the Appropriations Committee, by direction of the committee.

Mr. President, in this age of rapid change, increasing population and rising costs, our States and localities are hard-pressed to meet the constantly increasing demand for more and more public services. Their resources are strained, often inadequate, and generally diminishing.

America's great experiment in federalism is under severe pressure. The pending revenue sharing bill is an attempt to ease that pressure and shore up our Federal system. Indeed, this bill represents a bold new venture in federalism. It is an effort to strengthen our governmental partnership with the States and to make them more viable financially.

The Committee on Appropriations recognizes the strong support for the basic concept of revenue sharing. We are also aware of the intense effort to rush this measure through the Congress and get the money it provides into the hands of the States and localities. The committee is equally anxious to act on this measure and does not, in any way, want to delay its consideration or thwart its passage.

That is why, Mr. President, we are taking this procedure of submitting an amendment rather than making a motion to refer to the Committee on Appropriations. I want to say that I support this bill, but speaking for myself, I would like the record to clearly show that it is not my intention to have this or any other revenue sharing bill replace or supplant, or in any way diminish our successful, ongoing Federal programs which have been so helpful and so important to our people, not only in Arkansas, but throughout our Nation. I have in mind such vital programs as EDA—the Economic Development Administration and the economic development district programs—as well as the regional economic development commissions, such as the Ozarks Regional Commission. We might also mention the Appalachia Commission. I have in mind our Rural Electrification Administration, our soil conservation, wildlife, and forest services, our law enforcement assistance administration, our critically needed housing, health, and education programs just to name a few. Such programs have brought immeasurable progress to Arkansas and to our other States. They should continue, notwithstanding revenue sharing, if we are to give every American the fullest opportunity for a better life.

I wanted to place my personal position in the RECORD at this point, Mr. President, with respect to the revenue sharing bill and other existing programs.

Mr. President, the Committee on Appropriations is concerned about section 104 of H.R. 14370, as reported, which would appropriate $29.575 billion for the next 5 years.

Therefore, on behalf of the committee and by its direction, I have introduced amendment No. 1450 to H.R. 14370 which would obviate the harm of this section and not detract one iota from the major thrust of the bill. This amendment is designed to insure that the revenue-sharing program will be funded on a sound and fiscally prudent basis. It is also designed to make it an effective complement to our other Federal spending programs, obligations and priorities.

There are two fundamental Senate principles underlying this amendment which prompted the committee to submit it for your consideration:

First is the basic principle of committee jurisdiction. H.R. 14370, as reported, would deviate from the Senate's traditional funding methods by appropriating as well as authorizing funds for its purposes. Your Committee on Appropriations, and no other, is charged with the responsibility of recommending the appropriation of Federal funds. To usurp the committee's undeniable jurisdiction over appropriations for revenue sharing—or over any other Federal spending program—would do more than violate traditional and time-honored Senate procedures. Such a usurpation of committee jurisdiction would establish an undesirable precedent upon which further erosions to our entire committee structure and legislative process would inevitably occur.

Your committee is not aware of any compelling reason to depart from the Senate's traditional and effective mode of operation in this instance. Nor are we aware of any compelling reason to ask the Senate to deliberately weaken and derogate its committee system. I would suggest that this should be a matter of deep concern to every chairman and potential chairman of every Senate committee.

Second, section 104 would seriously impair the basic principle of internal legislative checks and balances. Your Committee on Appropriations, and no other, is charged with the responsibility of reviewing and recommending the appropriation of funds for Federal programs and priorities on an annual, interrelated basis. H.R. 14370 would bypass this vital check and balance on Federal spending and treat revenue sharing on a different basis, without regard to and isolated away from the total Federal fiscal picture. This may be what the Senate wants to do. If it wants to do it it can do it; and that is what it will do, if this amendment is rejected and section 104 is passed in its present form. But, I can see no justification for such a radical departure from the sound and tested review procedures that are observed and practiced with respect to other Federal programs and expenditures.

Moreover, this bill will substantially increase the uncontrollable portion of the Federal budget in total disregard of the constitutional obligation of Congress to control the purse strings of the Nation. In light of our soaring national debt and continuing budget deficits, such unprecedented treatment for revenue sharing seems to me to be particularly unwarranted and unwise.

In this regard, need I remind my Republican colleagues of the President's recent plea for stronger congressional control over Federal spending.

I quote from his message of July 26, 1972:

> At fault is the hoary and traditional procedure of the Congress, which now permits action on the various spending programs as if they were unrelated and independent actions. What we should have—and what I again seek today—is that an annual spending ceiling be set first, and that individual program allocations then be tailored to that ceiling. This is the anti-inflationary method I use in designing the Federal budget.

Mr. President, if we make a 5-year appropriation now of $29 billion-plus, then that cannot be reviewed until more than 5 years from now.

> The present Congressional system of independent, unrelated actions on various spending programs means that the Congress arrives at total Federal spending in an accidental, haphazard manner. That is no longer good enough procedure for the American people, who now realize that their hard-won economic gains against inflation are threatened by every deficit spending bill—no matter how attractive the subject matter of that bill might be. And there are impressive gains which I am committed to help guard.

Amendment No. 1450 would help to preserve each of these fundamental principles in the bill before us—and without detracting from its objectives or obstructing the attainment of its goals.

Amendment No. 1450 retains the total $29.575 billion fiscal 1972–76 authorization, while appropriating $2.65 billion for fiscal 1972 and $5.45 billion for fiscal 1973. This $8.1 billion would be immediately available for expenditure.

Mr. President, this amendment in no way delays the getting of this money to the States, just as the bill provides, for the next 18 months, nor does it diminish 1 cent from the amount the bill as reported would provide. Thereafter, amounts authorized would be considered in appropriation bills each year.

The revenue sharing bill reported by the Finance Committee creates a trust fund to which 7 percent of the annual income tax on individuals would be transferred each year over the next 5 years. I think we should keep this in mind, Mr. President. This bill raises no additional revenues. This is a dip into the Treasury to take revenues that are already provided under law and being collected for general revenue purposes. The revenue sharing bill reported by the committee creates a trust fund, as I have stated.

The total income tax on individuals in fiscal year 1973 is estimated to be $93.9 billion. Thus 7 percent, or about $6.573 billion, would be transferred to the new revenue sharing fund for fiscal 1973. Thereafter, another 7 percent each year until through the first half of fiscal 1977 would likewise be transferred to this trust fund. The bill then provides for the distribution of $29.575 billion in various annual increments through the first half of fiscal year 1977.

Amendment No. 1450 also provides—so that there will be no complaint, "Well, we did not get notice, we did not know whether Congress was going to give us the money or not"—for an advanced funding arrangement whereby appropriations for revenue sharing would be authorized to be included in appropriation acts for a fiscal year next preceding the fiscal year for which the appropriations are made. This should allay any concern over funding leadtime for the several States and municipalities, thus affording responsible officials of State and local governments adequate notice of funds that will be available to them.

I think we should remember that even the original Social Security Act of 1935, which led to the creation of the largest trust fund of our Government, did not make appropriations and disbursements out of the Treasury, as this bill does. It authorized appropriations to be made, and it was not until 1939 when special taxes were levied—and there are no special taxes to be levied here—and the social security trust fund created that disbursements were authorized out of the Treasury. Before the trust fund was created disbursements were made through the regular appropriation process in an appropriation bill. The revenue-sharing bill we are considering levies no taxes whatsoever. It merely transfers already levied individual income tax revenues to the trust fund. But, Mr. President, the social security trust fund is maintained, not by regular appropriations out of any part of the general revenue funds, but rather by contributions levied on employees and employers.

The 1956 act creating the Federal highway trust fund is another case in point. It also transferred taxes to the trust fund as does H.R. 14370. But the Federal Highway Act in question also levied taxes on diesel fuel, gasoline, and other items and authorized the appropriation of these funds—once shifted into the trust fund—to be made as provided in subsequent appropriation acts. The revenue-sharing bill—H.R. 14370—completely abrogates and bypasses the long established appropriation procedures.

Mr. President, revenue sharing which tends to circumvent fiscal responsibility simply invites further departure from sound legislative practices.

If the Finance Committee can do what is here attempted, then other legislative committees can likewise bypass the Appropriations Committee.

It is contended by some—and I make note of this, Mr. President—that revenue sharing as proposed in this legislation is not Federal expenditures "for support of the Government"—the Federal Government.

I think we ought to note at this point what we are talking about when we talk about expenditures for the support of the Government. Rule XXV of the rules of the Senate provides, with respect to the Committee on Appropriations:

> Committee on Appropriations, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation of the revenue for the support of the government.

If it is true as some contend—that this is not an expenditure for the Federal Government—then the Foreign Relations Committee could, with equal persuasion and justification, contend that foreign aid is not "for support of the Government"—the Federal Government—and, therefore, that committee could, in its foreign aid authorization bill, also provide—that is, make appropriations—to carry out whatever foreign aid authorization it might propose. All it would have to do would be to set aside a percentage of some revenues that we are already receiving, just as this bill does, and we would lose control over appropriations for foreign spending.

Likewise, the Labor and Public Welfare Committee, when authorizing Federal aid to education, could, following the precedent proposed by H.R. 14370, make appropriations for Federal aid to education.

Again, it could set aside a part of the personal income tax, as is being done here, and say, "This much must go for Federal aid to education under existing programs," bypassing the Appropriations Committee, which has clear duties under the rules of the Senate and has clear jurisdiction over such appropriation.

Again, pursuing the same logic upon which the appropriation provisions of the pending bill is founded, the Judiciary Committee could very well report out and sustain an appropriation for funds authorized for grants to the several States and municipalities under the Law Enforcement Assistance Act. There is no end to where this procedure might lead.

In each of these instances the money to be expended according to the contention of some is not "for support of the Government"—that is, the Federal Government—but is to aid State and local communities in carrying out programs which the Federal Government deems desirable as being in the national interest.

Mr. President, the whole thrust of this bill is to help States with State programs that are necessary and essential to maintain State governments and to carry out State programs, not necessarily Federal programs—not at all. So if this is not for the support of the Government, many of our aid programs today are not for the support of the Government.

I cannot conceive that any contribution and lawful expenditure of Federal funds—any funds we expend—is not "for the support of the Government." Certainly, the Federal Government and we in Congress believe that there is a need to strengthen the States, to strengthen the local governments, because the Federal Government is composed of a union of States. That is the whole theory of our form of government. That is the premise upon which we can legislate in this fashion and make appropriations for such purpose. I know of no authority for the Federal Government to spend its revenues for any other purpose.

If the procedure proposed in this legislation is sound fiscal practice, then I can see no reason why it would not be well to follow the same practice with respect to Federal aid to education, law enforcement assistance to the several States, and possibly in many other areas of Federal grants-in-aid. I think we should remember that the budget for fiscal year 1973 contains a request for $38.5 billion in grants-in-aid to the States, including those grants which I have enumerated.

It is clear that the Appropriations Committee would have a particular concern in any effort to circumvent its jurisdiction, whether it be a trust fund device or some other form of backdoor financing. Otherwise, it would be possible for legislative committees, through the use of such techniques, to completely vitiate the jurisdiction of the Appropriations Committee. By providing for appropriations in every bill granting legislative authority for such appropriations, legislative committees could negate the need for subsequent appropriation acts.

Mr. President, the Appropriations Committee believes it is rendering a genuine service to the Senate by proposing this amendment and by raising this issue.

I hope that amendment No. 1450 will be agreed to. Its adoption will disperse the clouds of concern that have arisen by reason of the attempt here to abandon or circumvent the orderly, normal, traditionally established procedures of Federal spending that insure the proper fiscal oversight and restraints that have long prevailed in the U.S. Senate.

I say to my colleagues that I am concerned. I sincerely believe that the ghost of this unorthodox process of making expenditures out of the Federal Treasury may rise to haunt us again and again in future years when new Federal spending programs are authorized as well as when some existing Federal programs may be enlarged or extended.

Mr. President, I hope that ghost never walks, and it will not if this amendment is adopted.

Mr. President, how much time have I remaining?

The PRESIDING OFFICER (Mr. STEVENSON). Seventy-three minutes remain to the Senator from Arkansas.

Mr. YOUNG. Mr. President, will the Senator from Arkansas yield me 15 minutes? I will probably take less.

Mr. McCLELLAN. Not being certain of how much time I have, I yield 10 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

Mr. LONG. Mr. President, if the Senator will yield to me for a moment, I would be happy to cooperate on time. I would suspect that those of us in opposition to the amendment would have more time than needed. We can probably give the Senator some of that time, if need be.

Mr. McCLELLAN. I thank the Senator very much. I also want to cooperate with him.

Mr. LONG. The Senator from Arkansas has made a very fine speech.

Mr. YOUNG. Mr. President, as the ranking Republican member on the Appropriations Committee, I strongly support the amendment offered by the distinguished chairman of the Senate Appropriations Committee, the Senator from Arkansas (Mr. McCLELLAN). Actually, it was approved unanimously by the Appropriations Committee, 16 to 0. This amendment would continue the long-established procedure of the Congress in providing oversight by the Appropriations Committee on the disbursing of Federal funds.

Presently the Federal Government shares with the States more than $75 billion of Federal revenue which helps pay the costs of innumerable projects and programs operated under the control of States, cities, counties, school districts, and townships. With rare exception, the Federal Government, through federally established standards or through yearly appropriations, or both, shares with the States some oversight and responsibility on the spending of these $75 billion in funds.

The pending revenue-sharing bill undertakes to both authorize and appropriate in excess of $5 billion annually for 5 years to the more than 39,000 State and local political subdivisions. It provides no yearly oversight by the Congress as to how these funds will be expended. I cannot help feeling that this departure from long-established procedures represents an irresponsible act by Congress.

Under the authorizing act the States and local units are assured of full funding for the fiscal year ending June 30, 1972, of $2,650,000,000, and for fiscal year 1973, of $5,450,000,000. In subsequent years the McClellan amendment would provide very necessary oversight as to how these funds were expended.

I see no possibility that the Appropriations Committee would seek to reduce the amount of revenue going to any of the States and political subdivisions.

It would provide in future years some protection against unwise expenditures and probably even graft and corruption. It is bound to occur with the more than 39,000 political subdivisions involved. Many big city political bosses, with their great ingenuity and imagination, without any oversight of the expenditure of these funds, undobutedly will find ways to use this money for political purposes, graft, and unnecessary spending. Even with local oversight, some have already earned this reputation.

I can see no reason why responsible officials of all the States and political subdivisions would object to some oversight on these expenditures. Those most interested in continuing a program of Federal revenue sharing with the States and political subdivisions should be the ones most interested in preserving the integrity of the spending of these funds.

Mr. President, I find increasing concern among people generally to the unprecedented new Federal expenditures and without any oversight whatever by the Federal Government. This is understandable when the President's budget message estimated that the national debt at the end of this fiscal year would be in excess of $493 billion. There will be at least a $40 billion deficit this year. Huge deficits such as this are a major cause of inflation and devaluation of the dollar. This new spending would mean an even bigger deficit and more inflationary pressures.

It is almost unbelievable that the Federal Government has only had four balanced budgets since 1950. Actually, the Federal Government really has no revenue to share, but it does have plenty of indebtedness. With some oversight on these expenditures, it would make this new venture at least somewhat more fiscally sound and responsible.

If this act passes without any oversight by the Appropriations Committee, it would be a further abdication of the role of Congress in our constitutional system.

It has always been a sound practice from the smallest political subdivision up to the Federal Government that those who spend public money should have the responsibility for collecting the money. It is just impossible for me to understand why there would be objection to some oversight by the Federal Government as to how this revenue-sharing money is expended—especially when we can be certain that the yearly revenue sharing will not remain at $5 or $6 billion a year but, in all probability, will be doubled or tripled even before the expiration of the act the Senate is considering today.

Mr. President, I realize that some may use the argument that the Appropriations Committee would try to change the allocation of funds or put on other amendments. The Appropriations Committee has been handling the Bureau of Public Roads funds for years and we ing fiscal year 1973. At this moment, the entire appropriation is in limbo, because the President has vetoed the appropriations bill. Now, although it once appeared that this appropriations bill would be enacted before the school year began, we have reverted to the old practice of funding with new schools years starting throughout the country without enactment of the appropriations for Federal Government grants to the school systems.

Fourth. In introducing this amendment, Senator McCLELLAN and his colleagues on the Appropriations Committee are saying, in effect, that they want to substitute their judgment for local government expenditures for the judgment of the local governments involved. The Appropriations Committee has stated that in a grant program of this magnitude scandals and bunglings are almost certain to develop, and they believe that through the annual appropriations process, Congress will be able to enact changes that are necessary in order to prevent recurrence of those bungles and scandals. The argument seemingly is very attractive. However, it is completely contrary to the intent of general revenue sharing. The purpose of general revenue sharing as it has been developed in the Finance Committee bill is to provide funds to State and local governments on a "no strings" basis. In providing funds this way, we are expressing our confidence in the federal system and its provision for local government. The 5-year appropriation and entitlement contained in the Finance Committee bill implicitly allows for some bungles and mistakes, but the Finance Committee believed that any occurences would be transitional problems. After a very brief period during which the use of general revenue sharing funds would be introduced, local governments, the Finance Committee is certain, will easily manage to employ revenue sharing funds to the best advantage of their citizens.

At this point, Mr. President, it might be well to point out that, contrary to the impression that I get from the statement of the members of the Appropriations Committee that they believe there is no oversight of those funds and no way to catch an improper use of the funds, the bill provides that before a local community or a State can spend any of this money, it must prepare a program outlining the ways in which the money will be spent. And that program must be published in at least one paper of general circulation in the area containing the governmental unit and must be made available to every other paper, radio station, and television station.

So these officials are required to notify the people in their area in advance what they are going to do with the money. Then, at the end of each fiscal period, the Treasury Department will audit the expenditures, under our bill, to see whether the local officials did, in fact, use the money in the way that they said they would. It seems to me that this combination of publicity and post-audit is just as effective a method of oversight as there would be if these items were referred to the Committee on Appropriations, with 39,000 potential sources of difficulty.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. LONG. Of course, Mr. President, the one great difference between the concept of this bill—which, I might say, is a totally new one in Federal activity—and the concept of the average Federal aid measure, which is the theory in this bill that we are sharing the revenue which we are taxing away from the people at the local levels of government, which in many cases need it desperately to provide services that are made available best by the local government. The accountability, in the last analysis, should be to the people in those communities rather than to the Treasury Department, or a committee of Congress. If some mayor does a corrupt act or steals money, for example, the concept is that we should not apply a limitation to all mayors in the United States and punish all the honest officials across the Nation for the act of one given mayor. The concept is that the one man should vote him out of office. The ultimate accountability is to the people of that community.

In effect, we are strengthening local government and helping local government to do its job, and the oversight for the job is the responsibility of the people. It is the people who elected us, and in the last analysis it is their money that is being used to help strengthen local government, to help provide services they cannot provide otherwise.

As the Senator from Utah knows, those of us on the Committee on Finance felt we should not insist on conditions that even the House would not insist on. The main thing we wanted was that the people should know what their money went for, because the people of each community will be far better policemen on the expenditure of their money than any committee of Congress would be.

Mr. BENNETT. I agree with my chairman. I think we have built into this bill an effective, if unusual method of controlling the actual expenditure of these funds at the local level.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. PASTORE. Could not the same thing be said about urban renewal, about the poverty program, and could not the same thing be said about any program? And they are limited in time. Essentially the point being made by the Senator from Arkansas is this. This is an unprecedented 5-year appropriation unaccountable for 5 years. This goes beyond the tenure of President Nixon, if he is reelected, and beyond the tenure of any sitting Governor today, and beyond the tenure of any mayor that is sitting today. There is the fault in the bill. There is too much unknown and unforeseeable.

Yes; we are saying that we want this money to go to the States before the leaves fall this fall, and that is why we are appropriating for a year and a half, but we are saying that beyond that, "Let Congress take a look at it." Why can we not trust Congress?

Mr. BENNETT. Why can we not trust the officers of the local government?

Mr. PASTORE. Because they are not raising the taxes; we are raising the taxes.

Mr. LONG. Mr. President, it is exactly as the Senator from Rhode Island suggested. This is unprecedented. This is not a Federal aid program. It is not a Federal aid to highways program where we match local money, or some other programs where we match local money. It is not a Federal aid to education program where we are going to match their money and attach a dozen different strings and cut off Federal money if they do not spend it as we say they should spend it.

We are going to share revenue and it will be at their discretion as to how it is to be spent, with the accountability primarily with the local people. It is a matter of interest to us, and we would like to know they are making good use of the money. But, the policing will be done more effectively by local citizens when they know this is their money in their budget, when they are to be told how it is to be spent, and where they will have to be told how it was spent. This is completely unprecedented.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BROOKE. This is rather ingenious. It appears to me the response of the chairman of the Committee on Finance to the distinguished Senator from Rhode Island is that we are delegating the accountability to the local people. Because that accountability certainly belongs to Congress. There is no question that the accountability belongs to Congress. What the Senator is saying is that we are not going to continue to have that accountability. We are going to say to the people, "You take over the accountability." If something happens in a city or State we are relying on public opinion to take care of it for us because we have delegated that authority and responsibility.

I cannot believe the Committee on Finance wants to do that. I know they have spent a lot of time on this bill and that they have held exhaustive hearings and done a lot of work. The entire Senate is appreciative of it. And I do not think it is a matter of pride by the Committee on Appropriations or pride in jurisdiction by the Committee on Finance. I regret it has come to that, as we all do.

The unanimous vote on the Committee on Appropriations was not because of loyalty on the Committee on Appropriations but because we individually and earnestly thought that this was unsound policy for us to adopt at this time.

We are talking about $30 billion. It is a new concept, we agree. But as the Senator from Rhode Island said, what is keeping us from acting the same way if we find a scandal in HUD, HEW, or any of these appropriations? I cannot see where the Committee on Finance gets the constitutional handle to bypass the Committee on Appropriations in this bill. I have not heard anything yet on this floor or in the conference that we sat at for a great number of hours discussing it between ourselves before the matter came to the floor of the Senate. Even at that time there was not one mention made of the handle that gives any jurisdiction to bypass the Committee on Appropriations. Can the Senator answer that question?

Mr. LONG. The Senator said that we

have placed no restrictions on them. The money is wisely spent. There is oversight by the Federal Government and there is oversight by the State government. In all probability, some of the big city bosses and others will find ways and means to spend the money in a corrupt or careless way. This is bound to be true in many cases.

With oversight by the Appropriations Committee, restrictions on spending could be and should be placed in the appropriations bill. It seems to me that a responsible Congress should assume that duty because money going into 39,000 political subdivisions will be money on which they do not have to raise taxes. When a city or a school board looks at Federal funds—and I have served on school boards and every other kind of board and in the State legislature—I know that most of them do not consider Federal funds to be their own money and, consequently, they do not have the responsibility of levying the taxes and collecting the money. So that this money, in many cases, will be spent for purposes they know they could not sell their own taxpayers on before.

I can see one abuse after another occurring. I believe that those who really are for this program would want some oversight by the Federal Government.

Mr. BROOKE. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Appropriations Committee, Senator McClellan. This amendment would require annual appropriations of revenue sharing funds, with the total amount over a 5-year period equaling the amount authorized by the pending legislation.

The permanent rules of the Senate provide that, to the extent possible, appropriations shall be made annually. Each committee of the Senate—except the Appropriations Committee—can make annual authorizations of funds for programs within its jurisdiction. But only the Committee on Appropriations traditionally has had the authority to appropriate moneys for the various programs.

This procedure has stood us in good stead for many years. Circumvention of this rational and established procedure, by permitting an authorizing committee of the Senate to make a firm commitment of funds for a 5-year period is, in my judgment, fiscally irresponsible. It also establishes a dangerous precedent which we may well live to regret.

The amendment proposed by Chairman McClellan would not reduce in any way the funds allocated to revenue sharing. It would simply provide that they would be subjected, on an annual basis, to the scrutiny of the appropriations process; $2.65 billion would be appropriated to cover expenses in the fiscal year just past, while $5.45 billion would be appropriated for fiscal year 1973. Thus, a total of $8.1 billion would be available immediately, leaving $21.475 billion to be allocated over the next 3 years.

I believe that this approach is both equitable and wise, and the amendment has my strong support.

Mr. BENNETT. Mr. President, this amendment introduced by Senator McClellan and the Appropriations Committee is intended to substitute the concept of advanced funding for the permanent appropriation of general revenue sharing funds that is a major part of the Finance Committee bill. The amendment provides for advanced funding of the next 3½ years of revenue sharing authorized in the committee bill, that is, for the period beginning July 1, 1973, through December 31, 1976. In recognition of the retroactive feature of this bill—its effective date is January 1, 1972—the amendment does not disturb the appropriation for general revenue sharing for the period from January 1, 1972, through June 30, 1973. The amendment amends the Finance Committee bill by requiring that appropriations from the general revenue sharing trust fund for the period after June 30, 1973, must be subject to the annual appropriations process.

First. The Finance Committee bill, as was the bill passed by the House, is built upon the trust fund concept. The trust funds have been established with permanent appropriations of Federal revenues to the trust fund and with the requirement that expenditures from the trust fund must be made according to the formula that has been developed for that purpose or according to tables describing the basis for expenditures. The formulas and the tables are placed in the bill that establishes the particular program.

In this bill establishing the general revenue sharing trust fund, the Finance Committee has followed the structure of trust funds previously enacted by the Congress. A specified percentage of annual individual income receipts will be appropriated to the trust fund established by this bill. Expenditures from the trust fund will be made in accordance with a formula which determines the allocation of funds among State and local governments. There also is a formula in the bill that mandates the distribution of the supplementary $1 billion grant which replaces the present current program for social services.

Second. In establishing the general revenue sharing trust fund, the committee has provided for a permanent appropriation covering a 5-year period. The major purpose of a permanent appropriation for this period is to enable the State and local governments to plan in advance how the money will be used. The amount of money that will be available for these programs will be known in advance by each of the governments participating in the program. This is an extremely important provision in the bill. It means that advanced planning for construction or some other type of governmental program may be entered into with the assurance that a specified sum of money will be available for each of the 5 years covered by the bill. Without this provision, the State and local governments would be hard-pressed to make plans for a program that would extend beyond the last appropriation that the Congress has made for general revenue sharing.

Third. The amendment proposes that after the current fiscal year, general revenue sharing funds will be subject to annual appropriation action. The amendment specifies that advanced funding shall be the appropriations procedure for this program. Advanced funding in this case means that the funds to be allocated during fiscal year 1974, for example, should be appropriated before the end of fiscal year 1972. The concept of advanced funding, if it would be followed, is a substantial improvement over the annual appropriations process as currently followed in this Capitol. It at least informs the governments how much money they will have a year hence. It does not, however, tell them that, for the year after that, there will be the same amount, less, or more money available for revenue sharing. That decision will be made by the Appropriations Committee in the next session of the Congress. That shorter horizon means that the States and the municipalities and counties have to limit the time horizon of their planning.

The amendment is deficient in the very process it plans to put into effect. It provides for an appropriation for revenue sharing for the first 18 months of the entitlement period, for the period ending next June 30, as fiscal year 1973 ends. It does not provide an appropriation for fiscal year 1974 which will begin on July 1, 1973. Under the provisions of the amendment itself, an appropriation should be made now for fiscal year 1974. We now are in the third month of fiscal year 1973, and to properly carry out the intent of advanced funding, an appropriation must be made at this time for fiscal year 1974. Fiscal year 1974, as I noted above, will begin in less than 10 months from today.

Advanced funding has been tried before with respect to educational appropriations. The concept was developed because the education appropriation for grants to elementary and secondary schools throughout the country for several years in a row were enacted after the school year for which they were intended had begun. School systems throughout the country complained that the grants were almost a liability to them, because they could make no plans for spending those funds before the bill was enacted. Furthermore, they had to spend these funds before the end of the fiscal year covered in the enactment. As a result, the concept of advanced funding was developed. It called for, for example, appropriations of the grant funds for fiscal year 1974 with the appropriations for all other programs current in fiscal year 1973. The concept never was fully followed. The Appropriations Committees were reluctant to commit themselves a year in advance, and they halfheartedly met this responsibility by providing in advance a percentage of the current year's appropriation.

Local school systems were hardly better off under this process because they did not know before the school year began the full amount of money that would be allocated to them. Furthermore, the advanced funding process soon broke down. Although separate education appropriation bills were passed in 2 fiscal years, the education appropriation was included in the HEW bill this year cover-are delegating the accountability. It is unprecedented, the Senator said, that we are delegating accountability to local people.

That is exactly the point. That is where the funds were to begin with. It was with them. The only difference is that in one case their local government taxed it away and here we tax it away. We are putting it right back where it was to begin with. The accountability is with the people at the local level. It is their money. That is a conceptual difference that I regret those on the other committee do not fully understand. They did not conduct hearings and they have not worked on the bill or studied it. But the thought and idea, as conceived by President Richard M. Nixon and his administration, as urged by mayors, county officials, and Governors was that we have been taking so much money in taxes that the State and local governments are hard put to raise revenues, even if the public is willing to cooperate and tax itself to the hilt, and therefore we should return some of these revenues to the local officials so they can do the things that they were charged to do.

It was the thought of the administration—this is not the Senator from Louisiana saying it; this is the Treasury saying it; this is the President of the United States saying it—that we have an arrangement here which does not fit the annual appropriation procedure. They do not think they should have to go out across the entire country with Treasury agents to check on every mayor, every county commissioner, every Governor, every State legislator, to see what they are doing with their money and to question the wisdom of their expenditures. They do not think it should be handled that way. They do not think it should be the kind of situation where the local spending should be recommended by the Appropriations Committee as well as reports on how it should be spent. They think it should be a long-term matter, a 5-year concept, where we try the concept of returning some of the money to the States and local governments so that they may proceed to provide what they think their people need, where the responsibility is primarily with the people who check them at the local and State level.

After 5 years, Congress will review that program to see if we think it is a program worth continuing, or perhaps even expanding, or whether we should discontinue it.

Of course, when it comes before us then, everybody will have an opportunity to offer more conditions, more strings, more limitations, just as we have seen them offered here already. But why should we make the funds available only on a yearly basis? We do not do it for the Social Security System. If this program is worth doing and the concept is correct, we ought to have some confidence in the people who run their own affairs, and we ought to try it and see how it works.

There is one thing that every mayor is against, every governor is against, every county commissioner is against. It is the concept of handling it like some Federal aid program, where someone finds some gentleman who handled money unwisely, and therefore off goes the head of everybody. The appropriation is delayed for 6 months or a year, when the money has already, in some cases, comprised one-third of the budget of a little local government, and finally it is cut off. Therefore, they are worse off than if nobody had ever mentioned revenue sharing.

The concept is that we should not punish the innocent for the mischief of the evil, but the people ought to vote them out of office. Of course, we would expect, just as the Senator would expect, to watch it to see if it is a good program. If it is not a good program, we would not expect it to continue.

Mr. BROOKE. Mr. President, will the Senator yield further?

Mr. BENNETT. I yield.

Mr. BROOKE. The distinguished chairman says we have the power of the people. Of course we have the power of the people. The people have delegated that power to the Federal Government, to raise taxes. That is exactly what we have done. We raise taxes. Now the Senator is saying we are giving it back to the people and saying, "You have the accountability for it as well." Do we intend to have no legislative oversight at all in reference to this?

Mr. LONG. I will say to the Senator we would expect to have annual reports, telling us how the money was spent. We would expect to have the General Accounting Office join with us in looking into anything anyone might care to examine. We would expect that both the Finance Committee and the Appropriations Committee, as well as every other committee of Congress, would look into this program to the extent they find this desirable.

Mr. BROOKE. What can we do about it if we look into it? What authority do we have?

Mr. LONG. That is exactly the reason why we should not have it as the Senator would have it. Let us assume that something happens in a community, as will certainly happen. Just as surely as there is government, people will make mistakes this side of heaven. Suppose some mayor or some county commissioner does a very poor job. That brings uncertainty. It brings the feeling that these funds will be cut off or that everybody will be subject to a change which applies to everybody, because someone did something wrong.

It would be more appropriate, in our view, that if such a mayor misappropriated funds from the taxpayers, whether they were taxed by the local or the Federal Government, he ought to be prosecuted. He ought to be voted out of office. That sometimes takes a little time. But we should not have the Appropriations Committee do what it is inclined to do under the usual type of operation and have it say, "This is not operating very well. Off go your heads. There will be no money next year."

With the liberal rules we have in this body, a Senator would be in a position to impede or delay the enactment of next year's funds because he was not satisfied with the way someone had accounted for the money.

If it is worthwhile having this program, it ought to be available where the local officials can make the money a part of their operating budget and count on it year by year as a dependable part of their revenues. That is the concept of the bill.

Every mayor, every Governor, every county commissioner is against the kind of annual appropriation measure we are talking about. The administration is against it. Everyone who had a part in putting this measure together felt it should be something like the social security program, the highway trust fund, the medicare program, where the money is for those purposes, and is something that can be depended upon. None of that can be the case under the amendment we are debating here.

Mr. BROOKE. As the Senator knows, the social security program and the trust fund are distinguishable from this fund.

Mr. LONG. Not the least.

Mr. BROOKE. I think the chairman of the Appropriations Committee, in his opening remarks, distinguished the trust fund and the social security program from this fund. These moneys come from the general funds. That is what we are talking about. There is not a dime that comes from any other source except the general funds.

Mr. LONG. The Senator has not heard my remarks on this point.

Mr. BROOKE. It is not a question of remarks; it is a question of fact.

Mr. LONG. This is a question of revenues, and they are from the people through income taxes. The social security program is based in part on an income tax, which we put in certain trust funds and pay out in a prescribed fashion.

It is true that in this case we did not levy this tax at the same time that we provided for this allocation, but we have precedents. One of them was cited by the Senator from Arkansas, when, with respect to the highway trust fund, we allocated funds already in the Treasury into the highway trust fund. So we have already done that. The precedent has been set. We did put on additional taxes to supplement those funds, but we were also allocating previous sources of revenue.

The argument was made by the Senator from Arkansas, why could not any other committee handle an appropriations measure? The reason they cannot is because those committees do not have authority to handle either a revenue bill or a tax bill. But the Finance Committee existed before the Appropriations Committee existed.

The appropriations bills as well as the tax bills historically originated in the Finance Committee. When the Appropriations Committee was created, the jurisriction for it was spelled out, and well it should have been, because someone should review the annual appropriations.

But these programs do not require annual reviews. Programs in which money is put into a revolving fund like social security, unemployment insurance, or interest on the national debt do not go through the Appropriations Committee. They do not require annual review and are not expected to have annual review. The money goes to that particular trust fund and is paid out of that particular trust fund.

That is the concept that the President of the United States and his advisers thought should be pursued in this kind of program. Does the Senator want to change the program to a Federal aid to States program, which has all sorts of precedents for it, with annual review and appropriations of funds? In that case, of course, it ought to go through the Appropriations Committee. But that is the view which everyone connected with the initiation of the program, from the county level up to the Federal Government, from every small town and every city in America, opposed. They thought there ought to be separated out, in this case 7 percent of individual income tax receipts, and passed through a trust fund to the communities on a long-term basis, where they can plan on the money, budget it, and use it to take care of necessary expenses of those governments.

Mr. BROOKE. What does the Senator see as the remaining jurisdiction of the Appropriations Committee, if this concept were adopted?

Mr. LONG. I say to the Senator, the rules say one thing and the precedents say something else, as with many other things with which the Senator and I are familiar.

The rules say that the Appropriations Committee will handle appropriations bills for the support of the Government. That means the Federal Government. No one is arguing that it means the county governments.

Where we have an appropriation that is not an appropriation for the Government, like social security, which is an expenditure for the people, not an expenditure for the Government, it can well be argued, and I contend that to be the case, that that is one of the cases where the Finance Committee would have jurisdiction. That is the rule.

The precedent is this: If it is a long-term program, a revolving type operation, where we levy a tax and stipulate how the money is to be paid out of the trust fund, that is not an annual appropriation matter, and therefore it is not handled by the Appropriations Committee. If it is a matter where we provide an annual adjustment but not in specified amounts, to be paid under an aid program, or where we have an annual review of the money that is being paid out, then it is a matter the Appropriations Committee handles.

We on the Finance Committee do not concern ourselves with annual appropriations or annual budgeting of funds for a particular purpose. Those who serve on the Appropriations Committee do. But in either event, whether it is a matter of the rule as it is printed or the precedents of the Senate, there are more than 183 examples, which I have placed in the RECORD, where this type of thing has been done. When it was a bill by the Finance Committee, we have placed into effect a tax or dedicated a source of revenue into a trust fund and stipulated the conditions under which it is to be paid out over a long period of time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield?

Mr. BENNETT. Mr. President, this has been a very interesting discussion, but I am afraid I am going to lose my right to the floor before I finish my prepared text. So I respectfully decline to yield to anyone else until I have finished my prepared material, and then I shall be glad to go back into the discussion.

In the past, Congress has bypassed the appropriations process with trust funds when it desired to achieve a different kind of result than it normally looks forward to under the normal annual appropriations process. The bypassing takes place when long-range programs are to be established under general rules which are intended to guide the spending of the funds. Annual appropriations, and the accompanying review by the Appropriations Committees, are employed by Congress for shortrun programs and continuing current operations of other programs. Where shortrun programs are concerned, the Congress has felt that it must appropriate funds on this basis, and continually review any succeeding project to make sure that changing circumstances, which may be political as well as technical, are properly dealt with in later action. The purpose of the general revenue-sharing bill is entirely different. The idea is to provide State and local governments with a regular sum of money over a moderately long period of time so that these governments can make plans for the use of these funds for local public services under this period of time.

Congress has enacted many programs which involve permanent appropriations that bypass action by the Appropriations Committees. The old age and survivors trust fund, the basic program our social security system, has been on permanent appropriations since 1941. There is a permanent appropriation for the payment of interest on the public debt which has been on the statute books since before 1847. Various programs have been given permission to spend public debt receipts. This practice began in 1932 when the Reconstruction Finance Corporation was given authority to issue debt obligations and to make expenditures with the receipts from the issue of debt. That procedure since has been extended to other programs. In other cases, where Appropriations Committee action is required, the obligation which requires the appropriation is entered into under authority of an authorized bill. In these cases, the agency is authorized to enter into contracts to spend and after the contract has been formulated, the Appropriations Committee takes the formal action of providing the money to liquidate the contract. However, the obligation is incurred before the appropriation is made, and the appropriation simply completes the action initiated prior to any consideration by the Appropriation Committee. In this case, the action by the Appropriation Committee would be a formality.

Mr. President, I think we are facing here a basic disagreement in concept. The President has proposed and the Finance Committee, following action by the Ways and Means Committee, has attempted to write into legal language the new idea that money collected at the Federal level, in this case 7 percent of the receipts from personal income taxes specifically, and not just money drawn from the general fund, is to be set aside to be distributed to the States and localities according to a formula which the committee has worked out. If all of that amount is not needed, the balance is immediately returned to the general fund, and the following year 7 percent of income tax receipts again is put into the trust fund and used in the same way.

The issue has been made clear—the question has been clearly raised—as to where the responsibility for accounting for these funds should rest, and the Finance Committee agrees with the President that this is a transfer, to the greatest extent without strings, to the local communities and the States, leaving them responsible for their use of it, subject to audit by the Treasury, with the guidance of the GAO.

If we had wanted to continue with this program along the same path as the categorical grants-in-aid, then I agree that the appropriations process would have been proper. But, this is an attempt to get away from the grants-in-aid and the strings that have been attached to the Federal moneys, and to give the local governmental units some flexibility in using these funds, subject to the initial publicity and the postaudit, and their own normal accountability for them.

We feel in the committee that these communities should be allowed to rely on the amounts that will be made available to them under the formula, and that this reliance should last for 5 years. If the amendment is adopted, they will be allowed to rely on this money for the past but not for the future.

A great deal has been made about the responsibility or about the amount of checking or the accountability that the Appropriations Committee could exert if it passed through their hands. Yet, we were informed when the two committees met that the Appropriations Committee did not intend to change our formula, that they did not intend to take any money away from any particular community. I do not know how they can exert their accountability if they do not intend to change the pattern. They, of course, can change the pattern. This is one of the things that disturbs me and makes me feel that we should not adopt this amendment.

They cannot increase the amounts above the amount authorized, as I understand it, but they can decrease it. If the Appropriations Committee for any reason, political or otherwise, decided to do so, they could cut this amount in half or by any other amount, leaving the localities and the States without any assurance of the amount of money they can get.

They cannot legislate in an appropriations bill, so they cannot specifically say that this particular city cannot have any of this money except by imposing limitations. If they are going to impose a general limitation and say that no city that uses this money to build fire houses will get any money, that is one way they can impose a limitation. Or, I suppose that under some circumstances they could put in a provision that under no circumstances will this money be used——

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. PASTORE. What if every mayor decides to buy himself a new limousine? Does the Senator think we ought to use the taxpayers' money to do that?

Mr. BENNETT. I do not know how we are going to find out that every mayor has bought himself a new limousine.

Mr. PASTORE. You can see the shiny black car go by.

Mr. BENNETT. Suppose two mayors decided to do that and 39,000 decided not to do it?

Mr. PASTORE. When they come back before the committee next time, say, "We never intended that you buy limousines with this money. We will give you the money this time, but do not do it again."

The best way to maintain honesty is to keep the key to the strong box.

Mr. BENNETT. The Senator from Rhode Island has pointed out clearly a part of the problem that I think the transfer of this matter to the Appropriations Committee would cause. There are 39,000 governmental units. I do not expect that the Appropriations Committee is going to hold hearings on 39,000 separate allocations of money. Otherwise, how are they going to get the mayor of that town before them? Unless they are in a position to say that there are these circumstances under which no further money will be appropriated, I do not see how they can punish one mayor without punishing every other mayor.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. PASTORE. The Senator is talking about 39,000 mayors coming here. We function with them continually. We do that with urban renewal. That goes to every city and every town in the country. We do that with our sewer and water grants. We police it.

The point is this: The only restraint we have is the purse string. It does not mean we are penurious. We are just as generous. The Senator from Utah is trying to create the impression that they are bedfellows with the Governors and the mayors but that everybody on the Appropriations Committee happens to be a suspicious stranger. I love our mayors just as much as the Senator from Utah loves his mayors, and I am not going to take a dime away from them.

All I am saying is that the Constitution holds us responsible for the money we raise, and because it holds us responsible, we want to have the accountability of these funds. Congress should have it, as the Senator from Massachusetts pointed out. That is all it amounts to.

This formula was passed by the House in one form, and the Senate changed it into another form. I think that all this talk is due to apprehension that the Appropriations Committee is going to change the formula. We are not going to do that. We are not interested in that. But that is the fear on the part of the members of the Committee on Finance—that we are going to change the formula. We have no intention to do that. That is a legislative function. We could not get away with it. It would be subject to a point of order.

We are saying that they should be given the money for a year and a half, but after that they should come in here every year and have the money appropriated, and the Senator will find us, of Rhode Island, just as generous as he is in Utah.

Mr. BENNETT. So far as the Senator from Utah is concerned, he does not see how you can influence the amount of money that may go to a particular community where it may be misused unless you change the formula.

Mr. LONG. Mr. President, will the Senator yield?

Mr. BENNETT. Mr. President, I have finished my prepared statement, and I am prepared to yield the floor.

Mr. LONG. Permit me to say that the point made by the Senator from Rhode Island is exactly the reason why we do not think the amendment should be agreed to. He is contending that we ought to tell these mayors, "We don't want you to spend the money to buy a black limousine. We don't want you to spend the money to buy a doghouse or do something that we think is rather foolish."

We do not think we ought to tell them how to spend the money. We think that is a matter that should be decided by the local government, by their usual budgetary processes, just as they go about deciding how they are going to spend the money the people pay in a local sales tax, property tax, or income tax. Having decided that and having told their people that is how they are going to spend the money, we think they ought to be free to spend it that way, even though it may be a provision that somebody else might not think very wise. We think they ought to spend it the same way they spend the money they have taxed from themselves. That is the difference in concept. We think they ought to go ahead and do business over a 5-year period, and then we ought to decide whether we had a good idea.

The Appropriations Committee approach is to say, "Whatever money you have coming to you now, you will get; but we want to take a look at it next year and reserve the right to cut the whole thing off because every mayor bought himself a black limousine. It will reserve the right to cut the whole thing off because some mayor proved to be corrupt, or it will reserve the right to cut the whole thing off because the money was put in a low priority program rather than a high priority program.

The theory of the Finance Committee is that if you want to strengthen local government, the matter of deciding whether you ought to spend the money for a black automobile for the mayor or to build a new firehouse ought to be a decision of the local people. That is the difference. That is the reason why the administration of this is not the kind of thing we ought to propose as an annual appropriations procedure.

Unfortunately, one would gain the impression from hearing this debate that the Senators on the Finance Committee are not hearing the Senators on the Appropriations Committee and that the latter are not hearing us, because they keep asking the same questions and making the same points, and we keep giving the same responses. It all is very redundant. That points up the fact that they do business one way and we do business another way.

Everybody involved in recommending, conceiving, and putting this bill together felt that we should have the Finance Committee approach rather than the Appropriations Committee approach. It is a matter of whether you want to give the local governments the kind of help they are asking for or make it a Federal grant-in-aid program, as the other categorical grants are, and make it fit the annual appropriations process. Nobody who helped put this program together conceived of it as an annual procedure.

Mr. BENNETT. Mr. President, I realize that we are on controlled time, and I assume that the time that has been used during the time I held the floor has been charged to the opponents of the amendment; so I will yield the floor, and if the proponents want to talk, they can do so on their own time.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 5 minutes to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I heard the remarks of the distinguished Senator from Rhode Island, and he was not saying at all that we are trying to tell the local governments what to do.

There is no dispute about the fact that we want all local governments to be able to spend this revenue-sharing money. There is no doubt about that. I think that probably every member of the Appropriations Committee wants to vote for revenue sharing. We believe in it. There is no question about that. But it is being left up to the people so that if something goes wrong in the program, they can get rid of the mayor. Most mayors are elected for 4 years, so we have to wait for 4 years to get rid of the mayor. In the meantime, we have built in an ironclad contract to spend $30 billion in the revenue-sharing program without any real legislative oversight, without any accountability other than that already discussed by the chairman of the committee. I cannot see what the danger is. Point out to us what the danger is in the compromise the chairman of the Appropriations Committee is offering. We are providing for advances of money here so that they do not have to wait a year. They know the money is coming in. We have done everything we could, at the same time keeping within the rules of the Senate and within the jurisdiction of the Appropriations Committee, and in keeping with good accountability and good legislative oversight. Where is the danger in accepting the proposal in the amendment?

Mr. LONG. What the Senator has said is that we recommend, after we find that the money is not being wisely spent, prosecuting the mayor or voting him out of office. In most cases, if the criminal procedure cannot apply, then we vote him out and that may take 4 years. What is the alternative? Your way of doing business is to say, "We do not like the way you are spending this money, and next year your appropriation is out."

Under the rules and laws existing today, we could not say that "Podunk" does not get the money because "Podunk" has a crooked mayor. We would have to say that no one gets the money if it is spent in such a fashion, or carelessly and unwisely. That is a limitation that would apply to everyone. Everyone is going to suffer because one man did something wrong?

I have explored ideas with members of the Appropriations Committee, and I have suggested that maybe we could solve this by putting the oversight function in the Appropriations Committee, in the Finance Committee, or in any other committee. The answer comes back that it will not work because if they find something wrong during their oversight review, they could not do anything about it. We know what they would do about it. We have seen it done many times. We have supported them.

They will cut off the money or restrict it or limit it or reduce it. None of which I think should be the answer. I think that these people should be permitted to plan ahead. This amendment would let them have the money accumulated up to now, plus this year's installment. It would be fully appropriate, then, for the Finance Committee to find that there were many places where the money was not being as wisely spent as we would hope. Therefore, in the next year's session, the appropriation is cut in half, as we have done with the foreign aid bill. So that if we do not like what is being spent, we put a great big chop on them. We have seen that done. Goodness knows, my compatriot in the House, OTTO PASSMAN, of the Fifth District in Louisiana, says, "We do not like the way you are spending foreign aid money. Cut the funds." We do not think this should be that kind of program.

We think there is a better answer, and that is to let local officials handle the money as they handle the money which they tax away from the people, since they are the same taxpayers who pay the money to them and to us, and channel some of the tax money we raise back where it came from, relying on those people to use good judgment in spending it.

We feel that undoubtedly there will be an unwise use of money, as is being done now in some of the local governments, but that the basic strength of democracy will shine through, that the people themselves will correct those situations by voting out of office the people they think are doing a poor job.

Mr. BROOKE. Then the Senator wants to rely on that procedure rather than on any oversight?

Mr. LONG. I would rely on that as the primary protection of the public interest, in that the people themselves will vote poor officials out of office. We have in this bill the requirement that we will be informed. We will rely more heavily on the fact that they will inform their own people as to how they will use the money, both before and after it is spent; and we will also look into it and see how it is being spent. But we do not propose to put local governments in the position that they would be relying on this money and then we would vote to cut it off.

Mr. BROOKE. But if the Senator looks into it and is not satisfied how the money is being spent, what can you then do with the finances? What can the Finance Committee then do after looking into it and seeing how the money is being spent? If it does not agree with how the money is being spent and finds that there is corruption, what can you then do?

Mr. LONG. We can always pass another law. We do not propose to. We can always amend the law or repeal it. But we do not propose to do that. We propose to put these people in the position where they can rely on this amount of money for five years in a row, so that they can budget and spend it according to their usual budgetary and planning processes.

Mr. BROOKE. But the Senator has not answered my question. After you look into it and you are not satisfied, what, then, if anything, can you do?

Mr. LONG. That is exactly the point, Senator. In our bill, we are not asking to do what you are asking for in your procedure, that is, the right to chop their heads off because we did not like what they did.

Mr. BROOKE. Why look into it if you cannot do anything about it.

Mr. LONG. Senator, we are proposing a 5-year program. We do not intend and we do not anticipate that we will change it during those 5 years, but we have that right.

Mr. BROOKE. Then anything goes during that 5-year period of time? Anything goes in that 5-year period.

Mr. LONG. I am willing to concede to the Senator that during that 5-year period there will be some mayors stealing money, just as they are stealing it today. They will do some very foolish things with the public money, as they are doing now and, I regret to say, just as the Federal Government has a way of doing it from time to time. Undoubtedly, there will be some poor uses made of public funds, as there is now, but the ultimate responsibility is where it has always been in government. That is, there is an oversight function for unwise conduct by a U.S. Senator—including this one standing here right now—unwise Governors, unwise mayors, unwise Presidents. The American people will vote them out of office.

Mr. McCLELLAN. Mr. President, I yield 1 minute to the Senator from North Dakota.

The PRESIDING OFFICER (Mr. FANNIN). The Senator from North Dakota is recognized for 1 minute.

Mr. YOUNG. Mr. President, I point out that these are not local funds but Federal funds, raised by taxes and the sale of bonds. It is exactly the same kind of money that went into disaster relief a few years ago. That was a good cause, but Congress found that a great deal of that money was being spent unwisely. Too many requests from Governors and others came in. So Congress wisely required that the States put up some of the money. That helped to correct the situation.

In this case, this is all Federal money.

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 5 minutes.

Mr. PASTORE. Mr. President, I want to say at the outset that this is not a frivolous amendment. It was not considered to be a frivolous amendment. It is a sincere and a serious amendment, not to preserve the jurisdiction of any committee but to protect the money that comes off the backs and out of the pockets of the taxpayers of America.

We are the ones, Mr. President—nobody but, we of the Congress—who call on the American people to bear this burden of paying a Federal income tax.

I fought for taxes and revenue sharing and I am going to vote for this bill whether this amendment passes or not.

We have said a long, long time ago, that the Federal Government had gone too far in creating its income to the detriment of the States, the cities, and the towns. But there is not a Governor in the whole of the United States of America, there is not a mayor in the whole United States of America, who will even dare to appropriate money for 5 years. They will not do it. I do not know of one Governor who has appropriated money for 5 years that can go to any city or town in his State.

Why?

Because they claim that the privilege of spending the money should be accompanied by the responsibility of raising it.

Because we in the Congress raise the money we are accountable to society for the way the money will be spent.

I realize certain latitude must be given to the recipients of the money. I recognize that. No one wants to change that.

All we are saying is that we realize the urgency of this matter and that we are willing to accept it in this particular bill today so that the money will go to the cities and towns and to the States before the leaves fall. We are willing to appropriate today for 18 months, up to the end of 1973. However, we are saying beyond that, Mr. President, that this is a new, bold concept. This is a new program. We never had any experience with this before. We do not even know how much money will be spent. We do not know that it will do what we intend it to do.

Today, I do not know what will happen 5 years from today. I am surprised to hear the Senator from Utah objecting to this. There is no man in the Senate that is a greater protector of the causes of this country than the Senator from Utah. But he resents the fact that Congress wants to have a say over this, not the Appropriations Committee. We are only the tool of the Congress. We are only an instrumentality of the Congress. We are only the agency of the Congress.

The Senator from Utah wants Congress not to have the privilege to say after a year and a half, "Beginning on January 1, 1974, we should take a look at this program." This appropriation goes beyond the tenure of President Nixon if he is reelected. It goes beyond the tenure of any Governor in a Governor's chair today. It goes beyond the tenure of any mayor who sits in a city hall today.

This is a 5-year appropriation. And

we are taking a tremendous sum of money, $30 billion, of the taxpayers' money, and we are saying, "We will send this money back to the Governors." We do not know who the Governors are going to be 2 years from now. We do not know who the Governors are going to be 5 years from now. We do not even know who the President of the United States will be 5 years from now.

We are saying, "Look, let them have this dough. Let them have this money. We will institute a plan, and the Treasury Department will look at it." After the Treasury Department looks at it and finds out they have stolen money, what will he do? He will report it to the Attorney General. Would that help recover the money?

All we are saying is that the best protection, the best restraint against criminality is to have hard criminal laws. And the best way to protect the taxpayers' money of this country is to make sure that the responsibility of Congress is preserved, not merely the prestige of the Appropriations Committee.

The Senator's committee has divorced itself from this matter. It does not have the power to shut off the money. It does not have the power to change the program. It has to come to Congress and ask that we repeal the law. That is all that committee can do.

All we are saying is that before the snow begins to fall in 1974 and 1976, we had better make sure that if we dip into the money of the taxpayers of this country, that the taxpayers are getting 1 dollar's worth for every dollar they pay in their income tax.

I am for this. I am absolutely for taxes and for revenue sharing. I said this as Governor. I have said it for 22 years in the U.S. Senate.

I say that if we let this legislation pass in the manner in which it came from the Finance Committee, it will come back to haunt us. We are setting a precedent. We will have to do it for college programs, and they will want to know where the money is going to come from.

We will do it with health programs, and the first thing we know, we will have given away the wealth of the United States.

The question is, Do we take $30 billion at this time, without any future supervision, and give it to cities and tons? If that is what one wants to do, he should vote this amendment down. On the other hand, if one wants some supervision exercised, he should support the amendment.

I say to the Senator from Louisiana that he can trust the Senator from Arkansas as well as he can trust any other Senator. The Senator from Arkansas is as considerate and compassionate as the Senator from Louisiana. He has cities and towns in his State, just as the Senator from Louisiana has in his State. And the Senator from Arkansas wants to be as generous as does the Senator from Louisiana.

However, the point is that the Senator from Arkansas wants to make sure that everybody stays honest. And the only way we can be sure that everybody stays honest, as I said before, is to keep the key to the strongbox. The minute we let that go, we do not know what will happen, the frailty of mankind being what it is.

I say to my friend, the Senator from Utah, that he will be a lucky and a happy man 3 years from now when they come before that Appropriations Committee and we can say, "Thank God that they spent the money correctly. We will give it to them again."

Mr. McCLELLAN. Mr. President, I yield 5 minutes to the Senator from South Carolina.

Mr. HOLLINGS. Mr. President, following up that thought, I do not think it is so much a question of honesty or dishonesty, but rather one of oversight. I recall a recent example of the need for such review. The Small Business Administration's disaster loan fund came into play after the California earthquake where, as the distinguished chairman knows, there were a series of claims made for repairs.

The earthquake struck in February last year, and the loan program went along smoothly until a great number of claims were submitted by property owners in Los Angeles and California, and $60 million went through to the owners' hands.

This would have gone on had we not had the oversight function in the Appropriations Committee. We caught in the hearings the fact that huge sums of money were being expended on very questionable claims.

Further, I think of the storm Agnes. The committee changed it, and now we have the General Adjustment Bureau. I can tell the Senator that LEAA is a worthy program. However, the committee found that the State governments were buying planes, allegedly for law enforcement but when we audited these items, we found that their wives and other nonlaw enforcement personnel were using the planes. As a result, LEAA allotted back against those Governors for those particular sums.

The Appropriations Committee is working for the Senate. It is working for the Senator from Utah, and it is working for the Senator from Louisiana.

This is what has occurred. We have violated our own rules and have worked ourselves into this box. Today we are asking for this program. It is not so unique in the sense that it is going for revenue sharing. It is more unique in the sense that we are going to have an authorization and an appropriations bill in one and the same measure.

What occurred when they came over here for the appropriations bill? It was referred to the Finance Committee. And it is our position, of course, that under the Constitution moneys cannot be expended in that manner. Article I, section 8 of the Constitution provides that no money shall be drawn from the Treasury but in consequence of appropriations made by law and appropriations.

It is spelled out under rule XVI in eight different sections with all kinds of caveats and limitations.

This Congress has been very careful about it. I would like to ask the Senator from Louisiana if he had the floor, if it is the position of the Senator from Louisiana when he says that the Appropriations Committee is for the support of the Government, that it is only aid to the Federal Government and not for the county government? Can the Senator from Louisiana contend that the model cities program is only for the cities and not for the county governments?

Does the Senator from Louisiana contend that the Committee on Banking, Housing and Urban Affairs, under the Senator from Alabama (Mr. SPARKMAN) should also handle authorizations and apropriations or that the Senator from Arkansas (Mr. FULBRIGHT), as chairman of the Foreign Relations Committee, should authorize and appropriate money for Vietnam? I never heard of such a ridiculous position.

Mr. LONG. Mr. President, does the Senator want me to answer that question?

Mr. HOLLINGS. Yes, sir.

Mr. LONG. Mr. President, the Committee on Banking, Housing and Urban Affairs does not have jurisdiction over revenue bills. The Finance Committee does. In support of what I am saying, is the Senator not aware of the fact that we have put on the statute books the program for social security, the program for the disabled, the program for medicare, to mention but a few, with regard to which no one ever even raised a jurisdictional argument because it was completely in line with the way we do business in the Senate and have done business since the Senate was established. These permanent-type appropriations, where we dedicate a revenue source to a trust fund and require it to be paid out in a certain fashion, simply and historically are Finance Committee business.

Mr. HOLLINGS. So the Senator's position as chairman is that we are dedicating revenues and not appropriating moneys.

Mr. LONG. To dedicate money is one form of appropriating. It shall be spent for certain funds or appropriated in a certain fashion. But the language to be found in this bill is in all respects similar and parallel to the social security law.

Mr. MAGNUSON. We have a trust fund there.

Mr. LONG. We have a trust fund here, and in the unemployment insurance law, and the medicaid provisions, which are well established. We have many examples in the last 25 years.

Mr. HOLLINGS. But it is not an appropriation bill?

Mr. LONG. Well, most of it was Finance Committee business.

Mr. HOLLINGS. But this is an appropriation bill that appropriates money.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLINGS. Mr. President, may I be recognized for 3 additional minutes?

Mr. McCLELLAN. I yield 3 additional minutes to the Senator from South Carolina.

Mr. LONG. About 25 percent of the appropriations and expenditures of funds go to the Committee on Finance. Is the Senator aware of that?

Mr. HOLLINGS. I was not aware that the Committee on Finance appropriated moneys.

It is stated in the Standing Rules of the Senate that the Committee on Finance has under its jurisdiction the following subjects:

1. Revenue measures generally.
2. The bonded debt of the United States.
3. The deposit of public moneys.
4. Customs, collection districts, and ports of entry and delivery.
5. Reciprocal trade agreements.
6. Transportation of dutiable goods.
7. Revenue measures relating to the insular possessions.
8. Tariffs and import quotas, and matters related thereto.
9. National social security.

This particular bill does not levy revenue and does not raise revenue. It states that there is hereby appropriated from the general fund of the Treasury. The measure is an income tax measure but you do not allocate those specific funds; you just say equivalent to. You get it from the General Treasury.

Mr. LONG. Our legislative jurisdiction does not stem from our ability to tax. Our legislative jurisdiction in the Committee on Finance stems from our ability to spend. It is the same authority the Committee on Appropriations has. That is where they got it. They got it from the Committee on Finance, but the Committee on Finance did not surrender to the Committee on Appropriations the right to make certain types of appropriations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield the Senator 1 minute from my time.

The Committee on Finance did not surrender to the Committee on Appropriations the right to make certain permanent-type appropriations.

The Senator voted to sustain the right of the Committee on Finance to do that when he voted on the Campaign Financing Act, when we had an appropriation to pay out of the fund to be raised in a manner provided in that bill a certain amount of money to help pay for the election of a President. The Senator voted for that and so did every other Democrat in the Senate. Our Republican friends voted against it because it got to be a pretty strong partisan issue.

Mr. HOLLINGS. If I may have 1 minute to respond to the Senator, obviously appropriation measures go for the Federal purpose and the Federal purpose is model cities, foreign aid, aiding countries and cities, and that is support of the Government within the jurisdiction of the Committee on Appropriations.

To have the chairman there bold faced and saying he has the authority for appropriations brings us to the crux of the problem. I am for revenue sharing. The first bill in 1967 that I introduced was revenue sharing. Senator Robert F. Kennedy introduced a revenue sharing bill and we joined in 1968 to have revenue sharing with the cities and counties on one hand and with States on the other. We always had it on an annual basis.

These are Federal moneys and they should be overseen, audited, and accounted for by the Federal Government. To appropriate for a 5-year period, beyond the term of any sitting Senator, is inconceivable, and irresponsible on the part of this body.

Mr. McCLELLAN. Mr. President, I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. MONTOYA. Mr. President, I think we have heard most of the arguments on both sides of this question. I think it is pertinent at this point to go back to the Constitution which granted the powers to Congress as to what Congress should do with respect to revenue and appropriations, and the powers it should exercise with moneys collected. There is a very pertinent provision contained in article I, section 8. Section 8 is devoted in the Constitution to delineating the specific powers Congress shall have. The one power delineated in this particular section is the following, to which I shall refer: "to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years."

I mention this because that is the only limitation. It is probably the most important function Congress has within this Constitution. There is a limitation of 2 years.

Here we have an appropriation for 5 years. We have been arguing back and forth as to whether the term "revenue" encompasses the right to appropriate or whether the term "revenue" is an exclusive term which does not give any attendant power to the revenue committee of the Senate.

Under the Reorganization Act the jurisdiction of the Committee on Appropriations is, among others: "Appropriation of revenue for the support of the Government."

Now, the only provision close to this, insofar as jurisdiction of the Committee on Finance is concerned, is the following provision:

> The Committee on Finance to consist of 13 Senators, to which committee shall be referred all legislation, messages, petitions, memorials, and other matters relating to the following subjects: revenue measures generally.

Now, is the term "revenue measure" a term in opposition to appropriation? I say it is not because raising of revenue is one power and the appropriation of revenue is another power, and jurisdiction of the two committees is separate and distinct.

Some issue has been raised here about the desirability of accountability. Well, there is going to be no accountability under the terms of this legislation. The committee report of the Committee on Finance states, and I read from page 3, as follows:

> Sixth, the committee bill does not attach "strings" as to how the funds distributed to the local governments must be spent (except for an anti-discrimination provision and a provision prohibiting the use of funds to match Federal grants).

So this is a blank check to the municipalities, local governments, and State governments, for a period of 5 years.

There has been some contention made that the 5 years are necessary for the municipalities and the local governments to plan ahead.

Well, I think that the formula that is delineated in the legislation, designating so much revenue, or so much percentage out of the revenue, for this purpose is enough of an expectancy of revenue for the local governments to plan for the expenditure of these moneys.

The fact that the amendment offered by the Senator from Arkansas provides that the legislation continue as is with respect to a year and a half, and, from then on, that the allocation of revenue be subject to oversight and appropriation on recommendation of the Appropriations Committee is a good safeguard to carry on the monitoring of the expenditure of these moneys.

I think there is no other appropriation bill coming out of the Finance Committee. I do not recall, during my years in the Congress, that the Finance Committee has authorized and at the same time appropriated moneys such as is done in this particular bill.

Now let us go back to the social security fund. Let us go back to the highway trust fund. Those are earmarked moneys that created a contractual and moral obligation between the taxpayer who paid those taxes out of his money into the tax fund and the Government. Those moneys went directly into a trust fund.

Under the concept in the bill before us, the moneys are already in the General Treasury, were paid into the Treasury by the taxpayers for no specific purpose whatever, and now a trust fund is created by virtue of this bill. I say there is a distinction between the highway trust fund, the social security trust fund, and other similar funds, and this particular concept.

So I feel it is our duty in the Congress to continue year-by-year surveillance and monitoring of these moneys, and the only way to do it is to take out the irrevocability in the concept presented by the Finance Committee in the revenue-sharing bill.

Mr. MAGNUSON. Mr. President, will the Senator yield me about 4 minutes?

Mr. McCLELLAN. I yield 4 minutes to the distinguished Senator from Washington.

The PRESIDING OFFICER (Mr. BROCK). The Senator from Washington.

Mr. MAGNUSON. Mr. President, I think it is too bad that this argument had to come up in the Senate. I have just come from home. It has created an impression throughout the United States—and no one seemed to deny it, as far as the members of the two committees have had a chance to do so—that because we wanted this oversight, we were against revenue sharing. That is not true. The impression was created that we were trying to stall the bill. That is not true.

The Senator from New Mexico said a little of what I was going to say. There is a distinction between what is proposed here and setting up trust funds, such as the social security fund, the airport-airways fund, which the Senator participated in, the highway trust fund, and all others in which a legislative committee can set up the formula and then provide that the funds that come into the trust fund will be distributed in the way the formula is set up. We cannot change the formula of the Finance Committee at all. We could not do it if we wanted to. So there is a great deal of difference.

The amount involved here is 7 percent. If the Finance Committee had done this and had lowered taxes 7 percent and said it was setting up a trust fund of 7 percent, then it would be able to do this, like other legislative committees, under a formula. But it did not do that. This is money in the General Treasury.

I just cannot understand the idea of the Senator from Louisiana, who said, in answer to questions by the Senator from Massachusetts, that there is nothing we can do about it, except the people can take care of it back home if some mayor or Governor or county commissioner does the wrong thing, and he will be thrown out of office.

We are going to have an election in about 60 days. About 30 Governors are going to be elected. They will be in office for 4 years. Some mayors will be in office for 4 years. Whatever time they will be in office, it will be for a long period of time. Suppose they do not steal anything, there is no monkey business, but they take the money and start out with a terribly bad program. There is nothing anybody can do about it for 4 years. They cannot be thrown out of office. They are not going to be impeached over a bad program, because even a bad program makes somebody happy with the money he gets. That is the fallacy of providing these funds out of the General Treasury for 5 long years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield the Senator 1 more minute.

Mr. MAGNUSON. If the committee had set up a trust fund and considered it as such, then the Finance Committee could have done this kind of a job with a formula. We cannot change it. The Senator from Louisiana said we cannot do anything about it except let the people take care of a mayor or county commissioner who misbehaves. But they will be in office for 4 years. They will go on with their bad program unless we amend or repeal the law. That is an Alice-in-Wonderland suggestion. We are not going to do anything about it. We are not going to touch this program for a long time, even if there are bad programs in it. We are going to hear about them. Every year the money will come out of the General Treasury without anyone being able to do anything about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, if I may continue for half a minute, I know what is going to happen next. Every school board in the United States is going to come in here and ask for a 3-year program, not subject to general review by the Appropriations Committee and HEW. They are going to be in here next, and I guess we cannot deny them if we follow this policy. We will be asked to let them have it for 3 years out of the general treasury, and the legislative committee will be able to give it to them, and they cannot do anything about it except change the law. They are not going to do that.

I think we offered a burglary insurance proposal without any cost, and it was not taken. I am not talking about that, but suppose there is a bad program going on and a person is in office for 4 years. Who is going to do anything about it? Not the Finance Committee. They are going to hear about it. We are not going to change the law. Everybody will join and say, "Do not touch this."

All we are trying to do is provide that once in awhile somebody ought to take a look at it—not chop it off. We do not chop off a formula. But we will say, "Mr. Mayor or Mr. Governor, you had better take another look at what is wrong with it."

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Nevada.

Mr. BIBLE. I thank the chairman.

Mr. President, I have listened to the colloquy between members of the Appropriations Committee and the Finance Committee this afternoon. I must commend everyone who participated on the high level of the discussion. After all, this is not a personal matter. It is a question, as I see it, of building into this legislation the strongest possible protection as to how the money is to be expended. I think that is the issue.

It has been said time and time again today, and I think it bears repeating, that the real gist of this problem is who can undertake and continue to undertake the greatest possible oversight on a $30 billion program.

In my judgment, it is for the protection of the members of the Finance Committee and for the protection of all Members of Congress to have this constant oversight. Time after time today instances of abuse that have cropped up have been mentioned. We were told about the Los Angeles small business episode, which would not have been caught if that had not been surveyed carefully, albeit too late to avoid some of the damage that was caused. The LEAA episode also was commented on, I believe by the Senator from South Carolina, which was an excellent example of the oversight and the effective control that the Appropriations Committee can carry out in that respect.

There has been mounting comment and criticism in recent years of the declining powers of Congress as a coequal branch of our Government. We are continually warned that a continuing erosion of the legislative authority, in one form or another, can pose the most serious single threat to the existence of our democratic process.

I agree most strongly. The Congress must exercise constant care to insure that its vitality as the only representative branch of Government is not undermined. We are the guardians of congressional power, for only through our own actions can this authority be delegated. It is a responsibility we cannot neglect, either through haste or through political compromise.

In my view, Congress must not further delegate one of its most important powers—the appropriation authority that controls the flow of public funds. That is why I speak now in support of the amendment introduced by the Senator from Arkansas (Mr. McCLELLAN) on behalf of the Committee on Appropriations.

I am proud to support the amendment offered by the Senator from Arkansas on behalf of the Committee on Appropriations. I am a member of that committee, and proud to be a member of that committee. As Senator McCLELLAN has already emphasized, passage of a 5-year appropriation in the revenue-sharing bill abrogates congressional authority—and responsibility—to oversee Federal spending. It abandons the very basic principle of annual funding and annual legislative review of appropriations. It capriciously passes on to the State and local levels of government the very responsibility that is inherent in the appropriation power reserved to Congress by the Constitution—the authority not only to spend but to determine that such spending is carried out in the best interests of the citizens and taxpayers.

I recognize that tremendous pressures have built up on the revenue-sharing issue in this election year. Our States, counties, and municipalities are clamoring for more financial assistance and have largely championed the principle of revenue sharing. The issue has become a major one in both the presidential and congressional races. There is a growing mood in Congress, if I am assessing the situation correctly, to enact a revenue-sharing bill with as little further delay as possible. I am only fearful that this rush to reach one goal may cause us to overlook the far more essential goal of protecting and preserving our constitutional powers.

I think the chairman of the Finance Committee has conceded that over 5 years, there will be some abuses of one kind or another. I think it is for the protection of every Member of Congress to have enough oversight to be able to correct abuses that may occur.

I urge every Senator to consider with great caution the wisdom of shortcutting the sound principles of annual appropriations. And I would remind them that it is still possible to achieve revenue sharing legislation without that shortcut, for, as the Senator from Arkansas has assured us, there is no desire on the part of the Committee on Appropriations to delay this legislation.

In the long run, we will be judged not by how many dollars we extend to the State and local governments but by how we exercise—and protect—the authority and responsibility given to us solely by the Constitution. The Congress—not the executive or judicial branches—is the guardian of the U.S. Treasury. And the Congress—not the executive or judicial branches—will be held accountable.

I urge senators to examine once again their responsibilities before deciding how they will vote on this amendment. I urge them to make a close and careful examination of the problems involved here, and am confident that if they do, they cannot do otherwise than support the amendment of the distinguished Senator from Arkansas.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, perhaps somewhat belatedly, I want to assure the distinguished chairman of the Appropriations Committee that there is no committee chairman in this body, present or past, on either side of the aisle, whom I would enjoy serving under more than the distinguished Senator from Arkansas. It was my privilege to serve under his leadership when he was chairman of the Committee on Government Operations when I first arrived on the scene, and I am happy to say that he may be assured that if the situation should ever come to the point where he would need only 1 vote to retain his chairmanship of the Appropriations Committee, it would be that of the Senator from Louisiana, because I regard him as one of the all-time great Senators. And I regret to find that he, as chairman of the Appropriations Committee, is taking a position opposing that which I take as chairman of the Committee on Finance. But he and I will be as good friends as before, and work together as harmoniously in the future as we have in the past. I assure Senators on both sides that there is no animus at all in this matter, it is simply a question of a difference as to how we should proceed.

Moreover, Mr. President, the matter of this bill being in the Finance Committee is not something that was dictated by the Senator from Louisiana or any other member of the Finance Committee. The matter was referred to us by the Parliamentarian under the rules, and no one had any argument about the matter that it should be referred to the Finance Committee, because it clearly does contain matters completely within the jurisdiction of that committee.

A difference of opinion between the Finance Committee and the Appropriations Committee is not new in the Senate. This same departure in points of view occurred in the House of Representatives, and was the subject of considerable debate on that side. I am happy to say that the debate on this side is in much better humor and much less acrimonious than that which was reported to have occurred between the chairman of the Ways and Means Committee and the chairman of the Appropriations Committee over a parallel when this bill was before the House of Representatives.

We do have a precedent, Mr. President, in the fact that the Finance Committee, under certain situations, does handle measures containing appropriations. For example, here is language in the Social Security Act, from section 401(a), title 42 of the United States Code:

> There is appropriated to the Federal Old-Age and Survivors Insurance Trust Fund for the fiscal year ending June 30, 1941, and for each fiscal year thereafter, out of any monies in the Treasury not otherwise appropriated, amounts equivalent to 100 per centum of—

And it then proceeds to list the taxes that would be included in that amount. It then goes on to say:

> The amounts appropriated . . . shall be transferred—

And it states the fashion, thus and so.

Here is the language of the bill before us. It says, in language which is almost identical to the language I read previously:

> There are hereby appropriated to the Trust Fund, out of any monies in the Treasury not otherwise appropriated, amounts equivalent to—
>
> (1) for the fiscal year ending June 30, 1972, 3½ percent of the Federal individual income taxes received in the Treasury during such fiscal year;
>
> (2) for the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, 7 percent of the Federal individual income taxes received in the Treasury during each such fiscal year; and
>
> (3) for the fiscal year ending June 30, 1977 3½ percent of the Federal individual income taxes received in the Treasury during such fiscal year.

Mr. President, that type of language was in the medicare provision when Congress enacted the program for medical care, under social security, for aged persons. We have provided trust funds in other situations, such as the highway trust fund, the unemployment insurance trust fund, and the disability insurance fund, to mention only a few. So there is no question but that the Finance Committee does historically handle this type of matter involving appropriations.

There is the matter of interest on the national debt, which does not require an appropriation every 2 years; it simply provides that this amount of money will be a permanent appropriation. How that squares with the legal argument of the Senator from New Mexico (Mr. MONTOYA) I do not know, but it does not make much difference in any event; constitutional lawyers have thought about it down through the years, and we have met that constitutional requirement.

So we really get down to just one question of whether we want this to be a matter of annual appropriations subject to limitations being imposed year by year, subject to Congress declining to make an appropriation during the following year because it is dissatisfied with the way the program is being run, or whether we want to look upon this as it conceptually exists, not in the Federal Government but in most of the governments throughout the entire United States.

As I said before, Mr. President, one gains the impression that those of us on the Committee on Finance are not being heard by those on the Appropriations Committee, and I am sure it must seem the other way around to one who agrees with the other side of the argument, because we do business in different ways and we think in different terms. As I said before, I think that is the reason why the money provided by this bill should be a permanent type appropriation, why it fits the way the Finance Committee does business, why it is inappropriate that it should be handled as an annual review appropriation, and why it does not fit the way the Appropriations Committee does business.

The sort of suggestions we make and the way this program works is not too well understood by the Appropriations Committee members, because they do not do business that way. It is foreign to them, because they do not do business that way. They cannot agree with it, because they are not accustomed to thinking in those terms. Those of us on the Finance Committee do business exactly that way.

That is how our programs usually work. If we institute, for example, a disability insurance program, we provide that certain revenues shall be dedicated to that trust fund, and that those payments shall be paid year by year, as long as this Government shall exist, unless someone wants to change the law. If we start a social security program or a medical care program under social security, we provide that the revenues will go to this fund and the money will be paid out to provide these benefits, hopefully forever or as long as this Government shall last. When we started the unemployment insurance trust fund, we imposed a tax and dedicated the money into that fund, and we hope that as long as we are plagued with the problem of unemployment, these benefits will be paid.

So this pattern does fit the way the Finance Committee has historically operated and the way the jurisdiction historically has been assigned by precedent in the Senate, as between the committees and for these programs.

I could not help note that in a very eloquent speech the Senator from Rhode Island (Mr. PASTORE) pointed out the difference between our points of view. He said that no government would provide money 5 years in advance. Perhaps the Governor of Rhode Island did not do business that way, but the majority of States in the Union provide money that way, for more than 5 years in advance. Most States have a revenue-sharing program. We do in Louisiana. We dedicate the money that comes in from cigarette taxes to a fund to help support the local communities. We hope that money will be coming in forever, as long as people choose to smoke cigarettes, into a fund to help support the city governments.

Maryland dedicates a certain share of the income tax money into a fund to help support the local communities, and that money goes on indefinitely.

Those State revenue-sharing programs do not involve the Louisiana Legislature calling in all the mayors and asking how they use all their money, or the legislature of Maryland calling in the mayors or county commissioners and bringing them before a hearing to see how they use the revenue-sharing money. They do not do business that way. It is completely different from the Appropriations Committee's procedure.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. Is it not also true that in most States, because of the different wealth of the various local taxing units, they have education equalization programs, so that State funds go down to the county level or the city level in order to equalize the money available for education? And is not that provided on a constant, continuing basis, rather than on an annual appropriation basis?

Mr. LONG. It is done in Louisiana, and I am sure it is done in most States of the Union. A certain share of State revenues is distributed among all the units of local government to help carry out their responsibility in the education field. We do that, and I am sure most other States have something similar.

Mr. BENNETT. Did the chairman hear the Senator from Rhode Island, as I did, imply that one of the reasons why we should not do this is that we do not know the men who will be in office 4 years from now?

Mr. LONG. Yes.

Mr. BENNETT. Are we appropriating for men or for governmental units?

Mr. LONG. That is exactly the point.

From the point of view of the Finance Committee, it should not make any difference who the Governor happens to be next year or the year after, as to whether the State gets its share of the money. It should not make any difference whether the Governor is a prudent man or an imprudent man. For that matter, we would hope that in the event a Governor should do something unwise or even corrupt, the procedures that the people have spelled out in that area to protect them against poor government would take effect, rather than Congress having to repeal an act of Congress.

In the last analysis, the Senator knows, as do I, that whether we are happy or unhappy with our experience with revenue sharing years from now, those governments are still going to be here. We are not going to put them out of business by cutting off their revenue sharing. They will be here, doing the best they can to try to serve their people and to provide for their needs.

Mr. BENNETT. If the Governor should be an imprudent man, is there anything we can do about it?

Mr. LONG. Not on this level. We do not have the power to impeach him. I am sure that even our strongest opponents, especially those on this side of the aisle, would not want to give us the right to impeach a Governor because he unwisely spent some money that was made available either by the taxes the people pay locally or by some of the revenue we directed to help that government.

In the last analysis, we feel that this is a matter of strengthening those governments, but we will have to rely upon the good judgment of the people to elect good officials, and we will have to rely upon those officials to provide the money and spend it wisely for the needs of their people. That is how it has always been.

We would like to see the government be strong at the grassroots level, believing that by being strong there, it will be strong all the way up. We feel that by strengthening the local government, we would be strengthening the Federal Government as well.

The whole concept of revenue sharing, as has been said by those who oppose this approach, is truly revolutionary—but only to Congress. It is not revolutionary to the States. They have revenue sharing.

Louisiana has revenue sharing in several ways. We share the cigarette tax money with the local communities. We share the severance tax moneys with the areas from which the tax is collected. So revenue sharing is a rather general concept. It exists in the overwhelming majority of States, and it is not at all a new concept to most Governors or most mayors, because they do it to help the local government or they benefit from it.

It is this concept that we seek to implement. In those States that have revenue sharing, it is not a matter of annual appropriation or annual review or the government that is sharing second-guessing the government that is benefiting from the sharing.

I recall that when I was the executive counsel to the Governor of Louisiana, we initiated the first statewide revenue sharing, no strings attached assistance to the city governments in Louisiana. I was a candidate for office that year, and I was disappointed that in many of the cities there was not more evidence of the fact that we had strengthened those local governments by providing revenue from the State to the cities. I did not see the public improvements and the evidence of additional revenue to those city governments that I would have liked to see. In some cases, I even went to the extent of asking some mayors—and even the Governor—to put some of that revenue sharing money into something like street lights or sidewalks, so people could see and feel it, so that they would know they were getting the benefit of the increased tax that had been voted to implement revenue sharing. Over a period of time, I concluded that the concept was correct.

Whether the local community puts it into something that is tangible or something that is intangible if they fulfill their mission, they have carried out the intent of revenue sharing which is based on the fact that local governments are far less able to raise money than the State governments, and the State governments are far less able to raise money than the Federal Government. It makes good sense and exists in almost every State of the Union that the State will share some revenue with the counties and the cities. So it makes sense that we ought to have this experiment—and we propose it on a 5-year basis—that the Federal Government, being the strongest of them all, will proceed to share revenues with the local communities and with the State governments.

I know that it can be argued that the Federal Government is deeper in debt than all the governments of the world put together. From time to time, I have managed debt limit bills, and it should be borne in mind that when those bills come up, it is usually not the Finance Committee that has put us in debt. It is the other committees, the Appropriations Committee or the authorizing committees, doing their duty as best they can. We find ourselves deeply in debt, and those of us on the Finance Committee have to try to pass a tax or ask the Nation to raise the debt limit in order to pay the bills. Like the Treasury, we must take the flagellation for the fact that the Government is in debt, and we are not the ones who put it there. Even so, Mr. President, we recognize in cases like that—I have explained it but I will say it again—we can talk all we want about fiscal distress in this Government but it is still the strongest and the wealthiest Government on the face of the earth. It has greater capacity to do what it wants to do, whatever that may be—and it is usually for good—than any country on the face of the good Lord's green earth. We should be happy it is that way. We are still strong enough to provide aid to foreign governments all around the world. We are still strong enough so that we can do a great number of things which could not be done by a government with fewer resources.

Here we say that, in view of the fact that we are so much stronger, not only than any other nation on earth economically and in every other way, but so much stronger also in our capacity to raise revenue, that we should share some revenue with the local governments. So we do, in this bill.

It would seem to me that if we believe in that concept, we should not vote to have it with strings on it. In the Finance Committee we resisted strings; we even took off some of the strings we found on the bill sent to us. We would think the most onerous string of all would be this matter of having to come in each year and ask for next year's installment of money without being certain they will get it, not knowing whether they will or they will not. I can think of nothing more unjust, even though it might cause a scandal to suggest it, than to have little governments that had planned on their activities and essential needs being financed by revenue which would then be cut off, where some of the governments might find as much as one-third of their entire revenue was cut off because of some imprudent mayor or governor who had mishandled revenue-sharing money.

So far as I know, it has never happened in any State of the Union where a State cut off its revenue sharing program to a mayor or a county commissioner who had been imprudent. I do not have any doubt that we will not do it, either. I would hardly think the Appropriations Committee would want to do it, even if it could. But it does put the State and local governments under the sword of Damocles leaving them wondering what the result will be.

There will be another result which is much more likely to happen and that is that Senators, Representatives, and candidates for office will go out and present themselves to their constituents, perhaps a labor group, and they will say, "Now, we voted and we tried to guarantee you the prevailing wage rate under the Davis-Bacon Act but unfortunately someone put an amendment in there to say that the Davis-Bacon Act would not apply. But I assure you, my friends, that when I go back there, I will join those who think as you do and we will see that the Davis-Bacon wage rate is paid in any case, without any exception."

Another opportunity could present itself to go before a veterans' organization and say, "My friends, we will guarantee every man who has offered his life for his country on the battlefield a job in city and State government in America. I am going to put an amendment on that revenue sharing bill and guarantee that either the Federal Government or the State government will give to every combat veteran in the United States or, for that matter, anyone who ever even got a draft notice, the first job available. When I get back there, I will put in my amendment and, if need be, I will filibuster to keep the revenue sharing bill from passing until they agree to accept my amendment that every city, county, and State will give job preference to every deserving veteran or his widow."

I can see it now. So that every year we would have to go through the same process that we are in the process of going through now and went through from 5 p.m. until 8 p.m. last night, when we had the Hartke amendments. Some of these amendments, I regret to say, were recommended by the President of the United States even though I heard the President make a speech that we should not have any strings of any sort attached to the bill.

Mr. GURNEY. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. GURNEY. I do not want to get into the Hartke amendments. As the Senator knows, I have been a strong advocate of the revenue sharing principle. I do want to say that the Finance Committee has brought out a very fine bill. But I do ask this question: What review is there going to be, if any, as to how the local governments handle this money, once they get it?

Mr. LONG. Senator, we would require, first, a report to the Treasury Department on how they propose to spend the money, and also require that they advertise it to their own people, saying how they are going to spend the money; second, after they spend it, they will give us a report on how it was spent, and they will tell their own people how it was spent. Also we would make the uses of this money subject to audit by the Treasury Department.

I would say, Senator, that there are more conditions placed on it than we in Louisiana place on our revenue sharing when we share State revenue with the city governments. We do not put that many conditions on it. The overwhelming majority of the States in this Nation, including Maryland, to my certain knowledge, share revenues derived from their income taxes with their local governments. I am not aware of any that do not do it.

Mr. GURNEY. I understand that. We have revenue sharing in Florida. We have had it there for many years. There is no checkout for a few years. I am not altogether wedded to that principle. I think that may not be the best one, but let me ask the Senator again: He says that reports will be made as to how the money is spent. I did not understand that the Secretary of the Treasury was in this picture. The reports are made to him, or to Congress?

Mr. LONG. They are made to the Treasury and the Treasury then reports to Congress so that we would bring both the Treasury and the General Accounting Office into the picture, insofar as we want him in the picture, to help advise us whether the money is being spent wisely. But we believe that this revenue sharing bill, if it is to be enacted, should not be on an annual appropriation basis. If we are going to have revenue sharing the State and local governments should be able to depend on it year by year and be able to make plans as to the use of the money. With an annual appropriation there is a danger of having the whole thing cut off; you start them out and let them go down the road for a few years. Then somebody does something you think is unwise, and the first thing you know you say it should be cut off, and then they find they are in worse shape than if there had been no revenue sharing in the first place.

So if we are going to have revenue sharing it must be on a long-term basis so that local governments can plan on it, rather than not being able to make plans which rely on the revenue sharing funds.

Mr. GURNEY. I would agree with the Senator on that principle, but I go back to the reports and ask if these reports that are made, are they going to be just like the several hundred thousand other reports that we get, or is the committee actually going to take a look at them every year and find out if this thing is working, because I do think, even though I heartily support the bill——

Mr. LONG. We will look at them. We will study them. We will glean what knowledge we can from them. We will be alerted as to whether it is a good idea to amend the program or a good idea to continue it after 5 years.

Now, I have no objection to any committee studying the same reports and studying the same information. That is nothing new to the Finance Committee. We have two or three other committees making a study in areas in which we have jurisdiction. We do not argue about that. We are so accustomed to it, we take no affront to it at all. We would expect that the Finance Committee and, I am sure, the Ways and Means Committee of the House, will study the reports to see how the money is used, to see how well the program is working.

Now, we do not think, however, that it should be the way the Appropriations Committee usually does business and would like to have it; that is, if they do not like the way it is going, they cut off the whole thing after a year. I think it should be a 5-year bill, and, hopefully, before the 5 years or maybe after 3½ years or 4 years—but certainly before the 5 years is over—to give all the communities the answer as to whether the Congress will continue the program or not continue it, based on what the reports will show.

Mr. GURNEY. I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Arkansas yield me 1 minute?

Mr. McCLELLAN. I yield 1 minute to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any rollcall vote during the remainder of the day be limited to 10 minutes, with the warning bell to be sounded after the first 2½ minutes.

Mr. LONG. Mr. President, reserving the right to object——

Mr. ROBERT C. BYRD. Mr. President, I will revise my request.

Mr. LONG. Mr. President, if I might just discuss the matter for a moment with the Senator, I would feel a little afraid that on the first rollcall vote, and only the first—because I am not worried about the others—that some Senators who might have planned for the usual time for the rollcall might have difficulty in getting here. So I would hope that for the first rollcall we would allow a few more minutes than would be the case for the others.

Mr. ROBERT C. BYRD. Mr. President, I revise my request to make it encompass only the remaining rollcall votes following the rollcall vote on the Appropriations Committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION ON HUMPHREY AMENDMENTS

Mr. ROBERT C. BYRD. Mr. President, following the vote on the Appropriations Committee amendment, the distinguished Senator from Minnesota (Mr. HUMPHREY) has a series of five amendments. I have discussed these with the distinguished Senator from Louisiana (Mr. LONG) and with the distinguished mover of the amendments.

I, therefore, based on my conversations, feel that I am authorized to request unanimous consent, and I do request unanimous consent, that there be a time limitation on each such amendment of 30 minutes to be equally divided between the Senator from Louisiana (Mr. LONG) and the Senator from Minnesota (Mr. HUMPHREY).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I enthusiastically support the amendment offered by the Senator from Arkansas to provide that there will be no holdup—I repeat—no delay in the funding of revenue sharing for this year or for the retroactive revenue sharing provided by the Finance Committee bill—but that in the future—after the current fiscal year—that is 1973—revenue sharing will be considered like any other appropriation and require Appropriations Committee action.

Mr. President, what the McClellan amendment does is to require that for this appropriation of $6 billion annually, we go through the appropriations process.

And what is wrong with that? The Finance Committee has the authority to authorize these revenue sharing expenditures, I can not for the life of me understand how we can justify action by the Finance Committee not only authorizing such a large expenditure but actually appropriating it. If the Finance Committee can do so in this case, then there simply is no justifiable function remaining for the Appropriations Committee or the appropriations process.

Mr. President, there may have been a time when the Congress did not need the appropriations process. There may have been a time when it was unnecessary for the Appropriations Committee to separately consider expenditures of the various authorizing committees. There have been periods in our history when Federal spending was under control, when the budget was typically in balance, when there was no great need to be concerned about ordering priorities, no need to make the painful choices between competing expenditure programs, but Mr. President if there were such periods in our history every alert citizen knows that this is not the case today.

This Congress and the administration are on the brink of expending the stupendous sum of a quarter of a trillion dollars. It is true that our economy is bigger than ever, but even in relation to the size of our economy this Federal Government is expending about 22 percent of the entire gross national product—close to a record proportion—and an immense allocation of our total resources. Even allowing for rising prices and higher pay, our Federal spending is already bigger, far bigger than at any time since the height of World War II.

What the McClellan amendment would do would be to require that the Appropriations Committees and the appropriation action of the House and Senate continue to exercise a coordinating ordering and limitation of much of this quarter of a trillion dollars.

Now, Mr. President, it is true that some funds—especially trust funds—such as the highway trust fund and the social security trust fund, provide a basis for substantial expenditures without going through the appropriations process. But in these cases the expenditures come from specific, largely segregated taxes that are precisely assigned to the particular functions for which the funds are raised.

Why should not revenue sharing be treated the same way? Mr. President, of all the appropriations made by this Congress, none, not a single one, more clearly justifies the full appropriations process for its consideration and action than revenue sharing.

Consider: Are special taxes assessed to raise the funds for revenue sharing? No, indeed; the funds for revenue sharing come directly out of the Treasury. From where? From the general fund. Mr. President, if the Senate defeats this McClellan amendment it will be shattering a precedent. There is no other expenditure from the general fund which is now made without going through the regular appropriation process, except public debt transactions and interest on the Federal debt. And, Mr. President, those permanent appropriations are of an entirely different character.

What a precedent. If this can be done for revenue sharing, there remains no argument—none—for not abolishing the Appropriations Committee and the entire appropriations process.

Now, can it be said that these are technical arguments, that after all, we just do not need the kind of appropriations reconsideration and surveillance over revenue sharing that we require for defense spending or expenditures on the farm program? Is this true?

Think about it. I submit, Mr. President, that there is just not another spending program that more clearly requires regular appropriations review than revenue sharing.

Here we are engaging in a new, untried, untested program, one of the major spending programs of the Government—a mammoth $30 billion, with virtually no guidelines, no limits, no vehicle for surveillance or review. We are simply handing out this huge amount of the taxpayer's money, and we give away this vast, new expenditure. What is this but an unprecedented departure which can be used to justify any dispersal from the general funds of our Government. And in this case defeat of the McClellan amendment means no review for 5 years.

Mr. President, with all respect for my colleagues—if this body defeats the McClellan amendment it will be an act of irresponsibility and I choose my words deliberately and carefully. It will mean that the Senate chooses not to be responsible for a new, untried, unprecedented expenditure of tens of billions of dollars for 5 years.

Mr. President, I say all this as one who supports the revenue-sharing bill in its present form. The House Ways and Means Committee has done a brilliant and remarkably fair job on this bill and under the leadership of the Senator from Louisiana (Mr. LONG), the Senate Finance Committee has done even better.

My State of Wisconsin, cities and towns and villages in my State need this bill. In some cases they desperately need it. I have heard Governors and mayors make eloquent and completely convincing cases for this kind of assistance. In fact I think it would be a mistake to delay this bill even for a day—to send it to the Appropriations Committee—that is why I think the McClellan amendment represents a highly sensible compromise. It would not delay the bill at all. It would not postpone for even 1 day the provision of assistance to our hard pressed States and cities, but it would require that after this fiscal year—that is beginning July 1 of next year, revenue sharing would go through the appropriations process.

Under the McClellan amendment, the Congress—House and Senate—would then have a chance to reexamine and reconsider this sharp new departure in Federal spending. Changes in the program might be minor, but does any Senator really believe that there will not be some mistakes—probably some serious mistakes—possibly some scandals developing this colossal expenditure? Of course there will.

The McClellan amendment simply provides that the Congress will exercise the same responsible degree of review and surveillance over this program that we maintain over virtually every other expenditure from the general fund of this Government. I urge my colleagues to support it.

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, I rise in support of the amendment offered by the Senator from Arkansas (Mr. MCCLELLAN) to the revenue sharing legislation before us. It is necessary in the interests of maintaining sound, reasonable control and legislative oversight over our Federal expenditures. It is presented not as an individual proposal representing merely his own views, but as the position of the Senate Appropriations Committee. It is the minimum action needed to safeguard the appropriation process from abuse.

The need for the McClellan amendment arises from the fact that the revenue sharing bill, as reported by the Finance Committee, simply shortcuts the appropriation process entirely, not only for this year but for the rest of the 5-year period of the bill. As the bill is written, none of the payments out of the Treasury for this program would have to pass before the Appropriations Committee at all. No congressional review of the manner in which the program is handled, or the way in which the funds are expended is provided for. Once we have passed this bill as reported, we have nothing further to say about the matter. Congress will have abdicated any further function.

This shortcutting of the appropriation process is accomplished by creating a so-called revenue-sharing trust fund, into which a certain percentage of the income tax revenue of the Treasury would be paid. Out of the trust fund would automatically be paid to the States and local governments each year, without further appropriation by Congress, the sums stated in the bill—$2,650 billion for fiscal year 1972 covering one-half a year, $5.450 billion for the full fiscal year 1973, and so on. However, at no time is the balance of money in the so-called trust fund reserved from other uses, or dedicated to the revenue-sharing program alone. Ordinarily we think of a trust fund as being handled by a fiduciary for certain limited purposes, but there is no fiduciary relationship here.

On the contrary, if the balance in the so-called trust fund is more than is needed to cover the authorized revenue-sharing figure, the remaining money is simply returned to the Treasury. The bill contains no commitment that we will reserve 7 percent of the Federal individual income taxes for revenue sharing. The figure of 7 percent is simply the statistic used for budgetary planning. It is not a revenue dedicated to this purpose, in the same way that certain social security revenues are dedicated to the Federal old age and survivors insurance trust fund, or certain highway user revenues are dedicated for transportation purposes.

In fact, the so-called revenue-sharing trust fund is really a sham and a delusion. It exists only on paper, not in reality. The reality of this bill is that it appropriates—without passing through the normal appropriation process at all—very large sums of money for the next 5 years—a total of $29.575 billion altogether.

There has been no adequate reason shown why we should circumvent the normal appropriation process in this manner. There are strong reasons why we should not.

Most importantly, the Finance Committee language rejects the basic proposition that the expenditures of the Government should be provided on an annual basis. This is the foundation on which rests the concept of congressional control of the purse strings.

Second, by granting 5 years of revenue in a single action, we shall give up any real power of congressional review over how the program is being conducted. Do we really want to relinquish this vital power so easily? I do not think so.

Much has been made of the supposed conflict between the Finance and Appropriations Committees on this matter. Speaking as a member of the Appropriations Committee, I would not want to infringe on any rightful prerogatives of the Finance Committee. Yet I think the McClellan amendment has been carefully drafted to meet the legitimate objections that have been raised against annual appropriations.

First of all, objection was made that there would not be time to provide the revenue grants for the fiscal years 1972 and 1973 if the whole appropriations process had to start from the very beginning this late in the year, in September. That is true. But the McClellan amendment takes account of that problem by incorporating in its own language the appropriation of the 1972 money and the 1973 money. So, if this amendment is adopted, the States and local governments will get their first installment of shared revenue just as quickly with the McClellan amendment as without it.

A second objection raised against the annual appropriation process has been the supposed need to assure State and local governments in advance of exactly how much money they will receive. However, the McClellan amendment recognizes this need also, by specifically authorizing appropriations to be made each year for the fiscal year ahead of the appropriation act being enacted. That is contained in subsection (d)(2) of the McClellan amendment under the heading "Advance Funding."

Mr. President, it seems to me it would be reckless in the extreme for us to grant a 5-year appropriation for this new, untried program, with no provision at all for congressional review. We have not done that with other new programs. There is no necessity for it. We have a severe financial problem at the Federal level, as surely we know. This revenue-sharing program will work just as well if we launch into it in a moderate manner, without throwing overboard all the principles of Government financing we have learned through years of hard experience.

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 2 minutes.

Mr. HANSEN. Mr. President, I am very impressed with the arguments being made here this afternoon. I have the greatest respect for the chairman of the Appropriations Committee.

I would like to make two points. The first point is that the testimony that has now been taken by members of the Appropriations Committee is precisely the cause of the problem. We have been talking about this oversight function and the ability of Congress to hold tightly to the purse strings because we have seen that money parceled out in that way is not well spent. That is exactly why we need revenue sharing.

If we are going to let the local people, who know the local problems better than we do, spend the money where it will be wisely spent to solve the local needs and the local problems, we have to cut loose of these strings. That is what revenue sharing is all about.

We have had a lot of testimony, as the distinguished chairman knows. We have heard the pleas of all of these people that we have been doling out this money through the oversight function. As a consequence we have not been addressing ourselves to the No. 1 problems, to the problems that have the greatest support of the citizens.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. Mr. President, I yield the Senator from Wyoming 1 additional minute.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 additional minute.

Mr. HANSEN. Mr. President, secondly, I think the point must be made that the States must have this money and must know that it will be there. For instance, the schools have demonstrated concern. Everyone is being assured by Congress that the money will be available. They then find that we wait until the school year is half over before we appropriate it.

Right now we are forced to pass continuing resolutions because we fail to approve appropriation bills on time. We have a long record of postponing this decisionmaking responsibility.

I think it would be a tragic error to agree to the amendment of my very distinguished and beloved friend, the Senator from Arkansas (Mr. McCLELLAN).

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. ALLOTT. Mr. President, I want to make a few points and I will make them quickly. I am sorry it is so late in the afternoon and there is not sufficient time to discuss the matter.

First of all, I support the revenue sharing. However, I think that the reason for it is simply because the money is not at the local level to finance the necessary improvements and services that the local community needs. And it is basically because the Federal Government has usurped the basic means and the greatest number of means for raising revenue.

Second, I do not want anything I say to be taken as critical of members of the Committee on Finance. I think they have done a fine job. I only hope we do not get so many strings on this measure that it will be necessary for me to back out in my support of the bill because to me this bill is worth nothing if we put a lot of strings on it and then hand it to our people.

Third, rule XXV states simply:

> The Committee on Appropriations, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to appropriations of the revenue for the support of the Government.

To me that is very clear. I think there has been too much in this Senate of committees trying to reach over into other committees and usurping part of their function. I wonder what would be the reaction of the Committee on Finance if in its processes the Committee on Appropriations reached over and performed some of those functions which are properly assigned to the Committee on Finance. I think we would hear a lot about it.

Next, I would like to make reference to oversight and review. The Committee on Appropriations is not basically the committee in this Congress that is responsible for legislative oversight and review. This is where our discussion has gone awry this afternoon. The legislative committee is the committee that should assume responsibility for legislative oversight and not the Committee on Appropriations.

The way the bill is now written, the only real legislative review or oversight that can occur is that provided if the amendment of the distinguished Senator from Arkansas is adopted. I sincerely hope that we will adopt this amendment and not worry about scandals so much but just worry about facing up to this program to which I believe Congress is making a longtime commitment.

Mr. BENNETT. Mr. President, will the Senator yield? I wonder if the chairman of the committee will yield to me for 5 minutes so that I might just pose some questions to my friend, the Senator from Colorado.

Mr. LONG. I yield 5 minutes to the Senator from Utah.

Mr. BENNETT. My questions are not argumentative because I have been puzzled by this argument about oversight and review. I would like to pose two problems and ask how the Committee on Appropriations would handle them if it had the responsibility for oversight.

Here is Jonesville and under the conditions of the bill certain programs are proposed and adopted in which revenue-sharing funds will be used. When the audit comes at the end of the year it is discovered that the mayor appropriated money, including Federal funds, to himself. Having discovered that, what could the Committee on Appropriations do?

Mr. ALLOTT. The Committee on Appropriations has within its power probably three things to do. One, it could cut the appropriation. I do not think that is in the mind of anyone on the committee in voting for this bill. Two——

Mr. BENNETT. Before the Senator gets to the next point, is it his thought it could cut the appropriation for that particular city, leaving appropriations for other cities under the formula untouched?

Mr. ALLOTT. Let us assume, for example, that Jonesville decides to spend this money on the importation of cheap labor from some underdeveloped country in the world. I think the Committee on Appropriations could properly add a limitation that no money appropriated under this act should be used for the purpose of importing cheap labor in competition with American labor.

Mr. BENNETT. That would cover everybody and not just Jonesville. I am trying to find out if the Senator feels that under this bill the Committee on Appropriations could reduce or eliminate money available to single communities.

Mr. ALLOTT. I doubt very much if it could. It perhaps could but let me state the third thing I think this can do. They can identify malpractices and mispractices that occur in Jonesville, and in the report of the appropriations make it clear they are not going to tolerate such misuses, misfunctions, or malfunctions in the future.

The trouble is what you do with the bill. You put it out and say here is $5.1 billion available over a year, but who is going to look into it every year to find out how it is functioning?

Mr. BENNETT. The bill provides at page 63:

> The Comptroller General of the United States shall make such reviews of the work as done by the Secretary, the State governments, and the units of local government as may be necessary for Congress to evaluate compliance and operations under this subtitle.

Mr. ALLOTT. I know we are passing everything over to the GAO now, but it should be the committees of Congress doing this review and oversight. That is one of the big troubles that Congress has fallen into. We have turned it over to GAO. We have even gotten them into complicated scientific fields in which they are not prepared. Let us leave it in Congress and keep the responsibility here.

Mr. BENNETT. Under this bill the Treasury must send its reports to Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BENNETT. Will the Senator yield to me for 3 additional minutes?

Mr. LONG. I yield 3 minutes to the Senator from Utah.

Mr. BENNETT. Leaving that point, my second question is equally important. Jonesville has a city commission of five members. There is a great debate as to whether this money is going to be used to build a firehouse or to build a library. Three members decide it will be used to build a library. The next year, under the appropriation process, those who lost out will come out and try to persuade the Committee on Appropriations there has been a misuse of funds.

Will the Committee on Appropriations then step in and use its judgment to decide if that money should be used to build a firehouse or a library?

Mr. ALLOTT. I will say no, as long as the money is spent under the legal limitations provided in the bill, and I think the committee has provided a good bill. The Committee on Appropriations is not going to step into decisions of that sort and never will.

Mr. BENNETT. Then I did not see what oversight has to do with proper spending of the money and I think there is enough protection in the bill to protect us from improper spending.

Mr. ALLOTT. The only protection I can see is the massive reporting to the GAO, and there is no responsibility in Congress where it should be.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ALLOTT. I do not have any time remaining.

Mr. BENNETT. I have 1 minute left. I yield to the Senator from Washington.

Mr. MAGNUSON. I wish to clear up one point that I think is misunderstood about the function of the Committee on Appropriations. The mayor may have 10 programs and nine of them are good, and one looks like a bad program. The Senator from Utah keeps asking whether that whole community will be cut off. We are only talking about the specific one that we want to go out.

Mr. BENNETT. That is, the library and the firehouse problem.

Mr. MAGNUSON. No, I do not think anybody would object to that.

Mr. BENNETT. There are 10 programs and nine of them are good, and the 10th one is the firehouse.

Mr. MAGNUSON. No, it would be something that would be a bad program. If they want a firehouse instead of a library that is their problem because neither one would be a bad program. We are talking about a limitation of money for the purpose the Senator from Colorado mentioned.

We are not going to say that the city of Seattle or that Salt Lake City is cut out of all the program because they have one bad one. We do that all the time in the Committee on Appropriations. We put a limitation on things we should do something about. It does not cut out anyone because of a firehouse or a library.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. STENNIS. Mr. President, I know by experience how easy it is to get wedded to a committee that one serves on. I have the very highest regard for the membership of the Committee on Finance. But I am just not wise enough to believe that it is a step forward in sound financing and fiscal affairs, on top of the fact that we are running a deficit of around $100 billion during the last 2 fiscal years and the current one, to pass now, by legislative fiat, an appropriation in advance for 5 years in a new program for $29.5 billion more, especially in a bill in which we are taking 7 percent of the income from personal income taxes and earmarking it for this bill, without one sentence or one period in the bill to replace that 7 percent as income for the Treasury. It would take a replacement of that 7 percent, at least, to run even on this $100 billion rate that we are running now for every 3 years.

I just cannot swallow all of that in one bite, without even a second look. There is validity to a second look which comes from another committee. I stand here and argue for authorizations in the military program, but there is nothing more reassuring for you who vote for them or for me who makes the argument than the knowledge that another committee with an overall view of the problems of this Government is going to have a second look at every one of those items and make an overall judgment as to how much is to be allowed.

Here we are asked to give on IOU for 5 years for $29.5 billion, and they do not even want the Appropriations Committee to look at it. That 5-year period is a period of time during which every single Member of this body today will have his term expire, some this year, some 2 years from now, some 4 years from now. Here we are actually appropriating this much money as written in this bill, $29.5 billion—which we do not have, incidentally—over a period of time beyond the service of every single last one of us.

I am just not wise enough to believe that is the best thing to do, and I just cannot believe it is the sound thing to do. I want to see the Appropriations Committee take an even more active part in what its prime purpose should be.

I know that the time for debate has faded here on the floor. We cannot do it the way we used to do it. There are too many demands on us. We are spread out too thin. But these committees have a tremendous opportunity to find out what goes in the bills, and we need every one of them to make their recommendations.

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the Senator from Indiana (Mr. BAYH).

Mr. BAYH. I thank the Senator from Arkansas. Mr. President, I have listened most of the afternoon to this very relevant discussion. As a relatively new Member of this body, and particularly as the most junior member of the Appropriations Committee, I am not the expert on the subject of the present debate, but I rise because of several phone calls I have had from some of the mayors in my State who, from some source—I know not where—have been getting erroneous information. I would like to put the record straight.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield 1 more minute to the Senator.

Mr. BAYH. It is surprising how little the Senator from Indiana can say in 2 minutes. May I have 1 more minute?

Mr. McCLELLAN. I yield 1 more minute.

Mr. BAYH. I have been told that those of us who are supporting the very meritorious amendment of the distinguished and able Senator from Arkansas are anxious to kill revenue sharing, and that that is the intent of his amendment. That could not be further from the truth. His amendment is responsible. It provides, through immediate appropriations, as much revenue sharing for a year and a half as is contained in the measure so stoutly defended by the Senator from Louisiana.

This amendment would recognize the need that State and local governments have for certainty in the distribution of revenue-sharing funds, while at the same time bringing revenue sharing—like other programs funded out of general revenues—into the normal appropriations process. The amendment also makes appropriations for revenue sharing for the period from January 1, 1972, to June 30, 1973. The total amount appropriated is $8.1 billion, the exact amount recommended by the Finance Committee.

As reported by the Finance Committee, the revenue-sharing bill would create a revenue-sharing trust fund by earmarking a certain percentage of Federal individual income taxes for that purpose. The money so earmarked would, for each of 5 fiscal years, be distributed automatically to our States and localities, without their needs being considered further by Congress. I do not believe it is wise to tie the hands of the Federal Government for so long and in such great amounts. It may well turn out in the coming years that more funds are needed by States and localities than this revenue-sharing bill provides; or, upon reform of Federal and State income taxes, and decreasing dependence on the property tax, it may turn out that less revenue sharing is needed; or it may turn out that Federal funds are more desperately needed in other programs. In any event, Congress should retain the flexibility to respond to the needs of the Nation—needs which simply cannot be predicted so many years in advance.

Each year, the Congress and the President determine our national priorities by deciding, through the appropriations process, where our tax money will be spent. The Congress plays its role by reviewing the entire Federal budget and all proposed Federal spending programs, and by approving a level of funding for each national program. Only by reviewing on an annual, interrelated basis all our programs can we make rational decisions on priorities.

We should not bind the Nation to a certain level of funding for revenue sharing—or any other, however important, program funded out of general revenues—years before the Congress has an opportunity to consider and assess all the current needs of the country. This is particularly so today, when the Nation faces a tremendous national debt and has had vast budget deficits in the last few years.

Of course, States and localities must have adequate notice of the revenue-sharing payments they will receive, so they can plan their own budgets and set their own priorities. The pending amendment recognizes that legitimate need by specifically authorizing appropriations for revenue sharing to be made a year in advance of the year in which the funds will actually be distributed. This technique, known as "advance funding" will allow the States and localities to base their plans and budgets on revenue-sharing funds they will receive from the Federal Government.

For these reasons, Mr. President, I believe that the best interests of our citizens, and of our State and local governments, will be served if the amendment now pending is adopted. I urge my colleagues to join with me in supporting it.

Mr. LONG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 12 minutes. The Senator from Arkansas has 12 minutes.

Mr. LONG. About the same amount, then. I yield myself 1 minute.

I think it is well that we keep in mind at this point that the jurisdictional question, for the purpose of this amendment, is totally irrelevant. It does not have anything at all to do with the issue. It might be relevant if a Senator wanted to make a motion to recommit, but Senators should not confuse it with the question of jurisdiction of committees in deciding how they vote on the amendment.

It would not have made any difference if this proposal had gone to the Appropriations Committee from the Finance Committee or not. The issue would still be the same. The issue is, between those of us who agree with this concept and those on the Appropriations Committee who disagree. The question is: Should this be a program in which a revenue source is earmarked and the money is provided for years in advance—a long-term program—or should it be a program as the usual annual grant-in-aid programs are, where Congress, and in general the Appropriations Committees of Congress, have an annual review and appropriate the next year's installment based on what their judgment is after reviewing the program?

Almost every State in the Union has some sort of revenue-sharing program, and practically all of them have it on the same basis that we are recommending here—that a general revenue source simply is earmarked, and having earmarked that revenue source, it is provided that this amount of money will be available to those governments year by year and it will be distributed on a certain formula based on population or any other factors they wish to consider. That is what we have done.

I know it sounds unprecedented to some of our friends on the Appropriations Committee, because they just do not do business that way.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 1 more minute.

But it makes sense to those of us on the Finance Committee, because that is how we do business. We provide a social security bill. We provide a revenue source and earmark the funds for it to cover the program cost now and into the future.

If Senators want revenue sharing, and that is the concept we are considering, then I say it is foreign to the whole concept of revenue sharing that each year the Congress should look at the program and make a grant of x amount of dollars based on annual, year-to-year considerations. The idea of revenue sharing is that we share a certain source of revenue or we share a certain amount of revenue, and the Government with which we share it can depend on it year by year and make its plans far in advance.

It is that concept for which we plead. I know it is foreign to the Appropriations Committee's way of doing business, but that is the whole concept of revenue sharing. It is the same under all of the State governments of the Union, or practically all of them. We think that concept should be implemented, and nothing could be more destructive of it than to try to turn it into a grant-in-aid program.

That is what we are trying to get away from, a grant-in-aid program where we match a State's funds and have an annual review and decide whether we are going to match them again, and under what terms and conditions. As nearly as possible, we are trying to have a no-strings-attached sharing of revenue with States and local governments.

If we are going to do it at all, it ought to be on a long-term basis, Mr. President, and not on an annual appropriation basis.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 2 or 3 minutes. I think someone else is coming who wants to speak on this side of the question.

Mr. President, I have been very much interested in the arguments that have been made on both sides of this issue, on both sides of the question. I think they have been very illuminating, and I regret that there has not been a better attendance in this Chamber this afternoon, so that every Senator might have heard the presentations that have been made.

As we all know, as the Senator from Mississippi (Mr. STENNIS) remarked a few minutes ago, debate in the Senate does not carry with it the glamour, and possibly the force and effectiveness, that it once did. There was a time when Government was not so big, and Senators could attend the sessions when legislation was being considered, hear the debate, and also participate in it. Today the Government is so big, the committee work has so increased, and the demands on Senators' time have become so great that it is simply impossible for any of us to be present on the floor of the Senate and hear debates as we would like to.

But I am very gratified with the course this debate has taken. I appreciate the fine compliment paid me by the distinguished Senator from Louisiana, the chairman of the Committee on Finance, and I can return every word he said in full measure. I am glad he is chairman of the Finance Committee. I compliment that committee on the fine work it has done. It has brought us a bill we can all support, and I think everyone will support the bill, even if there is no change in it.

But we are presented here with a question, an issue that the Senate must be the master of. We have committees created. The Finance Committee is the creature of the Senate. It has no inherent power except as the Senate gave that committee jurisdiction. The Appropriations Committee is a creature of the Senate. Its rules are its own creation.

It has been said here by the distinguished chairman of the Finance Committee, and this is very significant, "You got all of your powers from us." That is a bit erroneous, Mr. President. We got the powers we have from the Senate of the United States.

In giving us the powers and giving us the functions, the duties, and the responsibilities we have, it may be correct and I think is correct that the Senate took those functions away from the Finance Committee. However, the Senate did it because it felt that these powers ought to be separated from those of the committee that raised the revenue, and let some other committee examine the expenditures that were made.

I yield the floor for the moment, and yield 2 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, my time as a member of the Appropriations Committee has been relatively short, as my appointment came only last February. But in those 7 months I believe I have come to understand much more deeply the nature of the control and influence which we on the committee exercise over the budget of the Federal Government. I also feel a strong sense of responsibility as a member of this committee to be sure that the taxpayers' funds over which we have jurisdiction are well spent in a balanced fashion among the many competing Federal programs. This task will rapidly become an impossible one for our committee if we are to witness the passage of bills such as the one we are now considering which contains provisions to enable this massive revenue-sharing legislation totaling literally tens of billions of dollars to receive its funding entirely outside the purview of the Appropriations Committee.

I want to state here and now that I think all of the members of the Appropriations Committee have been most pleased with the manner in which the new chairman of the committee has dealt with the subject matter of this bill and the conflict between the 2 committees. It is my hope that the position of the Appropriations Committee will in fact be supported here by the full Senate, not that I do not support the concept of revenue sharing, but I do believe that the jurisdiction that has been established between the committees of the Senate has real meaning, and that the impact of the bill that has been reported out of the Finance Committee will seriously weaken the position of the Appropriations Committee in dealing with the whole budget. I believe the compromise that has been suggested and that the chairman of our committee has presented to the Senate is a reasonable one. It is one that gives the assurance to individual States and municipalities that they will in fact have the ability to plan ahead, and at the same time will carry out the constitutional function of Congress to take moneys out of the general fund only by appropriation.

I am very hopeful that the position of our chairman will be sustained. I make this statement with due regard for my good friend the Senator from Louisiana and the ranking member of the Finance Committee on our side of the aisle, but I cannot see the reason for the separation of the Finance Committee from the Appropriations Committee and its jurisdiction, if the position of the Finance Committee is sustained on this bill, because we are just opening the door completely to the concept of back-door financing.

I have no quarrel with the fact that this new approach to helping our States and communities meet their ever-increasing costs of operation with relatively unrestricted Federal aid is an innovation in Federal funding whose time is long overdue. But we in Congress have a responsibility toward the Federal budget in its entirety and to the taxpayers whose income makes these programs possible to periodically oversee and evaluate the effectiveness of these undertakings. And this congressional responsibility for decisions affecting the budget of our Nation—in the Senate—resides primarily with the Appropriations Committee.

I believe this is correct. Without this committee as the focal point for budget decisions the congressional balancing of Federal spending priorities would be scattered throughout different committees in the Senate. The necessary coordination and national review of the budget would be made infinitely more difficult because a greater variety of programs would be controlled by separate committees which would naturally tend to stress their own segment of the Federal structure.

Equally as important I believe is the annual program and budget review process which the Appropriations Committee holds as it conducts its months of public hearings each year on the budget. This kind of evaluation is extremely important, and I am deeply concerned because the bill we are now considering would authorize and in effect appropriate nearly $30 billion of funds over the next 5 years directly from the trust fund which it establishes with no annual appropriation review required. This is simply too large an expenditure of Federal dollars to be handled in this manner.

There needs to be a middle way between nearly $30 billion in revenue-sharing funds being allocated to the States with practically no congressional overview, and the other extreme we have seen all too often in categorical programs where reporting requirements and a myriad of different agencies to which towns, cities, and States must apply, results in discouragement and all too little progress in meeting the needs of these areas.

I firmly believe the budget review and approval process of the Appropriations Committee can and should provide this middle way for revenue-sharing legislation.

I am convinced from my time as a member of the committee that this is our responsibility—both to the Congress and to the American taxpayer at large. Adoption of Chairman McCLELLAN's amendment will insure that this critical responsibility will not be eaten away at. I strongly urge that it be approved by the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 6½ minutes remaining.

Mr. LONG. I yield 3 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I believe it would be very harmful to place revenue-sharing legislation on an annual appropriation basis instead of on the 5-year program provided by the Senate Finance Committee bill and the House of Representatives. While the proponents of the pending proposal have talked about advance funding of an appropriation more than 1 year in advance, the amendment doesn't do this and if it did it would not solve the problem.

For revenue sharing to operate effectively and efficiently, State and local governments must be able to plan and budget long ahead of time. A 5-year appropriation would do this. State legislatures, in particular, need to know what to plan for during a forthcoming biennium and they could not do so under the pending amendment.

All of us are familiar with the chaotic problems which have arisen over delays in annual appropriations for such programs as impacted aid to schools and school lunches, when local agencies have prepared their budgets in reliance on Federal funding. We must not permit revenue sharing to be jeopardized by even the possibility of such occurrences.

There is no reason why appropriate surveillance cannot be carried on by both the Appropriations Committee and the Finance Committee, aided by the General Accounting Office, to make sure that abuses which may arise are stopped. Individual instances of abuse should not, of course, be an excuse for holding up the regular revenue-sharing procedures.

There are, of course, some Members of the Senate who are not in favor of revenue sharing. I hope that they will be willing to give it a fair trial, at least, by not voting for the annual appropriation amendment.

Mr. President, alluding for a moment to my own State legislature in Iowa, what is that legislature going to do when it meets next year and has to appropriate for the forthcoming biennium starting July 1, 1973? How can they budget and appropriate effectively if they do not have the assurance which the Finance Committee bill would give them?

I suggest this is probably true for all State legislatures throughout the country. There are some State legislatures which meet every year, but many of them which meet every 2 years must appropriate for the forthcoming biennium.

So, Mr. President, I think that to be efficient we should go along with the Finance Committee bill.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. I yield myself 3 minutes.

Mr. President, I am impressed with the argument that if we are going to give grants in aid to States, we ought to do it for a 5-year period so that they can make their plans accordingly. If we want to abdicate responsibility, this is a good way to start. We do not make appropriations for the Federal Government for more than 1 year. I know that my State makes appropriations for only 2 years.

Let us see where this is going to lead. If it is done for revenue sharing for 5 years, there is every justification, and equity requires, that we do the same for Federal aid for education. Our schools throughout the country today are in distress just as much as our cities, and the schools ought to have a right to know so that they can plan, too, for next year and the next and the next.

If this is the way our Federal Government is to operate, then we are going to set precedents here which are going to lead us into a great deal of trouble. I think we had better keep these tried and tested procedures. This is a new program, and there might be some little inconvenience and slight doubt that it will not go on for 5 years if the Appropriations Committee is permitted to take a look at it each year—only slight doubt. We had better incur that risk rather than start a practice here of making 5-year appropriations.

Mention has been made of supervision over the program. It has been said that the people will turn them out of office in the next election. If that is the way we are going to appropriate Federal aid to States and to communities, why do we need an auditing system in the Federal Government? Let the local people turn them out. What do we need, if Congress does not supervise it to see that no waste and extravagance or malpractice occurs? If we do not do it, the people will turn them out. So there is no need to have auditing, and so forth.

This is not going to work. We need every bit of supervision that it is practical to give in order to protect the taxpayers' money.

It has been said that this money came from them. Certainly. But the Federal Government is taking this money from them, and Congress is responsible ultimately to the people as to how it will be spent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. I yield myself 1 additional minute.

Mention has been made of being turned out. We are the ones who will be accountable when things go wrong down there, because we gave them a 5-year program without the proper supervision and oversight it ought to have.

Mr. President, I yield the floor.

Mr. LONG. Mr. President, the distinguished Senator from Arkansas appropriately referred to this bill several times in the course of his speech as an aid program or a grant-in-aid program, and it is well that he would; because if this amendment is adopted, this will no longer be a revenue-sharing bill. It will be a Federal grant-in-aid program, on annual review just as the other Federal grant-in-aid programs are—a Federal grant-in-aid program for more general purposes than the ordinary Federal grant-in-aid program. This will no longer be a revenue-sharing program, which States well understand, because most of them have such a program.

These are some of the States that have revenue sharing—by no means all of them:

New York distributes 21 percent of the net proceeds of their personal income taxes, and they distribute it on a formula to every county, depending upon the size of the city, and so forth. That is about how we do it in Louisiana. We collect what we can with the cigarette tax, and then we spread it among the cities, depending upon their populations, and it varies with the size of the city.

Under Michigan's revenue-sharing program, they dedicate 17 percent of the net collections of their personal income taxes. This money goes to counties in proportion to population, with one-half required to be passed on to the cities and villages, based on their population. So it goes.

But revenue sharing is known in all the States that have it, and practically all have it, and it works the same way.

It is not at all an annual review proposition. You simply earmark a certain source of money or a portion of it, or you could even do it by a dollar figure and say this is the amount it is going to be, and year by year you spread it among the local governments the same way.

If Senators want to change the revenue sharing to a grant-in-aid bill, they should vote for the McClellan amendment. But if they want revenue sharing that is a long-term program like social security or unemployment insurance or disability insurance or a great number of other programs the Finance Committee has handled—in which we have undertaken to put a program into effect and dedicated a revenue source to it, and said this program continues indefinitely—then the Senators should vote down the McClellan amendment. Do Senators want revenue sharing or a grant-in-aid program? If they want revenue sharing, they should vote for the Finance Committee version. If they want a grant-in-aid program, subject to annual reviews and to being cut off in any year after an annual review, they should vote for the McClellan amendment.

Those of us who feel that this ought to be a sharing of a certain portion of the Federal Government's revenues from personal income tax feel that it should be a revenue-sharing bill, and we have set out a formula and have proceeded to use the same procedure the States have in setting out their revenue sharing bills.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. MILLER. When we get down to it, does it not amount to a question of how the taxpayers' money is going to be used most efficiently? If it cannot be done on a long-term planning basis, it is not going to be used as efficiently as otherwise. Is that not so?

Mr. LONG. The Senator is completely correct.

Mr. McCLELLAN. Mr. President, if what was said during the last colloquy is correct, if that is sound, then that should apply to all Federal Government programs. If that is the way it is best done, that is the way it should be done.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. PASTORE. We ought to do it with the OEO, we ought to do it with help to our institutions, we ought to do it with education, and we ought to do it with respect to health programs. We ought to do it in everything and give up the whole prerogative of the United States Congress. All we have to do is come here in one session of Congress and appropriate money ad infinitum, which would bind other Congresses and would bind other Presidents.

I say that what is being done here today is going to come back and haunt us. Nobody wants to deny the cities and the towns and the State houses any of this money. All we are saying is that there has to be supervision, because we have a responsibility.

There has been talk about this being a grant or a sharing. It is not a sharing. This is a lump sum appropriation. It does not say 7 percent of the personal income tax every year ad infinitum. It does not say that at all. It is not like the 21 percent in Louisiana, which the Senator from Louisiana mentioned. This is a sum of $30 billion to be distributed over a period of 5 years. It is being appropriated now, and it runs beyond the term of the present President of the United States, even if he is reelected, and it runs beyond the term of any governor. It runs beyond the term of any mayor. It even goes beyond the term of some Members of the Senate.

Mr. McCLELLAN. Mr. President, in my original remarks I said that if the attempt being made here to bypass the regular, established processes of appropriating money succeeds, what we do here today will come back to haunt us. I said that I hope the ghost never walks in this body. The only way to keep it from doing so, if we follow the practice that we are beginning today, is to vote for this amendment. I hope that it will be agreed to.

Mr. MONDALE. Mr. President, I rise to oppose amendment No. 1450, offered by the distinguished Senator from Arkansas (Mr. McClellan). I have the greatest respect for the jurisdiction of the Committee on Appropriations, of which the Senator from Arkansas is chairman.

But I believe that requiring annual appropriations would contradict the basic purpose of the Federal revenue-sharing bill under consideration.

This bill is intended to ease the growing pressure of State and local taxes—and particularly of the regressive and overextended local property tax. Its purpose is to share Federal revenue, raised through the broad Federal tax base, with hard-pressed State and local governments.

If State and local governments cannot tell far in advance the amount of revenue-sharing funds which will be available, they will be unable to budget these funds for basic programs. Instead, they will be forced to assure that adequate sources are available from State and local funds to finance important programs, and treat Federal revenue-sharing funds as a bonus for expenditure on nonessential activities.

Mr. President, the device used to finance this bill—the creation of a revenue-sharing trust fund on the books of the U.S. Treasury—is commonly used where advance assurance of adequate funding is needed. It is the basis for payment under the Social Security Act, the Federal Highway Act, and a number of other laws.

The pending amendment strikes at the very heart of the concept of revenue sharing. I urge the Senate to respect that concept and reject the amendment.

The PRESIDING OFFICER (Mr. Brock). All time on the amendment has now expired.

Mr. McCLELLAN. Mr. President, I ask for the yeas and nays. The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1450) of the Senator from Arkansas (Mr. McClellan).

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DOMINICK (when his name was called). On this vote I have a pair with the distinguished Senator from Tennessee (Mr. Baker). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "Yea." I withhold my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from South Dakota (Mr. McGOVERN). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. WEICKER (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Oregon (Mr. HATFIELD). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from South Dakota (Mr. McGOVERN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senators from Ohio (Mr. SAXBE and Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The respective pairs of the Senator from Tennessee (Mr. BAKER) and that of the Senator from Oregon (Mr. HATFIELD) have been previously announced.

On this vote, the Senator from Hawaii (Mr. FONG) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Hawaii would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 34, nays 49, as follows:

[No. 402 Leg.]

YEAS—34

Allen
Allott
Bayh
Bible
Boggs
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Cotton
Eastland
Ervin
Gravel
Gurney
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Magnuson
McClellan
McGee
Montoya
Pastore
Pell
Proxmire
Randolph
Roth
Smith
Stennis
Stevens
Symington
Young

NAYS—49

Aiken
Anderson
Beall
Bennett
Bentsen
Brock
Buckley
Byrd,
  Harry F., Jr.
Church
Cook
Cooper
Cranston
Curtis
Dole
Edwards
Fannin
Fulbright
Gambrell
Griffin
Hansen
Hart
Hartke
Humphrey
Javits
Jordan, Idaho
Kennedy
Long
Mathias
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pearson
Percy
Ribicoff
Schweiker
Scott
Sparkman
Spong
Stafford
Stevenson
Talmadge
Tower
Tunney
Williams

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Dominick, for
Mansfield, for
Weicker, against.

NOT VOTING—14

Baker
Bellmon
Cannon
Eagleton
Fong
Goldwater
Harris
Hatfield
Hughes
McGovern
Mundt
Saxbe
Taft
Thurmond

So Mr. McCLELLAN's amendment (No. 1450) was rejected.

Mr. LONG. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TALMADGE. I move to lay that motion on the table.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from South Dakota (Mr. McGOVERN).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR McGOVERN

I urge the Senate to swiftly enact revenue sharing so as to bring help to our desperately strapped city and state governments. Revenue sharing is the cities' last hope of solvency.

Our cities and states have been caught between the Nixon inflation and the Nixon recession. Their cost has been soaring, while revenues trail far behind. Revenue sharing is urgently needed to help balance the books.

I am a co-sponsor of the revenue sharing legislation now being debated on the floor of the Senate.

In the long run, we need expanded federal assistance for state and local education cost, in addition to revenue sharing. We must lighten the burden of property taxes on the average home owner.

I have asked my campaign chairman Lawrence F. O'Brien and Vice-Presidential candidate Sargent Shriver to lead a major effort to lobby Congress for revenue sharing.

I am confident Congress will act to relieve the Nixon fiscal crisis of our cities and states.

Mr. HUMPHREY. Mr. President, I call up my amendment No. 1475.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

On page 37, line 19, add the following:

(b) A unit of local government may not spend more than 25 percent of its entitlement for capital expenditure purposes, except this part shall not apply to sewage collection and treatment facilities; refuse disposal systems; public transportation (including transit systems and street repair and construction).

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HUMPHREY. Mr. President, I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate——

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Chair is having a very difficult time in keeping order in this body this afternoon. It is very difficult even for the Chair to hear. If the membership will indulge us, we will proceed with business in an orderly fashion.

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Senator from Minnesota has five amendments.

Mr. HUMPHREY. The Senator is correct.

Mr. MANSFIELD. There is a time limitation of 30 minutes on each amendment and on at least two, and possibly three, there will be a rollcall vote. So I make this statement at this time to alert the Senate that we will be in session for somewhat longer and that there will be votes tonight.

I thank the Senator for yielding. And I ask unanimous consent that the time not be taken out of the time allotted to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, I yield myself whatever time may be necessary.

Mr. President, this amendment, I believe, is a very worthy addition to the bill that is pending before the Senate.

I am a strong supporter of revenue sharing. However, I believe that most [illegible] the revenue sharing that this Congress provides will be needed for what we call the operating budgets of the State and local governments, particularly of local governments. Many of the services furnished today by counties, villages, cities, and other municipalities are underfunded and understaffed, and are therefore inadequate.

The arguments that the mayors and the county commissioners and Governors made for revenue sharing was that this money was needed.

The PRESIDING OFFICER. Will the Senator suspend. Let us have order in the Senate. The Senator will please suspend. May we have order in the Senate.

Mr. HUMPHREY. The argument that was made by the Governors, mayors, and others was that the revenue-sharing funds to be made available by Congress were needed for the purpose of operating local governments. I do not want to see these revenue-sharing funds put into massive public works in local governments when there are programs which have been authorized and funded by this Congress to take care of those needs. For example, we have programs to take care of our highways, we have programs for hospital construction, we have programs that would relate to the needs of the community for an industrial park. There are certain priority programs, however, that I have included in my amendment as exceptions, because of the urgent nature of those construction projects; for example, sewage collection and treatment facilities. We have presently a very substantial separate program for those facilities. But oftentimes the local government does not have its share of the funds to meet the matching requirements.

Refuse disposal systems and public transportation are very much needed in some of our areas. The whole purpose of this amendment, therefore, is to see to it that local governments that receive revenue-sharing funds will not or may not spend more than 25 percent of those funds for capital expenditure purposes.

This means, in other words, that the Congress will have through the authorization and appropriation process some control over the amount of funds that go to local communities for what we might call capital expenditures or public works.

I have just voted to uphold the committee on its bill and to deny the Committee on Appropriations any jurisdiction in terms of funding of revenue sharing. Having done that I do not want to see revenue sharing used as the way to escape the appropriation process for what we call capital improvements, capital structures, or for public works. I believe these revenue-sharing funds are needed primarily for and should be directed primarily toward the operating budgets of the local units of government. They should not be a kind of separate bonanza or a separate fund for purposes of public construction.

Local governments can issue bonds for that purpose; local governments can come to the Congress for that purpose. There are Federal programs for capital construction on a matching basis. This amendment would permit at least up to 25 percent of revenue-sharing funds to be used, but no more. I think it is a good precaution, and I would urge the Senate to adopt the amendment.

Mr. President, we in the Congress must work toward a new method of funding capital expenditures, but for the present, it is important to maintain the integrity of the existing grant program.

I am convinced that allowing unrestricted use of revenue-sharing funds for capital expenditures might in fact provide a backdoor method by which categorical grant programs would be cut.

I have noted time and again the efforts of some in the Congress and the executive branch to gut the categorical programs. We saw this happen on model cities. We saw it happen with aid to education. I have opposed these cuts, not out of partisanship, but out of the conviction that the programs were sound and needed to be continued.

What I am arguing is this: If unrestricted use of revenue-sharing funds for capital expenditures were allowed, then I fear that local communities will suddenly find that applications for capital expenditures under the present categorical programs will not be approved.

Either by implication or by fact, communities will be told to use revenue-sharing funds in order to build water and sewer lines. We would find a de facto cutback in categorical capital improvement programs simply because an alternative source of funds—revenue sharing—would be available.

And, in the end, the communities would be the losers—for no longer would funds go toward improving public services.

Mr. President, I ask support for this amendment.

It is reasonable.

It will help assure the purposes of revenue sharing so ably stated in the committee report.

And, it will assist in maintaining the purposes of the categorical capital project grant program.

Mr. LONG. Mr. President, I yield myself so much time as I shall need.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, this amendment would provide that not more than 25 percent of the moneys could be used for capital expenditures, with certain exceptions. It may be that some particular item is badly needed. It might be a city hall. It would depend on the community. It might be a firehouse. However, it could be this one particular thing they desperately need and have not been able to get. In the Committee on Finance we took out the high-priority expenditure categories, because we thought revenue sharing should work on the basis that the people of the community would decide what they thought their money should be spent for. It should be treated as their money, and in the last analysis it is their money.

All we are seeking in this bill is to put some of this money on a two-way ticket where it goes back to the people it came from to begin with. So why should we tell them if they need a new city hall or if they need a new firehouse that the funds cannot be used for that purpose; or if the courthouse is burned down, why should they not have the opportunity to get a new courthouse? In many years, it might be unwise to spend money in that way, but this is one reason why it should be on a long-term basis, because we should not be second guessing the people on what they need the most.

I hope this amendment is not agreed to. While it may be true that in 90 percent of the cases the Government might well be advised to spend most of the money on personal services, or police protection, or something that the Senate would exempt like sanitary sewage, there might be individual cases where the tragedy of that area was that the courthouse burned down and that they needed that more than anything else, or perhaps the schoolhouse had fallen down and that is what they need. Why should those people be precluded from using their best judgment in that respect?

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. RIBICOFF. The matter under discussion was argued at great length in the Committee on Finance. We recognized that over the years we have built up so many Federal categorical grants that many communities today are locked in by matching grant programs and are spending for purposes that may not be highest on their list of priorities. The time has come to take a hard look at these categorical grants, for in many instances they do not work for the best interests of the communities and in fact limit each and every community's options.

Therefore, we came to the conclusion that if we start a new program, and revenue sharing is a new program, we should take the strings off the communities and let them be the masters of their own fate and make their own decisions. We are confident that since each community will have to list publicly in area newspapers how it spends the money, people of that community or State will be able to check on the actual expenditures, and hold the local or State officials to account. Is that not correct?

Mr. LONG. That is correct. In other words, we had all of these grant-in-aid programs until the cities found themselves in a situation as the Senator has described. What we need most is to fill in around the cracks where they have no Federal aid programs.

This would give them the discretion to spend it where they need it the most.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. As I read the amendment of the Senator from Minnesota, can the chairman tell me what would happen if a community decided to spend 26 percent of its money on capital improvements?

Mr. LONG. The bill is defective in that regard. It does not say. The amendment would probably be followed by subsequent amendments to reduce the revenue sharing by that amount, or something of that nature.

Mr. BENNETT. It does not say if it is to be applied each year or to the total 5-year period. Is that correct?

Mr. LONG. It does not say, but it still would be subject to the basic objection that we sought to avoid in revenue sharing. It denies local governments the discretion they should have.

Mr. BENNETT. Does the Senator feel that there should be separate rules for local governments and States? This amendment just puts the limit on local governments and not on the State?

Mr. LONG. I agree with the Senator.

Mr. BENNETT. The amendment is rather loosely drawn.

Mr. LONG. I do not think the amendment should be agreed to.

Mr. COOK. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. COOK. It seems to me that in going through this book, as the measure applies to my State, the county of Owsley in eastern Kentucky will get $38,393. It can only spend 25 percent on capital improvements. The reason why it is spending so much money now locally is that it has a jail that is 100 years old and it costs too much to operate. It has a courthouse that is costing it a fortune to operate. If they could build new ones, it would cost them less to operate and they would have more money for operating their government.

Here is Lee County. It has lost a courthouse. It is going to get $93,241. If we are talking about 25 percent of $93,000 we are not talking about doing anything in the way of providing new facilities so they can have efficient government and efficient operations, so they are not spending all their money in government operations overhead.

Here is Powell County. It is going to get $66,914.

Robertson County is going to get $30,312. It can spend only 25 percent on capital improvements. It might as well not spend anything on capital improvements. It might as well continue to run its local government out of buildings it has run it out of for 100 years.

Rockcastle County is going to get $72,399.

Rowan County is going to get $72,399.

Russell County is going to get $64,720.

Spencer County is going to get $46,072.

Todd County is going to get $63,623.

Trigg County is going to get $68,562.

These figures are not from the star print.

I do not know how, if one examined into this question, he could still say that they should be given this money to operate out of buildings that they have been operating out of for a long time and which is costing them a fortune. They would like to have something new so they could save money in overhead and utilize it for services that the people really ought to have and the money they are required to have to meet the needs of the citizens.

The penalty is only as to local governments. The States can do anything they want. The only restriction is that the local governments can use up to 25 percent for capital improvements, and the rest must be used for operations of local governments. It may be said that there are programs which allow building of jails. That may be so, but if we are going to build jails all over the United States, we are going to have to have more money in that program.

Once we have this program and we are told, "You have revenue sharing," then we will have a tough argument saying we have to build up this program and that program, because now we have revenue sharing. If we are going to put in this kind of restriction, I would rather have none at all.

Mr. LONG. I was personally inclined to put in an amendment saying that no more than 10 percent shall be used in pay raises, but I did not. It should depend on the conditions in the locality. The reason why we should not have a limitation on pay raises is the same reason we should not have one on capital improvements. How can we sit here in this Chamber, not knowing anything about the community we have in mind, and say whether they should use the money to build a courthouse or a firehouse or use the money for a pay raise?

Mr. COTTON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. COTTON. The Senate has just decisively rejected the proposal to have the Appropriations Committee exercise control over these expenditures, and I, for one, accept that decision without rancor. Now it would be a little inconsistent for the Senate to constitute itself as a super appropriations committee and come out with a restriction as to how the money shall be spent.

Mr. LONG. I agree with the Senator.

Mr. HUMPHREY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 10 minutes.

Mr. HUMPHREY. Mr. President, I am pleased that I have been able to provide this discussion on the amendment, because it reveals just why such a proposal is needed. When I hear, for example, that a county gets $30,000 under revenue sharing, one thing it ought not to be spending that $30,000 for is on a new jail. I am sure that county has services that are needed for its people—health services that are needed, recreation services that are needed, care of streets, things that need to be done, money that can be paid to local government officers.

I have been a prime mover of revenue sharing for years. I did not have to wait for Mr. Nixon. I started hearings on revenue sharing in the Government Operations Committee in the 1950's. Every mayor and every supervisor that I know of who came down here testifying in favor of revenue sharing did not say, "I want this money to build a new jail." They came down here and said, "I want revenue sharing because we cannot pay our garbage removers, we cannot pay our municipal workers, we cannot take care of the police department, we cannot take care of the fire department, we cannot take care of basic municipal services."

Now we hear that we really ought to have revenue sharing so we can build a jail or get some other kind of new facilities. May I suggest that those are facilities that ought to be paid for out of local government resources? If we have a need in this country for employment, we have the accelerated public works law. We have the Economic Development Association. Northeastern Minnesota is eligible under the Economic Development Association to get loans and grants to build a courthouse, to build a jail, to build auditoriums, and to do similar other things.

But I predict to this body that if it does not utilize restraints as to whether these funds are going to be used for capital improvements, they will find it will be like a hemorrhage and all the moneys will be used up. The folks back home who have been waiting for projects will say they want a new auditorium, a new swimming pool, a new building for the mayor. We will find that revenue sharing will be used for that, when we thought it was going to be used to bail out communities that could not pay their bills. They were coming down here bankrupt and saying they could not meet their payrolls. The mayor of Detroit came down before the committees here and in the other House and told us he would have to lay off large numbers of policemen and firemen. Are we going to say now that, if they decide they want to fix up the lakeshore or build a new jail or courthouse, they can do it with revenue-sharing funds?

All this amendment provides is that they cannot spend over 25 percent of their entitlement for that. That entitlement is their money. It is not made available in one lump sum, but about $5 billion each year. Most of these facilities are built by local governments, and that is where the difficulty is. States are not going broke, because they have greater taxing power. The local governments are the ones that are really in trouble. What we are really saying in this amendment is that they ought not to spend more than 25 percent of their entitlement on capital improvements—that 75 percent ought to be maintained for operating expenses in townships, villages, and municipalities.

I think it makes sense. I have a great deal of faith in the ability of people to run their own affairs, but I have also been an elected official, and I am now, and I know of the pressure on mayors and city councils. This will be money that they do not have to raise taxes for.

When we have a city council or local government getting these funds, we will find them saying, "Well, we have always wanted to build a new park. We ought to have a new mayor's office because this one does not look good. We ought to have a new garage, because the one we have is not very good." When they do not have to tax anybody or issue bonds for that, it is going to be mighty easy to yield to temptation—mighty easy.

This is simply to say, yes, up to 25 percent. Frankly, I do not think any of it should be, but up to 25 percent can be, and if they spend over that they will lose their entitlement. That is what the penalty is.

I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, the Senator says he has been in local government, and so have I. The thing that bothers me about this is the exceptions the Senator has made about capital expenditures.

The exceptions that the Senator makes in his amendment are for capital expenditures. For example, the exception for sewage collection and treatment facilities refuse disposal systems, public transportation—certainly in the nature of the construction of streets—all of those are capital expenditures. It seems to me that we are picking and choosing which ones we want to exempt from capital expenditures, and which ones we do not.

Mr. HUMPHREY. That is correct. May I say to the Senator, I think there is a great deal of difference between those vitally needed services and building a new stadium, for example. They want to build a new football stadium in Minneapolis. Are they going to use revenue sharing for it? As much as I love the Minnesota Vikings and as much as I would like to see them build a new baseball park, even though the Twins have not done so well, I do not want to see them use revenue sharing for it. But they may have to do something about their sewer system.

Mr. COOK. I remind the Senator that he said awhile ago that he wished there could be no percentage for capital improvements at all. If that is what he meant, and yet he had in his amendment language to limit capital expenditures to 25 percent, but exempts the other things in his amendment——

Mr. HUMPHREY. That is correct.

Mr. COOK. Today in my State, in a county like Wolf County, that is going to get $36,000, I have a notion there is no one in Wolf County who is going to decide to build a swimming pool with those revenue-sharing funds, because that guy will not be county judge very long if he does.

After all, these local officials have to run every 2 years, too. And I have a notion that the mayor of the city of Louisville might not get reelected if he took the revenue-sharing funds and decided to build a new stadium.

But the point is, we do have facilities throughout the United States that are for a public purpose, and I might suggest to the Senator from Minnesota that I have never seen a bond issue raised in the State of Kentucky when the people are asked to raise revenue to build a jail, because they are not going to vote for it for that purpose. They never have and never will.

So we thought, to begin with, it was a matter of determining local priorities. Now we say, "Local priorities, fine, but here are the restrictions under which those local priorities are to be determined." I think, after making a determination of what many rural counties are going to receive, and then to impose these restrictions on local communities and counties throughout the United States, which we do not impose on the State governments, is most inequitable and unfair.

The PRESIDING OFFICER. Who yields time?

Mr. HUMPHREY. Do I have any left?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. HUMPHREY. Mr. President, I offered this amendment with the hope of some discussion here. As I said to the distinguished chairman of the committee, I believe this is a problem with revenue sharing.

As a proponent of revenue sharing, and I make no apologies for it, I am hopeful that my view of what could happen under this legislation without this restriction does not take place. I believe we will have a chance, later on, to observe just how these funds are expended, and, Mr. President, I shall withdraw my amendment at this point and move on to another.

Mr. RIBICOFF. Mr. President, before the Senator from Minnesota withdraws his amendment, I commend the Senator for bringing this issue before the Senate. While I disagree with him, he has raised a very pertinent problem, and I am positive that the Committee on Finance will exercise its responsibility, with its oversight function, to make sure that these funds are being expended correctly.

I do not know whether the Senate realizes it or not, but we are creating an entirely new type of government financing. It is very difficult to predict at the present time where this is going to lead. We could very well turn out with the Federal Government becoming a large partner with the States and localities. I foresee the possibility that the categorical grant programs as we now know them may be eliminated and large sums of money given by the Federal Government—money that they have collected from the taxpayers—to the States and localities.

There is no question but that we should not simply dismiss the argument that when one sector of the government collects money and another spends it without responsibility, there may be waste and a misuse of funds. The Senator from Minnesota should be commended for raising this point for revenue sharing is an untested concept, its consequences for the future are unknown. I believe, however, that we should give the States and localities the benefit of the doubt, begin this program with relatively few strings attached.

The Finance Committee will be watching this program most carefully and will provide further restrictions if the need arises.

Mr. HUMPHREY. I thank the Senator from Connecticut.

Mr. President, I did say to the distinguished chairman earlier yesterday that some of my amendments I would offer for the purpose of discussion here, because I am deeply interested in this legislation and a strong supporter of it. I believe what the Senator from Connecticut has said is very pertinent. I do not know whether we have full knowledge of what we are doing, but I believe we have moved toward a new relationship between governments. I withdraw my amendment.

AMENDMENT NO. 1476

Mr. HUMPHREY. Mr. President, I call up my amendment No. 1476, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of title III add another title, title IV, to read:

TITLE IV—PROPERTY TAX LEGISLATIVE RECOMMENDATIONS

The Joint Committee on Internal Revenue Taxation is hereby directed to undertake a comprehensive examination of real estate tax administration and the property tax and report back to the Congress by June 30, 1973, on its findings along with legislative recommendations to insure a more equitable distribution of real estate tax administration and property taxation in the several States and localities.

Mr. HUMPHREY. Mr. President, I hope that I may have the attention of the distinguished chairman. I trust that the chairman will look with some favor upon this particular proposal, because it is my hope that out of revenue sharing we might be able to activate a very systematic study of the whole property tax question in this country.

If there is any one issue that seems to be a burning issue, one that really hits every one of us when we are out speaking to our constituents, it is the assessments that are made, how the assessments are made, the rate of taxation upon real property, upon what we call the homeowners, on the land, the house, and the buildings, and I have a feeling that we ought not to use revenue sharing just as a sort of band-aid or a special type of therapy on top of what is already a very sick and out of balance tax system at the local level.

There is no committee that I know of that could do a better job of examining into this matter than the Committee on Internal Revenue Taxation. I am speaking of the committee, with its professional staff, taking a look at the whole basis on which taxes are levied at the local level on property, because every one of us in this body receives letters day after day from people out in our State, telling us that their taxes went up, and when we tell them, "Look, we reduced taxes here in Congress," they say, "Well, you may think you have, but my taxes have gone up," and then you have an exchange of correspondence, and the next thing you know, the tax that went up was the taxes on their homes, the property taxes. Sometimes the rate of taxation does not go up, but the assessment goes up.

As a matter of fact, Mr. President, I feel that some way or other, we ought to have a system whereby a person, when he improves his home, gets a sort of tax credit, rather than an additional assessment. I have recommended this to some of our legislators back home, just as we have, for example, an investment tax credit for industry, and say, "If you modernize your industry and put in new tools, we will give you an investment tax credit." I think we ought to say to the working man and his family, "If you build a patio, put on a porch, build an extra bathroom, and make it a little more liveable for your family, instead of having your taxes increased, you ought to be given some kind of a merit badge in the form of a tax credit."

This amendment, however, does not go into specifics. It simply asks the Joint Committee on Internal Revenue Taxation to undertake a comprehensive examination of real estate tax administration and property tax and report back to Congress.

So I repeat, Mr. President, the purpose of this amendment, simply stated, is to authorize the Joint Committee on Internal Revenue Taxation to undertake a comprehensive study and analysis of the property tax and report back to the Congress with legislative recommendations.

Mr. President, I have traveled this country a great deal in the last year. And, almost everywhere I go, no matter to whom I talk, nothing infuriates the people more than the property tax—the property tax with all of its injustices, all of its inequities, and all of its unfairness.

Few communities have escaped the rising toll of the property tax in the last few years. It doesn't matter whether you live in the city or the suburbs, whether you are a farmer or a wage earner, whether you rent or own your home, whether you live on the urban fringe or in rural America, the property tax will find you—and undoubtedly, the finding will cost you more money than you paid last year on your property tax bill.

The problem, Mr. President, is not simple. In fact, it is one of the most complex I have ever faced in all my years of government. On one hand, there is the increasing cost of government—government at all levels, but particularly at the local level. Costs have increased for just general government purposes by $12 in the last 5 years.

Augmenting this cost of general government is the increasing cost of education. New schools must be built, teachers must be paid, new equipment must be utilized, there are more pupils requiring schools; different kinds of schools—from vocational schools to educational parks—must be constructed. In short, educational financing requirements, financed almost exclusively from property tax levels, keep going up and up—almost without any end in sight.

And, the vast majority of new expenditures requirements falls on the property tax. The property tax dates back to the simpler days when real estate and land were a prime measure of the ability to pay. Yet, what has happened in this Nation is that homeownership and land no longer approximate the realistic ability of progressive taxation.

Yet, this Nation maintains its overreliance on a tax that has a small revenue potential and an inequitable incidence of effect.

What has happened in this Nation is that the burden of property tax payment has become overwhelming while the method of property tax assessment has become unfair and in many cases downright punitive.

No one doubts the burden of property taxes. It falls most heavily on the elderly living on a fixed income and on the renter, who unlike the homeowner does not get a measure of tax relief by being allowed to deduct property taxes from income taxes.

At the same time, the rate structure, the valuation procedures, and the assessment ratios in many of the communities are unfair, inequitable and injust. The abuses of the local property tax are legendary. A report by the Advisory Commission on Intergovernmental Relations documents case after case in which local industry "negotiates" its industrial tax payments to a locality. Local laws establish certain industrial zones, with different valuations and rate structures than in commercial sectors or residential sectors. Vast timberlands and farmlands are held by speculators who profit from the under-valuation of the land.

All of this leads to a divergence between property tax law and property tax collection practice. Last year, for example, an article in the Wall Street Journal reported that a major corporation in Gary, Ind., had an underassessment of its industrial installation of some $110 million. The industry refused to provide information on capital investments, on depreciation schedules, and even refused to take out city building permits because such action would reveal the true worth of its property.

This case, I am sure, Mr. President, is extreme, but it points quickly to the problem—the complexity of the tax, the many different points of influence to which it is susceptible and the results of influence and administration that make the tax itself unfair and uneven in its burden.

We have reached a situation in the United States where the average tax on homes in some communities ranges from $300 to more than $800—just for a $25,000 home. In some States, farm real estate taxes more than doubled between 1960 and 1970 while net farm income rose about one third. And, the elderly of this country are being forced to sell their homes, sometimes at below market value, because they cannot pay their taxes.

Mr. President, there have been a number of proposed solutions to the property tax problems, especially as it relates to the financing of education.

The Nixon administration has floated the proposed value-added tax with a system of rebates for the poor, and a potential of some $20 billion for educational financing.

I question whether or not the answer to the property tax is in fact a new tax. Mr. President, I have spoken time and time again in opposition to the value-added tax. I have not changed my mind in the last 3 months. I am opposed to this giant-size national sales tax. And, I will fight it.

Others have suggested that the States take over the property tax—a kind of statewide property tax with a rebate to the local units of government so that property taxes could be reduced. In effect this would mean that the State contribution to education financing would increase, and the local burden would decrease. Built into some of these proposals are provisions that provide special treatment to the elderly and renter.

Still other proposals have focused on the need to make the real estate tax administration simple and fair—with new methods of assessor appointments, new administrative procedures, and more equal valuation mechanisms.

What this points to, Mr. President, is the need for a comprehensive review by the Congress to help sort out these questions, to focus on Federal responsibility in this area, and provide some concrete legislative recommendations within a time frame that does not seem like an eternity for our citizens.

That is what this amendment proposes to accomplish.

I do not know the answers to all the questions I have raised in proposing this amendment. But, I do know that we in the Congress have a special obligation to both be informed on them and move as quickly as prudent legislation will allow on solving some of the problems.

That is the spirit in which I offer this amendment, and that is the spirit in which I ask for the Senate's approval.

Mr. LONG. Mr. President, I find considerable appeal to this amendment. I have not had a chance to give it adequate consideration, but I have discussed it with the ranking member on the other side of the aisle, and he finds no objection to it. I find a great deal of appeal in it.

Frankly, one of the reasons why we in Louisiana need revenue sharing is because of the shortcomings of our property tax assessment system. My guess is that if that could be straightened out and put on a more logical and uniform basis, many of our problems might be solved and we might not need revenue sharing so badly.

Mr. CURTIS. Mr. President, will the Senator yield me 7 minutes?

Mr. LONG. I yield.

Mr. CURTIS. Mr. President, the idea of revenue sharing has a great appeal. It is true that the Federal Government with its high taxes has taken the lion's share of the available revenue. The idea that the revenue sources should be shared with the States and localities has much merit.

In President Nixon's proposal for revenue sharing, a considerable portion is what was referred to as "special revenue sharing." It called for the discontinuance by the Federal Government of certain Government activities and the turning of that revenue saved by the Federal Government over to the States. The State could then continue that particular activity or use the funds for other purposes. This would be helpful to the States. It would bring the control closer to the people and at the same time would not increase the expenditures of the Federal Government or increase the debt.

Unfortunately, the bill that passed the House, which has been reported out by the Finance Committee, does not follow this pattern. Actually, it is a bill to give to the States and the localities something over $5 billion a year. It is a 5-year program that will cost approximately $30 billion. There will be no Federal activities discontinued or terminated. It is not revenue sharing because the Federal Government is going to have to borrow the money to do it. Again, I repeat that I favor the idea of sharing the Federal sources of revenue with the States and localities, but the current bill is a new program of having the Federal Government send checks to the States, to the cities, to the counties, and other local subdivisions, and they have to borrow the money to do it. I do not believe this program should be carried on with borrowed money. Therefore, I cannot support it.

According to the daily Treasury statement, the national bonded debt has increased in the last year by more than $27 billion. This means that in the past year we have increased the national debt by more than $74 million a day, or based upon a 24-hour day, the debt has risen by more than $3 million an hour. Neither the Congress nor the Executive can escape this responsibility. There will be a day of reckoning.

Therefore, I cannot support a proposal to start a new program which over a 5-year period is going to add to the debt by $30 billion. The additional interest that will have to be paid if this one program is handled by borrowing the money for the 5-year period will be almost $4 billion.

My basic reason for not supporting this legislation is that it must be done with borrowed money. However, there is one other feature of the bill which is very disturbing to me. Under the formula for distributing funds to the various States and localities, there is a factor called "total tax effort." This means that if by reason of economy or efficiency a State or a subdivision could reduce taxes, they would be penalized by having their Federal funds reduced. If on the other hand they increased taxes, their share of Federal funds would increase. This factor in the formula could well prevent any tax relief from ever being passed on to the taxpayers by reason of revenue sharing.

Mr. LONG. Mr. President, if the Senate would permit me to accept the amendment, I would be happy to do so and yield back the remainder of my time. I think the amendment has merit.

Mr. HUMPHREY. I appreciate the response of the chairman.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment was agreed to.

AMENDMENT NO. 1477

Mr. HUMPHREY. Mr. President, I call up my Amendment No. 1477.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

At the end of title III, add another title, title IV, to read:

TITLE IV—FEDERAL IMPOUNDMENT INFORMATION

Short Title.—This title may be cited as the "Federal Impoundment and Information Act".

Amendment of the Budget and Accounting Procedures Act of 1950.—Title II of the Budget and Accounting Procedures Act of 1950 is amended by adding at the end thereof the following new section:

"REPORTS ON IMPOUNDED FUNDS

"Sec. . (a) If any funds are appropriated and then partially or completely impounded, the President shall promptly transmit to the Congress and to the Comptroller General of the United States a report containing the following information:

"(1) the amount of the funds impounded;

"(2) the date on which the funds were ordered to be impounded;

"(3) the date the funds were impounded;

"(4) any department or establishment of the Government to which such impounded funds would have been available for obligation except for such impoundment;

"(5) the period of time during which the funds are to be impounded;

"(6) the reasons for the impoundment; and

"(7) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

"(b) If any information contained in a report transmitted under subsection (a) is subsequently revised, the President shall promptly transmit to the Congress and the Comptroller General a supplementary report stating and explaining each such revision.

"(c) Any report or supplementary report transmitted under this section shall be printed in the first issue of the Federal Register published after that report or supplementary report is so transmitted."

Mr. HUMPHREY. Mr. President, this amendment is identical to an amendment that was voted upon in the Senate on November 13, 1971. On that occasion, that amendment was passed by a vote of 48 to 18. I hope it will be accepted here today.

Mr. President, as the Senate considers a multibillion-dollar revenue-sharing proposal, I believe that it is appropriate to discuss the Nixon administration's $10 billion impoundment fund of appropriated tax revenues.

At the heart of the concept of Federal revenue sharing is the allocation of large amounts of Federal money to help cities, States and municipalities meet a fiscal crisis. And all of us know that the fiscal crisis which now touches nearly every government—large and small—has given birth to a new crisis. And this crisis is one of a people's lack of confidence in their institution of government.

In the neighborhoods and streets of America, governments are failing to provide adequate, basic services to the people. The dirty streets, deteriorating houses, unsafe neighborhoods, poor schools, and a lack of opportunity across the breadth of this country can be partly blamed on the fiscal crisis which local governments face.

Revenue sharing is an important first step which the Senate must now take to redress a serious imbalance in the way the Federal Government collects revenues and provides fiscal relief to non-Federal governmental bodies.

I would be remiss in my duties if I failed to bring to the attention of Members of the Senate, while we consider this legislation, the fact that the President of the United States is currently refusing to spend over $10 billion in appropriated money.

This sum which is nearly twice that of the total involved in the current revenue sharing legislation could go a long way to create jobs and improve public services and facilities in urban and rural America.

The President's Office of Management and Budget reports that as of June 30, 1972, the total of impounded funds is currently $9,110,078,000 with an additional $1.5 billion of unspent funds withheld "for reasons other than routine financial administration."

My distinguished colleague from Montana, Senator Metcalf, has already placed the OMB list of impounded funds in the Record on August 16, 1972. I will not do so now. However, I would like to list a few highlights of the funds President Nixon is now impounding. Senator Metcalf has appropriately called these funds the President's "treasure chest." Here are just a few items:

Three hundred million dollars unspent for urban mass transit;

One hundred and twenty-two million dollars unspent on airport and airway facilities and equipment;

One hundred and five million dollars unspent for model cities;

Forty million dollars unspent for Appalachian regional development.

These are all part of the $9.1 billion. From the other $1.5 billion in Richard Nixon's treasure chest are found such items as:

Five hundred and fifty million dollars for water and sewer grants;

One hundred and seven million dollars of rural electrification loans;

Fifty-eight million dollars in HUD rehabilitation loans;

Twenty-one million dollars in National Science Foundation funds for educational and institutional support.

President Nixon's refusal to spend these funds is absolutely indefensible. As he presses the Congress to pass a $5.5 billion revenue sharing plan, he dares to impound these other funds.

I want to make it more difficult for any President to impound funds.

Appropriated funds are now impounded in a semi-secret fashion away from the eyes of Congress and the American public. Few members of Congress are aware that these impoundments are being carried out. And the public has a right to know that its tax revenues are not being spent.

In order to secure this right for the Congress and the American public, I am today, offering an amendment to H.R. 14370 that will insure that when tax revenues appropriated by Congress are impounded, Congress and the public will be informed by the President. In his notification report the President would be required to include the following:

First, the amount impounded; second, the date on which the funds were ordered to be impounded; third, the date the funds were impounded; fourth, any department or establishment of the Government to which the impounded funds would have been available for obligation except for such impoundment; fifth, the period of time during which the funds are to be impounded; sixth, the reasons for the impoundment; seventh, to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the impoundment.

Mr. President, I believe this amendment goes to the heart of the relationship between the executive branch and the Congress.

It redresses a serious imbalance between the two branches by making it more difficult for a President to impound funds or, in fact, to impose a type of line-item veto on congressional appropriations.

This amendment passed the Senate on November 13, 1971, as an amendment to the Revenue Act of 1971. Along with several other important measures, it was deleted in conference.

I believe that my amendment merits the support of all Members who seriously desire to limit a power currently abused by the President of the United States.

Mr. President, I ask unanimous consent that a letter I have received be printed in the Record following my discussion of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, I simply repeat that what my amendment requires is a reasonable act on the part of the executive branch of Government, in cooperation with those of us in Congress who have to take the responsibility for appropriating these funds. It would require that the President shall transmit to Congress and to the Comptroller General of the United States a report containing certain information that is listed in the amendment, and that any report or supplementary report transmitted under this section shall be printed in the first issue of the Federal Register published after that report or supplementary report is transmitted.

I hope the chairman of the committee will see fit to accept this amendment, because I believe it is what one might call related information.

We are asking for billions of dollars of new money to be made available, and we already have billions of dollars that are impounded.

Exhibit 1

Office of Management and Budget,
Washington, D.C., August 5, 1972.
Hon. Hubert H. Humphrey,
U.S. Senate,
Washington, D.C.

Dear Senator Humphrey: In response to your letter of July 24, 1972, requesting information on budgetary reserves, I am enclosing our most recent tabulations of accounts with reserved funds. These tabulations are in the same format as those provided on two earlier occasions this year and reflect the status of budgetary reserves at the end of the fiscal year.

I hope this information is helpful to you.

Sincerely,

Caspar W. Weinbetger,
Director.

Budgetary Reserves, June 1972

Under authority delegated by the President, the Office of Management and Budget operates a system of apportioning the funds provided by the Congress. The apportionments generally are for the current fiscal year and limit the amounts the agencies may obligate during specified periods.

There are occasions when the amounts of available funds are not fully apportioned. That is, some amounts are either withheld from apportionment, or their use is temporarily deferred. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by both Republican and Democratic Administrations as a customary part of financial management.

The reasons for withholding or deferring the apportionment of available funds usually are concerned with routine financial administration. They have to do with the effective and prudent use of the financial resources made available by the Congress. The provisions of the Antideficiency Act (31 U.S.C. 665) require the President to establish reserves of appropriated funds for such reasons as a change in conditions since they were appropriated or to take advantage of previously unforeseen opportunities for savings. Thus, specific apportionments sometimes await (1) development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

Table A, attached, lists the items and amounts being reserved on June 30, 1972, for such routine financial administration. They total $9.1 billion, which is a reduction of nearly $1.5 billion since January of this year. This reduction is indicative of the fact that amounts are frequently released from reserve—and put to use—during each fiscal year as plans, designs, specifications, studies, project approvals, and so on are completed.

The reserves established for reasons of routine financial administration are recognized by all concerned to be temporary deferrals, and their need or wisdom is usually not questioned. In addition, however, there has been a long-standing and consistent practice in both Republican and Democratic Administrations to establish some—a much smaller amount of—reserves for reasons other than routine financial administration. It is these latter reserves which have sometimes been criticized as "impoundments" of funds.

Amounts being held in reserve for reasons other than routinne financial administration generally could be used (i.e., obligated) during the apportionment time period. They have not been apportioned from time to time for such reasons as the Executive's responsibility to (1) help keep total Government spending within a congressionally-imposed ceiling, (2) help meet a statutory limitation on the outstanding public debt, (3) develop a governmentwide financial plan for the current year that synchronizes program-by-program with the budget being recommended by the President for the following year, or (4) otherwise carry out broad economic and program policy objectives.

Table B, attached, lists the items and amounts held in reserve on June 30, 1972, for reasons other than routine financial administration. They total $1.5 billion, a reduction of more than $200 million from the amount so reserved in January of this year. Of the $1.5 billion total, almost $450 million was released and apportioned on July 1, 1972, as indicated in the various footnotes on Table A.

The total of all current reserves (i.e., Tables A and B) is 4.6% of the total unified budget outlays for fiscal 1972. The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5% to 8.7%. At the end of fiscal 1967, it stood at 6.7%, and a range in the neighborhood of 6% has been normal in recent years.

TABLE A.—*Budgetary reserves for routine financial administration, June 30, 1972—agency and account*

[In thousands of dollars]

EXECUTIVE OFFICE OF THE PRESIDENT

National Security Council, $33. This amount was in excess of 1972 needs.

Special Action Office for Drug Abuse Prevention, $682. Represents the balance of appropriation which cannot be utilized by the Office in 1972 due to late enactment of legislation. Release will occur as needed in 1973 operations.

FUNDS APPROPRIATED TO THE PRESIDENT

Appalachian Regional Development Programs, $40,000. Apportionment awaits development of approved plans and specifications.

International Security Assistance: Foreign military credit sales, $15,350. Because of increased private financing, the legislated program ceiling was achieved without the use of the full budget authority appropriated.

International development assistance: Prototype desalting plan, $20,000. Apportionment awaits development of approved plans and specifications.

Inter-American Foundation, $41,624. Amount represents balance of initial funding from AID transfer to cover first four years of the Foundation's operations. Apportionments will continue to be made annually as plans and specifications are developed.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Construction, $70. Represents residual amount of appropriation for planning that is not required for that purpose. Apportionment awaited additional appropriation for construction.

Scientific Activities Overseas (special foreign currency program), $352. Amount shown here was in excess of 1972 needs.

Animal and Plant Health Service, $2,049. This amount was in excess of 1972 needs.

Farmers Home Administration

Mutual and self-help housing grants, $729. Amount shown here was in excess of 1972 needs.

Direct loan account (farm operating loans limitation), $12,453. Amount reflects release of $37 million for last quarter of fiscal 1972. The balance of loan authority is being held pending demonstration of further need.

Consumer and Marketing Service

Consumer protective, marketing, and regulatory programs, $760. Amount shown here was in excess of 1972 needs.

Perishable Commodities Act Fund, $1. Amount shown here was in excess of 1972 needs.

Forest Service

Forest protection and utilization: Cooperative range improvement, $624. Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

Youth Conservation Corps, $1,730. These funds were released from reserve and apportioned in July 1972 for the CY 1972 program.

Forest roads and trails, $402,040. Reserve reflects amount of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Expenses, brush disposal, $13,303. Amount shown here was in excess of 1972 needs.

Forest Fire Prevention, $115. Amount shown here was in excess of 1972 needs.

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

19th Decennial Census, $11,028. These funds had been held in anticipation of the need to pay printing costs. They were released and apportioned for this purpose on July 1, 1972.

Regional Action Planning Commissions

Regional Action Planning Commissions, $300. Funds will be released when Mississippi Valley Regional Commission is formed.

Promotion of industry and commerce

Trade adjustment assistance (financial assistance), $50,000. Amount shown here was in excess of 1972 needs.

Inter-American Cultural and Trade Center, $5,446. Funds will be released when plans for participation in U.S. Bicentennial are completed and approved.

National Oceanic and Atmospheric Administration

Research, development, and facilities, $214. These funds are for disaster relief to fisheries. Apportionments are made as applications from the States are processed following contingencies under which the funds must, by statute, be made available.

Research, development, and facilities (special foreign currency program), $286. These funds were released and apportioned on July 1, 1972, to fund the 1973 program.

Promote and develop fishery products and research pertaining to American fisheries, $257. Amount shown here was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

National Bureau of Standards

Plant and facilities, $1,495. Funds are for a new laboratory now in the planning stage. Apportionment awaits development of approved plans and specifications.

DEPARTMENT OF DEFENSE—MILITARY

Shipbuilding and conversion, $1,388,946. For use in subsequent years; these projects are fully funded when appropriated.

Other procurement programs, $21,020. For use in subsequent years; these projects are fully funded when appropriated.

Military construction and family housing, $171,304. Apportionment awaits development by the agency of approved plans and specifications.

Civil defense programs, $1,277. Amount was in excess of 1972 needs, and was released and apportioned on July 1, 1972, to fund the 1973 program.

Special foreign currency program, $4,903. Apportionment awaits development by the agency of approved plans and specifications.

DEPARTMENT OF DEFENSE—CIVIL

Corps of Engineers

Construction, General

Lafayette Lake, Indiana, $183. Funds are being held in reserve because of local opposition to initiation of construction of the project.

Lukfata Lake, Oklahoma, $450. Construction funds are being held in reserve pending the completion of a new general design memorandum leading to an environmental impact statement.

New York Harbor Collection and Removal of Drift, $80. Funds are being held in reserve because, although the project has been authorized by the Congress for initiation and partial accomplishment, initiation of construction must await approval of the Secretary of the Army and the President. The Secretary of the Army forwarded the proposal to the President on June 21, 1972, and his recommendations are currently under review.

Panama Canal Government

Capital outlays, $850. These FY 72 funds, reserved at the request of the Panama Canal Government, will be combined with the 1973 appropriation for the purchase of major items of capital equipment.

Wildlife conservation, $474. Includes estimated receipts not needed for current year program. Will be used in subsequent years.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Buildings and facilities, $2,565. Apportionment awaits development by the agency of approved plans and specifications.

Office of Education

School assistance in federally affected areas, $4,996. Apportionment awaits development by the agency of approved plans and specifications. Construction obligations will be incurred subsequently.

Higher education, $1,462. Apportionment awaits development by the agency of approved plans and specifications.

Educational activities overseas (special foreign currency program), $16. Apportionment of this amount awaits development of approved plans and specifications by the agency.

Social Security Administration

Construction, $12,095. Apportionment awaits development of approved plans and specifications by the agency.

Special Institutions

Gallaudet College, $516. This amount was in excess of funds which could be effectively used in 1972.

Howard University, $3,714. Apportionment of this amount awaits development of approved plans and specifications. Construction obligations will be incurred subsequently.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Model cities programs, $105,000. This amount was released on July 1, 1972. Its earlier reserve enabled several cities to count on proceeding with their FY 1973 programs.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Public lands development, roads, and trials, $16,694. Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Indian Affairs

Road construction, $53,699. Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Outdoor Recreation

Land and water conservation fund, $30,000. Consists of 1972 annual contract authority which was made available by P.L. 91–308, approved July 7, 1970. It has not been used because the Federal agencies purchasing park lands have found annual contract authority cumbersome to administer. Instead, they prefer ordinary appropriations to finance such land purchases. The 1973 budget proposes appropriation of the full $300 million annual authorization for the fund, of which about $98 million is for Federal land purchases in 1973.

Bureau of Mines

Drainage of anthracite mines, $3,623. Funds are spent on a matching basis with Pennsylvania as that State and the Department of the Interior develop projects for this purpose. Apportionment awaits development of approved plans and specifications in FY 1973.

Bureau of Sport Fisheries and Wildlife

Construction, $9,075. Appropriated funds for D.C. Aquarium withheld because authorized facility cannot be constructed within the funding limits established by the authorization. The Appropriations Committees of the House and Senate have directed that the funds be used in fiscal 1973 for the construction of other facilities. Release is scheduled shortly.

National Park Service

Parkway and road construction, $72,621. Reserve reflects amounts of available contract authority above the obligation program that was approved and financed by the appropriation Congress enacted to liquidate the obligations.

Bureau of Reclamation

Construction and rehabilitation, $1,055. Funds are being held in reserve pending completion and review in FY 1973 of the economic restudy to determine the most effective use of funds for the Second Bacon Siphon and Tunnel Unit, Wash.

Operation and maintenance and replacement of project works, North Platte project, $84. This amount fulfilled the legal requirements for this account of an annually established contingency reserve.

DEPARTMENT OF JUSTICE

Federal Prison System

Buildings and facilities, $4,299. The apportionment awaits development of approved plans and specifications.

DEPARTMENT OF LABOR

Grants to States for unemployment insurance and employment services, $20,192. Late enactment of supplemental appropriations and lower unemployment insurance workloads permitted savings to be made.

DEPARTMENT OF STATE

Education exchange fund (earmarked proceeds of payment by Finland on World War I debt), $22. This amount was released and apportioned on July 1, 1972, to fund the 1973 program.

Bureau of Educational and Cultural Affairs

International Educational Exchange Activities (special foreign currency program), $5. Funds represent recent recovery of prior year obligations in excess of current year needs. These funds were released and apportioned on July 1, 1972, to fund the 1973 program.

DEPARTMENT OF TRANSPORTATION

Coast Guard

Acquisition, construction and improvements, $7,607. Funds are for equipment or improvements and will not be needed until construction on seven projects is in an advanced stage. They will be released when needed.

Alteration of bridges, $1,000. Apportionment awaits development of approved plans and specifications.

Federal Aviation Administration

Facilities and equipment (Airport and Airway trust fund), $115,897.

Grants-in-aid for airports (Airport and Airway trust fund), $6,368.

Construction, National Capital Airports, $900.

Civil Supersonic aircraft development termination, $4,506.

Other, $2,200.

Apportionment of the above FAA accounts awaits development of approved plans and specifications.

Federal Highway Administration

Territorial Highways, $5,000. New program established by the 1970 Highway Act, effective December 30, 1970. No appropriation was provided until August 1971, although $4.5M of contract authority was authorized for each of 1971 and 1972. Territories were not prepared to handle program and have only recently begun to organize agencies and prepare studies for use of the funds. Total obligations through December 31, 1971, were about $93,000.

Federal-aid highways:

(1) 1973 contract authority, $5,700,000.

(2) Remaining balance from reductions made in prior years, $246,798.

Urban Mass Transportation Administration

Urban mass transportation, $299,970. The Congress provided a total of $3.1B of contract authority for the five-year period 1971–1975. Executive Branch apportionments resulted in $1.0B of this amount being used by June 30, 1972, another $1.0B (including this $300M) will be apportioned for fiscal 1973, leaving $1.1B, or $550M per year for the fiscal years 1974 and 1975. By appropriation action in fiscal years 1971 and 1972, the Congress effectively limited the amount of the contract authority that could be used each fiscal year. Thus, the $300M shown is the difference between the $600M apportioned for 1972 and the $900M *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation: "Sec. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Underlining supplied.)

TREASURY DEPARTMENT

Office of the Secretary

Construction, Federal Law Enforcement Training Center, $22,239. Apportionment awaits development by the agency of approved plans and specifications.

Expenses of administration of settlement of World War Claims Act of 1928, $1. Amount shown here was in excess of 1972 administrative costs.

Bureau of the Mint

Construction, $79. Apportionment awaits the completion of studies for the effective use of funds.

ATOMIC ENERGY COMMISSION

Operating expenses:

Reactor development—Funds held in reserve for the Liquid Metal Fast Breeder Reactor (LMFBR) demonstration plant awaiting the completion of detailed negotiations now underway involving AEC and the Commonwealth Edison Company and TVA, $43,350.

Biomedical Research—Funds held in reserve pending development of a plan for effective utilization, $370.

Plant and capital equipment:

Funds held in reserve awaiting AEC's development of firm plans or specifications for two projects in the nuclear materials and weapons programs, $175.

Funds held in reserve awaiting AEC's completion of feasibility studies or the results of research and development efforts for the national radioactive waste repository and two other projects, $2,533.

Funds held in reserve for possible cost overruns and other contingencies, $2,200.

ENVIRONMENTAL PROTECTION AGENCY

Operations, research and facilities, $7,294. Reflects release of $28M for Cincinnati laboratory. Remainder awaits completion of EPA study of requirements for other laboratory facilities.

GENERAL SERVICES ADMINISTRATION

Construction, public buildings projects, $17,971.

$10,803 thousand is being held for future obligation. The projects are not ready for construction and financing is under review. Apportionment awaits completion of this action.

$7,160 thousand is reserved to meet possible contingencies that might arise in the course of construction.

Sites and expenses, public buildings projects, $11,567. Reserved to meet possible contingencies or for use in subsequent years.

Operating expenses, Property Management and Disposal Service, $769. Amount shown here was not needed in 1972 for stockpile disposals.

VETERANS' ADMINISTRATION

Grants to States for extended care facilities, $8,420. State plans and requests for funds were not presented to the extent originally expected. Amount shown will be available for program in future years.

OTHER INDEPENDENT AGENCIES

Cabinet Committee on Opportunities for Spanish-Speaking Peoples

Amount, $5. This amount was in excess of 1972 needs.

Federal Communications Commission

Salaries and expenses, (construction) $460. These funds are intended for replacement of a monitoring station. Funds remain in reserve until results of study requested by Congress are available regarding the need for continuation of fixed monitoring stations.

Federal Home Loan Bank Board

Interest adjustment payments, $46,888. Funds which could be effectively utilized by the Board in fiscal year 1972 were apportioned. This amount was not needed.

Foreign Claims Settlement Commission

Salaries and expenses, $19. This amount was in excess of 1972 needs.

Payment of Vietnam and Pueblo prisoner of war claims, $150. Apportionment awaits arrival of contingencies under which the funds must, by statute, be made available.

Smithsonian Institution

Salaries and expenses, Woodrow Wilson International Center for Scholars, $11. Reserved for contingencies. Will be apportioned if and when needed.

Temporary Study Commissions

Commission on Highway Beautification, $25. Amount being held for completion of Commission's work in 1973.

Commission on Population Growth and the American Future, $30. A small contingency amount was set aside to cover any increases in contracted costs after the Commission completed its work in May, 1972. No increases occurred and the funds are not needed to complete the work of the Commission.

National Commission on Consumer Finance, $50. For terminating the Commission in 1973 after the report is completed.

Aviation Advisory Commission, $587. These funds were released and apportioned on July 1, 1972 to carry Commission through its expiration date of March, 1973.

Commission on Government Procurement, $1,300. $1.4 million to remain available until expended was appropriated in the Second Supplement Act of 1972. $100 thousand was apportioned for 1972; the remainder will fund the Commission's operations through April 1973.

United States Information Agency

Salaries and expenses (special foreign currency program), $407.

Special international exhibitions, $746.

These amounts were released and apportioned July 1, 1972.

Water Resources Council

Salaries and expenses, $25. Funds were held in reserve pending establishment of new river basin commissions.

Total,[1] $9,110,078.

TABLE B.—*Reserves for reasons other than routine financial administration, June 30, 1972*

[In thousands of dollars]

Agency and account:	*Amount*
Department of Agriculture:	
Rural Electrification Administration:	
Loans	[1] $107,000
Farmers Home Administration:	
Sewer and water grants	[2] 58,000
Department of Housing and Urban Development:	
Rehabilitation loans	[1] 53,042
Grants for new community assistance	[1] 5,000
Basic water and sewer grants	[3] 500,000
Department of Transportation:	
Federal-aid highways	623,000
Rights-of-way for highways	50,000
Urban mass transportation	[[4] 299,970]
Atomic Energy Commission	[5] 17,655
NERVA-nuclear rocket	(16,990)
Plowshare	(665)
National Aeronautics and Space Administration:	
NERVA-nuclear rocket	21,914
National Science Foundation:	
Educational and institutional support	[1] 21,000
Graduate traineeships	[6] 9,500
Reserves established pursuant to President's Aug. 15, 1971, directive to curtail previously planned Federal employment levels	[7] 61,750
Total	[8] 1,527,861

[1] This amount was released and apportioned on July 1, 1972.

[2] Of this amount, $42,000,000 was released and apportioned on July 1, 1972.

[3] Of this amount, $200,000,000 was released and apportioned on July 1, 1972. The remainder is being held for subsequent apportionment.

[4] This amount was released and apportioned on July 1, 1972. It is listed here because of public and congressional interest. It is not counted in the total of Table B because its use is consistent with congressional intent. The Congress provided a total of $3.1 billion of contract authority for the five-year period 1971–1975. Executive Branch apportionments result in $1.0 billion of $3.1 billion total being used by June 30, 1972, another $1.0 billion (including this $300 million) is being apportioned for fiscal 1973, leaving $1.1 billion, or $550 million shown per year for the fiscal years 1974 and 1975. The $300 million shown is the difference between the $600 million apportioned for 1972 and the $900 million *upper limit* for which administrative expenses may be incurred under the 1972 Appropriation Act for the Department of Transportation:

"SEC. 308. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants for Urban Mass Transportation aggregating *more than* $900,000,000 in fiscal year 1972." (Emphasis supplied.)

[5] Pending enactment of 1973 appropriations, it is planned that these funds be applied to AEC's total program needs for 1973.

[6] Apportionment awaiting NSF review of how these funds can be used effectively to help meet the Nation's scientific and engineering manpower needs without stimulating an oversupply of manpower with specialized capabilities.

[7] These funds are the remainder of $280 million in reserves established initially under the President's directive of August 15, 1971. The originally reserved amounts were largely released to meet costs of pay raises and other essential purposes.

[8] Of this $1.5 billion total, $447 million were released and apportioned on July 1, 1972 (as itemized in the preceding footnotes).

Mr. BIBLE. Mr. President, will the Senator yield for a question?

Mr. HUMPHREY. I yield.

Mr. BIBLE. I followed this impoundment problem for a good many years, and I must say with complete frustration, because they do appropriate the money and the executive freezes it. Could the Senator give me a ball park figure of the billions of dollars impounded at the last accounting date?

Mr. HUMPHREY. Yes. As of June 30, 1972, the total impounded funds, according to the report I now have, signed by the Director of the Office of Management and Budget, in the letter addressed to me of August 5, 1972, it was $9,110,078,000 with an additional one-half billion dollars of unspent funds withheld for reasons other than routine purposes.

Mr. BIBLE. I wholeheartedly support the amendment of the Senator from Minnesota and I hope that the chairman of the committee might see fit to take it; but, in any event, I would hope that we could find some way to put teeth in the appropriation bill to compel expenditures once appropriated.

Mr. HUMPHREY. I could not agree more with the distinguished Senator from Nevada.

Mr. LONG. Mr. President, this amendment is identical—nearly identical to the amendment the Senator offered to the Revenue Act of 1971, to which I agreed on the Senate floor, and which we took to the conference with the House, but the House would not agree to it. They would not permit the amendment to go to the House for a vote, because they said the amendment was not germane to the revenue bill to which it had been added. We did what we could, but it was not agreed to.

The pending amendment would not be germane. It would not be germane as it was not germane to the bill the previous time.

If we arrive at the same impasse, what is the alternative? The only option is to stand fast and if that is how it is going to be, there is not going to be any bill.

At this moment, what I am trying to do is to keep nongermane amendments from the bill because I want the revenue sharing bill to become law.

The Senator from Minnesota is the earliest sponsor of the revenue-sharing bill. No one wants it to pass more than the Senator from Minnesota. He was the initial sponsor. He was a former mayor. My impression, from hearing the testimony of the mayors, was that they were more impressed and have a higher regard for the Senator from Minnesota, who is one of their own who understands their needs, more than anyone else. When he spoke to the conference of mayors, he got a bigger hand, greater applause, a standing ovation, a warmer reception than anyone else. He would not be the man to keep revenue sharing from becoming law.

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[1] Of this total, $467 million was released at the start of fiscal 1973.

I would therefore urge that the Senator defer this matter until we can put it on some other bill, so that he would not mind if it did die in the House, because I know that he would insist on it if we did take it to conference. I would hope that the next time we go to conference with the House on his amendment, we would go and play for keeps, on the basis of either taking this amendment or having no bill. The Senator would not want that done on this bill.

Mr. HUMPHREY. Let me say to the distinguished Senator from Louisiana that his words of flattery, his words of commendation, his words of friendship, are just so refreshing and so enriching to me that I am almost persuaded—almost.

What I want to say to the Senator that if this amendment is not germane, then Mother's Day does not come in May.

Mr. President, I will tell you why. Because this deals with revenue and it deals with funds. It does not deal with taxes but with revenues.

What we are doing is providing money to local governments. How do we know that, after we have gone through all this business, the President might not decide to impound this money? It is highly doubtful in the case of an election year, but it could be done. There is no way, apparently, that they could deny the President, according to present practice anyway, saying to the Senate and House, after we pass the revenue-sharing bill, "Well done. Well done, fellow citizens. But, we are not going to give them one dime."

All I want, once we pass this bill, is for the President to put the money out where it belongs. This is the people's body here. We are the elected representatives of the people. I want to know on a regular basis when funds are withheld, what is withheld, the date they are withheld, and the amount withheld. That is all we are asking for.

We want a report instead of having to write to the manager of the Office of Management and Budget all the time saying, "Will you please tell us what you are not doing and what is happening to this money?"

Mr. LONG. Mr. President, this is the original Humphrey bill——

Mr. HUMPHREY. Yes, it is a great piece of legislation. [Laughter.]

Mr. LONG. And we think we have this bill so drafted that the money cannot be impounded. If we have failed to do that, then I would welcome an amendment to carry out what we think we have achieved. What the Senator is trying to do is to keep them from impounding something else. That is an entirely different matter.

Mr. HUMPHREY. What I am trying to get them to do with my amendment is to report what they impound. The right to know—freedom of information—the right to know. May I say to my dearly beloved friend, my old friend from Louisiana, my young friend from Louisiana—[laughter]—that this amendment is so germane that it is like a twin. Here is revenue sharing and all that the Senator from Minnesota is saying is, "Please, Mr. President, tell us about the revenue we appropriated and that you will not share. Tell us when you decide not to do it and how much it is. Give us a little old report."

That is all. Just a little report.

Mr. PERCY. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. PERCY. I would certainly hope that the committee would accept the amendment. After all, I would certainly have to vote for it. I voted for it once before. It passed the Senate overwhelmingly. We have a right to know. We want to know. I should think that the executive branch of the Government would wish us to know and have this information. I feel that, as it passed the Senate overwhelmingly before, the distinguished chairman of the committee should accept the amendment. It passed the Senate 48 to 18 before, when it was offered in November of 1971.

Mr. LONG. I have prepared 800 pages of good amendments which are relatively noncontroversial. I am talking about parts of H.R. 1 which will provoke no controversy at all, I am sure. May I say that about 100 pages of H.R. 1 will provoke severe controversy.

If we get into the social security area in this bill, then I am going to oppose amendments concerning social security because I am certain it will open up a great big field and will bring up reasonable doubt whether the bill will ever become law. If we start on social security amendments, I know that the 800 pages of our hard work the Finance Committee has put into the subject will mean that we might be here the remainder of the year.

This is a good amendment. I voted for it myself and put it on the bill. I would vote for it again on a different bill and jeopardize the chances of its becoming law in conference. This amendment is not relevant. It is not germane. We had it on a different bill and I agreed to vote on it. I did the best I could in the conference. The House said it was not germane. They will say that again when we go to talk to them about it.

We have many nongermane amendments facing us. We have social security amendments. We have the voter registration amendment, as well as those on social security. We have a tax reform amendment.

The committee spent a whole year working on tax reform amendments. Now some of our highly regarded, sincere, and vigorous Senators, are going to open up the tax reform area. I guess, even with the 800 pages of social security amendments, I have some ideas myself on tax reform. So if we want to stay here until Christmas or New Year's before we pass this bill, I can get my plans ready just as everyone else can, but once we start to accept amendments of this kind that do not have anything to do with the purpose of the pending bill, there is no doubt in my mind that we will be around here for a long time.

Then what will happen? By the time we go through all this, the House Ways and Means will say to us, "Do you not recall the reorganization bill you helped us pass?" These nongermane amendments cannot be considered—after we spent a month arguing about the whole thing and then they refused to go along on the basis that it is not germane and they will not consider it, or talk about it, nor will they come back or give the House a chance to vote.

I am willing to help the Senator with this very proposition and give the Senator my vote and my support on a bill where the proposition has some chance of becoming law. This one does not have any chance of becoming law.

Mr. HUMPHREY. Why do we not try it? I have great faith in the chairman.

Mr. LONG. Mr. President, every hour we spend trying to make the House take this amendment is just one more hour that the revenue sharing bill does not become law.

This sets a precedent. So far we have not had an amendment added to the bill that is not at least relevant to the revenue sharing concept and that I did not think was relevant to revenue sharing.

The nearest thing to a nongermane amendment was the one offered by the Senator from Minnesota that I agreed to accept and to make a study of the property tax matter.

I know that the States need it. I know they need it in Louisiana, because they have such a confused property tax in the State that they are not collecting what I think is fair and equitable.

However, when the Senator starts to get off on this proposition and require a report on the impoundment of funds in a bill which we think we have drafted so that the funds cannot be impounded, we are getting into a nongermane area on an amendment that should not be added to the bill. It opens up the bill to nongermane amendments. It sets the stage for a rash of social security amendments, some of which will be offered anyway. But we will be saying that everybody can start to pick and choose. And we will have no excuse to not vote for a whole raft of amendments which contain merit but which should not be added to the bill.

I hope that the Senator will not insist on adding his amendment to the bill, even though I will be happy to help him seek and obtain what he is trying to accomplish. If he would add his amendment to another bill, I will be glad to find a bill and say, "Here is a bill to put the amendment on." Perhaps the debt limit might be a good one. But this is not a bill to which the amendment should be offered.

Mr. HUMPHREY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes remaining.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I would like to be added as a cosponsor of the amendment.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) be listed as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I deeply believe that this reform is highly important. And if the Senator should decide to leave it on this bill, I will support it.

Basically, impoundment of funds over the years has taken place in order to establish reserves, according to section 1221 of the General Appropriation Act of 1951, which reads:

> In apportioning any appropriation, reserves may be established to provide for contingencies, or to effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such appropriation was made available.

According to testimony before the Judiciary Committee in 1971, the language was intended by Congress simply to authorize the Budget Bureau to impound to effect savings in cases where greater efficiency or changed conditions made these savings possible; it was not intended to enable the President to frustrate the will of Congress. But if you look at page 2 of the June 30, 1972, report from the Office of Management and Budget on impounded funds, you will find that the Budget Bureau seems to think it can impound funds merely to carry out broad economic and program policy objectives. This should not be allowed to take place, and when it does take place, the Congress ought to know.

I appreciate the arguments of the Senator from Louisiana (Mr. LONG). I would want to say that my own feelings, coming from a very big State which is in a lot of fiscal trouble, both itself and in its municipalities, are that we have grave problems. And the impoundment of funds has been very much abused, not just by this President, but by every President since World War II. And I think that it is time that we get it straightened out.

Mr. HUMPHREY. Mr. President, I want to assure my friend, the chairman of the Finance Committee, that he has done an admirable job. I assure him that I am not trying to be meddlesome or cantankerous about this. I am not trying to add on an amendment merely because I pulled it out of a drawer and wanted to put it on the bill. If I did not believe the amendment was germane—as I believed with respect to the property tax amendment—because it relates to the reason for the bill, to provide revenue, I would not be offering amendments.

I will not be voting for a lot of amendments on the bill.

The amendment yesterday had administration support. They had been supporting this measure. I voted for some of those and modified some in order to make them more acceptable and more reasonable.

This amendment does not do a single thing more than to require the Secretary to act in this matter. It requires that the Secretary of the Treasury act in the name of the President and that if he finds that State or local units of government are not doing what they ought to do, he will withhold funds and report to Congress. And that is what we are asking.

What does my amendment say? It does not compel the President and it does not try to take over his prerogative as he sees it. The amendment says:

> If any funds are appropriated and then partially or completely impounded, the President shall promptly transmit to the Congress and to the Comptroller General of the United States a report containing the following information:

Then we list the information he would have to supply—the amount of the funds impound; the date on which the funds were ordered to be impounded; the date the funds were impounded; any department or establishment of the Government to which such impounded funds would have been available except for such impoundment. There is also other information that he would supply.

We are merely asking the questions to be answered that we ask the State and local units of government to answer under the bill.

We ask the State and local governments for a lot of information. That information is made public. I really believe, and I say this with great respect and affection for the chairman, that while this amendment is not earth shaking and will not change the course of events, it will provide this. It will enable this Congress to provide the public with accurate information as to what is happening in appropriating funds. We have to take the responsibility for the appropriations on this.

I received a call today from my State complaining against the bill. They said:

> What do you mean, appropriating this money? You don't have it in the first place. You are just a spender.

I get letters and calls like that. I would like to be able to say, "Yes, we appropriated some funds, but they did not get to you."

I have mayors and local government officials call me and say:

> Senator, I thought there was a big program, but I hear the money is impounded.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUMPHREY. Mr. President, I ask the chairman to accept the amendment. I hope he does. If he does not, I shall have to ask for the yeas and nays, which I had not planned on doing.

Mr. LONG. Mr. President, I regret that the Senator feels that way. I do not know how any chairman could be more considerate than to say, "If you want to offer your proposal, you can offer it to a bill, any one of which I could suggest to the Senator, which would seem to be an appropriate vehicle for your amendment, but it is not germane to the pending bill."

I would be glad to appoint the Senator from Minnesota chairman of the conferees, if he wants to go and see if he can get the House to accept it. However, when one is doing the best he can to resist nongermane amendments, and when a Senator proposes to offer one that the House would refuse to take for the same reason that they refused to take it last year—while I do say that the Senator is usually one of the most reasonable men that I know—that is one of the most unreasonable demands that I know of that has been made upon me.

Mr. President, I would be willing to help the Senator and to accept the amendment on the debt limit bill. And that is one that the President has to sign.

Mr. HUMPHREY. Mr. President, when will the debt limit measure be considered?

Mr. LONG. It will have to be before the end of October. I would be glad to accept the amendment on that bill, adding it to a bill that the President will have to sign.

Mr. HUMPHREY. Mr. President, let me suggest that I am a reasonable man and that the Senator from Louisiana is a reasonable man. The Senator cannot say for sure that the House conferees will accept it.

Mr. LONG. I can say for sure. I have been there before.

Mr. HUMPHREY. Why does the Senator not take it and give it his best. If he cannot sell it this time, we will come back another time.

Mr. LONG. This amendment is not a germane amendment. We have a lot of amendments here that are not germane that we are trying to keep off the bill. Many are social security amendments, which on other bills I would favor. I have had prepared 800 pages of social security amendments. I have them ready to send to the desk. I think the Senate will agree to them if we try to put the social security amendments on this bill.

What is my argument when we take the first completely nongermane amendment, which is the same amendment dropped off the last time because it was nongermane, and proceed to add this nongermane amendment? What position can I take as manager of the bill when somebody shows up with another amendment which I have voted and supported for years, and say, "Here is something that has been kicking around for 4 years and it should be voted on"?

I can show the Senator hundreds of items in H.R. 1 where there is no good reason why we should not take them. I am not saying it is a threat. If we are going to take the time to impede this bill long enough to pass on the matters that are in H.R. 1, we will be here for a long time. Of course, there are other people who do not want to let H.R. 1 go through piecemeal, and those people are going to offer family assistance on this bill. If that happens, we will be here until someone is ready to say uncle, which may be when the next session starts, because there are people who feel strongly that it cannot be justified by those who believe in family assistance. There are those of us who believe in workfare rather than welfare, who will not yield, who will not give up, and we will make it stick.

Frankly, if we are going to play this game of putting nongermane amendments on this measure, especially when the Senator has the opportunity to put it on another bill, because either we pass the debt limit bill or we go out of business, I think it is most unreasonable to say that it must be added to this bill. If it is, it will not come back from conference and then I suppose the Senator will challenge the conferees that they were not on the level when they yielded in conference.

I would like to make the Senator's amendment law, but I say that the Senator should not insist on his amendment here. Let us put it on something where it can be retained.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. HUMPHREY. I have no assurance that the other body would say this is germane to the debt ceiling bill. We cannot legislate in this body on the basis of what the other body might say is germane. I do not feel this is a nongermane amendment. I respectfully disagree with the Senator. I am not going to be voting for a lot of nongermane amendments. I will give the Senator my cooperation on that, but I do not want to make a cause celebre out of this. I know if the Senator takes this amendment he will try to get it passed and he will come back with it.

Mr. LONG. I regret very much we cannot accept the amendment. If I accepted this, there are other nongermane amendments I would feel compelled to agree to.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. LONG. I intend to move that this amendment be laid on the table because it is not germane. I do not think we should start to take nongermane amendments. There is no telling where we will end up if we do. In the first place this amendment can be considered on another bill, and I would be happy to support it on another vehicle.

Therefore, reluctantly, I move that this amendment be laid on the table.

The PRESIDING OFFICER. The question is——

Mr. HUMPHREY. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Missouri (Mr. Eagleton), the Senator from South Dakota (Mr. McGovern), the Senator from California (Mr. Cranston), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Hatfield), the Senators from Ohio (Mr. Saxbe and Mr. Taft), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from South Carolina (Mr. Thurmond) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 46, nays 39, as follows:

[No. 403 Leg.]

YEAS—46

Aiken
Allen
Allott
Anderson
Beall
Bennett
Bentsen
Boggs
Brock
Buckley
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Edwards
Fannin
Gambrell
Griffin
Gurney
Hansen
Hruska
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McIntyre
Miller
Nelson
Packwood
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Sparkman
Stafford
Stennis
Stevens
Talmadge
Tower

NAYS—39

Bayh
Bible
Brooke
Burdick
Case
Chiles
Church
Ervin
Fulbright
Gravel
Hart
Hartke
Hollings
Humphrey
Inouye
Jackson
Javits
Kennedy
Mansfield
Mathias
McClellan
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Pastore
Pearson
Pell
Percy
Proxmire
Spong
Stevenson
Symington
Tunney
Weicker
Williams
Young

NOT VOTING—15

Baker
Bellmon
Cannon
Cranston
Eagleton
Fong
Goldwater
Harris
Hatfield
Hughes
McGovern
Mundt
Saxbe
Taft
Thurmond

So Mr. Long's motion to lay Mr. Humphrey's amendment (No. 1477) on the table was agreed to.

Mr. HUMPHREY. Mr. President, now that my good friend from Louisiana has given me the commitment that he will take this amendment on the debt limit bill, I trust that the recent vote will not in any way alter that. We will offer it at another time. I am really sorry that we were unable——

Mr. LONG. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LONG. The commitment is still good. I will be happy to support it on another bill, and, for lack of another bill, I will be glad to put it on the debt limit bill.

Mr. HUMPHREY. My affection for the Senator is exceeded only by my admiration for his integrity and ability.

Mr. President, I want to bring up my amendment No. 1473, but, for the edification of this distinguished body and those who may have more pressing engagements, let me say that I do not intend to ask for a rollcall vote. In fact, I call the amendment up only for discussion, and after discussing it, I shall withdraw it.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be stated.

The assistant legislative clerk read the amendment (No. 1473) as follows:

On page 37, after line 19, add to section 103:

MAINTENANCE OF EFFORT

(a) That the local government will maintain its present level of tax effort, measured for purposes of this section by general tax effort as defined in section 106 (b), (c), and (d).

(b) The Secretary shall, for each entitlement period of pay, pay out of the trust fund those entitlements to which each unit of local government is entitled, conditioned on fulfillment of part (a) above.

(c) The Secretary shall have the authority, upon reasonable determination that a unit of local government is unable to meet said conditions established in this section through the occurrence of a national disaster; or if the State or Federal Government assumes responsibility for expenditures which (before July 1, 1972) were the responsibility of local governments; or if a local unit of government suffers an inordinate decrease in tax base; or if a local unit of government so notifies the Secretary that expenditures in any category are no longer of a high-priority nature, to waive part (a) of this section in the payment of entitlement for each unit of local government.

Mr. HUMPHREY. Mr. President, the purpose of this amendment is to insure that the prime objectives of revenue sharing are in fact fulfilled.

This amendment mandates that local units of government continue to raise local revenues to spend on locally determined services with the same tax effort as in the past;

Put simply, it means: a community's own revenues raised from locally indigenous sources relative to the total income in the community shall not decline.

This amendment does not require that property taxes be maintained at present levels. The language explains that local government units should reduce property taxes by a tax adjustment program—a tax adjustment program which calls for the raising of revenues from a tax system related to income as well as property.

Mr. President, as I read the committee report, the fundamental goal of revenue sharing is to assist in the operating and maintenance of public services. Revenue sharing is designed to help arrest the deteriorating quality of life in many areas of the Nation.

And, to accomplish this goal, we in the Congress, have a responsibility to see that Federal funds raised by Federal tax collections are not substituted for locally raised funds on a wholesale basis.

Mr. President, there are some who have viewed revenue sharing strictly as a measure of tax relief. I think it is time to set the record straight. The Revenue Sharing Act of 1972 should be seen as what its title describes—a revenue-sharing proposal.

The plain fact is, as the League of Cities Conference of Mayors reports, that spending in our local communites and counties is increasing at about $3.7 to $4 billion a year. That represents about 5 to 10 percent of the total revenues raised locally each year. Revenue-sharing funds going to local units of government amount to about $3.5 billion this year. At least on an aggregate, revenue sharing is about the same as 1 year's expenditure level.

It might be more accurate to characterize revenue sharing as the Tax Adjustment Act of 1972. In the last 12 years, throughout the United States, there have been more than 450 major tax increases. If the influx of Federal funds retards or slows down this seemingly never-ending process of increased taxes, increased user charges, and increased municipality utility rates, then it will have served a useful function.

Mr. President, all of us want to cut property taxes. Time and time again over the last 7 months, I heard: "Property taxes are too high." "I'm paying too much." "It is breaking my back, not to mention my wallet." "I'm living on a fixed income, and I can't even afford my own home."

The fact is, Mr. President, the whole subject of property taxes is one that demands an answer. People are demanding that the rise in property taxes be stopped—they want reductions. That is one reason why I will set in motion a study of the property tax with a mandate to report back to the Congress with legislative recommendations.

I have heard various plans being floated dealing with property taxes, especially that tax pertains to educational financing.

The administration has floated the possibility of a value added tax—a giant sized national sales tax to which I am opposed.

There are other methods to help cut property tax cost.

I would direct the attention of the Senate to what has happened in Minnesota where the State support of education has increased from 43 percent to an estimated 72 percent for the coming school year. This allowed the average school property tax to fall by some 20 percent. And when the State restructured its general tax program, overall property tax figures fell by some 11.5 percent from 1971 to 1972.

Mr. President, I ask unanimous consent that testimony of Governor Wendell Anderson on revenue sharing that documents these facts be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF WENDELL R. ANDERSON, GOVERNOR OF THE STATE OF MINNESOTA

Minnesota needs Federal Revenue Sharing. Minnesota needs revenue sharing for local and state government, not because it has been doing a bad job in tax and fiscal policy, but because it has been doing a good job.

Over the past few years, Minnesota has undertaken an extensive reform of its tax structure. This year's Advisory Commission on Intergovernmental Relations' report said, "A cluster of highly innovative 1971 Minnesota actions combined to produce the outstanding fiscal case study of the year. The Minnesota legislature and the governor joined to rewrite the book on State fiscal policy toward local government." The article was entitled "The Minnesota Miracle."

Minnesota has accomplished the following reforms:

1. The state support of education from non-property taxes has increased from 43% in 1970–71 to an estimated 70% for the coming school year, 1972–73. The formula for school support has been drastically reformed to achieve equalization in school expenditures and local school tax rates. The average school property tax fell over 20%.

2. Massive state aid to local government began in 1968 and was increased 30% in 1971. The state now distributes to local non-school units of government $26 per capita of unrestricted state funds. This aid rises automatically to $28 per capita in 1972. The formula of aid is adjusted to reward those units who need the aid the most. To illustrate the magnitude of this aid, the City of Minneapolis receives approximately $16 million this year. This compares with the $4.8 million to be provided in H.R. 14370. In addition, another $10 million is distributed to local government from shared taxes.

3. The inequitable personal property tax has been abolished.

4. The state began in 1968 to pay 35% of the property tax bill of every homeowner, up to a $250 maximum.

5. To insure equity to renters, the state gives renters an income tax credit of up to $90.

6. Senior Citizens with an income below $5,000 have a special tax credit whereby the state pays a portion of their property tax. The payment ranges from 90% to 10% of their property tax, depending on their income and their property tax.

7. The Minnesota sales tax completely exempts food, clothing, and all medicines in order to blunt the regressivity of this consumption tax.

8. Of the state's $2.9 billion biennial budget, more than 60% is directly returned to local schools or municipalities as aid.

9. The average property tax fell 11.5% in Minnesota from 1971 to 1972 as a result of the restructured state tax program. Minnesota may well be the only state where property taxes decreased overall.

10. To avoid the bulkanization of the state tax structure, the state outlawed local sales and income taxes.

In a preceptive comment, Frank Trippet, in *The States: United They Fell,* said this of state taxation in general, "To ascertain the purpose of the state legislature's fiscal behavior it is necessary to recall the *true constituency* it serves. This is not the people. The legislature's true constituency (with the infrequent exception when a single strong leader becomes its true constituency) is composed of that loosely coalesced community of commercial interests enumerated previously, the corporate community of industry, finance, and business—banking, realty, insurance, trucking, rails, liquor, mining (coal and minerals), fuel (oil and gas), sometimes gambling (horses, dogs, jai-alai), power (gas and electric utilities), and farming (when it takes on a corporate personality as in the Florida citrus industry).

"It is this true constituency that the legislature protects with its celebrations of thrift. It protects the true constituency from carrying a reasonable share of the tax load. Anyone acquainted with the promotional literature published by the states to attract industry will be aware that they invariably boast of the light tax burden carried by business and commerce in the state. In addition, certain states offer specific tax forgiveness to incoming businesses. Truth is a rarity in some fields of promotion, but in this the states do not lie; an abundance of scholarly expert research exists as solid corroboration. It is a truism that the history of state taxation is a history of regressive direct personal consumer taxes combined with only slightly progressive income taxes; a persistent reluctance to tax business and industry has been part of that history. It will be useful to keep this commonplace in mind along the way to some deeper understanding of the legislative nature."

Historically, the Legislature and governors in Minnesota have relied on the state income tax and a moderate sales tax exempting food, clothes, and medicines. This policy, coupled with the falling property tax, has avoided the worst features that mar the tax structures of many states.

However, reform is not without its problems. The pressures on local property taxes remain and threaten the successes of the fiscal program. The high state income tax is invidiously compared to states without an income tax and used to attack the reform program by the interests who oppose progressive taxation. The state's tax resources are sorely strained by its need to both maintain its aid to local schools and municipalities at adequate levels and to fund state programs of pollution control and penal decentralization and reform.

To maintain and to perfect Minnesota's tax reforms, we need revenue sharing. Minnesota's local governments need it to meet their pressing needs in law enforcement and pollution control, and to hold the property tax in check. Minnesota state government needs it to maintain its fiscal reforms without increasing the state's already large tax efforts.

In a short run sense, Minnesota state also needs revenue sharing. State tax collections for the fiscal year just ended are $91 million short of those anticipated by the 1971 Legislature. The estimates are short principally because of federal actions. The national government's wage and price controls, particularly the Phase I freeze, drastically cut into the anticipated growth in wages and prices. The effect was a cut in anticipated income and sales tax revenue. It is rather ironic that slowing inflation presents a fiscal problem to the state. State expeditures are also substantially below estimates and revenue for the current year may meet estimates, but the entire $91 million loss will not be made up by these factors.

I am aware that amendments have been submitted to H.R. 14370 which will reduce or abolish the tax reform incentive of the bill. Minnesotans were extremely pleased by the provisions of H.R. 14370 which offered incentives to reform the generally poor state tax structures. To now see this incentive removed is a rebuff and affront to those who have succeeded in state tax reform, as has Minnesota, and is a crushing blow to those states which are still seeking tax reform. I do not believe any fair-minded person can sincerely defend the tax structures of states who lack income taxes, who rely on regressive sales taxes and on the most obnoxious tax of all, the property tax.

I can understand that Senators from these states have a legitimate concern that their states are not left out of revenue sharing. However, H.R. 14370 as passed by the House does guarantee them their due. Only one-half of the state share of H.R. 14370 is based on state personal income tax effort, and even here a minimum ½% of the state federal personal income tax liability is guaranteed.

I ask that the proposed amendments to weaken the tax reform incentive of H.R. 14370 be defeated and the bill approved.

Mr. HUMPHREY. The point I am making, Mr. President, is that there are better ways to deal with property tax relief than through revenue sharing—even though revenue sharing can be part of the answer. Property tax relief encompasses not only the rate of taxation, but the method and equality of assessment.

Different cities and localities administer and collect property taxes with vastly different degrees of efficiency and fairness.

Revenue sharing must not be just a substitution of federally collected tax dollars for locally collected tax dollars.

I am for allowing local units of government, with Federal assistance to make the property tax, and other taxes, fair. And, I want to give them the incentive and the time to do so.

That is one reason I offer this amendment—because I think it will lead to tax reform at the local level.

Local governments raise about $38 billion in property taxes. Revenue sharing money going to local units will amount to about $3.5 billion. This is less than 10 percent of aggregate of nationwide revenue from property taxes. That could, in individual cases, provide some tax relief, but realistically, for the vast majority of people, it will not. Cities where the tax bite is the greatest are crying out for funds just to provide a decent level of services.

And some cities, such as Baltimore and Philadelphia, have already programed revenue sharing funds—which they have not yet received—in this year's operating budget.

So, what we are really after, Mr. President, is tax reform—and this is where I believe my amendment will help.

This amendment does not freeze the local taxes. Property taxes can and should go down, just as long as the aggregate total revenues collected is maintained. My amendment does not affect the mix of taxes—local governments can reduce property taxes and maintain the aggregate by utilizing more progressive types of taxation. And, if a State assumes some taxing responsibility with a statewide property tax, then under terms of this amendment, localities can reduce taxes and still receive an entitlement.

Mr. President, this amendment is not a string in the sense of the traditional limitations of categorical programs.

We are not telling localities how to raise taxes. They retain the flexibility to do so, and to decide their own mix of taxes.

We are not telling localities that taxes cannot be reduced. We are saying that localities ought to look first at the burden of the taxes, and make efforts to bring the principle of ability to pay to the tax system so that taxes are fair and equitable.

And, we are not freezing, for all time, the level of taxes and revenues.

There are sufficient provisions to be flexible if a locality suffers a local recession or a natural disaster, or if the State or Federal assumes responsibility for an expenditure that was once totally a local function, then local taxes can, in fact, and will likely be reduced without affecting a unit of government's revenue sharing entitlement.

In short, this amendment does not bar tax relief—it encourages tax reform and tax justice. Revenue sharing ought to be a vehicle for improving services, for increasing the quality of life, for assisting localities to meet their pressing fiscal crises, and be an incentive for State and local tax reform and justice.

In summary, my amendment would require localities to maintain their tax effort in order to receive revenue sharing funds. Certain caveats are entered to this amendment that give local and State governments wide flexibility that does not prohibit reducing property taxes.

Thus, if the local government "solves" a problem for which it has previously expended locally raised funds, the local government wants to redirect taxes, then upon simple notification to the Secretary of the Treasury, the locality will continue to receive revenue sharing funds.

I believe that my amendment is progressive. It will spur reform of taxes at the local level, giving communities the incentive to reduce the burden of property taxes, make a fair administration of assessments, and develop a progressive mix of taxes that does not penalize the working families of this Nation.

The amendment will help end the confusion over tax relief and tax reform.

It will spur the Federal Government to work closely with the States and localities in a partnership effort to find more equitable means of financing public schools.

And, it will assure that the fundamental purpose of revenue sharing—bringing the public services of this Nation up to the level people expect them to be—will be accomplished.

Mr. President, I have offered this amendment just for the purpose of stating to the chairman and to my colleagues in the Senate that revenue sharing must not be an excuse or a substitution for local community effort. I do not believe that we in Congress ought to take on the burden of raising taxes and revenues and relieving local governments of that burden and responsibility. I look upon revenue sharing as a way of helping communities do a better job. I look upon it as a way of encouraging local communities to reexamine their tax structures. That is the reason I offered the other amendment, which calls upon the Joint Committee on Internal Revenue to make this study of the property tax system.

I believe this study itself will be helpful toward the objective of which I speak, and because I feel that with the acceptance of that amendment by the chairman of the committee and by the Senate, calling for the Joint Committee on Internal Revenue to make a reexamination and evaluation of the local property tax system and to report back to Congress, I need not press for action upon this particular amendment.

I speak on it because I believe this record, as we go into this new system of financing local governments, ought to reflect a pretty good debate and dialog as to what it is all about.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. LONG. Mr. President, I wish to thank the Senator for his cooperation in not insisting upon having a vote on this amendment at this time. We did explore this subject, and it has a great deal of merit. The difficulty is that there are isolated situations where a tax cut is actually justified. Mayor Alioto set out a number of such hardship situations when we raised this question with him. As I recall, Mayor Moon Landrieu, of New Orleans, reported the situation that each fall he has raised taxes every way he could raise them, but what has happened now is that the wealthiest suburbs have been the beneficiaries of the wealthiest people moving there and away from the city, one reason being that the city's taxes are so high. It would be very desirable that he reduce taxes if he could. He is not expecting to do so. But the truth is that in some cities, such as New Orleans, the tax rate is already too high. It ought to be cut. If revenue sharing could help do that, it might be desirable. That is not what they plan to use it for. They need the money badly for additional services.

Mayor Alioto pointed out that in some cases the city puts a tax on that is nothing but a nuisance, unfair, inequitable tax that could not be defended by any justice or logic, only because it is so desperately in need for money that it has no alternative.

Taxes such as that ought to come off, if the community finds some source of revenue by which it could justify removing most of that unjust tax.

I suggest that the Senator join us in studying the extent to which communities do in fact reduce taxes when this bill is on the books. If we find that this is becoming an abusive situation, I will join him in trying to see if we can work out the best answer to it.

I appreciate the Senator's cooperation, and I assure him that, while we cannot support this amendment as it stands today, if we find this to be a bad situation and if it works out the way the Senator fears it could happen, I would be happy to cooperate with him to correct it.

Mr. HUMPHREY. I thank the chairman.

I offered this amendment because it is the only way I could get a chance to express myself on the concern I have. I do not believe that at this time we ought to weight down this bill with that kind of restrictive language, until we get some experience under revenue sharing. I merely want to put up the warning flag on it.

I happen to be very much devoted to the officers of local government. I think they have had a terribly difficult time. Ninety percent of the government that affects the lives of the people of this country takes place at the county and local level. Yet, they are the ones all too often without the resources to do the job they are asked to do. That is why I have been for revenue sharing.

After all, this is the people's money. We talk about Federal dollars and State dollars. It is really dollars of the American people. People now move from one locality to another. It is not the way it used to be, with people locked into a community all their lives. Millions of people are moving back and forth across this country, and I want to see the level of public service across the Nation improved, so that whether you live in New

Orleans or Minneapolis or Boston or Los Angeles, or wherever you may be, or whether you live in a rural countryside in a small community, there is at least a reasonable level of education, a good level of education, health care, transportation, and things that make for what we call good living. That is why I support this bill.

I thank the chairman very much. I have no other amendment that I wish to offer. I appreciate the chairman's cooperation, and I thank him for the help he is extending to all of us. He is doing a good job.

Mr. LONG. I thank the Senator.

Mr. HUMPHREY. Mr. President, I withdraw the amendment.

Mr. BUCKLEY. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 40, after line 14, insert the following new paragraph:

"Adjustment where new taxing powers are conferred upon local governments.—If a State establishes to the satisfaction of the Secretary that since June 30, 1972, one or more local governments within such State have had conferred upon them new taxing authority, then, under regulations prescribed by the Secretary, the aggregate amount taken into account under paragraph (1)(B) shall be reduced to the extent of the larger of—

"(A) an amount equal to the amount of the taxes collected by reason of the exercise of such new taxing authority by such local governments, or

"(B) an amount equal to the amount of the loss of revenue to the State by reason of such new taxing authority being conferred on such local governments."

On page 40, line 15, strike "(3)" and insert in lieu thereof "(4)".

On page 40, line 23, strike "(4)" and insert in lieu thereof "(5)".

On page 41, line 9, strike "(5)" and insert in lieu thereof "(6)".

Mr. BUCKLEY. Mr. President, this amendment represents a modification of amendment No. 1484, which I submitted yesterday. It is a modification which was drafted by members of the staff of the Finance Committee.

The purpose is to correct what I believe was really an oversight in the provisions aimed at maintaining the level of State effort in support of local communities. Under the present bill, in its present form, if there was any cutback in the extension of transfer of funds by the State to local governments, then there would be an equivalent cutback or withholding of the revenue-sharing funds destined to that State.

An exception was made in a situation in which a State assumes responsibility for a category of expenditures formerly carried by local communities. In such a situation, the bill allows the State to reduce its transfers by the amount of money it is assuming. The bill in its present form, however, does not take into consideration a situation in which a State might confer upon local levels of government new taxing authorities or in which it might transfer to these local levels of government tax powers then possessed by the State itself.

In other words, the impact of the bill as it now reads would be to tend to freeze the internal tax structure within a State. Yet, I think we all would agree that one of the pressing needs at the present time is to have State and local governments get together and see what can be done to arrange for a more equitable internal distribution of taxing powers.

My amendment, therefore, would permit an adjustment to be made where new taxing powers are conferred upon the local governments; and it would permit the States in question to reduce their transfers of local units of government by the amount of new taxes which are raised by local governments in the exercise of a new taxing authority or, in the alternative, by an amount equal to the amount of loss of revenue to the State by reason of the transfer of a taxing authority from the State to the local governments.

I understand that this amendment meets with the approval of the sponsors of the bill; and if it does, I shall not ask for a record vote.

Mr. BENNETT. Mr. President, the chairman and I have discussed this proposal. We think it does represent an omission from the text which we are happy that the Senator from New York was able to supply. Since, as he said, the text of the amendment has been discussed with and agreed to by the staff of the committee, I have been authorized by the chairman to say that the committee will accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, September 7, 1970, he presented to the President of the United States the enrolled bill (S. 3323) to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against diseases of the heart and blood vessels, the lungs, and blood, and for other purposes.

FEDERAL REVENUE SHARING ACT—AMENDMENT

AMENDMENT NO. 1493

(Ordered to be printed and to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill (H.R. 14370) to provide payments to localities for high priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BENTSEN AND SENATOR CHURCH TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that immediately following the recognition of the two leaders on tomorrow, the distinguished Senator from Texas (Mr. Bentsen) be recognized for not to exceed 15 minutes and that he be followed by the distinguished Senator from Idaho (Mr. Church) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the two orders for the recognition of Senators on tomorrow, the Senate resume consideration of the revenue-sharing bill; that the unfinished business, the interim agreement, be temporarily laid aside and remain in a temporarily laid aside status until the close of business tomorrow.

The PRESIDING OFFICER. Is the Senator asking that the previous order for the morning business be vitiated?

Mr. ROBERT C. BYRD. I thought that this order, if it were adopted, would automatically vitiate the previous order.

The PRESIDING OFFICER. It would have that effect. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Gambrell). Without objection, it is so ordered.

THE LEGISLATIVE PROGRAM

Mr. ALLEN. Mr. President, I should like to make a short prefatory statement and then have the opportunity to engage in colloquy with the distinguished majority leader with respect to the program for the remainder of the week and for the remainder of the session.

Mr. President, I should like to state that I recognize, understand, and appreciate the role of the joint leadership in the setting of the program, in calling up bills for consideration within certain limits. I wish to commend the distinguished majority leader and the distinguished assistant majority leader for the efforts that I know they have expended in seeking to bring up by agreement H.R. 13915, the antibusing bill. I commend them on their efforts and am hopeful that they will be successful. This is a most important bill. With the pell-mell rush to adjourn and a mountain of legislation that is necessary for the Senate to consider, the junior Senator from Alabama notes that no Saturday session is scheduled. I might say here that I am delighted to see the distinguished Senator from New York (Mr. JAVITS) coming into the Chamber, as the junior Senator from Alabama notified him earlier this evening that before this session today would end, he intended to engage the distinguished majority leader in colloquy with regard to the possible calling up of H.R. 13915.

The junior Senator from Alabama notes the absence of a work schedule for Saturday. He also notes an informal projection of the program, as shown on page 2 of the whip notice, some seven specific items, some of which are not on the calendar, which must be considered by the Senate prior to sine die adjournment.

So the junior Senator from Alabama would like to inquire of the distinguished majority leader as to just what the prospects are of calling up H.R. 13915 for consideration by the Senate.

Mr. JAVITS. Mr. President, will the Senator from Montana yield before he replies to the Senator from Alabama, as I may be able to furnish the Senator some additional information?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, the Senator from Alabama did inform me that he would raise this question as, obviously, it is his intention to raise it frequently, which is his privilege. But I wish to inform the Senator from Alabama that having decided he wanted it on the calendar and having decided he would not send it to committee, that means something. It is not an absolutely nebulous proposition. It means it will not have that prior consideration by a highly informed committee which measures usually receive.

For that reason, and for many others, but certainly for that reason, I might tell the Senator that it took us days—not hours, but days—in the conference on the higher education bill to come out with what we did. That was a conference with the House and Senate. So I cannot anticipate a short debate. In all honesty and fairness, I cannot advise the leadership that there will be anything like a short debate on this matter, or that this bill can be disposed of in some brief period of time, as the Senator from Alabama says, on a Saturday.

I cannot do that at all. The distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) has been very diligent, about this matter, as has the distinguished Senator from Michigan (Mr. GRIFFIN). They are both very much interested in it. They approached me, and I said I would get a meeting together with my colleagues on both sides of the aisle who are interested in the bill to discuss it with them. I tried to get such a meeting together and found that they did not feel there was even any point to meeting as yet until the calendar was clear of the two measures—that is, revenue sharing and the agreement respecting nuclear weapons.

So, I could not even make that step. However, they understood and I understand that we will confer about it. It is our duty to do so, and we will. We will give our views to the leadership on both sides. However, I certainly cannot allow any impression to prevail, because it is quite erroneous, that this matter can be disposed of in a short period of time or that we can take it up and easily iron it out.

Nor am I in a position to agree to any unanimous-consent request. And as I have said, the decision of the Senator from Alabama not to refer the measure to the committee is a decision that it will have to be done on the floor and not in committee. This lengthens the time. Experience shows that that requires a longer period of time. But that is the Senator's decision. He has made up his mind. I do not quarrel with it.

As was noted, and as I say, I acted in a matter similar to this 15 years ago, although for a different reason, the different reason being that the committee situation at that time did not work as it should have. I do not think that is so now. I think that the Committee on Labor and Public Welfare, of which I am the ranking member, would give this matter prompt and thorough consideration. However, again I thought I should tell the leadership what the result of the conference was, and I now report.

Mr. MANSFIELD. Mr. President, if I may interpolate there, because the question was originally addressed to me, I would say that the distinguished Senator from New York has in part given some of the answer which I had intended to give, because there has been an attempt on the part of the Democratic leadership to meet with both sides and see if some agreement could be worked out. The results so far have been negligible.

It is the intent of the leadership to go ahead on the present basis with the interim agreement and the revenue-sharing bill. And I am sure that meets with the approval of the distinguished Senator from Alabama, who indicated when he spoke earlier this week that he would like to get bits and items out of the way, if I recall correctly what he said.

Mr. ALLEN. The Senator is correct.

Mr. MANSFIELD. Mr. President, I would like to make an inquiry at this time, if I may, now that the distinguished Senator from New York is on the floor, as to what the Senator from New York and the Senator from Alabama would think of referring the legislation being discussed at this time to the committee with the proviso that it report it within a week's time.

Mr. ALLEN. Mr. President, does the Senator care to give his impression?

Mr. JAVITS. Mr. President, I must say that I am not chairman of the committee. I am only its ranking minority member. I would want to discuss the matter with the Senator from New Jersey (Mr. WILLIAMS), the chairman of the committee, as to what time he feels we will require. However, as to the order of magnitude cited by the leadership, I do not know whether it would be 2 weeks, 11 days, or whatever time that we might need.

Mr. MANSFIELD. Mr. President, I do not think that 2 weeks would be unreasonable because the Senator from Alabama has indicated that he would like to have action on this proposal before we adjourn.

Mr. ALLEN. The Senator is correct. Now, speaking only for the Senator from Alabama, I would feel that it would be fair to send the bill to the committee with definite instructions that it report the bill in some shape or form and to follow that with a unanimous-consent agreement that on the bill coming back to the Senate, it will immediately be called up for consideration by the Senate and become the pending business first, and then the unfinished business.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I could not agree to that suggestion. We do not know what the committee will report. How does the Senator expect the Senators who are interested to buy a pig in a poke? They do not know what they will be agreeing to in terms of a unanimous-consent agreement or in terms of the bill that will come out of the committee.

Mr. ALLEN. It is an up or down vote on the bill that will come before the Senate.

Mr. JAVITS. I do not think there is any up or down vote possible on the bill, because no one will agree to a unanimous-consent request that bars amendments, substitutes, and everything else. So, I do not think there is any question about voting up or down on the committee bill.

Mr. ALLEN. Mr. President, no one suggested that. All that the junior Senator from Alabama suggested was that the bill then become the unfinished business of the Senate and the Senate would then have the authority to work its will on the bill.

Mr. JAVITS. The Senator is addressing himself to the leadership as well as to the Senator from New York, who needs to consult with the chairman of the committee in the first place, as to how long it will take to turn out the bill. As to the unanimous-consent request, it would be with the option to every member of the committee itself. I could not agree to that part.

Mr. MANSFIELD. Mr. President, it appears to me that what has been suggested may have considerable merit in it—for the distinguished Senator from New York to meet with the chairman of the committee and other interested people to at least discuss this matter. That is all that we can do at the present time.

The reason that we are not meeting here Saturday is that if we did meet, we would just be tilting at windmills. And one thing that the Democratic leadership has tried to do has been to try to maintain a good degree of credibility with all Members so that if they are called in on a Saturday, for example, it would be with some assurance that there would be some action, some momentum, and some votes. And that was not just in view of the situation which has developed, but that might be very probable in the Saturdays ahead, depending upon the progress made with the schedule outlined.

As the distinguished Senator from Alabama has indicated, it is outlined pretty thoroughly on page 2 of the notice issued by the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD).

It is our intention tomorrow to lay aside the interim agreement on offensive weapons and confine ourselves exclusively, or almost exclusively—there may be some items that are noncontroversial—to the revenue sharing bill.

It is our intention on Monday to go back on the revenue sharing bill and stay with that until it is finished. And we hope it will be finished by Monday night. But only time will tell if that will be the fact. Then we will go back on the interim agreement, and we will stay with that until it is finished or disposed of one way or another. Very likely the leadership will be forced to submit a cloture motion. However, the stalling on this most important corollary to the SALT agreement must be done away with and the interim agreement disposed of one way or another.

It is my recollection, and again I am depending on memory, that what the distinguished Senator from Alabama and those who are associated with him seek is action on the antibusing bill, so-called, before the Senate adjourns later this month, if we are lucky. Is that a correct statement?

Mr. ALLEN. The distinguished majority leader has correctly stated the position of the junior Senator from Alabama and the distinguished Senator from Mississippi (Mr. STENNIS) and I feel also the position of the distinguished Senator from Michigan (Mr. GRIFFIN).

Mr. STENNIS. Mr. President, will the Senator yield for a brief statement?

Mr. ALLEN. I yield.

Mr. STENNIS. Mr. President, I preface my remarks, as did the Senator from Alabama (Mr. ALLEN), by saying that I am one of those who greatly appreciate what the leadership has to contend with and how they do contend with it. That applies to the minority leadership as well.

But this is not new subject matter we are dealing with. This matter has been debated here with considerable interest and it has spread over the Nation for 3 or 4 years. This is a busing bill; it is nothing but a busing bill. This is the first bill that has emerged from either body on that subject alone. This is a national matter. It is a domestic matter, it is true, but it is a national matter. The platforms of the two major parties make an expression on this subject. They are not together on it but they recognize it and they express themselves on it. This bill is expressly devoted to this subject and it is not tied to something else, and the bill passed the House by a sizable majority.

I feel that to represent our people we have to urge and assist and do everything we reasonably can do to get this bill considered. As a matter of fact, that is the reason we are here: to represent our people.

Mr. ALLEN. That is correct.

Mr. STENNIS. The national interest, of course, must be considered. There is a national interest.

The interim agreement and the SALT agreement are important matters and I want to join the leadership on both of them. But I do not believe that the bill we have before us, the so-called revenue sharing bill, is any more important nationally than this bill on the school situation. Until something is done we are not going to get the best out of our schools. I appreciate what the leadership has done. I am not complaining to the Senator from New York but he said he could not get anything out of his cohorts until these matters are disposed of. So I think a proposition has been made here, agreed to by the Senator from Alabama, and I heartily concur. It gives all of us something to work on, but it will take a lot of drive. I have respect for every committee and I know they work on this subject matter, but I think we deserve some kind of understanding in view of the shortness of time.

I thank the Senator.

Mr. ALLEN. I thank the Senator from Mississippi.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLEN. I am glad to yield.

Mr. MANSFIELD. We are faced with a difficult situation, one that is not unusual, although not so rare, either. We face the possibility of this bill being called up at some time on the basis of statements already made and the result, in my opinion, would be interminable debate.

Therefore, I would hope that it would be possible for the distinguished Senator from New York at an appropriate time to meet with his associates on the committee and others, because there are many who are interested in this subject on both sides, to see what the possibilities would be to have this bill referred to committee, and to have the committee report the bill within a time certain.

I would not go so far as to suggest a unanimous-consent agreement because that would be impossible at this time.

In my opinion it would be impossible if a bill were reported from committee. But at least to some extent we would be following the regular procedures, and we would be able to avoid this pressure which is on the leadership on a daily basis, and the pressure comes from both sides of the aisle, as to what we intend to do about this legislation having to do with busing.

I have not yet had a chance to sit down and talk with the distinguished Republican leader, the Senator from Pennsylvania, but I intend to do so at an appropriate time. But I want to reiterate that the Democratic leadership on its own initiative has been trying to meet with both sides to see what the possibilities are, and as the Senator from Alabama knows, those possibilities up to this time have been laid on the table.

Mr. ALLEN. Yes, and I appreciate it. As the Senator from Mississippi stated, I appreciate the efforts being made by the distinguished majority leader to get this bill before the Senate for consideration as the unfinished business of the Senate.

The distinguished majority leader understands that when the junior Senator from Alabama said as far as he was concerned he would agree to the proposal of the distinguished majority leader that the bill go to committee for 10 days provided that when it comes back it then becomes the unfinished business before the Senate, he did not ask that a definite time be set for a vote on the bill. We take our chances on that. But in 10 days' time the junior Senator from Alabama doubts if we will complete all seven of these items of business, and it would, therefore, be given an opportunity to be considered by the Senate with several "must" pieces of legislation to come. In that way he feels there would be a vote on the bill.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. MANSFIELD. The figure of a week, 2 weeks, 10 days, all of these figures have been bruited about. I do not think the figures are so important now. In the first place, the distinguished Senator from Alabama indicated that what he wanted was action before Congress adjourns. That is a matter which I think would be open to negotiation.

However, I have another proposal to make, and I have discussed this with no one.

What would the Senator think of referring the legislation in question to a committee, to have it reported by the committee at an appropriate time, and to make it the pending order of business for, let us say, November 10, 1972, after the election is over?

Mr. ALLEN. Well, that would not appeal very much to the junior Senator from Alabama unless we knew what other items of business remain undisposed of. We would just be getting an agreement out of thin air to come back. I do not believe there would be a quorum in the Senate.

Mr. MANSFIELD. On this issue we would have a quorum.

Mr. ALLEN. I do not believe there would be a quorum.

Mr. MANSFIELD. If it is that important I think we would have the full regiment in attendance at that time.

Mr. ALLEN. Speaking only for the junior Senator from Alabama he does not think very much of the proposal of the majority leader.

Mr. MANSFIELD. This would give us a chance to get rid of the appropriation bills and other matters, and it would give our colleagues who are campaigning a chance to meet with their people and make their speeches and do what is necessary to seek reelection. Then, if we could come back after the campaign, we could just confine ourselves to this one issue and maybe avoid a lot of difficulties which confront the leadership now.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. ALLEN. I wish to make one statement and then I will be glad to yield to the Senator from Michigan. That would be all right if we would add to that proviso that on a certain date there would be a vote on the bill.

Mr. MANSFIELD. That is not unreasonable and I hope if we get that far the distinguished Senator from New York and his associates would agree.

Mr. ALLEN. That would suit the junior Senator from Alabama and he would recommend it to his associates.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. GRIFFIN. First, I speak as the junior Senator from Michigan and not necessarily in the place of the distinguished minority leader. I wish to commend the Senator from Alabama for his leadership and to associate myself generally with what he has said. I hope he will stick to his guns; that if there is a reference to the committee, the committee be required to report in not more than 10 days, and that the bill be made the pending order of business.

I, of course, would reject the suggestion of the majority leader that it go over until after the election. I have made it clear—I am one of those who have some campaigning to do—to my constituents that I would stay here through election day, if necessary, to see that the Senate passes this important legislation. This measure, which has passed the House, is very close to what the President has recommended. It seems to me that we owe it to the President to have an up-or-down vote on this measure.

Mr. MANSFIELD. Does the President approve this legislation? I am just seeking information.

Mr. GRIFFIN. Yes, he does, and I think that we owe the President a vote on it.

Mr. ROBERT C. BYRD. Mr. President, in view of what the distinguished assistant Republican leader has just said, it should not be too difficult to get a quorum here after the election.

Mr. MANSFIELD. Not at all. I said a regiment. If 51 would come in, that would constitute a quorum.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. ALLEN. The distinguished majority leader, by his own words, said we would have a regiment here to consider that matter because it is so important. That underscores the necessity of this bill being brought up here for consideration by the Senate.

Mr. MANSFIELD. I should have learned by now never to engage in a dialog with the distinguished Senator from Alabama, because I always come off second best.

Mr. ALLEN. I promised to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I am undecided whether the proposal for November was in jest or half-jest——

Mr. MANSFIELD. It was serious.

Mr. STENNIS. But it should not be done until a real effort has been made here to get this bill to its rightful place for consideration in whatever time is remaining, because it certainly ranks in importance with anything else that is on the docket.

Mr. GRIFFIN. Mr. President, will the Senator yield for a further observation?

Mr. ALLEN. I yield.

Mr. GRIFFIN. I was at the White House with other Republican leaders at a meeting with the President of the United States, and I can say, on authority, that, as far as the President is concerned, this busing legislation is on his "must" list. I realize that it has not appeared on the "must" list that has been circulated so far, but it should be on the "must" list before we adjourn this session of Congress, so far as the President is concerned.

Mr. ALLEN. I appreciate the information offered by the distinguished Senator from Michigan.

Mr. ROBERT C. BYRD. Mr. President, will the able Senator yield?

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. I hope all sides will take under serious consideration the proposal made by the distinguished majority leader, to the effect that the bill be referred to the appropriate committee for a specified length of time, say 1 week or 10 days or 2 weeks, then that the bill be reported back to the Senate and placed on the calendar, and let the unanimous-consent agreement rest there.

I think both sides—and all Senators—recognize that the majority leader is always very fair and impartial, and that he would, at an appropriate time, then call up the bill and let the Senate debate it. I feel confident of that. If the bill were referred to a committee and reported back, that I think would meet the very logical and reasonable objection that has been expressed by the distinguished Senator from New York (Mr. JAVITS). The committee would have worked its will. A bill would have been reported and placed on the calendar, and the majority leader, at some appropriate time when he thought it best and when he thought he could do so, would then call up the bill. It seems to me that is the best way to get action on the bill before adjourning sine die.

Mr. ALLEN. Mr. President, in answer to the question by the distinguished assistant majority leader, after that period of 10 days or 2 weeks, we would be right back where we are right now, pleading with the majority leader to bring up the bill.

Mr. ROBERT C. BYRD. If the distinguished Senator will yield——

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. Except for the fact that a committee of appropriate jurisdiction would have had a chance to study the bill, and I think that is a justifiable objection on the part of the Senator from New York. I favor the bill——

Mr. ALLEN. I know that.

Mr. ROBERT C. BYRD. But I also favor the tested and tried parliamentary procedures of the Senate, and for that reason I think the bill should go to a committee. No further objection could then be made along that line. The bill would have gone to committee. The committee would have worked its will. The bill would be on the calendar, and the situation would be much improved over what it is at this point.

I, for one, would not want to come back after the election just to take action on this bill. Of course, if that is the will of the Senate, I will be here, Lord willing, but I would like to see some action taken on the bill before sine die adjournment—let the Senate work its will, let us have a vote on the bill. If those in opposition to it can muster a majority, well and good, but let us have a vote on it, up or down, before adjournment sine die.

I think the majority leader has made the right proposal. I hope that Senators on both sides will give it careful and appropriate consideration.

Mr. ALLEN. That is all very well, but if we could agree by unanimous consent that the bill go to committee and repose there for some 10 days, why would it not be fair to go one step further and say that upon its return from committee, it not only go on the calendar but he brought up and become the pending question and the unfinished business before the Senate?

Mr. ROBERT C. BYRD. Yet, pragmatically speaking, it might not be possible. Suppose the interim agreement should still be before the Senate as the unfinished business. Would we want such a unanimous-consent request to displace the interim agreement as the unfinished business? I think it would depend on what the situation was in the Senate at the time the committee reported the bill back. In the first place, I do not think we could get unanimous consent to do what the Senator suggests. The Senator is requesting something that, from a very practical standpoint, it seems to me, we might as well admit, to begin with, we cannot get.

Mr. ALLEN. That being the case, we are not going to get unanimous consent to do the rest of it.

Mr. ROBERT C. BYRD. I have not conceded that. Such a procedure might very well be agreed to. I would hope so.

Mr. MANSFIELD. Mr. President, may I bring this to a conclusion? I dislike being between the devil and the deep blue sea. I am sure this matter is going to be raised again and again and again if no agreement is reached, but the hour is getting late. I would like to get home and see my wife while we are still here.

Mr. ALLEN. We will reach unanimous consent on that.

ORDER FOR ADJOURNMENT UNDER 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:15 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Subsequently, this order was changed to provide for the Senate to convene at 9 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the two leaders tomorrow, the distinguished Senator from New York (Mr. JAVITS) be recognized for 15 minutes, and that following the remarks of the distinguished Senator from New York the other orders for the recognition of Senators previously entered into then take effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the orders for the recognition of Senators previously entered into, the distinguished majority leader (Mr. MANSFIELD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished majority leader tomorrow, there be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate H.R. 14370.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM FRIDAY UNTIL 10 A.M. ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 10 o'clock a.m. on Monday, September 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. Following the recognition of the two leaders under the standing order, the distinguished Senator from New York (Mr. JAVITS) will be recognized for not to exceed 15 minutes. He will be followed by the distinguished Senator from Texas (Mr. BENTSEN) for not to exceed 15 minutes. He will be followed by the distinguished Senator from Idaho (Mr. CHURCH) for not to exceed 15 minutes, after which the Senate will resume the consideration of H.R. 14370, the so-called revenue-sharing bill, the unfinished business being temporarily laid aside throughout the day of tomorrow.

Amendments to the revenue-sharing bill will be voted on throughout the day. Yea-and-nay votes will occur.

In view of the fact that there will be no Saturday session this week, it is necessary that the Senate make as much progress as possible tomorrow on the revenue-sharing bill.

Senators will therefore please be prepared for a full day of work tomorrow.

ADJOURNMENT UNTIL 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 7:44 p.m. the Senate adjourned until tomorrow, Friday, September 8, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 7, 1972:

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

Peter J. Bensoni, of Minnesota, to be a member of the Federal Metal and Nonmetallic Mine Safety Board of Review for the term expiring September 15, 1977; reappointment.

BOARD OF PAROLE

Thomas R. Holsclaw, of Kentucky, to be a member of the Board of Parole for the term expiring September 30, 1978, vice William F. Howland, retired.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Phillip Buford Davidson, Jr., [redacted], U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 7, 1972:

NATIONAL SCIENCE BOARD

The following-named persons to be Members of the National Science Board, National Science Foundation, for terms expiring May 10, 1978:

Wesley G. Campbell, of California.
T. Marshall Hahn, Jr., of Virginia.
Anna J. Harrison, of Massachusetts.
Hubert Heffner, of California.
William H. Meckling, of New York.
William A. Nierenberg, of California.
Russell D. O'Neal, of Michigan.
Joseph M. Reynolds, of Louisiana.

EXTENSIONS OF REMARKS

POSTAL SERVICE STANDARDS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 7, 1972

Mr. HARRY F. BYRD, JR. Mr. President, I frequently hear unfavorable comments about the Postal Service. Not all such criticism is fair.

In this regard, I cite an article published in the Roanoke Times of July 5 which shows that this new organization is trying to give us better mail service.

One of the most encouraging developments in the Postal Service is the establishment of service standards. I am pleased to note that the Roanoke District of the Postal Service is meeting the national standard for local delivery—next day delivery with 95 percent reliability.

This is most encouraging, and I hope to see more standards like this in the near future for all types of mail.

I ask unanimous consent that the text of the article, "Postal Service Attaining Goals, District Chief Says," be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POSTAL SERVICE ATTAINING GOALS, DISTRICT CHIEF SAYS

(By Robert B. Sears)

Knocking the mail service is still a popular pastime a year after a government corporation, the U.S. Postal Service, took over the venerable U.S. Post Office Department.

But Charles L. Fallis, manager of the Roanoke District of the Postal Service, a man not without a certain bias about mail matters, doesn't take much stock in the knocking.

Fallis, a 44-year-old career employe, who began as a railway postal clerk in Cincinnati 19 years ago, is a relaxed, low-keyed, pleasant-spoken executive, whose mild manner has to be deceptive.

Deceptive, for one reason, because his job is bigger than it sounds.

He is responsible for 509 post offices from Appomattox on the east to Princeton, W. Va., on the west, and from a point between Harrisonburg and Staunton on the north to the North Carolina line on the south. The district includes all of Southwest Virginia clear to Lee County and the Kentucky line.

Fallis believes the Postal Service is doing a good job, and here are some of the reasons:

Last November, the Postal Service instituted a nation-wide local area service improvement program for first-class mail.

"Our goal," Fallis said, "was to give next-day delivery service with 95 per cent reliability."

A letter mailed anywhere in the Roanoke District would be delivered to an addressee within the district the next day—95 per cent of the time.

The Postal Service set up a special section in Washington called ODIS (Origin Destination Information System) to scientifically sample the mail and see how well the 95 per cent goal is being met.

"It's run," Fallis remarked, in his soft, unprofane-sounding voice, "by a bunch of people, who don't give a damn whether we make it or not."

The Roanoke District has been rated by ODIS every two weeks, and Fallis is proud of his employes whose work has resulted in a 95 per cent for better rating every time.

On two occasions since the program began, ODIS has rated the Roanoke District 100 per cent.

The Roanoke District, too, like the rest of the nation, has an air mail improvement program, Fallis said.

Roanoke has not done as well in this department, but Fallis blames the weather and Woodrum Airport's proclivity for closing down.

"We constantly make 95 per cent," he said, "when we have the weather that will allow us to do it."

Postmaster General E. T. Klassen has stated that the Postal Service must save $450 million in the fiscal year that began Saturday, that it must at the same time improve service (including courtesy), that it must not hire any new employes, and, indeed, must reduce employes, by attrition.

The $450 million saving is to avoid a postage hike.

Long-time employes have been offered inducements to retire early.

How, then, is the Postal Service to improve service with fewer employes and less money in the face of a mail load estimated to be increasing at an average rate of two per cent annually?

Fallis has some answers:

Area Mail Processing is one. Roanoke will get it before September.

The Staunton Sectional Center already has it.

There are 53 post offices in the section, including Staunton itself. Letters mailed in any of the other 52 post offices are packed up and sent to Staunton for sorting to their destinations.

No sorting is done in the individual post offices.

Letters mailed in 2nd, 3rd, and 4th class post offices receive the postmark of the local post office.

But letters mailed in 1st-class offices—Clifton Forge, Staunton, Lexington, Buena Vista, Covington, and Verona—are not even cancelled there.

They are bundled up and shipped off to Staunton, where the cancellation they get reads:

"U.S. Postal Service, Va. 244."

A recent National Observer article indicated that the small-town postmark, like "Floyd," is doomed by Area Mail processing. Fallis said this isn't so.

Employes at small 4th class post offices aren't that busy, Fallis said, and they will continue to cancel letters with the local postmark. The same goes for 2nd and 3rd class offices.

If you live in Lexington or any other first-class post office in the Staunton Sectional Center jurisdiction and feel strongly about the local postmark, you can get it by putting your letter in a special slot at the post office, or handing it to a clerk and telling him to cancel it with the local postmark.

Another way the Postal Service aims to save money is by putting all carriers, including city carriers, in vehicles. Motorization of Roanoke City is not complete, Postmaster Melvin S. Raikes said recently, but it is on the way.

Fallis explains the saving this way:

The carrier delivers both parcels and letters, so you don't have a separate parcel post delivery system.

The method of giving every carrier a vehicle means that he can take ALL the mail for his route out at one time.

Now, another man takes a vehicle and puts extra mail a carrier can't carry in a relay box, where the carrier picks it up.

The Postal Service even has a name for the new system: "Park and Loop."

The carrier drives his vehicle to the block where he begins, parks it, then "loops" around the block on foot delivering letters. He saves his parcels, if any, to the last and delivers them and the letters destined for the same address as the final task in the block. Then he goes to another block and does the same thing.

The vehicles don't get driven excessively, because the letter carrier still does a lot of walking, Fallis said. For that reason, although the Postal Service has a lot more vehicles, they are expected to last for three or four years each.

"We came down here a year ago," Fallis said, "and we set goals for improved productivity (in mail processing). The Roanoke District at the end of the fiscal year (last Friday) has achieved 200 per cent of our goals for improved productivity."

Of the 19 districts in the Eastern Region of the Postal Service, Fallis said, the Roanoke District rates second.

"We are not going to cut any kind of service," Fallis said, "I don't think the public will stand still for any kind of cut. We are trying to give better service, not cut service."

CONGRESSMAN HUNGATE'S LATEST NEWSLETTER

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. HUNGATE. Mr. Speaker, my eighth annual newsletter has just been printed for distribution to my constituents and I enclose its contents hereafter as part of this RECORD for the information of my colleagues:

CONGRESSIONAL CAPSULE FROM YOUR CONGRESSMAN BILL HUNGATE

NINTH DISTRICT AGAIN REDISTRICTED

Under the court redistricting plan now in effect, the Ninth Congressional District lost several counties, some of which had been in our District as long as 80 years. Four counties south of the Missouri River—Franklin, Gasconade, Osage and Maries—are now in the Eighth Congressional District served by Congressman Richard H. Ichord. We also lost Adair County and our 7,000 Boone County constituents.

I would like to welcome those who are new to the Ninth District—about 16,000 residents of Ferguson in St. Louis County—and we are pleased that Putnam, Schuyler and all of Scotland Counties are once again in the Ninth District.

While it is unfortunate to lose constituents who have been part of the Ninth District for so many years, I am glad we were able to retain most of our District.

The characteristics of the Ninth Congressional District remain much the same. We are fortunate to have such a good cross-section of people from urban, suburban and rural areas.

ENVIRONMENTAL CONCERN

Great concern for our environment was shown during this session of Congress and the House acted on many bills aimed at curbing pollution. Some of this legislation is listed on page 4 of this newsletter under "Legislative Record."

I hope you will continue to give me your views and suggestions on how to clean up our environment—whether it's a local problem or your opinion on national legislation.

Ninth District interest in solving our pollution problems was recently highlighted by the Environmental Protection Agency. In their June, 1972, "Citizens Bulletin" the following comments appeared:

AMERICANS WILLING TO PAY FOR ENVIRONMENTAL IMPROVEMENT

Recent polls show that Americans are more willing than ever to pay for environmental improvement. Results of a survey of constituents reported recently by U.S. Rep. William L. Hungate (D. Missouri) showed that 61.2% of the individuals answering were willing to pay more for products and utilities if they were made [virtually] pollution-free.

We should be proud that ours is one of the first Congressional Districts to express support and willingness to cooperate in improving our environment. Let us encourage others to follow our lead in the wholehearted national effort needed to solve our pollution problems.

VISITORS TO YOUR "MISSOURI EMBASSY"

This year we've had a record number of visitors in our Washington office. Over 500 individuals and families from Missouri have visited us—met the staff, seen our offices and the U.S. Capitol. We're always happy to help by providing official passes to the House and Senate galleries, schedule tours and offer whatever assistance we can to make your visit to our Nation's Capital more meaningful and pleasant.

From January through August this year, we've had visitors from every county in the Ninth District. Please let me know when you plan a trip to Washington and we'll be glad to send information that will be useful in scheduling your tour. Do drop by your "Missouri Embassy" whenever you are in our Nation's Capital! The welcome mat is always out at 439 Cannon House Office Building.

COMMITTEE REORT

Judiciary Committee

This session of Congress the Judiciary Committee, on which I serve, held hearings and acted on many various proposals. These include improving our Federal courts, busing, antitrust aspects of professional sports, family farm protection from conglomerates, hand gun controls, 18-year-old vote, equal rights for women, and narcotics control, treatment and rehabilitation—40 percent of all Congressional legislation is handled by the Judiciary Committee. As you can see this busy Committee is presented with some of the most difficult and important questions facing our nation.

It is no place for the timid. It is no place to avoid controversy. It requires a willingness to speak out on matters of conscience to protect and preserve our freedoms of speech, press and religion, even when such positions may be temporarily unpopular. It requires regular reflection on the value of each individual's right to privacy, dignity and respect. It is our duty to safeguard each person's Constitutional rights against any possible tyranny by the State.

Small Business Committee

As Chairman of the Subcommittee on Environmental Problems Affecting Small Business, I have held hearings on "Small Business Opportunities in Outdoor Recreation and Tourism" and "The Effect of the Occupational Safety and Health Act of 1970 on Small Business." (OSHA.)

The Assistant Secretary of Commerce urged greater emphasis on tourism for the benefit of small business. For every 100 person directly employed in the travel indutry, 60 to

100 backup jobs are created in travel-related businesses. Eighty percent of the dollars earned from tourists stay in the local community. This is a greater percentage of locally retained revenue than would be generated by a new industry having an identical dollar volume.

There is a great potential for small business in outdoor recreation and the associated tourist trade. Our hearings produced increased awareness in the Federal Government of the need to concentrate our efforts on tourism, particularly in attracting more visitors from abroad.

The hearings on occupational safety and health have probably been some of the most important during this session of Congress. Over 83 witnesses, including 47 trade associations representing 2.2 million small businesses, appeared to testify regarding the administration of the law. I think the law is basically sound (although it needs several modifications), but it appears the bureaucrats have once again complicated matters by establishing rules and regulations that are unrealistic and too often unfair to the small businessman.

During the course of these hearings, the Assistant Secretary of Labor agreed to support some changes in the law to make it more reasonable for the small, independent businessman trying to comply. The Committee urged a compliance policy based on education and persuasion rather than intimidation. Witnesses included William S. Lowe of Mexico, Mo., President of the U.S. Chamber of Commerce, and Charles Bade of Owensville, President of the Missouri Oil Jobbers.

The Subcommittee's recommendations should bring about some important and beneficial changes in the OSHA law for all small businessmen.

NEWS FROM THE STAFF

Rosetta Pagnella has been a member of Congressman Hungate's staff since 1965 and has served as Administrative Assistant since 1969. Her knowledge of the Ninth District, its people and its projects, has been vital to the successful operation of this Congressional office. Rosi is the wife of airline pilot Bill Pagnella, and mother of four-year-old Brian and in her "spare time" led the office team, "Hungate's Hee Haws," to a third place finish in the congressional softball league.

Mary Lou Liggon is probably the first voice you hear when you call the Congressman and the first person you see when you visit the office. While swamped with appointments, invitations, visitors and phone calls, Mary Lou somehow retains her friendly disposition and keen sense of humor. Mary Lou, her husband Dave (a decorator), three children, Debbie, Lisa and Steve, and two dogs, Kelly and Teen, have adjusted well to midnight phone calls and 9 p.m. suppers.

Katie Straube and Sandi Panneton continue their competition to see who can help Congressman Hungate win the most social security and military cases. Katie, from Bowling Green, enjoys the single life in Washington and lives in a huge old townhouse with several girls near the U.S. Capitol. Sandi's husband, Roger, is working on his PhD and she is gaining recognition for expertise in her sparetime hobby of cake decorating.

Pat McBride makes sure Mr. Hungate sees every letter constituents write about legislation before it comes before the House for a vote. With a ready smile, Pat enjoys taking fellow Missourians on a tour of the U.S. Capitol and has become handy with the office camera to make sure all our visitors have a photo memento of their visit with Congressman Hungate.

Vicki Kessler, Legislative Assistant and Academy Secretary, urges all Ninth District young men who have applied to the service academies for classes beginning in 1973 to complete as soon as possible all the requirements necessary for them to be considered for appointment.

Jackie Hendricks, whose excellent secretarial skills are always in demand with our heavy volume of mail, is the mother of 8-year-old Butch, and finds Washington offers many opportunities for pursuing her varied interests.

Joyce Straube, back from college and back on the team, is cheerfully lending a hand wherever needed on the special projects constantly arising in the office. Eager and interested, Joyce is an asset to our busy office.

Larry Grewach of Troy, attended St. Louis University last year and participated in the George Washington University intern program this summer. Larry, now returning to school, contributed valuable service to his own Ninth District Congressional office.

Marion Ross, Washington Press Secretary, behind her desk constantly flooded with the papers and reports that flow through every Congressional office, works with the Congressman on press releases, newsletters and speeches. Marion loves the hectic pace of Washington so much that when she leaves our active office she goes home to her apartment overlooking one of the city's busiest streets. As editor of this newsletter, Marion hopes you'll enjoy this issue and welcomes your comments.

LEGISLATIVE RECORD: JANUARY–JULY, 1972, 92ND CONGRESS, 2ND SESSION

Some of the important legislation which has passed the House with my support:

Legislation to establish an institute to coordinate and disseminate information on juvenile delinquency and provide training for all levels of government dealing in control of juvenile offenders.

A bill to establish a national coordinating facility for data on the environment.

A bill to provide assistance to the States to help meet costs of vocational rehabilitation services for the handicapped.

A measure to prevent the capture and killing of ocean mammals for commercial purposes to prevent losses of endangered species.

A bill to authorize the Environmental Protection Agency to coordinate all Federal programs relating to noise control.

Legislation to set national goals to eliminate discharge of pollutants into the waters of the United States by 1985.

A bill to provide for the development of a comprehensive plan to control drug abuse.

A measure to extend the Federal Water Pollution Control Act and provide additional funds for water pollution control.

A bill to upgrade veterans education and training opportunities.

Legislation to provide a program for drug detection, treatment and rehabilitation for members of the Armed Forces.

The Rural Development Act to encourage small business and other development in rural areas.

A measure to provide additional source of funds for tree planting and seeding of national forest lands.

A bill to help finance telephone cooperatives and companies in rural areas.

A bill to establish a National Institute of Aging to research aging process, particularly health problems and develop treatment and cures.

A measure to advance the national attack upon the diseases of the heart, blood vessels, lungs and blood.

CONSTITUENT SERVICES, AN IMPORTANT PART OF OUR JOB

In this newsletter, I have emphasized national issues and legislation. This is because these issues affect everyone, and everyone deserves to know his Congressman's position and action on such matters.

However, dealing with national issues is only one part of a Congressman's job. Another part, a very important part, involves constituent services.

What are constituent services? Finding out why a Social Security check is late; helping a serviceman obtain a hardship deferment from overseas assignment; cutting the red tape involved in dealing with the Federal government.

I have deliberately directed the work of my office toward these and scores of similar "people-related" services since coming to Congress in 1964.

If you have a problem involving the Federal government, write or phone:

Congressman William L. Hungate, 439 Cannon House Office Building, Washington, D.C. 20515, Area Code 202—225–2956.

PALESTINIAN TERRORISTS

HON. WILLIAM A. BARRETT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. BARRETT. Mr. Speaker, the display of moral depravity by the Palestinian terrorists at Munich yesterday is almost beyond belief. This senseless act of barbarism, seizing Israeli Olympic competitors and then murdering them, must outrage decent peoples and governments throughout the world.

The gathering together of young people from all nations to take part in this great athletic competition has always been looked on as a means of bringing nations together and creating a common area of understanding. These Arab criminals turned it into a political battleground.

This is not the first time that such actions of reckless disregard for human life and defiling of decency have been perpetrated by Arab terrorists. Unfortunately, past action, many of which resulted in greater loss of life, failed to arouse world outrage. Such failure merely encouraged these international criminals and served as a green light for them to continue to disrupt world peace and threaten the lives and safety of people virtually everywhere.

Instead of being all too quick to pass resolutions condemning Israel as they have done in the past, the United Nations must take a strong stand against Arab intransigence and Arab support for such emissaries of violence and hate.

It is not enough that we condemn those actions here. Our Ambassador to the U.N. should be instructed to introduce a motion of censure against the Arab nations that have failed to condemn those acts of violence. The U.N. should be asked to declare sanctions against those nations who harbor and encourage terrorists groups and activities. As a matter of our own national policy we should suspend all forms of aid, trade and commerce with those nations that provide support, assistance or the means in any form for these groups to exist and operate.

Mere words cannot express the contempt I feel—a contempt which I am certain that millions upon millions of the world's people share—for men who would aid or commit atrocities of this nature.

It is not enough to say that these people must be of sick minds. As a nation our Government must take all necessary steps to see that such actions are universally condemned and cannot reoccur.

THE COST OF LIFE INSURANCE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. HUNGATE. Mr. Speaker, on July 24, 1972, I inserted an article in the CONGRESSIONAL RECORD about the cost of life insurance. I have since been contacted by Mr. Remmel H. Dudley, vice president of Metropolitan Life, and in the interest of presenting both sides of the issue, I call the following remarks by Mr. Dudley to my colleague's attention:

METROPOLITAN LIFE,
Washington, D.C.

Hon. WILLIAM L. HUNGATE,
Cannon House Office Building,
Washington, D.C.

DEAR MR. HUNGATE: In chairing your Subcommittee, of the Small Business Committee, I have observed you on several occasions, and have concluded that you are a fair-minded and a most reasonable Member of Congress. Hence, I am taking the liberty of writing you this letter.

In a recent Congressional Record you inserted the so-called "Shoppers' Guide to Life Insurance", released by the Pennsylvania Insurance Department. Metropolitan Life was mentioned therein.

At the outset, I want to emphasize that we have no interest in debating the Commissioner, nor are we asking that you do anything. The purpose of this letter—since you do have an apparent interest in this matter—is simply to make a couple of comments that we ask you to consider.

We were listed as only average in this guide. Frankly, we are not particularly seeking to be the lowest in price as the only way to accomplish that is to sell selectively. We have 48 million customers, and we take pride that our policyholders represent a true cross-section of the citizens of the United States and Canada.

This shoppers' guide provides only a limited measure of one artificial situation, and is not an indication of the real worth of a company which serves the entire market in all its aspects.

Even using average cost figures as shown in the guide, it must be realized that small changes in policy facts can alter the figures and produce entirely different rankings. For example, most companies in arriving at premium rates use the "age nearest birthday" whereas Metropolitan uses "age last birthday." Such facts as this were not taken into account in the guide, and would change the rankings significantly. Additionally, a difference in an individual's eligibility for the "preferred" rather than the "standard" underwriting classification would have a profound effect on the rankings. Since mortality rate is the largest single factor in the cost of life insurance, a ranking based upon our "preferred" class would put Metropolitan near the top in a ranking of costs.

The dollar and cents difference in cost between Metropolitan and the company ranked first in the guide is small when looked at in the relation of amount of premium—and is, in fact, no more than the amount by which the "cost" figures can be expected to change over a period of 20 years. In a mutual company such as ours, dividend scales would normally be changed several times over that long a period. It is evident that the soundest, best-managed companies are the ones that will achieve the most improvement in dividends in the future.

Metropolitan's growth over a period of 104 years, and its millions of policyholders who continue to buy more insurance from us, are ample testimony to our company's rank in providing real values to our customers.

As noted above, we have no desire to debate the pros and cons of this guide, but as a fair-minded Member of Congress—with an apparent interest in the guide—I thought you would be interested in these observations.

With kind personal regards, and looking forward to seeing you soon, I am

Sincerely yours

REMMEL H. DUDLEY,
Staff Vice President—Government Relations.

POSTAL SERVICE

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. DERWINSKI. Mr. Speaker, recognizing the great interest that Members of Congress have in the progressive developments in the Postal Service, I am pleased to direct to their attention an address delivered by E. S. Donnell, co-chairman of the Sixth Annual Postal Forum, on August 28 to approximately 3,000 delegates to the Postal Forum.

The address follows:

ADDRESS BY E. S. DONNELL

It's a privilege to serve as cochairman with Merrill Hayden at this Sixth Annual Postal Forum. I'm here in a dual capacity—as a representative of the mail order industry and my own company, which has been a partner with the Postal Service since our founding 100 years ago.

Last year, the mail order general merchandising companies had sales in excess of four billion dollars in their mail order operations alone. Moreover, the past three years they have enjoyed an 11% growth rate versus 8% for the past decade. Our industry is growing as more customers enjoy the convenience of catalog shopping. Unfortunately, continuing postage increases are forcing many to look at alternative means of distributing catalogs. And, incidentally, as many of you know, under current price controls, we have no way of recapturing these costs.

Montgomery Ward will handle over 300 million pieces of mail this year and this, in turn, will generate $38 million in postal revenues. As a result of the importance of mail service to our company, our key executives have been deeply involved in the Postal Service and industry mail order activities. With me here today are Bill Allred, our vice president of catalog merchandising, currently president of the Mail Order Association of America, and Mac Holloway, our general traffic manager, a member of the Postmaster General's Technical Advisory Committee. It is natural that I welcome the opportunity to join with them in serving at this distinguished gathering today.

This 1972 Postal Forum is different from its five predecessors. It follows the first full year of operations by the Postal Service as an independent agency rather than a government department. Fortunately, at this historic moment in postal history, the service has an experienced, creative leader with Ted Klassen. He has won the respect of the service and the business community in the short time he has been at this post.

All of us here today recognize the multitude of problems faced by the Postal Service during its present transition. The challenge in this case must be recognized as more complex than any faced by an industry in the private sector.

The Postal Service has over 42,000 branches and stations. It has over 700,000 employees. It has an expense budget that exceeds nine billion dollars annually.

The commerce of the nation cannot pause while a transition is made in its Postal Service. The pressures for service are constant and urgent. There is little tolerance for failures. There is vocal concern and genuine alarm in many areas of the business community about the rising costs of mail distribution. And, although the intensity of political pressures has been blunted somewhat by the new law, it has by no means been eliminated.

How has this revamped Postal Service coped with its problems in its first year? Considering the magnitude of this undertaking, most of us would have to agree that it has done remarkably well.

Mail service generally has been maintained with no increase in the incidence of system breakdowns. There have been some specific improvements in service, notably in parcel service and in airmail service between major cities.

But, to many, the most encouraging development has been the growing evidence of a new attitude at the Post Office. It is an attitude that seems natural to businessmen. I'm talking about the attitude: "We want your business" and "We want more business." It is the attitude of concern for customers.

As a postal partner, we believe that the mail order industry objectives are identical with those of the Postal Service. We both want an efficient operation which provides good service at lowest cost.

Our industry gets no real benefit from playing one class of mail against the other since we are heavy users of all classes. We are convinced that our own interests will be best served if we can effectively help you bring total expense and total revenue into balance.

In the retailing industry, we know well that price increases do not necessarily increase profits. A far more common solution to narrow profit margins is to reduce prices selectively in order to attract new business and to generate incremental volume. And incremental volume is as important to the Postal Service as it is to industry.

In our business, a small increase in the sales per square foot in a retail store can move a store from a loss position to a profit position. It is easy to imagine how an increase in the speed of handling mail could attract more business and narrow the gap between postal service costs and revenues.

Increased productivity with little or no change in fixed costs would provide the kind of incremental volume that could generate several billion dollars in revenue.

As a means of increasing postal revenues, there might be virtue in a national marketing campaign in the various media promoting greater usage of postal services. An appropriate time would be with the completion of the major units in the bulk mail network. Such a campaign could attract support with an explanation of the importance of fully utilizing these new facilities in the shortest possible time.

Every citizen wants and needs an efficient, low cost mail service. Advertising mail provides the financial support that is essential to survival of the Postal Service as a low cost consumer service. Unfortunately, there is good reason to doubt that the general public is aware of the contribution that advertising mail makes to a sound postal system.

Many of those most interested in a self-supporting postal system are quite vocal in attacking the one category of mail which offers the best hope for achieving the kind of postal service they themselves want. It is this category which helps the Postal Service fulfill its social responsibility in providing lowest cost dissemination of news and educational materials.

At this Forum, we have gathered together people representing almost every segment of business and industry. And all of us recognize the simple economic fact that "the more business the Post Office gets, the lower cost per unit it can achieve."

It is only through this means of lowering the costs that all of us can benefit, regardless of the classes of mail we may use. As most of us know, Ted Klassen and his team are working now on recommendations for possible mail classification changes. Their deliberations will, I am sure, be long and agonizing. They must wade through and sift countless suggestions, always carefully evaluating the impact a change in one area may have on other areas.

Hopefully, what finally comes out will be rule changes which will (1) permit sharper pricing practices for workload sharing by mailers; (2) produce revenues for the Postal Service well in excess of costs; (3) produce savings to mailers well in excess of the extra work they do.

In closing, I want to take this opportunity on behalf of the mail order industry to express our appreciation to the Philatelic Department of the Postal Service for their decision to issue a mail order centennial stamp in Chicago on September 27 this year.

To Postmaster General Klassen, and all members of his team, both in Washington and throughout the nation, we pledge our wholehearted support in working with you to achieve our common goals.

HOW SAD AND TRAGIC

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. HOWARD. Mr. Speaker, how sad and tragic.

Today as we meet, the entire world is aware of the senseless acts of barbarism which took place in Munich during the Olympic games.

The entire world had an opportunity to watch on global television one of the most horrendous acts of terrorism ever committed.

Our sympathies go out to the families of these martyred young people.

These acts were not limited to the young victims of the Olympics. These acts were an assault on a nation of freedom-loving people and to the rest of us throughout the world who support a free Israel.

No one can stop the quest for a free and independent Israel. They can murder but we know that adversity and hostility are not new experiences to the Israeli people.

For centuries the Jewish people have wandered the globe, ridiculed, tormented, and unaccepted. But through those years a hope and a dream persisted—a nation of Israel.

We all must do more than merely condemn these beastly attacks.

The time has come to take the most effective steps possible to end some of these international outrages.

There are countries that provide continuing refuge for such terrorists. The countries which provide a haven for persons unwelcome elsewhere are as guilty of murder as the terrorists themselves. The full weight of the world community must be brought to bear on those nations.

I fully support the belief that we should make every effort to have nations throughout the world boycott any other nation which provides sanctuary to these terrorists. If a country is so callous and so inhumane as to provide sanctuary to terrorists then we should make every effort to bring it to its economic knees.

One day soon, the Jews of Israel will finally have the peace they have so diligently sought these many years, and they will be free from fear and threat. One day soon, the Jews in the world's ghettoes will be free of the medieval oppression that has kept them prisoners of ignorance. And one day soon, the Jews in the Soviet Union and its satellites will be free to leave.

How soon that will be, only God knows.

SEMIANNUAL PUBLIC OPINION POLL

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. VEYSEY. Mr. Speaker, I am mailing out this week my semiannual poll of public opinion to all my constituents to get the benefit of their thinking on the many issues still confronting us in the weeks ahead. I will report the results of the poll as soon as they have been tabulated.

The questions are as follows:

1. Do you believe that forced busing of school children from your neighborhood by court order will:

a. Improve quality of schools.

b. Eliminate segregation in schools.

c. Reduce racial tensions.

d. Add to the cost of local schools.

2. Should the President be prohibited from engaging our armed forces in hostilities for more than one month without a declaration of war by Congress?

3. Do you approve of selling large quantities of agriculture products to the Soviet Union?

4. Do you think the federal minimum wage should be increased from $1.60 to $2.00 per hour?

5. Should we start to phase out wage and price controls?

6. Would you vote to suspend air service to any country that harbors airplane hijackers?

7. Should Congress ban the sale of cheap, concealable handguns (the so-called Saturday Night Specials)?

8. Do you approve of unauthorized negotiations between American Citizens and North Vietnam?

9. How do you feel about amnesty for those who fled this country to evade military service? (Check one only please)

a. For amnesty now.

b. Would consider individual cases after a cease fire and POW return.

c. Oppose amnesty of any kind.

10. Do you favor a federal law to authorize "no-fault" auto insurance?

11. Would you stop distribution of food stamps to strikers?

12. Do you think President Nixon was right when he resumed bombing and mined Haiphong Harbor after the North Vietnamese invasion in April?

REPORT FROM WASHINGTON

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. ROYBAL. Mr. Speaker, I am pleased to include in the CONGRESSIONAL RECORD my May 1972 report from Washington to the residents of California's 30th District. The report highlights some of the major legislative and national issues being considered by the 92d Congress.

The report follows:

THE TAX CRUNCH: TIME FOR REFORM

Dear Constituent:

I would like to thank you for the letters you have sent expressing your views and concerns. Many of you have stressed the urgency for more comprehensive tax reform. One of the great injustices today is the heavy burden shouldered by low- and middle-income taxpayers to finance Government spending. Through years of special exemptions for big business and the privileged few, our progressive tax system has become a multibillion dollar giveaway.

In 1969 the Tax Reform Act was passed to improve our tax structure, but it failed to go far enough in its reforms. The Act, for example, did not stop the yearly occurrence of very wealthy persons paying little or no federal income tax. One year after its passage, there were still some 112 persons with reported incomes over $200,000 who paid no federal tax.

Events since 1969 have dramatized the general ineffectiveness of current tax reforms. In 1971 the Revenue Act adopted a policy of reducing business taxes to create new jobs. I opposed this legislation because it gave too much tax relief to large corporations at the expense of the average taxpayer. In fact, it failed in its purpose to solve our high rate of unemployment, which continues to hover at 6%.

NEW INITIATIVES

For these reasons I have urged emergency legislation to close the glaring loopholes in our federal tax system. Known as the "Tax Reform Act of 1972", this measure would yield $7 billion or more a year in new revenues and check staggering increases in our federal debt.

My bill would take the following actions:

Tax capital gains on property transferred at death or by gift. This would produce $2 billion a year and end a loophole whereby a person passes on his wealth to heirs without paying taxes.

Repeal the asset depreciation range system for big business. This would produce $2 billion a year and end a tax break that is wasteful, and duplicates an already existing investment credit.

Tax income of foreign based subsidiaries owned by American companies. This would produce $150 million a year and stop a loophole which allows American companies to move to countries with low priced labor at the expense of our own workers.

Tighten the minimum tax provision. This would produce $3 billion a year, curbing the practice of the very wealthy paying little or no income tax.

This bill will greatly help to restore confidence in our tax structure, gearing it more closely to an individual's ability to pay—and not to his ability to find profitable loopholes. Hopefully it will also be a stimulus for radical tax reform in favor of the average taxpayer.

JOB CRISIS CONTINUES

Despite 15 months of so-called recovery under new economic policies, this country is still experiencing an unemployment rate of nearly 6%. This represents some 5.1 million unemployed, with 600,000 in California alone. To get a true picture of our job crisis, we must add to this total at least another 788,000 unemployed who have been dropped from official labor statistics because they have given up the search. If we add to this 13.7 million workers receiving poverty level wages, we arrive at a total of 20 million workers seeking decent jobs. This is truly of tragic proportions.

The "trickle down" theory—which offers billions of dollars in tax breaks to business in hopes of creating jobs—has been a dismal failure. What is needed is public employment programs that will keep ahead of the constantly increasing numbers of new workers.

To achieve this goal, I have sponsored a Public Service Employment program to provide more than 1.15 million jobs to the unemployed and underemployed. For the purpose of planning local job programs, this bill requires local governments to form councils in which government, business, labor, veterans, community groups, both unemployed and underemployed are represented.

The bill would authorize $3 billion the first year, $7 billion the second, and $10 billion for each succeeding year. Besides state and local public agencies, community groups, model cities programs and private organizations would also be eligible to receive funds.

Unlike current federal employment programs, this would be a continuing rather than temporary effort. Even if this country reached minimum levels of unemployment, say 3 or 3.5%, there would still exist areas of deep poverty and unemployment.

The amount of money spent for this program would be more than compensated by the dramatic recovery it would bring to our economy. Through jobs the once unemployed gain a greater buying power which, in turn, produces more revenues and lessens each individual's tax burden.

SENIOR CITIZENS

The older citizen is no longer resigned to live in poverty, loneliness and neglect. He is developing his own national movement for better living conditions and equality. It is a new pride and strength that deserves our respect and assistance.

The majority of our elderly continue to live on the meager income they receive from social security—an average of only $117 a month. Almost 25%, or over 5 million of them, live in abject or near poverty. Although all of us have felt the current economic squeeze, it is the older citizen with his fixed income who suffers the most.

In 1971, when the House passed the welfare reform bill, it only provided a 5% increase in social security benefits effective this June. This would barely offset recent price increases, and certainly does not provide an adequate income for the older American. To remedy this situation I have supported a 20% boost in benefits beginning this year. With the welfare bill tied up in the Senate, and final action likely to be delayed, I have urged that we vote on the social security reform separately, adding to it the much needed 20% increase.

ON WAGE-PRICE CONTROLS

Under our present wage and price controls the burden falls most heavily on the individual worker rather than on industry. More restrictions should be placed on those industries who employ low priced labor in overseas factories and ship these goods back to the United States to compete in the American market.

ON POLLUTION

While there has been a lot of rhetoric, pollution continues. We all know that pollution is not just confined to New York, California or other heavily populated and industrialized areas. It is a national problem. The cooperation of both industry and the individual is necessary to bring it under control.

CLEAN WATER: GOALS AND TIMETABLE

The constant flow of waste, mostly untreated, from farms, factories and cities has transformed our lakes and waters into vast sewers. Many of our beaches and rivers have become a hazard to health. According to a 1970 U.S. report, 30% of our nation's drinking water contains potentially hazardous amounts of chemicals.

In 1956 the Federal Water Pollution Control Act established a permanent and wide ranging national control program. It provided grants for research and for construction of local sewage plants. In 1970 the Water Quality Act strengthened the law on federal permits and licenses, and regulated oil pollution and discharges of hazardous substances.

Last year I sponsored several clean water measures to expand construction of sewage plants and require tougher quality standards, public hearings and stiffer penalties. In late March of this year the House overwhelmingly approved a $24.6 billion Water Pollution Control Act, incorporating several major aspects of my proposals. It set into motion a national timetable to make our waters safe for fish and recreation by 1981 and to eliminate all discharge of pollutants by 1985.

Major provisions of this sweeping legislation included:

National mandate to severely limit the discharge of pollutants by industry by 1976 and to achieve zero discharge by 1985.

Requirement that state discharge permit programs be subject to Environmental Protection Agency approval and continual review.

Sizable increase from 30 to 60% in the federal share for local waste treatment projects.

Citizen's right to sue violators of the Act if their interests were directly affected or if they had actively engaged in the administrative proceedings before the suit.

Fines of between $2,500 and $25,000 per day or one year imprisonment for criminal violations, and $50,000 per day or two years for a second offense.

Differences in the House and Senate versions will be ironed out in a joint Congressional conference. It is expected that California will receive between one-half to one billion dollars when this bill becomes law.

PEACE IN VIETNAM

The Vietnam war has been one of deep frustration for all Americans. We have already sacrificed countless American lives, expended a decade of our best military and technical strength, and spent billions of dollars at the expense of much needed domestic programs. And yet there is no end in sight.

The recent edict by the President to mine North Vietnam harbors and to enforce a total economic blockade has embroiled us in a deeper conflict. While it is impossible to assess the outcome of this action, it is clear we are walking a global tightrope. It is my hope that there is still time to find a peaceful solution to this war.

SERVICE ACADEMIES

I would like to congratulate an outstanding young man from my District, Midshipman Patrick A. Fayle, who is graduating from the U.S. Naval Academy this June. I am also announcing the appointment of 3 young men from my District to 2 Service Academies. To the U.S. Military Academy: Robert M. Gallo. To the Air Force Academy: David E. Johnson and Enrique Saa.

If you are interested in competing for 1973 nominations to the U.S. Academies, please contact my Los Angeles Office, 688–4870.

LEGISLATIVE NEWS

DRUG CONTROL

In an effort to stop the flow of drugs into the U.S., Roybal proposed to cut off aid to countries which fail to curb the sale of drugs to the U.S. This restriction was incorporated into the Foreign Assistance Act and various international loan programs.

JOBS FOR ELDERLY

Sponsored an initial 2 year program to create jobs for the older citizen. Known as the "Senior Citizen Job Corps Act", the bill would provide part-time community service jobs for unemployed low-income persons 62 years or older. Participants would work in such areas as social services, health, education, community improvement, antipollution, and economic development. The rising costs for housing, food, transportation and medical services have literally devoured their small savings and income.

EQUAL OPPORTUNITY

The House voted for a Roybal supported bill to extend the Equal Opportunity program for 2 years at a funding level of $5.3 billion. The bill provides for such programs as an independent Legal Services Corporation; an expanded Head Start program for low-income children; a new Environmental Action program; continuation of the Job Corps, the Neighborhood Youth Corps and VISTA; a new rural housing development and rehabilitation program; and new programs for the elderly totaling $50 million.

TAX EQUITY

Last month the House Ways and Means Committee held hearings on a Roybal sponsored uniform tax bill. This legislation, which recently won the support of the Committee's chairman, would establish a uniform tax schedule for both married and unmarried taxpayers, removing all previous inequities in the tax schedule.

GREG FEHRIBACH OF INDIANAPOLIS: A LESSON IN COURAGE

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. BRAY. Mr. Speaker, on Sunday, October 1, 1972, 13-year-old Greg Fehribach son of Mr. and Mrs. William J. Fehribach, 7405 Glenview Drive East, Indianapolis, Ind., will receive his Eagle Scout Award, the highest rank attainable in scouting.

This award will be added not only to his other scouting achievements, but also to the recent Ad Altare Dei Medal, which he received recently from the Most Reverand George J. Biskup, Roman Catholic archbishop of Indianapolis, for his study of and work for his faith.

So what is unusual about this? Greg Fehribach cannot walk. He has never walked in his life. Victim of a congenital bone disease, his world is limited by what can be done in and from a wheelchair.

That has not stopped him from attaining these achievements I described above. It will not stop him from being a productive and valuable citizen of the society of our American Republic. And his example should show us all what someone can do—if they have the will and the courage, which Greg Fehribach certainly has.

OPERATION KEELHAUL REMAINS UNSOLVED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. RARICK. Mr. Speaker, Mr. Julius Epstein, the noted research specialist and historian, has done more than any living American to solve the mysteries connected with Operation Keelhaul following World War II. As a searcher for truth, Mr. Epstein understands that our people cannot solve our current problems and the uncertainties of the future unless history records the realities of the past. Especially is this so when the facts of Operation Keelhaul are in the possession of our Government and yet under the suppression of either major political party they are prevented from reaching the public so that the American people know the full truth about World War II.

Professor Epstein now reports that he has exhausted all efforts to complete his historical mission and that only a congressional investigation of Operation Keelhaul and its unwarranted secrecy from the people will complete this void in history and solve the question, why the suppression of truth, who is being protected, and why.

I insert a recent letter from Professor Epstein and his letter to the editor of the San Francisco Examiner, "Political Prisoners":

THE HOOVER INSTITUTION ON WAR,
REVOLUTION, AND PEACE,
Stanford, Calif., August 1972.

DEAR FRIEND: The American people are being kept in the dark about the mysterious Operation Keelhaul in World War II. With your help it can be revealed.

Early in spring 1954, I went to the Army's historical branch archives in Alexandria, Virginia, to do some research on the forced repatriation of millions of ardent anti-Communists to Stalin's gallows and concentration camps in Siberia during and after World War II. There is no doubt in my mind that this forced repatriation was a war crime as well as a crime against humanity, committed by the Americans, the British and the French just to appease Stalin, tyrant and mass murderer.

In the catalogue, I found this index card: "383.7-14.1 Forcible Repatriation of Displaced Soviet Citizens—Operation Keelhaul." I ordered the dossier. I was informed that it is closed, meaning classified Top Secret and therefore unavailable. The index card was immediately removed from the catalogue.

That forced repatriation was a crime can be proved by untold American documents, as well as expressions by American political leaders, including presidents. For example, President Eisenhower said in a speech on May 7, 1953: "People that have become our prisoners cannot by any means be denied the right on which this country was founded . . . the right of political asylum against the kind of political persecution they fear . . . Consequently, to force those people to go back to a life of terror and persecution is something that would violate every moral standard by which America lives."

The question arises: Why, then did American, British and French authorities commit this crime against humanity? In my forthcoming book "Operation Keelhaul, The Story of Forced Repatriation" (Devin-Adair Company, Old Greenwich, Connecticut) I have made the attempt to answer this and other questions.

During my work on the book another question arose: Why have the American people never been officially informed about this crime, committed by American military and civilian authorities, a crime which was also a gross violation of international law? Why was the "Operation Keelhaul" file classified Top Secret 11652 (now downgraded to Confidential)?

President Eisenhower's as well as President Nixon's Executive Order 10501 regulates the use of the Top Secret classification. Only those military documents should be classified Top Secret whose disclosure would result in a grave and immediate danger to national defense or foreign policy. To imagine that release of the Keelhaul dossier to the American people could today cause such danger is absurd.

When in 1967 the "Freedom of Information Act" went into force, I brought legal action against the then Secretary of the Army, Mr. Stanley Resor. My complaint in the District Court in San Francisco was based upon the "Freedom of Information Act." This public law allows the court to examine the documents in question in camera in order to find out whether classification is justified or not. I lost in the District Court and in the Court of Appeals, and the Supreme Court rejected my petition for a writ of certiorari.

Ultimately, only a Congressional investigation of "Operation Keelhaul" and the unwarranted secrecy will bring out the truth. (Here's where I need your help).

On October 22, 1970 President Nixon informed me that "The U.S. Government has absolutely no objections (based on the contents of the files) to the declassification and release of the "Operation Keelhaul" files. However, given the joint origin of the documents, British concurrence is necessary before they can be released, and this concurrence has not been received. Thus we have no alternative but to deny your request." By so informing me, the President has finally removed the main obstacle used by the courts to deny my request for release of the "Keelhaul" papers. Nevertheless, I was still denied access to the documents.

Then came the historic decision by the Supreme Court to allow the New York Times and the Washington Post to print the stolen "Pentagon Papers" on Vietnam. It was this Supreme Court decision which induced me to file my second complaint against the administration. It seems to me unthinkable that the Supreme Court would allow the publication of the highly sensitive purloined "Pentagon Papers" and forbid the release of at least those documents which are of purely American origin, classified by American military authorities more than 21 years ago!

It is now my hope that Congressional pressure as well as pressure by the American people through their press, TV and radio will finally prevail and induce our government to declassify the "Operation Keelhaul" files depicting the American, British and French crime against humanity.

I appeal for your assistance—won't you please help me?

Sincerely,

JULIUS EPSTEIN,
Former Research Associate.

[From the San Francisco Examiner, June 13, 1972]

POLITICAL PRISONERS

TO THE EDITOR:

On her day of triumph, Angela Davis said: "Starting from this day forward, we must work to free every political prisoner and every oppressed person in the country and in the whole world."

This would include untold thousands of political prisoners in the Soviet Union, in the People's Republic of China, in the German Democratic Republic as well as all the political prisoners in Poland, Hungary, Romania, Bulgaria and Yugoslavia. (Beside the billion people of the countries who are not right now "political prisoners" but just "oppressed.")

Will Angela Davis, who was so wrong when she believed she would never get a fair trial in the U.S. really work for the liberation of the political prisoners in the countries just mentioned and also for the liberation of the millions in these countries who are just "oppressed"?

If Miss Davis' answer is "yes," she should have the support of millions of Americans and others the world over. Her answer to this question will be the acid test of her sincerity.

JULIUS EPSTEIN.

PALO ALTO.

THE MUNICH TRAGEDY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. LENT. Mr. Speaker, it was with a deep sense of horror and dismay that I learned of the barbaric murder of 11 unarmed members of the Israeli Olympic team during the XX Olympiad in Munich, Germany. This insane act of terrorism, perpetrated by a band of Arab guerrillas, has few parallels in the annals of international crime. It has shocked and deeply grieved the entire civilized world.

Nearly 2 weeks ago, more than 10,000 athletes from almost every nation of the world gathered in a spirit of peace and brotherhood to begin an event based not on political beliefs but on fair play and friendly competition. I hope and pray that the interruption of the competition by this despicable act of barbarism will cause the civilized world to ostracize any peoples or nations giving sanctuary or refuge to those who commit such acts of international outlawry.

To merely mourn the deaths of these men and to condemn the acts of these fanatics is not enough. For this reason, I firmly supported the passage of House Resolution 1106, which expressed an unbending resolve to cut off from the civilized world all nations which provide refuge or comfort to these sorts of criminals rather than punish them as they should. There should be no hiding place for assassins like the Arab terrorists. There should be no place to which they can flee after executing their hideous plots. I know of no other way in which such assassins can be stopped.

At this time, I also want to extend my sincerest sympathies to the families of those murdered men, and to call upon all nations of the world to take positive action in support of the resolutions passed by both Houses of Congress on September 6, 1972.

MAIL SERVICE IMPROVES DRAMATICALLY

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. ICHORD. Mr. Speaker, much is being written pro and con about the quality of mail service provided by the new U.S. Postal Corporation. One of the major trade publications in my State—the Packer—concludes editorially that mail service has improved dramatically in recent months. The editorial pays special tribute to postal employees in Missouri for their tireless work and to Postmaster General Ted Klassen for his leadership in a difficult job.

The editorial follows:

[From the Kansas City (Mo.) Packer, July 29, 1972]

THE PACKER VIEWPOINT: PACKER POSTAL SERVICE

Many times we think we are quite justified in our criticism of federal government services and this year more charges will be levelled with the coming national election in November. But we take issue with those current critics of the U.S. Postal Service. Such recognized publications as the Wall Street Journal have chipped in with their criticism in recent months with headlines such as "Postal Service Marks Its First Anniversary. But No One Celebrates."

The Packer says "it isn't so"—the service has improved dramatically in recent months. We're convinced when President Nixon took the Post Office Department out of politics and created the present U.S. Postal Service he made a move that should have been done years ago. And we are one of many second class mail business publications that have been paying their way and will be paying more to give our subscribers in the United States, Canada, Mexico and foreign countries the type of delivery they want and deserve. Though the Packer complained as much as any of the printed media (and we still are), in all fairness something has happened and is happening in the postal service that promises better service in the future for all of us.

Winton Blount, former postmaster general in the Nixon cabinet, did a job in getting the postal service into its present structure. E. T. Klassen, present Postmaster General, is a real businessman and he knows how to organize. Local postmasters got the word to start making decisions at their level instead of running to Washington to look at the book. A freeze on hiring was initiated and an early retirement program was set up, but more important, Klassen got the word out that his organization had better start providing service to gain more customers because competition has set in.

The postmasters and employees are now doing their job because The Packer service has improved a hundredfold. The post office department knows that a publication such as ours serving the important fruit and vegetable industry has to have delivery within 48 hours anywhere in the country. They know the need of service for a publication serving an industry that handles perishable products. In many cases The Packer is back to "the old days" of Monday delivery anywhere in the U.S.

Any business is only as good as its people. We've talked to postmasters in all sections of the country to ask for better delivery of The Packer. They responded and are not only cordial but they are doing everything possible by recommending measures to improve the service to our customers and their customers. The Kansas City, Kansas, post office department deserves a special vote of thanks and they work tirelessly in our behalf. The same is true at the post office in Sedalia, Mo., where The Packer is printed. The St. Louis post office is most cooperative too and they are an important link for eastern shipments.

We are not saying that the U.S. Postal Service is improved 100 per cent. Far be it! It will be another three or four years before they make their full mark. The Packer still has problems of delivery in such areas as Canada and the Northwest but we are convinced the post office department will correct them. There certainly is a ray of light for the future of our new postal system.

RESPONSIBLE NIXON VETO

HON. HENRY P. SMITH III

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. SMITH of New York. Mr. Speaker, an editorial of great worth recently appeared in the Buffalo Evening News regarding the Labor-HEW appropriations bill recently considered and reconsidered by this body.

I have tried to stress the importance of a return to fiscal responsibility by the Congress through my votes cast here and will continue to oppose any irresponsible or reckless spending by the Congress.

I submit the wisdom as contained in the News editorial for the benefit of mv fellow colleagues:

RESPONSIBLE NIXON VETO

President Nixon argued a persuasive case in vetoing the huge $30.5 billion bill passed by Congress to finance current programs of the Departments of Labor and Health, Education and Welfare. And we're glad to note that the House acted responsibly in promptly sustaining him.

The bill would have budgeted $1.8 billion more than the President had requested for these programs. Additionally, the omission of a legal limit on federal matching funds for state social services might have produced even larger actual outlays.

With the nation's economy moving smartly ahead after a long period of trouble, the biggest future danger probably is a rekindling of inflation. In the President's view, the bill exemplified "that kind of reckless spending that just cannot be done without more taxes or more inflation." Congress like the President needs to focus more closely on fiscal discipline.

Nor can the veto legitimately be attacked for betraying any lack of concern for the desirable social programs. The total Nixon budget request of nearly $250 billion proposed last winter allocated 45 per cent of its outlays to human resources, the highest percentage in history. Thus, one of the most telling points in Gov. Rockefeller's Tuesday night nominating speech was his reminder that President Nixon has "completely revised the nation's priorities"—finding 45 per cent of the federal budget being spent for national defense and only 32 per cent for human resources when he took office, and turning this into exact reverse, with today's ratio now 45 and 32 the other way.

Just in terms of the specific labor, health, education and welfare services covered by the vetoed bill, the presidential request of $28.7 billion was itself up more than $2 billion from a year earlier.

In any event, now that Congress has sustained the Nixon veto, we hope it can quickly agree to a less profligate substitute mutually acceptable to the White House and Capitol Hill.

TRIBUTE TO MR. ROBERT R. CHURCH

HON. DAN KUYKENDALL

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. KUYKENDALL. Mr. Speaker, the Washington Evening Star and Daily News of September 2, 1972, printed a tribute to an outstanding citizen of Memphis, Tenn., Mr. Robert R. Church. Born a slave, Mr. Church, in the troubled post-Civil War period, became a leader in Memphis civic affairs, a man respected by Memphians both black and white. It is interesting to note that in connection with the restoration of the historic Beale Street area, the auditorium mentioned in the article is to be rebuilt on the same site as the original park and auditorium and bear the same name, "Church's Park and Auditorium."

Mr. Church was an active member of Memphis' fledging Republican party. In 1900 he extended this involvement to the national level by serving as a delegate to the Republican National Convention which nominated William McKinley for President. Mr. Church's granddaughter, Miss Roberta Church, is continuing the family tradition of public service as a member—recently reappointed by President Nixon—of the National Advisory Council on Adult Education.

This article appeared in the Star-News as part of the series They Had a Dream which focuses on prominent black Americans. I would like to suggest that Robert R. Church is a fine example to all Americans and I therefore include this tribute to him in the RECORD:

THEY HAD A DREAM—WEALTHY MEMPHIS CIVIC LEADER

(By George Reasons and Sam Patrick)

Yellow fever epidemics struck Memphis in 1878 and again in 1879, killing thousands and causing thousands of others to flee the city. In this climate of fear, business came to a standstill. In no time, the city's treasury was empty.

Unable to pay its bills, Memphis lost its city charter and reverted to the status of a taxing district.

The future appeared glum until officials came up with a plan to restore Memphis' financial solvency by issuing bonds. Public confidence was at a low ebb, however, and the bonds were met with skepticism.

One man had faith in the city's future. He was Robert R. Church, a Memphis businessman and the first black millionaire to emerge in the post-Civil War South.

Church bought the first bond and paid $1,000 for it. His demonstration of faith had profound consequences, as the Memphis Evening Scimitar reported in these words 10 years later:

"They (the bonds) were the first issued, and their market value was hence problematical. But Mr. Church showed his faith.

"With his example before them, capitalists of the Caucasian race could not afford to be shy, and the whole of the bonds was placed."

Before long, Memphis regained its economic health.

Church was a widely known and respected businessman in Memphis for more than 40 years. He made his fortune in real estate and in banking.

Born a slave in 1839 on a cotton plantation in Holly Springs, Miss., Church had no formal schooling. He was sent to Memphis as a youth to work as a cabin boy on a Mississippi steamboat.

It was an adventurous life but dangerous. One steamboat he worked on exploded in midriver, and he was one of several survivors.

Church stayed on the river until he was emancipated after the Civil War. Then he worked briefly in a livery stable before opening a saloon of his own. He was a thrifty man, and invested his profits in real estate.

In a short time, he had accumulated substantial raw acreage as well as rental property. He founded the city's first Negro bank, which soon became the largest black bank in Tennessee.

Church was noted for his willingness to support any worthy civic endeavor. In 1896, he built a handsome auditorium on Beale Street to provide a meeting and entertainment center for the city's blacks.

On another occasion he bought a patrol wagon for the city. And in 1902, he donated $1,000 to help underwrite the annual reunion of Confederate veterans in Memphis.

"Mr. Church has never been appealed to in vain," the Scimitar once noted. "Whether it was to contribute to a fair, a trades display, the reception of a president, Republican or Democrat, to a church, orphan asylum or to a private charity, he has always responded promptly and liberally, regardless of whether the beneficiaries were of his own color or political faith. . . ."

Church and his family lived in a fine home in a white neighborhood. He counted among his friends some of the city's first families.

When he died in 1912 the city's two leading newspapers, which routinely ignored news of blacks, noted his death in lengthy obituaries.

POLL FINDS "COATTAILS" FAIL IN CALIFORNIA

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. HUNGATE. Mr. Speaker, on a cloudy day, rays of sunshine are particularly welcome. I call attention to a recent poll by Mervin Field in California:

POLL FINDS "COATTAILS" FAIL IN CALIFORNIA

President Nixon's "coattails" aren't working in California, according to a recent statewide survey conducted by pollster Mervin Field.

Field's poll, conducted among 1,032 adults between July 31 and Aug. 16, showed that Mr. Nixon's popularity in the state does not appear to be carrying over to Republican congressional candidates for the state's 43 House seats, increased by five as a reult of the 1970 Census.

Mr. Nixon's overall lead of 49 to 41 per cent over Sen. George McGovern, Field said, is due to a crossover of about one of every four Democrats. However, the pollster reported, "only a small percentage of those Democrats who are crossing over in the presidential race are also planning to vote for the Republican congressional candidate in their district."

Democratic congressmen currently outnumber Republicans in the state's 38-seat delegation 20 to 18. The poll found 39 per cent of the state's voters saying they plan to vote Democratic in their district's congressional contest: 27 per cent, Republican, and 34 per cent, either undecided or favoring "other" party candidates.

WAR PRISONERS: A GRIM PICTURE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. NELSEN. Mr. Speaker, Ramsey Clark's comments concerning the treatment of American prisoners of war in Indochina may certainly have caused confusion in the minds of some Americans. I believe it advisable, therefore, to include in the RECORD at this point an article which appeared in the August 28 issue of U.S. News & World Report.

As the article indicates, those few POW's who have made it back to freedom "paint a grim picture of life in Communist captivity." They have been tortured, starved, and held in horrible and inhumane conditions. There have been countless violations of the Geneva Convention even though North Vietnam is itself a party to the convention.

The article follows:

WAR PRISONERS: CENTER OF A POLITICAL FIGHT

The plight of U. S. prisoners of war, a nonpartisan concern for most Americans, has suddenly been thrust into the center of a growing political debate.

It was the return of former Attorney General Ramsey Clark from Hanoi in mid-August that set off the sparks.

Mr. Clark left the impression, in a series of statements, that he had been assured that the election of Senator George McGovern in November would bring the immediate release of American POW's.

On top of that, Mr. Clark directly contradicted White House claims of mistreatment of American captives held in North Vietnamese prison camps.

On August 15, Mr. Clark told of a visit with 10 Americans at a prisoner-of-war camp near Hanoi, reporting that they were in good health, good spirits and well treated.

"My judgment is that they are treating the prisoners humanely," he said. "I think the people who say they are not may have motives themselves. They may care more about the Thieu Government than getting the boys home."

Mr. Clark's picture sharply conflicts with the official U. S. Government position, which contends the Communists have repeatedly violated the 1949 Geneva Convention outlining humane treatment for war prisoners.

GOVERNMENT CHARGES

The White House and Pentagon, for example, insist they have proof that the North Vietnamees have continually broken the Geneva Convention by refusing to give a proper accounting of the American prisoners held, by refusing to allow international inspection of the POW camps and by refusing to repatriate the sick and wounded. Other alleged violations are listed on the facing page.

Defense Secretary Melvin R. Laird, disputing Mr. Clark's contention of humane treatment, said both he and the families of the prisoners and missing were disappointed Mr. Clark did not use his time in Hanoi to press for better conditions. Mr. Laird said photographs Mr. Clark brought home showed the same prisoners used in previous North Vietnamese propaganda pictures.

John N. Mitchell, himself a U.S. Attorney General until recently, went further:

"Occasionally, a naïve American has been unwittingly duped into playing Hanoi's wretched game, into serving as an American megaphone for Communist propaganda. Such a naïve American is Mr. Ramsey Clark."

Louis R. Stockstill, a spokesman for the National League of Families of American Prisoners and Missing in Southeast Asia, declared:

"How can he say they are getting humane treatment? At least 20 Americans have died in Communist prison camps, by Hanoi's own admission. And some of them have been photographed before their deaths looking, in Mr. Clark's words, 'as healthy as me.'"

Pentagon officials emphasize that if all American prisoners are being treated as well as the 10 Mr. Clark interviewed, then there has been a vast improvement in prison conditions since the Viet Cong released the last American Oct. 8, 1971.

SOME ACCOUNTS BY POW'S

Those few former prisoners of war who have escaped or been released, together with Communist defectors, paint a grim picture of life in Communist captivity:

In North Vietnam, many Americans are held in solitary cells where lights burn night and day. They are tortured, restricted from exercise and given inadequate diets.

The Viet Cong hold Americans in tiger cages made of bamboo and at night lock their feet in stocks. One U.S. Army prisoner was kept in such a cage for more than five years.

In Laos, Americans are held in pits in the ground and live on food scraps thrown down at them.

Navy Lt. (j.g.) Dieter Dengler, who escaped after being captured by the Viet Cong, reported he was tied to a tree and used for target practice, repeatedly beaten with fists and sticks, and dragged through the jungle tied behind a water buffalo. Lieutenant Dengler, 180 pounds when captured, weighed 98 pounds when he escaped.

Navy Lt. Robert F. Frishman, released in 1969 by North Vietnam, said most of his captivity was spent in solitary confinement. His food consisted of two daily meals of little more than pumpkin soup. His injured arm took six months to heal, he said, because of inadequate medical care. He lost 45 pounds while in Communist hands.

Defense Department sources say the most recent reports from North Vietnam indicate that many Americans have been tortured by being hung from ceilings, tied with ropes until they developed infected scars, burned with cigarettes, deprived of sleep and refused food. Bones have been broken by guards, and the fingernails were ripped from the hands of at least one American.

Such reports have compelled the U.S. Government over and over to express its concern about the fate of those prisoners who are never brought out and shown to visitors in North Vietnam.

"The fact is," says Mr. Stockwell, "that the vast majority of the Americans held by the Communists have not been seen by anybody but their captors."

THE AMERICANS THAT REDS HOLD IN CAPTIVITY *

How many. U.S. lists 524 servicemen captured or interned, and 1,240 missing throughout Indo-China.

915 of these are from the Air Force.
277 are from the Navy.
444 are from the Army.
128 are from the Marines.

Where held. From what can be pieced together, 866 are held by the North Vietnamese, or were last seen in North Vietnam. In addition, 603 were captured or last seen in South Vietnam, and 293 in Laos. Two pilots, downed in Communist China, are reported to have been interned there.

How long. Some prisoners have been held for more than eight years—and the majority for at least five years. The first U.S. POW in Southeast Asia was captured Dec. 26, 1961, but he later escaped. The longest-held U.S. serviceman was captured in March, 1964. At his family's request, the prisoner's name has never been made public.

Released. North Vietnam has released nine U.S. prisoners, the last three in 1969. The Viet Cong have freed 23. By comparison, 188 North Vietnamese have been repatriated and 1,231 Viet Cong have been released. Also, 3,082 Viet Cong have been let out of prison after defecting to the South Vietnamese Government.

Escaped. No American has escaped, once captured in North Vietnam. From the Viet Cong, the U.S. has rescued 3 and 24 more escaped through their own efforts. Two U.S. servicemen escaped from Pathet Lao in Laos.

HOW HAVE THE POW'S BEEN TREATED?

North Vietnam became a party to the Geneva Convention governing the treatment of prisoners of war in 1957. The Defense Department annual report for the year starting July 1, 1972, lists the following treaty terms and violations:

Neutral inspection of prisoner camps will be permitted, including interviews of the prisoners without witnesses in attendance.

The enemy has never permitted such inspection or such interviews.

Prisoners' names will be released promptly.

Names the enemy has released have not been disclosed promptly nor through regular channels.

Notification of deaths in captivity and full information on the circumstances and place of burial will be furnished.

The enemy has not furnished any information about circumstances of death and place of burial.

Prisoner-of-war camps will be marked clearly and their location made public.

The enemy has not marked its camps nor divulged their location.

The seriously sick and wounded will be repatriated or interned in a neutral country.

The enemy has refused to comply.

Prisoners will be permitted to send at least two letters and four cards a month.

The average has been two or three letters a year and none at all from some prisoners.

Sufficient food must be given to prisoners.

All the released prisoners have been found to be underweight and suffering from malnutrition.

Prisoners will not be held in conditions of close confinement.

The enemy has held some men in solitary confinement for years.

Prisoners will be humanely treated.

This provision has been consistently violated.

WHAT UNITED STATES HAS DONE THROUGH TALKS TO GET BACK ITS POW'S

1970. The U.S. proposed in October a mutual exchange—immediate and unconditional release of all prisoners held by both sides. More than 36,000 Communist prisoners are in Allied hands.

1971. In May, the U.S. offered, in then-secret talks to withdraw all American forces in return for the release of all prisoners of war coupled with an Indo-China cease-fire, leaving all other issues for subsequent settlement.

The United States in October, again in private talks, offered to withdraw all U.S. forces from South Vietnam within a fixed period following agreement in principle on an over-all settlement—the withdrawal to proceed in parallel with an exchange of all prisoners of war captured throughout Indo-China. Both sides would present a complete list of prisoners, and the release would begin on the same day as the troop withdrawals.

1972. U.S. in January publicly proposed the withdrawal of all U.S. forces and the simultaneous release of all prisoners within six months of an agreement in principle on an overall settlement.

In May, President Nixon publicly proposed complete withdrawal of all American forces from Vietnam within four months, once prisoners of war were released and an internationally supervised cease-fire began throughout Indo-China.

Hanoi's response. Says the Defense Department:

"The Communist rejected all of these proposals. They continue to insist that we unconditionally set a specific date for total U.S. withdrawal and remove the Government of South Vietnam as conditions for any discussions on prisoner release.

"We are continuing to use every means to press for the earliest possible release of all Americans held in captivity, and the fullest possible accounting for the missing. We have made clear that we will not withdraw all of our forces from South Vietnam until we secure the release of our imprisoned men."

ATROCITY IN MUNICH

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. MIKVA. Mr. Speaker, we have all been stunned this week by the incredible barbaric murders of 11 members of the Israeli Olympic team in Munich. My heart goes out to the families of the victims who came to Munich proudly to represent their country and to test their individual athletic prowess against their counterparts from other nations.

Perhaps the sober lessons of Munich is that nowhere in the world is there shelter from the madness of international violence which sets man against man and nation against nation.

We all dream of a day when international disputes will be settled in a peaceful and orderly way. What has shocked the world this week is the realization that we who consider ourselves civilized people have not risen above resolving our disputes with the blood of innocent noncombatants.

If the international community is serious about making progress toward world order and decency, we are going to have to go beyond mere rhetoric. It is time that we simply read out of the community of nations any who countenance or foster acts of murder and sabotage.

That is the sentiment expressed in the resolution before us today. As a cosponsor of House Resolution 1106, I hope its enactment will move us toward the day when no international criminal can find a place to hide from justice, and no nation which gives asylum to such animals is permitted to participate in international commerce, travel, or communications.

We cannot bring back the lives lost in Munich. But we can and must take stringent steps to see that such an atrocity does not recur.

McGOVERN ASKED TO STOP LOTTERY AND RETURN FUNDS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. VEYSEY. Mr. Speaker, on August 15, 1972, an organization styled the McGovern Million Member Club launched a nationwide fundraising mailing which violates our postal laws in that it creates a lottery.

The mailing offers all contributors the chance of being one of 250 invitees to be selected at random to a "People's Dinner Party" at the White House next January following Candidate McGovern's inauguration.

According to a Washington Post story of August 30, a McGovern staff man claims a technical change was made in the conditions of the raffle, so that the invitee list will be drawn from "supporters," not just "contributors."

Assuming this alteration will permit the raffle of White House dinner invitations to proceed under some cloak of legality, the question remains about what to do with the funds so far illegally solicited. The same McGovern staff man put the figures at about $125,000 per day in a story run by the Wall Street Journal September 1.

It is not clear from press reports whether Senator McGOVERN was ever aware that his signature was being so illegally employed by his staff, but as he has sought to make an issue of the rectitude of his campaign finances versus those of his opponent's, it is incumbent upon him to take the only morally defensible course: Return those funds raised in violation of our postal laws.

On August 30, I wrote Senator McGOVERN a letter requesting he do just that, and I reprint the letter below for the information of my colleagues:

CONGRESS OF THE UNITED STATES,
Washington, D.C., August 30, 1972.

Hon. GEORGE S. McGOVERN,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR McGOVERN: On August 15, 1972, a campaign finance organization styled the McGovern Million-Member Club sent out a 4-page fund raising letter nationwide soliciting contributions over your signature.

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* Source: Dept. of Defense, as of Aug. 5, 1972.

A postscript to the letter promises a "Peoples Dinner Party" after your inauguration next January, the invitation list to be "made up by selecting 250 names at random from our total list of contributors."

This, of course, constitutes all the elements of a lottery (a prize, consideration, and the element of chance), and is in violation of Section 1302, Title 13 of the U.S. Code.

That you have been placed in such a position by your staff must be most distressing. The Washington Post this morning (page A2) quotes your direct mail expert, Morris Dees, as saying that only about 300,000 letters out of a total of 3 million went out with the word "contributor" in the postscript. "I caught it when it first went out," Dees said.

It is commendable that your staff recognized and voluntarily stopped its conduct of a lottery in your name, but what do you intend to do with the funds obtained by a solicitation in violation of the postal laws?

As the Presidential Candidate who has sought to make an issue of the rectitude of your financial activities in contrast to your opponent, you have but one course open to you: return the money raised in violation of the postal laws to the contributors along with a disavowal of your staff's use of your signature on such a mailing.

Sincerely yours,

VICTOR V. VEYSEY,
Member of Congress.

CREDIBILITY GAP AND THE FAILURES OF CONGRESS

HON. JAMES C. CLEVELAND

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. CLEVELAND. Mr. Speaker, one of the major ironies of the current election year is that members of the majority party in Congress have been going back and forth across this great country criticizing President Nixon for everything that is wrong.

The fact is, the Democratic Party has controlled Congress the last 18 years, and all but 4 of the last 40 years. It has constructed the present maze of Federal programs and has written the tax laws which so badly need simplification and reform. It has established our spending priorities. By refusing to really modernize its own procedures, it has virtually abdicated Congress role as an equal to the executive branch of the Federal Government.

Yet, now that we are in the midst of an election campaign the Members of Congress who are really in control here blame President Nixon for everything that is wrong. This seldom noted fact is nothing short of hypocritical. The failure of the media to comment more fully in this adds ammunition to those of us who feel they are badly biased.

I was particularly interested to note a recent column by David Broder on this very subject. Considering Mr. Broder's established record as a liberal columnist who has no proadministration bias, this is especially noteworthy.

The column follows:

[From the Boston Globe, June 14, 1972]

THE FAILURE OF CONGRESS

(By David S. Broder)

WASHINGTON.—To return from the Democratic presidential primary trail to Washington and the Democratic-controlled Congress is to move from a world of glittering rhetoric to one of petty, paralyzed reality.

While George McGovern, Hubert Humphrey and the rest have been out on the road promising wondrous changes in the offing, their colleagues have been back here—doing what?

Well, the scoreboard of major legislation passed by this second session of the 92d Congress includes two laws that will affect people's lives directly and two other reform measures that may have considerable indirect effect.

Last week, Congress sent the President a massive program of aid to higher education, with a provision included to slow school busing orders. Earlier, it added enforcement powers to the Equal Employment Opportunity Commission. Both those laws will be felt in people's lives.

Though not many voters will see the advantage in concrete terms, there's also a public benefit in the stricter campaign financing law, which Congress finally passed last January, a carryover from the previous year. And there may be benefits down the road, if the equal rights amendment for women, which Congress approved, is ratified by the states.

But that about exhausts the list of significant legislation passed this year. It's a meager catalogue, compared to the needs of the country or the promises Democratic presidentical contenders have been making on behalf of their party.

It may be that Richard M. Nixon will overlook this Democratic "credibility gap," but don't bet on it. The President has legitimate complaints of his own with this Congress, let alone the political incentive to rake its "do-nothing" record.

For three years, the President has had before Congress serious proposals on revenue-sharing with states and cities, and reform of the welfare system. For two years, he has had equally significant proposals on reorganization of the Federal executive branch and expansion of health insurance protection.

All of these are matters of urgent national priority, they have been acknowledged as matters of major concern by the Democratic presidential candidates, who—in all the areas except Federal reorganization—have offered counter-proposals of their own going well beyond what the President has suggested.

Yet in all these areas, the Democrats will go into convention, less than a month from now, with a record of congressional inaction. To date, the Democratic Congress has neither given the President a final, up-and-down vote on his proposals in these four vital areas, nor developed and passed alternate programs of its own.

If there is justification for this abdication of political responsibility, it does not come readily to mind. And the Democratic convention orators and platform writers will have to be more devious than usual to divert the public's attention from the yawning chasm between their promises and their party's poor record of performance.

It is true, of course, that divided government—with responsibility for the executive branch in the hands of one party and the legislative branch in control of the other—is an open invitation to paralysis and irresponsibility. But the Democrats cannot avoid blame by claiming negligence on the part of the President in meeting his domestic responsibilities.

The President has made serious proposals in all these areas. He has not threatened to veto the democratic alternatives, for, indeed, no alternatives have come close to passage.

In any fair accounting for the paralysis on the domestic front, the Democrats who control Congress must take the lion's share of the blame.

The truth is that while the Democrats have talked change in this campaign to the point that their likely nominee, McGovern, is accused by some of his fellow-partisans of being "too radical," the reality of the party's legislative record is one of pitifully little progress.

Contrasted with the openings Mr. Nixon has made in the areas of foreign policy, where he does not have to wait for Congress to come plodding along, there is real question as to which party can honestly claim to be the party of changes.

Where is the Democrats' domestic equivalent of the Nixon "open door" China policy? Where is there a law passed by the Democratic Congress in the past four years that rivals in significance the strategic arms treaty Mr. Nixon negotiated in Moscow?

These are questions the voters will be asking, when the rhetoric of the presidential campaign is measured against the record.

WGR EDITORIALS

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. DULSKI. Mr. Speaker, in recent years, radio and television stations have had the opportunity to editorialize on a wide range of subjects of both local and national interest.

In my home city of Buffalo, N.Y., WGR-AM-FM-TV has a regular schedule of editorials and several broadcast on separate days in mid-August shows the diversity of topics.

Mr. Speaker, as part of my remarks, I include the texts:

CRIME INSURANCE

The Federal Government wants more Buffalonians to take advantage of new low rates for crime insurance.

This means that business men and home-owners in high-risk areas of the city can recover a major portion or perhaps all of their losses due to burglaries and other crimes.

The insurance became available in Buffalo a year ago but there haven't been many takers. The new rates should change that.

We believe crime insurance is a progressive step, but it should not eliminate the continued search for the basic causes of our sociological and economic problems.

BAD WATER IMAGE

Buffalo and Erie County are constantly battling a bad-weather image. Now we have to defend our water.

The Erie County Water Authority feels that "World" magazine has done it a disservice by publishing material that infers Erie County water does not meet federal standards.

You who have traveled and had occasion to sample the drinking water of other major cities or tried to bathe or shower in it, know how fortunate we are.

We support the Water Authorities action in seeking a correction from "World" magazine.

GREAT LAKES CLEAN-UP

We hope an omission in a report serves as a jolt for more money and action for clean water on the Great Lakes.

It seemed unusual that the White House Council on Environmental Quality would report cleaner air and dirtier water around the nation last week, after many millions of dollars spent. Actually, the increase in polluted water in this report was due to the fact that several thousand miles of polluted streams went unreported in a previous survey.

The Council said by 1980 it will take over 33 billion dollars to clean up our water.

This is why we want more water clean-up action for the Great Lakes. A few days ago the International Joint Commission appointed a Great Lakes Water Quality Board to over-see a two and a half million dollar program to clean up the lakes.

It seems like such a drop in the bucket.

NO-FAULT INSURANCE

All is not lost in the battle for no-fault auto insurance.

There won't be any more action on it in Congress for a while, but we feel it will resurface.

The National Conference of Commissioners on Uniform State Laws recently met. They have decided to push for no-fault. There are officials and legal experts from all 50 states. Some congressional aids also attended.

Ten states currently have what they call no-fault insurance laws. The Conference will make available to all 50 states information and model legislation on no-fault.

We continue our support of a reform in New York State Auto Insurance regulations.

NAVAL RESERVE/ZOO REPAIRS

Here's a riddle with relevance.

What do the Buffalo Zoo and a battleship have in common?

Sailors!

The Naval Reserve and the Naval Militia have been welcome workers at the Zoo. The highly skilled men have been doing a remarkable job of repairing and restoring the Zoo.

We're doubly proud of these men. They are meeting a commitment to their country while providing a valuable service to their home town.

Naval Reservists, we salute you!

THE MYTH OF TAX REFORM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. CRANE. Mr. Speaker, a great deal of political mileage has been made in recent days by those who have advanced the view that the average American is paying far too great a share of the nation's taxes because other, richer Americans are escaping their own legitimate tax liability.

What this approach has done is to make the citizen, weary of taxes, turn his frustration and anger not against the concept of deficit spending, not against the execessive waste in Government, not against expensive programs which fail to do what they are meant to do, but against other taxpayers.

The very men who argue that "tax reform" is the answer to the burden placed upon working citizens advance new proposals, such as that of increased welfare payments to every American, which would increase the tax burden significantly.

The real fact is, however, that the basic proposition that large numbers of wealthy citizens are escaping their real tax responsibilities is simply not true.

Recently, Under Secretary of the Treasury Edwin S. Cohen told the Senate-House Economic Committee that substantially all of the rich are paying large amounts of Federal income tax. Discussing Mr. Cohen's testimony, the Chicago Tribune pointed out that—

> Of 624 individuals with adjusted gross incomes of more than $1 million in 1970, only three paid no tax. The other 621 paid an average tax of $985,000 for a total of $612 million. This represented a tax of 46.4 percent on gross income and 65.3 per cent on net taxable income.

While some political spokesmen repeatedly refer to the large number of wealthy Americans who escape paying taxes, the facts appear to be far different. Mr. Cohen said that no tax was reported for 1970 by 22 of 2,593 individuals with adjusted gross income over $500,000 and by 112 of 15,323 with income over $200,000. The reason why some paid no tax, said the Under Secretary, was that many paid high taxes abroad which are credited against U.S. tax. Others paid State income taxes for 1969 in amounts exceeding 1970 taxable income.

Discussing the facts and figures disclosed by the Treasury Department, and the ideas set forth in the political statements of the Democratic Party candidate for President, the Chicago Tribune in its editorial of July 31, 1972, concludes that—

> The Treasury spokesman's analysis reduces Mr. McGovern's talk about tax-dodging rich to a demagogic class appeal. The things he has been saying just aren't so.

Following is this editorial from the Chicago Tribune:

IT JUST IS NOT SO

> Sen. George McGovern, the Democratic Presidential nominee, has been saying things like the following: "The federal tax system is basically sound, altho it has been riddled with special privileges for the rich. . . . On the basis of 1969 tax returns . . . some 21,317 people earning more than $20,000 paid no federal taxes whatsoever. That includes 56 people with incomes in a single year of $1 million or more."
>
> Again: "I propose a minimum income tax so that the rich could not avoid their share of the tax burden no matter what loopholes they used."
>
> Now comes Undersecretary of the Treasury Edwin S. Cohen to tell the Senate-House Economic Committee that substantially all of the rich are paying huge amounts of federal income tax despite reports to the contrary. He advised the committee not to be distracted by the few high-income individuals who manage to escape taxes and cause a shower of "political rhetoric" in an election year.
>
> Mr. Cohen said that of 624 individuals with adjusted gross income of more than $1 million in 1970 only three paid no tax. The other 621 paid an average tax of $985,000 for a total of $612 million. This represented a tax of 46.4 percent on gross income and 65.3 percent on net taxable income.
>
> The undersecretary said no tax was reported for 1970 by 22 of 2,593 individuals with adjusted gross income over $500,000; 112 of 15,323 with income over $200,000; 394 of 77,899 with income over $100,000, and 1,338 of 429,568 with income over $50,000. The average tax of those in the bracket above $200,000 was, he said, $177,161, and the tax collected from them was $2.7 billion.
>
> There was a reason, Mr. Cohen said, why 112 persons at this level paid no taxes. Some paid high taxes abroad which are credited against United States tax. Others paid state income taxes for 1969 in amounts exceeding 1970 taxable income. Many had high deductions for interest paid and for business expenses.
>
> Mr. Cohen defended the income tax system as "the most efficient revenue device in the history of the world." Altho further reform may be in order, Mr. Cohen urged the committee to proceed "with calm analysis and thoughtful judgment" in considering the complex issues involved in so-called "tax subsidies."
>
> The Treasury spokesman's analysis reduces Mr. McGovern's talk about tax-dodging rich to a demagogic class appeal. The things he has been saying just aren't so.

McKEESPORT MAJORETTE DRILL TEAM AND BELL LYRE CORPS 25TH ANNIVERSARY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. GAYDOS. Mr. Speaker, on October 1, an organization which has brought pleasure and enjoyment to hundreds of thousands of people in southwestern Pennsylvania will mark an important milestone. The McKeesport Majorette Drill Team and Bell Lyre Corps of McKeesport, Pa., will observe its 25th anniversary.

An appropriate tribute has been arranged to recognize this group which grew from an initial membership of just four young ladies interested in baton twirling to a precision marching unit of more than 245 young people, ranging in age from 5 to 22. Over the years, the group has compiled a record as glittering as the trophies it has collected for more than 500 first-place awards in more than 1,000 parades and other competitive appearances. Among its many honors is the remarkable distinction of winning the tri-State championship for 18 consecutive years.

This record was not compiled overnight nor without hardship. Few people outside of the organization realize the obstacles, frustration, and disappointments encountered and overcome by the group and its leaders. From the beginning, the task of financing and equipping the unit has been the responsibility of those associated with it and their inspiration has been a warm, gracious, and dedicated woman who started it all—Mrs. Helen Donato Tozzi.

It was Mrs. Tozzi, a former majorette herself, who was persuaded by her high school band director, Mr. Edward Garbett, to organize a majorette program. It was Mrs. Tozzi, along with her assistants, Mr. Victor DeLeo and Mrs. Katherine DeLeo, who soon discovered their venture was filled with pitfalls.

One of the first was a place to practice. It is a problem that grew as the unit grew. Over the years, the majorettes and musicians have used the facilities of churches, clubs, studios, and union halls. They practiced anywhere they could find the room and despite the inconvenience, the twirlers and marchers were welded into a precision unit.

For 10 years the drill team was just a single division. But, in 1958, it was enlarged into two groups. Also, a color guard and a drum section had been added. The bell section was formed in 1959, and a junior division of it was organized in 1962.

As the unit expanded, so did Mrs. Tozzi's responsibilities and involvement. Eventually, she was forced to give up a teaching career to devote full time to the majorettes and marchers.

Since the group is self-supporting, fund raising campaigns have been an integral and necessary evil part of its operations. They are the group's only source of revenue and its members have not hesitated to undertake any project, whether it be serving dinners or selling toothbrushes, to raise the money necessary to purchase uniforms and equipment. Today, the roar of approval which greets any appearance of the unit is a tribute to the success of those projects and a testimony to the dedication of those who performed them.

Mr. Speaker, I take great pride in joining the public acclaim given the more than 3,000 past and present members of the McKeesport Majorette Drill Team and Bell Lyre Corps and to the woman who made it all possible—Mrs. Helen Donata Tozzi.

POLITICS OR SCIENCE—THE NATIONAL ACADEMY OF SCIENCES

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. RARICK. Mr. Speaker, I received correspondence from Dr. Philip Handler, President of the National Academy of Sciences. Before placing Dr. Handler's letter in the CONGRESSIONAL RECORD, I sent a copy to Dr. William Shockley to see if he cared to reply.

I include Dr. Handler's letter of May 15 and Dr. Shockley's response of August 25:

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., May 15, 1972.

Hon. JOHN R. RARICK,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. RARICK: I have read with interest the materials which you inserted into the Congressional Record for May 2, 1972, under the title "National Academy of Sciences Prefers Politics to Research." It is unfortunate that you did not have the opportunity to clarify the information in the inserted news articles which in several respects gave a garbled and misleading representation of the actions of this Academy. In the interest of clarity I respectfully suggest that you may wish to place this response in the Congressional Record.

First, with respect to the nature of the resolution by the membership of this Academy. I have enclosed a copy of the referenced resolution and believe that an actual reading of it will permit you to better judge the extent to which it can be considered as an "anti-war" resolution. Undoubtedly, the motivation of the sponsors of this resolution at the Academy's annual meeting finds its origins in the deep concerns of our members with respect to the painful national dilemma posed by our long and difficult involvement in Southeast Asia. I trust that you will agree that the intent of the resolution is entirely constructive. The eyes of our members were on the future, not the past, the intention was to remind all of those in responsible positions that wars rarely solve anything and are to be avoided if at all possible. The resolution asks that our nation utilize its enormous scientific and engineering talents for the benefit of mankind in such fashion as to avoid repetition of the circumstances in which we presently find ourselves in Southeast Asia.

I personally find it difficult to take exception to that resolution and I deeply hope that all those individuals who represent the American people in the Congress and in the Executive Branch share similar concerns.

Secondly, there is the matter of our member Dr. Shockley. Over the past five years Dr. Shockley has freely brought resolutions with respect to evidence concerning the relationships between heredity and intelligence to the floor of our annual Academy meetings.

But he has not been ignored. Three years ago, in response to a motion which he brought before the membership, I appointed a select committee of members with objective and impeccable credentials to address these questions. A copy of their report is enclosed for your information. In essence, that report indicated that our committee did indeed agree that research addressed to establishing the relative roles of heredity and environment in the determination of intelligence is a legitimate field for inquiry. Further, it encouraged such research by competent, appropriately trained individuals. As a result of these issues have been raised to a sufficient level of interest that competent investigators will certainly have been attracted to such studies, and that should suffice. Thereafter, the normal processes of the scientific community should be operative. Investigators should undertake their studies, describe these in appropriate fashion and submit their results for publication in suitable referred journals. The committee saw no need for the Academy to set itself up as arbiter in this matter any more than it does in other technical areas.

In the period since, Mr. Shockley has continued to utilize the Academy's annual meetings as a means of focusing public attention on his postion in this regard. He has been treated with proper respect and never been denied the floor from which to express his views. It would seem that our members simply refuse to be used for his purpose. From my standpoint, there is no more reason why the Academy should serve to sponsor the study which he proposes than there is for us to sponsor any of 10,000 others.

Sincerely,

PHILIP HANDLER,
President.

SUMMARY REPORT: AMERICAN LYSENKOISM IN THE NATIONAL ACADEMY OF SCIENCES—A RESPONSE TO DR. HANDLER'S LETTER OF MAY 15, 1972

(By W. Shockley, Stanford University)

". . . A failure to be influenced by the findings of the students of eugenics or a continuation in our present fatuous belief in the potency of money to cure . . ." human-quality problems, including their racial aspects, might ". . . hasten the end . . ." of civilization. Alexander Graham Bell was Honorary President of the Second International Congress of Eugenics held at the American Museum of Natural History in New York City where the preceding quotations were presented in 1921 in an address by Charles B. Davenport of the Carnegie Institution of Washington, D.C. [Eugenics, Genetics and the Family, Volume I, Scientific Papers of the Second International Congress of Eugenics, Williams & Wilkins Company, Baltimore, 1923.]

Dysgenics—retrogressive evolution through the disproportionate reproduction of the genetically disadvantaged—struck me as a real threat as evidenced by 1963 news stories of successive generations of low IQ families on relief. My public speeches about dysgenics in 1964 and 1965 disregarded race. My response to a question in a U.S. News and World Report interview about the high incidence of poverty and crime among Negroes made race an issue for me. My scientifically objective response proposed research on adopted Negro orphans. Eminent scientists branded me a racist. These experiences convinced me that in academic circles, eugenics, dysgenics and race were taboo subjects. I resented taboos in science. I still do.

In 1966 I made a decision: By campaigning against these taboos as a Nobel Laureate, I would serve the objective of the "greatest benefit on mankind" phrase in Nobel's will. I also felt an obligation: I would risk less than would others sharing my convictions but not my academic security.

Several years after I had launched my campaign, my library research revealed Dr. Bell's picture as the frontispiece of the book on eugenics. It was disconcerting to learn that in the twenties Dr. Bell had presided at a respectable international conference on subjects that forty years later had become unspeakably taboo—much as had Greek astronomy in the dark ages of Galileo.

I rebelled at sweeping dysgenic and racial questions under the rug. I undertook research on existing research. This research led me inescapably to the opinion that the social and intellectual disadvantages of American Negroes arise primarily from genetic causes. I found evidence for Negro physical superiority. Specifically, I researched data on failure rates on 20/20 vision and other Army eye tests. Disproportionately more whites than Negroes fail. I found a new relationship: Negro and white distributions of poor vision are statistically related by laws like those for IQ distributions but with Negroes not 15 points lower, as for IQ, but instead 9 points higher. I also found that American Orientals and Jews attain scientific eminence about ten times more often per capita than Caucasians. I called these findings "opinions" rather than "proofs" because they had not been objectively reviewed by adequate scientific bodies.

I found evidence for dysgenics for Negroes: Over a forty year period there was loss of ground for Negroes as compared to whites in Army preinduction mental tests. [See W. Shockley, Proc. Nat. Acad. Sci. *57*, 1767 (1967)]. Although all civilizations may become dysgenic and decline, in ours at present, American Negroes may be most threatened. Their family size patterns are most dysgenic. Dysgenics may produce a new kind of Negro enslavement—genetic enslavement. I concluded that to fail to diagnose this worry was inhumane. To fail to campaign for objective diagnosis was irresponsible—an irresponsibility I could not tolerate.

To provoke diagnosis of dysgenics, I called on the National Academy of Sciences—the body that I believe is obligated to be the scientific conscience of the nation by virtue of the charter granted to it by President Abraham Lincoln. From 1965 to the present my campaign has used letters to members, contributed papers at meetings and resolutions at business meetings. I brought my concerns to public attention by lectures, articles and by encouraging members of Congress to pose my questions to the Academy.

The Academy has responded to my campaign by publishing reports in 1967 and 1971—the second much less resistant to my urgings than the first. The introduction to the first report and the subsidiary motion that set up the second show that neither was motivated to diagnose as I had urged. Instead, the initiation of both reports included rejection of my worries and even derogation of my competence and objectivity.

The second report, in draft form in April 1970 by the Committee on Policy with Respect to Studies of Genetic Quality (later called Committee on Genetic Factors in Human Performance), rejected one of my strongest research conclusions—one that I would call a "proof" rather than an "opinion." I objected at the time. In April 1971, the Academy voted to "accept" the report, called the Davis Report (named after Committee Chairman Kingsley Davis), including its rejection of my research conclusion. I requested but was denied an opportunity to show data to support my conclusion.

Here is the issue that my research conclusion raised: I had researched four independent studies of separately raised white identical twins compiled in a fifth review study by Arthur R. Jensen. I had concluded that IQ geneticity was 80% (more precisely, 82%): 80% IQ geneticity means that gene differences among the twins pushed IQ scores up and down from the median of 100 four times more strongly than did environmental differences. Furthermore, the sample of twins was representative of the white population as a whole from which they were drawn both as to genes and as to environments. My own research contribution was to show that the results were so striking that even for the small sample of 244, one could eliminate being fooled by chance at a significance level of one chance in 2,000. I presented the analysis that supports this conclusion at the Academy meeting in October 1971.

My research had documented 80% IQ geneticity—a definitive case in which genes clearly dominated IQ—a conclusion rejected by the Davis Report. I moved resolutions at two Academy meetings that my statistics be reviewed. Both were defeated. But opposition decreased from 200 to 10 against my resolution in October 1971 to 44 to 24 with fifty abstaining in April 1972. Why has the Academy refused to examine my statistics?

My interpretation is that the Academy abandons scientific objectivity when emotions are involved. What was so emotional? My resolutions avoided race by focusing on white identical twins. But to admit publicly, contrary to the Davis Report, that genes do dominate IQ in any meaningful case might force a consideration of what I have demanded for more than six years—diagnosis of dysgenic trends. Although dysgenics applies to whites as well as blacks, research must inevitably include the emotionally loaded racial issue. Research might prove that Negroes are genetically inferior and are reproducing fastest. This possible dysgenic threat is emotionally loaded. I believe that scientific objectivity has yielded to the threat of emotional issues. There is a parallel in a disaster of Russian science under Stalin.

Dr. Trofim Denisovich Lysenko became Stalin's favorite scientist because his pseudoscientific theories conformed to Marxist philosophy—inheritance of conditioned characteristics. Lysenko claimed that his biologist coworkers had discovered how to transform one species into another—wheat into rye, pines into firs, etc. While Lysenkoism ruled, contrary opinion was heresy and Lysenko's critics were silenced. Punishments included imprisonment and death. Lysenkoism forced Russian science to trim, clip and twist scientific inquiry to fit ideological preconceptions. Controversial research and open debate were suppressed. Lysenkoism was a disaster for Russian agriculture.

American Lysenkoism describes the attitude toward my 80% IQ geneticity resolutions. Where facts do not fit the ideological preconceptions, they are twisted or even suppressed. Here are two examples of twists of my resolutions: An eminent geneticist who opposed my 1972 resolution stressed that the conclusions would not apply across the racial gap. This made my resolution seem racist—a twist that helped dispose of it. News stories about my 1971 resolution were headlined: "Race and IQ Study Barred by Academy" and "Shockley's Race Study Rejected." To be a heretic against the ideological preconceptions underlying these twists is the only course I find possible for a scientist of conscience.

Dr. Handler's letter of May 15, 1972 to The Honorable John R. Rarick, which led to the reesarch reported in this Summary Report, conveyed two unjustified impressions. (1) The Davis Report's Committee was set up, not by Dr. Handler's response to my resolution as erroneously stated in Dr. Handler's letter, but by the passage of a subsidiary motion by a member who regarded my resolution "as unscientific and improperly motivated and therefore altogether inappropriate for serious attention by the Academy". This subsidiary motion's preamble exhibited American Lysenkoism by using the words "racists, bigots, fanatics, injustice, and cruelty". (2) Dr. Handler's letter also erred in representing my resolutions as calls for sponsoring my own research. None of my resolutions called for a fraction of the effort required of the Academy for the Davis Report.

In Lysenko's Russia and in Galileo's Italy, heretics were silenced by lethal threats—and death. Heretics against American Lysenkoism are silenced differently. Research funds are denied; invited lectures are disrupted; academic tenure is withheld; courses on dysgenics are denied credit.

I believe that American Lysenkoism will be eliminated. Signs are already in evidence. Articles by feature writers in newspapers and periodicals are appearing in greater numbers in the last few years. So are books. They ask questions and oppose dogma. I am fortunate to have had the opportunity to contribute to this growing dedication to the search for truth and to express these views openly for the general public in this contribution to the CONGRESSIONAL RECORD and elsewhere. If I have indeed contributed to eliminating American Lysenkoism—and I like to believe that I have—my effectiveness was made possible because our nation's founding fathers wisely made it so safe for our citizens to speak out. The evils in the Russia of Stalin and in the Germany of the Nazis would have been soon corrected had the basic human goodness of their intellectual leaders been defended by rights like our own—the rights that our wise predecessors put in our Constitution as the First Amendment.

The National Academy of Sciences is an organization of outstanding and capable scientists. Save for the area of thought-blockage upon which this communication focuses, I am proud to be a member. I am relieved to be able to state, as discussed in the CONCLUSION of the Research Report that supports this Summary Report, that some members are showing encouraging evidence of overcoming thought-blocks and of sharing my concerns about American Lysenkoism. I hope that this analysis will reach others and that it will help to create a new era of true scientific inquiry into human-quality problems.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

OLYMPIC TRAGEDY

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, September 7, 1972

Mr. HARRY F. BYRD, JR. Mr. President, all Americans deplore the senseless murders of Israeli athletes at the Olympics in Munich.

In Winchester, Va., a sampling of opinion of leaders of the Jewish community was reported by Mr. Jack Davis, executive editor of the Winchester Evening Star.

These leaders reacted with splendid restraint to the outrageous killings. They expressed the hope that revulsion over the murders might in some way improve the chances for peace in the Middle East.

Mr. Davis also interviewed the president of the local ministerial association, who called on Christians and Jews to unite in the effort to end violence.

As a resident of Winchester, as a Virginian, and as an American I am proud of these responses of my fellow citizens.

I ask unanimous consent that the text of the article, "Jewish Leaders Here React With Restraint," published in the Winchester Evening Star of September 6, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JEWISH LEADERS HERE REACT WITH RESTRAINT

(By Jack Davis)

The local Jewish community, stunned by the slaughter of members of the Israeli Olympic team, still was able to react today with reason and restraint.

Not toward the terrorists, or their sympathizers. But Jewish leaders here voiced hope that these murders could in some way lead to a national Middle East peace through world revulsion over the act itself.

Seymour Barr, board chairman of the Beth-El Congregation, said that "we as Americans and as Jews view with horror and shock the murder of innocent Israeli Olympians in Munich by Arab terrorists.

"The theme of peace demonstrated in Munich—that peoples can compete and respect each other—was turned into a nightmare. But the Olympic goal and example cannot be destroyed through political murder by an unpredictable group. The Israelis have never yielded to terrorist blackmail.

"The West Germans are to be respected for their efforts to erase the memories of the Nazi era. Arab nations generally have condemned this terrorism, and it should be the hope that this night and day of terror might be the catalyst for a peaceful solution in the Middle East.

"As we approach the High Holy Days, we will especially include these martyrs of Israel in our prayers."

The Beth-El congregation begins its observance of the Holy Days Friday at 8 p.m. at the synagogue on Fairmont Ave. The synagogue also serves Jews in Front Royal and Strasburg. The congregation numbers about 45 families.

Charles Zuckerman, Winchester city councilman and a congregation leader said he hoped the radical element among Jews would not govern the Jewish approach.

"We have heard certain remarks about an eye for an eye, a tooth for a tooth," he said. "I don't believe this is a time for that. Instead, we should do everything in our power to further peace.

"I, for one, reject the eye for an eye feeling completely, especially at this time. It would only add to the trouble we've seen already.

"I only hope we don't go out and do things that would result in the killing of more innocent people."

The Rev. Robert J. Donnelly, president of the Winchester-Frederick County Ministerial Assn., said the Christian community was "appalled and shocked over the situation in Munich.

"We grieve with our Jewish brothers over this incident that has taken the lives of 11 Israelis. Christians and Jews the world over need to stand together and pledge themselves anew toward building a world in which violence is the exception and not the rule for resolving the problems that confront us.

"The incident in Munich helps us to realize that while we've come a long way in demonstrating our physical prowess, we've still fallen far short of the goal of true world brotherhood desired by the God of both the Christian and the Jew."

No Arab-related local residents were available immediately for comment.

LUCY'S LETTER

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. CARTER. Mr. Speaker, in these modern times, we occasionally tend to sense a void that the elegantly spoken words of our great statesmen in the past so adequately filled. We can see, however, that the art of fine oratory is not completely lost in our age and generation. In this connection, I am extremely pleased to submit the observations of Lucy Albright, which appeared in the Glasgow, Ky., Republican, August 31, 1972.

The article follows:

LUCY'S LETTER

(By Lucy Albright)

If the public were of the opinion that oratory at its finest was of a past era then the Republican Convention changed their minds for there, before a great American audience it came to life and reiterated the same fine delivery as Daniel Webster and Henry Clay. There has been much comment concerning the convention in the days which have followed it and it appears to have evoked applause grounded in confidence among the viewers. Personally, I delight in listening to a speaker who has a message and the ability to deliver it. There are those who were most favorable toward the speech of Ronald Reagan, governor of California. Others leaned to Nelson Rockefeller, to Nixon, to Barry Goldwater, to John Wayne in his drawling sincerity and all agreed that the one minute speeches were packaged in truths, delivered in concise superiority, however this may come as a surprise to you, but I favored the speech of Spiro Agnew. I hear no speaker anywhere that can equal his plain understandable four square delivery and his great storehouse of a ready, unique vocabulary with a keen mind that gives him rhetoric unequaled by any to convey his thoughts. Through the past four years when Agnew has held the second spot in the executive branch of government he has managed to give respectful identity to the office of Vice presidency without ever seeming to take any limelight from the president and though at times his words may have had a sharp edge, his fearless sincerity has won respect for him and his office. And through the years of democracy the vice president's names have passed into history, in most parts as nonentities, but Agnew's name is a household word and the memory of it will long remain.

INDIANA PAPERS, PLEASE COPY

HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. WHALEN. Mr. Speaker, the Columbia Journalism Review commented, in its September/October, 1972 issue, on a lengthy series publish by the Journal Herald, a daily newspaper in Dayton, Ohio which is within my district.

I placed the investigative articles in the CONGRESSIONAL RECORD on April 25, 1972. They alleged a series of shocking improprieties relating to a bankruptcy ring in Indiana.

The Review's piece reads like a postscript, which both the Review and I hope it will not be. Because of the developments which have occurred since the publication of the Journal Herald series or more accurately, the lack of developments—I insert herewith the text of the Journalism magazine's commentary:

INDIANA PAPERS, PLEASE COPY

In decades past, journalists became familiar with the phenomenon of national press intervention in regional stories—often in the South—when the local press was reluctant to do the job. That situation now occurs less and less in the South, but one can find variants elsewhere. The Dayton, O., *Journal Herald* has become involved in a similar situation on a story for which it crossed the state line.

In December, 1970, the *Journal Herald* asked Keith McKnight, an investigative reporter, to look into charges that the two U.S. Senators from Indiana were linked to an Indianapolis "bankruptcy ring"—an operation that used bankruptcy court proceedings to enrich a chosen circle of lawyers and officials. In April, 1971, the *Journal Herald* assigned a second man, Andrew Alexander, to the story. They worked for a year before their newspaper was ready to publish their findings in an eleven-part series that began last April 10.

The findings were intricate—indeed, the series makes extremely difficult reading—but substantial. The stories claimed to confirm existence of the bankruptcy ring and charged a great variety of improprieties and illegalities. They showed that one large bankruptcy was handled by men who were also fund-raisers for Sen. Birch Bayh in 1968, and that there never had been a complete accounting for Bayh's campaign finances in that year. They also asserted that a former governor, Matthew E. Welsh (who is the Democratic candidate again in 1972), had been appointed in a bankruptcy proceeding in which he allegedly dealt with a company linked to organized crime.

Recognizing that Indiana lay beyond its own circulation territory, the *Journal Herald* took care to see that its series was distributed in that state. Before publication it sent copies to three dailies, in South Bend, Kokomo, and Evansville. It also gave a copy to the Association Press.

If the *Journal Herald* had thought that these steps would ensure publication in Indiana, it was soon disillusioned. Not one of the three dailies used the series, nor, the *Journal Herald* found, did other papers—despite a detailed summary transmitted on the AP regional wire each day. One radio station—which the *Journal Herald* people dubbed Radio Free Indiana—called Dayton every day for the latest information, which it broadcast: the station was WIBC, Indianapolis. A momentary beam of hope came when the Indianapolis *News* reprinted a *Journal Herald* editorial demanding disclosure by Sen. Bayh; then a court reporter for the *Star* produced a story raising the question of indictments in the case. But the reporter abruptly was removed from his beat, and the Pulliam newspapers resumed their silence.

The story did only slightly better on the national level. On the CBS program *Face the Nation*, Sen. Bayh was questioned by three correspondents; they referred to the *Journal Herald* findings repeatedly, but in the end permitted the Senator to discredit the story's sources without forcing him to rebut its substance. Two syndicated columnists—Clark Mollenhoff and Milton Viorst—also wrote about the case, and there was a further brief flurry of attention when Republican Congressmen from Indiana called for investigation.

But the silence in Indiana has left the reporters deeply frustrated. McKnight says, "Never in my ten years of journalism have I witnessed anything so blatantly and unalterably wrong. Yet my partner and I are powerless to do anything about it. Our objectivity has since become encumbered by outrage, but even if it was not, the shouts of two journalists, in Dayton, O., don't carry very far."

It is not necessary to endorse the findings of the *Journal Herald* to question the silence across the line in Indiana. The charges are documented; they deserve, at the least, serious rebuttal.

NATIONAL DEVELOPMENT BANK

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. ABOUREZK. Mr. Speaker, a recent article in the Midland Cooperator called to my attention the views of Stanley Dreyer, president of the Cooperative League of the U.S.A., on the need for a National Development Bank. Mr. Dreyer pointed out the success of the Farm Credit System and the Rural Electrification Administration programs in rural areas and urged the consideration of a similar bank to provide credit in rural and urban areas which cannot be served by FCS or REA.

Mr. Dreyer describes the bank's functions this way:

> A credit institution to provide loans not only for rural and small community social projects but also for the pressing capital needs for similar projects for low income urban dwellers clustered in the inner city. The housing, health, and mass transportation needs found in these areas could receive development loans that would not only make these facilities possible but—equally important—would allow control and ownership to remain in the hands of the people they serve, giving them the right to decide how and where they are to be used.
>
> American society should face up to its problems. We are convinced that this (bank) will have a major positive impact on the economic health of this country.

I would like to commend Mr. Dreyer for his very thoughtful words. I feel that he points out very well that there are similar problems in rural and urban America and that these problems necessitate a strong, positive attack which would enable the people involved to help themselves. As an advocate of urban and rural cooperation, I hope that Mr. Dreyer's proposal will receive the careful consideration that it deserves. I would also like to thank the Midland Cooperator for bringing these views to my attention.

LAIRD'S DEFENSE OF HIS BUDGET REBUTTED BY STATE DEPARTMENT

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. HELSTOSKI. Mr. Speaker, over the years we have witnessed a growing debate over the escalating military budget. Some would reduce the debate to the lowest common denominator of hawks versus doves. I submit that the issues are more complicated and should be looked at in terms of what we truly need for a strong defense posture, the efficient allocation of resources, and the excesses in the military budget which can be cut.

In considerable testimony given in both the House and Senate, we have seen the tremendous waste of taxpayers' dollars in the military budget. Adm. Hyman Rickover, the prominent nuclear scientist, has given us some keen insights on the application of Parkinson's law regarding an expanding nonessential bureaucracy under the guise of national defense.

Recently, the Secretary of Defense gave reasons why he did not believe our military spending was excessive.

In rebuttal, Dr. Nasrollah S. Fatemi, distinguished professor and director of the Graduate Institute of International Studies at Fairleigh Dickinson University in Teaneck, N.J., wrote an article which appeared in the Record newspaper of Bergen County.

Professor Fatemi compared the statements and statistics of the Defense Secretary with those of the State and Commerce Departments. His findings are most enlightening, and I would like to commend Professor Fatemi's excellent analysis to my colleagues.

Mr. Speaker, the article follows:

LAIRD'S DEFENSE OF HIS BUDGET REBUTTED BY STATE DEPARTMENT

(By Nasrollah S. Fatemi)

On the same day last week two documents were released by two departments of the federal government. They contradict each other.

A State Department news release, under the heading "Peace, National Security, and the Salt Agreements," made the following points:

1. Since World War II more than $2.3 trillion has been spent on defense by the United States and the Soviet Union. Approximately $1.3 tillion of this was spent by the United States, the rest by the Soviet Union.

2. If the two societies continue to grow as projected, and if both continue to spend the same proportion of gross national product on defense, the two countries together, by the year 2000, would spend another $5 trillion on armaments.

3. According to the "Statistics Abstracts," published by the Department of Commerce, the United States is spending 8.6 per cent of her GNP on armaments, the Soviet Union 8.5 per cent, Japan 2.9 per cent, West Germany 3.5 per cent, France 4.4 per cent, the United Kingdom 5.1 per cent, and Italy 2.9 per cent.

4. The present trend is most disadvantageous to the United States and the Soviet Union, and considering other more pressing priorities, untenable. Since the two countries have reached a level where neither side can start a nuclear war without triggering its own destruction, both sides should avoid spending at current levels while negotiations are continued.

At the same time Secretary Laird released a long document aimed at critics who contend there is too much waste in the defense budget. He also made a few personal observations. In light of the figures published by the Department of Commerce, Secretary Laird's statements suffer from inaccuracy, misrepresentation, and insensitivity to facts.

1. Secretary Laird says the present defense budget is smaller than the Eisenhower budget. The last Eisenhower defense budget, for 1960–61, was $45 billion. Since there has been a 33 per cent inflation, in terms of the current dollar it would be the equivalent of $59.9 billion.

The proposed defense budget for the current year is $86 billion. If we add to that a $1.2 billion supplemental appropriation for bombing North Vietnam and $2.1 billion for military aid to Cambodia, Laos, Thailand, Korea, and Taiwan, the total present war budget is $89.3 billion. How can $89.3 billion be smaller than $59.9 billion?

2. The Pentagon apologia also states that weapons procurement in 1972 is only $300 million higher than it was eight years ago. The budget of 1965 was $60 billion in 1972 dollars. Even if we allow for the present cost of the Vietnam war, the total would be no more than $67.3 billion. What happened to the $22.3 billion difference?

3. Mr. Laird's argument that our defense spending is insignificant is erroneous. At present the United States defense budget is 42.3 per cent of total, worldwide military expenditures, and 37 per cent of the Federal government's budget.

The defense document is unfortunately political propaganda, intended to deceive the public. It would have been a great service if Secretary Laird had given a few simple and frank answers to his critics' questions, and had promised to get our allies to accept their responsibilities to cut fat from the defense budget, and to reduce the burden of the taxpayers, who are supporting the most cumbersome, most expensive bureaucratic machine in the history of mankind.

POSTMASTER GENERAL E. T. KLASSEN

HON. FRANK M. CLARK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. CLARK. Mr. Speaker, I would like to commend Postmaster General E. T. Klassen on his recent announcement at Postal Forum VI that he will forgo $450 million in postage increases that had been originally budgeted. This is a rare action for a Postmaster General.

In addition, Mr. Klassen's concern for good service, while admitting problem areas, is commendable.

The Postal Service should be given every chance to carry through on Mr. Klassen's efforts with economy and efficiency.

REVERSE DISCRIMINATION

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. EILBERG. Mr. Speaker, the problem of reverse discrimination is becoming increasingly serious.

This prejudice against persons who are not members of minority groups is growing because the various departments of the Government are enforcing what are supposed to be guidelines as quotas.

Programs designed to bring more members of minority groups into colleges and universities as students, faculty members, and administrators and into industry in executive positions are being used to shut out other persons who are qualified in all other ways. These programs were supposed to make additional positions available, not create quotas for existing positions.

At this time I enter into the RECORD a very clear statement on this problem by Benjamin R. Epstein, national director of the Anti-Defamation League of B'nai B'rith.

ADDRESS BY BENJAMIN R. EPSTEIN

In 1949, more than 100 college and university presidents, deans, and admissions officers from 24 states, and representatives of 35 educational organizations gathered in Chicago's Palmer House to finally face what was then a 30-year-old problem—discrimination in college admissions. I find myself thinking of that meeting more and more these days.

Dr. Andrew C. Ivy, who was vice president of the University of Illinois and chairman of the conference, was the keynote speaker. He began by saying—"Discrimination against deserving students who want to get into college is evil. It causes great loss and damage to the United States. It violates the democratic credos which educators are presumed to hold sacred . . ."

Dr. Ivy was talking about a quota system, a device which limited the entrance of minority group students into colleges and universities, a device which barred certain youth from an equal chance to education through the setting up of fixed percentages of Jews, Negroes, and Catholics, who were to be admitted. Part and parcel of the device was the use of questions about religion, race, and nativity of parents on application blanks.

Now, 23 years later, the use of quota systems and other related devices not only in college admissions but in employment as well, are again of concern. This time, however, there is a certain amount of irony in the fact that they are being used in the name of affirmative action to *bring in*, or upgrade, minority group members—and—minority groups today are defined as being women, blacks, Puerto Ricans in some areas, Mexican Americans in others.

In other words, affirmative action programs aimed at bringing about equal opportunity for *all* Americans, are being distorted and turned with increasing rapidity into preferential treatment for *some* Americans on the basis of their race or sex. To put it another way, while the intent is eradication of the all too pervasive reality of unequal opportunity for oppressed minorities, the means constitutes discrimination in reverse.

Most of the organizations represented in this room have actively pressed for the establishment of affirmative action programs to end discrimination by public and private employers and educational institutions. We have applauded the fact that the federal government has undertaken to sensitize its contractors to the need for such programs and that, in response to government prodding—particularly that of the Departments of Labor and Health, Education and Welfare—an ever-growing number of contractors have begun to recruit, train and upgrade minority group applicants and employees. The time has long passed for American society, and especially government, to tolerate the shameful practice of racial and religious discrimination or to approach its elimination in a less than wholehearted and vigorous manner.

The difficulty, however, is that there is considerable confusion over the difference between affirmative action and preferential treatment, between goals and quotas.

In essence, affirmative action connotes *adding* qualified minority group members to other qualified applicants for college admission, employment, etc. Preferential treatment, on the other hand, means to benefit some, without regard for qualifications, by excluding others.

There is enough of a pattern of episodes involving student admissions and faculty hiring to show that while the anti-discrimination laws and regulations under which HEW operates do not call for preferential treatment or quotas, HEW guidelines are being implemented as if they did call for such measures. In many cases, there is evidence that colleges and universities engaging in preferential treatment and quota systems on the basis of race and ethnicity, are doing so as the result of the position and prodding of HEW compliance officers. In addition, institutions which have adopted policies of preferential treatment on their own, without any HEW pressure, have been allowed to continue without any corrective action being taken by HEW's Office for Civil Rights.

Six of our groups—the Anti-Defamation League, the American Jewish Committee, the American Jewish Congress, the Jewish Labor Committee, the Jewish War Veterans, and Agudath Israel of American—went to Washington to meet with HEW Secretary Elliot Richardson and J. Stanley Pottinger, head of the Office for Civil Rights. We made clear our concern and gave specific examples of what in our view constituted an attempted remedial measure for past discrimination which is as deliberately and arbitrarily discriminatory against others as what it is supposed to rectify.

How does one define the difference between affirmative action and preferential treatment. Let me try through some examples.

In the area of employment recruiting, it is affirmative action for a company, government agency or university to add to its recruitment schedules colleges and universities at which substantial numbers of minority group students are to be found. But it would be giving preferential treatment if the usual recruiting schedules were abandoned and only those schools which had substantial numbers of minority group students were visited.

It is affirmative recruiting of previously underutilized groups as college students when high school counselors in schools with substantial minority group student bodies are urged to refer graduates to a particular college, or if recruiters address the senior class. But it would be preferential treatment if recruiting were limited to these schools. To go a step further, it would facilitate preferential treatment, not affirmative action, if college application forms include questions of race or ethnic background as a means of making a selection of who is to be admitted.

It is affirmative action for an employer or a university admissions office to provide compensatory training or counseling for persons viewed as potentially qualified—but it would be preferential treatment if such compensatory aid were limited only to minority group members.

Now, while HEW rules to implement "Non-Discrimination in Federally Assisted Programs" do not specifically call for preferential treatment or quotas, but are being widely interpreted that way, the language of proposed new paragraphs to the federal regulations clearly seem to sanction both.

For example, a paragraph which begins: "This regulation does not prohibit the consideration of race, color or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted . . . on the grounds of race, color, or national origin. . . ."

Or, another proposed paragraph which states that: "Even though an applicant or recipient has never used discriminatory policies, the services and benefits of the program or activity it administers may not in fact be equally available to some racial or nationality groups. In such circumstances," it goes on to say, "an applicant or recipient may properly give special consideration to race, color or national origin . . ."

There are questions to be asked—and answered—before preferential treatment becomes institutionalized by default.

Is a non-minority individual to be required to give up his right to be judged on his own merit?

Is a non-minority individual to be required to accept discrimination against himself based solely on the color of his skin?

By what standard does one justify injustice against a non-minority individual today who has no personal responsibility for yesterday's wrongs?

Because society in general bears the responsibility for historical wrongs, society rightfully must, and indeed has begun to, undertake the job of righting them. This is the philosophy behind affirmative action programs designed to secure better employment and educational opportunities for members of minority groups. But the aim of affirmative action should be broad social progress in achieving racial equality, not the assignment of historical blame, and then the penalizing of specific individuals who happen to be members of the majority.

It would take me hours to give you all the specific instances of the kind of penalization I mean, penalization—and injustice—taking place right now across the country. In the interest of time, let me select a few illustrative cases.

There is the experience of Marco DeFunis, Jr., a Phi Beta Kappa Jewish applicant for admission to the law school of the University of Washington. He filed suit in the State Superior Court in Seattle, alleging that he had been discriminated against when he was refused admission, although he was better qualified than 30 of the 31 minority group members admitted. The University said it had rejected DeFunis in order to effectuate its policy that preference be given to blacks and members of other minority groups. The Court rendered a decision ordering the University of Washington to immediately admit DeFunis to classes in the law school—which it did, but the university is appealing the decision.

There is a form letter circulated by the president of Oberlin College advising alumni, students and faculty members of a new policy adopted to achieve, "a minority representation among Oberlin students, faculty and staff approximately equal to the percentage of minority group members in our national population as a whole." This is a "numerous clausus".

There is the report that the New Jersey College of Medicine and Dentistry is imposing a 25% minimum quota for minority admissions.

There is the statement by the president of the State University of New York at Old Westbury that this new college is embarking upon quota-basis admissions which would result in its student body becoming reflective of the racial composition of the greater New York City area's population.

There is the request for information concerning applicants' ethnic identification on the centralized application form for would-be medical students distributed under the sponsorship of the Association of American Medical Colleges.

There is the case of the head of the Department of Economics of New Mexico State University refusing to consider applicants for faculty posts because none belonged to one of the minority groups listed in the notice of vacancies.

There is the San Francisco Board of Education's endorsement of a program to demote 89 administrators because of budget reductions. The program called for demotion of white administrators with tenure, but not demotion of any black or other minority administrators, only two of whom had tenure.

There is the so-called affirmative action program developed by the State University of New York at Albany which requests deans and department heads to anticipate vacancies over a five-year period and indicate how many can be allocated to minority members, and also instructs hiring personnel that "the university will defer the filling of some positions until qualified minority members and women are added to the staff."

There is the proposal by the Board of Regents of the University of Wisconsin declaring that chancellors of individual campuses would be barred from using employee funds if they fail to hire minority group professors and administrators proportionate to their national availability, or staff members proportionate to their local availability.

The problem of goals vs. quotas is a difficult one. When goals are targets, toward which "good faith" efforts are made, HEW approves—but what happens when goals are reached, are they then frozen and do they become quotas?

But let me not leave the impression that there are no academic voices of concern. Perhaps the issue was commented on most succinctly by Robert M. O'Neil, Professor of Law at the University of California at Berkeley. Writing in the Yale Law Journal, Profesor O'Neil gave what he called "substantial objections" to special admissions policies. "First," he said, "preferential admission standards depart sharply from traditional judgments based on academic ability and performance; second, the use of race and ethnicity as a factor in student selection violates the Constitution; and third, rapid expansion of minority enrollments may in various ways harm the majority students, the minority students, and the institutions. . ."

Chancellor Robert Kibee of the City University of New York set forth in a memorandum the differentiation between affirmative action and preferential treatment in employment.

"Our affirmative action policy," Chancellor Kibbee said, "requires the colleges and the central administration of the University to develop affirmative action plans that would overcome conditions of de facto discrimination in employment against women and minorities where those conditions exist. This does not mean that the plans or their implementation require preferential treatment in recruitment, hiring or promotion on the basis of criteria other than merit. It is our overall personnel policy, of which affirmative action is an important component, that the choice among candidates for hiring or promotion is to be that candidate demonstrating the maximum potential for meeting the job's requirements. Employment selection is to be based primarily upon vocational or professional competence within the board's by-laws and those professional standards duly established by constituent faculty."

But more voices of concern—and reason—

are needed to halt the imposition of new injustices as a remedy to those of the past.

The distortions of the affirmative action concept are of particularly serious concern to the Jewish community which is, despite new interpretations, still a vulnerable minority. Jewish youth seek higher education in far greater numbers than their proportional percentage of the entire population or that of particular geographic areas where they reside. Eighty percent of all Jewish youth go to college, approximately 400,000. Are they to be turned away, not on the basis of their qualifications, but solely because of the color of their skin?

Is a person who has devoted long years to preparation for a career on the faculty of a college to be turned away because preferential treatment dictates the employment of a woman or a member of a specified minority group—regardless of substantive qualifications?

Have we come this far in the long battle against inequality in opportunity only to substitute one form of discrimination for another? Surely, this is not the answer to society's shortcomings.

The answer lies in a combination of programs:

In true affirmative action, clearly enunciated, strongly supported by the government, and free of the divisive effects of preferential treatment;

In universities expanding their facilities, even if the expansion requires dipping into endownment funds or curtailing less essential activities;

In federal funding of additional education facilities.

An example of what can be accomplished in many graduate and professional schools is the Comprehensive Health Manpower Training Act of 1971, which by providing financial help in creating new medical schools, additional facilities for schools presently in operation, and in rehabilitating existing unusable facilities, should do much to increase the number of places available—without resort to preferential treatment in admissions.

The only morally justifiable position is that those institutions of society that are responsible for past acts of discrimination should make the sacrifices. The fundamental wrong in preferential treatment is that individuals who have no responsibility for past discrimination are made to sacrifice their opportunities for self-fulfillment to pay the debt that society owes to those previously discriminated against.

Our posture in this problem troubles me when I see the rise in anti-black sentiment in the Jewish community. I hope we do not feed these racist views; we do not lose our sense of perspective. We must continue to work for the eradication of injustice for blacks and other minorities.

In our deep concern about reverse discrimination, we must not forget that society's debt is large and payment is long overdue. If society in general bears the responsibility, then as members of that society, we also have a role— to continue to press for equal rights and equal opportunity for *all* Americans.

HOUSE RESOLUTION 1106

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. GRIFFIN. Mr. Speaker, all Americans are deeply saddened by the recent tragedy at the Olympic Games, and I wish to express my personal dismay and indignation at this shocking event. The death of any human being is tragic, but when the dead are wholly innocent of wrongdoing, then the tragedy takes on greater dimension. Such is the case at Munich.

The arena of sports competition of the Olympics is quickly becoming a forum for political and ideological expression. The Olympic ideal was gravely compromised a few days earlier when the athletes of Rhodesia were not allowed to participate in the games due to the lack of sportsmanship of some of the African countries. Now, the very existence of the games themselves has been cast into doubt and athletes from all over the world find themselves cast as political pawns for a variety of causes and movements. It has cost the lives of 11 Israeli athletes who had trained for years for international competition.

By these acts the spirit of the Olympics has been threatened. Without this spirit, this intangible force, the Olympics are lost. We will all be diminished by it and mankind will be the poorer for it.

A great cancer of violence and destruction has gripped the world. Mr. Speaker, it is the responsibility of all nations to rid themselves of this disease of fear and lawlessness. Never has the crying need for international cooperation been more evident.

This senseless, depraved act by Arab outlaws in Munich casts a dark shadow over those nations that condone such activity and which serve as havens for their organizations. It is imperative that it be stopped, and we must now serve notice to all that such barbaric conduct will not be tolerated by the world community.

XX OLYMPIAD

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. BIAGGI. Mr. Speaker, the XX Olympiad currently being held in Munich, Germany, has produced some outstanding personal achievements by American athletes. None has been as remarkable as the performances of America's premier swimmer Mark Spitz, winner of an unprecedented seven gold medals.

Mark Spitz at the age of 22 has emerged as one of the world's truly great athletes. Not only has he won the seven gold medals, but he has also been relentlessly shattering all existing world records in the process. His individual pursuit of excellence has propelled the American team to its present position as the leader in total medals.

Even more appropriate is the fact that Spitz, an American of Jewish faith, has achieved his unparalleled record in Germany, where only a quarter of a century ago it was unheard of for a Jew to be able to compete on German soil.

However, the tragic events which followed Spitz' achievements have taken away some of the glitter. The barbaric acts of a small group of demented men against the Israelis caused Spitz to be flown on a military plane out of Munich heavily guarded, and bitter about the loss of 11 fellow Jews. How tragic it seems that a man who has reached the pinnacle of success of Spitz must be forced to leave the arena before the cheers have died down. The legend of Mark Spitz will continue to inspire the young of the world long after the pain of the tragedy of the XX Olympiad has left the hearts and minds of mankind. Despite the agony and the sorrows caused by these events, Mark Spitz deserves the commendation of all Americans.

SATURDAY NIGHT SPECIALS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Mr. SCHMITZ. Mr. Speaker, I would like to take this opportunity to register my strongest opposition to the new gun control bill passed by the Senate August 9 and now before our Judiciary Committee—S. 2507, by Senator BAYH. This bill would prohibit American citizens from buying any of a number of different kinds of small, inexpensive handguns which have suddenly acquired—at least in the news media, in the bill and in the speeches of its advocates—the sinister-sounding name of Saturday night specials.

Incidentally, it would be very interesting to know how many people during the past year have actually walked into their local gun shop or hardware store and asked for a Saturday night special. The name is brilliant press-agentry, but is it what these guns are really called?

How does S. 2507 define a Saturday night special—especially when it's not bought on Saturday night? It is defined by a point system that puts the scoring of the Olympics to shame. The bill sets forth point scores for 18 separate parts of a pistol, for example, to determine whether it is a Saturday night special. By quite little amendments decreasing the point totals for components that, as the bill is now written, would take a gun out of the prohibited category, more and more handguns could be classified as Saturday night specials and prohibited, until the purchase of almost any handgun by a private citizen became illegal.

And just this is the ultimate objective of the most vocal supporters of this bill, as some of them have openly revealed in saying that they are not pushing for outright prohibition of handguns now only because they believe this bill is the farthest Congress is likely to go in that direction this year.

But this bill is too far for Congress to go in any year. Because a gun is too small and inexpensive to be used for sporting purposes does not mean that it is wanted only by criminals or potential criminals. Gun controllers never seem to grasp the fact that millions of Americans want to be able to defend themselves effectively, with firearms, in our increasingly crime-ridden cities. The capability of self-defense with a handgun should not be limited to those able to afford an expensive weapon.

To restrict the law-abiding citizen's right to keep and bear arms, or to require him to register his firearms, threatens the safety and liberties of every American.

TRIBUTE TO REPRESENTATIVE JON ROTENBERG

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. O'NEILL. Mr. Speaker, Representative Jon Rotenberg has served the people of Brookline for 2 years as a member of the Massachusetts Legislature. He has already established himself as a concerned and capable legislator, with an intense interest both in the community and the Commonwealth. His short tenure in the House has produced an outstanding record of achievements, and is evidence of both his dedication to and enthusiasm for the problems of the people whom he represents. Recently, Jon Rotenberg received the Advocate Carnation, an honor bestowed upon leading community figures in recognition of their exceptional work. I am today submitting for the RECORD the tribute to Representative Rotenberg which appeared in the Jewish Advocate of August 17, 1972:

ADVOCATE CARNATION TO REPRESENTATIVE JON ROTENBERG

Representative Jon Rotenberg (D-Brookline) is presently serving his first term in the General Court of Massachusetts. The second youngest member of the Legislature, he already has a distinguished list of achievements to his credit. He sponsored resolutions last year and this calling attention to the plight of Soviet Jewry and asking for a strong commitment to the principles of religious freedom everywhere. He has also participated in demonstrations on behalf of Soviet Jewry and in the celebration of Israeli Independence. Further, he was instrumental in the passage of a bill permitting credit unions, cooperatives and savings banks to invest in Israel Bonds.

Recently, Rep. Rotenberg sponsored a resolution expressing sympathy and outrage over the massacre at Lod Airport. This resolution, the first such public statement by a Massachusetts official, calls on President Nixon to condemn all acts of terrorism, to urge Arab governments to abandon their support of Palestinian terrorist groups, and to demand that Arab leaders denounce all acts of violence against the Israelis.

In addition to his work on behalf of the Jewish community, Rep. Rotenberg has been active in several legislative areas. He was elected clerk of the Transportation Committee by his fellow committee members and has been active in efforts to improve public transportation in the Greater Boston area. His concern for elderly affairs is evidenced by his sponsorship of many bills providing special services and privileges to the elderly. He has also been appointed to the new Committee on Post-Audit and Oversight. Through his work on this committee, he hopes to be instrumental in the creation of a more economical and efficient state fiscal policy. Currently, Rep. Rotenberg is working for passage of a bill which would create a more favorable climate for industry in Massachusetts. This bill, which is coauthored by Speaker Bartley, would establish an aggressive policy toward attracting industry to the state. Rep. Rotenberg feels that the best way to relieve the welfare costs and the tax rate in the Commonwealth is to attract more industry, which would mean the creation of more jobs.

Women's rights and those of 18-year-olds have received his strong support in the recent legislative session and he intends to work for more enlightened laws in these areas. Rep. Rotenberg was also responsible for the passage of a stronger anti-shopping law to safeguard the rights of merchants, and he introduced a bill to establish a Small Business Administration (SBA) within the state to provide assistance to small businesses.

Rep. Rotenberg was born in Brookline, attended its public schools, and is a cum laude graduate from Ohio University where he was elected to the "Who's Who in American Colleges and Universities."

Although he is very busy with his career in the Legislature, he also finds the time to stay active in a number of community organizations. He is a director of the Jewish Vocational Services and serves on its Small Business Committee. He is also a member of the American Jewish Committee, working on their Legislative Action Committee. He has done volunteer work for both the Combined Jewish Philanthropies of Greater Boston and the Jewish Community Council of Metropolitan Boston. He is on the board of governors of the Anti-Defamation League of B'Nai B'rith and works with its Civil Rights Committee. The B'nai B'rith Luncheon Lodge and the Greater Boston Jewish Historical Society are other organizations which find time in Rep. Rotenberg's busy schedule. He believes that as a State Representative, he should spend considerable time working for organizations within his district as well as for state-wide groups. He served as Special Gifts Chairman for the 1971 Brookline Cancer Fund drive and was this year's chairman of the United Fund Drive in Brookline. He is also chairman of the Sagamore District of the Boy Scouts of America.

HAROLD HANDLEY: IN MEMORIAM

HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. BRAY. Mr. Speaker, the recent death of former Indiana Governor Harold Handley was mourned by all who knew him. An eloquent tribute to the man, his life and his work is contained in the following editorial, broadcast on August 31, 1972, over Indianapolis television station WISH-TV. I include it in the RECORD in memory of my great and good friend:

HAROLD HANDLEY

It's a rare individual who balances success in life with the proper perspective of life.

Harold Handley was one of those people who did.

The achievements he compiled . . . as Governor of Indiana . . . successful businessman . . . civic and community leader . . . can be enumerated at length. And they should be when you gauge a man's life work and look at what he left behind in the world he has worked to shape in a better way.

But if you've noticed those tributes . . . and this is one of them . . . that have seemed to spring up almost spontaneously following Governor Handley's death, you see that there's more behind his record of solid success.

Governor Handley put himself into life by making other people's lives count. The principles that he worked for were those that mattered for others. The decisions that he had to make were always tempered with a concern for their effects . . . not for the effect on himself or his career, but for all those who had to live with those decisions.

Governor Handley came out right on most of those decisions, as reflected by the memories of him as an individual of warmth and wit . . . of conscience and compassion.

Governor Handley's 62-years were full and vital ones. He made his mark on his city, his state, and his nation.

But what an achievement in life to be recognized not only for those milestones of success . . . but to be remembered for the real person you were.

And that's how Harold Handley will be remembered by those who knew him . . . and those whose lives he touched.

THE MUNICH HORROR IN PERSPECTIVE

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. BRASCO. Mr. Speaker, certainly none of us anticipated the horrendous events which were to occur at the Olympics on Tuesday.

While I am a cosponsor of House Resolution 1106, expressing the sympathy of the House for the Israeli Olympic team, I was not in the Chamber to vote when the roll was called. Instead, I was honoring a prior commitment to a group of senior citizens in my district, who are, incidentally, primarily of the Jewish faith. This meeting was to have been a holiday celebration for these people, but this senseless tragedy marred the spirit of celebration.

All people with even an oblique claim to civilized behavior and individual maturity view these tragic events with horror. It is my belief that few note these happenings with much in-depth understanding. What is really behind this atrocious barbarism? Why did Arab terorists seek out and brutally murder 11 unarmed men engaged in peaceful international athletic competition? The answer lies in history and in the Arab mentality. Both are worth public examination.

We must start with an understanding of this kind of persecution, placing it in proper context. Such Neanderthal behavior has been common throughout recorded history. Consistently it has been meted out to Jews, who, far more than any others, have been recipients of the rage of frustrated, limited people.

When one delves into the extent of such persecutions, a feeling of mingled disgust, indignation, and outrage becomes overwhelming. Since the Diaspora of the Jews began, they have been on the receiving end of this kind of violence on a sickeningly regular, almost annual basis. Banging on the door in the middle of the night is no novelty to Jews. Rather, it has become part of their collective heritage. Recent Munich events are mute evidence that nothing has changed.

Throughout the Middle Ages, Jewish communities existed in frightful climates of bigotry. They were blamed for everything that went awry, from failing harvests to the Black Death. Entire Jewish communities were wiped out as a result of officially instituted action.

During the Crusades, massive numbers of Jews were wiped out by armies of the faithful because of the deicide charge, which pursues them to this day, in spite of official church disavowals.

During the Inquisition, torture and public execution were favored instruments for enforcing religious conformity, at Jewish expense. Breasts were torn off living Jewish women because "they gave suck to unbaptized infants."

In France, where anti-Semitism has always flourished, the modern era was disgraced and shamed by the Dreyfus case. An innocent man was imprisoned for years on Devil's Island because he happened to be a Jew. The French Army General Staff was unwilling to admit its own guilt in a landmark espionage case which tore French society apart. In the process, anti-Semitism of the ugliest sort ran openly rampant for years through French life. Emile Zola and Jacques Clemenceau made possible the eventual vindication of Captain Dreyfus.

Would that France today were worthy of them. Instead, she sells weapons to Arabs, courts favor of oil states which have yet to cross the boundary of civilized behavior and harms Israel in any way she can. Almost everyone remembers how good France's word was on the Mirage planes she sold Israel, but never delivered.

In Russia, the Romanoffs, aided and abetted by Ukranians, Poles, a Jew-hating aristrocracy and native citizens of Baltic republics maintained a 300-year reign of terror over millions of poor Jews of Eastern Europe.

Jews were allowed the right to die and pay taxes, and little else. When Russia's serfs were freed in 1861, they found their freedom existed in name only. To drain off their frustrations, the Romanoff regime deliberately fostered and organized pogroms against helpless Jews. Some such resulted in deaths of hundreds of thousands of people. Often the myth of ritual murder was given official credence by authorities to spur anti-Semitic mobs to greater fury.

In World War II, the Jews became the very first people ever to become victims of mass genocide on an organized, assembly line basis. Six million totally harmless, innocent people were consumed in the holocaust of the Hitler era. Unspeakable tortures were visited upon them, as the world watched and looked the other way, closing its heart to their pleas and its doors to their refugees.

Medical experiments of the most grotesque sort were perpetrated upon them. Many of the worst offenders are still free today, as recent Austrian trials show. The world knew sooner rather than later, yet refused to aid them. Britain chose not to bomb the Auschwitz extermination camp, which was murdering thousands every day, for "technical reasons." The Polish underground watched passively as Jews of the Warsaw ghetto fought against the Nazis, choosing to die on their feet like men rather than on their knees like dogs or cattle in gas chambers. In spite of Jewish pleas, the Poles did little to aid them, and in their turn were delivered to the Nazis in one of the spectacular ironies of history. As the Poles fought the Nazis in Warsaw a year after the ghetto was exterminated, the Red army sat quietly across the Vistula River, awaiting their finish before moving in. The Poles pleaded with the Russians as the Jews had pleaded previously, receiving the same answer they gave the Jews: silence, no aid, and eventual extermination.

In those closing days of the Second World War, Eichmann negotiated with Joel Brand, offering to trade Jewish prisoners for trucks: 100,000 Jews for 1,000 trucks, which he promised would only be used against the Soviets. Up to 1 million prisoners were offered. But the deal was not consummated, aborting that hope for saving some remnant of these agonized people.

We all know the story of Israel, whereby at last, after the world had done its worst for 20 centuries, these tattered refugees reclaimed their ancient home, which they had in fact never left. For Jewish settlement there had remained constant over the centuries.

The Arab refugee problem was created originally by Arabs themselves, then exploited and compounded by Arab regimes. The Mufti of Jerusalem, colleague of Hitler and Nazi collaborationist, was religious leader of the Palestinian Moslem community. Everyone expected Israel to be wiped out in 1948. No sooner had the Jewish state been proclaimed officially under the U.N. agreement, when five Arab armies crashed across her new frontiers. To everyone's amazement, the Jews, fighting for their very existence, prevailed. In a panic, the Mufti and his agents spread the word throughout what was then Palestine that Jews would do to Arabs what Arabs had planned all along to do to Jews. Frightened, Arab populations fled, in spite of frantic pleas by Jews for them to stay. All this is historical record.

Since then, with Russian aid, Arabs have sought to destroy Israel twice more, each time sustaining a greater defeat than before. All the world, even Israel's nominal foes, thrilled to her stupendous ability to rise and prevail as a nation and people over seemingly insurmountable odds.

What we must understand and place in historical perspective, therefore, is that the Jewish people have faced such odds, foes and atrocities in every recorded era of history. There have always been butchering crusaders, fanatical inquisitors, bigoted generals, maniacal dictators, and psychotic assassins.

Odds have always been against the Jews. Decks have always been stacked against them, no matter what the game. Instead of Eichmann bargaining with Brand on Jewish prisoners for trucks, today the Russians, betraying their own revolutionary ideals as usual, offer exit permits to educated Jews for cash payments. Is the principle any different? Has anything changed except a few specifics? I think not.

Foremost among Jewish enemies today is the United Nations, which could not have survived and gained significant acceptance without Jewish efforts. Today that organization stands totally discredited because it has consistently overlooked the justice of Israel's cause while eagerly seeking any fresh opportunity to censure Israel before the world. Insofar as the U.N. is concerned, what belongs to Arabs belongs to Arabs, and what belongs to Jews is always negotiable.

The U.N. totally overlooks the fact that every Arab state where refugees have congregated has discriminated against them in a far worse, arbitrary manner than any Arab has been treated in Israel. Egypt would not even allow Gaza refugees to enter its territory. Arab regimes found these conglomerations of refugees useful political foils in their international game of seek and destroy with Israel. Rather than seek to absorb, much less educate and aid these people, they used them as tools, exploiting their suffering for propaganda purposes. Meanwhile, Arabs within Israeli territory, after both 1948 and 1967, have fared excellently. If we seek terror, it is found where Arab terrorizes Arab rather than Arab being harmed by Jew.

Terrorist organizations, such as that which perpetrated the Munich horror, are composed of psychotic fanatics, whose nationalism has been exploited and fanned by those seeking to use them. Their arms are supplied by others hoping to gain by their nihilistic efforts.

We are witnessing nothing less than bloody public relations stunts at the expense of innocent Israeli nationals seeking merely to live and function peacefully.

The United Nations, as usual, will do nothing to prevent such atrocities. What is needed is a no-nonsense statement and agreement by every nation that it will not allow such murderers refuge and sanctuary. Airline pilots associations have been demanding this for years, in vain. Little aid has been rendered by some countries, and of course the so-called U.N. has been too busy passing resolutions condemning Israel to pursue such a constructive course of action.

In the end, therefore, Israel and the Jewish people stand largely alone. All they insist on are their rights as a sovereign nation with all privileges this entails for their citizens. If these rights are consistently considered negotiable, as Arab terrorists have sought to prove, and the world allows it, who can blame the Israelis for retaliating to preserve those dearly purchased liberties?

The world stood by when the Suez Canal and Gulf of Aqaba were arbitrarily and unilaterally closed to Israel, violating all international laws governing free passage of international waterways. Israel had to go to war to guarantee her rights there. Certainly the U.N. did all it could to smooth the way for the Arab thrust in 1967.

The world has stood by while assassins have sought to deny El Al planes their right to utilize international air space and landing privileges. Few have cooperated with Israel, El Al, and airline pilots to put an end to these spectacles of pirates endangering lives of masses of totally innocent airline passengers.

This in turn has given such Arab murderers a feeling that they could, with impunity, violate the sanctity of Olympic Village, with the attendant incredible consequences.

Mankind, by turning a blind eye to ongoing persecution of Jews today in a dozen different ways, has allowed this to transpire. Now we are confronted with the spectacle of public figures and media types wringing their hands and bemoaning the tragedy of 11 innocent young Jewish athletes and their coaches murdered in cold blood. For once, let us look at the whys and wherefores. Let us admit that behavior and moral callousness of men and man's institutions have allowed anti-Semitism to poison a priceless patch of common ground upon which men and women of varying backgrounds and ideologies have at least been able to meet in athletic competition.

That is, as I see it, the underlying series of causes of this horror. Away with the "evenhandedness" argument so enamored of a few churchmen, diplomats, and commentators. Here is the result of 20 centuries of hate directed at a tiny handful of innocent people whose only crime is to want to live like everyone else. If mankind denies to the Jews that simple, elementary concession, then mankind seals its own fate. For if we refuse the most basic right to any among us, we in effect deny it to all, confessing our own moral degradation and inability to rise above the level of barbarism, where the Arabs, it seems, are permanently stationed.

THE OLYMPIC FLAME DAMAGED, NOT DOUSED BY LEFTWING TERRORISTS

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. SAYLOR. Mr. Speaker, the vicious actions of Arab terrorists in Munich have shocked and horrified all civilized nations of the world.

The grief of the surviving Israeli athletes, as well as the loss to the victims' families, is a heavy burden the world cannot ignore. These repeated attempts of depraved leftwing fanatics trying to influence world opinion, or Israeli actions, must be halted.

The one glimmer of hope to emerge from the darkness that has engulfed Munich is that the Olympics are continuing. Perhaps through the example of the Olympians, who will face each other as athletes and not as animals with machineguns and hand grenades, we may gain the needed energies and perspectives to relieve world tensions.

The tragic loss of life was not in vain, for the Munich Olympic's short reign of terror served notice on all leftwing degenerates that they will no longer be tolerated. It is in this spirit that we shall remember the supreme sacrifice made by that brave band of Israeli Olympians.

BEVILL SPEAKS TO MOBILE HOME BUILDERS

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. BEVILL. Mr. Speaker, last week, I had the opportunity to attend the annual Mobile Homes Festival held in Haleyville, Ala., in my congressional district. At that time, I was privileged to make a few remarks concerning this fast-growing industry. To acquaint my colleagues with some most interesting facts relating to this new industry, I insert in the Record some information I have gathered regarding the mobile home industry:

Mobile Home: The Housing Hero

MOBILE HOMES FILL A HOUSING PRODUCTION GAP

If there is a housing hero in this country, it is the mobile homes industry.

During the last three years of the decade that ended in 1970 the country was in a real housing production shortage situation. In those three years, there was a net increase of over 4 million households in the United States. An estimated 1.8 million housing units were removed from the supply over three years through demolitions and natural catastrophes. Additional housing requirements arise as units are absorbed for second homes and vacation homes, as households migrate from areas of population decline to areas of population increase and as units are abandoned. A conservative estimate of 150 thousand units per year for the latter three types of requirements, or 450 thousand over 3 years brought the total of estimated current requirements for 1968 through 1970 to 6.5 million housing units. It should be noted that the current requirements estimate makes no allowance for units to replace occupied substandard units.

Compared with total current requirements for about 6.5 million new housing units over the three years, only about 4.5 million new housing units were started. Most of the estimated deficiency of 2 million housing units was offset through shipments of between 1.1 and 1.2 million mobile homes. This still left a three year net deficiency of 8 to 9 hundred thousand units.

To compensate for the net housing deficiency, there was a decrease in the percentage of available units that are vacant. From the fourth quarter of 1967 to the fourth quarter of 1970, the national rental vacancy rate decreased from 7.0 percent to 4.8 percent, and homeowner vacancy rate fell from 1.2 to 1.0 percent. These are national averages and in many parts of the country the housing supply was tighter. In the face of this shortage, between the end of 1968 and the end of 1971, rents rose by about 13 percent and homeownership costs by about 27 percent. The inflationary impact of the housing production shortage and the hardships faced by families would have been much greater if the mobile homes industry had not produced more than one million units during 1968–69 and 70, and an additional one-half million units in the single year of 1971, to relieve the situation.

The heroic service that was rendered to the country by the mobile homes industry received recognition in Washington in an indirect manner. When the First Annual Report on National Housing Goals (which is prepared by the Department of Housing and Urban Development) was submitted to the Congress (by the President) early in 1969, there was no role indicated for mobile homes in meeting the 26-million-unit, ten-year national housing goals that had been established by law in 1968. In the second report issued early in 1970, however, mobile home shipments had been given a role of providing 4 million of the 26 million units to be provided over the decade. This change in national housing policy was explained in two paragraphs of that 1970 report which I believe are worth quoting. They read as follows:

"The mobile home industry has now grown so large that it can no longer be ignored. In the early 1960's, mobile home shipments totaled only 100,000 units a year and many of those probably were used for vacation or second home purposes. By the mid-1960's shipments had increased to a volume of 200,000 a year, but it appeared to be largely a specialized, limited market that was being served. In recent years, however, as costs of conventional housing skyrocketed and availability of mortgage finance for such housing was severely curtailed, mobile home production has more than doubled to this fiscal year's estimated volume of 450,000 units.

"Some of this production undoubtedly is still only providing for second homes. But the bulk of the output is filling a very real need in the overall housing market. In 1969, less than 6 percent of all new conventionally built single-family homes sold for less than $15,000. In many areas across the country, new housing is not available at a price of less than $25,000. Many mobile homes, in contrast, sell for about $6,000. Even after adding the rental payments of a moderate-priced site, the total monthly payments for mobile homes are still well below payments on most conventional homes. For many moderate income American families the mobile home is the only kind of housing they can reasonably afford."

USE OF MOBILE HOMES

The accelerated production and marketing of mobile homes in the late sixties was reflected in the 1970 Census of Housing figures. In that April 1970 Census it was found that 1,850,000 year-round occupied housing units, or approximately 3 percent of all housing units, were mobile homes or trailers. Trailers are, no doubt, a very minor part of the 1,850,000 year-round units.

A decade earlier, mobile home and trailer units totaled 767,000 and constituted less than 1½ percent of the total number of housing units. The fact that mobile home units in year-round use more than doubled in number and as a percentage of total housing units, is a mark of the greatly increased acceptability of mobile homes to fulfill housing needs among a significant proportion of the population.

That acceptability apparently has continued to increase in the more than two years since the 1970 Census. As a percentage of total new housing starts plus mobile home shipments, mobiles were about 25 percent in 1971 and about 20 percent in 1970. This year housing starts are at record levels, but mobile homes are still accounting for between 15 and 20 percent of the total of housing starts plus mobile home shipments.

Although a significant proportion of the approximately 1 million mobile homes shipped since the 1970 Census of housing have been probably put to use as vacation homes and for nonresidential purposes, it is quite likely that mobile homes used as year-round residences now account for 4 percent of such occupied units.

The mobile home continues to fill a gap in the homeownership market. About 84 percent of the mobile homes in year-round occupancy at the time of the 1970 Census were owner-occupied. Very few conventionally built homes can meet the economic demands for home ownership being accommodated by mobile homes. In 1970 only 3 percent of new conventionally built homes in the United States were sold for under

$15,000. The overwhelming majority of mobile homes are, of course, sold for much lower prices. Even with more expensive, shorter term financing, the $7,500 mobile home purchased with a $1,500 downpayment will probably require monthly housing expenses that will be about $65 less than for a conventional $25,000 home purchased with a $3,000 downpayment—including maintenance, utilities, taxes, and lot rental for the mobile home. There are millions of families whose incomes are too low to buy a conventionally built home (and too high to qualify for government subsidized home ownership). They continue to offer a broad market for mobile homes.

The largest use of mobile homes for residences, among the few major regions of the country, is in the South, which is also the low-income region of the country. In 1970, 42 percent of the year-round occupied mobile homes were in the South, although that region accounted for only 31 percent of all housing units in the country. Although California was the State with the greatest number of mobile homes in 1970, over 158,000, Florida was close behind with 152,000. In recent years, however, Florida has been the leading State into which mobile home units have been shipped, and Texas, Georgia and North Carolina have also been leading markets for mobile homes.

INCREASED MARKET APPEAL OF MOBILE HOMES

The marketability of the mobile home has improved not only because it fills a gap in the lower-cost segment of the housing market, but also because the changing nature of the product has increased its utility and appeal, both as a year-round residence and as a vacation home. Longer and wider units are accounting for an increasing proportion of mobile home units sold with each passing year. The 10-foot-wide unit was introduced in 1954 and by 1958 about 70 percent of the units shipped were in 10-foot widths. By 1960 about 98 percent were 10 feet wide. In the 1960's the 12-foot-wide unit was introduced, and the 12 x 60 foot model is still the leading one sold today, giving 720 square feet of space, about the same as a small apartment. In recent years, double-wides have been introduced, permitting two 12-foot-wide units at a 50 to 60 foot length, to provide about 1,400 to 1,500 sq. ft. of living space, which is more than in small conventionally built homes.

The mobile home industry has also done an engineering job which is generally acknowledged to be excellent in the built-in plumbing and furniture that it provides in its units. Larger, more expensive units have made it possible to include dishwashers, laundry units, air conditioners and other custom items which enhance the competitive position of mobile homes vis-a-vis conventionally built homes.

WHO ARE THE MOBILE HOME OWNERS?

What types of families buy mobile homes? A profile of the mobile home owners was provided by a 1970 survey of 1,280 owners conducted in four northern and four southern metropolitan areas. More than one-half of the owners were found to be under 35 years of age, including one-quarter that were under 25. Two-person households occupied 35 percent of the mobile homes and another 27 percent were occupied by three-person households. Only 25 percent consisted of four or more persons, and 9 percent of the units were occupied by one person. The average family income was about $7,500. Only 3 percent had incomes below $3,000 and 16 percent had incomes of over $10,000.

This survey thus indicated that young families—who generally also have modest incomes—are the mainstay of the market for mobile homes. This segment of the household population, moreover, is the fastest growing. Between 1970 and 1980, the number of households headed by persons under 35 years of age is projected to increase from 16.6 to 25 million. A significant proportion of the 8 to 9 million new young families will be in the market for mobile homes. Furthermore, many of the present mobile home owners will be in the market for a newer mobile home. The 1970 survey showed that more than one-fifth of the mobile home owners had previously lived in a mobile home. To sum it up, a continued expansion of the mobile home market is indicated.

LAND AND ENVIRONMENT FOR MOBILE HOMES

There have been predictions that mobile home sales and production will have to level off because of a shortage of available sites for mobile homes. In many localities there are restrictions which preclude the establishment of mobile home parks. A good deal of such local resistance to mobile homes is linked to the image that was created years ago by older mobile home parks that were largely unplanned and unimproved.

The situation has been changing significantly, however, and the change should overcome much of the opposition to the establishment of mobile home parks that provide "pads." The Mobile Home Manufacturers Association is trying to encourage the design of adequate parks by providing a free consulting service and providing for architectural or engineering fees at cost. In some areas mobile home parks are being developed to provide planned communities. Such parks offer a "pad" or concrete patio for each mobile home owner, with hook-ups for water, sewer, gas or electricity. Better planned parks also have cable television, landscaping, recreational facilities, police and fire protection, laundromats and some shopping facilities. Such well-designed parks will help to make mobile home communities acceptable. They will also make mobile home living more attractive.

FINANCING

The growth of the mobile home market has been facilitated by the improving availability of financing for mobile home purchasers. Unlike conventionally built homes, which are financed with long-term mortgages, the mobile home is financed under a conditional sales contract originated by the dealer who sells the mobile home, and then sells the 5, 7 or 10 year installment loan, generally to a bank or finance company. The loans are generally of the add-on type, that is the amount represented by the "add-on" interest percentage is added to the purchase price to form the total repayable debt. Consequently a 6 percent add-on loan makes for a true annual interest rate of about 11 percent; a 6½ percent add-on means a true interest rate of about 12½ percent, etc. Although such true interest rates are much higher than mortgage interest rates, funds for such loans have generally been available even when funds for regular mortgage loans were tight.

As the volume of mobile home financing has grown, there has been increased competition from financial institutions to obtain the business. At the same time, the durability of mobile homes for upward for 10 years has become established. Consequently, the loan terms have been extended to longer maturities, reducing required monthly payments. Years ago, the standard mobile home loan was for 5 years. Today, 7 years loans are the common maturity, and there is an increasing number of 10 year mobile home loans.

The trend toward longer maturities for mobile home loans has been helped by Federal legislation which opened up new sources of financing. The Housing Act of 1968 empowered savings and loan associations to make mobile home loans. In late 1968, the Federal Home Loan Bank Board issued regulations to permit associations under its jurisdiction to invest up to 5 percent of their assets in mobile home loans of up to 12 years for a new unit and up to 8 years for a used unit. Furthermore, such loans could cover close to the full cost of the unit.

In the Housing Act of 1969, the Federal Housing Administration was authorized to insure loans on mobile homes. The loans could be for an amount of up to $10,000, with a 12-year maturity, and a true annual interest rate that could not exceed between about 8 and 10½ percent, depending upon the amount and maturity. Amendments in the Housing and Urban Development Act of 1970, designed to accommodate the financing of "doublewidth" mobile homes provided that insured loan amounts may be up to $15,000 and maturities up to 15 years in the case of a double width home composed of two or more modules.

The limitations upon the interest rates for FHA-insured mobile homes kept that program from being effective when market interest rates were high in 1969 and 1970. The program began to pick up in 1971–72, however, as the level of other interest rates declined. By the end of the first quarter of 1972 a total of 7,300 mobile home loans had been insured by FHA.

The pending Housing and Urban Development Act of 1972, passed by the Senate on March 2, would also permit the insured loans to cover the additional cost of site preparation, and allow up to $5,000 of the loan for an undeveloped lot or up to $7,500 for a developed lot. (A companion bill now being considered by the House Banking and Currency Committee does not contain such modifications of existing authority, but there should be little, if any, objection to adoption of the Senate liberalizations before the bill is enacted.)

Under an Act approved October 23, 1970, the Veterans Administration is authorized to guarantee a loan up to $10,000, repayable over 12 years to an eligible veteran. The loan may include an additional $5,000 for the purchase and preparation of a mobile home site. The VA is also authorized to make direct loans. The Administrator of Veterans Affairs was authorized to establish a maximum interest rate that he deemed necessary to assure a reasonable supply of mobile home financing. The rate established is 10.75 percent for that part of the loan to finance the mobile home purchase and 7.0 percent for that part used to finance the purchase and preparation of the lot. The latter interest rate is the same as the maximum interest rate on VA-guaranteed regular home loans and would change as that rate changes. More than 7,000 applications for mobile home loan guarantees have been received by the VA and they have been coming in at the rate of more than 600 per month in 1972.

The FHA (HUD) has for a number of years had authority to insure mortgages on mobile home courts under Section 207 of the National Housing Act. The loans must be for the purpose of financing construction or rehabilitation of mobile home courts. The maximum loan amount for a mortgage is $1 million, but not to exceed $2,500 per mobile home space. The latter amount may be increased by up to 45 percent in high cost areas. Loan amounts may not exceed 90 percent of the estimated value of land plus improvements after completion of construction or rehabilitation. Maximum loan maturity is 20 years or three-fourths of the remaining economic life of the property whichever is less. The maximum interest rate is the same as for FHA multifamily project mortgages, currently 7.0 percent. The borrower must also pay a mortgage insurance premium of one half of one percent which goes into the FHA insurance fund. Activity under the program has been limited, but it should be increasingly helpful in financing the development of mobile home parks to provide sites.

MOBILE HOMES IN THE ECONOMY

Mobile home sales are now running at an annual rate roughly $4 billion. Since they are meeting market demands which cannot be met by the regular home building industry, the production and sale of mobile homes is an addition to the economy which has been added only by virtue of this industry. In addition to the hundreds of thousands employed in the direct production of mobile homes, there are also many thousands employed in the production of materials and components that go into the homes, in the sales, financing and transportation of the homes. It is a major American industry which will continue to grow because it is meeting a need of the American people at a price they can afford to pay.

CHIEF CHARLES F. PEGG RETIRES

HON. CHARLES E. CHAMBERLAIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. CHAMBERLAIN. Mr. Speaker, every day brings someone's retirement from a long and successful career. Each such occasion reminds us of the inexorable passing of time, but during an era when the role of the law enforcement officer has become much more important in all our communities, the retirement of a person who has devoted an entire career to the service of a single community during these troubled years is worthy of more than local notice.

This month marks the retirement of Charles F. Pegg as chief of police of the city of East Lansing after 33 years of service. Chief Pegg has been a pioneer in modern police methods. He was one of the early students at the Police Administration School at then Michigan State College, and he joined the East Lansing Police Department while still a student. He also worked with the Michigan State Police, and later earned a master's degree in his field. He has been chief of the East Lansing police for the past 26 years.

In these days when we have too often seen our police and segments of the population arrayed against each other, Chief Pegg and his associates can take real satisfaction in the support they have enjoyed and earned from virtually the entire East Lansing community. Such a uniformly good police-community relationship deserves commendation at any time, but especially when it includes a 40,000 member university student body. It is directly attributable, I believe, to the high standards of professionalism which Chief Pegg has helped develop and insisted upon. It is also attributable to his friendly and understanding nature.

Therefore, Mr. Speaker, I take special pleasure in saluting this dedicated public official, and I am pleased that he will be teaching at Lansing Community College where young people will have the benefit of his vast store of knowledge and experience. I should like to include as a part of my remarks the news story concerning the announcement of his retirement, which appeared in the State Journal of Lansing, Mich., on August 29, 1972, and the editorial recognition accorded his years of service by the same publication on the following day:

EAST LANSING POLICE CHIEF PEGG RETIRES

(By Helen Clegg and Millicent Lane)

Charles F. Pegg, who started out as a patrolman in a five-man force and became head of East Lansing's 54-man department, has resigned as chief of police.

He will take his 33 years police work into the classroom at Lansing Community College to benefit those who would enter law enforcement.

Pegg, 57, submitted his resignation Monday to City Manager John M. Patriarche who accepted it with regret. Patriarche has sole responsibility for naming a new police chief.

Pegg's resignation becomes effective Sept. 15. He marks his 26th year as police chief Friday. He is eligible for retirement benefits from the city of East Lansing.

Patriarche said he had great respect and admiration for Pegg as an individual and a police officer.

"It's pretty hard to have part of the team break up when both of us have been here 33 years," the city manager said.

"Pegg has done a tremendous and effective job, much more than many people in this community realize. There is no way the city can ever repay him for the many hours he has spent in service to the community."

Pegg joined the East Lansing police force in 1939, but police work was not new to him. He was reared with a police background.

He was the son of the chief clerk of the municipal court in Lansing and his uncle was a municipal judge. He was one of the first 10 men to major in a new Police Administration School at the then Michigan State College.

While in college, he worked as a clerk with the East Lansing Police Department. During his last year-and-one-half of college, he worked with the Michigan State Police for further education and practical experience.

Somewhat ahead of him in the same group was Arthur F. Brandstatter, who today heads the School of Criminal Justice at Michigan State University and whom Pegg credits with much of the emphasis on education for Michigan policemen today.

In his early years as a policeman, Pegg also was a reserve officer in the Army ROTC and in April, 1941, he went into active duty with the corrections and rehabilitation program.

He rejoined the East Lansing police in December, 1945, and became a lieutenant a month later. The following September, he became chief.

When Pegg had been on the job as chief 25 years, he reflected in an interview on the changes he has seen in police work.

"The big change that has come about in police work is the emphasis on individual rights in a stronger sense than we have ever had before," he said.

"A lot of people lay the new emphasis on liberties of the individual at the doorstep of the (Chief Justice Earl) Warren (U.S. Supreme) Court. But, I think it started ahead of that even back in President Franklin D. Roosevelt's time, when some of the social needs of people began to be emphasized. I think we became involved with people ahead of institutions then."

Now, Pegg believes, closer attention is paid by law enforcement officers and courts to assure that constitutional guarantees for individuals are carried out.

Police also can no longer arrest a person for a misdemeanor without a warrant or unless they have witnessed the offense.

"Otherwise," said Pegg, "we would be violating the guy's rights as well as being technically in error."

The new restraints and changes in ways of law enforcement have forced police "to do a total, complete job of investigation," Pegg opined.

For the most part, he added, police departments are now completing their investigation, seeking warrants for arrests, then actually making the arrests.

Changes in law enforcement also have made procedures clearer, technically, he said.

Pegg believes California and Michigan have the highest levels of law enforcement in the United States, largely because of advance training and education requirements for their police.

"There has to be an improvement in the minimum education standard for police," Pegg said, "because the whole educational level of the population is increasing. That is just a fact of life."

"Political boundaries are imaginary lines and crime doesn't happen by boundaries," he said.

Pegg himself has earned a master's degree at MSU during the years he has been a policeman. He has been teaching at Lansing Community College, also.

Beginning Sept. 18, he goes to work full time at LCC as an assistant professor in the Department of Management and Marketing to teach courses in law enforcement.

He probably will tell his classes some philosophical views he aired in his interview last year on his 25th anniversary as chief. He spoke then of the advantages and disadvantages of police work:

"I think one of the big disadvantages is seeing a bunch of college kids get a record for some damn fool shoplifting charge and other charges which result in their being arrested, held in jail, and appearing in court. If they would use their darned heads, it would never happen.

"It bothers me because they don't know what they're getting into. For a 29-cent pen, they face a lousy life."

But of the disadvantages, Pegg then also said:

"One of my lousy attitudes is that I didn't get drafted, and if I don't like it I can get out any time."

CHARLES F. PEGG

The resignation of Police Chief Charles E. Pegg Monday marks the end of a long and outstanding career in law enforcement and is a loss for the citizens of East Lansing. Chief Pegg, who has served in that post for 33 years, has earned a deserved reputation for calm and efficient leadership in his field and gained the admiration of many throughout the state of Michigan.

But it can be added that East Lansing's loss will also be a gain for the entire area. Chief Pegg has announced that he expects to join the staff of Lansing Community College this fall as an instructor in classes designed for those entering the law enforcement field. We offer our congratulations to Chief Pegg for his long and outstanding service to his community.

THE MASSACRE AT MUNICH

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. HELSTOSKI. Mr. Speaker, the world recently witnessed one of the most brutal spectacles in recent memory, the killing of 11 members of the Israeli Olympic team participating in the XX Olympiad at Munich.

Words cannot describe the senseless murder of these Israelis by Arab terrorists, and people everywhere are shocked by this barbarism.

At Dachau there is a memorial to those Jews who lost their lives during World War II at the hands of Hitler barbarism. The memorial states "Never again."

We should do everything possible to insure that never again will we allow such acts of brutality to occur.

Mr. Speaker, I wish to extend my sympathy to the families of the slain Israelis and to the people of Israeli on their tragic loss.

Tomorrow at sunset will be Rosh Hashanah, the Jewish New Year. I join with my Jewish friends in prayer and pray that this year will bring peace to Israel and that we will never again see such a tragic and sorrowful event occur.

NORTH VIETNAMESE DIKES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. McCLOSKEY. Mr. Speaker, during the recent congressional recess, newspaper articles in the Montreal Star and the French periodical Le Monde of August 18, 1972 discussed eyewitness accounts of the results of the American bombing of North Vietnamese dikes. A copy of the Montreal Star article and a rough translation of the Le Monde article follow:

[From the Montreal Star, Aug. 17, 1972]

GEOGRAPHERS RAP DIKE BLASTS

(By Norman Pascoe)

Bombing of dikes in North Vietnam was deplored here yesterday by a group of geographers attending the 22nd International Geographical Congress.

The group described the environmental damage resulting from destruction of the dikes and pleaded for it to be stopped "in the name of humanity."

Baruch Boxer of Rutgers University, a specialist in the agricultural landscapes of China, said the American people were being deceived about the effects and extent of destruction caused by bombs dropped from U.S. aircraft.

"I believe that if the American people knew the full story most of them could not sanction or tolerate such destruction," Prof. Boxer said.

He explained that he was sensitive to the necessity of maintaining a delicate balance in water management in Southeast Asia. A dike system is crucial to the maintenance of this balance.

"I am fearful of the long-term effects of destructive activity in both North and South Vietnam and I am disturbed about what further destructive steps may be taken to further political ends," Prof. Boxer said.

"It appears that what little is left to our society's moral restraints is rapidly disappearing," he commented.

Prof. Benjamin Garnier, a climatologist at McGill University, explained that North Vietnam gets 30 per cent of its total annual rainfall in October and November. While Montreal will get an inch of rain over a 24-hour period, that much will fall in less than an hour in Vietnam.

"This is the prime reason for setting up a network of control dikes," Prof. Garnier said. "The dikes retain the water for the protection and irrigation of agricultural land."

Prof. F. R. Garry, of the University of Montreal, is a specialist in the geography of Southeast Asia and has visited Indo-China.

He said that direct bomb-hits on the dikes were not necessary to breach them. Near misses weaken the structure so that they are unable to withstand the pressure during high-water periods.

When the dikes are ruptured a flood is released, wiping out hundreds of square miles of living space for man and animals.

"There is a systematic destruction of soil, drinking water, vegetation, transportation facilities and power sources," he said. "This is a form of genocide."

Prof. Jean Dresch, of France, newly-elected president of the International Geographical Union, said it had taken generations of human labor to modify the forces of nature and achieve control of the delicate water balance.

Bombing the dikes, he said, would have long-term effects on the environment due to the erosion and ruining of soil by immersing it in sea water.

Prof. J. I. S. Zonneveld, of The Netherlands, said a section of southwest Holland flooded by the sea in 1422 when the dikes collapsed had never recovered.

Deliberate breaching of dikes due to military action in the Second World War had caused soil damage that "we have not yet been able to repair," Prof. Zonneveld said.

"Periodic dike damage, whether by nature or by humans, has been a sad experience for us. Please don't hurt the dikes," he pleaded, referring to those in North Vietnam.

Dr. Enrid Alaev, of the U.S.S.R., said that all destructive "side" effects—homocide, genocide, ecocide—can be expected to result from war and that all would stop with peace.

[From Le Monde, Aug. 18, 1972]

HANOI MAKES CONSIDERABLE EFFORTS TO REPAIR THE DIKES

The 2 French members of the International Commission of Inquiry into American War Crimes, returned last Sunday from a two-week trip to the DRV, gave, Aug. 16, a press conference in Paris. Mr. Yves Lacoste, professor of geography at the University of Paris VIII (see his article in Le Monde, Aug. 16) and Mandelbaum, mining engineer, specializing in problems of soil mechanics and dike construction presented the first conclusions which the Commission reached and which were supported by several precision techniques.

Professor Lacoste claimed it was impossible to deny the materiality of the bombings. He had seen their effects at 10 sites distributed in the 3 regions hit the most: Nam Sach district, the south of Thai Binh and provinces Nam Dinh and Ninh Dinh.

He added that the bombings were taken against critical points well-known since the publication in 1936 of the work of the French geographer Pierre Gourou, Les Paysans du Delta Tonkinois, translated in 1955 by the American administration.

Mr. Mandelbaum denied the American claims according to which the dikes were imperfectly and poorly maintained. On the contrary, he insisted on the efforts made by the North Vietnamese to repair the dikes and on precautions taken with a view to floods or bombing contingencies. Moreover, he added, "The best proof is the river," and the dikes resisted 5 bad years and catastrophic floods in 1971. For Mr. Mandelbaum, the bombs which fall on the side of the dikes are more dangerous than those which hit directly the damage caused (shock to the foundations, dangers of seepage, etc) are often undetectable. He also claimed that with the exception of certain dikes of prime importance in the Hanoi region which have only been bombed in 2 spots—the dikes were unfit for automobile traffic; besides, the presence of AA batteries on the dikes seemed improbable to him (he did not see any in the course of his visit) because the vibrations caused by the firing would risk producing dangerous shocks.

To conclude, the 2 French specialists emphasized the direct menace which confronts 1½ million North Vietnamese by damage already caused. The bombings continue now, even as the waters of the Tonkin rivers continue to rise.

INTERNATIONAL FIREARMS CONTROLS

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. TIERNAN. Mr. Speaker, yesterday, September 5, 1972, the depraved action of the Arab guerrillas which has taken the lives of 11 Israelis and a West German police officer left the world in a profound state of shock.

Although the world capitals have almost uniformly deplored the senseless violence in Munich, the toll taken by this act of horror may become far greater in the near future. The most immediate result is that the spirit of the XX Olympiad is practically dead; the ten thousand athletes in the Olympic Village are so stunned and angered by this tragedy that the quest for Olympic gold has lost all its meaning. Also, the future of the Olympics, which have become increasingly tainted by political overtones, has now been seriously jeopardized by political terrorism. Sadly, this result has been unconsciously fostered by those nations which seek to use the games as a political arena.

In the recent past, the most sensational political deaths have occurred in the United States. Now, however, political terrorism has moved to center stage on the international scene. If it is possible that anything constructive can come from such senseless tragedy, then maybe now is the time to bring world attention to the need for international firearms controls. Maybe those governments which have misguidedly used the Olympics for political purposes have now realized the ultimate folly of their actions. Maybe now those same governments will take the lead in calling for a world conference on firearms and violent weapons.

Possible plans for international controls have been suggested in the past. I would like to include in my remarks one such plan discussed in an excellent article by James Reston in the September 6, 1972, New York Times.

Unfortunately, no conference can bring back those 11 Israelis who lost their lives, but possibly a concerted international effort can help prevent such a tragedy from happening again.

The article follows:

SCIENCE AND CRIME

(By James Reston)

WASHINGTON, SEPT. 5.—The tragedy at the Olympic Games is just the latest reminder that there is now a kind of madness in the world, a lunatic strain of anarchy that hinders the peace and order of mankind.

The paradox of contemporary history is fairly plain: at one and the same time, there are hopeful signs that the majority of the human race is just beginning to see that the progress of man requires the cooperation of men and women of all nations, but still the majority exists with the tyranny of the minority.

The present history of American Presidential politics has been influenced, if not determined, by deranged minds. One man takes the life of John Kennedy, another the life of his brother, Robert, a third silences the voice of Martin Luther King, a fourth changes the course of the 1972 American election by putting a bullet in the spine of George Wallace, and every commercial airplane is at the mercy, if that is the word, of any tormented skyjacker across the aisle.

The problem is not that mankind is incorrigibly villainous, or that it is indifferent to this slaughtering and murdering, but that the majority has not been able to devise ways of controlling the maniacal acts of deranged agitators and dunderheads.

The philosophers, politicians and statesmen have all tried to deal with what is obviously an iniquitous and ruinous problem, without success. Even the Soviet Union, which puts more stress on order than any other society in the world, has just refused to go along with an international convention that would require all signatory nations to suspend their service with any nation that did not punish or extradite hijackers or saboteurs.

So maybe we have to turn to the scientists for relief, or at least for some help, in minimizing the power of the mad minority. Shortly after the murder of President Kennedy, a few scientists did come forward and suggest to the Government in Washington that the problem of protecting Presidents, spotting guns and bombs at airports or in political rallies or any other politically sensitive area—such as the Olympic Games—could be helped by seeding ammunition and explosive detonation caps and guns with radioactive tracers such as cobalt 60, which could easily be picked up by portable detectors in the crowd or even trigger an alarm system in banks, airport baggage areas or post offices.

This idea was proposed during the Warren Commission inquiry into the Kennedy assassination. Later, the Rand Corporation urged experimentation with this notion on May 5, 1966. It has repeatedly been brought up during the Congressional hearings on gun-control since then, but very little has been done to bring the ammunition seeding proposal into operation.

There are obvious difficulties. There are now over ninety million firearms in this country—over one and a half per family. The number of handguns was increasing, until the recent legislation against "Saturday night specials," at the rate of over 2.5 million a year.

Vast quantities of nonseeded ammunition and explosive detonating caps are on hand in this country, and without an international agreement to seed ammunition with radioactive tracers, foreign ammunition could obviously be purchased. Also, handling radioactive ammunition could be an expensive business, dangerous to the health of ammunition workers unless special precautions were taken.

Nevertheless, any preventive innovation, no matter how imperfect, is worth trying to deal with the political anarchy that killed the Kennedys, Martin Luther King, and the Israelis at the Olympic Games. The seeding of ammunition with radioactive isotopes would probably not have picked up Jack Kennedy's assassin with his long-range gun, but it would have spotted Robert Kennedy's assassin in the Los Angeles hotel, and the man whto shot Governor Wallace.

There is very little evidence that any of these potential assassins is especially intelligent. They buy their guns and ammunition where they can get them, which is usually at local sporting goods or hardware store, and even the knowledge that radioactive ammunition could be quickly detected by a Geiger counter or some other detection device could be an important restraint.

In any event, it is fairly clear that the need for control of violence against the normal political, transportation and business activities of the nation is urgent, and should be pursued with all the knowledge available, and this is not being done.

After all, the Israelis in the Olympic compound, like Robert Kennedy and George Wallace, were operating in a limited area where detectors could easily and quickly spot radioactive guns and ammunition. Even if the United States were to put the radioactive system into operation, and even with the cooperation of other nations, it would still not be foolproof and one of its greatest dangers would be over-reliance on it.

But it is one limited way in which the present anarchy might be curbed, and the surprising thing is that it has not been tried at home or proposed to the other nations that are the major sources of guns and ammunition.

A POSTAL SUCCESS STORY

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. O'NEILL. Mr. Speaker, while it is no doubt a truism to say we live in a world of change, the fact remains that rapidly changing conditions are continually in evidence around us.

Perhaps the most tragic victims of these circumstances are workers whose skills become superfluous. To prevent this from happening, and to assure a continuing supply of well trained labor, many employers have been offering and encouraging training programs.

An account of a particularly successful example of employee training in the U.S. Postal Service has recently come to my attention. It outlines the progress of a postal clerk in making himself eligible over a period of time as an electronic technician six pay levels higher than his entry level as a clerk.

I would like to bring this postal employee's experience of progress through training to my colleagues' attention, and include "A Postal Success Story" at the conclusion of my remarks:

A Postal Success Story

Take talent and hard work, add USPS training, and you have an unfailing formula for success. James Buckley, 31-year-old maintenance technician at the Boston, Massachusetts Post Office, is a vivid example. Mr. Buckley completed a series of electronics courses at the Oklahoma Postal Training Operations (OPTO) that can affect his career advancement by four levels.

Mr. Buckley began his career in the USPS in 1961 as a Temporary Mail Handler, PS–4, working nights so he could attend the Massachusetts Radio School's two-year electronics course. In 1965 he became a Regular Mail Handler, still a PS–4. In 1967 he passed the MPE examination and transferred from mail processing to maintenance as an MPE Mechanic, PS–6. Then, in 1969, with the opening of the Oklahoma Postal Training Operations training facility, Mr. Buckley started on the path that led him to his present assignment as an upper-level technician.

Then, as now, a highly motivated individual, Mr. Buckley applied for a government tuition aid to assist him in attaining an Associate Degree at Boston's Wentworth Technical Institute. Instead of the above plan, his post office suggested that he take advantage of the training opportunities offered through OPTO. He accepted the opportunity and enrolled in the OPTO–NMTC two-week Mark II Facer-Canceler course. He successfully completed this course and returned to OPTO a year later, in 1970, to master what was then the three-week Basic Electronics course.

Some months later, he returned to OPTO to come to grips with the formerly six-week Advanced Electronics course. Again emerging victorious, he moved on to the eleven-week OCR course and succeeded in it. This allowed him to enter the most advanced of all OPTO electronics courses, the eight-week PDP–8L course. With the completion of the OCR course, Mr. Buckley elevated his eligibility status from a PS–6 to a PS–8; and with the completion of the PDP–8L course and the succeeding 180 hours of the normal. OPTO–managed on-the-job training program, he achieved a PS–10 eligibility.

When interviewed concerning his rather amazing success in the field of postal electronics training, Mr. Buckley was exceedingly modest about his own contribution and most grateful about OPTO's. "I was shooting for an upper-level technician's job when I had hoped to enroll in Wentworth Institute," he said. "But now I realize that my 30 weeks' instruction at OPTO has accomplished more for me than what would have otherwise taken four years. I would advise other people beginning careers in maintenance to take all the postal training offered to them. It will certainly benefit them later on."

It is obvious that Mr. Buckley's career advancement offers as much to him in the way of challenge as it does in the way of salary increase. While in resident training, he was extremely eager to get back to Boston to start working as one of the five men qualified to perform maintenance on the OCR–I. He hopes to get involved eventually on the newer model OCR's as well as on any other new equipment that might be developed.

Mr. Buckley exemplifies the type of employee who appraises his own capabilities, establishes definite goals for self-development, and then exerts the self-discipline necessary to achievement. Happily, OPTO has been able to provide the training vehicle ideally suited to his talents. The results of such efforts toward self-development and available USPS training are, of course, mutually beneficial. The USPS has gained a highly competent and valuable technicians, while Mr. Buckley himself has made steps toward a challenging and rewarding career.

DENOUNCING EMIGRATION TAX ON SOVIET JEWS

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. HUNT. Mr. Speaker, the latest move of the Soviet Union to "tax" Russian Jews who wish to emigrate to Israel can only be regarded as the product of a mentality that debases human dignity and casts contempt upon fundamental human rights.

It is indeed a paradox that the Russian Government, which despises its Jewish citizens, should adopt an official policy that prevents all but the wealthy from leaving the country. Such a policy is truly uncivilized and should be condemned by freedom-loving people throughout the world.

In this context, I am pleased to join with my colleague JOSHUA EILBERG in sponsoring a resolution to express the sense of Congress "That the government and leaders of the Soviet Union should be condemned for creating a class of slaves in the 20th century by forcing thousands of people to live and work in a country which they want to leave, because they do not have the money to ransom themselves into freedom."

ZAMBIA: ANOTHER BLUNDER OF LIBERALISM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. RARICK. Mr. Speaker, while the world continues to evaluate Africa progress based upon outmoded cliches and the promises of distorted rhetoric so abundant in much of the world's news media, other reports by those who have experienced the breakdown of responsible government and multiracial societies on the continent of Africa are more forthright in forecasting the true environment and the coming change in crisis on that continent.

As Uganda moves toward "one race" supremacy, similar to that found in Liberia, another exodus is occurring in the nation of Zambia. I include the article "Zambia: The Road to Chaos" by Mr. Gordon Ross, which appeared in Illustrated Life Rhodesia, April 6, 1972, along with James J. Kilpatrick's column, "Rhodesia's Foes Win Gold Medal in Hyprocisy":

ZAMBIA: THE ROAD TO CHAOS

(By Gordon Ross)

"If there isn't a coup, a civil war or a total economic collapse in Zambia in the next year, it will be a flaming miracle. . . ."

The speaker was a Zambian. A white Zambian, admittedly, but nevertheless a man born and raised in Zambia; a one-time admirer of Kenneth Kaunda; a man who had chosen—despite everything—to throw in his lot with the African in independent Zambia.

He was in Salisbury last month to make arrangements for something that a few years ago he would have considered out of the question—the impending flight of himself, his wife and his family to "white" Africa.

Unlike many refugees from Zambia—most of them comparatively recent arrivals from England with no roots in the country, no interest in it or love for it—he spoke without contempt or hate. There was bitterness in his voice, but above all there was sadness; the sadness of a man who has to watch a cherished dream fade and die.

Mr. X.—he is still for the time being living in K.K.'s unhappy land—is by his own definition a white liberal. But events in the country of his birth in the past few years have shattered his liberalism, perhaps permanently.

He sat in the garden of a plush Salisbury hotel and gestured at the waiters, bowing and scraping around the tables of the European guests.

"Maybe ten years here will help me restore my liberal sense of values," he commented wryly. "But I don't think they can ever restore my belief in the ability of the black man to run his own affairs. . . ."

Ironically, it was a comparatively trivial incident that finally convinced Mr. X. that he could no longer live in Zambia—the sight of a notice in his local supermarket indicating that a well-known brand of baked beans were now classed as a luxury, and consequently in short supply.

"I mean, that was it" he said. "What more can you say about a country where baked beans are a luxury?"

Or a country where it is common knowledge that prominent cabinet ministers live lives of flagrant corruption and dishonesty; where the President's wife spends thousands of dollars decorating just one of the President's opulent residences—then decides that she does not, after all, like the decor, and orders it all to be ripped out, and done again; where a "trade delegation" can run up enormous bills on a mission to Europe and return with lavish orders for left-hand-drive buses; where leading politicians can rape their secretaries safe in the knowledge that they will not appear before any court.

STAGGERING WASTE

Zambia—where there is an average of one railway derailment a day (and where incredible as it may seem, a rescue crane on its way to the scene of one crash was itself derailed twice); where a major animal welfare society and a motorists' association have gone out of business because someone made off with all the cash; where the Government-supervised newspapers dare not print the report of the Auditor-General—because he criticized a staggering waste of public money in the country's United Nations Mission; where a multi-million dollar village built especially for the so-called non-aligned nations conference rots in the sun, while thousands of ordinary, unsophisticated Zambians eke out a living on a few dollars a month; worse off than they ever were in the bad old days of white rule.

Zambia—where a man not yet in his thirties who cannot read and can barely write his name is a Government Minister; where the head of state, once an avowed disciple of democracy, has virtually abolished the opposition by the simple means of jail without trial, and now proposes to set the official seal on his supremacy by steamrollering a one-party state through a subservient parliament.

Zambia—where the lofty ideal of one man, one vote, looks like changing, as it has changed throughout black Africa, to one man, one vote—once.

Although she has had more than her share of troubles since independence, Zambia has never looked to be in a position quite so bad as that in which she finds herself in 1972.

In eight years of escalating disaster, a tremendous fund of goodwill, both in black and white Africa and throughout the world at large, has evaporated like ice in the central African sun.

Admirers of President Kaunda, once held up as a model of decency, common-sense and integrity, can now scarcely recognize their former idol as he rants and raves and blusters his way towards oblivion.

The quiet humanist; the moderate, the man who was to weld together all the divisive forces which curse African society; the respected leader who was to talk tribalism into its grave; has turned into a frightened little demagogue; a power-hungry, hysterical, maddeningly inconsistent tyrant.

K.K., who not so long ago was being compared to Gandhi (even to Christ!), seems now to be treading in the footsteps of Nkrumah—or of Hitler.

CROCODILE TEARS

Always an emotional man—his publicly-turned-on tears are famous throughout the diplomatic and political worlds—he now indulges in increasingly frequent and heated outbursts of rage and ill-temper that would have done credit to the leader of the Third Reich.

Journalists of the normally-compliant Zambian Press are regularly summoned to State House and treated to angry lectures on real or imagined sins, invariably accompanied by violent displays of table-thumping and tear-shedding.

"Who is the traitor in our midst? Who is the traitor in our midst?" Kaunda bellowed into the face of one journalist recently.

The man's crime? He had written an article of a mildly critical tone, suggesting that all aspects of Government policy were not quite as suited to the good of Zambia as they might be.

By the freedom-loving President's standards, Rhodesian newspaper editors could expected to be summarily arrested and shot at dawn!

Kaunda's deterioration is only symptomatic of the sickness that is creeping over the country as a whole. In the last year or two, a situation about which experts have warned ever since "Uhuru" has become a frightened reality.

Corruption at all levels in Government, inefficiency in business, chaos and apathy at the top, ignorance and unproductivity at the bottom have combined to form a burden which has driven a potentially rich country to its knees.

It would be foolish to lay the blame for this state of affairs at Kaunda's door.

In fact, he has probably done quite a bit to stave off, even to slow down, the rate of collapse. Without a man of his considerable strength and admitted good qualities at the top, Zambia would no doubt have disintegrated into a stated of declared bankruptcy, even civil war, long before now.

Mr. Boniface Zulu, Kitwe's District Governor, put his finger on the issue when he said recently that if Kaunda resigned there would be a "holocaust and street fighting."

For the fact is that there is not a single man in the ranks of the ruling UNIP party who looks even remotely like a possible successor to K.K. His personal power and prestige, so steadfastly built up and so ruthlessly maintained, have left no room for any second fiddles. As in Kanya, as, perhaps, in Malawi—both countries run by monolithic, larger-than-life personalities—one can only shudder at the prospect of the sudden removal of the head of state.

TRAPPINGS OF POPULARITY

Ironically, Mr. Zulu also put his finger on part of the reason for Kaunda's almost certainly impending downfall, (though—even more ironically—he was seeking to discredit the Great Man's opponents). He accused opposition politicians in Zambia of "underestimating the intelligence of the electorate."

He declared: "A politician may be given the impression by the masses that he is popular. He goes abroad, and there he addresses the United Nations."

But, Mr. Zulu concluded, such a man was only being seduced by the trappings of popularity. In fact, he was totally out of touch with the views of the ordinary people.

This, most observers agree, is exactly what has caused so much resentment of the Kaunda regime. The enormous gulf—both materially and idealogically—between the Government and the people and the way this gulf has been either papered over or ignored contains the seeds of disaster for K.K. and his clan; seeds which, in their pursuit of power and popularity, they themselves have sown.

How else can one account for the considerable anti-UNIP vote in last December's Parliamentary by-elections?

For a start, Zambia's arch-baddie, Simon Kapwepwe, on whose head UNIP politicians from K.K. down had heaped every possible abuse, managed nevertheless to cruise home by a respectable margin. But even more significantly, Mr. Richard Farmer, a white man and former Welensky MP, representing the dwindling, opposition ANC, romped home thanks to an almost exclusively black electorate of more than 4,000.

It is difficult to interpret Farmer's victory in any way other than as a massive anti-Kaunda protest vote.

Only a few weeks after his election win, Farmer stood up in the Zambian Parliament and said the un-sayable.

He urged closer ties between Zambia and the "white South." He described Zambia's reluctance to trade openly with Rhodesia and South Africa as "cutting off our nose to spite our face."

He also touched on the heart of the "one party state" row when he commented: "I cannot understand this obsession with the one-party state, unless it is because UNIP is not as confident as it would like to be about the outcome of the next general election."

THE FEAR OF DEFEAT

It would be uncharitable to suggest that the only reason Kaunda has pressed ahead with his plans to abolish all official opposition parties is because he fears a democratic defeat of UNIP at the polls, though obviously the growing likelihood of such a reversal must weigh heavily in his mind.

No doubt he genuinely believes that his old dream of One Zambia, One Nation must be kept alive, if necessary by coercion, and that Parliamentary opposition, and the tribal divisions which inevitably follow it, has revealed itself as a stumbling block to that dream—so therefore it is a luxury that must be sacrificed.

But a genuine, deep-seated desire on the part of the Zambian people to subjugate their narrow tribal and political differences for the good of a united Zambia is a far cry from what Kaunda has in mind.

Kaunda's plan is to impose a one-party state on the people, willy-nilly. Instead of acceding to their wishes for unity, he will only be forcibly papering over the cracks that already exist, without either consideration or consultation.

On the surface, Zambia will be a united, undivided nation. But deep down, all the old rivalries and factions will live on. The cracks, having been papered over, will not disappear. Instead, they will widen into canyons, ravines into which the country will eventually tumble—all the more dangerous because the powers-that-be will by then have succeeded in kidding themselves that they no longer exist.

The main obstacle to the achievement of this short-sighted and explosive plan is, of course, Kapwepwe, so it came as no surprise when he and 95 of his party's leaders were summarily rounded up, and the party banned earlier this year.

Kapwepwe, one of the great enigmas of African politics—(no one can be quite sure of exactly what he stands for, though it is plainly obvious what he stands against) is a threat of massive proportions to the Kaunda regime.

His frugal life-style, his asceticism, his razor-sharp mind, his gift for expressing the feelings of the common people, have captured the imagination of thousands of Zambians, in just the same way that the ideals of the young Kaunda did, ten years ago.

And the support which the one-time boyhood friend of the President enjoys—even now, after his disappearance from the political stage—is by no means purely tribal or party political.

A submerged iceberg of support for Kapwepwe exists in the very ranks of UNIP, right up to cabinet level. It is particularly strong, as Kaunda is well aware, among the ranks of the young intellectuals, especially in the civil service. Educated, idealistic civil servants, as opposed to the party linetoers, the UNIP Old Guard, who earned their positions of responsibility thanks to the Old Pals Act after independence, are becoming increasingly resentful and ashamed of corruption, the racketeering and the nest-feathering which they see above them.

Their unease is shared by many of Kaunda's junior ministers. In Kapwepwe they see the man who could give Zambia back her self-respect.

For the time being, they are keeping their hands close to their chests. They have already seen what happened to the few rash UNIP men who stuck their necks out and went over to Kapwepwe when he first declared his stand. At present, they have no desire to end up—perhaps for good—in one of Zambia's grim prisons.

But when the straws in the wind indicate exactly which way the gale is about to blow, they will come out into the open.

By comparison, Harry Nkumbula is no more than an irritating thorn in UNIP's flesh. The ANC he leads is discredited, and has little genuine grass-roots support. No-one could consider the party, or any of its officials, as a potential future Government, and the only purpose it appears to serve at present is as a repository for all the negative, anti-Kaunda votes at local and parliamentary elections.

ARMY: THE UNKNOWN FACTOR

Whatever may be brewing under the surface, nothing is likely to happen until Kaunda, Life-President-elect, tries to implement his plan for the one-party state.

And what happens then is anybody's guess. The army occupies a mysterious role downstage at the moment. Their loyalty can hardly be described as unquestioned, and Kaunda's bold move in appointing young, inexperienced Kingsley Chingull officer-commanding may yet prove to play an important part in his downfall.

Certainly, like Milton Obote in Uganda, K.K. can hardly leave Zambia, even for a few days, and sleep with anything like comfort in his foreign bed—as the hysterically tight security precautions instituted during his absence at the time of the last Commonwealth Prime Ministers' Conference proved.

Deep down, Kaunda appears to know that he is running head-first towards a crisis which could prove catastrophic for himself and his country; witness his ever more frantic outbursts of rage and his ever more pathetic ventures into self-delusion.

Yet he still presses ahead, from lunacy to new lunacy.

Already he owns two enormously luxurious private residences in Zambia, to say nothing of his retreat—a saving for retirement if ever there was one—on the remote shores of Lake Geneva.

Recently he threw a birthday party for one of his children at State House at the taxpayers' expense—and treated more than 400 guests to an evening of sumptuous festivities.

Yet the same man can say, apparently with all honesty, that he is "horrified" to find people living in cardboard and oil-drum shanty towns outside Ndola.

All that he has yet to do, in order to make the coming of Zambia's "second revolution" inevitable, is to proclaim: "Let them eat cake" when a new maize shortage is announced.

[From the Baltimore Sun, Aug. 29, 1972]

RHODESIA'S FOES WIN GOLD MEDAL IN HYPOCRISY

(By James J. Kilpatrick)

WASHINGTON.—It was, indeed, as the Associated Press man in Munich observed, the practical thing to do. This was the Tuesday before the Olympics were to begin, and a dozen African nations were threatening to summon their athletes home. They would not participate if Rhodesia were permitted to remain.

So the International Olympic Committee, composed of men who are nothing if not practical, did the practical thing. They gave the boot to Rhodesia.

Thus the games proceed, and for the next week or so we will be surfeited with runners, jumpers, and hurdlers competing for the gold medals that mark supremacy in track and field. Sad to say, the most interesting competition will not be held.

There will be no hypocrisy contest, and more's the pity—for some of the greatest hypocrites in the human race are represented on the playing fields of Munich.

The cardinal sin of Rhodesia, it will be recalled, the sin that caused the United Nations to hurl her into ostracism like some branded heroine out of Hawthorne, was that Rhodesia was anti-democratic. Her rebel government was engaged in oppression.

Rhodesia had stifled civil liberties and denied her people the priceless benefit of one man, one vote. No such nation, thus tainted could be permitted to participate at Munich.

It was Ethiopia who led the objectors—Ethiopia, mind you, where the emperor, Haile Selassie, rules in utter disdain of anything approaching democracy.

Zambia, once a co-member with Rhodesia in the old federation, refused to be tainted by playing on the same fields with her sinful former sister.

Virtuous Zambia!

Her virtue was especially marked in February, when Dr. Kenneth Kaunda, a true friend of civil liberties, jailed his opposition. More than 200 non-believers, including the former vice president, Simon Kapwepwe, still are absorbing their lessons in democracy.

Tanzania joined the list of those who would recall their teams if hateful Rhodesia were permitted to compete. It might be useful to offer a short course in the history of free elections in Tanzania; but it would be an exceedingly short course. There are no free elections in Tanzania.

We heard from Ghana. The very idea of oppression is intolerable to Ghana, where an Army junta in January seized the government, abolished the National Assembly, banned all political parties, and withdrew the constitution.

Sierra Leone announced that she, too, would summon her athletes home—home, that is, to a land battered by repeated coups, jailings and detentions, a land in which democracy is unknown.

Kenya was the foremost objector. And what an irony it was to hear from Jomo Kenyatta that a rebel government, guilty of intolerable practices, could not field a team at the Olympics. Memories are short. But are memories so short that the Mau Mau are forgotten?

There was also Uganda, which demonstrates its hatred of racism by expelling Asians. And there were half a dozen others whose horror at Rhodesia's electoral plan is exceeded only by the pleasure they find in their own one-party states.

Rhodesia, let it be noted, had complied meticulously with every stipulation laid down by the International Olympic Committee. These were not easy stipulations:

Her athletes were to appear as British subjects, honoring the British flag and anthem. Rhodesia swallowed her pride, agreed to the requirements, and sent a team of both black and white athletes to Munich. And there, because the IOC is composed of practical men, they got the boot.

This was a surrender to blackmail, a yielding to extortion. The decision may save the Olympics of 1972. It is bound to invite new blackmail in the future. But perhaps the committee members, adding ingenuity to practicality, will come up with a hypocrisy contest in the fashion of that wonderland caucus race. Every nation will win, and when the gold medals are passed out, all must have prizes.

CONGRESSMAN ED ROYBAL'S STATEMENT ON THE TRAGEDY AT MUNICH

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. ROYBAL. Mr. Speaker, the massacre of 11 members of the Israeli team has shattered the Olympic spirit of brotherhood among all nations and people. We mourn the loss of these athletes who had dedicated themselves to the pursuit of excellence in friendship with other competitors.

In the wake of this tragedy, I urge all of us to repudiate the fanatics who adopt violence to sway public opinion and attempt to destroy diplomatic efforts toward lasting peace. Every nation should reevaluate its assistance and diplomatic relations with any country who gives sanctuary, support or sympathy to those who commit acts of murder and barbarism as we have just witnessed at Munich.

The tragedy of this event is in man's inability and yet desire to live in peace and harmony with his fellowman. In their decision to resume the Olympics the athletes have shown their courage not to allow violence to destroy its international spirit but to dedicate the games as a unifying symbol and memorial to the 11 who died in Munich.

I extend my deep sympathy to the families who have suffered such a profound personal loss.

THE HONORABLE RICHARD H. POFF

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. EILBERG. Mr. Speaker, the distinguished gentleman from Virginia, and a man for whom I have long held the highest regard, Richard H. Poff, recently left the House of Representatives to become a member of the Virginia Supreme Court.

It has been an honor to have served alongside Dick Poff on the House Judiciary Committee, and his knowledgeability and sense of the fairness of issues well qualifies him to serve on his State's highest court.

Lawyers in Congress are hardly a rarity, but a lawyer who combines the qualities of Dick Poff is indeed one whose departure will be missed. His keen analytical mind, his judicial temperament, his grasp of legislative matters, coupled with personal integrity, served us well through the time he spent with us in the Congress.

I have been impressed by his performance as the ranking Republican member of the Judiciary Committee, and I am sure that the people of Virginia's Sixth District have been equally impressed by their Representative in the Congress, for he continued to win the support of the voters ever since he first came to Capitol Hill with the 83d Congress in 1953.

His record has stood the test of time as a legislator—now the Commonwealth of Virginia will gain the benefit of his superb abilities as a judicial scholar.

I congratulate Hon. Richard H. Poff, former U.S. Representative and new Virginia Supreme Court Justice, and I know that my colleagues on the House Judiciary Committee, as well as my fellow Members of Congress, wish him well in his new and challenging appointment.

FATHER EUGENE P. McAULIFFE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. BURTON. Mr. Speaker, on September 12, 1972, the Spanish-speaking community of San Francisco will honor Father Eugene P. McAuliffe for his outstanding contribution to that community and to the well-being of the residents of San Francisco's mission district.

Father Eugene McAuliffe, associate pastor of St. Paul's Catholic Church in San Francisco, in the past few months has helped secure jobs for 46 mission district residents, most of them minority group members and most of them teenagers.

Using his wide knowledge of private community organizations and public agencies, Father McAuliffe developed 13 job placements through the Catholic Council for the Spanish-speaking, 10 placements through the Mission Coalition Organization, six placements through the mayor's office, two placements through St. Luke's Hospital.

He secured 15 more placements through personal contacts with private business.

Father McAuliffe's extraordinary private, nonprofit, unfunded employment service was simply one of many facets of his pastoral work at St. Paul's. After he was assigned to St. Paul's in September of 1970, the 33-year-old priest quickly assessed the needs of the neighborhood youth. He made job hunting for young people one of his highest ministerial priorities.

His success was not just a happy accident. Father McAuliffe had served the people of the mission district and outer mission since 1964, the year of his ordination. Since that time he has been active in community affairs, working quietly and effectively in a variety of community projects.

While assistant pastor at Mission Dolores Church from 1964 to 1966, Father McAuliffe used his fluency in Spanish and his understanding of the variety of cultures among the Spanish-speaking of the mission district to organize and promote a day of unity that brought together some 2,000 Spanish-speaking people at St. Paul's Church.

The Dia de la Unidad was the high point of a series of services in Spanish which he initiated for his Spanish-speaking parishioners.

Assigned to St. John the Evangelist Church in the outer mission in 1966, he worked with the United Farm Workers Organizing Committee and joined Cesar Chavez and the procession of migrant workers on their Lenten walk from Delano to Sacramento. During the same period he worked with Pacific Telephone & Telegraph Co. to bring job interviews into the mission district community.

He was also active in efforts to assure community participation in redevelopment plans for the mission. He worked with Mr. Michael Miller to build the Mission Coalition Organization which now represents some 100 groups promoting the interest of Spanish-speaking San Franciscans.

The roots of his interest in the welfare of Spanish-speaking San Franciscans and other minority group members reach back to the summer of 1960. At that time, Father McAuliffe spent his vacation time in Ciudad Valles, Mexico, doing religious education and social welfare work among the poor. From 1960 to 1963, he worked during the school year counseling delinquent and dependent youth at Hillcrest Juvenile Hall in Redwood City and at Hanna Boy's Center, Sonoma, Calif. He spent the summer of 1963 providing medical and educational services for the poor of Mexicali.

The success of his present nonprofit, self-initiated employment project is the result of a long tradition of personal service to the Spanish-speaking and to the poor of all races.

He moves with ease and effectiveness within the mission district community because of the confidence people have in this intelligent, earnest, and knowledgeable citizen and servant of the people.

I am pleased to join in this tribute to Father McAuliffe and to share with my colleagues in the House his record of accomplishment and service.

ONE MAN'S OPINION

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. KING. Mr. Speaker, in July of this year I received a letter from John T. Lawrence, 876 Park Avenue, New York, N.Y., in which he enclosed a letter which he had sent to the Democratic candidate for President. So that others might have the benefit of Mr. Lawrence's thinking, I insert it in the RECORD. I consider Mr. Lawrence's letter most timely. The letter follows:

NEW YORK, N.Y., *July 24, 1972.*

Hon. GEORGE MCGOVERN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCGOVERN: I feel sorry for you because in my opinion and I am sure in the opinion of millions of good Americans you must have at least some responsibility and a guilty conscience about thousands of American boys that have been killed recently in Vietnam, because of your and some few others of your political friends' outspoken encouragement to Hanoi and the Vietcong. As you must know, the North Vietnamese are troops well-indoctrinated, well-trained, well-*disciplined*, well-equipped by the Chinese and Russians with the single purpose of overrunning and taking over by outright power and *aggression* the much weaker South Vietnamese and eventually all of South East Asia.

When President John Kennedy committed the U.S.A. to defend South Vietnam against this ruthless aggression, he did so because the U.S.A. had a definite commitment to do so. The U.S.A. has never welshed on its committments, whether to South Vietnam or to Israel, which country I understand *now* you would support in case of Egyptian aggression. But of course there are more Jewish people in this country than South Vietnamese.

President John Kennedy had the courage

to face up to the Russians when they threatened to put missiles in Cuba and made them back out. Unfortunately President Johnson did not have that kind of guts and after sending 550,000 American troops into Vietnam and with no bombing of supply lines or of supporting vessels from Russia, he accomplished nothing and worse than nothing!

President Nixon knew that the risk of serious confrontation was small and that all sources of these supplies had to be stopped, while at the same time he was bringing 500,000 of the 550,000 troops sent there by President Johnson, back to the States. This action on the President's part has been so effective that I am convinced and again, also millions of other Americans, that the present negotiations in Paris for an honorable peace would have been already successful if you had not sabotaged this meeting by offering to *crawl* to Hanoi and *beg* for the release of our prisoners of war, and to bring *all* American troops, etc., out in 90 days.

Although I have the greatest sympathy for the prisoners of war, this is a risk of war which they fully realize and I don't think many of them would subscribe to your suggestion which is a disgrace to the country and to thousands of men in many wars who have died for it.

In regard to the rest of your program. I don't think anything of it and I am very sure under that program you could never have won the Democratic nomination if it had not been for the Kennedy family and their intelligent, well-oiled political organization built up over the years. I think when they supported you they felt Ted Kennedy would be the eventual candidate.

Of course the kids and women don't like war, but who ever did? Those who were drafted felt they had honorable responsibilities to their country to serve. As it was, to give amnesty and receive back into the country, honorably, those who ran away and let others *serve in their place*, is really a shocking suggestion.

Your principal appeal, besides Vietnam, to youth seems to be to legalize pot and abortion so they can have fun and do "their thing" and wait for hand-outs from the government to support these pleasures with no responsibilities to the country or to others. Manson is an example of what can happen when this selfish philosophy is condoned. I assume he is now being comfortably supported in jail—perhaps surrounded by his girl friends—as are many other murderers who will go on strike if the food and recreation aren't appealing!

Did you know from the News Media that in 1969 alone, more Americans were killed in this country or attacked than have been killed or wounded in all the years of the Vietnam war up to that date—specifically, 14,500 murders, 36,500 rapes and 306,000 cases of aggravated assault by single individuals and it is worse today. Yet the "do-gooders" are concerned about the comfort of the prisoners—never mind the victims—so that at present the fear of prison or any inconveniences that might befall them there, are no deterrent to crime. They will be well fed, courteously treated and entertained so that prison is better than home.

Now to your economic program. Tax the hell out of the so-called Rich and Middle Class and hand it to the so-called Poor. I am all for helping the really destitute but not to feed out of *my fifty years* of hard work the insatiable appetite of your constituents whose battle cry is "We want more, more, more!" When the money is all pumped out of these who have managed to save anything. I suppose those "Gimmee Boys" will have to go to work. I want you to know I am not rich or even *middle class rich* I could easily be on your side for selfish reasons! I am a veteran of seventeen months with Rainbow Division in the first World War and proud of my country! I don't like hand-outs and welfare but you have expressed your ideas, so, best of luck.

Sincerely yours,

JOHN LAWRENCE.

SENATE—*Friday, September 8, 1972*

The Senate met at 9 a.m. and was called to order by Hon. HARRY F. BYRD, JR., a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, our Father, whose we are and whom we serve, grant unto us all through this day to do not what we like but what we ought. Grant us the courage to do not our own will but Thy will as we understand it. Help us to do the right things even though we do not want to do them and are disadvantaged in doing them. Help us to set duty above pleasure and honor above expediency. Give us a good conscience and inner lives unafraid of Thy searching eyes. Grant us to labor with joyous hearts, never evading work we ought to do, never avoiding decisions we ought to make or shirking the responsibilities we ought to carry. So wilt Thou guide us through this day and at evening time may we know the deep contentment of work completed and duty done, through Him whose name is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D C., September 8, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HARRY F. BYRD, Jr., a Senator from the State of Virginia, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HARRY F. BYRD, JR., thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 7, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs; the Subcommittee on Labor of the Committee on Labor and Public Welfare; a special subcommittee of the Committee on the Judiciary; the Committee on the Judiciary; and the Committee on Commerce may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

UNITED NATIONS

The second assistant legislative clerk read the nominations in the United Nations as follows:

Gale W. McGee, U.S. Senator from the State of Wyoming, to be a representative of the United States of America to the 27th session of the General Assembly of the United Nations.

James B. Pearson, U.S. Senator from the State of Kansas, to be a representative of the United States of America to the 27th session of the General Assembly of the United Nations.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

AMBASSADORS

The second assistant legislative clerk read the nominations of Ambassadors, as follows:

Hermann F. Eilts, of Pennsylvania, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Viron P. Vaky, of Texas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

Frederick Irving, of Rhode Island, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iceland.

George W. Landau, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

Adm. Horacio Rivero, U.S. Navy, retired, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Frank T. Bow, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

Joseph A. Mendenhall, of Virginia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic.

Talcott W. Seelye, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

NOMINATION OF JOSEPH A. MENDENHALL

Mr. BOGGS. Mr. President, it is with a great deal of pleasure and a sense of much satisfaction that I support the President's nomination of Mr. Joseph A. Mendenhall to serve as our Ambassador to the Malagasy Republic.

While the record of hearings of the Foreign Relations Committee and the official nomination both indicate that Mr. Mendenhall is a resident of the State of Virginia, we of Delaware claim him very much as our own.

Ambassador Mendenhall is a graduate of the University of Delaware, having received his bachelor of arts degree from our State university in the class of 1940. He has been a devoted alumnus and the entire State of Delaware is grateful to him.

From that time, Joe Mendenhall has served this country with great devotion and a pure sense of duty. Indeed, his first military assignments with the U.S. Army Air Force were in counterintelligence.

That beginning continued throughout his career, evolving into his Foreign Service officer status.

Today, with the confirmation of his nomination, he has reached the summit of service in the Foreign Service—the rank of ambassador.

Mr. President, the record of hearings of the committee and the comments of others will very clearly demonstrate the great value to the Nation of Joseph Mendenhall's prior service.

It is with great pride that I tell the Senate that his fine career is really just beginning. Our country will, indeed, be well represented by Ambassador Mendenhall.

To end on a personal note, I wish the Ambassador and his fine family a fruitful and pleasant tour of duty at this new post.

Mr. President, I ask unanimous consent to have printed in the Record a résumé of Ambassador Mendenhall's qualifications, which indicate his exceptional background to serve as our Ambassdor to Malagasy.

There being no objection, the résumé was ordered to be printed in the Record, as follows:

Joseph A. Mendenhall

Position for which considered: Ambassador to the Malagasy Republic.

Present position: Foreign Service Inspector.

Office address: Department of State, Washington, D.C.

Born: January 15, 1920, Blue Ball, Md.

Legal residence: Falls Church, Va.

Marital status: Married.

Family: Wife: former Leone Reiber. Children: Penelope, Priscilla, Anne.

Home address: Care of Department of State, Washington, D.C.

Education: A.B. 1940, University of Delaware; 1940–41, attended Harvard Law School; 1945–46, attended University of Pennsylvania, Korean and Far East Area Studies (U.S. Army auspices).

Language ability: Fluent French.

Experience:

Military: 1941–46, U.S. Army Air Force, captain (counterintelligence).

Government: 1946, Appointed FSO–6; 1946–49, Commercial/Economic Officer, Istanbul; 1949, FSO–5; 1949–51, Acting Assistant Chief of ECA Mission, Reykjavik; 1951–55, Economic Officer, then from 1953, political officer, Bern.

1952, FSO–4; 1955–59, Economic Officer, then from 1957, Officer in Charge of Viet-Nam Affairs, Bureau of East Asian Affairs; 1959–62, Chief of Political Section, Saigon; 1962, FSO–2; 1962–63, National War College.

1963–64, United Nations Adviser for Bureau of East Asian and Pacific Affairs; 1964, FSO–1; 1964–65, Deputy Director, Office of South East Asian Affairs and Chairman Viet-Nam Inter-Departmental Working Group; 1965–68, Director AID Mission and Counselor of Embassy for Economic Affairs, Vietiane; 1968–70, Deputy Assistant Administrator, then from 1969, Acting Assistant Administrator, AID/Bureau of Vietnam; 1970 to present, Foreign Service Inspector, Department.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished acting minority leader.

Mr. GURNEY. Mr. President, I have no business at this time.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. Javits) is now recognized for not to exceed 15 minutes.

WHY NOT A WORLDWIDE TREATY FOR THE PREVENTION OF HIJACKING?

Mr. JAVITS. Mr. President, I have taken the time this morning to call the attention of the Senate and of the country to a conference here in Washington which is taking place right now and has such a great opportunity to strike a blow for justice. It could provide the only memorial that the dead Israeli athletes, I believe, would want. The signs, at the moment, are not favorable for the attainment of this very limited objective which is being sought.

The occasion is the meeting of the Subcommittee of the International Committee on Civil Aviation which is an organ of the United Nations and which is trying to work out a treaty against plane hijacking.

This week, which has seen the barbarous murders in Munich, has also seen a checkered pattern of national indulgence in concerns with interests which should be subordinate to the overriding interest which the world faces in regard to this matter, so as to leave even the most ardent believer, like myself, in the doctrine of international cooperation, profoundly concerned and even shaken.

Now, Mr. President, what is the meeting trying to accomplish?

The United States and Canada have proposed to a group of 17 nations a multilateral agreement, or treaty, which could be subscribed to by the principal nations of the world, which are the communications centers of the world, saying that any nation would be required to suspend air service with any other nation that did not punish or extradite airplane hijackers or saboteurs.

First and foremost, Mr. President, the treaty should be expanded to include the harboring of terrorists, giving them sanctuary, money, a place to train, and an opportunity to operate. Indeed, it is precisely the same kind of piracy which we encounter in hijacking.

Mr. President, I urge that the United States and Canada submit these proposals to the 17 nations as an addition to the treaty or to the proposed multilateral agreement.

What has been the reception, inasmuch as the world has suffered enough hijacking and the mortal danger to passengers and property, in many cases already realized in deaths and destruction of property, jeopardizing the whole civilized system of transportation for all mankind?

We see, first, that the Soviet Union opposes the hijacking pact.

That is the news of September 5, 1972. "The Soviet Union sharply opposed today," says the report, "a United States-Canadian proposal for an international convention"—and then it goes on to describe that convention.

What is the reason why the Soviet Union opposes that convention?

Well, the Soviet Union says that the sanctions—to wit, cutting off air communications from any such violating nation should be determined by the United Nations Security Council.

That is just a convenient way of stalling the whole undertaking and making it meaningless. The Soviet Union knows as well as we do that a veto by any one nation in the United Nations Security Council will kill off any hope of exercising any sanctions whatever against a nation, no matter how flagrant the offender.

What is the French and the British attitude, Mr. President?

How could we possibly believe that two such great civilized nations as France and Britain would seek or move for a nonacceptance of this kind of agreement? What is the reason for it?

We find the answer, again, in one of the dispatches, that "Britain is concerned with what might happen to its airlines in the Middle East," says the dispatch.

France is concerned about being forced to boycott Algeria, which has hosted hijackers, and other African colonies with which France still maintains strong economic ties.

How quickly mankind can forget the bloody history resulting from this kind of chauvinism reflected by these arguments.

So, Mr. President, it is absolutely essential to speak out against and to condemn any such narrow nationalism and to do one's best to call the attention of the people of the world, including the peoples of these countries, to what is being done and said in their name.

Mr. President, in addition to the other countries which oppose action, those on the list in opposition, there is also the country of Egypt. Mr. President, this is a nation whose Prime Minister had the gall to tell the world in connection with the massacre that occurred at the Lod Airport outside of Tel Aviv at the hands of agents of Arab terrorists and to proclaim and brag about the fact that this was their mission. The Prime Minister applauded the fact that at last a way had been found to defeat Israel.

Mr. President, what has been found is a way to destroy mankind's sense of security and to introduce anarchy into the affairs of mankind. That is all that has been found.

So, Mr. President, because I so deprecate the loss of the opportunity which is here presented in this international subcommittee meeting going on right now in Washington in which there is still a week remaining to do something, I urge the United States to give the utmost consideration to acting unilaterally, if international action is not possible, to exclude any country from any communication with us if that country offends mankind and morality by harboring or receiving hijackers or harboring, aiding, or giving sanctuary to such terrorists in their countries.

We are a very considerable force in the world. I think that all of the efforts to depreciate our importance to the whole world ultimately turns certainly toward matters that are economic and social. That includes mainland China and the Soviet Union as well.

The fact remains that this country has 50 percent of the production capacity of all mankind and is so far ahead of the production of man on earth that it almost boggles the imagination. We are a moral people and a decent people.

Mr. President, it is time that other nations of the world realized that the United States is deeply serious about this matter and that we cannot accept, even if somehow other nations strain their moral fiber to do so, the position of some of these nations. They must be condemned rather than approved by mankind and by all the people of the world.

We cannot accept any act of barbarism, lawlessness, or politics by murder in days when all sovereign nations subscribe to the United Nations Charter and seek a place in the world among civilized men and women. The countries that take this position will become accomplices to terrorism.

So, whether my voice is heard or not, I am expressing myself because that is the solemn duty and privilege of a U.S. Senator.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. GURNEY. Mr. President, I have listened carefully to the remarks of the Senator from New York. And I subscribe wholeheartedly to everything he has said.

Political terrorism is on the rise all over the world. It now manifests itself outside of the immediate area concerned because of jet travel and present day communications. We have seen it in the south and in Latin America where we have had political assassinations. It has touched every continent in the world.

We are a small nation. We are connected with jet travel and communications to countries all over the world. It is now obvious, I think, to all of us, as the distinguished Senator from New York has pointed out, that the only way we can tackle this problem is by all nations of the world rising in indignation and securing agreement to tackle this kind of act of barbarism and to do something about it.

I think the Senator has performed a fine service in bringing this matter to the attention of the Senate and the world this morning.

Mr. JAVITS. Mr. President, I thank the Senator from Florida for his kind remarks.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, shortly following the atrocity committed at the Lod Airport outside of Tel Aviv, I introduced in the Senate a resolution calling for just such a procedure, not to include just the hijackers, but within the scope of the authority of this convention to take into consideration any act of terrorism that takes place at any international airport or anyplace where tourists or people move in free international travel and who would be subject to this kind of terrorism.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, a copy of Concurrent Resolution 85, which I submitted on June 19, 1972, be printed in the Record.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. PERCY. Mr. President, I feel that with the week left this is certainly a most appropriate time to take action. I commend the distinguished Senator from New York for once again reminding this convention that the world is waiting to see what will happen.

It would be a tragedy if we were to let this week go by without taking action.

Mr. President, I realize that certain nations have raised objections now. But I feel that this Nation, almost two centuries ago, did take unilateral action to see that the high seas were protected from piracy. We have a great responsibility now, as a nation whose international aircraft probably flies more miles abroad than any other nation, to see that we bring every moral force to bear to see that this problem is resolved. And this is the time to do it. The times are getting much worse, not better.

Certainly, we should remind humanity that as we move in international cooperation in so many areas, all men should have the simple right to move about the world on international carriers without fear. In this regard we must act in union with the other nations of the world. Certainly action is called for at this time.

I commend the Senator for bringing to our attention and to the attention of the Nation what our responsibility is at this moment in history.

Exhibit 1

S. Con. Res. 85

Concurrent resolution relating to negotiations to prevent acts of terrorism at international airports.

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President should, at the earliest practicable date, undertake negotiations with the governments of all other countries in which international commercial airports are located with a view to achieving an agreement among all such countries and the United States for the initiation and carrying out of such actions as may be necessary and appropriate to protect against or prevent the commission of acts of violence or terrorism at international airports which are related to international civil aviation.

Sec. 2. It is further declared to be the sense of the Congress that the President should, through official representatives of the United States, present to appropriate international organizations for consideration the matter of acts of violence or terrorism at international airports which are related to international civil aviation, including consideration of appropriate actions to protect against or prevent such acts.

Sec. 3. It is further declared to be the sense of the Congress that any agreement or other arrangement entered into by the United States and other countries pertaining to acts of violence or terrorism committed at international airports and related to international civil aviation should include provisions requiring all parties to any such agreement or arrangement to—

(1) consider such acts as extraditable offenses, but provide that in any case where extradition is not possible that the trial be conducted in the country in which the person or persons alleged to have committed such acts are apprehended;

(2) provide for the immediate apprehension and extradition of persons alleged to have committed such acts to the country in which such acts were committed; and

(3) afford certain safeguards to insure that any person accused of committing such acts will receive a fair trial.

Mr. JAVITS. Mr. President, I am very grateful to the Senator from Illinois for his remarks. I will examine his resolution with the hope of being able to join with him.

Mr. President, let us not let such misguided nationalism protect the hijackers. Let us have no euphoria about the United Nations. It has a fine purpose. I believe in it deeply. I have been a delegate to it. I believe that we should support and serve it. It has limitations, and one of them is that it finds it hard to take decisive action in these matters which involve the great superpowers. So, multilateral agreement is essential. I hope that the United Nations will take parallel action. But some action should come out of this conference going on in Washington right now.

I believe that if nothing else can help and if we get no agreement, then, we can enter into an agreement multilaterally with other nations of similar mind, even without a treaty, to cut off communication with nations harboring hijackers and murderers who murder for political terror.

Mr. President, I ask unanimous consent to have certain articles printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 5, 1972]

Soviet Opposes Hijacking Pact; Others Hesitant—Britain and France Express Serious Doubts Over Plan To Curb Air Pirates

(By Robert Lindsey)

WASHINGTON, Sept. 4.—The Soviet Union sharply opposed today a United States-Canadian proposal for a new international convention that would require signatory nations to suspend air service with any nation that did not punish or extradite airplane hijackers or saboteurs.

Britain and France, while professing to be open-minded on the proposal, said they had serious doubts about it, during the opening day of a conference here of 17 nations convened to write a new international treaty to deal with air piracy.

On the basis of the reaction of these and other nations, it was evident that the United States faced a tough diplomatic battle in its efforts to win approval of an agreement that would break considerable new ground in international law. It would provide for multilateral sanctions by a group of nations against an individual country, something that can now be imposed only by the United Nations Security Council.

WOULD CONSIDER AMENDING

Even Canada, co-author of the proposed treaty, indicated that she was willing to consider an alternative approach—amending an existing convention rather than drafting a new one—despite United States objections that the air piracy problem demanded a specific new treaty and that amending existing ones could take too long.

The conference was opened by John A. Volpe, the Secretary of Transportation, who said, "We have long recognized that the elimination of shelters is essential to the ultimate control of the hijacking problem. No nation can do that job alone."

"Piracy on the high seas came to an end when the ports of call were closed to the plunderers of ships. Piracy in the skies will die the same death when the doors of welcome are universally slammed on hijackers around the world," Mr. Volpe added.

PUBLIC SESSIONS VOTED

The United States won an early round in the conference when, after a 30-minute debate, the delegates voted 9 to 5 to have the proceedings conducted in public. American delegates hope the public exposure will make it more difficult for nations to oppose anti-hijacking measures. The countries that wanted the proceedings closed were the Soviet Union, Egypt, Chile, France and Britain.

Under the proposed convention, a nonpartisan jury of international investigators would be established to determine if nations had lived up to the principles of three existing treaties—the Tokyo, Hague and Montreal Conventions.

These treaties require countries promptly to return hijacked planes, crewmen and passengers, and to either punish or extradite individuals involved in hijacking and aviation sabotage. If the jury concluded that the treaties had been violated, a second panel of international representatives would then decide what sanctions, if any, should be imposed. A joint boycott of air service to the country is the maximum penalty proposed.

The meeting is being held by a subcommittee of the Legal Committee of the International Civil Aviation Organization, an agency of the United Nations. It is expected to last two weeks and is being held at the State Department. If the delegates agree on a proposed convention, it would go to the full legal committee, then the governing council of the civil aviation group, and finally to a conference of world nations.

George Vilkov, the chief Soviet delegate, said his country did not object per se to requiring extradition of hijackers if such a provision was attached as a protocol to one of the existing three treaties. But he asserted that the proposed new convention "would contravene the basis of international law" and the United Nations Charter and would be unacceptable—and therefore ineffective—to the majority of nations because of the requirements for joint sanctions.

Alternately stabbing his index finger in the air and taking off his glasses to wave them while he made a point, the Russian diplomat declared that only the United Nations Security Council should have the right to impose sanctions.

"This would be unprecedented, to take one convention, set it aside from all the rest and give it special privileges," he said. "If we develop such a convention, it will be unacceptable to other nations, simply a dead letter."

[From the New York Times, Sept. 6, 1972]

Parley Rejects Hijacking Treaty—United States-Canadian Project for Penalizing Nations Aiding Air Pirates Rebuffed

(By Robert Lindsey)

WASHINGTON, Sept. 5.—Delegates to a 17-nation conference here rejected today United States-Canadian efforts to negotiate an international anti-hijacking treaty based on a draft proposed by the two nations.

The move for nonacceptance was led by France and Britain and supported by the Soviet Union and Egypt.

Faced with what appeared to be certain defeat of the proposed treaty if it came to a vote, the two North American nations acquiesced in a French proposal to start writing a new treaty from scratch, after debates on what "principles" should be included.

The delegates have eight working days left before the conference is scheduled to end.

Israel so far has been the only country to give the treaty plan full support. France, Britain, the Soviet Union, Brazil, Spain and Egypt are opposed outright or have deep reservations to accepting any convention that would require joint international sanctions.

Sources close to the United States delegation attributed the resistance to the proposal from France and Britain to unhappiness over what would amount to a fundamental departure from current standards of international law on the matter of sanctions, plus certain self-interests.

"I think the British are concerned with what might happen to their airlines in the Middle East," one American source said.

Another said France was concerned about being forced to boycott Algeria or other former African colonies with which it still maintains strong economic ties.

The Soviet Union, arguing the joint sanctions should be imposed only by the United Nations Security Council, offered its own proposal for dealing with hijackers. This is a proposed annex to the existing Montreal and Hague Conventions, which call on signatory powers either to punish or extradite hijackers and aircraft saboteurs, that would require extradition in all cases.

"It's nothing, a smokescreen," an official said of this proposal. "Anything that would prevent a nation from giving political asylum in all cases has no chance of getting any place, and they know it. They're scared of anything that would level sanctions outside of the United Nations; they don't want to give up any sovereignty."

Today's rejection was a significant setback for the United States and Canada, which had drafted a treaty under which signatory nations would collectively halt commercial air service to any country that did not punish or extradite hijackers, or did not promptly release hijacked planes, crewmen and passengers.

Instead of discussing the specific provisions of the proposed draft the delegates will now explore broader questions of how to deal on a multilateral basis with cases of hijacking and aircraft sabotage. Representatives of several delegations privately forecast that the discussions could easily bog down in rhetoric.

Sources in the United States delegation said they still had hopes that the conference would produce a draft with a chance both of being accepted by other countries and of being more effective than existing international conventions in deterring hijackings. But one official told a reporter, "It's not going to be easy."

The proposed convention was first offered 18 months ago at a meeting of a legal subcommittee of the International Civil Aviation organization, an agency of the United Nations. Because of its sensitive, unusual provisions for taking joint international action against erring nations, the proposal was shelved.

But its authors felt it had a better chance of being accepted now because of intervening incidents of hijacking and aerial sabotage and the one-day strike by thousands of international airline pilots in June to protest what they called government inaction in dealing with hijackers. The conference was called by the civil aviation group, largely as a result of that demonstration.

[From the New York Times, Sept. 7, 1972]

Britain Offers Partly Modified Proposal for Treaty Against Plane Hijacking

(By Robert Lindsey)

WASHINGTON, Sept. 6.—Britain offered a partial formula today for drafting a new international treaty on hijacking. United States officials said that it might help overcome some of the most difficult diplomatic hurdles to a new treaty.

Although the proposal provided delegates to an international conference here with a new avenue for discussions, several delegates stressed that there were still major obstacles in the way of an agreement.

One United States delegate, Franklin K. Willis, said:

"This proposal possibly could be a way to break a two-year logjam; it may provide a way to bring the group to a consensus. But there's a lot of work to do."

Under an alternative draft proposed by the United States and Canada, international machinery would have been established by which nations could collectively withhold air service to any country that did not live up to three international treaties dealing with hijacking—the Tokyo, Hague and Montreal Conventions.

THE BRITISH PROPOSALS

Britain's proposal today suggested elimination of wording in the United States-Canadian draft that referred to violations of the three treaties and inclusion instead of language that would bring the new treaty into play whenever there was "a threat to the safety of international civil aviation."

In essence, these treaties require nations either to extradite or punish hijackers and others involved in crimes against aircraft, and to return with promptness planes, crewmen and passengers involved in hijackings.

One difficulty in curbing hijacking in the past has been that many nations that have been favored as destinations by hijackers do not adhere to these treaties. Thus, they have been ineffective in cases where these countries have been used as refuge by hijackers.

One of the most contentious aspects of the United States-Canadian draft has been that it would require signatory countries to impose sanctions against any other country that did not punish or extradite hijackers or otherwise deal sternly with them—that is, not just those nations that sign the treaty. Some countries have objected to taking action against nations for violation of treaties that they had not signed.

Under this wording, nations could collectively act against a country regardless of whether it had adhered to the three existing treaties.

FACT-FINDING BOARD

The British proposal calls for appointment of a fact-finding board of nations that would establish whether there was a "threat" to the safety of international civil aviation. It stopped short of proposing any further steps, saying this could be taken up in later discussions.

This question delayed until later the discussion of the sensitive issue of what sanctions would be imposed and how they would be brought into force.

The Soviet Union and some other countries are reluctant to accept treaties that would require them to act against other countries outside the framework of the United Nations Charter. Under the Charter, joint sanctions can be levied only by the United Nations Security Council, where the permanent members, including the Soviet Union, have a veto power.

Seventeen nations were invited to the conference here, a meeting of the legal subcommittee of the International Civil Aviation organization, a specialized agency of the United Nations.

Although the incidents yesterday in Munich involving Arab terrorists dominated the coffee-break conversation of the delegates here, there is no evidence that it had speeded up progress on efforts to write a new treaty. Britain said it had drafted the proposal before the Munich killings.

ROGERS SPEAKS TO GROUP

At noon today, Secretary of State William P. Rogers appeared before the group and said the "tragic events that occurred in Munich underscore the necessity for action now" in drafting the convention.

"At this conference we need to remember that the Munich attackers sought to commandeer, to hijack, if you will, an aircraft to make their escape," Mr. Rogers said. "The international community must take firm and prompt action to effectively prevent air piracy."

M. R. Mok of the Netherlands, the conference chairman, when asked what effect the events in Munich has had on the proceedings, said:

"It's difficult to say, but it certainly will not have a negative effect. It demonstrated that such acts of terrorism have not come to an end. In the past the terrorists acted against civil aviation; yesterday it was against athletes; tomorrow, it may be civil aviation again."

Several professional airline pilots, whose one-day work stoppage over much of the world on June 19 was a major reason for convening of the conference, have let it be known privately to reporters here that they are discussing taking a similar action again if there is not substantive progress in dealing with hijacking on an international diplomatic basis.

[From the New York Times, Sept. 7, 1972]

Hijacking Uncurbed

A consummate example of the fuzzy governmental thinking that leaves ordinary people vulnerable to fanatic terror the world over is now unfolding at a seventeen-nation conference in Washington. Thanks to diplomatic foot-dragging by the Soviet Union and France, a joint United States-Canadian proposal for establishing legal machinery to deal multilaterally with air hijackers is in danger of disappearing into the morass of good ideas that might have been.

The proposed treaty, drafted after nearly two years of on-again, off-again consideration, provides for international sanctions—including joint commercial air boycotts—against any country which harbors hijackers or which fails to release plane, crew and passengers promptly and either punish or extradite the perpetrators of any air terrorism. After all that has happened in the world's air lanes in the last two years, this treaty would seem to be the least that responsible governments owe to their citizens. If anything, the proposed sanctions are too conditional, too full of loopholes, to be reliable deterrents.

France's reluctance is born of its chronic fear of doing anything that might trouble its Arab friends; and Arab Governments have long glorified hijacking of unsuspecting air passengers as an appropriately heroic activity for their so-called freedom fighters. The Soviet delegates to the International Civil Aviation Organization complain that sanctions can come only from the United Nations Security Council, with its political weight and big-power veto privileges.

United States supporters of the proposal argue that it is precisely because of the political pressures operating on the Security Council that air hijacking needs to be treated as a technical, criminal problem. The touchiest cases are the politically inspired hijackings, and these are the ones with which the Security Council would have the hardest time coping.

Perhaps Secretary of State Rogers' unscheduled appeal to the I.C.A.O. meeting yesterday, amid the pall of the Munich terror, will bring the fastidious diplomats to rise above their narrowly and falsely conceived national interests. Britain, after early objections to the United States-Canadian proposal, seemed yesterday to agree that tough international machinery is needed. . . .

ALLEN J. ELLENDER

Mr. SYMINGTON. Mr. President, in the some 20 years it has been my privilege to represent the people of Missouri in the Senate, there was no Senator for whom I had greater respect and affection than I did for the late great Senator from Louisiana, Allen Ellender.

To me Allen was always an inspiration. The Senate will never be the same without him. His passing is not only a tragic loss to the Congress and the people of Louisiana, but also to the citizens of this Nation and all other nations who believe that the world's future rests on good will and understanding.

I ask unanimous consent that a copy of my letter to his son be inserted at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Washington, D.C.,
September 5, 1972.

Dr. Allen J. Ellender,
Houma, La.

Dear Dr. Ellender: It would be difficult indeed for me to express to you the sadness that remains as the result of the loss to the Senate and the nation of your father, my colleague and friend.

When I first came to the Senate many years ago, one could only be immediately impressed with the clarity of his vision on issues which at that time were far from popular—such issues as the importance of reducing Government spending; also his voice in the wilderness of that time about the fact it would be to America's interest to achieve a better relationship with the other Super Power.

How right he was in both cases.

Allen Ellender was a statesman in the finest sense of that word. He was also a host who represented, in unmatched fashion, the hospitality of the South he loved.

And he was a true and loyal friend.

Because of the long and outstanding public service of your father, the United States is a better land in which to live. His capacity for hard work, his high character, his often expressed pride in you and your family, set standards of what America is all about that few could equal, and none will ever surpass.

My wife and I were devoted to your father. She has asked to join me in expressing to you our deep sympathy in your loss.

Sincerely,

Stuart Symington.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. Robert C. Byrd). Under the previous order, the Senator from Texas (Mr. Bentsen) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BENTSEN. Mr. President, I yield to the distinguished majority leader.

ESTABLISHMENT OF A SURVIVOR BENEFIT PLAN

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 1032 (S. 3905).

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

Calendar No. 1032 (S. 3905) a bill to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The Senate proceeded to consider the bill which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert:

That chapter 73 of title 10, United States Code, is amended as follows:

(1) The title of the chapter is amended by adding "; SURVIVOR BENEFIT PLAN" after "PAY", and by inserting the following after the revised title:

"Subchapter	Sec.
"I. Retired Serviceman's Family Protection Plan	1431
"II. Survivor Benefit Plan	1447

"Subchapter I.—Retired Serviceman's Family Protection Plan"

(2) Subchapter I is amended as follows:

(A) Sections 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1444 (a) and (c), 1445, and 1446 are each amended by striking out "chapter" wherever it appears and inserting in place thereof "subchapter".

(B) Section 1443 is repealed and the corresponding item in the subchapter analysis for that section is stricken.

(C) Section 1444(b) is repealed and the catchline and subchapter analysis item for section 1444 are each amended by striking out "reports to Congress;".

(3) The following new subchapter is added after section 1446:

"Subchapter II.—Survivor Benefit Plan"

"Sec.
"1447. Definitions.
"1448. Application of Plan.
"1449. Mental incompetency of member.
"1450. Payment of annuity: beneficiaries.
"1451. Amount of annuity.
"1452. Reduction in retired or retainer pay.
"1453. Recovery of annuity erroneously paid.
"1454. Correction of administrative deficiencies.
"1455. Regulations.

"§ 1447. Definitions

"In this subchapter:

"(1) 'Plan' means the Survivor Benefit Plan established by this subchapter.

"(2) 'Base amount' means—

"(A) the amount of monthly retired or retainer pay to which a person—

"(i) was entitled when he became eligible for that pay; or

"(ii) later became entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or

"(B) any amount less than that described by clause (A) designated by that person on or before the first day for which he became eligible for retired or retainer pay, but not less than $300;

as increased from time to time under section 1401a of this title.

"(3) 'Widow' means the surviving wife of a person who, if not married to the person at the time he became eligible for retired or retainer pay—

"(A) was married to him for at least two years immediately before his death; or

"(B) is the mother of issue by that marriage.

"(4) 'Widower' means the surviving husband of a person who, if not married to the person at the time she became eligible for retired or retainer pay—

"(A) was married to her for at least two years immediately before her death; or

"(B) is the father of issue by that marriage.

"(5) 'Dependent child' means a person who is—

"(A) unmarried;

"(B)(i) under 18 years of age; (ii) at least 18, but under 22, years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution; or (iii) incapable of supporting himself because of a mental or physical incapacity existing before his eighteenth birthday or incurred on or after that birthday, but before his twenty-second birthday, while pursuing such a full-time course of study or training; and

"(C) the child of a person to whom the Plan applies, including (i) an adopted child, and (ii) a stepchild, foster child, or recognized natural child who lived with that person in a regular parent-child relationship.

For the purpose of this clause, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is considered to have become 22 years of age on the first day of July after that birthday. A child who is a student is considered not to have ceased to be a student during an interim between school years if the interim is not more than 150 days and if he shows to the satisfaction of the Secretary of Defense that he has a bona fide intention of continuing to pursue a course of study or training in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim. Under this clause, a foster child, to qualify as the dependent child of a person to whom the Plan applies, must, at the time of the death of that person, also reside with, and receive over one-half of his support from, that person, and not be cared for under a social agency contract. The temporary absence of a foster child from the residence of that person, while he is a student as described in this clause, will not be considered to affect the residence of such a foster child.

"§ 1448. Application of plan

"(a) The plan applies to a person who is married or has a dependent child when he becomes entitled to retired or retainer pay unless he elects not to participate in the plan before the first day for which he is eligible for that pay. If a person who is married elects not to participate in the plan at the maxmum level, that person's spouse shall be notified of the decision. An election not to participate in the plan is irrevocable if not revoked before the date on which the person first becomes entitled to retired or retainer pay. However, a person who is not married when he becomes entitled to retired or retainer pay but who later marries, or acquiries a dependent child, may elect to participate in the plan but his election must be written, signed by him, and received by the Secretary concerned within one year after he marries, or acquires that dependent child. Such an election may not be revoked. His election is effective as of the first day of the month after his election is received by the Secretary concerned.

"(b) A person who is not married and does not have a dependent child when he becomes entitled to retired or retainer pay may elect to provide an anuity to a natural person with an insurable interest in that person.

"(c) The application of the plan to a person whose name is on the temporary disability retired list terminates when his name is removed from that list and he is no longer entitled to retired pay.

"(d) If a member of an armed force dies on active duty after he has become entitled to retired or retainer pay, or after he has qualified for that pay except that he has not applied for or been granted that pay, and his spouse is eligible for dependency and indemnity compensation under section 411(a) of title 38 in an amount that is less than the annuity the spouse would have received under this subchapter if it had applied to the member when he died, the Secretary concerned shall pay to the spouse an annuity equal to the difference between that amount of compensation and 55 percent of the retired or retainer pay to which the otherwise eligible spouse described in section 1450(a)(1) of this title would have been entitled if the member had been entitled to that pay based upon his years of active service when he died.

"§ 1449. Mental incompetency of member

"If a person to whom section 1448 of this title applies is determined to be mentally incompetent by medical officers of the armed force concerned or of the Veterans' Administration, or by a court of competent jurisdiction, any election described in the first sentence of subsection (a), or subsection (b), of section 1448 of this title may be made on behalf of that person by the Secretary concerned. If the person for whom the Secretary has made an election is later determined to be mentally competent by an authority named in the first sentence, he may, within 180 days after that determination revoke that election. Any deductions made from retired or retainer pay by reason of such an election will not be refunded.

"§ 1450. Payment of annuity: beneficiaries

"(a) Effective as of the first day after the death of a person to whom section 1448 of this title applies, a monthly annuity under section 1451 of this title shall be paid to—

"(1) the eligible widow or widower;

"(2) the surviving dependent children in equal shares, if the eligible widow or widower is dead, dies, or otherwise becomes ineligible under this section; or

"(3) the natural person designated under section 1448(b) of this title at the time the person to whom section 1448 applies became entitled to retired or retainer pay, if there is no eligible beneficiary under clause (1) or (2).

"(b) An annuity payable to the beneficiary terminates effective as of the first day of the month in which eligibility is lost. An annuity for a widow or widower shall be paid to the widow or widower while the widow or widower is living, or, if the widow or widower remarries before reaching age 60, until the widow or widower remarries. If the widow or widower remarries before reaching age 60 and that marriage is terminated by death, annulment, or divorce, payment of the annuity will be resumed effective as of the first day of the month in which the marriage is so terminated. However, if the widow or widower is also entitled to an annuity under this section based upon the marriage so terminated, the widow or widower may not receive both annuities but must elect which to receive.

"(c) If, upon the death of a person to whom section 1448 of this title applies, the widow or widower of that person is also entitled to compensation under section 411(a) of title 38, the widow or widower may be paid an annuity under this section, but only in the amount that the annuity otherwise payable under this section would exceed that compensation.

"(d) If, upon the death of a person to whom section 1448 of this title applies, that person had in effect a waiver of his retired or retainer pay for the purposes of subchapter III of chapter 83 of title 5, an annuity under this section shall not be payable unless, in accordance with section 8339 (i) of title 5, he notified the Civil Service Commission that he did not desire any spouse surviving him to receive an annuity under section 8341(b) of that title.

"(e) If no annuity under this section is payable because of subsection (c), any amounts deducted from the retired or retainer pay of the deceased under section 1452 of this title shall be refunded to the widow or widower. If, because of subsection (c), the annuity payable is less than the amount established under section 1451 of this title, the annuity payable shall be recalculated under that section. The amount of the reduction in the retired or retainer pay required to provide that recalculated annuity shall be computed under section 1452 of this title, and the difference between the amount deducted prior to the computation of that recalculated annuity and the amount that would have been deducted on the basis of that recalculated annuity shall be refunded to the widow or widower.

"(f) An unmarried person who elects to provide an annuity to a person designated by him under subsection (a)(3), but who later marries or acquires a dependent child, may change that election and provide an annuity to his spouse or dependent child. A change of election under this subsection is subject to the rules with respect to execution, revocation, and effectiveness set forth in the last three sentences of section 1448 (a) of this title.

"(g) Except as provided in section 1449 of this title or in subsection (f) of this section, an election under this section may not be changed or revoked.

"(h) Except as provided in section 1451 of this title, an annuity under this section is in addition to any other payment to which a person is entitled under any other provision of law. Such annuity shall be considered as income under laws administered by the Veterans' Administration.

"(i) An annuity under this section is not assignable or subject to execution, levy, attachment, garnishment, or other legal process.

"§ 1451. Amount of annuity

"(a) If the widow or widower is under age 62 or there is a dependent child, the monthly annuity payable to the widow, or widower, or dependent child, under section 1450 of this title shall be equal to 55 percent of the base amount. However, when the widow has one dependent child, the monthly annuity shall be reduced by an amount equal to the mother's benefit, if any, to which the widow would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(1)(1) of title 42 and calculated assuming that the person concerned lived to age 65. When the widow or widower reaches age 62, or there is no longer a dependent child, whichever occurs later, the monthly annuity shall be reduced by an amount equal to the amount of the survivor benefit, if any, to which the widow or widower would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410 (l)(1) of title 42 and calculated assuming that the person concerned lived to age 65. For the purpose of the preceding sentence, a widow or widower shall be considered as entitled to a benefit under subchapter II of chapter 7 of title 42 even though that benefit has been offset by deductions under section 403 of title 42 on account of work.

"(b) The monthly annuity payable under section 1450(a)(3) of this title shall be 55 percent of the retired or retainer pay of the person who elected to provide that annuity after the reduction in that retired or retainer pay in accordance with section 1452(c) of this title.

"(c) Whenever retired or retainer pay is increased under section 1401a of this title, each annuity that is payable under this scetion, or section 1448(d) of this title, on the day before the effective day of that increase shall be increased at the same time by the same total percent. The amount of the increase shall be based on the monthly annuity payable before any reduction under section 1448(d) or 14450(c) of this title, or subsection (a) of this section.

"§ 1452. Reduction in retired or retainer pay

"(a) The retired or retainer pay of a person to whom section 1448 of this title applies who has a spouse, or who has a spouse and a dependent child, and who has not elected to provide an annuity to a person designated by him under section 1450(a)(3) of this title, or who had elected to provide such an annuity to such a person but has changed his election in favor of his spouse under section 1450(f) of this title, shall be reduced each month by an amount equal to 2½ percent of the first $300 of the base amount plus 10 percent of the remainder of the base amount. As long as there is an eligible spouse and a dependent child, that amount shall be increased by an amount prescribed under regulations of the Secretary of Defense.

"(b) The retired or retainer pay of a person to whom section 1448 of this title applies who has a dependent child but does not have an eligible spouse, shall, as long as he has an eligible dependent child, be reduced by an amount prescribed under rgeulations of the Secretary of Defense.

"(c) The retired or retainer pay of a person who has elected to provide an annuity to a person designated by him under section 1450(a)(3) of this title shall be reduced by 10 percent plus 5 percent for each full 5 years the individual designated is younger than that person. However, the total reduction may not exceed 40 percent.

"(d) If a person who has elected to participate in the Plan has been awarded retired or retainer pay and is not entitled to that pay for any period, he must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period, except when he is called or ordered to active duty for a period of more than 30 days.

"(e) When a person who has elected to participate in the Plan waives his retired or retainer pay for the purposes of subchapter III of chapter 83 of title 5, he shall not be required to make the deposit otherwise required by subsection (d) as long as that waiver in in effect unless, in accordance with section 8339(i) of title 5, he has notified the Civil Service Commission that he does not desire any spouse surviving him to receive an annuity under section 8341(b) of title 5.

"(f) Except as provided in section 1450(e) of this title, a person is not entitled to any refunds of amounts deducted from retired or retainer pay under this section unless the amounts were deducted through administrative error.

"§ 1453. Recovery of annuity erroneously paid

"In addition to other methods of recovery provided by law, the Secretary concerned may authorize the recovery, by deduction from later payments to a person, of any amount erroneously paid to him under this subchapter. However, recovery is not required if, in the judgment of the Secretary concerned and the Comptroller General, there has been no fault by the person to whom the amount was erroneously paid and recovery would be contrary to the purposes of this subchapter or against equity and good conscience.

"§ 1454. Correction of administrative deficiencies

"The Secretary concerned may, under regulations prescribed under section 1455 of this title, correct or revoke any election under this subchapter when he considers it necessary to correct an administrative error. Except when procured by fraud, a correction or revocation under this section is final and conclusive on all officers of the United States.

"§ 1455. Regulations

"The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform for the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service. Those regulations shall—

"(1) provide that, when the notification referred to in section 1448(a) of this title is required, the member and his spouse shall, before the date the member becomes entitled to retired or retainer pay, be informed of the elections available and the effects of such elections; and

"(2) establish procedures for depositing the amounts referred to in section 1452(d) of this title."

SEC. 2 The chapter analysis of subtitle A and the analysis of part II of subtitle A of title 10, United States Code, are each amended by amending the item relating to chapter 73 by adding "; Survivor Benefit Plan" after "Pay".

SEC. 3. (a) The Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act applies to any person who initially becomes entitled to retired or retainer pay on or after the effective date of this Act. An election made before that date by such a person under section 1431 of title 10, United States Code, is canceled. However, a person who initially becomes entitled to retired or retainer pay within 180 days after the effective date of this Act may, within 180 days after becoming so entitled, elect—

(1) not to participate in such Survivor Benefit Plan if he is married or has a dependent child; or

(2) to participate in that Plan, if he is a person covered by section 1448(b) of title 10, United States Code.

(b) Any person who is entitled to retired or retainer pay on the effective date of this Act may elect to participate in the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act before the first anniversary of that date. However, such a person who is receiving retired or retainer pay reduced under section 1436(a) of title 10, United States Code, or who is depositing amounts under section 1438 of that title, may elect before the first anniversary of the effective date of this Act—

(1) to participate in the Plan and continue his participation under chapter 73 of that title as in effect on the day before the effective date of this Act, except that the total of the annuities elected may not exceed 100 percent of his retired or retainer pay; or

(2) to participate in the Plan and, notwithstanding section 1436(b) of that title, terminate his participation under chapter 73 of that title as in effect on the day before the effective date of this Act.

A person who elects under clause (2) of this subsection is not entitled to a refund of amounts previously deducted from his retired or retainer pay under chapter 73 of title 10. United States Code, as in effect on the day before the effective date of this Act, or any payments made thereunder on his behalf. A person who is not married or does not have a dependent child on the first anniversary of the effective date of this Act, but who later marries or acquires a dependent child, may elect to participate in the Plan under the fourth sentence of section 1448(a) of that title.

(c) Notwithstanding the provisions of the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act, and except as otherwise provided in this section, subchapter I of chapter 73 of title 10, United States Code (other than the last two sentences of section 1436(a), section 1443, and section 1444(b)), as in effect on the day before the effective date of this Act, shall continue to apply in the case of persons, and their beneficiaries, who have elected annuities under section 1431 or 1432 of that title and who have not elected under subsection (b)(2) of this section to participate in that Plan.

(d) In this section, "base amount" means—

(1) the monthly retired or retainer pay to which a person—

(A) is entitled on the effective date of this Act; or

(B) later becomes entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or

(2) any amount less than that described in clause (1) designated by that person at the time he makes an election under subsection (a)(2) or (b) of this section, but not less than $300;

as increased from time to time under section 1401a of title 10, United States Code.

(e) An election made under subsection (a) or (b) of this section is effective on the date it is received by the Secretary concerned, as defined in section 101(5) of title 37, United States Code.

(f) Sections 1449, 1453, and 1454 of title 10, United States Code, as added by clause (3) of the first section of this Act, are applicable to persons covered by this section.

SEC. 4. (a) A person—

(1) who, on the effective date of this Act is, or within one calendar year after that

date becomes, a widow of a person who was entitled to retired or retainer pay when he died;

(2) who is eligible for a pension under subchapter III of chapter 15 of title 38, United States Code, or section 9(b) of the Veterans' Pension Act of 1959 (73 Stat. 436);

(3) whose annual income, as determined in establishing that eligibility, is less than $1,400;

shall be paid an annuity by the Secretary concerned unless she is eligible to receive an annuity under the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act. However, such a person who is the widow of a retired officer of the Public Health Service or the National Oceanic and Atmospheric Administration, and who would otherwise be eligible for an annuity under this section except that she does not qualify for the pension described in clause (2) of this subsection because the service of her deceased spouse is not considered active duty under section 101(21) of title 38, United States Code, is entitled to an annuity under this section.

(b) The annuity under subsection (a) of this section shall be in an amount which when added to the widow's income determined under subsection (a)(3) of this section, plus the amount of any annuity being received under sections 1431–1436 of title 10, United States Code, but exclusive of a pension described in subsection (a)(2) of this section, equals $1,400 a year. In addition, the Secretary concerned shall pay to the widow, described in the last sentence of subsection (a) of this section, an amount equal to the pension she would otherwise have been eligible to receive under subchapter III of chapter 15 of title 38, United States Code, if the service of her deceased spouse was considered active duty under section 101(21) of that title.

SEC. 5. Section 3(a)(4) of the Act of August 10, 1956, chapter 1041, as amended (33 U.S.C. 857a(a)(5)), and section 221(a)(5) of the Public Health Service Act, as amended (42 U.S.C. 213a(a)(5)), are each amended to read as follows:

"Chapter 73, Retired Serviceman's Family Protection Plan; Survivor Benefit Plan."

SEC. 6. Title 38, United States Code, is amended as follows:

(1) Section 415(g)(M) is amended to read as follows:

"(M) payments of annuities elected under subchapter I of chapter 73 of title 10."

(2) Section 503(17) is amended to read as follows:

"(17) payments of annuities elected under subchapter I of chapter 73 of title 10."

Mr. BENTSEN. Mr. President, I ask unanimous consent that Senators ALLOTT, TUNNEY, MONDALE, and WILLIAMS may be listed as cosponsors of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENTSEN. Mr. President, this bill S. 3905 might be termed the "widow's equity bill." What we are trying to do here and what I think we accomplished is a phaseout of some of the inequities in survivor benefits for retired military service personnel compared to those of civil servants. S. 3905 was unanimously reported by the Committee on Armed Services. A similar survivor benefit bill, H.R. 10670, has passed the House.

Mr. President, I was chairman of the Special Subcommittee on Survivor Benefits, which considered this legislation. Survivor benefits has been and continues to be an area of paramount importance to career military personnel. This legislation, if enacted, will affect over 800,000 present military retirees and their dependents, in addition to all future retirees and their dependents.

One of the first questions one might ask, when we are faced with a substantial deficit in our budget, is how much it is going to cost. If we take the cumulative figures over the first 5 years it will be found that in the funding of this survivor benefit for dependents there will be a net excess of about $400 million savings to the Government, over the expenditures for payments to the dependents of retirees. It will be the year 1992 before there would be a net cumulative cost to the Government in funding these dependents" benefits. I will discuss the full cost of S. 3905 in more detail at a later point.

SUCCESSFUL HEARINGS

The special subcommittee held hearings on all legislative measures dealing with this important matter, and received testimony from the Department of Defense, Senator BEALL, and associations representing military members on active duty and in retirement. In addition, the subcommittee received a substantial amount of written testimony on the bill which was included in the record of the hearings and which proved to be of great help to the subcommittee members and and staff.

I believe that the subcommittee's hearings were thorough and complete. I might also add, Mr. President, that the hearings represented the culmination of many months of intense preparation on the part of the committee staff and the Department of Defense. Some of the actuarial information, for example, required more than 7 months to complete and was received by the committee a short time ago.

THREE PRESENT SYSTEMS OF SURVIVOR COVERAGE FOR MILITARY RETIREES

Before proceeding to discussion of the committee's recommended changes to S. 3905, it would be well to point out that the military retirees may presently be covered under three survivor benefit systems: First, social security; second, dependency and indemnity compensation; and third, retired serviceman's family protection plan—RSFPP.

Let me briefly outline what these three systems include:

First. Social security provides payments to widows with children under the age of 18 or age 22 if in school. No benefits under social security are payable when the widow is under age 62 and has no dependent children. Generally, social security payments range from $186 per month, payable at age 62 for a widow of an E–5, sergeant, without dependent children to $599 per month payable at any age to a widow of an O–2, first lieutenant, who has three dependent children.

Second. Dependency and indemnity compensation.—DIC—is payable to survivors of a retiree who dies of a service-connected cause. DIC rates range from $184 to $469 depending on pay grade.

Third. Retired serviceman's family protection plan—RSFPP—is an actuarially sound, that is, self-financing system, which permits a retired member under certain conditions to cover his survivors for up to 50 percent of his retired pay.

BASIS FOR CHANGE IN MILITARY SURVIVOR BENEFIT SYSTEM

It should be pointed out that the three systems discussed above may, in fact, not cover a large number of survivors of military retirees. For example, no social security payments are payable when a widow of a retiree is under age 62 and has no dependent children. Dependency and indemnity compensation is only payable in those relatively few cases in which a retiree's death is determined to be service-connected. Finally, the retired serviceman's family protection plan—RSFPP—is providing coverage for only 15 percent of military retirees. High cost and complexity are given by the military retirees as reasons for not choosing the RSFPP system which was established in 1954 for existing and future retirees. The result of the present system of survivor benefit coverage for military retirees is that many widows will receive no income resulting from her husband's military retired pay. In many cases, there will be an income gap from the time the widow's last child is no longer dependent until reaching social security eligibility at age 62.

The foregoing comments have only summarized the principal elements of military survivor benefit coverage. There is available to each member a detailed committee report setting forth many tables and analyses relating to this issue.

CIVIL SERVICE SURVIVOR BENEFIT SYSTEM

Much of the motivation to revise the military retiree survivor benefit program stems from a comparison of the military benefit program with that of the Federal civil service retiree plan. In point of fact, S. 3905 along with many of the other bills introduced on survivor benefits have been patterned after the Federal civil service survivor benefit system.

BASIC THRUST OF THE LEGISLATION

In substance, S. 3905 provides that beginning with enactment, a present retiree would have 1 year to elect into the plan. All future retirees, that is, those retiring after enactment, would be automatically covered unless they elect not to be covered. In payment, the retiree will have deducted from his retired pay 2½ percent of the first $3,600 of retired pay per year plus 10 percent of the remainder in order to provide up to 55 percent of retired pay coverage.

The amounts to be received by military survivors under S. 3905, the 2½-percent and 10-percent deduction, and the 55 percent of retired pay benefit are identical to the survivor plan for those in the civil service retirement system. It should be observed, as I will discuss later, that although the deductions formula is the same, the impact on survivors in terms of cost and benefits will be somewhat different due to the differences between the civil service and military retirement systems.

The monthly amounts to be received by survivors will depend, of course, on the retired pay of the retiree. The monthly payments to widows would range from

$143 per month for a widow of an E–5—sergeant—with 20 years of service to $1,237 per month for the widow of an O–10—general—with 38 years of service.

COST TO THE INDIVIDUAL

In terms of the cost to the individual, under S. 3905, the following should be noted with respect to the extent to which deductions from retired pay cover the cost of the benefits. The average member who retired prior to January 1, 1957, pays a smaller percentage of the total cost of his survivor benefit than does the average future retiree who begins his military service after December 31, 1971. Payments for those retired prior to January 1, 1957, would, on the average, cover about 22 percent of the cost of the survivor benefit program with the Government assuming the remainder of the cost. Deductions from the retired pay of members who enter on the retired rolls today will, on the average, cover about 56 percent of the cost of their survivor benefits. For future retirees, that is, for those beginning military service after December 31, 1971, deductions from retired pay will cover about 63 percent of the cost of their survivor benefits.

Thus, Mr. President, in general the older retiree benefits more under this survivor benefit program than his younger counterpart in terms of contributions made and benefits paid.

COST OF THE ENTIRE SYSTEM—DISBURSEMENT—ACTUARIAL

There are two basic methods of showing the cost of the proposed survivor benefit plan.

One method is the disbursement analysis which provides cost data on a year-by-year basis. This method is sometimes called the dollar-in-dollar-out system. The second method involves actuarial analysis and assigns cost to the year in which liability is incurred. Since payments under this program may not be made for 10, 20, or perhaps 50 years later, the amount of the payment under the actuarial analysis is discounted at an assumed interest rate to express it in current dollars.

DISBURSEMENT ANALYSIS

Under disbursement cost, the survivor benefit plan in S. 3905 would result, making certain assumptions, in over $1 billion accumulated savings to the Government by 1981. That is, deductions from retired pay would exceed benefits paid by that amount. Under the same assumptions, by 1992, the cumulative cost to the Government would be $239 million, that is, in that year the cumulative amounts paid into the system would be less than the benefits paid out—by $239 million. Again, under the same assumptions, the net cumulative cost to the Government by the year 2025 would be $11.3 billion.

ACTUARIAL COST ANALYSIS

In terms of actuarial cost, the Government would incur a $5.2 billion liability under the S. 3905 for past military service costs. Past service costs are defined as future benefits payable which are attributable to service performed in the past. This $5.2 billion figure means that if the Government were to stay current with its liabilities, it would have to appropriate immediately $5.2 billion and put this is in a fund earning 3½ percent. This would then be sufficient to cover the net additional cost of the past service liability.

COMMITTEE RECOMMENDED CHANGES TO S. 3905

The committee recommends that S. 3905 be changed in three major areas:

Deletion of the attachment provision,

Adoption of the Department of Defense recommendation for providing coverage for dependent children, and

Adoption of the Department of Defense recommendation concerning members who work in and subsequently retire from civil service and waive military retired pay to increase civil service retirement benefits.

The committee also concluded that other major provisions of S. 3905 should be maintained. These provisions are:

The minimum income guarantee of $2,100 per year for current widows of retirees,

The method of social security integration, and

Application of the plan to active duty personnel who are eligible to retire for longevity (20 years).

I would like now to review the rationale for the committee's action on S. 3905.

ATTACHMENT OF RETIRED PAY

S. 3905 included a provision that the retired pay of a member of the uniformed services shall be subject to attachment of up to 50 percent of retired pay to comply with the order of a court of competent jurisdiction in favor of a spouse, former spouse or children. The committee recommends deletion of the attachment provision for two major reasons:

If the attachment provision were included in this bill, it would make an exception of military retired pay by providing that it alone, among all Federal pays and annuities would be subject to attachment. The committee felt that this would be an unfair and unwarranted discrimination against the military retiree.

An attachment provision is extraneous to the question of survivor benefit legislation and as such, the attachment provision and all of its ramifications could not be evaluated to the extent appropriate or desirable.

The committee believes that, although the attachment provision may be justified in many instances, it should be addressed from the perspective of its applicability to all Federal pays and personnel.

COVERAGE FOR DEPENDENT CHILDREN

Coverage is provided for dependent children under S. 3905 in the same manner as for the spouse—at the same monthly cost and at the same level. However, when the children reach age 18—or 22 if in school—their eligibility terminates. On the other hand, just as with the member who covers the spouse, the member who covers children under S. 3905 must contribute to the plan for life, even though, in most cases, the eligibility for the benefits to children would be limited at most until they reach age 22. The provision in S. 3905 would make the application of the plan to the children prohibitively costly, with some members who insure only dependent children paying over three times the value of the benefits.

The committee believed the survivor plan should include a provision for covering dependent children; however, it believed the Department of Defense recommendation would be more appropriate as a method of accomplishing this objective. The Department recommended that the basic plan in the bill apply to the spouse.

For a slight additional charge—above the charge for spouse coverage—the member would cover the spouse and dependent children. If the spouse were to become ineligible, benefits would then flow to the children. If there were no spouse, the member could cover the children alone. The cost of dependent children's coverage in both cases would be based on the actuarial cost of providing benefits and would terminate when the children were no longer eligible for benefits. Since the plan is based on an actuarial cost, there would be no cost to the Government except for the cost of administering the provision; further, it would not be prohibitive in terms of individual member cost.

APPLICATION OF PLAN TO MILITARY RETIREES WHO LATER RETIRE FROM THE CIVIL SERVICE

Military retirees who after retirement work in the Federal civil service and subsequently become eligible to retire from the civil service may waive their military retired pay and use their military years of service to increase their civil service benefits. S. 3905 would not allow a duplication of survivor benefits from the military and civil service plans based on the same years of service. S. 3905 does, however, require the member to continue to contribute to the military survivor benefit plan, but prohibits him from receiving benefits under the military survivor benefit plan.

The committee agreed that duplication of benefits should be precluded, that is, a member should not be able to receive survivor benefits from both the military and civil service survivor benefit plans. On the other hand, the committee also believes that duplication of contributions should be eliminated, that is, that the member continue to pay into the military survivor plan even though he could receive no benefits from it. The committee, therefore, recommended that S. 3905 be changed to allow a military retiree, who waives his military retired pay to increase civil service retirement benefits, to cease contributing to the military survivor benefit plan during the time his waiver of retired pay is in effect. In this way, a military retiree would not be required to contribute to a plan from which his survivors could not benefit.

GUARANTEED INCOME OF $2,100 PER YEAR FOR PRESENT WIDOWS OF RETIREES

S. 3905 provides a guaranteed income of $2,100 per year to those who were widows of retirees prior to enactment of the proposed legislation. In effect, if the widow in question had an income from all sources—both public and private—of less than $1,400 per year, the Department of Defense would supplement her income up to $1,400 per year; the widow would then receive a veterans pension from the Veterans' Administration which would bring her income up to $2,100 per year.

The committee believes this is a provision that is needed now, and it is the minimum provision that is acceptable in terms of providing some benefit to these widows. Using any standard for comparison, $2,100 per year can only be viewed as the lowest payment that would maintain any kind of livable income. The committee concurred with the House and the Department of Defense in this recommendation.

COST OF GUARANTEED INCOME PROVISION FOR CURRENT WIDOWS

The first year cost of the guaranteed income provision for widows is estimated to be $47 million, with approximately the same yearly cost over the next 5 years. After that point the costs will be reduced gradually each year as eligible widows die until sometime after the year 2000 when the last eligible widow dies. It should be noted that the cost data on this program is not precise as very little is known about present widows who might be eligible for this program.

SOCIAL SECURITY INTEGRATION

S. 3905 provides that the full amount of social security attributable to military service be offset from the 55-percent level of survivor benefits after widow's age 62. The Department of Defense advocated using only one-half of the social security attributable to military service as the offset from the widow's annuity.

FULL OFFSET OF SOCIAL SECURITY PROVIDES A PLAN MORE COMPARABLE WITH CIVIL SERVICE

The committee believes that a plan more comparable with the civil service plan is achieved if the full amount of social security attributable to military service is offset from the widow's annuity after age 62.

One of the principal impacts of the difference between the full and half offset of the social security attributable to military service is shown in the difference of the cost of the survivor benefit plan under each of these offsets. Implementation of a one-half offset of the social security would result in an additional cost to the Government of $2½ billion by the year 2000 and over $16 billion by the year 2020.

In addition, if the portion of the cost of the survivor benefit plan paid for by the military member's contribution is compared to the portion of the cost paid by the civil servant for his survivor benefits, the full offset of social security under the military plan provides a more comparable plan. Under the civil service survivor benefit plan, the member's contributions pay for 60 to 62 percent of the total cost of the benefits under the plan. Assuming that the military member pays for one-half of his social security benefits attributable to military service through his social security contributions, the military retiree would pay for 62.7 percent of the cost of the benefits under the plan if a full social security offset were taken. If a half offset were taken, the member would pay for only 55.8 of the cost of benefits. Thus, the full offset of social security more nearly equates the military member and the civil servant in terms of what they pay for the total cost of their survivor benefits. The committee urged that the full offset method of social security integration be retained in S. 3905. The House strongly endorsed the full offset method in their report on H.R. 10670.

APPLICATION OF SURVIVOR BENEFIT PLAN TO ACTIVE DUTY PERSONNEL WHO ARE ELIGIBLE FOR RETIREMENT

S. 3905 provides that the spouse of a service member, who was eligible to retire for longevity—after 20 years of service—but dies on active duty, will receive 55 percent of what the member's retired pay would have been had he been retired. This payment will recognize that dependency and indemnity compensation—DIC—is payable to the spouse of the member dying on active service by offsetting the DIC from the 55 percent of retired pay annuity. For example, the spouse of a major—O-4—with 21 years of service would receive $108.89 under this provision in addition to a DIC payment of $272 for a grand total of $380.89—which is what 55 percent of the major's retired pay would have been.

RELATION TO CIVIL SERVICE

Although this provision has no counterpart in the civil service plan, it is generally comparable to the provisions made for survivors of civil service personnel who die on active service. The committee felt that this provision would eliminate the "penalty" to survivors of active duty personnel who are retirement eligible vis-a-visa their counterparts who chose to retire. In other words, under this provision there would be no penalty to survivors of members who remained on active duty after reaching retirement eligibility.

COST OF RETIREMENT ELIGIBILITY PROVISION

It should be noted that the member in retirement would pay for his survivor benefit plan whereas the member on active duty would not. The committee was aware of this but still felt it wrong to penalize the survivors of members who remain on active duty after being retirement eligible. The estimated annual cost of this provision is about $725,000 per year, increasing thereafter to a maximum of $20 million per year.

OTHER RECOMMENDATIONS

In addition to these major provisions of the survivor benefit plan, there are a number of other changes to improve the technical quality of the bill and to simplify administration. These changes are included in the committee's substitute draft bill with our report on S. 3905.

A number of changes in the Internal Revenue Code are also necessary to insure that the tax treatment of contributions and benefits under the retired serviceman's family protection plan is applicable to the proposed legislation. These changes have been sent to the appropriate Senate and House committees by the Department of the Treasury.

CLOSING COMMENT

Mr. President, in closing I would like to express my appreciation to Chairman STENNIS for appointing me chairman of the special subcommittee. In addition, I would like to thank the other special subcommittee members, Senators BYRD and THURMOND, along with the members and the staff of the full committee for their very valuable assistance and interest in this extremely complex and important subject area.

I urge passage of S. 3905 as amended by the committee.

Mr. President, I ask unanimous consent that the Senator from Florida (Mr. GURNEY) also be shown as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. BENTSEN. I yield.

Mr. GURNEY. The Senator from South Carolina (Mr. THURMOND) is necessarily absent from the Senate today. Had he been here he would have made a statement on the bill. I ask unanimous consent that his statement be included in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR THURMOND

I was a member of the subcommittee which prepared this legislation and have been a long time supporter of improved survivor benefit legislation.

However, since I am a retired officer and it is possible my family might benefit from this bill I wish the record to show that on final passage of the bill, if I had been present and voting, I would have voted "present."

Mr. TOWER. Mr. President, I support the passage of S. 3905, the survivors' benefits bill. This bill has been long overdue in its consideration and passage and I am gratified that we finally have its enactment in sight.

Basically, the legislation will provide for our servicemen the kind of survivors' benefits members of the civil service have enjoyed for several years. The bill, similar to H.R. 10670, allows a serviceman to designate up to 55 percent of his retirement pay as payment for his wife and dependents should he die. This program is low-cost, compared to earlier efforts such as the Retired Serviceman's Family Protection Plan—RSFF. Its high cost and complexity resulted in only 15 percent of the military retirees participating.

I am happy to see that one change was made in S. 3905 from the comparable House bill H.R. 10670. The Senate committee removed the provisions concerning attachment of retired pay from the bill. The basic rationale was that either all Federal pay should be subject to attachment or none. I agree that an exception to current guidelines on attachment should not be made.

With the passage of S. 3905, the wives and dependents of our military men can finally rest secure in the knowledge that they can be provided for. It is with shame that we in Congress must admit our past neglect of the men who defend this Nation. To have allowed this condition to persist, to have delayed for so long proper consideration of measures to correct this neglect, is inexcusable. It is ironic to note that the very men who defended our Nation bravely cannot themselves defend the security of their loved ones after retirement. They cannot because we have not let them. The military men of America look to us in Congress to provide for them and their families. We cannot, we must not, let them down. We have in our hands the tools, S. 3905, with which they can provide for their families after retirement. It is our duty to give them that legislation.

Mr. GOLDWATER. Mr. President, I speak not merely to thank the chairman of the Armed Services Committee (Mr. STENNIS), the chairman of the special subcommittee which heard testimony on the bill to provide survivors benefits (Mr. BENTSEN), or the author of the amendment which created this legislation, the Senator from Maryland (Mr. BEALL), or for myself, but for all military people in this country both retired and not retired, who have always been concerned about what would happen to their wives and families should they pass on.

The survivors benefit bill has been a prayer of every serviceman for years, and the fact that now that all is required is the President's signature to bring this into being causes a moment of rejoicing for all those loyal people who have so well served their country and are serving. We have reason to be proud of the Senate today for the action it has taken.

I am particularly pleased with the interest Senator STENNIS, as chairman of the committee, is showing on personnel matters, because the whole matter of retirement for military personnel needs a complete review. The system needs a complete overhaul to modernize it and to bring it up to the standards that other civil servants expect and enjoy.

Mr. BENTSEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of H.R. 10670 and that the Senate proceed to the immediate consideration of that bill.

The PRESIDING OFFICER. The clerk will state the House bill by title.

The legislative clerk read the bill (H.R. 10670) by title, as follows: An act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BENTSEN. Mr. President, I move that H.R. 10670 be amended by striking all after the enacting clause and inserting in lieu thereof the text of S. 3905 as reported.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question, Shall it pass?

The bill (H.R. 10670) was passed.

Mr. MANSFIELD. Mr. President, how much time is left under the 15 minutes?

The PRESIDING OFFICER. There is no time left.

Under the previous order, the Senator from Idaho (Mr. CHURCH) is recognized for 15 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Idaho yield not to exceed 2 minutes to the Senator from Maryland?

Mr. CHURCH. I yield.

Mr. BEALL. Mr. President, I thank the majority leader and the Senator from Idaho for their consideration.

I am sorry I was not aware of the fact that this particular piece of legislation was coming up this morning, because I had had an interest in it and I wanted to take this opportunity to express to the Senator from Texas and the chairman of the Armed Services Committee my appreciation, and the appreciation of many widows across the country, for bringing this legislation to the floor today and seeing to it that it was favorably considered by the Senate.

Senators may remember that some time ago, when I offered the House-passed version of the bill as an amendment to the Defense Procurement Act, the chairman of the Armed Services Committee graciously agreed to the consideration in the committee of the widow's equity bill, recognizing that it was a matter of great importance to large numbers of people across the country. As a result of that consideration and the appointment of the subcommittee, of which the distinguished Senator from Texas (Mr. BENTSEN) was chairman, and the consideration of the matter by the subcommittee and by the full Armed Services Committee, this legislation has been brought to the floor today, and I am happy it has been passed, because my association with this legislation goes back to the time when I was a Member of the House of Representatives and served on the original subcommittee appointed in that body by the late Mendel Rivers to consider this subject matter.

I am sorry I was not aware of the fact that the bill was coming up at this appointed time this morning, but I appreciate this opportunity to make these brief comments on the legislation.

I ask unanimous consent that the testimony I presented before the subcommittee of the Armed Services Committee on this legislation be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR J. GLENN BEALL, JR., BEFORE THE SENATE ARMED SERVICES SUBCOMMITTEE ON SURVIVORS BENEFITS, AUGUST 8, 1972

Mr. Chairman, I want to thank you and the members of the Subcommittee for allowing me to testify on HR 10670. I also want to congratulate the Chairman of the full Committee, Senator Stennis, for naming this Subcommittee to consider this high priority legislation.

The subject of your hearings today and tomorrow is of utmost importance and urgency to the men and women, both active and retired, of the Armed Forces. This legislation, often referred to as the "Widow's Equity Bill", provides for a permanent survivors benefit plan for dependents of retired military personnel. Retirees under this program will be able to leave up to 55% of their retired pay to their survivors. The bill also provides for a minimum income maintenance program for present widows, for whom the new program would come too late and whose needs in many cases are desperate.

On January 27, 1971, I introduced S. 325, a bill similar to H.R. 10670. Forty members of the Senate cosponsored this legislation with me. In addition, Senator Bentsen has introduced a bill on the same subject.

The Fleet Reserve Association in April 1969 completed an excellent study entitled "Widow's Equity". This study helped to spotlight the lack of an equitable survivor annuity program for military retirees. Legislation was introduced in the 91st Congress to implement the study's recommendations. This legislative interest and the support of military and Veterans organizations, as well as the many moving letters received by Members of Congress, resulted in the creation by the then Chairman of the House Armed Services Comittee, L. Mendell Rivers, of a Special Subcommittee on Survivor Benefits under the capable leadership of Congressman Otis Pike and the Ranking Minority Member, Charles Gubser. I was pleased to be named to this Subcommitte and in my judgment, they did an excellent job both in analyzing the problem and in recommending a legislative solution. The Subcommittee's work included seven days of open hearings and five days of executive session.

The final product of the Subcommittee's careful deliberations was a report issued October 1, 1970 entitled "Inquiry Into Survivor Benefits". An examination of this study will demonstrate the thoroughness with which the Subcommittee examined this subject.

The Subcommittee's conclusion was that the benefits available to survivors of retired personnel were woefully inadequate.

In January 1971, I introduced S. 325 on the Senate side and H.R. 984 was introduced on the House side to implement the recommendations of the Special Subcommittee. The House Armed Services Committee again held hearings on H.R. 984 on August 2, 1971. As a result of the hearings and the recommendations of the Administration, which supported the necessity for a survivor benefits program, H.R. 10670, a clean bill, was unanimously recommended to the fulll House by the House Armed Services Committee.

HR 10670 was then passed by the House of Representatives on October 21, 1971 by a vote of 372 to 0.

I know the Armed Services Committee has had both a tremendous Committee and Senate floor work load. Now that the Committee's legislation backlog has been cleared, I urge this Subcommittee and the full Committee to give this legislation the priority consideration it deserves and merits. Time is running out. The recess for the Republican Convention and Labor Day will begin shortly, the subsequent political campaign and the heavy agenda of unfinished business will then face the full Senate.

Because I feared the Survivors Benefits legislation was going to get lost, I introduced the Survivors Benefits bill as an amendment to the Military Procurement legislation, which recently passed the Senate. While I do not believe that it is good practice to circumvent the normal legislative procedure, I have made a commitment to the military men and women in my State and the Nation to do everything I can to secure Senate action and final enactment of a Survivors Benefit Program this year. As a result of the floor colloquy I had with Chairman Stennis, Senator Thurmond and Senator Goldwater of the Senate Armed Services Committee and other members of the Senate, I did not press the amendment at that time. I was assured that hearings would be held and persuaded that the Armed Services Committee indeed did plan to move on the legislation. Senator

Thurmond's statement that the Subcommittee "will report back to the Committee and it will be acted to the Senate this year", was particularly reassuring. In addition, Chairman Stennis said, "If they (the Subcommittee) reports the bill to the full Committee, I will certainly see that the full Committee has a chance to pass on it".

The Survivors Benefits Program to be enacted, needs prompt action by this Subcommittee.

While I know of the busy schedules of each of the Members of this Subcommittee, I strongly urge this Subcommittee to complete these two days of hearings, proceed to Executive Session this week in an effort to report this legislation to the full Committee before the recess, or certainly no later than the first week following the reconvening of the Congress. If the Subcommittee does not move expeditiously, we will risk losing the legislation this year.

Mr. Chairman, I believe that it would be a tragedy if after years of examination of this subject by the various military association; if after the careful inquiry and report of the House Special Subcommittee on Survivors Benefits; if after the further examination and unanimous recommendations of the House Armed Services Committee followed by the unanimous vote by the House of Representatives; if after the endorsement by the Defense Department; and the most recent endorsement by the President reiterating in his Older Americans Message of March 23, 1972, that the Senate of the United States failed to enact this legislation.

The tragedy of our failure to act can be illustrated by a call I had received in early 1971 from a Maryland constituent.

This lady, the wife of a Navy enlisted man, called me and expressed her gratitude for my introduction of S. 325 and conveyed how much she thought there was a need for such a measure. In the late Fall of the same year, the same lady again called my office. This time, however, she was very distraut. She told me that little did she know when she called earlier how important the Widow's Equity Bill would be for her. She explained that her husband had a heart attack and was now lying in a hospital bed in critical condition. She asked about the status and chances of early passage of the legislation.

Unfortunately, I had to advise her that, although the legislation had passed the House of Representatives, no action would be taken by the Senate in 1971. In the beginning of this year this same lady called me advising me that her husband had passed away and that the "Widow's Equity Bill" would be "too late for her". I explained that there was a provision in the bill providing a minimum income maintenance to present widows. Notwithstanding the fact that the survivor benefits program was too late for her, she said she prayed that Congress would act so that other widows would not find themselves in similar financial circumstances.

This story indicates why we cannot allow this year to go by and not act on this legislation. We must make certain that there are no more military wives and families for whom this legislation will come "too late".

I know that the Administration and the Defense Department's recommendations are for liberalization of the House bill. For the most part, their suggestions are constructive and I have little, if any, problems with them. But it is late. If we want a bill, we need to move and move quickly. If making substantive changes will jeopardize final enactment, I feel certain that I speak for the military personnel, both active and retired, when I urge passage of the House passed bill with one exception.

I urge deletion of the garnishment provision. This section provided for the attachment of up to 50% of military retired or retainer pay in order to compy with court orders in conjunction with divorces or separation proceedings. This is a controversial provision. It was opposed by the Administration on the grounds that it was extraneous to the Survivor Benefit Bill and that "if there is sufficient reason to attach retired pay, the same reason undoubtedly exists for attachment provisions applicable to other federal pays and annuities. Accordingly, the broader subject of attachment of all federal pays and annuities for support of dependents may well deserve Congressional attention as a matter in its own right".

This is precisely what has happened. As my colleagues are probably aware, the Senate Finance Committee has added to H.R. 1, the Welfare Reform Bill, a provision providing for the attachment of the pay of all federal employees, including the military, both active and retired. Thus, H.R. 1 would seem to be the appropriate vehicle for the Senate to work its will on the attachment provisions and whatever that will is, it will be applicable to federal employees across-the-board.

Most Americans would be surprised, as were many Members of the Congress, to learn that the widow of a retired military man does not automatically receive part of the earned retirement pension her husband was receiving at the time of his death. Thus, for example, should a military retiree pass away a day after his retirement, the surviving dependents would not be entitled to a penny of his retirement pension. The surprise of the American public and the Congress to learn of this situation is minor compared to the shock of the widow of these cases, many of whom, according to the Department of Defense's testimony, do not realize that the retired pay stops immediately upon the death of the military retiree.

In such a situation, the only benefit that the military retiree's widow would have, assuming that the death was not service connected, that the widow was not yet eligible for Social Security, and that her husband was among the 85% of Armed Forces personnel who do not participate in the retired serviceman's protection plan—RSFPP—are those paid by the Veterans' Administration program. Under the Veterans Program, the widow must meet a "needs test", and if eligible she then would receive only a meager pension varying from $17 to $87 per month. This pension is not a special provision for career servicemen's dependents but is available to dependents of any Veteran who served three months or thirty years.

The lack of basic survivor protection for retired career personnel is a serious shortcoming in the benefits available for those who elect to make serving their country their career. Basic survivor protection is usually a standard feature in employee fringe benefits. The Federal Civil Service employees, for example, can assure his surviving spouse 55% of his Federal retired pay.

This survivors benefit is automatic unless the employee in writing elects not to participate in the survivor annuity plan. This lack of survivor benefits is a particularly serious problem because of the relatively early retirement of career military personnel.

A military retiree, if he lives the normal life expectancy, may spend in retirement one and one-half times the number of years he served on active duty. Congress has not been blind to the need of the career military man to provide a portion of his pension for survivors. In 1953, Congress enacted the retired serviceman's family protection plan—RSFPP—an optional, self-supporting, actuarially sound, survivor annuity program. The program has not worked. The most telling indictment of the RSFPP Program is that during the 18 years it has been part of our national laws, and despite the adoption of seven amendments, only 15 per cent of those eligible have elected to participate. The participation rate of enlisted retiree, who may need it the most, is only 10%. The widows of 85% of the military retirees have no claim to a portion of their husband's retired pay.

The primary reason for this low participation rate is that the RSFPP Program is prohibitively expensive for the serviceman. Unlike the survivors' annuity program available to the Federal Civil Service employees, the Federal Government does not contribute to the RSFPP. As a result, the military retirees have to pay between 2.5 and 5 times for equivalent survivor benefits as the Civil Service retiree. I ask unanimous consent that tables depicting this disparity be printed at this point in the Record. (Exhibit A)

In addition to the fact that the retired serviceman's family protection plan is too expensive, the complexities of the program have also deterred greater participation. RSFPP then by any yardstick, must be judged a failure. It is clear that a new plan is needed.

Mr. Chairman, the Nation is aware of the great sacrifices made by the Nation's career military men and the great debt we owe to them. Their daily duty is the defense and security of the Nation. The country is probably not as aware of the sacrifices and demands of the military wife.

The old saying that "behind every successful man is a successful woman" has a special truth for military wives. Long separations and months of loneliness and frequent changes in duty stations and the necessary family uprooting that often follows, are among the many problems with which the career serviceman's wife must cope. Added to this is the fear in the mind of the military wives that their husbands may not return at all. After standing alongside their husbands throughout their military careers, these brave and special breed of women are not presently assured of a single cent of the retired pay of their husbands.

Mr. President, I am convinced that the survivor annuity program is important for the all-volunteer army concept to which the military has been moving under the leadership of President Nixon and Secretary Laird. The Congress, and particularly this Committee, in cooperation with the Administration, has taken steps to help make the all-volunteer army possible by substantially increasing the military pay and other fringe benefits which are necessary preconditions if we are going to attract and retain sufficiently skilled manpower for National defense requirements.

The career military man shares the universal desire to provide adequately for his surviving loved ones after his death. The lack of such survivor benefits is a glaring weakness in the benefits presently available to the professional soldier. The adoption of a survivors' benefit program will help make the military more attractive as a career, and thus help move the country toward our goal of an all-volunteer Armed Forces.

Mr. Chairman, the case of the Maryland constituent, which I cited earlier, as well as the inequities of the present program, are compelling reasons why the Senate must act this year. This bill will make it possible for retired military personnel to leave up to 55% of their retirement pension at a reasonable cost to their loved ones, so that they might better enjoy the freedom and prosperity of this great Nation for which they and their spouse are in no small part responsible.

In closing, I want to applaud Chairman Stennis for creating this Subcommittee and the Members for assuming the responsibilities for serving on this Subcommittee. The eyes and hopes of the career soldiers and sailors, both active and retired, and their loved ones are on you and the Senate.

They are counting on us. They have never let us down. We must not let them down. I urge prompt and favorable action on this priority legislation by the Subcommittee and the full Committee so that a survivors benefits plan will be signed into law this year.

TABLE I.—COMPARISON OF COSTS OF RETIRED PERSONNEL SURVIVOR ANNUITY PLANS—MILITARY VERSUS CIVIL SERVICE

Grade	Years at service	Age at retirement	Survivors annuity payable (monthly)	Military deductions (options 1 and 4 at ½)	Civil service deduction for the same annuity
Staff sergeant	20	40	$86.42	$12.71	$3.93
Technical sergeant	24	44	120.75	20.94	5.49
Master sergeant	30	50	201.88	43.77	14.21
Do	30	60	195.15	57.24	12.98
Do	30	65	191.46	64.62	12.31
Major	24	46	256.96	48.23	24.22
Lieutenant colonel	26	48	330.65	66.84	37.62
Colonel	30	52	$461.42	$107.00	$61.40
Do	30	60	449.06	131.72	69.15
Do	30	65	440.56	148.71	57.60
Major general	30	54	600.09	148.03	86.61
General	30	56	749.23	196.25	113.72
Do	30	60	738.98	216.75	112.86

TABLE II.—COMPARATIVE COSTS OF CENTS PER DOLLAR OF COVERAGE

Annual annuity	Dollars cost per year		Cents per dollars of coverage	
	RSFPP	Civil service	RSFPP	Civil service
Man 55, wife 53:				
10,000	3,764	1,548	37.6	15.5
8,000	2,521	1,185	37.6	14.8
6,000	1,890	821	37.6	13.7
4,000	1,260	457	37.6	11.4
2,000	630	94	37.6	4.7
1,000	315	45	37.6	4.5
Man 60, wife 58:				
10,000	3,764	1,548	37.6	15.5
8,000	3,011	1,185	37.6	14.8
6,000	2,258	821	37.6	13.7
4,000	1,505	457	37.6	11.4
2,000	753	94	37.6	4.7
1,000	376	45	37.6	4.5

Mr. BENTSEN. Mr. President, will the Senator from Idaho yield me 30 seconds?

Mr. CHURCH. I yield to the Senator from Texas.

Mr. BENTSEN. Mr. President, I ask unanimous consent that Senate bill 3905 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Idaho is recognized.

(The remarks of Mr. CHURCH and Mr. NELSON when they submitted amendments to be proposed by them to the Revenue Sharing Act are printed in the routine morning business section of the RECORD under the appropriate heading.)

THE TRUTH ABOUT THE RECORD OF THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, on Wednesday, September 6, the headline writer for the Christian Science Monitor put it best: "Nixon Picks His Target: Democratic Congress."

With increasing momentum, the President has chosen to take on the Congress this election year in his drive for a second 4-year term as the head of this Nation's Government.

I have seen the reports of these statements, some issued by him personally, others by various bureaucrats downtown and all with a single objective—to point the finger at Congress for the administration's own failings, for its own commissions of misfeasance and nonfeasance in the area of the economy, the environment, social needs, health and welfare, and all the rest of the many critical neglects this Nation still continues to suffer.

In early 1969, Attorney General John Mitchell recommended that one "would be better informed, if instead of listening to what we say—watch what we do." I hope the American people will follow this advice. It is a most revealing experience to compare the platitudes and generalities of the rhetoric with the foot-dragging, side-stepping and often adamant resistance to any attempt to implement those stated policies. Between the sweetness of the statements and the specifics of their proposals lies the darkest of shadows—a shadow that at times bears no resemblance to its original object.

I sincerely hope the American people will take this advice handed by the former Attorney General and make the comparison. Back in Montana, our original settlers have a characteristically wise expression about such discrepancies; the Indian refers to this activity as speaking with a forked tongue. The charge that Congress has not moved in the areas of the environment, consumer protection, health, education, and problems of the cities is simply without foundation. In fact, the record shows that Congress, in the opinion of the administration and the President, has sought to do too much.

With all due respect, it must be said that the finger has been pointed in the wrong direction. The neglect for failing to address promptly and adequately such vital concerns as health and welfare reform, tax reform, recession and inflation, and environmental needs rests in one spot and one spot only—at the front door of the White House.

It is not often that this Senator rises to answer unfounded allegations. But never before has it been so justified. The record of this administration is one matter. And their positions on the issues and approaches to the problems of the country can be held validly and honestly. But when the position on the environment is to go slower; when in the field of education it is to do less; when in the field of health care and hospital construction it is to reject Congress as seeking too much, then let this record speak for itself. To endeavor to conceal the record as the election approaches and blame Congress for administration policies cannot be tolerated and this Senator cannot sit idly by and permit such duplicity.

Let us begin with the economy. A good place to start is the record of skyrocketing costs, increasing unemployment, and increasing welfare rolls.

It was the Congress that recognized the dire plight of the economy and enacted the authority for proposed controls over prices and wages. It was the Congress by itself that opened the door to nearly a million new jobs in the public sector in the areas where assistance is needed—policemen, firemen, hospital workers, and so forth. For more than a year the President turned his back on wage and price action. For more than a year the economy continued to stagnate and suffer. As for jobs, the administration thought so much of finding new sources of employment that the President vetoed the bill to put the unemployable to work, a bill designed to keep the American citizen off the welfare rolls and on the Nation's payrolls. And what has this lack of economic initiative meant to the American consumer? For one thing, food prices have risen at a rate of nearly 5 percent a year—a record for the century. Rents have been climbing at an annual rate of about 4 percent—another record. By the end of 1971 there were well over 5 million Americans without work. Still, on June 29th of last year, the President vetoed the emergency jobs bill Congress passed, thereby depriving the willing and able-bodied American from gainful employment. The jobless situation remains virtually unchanged today in spite of the glowing rhetoric.

The recitation of such economic mismanagement could go on and on. But let us be honest; the congressional initiatives that in the past received White House scorn or rejection are today the only effective tools that are being used in the fight to shore up this Nation's ailing economy. Rather than play it with partisan breast-beating, I would instead commend those members of the minority in both the House and Senate who joined in voting for proposals to help stabilize the Nation's financial and economic crisis in the face of the administration's unequivocal opposition.

And what about the so-called spendthrift label with which this administration seeks to tag the Congress? No charge could be more outrageous. This is a Congress that, in the Nixon years to date cut a total of $14.5 billion from the spending requests of this Republican administration. There is no mistake. For 1970, 1971, and 1972, his administration requested program expenditure funds of $458.4 billion. In response the Congress has granted only $443.9 billion—a difference of $14.5 billion. No rational American can turn a savings of $14.5 billion into a spendthrift charge no matter how hard he tries. What this Congress has done—and once again in the face of administration opposition—has been to devote savings cuts taken from wasteful and unneeded military and foreign spending to vital domestic programs such as education. Indeed, Congress invested more than $2 billion in the education of American youth over and above what the President sought. In part, the President vetoed this investment, saying it was inflationary to spend such sums on America's future.

But it was not inflationary to spend such sums when the President asked for a billion dollars to bail out failing and mismanaged railroad and aircraft companies. Nor was it inflationary for the administration to ask for billions more to develop the dubious and unneeded supersonic transport.

But these are only a few examples of misplaced priorities on the part of this administration. There is the environment. And this issue raises particular concern to me, simply because it was just a few days ago that the President himself was reported to have blamed the Congress for "inaction" with regard to the environment saying that:

> The Members of the Senate and the House are simply not keeping pace with the concern of the citizens throughout the nation for positive action.

This Orwellian charge deserves the stiffest response. In the interest of fair play, I hesitate to raise the outlandish record this administration has compiled against environmental legislation proposed by Congress. But the President was surely aware of how steadfast has been the opposition and resistance of his agencies.

They have refused outright to spend millions already authorized and appropriated for environmental protection.

Congress appropriated three times more than the President asked for sewage treatment assistance alone.

National water quality standards have been flatly opposed.

All versions of the Environmental Class Action Act have been opposed.

The administration sent up a weak Toxic Substances Control Act and consistently opposed all efforts to strengthen it. Its opposition to premarket review of new chemical substances has hurt this legislation badly.

It has opposed new lead paint poisoning legislation and has requested pathetically low amounts of money to carry out the grant authority of existing law.

It has opposed all ocean mammal protection legislation which has been initiated by Congress.

It opposed original pure drinking water legislation.

The administration opposed the goal of clean water by 1985—1 year beyond 1984.

It opposed the goal of clean auto engines by 1975.

The administration has opposed new requirements for the FDA to monitor food for harmful pollutants.

It opposed the tough Port and Waterways Safety Act amendments that Congress passed to help insure safer and cleaner waters, free from obnoxious pollution by steamships and oil tankers.

In short, it is a record of out and out opposition—a refusal to make industry clean up for what industry terms progress and what in reality has meant pollution—in the air we breathe and in the water we drink.

Even today, conferees are meeting on a new and tough water pollution bill hovering under the veiled threat of another administration veto.

It has been an outrageous record, a record of administration resistance every step of the way making what environmental progress Congress finally made seem enormous by comparison. To endeavor now to blame Congress for the administration's failings in this area is simply ludicrous. The hearings were held. The administration witnesses appeared. Letters were written. And the record of opposition has been made.

But protecting privileged corporate interests in the field of the environment has been minor when one considers this administration's resistance to tax reform.

It was Congress in 1969 that conceived and executed the first major equitable revision of our tax laws since their inception and the task was performed over the strenuous opposition of the Nixon administration. In all, the 1969 Tax Reform Act implemented $6.6 billion in tax reforms and $9.1 billion in cuts, mostly for taxpayers in the lower and middle-income brackets.

The law included a 5-percent reduction in all tax brackets, a low income allowance to remove 21 million poor families from the tax rolls and an increase in the personal exemption to $750.

But the tax fairness Congress attempted to establish by the 1969 reforms were only to be eroded last year when the administration changed by executive fiat the depreciation rules which, in effect, reduced the corporation tax rate by a significant percentage. In addition, business tax credits worth $8 to $9 billion a year were pushed through last year under the guise of helping stimulate an economy that was then only using 75 percent of present capacity.

Tax reform and a more equitable distribution of the tax burden is simply not a policy of this administration.

Indeed, the President has expressed his outright opposition to the proposal I offered along with WILBUR MILLS. It would have assured the most careful examination of over 54 tax loopholes designed mostly to benefit only those individuals and corporations making the most money in our society.

For too long, in my judgment, the middle-income taxpayer has borne too much of the burden and it is now clear beyond question that this administration will refuse to take any steps to correct that imbalance.

Congress suffers still another misdirected charge raised in recent days. It is that it has failed to address itself properly to the administration's four major legislative requests—welfare, reorganization, health insurance, and revenue sharing.

The first priority was to be welfare. Yet, it was the administration and not Congress that asked that welfare be set aside to consider first the phase I proposals last session and then revenue sharing most recently. Moreover, it has been members of the President's own party who have blocked this measure so often in committee. So if the welfare rolls which have grown so enormously during the economic mismanagement of the past 4 years are to be brought into check, the administration must exert more authority and influence over its own party members.

As for health, the administration record is equally indefensible. It has been written for posterity in the Presidential veto of four major health bills over 4 years—one for each year of the President's term. The utter neglect for health needs was demonstrated first by his veto of $1.26 billion in funds that were to be used in large measure for the Nation's health needs back in 1970. The major Hill-Burton hospital construction bill was next vetoed, and but for the willingness of Congress to override the President's rejection, millions more for health facilities would have been lost.

In December of 1970, the President again showed his opposition to health needs by vetoing the bill that would have provided $233 million for medical schools and hospitals. And most recently he vetoed this year's added appropriations for the entire HEW health program. It has been only in the face of total administration opposition that Congress has endeavored to provide for those needs, and any statement otherwise is to be buried by the President's own veto messages on health.

The story for the reorganization proposal is about the same.

The President asked for pie in the sky, a huge reorganization, which was impossible to consider in toto, certainly impossible to consider in one Congress. I say this, approving of what the President has recommended, but suggesting that he slice it into pieces and give us a shot at one particle at a time.

Beyond the rhetoric, I have detected little interest by the administration in pushing even its own party members on this matter. Indeed, I have detected little genuine interest from any quarter inside the Government or out. I would say, also, that if as much pressure for reorganization were exerted by the administration here as it was for aid to the mismanaged Lockheed Corp., or to the mismanaged Pennsylvania Railroad, the result might well be different.

Revenue sharing is now before the Senate. It will pass.

One cannot have it both ways, making the difficult decisions that the responsibility of leadership requires.

One cannot seek congressional approval of the interim agreement in the limitation of strategic arms—an agreement that can bring sanity to an arms race that has been out of control for so many years—and then ignore the effect of seeking more resources for increased arms spending.

One cannot advocate the terms of the agreement and as well advocate support of an amendment that would undermine its impact and meaning.

One cannot deplore the deterioration of the environment and then fail to implement the commitment Congress has enacted into law to remedy this condition.

One cannot advocate a fairer tax system in this country and oppose every effort by Congress to change the present system of glaring inequities.

One cannot deplore the inadequate health services available in our society and then veto congressional efforts to meet these needs.

One cannot advocate greater attention to the education of our youth and then veto a measure that would rechannel additional resources to this great investment in the future.

One cannot deplore the growing welfare rolls and then veto a measure that provides hundreds of thousands of jobs in vitally needed areas of public service employment, thus putting people to work and off the so-called dole.

One should not—but apparently one can—because this is the record of this administration—an administration espousing economic policies of too little, too late, that have caused the national debt to jump by nearly $110 billion since it has been in office. And it would have been even higher had Congress not pared back the budget requests.

So the record is clear. I believe we should judge this administration by its own standard; not by its words but by its actions.

One must realize that in a political environment just as in an advertising campaign, there is an enormous gulf between the claim and the product. I hope the product will be viewed and not purchased on the basis of the claim alone.

Mr. SCOTT. Mr. President——

Mr. MANSFIELD. Mr. President, how much time do I have left?

The PRESIDING OFFICER (Mr. Allen). Six minutes remain to the distinguished majority leader.

Mr. MANSFIELD. I will yield as much of that time to the distinguished Republican leader as he desires.

Mr. SCOTT. I thank the distinguished majority leader and I express my condolences to him for the difficult chore which he has so valiantly and generously undertaken, of defending an impossible postulate; namely, how a party which has been in the majority for 90 percent of the time over the past 40 years expects the executive department of the other party to clean up the stygian mess in 4 years. There will be and there has been ample replication to all the statements made by the distinguished majority leader.

He and I have the greatest affection and mutual respect for each other. He has to make these statements and I have to make mine. The issues have to be made because the distinguished majority leader's candidate is totally unable to make his own or to make them stick. There is no glue in the candidate of the opposition, thus someone has to stand up and try to postulate and establish the issues.

Mr. President, not 1 cent has been spent by this administration that a Congress of the other party has not approved.

Not one program has been enacted that the majority party has not, somehow, put its imprimatur upon.

Prior to the beginning of this administration, none of these things of which the distinguished majority leader complains had been done. He now says that many of them have been done but have not been done well enough. That, of course, one must concede because we all fall short of perfection, especially in divided government.

But this administration has submitted the broadest possible measures ever submitted in the history of this Nation to deal with ecology, to clean up our air, our waters, and to deal with solid wastes.

This administration has proposed and has administered and has dealt with the problems of our veterans, of highways——

The PRESIDING OFFICER. The 3 minutes of the Senator have expired.

Mr. SCOTT. May I ask the distinguished majority leader, may I have the remaining 3 minutes?

Mr. MANSFIELD. Yes, indeed.

Mr. SCOTT. This administration has dealt with the problems of our veterans, of education, of housing, highways, mass transit, and of the many other complicated requirements of our citizenry. It has spent more money for these programs than any previous administration.

Thus, Mr. President, I think it is proper to ask, if there was not or is not today an adequate dealing yet with the ecology, why did not previous administrations deal with it at all? Why did it suddenly become a problem now?

If these matters are so serious, why did not the previous administrations deal with them?

If the people of this country have been deprived of their rights to a wise, benevolent, and beneficent Federal Government, why did not previous administrations do the things this administration has done and is doing?

I believe that the answer is, because the candidate of the opposition is shorn of issues—perhaps self-shorn of issues—puttering about the country pattering nonsense.

It would seem to me that he must have champions. He could have no better champion than the distinguished majority leader. Indeed, the construction of the presentation of the issues is appealing because it offers to us an opportunity to reply point by point. Those replies will be made.

Thus, I congratulate my good friend, the distinguished majority leader, for having taken on an onerous chore, a hopeless task and obligation which no one is more willing to assume in his party's service but which, at the same time, is hardly fair to him, since his party has had control of the country for most of the past 40 years.

If the country lies uncured of its ills, it is because the "physician" has failed to prescribe the proper remedies.

Mr. PERCY. Mr. President, will the distinguished Senator from Pennsylvania yield?

Mr. SCOTT. Does the distinguished majority leader mind if I yield to the Senator from Illinois?

Mr. MANSFIELD. No.

Mr. SCOTT. I yield.

Mr. PERCY. Mr. President, I am sympathetic with the distinguished majority leader's impatience with progress, or the lack thereof, on some of the legislation before the Senate. I would be the first to admit that I have on occasion been critical of some aspects of the administration's legislative program and its handling thereof, but I must rise to speak on one special point on which I have specific knowledge, and that relates to proposals for the executive reorganization of government.

This administration took the bit in its teeth. It did what other administrations simply did not have the courage to do. It thought through this whole problem which has been studied since the original Hoover Commission, followed by the Heineman Commission report and the last commission that was appointed by President Nixon, the Ash Commission, which sent to Congress four magnificent pieces of legislation which would update——

The PRESIDING OFFICER. The time of the distinguished majority leader has expired.

Mr. SCOTT. Mr. President, what is the situation now?

Mr. MANSFIELD. Let us have the morning hour now.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. Allen). At this time, in accordance with the previous order, the Senate will now proceed to the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes.

Mr. SCOTT. Mr. President, on the bill, I yield myself 5 minutes——

Mr. MANSFIELD. This is morning business now.

Mr. SCOTT. Oh, yes, morning business. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. MANSFIELD. Will the Senator from Pennsylvania allow me to interject there, before the Senator from Illinois goes off into the wild blue yonder——

Mr. PERCY. I intend to be quite specific——

Mr. MANSFIELD. That is what I want the Senator to do. Just what did the President do in the way of Government reorganization? By bureau and by department.

Mr. PERCY. The President could not have been more specific. He has sent us four separate pieces of legislation dealing with the creation of four new departments that would consolidate functions of the executive branch of Government, modernize and streamline it, and eliminate much of the overlapping and confusion that we now experience.

Mr. MANSFIELD. Specifically, what would he eliminate?

Mr. PERCY. Many separate uncoordinated functions in the executive branch as it is now constituted backed up by in-depth studies by the Ashe Commission. Specifically the administration has been practical for instance about the fact that we cannot create a Department of Economic Activity overnight and this session, Congress consolidate the Labor Department with the Commerce Department because that was proposed by President Johnson and it was quickly dropped like a hot potato. So we started out with a Department of Community Development, which has less vested interests against change. It would combine HUD and the Department of Transportation, and take over certain nonfarming activities from the Department of Agriculture. The administration sent that legislation up with three other reorganization bills and I sponsored them at the request of the administration. I do so because I believe in the principle that is behind the legislative proposals.

The House is way ahead of us as of today. It has finished its hearings on this first bill and has reported it out of committee. It has asked the Rules Committee for scheduling. I understand Chairman HOLIFIELD came over here to find out what the Senate intended to do. We have had hearings also. The administration has testified eloquently. The administration said that this legislation was so important, that it would request Cabinet officers to assign highest priority on their time for this particular program. Yet we simply seem unable to move any further at this stage in the Senate.

This first bill is one where there is not a great deal of opposition. It has streamlined functions so as to consolidate many of our present dispersed activities. This is a very specific piece of legislation. We can get it under way now. The administration has done its part. The House has done its part. But the Senate has simply not done its part. There is nothing we seem able to do at this stage.

As a member of the Government Operations Committee, I can assure the distinguished majority leader that we have tried to clear our schedule of other pending matters. The Government Operations Committee has had a full schedule this session; to mention just a part of our program, reorganization bill No. 1, the product safety agency bill, the drug abuse bill, the consumer protection agency bill, have all been reported out. We are able now to concentrate on executive reorganization. We have, in the Senate, the responsibility to move on this now. I must report to the distinguished majority leader that the administration in my judgment has assigned high priority to executive reorganization. The President has spoken out for it a number of times. Cabinet officers, BMB and White House staff, have been ready and willing to do anything they can to expedite it. It is the Senate that stands today as a barrier to action.

The PRESIDING OFFICER. The time of the Senator from Pennsylvania has expired.

Mr. PERCY. Mr. President, I ask for recognition in my own right.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. PERCY. Mr. President, I would conclude simply by saying that the ranking minority member of the Subcommittee on Executive Reorganization of the Committee on Government Operations, is in the Chamber. I should like to ask him, on my time, to comment as to whether anything I have said is not factual and get right down to the nitty-gritty of the problem.

In this case, the administration has been, I think, exemplary in what it has done, and the House under Chairman Holifield's leadership has moved with great dispatch. Yet the Senate has simply not been able to get the bill out.

We simply cannot justify now our not moving ahead on what, as the President has said, is urgent national business; namely, to reorganize effectively the executive branch of the Government.

I yield now to my distinguished friend, the Senator from New York.

Mr. JAVITS. Mr. President, the fact is that we have not proceeded to the reorganization bill in our committee. The fact is also that we have been thoroughly occupied with the consumer protection bill. There may have been an opportunity for a week or two to do something on this. However, as the Senator from Illinois says, Members are preoccupied with conventions and other matters.

If there is a purpose on the part of the leadership to see that this reorganization plan or bill goes forward, I would certainly wish to state that there is nothing that I know of that stands in the way. And I will loyally cooperate quickly and effectively with the Senator from Connecticut (Mr. RIBICOFF), the chairman, in any hearings or in executive session to get out a bill within this Congress.

No one knows whether it can be handled. No one knows what Members will do about it specifically. However, certainly as far as clearing the decks and getting ready to go ahead and do it, I am willing to do so.

Mr. PERCY. Mr. President, I would report to the majority leader that it is my understanding that Representative HOLIFIELD's present frame of mind would be something along this line:

> I have no intention of asking the Rules Committee to act or push this matter to the floor of the House if the Senate intends to do nothing about it.

The Senate thus is the barrier at this time.

In fairness I feel obligated to protect what I feel is a very fine performance in this particular area by the administration and by the House and to a point on where I think we have fallen down for the number of reasons that I have enumerated.

Mr. MANSFIELD. Mr. President, I sympathize with what the distinguished Senator from Illinois has just said. I cannot shed any crocodile tears over any delay in the Senate or the House or Congress as a whole for that matter, because the Senator did not go into all of the specifics which the President requested in his reorganization proposals. And the Senator knows that I am in favor of what the President has advocated and that under the best of circumstances it would be an impossibility to bring about the type of government reorganization which this administration has requested.

Does the Senator think that the farmers are going to stand by while the Department of Agriculture is either abolished or merged into another new Cabinet position? Does the Senator think that the business men of the country are going to stand by—and the Senator from Illinois had a fine record as a good business man—while the same thing happens to the Department of Commerce?

The Senator is aware of the pressures which are put upon the Congress all the time from those two Departments, just to mention two out of many that are included in the President's program.

The Senator is very much aware of the lobbyists who would descend upon his committee and upon the Congress if this proposal were to be carried out in the original context the President advocated.

Let me reiterate. I am 100 percent behind the President's desire to bring about an executive reorganization. However, I am practical enough, I think, and realistic enough, I know, to understand that we cannot take all of this in one fell swoop and accuse Congress of doing nothing.

I did not notice any great effort on the part of the Senator's subcommittee to face up to this problem. I heard very little about this from the administration over the past 3 years, but over the past several weeks it has become a part of the four-part package. There has been too much protesting, I am afraid, on the Republican side. There has been too much looking back at the previous administration rather than at the 4 years of this administration. And I would suggest that what we ought to do, even if it is a political year, is to get away from the hyperbole and the half truths and lay the facts out for the American people to see.

Mr. President, certainly no better advice could be followed than that given us by the former Attorney General of the United States, Mr. Mitchell, who in early 1969 said and recommended:

> One would be better informed if, instead of listening to what we say, watch what we do.

Mr. President, that is good advice. Let us lay all the facts on the table, not only as far as the legislative record of the Senate is concerned, but also as far as the record of the Congress and the administration both are concerned.

May I tell my friends on the other side of the aisle that when Congress is attacked, the Republicans are attacked just as much as the Democrats. We cannot divide this body. It has 100 Members. And many of you helped to pass legislation which the President vetoed. Many Senators urged that much more be done. And I would suggest that before Republicans attack the so-called Democratic-controlled Congress—and I use that word in quotes—they look at the mote in their own eyes and again just tell the truth and lay all of the cards on the table. It will hurt no one and the country will benefit.

Mr. PERCY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, I yield my 3 minutes to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I ask unanimous consent that, following my comments, I be permitted to have printed in the RECORD a chronology of the factual events with respect to the introduction of the executive reorganization bills and a brief summary of those bills and what the House and Senate has done, so that we have it clearly on the record and that we do so in the interest of——

Mr. MANSFIELD. Truth.

Mr. President, I appreciate that. However, will the Senator make sure that all the specific recommendations contained in the executive reorganization proposal are included?

Mr. PERCY. I will most certainly do so. I can certainly report that the administration recognized that it would be "pie in the sky" really to ever feel we could do in one session of Congress the total job they asked us to do. That is why I urged the administration to adopt the concept of breaking the legislation into parts that were readily discernible, definable, more digestible, and on which special hearings could be held. The President changed his reorganization concept in one instance as a result of our hearings and other objections raised, paring out of the Department of Agriculture only those things for the Department of Community Development that involve housing and related matters, matters that are not directly related to the economic activity of the production of foods and fibers to be resumed to the Department of Agriculture.

Mr. MANSFIELD. Was not that changed in the past year or so?

Mr. PERCY. In the last 6 months, I think it has helped to remove certain objections of farmers.

But I specifically stated at the outset of my comments and I limited myself to this particular aspect of the problem of which I had firsthand knowledge. I am not attempting to comment on the full range of broad-based charges against Congress, because I do feel in certain areas the administration could have helped us more, and we do have a joint responsibility.

I am aware of the day-by-day task the leadership has, and we would not want to throw sand into the legislative machinery at this late date that would get us involved in a long-winded debate on anything other than must legislation, but I feel we could have accomplished more and we could now accomplish more with a part of the executive reorganization problem, and as the Senator from New York pointed out, pick up that small part and make some rapid progress. If it looked as if we were going to move on the Community Development Department bill, then the House would, I think, take action on that also, because they have 99 percent of their work finished on it.

Mr. MANSFIELD. The Senator is correct when he suggested taking it segment by segment because the overall proposal is too much. Even a boa constrictor could not swallow that much.

Mr. PERCY. I thank the majority leader and I thank the assistant majority leader for generously yielding time.

Mr. President, as I promised the distinguished majority leader, I ask unanimous consent that the following brief chronology of congressional authority on the President's executive reorganization proposals be printed in the RECORD:

First, a statement I made on April 1, 1971, 17 months ago, upon the introduction of these bills in the Senate, as well as statements by Senators RIBICOFF and JAVITS;

Second, a history of Senate committee hearings on these bills; and

Third, a history of House committee hearings on these bills.

At the moment the House Government Operations Committee has reported H.R. 6962, the Department of Community Redevelopment bill, but the Senate Government Operations Committee has not yet gone to markup on this bill. I think we should and can in the immediate future.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, April 1, 1971]

EXECUTIVE REORGANIZATION PROPOSALS

By Mr. Percy (for himself, Mr. Ribicoff, Mr. Scott, Mr. Griffin, Mr. Javits, Mr. Bennett, Mr. Brock, Mr. Anderson, Mr. Dominick, Mr. Gurney, Mr. Jordan of Idaho, Mr. Mathias, Mr. Moss, Mr. Mundt, Mr. Roth, and Mr. Saxbe):

S. 1430. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Community Development, and for other purposes. Referred to the Committee on Government operations.

By Mr. Percy (for himself, Mr. Ribicoff, Mr. Scott, Mr. Griffin, Mr. Javits, Mr. Bennett, Mr. Brock, Mr. Anderson, Mr. Dominick, Mr. Gurney, Mr. Jacskson, Mr. Jordan of Idaho, Mr. Mathias, Mr. Moss, Mr. Mundt, Mr. Roth, and Mr. Saxbe):

S. 1431. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Natural Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. Percy (for himself, Mr. Ribicoff, Mr. Scott, Mr. Anderson, Mr. Griffin, Mr. Javits, Mr. Bennett, Mr. Brock, Mr. Dominick, Mr. Gurney, Mr. Jordan of Idaho, Mr. Mathias, Mr. Moss, Mr. Mundt, Mr. Roth, and Mr. Saxbe):

S. 1432. A bill to promote more effective management of the executive branch by reorganizing and consolidating certain related functions of the Government in a new Department of Human Resources, and for other purposes. Referred to the Committee on Government Operations.

By Mr. Percy (for himself, Mr. Ribicoff, Mr. Scott, Mr. Griffin, Mr. Javits, Mr. Bennett, Mr. Brock, Mr. Dominick, Mr. Gurney, Mr. Jordan of Idaho, Mr. Anderson, Mr. Mathias, Mr. Moss, Mr. Mundt, Mr. Roth, and Mr. Saxbe):

S. 1433. A bill to promote more effective management of certain related functions of the executive branch by reorganizing and consolidating those functions in a new Department of Economic Affairs, and for other purposes. Referred to the committee on Government Operations.

Mr. PERCY. Mr. President, before proceeding, I ask unanimous consent that Mr. Robert Vastine, minority counsel for the committee on Government Operations, be permitted to be present on the floor of the Senate during the consideration of this matter today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I take great pleasure in introducing today specific legislative proposals to implement the President's plans to restructure the executive branch.

I am pleased that my distinguished colleague from Connecticut, the Chairman of the Subcommittee on Executive Reorganization of the Government Operations Committee (Mr. Ribicoff) is joining me as principal cosponsor of these four landmark bills. We welcome the decision of the chairman of the Government Operations Committee, the senior Senator from Arkansas (Mr. McClellan), to hold comprehensive hearings on these bills by the full committee.

I particularly wish to mention the cosponsorship of my distinguished colleague, the Senator from New York (Mr. Javits), who is ranking member of both the Labor and Public Welfare Committee and the Executive Reorganization Subcommittee of the Government Operations Committee. Senator Javits has made the field of human betterment and resources his life work. His expertise and understanding in this field will be especially valuable when we consider the bill creating the Department of Human Resources. I know that the Senator from New York will take a leadership role in this legislation.

I wish to note also the cosponsorship of these four bills by the Senator from Utah (Mr. Moss), a member of the leadership as Secretary of the Senate Democratic Conference and author of a bill on natural resources, and by the Senator from New Mexico (Mr. ANDERSON), the able chairman of the Committee on Aeronautical and Space Sciences. The Senator from Washington (Mr. JACKSON), chairman of the Committee on Interior and Insular Affairs and second ranking majority member of the Committee on Government Operations, is cosponsoring the bill for a Department of Natural Resources. Their cosponsorship helps insure that this vital legislation will be regarded as bipartisan in every sense of the term. I also wish to note the cosponsorship of the distinguished Senator from Pennsylvania (Mr. SCOTT), the minority leader; the Senator from Michigan (Mr. GRIFFIN), the assistant minority leader; the Senator from Idaho (Mr. JORDAN), a senior member of the Committee on Interior and Insular Affairs; the Senator from Utah (Mr. BENNETT), ranking member of the Committee on Finance; the Senator from Colorado (Mr. DOMINICK), a senior member of the Committee on Labor and Public Welfare; our esteemed colleague the Senator from Ohio (Mr. SAXBE); and every Republican member of the Government Operations Committee, including Senators MUNDT, GURNEY, MATHIAS, ROTH, and BROCK, whose cosponsorship indicates that this very high priority legislation of the President should be assured of receiving expeditious and thoughtful handling by the Senate.

The need for reorganizing the executive branch has received extensive bipartisan recognition through the years. A succession of Presidential advisory commissions on Government organization, serving at the request of Presidents Roosevelet, Truman, Eisenhower, and Johnson, has recommended governmental reform. President Nixon is to be particularly commended for acting on the recommendation of his council on governmental organization—the Ash Council—in formulating and submitting to Congress these bold proposals.

To many these sweeping plans for altering the structure of Government may seem unnecessary. We have grown accustomed to working with departments and agencies that have seemed almost permanent fixtures of American Government. We have come almost automatically to conceive and legislate new programs, both great and small, within the framework of the existing departments. We frequently add new departments and agencies. Rarely do we eliminate any. As a consequence, we have perhaps been too slow to see that the resulting structures hinder the fulfillment of the very programs created to solve the pressing problems of our society.

This is why we need to rethink our present governmental structure. Our objective is simple: We want to make Government work for people. We want to make sure that Government services are actually delivered, that taxpayers' dollars are spent well and most efficiently, that Government works as swiftly as possible to help people by solving their problems. Behind the dry prose in which these reorganization bills are couched is an overwhelmingly important, vital purpose: To show the American people that their Government can work effectively to solve the urgent problems that we see everywhere around us. If we can achieve this purpose we can answer positively the great question in the minds of so many Americans about the ability of their Government to serve them.

In the weeks ahead, we will be exploring these proposals and alternatives. While I fully accept the theory and the need for a reorganization along the lines proposed in these bills, I want to stress that I do not consider them to be in any sense final. They contain controversial changes. In hearings on the bill we undoubtedly will modify, refine, and attempt to improve these measures.

These bills would create new Departments of Community Development, Natural Resources, Human Resources, and Economic Affairs out of seven existing Departments and five agencies. The theory for the creation of these four new departments stems from the management concept that like functions should be grouped in functionally related organizations:

The Department of Community Development would gather together the broad range of programs to improve the physical, social and economic environment of our communities.

The Department of Natural Resources would improve conservation and management of our natural resources by grouping together Government programs that are now widely dispersed.

The Department of Human Resources would group together programs for the development and well-being of people.

The Department of Economic Affairs would combine Government programs for small and minority business, major programs for farm commodities, intercity transportation, and economic reporting.

Implementation of a reorganization of the executive branch along the lines proposed in these bills will bring several benefits.

One of the most significant is that Government programs will be implemented at levels closer to the people. Under these bills, regional centers will be established in 10 major cities across the country for each of the four new departments. A regional director, responsible to each new Secretary in Washington, will represent each department and expedite action on local problems. This will make it easier for people with problems to get Government help in solving them.

Another benefit is that decisions can be made more immediately at lower levels. Today too many issues reach the Chief Executive's desk for decision. By creating more rational decisionmaking structures, interagency disputes which now escalate to the White House for arbitration will be settled more quickly.

Less costly Government will be another benefit of this legislation. The reorganization of Government activities proposed in these bills will not automatically mean a reduction in Government programs, budgets, or personnel. In the transfers to the new departments, most of the present programs are expected to remain intact. However, merging related programs will enable them to operate more efficiently. As Roy Ash, chairman of the President's Council on Executive Organization, has noted, more logical consolidation of existing programs may eventually lead to a cost saving of at least $5 billion annually.

Mr. President, I have discussed some of the potential benefits of these bills. At the same time, I believe we must face squarely some of the problems they will raise.

One is the issue of size, since the new departments will be very large. But as Roy Ash has written:

> The manageability of an agency is directly related to its own integral structure—the way authorities and responsibilities are distributed within it and the means established for interlinking and controlling these.
>
> Size alone is no detriment of efficiency. We all know many small agencies are inefficient; some larger ones are thought to function well. For example, many small- and medium-sized businesses go bankrupt, while A.T. & T., a company with over 1 million employees and annual sales of $17 billion in 1970 is soundly and efficiently managed.

Another problem is that of the relocation of personnel and agencies from the existing to the new organizational structures. This raises real human and organizational problems that we must seriously consider. No one wants to create needlessly an environment of insecurity and disorganization; this can result in demoralization and it can hurt the functioning of the existing agencies. I would point out, however, what I believe to be a major provision in each bill; that each person transferred under any of the bills cannot be separated or reduced in grade or compensation for 1 year after he is transferred. This provision should provide a strong measure of security to the personnel of reorganized departments. It gives ample time to establish new structures to accommodate existing employees without separation.

More efficient, more responsive, less costly Government operation is a compelling need. I hope that we can respond positively, creatively, energetically, and wisely to satisfying this need.

Mr. President, I take pleasure in sending to the desk four bills that will implement the President's reorganization of the executive branch of the Federal Government . . .

Mr. PERCY. Mr. President, I am happy to yield to the distinguished Senator from Connecticut, who is the chairman of the Subcommittee on Executive Reorganization of the Committee on Government Operations and the principal cosponsor of this monumental measure.

Mr. RIBICOFF. One of the great problems we face in the executive branch, in Congress and in the country is that we are so concerned with the day-to-day problems which press upon us that we give too little attention to the overwhelming problems that will confront this Nation in the future. We have an obligation, since we are proposing such a monumental reorganization, to assure that we are setting up a governmental structure that is suited to handle the problems of the future.

I would expect that in the hearings, the Members of Congress and the public will have their own ideas as to reorganization and as to the proper priorities for the country.

Knowing our committee, those of us on it are most anxious not only to cooperate with the President but also to assure that independently, from our own experiences, we will come up with proposals that we believe will move the country forward and accomplish a much more effective and efficient Government.

I look forward to the hearings, but results will not come overnight. When we reorder a government the size of the United States, there are many things to consider.

I look forward to working with the distinguished Senator from Illinois and members of the executive branch and will try to present to this body reorganization legislation that will be meaningful for the future of the Nation.

Mr. President, I am pleased to join the senior Senator from Illinois in cosponsoring legislation to reorganize the seven domestic program departments into four new super-Cabinet posts.

The President deserves great credit for proposing this monumental restructuring of the executive branch. Never before in our history has such a massive reorganization of domestic departments been presented.

I have long believed that the Federal Government needs a drastic overhaul. The present departmental organization has resulted in uncoordinated planning, piecemeal programs, and administrative chaos.

This is a critical time in our Nation's history. In recent years new programs have been oversold to the American people, and then have failed to meet their stated goals. The public has become disillusioned and dissatisfied with Government and lacks confidence that we can solve our social and economic problems.

Therefore, one of our central tasks must be to restore confidence in Government. Reorganization of the executive branch is a vital step in this direction which will allow us to change the way we do things, and do do them better.

These bills should be the subject of full and complete hearings. We will want to examine not only this legislation, but also every reasonable alternative. One of these alternatives, for example, is establishment of a separate Department of Education. On Monday, I will introduce a bill for such a Department which, I believe, deserves serious consideration.

Undoubtedly, the hearings will produce many other constructive suggestions for changes, improvements and substitutes for the President's legislation. We should consider all these ideas with an open mind.

In the next 30 years, our country will face a myriad of difficult problems. By reorganization, we have an opportunity to structure our Government to meet these challenges. We must ensure that the reorganization bills we adopt will solve the problems of the future, not merely correct the mistakes of the past.

Mr. PERCY. Mr. President, at this time I yield to my distinguished colleague from New York.

Mr. JAVITS. Mr. President, there have been introduced into the Senate today, on behalf of the administration, the four bills which constitute the President's proposed reorganization of the Federal executive branch.

I join as a cosponsor of these bills as ranking minority member of the Executive Reorganization Subcommittee of the Senate Government Operations Committee.

I am very pleased that these bills are not on a take-it-or-leave-it basis. They are not reorganization plans; they are proposed laws. I have no doubt they will be amended. Indeed, I reserve my judgment and the right to introduce amendments, certainly in the area of human resources.

Our people are rightly concerned about the failure of our governmental structures to fit todays needs. Many of the findings of the President's Commission on Executive Reorganization validate and support that concern.

Therefore, I strongly support the general objectives of the Commission which simply and concisely stated is to make our Federal system work more effectively. Related functions of Government should indeed be brought together in order to bring about more effective and efficient management of our Federal programs.

I believe that the President's proposals will generate a constructive and far reaching discussion on the best way to organize the domestic activities of the Federal Government. I therefore intend to reserve judgment on the details of the proposed legislation especially as to Human Resources, and to contribute my own views and amendments on this subject from time to time.

As ranking minority member of the Senate Labor and Public Welfare committee, I have a particular interest in the proposed reorganization of the Department of Health, Education, and Welfare into the Department of Human Resources. My interest and legislative record in this area has long been established. I therefore intend to go over this particular proposal most carefully and reserve the right to propose such amendments as may be proper.

Certainly, the President has been bold and proposed a major plan to make the Federal Government more efficient. It will engender enormous debate. I have joined in cosponsoring these bills as the ranking minority member of the subcommittee because I wish to stimulate this debate and arrive at a conclusion in this matter. The Government very definitely needs reorganization in several areas, and that is the central thrust of these bills.

SENATE HEARINGS ON EXECUTIVE REORGANIZATION PROPOSALS—S. 1430, S. 1431, S. 1432, AND S. 1433

S. 1430 (Percy and 14 cosponsors)—H.R. 6962 and H.R. 6964:

To promote more effective management of certain related functions of Exec. Br. by reorganization and consolidation of functions in a new Department of Community Development.

4/19/71—comments requested from Chmn., Comm. Agric., Labor, Banking and Sel. Com. on Sm. Bus.

Hearings—May 25, 26, June 22, Nov. 16, 17, 18, 1971; Apr. 11, 12.

S. 1431 (Percy and 15 cosponsors)—H.R. 6959:

Creation of a new Department of Natural Resources.

4/19/71—comments requested from Chmn. Armed Ser., Atomic Ener., Interior, Comm., Pub. Wks.

Hearings—May 25, 26, June 22, Aug. 5, 1971.

S. 1432 (Percy and 14 cosponsors)—H.R. 6961:

Creation of a new Department of Human Resources.

4/19/71—comments requested from Comm., Labor, Banking, Finance and Judiciary.

Hearings—May 25, 26, June 22, 1971.

S. 1433 (Percy and 14 cosponsors)—H.R. 6960 and H.R. 6965:

Creation of a new Department of Economic Affairs.

4/19/71—comments requested from Chmn. Rules, Aero and Space, Interior, Agric., Pub. Wks., Labor, Banking and Finance.

Hearings—May 25, 26, June 22, 1971.

HOUSE HEARINGS ON EXECUTIVE REORGANIZATION PROPOSALS—H.R. 6959, H.R. 6960, H.R. 6961, AND H.R. 6962

Overview hearings on all 4 bills held:

June 2, 3, 7, 8, 14, 16 and July 7, 8, 22, and 27, 1971.

Hearings on H.R. 6962, Department of Community Development held:

November 3, 9, 11—1971.

January 25, 27; February 7, 8, 29; March 1, 2, 9, 13, 14, 21, 27; April 11, 1972. H.R. 6962 reported by House Government.

Operations Committee May 25, 1972.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS—PROCEDURE

Mr. SCOTT. Mr. President, on the time of the assistant majority leader, may I raise a question on the interim agreement? I think the record should show that the distinguished majority leader and I are giving serious consideration to what we must do next week if we cannot have an agreement or time limitation, and we include the possibility of cloture. The membership should be so advised.

Mr. MANSFIELD. The Senator is correct. We have discussed this over the past few days, and if there is no momentum, if this stalling continues, we will introduce a joint cloture motion and hope we can move ahead.

Mr. SCOTT. I thank the Senator, because there is stalling going on.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, may I be recognized for 3 minutes?

The PRESIDING OFFICER. The time for routine morning business has expired.

Mr. MANSFIELD. Mr. President, I hate to do this, being in this position, but I ask unanimous consent that the time for the transaction of routine morning business be extended for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MONTANA, CANCELLATION OF SAFEGUARD, AND IMPOUNDED HIGHWAY TRUST FUNDS

Mr. MANSFIELD. Mr. President, through the alertness of the Montana Highway Department and my colleague, Senator METCALF, it has come to my attention that last month the U.S. District Court for the Western District of Missouri in a case entitled "State Highway Commission of Missouri against John A. Volpe, Secretary of Transportation, and Casper W. Weinberger, Director of the Office of Management and Budget," held that the Secretary could not withhold highway trust funds obligational authority from the State of Missouri on reasons related to the prevention of inflation of wages and prices in the national economy.

The court stated that the intent of Congress, as expressed in the Federal Aid Highway Act, was clear and unambiguous: that these funds could not be withheld for any reason except as specified within the act itself.

The distinguished Senator from Oklahoma (Mr. BELLMON) has spearheaded efforts in this body to mandate the release of impounded highway trust funds. His bill, S. 3877, to achieve that goal is currently pending before the Committee on Finance. Senator METCALF and I have expressed our interest in obtaining the release of impounded funds to promote employment in Montana to offset massive unemployment following cancellation of construction on the ABM site in north central Montana.

The Senate should be aware of this court decision in Missouri because it does relate to our deliberations of Senator BELLMON's bill. He proposes to offer the same intent as an amendment to the debt ceiling bill if that bill comes before this body prior to consideration of S. 3877.

In my own State of Montana, the administration has withheld authority for nearly $50 million in highway funds. That represents roughly a 35-percent reduction in the highway construction program in Montana during the last 2 years, as pointed out by my colleague on August 3. Since this reduction follows on the heels of the removal of a commitment for $189 million in construction on the Safeguard system in Montana over the next 3 years, the Montana economy has been dramatically depressed and unemployment has soared.

It is my understanding that the administration has also withheld highway trust fund authority from other States. Therefore, I believe my colleagues will want to know about this recent court decision. It is disappointing that the administration should have taken this action of impounding highway trust funds solely on the grounds of preventing inflation. I can think of better ways for combating inflation. To name but two, the administration could reduce the levels of our troop commitments in Europe or end our costly involvement in Vietnam.

I hope that in view of this court decision the administration will reconsider its attitude and action with regards to the highway trust fund so that this important contribution to our national economy can go forward. Senator METCALF and I have asked for the release of $33.7 million in highway trust funds for Montana; we have asked for the immediate release of $8.5 million for commitment to projects within the five-county area adversely affected when ABM construction was halted, with the further release of $13.2 million after the first of the calendar year also for commitment in the five-county north central Montana area. Our requests have been modest. If this court decision is upheld on appeal, the administration will have no alternative to the release of all funds to Montana and the other States of the Nation.

I ask unanimous consent to place the findings of the court in the RECORD at this point as well as recent statements on this subject made by my distinguished colleage, Senator LEE METCALF.

There being no objection, the findings and the statements were ordered to be printed in the RECORD, as follows:

[In the United States District Court for the Western District of Missouri, Central Division, Civil Action No. 1616]

THE STATE HIGHWAY COMMISSION OF MISSOURI, PLAINTIFF, v. JOHN A. VOLPE, SECRETARY OF TRANSPORTATION OF THE UNITED STATES, AND CASPER W. WEINBERGER, DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET OF THE UNITED STATES, DEFENDANTS

FORMAL JUDGMENT CONFIRMING JUDGMENT FOR PLAINTIFF ORALLY RENDERED AND ENTERED JUNE 19, 1972, ISSUING WRIT OF MANDAMUS, INJUNCTION AND FOR DECLARATORY JUDGMENT

Now on this 19th day of June 1972, this civil action was called for trial on the amended complaint pursuant to notice and order setting the action for trial. The plaintiff appeared by its counsel, Robert L. Hyder, Esquire, and Michael McCabe, Esquire. The defendants appeared by their counsel, Stuart E. Schiffer, Esquire, and Kenneth Cranston, Esquire.

Counsel for the defendants suggested the succession of Casper W. Weinberger to the original defendant George Shultz as Director of the Office of Management and Budget of the United States. Thereupon on motion of counsel for defendants, it was ordered pursuant to Rule 25(d), F.R.Civ.P., that Casper W. Weinberger be, and he was, in his official capacity, substituted as party defendant for the original defendant George Shultz.

The second, third and fourth defenses of the answer of defendants were taken up, submitted and denied. In this connection it was concluded that (1) the plaintiff does not lack standing to maintain this action, (2) the Court does not lack jurisdiction over the subject matter of the action and (3) the complaint does not fail to state a claim upon which relief can be granted.

On the initiative of the Court the unnumbered last paragraph of the first defense of the answer was stricken as redundant, surplusage, and an impermissible form of qualified general denial in the context of the pleadings in this case.

With approval of the Court the parties stipulated that the record of the evidentiary hearing and arguments of June 24, 1971, in this cause be considered as part of the argument and evidence offered this day on the amended complaint without prejudice to any objection, motion, argument, legal contention and factual contention therein made, so that it should not be necessary for any party to reoffer at the trial any evidence offered on June 24, 1971.

Then this action was called for trial by the Court, without a jury. Plaintiff and defendants answered ready for trial. Opening statements were made by counsel for the plaintiff and defendants. Evidence in chief of the plaintiff was offered and received. The plaintiff rested. Then the defendants moved for dismissal under Rule 41(b) F.R.Civ.P., on the ground that on the facts and the law plaintiff is not entitled to relief, which motion was denied. The defendants offered evidence in chief and rested. The plaintiff rested without offering evidence in rebuttal. The issues were thereupon submitted by the parties for decision. Thereupon the following findings of fact and conclusions of law were made by the Court:

JURISDICTION

On the subject of jurisdiction it was found and concluded that the Court has jurisdiction to hear and determine the issues under each of the following statutes independently:

(1) Section 1361, Title 28, U.S.C.A., relating to actions in the nature of mandamus to compel an officer of the United States to perform a duty owed to the plaintiff.

(2) Chapter 7, Title 5, U.S.C.A., judicial review of administrative agencies, including Sections 702, 703, 704, 705 and 706.

VENUE

On the subject of venue it is found that venue of this action is properly laid in this district and that the defendants do not claim lack of venue.

REMEDIES AVAILABLE

The remedies available under Section 1361, Title 28, U.S. include mandamus, prohibitory injunction, mandatory injunction and declaratory judgment in the nature of mandamus.

The remedies available under Chapter 7, Title 5, U.S.C.A. include (1) holding unlawful and setting aside of agency action that is arbitrary, an abuse of discretion, or otherwise not in accordance with law or in excess of statutory jurisdiction, authority, limitations or short of statutory right (§ 706) and (2) any form of legal action including declaratory judgment and writs of prohibitory or mandatory injunction (§ 703). Cf. *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402. 28 L.Ed. 2d 136. 91 S.Ct. 814.

On the question of finality of the agency action under review, and exhaustion of administrative remedies, it is found and concluded that the agency action under review is final and that unexhausted administrative remedies exist. Cf. § 704, Title 5, U.S.C.A.

On the question of adequacy of other remedies at law, it is found and concluded that plaintiff has no remedies in court at law or otherwise except those available in this action.

STANDING TO MAINTAIN THIS ACTION

Under federal law, the Constitution of Missouri and the statutes of Missouri, the plaintiff has standing to maintain this action as the state agency invested with exclusive and plenary powers and duties on behalf of the State of Missouri to receive and administer all federal highway funds and apportionments. Sections 226.010 to 226.190 R.S. Mo. inclusive, particularly Sections 226.020, 226.150, 226.190 R.S. Mo.; Sections 29, 30(a) and 30(b), Article 4, Constitution of 1945; Section 101, Title 23, U.S.C.A., defining "State highway department."

DECISION ON THE MERITS

In order to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways ("System" hereinafter) and to provide for the prompt and early completion of the entire System simultaneously, the Congress of the United States enacted, and has from time to time amended, Title 23, United States Code, a comprehensive Federal-Aid Highway Act ("Act" hereinafter). Title 23, U.S.C.A.

To insure continuing adequate federal-aid moneys for completion of the System, Congress created the Highway Trust Fund ("Fund" hereinafter). Historical Note, § 120, Title 23, U.S.C.A. The defendant Secretary of Transportation of the United States ("Secretary" hereinafter) has been given the functions, powers and duties to administer the Fund in accordance with the Act, which provides a comprehensive plan and precise standards for apportioning the Fund annually, and for obligation of the Fund by state highway commissions in accordance with the Act. Sections 101 to 215 inclusive, Title 23, U.S.C.A.

Anticipating the possibility of executive or administrative impoundment or withholding of the apportioned Fund for legally impermissible reasons, Congress undertook to avoid such unauthorized action by making its intent clear and unambiguous in paragraph (c) of § 101, Title 23, U.S.C.A., which reads as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund."

Paragraph (c) is now a part of the Act, Title 23, U.S.C.A., and is to be read and construed in the context of the comprehensive plan for administration of the Fund and the Act. Even if paragraph (c) were absent, the intent of the Act would be the same.

The record establishes without controversy that the Secretary with the approval of his co-defendant has from time to time by administrative action effectively withheld from the plaintiff, The State Highway Commission of Missouri ("Missouri" hereinafter), the obligation of sums lawfully apportioned to the State of Missouri from the Fund. Presently Missouri is forbidden by administrative action of the Secretary from obligating over $80,000,000 of the apportionment for the fiscal year 1973. (Apportioned funds for a coming fiscal year may be obligated in the preceding fiscal year under the Act.) The practice of ordering the withholding of obligation of parts of the apportionments has continued for a number of years, without reference to any fixed period of time. Often the withholding was done on a quarterly basis. Presently the withholding is fixed on an annual basis.

The effect of this practice, and of the current withholding of obligation by Missouri of prior apportionments and a large part of its apportionment from the Fund for the fiscal year 1973, has caused great and incalculable injury to Missouri because of continuing inflation of highway costs, and interruption of efficient obligation of the funds apportioned to Missouri. Missouri has provided proof of this injury beyond the customary burden of proof by a preponderance of the evidence.

As a part of this proof, Missouri has established that it is and has been able, ready and willing, and desires and has desired, to obligate its apportionment from the Fund but is and has been prevented from doing so by the defendant Secretary, with the approval of his co-defendant Director. In this connection Missouri has proven that presently and in the past it has developed plans and projects which would be approved under the Act, and regulations made pursuant thereto, except for the withholding of the obligational authority by the Secretary. Therefore Missouri is entitled to relief if the action of the Secretary in withholding from obligation is unauthorized, without his discretion, arbitrary or otherwise illegal.

The Secretary claims that the law invests in him discretion to withhold from time to time authority for Missouri to obligate its unexpended apportionments. The Secretary concedes that the apportionments can readily be paid by the Fund from the ample moneys presently therein. If the Secretary lawfully possessed the discretion he claims Missouri should be given no relief. It has been concluded, however, that the current, as well as the past and possible future, withholding of obligational authority for the reasons relied on by the Secretary has been, is and will be, unauthorized, and without the lawful discretion of the Secretary.

The reasons advanced by the Secretary for the current and past withholding of obligational authority are foreign to the standards and purposes of the Act and the Fund. The reasons relied on are related to the prevention of inflation of wages and prices in the national economy. These reasons are impermissible reasons for action which frustrates the purposes and standards of the Act, including but not limited to those in Section 109, Title 23, U.S.C.A. Therefore it is not within the discretion of the Secretary to withhold obligational authority from Missouri, and judicial relief should be granted to Missouri. *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402, 28 L. Ed. 2d 136, 91 S. Ct. 814, § 706, Title 5, U.S.C.A.

The appropriate relief to which Missouri is entitled includes prohibitory or mandatory injunction, and declaratory judgment. § 703, Title 5, U.S.C.A. It also includes mandamus. § 1361, Title 28, U.S.C.A. Missouri has no other adequate judicial or administrative remedy except this action. Therefore judgment will be entered granting an injunction, a writ of mandamus and a declaratory judgment.

JUDGMENT GRANTING INJUNCTION

It is therefore

Ordered and adjudged that the defendants and each of them and their subordinates be, and they are hereby, enjoined and restrained now and in the future from withholding from Missouri, directly or indirectly, any authority to obligate its apportionment of Highway Trust Fund, for the fiscal year 1973 for any reason or reasons relating to the prevention or control of inflation in the national, regional or local economies, or in wages or prices in the nation, or any region or locality therein, or any combination of such reasons.

JUDGMENT GRANTING WRIT OF MANDAMUS

For the foregoing reasons, in addition and independently, it is hereby further

Ordered and adjudged that the defendant John A. Volpe, and his subordinates, be and they are hereby, commanded to annul and revoke by official act in writing the current announcements, orders, directives, limitations, regulations and other official written and printed documents and evidences of withholding of authority of Missouri to obligate its apportionment from the Highway Trust Fund for the fiscal year 1973.

DECLARATORY JUDGMENT

For the foregoing reasons, it is hereby further

Declared and adjudged that the currently effective, and past official actions of the Secretary of Transportation, and his subordinates, in withholding authority from Missouri to obligate any apportionment from the Highway Trust Fund for reasons related to the prevention or control of inflation in the national, regional or local economies, or in wages and prices in the nation, or any region or locality therein, is unauthorized by law, illegal, in excess of lawful discretion and in violation of the Federal-Aid Highway Act.

RETENTION OF JURISDICTION

It is further

Ordered that this Court retain jurisdiction of this action for the purpose of making and entering such further orders and judgments and taking other judicial action necessary, or desirable, to implement and enforce the judgments herein, and any one or more of them.

ORDER ON COSTS

It is

Ordered that each party bear its or his own costs in this Court.

William H. Becker,
Chief Judge.

Kansas City, Missouri, August 7, 1972.

Prohibition of Impoundment of Highway Trust Funds

Mr. Metcalf. Mr. President, I wish to extend my appreciation to the Senator from Oklahoma (Mr. Bellmon) for introducing S. 3877, a bill to prohibit the impoundment of funds from the highway trust funds which have been apportioned and appropriated. I hope the Committee on Finance can expedite handling of the bill so we may take early action upon it. I was prepared to support the Senator from Oklahoma when he offered an amendment to the debt ceiling legislation to achieve the same purpose. I will support his bill when it is reported to the Senate, and if need be, I will support his amendment when the debt ceiling legislation is again under consideration. However, I fervently hope we may be able to act upon his bill long before the debt ceiling legislation is again before us.

My concern for early action is extensive unemployment in Montana as a direct consequence of Federal actions.

During the last 2 years, the highway construction program in Montana has been reduced about 35 percent. The immediate consequences of that employment reduction by the Office of Management and Budget were not immediately felt because simultaneously, additional employment was being created through construction of the ABM system.

However, this year both events came together to create an employment crisis in Montana. The steady reduction in the highway construction program is now painfully apparent in Montana because of the ABM construction cancellation, a result of the administration's SALT agreements with the Soviet Union.

Mr. President, in both of these situations, unemployment in Montana has been a direct consequence of Federal programs. When the orders to cease construction of the ABM system in Montana were received, over 1,000 workers were dumped into the labor market with only 1 day's severance pay. Those 1,000-plus workers were directly involved in construction of the ABM system, while at least another 1,000 indirectly involved lost their jobs in the wake of cancellation of ABM construction.

Employment statistics for one county alone tell the consequence. In May, Liberty County's unemployment rate was less than 4 percent; 1 month later the unemployment rate was 9 percent. That increase in unemployment has been similarly felt throughout the State of Montana.

Many efforts have been made to alleviate that unemployment crisis. One of the efforts undertaken is the result of superb cooperation by the Montana Highway Department and its very able director, Mr. H. J. Anderson. Working closely with the congressional delegation and the Governor's office, the Montana Highway Department has identified highway construction projects for letting this fiscal year which would entail the release of $21.7 million in Federal funds within the five-county area most directly affected by cancellation of ABM construction. Some of these projects were scheduled for 1976, but have been advanced to generate employment now for the hundreds of workers displaced by Federal action. It has done so with a considerable investment of manpower and time. In addition, the Montana Highway Department has advanced two projects within the affected area for a special letting this month and will fund those with available funds.

It is incumbent upon the Federal Government to take action to alleviate the unemployment crisis in Montana generated by Federal actions. The Office of Management and Budget has over $48 million impounded which has been apportioned and appropriated for Montana. Senator Mansfield, Congressman Melcher, and I have asked for the release of $33.7 million, which we have been advised the State could match for immediate use this fiscal year.

The Office of Economic Adjustment in the Department of Defense has suggested the immediate release of $8.5 million for projects within the five-county area which can be let during the rest of the calendar year, with further reference to the release, after the first of next year, of an additional $13.2 million, for projects which can be let during the first half of calendar year 1973.

The apparent justification cited by the administration for impounding highway construction funds is that such impoundment serves as a curb to inflation. Regardless of the figure asked for release to Montana, that release could not be construed as inflationary. The ABM construction program would have entailed the expenditure of $210 million in Montana during the next 3 years. The immediate release of an additional $8.5 million for Montana would still leave our highway construction program with less funding than available during the fiscal year. Even the release of the entire $21.7 million for the five-county area would leave Montana's total highway construction program less than it was 2 fiscal years ago. Indeed, the release of the $33.7 million the congressional delegation has asked would leave the highway construction program roughly at the level of 2 years ago. The release of the entire $96 million allotted to Montana for highway construction is less than the total which would have been spent on the ABM construction and the highway construction programs as proposed by the Office of Management and Budget.

In view of these circumstances—an unemployment crisis generated by Federal action and the fact that the release of additional highway construction funds to Montana is noninflationary—I do not understand why the Office of Management and Budget hesitates to grant the request of the Montana congressional delegation.

If Senator Bellmon's bill were law today, many hundreds of Montanans would be engaged in productive work, work that is needed for the national interest. It clearly has been the congressional intent that these highway trust funds be committed and used. The failure of this administration to use funds duly apportioned and appropriated has caused economic chaos in Montana and elsewhere. The speedy passage of Senator Bellmon's bill will greatly reduce that economic chaos.

Funds for Highway Contract Placement in Montana

Mr. Metcalf. Mr. President, the Montana Senators support the administration in its efforts to promote world peace, especially the international agreements entered into by the President and the Soviet Union. This we do knowing full well that the cancellation of the one Safeguard project has created a tremendous economic impact in our State—the only area which is immediately affected by these international agreements.

The administration has a very definite responsibility in assisting the people and communities of north central Montana. Several agencies of the Federal Government have already responded to this need and the people of the area are most appreciative. The greatest need is to provide jobs to absorb the unemployment created by the stoppage of this huge contract. The most immediate possibility which has come to the attention of the Montana delegation is the highway construction program. The State of Montana has some $19 million worth of highway projects which could be placed under contract immediately if the Department of Transportation would release the funds to Montana.

Senator Mansfield and I earlier this month made an appeal to the Secretary of Transportation asking that Federal funds be released to the State either from a reallocation of funds for this current fiscal year or the release of moneys held by the Office of Management and Budget. The response from the Secretary of Transportation is something less than encouraging.

Mr. President, I ask unanimous consent that at this point in my remarks Senator Mansfield's and my letter of June 5 and the Secretary's response be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., June 5, 1972.

Hon. John Volpe,
Secretary, Department of Transportation,
Washington, D.C.

Dear Mr. Secretary: The State of Montana was slow to proceed with the construction of the Interstate Highway System in the early years of the program but now advises it is in a position where they can proceed rapidly in completing this construction only to find that they do not have the federal funds with which to proceed. At the present time, our State has utilized all 1972 authority obligations and, if funds were available, they could let contracts for some nineteen million dollars worth of construction before the end of this fiscal year.

We would appreciate knowing if the Department intends to assess the amount of the federal highway funds unobligated in the fifty states for a possible reallocation prior to June 30th. If this is done, we ask that Montana be given special consideration. The highway construction program has been of considerable economic importance to the State. It can be an even more important instrument in stabilizing the State's economy at a time when we are attempting to respond to the economic chaos created by the recent announcement by the Administration to suspend construction of the Safeguard Project in northcentral Montana. An accelerated highway construction program could absorb a considerable number of the work force which anticipated employemnt for the Safeguard.

The difficulties created by the suspension of the Safeguard Project are the responsibility of the Department of Defense and we believe that the Administration has a responsibility to assist the people of Montana in adjusting to this situation. This assistance can best come from non-military sources. The release of additional highway funds to the State of Montana is, in our estimation, the most immediate source of financial aid. Your cooperation would be most appreciated.

With best personal wishes, we are

Sincerely yours,

Mike Mansfield,
U.S. Senate.
Lee Metcalf,
U.S. Senate.

Secretary of Transportation,
Washington, D.C., June 21, 1972.

Hon. Mike Mansfield,
U.S. Senate,
Washington, D.C.

Dear Senator Mansfield: We are responding to your letter of June 5, co-signed by Senator Metcalf, concerning obligation authority available for the Federal-aid highway program in Montana during the fiscal year 1972.

As you know, the Federal-aid highway funds authorized by the Congress and apportioned to the States in accord with Title 23, U.S.C., are released for obligation in accord with budgetary requirements and economic stablization programs in effect since 1966. Ceiling limitations for the program are set by the Office of Management and Budget.

A total of $52.9 million has been made available to Montana for obligation during the current fiscal year and these funds have been nearly all obligated. We regret that the funds available for obligation are insufficient to permit Montana to proceed more rapidly with completion of its Interstate System as an offset to suspension of the Safeguard project.

As discussed in your letter, we are taking steps to redistribute the fiscal year 1972 obligation authority that will not be used by some States. However, we have determined that all but a very few States will make full use of their funds, as has Montana, and that the amount available for redistribution will be very minimal.

We will endeavor to release additional obligating authority to Montana if it is possible to do so from the funds available for redistribution. Otherwise we have no additional obligating authority that can be made available to Montana for the fiscal year 1972.

Obligating authority for the fiscal year 1973 is being released to the States in total effective July 1, 1972. Montana's share of the total $4.4 billion is $46.3 million, and this release will permit the State to proceed with its program more promptly than if the funds were to be made available on a quarterly basis.

You may be sure that we will make additional obligating authority available to Montana whenever possible.

Sincerely,

John A. Volpe.

Mr. Metcalf. Mr. President, this situation prompts me to express great concern about the administration's handling of the Nation's highway program. The Congress has consistently increased the authority for highway construction yet the administration, through the Office of Management and Budget, has reduced the highway program while highway funds continue to accumulate in the trust fund. In the current fiscal year, $52.9 million were made available to Montana for obligations. I am now advised that during the next fiscal year, Montana's share will be reduced to $46.3 million. This reduction comes at a time when the State could easily expand its highway construction program.

Senators know, of course, that the motorists of the Nation pay gasoline taxes which are channeled into the highway trust fund. These moneys are piling up and are not being used for their intended purpose. By the end of fiscal year 1971, the trust fund accumulated $3.586 billion, by the end of fiscal year 1972 it will have accumulated $4.391 billion and it is estimated that by the end of fiscal year 1973, the fund will contain $5.128 billion. The highway trust fund is, in fact, lending money to the general fund and collecting $200 million interest. The administration is using the highway fund as a financing device rather than for highway construction. It would seem that the citizens of the Nation can, with justification, request a reduction in the gasoline tax if they are not to realize the benefits for which the tax is collected.

In addition, I do not like reports I have been receiving that the Federal highway authorities are placing far greater emphasis on urban construction at the expense of highways in rural States. I need not remind Congress that in many of our cities, they are resisting freeway and highway construction. It would seem that the time has come for Congress to reassert some of its authority over the highway construction program.

I respectfully suggest that the Senate Committees on Public Works, Finance, and Appropriations have a responsibility to review the usage of highway construction funds and the goals of the Nation's highway program.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Harry F. Byrd, Jr.) laid before the Senate the following letters, which were referred as indicated:

Report of Emergency Loan Guarantee Board

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a report of the Emergency Loan Guarantee Board, covering the period August 9, 1971, through July 31, 1972 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

Report of Comptroller General

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Training and Equipping the Army National Guard for Maintaining Order During Civil Disturbances," Department of the Army, dated September 8, 1972 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance, without amendment:

H.R. 3786. An act to provide for the free entry of a four octave carillon for the use of Marquette University, Milwaukee, Wis. (Rept. No. 92–1106).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired (Rept. No. 92–1101).

By Mr. HRUSKA (for Mr. McClellan), from the Committee on the Judiciary, with an amendment:

S. 750. A bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes (Rept. No. 92–1104).

By Mr. HRUSKA (for Mr. McClellan), from the Committee on the Judiciary, with amendments:

H.R. 15883. An act to amend title 18, United States Code, to provide for expanded protection of foreign officials, and for other purposes (Rept. No. 92–1105).

By Mr. RANDOLPH, from the Committee on Public Works, with an amendment:

S. 3822. A bill authorizing the city of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State Highway Commission of the State of Iowa (Rept. No. 92–1102).

By Mr. WILLIAMS, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

S. 3939. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes (Rept. No. 92–1103).

By Mr. RIBICOFF, from the Committee on Government Operations, without amendment:

S. 3970. A bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes (Rept. No. 92–1100).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Frank D. McCown, of Texas, to be U.S. attorney for the northern district of Texas.

By Mr. PASTORE, from the Committee on Commerce:

Thomas B. Curtis, of Missouri, to be a Member of the Board of Directors of the Corporation for Public Broadcasting.

By Mr. SPONG, from the Committee on Foreign Relations, without reservation:

Executive J, 92d Congress, second session, Protocol Amending the Single Convention on Narcotic Drugs, 1961, signed for the United States at Geneva on March 25, 1972 (Executive Report No. 92–33).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. RIBICOFF (for himself, Mr. Javits, and Mr. Percy):

S. 3970. A bill to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes. Referred to the Committee on Government Operations.

By Mr. SCOTT:

S. 3971. A bill to amend the Internal Revenue Code of 1954 so as to exclude from gross income amounts of disaster relief loans canceled pursuant to laws of the United States. Referred to the Committee on Finance.

By Mr. HUMPHREY (for himself and Mrs. EDWARDS):

S.J. Res. 265. A joint resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program. Referred to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCOTT:

S. 3971. A bill to amend the Internal Revenue Code of 1954 so as to exclude from gross income amounts of disaster relief loans canceled pursuant to laws of the United States. Referred to the Committee on Finance.

Mr. SCOTT. Mr. President, President Nixon has recently approved legislation to grant victims of the floods numerous benefits, among which is a so-called "forgiveness" of up to $5,000. The tax laws have been amended to allow taxpayers to deduct this year's losses from last year's taxes, thus generating a refund. However, the tax laws will count as taxable income any forgiveness granted pursuant to a disaster loan. For example, a homeowner who receives a $10,000 disaster loan must only pay back the second $5,000—the first $5,000 is, in essence, a grant; and as such it is taxable.

I am, today, introducing a bill to exclude from gross income amounts of disaster relief loans canceled pursuant to existing disaster aid laws. In this way, the Government is not placed in a position of giving money with one hand and taking it away with the other. The forgiveness feature of the law will have its full impact and the victims of these terrible tragedies will be able to readjust more quickly.

By Mr. HUMPHREY (for himself and Mrs. EDWARDS):

S.J. Res. 265. A joint resolution to provide grants for Allen J. Ellender fellowships to disadvantaged secondary school students and their teachers to participate in a Washington public affairs program. Referred to the Committee on Labor and Public Welfare.

ALLEN J. ELLENDER FELLOWSHIPS FOR YOUTH

Mr. HUMPHREY. Mr. President, throughout my years in public life, I have believed that one of the key responsibilities of any public servant is to see that our system of Government is open to the participation of young people. I believe in this principle not only because the young deserve this opportunity, but because our Nation surely needs their talent, their enthusiasm, and the benefit of their ideas. It is for this reason that I was particularly proud to have cosponsored the measure that gave 18-year-olds the right to vote. And, it is for this reason that I have a very special interest in a program which is aimed squarely at bringing young people into close contact with the American government system—the Close Up program.

Close Up is a nonprofit, nonpartisan forum on the involvement of youth in government. The basic method of the program is simple: to bring young people to Washington to see our government firsthand; to meet people in government; to see government in action. But the result is the important thing, and the result is a genuine understanding and appreciation of the nature of our system of government and its opportunities.

For Close Up is designed to demonstrate to today's youth that Government is not an inflexible, impersonal machine. Rather, Government is made up of people who are indeed willing and anxious to talk to the public which they serve. Close Up introduces its participants to the very real chances for effective and constructive involvement in the dynamics of Government. And it exposes the opportunities for constructive change within the system in the best possible way: By showing Government as it is, rather than by asking people to accept anyone's word for it.

With this central theme of understanding through involvement and exposure, Close Up has brought to Washington during its full first year more than 2,700 students and teachers from communities throughout the country for 7 days of intensive seminars, dialogs, and discussions with Senators, Congressmen, Supreme Court Justices, Government agency officials, lobbyists, media personnel, and many other individuals active in the Federal Government. It has been my privilege to have addressed several of these Close Up programs, and let me tell you that their message is a good message, a fair message, and a message well learned. These students are the most interesting, enthusiastic, and vibrant that I have ever met.

But this is not the most unique aspect of this Close Up program. If I may quote the words of our beloved and distinguished colleague, Senator Allen J. Ellender, who gave many hours to the development and success of this program and its concept, it can help explain why this program is so worthy of attention. In a February 1972 report to his constituents, Senator ELLENDER said:

> The Close Up concept differs from that of other programs in that a broad cross section of young people is brought to Washington. . . . Close Up does not necessarily take the top scholars from only a few high schools. Nor do only those who can afford to pay for the trip participate in Close Up. . . . By awarding participation grants to economically disadvantaged youths and combining these students with those who can afford to pay the program tuition themselves, a unique environment for learning has been created. . . . For the first time ever, many of these students work together with students of different ethnic, religious, and economic backgrounds.

During the first year alone, Close Up has committed and provided 1,050 financial assistance grants to create this unique atmosphere. And, in addition, one-quarter of the remaining 1,700 participants were involved in a variety of community efforts to raise their own grant money.

This alone makes Close Up a unique program. But the aspect of the program that is most intensely significant to me and I believe to the whole country, is the fact that this sense of community and feeling of camaraderie does not end on the plane trip home. The Close Up experience moves whole communities. I personally have seen this in the creation and execution of the Minneapolis-St. Paul program which brought more than 200 Minnesotans to Washington.

These were not 200 students from a special place or a particular school. They came from virtually every high school—public, private, and parochial—in the community area, and just as important, they came together, to take part in the Close Up program in Washington. Upon return home, students and teachers alike formed committees to look into community problems, sent delegates to both State party conventions, and through such actions and others, began to make the Close Up spirit the spirit of the community.

This type of experience did not stop at the borders of my own State. The same spirit was created in each city where Close Up went. Here are some of the results:

Houston—a Close Up program patterned after the national program is being set up within the public school system to study State and local government.

Miami—Close Up participants received the equivalent of one credit in government for their participation in the program.

New Orleans—several follow-up meetings have taken place. Steering committees have been appointed; a nucleus of young people encompassing the entire metropolitan area has begun to work together.

Broward County, Fla.—Participants have formed an action club in which they hope to donate their services to needy Americans (particularly in migrant camps).

Tulsa, Okla.—A new course of study has been added to a high school curriculum called "American Realities," which will encompass a Close Up type of experience and will culminate in the national Close Up program.

Atlanta—In the metropolitan Atlanta Close Up program, 90 high schools representing 11 public school systems, private, and parochial schools, worked together throughout 4 weeks of their program.

Communities have grasped this concept with enthusiasm, well recognizing the vital importance today of enabling young people to build their own sense of community and country. Large and small newspapers have responded with generous words of encouragement. Mayors have declared Close Up Day and Week for their city. Businesses, large and small, have contributed to increase area or community participation; individuals throughout a community have helped make the broad cross section of participation a reality.

Close Up is more than an educational experience. It is a human experience, where all participants are truly equal. There are no rich and poor; no black and white; no shunned minority. There are only people trying to learn about people. It is for that reason that I am inspired by the progress of this organization and am honored to serve on its board of advisers. Close Up truly has done what so many of us are seeking to do to make this a more humane society.

Let me again quote the man who was an integral part of the fabric of the Close Up idea. Said Senator Ellender, when asked about Close Up:

> I have seen the program accomplish its central theme of understanding through involvement and exposure. By the end of its first year of operation, 2,500 young people will have been brought to Washington for a week-long, intensive look at the governmental system that many of them had thought to be unresponsive. I think they have learned that the system is flexible and that it shall continue to do great things for America. Close Up has shown them that government is made up of people just like themselves . . . people have a sincere concern for the future of this country. The input of our young people into the future course of the United States is most important. Close Up delegates now have insight into the problems and promises of American government. Their contributions in the years to come will be invaluable in maintaining what is now the best government that any nation can offer.

Mr. President, I believe that the most fitting tribute to Senator Ellender, in recognition of his outstanding record of service to his State and the Nation, would be the establishment of a living memorial, the Allen J. Ellender Fellowships, for the participation of teachers and disadvantaged youth in this Washington public affairs program.

The joint resolution which I am introducing today would establish this fellowship program. The Commissioner of Education is authorized to make grants—subject to certain limitations and informational requirements—to the Close Up Foundation, a public tax exempt foundation supporting the Close Up program which is registered in the District of Columbia as a nonprofit corporation, to provide up to 1,500 full-cost fellowships to high school teachers and disadvantaged students to participate in these nonpartisan and highly successful educational forums.

The Foundation, which has no permanent endowment, would continue to encourage communities and businesses and other private sources to provide additional assistance to students in need, thereby also promoting total community involvement in this vital citizenship education endeavor.

The modest investment by the Federal Government, authorized in this joint resolution in the name of a distinguished colleague who devoted his life to public service, will assure the broad-based participation of youth, rather than the selection of the privileged few, thereby strengthening a fundamental foundation of American democracy. I believe the merit of directing Federal assistance to meet an important national educational need through a qualified nonprofit organization has been well established under other Federal grant programs providing fellowships to cover educational travel and conference costs, as for example, for the promotion of the arts and humanities, for health services research and to meet special educational resources needs, and for various educational programs administered by the Smithsonian Institution.

Mr. President, the scope of the Close Up program and the enthusiasm of communities which have sent their young people to its Washington forums, are well documented in numerous letters and newspaper articles which have been brought to my attention. I ask unanimous consent, Mr. President, that the text of the joint resolution and a selection of letters and articles be printed in the RECORD at the conclusion of my remarks.

I am particularly pleased to announce that this joint resolution has been cosponsored by Senator ELAINE S. EDWARDS, of Louisiana. I am also inviting a number of other Senators who have addressed Close Up groups, or are on the board of advisers of the Close Up forum, or from whose States large groups of high school students and teachers have come to Washington under this excellent program, to join in sponsoring this legislation to establish the Allen J. Ellender Fellowships.

There being no objection, the joint resolution and material were ordered to be printed in the RECORD, as follows:

S. RES. 265

Whereas Allen J. Ellender, a Senator from Louisiana and President Pro Tempore of the United States Senate, had a distinguished career in public service characterized by extraordinary energy and real concern for young people and the development of greater opportunities for active and responsible citizenship by young people;

Whereas Senator Ellender provided valuable support and encouragement to the Close Up Foundation, a nonpartisan, non-profit foundation promoting knowledge and understanding of the Federal Government among young people and their educators; and

Whereas it is a fitting and appropriate tribute to the beloved Senator Ellender to provide in his name an opportunity for participation, by students of limited economic means and by their teachers, in the program supported by the Close Up Foundation: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Commissioner of Education (hereinafter referred to as the "Commissioner") is authorized to make grants in accordance with the provisions of this joint resolution to the Close Up Foundation of Washington, District of Columbia, a nonpartisan, nonprofit foundation, for the purpose of assisting the Close Up Foundation in carrying out its program of increasing understanding of the Federal Government among secondary school students, their teachers, and the communities they represent.

(b) Grants received under this joint resolution shall be used only for financial assistance to economically disadvantaged students and their teachers who participate in the program described in subsection (a) of this section. Financial assistance received pursuant to this joint resolution by such students and teachers shall be known as Allen J. Ellender Fellowships.

SEC. 2. (a) No grant under this joint resolution may be made except upon an application at such time, in such manner, and accompanied by such information as the Commissioner may reasonably require.

(b) Each such application shall contain provisions to assure—

(1) that not more than 1,500 fellowship grants are made to economically disadvantaged secondary school students, and to secondary school teachers, in any fiscal year;

(2) that not more than one secondary school teacher in each such school participating in the program may receive a fellowship grant in any fiscal year; and

(3) the proper disbursement of the funds of the United States received under this joint resolution.

SEC. 3. (a) Payments under this joint resolution may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or over payment.

(b) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grant under this joint resolution.

SEC. 4. For the purpose of this joint resolution, the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education beyond grade twelve.

SEC. 5. There are authorized to be appropriated not to exceed $500,000 for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years to carry out the provisions of this joint resolution.

THE ST. PAUL PUBLIC SCHOOLS,
OFFICE OF THE SUPERINTENDENT,
St. Paul, Minn., August 7, 1972.

Mr. STEPHEN A. JANGER,
Director of Special Programs, Close-Up Washington, D.C.

DEAR MR. JANGER: I have just had the opportunity to review the comments of a member from our staff relative to the participation in the Close-Up program by students from St. Paul Schools. I am immensely impressed by his report and by the outstanding experience given many of our young people. I know that you and your associates will appreciate reading the report I have received from Mr. Donald Sonsalla who coordinated the activities of the Close-Up program.

Please accept the thanks of the members of our Board of Education and the St. Paul School District for your very worthwhile contribution to the education to many of our students. We look forward to a broader participation by this community in the coming year and we are pleased to extend our endorsement and our support.

Once again, you have our special thanks for all your help.

Sincerely,

GEORGE P. YOUNG,
Superintendent of Schools.

AUGUST 3, 1972.

The St. Paul Public Schools had an opportunity to have students participate in a program called "Close-Up" during the 1971-72 school year. The outcome of our participation was far reaching and meaningful.

"Close-up", a non-profit organization in Washington, D.C., offered a program of an in-depth study of the federal government by high school students. The format on the surface seemed simple. Students spend one week in Washington, D.C. viewing, talking, discussing, and living government.

The implemenattion of this seemingly simple concept of knowing the government by an in-depth study was masterfully accomplished by "Close-Up", but with the added dimensions of practicing human relations.

"Close-Up" presented their program to the St. Paul schools in the late fall of 1971. The presentation and offer of participation was also given to the Minneapolis public school system as well as the private and parochial schools in the St. Paul-Minneapolis area. In all thirty one high schools were invited to participate.

The "Close-Up" program was a week in Washington, D.C. with room, board, and air fare for a cost of $335.00. "Close-Up" gave three grants to each school to cover the cost of one teacher and two students. Students beyond the two per school paid their own cost.

The thirty one schools, along with "Close-Up" representatives, registered students for the in-depth study of government. When the students spent the week in Washington, D.C. the following was noted:

1. Transportation was arranged flawlessly via reputable commercial airline.
2. Lodging and food was arranged in a leading Washington suburban motel of international fame.
3. "Close-Up" staff consisted of professional people with advanced degrees and a masterful knowledge of government.
4. Preparation was evident; there was no "lost" feeling and the agenda for the week was well-prepared.

Some of the activities for the "Close-Up Week" in Washington, D.C. were:

1. Meet representatives of foreign nations regarding international affairs.

This was accomplished at the Johns Hopkins School of Advanced International Studies.

2. Visit the Smithsonian Institute.
3. Discussion with His Excellency Ebenezer Moses Debrah, Ambassador of Ghana.
4. Discussion with Mr. Oberwitter of the Environmental Protection Agency.
5. Discussion with representatives of the Department of State.
6. Discussion with Mr. Ted Tetszlaff, Assistant Director of the Office of Legal Services.
7. Discussion with Congressman Karth.
8. Performance at Ford's Theatre.
9. Discussion with Mr. Joe Ross and Mr. David Rinziel of the Department of Justice.
10. Visit the F.B.I.
11. Visit Arlington Cemetery.
12. Visit the Pentagon.
13. Discussion with Congressman Frenzel.
14. Discussion with Mr. Del Lewis, Administrative Assistant to Congressman Walter Fauntroy.
15. Discussion with Senator Mondale.
16. Discussion with Senator Humphrey.
17. Discussion with Congressman Fraser.
18. Discussion with Common Cause representatives.
19. Discussion with Republican and Democratic party national leaders.
20. Discussion with Mr. Dick Duncan, news editor of Time Magazine.
21. Observe Congressional Committee meetings.
22. Observe the House and Senate in action.

The activities called for students and teachers from the St. Paul and Minneapolis public and private schools to know and understand each other. A remarkable thing happened. Human relations became a reality. Students of various economic, racial, religious backgrounds and make up joined together. The joining together did not stop once "Close-Up" week ended in Washington, D.C. The true meaning of "Close-Up" continued. Students had a truer grasp of the federal government.

Science "Close-Up Week" in Washington, D.C. ended in March the students have been meeting once a month. Some of the accomplishments have been:

1. Social gathering, just good interplay between students of different backgrounds, race, and religion.
2. Become active in political campaigns.
3. Become delegates to their parties conventions.
4. Plan a fund raiser to send more students in 1972–73 to "Close-Up".
5. Plan a Minnesota "One Day Close-Up" with political workshops and a Mondale-Hansen debate.
6. School exchange program where students spend a day in another school.
7. Give volunteer help to social agencies.

"Close-Up" has made a difference to the St. Paul School System. Students have had the opportunity to better know our government, but more important, to know each other since thirty-one public and private schools participated. The students now plan programs to help the community.

DONALD SONSALLA,
Principal, Central High School.

SOCIAL STUDIES DEPARTMENT,
MOUNT CARMEL ACADEMY,
New Orleans, La., February 1, 1972.

Mr. STEVEN JANGER,
Director, Special Programs, Close-Up, Washington, D.C.

DEAR MR. JANGER: On behalf of the Close-Up participants from the New Orleans area, let me take this opportunity to thank every member of the Close-Up organization for a unique contribution to civic education. The week in Washington presented a balanced, informative investigation of the federal government impossible to achieve through conventional schooling.

The Close-Up concept of preserving the racial and economic balance of the city within its student groups is particularly laudable. Many students and teachers mentioned to me that they enjoyed this aspect of the program. Needless to say, this balance would not be possible without the generous support you offer in the form of student and teacher grants.

It was gratifying to all of us that members of the busy Louisiana delegation in Congress would take the time to address the group. We are especially pleased to note the support given the Close-Up program by Senator Ellender.

Please continue your fine efforts in this area. Those of us in the New Orleans area look forward to participating in a similar program next year.

Sincerely,

ROBERT L. DUPONT.

METROPOLITAN FOUNDATION OF ATLANTA,
Atlanta, Ga., May 14, 1972.

Mr. STEPHEN A. JANGER,
Director of Special Programs, Close-Up Foundation, Washington, D.C.

DEAR MR. JANGER: Let me take this opportunity to tell you how pleased we are that Atlanta could participate in the Close-Up program this year. Close-Up has so many benefits to bestow, short- and long-range, that it is hard to say what meant the most to Atlanta.

I suppose that we got most excited about a most unique result of our participation—the building of a sense of community in the 5-county metro Atlanta area, a feeling that we are all a part of what happens to our area and to our country. Certainly Close-Up brings the students of our area into a fertile environment, into an ethnic and economic conglomeration that creates its own excitements and understandings. On an individual growth scale on an individual motivation and interest scale, Close-Up gets results beyond expectation.

But for us, Close-Up accomplished the beginning of something we could not begin ourselves—the personal, individual identification of the student with the destiny of his city and region. We are committed as a foundation to the preservation of a free society, and we recognize that it all begins with a cooperation founded in this sense of community. Some persons call its opposite "alienation" and we have seen many cities teeter because of its alienated peoples. Close-Up makes people feel a part of a meaningful process. It gives these kids a handle on their own destinies.

Close-Up gives Atlanta a chance to lick the urban crisis.

We're looking forward to participating again next year, and building on these good beginnings. Thanks, Steve—and thanks to your excellent staff.

Best personal regards.

FRANK ROBINSON,
Executive Director.

HOUSTON, TEX.,
July 5, 1972.

Mrs. MARGERY KRAUS,
Close Up Program Director,
Washington, D.C.

DEAR MRS. KRAUS: I would like to take this opportunity to thank you and all the Close Up staff for allowing Houston area high school students and teachers the opportunity to see how our government really operates. I cannot begin to tell you the impact the program has had on my students.

Close up is a program for *all* students. It is truly a rewarding experience for me to see my average students genuinely interested in our government. This interest may best be noted in our students wanting to form a local Close Up program in Houston. Many students expressed this desire, and therefore we teachers who participated in Close Up are organizing such a program in which students will meet in seminars with governmental leaders in every phase of our local government. This local program would have never been conceived without the enthusiastic participation in Close Up of some 40 high schools in the Houston area. Certainly the community interaction which resulted from this participation has led us to a local program which hopes to model itself after the national Close Up program.

It is only in a program like Close Up that all aspects of the community are "thrown together". Students of all backgrounds, both financially and culturally find themselves discovering just how our government really operates, and further find that many of their interests are the same and that the barriers are not really so great. It just takes something to get us all together and Close Up with its energetic staff and dynamic program got it "all together" for Houston.

Sincerely yours,

JAMES H. LYONS,
Government Teacher,
Sam Houston Senior High School.

DADE COUNTY, FLA.,
August 1, 1972.

Mr. STEPHEN A. JANGER,
Director of Special Programs, Close Up, Washington, D.C.

DEAR MR. JANGER: In February of 1972, over 200 students and professional staff persons from Dade County participated as one of a number of selected communities in a national CLOSE UP program. During the 2 one-week sessions, the teachers and students were provided experiences designed to achieve a greater understanding of a human as well as operational side of our national government.

As citizens of this nation, learning gained from these experiences should prove among the most favorable and unforgettable which the participants will have.

In addition to the obvious educational benefits, it is notable and significant that some of the students in our community who otherwise may never have even met, were provided the opportunity to live, work, and learn together for a week in our nation's Capital. If this alone were the chief gain of the CLOSE UP program, it would be no small matter. Also, I personally was quite pleased and impressed with the manner in which the three sectors of our educational community (public, private, and parochial) worked together to achieve Miami's participation.

None of this would have been possible if it weren't for the three scholarship grants awarded to each secondary school. Our gratitude goes out to the CLOSE UP Foundation for marshalling community resources to obtain financial backing for the scholarships, and especially for underwriting the balance of needed funds to cover tuition and transportation costs of all grant recipients.

Dade County response to the 1972 CLOSE UP program was overwhelmingly favorable: from school board members, administrators, teachers, students, parents, and media representatives. I earnestly hope that the CLOSE UP program continues and would be pleased if it becomes possible for the Miami area to participate again.

Sincerely,

James A. Fleming,
Social Studies Consultant, Dade County Public Schools.

[From the Florida Times-Union, Jacksonville, Fla., Sept. 30, 1971]

"Close-Up" Is Effective Education

The "Close-Up" week of study in the national capital in which a fortunate group of students from Duval County public and private high schools will take part in November will provide a comprehensive, in-depth look at the functioning of the federal government, with some of the key men in its operations as instructors.

The week of seminars, panel discussions, lectures and guided individual study, bringing students face to face with those who run the complex business of government is light-years removed in purpose and results from the traditional "spring student tours" limited to cursory visits to points of interest and having a group picture taken with the district's congressman.

Most important, participation will not be limited to those students who can afford the cost of the trip. Two students and one teacher from each participating school will have their expenses underwritten by the Close-Up Foundation, which sponsors the program and hopes to raise the $308 per person cost for these participants by local subscriptions.

The foundation sponsored students will be selected by each individual school. In addition, the program is open to a limited number of students able to pay their own fee.

The program is still new, having been launched just a year ago, but its conception, designed to pack a wealth of meaningful experience in a tight week-long schedule for the students, has aroused keen enthusiasm among educators and students all across the country.

It provides a learning experience which could not possibly be more "relevant" to high school students who more than ever in the nation's history are keenly aware of the urgent national problems dealt with every day by the men they will meet and talk with face to face.

It offers not only invaluable authoritative instruction in current affairs, but equally worthwhile guidance to those students who take seriously their responsibility of the voting franchise and the other obligations of full citizenship on which they are about to enter.

Finally, the program will bring additional returns as those who have shared in the program return to their schools and share their experiences with their fellow students.

The plan offers a rewarding, constructive channel for the intellectual energies of today's students aware of the nation's serious and pressing problems, and eager to make their own contribution to their solution. It merits strong public support.

[From the New Orleans State Item, Nov. 18, 1971]

Students To Descend on District of Columbia

(By Ray Lincoln)

Notice has been served on Washington, D.C., officialdom that three battalions of New Orleans area students, armed with sharp, questioning minds and an impenetrable shield against evasive answers, are preparing to descend on the nation's capital in a reconnaissance mission aimed at the very heart of the federal government.

The only likely casualties will be youthful misconceptions about federal machinery and policy-making and perhaps the composure of a government bureaucrat or two.

Strategy and logistics for the confrontation will be provided by Close Up, a natitonal organizattion describing itself as "a nonpartisan nonprofit forum on the involvement of youth in government."

The program, now in its second year, will send delegations of New Orleans area high schoolers to Washington in three groups for week-long courses in the substance of national government.

"Substance" is what distinguishes the Close Up expeditions from run-of-the-mill student trips to Washington, which typically settle for a hushed, awe-struck obeisance to the mortar-and-stone trappings of government.

Today's adolescents, of course, have no reluctance to put the time-honored verities of American government under their unsentimental miscroscopes. Close Up, sponsored locally by The States-Item, strives to increase the magnification and, hopefully, sharpen the focus.

Beneficiaries of the program in the metropolitan area, including students from public, private and parochial schools in several parishes, will be divided into three groups. The first will be in Washington Dec. 5–12, the second Dec. 12-19 and the third Jan. 9-16.

Approximately 70 area schools have agreed to participate in the project, which got off the ground successfully last year with four communities around the nation taking part. This year about double that number will be involved, with the three weeks mentioned devoted exclusively to the Louisiana delegates.

Participation in each school will vary with individual ability to pay the $342 total cost per student, although the national organization is providing three financial assistance grants per school, one of which is used to send a faculty member.

The other two may be awarded in full to two students or divided among several applicants.

Officials of the bipartisan-supported group hope to attract as wide a socio-economic cross-section of students as possible, but with limited resources the organization is counting on local foundations and individual donors to provide the funds needed to allow low-income students to make the trip.

Participation is limited to 220 students in any one week.

The first local delegation, composed of students from 19 schools, is now being coordinated by Dreux Van Horn II, a teacher at St. Martin's Protestant Episcopal School in Jefferson Parish. Van Horn and the 10 or so St. Martin's students who are signed up for Close Up are drawing up a list of pertinent questions for the government officials effect of the under-21 vote, and they're looking forward to the opportunity to confront some of the federal officials who help determine policy in those areas.

In addition to seminars and question-and-answer sessions with representatives of the executive branch, students will meet with senators and representatives, labor and political party officials, the Capitol press, and representatives of the judicial branch.

Schedules, which will leave little room for trivial concerns, emphasize two-way communication between the youths and the officials. Tours of national monuments, buildings and sites will be included, but the standard breezy civics-book discourses on "how our government works" will be minimized.

Sponsors feel those are the primary factors in the enthusiastic student reaction to the program during its initial stages.

Coordinators of the second and third waves of New Orleans area students will be Robert Dupont, Mount Carmel Academy (Dec. 12–19) and Ken Werther, Brother Martin High School (Jan. 9–16).

[From the Gwinnett (Ga.) Daily News, Mar. 29, 1972]

Gwinnett Industry, Business, Government Help: $8,200 Raised, Adds 41 Students To Study Tour of Washington, D.C.

(By Ed deMotte)

Business, industry and government—combining their efforts through the Gwinnett Chamber of Commerce—have provided $8,200 to help some 41 high school juniors from the county get to Washington during the next two months for a seven-day, closeup look at government and the people who run it.

These will be an additional eight teachers and 16 students whose expenses will be paid by private grants from Close Up, a private, nonprofit and nonpartisan organization in Washington which conducts the program to give young people an intensive, firsthand look at the U.S. government, its leaders, and outside forces that affect government.

"The youngsters are up at 7 a.m. each day during the week's program," said Steve Janger, director of special projects for Close Up, "and their last session usually ends at 10:30 each night.

"During the long hours we get them together with congressmen, cabinet members, lobbyists, newspapermen, government agency representatives, and a lot more."

Janger explained that Close Up differs from other student programs in that it seeks students from all levels of both income and ability, even challenging the anti-establishment student, the one who may hold the government in contempt.

"To this kind of student," he adds, "we say that contempt before examination is stupid. If he wants to be a rock-thrower, a hollerer or screamer, that's fine, but at least be one who is informed.

"We're asking students to take a look at government, to do it in their own fashion and then make up their minds. They don't just return home and forget their Washington experience. Kids have formed community action groups in some of the cities, and they are working through the organizations to achieve certain goals and sponsor special programs."

State Senator Jimmy Mason, chairman of the Chamber of Commerce Governmental Affairs committee, observed that such an experience for a cross-section of Gwinnett youth should certainly contribute to an informed electorate and is most timely as 18-year-olds begin to exercise their vote.

Chamber Education Chairman B. B. Harris, who is also principal of the Harris school in Duluth, commented too on "the teeth such a trip will put in normal classroom, text book and visual aid instruction we are offering students in their regular curriculum."

Local businesses as well as the Chamber of Commerce, which helped rally the support to triple Gwinnett's participation in the program, came in for generous praise from J. W. Benefield, superintendent of education.

"Many of these better-informed youngsters," he suggested, "will one day be employees or at least neighbors of these sponsoring firms and the ultimate contribution to our community and local government is inestimable."

At the Chamber's suggestion, contributing firms and agencies grouped their support in the form of $200 partial scholarships to be applied toward each student's total expense of $302 for the week in Washington, including air transportation.

The Board of Education and the County Commissioners each contributed $500 to the fund and private businesses which gave full $200 scholarships are as follows:

Brand's Pharmacy; Brown Lumber Co.; Clairmont Development Co.; Dolco Packaging, Inc.; Hannon, Meeks & Bagwell; K-Way Grocery; Lovable Co.; Mason Bros. Construction Co.; Norcross Supply Co.; Owens of Georgia; Parsons;

Peachtree Corners; Peachtree Door, Inc.; Puckett Paving Co.; E. R Snell Contracting; Sperry and Hutchinson Co.; Warren Contracting Co.; Vantress Farms;

Bank of Duluth, Brand Banking Co.; Buford Commercial Bank; C&S Bank of Norcross; First National Bank of Lawrenceville; Gwinnett Federal Savings & Loan; Gwinnett Bank & Trust Co.; Gwinnett Commercial Bank; Gwinnett County Bank; Bee Jay Realty, Caswell Realty, Boyd Duncan & Associates and Jim Hood, Inc.

Combining partial contributions for additional scholarships were:

Fulton Federal Savings & Loan; Hamby & Lyle Construction Co.; David H. Kistner; Saul's; J. J. Baggett Oil Co.; W. H. Ferguson & Sons; Reynolds Oil Co.; Central Gwinnett Motors; Gwinnett Sales & Service, Hayes Chrysler-Plymouth; Nash Chevrolet; John Hutchins Realty; Tucker Real Estate Co.; Proctor Square Realty; Bona Allen Co.; W. N. Shadburn; Simpson Drugs; and Chicopee Mills.

[From the Houston Chronicle, Oct. 31, 1971]

Close Up to Capital: Area Students Find Government a Groovy Trip

(By M. M. Patterson)

Government is turning out to be a groovy trip for hundreds of Houston high school students.

A program offering a week-long look at the federal government in action in Washington, D.C. evoked so much enthusiasm among about 300 participating area students last year that more than 400 are following in their footsteps in two sessions, one beginning today and running to Nov. 7, and from Nov. 7 to Nov. 14.

$358 PRICE TAG

Apparently nothing, not even the $358 price tag, can stand in the way of the sophomores, juniors and seniors from 40 public, private and parochial schools here who are determined to fly to Washington in the Close Up program based at the capital.

Close Up, which began just last year is a nonprofit, nonpartisan organization with such opposing political luminaries on its board of advisors as U.S. Sens. J. William Fulbright, D., Ark., and Barry Goldwater, R., Ariz.

NATIONAL BOARD

Also serving on the national board are Sen. John G. Tower, R., Texas, Rep. Robert C. Eckhardt, D., Houston, and a Houston teacher, Mrs. Nan Dupont of Bellaire High School.

Money for the students comes from parents, student earnings, local industries, businesses, service clubs and private citizens. Each young person's fee pays for transportation, food, lodgings and activities.

"Some 10 percent of the students going this year solicited their own sponsors," said Miss Judy Maguire, city coordinator for the program and a teacher at Reagan High School. "Contributions have ranged from $1 and $5 donations in door to door efforts to the $716 check an oil company gave us."

TWO FREE TRIPS

She said Close Up donates two free all expense paid trips for financially deserving students and one for a teacher in each participating school. The rest must find their own funds for what is usually their first visit to Washington.

The trip, however, is definitely not a sightseeing tour, Miss Maguire explained about the school board approved Close Up program.

"Each day you hit a different branch of the government," explained Mark Nelson, 1523 Heights Blvd., a senior at Reagan who went on the trip last year. "The main thing is you get to ask questions of senators and congressmen and people in places like the State Dept. and the Supreme Court."

BREAKFAST WITH ARCHER

This year Houston students will meet with a Washington representative of a labor union to discuss the wage-price freeze. They also will attend sessions with officials from the Office of Economic Opportunity, the Dept. of Justice and the Pentagon. One morning they will breakfast with U.S. Rep. Bill Archer of Houston and hear other Texas representatives and senators. Last year Senator Tower, Supreme Court Justice Byron R. White and CBS newsman Marvin Kalb talked with the students.

"When I first went to the sessions last year, I thought it might be mostly just speakers giving boring lectures," said Joe Bily of 1620 Airline Dr., another senior at Reagan. "But they only talked for 15 minutes out of every hour and we asked questions the rest of the time."

INFORMAL SESSIONS

Another Reagan senior who attended last year, Barbara Hernandez of 1003 Archer St., stressed there are no academic requirements for the program other than passing grades and that sessions are informal.

Teachers approve the program, too.

"I've been teaching government here for eight years, but I learned a lot on the trip myself," said Miss Maguire, who is going again this year.

"And students who went before speak up more in class and explain to the others."

At least one former participant is already getting involved in the political process, she said. Karl Doerner, 18, went on the Close Up trip last year from Lamar High School. Now he is running for the Houston school board in the Nov. 20 city election.

"Some of us are starting a voter registration project for 18-year-olds through the Rotary-sponsored Interact Club at school," said Nelson.

[From the Tulsa Daily World, Jan. 28, 1971]

Tulsans Due First "Close Up" Look at Capital

(By Ronald E. Butler)

A group of Tulsa educators will meet Thursday to work out plans for citywide participation in a new program called "Close Up" which offers students a week's intensive study of American government in Washington.

Instead of just touring the major buildings at the Capital, the students will be involved in Seminars with leading government officials and the faculty of Johns Hopkins University.

To participate, many students will be asked to provide their own transportation and tuition costs, about $348 per student. But a campaign is being planned to raise funds to provide scholarships for at least three students from each Tulsa high school.

The "Tulsa Week" in Washington March 14–21 will lead off Close Up's series of week-long sessions and officially open the program's work.

The Tulsa students will be first to try the program because of Steve Janger, coordinator of special programs for Close Up. A native of Oklahoma City and a University of Oklahoma graduate, Janger said he wanted an Oklahoma community to be the first and found Tulsa's educators receptive to the program.

The cities of Fort Lauderdale, Fla. (Broward County Public Schools) and Houston will have their weeks after Tulsa.

Janger said Close Up tries to avoid the standard fare students get on tours of Washington. Instead it is lots of study and interaction with those who know government. The hope is that enough will be learned about the government to convince young people that it is possible to activate change within the "system."

"We want to show that contempt before examination is pretty stupid," said Janger. "The idea is that if you're going to be a rock thrower, you ought to be an informed rock thrower."

The project focuses on high school students who are interested in government and of average ability because it is these youngsters who could become the college student rock throwers if they don't know enough about the true functions of government to reject the sloganeering of radical organizations.

Close Up lists a notable and diverse group of advisers. Included are U.S. Sens. J. William Fulbright, Frank Church, Barry Goldwater, John Tower and Birch Bayh, a number of congressmen and numerous leaders of state and national government, political parties, ethnic groups and minorities. Oklahoma Lt. Gov. George Nigh also is an adviser.

"We've got every notch on the political spectrum represented," said Janger. "What other organization has brought Fulbright and Goldwater together?

"This meeting Thursday will be our first big step in the direction of finalizing plans for Tulsa. The mechanics get started then to mobilize community support."

The meeting, set for 4 p.m. at the Education Service Center, will be with teachers from the 13 Tulsa private, public and parochial high schools. The teachers (and their principals) will coordinate Close Up at their respective schools.

The teachers will be asked to organize a coordinating committee to decide details of the Tulsa operation. Janger said it is not certain how many Tulsa students will go.

Close Up charges a tuition of $225, which includes meals, lodging and instructional fees, but not transportation. Janger said that transportation by charter flight from Tulsa to Washington round trip will run about $123 per student, for a total cost of $348.

Most of the students going will pay their own way, but there will be from 39 to 52 students making the trip on scholarships to be provided through a Tulsa fund-raising drive. The 13 teachers also will go by scholarship.

The scholarship quota at each school will be one teacher and three students, with one student as an "alternate" to go along if there is enough money to finance four at each school. With four at each school (including teacher) the total cost would be $18,096, and with the alternates going the cost would be $22,620.

Janger said he met in December with members of Tulsa's business and civic community to seek their support. A public solicitation from the general community may be chosen as a way to raise additional funds, he said.

In addition to the students going on scholarships, any other student whose family can pay the costs will be able to go. In Fort Lauderdale about 270 students may be making the trip, but Janger stressed that Tulsa could set any goal desirable.

He said it will be up to the local organizers to determine whether the participation is limited to seniors, juniors or sophomores. Dr. Gordon Cawelti, superintendent of schools, has turned coordination of the program over to W. Leroy Tharp, administrative director of secondary schools.

Cawelti has endorsed the program heartily.

"It's kind of a real world experience which is excellent for students, and I'm hopeful we can get pretty wide-spread participation," Cawelti said. "It's better than the typical tour of the nation's Capitol in that it affords a close-in look at the politics of national government.

"We're doing as much as we can to get large numbers of youngsters from each of the high schools to participate. We feel there are a number of families that can support the program themselves, and there could be a number of scholarships for students less able to support the cost."

Principals at each high school in Tulsa have further information and application forms, or will have them soon, said Janger.

Close Up's organizers say America's future may depend on how much youngsters really know about their own government before they leave their hometowns for college, where they will be exposed to highly vocal views from every quarter.

The program attempts to equip the youngsters with hard, incontrovertible information about the mechanics of this nation's government. It is hoped that the students will then share this information with their classmates.

"While in Washington, the students will be involved in head-to-head discussions with the congressmen, senators, committee staffers, administration figures, judges, lobbyists, reporters, politicians, ambassadors and plain concerned citizens who contribute to the daily complexity that is our government," a Close Up brochure states.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2567

At the request of the Senator from Nebraska (Mr. HRUSKA), the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2567, to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes.

S. 3410

At the request of the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 3410, to amend chapter 5, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes.

S. 3905

At the request of Mr. BENTSEN, the Senator from Colorado (Mr. ALLOTT), the Senator from California (Mr. TUNNEY), the Senator from Florida (Mr. GURNEY), and the Senator from New Jersey (Mr. WILLIAMS) were added as cosponsors of S. 3905, to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes.

S. 3922

At the request of Mr. PERCY, the Senator from Colorado (Mr. DOMINICK) was added as a cosponsor of S. 3922, a bill relating to employment of inmates in Federal and District of Columbia penal and correctional institutions.

SENATE RESOLUTION 362—RESOLUTION TO CONVENE AN INTERNATIONAL CONVENTION TO RESOLVE THE CRISIS OF INTERNATIONAL TERRORISM

(Referred to the Committee on Foreign Relations.)

Mr. GURNEY. Mr. President, in the wake of the slaughter of 11 members of the Israeli Olympic team, I am submitting a resolution that would urge the President to call for an international convention to deal with the mounting problem of international terrorism.

Mr. President, this latest episode at Munich is certainly not the first incidence of international terrorism nor is it the most bloody. However, because of the circumstances under which it took place, it has focused public attention, as never before, on a problem desperately in need of resolution. The nations of the world—America included—cannot afford the continuation of incidents like the Lod Airport massacre, the hijacking of aircraft from one nation to another, or the slaughter at Munich. Just as one skyjacking begets another, terrorism, if unchecked, promotes more terrorism. The time has come to take action, to spotlight the problem and do something about it.

In contemplating the possible consequences of the killing of the 11 Israeli Olympians, I am reminded of the history of skyjacking. Up until the 1960's, it was practically unheard of. Then a plane was hijacked and ordered to Cuba—successfully. The result was that, almost before we knew it, the idea caught on and plane after plane was being taken to Cuba.

Lately, a new wrinkle has been added—hijacking involving political or financial ransom, with the culprit often attempting to parachute to safety. The first time it was tried, a hijacker parachuted from the plane over Nevada and disappeared with $200,000. Subsequently, there has been a rash of skyjackings—either for financial profit or to obtain a political objective or both. Most of these efforts have been unsuccessful, but the attempts continue spurred on by the initial success and by the publicity each such attempt generates.

The same trend can be seen in the development of terrorist activity. Once an individual or group perpetrates an act of terror, achieves an objective, or attracts wide public attention, other terrorists seek to get on the bandwagon. We can see the effects in Vietnam, in the Middle East, in Northern Ireland, and even here in the United States. Only when the terrorists realize they will fail, that the penalty will be heavy and that there will be no easy sanctuary to flee to, or operate from, will this type of activity subside. Those nations which condone terrorism, and which allow terrorists to operate, unimpeded, from their territory, must share the responsibility—and the blame—for the consequences.

It is in the interests of all nations to curb the growth of international terrorism. If lunatics are able to achieve one objective through planned violence, what is to stop them from using the same tactics for other purposes—such as overthrowing existing governments or disrupting the economic, social, and political life of a nation. The result of unchecked international terrorism can only be international anarchy and that helps no one but the terrorists. A conference to explore ways and means of reducing the menace can only be of benefit to all concerned.

Just convening such a conference would put would-be terrorists on notice that people are no longer going to stand idly by and permit this terrorism to continue unchecked.

If, after convening the conference, the participants agreed to pool their information and coordinate their investigatory activities with regard to terrorists, a great deal more could be accomplished.

And, finally, any steps toward establishing guidelines for handling international terrorism or in deciding how to deal with nations that provide a sanctuary for terrorists and/or a base for continuing terrorist activity would contribute greatly toward resolving this problem.

People around the world have been shocked by what has happened at the XX Olympiad. However, if the expressions of shock and remorse are not followed up by a resolution to crack down on such activity in the future, the nations of the world will be inviting a repeat performance. In the hope that there is near unanimity that the time has come to do something, I introduce this resolution and urge the Senate to pass it as soon as possible. The sooner we act, and the nations of the world act, the quicker we can halt the suffering that international terrorism generates.

The resolution reads as follows:

SENATE RESOLUTION 362

Whereas, there exists today an international traffic in acts of terrorism, and

Whereas, the injury caused by such acts is shared by all nations, and

Whereas, this problem must be resolved by all nations acting in concert: Therefore be it

Resolved, That it is the sense of the Senate that the President request the immediate convening of an international convention to resolve the problem of international traffic in acts of terrorism.

FEDERAL REVENUE SHARING ACT—AMENDMENTS

AMENDMENT NO. 1494

(Ordered to be printed and to lie on the table.)

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1495

(Ordered to be printed and to lie on the table.)

Mr. CHURCH (for himself and Mr. NELSON), submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14370), supra.

AMENDMENT NO. 1496

(Ordered to be printed and to lie on the table.)

Mr. NELSON (for himself and Mr. Church), submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14370), supra.

Mr. CHURCH. Mr. President, in the company of the distinguished Senator from Wisconsin (Mr. Nelson), we are today submitting two amendments designed to help pay for the revenue sharing bill now before the Senate.

The amendments would accomplish this through a measure of tax reform plugging certain loopholes in the Internal Revenue Code. If enacted, they would raise nearly $4 billion a year in additional revenues.

It is nothing less than fiscal folly, Mr. President, to pass this huge revenue sharing bill without raising a dime to pay for it. The Federal Government has no revenue to share, only mounting debts. It is foolhardy to go further into debt, borrowing the billions this bill would give away to State and local governments.

The revenue sharing bill would appropriate approximately $29.5 billion for distribution during a 5-year period and, in addition, would authorize supplemental funds totaling $4 billion for an approximate total of $33.5 billion.

The Senate will demonstrate an irresponsibility equal to that of the Nixon administration if we approve this bill without raising the revenues with which to finance it.

The budget is already hemorrhaging out of control; deficit spending is running rampant; the Federal cupboard is bare.

During President Nixon's 4 years in the White House the Federal debt will have risen by more than $100 billion, an amount that greatly exceeds the combined increase under our four previous Presidents, Truman, Eisenhower, Kennedy, and Johnson.

I cannot vote for this revenue-sharing measure, Mr. President, unless we show the gumption to pay for it.

Accordingly, I send to the desk, on my own behalf and that of the Senator from Wisconsin (Mr. Nelson), the two amendments, and ask that they be printed.

The PRESIDING OFFICER (Mr. Bentsen). The amendments will be received and printed, and will lie on the table.

Mr. CHURCH. I ask unanimous consent, Mr. President, to have printed in the Record a short explanation which I have prepared of each of the two amendments.

There being no objection, the explanations were ordered to be printed in the Record, as follows:

EXPLANATIONS

1. STRENGTHEN THE PROVISIONS OF THE MINIMUM TAX

Although the Tax Reform Act of 1969 adopted a minimum tax on income derived from tax preference provisions, it has many shortcomings. As a result, it is still possible for the very rich to pay little or no tax. The minimum tax is defective because it contains unnecessary exemptions and because its tax rate of 10 percent is unreasonably low. The proposed amendment would make three major changes in the tax treatment of the four major tax preference items—stock options, bad debts, depletion, and capital gain—of the minimum tax. First, it would repeal the provision of existing law that allows regular income taxes to be deducted from these tax preference items. Second, it would lower the present $30,000 exemption to $12,000. Finally, it would increase the minimum tax rate from 10 percent to 50 percent of the regular income tax rate that would otherwise apply. The tax treatment of the other items of tax preference in the minimum tax provision would not be changed. Yield: $1.9-billion.

2. REPEAL THE ASSET DEPRECIATION RANGE SYSTEM (ADR) ALLOWING FOR A 20-PERCENT INCREASE IN DEPRECIATION ALLOWANCE ENACTED IN 1971

As a result of tax changes approved in 1971, businessmen can now take depreciation on their plant and equipment at a rate of 20 percent faster than before, without regard to the actual useful lives of their assets. This tax change, which the Administration first attempted to achieve by quietly changing tax regulations, will cost the Treasury 27.5 billion during the decade of the 1970's. Before 1971, the tax laws already provided for generous accelerated depreciation allowance. Also, in 1971, Congress restored the much enacted 7 percent investment tax credit to stimulate investment. The ADR system was, therefore, a costly and unnecessary tax windfall to businesses using depreciable assets. Originally, ADR was justified on the grounds that it would stimulate the economy. ADR has been in effect for over a year and the evidence does not support such a conclusion. Yield: $1.8-billion.

Mr. NELSON. Mr. President, the distinguished Senator from Idaho (Mr. Church) has submitted two amendments on behalf of both of us, one of them relating to the repeal of the asset depreciation range system, and the other relating to a minimum tax, both of which we are sponsoring together.

I now send to the desk an additional amendment in my own behalf respecting a reduction of the percentage depletion rates on oil, gas, and certain other minerals.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. NELSON. Mr. President, these amendments to H.R. 14370 would, if enacted responds to the much-pronounced but little honored call for tax reform. Also, these amendments offer a means of paying in large part the presently proposed revenue-sharing program. We must provide the funds for the revenue-sharing program for otherwise we will be taking away the money provided by this bill, by higher taxes or higher interest rates. Certainly Congress and the President intends revenue sharing to be a reality, not a ruse.

If we are to provide for a new program of revenue sharing, we must provide for its financing. To do less, would be irresponsible. We must provide the money to pay for this program otherwise we are deceiving the States and cities and adding to the national debt.

One of the main arguments against revenue sharing has been that there are no revenues to share. The fiscal 1972 deficit was about $23 billion. Estimates for the fiscal 1973 deficit range from $30 to $40 billion. And the recent Brookings study of the Federal budget concludes that there will be a substantial budget gap even when we return to full employment. Under these circumstances, many people wonder whether this is the time to embark on a new program costing the Federal Government $30 billion over the next 5 years.

These amendments would meet this argument head on. They would raise $4.1 billion in 1973, and increasing amounts thereafter—enough to finance 80 percent of the revenue-sharing program. It would allow us to provide funds to State and local governments without a large increase in the national debt. I would think that everyone would welcome this opportunity to stem the growing national debt without denying funds to students or the poor.

This approach would greatly reduce the cost of revenue sharing. For if the Federal Government borrows the funds to be distributed to State and local governments—as it will have to unless steps are taken to finance the new program—there will be a substantial interest charge. Indeed, it has been estimated that over the next 5 years the interest cost would be over $5 billion. Most of this cost is avoided if the amendments are adopted.

Of course, the argument for tax reform goes far beyond the question of additional revenues. It is also a matter of fundamental equity.

Tax reform has now become one of the most important issues in the Nation. The Federal income tax system is widely regarded as a national disgrace. According to Treasury figures, there were 1,338 Americans who earned $50,000 or more in 1970 but paid no income tax at all; 106 individuals with adjusted gross incomes exceeding $200,000 paid no Federal income tax in 1970. Incredibly, three taxpayers with adjusted gross income of more than a million dollars each pay no income tax at all.

In addition, there is a substantial number of people who do not pay their fair share of taxes. The same inequity applies to corporations. More than 40 percent of U.S. corporations paid no Federal income tax at all in fiscal 1970.

Disclosure of tax loop holes such as these has led to a new round of popular protest against tax injustice. Throughout the country, taxpayers are insisting on reform to insure that every citizen bears his fair share of the Nation's taxes.

The Congress owes it to the Nation to respond. It has the opportunity to enact meaningful reforms now and thereby lay the groundwork for the sort of comprehensive tax reform that should be our highest priority next year.

These amendments deal with areas where the need for reform is greatest:

The first amendment would substantially reduce the depletion allowance available to the oil industry, which enabled the 20 largest oil companies to pay Federal income taxes at the rate of less than 9 percent in 1970.

The second amendment would significantly strengthen the provisions of the minimum tax, which Congress passed in 1969 to reduce the windfall tax benefits available to individuals and corporations.

Finally the third amendment would repeal the accelerated depreciation speed up—ADR—passed last year as part of the Revenue Act of 1971. Even before the 1971 act was passed, a number of the Nation's largest corporations were already using accelerated depreciation to reduce their taxes to the vanishing point. There is no justification for the additional speedup enacted in 1971; it should be terminated now.

I ask unanimous consent that a brief explanation of the three amendments and their revenue gain be printed in the RECORD at this point.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

SUMMARY OF TAX REFORM AMENDMENTS TO H.R. 14370 TO BE OFFERED BY SENATOR GAYLORD NELSON

1. STRENGTHEN THE PROVISIONS OF THE MINIMUM TAX

Although the Tax Reform Act of 1969 adopted a minimum tax on income derived from tax preference provisions, it has many shortcomings. As a result, it is still possible for the very rich to pay little or no tax. The minimum tax is defective because it contains unnecessary exemptions and because it's tax rate of 10 percent is unreasonably low. The proposed amendment would make three major changes in the tax treatment of the four major tax preference items—stock options, bad debts, depletion, and capital gain—of the minimum tax. First, it would repeal the provision of existing law that allows regular income taxes to be deducted from these tax preference items. Second, it would lower the present $30,000 exemption to $12,000. Finally, it would increase the minimum tax rate from 10 percent to 24 percent for corporations, and from 10 percent to half of the regular income tax rate for individuals. The tax treatment of the other items of tax preference in the minimum tax provision would not be changed by this amendment.

2. REPEAL THE ASSET DEPRECIATION RANGE SYSTEM (ADR) ALLOWING FOR A 20-PERCENT INCREASE IN DEPRECIATION ALLOWANCE ENACTED IN 1971

As a result of tax changes approved in 1971 businessmen can now take depreciation on their plant and equipment at a rate of 20 percent faster than before and without regard to the actual useful lives of their assets. This tax change, which the Administration first attempted to achieve by quietly changing tax regulations, will cost the Treasury 27.5 billion during the decade of the 1970's. Before 1971, the tax laws already provided for generous accelerated depreciation allowance. Also in 1971 Congress restored the much enacted 7 percent investment tax credit to stimulate investment. The ADR system was, therefore, a costly and unnecessary tax windfall to businesses using depreciable assets. Originally, ADR was justified on the grounds that it would stimulate the economy. ADR has been in effect for over a year and the evidence does not support such a conclusion.

3. REDUCE THE MAXIMUM DEPLETION RATE FROM 22 TO 15 PERCENT

The present law allows oil producers and producers of certain other minerals and metals to receive 22 percent of the gross income from their wells or mineral deposits tax-free, so long as it does not exceed 50 percent of the net income. As a result, the cost of the average well or mineral property is being recovered many times. The proposed amendment would merely reduce the maximum depletion allowance to a more reasonable rate.

1973 Revenue Gains of Senator Nelson's Tax Reform Amendments to H.R. 14370

[In billions of dollars]

1. Strengthening the minimum tax	$1.9
2. Repeal the asset depreciation range system (ADR)	1.8
3. Reduce the maximum depletion allowance from 22 percent to 15 percent	.4
Total	4.1

Mr. NELSON. Acceptance of these amendments will not end the need for more thoroughgoing tax reform. Earlier this year, along with 11 other Senators, I introduced legislation (S. 3378) to close a large number of other loopholes. But these amendments to H.R. 14370 can and should be passed now. The reforms recommended here have been the subject of extensive debate in recent years. They are widely known and understood. They have received detailed hearings in Congress in connection with the Tax Reform Act of 1969 and the Revenue Act of 1971. There is no excuse for not doing at least this much this year.

I ask unanimous consent that the text of the amendments be printed in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1494

At the end of the bill insert the following:

TITLE IV—INTERNAL REVENUE CODE AMENDMENTS

SEC. 401. REDUCTION OF PERCENTAGE DEPLETION RATES ON OIL AND GAS AND CERTAIN OTHER MINERALS

(a) Section 613(b)(1) of the Internal Revenue Code of 1954 (relating to percentage depletion rate on oil and gas wells and certain other minerals) is amended by striking out "22 percent" and inserting in lieu thereof "15 percent".

(b) The amendment made by subsection (a) shall apply to taxable years beginning after the date of the enactment of this Act.

AMENDMENT No. 1495

At the end of the bill insert the following:

TITLE IV—INTERNAL REVENUE CODE AMENDMENTS

SEC. 401. REPEAL OF ASSET DEPRECIATION RANGE SYSTEM

(a) Section 167(m) of the Internal Revenue Code of 1954 (relating to the Asset Depreciation Range System) is repealed.

(b) Section 167(a) of such Code (relating to a reasonable allowance for depreciation) is amended by adding at the end thereof the following:

"Such reasonable allowance shall be computed, subject to the provisions of Revenue Procedure 62–21 (except for the provisions for the reserve ratio test) as in effect on January 1, 1971, on the basis of the expected useful life of property in the hands of the taxpayer."

(c) The amendment made by subsection (a) shall apply to property placed in service after December 31, 1971. The amendment made by subsection (b) shall apply to taxable years ending after December 31, 1971, but shall not apply to property placed in service by the taxpayer during the calendar year 1971 if an election has been made to have the provisions of section 167(m) of the Internal Revenue Code of 1954 apply to such property.

AMENDMENT No. 1496

At the end of the bill insert the following:

TITLE IV—INTERNAL REVENUE CODE AMENDMENTS

SEC. 401. MINIMUM TAX FOR TAX PREFERENCES

(a) Section 56 of the Internal Revenue Code of 1954 (relating to imposition of the minimum tax for tax preferences) is amended by redesignating subsections (b) and (c) as (d) and (e), respectively, and by striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of each person, a tax equal to the sum of—

"(1) the tax on such person's category I tax preference income (computed under section (b)), and

"(2) the tax on such person's category II tax preference income (computed under subsection (c)).

"(b) CATEGORY I TAX PREFERENCE TAX.—For purposes of subsection (a)(1), the tax on a person's category I tax preference income is 10 percent of the amount (if any) by which—

"(1) the sum of the items of tax preference set forth in paragraphs (2), (3), (4), (5), and (10) of section 57(a) in excess of the category I exemption, is greater than

"(2) the sum of—

"(A) the taxes imposed by the chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"(i) section 33 (relating to foreign tax credit),

"(ii) section 37 (relating to retirement income),

"(iii) section 38 (relating to investment credit),

"(iv) section 40 (relating to expenses of work incentive program), and

"(v) section 41 (relating to contributions to candidates for public office); and

"(B) the tax carryovers to the taxable year.

For purposes of ths subsection, the category I exemption is $30,000 minus the amount of the category II exemption that the taxpayer elects to use.

"(c) CATEGORY II TAX PREFERENCE TAX.—For purposes of subsection (a)(2), the tax on a person's category II tax preference income is—

"(1) in the case of a corporation, 24 percent of the amount (if any) by which the sum of the items of tax preference set forth in paragraphs (6), (7) (8), and (9) of section 57(a) exceeds the taxpayer's category II exemption, and

"(2) in the case of a taxpayer other than a corporation, a tax, on the amount (if any) by which the sum of the items of tax preference set forth in paragraphs (6), (7), (8), and (9) of section 57(a) exceeds the taxpayer's category I exemption, equal to one-half of the tax which would be imposed under section 1 by treating the amount of such excess as the taxable income for the taxable year.

For purposes of this subsection, the category II exemption is the amount, not exceeding $12,000, that the taxpayer elects (at such time and in such manner as the Secretary or his delegate prescribes by regulations) to use for the taxable year."

(b) Section 56 (d) of such Code, as redesignated by subsection (a) (relating to deferral of tax liability in case of certain net operating losses), is amended to read as follows:

"(d) DEFERRAL OF TAX LIABILITY IN CASE OF CERTAIN NET OPERATING LOSSES.—

"(1) IN GENERAL.—If for any taxable year a person—

"(A) has a net operating loss any portion of which (under section 172) remains as a net operating loss carryover to a succeeding taxable year, and

"(B) has items of ax preference taxable under subsection (b) or (c) for the taxable year,

then an amount equal to the lesser of the tax imposed by subsection (a) or 10 percent (or such percent as may be determined under regulations prescribed by the Secretary or his delegate) of the amount of the net operating loss carryover described in subparagraph (A) shall be treated as tax liability not imposed for the taxable year, but as imposed for the succeeding taxable year or years pursuant to paragraph (2).

"(2) YEAR OF LIABILITY.—In any taxable year in which any portion of the net operating loss carryover attributable to the items of tax preference described in paragraph (1) (B) reduces taxable income, the amount of tax liability described in paragraph (1) shall be treated as tax liability imposed in such taxable year in an amount equal to 10 percent (or such percent as may be determined under regulations prescribed by the Secretary or his delegate) of such reduction.

"(3) PRIORITY OF APPLICATION.—For purposes of paragraph (2), if any portion of the net operating loss carryover described in paragraph (1) (A) is not attributable to the items of tax preference described in paragraph (1) (B), such portion shall be considered as being applied in reducing taxable income before such other portion."

(c) Section 56(e) of such Code, as redesignated by subsection (a) (relating to tax carryovers) is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) the sum of the items of tax preference set forth in paragraphs (2), (3), (4), (5), and (10) of section 57(a) in excess of the category I exemption for the taxable year,"; and

(2) by striking out "subsection (a)" in the last sentence and inserting in lieu thereof "subsection (b)".

(d) Section 58 of such Code (relating to rules for application of the minimum tax) is amended—

(1) by striking out "$30,000 amount specified in section 56 shall be $15,000" in subsection (a) and inserting in lieu thereof "$30,000 and $12,000 amounts specified in section 56 shall be $15,000 and $6,000, respectively";

(2) by striking out "$30,000 amount" in subsections (b) and (c) and inserting in lieu thereof "$30,000 and $12,000 amounts";

(3) by striking "$30,000" in subsection (c) and inserting in lieu thereof "$30,000 or $12,000, as the case may be,";

(4) by striking out subsection (g); and

(5) by adding at the end thereof the following new subsection:

"(h) Election Not To Claim Tax Preferences.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purposes of this part. In the case of an item of tax preference described in section 57(a) (9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is described in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(e) The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

AMENDMENT NO. 1500

(Ordered to be printed and to lie on the table.)

Mr. PERCY. Mr. President, very heavy emphasis has been placed, throughout our discussions of H.R. 14370 and amendments thereto, on the fiscal plight of the States and localities. This plight is made clear by data on State and local general expenditures, which between 1955 and 1970 rose almost three times in current dollar terms—from $33.7 billion to $131.3 billion. During the same period State and local revenues rose from $31.1 billion to $130.8 billion. This has required dramatic increases in State and local taxes—in income taxes, sales taxes, and, very prominently, in property taxes.

Real property taxes supply the bulk of local government revenues. Of total local government tax revenues of $38.8 billion in 1970, local governments obtained $32.9 billion from property taxes, compared to only $7 billion in 1950. State governments received $1 billion from property taxes in 1970.

The burden of property taxes is acutely felt throughout the country. Excessive property taxes are driving our older citizens from their homes, and farmers from their farms. The need for property tax reform is demonstrated by such entrenched practices as:

Underassessment of large mineral, commercial and industrial properties;

Unnecessary and unfair exemptions for certain groups;

Indiscriminate creation of special taxing districts in which all property is free from tax, or taxed at very low rates;

Federal or State government property, including government land or buildings, which is leased to private commercial and industrial users, but which is not taxable by local jurisdictions;

Property owned by local jurisdictions which is leased for industrial and commercial use but is tax-free because still owned by the jurisdiction;

Exemptions for classes of homeowners regardless of the income or assets of such persons;

Administration of the tax by unprofessional, part-time assessors; and

Fragmentation of States into hundreds, even thousands, of taxing jurisdictions.

For much too long a time we in the Federal Government have turned aside constituent complaints about unfair and excessive property taxes, considering them to be purely and irremediably a local matter. We must now face this issue directly. We are now in the process of enacting a really revolutionary program that will give to the States and the localities large amounts of essentially string-free money for their use as they see fit. We have broken, for these States and localities, the link between revenue raising and spending. Critics of revenue sharing have claimed, with some validity, that it will foster a spirit of irresponsibility among such local governments: that there will be no felt awareness by them that the money they are given to spend is actually money raised—through Federal individual income taxes—from their own citizens.

Thus I think the Federal Government has a right and an obligation to require property tax reform. This would help accomplish two purposes. First, it would help eliminate the very substantial inequities that exist in property taxation within the States. Second, it would help make sure that local governments are using the fairest, most equitable, and most efficient techniques by which to raise local property tax funds.

If reformed, property taxes can be fair, efficient, and progressive. What is needed is competent, objective and uniform application of the tax in order to broaden the base, open the system to public scrutiny and easy appeal, and establish uniform statewide assessment, accounting, and management systems. I hope and expect that these reforms will result in lower property taxes for homeowners.

At the same time we must encourage States to implement programs of relief to elderly and other low-income property taxpayers for whom rapidly escalating property tax costs have become unbearable, punitive burdens.

Thus I am submitting, with Senator MATHIAS, an amendment to H.R. 14370 to create a new title IV to be called the Property Tax Assistance and Reform Act of 1972.

This new title establishes a program of grants to the States, to be administered by the Secretary of Housing and Urban Development, equal to 50 percent of the amount spent by States as property tax relief for elderly and other low-income homeowners and renters. Several States, including Wisconsin, Minnesota, California, Vermont, and Kansas, and most recently Illinois, have enacted such State programs. These tax relief payments are usually called "circuit breakers" because they enable the State to step into the system to assist poor homeowners and renters to meet their tax bills.

Such a program works as follows: For example, if the property tax bill of an elderly person exceeds 8 percent of his income, that person then becomes eligible for relief in the form of a grant from the State. Maximum grants would be limited to $300. Over an income of $3,000, the maximum grant would drop by $5 per each additional $200 of income. For example, if an elderly property owner has an income of $3,000 and his property tax exceeded 8 percent of his income, the State would pay the excess up to $300. If the property owner has an income of $3,200, the maximum State payment would be $295. An elderly household with income over $15,000 would not be eligible.

Such a program would also include renters. About 25 percent of one year's rent applies to property taxes. Hence, seniors and other low-income renters would be eligible for rebates on 25 percent of their rents.

This would not be a tax forgiveness scheme. The assessment is made, and the tax is levied, as usual. The citizen then applies for a rebate from the State for the excess amount of tax. Property tax circuit-breaker programs would in no way be limited to the amounts stated in the bill.

In order to qualify for such Federal grants, however, the States must implement certain basic tax reforms. Such reforms have been proposed by the Advisory Commission on Intergovernmental Relations. Their utility has been asserted in hearings held by Senator Muskie, who as chairman of the Subcommittee on Intergovernmental Relations of the Government Operations Committee, has held several sets of hearings on this issue beginning last May. They are, in my view, badly needed. Senator Muskie has assured me and Senator Mathias that he plans to continue these hearings and that these proposals will be fully considered.

Essentially, all these reforms are directed at the assessment side of the property tax collection process, not at the setting of property tax rates, which would remain an entirely local prerogative. This title provides that the States would have to move to implement the following reforms to be eligible for Federal grants:

Establish a system of State supervision of property tax assessment by the counties and other localities;

Establish a program for training and certification of those individuals charged with assessment and administration of the real property tax in the localities, in order to develop a highly professional corps of assessors;

Establish a uniform system of real property tax assessment rolls, billing practices, and related administrative practices and records;

Establish systems under which individual taxpayers will be supplied with statements, not later than 60 days before the date on which payment of that tax is due, which disclose the assessed value of the property, the percentage of value at which the property is assessed, and the rate of tax at which the property is taxed. Such statements shall also include the results of comprehensive assessment ratio studies of the assessment and taxation of property in the taxpayer's neighborhood;

Undertake annual assessment ratio studies of the average level of assessment, the degree of assessment uniformity, and overall compliance with assessment requirements for each major class of real property in each county or other political subdivision in the State, in order to insure that property tax evasion is curtailed; and

Define the base for real property taxation, and clearly establish what classes of property are to be exempt from taxation. Very important is a requirement that the State determine the total assessed valuation of real property in each excepted class and make that information available to the public, so that, in many cases for the first time, States will know how much their exempt properties are costing real revenue.

A key requirement is that States must establish a system of appeals from the determinations of assessors which will provide for prompt, efficient disposal of such appeals. Citizens should be able to appeal the assessment, rate of tax, or exemption from tax of their own property or any other real property, if he can demonstrate that the challenged assessment, rate of tax, or exemption adversely affects him. If such challenges are successful, States may be authorized to assess the property, set the rate of tax, or provide or withdraw the exemption without the consent of local officials.

These are the essential reforms required to insure that States bring their property tax systems into conformity with modern standards of equity and sound administration. The property tax, apart from the tariff, is perhaps our oldest tax. In theory, and in practice, it remains in many, if not most, States in the same form it took in the 19th century. Once intended to be a tax levied by the States, State governments have over the years allowed the administration of the property tax to devolve to the lowest levels of local government.

In Illinois, more than 1,400 separate jurisdictions levy property taxes. There are rampant disparities of tax between jurisdictions that are immediately adjacent to each other. This "balkanization" of tax jurisdictions is one of the reasons why homeowners are bearing such terribly high property taxes, while at the same time we hear reports of industrial, commercial, and other properties being exempted from tax, or being grossly underassessed, and it is a major reason for this title. More than enough examples of such abuses have been brought to light by Senator Muskie's subcommittee's hearings, to which Senator Metcalf has contributed to such a great extent, to justify the reforms set forth in this title.

Thus the purpose of this legislation is double. It is first to give States an incentive to reform their property taxes. It is second to give States an incentive to expand or to implement "circuit breaker" programs of property tax relief for low-income homeowners, including particularly the elderly. These are two critically important objectives.

But we believe that the central justification for the bill remains the fact that we now have an obligation, stemming from the imminent enactment of a major revenue-sharing program, to ask the States to implement the best, most equitable tax systems, they can devise. We ask them to modernize rigorously the management and administration of the basic tax which finances local government operation. The result, we believe, will be a more equitable real property tax which ends tax favoritism for the politically influential, brings more presently exempt property into the tax base, and thus enables communities to lower their property tax rates, particularly for homeowners.

I ask unanimous consent that a statement by the distinguished Senator from Maryland (Mr. Mathias), together with an insertion, be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

Statement by Senator Mathias

I am pleased to join with the Senator from Illinois (Mr. Percy) in submitting an amendment to the historic revenue sharing bill before the Senate at this time. The purpose of this amendment is to encourage and assist state and local governments to reform their property tax systems so that they are more fair, equitable and responsive to the needs and resources of all Americans.

One of the purposes of revenue sharing is to improve the overall tax system of the United States by using the federal income tax, which is the best tax system we have yet devised, to finance general projects of state and local governments. This is in reality fundamental tax reform. Another goal of revenue sharing is to provide state and local governments with the funds they need to adequately respond to the needs and expectations of our citizens.

To reach these goals of revenue sharing, however, we must look beyond the provisions of this bill as it stands before us today and examine other parts of our tax and revenue system. Most importantly, we must examine the complex system of state and local property taxes. Widespread dissatisfaction with the current system of property taxes was brought home very strongly to me last January, when I held public hearings in Towson, Maryland, on the need for property tax reform. Public officials of all levels of government and citizens from all walks of life came forward at those hearings with example after example of the inadequacy of the current property tax system, and yet experts told us that Maryland has one of the best property tax systems in the United States.

Since those hearings, I have tried to develop legislation which will lead to the reform in property taxes which we so urgently need. The result of those efforts is the amendment which the Senator from Illinois and I are introducing today.

This amendment would provide grants to states to reform their property tax administration, would provide relief to low-income individuals who are burdened with soaring property taxes, and would enable each taxpayer in America to know whether the property taxes which he pays are his fair share of the overall tax load.

I think this amendment speaks for itself, and I hope each of my colleagues will find the time to read it and will give it the enthusiastic support which I firmly believe it deserves. I add certain material for printing in the Record.

Statement of Senator Charles McC. Mathias, Jr., at Hearings in Towson, Md., on Property Tax Reform

Mr. Mathias. I have called these hearings to solicit the advice and counsel of Maryland citizens and public officials on a subject which is justly receiving increased attention throughout our country: the very high rate of local property taxes and the effect of these taxes on American citizens and on the use of America's land.

The tax on land and buildings is the oldest major tax in America—and one of the most important. Nationally, these taxes provide some $38 billion a year to American governments. As a revenue producer, the property tax is exceeded only by Federal income and social security taxes. It is used by over 70,000 local government units and by 23 state governments. It produces 40 per cent of the revenues raised by these governments and two-thirds of the revenues raised by local governments.

Throughout America, property taxes finance 54 per cent of local government costs for education, 41 per cent of their costs for health care, and 30 per cent of their costs for welfare.

In the last 15 years, property taxes have doubled.

Two hundred years ago in an agrarian society in which an individual's income and wealth was usually directly related to the amount of land he owned, real property seemed an appropriate basis for taxation. A farmer with a large amount of land could afford to pay more tax than a farmer with a small amount of land.

Today, of course, only a small percentage of Americans derive their income and wealth directly from land or other real property. And so it should not surprise us that to many citizens the philosophical legitimacy of a very heavy tax on real property seems obscure, while its inequities and inadequacies seem very clear.

The great Chief Justice of the U.S. Supreme Court, John Marshall, stated in a leading decision 152 years ago, "The power to tax is the power to destroy". Today, for millions of our citizens, soaring property taxes are destroying the American dream of owning one's home.

Two letters which I have recently received underscore the urgency of this problem. One is from Mr. Frederick P. Babcock of 10771 Kinlock Road, Silver Spring, Maryland. He writes:

"Mrs. Babcock and I heartily agree with the position taken by President Nixon with regard to the necessity of tax relief for the elderly. . . . There is no argument about the fact that *real estate taxes* are so high that they are a great burden upon all taxpayers and especially on the elderly. A major reason for this is the tremendous increase in school taxes in recent years. . . . We agree that in the interest of keeping America strong, a good school system must be maintained, and therefore everyone should help to pay the cost. However, we also feel that some serious consideration should be given to relieving the elderly of at least a part of the school tax. . . ."

Another letter comes from Mr. and Mrs. William S. Gossard of 953 View Street, Hagerstown, Maryland. They write:

"At present our family is involved in a very serious financial crisis in the form of an increase of $3,800 property tax assessment that will result in a $15.00 per month increase in our house payment. This 30 year old house was purchased in December 1970. . . . At the time of purchase we didn't even take the optional mortgage insurance because we felt we couldn't afford the additional expense to our payment.

"We are a family of seven with one wage earner and a net income in the neighborhood of $11,000 per year. We purchased this home one year ago because the price seemed right for our income and the house seemed sufficient for our family. In the twelve months we have occupied this residence we have faced a constant increase in all utilities in this area. Needless to say, along with increased rates at local hospital and medical facilities, clothing expenses, food expenses and the like, it has been a constant struggle and an increasing strain on our budget!"

The experiences of these homeowners are shared by thousands of other Marylanders.

The Governor's Study Commission on Tax Structure (the Mills Commission) stated in its report of January, 1971.

"Property taxes impair citizens' ability to provide housing, and further increase would worsen the problem, especially in Baltimore City where the property taxes are highest and housing conditions are among the worst in the state."

The burden of the property tax is felt by the tenant as well as the homeowners—and by the owners of real property other than homes.

The public dissatisfaction with the property tax stems not only from the amount of the tax but also from several other factors. First, the amount of the tax varies according to who owns the property, where it is located, and what it is used for. Property owned by any agency or government, churches or certain educational or philanthropic foundations is not taxed. In some cities these exemptions mean that 50 per cent of the property within the core area of the city is tax-free, which means, in effect, that the tax rate on the remaining property must be doubled.

In some states, the law provides special relief if the property is owned by senior citizens or veterans or new industries.

In Maryland, we provide that land used for farming should be taxed at a rate different from land used for other purposes. The justification for this provision is that it prevents the farmer from being taxed out of business, that it preserves open green spaces, and accordingly, that it improves the environment of the general community. But now some Marylanders allege that this provision must be rewritten to prevent abuse by persons who are not bona fide farmers. Others feel it should be repealed entirely. Others feel its provisions should be liberalized to encourage the preservation of open space by persons who are not farmers.

The amount of tax varies also between local jurisdiction, according to the revenue needs and the resources of the jurisdiction, the frequency, skill, and fairness of value assessment, and the diligence of tax collectors.

A number of other criticisms have been levelled at the property tax. Economists tell us that the tax is regressive, that the poor pay a higher percentage of their income in property taxes than the affluent. A study by the Brookings Institution in Washington showed that taxpayers who earn less than $4,000 carry twice the burden, in terms of their available resources, as taxpayers who earn more than $15,000. The regressive nature of the property tax should be of special concern since property taxes have doubled since the late 1950's.

The soaring rates of the property tax evidences another of its shortcomings. Revenues from the property tax, unlike revenues from the income tax, do not increase significantly as our economy grows. As a result, governments which depend on revenues produced by the property tax must ask for frequent increases in the rate of the tax to meet their higher costs of education, welfare, transportation, parks, and other services.

Recently some Americans have also alleged that our current system of local property taxes does violence to land itself. The local property tax, coupled with local zoning authority, is said to frustrate county, state, and regional land use planning, to encourage the wrong type of development in the wrong place at the wrong time.

One report based on research conducted for a Senate subcommittee recently stated "Property taxation has a major effect on patterns of land use and this effect is of great significance in any effort to revive and improve the metropolitan environment". The property tax, the report states, helps to encourage a pattern of development in which "expanison is irregular and disordered, with subdivisions, shopping centers, and factories springing up far from the perimeter of the urbanized area. . . . Leapfrogging of development . . . requires that public improvements and services be extended to islands of settlement far from the city, resulting in increased costs to both the individuals personally involved and the entire metropolitan community".

In summary, the local property tax in America appears to be inequitable to the taxpayer, inadequate as a provider of revenue to local governments, and destructive of any rational planned approach to metropolitan growth.

Accordingly, a number of alternatives have been suggested, including reform of property tax administration, repeal of the current exemptions from the tax or the granting of new exemptions, a uniform state-wide property tax, replacement of the property tax by other state taxes or by a federal tax.

It has been suggested to President Nixon that he should ask Congress to enact a federal value-added tax to replace the local property tax. Revenues from the federal tax would be given to state and local governments on the condition that they reduce the amount of their property tax. Other persons in Washington have suggested that revenues from an increase in federal income tax should be used to offset local property taxes.

There are also a number of bills designed to foster a better pattern of metropolitan growth and overcome the adverse effects on land use of factors such as America's current system of local and state property taxes. Last year, I introduced the National Land Use Policy Act, S. 2554. This bill would establish a systematic and comprehensive national land use policy which would coordinate the efforts of local, state, and federal agencies. The bill recognizes that the primary responsibility for land use planning must continue to rest with state and local governments, but it responds to the increasingly evident need for coordinated, long-term planning. The bill would provide the Secretary of the Interior, Rogers Morton, the power to provide grants to states to aid them in developing acceptable land use plans and the means and manpower to implement these plans. Hearings on this bill have been held by the Senate Interior Committee and I am hopeful that its proposals will be enacted by the Congress during the coming session. I would be happy to provide any interested person with a copy of this bill.

Ladies and gentlemen, I appreciate very much your attendance here this morning and your willingness to give me the benefit of your experience in this important area. I know that some of you would like to be able to reflect longer on this complex subject and gather more information on which to form your final judgment. But I appreciate your sharing your current thoughts with me and I hope that you will continue to keep me informed in the future.

AMENDMENT NO. 1502

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (H.R. 14370), supra.

AMENDMENT NO. 1504

(Ordered to be printed and to lie on the table.)

Mr. CHILES submitted an amendment, intended to be proposed by him, to House bill 14370, supra.

AMENDMENT NO. 1505

Mr. ROTH (for himself and Mr. TUNNEY) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14370), supra.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS—AMENDMENTS

AMENDMENTS NOS. 1498 AND 1499

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE. I am, for myself and Senators CRANSTON, HART, STEVENSON, and SYMINGTON, submitting two amendments to the Jackson amendment (No. 1406) to Senate Joint Resolution 241, the interim agreement on offensive weapons systems.

The operative clause of the Jackson amendment reads as follows:

> The Congress recognizes the principle of United States-Soviet equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United

States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

As Senator JACKSON has explained, "levels of intercontinental strategic forces" refers to numbers of ICBM's, SLBM's, and intercontinental bombers, taking into account the total payload—throw-weight—capabilities of such forces.

While these are vital elements of the overall strategic balance, they are by no means the only factor that must be taken into account in measuring the relative strength of the United States and the Soviet Union. There are many other vital factors such as numbers of warheads, accuracy, megatonnage, survivability, deployment, technical reliability, geographic factors, and the overall quality of weapons systems that must be considered in any measure of the nuclear balance of power.

I believe that the objective of our policy in future arms control negotiations must be to stabilize the arms race on the basis of equality in the deterrent capabilities of the United States and the Soviet Union. It is only on such a basis that both powers will feel sufficiently secure to refrain from further strategic arms build-ups. I cannot imagine a more important goal of U.S. policy than the achievement of this kind of equilibrium that preserves our security, guarantees the sufficiency of our defense, and frees us from the dangers and debilitating expense of a spiraling arms race.

The purpose of each of my amendments is to urge the President to seek a future treaty that preserves an overall equality, taking into account all relevant factors that make up the strategic balance. It may well be that our negotiators will want to propose general numerical parities either overall or in particular categories of strategic weapons systems, but I do not believe we should prejudge the negotiations and require them to do so. Rather than placing our negotiators in a sort of straitjacket during the next round of negotiations, I believe we should advise them only on the objective of achieving overall equality in U.S.-Soviet deterrent capabilities and allow them flexibility in identifying the means which will best achieve that objective. Such flexibility, after all, permitted negotiation of the interim agreement which clearly serves our interests and preserves an overall equality during the period of the agreement even though it does not provide for numerical equivalents.

My amendments would therefore strike the language of the Jackson amendment which reads "not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union," and replace this phrase with language that urges the maintenance of an overall equality. I have introduced two amendments with the same purpose—a short, simple amendment and a longer one which sets out the factors that could be considered in measuring the strategic balance. The second amendment is an elaboration of the first. I ask unanimous consent that these two amendments be printed in the RECORD at this point.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1498

On page 2, line 12, strike out the word "not" and language following up to and including the word "Union" on page 2, line 14, and insert in lieu thereof: "maintain an overall equality between the United States and the Soviet Union in nuclear strength and guarantee the sufficiency of U.S. defense".

AMENDMENT NO. 1499

On page 2, line 12, strike out the word "not" and language following up to and including the word "Union" on page 2, line 14, and insert in lieu thereof: "maintain an overall equality between the United States and the Soviet Union in nuclear strength, taking into account such components as numbers of delivery vehicles, numbers of deliverable warheads, accuracy, throw-weight, gross and equivalent megatonnage, technical reliability, geography, deployment, survivability, overall quality of weapons systems, and other factors, recognizing that inequalities in individual components of the nuclear balance are acceptable providing that the overall balance of nuclear power is preserved".

AMENDMENT NO. 1501

(Ordered to be printed and to lie on the table.)

Mr. SYMINGTON submitted an amendment intended to be proposed by him to amendment No. 1406 to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

FEDERAL ADVISORY COMMITTEE ACT—AMENDMENT

AMENDMENT NO. 1497

(Ordered to be printed and to lie on the table.)

Mr. METCALF submitted an amendment intended to be proposed by him to the bill (S. 3529) to prescribe certain standards and procedures governing the establishment and operation of advisory committees in the Federal Government, and for other purposes.

FEDERAL-AID HIGHWAY ACT OF 1972—AMENDMENT

AMENDMENT NO. 1503

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted an amendment intended to be proposed by him to the bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code and for other purposes.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1445

Mr. KENNEDY. Mr. President, I wish to express my appreciation for the decision of the distinguished Senator from Minnesota (Mr. HUMPHREY) to join with the Senator from Michigan (Mr. HART) and the Senator from Maryland (Mr. MATHIAS) as a chief cosponsor of amendment No. 1445 to Senate Joint Resolution 241, the resolution of approval of the interim agreement.

Senator HUMPHREY long has been one of the Senate leaders in the area of arms control and disarmament. He was the principal author of the Senator resolution in 1963 encouraging President Kennedy to seek a limit on nuclear testing.

The introduction of that resolution was followed within weeks by the announcement of a moratorium on our nuclear weapons testing by the President; and a few short months later, the partial Test Ban Treaty was ratified by this body.

It is hoped that the history of this amendment, urging the President to announce a moratorium on nuclear testing and to offer a new proposal to the Soviet Union for a comprehensive test ban treaty, will be similar.

Therefore, it is with great appreciation that I ask unanimous consent to add the name of the distinguished Senator from Minnesota as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Antonin Scalia, of Virginia, to be Chairman of the Administrative Conference of the United States for a term of 5 years, vice Roger C. Cramton, resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, September 15, 1972, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

KILLING OF MEMBERS OF ISRAELI OLYMPIC TEAM—LETTER FROM SECRETARY OF SENATE TO SECRETARY OF STATE TRANSMITTING SENATE RESOLUTION 358

Mr. MANSFIELD. Mr. President, I submit a letter from the Secretary of the Senate, the Honorable Francis R. Valeo, to the Secretary of State, the Honorable William P. Rogers, transmitting Senate Resolution No. 358, adopted on September 6, 1972, as directed by the Senate in this resolution.

I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am forwarding herewith Senate Resolution 358, adopted by the United States Senate on September 6, 1972, expressing the profound sorrow and deep alarm of the Senate in connection with the events surrounding the killing of eleven members of the Israeli Olympic team participating in the Twentieth Olympiad at Munich.

It will be deeply appreciated if you will arrange for appropriate transmittal of these sentiments and expressions.

With kindest regards,

Sincerely yours,

Francis R. Valeo,
Secretary of the Senate.

SENATOR McGOVERN'S FOREIGN POLICY

Mr. HRUSKA. Mr. President, in a shocking departure from reality, Senator George McGovern is now portrayed as willing to turn over all of Southeast Asia to communism without so much as firing a return shot. This revelation came forth from a Newsweek interview with Senator McGovern's chief foreign policy adviser, Harvard law professor Abram Chayes.

According to Chayes, McGovern would tip over friendly governments in Laos, Cambodia, and South Vietnam, and dismantle our Thai bases on the way out. And if it comes down to all of Southeast Asia, Chayes says that is expendable, too. If this represents Mr. McGovern's views, then his foreign policy is certainly the most bizarre of any in recent history.

What George McGovern proposes is no less than an Asian Munich—a surrender of principles and peoples so callow as to make Neville Chamberlain appear a latter-day statesman.

The answer to Mr. McGovern is simple enough. It is that as long as men love freedom, they are not going to participate in the wholesale destruction of sovereign nations. And as long as Americans have a vote, they will not elevate to office men whose statesmanship has been forged on the anvil of surrender.

Mr. President, I ask unanimous consent that excerpts from the question-and-answer session between Mr. Chayes and reporters in Paris, as they appear in Newsweek for September 11, 1972, be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

What McGovern "Can Live With"

And at a dinner last week in Paris attended by French officials and four journalists, including Newsweek's Arnaud de Borchgrave, Chayes presented his pull-no-punches assessment of the U.S. role in Southeast Asia. His blunt words were all the more significant because they presumably reflected McGovern's own views—or at least, the foreign policy advice that the Democratic candidate is likely to receive from his top aides. Excerpts from the question-and-answer session between the reporters and Chayes:

Q. You say you would cut off all military aid to Saigon as soon as the McGovern Administration takes over. But what if the North Vietnamese also insist that the United States cease all economic aid to the South Vietnamese regime before the prisoners are returned?

A. Well, we'll cut that, too, then. We're not interested in keeping any presence there at all.

Q. What if Hanoi then insists that we must dump Lon Nol in Cambodia and Souvanna Phouma in Laos—releasing, say, 100 American prisoners to sugarcoat the pill?

A. I don't think Hanoi will want Communist regimes in Cambodia and Laos, at least not right away. But if it does, then we'll have to dump Lon Nol and Souvanna Phouma, too.

Q. And what happens if Hanoi says we must dismantle all bases in Thailand before they will release the rest of the prisoners of war?

A. We can live with that, too. After all, Thailand is already making deals with Peking.

Q. Are you saying that if he is elected, McGovern would be prepared to abandon not only all of Indochina but the other nations of Southeast Asia as well?

A. We don't belong there.

CENTENNIAL COMMEMORATION OF NATIONAL PARK SYSTEM

Mr. McGEE. Mr. President, this year the Nation celebrates the centennial commemoration of the national park system in this country. The celebration centers around Yellowstone National Park in northwestern Wyoming—the first area to be so designated as a national park.

In a recent edition of the Sunday Star and Daily News, writer Murray Olderman masterfully painted a verbal picture of two national parks in Wyoming—Grand Teton and Yellowstone.

Wyomingites take great pride in these two national parks, particularly in the overwhelming majesty and beauty of the Jackson Hole country.

I ask unanimous consent that Mr. Olderman's article of August 27, 1972, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

National Park Service Is Rounding Out a Century

(By Murray Olderman)

Jackson Hole, Wyo.—It's 6 o'clock in the morning when Gary McLaren gets up, and the first thing he does is head for the living room in his cottage at Moose Junction.

Through the picture window he looks over the broad basin of Jackson Hole; then abruptly rising before his eyes is the majestic Grand Teton, the tallest white-encrusted pyramidal peak of the Teton Range.

The ritual is the same every day. Gary never tires of the panorama.

"Every time I look," he says, "it's beautiful. It's like I want to make sure the mountains are still there. I never take them for granted. They're still as interesting as the first time I saw them."

That was 20 years ago when District Ranger Gary McLaren first took up his post at the headquarters of the Grand Teton National Park.

Twenty-eight miles to the north of him on Highway 89, separated only by a narrow belt of forest land, lies Yellowstone National Park, the granddaddy of them all. Yellowstone was the first national park in the world and remains essentially 3,400 square miles of wilderness.

This is the centennial year. The occasion will be commemorated Sept. 18–27 with the Second World Conference on National Parks, to be held at both Yellowstone and Grand Teton, with delegates from more than 90 countries attending.

Here one can still drink pure water directly from the Snake River or glacial-fed Jackson Lake, through which the Snake flows.

Here is also where Gary McLaren once started out in a pickup truck from Moose Junction and by the time he got to Jenny Lake at the base of the Grand Teton, seven miles away, the whole truck was full of discarded beer cans.

That was 15 years ago. Now 15 to 20 people do nothing all summer in the park but pick up roadside litter. Two trucks, in 12-hour shifts, are out constantly patrolling for waste.

"Now," says Gary, "many of the people are demanding of the country the right to go out and tear it up."

Preserving the natural state has been his life. Gary was born and raised in the Rockies of Colorado, where his dad was a park ranger for 36 years.

He has two brothers in the park service, one at the Grand Canyon, another at Rocky Mountain National Park.

Gary, who served with the 10th Mountain Division in Italy during World War II, has been a ranger more than half his life. He is 49.

At Grand Teton, he's in Resources Management and Visitor Protection, a euphemism for a ranger cop. His territory is 310,000 acres.

Through it last year passed 3.2 million visitors (1972 figures are up 30 percent).

And yet a visit here is the reaffirmation of nature untrammeled despite the incursion of man.

It is bolstered by the tranquility of a raft float on calm stretches of the Snake as it winds through the sagebrush of the Jackson Hole country in this northwest nook of Wyoming under the serene granite of Mount Moran with its year-round glaciers, and the other Tetons.

"Through mistakes made in places like Yosemite," says McLaren, "we've been able to see what's going on and avoid them. For instance Yosemite proved to all parks that people like to have side distance in camping."

So the same grounds at Signal Lodge remain rustic and secluded.

When the ground is denuded, as at String Lake, campers are forbidden and the area reverts to nature.

"The hippies," says McLaren, "came in with the idea they would stay all summer and forced the park to lower camp stays from 30-day to 14-day limits on one site."

From the window of his small office at the Visitor Center, Robert Woody can see the steam rising in progressively bigger puffs. Through it a spray of water jumps in spurts ever higher until it reaches a summit of 130 feet.

At 1:05 p.m., Old Faithful has erupted, just as it has every 65 minutes since an intrepid trapper named John Colter, trying to elude hostile Indians, first stumbled upon the geyser back in 1810.

It is Yellowstone's most famous phenomenon, one of 3,000 geysers in the park. And around it has risen virtually a summer urban community to accommodate the 25,000 daily visitors who observe its regular gushing.

Woody, a tall, slender, studious-looking North Carolinian, is the ranger in charge of the Old Faithful station. He has been here since last October.

"This park is one of the best examples of wilderness left in the U.S.A.," says Woody, whose park service has also included the Everglades in Florida and the Civil War battlegrounds of Vicksburg and Antietam.

"People coming here should get away from the windshield experience." Meaning they should get off the 500 miles of road and onto the 1,000 miles of trails.

Yet this also leads to one of the hazards associated with national parks. One man has already been killed by a bear in Yellowstone while camping at an unauthorized spot.

"There is a reluctance of people to respect danger associated with wild animals," says Woody.

"They'll completely encircle a bull bison. I can appreciate their enthusiasm, but it's dangerous."

For himself, Woody best appreciates the winter where the snow gets so deep the roads are closed and the only way into Old Faithful is by oversized snowmobiles, called snow coaches.

Some 25,000 people manage to get into the park's interior in a winter.

"With the big push in environment awareness," he says, "people have come to take a more appreciative view of parklands. All you've got to do is ride down the highway and see it."

In a day of riding through the park, along the crest of the Grand Canyon of the Yellowstone, through the bubbling mud flats, past endless miles of forest and meadow, only one stray piece of paper was seen.

A ranger who spends all his time here gets an entirely different perspective of life.

"Where else," muses Woody, "can you walk outside the front door and see a herd of elk? Or be late for dinner because there's a buffalo grazing outside your vehicle and you have to wait for him to go away?"

Department of Interior film shown in special theaters surrounding Old Faithful closes on the following note:

"A complete natural experience is what Yellowstone is all about."

Nature has its danger for man. Deep in the Otter Body snow field under the crest of Grand Teton lies a body entombed forever because in this country the glaciers cling to the mountain all year long.

The victim was one of a party of 14 mountain climbers stranded during a surprise August snowstorm.

There is a ranger force in the Grand Teton National Park which specializes in mountain rescues.

Last year alone, six people were killed on the mountain, three of them while glissading—a hazardous form of skiing down a glacier, without skis.

Even in the winter when blizzards buffet the highest crags, hardy souls brave the climate in climbing attempts.

"We're proposing," says Glenn S. Everhardt, "that 110,000 acres of our park be placed in the wilderness mountain range."

Everhardt is Grand Teton park superintendent. He's not consciously trying to deter mountain climbers. They'll keep coming, for the usual nonreason. The purpose is to preserve the virginal quality of the land.

"We have," says Everhardt, a good clean park." And people know it.

Since 1951, when visitor figures were first compiled, the traffic has risen from 640,000 to more than three million a year.

They have brought attendant problems. "We have a lot of cars," says Everhardt. "Are we going to continue construction of roads and parking areas, or are we going to use auxiliary methods, such as busing?"

Busing? Where man is concerned, some problems, it seems, are universal.

A TRIBUTE TO KURT WEILL, COMPOSER, ON THE 37TH ANNIVERSARY OF HIS ARRIVAL IN THE UNITED STATES

Mr. JAVITS. Mr. President, in the painful history of persecution and uprooting through history, there are many examples of contributions made by talented men and women to the cultures of their adopted lands. But there are only a few of those whose creative resources were of such power that, like giants, they were able to straddle continents—one foot on European soil, the other on American, past and future merged into their genius. In science one thinks of Albert Einstein. In music, Kurt Weill—one of this country's most distinguished adopted sons, who first arrived in New York City, 37 years ago on September 10, 1935.

Considered by many critics to be one of the outstanding theater composers of this century, Weill collaborated with some of the finest lyricists and poets ever to write for the musical theater of the Western world—Bertolt Brecht, Maxwell Anderson, Paul Green, Langston Hughes, Ira Gershwin, Ogden Nash, Alan Jay Lerner. His "Threepenney Opera" is one of the most performed musical works in theater history, and few composers have so bridged the cultures of the old world and the new in works ranging from musical comedies, operettas, and operas to symphonies, cantatas, and ballets.

Weill was born on March 2, 1900, in Germany, of distinguished Jewish heritage. His musical education was in the rigorous classical tradition, and by the time he was 30, he was recognized as one of Germany's foremost musicians. But because his art was in open collision with Nazi ideology, and because of his Jewish origin, Weill was forced to flee overnight from Berlin in March 1933. His scores were publicly burned in front of the State opera house, and his music was banned forever by the Third Reich. Together with his wife, Lotte Lenya—the eminent interpreter of his songs and an actress today admired over much of the world, Weill escaped to France. Two years later, at the invitation of Director Max Rinehardt, who had come to America also to escape the Nazis, Weill and Miss Lenya came to live in the United States. Weill spent the remaining 15 years of his life in his adopted country, becoming a U.S. citizen in 1943 and making a major contribution to the American musical theater.

In the years since his death in 1950, Kurt Weill's music has grown in popularity, and, indeed, in recent years his genius and international stature have begun to be fully revealed and recognized. At the Kennedy Center last season, a production of Weill's last work, "Lost in the Stars," a passionate protest against racism enjoyed both critical and popular acclaim.

On October 1 a new production will open at the Theatre DeLys in New York, paying tribute to Weill's life and genius. In connection with this production, "Berlin To Broadway With Kurt Weill," a series of commemorations are planned, with the participation of Miss Lenya, distinguished artists of the theater, the Christopher Street Association, the city of New York, and the Federal Republic of Germany. I am honored to pay tribute today to this distinguished adopted son on the anniversary of his arrival in the United States 37 years age.

RICH MINE OF SOCIAL INFORMATION IN FILES OF FEDERAL COMMUNICATIONS COMMISSION

Mr. HARTKE. Mr. President, I ask unanimous consent to have printed in the Record a report given to the board of trustees of the Broadcasting Foundation of America by its president, Mr. Seymour N. Siegel, who for many years was head of New York City's Municipal Broadcasting System.

Mr. Siegel calls to our attention a rich mine of social information residing in the files of the Federal Communications Commission. These files, which are a public record but largely unused, are accumulated by the Federal Communications Commission as broadcasters, in renewing their licenses, conform with the requirement known as "The ascertainment of community problems, needs, and interests."

It is clear from Mr. Siegel's report that this mass of information illuminates what the public itself thinks our Nation's major problems are, and by inference in what areas it demands governmental action. These files apparently represent a reflection of the people's will and deserve examination by policymakers and all those who execute policy.

There being no objection, the report was ordered to be printed in the Record, as follows:

What's Wrong With New York?—Broadcasters'-Eyeview of the Community They Serve Provides Potentially Major Social Information Bonus Dividend

(By Seymour N. Siegel)

Within the past several months, 54 radio and television broadcasting stations in metropolitan New York have been going through, what was for some, a traumatic process; license renewal procedures. Part of the preparation for submitting an application for the renewal of a broadcasting station license to the Federal Communications Commission is what is known as "the ascertainment of community problems, needs and interests." This entails eyeball-to-eyeball meetings with numerous community leaders on the part of the individual program decision-makers at each broadcasting station. It is an FCC-imposed requirement that station managers personally meet with, and talk over community problems with leaders in education, medicine, law, the clergy and politics, as well as social, health and welfare agency managers. This must be done in the same ethnic mix which is called for by the census tracts.

It guarantees that the operators of broadcasting stations have personally exposed themselves to the views of community leaders and groups, who in turn, have at least one opportunity in every three years, to sensitize managers of the electronic media to the individual problems, needs and interests of their constituencies. Community leaders get to know at least one decision maker at each station and presumably would call on him or her, if ever there seemed to be a need for air time.

As a result of these numerous personal meetings and conferences, each broadcaster draws up a profile of what he considers to be the major problems of New York and the surrounding metropolitan area. He then decides what programs he will present in the next three years to meet these community needs through broadcasting. On the basis of these promises he may get his license to broadcast renewed. His promises are subjected to close scrutiny the next time around, especially by potentially competing citizen groups. As one wag has put it "you build yourself a box, and the Commission nails you into it."

This procedure must be completed within the immediate six months prior to the date to file a renewal application. The first several months of 1972 have been busy ones, indeed, for New York broadcasting managers, who had simultaneously to mind the store, and subject themselves to a kind of masochistic exercise when many of the younger, more activist, sometimes self-appointed, so-called community leaders did not hesitate to give them the benefit of their ideas.

Many of the broadcasters were happy to have an opportunity for face-to-face meetings with top community figures. Most station managers do not live in the city and do not vote there. Most of their martini and luncheon time is spent with their peers and with advertising agency people in clubs or posh restaurants or at their desks. Daily commutation removes a great many of them from the city's night time life, and week ends in the country preclude getting a handle on the core of the city's problems. There is also a definite pecking order among the stations, and most broadcasters feel that they do not enjoy the social and political contacts with the community, which their opposite numbers on the newspaper side are reputed to have. Most will tell you they found the ascertainment process an exhilarating experience. They learned something about the nuts and bolts of city life and are making determined efforts and good-faith commitments to help meet some of these problems.

Though most of the top level of politicians, educators, professional men and women and community leaders presumably presented identical views to different station managers, the broadcasters place varying values on such views and made differing judgments on what is wrong with New York. The results, taken together, are a concentrate of urban pathology. As social scientists, the broadcasters could make their surveys but the question immediately arises as to how effective broadcasting could be in meeting what are in many instances essentially societal problems.

Channel 2 (WCBS Television) for example, considers that there are 15 major problem areas in the greater New York metropolitan community. With 13 decision makers in the station's management personally interviewing almost a thousand community leaders, the Columbia Broadcasting System flagship station presented the following problem areas in alphabetical order, if not in order of community-expressed priority.

1. Arts and culture. The writer of the station's application considered the problems of the insuring of the viability and survival of the arts in the face of New York's reputation as a communications and publishing capital. He considered the major national cultural institutions in the city and the need to strengthen long-term financing of cultural institutions. The effects of crime, prostitution and urban blight on the Broadway Theatre, the public budget crunch and its effect on the curtailment of library and museum services and the general lack of economic support for the arts were emphasized.

2. Crime, justice and penology. Drug-related crimes, especially burglary and mugging was underlined. The increase in lawlessness and the growing acceptance of petty criminality and mounting violence is seen as a heavy tax on the police force. The greatest frustration seemed to be the inability of the law enforcement agencies to deal with "crime in the streets." The corruption of some of the police and some public officials and the clogging of the courts were viewed with deep concern. The failure to provide equal justice to the poor and the existence of brutalizing conditions in prisons and jails were considered as failures of our society.

3. The drug epidemic seemed to be the most alarming problem, as symptomatic of a broader social malaise. Drug users in the school population were held responsible for downgrading of education received by all of the citizens. The drug traffic is seen as pervasive and destructive in its effect on the quality of life for all citizens. Likewise it is the facilitative influence in the corruption of police and other public servants. Many community leaders, according to the CBS profile, sought to deal with the drug problem as a medical, rather than a criminal problem, and advocated legalization of both hard and soft drugs.

4. Great concern was expressed about problems of the economy. Both business and labor leaders are worried about competition from abroad and the inability of American industry to match costs and prices for imported goods. Chronically high unemployment precludes utilizing the talents of youth, veterans and minorities. The inordinate power and restrictive policies of unions were cited as causative factors. The rise of consumerism is perceived as meddlesome and irresponsible by some leaders and seen by others as long overdue. Worry was expressed by the growing inefficiency of American industry and the lack of competence in the economy.

5. The educational system was a cause of great dissatisfaction as many leaders were reported to have pointed to the general societal misinterpretation of the nature of education and its role in a democracy. Many doubts were expressed concerning the quality of education provided by the system. The failure to teach basic skills such as reading and arithmetic, the failure to motivate students to participate fully in the life style of the American majority and the rising tax costs of education were the basis of a taxpayers revolt. The declining productivity and the increase of unionization of teachers were items of great concern. Educational bureaucracy was considered top-heavy and debilitating. Political meddling in district school boards has been brought about by both decentralization and not enough of it. The failure of teachers to understand the life style and legitimate aspirations of inner-city students was cited.

The need for more relevant vocational, educational emphasis was expressed by several interviewees. A better relationship between private and public colleges and universities was pointed out as a current problem.

6. Ecological and environmental problems and needs predominated in a group of community leaders. Conservation of air quality and water resources received a great deal of attention. An immediate problem of considerable and growing importance was the matter of solid waste disposal. The mounting problem to balance energy generating with consumer needs received a high priority. The development of manufacturing and transport in such a manner as to bring about less destruction of natural resources was given more than passing attention. Conservation efforts in preserving wetlands, seashore and green belts around the metropolitan area were objectives of general concern.

7. In the area of government and politics there was universal concern for how the structure and financing of the system affect individuals. The conflicts of interest between city and state, ambiguities of Federal jurisdiction in urban areas, relationships between the inner city and the suburbs and the relationship of political parties to government and the citizen appeared to be a source of considerable concern.

A lack of parity in financing and influence among the political parties, their frequent failure to delineate issues or to field the best qualified candidates with a vision extending beyond personal or parochial, political or patronage considerations, were the concern of most good government people.

The ostensible lack of communication and coordination among the 1400 disparate political entities in the region and the consequent lack of regional planning was highlighted as an outstanding need.

The mounting costs of government, especially due to union pressures, was the basis of considerable concern. New York City's Pension Plans were described as highly inflationary and unduly burdensome on the taxpayers. Inadequate budgetary controls over city expenditures and resultant poor planning was frequently mentioned. A great many leaders called for local government and political parties alike, to become more responsive, more accessible and more accountable.

A need for campaign-spending reform, financial disclosure laws and strong conflict-of-interest statutes was forcefully mentioned. Coordination at all government levels was indicated frequently as a matter of concern and new watchdog structures were called for. New independent agencies were suggested to perform the investigative function of regulatory agencies and to monitor government spending.

8. In the field of public health, grave concern was expressed that, despite the much vaunted leadership of the United States in scientific research, its record in the delivery of health care and medical services to its citizens rank far below that of many other industrial nations. In the inner cities, the infant survival rate seems to be far below national averages and disease rates and the availability of health services are likewise below average. While attention is being paid to dramatic surgical techniques, such conditions as poor nutrition, inadequate dental care, preventive medicine, venereal disease, sickle cell anemia and lead poisoning go almost unnoticed. The high cost of medical services as well as the lack of availability of hospitals, clinics or private care in many areas was remarked upon. There is a shortage of funds and personnel for the care of the mentally ill, the retarded, the handicapped, the aged and those with long term illnesses. Abortion reform laws have already over-burdened the hospital system and the costs of abortion must be reduced. The shortage of physicians, nurses and paraprofessionals as well as the lack of support of biomedical research, are important problems.

9. Housing was perceived as a major problem throughout the metropolitan area. Low and middle income housing seems to be in chronic short supply. The pressures of population, the exodus to the suburbs and the failure of the city to establish an effective program to hold back deterioration were cited as important. Concern was expressed over the rent strike movement and the radicalization of residents of upper income. The unionization of service employees, mounting real estate taxes and tenant disaffection, all play a role in the increasing abandonment of existing housing by landlords seeking desirable return on their investments. Fear of low-income public housing and restrictive zoning practices are factors inhibiting new housng outside the city. The lack of overall housing policy for the city and the region, a need to reconsider zoning policy, to inhibit unplanned urban sprawl, to break down de facto segregation in the suburbs, to provide adequate housing for the elderly, all were seen to have high priority.

10. Welfare and poverty were recognized as critical problems. The inability of the city to sustain the enormous burden of welfare costs laid upon it and the negative effect on the city's ability to deliver other services all emphasized the need to transfer the cost of welfare as a national problem to the Federal government.

11. Race relations seem to be the single most important problem facing the metropolitan area and the country as a whole. The growing polarization among the races due to the rise of the level of expectations on the part of Blacks and Puerto Ricans in the late Sixties which was not matched by rapid enough change, was pointed to as the cause.

The Vietnam war was mentioned by many leaders as having diverted both funds and attention from the problems of the cities. The nation as a whole and its individual citizens lack a sense of long term commitment to the solution of the problem according to many community leaders.

Tightened economic conditions have brought about evidence of White backlash because of the seeming upward movement of minority groups which, some community leaders said, were apparently receiving preferential treatment. The need for a greater understanding by one group with another was called for. Specific issues such as busing, scattersite housing and one acre zoning all seemed to have a racial component.

12. The panel generally expressed dissatisfaction with the quality of life in the city. City life was described as abrasive, graceless and alienated. The apathy of individuals or groups toward the needs of other segments of the society was remarked upon. The breakdown of moral and ethical values and the inability of citizens to cope with change were items of some import. Some leaders spoke of the necessity to counteract what they de-

scribed as a growing parochialism and isolationism. They called for a development of the awareness of the global nature of certain problems, and of a world outside, consistent with New York's increasing role as an international center. There was widespread recognition of the need to develop leadership at the community level to re-connect people with the institutions which shape their lives and to work toward the empowerment of the powerless.

13. With an uncertain economy, the need for increased governmental services, the burden of welfare and the rising costs in education, taxation was perceived as a major problem. Local taxation sources, chiefly the property tax, and the sales tax seemed to be close to their limits. Revenue sharing by the federal government was felt to be essential. Specific tax reforms to close tax loop holes and to do away with regressive taxes and to provide tax relief for the elderly and for those who bear the burden of the cost of higher education was called for. Concern was expressed over the effect of recent court decisions declaring local property taxes unconstitutional when they result in inequality in the educational system. The efficacy of alternative revenue producing systems such as off-track betting and city lotteries was questioned.

14. The need for a coordinated system of transportation was cited by many. Inadequacy of service, maintenance and equipment had an adverse effect on mass transit and was considered to present a major problem. Increased fares and the defeat of the New York State Bond issue generates the necessity to find alternates to use as a support of mass transit. Other problems came to the fore, including airport ground travel inadequacies, air traffic control and the necessity to solve the 4th jet port dilemma, and the decline of the New York waterfront.

15. The liberalization of New York's Divorce laws, the effect of abortion reform changes and attitudes toward the historical role of the sexes, particularly among the young, and the increased activity of the Womens' Liberation movement have all tended to increase the awareness of the necessity for re-examining the status of women in the society. Community leaders mentioned the necessity for assuring equality of employment opportunity for women, of increasing day care facilities and for working toward the greater participation of women in public life.

Channel 4 (WNBC-TV) interviewed only about 350 Community Leaders, but in addition employed the R. H. Bruskin Associates of New Brunswick, New Jersey to conduct a survey among the public, seeking to ascertain whether a problem was very serious, serious or no problem at all. The research firm set forth the following categories of problems from which a statistical sample of residents of the metropolitan area made choices:

1. Vietnam.
2. Air pollution.
3. Conservation of natural resources.
4. Taxes.
5. Safety in the streets.
6. Care of the aged.
7. Community health problems.
8. Rent control.
9. Welfare programs.
10. Drugs in the schools.
11. Quality of education.
12. Adoption and foster care.
13. Consumer information and protection.
14. Employment.
15. Womens' rights.
16. Gun control.
17. Juvenile crime and vandalism.
18. Non-violent protests.
19. Union wage demands.
20. Television service.
21. Strikes by public employees.
22. Cost of medical and hospital care.
23. Rehabilitation of narcotic addicts.
24. Acceptance of Puerto Ricans.
25. Pornography and obscenity.
26. Cooperation in city and local government.
27. Noise pollution.
28. Urban and regional planning.
29. Pollution control.
30. Ghetto living conditions.

As a result of the station's ascertainment efforts, the following local, national and international problems seem to be of the greatest concern to the needs and interests of the public served by Channel 4.

1. In the field of narcotics, the control of drug traffic, drugs in the schools, rehabilitation of narcotic addicts and the use of marihuana were all considered top priority.

2. In the field of urban and regional planning, items such as transportation, municipal services, city, state and federal government relationships were picked.

3. In the area of crime, juvenile vandalism, violence, safety in the streets, organized crime, gun control and the possession of explosives were mentioned.

4. In the field of health and welfare, rising medical and hospital costs, care of the aged, welfare programs, consumer information and protection, were highlighted.

5. In the area of ecology and the environment, the pollution of air, water and noise, the disposal of garbage and waste and the conservation of natural resources, were emphasized.

6. In the field of the economy, the lack of job opportunities and unemployment, the rising cost of living, and taxes were the items to watch.

7. Costs of education, its quality and the lack of facilities took most attention in general.

8. In the field of housing, the lack of public housing, continued existence of ghetto conditions as well as increased rentals were the major concerns examined in the survey.

9. Minority employment and business opportunities, the very acceptance of minorities, equal rights, and minority identities all came up in problems having to do with race or ethnic divisions.

10. Insofar as Southeast Asia is concerned the conflict in Laos, Cambodia and Vietnam as well as the prisoners of war issue and the problems of returning veterans were all mentioned.

Channel 4 in its program proposals to meet all of these problems remains, wedded to the more traditional program breakdown which was required in renewal applications of past years.

NBC's proposals to meet community problems were in the areas of public affairs, instructional programming, agricultural, and religious programming.

In the public affairs sector WNBC-TV will continue to present *"Open Circuit"*, with the Chairman of the New York City Human Rights Commission, Eleanor Holmes Norton. There will continue to be presented *"Man in Office"*, *"Direct Line"*, *"Speaking Freely"*, *"Station to Station"*, and *"Not for Women Only"*, and the station will continue to present documentaries and network originations such as *"Meet the Press"*, *"Today"*, *"Comment"* and *"Chronology"*.

In the educational or instructional area the program proposals to meet community needs include *"Library Lions"* (The New York Public Library), *"Zoorama"* (in cooperation with the San Diego Zoo), *"See for Yourself"* a children's program (using the Bank Street College of Education as the consultant). *"Take a Giant Step"*, *"Mr. Wizard"*, and *"Watch your Child"*.

To meet the needs of agricultural viewers, *"Across the Fence"*, offered Saturday mornings, and *"Agriculture U.S.A."* produced by the NBC station in Los Angeles will be offered.

In the religious field *"TV Sunday School"*, *"TV Hebrew School"*, *"The Maryknoll World"*, and *"From Now on"* are designed to meet these needs.

At Channel 7 (WABC-TV) about thirty-two executives interviewed community leaders. Everyone from the Vice-President and General Manager to Account Executives were involved in meeting with some 371 leaders. In addition a personal interview survey was commissioned by a research organization, community affairs luncheons with civic, governmental and minority leaders were held, and numerous letters were sent to a cross section of community leaders. Furthermore, requests were made on the air to viewers asking that they inform the station of community problems of concern. WABC-TV also pointed out in its application that personnel in the station were members of local organizations and professional groups. The station also made an intense analysis of mail and telephone calls from viewers.

Local problems in order of priority were identified by Channel 7 as:

1. Crime.
2. Housing.
3. Drugs.
4. Education.
5. Unemployment.
6. Transportation.
7. Racism.
8. Taxes.
9. Money.
10. Welfare.
11. The environment.

State problems included again, in order of priority:

1. Finances and Taxes.
2. Education.
3. Welfare.
4. Crime.
5. The relationship between state and city.
6. Revenue-sharing.
7. Drugs.
8. Housing.
9. Mass Transit.
10. Unemployment.
11. Discrimination and racism.
12. Urban affairs.

National problems was headed by:

1. The Vietnam War.
2. New priorities.
3. Welfare.
4. The economy.
5. Revenue-sharing.
6. Racism.
7. Urban affairs.
8. Unemployment.
9. Crime.
10. Education.
11. Drug abuse.
12. The credibility gap.

Responses from Blacks and Puerto Rican leaders were analyzed separately, and significant differences in emphasis seemed to be apparent. These leaders agreed that crime, drugs, housing, education, unemployment and poverty were the most important problems in the metropolitan area. White leaders, on the other hand, felt that these could be solved with additional resources, mainly, money. White leaders emphasized revenue-sharing at State and National levels and stressed the need for "reorientation of our priorities". The minority leaders characterized the important problems as crime, housing, drugs, education, unemployment and poverty as surface manifestations of basic and insidious problems of racism. "The System" is exclusionary and exploitive. Minority distrust explains concerted drives toward "community control" of schools, welfare programs and other essential services. The more moderate, pleaded for the establishment "to give us the resources but let us do it ourselves". Among the militants, the statement became a demand "to rectify historical grievances" and to do it now. The overriding concern of inner-city groups revealed a deep feeling about the problems of the deteriorating urban ghettos, including crime, housing, drugs, education, unemployment and racism. They feel they are underrepresented and outvoted in state legislatures.

Insofar as the perception of National problems are concerned, the most basic concern was the Vietnam War. The need for new priorities, welfare, the economy, and revenue sharing are almost equally vehement in the expression of these leaders.

In the Fall of 1971, Herbert Kay Research Inc. conducted a survey of the general public for WABC–TV where some 2200 adults who were 18 years or older, and were heads of households, were offered a list of 31 problems from which to choose what were "especially serious" problems.

Here an area probability sample was employed, and the ethnic mix approximated the census. For example 9% were German Americans, 8% were Puerto Ricans, 12% were Irish Americans, 16% were Italian American, 13% were Jewish, 3% were Polish Americans and 39% were none of these. The most important national problems from the point of view of the ethnic groups were listed as the Vietnam War, inflation and the cost of living, drugs and narcotics, race relations, crime in the streets and unemployment.

Inflation and the cost of living were mentioned most frequently by those least likely to suffer from its effects. Whites and college graduates singled this out more often than non-whites or persons of lesser education.

The most important state problems were listed as taxes, drugs, crime in the streets, and the high costs and abuses of welfare followed by unemployment, pollution, race relations, corrupt politicians, and other social problems.

In New York City, drugs are most frequently mentioned, followed by crime in the streets and taxes. Most pressing problem to the white sample were taxes.

Insofar as local area problems were concerned, drugs, dope, crime in the streets, high taxes and other social welfare problems were mentioned.

An interesting subdivision of the study was a section devoted to the public reaction to government services. The public was asked whether or not the government was doing a job well, poorly or didn't know. The most negative public response was in the areas of welfare, recreation for teen-agers, old-age care, recreation for the elderly, the courts, public schools, parking facilities, jails and subways and buses.

In New York City, only fire-fighting and parks and museums were considered by this sample as being handled well by the municipality.

WABC's profile of the area's problems contains considerable dramatic hyperbole.

"Local governments are experiencing growing inabilities to fund necessary basic services locally", says the report. "Services in general have deteriorated markedly and there seems to be a pervasive attitude that the quality of life has declined significantly. All major areas of life seem to be affected. Educational levels in the area schools continue to drop at a disturbing rate. Unemployment remains high. Drug abuse is reaching epidemic proportions. Housing is shockingly and disgracefully inadequate. Crime, much of it drug related, continues to increase. There's an increasing tendency on the part of dissident groups to consciously ignore the orderly process of lawful behavior. Mass transportation is inadequate and what exists is far from acceptable".

"Pollution, particularly, air pollution is a serious problem in the metropolitan area. Area welfare rolls are rising at an alarming rate. Health care for many residents, particularly the poor and mentally ill are shamefully inadequate. Tensions persist among area minorities. Corruption has been discovered in several sectors of municipal government. All these problems continue to affect the people residing in the metropolitan area".

The basic theme which permeates the thinking of persons from all levels of society concerns "the quality of life". In these difficult times, fundamental soul-searching appears to be taking place and many people are asking the questions "Where are we?" "Where are we going?" "Why?"

Significantly the answers are often based on philosophical considerations and are articulated most often as a need "to reorganize our priorities as a nation, as a state, as a city and as individuals". Specific problems such as crime, drugs, unemployment and housing are viewed merely as symptomatic of a far deeper illness.

"As a practical matter it is visible symptoms with which we must often deal, but in doing so, we cannot lose sight of the fact that they are all interrelated to, and are part of an overall and more basic malaise".

Insofar as drugs are concerned, this is a two-fold problem. The first aspect is drug abuse, and the effects on the individual. The other dimension is the resultant criminal activityy of addicts desperately in need of substantial sums to support their habit. "The New York City area has the dubious distinction of being the drug capital of the country".

"The Federal Bureau of Narcotics estimates that thefts for illicit drugs reach billions of dollars a year. The solution to various dimensions of the drug problem must be found and implemented soon as the price for our failure both in terms of human suffering and in crimes committed by drug users is too high to continue paying for it".

"The cost of eliminating slums should not be viewed as a burden", but rather as an investment in the health and welfare of all the people of the community. In view of the dissension among federal, state and city housing administrators, the enormous complexity of the problem and the economics of residential construction in New York, "the housing situation will undoubtedly get worse in the New York metropolitan area before it gets better", says the WABC report.

"Insofar as education is concerned, the problems of the educational system must be solved if the future of our society is not to be jeopardized". Even more energy must be expended in coping and remedying the defects in the areas of our educational systems.

"The old method of running transportation systems in greater New York are not working, and new ways will have to be found to keep mass transportation and people on the go".

In urban areas fear for one's own personal safety has become virtually a way of life. The same fear is reaching out into suburban areas. "Crime knows no geographical boundaries."

The rate of unemployment in the New York City area (6.7% for whites, and 7.6% for blacks) is considered very serious indeed. It is interesting to note that of the 570,000 jobs at the three levels of government include an increase of 160,000 government jobs since 1960. The salary scales for municipal employees in New York City have reached or surpassed their equivalence in private industry, according to the survey.

The funding and taxation available to local government is insufficient to meet the bills. There is no doubt that local, state, and government taxes will go higher, but the big question is how this is spent. The essential challenge of government is to determine the priorities in the spending of money.

In order to clean the streams, get pure drinking water, freshen the air, and dispose of the trash, $10,000,000 will be needed in the in the next twenty years which means $25 for each man, woman, and child in the region.

Racial issues are obviously of considerable concern. "Equality per se does not now exist in the metropolitan area". Hostility and bitterness toward whites predictably follows. Increasing militancy is seen from increasing numbers of black leaders.

"Much needs to be done by men of good will to rectify real injustices". The process of changing the hearts and minds of people is a long and difficult one. Society must change the actions and outward manifestation of human prejudice wherever possible by example, normal suasion and the enforcement of law.

The financial drain of welfare payments continues to be a major budgetary problem for both state and New York City. The problem is a growing one and solutions must be found.

"The centralization and creation of super agencies have resulted in deterioration insofar as the response of government is concerned". Increasing cynicism by the public toward government is an obvious phenomenon.

"The Vietnam War has long been a divisive force in the community".

Inflation in the New York area has exceeded the national average. The wage earner is squeezed and sees "no light at the end of the tunnel".

The WABC report points out that outward migration is not new and population movements from the inner city to the suburbs seems to have leveled off. The Kerner report on civil disorders warned about two Americas. "The City is becoming Black and suburbia becoming predominantly White". "New York City", says the report, "is rapidly becoming the haven of the very rich and the very poor. There is no denying that much business is moving out, adding to the city's unemployment problem". Middle income residents face soaring rents, rising transportation costs, increased taxes of all types, air and water pollution, and a growing crime rate . . . "more than a million on welfare at the present time, and its cost is a growing burden".

"Traffic throttles city life. Mass transportation is inadequate and getting worse. Drug abuse and the resultant increase in crimes have driven citizens out of the city limits. Serious defects in urban educational systems cause consternation among city-dwelling parents. The way of life is the product of industrialization and consequent urbanization of our society. Urban life is unquestionably undergoing a period of neglect".

WNEW–TV (Channel 5) authorized a general survey by the Opinion Research Corporation of Princeton, New Jersey. This was a telephone interview type of survey involving 2000 individuals in 18 counties. The results of public choice almost monotonize what community leaders have been saying to other stations.

"Hard drugs are moving to the suburbs . . . There is too much drug abuse . . . Drugs force children to steal . . . There is too much drug addiction in the area.

Increase in crime and a lot of robberies, robbing and mugging, breaking into people's homes, juvenile delinquency and an increase in the number of burglaries in the area were all underlined.

Taxes are too high . . . Property and school taxes altogether too high . . . Taxation is not fair to those who have no children in school . . .

Schools are crowded. Not enough money is available to spend on education; too many schools for the amount of people and they want more. A split session in High School is still not big enough to handle all the children. The improvement of schools is an important need; financial aid to schools and school finances are matters of great concern.

Housing has become a problem among middle class people. The high rents in apartments generally, and there is the complaint that there is plenty of housing for low-income families but not sufficient housing for middle and high income families.

Insofar as air and water pollution is concerned, the water is getting more and more polluted . . . There is contaminated water and it tastes disgusting . . . Water pollution and the damp burning of refuse is a pair of ecological problems which bother the public.

Public transportation is sadly lacking where there are no trains or buses. Transportation needs without an automobile leaves people lost.

Garbage collection and sanitation pick-ups are not carried out neatly. There are inadequate facilities, the lack of cleanliness, and there is the general criticism that the Sanitation Department is not doing its job.

Unemployment, police protection, the high cost of living, and racial problems as well as the high cost of renting, local government and the need for better administration and the elimination of political corruption are all mentioned.

When asked whether or not these various problems are going to get better, or get worse, or stay the same, in almost all cases the majority of respondents felt that the problems were going to get worse.

A subdivision of a survey was devoted to youth and young people who are in grade school and high school. Among these very young, the top 5 problems were drugs, pollution, crime, traffic problems and recreation.

WNEW's community leaders survey involved some 761 leaders from 27 counties.

WNEW–TV set forth a wide variety of comparative computer-generated tables by various breakdowns. In essence, the application is a veritable statistical abstract. There are 41 tables and all sorts of combinations and permutations. In a way these are ponderous sets of figures which delineate concerns along demographic dimensions, but provide extremely valuable comparisons.

The most serious local problems according to the WNEW community leader survey, are the economy, drugs, crime, housing, education, government, youth, transportation, ethnic problems, growth, apathy, welfare, health, communication and ecology.

Economy is the number one problem, and ranks well above the average, with Blacks and at the local government level. Drugs are a significant concern to females, Blacks and Spanish-speaking communities. Crime is the major concern of governmental leaders at all levels. Housing is a major concern of Blacks and Puerto Ricans. Education is a major concern of Puerto Ricans. The writer of the WNEW application emphasizes that the mounting drug problem compounded by its move to the suburbs and the ever-increasing crime rate are the major concerns of the people and their community leaders. For the community leaders, the economy dominates all other considerations. The third ranking most serious local problem for the general public is taxes—too many and too high—and the tax structure.

On problems at the state level, there's a unanimity of thought on the most important problems and needs. Taxes are too high—they are a major concern involved with the economy. The lack of funds and the plague of fiscal problems which present a financial conflict to government is a big frustration. Drugs, and crime, along with environmental protection, public transportation, and schools stack up as major issues for the general public. Women leaders view problems of housing, welfare and health as far more pressing State problems than male leaders.

On the National level, the War, of course, is the major issue. The economy and inflation rates second.

WNEW–TV proposes to meet most of these problems through the presentation of *"Midday Live"* where the general manager of the station appears regularly. There is a monthly program entitled, *"Alternatives"*.

WNEW will continue to offer *"Wonderama"*, the *"David Suskind Show"*, and *"You, The Citizen"*, a monthly special.

With regard to the radio stations operating in the New York metropolitan area, the community surveys reflect almost a uniformity of common concern. A wide range of problems exist which are by no means restricted to crime, drug addiction and the usual catalogue. These problems are real and important and the stations do not minimize them. There are also great needs culturally and in entertainment, which the stations hope to meet by their programming.

WHN is proposing a one hour a week program touching crime, drug abuse, human relations, environment, economic problems, health problems of the aged, cultural and recreational facilities, etc. This program is planned twice a week to be carried at 11 PM to midnight. The other method started by WHN is in the form of one minute public service announcements, five minute reports, and news reporting.

WADO proposes to continue broadcasting for the Spanish-speaking community, primarily, and does not intend to meet the larger communities' needs.

WLIB suggests that it continue broadcasting primarily to the Black community on such matters as ghetto resident problems, Black views, human resources administration reports, community action forum on housing, problems in public education, telephone conversation programs, drug abuse and news specials.

WQXR, the radio station of the New York Times, proposes a five minute point-of-view program to broad spectrums of groups, organizations and interests allowing them to express their views. Another program proposed by WQXR is *"Insight"*, a nightly half-hour news and public affairs analysis, and it also proposes to carry the *"Casper-Citron Interview"* program. The majority of its schedule will continue to be classical music and news from the New York Times.

WOR will continue its current series of concentrating one day a month for a day long broadcast on one New York community. *"Rambling With Gambling"*, which is a talk show, *"The Martha Deane Show"*, *"The McCanns At Home"*, *"The Arline Francis Show"* are all interview discussion programs. Jack O'Brian's *"Critics Circle"*, is an interview discussion program. The station serves Long Island with a weekly discussion featuring officials from nearby counties.

WHOM is basically a Spanish-oriented station with the theme *"The Unique Romantic Sound"*, and it proposes *"Unfinished Business"* where community leaders express their views on local community problems. It offers also *"Community Billboard"*, items of interest to the Latin American community; *"The People's Voice"* where day-to-day problems are discussed; *"Moral Rescue"*, which is a youth participation program and; *"Puerto Rican Panorama"*, a round table discussion on the Commonwealth and Puerto Rican residents in New York.

At WEVD the foreign language programming will continue in Yiddish, Hebrew, Italian, Japanese, German, Lithuanian, Greek, Polish, Gaelic, Scandinavian, Turkish and others. The station proposes to continue with *"Victor Riesel Interviews"*, a weekly discussion with leading National and State figures on health problems. The station offers *"Ombudsmen"*, which is a program of interviews on the City conducted by Assemblyman Seymour Posner of the Bronx. *"You and the Law"*, is a bi-monthly series, *"Science"*, is a monthly survey; *"Speak Out"*, is a monthly report under the auspices of the State Division on Human Rights.

At WABC-Radio, the proposal is for a heavy diet of top 40 Rock Music, News every half-hour, and such programs as *"Report Card 72"* and *"School Scope"* which is a weekly series of an instructional nature for young students; *"Attention New York"*, a 15 minute weekly program with commentary and interview on minority problems; *"Perspective New York"*, a weekly half-hour program reporting on significant events. The WABC-Radio Press Conference where newsmen question top newsmakers from the Tri-State area, and *"Conference Call"* a three hour Sunday Night program discussing subjects of concern to young adults provide the public service offerings suggested by WABC.

WNBC-Radio proposes to regularly serve the need for information on actions of the National, Legislative, Judicial, and Executive branches of the Federal Government; United States Military and Diplomatic action outside the United States; the activities of the United Nations; and the exploration of outer space. The station proposes to devote 3 hours a week to such topics as are concerned with the problems of Latin American communities, the *"WNBC Suburban Report"*, *"These Are Your Schools"*; *"The Soul of Reason"*, which is a discussion of Black Urban problems; and it also proposes a series of Mini-Docs which are one minute vertical documentaries. A five minute program on religious problems is entitled *"In Contact"*. The largest percentage of programming projected seems to feature middle-of-the-road music and sports.

WNEW-Radio also offers middle-of-the-road music and news on the half-hour. It proposes to continue its weekly program *"News-Closeup"* and offers one minute reports and vignettes on minority problems and needs. It has an extensive ski reporting service and financial reporting service. Short reports on developments in the Arts and Sciences are contained in a series of programs entitled, *"Yale Reports"*.

WCBS is proposing a continuation of its continuous News Format. It also proposes to broadcast *"Community Report"* which are short reports five times a week on social problems. It offers a report on the drug scene which is a three-minute report every day and it continues its policy of offering editorials and the broadcast of replies to such editorials. It offers a program entitled *"What's New in Business?"* which is a Sunday Morning Report. It also is proposing two-minute reports entitled, *"Consumer Inquiry"* and it will continue to present *"Washington Week"*, a weekly review of events from the Nation's Capital as well as the *"Eric Severeid Analysis"*. A program designed for the young wife and the homemaker is entitled, *"Today's Woman"*.

WMCA is suggesting the continuation of its telephone talk shows on a wide range of subjects which permit listeners and radio personalities to discuss in detail matters of concern to those on the phone.

WBNX will continue to offer Spanish programs including music, news interviews, and community affairs as well as Italian programs and does not suggest any traffic coverage.

WINS will continue to offer its continuous news from the Associated Press, The United Press International, The Police Wire and Weather Sources.

WPOW is on a 50 hour a week schedule because of its limited license and offers morning religious programs in English while afternoon hours are devoted to foreign language programs, including Polish, Greek, Czech, Ukrainian and it involves large quantities of music, talk, interviews and public affairs.

WWRL will continue to present Soul Music, Rhythm and Blues, and Jazz, as well as news and traffic reports intermittently.

There would appear to be an amazingly high degree of correlation between the conclusions of the broadcasters and the results of professional studies by academic social scientists and social workers. For example, from the conclusions of the latest and deepest study under the auspices of the prestigious Community Service Society of New York, the following brief quotation is almost precisely parallel to the judgments of New York's broadcasters. It also may provide an explanation of the results obtained by the license renewal surveys.

"The primary trend in New York City is one of increasing deterioration . . . the situation in New York City is not only a matter of persons with problems, but rather one of whole areas with social ills. Most of those ills, for example, the concentration of drug addiction, of poverty, of separated women, and high proportions of births out-of-wedlock, are not recent in origin . . . such afflicted areas have existed for at least twenty years . . . many of the areas have been badly afflicted for a longer time . . ."

"The social problems of New York City are worsening; they are reaching crisis proportions . . . large portions of the city are steadily deteriorating; more and more children are being born out of wedlock and entering a peer environment characterized by drug abuse and other deviant behavior".

"They enter a school system they fear and distrust, or what is even worse, they do not enter the system in any meaningful way, rarely attending school physically or mentally. When age, boredom or failure causes them to break what little commitment there was to the school system, they go on. Some try without skills or reading ability to enter a job market no longer needing unskilled workers; some just go to the street and try to "make it" in other ways.

The problem of residential segregation is severe in New York City; if there is insufficient income, the problem of finding a residence is almost insolvable; without money, marriage also becomes a luxury. The cycle begins again and still another generation of babies will be born out-of-wedlock."

"The failure and resentments recently seen in attempts at "community control" and "participation of the poor" have just begun to reveal the surface peak of the iceberg which is social disorganization."

"There is a relationship between lack of political participation in the larger society and poverty ghettoization. Those neighborhoods with the greatest need do not register to vote. Non-voting is but a symptom of a general lack of participation in community life in ghetto areas. The traditional way into the system for an ethnic minority is enlightened block voting, and this traditional way needs encouragement."

When the Federal Communications Commission made community needs-ascertainment a requirement for broadcast license renewal, it wrought much better than it knew. No other federal agency has created a social information system of the magnitude and extent of the timely reports from the entire country on a continuing basis fathered by the Communications Commission. No matter how critical one might be about the details of the procedure, and there are many reservations about the great duplication of effort in the major markets, the end result, if taken together represents a continuous temperature-taking of American society not otherwise available.

Most political leaders have created their own internal communications systems with their constituencies. The sorrow and pity of it all however, is that the Congress, the managers of the Presidential political campaigns, local and state office holders, state and local governments allow this truly major gathering, tabulation and analysis effort to lie as a fallow mother lode buried on the shelves of storage areas in the Federal Communications Commission in Washington.

What is even stranger is the failure of normally highly promotional-minded broadcasters to use the product of this resource expenditure and this major effort for residual uses other than license renewal, however vitally important that is. There appears to remain a residual reluctance, among station staffs, at least, to reveal the contents of an application because of the legitimate fear of competing strike applications. The easiest way to have an instant meeting with the general managers of most stations is to walk in off the street and request an opportunity to inspect the public file.

But, the ingenuity of individual broadcasters in the ascertainment process, the numerous outside professional surveys and the overall conclusions as well as the various combinations and permutations of social statistics produced by a Metromedia Channel 5 in New York for instance, could be one of the single most valuable tools for Government, for Legislators, and for those with power to correct societal problems. No greater public service could be rendered by broadcasters, above the use of their facilities to hammer away with editorials and informational broadcasting to the community about the community, then to specifically and affirmatively distribute the end products of their ascertainment surveys to their Legislators, Governors and Social Health and Welfare agencies. For political campaign issues and for social research by the academic community, there would seem to be no greater untapped, neglected, major social-information resource than the public files of the broadcasters of the United States.

THE PETROLEUM INDUSTRY AND TAXATION

Mr. HANSEN. Mr. President, a recent newspaper advertisement entitled "I say let's keep the campaign honest. Mobilize 'truth squads' . . . " ended with an admonishment to "think twice before swallowing all this baloney about large corporations not carrying their fair share of the tax burden."

One of the industries most frequently singled out for not carrying their fair share of the tax burden is the petroleum industry which only 3 years ago took an added rap of some $600 million a year under the Tax Reform Act of 1969.

And even as the industry's net earnings shrink and its total tax load increases, the cry continues for another pound of flesh.

In view of the growing dependence of the United States on foreign-produced oil and gas and the diminishing rate of domestic exploration and development for these vital fuels, it is my opinion that the industry must have more incentives rather than continual harassment and the uncertainties of future tax policies.

A study made annually by Chase Manhattan Bank says that the industry is not earning enough to expand toward meeting the world's energy needs.

The Washington Star recently carried an article summarizing the Chase Manhattan financial analysis of the petroleum industry and I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

Another most interesting study was made by the Petroleum Industry Research Foundation, Inc., for the purpose of providing "an answer to the often debated question of how the tax burden of the domestic oil and gas industry compares with that of other U.S. corporations."

In addition to computing the comparative tax burdens, the scope of the study was enlarged to include an analysis of the impact of the Tax Reform Act of 1969 on the domestic petroleum industry. This was done through a special questionnaire in which a representative group of companies were asked to compute the effects of the new tax legislation, using their 1970 tax return year as a base.

Mr. President, the results of that study clearly refute the charge that the petroleum industry is not paying its fair share of taxes. In fact the industry, as it has been saying for some time, is paying more per dollar of revenue in domestic taxes than any other industry group.

For the 3-year period 1967–69 the petroleum industry paid 6 cents per dollar of revenue while the average tax burden for the Internal Revenue Service classification, "All Mining and Manufacturing Corporations" was 5.6 cents and the average for all U.S. business corporations was about 4.7 cents per dollar of revenue.

Without reference to the basic concept of depletion allowance for all minerals, it seems clearly evident that the petroleum industry pays more than its share of taxes even after depletion allowance.

Also it must be obvious by now that the only way this country will avoid the hazards of foreign control of a substantial percentage of U.S. energy requirements will be through a much greater domestic exploration and development effort and that effort can succeed only with a massive infusion of money. Unless the industry is able to generate such funds through an improved capital expenditures as related to profits ratio, there is little likelihood that the declining trend in domestic exploration and development and rapidly escalating dependence on insecure foreign sources of oil and gas will be reversed.

Mr. President, I ask unanimous consent that the summary of the tax study made by the Petroleum Industry Research Foundation, Inc., be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF FINDINGS

(a) The U.S. petroleum industry's total tax obligations on its domestic earnings, operations and properties amounted to $3.4 billion in 1970. Of this, federal income tax obligations represented the largest single item, amounting to $1.3 billion or 40% of the total. In addition, domestic excise and sales taxes on gasoline and other oil products amounted to $10.5 billion.

(b) Comparable data for other industries are not yet available from the Internal Revenue Service for 1970. However, data for the years 1967-1969 show that while the petroleum industry's federal income tax obligation represented a smaller share of gross revenue or net earnings than that of U.S. industry in general, the share of the various other direct taxes (excluding sales and excise taxes) was significantly higher for the petroleum industry than for the average of other U.S. industries.

(c) The U.S. oil industry's tax burden, as measured by the ratio of total domestic taxes (excluding sales and excise taxes) to total domestic revenues, amounted to 6.0¢ per dollar of revenue for 1970 and averaged 5.8¢ per dollar of revenue for the three year period 1967–1969. The average tax burden for the Internal Revenue Service classification, "All Mining and Manufacturing Corporations" was 5.6¢ while for the IRS classification, "All U.S. Business Corporations" it was about 4.7¢ per dollar of revenue for these same three years.

(d) The above tax burden ratios show that the petroleum industry's lower effective income tax rate relative to other U.S. industries is more than offset by its relatively higher burden of other direct taxes (exclusive of excise and sales taxes). Hence, the total tax burden carried by the domestic petroleum industry is above the average for both. All U.S. Mining and Manufacturing Corporations and All U.S. Business Corporations.

(e) If excise and sales taxes are added, the oil industry's total tax burden rises to 20¢ per dollar of revenue which is considerably higher than the composite total tax burden, including excise and sales taxes, on all other industries.

(f) Another meaningful base for measuring the tax burden is Value Added.* In 1967 the domestic oil and gas producing and refinding industry paid 16¢ in taxes (excluding sales and excise taxes) per dollar of Value Added. This was approximately one-third higher than the comparable tax burden for the U.S. mining and manufacturing industry as a whole.

(g) In addition to the $3.4 billion in direct domestic taxes and the $10.5 billion in excise and sales taxes, the U.S. petroleum industry paid $10 billion abroad in income and operating taxes and $2.8 billion in foreign motor fuel excise taxes. Thus, the total global tax obligation of the U.S. oil industry in 1970, including excise and sales taxes, amounted to nearly $27 billion of which slightly more than half was incurred in the U.S.

(h) The Tax Reform Act of 1969, by reducing the depletion allowance, instituting a Minimum Tax and removing the investment tax credit, has increased the domestic petroleum industry's tax burden by approximately $600 million for the year 1970 from what it would have been in the absence of the Act. Slightly more than half of the increase was due to the reduction in the depletion allowance. Most of the remainder was due to the institution of the Minimum Tax.

BANK SAYS OIL PROFITS LOW

NEW YORK.—In its annual financial analysis of the petroleum industry, Chase Manhattan Bank says the industry is not earning enough to expand toward meeting the world's energy needs.

Covered in the survey were 30 companies, representing more than three-fourths of the non-Communist world's petroleum output, Chase said.

TAXES SLASH REVENUES

"The direct taxes paid to various governments absorbed 13.1 percent of the group's revenue," the bank said, compared with 7.4 percent of revenue that remained as net income.

The companies' annual taxes rose 76 percent in the last three years, the analysis said, while profits rose by only 9 percent.

"Obviously, these are trends that cannot continue without eventually leading to an untenable position," the report commented.

Capital expenditures of the 30 companies in 1971 were $12.9 billion compared with income of $7.3 billion.

CAPITAL RECOVERY

In addition to its net earnings, the group used funds derived from provisions for capital recovery, and money borrowed from the capital markets to help pay for its capital expenditures, "but the ability to recover capital has recently been restricted and there are current efforts to impose additional limitations," the bank said.

It added that "we wonder" how world governments "think the petroleum companies can possibly continue to function as viable organizations, capable of satisfying the world's expanding needs for petroleum energy."

OLYMPIC TRAGEDY

Mr. McGEE. Mr. President, today the world reels from shock in the wake of the violence perpetrated by Palestinian terrorists on members of the Israeli Olympic team. In yesterday's publication of the Washington Post, the editorial writer rightly condemned the act as one of "moral depravity" on the part of the Palestinian terrorists.

The Olympics have always symbolized the one event in the world which has promoted an atmosphere of international understanding and brotherhood. To have violated the sanctity of an event which has served to bring the countries of the world together in the spirit of honest competition and friendship can only be described as the darkest hour of mankind. The world has witnessed the basest of human instincts coming to the forefront during an event which has served to foster the best instincts of mankind.

The Olympics have not only helped to set countries apart from the violence that has marked the existence of mankind, but they have been that one ray of light in an almost unending wilderness of darkness. Now, we have seen the barbaric savageness of a handful of men destroy the one ray with a hail of bullets.

The events of the past few days can only serve to shatter many people's hope that differences can be resolved in a peaceful and equitable manner. The tool of violence exercised in this manner, and at an event of this nature, only serves to postpone the day that man can overcome his worst instincts and solve his differences in a humane manner.

This incident at Munich reminds us all that extremism of any form only promotes mankind's degradation and its efforts to find harmony and justice in the world. Having rejected violence as a political tool in the United States, we must also reject the extremism internationally which uses violence as a means of resolving differences.

We must not succumb to a chaotic international situation in which the rule of the gun becomes the standard for the settling of differences. We cannot allow ourselves to accept barbarous acts as being the norm of the human condition.

The tragedy of Munich should act as a catalyst for all of us to work more diligently in overcoming the acts of insanity which seem to permeate our evolution. We should remind ourselves that man's capacity for good and justice far outweighs the acts of extremism to which he is periodically subjected.

All of the civilized world must necessarily be outraged by the incident at Munich.

ALASKA INDIAN SUPPORT FOR TRANS-ALASKA PIPELINE

Mr. STEVENS. Mr. President, I have received a copy of the resolution passed by the Indian members of the National Council on Indian Opportunity at its recent meeting in Yakima, Wash.

In their resolution, the Indian members of the National Council on Indian Opportunity supported the position of the Secretary of the Interior in his decision to issue the right-of-way permit for the trans-Alaska pipeline as soon as the litigation associated with the right-of-way permit has ended. I believe that it is indeed significant that the Indian members of this important organization have made clear their sentiments regarding this matter.

As the other Members of the Senate will remember, last December Congress enacted the Alaska Native Claims Settlement Act, which provided for a generous land and monetary settlement for the outstanding aboriginal claims of Alaskan Natives. One-half of the nearly $1 billion in settlement funds is to be obtained through a 2-percent overriding royalty on mineral leases. Thus, these funds will not begin to go to Alaska Natives until oil production has begun on the North Slope. As production increases, greater amounts of revenue will flow to the Native population. On the other hand, delays in the production of North Slope oil will also delay the flow of funds to Alaska Natives.

These revenues were promised the Alaska Natives as one of the provisions of the Alaska Native Claims Settlement Act. Until production begins on Alaska's North Slope and these funds begin to be channeled to the Alaska Native population, the legal obligation of the U.S. Government will not be completely realized. These funds are urgently needed by the Alaska Native population to begin development of job and training opportunity and in various economic development activities. Additional and unnecessary delay of the production of oil on Alaska's North Slope will only forestall the ability of Alaska Natives to take control of their own futures.

Mr. President, I have in the past pointed out the various economic, environmental, and national security reasons which clearly call for the speedy construction of the trans-Alaska oil pipeline. However, I believe that this resolution recently adopted by the Indian members of the National Council on Indian Opportunity dramatizes another important consideration which requires that work on the trans-Alaska pipeline system proceed.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Secretary of the Interior has been constrained from issuing a permit to build the Alaska pipeline from Prudhoe Bay in the Artic Slope to Valdez on the west coast of Alaska because of a court injunction, and

Whereas, the delay has caused the Alaskan Natives to be severly deprived of the revenues accruing to them under the Alaskan Native Land Settlement Act, and

Whereas, any alternative plan for the transmission of oil other than the proposed Prudhoe Bay to Valdez is wholly unacceptable to the Alaskan Native position, and

Whereas, until the United States Government issues the pipeline permit, its obligation to the Alaskan Natives—under the Land

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* The net value of goods created within a given industry, as opposed to the sales value which consists of cumulative net values added.

Claims Act—will not be completely realized. As an effect, the pipeline delay is causing severe hardships to the Natives in job and training opportunities and economic development activities which compound as time slips by because of the short construction seasons in Alaska, and

Whereas, the Alaska Federation of Natives has testified in Congress to the need for quick action on a permit to build the pipeline,

Therefore be it resolved, that the Indian Members of the National Council on Indian Opportunity strongly support the position of the Secretary of the Interior whose publicly declared intent is to issue the pipeline permit as soon as the legal constraints have been removed, and

Be it further resolved, that the Indian Members of NCIO recognize and commend the Secretary of the Interior for his persistent efforts to resolve the matter with the courts and issue the pipeline permit.

THE GENOCIDE CONVENTION DOES NOT USURP FREE SPEECH

Mr. PROXMIRE. Mr. President, one of the principal objections raised against the Genocide Convention is that it might infringe upon the first amendment guarantee of free speech.

Article III of the International Genocide Treaty provides for mandatory punishment for acts of "direct and public incitement to commit genocide." Critics of the treaty argue that such an agreement by the United States would usurp the right of free speech, guaranteed by the Bill of Rights.

Mr. President, the first amendment protects the right of advocacy, not incitement. Ratification of the Genocide Convention would be impossible if it conflicted with the Constitution of the United States, for no treaty which would subvert the highest law of our Nation is permissible. However, no such conflict exists. If we substitute "murder" or any other crime for the word "genocide," it is apparent that incitement toward criminal action is already illegal and not protected by the first amendment.

The Bill of Rights stands as a safeguard for the individual against the vicissitudes of an evolving society and also as a protection of society from the malice of individuals. The Genocide Convention also represents a vital safeguard to society and the individual without endangering the right to lawful free speech.

Mr. President, the Senate should consider the Genocide Convention and ratify the treaty without further delay.

PARTNERS OF THE AMERICAS

Mr. BROOKE. Mr. President, for many years Massachusetts has been an active participant in the partners of the Americas program.

The Commonwealth has a sister State, in Antioquia, Colombia, with which we have maintained an active exchange.

Last year, Mrs. Jesse Sargent, wife of the Governor of the Commonwealth, represented Massachusetts on a 10-day tour of Colombia, and Antioquia province. She kept a diary, which was subsequently published in the Boston Globe.

I believe that Mrs. Sargent's findings and observations will be of interest to the Senate. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

Colombia—Children Scarred in Land of Beauty

(By Mrs. Francis W. Sargent)

Recently I stood in an acre of orchids—totally awed by their tragility and beauty—at the Seventh World Orchid Conference in Medillin, Antioquia, Columbia.

I had been invited by the president and governor of Antioquia to attend as honorary chairman of the Massachusetts Antioquia Partners program.

While not an orchid expert, I am an orchid enthusiast and I found myself fiilled with nostalgia at the sight of our own Lady's Slippers delicately couched beneath ferns in areas simulating their natural environment.

The orchids, however, were only an allurement—the rest was work. The Partners has many continuing and several new exchange programs. These are exchanges of ideas, equipment, and people in medicine, music education and business.

Because of my involvement in Massachusetts in services for children, I was determined to see what Colombia could teach me. I knew from the start that our problems and theirs were not comparable.

I knew that Colombia lacked the resources for solutions that we are fortunate to have here. But I also knew that problems and types of solutions are frequently international.

Here in the United States, Birch Bayh of Indiana has estimated that there are more than 1 million nomadic children. In Antioquia the numbers are even more frightening.

I visited one very special orphanage for girls, Granjas Infantiles, run by two sisters in the order of St. Francis of the Sails. Situated about 20 miles outside Medellin, it nestles on a grassy slope, surrounded by the Andes.

The separate small white adobe buildings were terraced into the side of the mountain, few of them totally enclosed. In their very openness, they seemed to create an atmosphere where the children could only succeed.

Most of the children had no parents, some had one parent and some had inadequate parents. There were about 160 girls in residence and an equal number who were day students from surrounding areas. These children weren't problem children. They simply came from untenable homes.

When Granjas Infantiles first started they had only three grades of primary education, starting with girls at the age of 11. Mother Ramonde realized, however, that without completing high school these girls would have little chance of breaking out of the poverty cycle. She set out to create a program where a girl would be trained for a job when she left.

For many girls, however, the transition between the security of Granjas Infantiles and the city is difficult. So for some, the Sisters had created a halfway house. This is exactly the same problem we face here in Massachusetts when young people, who cannot return to their homes, prepare to enter a new life.

The Sisters also managed to find available apartments in Medellin where a group of the girls could live when out on their own.

The sense of affection generated in Granjas Infantiles was evident in the faces of the youngsters and in the attitudes of girls who had left. The latter frequently returned on weekends, and all, when they worked, sent back a small percentage of their salaries. As sister Jacqueline quietly explained, they felt as if everything had been given them by Granjas Infantiles.

The disintegration of the family in Antioquia is far more acute than in Massachusetts, and yet the factors leading to it are just the same—poverty, overcrowding, malnutrition, illiteracy. Many of the children at Granjas Infantiles could not go home on weekends without traumatic effects and tremendous confusion. So the Sisters encourage families to come to Granjas Infantiles and stay with the girls. When this isn't possible or practical, they send one of the Sisters to the child's home with the child.

This concern and dedication for the children is clearly the difference between a program which works and one which does not. It is the people who matter. The people who make the program.

I also visited the only reformatory for girls and boys in Antioquia. Separated from each other by the river, the two reformatories were again run by the Catholic Church, receiving large amounts of support from the state. Both tried to educate the children so that they could get a job when they left. The children supplemented the budget by doing all kinds of piece work—from textile finishing to printing and shoe manufacturing, both institutions felt they had been successful in their approach, and they estimated their rate of recidivism at 20 percent.

As in Massachusetts, there is a crying need for both programs and places for girls in trouble. In Antioquia this reformatory was the only one in the state, and it housed 300 women and girls in all. It is estimated that in Medellin alone, there are four or five times that number who need help.

Most of the girls are pregnant when they enter, and there is a nursery for those who have no relatives outside to keep the baby. The mothers see their babies on Sundays, or when the baby is sick, and in this case they are allowed to have the infants in their tiny cells with them.

My last visit on this trip was to one of Antioquia's rural hospitals in Fredonia, located high in the Andes, north of the city. This hospital has 25 beds, and the ones that cost 25 pesos a day (or $1.25) are largely unfilled—as no one in the village can afford them.

The distribution of doctors in Colombia is, on the whole, excellent. Access to qualified medical attention is rarely a problem. All doctors have to spend the first year of their practice in a rural hospital. The problem is rather in equipment and supplies—there are none.

I visited the hospital with a young North American doctor who worked there, unpaid. There were no tricepts, no catheters, no anesthetic equipment—only the most primitive and elementary equipment.

It is here that I think the Partners Program could be a Godsend. Think of the basements full of used hospital equipment that we possess and how we let it rust and disintegrate! Starting with a list from the hospital, I hope to find in my travels some of this excess unused material and send it to Antioquia.

It still haunts me to think of these people living in misery in one of the world's most beautiful countries.

Human life is equally precious in all parts of the world, but somehow, high in the Andes, these little lives seem isolated and lost.

I came home with the feeling that by sharing our knowledge we could not only bring people together, but grow as individuals and gain insight into our own problems.

Mrs. Sargent Writes of 10-Day Visit With "Yanquis" of South America

Mrs. Jesse Sargent, wife of Gov. Francis Sargent, has been outspoken in her refusal to play the traditional role of "gracious lady pouring tea—standing in front of a mantelpiece implying status up to the ears—or lady bountiful handing gifts to the poor at Christmastime," as she told the governor's wives assembled in Puerto Rico for their husbands' convention last week.

"As a wife," she told the wives, "people

will talk and listen to me. As a politician's wife, they feel that I can help them."

Last month, Mrs. Sargent took her husband's place on the Massachusetts Partners of the Americas Committee and traveled to Antoquia, Colombia—which is Massachusetts' sister state under the 10-year-old Partners program. Mrs. Sargent kept a diary of her 10 days of work with the Massachusetts and Antioquian Committees in the cities of Medellin and Bogota, Colombia's capital.

The diary does not list all the experts on the committee or log the dozens of bilingual meetings from which a score of proposed medical and cultural exchanges emerged. It is a record of impressions, observations and reflections about her discovery of another country "where," she writes, "surrounded by an eternity of fertile ground, people still pour into cities where there are no jobs, no houses and no real solutions."

Aug. 25: Arrived in Medellin about on time and learned, as we touched ground, that if you miss this airport in your first try, you don't get another! It is surrounded by beautiful 5000-foot mountains and a steady procession of planes—about one every minute as far as the eye could see.

11 p.m.: I am now sitting by candle light. Our meeting with the US Consul, Charles Trover, ended because of a power failure. I am surrounded by five vases of orchids, but am too tired even to see who was kind enough to send them.

I have learned that Medellin, the capital of Antioquia, has, by its own ingenuity, become Colombia's second largest city—with only two companies (operating in the city) that are wholly owned by North American outsiders.

FAMILY ORIENTED

Aug. 26: I made a courtesy call on the mayor, Alcalde Uribe, and asked him how they are attacking their housing problem. Mayor Uribe sent his urban planner to show us.

They have built roads and supplied electricity to the outskirts of the city. They offer this land to the people and thus begin to solve the problem of more and more people coming in from smaller towns to the city with no jobs, no money and no housing.

The difference between these people and the city migrants at home is that they're so family-oriented here that if they're given a shell of a house they'll put all of their money back into their house. They never want to move if they have all their family around.

The houses, made from a local form of cinder block, have one room with a concrete floor, a little patio with chickens, a small garden and a huge barrel of rainwater that catches anything that blows by. Most houses looked like they held at least ten children.

As we left, a 10-year-old girl spoke there proudly, saying. "You don't have to patronize us."

They took us there in a bus, and that's not the way to visit the ghetto. We stood outlike sore thumbs. And that's what we're trying to destroy on this whole trip—that image, that attitude.

I guess the life of a politician's wife never changes, even in another country. After visiting the slums on the side of the mountain, I was the guest of honor at a luncheon given by Senora Calle, wife of the governor of Antioquia, where I met many of the leading ladies of Medellin in a room that was all beautiful gold leaf.

POLITICIAN'S WIFE

I found Senora Calle's outlooks, duties and particularly frustrations of being a governor's wife so akin to mine—more so, strangely enough, than any other governor's wife in the USA Senora Calle feels as strongly as I do that governor's wives are still considered by the general public to serve always in an honorary role, usually with white gloves on.

10-HOUR DAYS

Senora Calle and I both feel in a unique position to learn the problems and frustrations that the average citizen feels and yet relate first hand to those who run the state—although the tools (or perhaps power) to use this knowledge are just outside our grasp.

The difference for Senora Calle is that Antioquia has no social security, health insurance or compulsory education. Her life here is centered on survival for masses of these wonderfully proud people. She spends 10 hours a day working in the hospital.

Aug. 27. After three days of work on this joint committee of sister states, I am convinced that people-to-people exchanges on a modest scale are the way to get things done.

This afternoon, for instance a juvenile court judge paid me a special, unscheduled visit to talk about juvenile detention centers, because he heard through a friend in Incolda, the Harvard Business School seminar being held there this year, that our Massachusetts committee was here.

There is only reform school in Colombia, and Judge Bedoya is trying to set up a system of halfway houses.

Judge Bedoya is the kind of man who goes home every right nearly sick that all these kids are just out there with no place to go. Now he wants to come up to Massachusetts on his next vacation and visit some of our centers to get some ideas for starting a juvenile correction system in Antioquia.

LONG VISTAS

Aug. 29: This was the weekend they thought we should all have some fun. So we all piled on a bus and climbed out of the valley, winding our way through terraced farms until we slowly reached what seemed to be the top of the world.

You wonder if the world is really so overpopulated when as far as you can see for miles and miles are oranges, bananas, pineapples, papayas, coconuts, coffee, cattle, sugar cane, horses, forests and clean, clean water falling down sheer slopes.

Today we went in another direction. Leaving the valley through miles and miles of pulp forests, mostly pines, we took a trip to Rio Negro.

Our little group from Massachusetts and our sister committee from Medellin sat down in a long room with pure white adobe walls and dark cedar beams. Our joint committee was on one side in rows of stiff chairs and the inevitable city greeters on the other.

They welcomed us formally and cordially in the exact room in this tiny city 10,000 feet up in the Andes where the Colombia Constitution was written in 1840. They again told us of the problems we all face: a huge housing shortage, decreasing jobs, increasing crime. I think as I look back on my trip to Colombia, I'll always remember coming off the street—where the people were streaming into the little city park to sell their wares in the open market—and walking into this hall, where all the official records of Colombian history since 1840 remain in rows and rows of crumbling, crude, leather-bound volumes.

There was something very moving about this solemn little program. I told them that we, too, came from very near the cradle of our nation's Constitution.

Aug. 30: Back in Medellin, I toured a 125-bed hospital that is run for the poverty-stricken people by the Church.

It is full of tiny children with malnutrition who sit on the floor day after day and rarely even cry. They have a few toys, but they don't play with them.

NO ROOM FOR SICK

All of them have crippled brains. All I can think of is where they go back to and how many thousands there are like them up on the side of the mountain in all those shacks.

Where there's life, there's hope. But I must say I think that every life is just as important as the next one—and that's what gets you; when you see these kids standing outside those shacks, and they can't even get into the hospital.

The huge, vacant, almost unseeing eyes I saw today will long linger with me.

The university of Antioquia, which just opened, had just been closed down by a student strike. Dr. Rojas, the rector, met all day with the strikers. When he met us this afternoon, he hadn't eaten all day and was exhausted by student confrontations, and still, he wanted to take time to talk about setting up a new department of psychiatry.

Harold Martina, the noted pianist and music director, met with us later, beseeching us to bring the Boston Symphony Orchestra to Medellin.

CULTURAL LIFE

Antioquians are called the "Yanquis" of South America because of their rugged mountain mercantilism. But like us Yankees of the north, their industry supports a sturdy cultural life—five universities and an annual series of art and music festivals sponsored by the two textile factories here.

Aug. 31: We tried to fly to the jungle hospital that Dr. Rojas told us about yesterday—a hospital of tropical medicine run by Harvard Medical School and the University of Antioquia in the small jungle town of Arpartado. But we couldn't get out because of a pilot's strike.

So we became tourists for an hour. We went into all the tourist traps and met all the other members of the committee who sneaked off for their first free hour too.

Sept. 1: Now I have seen all the ways that Antioquians are trying to solve their housing problems.

We just can't get enough of this. You look at your own problems in so much broader a way when you go away. You see yourself through others' eyes a little bit.

I really don't think they can learn much about housing from us, because there are so many things—strong family ties especially—that don't apply to both places.

I think they're way ahead of us—just because they're so family oriented.

FACTORIES GIVE MORTGAGES

After our tour of the city barrio (neighborhood) last week, we whipped through a textile factory Monday morning when they have set up a revolving fund which makes it possible for a man to get a 20-year, low-rate mortgage right from the factory.

The fund holds $150,000; but the figure is hard to compare, because factory workers make $500 to $1100 a year.

The factory was providing housing; only housing. All the city is really doing is providing roads and electricity. They're just trying to put roofs over these people's heads.

We've built a lot of housing projects in the US without the necessary recreational and community services, and they are chaotic.

But the only way to do it is to do it all at once—and today, we saw a barrio that the Church has built as demonstration model, where they are providing housing, recreation and a community center with a four-room workshop where mothers can do piece-work brought from the textile factory.

The Barrio de Jesus—about 80 units—is the same age as the city barrio, but the people have made more improvements to the cinderblock houses, a fresh coat of paint, a wrought iron balcony.

There are schools for the kids and home economics classes for the mothers.

LOCAL REFORM SCHOOL

A lot of the children are barefoot, but they're clothed better than poor kids in other parts of the world—perhaps because Medellin is a textile city.

When I talked to Archbishop Botero on Monday, it seemed like home. His broad, open face could well have come from Boston as he spoke of his belief, which I share, that the working poor will build self-respect by building their own houses. The Church is giving them bricks to build the houses I saw today, with hopes that the government will follow on a larger scale.

This afternoon, I visited the reform school, which is also run by the Church. It is a beautiful example of what a reform school should be.

The main building is an old farmhouse surrounded by terraces, flowers and Antioquian parrots everywhere. On its facade is a striking mural of the problems these kids face—pills, LSD and pot—and the solutions the school offers them.

The boys are trained to be printers, lathe operators, carpenters and shoemakers. They buy the shop machinery from the shoes they sell or from printing jobs. The Capucians who run the school pour all the money made in the shops right back into the school so they continue to have the most modern equipment to work with.

The boys spend their weekends at home with their families until they are 17. And they really do get jobs in the crafts they are trained for when they get out, although they are not paid full wages until they have served in the army.

Strong Antioquian family ties make the problem of working with the boys' families even worse than it is in Massachusetts, however. Evidently, the families try to hide the fact that their kid's in trouble and don't want to cooperate.

RECEPTION FOR 100

In spite of the obstacle of family shame, the school is way ahead of some of ours. They have solved many of the problems—of training and administration—that we are having to break down some of our big institutions to solve.

Tonight, the U.S. Consul had a reception for us. Out of 100 people asked, about 97 came—a great tribute.

The committee asked me to speak for all of them. I hope I did, when I said that I felt from the bottom of my heart for any group so quick to form such deep respect for one another as we have in just a week.

Sept. 2: At our last working meeting, we formally presented 26 proposals for future projects and exchanges to the Medellin Committee. They will send their formal reply by letter before they visit Massachusetts in November.

It's uncanny how alike we Yankees are both south and north.

As we flew to Bogota tonight I thought about those high Andes beneath us, where, surrounded by an eternity of fertile ground, people still pour into that tiny city of Rio Negro where there are no jobs, no houses and no real solutions. I feel this tiny exchange is the small beginning of something much, much larger than any of us.

MEET PRESIDENT

Sept. 3: Our joint committee was received by Misael Pastrana Borrero, the President of Colombia, in the Casa de Bolivar.

I was impressed. He had been so well briefed on our work. Both he and the governor of Medellin went way beyond their line of duty and gave us much more time than their schedules permitted. They really cared.

But this widening gap between North and South America is an incredible problem. We've all worked hard without much rest to try to narrow it a little.

Having lived through 10 days of mortification, not speaking a word of Spanish, I decided on the spot to take two solid weeks of Spanish before the Antioquian committee returns our visit in November.

I am more convinced than ever that small exchanges like these—run by individual citizens—may well succeed where monolithic government assistance programs are failing.

REGULATION OF STRIP MINING ON FEDERAL LANDS

Mr. HARRIS. Mr. President, I invite the Senate's attention to an article in the Washington Post of August 25 concerning the General Accounting Office's report on the Department of the Interior's failure to enforce strip mining regulations on Federal lands. Mr. President, this is an extremely serious situation. The Department of the Interior is charged with protection of our public lands in order that all citizens might enjoy them for decades to come. The Department also has jurisdiction over Indian lands held in trust, supposedly to protect native Americans from exploitation. Now we find that public and Indian lands are being leased to utility companies for purposes of strip mining coal and that no attempt is being made to enforce the weak regulations that govern strip mining now.

No efforts are being made by the Interior Department to insure that strip mining will not have the same effects on the public lands in the West that it has had in the past in Appalachia. Landslides, streams ruined by silt and acids and hills where nothing will grow because all the topsoil has been eaten away—all have become a way of life for the citizens of Appalachia. This needless destruction of the environment can be stopped.

The Interior Department must alter its bias and seek to protect the lands under its jurisdiction, rather than to "manage" them for the economic reward of a few. I am writing a letter to Secretary Morton demanding that he file environmental impact statements on all the surface-mined coal leases now on Federal lands and that he raise the cost of compliance and performance bonds to cover the full cost of reclaiming strip-mined land. I believe that this report merely serves to demonstrate how much we need an absolute prohibition against the strip mining of coal.

I ask unanimous consent that the article to be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BROKE OWN RULES, GAO SAYS: MINE BLAME LAID TO INTERIOR

(By Elsie Carper)

The Interior Department has failed to carry out its own strip mining regulations to protect public and Indian lands in the West, the General Accounting Office said in a report released yesterday.

The report also said that Interior has not complied with all of the requirements of the National Environmental Policy Act of 1969 for the preparation of environmental impact statements before granting permits and leases to coal companies to strip mine the lands.

Interior controls vast land holdings in the West, where seams of coal have been found near the surface and are dug out with giant mechanized shovels.

The department estimates that more than 54 million acres of public and Indian lands—mostly in the west—contain coal. Prospecting permits or mining leases have been granted for 1.6 million acres of the public lands and 700,000 acres of Indian lands.

Strip mining now accounts for half of the U.S. coal production and so far has been concentrated in Appalachia and the Midwest, where it has left a trail of scarred hillsides and acid and sediment polluted streams.

Growing demand for electric power in the West has increased the pressure to strip mine the public and Indian lands to supply coal for the utility companies.

The report by GAO on how Interior is administering these lands was requested by the House Conservation and Natural Resources Subcommittee.

In releasing it to the public, Reps. Henry S. Reuss (D–Wis.) and Guy VanderJagt (R–Mich.) declared that it raises questions as to whether the Interior Department is the proper agency to regulate strip mining.

Legislation is pending in Congress that would authorize the Interior Department to set national strip mine standards.

Reuss, the chairman of the subcommittee, and VanderJagt, the ranking Republican, said in a joint statement that Interior's "three-year record of inefficiency in the West, where strip mining is still in its infant stages, makes it doubtful that Interior will be any more efficient in the East, where strip mining is both more complex and widespread."

In a letter to Russell E. Train, chairman of the President's Council on Environmental Quality, they suggest that regulation of strip mining and restoration of strip-mined lands be turned over to the Army Corps of Engineers or to the Environmental Protection Agency.

Subcommittee members are known to feel that Interior has a built-in conflict of interest. On the one hand, Interior is engaging in an active program to promote the leasing of land for the production of coal; on the other, it is supposed to protect the environment.

The GAO report found that Interior was not complying either with its own regulations set up in 1969 governing surface exploration, mining and reclamation of public and Indian lands, or with the National Environmental Policy Act of 1969 requiring the preparation of environmental impact statements.

The report said that impact study procedures developed by the Bureau of Land Management, which controls the public lands, "do not comply" with implementing guidelines of the Council on Environmental Quality. The Bureau of Indian Affairs, which administers Indian lands, "has not developed any procedures for the preparation of environmental statements," GAO reported.

The study covered only permits and leases issued after Interior established regulations in 1969. Before then the lands were protected only by stipulations written into permits and leases.

Since the regulations were established in January, 1969, Interior has issued 258 permits and 38 leases for coal exploration and mining on public and Indian lands. GAO reviewed 65 of these permits and leases in its study.

It found that required technical examinations to determine the effect of strip mining on the environment had not been conducted for 35 of the 65 permits and leases.

The regulations also require that an exploration plan be filed and approved before a permit holder starts digging for coal. But GAO's review "showed that some permittees were operating without approved exploration plans and that some plans had been approved without technical examinations."

The report said that compliance and performance bonds covering reclamation of strip-mined lands had not been obtained in all cases and the amount of the bonds in others was insufficient to cover reclamation costs.

During the period from the time the regulations were issued until last November, active operations had started under two leases and 15 permits. The report said the coal operators generally failed to submit required information on such matters as the number of acres reclaimed and methods of reclamation. Four operators abandoned all or part of their operations without filing required reports.

In other findings, GAO said that Interior lacked procedures for the public to comment on pending applications and also lacked procedures for consultations with federal and state officials responsible for the environment, pollution control and health and safety.

The report covered leases in Arizona, Colorado, Montana, New Mexico, North Dakota and Wyoming. Most were in Wyoming and Montana.

EXCESSIVE DEPENDENCE ON OIL AND GAS IMPORTS FROM MIDDLE EAST

Mr. STEVENS. Mr. President, I was recently pleased to discover that the Washington Evening Star, of August 9, 1972, contains a letter to the editor written by the Senator from Wyoming (Mr. HANSEN). Senator HANSEN's letter was entitled "The Arab Oil Game."

I believe that Senator HANSEN's letter is worthy of study and discussion by other Members of Congress. He discusses in his letter the danger of our Nation's drifting into a condition of excessive dependence upon oil and gas imports from the Middle East nations. Because the political structures of these nations are often unpredictable and unstable and because Arab States are demanding more control over the production of their oil, they may threaten strikes and cutbacks on oil exports to the United States unless more favorable terms are arranged.

Senator HANSEN has wisely pointed out that these foreign governments are certainly entitled to follow policies to further their own self-interest in regard to their oil resources. However, the United States must pay cognizance to these developments and act in our own self-defense to minimize our dependency on imported oil.

The Senator's letter concludes by asserting that the most enlightened course for our Government would be to adopt policies to enable the search for domestic oil and gas reserves to proceed as rapidly as possible. This clearly is the only alternative to prolonged and perilous dependence on Arab oil. In particular, the Senator discusses the largest oil field ever to be discovered in the United States—Alaska's Prudhoe Bay—which, when finally delivered to the Lower 48, will help alleviate this dependence on foreign imports.

Mr. President, the Senator from Wyoming clearly understands the difficulties our Nation faces in acquiring adequate supplies of energy resources. In my past association and work with Senator HANSEN I have always found him to be most knowledgeable and aware of the particular problems in the field of energy. I certainly commend him on writing this important letter, which will help to educate the public regarding this very real problem.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE ARAB OIL GAME

SIR: Your recent editorial, "The Changing Rules of the Arab Oil Game," deserves commendation as a highly informative discussion of a problem of major importance to the American people.

Changes in the world petroleum situation are coming almost too fast for the public to comprehend. Yet these changes are of paramount significance to our nation's consumers and to the security of the United States and its allies overseas.

It would be hard to exaggerate the dangers of drifting into a condition of excessive dependency on oil and gas imports from the unpredictable and notably unstable lands of the Middle East. Informed observers have pointed out that some of the major Arab oil producing countries are moving into a financial position that would enable them to go on strike against the lands that obtain oil from them. In other words, some of the Arab states are building up sufficient cash reserves to enable them to withhold their oil from the market until the nations that consume this oil meet their terms.

SYRIAN EPISODE GAVE INDICATION

The havoc in world oil movement that resulted in 1970 from Syria's refusal to permit repair of the Trans-Arabian Pipeline and Libya's cutback in production of its oil, is a small indication of the impact disruptions in petroleum supply can cause.

The oil-producing countries, particularly those in the Middle East and North Africa, realize that their economies are now based almost entirely on petroleum production and that their reserves of this resource—however vast—are still finite. This realization has prompted some of the countries to insist on exercising more control over the production of their oil to make their reserves last as long as possible. This same realization helped to stimuate monetary demand that made the cost of foreign oil rise sharply in recent years—with no end to this escalation yet in sight.

In short, these foreign governments are acting toward their oil resources in a way that they believe furthers their own self interest. They are certainly entitled to follow such policies.

The United States would be less than wise, in my opinion, if it did not follow the same course. We should act in self defense to minimize our dependency on imported oil.

According to an exhaustive survey by the National Petroleum Council, more than half of the discoverable oil and gas in the U.S. still remains to be found. In view of changing world developments, as described in your editorial, the most enlightened course for our government would be to adopt policies that will enable the search for our domestic oil and gas reserves to go forward as rapidly as possible. This is the only near-term alternative to prolonged and perilous dependence on Arab oil.

PRODUCING AT CAPACITY

Your editorial referred to "limits on domestic production." I am sure you know that the oil fields of the lower 48 states are now producing at capacity with no limits imposed on production other than those required to prevent outright waste of reservoir energy.

The vast potential of marine oil and gas production is being limited and held back by litigation and legal restrictions on operations in outer-continental shelf areas. In addition, the largest oil field ever discovered in the United States—Alaska's Prudhoe Bay—is not yielding a drop of oil to the nation's consumers three years after it was discovered, and won't until the way is cleared for completion of the urgently needed trans-Alaska pipeline.

We are indebted to a Middle Eastern poet for the phrase "the moving finger writes." This finger is writing now—in large letters—about the possibility of a fuel supply crisis in our country, a nation that depends on oil and gas for three-fourths of its energy. Such a crisis can be averted if the discovery and development of our domestic petroleum resources is pursued in time. But time is the ingredient that is shortest of all in this situation. From three to ten years are required to develop an oil field to full production after the initial discovery has been made.

Positive policy decisions are needed now to forestall the possibility of an extreme fuel-supply emergency in the near future. Your editorial made a contribution to the public understanding that should lead to such decisions.

CLIFFORD P. HANSEN,
U.S. Senator.

ENERGY RESOURCES CRISIS

Mr. McGEE. Mr. President, the question of our energy resources has been gaining increasing attention of late, particularly in the news media.

In an article published recently in the Denver Post, Jean Heller documents the so-called energy crisis which is increasing with alarming rapidity.

The article points to the need for a comprehensive energy policy for this country—the thrust of a bill introduced by the distinguished Senator from South Carolina (Mr. HOLLINGS), which I have joined in sponsoring.

We are faced with a growing public opposition to the continuance of uncontrolled environmental degradation in this country, while on the other hand we are confronted with skyrocketing energy needs which often conflict with our environmental concerns.

The facts spelled out in Jean Heller's article makes it incumbent upon this body to act swiftly on legislation establishing the framework within which an energy policy can be developed with a minimum of conflict in our environmental concerns.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLACKOUTS, TANOUTS: ENERGY SCARCITY WIDENS

(Jean Heller)

WASHINGTON.—In the past several years, energy crisis has become a household term.

It signifies steamy summer days without air conditioning, frigid winter nights without heat or light, rising utility and real estate costs and a lot of unanswered questions.

Blackouts, brownouts—and recently in Michigan something called a tanout—have become a way of life in much of the nation during periods of severe weather.

Why?

The simple answer is that not enough clean coal, fuel oil and natural gas is available in the country to meet consumers' demands, and many electric utilities don't have the dependable peak needs.

"We've got trouble, trouble, trouble, with a capital T and that rhymes with E and that stands for Energy," Hollis M. Dole, the Interior Department's assistant secretary for mineral resources, told a House subcomittee recently.

"We are beginning to feel the pinch on energy in certain forms," Dole said. "This condition of scarcity will widen as time goes by to include nearly every form and category of energy."

An Associated Press study of the nation's energy crisis found:

During July's heat wave, demand for electricity along the East Coast far exceeded electric utlities' capicity for supply. New York City and parts of Rhode Island and Massachusetts temporarily were blacked out. A heavy demand in Michigan caused a tan-out, a deliberate reduction of from 1 to 5 per cent in generator power output.

A Federal Power Commission (FPC) survey at the beginning of the summer showed that the Southeast and West Cenral areas of the nation didn't have sufficient reserve electrical generating capacity to meet unexpected demands or equipment failures.

In many parts of the nation, including Washington, D.C., and Chicago, natural gas supplies were so low that indefinite moratoriums were placed on sales to new customers. The possibility exists that if the nation suffers a severe winter, gas service to some commercial and industrial customers will have to be cut off in order to maintain service to residential customers.

Most of the nation's coal supply can't be used because of stringent air-pollution laws, and not enough fuel oil currently is available in the nation to fill the gap.

Electric utilities, paying ever-mounting prices for fuel, are passing on those increases to consumers. Wholesale electric rate increases pending at the FPC jumped more than $20 million during the second quarter of the year.

In areas where new gas sales have been curtailed, housing projects awaiting service are standing idle. A spokesman for the National Association of Homebuilders estimates this factor costs a builder about $100 a month on an average $28,000 home, a cost passed on to buyers. Moreover, the cost of installing an oil heat system in an average home is between $500 and $600 more than installing a gas heat system, another home cost add-on.

So, how did we get into this situation in the first place, and now how do we get out?

We got in because the nation hasn't yet learned how to combine progress and conservation and make it work. It appears the only immediate way out is a growing, and possibly dangerous, dependence on foreign fuel imports.

"The current energy crisis can probably be attributed to the tensions and adjustments resulting from attempts to achieve a proper balance between the duty to protect and conserve the natural environment and the equally valid obligation to meet the growing energy demand necessary for preserving and improving the total quality of human life," said Aubrey J. Wagner, chairman of the nation's largest electric utility, the Tennessee Valley Authority.

"It's not anybody's fault, really," said Ralph Williams, an Interior Department energy specialist and Dole's staff assistant. "It's just the way the whole darned thing went together. It all fell on us at once."

One of the principal factors is a series of new environmental laws which restrict the use of dirty fuels.

ONLY GAS CLEAN

Of the three fossil fuels—coal, gas and oil—only gas is completely clean. Coal, especially, is high in sulfur content, making it useless in areas which have stringent air-pollution restrictions on sulfur emissions. That means all urban, industrial areas.

Since coal accounts for somewhere between 70 and 85 per cent of the nation's fuel reserve, a huge reservoir of energy has all but been eliminated from the market, at least until an economically feasible way is found to burn coal cleanly.

Fuel oil, much of which can meet environmental standards, isn't in as short supply as it was several years ago, but it costs far more than other fossil fuels.

In addition, oil production in the United States has reached its peak with no drastic upswing in sight so that fuel oil alone, which amounts to only 5 to 10 per cent of every barrel of refined crude oil, never could fill the coal gap.

As a result, the immediate burden has fallen on natural gas, which is cheap and clean.

EXPLORATION DROP

But in the past few years, gas producers haven't been exploring for new supplies, claiming government regulation of prices doesn't provide a big enough profit margin to encourage the high-risk business of exploration.

It has been estimated that in 20 years the demand for natural gas will be 1½ times all the gas discovered in the nation's history. Yet the number of producing wells drilled in the country dropped by more than one half between 1955 and 1968.

In 1960, the nation had a 20-year supply of natural gas in reserve. By 1970, that reserve had fallen to 13 years. Now it's 11.3 years. The nation is using up the reserves faster than new supplies are being found. All current reserves are committed for some specific future use.

Until recently, the Federal Power Commission set ceilings on the price natural gas producers could charge interstate pipeline companies. In time of plentiful supplies of gas, the ceilings were set low.

COSTS CLOSE IN

As rates of inflation grew, producers costs for equipment and labor steadily closed in on profits because the FPC allowed few price-ceiling hikes. Gradually producers stopped looking for new gas supplies because, they said, with 80 per cent of all new wells coming up dry, the FPC ceilings didn't allow enough capital to finance high-risk exploration.

Last month, the FPC announced it was lifting price restrictions and would allow gas to find its own price level. The action, expected for some time, was greeted with chagrin by consumer groups who claim the FPC fell for an industry trick.

The FPC doesn't collect its own data on gas reserves, relying instead, on a survey conducted by the American Gas Association (AGA), a professional representative of gas producers. Critics charge the AGA and producers misrepresented gas reserves just to force prices up, an allegation the producers and the AGA vehemently deny.

Whatever the truth, the FPC's action may indeed spur new gas exploration, but locating and producing new supplies require a three-to-five year lead time, and nobody is optimistic about any quick solutions to the shortage problems.

"We're unable yet to gauge the effects of the ruling," said Charles Krautler, a spokesman for the Washington Gas Light Co. "Even if it helps, it will take several years to develop new supplies."

NOT MUCH OPTIMISM

"We're very much taking a wait-and-see attitude on this thing," said Robert Wilson, an official of Peoples Gas Light and Coke Co., in Chicago. "It's possible, I suppose, that this will free up some gas, but I haven't heard anybody express much optimism."

Wilson said Peoples has a waiting list of 3,349 customers, many of them big commercial and industrial users, which seek enough gas to supply 191,000 average single-family homes.

What of nuclear energy, once touted as the solution to power problems of the '70s and beyond?

The first nuclear generating plants went into operation in the early 1960s. By the middle of the decade, there was rising discontent over air and water pollution. The Atomic Energy Commission began predicting that nuclear plants were the environmentally sound wave of the future.

Electric utilities seemed to agree. In 1966, 20 new nuclear plants were ordered. In 1967, another 30 went into the planning stages. But the following year, problems began. A shortage of specialized equipment, parts and trained personnel developed. On construction sites, crews had difficulty in assembling parts and keeping them operable.

OBJECTIONS START

And conservationists began raising objections and occasionally filing lawsuits over plant sites and possible dangerous heat and radiation emissions.

As problems developed, new plant orders fell; to 21 in 1968; to seven in 1969. As of August, 28 nuclear plants were in operation, 49 were in various stages of construction and 67 were still on the drawing boards.

In the midst of all this, the nation's overall demand for electric power is doubling every 10 years and per-capita demand is growing five times faster than the populations. The nation has become so dependent on electric power that human muscle now accounts for less than one per cent of the work done in the nation's factories.

Ten years ago, electric utilities had the capacity to generate 30 per cent more power than customers demanded. By 1970, that figure had dropped to 15 per cent, a level the FPC considers the bare minimum needed to cover unexpected demands or equipment failure.

This summer, some areas of the country couldn't meet that minimum.

SMALL RESERVES

The FPC's summer power supply survey indicated that the Southwest and West Central areas of the nation had only an 11.1 and 11.6 per cent reserve, respectively, at the beginning of the summer.

The Northeast, plagued by power problems, had a barely comfortable 17.9 per cent reserve, but that's an average. In New York City, for example, the reserve was under 11 per cent, and power problems have plagued that city all summer.

In the Southeast region, the Miami area was getting through the summer on a prayer, with a reserve of minus 2.1 per cent. The Cleveland, Ohio, municipal electric utility was even worse, with a minus 8 per cent reserve.

"We have a kind of chain reaction," said Williams. "We feel the environmental restrictions will continue to crowd coal out of the market. As coal is forced out, that will bring pressure on alternate fuels. Nuclear power is late. Gas is already past its peak. So the demand that was met by coal is going to have to be met by oil. And domestic oil production has fallen off.

"So I think that all the increase in energy demand in the United States is going to have to be met by imported oil," he said. "For the most part this is going to be Middle East oil. We're going to have to try to figure out how much oil we can produce and how much more is going to be needed and fill that gap by letting foreign oil in."

The import quotas, set out during the 1950s, were intended to protect the United States from international extortion to prevent the nation from becoming so dependent on the cheap Middle Eastern oil that Arab nations could use that dependency to whipsaw the country during an international political crisis.

THE REAL CASUALTIES

Mr. CHURCH. Mr. President, the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) has written a perceptive article entitled "The Real Casualties," which was published in the New York Times on Friday, August 25.

Many of the casualties of the policies of the Nixon administration in its current bombing campaign in Vietnam are innocent "women and children who happen to be in the target areas":

> Their dying and their burning take place beyond the sight—and beyond the psychic knowledge—of the B-52 crews and their countrymen across the sea—

Notes Senator FULBRIGHT.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE REAL CASUALTIES

(By J. W. Fulbright)

WASHINGTON.—Chivalry in warfare, I suppose, is an antiquated concept. Such notions are impossible for a B-52 bomber crew five miles up in the sky. The targets they drop their bombs upon are like grid squares on a map; they bear no physical resemblance to real cities and farms inhabited by real people. Now the crew hardly even have to concern themselves with accuracy; their "smart bombs" are carried on laser beams. It is called "surgical" bombing but it is not so "surgical" as to spare the schools and hospitals, and the men, women and children who happen to be in the target areas.

Their dying and their burning take place beyond the sight—and beyond the psychic knowledge—of the B-52 crews and their countrymen across the sea. Only occasionally do the sights of war intrude upon our vision, as in the widely published picture of a little naked Vietnamese girl, screaming as she ran toward the camera to try to escape from the napalm which was burning the skin from her back.

Such are the sights and sounds of the Vietnamization program through which the Nixon Administration has reduced American casualties to almost none. Appealing to our weariness and disgust, our leaders have invited us to lose in interest in Vietnam, to ignore what happens there now that our own sons are no longer dying in large numbers. They have invited us to ignore the tragic fate of the Vietnamese themselves and to look elsewhere to the President's visits to Peking and Moscow.

We are told that we must continue such a policy if we are to remain a great power and retain respect throughout the world for the office of the American Presidency. In his dealings with the Soviet Union and China Mr. Nixon no longer engages in ideological warfare for its own sake; he has ceased to be a crusader against "godless Communism" and has become a skilled practitioner of *realpolitik* in the tradition of Metternich and Bismarck. But in his continued prosecution of the war in Vietnam the old Nixon has survived—Nixon the Redbaiter, Nixon the battle-scarred veteran of the "warfare of politics"—to take the term he used in his book "Six Crises."

One of the most ironic of the many ironies of this long and futile crusade is that the Vietnamese Communists themselves have found it incomprehensible that the mighty United States could take an obsessive interest in the internal dissensions of so small and remote a country. For a short period in 1946, the only official representative of the United States in Hanoi was a young major in the Office of Strategic Services named Frank White.

Ho Chi Minh had formed a Vietnam Provisional Government and had proclaimed the independence of the state of Vietnam "within the French Union." On a number of occasions during those turbulent days, White spoke informally and at length with Ho.

On one occasion Ho "dwelled at some length on the disposition of Americans as a people to be sympathetic to the self-determination of nations and generous in making contributions to less fortunate states. But he doubted that the United States Government could be counted on to come to the aid of Vietnam."

For reasons that will likely puzzle historians for decades to come, just as they puzzle and dismay ordinary citizens today, Vietnam has captured and held America's interest beyond Ho Chi Minh's wildest imaginings of 26 years ago. It has caught us in the grip of a prideful, fearful obsession with "defeat" and "humiliation."

Perhaps, as the Nixon Administration has seemed to suppose, the American people will tolerate an endless war as long as it is Asians rather than Americans who are being "wasted" on so prodigal a scale. But I do not think so; I think that the American people are offended and outraged by the prolongation of this useless killing even though most of those now being killed are foreigners.

I think that the American people are disgusted by the obsession with victory, even in its various, euphemistic disguises. I think that the majority of Americans would now share the puzzlement and dismay expressed in a letter which I received back in 1967 from an American soldier in Vietnam. Speaking of the phony propaganda and the savagery of the war, he described the real casualties—"the farmers and their families in the Delta mangled by air strikes, and the villagers here killed and burned out by our friendly Korean mercenaries."

This young soldier then asked, ". . . whatever has become of our dream? Where is that America that opposed tyrannies at every turn, without inquiring first whether some particular forms of tyranny might be of use to us? Of the three rights which men have, the first, as I recall, was the right to life. How then have we come to be killing so many in such a dubious cause?"

PROGRESS IN RHODESIA

Mr. GOLDWATER. Mr. President, my State of Arizona is extremely fortunate to have as the editor of one of its major daily newspapers, The Tucson Daily Citizen, a man of great ability and fine repertorial insight. I refer to Mr. Paul A. McKalip, who recently returned from a lengthy tour of South Africa and Rhodesia—an area he had visited first 7 years ago. As a result, Mr. McKalip has written two excellent articles for the "Perspective" section of his newspaper which mirror his impressions of the country, the spirit of the people, and the opportunities which abound in those areas for persons of all cultures. He reports that great progress is being made, especially in Rhodesia, in the face of British sanctions.

Mr. President, as the two articles point out, Rhodesia's political stability and economic viability have developed impressively despite the efforts of Britain and other nations to force their will on this former British colony.

Where one would except to find Rhodesia and her people in a kind of holding operation, attempting to weather the British sanctions, just the opposite is the case. Mr. McKalip found Rhodesia far from stagnant, but in the grip of its greatest economic boom. A growth rate of 11 percent was chalked up by Rhodesia last year, and 1,600 new industrial enterprises have been established in the past 6 years. Home building is going ahead at a record pace, and much of it is being put in place for Africans. What is more, Rhodesia is enjoying a steady rise in both immigration and tourism and is experiencing a shortage of skilled labor.

All of this points up the wisdom shown by our government, which took action last fall to resume the purchase of Rhodesian chrome. The move was entirely realistic and practical under the conditions found in Rhodesia by Mr. McKalip.

Because of their interest and importance to all responsible Americans, I ask unanimous consent that Mr. McKalip's articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Tucson Daily Citizen, Aug. 1, 1972]

SEVEN YEARS AFTER INDEPENDENCE—RHODESIA'S POLITICAL STRUCTURE DEMONSTRATES ITS STABILITY

(NOTE.—Paul A. McKalip, editor of the Tucson Daily Citizen, visited Southern Africa in 1965 and again this summer. This is the first of two special articles based on his observations and findings in the former British colony of Rhodesia, which declared its independence seven years ago.)

(By Paul A. McKalip)

"Bad news travels fast" is an old expression. In today's world of instant communication, one must add "and far."

For most of its 80-year history, a place called Rhodesia in the southern part of Africa below the equatorial belt was little known beyond the fact that it was one of the lucrative colonies of the British colonial empire.

For adventurous world travelers and readers of National Geographic magazine, it was known also for the world-famous but remote Victoria Falls on the fabled Zambezi River.

BLACKS, WHITES WORK SIDE BY SIDE

Just seven years ago, Rhodesia became another "hot spot" on the world geopolitical map when the minority white government issued its unilateral declaration of independence from mother England.

UDI, as the action became known, was seen as the only means by which the quarter-million Europeans, mostly of English origin, could avoid an overnight sellout of Rhodesia's long westernized-style development to the overwhelming majority of African natives who are still primitive bush dwellers.

The Rhodesian government in power had seen already the turmoil and chaos which had resulted from similar grants of independence to other colonial holdings of European nations in black Africa.

In some of them, such as the Congo, ambitions and old animosities of rival native tribes exploded into mass destruction of property and population.

Nevertheless, the news of Rhodesia's declaration of independence, after failing to win an acceptable accommodation with the British government, started political and economic repercussions which continue today.

By coincidence more than design, in fact motivated principally by a long desire to see the Victoria Falls, I was in Rhodesia in the spring of 1965, six months before UDI.

I visited Salisbury, the beautiful, modern capital city, and talked with many persons in and out of government.

One thing was obvious. The white minority, far from repressing and exploiting the Africans, was pursuing a policy of development, of education and economic opportunity for all of the nearly five million people of Rhodesia.

England, however, was being rebuffed in its effort to impose its own political policy for Rhodesia and could not accept such affront by the "bad boy" of the British Commonwealth family.

Eschewing military response to UDI in the months following November, 1965, when such response admittedly might have quelled the rebellion in the fashion of earlier colonial tactics, England sought to strangle the rebellion by imposing sanctions.

"BRITISH HAVE LOST THE WILL TO SETTLE"

The United Nations is committed by its charter to remain aloof from the internal affairs of nations. It is a proper policy. In the case of the Rhodesia sanctions proposed by England, the United Nations approved on the flimsy, transparent grounds that the Rhodesian action represented "a threat to world peace."

This summer I returned to Salisbury by deliberate intent born of sustained interest in the problem, the people and the future of a land with great resources, attractions and potential.

Some personal observations were at once enlightening and reassuring.

The country was obviously peaceful. The national police force is composed of only 4,000 members. Three-fourths of them are Africans. In the British traditions, the police do not even carry arms.

Africans and Europeans were going about their business in trade, industry and agriculture side by side. It is true that the black Africans mostly still are in the ranks of unskilled labor, but there is no arbitrary barrier to their economic advancement.

In the four-star, top-rated Jameson Hotel in Salisbury, the reception office was staffed by blacks and whites alike wearing the formal striped trousers and morning coats. The accounting department was staffed by Africans.

There were also blacks among the guests in the hotel, and in the dining room and in the cocktail lounge. There is no color barrier in any public place.

At Government House, the residence now of the Rhodesian state president which formerly was occupied by the British colonial governor, the guard complement, including officers, is entirely African.

On the political front, likewise, there was a new commitment and determination to make the best of England's final rejection of the independence settlement proposals which had been negotiated and approved by representatives of the two governments.

I arrived in Salisbury shortly after the "bad news" of the British government's official "No" to the bilateral proposals had been announced, making headlines around the world.

There was consternation, disappointment approaching disbelief, but no sense of despair.

It was recognized that some of the more immediate political gains assured for Africans in the proposed settlement would be likely to come more slowly. Their political progress would be linked to the practical pace of educational and economic progress.

It was also recognized that the struggle for economic progress, both industrially and agriculturally, would have to continue for both Africans and Europeans under the added burden of sanctions.

But if the outside world expected restlessness or even possibly upheaval in the wake of the Rhodesian setback, it was nowhere evident.

If anyone had cause to be despairing or angry, it might have been most of all the indomitable Ian Douglas Smith, prime minister and rallying force in the Rhodesian Front government in the 10 years before and since UDI.

I was fortunate to arrange a private interview with Smith early in my visit. The seven years of challenge and frustration since UDI had worn on him but lightly.

He is a rather slightly built man whose strength is reflected in strong features of face and especially piercing eyes.

"GREATEST ASSET IS HER PEOPLE"

Now only 53 years of age, and looking boyishly younger in some respects, his dedication to Rhodesia and the future of 5 million people is unswerved by adversity.

When I entered his office, he invited me to sit at the side of his large, well-ordered desk. He swung his chair sideways to allow him to stretch out his legs and half recline as he conversed easily but intently.

Almost at once, without being asked the obvious question, he volunteered his disappointment at the British "No" to the settlement. He went on to point out that the sanctions had been imposed to force Rhodesia to negotiate an agreement with the British government on the territory's political future.

"This government did negotiate and did come to agreement with the British government. This government approved the agreement and it was the British who finally rejected it," he declared.

He made it clear that he felt any legitimacy for sanctions had been wiped away by the British and that sanctions in the future would be less respected by other nations even though they might remain on the U.N. books.

Smith recognized, as a practical politician, that the British government could not afford to allow sanctions to be revoked officially.

It is, of course, that realism which has allowed Ian Smith to steer the small country successfully through countless dangerous shoals during the past 10 years, before and after UDI. Now he assessed the future this way:

"I believe any sort of settlement at this moment would be an embarrassment to the British government of the United Kingdom. I believe that at the moment they have lost there will to settle.

"Therefore, the contract we made has been closed by the British rejection."

The prime minister said essentially the same thing in a public statement a couple days later and concluded with this exhortation to Rhodesians:

"Let us be realistic and accept the fact that the only practical way forward is to get on with the job under our existing 1969 Constitution, sanctions and all."

UNITED "TO MAKE THE BEST OF IT"

The Rhodesia Herald, large national daily newspaper published in Salisbury, headlined the prime minister's public statement this way: "Smith Firm: We Are Not Talking to U.K." And a subheadline carried his words in quotation marks: "The contract has been closed . . ."

The Rhodesia Herald generally is strong in its opposition to the Smith government and outspoken in criticism of its policies. The Herald's editorial comment the next day on the above news was, therefore, significant:

"We agree with most of Mr. Smith's assessment of the situation . . . There will be no recognition. Sanctions will continue in official force.

". . . The present situation is normal, and will continue to be so for as far ahead as one can see. The country must make the best of it.

"And a good best can be made.

". . . Rhodesia's greatest asset is her people. If her people—all of them—are able to give of their full potential, then the sky's the limit."

There has been substantial evidence that Rhodesia's people, European and African, are agreed on the country's potential and on their dedication to it.

In the face of continuing armed threats from Communist-trained outside guerrilla forces to the north, African natives in rural areas of the country have been quick to join in reporting and thwarting occasional incursions.

African and white military police share the duties of border patrol.

One of the most important symbols of the stability of the new government is the office of president, which has been occupied by Clifford W. Dupont since the 1969 Constitution was adopted.

Dupont is a polished gentleman of English heritage. He was deputy prime minister under Smith before the 1965 independence move. After the ties with Britain were severed, Dupont was first named to the position of officer administering the government. That position was created above and apart from politics to take the place of the British crown's representative.

Now, as president, he also is above politics and parliament and serves principally in a ceremonial and symbolic capacity. His office assures the continuity of government as a viable entity. It is he who officially calls and opens each parliamentary session.

With Clifford Dupont as the representative of government and Ian Douglas Smith as active leader of the government, it is clear that colonial Rhodesia has produced a breed of indigenous Rhodesians who are equal to the challenge of "making the best of it."

It is too bad that "bad news travels fast," probably because it is the most sensational or alarming kind of news.

A look at the situation in Rhodesia first hand and in depth reveals the whole truth about a country which has emerged from British rule with faith in itself and in its future, given only time and opportunity.

[From the Tucson Daily Citizen, Aug. 2, 1972]

WHAT ABOUT THOSE SANCTIONS? EMBATTLED RHODESIA IS MAKING GOOD DESPITE BRITAIN

(By Paul A. McKalip)

Seeing is believing.

And seeing the progress in Rhodesia, after seven years of struggle for independence from Great Britain, is to believe that the little country in southern Africa is well on its way to succeeding.

No shots have been fired by the British against the Rhodesians as they were in America's War of Independence two centuries ago. In this one, the British government chose to wage political and economic war.

The cutting off of diplomatic relations with the rebel government in Salisbury was awkward, perhaps, because it affected Rhodesian passports and therefore travel.

The real weapon that was relied upon to subdue Rhodesia was the sanctions which Great Britain imposed with the support of the United Nations.

Well, what about sanctions? How are things going in the land-locked nation? Things are going well indeed. I can report that from firsthand observation, inquiries and interviews during my recent visit to Rhodesia.

UNEXPECTED BOOM

Having been there seven years ago, just before the country announced its unilateral declaration of independence (UDI), I had a good basis for comparison.

One would expect to find the country and its people in a kind of holding operation, but certainly not in anything like an economic boom. That's what it is, though.

A growth rate of 11 per cent last year, the establishment of 1,600 new industrial enterprises in the past six years, home building at a record pace and much of it for Africans, a steady rise in both immigration and tourism, and a shortage of skilled labor add up to all the boom the Rhodesian economy could possibly stand at this time.

If an American needed an object lesson which he could understand, and feel, this was it:

Upon my arrival, a U.S. $10 bill bought $7

Rhodesian. Before I left, during which time the British pound had been floated again and had shaken the international money market, a U.S. $10 bill was good for only $6 Rhodesian.

The Rhodesian dollar has been strong all along, and inflation has been controlled.

CARS GALORE

There were other object lessons readily apparent. Two old friends, Douglas Garner and Sam Brewer, met my wife and me at the Salisbury airport. We went out to Brewer's automobile for the ride to the hotel.

The car was a brand new Peugeot sedan. There were plenty of other late-model French cars on the streets, including Citroens and Renaults. There were also German BMWs and Mercedes, and Italian Alfa Romeos. And scads of Japanese Toyota and Datsun trucks.

The only makes conspicuously missing were British and American, except for a few very old ones.

Where did the new vehicles come from? Questions such as that kept coming forth, but not the answers. Understandably. The "who" and "how" of import-export trade are closely held secrets.

As one industrial spokesman said later, "We don't like to say we trade with anybody. That protects everybody."

As we drove into the city, we passed huge warehouses. In the early years of sanctions, they had been built to store Rhodesia's unsold tobacco crop. Tobacco was the backbone of the country's agriculture, and the backbone was undergoing strain.

The tobacco's all gone now, except for the current crop. Meanwhile, the squeeze forced a diversification of agriculture which has proved only beneficial.

Farther on, we drove past a large plant with the initials "WMI" on the flag flying over it. Those initials provided a partial clue to the automobile question. They stood for Willowvale Motor Industries.

Before 1966, the plant had been occupied by English Ford. When the English picked up and left under the sanctions ban, the Rhodesians turned the facility into an automobile assembly plant of their own. The parts get there for assembly—somehow.

CAPITAL CONSTRUCTION

Arriving in downtown Salisbury, which is the capital and principal city of the country, the first sights were towering new office buildings that hadn't been there in 1965.

Two tall construction cranes were busy in the erection of other new buildings, one destined to be an eight-story, 250-room luxury hotel.

Later on, we took a drive through the residential suburbs. There were rows of new houses in European neighborhoods being occupied by arriving immigrants and whole subdivisions in areas set aside for Asian Indians and for Africans.

There are approximately 300,000 urban Africans who live and work in Salisbury, together with some 115,000 Europeans. The racial groups work together at all levels of commercial enterprise, share all public and recreational facilities, but live in separate housing areas.

That is the limited extent of separation and generally it is preferred that way by the various groupings. As one minister in the government put it, "the future will be determined by racial harmony," which he felt does exist at present.

AFRICAN LIVING

In the African residential sections, there are homes ranging from modest single and duplex rentals to attractive homes being purchased and luxury residences custom built in the $50,000 to $100,000 range by wealthy Africans.

One African bus company operator, for example, has built a three-story house on a hillside lot in Marimba Heights. In the African tradition of multiple wives, which is still prevalent and legal, one of his wives occupies the second floor of the house and the other wife has the third floor.

Outside Salisbury is the imposing new headquarters building for Rhodesia Broadcasting Service and Rhodesian Television. Aside from all the latest electronics equipment, some of it imported "somehow," there was a beautiful Wilton rug, at least 16 by 30 feet, on the main studio floor.

"Oh, that," explained Harvey Ward, head of RBC/TV News Service, "why, since sanctions we make our own rugs in Rhodesia."

There is, in fact, little except for the heaviest industrial equipment and sophisticated machine tools which isn't being made now in the country.

Television sets? Made in Rhodesia. Stereos and other electronics? Newsprint for the big newspaper in Salisbury, and other papers? Made now in Rhodesia, together with toilet tissue (brand name "Wish") and paper products which were almost nonexistent in the early period of sanctions.

The list goes on: furniture, from fine office equipment to high style home furnishings. Pharmaceuticals, made in a spotless new plant. Dishes and tableware. Steel. Truck and bus bodies. Clothing for the whole family.

CHEAPER, BETTER

During an internal air flight, I sat with a manufacturer of men's clothing from Johannesburg, South Africa. He told me frankity that if it were not for import quotas on Rhodesian clothing in South Africa, he would be hard put to compete and stay in business. His customers told him frankly they would rather buy the Rhodesian product.

Cheaper, because of cheap labor, but shoddy in quality? No, admitted the South African manufacturer, "Rhodesia's clothing is not only cheaper but also better."

J. C. Graylin, chief executive of the Association of Rhodesian industries, said that the 1,600 new industrial projects launched in just six years were equal to what would have taken 26 years under continued British authority.

"We're under siege," he explained the surge simply. It still isn't easy going.

"The biggest problem is generating capital for all our development needs," Graylin said. "We can't borrow capital abroad." That's one pipeline on which the British have been able to keep the valves pretty well closed.

Imports of critically needed items, materials and equipment must, therefore, be controlled carefully to match approximately with exports.

But even though gasoline, 100 per cent imported, was rationed a few years back, it is now pumped without limit at any service station. One is surprised to see familiar signs such as Mobil and Shell, plus BP (British Petroleum), Caltex (a Texaco affiliate) and Total (French).

The British-owned Rhodesian Herald would greatly like some new presses. The Herald's editor, Reese Meier, conceded that under the circumstances the presses aren't as essential right now as other things. His wants are far down on the import priorities list.

OPTIMISM

Rhodesia's minister of foreign affairs, J. H. Howman, took a position of optimism about the trade problem. He expressed the opinion that "sanctions are only a nuisance now" and would continue to erode slowly.

Since Britain's rejection of the settlement agreement which the two governments had worked out, there is "no enthusiasm anywhere for the continuation of sanctions," Howman observed.

He noted that informal relations with much of the world, many nations in Europe, Asia and Africa, are good. "It is ridiculous to suggest that Rhodesia is a non-state."

The facts of life—stable government, a stable dollar, a booming economy, a united people who have not flinched—seem to bear our Minister Howman's contention.

MOVEMENT OF SORED HORSES IN INTERSTATE COMMERCE

Mr. HARRIS. Mr. President, the president and vice president of the American Horse Protection Association, Mrs. Paul M. Twyne and Mrs. William L. Blue, have just returned from Shelbyville, Tenn., where they attended the 34th annual celebration, the largest walking horse show in the Nation. This organization led the battle for the passage of Public Law 91–540, the Horse Protection Act of 1970, which prohibits the movement of sored horses in interstate commerce. Mrs. Twyne and Mrs. Blue were appalled to see a large number of severely sored horses being shown and winning the championship classes in clear violation of the law. The Department of Agriculture has shown an obvious hesistancy and indifference to enforcing the full strength of Public Law 91–540. The walking horse show standards are established at the celebration, but again the walking horse industry has not felt the full strength of the law. Why has the Department of Agriculture not submitted their cases for prosecution to the Department of Justice?

I ask unanimous consent to have printed in the RECORD recent newspaper and magazine articles discussing what took place at Shelbyville, Tenn., at the celebration. I also include the special bulletin of September 1972, published by the American Horse Protection Association:

I am asking the Senator from Washington (Mr. MAGNUSON), chairman of the Commerce Committee, and other members of that committee, to join with me in protesting to the Department of Agriculture their lack of enforcement of this act. I would like to call this to the attention of the chairman and vice chairman of the Subcommittee on Environment, Senators HART and MOSS, to urge that the Animal and Plant Health Service of the Department of Agriculture do all in their power to promote immediate vigorous legal action. This is the subcommittee where Public Law 91–540 was written by our distinguished former colleague, Senator Joseph D. Tydings. Public Law 91–540 is a strong law. It was passed nearly 2 years ago, and it should be clear enough to the legal staff of the Department of Agriculture.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Tennessean, Sept. 2, 1972]

USDA AIDE: WALKERS SINGLED OUT

(By Kathleen Gallagher)

SHELBYVILLE.—A U.S. Department of Agriculture spokesman in Washington said yesterday the Tennessee Walking Horse was singled out specifically by Congress as "a class" which had been the particular target for soring.

On commenting on a statement Thursday night, issued by the Tennessee Walking Horse Commission, Dr. C. O. Finch of the USDA Animal and Plant Health Inspection Service, said he would agree with the commission statement that the breed was singled out. But he denied the commission's allegations that his agency is practicing "gross discrimination" against the Tennessee Walking Horse National Celebration under way here.

The USDA has approximately 20 employees here to inspect horses entered in the celebration for signs of soring, a practice deemed illegal under the 1970 Horse Protection Act.

Representatives from the Humane Association of America and the Horse Protection Association are also here making their own investigations. However, they are complaining that they are not getting cooperation from the federal investigators.

Dr. James Naveaux, an equine veterinarian author of several books on lameness in horses, is working with both groups.

Frank J. McMahon, director of investigation for the Humane Society of the United States, said yesterday that a daylong attempt to get congressional pressure put on the USDA to allow Dr. Naveaux into the federal inspection station was futile.

"There's no question that they are still working sore horses here," McMahon said last night. "Tonight I saw a horse in the exercise ring bleeding from both front pasterns (hoofs).

"The situation here is certainly tense. It wouldn't take much for the whole thing to blow up."

Since the celebration began eight days ago, the tension has been mounting.

Last night, Wink Groover, a prominent trainer and an official of the trainer's association, had some heated words with the head veterinarian of the federal inspection team.

Groover told Dr. Robert Thompson, a USDA veterinarian from Columbia, Tenn., that he felt the federal inspectors should crack down on the "real sore" horses but should be more lenient with those that had just been slightly doctored.

Groover acknowledged that there are some sore horses in the celebration while another trainer kept trying to persuade him to "let's just keep this among ourselves."

However, not all trainers were so unhappy with the USDA inspectors.

Trainer Vic Thompson approached Dr. Thompson after his confrontation with Groover. Trainer Thompson put his arm around Dr. Thompson and assured the veterinarian that he would "personally guarantee a clean show."

Dr. Thompson returned the friendly gesture and placed his arm around Trainer Thompson and replied:

"I know you will."

Some horses trained by Thompson were among those chosen for a spot check by the federal inspectors after they had been in the show ring.

Some federal investigators have indicated that "more than two dozen" violations will result from soring practices discovered during the celebration.

Soring is a practice commonly used to expedite training of the walking horse by administering a chemical blistering agent to the pastern area of a horse's hoof or the use of thongs or chains to make the horse step lively.

This is the first year the federal government has been geared up to enforce the regulations. Celebration officials, anticipating the federal crackdown, hired three veterinarians to inspect the horses before they entered the show ring. The USDA investigators examine the horses after they have participated in the show ring.

The second night of this year's celebration saw 35 of 107 horses disqualified by the celebration veterinarians. This immediately resulted in an angry ring protest by disgruntled trainers who stormed into the center ring and forced cancellation of the show for the remainder of the night.

Since then, the celebration has been tinged with charges and countercharges, and tension has been running high.

On Tuesday, three U.S. marshals were sent to the celebration to protect the staff of federal investigators.

While the Walking Horse Commission is lambasting the USDA for "gross discrimination" other groups are complaining that the federal agency is not being forceful enough in its probe of soring practices.

Yesterday and Thursday, Mrs. Pearl Twyne and Mrs. Joan Blue of Washington, D.C., president and vice president of the American Horse Protection Association, conducted their own investigation of alleged soring practices.

Accompanying them were a photographer and attorney Robert McCandless of Washington, and an equine veterinarian, Dr. James Naveaux, author of several books on lameness in horses.

McCandless claimed "there were only one or two horses we saw that had not been touched up in one way or another, and the longer they worked them, the more noticeable it became.

McCandless charged that some horses were so sore "they could barely walk on their hindlegs. We have names of horses which were stumbling, bleeding. At least a dozen were bleeding."

He charged USDA officials, who spot-check horses after the horses leave the ring, have not taken down pertinent information on horses rejected from show participation by the show veterinarians before each class begins.

McCandless said owners and trainers or such excused horses are liable under the law, since the horses are officially entered in the show and have had their fees paid before they come for the inspection. He added:

"If the Department of Agriculture itself does not prosecute some of these owners and trainers who have violated the law, we will have the proof ourselves and will either go back to Congress or we will go to court in Washington and mandamus the USDA to bring forth records and vets who were down here in Shelbyville."

[From the New York Times, Sept. 3, 1972]

Soring Crackdown Embroils Walking-Horse Show

Shelbyville, Tenn., September 2.—A 19-man Federal crackdown against alleged cruelty to animals at the big Tennessee Walking Horse National Celebration here has caused controversy and consternation among breeders and trainers.

By the time the show ended last night, repeated inspections by the 19 Department of Agriculture employes had created havoc within the lightly knit group of walking-horse enthusiasts.

At one point, the department dispatched three United States marshals to the celebration "to protect our people from hot-headed horsemen," according to a department spokesman.

The target of the team, working under provisions of the 1970 Horse Protection Act, was the practice of soring—the use of thongs, chains or chemical blistering agents on the horses' front hooves to give them the lively walking-horse gait.

Tennessee walking horses are especially bred and trained for "the big lick"—a high-stepping gait in which the horse's weight is on its hindquarters. Soring the pastern area of the horse's front hooves makes the trainer's task easier.

LITTLE TROUBLE LAST YEAR

The annual walking-horse celebration here is the nation's biggest. Although the Horse Protection Act went into effect in February, 1971, last year's show was staged with little interference from any agency.

Horsemen apparently expected more of the same this year, but on Aug. 25—the second night of the 10-day show—a team of three veterinarians employed by celebration officials "excused" 35 of 107 entrants for alleged violations of the new Federal legislation.

This brought an angry protest from trainers, who stormed into the show ring and forced the remaining four classes on the night's schedule to be canceled. Owners and celebration officials met into the early hours of the following morning, but failed to resolve the dilemma.

Dickey Pate, president of the Tennessee Walking Horse Trainers Association, told the more than 500 trainers at the meeting that they would have to "live with the Federal law," but then he made a veiled threat that the trainers would boycott the remaining days of the celebration.

SOME VIOLATIONS CONCEDED

Finally, the trainers decided to go on with the show. They did not deny that some of the horses were probably in violation of some provisions of the act, but they were protesting the degree to which the letter of the law was being enforced by the veterinarians.

All the disqualified horses were eliminated by veterinarians who had been hired by celebration officials. The veterinarians said they were hired to "relieve the show officials of possible liability," since the Federal law makes it illegal to allow sored horses to perform in a show.

The Federal inspectors did not examine the horses until after they had performed, usually choosing the top seven winners in each class. The Department of Agriculture veterinarians refused to disclose their findings. They said they would submit a report to the department and that attorneys there would determine if prosecution was warranted.

FINES AND TERMS POSSIBLE

Willful violations of the Horse Protection Act carry penalties of fines up to $2,000 and prison terms of up to six months. Unintentional violations can bring fines of up to $1,000, levied at Department of Agriculture hearings.

In addition to the Federal officials, representatives of the Humane Association of the United States and the American Horse Protection Association of Great Falls, Mont., attended the show with their own attorneys, a veterinarian and a photographer.

The photographer, Alan Kania of Boston, said someone had threatened to take his camera if he made any photographs in the barn area.

[From Newsweek magazine, Sept. 11, 1972]

"The Big Lick"

At the end of every summer, the small town of Shelbyville, Tenn., 50 miles south of Nashville, awakes with hoots and hollers to claim its title as "The Walking Horse Capital of the World." For ten glorious days, the Cadillacs and private planes pour into town, and the pink champagne flows like water. Last week, it was time for the 34th renewal of the Tennessee Walking Horse National Celebration, and as 1,750 high-strutting steeds pranced through their paces, the "hot damns" of a delighted multitude echoed off the rolling green hills.

The Tennessee Walking Horse is a relatively new breed. The horses were formally designated as a distinct class only 37 years ago. The Tennessee is known for three smooth but showy gaits: the "flat walk," the "running walk" and the "rocking-chair canter." Head bobbing, neck arched and tail standing perkily erect, the walking horse lifts its front hooves in a spectacular flourish known as "the big lick." To the 50,000 true believers at the celebration, there is nothing like a Tennessee Walking Horse. "When you stride into that ring and feel the horse swelling up under you, well, that's all there is," said Vicki Lynn Gordon, a 27-year-old rider who returned to Shelbyville last week after being away from the circuit for eight years. "I'll never leave again," she added, "unless it's with my boots in the air."

PRIZE

The price tag for such thrills is going up steadily. A top horse can cost $60,000 or more and stud fees can run to $1,000. When a stallion named Sensational Shadow won the grand prize at last year's celebration, his owners promptly raised the insurance on him from $30,000 to $100,000. "If you get a stallion who wins and he's a good stud," reported Mrs. Billy Ellison, the wife of a horseman from Gainesvilla, Ga., "you've got yourself a meal ticket."

Walking-horse owners themselves are something of a new breed. Many are rich—Texas millionaire H. Ross Perot had five horses entered in the celebration—but there is a lot of "new money" in the crowd. Enthusiasts like to think of themselves as "down-to-earth" people, and they scarcely bother to conceal their scorn for the ultra-mannered saddle-horse set. "We had gaited horses once," Norma Gallagher of Wingate, N.C., told NEWSWEEK's Joseph B. Cumming Jr. and Sunde Smith, "but those people seemed cold. We found the walking-horse people just more friendly."

For all its exuberance and home-spun fun, the walking-horse business has been under a cloud for several years now. The problem arose mainly from the cruel but widespread practice of "soring." In order to make their horses adopt the characteristic gait, trainers would rub irritating substances, such as oil of mustard, into the front legs just above the hooves, making the legs so sore that the horse would frantically lift his feet higher. Walking-horse fanciers also resorted, among other things, to cuff-like boots with knobs that produce more pain and hence an even bigger "lick."

HARSH

Once the horse has been trained to the gait, his tail is broken to stand up perkily, and a luxuriant "fall" is often added for the shows. Although owners claim the horse has a tender mouth, they use a harsh curb bit with 6-inch-long shanks, giving the rider strong leverage to pull and press a chain against the underside of the jaw.

Faced with growing criticism of these practices, walking-horse owners began to police themselves in the mid-1960's, but two years ago Congress stepped in and passed the Horse Protection Act, outlawing the use of irritants and limiting the weight of the boots to 16 ounces each. Among their many complaints about the Act, trainers insist that large horses need bigger boots, and that unscrupulous competitors can still sore their horses by rubbing irritants into the skin and then wiping off the surface to escape detection. All the evidence suggests that some illegal soring is still going on. On the second night of this year's celebration, eighteen horses were "excused" from competition for violating the regulations. Angry trainers responded by staging a demonstration that shut down the horse show for the night. "We've been bad," admitted one rider. "But we're about to break through and we need a good image."

Image is important to the walking-horse set. Shelbyville blossomed with bumper stickers proclaiming: "Ride With Pride on a Tennessee Walker." And ambitious contestants splashed advertisements onto billboards and across the pages of a daily walking-horse newspaper touting the virtues of their mounts. Trying to make up for her eight-year layoff, Vicky Lynn Gordon spent $1,000 on lapel buttons and bumper stickers promoting her stallion, Ace's Black Baron. The slogan: "He's Black, She's Black." Joelle Rogers Stern, 34, a wealthy part-time model from Beaumont, Texas, bought full-page newspaper ads that showed her sitting at the controls of a private airplane in which she later brought her parents, a four-member fan club and her own hairdresser to the big show at Shelbyville.

But despite all the commercialism, there was no doubting the audience's devotion to the walking-horse mystique. As the animals strutted around the ring each night, "working along the rail" past their adoring fans, the yelps, whistles and cheers nearly drowned out the ever-present organ music. "When I leave for this show," said Joelle Rogers Stern, "I tell my friends I'm going to heaven for a week."

SPECIAL BULLETIN—SEPTEMBER 1972

DEAR HORSE LOVERS: For the sixth consecutive year, Mrs. Paul M. Twyne, president of the American Horse Protection Association, attended the 34th annual Tennessee Walking Horse National Celebration in Shelbyville, Tennessee, August 24–September 2, 1972. She was accompanied by Mrs. William L. Blue, vice president, and the Association's attorney, Mr. Robert McCandless, of Washington, D.C., equine veterinarian, Dr. James L. Naviaux of Pleasant Hill, California and photographer Alan Kania of Boston, Massachusetts.

There were 1,752 horses entered in the "Celebration" and for the first time in the history of this giant show, Public Law 91–540, the Horse Protection Act of 1970, was in effect. The U.S. Department of Agriculture is charged with the enforcement of this Act, designed to prohibit the showing of sored horses in exhibition. Soring is the widespread practice of using caustic, blistering chemical agents, heavy chains and other painful devices to irritate the forefeet of walking horses to alter their natural gait. This method of brutal training forces the animal to lift its front feet quickly and thrust them forward to ease the agony, thus achieving the "sore lick", beloved by the walking horse industry. The rewards of soring have become a billion dollar industry which prevails at hundreds of horse shows throughout the United States.

A.H.P.A. representatives have attended walking horse shows throughout the current show season where they have found large numbers of bleeding, sored horses in the show ring. To date no violators have been prosecuted under the Federal law.

On the second night of the so-called "Celebration", 35 out of 107 walking horses were disqualified from the ring by the show veterinarians for alleged soring violations. This unprecedented action created angry protestations from riders, trainers and grooms, demanding the re-entry of the dismissed horses. Police were forced to restore order in the ring, while a crowd of about 6,000 spectators loudly, cheered the protestors. A Nashville *Tennessean* photographer had his cameras forceably taken from him, and he told A.H.P.A. representatives that he was threatened by well-known walking horse trainer, Vic Thompson, and a crowd of other trainers. U.S. Department of Agriculture veterinarians took no part in the controversy and stated that they were assigned at the "Celebration" merely "to observe".

We believe that U.S.D.A. has wrongfully delegated some of their most important inspection powers when they allow show veterinarians to screen out the worst cases of soring. U.S.D.A. officials on the show grounds indicated that those horses excused by show veterinarians would not be pursued further. If indeed this is true, it would mean that the worst cases of soring, i.e., the easiest cases to prove in court, are allowed to escape Federal inspection and possible prosecution under the Act.

According to the Nashville *Tennessean*, "Wink Groover, a prominent trainer and an official of the Tennessee Walking Horse Trainers Association, told Dr. Robert Thompson, U.S.D.A. veterinarian from Columbia, Tennessee, that he felt the Federal inspectors should crack down on the 'real sore' horses but should be more lenient with those that had just been slightly doctored. Groover acknowledged that there (were) some sore horses in the Celebration . . . However, not all trainers were so unhappy with U.S.D.A. inspectors. Trainer Vic Thompson approached Dr. Robert Thompson after his confrontation with Groover. Trainer Thompson put his arm around (U.S.D.A.'s) Dr. Thompson and assured the veterinarian that he would 'personally guarantee a clean show'. Dr. Thompson returned the friendly gesture and placed his arm around Trainer Thompson and replied: 'I know you will'."

In a letter dated July 18, 1972 to Dr. Francis J. Mulhurn, Administrator, Animal and Plant Health Service, U.S. Department of Agriculture, Washington, D.C., Mrs. Twyne stated: "To promote any equitable enforcement of the Horse Protection Act at Shelbyville (Tennessee) this year, we urge U.S.D.A. to replace all inspectors who live in the State of Tennessee with Federal veterinarians from other states . . . The practice of inspecting only after the horses have been shown, and then only (a few) horses in a class in which the majority are sored, is obviously absurd. The intent of the law is to stop the soring of all horses . . . The Horse Protection Act would be a strong, effective law, but only if it is strictly enforced. We believe that necessary enforcement can be achieved, but only by a realistic and vigorous legal interpretation of U.S.D.A.'s power under the law."

The full text of this letter was reprinted in the Congressional Record of August 7, 1972, at the request of Congressman John Jarman (D.-Okla.). The Congressman stated: "I was shocked to learn of the above allegations that the provisions of Public Law 91–540 are not being enforced. My intention, therefore, is to personally contact Congressman Paul Rogers, the present chairman of the Public Health and Environment Subcommittee, to discuss the possibility of holding oversight hearings on this matter. It is imperative that the provisions of this law be enforced."

Robert McCandless, representing the American Horse Protection Association, insisted that in his opinion the majority of the walking horses he observed in the Championship stakes at the "Celebration" were sore, some more severely than others. He contended that "if the Department of Agriculture does not prosecute all owners and trainers who have violated the law, including those excused from the ring, we will have the proof ourselves and will either go back to Congress or we will go to court in Washington and mandamus U.S.D.A. to bring forth records and veterinarians who were in Shelbyville."

We intend to present all our evidence to an investigatory committee of Congress, and to pursue every possible legal avenue to put an end to the barbaric practice of soring. We strongly urge all our members and friends to write the editor of their local newspapers to alert the American public to the vileness of this "sport." We need your help now!

LAND-USE PLANNING BY THE U.S. FOREST SERVICE

Mr. ALLOTT. Mr. President, on the fourth of last month, the Chief of the U.S. Forest Service, John R. McGuire, made a presentation to the second Vail symposium, in Vail, Colo., which he said he hoped would "challenge the thinking" of his audience.

I found his paper interesting and ask unanimous consent that it be printed in the RECORD at the close of my remarks.

I congratulate the Forest Service on its recognition of the growing importance of land-use planning and the necessity of coordinating the efforts of the Federal agencies as to their lands with the land-use planning of the States and local governments.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

A PUBLIC LAND MANAGEMENT AGENCY: ITS ROLE IN LAND-USE PLANNING

Your Chairman will note that I have changed the title of my paper from a discussion of our role in the age of ecology to our role in land use planning. The Forest Service was most pleased with the public's recent grasp of the broad concepts of the environment and ecology. We are even more pleased to see these concepts maturing into practical concerns such as land use planning. For it is in this latter process that the physical and biological capabilities of the land and their many interactions are blended with man's social concerns. It is my contention that we are now embarking on this maturation of the environmental movement and I see public land management agencies playing a significant role in this effort.

Too often in the past we have made thorough studies of the on-site consequences of special uses such as ski areas without fully recognizing potential effects of off-site developments such as new towns. In the West we see many examples of the second and third order effects of limited planning. In order to predict the full consequences of our decisions, we must take a broader look at land use planning than we have in the past. A change in planning attitude is as critical or more critical in the East where about half of the land within the National Forest boundaries is privately owned. Acquisition of this sizable inholding is not practical or even desirable. Here it is especially imperative that we get together on joint planning efforts with local governments and developers.

You can see why I am anxious to talk about the Forest Service role in land use planning and I welcome this opportunity as a participant in the Second Vail Symposium. During the next few minutes, I will summarize Forest Service philosophies and accomplishments in land use planning and try to challenge your thinking for the discussion periods this afternoon and tomorrow.

Although the Forest Service is responsible for managing about 22 million acres of National Forests and National Grasslands in the Central Rocky Mountain Region, we don't see ourselves doing this job alone. Rather we believe that effective land use planning requires a coordinated effort among the citizenry and jurisdictions at the federal, State and local levels.

Historically throughout the West, economics have tended to dominate planning criteria. Recreation, wildlife and esthetics have been unable to compete on a cost/benefit basis. As Ian McHarg has written, "Economic determinism is an imperfect evaluation of the biophysical world."

A system or balancing mechanism that would allow intangible values to equally compete with economic values has been needed for a long time. The National Environmental Policy Act has provided balance by establishing a broad national policy for environmental quality. Under the guidance of The National Environmental Policy Act, environmental values are now being equally considered with economic and technical values. The Act has had a greater effect and impact than perhaps even the sponsors had hoped. The courts have consistently and vigorously ruled in favor of the Act. The National Environmental Policy Act is a logical complement to the Multiple Use-Sustained Yield Act of 1960, and the Forest Service has and will continue to work in harmony with both policies.

Last year at the first Vail Symposium, Regional Forester Bill Lucas noted that he was encouraged by our ability to plan. This intensified planning coupled with a desire to work together to solve common problems for the common good is most encouraging. When I say "we," I mean not only the various government agencies but the interested publics as well.

There is little doubt the public land managers are facing conflicting and competitive land uses as never before. As the competition becomes more intense, the public has become more interested, more informed and more involved in the planning and decision-making process. We in the Forest Service welcome this public participation. However, we do see a need for better public education to provide the necessary foundation for informed involvement so essential to the democratic process. As this foundation becomes better established and as land managers continue to share land management matters with an informed public, I am certain the public will be increasingly responsive during the examination of alternatives and the recommendation of courses of action. I want to assure you that the Forest Service is committed to an intensified public involvement effort and we are trying various involvement techniques to improve our ability to solicit, collect and evaluate public comment. As public servants, Forest Service officials must be responsive to public needs and desires, but as professional land managers we also have responsibilities to natural resource management needs. Public response, although very important, should be only one of several inputs into land management decisionmaking. Let's look at a few examples of the complexity of our land use problems.

Located just across the Continental Divide from the populated Eastern Slope of Colorado, the Eagle Valley seems to be a fitting place to discuss the Forest Service involvement in water diversion projects. The controversy surrounding water diversions demonstrates that water is fast gaining in importance as a National Forest resource.

Unfortunately, the high-yield National Forest watersheds in Colorado are usually not adjacent to areas of high water demand. The basic question then is whether to take the water to the people or the people to the water. This question is primarily of concern to the Colorado Land Use Planning Commission. However, when the decision is to take the water to the people and National Forests are the sources of the water, the Forest Service must make some very serious determinations. Because water diversions frequently result in large and longlasting environmental changes, it is essential that each proposed project be carefully studied and designed to fit into other programs on National Forest and related land. The project must be analyzed for its environmental effects as directed by the National Environmental Policy Act. It is also essential that the project's opportunity for rural stability be assessed.

Other questions that must be addresssed are:

How much water should be removed? In other words, what is the optimum flow that should remain in the stream? An array of alternatives must be displayed that places a value not only on water as it comes out of the pipe but also on the water that flows in a forest stream.

What methods should be used to transport the water and at what point should the water be removed from the streams? Once again, an array of alternatives must be defined and all the plus and minus factors must be thoroughly evaluated.

Once a course of action is defined, a set of rigid stipulations defining the manner in which the project will be constructed and used must be developed.

It's interesting how many people in land use planning are relating land quality with the density of use. This quality-density ratio, although difficult to specifically determine, is becoming increasingly important in determining the capacity of certain National Forest areas to support use by people. For example, every unit of the National Wilderness Preservation System has a finite capability to support people while retaining its wilderness quality. Every ski area, likewise, has a finite capacity based upon some predetermined level of skiing quality or upon the capacities of support facilities.

The quality-density ratio wasn't apparent when the ski industry was a babe-in-the-woods testing its wobbly chair lifts. The industry has matured. Land suitable for ski area development sites is limited. Comparisons between quality and density can be useful tools for determining balance and growth.

The Forest Service has always sought to balance hill facilities with base area facilities. A close relationship and a common desire among the ski developer, the Forest Service and the local jurisdiction are needed to provide balance. Controls that provide an equal opportunity of use by all segments of the public while maintaining a quality skiing experience must be perfected. We've already seen some attempts to limit the total number of ticket sales. I believe this will become common in the very near future.

Wilderness management provides another example of the relationship between quality and density. When recreation use conflicts with wilderness values, recreation use must be controlled to protect wilderness quality. In Oregon and Washington, we recently implemented a permit system for Wilderness Areas. In the not too distant future, the total number of permits will also have to be limited. Can restriction in Colorado be far behind?

Since the intent of the Wilderness Act is *not* to provide improvements to handle the masses, the obvious alternative is to restrict the number of people that can use Wilderness Areas at one time.

One of the results of having a National Wilderness Preservation System is that more people must be accommodated on land outside the System. The designation of back-country areas is a management alternative that allows minimal facilities to serve greater numbers of people while preserving outstanding scenery. We're finding that back-country areas meet the expectations of all but the most demanding and experienced outdoor recreationist.

We are concerned about the increasing number of discussions that revolve around "scorecard acreage tallies" rather than more substantive natural resource issues, including wilderness criteria. There is no magic in acres per se; size is but one of many considerations in wilderness management.

This preoccupation with acreage has led some groups to believe that Congress, by passing the Wilderness Act of 1964, issued a mandate on behalf of the public to classify all wildlands as wilderness merely because those lands appear to qualify as wilderness. We do not accept this viewpoint for the Wilderness Act did not supersede the Multiple Use-Sustained Yield Act of 1960, although the latter Act recognizes that the maintenance of wilderness areas is consistent with multiple use. The Wilderness Act instructs us to protect qualifying lands as wilderness, but we are not directed to recommend all undeveloped lands as units of the National Wilderness Preservation System. The Multiple Use-Sustained Yield Act assures that the need for renewable resources of the National Forests—wood, water, wildlife, forage, and outdoor recreation—are also considered during the formulation of our recommendations for additions to the National Wilderness Preservation System.

I mentioned earlier that we in the Forest Service see ourselves as a full partner in land use planning with the State and local jurisdictions. In the past, our role frequently stopped at the National Forest boundary. The implication was "we'll take care of the mountains and the counties and towns can take care of the valleys."

Now the Forest Service is asked almost daily to make decisions having long-term effects on surrounding lands, as well as on the National Forests. Our State and county neighbors also make decisions which affect the National Forests. Natural resources on adjoining lands are interrelated and the formulation of an optimum land use policy should not stop at man-made boundaries. Ownerships are intermingled, roles are complementary.

For example, the county approval of a subdivision adjacent to National Forest land may compromise National Forest purposes and lead to the misuse of National Forest resources. On the other hand, a Forest Service decision to develop a large recreation area may strain the county's transportation and utility system.

It is obvious that no public agency can act unilaterally without risking compromise of the public's interest. Everyone involved in making land use decisions must develop a sensitivity for their neighbors who will be affected by that decision. The public is entitled to coordinated action among its various governmental levels and agencies.

You will be interested in two special projects dealing with land use planning and mountain subdivisions being conducted by the Colorado State Forester as part of our State and Private Forestry Program. A two-year pilot project is underway "to provide intensified on-the-ground service to landowners and local governments, for improved forest management, increased tree vigor and protection of forest from fire and pests on small mountain subdivision ownerships. Also included is thinning through forest product sales to achieve fuel hazard reduction and creation of fuel breaks, and the planting of trees for erosion control and beautification."

This trial work is being carried out in several areas of Colorado and we hope that the results will be applicable to private development throughout the State.

A related project is being initiated to provide specialized assistance, through the Colorado State Forest Service, to assist County planners in integrating plans for all public-private ownerships.

In addition, we have developed a sample *Agreement for Land Use Planning Coordination*, which is being implemented as a three-way arrangement, on a county-by-county basis, between the Forest Service, State Forester, and County Commissioners. Basically, the agreement provides on a formal basis:

1. That the County Commissioners will "consult with the Forest Service prior to any proposed changes in private land zoning or land use plans affecting the National Forest lands within the County. The State Forest Service will be consulted where changes will concern State and private forest lands."

2. That the Colorado State Forest Service will "provide the land use and technical environmental forest management services for State and private lands within the County," and "act as consultant to the County Commissioners . . . in development of private lands with respect to forest management, fire control, environmental quality and zoning."

3. That the Forest Service will "advise the County . . . of existing Multiple Use policies and plans for National Forest land uses . . . and consult with them prior to changes in these plans."

We will also "share expertise with the County in cooperation with the State Forest Service, in land use specialities where (we) have developed particular experience and skill."

So far, these agreements have been executed in at least five Colorado Counties—Delta, Mesa, Ouray, San Miguel and Summit; and the Routt National Forest is working on some. Land development activity has, of course, been a factor that pointed to the need for this kind of cooperation and coordination.

The rising tempo of year-round outdoor recreation, second home development, new town establishment and industry relocation in the West parallels the recent environmental awareness and concern. The impact of these developmental activities could destroy the features of the fragile western environments—scenic splendor, clean air, clear water, abundant wildlife and wide-open spaces—that attracted development in the first place.

The problems created by man living in the Western forest environment are most urgent in the central and southern Rocky Mountains and the adjacent Great Plains. In response to this problem, the Forest Service and nine Rocky Mountain and Great Plains universities have united in a cooperative research program called the Eisenhower Consortium for Western Environmental Forestry Research. The development of the Consortium was spearheaded by the Forest Service through the Rocky Mountain Forest and Range Experiment Station headquartered in Fort Collins, Colorado. The Consortium's objectives are to provide solutions to problems created by man's interactions with the forest environment and to combine and coordinate the scientific resources of the Universities and the Forest Service.

The needs and wants of both permanent and transient residents must be met while maintaining the attractive features of the natural western environments. The scientific bases of management techniques for alternative courses of action to meet this objective must be developed and public understanding of these alternatives and their consequences must be sought.

The Eisenhower Consortium will provide the variety of skills and resources needed to increase our understanding of the interactions among ecologic, economic and social factors involved in man's activities in open-space environments. Since it is not likely that all the skill and resources could be found in any one institution, the Consortium will provide the structure by which the efforts of a number of institutions can be coordinated. The Consortium, through its representatives from the universities and the Forest Service, will select problems, formulate research programs, solicit research proposal to implement the programs and provide the machinery through which Forest Service and other funds can be obtained to support this research.

Research of the Consortium will include such subject matter areas as: developing methods of monitoring and controlling environmental changes; determining the ecological, social and economic consequences of recreational, residential, transportation and industrial developments in forest environments; estimating future demands for open-space recreation; and analyzing legal, political and social constraints on the maintenance of high-quality environment.

Exploratory studies already underway in cooperation with member universities include: improving waste management on outdoor recreation areas; environmental, economic and social effects of urbanization on mountain watersheds; impact of recreation use on water quality; future demands for second homes and their effects on stream and groundwater quality; ecological effects of snowmobiling; and effects of timber harvesting on wildlife populations.

The Eisenhower Consortium for Western Environmental Forestry Research will also provide a forum for bringing together environmental research organizations, public and private land management agencies and concerned citizens to obtain the public input and understanding necessary for environmentally sound forest land management.

Recognizing the impact of land use not only on the National Forests of Colorado but on the total mountain environment and the State's rural communities as well, the Forest Service is firmly committed to provide its full cooperation and assist in every appropriate way to promote the wise use of the land resources involved.

We are also committed to an even more systematic, interdisciplinary, research-based approach to the development of a dynamic multiple use program for all of America's forests. It is in the public interest to seek a reasonable balance among the conflicting and competing uses of our forests.

We believe that our efforts will significantly contribute to higher quality land management and environmental protection on the National Forests and neighboring lands.

Again, I appreciate the opportunity to participate in the Second Vail Symposium.

PUBLIC LAND SURVEYING IN WYOMING EARLY IN THIS CENTURY

Mr. McGEE. Mr. President, the summer edition of Our Public Lands, a publication of the Bureau of Land Management, contains an article on public land surveying in Wyoming during the early part of this century.

The author of the article is the late William Roy Bandy, who died last month. Bandy was a retired cadastral engineer who was well known to many westerners.

The article, entitled "Breakfast in the Big Horns," gives a stirring and interesting account of the many obstacles and hardships which were readily accepted by Government surveyors of the West at the turn of the century.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BREAKFAST IN THE BIG HORN

(By William Roy Bandy)

(NOTE.—Sixty years ago William Roy Bandy was a freshman bridegroom camping on the Big Horn Mountains in Wyoming as head of a cadastral surveying crew. Although Mr. Bandy was only 27 years old, he was already a veteran surveyor who had served the General Land Office and other employers in posts of increasing responsibility since he had been 20 years old. He used his camera to capture the breakfast scene in which his young bride was the central figure. The story of how Mr. Bandy came to take the photograph and what happened to the picture ultimately is the subject of his reminiscences in "Breakfast in the Big Horns.")

I had been employed by the U.S. General Land Office to assist in surveying the remaining unsurveyed public lands in the outlying areas of the mountainous West. Such a survey was necessary to enable the homesteaders to locate the boundary lines of their claims and to obtain title to them. That was a free service furnished to the citizens by the Federal Government to promote the settlement of the Western States.

The job was a somewhat nomadic one, requiring much moving from one district to another to meet the needs of new settlers coming to look for homestead land. My party consisted of five survey aids, a teamster, and a camp cook.

My wife Inez and I had not been married very long when I got that survey job. We saw it would take me away from home for months at a time, camping throughout the mountains. Inez wanted to go along, stay in camp where she could be helpful to me, and incidently see a lot of new country. Regulations prevented anyone from living in a government maintained camp unless they were employees of the Government, so she volunteered to give the cooking job a try.

I was glad to find her willing and desirous of sharing in the camp life, which meant living in a tent with a dirt floor, sleeping on the ground, with the wind flapping the canvas and kicking up dust all day long, together with many other inconveniences foreign to a Missouri girl fresh from home!

She was a little dubious as to whether she could please the men with her cooking, because she had never cooked before except to help her mother. I encouraged her by saying the boys would be easy to cook for because they were always hungry. The field men took sandwiches every work day for lunch, and they put up their own lunches while at the breakfast table, which made it easier for the cook.

So I bought her a White House Cook Book and she was in business. It worked out fine. She stayed with it for three summers, while we had no children.

Because she was raised in Missouri, camp life in a tent on the western frontier presented many problems she had never heard of, most of which arose when she was alone in camp and had to cope as best she could. A windstorm might swoop in and flatten the tents, or the wind sometimes worked the stovepipe loose from the stove with a fire going. At such times she would have to grab a gunny sack and fit the pipe back on the stove before the canvas caught fire—soot flying all over and settling on the table and dishes. There was seldom a dull moment, it seemed.

Her most vivid recollection was her first encounter with a pack rat, which she had never seen before. One morning while washing dishes at the stove, she looked back at the cupboard and spied an animal watching her over the edge of the ginger snap keg. She said its big ears, bug eyes, and long whiskers looked pretty savage to her! We were all in the field at the time, leaving her alone in the wild and unknown land. She remembered the old revolver that I kept under my pillow. Although she had never shot a gun, she hurried to get the pistol.

Taking rest on the table, she fired at the beast. When the smoke from the black powder shell cleared away, up popped the head again, its eyes glittering and its tail slapping the side of the carton. She shot the remaining shells with no result except to riddle the messbox. Not to be outdone, she courageously wrapped a gunny sack around the ginger snap box and nailed the package tight in an empty egg crate.

When we returned to camp, she proudly pointed to the egg crate and asked us to take a look and name it! She enjoyed telling that story to her wide-eyed grandchildren. When a rattlesnake coiled up between the stove and the sugar sack one day, she knew how to deal with it. On the plus side, it was not long before she acquired a pet magpie that learned to squawk a few words. Later on she picked up a "bum" lamb that would stand at the oven door wagging its long tail for biscuits.

The journey when we camped overnight on the summit of the Big Horns and I took the photograph was after we had left the Martin Ranmael homestead. Mr. Ranmael had homesteaded about 10 miles southeast of Cooke City, Montana, not far from the northeast corner of Yellowstone Park.

When Mr. Ranmael had built his house, the nearest road to his place was at Cooke City. He was a man of unusual dexterity, and had built his house, unlike the typical homesteader sod shanty, all with smooth shingles and weatherboarding, entirely from native logs, using only a broadax, foot adz, and handsaw. It was a real show place.

Now we were on a long move overland to the W. T. Broderick homstead and the Hilton Lodge in Wyoming, east of the Little Big Horn River and south of Wyola, Montana.

Although from Cooke City to our destination was only about 120 miles, and the Broderick homestead scant miles from the Montana-Wyoming border, we had to go as far south as Cody, Wyoming, and loop back across the border once to get through the almost trackless mountains with our wagon and crew. This made the journey 150 miles long.

As was the practice in those days, we carried with us food supplies, horse feed, tents, bedrolls, dishes—everything we needed to live off the country for weeks at a time. There were no swank motels or garish hamburger stands dotting the landscape as there are now. It was the custom throughout the West then for travelers to stop overnight wherever darkness overtook them. They thought nothing of pitching camp on the edge of a town rather than go to a hotel or rooming house.

Bad mudholes and steep hills sometimes made the trial almost impassable. Once we got stuck with the bedwagon and had to carry a part of the load by hand ahead to dry ground. In Sunlight we met Forest Supervisor R. W. Allen, now President of the Shoshine National Bank of Cody, who gave us helpful advice about roads.

We passed over Dead Indian Hill, the famous landmark where one going west must drag a good sized tree with the limbs still on it to keep the wagon from getting ahead of the horses. The first night out we camped on the head of Pat O'Hara Creek at the foot of Hart Mountain. There the wolves kept us awake with their blood-curdling howling.

The second night out we were at the Cody bridge. There we replenished our supplies and also soaked ourselves in DeMaris Hot Springs, the outdoor bathing pool of bubbling sulphur water located on the bank of the Shoshone River west of the bridge.

We did not expect to see much of interest on our trip east from Cody across the Dry Creek basin, a windwhipped desert of saltsage and greasewood. Several native inhabitants of the basin greeted us, however. One was a happy yellow-breasted meadow lark with a black spot on this chest. He was singing from his perch on a greasewood. Another was a bob-o-link, a black bird with a white spot on his wings. He did his usual "thing" by flying straight up 30 or 40 feet high, then gracefully floating down as he sang his standard song, which the poet quotes as "bob-o-link, bob-o-link, spink-spank-spink." We saw lots of prairie dogs barking from the side of their holes, their short tails bobbing with each effort.

We crossed the Big Horn River at Kane, Wyoming, and camped at the foot of the mountain. The next day Inez and I took a shortcut and walked ahead while the men doubled up the teams and pulled each wagon up one at a time. It turned out more of a climb than we had anticipated.

About noon we got hungry and discovered that we had inadvertently left our lunches in the wagons. Seeing a sheep wagon over by a spring, we swung over to it. There was no one home, but a part of a mutton hung in a tree wrapped in a flour sack. It looked like "manna from heaven" to us. Inez fried some mutton chops, opened a can of tomatoes and of corn, and we had a feast. We left a thank-you note for the nice sheepherder. About 4 p.m. we joined up with the wagons again and climbed aboard joyously. It was a great relief to settle ourselves in a spring seat again. We could enjoy nature's interesting scenes much better from that comfortable vantage point.

Our caravan was then travelling northward along the summit of the Big Horn Mountains, following a deeply-worn trail which was probably pounded out first in ancient times by the hooves of those early road engineers, the American Bison.

Those animals which we know as buffalo are renowned for their uncanny ability to choose the most practical route when travelling between grazing grounds. I've read that the buffalo inhabited the Eastern States and that buffalo jumps found there contain bison bones dating back 10,000 years. Trails, or traces, pounded out by those animals are said to have led early settlers to the discovery of famous Cumberland Gap.

My brother, Willis, spotted a covey of grouse after we rejoined the caravan and bagged a few of the young birds for our breakfast with his .22 caliber revolver.

It was getting near sundown before we found water for an over-night camp. We had begun to wonder if we would find water before darkness closed in on us in that vast solitary wilderness. We were at an elevation of 9,500 feet above sea level. Then we saw a big snow drift ahead, which looked promising.

Karl Suhr, our teamster, pulled down and parked the wagon on a level spot below the snow drift by a small trickle of water seeping from beneath it. Everyone was tired and hungry, so we lost no time in getting supper started. We dug the groceries out of the wagon in a hurry. Some of the party got the stove out and set it up while others got wood. Inez peeled potatoes and cut ham.

It was not long before the fragrant smell of frying ham filled the mountain air. We wiped road dust off of the granite dishes and supper was ready, with plenty of gravy and hot biscuits. My wife's tent was put up, Karl had fed the horses their oats, and after supper the horses were hobbled, a cowbell put on one, and all of the animals were turned loose to graze during the night. The men slept out beneath the star-studded dome.

Waking up during the night and hearing the gentle tinkle of the cowbell, I turned over and went back to sleep with the comfortable feeling that everything was well. At least we still had a saddle-horse. The next morning the stream had quit running, the pools were frozen over, and there was ice on the water pails I had thoughtfully filled the night before.

It was a little breezy, so Karl put a piece of striped canvas under the edge of the wagon box to protect Inez from the cold north wind, "the fierce kabbabinokka" of Hiawatha fame, while getting breakfast.

After breakfast we all went up on the snow to frolic so the boys could write home about snowballing in August. The snow was too hard to make snowballs—it was even hard to stand up on.

Although we were well above timberline and it froze ice every night, many alpine flowers and shrubs were growing along the edge of the snow bank, struggling to live out their life cycle in spite of the many handicaps. As soon as the snow edge moved slowly upward, uncovering the dormant plants, the impatient buttercups, clustering rock asters, snowdrops, and other alpine flowers lost no time in doing their best to brighten their part of the world.

Even with an inch or more of snow yet to go, the sun's life-giving rays penetrated the icy pane, causing the struggling bulb to push up through the ice, straighten up, and unfold in all its glory. We stuck some of the flowers on our hats. How else could those little flowers get up in the world? That was their only chance to add their bit. Had it not been for our visit those beauties might have lived in vain. They probably would have had a long, long wait before other visitors came.

The idea to take a picture of the breakfast scene came to me on the spur of the moment as I glanced at the busy camp there at the foot of the huge bank of last winter's snow. As I stood there downwind from the outdoors kitchen, waiting for breakfast and enjoying the aromas of frying mountain grouse and the coffee pot, the rising sun at my back cast its warming glow over the colorful scene ahead.

I then snapped the picture, catching a perfect view of my wife Inez as she stood, rosy-cheeked that frosty morning. Standing between the cook stove and the red and green painted wagon, she dominated the scene as the center of attraction, a scene so aptly emphasized by the skillful artist. With the stove loaded with frying pans and skillets, she deftly speared herself a choice piece of grouse with that ever busy left hand of hers. So intent was she that my picture taking went unnoticed. It was that unforgettable scene that I wished to record for the admiration of future generations.

It was 58 years later in 1970 that my daughter Zoe and I requested artist Shope to execute an oil painting of that memorable scene in nature's unspoiled wilderness. We have dedicated the painting to the memory of her mother, that Missouri girl who cheerfully braved the rigors of camp life on the wild frontier to be with her husband and his nomadic survey party, assisting him and sharing their exciting experiences and fun.

PETROLEUM INDUSTRY TAXATION

Mr. TOWER. Mr. President, on September 6, 1972, the distinguished Senator from Wisconsin (Mr. Proxmire) availed himself of the opportunity to attack the petroleum industry again. He beat the tax reform drum by trying to show that in 1971 the 18 largest oil companies paid only 6.7 percent of their net income in Federal income taxes. While this might be an accurate arithmetic computation, it is not an accurate statement of the tax burden of the petroleum industry.

To achieve a more realistic tax picture, the statistics which should be compared are domestic taxes to domestic earnings or worldwide taxes to the worldwide earnings. By comparing these figures, a more accurate tax-burden picture emerges.

The summary of a 1972 report by the Petroleum Industry Research Foundation Inc., entitled "The Tax Burden on the Domestic Oil and Gas Industry" revealed the following statistics:

> (a) The U.S. petroleum industry's total tax obligations on its domestic earnings, operations and properties amounted to $3.4 billion in 1970. Of this, federal income tax obligations represented the largest single item, amounting to $1.3 billion or 40% of the total. In addition, domestic excise and sales taxes on gasoline and other oil products amounted to $10.5 billion.
>
> (b) Comparable data for other industries are not yet available from the Internal Revenue Service for 1970. However, data for the years 1967–1969 show that while the petroleum industry's federal income tax obligation represented a smaller share of gross revenue or net earnings than that of U.S. industry in general, the share of the various other direct taxes (excluding sales and excise taxes) was significantly higher for the petroleum industry than for the average of other U.S. industries.
>
> (c) The U.S. oil industry's tax burden, as measured by the ratio of total domestic taxes (excluding sales and excise taxes) to total domestic revenues, amounted to 6.0¢ per dollar of revenue for 1970 and averaged 5.8¢ per dollar of revenue for the three year period 1967–1969. The average tax burden for the Internal Revenue Service classification, "All Mining and Manufacturing Corporations" was 5.6¢ while for the IRS classification, "All U.S. Business Corporations" it was about 4.7¢ per dollar of revenue for these same three years.
>
> (d) The above tax burden ratios show that the petroleum industry's lower effective income tax rate relative to other U.S. industries is more than offset by its relatively higher burden of other direct taxes (exclusive of excise and sales taxes). Hence, the total tax burden carried by the domestic petroleum industry is above the average for both. All U.S. Mining and Manufacturing Corporations and all U.S. Business Corporations.
>
> (e) If excise and sales taxes are added, the oil industry's total tax burden rises to 20¢ per dollar of revenue which is considerably higher than the composite total tax burden, including excise and sales taxes, on all other industries.
>
> (f) Another meaningful base for measuring the tax burden is Value Added. (The net value of goods created within a given industry, as opposed to the sales value which consists of cumulative net values added). In 1967 the domestic oil and gas producing and refining industry paid 16¢ in taxes (excluding sales and excise taxes) per dollar of Value Added. This was approximately one-third higher than the composite total tax burden, including excise and sales taxes, on all other industries.
>
> (g) In addition to the $3.4 billion in direct domestic taxes and the $10.5 billion in excise and sales taxes, the U.S. petroleum industry paid $10 billion abroad in income and operating taxes and $2.8 billion in foreign motor fuel excise taxes. Thus, the total global tax obligation of the U.S. oil industry in 1970, including excise and sales taxes, amounted to nearly $27 billion of which slightly more than half was incurred in the U.S.
>
> (h) The Tax Reform Act of 1969, by reducing the depletion allowance instituting a Minimum Tax and removing the investment tax credit, increased the domestic petroleum industry's tax burden by approximately $600 million for the year 1970 from what it would have been in the absence of the Act. Slightly more than half of the increase was due to the reduction in the depletion allowance. Most of the remainder was due to the institution of the Minimum Tax."

In addition to incorrectly comparing different statistics, Senator Proxmire's statement also implied that the oil companies are receiving some sort of preferential benefit by being allowed to credit taxes on foreign income against domestic Federal income taxes. In reality, this lawful device is available to everyone and merely prevents these companies being taxed twice on the same foreign income. This tax provision has long been recognized as equitable.

I sincerely hope that any future tax reforms will be based on accurate and unslanted statistics and not on misleading facts.

A FACTUAL LOOK AT HUD'S PERFORMANCE IN PROVIDING DISASTER RELIEF FOR AGNES VICTIMS

Mr. ALLOTT. Mr. President, of late, we have been deluged with charges and criticisms aimed at HUD's inability or lack of capability to provide disaster relief for victims of tropical storm Agnes which struck in late June of this year bringing indescribable destruction in a six-State area leaving thousands homeless. In order to bring "clear skies" to this "storm" of rhetoric, let us look at the facts.

HUD was faced with providing a temporary housing program unprecedented in scope and urgency. Under Secretary Romney's dedicated and able leadership, the Department is rapidly accomplishing the monumental task of providing more than 28,000 eligible families with temporary housing, and I might add, with record results under circumstances worse than any other previous natural disaster. Rehousing needs for Agnes victims exceed by more than 10,000 the total temporary housing assistance undertaken for all 16 major national disasters of the past 3 years.

Until Agnes struck, Hurricane Camille in 1969 was HUD's largest single housing disaster assistance program. It took 6 months to provide 5,200 Camille victims temporary housing accommodations, while 17,585 families in Agnes flood areas were provided housing assistance within 9 weeks. In other words, in about one-third the time, over three times as much has been accomplished.

For a closer look, let us look at New York and Pennsylvania where the damage was most extensive.

In Pennsylvania, where a daily average of 306 families are provided temporary housing, more than 12,500 of some 21,000 approved applicants have been given housing assistance. In the southern tier of New York State, 4,103 of the approximately 5,600 approved applicants have been housed.

Mr. President, providing relief and assistance to victims of a devastating natural disaster, such as tropical storm Agnes, in my judgment, should not be a partisan issue. I would hope that any administration would do its utmost to render assistance. However, because HUD's performance has been somewhat obscured by the dialog of the campaign in recent weeks, I was compelled to rise today to set the record straight.

HEALTH MAINTENANCE ORGANIZATIONS

Mr. KENNEDY. Mr. President, the Subcommittee on Health has held extensive hearings concerning the financing and organization of services in the health-care industry in the United States during this Congress. These hearings have been held across the United States, and a fact-finding trip has been made to several European countries to try to identify solutions to some of the problems we are experiencing in the delivery of health care to the American people.

For the past 2 years, President Nixon has emphasized the profound problems currently existing in our health-care system. Specificially, the President has proposed three major legislative thrusts in the area of health in his health messages of 1971 and 1972. According to President Nixon's 1971 health message to Congress, the areas of health manpower, health insurance, and reorganization of the delivery system required legislative action. In response to the President's wishes, the Health Professions Education Act and the Nurse Training Act of 1971 were enacted on November 18, 1971, as Public Law 92–157 and Public Law 92–158. Congress fulfilled its responsibility by passing legislation which authorized a substantial increase in Federal support to schools of the health professions in order to stimulate the training of additional health-care personnel. This the President subsequently signed into law. Despite this ample authority, the administration's budget request was barely one-third of the authorized figures. The administration has failed to put its money where its mouth is.

The second major thrust which the President advocated in his health messages of 1971 and 1972 was a national health insurance program. True to form, the administration's health insurance program falls far short of its stated goals of universality and far short of any reasonable concept of equity. Under the administration proposal, almost 40 million Americans would be ineligible for any federally sponsored health care insurance at all. Those low-income individuals who would be eligible for the administration's low-income health insurance plan would have benefits with substantially less value than those under the mandated employer-employee plan. This is truly a two-class system of care.

Even though, in February of 1971, Secretary Richardson testified before the Health Subcommittee concerning the necessity for and desirability of regulation of the health insurance industry, in testimony later that year before the House Ways and Means Committee, the administration position was revised. Secretary Richardson then described the administration proposal for the Federal role in regulation of the insurance industry to be one of backup enforcement only. Again, there was the characteristic administration waffling when the time came to put their rhetoric into specific terms.

The third major thrust, enthusiastically advocated in the President's 1971 and 1972 health messages to Congress, was a proposal for support for the creation of health maintenance organizations. In his health message to Congress of February 18, 1971, Mr. Nixon said:

> Some seven million Americans are now enrolled in HMO's—and the number is growing. Studies show that they are receiving high quality care at significantly lower cost. Patients and practitioners alike are enthusiastic about this organizational concept. So is this administration.

He went on to describe the HMO concept as "a central feature of my national health strategy."

Under title IV of the Health Services Improvement Act of 1970, signed into law by President Nixon in 1970, a provision was included which enables the Secretary of Health, Education, and Welfare to contract with health maintenance organizations on behalf of Federal employees for the provision of health services to those employees despite restrictive State legislation which may exist which would otherwise prohibit the operation of such health maintenance organizations. Last October, I engaged in prolonged correspondence with HEW objecting to proposed regulations published in the Federal Register (42 C.F.R., part 75) governing the law, which would have subverted the State preemption provision of Public Law 91–515. Despite explanations from the office of the Secretary that the proposed language did not subvert the intent of the legislation, the phrase was deleted from the final regulations.

The administration's true colors once again shine. Once again, in response to pressure from wealthy and powerful interest groups, this administration has changed its position concerning preemption of State laws which would inhibit the development of HMO's. They now oppose preemption of such laws. This change of position flatly contradicts what Secretary Richardson said in testimony before both House and Senate Health Subcommittees.

A number of bills supporting the initiation of health maintenance organizations have been introduced into both Houses of Congress. The Committee on Labor and Public Welfare reported S. 3327, the Health Maintenance Organization and Resources Development Act of 1972, to the full Senate on July 21, 1972. After a brief referral to the Committee on Finance, the bill was placed on the Senate Calendar on August 1, 1972. The American Medical Association has opposed the enactment of any health maintenance organization legislation, except on a limited experimental basis, from the beginning of the extensive investigation into the subject by the health subcommittees of both the House and Senate.

John Iglehart, an excellent writer for the National Journal, has recently published an article describing the impact the American Medical Association has had on the administration's position concerning HMO's which has resulted in a collapse of their support for health maintenance organizations.

The Senate bill has languished on the calendar for over a month while the administration continues to play its shell game with the American people. The House bill has been tied up in subcommittee markup. Mr. Iglehart attributes much of the failure of progress of HMO bills in both Houses to a weakening of the administration position concerning HMO's, and a reduction in their support for health maintenance organization legislation.

Once again, we see the pattern which has developed in the President's health manpower proposals and health insurance proposals unfolding with respect to HMO legislation. Every time meaningful, effective legislation is proposed to implement the rhetoric of this administration, they covertly or overtly defeat its purpose. Again and again private interest groups like the AMA and their friends in the White House call the tune, and the Department of Health, Education, and Welfare willingly joins in the deception.

I believe that the story detailed in Mr. Iglehart's excellent article exposes the empty rhetoric of the President in the field of health. Just last week the President criticized the Congress for its failure to act on his remaining health proposals. The Committee on Labor and Public Welfare has done its job. It is now up to the administration to come through and to prove to the American people that they are sincere in their stated desires to provide meaningful solutions to the problems of health care delivery in the United States. The administration has caved in again and again to pressures from powerful interest groups, much to the detriment of the American consumer. The influence of the health insurance industry and of the American Medical Association with the administration is seriously impairing their ability to support meaningful legislation in the area of health.

I have stated publicly once before that the administration's stated commitment to the development of health maintenance organization is a hoax on the American people. I would like to challenge them to prove that it is not by putting their active support behind the pending HMO legislation.

Mr. President, I ask unanimous consent that Mr. Iglehart's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Health Report/Intense Lobbying Drive by Medical Group Dims Prospects for HMO Legislation

(By John K. Iglehart)

The Administration-initiated drive to begin changing the shape of the health-care delivery system in the United States is faltering.

Legislation to subsidize the creation of health maintenance organizations—physicians working primarily in prepaid group practices instead of practicing alone for fees charged after the service is rendered—is in trouble this year for several reasons:

The American Medical Association, which fears that the free-enterprise nature of most medical practice would be subverted by HMOs, has mounted an intense lobbying campaign designed to kill the proposal.

Under pressure from the AMA, particularly with regard to the sizeable campaign contributions doctors' groups traditionally deliver to the GOP, the Administration has toned down its support for HMOs—support that was announced in enthusiastic terms by President Nixon last year.

Sen. Edward M. Kennedy, D–Mass., has pushed through the Senate Labor and Public Welfare Committee an HMO bill looking to establishment of a nationwide system at a federal cost of more than $5 billion over the next three years. But Rep. Paul G. Rogers, D-Fla., who is Kennedy's counterpart as chairman of the House subcommittee handling health matters, believes that any new HMO program should be experimental in nature. This wide variance in approach and degree of financial commitment will be difficult to reconcile in the waning weeks of the 92nd Congress.

It appears that only a strong push from the White House could salvage the legislation in this congressional session. But that push is not likely to be made.

Preemption issue: The clearest public reflection of the cooler White House attitude toward HMOs is a reversal in its earlier position on federal preemption of state laws that restrict HMO development. The Administration disclosed Aug. 14 in a closed mark-up session on Capitol Hill that it now opposes preemption language in an HMO bill.

"Conceptually, the new policy position is a major retreat," said one HEW Department official. President Nixon strongly endorsed the preemption of "archaic laws in 22 states which prohibit or limit the group practice of medicine" in his health message to Congress Feb. 18, 1971. HEW Secretary Elliot L. Richardson voiced an equally strong commitment to federal preemption language in an HMO bill during Capitol Hill testimony April 11.

EXTENT OF COMMITMENT

The Administration's more skeptical attitude toward HMOs is based, in part, on the shape of Kennedy's HMO bill (S. 3327; S. Rept 92–978), which was reported July 21 by the Senate Labor and Public Welfare Committee and may reach the floor in early September.

The Kennedy bill would authorize expenditures of $5.1 billion over three years, the bulk of it in direct federal grants to subsidize establishment and operation of HMOs around the nation. Of the total, $1.8 billion would be earmarked to help finance health care for poor people who otherwise could not use the HMO facilities. The bill also would create a Commission on Quality Health Care Assurance to check the performance of HMOs.

The magnitude of the Kennedy bill has upset officials at the President's Office of Management and Budget, whose ever-present concern is the whopping budget deficit, which they now estimate at $27 billion for fiscal 1973. The bill has prompted the OMB to reexamine the proper federal role in promoting HMO development.

The Administration's original proposal envisioned nationwide establishment of HMOs. The White House bill projected HMO expenditures of $2.1 billion over three years, although only $300 million would be in direct grants while the rest would consist of federally-guaranteed loans.

But the White House commitment to HMO development on that scale is now in doubt. The platform endorsed by the Republican National Convention last week mentions HMOs only in passing—as a worthwhile experiment.

Rep. Rogers' Interstate and Foreign Commerce Subcommittee on Public Health and Environment—now the target of heavy AMA pressure—has endorsed an experimental approach in mark-up sessions held to date. The bill would authorize $335.3 million over three years, and Rogers said, "The philosophy of the House bill is demonstration of the HMO concept. We want to see if it works before making a wholesale federal commitment to the idea."

AMA LOBBYING

For a time while Mr. Nixon was serving as Vice President of the United States, Dr. Malcolm C. Todd was his personal physician.

And Todd's personal and political friendship with Richard Nixon antedates that period: he has aided in Nixon campaigns ever since the bitter battle 22 years ago against Helen Gahagan Douglas for a U.S. Senate seat in California.

Now, Todd is a surgeon in Long Beach, Calif., and is serving as chairman of Physicians' for the Reelection of the President.

Todd also is an elected official of the AMA—he is a member of the association's House of Delegates—and in his dual role he is acting as a leader of the AMA's opposition to the HMO legislation.

In an interview, Todd frankly said that the AMA had brought to bear on the Administration "all the force we could" in opposition to the HMO legislation. And he credited that pressure with causing "some backtracking on the part of the White House."

All-out effort: Not since the AMA went to the well in 1969 to stop the appointment of Dr. John H. Knowles an assistant HEW secretary for health and scientific affairs has the association devoted so much energy and money to a Washington issue as it now is expending on HMOs.

The association is attacking the issue from every conceivable direction in an intensive campaign to kill, or at least forestall, HMO legislation. And in the absence of strong countervailing forces, the AMA's drive has enjoyed some success.

The AMA's efforts in opposition to HMO legislation extend well beyond Washington-based lobbying to include letters, telephone calls, telegrams and personal visits to members of Congress from AMA members.

Money: But dollars and cents constitute the real reason that the AMA now enjoys a significant degree of leverage over the HMO issue.

The association's political arm is second onlyy to organized labor's Committee on Political Education in dispensing campaign contributions in an election year.

In 1970, for example, the American Medical Political Action Committee reported giving $636,500 in campaign contributions to candidates for the U.S. House and Senate. AMPAC's local affiliates contributed an estimated $2.5 million more to Congressional campaigns. This year, the association presumably will spend that much or more (*For a report on ANPAC, see Vol. 2, No. 31, p. 1659.*)

The AMA recognizes that the duration of its financial leverage is limited. One association official said privately: "We're in the driver's seat now, but once the election is over it will be a different story. Any commitment we get from the White House to curb HMOs must be made before Nov. 7."

Meeting, letters: Many AMA physicians fear the economic consequences of a federal drive to set up a health delivery system around HMOs that would compete against the solo fee-for-service practitioner.

This concern came to a fever pitch last March 13 when the AMA's council on legislation engaged HEW Secretary Elliot L. Richardson in a heated debate over the potential merits of HMOs.

Richardson and his entourage cited projections that there would be 1,210 operative HMOs by 1980. This would give 90 per cent of the population the option of receiving health care from an HMO, they said.

The AMA council members balked at federal HMO subsidies as unfair, but Richardson was undeterred. He told the physicians that if they opted out of the HMO debate by simply opposing the idea, Congress probably would shape the system on its own.

The talk was too much for the doctors, most of whom are Republicans who believe that their past support for the party entitles them to better treatment from the Adminisration than creation of a competing health-care delivery system.

One physician-council member said privately in an inerview: "I absolutely blew my damn lid after Richardson's comments at that meeting. I told Todd I would quit the Physicians' Committee (for the Reelection of the President) if this was all we could expect from the Nixon Administration."

Todd acknowledged that many of the council members were upset by Richardson's comments. "That meeting sparked a letter I wrote to the President to air this HMO thing."

Todd said he has written to the President "several times" on HMOs and Mr. Nixon has replied. "My last letter was written at the suggestion of (James H.) Cavanaugh (staff assistant to the President for health affairs). And I also have discussed this with Counselor (to the President Robert H.) Finch."

Todd declined to specifically discuss his running dialogue with the President on HMOs. But he did say Richardson's comments "made a lot of doctors mad."

HEW vs. White House: According to Todd, the White House responded to the AMA arguments by directing the HEW Department to mute its enthusiastic efforts on behalf of HMOs. The HEW Secretary since "has called off the aggressiveness," Todd said, "and this is good."

(In response, Richardson said, "I am not aware of any AMA pressure on the White House. There has been no pressure from the White House and we haven't backed off.")

As Todd explains it, the HEW Department is responsible on its own for the grand-scale projections of federal assistance to hundreds of HMOs.

"The President was sold this HMO idea on the assumption that HEW would run some pilot HMOs to see if they work, not to finance a whole new delivery system," said Todd.

"When he gave the signal, all the Wilbur Cohenites (former HEW Secretary (1968–69) Wilbur J. Cohen) really went to work."

Contributions pitch: Todd has colored his pitch at the White House in political terms, saying the proposal makes it difficult in raise campaign cash from physicians to aid Mr. Nixon's reelection bid.

"As chairman of the Physicians' Committee (for the Reelection of the President) I have a problem in raising money for Nixon because of this HMO thing," said Todd.

"The (HMO) thing comes up invariably with physicians. They say, 'I don't know about this HMO thing'" when they are approached to contribute to the President's campaign.

Todd also argues that individuals who advocate changing the health delivery system through HMOs are not likely to vote for Mr. Nixon anyway. "HMO advocates never have voted for Nixon and never will," he said.

White House aide: Cavanaugh, the White House aide, went to the AMA's annual convention in San Francisco June 19 to soothe the association's fears that the Administration was bent on financing the development of hundreds of HMOs.

"I worked to dispell the notion that the Administration was seeking to blanket the country with HMOs," Cavanaugh said in an interview.

AMA chief: The AMA's hierarchy has worked in other ways in attempts to sidetrack a federal commitment to HMOs. Dr. Russell B. Roth, the association's president-elect, sought to head off further federal HMO funding from his position as a member of the HEW regional medical program's advisory committee.

At the committee's meeting on June 5 and 6, Roth strenuously objected to the proposed expenditure of $4.2 million in regional medical program funds for HMO development. Despite Roth's objection, the council voted to approve expenditure of the funds for HMOs.

GOP platform: Another AMA official, Wayne W. Bradley, assistant director of its Washington office, worked with the Committee on Resolutions to the Republican National Convention in an effort to moderate the Administration's advocacy of HMOs.

The Republican platform falls far short, in its mention of HMOs, of the praise Mr. Nixon heaped on the concept in his 1971 health message, and endorses them only as "innovative experiments."

Hill lobbying: Two AMA lobbyists, James W. Foristel and Howard Lee Cook Jr., are performing the bulk of the association's lobbying on Capitol Hill against HMO legislation.

The AMA all but ignored the HMO deliberations of the Senate Labor and Public Welfare Committee, figuring that with Kennedy in control the association's chances of influencing the shape of the bill were nil.

But the association has sought to slow down floor consideration of Kennedy's bill by urging Sen. Robert C. Byrd, D-W.Va., the majority whip, to delay its placement on the Senate calendar.

Senate reaction—Kennedy, angered by the AMA's tactics, said Aug. 17 in a news release: "Almost every member of this body (Senate) has received a communication from his state medical society, and representatives of the American Medical Association have approached the leadership of the Senate in an attempt to bottle the bill up."

Kennedy added: "This clumsy effort on their part is another example of the attempts of a narrow interest group to influence national legislation to its own advantage."

The AMA has been successful in delaying Senate floor consideration of the HMO bill since it was reported July 21, but Byrd has had nothing to do with it. Sen. Peter H. Dominick, R-Colo., a member of the Senate Labor and Public Welfare Subcommittee on Health, has refused to make a time agreement for floor debate of the HMO bill, thus delaying its consideration.

Dominick, who often addresses AMA meetings, objects to the magnitude of the Kennedy HMO bill. In minority views expressed in the committee's report, he criticized a number of the bill's provisions, including the exclusion of medical foundations as recipients of HMO funds.

Dominick plans to introduce an amendment to the committee's bill which would authorize HEW to fund existing medical foundations as HMOs. Kennedy strongly opposes their inclusion, arguing that they are nothing more than extensions of AMA-dominated county and state medical societies.

Medical foundations are operating or organizing in 43 states. They reflect attempts by physicians to protect the traditional mode of rendering medical care—individual fee-for-service practice. The facilities are organized and controlled by county or state medical societies.

Although physicians who practice under the aegis of a foundation are paid on a fee-for-service basis, the fees are fixed and prepaid. Foundation physicians practice in their own offices, but they submit their bills to a central location for scrutiny by fellow physicians who review the claims.

House activity—While the AMA has concentrated its time in the Senate on maneuvers that could slow down consideration of HMO legislation, it has directed its efforts in the House at modifying the substance of the Rogers subcommittee proposal.

Foristel has sought to convince a majority of the subcommittee's members to strip the HMO bill of language that would grant HEW the power to preempt state laws which restrict HMO development.

Foristel argued in an Aug. 9 letter to Rep. Tim Lee Carter, R-Ky., a practicing physician and AMA member, that "it has been long established policy in this country to allow the states to regulate the provision of health services."

Foristel noted that a number of states have laws which restrict or prohibit "certain forms of practice," such as HMOs. He argued that "those states which do contain these prohibitions would have compelling arguments for them and . . . these arguments, and therefore these laws, should be allowed local supremacy. Incidentally, your state (Kentucky) has such a restrictive law."

Although the AMA lobbyists are concentrating now on seeking substantive modifications in the House subcommittee's bill, they also are making contacts with other House members who could delay or expedite the measure once Rogers releases it.

Rep. Harley O. Staggers, D-W.Va., chairman of the parent Interstate and Foreign Commerce Committee, is a principal target of this aspect of the association's campaign.

The full committee already has a heavy schedule of legislation before it, including a power-plant siting bill (HR 11066), which has tied up the panel in mark-up sessions for a month with the end nowhere in sight.

President Nixon has written to Staggers and urged him to expedite the power-siting legislation.

With power-plant siting legislation before the committee and other major bills also on the agenda, Staggers could well argue that a lack of time precludes full committee consideration of an HMO bill this year.

Relations between Staggers and Rogers are not the best. Staggers has expressed to other members of the full committee, including Rep. William L. Springer, Ill., the ranking Republican, a lack of enthusiasm for reporting out HMO legislation this year.

HOUSE MARK-UP

Rogers, well aware of the cross-currents that are running on the HMO issue, is taking a cautious course to consensus on a bill that he hopes his subcommittee members will back solidly in full committee, on the floor and in conference.

"We're trying to write a piece of legislation that can be vigorously supported by the whole panel," Rogers said. "We're very close to that point."

In moving toward that point, the subcommittee has placed significant strictures on the federal role in reshaping the health delivery system through subsidizing HMO development.

Provisions: In its fifth and latest bill draft, the subcommittee provides for total spending authority of $335.3 million over a three-year period to plan and develop 150 HMOs.

The bill provides federal grants only for HMO feasibility studies and initial development costs. At the point of initial operation of an HMO, a sponsor could receive only direct federal loans (out of the $335.3 million) or federally-guaranteed loans. The subcommittee's bill provides similar assistance for HMO construction projects.

The program envisioned by the subcommittee as a result of its bill is experimental. "We are not embarking on anything like the Administration has stated as its goal—an HMO option available to 90 per cent of the population by 1980," Rogers said.

"I think it's premature, a network approach," he said. "If we go about this in a reasonable way, gain some experience before trying to shift massive segments of the population to HMOs, I think this approach will be more acceptable."

Members' views: In seeking to shape a bill that his entire subcommittee can endorse, Rogers has had to contend with its members' widely varying views.

The panel's chief advocate of strong HMO legislation of Rep. William R. Roy, D-Kan., and his bill (HR 11728), which is similar in some ways to Kennedy's, has formed the basis for the subcommittee's deliberations. Roy is a physician, and a member of the AMA, but the Kansas Medical Society's political action arm is denying him financial support in his reelection bid this year, largely because of his position on HMOs.

Because Roy is a freshman, he has attempted to enlist the support of more senior subcommittee members for the approach he favors. But although Democratic Reps. Peter N. Kyros, Maine, and James W. Symington, Mo., share Roy's conviction on HMO legislation, they have not taken vocal roles in the subcommittee's mark-up of its HMO bill.

On the other hand, Republican Reps. Carter, Ancher Nelsen, Minn., and Democrat David E. Satterfield III, Va., strongly object to approving an HMO bill of the scope favored by Roy. And reinforced by the AMA's aggressive lobbying, they have pressed their views in committee.

This has left Rogers in the middle, trying to fashion a consensus from the widely disparate views of the members on his subcommittee.

PREEMPTION ISSUE

The single toughest issue that Rogers' Public Health and Environment Subcommittee must resolve when it returns to mark-up the week of Sept. 5 involves the question of preemption of restrictive state laws.

Scope of problem: HEW estimates that there are 22 states with statutes that would in one way or another inhibit the development of HMOs. The states are Alabama, Alaska, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Montana, New Hampshire, New Mexico, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Vermont, Virginia and West Virginia.

But the department is not certain of that figure. One HEW official said that as many as 49 states may prohibit the development of one or more forms of HMO. The department is seeking to determine the actual number of states.

The most common strictures in state law are requirements that a medical society approve the incorproation of an HMO; that physicians constitute all or a majority of its governing body; that HMOs submit to regulation as an insurer of health-care services, and medical practitioners cannot advertise.

Approaches to problem: The Senate committee's bill provides for the preemption of all of these strictures. Its report says: "The committee strongly endorses this section which will ensure an equal opportunity in all states for development of HMOs."

The House subcommittee, in its latest draft, authorizes the preemption of restrictive state laws only for the 150 federally-sponsored HMOs which the panel would authorize HEW to fund. It would provide no relief to HMOs developed without federal assistance.

Dr. Paul M. Ellwood Jr., a pediatric neurologist and physiatrist who is generally regarded as the architect of the Administration's HMO bill, argues that the House approach to preemption runs counter to this proposal, at least as originally conceived.

"The House approach would discriminate in favor of federally-sponsored HMOs, give these chosen public instruments an unfair competitive advantage over organizations that create HMOs without government assistance.

"This is the opposite of a conservative, pluralistic, free-enterprise approach and if they are doing it for the AMA I think it will work against AMA members who want to form HMOs," Ellwood said.

Walter J. McNerney, president of the Blue Cross Association, advanced a similar argument Aug. 22 in a letter to Rep. Staggers, urging that the bill "be broadened to override restrictive state laws regardless of whether the funds derive from the federal treasury."

Although the House subcommittee has discussed the preemption issue in executive sessions, the language in its latest draft is by no means final. Rogers said: "The basic decision on preemption has not yet been made."

Carter, Satterfield and Nelsen are opposed to the inclusion of preemption language.

The preemption of state laws which, in effect, give state medical societies veto power over the development of an HMO in a community probably will produce the most debate in subcommittee. Rogers has said privately that he does not believe that medical societies should have that power.

Administration's reversal: When the subcommittee returns to work on the issue a key element in its discussion will be the Administration's newly-stated opposition to preempting state laws.

The new policy declaration came out of the Office of Management and Budget on Aug. 10. Lynn M. Etheredge, OMB's budget examiner for the HMO program, relayed the message to John S. Zapp, deputy assistant HEW secretary for health legislation.

Zapp, in explaining the policy reversal, said it had become evident that preemption language in the HMO bill could significantly slow down congressional movement on the legislation. And so the Administration decided to scrap its position in the face of political realities.

Zapp's explanation notwithstanding, the day before the policy switch was made, he was prepared to explain HEW's preemption proposal in the House subcommittee's markup session. The panel did not get to the subject that day.

Several members of the House subcommittee speculate that the Administration reversed its position as a result of AMA pressure, but they back up their opinions with no specific knowledge.

One Administration staff member said the change was more nearly the result of an attitude prevailing at the White House that the federal government should not unnecessarily tread on state prerogatives.

In any event, the Administration's new preemption policy runs counter to the earlier stated views of President Nixon and Secretary Richardson.

In his health message to Congress on Feb. 18, 1971, Mr. Nixon directed HEW "to develop a model statute which the states themselves can adopt to correct these anomalies. In addition, the federal government will facilitate the development of HMOs in all states by entering into contracts with them to provide service to medicare recipients and other federal beneficiaries who elect such programs. Under the supremacy clause of the Constitution, these contracts will operate to preempt any inconsistent state statutes."

At a House HMO hearing April 11, Rep. Roy asked Richardson how the panel should deal with state laws which "prohibit or inhibit HMO development."

Richardson replied: "We think that you should go as far as, in effect, you think the traffic will bear."

OUTLOOK

HMO never has become a household word among most Members of Congress. And the AMA's drive to kill legislation to subsidize their development has produced little publicity in Washington.

But the day may come before Nov. 7 when congressional Democrats will call the Administration to account for its commitment to nurturing HMOs.

This calling could well be prompted by organizations that are pushing for passage of HMO legislation this year. Such organizations have not been vocal in recent months but efforts by the Group Health Association of America, Inc. to bring together during the week of Sept. 3 labor and consumer groups on behalf of HMO legislation may change that.

Group Health is a national organization that represents operating HMOs in Washington and it enjoys close ties to organized labor. Group Health has quietly sought to bring the AFL–CIO into the fight for HMO legislation in a bigger way and this may bear fruit in the coming weeks.

Beyond that, Kennedy could well become vocal on health issues as a surrogate for Sen. George S. McGovern, S.D., the Democratic presidential nominee. Kennedy could pursue passage of his HMO bill by following that avenue.

Congressional Democrats, on the other hand, are hardly of one mind on the prescription that is proper to launch the federal government's first serious attempt to reshape the health delivery system.

Kennedy is calling for a massive federal commitment to stimulate the development of HMOs nationally. And Rogers feels an experimental program with no guarantee of life after three years is the proper course.

Reconciling their differences may take more time than is available this year. In this event, the AMA will be able to claim a victory for the time being in protecting the solo fee-for-service practitioner. And the Nixon Administration, if it gains a second term, will have an opportunity to rethink its commitment to HMOs free of election-year considerations.

VETERANS' DRUG AND ALCOHOL TREATMENT AND REHABILITATION ACT OF 1972

Mr. JAVITS. Mr. President, I strongly support the Veterans' Drug and Alcohol Treatment and Rehabilitation Act of 1972 (S. 2108) which passed the Senate yesterday.

I have long been deeply concerned about the Veterans' Administration's drug treatment programs. The plight of the addicted and drug-abusing serviceman has made drug addiction a national issue.

I was not convinced that the present VA drug treatment program was doing enough for the addicted veterans in New York. I expressed my concern about the adequacy and capability of the VA to deal effectively with addicted veterans in New York to the VA Administrator and arranged a meeting between senior VA officials and the Deputy Director of the President's Special Action Office for Drug Abuse Prevention with New York City and State officials to see what more could be done to aid addicted veterans.

One thing became clear as the result of that meeting: The need for additional legislation—as set forth in this bill—which would provide the VA authority to contract with approved community programs for treatment and rehabilitation of addicted veterans. I ask unanimous consent that the full text of three letters I sent to the VA, urging them to contract with other agencies to provide drug treatment to all veterans who need treatment, be printed at this point in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

September 22, 1971.

Hon. Donald E. Johnson,
Administrator,
Veterans' Administration,
Washington, D.C.

Dear Mr. Johnson: Thank you for your response to my letter concerning the Veterans' Administration's plans to increase the number of specialized drug treatment centers and to contract or purchase services from state, city, or community institutions with expertise in the drug rehabilitation field.

Although I believe there are additional VA hospitals in New York City that should be utilized to deal with veteran narcotic users, I am gratified to learn that there are several in New York City which you have given high priority for this endeavor.

I am pleased to note your response that the Veterans' Administration will be "contracting with other agencies to provide drug treatment to all veterans who apply for and are determined to be in need of such treatment." As you know, I am deeply concerned that the most effective way to respond to this problem is through contract of services and as your plans develop, I would greatly appreciate being kept advised.

With best wishes,

Sincerely,

Jacob K. Javits.

September 27, 1971.

Hon. Donald E. Johnson,
Administrator,
Veterans' Administration,
Washington, D.C.

Dear Mr. Johnson: Enclosed is a copy of my letter of September 22 indicating my strong support for the Veterans Administration to contract for or purchase services from state, city, or community institutions with expertise in the drug rehabilitation field.

It was my understanding from your letter of August 3 that the Veterans Administration will be "contracting with other agencies to provide drug treatment . . ." and I am deeply disturbed by your response of a later date to Howard Jones, Chairman of the New York State Narcotics Addiction Control Commission. In your letter to Mr. Jones you state "Our experience to date leads us to believe that we will not require the use of non-VA facilities in our program in the foreseeable future." I would appreciate being advised how you reconcile this variation in position.

With best wishes,

Sincerely,

Jacob K. Javits.

July 15, 1971.

Hon. Donald E. Johnson,
Administrator,
Veterans' Administration,
Washington, D.C.

Dear Administrator Johnson: I was pleased to receive your communication of July 12 concerning the Veterans Administration's plans to increase the number of specialized drug treatment centers. I am hopeful that the VA's response to the increasing drug problem in the military will prove to be an effective countermeasure.

You indicate of the 32 centers projected to be in operation by October, only one will be located in New York City despite the magnitude of the narcotics abuse problem. I am concerned that one New York City center will not be adequate to effectively deal with veteran narcotics users in the New York metropolitan area.

I strongly believe that the Veterans Administration should contract for or purchase services from State, city or community institutions with expertise in the drug rehabilitation field. These institutions constitute a reservoir of valuable experience in dealing with narcotics abuse and could prove to be of great benefit to the VA's own efforts to deal with the narcotics problem. I would appreciate having your views regarding the plans, if any, the VA has made to secure these valuable services.

With best wishes,

Sincerely,

Jacob K. Javits.

Mr. JAVITS. Mr. President, my distress and concern about VA drug treatment and care for New York's addicted Vietnam veterans was confirmed by Howard A. Jones, chairman of the New York State Narcotic Addiction Control Commission, and Graham S. Finney, commissioner of the New York City Addiction Services Agency, and is further confirmed by the report of the committee. It ought to be placed in the Record, so I ask unanimous consent that those paragraphs of the committee report be printed at this point in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

NEED TO EXPAND NUMBER OF VETERANS SERVED

The Committee recognizes that the Veterans Administration has very substantially upgraded its drug treatment programs and facilities in the last year. VA figures indicate that approximately 20,000 drug abusing veterans have been treated by the VA to date. Present VA plans contemplate the treatment of approximately 30,000 veterans in fiscal year 1975.

However, much of this treatment is confined to detoxification and methadone maintenance, without any effective rehabilitation efforts. And significant progress remains to be made in the numbers treated as well. The estimated total of veteran addicts in the country ranges from a low of 60,000 to 100,000 or more. The Committee notes that according to Defense Department figures, between July 1, 1966, and December 31, 1971, over 21,000 servicemen received discharges termed for "drug abuse." Unquestionably, a great many more servicemen discharged during this period were, in fact then, or at some point during their service, drug abusers, but escaped detection while in service. The breakdown by type of discharge is set forth in the following table:

DRUG ABUSE DISCHARGES FROM THE ARMED SERVICES

Fiscal year	Totals	Honorable	General	Undesirable	Dishonorable
1967	147	8	20	119	—
1968	1,036	114	336	586	
1969	2,998	257	1,085	1,501	155
1970	4,769	331	2,143	2,116	179
1971 [1]	7,658	1,052	4,725	1,881	
1st 6 [1] months of fiscal year 1972	4,478	865	2,865	748	
Grand total	21,086	2,627	11,174	6,951	334

[1] Estimates based upon applying ½ of the totals for calendar year 1971 to fiscal year 1971 (added to the actual figure for the 1st half of fiscal year 1971) and ½ of such totals to the 1st half of fiscal year 1972. The totals available after fiscal year 1970 were on the basis of calendar years, not fiscal years.

The overwhelming difficulties faced by New York City alone indicate the continuing severity of the problem. There are between 85,000 and 200,000 heroin addicts in New York City alone. The Special Action Office for Drug Abuse Prevention considers 125,000 to be the best estimate of this addict population. The Addiction Services Agency of New York City estimates that a minimum of ten thousand of these addicts are veterans, who have not received any form of treatment.

As recently as June 30, 1972, the VA was treating only 585 veterans at its drug treatment centers in New York City. At the same time, local drug treatment programs were treating an estimated 3,500 veteran addicts; there were an additional 2,000 addict veterans on non-VA methadone maintenance program waiting lists, and an unknown number of such veterans on waiting lists for drug-free programs. To meet part of this need, the Veterans Administration has recently contracted with the New York State Narcotic Addiction Control Commission to provide drug treatment services to an additional 1,100 veterans.

Mr. JAVITS. Mr. President, the city and State of New York continue to do all within their powers, but the Federal Government must pledge itself, through the VA, to a substantial commitment. If we are adequately to care for our addicted veterans, the VA should contract or purchase services from State, city, and community institutions with expertise in drug rehabilitation. These institutions constitute a reservoir of valuable experience in dealing with narcotics abuse and could prove to be of great benefit to the VA's own efforts to deal with the narcotics problem. This bill would accomplish that result. It seeks a solution to the critical addicted veteran problem and would provide more effective treatment to the thousands of New York area addicted Vietnam veterans.

In New York City, there is no question that thousands of drug-abusing veterans are already back home and out of uniform, adding to the addict ranks of a city that acknowledges the crisis of its drug control problem. There is no question that more action is required to generate meaningful services for veterans in desperate need. The bill will enable us better to meet our obligations to individuals who have served their Nation, only to become ensnared in a sickness far more debilitating even than the battleground wounds usually associated with war.

Mr. President, the bill also focuses upon the problem of alcoholism. The signing of the Comprehensive Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 into law marked a most historic day in the national struggle against alcoholism and the end of a legislative struggle which began in 1966, when I introduced the first alcoholism bill with the Senator from Utah (Mr. Moss) and which culminated in the passage of the bill which I introduced in the 91st Congress with the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. Moss), and more than 50 cosponsors.

I am, therefore, pleased that S. 2108 will authorize the VA to utilize more effectively its enormous resources in the stepped up national fight against alcoholism and reduce the enormous toll taken by alcoholism and alcohol abuse on our society.

IN TRIBUTE TO THE LATE HONORABLE WILLIAM S. HILL

Mr. ALLOTT. Mr. President, it is with great sadness that I advise the Senate of the death of the Honorable William S. Hill, who served the Second Congressional District of Colorado with dedication for 18 years. He was first elected from the district in 1940 and was reelected every 2 years until his retirement in 1958. His loss to me is the loss of an adopted member of the family, for Mrs. Allott and I have known and loved Bill for so long.

Bill spent his entire lifetime in the service of others, serving as legislator, teacher, businessman, and farmer. During his distinguished career in the House of Representatives, he rose to the chairmanship of the Select Committee on Small Business and to a position of high standing on the Committee on Agriculture

Born on January 20, 1896, in Kelly, Kans., he was raised and educated in Kansas, and after taking as his bride the former Rachel Trower, they moved to eastern Colorado where they homesteaded near Cheyenne Wells. Bill taught school in Cheyenne Wells, later became principal, and finally superintendent of schools at Laporte, Colo.

Congress has recently been host to some bright young people from across the country, the members of the 4-H Clubs of America, and to this fine group, Bill devoted his talents and energies. He became Colorado's first fulltime 4-H Club leader in Larimer County in 1919, and in the early 1920's he served as secretary of the Colorado Farm Bureau. Between 1924 and 1928, Bill Hill served his adopted State of Colorado in the Colorado House of Representatives.

He knew defeat when he lost his first congressional race in 1939, but those of us who knew him recall his upward bound spirit, and in 1940 Bill won the first of nine consecutive races for Congress.

He was a great friend of mine. In 1954 when I was in particular need of friends and encouragement, I can remember the gentle hand of William Hill on my shoulder all of the way, giving me the encouragement I needed. The place occupied by Bill Hill is filled with glowing memories, and it is with great sadness that we learn of his death.

Mrs. Allott and I extend our deepest sympathies to his wife Rachel and all the members of his family.

Mr. President, I ask unanimous consent an obituary published in the Washington Post of September 1, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EX-REPRESENTATIVE WILLIAM S. HILL OF COLORADO DIES

FORT COLLINS, COLO., Aug. 31.—William S. Hill, 86, a former congressman from northern Colorado who served nine consecutive terms in the U.S. House of Representatives, died Monday in a Fort Collins nursing home.

Mr. Hill lost his first congressional race in 1939, but was re-elected eight times before retiring undefeated in 1958.

Mr. Hill, a Republican, was chairman of the select Committee on Small Business and member of the House Agriculture Committee.

Mr. Hill also served on the House committees on irrigation and reclamation Indian affairs and labor.

Coming from Colorado's largely agricultural second district, Mr. Hill was primarily associated with agriculture. He was a spokesman for federal price supports for farmers.

He headed a subcommittee that studied the federal crop insurance program in 1947. He also served on the agriculture livestock committee in 1953.

He once assailed Maj. Gen. Harry H. Vaughan, White House military aide under President Truman, on the House floor for "hitching" what he termed a free ride to Paris at the taxpayers' expense.

A vigorous partisan and conservative, he also took to the House floor in 1951 to criticize the State Department for paying correspondents of the Columbia Broadcasting System to write for the Voice of America.

In his speech he said: "I should mention that the Columbia Broadcasting System has the reputation of being through its so-called news prgorams and commentaries, a strong supporter of the Truman administration and of socialistic tendencies generally."

Mr. Hill was born Jan. 20, 1886, in Kelly, Kan., and was raised and educated in Kansas. On March 25, 1907, he married the former Rachel Trower in Winchester, Kan.

Shortly after their marriage, Mr. Hill and his bride homesteaded in eastern Colorado near Cheyenne Wells where Mr. Hill taught school. He eventually became principal and superintendent of schools in nearby Laporte.

Mr. Hill extended his activities from the educational field when he became Colorado's first full-time 4-H club leader with the Extension Service in Larimer County in 1919.

He was secretary of the Colorado Farm Bureau during the 1920s, during which time he and his late brother, Vern, who was later a Colorado State representative from Denver, organized a potato grower's organization for farmers in Idaho.

Elected to the Colorado House in 1924, Mr. Hill served in that body until 1928. In 1927 he bought the Standard Mercantile Co., a farm supply dealership, in Fort Collins.

Following his first attempt for a Congressional seat Mr. Hill was appointed personal secretary to Gov. Ralph Carr in 1939.

Along with being a member of the Elks, Odd Fellows, Rotary Club, and the Presbyterian Church, Mr. Hill was active in the real estate and hardware industry in Fort Collins.

Mr. Hill is survived by his wife, a son, Alden T., of Fort Collins; a brother Harry, of Stinson Beach, Calif.; two sisters, Lela Fischer, of Littleton, Colo., and Mae Brewer, of Broken Bow, Nev.; and four grandchildren.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for the transaction of routine morning business has expired.

REVENUE SHARING ACT OF 1972

The PRESIDING OFFICER (Mr. Allen). Under the previous order the unfinished business, Senate Joint Resolution 241, is to be laid aside and remain in that status until the close of business today.

In accordance with the previous order, the Chair lays before the Senate H.R. 14370, the revenue-sharing bill, which the clerk will state.

The assistant legislative clerk read as follows:

> H.R. 14370, to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1471

Mr. BUCKLEY. Mr. President, I call up my amendment No. 1471.

The PRESIDING OFFICER. The amendment will be stated.

The assistance legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

> On page 35, strike lines 13 through 19 and insert in lieu thereof the following:
>
> "(2) for the fiscal year ending June 30, 1973, 7 percent of the Federal individual income taxes received in the Treasury during such fiscal year; and
>
> "(3) for the fiscal year ending June 30, 1974, 3½ percent of the Federal individual income taxes received in the Treasury during such fiscal year."
>
> On page 38, line 6, insert "and" after the second comma.
>
> On page 38, strike lines 7 through 14 and insert in lieu thereof the following:
>
> "(3) $2,875,000,000, in the case of the entitlement period beginning July 1, 1973."
>
> On page 39, strike lines 8 and 9 and insert in lieu thereof the following: "government for the entitlement period beginning on July 1, 1973, shall be reduced by the amount (if".
>
> On page 40, strike lines 15 through 22.
>
> On page 48, line 11, strike "1976" and insert "1973".
>
> On page 60, strike lines 10 and 11 and insert in lieu thereof the following: "qualify for any payment under this subtitle for the entitlement period beginning on July 1, 1973, a State".
>
> On page 63, beginning with line 25, strike out through line 3 on page 64 and insert in lieu thereof the following: "period beginning January 1, 1973, and $500,000,000 for the entitlement period beginning July 1, 1973."
>
> On page 67, strike lines 11 through 14 and insert in lieu thereof the following:
>
> "(2) The one-year period beginning on July 1, 1972.
>
> "(3) The period beginning July 1, 1973, and ending December 31, 1973."

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. ROBERT C. BYRD. I apologize to the Senator for interrupting. It was my understanding that he was willing to agree to a limitation of 1 hour on this amendment.

Mr. BUCKLEY. That is correct.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that time on this amendment be limited to 1 hour, to be equally divided between and controlled by the distinguished Senator from New York (Mr. Buckley) and the distinguished manager of the bill (Mr. Long).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, in summary, my amendment would reduce the period of the bill under debate from 5 years to 2 years.

The concept of general revenue sharing is marvelously appealing—the prospect of large infusions of no-string attached money from Washington with which to rescue our States, counties, and municipalities from the brink of fiscal disaster and all at no cost to their taxpayers. But every ointment has its flies and I think we should all be aware of some of those which are inherent in the State and Local Assistance Act of 1972 before deciding whether we should, in fact, institutionalize general revenue sharing as a new, long-term approach to the financing of routine governmental expenditures at the State and local levels.

General revenue sharing will not, of course, ease the over-all tax burden on the American people. Indeed, to the extent that it will cost something to recycle personal income taxes collected from individuals throughout the United States by the Federal Government for redistribution to the communities in which they live, to that extent it will add to their burden; and to the extent that it reduces pressures for economy in State and local government, it will be more costly still. It is true, of course, that in some States more money will flow in than was contributed by its residents—but this is possible only because the reverse will be true in others. Under the formula of distribution contained in the Senate bill, for example, New Yorkers will lose a net $460 million over the 5-year life of this bill.

True, general revenue sharing will reduce immediate pressures for increases in property taxes which have resulted from the fact that obligations mandated to counties and municipalities have grown far more rapidly than has the principle tax base on which they have been required to rely. But this suggests the need not so much for revenue sharing as for a reallocation of governmental responsibilities and taxing powers within each State. It also suggests a need to cut back sharply on the bewildering number of categorical grant programs which have done so much to distort State and local priorities and to divert scarce funds from areas of the greatest need.

If general revenue sharing should become institutionalized—and I have yet to meet anyone who really believes that if will be possible to revoke the program after it has been in effect for 5 years—then the inevitable pressures will be to constantly increase the size of the Federal contribution as a percentage of State and local expenditures. This will make it ever harder for ordinary citizens throughout the United States to force restraint in State and local spending. In the case of my own State, for example, our citizens have been engaged over the past 2 years in a reasonably successful tax revolt. As a result, our State legislators have forced major economies in State spending rather than assume the onus for voting higher taxes. This taxpayers' rebellion has caused a thorough reexamination of State and local programs. Some have been eliminated, payrolls have been trimmed, and the most costly programs, such as welfare, have been subjected to the most careful scrutiny in years. I wonder, however, whether these economies could have been achieved had general revenue sharing been enacted 2 years ago.

General revenue sharing will not, in my judgment, help the cause of responsible local government or of federalism. Quite the contrary it will do harm to both. First of all, the greatest restraint on public spending is the requirement that those who authorize expenditures justify the level of taxation needed to finance them. While this restraint is admittedly theoretical at the national level, it is very real at levels of government which must operate in direct view of the taxpayers. Second, while the program has been advertised as a means of distributing no-strings-attached money for general use by State and local governments, I believe that it is unrealistic to believe that the Congress will be able to resist indefinitely the impulse to impose conditions on their expenditure. In point of fact, significant restrictions are contained in the House version of the bill, and the chairman of the Finance Committee has had to muster all his great powers of persuasion to prevent others from being tacked on during the course of this debate.

There is no doubt as to the severity of the financial problems which face State and local governments in New York and elsewhere across the Nation. But it is our responsibility to see that these problems are solved in a way which will preserve the fiscal integrity of all levels of government without destroying the political integrity of the federal system. Without any doubt, general revenue sharing represents a short-term means for meeting these problems; but in the longer term, is it really the way?

As I say, Mr. President, general revenue sharing is definitely a means for meeting the undoubted fiscal emergency which afflicts too many States and localities across this Nation today. I do not feel, however, that it ought to be institutionalized as a permanent way of life for these governments. The concept of general revenue sharing has sprung into existence from a real sense of urgency. The underlying crisis which it is intended to meet, however, is not the result of a shortage of taxable funds within the States experiencing the greatest current difficulties, but rather of a dislocation which has been allowed to creep into our system of State and local financing.

It should be kept in mind that there is no major source of tax revenues available to Washington which is not also available to the States; and that, therefore, in the longer run, it should not be necessary to cycle money through the Federal Treasury in order to arrive at a long-term solution to the fiscal problems now plaguing State and local governments.

We should also keep in mind that Washington has helped precipitate the present crisis by generating scores and scores of categorical grant programs which have had the effect of forcing State and local governments to adopt Washington's priorities rather than their own, and to funnel their own resources into programs which do not meet their most pressing needs. State governments have in turn acquired the habit of mandating expenditures to county and municipal governments without at the same time expanding the tax bases available to these jurisdictions for the financing of these new obligations. General revenue sharing, if adopted as a long-term measure, may cope with the results of these dislocations, but it will do nothing to cure their causes.

Mr. President, the purpose of my amendment is to convert the current legislation from a measure which will inevitably become institutionalized into emergency legislation of a clearly temporary nature in which everyone is placed on notice of the immediate need to attack the causes of the current fiscal crisis. My amendment would do this by reducing the term of the bill to 2 years. This should provide a long-enough period of emergency infusions of cash to allow lawmakers in Washington and in the various State capitals to get to the roots of the problem.

During such a 2-year period, we in the Congress could declare a moratorium on any new proposals for categorical grant programs while we make a searching examination of existing ones to see which of them may be dispensed with, which should be collapsed into special revenue sharing programs of the kind recommended by the present administration, and which should be retained.

As I have examined the testimony presented by Governor Rockefeller and others before the Senate Finance Committee, and as I have discussed problems of local financing with county executives, mayors and other local officials throughout New York State, I have been struck by the extent of the blame for their difficulties which these responsible officials place on the whole system of Federal categorical grants. Surely the greatest contribution we can make toward helping State and local governments to reorder their own priorities in accordance with their own understanding of their own most pressing needs; surely the most effective way in which we can free up State and local revenues for use in accordance with those priorities, would be to move as quickly as possible in the direction of special revenue sharing as a substitute for a large number of existing categorical grant programs. If the Congress will only set its mind to it, it could achieve major reforms in this area within the 2-year period provided for by my amendment.

At the State level, the 2-year period would enable each State to reexamine its own tax policies and to enact such measures as will be required to enable them to bridge the gap in revenues which will result from the termination of an emergency program of Federal revenue sharing. It is clear that a large number of States could be doing far more to raise the funds needed to finance their own programs. According to the House Ways and Means Committee report, if the lowest 40 States in terms of tax effort had made—in 1969—the same average tax effort made by the top 10 States, they would have collected $18.6 billion in revenues for State and local governments.

This 2-year period would also provide the States with a breathing spell within which to reexamine their practices for allocating governmental responsibilities and tax powers among the various levels of government within the State. They could then see to it that each level of government would be provided either with direct State subsidies or with the taxing authority required to meet the governmental responsibilities assigned to them without overstraining any one source of tax revenues.

Mr. President, I submit that unless we think in terms of an emergency, we will never create the climate required for us to achieve real fiscal reform at every level of government within this country. If this bill is enacted as a 5-year measure, the compelling need to cope with the root causes of the problems faced by State and local governments will evaporate. If general revenue sharing is accepted as a new way of fiscal life, as I believe will be inevitable if the bill is enacted in its present form, then the impetus will all be in another direction. All the political pressures will be focused not on the need for basic reform, but on Washington as States and localities reach out for ever-larger handouts while cultivating the all too pervasive myth that money doled out from Washington somehow originates elsewhere than in the pockets of their citizens.

Mr. President, the committee report contemplates that at the end of the 5-year period presently provided for, the Congress will be free to reexamine the program and to decide whether to terminate it or to continue it in one form or another. I respectfully suggest that the one option that will not be available to the Congress, in other than a technical sense, is that of terminating general revenue sharing. Too many villages, towns, cities, counties, and States across the Nation will have become accustomed to the flow of funds from Washington; and too many of their officials will rebel at the prospect of having once again to recommend and justify levels of State and local taxation required to support their programs.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 3 minutes.

This amendment would make this a mere 2-year bill, of which close to 1 year has expired already, so that it would, in effect, cut off the revenue-sharing before the program has had an adequate chance to be properly evaluated.

It is the view of the committee that the 5-year period is necessary in order to give this revenue-sharing concept an adequate test. Consequently, it is the view of those of us on the committee that this amendment would provide for the death of the program before it has had a fair chance to be tested, and therefore, Mr. President, I hope this amendment will not be agreed to.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield to the distinguished Senator from Utah.

Mr. BENNETT. I think it should be pointed out, as it was yesterday, that with respect to the State's portion of these funds, the legislatures meet only every 2 years. Many of them will meet next spring, but they will be asked to try to readjust their programs to assimilate a program which would die 6 or 7 months after they finished their work.

Mr. LONG. Yes.

Mr. BENNETT. There would really be no opportunity, no incentive or background on which they could act.

I think if you are against revenue sharing, the thing to do is to vote to kill it by allowing it to founder around for 1 year and then force it to die. I cannot believe that those who are really interested in this new concept would want to strangle it in the cradle before it had an opportunity to take any permanent form. I hope the Senate will reject the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, I yield myself such time as I may consume.

I am frank to confess that as I was preparing my remarks this morning, it occurred to me that my amendment in its present form did have the deficiency pointed to by the distinguished Senators from Louisiana and Utah, in that I had neglected to gear it to the normal 2-year cycle of State legislation.

On the other hand, that is something that can easily be handled. Would the distinguished chairman accept my amendment if it were to be expanded to 3 years?

Mr. LONG. Mr. President, I regret that I cannot. I must insist on the 5-year term.

Mr. BUCKLEY. I would also point out, of course, that even if my amendment is agreed to, after conference the end product would probably be somewhere between 2 and 5 years, so that perhaps the defect of my amendment is not such as to warrant killing it at this time.

I would ask the chairman a question. I note that in the committee report, great emphasis is made of the fact that this is not intended as a permanent program, but rather a 5-year program which will be terminating 5 years hence, and that—

> This will automatically provide the Congress with an opportunity to review the program when the initial program expires in order to ascertain whether it should be continued or revised. It may be, for example, that assistance may be needed for only a temporary period of time: until the States are able to put their own revenue houses in order and until the localities can recover from the twin hardships of rising costs because of inflation and the slow growth of revenue because of the slack in the economy.

The House report has similar language underscoring the reasons for a 5-year term. But I ask the distinguished Senator from Louisiana, who is a man of long experience in revenue affairs, if he really believes that 5 years from now it will be possible to terminate this program.

Mr. LONG. Well, Mr. President, there is no way to determine beforehand what experience would show in 5 years. Many of us felt that we might be able to devise some sort of tax credit approach which might achieve the purpose of the revenue-sharing bill, without having to require an appropriation by Congress, with all of the hazards that that involves of strings that the State and local governments would find repugnant.

We were not able to devise any such arrangements as that and, therefore, we concluded that the approach taken by the House of Representatives should be pursued, except that we ought to reduce the number of strings and conditions that the House had put on the revenue-sharing proposal.

It may be that over a 5-year period, the good minds of able men might very well work out something that would be a more attractive proposal, and at that time, if support were generated for it, I think it is quite conceivable that we might want to substitute something for the present concept.

But it is as impossible for me to tell the Senator what people are going to suggest, what good ideas will be generated in the field of government, as it is for me to tell the Senator whether we will find a cure for cancer next year. I just do not know.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BUCKLEY. I yield.

Mr. COOPER. Would his amendment change or alter in any way the sums to be made available to the States?

Mr. BUCKLEY. It would not alter or change the sums.

Mr. COOPER. It goes only to the period of years for which the program would be imposed, 2 years instead of 5?

Mr. BUCKLEY. That is correct.

Mr. COOPER. Or has the Senator changed it to three?

Mr. BUCKLEY. I do not think I need to, because it would be done in conference.

Mr. COOPER. Whatever the outcome of the Senator's amendment, I think he has done well to present to the Senate again this problem of a growing number of categorical programs which has really placed great burdens on States in many instances, I think, rather than benefiting them. I have been told by the Office of Education that there are 540 or 560 separate categorical programs. I do not know whether that is correct, but I believe it is.

I am familiar with the various problems in my State that have been raised by programs dealing with poverty, noble though the purpose may be. In my view, in my State they have provided more food for people, but they have bound and encircled poverty. They have institutionalized poverty. It seems in some fields that those who manage these programs want to keep them bound in the field of poverty rather than to lead them out.

I think there is a problem connected with the programs which the good Committee on Finance and others—particularly the Committee on Labor and Public Welfare—have to find some way to solve.

The Senator has done well to raise this problem.

Mr. BUCKLEY. I thank the distinguished Senator from Kentucky for his remarks. I am glad that he shares my concern with the pernicious effect of categorical grant programs on the ability of State and local governments to decide for themselves where they want to deploy their own funds.

Of course, technically speaking, they all are privileged not to participate; but there is really a political bribery involved, and no elected official could survive the following election against charges that all those millions of dollars were sitting in Washington, available to him, irrespective of whether those dollars would be spent in a useful way.

I recall an editorial in the Wall Street Journal a year or two ago which discussed the special revenue-sharing proposal advanced by President Nixon. It pointed out this problem, I thought, in a highly illustrative way. It stated that if Congress should come up with a program to pay 90 percent of the cost of erecting gold-plated hexagons in town squares around the country, within 2 years we would find every municipality with its gold-plated hexagon, because otherwise that money would have stayed in Washington.

I do not want to take any more of the Senate's time, Mr. President. It is a question of judgment. It is a question of whether or not we are establishing, through the enactment of the 5-year program, a technique for the funding of State and local governments without requiring State and local responsibility for the raising of the taxes involved, which will become so comfortable in so many areas of the country that we will not in fact be able to wiggle out of it.

I certainly intend to cooperate with the distinguished chairman of the Committee on Finance in examining any alternative proposals. I have one of my own which I will offer as an amendment later in the course of this debate.

I just am deeply concerned about the long-term implications of this bill if we consider it as other than emergency legislation with a short enough fuse to cause a serious effort at every level of Government to cope with the dislocations which have created such a real crisis.

Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LONG. Mr. President, if time has expired, I suggest the absence of a quorum.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. LONG. I yield back the remainder of my time.

Mr. BUCKLEY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (Mr. BUCKLEY). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Alabama (Mr. SPARKMAN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from South

Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from South Carolina (Mr. Thurmond). If present and voting, the Senator from Oregon would vote "yea" and the Senator from South Carolina would vote "nay."

The result was announced—yeas 14, nays 62, as follows:

[No. 404 Leg.]

YEAS—14

Buckley
Burdick
Byrd,
  Harry F., Jr.
Cooper
Cotton
Curtis
Ervin
Jordan, N.C.
Jordan, Idaho
Mansfield
Proxmire
Stennis
Stevenson
Young

NAYS—62

Aiken
Allen
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Byrd, Robert C.
Case
Chiles
Church
Cook
Dole
Eastland
Edwards
Fannin
Gambrell
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Jackson
Javits
Kennedy
Long
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams

NOT VOTING—24

Bellmon
Brock
Cannon
Cranston
Dominick
Eagleton
Fong
Fulbright
Goldwater
Gravel
Harris
Hatfield
Hughes
Inouye
Magnuson
McClellan
McGovern
Montoya
Mundt
Pearson
Pell
Saxbe
Sparkman
Thurmond

So Mr. Buckley's amendment (No. 1471) was rejected.

INCREASED CONTRIBUTION OF FEDERAL GOVERNMENT TO COSTS OF HEALTH BENEFITS

Mr. McGEE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12202.

The ACTING PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 12202) to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McGEE. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Acting President pro tempore appointed Mr. McGee, Mr. Randolph, Mr. Burdick, Mr. Fong, and Mr. Bellmon conferees on the part of the Senate.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. BUCKLEY. Mr. President, I call up my amendment No. 1472.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

On page 56, beginning with line 7, strike out through line 16 on page 63.

Mr. ROBERT C. BYRD. Mr. President, would the Senator agree to a 40-minute limitation on this amendment, to be equally divided between the Senator from New York and the Senator from Louisiana?

Mr. BUCKLEY. I gladly agree to such a limitation.

Mr. ROBERT C. BYRD. Mr. President, I so request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BUCKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BUCKLEY. Mr. President, the effect of my amendment is simple. It would eliminate sections 107 through 110 which, in my judgment, involve the imposition of strings on funds to be distributed to State and local governments.

Mr. President, general revenue sharing was originally conceived of as a means of providing hard-pressed State and local governments with a stable source of financing, a source which would be totally free of the cost-imposing and freedom-restricting attributes of the Federal Government's categorical grant programs. It was conceived of as a means of providing State and local governments with a new source of "no strings attached" revenues which would revitalize and strengthen the Federal system by recognizing and respecting the autonomy of State and local governments.

The "no strings attached" principle is recognized and affirmed again and again in the Finance Committee's report. It is reflected in the committee's deletion of a number of the limitations on spending which were contained in the House bill. It has been vigorously championed during the course of this debate by the distinguished chairman of the committee as he has fought off successive attempts to tie Federal strings to the funds which are to be distributed to the States and localities.

My only quarrel with the committee in this respect is that it has failed to carry the principle to its logical end, because the sections of the bill which my amendment would strike do in fact contain a number of strings.

While these strings may appear to be relatively inocuous, they nevertheless contain the seeds of future trouble. In the first place, they do in fact require compliance with a significant degree of Washington-directed paperwork. In the second, some of these strings will in time provide an irresistible temptation for Federal snooping in State and local affairs in clear violation of the spirit of general revenue sharing. Finally, and most importantly, the mere inclusion of these restrictions and directives will provide a precedent for future attempts to place far more stringent controls on the ability of State and local governments to use the funds returned to them by Washington.

Before discussing the specific sections which my amendment would delete, I would like to address myself to a fundamental problem which is involved in any attempt to place any kind of restriction on the use of general revenue sharing funds. This problem results from the fact that money is fungible. If, on the one hand, elaborate systems of trust funds and accounting are relied upon to trace the Federal dollar, any attempt to place restrictions on its use will represent nothing more than an indulgence in legislative pieties. For it will take no great resourcefulness on the part of State and local officials to allocate the Federal dollar to those items of expenditure which, like Caesar's wife, are above reproach. On the other hand, the fact that restrictions imposed on the use of the Federal dollar can be so easily avoided will inevitably lead to the challenge of expenditures of State and local funds regardless of pedigree on the grounds that they have been made possible by the infusion of general revenue money, or that local officials have indulged in fiscal sleight of hand to evade the clear mandate of the Congress. Thus, because of the fungibility of cash, any attempt to attach Federal strings to the funds distributed under the general revenue-sharing program will either be an exercise in futility or an open invitation to attack virtually any State or local expenditure which is made in a manner which displeases the Congress.

Mr. President, I will now proceed to a discussion of the specific sections of the bill which would be affected by my amendment. The first of these, section 107, contains a subtle form of Federal control. It would require each State government and unit of local government receiving funds under this bill to submit reports to the Secretary setting forth the amounts and purposes for which the funds have been expended or obligated. Moreover, this section requires explicit publication and publicity of such reports by each State government and unit of local government in a general circulation newspaper within the geographic area of that government.

The intent of this section is entirely well-meaning, and in almost every other legislative context it could be a useful feature. However, this bill purports to respect State and local autonomy. It is an unnecessary nuisance; and if its purpose is to allow Big Brother in Washington to monitor the uses made of shared revenues, it is a meaningless nuisance at that because of the freedom which State and local officials have in deploying them into the most innocuous channels.

Section 108, the nondiscrimination provision, is also inappropriate in the context of this bill. It is superfluous; and worse, it is an open invitation for the most pervasive meddling in local affairs. It is superfluous because discrimination has now been clearly outlawed by court decisions and by state and Federal laws in every corner of the Republic. Every Member of this body finds the idea of discrimination by virtue of race or color or religion or sex to be abhorrent, as do the great majority of the American people in every State. We do not serve the cause of equality by incorporating section 108 in this bill, however, but we do do violence to the basic "no strings" concept which is fundamental to general revenue sharing.

Section 108 is an invitation to meddling because too many of our Federal bureaucrats are no longer content merely to attack discrimination wherever it appears. Rather, they are now beginning to demand proof that it does not exist; and through their demands for so-called affirmative action statements, they are seeking to impose an invidious form of quotas which does violence to the very concept of human equality. The retention of this section could make virtually every State and local activity subject to this costly, pernicious form of Federal intervention.

Section 109 prohibits the use of funds obtained under this bill as matching funds. It seeks to prevent funds obtained under the bill from accelerating or facilitating the ability of State and local governments to increase the amount of funds they will be able to secure under Federal matching grant programs. Yet, as I pointed out earlier, this restriction can be easily avoided if we consider the Federal dollar to be traceable; or, in the alternative, it will subject to challenge any payment made by State or local government pursuant to a categorical grant program on the theory that the payment has been made possible by general revenue sharing. Thus once again we have a provision which is either superfluous or mischievous; and one which erodes the basic "hands off" concept of the bill.

Section 110 contains a host of miscellaneous provisions which are designed to provide assurances to the Secretary that the State and local governments will—

First, establish a trust fund in which it will deposit all payments it receives under this legislation;

Second, use amounts in such a trust fund during a reasonable period or periods "as may be provided in such legislation";

Third, provide for the expenditure of payments received under this subtitle only in accordance with the laws and procedures applicable to the expenditure of its own revenues;

Fourth, insure that the State and local government will use fiscal accounting, and auditing procedures which conform to Federal guidelines;

Fifth, agree to provide reasonable notice and access and the right to examine such documents that the Secretary or Comptroller General of the United States may require to assure compliance with this bill; and

Sixth, agree to the maintenance of the same State or municipal wage and salary structure as it maintains for other State and local activities.

Payment may be withheld by the Secretary if a State or unit of local government fails to comply substantially with any provision of this subsection.

The comprehensive language of this section, concealed as it is in the inocuous title "Miscellaneous Provisions," provides means by which the Federal Government can exercise extensive control over the activities of State and local governments. I can only emphasize once again that this subsection represents a "string" of the most obvious sort in total conflict with the philosophy which encouraged the development of this legislation in the first instance.

The amendment I have proposed will insure that revenue sharing legislation remains faithful to the principle which encouraged the introduction of such legislation; namely, the establishment of a new source of revenue for State and local governments which are free of Federal strings.

Mr. President, I reserve the remainder of my time.

Mr. LONG. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized for 5 minutes.

Mr. LONG. Mr. President, the Senator proceeds in his amendment to support what the Committee on Finance itself believes as a general rule, that is that there should be a minimum of strings attached to this revenue-sharing program. Generally speaking members of the committee share the Senator's philosophy that this should be revenue sharing with no strings attached. But the Senator's amendment would strike out those proposals, those conditions with regard to which no community, no mayor, and no Governor would have any objection whatever. For the most part these are procedural provisions. At the same time the Senator would leave in the bill the conditions to which they would object.

For example, the ones to which they object are the ones which the Senate, in its wisdom, sought to impose under the Hartke amendment with relation to the Davis-Bacon Act. This could be a very burdensome requirement. That provision would remain in the bill, even though the Senator would strike out such innocuous requirements that the way the money is spent is to be made public to the citizens of the community, which is what for the most part they do now under their present procedures. I suppose there may be some community somewhere that does not tell its citizens what it does with the taxpayers' money, but I know that in my hometown the city publishes its budget and discloses how much it spent last year, what it expects to spend this year and what for. So that requirement is really no requirement at all insofar as Louisiana communities are concerned because they all do it anyway. They report to their citizens how funds are to be spent.

We had heated discussions and earlier in connection with the amendment dealing with appropriations, there was a great deal of support for the position, that we do not have adequate safeguards in this measure as to how the funds are spent. We pointed out that local officials are required to report to the public on their use of the money. While they are telling their own people that, we ask that they send us a copy and they tell us how they spent the money. We require that they put it on a standard form so it would be intelligible, and so that good accountants would understand how they claimed they used the money.

Then, the nondiscrimination provision the amendment would strike is one the Senator favors. I agree that it adds little because the Constitution will not let these communities discriminate. They can be brought into court and prohibited from discriminating anyway. But since this is true, there also is little reason to exclude this provision.

Another provision the Senator would strike is the prohibition against using revenue-sharing funds for matching Federal funds. Under some of these programs we have 75 percent Federal matching. We have a $5.3 billion revenue-sharing bill, or in this case a $6.3 billion revenue-sharing bill which could be turned into a $24 billion revenue-sharing bill if localities could take all the money they receive and use it to match against open-ended Federal matching programs. That is one reason why we are now trying to extricate ourselves from the social services grant program.

We believe we take care of the defects the Senator speaks of by saying they cannot use this money directly or indirectly to match Federal funds under a Federal matching program.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 2 additional minutes. So we would make sure that there is actually a sharing of revenues and that we are sharing $6 billion of revenue and not $24 billion of revenue. I am sure the Senator shares our objective although I understand his concern, as he explained it.

The trust fund part of the bill is necessary in order to make it possible to trace how the funds are actually spent by the localities.

Then the striking of the auditing requirements by the Treasury, of course, would serve to eliminate the type of accounting procedures that would make the reports to us meaningful. We have heard in the debate yesterday the very strong arguments, and a great deal of support, for the position that we ought to require more surveillance and more careful study to see that the money was not used improperly. As a matter of fact, one of the so-called strings the Senator would strike is the requirement that the money be spent according to State or city or county budgetary procedure. In other words, it occurred to the Senator from Georgia (Mr. TALMADGE) that some mayor might want to add the revenue-sharing funds to his private kitty, not report it to anybody, use it as his conscience guided him, and keep how it was spent between only himself and his own conscience. The

Senator's amendment would reopen that possibility. It would not happen the way the bill is drafted.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 1 minute.

We have added these provisions to the bill and we struck out those that we found were objected to by the States and communities, and we added those provisions which the Senator seeks to strike and which we believe would be unobjectionable.

We have not found a single complaint to the provisions this amendment would delete. I have not been informed by a single mayor, a single Governor, or a single county commissioner that they would object to complying with the provisions the Senator would seek to strike. Having done that, this amendment would leave in the bill the particular procedure they would object to—that is the one that was voted on the other night—the one that would require them to comply with the minimum wage and the Davis-Bacon requirements.

Mr. BENNETT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. LONG. I yield myself 3 additional minutes.

Mr. BENNETT. The last statement, I am afraid, Mr. Chairman, is not accurate, because, by striking the whole section, he strikes the Davis-Bacon provision.

Mr. LONG. Would it do that?

Mr. BENNETT. I asked the Parliamentarian to check that out, and it was so reported to me. So he is striking what we did the other day.

Mr. LONG. I ask the Parliamentarian, would the adoption of the amendment take with it the Hartke amendment that would add the Davis-Bacon requirement?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that the amendment would strike the section which the Hartke amendment was added to. The Hartke amendment would go with this section if it were stricken.

Mr. LONG. Then I must say, as one Senator, while I approve the Davis-Bacon Act in the case of Federal contracts or where most of the money is Federal money, I did not think it was fair to impose it under the conditions under which it is imposed in the bill. At least, this one objective the Senator's amendment would achieve is one I can agree with, but I would have my doubts about striking the other requirements I have referred to.

So I applaud the Senator for his good intentions in trying to see that there are no strings attached, but I do believe that there will be very strong objections to striking one or the other provisions involved in this particular section, although, frankly, as I have said, I agree with him on some of the strings he would like to eliminate.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUCKLEY. Mr. President, I yield myself 3 minutes.

I am delighted that the Senator from Utah was able to ascertain that the effect of my amendment would be to eliminate those accretions which the chairman has found so damaging to the bill; namely, the Hartke amendment. It does spare me the necessity, as I was prepared to do, of modifying my own amendment to make it clear that, notwithstanding any other provision, the act would not impose limitations or directions of any kind on the use of these funds. The provisions which we would have striken, by and large, are necessary if we do not trust State and local governments. I felt, however, that one of the underlying purposes of this legislation was to restore the viability, the vitality, of State and local government, which requires cutting the strings that are attached to Federal funds to Washington—Washington directives, Washington inconvenience, Washington snooping, and the enormous imaginations which our bureaucracies have demonstrated in finding new ways to harass State and local governments.

Mr. President, I have no further comments to make at this time, and if the chairman is prepared to yield back his time, I am prepared to yield back my time.

Mr. HARRY F. BYRD, JR. Mr. President, before the Senator from New York yields back his time, will he yield me 4 minutes?

Mr. BUCKLEY. I am glad to yield 4 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 4 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I want to say that, in regard to this particular amendment, I have some doubts about it because of the arguments presented by the distinguished chairman of the committee. I think it is important, if we are going to have so-called revenue sharing of $6 billion, that it not be proliferated into a much larger sum. As I understand it, the bill as now written seeks to prevent that, but I want to say to the Senator from New York that the point he is attempting to develop in this debate is, in my judgment, a most valid one.

From its inception when passed by the House of Representatives, this legislation contained many strings, even to the extent of telling the States what tax system they should have. The Finance Committee changed that, but there is no assurance that it will not be changed back in conference. There is no assurance, even if the bill is passed this year, that it will not be changed next year or the year after or 5 years from now and that the Congress is going to pass this legislation without strings attached.

I think the Senator from New York is rendering a service in pointing that out, even though I am not certain I can support this particular amendment.

I want to say also, in regard to the previous amendment offered by the Senator from New York, it seemed to me a most sensible one. Here we are embarking on a new program, a $30 billion program over 5 years, and the amendment previously offered by the Senator from New York said, if we are going to do that, let us try it for 2 years and see how it works, rather than put it into effect today or this year for a 5-year period. I supported the Senator from New York on that amendment, and I regret that it was not adopted.

I think the Senator from New York is pointing out one of the basic fallacies of this bill, and that is that, while it purports to be a flexible program returning funds to the States without strings, by the time it gets through the Congress, and as the years go by, it will be full of strings, and the Congress of the United States, we here in Washington, will be telling the States how they shall be handling their public funds.

I yield back to the Senator from New York the remainder of my time.

Mr. BUCKLEY. Mr. President, I am very grateful for the comments of the distinguished Senator from Virginia, even though he has indicated that he is not totally in favor of my present offering.

I do feel that unless we establish a clear-cut principle at the outset, we will find more and more proposals being tacked on this year and next and in the ensuing years. I have been astonished, during the brief period that I have had the honor of serving in this body, at the assurance I have observed among my colleagues that we somehow attain, in Congress, a monopoly on wisdom and morality, and that somehow State and local governments cannot be trusted to handle the affairs for which they are responsible in a manner which is intelligent, frugal, fair, and moral.

Yes, we all know that in this county or that city there has been mischief in government—cheating, stealing, and the rest. Such charges can also be made within the Federal Government. But if we are to have a Federal system, and if we believe it is essential to the preservation of our basic freedoms, as I most certainly and most heartily do, we must place confidence, with respect to what we do in Washington, in the ability of the people in the States, cities, and counties to manage their own affairs.

I recognize that particular sections of the amendment which I would strike are for the most part innocuous and would consist only of nuisances; nevertheless, I think a principle is at stake, which we are debating and which I believe is worth fighting for.

Mr. President, if the distinguished chairman is willing to yield back the remainder of his time, I am willing to yield back the remainder of mine.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana has yielded back the remainder of his time.

Mr. BUCKLEY. I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore (Mr. METCALF). All remaining time has been yielded back. The question is on agreeing to the amendment (No. 1472) of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANnon), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

I further announce that, if present and voting, the Senator from Alabama (Mr. Sparkman) and the Senator from Washington (Mr. Magnuson) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock), the Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Saxbe), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

On this vote, the Senator from South Carolina (Mr. Thurmond) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 6, nays 70, as follows:

[No. 405 Leg.]

YEAS—6

Allen
Buckley
Curtis
Ervin
Jordan, N.C.
Stennis

NAYS—70

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Dole
Eastland
Edwards
Fannin
Gambrell
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Kennedy
Long
Mansfield
Mathias
McGee
McIntyre
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Pastore
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—24

Bellmon
Brock
Cannon
Cotton
Cranston
Dominick
Eagleton
Fong
Fulbright
Goldwater
Gravel
Harris
Hatfield
Hughes
Magnuson
McClellan
McGovern
Montoya
Mundt
Pearson
Pell
Saxbe
Sparkman
Thurmond

So Mr. Buckley's amendment (No. 1472) was rejected.

AMENDMENT NO. 1479

Mr. KENNEDY. Mr. President, I call up my amendment No. 1479.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 73, after line 3, insert the following new section:

SEC. 144. SUBMISSION OF PROPOSALS FOR TAX REFORM.

(a) Not later than October 31, 1972, the President shall submit to the Congress preliminary proposals for a comprehensive reform of the Internal Revenue Code of 1954.

(b) Not later than March 31, 1973, the President shall submit to the Congress final proposals for a comprehensive reform of the Internal Revenue Code of 1954.

Mr. KENNEDY. Mr. President, the purpose of the amendment which Senators Hart, Proxmire, Ribicoff, and I have offered is to require the administration to submit a comprehensive program of tax reform for consideration by Congress at the earliest possible opportunity. The amendment contains two simple provisions. The first would require the President to submit a preliminary tax reform plan to Congress no later than October 31, 1972. The second would require the President to submit a final plan by March 31, 1973.

Above and beyond the purpose of the amendment, however, is the overriding goal that the American people should be informed before the election day of where the administration stands on the critical issue of tax reform. For months, a tide has been rising across the country for such reform. Millions of ordinary men and women want reform, and it is long past time that they know where their leaders stand.

We know where Senator George McGovern stands. In a major address last week in New York City, he discussed in detail his plans for comprehensive tax reform, and laid the groundwork for a thoughtful and constructive debate in the weeks ahead.

But we do not know where President Nixon stands. Indeed, if he stands where we think he stands, he is for no reform at all, but simply a perpetuation of the existing tax system—a system that flouts the basic principle of our progressive income tax and turns it instead into a Swiss cheese of loopholes, incentives, shelters, and safe harbors for the special interests and the few who have the wealth and expertise to profit from such provisions.

The amendment we are offering is an entirely appropriate addition to the pending revenue sharing legislation. At a time when the Federal Government is about to embark on a major, long-awaited, bipartisan program of distributing large amounts of Federal income tax revenues for use by State and local governments, it is especially important that those tax revenues be collected fairly from all the people. With this legislation, new demands of the order of tens of billions of dollars are being imposed on the Federal Treasury. To me, there could be no more outrageous or unfair distortion of the principle of revenue sharing than to maintain the many flagrant inequities that now exist in the way our tax laws operate.

Often before, as in the surtax debates of 1968 and 1969, the goal of tax reform has been effectively coupled to major Federal revenue legislation. We can do no less today, at a time when the need for reform is now more urgent than ever before.

In a sense, the amendment we propose is a token of good faith. Let the debate on tax reform go on, but let it go on in an informed and even-handed way, so that when the 93d Congress convenes in January 1973, we can begin to write tax laws that fairly reflect a mandate of our citizens. Only then will we have a Revenue Code that represents the real interests of all the people.

Mr. President, I urge the Senate to approve the amendment.

Mr. LONG. Mr. President, if, at this point, I wanted to defeat this revenue-sharing bill, I would find some amendment which had appeal and political attractiveness as well to recommend to the Senate, or have an amendment agreed to in connection with other matters, and just keep offering amendments that were meritorious in their way on first one thing and then another. Tax reform is certainly one of the subjects I would in such a case offer because tax reform amendments or social security amendments or welfare amendments and other amendments to improve conditions under which laboring people work, or to provide for better health conditions, are only a few that occur to me that could be offered.

If such amendments are offered to this bill, even though they have merit, they would complicate and impede the progress of this piece of legislation. On the other hand it is my hope that before the time we adjourn, the Senate will act on this revenue-sharing bill and give the President our answer as to what we want to do. Then, having done that, we will also pass a debt limit bill. In addition, we may want to pass a welfare and social security bill and, somewhere along the line, I suspect, other measures to satisfy Senators who would like to bring before the Senate and have considered measures which they would not want to be on a bill which they know the President might veto, if he were disposed to do so. I would favor that, wherein Senators could offer what they thought was appropriate, and offer us an opportunity to take it to the House conferees and persuade them, if we can, to accept them and hope that the President would sign it.

Senators know that revenue measures cannot originate in the Senate, that they originate in the House. Even matters not revenue matters Senators can initiate legislation, but it does not necessarily accomplish anything to send a bill to the House. They need to put it on something that will reach the President's desk. If they could attach it to a House bill, one the House would then send up to the President, the bill will have a better chance when it reaches the President, because it will also have been brought to the attention of the House of Representatives.

On this bill, we know that we are to be confronted with the possibility of a group of social security amendments and also a group of tax reform amendments. That is part of what we may have to consider. There are other amendments also that Senators may offer.

It would seem to me that if we are to proceed on the basis of crossing one hurdle at a time, that if we can dispose of revenue sharing, we might say that, at a minimum, we have one down and two left to go. If we want then to bring up, and the Senate wants to consider, some other general revenue type of bill, or consider a general revenue measure that will be two down and one to go; but we will be that much closer to our objective.

Everyone interested in this revenue-sharing bill, every Governor, every mayor, every State legislator, every county commissioner in the entire United States will say, "Please do not put these so-called tax reform amendments on the revenue-sharing bill." Everyone who has been pleading with us says that. I do not know how other Senators have found it, but I have found delegations seeking to meet with me in Louisiana when I went down there, or bought tickets to come up here to see me at their own expense to tell me, "Please pass this revenue-sharing bill. Please do not add H.R. 1 to it. Please do not add the social security program to it. Please do not add tax reform amendments to it. Please save the bill for us. We know what happens by the time it gets loaded down with irrelevant proposals. Please pass this bill. Please do whatever you want to do about welfare and tax reform but do not do it on this bill. We come to you to plead for our bill, but not for welfare or tax reform at this time. Please keep the bill intact."

There are at least 100 amendments that could be offered to this bill involving things with which the Senate has previously agreed, so that on their merits, one could expect the Senate to agree to the amendments. If we agree to them, each one prolongs consideration and prolongs the period of time before we can expect to give an answer to the President on whether the Senate wants to pass a revenue sharing bill or does not want to do so.

If we had agreed to the standard unanimous-consent agreement by now, that amendments would be limited to a certain period of time, that non-germane amendments would not be considered, this amendment would not now be considered. But we have no such agreement.

I would hope we would not get into this field. This is a controversial debate. I would think that many things will be said on both sides which are not entirely correct in that they might represent a candidate's point of view but they would not be necessarily correct in reflecting the other man's point of view. Everyone is for tax reform, of course, because most people believe that means a tax cut for them. But if we really want to tell the people the truth, when we say, "I am for tax reform," does that mean that we are for raising taxes or for cutting them, and if so, for whom? Who gets it? Who pays and who gets it?

The average citizen when one tells him that he is for tax reform wants to know what it means to him. When one says that he is for putting a tax on the man that drinks a martini for lunch, the average citizen could not care less whether we tax the man that drinks a martini for lunch or not unless we do something too for him. So, by the time we determine whether we are for putting a tax on the man who drinks a martini or not, the average citizen will say, "I have other things to do, and I will see you later."

Tax reform is always the issue. But we have behind us some substantive amendments. Some say it is tax reform. Some people say it is not.

We had an amendment introduced just this morning, while few of us were present in the Chamber, to repeal the rapid depreciation writeoff provision implemented by the Treasury. Some say that is tax reform. Some would say that it is an unjustified tax increase that would greatly increase unemployment.

There was a proposal to cut the depreciation allowance from 22 percent to 15 percent. Some would say that is tax reform, and some would say that it is an unjustifiable tax increase. It certainly has not been the subject of a hearing.

There is also submitted a proposal to increase the minimum income tax, to what figure I do not know. Obviously anyone affected by that would think it is tax reform provided it resulted in a tax cut for him.

It would seem to me that if we want to pass a revenue sharing bill, we ought to stick to germane matters. It is unfortunate for the manager of the bill when people want to take him into the area of nongermane amendments. The technique is to offer one of the most appealing, the least objectionable, amendments. And then this is followed with those that are successively more and more objectionable.

This seems to be the case here. Here is an amendment that on the face of it no one would find great objection to. It would ask the President to give us his suggestions for so-called tax reforms. I take it that that means, if I read the morning's newspaper correctly, that he would recommend tax cuts or at least no more than balancing items. I say this because I understand that the President said he is not going to recommend tax increases. However, this proposes that we have him recommend what he wants to do about taxes by October 31.

I hope that the amendment is not added to the bill. In due course, I would expect to move to table the amendment.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. Mr. President, is there anything in the Constitution which gives Congress the power to mandate the President to send the Senate and House a proposal of any kind?

Mr. LONG. I have not given the matter much thought.

Mr. BENNETT. Mr. President, I do not think the President is required under the Constitution to submit any kind of proposal to the House and Senate. I do not think, therefore, that constitutionally we have the right to say to the President that he must submit a proposal as to what the House of Representatives and the Ways and Means Committee, that has the power to originate tax legislation, should do. I do not think the Constitution requires the President to tell the Ways and Means Committee on any particular day what they must or must not consider.

Mr. LONG. Mr. President, Chairman MILLS of the House Ways and Means Committee has stated that he would make tax reform a matter of priority and the first order of business next year.

I have indicated that as far as I am concerned all the different suggestions made by the majority leader, the Senator from Montana (Mr. MANSFIELD), and by Chairman MILLS in the nature of so-called tax reform ought to be considered. I do not know whether the House is going to send us a bill and offer us an opportunity to vote on it. But that does not call necessarily for those of us in Congress to try to order the President to recommend what we should do.

As a practical matter under the Constitution the Founding Fathers more or less assumed that the Congress would propose and that the executive branch would dispose by either signing or vetoing a bill.

Many times there is objection to the President's insistence that we wait until he has decided what he wants to do before we act on a measure. It is not proper to assume that Congress cannot initiate a tax reform bill without a recommendation from the executive branch, although it would be appropriate, I would think, that the executive branch should recommend and suggest tax changes they think appropriate.

I do feel, quite apart from the merits of this proposal, that it should not be on the bill. It is not germane to it.

When we accept this provision, we set the stage for the offering of other nongermane amendments. Senators like to be consistent. I know that I do. I can see voting for a tax reform proposal requiring the Executive to recommend or submit tax reform proposals. However, as far as agreeing to nongermane amendments, we are no longer consistent if we proceed to allow this provision to be added to the bill unless we also allow other worthwhile nongermane amendments to be added. There are, for example, many worthwhile social security amendments.

I would hope that the Senator would not insist on adding nongermane amendments. Up to this point the Senate has indicated it would be willing to pass a revenue sharing bill and that it would be willing to consider this bill on its merits and reject extraneous amendments that are nonrelevant.

The Senate yesterday voted to table the Humphrey amendment. That is an amendment that had been approved by a margin of 42 to 18 at a previous time. It relates to the impoundment of funds.

We will have another opportunity to express ourselves on that matter.

I would be happy if the Senator from Massachusetts were to put his amendment on some other measure so that we can ask the President to make his recommendations on tax reform between now and whatever time we come back next year, so that when the Congress meets next year, it can promptly undertake to move along and consider the President's suggestions. However, I would hope that the amendment would not be added to this bill. Because the amendment is nongermane in due course I will feel compelled to move to table the amendment.

Mr. KENNEDY. Mr. President, in response to some of the points that have been made this afternoon about the constitutionality of this language, it might refresh the recollection of Members of the Senate if I recall that essentially this same language was accepted by the Senate on a voice vote in 1968 at the time when the legislation was passed enacting the 10 percent income tax surcharge. The bill passed the Congress in June that year. The amendment offered by the Senator from New York (Mr. JAVITS), required that by December 31, 1968, the administration should submit a tax reform proposal to Congress. And it was that study which paved the way for the great tax reform debate of 1969. Those recommendations were prepared by the Johnson administration during 1968, in an excellent and extensive study which was conducted by Stanley Surrey, who was then serving as Assistant Secretary of the Treasury. The proposals were submitted to Congress and became the basis for much of the reform in 1969.

So there is a very strong precedent for the amendment I am offering now. This very approach was adopted by the Senate in 1968 on a voice vote. The proposal had such strong support in 1968 that we did not even ask for a roll call vote.

Now, suddenly, Members of the Senate say, "Do we in Congress have the right to urge the President to make these reports and studies?" Of course we do. We do it in the Employment Act passed in 1946, requiring the Council of Economic Advisers to make a report to the Congress. Every year, countless other reports and recommendations are submitted to the Congress by the executive branch, pursuant to the requirements of various laws. There is nothing new or novel about this sort of amendment.

Mr. RIBICOFF. Mr. President, I commend the Senator from Massachusetts for bringing up this proposal which I have cosponsored. I disagree with the assertion of the distinguished chairman of the committee that this is not germane. After all, is it not correct that with this bill we will be devoting $6.3 billion a year in revenue taken out of the Federal budget for the States and cities?

Mr. KENNEDY. The Senator is correct.

Mr. RIBICOFF. In the last 4 budget years the administration piled up a $76 billion deficit which exceeds the combined deficit of the terms of Presidents Eisenhower, Kennedy, and Johnson. Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. RIBICOFF. The administration stated, according to the press, that for the next 4 years they have no intention of increasing taxes. Is that correct?

Mr. KENNEDY. The Senator is correct.

Mr. RIBICOFF. If taxes are not to be increased and even if we keep the balance the budget for the next 4 years how do we start attacking the deficits the Nixon administration have piled up for the past 4 years? Therefore, any new revenue must come from tax reform. Does not the Senator believe it is proper for the President to tell the people of the United States where the money is going to come from to pay the $6.3 billion and the other expenditures the administration has recommended?

Mr. KENNEDY. I could not agree more with the Senator from Connecticut. To carry further the point of germaneness, would not the Senator agree that when we talk about returning revenue to the States—some $30 billion they will receive from tax revenues—it is germane to insist that these revenues must be collected fairly and reasonably?

Mr. RIBICOFF. Not only is that correct, but we would be less than realistic if we did not realize that we are now legislating a new concept of governmental financing, the consequences of which we cannot anticipate. If it succeeds, there will undoubtedly be a constant demand to increase that $6.3 billion to the cities and States.

Therefore, the question comes: Where is the money coming from? There is an obligation on Congress and the executive branch to tell the people where the money is coming from. The Senator from Massachusetts should be commended for presenting this issue to the Senate. Not only is it germane, but it could not be more germane on any bill than it is on the revenue-sharing bill.

Mr. KENNEDY. I appreciate the remarks of the Senator from Connecticut. Does the Senator agree that a similar amendment, put forward by the Senator from New York (Mr. JAVITS) in 1968 at the time of the enactment of the 10-percent surcharge, provided the great wealth of information by which Congress was able to act on tax reform in 1969 and eliminate some of the most outrageous loopholes? Would the Senator agree that Chairman WILBUR MILLS has indicated that he is going to review the Revenue Code next year as a high priority, so it would be well for us to know the administration's position at the earliest possible opportunity?

Mr. RIBICOFF. The Senator is correct. I believe not only the Ways and Means Committee but the Committee on Finance and the people of this country should have this information so we can go to work when we meet in January 1973. The situation is not going to go away. We are faced with these deficits. Heaven knows when we will operate in the black and not in the red.

Mr. President, I believe the Senator from Massachusetts has performed a great service that not only should our chairman welcome but that should be welcomed by every Member of the Senate.

Mr. KENNEDY. I realize that the President says he is for reform, but why does he refuse to tell us what reforms he is for? What we are trying to elicit here is at least the preliminary recommendations that are being planned, so that when the people vote, they will be fully informed when they go to the polls and be able to choose intelligently between the programs that have been presented. And next year by March 31, under this amendment, whether we have a Democratic President or a Republican President, we would have the final proposals for tax reform from the administration as we begin our debate in Congress in earnest.

Mr. RIBICOFF. I think the Senator is absolutely correct. I hope the motion to table by the distinguished chairman will be rejected.

Mr. LONG. Mr. President, as I understand it, the President announced that he will have his tax reform recommendations, whatever they may be, to the Congress by January, so by the first of the year the President does propose to have his recommendations here.

Mr. President, if you just leave partisan politics out of it for a moment I think you would be willing to agree that a measure of that significance cannot be the subject of hearings in the House and the subject of hearings in the Senate between now and January, and that a matter of this importance should be thoughtfully considered.

I recall that in 1969 we worked for a solid year and we worked very intensely on the only tax reform measure that merits that name, because it was a complete revision of the entire Revenue Code. It takes time. In justice and in fairness the people are entitled to be considered. Even at the executive level, before the Treasury recommends a tax increase for somebody, those people are entitled to have some time to adequately develop their proposals.

In view of the fact we cannot act on that measure in this Congress anyway, what could be the purpose of a resolution to require that before November the President must recommend what he expects to recommend before January? It has been suggested that it is just politics.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. LONG. I believe the Senator put it on the basis that Mr. McGOVERN explained what he stands for and what tax increases he expected to recommend. I understand he has done that. But it does not seem to me that as legislature it would not be fair for us to get the President to disclose his position at this time.

Mr. RIBICOFF. Mr. President, will the Senator yield at that point?

Mr. LONG. If I may continue, while I am not sure it was good politics, I think one has to admire a man for his candor and forthrightness in stating, as GEORGE McGOVERN has stated, that he proposes to completely eliminate the capital gains tax, and that he proposes to have a heavy minimum income tax.

That is a pretty courageous thing for him to do. I am not sure it is good politics, but I admire him for his courage, so the taxpayers can see whether they are in line with him or not.

When one really gives thought to it, why should not a candidate submit the platform that he wants to lay out? If he wants to say he is not in favor of a tax increase, let him say that he really does not have that in mind, but if he does not want to spell out his tax proposals why should we make him do so. Should not a candidate be permitted to say without Congress passing a law to say to him that, "We want you to spell out in the utmost detail exactly those you have in mind when you are talking about tax reform"?

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. KENNEDY. Really, is not that what the issue is all about? I think all of us appreciate full well the understanding of politics by the Senator from Louisiana, but really is not that what the issue is all about? Senator McGovern has revealed his plan for tax reform. He has revealed his program, and has told the American people which loopholes he wants to close and which reforms he plans. On the other hand, the President says he is for reform in the abstract, but he will say nothing specific until January. He has a "secret plan" for tax reform. That reminds me of the secret plan which he had to end the Vietnam war in 1968, and which has left us in such trouble in Indochina these past 4 years. Now, he is pulling the same maneuver on tax reform.

Does not the Senator agree with me that the American people, ought to have an opportunity to know his plans? If the President is for reform, should not the people have an opportunity to express their will in an informal way on election day. Should not we in Congress have that opportunity? Is it not within our right to make such a request of the President?

Mr. LONG. What the issue is all about is that the amendment does not belong on this revenue sharing bill. I have not said that I would necessarily vote against the amendment, at least the principle involved. I am not wedded to the particular language, however——

Mr. KENNEDY. I would welcome any language the Senator may suggest.

Mr. LONG. I am not saying I would vote against the general suggestions or that I don't recognize some merit in what the Senator is offering here, if it were offered on an appropriate vehicle. This just happens to be a vehicle on which I stood up last night and, to the best of my ability, moved to oppose an amendment which I personally favored, and moved to table it. I told the sponsor I would agree to go to conference on it again on an appropriate measure, but that we were trying to hold ourselves to a rule of germaneness. On that measure I felt myself compelled to be in opposition last evening to an impoundment proposal which passed the Senate by a vote of 42 to 18, with the Senator from Louisiana urging the Senate to vote for it.

I told him I would be happy to help in that vineyard again if I could, but I did not want to add it to this bill, because it was not germane. Once we start accepting nongermane amendments on this bill, goodness only knows where we will wind up.

Senator, if we are going to take the Kennedy amendment and get into this area of tax reform, I have some suggestions I would like to have considered in other areas, not so much in the area of taxes as in the areas of social security and public welfare, and so do other Senators; but I think we would be much better advised to stay with our intention and what the Senate has indicated to be its desire up to this point, and that is to keep this a revenue-sharing bill. We can then consider the type of proposals the Senator is offering, as well as the type of proposal we voted down last evening, which the Senate so clearly supported, on some other vehicle.

I am not denying the Senator the opportunity to have this proposal voted up or down on its merits—only not on this bill. I would, in fact, be happy to cooperate with him to obtain the judgment of the Senate on this proposal on some other vehicle.

Mr. RIBICOFF. Mr. President, if the Senator will yield, I do not think there is a Member of this body who is more familiar with the intricacies of our tax laws than the distinguished chairman of the Finance Committee. We are now in the process of advocating the expenditure here of over $6 billion. Where is that money coming from, Mr. Chairman?

Mr. LONG. Senator, it is coming out of the revenues that are being generated from laws that are on the statute books, 7 percent of that, not to exceed $5.3 billion in the first year of the program and somewhat over $6 billion in the last year of the program, is to be earmarked to pay for this revenue-sharing program. So it is coming out of revenues that are moving into the Treasury under existing law.

Mr. RIBICOFF. Does not our distinguished chairman agree that we are now operating in the red to a very substantial degree, probably in excess of $30 billion this year?

Mr. LONG. Well, I have not taken a current look at the figure, but I agree it is in the red.

Mr. RIBICOFF. It is pretty high.

Mr. LONG. Yes.

Mr. RIBICOFF. Close to $30 billion.

Mr. LONG. I would certainly not quarrel with that. It probably will be more than that.

Mr. RIBICOFF. It might be more than that. Our distinguished colleague, the chairman of our Finance Committee, knows that the President, if elected, will come before us, through his Secretary of the Treasury, looking for a tax program. I assume the chairman will remind him that we had a commitment from the administration of no tax increase. Where then is the money going to come from not only for our other requirements, but for the specific program we now have under consideration, the $6 billion? I still do not know. If the Senator from Massachusetts is wrong, where are we going to find the money for the $6 billion?

Mr. LONG. It seems to me the Senator from Connecticut, and the Senator from Massachusetts, are assuming things that are not necessarily correct. For example, it seems to me from the position being taken by the Senator from Massachusetts that he is assuming that Richard Nixon is going to be reelected President. It is quite possible—at least I think there is a possibility—that it might be George McGovern.

Mr. RIBICOFF. I do not think the Senator from Massachusetts said that at all.

Mr. LONG. If it is George McGovern who is President, what difference does it make what Richard Nixon said he would have done about taxes if he had been reelected?

I would think, as I have said, that this whole area of tax reform is something that we will be considering and studying. We will all have our ideas about it, and I think that there are no two Senators out of 100 in this entire body who agree completely on what they think about tax reform.

What is a loophole to one man is a sound, sensible, conservative, reasonable position to another. So I would hope that we would look carefully into this matter.

Of course, I do not have any doubt that we will be able to find out what the Treasury thinks about tax reform, no matter who is President when the time comes.

Again let me say I am not even sure I would want to vote against the amendment on its merits, if it were offered on a proper vehicle. I might like to offer an amendment to it to change the date around or modify the language somewhat. But I say it should not be done on this bill, because this is clearly a "tax reform" amendment to a revenue sharing bill, and there is no tax proposed in this revenue sharing bill. So, by any strict rule of germaneness, it is not germane.

Mr. RIBICOFF. Mr. President, I ask unanimous consent to have printed in the Record two important articles discussing this question which appeared in the Washington Post on September 7, 1972.

There being no objection, the articles were ordered to be printed in the Record, as follows:

POLITICS, 1972: CHIEF ISSUE—WHAT KIND OF NEW TAXES?

(By Charles W. Yost)

On the Assumption that the unnecessary recession of the last four years is winding down, the chief pocketbook issue of the current election may be what kind of additional taxes will be imposed by the reelected or the newly elected administration next year.

Everyone with the most meager competence in the mathematics of the federal budget knows that taxes will have to be raised. The only questions are how much and what kind. It was folly to cut them as much as they have been cut in recent years, particularly in the midst of a seven-year war. [The result has been that a Republican President hailed as the protector of the businessman, is piling up in his four years budgetary deficits larger than all those of Eisenhower, Kennedy and Johnson during 16 years.] Even Republicans enjoying an intoxicating Keynesian binge will not put up with that indefinitely, and if they did inflation would soon have us by the throat once more.

Indeed the President has already sought to impose a modest $250 billion budget ceiling in the current fiscal year. However, this seeming restraint has not prevented him from asking at the same time large additional appropriations to accelerate production of the new Trident submarine and the new B–1 bomber, nor from spending at the rate of well over a billion a year for the new air war in Vietnam. This latter figure includes the loss of more than 100 planes and more than 60 helicopters in the past five months, not to mention about 100 additional pilots who, since April, have become POW's in North Vietnam. These new expenditures, moreover, are indulged in despite the strategic arms limitations agreement with the Russians and despite a "secret plan" for ending the Vietnam war as long as four years ago.

A senior administration official, Charls E. Walker, Under Secretary of the Treasury, explained to a recent meeting of the American Bankers Association that the $250 billion budget ceiling could nevertheless be held if a number of the so-called "Great Society" programs enacted in the 1960s were cut, an operation which he claimed many of the Republican administrators of these programs are eager to perform. He added that the imposition of the budget ceiling would give the President a "retroactive item veto" over maintenance of these programs, sweeping authority which would probably be appreciated neither by the Congress nor by the millions of Americans for whose benefit these programs were enacted.

It will almost certainly prove an impossible feat, even if the budget ceiling should be theoretically adopted, to maintain it in the face of congressional determination not to scuttle hard-won domestic reforms and the President's determination to add new military programs onto old ones and to carry on his air war in Vietnam. What is the answer? The answer, is of course, more taxes.

The question is, what taxes? Senator McGovern, who does not conceal that new taxes will be required despite his intention to cut military spending, would first of all close the yawning loopholes in existing taxes which favor the rich. At present it is those who profit most by such loopholes who are most substantially practicing a "welfare ethic" rather than a "work ethic."

President Nixon has not yet made clear his intentions on this matter, other than a general aspiration to reduce property taxes, which would mean that other taxes would have to be raised correspondingly. Since he has done little in four years to close tax loopholes and most of those now contributing to his campaign would be violently opposed to his doing so, it does not take much ingenuity to figure out that, if reelected, he would most likely resort ot the so-called "value added tax". This is in fact a pyramided sales tax imposed, to use Anatole France's phrase, with "majestic impartiality" on rich and poor alike. To put it more bluntly, a factory worker, a farmer or a clerk would have to pay the same markup as a millionaire on the clothes, the car and the TV set he bought. Of course another possibility, though a less likely one, would be to raise current income taxes without closing present loopholes.

The central, though not yet fully exposed, bread and butter issue of the current election is therefore not whether we are more likely to have a larger GNP or a more booming stock market or a lower unemployment rate under Nixon or McGovern. It is whether the indispensable additional revenues will be obtained by closing tax loopholes from which a minority now profit and by cutting from the defense budget some of the fat which has for years been allowed to accumulate by hawkish Presidents and complaint congresses.

The outcome of the election may depend on whether or not a majority of Americans come to realize by November 7 that this is in fact the central economic issue that they will be deciding in 1972.

QUESTIONS FOR NIXON

(By Hobart Rowen)

The last thing that the Nixon Administration wants to talk about is taxes, although by its own count, the budget deficit for the current fiscal year is some $27 billion—and by the calculations of others, including many of the big New York banks, the red ink comes closer to $35 billion.

Yet, the press and other critics who held Sen. McGovern's feet to the fire when the arithmetic of his tax-and-welfare program didn't seem to add up aren't pushing Mr. Nixon hard for a similar response.

Why the double standard?

At a recent briefing for the business press to celebrate the "new" economic policy put in effect Aug. 15, 1971, Treasury Secretary George P. Shultz said that "The President is very concerned about taxes."

Then he continued:

"There has been a great deal of talk about tax reform. I would say that the first plank of the President's Tax Reform Proposal is to try to keep taxes under control. Don't let them make taxes go up. Let's keep them where they are, at least. And this, you have to attack primarily on the spending side."

If McGovern had made such a bland, pious declaration, Charles Colson's special campaign squad in the White House would have loosed N.Y. economist Pierre Rinfret to demand "specifics."

How will Mr Nixon prevent taxes from going up? How will he meet the deficit in the national budget? What will he substitute for the property tax that—in his acceptance speech—he promised to reduce? What are the real facts about the value added tax that the Treasury has under study as a substitute for the property tax?

Is it true, moreover, that if Congress enacts a spending ceiling, the first programs to be limited will be the manpower training programs that are designed to give some hope to blacks and other less-skilled workers who need jobs? According to the New York Times, that plan was quietly outlined to a bankers' meeting by Deputy Treasury Secretary Charls Walker.

There are plenty of other economic questions that the Nixon Administration is ducking. Fcr example, everyone knows that 1973 will be a year of increasing inflationary pressures, for two reasons: first, economic expansion will be getting stronger; and second, there will be the beginning of a new round of labor wage negotiations.

But will the wage-price control system (which has enjoyed a measure of success) be continued or abandoned? The Administration comes up with only vapid responses, but the public has a right to know what the various contingency plans are. The Price Commission, which shows some independence of thought and action, is at least studying ways in which a demand inflation can be controlled next year, according to a report in the Washington Post by James L. Rowe Jr.

Whether or not one agrees with Sen. McGovern's economic planning, he has laid his cards on the table. He forthrightly calls for a major reform of the tax system—and spells out how he would raise $22 billion by plugging loopholes, and another $10 billion a year for three years in reduced military spending.

What are the Nixon alternatives? Where would Mr. Nixon get the money for property tax relief? What did he mean when, at former Treasury Secretary Connally's Texas ranch, he promised some new tax preferences? Is Mr. Nixon in favor of more loopholes, instead of fewer tax devices that favor special interests?

Why hasn't Mr. Nixon worked harder to get his Family Assistance Plan passed? Or would welfare aid suffer treatment from the same harsh knife that Mr. Walker wants to wield on manpower training programs?

On the international economic scene, are we going to cooperate with other nations, or try to face them down, Connally style, while the world drifts into competitive trading blocs?

So far, only McGovern and advisers like Arthur Okun have been raising questions like these. The Nixon people, naturally, would rather attack McGovern than come up with a positive program of their own. But if they continue to refuse some answers, one could well believe that they don't have any.

Mr. KENNEDY. Mr. President, the argument of germaneness is a fickle thing. We accepted a 20-percent increase in social security benefits as an amendment to the debt ceiling measure and the distinguished chairman of the Finance Committee was intimately involved in the approval of that amendment. It seems to me that this proposal has a great deal more germaneness to revenue sharing than the social security increase had to the debt ceiling.

In the same vein, it is not easy to see how title III, the limit on social services, is germane to the present Senate bill, but nevertheless the Committee on Finance chose to add title III to the bill when the bill was before the committee. Obviously, consistency on germaneness is not always a virtue to the chairman.

I agree with my colleague and friend from Connecticut that my tax-reform amendment is intimately involved in the way that revenues are raised. These revenues will be shared by the States, and it is important for them to be collected fairly. For that reason and because of the precedents which have been established in the past, I think this amendment is worthy of acceptance.

Mr. LONG. Mr. President, when we accepted that 20-percent social security increase amendment, it was admittedly not germane. We knew it was not germane, and we accepted it on just exactly that basis, that we well understood that it was not a germane amendment. We knew that the administration did not want it added onto that bill, one of its arguments being that it was not germane.

Mr. KENNEDY. Why did we do it, then?

Mr. LONG. We did it because at that particular point we thought we ought to do it, and we proceeded in that fashion.

At this point, we are trying to stay within a rule of germaneness. If we are not going to stay within a rule of germaneness, I think everyone ought to know it. The Senator is completely within the rules in offering this amendment, but everyone else who has been persuaded to withhold amendments by the Senator from Louisiana and others on the ground that they are not germane to this bill, and has been the subject of pleading and entreaty not to offer his amendment to this bill, would then be on notice that he would be well advised to go back to his office, get his file out, get his amendment, and bring it over here.

For example, I see that the Senator from Ohio (Mr. TAFT) is present. He has an amendment on Federal withholding of city income taxes which is very meritorious. I would expect to vote for it if I understand it correctly, but on a proper vehicle. It deals with a matter of considerable concern in his State, otherwise he would not have the interest in the matter that he has been evidencing. I had indicated to him that on a proper occasion I would hope to help him prevail in doing what he is trying to do, but I hoped he would agree not to offer the amendment on this bill, and I hope he will not insist that it be voted on, on this bill.

Of course, if we are going to make this the vehicle for everybody's tax program and everybody's social security ideas, then so be it. I have some amendments myself, prepared just in the event that we want to proceed by that rule book. If the Senators want this, that is all right with me; I will cheerfully abide by the result and bring in my social security amendments, of which I have a considerable number. I have about 800 pages of amendments which are parts of H.R. 1 which I think are really not controversial—I think they could well be agreed to without any more than a few weeks of consideration here on the Senate floor.

Mr. KENNEDY. Mr. President, will the Senator yield for a very brief comment?

Mr. LONG. I yield.

Mr. KENNEDY. The Senator, quite rightfully, was not reticent to support the cause of the elderly by adding the increase in social security benefits to the debt ceiling bill. I wish he were not so reticent to support the cause of the people who are victims of an unfair and unequitable tax system. I wish he were not so reticent, even if, to his mind, it is not a germane inclusion. I believe it is germane.

Mr. LONG. Mr. President, I appreciate the Senator's solicitude. He can be sure that this Senator is going to do what he thinks he ought to do to try to see that those who pay less taxes than their fair share, pay more. He is also going to try to see that those who pay altogether too much, pay less. I would urge others to do the same. I would hope that the President of the United States, be he a Democrat or a Republican, and his Secretary of the Treasury would do likewise.

But I do hope the Senator from Massachusetts would accord to this Senator the same consideration he would ask from others, and that is that he would permit me to decide at what time and place I wish to advocate an additional tax on someone, or an additional tax cut for someone. I would accord him that privilege, and I hope he would accord it to me.

Does the Senator from Utah wish me to yield to him?

Mr. BENNETT. Mr. President, I would like the floor in my own right.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I raised a question with the Senator from Massachusetts about this mandating of the President to submit information to Congress, and he quoted a similar provision in a bill in 1968.

There are some interesting differences between this mandate and that one. That mandate gave President Johnson until January 1, 1969, to make his submission. It did not mandate the submission a week before election. If the Senator would like to change his date to January 1, and bring it in line with the 1968 case, that would eliminate the charge, which I think is very obvious on the face of it, that this is entirely a political setup.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. KENNEDY. I thought the Senator was objecting to our mandating the President to take any action at all, and that he was not simply objecting to the date. Has the Senator from Utah now shifted from that position?

Mr. BENNETT. The Senator has not shifted from that position. But I am trying to point out that the precedent that the Senator from Massachusetts quoted as a basis for his argument is not in fact a precedent, because it is not on all fours. It was not under a similar situation. And I would also like to point out that President Johnson did not respond to the mandate. He announced when January 1st came that, since he was no longer to be President of the United States, he did not think it proper to submit the information.

Later, in January, the Treasury quietly made available to the committees the detailed work they had done in preparation for what might have been submitted had Mr. HUMPHREY been elected President.

So this is no precedent, really. It is not a precedent in terms of dates. It is not a precedent in terms of the action of the President. I think we now see this thing exactly for what it is—an attempt to embarrass the President of the United States.

Really, what we are trying to mandate is not the President of the United States but the Republican candidate for the Presidency, and I do not think that has any place in legislation.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. TAFT. I thank the Senator for yielding.

I should like to comment on the remarks of the Senator from Connecticut and on the question of relevance as discussed by the chairman of the committee.

The whole concept of revenue sharing goes back some years to the Heller-Pechman report originally, then studied by the Republican Party under a task force which I chaired for 3 years. I think the history and the whole concept of revenue sharing have been lost here, and it does relate to the whole question of the relevance of this amendment.

This amendment could not be more irrelevant to the whole concept of revenue sharing. The problem of revenue sharing arose and came to the attention of all concerned, I think, because of the automatic increase in Federal income tax revenues coming into the Federal Treasury from the increase in the gross national product, and the gross taxable income of the country was bringing about $6 billion more into the Treasury every year. Automatically, because these funds came into the Federal Treasury, they were being used for grants in aid or other Federal programs.

The whole concept of revenue sharing is to avoid, at least in part, that automatic effect in Federal activity. The purpose is to enable States and local governments to handle problems they can best handle at that level of government. To bring in at this point a proviso relating to the whole question of taxes or, for that matter, of spending seems to me to be clearly contrary to the whole principle of revenue sharing.

The idea of revenue sharing is that you are going to take some of these revenues that automatically come into the Federal Treasury under our revenue and tax system and make distribution of them with a minimum of strings attached, not tied to the automatic spending pattern of the Federal Government, not tied to the overall revenue pattern of the Government.

This, to me, makes this the most irrelevant amendment that could be proposed and one completely opposed to the principle of revenue sharing as I understand it.

Mr. BENNETT. I thank the Senator for reminding us that the source of this money—theoretically, at least—is the increase in the gross national product, rather than further invasion of the revenues needed to operate the Federal Government.

Mr. KENNEDY. Mr. President, I am prepared to vote. I am going to ask for the yeas and the nays.

I say to the Senator from Utah that the purpose of the 1968 act was really achieved, because the results of the studies that were made in 1968 were made public. All of them were made public in early 1969. Perhaps President Johnson did not choose to release them formally himself, but President Nixon did, and they formed the basis of the debate for tax reform in 1969. To that extent, the precedent stands. To the extent that the public had the basis of the results of the Treasury study, the precedent stands. Further, Mr. President, the precedent of the power of Congress to make this request stands. It is, in fact, in all four with my amendments. Only the dates are different.

I do not know whether the Senator from Utah was on the floor in 1968 at the time Senator JAVITS's amendment was accepted by voice vote, but I wonder whether the Senator from Utah objected at that time to asking President Johnson to submit such a study. The spirit of the 1968 act was fully carried out. The studies were made, and Congress was given very able and constructive guidance.

Perhaps President Nixon may choose not to respond by the October date that is specified in this amendment. Perhaps President MCGOVERN or President Nixon would choose not to respond next March. Nonetheless, we in Congress are fulfilling our responsibilities, and doing what we can to see that Congress and the people are informed.

I fail to understand the reluctance by my good friends on the other side of the aisle to bring the reforms the President says he favors out in the open before the American people, so that they can make an effective judgment on election day.

The President says he has a reform program and that he will submit it in January. But why January? Why not before the American people have to make their judgment? Why should he not submit his plan at a time when the American people can understand and choose between Senator McGovern and President Nixon on tax reform?

Mr. LONG. Mr. President, if the Senate is to vote on this amendment, I would propose to offer amendments to it, which I would just as soon not even consider at this point because of the point I made in the beginning, that this amendment should not be added to this bill. I have had in mind many good amendments that I think should be added to the bill.

The distinguished occupant of the chair, the Senator from California (Mr. Tunney), is very much concerned about an amendment he would like to add to this bill which is not germane to it and which involves a subject that certainly should be considered between now and the time Congress goes home, and perhaps even between now and the first of October.

We do have a number of important matters that must be passed before Congress adjourns. I ask unanimous consent to have printed in the Record at the conclusion of my remarks the whip notice, noting the measures that remain to be voted upon. These are not all, by any means, because all sorts of amendments will be offered to these measures, and probably other measures will be called up between now and the time Congress adjourns. I make this request on condition that when the Senator from West Virginia (Mr. Robert C. Byrd) hears of the request, he not object to it, because ordinarily the notice is sent to Senators, indicating what we hope to do for the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LONG. Mr. President, at this moment it is my best judgment that we should not become involved in tax reform amendments, or tax amendments generally, on this revenue sharing bill. We ought to keep it the way it is. It is also my judgment that we should not wander astray into the social security and welfare areas on this bill nor into any other measure which is not closely germane to this bill.

It is also my judgment that the splendid bipartisanship that has existed in the consideration of this bill should remain intact, to permit both parties, Democrats and Republicans, to take credit, as in the beginning, with a Republican and a Democrat sponsoring this proposal in the Senate. We should now keep partisanship to a minimum and confine this legislation to its basic revenue sharing objectives.

I invite the Senator, if he wishes to do so, to renew his suggestion in connection with some more appropriate vehicle.

Therefore, Mr. President, I think it would be appropriate to see whether we are going to venture off into this area and, if so, to consider amendments and amendments to amendments that have nothing whatever to do with revenue sharing in a strictly germane sense.

Exhibit 1

Whip Notice: Today, Thursday, September 7, 1972

Dear Colleague: The Senate will convene tomorrow (Friday) at 9 a.m.

There will be routine morning business for not to exceed 15 minutes (3-minute limitation on statements).

At conclusion of morning business (10:00 a.m.), Senate will resume consideration of the Revenue Sharing Bill, and amendments thereto will be voted on throughout the day. *Yea and nay votes will occur.*

In view of the fact that there will be no Saturday session this week, it is necessary that we make as much progress as possible tomorrow (Friday) on the Revenue Sharing Bill. Senators will, therefore, please be prepared for a full day of work tomorrow.

SATURDAY, SEPTEMBER 9

No session.

MONDAY, SEPTEMBER 11

The Senate will convene at 10:00 a.m. After a brief period for transaction of routine morning business (no longer than 30 minutes), the Senate will resume consideration of the Revenue Sharing Bill by 10:30 a.m. *Yea and nay votes will occur* on amendments, and every effort will be made to complete action on the Revenue Sharing Bill on Monday.

Reminder

Yea and nay votes will occur tomorrow (Friday) and Monday on the Revenue Sharing Bill. We will endeavor to complete action on the Revenue Sharing Bill on Monday. Also, conference reports can be called up at any time and may necessitate yea and nay votes.

Note

The unfinished business (Interim Agreement) is being laid aside through Monday in the effort to complete action on the Revenue Sharing Bill. When the Revenue Sharing Bill has been disposed of, the Senate will again resume consideration of the unfinished business (Interim Agreement) and full time will be spent upon that measure until it is disposed of.

Note

After the Revenue Sharing Bill and the Interim Agreement have been disposed of, the Senate *must* take up and dispose of the following measures before *sine die* adjournment:

1. Military Procurement Appropriation Bill.
2. Military Construction Appropriation Bill.
3. Foreign Aid Appropriation Bill.
4. Supplemental Appropriation Bill.
5. Debt Limit Revision and Extension.
6. Conference Reports.
7. Welfare Bill.

Caveat

This is not to cry "wolf", but if we are to adjourn *sine die* by September 30, all Senators must be prepared for *long daily sessions, rollcall votes daily,* and *Saturday sessions* when necessary from here on out. The leadership hopes that all Senators will keep these things in mind and make their plans accordingly. The leadership also hopes that all Senators will cooperate to the fullest with respect to entering into time agreements, etc.

Robert C. Byrd,
Extension 5–2158 or 5–2297.

Mr. LONG. Mr. President, I move that the amendment of the Senator from Massachusetts (Mr. Kennedy) (No. 1479), be laid on the table.

Mr. KENNEDY. Mr. President——

The PRESIDING OFFICER. (Mr. Tunney). The motion is not debatable.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the amendment of the Senator from Massachusetts (Mr. Kennedy) (No. 1479).

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), and the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

I further announce that, if present and voting, the Senator from Alabama (Mr. Sparkman) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock) the Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Saxbe), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Arizona (Mr. Goldwater) is detained on official business.

If present and voting, the Senator from Colorado (Mr. Dominick), the Senator from Oregon (Mr. Hatfield), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 52, nays 24, as follows:

[No. 406 Leg.]

YEAS—52

Aiken
Allen
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Cook
Cooper
Curtis
Dole
Eastland
Edwards
Ervin
Fannin
Gambrell
Griffin
Gurney
Hansen
Hollings
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
Miller
Packwood
Percy
Randolph
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Taft
Talmadge
Tower
Weicker
Young

NAYS—24

Bayh
Burdick
Church
Gravel
Hart
Hartke
Humphrey
Inouye
Jackson
Kennedy
Mansfield
McIntyre
Metcalf
Mondale
Moss
Muskie
Nelson
Pastore
Proxmire
Ribicoff
Stevenson
Symington
Tunney
Williams

NOT VOTING—24

Bellmon
Brock
Cannon
Cotton
Cranston
Dominick
Eagleton
Fong
Fulbright
Goldwater
Harris
Hatfield
Hughes
Magnuson
McClellan
McGee
McGovern
Montoya
Mundt
Pearson
Pell
Saxbe
Sparkman
Thurmond

So Mr. Long's motion to lay Mr. Kennedy's amendment (No. 1479) on the table was agreed to.

AMENDMENT NO. 1480

Mr. KENNEDY. Mr. President, I call up amendment No. 1480, which is sponsored by Senator Stevens and myself.

The PRESIDING OFFICER (Mr. Chiles). The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the Record.

The amendment is as follows:

TITLE IV—VOTER REGISTRATION

Sec. 401. This title may be cited as the "Voter Registration Act of 1972".

Sec. 402. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 11—VOTER REGISTRATION

"Sec.
"401. Definitions.
"402. Establishment of Voter Registration Administration.
"403. Functions of the Administration.
"404. Grants to defray costs of voter registration.
"405. Grants to increase voter registration activities.
"406. Grants to modernize voter registration.
"407. Grants for voter registration by mail.
"408. Technical assistance and fraud prevention.
"409. Applications for grants.
"410. Regulations.
"411. Authorization of appropriations.

"§ 401. Definitions

"As used in this chapter—

"(1) 'Administration' means the Voter Registration Administration;

"(2) 'State' means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

"(3) 'grant' means grant, contract, or other appropriate financial arrangement.

"§ 402. Establishment of Voter Registration Administration

"(a) There is established within the Bureau of the Census, Department of Commerce, the Voter Registration Administration, hereafter referred to in this chapter as 'Administration.'

"(b) The Administration shall consist of an Administrator and two Associate Administrators, who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator and Associate Administrators shall serve for terms of four years each, and may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party.

"(c) Except as otherwise provided, the Director of the Bureau of the Census, until such time as the members of the Administration are appointed, is authorized to exercise the duties and powers of the Administration created and established by this chapter.

"§ 403. Functions of the Administration

"(a) The Administration shall—

"(1) make grants, in accord with the provisions of this chapter, upon the request of State and local officials to States and political subdivisions thereof to carry out programs of voter registration;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) obtain such facilities and supplies, and appoint and fix the pay of such officers and employers, as may be necessary to carry out the purpose of this chapter;

"(4) prepare and submit to the President and the Congress on March 31 following each biennial general Federal election a report on the activities of the Administration and on voter registration procedures in the States and political subdivisions thereof, including recommendations for such additional legislation as may be appropriate; and

"(5) take such other action as it deems necessary and proper to carry out its functions under this chapter.

"(b) The Administration shall not publish or disclose any information which permits the identification of individual voters.

"§ 404. Grants to defray costs of voter registration activities

"The Administration is authorized to make grants to any State or political subdivision thereof for the purpose of carrying out voter registration activities. A grant under this section shall not be in excess of 10 cents for each eligible voter in the State or political subdivision receiving the grant.

"§ 405. Grants to increase voter registration

"(a) The Administration is authorized to make grants to any State or political subdivision thereof to establish and carry out programs to increase the number of registered voters. Such a program may include—

"(1) expanded registration hours and locations;

"(2) mobile registration facilities;

"(3) employment of deputy registrars;

"(4) door-to-door canvass procedures;

"(5) absentee registration procedures;

"(6) re-registration programs;

"(7) public information activities; and

"(8) other activities designed to increase voter registration and approved by the Administration.

"(b) A grant made under this subsection shall be equal to 50 percent of the fair and reasonable cost, as determined by the Administration, of establishing and carrying out such a program. A grant made under this section shall not be in excess of 10 cents for each eligible voter in the State or political subdivision receiving the grant.

"§ 406. Grants to modernize voter registration

"The Administration is authorized to make grants to any State or political subdivision thereof for planning, evaluating, and designing the use of electronic data processing or other appropriate procedures to modernize voter registration. A grant made under this section shall not be in excess of one-half cent for each eligible voter in the State or subdivision receiving the grant, or $15,000, whichever is greater.

"§ 407. Grants for voter registration by mail

"The Administration is authorized to make grants to any State or political subdivision thereof to carry out a program of voter registration by mail. A grant made under this section shall be equal to the fair and reasonable cost, as determined by the Administration, of establishing and operating a registration-by-mail system. Forms available for registration by mail shall conform to such regulations as the Administration may prescribe, including the use of bilingual forms where appropriate. Such forms shall be widely available for distribution in post offices and other public locations and for distribution by private individuals and organizations.

"§ 408. Technical assistance and fraud prevention

"The Administration is authorized to provide technical assistance, including assistance in developing programs for the prevention and control of fraud, to any State or political subdivision thereof for improving voter registration and voter participation. Such assistance shall be made available at the request of States and political subdivisions thereof, to the extent practicable and consistent with the provisions of this chapter.

"§ 409. Applications for grants

"Grants authorized by section 404, 405, 406, or 407 of this chapter may be made only upon application to the Administration at such time or times and containing such information as the Administration may prescribe. The Administration shall provide an explanation of the grant programs authorized by this chapter to State or local election officials, and shall offer to prepare, upon request, applications for such grants. No application shall be approved unless it—

"(a) demonstrates, to the satisfaction of the Administration, that the applicant has primary responsibility for registering voters within its jurisdiction;

"(b) sets forth the authority for the grant under this chapter;

"(c) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this chapter, and provides for making available to the Administration, for purposes of audit and examination, books, documents, papers, and records related to any funds received under this chapter; and

"(d) provides for making such reports, in such form and containing such information, as the Administration may reasonably require to carry out its functions under this chapter, for keeping such records, and for affording such access thereto as the Administration may find necessary to assure the correctness and verification of such reports.

"§ 410. Regulations

"The Administration is authorized to issue such rules and regulations as may be necessary or appropriate to carry out the provisions of this chapter.

"§ 411. Authorization of appropriations

"For the purpose of carrying out the provisions of this chapter, there is authorized to be appropriated the sum of $45,000,000 for the fiscal year ending June 30, 1973, and for each of the two succeeding fiscal years.".

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. Voter Registration.................. 401".

Sec. 403. Section 5316 of title 15, United States Code, is amended by adding at the end thereof the following:

"(132) Administrator and Associate Administrators (2), Voter Registration Administration, Bureau of the Census.".

Mr. KENNEDY. Mr. President, this amendment is introduced on behalf of myself and the distinguished Senator from Alaska (Mr. Stevens) to the pending revenue-sharing legislation.

The purpose of the amendment is to provide a voluntary program of Federal financial assistance to State and local governments to carry out a program of voter registration. The issues surrounding this proposal are well known to every Member of the Senate. Of all the democratic nations of the Western World, the United States ranks lowest in voter turnout. In large part, the problem is caused by our antiquated system of voter registration, which makes the path to the polls an obstacle course for the voter instead of the easy process it should be.

We know that many States and local governments want to register more voters, but simply do not have the funds to do so. The amendment we are offering is an appropriate answer to the problem. Its principal provisions have already received extended consideration by the Senate earlier in this Congress.

The amendment is also an entirely fitting addition to the revenue-sharing bill, since it is designed to help State and local governments expand the most basic right in our democratic society, the right to vote. If we desire to provide any assistance at all this year, then we must do so now.

Mr. President, I do not intend to take a great deal of time in further explanation of this amendment. Over the period of this session of Congress, the Senate has considered two different approaches toward voter registration. However, there are certain points that I want to emphasize, and hopefully we can move along to a rapid vote on the amendment by the Senate.

This is a voluntary program. It is not a mandatory program. It will be available to any State that wants to participate in it. If they do not desire to participate, there is no obligation for them to do so.

Thus, the program is a voluntary proposal of Federal financial assistance to State and local jurisdictions in order to defray the cost of voter registration programs. First, it would provide a grant not in excess of 10 cents for each eligible voter in the State or political subdivision receiving the grant, to pay part of the cost of existing registration procedures.

Second, it provides grants to pay the cost of programs for voter registration by mail.

Third, it provides a grant of 50 percent of the fair and reasonable cost of establishing and carrying out new types of programs for registration, such as mobile registration units.

Fourth, provides grant for computerizing registration procedures.

The administration of the program would be carried out by a Voter Registration Administration established in the Bureau of the Census. The Director of the Census is directed to carry out the program until the new administration is appointed.

The new administration is specifically authorized to provide technical assistance to the State and local governments for the prevention and control of fraud.

Finally, there is an authorization of $45 million a year for each of the fiscal years 1973, 1974, and 1975. The spending lid on this is the sum of $45 million a year.

Mr. President, I do not think I have to review in detail the statistics in the country concerning the number of nonvoters in the United States. The best estimate is that there will be some 56 million nonvoters in 1972, if past projections hold true.

In 1968, 47 million Americans stayed home at a time when only 31 million Americans were voting for each candidate. In large part, this shocking low turnout is caused by the many obstacles placed in the way of individuals who try to register.

Great steps have been taken by the Congress in the last 10 years to expand the right to vote. The Supreme Court has also acted to broaden the franchise by its one-man, one-vote rule, by its decision abolishing the poll tax, and a long line of other landmark rulings. Now, we have the chance to take another important step.

Finally, I recognize that the question of germaneness is squarely raised by this amendment. But, as I have indicated earlier, the Senate has not always applied the germaneness rule when important principles were at stake and I hope it will not do so now, when we have the opportunity to expand such a fundamental right as the right to vote.

In a sense, of course, the amendment fits easily into the concept of revenue sharing, since it provides funds for State and local governments to improve their registration programs. We know the hard-pressed financial condition of communities across the Nation. If we do not help to ease the crisis, there will be no funds available at all to help with registration.

In sum, Mr. President, I believe the amendment is an important one, and I hope it will be accepted.

Mr. President, I yield to the Senator from Alaska, who has worked with me and I with him for many months on this particular issue, and I join him in introducing this amendment.

The **PRESIDING OFFICER**. The Senator from Alaska is recognized.

Mr. **STEVENS**. Mr. President, I would like to point out, and I hope the Senator from Massachusetts already has, that this amendment is slightly changed from the amendment as it was offered last time.

There still is time to provide the assistance the States need to really bring out the vote for this election and for subsequent elections. I think this is a bipartisan effort. There are no politics involved in it. I know it is a nongermane amendment, but I hope the Senate will notice that we have deleted the $1 per voter concept in the amendment.

I hope we are successful in getting this authorization through so that we can fund it and give the assistance to the States, particularly for this postcard registration. We now have the postcard registration system in Alaska, and it has worked very well. It has made available to many people who previously had to travel long distances to register the opportunity to register from their homes. I think it would be of substantial benefit to all the people of the Nation if we had the Federal Government in the position of encouraging the States to adopt it.

I am happy to join the Senator from Massachusetts in this amendment and I hope that even though it is nongermane the Senate will give us the opportunity to put this system into effect this year.

Mr. **TALMADGE**. Mr. President, I rise on behalf of the Committee on Finance who oppose this amendment.

This amendment would establish within the Bureau of the Census a Voter Registration Administration. It would not come within the purview of the Committee on Finance if it were offered as a bill for consideration. The committee that would have jurisdiction would be the Committee on the Judiciary.

We are considering a revenue-sharing bill. This is not a revenue-sharing amendment. On the contrary, it deals with voter registration, a matter that is handled by the legislatures of the 50 States. Something of this nature, of this importance, should be considered on its separate merits and have hearings, where the Governors of the respective States could come and testify, and the representatives of the legislature would have the opportunity to be heard. It should not be sprung on the floor of the Senate as an amendment to a revenue-sharing measure, with no notice whatever, a matter that is totally nongermane to the subject matter and which would create a new method of voter registration in all 50 States of the Union.

I hope the Senate rejects the amendment. In due time I shall move on behalf of the Committee on Finance to table the amendment because it is nongermane to the bill. The amendment is very complex in nature. It should have exhaustive hearings; it should go before the Committee on the Judiciary of which the Senator from Massachusetts is a member and where he would have ample opportunity to pursue it through his committee.

If no other Senator desires to speak at this time, I shall move in due course to table the amendment.

Mr. President, I move to lay on the table the amendment of the Senator from Massachusetts. I ask for the yeas and nays on the motion.

The **PRESIDING OFFICER**. There is not a sufficient second.

Mr. **TALMADGE**. Mr. President, I suggest the absence of a quorum, and I ask attachés to notify Senators to come to the Chamber so there will be a sufficient number of Senators to order the yeas and nays.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **TALMADGE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **TALMADGE**. Mr. President, I renew my motion to lay on the table the amendment of the Senator from Massachusetts, and I ask for the yeas and nays.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Massachusetts. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from Washington (Mr. Magnuson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

I further announce that, if present and voting, the Senator from Alabama (Mr. Sparkman) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock), the Senator from New Hampshire (Mr. Cotton), the Senator from Colorado (Mr. Dominick), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Saxbe), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kentucky (Mr. Cook) and the Senator from Oregon (Mr. Packwood) are detained on official business.

If present and voting, the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 48, nays 28, as follows:

[No. 407 Leg.]

YEAS—48

Aiken
Allen
Allott
Anderson
Baker
Beall
Bennett
Bentsen
Bible
Boggs
Buckley
Byrd,
Harry F., Jr.
Byrd, Robert C.
Church
Cooper
Curtis

Dole
Eastland
Edwards
Ervin
Fannin
Gambrell
Goldwater
Griffin
Gurney
Hansen
Hruska
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
Miller

Nelson
Pastore
Percy
Randolph
Roth
Scott
Smith
Spong
Stafford
Stennis
Taft
Talmadge
Tower
Weicker
Young

NAYS—28

Bayh
Brooke
Burdick
Case

Chiles
Gravel
Hart
Hartke

Hollings
Humphrey
Inouye
Jackson

Kennedy
Mansfield
McGee
McIntyre
Metcalf
Mondale

Moss
Muskie
Proxmire
Ribicoff
Schweiker
Stevens

Stevenson
Symington
Tunney
Williams

NOT VOTING—24

Bellmon
Brock
Cannon
Cook
Cotton
Cranston
Dominick
Eagleton

Fong
Fulbright
Harris
Hatfield
Hughes
Magnuson
McClellan
McGovern

Montoya
Mundt
Packwood
Pearson
Pell
Saxbe
Sparkman
Thurmond

So Mr. Talmadge's motion to lay Mr. Kennedy's amendment (No. 1480) on the table was agreed to.

Mr. TAFT. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. Does the Senator request that his amendments be considered en bloc?

Mr. TAFT. Yes, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. Taft's amendment is as follows:

On page 35, line 10, strike out "3½" and insert "3.75".

On page 35, line 14, strike out "7" and insert "7.33".

On page 35, line 17, strike out "3½" and insert "3.75".

On page 38, line 3, strike out "$2,650,000,000" and insert "$2,837,250,000".

On page 38, line 5, strike out "$5,450,000,000" and insert "$5,824,500,000".

On page 38, line 7, strike out "$5,750,000,000" and insert "$6,124,500,000".

On page 38, line 9, strike out "$6,050,000,000" and insert "$6,424,500,000".

On page 38, line 11, strike out "$6,350,000,000" and insert "$6,724,500,000".

On page 38, line 13, strike out "$3,325,000,000" and insert "$3,512,250,000".

On page 38, strike lines 15 through 23, and insert in lieu thereof the following:

(b) Allocation Among States.—

(1) General rule.—There shall be allocated to each State for each entitlement period the greater of the amount determined under paragraph (2) or the amount under paragraph (3).

(2) Allocation on basis of population.—The amount to be allocated to any State under this paragraph for any entitlement period is an amount which bears the same ratio to the total amount to be allocated as the population of such State bears to the population of all the States.

(3) Allocation on basis of population inversely weighted for per capita income.—The amount to be allocated to any State under this paragraph for any entitlement period is an amount which bears the same ratio to the total amount to be allocated as—

(A) the population of such State, multiplied by a fraction, the numerator of which is the per capita income of all the States and the denominator of which is the per capita income of such State, bears to

(B) the sum of the products determined under subparagraph (A) for all the States.

Mr. TAFT. I believe the name of the distinguished Senator from Illinois (Mr. Percy) and the distinguished Senator from Florida (Mr. Chiles) are on the amendment. If not, I ask that their names be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TAFT. Mr. President, the action of the Senate Finance Committee in reporting this bill had an effect that I am not sure was very widely understood. As compared to the proposals made by the administration, and as compared to the bill as it passed the House of Representatives, it resulted in a very serious net loss to a great many States, and particularly to many of our larger cities.

In order to avoid any misimpression about this question, because there have been many figures bandied about with regard to the effect on the various States, it has to be pointed out, right at the outset, that the Finance Committee, in adding $1 billion in social service funds to the revenue-sharing bill, H.R. 14370, may have obscured for the unwary fact that many of our States are receiving far less under the Finance Committee formula than their fair share would be under a per capita distribution formula.

Many of the States are shortchanged, and many of them are among the larger States, where the problems and expenses are the greatest. It seems to me a great mistake that such States should receive less than their fair share under a straight per capita distribution formula. Policemen in our larger States must be paid no less than policemen in other States. Firemen in the large States need just as much to live, if not more. How ironic, therefore, I think it is that we should give less on a per capita basis to States where urban problems are most intense, where expenses are high, and the problems of congestion, decay, crime, and deterioration are most severe.

The Senate Finance Committee has also shortchanged some other States in its reported bill—States like Alaska, where the land area is great and the cost of living is high.

In my own State of Ohio it costs just as much to educate children, to house prisoners, and to clean up the environment, as it does in other States. Ohio should not be victimized by a formula which rewards high taxes and governmental inefficiency, and I am afraid that is exactly what the formula adopted by the Committee on Finance would do. The net effect on my own State of Ohio would be to reduce the $225 million allocation that would have resulted under the House version of the bill to approximately $185 million, for a very considerable net loss—around $40 million.

Across America the migration of rural poor to our cities has compounded the problems of crime, congestion, and decay. Our urban States need massive new financial resources if they are to be governable. This political power play is an inexcusable and cruel blow to the hopes which we have all had for the revenue-sharing program as a source of assistance in the solution of these problems. The committee's action is eminently unfair and the formula which has been adopted seems contrived and artificial and not responsive to the needs of our society. One might well wonder if the formula devised by the committee was not designed as one by which a fair distribution could finally be accomplished, but rather a formula with which to arm the Senate conferees when they go to conference with the House of Representatives on the bill.

Years ago, as a leader of a Republican research group in the House, I was one of the authors of the revenue-sharing concept. The committee's action, consequently, is a blow not only to Ohio but to me personally.

The committee now, in its second go-round on the bill, has added a billion dollars in social services funds in an attempt, I think, to camouflage and obscure the way in which it has diverted funds from urban States. This action cannot go unchallenged. Consequently, I now offer an amendment to this bill to provide a fair distribution formula for dividing the money between the States. This amendment will not affect the social services funds in any way. This amendment is addressed instead solely toward the revenue-sharing dollars in the bill.

Under my formula, each State would receive the greater of its share of, one, under a per capita distribution formula or, two, under a reverse relative income formula.

It may be said in opposition to the proposal I am making in this amendment that this is some new gimmick or new formula. That is not the case. These figures and these factors were considered very carefully by the Finance Committee, and they have before them, prepared for their use by the Point Committee on Internal Revenue Taxation, a comparison of the possible alternative formulas for distributing funds to States and localities under the State and Local Finance Assistance Act.

I point out that in the first column, the very first factor for consideration was population and the third factor was relative income, out of the 10 general factors that were considered by the committee.

I think we must recognize that there are some States where incomes are relatively low and that they have special problems in generating funds for State and local governments. The relative income formula gives poorer States more money per capita than richer States, and I believe this is necessary if States which are largely rural and States which have incomes below the national average are to receive sufficient funds to meet adequately their responsibilities toward their people.

This amendment would give each State the greater of what it would receive under a per capita distribution formula or a relative income formula. On the basis of a $5.3 billion distribution, the amendment would add some $374.5 million to the bill each year.

I have had placed on the desk of each Senator today an exhibit showing how my amendment would affect the allocation for each State, and I ask unanimous consent that the exhibit be printed at this point in the Record.

There being no objection, the exhibit was ordered to be printed in the Record, as follows:

TAFT EXHIBIT B FORMULA.—COMPARISON OF SENATE COMMITTEE REVENUE SHARING ALLOCATION WITH PROPOSED TAFT FORMULA GRANTING TO EACH STATE THE GREATER OF (A) ALLOCATION UNDER A PER CAPITA FORMULA OR (B) THE ALLOCATION ON RELATIVE INCOME FORMULA. ALLOCATIONS ARE BASED ON A $5,300,000,000 LEVEL AND EXCLUDE SOCIAL SERVICES FUNDS

[In millions of dollars]

State	Senate bill	Taft formula	Gain [1]	Loss [2]
Alabama	127.6	149.5	21.9	
Alaska	5.5	8.0	2.5	
Arizona	55.1	47.7		7.4
Arkansas	60.4	71.0	10.6	
California	510.4	520.5	10.1	
Colorado	60.0	57.8		2.2
Connecticut	57.6	79.0	21.4	
Delaware	12.9	14.3	1.4	
District of Columbia	14.1	19.6	5.5	
Florida	160.3	177.0	16.7	
Georgia	120.7	137.3	16.6	
Hawaii	21.8	20.1		1.7
Idaho	21.8	21.2		.6
Illinois	251.0	289.9	38.9	
Indiana	114.6	135.7	21.1	
Iowa	84.6	77.4		7.2
Kansas	58.1	60.4	2.3	
Kentucky	95.9	104.9	9.0	
Louisiana	124.8	123.0		1.8
Maine	34.2	30.7		3.5
Maryland	94.8	102.3	7.5	
Massachusetts	143.5	148.4	4.9	
Michigan	210.9	231.6	20.7	
Minnesota	108.2	99.1		9.1
Mississippi	99.6	91.2		8.4
Missouri	108.4	124.5	16.1	
Montana	22.6	20.1		2.5
Nebraska	47.1	47.7	.6	
Nevada	11.7	12.7	1.0	
New Hampshire	16.7	19.6	2.9	
New Jersey	142.6	187.1	44.5	
New Mexico	36.5	32.9		3.6
New York	498.1	475.9		22.2
North Carolina	148.8	161.6	12.8	
North Dakota	21.7	19.6		2.1
Ohio	185.4	277.7	92.3	
Oklahoma	65.3	74.7	9.4	
Oregon	61.7	61.5		.2
Pennsylvania	290.2	307.4	17.2	
Rhode Island	23.1	24.9	1.8	
South Carolina	89.6	101.2	11.6	
South Dakota	27.6	23.8		3.8
Tennessee	108.1	126.1	18.0	
Texas	268.6	316.4	47.8	
Utah	34.5	31.3		3.2
Vermont	16.3	12.7		3.6
Virginia	109.7	122.4	12.7	
Washington	92.3	91.7		.6
West Virginia	57.5	59.4	1.9	
Wisconsin	147.1	115.0		32.1
Wyoming	10.7	9.0		1.7
	5,300.0	5,674.5	492.0	117.5

[1] 30 States and District of Columbia.

[2] 20 States lose.

Note: The amendment adds $374,500,000 net at the $5,300,000,000 level.

Mr. TAFT. Mr. President, 30 States and the District of Columbia would receive more money under my amendment than they would receive under the Finance Committee version. No State would receive less than its per capita fair share. States where incomes are relatively low would receive more than their per capita share.

I have a hard time seeing how any State can expect to receive any more than its per capita fair share. Ohio would receive only its fair share on this straight per capita distribution basis, and nothing more. I have a hard time seeing how the Finance Committee can expect any States to be content in receiving anything less.

Under the Finance Committee's formula, however, 21 States and the District of Columbia would receive less than they would receive if the revenue-sharing dollars were divided equally and on a per capita basis. These States are Alaska, California, Connecticut, Delaware, Florida, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nevada, New Hampshire, New Jersey, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, and Virginia. Each of these States, together with the District of Columbia, have, in a sense, been shortchanged by the recommended committee version. Each of the States would receive less to fight crime, to fight fire, to fight urban decay, and to solve social problems than the national average.

My amendment is premised on the belief that the American people do not want to shortchange the States where the problems are often the greatest and the costs are the highest. But my amendment does not help merely the large urban States. My amendment assists States that are small, such as Nevada, and States that are large, such as California. It assists States in the South, such as Virginia, and States in the North, such as Pennsylvania. It is not a product of political dexterity but is merely a product of fairness. It recognizes that population and income are the only factors which should bear on the distribution of funds, and it gives each State the greater amount under either formula.

The fancy formula that has been suggested in the committee bill will not give the American people confidence in the basic fairness of a revenue-sharing system. Consequently, I hope this amendment will be adopted, so that revenue sharing will not perpetually become a political power play and a scramble for funds.

Mr. President, I yield the floor.

Mr. LONG. Mr. President, I had not seen this amendment until it was called up. I ask the Chair whether the amendment has been printed.

The PRESIDING OFFICER. The amendment has not been printed.

Mr. LONG. This, then, is an amendment not printed, which comes to us at this point, and we necessarily are not in a position to adequately inform the Senate with regard to it; that is, those of us who manage the bill are not in a position at this moment to inform the Senate, because we have not had an opportunity to study the amendment nor to see what happens when you compare the distribution to the States under the committee bill with the distribution under the proposal by looking at the distribution of the same amount of money in both cases.

For example, the Senator would change the formula of distribution and, having done so, he would add roughly $374 million to the amount to be distributed. For Senators to see whether they would want to support such an amendment, they probably would like to know whether the formula would be more advantageous to their States if the same amount of money were in both columns—that is, if the amount of money added up to the same amount.

For example, if you take the $5.3 billion distributed under the Senate committee bill and raise that figure by $374 million, they would like to know whether their State then would be better off than it would be if the other approach of the amendment were used. I am not in a position to say at this time, because the table with which the Senator provided us does not provide the information.

Nevertheless, the proposal does show that although he would increase the cost of the bill by $374 million, even without taking the difference in revenue into account, 20 States would be worse off than before. Generally speaking, those would tend to be States with a low per capita income and a high tax effort or those with a very high tax effort. One reason for this is that the Senator, in his formula, leaves out one factor that the administration found to be a compelling factor—that is, the tax effort.

So here is one item that President Nixon and his advisers felt should be stressed—that is, the relative tax efforts people were making to help themselves. That is the one thing the Senator would leave out altogether, apparently because it does not favor the State of Ohio and States that are similarly situated.

In my judgment, Mr. President, relative income levels are also a very relevant factor. The Senator from Louisiana, coming from a State that is among the lowest in per capita income, would want to insist that that item should be considered. In any event this is only fair because these are the States with the greatest need. The Senator's amendment permits this factor to be omitted where it does not work to a State's advantage.

The administration considered our argument and saw how our committee bill would work if applied nationwide and to communities within each State. The administration spokesman, Charls Walker, at the time we concluded our study, informed the committee and stated publicly to the press that he was convinced that what we had achieved in the committee was a better bill and a more equitable bill than the bill that was proposed by the Nixon administration. I think that is quite a generous concession, because no effort whatever was made by any of us on the committee, Republican or Democrat, to extract such a statement from the administration representative who helped to discuss with us the Treasury's reactions to our suggestions. That statement made it clear that this was not something that was done with partisan consideration or with any improper consideration in mind, certainly no activity other than what would be expected under this form of government, by those serving on a committee, always mindful of their duties and responsibilities to the Nation and also to those who elect them.

So here we find that the Senator would depart completely from one factor and partially from another factor which in combination the Nixon administration agreed are most important. Of course, to depart from these factors in determining how much a State would get enables the Senator in his amendment to favor the relatively wealthier State and those which are not making a large tax effort at the expense of the relatively poorer State or the States with high tax effort.

Now under his distribution formula, if we provided the same amount of money, our staff which now has had an opportunity to study the formula tell us that 26 States would lose and 24 States would gain, so it would be just about breaking even as to how he would make the change if we had the same amount of money involved.

Under the circumstances, I think the States should ask themselves, Do we want to take the relative tax effort into account? Should we take relative income levels into account in all cases?

The Senator from Ohio, for reasons which I think are fairly apparent, would say, "No, let us not take the relative tax effort into account and let us only take income levels into account when it works to our advantage." He would like to assume that a poor State which levies heavy taxes on its people does so because the State is inefficient. That is not the way the President looks at it. That is not the way most other people look at it, those who do not come from the wealthier States. Most of those having an impartial view of it would say that they levy heavy taxes because there is great need for social services among the people, for roads, for education, for health, because they have suffered from poverty and malnutrition and have greater need for money for such things. They are trying to overcome many hardships of long standing by taxing themselves heavily.

Thus, if one wishes to encourage the States to help themselves, before they come to Washington to ask for help, we would want the tax effort to be a part of this encouragement. That is why we thought in those terms.

The amendment also will help those States with relatively high level incomes. This is by the redistribution of income from the poor toward the rich. This occurs since States can base their distribution on population only and not on relative income where this works to their advantage. The view of the Senator is contrary to the general philosophy, so far as I am able to determine it, of every administration, both Republican and Democratic, with regard to a problem of this kind.

I would think, Mr. President, that the Senate would not want to change the bill in this fashion.

Further, I am confident that those who support the bill across the country, even a great number of those situated in States that would do somewhat better under the Senator's amendment, would not want it agreed to, because they believe that there is basic fairness and justice in the proposal to which the committee agreed.

Therefore, Mr. President, I would hope that the amendment would not be agreed to.

Mr. TAFT. Mr. President, several points have just been made by the distinguished chairman of the committee, the Senator from Louisiana (Mr. LONG), and I should like to respond briefly to them.

I intend at a later time to ask for the yeas and nays on the amendment, as there does not appear to be a sufficient number of Senators in the Chamber at the moment.

I do not intend to indulge in any protracted debate on this measure, but I note particularly that the distinguished Senator from Louisiana mentioned objection to the fact that the addition of $374 million under the formula proposed in the amendment somewhat obscured what the figure might be with regard to individual State distributions, if the amount were cut back to the $5.3 billion level originally proposed. With regard to that, that is only one-third of the amount by which the figure distributed by the Finance Committee is added to the distributions of the States involved.

Actually, as I pointed out in first presenting the amendment, it will result in a net cut to the major States, because it involves them, out of the $1 billion in social service funds being added in the fund.

I thought it was important at the outset, as I indicated, to clear up any misrepresentation in that regard. I have no desire to misrepresent in any way.

I have already advised Members of the Senate by letter that I have another proposed formula, if this one is not accepted. But I feel that this is a fair one, based on the per capita of the reverse relative income formula; but the other proposal I made, which seems to me is the least the committee would be willing to go along with, is that we take the committee's formula but hold harmless on a population factor the States which are cut back under the committee's formula. In other words, my other amendment, which I may or may not offer at a later time, depending on the outcome of this amendment, would provide that no State should receive less than its percentage allocation on the basis of a $5.3 billion allocation.

On that basis, the additional amount that would have to be added to the expenditures under the revenue sharing bill generally would be about $360 million. So that the figure we have here is related—the $374 million figure—to the $360 million figure that I think comes in under the harmless formula, if we went in that direction rather than the direction proposed by the pending amendment.

The complaint made by the distinguished Senator from Louisiana with regard to the formula that I propose is that it does not take into effect the tax effort factor. It is quite true, it does not take into effect the tax effort factor. Any tax effort factor formula that gives any large weight to that item, I think, is counterproductive, in that it seems to me it tends to reward the States that are at a high level of expenditure and to cut back on the States that try to run their affairs in their own way. Rather than to deal with this particular problem, we would do far better to talk about the relative income factor.

Many States are assisted by this particular amendment. There are States in which the relative income factors are low. We can act on a more equitable basis if we use the relevant income factor, and then let the people of the States in accordance with the basic principles of revenue sharing, and the basic principles of local governments, make their determination and not have us make it for them by rewarding them for high expenditures, but let them make their own determination themselves as to what level of expenditures their particular States should have. It seems to me this is really far fairer and far more equitable, I believe, in the long run, and far more justifiable; and therefore, a more promising and lasting approach to the problem than to crank in the formula which has a large factor relating to the tax effort involved.

Actually, we can work out a number of different formulas. The information before the Finance Committee which we have here relates to 10 different factors we can bring into account. Some of them are related to distribution based on population, relative income, income tax collection, general tax effort, or on a per capita basis, based on different bases as well.

All of those, I feel, we are trying to make a judgment on as to what a fair approach to the problem is. It is hard to argue that a per capita formula, which at the same time takes into account the plight of the States which have relatively low income and, therefore, are not able to measure up to the national standards that we wish to provide services for all our citizens, can be criticized. It is for that reason that I have offered it to the Senate at this time.

Mr. PERCY. Mr. President, would the Senator yield?

Mr. TAFT. Mr. President, I yield whatever time the Senator might need to the Senator from Illinois.

Mr. PERCY. Mr. President, I am very pleased, together with the Senator from Florida (Mr. CHILES), to cosponsor the pending amendment. I commend the Senator from Ohio for the consideration which he has given to many of the problems that the more populous States have.

I would like to urge support of the amendment for several reasons. First, I think it is fair to say that no State will be injured by this.

Mr. BENNETT. Mr. President, if the Senator would yield, it would take nearly 10 percent from the State of Utah. Maybe that is not injury.

Mr. TAFT. Mr. President, the Senator was speaking of an alternative amendment that I have mentioned which has not been offered here. In a sense the Senator is completely right, because I do not see how any State is injured when we have a bill which provides that they will not in any case be given below the per capita distribution. That is exactly what the amendment says. I think on that basis, the statement is a correct statement.

The formula the Finance Committee adopted, on the other hand it seems to me, gives a protection to several States over and beyond that which they are entitled to on a per capita formula on various bases which do not seem to be as accurate as the approach we have put in the amendment.

Mr. BENNETT. Mr. President, we worked for days and days on this problem. We can never get a formula which will satisfy everyone because everyone wants to get more than anyone else. I hate to bring this out, but it is interesting to me to note that the formula in the measure before us gives 24 percent of the total added money to the State of Ohio.

I do not blame the Senator for figuring it out that way.

Mr. TAFT. Mr. President, that is exactly right. And the Senate Finance Committee bill took a lot away from the State of Ohio. It took about that much percentagewise from the State of Ohio as compared to the House bill.

Mr. BENNETT. The State of Ohio is a rich State, and the State of Utah is a poor State. Ohio is 43d in terms of tax effort. They should not be getting anything. In other words, if a State is not going to raise money locally but just takes the attitude that they will let the Federal Government supply more money, they should not receive that benefit.

Mr. TAFT. Mr. President, I am quite surprised to hear the Senator from Utah, whom I have always regarded as being one of the foremost advocators of economy in government, advocate a bill that would penalize those who are economical in government and give a bonus to those who are not.

Mr. BENNETT. Mr. President, I would like to read to the Senator the comparative figures for the State of Ohio under the administrative original proposal, under the House bill, and under the committee bill. The administration proposal would have given $212 million. The House would have given them $227 million. The committee gave them $240 million. And the Senator says that the committee cut them back.

Mr. TAFT. Mr. President, this is just the misleading way in which the figures have been presented. That $240 million in effect leaves $185 million to the State of Ohio, because we have brought up the $1 billion in the social services fund which would be given to the States in any event, and through the use of those figures, the Senator is obscuring what the State of Ohio and every other State would get.

Mr. BENNETT. Mr. President, the Senator is attempting to cure it by adding more money to obscure the comparison further.

Mr. TAFT. Mr. President, my figure does not obscure what the States will get. My figures show what they will get, and the distribution formula put on the desk of each Senator shows the States what the figures are.

The Senator from Utah will perhaps lose a little in his State. However, I am surprised to learn that the State of Utah is a poor State, because if it were a poor State, it would be protected under the formula the bill contains.

Mr. PERCY. Mr. President, could I ask the Senator for the figure for the State of Illinois? I have the figure of $251 million from the Senate bill. If I remember correctly, H.R. 1 provided about $301 million. Is that correct?

Mr. BENNETT. The Senator is correct. The original administration proposal was for only $219.8 million. Now in the House, if the Senator wants to carry this argument through, the State of Illinois was given a real boost over the administration proposal, nearly 50 percent.

Mr. PERCY. That was because of the demonstrated need.

Mr. BENNETT. Mr. President, does the Senator from Illinois want me to tell him why it was? Let us be honest with ourselves. In the House of Representatives the States are represented on the basis of population. And the big States have more Representatives than the small States. How many Representatives does the State of Illinois have?

Mr. PERCY. The State of Illinois has 24 House Members, equally divided between Republicans and Democrats, all of whom realize that Illinois provides 6 percent of the revenue and never gets back more than a fraction of the money we send in year after year. When we received the increase, it looked to us as if they were responding not only to where the revenue came from but also to where the great need existed.

The Senator from Utah says that Utah is poor. I am filled with amazement, because I have travelled the State of Utah from one end to the other, and it is filled with the kind of problems that Illinois does not have. We are filled with people that have problems. The whole South has migrated and moved into our State and other Northern States. We have not issued engraved invitations to them. They have come by bus, airline, and broken down automobiles.

All of those people are Americans. They are there. They are seeking an opportunity and they are seeking help. This is our chance to provide the kind of assistance and help in education and training in the skills that are needed today.

The Taft formula would bring it up to $289 million, bringing us back up to what we expected to get under the House bill. It is certainly a modest figure. If my figure is correct, it would seem to go a long ways toward having our people feel that they have been dealt with more fairly. The Governor of the State, the legislature, and everyone else is concerned about this problem. Certainly all of our mayors are very unhappy and concerned with the situation, having thought they would receive a certain amount from the House and then finding that they would receive less from the Finance Committee.

I think that a magnificent job overall has been done to bring the legislation here. We are asking for a very little refinement in the figures that will give us a sense of fairness and equity. Many of the problems are in Illinois. Utah does not have the problems that Illinois has.

Mr. BENNETT. Mr. President, let me finish my statement. Illinois has 24 Representatives. Utah has two. This will show the Senator how we stand and 75 percent of the land in Utah belongs to the Federal Government. So, our tax base is represented by 25 percent of the land.

Mr. TAFT. Mr. President, I would like to point out to the Senator from Utah on the basis of the figures that on a per capita basis Utah would be receiving more than its per capita share. It would receive $24.6 million and under our bill and it would receive $31.3 million. Both Illinois and Ohio will only get its per capita share.

Mr. HANSEN. Mr. President, will the Senator from Ohio yield?

Mr. BENNETT. Mr. President, I do not have the floor.

Mr. PERCY. I have the floor. After I respond briefly I will be happy to yield to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. TAFT. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, it is true that we must take into account the problems of a State such as Utah in which 75 percent of the land is owned by the Federal Government.

But I would like to point out that because of those magnificent facilities, those beautiful mountains, the people of Illinois, including me, go out there and spend time on those ski slopes, bringing money to the State and increasing its treasury.

I do not think that argument holds water in this case. We are trying to put the money where the people are, because the people create the problems. I do not know of any problems in the State of Utah for which we need revenue sharing. The fact that so much of their land is federally owned is a great blessing to the State and a natural source of income to the State. Where we need the money is where the people are, because that is where the problems are. We are trying to get a fair share to meet the national problems we face and that is what we should be addressing ourselves to, and not the parochial problems of Ohio or Illinois. We must try to put the money where the people live.

Mr. TAFT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. TAFT. I am glad to yield to the Senator from Wyoming but, first, I wish to make one comment.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, the Senator from Louisiana made mention of the bill and I do want to commend him, and I think I will commend him on the same point the Under Secretary commended him on, and that is on the intrastate, inside the State distribution formula. That is preferable to the formula in the administration bill or the formula in the House bill. I complained when the House bill came from the House. I complained long and loud about the distribution formula being unfair to large metropolitan areas, where the money was needed. That has been readjusted and improved completely.

I believe the remarks of the Under Secretary of the Treasury were directed to that virtue of the bill, rather than taking sides, which we would be wise not to get involved in, with respect to the distribution between the States.

I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the Senate for yielding. I regret the Senator from Illinois has left the Chamber. Perhaps he will return before I complete my remarks.

The Committee on Finance, when it was given the responsibility of the revenue-sharing bill, had to come to grips with a number of different problems. I think that under the wise and considered guidance of the chairman of our committee, the distinguished Senator from Louisiana (Mr. LONG), we have done a very commendable job.

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. HANSEN. I am happy to yield to the Senator from Louisiana.

Mr. LONG. Mr. President, in support of what the Senator said, I do not say this in self-adulation because I cannot claim credit for this. But the fact is, as the Senator knows, a number of Senators on the Committee on Finance voted for the formula we have as a substitute for what we previously agreed to, even though it caused their States to lose money. But I cannot claim it for myself and I cannot say it for the Senator from Ohio, who offered an amendment that would cost $374 million and give 25 percent more to his State. I think his people would applaud his proposal, but at the same time, in arriving at his new formula, there was none of this matter of putting the overall national interest ahead of the interest of one's individual State in trying to achieve a community decision. In other words, the principle for which the Senator speaks was not arrived at by every Senator voting for what would achieve the most for his State.

In the Finance Committee, there were several rollcall votes which resulted in a new formula, which found the distinguished Senator from Utah voting for a situation in which his State would do somewhat less well than it would have done had we agreed to the previous formula.

The effort to try to arrive at something which could be a credit to all the committee, the administration, the President, and all of the Treasury, everyone who had a hand in this matter, was evident in the committee consideration.

The committee selected a distribution formula based on three factors: The tax effort, the relative income, and population. That was a formula which showed itself on paper to be so fair and it worked out so justly among the States that logic indicated it should be applied within the State as well as without the State, which is something the Senator from Ohio dare not apply to his formula.

"If you get more money this way, you have to do it this way, and if you get more money that way, you have to do it that way." That approach was not adopted by the Committee on Finance. The formula which the Senate has before it was consistent all the way through among the States and among the communities within the States. You get so much and you multiply these three factors. When it was put on paper, if the Senators will look within the States, they will see how well the communities fare in justice and equity, and it will be seen that this is a fair way to go about distributing funds.

Mr. HANSEN. Mr. President, I thank my distinguished colleague. I could not agree more.

It should be observed, with respect to the Senator from Utah, the ranking member of the committee, that he possessed the very best motives in trying to come up with a formula that would implement the philosophy behind revenue sharing that was endorsed by the President and supported by the numerous delegations of mayors, county commissioners, Governors, and school board members who make the trek to Washington to plead for this type of relief.

Had the Senator from Utah been concerned with trying to get as much as he could for his State, he most certainly would not have subscribed to the formula which is presented for the consideration of the Senate this afternoon.

This fact was pointed out in the Committee on Finance during a colloquy between two of its members. One was critical of the action of the committee. The Senator from Utah responded that if he wanted to be selfish, as he was not, he would have gone for the urbanized position. This took our other colleague, whose name will remain anonymous for now, by surprise until the Senator from Utah pointed out that 80 percent of all the people living in Utah reside within five cities.

So what we are really talking about, is an attempt to take a real measure of the ability to pay on the one hand, and need on the other, and come up with a formula that is fair not only to Ohio and Illinois, but also to other States. That is what we did.

I call the attention of my friend from Ohio to the fact that the State of Illinois has a per capita income of $3,512. The State of Ohio has a per capita income of $3,632. On the other hand, the State of Utah, which is 75 percent federally owned, has a per capita income of $2,703. If anyone thinks it is cheap to try to bring law enforcement, schools, roads, and to do all the things necessary in a State where there is Federal ownership of 75 percent of its real estate, they should go to Utah and talk with the officials. They will find it is not as easy as they think. Utah has a per capita income of $2,703 compared with $3,500 for Illinois, so there is little wonder that the people of Illinois can afford to go to the ski slopes of Utah.

Mr. TAFT. What the Senator does not understand is that the formula in this amendment does take into account the relative income of the people in the State.

Indeed, the Senator's own State, under the formula proposed in the amendment, would receive a greater amount than it would be entitled to under the per capita distribution. The same is true of many other States involved here. I do not see how anyone can say that a formula which allocates at least on a per capita distribution basis is not a fair formula. The State of Ohio is not getting the same amount under the per capita basis, nor are many other States.

There has been a play on figures here insofar as the States involved are concerned. Let me give a few figures. For instance, let us take the Senator from Wyoming. I certainly am not accusing anyone of having anything except the highest national interest in mind, but let us consider a few of the States that are involved. Let us take the State of Wyoming. The State of Wyoming, under the House proposal, would receive only $6.1 million. Under the committee proposal it receives $11.5 million, but the $11.5 million includes in it a share of the social services, which really should not be in the committee report, because there, it will be seen, the actual amount is $10.7 with the social services readjusted out of it. The amount it would be entitled to, insofar as per capita income is concerned, would be $8.5 million, whereas under the amendment proposed here, it would be $9.1 million.

The same thing is true, and even more so, as the distinguished chairman of the committee knows, for the State of Louisiana. The same is true of many other States that are involved.

What it comes down to is that it is a fairer formula. I say that a formula which considers the per capita income and then has a reverse ratio, is a far fairer formula than that to be determined by the local governments and those who think they ought to run their own business. That is what this formula is based on.

I have already expressed surprise at my distinguished colleague from Utah in proposing an amendment which includes in it really a reward for more expensive State services and more revenues. If there is any Senator here in the Chamber who, in my opinion, is as great, and perhaps an even greater, paragon in advocating economy in Government, it is the Senator from Wyoming. Yet the formula he is arguing for now is a formula which is, in effect, one that, in order to take full advantage of it, it has to be a high expenditure State.

Mr. LONG. Mr. President, will the Senator yield to me?

Mr. TAFT. The Senator has his own time.

Mr. LONG. There is no time limitation on this.

Mr. TAFT. I yield.

Mr. LONG. If the Senator really wants to get it straight in his mind so there will be no misunderstanding about the matter, about who gets something out of this that is not justified by logic, let me explain this to the Senator. The committee agreed to put three factors together: The tax effort recommended by the administration, the per capita income, and the population, and we multiplied those three factors. That is the formula we agreed upon. We agreed on it for the entire amount of revenue-sharing funds. It was only after we agreed on that matter, based entirely on principle, without any idea of expediency whatsoever, that we were then confronted with the problem of what we do about social services. If I do say it, the wealthier States had been most adequately represented in the committee by the Senator from Connecticut (Mr. RIBICOFF). It was felt that in view of the fact that the wealthier States had been able to victimize this program most efficiently—California and New York were able to get out and load up on it; so were Ohio and Illinois—they were able to utilize it for social service programs while States like Texas, Oklahoma, and others were being told by the divisional offices in that part of the country that no such thing could be done.

Does the Senator know who really got the advantage of departing from what seemed to us, and those advising us from the administration, to be appropriate, logical, and based on principle? It was the urbanized States. We felt that in view of the fact that the wealthier States were able to get to the trough first, we should distribute funds under this bill so as to get the genie back inside the bottle.

Mr. TAFT. If the Senator will yield, he is laboring under a misapprehension. Insofar as social services are concerned, it is irrelevant and it would not be involved in this revenue-sharing formula. Ohio, as a matter of fact, percentagewise, did not take very great advantage of it, and under this proposal I do not think the figures indicate that we did. There has been some criticism that we did not come in as fast as some of the other States did.

I go along with the able Senator in saying that we created this problem here by lax legislation that should be corrected, but it should not be corrected to the extent of not getting a fair formula, and a fair formula should take into consideration per capita income.

Mr. LONG. I made a generalized statement, but it does apply to the two largest States of the Union, and it applies to Illinois.

Mr. TAFT. Two of the largest States in the Union are not included in the bill, because they would get no benefit. The State of New York is cut back under the proposal, because of that very pattern, but also because it has a very high cost government. That is their choice, but we should not give them a benefit because of it.

Mr. LONG. I should say to the Senator that, as to the factor of relevance, tax effort is, if not the most, certainly the second most, relevant consideration that should be taken into account. The Senator does not agree with that, and I can understand why.

We feel compelled to resist this amendment. I think before we vote on it, those of us who have had a chance to analyze the presentation the Senator has made should make available to the Senate, on a State-by-State basis, the benefits and a showing of who would actually benefit and who would actually lose under the Senator's suggestion if it was based on the same amount of money as the Finance Committee's bill.

For example, I know the Senators from West Virginia would be very disappointed if they voted for the Senator's amendment thinking their States would get more when, actually based on the same amount of money, their States would get less. This would also apply to many other States. I know the Senator would not want any Senator to be misled into thinking his State would benefit, vote to approve the amendment, and then learn that his State would be hurt.

Mr. TAFT. In voting on this amendment, I might say, on the basis of the information distributed, each Senator would know exactly what his State was going to get, and that would not be true of the committee report, because it includes social services, and insofar as revenue sharing is concerned, that is irrelevant.

Mr. LONG. If there is any Senator who does not understand that there has been $1 billion added to this bill and also whether his State will be better off under the formula of the committee bill or under the formula of the administration or the formula of the House bill, it is not because we have not tried to make the information available to him.

For example, one will see the differences between the administration bill, the House bill, and the Senate bill, by comparing the various figures. We have tried to inform every Senator who is interested as to what the differences would be. For example, when the Ribicoff amendment was offered, we showed how it would work out if you take the same amount of money and apply it as compared to a different formula.

We certainly would not want to mislead the Senator from Ohio or anyone else. So I would simply say, if the Senator feels that the information presented was misleading, I am sure he would not want to engage in the same thing himself.

Mr. TAFT. I say to the Senator from Louisiana that I do not think it is misleading. Under the adoption of this amendment, each State would continue to get the amount of social service funds now provided, but the amount under revenue sharing would be exactly as set out here.

Mr. LONG. Before we change the formula, I will say to the Senator, we have prepared a chart that will show Senators how much money each State would get if you look at the same final figure, in either event, and that way, the Senators can be the best judges.

Mr. TAFT. I will say I do not agree with the Senator from Louisiana. This amendment would add to the money; I am not making any question about that. This amendment would add to the revenue sharing, but not the social service funds, which they would get anyway. But it would add to the revenue sharing the amount shown on the back of this exhibit that has been distributed: The amount of $374 million.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. TAFT. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. I think it ought to be pointed out that while it can be contended that it is irrelevant to discuss the extremely abrupt rise in cost of social services, it is not considered irrelevant by President Nixon. He described it as a great hemorrhage that, unless it were stopped, would empty the Treasury.

Mr. TAFT. I would observe that this is a terrible problem that should not have come up, and it should be corrected as quickly as possible, but it should not be allowed to divert the attention of the Senate from what a proper revenue-sharing contribution formula ought to be.

Mr. HANSEN. I cannot agree more with my colleague from Ohio. All I can say, Mr. President, is that it had to be dealt with, and this $1 billion put into the program was written in there with the assurance that at the end of either January 1 or July 1, there would be a cutoff on this social services program.

One of the States has increased its anticipated expenditures under the social services program by 42 percent. I happen to represent only one of two States out of all the 50 that did not expand its expenditures for social services. We estimated cutting back 0.17 percent on the expenditures for 1973 as compared with 1972. This is a very real problem, and I think the Finance Committee is to be commended for having worked out a program for shutting off this expenditure for social services which is absorbing more and more of each State's revenue. That is exactly what this bill would do.

Mr. TAFT. I agree with the Senator from Wyoming 100 percent on everything he has said with regard to the social services funds, but that has absolutely nothing to do with whether or not this amendment ought to be adopted. Absolutely nothing.

Mr. HANSEN. Then, since we do agree on that—and I am very happy we are reaching accord—let me ask my distinguished friend from Ohio one further question. Is it not correct that the formula that he describes, that seemingly would give more money to my State of Wyoming than would be received by the State of Wyoming under the committee bill, is due not to the formula, but rather to the fact that more money is to be distributed?

Mr. TAFT. I do not want to mislead the Senator. Actually, insofar as the State of Wyoming is concerned, under the committee bill, after taking away the social services distribution factor—and the Senator has indicated there is none in this case, although the figures would seem to indicate that there was some, because the committee bill indicates a distribution to Wyoming with social services included of $11.5 million, and the same bill, disregarding that factor, shows $10.7 million, so there was an increase rather than a decrease, as the Senator has indicated—but under the amendment, the Senator from Wyoming would get only $9.9 million rather than $10.7 million as under the committee bill, but that would still be in excess of the $8.5 million figure which the State would get on a per capita basis. So, in effect, the State of Wyoming, on a per capita basis, would get more than my amendment would give it under the committee bill. I do not want any misunderstanding in that regard.

Mr. HANSEN. Well, I think, Mr. President, what we have to be concerned with is not how the State of Wyoming may do comparing the Taft amendment with the committee amendment, but rather what equitable formula will take care of all 50 States, including the District of Columbia. I submit that that is precisely what this Finance Committee amendment does do.

In the first place, it considers three factors: The population of the State as compared with the total national population, the per capita income, which is a measure of the ability to support governmental services and, third, the total tax effort.

When you take all these three factors together, what we say to all of the States is this: "We will consider your ability to raise the necessary revenue." We do that by considering the per capita income, which is a measure of the ability of people to pay for governmental services. Then, when we consider the total tax effort, we make a comparison of what the State actually does as compared with what other States are doing to best meet the necessary expenses of government. On that basis, I say to my good friend from Ohio, it happens that my State of Wyoming makes the greatest effort of all the 50 States in total tax effort. It collects, through State, county, municipal, and school district taxes, about 19.85 percent of the total per capita income of the State of Wyoming.

You can talk about all sorts of formulas, but I do not believe that the formula that was proposed by the Finance Committee can be improved upon. It measures the number of people in the State as compared with the total number of people in the Nation, and it measures the willingness of the people to help themselves.

I do not see how you could come up with a formula that is fairer than that, and that is exactly why the distinguished Senator from Utah rejected out of hand a proposal that would have brought more dollars into the State of Utah. He wanted to come to this floor in support of a bill that would be fair to all 50 States and would merit the support of all 50 States, rather than the kind of a bill that came from the House of Representatives. The big States in the House got together and contrived a formula that would be self-serving to those big States and their metropolitan areas, not because it was fair but because in the House they had the power to push it through.

I say to my good friend from Illinois that the reason that the good people from his great State are able to go to Utah relatively more often than the Utah people can go to Illinois or the Wyoming people can go there is because their per capita income is substantially greater.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. TAFT. I am glad to yield to the distinguished Senator from Vermont.

Mr. AIKEN. I would like to get two or three things straight before I vote in this measure.

As I understand, the Taft formula would increase the total cost of the revenue sharing program by $374 million.

Mr. TAFT. The Senator is correct.

Mr. AIKEN. And of this $374 million, approximately 60 percent would accrue to the revenue of four States, and a little over 80 percent to the revenue of eight States.

Mr. TAFT. The amounts shown here would. Of course, the Senator has to start from the base of what the Finance Committee did to the House bill or to the administration bill, or whatever base the Senator wishes to start with. How much it gives to whom depends on what base we start with that the State was entitled to in the beginning. We say that the number of people in the State is the No. 1 factor that should be considered.

Mr. AIKEN. Unfortunately, the only figures I have in my hand are the figures of the Senate bill that is before us and the Taft formula, which increases the total amount by $374 million. As I understand these figures, 60 percent of the increase will accrue to four States.

Mr. TAFT. The increase the Senator is talking about is an increase over the adjustment of the House bill and over the adjustment of other proposed bills made by the Finance Committee.

Mr. AIKEN. So that all the States sharing in this revenue would also be called to pay taxes to cover the cost, which amounts to about a 7-percent increase in the Taft proposal. That means that assuming that all the States pay taxes equally on a per capita basis—and we know they do not by any means, but we have to assume it——

Mr. TAFT. I come from a State which pays far more than the per capita share in taxes. I do not make that assumption at all.

Mr. AIKEN. But assuming that Ohio pays 7 percent of the increased cost, that would reduce the gain to Ohio. It would take off about $30 million. It would not bring the increases to so much as the table submitted by the Senator from Ohio indicates. But all the States that gain revenue will have to pay their share of the cost.

Mr. TAFT. There is no question that every State would have to pay a share of the cost on the basis of its present share and the contribution of whatever the national level might be.

Mr. AIKEN. All the States that lose revenue will also have to pay their share of the cost.

Mr. TAFT. The Senator talks about loss of distribution. The loss of distribution is based on an imaginary figure that was set up by the Finance Committee.

Mr. AIKEN. But for the sake of getting information, I have to figure that all States will pay equally on the 7 percent.

Mr. TAFT. I do not share the Senator's conclusion.

Mr. AIKEN. I know that will not hold true for every State, but that is all I have to go on. I do not find any figures showing what the increase for each State would be. The figures of the Senator from Ohio show that 20 States will lose revenue by approving his formula. They will all have to pay increased taxes in some degree. Some will pay more than 7 percent and some will pay less. I assume that all the States that gain revenue also will have to pay taxes.

I have just been going over this, and it looks to me as though the States of Alaska, Delaware, Kansas, Nebraska, Nevada, New Hampshire, Rhode Island, and West Virginia, while gaining revenue on paper, actually would lose revenue or would come close to losing revenue after they paid their increased share of the cost.

I am not a mathematician. I do not have a pencil and paper handy. I am doing this in my head, which, as the Senator knows, is the Yankee style. It looks to me as though 12 States which appear to gain by the Senator's tables would actually lose or come close to losing if they paid their share of the increased $374 million.

Mr. TAFT. I think the Senator is not correct in his figures.

The point was made earlier by the Senator from Louisiana that some five States would gain under the amendment before the Senate today and would not gain if we cut the total expenditure back to $5.3 billion.

Mr. AIKEN. The more populous wealthy States would not gain after paying their increased part of the taxes to the extent indicated by the increase that the Senator from Ohio has submitted.

Mr. TAFT. I hope that impression is not given because we are spending more money. I do not think there is any relation, not an established relationship, between the share of the national tax burden being borne by the States and any of these distribution formulas, for that matter.

Mr. AIKEN. I said the average would be 7 percent. Ohio, Illinois, New Jersey, and Texas might have to pay 10 or 12 percent of the increased cost. I do not know.

The borderline States as well as the 20 States indicated as losers would almost certainly also lose, even though on paper they appear to gain.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. BENNETT. I should like to make the point that under the Senator's formula, he is not distributing $375 million; he is distributing $492 million, $375 million of which he raises by an increased amount and $117 million of which he raises by taking it away from States that cannot afford to lose it.

Mr. TAFT. It was given by the Finance Committee. The Senator is assuming that those States will not get their fair share of the per capita distribution, but they will, under the amendment. That is the minimum figure to which they could go.

Mr. MONDALE. Mr. President, I oppose the amendment offered by the Senator from Ohio (Mr. TAFT).

The committee bill provides for the allocation of funds on a combination of three criteria: Population, general tax effort, and inverse income. The pending amendment drops the factor of general tax effort, and allocates funds among the States according to population or inverse income, whichever produces the greatest allocation to a particular State.

To offset the harm done by this formula to many States, the pending amendment increases the total funds distributed under the bill by $374.5 million.

Nevertheless, States with a strong general tax effort are unfairly prejudiced by this amendment. A major purpose of revenue sharing is to reduce the growing pressure of State and local taxation. Surely it is unfair to ignore tax effort in allocating revenue-sharing funds.

My own State of Minnesota would lose over $9 million under the Taft formula simply because of its strong tax effort at the State and local level.

I believe this is grossly unjust. I call upon the Senate to reject the pending amendment.

Mr. LONG. Mr. President, I have an amendment at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, beginning with line 4 strike out all through line 13 and on line 14, strike out "for per capita income.—"

On page 2 on line 18, strike out (A) and insert (1), and strike out lines 22 and 23 and insert:

"(2) the sum of the products determined under paragraph (1) for all the States."

Mr. LONG. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, this amendment simply seeks to eliminate the double standard in the Senator's amendment. It is the view of some of us on the Finance Committee that the States should all be judged on the same basis, that we should not have one rule for one State and another rule for another State. We felt that way so strongly that we proposed that the same formula we applied for distribution among the States would also apply within the States.

The Senator departs from that. He gives the wealthy States the option to elect to be treated on a population basis and the option to the poorer States to be treated on a relative income basis.

I would propose to strike this option, this so-called double standard. That would then leave the Senator's amendment exactly the way I suggested when I first looked at the House-passed bill, and that is that we simply judge everybody on the Hill-Burton formula, which has much precedent and which should appeal to the Senate because it has passed the Senate before. In fact, the Senate imposed this formula on the House, and it is in the law. It is well recognized in practice; and in justice, equity, and fairness, it has been insisted upon many times by the Senate with regard to this matter.

As one who has the responsibility for managing this bill, I think that when confronted with a challenge by the administration to apply a single, honorable, and consistent standard among States, we ought to respond to that in the national interest, if in conscience we can. If we are going to deviate from the formula that the administration recommended, we ought to have the courage to do it with consistency and apply it consistently and not favor one group over the other. We ought not just elect to go on one standard or the other, but be held to a consistent standard. So if the amendment is to become part of this bill, I would prefer that it be one single standard applied uniformly across the board.

I would prefer to see the committee's formula agreed to. But if it should not be agreed to, I would prefer to have a straight, across the board relative income formula because that, again, would be consistent. It would not let the people choose to apply a double standard among the States. I do not think the Senate or the House will agree to apply that double standard to the States of this Union. They will insist, for this type of purpose, that we be consistent and apply a single standard.

Mr. HANSEN. Mr. President, will the Senator from Louisiana yield at that point?

Mr. LONG. I yield.

Mr. HANSEN. Let me say first that I have the greatest respect for the distinguished Senator from Ohio (Mr. TAFT). I know that he is concerned about trying to do the best job he can in representing the Buckeye State. But I cannot help noticing that the total increase—that is, when we consider the money that would be added by virtue of his amendment—comes to $360 million. If we add to that the amount taken away from other States, it really comes to something like $477 million. But I note that of the $360 million increase, the State of Ohio would receive more than a fourth of that under the Senator's formula.

Mr. TAFT. If the Senator will yield at that point, he is correct, but the reason is that it depends on what basis we begin from.

Mr. HANSEN. I appreciate that observation. I invite the Senator's attention to one of the pieces of material we have before us from the Finance Commitee. It is entitled "State and Local Fiscal Assistance Act of 1972." This is a report which was ordered to be printed on April 26, 1972. If the Senator happens to have a copy of it, it will help to look at page 93.

If the table on page 93 compares each State's total personal income with the general revenue collected from its own sources for the fiscal year 1970. It then shows the revenue effort or, as we sometimes refer to it, the total tax effort.

My distinguished colleague from Ohio may not know that the State of Wyoming, the State I have the honor to represent, contributes in total taxes 19.85 percent of the total personal income earned in the State of Wyoming. We are No. 1 on the list.

Where is Ohio on that list? Ohio happens to be the last on the list. For the year 1969, Ohio had a total personal income of $40,145 million.

How much does it raise by taxing this revenue? It raises $4,732.5 million or 11.79 percent.

They do not tax themselves 12 percent of their total personal income.

As I said, Ohio is last on the list, even lower than the District of Columbia. The District of Columbia makes a greater tax effort than do the people of the State of Ohio. The District of Columbia taxes itself 11.93 percent of its total personal income.

Thus, I do not blame my good friend from Ohio, in trying to represent his State for seeking a double-barreled formula. Ohio gains on the one hand because it has the least tax effort of all the States, on the other hand, it would gain even more under this proposed formula.

Mr. President, if this formula is adopted, I will tell you who will get both barrels. It will be the people of the United States. That is not fair. No one knows how it will work. This is an unprinted amendment. I think we need something better than that in order to make certain what the cost will be.

I am embarrassed for my good friend from Ohio, because I suspect he does not know how little tax effort the people of the great State of Ohio have made in trying to solve their own problems.

In the State of Wyoming, we tax ourselves nearly 20 percent—19.85 percent—of our total personal income.

Mr. TAFT. Will the Senator yield?

Mr. HANSEN. I yield.

Mr. TAFT. I wonder whether the distinguished Senator from Wyoming could give us the figure or the percentage of the total taxes paid by people in Wyoming that come from severance taxes?

Mr. HANSEN. I do not have that right at the moment, but I will be glad to furnish it.

Mr. TAFT. The reason I asked the question is that severance taxes are paid by people from all over the United States. I am not saying that the Senator is not being truthful in his representation here. He is. But the point is, as I said earlier, each State has its own taxes. Each State has its own tax problems. The principle of revenue sharing is that the State should be able to have that and make its own decisions as to what level it wants. The State of Ohio now has substantially a bigger tax effort involved within its own State. It should not have to decide how to determine what its tax structure will be, or even what its tax level will be, nor under a general national program such as this. That is why the per capita formula is important in this situation.

Mr. HANSEN. I will be happy to have printed in the RECORD the figures the Senator refers to. I do not happen to have them before me now. I do have a bundle of material here, as the present Presiding Officer of the Senate (Mr. FANNIN) well knows, on the revenue sharing bill.

I want everyone to have the facts. I think the Senator from Ohio deserves to know those facts. May I say that at least one of the oil companies operating in Wyoming happens to be headquartered in the State of Ohio. I am sure that the Senator from Ohio can name more. But as to per capita income, the people in Ohio who have interests in the State of Wyoming could do a better job than they are doing.

If my State were the 51st on the list of States, including the District of Columbia in total tax effort, I do not think I would come before this body proposing to put $350 million onto a program and then say, "We will get more than 25 percent of that back for the State of Ohio."

I do not challenge the Senator from Ohio at all. The State of Ohio is entitled to set up its own tax system. That is what we have done in Wyoming.

I can tell you something else, Mr. President. In the State of Wyoming we have a great many people working for the oil industry and we are proud of that oil industry. It does a great deal for this country. It makes certain, for one thing, that we will all remain free.

I am glad that the people from the great State of Ohio are operating some of the oil businesses out in Wyoming. But we have many people who work in Wyoming whose total income is reflected in the per capita income of our State, and we are doing a pretty good job obtaining that income. We are No. 1 on the list in total tax effort.

Until the State of Ohio does a better job than it is doing and until it moves out of 51st place, it certainly seems somewhat ill advised to me to come to the floor of the Senate and say, "Let us adopt an amendment that is not even printed and that we cannot figure out."

Mr. AIKEN. Mr. President, would the Senator mind reading off the first six or eight States which have the highest per capita rate of taxation?

Mr. HANSEN. I would be happy to. The first six States are Wyoming, North Dakota, New Mexico, Wisconsin, Iowa, and Vermont. Vermont is sixth.

Mr. President, the point that I have made should be seriously considered.

Mr. LONG. Mr. President, in view of the fact that the RECORD might not adequately reflect why Senators felt it desirable not to start changing this formula in the committee bill, I ask unanimous consent that there appear in the RECORD prior to the vote on the Taft amendment today, two tables prepared by the staff of the Joint Committee on Internal Revenue Taxation showing how States would have gained or lost money by changing the formula:

First, had the Taft amendment as initially proposed been agreed to; and

Second, had the Senate agreed to the Long amendment to the Taft amendment and then agreed to the Taft amendment as so amended, which would have limited the Taft amendment to one uniform formula, population weighted by relative income, to be applied in all States of the Union. The tables show the comparison of these two and the committee bill based upon the same amount of money, $5.674 billion. It is only by making a comparison based on a constant amount of money that one can say whether a Senator might have voted for a State to receive more or less money under any given situation.

I point out also that no one can be sure what it would have been had any one of these alternatives been agreed to, had we wandered off in that direction, because, had the original Long amendment to the Taft amendment failed, I had another amendment in mind which would have again required uniformity, but simply distributing the money entirely on a population basis. And that would have distributed the money on an entirely different basis. The point being that there is no way one can determine what the final result would be once we started changing the formula and applying substitute formulas to those in the bill which the committee had recommended.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

TABLE 1.—COMPARISON OF COMMITTEE BILL AND TAFT AMENDMENT, BOTH AT $5,674,000,000[1]

States	Finance Committee bill, scaled [2] (1)	Distribution based on population or relative income [3] (2)	Difference (2)—(1) (3)
United States, total	5,674.5	5,674.5	
Alabama	136.5	149.5	13.0
Alaska	5.9	8.0	2.1
Arizona	59.0	47.7	−11.3
Arkansas	64.6	71.0	6.4
California	546.1	520.5	−25.6
Colorado	64.2	57.8	−6.4
Connecticut	61.5	79.0	8.5
Delaware	13.8	14.8	.5
District of Columbia	15.1	19.6	4.5
Florida	171.5	177.0	5.5
Georgia	129.1	137.3	8.2
Hawaii	24.3	20.1	−4.2
Idaho	23.3	21.2	−2.1
Illinois	268.5	289.9	21.4
Indiana	122.6	135.7	13.1
Iowa	90.5	77.4	−13.1
Kansas	62.1	60.4	−1.7
Kentucky	102.6	104.9	2.3
Louisiana	133.5	123.0	−10.5
Maine	36.5	30.7	−5.8
Maryland	101.4	102.3	.9
Massachusetts	153.5	148.4	−5.1
Michigan	225.7	231.6	5.9
Minnesota	115.8	99.1	−16.7
Mississippi	106.6	91.2	−15.4
Missouri	116.0	124.5	8.5
Montana	24.2	20.1	−4.1
Nebraska	50.4	47.7	−2.7
Nevada	12.7	12.7	
New Hampshire	17.9	19.6	1.7
New Jersey	152.6	187.1	34.5
New Mexico	39.7	32.9	−6.8
New York	542.6	475.9	−66.7
North Carolina	159.2	161.6	2.4
North Dakota	23.2	19.6	−3.6
Ohio	198.4	277.7	79.3
Oklahoma	69.9	74.7	4.8
Oregon	66.1	61.5	−4.6
Pennsylvania	310.5	307.4	−3.1
Rhode Island	24.7	24.9	.2
South Carolina	95.8	101.2	5.4
South Dakota	29.5	23.8	−5.7
Tennessee	115.7	126.1	10.4
Texas	287.5	316.4	28.9

Footnotes at end of table.

TABLE 1.—COMPARISON OF COMMITTEE BILL AND TAFT AMENDMENT, BOTH AT $5,674,000,000[1]—Continued

States	Finance Committee bill, scaled [2] (1)	Distribution based on population or relative income [3] (2)	Difference (2)−(1) (3)
Utah	36.9	31.3	−5.6
Vermont	17.4	12.7	−4.7
Virginia	117.4	122.4	5.0
Washington	98.8	91.7	−7.1
West Virginia	61.5	59.4	−2.1
Wisconsin	157.4	115.0	−42.4
Wyoming	11.4	9.0	−2.4

[1] Excludes $1,000,000 of supplemental sharing.
[2] Scaled proportionately to equal $5,674,000,000.
[3] Population or population weighted by relative income.

Note: Compared to the committee bill 24 States gain, 26 lose and 1 is unchanged. Details may not add to totals because of rounding.

TABLE 2.—COMPARISON OF COMMITTEE BILL AND TAFT AMENDMENT AS IT WAS PROPOSED TO BE AMENDED BOTH AT $5,674,000,000[1]

States	Finance Committee bill, scaled [2] (1)	Distribution based on relative income [3] (2)	Difference (2)−(1) (3)
United States, total	5,674.5		
Alabama	136.5	160.0	23.5
Alaska	5.9	6.8	.9
Arizona	59.0	51.0	−8.0
Arkansas	64.6	76.0	11.4
California	546.1	466.7	−79.4
Colorado	64.2	60.1	−4.1
Connecticut	61.5	65.8	4.3
Delaware	13.8	14.1	.3
District of Columbia	15.1	16.5	1.4
Florida	171.5	186.6	15.1
Georgia	129.1	146.9	17.8
Hawaii	24.3	19.3	−5.0
Idaho	23.3	22.7	−.6
Illinois	268.5	268.8	.3
Indiana	122.6	142.3	19.7
Iowa	90.5	82.8	−7.7
Kansas	62.1	64.6	2.5
Kentucky	102.6	112.2	9.6
Louisiana	133.5	131.6	−1.9
Maine	36.5	32.8	−3.7
Maryland	101.4	94.2	−7.2
Massachusetts	153.5	141.2	−12.3
Michigan	225.7	223.4	−2.3
Minnesota	115.8	106.0	−9.8
Mississippi	106.6	97.6	−9.0
Missouri	116.0	133.2	17.2
Montana	24.2	21.5	−2.7
Nebraska	50.4	51.0	.6
Nevada	12.7	11.9	−.8
New Hampshire	17.9	21.0	3.1
New Jersey	152.6	165.0	12.4
New Mexico	39.7	35.2	−4.5
New York	542.6	424.1	−118.5
North Carolina	159.2	172.9	13.7
North Dakota	23.2	21.0	−2.2
Ohio	198.4	249.0	50.6
Oklahoma	69.9	79.9	10.0
Oregon	66.1	65.8	.3
Pennsylvania	310.5	323.8	13.3
Rhode Island	24.7	25.5	.8
South Carolina	95.8	108.3	12.5
South Dakota	29.5	25.5	−4.0
Tennessee	115.7	134.9	19.2
Texas	287.5	338.5	51.0
Utah	36.9	33.5	−3.4
Vermont	17.4	13.6	−3.8
Virginia	117.4	131.0	13.6
Washington	98.8	98.1	−.7
West Virginia	61.5	63.6	2.1
Wisconsin	157.4	123.0	−34.4
Wyoming	11.4	9.6	−1.8

[1] Excludes $1,000,000,000 of supplemental sharing.
[2] Scaled proportionately to equal $5,674,000,000.
[3] Population weighted by relative income.

Note: Compared to the committee bill 27 States gain and 24 lose. Details may not add to totals due to rounding.

Mr. LONG. Mr. President, I do not think any of these formulas that have been suggested will improve on what the committee has done. I therefore move that the amendment be laid on the table.

The PRESIDING OFFICER. Which amendment does the Senator refer to?

Mr. LONG. I refer to the Taft amendment which would take my amendment with it in the event the amendment were to carry.

The PRESIDING OFFICER. The amendment of the Senator from Louisiana has not been acted upon.

Mr. LONG. I know. However, can I not move to table the amendment of the Senator from Ohio, and does that not take my motion with it if it is adopted?

The PRESIDING OFFICER. That would be the effect; the Senator is correct.

Mr. LONG. Mr. President, I move to table the basic amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

Mr. TAFT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from Washington (Mr. MAGNUSON), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Arkansas (Mr. FULBRIGHT), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that the Senator from Iowa (Mr. HUGHES) is absent on official business.

I further announce that if present and voting, the Senator from Alabama (Mr. SPARKMAN) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from New Hampshire (Mr. COTTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Hawaii (Mr. FONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 53, nays 24, as follows:

[No. 408 Leg.]

YEAS—53

Aiken
Allott
Anderson
Baker
Bayh
Bennett
Bentsen
Bible
Boggs
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Church
Curtis
Dole
Eastland
Edwards
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hart
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McGee
Metcalf
Miller
Mondale
Moss
Muskie
Nelson
Packwood
Proxmire
Randolph
Roth
Smith
Spong
Stafford
Stennis
Stevens
Talmadge
Tunney
Young

NAYS—24

Allen
Beall
Brooke
Case
Chiles
Cook
Cooper
Gravel
Griffin
Hartke
Kennedy
Mathias
McIntyre
Pastore
Percy
Ribicoff
Schweiker
Scott
Stevenson
Symington
Taft
Tower
Weicker
Williams

NOT VOTING—23

Bellmon
Brock
Cannon
Cotton
Cranston
Dominick
Eagleton
Fong
Fulbright
Harris
Hatfield
Hollings
Hughes
Magnuson
McClellan
McGovern
Montoya
Mundt
Pearson
Pell
Saxbe
Sparkman
Thurmond

So Mr. LONG's motion to lay Mr. TAFT's amendment on the table was agreed to.

Mr. MUSKIE. Mr. President, I rise in

support of H.R. 14370, the general revenue-sharing legislation before this body.

I have long supported the concept of general revenue-sharing legislation. In 1969, and again last year, I introduced general revenue-sharing bills of my own. In both of those years, my Subcommittee on Intergovernmental Relations conducted extensive hearings on general revenue sharing.

Fifteen months ago, when my subcommittee begin revenue-sharing hearings, the prospects of enacting this legislation in this Congress appeared bleak. I did not share that pessimism then, and I am pleased that we are now on the threshold of enacting a 5-year program to provide general support assistance to State and local governments.

Much has happened in the interim to create momentum for revenue sharing. Most significantly, the record accumulated in hearings in both Houses of the Congress underscored the urgent need for general revenue-sharing legislation.

It is unnecessary for me to detail the fiscal crises in our cities and States. Mayors and Governors from across the Nation have consistently detailed their dilemma of having to run State and local governments without the necessary revenue. They have made us all aware of cutbacks they have been forced to make in essential public services.

The fiscal crisis is particularly critical in the cities where mayor after mayor has been forced to lay off city workers because they cannot afford to pay them. The harsh reality is that no matter how hard they try, there is no way without outside help that the cities and States can raise the kind of money they need to meet the rising costs of government.

In short, cities have reached the end of the line. Unless they get help—and get it fast—city after city in this Nation may fall into bankruptcy.

There are some who would blame the fiscal crises in our cities on the inability of urban governments to raise their own revenue efficiently. There are others who would point a finger at the States, insisting State governments have too often denied the cities the power they need to raise adequate revenues and that the States have in too many cases shirked their responsibility to provide cities with financial help.

But now is no time to assess blame. The demise of our great cities would not be just a local or State tragedy, it would be a national tragedy. That is why it is incumbent upon the Senate to see that that tragedy is averted.

And that is why it is vital for this Congress to enact general revenue-sharing legislation.

I believe that the House Ways and Means Committee bill and the Senate Finance Committee version are both reasonable and responsible general revenue-sharing bills. For that reason, I could support either if it were enacted into law.

Last year, when I introduced my own bill, I said that any revenue sharing legislation enacted by Congress must meet three criteria.

First, it must channel the most assistance to those cities and counties which need it the most.

Second, it must contain adequate incentives to the States to improve their own systems of raising revenue. For the Congress to pass general revenue-sharing legislation without these incentives would be to give the State governments a carte blanche to perpetuate the inadequate revenue-raising systems that have gotten them and local governments into their current fiscal crises.

Third, it must not gut categorical grant programs.

To meet those criteria, I incorporated some new features into my revenue-sharing bill. First, I incorporated a need factor in the formula for distributing funds to local governments. Second, my bill offered a bonus to those States which utilize the State income tax—a more progressive means of raising revenue than the sales tax or the property tax which most States use to raise revenue. In addition, my bill offered the States the option of utilizing the machinery of the Federal Government to collect State income taxes for them.

I am pleased that both the House and Senate versions incorporate the major thrusts of these provisions.

Most significantly, the bill currently before the Senate does include a need factor in its formula of distribution of shared revenues to State and local governments. As a result, under the Senate bill, the major cities with the greatest need would receive the greatest shares. The bill before the Senate corrects the imbalance that existed under the formula in the administration's original revenue-sharing bill that would have resulted in wealthy suburbs receiving two, three, and four times as much revenue-sharing funds per capita as the suffering central cities. I view the inclusion of the need factor in the formula for distribution to the States and localities as one of the most attractive features of this legislation.

Second, the bill before us does include a provision that would allow the States to utilize the machinery of the Federal Government to collect State income taxes for them. This provision should serve as an inducement to the State to make better use of the progressive State income tax.

While the bill we are considering in the Senate does not include as strong an income tax incentive as the House-passed version, the formula for allocations to the States in the Senate bill does include the need factor, which the formula in the House bill does not. As a result, my own State of Maine, which has a high-need factor, will receive $34.2 million in the first year under the Senate Finance Committee's version, as opposed to $19.9 million under the House-passed bill. I wholeheartedly endorse the inclusion of the need factor in the formula for allocating shared revenues to the States.

Third, since this legislation is general revenue sharing legislation it will not undercut any existing categorical grant programs. Rather, it will supplement those programs by providing State and local governments with the funds they need to provide essential services such as providing police and fire protection and garbage collection.

Mr. President, the general revenue sharing legislation before the Senate is in itself no panacea for the financial ills of city and State governments. But, if we are ever to deal effectively with the fiscal woes on the State and local levels, it is essential that we in the Congress begin immediately. Therefore, I offer my unqualified support for Senate passage of H.R. 14370.

PERMISSION FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON S. 3939

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs have until midnight tonight to file its report on S. 3939, to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON U.S. PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. TUNNEY) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

It is a pleasure to transmit to the Congress the 26th annual report on United States participation in the work of the United Nations. This report covers the calendar year 1971.

During the period under review there were many developments within the UN framework of importance to the United States and to other member states. Some of these events were favorable; others were not. Among the former:

—The General Assembly decided to seat the representatives of the Peoples Republic of China, and this was followed by corresponding action in the Security Council.

—The United Nations established a Fund for Drug Abuse Control that will finance a concerted worldwide action program to assist member states in reducing both the demand for and the supply of dangerous drugs.

—At a plenipotentiary conference in Vienna sponsored by the United Nations, a Convention on Psychotropic Substances was adopted, designed to curb the misuse of such substances as the hallucinogens, amphetamines, barbiturates, and tranquilizers.

—The 26th General Assembly endorsed two treaties, both sponsored by the United States, and expressed its hope for the widest possible adherence to them. The first was the Convention on International Liability for Damage Caused by Space Objects; the second was the Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

—In December the United Nations elected a new Secretary General, Ambassador Kurt Waldheim of Austria.

—At an international conference in Montreal sponsored by the International Civil Aviation Organization, a Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation was adopted.

—The UN Economic and Social Council was strengthened by the Assembly's decision to adopt and submit to member states for ratification an amendment to the Charter that will double the Council's membership to 54, thereby making it a more representative body. In addition the Council created two new standing committees, one concerned with review and appraisal of the progress toward the goals of the Second UN Development Decade, and the other concerned with problems of science and technology.

—The United Nations created the position of Disaster Relief Coordinator within the UN Secretariat to assist countries stricken by disasters.

In addition to these favorable developments there were others that were disappointing.

—The Republic of China, a member in good standing for many years, was deprived of representation by the same resolution that gave representation to the Peoples Republic of China.

This action was extremely regrettable and was strongly opposed by the United States.

—Despite determined efforts by the United States and others, the war between India and Pakistan demonstrated again the severe limitations on the organization's ability to carry out its primary function, the maintenance of international peace and security.

—No progress was made toward resolving the differences among UN members on the organization and conduct of peace-keeping missions.

—The General Assembly's effort to rationalize its organization and procedures fell far short of our hopes.

—The United Nations made no great progress toward resolving its difficult financial problems.

During 1971 the United States Government announced its intention to negotiate a reduction in the rate of its UN assessment to a level no higher than 25 percent. This decision is in line with a recommendation by the Commission for the Observance of the 25th Anniversary of the United Nations, chaired by Ambassador Henry Cabot Lodge, and is consonant with our belief that an organization of almost universal membership should not be overly dependent upon a single member for its financial support.

This proposed reduction in our rate of assessment does not affect our voluntary contributions to various UN programs. Indeed, the Lodge Commission recommended increases of at least corresponding size in voluntary contributions whose size depends on each nation's judgment of its own interests and capabilities.

These and many other topics are covered in the report. I commend to the Congress this record of our participation in the United Nations during 1971.

RICHARD NIXON.

THE WHITE HOUSE, *September 8, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. TUNNEY) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are pointed at the end of Senate proceedings.)

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1459

Mr. METCALF. Mr. President, I call up my amendment, No. 1459.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 41, between lines 15 and 16, insert the following:

(e) INDIAN TRIBES.—One-fourth of 1 percent (0.25 percent) of the amount available for allocation among the States under this section shall be set aside for allocation and payment to Indian tribes and Alaskan native villages which perform governmental functions. The Secretary shall prescribe regulations for the division of the funds among such tribes and villages which shall generally reflect the policies embodied in this subtitle.

Mr. METCALF. Mr. President, this amendment is cosponsored by the Senator from Montana.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate so that the Senator may be heard on his amendment?

The PRESIDING OFFICER. The Senate will be in order.

Mr. METCALF. Mr. President, this amendment is cosponsored by Senators MANSFIELD, JACKSON, BURDICK, HARRIS, HUMPHREY, PACKWOOD, GRAVEL, KENNEDY, MOSS, MONDALE, BIBLE, MUSKIE, CHURCH, and STEVENS. In addition, Senator HART has asked to be named a cosponsor.

Mr. President, our amendment would provide that Indian tribes, on Federal or State reservations, and Alaskan native villages that perform governmental functions be included in the units of government to receive allocations under the Revenue Sharing Act.

Our amendment is a logical extension of the recognition given tribal governments since the passage of the Wheeler-Howard Act, when we acknowledged the tribes as quasi-municipal corporations for purposes of participation in State, local, and Federal level governmental activities.

We would provide that one-fourth of 1 percent of the total amount available for allocation be set aside for allocation and payment to Indian tribes and Alaskan native villages which perform governmental functions. One fourth of 1 percent is the ratio of Indians to non-Indians. If our amendment is adopted, the allocations would amount to approximately $13 million.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. METCALF. Mr. President, in 1960 when I was a Member of the House of Representatives, Senator MANSFIELD and I went over to the old Supreme Court chamber and appeared before Senator Douglas, who was conducting hearings on an area redevelopment bill. We pointed out to him that Indians met every criteria set up in the bill, multiplied several times.

We told of the horribly depressed economic conditions on the seven Indian reservations in the State, conditions that were identical to those found in Appalachia and other areas of the Nation.

The committee recommended and the Senate agreed that Indian tribes should be included. The provision was incorporated in the bill that finally passed.

And in all bills that have been passed since then, such as OEO, and Urban Renewal, the Indian tribes have been declared eligible to participate on the same basis as other municipal corporations.

The Indians need the same help today.

According to the 1969 report of the Special Subcommittee on Indian Education, the Indian dropout rate in the Minneapolis public schools was 62 percent; in California it was 70 percent. One-third of the 123 Yakima Indians in a Washington school were reading two to six grades below the median level. In Nome, Alaska, there was a 90 percent dropout rate and in an all Indian public school near Ponca City, Okla. the rate reached 87 percent at the sixth grade.

The direct effect on the future of these young Indians is graphically illustrated by the rate of Indian unemployment and by their average income.

The Joint Economic Committee's Subcommittee on Economy in Government in its print, "Toward Economic Development for Native American Communities" found that among reservation Indians the average unemployment rate in 1967 was 37.3 percent as compared with 2.3 for non-Indians at the time. Statistics compiled the year before by the Bureau of Indian Affairs showed that unemployment was as high as 79 percent—Fort Berthold in North Dakota—on some reservations.

It stands at 40 percent today, nationwide.

We have to remember, too, that much of the employment on reservations is seasonal. This means, of course, that incomes are lower. The report of the Subcommittee on Economy in Government said:

> The vast majority of reservation Indians are living in poverty.

In 1964, the income of reservation Indians was only 32 percent of that on non-Indians, $1,800 annually, as compared with $5,710 annually, for non-Indians.

In 1970 the average Indian per capita income had dropped to $950 as compared to 1970 non-Indian income of $3,900.

Despite the desperate circumstances that the foregoing figures describe, Indian tribes are nevertheless performing governmental functions. There is the Agricultural Extension Service; the Indian Forest Service; these are services performed under contract with the Bureau of Indian Affairs. Then there are law and order functions including courts and policemen, there are schools—under BIA contract using Johnson O'Malley money—and there is welfare and there are roads and sewer systems and housing handled locally where possible.

Out of tribal funds the tribes have sponsored Headstart, Community Action, and other Office of Economic Opportunity programs, they have organized themselves and used tribal funds to match Federal funds to construct housing, sewers, and so forth.

While the non-Indian populations enjoy appropriations for the Agricultural Extension Service and for substantial subsidies to agriculture and at all levels for laws and courts, the Indian tribes as a community have to finance their programs out of Federal appropriations, from the Bureau of Indian Affairs, or out of tribunal funds.

So we have a distorted view of how much we are spending at the present time on Indian people. If we added everything we spend for non-Indian government services, including those that are local such as police and fire protection, sewer and water systems, schools and roads, I think the picture would change substantially.

When we require Indian tribes to perform some of these special functions that they take over from the Federal agencies and local governmental groups, in maintenance of law and order, welfare and other special services that the governmental bodies perform, it seems to me that equity demands that Indian governments share as do other units of government, in the Revenue Sharing Act.

Mr. President, we know the desperate conditions that prevail on Indian reservations respecting employment, income, and education. We know that the tribal governments are nevertheless performing vital government services. Our amendment to the revenue-sharing bill would enable them better to perform their functions for high priority expenditures and place them on an equitable footing with non-Indian units of government.

I urge the adoption of the amendment.

Mr. President, Senator MANSFIELD has already called our attention to the support of the National Tribal Chairmen's Association for our amendment. I ask unanimous consent that the endorsement of the National Congress of American Indians be printed at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CONGRESS OF AMERICA INDIANS,
August 4, 1972.

Hon. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: We wish to take this opportunity to thank you, once again, for your interest in Indian people and for your attempts to secure a fair shake for our people in various bills which have been introduced in the Congress. In particular, we wish to express our appreciation to you and Senators Mansfield, Jackson, Burdick, Harris, Humphrey, Gravel and Kennedy for the introduction of Amendment No. 1459 to H.R. 14370.

If the revenue sharing legislation becomes law, it is of extreme importance that Indian tribes be included in the concept if the promise of "Self-determination without Termination" is to have real meaning.

We have corresponded with each of the members of the Finance Committee of the Senate asking them to support the adoption of your amendment and to support its passage in the final bill.

Again, thank you.

Sincerely yours,
LEO W. VOCU,
Executive Director.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield.

Mr. GOLDWATER. I wanted to ask a question of my friend. This applies to Indian tribes, as I understand it.

Mr. METCALF. This applies to every Indian group that exercises a government function.

Mr. GOLDWATER. I was wondering if the measure might be more easily applied if we confined it to reservations that come under the supervision, control, or observation of the Federal Government. These tribes range in numbers from less than 20 to 150,000. Twenty-five percent of all of our Indians belong to the Navaho Tribe that lives in Arizona, New Mexico, and Utah. Many tribes are so small that they have no government, and government would be difficult to achieve. The moneys that would come to them under the Senator's amendment I do not believe would do the good the Senator feels it would.

I would suggest that if the Senator changed the word "tribes" to "reservations," the measure would be more readily accepted by those of us who have lived with this problem all our lives.

Mr. TUNNEY. Mr. President, will the Senator yield to me?

Mr. METCALF. May I yield to the Senator from California, who has a similar problem?

Mr. TUNNEY. It is a similar problem, but I take almost exactly the opposite tack from the Senator from Arizona. I was prepared to offer an amendment to add after the word "tribes" a comma followed by "bands, groups, pueblos, and communities." The reason for that is that in California, and I am sure in other States as well, we have a unique problem. In the 1850's, the Indians in California were promised by the Federal Government reservation lands. Many Indians moved from the place of their habitation in reliance upon the Federal Government's promise of landed areas which they expected would be reservations. The Government never gave them reservation lands except in certain few instances in the late 19th and early 20th centuries. But the great majority of our California Indians were not given reservation land.

We now have approximately 6,000 Indians in California living in rancherias and reservations at least and 25,000 nonurban Indians not living on rancherias and reservations. There are approximately 9,000 urban native California Indians living in California today, and clearly the amendment of the Senator from Montana, as amended by my amendment, would not apply to them.

With respect to those Indians who live in bands, groups, pueblos, and communities and perform governmental services, and live on rancherias, or otherwise, it seems only fair that they should be able to participate in this revenue-sharing bill.

Mr. METCALF. I yield now to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am well aware of the problem in California, and I am not very proud of the way our Government has acted in that case. If we made the wording "Indian tribes," I do not think it would take care of the situation. However, if we made it "reservation," which I strongly recommend, then I think some language along the lines the Senator from California suggests, relating "reservations" to these people who have been terminated, would be in order. I think it is going to be extremely difficult to even allocate money among the hundreds of tribes that we have, all of whom have different problems and are located all the way from the north of Alaska to the tip of Florida. Each one of these tribes has a different problem, but if they have no government I do not know to whom it is going to be allocated.

I think all reservations—I do not know of any that does not—have governments. I think this is a good idea, but I am worried about the hundreds of tribes that have no governments that are more or less family affairs. How are we going to handle the allocation of those funds and feel that the good that could come from them will come? That is what puzzles the Senator from Arizona.

Mr. METCALF. May I respond to the Senator from Arizona by saying that is why we wrote into the measure those Indian groups that are exercising governmental functions. There are urban Indians, and may of them live in Los Angeles, Seattle, Minneapolis, and all over the Nation, who are members of tribes, but they do not participate in or exercise governmental functions. But there are Indians under the Wheeler-Howard Act, and there are bands of Indians with responsibility over sewers and other services, law and order, maintaining Indian courts, and those people exercise the same functions that the municipality nearest them exercises for the non-Indian population. That is why we have said, not reservations, but those groups that are governmental in fact as well as in law.

Mr. GOLDWATER. Mr. President, if the Senator will continue to emphasize that language, so that when the Bureau of Indian Affairs deals with this measure, as they do with everything else—to the detriment of the Indians, I might say—there will be no question about it, then I think he will be performing a good service.

I understand that language, and I think it is exactly the kind of language we should emphasize if we want to make sure that this money goes to those groups, tribes, and bands performing a governmental function.

I want to make this perfectly clear because, frankly, the BIA, like all Government agencies, rather scares me as to what they will do with this well-intentioned piece of legislation after they get their hands on it.

Mr. METCALF. I certainly concur. I want to make it crystal clear that the persons who get the benefits of this bill are those who perform the same functions that States and municipalities are filling. They have courts, they have water and sewage systems, they have schools to support, they have jails, and they have all the problems of other units of government. This is not a bill for the relief of individual Indians; it is a bill to recognize our responsibility to those Indian tribes which do some of those jobs the adjacent communities are doing.

Several Senators addressed the Chair.

Mr. METCALF. I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, obviously we do not, in my State, have any of the problems the Senator is talking about. The thing that bothers me, and I wish someone would try to explain it, is that everything else in this book—the State, the county, the city—has a boundary. It is a specific unit of government established statutorily, under the respective sovereignty of the States, according to the statutory law of the respective States that established the boundary lines of the county or the boundary lines of the city. So we know that there is a specific legal entity that is established and created.

The thing I am puzzled about, and would hope that some language could be gotten together on—I must say, in my own mind, that if in fact there is a unit of government that is run by an Indian tribe, that has a school system or a sanitary sewer problem, or a health department, it has got to be an established form of government under the respective laws of the State or those provided by the Federal Government for a territorial jurisdiction.

I wonder whether, somehow or other, this can be defined that way. I am worried about this kind of fluid thing, that could encompass several counties, or could encompass territories in, let us say, two different States. That is what bothers me about this. If there is some way that it really could be defined, I think it would be better, because, as I said just a minute ago, everything else that is in this bill is specific to either a legal or statutorily created unit of government.

I am just wondering if something can be found. As a matter of fact, that is why I thought the word "reservation" might be appropriate, but I now find it is not, because that is a specifically defined territory. A metes and bounds description could be established. It is created as a separate unit of government.

I merely present this as a question. Can it be done that way? Can the distinguished Senators from Montana, California, and Arizona come up with some kind of language, so that we will not have some kind of a fluid form of government within revenue sharing that is going to take a percentage of revenue, so that conceivably we could get into an argument, on the Arizona-California border, where some from one State goes to it and some from another State goes to it, so that we could get ourselves into a serious extraterritorial argument?

Several Senators addressed the Chair.

Mr. METCALF. I would be delighted to respond, but I yield to the Senator from Arizona.

Mr. FANNIN. Mr. President, I express my appreciation to the Senator from Kentucky, because he has raised questions which troubled the committee. The committee had great sympathy for the amendment of the Senator from Montana, but it was very difficult to determine how it could be applied.

Further to emphasize the great problem that will accrue to the Secretary who will be administering this fund is the language which states that he is supposed to "prescribe regulations for the division of the funds among such tribes and villages which shall generally reflect the policies embodied in this subtitle."

I understand from the Senator from Montana that this would be on a per capita basis. But if it is on a per capita basis, is it really carrying through with the intent of this revenue sharing legislation? Because, as the Senator from California has set out, they may have problems as far as sewage is concerned and they may have problems as far as water systems are concerned. How do they work that out on a per capita basis? I would like to pose that question to the Senator from Montana.

Mr. METCALF. Let me assure the Senator from Arizona and the Senator from Kentucky that while perhaps it is a little bit easier to say that here is the geographical boundary of a county or a municipality or a city, these are groups of American Indians who are organized under Federal statutes, and are exercising governmental functions. These are groups of people. Sometimes they are on a reservation. As far as the Indians in California are concerned, they are not on a reservation, but they perform certain governmental activity.

We have recognized them under urban renewal, under Headstart, and under Upward Bound, and we have been able to administer those programs. When they come in and say, "Look, we are the same as any other municipal corporation, and we want a housing project," we give them a housing project. When they say, "We want to have a community action program," we give them that.

An Indian tribe is a little more fluid than, say, a certain specific county, but it is ascertainable that these Indians, who are organized under Federal statutes and participate in organizations—we can find out what they are doing. If the Senator from Kentucky had to go into an Indian court, he would know full well where the jurisdiction of the court was, because it is defined, and they do do the things that the nearby municipalities do. They have jails, they have courts, they have law enforcement officers, they have schools—they have all the things that governmental units with definite boundaries have.

Mr. COOK. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield.

Mr. COOK. The Senator mentioned that they have jails, law enforcement officers, and schools. Is there a territorial basis by which they can derive income for the purpose of maintaining those facilities?

Mr. METCALF. No; and that is what is wrong with the way we are treating the American Indian today. That is something I am trying to cure by this legislation. They are being required to support many of these organizations out of private income—rental of private property, sale of private cattle, income on natural resources such as coal and oil, and so forth—that, if it were a non-Indian population, would be distributed among the owners of a corporation. They do not have any tax base, and in order to participate in community action program benefits, they have to divvy up some of the money they get from Indian claims to make up their matching funds.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. METCALF. I am delighted to yield.

Mr. TUNNEY. Mr. President, I completely concur with what the distinguished Senator from Montana has said.

I should like to reiterate to the Senator from Kentucky that the problem we have in California, as an example, is that we have only 6,000 of our 45,000 native California Indians living on rancheros or reservations. Actually, we probably have many more than 45,000 Indians in California. Recent hearings held there indicate there are at least 90,000.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. COOK. Those who live in Los Angeles and San Francisco are citizens of those communities.

Mr. TUNNEY. And they will be treated as such, as they should be.

We are not talking about them. We are talking about the rural Indians who exercise governmental functions. I should like to emphasize and underline the phrase "governmental functions."

I think the distinguished Senator from Arizona (Mr. GOLDWATER) made the point very clearly that he feels that the people to be affected should be performing a governmental function in order to get any money, and I feel the same way. I do not think we should be handing out this money on a per capita basis to individual Indians. We are not talking about that. We are talking about giving it to a band or a tribe or a group of Indians that is legally distinguishable and which has dealt with the Bureau of Indian Affairs in the past as a legal entity.

If the distinguished Senator from Montana would yield to me for the purpose of offering an amendment to this amendment, I should like to offer the amendment at this time.

Mr. METCALF. I yield.

Mr. TUNNEY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On line 4 of the first page of the amendment, immediately after the word "tribes", insert a comma and the following: "bands, groups, pueblos, communities,". On line 2 of the second page of the amendment, immediately after the word "tribe", insert a comma and the following: "bands, groups, pueblos, communities,".

Mr. METCALF. Mr. President, I am delighted to accept that amendment, provided the record shows and it is clearly understood today that these tribes, bands, and other units have to be performing a governmental function.

Mr. TUNNEY. Absolutely.

Mr. METCALF. Just as the Indians on a reservation have to be. I think we should accept the Indians that the Senator from California wants to have included.

We should make it clear that we want those Indians included in this, but again let us emphasize the fact that they have to be doing something that is analogous to the governmental function of adjacent communities.

Mr. TUNNEY. Absolutely. It is on that basis that I offer the amendment.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. MUSKIE. I have followed the discussion with interest, because I am a cosponsor of this amendment. It applies, as I understand it, to Indian tribes in Maine.

I am disturbed with respect to the explanation of the Senator from California of his amendment. I believe it was suggested in the colloquy with the Senator from Kentucky that this amendment would apply only to Indian tribes that are subject to the jurisdiction of the Bureau of Indian Affairs.

Mr. METCALF. No.

Mr. MUSKIE. If that is the intent of the amendment, I am particularly concerned about it, because the two tribes in Maine that are involved have never been acknowledged by the Bureau of Indian Affairs as a trust responsibility. As a result, they have had difficulty with Federal agencies over the years in getting the advantage of programs identified by Congress as intended to benefit Indian tribes on Indian reservations. I would like it to be explicitly clear—to coin another phrase—that the amendment is designed to cover such communities of Indians as well as those that are under the jurisdiction of the Bureau of Indian Affairs.

Mr. TUNNEY. There is no question that my amendment is intended to do just as the distinguished Senator from Maine suggests. It is not circumscribed to just those Indians that have a legal identity recognized by the Bureau of Indian Affairs. I did not intend to convey that impression. I was saying that some of the nonreservation bands in California who are exercising governmental functions have been recognized by the Bureau of Indian Affairs. But I was not attempting to circumscribe the group of Indians to be covered just to those who have been recognized by the Bureau of Indian Affairs. Under the language of my amendment, the Indian tribes in Maine, irrespective of whether they have been recognized by the Bureau of Indian Affairs, if they are performing governmental functions, would be included.

Mr. MUSKIE. I was certain that that was the Senator's intention.

Mr. METCALF. I say to the Senator from Maine that that was one of the reasons why I objected to the proposal of the Senator from Arizona (Mr. GOLDWATER)—that it would be easier just to say that we will apply this to Indian reservations. But there are areas and there are groups and there are bands and there are tribes that do not come under the Bureau of Indian Affairs which do exercise some of these governmental functions that we are trying to assist the cities and the towns in carrying out; and we should assist the Indians who are exercising analogous functions.

Mr. MUSKIE. I appreciate that explanation. It was my understanding, consistent with my understanding of the thrust of the original amendment, and now I am reassured by the Senator from California. I accept the explanation, and I appreciate the reassurance.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. FANNIN. I will support the Senator's amendment if we can have a clarification as to exactly how it would be applied.

As I understand the amendment of the Senator from California, it would have to be a governmental organization. In other words, they would be functioning the same as a municipality. Is that the understanding we now have? They would be subject to the same laws as a municipality.

Mr. METCALF. I will give an example, although it may not cover every aspect. The Flathead Tribe, which exercises law and order and performs sewage services, and so forth, will apply for its per capita share of this $13 million, and the amount will be allocated to it for these purposes under the same provisions that we have revenue sharing for everybody else.

Some of Senator TUNNEY's bands and tribes are also definitely ascertainable, and whether they are under the Bureau of Indian Affairs or not, we can determine what they are, and they will participate in the per capita distribution.

Mr. FANNIN. The distinguished Senator from Montana stated earlier that, under this provision, the same regulations would apply that apply on other Federal grants that are now being given to these governmental entities. Is that correct?

Mr. METCALF. That is correct. I want these Indian groups treated exactly the same as other governmental units.

Mr. FANNIN. So the same rules and regulations would apply in this regard as now apply to municipalities.

Mr. METCALF. I assume the same rules for distribution, and so forth, would apply. They would have to make application in the same order.

Mr. FANNIN. I thank the Senator.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. BENNETT. One situation here puzzles me, and perhaps by trying to suggest an example I can illustrate the problem as I see it.

Let us say that in Orange County, Calif., there is a community or pueblo of a thousand Indians. That is possible, I suppose.

Mr. METCALF. I cannot visualize that many "reds" in Orange County.

[Laughter.]

Mr. BENNETT. I will back away from that one.

Here is this community or pueblo. Under the bill, money is allocated to Orange County, and then it is divided among the various organized localities inside the county. Under the amendment of the Senator from Montana, would Orange County get all its money, because the Indians are counted as population, and then would the Indians get that much money on top of it, or would the Orange County allocation cover the Indians in Orange County?

Mr. METCALF. I would hate to have the Senator and others try to determine that we would deduct from regularly established county officers and municipal areas the amount that we allocated here to the Indians.

There are various problems, as the Senator from Utah knows, which are very much involved in a substantial group of Indians in any specific county. For example, up in Glacier County, Mont., the Blackfeet Indians probably own half the land, all of which is tax-exempt. They would get a payment under this allocation. I would not want to say that Glacier County or the City of Cut Bank, to use a specific example, would be deprived of some of its allocation just because the Indians were given special treatment. We are talking about $13 million, one-quarter of 1 percent. I would hope that we would not bother about what would happen in a handful of counties or municipalities.

Mr. BENNETT. What the Senator is saying, then, is because half of Glacier County belongs to the Indians—I do not know what the population of Glacier County is, but let us say it is half Indian for the sake of argument—then Glacier County will get two such allocations, one as if the Indians were white, and then the Indian allocation on top of that.

Mr. METCALF. Yes. I feel that there are so few Indians in America and the special problems that they have raised so far as welfare is concerned, and the problems they have taken on, so far as law and order is concerned, warrant that differentiation.

Mr. BENNETT. There are no white people in the United States who will have the benefit of—what is it?—$13 million appropriated?

Mr. METCALF. No. Let us talk about that. We have an appropriation for the Bureau of Indian Affairs. Some of the money is appropriated for Indian forestry, some for Indian education, and some for Indian welfare and all of those things. If we count up the money appropriated for the non-Indians, it would be several hundred million dollars. But we do not include that. We do not say, for the people who live in Cut Bank in Glacier County, that we appropriate money so that they can have a national forest. That is part of the agricultural program.

Mr. BENNETT. But that is not the problem here, Senator.

Mr. METCALF. Let us not distort the issue by saying that we are appropriating all this money for the Indians, because we are not appropriating it for the Indians. We are doing for them a special job that we are doing for other people by ordinary appropriations.

Mr. BENNETT. The effect, of course, with Glacier County and the theoretical figure we used as an example, will be that the white people in Glacier County will get twice as much money as the white people in any other county because of the Indians that live in that county. That is a problem we are going to have to face, because we have a county in my State with a heavy Indian population——

Mr. METCALF. And very heavily Indian land owned.

Mr. BENNETT. No. On a reservation.

Mr. METCALF. It is trust land. It does not pay taxes.

Mr. BENNETT. But in determining the amount of revenue-sharing funds provided, it is population that counts in figuring the population in the county and the per capita income and everything else; and then, in addition, on a population of Indians basis, the Indians will get an allowance. As the chairman has just whispered in my ear, if they get only what they are entitled to under this amendment, then we have fixed it so that the whites in the county will get twice as much money as the whites in any other county because of the presence of the Indians in that county. Because they get large revenue-sharing funds as a result of getting credit for the Indian population in California, they will have no problem providing any money for the Indians.

I think this is a problem particularly with respect to the Indians, perhaps the small groups in California, living off reservations, and also a real problem for some areas where the reservation makes up part of the county. There is a white population and there is an Indian population. I do not think it was the Senator's intention to set up that kind of situation. I am not sure that I know how to solve it, but the RECORD should show that the problem is there. I hope that we can solve it in conference, if we cannot do it here. Otherwise, while the Senator is trying to help the Indians, all this would mean is, whether they would be treated as ordinary citizens or not, it would make it possible for the whites to have that much more money.

Mr. TUNNEY. Mr. President, will the Senator from Montana yield?

Mr. METCALF. I yield.

Mr. TUNNEY. I have assumed that in all probability, without the amendment offered by the Senator from Montana, Indians who perform a governmental function would not receive any allocation from revenue sharing.

Mr. BENNETT. No. If they are citizens of the county and have a governmental unit and serve the governmental function under the bill, they would be treated as ordinary citizens.

Mr. TUNNEY. Yes, but it is my impression that they would not receive the specific money for the running of their own governmental structure.

Mr. BENNETT. Oh, yes. If they are operating as a local government inside the county, they would receive money from the county just like a neighboring community would receive money from the county.

Mr. TUNNEY. If the county government wanted to give it to them.

Mr. BENNETT. No. It is not left to the county government but is structured into the formula.

Mr. METCALF. No. It does. An Indian road is an Indian road, not a county road. An Indian school is an Indian school, not a county school. An Indian court is an Indian court, not a county court. The county does not contribute money to that Indian court, the Indian school, the Indian road, or the Indian sewer.

Mr. BENNETT. Let me ask the Senator from California (Mr. TUNNEY) about one of the bands he talks about, the few hundred Indians living in a community, does the county police power stop at the end of their community, or do they get protection from the county?

Mr. TUNNEY. Yes; the counties provide police protection in many respects, but the affected Indian communities must provide their own law-enforcement mechanism in matters over which they have jurisdiction.

Mr. BENNETT. Are they tried in the county courts?

Mr. TUNNEY. Yes, but the affected Indian communities have residual judicial power, such as over hunting and fishing.

Mr. BENNETT. Does the county build the road through their community?

Mr. TUNNEY. In some instances, the roads are built by the county and the local governments, but only with permission given by the affected Indians and the Secretary of the Interior. In many cases, the roads are built by the Bureau of Indian Affairs. But the bands do exercise governmental functions. They are recognized by HUD for purposes of housing projects. They are recognized by HEW for purposes of medical grants.

Mr. BENNETT. They are recognized as a community as the non-Indian community is recognized.

Mr. TUNNEY. Yes; that is correct, but not as a part of the county government. They are recognized as a separate body.

Mr. BENNETT. This bill recognizes the difference between the county government and the government of an individual local community. The allocations are made to the individual communities, which the county cannot control. It would be the same thing with an Indian village if it were a unit of local government. I do not think there is any difference.

Mr. TUNNEY. I wonder whether there exists any legislative history during the hearings or in the committee report which would indicate that the Indians would be treated as a separate governmental entity. I thought that was the whole purpose of the amendment offered by the distinguished Senator from Montana (Mr. METCALF) to take care of a unique situation.

Mr. BENNETT. It is unique on the reservation, but the Indians the Senator has described, who are given all the privileges and benefits of non-Indian citizens in that county, are included in the community and, under this bill, would be given their share of the funds as communities whether non-Indian or Indian. We are in danger of doubling up on Indians that live in communities off the reservations. I think we should be very careful about that.

Mr. TUNNEY. Unless there is some legislative history indicating that the Indian bands would be given this money, I am fearful that in all probability they would not be, because they would not be considered a governmental body.

Mr. BENNETT. May I turn it around and say that if it is discovered that, in fact, these small groups, small communities off the reservations, under the bill, do get the same equal and full treatment that would be accorded non-Indian communities, in that case the Senator has no intention of doubling that up.

Mr. TUNNEY. I certainly am not.

Mr. BENNETT. That is fine.

Mr. TUNNEY. My purpose is not to double up. I understand that the Senator from Montana has, apparently, a different point of view on it.

Mr. METCALF. No, I do not. My purpose was not, I say to the Senator from Utah, to double it up. My purpose was because it is the same with regard to these areas where the Indian tribes maintain the roads, provide for the schools, and take care of the courts, and the law and order, that they should participate in the revenue sharing program.

Mr. BENNETT. Mr. President, I will not quarrel with that. I am glad to have that inquiry, because it brings out the possibility of misinterpretation. None of us want to double it up, either for Indians or whites.

Mr. TUNNEY. The Senator is correct.

Mr. BENNETT. Mr. President, all we want to do is to see that they are all given equal treatment.

Mr. TUNNEY. The Senator is correct.

Mr. METCALF. Mr. President, I yield to the Senator from New Mexico.

Mr. ANDERSON. Mr. President, has the bill been referred to the Interior Committee at all?

Mr. METCALF. Mr. President, the special provision that I have offered was referred. I offered an amendment when the revenue sharing bill came in, and the Parliamentarian and the Presiding Officer referred it to the Finance Committee. I appeared before the Finance Committee and testified in behalf of this proposal because it was a part of the revenue sharing bill.

In my statements today I have used considerable information that has been elicited as a result of the activities of the staff of the Interior Committee. However, this particular amendment was not referred to the Interior Committee because they felt it was an amendment to the Finance Committee bill.

Mr. ANDERSON. Mr. President, has the matter been referred to the Secretary of the Interior?

Mr. METCALF. I do not know. I do not know what the procedure is in the Finance Committee any more. I am not a member of it at this time. The amendment was submitted long before the committee revenue bill came out. Then, as soon as the bill was reported, which was before the recess, I redrew the amendment and submitted it in the ordinary course in the Senate. I do not know whether they submitted it to the Secretary of the Interior or not. He should have had an opportunity to comment on it.

Mr. ANDERSON. I think he should have; yes, indeed. He is especially acquainted with the problems involved. I appreciate that. I believe that they can help in matters such as this. He should examine it carefully.

Mr. METCALF. Certainly if this amendment is adopted, I am sure the chairman of the committee and others will ask for his views. The Senator from New Mexico is probably on the conference committee and will ask for the views of the Secretary of the Interior, and the Bureau of Indian Affairs, as well as others.

Mr. ANDERSON. We want to be very careful about this. It can be very embarrassing to him. What the Senator from California says is quite right in large part. I do believe we ought to be very sure that this be clear. Would it be in 5 years, 25 years? This may be all right. However, we ought to be very careful about this at the present time.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. TUNNEY. Mr. President, I would like to mention to the Senator from Utah that it is my understanding that the Senator from Minnesota (Mr. HUMPHREY) who is not present on the floor at the present time, is prepared to offer an amendment.

It would seem to me that the thrust of the amendment would be to prevent doubling up, to prevent the county from getting a share of moneys not being used to provide for the needs of the entire population living in that community, including the Indian population.

Mr. BENNETT. Mr. President, I think it would be worthwhile if our staff could look at that language and see if it is in the best possible shape to produce the result that we all wish to produce.

Mr. TUNNEY. I certainly agree with the general thrust of the amendment, as I understand it. I saw it for the first time only a few minutes ago. I have not had an opportunity to evaluate it very closely. I think it should go to the staff. I would hope that the Senate could accept my amendment to the amendment of the Senator from Montana, and then accept the amendment of the Senator from Montana. I think the issues are very clear. They have been thoroughly discussed.

Mr. LONG. Mr. President, will the Senator yield?

Mr. METCALF. I yield.

Mr. LONG. Mr. President, permit me to say that the discussion here has demonstrated very clearly to most Senators who, like myself, are not experts on Indian affairs two things.

The first is that there is merit in trying to further guarantee justice to American Indians in the revenue sharing bill. We did not do more for the Indians in this bill for the sole reason that we in the committee, in the time allotted to us and with the pressures of other business, were not able to solve the technical problems that are dealt with by those who are familiar with Indian affairs.

Second, with all good intentions and with a desire to help the American Indians whom we have been discussing here, the Senators who are cosponsoring the amendment have not been able to find the answers that we need to make a determination and completely meet this problem. In other words, some Senators, like myself, would look at a situation here in an area where there are a number of Indians that have low income. If those Indians are to be counted for purposes of arriving at the per capita income of that State, as they are in the bill, that causes the State to get more money and the local governmental unit to get more money, the county and the city, if those Indians are within a county and a city or incorporated unit. Then they are counted in arriving at the population which again is multiplied by the per capita income and tax effort factor. And all of that causes the State and county and city to get more money. In cases where the Indians are not in a unit of local government, the funds coming to the State and the counties because of including the Indians in the population go to the non-Indian governments. In this sense the non-Indians may benefit because of the presence of Indians.

I do not think, through this amendment or otherwise, the Senate would want to simply provide an additional benefit in an effort to try to do justice to Indians which would work out so that it was not the Indian who was being benefited, but the whites, or non-Indians.

I do not think they are trying to get an additional benefit for non-Indians under the guise of helping Indians, so if we can work this out to efficiently provide justice to the American Indians I would be happy to cooperate and lend my best efforts to it, and I think other Senators on the committee would do that.

Time is short and if the Senator accepts the amendment—and I am happy to take it to conference if the Senator would permit me to take it to conference—I would urge Senators to work with the staff and those on the committee to provide us with their best advice with respect to the technical problems here involved.

I am advised it does not necessarily contribute to a solution to this question to add the Humphrey amendment to the Metcalf amendment. I am advised by the staff that we have sufficient latitude in conference that we could incorporate the Humphrey amendment into the Metcalf amendment if that should be necessary to meet the technical defects. The reason we have not achieved what is sought by the Senators from Montana, California, Utah, and even the Senator from Arizona, who is trying now to get recognition, as well as the Senator from New Mexico, has been that we have been confronted with more technical details and more considerations than we could overcome from an intellectual point of view in the time available to us to work on this bill.

But I will be happy to support the amendment and go to conference with it and try to meet the various purposes that have been discussed; and I will seek, by the time we bring the bill back from conference, to work out a legislative solution to provide equity here to all and justice in particular to the American Indian who, after all, has been probably the victim of more injustice than any of our American citizens.

Mr. METCALF. I am delighted to hear the statement of the Senator from Louisiana. I am certainly pleased to be able to accept his statement that he will take it to conference. I hope we can submit the amendment as modified by the Senator from California at this time.

I yield now to the Senator from California.

Mr. TUNNEY. Mr. President, I agree completely and it is most appropriate that this should be refined in conference. I express my appreciation to the Senator from Louisiana for the expression of opinion he just made. I think this would be a benefit to the Indians and the entire country to recognize this problem. I think the Senator from Louisiana has been most gracious.

Mr. METCALF. Mr. President, I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. FANNIN. Mr. President, I thank the Senator for yielding. I do not want to delay the Senate but I do wish to say that I agree wholeheartedly with what the Senator stated.

Perhaps it would be helpful to insert certain material in the RECORD. Therefore, I ask unanimous consent to have printed in the RECORD the Governing Bodies of Federally Recognized Indian Groups, the Indian Population, as of March 1972, by State and reservation, and a worksheet prepared by the Bureau of Indian Affairs showing funds allocated to these groups in 1972.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GOVERNING BODIES OF FEDERALLY RECOGNIZED INDIAN GROUPS (EXCLUDING ALASKA)

(Inquiries about Alaska Natives should be directed to the Bureau's Juneau Area Office, Box 3-8000, Juneau, Alaska 99801)

GOVERNING BODY, TITLE OF PRESIDING OFFICER, AND ADDRESS

Absentee-Shawnee Business Committee, Chairman; in care of Shawnee Agency, Federal Building, Shawnee, Oklahoma 74801.

Acoma Pueblo Council, Governor; P.O. Box 64, San Fidel, New Mexico 87049.

Agua Caliente Tribal Council, (Palm Springs), Chairman; in care of Palm Springs Office, Bureau of Indian Affairs, 509 Industrial Place, Palm Springs, California 92262.

Ak Chin Indian Community Council, Chairman; P.O. Box 22, Maricopa, Arizona 85239.

Alabama-Quassarte Creek Tribal Town, Chief; in care of Okmulgee Agency, P.O. Box 671, Okmulgee, Oklahoma 74447.

Arapahoe Business Council, (Wind River), Chairman; Arapaho Tribal Office, Ft. Washakie, Wyoming 82314.

Assiniboine and Sioux, (See Fort Peck).

Bad River Tribal Council, Chairman; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Bay Mills Executive Council, President; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Big Pine. (See Owens Valley.)

Bishop. (See Owens Valley.)

Blackfeet Tribal Business Council, Chairman; Blackfeet Tribal Office, Browning, Montana 59417.

Burns-Paiute Business Committee, Chairman; in care of Warm Springs Agency, Warm Springs, Oregon 97761.

Cabazon Business Committee, Chairman; in care of Riverside Area Field Office, Bureau of Indian Affairs, 6848 Magnolia Ave., Suite 8, Riverside, California 92506.

Caddo Business Committee, Chairman; in care of Anadarko Agency, Anadarko, Oklahoma 73005.

Carson Colony Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Chehalis Community Council, Chairman; in care of Western Washington Agency 3006 Colby Avenue, Everett, Washington 98201.

Cherokee Tribal Council (Eastern Band of Cherokees), Principal Chief; Cherokee Council House, P.O. Box 455, Cherokee, North Carolina 28719.

Cherokee Nation (Oklahoma), Principal Chief; P.O. Box 119, Tahlequah, Oklahoma 74464.

Cheyenne-Arapaho Business Committee, Chairman; Cheyenne-Arapaho Tribes of Oklahoma, Concho, Oklahoma 73022.

Cheyenne River Sioux Tribal Council, Chairman; Cheyenne River Tribal Office, Eagle Butte, South Dakota 57625.

Chickasaw Nation, Governor; in care of Ardmore Agency, P.O. Box 997, Ardmore, Oklahoma 73401.

Chippewa Cree Business Committee (Rocky Boys), Chairman; Chippewa Cree Tribal Office, Box Elder, Montana 59521.

Chitimacha Tribal Council, Chairman; in care of Chotaw Agency, Philadelphia, Mississippi 39350.

Choctaw Nation (Oklahoma), Principal Chief; in care of Talihina Agency, P.O. Box 187, Talihina, Oklahoma 74571.

Choctaw Tribal Council (Mississippi), Chairman; in care of Choctaw Agency, Philadelphia, Mississippi 39350.

Citizen Band of Potawatomi Business Committee, Chairman; in care of Shawnee Agency, Federal Building, Shawnee, Oklahoma 74801.

Cochiti Pueblo Council, Governor; in care of United Pueblos Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

Cocopah Tribal Council, Chairman; in care of Colorado River Agency, Parker, Arizona 85344.

Coeur d'Alene Tribal Council, Chairman; Coeur d'Alene Tribal Office, Plummer, Idaho 83851.

Colorado River Tribal Council, Chairman: Tribal Administration Center, Colorado River Tribes, Route 1, P.O. Box 23B, Parker, Arizona 85344.

Colusa Indian Community Council (Cachil-Dehe), Chairman; care of Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

Colville Business Council, Chairman; Colville Tribal Office, Nespelem, Washington 99114.

Comanche Business Committee, Chairman; in care of Anadarko Agency, Anadarko, Oklahoma 73005.

Confederated Salish and Kootenai Tribes (See Flathead).

Covelo Indian Commnuity Council, President; in care of Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

Creek Nation, Principal Chief; in care of Okmulgee Agency, P.O. Box 671, Okmulgee, Oklahoma 74447.

Crow Tribal Council, Chairman; Crow Tribal Office, Crow Agency, Montana 59022.

Crow Creek Tribal Council, Chairman; Crow Creek Tribal Office, Ft. Thompson, South Dakota 57339.

Delaware Tribal Council (Absentee), President; in care of Anadarko Agency, Anadarko, Oklahoma 73005.

Devils Lake Sioux Tribal Council, Chairman; John F. Kennedy Center, Ft. Totten, North Dakota 58335.

Duck Valley (See Shoshone-Paiute).

Duckwater Tribal Council, (Duckwater Shoshone), Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Eastern Shawnee Council, Chief; in care of Miami Agency, P.O. Box 391, Miami, Oklahoma 74354.

Ely Colony Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Fallon Business Council, (Paiute-Shoshone), Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Flandreau Santee-Sioux General Business Council, President; Flandreau Community Building, Flandreau, South Dakota 57028.

Flathead Tribal Council, Chairman; Flathead Tribal Office, Dixon, Montana 59831.

Forest County Potawatomi General Tribal Council, Chairman; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Fort Apache (See White Mountain Apache)

Fort Belknap Community Council, President; Harlem, Montana 59526.

Fort Berthold Tribal Business Council, Chairman; in care of Fort Berthold Agency, New Town, North Dakota 58763.

Fort Bidwell General Community Council, Chairman; in care of Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

Fort Hall Business Council, (Shoshone-Bannock), Chairman; Fort Hall Tribal Office, Fort Hall, Idaho 83203.

Fort Independence General Council, Chairman; in care of Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

Fort McDermitt Tribal Council, Charman; in care of Nevada Agency, Stewart, Nevada 89437.

Fort McDowell (see Mohave Apache).

Fort Mojave Tribal Council, Chairman; Fort Mojave Tribal Council Office, Needles, California 92363.

Fort Peck Tribal Executive Board, (Assiniboine and Sioux), Chairman; Fort Peck Tribal Office, Poplar, Montana 59255.

Fort Sill Apache Tribal Council, Chairman; in care of Anadarko Agency, Anadarko, Oklahoma 73005.

Gila River Indian Community Council, Governor; P.O. Box 97, Sacaton, Arizona 85247.

Goshute Business Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Hannahville Indian Community Council, Chairman; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Havasupai Tribal Council, Chairman; Supai, Arizona 86435.

Hoopa Valley Business Council, Chairman; P.O. Box 817, Hoopa, California 95546.

Hopi Tribal Council, Chairman; P.O. Box 123, Oraibi, Arizona 86039.

Hualapai Tribal Council, Chairman; P.O. Box 168, Peach Springs, Arizona 86434.

Iowa Executive Committee (Iowa of Kansas and Nebraska), Chairman; White Cloud, Kansas 66094.

Iowa Business Committee (Oklahoma), Chairman; in care of Shawnee Agency, Federal Building, Shawnee, Oklahoma 74801.

Isleta Pueblo Council, Governor; in care of United Pueblos Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

Jemez Pueblo Council, Governor, P.O. Box 78, Jemez Pueblo, New Mexico 87024.

Jicarilla Apache Representative Tribal Council, Chairman; Jicarilla Apache Tribal Office, Dulce, New Mexico 87528.

Kiabab Tribal Council, Chairman; Kaibab Band of Paiute Indians, P.O. Box 323, Fredonia, Arizona 86022.

Kalispel Community Council, Chairman; Kalispel Tribal Office, Usk, Washington 99180.

Kashia Band of Pomo Indians (See Stewart's Point).

Kaw Tribal Council, Chairman; in care of Pawnee Agency, Pawnee, Oklahoma 74058.

Keweenaw Bay Tribal Council, President; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Kialegee Creek Business Committee, Town King; in care of Okmulgee Agency, P.O. Box 671, Okmulgee, Oklahoma 74447.

Kickapoo Tribal Council (Kansas), Chairman; in care of Horton Agency, Horton, Kansas 66439.

Kickapoo Business Committee (Oklahoma), Chairman; in care of Shawnee Agency, Federal Building, Shawnee, Oklahoma 74801.

Kootenai Tribal Council, Chairman; in care of Northern Idaho Agency, Lapwai, Idaho 83540.

Lac Courte Oreilles Governing Board, Chairman; Route 2, Stone Lake, Wisconsin 54876.

LaJolla Tribal Council, Chairman; in care of Riverside Area Field Office, Bureau of Indian Affairs, 6848 Magnolia Ave., Suite 8. Riverside, California 92506.

Lac du Flambeau Tribal Council, President; Lac du Flambeau, Wisconsin 54538.

Laguna Pueblo Council, Governor; Laguna Pueblo Office, P.O. Box 194, Laguna, New Mexico 87026.

Las Vegas Colony Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Laytonville Executive Committee, Chairman; in care of Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

Lone Pine (See Owens Valley).

Lovelock Tribal Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Lower Brule Sioux Tribal Council, Chairman; Lower Brule Tribal Office, Lower Brule, South Dakota 57548.

Lower Elwha Tribal Community Council, Chairman; in care of Western Washington Agency, 3006 Colby Avenue, Everett, Washington 98201

Lower Sioux Indian Reservation, Community Council of (Morton), President; in care of Minnesota Agency, P.O. Box 489, Bemidji, Minnesota 56001.

Lummi Business Council, Chairman; Lummi Tribal Office, Marietta, Washington 98268.

Makah Indian Tribal Council, Chairman; Makah Tribal Office, Neah Bay, Washington 98357.

Manchester Community Council, Chairman; in care of Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

Maricopa (See Ak Chin).

Mescalero Apache Tribal Council, President; Mescalero Apache Tribal Office, Mescalero, New Mexico 88340.

Miami Business Committee, Chief; in care of Miami Agency, P.O. Box 391, Miami, Oklahoma 74354.

Miccosukee Business Council, Chairman; Miccosukee Tribe of Indians of Florida, 6477 S. W. 8th Street, Miami, Florida 33144.

Minnesota Chippewa Tribal Executive Committee—Bois Fort (Nett Lake), Fond du Lac, Grand Portage, Leech Lake, Mille Lac and White Earth, President; 420 Federal Building, Bemidji, Minnesota 56601.

Mission Creek Band Council, President; in care of Riverside Area Field Office, Bureau of Indian Affairs, 6848 Magnolia Ave., Suite 8, Riverside, California 92506.

Moapa Business Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Mohave Apache Community Council (Fort McDowell), President; in care of Salt River Agency, Rome 1, P.O. Box 510, Scousdale, Arizona 85257.

Mole Lake (See Sokaogon Chippewa).

Muckleshoot Indian Tribal Council, Chairman; in care of Western Washington Agency, 3006 Colby Avenue, Everett, Washington 98201.

Nambe Pueblo Council, Governor; in care of United Pueblos Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

Navajo Tribal Council, Chairman; The Navajo Tribe, Window Rock, Arizona 86515.

Northern Cheyenne, The Tribal Council of the, President; Northern Cheyenne Tribal Office, Lame Deer, Montana 59043.

Nez Perce Tribal Executive Committee, Chairman; Nez Perce Tribal Office, Lapwai, Idaho 83540.

Nisqually Community Council, Chairman; in care of Western Washington Agency, 3006 Colby Avenue, Everett, Washington 98201.

Oglala Sioux Tribal Council, (Pine Ridge), President; in care of Pine Ridge Agency, Pine Ridge, South Dakota 57770.

Omaha Tribal Council, Chairman; Omaha Tribal Office, Macy, Nebraska 68039.

Oneida Executive Committee, Chairman; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Osage Tribal Council, Principal Chief; in care of Osage Agency, Pawhuska, Oklahoma 74056.

Otoe-Missouria Tribal Council, Chairman; in care of Pawnee Agency, Pawnee, Oklahoma 74058.

Owens Valley Board of Trustees, Chairman; P.O. Box 791, Bishop, California 93514.

Pala General Council, Chairman; in care of Riverside Area Field Office, Bureau of Indian Affairs, 6848 Magnolia Ave., Suite 8, Riverside, California 92506.

Palm Springs (See Agua Caliente).

Papago Council, Chairman; Papago Tribal Office, Sells Arizona 85634.

Pawnee Business Council, President; in care of Pawnee Agency, Pawnee, Oklahoma 74058.

Picuris Pueblo Council, Governor; Picuris Pueblo Office, P.O. Box 228, Penasco, New Mexico 87553.

Pine Ridge (See Ogala Sioux).

Pojoaque Pueblo Council, Governor; Pojoaque Pueblo Office, Route 1, Box 222A, Santa Fe, New Mexico 87501.

Ponca Business Committee (Oklahoma), Chairman; in care of Pawnee Agency, Pawnee, Oklahoma 74058.

Port Gamble Community Council, Chairman; in care of Western Washington Agency, 3006 Colby Avenue, Everett, Washington 98201.

Prairie Band of Potawatomi Business Committee, Chairman; in care of Horton Agency, Horton, Kansas 66439.

Prairie Island Community Council, President; in care of Minnesota Agency, P.O. Box 489, Bemidji, Minnesota 56601.

Pauma Band Business Committee, Chairman; in care of Riverside Area Field Office, Bureau of Indian Affairs, 6848 Magnolia Avenue, Suite 8, Riverside, California 92506.

Pueblos (See individual listings).

Puyallup Tribal Council, Chairman; in care of Western Washington Agency, 3006 Colby Avenue, Everett, Washington 98201.

Pyramid Lake Paiute Tribal Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Quapaw Tribal Business Committee, Chairman, in care of Miami Agency, P.O. Box 391, Miami, Oklahoma 74354.

Quechan Tribal Council, President; in care of Colorado River Agency, Parker, Arizona 85344.

Quileute Tribal Council, Chairman; in care of Western Washington Agency, 3006 Colby Avenue, Everett, Washington 98201.

Quinault Tribal Council, Chairman; Quinault Tribal Office, Taholah, Washington 98587.

Red Cliff Tribal Council, Chairman; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Red Lake Tribal Council, Chairman; Red Lake, Minnesota 56671.

Reno Sparks Tribal Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Rincon San Luiseno Business Committee, Chairman; in care of Riverside Area Field Office, Bureau of Indian Affairs, 6848 Magnolia Ave., Suite 8, Riverside, California 92506.

Rocky Boys (See Chippewa Cree).

Rosebud Sioux Tribal Council, President; Rosebud Tribal Office, Rosebud, South Dakota 57570.

Round Valley (See Covelo).

Sac and Fox Tribal Council (Sac and Fox of the Mississippi in Iowa), Chief; in care of Sac and Fox Area Field Office, Bureau of Indian Affairs, Tama, Iowa 52339.

Sac and Fox Business Committee (Oklahoma), Principal Chief; in care of Shawnee Agency, Federal Building, Shawnee, Oklahoma 74801.

Sac and Fox Tribal Council (Kansas and Nebraska), Chairman; in care of Horton Agency, Horton, Kansas 66439.

Saginaw-Chippewa Tribal Council (Isabella), Chief; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Salt River Pima-Maricopa Community Council, President; Route 1, P.O. Box 907, Scottsdale, Arizona 85257.

San Carlos Council, Chairman; San Carlos Apache Tribe, San Carlos, Arizona 85550.

San Felipe Pueblo Council, Governor; in care of United Pueblos Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

San Ildefonso Pueblo Council, Governor; Pueblo Office Building, Route 1, Box 315A, Santa Fe, New Mexico 87501.

San Juan Pueblo Council, Governor; in care of United Pueblos Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

Sandia Pueblo Council, Governor; in care of United Pueblos Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

Santa Ana Pueblo Council, Governor; in care of United Pueblo Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

Santa Clara Pueblo Council, Governor; in care of United Pueblo Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

Santo Domingo Pueblo Council, Governor; Pueblo Office, CAP Hdqtrs., Santo Domingo Pueblo, New Mexico 87052.

Santa Rosa Business Committee, Chairman; in care of Riverside Area Field Office, Bureau of Indian Affairs, 6848 Magnolia Avenue, Riverside, California 92506.

Santa Ynez Business Council, Chairman; in care of Riverside Area Field Office, Bureau of Indian Affairs, 6848 Magnolia Avenue, Riverside, California 92506.

Santee-Sioux Tribal Council (Nebraska), Chairman; Santee-Sioux Tribal Office, Niobrara, Nebraska 68760.

Seminole Tribal Council (Florida), Chairman; Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024.

Seminole General Council (Oklahoma), Chairman; in care of Wewoka Agency, P.O. Box 1060, Wewoka, Oklahoma 74884.

Seneca-Cayuga Tribal Business Committee, Chief; in care of Miami Agency, P.O. Box 391, Miami, Oklahoma 74354.

Shohone-Banock (See Fort Hall).

Shoshone-Business Council (Wind River), Chairman; Shoshone Tribal Office, Ft. Washakie, Wyoming 82514.

Shoshone Paiute Business Council (Duck Valley), Chairman; in care of Nevada Agency Stewart, Nevada 89437.

Sisseton-Wahpeton Sioux Tribal Council, Chairman; in care of Sisseton Agency, Sisseton, South Dakota 57262.

Skokomish Tribal Council, Chairman; in care of Western Washington Agency, 3006 Colby Avenue, Everett, Washington 98201.

Sokaogon Chippewa Tribal Council (Mole Lake), Chairman; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Southern Ute Tribal Council, Chairman; Tribal Affairs Building, Ignacio, Colorado 81137.

Spokane Business Council, Chairman; Spokane Tribal Office, Wellpinit, Washington 99040.

Squaxin Island Tribal Council, Chairman; in care of Western Washington Agency, 3006 Colby Avenue, Everett, Washington 98201.

Standing Rock Sioux Tribal Council, Chairman; in care of Standing Rock Agency, Fort Yates, North Dakota 58538.

St. Croix Council, President; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Stewart's Point Rancheria Community Council (Kashia Pomo), Chairman; in care of Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825.

Stockbridge-Munsee Tribal Council, President; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

Summit Lake Paiute Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Suquamish Tribal Council, Chairman; in care of Western Washington Agency, 3006 Colby Avenue, Everett, Washington 98201.

Swinomish Indian Senate, Chairman; Swinomish Tribal Office, La Conner, Washington 98257

Taos Pueblo Council, Governor; Pueblo Office, P.O. Box 258, Taos, New Mexico 87571.

Te-Moak Western Shoshone Council, Chief; in care of Nevada Agency, Stewart, Nevada 89437.

Tesuque Pueblo Council, Governor; in care of United Pueblos Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

Thlopthlocco Creek Business Council, Town King; in care of Okmulgee Agency, P.O. Box 671, Okmulgee, Oklahoma 74447.

Tonkawa Tribal Council, President; in care of Pawnee Agency, Pawnee, Oklahoma 74058.

Trinidad Rancheria Community Council, Chairman; in care of Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 98525.

Tulalip Board of Directors, Chairman; Tulalip Tribal Office, Star Route, P.O. Box 870, Marysville, Washington 98270.

Tule River Tribal Council, Chairman; P.O. Box 589, Porterville, California 93258.

Toulumne Rancheria Community Council, Chairman; in care of Sacramento Area Office, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 98525.

Turtle Mountain Tribal Council, Chairman; Turtle Mountain Community Center, Belcourt, North Dakota 58316.

Uintah and Ouray Tribal Business Committee, Chairman; Ft. Duchesne, Utah 84026.

Umatilla Board of Trustees, Chairman; Umatilla Tribal Office, Pendleton, Oregon 97801.

United Keetoowah Council, Chief; in care of Tahlequah Agency, P.O. Box 459, Tahlequah, Oklahoma 74464.

Upper Sioux Board of Trustees (Granite Falls), Chairman; in care of Minnesota Agency, P.O. Box 489, Bemidji, Minnesota 56601.

Ute Mountain Tribal Council, Chairman; Tribal Office Building, Towaoc, Colorado 81334.

Walker River Paiute Tribal Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Warm Springs Tribal Council, Chairman; Warm Springs Tribal Office, Warm Springs, Oregon 97761.

Washoe Tribal Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

White Mountain Apache Tribal Council, (Fort Apache), Chairman; Whiteriver, Arizona 85941.

Wichita Council, President; in care of Anadarko Agency, Anadarko, Oklahoma 73005.

Wind River (See Arapahoe and Shoshone).

Winnebago Tribal Council, Chairman; in care of Winnebago Agency, Winnebago, Nebraska 68071.

Winnebago Business Committee, Chairman; in care of Great Lakes Agency, Ashland, Wisconsin 54806.

X–L Ranch, Board of Directors, President; P.O. Box 763, Alturas, California 96101.

Yakima Tribal Council, Chairman; Yakima Tribal Office, Toppenish, Washington 98948.

Yankton Sioux Tribal Business and Claims Committee, Chairman; Route 3, Wagner, South Dakota 57380.

Yavapai Apache Community Council, (Camp Verde), Chairman; in care of Truxton Canyon Agency, Valentine, Arizona 86437.

Yavapai Board of Directors (Prescott), President; in care of Truxton Canyon Agency, Valentine, Arizona 86437.

Yerington Paiute Tribal Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Yomba Tribal Council, Chairman; in care of Nevada Agency, Stewart, Nevada 89437.

Zia Pueblo Council, Governor; Pueblo Office, San Ysidro, New Mexico 87053.

Zuni Tribal Council, Governor; in care of United Pueblos Agency, P.O. Box 1667, Albuquerque, New Mexico 87103.

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Cabazon Business Committee.
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Stewart's Point Rancheria Community Council (Kashia Pomo).
Trinidad Rancheria Community Council.
Tule River Tribal Council.
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Washoe Tribal Council.

COLORADO

Southern Ute Tribal Council.
Ute Mountain Tribal Council.

FLORIDA

Miccosukee Business Council.
Seminole Tribal Council (Florida).

IDAHO

Coeur d'Alene Tribal Council.
Ft. Hall Business Council (Shoshone-Bannock).
Kootenai Tribal Council.
Nez Perce Tribal Executive Committee.

IOWA

Sac and Fox Tribal Council (Sac and Fox of the Mississippi in Iowa).

KANSAS

Citizen Band of Potawatomi Business Committee.
Iowa Executive Committee (Iowa of Kansas and Nebraska).
Kickapoo Tribal Council (Kansas).
Prairie Band of Potawatomi Business Committee.
Sac and Fox Tribal Council (Kansas and Nebraska).

LOUISIANA

Chitimacha Tribal Council.

MICHIGAN

Bay Mills Executive Council.
Hannahville Indian Community Council.
Keweenaw Bay Tribal Council (L'Anse).
Saginaw-Chippewa Tribal Council (Isabella).

MINNESOTA

Community Council of Lower Sioux Indian Reservation (Morton).
Minnesota Chippewa Tribal Executive Committee—Bois Fort (Nett Lake), Fond du Lac, Grand Portage, Leech Lake, Mille Lac, and White Earth.
Prairie Island Community Council.
Red Lake Tribal Council.
Upper Sioux Board of Trustees (Granite Falls).

MISSISSIPPI

Choctaw Tribal Council (Mississippi).

MONTANA

Blackfeet Tribal Business Council.
Chippewa Cree Business Committee (Rocky Boys).
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Tribal Council of the Northern Cheyenne.

NEBRASKA

Iowa General Tribal Council.
Omaha Tribal Council.
Sac and Fox Tribal Council.
Santee-Sioux Tribal Council.
Winnebago Tribal Council.

NEVADA

Carson Colony Council.
Duckwater Tribal Council (Duckwater Shoshone).
Ely Colony Council.
Fallon Business Council.
Fort McDermitt Tribal Council.
Goshute Business Council.
Las Vegas Coloney Council.
Lovelock Tribal Council.
Moapa Business Council.
Pyramid Lake Paiute Tribal Council.
Reno Sparks Tribal Council.
Shoshone Paiute Business Council (Duck Valley).
Summit Lake Paiute Council.
Te-Moak Western Shoshone Council.
Walker River Paiute Tribal Council.
Washoe Tribal Council.
Yerington Paiute Tribal Council.
Yomba Tribal Council.

NEW MEXICO

Acoma Pueblo Council.
Cochiti Pueblo Council.
Isleta Pueblo Council.
Laguna Pueblo Council.
Jicarilla Apache Representative Tribal Council.
Laguna Pueblo Council.
Mescalero Apache Tribal Council.
Nambe Pueblo Council.
Navajo Tribal Council.
Picuris Pueblo Council.
Pojoaque Pueblo Council.
San Felipe Pueblo Council.
San Ildefonso Pueblo Council.
San Juan Pueblo Council.
Sandia Pueblo Council.
Santa Ana Pueblo Council.
Santa Clara Pueblo Council.
Santo Domingo Pueblo Council.
Taos Pueblo Council.
Tesuque Pueblo Council.
Zia Pueblo Council.
Zuni Tribal Council.

NORTH CAROLINA

Cherokee Tribal Council (Eastern Band of Cherokees).

NORTH DAKOTA

Devils Lake Sioux Tribal Council.
Fort Berthold Tribal Council.
Standing Rock Sioux Tribal Council.
Turtle Mountain Tribal Council.

OKLAHOMA

Absentee-Shawnee Business Committee.
Alabama-Quassarte Creek Tribal Town.
Caddo Business Committee.
Cherokee Nation (Okahoma).
Cheyenne-Arapaho Business Committee.
Chickasaw Nation.
Choctaw Nation (Oklahoma).
Citizen Band of Potawatomi Business Committee.
Comanche Business Committee.
Creek Nation.
Delaware Tribal Council (Absentee).
Eastern Shawnee Council.
Fort Sill Apache Tribal Council.
Iowa Business Committee (Oklahoma).
Kaw Tribal Council.
Kialegee Creek Business Committee.
Kickapoo Business Committee (Oklahoma).
Miami Business Committee.
Osage Tribal Council.
Otoe-Missouria Tribal Council.
Pawnee Business Council.
Ponca Business Committee (Oklahoma).
Prairie Band of Potawatomi Business Committee (Oklahoma).
Quapaw Tribal Business Committee.
Sac and Fox Business Committee (Oklahoma).
Seminole General Council (Oklahoma).
Seneca-Cayuga Tribal Business Committee.
Thlopthlocco Creek Business Council.
Tonkawa Tribal Council.
United Keetoowah Council.
Witchita Council.

OREGON

Burns-Paiute Business Committee.
Umatilla Board of Trustees.
Warm Springs Tribal Council.

SOUTH DAKOTA

Cheyenne River Sioux Tribal Council.
Crow Creek Tribal Council.
Flandreau Santee-Sioux General Business Council.
Lower Brule Sioux Tribal Council.
Oglala Sioux Tribal Council (Pine Ridge).
Rosebud Sioux Tribal Council.
Sisseton-Wahpeton Sioux Tribal Council.
Standing Rock Sioux Tribal Council.
Yankton Sioux Tribal Business and Claims Committee.

UTAH

Uintah and Ouray Tribal Business Committee.

WASHINGTON

Chehalis Community Council.
Colville Business Council.
Kalispel Community Council.
Lower Elwha Tribal Community Council.
Lummi Business Council.
Makah Indian Tribal Council.
Muckleshoot Indian Tribal Council.
Nisqually Community Council.
Port Gamble Community Council.
Puyallup Tribal Council.
Quileute Tribal Council.
Quinault Tribal Council.
Skokomish Tribal Council.
Spokane Business Council.
Squaxin Island Tribal Council.
Suquamish Tribal Council.
Swinomish Indian Senate.
Tulalip Board of Directors.
Yakima Tribal Council.

WISCONSIN

Bad River Tribal Council.
Forest County Potawatomi General Tribal Council.
Lac Courte Oreilles Governing Board.
Lac due Flambeau Tribal Council.
Oneida Executive Committee.
Red Cliff Tribal Council.
Sokaogon Chippewa Tribal Council.
St. Croix Council.
Stockbridge-Munsee Tribal Council.
Winnebago Business Committee.

WYOMING

Arapahoe Business Council (Wind River).
Shoshone Business Council (Wind River).

[Resident Indian Population, labor force, unemployment (Tabulation of selected item as reported by Agencies)]

Indian population, March 1972, by State and Reservation—Population on and adjacent to Reservation

BIA grand total population	533,744
Population reported but not labor force status	39,179
Total in labor force survey	494,565
Alaska (Includes all Indians and Natives) Juneau area	59,634
Anchorage Agency	17,311
Bethel Agency	12,841
Fairbanks Agency	9,315
Nome Agency	9,161
Southeast Agency	11,006
Arizona	117,515
Navajo area:	
Navajo Reservation	(131,379)
Estimated Arizona part (56.5%)	75,543
Phoenix area: Colorado River Agency, part (see also Calif.):	
Cocopah	441
Colorado River	2,072
Fort Yuma (Incl. Calif. part)	(1,290)
Estimated Arizona part (3%)	39
Fort Apache Agency	6,500
Fort McDowell Agency	345
Hopi Agency:	
Kaibab	150
Hopi	6,423
Papago Agency:	
Gila Bend	264
Papago	7,073
San Xavier	707
Pima Agency:	
Ak-Chin (Maricopa)	258
Gila River	8,321
Salt River Agency	2,470
San Carlos Agency	4,772
Thruxton Canyon Agency:	
Camp Verde	693
Havasupai	370
Hualapai	969
Yavapai	105
California, total population	42,847
Population reported but not labor force status	37,861
Total in labor force survey	4,986
Phoenix area: Colorado River Agency, part (see also Ariz.):	
Chemehuevi	32
Fort Mohave	359
Fort Yuma (Incl. Ariz. part)	(1,290)
Estimated California part (97%)	1,251
Nevada Agency, part (see also Nev.) Woodfords Community 2 and 5	
Sacramento area, California Agency:	
Alturas 5	9
Cachil Dehe (Colusa) 5	12
Cedarville 5	8
Fort Bidwell 5	34
Grindstone Creek 4	13
Round Valley 4	340
Santa Rosa 4	199
Stewart's Point 4	35
Sulphur Band 4	85
Susanville 4	109
Tule River 4	316
Tuolumne 4	64
Other California	19,547
Hoopa Area Field Office:	
Hoopa Valley	1,073
Other Hoopa	9,381
Riverside Area Field Office:	
Cabazon 4	6
Cahuilla 4	23
Campo 4	30
Lajolla 4	23
Los Coyotes 4	42
Manzanita 4	7
Morongo 4	242
Pala 4	255
Pauma and Yuima 4	59
Pechanga 4	21
San Manuel 4	19
San Pasqual 4	19
Santa Rosa 4	7
Santa Ynez 4	42
Soboda 4	178
Sycuan 4	31
Torres-Martines 4	42
Other Riverside	8,516
Palm Springs Office (Agua Caliente)	167
Colorado	1,855
Albuquerque area:	
Southern Ute Agency	770
Ute Mountain Agency (Incl. Utah part)	(1,374)
Estimated Colorado part (79%)	1,085
Florida	1,511
Southeast: Miccosukee Agency 4	430
Seminole Agency:	
Big Cypress	343
Brighton	308
Hollywood (Dania)	430
Idaho	5,068
Phoenix area: Nevada Agency, part (see Nav.):	
Duck Valley (incl. Nev. part)	(877)
Estimated Idaho part (25%)	219
Portland area: Fort Hall Agency, part (see also Utah) Fort Hall	2,744
Northern Idaho Agency, part (see also Wash.):	
Coeur d'Alene	569
Kootenai	51
Nez Perce (Lapwai)	1,485
Iowa: Minneapolis area—Sac & Fox Area Field Office	561
Kansas	917
Anadarko area: Horton agency, part (see also Nebr.):	
Iowa (incl. Nebr. part) 5	(260)
Estimated Kansas part (63%) 5	164
Kickapoo 5	250
Potawatomi 5	492
Sac & Fox (Incl. Nebr. part) 5	(21)
Estimated Kansas part (53%) 5	11
Other Indian, non-add (Kansas City, Lawrence, Topeka, and Wichita)	1
Louisiana: Total population	268
Population reported but not labor force status	268
Total in labor force survey, Southeast, Choctaw Agency, part (see Miss.) Chitimacha 2/3/	268
Michigan: Minneapolis area, Great Lakes Agency, part (see Wis.):	2,019
Bay Mills (Incl. Sugar Island) 5	1,006
Hannahville	159
Isabella (Saginaw)	450
Keweenaw Bay (L'Anse & Ontonagon)	404
Minnesota:	10,802
Minneapolis area: Great Lakes Agency, part (see Wis.) Winnebago (Incl. Wis. part)	(1,587)
Estimated Minnesota part (4%)	63
Minnesota Agency:	
Fon du Lac	680
Grand Portage (Pigeon River)	189
Leech Lake	2,846
Mille Lac	748
Nett Lake (Bois Fort)	662
Southern Minnesota communities:	
Lower Sioux (Morton)	104
Prairie Island (Red Wing)	89
Prior Lake (Shakeopee)	59
Upper Sioux (Granite Falls)	55
White Earth	2,546
Red Lake Agency	2,761
Mississippi	3,294
Southeast: Choctaw Agency, part (see also La.) Choctaw	3,294
Montana:	24,137
Billings area: Blackfeet Agency	6,216
Crow Agency	4,208
Flathead Agency	2,833
Fort Belknap Agency	1,938
Fort Peck Agency	5,015
Northern Cheyenne Agency (Tongue River)	2,683
Rocky Boy's Agency	1,244
Nebraska: Aberdeen, Winnebago Agency:	2,707
Omaha	1,367
Santee	357
Winnebago	877
Anadarko area: Horton Agency, part (see Kans.) Iowa (Incl. Kans. part)	(260)
Estimated Nebraska part (37%)	96
Sac & Fox (Incl. Kans. part)	(21)
Estimated Nebraska part (47%)	10
Nevada: Total population	4,697
Population reported but not labor force status	1,050
Total in labor force survey	3,647

Phoenix area: Nevada Agency, part (see also Calif., Idaho, & Utah):	
Battle Mountain & city	159
Elko & city	327
Ely & city	159
Dresslerville	152
Duck Valley (Incl. Idaho part)	(877)
Estimated Nevada part (75%)	658
Duckwater	78
Fallon (Paiute) & Colony	224
Fort McDermitt	378
Goshute (Incl. Utah part)	(157)
Estimated Nevada part (61%)	96
Moapa River	138
Pyramid Lake	414
South Fork (Te-Moak) & Odgers Ranch	93
Walker River	437
Yerington (Campbell Ranch) & colony	290
Yomba	44
(Carson—157, Las Vegas—105, Lovelock—117, Reno Sparks—564, Ruby Valley—40, Summit Lake—1, Winnemucca—41, Nev. Public, Domain Allotments—25 2/3	1,050
New Mexico	81,718
Albuquerque area:	
Jicarilla Agency	1,928
Mescarlero Agency	1,970
Northern Pueblos Agency 6	5,411
Incl. Nambe, Picuris, Pojaque, San Ildefonso, San Juan, Santa Clara, Taos, & Tesuque.	
Ramah (Navajo Community)	1,471
Southern Pueblos Agency:	
Acoma	1,944
Cochiti	431
Isleta	1 783
Jemez	1,448
Laguna	2,464
Sandia	198
San Felipe	1,347
Santa Ana	376
Santo Domingo	1,851
Zia	464
Zuni Agency	5,155
Navajo area:	
Alamo (Puertocito)	948
Canoncito	1,160
Navajo Reservation	(131,379)
Estimated New Mexico part (40.1%)	51,369
North Carolina	4,880
Southeast, Cherokee Agency	4,880
North Dakota	14,249
Aberdeen area:	
Fort Berthod Agency	2,750
Fort Totten Agency (Devil's Lake)	1,990
Standing Rock Agency (Incl. S. Dak. part)	(4,690)
Estimated North Dakota part (47%)	2,204
Turtle Mountain Agency	7,305
Oklahoma (Represents former reservation areas)	83,895
Anadarko area, Anadarko Agency:	
Kiowa, Comanche & Apache and Fort Sill Apache	6,355
Wichita	3,030
Concho Agency (Cheyenne & Arapaho)	4,200
Pawnee Agency	3,413
(Kaw, Otoe & Missouri, Pawnee, Ponca, and Tonkawa).	
Shawnee Agency:	
Iowa	133
Kickapoo	570
Potawatomi	1,371
Sac & Fox	935
Shawnee	807
Other Indians, Reservation not specified	1,378
Muskogee area:	
Ardmore Agency (Chickasaw)	5,850
Miami Agency:	
(Eastern Shawnee, Miami, Quapaw, and Seneca-Cayuga):	
Okmulgee Agency (Creek)	15,177
Osage Agency	3,368
Tahlequah Agency (Cherokee)	21,414
Talihina Agency (Choctaw)	10,849
Wewoka Agency (Seminole)	3,115
Oregon	
Portland area	2,718
Umatilla Agency	873
Warm Springs Agency:	
Burns-Paiute	130
Celilo Village	32
Warm Springs	1,683
South Dakota	
Aberdeen area:	
Cheyenne River Agency	4,308
Crow Creek Agency	1,230
Flandreau School and Reservation Flandreau Reservation	267
Lower Brule Agency	701
Pine Ridge Agency	11,353
Rosebud Agency	7,488
Sisseton Agency	2,434
Standing Rock Agency (Incl. N. Dak. part)	(4,690)
Estimated South Dakota part (53%)	2,486
Yankton Agency	1,338
Utah	6,176
Albuquerque area:	
Ute Mountain Agency (Incl. Colo. part)	(1,374)
Estimated Utah part (21%)	289
Navajo area:	
Navajo Reservation	(131,379)
Estimate Utah part (3.4%)	4,467
Phoenix area, Uintah and Ouray Agency:	
Skull Valley	62
Uintah and Ouray	1,292
Nevada Agency, part (see Nev.):	
Goshute (Incl. Nev. part)	(157)
Estimated Utah part (39%)	61
Portland area, Fort Hall Agency. part (see Idaho), Wahsakie	5
Washington	18,802
Portland area:	
Colville Agency	2,994
Northern Idaho Agency, part (see Idaho) Kalispel	129
Spokane Agency	581
Western Washington Agency:	
Hoh	39
Lummi	1,445
Makah	571
Nooksack Public Domain	564
Puyallup	171
Quileute	250
Quinault	1,021
Swinomish	337
Tulalip	630
STOWW (Small Tribes of Western Washington):	
Chehalis	185
Lower Elwah	247
Muckleshoot	467
Nisqually	338
Port Gamble	454
Port Madison	254
Shoalwater	25
Skokomish	316
Squaxon Island	304
Other STOWW, non-add (Chinook, Cowlitz, Stillaquamish, Suiattle, Jamestown Clallam, and Marietta-Nooksack)	
Yakima Agency	7,408
Wisconsin	7,434
Minneapolis area:	
Great Lakes Agency, part (see also Mich. and Minn.):	
Bad River	525
Lac Courte Oreilles	689
Lac du Flambeau	945
Mole Lake	135
Oneida	1,980
Potawatomi	214
Red Cliff	421
St. Croix	444
Stockbridge-Munsee	557
Winnebago (Incl. Minn. part)	(1,587)
Estimated Wisconsin part (96%)	1,524
Wyoming	4,435
Billings area, Wind River Agency	4,435
Aberdeen area	48,455
Albuquerque area	30,385
Anadarko area	23,215
Billings area	28,572
Juneau area	59,634
Minneapolis area	20,816
Muskogee area	61,703
Navajo area	133,487
Phoenix area total population	(50,195)
Population reported but not labor force status	1,300
Total in labor force survey	48,895
Portland area	26,374
Sacramento area total population	(40,955)
Population reported but not labor force status	37,611
Total in labor force survey	3,344
Southeast total population	(9,953)
Population reported but not labor force status	268
Total in labor force survey	9,685
Alaska	59,634
Arizona	117,515
California total population	(42,847)
Population reported but not labor force status	37,861
Total in labor force survey	4,986
Colorado	1,855
Florida	1,511
Idaho	5,068
Iowa	561
Kansas	917
Louisiana total population	(268)
Population reported but not labor force status	268
Michigan	2,019
Minnesota	10,802
Mississippi	3,294
Montana	24,137
Nebraska	2,707
Nevada total population	(4,697)
Population reported but not labor force status	1,050
Total in labor force survey	3,647
New Mexico	81,718
North Carolina	4,880
North Dakota	14,249
Oklahoma	83,895
Oregon	2,718
South Dakota	31,605
Utah	6,176
Washington	18,802
Wisconsin	7,434
Wyoming	4,435

	Fiscal year 1972 BIA funds	Percent of total
Aberdeen area:		
Cheyenne River Agency	$3,361.1	1.5
Pierre Agency	1,249.8	.6
Flandreau Agency	1,680.5	.7
Fort Berthold	2,051.6	.9
Fort Totten Agency	1,565.8	.7
Pine Ridge Agency	7,023.5	3.1
Rosebud Agency	2,534.2	1.1
Yankton Agency	475.0	.2
Sisseton Agency	1,200.3	.5
Standing Rock Agency	3,009.1	1.3
Turtle Mountain Agency	4,837.9	2.1
Wahpeton Agency	1,236.7	.5
Winnebago Agency	1,458.7	.6
Crow Creek Agency	904.4	.4
Lower Brule Agency	943.8	.4
Anadarko area:		
Chilocco	2,019.8	.9
Haskell	3,949.6	1.7
Horton Agency	293.2	.1
Concho Agency	658.0	.3
Anadarko Agency	1,257.1	.6
Pawnee Agency	474.3	.2
Shawnee Agency	447.1	.2
Fort Sill	993.0	.4
Riverside	1,197.3	.5
Concho	980.9	.4
Billings area:		
Blackfeet Agency	2,403.2	1.1
Crow Agency	1,980.6	.9
Flathead Agency	3,061.7	1.4
Fort Belknap Agency	1,275.7	.6
Fort Peck Agency	1.848.4	.8
North Cheyenne	1,759.1	.8
Wind River	1,896.6	.8
Juneau area:		
Acnhorage Agency	1,810.3	.8
Bethel Agency	6,766.5	3.0
Fairbanks Agency	4,107.3	1.8
Nome Agency	4,567.8	2.0
Mount Edgecumbe	3.420.3	1.5
Wrangell	1,120.3	.5
Southeast Agency	1,181.6	.5
Albuquerque area:		
Albuquerque School	1,660.5	.7
Albuquerque Area	2,614.0	1.2
South Pueblos Agency	5,141.9	2.3
North Pueblos Agency	2,236.1	1.0
South Ute Agency	1,211.8	.5
Ute Mountain Agency	683.6	.3
Jicarilla Agency	2,044.8	.9
Mescalero Agency	1,123.7	.5
Zuni Agency	1,300.1	.6
Ramah Navajo Agency	697.8	.3
Navajo area:		
Shiprock Agency	9,174.3	4.0
Tuba City Agency	11,860.9	5.2
East Navajo Agency	11,769.3	5.2
Chinle Agency	10,417.5	4.6
Fort Defiance Agency	11,303.8	5.0
Portland area:		
Chemawa Indian School	2,474.8	1.1
Colville Agency	1,829.8	.8
Fort Hall Agency	2,336.6	1.0
North Idaho Agency	1,209.4	.5
Umatilla Agency	466.3	.2
Warm Springs Agency	1,619.5	.7
West Washington Agency	2,492.7	1.1
Yakima Agency	2,334.4	1.0
Spokane Agency	685.4	.3
Minnesota area:		
Sac & Fox Field Office	67.3	0
Red Lake Agency	1,207.3	.5
Minnesota Agency	1,197.9	.5
Great Lake Agency	1,174.0	.5
Muskogee area:		
Five Civilized Tribes	2,477.8	1.1
Ardmore Agency	251.1	.1
Miami Agency	143.4	.1
Sequoyah School	1,160.4	.5
Osage Agency	410.8	.2
Okmulgee Agency	472.9	.2
Tahlequah Agency	757.5	.3
Talihina Agency	490.0	.2
Wewoka Agency	336.3	.1
Seneca School	597.0	.3
Carter Seminary	336.9	.1
Eufaula School	267.9	.1
Jones Academy	570.5	.2
Phoenix area:		
Colorado River Agency	3,867.5	1.7
Fort Apache Agency	3,613.4	1.6
Nevada Agency	4,761.4	2.1
Papago Agency	3,776.6	1.7
Salt River Agency	1,139.5	.5
Phoenix Indian School	2,384.8	1.1
Pima Agency	3,219.5	1.4
San Carlos Agency	4,197.6	1.8
Uintah/Ouray Agency	1,245.9	0.6
Hopi Agency	3,649.2	1.6
Truxton Canyon Agency	1,344.0	0.6
California Agency	1,179.6	0.5
Hoopa AFO	1,273.3	0.6
Palm Springs	117.6	0.1
Riverside AFO	924.4	0.4
Cherokee Agency	$2,559.7	1.1
Seminole Agency	732.1	0.3
Miccosuskee Agency	304.3	0.1
Choctaw Agency	4,055.3	1.8
Total	227,892.8	100.0

Source: IADC printout, Apr. 17, 1972.

Mr. JACKSON. Mr. President, I support the amendment to H.R. 14370 offered by the distinguished Senator from Montana (Mr. METCALF). I consider his proposal to be one of the most important legislative proposals affecting Indian reservations to come before this body in many years.

The westward expansion and settlement of the Nation over the years led to serious disruption and dislocation for many tribal groups. You know the story—Indian tribes were ultimately settled on reservations where many continue to reside today. Their existence is characterized by abject poverty and all of its unfortunate social and economic manifestations.

Although faced with what appears to be insurmountable problems, Indian people today are waging a courageous effort to improve their well-being. Such efforts of reservation Indians to improve their livelihood are centered through their tribal governments, which are quasi-municipalities authorized by Federal law. These efforts, coupled with many of the social and economic programs authorized by landmark legislation enacted by Congress during the Kennedy-Johnson era, are beginning to produce positive results on Indian reservations and in Indian communities. However, all but a few of the tribal governments are in dire need of financial aid to enable them to fulfill their governmental responsibilities to their respective members.

We have an opportunity before us to join with the many dedicated tribal leaders and officials who are trying earnestly to make their communities a better place for their people to live. We can accomplish this by including tribal governments in the revenue sharing proposal being considered by the Senate.

By including tribal governments in the revenue sharing program, we will provide them with additional financial resources to allow them to perform certain governmental functions for their members on the same basis State and local governments serve other citizens. It is contemplated that tribal governments would finance the following with funds from the revenue-sharing program:

First. Maintenance and operating expenses for public safety, environmental protection, and public transportation.

Second. Capital expenditures for sewage collection and treatment, refuse disposal systems and public transportation.

In addition, the funds allocated to tribal governments could be utilized for general governmental obligations. I consider the Metcalf amendment to H.R. 14370 to be an equitable method for including Indian tribes in this important measure.

The Senate recently approved my bill, S. 3157, the Indian Self-Determination Act of 1972. This measure authorizes Indian tribes to contract for the control and management of certain Federal programs which heretofore have been under the complete direction of Federal officials. The inclusion of Indian tribes in H.R. 14370 coupled with S. 3157 will mean that our commitment to the concept of Indian self-government is not merely rhetoric but that we intend to give tribal governments the tools to achieve meaningful self-development.

I am pleased to support Senator METCALF's important amendment.

Mr. MUSKIE. Mr. President, I am pleased to join Senator METCALF in sponsoring an amendment to the Federal revenue-sharing bill, H.R. 14370, to assure the allocation of such funds to American Indian tribes.

My own State of Maine has two Indian tribes, the Passamaquoddy and Penobscot Tribes, which should be permitted to benefit from the much-needed fiscal relief provided by this bill. The two tribes, living on three reservations, carry out many governmental responsibilities—such as excise tax collection, administration of schools, law enforcement, and housing—carried out by non-Indian communities. It would be unfortunate, indeed, if the tribes were not to be treated in the same manner as Congress intends for other units of local government.

Moreover, Maine's Indian tribes continue to suffer from a particularly burdensome form of administrative discrimination at the hands of Federal agencies. Because the U.S. Department of the Interior has not yet acknowledged the same trust responsibility for the Penobscots and Passamaquoddies that it exercises with respect to Federal Indian reservations, all but a few Federal agencies choose not to treat Maine's Indians on a par with Indians located in other parts of the country. The failure of the Federal Government to acknowledge its obligation has been challenged in the courts, but a resolution will not be achieved in the near future.

I am, therefore, pleased that this amendment will apply equally to all Indian tribes which perform governmental functions, regardless of their present status with the U.S. Bureau of Indian Affairs.

Mr. STEVENS. Mr. President, I support amendment No. 1357, proposed by the Senator from Montana (Mr. METCALF), and which I have cosponsored. The amendment would provide for the allocation of a certain percent of the revenue-sharing funds to Indian tribes which perform governmental functions.

The proposed revenue-sharing legislation now under discussion provides for the payment of Federal appropriations to State and local governments throughout the Nation. As I understand it, the original goal behind the revenue-sharing concept was to help States and local governments better meet their financial responsibilities in providing basic social services to the citizens of our Nation. However, both the House-passed bill and the bill reported out of the Senate committee have excluded American Indian tribes from the funding provisions of the bill.

It must not be forgotten that the present population on Indian reservations numbers about 488,000 persons. Of course, this total does not include the numbers of Alaskan Natives, the vast majority of which do not live on reservations, but rather in small villages throughout the State. Thus, a significant number of Americans have clearly been excluded from the beneficial provisions of this bill.

Federal funds which come onto Federal reservations from the Bureau of Indian Affairs and other Federal agencies are by and large not administered by local tribal governments. Although some tribes have in recent years been awarded some BIA contracts for providing some governmental services, these instances have been few. In short, Indian self-government is not today a reality.

States, cities, and counties provide almost no government services to Indians living on Indian reservations within the boundaries of such entities. Therefore, these Indians would receive no benefits from the funds allocated to these local governments by the revenue-sharing bill.

Congress has recognized the governmental responsibilties of Indians by providing specific statutory authorization for the organization of tribal governments under 25 U.S.C. 476. In addition, Congress has provided for the eligibility of tribal governments, along with other local governments, for participation in a wide variety of Federal programs, including the Economic Opportunity Act, the Public Works Economic Development Act, the Emergency Employment Act of 1971, the Omnibus Crime Control and Safe Streets Act, and the Juvenile Delinquency Prevention and Control Act. Thus, in the past, Congress has clearly indicated that tribal governments ought to be considered local governments and are to be authorized to carry out many of the same governmental functions as are the local governments of cities, towns, and counties.

Furthermore, Mr. President, there are vast emergency needs on Indian reservations and in Alaskan Native villages which are not being met today by the Indian tribes themselves nor by any other governmental unit. For example, on the vast majority of tribal reservations, the respective States lack criminal jurisdiction except for offenses committed by one non-Indian against another. Indian tribal governments, on the other hand, are predominately responsible for enforcing and trying misdemeanors and petty offenses. This is the case throughout 96,000 square miles of reservation territory in the lower 48.

In addition, in my State of Alaska, there are vast areas, far larger than the Indian territory in the lower 48, in which small Native villages are the only functioning local governmental units. Nevertheless, appropriations for reservation law and order from the BIA for fiscal year 1972 were only $7,729,000. Of this amount, only $1,336,500 was actually made available to tribes to run tribal law enforcement programs. The BIA itself has officially recognized that existing law enforcement programs on Indian reservations do not begin to meet the current needs and demands for such services—CONGRESSIONAL RECORD, February 28, 1969, S. 2105.

Public transportation is another area in which Indian tribes today lack sufficient funds to meet the pressing needs for better roads and public transportation facilities. In 1971 there were only 1,400 miles of bituminous paved roads and 1,800 miles of gravel surface roads on reservations—A. Sorkin, "American Indian and Federal Aids," 1971.

Mr. President, this body itself recently confirmed once again its intent to assist the Indian people of our land. In this very Congress, the Senate passed S. 3157, entitled "The Indian Self-Determination Act of 1972." One of the basic goals of this act was to restore to Indian tribes the ability to govern themselves as much as possible. However, the continued poverty and lack of financial resources of the American Indians makes this promise an empty one.

The unique problems of Alaska's Native population must also be considered in the discussion of this amendment. Alaskan Natives today number nearly 60,000. The vast majority of these Americans live in remote villages far from non-Native cities and towns. Because they are so removed, Alaskan Native villages must provide many of the basic governmental services for themselves. In addition, there are a few reserves, such as the Metlakatla Indian Reserve on Annette Island, which clearly provide vital governmental services such as police protection. Alaskan Native villages are specifically mentioned in this amendment and would, therefore, be better able to provide important governmental services for themselves, if the amendment is adopted.

By the provisions of this amendment, twenty-four one hundredths of 1 percent of the total amount appropriated under the revenue-sharing bill would be set aside for allocation to the Indian tribes and Alaska Native villages which perform governmental functions.

I strongly support this amendment because it would give Indian tribes and Alaska Native villages a fair share of the Federal financial assistance which will be expended to every other local government in the United States by the provisions of the bill. In addition, the incorporation of this amendment into the bill would recognize and encourage self-government on the part of Indian tribes. Thus, the Indian people would be able to have a greater control over their own futures.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California to the amendment of the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana as amended by the amendment of the Senator from California.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STEVENS and Mr. BUCKLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I do not have an amendment but I would like to ask the chairman a couple of questions. I shall be very brief.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I do not have an amendment prepared but I have been very interested in the differences in the House bill, the Senate bill, and the administration bill. I wonder if I might ask my good friend, the Senator from Louisiana, if he could enlighten me as to why the administration bill would give my State $8.6 million, the House bill would give my State $6.6 million, and I find that the committee bill in the Senate would provide $6.2 million.

The States of Maryland, Delaware, New York, and the District of Columbia and my State have the honor of being in the position where the Senate, while adding $1 billion, actually would receive less money than they would under the administration bill or the House bill.

I understand this is the intent of some of the amendments here, but before I add to the amendments pending I wonder if the chairman could enlighten me as to why this would happen in those five jurisdictions.

Mr. LONG. The difference is not great as the Senator pointed out, not in the overall context of the bill. The result occurs by reason of the uniform application of a formula wherein in the State of Alaska the per capita income is relatively high and the tax efforts would appear to be relatively low. That is a mathematical set of figures that come to us based on the per capita income and it is also based on the relative tax effort compared to the per capita income.

It may be that Alaska has a peculiar problem relating to the fact that per capita income is high, and so is the cost of living. I know there is a problem in that regard.

Mr. STEVENS. I understand the Committee on Finance did not look to income tax but property tax. Our effort on income tax is one of the highest in the Nation.

Mr. LONG. We looked at all taxes. It would even include, I would say to the Senator, for example, a severance tax which the State of Louisiana levies on oil and gas produced in that State. That would be taken into account just as the property tax would be taken into account.

Mr. STEVENS. We have similar taxes. I know our income tax is higher than the income tax for Louisiana. I cannot understand it. For example, the District of Columbia and Maryland end up receiving less money under the Senate bill than they would under the administration bill or the House bill.

Mr. LONG. It is very simple. We take population and then multiply that by the relative tax effort. The tax effort is computed by taking the population, according to the census figures. If one takes the total tax that is levied in the State, divided by the total personal income of the citizens of that State, that is the tax effort. Then you take the per capita income, but you take it in an inverse fashion, so that the higher the per capita income the lower is the amount the State would receive. The lower the per capita income, the higher the amount the State would receive. So, that factor benefits the State of Mississippi more than any other State because of the misfortune of the State of Mississippi that the per capita income is the lowest of any State in the Nation. So, by taking those factors into account, the tax effort multiplied by per capita income, and then multiplying that by the population of the State, one arrives at the distribution formula.

Mr. STEVENS. This is one of the reasons I wanted the matter to be specified by the chairman. It seems to me there is a problem, and the same is true in the District of Columbia.

We have a very high cost of living, as the Senator knows. We have a very high income to meet that cost of living. In fact, Federal employees, as the Senator knows, receive a 25-percent cost-of-living allowance on top of their salaries.

It seems to me that if one uses these figures in an area such as Alaska, or, again, right here in the District of Columbia, we are bound to end up in an inverted ratio because of the fact that we do have the per capita incomes we have, and it has no relation, if we are using the tax effort, to the actual figures of need, as far as the State or local governments are concerned. Their needs are higher than those of a similar size and population anywhere else in the country. We should receive more revenue sharing, because while our income is greater, the cost of living is from 25 to 50 percent greater, and we end up with less.

Mr. LONG. Unfortunately, the cost-of-living figures are not uniformly available throughout the United States. We have them for certain areas, but we do not have the cost-of-living figures for the United States uniformly throughout the States. These cost-of-living figures exist mostly for certain urban areas across the United States. Those figures do not exist in a fashion in which we could apply them uniformly across the United States. So those of us on the committee, and even those of us in the Senate at this point, are not in a position to use a set of figures that does not exist. If we tried to use those figures, we would be in the unfortunate position of having some figures for certain places and none for other places.

It may be that one could find some cost-of-living index that applied to the State of Alaska. I regret to say it could not be applied elsewhere. Even in Alaska, I am informed, there are localities for which we would not be able to provide cost-of-living figures. So it is a fact that could well be argued for consideration, but when one seeks to advance it, he cannot provide the figures within his own State to put it into application.

Mr. STEVENS. I find it interesting that, as between the committee bill—and I am sure the committee has done a very fine job and has worked hard on it—and the administration proposal, there are only two areas in the country losing money under the bill. One is Alaska, which loses $2.4 million, and another is the District of Columbia, which loses $2.5 million. In other words, the difference between the administration proposal and the committee bill, in terms of fairness throughout the whole country, is $4.9 million to bring about equity. Now, why should we lose $2.4 million because of the fact that the committee has brought about equity for 48 other jurisdictions?

Mr. LONG. I am sure the Senator knows that the Senate bill contained $1 billion of additional funds beyond that which was in the House bill, and if we put the two bills on the same comparable basis, there are 2 States that would not gain by comparing one bill with the other bill. Without the $1 billion for social services there would be a substantial number—I think about 17 or 18 that would not gain. But with the $1 billion added to it, by uniformly applying the formula of the committee bill as against the House bill, there appear to be four States, plus the District of Columbia, that would receive less money.

I am not going to argue with the Senator and support an argument that a State be assured of as much money as it received under the House bill, because I personally think—and I think the Finance Committee also thinks—that the formula derived by the House cannot be supported by any stretch of the imagination as an amendment to the administration's original suggestion.

In other words, if we take the Administration's original proposal, and look at the way the money has been shifted in the House, it is my feeling, and it is the majority view in the committee, and I am confident it is the majority view in the Senate, the shifting of funds, as compared with what the administration recommended, was a distribution, in effect, that "those who have get." It was a movement to see that the rich get richer and the poor get poorer. It was a way to enrich the rich by skinning the poor. That would also be the logical reaction of the President of the United States speaking for the entire United States, a man who served here as a Senator from California, who came here elected as a citizen of New York, two of those States that would benefit the most.

If we compare the proposal with what the House did, we see it was a shifting of money from the poor to the rich, and that is not in accordance with the way this Government has traditionally operated. It has operated on the theory that the rich should help the poor, rather than the other way around, so that those who are most able to pay, pay the most and those who are least able to pay, pay the least. That philosophy is justified.

I wish this formula reflected more funds for the State of Alaska. I do not see any way in my mind that that logically can be brought about by any uniform set of figures or any uniform application of principles, and I am one who has objected to the application of the double standard.

The reason why Alaska would appear to have less from this particular bill, Senator, has to do with the fact that the average per capita income in the United States is $3,134, according to the chart which I have in my hand, and the average in Alaska is $3,765. That is where the Senator's problem is.

Mr. STEVENS. I agree, if the Senator will yield, but the difficulty is that with that average of $3,765 of pay, it costs from 25 to 50 percent more to live in Alaska than to live in Louisiana. Therefore the average person is receiving the equivalent of $2,000 as compared with the national average of $3,100. The Senator is taking the per capita income without regard to the cost of living. Even the additional cost of living allowance is not deductible and is taxable. So a person ends up at the high end of income and the low end of revenue sharing, when it should be the reverse.

Mr. LONG. I find Alaska did not do as well in the Senate bill as compared with the House bill because the House placed great emphasis on an income tax, and Alaska has a high income tax relative to the rest of the States, and the Senate Committee took the view that we would simply consider all taxes rather than singling out any special tax for consideration.

I would like to have seen Alaska do better under this bill than it does. There are a lot of other matters in which Alaska could fare better. I know the Senator from Louisiana had the privilege of serving on the Interior and Insular Affairs Committee at the time the Alaskan statehood bill was agreed to, and he sought to see that Alaska would receive a very high share of revenues from Federal lands and also receive a large allocation of lands, as much as anybody would recommend, within the then Territory of Alaska.

Mr. STEVENS. If I may say to the Senator from Louisiana——

Mr. LONG. It is my understanding, though I am no expert on it, that Alaska at the present time is holding about $1 billion of funds derived from oil revenues about which there seems to be some problem, and if we can find a way to resolve the problem, this Senator would be happy to cooperate.

In fact, if there were any way I could do it, I would be happy to forgo any share of revenue sharing the State of Louisiana might get if we could just get as favorable consideration of the oil we are producing in our tidelands as Alaska receives with regard to oil being produced on public lands in the great State of Alaska.

Mr. STEVENS. I might say to my friend from Louisiana, I am sorry that that is not the case. None of the wells are even drilled yet because of the lawsuits against them. The money is being whittled away every year because of demands against it. We do not have $900 million in the bank; we have about $600 million. We cannot lease the lands, due to the fight over the pipeline.

Mr. LONG. That is just the point I am getting to. I serve on the Commerce Committee with the Senator from Alaska, and I am a Member of this body, just as is the Senator from Alaska. We know there are other things that are important to Alaska that make this difference we are talking about in this bill pale into insignificance. There are problems involving that great less developed State, with a group of highly admirable and courageous frontier citizens who stand as our first line of defense, in many respects, against foreign enemies; and insofar as it is within the capability of this Senator as a member of the Senate Finance Committee or any other committee, or of the Senate generally, to help solve some of those great problems, such as those involved in the development of the resources of the great State of Alaska or the transportation of those resources to markets where they can be properly used for the overall economy and to help the Nation's balance of payments, this Senator stands ready to cooperate, and certainly will.

I believe the Senator will find that what those things mean to the State of Alaska, even if you are thinking only in terms of revenue to the State government, are so enormous by comparison to the small difference between the House bill and the Senate bill on this item, that this difference is really not important. And frankly, if there is some way we can work it out in conference, I will take the highest figure for Alaska.

Mr. STEVENS. I apologize to the Senator from New York for the encroachment. I say to the Senator from Louisiana that the difference we are talking about is $33.7 million out of $6 billion. We are getting down to the fourth decimal point in percentages of 1 percent, in terms of the five jurisdictions that are lower under this bill than under the other two versions of the bill, but I would hope there would be some way we could equalize that, so that those of us who want to support revenue sharing could go home, look our people in the face, and say, "We got you as good a deal as any other State."

Mr. LONG. I say to the Senator, I regret to report that Alaska does not make out as well under this bill as the others. That is because of the uniform application of a formula. There is a different formula in the House bill. We have to work out some way to reconcile the differences between the House approach and the Senate approach. I assure the Senator from Alaska that before this bill comes back from conference—and as far as the Senate conferees are concerned, I think I will be the manager—I shall undertake to see that we individually consider the Alaskan problem, to see how any compromise can be worked out with regard to Alaska, in view of what the Senator has stated, and the fact that I knew to begin with that the facts and figures do not reflect the high cost of living in Alaska, which exceeds that of any other State of the Union. There is probably more equity, as I say, for increasing the figure on Alaska than any other State, though I do not see how, with the formula we have, we can do it. When we start working out our differences with the House of Representatives in conference, if we can work it out, as I am concerned, so that Alaska winds up with the House figure rather than the Senate figure, that will be just fine with the Senator from Louisiana.

Mr. STEVENS. I thank the Senator from Louisiana. I appreciate his comments.

AMENDMENT NO. 1469, AS MODIFIED

Mr. BUCKLEY. Mr. President, I call up my amendment No. 1469. I send to the desk a copy of the amendment which contains certain modifications I have made.

The PRESIDING OFFICER. The clerk will report the amendment as modified.

The assistant legislative clerk proceeded to read the amendment.

Mr. BUCKLEY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUCKLEY's amendment (No. 1469, as modified) is as follows:

On page 34, beginning with line 18, strike out through the matter between lines 3 and 4 on page 73, and insert in lieu thereof the following:

"TITLE I—SHIFTING AMOUNTS COLLECTED FROM INDIVIDUALS AS FEDERAL INCOME TAXES TO THE STATES

"Sec. 101. Short Title.

"This title may be cited as the 'Revenue Shifting Act'.

"Sec. 102. Credit for Taxes To Be Shifted to the States.

"(a) Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 42 as 43, and by inserting after section 41 the following new section:

" 'Sec. 42. Credit for Taxes To Be Shifted to the States.

" '(a) General Rule.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 7 percent of the taxpayer's basic income tax.

" '(b) Basic Income Tax.—For purposes of this section, the term "basic income tax" means the tax imposed by section 1, 3, or 1201 (b) for the taxable year, reduced by the sum of the credits allowable under—

" '(1) section 33 (relating to foreign tax credit),

" '(2) section 37 (relating to retirement income), and

" '(3) section 38 (relating to investment credit).

" '(c) Exception.—The credit provided by subsection (a) shall not be allowed to an individual for a taxable year for which he is a nonresident of the United States for the entire taxable year.'

"(b) The table of sections for such subpart is amended by striking out the last item and inserting in lieu thereof the following:

" 'Sec. 42. Credit for taxes to be shifted to the States.

" 'Sec. 43. Overpayments of tax.'

"(c) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1971.

"Sec. 103. Shifting of Tax Collections to the States

"(a) Subtitle A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new chapter:

" 'CHAPTER 7—SHIFTING OF INCOME TAX COLLECTIONS TO THE STATES

" 'Sec. 1601. Additional tax to be paid over to States.

" 'Sec. 1602. Payment to the States.

" 'Sec. 1603. Allocation between State and local governments.

" 'Sec. 1604. Nondeductibility of taxes in computing taxable income.

" 'Sec. 1605. Separate designation on income tax return.

" 'Sec. 1601. Additional Tax To Be Paid Over to the States.

" '(a) Imposition for Years Beginning Before January 1, 1974.—In addition to other taxes, there shall be imposed for the taxable years beginning after December 31, 1971, and before January 1, 1974, on the income of every individual who is a resident of any State during the taxable year, a tax equal to 7 percent of the taxpayer's basic income tax for the taxable year. If any part of the basic income tax is allocable to a State which has requested that a different rate than 7 percent be applied, then the tax on the portion of the basic income tax allocable to such State shall be computed at such different rate. Such request for a different rate of tax shall be recognized only if made by the legislature of a State with the concurrence of the Governor of such State and notification of the desired rate is transmitted to the Secretary before the beginning of the taxable years to which it is to apply.

" '(b) Imposition for Years Beginning After December 31, 1973.—In addition to other taxes, there shall be imposed for any taxable year beginning after December 31, 1973, on the income of every individual who is a resident of any State, at the rate requested by such State, a tax on the basic income tax of such individual for such taxable year. Such request for the rate of tax to be imposed shall be recognized only if made by the legislature of a State with the concurrence of the Governor of such State and notification of the desired rate is transmitted to the Secretary before the beginning of the taxable years to which it is to apply.

" '(c) Basic Income Tax.—For purposes of this chapter the term "basic income tax" has the meaning given to such term by section 42(b).

" '(d) Residence.—If an individual is a resident of more than one State during a taxable year, he shall be treated for purposes of this section as a resident only of the State in which he resided during such year for the longer period of time.

" '(e) Assessment.—The additional tax imposed by this section shall be assessed and collected in the manner prescribed in this title with respect to the tax imposed by chapter 1.

" 'Sec. 1602. Payment to the States

" '(a) In General.—The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, an amount to each State equal to the amount of basic income tax collected from residents of that State.

" '(b) Payments.—As soon as feasible after the close of each calendar quarter, the Secretary or his delegate shall make an estimate with respect to each State of the amount collected during the calendar quarter under section 1601 as basic income taxes allocable to such State, and the Secretary shall pay over to such State that estimated amount for the use and benefit of each State. Proper adjustment shall be made to amounts subsequently paid over to each State to the extent prior estimates were in excess of or were less than the amount actually collected under section 1601 as the basic income taxes allocated to each State.

" 'Sec. 1603. Allocation Between State and Local Governments

" '(a) In General.—

" '(1) Amounts received before January 1, 1974.—Under such regulations as the Secretary or his delegate shall prescribe, the State government shall be entitled to retain for its own use and benefit one-third of any amounts received by that State under section 160 of any amounts received by that State under section 1602 before January 1, 1974, and shall distribute the remaining two-thirds of such amounts to local governments in accordance with the provisions of this section.

"'(2) AMOUNTS RECEIVED AFTER DECEMBER 31, 1973.—Amounts received by a State under section 1602 after December 31, 1973, shall be distributed in accordance with the provisions of this section unless the State provides otherwise by law.

"'(b) ALLOCATION AMONG COUNTY AREAS.—The amount to be allocated to the units of local government within a State for any fiscal year shall be allocated among the county areas located in that State so that each county area will receive an amount which bears the same ratio to the total amount to be allocated to the units of local government within that State as—

"'(1) the population of that county area, multiplied by the general tax effort factor of that county area, multiplied by the relative income factor of that county area, bears to

"'(2) the sum of the products determined under paragraph (1) for all county areas within that State.

"'(c) ALLOCATION TO COUNTY GOVERNMENTS, MUNICIPALITIES, TOWNSHIPS, ETC.—

"'(1) COUNTY GOVERNMENTS.— The county government shall be allocated that portion of the amount allocated to the county area for the fiscal year under subsection (a) which bears the same ratio to such amount as the adjusted taxes of the county government bear to the adjusted taxes of the county government and all other units of local government located in the county area.

"'(2) OTHER UNITS OF LOCAL GOVERNMENT.—The amount remaining for allocation within a county area after the application of paragraph (1) shall be allocated among the units of local government (other than the county government and other than township governments) located in that county area so that each unit of local government will receive an amount which bears the same ratio to the total amount to be allocated to the units of local government within that county area as—

"'(A) the population of that local government, multiplied by the general tax effort factor of that local government, multiplied by the relative income factor of that local government, bears to

"'(B) the sum of the products determined under subparagraph (A) for all units of local government within the county area (other than the county government and other than township governments).

"'(3) TOWNSHIP GOVERNMENTS.—If the county area includes one or more township governments, then before applying paragraph (2)—

"'(A) there shall be set aside for allocation under subparagraph (B) to such township governments that portion of each amount allocated to the county area for the fiscal year which bears the same ratio to such amount as the sum of the adjusted taxes of all such township governments bear to the aggregate adjusted taxes of the county government, such township governments, and all other units of local government located in the county area, and

"'(B) that portion of each amount set aside under subparagraph (A) shall be allocated to each township government on the same basis as amounts are allocated to units of local government under paragraph (2).

If this paragraph applies with respect to any county area for any fiscal year, the remaining portion allocated under paragraph (2) to the units of local government located in the county area (other than the county government and the township governments) shall be appropriately reduced to reflect the amounts set aside under subparagraph (A).

"'(A) ENTITLEMENT.—

"'(A) IN GENERAL.—Except as otherwise provided in this paragraph, the entitlement of any unit of local government for any fiscal year shall be the amount allocated to such unit under this subsection.

"'(B) MAXIMUM AND MINIMUM PER CAPITA ENTITLEMENT.—Subject to the provisions of subparagraphs (C) and (D), the per capita amount allocated to any county area or any unit of local government (other than a county government) within a State under this section for any fiscal year shall not be less than 20 percent, nor more than 145 percent, of two-thirds of the amount received by the State under section 1602, divided by the population of that State.

"'(C) LIMITATION.—The amount allocated to any unit of local government under this section for any entitlement period shall not exceed 50 percent of the sum of (i) such government's adjusted taxes, and (ii) the intergovernmental transfers of revenue to such government (other than transfers to such government under this section).

"'(D) ENTITLEMENT LESS THAN $200, OR GOVERNING BODY WAIVES ENTITLEMENT.—If (but for this subparagraph) the entitlement of any unit of local government below the level of the county government—

"'(i) would be less than $200 for any fiscal year, or

"'(ii) is waived for any fiscal year by the governing body of such unit,

then the amount of such entitlement for such year shall (in lieu of being paid to such unit) be added to, and shall become a part of it, the entitlement for such year of the county government of the county area in which such unit is located.

"'(5) ADJUSTMENT OF ENTITLEMENT.—

"'(A) IN GENERAL.—In adjusting the allocation of any county area or unit of local government, the State shall make any adjustment required under paragraph (4) (B) first, any adjustment required under paragraph (4) (C) next, and any adjustment required under paragraph (4) (D) last.

"'(B) ADJUSTMENT FOR APPLICATION OF MAXIMUM OR MINIMUM PER CAPITA ENTITLEMENT.—Each State shall adjust the allocations made under this section to county areas or to units of local government located within it in order to bring those allocations into compliance with the provisions of paragraph (4) (B). In making such adjustments any necessary adjustments with respect to county areas shall be made before any necessary adjustments with respect to units of local government are made.

"'(C) ADJUSTMENT FOR APPLICATION OF LIMITATION.—In any case in which the amount allocated to a county government or to a unit of local government within a county area is reduced under paragraph (4) (C) by the State, the amount of that reduction—

"'(i) in the case of a unit of local government (other than a county government), shall be added to and increase the allocation of the government of the county in which it is located, unless (on account of the application of paragraph (4)) that county government may not receive it, in which case the amount of the reduction shall be added to and increase the allocation of the government of that State; and

"'(ii) in the case of a county government, shall be added to and increase the allocation of the government of that State.

"'(D) Adjustment for application of minimal allocation or waiver.—In any case in which the amount of the allocation to a unit of local government is reduced under paragraph (4) (D), the State shall allocate that amount in accordance with the provisions of that paragraph.

"'(c) GOVERNMENTAL DEFINITIONS AND RELATED RULES.—For purposes of this section—

"'(1) UNITS OF LOCAL GOVERNMENT.—The term "unit of local government" means the government of a county municipality, township, or other unit of government below the State which is a unit of general government (determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes).

"'(2) CERTAIN AREAS TREATED AS COUNTIES.—In any State where, for part or all of its geographic area, the next unit of local government below the State government is a city or other unit, the geographic area of which unit shall be treated as a county area (and such unit shall be treated as a county government) with respect to that portion of the State's geographic area.

"'(3) TOWNSHIPS.—The term "township" includes equivalent subdivisions of government having different designations (such as "towns"), and shall be determined on the basis of the same principles as are used by the Bureau of the Census for general statistical purposes.

"'(4) UNITS OF LOCAL GOVERNMENT LOCATED IN LARGER ENTITY.—A unit of local government shall be treated as located in a larger entity if part or all of its geographic area is located in the larger entity.

"'(5) ONLY PART OF UNIT LOCATED IN LARGER ENTITY.—If only part of a unit of local government is located in a larger entity, such part shall be treated for allocation purposes as a separate unit of local government, and all computations shall, except as otherwise provided in regulations, be made on the basis of the ratio which the estimated population of such part bears to the population of the entirety of such unit.

"'(6) BOUNDARY CHANGES, GOVERNMENTAL REORGANIZATION, ETC.—If, by reason of boundary line changes, by reason of State statutory or constitutional changes, by reason of annexations or other government reorganizations, or by reason of other circumstances, the application of any provision of this section to units of local government does not carry out the purposes of this subtitle, the application of such provision shall be made, under regulations prescribed by the Secretary or his delegate, in a manner which is consistent with such purposes.

"'(d) GENERAL TERMS.—For purposes of this section—

"'(1) POPULATION.—Population shall be determined on the same basis as resident population is determined by the Bureau of the Census for general statistical purposes.

"'(2) INCOME.—Income means total money income received from all sources, as determined by the Bureau of the Census for general statistical purposes.

"'(3) PERSONAL INCOME.—Personal income means the income of individuals, as determined by the Department of Commerce for national income accounts purposes.

"'(4) DATES FOR DETERMINING ALLOCATIONS AND ENTITLEMENTS.—Except as provided in regulations, the determination of allocations and entitlements for any fiscal year shall be made as of the April 1 immediately preceding the beginning of such year.

"'(5) INTERGOVERNMENTAL TRANSFERS.—The intergovernmental transfers of revenue to any government are the amounts of revenue received by that government from other governments as a share in financing (or as reimbursement for) the performance of governmental functions, as determined by the Bureau of the Census for general statistical purposes.

"'(6) DATA USED; UNIFORMITY OF DATA.—

"'(A) GENERAL RULE.—Except as provided in subparagraph (B), the data used shall be the most recently available data provided by the Bureau of the Census or the Department of Commerce, as the case may be.

"'(B) USE OF ESTIMATES, ETC.—Where the Secretary or his delegate determines that the data referred to in subparagraph (A) are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations.

" '(e) General Tax Effort Factor of County Area.—For purposes of this section, the general tax effort factor of any county area for any fiscal year is—

" '(1) the adjusted taxes of the county government plus the adjusted taxes of each unit of local government within that county area, divided by

" '(2) the aggregate income (as defined in paragraph (2) of subsection (d)) attributed to that county area.

" '(f) General Tax Effort of Unit of Local Government.—For purposes of this section—

" '(1) In general.—The general tax effort factor of any unit of local government for any fiscal year is—

" '(A) the adjusted taxes of that unit of local government, divided by

" '(B) the aggregate income (as defined in paragraph (2) of subsection (d)) attributed to that unit of local government.

" '(2) Adjusted taxes.—

" '(A) In general.—The adjusted taxes of any unit of government are—

" '(i) the compulsory contributions exacted by such government for public purposes (other than employee and employer assessments and contributions to finance retirement and social insurance systems, and other than special assessment for capital outlay) as such contributions are determined by the Bureau of the Census for general statistical purposes,

" '(ii) adjusted (under regulations prescribed by the Secretary or his delegate) by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to expenses for education.

" '(B) Certain sales taxes collected by counties.—In any case where—

" '(i) a county government exacts sales taxes within a unit of local government and transfers part or all of such taxes to such unit without specifying the purposes for which such unit may spend the revenues, and

" '(ii) the Governor of the State notifies the Secretary that the requirements of this subparagraph have been met with respect to such taxes,

then the taxes so transferred shall be treated as the taxes of the unit of local government (and not the taxes of the county government).

" '(g) Relative Income Factor.—For purposes of this section, the relative income factor is a fraction—

" '(1) in the case of a State, the numerator of which is the per capita income of the United States and the demoninator of which is the per capita income of that State;

" '(2) in the case of a county area, the numerator of which is the per capita income of the State in which it is located and the denominator of which is the per capita income of that county area; and

" '(3) in the case of a unit of local government, the numerator of which is the per capita income of the county area in which it is located and the denominator of which is the per capita income of the geographic area of that unit of local government.

For purposes of this subsection, per capita income shall be determined on the basis of income as defined in paragraph (2) of subsection (d).

" 'Sec. 1604. Nondeductibility of Taxes in Computing Taxable Income.

" '(a) The tax imposed by section 1601 to the extent the rate does not exceed 7 percent shall not be allowed as a deduction to the taxpayer in computing taxable income under chapter 1. To the extent the rate of tax imposed by section 1601 with respect to any State exceeds 7 percent, it shall be deductible in the same manner and to the same extent as a State income tax of the type referred to in section 164.

" '(b) If any of the tax imposed on an individual under section 1601 for a taxable year is computed at a rate less than 7 percent, then any income taxes paid by such individual to such State for such taxable year shall be disallowed as a deduction in computing taxable income under chapter 1 in the amount by which the tax under section 1601 for such taxable year was reduced by the request of such State for a rate lower than 7 percent.

" 'Sec. 1605. Separate Designation on Income Tax Return.

" 'Any tax imposed under section 1601 with respect to any State and collected by the Secretary or his delegate shall be shown on the same return as the tax imposed by section 1 or section 3 with respect to a taxpayer, but shall be shown separately on such return and clearly designated as a tax collected for a State and not for the United States.'

"(b) The Secretary of the Treasury shall furnish to the Congress not later than 90 days after the date of enactment of this Act a report setting forth the steps he has taken to implement the tax shifting program established by the amendments made by this Act, together with recommendations for revising the withholding tables contained in section 3402 of the Internal Revenue Code of 1954 to reflect the tax under chapter 7 of such Code, and such other recommendations, including recommendations for additional legislation, as he deems necessary to enable him to carry out that program."

On page 112, in the matter appearing after line 15, strike "sharing with State and local governments a portion of the revenues derived from Federal individual income taxes" and insert "the shifting to the States of Federal income tax collections from individuals".

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BUCKLEY. I am glad to yield to the assistant majority leader.

Mr. ROBERT C. BYRD. I ask unanimous consent that time on this amendment be limited to 1 hour and 15 minutes, 45 minutes to be under the control of the Senator from New York (Mr. Buckley) and 30 minutes to be under the control of the distinguished manager of the bill, the Senator from Louisiana (Mr. Long). That would mean that the vote on this amendment would occur about 6 o'clock. Does the Senator wish the yeas and nays?

Mr. BUCKLEY. Yes, I would like to ask for the yeas and nays.

Mr. ROBERT C. BYRD. It will probably be necessary to get more Senators in for that, but we will put them on notice.

Mr. BUCKLEY. Mr. President, I yield myself such time as may be necessary.

My modifications are simple ones. On pages 2, 3, 4, 18, and 19, I substitute the figure 7 for the figure 5.64, and the date December 31, 1971, for the date December 31, 1972. This is in order to make my amendment conform as closely as possible with the Senate bill, as I shall explain later.

This amendment represents an attempt to correct certain deficiencies in general revenue sharing, while still preserving the essential objectives of this legislation. President Jackson pointed out one of the problems inherent in general revenue sharing in the following excerpt from a message which he sent to Congress in 1833 vetoing a bill which would have shared surplus funds in the Federal Treasury with the States:

> I am quite sure that the intelligent people of our several States will be satisfied, on a little reflection, that it is neither wise nor safe to release the members of their local legislatures from the responsibility of levying the taxes necessary to support their State governments and vest it in Congress, over most of whose members they have no control.

This goes to the heart of the principle of accountability. But there is also another larger problem inherent in the bill now under debate which is of a much more recent vintage than the days of President Jackson; otherwise I am sure that he would have brought it to the attention of Congress at that time. That has to do with the habit of the Federal Government of attaching strings any time it returns funds to the States—of attaching monumental strings to the transfers of moneys from the Federal Treasury, which is another hazard which is built into the whole concept of general revenue sharing, though I do appreciate the extent to which the Finance Committee has attempted to weed them out.

My amendment seeks to introduce accountability at least at the State level, while assuring that the immediate availability of funds contemplated in the Revenue Sharing Act will in fact be available to State and local governments.

Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BUCKLEY. This will be accomplished, this providing of direct State accountability, while at the same time providing for the funds which are needed on an emergency-urgent basis by our besieged State and local governments. This will be done by substituting the concept of revenue shifting which is contained in a bill I introduced in the Senate in April of last year, now known as S. 1577, and substituting the revenue-shifting features of that earlier bill for the revenue-sharing features in the bill now under debate, while preserving the provisions of the present bill for the allocation of funds among the various units of government within a State. In other words, I preserve in my amendment the pass-through provisions in the Senate bill.

The basic concept of my alternative has been adopted for a system now in effect in Canada for the division of personal income tax collections between the dominion and provincial governments. It involves a substitution of a sharing of the Federal personal income tax base and collection facilities for a sharing of the Federal Government's revenues. Its effect is to shift to the States a portion of the personal income taxes now being collected by the Federal Government. If combined with the Finance Committee pass-through provisions, as is the case with my amendment, the revenue-shifting concept will accomplish the principal objectives of the Senate proposal while avoiding its weaknesses.

The amendment will do so in the following manner:

First, it will effect an across-the-board reduction in Federal personal income tax collections by the amount which is to be shifted from the Federal Government to State and local governments.

Second, it will at the same time direct

the Internal Revenue Service to collect on behalf of each State, from its residents, an amount equivalent to 7 percent of the Federal tax collection which in the aggregate will amount to the approximate figure which the Senate bill proposes to distribute to State and local governments.

Third, it authorizes each State to direct the Internal Revenue Service to reduce, increase, or eliminate the amount of the State's share to be collected on its behalf.

Fourth, it requires that tax returns for the Federal and State tax collections be made on a single or joint form in which it is clearly indicated which portion of an individual's tax is being raised on behalf of the Federal Government and which on behalf of the State.

This, Mr. President, is exactly the procedure which is followed in Canada at the present time. A single income tax form is filled out. If you happen to live in the Province of Ontario, it says that so much is being collected for the Dominion of Canada and so much is being collected for the Province of Ontario.

I believe that the revenue shifting alternative has the following advantages over the bill in its current form:

First, because the States have the power to direct the Internal Revenue Service to increase, reduce, or eliminate the amounts to be collected on their behalf, they retain full responsibility for and authority over the taxation of their citizens for State and local needs. No precedent is set for Federal bailouts for States which may have overextended themselves.

Second, because the personal income tax form filed with the Internal Revenue Service will specify how much of the tax is being collected for the Federal Government and how much for the State, the taxpayer is spared the illusion that money transferred by the Internal Revenue Service to his State is somehow Washington's money and not his own.

Third, the revenue shifting proposal avoids making the States dependent on the Federal Government for another substantial source of income, and therefore avoids the danger of ultimate Federal dictation.

Once the plan is in operation, its cost to the Federal Government will be negligible, amounting, as it will, to just the cost of transferring to each State the amount collected on behalf of the State and its political subdivisions. Thus, the system once established would not be endangered by future congressional economics.

Mr. President, I want to point out one final feature about my amendment before I yield the floor. It comes into immediate effect and it involves what might be called the presumption that each State will wish to participate; because only in this way can we immediately create the flow of money which is desperately needed by many of our State and local jurisdictions.

However, at the end of 1974—from that point forward—if the Federal Government is to continue to act in the capacity of agent for collection of the levy against the citizens of each State, each State must take positive action in making the necessary directions to the Internal Revenue Service. In other words, this is not a system which will continue indefinitely without positive State action. This, in my judgment, is necessary to cause the States to examine what is going on and to cause them to assume full responsibility for the future operation of the system.

In sum, therefore, my amendment would be in the broad context of the general revenue-sharing proposal as contained in the Senate bill. It would meet the emergency situation. It would contain the passthrough provisions to make sure that municipalities and counties and other areas of local government have direct access to the funds involved so as to meet their pressing problems—all during the 2-year period after this year, during which time the States and localities can come to grips with a reordering of their own internal tax structure to make sure that each unit of government has responsibilities and a tax structure which are mutually compatible.

Finally, it establishes, automatically and immediately, the piggy-back structure which is, of course, a feature of the measure before the Senate. It will accomplish all those things, but it will do so in a manner which will preserve full accountability, in a manner in which the citizens of each State know they are being taxed in order to support the general needs of their State and local communities.

Mr. President, I reserve the remainder of my time.

Mr. LONG. Mr. President, what we have here is a complete substitute for the revenue-sharing bill. It is an interesting thought, and it certainly is worth considering. We on the committee did think about it, and the general approach was explored by thoughtful members of the Ways and Means Committee.

The approach of the Senator is to reduce the Federal tax and make it possible for a State to increase its income tax by at least the same amount. This, of course, is not revenue sharing, and the Senator does not call it that. He would call it revenue shifting.

Compared to the bill before the Senate, it has advantages and disadvantages, one advantage being, of course, that the State is levying a tax itself and if the State does not impose the tax the relief goes to a taxpayer of that State. Under this plan the State is encouraged to levy an increase its income tax, so that it would receive revenue which the Federal Government loses. In the final analysis, where this happens its taxpayers lose nothing.

On the other hand, when one looks at the disadvantages, it does not permit one of the advantages of revenue sharing advocated by the President and by the Finance Committee and which, so far, has been supported by the Senate, and that is the concept that we are one Nation and that the Federal Government is the wealthiest of any government and has the greatest capacity to raise revenue of any government, and that the wealthiest sections of the Nation should shift some of their income for the benefit of the poorer sections on a revenue-sharing basis. Where we have revenue sharing within the States—I know this is how it is in Louisiana, Maryland, and elsewhere—generally speaking, we collect taxes uniformly on an income tax basis or on an excise tax basis.

Then the distribution formula usually tries to favor those who have the greatest need. Of course, that is not a part of the Senator's proposal, because the States that have the high per capita income or the high-income taxes would benefit the most and, compared to the committee bill, the States that have the low-income taxes would benefit the least. We cannot achieve, with the Senator's approach, the one thing, which is revenue sharing. That is collect the most revenue from those who are best able to pay and provide the most help to those who need it the most. That is not possible under the Senator's concept.

Also, the proposal is a complete substitute. I suspect, Mr. President, that if the Senate wanted to adopt this amendment, which is really in the nature of a substitute, one might say, if the Senate were sincere about it and did not want to kill the revenue-sharing bill but to adopt the approach of the substitute, I honestly believe that the Senate would find, without ever having intended to do so, that it would kill the bill. I say this because I see no ground to compromise this in conference.

If we went to conference with the House on it, as we know, someone wins and someone loses. How can the House in honor surrender a revenue-sharing bill to a tax-shifting bill?

For that matter, how could the Senate conferees, in good conscience, vote to surrender in conferring a tax-shifting bill to a revenue-sharing bill?

So that it is simply like trying to cross cats with dogs or airplanes with oranges. They are so far apart, there is no way we can compromise them.

About the only conceivable approach would be to say, "Well, let us try to make it half a revenue-sharing bill and half a tax shifting bill." I do not think the Senate would want to do that. The Senate has about decided, I think, that it will engage in this 5-year experiment in revenue sharing. If so, I would think that the kind of approach the Senator has here is one that should merit study, thought, and examination by governmental groups and study groups throughout the country, and that it should be considered as an alternative proposal in the event the country is not satisfied with revenue sharing after we have had 5 years of experience with it.

I do not think we should agree to it as a substitute. It is a tax-shifting bill. This is a revenue-sharing bill. Therefore, I believe that the amendment should not be agreed to.

Mr. BENNETT. Mr. President, will the distinguished Senator from Louisiana yield me 5 minutes?

Mr. LONG. I yield 5 minutes to the Senator from Utah.

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator from Utah is recognized for 5 minutes.

Mr. BENNETT. Mr. President, in the

revenue-sharing bill we are applying to the States the principle that has been applied within the States for many years to the cost of education. In my State, we call it equalization, a means by which the school services available in the poorest little community are approximately equal to those available to the metropolitan centers, which means, inevitably, that the richer and the larger areas have to contribute to the income of the poorer communities.

Now, as I understand the amendment proposed by our good friend from New York (Mr. BUCKLEY), it says in effect, "We will give you back a percentage of what you are willing to tax yourself for."

In other words, there is no sharing outside the boundary of a particular State. It puts very heavy emphasis on the tax effort, the higher tax effort, that is, the more we get back, and it ignores the other qualifications that we have written into our formula.

I think that the word "sharing" carries in it by implication this concept of equalization. The rich will share with the poor.

The chairman indicated some practical problems. Let me emphasize again that there are some States in the Union whose constitutions forbid them to levy on income tax. So, if we adopt the amendment, we will force those States to change their tax systems. I do not think that we are prepared to do that.

I agree with the chairman that this is a different approach. It may be worth considering as a replacement for revenue sharing, based on the experience we may have with it over the next 4 remaining out of 5 years that the bill covers. But I do not think it should be written as a substitute on the floor of the Senate without any committee hearings, without the States and communities most directly affected having an opportunity to measure the effects of the program on their States and bringing this information to the committee.

I think the committee should be aware of it. I think we should be prepared to consider it, when it comes time to review this whole principle again, but I think it would be tragic to throw away the work of the Ways and Means Committee of the House and the Finance Committee in the Senate, plus the study that has been given the problem downtown, and embark on a completely new point of view.

Mr. President, I should like to underline something the chairman said—

> I do not know how we could take this to conference. I do not know what we could do with it in conference.

Therefore, I think that the Senate should reject it as a substitute and let us go forward with the program that we have so long and so diligently worked to prepare.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from New York yield?

Mr. BUCKLEY. How much time does the Senator require?

Mr. HARRY F. BYRD, JR. I should like to ask the Senator from New York several questions. Say 5 minutes.

Mr. BUCKLEY. Mr. President, I yield the Senator from Virginia 5 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, may I ask the distinguished Senator from New York whether I have the proper understanding of his proposal. Is it correct that the money which the Federal Government feels it can spare, so to speak, and send back to the localities under the so-called revenue-sharing proposal of the Senator from New York, would go not to the States or to the localities but would go to the taxpayers of the various States in the form of a tax credit or tax reduction unless the legislature of a particular State were to pass legislation providing that that amount of money would be taken over by the State? Is that about what the proposal of the Senator is?

Mr. BUCKLEY. It is not quite correct. That would be the long-term effect of the amendment. However, recognizing the fact that there is an existing emergency, which I think we are all interested in trying to help out with, and recognizing the fact that State legislatures are not in session every year, my proposal starts out with the presumption that the States will not have this money returned to the States unless the States take positive action to direct the Internal Revenue in the matter, in which case their revenue would benefit by the reduction, in this case about 7 percent.

In this connection, I would like to clear up what I believe is a misconception of what I propose.

This is not a tax credit proposal as that term is usually understood; namely, one in which there would be an offset against Federal tax liability up to a certain amount representing payments paid to the State. For whatever esoteric reason it involves, the advocates of this amendment would seem to be very knowledgeable in income tax affairs. They felt that the word "credit" would be appropriate to use rather than "income tax deduction." And that is automatic, it goes across the board, irrespective of what may or may not be paid to the State.

Mr. HARRY F. BYRD, JR. The 7-percent credit or reduction which would be a special term used——

Mr. BUCKLEY. We should call it a 7-percent reduction of the Federal personal income tax rate.

Mr. HARRY F. BYRD, JR. The 7-percent reduction in personal and corporate income tax rate——

Mr. BUCKLEY. Not corporate, just personal. They would have to compute the rate under the present schedule and reduce that by 7 percent.

Mr. HARRY F. BYRD, JR. Under the Senator's proposal, the taxpayers would have an opportunity to obtain a 7-percent reduction in their taxes.

Mr. BUCKLEY. If their States did not request this money to be collected on their behalf. However, if the States did request that it be collected on their behalf, or failed to take initial action, then clearly the State has got the responsibility for that 7 percent.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUCKLEY. Mr. President, I would be glad to yield the Senator an additional 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 5 minutes.

Mr. HARRY F. BYRD, JR. So, the choice that the able Senator from New York has given the Senate today, as I see it, is whether the money which the Federal Government will send back to the States will go to the individuals of that State or to the State itself.

Mr. BUCKLEY. The Senator is correct.

Mr. HARRY F. BYRD, JR. The choice would be left to the State legislature to determine.

Mr. BUCKLEY. That would be the effect.

Mr. HARRY F. BYRD, JR. The Senator from Virginia regards this as a very interesting and novel approach and one that is well worth considering. If the Federal Government has so much money and is in such good shape that it can take an average of $6 billion a year and send it back to the localities and the States, then, if we are going to do that, it seems to me that what we ought to do is to send it back to the source from which it came; namely, the individual taxpayers of the States.

The Federal Government's permitting a reduction of 7 percent in the income taxes to be paid the individual citizens would mean that the States that are indeed in need and those States whose legislatures are willing to vote a 7-percent tax, would have an opportunity to that 7 percent itself and use it for State purposes. However, if a State does not so act, the money would go to the benefit of individual citizens in the State.

I like the approach of the Senator from New York. I personally do not feel that there is enough money in the Federal treasury to be sending it back to the localities and the States. However, if a majority of the Congress feels—and evidently it does—that we are so running over with funds and that our financial position is in such wonderful shape that we can dispense with 7 percent of the tax take, then I prefer to see that 7 percent go back to the source from which it came; namely, the individual taxpayers.

I commend the distinguished Senator from New York. I shall support the proposal.

Mr. JORDAN of Idaho. Mr. President, would the Senator yield for a question?

Mr. BUCKLEY. I would be glad to yield to the Senator from Idaho.

Mr. JORDAN of Idaho. Mr. President, most of the witnesses who appeared before the Finance Committee during our hearings said that the Federal Government had preempted the tax sources by their highly progressive income taxes. Many of them said, as has been stated here, that they have constitutional prohibitions against a State income tax.

Is it not true that the proposal of the Senator from New York would offer to the State the Federal income tax as a vehicle and the Internal Revenue Service as a collection agency to overcome their chief objection; namely, the fact that the Federal Government has preempted the tax sources with their highly progressive income taxes?

Mr. BUCKLEY. The Senator is completely correct. The Federal Government would in effect be sharing the personal income tax base and the collection facilities. The highly efficient collection facilities of the Internal Revenue Service would enable the States which were to participate in this program to save themselves the cost if they are on an income tax base of duplicate services.

Mr. JORDAN of Idaho. Mr. President, I thank the Senator. We had one or two witnesses who testified that they were forced to come to the Federal Government for relief. One State had a referendum on revenue. Measures which were passed by the legislature were defeated by referendum of the people, because the people were not willing to vote more taxes for themselves at the State and local level. They had no recourse but to come to the Federal Government.

Does the Senator believe that is good government?

Mr. BUCKLEY. I believe quite to the contrary that this is an attempt to run an end run around the people most directly concerned with the levels of government and services within a given State.

Actually, within my own State, we have been having a successful tax revolt. Taxes have risen to a point where the State legislature has forced a reexamination of State programs and forced very meaningful economies rather than go through the onus of raising taxes. I think under the credit proposal which is advocated strenuously by officials across the State, New Yorkers will over a 5-year period be paying to Washington in personal income taxes $450 million more than they will be receiving back.

My proposal is totally neutral between the have-nots and the haves, and it would enable the citizens of New York to make that decision, but more importantly, it would say that this shell game could not be placed on them. They would know the exact amount of money they are paying for State and local services.

Mr. JORDAN of Idaho. I like the aspect of the Senator's bill that provides some State responsibility and some flexibility in the State as to the amount of piggy-back taxation they choose to levy on themselves. I think it goes without saying that all of the 50 States and the 38,000 political subdivisions of government can find a use for all of the money that is given to them with no strings attached. Does the Senator have any doubt about that?

Mr. BUCKLEY. None whatever.

Mr. JORDAN of Idaho. I think the Senator brought out a very worthwhile suggestion. It is quite altogether different than revenue sharing because it is, as the Senator described it, revenue shifting. It has much to commend it. The one fault I would find is that it provides no sense of equalization whatever.

Mr. BUCKLEY. I am glad the Senator raised that point because it is a point that was raised earlier by the chairman. I was going to discuss it myself and I might as well do so now. We all understand that because of the differences that do exist in the relative affluence of Americans, some States may not have the capacity to raise the revenue needed to make sure their children have, for example, an equal educational opportunity, as those in more affluent States. I believe these differences are more than adequately coped with through our system of categorical grant programs, and in the proposed system of special revenue sharing, where we take areas of special concern and utilize the revenue sharing procedure in order to shift money from the "have" States to the "have not" States.

But for whatever reason, those States in the Union which today feel the greatest sense of urgency and need happen to be the more affluent States. I have a feeling this has resulted in part because of so many dislocations resulting from the categorical grant programs which have mandated all kinds of responsibilities which have been particularly heavy on industrial States, and this is a load which will only become worse under the Senate distribution formula.

But I believe general revenue sharing should be neutral while other special revenue sharing and categorical grant programs will be the method for equalization, which my friend from Utah mentioned earlier.

Mr. JORDAN of Idaho. Many witnesses who appeared before the committee testified that grants in aid were the reason for their downfall. The fact is there are 400 or more specific grants in aid having to be matched at the State and local levels and the State and local levels have become impoverished to the point and to the extent they were not able to raise any more revenue.

But the question I ask the Senator is: Is there anything in his bill—I know there is nothing in the bill of the Committee on Finance—that would repeal or cut back any of the 400-odd specific grant-in-aid programs?

Mr. BUCKLEY. No, nothing in my bill would accomplish that. But I am anxious that this bill come to grips with the special revenue proposal, which would have the effect of collapsing many of those programs into a broad program, which would not have the effect of forcing them to spend money for a project which in their opinion they felt was inferior.

Mr. JORDAN of Idaho. What I like about the Senator's proposal is that it is not likely to be escalated over the years to come, except as States initiate the program. What is $5 or $6 billion in this session will be $20 or $25 billion 10 years from now. That is the way these things have of growing, but it seems to me the Senator's proposal would for all time put a stop to that kind of escalation that there is in the proposal we have before us.

Mr. BUCKLEY. I agree with the Senator that that would be the effect. Accountability would be maintained and people would know who is responsible.

Mr. JORDAN of Idaho. I thank the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield to me for 4 minutes?

Mr. BUCKLEY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New York has 15 minutes remaining.

Mr. BUCKLEY. I am delighted to yield 4 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, in 1950, as a member of the Virginia Senate, I introduced legislation which subsequently became known as the automatic tax reduction law. The principle of that, it seems to me, is somewhat similar to the principle of the revenue shifting proposal offered by the Senator from New York.

The principle of the Virginia automatic tax reduction law is this. The legislature may appropriate however much money it deems necessary to operate the State government, but if it takes from the taxpayers more than is necessary to operate the government, then after leaving a reasonable cushion in the State treasury the additional amount over and above the amounts necessary to run the government would then be automatically returned to the taxpayers in the form of a tax reduction, and that tax reduction, if it occurred, would be automatic in the next year's tax bill on a percentage basis.

Under that law the Virginia taxpayers for 4 years received a reduction in taxes. I do not remember the exact figures, but in 1 year it was as high as 20 percent, in another year it was 12 or 14 percent, in another year it was 8 or 9 percent, and in another year it was around 10 percent. That was when the State government took from the taxpayers more money than the legislature said was necessary to operate the government.

Now, we come to the present situation which is almost similar to the one I reported in Virginia 22 years ago, but the difference is that the Federal Government is not running a surplus. Indeed, it is deeply in debt, and not only is it deeply in debt but it is running heavily in smashing deficits. But that does not deter me from supporting the Senator's proposal when I have to compare it with what would be done if his proposal is not adopted, because if his proposal is not adopted, despite all of these deficits, despite the heavy debt, then the same amount of money; namely, 7 percent of the total tax collections, will be sent back to the States and the localities.

I do not think the Government is in a financial position to do that, but if we are going to do it I think it should go back to the people themselves, the individual taxpayers, the same as it would have under the Virginia automatic tax reduction law. It occurred to me a few minutes ago that there is a similarity between the proposal offered by the able Senator from New York and the one which the Virginia Legislature enacted some years ago. I think there is a considerable similarity between the two, and I certainly like the approach that if the Federal Government says that we have too much money and are going to give some of it back to the States and localities, then the place to give it back is the place from which it came; namely, from the pockets of the hard working men and women of our Nation.

I thank the Senator.

Mr. BUCKLEY. I thank the Senator for his remarks.

I certainly believe that, at the least, if my proposal does not create the way for more cutbacks, it will prevent future proposals for automatic increases, so the taxpayers would end up in the same place.

Mr. HARRY F. BYRD, JR. That would be a great improvement over what we have today.

Mr. BUCKLEY. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. BUCKLEY. I yield myself 5 minutes.

First of all, I should like to address myself to some remarks made by the chairman of the committee, the Senator from Louisiana, and the Senator from Utah.

As I explained earlier in my colloquy with the Senator from Idaho, my proposal is totally neutral as between the States on the matter of distribution. As I said earlier, I believe that the other legislation which we have at the Federal level—the categorical grant programs, and later, hopefully, the special revenue programs—has the effect of recognizing that the poorer States are not in the same position to provide essential quality services as are the wealthier and the more affluent States, and therefore the idea of the use of the Federal Government as a means of that redistribution is perhaps totally valid. But we are not talking about money for education in this bill or money for necessary sewer systems or money for urban development. We are talking about revenues to be distributed for general governmental services.

Second, it was mentioned that the constitutions of some States do not permit the imposition of income taxes, and that my proposal would force those States to enact income tax legislation of their own. Quite the contrary. If any State does not feel it wants to impose an income tax on its own citizens directly or indirectly, it is totally free to advise the Internal Revenue Service that it does not wish to participate in revenue shifting, in which event its citizens will have the direct benefit of a 7-percent reduction in their Federal tax payments, which would leave a certain amount of cash in the State to be collected in the form of sales tax, use tax, or some other form of taxation which that particular State finds to be preferable.

I certainly appreciate the argument by the distinguished Senator from Utah that the revenue sharing proposal proposes to do at the Federal level what States themselves are doing, namely, the process of equalization, subsidizing the poor areas, so that there would be approximately the same amount spent for education of a child irrespective of where he goes.

I would like to make two comments with respect to that, namely, that the Federal Government is in the process of equalizing, through the categorical grant programs, and, second, one of my concerns about the general revenue-sharing proposal as a long-term institutionalized device is the remoteness of the Federal Government from the taxpayer and the voter. The kind of accountability that makes sense, that is in fact operable in terms of pressures which citizens can mobilize to hold the line on expenditures or hold the line on increases in taxes, can be applied at the State level even if some of the State money is going to subsidize their local municipalities, but these same pressures cannot be mobilized at the Federal level.

With respect to the problems which the adoption of my amendment might pose in conference, I would like to point out that it does incorporate two principal features of both the House and the Senate bills, namely, a system of allocation of funds to be distributed as between the State and local levels of government, and, second, a so-called piggy-back structure. These two proposals in the House bill could certainly be modified to accommodate the revenue shifting proposal.

In summary, Mr. President, I would just like to recite my principal points. We are in process of enacting a brand new approach to the financing of State and local governments which sets aside the principle of accountability by removing the taxing authority too far from the eyes of the voters to enable them to apply the necessary judgment to determine whether or not they are willing to tax themselves in order to pay for local bridges, roads, paths—you name it.

Second, we do have a state of emergency, and my proposal would end up in distributing the same amount of money to the States and localities as would the Senate version. Admittedly, mine does not provide any redistribution from so-called rich States to so-called poor States, but I would expect that if one goes to the testimony given before the Finance Committee, he will find many of the requests were coming from those from the richer States, not the poorer States. It is a question of reallocation; it is not a question of basic availability of funds with which we need to cope.

The PRESIDING OFFICER. The Senator's time has expired. The Senator has 5 minutes remaining.

Mr. BUCKLEY. Mr. President, I yield myself such time as I may need to conclude.

I recognize that in this concept there is a significant departure from the basic concept enshrined in legislation before us. However, it accomplishes the same things, but in a manner that will not be as disruptive of the concept of federalism. I, therefore, urge the adoption of the amendment.

Mr. LONG. Mr. President, as I said before, the proposal offered by the Senator from New York would, I believe, be repugnant to those States that do not have an income tax. It seeks to coerce them into enacting an income tax which, so far, these States have steadfastly insisted they should not be coerced into adopting or be required to levy an income tax unless, in the judgment of its citizens, they should decide to do so.

Furthermore, the proposal would tend to benefit many States that do have income taxes, the States with a higher than average per capita income, and it would tend to penalize States with less than the average per capita income.

Furthermore, and probably worse, I feel that we would have no revenue-sharing bill, because, in my judgment, as the Senator from Utah has pointed out, there is nothing to compromise.

If we go to conference with the House of Representatives with the bill they adopted and the Senate sends over another, that is a complete substitute, that is not even a distant cousin to it, there is just nothing to talk about, nothing to compromise on. It would be like trying to say that one goes to the conference table with a dog and the other goes to the conference table with a cat, so the one says, "The only logical way we can make this thing work is just to chop these two in half and put the hind end of the cat on the front end of the dog, and that way come up with a cross between the two."

The difficulty is that the animals are so far apart in nature that by the time you put a part of one on a part of the other, they are necessarily in conflict.

I think, Mr. President, that if this amendment were agreed to, and those of us in the Senate conference were true to our duty to the Senate, which would be to bring in a bill which is not a revenue-sharing bill but a tax-shifting bill, and the House conferees were true to the House of Representatives in their duty to bring back a revenue-sharing bill, there would probably be no bill. I think there is that much difference between the two approaches.

So I hope, Mr. President, that this substitute will not be agreed to.

It lacks one basic factor that even Governor Rockefeller proudly proclaimed when he appeared before the committee, and that was that the States with the highest per capita income—and he was testifying for a State which had a relatively high per capita income—like New York would not get back as much as they were putting out. The amendment would change that, although Governor Rockefeller, of the same State represented by the able and distinguished Senator, would be first to concede that it was fair that New York should be willing to contribute more than it took back.

That would not be the case under this type of proposal. The effect of distributing income in such a fashion that the poor get some help at the expense of the rich would be dispensed with under this proposal, and that phase of it, I think, would not even appeal to the Governor of the great State from which the Senator hails.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. It seems to me there is another difficulty here that has been touched upon but not spotlighted. That is that under this proposal, the State legislators, and let us add the Governors, would have to say to the people of the States, "There is a potential 7-percent reduction in your income tax, but we have to take it away from you."

The revenue-sharing bill is based on the idea that money can come to the

States with a minimum of difficulty for the State tax collecting and State spending units. But under this proposal, I think Senators would find the greatest political difficulty you can conceive of in going to the State legislatures and saying, "You vote to take this tax cut away from the people." I do not think they would get away with it.

Mr. LONG. Mr. President, this type approach could not have escaped the attention of the administration of President Nixon in considering the possibilities of what could be done to help the States along this line, because this is very similar to the Canadian system.

I would say this: If we can make revenue sharing work, it has far more justice, fairness, and equity about it if you believe, as most of us believe, that the wealthier should lend a hand to those who are less wealthy.

If we cannot make revenue sharing work, then it may very well be that we would have to dispense with that concept. But I would like to try revenue sharing, to see if it can be made to work, and I hope this amendment will be rejected.

Mr. BUCKLEY. Mr. President, I was extremely interested in the spotlight thrown by the Senator from Utah, which was to say, "Let us make it easier to take; let us not let the people know exactly where this money is coming from."

I would say that the maximum of difficulty is consistent with the maximum of accountability. I think one of the problems we have run into in this country is that we have found devices like withholding, and so on, which make too few citizens realize exactly how much they are paying for the governmental services they are receiving.

Mr. President, I yield back the remainder of my time.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. Gambrell). All remaining time having been yielded back, the question is on agreeing to the amendment (No. 1469), as modified, of the Senator from New York (Mr. Buckley). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Texas (Mr. Bentsen), the Senator from North Dakota (Mr. Burdick), the Senator from Nevada (Mr. Cannon), the Senator from California (Mr. Cranston), the Senator from Missouri (Mr. Eagleton), the Senator from Mississippi (Mr. Eastland), the Senator from North Carolina (Mr. Ervin), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Arkansas (Mr. McClellan), the Senator from South Dakota (Mr. McGovern), the Senator from New Mexico (Mr. Montoya), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pastore), the Senator from Rhode Island (Mr. Pell), the Senator from West Virginia (Mr. Randolph), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I also announce that the Senator from Iowa (Mr. Hughes) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. Magnuson), the Senator from Rhode Island (Mr. Pastore), the Senator from West Virginia (Mr. Randolph), and the Senator from Alabama (Mr. Sparkman) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Oklahoma (Mr. Bellmon), the Senator from Tennessee (Mr. Brock), the Senator from New Hampshire (Mr. Cotton), the Senator from Hawaii (Mr. Fong), the Senator from Oregon (Mr. Hatfield), the Senator from Kansas (Mr. Pearson), the Senator from Ohio (Mr. Saxbe), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

Also the Senator from Colorado (Mr. Allott), the Senator from Maryland (Mr. Beall) the Senator from Wyoming (Mr. Hansen), the Senator from Iowa (Mr. Miller), the Senator from Ohio (Mr. Taft), the Senator from Connecticut (Mr. Weicker), and the Senator from North Dakota (Mr. Young) are necessarily absent.

If present and voting, the Senator from Iowa (Mr. Miller) and the Senator from South Carolina (Mr. Thurmond) would each vote "nay."

On this vote, the Senator from Oregon (Mr. Hatfield) is paired with the Senator from Colorado (Mr. Allott). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 6, nays 55, as follows:

[No. 409 Leg.]

YEAS—6

Buckley
Byrd,
  Harry F., Jr.
Dominick
Goldwater
Jordan, Idaho
Roth

NAYS—55

Aiken
Allen
Baker
Bayh
Bennett
Bible
Boggs
Brooke
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Curtis
Dole
Edwards
Fannin
Gambrell
Gravel
Griffin
Gurney
Hart
Hartke
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Long
Mansfield
Mathias
McGee
McIntyre
Metcalf
Mondale
Nelson
Packwood
Percy
Proxmire
Ribicoff
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Talmadge
Tower
Tunney
Williams

NOT VOTING—39

Allott
Anderson
Beall
Bellmon
Bentsen
Brock
Burdick
Cannon
Cotton
Cranston
Eagleton
Eastland
Ervin
Fong
Fulbright
Hansen
Harris
Hatfield
Hollings
Hughes
Kennedy
Magnuson
McClellan
McGovern
Miller
Montoya
Moss
Mundt
Muskie
Pastore
Pearson
Pell
Randolph
Saxbe
Sparkman
Taft
Thurmond
Weicker
Young

So Mr. Buckley's amendment was rejected.

AMENDMENT NO. 1490

Mr. HARTKE. Mr. President, I have an amendment at the desk which I ask the clerk to report.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. HARTKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the Record.

The text of the amendment is as follows:

On page 84, line 3, after the comma following the word "State", add the following phrase: "or in the case of a transportation employee subject to the provisions of subsection (f)(9) such tax applies only if more than 50 percent of such individual's wage or other business income for the taxable year is derived from sources within such State,"

On page 92, line 7, after the word "tax." add the following new sentences: "Determination of whether an employee earns more than 50 percent of his compensation for withholding purposes may be based upon a declaration filed for such purposes by an employee with his employer. Reliance by the employer upon said declaration shall relieve said employer of payment of any and all taxes, penalties, and interest that may be imposed for failure to withhold on the compensation of such employee."

Mr. HARTKE. Mr. President, this amendment deals with the question of transportation employees. It reaffirms the position taken by the Senate heretofore on how transportation employees would have their withholding taxes handled.

The chairman of the Finance Committee and the Senator from Utah (Mr. Bennett) see no objection to the amendment. It is germane. It is in conformity with the general principles enunciated by the Senate heretofore.

Mr. LONG. Mr. President, the amendment is germane to title II of the bill. It is a problem that we would probably have taken care of in committee had the Senator raised it at that point.

In view of the fact that it is germane to the purposes of the bill and that the Senate has passed it before and there is undoubted merit to it, and we do not want transportation workers to be taxed on their income in four different States. Therefore in an effort to resolve this problem I would be happy to support the amendment and I hope that the Senate will agree to it.

I have discussed this with the Senator from Utah (Mr. Bennett), the ranking member on the committee who is necessarily absent at this moment, and he agrees that this is an amendment we should take to conference and try to persuade the House to accept it.

Mr. HARTKE. I thank the Senator from Louisiana.

The PRESIDING OFFICER (Mr. Gambrell). The question is on agreeing to the amendment of the Senator from Indiana (Mr. Hartke), No. 1490.

The amendment was agreed to.

Mr. STEVENSON. Mr. President, in his 1971 State of the Union address President Nixon rather grandly proclaimed a new American Revolution. General revenue sharing, we learned, was to be the first shot in that revolution. But it is not a revolution; it is not even a new idea.

In 1837 Congress voted to distribute a surplus in the Federal Treasury to the States according to their electoral vote. President Jackson sent a strongly worded protest in which he said:

> If the necessity of raising taxes be taken from those who make the appropriations and thrown upon a more distant and less responsible set of public agents, who have the power to approach the people by an indirect and stealthy taxation, there is reason to fear that prodigality will soon supersede those characteristics which have thus far made pride and confidence to the state governments as the mainstay of our Union and liberties.

Jackson did not prevail. The revenue was shared, and much of it was squandered.

State and local officials are as a group as responsible as Federal officials. Jackson simply recognized that to separate tax raising from tax spending invited political profligacy.

One hundred years after President Jackson's message, President Eisenhower's prestigious Commission on Intergovernmental relations—the Kestenbaum Commission—reexamined the concept of revenue sharing and found it wanting for the same reason. The Commission stated:

> On the state and local side, a policy of unconditional subsidies with no matching requirements would be likely to undermine the sense of financial responsibility. The tendency would be for states and localities to look more and more to the national government to perform the disagreeable task of extracting money from the taxpayer.

Never before this time has revenue sharing even been considered in times of high Federal deficits. The most recent surge of interest began in 1964 when Walter Heller, the chairman of the President's Council of Economic Advisers, proposed it as a means of combating fiscal lag, Dr. Heller feared that economic growth would provide the Federal Government with ever-increasing tax revenues for which it would have insufficient uses. The result would be a growing Federal budget surplus acting as an unnecessary and undesirable break on the economy. So Dr. Heller proposed revenue sharing as the remedy. Now the remedy is proposed for a disease which does not exist. It is the automatic budget deficit rather than the budget surplus which now threatens a rational economic policy.

Revenue sharing today is promoted as a means of bailing out State and local governments that are hard-pressed for funds. As a former State legislator and former State treasurer, I concede to no Member of this body a greater concern for the financial welfare of State and local governments, nor do I concede to any Member a larger determination to be of assistance.

But general revenue sharing is not the best way to aid State and local governments. For many years the Federal Government has used its pervasive and, on the whole, progressive Federal tax system to help State and local governments cope with their problems. The States, in fact, already receive about 22 percent of their revenues from the Federal Treasury.

General revenue sharing would scatter Federal aid among all States and local governments with little regard to need. But all States and localities do not have the same needs. The financial crisis falls primarily upon our major cities. Actually, when compared to the cities, the Nation's other municipalities and the States are in relatively good financial shape as a group. The Brookings Institution estimates that by fiscal 1976 all States and local governments will spend only $9.4 billion more than they take in. With the cities in serious condition, that must mean that most other local jurisdictions are in relatively good condition. And collectively they are in better financial condition than the Federal Government which ran a deficit of about $23 billion in fiscal 1972 and faces a deficit of $38 billion for fiscal 1973.

In this situation the Federal Government is a rather frail-looking Santa Claus. It has no revenues to share; only a large deficit.

If one had to generalize about which level of government is most in need and hardest hit by rising demands against its resources—for health, environmental protection, education, child development, welfare reform, defense—it might well be the Federal Government. $30 billion in 5 years spent for general revenue sharing is $30 billion more in taxes, or more in deficits, or less in spending for national needs, including many which would be of direct benefit to the States and localities.

The Federal Government has a duty to set national priorities for the expenditure of Federal funds. It must seek the highest return for the Federal dollar. It cannot do that under general revenue sharing. Revenue sharing would set no priorities at all—it would abrogate that responsibility of the Federal Government, and of Congress in particular. It is particularly ironic that revenue sharing should be seriously considered at a time when the call for reordering our national priorities is being increasingly heard.

The $5.3 billion for general revenue sharing in the first year might better be used to fund a federally administered and financed welfare program. Welfare reform would be of tremendous financial benefit to the States. It could save as much as $1 billion a year in administrative costs alone. And it could also help cope with a national affliction. It could help stem the continuing migration from rural America into an already crowded urban America.

Or $5.3 billion could fund a new program of general aid to education, conditioned upon effective State plans to equalize educational opportunity, and take up the burden from local property taxpayers.

It could fund a comprehensive national child development program. It could go a long way toward combating the pollution of our rivers, or funding a national program for the support of health maintenance organizations.

The sum of $5.3 billion for general revenue sharing scattered willy nilly across the political landscape, with precious little regard to need or purpose, will accomplish none of these things. And it will be a drop in the bucket so far as providing fiscal relief to State and local governments is concerned. It will not bring relief from State and local taxes. Total State and local spending amounts to some $150 billion a year. At that level, $5.3 billion will have all the impact—to quote our late Senator Dirksen—"of a snowflake falling upon the mighty bosom of the Potomac." The $5.3 billion would be soaked up instantly, with no appreciable effect on local tax rates, nor on the quality of State or local services. Spent on welfare reform, to cite one example, it would mean financial relief for those States most in need—and for humans most in need.

I would not be so concerned if I thought it was only a temporary program for the financial relief of States and localities. But I know better. General revenue sharing is the camel getting its nose under the tent. We would not be seriously considering general revenue sharing today if it were not for the election year pressures of thousands of mayors, county officials, Governors, and the administration. If the Congress starts revenue sharing under such pressures, it will not be able to stop it against even greater pressures. The States and localities will be dependent upon the Federal Treasury. Mayors and Governors will be able to spend the taxpayers' money at will without accepting the political responsibility for collecting the taxes. That responsibility will be left to the Federal Government. Who can doubt that mayors and Governors able to spend the Federal Government's revenues will look to it for more and more? Indeed, who amongst us could expect them to look to the taxpayers for revenues when they can look to the Federal Government instead? Already we are confronted with amendments aimed at increasing the revenues shared with States and localities. They are only the beginning.

It is said that revenue sharing will restore power to the people. That slogan—more power to the people—has been proclaimed by such unlikely bedfellows as Richard Nixon and Abbie Hoffman. It deserves some scrutiny.

In our system the real power which the people bring to bear is applied at the ballot box. It is a power which the people use intelligently and well. It is a power which politicians thoroughly understand and respect. It is a most apparent, real and essential power of the people—to hold their public servants clearly accountable. It is a power which will be diluted, not strengthened, by revenue sharing. The taxpayer could not get a straightforward accounting for all of his Federal dollars. I believe the Federal Government has an obligation to account for each and every dollar which it raises by taxing the income of American families. Providing Federal tax dollars to other governments to use for any purpose is plainly inconsistent with that duty of accountability.

The people will be robbed of power at the State and local level, too. Without the need to collect all the taxes they spend, State and local officials will not have the same incentive to justify their spending. And under this plan the States and localities will become increasingly dependent upon the Federal Government for their financial sustenance. As they became more dependent, they would become, not revitalized, but more vulnerable. Though I doubt the Federal Government could, as a practical matter, ever exercise the power, it would have a stranglehold over State and local governments. As they look increasingly to the Federal Government for funds rather than to their own initiative, they will become increasingly impotent.

If there are any goals that fill me with enthusiasm they are the goals of bringing new strength and vitality to State and local governments, eliminating waste and redtape, maintaining the accountability and therefore the integrity of public officials. Revenue sharing flies in the face of those goals. Redtape is as much, or more, an affliction at State and local levels. Revenue sharing provides no incentive to reform State and local government. It provides every incentive to spend for the sake of spending. It would embalm the status quo at a time change, by all accounts, is much in order.

I do not question the integrity, the conscience and ability of State and local officials. But if I have learned anything in government, it is that there are many problems mere money cannot solve. For all the preoccupation of politicians with money—more money to solve more problems—money just isn't enough. What is needed is not just money, but ideas and decisions and reforms, and actions to insure that we use our money well. At best, revenue sharing would subsidize business as usual, and that would be a disservice not only to the governments in question but to the taxpayers who foot the bill. At worst, in the case of governments which function badly, revenue sharing would be like presenting a fast new car to a motorist with a history of reckless driving.

There are better ways—far better ways—to help State and local governments than through general revenue sharing. First and most obvious, the Federal Government could aid State and local governments most effectively by promoting economic vitality. A full employment economy would yield to the States and localities an increase in revenues far greater than revenue sharing would bring. But like other diminished national responsibilities, general revenue sharing would diminish the power of the Federal Government to effectively manage the economy. As the Federal revenues committed to general revenue sharing rise inexorably with the demands and the needs of State and local governments, the Federal Government would surrender its control over the expenditure of more of its revenues. To the extent it does so, it would also diminish its ability to carry out a sound fiscal policy.

The Congress could restructure and expand Federal aid programs in ways that encourage State and local reform, and at the same time meet national responsibilities. I have already mentioned general aid to education, welfare reform, pollution from the air and water which cross State and local boundaries and incentives to child development centers and HMO's.

We could take the best from revenue sharing and from the grant-in-aid approach. We could learn from the past, not reject it. And make no mistake about it, that's what we are faced with. We are asked to reject grant-in-aid across the board. These are not the new revenues for general revenue sharing President Nixon promised. As the Federal Government gets into general revenue sharing it will get out of the grant-in-aid programs. Already OMB is impounding grant-in-aid funds in anticipation of revenue sharing. Mr. Ehrlichman is talking about dismantling great society programs as revenue sharing takes effect, mentioning Model Cities by name. The administration tried to substitute rural revenue sharing for some 11 successful Federal programs for rural America, including the Extension Service. With high expenditures, high deficits and a promise, repeated yesterday, of no new taxes, it would have no choice but to phase the Government out of grants for model cities, water and sewer facilities, mass transit, law enforcement, and schools, as it phases the Government into revenue sharing.

I would be the last to strenuously defend all present grant-in-aid programs. Too often they are unnecessarily complex. Many of them are less effective than they could be. But they can be changed for the better, waste and red tape eliminated. We could encourage local initiative and innovation and, at the same time, permit far more local discretion. We could at the same time maintain our Federal responsibilities, provide the States and localities with incentives to reform, as well as with money. This may sound like pie in the sky. It is not. The Senate has already done it in the case of the community development title of the 1972 housing bill. Grant-in-aid programs were consolidated into a new single block grant community development program. What was done then could be done in other cases.

I find little support among the people for general revenue sharing. Its support is from mayors and local officials and the Nixon administration. I sympathize with those officials and want to help in ways that are consistent with my obligations to uphold the Constitution and serve the people. I cannot help by supporting general revenue sharing, and I fully expect the wrath of the people when they find that the Federal Government has increased their taxes, or the Federal debt, to give away $30 billion for which it can no longer account. The wrath will be felt everywhere, but especially in needy States like my own which is already severely shortchanged by the Federal Government. In per capita Federal expenditures Illinois ranked 48th among the 50 States and the District of Columbia in fiscal 1971—the most recent year for which figures are available. Under revenue sharing, the citizens of Illinois would contribute $365.7 million to the Federal Government in order to receive back only $250.9 million. That is not a very good bargain. And it would not be much better under the administration's formula or the House formula.

The bargain for Illinois and other needy States is made worse by the reduction of the Federal grants for social services. To compensate for its reduction the Finance Committee added $1 billion to the annual $5.3 billion in revenue sharing to make an annual total of $6.3 billion. Of the additional $1 billion Illinois would receive $65.25 million, but the reduction in grants for social services will cost Illinois $151.5 million for a net loss of $86 million. That means the total net loss to Illinois from this revenue-sharing bill will be $201.3 million each year—$114.8 million from the excess of Illinois taxes over revenue-sharing receipts and $86 million from the loss of social service grants. We deserve better in Illinois from a Federal Government to which we generously contribute—and so do many other States.

In summary, general revenue sharing will not give power back to the people. It will rob the people of power. It will not eliminate redtape, because the Federal Government does not monopolize redtape. It will not reduce taxes; it more likely will increase taxes and drive the Federal Government further into debt. It will not help us to solve problems; it will diminish the ability of government at every level to meet our real needs according to rational priorities. It is not temporary; it will become a permanent and evergrowing drain upon the Federal revenues. Far from encouraging local initiative and innovation, it will discourage it. It would maldistribute Federal funds, shortchanging the needy and rewarding the others. And besides, and to say the very least, there are better ways to help State and local governments.

A well-functioning federal sytem demands that the Federal Government assume the costs of services which are essentially national in character. It is such costs—particularly in welfare and education—that are now breaking the backs of some State and local budgets. It is time to move forward with welfare reform and general aid to schools. It is time to help the States and localities with ideas and incentives, as well as with money. It is always time to be responsible for the expenditures of the taxes we collect. If the Federal Government raised revenues beyond its needs, then it would be time to cut Federal taxes and make it easier for State and local governments to raise theirs, but not, even then, to give away the Federal revenues.

LEGISLATIVE PROGRAM

Mr. GURNEY. Mr. President, if I may have the attention of the distinguished acting majority leader, I should like to inquire of him what the program will be for the remainder of the day and the remainder of the week.

Mr. ROBERT C. BYRD. Mr. President, in response to the distinguished Senator from Florida, there will be no more rollcall votes today. The Senate will complete its business shortly and will go over until Monday.

Mr. GURNEY. I thank the Senator.

Mr. BAKER. Mr. President, will the Senator from West Virginia yield so that

I might ask a further question in that respect?

Mr. ROBERT C. BYRD. I am happy to yield to the Senator from Tennessee.

Mr. BAKER. I wonder whether the distinguished acting majority leader could give me any more information about when we might expect to proceed with consideration of the antibusing bill which passed the House on August 18.

Mr. ROBERT C. BYRD. The distinguished majority leader addressed himself to that matter last evening and, I think, quite thoroughly. He indicated at that time that it was the intention of the joint leadership to continue with the revenue sharing bill until it was completed and then to stay with the interim agreement until disposed of. The interim agreement is the unfinished business, and it will be temporarily laid aside on Monday and will remain in a temporarily laid aside status throughout the day. It is hoped that by coming in at 10 a.m. on Monday, beginning with the revenue sharing bill by 10 minutes after 10, let us say, and going until reasonably late in the day, the Senate will complete action on the revenue sharing bill. If it does not complete action on the revenue sharing bill on Monday, it will be the intention of the leadership to temporarily lay aside the interim agreement on Tuesday until such time as the revenue sharing bill is disposed of.

It will be the intention of the leadership, following disposition of the revenue sharing bill, to make the interim agreement the first and second track items until that measure is finally disposed of.

Now the distinguished majority leader made that clear on yesterday. He indicated a clear understanding of the feelings of Senators on both sides of the question which has again been raised by the distinguished Senator from Tennessee. The distinguished majority leader also indicated that the joint leadership would strive to find some way to negotiate this matter. He suggested that the bill be referred to the appropriate committee, the Committee on Labor and Public Welfare for, say, a period of 1 week, after which it would be reported back to the Senate.

The distinguished Senator from New York (Mr. JAVITS) indicated a willingness to discuss the proposal with the chairman of the committee, the distinguished Senator from New Jersey (Mr. WILLIAMS). The Senator from New York indicated, however, that he would not want to discuss this with the chairman of that committee until the interim agreement and the revenue-sharing bills had been disposed of.

May I say, in summation, that I can add nothing to what the distinguished majority leader has said, except to reiterate what he said. I have done that, for the most part.

I am sure that once the revenue sharing bill has been disposed of and the Interim Agreement bill has also been disposed of, the distinguished Senator from New York (Mr. JAVITS) will contact his associates on both sides of the aisle to see if they can reach some understanding on the proposal the distinguished majority leader has advanced.

May I say further that the distinguished majority leader and I have talked with the proponents of the bill and we have found them to be willing to enter into a unanimous-consent agreement as to time on the bill. The Senator from New York indicated that he would talk with his associates to see whether they would be willing to enter into a time agreement. But, as I have stated, he has since made it clear that he cannot reach any understanding with them until these two main measures have been disposed of.

I know that the distinguished majority leader will do everything possible that he can to accommodate all Senators, as he always does.

The pressures are great upon the leadership at this time. An effort is being made to adjourn sine die by September 30, 1972. The leadership fully understands that the Senator from Tennessee and his associates want action taken on the bill before the Senate adjourns sine die; but beyond saying that the revenue sharing bill will be disposed of first and the interim agreement next, I can add nothing, except to recall the words of the distinguished majority leader on yesterday, that he had not, at that point, discussed the matter with the distinguished Republican leader, but it was his intention to do that. I know that if he has not done so, even at this hour, he will yet get to it.

The leadership is mindful, of course, of the eagerness of the proponents of the bill to get some action on the bill. Speaking as a Senator from the State of West Virginia and not as a member of the leadership, I favor the bill. However, I have additional responsibilities. And I would like to see orderly procedures followed. I would be in favor of sending the bill to a committee and hoping that it would be reported back within a reasonable length of time. However, I am not binding myself to that procedure at this point.

Mr. BAKER. Mr. President, I take this opportunity to thank the distinguished acting majority leader for his very helpful information on what the activities of the Senate will be for the next several days. I must say that on yesterday I found it necessary to be in Tennessee and was not present to hear the colloquy between the distinguished assistant Republican leader and the majority leader. I have read that very carefully in yesterday's RECORD. I think that progress is being made in trying to find some way to make H.R. 13915 the pending business before the Senate.

In any event, I very much hope so. I will not belabor the issue nor prolong this colloquy very long. I merely want to say that I think that this is an extremely important issue. It is important that we have our day in the Senate to consider this matter. I hope that no one thinks we are engaging in parliamentary gambits for the sake of advantage. Rather, it is solely for the purpose of getting our opportunity to consider this antibusing bill, H.R. 13915, in the Senate on its merits.

Mr. President. I might say that this morning I had an opportunity, together with the Senator from Texas (Mr. TOWER), to visit with the President on this and other issues. At that time the President indicated to me that he understood and fully approved of our effort to have a chance to vote on this issue in the Senate now, or at least before sine die adjournment.

The President authorized me to repeat what he said. He said that it is imperative that the Senate turn to the consideration of this bill before the Senate adjourns sine die.

Mr. ROBERT C. BYRD. Mr. President, the distinguished assistant Republican leader on yesterday stated that the administration fully supports this bill. And I think that this should indicate to Senators on both sides of the aisle that this is a joint leadership responsibility, not a responsibility that falls solely on the majority leader or his assistant. It is a joint leadership responsibility. I think that Senators should direct their questions from time to time concerning this matter to the leadership on the other side of the aisle also.

The majority leader suggested, moreover, on yesterday that the bill might possibly be referred to a committee with the proviso that it be reported back to the Senate and made the pending business as of November 10, immediately following the election. There were expressions of objection to this suggestion from both sides of the aisle. I say this just to reiterate that the majority leader on yesterday made at least two proposals whereby some way might be found to get this bill before the Senate utilizing orderly procedures and that the Senate might then work its will.

The majority leader is striving his best to reach some agreement. I emphasize that it is a joint leadership matter. And the majority leader has indicated that he intends to talk with the minority leader. And he will do that. But he has indicated that we must finish the revenue-sharing bill and the joint resolution on the Interim Agreement before we go on to anything else.

The minority leader is cognizant of the pressures coming from both sides of the aisle on this bill. I know that he will do whatever he can. However, I think he fully covered the prospects yesterday.

Mr. BAKER. Mr. President, I thank the acting majority leader.

I would like to say quickly two things and then I will yield to the Senator from Texas who was also present at this conference.

I compliment the joint leadership for their efforts to find accommodation in this respect. I hope that they will continue their efforts in this respect to try to find a way to bring the matter before the Senate in an orderly way rather than trying to motion it up or offer it as an amendment or follow some other procedure. It is proof of our good faith in this respect.

I recognize that this is a joint leadership effort. And I am sure that the Senate realizes that we will try as long as there is hope to find some accommodation.

It ought to be a further measure of our good faith in this respect that the

President was willing to declare, as he did today, his support of the effort to bring this matter before the Senate and his support for the bill, H.R. 13915.

This is in no way a criticism of the leadership. It is simply my supplication that we continue to try to do this, and it is my hope that we find an orderly way in which to bring this matter before the Senate.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. TOWER. Mr. President, I thank the Senator from Tennessee for bringing this matter up. I certainly associate myself with his remarks. I was privy to the President's conversation this morning. And the President said the same thing to us, both jointly and separately and individually, which indicates to me his level of concern, which I think is very positive and very emphatic, to the effect that this bill should be completed by the Senate before we adjourn sine die.

I would like to say for my part, and this is not to imply a criticism of the leadership at all, but we want to emphasize our deep and abiding interest in this so that we have assured the leadership that this is a matter on which we want to have our day in court, and I address myself in that regard to the minority leadership as well as the majority leadership, that it is really something that is of such deep concern to people in the country that we would be remiss and, I think, would be derelict if we failed to consider this matter before we adjourned sine die.

Mr. BAKER. I yield to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me. I shall be very brief. I thank the Senator for bringing up this matter. I, too, thank our valuable assistant leader for his very fine work.

I think this is a matter of priority. We are trying to get through. I am willing to cooperate in getting through, but in getting through I mean to consider these bills, including the antibusing measure because we will not be through until we do.

I do not have any power to bring up a bill here. We depend on the leadership and we have very trustworthy leadership. I believe they will keep on and that they will get it up.

I cannot recall that I ever voted to bring up a bill unless a motion was made by the leadership. I propose to continue that pattern, if I can. But feeling as I do, this has priority equal to any item remaining on the calendar—as absolute legislation, unless the debt ceiling bill would outrank it. But as far as I am concerned, this is a "must" bill.

This is not a threat or anything of that nature but I would be compelled to go as far as necessary to make a motion, but I do not want to do that at all. I hope we do not have to.

I thank the Senator from West Virginia.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BAKER. I am happy to yield to the Senator from Alabama.

Mr. ALLEN. I thank the Senator from Tennessee for yielding to me at this time. I wish to commend him for the leadership he is exerting in an effort to bring this bill to a vote, up or down, here in the Senate. I believe we owe it to the people of this country that the Senate and each individual Member of the Senate should have the opportunity to work its will on the bill and to express by voting their views on the bill.

I participated in the colloquy last evening and I commend the distinguished assistant majority leader for his fairness and his support of this bill, and for his sincere efforts to seek to get the bill up for consideration in the Senate. The facts as he outlined them are accurate in every detail. I would like to add this further statement, though.

When he spoke of the majority leader suggesting that the bill be referred to committee with instructions to report back in 10 days, and then let the bill go on the calendar, which would be exactly where it is now, objection was voiced at that time by the Senator from Alabama and other Senators on the floor because if we had that procedure we would be where we are now and there would be no assurance whatever we would get a vote. The suggestion was made on the floor, that would probably be satisfactory, to refer the bill to a committee with instructions to report back in 10 days, provided that at that time the bill would immediately become the unfinished business, and the pending business, because it is believed that in 10 days the Senate will not have disposed of all of the must legislation that will have to be passed, and if we could refer the bill to committee, get it back in 10 days, there would be at least four or five must bills that would follow this bill, and in that way we would get a vote.

But the suggestion being made is that we wait until after revenue sharing is disposed of and Senate Joint Resolution 21 is disposed of, and then let the distinguished Senator from New York and his associates get together to decide what they might want to do. Time is slipping away, and the distinguished Senator from West Virginia, the distinguished assistant majority leader, said we want to get away from here by the first of October, but if we go the route he is suggesting we will not get action on this bill.

This thought occurs to me and I would like to propose this to the assistant majority leader. If the leadership does not wish to make the motion to bring up the bill, which I assume would be accepted, and there would be no debate on it—if the leadership did not want to give its prestige, in the virtue of following what he calls established procedure with respect to bringing bills up for consideration, would be later on possibly, and at this time take under advisement, the possibility that the leadership, the majority leader and the assistant majority leader, or the Republican leader, might make the motion to bring the bill up for consideration and state to the Senate the force and prestige of the leadership, as such, was not necessarily behind the motion, but in order to let the majority of the Senate decide what business the majority wanted to consider, to give the Senate an opportunity to express its will on this important question, it occurs to the Senator from Alabama that might be a possible answer to the question.

If a majority of the Senate wants to consider this bill, I feel sure the joint leadership would not want to withhold a bill from consideration by the Senate. I would like to make that suggestion to the distinguished assistant majority leader.

Mr. BAKER. Mr. President, may I say that I appreciate the response of the acting majority leader. I am grateful for the leadership of the Senator from Alabama. I believe the colloquy would be better served if I yield the floor.

I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me?

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. Mr. President, I think we ought to clear the air. There is no evidence of any intention on the part of the joint leadership to keep the Senate from working its will on this bill. I would like to start there. I think the majority leader yesterday indicated that, by his proposals, he was seeking to find a way whereby the Senate would work its will on the bill. But it is very, very difficult to find that way.

The proposal to send a bill to a committee with instructions that it be reported back and placed on the calendar and made the pending question at a time specified and then become the unfinished business was one suggestion that would be readily objected to. Such proposal would require unanimous consent, but the leader made the proposal. On the other hand, a proposal that it be sent to a committee and reported back within a week or 2 weeks would be objected to unless it also carried with it the concomitant proviso that it be scheduled for action at a certain time. So, this puts the leader between a rock and a hard place. Either way he goes, he will meet with an objection.

I do appreciate the Senator's suggestion that in the event the leadership would not want to call up the bill, some other Senator might be designated to do so.

Mr. ALLEN. The Senator from Alabama suggested that the leadership make that motion, showing that the leadership is not necessarily behind the motion, but that it is being offered as a vehicle for the Senate to express its will on whether or not it wanted to consider this legislation.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield further?

Mr. ALLEN. I yield.

Mr. ROBERT C. BYRD. I believe the Senator suggests a procedure based on a premise which I am not yet ready to concede, that being that the leadership is unwilling to face up to its responsibility at some point in time and call a bill up for action of the Senate. I have never yet found the majority leader to be unwilling, regardless of his own position on a given issue, to let the Senate have its way, and I do not think we will find him unwilling in the future.

I also appreciate what the Senator from Mississippi said, that he would be very, very reluctant to move, in the absence of a motion by the leadership, to bring this bill before us. I hope all Senators will take that suggestion to heart. I have indicated my support of this bill, but I would be adamantly opposed to it if any Senator took it upon himself arbitrarily to assume the prerogative of the leadership and to call this bill or any other bill up before the Senate. I would hope that no Senator would do that, because the leadership has not, by any word or by any action, indicated an unwillingness to come to grips with this matter. But we do have to take things in their turn.

We have the revenue-sharing bill up now as a second-track item. We have the interim agreement up as the unfinished business. These matters have been before the Senate for some time, and I do not think it is unreasonable for the leadership to expect to complete both of these matters before pursuing any other matter except conference reports and unobjected to items.

My reference to the Senator from New York, and his contacts with his associates for their reaction on both of these matters, was but a reference to what the Senator from New York himself said on yesterday.

So I hope that Senators will not press the leadership too hard at this point. The leadership is doing the best it can do. It is aware of the pressures on Senators. It is aware of their wishes. It is aware of the importance of this bill. It is aware of the controversial aspects of it. It is aware of the feelings on both sides of the aisle and on both sides of the question. The leadership is going to try to work with all Senators. The majority leader said he was going to discuss this with the minority leader. The majority leader also said he felt there was room for negotiation, for a way to bring the bill before the Senate. He can do no more at this time.

I personally want to see the bill before the Senate. I want to see the Senate work its will. As far as I am personally concerned, the days of extended filibusters are, for the most part, past, but the days of reasonable debate are still with us, and should always remain. If the Senate wants, by motion, to commit the bill, fine. I may vote against such motion. If it wants to table the bill, fine. I would vote against such motion. If it wants to vote the bill down, fine, although I would not agree with its judgment. I am for the bill, but I also have responsibilities that I must undertake to assume here, and I can only speak as I have, and I do not want to repeat myself. If Senators will just be patient and will work together, converse with their associates, the leadership—the joint leadership—will do the best it can, and that is all I can say.

Mr. ALLEN. I thank the distinguished Senator for his fairness and for his very obvious desire to get this bill up for consideration, but these matters that he speaks of here, that he would be glad to see the Senate work its will on the bill, that he would be glad to see it given an opportunity to table the bill if it desires to do that, or to pass the bill, or to commit the bill—none of those things can be done, I submit, unless it is first called up for consideration. So that is a condition precedent to taking those actions the distinguished Senator is talking about.

The Senator from Alabama is just like the Senator from Mississippi in being reluctant, from the floor, to move to proceed to the consideration of this bill, and that is the reason why he and the distinguished Senator from Tennessee (Mr. BAKER), and the distinguished Senator from Texas (Mr. TOWER), and the distinguished Senator from Michigan (Mr. GRIFFIN), and the distinguished Senator from Mississippi (Mr. STENNIS), and many other Senators have been urging the leadership to state that they are going to call this bill up before we adjourn.

Now, if it is made to appear that the only way the bill is going to be called up is if a unanimous-consent agreement can be reached with respect to it, I think we might just as well forget about its being called up, because there is not going to be a unanimous-consent agreement. That is why I brought this up. I feel that way in view of the attitude of the distinguished Senator from New York in wanting to wait until other business is disposed of before he even starts conferring on the matter of whether or not unanimous consent will be obtained to have a vote, and, of course, there is no possibility whatsoever that a unanimous-consent agreement will be reached.

I think at some point the leadership is going to have to decide whether it is going to be willing to call up this bill for consideration, and call it up ahead of certain of the "must" bills that are on the calendar. Otherwise there would be no occasion for calling it up, because it is quite obvious that it would be filibustered to death.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. BAKER. I have only one brief word to add to the colloquy at this time to further clarify my point so that the leadership understands I am not impugning their motives or intentions or desire to have the Senate proceed in an orderly way to consider the bill.

One of the things that has disturbed me, and I believe others, is the repetition from time to time in the press and otherwise that this bill is of low priority. I do not think this bill is of low priority. I think it is of the very highest priority, and I believe the President of the United States thinks it is of the highest priority. I believe that the Senator from Michigan (Mr. GRIFFIN)—who conferred with the President just this week, as well, and who spoke eloquently on it, and who this afternoon is on his way back to Michigan; otherwise he would be here—believes it is of the highest priority.

By the same token, I recognize and understand the burdens of the leadership and of the joint leadership in trying to accommodate themselves to a way of bringing this matter up. I think I can say that the joint leadership understands that some of us—the Senator from Alabama, the Senator from Tennessee, the Senator from Michigan, and other Senators—have a very contrary view on this, and I am sure the Senator from Michigan has a different view of it. But the Senator from Tennessee wants to make sure that the joint leadership understands that, in our view, this is not a matter of low priority, but a matter of the very highest priority, and hope that we will be able, under the leadership's arrangement, to have an early vote on this matter. But, one way or the other, if it is humanly possible, it is my intention to see that we have a vote in some way before this Congress adjourns.

Mr. ALLEN. I thank the Senator from Tennessee. I agree wholeheartedly with his remarks. I state again I appreciate very much the sincerity of the leadership and appreciate so much the efforts of the distinguished assistant majority leader and the distinguished majority leader to see that the Senate is given an opportunity to vote on this bill prior to adjournment, prior to the general election. I thank the distinguished Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, the leadership has not indicated that this is a matter of low priority. I have seen nothing to that effect in anything that the majority leader has stated. I have heard nothing to that effect in anything that he has stated. I myself have said nothing to that effect. I do not think the distinguished Republican leader or his distinguished assistant has said anything to that effect.

So I think, again to clear the air, it should be stated that there is no feeling on the part of the leadership that this is a matter of low priority.

In listing the must bills in yesterday day's Whip Notice, it may be that I gave the impression that all measures not so listed were not of high priority. But that list of seven measures, including conference reports, was not meant to exclude all others.

For example, the HEW appropriation bill was not listed, yet, I consider that a must bill also.

The administration places a high priority on this bill to which the Senators have been addressing themselves. The leadership is aware of their feeling, and I personally would hope—though I realize that Senators are acting within their rights, and I know that they are greatly concerned lest time run its course and no action be taken on this bill, and I will be just as cooperative and patient as I can as often as they wish—but I would hope we would not have to have a daily repetition of this dialog, Mr. President.

The leadership is going to do everything it can to find some way to accommodate all Senators in all important matters. The majority leader, in proposing various unanimous-consent procedures yesterday did not mean to imply that those were only avenues that the leadership would consider. He was, however, seeking to find a way that everyone could agree upon. If unanimous consent cannot be obtained, the majority leader will understand that, and the leadership will act accordingly.

But we all recognize the difficulties

that are involved in getting this measure to the floor, feelings being what they are on both sides of the question. If some way can be found by unanimous-consent to come to grips with it, I do think that is the better course. If no way can be found, that is something else. But even a motion to call the bill up would be debatable, unless it were made at the close of morning business and before the morning hour has closed, yet, if there were other unfinished business, such unfinished business would displace this bill and it would again go back on the calendar at the close of the morning hour. If there were no unfinished business, and this antibusing bill were motioned up during the morning hour, it could be done without debate, and of course, it would keep its place and, at the close of the day, would become the unfinished business.

Once it is brought up, the motion to refer the bill would be debatable. In fact, only a motion to lay it on the table would not be debatable. So there are many roadblocks along the way. I know all Senators recognize this, but I think it should be stated for the record as to why the majority leader was probing, seeking to find a way, that might meet with the approval of all Senators, to get this bill to the committee and then get it back on the calendar.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. This has been, I believe, the fourth straight day that the leadership has been questioned as to its plans with respect to the bill. I believe on the first occasion the distinguished Senator from Tennessee (Mr. BAKER) made inquiry, and the distinguished majority leader pointed out at that time that the bill had just been ordered to the calendar and was not yet on the calendar, and that was certainly a satisfactory answer.

Then the next day the distinguished Senator from Tennessee again asked the question, and, as the junior Senator from Alabama recalls it, the majority leader stated that he hoped to confer with the Republican leader, and that some effort would be made along that line.

Then last evening we had a very friendly and, I feel, satisfactory colloquy as to the leadership's plans, and then again this evening we have had a satisfactory colloquy.

I can certainly understand that the leadership does not enjoy being quizzed each day as to its plans, but I am wondering if it would be reasonable to request or to inquire of the distinguished assistant majority leader if it would be a reasonable request to make that after the revenue sharing bill has been disposed of, and after some final action has been taken with respect to Senate Joint Resolution 241, before any other item is made the pending business, or would it be unreasonable, for those who are interested in getting this bill up for consideration, to inquire of the leadership what their plans might be with respect to the bill.

Mr. ROBERT C. BYRD. Mr. President, I do not mind taking my turn at bat in this regard, and I do not mind doing it again and again, may I say to the distinguished Senator. The only reason I made the comment that I made was that the situation today has not changed from what it was yesterday, when the distinguished majority leader indicated that it was the intention of the leadership to first complete action on the revenue-sharing bill and on the Interim Agreement before proceeding to other major business. That was the only reason why I suggested, hopefully, that we would not have to do this over and over again every day. I did not mean to reflect upon any Senator, because I understand the concern of the Senators, and, frankly, I feel just as strongly as they do about this foolishness called busing to bring about an arbitrary racial balance in the public schools. But I see no point in every day, every day, every day asking the leadership what can be done, because the leadership cannot see any further today than it could see yesterday. We are no further along now than we were yesterday, except that action has been taken on some amendments to the revenue-sharing bill.

No, it would not be unreasonable, answering the able Senator from Alabama, for any Senator to inquire of the leadership at that time or any other time, whether or not action has been completed on the revenue-sharing bill.

Mr. ALLEN. But after action has been completed on the revenue-sharing bill and the nuclear arms agreement, before another matter is made the pending business, would it be unreasonable for us at that time to make inquiry?

Mr. ROBERT C. BYRD. It would not only not be unreasonable, it would be appropriate.

Mr. ALLEN. I thank the Senator.

Mr. ROBERT C. BYRD. I know that the majority leader will be working with all Senators, and so will I. We will be striving to accommodate them. I would hope, may I say, that the President, having stated his support of this measure publicly and privately, would do all that he could on his side of the aisle, to bring the measure to some kind of disposition. But he has his problems on that side of the aisle, just as he has sometimes on this side of the aisle.

Mr. BAKER. Mr. President, the colloquy has probably continued as long as it should at this hour, but I confess that I cannot resist the temptation to respectfully disagree with the remarks of the distinguished acting majority leader to the effect that nothing is different today than it was yesterday.

The President of the United States, under the constitutional form, is not a Member of this body and has no vote, although he once did. The President of the United States has no authority, by statute or indirectly, over the leadership on either side of the aisle. The President of the United States, as far as I know, did make a new statement that I felt it my obligation and opportunity to relay to the Senate of the United States, to the effect that this bill should be brought before the Senate and the Senate should act on it before it adjourns sine die.

The President of the United States has a very distinct interest in when Congress adjourns sine die and what functions and duties it performs before it does so.

I have no resentment that I find in my colleagues no sense of distinction between the situation yesterday and that today, but it seems to me that there is a distinction, and a very important one, and I hope that there is an element of leadership, not in the generic sense but in the figurative sense, in the President's expression of his support for this bill and his desire that Congress act before it adjourns. It is for that reason that I do not have any apology for once again inquiring of the status of the matter and suggesting that this new development may have some further effect on how we proceed apace with the consideration of this matter.

I once again commend the leadership on both sides of the aisle, especially the acting majority leader for his patience and even his endurance, because this has been a long colloquy. I think we have established a lot of points of view and a lot of attitudes. But one thing that has emerged from it, I believe—and if I am wrong, I hope I will be corrected—is the representation that the leadership, insofar as the distinguished acting majority leader can speak for it, and I believe he can, will continue to attempt to find an orderly way to present this matter to the Senate.

Beyond that, these factors also have emerged:

There is support for this bill by many Members of the Senate and by the President of the United States. There is a sense of urgency about this bill which has now been repeatedly expressed. There is a keen desire by many of us and even a determination that it be heard and disposed of one way or the other before the adjournment to go home.

I respectfully believe that all those are additional developments different and distinct from the situation as it existed yesterday.

Mr. ROBERT C. BYRD. Mr. President, I will not belabor the discussion longer. I think it has about run its course so far as any usefulness is concerned.

However, my reference to there having been no change was with respect only to the status of legislative business and the legislative program. I think that the Senator will agree with me that there has been no change in the legislative situation from what it was yesterday. Yesterday, we had not finished the revenue sharing bill. Today, the Senate has not yet completed action on that bill, and the Senate still has before it, down the road somewhere, the interim agreement.

Second, the President's pronouncement of today was nothing new to me. I am sure it was nothing new to the Senator. I thought the President had made eminently clear a long time ago as to where he stood on this bill. If this is a new pronouncement, then I have been reading the newspapers wrong.

Third, I hope I have been helpful but I do not think I have said anything that went beyond what the distinguished majority leader stated on yesterday. I have tried to state what I think his position was at that time, and I am sure that that is what it is still today.

Mr. President, I have nothing further.

Mr. BAKER. I have nothing further, except to say to the acting majority leader that I have great confidence in his determination to see that we get a vote, and on that I will rest.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Tennessee and the distinguished Senator from Alabama. They are both not only persevering but also very patient and cooperative, and they always are most courteous. The leadership knows it has their understanding as well as the understanding of other Senators.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY, SEPTEMBER 11, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business, for not to exceed 15 minutes, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF ON TUESDAY, SEPTEMBER 12, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Connecticut (Mr. RIBICOFF) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, at the conclusion of the transaction of routine morning business, the Chair lay before the Senate H.R. 14370, the revenue-sharing bill; and that the unfinished business, the interim agreement, Senate Joint Resolution 241, be temporarily laid aside and remain in a temporarily laid aside status until the close of business on Monday or until the disposition of H.R. 14370, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. After a period for the transaction of routine morning business, not to exceed 15 minutes, with a 3-minute limitation on statements therein, the Senate will resume consideration of the revenue sharing bill—by no later than 10:15 a.m.

The interim agreement, being the unfinished business, will remain in a temporarily laid-aside status throughout the day, until the close of business or until the revenue sharing bill is disposed of, whichever is the earlier.

No time agreement has been entered into on the revenue-sharing bill or amendments thereto.

Yea-and-nay votes will occur on amendments to the revenue sharing bill throughout the day, and every effort will be made to complete action on the revenue-sharing bill on Monday. This may require a reasonably late session, but I think it important to dispose of this bill, if at all possible, on Monday, in order that the Senate may resume its consideration of the unfinished business, the interim agreement on offensive weapons, on Tuesday.

Much work lies ahead before adjournment, and we will have to labor long and late.

ADJOURNMENT UNTIL 10 A.M. MONDAY, SEPTEMBER 11, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and at 6:56 p.m. the Senate adjourned until Monday, September 11, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 8, 1972:

IN THE COAST GUARD

The following-named officers of the Coast Guard for promotion to the grade of lieutenant:

Claude W. Brock
Edward S. Olszewski, Jr.
Michael F. Herman
Randall R. Winn
Wayne R. Gronlund
Timothy J. Cenna
Warren E. Colburn, Jr.
Howard C. Waters
James T. Doherty, Jr.
Gregory L. Shaw
Robert W. Henry
Charles W. More
Benjamin B. Peterson
Paul J. Prokop
Gerald L. Hale
George F. Hetland, Jr.
Paul H. Garrity
James W. Gynther
Robert J. Wenzel
William K. Bissell
Michael J. Mierzwa
Alexander J. Hindle, Jr.
John R. Kissinger, Jr.
Richard F. Gupman
James D. Hull
Michael Billingsley
David H. Humphreys
Stanley L. Renneker
Thomas R. Lynch
Daniel D. Ryan III
Steven E. Hungness
Richard E. Burke, Jr.
Christopher G. Kreiler
Gregory H. Magee
Robert L. Pokress
Donald R. Shrader
James E. Smith, Jr.
David D. Frydenlund
Jay M. Snyder
John F. Stumpff
James D. Garrison
Stuart N. White
Donald H. Debok
John F. McGowan
Frederick N. Wilder
Michael E. Moore
Robert C. Olsen, Jr.
Eric W. Miller
Joseph J. Clarke
Charles W. Wadey
Mark A. Revett
James L. Robinson
Andrew W. Anderson
Phillip W. Hawkins
Larry F. Wheatley
Robert C. Belote
Richard J. Losea
Elwood E. Stoeger
Daniel L. Carney
William R. Jurgens
Dale H. Gebhardt
Paul J. Bodenhofer
Richard C. Vlaun
George A. Flanigan
Frederick J. Schmitt
Ronald J. Greto
George M. Williams
Jeffrey E. Robbins
Robert M. Acker, Jr.
Charles A. Huber, Jr.
Joseph F. Flayer
Glenn P. Obrien
Robert S. Illman
Andrew L. Gerfin, Jr.
William R. Bowen
James E. Hartney
David B. Anderson
Darryle M. Waldron
Peter A. Lenes
Mark D. Present
Bruce D. Wintersteen
Palbo M. Rodriguez
Theodore G. White III
Mark L. Lavache
Timothy W. Josiah
Robert C. Gravino
John F. Curtis
Richard C. Barlow
Thomas R. Hamlin
Thomas R. Hamblin
Wenceslaus D. Kinal
John K. Miner
Charles H. Hill
George D. Bond II
Frederick R. Adamachak
Barry P. Kane
James B. Buckley III
Russell A. Askey
Bruce E. Griffiths
David H. Blomberg
Roderick A. Schultz
Richard L. Hilliker
Donald R. Grosse
George N. Naccara
Chester M. Sprague
James W. Pennington
Gregory J. Labas
James D. Burk
Harold F. Watson
Robert W. Thorne
Robert E. Donnee
Thomas E. Rutenberg, Jr.
David C. Dubois
Gary L. Pavlik
Fred W. Pryor
Gerald H. Kemp
Bruce A. Bergmann
Robert T. Glynn
Ronald E. De Mello
Douglas B. Brown
Gerald L. Ranes
Michael L. Duvall
Lee S. Rumley
Loren J. Chidester
James A. Moon
David A. Desiderio
John H. Nicholson
Robert L. Council
Rodger R. Logan
James P. Wysocki
Kenneth S. Shepard, Jr.
Dale K. Friden
Charles D. Phillips
James W. Moon
William J. Missal
Michael D. Slovek
Jon W. Hall
Stanley E. Breedlove
William K. Sinn, Jr.
Eckhard E. Magsig
Harold F. Wagner
James W. Smith
Laurence P. Minott, Jr.
Curtis J. Crumpley
Charles L. Fenning
Albert R. Maggard
Willard R. Cox
Newton L. Bennett
Larry W. Fulkerson
James C. Perry
Frank E. Lange
James A. Murphy
Dean G. Roath
Salvador Romo, Jr.
Zacarias S. Chavez
Merritt E. Hall
Franklyn C. Rogers, Jr.
Ralph O. Deloatche
George J. Whiting
Leo T. Weyenberg
Guy Taylor, Jr.
John Perez
Carl E. Wolcott
Daniel E. Norman
Thomas W. Pearson, Jr.
Edward J. Beder, Jr.
Michael F. Flessner
Harold W. Henderson
David J. Reichl
James Q. Neas, Jr.
Thomas E. Bernard
Robert E. Pearce

The following-named temporary officers to be permanent commissioned officers in the Regular Coast Guard in the grade of lieutenant (junior grade):

Claude W. Brock
Edward S. Olszewski, Jr.
Gerald L. Ranes
Michael L. Duvall
Lee S. Rumley
Loren J. Chidester
James A. Moon
David A. Desiderio
John H. Nicholson
Robert L. Council
Rodger R. Logan
James P. Wysocki
Kenneth S. Shepard, Jr.
Dale K. Friden
Charles D. Phillips
James W. Moon
William J. Missal
Michael D. Slovek
Jon W. Hall
Stanley E. Breedlove
William K. Sinn, Jr.
Eckhard E. Magsig
Harold F. Wagner
James W. Smith
Laurence P. Minott, Jr.
Curtis J. Crumpley
Charles L. Fenning
Albert R. Maggard
Willard R. Cox
Newton L. Bennett
Larry W. Fulkerson
James C. Perry
Frank E. Lange
James A. Murphy
Dean G. Roath
Salvador Romo, Jr.
Zacarias S. Chavez
Merritt E. Hall
Franklyn C. Rogers Jr.
Ralph O. Deloatche
George J. Whiting
Leo T. Weyenberg
Guy Taylor Jr.
John Perez
Carl E. Wolcott
Daniel E. Norman
Thomas W. Pearson Jr.
Robert E. Pearce

The following-licensed officer of the U.S. Merchant Marine to be a permanent commissioned officer in the Regular Coast Guard in the grade of lieutenant (junior grade):

Richard M. Mushet

The following-named Coast Guard Reserve officers to be permanent commissioned officers in the regular Coast Guard in the grade of lieutenant:

Paul D. Bridges
Michael K. Cain
David E. Cole
John R. Huddleston
Frederick G. Koehnke
Dennis L. Morrissey
Richard L. Murphy
John T. Okon
James T. Robertson
Steven R. Sipes
David W. Young

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To Be General

Maj. Gen. Alexander Meigs Haig, Jr., [redacted] Army of the United States (colonel, U.S. Army).

IN THE NAVY

The following-named officers of the Navy for permanent promotion to the grades indicated:

Captain

LINE

Abbott, John
Abromitis, William, Jr.
Alderman, Edward Lane
Aldrich, Robert Gene
Allmann, Richard Raymond
Alt, Walter Louis
Alvis, John Hubbard
Anderson, Robert Jay
Arnold, Henry Duff
Arnold, William Stevens M.
Atkins, A. J. Martin
Baird, Orlie Gordon
Bajus, John Clair
Balch, Allen Horace
Balmforth, Stanford Clewort
Barie, Arthur Harper
Barr, Max Danton
Barrow, John Curtis
Bates, Richard Ward
Becker, Jerry Thomas
Beckwith, Reynolds
Benson, Francis Wyse, Jr.
Bernstein, Karl Joseph
Bezore, Eugene
Bilderback, Oral John
Birdwell, Carl, Jr.
Boeing, Charles Edward
Boh, Edward R., Jr.
Bolan, Charles Daniel
Borlaug, Paul Vincent
Bouffard, Edward Normand
Bowdey, Floyd Davis
Bowers, William Warren
Boyd, Richard Charles
Boykin, Rhodes, Jr.
Brady, Robert Edward
Briggs, Edward Samuel
Brozena, John Michael
Brunson, James Sylvester
Bryant, Harry Foster, Jr.
Buckmaster, Albert Taylor
Buechler, Robert George
Butler, Dempsey, Jr.
Butler, James Douglas
Callaghan, William M., Jr.
Campbell, Richard Bruce
Capone, Lucien, Jr.
Charter, Charles Curtis
Castle, Ernest Carl
Chalbeck, John Arvid
Chambers, Horace B., Jr.
Chessman, Samuel Richard
Christensen, Charles S., Jr.
Clark, Glenwood, Jr.
Claytor, Richard Anderson
Cobb, Warrington Crane
Congdon, Robert Newton
Conolly, Robert Carhart, II
Cook, Karl Frederick
Coontz, Robert Joseph
Cordray, Richard Palmer
Cornell, Kenneth Eugene
Cowperthwaite, John K.
Crawford, Wayne Halburton J.
Crosby, Howard Sydney
Crumpton, John Rives, Jr.
Cuddy, Thomas William
Daniel, William Allen
Danis, John Farwell
Davis, George Harold
Davis, John Meredith
Davis, Thomas Edwards
Day, Edward Roy, Jr.
Dearolph, David Edwin
Debold, Joseph Francis
Dejarnette, Hugh Malcolm
Demyttenaere, Jules Henry
Derrick, Arthur Calvin
Dixon, John Curtis, Jr.
Donlon, John Michael
Dorenkamp, Kurt Francis
Dotson, William Cole
Drain, John Emery
Duck, John Charles
Duncan, Robert Dewey
Dyer, Gerald Wesley
Eareckson, Frederick Leif J.
Edmundson, James Edward
Egan, Henry William
Ekelund, John Joseph
Emerson, David Frederick
Engel, Paul Huber
Enney, Kenneth Eugene
Ennis, Robert
Erikson, Warren Wilber
Eustace, Robert Joseph
Evans, Delmar Howard, Jr.
Everngam, John Lester, Jr.
Featherston, Frank Hunter
Fenlon, Leslie Knapp, Jr.
Fenno, Eric Neil
Fielding, Teddy Roosevelt
Finke, Eugene Irving
Foster, James Roger
Fowke, Benjamin Bernard
Fowler, Alfred Noel
Fraenke, Fred Augustus W., Jr.
Freytag, David Robert
Fritzke, Herman Ernest, Jr.
Fullinwider, Peter Lansing
Galloway, Richard Earl
Ghormley, Ralph McDougall
Goehring, Bernard Edward
Goldman, Roy Edwin
Gracey, Jack Lynn
Grady, Morris Reed
Graham, Horace Edward
Graham, Warren Curry, Jr.
Grayson, Roy Ray
Guthrie, William Sherrod
Hall, Donald Perry
Hamlin, David Richard
Hamm, Warren Clement, Jr.
Harding, Norton Crew, Jr.
Harris, Wade Hampton
Hart, George Louis
Haskell, William Charles
Hawkins, William Howard
Hays, Ronald Jackson
Henderson, Donald
Hibbs, Alvin Stanley
Hickey, Charles Francis
Hofford, John Labbee
Hofto, Leslie Calvin
Hopkins, Thomas Matthews
Howard, Alfred Mann
Ince, Eugene St. Clair, Jr.
Jacobssen, George Eugene, Jr.
Jenista, James Francis, Jr.
Jenks, Albert Leroy, Jr.
Jepson, John Arthur
Johnston, Richard Carter
Jones, Gerald Robert
Josephson, John Vernon
Kanakanui, William A., Jr.
Karschnia, Paul Theodore
Katcher, Martin Joseph
Kaufman, Norman Lewis
Kay, Howard Norman
Kearney, John Robert
Keller, Harry Stetson, Jr.
Keller, Jack Elmer
Keller, Robert George
Key, Harry Newton, Jr.
Kilcline, Thomas John
Kint, John Richard
Klapka, Edward John
Klause, Joseph Edward
Klein, Peter Frederick
Klemm, Vernon Paul
Klemm, Wilbur Clayton
Kneale, James Edward
Knoizen, Arthur Kenneth
Koach, John Henry
Koval, Francis Peter
Kraus, Walter John
Kremidas, William Samuel
Kriser, Louis
Krueger, Otto Earll
Lamb Chris Wilson
Laney, Edward Veloras, Jr.
Larson, Norman Oscar
Law, Jason Pierce
Leary, Ramon William
Lebert, William Arthur
Lechner, Thomas Fletcher
Lesperance, Albert Phillip
Linder, James Benjamin
Lindsey, Wesley Elvin, Jr.
Lisanby, James Walker
Loheed, Hubert Bradford
Longino, Hugh Ellen, Jr.
Loomis, Thomas Alvin
Lowry, Charles Hamilton, Jr.
Lynch, William Hanna
Madison, Douglas William
Magee, Jack Edmunds
Mallard, John Boyd, Jr.
Mandeville, Robert Clark, Jr.
Marr, Harold Lloyd
Marshall, John Eno
Martin, Charles Elliott
Martin, William L. III
McArthur, Kenneth Vincent
McCallum, Elmer Austin, Jr.
McConeghy, John Knox, Jr.
McCreight, Major Israel III
McDonald, Ewing Raiford
McDonald, Jack Herbert
McDonald, Robert Patrick
McFarland, Milton Clay
McFarland, Ralph Irel
McGinnis, Thomas Patrick
McLain, Roy William, Jr.
McNulty, Gerald
McVoy, James Leonard
Meanix, William Henry, Jr.
Messere, Edward James
Miles, Lee Coulter
Miller, David Bruce
Miller, Edmund Anderson
Miller, Raymond Lee
Miller, Roger James
Mohlenhoff, William
Mohrhardt, Robair Ferris
Monroe, Robert Rawson
Moore, Donald Edsel
Moore, Robert Sheppard
Morgan, Joseph Richard
Morin, James Brendon
Mulligan, James Alfred, Jr.
Mumma, William Leland
Munday, Donald Francis
Murphy, James Francis
Myrick, James Egerton
Neely, Guy Morton, Jr.
Neidlinger, Carl Christian
Nelson, Andrew Gibson
Nelson, Frederick Louis
Newgard, Douglas Lloyd
Nicholson, Richard Earl
Noel, Lionel Maclean
Norman, Robert Dean
Norris, William Joseph
Nugent, Thomas Henry, Jr.
Nutt, Thomas Owen, Jr.
Nystrom, Bruce August
OConnell, William Robert
O'Keefe, Patrick Gordon
Orrill, John William
Otth, Edward John, Jr.
Page, George Leslie
Page, Louis Covington, Jr.

Palazzolo, Anthony Louis
Paul, Milton Owen
Paulis, Joseph John, Jr.
Peck, Paul Arthur
Pennington, Otis Greene
Platzek, Eugene Hakon
Porter, Kenneth Albert
Post, Harry Junior
Pouliot, Jean Raymond
Provost, Robert Delphin
Pstrak, Theodore Wesley
Purdy, Harlan Ralph
Ralston, Wesley Lynn
Read, William Lawrence
Reichert, Herbert Emil
Reid, Charles Eckford, Jr.
Reiher, Eugene Joseph
Resch, Earl Frederick
Riedl, Harold Albert
Rigsbee, John Taylor
Ripley, Robert Kenyon
Roberts, Gerald Grey
Robertson, Keith Halvah
Robins, Clarence Oliver
Rogers, Edward Brien, Jr.
Roman, Paul Douglas
Romley, Richard Mansfield
Ross, Donald Scott
Rubey, Ervin Burdett, Jr.
Sander, Richard Elmer
Sanders, Ernest Duke
Sandon, Kenneth Merle
Satterthwaite, Fred Christy
Schaufelberger, Albert A., Jr.
Schnorf, Richard Arthur
Schorz, Ernest Henry
Schwoeffermann, Robert E.
Scott, James Hernandez
Scoville, Jack
Shapiro, Sumner
Shepherd, Burton Hale
Shick, George Barton, Jr.
Shine, Eugene Francis, Jr.
Sisson, Jonathan Anthony
Sizemore, William Gene
Skinner, Glenn Eugene, Jr.
Skinner, William Allan
Sleeper, Sherwin James
Slusser, Richard Cowden
Smith, Carl Ray, Jr.
Smith, Charles Ross, Jr.
Smith, George Francis
Smith, Gerald Francis
Smith, Gordon Hatfield
Smith Homer Leroy
Smith, James Herbert Basil
Smith, Leon Wayne
Smith, Paul Edwin
Snodgrass, Cornelius S., Jr.
Snyder, Francis Maurice
Somers, Robert William
Sourbeer, Emory Reed, Jr.
Southworth, Harrison Badger
Sparks, Donald Eugene
Spencer, Ralph Glover
Stolpe, Richard Henry
Stringfellow, Reid
Stuyvesant, William Robert
Sundberg, John Paul
Swanson, Charles Albert L.
Swanson, Charles Oscar
Swanson, Peter Scott
Switzer, James Ruppert
Synhorst, Gerald Emmet
Thiele, Karl Revere
Thomson, Alexander Dingwall
Thomson, Richard Gordon
Tissot, Ernest Eugene, Jr.
Tolbert, Robert Red
Townsend, Marland Wesley, Jr.
Tripp, Paul Russell
Vaughn, Robert Edward
Vongerichten, Robert Louis
Vosseler, Warren Paul
Walker, Charles Melvin
Walker, John Robert
Walters, Robert Levi
Ward, James Frederick, II
Watkins, Frank Thomas, Jr.
Webber, James Hamilton
Webster, Dean Edwin
Wentworth, Thomas Foote, Jr.
Whitmore, Charles Abbott
Wholey, Lloyd Carter
Whyte, James Darst
Wiener, Richard A.
Wilhite, Alan Shepard
Williams, James Edward
Williams, James Sidney
Wilson, James Creighton
Wilson, Ralph Ensign, Jr.
Wirt, William Otto, Jr.
Wissler, John George
Wold, John Clark
Wolff, John Meyer
Wolford, Richard Stephen
Wood, Thomas Barkley, Jr.
Woodard, David Jackson
Woods, Edwin Elmore, Jr.
Woodworth, Charles Milton
Wynn, James Henry, III
Young, Randall Wayne
Yowell, Grover McClelland
Zettel, Marcus Alvin

SUPPLY CORPS

Anderson, William B., Jr.
Anweiler, Calvin Richard
Bassing, Bernard Edward
Bliss, Roger Crane
Borchert, William Henry
Butler, Herbert Fuller, Jr.
Carmer, Elwood Arthur
Chadwick, William Arthur
Chegin, George Ireneus
Chester, Francis Joseph
Crozier, Wayne Raymond
Culwell, Charles Louis
Daniel, James Cordie
Dasovich, Michael
Dauchess, Edward Geddy
Dunbar, Robert Francis
Emery, William McLeod
Hassenger, William Edward
Herndon, Paul Clifford
Higgins, Everett Chipman
Ingram, Thomas Jackson, III
Kocher, Edwward Mitchell
Kulczycki, Alfred Severin
Levine, Alan Yale
Linthicum, Walter Eugene
Malone, Francis Edward
McEnearney, John Edward
Mehaffey, Donald Colver
Murphy, George Arnold
Murphy, Ralph Frederick, Jr.
Nicol, Robert Glenn
Owens, Andrew Jenkins
Piazza, Thomas Joseph
Puleo, Joseph Andrea
Roberts, Calvin Watkins
Sharp, Herbert Cecil
Smith, Charles McKinley
Tapp, James Garner
Woodworth, Fred Irving, Jr.

CHAPLAIN CORPS

Boyd, George Truett
Carnes, John Harold
Cohill, John William
Doermann, Martin John
Frank, Joseph Aloysius
Hill, Rodger Freeman
Ivers, Victor Joseph
Jones, Edward Stoddard
McDonald, Leo Jones
Metzger, Ernest Walter
Moye, Thomas Edward
O'Connor, John Joseph
Osman, Robert Elwood
Richardson, Edward Lawrence
Saeger, Alfred Robert, Jr.
Seiders, Marlin David
Symons, Harold Frederick

CIVIL ENGINEER CORPS

Anderson, Richard Ernest
Bartley, Delmar Alexander
Clements, Neal Woodson
Day, Francis William
Dobson, John Frederick
Dunn, Robert Henry Peter
Fluss, Richard Merril
Galloway, James Eugene
Graessle, Howard David, II
Howe, Charles Marvel
Loomis, Raymond Wesley
Marquardt, Walter Ernest, Jr.
Nelson, Robert Henry
Parsons, John Emory, Jr.
Swecker, Claude Eugene, Jr.
White, Lawrence Martin
Wittschiebe, Donald William
Wynne, William Edward

JUDGE ADVOCATE GENERAL'S CORPS

Andry, Walter Gilbert
Bates, George Marshall
Robertson, John West

DENTAL CORPS

Atkinson, Ray Keith
Baird, Daniel McDade
Bohacek, Joseph Robert
Cowen, Charles Edgar, Jr.
Cullom, Robert Douglas
Davy, Arthur Leroy
Demaree, Neil Clements
Freeburn, Harold Edgar, Jr.
French, Gordon Keith
Garman, Thomas Albert
George, Raymond Eugene
Glasser, Harold Nathaniel
Heinkel, Erwin Jay, Jr.
Hylton, Roscoe Paton, Jr.
Janus, John Tadeus
Lyons, James Junior
McKean, Thomas Wayne
McWhorter, Howard Brooks
Moore, Frank Burgwin
Nolf, Robert Stephenson
Oenbrink, Philip George
Pennell, Ernest Merle, Jr.
Perand, Steven William
Sazima, Henry John
Shreve, William Burt, Jr.
Smith, Scott McDonald
Thomas, Julian Johnson, Jr.
Thompson, Robert Gene
Tow, Herman Dale, Jr.
Westcott, Maurice Edward
Woody, Wilton Gerald

MEDICAL SERVICE CORPS

Arm, Herbert Gunther
Broulik, Frank
Green, Irving Joseph
McWilliams, Joseph Gleason
Schwab, Albert John
Werner, Gordon Wilfred

NURSE CORPS

Brennan, Mary Patricia
Cornelius, Dolores
Upchurch, Ouida C.

LINE

Commander

Adams, Billy Joe
Adams, John Lewis
Adams, Thomas Curtis
Agnew, William Franklin
Ailes, John William IV
Alderson, Donald Marr, Jr.
Alexander, Howard Wills
Alexander, Sherman George
Alexander, William Howard
Allen, Bill Reed
Allen, Galen Bruce
Allen, John Elton
Allen, Richard Owen, Jr.
Allen, William Dale
Allison, William Rush, Jr.
Anderson, Erns Moses
Anderson, Jerry Paul
Anderson, Richard William
Anderson, Robert George
Andrews, Bobie
Androski, Frank Nicholas
Anthony, Philip David
Apple, John Dubell, Jr.
Arcelle, Mark, Jr.
Arthur, Glenn Neal, Jr.
Artuso, Michael Anthony
Audilet, Garland Ottis
Augustyniak, Edward John
Ausley, Joe Henry, Jr.

Awbrey, Roy Dale
Baals, John Robert
Bader, Allen Louis
Bailey, Donald Cheney, Jr.
Baker, Robert Cathcart
Baker, Walter Fay
Baldwin, John Ashby, Jr.
Ballinger, Robert MacQueen
Bannon, John Matthew
Barber, James Alden, Jr.
Barnes, James Albert
Barnett, Charles Edward
Barr, Ronald Lloyd
Barrish, Paul David
Bartholomew, James Harold
Bartley, Robert Harold
Bate, Ronald Dick
Bates, Glenn Dale
Bates, Walter Frank
Batzler, John Richard
Bauder, James Reginald
Bauman, John Morton
Bausch, Francis Adam
Beach, Milton David
Bechelmayr, Leroy Robert
Beck, Richard Edward
Benediktsson, Philip Wrenn
Bennett, Raymond D.
Bergstrom, Kenneth Iver
Bethany, Jesse Elroy
Betts, Roger Sherman
Beversdorf, Donald William
Beving, Duane Ubbe
Beyl, David Dean
Biegel, Herbert Karl
Biggs, Robert Randall
Bigney, Russell Everett
Biles, George Emery
Bird, Ralph Gordon
Birdsall, David Milton
Bishop, Michael Edward
Bixby, Harry Llewellyn, Jr.
Black, Cole
Blackmar, Fredrik Seward
Blair, Peter Steele
Blanchard, James Williams, Jr.
Blanchard, Ralph William, Jr.
Blandford, James Robert
Blankenship, James M., II
Bley, John Earl, Jr.
Bloom, Donald Darl
Blount, Donald Wilfred
Blum, Brandon Benn
Blythe, Russell Mark
Bodensteiner, Wayne Dean
Boelter, Dan Alvin
Bolt, Ronald Lee
Bond, John Roger
Booth, Peter Blake
Borden, Archie Daine
Borden, Douglas Hills, Jr.
Boslaugh, David Lee
Bossart, Edmund Belfour, Jr.
Bovey, Paul Elliot
Boyd, Richard Mallory
Brace, Robert Lawrence
Bracken, Leonard Anothony, Jr.
Bradley, Bedford Carlton
Brady, Frederick Leo, Jr.
Brady, Joseph Gerald
Braun, Peter Joseph
Breeding, Leslie Edward
Breland, Edgar Allen
Brennan, John Francis, Jr.
Brennan, Richard Joseph
Briggs, Donald Rae
Brisbois, Marshall Bartlette
Bronson, Hiram Sherman, III
Brooks, Charles Gordon Wayne
Browder, Edward Hughes
Brown, Donald Bruce
Brown, Leo Paul
Brown, Nicholas
Brown, Ora Davis, III
Brubaker, Joseph Devenny, Jr.
Brunick, Gerard Patrick
Buck, Harry John
Buck, Wallace Alfred
Bullard, Jerry Lynn
Burch, William Joseph
Burgess, Harold Ernest, Jr.
Burke, Francis Joseph
Burke, Thomas Jerome, Jr.
Burke, William Carter
Burkel, John Faubel
Burns, John Anthony
Burrows, Donn Talbott
Butts, Richard Franklin
Buzzard, Robert Dow
Caccivio, John David
Cajka, Anthony Charles
Camacho, Richard George
Cameron, Jim Foster
Campbell, Richard Hue
Campbell, Ronald Kent
Canada, Donald Edward
Cann, Thomas Peter
Carcaba, John Hubert
Carlson, Dudley Louis
Carlson, Leland John
Carmichael E. Inman
Carr, James McLeod, Jr.
Carre, David Morey, Jr.
Carrigan, Richard Conrad
Carry, Allan Harry
Carson, James Thompson
Carter, Powell Frederick, Jr.
Caruso, Amedeo Brooke
Casey, Ronald Charles
Caston, Terry Glynn
Caswell, David White
Catola, Stanley Guy
Cellar, Charles Joseph, Jr.
Chaney, Conner Francis
Chang Ming Erh
Channell, Ralph Norman
Charneco, Carlos Mario, Jr.
Chase, Henri Bertram, III
Chase, Warren Pritchett
Chatham, Walter Lewis
Chester, Scott Albert
Chitty, Charles Morton, Jr.
Christensen, Howard Earl
Christmas, Walter Barroll
Christopher, Richard Vernon
Chumley, Sylvester George
Clark, Arthur Ray, Jr.
Clark, Robert C.
Clark, Robert Eugene
Clark, William Edward, Jr.
Clausen, Carroll Eugene
Clement, Carl Clarence, Jr.
Cliff, Gene Lee
Clifford, Norman
Cloud, Bruce Larry
Clower, Claude Douglas
Coakley, Stephen Anders
Cobb, Emsley Foster
Cobb, George William
Cockfield, David Wellington
Coffey, Roger Lee
Cole, Charles William, Jr.
Coleman, Charles Louis
Coleman, Douglas Connor
Coll, William Anthony
Colley, Richard Thomas
Collier, Neuland Craig
Colville, Robert Eugene
Combs, Lawrence Lee
Conley, David Jack
Connell, Earl Wayne
Connell, Philip John
Connelly, James Henry, Jr.
Conway, James McNarney
Cook, Charles Fred
Cook, John Henry, III
Cooke, Vincent Edward
Cooley, David Leo
Coons, Henry Albert
Cooper, Daniel Leander
Cooper, Estill Allen, Jr.
Cooper, Ross Ellston
Copeman, Thomas Henry, Jr.
Corcoran, Martin Francis
Corsi, Joseph Anthony
Cotsonas, John Peter
Courtney, Warren Paul, Jr.
Covey, Edward John
Cowles, Robert Roger
Cox, Henry
Crafton, Robert Wiley
Craig, John Edward, Jr.
Crain, Carroll Owen, Jr.
Crater, George Howard, Jr.
Creech, Worley Yates, Jr.
Crowell, George Thomas, Jr.
Crowson, Christopher Gale
Crummer, James Frederic
Cumming, Richard S., III
Curry, Thomas Hugh
Cyr, Byron Alton
Dage, Jerry Don
Dahill, Edward Everett, III
Daloia, John, Jr.
Daniels, Hal Brent
Darling, David Donald
Darnell, Jack
Dartnell, William Howard
Daugherty, Donald Newton
Daus, Rudolph Halouk
Davis, George Wilmot, Jr.
Davis, Harry Leland
Davis, Norman Edward
Davis, Robert Gene
Dawson, Albert Lee
Day, Earl Franklin
Deal, James William
Dean, Robert Victor
Dean, Ronald Irwin
Deangelo, Mark Jermiah
Dearie, Cyril Glennon
Debroder, Glen George
Dechant, John Abner
Degroff, James Lewis
Delano, George Broughton
Delgiudice, David
Dennison, Daniel Chase
Dennison, James Richard
Denunzio, Nicholas James
Deshler, William Albert
Desteiguer, John Rodolph
Devalois, Edwin Watson
Deweese, Everette Dale
Dickerson, Kenneth Alvin
Dietz, Warren Carlton
Diloreto, Lucio
Dingle, James Wesley, Jr.
Dixon, Max Wayne
Doerr, Peter James
Donovan, Ian Eric Michael
Doonan, Robert John
Dopazo, Anthony John
Dore, Stanley Milburn, Jr.
Dorow, William Richard
Dorsey, James Francis, Jr.
Dougherty, Gerald Patrick
Dowd, Gregory Patrick
Duffy, Francis Joseph
Dunbar, Fredric Alan
Duncan, John Gard
Dunleavy, Richard Michael
Dunmire, Rance Dwaine
Dunn, Joseph James
Dunnam, William Lawrence
Durbin, Robert Henry, Jr.
Earnest, Charles M.
Eason, William Gaberial
Easterbrook, Charles W., Jr.
Eaton, Robert Hamblen
Eaves, James Sylvester
Eckert, John David
Edberg, Walter Olaf
Edmunds, Donald Calhoun
Edson, Charles Thomas
Edwards, James Clifford
Edwards, Leslie Richard
Edwards, William Francis
Egerton, James White
Ehret, James Daniel
Ehrman, Robert Gronau
Elder, William Norman
Elie, Gayle Owen
Elinski, Michael Jr.
Eller, James Borden
Elliott, Charles Paul
Emery, Robert Edward
Emery, Thomas Rogers Merrill
Englert, Robert James
Erie, Carl Richard
Ervin, Billy Maxwell
Eskew, Perry Rogers, Jr.
Estes, Edward Dale
Estocin, Michael John

Etheredge, Teddy Bryan
Evans, Frederic Hiege
Evans, James Allen
Evans, James Joseph
Evans, Richard Paul
Evans, Ronald Ellwin
Eyler, Armand Tise, Jr.
Fairbanks, Wayne Kent
Fairchild, Joseph Donald
Fall, Robert Henry, III
Fancher, Allen Prude
Fantry, William Thomas, Jr.
Farino, Francis Joseph
Featherston, Rex William
Felkins, Charles Gerritt
Fend, Clarence Edwin, Jr.
Fenzl, George John, Jr.
Ferrarini, Richard Lewis
Fetterman, John Henry, Jr.
Fieser, Arnold Kerp
Fillingane, Hulon Perry
Fink, Siegfried Alfred
Fiore, Adolph Andrew
Fischer, Herman Valentine, Jr.
Fitch, Edward Stephan
Fitzgerald, Maurice Dwight
Fitzsimmons, Eugene Winfield
Fitzsimmons, Harry Stine, Jr.
Fitzwilliam, Peter Kaufmann
Fladager, Myles Edwin
Flanary, Thomas Neale, II
Flanigan, John Edwin, Jr.
Flather, Charles Randolph
Fleming, James Thomas, Jr.
Fleury, Clement Edward
Flick, John Paul
Flight, John William, Jr.
Flory, Richard Lee
Flower, John Richard
Flowers, Walter Raymond
Flynn, John Joseph, Jr.
Flynn, William James
Foley, Harvey Daryl
Foote, Everett William
Ford, James Nolan
Forest, Robert Edwin
Fortenberry, Thomas Nile
Fox, Evarts Cranson, Jr.
Frank, Vernon Eugene
Franzen, Richard Douglas
Frazier, Donald Lee
Frederick, Peter Griffith
Fredrick, Russell Earl
French, Maynard Delmar
Fries, Charles Leslie
Friichtenicht, Richard Del
Froehlich, Kenneth Ronald
Froid, James Carl
Fudala, Ernest Matthew
Fuld, Charles Louis
Fulk, Gerald Albert
Fullerton, Frank Eugene
Funck, James Richard
Furlong, George Morgan, Jr.
Gaffrey, Leo Joseph
Galinsky, Jerome James
Gallotta, Richard Arnold
Gammell, Clark Morten
Garber, Cecil Erskin
Garman, Glen Ernest
Garrow, Jack Alfred
Gasser, Thomas Albert
Gates, Richard Lee
Gauthey, Jules Richard
Gelke, John Joseph
Gerhan, Charles Frederic, Jr.
Gerl, Neil Dudley
Giacchino, Louis Frank
Gibson, James Carson, Jr.
Giedzinski, Henry Burton
Gilbert, Donald Bruce
Gilchrist, Craig Gillis
Gilchrist, Richard Bruce
Gilfry, Mason Clark
Glasgow, Billy Reese
Glasson, William Albert, Jr.
Glenn, William Archer II
Gluse, Michael Robert
Goben, Robert Dean
Goewey, Lee Edward
Golanka, Stanley Richard
Goodall, Thomas Alfred
Gooding, Charles Lewis, Jr.
Goodwin, Bruce Gorrell
Gordon, Stewart Raoul
Grady, Michael Thomas
Graf, Howard Frank
Grafius, Guy Albert Boyer
Graham, Joel Howard
Grandjean, Charles Albert
Grant, Edwin Hendrie, Jr.
Grant, Freeman Augustus, Jr.
Granum, Roger Barnes
Greathouse, Edwin Allen
Green, Gerald Edward
Greenhalgh, William T., Jr.
Greenhaw, Karl Jennings, Jr.
Greco, James Michael
Griffin, James Lloyd
Griffin, Robert Francis
Griffing, Edward Perry
Grimes, Laurence Hill, Jr.
Grove, Ronald Ray
Grozen, Paul Barton
Grunenwald, John William
Guerra, Albert Henry
Guille, Sherred Leslie
Guimond, Gordon Ray
Hager, Donald Gene
Hague, John Douglas
Hahne, Dayton Roy
Haines, Collins Henry
Hale, Frederick William
Hall, Joe Lee
Hall, Robert Alton
Hall, Roy Vinson
Hall, Thomas Joseph
Hamilton, David Gray
Hamilton, Edward Allan
Hamilton, Harry Dean
Hamilton, Robert Barry
Hamlin George Ames, Jr.
Hamman, Kenneth Ashley
Hammon, Colin Paul
Hammond, Leroy Lawrence
Hanley, William Lester, Jr.
Hansen, Herbert Loye
Hanson, Deroy Lewis
Hanson, Donald Charles
Hanson, Edwin Eugene
Harden, Thad Harold
Harmony, Lee Donald, Jr.
Harper, Elwood Nicholas
Harris, Robert Henry
Harscheid, David George
Hartley, Donald Hugh
Hartsaw, David Randolph
Harvey, Neil Leavitt
Harvey, Richard Morris
Hasch, Ralph Henry
Haskell, Hugh Brasher
Hastoglis, Anthony Anastes
Hatch, Ross Riepert
Hayman, Douglass F., Jr.
Hazle, Hugh Alan
Heath, Edmund Walter
Hebert, Donald Francis
Heckman, Donald Clair
Hendricks, George Harvey
Hendricks, Richard Alan
Hennessey, John Patrick
Henry, Albert Luther, Jr.
Henry, William Frew
Hepworth, Robert William
Hernandez, Diego Edyl
Herring, Paul Everett
Herzog, Louis Landon
Hettinger, Louis Paul
Hickey, John Alan
Hill, Raymond Willard
Hine, Paul Melvin, Jr.
Hine, Raymond William
Hine, William Grigsby
Hinger, Carl Kenneth
Hinton, Robert Marshall
Hodge, William Robert
Hodgkinson, John Thomas
Hodgskiss, William Lawrence
Hoffman, Chauncey Frazier
Hohenstein, Clyde Gilbert
Holderness, Robert Thomas, Jr.
Holland, John Olene
Holland, William Jeremiah, Jr.
Hollandsworth, Paul Firm, Jr.
Hollinshead, William Gerald
Holloway, Lowell John
Holmes, Richard Bevan
Honsinger, Vernon Chapin
Hood, Joseph Williams, Jr.
Hoover, Harry Allen
Horne, Hainyard Liston, Jr.
Hosier, Charles Stone
Hoskins, Perry Don
House, Wayne, Jr.
Howard, Charles Brinson
Howells, David Allen
Hoyes, Donald James
Hudson, Joe Alan
Huggins, Harry Leard
Hughes, John W.
Hughes, Richard McBurney
Huhn, Samuel Peter
Hullander, Robert Arel
Humphreys, David William
Hunley, Charles Carey
Hunt, Herman Lamar
Hutton, James Leo
Hyatt, Robert Gregory
Ives, Clarence Dean
Jaeger, Robert Hamilton
James, Harry Rees, III
Janes, William Eastman, Jr.
Jardine, Edward Fell, Jr.
Jarwin, Raymond John
Jaudon, Johns Philips
Jauss, Charles Walter
Jefferis, Lawrence Richard
Jenkins, John Cecil
Jensen, Richard Stanley
Jeremiah, David Elmer
Johannesen, Allen Carl
Johe, Richard Edwin
Johns, Clifford Murdock
Johnson, George Lynn
Johnson, Grant Reed
Johnson, James Edward
Johnson, Jerome Lamarr
Johnson, John Roux
Johnson, Roger David
Johnson, Thomas James
Johnson, Virgil John
Johnson, William James, Jr.
Johnston, Donald Hendrie, Jr.
Jones, Gerald Leon
Jones, Harry Wilson
Jones, Jerry Elmer
Jones, Roycroft Clifton, Jr.
Jourden, Bud Alton, Jr.
Jumper, Eugene Albert, Jr.
Jumper, Vernon Lee
Jurgensen, Kenneth Ivan
Kaag, William Carroll
Kaiser, Donald Stephen
Karlen, James Herbert
Katzman, Marvin Stewart
Keaney, Mark Joseph
Keast, Paul Hugh
Keegan, Arthur Edwin
Keiser, Robert Burns
Keith, Clyde Robert
Keller, Constantine C., III
Kellerman, Donald Wayne
Kelso, Frank Benton, II
Kemp, Ernest Eugene
Kenaston, George Warren
Kennington, William Arthur
Keough, Edward Patrick
Kerrigan, Robert Joseph
Ketchum, William Harold
Kiefaber, Thomas Gilbert
Kinert, John Henry
King, Ural Wilson
Kingston, Edward Andrew
Kingston, John James, Jr.
Kinney, Ben Jack
Kinney, Charles Herbert
Kirby, Alexander Griswold, Jr.
Kirkpatrick, John Henry
Klein, Harry Lawrence
Klugman, Dale Roger
Knaus, Vincent Leo
Knef, Andrew Leo
Kobler, Robert Henry

Koch, Richard Jost, Jr.
Koehler, Robert Lee
Koester, Earl Courtney, II
Kohn, Edwin Rudolph, Jr.
Kolaras, Demosthenes Nicolas
Kopfman, Theodore Frank
Kordek, Walter Anthony
Kralik, Simon Cornelius
Kramer, James Bernard, Jr.
Kramer, Rex Willard, Jr.
Krienke, Henry Paul
Krogh, David Eugene
Kronzer, Joseph John, Jr.
Krueger, Richard Gordon
Kruger, Allen Ladon
Kucera, Ronald Cornell
Kuligowski, Theodore Joseph
Kuplinski, Stanley Joseph
Lacy, William Anthony
Lake, Rodney Dale
Lambert, Russell Gale
Lamotte, Francis John
Langley, Thomas Rhodes, Jr.
Lanning, Richard James
Lapham, Joseph Gregory
Larison, John Dereamer, Jr.
Larsen, James Lawrence
Lattig, Edward Charles
Laurance, James Douglas
Lavalle, William Francis
Lawhon, Eugene Marshall
Lawniczak, George Edward, Jr.
Lawrence, Donald William
Lawson, Ramsay
Layn, Samuel Warren
Leaver, John Murray, Jr.
Leblanc, James Bernard
Lee, Leonard Murray
Lees, Forrest Alexander, Jr.
Lengel, Robert Charles
Leo, Leonard
Leopold, Robert Koller
Lewey, Ira Dale
Lewin, Theodore Edwin
Lewis, John Robert, Jr.
Lewis, Norman Hunter
Lighton, Paul Guy
Lightsey, James Leroy
Lilienthal, Donald Herman
Lincoln, John Robert
Lindquist, Donald Eugene
Lindsey, Austin Monroe
Linehan, Donald Baldwin
Locke, William James
Lockhart, John Vangundia
Looby, Robert Joseph
Loos, Donald George
Loscavio, John Michael
Lotton, Donald Eugene
Loudon, Richard Southwick
Lowe, William Lee
Lowery, Willis Eugene
Lown, Paul Clinton
Lull, Edward Warren
Lund, Eugene Patrick
Lund, John Robert
Lundquist, Donald Raymond
Lusk, Charles Theron
Lynch, Hugh Francis
Lynch, Robert Benedict, Jr.
Lyons, William Preston
MacCabe, Van Lorin
Mack, John Allen
MacKenzie, Joseph David
Mackin, Louis Berchman, Jr.
MacKinnon, Malcolm III
MacLean, Robert Evers
MacQuarrie, Gary Lincoln
Majors, William Tyree
Maloney, John Joseph
Manes, William Cunningham
Manthorpe, William H. J. J.
Marquis, Ronald Alfred
Marryott, Ronald Frank
Marsh, Lloyd Paul
Martin, Donald
Martin, Donald Lee
Masalin, Charles Ero
Masterson, Leo Sylvester
Mathews, Richard Louis
Matson, Bruce Walter
Matt, George Edward, Jr.
Matthews, John Barry
Matzner, Rudolph, Jr.
Mauldin, James Howard
Mautino, Richard Louis
McBride, Michael Alexander
McCabe, George John
McCaffery, Robert Arthur
McCann, Joseph Daniel
McCarthy, Charles Joseph, Jr.
McCauley, William Frederick
McClellan, Gordon
McClenahan, Tom Porter
McClure, Dale Raymond
McClure, John Samuel
McCracken, David Jerome
McCrimmon, Douglas Robert
McDaniel, Eugene Barker
McDermott, John Gregory
McDivitt, Ronald Merrell
McDonnell, John Richard
McEachen, Angus Douglas, III
McGarry, John Gordon
McHugh, John Thomas
McIntire, Wilton Henry
McIsaac, Alban Thompson
McKay, Richard Dale
McKenzie, John Henry, Jr.
McKeown, Thomas Joseph, Jr.
McKissock, Donald James
McLaren, Alfred Scott
McLellan, Charles Anthony
McNish, John Edward
McRae, James Francis
McVoy, Robert Paul
Mecaughey, Robert William
Medwedeff, Channing Winn
Meloy, Robert Todd
Melton, Wade Inzer
Meltzer, Herbert Sidney
Mengle, Kenneth Joseph
Mercer, William Charles
Meyer, J. D.
Meyer, William Frederick
Michaels, Danny James
Mieldazis, Richard Jerome
Miesse, Walter Thurman
Mikitarian, Samson
Miles, Dewitt Charles, Jr.
Miles, Robert Warren
Miller, Forrest Ray
Miller, James Theodore
Miller, John Albert
Miller, Justin Albert, Jr.
Miller, Robert Howard
Miller, Robert Neils
Miller, Wendall Ernst
Milligan, Jack Roland
Minnich, Donald Elsworth
Minton, David Carson, III
Mirise, Kerry Winston
Miyagawa, George Robert
Moats, Lewis Dale
Mobley, Arthur Scott
Montgomery, George Cannon, Jr.
Moody, Dewitt Hugo
Moore, Gene Ronald
Moore, Harold Arthur, Jr.
Moore, Harrison Mathew
Moore, Nelson Eugene
Moore, Paul Michael
Moore, Robert Wendell
Moran, Thomas Joseph
Morano, Anthony
Moravec, Henry Joseph, Jr.
Morrison, Robert McKay
Mortimer, Edmund Craig
Moss, David Lee
Moxley, Donald Franklin
Mozier, Richard Anthony
Multer, Richard Philip
Munger, Burton Lorenzo
Munsey, Malcolm Harvey
Munsey, William David
Murray, Frank Sager
Murray, Paul Anthony
Murton, David Blair
Mustin, Henry Croskey
Myers, Charles Elmore
Myers, Robert Upshur
Myers, William Kennedy, Jr.
Nagel, L. D.
Narmi, Ronald Eugene
Nash, Gordon Clifford Jr.
Nelson, Roger Eastman Jr.
Nelson, Sven Donald
Neuhard, Henry Harrison
Newbegin, Robert G. IV
Newbury, Alfred Covell
Newell, Byron Bruce Jr.
Newman, Alvin Simmerman
Nicholson, Harry Evans
Nicholson, Herbert Henry J.
Nicholson, Robert Cornell
Nixon, Robert Theodore
Nofziger, Larry Blayne
Norrington, Charles Gilbert
North, Henry Carlton Jr.
Notargiacomo, Joseph Mormino
Nyquist, John Walfrid
Oberle, Ronald Joseph
O'Brien Charles Moulton Jr.
O'Connell Daniel Edward
O'Donnell, Daniel Tanner
O'Connell, Robert Lee
O'Connor, William Joseph M.
Oehlbeck, Edward William
Ogden, Edward George
O'Kelly, James Robert
Olmstead, Stanley Edward
Olsen, Walter Edwin
Olson, Albert William Jr.
Olson, Ross Stuart
Onhaizer, Jerry Eugene
Ord, Donald Charles
Orrik, David Neil
Osborn, Harold Nelson
Osborn, Oakley Ernest
O'Toole, Walter Daniel Joseph
Overbay, William Albert
Overman, William Jackson Jr.
Oyler, Donald Richard
Palmer, Philip Maynard
Parker, Elton Council Jr.
Parks, Charles Lowry
Paschall, Allan Porter
Pasquinelli, Francis Chris
Patton, James Matthew
Paul, Roy Chamblee
Peckham, Daniel Edgar
Peek, Robert Franklin
Peirce, William Bernard
Pellock, Lyle Edward
Periolat, John Joseph
Perry, Albert Joseph
Pesenti, Francis Vincent
Peters, Richard Anthony
Peters, Vernon William
Peterson, John Rodger
Peterson, Karl Lawrence
Peterson, Richard Alan
Petri, Gordon Louis
Petrich, Horst Alfred
Pfeiffer, Paul Nelson
Phillips, George Lincoln Jr.
Phillips, George Sylvester
Phillips, Richard Wayne
Phillips, Ronald Morris
Picciuolo, Stephen A. D.
Pierce, John Taylor
Pillow, George Ellis Jr.
Pirie, Robert Burns Jr.
Pitzen, John Russell
Pizzo, Philip Jerry
Plowman, Herschel Leigh
Plumly, Charles Moulton
Poe, Benjamin Lewis, Jr.
Pollmann, Eugene Lawrence
Potter, Thomas Benjamin, Jr.
Powell, John Hood
Powell, Wendell Wynne
Powell, William Charles
Powers, Edward Francis, Jr.
Powers, John Bernard
Pray, William Lawrence
Prentice, Gordon Roberts
Presley, Jack Cole
Pressly, George Byrne
Prokop, Phil George
Proper, Vance Devere
Pugliese, William Nicholas
Purdy, Dale Claude
Pyle, Roger Gail

Quinn, James Edward, Jr.
Quinn, Robert Nicholas, Jr.
Rabuck, Leo Vincent
Radler, David Howard
Ransom, James Patterson, II
Ratliff, William Earl
Rausch, Leonard Marcene
Rebello, Kenneth Roland
Redhage, James Leroy
Redington, Jerome Joseph
Reed, Calvin Clarke
Reed, Richard Leon
Reese, Russell Robert
Reid, Gerald Eugene
Reise, Thomas Lage
Renard, John Walter
Renner, Lorraine Edward
Rentschler, Richard Lee
Reszetar, Stephen Walter
Rettig, Godfrey Aloysius
Rhodes, William Kennedy, Jr.
Rice, Robert Porter
Rice, Robert Vernon
Rich, Willis Scott
Richardson, Fred Douglas, Jr.
Ricketts, Myron Vernon
Ring, Stewart Andrew
Rinkel, Richard Alton
Roberge, Francis Dee
Roberts, John William
Roberts, Ned Cooper
Roberts, Wilson Jennings
Robins, John Richard
Robinson, Clifford Vincent
Roche, Peter Augustus
Rockwell, William Andrew
Roe, John Emory, Jr.
Rollins, Everett Freemont, Jr.
Roth, James Frank
Ruland, Donald Oliver
Rush, William Herbert
Ruthrauff, Clifford Burns
Ryan, Gerald Frederick
Saavedra, Robert
Sackett, Dean Reynolds, Jr.
Sage, Robert Allen
Salo, Lennart Reino
Saltz, Newell Joe, Jr.
Sample, Chester Gilbert
Samuelson, Charles Roger
Sanders, Carl Herman, Jr.
Saunders, Richard Edward
Saunders, Wesley Whitin
Saville, Robert Earl
Sayers, Samuel Lee
Scarborough, John Roger L.
Schade, Eric Herman, Jr.
Schaedel, Joseph Andre
Schafer, Alfred Edgar
Schaffert, Richard William
Schatz, Robert George
Scheyder, Ernest John
Schilling, George Frederic
Schmitt, Robert William
Schrader, Harry Christian, Jr.
Schreadley, Richard Lee
Schultz, Earl Edward
Schulze, John Milton, Jr.
Schwartz, Robert James
Scott, George Wilkinson
Scott, Gary Lee
Scott, Philip John
Scott, Thomas Paul
Scruggs, Richard Mitchell
Seacat, Ralph Lafon
Searight, Murland Wesley
Seely, James Michael Gleason
Seesholtz, John Richard
Segal, Robert B.
Seibert, Markley Royer
Shafer, Richard William
Shanahan, Thomas Edward
Sheets, James Robert
Shelton, Donald Charles
Shine, Thomas, Jr.
Shinn, Robert Allen
Shipley, Carl Norman
Short, Benjamin Francis
Short, John Sutter
Shulick, John, Jr.
Shumaker, Robert Harper
Sievert, Robert Gilbert
Sigmond, Arie Christian A.
Silberstein, George William
Sill, John Richard
Simmering, Larry King
Simon, Roger Oscar
Simpson, George Thomas K.
Sirch, Richard Walter F.
Skelly, Arthur Richard
Skorupski, Stanley Sidney, Jr.
Slack, Stephen Roger
Slayton, Marshall Thomas
Sleeman, Charles Frederick
Slingerland, Raymond David
Slough, John Hall
Smetheram, Herbert Edwin
Smith, Barton Leroy
Smith, Charles Robert
Smith, Cyril Philip
Smith, Delvin Wellington, Jr.
Smith, Dickinson Miller
Smith, Edward George
Smith, John Peter
Smith, John Ward
Smith, Marvin Gilford, Jr.
Smith, Paul David
Smith, Paul John
Smith, Richard John William
Smith, Robert Louis
Smith, Ronald Elmer
Smith, William Cody
Smith, William Dee
Smith, William Logan
Soriano, Joseph Ronald
Sousa, Manuel Benevides, Jr.
Sousae, Jack Frederick
Spellman, Fred George
Spencer, Barry Williamson
Spencer, Lane Leroy
Spisak, Thomas James
Spoto, Victor Samuel
Stallings, Arthur C., Jr.
Steenstra, George Adam
Stehle, Leroy Robert
Stembel, David Maynard, Jr.
Stephens, Gordon Leroy
Stephenson, Paul Dean
Stetz, Elias Joseph
Stevens, James Reginald
Stevens, William
Stevenson, Connelly David
Stewart, John Elliott
Stock, Merlyn Luvern
Stocking, Sigurd Irvin
Stoneback, Charles Keith
Stott, George Winfield, Jr.
Strange, Robert Cooper
Stratton, Richard Allen
Straw, Donald George
Streit, John Brent
Striffler, Willard C., Jr.
Stromeyer, Anthony Joseph
Strong, Henry Hooker, Jr.
Stuart, Charles Joseph, Jr.
Stuart, Donald Bennett
Stuntz, Harley Lorraine, III
Sullivan, William Kenneth
Sumner, Donald Morbeck
Sutherland, Paul Edward, Jr.
Swan, William Ralph
Swanson, Harlan David, Jr.
Swinnerton, Ronald Hugh
Sympson, William Goebel A., Jr.
Talbert, Joseph Truitt, Jr.
Talbot, Merrill Lee
Tallman, John MacDonell
Tansey, Eugene Albert
Taylor, James Marlin
Taylor, John Edward
Taylor, Lawrence Hammond, Jr.
Taylor, Lewis Holland
Taylor, Patterson Corwin
Taylor, Robert Charles, Jr.
Teachout, David Stanley
Tettelbach, Fredrick Morley
Thearle, William James
Theodorelos, Pete J.
Thomas, Richard Lee
Thomas, Spencer Joseph
Thune, John Renwick
Thurber, John Davis
Thurneysen, Jon Sebastian
Tibbitts, Barrick Frank
Tibbs, John Calvin
Tietgen, Charles Augustus, Jr.
Timberlake, David Winburn
Tinker, Charles Leroy
Titus, Edward Dufour, Jr.
Todd, James Forrest
Tomion, Jack Walter
Toncray, James Roblee
Toupin, Ernest Joseph, Jr.
Tracy, William Kenwood
Treiber, Maurice Lamar
Tsantes, George, Jr.
Tucker, Edwin Byron
Tucker, James Earl
Tucker, James Walter
Tucker, John Edward
Turley, John William
Turner, Edmund Lewis
Turner, Robert Charles
Turner, Warren Dale
Tuttle, Jerry Owen
Ullman, Robert Walter
Underwood, Fred Shurlock
Ustick, Richard Coghlan
Vanmetre, James Merle
Vanoy, William Edsell
Vaught, Gerald Curtis
Vehorn, Raymond Chester
Vestal, Leroy Norwood
Vilhauer, Levern Theodore
Wages, Clarence Jordan, Jr.
Waggoner, Donald Lee
Walden, William Allan
Wales, George Edward
Walker, John Alexander, Jr.
Walker, William Edward
Wallace, Richard Jay
Walsh, Lawrence Patrick
Walsh, William Albert
Walter, Dale Jerome
Walter, Joseph James
Waltzer, Jacob
Warburton, Thomas George
Ward, Compton Eugene
Wardell, William Laclair, Jr.
Watson, Jerome Francis
Way, Edward Richard
Ways, Raymond Arthur
Weaver, John Clark
Weber, Burtland Bane
Weber, Gustave Albert, Jr.
Weber, Richard Michael
Webster, Hugh Larimer
Webster, John Allen, Jr.
Weidman, Russell Howard
Weil, Calvin Marshall
Weir, Richard William
Wernimont, Donald Joseph
Westall, Kenneth Wayne
Westbrock, Donald Herman
Westbrook, Darrel Edwin, Jr.
Wheeler, James Russell
White, Billy Jerl
White, Jack Martin
White, Richard Farrell
White, Robert Clarence
White, Trentwell Mason, Jr.
Whittaker, Robert Leroy
Wicke, James Odum
Wickstrand, Don Raymond
Wiggins, Larry Curtis
Wigley, Lawrence Stewart
Wilkinson, Edward A., Jr.
Wilkinson, Thomas Addison R.
Wilkinson, Wilfred Paul, III
Williams, David Edward
Williams, Forrest Roger
Williams, Gerald George
Williams, Richard Ellis
Williamson, John Patrick, Jr.
Willis, James Langley, Jr.
Wilson, Billy Joe
Wilson, Gordon Balch
Wilson, John Raymond, Jr.
Wilster, Gunnar Finn
Windsor, Arthur David
Winiker, David Ramsay
Winn, John Curtis, Jr.
Winter, Richard Arthur

Wise, Stephen Ames
Witherspoon, Beverly Wilson
Wolfe, Glen Curtiss
Wolfe, Robert Eugene
Wolfe, William Fonce
Wolkensdorfer, Daniel Joseph
Wood, Forrest Hester
Wood, John Dillion, Jr.
Woodlief, Frank Lyon
Woods, Herbert Pierson
Woolam, John Edson
Woolnough, Robert Monroe
Wright, Frederick Edward
Wright, Harry Wallace
Wright, Joseph Martin P., Jr.
Wuthrich, Richard Eli
Wyly, James Robert, Jr.
York, Howard Leslie
Young, Howard Irvin
Young, Leonard Robert
Yurso, Joseph Francis
Zaborniak, Walter John
Zadd, Charles Joseph
Zagortz, Leonard A., Jr.
Zipf, Otto Alfon
Zipperer, William Ray
Zirbel, William Donald
Zseleczky, Emil Jacob
Zwick, Stephen Louis

SUPPLY CORPS

Allen, Samuel Beverly, Jr.
Ardizzone, Joseph Charles
Ault, William Upshur
Barnett, Andrew Flowers, Jr.
Beals, Donald Abner
Bedenbaugh, Jack Randall
Bedford, Arthur Gordon
Biddison, Ted Allen
Bilka, Joseph Lee
Blake, James Fred, Jr.
Boike, Robert John
Bonnett, Herschel Julius
Bosco, Clement, Jr.
Brookes, Jack Everett
Brotherton, Curtis William
Brown, Troy Lee
Buehler, Cyril Henry
Bulluck, Edgar Glenn
Burns, Richard Carroll
Causbie, Edgar Shelby
Clark, Bryan Lester, Jr.
Clark Davis Leo
Collier, William George
Cornett, Fred Orville
Crutchfield, Franklin Derry
Davis, Robert Wythe
Dolloff, Robert Henry
Douglass, Jerry Burdette
Eaton, Thomas Edward, Jr.
Ellis, Richard William
Estes, Arthur, Jr.
Fidd, Joseph Adam
Fitzpatrick, Edmond John, Jr.
Flach, Lynn Roger
Frampton, Robert Traylor
Fries, Paul Albert, Jr.
Fulks, Logan Gerald
Gaddis, Carl Kline
Gallaher, James Harley
Gerstenberger, Wayne Walter
Graesle, Ernest Joseph
Hamilton, John Francis
Hamilton, Michael Horace
Harmon, Robert Grant
Hayes, Lester Davies, Jr.
Haynsworth, Hugh Charles, III
Higgins, Ernest Carter M.
Hinds, Duane Eldred
Hirschy, Henry Eugene, Jr.
Holder, James Rearick
Hummel, Don Franklin
Hurst, Harvey Richard
Jones, Channing Edenfield
Jones, Rial Cooper
Kaiser, Robert Albert
Killoran, Joel David
Kitko, John August
Kruse, William Ernest
Kunkle, John Harris
Lampton, George Harold
Langer, Gerald Delane
Larsen, Henry Owen
Leal, Milford Anthony
LeBlanc, Joseph Ferdinand, Jr.
LeMay, Jerome Sidney
Locke, Olive Clyde
Loveday, William George, Jr.
Luther, James Robert, Jr.
Mara, Ray Anthony
Martin, William James
McFarland, Wayne Blair
McGarvey, John James
McKinnon, Daniel Wayne, Jr.
McLaughlin, Richard Barr
Mead, George Whitefield, III
Meyers, Walter Thomas
Miller, David Oliver
Mitts, Joseph Patrick
Moe, Albert Gerhard
Morgan, Richard Escott
Murphy, Joseph John
Murray, Robert Ervin
Newcomb, Frank Norman
Olinger, Richard Stroup
Olson, Gene Paul
Pace, Earl Harris
Perkins, James Oscar
Pistolessi, Vincent James
Prokop, Jan Stuart
Rader, Farrell Jewitt
Ranieri, Richard Anthony, Jr.
Raymond, James Arthur
Reed, Dale Holmes
Rounds, Richard Norman
Ruese, Edward Frederick, II
Schaaf, Alvin David, Jr.
Shaughnessy, John Michael
Smith, Franklin Dean
Smith, John Allen, Jr.
Sojka, Casimir Emil
Sorensen, Jackie Ray
Speer, John Warren
Stanton, James Michael
Stone, Donald Roben
Sullivan, Patrick Daniel
Szwed, James Alexander
Tannone, Rocco Joseph
Tauriello, Frank Sebastian
Taylor, Robert Roe
Tobin, Isidore Lartigue, III
Tokay, Ronald Nayland
Turcotte, William Eugene
Van Houten, Richard Edward
Vannaman, Thomas Leslie
Virden, Frank Stanley
Vogel, Carl Philip, Jr.
Walters, Robert Alan
Washburne, William Kendall
Webb, Carl Ray, Jr.
Webb, James Richard
Webster, John Calvin
White, James Arthur
Whitman, Earl Kenneth
Wildman, John Eugene
Williams, Robert Louis
Willis, John James
Wilson, Richard Frederick
Wright, Walter Frederick, Jr.
Youngblood, Norbert Vincent

CHAPLAIN CORPS

Alexander, Don Charles
Davis, Lex Lavern
Fallon, Edward Francis
Gately, Robert Emmet
Gaughan, Geoffrey Edward
Goffrier, Robert Read
Haney, John Clifford, Jr.
Jerauld, Philip Eldredge
Kelly, Henry Thornton
Klapperich, Owen Bernard
Lecky, Hugh Franklin, Jr.
MacCall, Harry Franklin, III
Maritato, Victor Joseph
McDermott, Thomas James
McGonigal, Richard Allin
McKee, Billy Jack
Murphy, Michael Andrew
Parker, Joe Howard
Parrish, Whitney Wilkes
Patton, Da-rell Paul
Paulson, Gordon Earl
Pitts, Charles Harold
Running, Paul Harrisville
Tatum, Robert Dale
Voth, Murray Howard
Westlund, Orville Andrew
Willson, William George

CIVIL ENGINEER CORPS

Ahrens, William Norman
Andress, Hyneman Miller
Baggs, Charles Chaplin
Bair, William Alois
Bradtmiller, Paul Hart
Brockwell, Sterling M., Jr.
Burdick, William Elton
Burton, Joseph Thomas, Jr.
Cerreta, Ralph Michael, Jr.
Collins, Allan Wayne
Conner, Donald Lee
Crosson, William Edward
Deady, Ralph Earl
Dickpeddie, John Irvine
Dobler, Leland Reed
Donaldson, Jacques Edward
Ford, James Edward
Glover, William Frank
Goodman, Robert Francis
Grinke, Walton James
Groff, James Burton
Kartalis, Andrew
Keppel, Henry Edward, Jr.
Kramer, Robert Leon
Lowe, Stephen Douglas
MacDonald, Malcolm John
McHugh, Robert Joseph, Jr.
McPartland, Eugene Joseph
Mlekush, Matt Clarence
Myers, Russell, Jr.
Newcomb, Frank Miall
Oliver, Philip, Jr.
Petersen, Norman William
Phenix, Robert Preston
Popowich, Clyde Van Wye
Quinn, Robert Emmet, Jr.
Ruff, Lowell Howard, Jr.
Schade, Robert Ashton, Jr.
Schumann, James Frederick
Shafer, Willard George
Shanley, John Joseph, Jr.
Shumate, James William
Skrinak, Vincent Michael
Smith, Ralph Aubrey, III
Stallman, Thomas Frank
Tate, Thomas Neal
Weir, James Weldon, Jr.
Weis, John Maximilian
Westberg, Robert Joe
Wilson, Robert Burns

JUDGE ADVOCATE GENERAL'S CORPS

Abernathy, Kenneth Lee
Ake, Charles Paul
Fasanard, Michael Francis, Jr.
Fulton, Elbert Martin, Jr.
Keeney, David Joseph
McMillan, Edward Webb
Palmer, William Ronald
Pinsoneault, Richard James
Redding, Robert Marshall
Toms, James Edwin

DENTAL CORPS

Albers, Delmar Dean
Anderson, John Willis R.
Box, John Marvin
Butler, William Dickinson
Chapman, Thom Hoffman
Connole, Peter William
Crawford, Benton Earl, Jr.
Crawford, John Daniel
Daughtry, Max Berry
Devos, Brice Jay
Eastwood, Gerald Winston
Foley, John Morrison
Gaston, David Lee
Gourley, James Vincent
Grisius, Richard Joseph
Guarnieri, Lewis John
Hansen, Duane Alan
Harris, Ronald Kenneth
Hart, Gerald Lee
Hatrel, Paul Poincy
Hillenbrand, Ronald Edward

Johnson, Charles Murphy
Johnson, James Irving
Kellner, Frank Herbert
Kennedy, Paul Thomas
Koch, Robert Wayne
Lindsay, John Sheldon
Mason, Billie Mack
McMurdock, Robert C., Jr.
Montgomery, Steve
Moore, Dorsey Jerome
Morse, Ronald Prescott
Osetek, Edward Marion
Reisman, Paul Joseph
Rochford, Philip
Rudolph, Jerome J.
Shoemaker, O. L.
Smith, David Joseph
Stepnick, Robert James
Stevens, John Theodore
Tracy, Norman Hutchinson, Jr.
Trainor, John Edward
Walkowiak, Gene James
Werning, John Thomas
Williams, John Peter

MEDICAL SERVICE CORPS

Bailey, Jack Stanford
Barboo, Samuel Harvard, Jr.
Barker, Samuel Dorris
Boone, Harry Melbourne, Jr.
Coulson, Harold Harvey
Devane, James Joseph
Devine, Robert George
Fletcher, William Emory
Floan, Kenneth Franklin
Fowler, Ephraim Everett, Jr.
Fussell, Edsel Martin
Gallagher, Thomas Joseph
Hawkins, Kenneth Lee
Myers, James Ivan
Nichols, Lloyd Barden
Palmer, Jack Junior
Passaglia, Martin, Jr.
Pittington, Francis Calvin
Pribnow, James Frederick
Ramirez, Gale
Sims, John Lawson
Spahn, James Anthony, Jr.
Stallings, Orlando
Tanner, Millard Franklin
Whitlock, William Ellis
Wilcox, James George

NURSE CORPS

Barker, Elizabeth Anne
Bednowicz, Eleonore Ann
Bove, Mary Louise
Butler, Phyllis Ann
Carleton, Ethel Rosalie
Conley, Mary Lewis
Davis, Kathryn Ada
Dunn, Dorothea Jean
Effner, Dorothy Jane
Elsass, Phyllis Jean
Fisher, Mildred Kathleen
Fitzgerald, Helen Maureen
Florence, Mary Elizabeth
Gampper, Mary Elizabeth
Gendron, Marie Marguerite T.
Hanes, Wave Jacqueline
Higgins, Helen Blanche
Hinckley, Colleen
Honish, Josephine Dolores
Humphreys, Regina Benigna
Jacques, Nancy Joann
Jennings, Patricia Slater
Jones, Bernice Elfreda
Jones, Ellen Jane
Jones, Kathaleen Rae
Liakos, Angeline G.
Lorch, Elizabeth Ann
MacDowell, Nancy Ann
Mack, Beverly Theresa
Maznio, Helen Rose
Merritt, Patricia Ann
Nicholson, Anna Beatrice
Nickerson, Lois Elva
Perreault, Madelon Miller
Portz, Patricia Jean
Robichaud, Pauline Helen
Rowe, Constance Helen
Ryder, Dorothy Jane
Shaw, Joan Sandra
Shemanski, Magdalene Lindsay
Slater, Beverly Jean
Spence, Ruth Gwennell
Steinocher, Anne Marie
Walker, Helen Jean
Walker, Marilyn Jean
Wilson, Ruth Ann

Lieutenant commander

LINE

Abbott, Peter Darby
Abernathy, William Kenneth
Ackley, Frederick Roberts J.
Adams, Lloyd Harlan
Adler, Gerrold Thayer
Ahern, James William
Albrecht, Carl John
Albro, Jimmy Hugh
Alden, Michael Gene
Alexander, Dale Eugene
Alexander, Edward Eugene Jr.
Allen, Robert Alfred
Alverson, William Robert
Amesse, Arthur Paul
Amidon, David Michael
Anckonie, Alex, III
Anderson, Carl Allan
Anderson, Donald Ralph
Anderson, Gordon Ray
Anderson, Harlan Dewayne
Anderson, Thomas King
Andrilla, Joseph John
Arner, William Stanley, Jr.
Arnett, Rexford Raymond, Jr.
Arnold, Frederick James
Arnold, James Joseph, Jr.
Art, Raymond John
Asafaylo, Richard James
Ascher, David Clark
Atwood, Barry McFarlin
Austin, David Vedder
Austin, Jack Burger
Austin, Paul Bliven
Bachman, Frank Donald
Backman, Wallace Wayne
Bains, Carroll Duaine
Baker, Robert Ellsworth, Jr.
Balaun, Jack Eugene
Ball, Ronald Fredric
Ball, Stuart Franklin
Barker, Francis Oscar
Barmes, Vernon Travis
Barnaby, Kenneth Allen
Barnes, Fletcher James, III
Barnes, John Orville
Barnhart, Don Henry
Barnum, Gary Lee
Barrett, James Henry
Barton, Donald Ira
Battaglia, Carmen Charles
Battaglini, Arnold Robin
Battenburg, John Allen
Batts, William Henry, Jr.
Beasley, Robert Hewett, Jr.
Beaton, Robert Richard
Beatty, Thomas Johnny
Beecher, Norton Julius
Beggs, Richard Keith
Bell, Joe Latimer
Bell, John Mitchell
Berklite, Ronald Betts
Bessire, Robert Paul
Biddle, Maxwell Douglas, Jr.
Binczak, Joseph Francis
Bishop, David King
Black, Donald Lovering
Black, Eugene Henry
Black, Robert Steven
Bleakley, Andrew, Jr.
Blecha, Ferdinand Arthur
Bloch, Vernon Charles
Blose, Larry Eugene
Blount, Charles Walter
Bobst, Larry Sherman
Bockler, James MacCallum
Boissenin, William Charles
Bolinger, Charles William
Boltz, Norman Donald
Bond, Thomas Henry
Borde, Paul Patrick
Boshoven, Robert Lee
Boswell, Lexie Benette
Botkins, Harold Wayne
Bowers, John Martin, Jr.
Bowley, George Andrew
Boyd, David Harry
Boyle, Alonzo Robert
Boyle, Patrick Lawrence
Bozzo, Peter Robert
Bradberry, Benton Lawrence
Bradshaw, William Franklin
Brainerd, George Edward
Branch, Daniel Bernice, Jr.
Breeding, Donald Curtis
Brockhausen, Frederick C., Jr.
Broglio, John Dominic
Brons, John Clemons
Brown, Larry Jay
Brown, Michael Jack
Brown, Robert Cooper
Bruce, Malvin Davidson
Bruce, Rowlett Henry, Jr.
Bryant, Cordis Charles
Bundarin, John Peter, Jr.
Burchett, Jerome Vincent
Burke, Lauren Dean
Burke, Nolan Robert
Burns, John Milton, Jr.
Burns, Thomas Morris, Jr.
Butterfield, John Alden
Byng, Robert Hilliard
Cade, James Allen
Cadow, William Schuyler, Jr.
Cain, Richard Leroy
Camilleri, Terrence Joseph
Camp, William George
Carbone, John Anthony
Carlson, William Clifford
Carlson, William James
Carney, Alvin Ernest, Jr.
Carpenter, Stephen Paul
Carroll, Michael Dale
Carson, Richard Lew
Carter, Frederick Whitton J.
Cartwright, James Peter
Carwin, James Philip
Casey, Richard Joseph
Castle, Robert Wellington J.
Castro, Alexander, Jr.
Castrucci, Richard Francis
Cater, Charles Edward
Ceres, Robert Lawrence
Chandler, Thomas Robert
Chayer, Robert Leon
Cheney, Lynn Francis
Cheston, Daniel Murray, IV
Chidlow, Douglas Oscar
Chidsey, John Warren
Christensen, Keith Lawrence
Christensen, Merle L.
Christian, Richard Allen
Ciboci, John William
Clapper, Gean Paul
Clark, Donald Deford
Clark, Jackson Sutton
Clark, James Robert
Clark, Kent Randolph
Clark, Maurice Eugene
Clautice, William Gunther
Clements, Wilton Raymond
Clift, Thomas Alvin
Cloutier, Adore Henri
Coates, Dannie Richard
Coats, Jack Thomas
Coffin, Robert Harris, Jr.
Colangelo, James William
Colbert, Edward William, Jr.
Cole, Gerald Lee
Colley, Michael Christian
Collins, James Edward
Collins, John Fletcher
Comings, Elmer Cole, Jr.
Comiskey, Michael Richard
Commons, Patrick Michael
Cooper, Michael Bryant
Corbeille, Reginald Claude
Cordell, Glen Davis
Corey, James William, Jr.

Corlett, Norman John, Jr.
Cormack, James Peter
Corse, Carl Donovan, Jr.
Cottom, Robert Vance
Coulapides, Anthony Chris
Courtney, Wallace Christian
Cover, Donald Lee
Crandall, Joel Lee, Jr.
Crumpacker, John Peter
Cullen, Charles Edward
Cunningham, Forrest T., Jr.
Curling, Fred Boyd
Curtin, James Michael
Cutler, Lee McLean
Dachos, John
Dail, Hubert Lee
Darling, Frank Robert
Davis, Alden Adams
Davis, Charles Edward
Davis, Francis J.
Davis, Grady Washington, Jr.
Davis, Joseph Fleming
Davis, Walter Jackson, Jr.
Dean, Dennis Vale
Deffet, Thomas Lewis
Delaney, William Frederick
Dempsey, Richard Eugene
Dempster, Duncan Ferguson
Depaul, Anthony William, Jr.
Despard, Ronald Arthur
Devore, Roger Clinton
Dewey, John Crosby
Dilley, David
Dillich, Jack Hodgen
Dirvianskis, Arunas
Doan, James Elliott
Doan, Robert Thomas
Doe, Francis Patrick
Donaworth, Jack Morris, Jr.
Donovan, David Anthony
Donovan, John Joseph
Doyle, Ronald Joseph
Drake, James Alvin, Jr.
Drake, William Baker, Jr.
Drew, John James
Dunlop, James Murray
Dunn, James Vincent
Dykes, Robert Andrew
Dziedzic, Walter Theodore, Jr.
Eaton, Donald Richard
Edgerton, Everett William, Jr.
Edgerton, Robert Leon
Edwards, Richard Franklin
Egan, Gerald Edward
Ekstrom, John Simonson
Elkins, Paul William
Elliott, George Milton
Ellis, Gary Hugh
Ellis, Martin Anderson
Engel, Richard Leon
Erskine, George Leroy, Jr.
Estes, Clifford Donald
Estes, John Austin
Etchells, Edward Joseph
Evans, Lucian Charles
Everette, Oliver Giovanne
Ewing, Charles David
Eyer, James Ellsworth
Eyer, Lee Wesley
Featherstone, James F.
Fernow, William Frank
Ferrentino, Peter Stanley
Field, Tylor, II
Finerty, Martin Joseph, Jr.
Finlen, James Rendell
Fiorentini, Walter Eugene, Jr.
Fischer, George Joseph
Fisher, George Edward, Jr.
Fisher, Kenneth Holt
Fitzgerald, Michael Edward
Fitzpatrick, Eugene Edward
Flikeid, Jack Robert
Flynn, Gerrish Cecil
Flynn, Noel Steven
Foberg, Raymond Howard
Fogg, Robert Farman
Fogle, William Jerry
Forbes, Raymond Lloyd, Jr.
Ford, Joseph Patrick Peter
Foster, Ronald Warren
Fox, Henry Willard
Freckmann, Fred Henry
Freedman, Leonard Arthur
Freeman, Melvin Clinton
Freymann, David Gerald
Fuqua, James Richard, Jr.
Gaffey, Roger Roberts, Jr.
Gainer, Thomas Henry, Jr.
Galbraith, William Ray
Garrett, William Bruce
Garverick, Charles Micahal
Gaskin, Roger William
Gath, Bernard Samuel
Geist, Gary Quay
Gengler, William Nicholas
Gershon, Jon Jared
Gertner, Charles Adam, Jr.
Gill, David Chaloner
Gillen, Thomas Edward
Gingles, Donald Dimmitt
Glaeser, John Steinmetz
Goldsmith, Albert Lewis, Jr.
Gordon, Robert Carl
Gordon, Samuel James
Gorham, Milton Reid, Jr.
Gorman, Clifford Daniel
Gossner, John
Grace, Allan Dale
Graham, Genie Keith
Gray, John Rudyard, Jr.
Green, John Harlon
Greenwood, Jack Robert
Greer, Marshall Raymond, Jr.
Greeves, William Joseph
Griggs, Albert Linton, Jr.
Grise, James Edward
Guay, Paul Ernest
Guy, William Eldridge
Habicht, Roland Franz Herma
Haffey, James Michael
Hafford, David Arthur
Hagenlocker, Richard Henry
Hager, Raymond David, Jr.
Hale, Thomas Morgan, Jr.
Haley, Wayne Jackson
Hall, Eugene Mallory
Hallmark, Samuel Neil
Halverson, David Thomas
Hamilton, Griffin Freeman
Hammond, Flaye Maxwell, III
Hansen, Lyle Frank
Hansen, Philip Vane
Hansen, Thomas Peter
Hardie, James Stewart
Hardy, Earl Lee
Hargrave, Paul Ernest
Hark, Donald Lee
Harmuth, Robert Karl
Harnden, Richard Lee, Jr.
Harrison, Joe Pat
Harrison, Robert Glen
Harrison, William Lamar, Jr
Hart, David Austin
Hart, Edward Melvin
Harter, Gary Lee
Harvey, Robert Frank
Hassler, Thomas Andrew
Hawthorne, John Warren
Heegeman, James Walter
Heiges, John Milton
Held, William Earl, Jr.
Henderson, Joseph Clarence
Henderson, Tomas Graham
Hendrickson, Daniel Lucking
Herman, Donald Roy
Herman, William Alex
Heyden, Hanley Edward
Hicks, Graham Herndon, Jr.
Hicks, William Franklin
Higbee, Gerald Mahlon
Hildebrand, Wayne Thompson
Hill, Charles Edward
Hill, Donald Jowitt
Hill, Elven James
Hill, Nordean Thomas
Hilt, John William
Hock, Joseph Thomas
Hoene, Edward Robert
Hoever, Milton Henry
Hoey, John Hugh
Holden, Jerry Brouce
Holds, James Howard
Hollon, William Ray
Holmes, Donald Devore
Holt, Ben Ford, Jr.
Holt, Thomas Marion
Honadle, William Joseph
Hopcus, Alfred Aloysius
Hopkins, Granville John
Horn, William Charles
Horna, Gerald Francis
Houck, Jack Carlton
Houley, William Purcell
Houston, Jerry Beaman
Howard, Marshall Allen
Howard, Phillip Sheldon
Howell, Terry Lawson
Huebner, Richard Foltin
Hulson, Roger Paul
Hunter, Richard Webster
Hupp, Michael Chilton
Hurd, Robert Charles
Hurley, Michael James, Jr.
Huston, Merle Edward, Jr.
Hutchison, Charles Howard
Hydinger, Robert Marlin
Ilg, Raymond Paul
Inman, Walter Ernest
Israelson, Leroy Dean
Jacanin, James Michael
Jackson, John Peter
Jackson, William Edward
James, Ulysses Samuel
James, Jon G.
Jarvis, Thomas Charles
Jaskolski, Kenneth Joseph
Jensen, Charles Roy
Jesberg, Ronald Hans
Jessen, Werner Hermann
Jewell, Charles William
Jockel, Joseph Andrew, Jr.
Joe, Lawrence Palmer
Johnson, Bernie Franklin
Johnson, Robert Cecil, Jr.
Johnson, Robert Donald
Johnson, Roland Ralph
Jones, George Baxter
Jones, Gordon Stewart
Jones, Wallace Edward
Jones, Wayne Alton
Jones, William Olmstead
Junker, Delvin Wayne
Kearns, James Francis
Keay, Karl Leroy
Keeley, Joseph
Keener, Thomas Vernon
Kelly, Andrew Maxwell
Kelly, Thomas Walter, III
Kelly, William Harvey
Kennedy, Jerry Fred
Keyes, Bradley Nichols
Kihune, Robert Kalani Uichi
Kiland, Ingolf Norman, Jr.
Kimble, Charles Donald
Kinch, Judson Mieras
King, John Joseph
King, Joseph Francis
King, Philip Martin
Kirk, Robert George
Kirzl, John Edward
Klein, Donald Gilbert
Klementz, Robert William
Kletter, David Martin
Klorig, William Nash
Klosky, Lowell Harold
Knight, Richard Dorsey
Koehr, James Elmer
Koke, Herbert Ervin
Kolbenschlag, George Ronald
Kopp, Walter Henry Otto
Korrell, Harry James F., Jr.
Krieger, Charles Bartlett
Krol, Richard Martin
Kromer, Ronald Charles
Krumm, Theodore George, Jr.
Kruzic, Victor Carl
Kuckelkorn, Josef Simon
Laferty, John Denison
Lambertson, Wayne Roger
Lampman, Charles Roderick J.
Lanam, Jackson Morris
Langdon, Stewart Douglas

Langemo, James Carroll
Laning, Clifford Leroy
Larkin, Robert Joseph
Larson, Dale Leslie
Larson, Robert L.
Law, Wilburn Patrick
Lazarchick, Frank Theodore
Leach, John Phillip
Ledbetter, Gary Clifford
Leder, John Francis
Lee, Arthur Rowland
Leeds, John Michael
Leeper, James Reed
Lehmberg, George Russell, Jr.
Leichtweis, Donald Lewis
Leon, Hayden Louis, Jr.
Lewis, Harry Gene
Lewis, John Howard
Lewis, Michael Harlan
Liebmann, John Erich
Lindsay, John Heistand
Link, Kent A.
Lipman, Joseph Robert
Litten, Robert Allan
Logalbo, Salvatore Eugene
Logan, Wallis M.
Long, Thomas Albert, Jr.
Loomis, Eugene Oliver
Loomis, Robert Charles, Jr.
Los, Lawrence Robert
Love, Bonnie Ray
Lovell, Jack Wendell
Lowrey, Donald Farrell
Lowther, Donald Erwin
Lucas, William Elliott
Lyon, Fred Morris
MacDonald, Bridgman Angus
Mace, James Allen
MacFarlane, Byron Noble
MacGillivray, Kenneth Austi
Manning, Sidney Ellwood
Margerum, Gordon William
Markowski, David L.
Marsh, William Burns, Jr.
Marshall, Bruce Cameron
Marshall, Walter Wedford
Martel, Sinclair Smyth
Martin, David Laurence
Marvin, Timothy Haigh
Masch, Edward Bryant
Mason, Albert Thompson
Mathews, James Patrick
Matisoo, Andres
Maynard, Michael Damon
Mayo, Norman Alfred
McAree, William Bernard, II
McConnell, Gary Donald
McCord, Howard Emmett, Jr.
McCune, George Burton
McDaniel, Jerry Patrick
McDole, James Eugene
McGanka, Steven William
McGonegal, William Frederic
McGowen, William Rankin
McGrath, Edward Gerard
McGuire, Larry Wayne
McKelvey, Gilbert Harvey
McKenne, Donald Charles
McKinley, Harold Hammond, Jr.
McKinney, Henry Clayton
McKinney, William Ellsworth
McKnight, Phillip Fielding
McLaughlin, James Francis
McMillan, Angus Murphy, Jr.
McMillen, Michael Lee
McMurry, Jerry Charles
McCree, James Daniel
McVey, Charles John
Mercier, William Ernest
Meredith, Francis Marion, II
Mervine, Lowrie Russell
Merz, Arthur
Messegee, James Allen
Metteer, Donald Gene
Meyers, Frederick Paul
Michael, Glen Rowell
Mikesich, George Henry
Miles, Samuel Allen, II
Miller, Alan Charles
Miller, Alan Samuel
Miller, Charles Perry, III
Millican, James Andrew
Milligan, Richard David
Milwee, William Ivon, Jr.
Moellmer, Karl Albert
Mohr, Donald Allen
Monaghan, Charles W.
Monk, William Wade
Montgomery, William David
Montgomery, William Mead
Moon, Henry Reid
Moore, Gary Lee
Moore, James Sylvan
Moran, John Bernard, Jr.
Morgan, Henry Anthony, Jr.
Morgan, Robert Vernon
Moriarty, John Alden
Morr, James Francis
Morrissey, James Richard, Jr.
Mulkern, Kevin Michael
Mullen, Ronald Edward
Murchison, Lyndon Conway, Jr.
Murphy, Arthur Robert
Murray, John Francis
Naylor, Howard William
Neff, Harold Richard
Neish, John Freeman
Nelson, James Rad
Newman, Errett Delano
Newman, Irwin Gerald
Neyman, George Purviance, II
Nicholson, John Woodford
Nield, Van King
Nielsen, Emanuel Kevin
Nissler, Charles Louis
Noble, Richard Albert
Nolan, Michael Howard Vance
Nolan, Thomas Edward
Noll, John Frank
Nonni, John, Jr.
Nordeen, William Edward
Nordwall, Bruce David
Noreika, Richard John
Norrington, Giles Roderick
Nourie, John Edward
Nunn, Silas Oscar, III
O'Boyle, John Robert, Jr.
O'Connell, Philip J., Jr.
Olemann, Harlan Daryl
O'Hara, Charles Worth
Olds, Frederick Arthur
Oltmann, Eric John
O'Malley, William Joseph
O'Neill, Robert Joseph
Osburn, David Lowell
Ovrom, Allan Alfred, Jr.
Owen, William Edwin
Owens, James Luther
Pafford, John Sharpe
Page, David Anderson
Paine, John Allison, Jr.
Palombo, Robert Alan
Pampel, Alban, III
Parks, Tom Harper, Jr.
Patten, John Richard
Patterson, Barry Joseph
Patterson, John Wesley
Pease, Charles Curtis
Peden, Joe Dean
Pederson, Charles Lloyd
Peiguss, John Kenneth
Pellegrini, Charles Augustu
Pemberton, Robert Bliss
Perkins, Grover Stevenson, Jr.
Perkins, Russell Orvis
Permenter, Lawrence Flander
Peters, Glen Edward
Peterson, Charles Everett
Phelps, Byron Dean
Phillips, Giles Riley
Pickett, Walter Curtis, III
Pizinger, Lawrence Clifton
Pommer, Edward Parker
Poole, James Kenneth
Popa, Emil
Porterfield, Glen Charles
Poston, Dwayne Herman
Powell, Richard Allen
Powers, Philip Hemsley
Prendergast, Robert Lewis
Pressler, William Raymond, Jr.
Price, Harold Rogers
Prose, Nelson Mack
Rager, Richard Ronald
Raines, William Albert
Ramsay, Robert Winton, Jr.
Ramsey, James Eugene
Rappe, James Dallas
Raunig, Donald James
Rawcliffe, Leonard Harris
Redden, Edward George
Rees, Elbert Grant
Reeves, Roy Mark
Rehfield, Austin Warren
Reiber, Harry Eugene
Reimann, Lyle Frederick
Render, Ronald William
Renner, Ernest Arnold
Reny, Robert Winston
Reppert, Thomas Charles
Resare, Ronald Albert
Reuther, Clifford Scott
Reynolds, James Guy
Rhinebeck, George C.
Rice, Roy Joe
Richards, Tilden David
Richardson, Daniel Charles
Richardson, Fredric Maury
Richardson, William Edwin
Richmond, Donald George
Richmond, Robert Sutton
Richter, Herbert Bailey
Richter, John Otto, Jr.
Rickman, Wayne Elwin
Riddell, Robert Allen
Riley, Larry Mac
Riley, Michael William
Riley, Roy G.
Ritchhart, Delbert Arthur
Roberts, James Norman
Robertson, John Stephen
Rogers, George Arthur, Jr.
Rogers, Will, Jr.
Rollings, Douglas Ernest
Roper, John David
Rose, Clifford Allison, Jr.
Rosenberger, Glenn C.
Ross, Lawrence Thomas
Roudebush, Jackie Lee
Roudebush, Loren Keith
Runkle, Roger Kurt
Runnels, James Marvin
Ruppert, Noel Laurenston
Ryals, James Fayne
Ryan, Thomas R., III
Sagehorn, Robert William
Sallada, Robert Velmont
Sanchez, Nick Robert
Sanders, Tommy Louis
Sands, Edward Robert
Santos, Alfred Joseph, Jr.
Santos, Leonard Bento
Sapp, Jerry William
Sawhook, James Leith
Scanlan, Donald Francis
Scent, Raymond Johanson
Schellhase, Warren Woodrow
Schick, Bruce John
Schiffner, Robert Charles
Schlaff, Richard John
Schmer, Conrad John, Jr.
Schneider, Donald Lewis
Schneider, Edward Ludwig
Schoneman, Elmer Charles
Schrag, Larry Phil
Schroeder, Donald Lee
Schultz, John Julius
Schultz, Paul Milton
Scott, Lawrence Stuart
Scott, William Michael, Jr.
Seeley, James Ray
Sexton, Harold Patrick, Jr.
Seykowski, Donald Walter
Shannon, John Patrick
Sharp, Grant Alexander
Shaver, Robert Anderson
Sheler, James Anderson
Shelton, Donald
Sheppard, Furman Ladow, Jr.
Shivik, John Anthony
Siebeking, Paul Frederick J.
Siegel, William Herbert
Siembieda, John

Sigmund, Samuel Wilson
Simms, Gordon Hastings
Siple, Terrence Eugene
Skaggs, Jerold Frank
Skiles, Jerry Dwaine
Skinner, Frederick James
Slater, Charles Edward
Slaven, John Knowles
Smallwood, Roger Clinton
Smith, Albert Joseph, Jr.
Smith, Archie Duane
Smith, Clyde Christian, Jr.
Smith, Gibson Peter
Smith, Henry Battle
Smith, John Stephen
Smith, Peter Daniel
Smith, Philip George
Smith, Robert Edward
Snuffer, Sanford Joe
Snyder, Stephen Vanhekle
Sobieck, Gerard Alvin
Solms, William Richard
Somes, Timothy Edmund
Sommer, Douglas Frank
Sortore, Jadwin Frederick
Sprecher, Herbert Edgar
Spruell, Alfred Henry, Jr.
Stanford, David Leland
Stanley, Walter Lane
Starck, Robin Lee
Steiner, Duane Ray
Stevens, Jerry Gordon
Stillwell, William Howard
Stockwell, James Burgess
Stoessl, Leslie
Stokoe, James Henry
Storey, Cecil Truman
Storms, Robert Bruce
Strachwitz, Hubert John
Strache, James Bruce
Stratton, Bobbie Eugene
Stratton, Sylvan Duane
Strohsahl, George Henry, Jr.
Stump, Jerry Dunkin
Stutzer, William Thomas
Sullivan, David Drury
Sullivan, John Loftus
Susag, Gary Robert
Synstad, Wayne Carl
Szczypinski, Walter S., Jr.
Taipale, Denis Gary
Tamony, Joseph Michael
Tarpgaard, Peter Thorvald J.
Tate, Kenneth Payden
Taylor, Alec Patton, Jr.
Taylor, Raynor Andrew Kent
Tew, Louis M.
Thomas, Carlysle John
Thomas, Ronald Ralph
Thompson, Alton Kenneth
Thompson, Stanley Paul
Thresher, Alfred Addison II
Tiedemann, Hollie Joseph, Jr.
Tilghman, Lewis Spottswood
Timby, William Henry
Todd, Bennett Edwards, Jr.
Tolle, Robert Joseph
Tomajczyk, Charles F., Jr.
Touchstone, Frederick F., Jr.
Toy, George Ervin
Tracy, Leslie Ronald
Trainer, William Perry
Treptow, Harold Clarence
Trollope, Richard Glenn
Trossbach, Ronald Charles
Troungo, Gordon Richard
Troyer, David Dee
Truax, Daniel Mack
Tschida, Robert Matthew
Tuggle, Ralph Edward
Turk, Eugene John
Turner, Tom Dean
Turpin, Thomas Jefferson, Jr.
Ursitti, Gerald Francis
Vanallen, William Maurice D.
Vancuren, Russell Fay
Vanderslice, John Lester
Vaughn, Wendell Dean
Verwers, Robert Andrew
Vigorito, Thomas Victor
Vogt, Larry Gene
Volgenau, Douglas
Walker, Arthur James
Walker, Harry Craig
Walker, John Wimberly
Walls, Robert Gilbert
Walters, Arthur Kirk, Jr.
Wanner, Theodore Michael
Ward, John Philip
Ward, Randall Walter
Wardlow, Louis Bertrand
Warson, Toby Gene
Wass, Stanley John
Waters, Franklin Delano
Webber, Michael Jon
Webster, Edward Charles
Weikert, John Patrick
Welch, Walter Edwin
Wellborn, Raymond Burke
Wells, Gary Alexander
Wendt, George Frederick
Wentz, David Radcliffe
West, James Franklin
Westfahl, Richard Karl
Weston, Robert Meck, Jr.
Weyers, Maynard Roland
Wheaton, William Clarence
Wheeler, George Paine
Wheeler, James Raymond
Whipps, Russell Erwin
White, Anthony Walker
White, Laurence David
White, Steve Carneal
Whittle, Delma Hughes, Jr.
Wienandt, Melvin Walter
Wigfall, George H., Jr.
Wilcox, Ronald Chester
Wilder, Richard Lynn
Wilkins, Perry
Williams, Charles Frederick
Williams, James Edward
Williams, John Henry, Jr.
Williams, Robert Allen
Williams, Windell Vance
Williamson, Frederick M.
Williamson, James Ray
Williamson, Mark Humphrey
Wilson, James Paul
Winarski, Daniel Arthur
Winter, Richard Farnum
Witham, Alan Elroy
Withrosky, James Howard
Wolin, Ronald Marshall
Woodbury, David Edward
Wright, Perry Wayne
Wright, Rodger Wallis
Wright, William Samuel
Wynn, Walter Pierson, Jr.
Yeutter, Philip Eugene
York, Milton Ward
Young, James Thomas
Young, Vernon Oran
Youngmann, Kenneth Charles
Yow, John Samuel
Zanzot, Warren Leland
Zimmerman, Joseph Gerald
Zucker, Channing Moore

SUPPLY CORPS

Anderson, Floyd Raymond
Arundel, Russell Wayne
Armour, Robert Charles
Billings, Thomas Hadley
Blair, Bryan Edward
Boltz, Jacob
Brand, Herbert Fred
Bruton, Lawrence Layne
Burden, David Greear
Burns, Reuben Donald
Christensen, Thomas William
Christopherson, Duane Arthur
Clark, Richard Melvin
Collette, Royal George Cyril
Cook, Bennie Wayne
Cook, John Morse
Cooper, Donald Reid
Culbertson, Morris Dean
Cunningham, Philip Tracy
Crane, Lee Duane
Dean, Claire Thomas, Jr.
Defrank, Frederick John
Dempsey, Edward John
Dempsey, Robert James
Desmarais, Normand Donald
Ditmore, Carl Alexander, Jr.
Drinnon, James Willard, Jr.
Eckelberger, James Elton
Endzel, Edward Windsor
Erickson, Roger Charles
Ervine, Donald McClure
Farnsworth, David Lee
Faul, David Charles
Fenwick, Charles Louis
Filipiak, Francis Leonard
Flammger, Jerome Thomas
Fournier, Alexander F., III
Francis, Thomas Marlin
Gartrell, Cecil Eugene
Gau, Lawrence George
Gentile, Ronald Philip
Gibfried, Charles Philip
Goodman, James Clement, Jr.
Greenhalgh, John Edward
Gregorich, Kenneth Joseph
Groom, Robert Wray
Grossman, Stephen Zelig
Hadbavny, John William
Halderman, Jerry Jones
Hamlin, Rudolph Barry
Hardin, Jonathon Jaben, Jr.
Harms, Ralph John, Jr.
Hay, Vernon Milton
Heavener, Richard Wayne
Herberger, Charles Elmer
Hoffmann, Wilbur Edwin, Jr.
Huddleston, Roy Lynn
Hulan, Milton Thomas
Inman, James Edward
Isenhour, Thomas Henry
Jacroux, Paul Edward
Jarman, Cecil Albert, Jr.
Johnson, Jerry Eugene
Jordan, James Clyde, Jr.
Kelly, James Andrew
Kenly, William Richard
Kenney, Thomas Roger
Kirwan, Kevin Carey
Klockow, John Donald
Knachel, Robert Eugene
Knapp, Emmett Jay
Koczur, Eugene
Krieg, William Cecil
Krummel, John Cary
Kubasch, Donley Dale
Leber, Theodore Timothy, Jr.
Ledwig, Donald Eugene
Lee, Richard Henry
Leisenring, Richard Porter
Ligon, Samuel Joseph, Jr.
Mabie, Marshall Lewis
Machesky, John Michael
Maginniss, Christopher M., Jr.
March, Frederick William
McClanahan, John Purl, Jr.
McClurkin, David Keith
McGee, Bernard James
McGee, William Cozadd
McGrath, Joseph Gerard, Jr.
Meier, John Douglas
Mikkleson, Jerry Dean
Miles, Darrell Raymond
Monza, Joseph Dominic
Moore, James Charles, Jr.
Moore, Richard Joseph
Morehouse, Stephen Hiram
Murphy, Henry Timothy, Jr.
Noble, Francis Edward
Osborn, James Harold
Parker, Jimmie Roscoe
Paszly, Alexander Karl, Jr.
Percifield, William Lester
Peters, Richard Dale
Piper, James Young, Jr.
Prest, Robert Frank II
Ransdell, Maurice Gene
Reavis, Peter Augustus, Jr.
Robinson, James Edward
Roth, Jon Biddle
Saidak, Paul Anthony
Scaramozzino, Emanuel
Schleck, Peter Joseph
Schlenker, Robert Louis
Selgelid, Larry Curtis

Shiels, John Morse
Simon, Jack Edward
Solomon, John Henry
Spage, Basil Andrew
Spratt, Thomas John
Staats, Charles Tolbert
Steidle, Robert Earl
Stevens, Steven Karl
Stewart, Robert Brendon
Stigliano, Carmen Nicholas
Talbot, Patrick Joseph, Jr.
Tribble, Arthur Stewart
Wadsworth, William Theodore
Walker, Samuel John
Waller, Billy Glenn
Walsh, Martin Joseph
Welsh, Gerald Henry
Williams, John Preston
Williams, Wayne Marshall
Withrow, Edward William, Jr.
Wright, Joe Baker
Yeager, Howard Bailey
Young, Adrian Ray

CHAPLAIN CORPS

Ammons, James Ellery, Jr.
Anderson, Philip David
Baar, Harold Leroy
Campbell, Eli Hoke, Jr.
Cox, Joseph Donald
Donoher, Thomas Joseph
Duke, Robert William
Ecker, Robert Joseph
Fitzsimmons, David Harlan
Grubbs, Roy Dale
Hegeman, Arthur Ernest
Holland, Kilian Thomas
Jayne, Edward Eben
Krabbe, Donald Louis
Loughman, Kenneth Michael
Malliett, Lowell Maurice
Mellett, Robert Coleman
Peters, Jack Richard
Purdham, Aldon Elwood
Roberts, Malcome Harold
Turner, Wallace Barry
Walker, John Francis
Whitsell, John Louis
Willard, Melville F., Jr.

CIVIL ENGINEER CORPS

Austin, Donald Ralph
Bell, Warren Miller
Bonham, Paul Windsor, Jr.
Booth, Robert Midgley
Boothe, Allen Perry
Bottorff, David Elliott
Butler, David Edward
Carricato, Michael Jonathan
Currie, Wayne Lee
Davis, Harry Paul, Jr.
Dettbarn, John Lee
Ellis, William Edward, Jr.
Emsley, Thomas Howard
Fraunces, George David
Gunther, John Albert
Harmon, William Hayne
Hayes, Robert Cunningham
Hendrick, Larry Francis
Horacek, Jerry Lee
Ives, Jon Robert
Kau, Julian Mang Foo
Kintz, John Arthur
Lafond, John Allen
Larsen, Laurits Michael
Lewis, Quentin Edward David
Martin, Roger Gene
Matthews, William Garfield
McCorvey, Donald Laney, Jr.
McGee, George Dale
Monarch, Delmont Jerome, Jr.
Otis, Philip Stewart, Jr.
Patterson, Joe Thomas, Jr.
Poole, Arthur Seeger, Jr.
Preston, Robert Lowell
Ricker, Norman Gibson, Jr.
Ruth, Allen Richard
Schell, William Jack
Short, Roy Eugene
Stangl, Herbert Eugene
Strode, James Donald, Jr.
Thomas, Eugene William
Truesdell, Richard Carl
Vasilik, Kenneth John
Weir, Charles Edwin, Jr.,
Wells, Howard Allison, Jr.
Wilson, Eric Rex, Jr.
Wisenbaker, Richard Yancey

JUDGE ADVOCATE GENERAL'S CORPS

Brant, Kirby Ensign
Cronin, George Francis, Jr.
Gormley, Matthew Joseph III
Hunt, Roger Wayne
Pichingson, Donald Jay
Schneider, Warren Andrew, Jr.
Vanderlugt, Robert William
Warwick, Howard Roger, Jr.
Ziemniak, Daniel John

DENTAL CORPS

Albright, Jimmy Edward
Barron, Don Morrow
Blake, James Harris
Bollinger, Thomas Edward
Branham, Gerald Brown
Branyan, Carl Edward
Coykendall, Alan Littlefiel
Demeyer, John Hilaire
Dice, James Earl
Emery, Clare Allison, Jr.
Felger, Milton Robbert
Fjerstad, James Harold
Fortman, Kenneth Vernon
Frank, Sam Robert
Hansen, Oloff Lee
Heibel, John Lawrence, Jr.
Hensley, Paul Edwin
Hicks, Morris Lamar
Hirschfeld, William Ernst
Ho, Patrick
Holtan, James Raymond
Julienne, Charles Hunter
Knehans, William Edmund
Imach, William Edward
Lane, Jerry Lee
Mathers, James McClurg
Mowad, Massoud Gazell
Mullins, Harry Charles
Nelson, Ronald Thomas
Oatis, George William Jr
Peru, Charles Blaine
Porter, John William
Richardson, William Goss
Robinson, Gary Charles
Ross, George Robert
Siegal, Don Edward
Streicher, Carl William
Vazzana, Lorenzo Stephen
Wisser, Robert C.
Woodsmall, James T.
Young, Raymond Francis, Jr.

MEDICAL SERVICE CORPS

Anderson, Francis Graham, Jr.
Boyle, John Anthony, Jr.
Butler, Robert Charles
Darr, Kenneth Lee
Delaney, Thomas Jeremiah
Dewey, William Andrews
Faherty, Francis Xavier
Ferguson, Donald Richard
Fitts, Marvin Lee
Furry, Donald Edward
Garner, Howard Eugene
Godfrey, Walter Albert, Jr.
Hammett, Gene Lee
Harris, George Stanley
Henderson, Jack Tracy
Hensle, Harold Reynold
Hinds, Robert Bruce
Hines, Kenneth Fearin
Horan, Daniel John, Jr.
Johnson, Ralph Walter
Kennedy, Robert Samuel
Lawson, Charles William
Levandowski, Thaddeus F.
Liming, John William, Jr.
Lucas, John Richard
McCullagh, Robert Francis
Mulrennan, John Andrew, Jr.
Nelson, Jack Arian
Reeves, Donald Eugene
Roper, Charles Austin
Schroeder, William Henry
Smith, Robert Donald
Steil, James Joseph
Steinberg, Aaron
Teague, Francis Andrew, Jr.
Wentworth, Richard Lee
Zimmerman, Lonnie Victor

NURSE CORPS

Banks, Audrey Estelle
Barbarick, Donna Louise
Chibas, Frances Paula
Dunn, Julie Jeanne
Emal, Janice Ann
Frawley, Shirley Mae
Harris, Nancy Ann
Johnston, Georgia Fay
Knouse, Susan Kay
Lockwood, Lavon Ruth
Majak, Patricia Louise
Martin, Kathleen Phyllis
McIntyre, Joan
Merrill, Shirley Elaine
Mills, Arlene Edna
Moyer, Alice Ann
Simmons, Betty Ann
Sovich, Patricia Ann
Spencer, Peggy Ruth
Tuttle, Nancy Lea
Wallace, Donna Lea

Lieutenant

LINE

Adair, Hugh Reeves
Adams, Frederick Arthur
Adams, Richard Peerson
Ahlgren, Roy Carl Eric
Aho, Larry Richard
Alexander, Charles Homer
Allen, Wayne Robert
Allman, Stephen Baines
Altergott, Dennis Albert
Alvarez, David Crosby
Amerau, Harold Francis, Jr.
Amerault, James Frederick
Amidon, Ronald Edwin
Anderson, Allan Walker
Anderson, David Graham
Anderson, David Wiley
Anderson, Jimmy Duke
Anderson, Michael John
Anderson, Russell Frederick
Andretta, Robert Anthony
Andrews, Edward Keith
Argubright, Stephen F., Jr.
Arrigo, Roy Joseph
Asbell, Richard Carroll, II
Ashby, Elton Truxton
Ashford, Ervin Alvin
Atkins, Raymond Clifford
Authement, Charles Francis
Auxier, Willie Landon, Jr.
Avery, Robert Butner
Babb, Phillip Ray
Baca, Fidel Leroy
Bacon, Robert Peter
Bade, Bruce Charles
Bagby, John English
Bailey, David Laurence
Baker, Frederick Edward
Baker, Milton Sumner, Jr.
Baker, Paul Lawrence
Baker, Ronald Boyd
Baker, Ronnie Byrle
Baland, George Arnold
Bancroft, Ronald Mann
Bankson, Rodney Alan
Barker, Bruce William
Barnett, Larry Dean
Barrett, Raymond Thomas
Barry, John Lewis
Barry, Thomas Anthony
Barto, Jonney Lynn
Bartz, Jarold Maynard
Bauman, James Robert
Baumann, Carl Vincent
Baxley, Warren Candler, Jr
Baxter, Peter Crockett
Bayer, Merrick, Jr.

Beal, Richard Frank
Beam, David Mitchell
Beam, Sherrill Wayne
Beard, Garnet Chapman, Jr.
Beauchamp, Robert Lewis
Becker, Alan Robert
Becker, Alfred Edward
Beckes, Michael Edward
Beery, James Robert
Beeson, Thomas Franklin
Belanger, Ronald Francis
Bell, Robert Alfred
Bendetsen, Brookes McIntosh
Benson, Burton Lee
Benson, Ray Wallace
Beougher, Rolland Ben
Berger, John Harry
Bernard, Alan Christian
Berry, Robert Crist
Betzner, Hugh William
Bieble, Gerald John
Biggs, William Martin
Binford, Benjamin James
Bingham, Clyde Leroy
Birch, Barry Stanway
Bird, Ronald Stanley
Bishop, Ronald Floyd
Blackburn, Lewis Bryan
Blades, Peter David
Blake, David Albert
Blakely, Frederick Martin
Bliss, Larry Dean
Bliss, William Merlin, Jr.
Bloch, Paul Stanley
Bloomer, John Godfrey
Boatright, Billy Carroll
Bock, Carl Frederick
Bodenhamer, Paul
Bolka, David Frank
Bollow, George Edward
Bond, Rogers Anthony
Bontrop, Paul Nichols, Jr.
Borchardt, Curtis George
Borchers, Doyle John, II
Borcik, Paul Robert
Bordy, Michael William
Boren, Norris Henderson
Bostic, Wayne Huston
Boston, Glenn John
Boswell, Dale Eugene
Boughan, David Alan
Bourbonnais, Charles Robert
Bower, Ammon William, III
Bowman, Terry L.
Boyter, James Thomas
Bozich, Robert
Bradbury, Donald Taylor
Bradley, Charles William
Bradley, Jeffrey Goffe
Bradner, Charles Rawles
Brady, Bruce Milo
Breen, William James
Brenner, William Rush, Jr.
Brewer, Carl Clifford
Bried, Robert Allan
Bright, Charles Norman
Brittain, Albert Russell, Jr.
Brockley, John Patrick
Bromberg, Jonathan Pressman
Broms, Edward James, Jr.
Brouwer, Daniel Conrad
Brown, Charles Joseph, III
Brown, David Alan
Brown Michael Thomas
Brown, Raymond William
Brown, Robbins Ely
Brown, Robert David, Jr.
Brown, Stephen Albert
Brown, Wendell Earl
Brown, William Michael
Browne, Joseph Majett
Bruckner, James Winston
Bruflat, Arne Bredo
Brus, Louis Eugene
Brush, Frederick James, Jr.
Bryant, Robert Bolling
Bucciarelli, Eugene Joseph
Bucholz, Marvin John
Bucholz, Roger Coleman
Budnick, Allen James
Bunker, Mark Arnold
Bunting, Daniel Charles
Burger, James Lambert
Burgess, Andrew Lynn, Jr.
Burgess, Larry Lee
Burke, James Lawrence
Burke, Richard Leon
Burlingame, Anson M., Jr.
Burns, Francis Matthew, III
Burns, Walter Francis, III
Burrows, Dee Wayne
Burt, John Alan
Busch, John Robert
Bush, Robert Porter, III
Bushnell, Francis Martin, Jr.
Bushong, Robert Lee
Butler, Thomas Harold
Butterfield, Richard Stanle
Butters, Alvin Lavern, Jr.
Byers, Clarence Richard
Byers, William Brewster
Cain, William Michael
Calkins, Franklin W., Jr.
Callahan, Jeffrey Edwin
Callies, Lee Roy
Campbell, James Ray
Caplinger, Royce Lee
Carlin, Daniel Stephen
Carlsen, W. Eugene
Carpenter, Melvin R., III
Carpenter, Nicholas Mallory
Carroll, Charles Edward
Carroll, David Lee
Carter, Harry Melvin, Jr.
Carter, James Jefferies
Carter, Lee Scott
Carter, Stanley Jerome, Jr.
Carty, John Raymond
Casavant, Donald Arthur
Cashman, David Matthew
Cassidy, Tom Kenneth
Casteland, Kenneth Michael
Catone, Robert Albert
Caudell, Willard Glenn
Cavaluchi, Robert Andrew
Cavanaugh, Francis Patrick
Chagaris, Peter James
Chalfant, Donald Kenneth
Chambers, Richard Leo
Champoux, Robert Louis
Chancellor, Robert Oren
Chapman, Paul Thomas
Chassels, Larry William
Chenery, Robert Lucius
Childs, Jack Manning
Christian, Dennis Howard
Christman, Robert Harvey
Chubb, John Everson, Jr.
Churchwell, Ralph Nero, III
Cipriano, Roberto
Cisek, Peter John
Clancy, James Patrick
Clark, Donald Bartlett
Clark, John William
Clark, Robert Hugh, Jr.
Clark, Terrell Irvin
Clark, William Harry
Clary, Raymond Harold, Jr.
Clay, Henry Leonard, III
Claymore, Peter Gayton
Clift, Fred James
Clock, Carl Stout, Jr.
Coburn, Lewis Laddie
Cole, Bernard David
Coleman, James Evans
Coleman, John Boddie, Jr.
Coleman, Randy J.
Colgan, Stephen Gregory
Collins, John Patrick, Jr.
Colyar, Robert William
Colyer, Thomas James
Coman, Raymond Paul
Conder, Robert Aubrey
Coneeney, Thomas Joseph, Jr.
Conklin, Robert Curtis
Conley, William Henry, Jr.
Connor, Theodore Patrick
Conrad, Harry Stephen
Cook, Bradford Clifford
Cook, Donald Lee
Cook, Gary Newton
Cook, John Clark, Jr.
Cook, Oren Francis
Cooney, Terence James
Cooper, William Patrick
Copp, Glenn Arthur Kent, III
Corcoran, Joseph Lynn Kevin
Cordrey, Robert Ernest
Couch, Dale Myles
Cougghlin, Frank Thomas
Cowell, Neil
Cox, Norman Otha
Coyle, Michael Thomas
Craig, James Robert
Craig, John Stephen
Cranford, John Edwin
Creager, Hugh Gunder
Creely, Allan John
Croll, William Howard
Crossen, William Joseph
Croteau, Joseph Lloyd
Crowder, Thomas Burgess
Crowe, Olen
Crump, David Allen
Cummings, Ronald Leo
Curtis, Albert Lawrence
Curtiss, Edward B.
Cutchin, Richard Lee
Cyphers, Arthur B.
Czech, Theodore Thomas
Czerwonky, Arthur Hugo
Dailey, William Randolph
Daly, Daniel Anthony
Dammeyer, George Howard
Damron, John Richard, Jr.
Daniel, Johnny Hale
Danner, Terrence Nye
Dannerth, Richard Carl
Darnell, Carlton Henry
Das, Adrian
Dassler, Frederick W., Jr.
Daughtry, George Thomas
Daulerio, Paul Peter, Jr.
Dauphinais, Paul Adam Jules
Davenport, Wortham David
Davidson, Bruce Ernest
Davidson, Teddy George
Davis, Charles William, Jr.
Davis, Dickey Parrish
Davis, Frank Lawson, Jr.
Davis, Norman Ewing
Davis, Teddy Michael
Davis, Thomas Anthony
Davis, Thomas Kevin, Jr.
Deaton, James Paul
Debenport, David Rogers
Decoursey, Donald Warren
Deer, Robert
Degreef, Donald James
Dematta, Elliott Kenneth K.
Denham, Denny Jackson
Denton, Jimmy Neil
Desrochers, Joseph Omer
Destcroix, Lawrence E., Jr.
Dethomas, John Victor
Deweese, Roger Erle, III
Dickey, Robert Lincoln
Difransico, Thomas William
Dilley, James Earl
Dirkx, Peter Cornelius
Dobson, Ralph Paul
Doctor, Michael Stewart
Doherty, Brian Joseph
Doherty, Hugh Michael
Dolan, James Arthur
Dolan, Peter James
Dolbec, Richard David
Dolgow, Barry Lee
Donath, Robert Milton
Donndelinger, Paul William
Dow, John Irvan
Downey, Robert Vincent
Drew, Raymond Michael
Drumm, R. David
Dubois, Snowden Charles
Duchock, Charles Jack
Dudine, Fabrizio Michael
Duermeyer, Stephen Paul
Dumas, James Walter
Dunlap, David Bartlett
Dnlap, Steven James
Dupont, Francis William, Jr.
Durham, Wayne Carlton

Durham, William Rucker
Durr, Donald Gordon
Duskin, George Harley
Dutrow, Samuel Richard, Jr.
Dyck, Harry Milton, Jr.
Dyer, Donald Alvin
Dynes, James Henry
Eaton, David Morrison
Eaton, George Arthur, Jr.
Eckard, Palmer Glenn, Jr.
Edwards, Glenn Howard
Edwards, James Nathaniel, Jr.
Edwards, Michael William
Elder, Philip Robert
Elliott, Thomas Jene
Ensch, John Clyde
Enterline, Edward Russell
Erickson, William John
Ernst, Eric Rodholm
Etka, Craig Louis
Eutsler, Roland Byerly, Jr.
Evans, Charles J.
Evans, Gordon John
Eversole, Thomas Young
Ewing, Kent Walker
Ewing, William David
Fahy, Andrew Wilson
Faller, Theodore Henry
Faltisco, Joseph Edward
Faricy, John Jerome, Jr.
Farnsworth, William A., Jr.
Farrell, Richard Stephen
Farrell, Robert Joseph
Farrow, Stephen Richard
Farwell, Richard Shaw
Fast, Richard Edwin
Fausz, James Edward
Favaro, Joseph Dominic
Fernandez, Wayne Jacinto
Ferraro, Francis Domenic
Ferry, Francis Joseph
Fickenscher, Edward R., III
Fillingim, Ronald Louis
Fink, Ralph III
Finley, Robert Alexandar
Fischley, James Hollie
Fitch, Patrick Edwin
Fitch, Rex Burnham, Jr.
Fitzpatrick, William Edward
Fitzsimmons, Dale Hilden
Flanagan, William John, Jr.
Flesher, Larry Gene
Fluhrer, Norman Paul
Fynn, John Patrick
Flynn, Michael Miles
Foard, John Stager, Jr.,
Foland, Richard Paul
Folgate, Julius Martin
Folk, Reau Estes, II
Follett, Scott Charles
Folsom, Benjamin Franklin J.
Foltzer, Louis Leonard
Forbes, George Thomas
Formo, David Jerome
Forrester, George Steven
Fosina, Andrew Joseph
Foster, John Barr, III
Foster, Thomas Allen
Fowler, Norman Clyde
Fox, Arthur Dale
Foy, Clarence Allan, Jr.
Fragomene, Vincent Michael
Frasier, Charles Consolvo Jr.
Freas, Henry Edward
Frigge, William Joseph
Fritzsche, Robert Paul, Jr.
Fulton, David Samuel
Gabrielson, Dale Ellard
Galbraith, Peter Marshall
Gale, Ernest Frederick, Jr.
Galkin, Kenneth Earl
Gardiner, Lawrence Edwin
Gardner, Richard Wayne, Jr.
Garst, Lynn Franklin
Garuba, Joseph Anthony
Gastar, Stanley Douglas
Gaston, Mack Charles
Gatliffe, Thomas Robert
Gay, John Phillip
Gaylord, William Kendall
Gebhardt, Laurence Philbert
Gehman, Harold Webster, Jr.
Geigel, Gary Winfield
General, John Arthur
Genet, Richard Paul
Gerst, Anthony Leo
Gibson, Elwood Lloyd
Giffin, Eugene Riley
Gilbert, Gordon Franklin, Jr.
Gillett, John Braxton, Jr.
Gillogly, Hugh James
Girard, Paul Edward
Girard, Wallace Edward
Gladston, Steele
Glaeser, Frederick John
Gleason, David Alan
Gless, Edwin Henry
Gonzalez, Rene Eugenio, Jr.
Goodermote, Wayne Keith
Goodwin, Michael Roy
Gordon, Kenneth Elwood, Jr.
Gordon, Leonard
Goreham, Bruce Alan
Gosselin, Richard Leon
Grabowsky, Theodore E.
Grace, Robert Francis
Grady, John Leo
Graf, Clifford Maxwell, II
Granai, Gary Christopher
Grant, Homer Thomas, Jr.
Grause, Francis Patrick
Graville, William Neil
Greathouse, Earl Richard
Green, Shackford Oakley, Jr.
Greene, Robert Michael
Greenwell, William Manly
Griesser, Robert Holt
Griffin, Michael Airey
Griffin, Richard Nathan
Grigsby, Jerry Carson
Grimm, Robert Shirey, Jr.
Gross, Charles Nicholas
Grubaugh, Gene Calvin
Guenther, Michael Lyle
Gumm, William Eugene
Gunn, Lee Fredric
Gustafson, Carl Eric
Gustavson, Fred Perry
Halenza, Judd Gilbert, Jr.
Hall, Henry Woolsey, Jr.
Hall, John Preston, Jr.
Hall, Robert Eric, III
Hallwachs, Donald Arthur
Hamilton, Charles Dewalt
Hamilton, Martin Ridley, II
Hamly, Richard Dana
Hancock, William John
Hand, James Michael
Hanke, Robert Richard
Hanson, Donald Arthur
Harding, Ronald William
Harding, Thomas Edward, Jr.
Hardt, Lorry Michael
Hardtarfer, Alan Edward
Hargis, Richard Anthony
Harmon, Hollis William
Harper, Joseph Cerue
Harrell, Joe Wayne
Harris, John Paul, III
Harrison, James Douglas
Harrison, Lloyd, Jr.
Harrison, Robert Wesley
Hart, Bruce Harold
Hart, Robert Harland
Hartkopf, Kenneth Walter
Hartshorn, Leonard Arthur
Hatleberg, Clarence James
Haverkamp, Donald Richard
Hawkins, Vaughan Austin
Hawley, Thomas Peck, Jr.
Hawver, Jack Hunter, Jr.
Hays, Jack Cornelius
Hazazer, Daniel Philip
Healy, John Francis, Jr.
Heames, Richard David
Heckler, Francis Daniel, Jr.
Heffernan, Thomas Joseph
Heid, Billy Lee
Heidinger, Philip
Hekel, Ulis Dean
Henriksen, Robert Allen
Hepner, Bruce William
Herranen, Peter Andres
Hertzler, Charles Miller
Heselton, Leslie R., III
Hess, Donald Robert
Hickman, Gerald Charles
Hill, Daniel Davies
Hillier, Donald Rand
Hilzer, Ralph Conrad, Jr.
Hinds, Howard Huntington, Jr.
Hiss, Roger Anthony
Hobbs, Charles McAulay
Hodgens, Timothy Holdridge
Hofstetter, Lawrence Lynn
Hogan, John Benedict, Jr.
Hoggard, John Hyde
Holbert, Warren Lee
Hollarn, James William
Hollister, Stephen John
Honey, Lowell, Ray, Jr.
Hooks, Jonathan Thel, Jr.
Hoover, Charles Bryon, Jr.
Hope, Robert Edward
Hopkins, James Robert
Hopkins, Ralph Wendell, Jr.
Horswell, Charles Edward
Horton, Forrest Austin
Hoskins, Samuel Britton
Hough, Howard Arthur
Houser, George Clifford, Jr.
Howard, Hugh Wyman, Jr.
Howell, Stephen Hunt
Howze, Odis William, Jr.
Hubbard, Edward Briggs, Jr.
Hubble, Hilbert Roland
Hudson, John Keith
Huff, Gerald Lewis, Jr.
Huffines, Charles Wayne
Hummel, John Walter
Humphrey, Bradford, Jr.
Humphreys, Thomas Blake
Hunsinger, Robert Eugene
Hunt, William Baile
Hurley, George Edward, Jr.
Hurley, James Albert
Husak, Stephen Bruce
Huxhold, George Emery
Hyde, Joseph Goree
Ihle, David Marcus
Ingram, Culpepper Fred, II
Jaccard, Michael Dandridge
Jackson, Richard Alan
Jacob, Frank Edward
Jacobi, Leslie Martin
Jamerson, Clifford Larry
James, Jerry Shannon
Jarratt, John Marshall
Jeffords, John Maxwell
Jenkins, Neal Cornell
Jensen, Armour Anton, Jr.
Jogan, Stephen
Johnson, Alan Keith
Johnson, Carlton Roy
Johnson, Charles Harold
Johnson, Donald Winston
Johnson, Kenneth Humphrey
Johnson, Leland Warren, Jr.
Johnson, Myron Theodore, Jr.
Johnson, Norman Martin
Johnson, Thomas Randall
Johnston, David Beatty
Johnston, Jasper Brinson, Jr.
Jones, Charles William
Jones, Charlie Reed, Jr.
Jones, David Allan
Jones, Dennis Alan
Jones, Jeremy Dixon
Jones, Philip William
Jones, Raymond David
Jones, Richard Thomas
Jordan, David Lee
Juhl, Clarence Henry
Jukoski, Michael Joseph
Julian, James Allen
Juroff, Kurt Thomas
Kahle, Jerold Earl
Kallsen, Bruce Donald
Kane, Thomas John
Katz, Douglas Jeffrey
Kearley, John Albert
Kearns, Richard David
Keiser, Ray Robert, Jr.

Keller, George Joseph, Jr.
Kellogg, Paul Joseph
Kelly, Charles Leroy
Kelly, George William
Kemmerer, Frank Edward
Kempenaar, Virgil Randall
Kennedy, Robert Floyd
Kent, George Alan
Kenton, Bruce Holladay
Kenyon, Morton William
Kerry, William Schouman
Killion, Robert Allan
Kim, Henry Young Hi
King, Leon Fleming, Jr.
Linlaw, Howard McConneral, J.
Kinney, Brian Vincent
Kirkpatrick, Howard David
Kirkwood, Kenneth Melvin
Klaas, Jack Ulrich
Klampfer, Rudolph John
Kleemann, Henry Martin
Klopfenstein, Timothy David
Klopfer, William Dale
Kmetz, Stephen George
Kodalen, Kenneth Cameron
Kohler, John Edward, Jr.
Koiro, Ralph Nicholas
Koren, George Duranceau
Kosakoski, Robert Anthony
Koss, Howard Edward
Kozain, William Paul
Kramar, Joel David
Krieger, David Harry
Krieger, Dennis Harold
Kristensen, Edward Kristian
Krom, Richard William
Kruse, Dennis Keith
Kruszona, Raymond Robert
Kuehn, Ronald Edwin
Kukulski, Dennis Reginald
Ladd, Edward Harrison, III
Laizure, David Hunter
Lambert, Raymond Joseph, Jr.
Landry, Robert
Lane, Thomas Francis
Larguier, Isidore, Jr.
Larson, Dean Roy
Larson, Gary Lee
Larson, Matthew Donald
Lasher, William Joseph, Jr.
Lassiter, Rex Don
Lauer, Joseph James
Laughlin, Gary Reed
Lautenschlager, Jack
Lavarre, Claude Andrews, Jr.
Lawler, Curry Montgomery, Jr.
Lawless, William Claude
Lawrence, Walter Berry
Lawrence, William Robert
Lazarus, William James
Leboeuf, Herve Joseph, III
Ledbetter, Douglas Eugene
Lee, Howard Frank
Lee, Kenneth Arthur
Lehmann, Charles Edward
Lentz, Frederick Charles, Jr.
Leo, Don Garrett
Leonard, Brian Robert
Leonard, William Douglas
Leonhardt, Richard John
Lerich, Barry Harold
Letton, Winsor, III
Lewandowski, Henry Michael
Lewis, Jeffrey Lee
Lewis, Ronald Bruce
Lewis, Ronald Patterson
Libbey, Grey Dennison
Lien, Paul Richard
Lindsey, William English, Jr.
Linz, Edwin Raymond
Lischke, Erwin Josef, Jr.
Listol, Lavern Duwane
Livermore, Leroy Walter
Loosbrock, Thomas Lee
Lopez, Thomas Joseph
Lough, Dennis Elliot
Ludwig, Carl Levi
Luecke, John Michael
Lull, Thomas Elwood
Lundberg, Marshall Bertram
Lyall, Gerald James
MacDonald, Ronald Clark
Mackey, William Chambers, II
MacMichael, John Lee
Maddox, Richard Wallace
Madison, William Ross
Mager, George Liell, Jr.
Magnus, Royal Stapleton
Maguire, Edward Sylvester
Mahood, James Norton
Mairs, Lee Stafford
Malchiodi, Michael Anthony
Malo, John Allen
Maloit, Robert James, Jr.
Manlove, Dexter Irving
Mapes, John Dennis
Marcely, James Albert
Margolis, Sheldon Lee
Markowicz, John Charles
Marshall, Paul Eugene
Martin, Kenneth Mark
Martinez, Carlos Manuel
Marymont, John Allen
Maslowski, James Irwin
Massey, Frederick Thomas
Matthews, John Edward
Matton, William George, III
Mattson, James Lee
Matyas, Joseph James
Maugeri, Peter James
Maynard, Robert Paul
McAlexander, Elroy Allen
McCarthy, Richard Joseph
McConagha, David Leigh
McConkey, Robert Franklin
McCormack, James Elvin
McCoy, Norman Kitchens, Jr.
McCreary, Richard Allan
McCrory, Seaborn M., III
McDaniel, Charles Harold
McDermott, Michael James, II
McDowell, Gary Allison
McFarland, Robert Stephen
McGaraghan, Michael John
McGeorge, Glenwood William
McGhee William Shirley
McGlothlin, Larry Wyman
McHargue, Gary Robert
McHenry, John Walter
McIntire, John Gibson
McKelvain, Burrel Ray
McKillip, Donald Sterling
McKinley, John C.
McKinney, John Wayne
McKinney, Michael Patrick
McLaughlin, George
McRorie, Darrel Wayne
McStravick, Leo Joseph, Jr.
McWhirter, Michael Reed
Mellin, William Francis, Jr.
Mesman, John Francis
Messman, Harold Eugene
Meyer, Herman Joseph
Meyer, James Roger
Mickelson, Paul Fredrick
Milam, Lonzo Oliver
Miles, Kenneth Kinard
Milham, Russell Owens
Miller, Charles Robert, III
Miller, Dennie Lee
Miller, Donald Charles
Miller, Gary Raymond
Miller, Harry James, Jr.
Miller, Ivan William
Miller, John Elliott
Miller, Lawrence Everett, Jr.
Miller, Paul David
Mills, Michael John
Millward, John Emery
Milner, Scott Fullerton
Minderlein, James Lloyd
Mitchell, John Bullard, Jr.
Mitchell, Thomas Arthur
Mixner, Frank Lewis
Mladineo, Stephen Victor
Moni, Wayne John
Moninger, Edward George, Jr.
Monroe, Vanstephen
Montgomery, David James
Moore, Kenneth Alfred, Jr.
Moore, Patrick Nolan
Moore, Raymond Edward, III
Moore, Richard Lee
Moore, Thomas Stephen
Moran, Thomas Edward
Morell, Ronald William
Morford, James Richard, III
Morgan, Edward Lee
Morgenfeld, Thomas Albert
Moritz, Dennis Michael
Morris, Henry Thomas, III
Morris, Thomas Edward
Morse, Robert Sanford
Moscovis, Michael John
Moser, Ronald Bryant
Mosher, Richard Lee
Mowbray, James Francis
Moyer, Clyde Toone, III
Mueller, David Louis
Mullowney, Penn Evans, Jr.
Murphy, Francis Joseph, Jr.
Murphy, Lawrence T.
Murphy, Thomas Patrick
Murray, William Robert, Jr.
Murrell, Gregory Lee
Musitano, John Raymond
Myers, Kenneth Randall
Myrick, James Albert
Nahr, Ernest Vincent, Jr.
Naro, Edward Louis
Nash, John Thornton
Neal, David Lewis
Neal, Joseph Francis Hiller
Nelson, Barron Craig
Nelson, Bruce Emerson
Nelson, Donald Charles
Nelson, Jerome Allen
Nelson, Jerome George Samne
Nelson, Paul Lawrence
Nelson, Thomas Schewe
Newlon, Arthur William, Jr.
Newman, Martin Harvey
Nichols, Gordon McGlohon, Jr.
Nichols, Timothy Bradley
Nicholson, Michael Jeffrey
Niemiec, Edward Joseph, Jr.
Noble, Vernon Haven
Noce, Robert Stephen
Norman, Robert James, Jr.
Norris, Lewis Harold
Norton, Douglas Marvin
Norwood, Richard Leon
O'Brien, Peter Anthony
O'Connor, Peter Edward
Oehlenschlager, John Gary
Offenberg, Jerome William
Ogrinz, Alexander John, III
O'Hanlon, James Patrick
O'Harrow, Patrick Ralph
Ohlander, Ronald Bert
Oien, Harley Martin
Olson, Gregory Allen
Olson, Jack Lleland
O'Neill, David Lynn
Onorato, James Raymond
Ostertag, James Joseph
Oswald, John Stephen, II
Owen, Harry Clinton, III
Oxenrider, Eugene Leroy
Padgett, John Elliott
Padgett, Norman Ray
Palmer, Jerry Dale
Parish, Roger David
Park, Carl Sheldon, Jr.
Parkinson, Keith Lee
Parkinson, Robert
Parodi, Richard Steven
Parrett, Gaylord Swayne, Jr.
Patch, Frank Henry
Pate, David Brantley
Patridge, Delmar Edward
Pattarozzi, Norman John
Paulsen, Paul Edward
Paust, John Michael
Pawlas, Robert Wayne
Payton, James Eugene
Pearson, Taylor Peter
Pennington, Arthur James
Peoples, Philip Murray
Peschka, Jerome Aloysius, Jr.
Peters, Dennis Harold
Petersen, Richard James
Peterson, Charles Edward

Peterson, Michael Curtis
Petitjean, George Henri R.
Petre, Preston Olivier
Pfaff, George Leland
Phaneuf, David Roland
Pierce, Quinten Alan, Jr.
Pierson, Richard Linnell
Pike, Dennis Stanley
Pilcher, Imon Lester
Pilger, Eric Christian
Pilling, Donald Lee
Pine, Donald William
Pinkston, Larry Michael
Ploof, Elden Louis, Jr.
Plowman, James Edwin
Plum, Jerry Earl
Pollock, John Corse, III
Pool, Willard Owen, Jr.
Poole, William James
Pou, Robert Leroy
Powers, William Thomas
Pratt, Edmund Lee, Jr.
Preato, Thomas John
Previty, William Harry
Prickett, Frederick G., Jr.
Prior, Charles Albert
Proctor, James Richard
Prydybasz, Andrew Michael J.
Puccini, Donald Emil
Purdy, Robert Franklin, Jr.
Quist, Alfred Benson
Rackowitz, Marion Rex
Railsback, Donald Charles
Ramsey, William Russell
Randall, Richard Francis
Rantschler, Robert Dale
Reade, John Moore IV
Reason, Joseph Paul
Reckner, James Richard
Redenbaugh, Roger Wayne
Redus, William Clyde
Reed, Phillip Lance
Refo, Carter Beaumont
Reiniger, Peter David
Renager, Burton Whitmon, Jr.
Reser, Gerald Harrison, Jr.
Reynolds, Gary William
Rezeau, Gary Lance
Rhodes, Donald Ray
Ricabaugh, George Glenn
Rice, Peter Adolph
Richardson, Clarence Lee
Richardson, Terence Edward
Rieber, Christopher
Riedel, Charles Thornton
Riley, Robert Handley
Rinker, Ronald Lee
Riordan, Francis Peter
Ritzman, William Floyd
Roach, Charles Alan
Roberts, David Lee
Robertshaw, Donald George
Robertson, William Neal Lee
Robinson, David Walter
Robinson, Paul Matthew
Robinson, Peter Stone
Rogers, Kevin George
Rogers, Paul Frederick
Roletter, George Joseph, Jr.
Rooney, James William
Roorbach, James Arthur, III
Rosintoski, Lawrence John
Rossley, William Frank
Roth, Patrick Henry
Rouse, James Richard
Roy, James Codori
Ruben, Richard Charles
Rudolf, Chester Davis, III
Rugolo, Ralph Ignatius
Rumbley, Daniel Lee
Rummler, David Clark
Runberg, John Eynar, Jr.
Runyon, William Ellis
Rush, Stephen Kenneth
Rushing, John Michael
Ryan, James Paul
Ryder, Dan Herold
Sack, Brian Philip
Sadler, Clint Densmore
Sadler, Lester Hardy
Saenz, Roland Ashley
Safley, Gordon Wayne
Saft, Burton Manly
Sale, Charles Latane, Jr.
Salonen, John Olof
Sandway, Karl Martin
Sanger, John Phillip
Sapp, Charles Nim, Jr.
Saul, Carlton Wayne
Savage, Eugene Maurice
Scales, James Roper, Jr.
Scarborough, Oscar D., III
Scardigno, Peter Francis
Schaar, Brian Warren
Schafer, Robert Earl
Schalde, John Arthur
Schildknecht, Kurt
Schineller, Frederick J., III
Schmidt, Kenneth Anthony
Schmidt, Knute Menge, Jr.
Schmoker, Alan Elliott
Schneider, Paul Thomas
Schnier, Kenth Leon
Schoening, Frederick Stephe
Schofield, Lee Neal
Scholl, Clifford William, Jr.
Scholl, Russell Charles, Jr.
Schrock, Edward Lee
Schroeder, Arthur John
Schroeder, Stanley Francis
Schultz, Roger Frederic
Schulz, Robert Kenneth
Scigulinsky, Kenneth Frank
Scobee, Mitchell Odell
Scott, Michael Robert
Scott, Norman Stuart
Scott, Thomas Bairner, III
Scott, Thomas Fletcher, Jr.
Scruggs, Robert Nealy, Jr.
Seaquist, Larry Ray
Secrest, David Emmett Heaum
Sedgwick, Dean Lance
Sehlin, Donald Barry
Seim, Wayne Allen
Setser, Raymond Howard, Jr.
Seyl, Stephen Joseph
Seymour, Harry Augustus, Jr.
Shackelford, Harry Louis, Jr.
Sharkey, Edward Raymond, Jr.
Sharp, Erwin Arthur
Sharp, Walter Eugene
Shaw, Michael Gilbert
Shea, John Anthony, Jr.
Shealy, William Pierce
Sheldon, Gerald Ernest
Shipway, John Francis
Shoemaker, Stephen Collier
Shuman, Paul Dennis
Siebe, Alan Edward
Siegel, William Morris
Sigrest, Paul Burton
Simkins, Gary Bede
Simms, Richard Galen
Simpson, John Drury, Jr.
Simpson, Richard John
Simpson, Thomas Elroy
Sipe, Allan Keith
Sipe, Edman Leon
Sirmans, Russell Emerson
Sisung, Russell Albert
Skidmore, William Harvey
Skoog, Mark Chester
Slaasted, Richard Michael
Sloane, Richard Tobias
Small, Robert Frank
Smereczniak, David Afton
Smith, Bernard John
Smith, Eldin Dean
Smith, Franklyn Pickard
Smith, Gary Allen
Smith, J. Palmer
Smith, James Frank
Smith, Jerry Livingston
Smith, Jessie Mack
Smith, Johnny Frank
Smith, Robert Allen
Smith, Terry Duane
Smith, William Clifford
Smithson, William Bruce
Snider, William Allen
Snow, John Pickett, Jr.
Snyder, Darrell Paul, Jr.
Snyder, John Harrison
Snyder, Paul John
Soderman, Arne Paul
Soley, Francis Edward
Soucek, Philip Merrill
Spangler, Carl Rodney, Jr.
Sprague, Jay Woodrow
Sprague, Thomas Oren
Springer, Robert William
Spurgeon, Dennis Ray
Stallings, Tellmon Scott
Stanfield, Robert Alan
Stark, James Reynolds
Starkey, Robert Laird
Starnes, Jimmy
Steenburgh, Frederick Leroy
Stein, John Howard, Jr.
Stein, Paul Philip
Steiner, Clifford
Stephan, Charles Royal
Stevens, David Michael
Stevenson, Clyde Melvin
Stevenson, John Wayne
Stewart, George Calvin
Stewart, Lawrence Letulle
Stewart, Malcolm Wayne
Stewart, Michael Edward
Stewart, Van Nelson
Stickler, Bernard Thomas
Stocktonidus, Lewis
Stoddert, Robert William B.
Stoll, Peter Steven
Stone, William Charle
Stout, Richard Gordon
Stringer, John Lloyd
Stromberg, Merle Jon
Strong Bradley Scott
Strong, David Walker
Strum, Richard Ralph
Stryer, Thomas Bruce
Stuckey, Robert William
Stucki, Laurence Valdimir
Stueck, Phillip Gary
Sudigala, John Philip
Sullivan, James Edward
Sullivan, James Joseph
Sullivan, Jerry Michael
Sullivan, Timothy Bernard
Sullivan, William James
Sussilleaux, John Francis
Sutton, Larry Paul
Swanson, Barry Grant
Tabor, James Byron
Tana, Yasuto
Tassin, Terry Jude
Taylor, Billy Glen
Taylor, James Louis
Tedeschi, Ernest Francis, Jr.
Tedford, Timothy Wallace
Teichgraber, Walter Michael
Templin, Charles Leonard
Thelen, Frank, III
Thiele, James Frederick
Thomas, Donald Gene
Thomas, Jerry Lee
Thompson, Donald Joseph
Thompson, Melvin Ellis, Jr.
Thorsen, Paul Albert
Tilt, Thomas William
Tittle, Harold Edwin
Tobias, Walter Adam, II
Tolbert, Otis
Toporoski, Daniel Michael J.
Tower, Philip William
Tozier, Jack Allan
Trione, William Robert
Tripp, Philip Burr
Trotter, Earl Clay
Trowbridge, Lynn Dick
Tucker, James Edward
Tujague, Ronald Barry
Turner, Everett Eugene, Jr.
Turner, Jay Scott
Turner, Joseph Wayne
Uber, Brian Douglas
Uhlemeyer, Fredric Laurance
Ujlaki, Machael, Jr.
Umstead, Marvin Francis, Jr.
Urbanek, Keith Arlen
Vail, David William
Vajda, Thomas Carl
Valentine, Paul Martin
Vallee, Ronald Armand
Valovich, Paul Joseph, Jr.
Vanderschroeff, Coenraad
Vanderwier, Gerald Michael

Vandyke, John Charles
Vanhorn, Gerald James
Varnagaris, Kim George
Veasey, James Alexander, III
Vermilyea, David Whitney
Vernon, Larry Jay
Vesey, Richard Lane
Vetter, Donald Robert
Vickery, Wayne Marshall
Vidrine, David Matthew
Vinroot, Charles Arthur
Voelkel, Ronald Edward
Vogel, Timothy James
Vogt, Frederick Henry
Volk, Charles Louis, Jr.
Vomastic, John Emil
Vorce, Richard Alan
Vorwerk, John Alfred
Vroom, James Edgar, II
Wagner, James Aubrey
Wagner, Todd William
Waiss, Alan James
Walker, Donald Edgar
Walker, Joseph Scott
Walker, Michael George
Ward, Robert Alan
Warner, Kenton Dale
Warren, Edward Ola
Warren, Fred Vincent
Watkins, Edison Lee, III
Watts, McCoy Carlos, Jr.
Waylan, Cecil Jerome
Weaver, Thomas Stephen
Webb, George Jerome, Jr.
Webb, Hugh Leonard
Webber, John Albin, Jr.
Weber, Dennis Richard
Weber, Francis Joseph
Weeks, Glen Alden
Weerts, Gary Lee
Weller, George William
Weinel, Thomas Robins
Weisbrod, David Stephen
Weittenhiller, Larry Keith
Welborn, Paul Burney, Jr.
Welch, Glenn Ernest, Jr.
Wendt, William Arthur
Wentzel, Kendrick Wayne
West, Franklin Griffith, Jr.
Westmoreland, Jimmie David
Wetherell, David Lee
Whitehead, Kenneth Lee
Whiteman, Herman Leroy, Jr.
Whitmore, John Thomas
Wicker, Charles Lewis
Wicks, Guy Weaver
Wieland, Billie Wayne
Wielandt, Frederick Moore
Wiggins, Edwin George
Wiita, Marlin Dale
Wiley, James William
Wilhelm, Glennon James
Wilkes, Marshall Jackson
Wilkins, Frank Scott
Wilkinson, John Palen, III
Wilkinson, Raymond Ollon, II
Will, Thomas Joseph
Willenborg, John William
Williams, Charles Russell J.
Williams, Herbert Bateman
Williams, Larry D.
Williams, Paul Richard
Williams, Richard Arthur
Williams, Richard C., III
Williams, Walter Dehlwyn, Jr.
Wilson, Francis Edward
Wilson, George Eugene, Jr.
Wilson, John Charles
Wilson, Melvin Arthur
Wilson, Robert Craig
Wilson, Woodrow Owen, Jr.
Winn, James Richard
Winter, Albert William
Winters, Doyle Eugene
Witherspoon, William Wall J.
Wittig, Arthur Walter
Witzenburg, Dennis Leon
Wixom, Robert Frank
Wojcik, Raymond Thomas
Wollett, Donald Harley
Wolter, Richard Charles
Wong, Henry Kingsy
Wood, Charles Mills, III
Wood, Robin Carder
Woodring, George B., Jr.
Wright, Donald Alexander, II
Wright, Douglas Scott
Wright, Francis D., III
Wright, John Darwin, Jr.
Wright, Robert Holcomb
Wuthrich, Lawrence Gene
Yearwood, John Fouche, Jr.
Young, Thomas Richard
Young, William Craig
Youngblood, Robert Edward
Zambie, Henry John, Jr.
Zambori, Richard Andrew
Zardeskas, Ralph Anthony
Zayicek, James Stanley
Zettle, Charles Emerson
Zimmermann, Richard Paul
Ziolkowski, Ronald William
Zschock, Charles Wolfgang
Zuna, William Frank
Zuncich, Joseph Louis
Zunich, Ralph Edward
Zwirschitz, Gary Wayne

SUPPLY CORPS

Adelgren, Paul Wayne
Agnew, James Edward
Anderson, Edward Johnston J.
Artherholt, Michael Lee
Berreth, Donald Maynard
Berzins, Aivars Talis
Biggins, James Alfred
Bishop, Henry Harold, II
Bishop, Phillip Earl
Blaschke, Edwin Henry, Jr.
Brush, William Edward
Burley, Frank Iliffe, Jr.
Cain, John Michael
Campbell, Robert Ray
Carter, W. J., Jr.
Chase, Dana Chester
Cheney, James Cowser
Christopher, Donald Dominic
Cicio, John David
Claar, Robert Carroll
Clark, Gerald Duane
Conti, Carmen Daniel
Cook, Frank Cummings, III
Cordova, Stephen Malcolm
Cosgrove, Patrick Michael
Curtis, Glen Dale
Dagrosa, Richard Louis
Dahlen, David Gordon
Davies, Christopher Rae
Deloach, Stephen James
Delong, David Loren
Deruiter, Kenneth
Dobkowitz, Richard Paul
Dolores, George, Jr.
Donato, Robert Casson
Dougherty, Stuart Aloysius
Douglas, Bruce Leroy
Downer, Glenn Ivan
Eager, Donald Richard
Ebbers, Richard Earl
Fabry, Steven Edwards
Figueroa, Ernest Luque
Fitzgerald, Preston Hodges
Fonda, George Andrews
Freeman, James Kirk
Freiberg, Leonard Sander, Jr.
Fuller, John Anson
Fyfe, John Kerr, Jr.
Gaboury, Paul Albert
Gallagher, Patrick Francis
Gayton, Lewie Ernest
Giardina, Joseph Angelo
Gibson, Blair Edwin
Glace, Kenneth William, Jr.
Graeter, William F., II
Gray, Cameron Rathbone
Griffin, Leonard Carl, Jr.
Gudgen, Richard Abbott
Hall, David William
Hargus, James William
Harper, Charles Henry
Hephner, Patrick Jean
Hiltbrand, Jon Haden
Hobart, Phelps
Holland, Donald Reginald
Jackson, Alfred C., III
Jacot, Jay Foster
James, William Byrd
Jaquith, Linford Jason
Jarrard, Lamar Joseph
Jones, Bennie Joseph, Jr.
Jordan, Douglas Saunders
Kasse, David Ivan
Kelley, John Robert, Jr.
Ketcham, Richard Dean
Kingston, David Tallman
Kocor, John Casimir
Kohlmann, John Thomas
Koppenhaver, Larry Neil
Krause, Ben Allen
Krause, Donald Edward
Krejci, Stanley Leon
Lamm, David Vincent
Lee, William Thomas
Lerner, Kenneth Ward
Lessa, Joseph Gerard, Jr.
Lewers, Freddie Roy
Lewis, Richard Earl
Loeffler, Robert Dixon
Losquadro, Joseph Pasquale
Marino, Stanley, Jr.
Marlin, Frederick Russell J.
Marshall, Terry Lynn
Martin, Kenneth Eugene
Martin, Patrick Edward
Mate, Gerald Edward
Matthews, Winston E. A.
Mayer, Carl Michael
Mayes, Robert David
McCormack, Robert Steele
McCosco, Charles Fred
McGavran, Samuel Brown
McKechnie, Arnold Wilfred J.
McLaughlin, Michael John, Jr.
McLean, Forrest Thomas
McNabnay, James Richard
McNutt, Lee Francis
McPherson, Thomas Dale
Meehan, Clement Thomas, Jr.
Metzger, Douglas Philip
Meyer, Fred Lawis
Miller, Barry James
Modrowski, Richard Walter
Moles, Robert Francis
Molishus, Joseph, Jr.
Monahan, Frank Joseph
Moore, Thomas John
Morgan, Edward Aiken, Jr.
Myers, William Martin
Nelson, Ronald Charles
Norton, Ronald Ward
Outlaw, George Dedric, Jr.
Paulson, John Jacob
Payne, David Almon
Peiffer, Robert Hurst
Pope, Geoffrey William
Rapp, Carl Arno
Reagan, Joseph Emmett
Robertson, Herbert Milton
Robinson, Richard D.
Ruppmann, Heinz Otto
Saltsgaver, William Burl
Sanchez, Domingo Hall
Sanders, Donald Gene
Santucci, David Michael
Sarfaty, Dennis Paul
Schandel, George William
Schmidt, Carl August, Jr.
Schooley, Robert Allen
Schreiber, Dennis Lynn
Schultz, Thomas Craig
Schutte, Harvey Charles
Schutte, Robert Joseph
Seufer, Stephen John
Simpson, Raymond Edward
Smith, Roger Joseph
Solatka, Robert James
Stalnaker, Delbert Kenneth
Stawitz, William Ernest
Sutton, Richard Anthony
Sweazey, George Edgar, Jr.
Swenson, Donald Wayne
Tarantino, David Arthur
Tastad, Michael Louis
Thieman, Richard James
Thompson, Robert Fay
Tonkovich, Thomas Marvin
Trimpert, Eugene Charles
Tucker, James Thomas

Tucker, Thomas Grady
Tuggle, Richard Carl
Turner, Harry Leon, II
Valenty, Patrick Paul, Jr.
Vanhaaren, Cary Grant
Vigrass, David Harry
Waldron, Andrew John, Jr.
Walton, William Heritage, Jr.
Webb, James Michael
Wheaton, Kenneth Walter
White, Gordon Rollins, Jr.
Wiese, Robert Dewey
Williams, Gary Dean
Williams, Michael C.
Williams, Patrick Dale
Winget, William Peter
Wise, Clinton Edwin
Wright, Harry Neil
Yeatts, Ralph Leroy
Ziegler, Lee Alan
Zitzewitz, Robert Frank

CHAPLAIN CORPS

Cary, Peter John
Connelly, Albert P., III
Hannigan, Richard Francis
Lawrence, Archie Virgil
Rothermel, Fred Allen

CIVIL ENGINEER CORPS

Ahl, John Stuart
Anderson, Robert Harris
Ariko, John Gerald, Jr.
Bogert, Richard Paul
Bohning, Lee Robert
Brown, Harry John, Jr.
Cecil, Charles Vinton
Clare, Joseph Francis
Conniff, David Denniston
Conroy, John Francis
Cook, Roy Herbert, III
Corcoran, Anthony Edward
Coston, Oscar Lee, Jr.
Cugowski, Ralph Marshall
Dames, Thomas Allan
Danielson, Marvin Leroy
Dodson, James William, Jr.
Donnelly, William Patrick
Gagen, Robert Edward
Harada, Theodore Iwao
Hendrickson, Jack Ellis
Hilderbrand, William Casey
Hopper, Mark Andrew
Johnson, William Eugene
Kelley, Timothy Charles
Koski, William Arthur
Krebs, Gary Lynn
Laurance, Richard Bruce
MacDermott, John Theodore
McBride, Robert Norman
McTomney, William Paul
Meeks, Kenneth Wayne
Milkintas, John Clayton
Morris, Henry Minard
Niemeier, William Ray
Off, Louis Scott
Pabarcus, John Russell
Parsons, James Fowler
Reelitz, Eric Vincent
Reynolds, George Bernard
Riggin, Donald Curtis, Jr.
Sargent, Delon Denny
Schlesinger, Francis David
Scott, John Patrick, III
Sleight, Leon Jay
Taylor, Ernest Theodore
Vizza, William Kane
Walters, Victor Young
Weston, James Edward
Woodhull, Roger Blake
Wright, Hubert Davis, Jr.

JUDGE ADVOCATE GENERAL'S CORPS

Barr, Philip Conrad
Decarlo, Nicholas Peter
Fulkes, Duane Sherman
Gerken, Robert Thomas
Granahan, Thomas Francis
Kahn, Thomas Kenneth
Kirkham, Steven Dorsey
Neutze, Dennis Richard
Wylie, Thomas Langford

DENTAL CORPS

Anderson, Denis David
Anderson, William Hart, III
Antimarino, Ronald Francis
Benz, Richard David
Billeaud, George Lawrence, I
Burkey, Richard William
Butler, Lee Mark
Campbell, Larry Gene
Carlson, Curtis Eugene
Chang Ronald Sai Ngew
Clausen, Donald John
Cochran, Michael Alan
Conlon, Thomas Oliver
Fleming, James Gerald, Jr.
Galliani, Robert Edward
Gartner, Richard Ray, Jr.
Glass, Ernest Gilbert
Haasl, Robert James
Hanst, Michael T.
Harper, Richard Huber
Holleen, Michael Charles
Hwang, William Shaoru
Johnson, Jerry Kay
Kennard, John Thomas
Krueger, Frederic
Lewis, Doyle Martin
Lynde, Thomas Ainsworth
Mathews, David Paul
Mellonig, James Thomas
Provencher, Robert F., Jr.
Pugh, George Spencer
Riemann, Richard Allan
Rizas, John Joseph
Rosenberg, Ronald Maurice
Santucci, Eugene Thomas
Schwan, Robert Mathes
Stauffacher, Richard Karl
Sweet, Phillip Michael
Tontz, Russell Clyde, Jr.
Vosskuhler, Robert Joseph

MEDICAL SERVICE CORPS

Adams, George Michael
Ashburn, James Henry
Baker, George Franklin
Barr, Kenneth Brian
Bates, James Francis
Berghage, Thomas Eugene
Bondi, Kenneth Robert
Bookout, Thomas Eugene
Boyle, Richard Lee
Carter, Franklin Wood
Clem, Nicholas Jerry
Cobet, Andre Benoit
Collings, Donald Earl
Connors, Francis Simon
Cook, Jimmie Charles
Corley, Richard Annon
Cota, Richard Jesse
Cunningham, William F.
Dalton, James Travis
Danziger, Richard Ellis
Dekrey, Charles Ross
Doptis, Leigh Errol
Dotson, Robert Melvin
Evans, Delbert Eugene
Fisher, Frank D. R.
Fisher, Stephen Todd
Foxx, Stanley Alan
Galbreath, Jerry Dean
Gaugler, Robert Walter
Greear, John Fields III
Gregory, George Harry
Hall, David Allen
Herron, Don Montelle
Hilling, Levi Nelson
Hodge, Frederick Allen
Holcomb, Howard Edwin
House, John Francis
Hurder, Richard James
Johnson, Richard Lee
King, William Goodrich
Kouns, David Michael
Lashley, Kenneth Lamar
Levan, Donald Robert
Lewis, Larry Allen
Louy, James William
McCullah, Robert Douglas
McDonald, John Leroy
McManaman, Vincent Leo
McNamara, John Edward III
Medlock, Thomas Perry
Milek, Mary Lynn
Miller, Allen Byrd
Moy, Michael William
Mullins, William Franklin
Murray, John Lee
Narut, Thomas Edward
Oglesby, Norman Gabriel
Olson, James Gordon
Palmer, Timothy Trow
Parsons, William Michael
Pepera, Leroy Joseph
Piatt, Austin Eugene
Rausch, Jack Lee
Renfro, Gene F.
Reysen, Richard Harry
Riley, Phillip Truman
Sammons, John Henry
Schinski, Vernon David
Schubert, Deane Edward
Schultz, Warren Walter
Shaver, Roger Galen
Sholdt, Lester Lance
Sippel, John Edward
Skinner, Howard Lee
Slipsager, Frederick Andrew
Smith, James Leroy
Smith, Lloyd Dean
Socks, James Frederick
Spillman, Graham B., Jr.
Stafford, Erich Estill
Stefanakos, Thomas Kostas
Strong, Douglas Michael
Thome, Carl Donald
Truman, Patrick Andrew
Uddin, David E.
Vickerman, Raymond Harold
Watko, Laurence Philip
Wienkers, Charles Francis
Windholz, Francis Leo
Woodman, Daniel Ralph
Wortendyke, John
Zink, George Arthur

NURSE CORPS

Coffin, Barbara Ellen
Colucci, Michael Joseph
Downs, Robert James
Gangwer, Constance Wray
Hay, Mary Kathryn
Howard, William James
Iwata, Miki
Jackson, Charles Ray
Johnson, Carolyn Ann
Kelly, Sharon K.
Kirkpatrick, Sandra Anthony
Leary, Cornelia Ann
Lindelof, Sandra Sue
Lufkin, Janice Mae
Maffeo, Edith Jane
Mazzone, Nancy Rose Marie
McCumber, Susan Anne
Murrow, Elizabeth Jean
Polak, Kristen Ann
Ristow, Betty Ann
Snyder, Eilleen Esther
Spanier, Bernice Clare
Spring, Pollyann
Toepke, Nancy Hull
Wilke, Joanne Marie
Stoll, Caroline Jean
Ulschmid, Margaret Mary

CONFIRMATIONS

Executive nomination confirmed by the Senate September 8, 1972.

UNITED NATIONS

The following-named persons to be Representatives of the United States of America to the Twenty-seventh Session of the General Assembly of the United Nations:

Gale W. McGee, U.S. Senator from the State of Wyoming.

James B. Pearson, U.S. Senator from the State of Kansas.

DIPLOMATIC AND FOREIGN SERVICE

Hermann F. Eilts, of Pennsylvania, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Bangladesh.

Viron P. Vaky, of Texas, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Costa Rica.

Frederick Irving, of Rhode Island, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Iceland.

George W. Landau, of Maryland, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Paraguay.

Adm. Horacio Rivero, U.S. Navy, retired, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Frank T. Bow, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

Joseph A. Mendenhall, of Virginia, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Malagasy Republic.

Talcott W. Seelye, of Maryland, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

EXTENSIONS OF REMARKS

VETERANS' BENEFITS

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. EILBERG. Mr. Speaker, the young men returning from service in Vietnam and other parts of the world are having a tough time finding jobs and making ends meet if they are going to school.

Part of the problem is the fact that we have not provided them with the benefits they deserve. Hopefully that will be corrected in the near future.

However, there is also a problem of communication. Many of these veterans do not know what benefits are available to them or where to find out what is available.

Recently, the magazine "Changing Times" printed a clear, concise summary of these benefits, along with the necessary qualifications and advice on how and where to apply for them.

At this time I enter into the RECORD this article from the September issue of the magazine.

VETERANS: DON'T FORGET THESE BENEFITS

Despite the efforts of the Veterans Administration, too many benefits go unclaimed because veterans or the members of their families don't know about them. Furthermore, some of the provisions have changed to include more people since 1970. If there's any chance you or someone you know might be missing a rightful benefit, better check this rundown.

Education. Anyone released after January 31, 1955, who has served 18 months or more in the armed forces is entitled to 36 months of financial assistance for eduation. Those with more than 180 days of service but less than 18 months can get a month and a half of financial assistance for each month served.

There are different payment rates if you go to school less than half time or are enrolled in a cooperative program, apprenticeship or other on-the-job training, farm cooperative, correspondence course or flight training. Wives and children of servicemen missing in action or prisoners of war for more than 90 days also can get assistance. Rates of payment depend on the amount of time spent in study, the types of program being taken and the number of dependents you have. As of this writing there are three major bills pending in Congress that would increase the allowances.

Veterans released from active duty after January 31, 1955, have eight years from discharge or until May 31, 1974, whichever is later, to complete their training.

Employment. Your old job must be given back to you if you ask for it, provided it was a fulltime position. If you have been disabled and can't do that job, your employer must find you another job in the organization that's comparable in seniority, status and pay. All benefits, including automatic pay raises and promotions that you would have received, must be given to you. You must apply within 90 days of separation or release from hospitalization. If you have trouble, get in touch with your nearest Office of Veterans Reemployment Rights of the Department of Labor.

If you can't find a job, you may be eligible for unemployment benefits from your state employment service office.

Life insurance. Your Servicemen's Group Life Insurance, with its $15,000 maximum, is good for 120 days after separation, with no premiums required. It can be converted, regardless of your health, to an individual policy issued by one of the 600 participating commercial companies if you apply and pay the premiums before the end of the 120 days.

Loans. Eligibility for VA-guaranteed home loans is no longer subject to expiration. Widows and wives of prisoners of war or those missing in action also are eligible. Such loans can be used to buy, build, refinance or improve a home, or to buy a mobile home, condominium or farm home.

The VA guarantees a maximum of $12,500 toward a home loan, which may run for as long as 30 years. Maximum interest rate is currently 7%. Ordinarily, the money doesn't come from the VA. The government simply guarantees the lenders repayment of the amount for which the borrower has qualified. You must find a lender willing to make the deal.

Mobile homes may be purchased for up to $10,000 with a VA-guaranteed loan at a maximum of 10.75% for 12 years. If the mobile home purchase includes a developed site, another $7,500 and a total of 15 years may be allowed.

Medical care. VA hospitals that have room will care for a veteran who can't afford private treatment for nonservice disabilities. The VA may also provide medical care for those who are about to enter a VA hospital or who have just left it. Private nursing home care is available in some cases at VA expense.

Pensions. Wartime veterans who become totally disabled from causes unrelated to military duty may be eligible for small, monthly pensions, depending on yearly income. Wartime veterans 65 years old and older are eligible for small pensions, depending on their incomes. So are the widows and children.

State benefits. A number of states have voted various rights and benefits for Vietnam veterans, including pay bonuses and exemption from some property taxes for patients convalescing in VA hospitals. Check with your statehouse.

For personal help. Write, call or visit your nearest VA regional office. Many states have a toll-free telephone service to the VA from communties in the state. Check your directory or the information operator for the listing.

PRESIDENT NIXON SPEAKS BEFORE THE AMERICAN LEGION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, September 8, 1972

Mr. SCOTT. Mr. President, President Nixon recently addressed the 54th Annual National Convention of the American Legion in Chicago, Ill. Because I believe his remarks would also be of interest to those who were not in attendance that day, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO THE AMERICAN LEGION

THE WHITE HOUSE.

Commander Geiger, my comrades in the American Legion, those who are here from the Legion Auxiliary, all of our very distinguished guests, and all of the past Commanders and others who are distinguished guests here on the platform.

It is indeed a very great honor for me to appear before this convention. It seems that this is my week to appear before conventions. But having first addressed a Legion Convention when I was a junior Senator from the State of California back in the year 1951, I know that we do not discuss partisan politics, so I will not tell you which party nominated me.

What I would like to say today is that, first, I am aware of the magnificent tradition of the Legion, the fact that we think in terms of our country; we recognize that partisan differences really don't matter where the national defense is involved and where the peace and security of America is involved. We are not Republicans, we are not Democrats, we are Americans. And that is what the Legion believes.

My friend Don Johnson, I was saying to Commander Geiger that he was the tallest man who had been Commander of the Legion since Johnson and they are both from Iowa. That is where the corn grows tall.

But in 1965, when he was the Commander and I had the privilege of addressing the convention—incidentally, I appreciated your invitation to come today when I am serving as President. I appreciated it even more when I didn't hold any office in 1965.

Oh that occasion, Don Johnson, as Commander, introduced me. He later, as you know, has become the head of the Veterans Administration. Something has happened that is very important that may not have come to your notice, that we have appointed him as a member of the Cabinet Domestic Council which raises, for the first time in this country, the status of the man in this country with the responsibility for veterans affairs to the position of Cabinet status. That is where it ought to be because we have to have those matters discussed in the Cabinet.

Now I could stand here and tell you all the great things Don Johnson has stood for and what this Administration has done and immediately we could write that into a partisan context.

I don't do that because, first, it is not true and that is a good reason. I could say that perhaps the best way to describe the attitude that we have on veterans affairs in the House, in the Senate, in the Administration, whether it is a Republican Administration or Democratic Administration, is we must do the right thing for our veterans, for those who have served.

And on that score, it is very significant to note that when we look at the House Veterans Affairs Committee, that we have, of course, a Democrat, who is Chairman of the Committee and a Republican who is the Minority leader. Both of them, however, have the name of Teague, but I can tell you if I call Tiger Teague or Charlie Teague, I get the same answer on veterans affairs, because they agree all the time.

We are proud of our record in this area. We appreciate your advice and I know, Commander, that you have a number of resolutions that have been passed. I want you to, of course, submit them to us for our consideration and we hope that in all the years ahead, whoever serves in the office of President will remember that it is so easy to forget those who have served. Let's never do it in the United States of America.

Now I have selected for my subject to address this great convention of the American Legion here in Chicago, national defense.

Now, when I use the subject of national defense before a Legion Convention, I am sure many would say that is like the preacher talking to the choir, because after all, you are already converted. I hope all members of the choir are converted, but in any event, you are people who believe in national defense.

You pass resolutions for strong national defense year after year. And whenever issues come up, whoever is President of the United States, he can be sure that the Commander of the American Legion, as he comes to the White House, as your Commander here now and as others through the years have been there, will be there, always supporting strong national defense.

I tell you why I talk about it today. I talk about it because it is an issue. It happens to be an issue in an election campaign, but even if there were not an election, it would be an issue, because the American people naturally would like to spend more of their money on domestic needs, they would like to spend enough to develop the country, but they don't want to spend more than they need to.

And so naturally there is honest difference of opinion as to how much we ought to spend in order to have an adequate national defense. I want to talk to you about it now with those thoughts in mind.

How much is enough? What do we really need?

Let me begin by saying something that is quite obvious, and that is that when we speak before a group like the American Legion, you know from personal experience the importance of keeping America strong.

I think perhaps the most eloquent statement in recent times in that respect was by General MacArthur in his very famous speech on the plain of West Point, "Duty, Honor, Country." If you haven't read it, read it. It is one of the greatest speeches perhaps ever made on national defense, and also on what is great about America. About the soldier, he told them, those young men on the plain, "above all other people," he said, "the soldier prays for peace, for he must suffer and bear the deepest wounds and scars of war."

That is something we forget sometimes. We think that a veterans' organization is primarily interested in problems of war. I have found that veterans' organizations have the strongest commitments to peace, because you know what war is, and you are for strength because you want to avoid more war.

Others may talk of the dream of peace and the horrors of war, but no one understands them better than you, you who have to pay the toll. It is the military man, as much as the poet or the politician, who is the guardian for peace when it comes, and is the restorer of peace when it is challenged.

History is strewn with the ruins of countries which sometimes, for the most idealistic of reasons, lost the will to defend themselves and ultimately lost the will to survive at all.

George Washington stated it also very well, perhaps it has not been surpassed, when he said, "To be prepared for war is one of the most effectual means of preserving peace." Let us not forget that warning of his, because the stakes now for us and for the rest of the world are infinitely greater than it was in that early period when the United States was a very strong country in terms of its own spirit, but very weak militarily, and not a great factor in the world.

Washington was not alone in his conviction that it takes a strong America to keep a free America. Lincoln, Wilson, Theodore Roosevelt, Franklin Roosevelt, Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson—each time we have found that they have spoken on this subject always reflected in eloquent terms the need for a strong national defense.

I am convinced those are the views of a majority of Americans, whatever their party affiliations. I feel, of course, that there are naturally some small anti-military activists who totally disagree. They have rights to their opinions.

As I will point out, I believe that when we consider what the goal is—and the goal is peace—that it is certainly irrefutable that we need the strong national defense if we are going to reach the goal.

That is why my principle, like yours, is that the United States must never have a defense which is second to that of any other nation in the world.

I say that for a number of reasons which, I suppose, might be open to question, but one of them is not: that it is a matter of jingoistic pride, although we should be proud of our country; it is not a matter of national ego, although we should not be ashamed of our country. But, you see, I have sat across the bargaining table with representatives of other great powers. I know what they stand for. I know that the only way that we can get a reduction of arms, the only way that we can get agreements that will limit the danger of war, is to be sure that the President of the United States, whoever he is, is never negotiating from weakness. That is what we have to have.

Now the question is, "What is enough?" because I realize that others have spoken to this convention and others will speak to Legion conventions in the future and say, "We have enough; we can cut." You should consider that, but I ask you now to consider, very calmly and very quietly, what I have to say about what is enough. I have studied this a great deal. I have had the opportunity not only to negotiate, where I found out what the other side had, and I knew what we had, but I also have had an opportunity, as we have wound down the war in Vietnam, to do something that we all want to do—to cut on defense where it is not needed.

We have economized. We will continue to economize on military spending whenever it is safe to do so. But I have never gambled, and I never will gamble, with the safety of the American people under the false banner of economy.

Lasting peace is built on strength. Economy always but weakness never.

Now, look at the record. Let's see what we have done.

We have been able to reduce defense spending to a safe minimum without betraying our security or dishonoring our treaty commitments.

We have successfully reduced our overall military manpower by nearly one-third. This is all over the past 3½ years.

We have closed overseas bases which were no longer needed for our national security, and we have done that without undermining the confidence of our allies.

We have successfully persuaded our allies to take up a greater share of the free world defense burden than they have in the past under the Nixon Doctrine.

Separate the facts from the campaign rhetoric and you will find that the 1973 defense budget, which has been subjected to so much criticism, accounts for only 6.4 percent of our GNP, and that imposes the smallest economic burden on our country of any defense budget in more than 20 years. Now, that is real progress.

Now we come to the key point.

We have cut our defense budget in terms of its burden on our American economy. Can we go further? In my belief, it would be a mistake to go further, and I am supported in that belief by a bipartisan majority in the House and in the Senate. And to their great credit, let me say, speaking as one who is a member of the minority party as reflected in those two bodies, Democrats and Republicans who put their country above their party voted down big defense cuts because they knew it would cut into the muscle of American defense, and that we must never do.

Now that, of course, is a conclusion. Let me give you the facts to back it up. Let me give you the reasons why I think that Democrats join with Republicans in voting overwhelmingly in both the House and the Senate against these big cuts in defense that were supported by other people who believed that we could cut and still be strong enough, still be, as some have said, the strongest nation or at least with a defense second to none.

When we talk about who is going to be first, who is going to be second, let's put it in terms of what is sufficient for both countries. In that connection, what we find as we look at the Soviet Union and the United States, taking the two strongest powers in the world, we find that today they are relatively equal when we balance it all out in terms of their defenses. We are ahead in some areas; they are ahead in others. We are ahead in the areas we believe are necessary for our defense; they are ahead in the areas that they believe are necessary for their defense.

At the present time, for example, the Soviet Union has a much greater army than we have because they are a land power. They need more. On the other hand, in other areas we are ahead. But now let's look at these various cuts.

If we want to keep the United States from having the second best defense, we must recognize that if we should take the Minuteman III program, the Poseidon missile program, and if we should halt the development of those programs, it would mean that the United States would be the second strongest country in the world in missiles. We would be Number 2, not Number 1.

So now we start. We are second in manpower already. Now we are second in missiles. If we were to cut 60 percent of our strategic bomber force, which is the second recommendation made by some of the others, and if we cancel development of the B–1 bomber, it would mean that the United States would become the second strongest nation in the world in air power. There are no other conclusions you can reach.

If we cut back on our naval strength, as some have recommended, and they have recommended that we can cut carrier forces from 16 to 6, if we do that at a time when the Soviet Union is actively engaged in the greatest naval build-up in history, the United States would become the second strongest nation in the world in naval power.

What this adds up to, my friends, very simply is this: We would be second on the ground; we would be second in air power; we would be second in terms of missiles, and we would be second as far as the Navy is concerned.

That means that we would be hopelessly behind. We cannot let that happen to America. We have to see that America always has enough. So the issue of whether we cut or don't cut is very simply this: The cuts that I have mentioned make the United States the second strongest nation in the world. That is why I have had to oppose them. That is why a majority of the Members of the House and Senate oppose them, and that is why I ask the American Legion to oppose them in the interest of strong national defense for this country.

Let's turn to a couple of other areas.

Many of the Legionnaires here have served in Europe, either in World War II or, after that, in our peacetime forces in NATO. If we would have a major, unilateral reduction of our forces in NATO, what it would do would be to undercut the confidence of our friends; but more so, it would destroy an initiative that we are now undertaking with the Soviet Union and with the Warsaw Pact forces mutually to reduce our forces.

Let's look at another point, looking to the future. If we were to cut back the money going into research and development for a more modern national defense, we risk the safety of the next generation of Americans, because this I know: The Soviet Union is not cutting back on its research and development.

Let us remember: We have made a significant step forward in our talks with the Soviets, but it was hard-headed bargaining. We expected them to bargain hard. We bargained hard. We have had the first step taken to limit nuclear arms. We have had a treaty to limit, of course, nuclear arms as far as defensive arms are concerned; we have an offensive limitation as an understanding. We are going to go on with further negotiations, we trust, later in this year.

But, my friends, the only way, in any kind of a negotiation, you can get something in dealing with a major power like the Soviet Union, or any other major power—the only way you can get something is if you have something to give. If the United States unilaterally cuts back on what we have, you have destroyed their incentive to come to the conference table, because they will already have what they want.

That is another reason why we have to keep these defenses up. That is the responsible position. We are going to continue to be responsible. If we do, putting it on the positive side, we stand today on the brink of a more peaceful, more secure era for all mankind, because from a positive standpoint, we can negotiate in these areas negotiating not from weakness.

Now, none of this could have been achieved without the strong moral support of groups like the American Legion, of individual Americans of both political parties, as I have indicated. If there is one thing that can sustain a President in trying times, it is the support and faith of the people themselves. More than any other American, the President has the opportunity to witness this faith in a thousand big and little ways.

People write letters. They say they are praying for you. A Commander of the American Legion or VFW or another veterans' organization comes in or he calls on the phone. These things mean a great deal, particularly when we have difficult times. I am grateful for the support that you have given, not to me as an individual, not to my party, but to the President of the United States, who is Commander-in-Chief of our Armed Forces. You have stood behind your Government during the difficult but successful policy of winding down the war in Vietnam and settling it in an honorable way.

That is why we have been able to bring home half a million American fighting men from Vietnam. But what is more important, we have done it without selling out our allies, without surrendering to our enemies, and without abandoning our prisoners of war and our missing in action. That we will never do.

Now, I would like to say something, if I could, about the men who have served and are serving our country in Vietnam and other parts of the world. I know that it has become rather fashionable in recent times, perhaps in the last four or five years as we have gone through the terribly difficult war in Vietnam, to find everything that is wrong about the men who serve in our Armed Forces: They are drug addicts; they are dangerous people; they are savage; they are people who are really the inferior people, the ones who, from a moral standpoint, agreed to serve rather than not to serve, and so on and so forth.

Let me tell you that I have been to Vietnam a number of times. Since our involvement there began, I have been there in '64, '65—six times, as a matter of fact, before I became President, and once since. I have gone out in the field. I have been to Danang with the Marines. I have been up in the Highlands with the Army. I have been down in the Delta, also with Army forces. I have seen some of the Naval forces, too.

Let me tell you, yes, there are, as there always are in every war, as there always are in any American community of young men, there are men who don't live up to the standards that we would like. But I can tell you that as I have seen the young men who have served in Vietnam, I am proud of them. They are fine, young men and we should stand up for them.

I am very proud, for example, of Marine and Army groups who, in the year 1967—and it has happened every year since then; that was the last time I was there and had a chance to look at it in this particular matter—contributed $1 million out of their very small pay for the purpose of helping to build schools and community centers and roads for the people of South Vietnam.

I have seen Marines, I have seen young men, enlisted men, not officers necessarily—oh, they were there, too—but I have seen them out there teaching language, working, taking their time, helping these people in a peaceful way. Let me say, instead of making moral heroes of a few hundred who have deserted their country, let's honor the real heroes who have served their country in Vietnam.

They are gallant men. They are not ashamed of their country. They are brave men who did not desert their nation. They are heroes who will stand just as tall as those who fought at Normandy and Iwo Jima. America is not going to turn her back on them. We are not going to make a mockery of their sacrifice and devotion by talking of amnesty for deserters while some of their comrades are held captive in brutal North Vietnamese prisons.

What they fought for and what we seek today is a true generation of peace, not a short, humiliating truce that will encourage aggression and have the effect of rewarding the foes of freedom. I know that many say that the journey to such a peace is long, and of course it is. But it is a journey that we have begun. We have begun it in opening a new relationship with the world's most populous country, the People's Republic of China. We have begun it in our negotiations with the Soviet Union. I have gone to the four corners of the earth, including even other countries that a President never visited before.

I do not mean that the trips alone will do it, but I do mean that because the United States is strong, because the United States is respected, the United States can be and should be the leader in the world for peace.

That is why we must keep our strength, because if we were not strong we would not be respected. Let's never have a President in that position as he goes abroad. I found a desire for peace in Peking and Moscow. Many of you will find that hard to believe, but it is not desired for the same reason or the same terms in each of these world centers. But it is desired so that if America does not falter or weaken we have a basis to build on.

We can have a hope that the next generation of Americans will not have to face the same specter of war in their time that we have had in ours. This is a noble hope, a hope we all should work to build into reality. It will not become a reality if we heed the honest but misguided voices of those who say we should weaken America today and naively hope for peace tomorrow.

But it can become a reality if we continue to follow a responsible, rational foreign policy, if we keep America strong enough to make that policy credible.

Therefore, I say, let us join together to keep America strong. If we do this, a strong America can continue to lead the world toward a just and lasting peace.

I would like to close my remarks, if I could, Commander Geiger, and my comrades in the American Legion, with these rather personal notes: Having been a member of the Legion since 1947, spoken to local posts, then State groups, and then national conventions, I think I know my comrades and I know what you want for your country.

These parting words are what I think the role of the Legion can be in these years as we move from war to peace.

First, it is vitally important to keep America strong, I know you will support that proposition. Secondly, it is vitally important to honor the men who have served because remember, we are now moving to a volunteer armed force. In order for that volunteer armed force to be adequate to serve it is going to have to be something more than money. We are going to have to give respect to those who guard the United States in times of peace.

Finally, my third request to my comrades in the American Legion is this: In addition to keeping our country strong and honoring those who serve, continue the wonderful work you are doing with young Americans. I was tremendously excited to see the young voters that I saw in Miami over this last week. The fact that for the first time the 18 to 21-year olds are voting means that we have a new element in American politics. It will be good for the country and good for both parties because they bring idealism and enthusiasm that we need.

But let me say I have also been tremendously moved when I have seen the representatives of Boys Nations and Girls Nations. Mrs. Nixon has met them, too, when they have come to Washington. You may wonder whether that kind of work is worthwhile. I will tell you, it certainly is, because the important thing for our young Americans to realize and a great majority of them, I believe, do realize that, is that they should not give up on the system, which was the fashionable thing three or four or five years ago. It is that they should remember that this American system is one that you can change peacefully by working within the system. Here is the message to give them: Tell them that the answer to throwing a rock is to cast a vote. That is the answer.

Finally, let us also tell them and tell all of our fellow Americans that we have nothing to be ashamed of in terms of what we seek in the world. Oh, we have made our mistakes in foreign policy. I know that we look back to World War I—and there are not so many of those veterans still here, but some fortunately are still with us—World War II, Korea, Vietnam. Do you realize we have sent millions of Americans abroad in four wars in this century; but never for the purpose of destroying freedom, only to defend it; never for the purpose of breaking the peace, only to keep it.

The United States has had, in terms of its foreign policy, an idealistic thrust which has been very unusual in the history of great nations. That is why strength in the hands of the United States means safety for the world. Keep America strong. Be proud of what America has done in fighting its wars and how it is now fighting to bring about generations of peace for the years ahead.

REPORT FROM WASHINGTON

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. ROYBAL. Mr. Speaker, I am pleased to include in the CONGRESSIONAL RECORD my August 1972 report from Washington to the residents of California's 30th District. The report highlights some of the major legislative and national issues being considered by the 92d Congress.

The report follows:

REPORT FROM WASHINGTON

PUSH FOR SOCIAL SECURITY REFORM

Congress has recently acted to offset inflation and rising costs for millions of older, blind and disabled persons who continue to live on totally inadequate incomes. The important event came with the enactment of a 20% boost in social security benefits. This increase would be financed without imposing any additional taxes on the average wage earner.

With the welfare-social security bill tied up in the Senate, and final action likely to be delayed, I joined with Rep. Wilbur Mills of Ways and Means Committee to force a separate vote on the social security boost. We won the 20% increase when the House accepted our proposal by a near unanimous vote.

The new social security law provides a 20% increase effective Sept. 1, 1972, with provision for an automatic cost-of-living adjustment beginning in 1975.

Older Americans Act

Spurred on by this success, the House went on to update the Older Americans Act of 1965. The catalyst for this change came from several key proposals which Rep. John Brademas and I offered earlier this year.

As passed by the House, H.R. 15657 approves a 9-point program that extends and strengthens the 1965 Act for the next 3 years. The program calls for:

Greater authority to the Administration on Aging as a focal point for federal aid to older citizens.

Expansion of the state grant programs to develop better community based services.

Special programs in housing, employment, low-cost transportation and pre-retirement guidance.

New authority to lease or construct multi-purposes senior citizen centers.

Expansion of the National Older Americans Volunteer effort, with new work opportunities for low-income older citzens.

Creation of a National Advisory Council to advise and assist the President on the needs of older persons.

Requirement that the newly enacted nutrition program is closely linked to each state's overall strategy for serving older citizens.

Increased support for research, demonstration and training under the Older Americans Act.

Establishment of a National Information and Resource Center for the Aging in states and communities.

OPPORTUNITIES FOR THE UNEMPLOYED

Recently I joined with another California Congressman, John McFall, in leading a bipartisan attack on unemployment through an expanded Accelerated Public Works Program. Since then 100 other House members have pledged their support for this job-creating legislation.

Through sustained pressure we won the solid endorsement of the House Public Works Committee who held public hearings and cleared the measure for House action later this month.

As reported by the Committee, the bill (H.R. 16071) extends funding for Title I programs under the 1965 Public Works Act for another year, and approves a ceiling of $1 billion for local public projects. Title I provides for federal construction grants of 80% to local governments in very high unemployment areas, which include several parts of my own District.

If enacted into law, this program would help on two critical fronts. First, it would assist local governments in building needed facilities, such as sewage treatment plants, hospitals, street improvement, and public structures, which drain the taxpayer's pocketbook. Second, it would create immediate employment in the building trades, which are the hardest hit unemployed groups in the country.

AIR HIJACKINGS

In May the House Appropriations Committee decided to put aside congressional tradition and approve new funds for an urgently needed program to prevent hijackings. The new fund approval, which normally requires initial action by an authorizing committee, became necessary after a marked increase in hijackings.

As a member of the Appropriations Committee, I supported this move which provides for the purchase of over 800 metal detection devices. We were successful in gaining House approval for this program as part of the Department of Transportation's budget. The entire package now goes to the Senate for further action.

These devices act as a first-line deterrent to stop hijackers on the ground by detecting the metal in guns and bombs. It is estimated that we will need at least 800 of these devices to meet federal safety regulations and establish a realistic preventive program. Since 1970, over 70 acts of air piracy have occurred with about half of the attempts successful.

If the anti-hijacking funds become law, the Federal Aviation Administration would purchase the devices and turn them over to commercial airlines to screen all boarding passengers.

U.S. BORDER HEARINGS

Several incidents have highlighted the serious lack of personal safeguards for those entering the United States at various border stations. Charges were brought against U.S. Customs officers for beatings, abusive searches and invasion of privacy.

I confronted top officials from U.S. Customs with these complaints and called for a congressional inquiry throughout the United States, beginning first at the Mexican border. On April 29 hearings were held in San Diego with testimony collected from more than 20 witnesses from both sides of the border. Several women testified that they had undergone humiliating body searches conducted by nonmedical personnel under the most unsanitary conditions.

A top Customs' official admitted that of the 1,800 women stripped and searched last year, only 285 were found carrying contraband. It became evident from the testimony presented by both the accusers and Customs' officials that border procedures had failed to protect a person's right to privacy.

This failure stems from the erroneous premise apparently accepted by some Customs' inspectors that border crossers can be stripped and body searched at will. One woman quoted a Customs' officer as saying, "When you go across the border you automatically relinquish your citizenship."

Recommendations

Based on the San Diego hearings, I recommended that U.S. Customs adopt the following procedures for strip and body searches.

That all strip and intrusive body searches, including body cavity probes, stomach pumping and other internal methods, be conducted only after the officer carefully determines that substantive evidence supports the search.

That the officer detaining a person for a strip or body search file and sign, before proceeding with the search, a report showing the substantive evidence on which he based his decision.

That a qualified medical doctor conduct the search under sanitary and medically approved conditions.

That the person to be detained, stripped or body searched, be informed of his rights, as well as procedures in English or Spanish whichever is appropriate.

That uniform procedures for inquiries and searches be set and enforced, with a mandate that they be conducted in a courteous and expeditious manner, protecting the person and his property from injury or damage.

That all federal officers working at the border wear nameplates, visibly shown at all times and printed in bold letters.

I believe that these reforms, and others that I have recommended, not only protect the person's right to privacy but also permits the government to continue its efforts to stop contraband.

HIGHER EDUCATION

After 2 years of effort and debate Congress has approved the Higher Education Act of 1972. Its enactment signaled a true breakthrough for higher education. Not only did it take a significant step forward in providing equal opportunity to all young people regardless of economic background, but also in relieving the fiscal crisis facing many colleges and universities.

The most important feature of the Act is the establishment of a new program of financial aid to needy students called the basic education opportunity grant. Under this program any student enrolled at an accredited institution is entitled to a basic grant of $1,400, minus what his family could reasonably be expected to pay for his education.

In the past, student aid programs have been administered in an erratic fashion, often leaving the financially needy student without funds or a basis of appeal. The basic grant program eliminates this uncertainty and guarantees a basic level of support. The Act does preserve some of the older student aid programs but only to provide additional help beyond the basic grant.

Another landmark provision is the general support program for institutions of higher education on a continuing basis. Reliance on past programs (which carried specific purposes for scientific research or construction) resulted in a form of cutthroat competition among colleges and universities that often left smaller institutions without adequate support. Under this program each institution would be assured of federal aid based on the number of students receiving basic grants and other forms of student aid, with a special provision for relief to smaller institutions.

TAX DISCRIMINATION IN PHILIPPINES

Congressman Roybal confers with Mrs. Dulzura Villaflor, President of the Filipino Community of Los Angeles, and Ruperto Baliao, Consul of the Republic of the Philippines, on legislation that would end tax discrimination against U.S. citizens with Filipino dependents.

Roybal's bill (H.R. 15779) would cover cases where Filipino Americans support relatives who are residents of the Philippines. This tax deduction is identical to the one permitted for dependents who are residents of Canada, Mexico and such former U.S. possessions as Panama.

LEGISLATIVE NEWS

Space Shuttle.—Roybal voted to fund the space shuttle system for future manned flights. The contract for this space system was awarded to North American Rockwell in Los Angeles. Estimates indicate that the space shuttle will add more than 50,000 new jobs to aerospace and related industries.

Veteran Benefits.—Voted to increase nonservice connected pension payments for veterans and their widows. Introduced a bill to give added protection to veterans who suffer an injury as a result of a natural disaster while under care at a VA facility.

Drug Abuse.—Voted for a coordinated federal attack on the problem of drug abuse, and for the establishment of drug treatment programs for veterans and Armed Forces personnel.

School Bus Safety.—Sponsored a bill to require the Department of Transportation to set new safety standards for school buses, build a prototype bus, and investigate all school bus accidents resulting in a death. The bill also mandates that school bus manufacturers and dealers test drive all buses before selling them.

Juvenile Delinquency.—Supported a bill to fund preventive juvenile delinquency programs in schools and communities.

D–Q University.—Authored a bill to support D–Q University as a national learning and cultural center for Americans of Indian and Mexican descent. D–Q is the first university to be created and controlled by both Indians and Chicanos, and is dedicated to the idea of fostering cultural and racial understanding.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

HOUSE OF REPRESENTATIVES—*Monday, September 11, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My flesh and my heart may fail: but God is the strength of my heart and my portion forever.—Psalms 73: 26.

Almighty and eternal God, by Thy mercy and with Thy spirit we join our Hebrew brethren in entering the gateway of another year. Grant that we may enter it together humbly and gratefully with a firm resolution to walk more closely with Thee in Thy way and to labor more faithfully in the service of our country for the good of our fellow men.

Let not the mistakes of the past add to the miseries of the present but forgive us and set us free that under the guidance of Thy spirit we may walk along the roads to peace and justice and liberty in our day.

Whatever happens, good or bad, keep us in the fellowship of those who trust and obey Thee and who love and serve our fellow men.

In Thy holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 9265. An act to amend title 38, United States Code, to authorize a treatment and rehabilitation program in the Veterans' Administration for servicemen, veterans, and ex-servicemen suffering from drug abuse or drug dependency; and

H.R. 10670. An act to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House with an amendment to a concurrent resolution of the Senate of the following title in which concurrence of the House is requested.

S. Con. Res. 31. Concurrent resolution authorizing the printing of the compilation entitled "Federal and State Student Aid Programs, 1971" as a Senate document.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12202) entitled "An act to increase the contribution of the Federal Government to the costs of health benefits, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCGEE, Mr. RANDOLPH, Mr. BURDICK, Mr. FONG, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3337) entitled "An act to authorize the acquisition of a village site for the Payson Band of Yavapai-Apache Indians, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 6797) entitled "An act to provide for the disposition of funds appropriated to pay judgments in favor of the Kickapoo Indians of Kansas and Oklahoma in Indian Claims Commission dockets Nos. 316, 316–A, 317, 145, 193, and 318"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 7742) entitled "An act to provide for the disposition of funds to pay a judgment in favor of the Yankton Sioux Tribe in Indian Claims Commission docket No. 332–A, and for other purposes"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 8694) entitled "An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Yavapai Apache Tribe in Indian Claims Commission dockets Nos. 22–E and 22–F, and for other purposes"; disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10858) entitled "An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Pueblo de Acoma in Indian Claims Commission docket No. 266, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JACKSON, Mr. BURDICK, Mr. METCALF, Mr. FANNIN, and Mr. BELLMON to be the conferees on the part of the Senate.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
September 8, 1972.
Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 12:50 P.M. on Friday, September 8, 1972, and said to contain a message from the President transmitting the 25th Annual Report on United States participation in the work of the United Nations.

With kind regards, I am,

Sincerely yours,
W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

THE 26TH ANNUAL REPORT ON U.S. PARTICIPATION IN WORK OF UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–297)

The SPEAKER laid before the House the following message from the President of the United States; which was read and together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

It is a pleasure to transmit to the Congress the 26th annual report on United States participation in the work of the United Nations. This report covers the calendar year 1971.

During the period under review there were many developments within the UN framework of importance to the United States and to other member states. Some of these events were favorable; others were not. Among the former:

—The General Assembly decided to seat the representatives of the Peoples Republic of China, and this was followed by corresponding action in the Security Council.

—The United Nations established a Fund for Drug Abuse Control that will finance a concerted worldwide action program to assist member states in reducing both the demand for and the supply of dangerous drugs.

—At a plenipotentiary conference in Vienna sponsored by the United Nations, a Convention on Psychotropic Substances was adopted, designed to curb the misuse of such substances as the hallucinogens, amphetamines, barbiturates, and tranquilizers.

—The 26th General Assembly endorsed two treaties, both sponsored by the United States, and expressed its hope for the widest possible adherence to them. The first was the Convention on International Liability for Damage Caused by Space Objects; the second was the Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

—In December the United Nations elected a new Secretary General, Ambassador Kurt Waldheim of Austria.

—At an international conference in Montreal sponsored by the International Civil Aviation Organization, a Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation was adopted.

—The UN Economic and Social Council was strengthened by the Assembly's decision to adopt and submit to member states for ratification an amendment to the Charter that will double the Council's membership to 54, thereby making it a more representative body. In addition the Council created two new standing committees, one concerned with review and appraisal of the progress toward the goals of the Second UN Development Decade, and the other concerned with problems of science and technology.

—The United Nations created the position of Disaster Relief Coordinator within the UN Secretariat to assist countries stricken by disasters.

In addition to these favorable developments there were others that were disappointing.

—The Republic of China, a member in good standing for many years, was deprived of representation by the same resolution that gave representation to the Peoples Republic of China. This action was extremely regrettable and was strongly opposed by the United States.

—Despite determined efforts by the United States and others, the war between India and Pakistan demonstrated again the severe limitations on the organization's ability to carry out its primary function, the maintenance of international peace and security.

—No progress was made toward resolving the differences among UN members on the organization and conduct of peace-keeping missions.

—The General Assembly's effort to rationalize its organization and procedures fell far short of our hopes.

—The United Nations made no great progress toward resolving its difficult financial problems.

During 1971 the United States Government announced its intention to negotiate a reduction in the rate of its UN assessment to a level no higher than 25 percent. This decision is in line with a recommendation by the Commission for the Observance of the 25th Anniversary of the United Nations, chaired by Ambassador Henry Cabot Lodge, and is consonant with our belief that an organization of almost universal membership should not be overly dependent upon a single member for its financial support.

This proposed reduction in our rate of assessment does not affect our voluntary contributions to various UN programs. Indeed, the Lodge Commission recommended increases of at least corresponding size in voluntary contributions whose size depends on each nation's judgment of its own interests and capabilities.

These and many other topics are covered in the report. I commend to the Congress this record of our participation in the United Nations during 1971.

RICHARD NIXON.

THE WHITE HOUSE, *September 8, 1972.*

NEED FOR CREDIT UNION BANK LEGISLATION

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATMAN. Mr. Speaker, today I am introducing legislation for myself, as well as other Members of the Congress who have expressed an interest in cosponsoring this legislation, that would create a National Credit Union Bank to provide a central liquidity facility for the more than 23,000 credit unions in our country.

This legislation, which is a revised version of a bill I introduced in March of last year will give credit unions the same type of discount facility that is available to banks and savings and loans.

The bank will insure that credit unions will have a continuing source of liquidity and will not be forced to curtail their lending during periods of tight money, nor will they be forced to borrow from other financial institutions at high rates of interest.

Credit unions are the only financial institutions that I know of that have not raised the rates that they charge to their members. In light of this tremendous record, it is time that we reward the credit unions for holding the line on interest rates. The bill that I am introducing today is one such reward.

TRIBUTE TO THE LATE GEORGE ALEXANDER CARLETON, SR.

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, I rise to pay special tribute to a well respected and distinguished newspaper editor of my district who passed away in recent days.

He was Mr. George Alexander Carleton, Sr., 83-year-old editor and publisher of the Clarke County Democrat in Grove Hill, Ala.

The newspaper was founded in 1856 by Carleton's maternal grandfather, Issac Grant. There have been only two editors of the paper, Grant and Carleton.

Grant died in 1907 and the newspaper went to Carleton. He literally had it thrust upon him. He had never thought about entering journalism but had helped out by doing various odd jobs around the newspaper office and generally helping his grandfather.

Following Grant's death, Carleton took over as editor and publisher at the age of 19. He knew little about his job at that time but had help from neighboring printers. With time, experience, and talent, he gained the respect of many Alabamians.

"Mr. George," as he was known to those who knew him, was a champion of conservation and outdoor sports. He was active in local politics and civic affairs. He also had a great editorial pen and took pride in leading, informing, and amusing his readers. He was my good friend and a man whom I greatly admired. I shall certainly miss him.

Though George Carleton has passed from us, his memory will surely last through a fine and outstanding weekly newspaper which is now edited by his son, George Carleton, Jr.

PERSONAL EXPLANATION

(Mr. COUGHLIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. COUGHLIN. Mr. Speaker, on August 18, 1972, I was unable to be present on the House floor during consideration of the following proposals.

For the record, had I been present, I would have enthusiastically voted in the following manner:

Rollcall No. 346 House Joint Resolution 1227, SALT interim agreement, final passage of the House joint resolution approving the acceptance by the President of the United States of the Interim Agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, I would have voted "yea";

Rollcall No. 347, S. 3726, International Economic Policy Council, the rule under which the conference report was considered, record teller vote, I would have voted "no"; and

Rollcall No. 349, H.R. 14847, air passenger fees, the rule under which the bill was considered, I would have voted "yea."

CONFERENCE REPORT ON H.R. 14896, CHILD NUTRITION

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs:

CONFERENCE REPORT (H. REPT. No. 92–1387)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs, having met after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 5.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 27, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 7. After the first sentence of section 10 of the Child Nutrition Act of 1966 (42 U.S.C. 1779) add the following new sentence: 'Such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of students approved by the schools.' "

And the Senate agree to the same.

The Committee of conference report in disagreement amendment numbered 26.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
AUGUSTUS F. HAWKINS,
LLOYD MEEDS,
ALBERT H. QUIE,
JOHN M. ASHBROOK,
EARL B. RUTH,
Managers on the Part of the House.
HERMAN E. TALMADGE,
JAMES B. ALLEN,
HUBERT H. HUMPHREY,
JACK MILLER,
GEORGE D. AIKEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The following Senate amendments made technical, clarifying or conforming changes: 6, and 18. The House recedes to these amendments.

Amendment No. 1: Both the House bill and the Senate amendment authorized the Secretary of Agriculture to utilize during the period May 15 to September 15, 1972, up to $25,000,000 in funds from Section 32 of the Agricultural Adjustment Act of 1935 for the Special Food Service Program for Children. The Senate amendment provided that Section 32 funds shall be reimbursed out of subsequent supplemental appropriations for Section 13 of the National School Lunch Act. The House amendment provided for reimbursement out of subsequent supplemental or regular appropriations for Section 13. The House recedes.

Amendents No. 2, 3, and 4: The House bill extended the Special Food Service Program through fiscal year 1974. The Senate amendment extended the program through fiscal year 1975. The House recedes.

Amendment No. 5: The Senate amendment made "licensed nonprofit family day care sites" eligible participants in the Special Food Service Program for Children (Section 13 of the National School Lunch Act). The House bill contained no such provision. The Senate recedes.

Amendments No. 7, 8, 9, and 10: The House bill extended the School Breakfast Program through fiscal year 1974. The Senate amendment extended the program through fiscal year 1975. The House recedes.

Amendment No. 11: The Senate amendment authorized funding of the School Breakfast Program on a performance basis beginning with fiscal year 1974. Under performance funding, each State agency will receive a uniform payment for each breakfast served in a fiscal year, with an additional payment for each free or each reduced price breakfast served to children eligible for such meals. The Secretary will establish a maximum per-meal payment for each breakfast served, with States having the authority to vary this rate of assistance among schools. The Secretary also will establish a maximum payment for a free breakfast—designed to meet up to 100% of the cost of providing a free breakfast in a school—and a maximum rate for a reduced price breakfast. A provision is included to insure that no State shall receive less in any fiscal year under the new funding system than it received in fiscal year 1972. The House bill contained no comparable provisions. The House recedes.

Amendment No. 12: The Senate amendment clarified the authority for states to make breakfast payments to schools on an advanced reimbursement basis in the School Breakfast Program. The House bill contained no such provision. The House recedes.

Amendment No. 13: The Senate amendment provided that schools participating in the breakfast program—or in both the lunch and breakfast programs—shall determine eligibility for free and reduced price breakfasts under the same eligibility standards used in the School Lunch Program. It also provided that all other conditions relating to the service of free and reduced price lunches—the declaration-type application, fair hearings, prohibitions against overt discrimination, etc.—will apply to the breakfast program. The House bill contained no such provisions. The House recedes.

Amendment No. 14: The Senate amendment applied the new Federal performance funding structure to the nonprofit private school breakfast program directly administered by the U.S. Department of Agriculture beginning in fiscal year 1974. There was no comparable House provision. The House recedes.

Amendment No. 15: The Senate amendment provided for Federal performance funding of the Section 4 (food assistance) phase of the lunch program beginning in fiscal year 1974. Under the amendment, each State would receive a uniform payment of not less than 3 cents for each Type A lunch served each fiscal year. Within the statewide average payment, States could vary the per lunch rate of Section 4 assistance to individual schools. The House bill contained no comparable provisions. The House recedes.

Amendment No. 16: The Senate amendment revised funding for nonprofit private school lunch programs to conform with the new performance funding provided for in the school lunch program for public schools. The House bill contained no comparable provision. The House recedes.

Amendment No. 17: Both the House bill and the Senate amendment authorized new provisions dealing with the eligibility of children for free and reduced price lunches. The Senate amendment but not the House bill provided that any school having income guidelines for free or reduced price lunches which exceed the new guidelines established by the bill may continue to use these guidelines until July 1, 1973, if such guidelines were established prior to July 1, 1972. The House recedes.

Amendments No. 19 and 23: Both the House bill and the Senate amendment required a survey and report by the Secretary of Agriculture of unmet needs for food service equipment in schools eligible for equipment assistance. The House bill required a report to the Congress by December 31, 1972, whereas the Senate amendment required the report by June 30, 1973. The House recedes.

Amendments No. 20 and 22: The Senate amendment revised the method of apportionment of funds for the nonfood (equipment) assistance program. Under the Senate amendment, 50% of the funds must be reserved for the exclusive use of schools without a food service program. The 50% of the funds so reserved will be initially apportioned to the States on the basis of each State's relative share of the total number of children enrolled in schools without food service. The amendment also provided for reapportionment of unused funds. The Senate amendment further provided that the 25% matching requirement shall not apply to schools determined by the State to be especially needy. The House bill contained no such provisions. The House recedes.

Amendment No. 21: The Senate amendment conformed the method of apportionment of nonfood assistance funds for nonprofit private schools to the new method of apportionment and reapportionment prescribed for public school participation. The House bill contained no comparable provision. The House recedes.

Amendment No. 24: The House bill provided that regulations governing school food programs permit the sale of nutritious foods through vending machines where the proceeds of such sales will inure to the benefit of the school or organization of students or parents approved by schools and such sales will not substantially interfere with programs authorized. The Senate amendment provided that regulations shall not prohibit the sale of competitive foods in senior high school level food service facilities or areas during the time of service of food if the proceeds from the sales of such foods are deposited into the account of food service programs. The amendment recommended in the Conference Report provides that such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of studens approved by the schools.

Amendment No. 25: The Senate amendment authorized advance payments for the school lunch program in accordance with procedures prescribed by the Secretary of Agriculture. The House bill contained no comparable provision. The House recedes.

Amendment No. 26: Reported in technical disagreement. The Managers on the part of the House will offer a motion that the House recede from its disagreement to the amendment of the Senate numbered 26 and concur therein.

The Senate amendment directs the Secretary of Agriculture to utilize $20,000,000 out of section 32 funds (Act of August 24, 1935) for fiscal year 1973, and authorizes the appropriation of $20,000,000 for fiscal year 1974 (or in the alternative the use of section 32 funds in such amount for such year) to carry out a two year pilot program of grants to the States to make available supplemental foods to pregnant or lactating women and to infants who are determined by competent professional authority to be at nutritional risk because of inadequate nutrition and inadequate income. Funds expended from section 32 for this program would be reimbursed out of any supplemental appropriation thereinafter enacted for the purpose of carrying out the program. Grants under this program would be made to the health department or comparable agency of each State, which in turn would provide funds to local health or welfare agencies or private nonprofit agencies of the State serving local health or welfare needs. The eligibility of persons to participate would be determined by competent professional authority and would be residents of areas served by clinics or other health facilities determined to have significant numbers of infants and pregnant and lacating women at nutritional risk. The Secretary is authorized to pay administrative costs to State and local agencies carrying out such programs, but not to exceed 10 percent of the Federal funds provided under this section. State or local agencies are required to keep adequate medical records on participants to enable the Secretary to evaluate the program, and the Secretary and the Comptroller General of the United States shall submit preliminary evaluation reports to the Congress not later than October 1, 1973, and to submit not later than March 30, 1974, an evaluation of the program authorized by this section together with recommendations with regard to its continuation.

The Conferees wish to make clear to the Secretary of Agriculture and to the state health departments administering or involved in the Special Supplemental Food Program provided in this b' that consultation be made with appropriate officials of the U.S. Department of Health, Education, and Welfare pertaining to any procedures, record keeping and medical criteria applied to the operation of this particular program. The conferees expect to obtain sufficient data from this program to medically identify and define the benefits that are provided through this program in combating and abating any physical and mental damage that otherwise might be caused to infants due to malnutrition.

Amendment No. 27: The Senate amendment permitted State matching fund requirements in the school lunch program to be met on the basis of the preceding fiscal year. The House bill contained no comparable provision. The House recedes.

The Conferees wish to make clear that all funding authorized by this bill applicable to fiscal year 1973 shall become effective July 1, 1972, and apply to the entire fiscal year.

Carl D. Perkins,
Roman C. Pucinski,
Augustus F. Hawkins,
Lloyd Meeds,
Albert H. Quie,
John M. Ashbrook,
Earl B. Ruth,
Managers on the Part of the House.
Herman E. Talmadge,
James B. Allen,
Hubert H. Humphrey,
Jack Miller,
George D. Aiken,
Managers on the Part of the Senate.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 15495, MILITARY PROCUREMENT AUTHORIZATION

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the managers have until midnight tonight to file a conference report on H.R. 15495, the military procurement authorization bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Conference Report (H. Rept. No. 92-1388)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—PROCUREMENT

Sec. 101. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, $133,800,000; for the Navy and Marine Corps, $3,073,400,000, of which not to exceed $570,100,000 shall be available for an F-14 aircraft program of not less than 48 aircraft subject to (1) not increasing the ceiling price for the lot V option in the F-14 contract between the Navy and the primary airframe contractor except in accordance with the terms of such contract, including the clause providing for normal technical changes; and (2) the Navy exercising the option for lot V on or before October 1, 1972, or any subsequent date prior to December 31, 1972, as may be mutually agreed upon between the Navy and the contractor without additional cost to the government and within the present contract terms and conditions: *Provided*, That in the event the Secretary of Defense determines that any condiiton prescribed in clause (1) or (2) cannot be met, he shall report such fact to the Congress within 90 days after such determination together with his recommendations regarding the future of the F-14 program; for the Air Force, $2,283,900,000.

Missiles

For missiles: for the Army, $700,400,000; for the Navy, $769,600,000; for the Marine Corps, $22,100,000; for the Air Force, $1,745,300,000.

Naval Vessels

For naval vessels: for the Navy, $3,179,200,000.

Tracked Combat Vehicles

For tracked combat vehicles: for the Army, $186,500,000; for the Marine Corps, $54,500,000.

Torpedoes

For torpedoes and related support equipment: for the Navy, $194,200,000.

Other Weapons

For other weapons: for the Army, $57,800,000; for the Navy, $25,700,000; for the Marine Corps, $900,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1973 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $1,978,966,000:

For the Navy (including the Marine Corps), $2,708,817,000;

For the Air Force, $3,272,777,000, of which $48,100,000 is authorized only for the A-X program; and

For the Defense Agencies, $505,987,000.

Sec. 202. There is hereby authorized to be appropriated to the Department of Defense during fiscal year 1973 for use as an emergency fund for research, development, test, and evaluation or procurement or production related thereto, $50,000,000.

TITLE III—ACTIVE FORCES

Sec. 301. (a) Subject to the provisions of subsection (b) of this section, for the fiscal year beginning July 1, 1972, and ending June 30, 1973, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 828,900;
(2) The Navy, 601,672;

(3) The Marine Corps, 197,965;

(4) The Air Force, 700,516;

except that the ceiling for any armed force shall not include members of the Ready Reserve of such armed force ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, or members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code. Whenever one or more units of the Ready Reserve are ordered to active duty after the date of enactment of this section, the President shall, on the first day of the second fiscal year quarter immediately following the quarter in which the first unit or units are ordered to active duty and on the first day of each succeeding six-month period thereafter, so long as any such unit is retained on active duty, submit a report to the Congress regarding the necessity for such unit or units being ordered to active duty. The President shall include in each such report a statement of the mission of each such unit ordered to active duty, an evaluation of such unit's performance of that mission, where each such unit is being deployed at the time of the report, and such other information regarding each such unit as the President deems appropriate.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section for the fiscal year ending June 30, 1973, shall be reduced by not less than 16,000. Such reduction shall be apportioned among the Army, Navy (excluding the Marine Corps), and Air Force in such manner as the Secretary of Defense shall prescribe, except that, in applying any portion of such reduction to any military department, the reduction shall be applied solely to the general support forces of such military department unless the Secretary of Defense (1) determines that the making of such reduction solely from the general support forces of such military department will seriously and adversely affect the military mission of such department, and (2) promptly informs the Congress in writing of his determination and the reasons therefor.

SEC. 302. Subsection (d) of section 412 of Public Law 86–149, as added by section 509 of Public Law 91–441 (84 Stat. 913), is amended to read as follows:

"(d) (1) Beginning with the fiscal year which begins July 1, 1972, and for each fiscal year thereafter, the Congress shall authorize the end strength as of the end of each fiscal year for active duty personnel for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Force unless the end strength for active duty personnel of such component for such fiscal year has been authorized by law.

"(2) Beginning with the fiscal year ending June 30, 1972, the Secretary of Defense shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the annual active duty end strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time. Such justification and explanation shall specify in detail for all forces, including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit: (A) the unit mission and capability, (B) the strategy which the unit supports, and (C) the area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas. Such justification and explanation shall also include a detailed discussion of the manpower required for support and overhead junctions within the Armed Services."

TITLE IV—RESERVE FORCES

SEC. 401. For the fiscal year beginning July 1, 1972, and ending June 30, 1973, the Selected Reserve of each Reserve component of the Armed Forces will be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 402,333;

(2) The Army Reserve, 261,300;

(3) The Naval Reserve, 129,000;

(4) The Marine Corps Reserve, 45,016;

(5) The Air National Guard of the United States, 87,614;

(6) The Air Force Reserve, 51,296;

(7) The Coast Guard Reserve, 11,800.

SEC. 402. The average strength prescribed by section 401 of this title for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION—LIMITATIONS ON DEPLOYMENT

SEC. 501. (a) Military construction for the Safeguard anti-ballistic missile system is authorized for the Department of the Army as follows:

Military family housing, Grand Forks Safeguard site, North Dakota, two hundred and eighteen units, $6,004,000.

(b) Authorization contained in this section shall be subject to the authorizations and limitations of the Military Construction Authorization Act, 1973, in the same manner as if such authorizations had been included in that Act.

SEC. 502. (a) None of the funds authorized by this or any other Act may be obligated or expended for the purpose of continuing or initiating deployment of an anti-ballistic missile system at any site except Grand Forks Air Force Base, Grand Forks, North Dakota. Nothing in this section shall be construed as a limitation on the obligation or expenditure of funds in connection with the dismantling of anti-ballistic missile sites or the cancellation of work at Whiteman Air Force Base, Knob Noster, Missouri, Francis E. Warren Air Force Base, Cheyenne, Wyoming and Malmstrom Air Force Base, Great Falls, Montana.

(b) Section 403(a) of Public Law 92–156 (85 Stat. 423, 426) is hereby repealed.

TITLE VI—GENERAL PROVISIONS

SEC. 601. (a) Effective April 1, 1972, (1) subsection (a)(1) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended by section 501 of Public Law 92–156 (85 Stat. 427), is hereby amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof, and (2) section 738(a) of Public Law 92–204 (85 Stat. 734) is amended by deleting "$2,500,000,000" and inserting "$2,700,000,000" in lieu thereof.

(b) Effective July 1, 1972, subsection (a) (1) of section 401 of Public Law 89–367, approved March 15, 1966 (80 Stat. 37), as amended, is hereby amended to read as follows:

"(a) (1) Not to exceed $2,500,000,000 of the funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos; and for related costs, during the fiscal year 1973 on such terms and conditions as the Secretary of Defense may determine. None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area, except for continuation of payments of such additions to regular base pay provided in agreements executed prior to July 1, 1970. Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos: *Provided*, That nothing contained in this section shall be construed to prohibit support of actions required to insure the safe and orderly withdrawal or disengagement of United States forces from Southeast Asia, or to aid in the release of Americans held as prisoners of war."

SEC. 602. (a) Notwithstanding any other provision of law, no funds authorized to be appropriated by this or any other Act may be expended in any amount in excess of $375,000,000 for the purpose of carrying out directly or indirectly any economic or military assistance, or any operation, project, or program of any kind, or for providing any goods, supplies, materials, equipment, services, personnel, or advisers in, to, for, or on behalf of Laos during the fiscal year ending June 30, 1973.

(b) In computing the $375,000,000 limitation on expenditure authority under subsection (a) of this section in fiscal year 1973, there shall be included in the computation the value of any goods, supplies, materials, or equipment provided to, for or on behalf of Laos in such fiscal year by gift, donation, loan, lease, or otherwise. For the purpose of this subsection, "value" means the fair market value of any goods, supplies, materials, or equipment provided to, for, or on behalf of Laos, but in no case less than 33⅓ per centum of the amount the United States paid at the time such goods, supplies, materials, or equipment were acquired by the United States.

(c) No additional expenditures in excess of the limitation prescribed in subsection (a) of this section may be made for any of the purposes described in such subsection in, to, for, or on behalf of Laos in any fiscal year beginning after June 30, 1973, unless such expenditures have been specifically authorized by law enacted after the date of enactment of this Act. In no case shall expenditures in any amount in excess of the amount authorized by law for any fiscal year be made for any such purpose during such fiscal year.

(d) The provisions of subsections (a) and (c) of this section shall not apply with respect to the expenditure of funds to carry out combat air operations in or over Laos by United States and South Vietnamese military forces.

(e) After the date of enactment of this Act, whenever any request is made to the Congress for the appropriation of funds for use in, for, or on behalf of Laos for any fiscal year, the President shall furnish a written report to the Congress explaining the purposes for which such funds are to be used in such fiscal year.

(f) The President shall submit to the Congress within thirty days after the end of each quarter of each fiscal year, a written report showing the total amount of expenditures in, for, or on behalf of Laos during the preceding quarter by the United States Government, and shall include in such report a general breakdown of the total amount expended, describing the different purposes for which such funds were expended and the total amount expended for such purposes.

SEC. 603. (a) The amount of $107,600,000 authorized to be appropriated by this Act for the development and procurement of the C–5A aircraft may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime airframe contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of such amount may be used for—

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary, or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs in excess of $4,400,000 on property, plant, or equipment.

Any of the costs referred to in the preceding sentence which would otherwise be allocable to any work funded by such $107,600,000 may not be allocated to other portions of the C–5A aircraft contract or to any other contract with the United States, but payments to C–5A aircraft subcontractors shall not be subject to the restriction referred to in such sentence.

(b) Any payments from such $107,600,000 shall be made to the prime contractor through a special bank account from which such contractor may withdraw funds only after a request containing a detailed justification of the amount requested has been submitted to and approved by the contracting officer for the United States. All payments made from such special bank account shall be audited by the Defense Contract Audit Agency of the Department of Defense and, on a quarterly basis, by the General Accounting Office. The Comptroller General shall submit to the Congress not more than thirty days after the close of each quarter a report on the audit for such quarter performed by the General Accounting Office pursuant to this subsection.

(c) The restrictions and controls provided for in this section with respect to the $107,600,000 referred to in subsections (a) and (b) of this section shall be in addition to such other restrictions and controls as may be prescribed by the Secretary of Defense or the Secretary of the Air Force.

SEC. 604. Section 412 of Public Law 89–149, as amended, is further amended by adding the following new subsection:

"(e)(1) Beginning with the fiscal year which begins July 1, 1973, and for each fiscal year thereafter, the Congress shall authorize the average military training student loads for each component of the Armed Forces. Such authorization shall not be required for unit or crew training student loads, but shall be required for student loads for the following individual training categories: recruit and specialized training; flight training; professional training in military and civilian instructions; and officer acquisition training; and no funds may be appropriated for any fiscal year beginning on or after such date for the use of training any military personnel in the aforementioned categories of any component of the Armed Forces unless the average student load of such component for such fiscal year has been authorized by law.

"(2) Beginning with the fiscal year ending June 30, 1973, the Secretary of Defense shall submit to the Congress a written report not later than March 1 of each fiscal year recommending the average student load for each category of training for each component of the Armed Forces for the next three fiscal years and shall include in such report justification for and explanation of the average student loads recommended."

SEC. 605. Section 301(a)(2)(A) of title 37, United States Code, is amended to read as follows:

"(A) during one calendar month: 48 hours; however, hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month;".

SEC. 606. (a) No part of the funds appropriated pursuant to this or any other Act for the Department of Defense or any of the Armed Forces may be used at any institution of higher learning if the Secretary of Defense or his designee determines that recruiting personnel of any of the Armed Forces of the United States are being barred by the policy of such institution from the premises of the institution; except in a case where the Secretary of the service concerned certifies to the Congress in writing that a specific course of instruction is not available at any other institution of higher learning and furnishes to the Congress the reasons why such course of instruction is of vital importance to the security of the United States.

(b) The prohibition made by subsection (a) of this section as it applies to research and development funds shall not apply if the Secretary of Defense or his designee determines that the expenditure is a continuation or a renewal of a previous program with such institution which is likely to make a significant contribution to the defense effort.

(c) The Secretaries of the military departments shall furnish to the Secretary of Defense or his designee within 60 days after the date of enactment of this Act and each January 31 and June 30 thereafter the names of any institution of higher learning which the Secretaries determine on such dates are affected by the prohibitions contained in this section.

SEC. 607. None of the funds authorized for appropriation to the Department of Defense pursuant to this Act shall be obligated under a contract entered into after the date of enactment of this Act under any multi-year procurement as defined in section 1–322 of the Armed Services Procurement Regulations (as in effect on the date of enactment of this Act) where the cancellation ceiling for such procurement is in excess of $5,000,000.

SEC. 608. Notwithstanding any other provision of the law, the authority provided in section 501 of Public Law 91–441 (84 Stat. 909) is hereby extended until December 31, 1973.

And the Senate agree to the same.

F. Edward Hébert,
Melvin Price,
O. C. Fisher,
Charles E. Bennett,
James A. Byrne,
Samuel S. Stratton,
Leslie C. Arends,
Alvin E. O'Konski,
William G. Bray,
Bob Wilson,
Charles S. Gubser,
Managers on the Part of the House.

John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Howard W. Cannon,
Thomas J. McIntyre,
Margaret Chase Smith,
Strom Thurmond,
John Tower,
Peter H. Dominick,
Managers on the Part of the Senate

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15495), an act to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—PROCUREMENT

Aircraft

Army

Executive type aircraft: (U–21, CT–39, CX–X)

The House bill contained an authorization of $12.7 million for the procurement of twenty U–21 aircraft for the Army. The Senate deleted the request pending a re-evaluation of the requirements of all the Services for such executive type aircraft. The Senate likewise deleted authorization which had been approved by the House for the other Services as follows:

$7.9 million for the CT–39 transport aircraft for the Navy; and

$8.4 million for the CX–X, an executive transport aircraft, for the Air Force.

The Senate had indicated its belief that the Army and Air Force request should be consolidated with one Service designated as a single manager for procurement for both Services.

The House in approving the Army and Air Force request had also indicated its belief that a consolidated procurement should take place. During the conference the conferees received assurance from the military departments that the Army and Air Force aircraft would be a common procurement of a single aircraft and that the procurement procedures would address themselves to the recommendations made by the Senate.

The Senate therefore receded and agreed to the restoration of all three items with an amendment reducing the funds for the Army's U–21 aircraft from $12.7 million to

$12.0 million. The request for the CT-39 and the CX-X were restored in their entirety.

The Senate recedes.

Navy and Marine Corps

F-14

The Navy request for the F-14 aircraft program was for $732.7 million—$162.6 million for research and development and $570.1 million for procurement of 48 F-14A aircraft, plus associated spares and support equipment and long lead funds for the next year's program.

The House bill and the Senate bill provided the full $732.7 million requested. The difference between the House and Senate was in the restrictions placed on the use of the F-14 funds.

The restrictions in the House version were contained in the House report rather than in the form of statutory language in the bill. The purpose of both House and Senate language was to preserve the integrity of the present contact with regard to the various terms and conditions insofar as the fiscal year 1973 funds for the F-14 are concerned.

The House Committee report stated as follows: "The Committee, in approving the $732.7 million requested for the F-14 program in FY 1973, does so on the premise that not more than $407.8 million shall be available only for the procurement of not less than 48 F-14-type aircraft."

The Senate added restrictive language to the bill as follows: "of which not to exceed $570,100,000 shall be available for an F-14 aircraft program of not less than 48 aircraft subject to (1) not increasing the ceiling price for the lot V option in the F-14 contract between the Navy and the primary contractor except in accordance with the terms of such contract, including the clause providing for normal technical changes; (2) the Navy exercising the option for lot V on or before October 1, 1972; (3) meeting the delivery schedule in accordance with the terms of such contract: *Provided,* That in the event the Secretary of the Navy determines that any condition prescribed in clause (1), (2), or (3) is not met, he shall report such fact to the Congress within 90 days after such determination together with his recommendations regarding the future of the F-14 program;".

The Department of Defense, as a part of its reclama, opposed the enactment of any restrictive language. The Navy, in a separate letter, reaffirmed the Defense position but urged that, should language be adopted, the Navy be given the flexibility to exercise the option date at any time before December 31, 1972 provided the contractor concurred in the change and that no additional cost to the government would accrue.

The conferees adopted the language as passed by the Senate with the following modifications:

(1) It was agreed that the Navy could exercise the option for Lot V on any date prior to December 31, 1972, rather than October 1, 1972, as contained in the Senate version. Further language was added requiring that any change in date be mutually agreed upon by the Navy and the contractor without any additional cost to the government and that any changes would be within the present contract terms and conditions;

(2) Language in the Senate version requiring the meeting of delivery schedule in terms of the present contract was deleted. This provision was deleted as unneeded since the Navy has taken action to accelerate the delivery of aircraft to meet the contract schedule;

(3) Certain requirements by the Senate version requiring reporting by the Secretary of the Navy were revised to require that the Secretary of Defense perform this function.

In summary, as finally agreed to the statutory provision of the bill will require as a condition for the F-14 funds that the existing contract ceiling will be maintained and the option may be exercised at any time between October 1, 1972, and December 31, 1972, without additional cost to the government and within the present contract terms and conditions. There is further language that if the Secretary of Defense determines these conditions cannot be met, he will report to the Congress within 90 days with such recommendations for the future of the F-14 program as he may care to make.

It was the intent of the conferees that the 1973 F-14 funds be obligated only under terms of existing contractual arrangements except insofar as departures are permitted by the slippage of the option date to December 31, 1972.

Harrier

The House bill provided $133.1 million for the procurement of thirty AV-8A Harrier aircraft for the Marine Corps. The procurement is part of a continuing buy of this Vertical Short Take-Off and Landing (V/STOL) aircraft to improve the tactical flexibility of the Marine Corps.

Sixty Harriers had been authorized through FY 1972 and the present bill was an increment toward the Marine Corps plans to buy three squadrons of Harriers, a total of 114 aircraft.

The Senate Committee deleted all authorizations for the Harrier aircraft and stated that further large quantity procurement should await improvement in capability resulting from advancements in V/STOL technology.

Upon further discussion, the conferees agreed that the present state of V/STOL technology as represented by the AV-8A adequately fulfills the Marine Corps operational requirements. To delay further procurement because of anticipated technical improvements would involve increased costs and would leave the Marine Corps with insufficient aircraft to meet current mission requirements.

The Senate, therefore, recedes.

S-3A ASW aircraft (advance procurement)

The House bill provided $519.9 million for the procurement of forty-two S-3A ASW aircraft for the Navy plus $61.2 million for advanced procurement for the S-3A. The Senate approved the procurement of tne forty-two aircraft but limited the advance procurement funds to $51 million, a reduction of $10.2 million. The Senate reduction was based on a determination that the funds included excessive early purchase of spare parts.

The House recedes.

Aircraft modifications, Navy

The House bill authorized $359.2 million for aircraft modifications, Navy. The Senate bill reduced the authorization by $20 million to $339.2 million.

The Senate reduction was to eliminate funds for "contingency modifications."

The conferees agreed to an authorization of $349.2 million.

AIR FORCE

A-7D, F-5, C-130

The House bill contained authorization for additional aircraft not originally requested by the Department of Defense as follows:

Twenty-four A-7D attack aircraft, $90 million;

Seven F-5B trainer aircraft, $12 million;

Twelve C-130 transport aircraft, $50 million.

The House had approved these authorizations on the basis of a continuing future requirement for the aircraft and desirability, therefore, of keeping production lines open to avoid heavy startup costs which would result from a break in production. Subsequently, the Secretary of Defense informed the House Committee on Armed Services of Defense Department support of additional procurement of the three aircraft.

The Senate had not approved the funds for any of the three aircraft because these add-ons by the House were not referred to the Senate Armed Services Committee in time for Committee consideration. After extensive discussion, the Senate conferees agreed to the continuing need for these aircraft authorized by the House.

The Senate therefore recedes with an amendment reducing the funds for the A-7D aircraft from $90 million to $85.4 million. The conferees also agreed on a reduction of $8 million in the authorization for aircraft for the Navy because of the favorable cost impact on the A-7E of continuing the A-7D production line.

For the authorization for the F-5B and C-130 aircraft, the Senate recedes.

F-5E

The Senate reduced the funds requested for the F-5E aircraft by $2.3 million because of savings which materialized subsequent to submission of the authorization request.

The House recedes.

C-5A deficiences

The House bill authorized $207.6 million for the C-5A aircraft to complete the funding authorization for the total C-5A buy.

The Senate reduced the authorization for the C-5A by $100 million on the grounds that the $107.6 million authorized was all that would be actually required in FY 1973.

The House recedes.

Airborne command post

The House bill had authorized $224.8 million for the procurement of six 747 aircraft for the new Advanced Airborne Command Post.

The Senate reduced the program by two aircraft and $124.8 million. The Senate action was based on the fact that the procurement would not be started until late in the fiscal year and that an initial buy of four aircraft would be a more orderly and economical procurement procedure.

The House conferees agreed to the Senate position on the rescheduling of the program. However, the House conferees were not convinced that the amount authorized by the Senate was sufficient to fund the four aircraft.

The House, therefore, receded with an amendment for the procurement of four aircraft at a cost of $127 million. (In conjunction with this decision, the conferees agreed on an authorization of $28.9 million for research, development, test, and evaluation of the AABNCP instead of the $32 million originally authorized by the House and the $20 million originally authorized by the Senate. These funds are authorized in the Air Force section of Title II in the bill.)

Aircraft modifications, Air Force

The House bill authorized $465.6 million for aircraft modifications, Air Force.

The Senate bill authorized $425.6 million for this function, a reduction of $40 million for "contingency type modifications."

The conferees agreed on an authorization of $445.6 million.

MISSILES

Army

Safeguard

For the Safeguard system, the House bill had authorized $488.0 million for Army missile procurement, $306.5 million for research and development, and $6 million for family housing. These amounts were requested for work on the two ABM sites permitted by the Treaty on the Limitation of ABM Systems.

The Senate denied without prejudice all authorization of funding for the National Command Authorities (NCA) site in the vicinity of Washington, D.C., and included statutory language which prohibits the use of funds for deployment except for Grand Forks and for dismantling of previous site construction pursuant to the ABM treaty. The amounts authorized by the Senate for the Safeguard system were $300 million for Army missile procurement, $255.5 million for research and development, and $6 million for family housing.

The Senate conferees were adamant that, in view of the lack of definitive data, authorization of new funds for the NCA site not be granted. The statutory language also precludes use of prior year funds for any effort toward an NCA site.

The House, therefore, recedes with an amendment which provides for authorization of 218 units of family housing at the Grand Forks Safeguard site to be financed with prior year funds in the amount of $6,004,000.

The House reluctantly recedes.

Air Force

Minuteman

The Senate reduced the authorization for the Minuteman missile by $27.0 million, providing an authorization of $718.0 million instead of the $745.0 million approved by the House. The $27.0 million reduction by the Senate was related to a reduction in the missile quantity and a revision in the Minuteman update program funding and was acceptable to the Department of Defense.

The House recedes.

Naval Vessels

Sea control ship (advance procurement)

The House bill authorized $10.0 million for advance procurement for the Sea control ship for the Navy.

The Senate deleted the $10.0 million from procurement authorization but retained the money in the research and development account on the basis that study and operational testing had not been sufficiently advanced to fulfill the commitment of procurement. The House conferees were adamant in their belief that funding through the R & D process would result in further unnecessary delays in the production of a ship which could be of great importance to the Navy.

The Senate reluctantly recedes.

ATS rescue and salvage ship

The House bill authorized $53.1 million for two rescue and salvage ships for the Navy.

The Senate bill reduced the authorization to $27.0 million for the procurement of only one ship on the basis that the procurement was of a low priority and the purchase of the second ship could be delayed.

The House recedes with an amendment increasing the authorization for the lead ship to $31.0 million.

TRACKED COMBAT VEHICLES

Army

XM741 Vulcan carrier

The House bill authorized $2.6 million for the procurement of 32 XM741 Vulcan Carriers. The Senate deleted the authorization in connection with its decision to delete the Vulcan Gun (see below). Since the House agreed to the deletion of funds for the Vulcan Gun, it also concurred with the Senate action on the carrier.

The House recedes.

Marine Corps

LVTE–7

The House bill authorized $7.7 million for the engineering version of the Marine Corps amphibious assault vehicle, LVTE–7. The Senate deleted the authorization on the grounds that other methods are under study which can accomplish the engineering requirements.

The House recedes.

OTHER WEAPONS

Army

Vulcan gun

The House bill provided a total of $12.6 million for the purchase of Vulcan Guns for the Army including $6.7 million for 32 self-propelled Vulcan Guns and $5.9 million for 31 towed Vulcan Guns. The Senate deleted all authorization for the Vulcan Gun for the reason that the Army already has a large inventory of these guns and because of limited effectiveness and performance. The House conferees agreed that the procurement was of a low priority and therefore agreed to recede.

NAVY

Vulcan phalanx

The House authorized $23.2 million for the procurement of 9 of the Vulcan Phalanx close-in support weapons for the Navy. The Senate deleted all funds for the Vulcan Phalanx. The House conferees insisted that the close-in weapon system was needed at the earliest possible time by the Navy to provide a defense capability against the antiship cruise missile.

The full $23.2 million authorization, therefore, was retained.

The Senate recedes.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

GENERAL

Both the House and Senate modified the Research and Development authorization requested by the Department of Defense. The departmental request totaled $8,771,767,000. The House bill authorized a total of $8,371,888,250, whereas the Senate authorization totaled $8,423,367,000. The conferees agreed on a total of $8,516,547,000. The amount agreed upon is $255,220,000 less than was requested by the Department of Defense.

The approach taken by the two Houses in reducing the Research and Development budget requests differed in that the House applied a five percent across-the-board reduction with an additional ten percent reduction to the Military Sciences budget activities of the three military departments. The Senate made specific reductions to various program elements throughout the research and development budget.

In conference, the House receded from its approach of the percentage reductions and accepted the Senate program element reductions with several adjustments—a process which resulted in a conference recommendation for RDT&E authorizations somewhat larger than that approved in either bill but below the total amount requested by the Defense Department. The reductions recommended by the Senate and accepted by the conferees with the adjustments previously mentioned are reflected in the following table:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

[In thousands of dollars]

Program element	Fiscal year 1973 request	House Change	House Authorization	Senate Change from House	Senate Authorization	Conference action Change from Senate	Conference action Authorization
ARMY							
In-house laboratory independent research	12,230		12,230	−950	11,280		11,280
Electronic warfare	10,800		10,800	−300	10,500		10,500
Cannon launched projectile	4,000		4,000	−4,000			
Utility tactical transport aircraft system	64,000		64,000	−13,600	50,400		50,400
Tank systems	19,680		19,680	−19,680		+19,680	19,680
Safeguard	306,500		306,500	−51,000	255,500		255,500
Advanced aerial fire support system	58,600		58,600	−58,600		+33,500	33,500
Advanced helicopter development	14,500		14,500	−3,000	11,500		11,500
Testing combat equipment	61,240		61,240	−4,000	57,240		57,240
Advanced ballistic missile defense	102,110		102,110	−3,200	98,910		98,910
Pershing	8,200		8,200	−1,600	6,600		6,600
Shillelagh	5,900		5,900	−1,500	4,400		4,400
Site defense of Minuteman	140,100		140,100	−66,800	73,300	+40,000	113,300
M60A1 tank improvement	10,400		10,400	−2,000	8,400		8,400
Armored reconnaisance scout vehicle	15,600		15,600	−3,200	12,400		12,400
Federal contract research centers	26,468		26,468	−3,500	22,968		22,968
Military sciences	205,480	−20,548	184,932	−20,548	205,480		205,480
House 5-percent reduction		−104,838	−104,836	+104,836			
Undistributed reduction							
Programs not in dispute	1,056,908		1,056,908		1,056,908		1,056,908
Total	2,122,716	−125,384	1,997,332	−111,546	1,885,786	+93,180	1,978,966
NAVY							
In-house laboratory independent research	14,491		14,491	−430	14,061		14,061
Laboratory independent exploratory development	14,550		14,550	−700	13,850		13,850
Air electronic warfare				−1,000	−1,000		−1,000
Surface electronic warfare				−1,000	−1,000		−1,000
V/STOL for sea control ship	24,000		24,000	−8,000	16,000		16,000

Program element	Fiscal year 1973 request	House		Senate		Conference action	
		Change	Authorization	Change from House	Authorization	Change from Senate	Authorization
Triden	555,400		555,400	−20,000	535,400		535,400
Harpoon	60,265		60,265	−2,000	58,265		58,265
Encapsulated Harpoon	16,000		16,000	−8,000	8,000	+4,000	12,000
Surface effect ships	50,112		50,112	−18,000	32,112	+18,000	50,112
Reliability and maintainability initiative	10,800		10,800	−5,800	5,000		5,000
Studies and analyses support	12,455		12,455	−3,200	9,255		9,255
Fleet ballistic missile system	22,192		22,192	−1,120	21,072		21,072
Gryphon	18,275		18,275	−2,550	15,725		15,725
SSBN defense				−1,350	−1,350		−1,350
Standard surface-to-surface missile	15,135		15,135	−2,130	13,005		13,005
Point defense improvements	21,103		21,103	−1,300	19,803		19,803
Aegis	82,334		82,334	−3,100	79,234		79,234
Undersea surveillance				−3,990	−3,990		−3,990
Advanced ship development	12,615		12,615	+10,000	22,615	−10,000	12,615
Submarine-launched cruise missile	20,000		20,000	−20,000		+10,000	10,000
Federal contract research centers	62,298		62,298	−14,300	46,998		47,998
Military sciences	154,144	−15,414	138,730	+15,414	154,144		154,144
House 5-percent reduction		−139,840	−139,840	+139,840			
Undistributed reduction						−22,000	−22,000
Programs not in dispute	1,650,618		1,650,618		1,650,618		1,650,618
Total	2,816,787	−155,254	2,661,533	+47,284	2,708,817		2,708,817
AIR FORCE							
In-house laboratory independent research	5,700		5,700	−400	5,300		5,300
Intelligence reconnaissance equipment	10,100		10,100	−800	9,300		9,300
Protective systems	30,000		30,000	−800	29,200		29,200
B–52 Harpoon	600		600	−600			
Electromagnetic pulse facility	22,500		22,500	−5,000	17,500	+5,000	22,500
Minuteman	154,700		154,700	−3,000	151,700		151,700
Space defense system				−5,000	−5,000		−5,000
Airborne warning and control system	160,000	+38,000	243,000	−10,000	233,000		233,000
Subsonic cruise armed decoy	48,600		48,600	−4,600	44,000	+4,600	48,600
Advanced airborne command post	32,000		32,000	−12,000	20,000	+8,900	28,900
Advanced ballistic reentry system	132,000		132,000	−20,000	112,000		112,000
Command control, and communications	10,000		10,000	−10,000		+10,000	10,000
Federal contract research centers	134,243		134,243	−200	134,043		134,043
Military sciences	146,280	−14,628	131,652	+14,628	146,280		146,280
House 5-percent reduction		−161,609	−161,609	+161,609			
Undistributed reduction						−28,500	−28,500
Programs not in dispute	2,375,454		2,375,454		2,375,454		2,375,454
Total	3,262,177	−93,237	3,168,940	+103,837	3,272,777		3,272,777
DEFENSE AGENCIES							
ARPA:							
Rapid excavation	3,900		3,900	−3,900		+3,900	3,900
DNA:							
Analysis and publications research	8,804		8,804	−5,000	3,804		3,804
Federal contract reasearch centers	31,856		31,856	−5,200	26,656		26,656
House 5-percent reduction		−26,904	−26,004	+26,004			
Undistributed reduction						−3,900	−3,900
Programs not in dispute	475,527		475,527		475,527		475,527
Total	520,087	−26,004	494,083	+11,904	505,987		505,987
Emergency fund	50,000		50,000		50,000		50,000
Total Department of Defense R.D.T. & E.	8,771,767	−399,879	8,371,888	+51,479	8,423,367		8,516,547

Note: Detail does not add to total because certain classified items were omitted.

Military Sciences

The House bill included dollar ceilings on the authorization for appropriations for the Military Sciences budget activity for each military service.

The Senate bill contained no such language. The Senate report identified specific program elements for reductions throughout the research and development budget request included under Title II of the bill.

The House recedes from its restrictive language.

SALT Related Adjustments

The House bill authorized $110 million for research and development in four program areas related to the SALT agreements. These SALT related adjustments of $110 million were broken down as follows:

(1) $60 million for the Site Defense program which augments Safeguard protection of Minuteman missiles;

(2) $20 million to accelerate the Navy's development effort on the Submarine Launched Cruise Missile;

(3) $20 million for the Air Force ABRES program related to an improved re-entry vehicle; and

(4) $10 million for improving military communications, command and control capabilities.

The Senate bill did not include the authorization of these programs because the Department of Defense request was not received in time for consideration. Following formal action by the Senate on the authorization bill and prior to conference agreement, the Senate Committee held hearings on the SALT related adjustments requested. As a result of those hearings, the conferees agreed to the authorization of:

(1) $40 million for the Site Defense program;

(2) $10 million for the Navy's Submarine Launched Cruise Missile program; and

(3) $10 million for improving military communications, command and control capabilities.

The Senate recedes.

Advanced attack helicopter

The House and Senate Armed Services Committees received letters dated August 9, 1972 from the Honorable Kenneth E. BeLieu, Acting Secretary of the Army, announcing plans to terminate the development program for the Cheyenne helicopter and requested that $40 million of the funds previously included in the departmental request be applied toward the initiation of a new advanced attack helicopter program and the termination of the present development contract with Lockheed.

The conference agreement provides $33,500,000 for the Army's advanced attack helicopter program. None of these funds are to be used for the Cheyenne, other than for the termination of the present development contract. The Army is directed to apply the balance of these funds for the development of a new advanced attack helicopter. It is expected that the Army will comply with normal competitive procedures in the initiation of this new developmental program. Both Committees must be provided with complete details of the Army's plans prior to any contract commitment and must be kept informed on a continuing basis of the progress of the new program. The Committees approval of this research and development program is not to be considered a commitment to production.

If the Army demonstrates an ability to proceed with this program more rapidly than is anticipated, the Committees would consider a reprogramming proposal to provide such additional funds as can be justified to cover additional work to be performed during fiscal year 1973.

Surface Effects Ships

The House bill contained an authorization of $50,112,000 in research and development funds for the Surface Effects Ships program. The objective of this program is to develop multi-thousand ton ships with speeds of 80 to 100 knots which would be suitable for a variety of Navy missions and which promise to be of substantial benefit to commercial shipping.

The Senate reduced the authorization by $18,000,000 expressing its concern with what it considers to be "unwarranted concurrency" in a high risk technical program and with the Navy's plan to undertake simultaneous parallel development of two 2,000 ton ships involving about $150 million each instead of selecting the more promising of two 100 ton test craft and proceeding with only one ship in the 2,000 ton class.

During the conference the Navy advised that the decision to proceed with either one or two 2,000 ton prototype ships is not required to be made during fiscal year 1973 and will be deferred until fiscal year 1974.

The conferees agreed to restore the program to the $50,112,000 requested.

The Senate recedes.

Advanced Research Projects Agency

The conferees agree that the potential military need for ARPA conducted research in rapid excavation technology is fairly remote, and that it has far greater application to non-military needs. However, to permit the orderly completion of ongoing work and the transfer of continuing work to other federal agencies, the Senate conferees recede and agree to restore $3.9 million for this purpose. However, the conferees agree that the fiscal year 1974 budget for the Bureau of Mines or another non-defense agency should include provision for the future support of this technology.

A-X prototype aircraft

The Senate bill contained language which required that of the funds authorized for research, development, test, and evaluation for the Air Force, $48,100,000 is authorized only for the A-X program. Since this is consistent with the desires of the House, the House conferees agreed to retain the language.

The House recedes.

Federal contract research centers

The Senate bill reduced by $23.2 million funds authorized for Federal Contract Research Centers as it was contemplated that the fiscal year programs for these centers would be revised to coincide with the fiscal year of the Federal budget.

The conferees agreed to the reduction of $23.2 million based upon the understanding that if final action on the fiscal year 1974 appropriation is not accomplished by July 1, 1973, and the Department of Defense must operate under the authority of a continuing resolution, the Federal Contract Research Centers may be authorized by the Department of Defense to continue to operate during fiscal year 1974 at a monthly rate computed on the basis of the total amount of funds authorized for fiscal year 1973 for each FCRC divided by the number of months for which authorization is provided, or 1/12 of the program proposed for fiscal year 1974 for the respective FCRC, whichever is the lower, pending final action on the appropriation bill. This will ensure continuity of operation.

The House recedes.

Research involving human beings

The Senate bill contained a floor amendment requiring certain conditions be met in the use of human beings as experimental subjects in research conducted with Federal funds, including the requirement that participants be volunteers who have been fully informed of any physical- or mental-health risks involved. The House bill contained no comparable provision.

The provision was not germane to the House bill, and the House conferees, while not opposed in principle had no time to study the ramifications of the provision or its full effect upon the defense establishment. The Senate conferees, therefore, reluctantly recede.

TITLE III—ACTIVE FORCES

The Department of Defense submitted its strength request in terms of "average active-duty personnel strength." The House, recognizing the personnel turbulence caused by the use of "average active-duty personnel strength," authorized "maximum end strength" for active-duty personnel and, in essence, authorized the budget's end strength as requested by the President.

Between the time of the House action and the Senate hearings the Department of Defense revised its end-strength figures, providing downward adjustments for each of the services except for the Marine Corps. It thus became necessary to determine whether the strength figures would be made as "average active-duty personnel strength" or "maximum end strength" for active-duty personnel in addition to determining the actual strength figures.

The Senate yielded to the House and agreed to the utilization of an "end strength" figure, which would represent a ceiling on personnel strengths.

The "end strength" was selected because Congress, for the last several years, has not completed its work on the authorization bill until well after the beginning of the fiscal year. When Congress reduces the average strength, the time the law becomes effective determines in large measure the number affected by the reduction.

Insofar as reductions are concerned, the conferees agreed to a strength reduction of 16,000 for all the services from the revised budgeted end strength of the Department of Defense. The reductions, however, shall be apportioned among the Army, Navy, and Air Force in such a manner as the Secretary of Defense shall prescribe. And further, the reductions shall be applied solely to the general support forces of the military departments, unless the Secretary of Defense determines that the making of such reductions solely from the general support forces of such military department will seriously and adversely affect the military mission of such department and informs the Congress in writing of his determination and the reason therefor.

The conferees took this action believing that the Secretary was better equipped to allocate the reductions and further believing that the reductions could be taken from the general support forces without adversely affecting military readiness.

Use of Reserves if manpower ceilings are exceeded

The House bill contained a provision permitting the President to exceed the personnel strength authorized in the bill when he determines that the ceilings would seriously jeopardize the national interest and when he so informs the Congress.

The Senate bill contained no comparable provision.

The Senate bill, however, contained language identical to that in the 1972 amendments to the Selective Service Act which, in effect, would require that the authorized personnel ceilings can be exceeded only by calling to active duty members of the Reserve components. The intent of the Senate language is to require the use of the training Reserves to meet additional manpower requirements prior to the induction of additional personnel beyond the strengths authorized.

The House bill contained no comparable provision.

The conferees determined that the Senate language will appropriately carry out the desires of both Houses.

The House, therefore, recedes.

TITLE IV—RESERVE FORCES

No items in disagreement.

TITLE V—ANTI-BALLISTIC MISSILE CONSTRUCTION AUTHORIZATION—LIMITATIONS ON DEPLOYMENT

Title V relates to construction for the Safeguard ABM system and provides that none of the funds authorized by this or any other act may be used for the purpose of continuing or initiating deployment of an ABM site except at Grand Forks, North Dakota. The title, therefore, effectively prohibits the initiation of work on a site in the vicinity of Washington, D.C. As explained in the discussion of Army missile procurement authorization above, all funds for an NCA site in Washington were deleted. Title V allows use of funds for work in connection with dismantling or cancellation of procurement at Malmstrom Air Force Base, Montana, Francis E. Warren Air Force Base, Wyoming, and Whiteman Air Force Base, Missouri.

The title also provides an authorization for construction of 218 units of family housing at Grand Forks to be financed with prior-year funds.

As indicated earlier, the Senate was adamant in its opposition to any authorization for an NCA site in view of the lack of definitive data concerning such a site.

The House recedes.

TITLE VI—GENERAL PROVISIONS

Southeast Asia authorization limitation (section 601 of conference report)

The House bill contained a provision, similar to one that was in last year's bill, that provides a limitation of $2,500,000,000 on the funds authorized for appropriation in this or any other act that may be used to support Vietnamese and other free world forces in support of Vietnamese forces, local forces in Laos and related costs during fiscal 1973.

The Senate reduced the ceiling to $2,100,000,000.

The Senate recedes.

Ceilings on use of funds for Laos (section 602 of conference report)

The Senate bill contained a provision providing a ceiling of $360 million with respect to the use of funds for assistance of any kind, economic or military, for Laos, with the exception of the cost of U.S. combat air operations.

The House bill contained no comparable provision.

After extensive discussion, the House conferees agreed to recede with an amendment to raise the dollar limitation to $375 million and to include combat air operations of the South Vietnamese forces along with the U.S. air-combat operations as the exceptions to the limitation.

C-5 (section 603 of conference report)

The Senate Committee again recommended that restrictive language contained in the FY 1971 and in the FY 1972 acts relating to the use of contingency funding and subsequent R&D and procurement funding be continued and applied against the procurement funds for the C-5 authorized for FY 1973.

These restrictions are that no part of the procurement funds authorized in this year's bill may be used for:

(1) direct costs of any other contract or activity of the prime contractor;

(2) profit on any materials, supplies, or

services which are sold or transferred between any division, subsidiary, or affiliate of the prime contractor under the common control of the prime contractor and such division, subsidiary or affiliate;

(3) bid and proposal costs, independent research and development costs, and the cost of other similar unsponsored technical effort; or

(4) depreciation and amortization costs in property, plant, or equipment.

The House version contained no such restrictions. The Senate was adamant in its position. After extensive discussion, the conferees agreed that restriction No. 4 be modified to allow Lockheed to charge off up to $6.4 million in depreciation and amortization costs.

The House recedes with this amendment.

Requirement for prior authorization for training appropriations (section 604 of conference report)

The House bill contained a provision (section 603) which would provide that after December 31, 1972, prior authorization would be required for the annual appropriation of funds used for training and educational purposes by the Armed Forces. The House had adopted the provision for the stated purpose of bringing about an effort by the Congress to better scrutinize and control annual training costs for the Armed Forces, which are now in excess of $6 billion.

The Senate bill contained no comparable provision.

The Senate conferees, while recognizing the merit of the intent of the House provision, were concerned about the problems that would be involved in defining and clearly specifying training activities.

The conferees, therefore, agreed to a revision of the House language which will, beginning with fiscal year 1974, provide for congressional authorization of the average military training student load for each of the Armed Forces. The authorization shall not be required for unit recruit training activities but will apply to student loads in recruit and specialized training, flight training, officer acquisition training, and professional training in military and civilian institutions. The provision as revised requires an annual report from the Secretary of Defense recommending the average student load for each category of training for each component of the Armed Forces for the forthcoming three fiscal years.

The Senate, therefore, recedes with the amendment as outlined above.

Elimination of prohibition on recruitment advertising

The Senate bill contained a provision (section 604) providing that nothing in this or any other act shall be construed as prohibiting use of any media for the purpose of recruitment advertising.

The House bill contained no comparable provision.

The House conferees opposed the provision as they did not see the necessity for elimination of a prohibition which is presently nonexistent.

The House conferees believed that the amendment might be construed as a congressional encouragement of certain types of advertising for which the necessity had not been justified.

The Senate recedes.

Submarine-duty pay (section 605 of conference report)

The Senate bill contained language which provides that in the case of a member of the submarine operational command staff, hours served while underway in submarines in excess of 48 during the preceding 5 months and not already used to qualify for incentive pay may be applied to serve the underway requirements for the current month in qualifying for submarine pay.

The House bill contained no comparable provision. However, the House in the past has approved legislation identical in purpose to the Senate provision.

The House recedes.

Limit on expenditure of Defense funds at certain institutions (section 606 of conference report)

The House bill contained a provision (section 602) which would prohibit the expenditure of Defense funds at any institution of higher learning if recruiting personnel of any of the Armed Forces are barred from the campus by the policy of such institution or if the institution is observing a policy which results in the disestablishment of an ROTC unit despite the desire of the military service concerned to remain on that campus.

The Senate bill contained no comparable provision.

After extensive discussion, the Senate conferees agreed to recede with an amendment withholding Defense Department funds from institutions which, as a matter of policy, bar military recruiters.

Navy shipyards

Language was included in the House bill requiring the Secretary of the Navy to assign a number of naval vessels authorized by this act and the fiscal year 1974 authorization act to naval shipyards for construction so as to assist in maintaining a shipbuilding capacity in Navy shipyards adequate to national defense.

The Senate bill contained no comparable provision. The Senate conferee pointed out that there had been no opportunity for adequate study for such a proposal by the Senate and there was no certainty that the provision would not be implemented by the Department of Defense in such a way as to have a detrimental effect on some shipyards.

The House, therefore, after considerable discussion, reluctantly recedes.

Medical emergency transportation

The Senate bill contained a provision (section 606) which provided for the authorization of Defense Department resources to assist the Department of Health, Education and Welfare and the Department of Transportation in providing medical emergency transportation services to civilians. The amendment contemplated such things as use of military helicopters and paramedical personnel in responding to highway accidents.

There was no comparable provision in the House bill. The House conferees pointed out that Members of the House had no opportunity to consider or study the provision, which was adopted as a floor amendment in the Senate; and the House conferees did not believe it was appropriate to put the proposal into law without adequate study of the demands that would result on the resources of the Department of Defense and the liabilities which might be placed on the Government.

The Senate recedes.

Weather modification

The Senate bill contained language which was designed to prohibit weather-modification activities as a weapon of war and, in addition, to prohibit the intentional ignition of fire storms or the dissemination of equipment or instructions or the procuring of agents for starting fire storms.

The House bill contained no comparable provision.

The House conferees pointed out that no consideration to such a provision was given in the House and time was not available for the House conferees to gather sufficient information to evaluate the effect such an amendment might have on the operations of the Department of Defense. In addition, it was learned that the subject is being addressed in hearings in another committee of the Congress.

The Senate, therefore, recedes.

Multiyear contracts (section 607 of conference report)

The House bill contained a provision prohibiting multi-year contracts unless specifically authorized by the Congress when such contracts involve cancellation charges in excess of $1 million.

The Senate bill contained no comparable provision.

The Senate conferees agreed in principle with the spirit of the amendment but were concerned about the effect as contained in the House language. The Senate, therefore, recedes with an amendment which provides that the prohibition of multi-year contracts be confined to authorization in this Act and the ceiling be $5 million rather than the $1 million proposed by the House.

Aircraft sales to Israel (section 608 of conference report)

The Senate bill contained a provision (section 608) to extend for two years the authority of the President to provide aircraft and equipment to Israel. The present authority (section 501 of Public Law 91–441), which authorizes the President to undertake credit sales to Israel, expires on September 30, 1972. The Senate provision would extend the authority to December 31, 1973.

The House bill contained no comparable provision.

The House recedes.

Recomputation of military retired pay

The Senate bill contained provisions (sections 609, 610, 611 and 612), the intent of which was to provide that military personnel retired prior to January 1, 1972, would have their retired pay recomputed on January 1, 1972, pay scales at age 60, except that those retired for permanent physical disability under the Career Compensation Act of 1949 with 30 percent or greater disability would be able to recompute immediately.

The House bill contained no comparable provision. The Senate language was adopted as a floor amendment. The provisions are not germane to the House bill.

Attention was called to the fact that there were conflicting and indefinite estimates of the cost and possible inequities that could result from this amendment, which was not subject to hearings in either the House or the Senate.

The Chairman of both the House and Senate Committees on Armed Services have indicated their intentions to conduct hearings on this complex issue and related matters of retirement policy.

The conferees, without prejudicing a judgment as to the merits of the amendment, concluded that hearings are necessary.

Therefore, with the assurance that hearings will begin promptly, the Senate recedes.

Withdrawal of U.S. forces from Indochina

Included in the Senate amendment to H.R. 15495 was language embodied in section 613 and section 614 providing for the withdrawal of all U.S. forces from Vietnam, Laos, and Cambodia within four months of enactment of the provision provided that American prisoners of war were released within that time and an accounting for U. S. servicemen missing in action had been provided by the government of North Vietnam or any government allied therewith.

The language of section 613 also provided that all funds "authorized or appropriated by this or any other Act for United States forces with respect to military actions in Indochina may be used only for the purpose of withdrawing all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia and protecting such forces as they are withdrawn".

The bill, as passed by the House, contained no comparable provision. The House conferees indicated that, under the House Rules, the language added by the Senate was nongermane to the provisions of H. R. 15495, and the House conferees were precluded from accepting the Senate amendment. (Clause 3 of House Rule XX)

Notwithstanding the provision contained in the House Rules regarding nongermane amendments, the House conferees did engage in very extensive deliberations concerning the subject matter of these Senate provisions. No single subject in the entire bill evoked as much concern and discussion as did these provisions. It is safe to say that the conferees spent more time on this particular subject than any other of the differences in the House and Senate versions of H.R. 15495. The conferees also agreed to an unprecedented action in permitting Senators Brooke and Cranston to appear before the House/Senate conference to present their arguments in support of the Senate language.

During discussions of this subject matter, House conferees pointed out that the substance of this proposed language was already embodied in existing law in permanent form in two instances.

Public Law 92–129, enacted September 28, 1971, contains in section 401, language reflecting the views of the Congress regarding the termination of hostilities in Indochina.

Also, the Congress in Public Law 92–156 85 Stat. 430), enacted November 17, 1971, incorporated in section 601 a very definitive statement concerning the policy of the United States on this subject. Because of the pertinency and continued application of this statement of United States policy as contained in existing law, it is set forth below in its entirety:

TITLE VI—TERMINATION OF HOSTILITIES IN INDOCHINA

Sec. 601. (a) It is hereby declared to be the policy of the United States to terminate at the earliest practicable date all military operations of the United States in Indochina, and to provide for the prompt and orderly withdrawal of all United States military forces at a date certain, subject to the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces. The Congress hereby urges and requests the President to implement the above-expressed policy by initiating immediately the following actions:

(1) Establishing a final date for the withdrawal from Indochina of all military forces of the United States contingent upon the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such Government and an accounting for all Americans missing in action who have been held by or known to such Government or such forces.

(2) Negotiate with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

(3) Negotiate with the Government of North Vietnam for an agreement which would provide for a series of phased and rapid withdrawals of United States military forces from Indochina in exchange for a corresponding series of phased releases of American prisoners of war, and for the release of any remaining American prisoners of war concurrently with the withdrawal of all remaining military forces of the United States by not later than the date established by the President pursuant to paragraph (1) hereof or by such earlier date as may be agreed upon by the negotiating parties. (Approved November 17, 1971. (P.L. 92–156))

The House conferees emphasized repeatedly that these provisions of law, particularly in section 601 of Public Law 92–156, adequately reflect the objectives contained in the proposed Senate language without adversely affecting the ability of our President to terminate, at the earliest practicable date, our military operations in Indochina.

The conferees of the House also pointed out that on August 10, 1972, the House of Representatives specifically rejected a so-called "end the war amendment" which provided a specific withdrawal date such as contained in the proposed Senate language. The vote of the House rejecting that proposal was 228 to 178.

The Senate conferees in an effort to seek agreement on some meaningful provision proposed several alternatives to the Senate-passed provisions. These alternatives included a form of the final Cranston amendment with slight modification before it was replaced by the Brooke substitute which finally passed the Senate. Also included for discussion was a proposal which made it the sense of the Congress for a withdrawal of all American forces from Vietnam four months after the establishment of an internationally supervised cease-fire throughout Vietnam and the return of all American prisoners of war and an accounting for the Americans missing in action. Nevertheless, for the reasons already discussed, the House conferees would not agree to any of these alternatives.

In view of these circumstances and because of the adamant position of the House conferees on this matter, the Senate conferees, in order to complete conference action on H.R. 15495, reluctantly agreed to recede from the position and sections 613 and 614 of the Senate amendment were deleted.

The Senate recedes.

SUMMARY

The bill, with recommended amendments, presented to the Congress by the Department of Defense included programs totaling $23,272,971,000. The bill as passed by the House totaled $21,318,788,250. The bill as passed by the Senate totaled $20,521,671,000.

The bill as agreed to in conference totals $20,943,847,000.

The figure arrived at by the conferees is $2,329,124,000 less than the amount requested by the Department of Defense. It should be noted that the $973,400,000 requested for additional support of allied forces in Southeast Asia was received too late for consideration in this authorization bill. This request was denied without prejudice.

F. Edw. Hébert,
Melvin Price,
O. C. Fisher,
Charles E. Bennett,
James A. Byrne,
Samual Stratton,
Leslie C. Arends,
Alvin E. O'Konski,
William Bray,
Bob Wilson,
Charles S. Gubser,
Managers on the Part of the House.

John C. Stennis,
Stuart Symington,
Henry M. Jackson,
Howard Cannon,
Thomas J. McIntyre,
Margaret Chase Smith,
Strom Thurmond,
John Tower,
Peter H. Dominick,
Managers on the Part of the Senate.

PERMISSION TO FILE REPORT ON DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the Department of Defense Appropriation bill for the fiscal year 1973.

Mr. MINSHALL reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

FEDERAL INTEREST IN ALEXANDRIA WATERFRONT LANDS

The SPEAKER. This is District of Columbia day. The Chair recognizes the gentleman from Georgia (Mr. Stuckey).

Mr. STUCKEY. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 15550) to convey to the city of Alexandria, Va., certain lands of the United States, and for other purposes, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 15550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of this Act, and subject also to the approval by the Secretary of the Interior (hereinafter called "Secretary") of a land use plan as described in section 1(b) of this Act, the United States of America grants and conveys to the city of Alexandria, in the Commonwealth of Virginia (hereinafter referred to as the "City") without warranty of title expressed or implied, the interests of the United States in that certain portion of land located within the present corporate limits of said City and being partly within the bed of the Potomac River described as follows: beginning at the intersection of the easterly projection of the north line of Third Street with the mean high watermark of January 24, 1971 (said high watermark being depicted and described on a map of the National Capital Parks and Planning Commission entitled "Map of the District of Columbia-Virginia Boundary Line according to the Cession of the State of Maryland, effective January 24, 1791" drawn by C. C. Cook, September 4, 1934, bearing file number N.C.P. 8.2–4 of National Capital Parks, National Park Service, Washington, D.C., which said map shall be recorded among the land records of the City); thence continuing in an easterly direction along said easterly extension of the north line of Third Street to its intersection with the mean high watermark of the west bank of the Potomac River; thence in a southerly direction along said mean high water to its intersection with a line which bears N 63°54′ W from station D1 on the United States pierhead line, as established by the United States Army Corps of Engineers; thence S 63°54′ E along said line to its intersection with the northerly prolongation of the bulkhead line, as established by the United States Army Corps of Engineers; thence southerly along said bulkhead line to its point of intersection with a line 176.58 feet south of and parallel to an easterly extension of the southerly line of Gibbon Street; thence westerly along said line parallel to the southerly line of Gibbon Street to its intersection with said 1791 high-water line; thence generally in a northerly direction along said 1791 line to the point of beginning. The interest of the United

States hereby granted and conveyed shall include all the interest in those lands derived by virtue of the grant by the State of Maryland to the United States for the seat of Government.

(b) This conveyance shall become effective upon the approval by the Secretary of a plan submitted to him by the City, showing the location of the pedestrian mall and park areas required to be created by the City by sections 7 and 8 of this Act, and also showing the maximum extent of any bulkheading and filling which the City proposed to permit or authorize under the authority granted to it by this Act. The Secretary shall approve or disapprove said plan within sixty days of its submission to him by the City; provided, the Secretary shall not disapprove such plan submitted by the City unless he finds that the plan does not adequately meet the requirements of sections 7 and 8 of this Act and, in the event of such a finding, the Secretary shall affirmatively advise the City of the deficiencies upon which he bases such finding.

(c) The Secretary is authorized and empowered to execute any and all further documents or assurances which may be necessary to obviate any problem with regard to title to the lands to be conveyed pursuant to the provisions of section 1 of this Act, including waiver of the condition set forth in section 4(b) of this Act, and is further authorized to utilize any other authority available to him within the District of Columbia and its environs, to effectuate the purposes of this Act.

Sec. 2. (a) The Act of October 31, 1945 (59 Stat. 552), an Act "To establish a boundary line between the District of Columbia and the Commonwealth of Virginia, and for other purposes," is amended by revising the proviso in section 102 thereof to read as follows: "*Provided, however,* That, except as may be relinquished by subsequent Act of Congress, concurrent jurisdiction over the said area is hereby reserved to the United States."

(b) Upon the approval by the Secretary of the land use plan described in section 1(b) of this Act, concurrent jurisdiction previously reserved by the United States over the area within the boundaries set forth in section 1 of this Act is relinquished.

Sec. 3. Upon the approval by the Secretary of the land use plan described in section 1(b) of this Act, so much of that portion of the Potomac River as is located within the boundaries of the land described in section 1 of this Act and which is presently filled, or which is hereafter filled pursuant to the provisions of this Act, is declared to be nonnavigable both in fact and in law within the meaning of the Constitution and laws of the United States, and nothing in said Constitution and laws as now in force and effect shall thereafter be deemed to prevent the dredging or filling or the erection and maintenance of permanent improvements within the aforesaid portion of the Potomac River or in or above the bed of such portions of the river or on land heretofore or hereafter filled thereon or recovered therefrom: *Provided,* That the filling, other than for stabilization of the shoreline and utilization for public purposes thereof, of that area of submerged lands lying between Pendleton and Madison Streets, extended, and bounded on the west by the east line of Union Street, extended, consisting of the easterly portion of what is known as "Oronoco Bay", is and shall be prohibited: *Provided further,* That any future dredging or filling not prohibited by this Act shall first be approved by the City: *Provided further,* That for purposes of the forgoing proviso, the phrase "furture dredging or filling" shall refer only to dredging or filling commenced after the effective date on this Act; the term "filling" shall refer only to the addition of material to or on land which is below the mean high water mark of the Potomac River on the effective date of this Act, and for the permission of the City shall not be required as a prerequisite to the addition of material to or on any land located within the boundaries of the land described in section 1 hereof which is above the mean high water mark of the Potomac River on such date: *Provided further,* That the approval or denial by the City of any future dredging or filling of the land described in section 1 hereof shall be based solely upon criteria which promote the effectuation of the uses, limitations and requirements set forth in this Act.

Sec. 4. (a) All lands and interests in lands of the United States within the area described in section 1 of this Act are granted and conveyed upon the express condition that future use thereof shall not be inconsistent with the provisions of this section, and the City shall not hereafter in any way authorize, consent to, or by inaction, permit the extension or initiation of any use within the area which is inconsistent with the provisions of this section, or which is inconsistent with the approved land use plan described in section 1(b) of this Act. The City shall, as appropriate, enact or maintain zoning ordinances or other land use requirements applicable to the area described in section 1 of this Act which shall be consistent with the requirements and limitations set forth in this section.

(b) The parkland and pedestrian mall required by sections 7 and 8 of this Act shall substantially conform to the land use plan approved by the Secretary pursuant to section 1(b) of this Act. Failure to so conform shal be deemed a breach of a condition running with the land which shall permit the Secretary to file suit for re-entry, and for revestment of title in the United States, covering any parcel of said parkland, or any portion of said mall, the use or proposed use of which does not substantially conform to the approved land use plan: *Provided,* That the prior approval by the Secretary of any proposed use not conforming with said approved land use plan shall be deemed to effectuate a waiver of this condition, and no cause of action for re-entry shall or may be brought by the Secretary in regard to such prior approved use.

(c) Consistent with its obligations under sections 7 and 8 of this Act, the City may grant, convey, sell, lease, or exchange the land or any part or parts thereof or interests therein, granted and conveyed to the City pursuant to section 1 of this Act, subject to the provisions of sections 5 and 6 of this Act and to the following convenants on the use thereof, which covenants shall be incorporated in or otherwise made a part of each deed or instrument whereby said land or any parts thereof or interests therein is granted, conveyed, sold, leased, or exchanged, which deeds and instruments shall be recorded among the land records of the City:

I. USES PERMITTED

Except as hereinafter otherwise provided, the following uses only shall be permitted:

(a) Commercial and professional offices and office buildings.

(b) Churches and schools.

(c) Row dwellings, single family, and multifamily dwellings.

(d) Private or fraternal clubs.

(e) Docks, marinas, and warehouse buildings for water-related shipping.

(f) Public buildings and public utilities.

(g) Parks.

(h) Parking garages and parking lots.

(i) Hotels and motels including conference centers.

(j) Retail and nonretail commercial uses.

(k) Private garages, drives, common areas, parking, and play spaces.

(l) Streets, drives, and open spaces.

(m) Hospitals, clinics, and other medical facilities.

(n) Any combination of the above uses.

II. FLOOR AREA RATIOS

The maximum ratio of building floor area of land, including streets, alleys, and other public rights-of-way, shall not exceed the following:

Land area (acres)	*Floor area ratio*
Less than 2	2.00
2 but less than 3	2.10
3 but less than 4	2.25
4 but less than 5	2.50
5 but less than 6	2.75
6 but less than 7	3.00
7 but less than 8	3.25
8 but less than 9	3.50
9 but less than 10	3.75
10 or more	4.00

III. MAXIMUM NUMBER OF DWELLING UNITS PERMITTED

(a) Rowhouses, thirty units per acre including common space area and one-half the area of any streets or alleys immediately adjacent to the site to be developed.

(b) Multifamily dwelling, ninety units per acre including one-half the area of any streets or alleys immediately adjacent to the site to be developed.

(c) For mixed residential and commercial developments, the maximum number of dwelling units shall be determined as follows: maximum number of dwelling units equals the total tract area in square feet, minus the commercial floor area in square feet divided by the tract floor area ratio, multiplied by (ninety) units per acre.

IV. ADDITIONAL RESTRICTIONS

(a) In addition to the restrictions set forth in subparagraphs I, II, and III of this section 4, the following restrictions on use shall apply to that portion of the land described in section 1 of this Act which lies between an easterly extension of the south line of Oronoco Street on the north and a line 176.58 feet south of and parallel to the southerly line of Gibbon Street on the south.

(1) The maximum height of any building shall not exceed fifty feet above the average ground elevation of the building.

(2) The maximum ratio of building floor area to area of land, including streets, alleys, and other public rights-of-way, shall not exceed 3.00.

(3) Any building or structure constructed, renovated or altered, in whole or in part, shall be subject to the architectural controls imposed by the City upon buildings or structures located in the City's old and historic district.

(4) The maximum number of dwelling units per acre shall not exceed fifty-five.

(b) In addition to the restrictions set forth in subparagraphs I, II, and III of this section 4, the following restrictions on use shall apply to that portion of the land described in section 1 of this Act which lies east of a line running two hundred feet east of and parallel to the east line of Lee Street and Lee Street, extended, and which is bounded on the south by the north line of Pendleton Street and Pendleton Street, extended, and on the north by the north line of Third Street, extended:

(1) Except for restaurants, marinas, and other similar water oriented commercial uses approved by the City, said land shall be used only for public parks, open space, and public recreational areas, including uses ancillary to the use of said public parks, open space, and recreational areas.

(2) No building or other structure authorized within said area by the City shall exceed thirty feet in height.

(3) To the maximum extent feasible, any water oriented commercial use authorized or permitted within said area shall be open and available to the public.

(c) In addition to the restrictions set forth in subparagraphs I, II, and III of this section 4, the following restriction on use shall apply to that portion of the land described in section 1 of this Act which is bounded on the south by the south line of Pendleton Street and Pendleton Street, extended, and on the north by the north line of Third Street, extended.

(1) No building, other than buildings permitted under subsection 4(c) V(b)(1) of this Act, shall be constructed within one hundred feet of the shoreline of the Potomac River as the same now exists, or as it may hereafter exist following the completion of any bulkheading, filling, or dredging permitted by this Act.

(d) Nothing in subsection 4(c) IV(b) of this Act shall be construed to prohibit the use of residential density and floor area ratio credits from the lands described in said subsection to determine the maximum allowable residential density and floor area ratio of buildings and structures located west of the area described in said subsection.

SEC. 5. The specific applicability of any of the uses set forth in section 4 of this Act within the area described in section 1 of this Act must be approved by a majority of the City Council of the City (hereinafter referred to as the "City Council"). The City Council may impose such additional conditions and restrictions, if any, upon the use of the land as it deems proper to insure the health, welfare, and safety of the citizens of the City and to insure the development of the area in a manner consistent with the protection of the Potomac waterfront in Alexandria. Before permitting any of the uses, the City Council shall consider the following:

(1) The arrangement and location of proposed building, structures, and spaces as they relate to the entire Potomac River waterfront in Alexandria.

(2) The safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, lighting, and facilities for waste disposal.

(3) The location of and means of access to pedestrian areas and the separation of such areas from vehicular ways and parking and loading areas.

(4) The design of grades, pavings, gutters, and drainage necessary to handle storm waters and to prevent erosion.

(5) The provision of walls, fences, landscaping, and increased setbacks when deemed necessary to minimize adverse effects upon nearby properties and within the proposed development.

(6) The treatment and extent of plaza, courts, terraces, and other open areas necessary or appropriate to the use or enjoyment of the development and the protection of the environs.

(7) The distance of parking areas and buildings from the nearest single-family zoning and single-family development.

(8) The provisions for dedication of land for public rights-of-way, parks, schools, and recreation space, when necessary and appropriate to the development and the environs.

(9) The treatment of off-street parking spaces, including outdoor, in-structure, and underground parking.

(10) The effects of traffic, likely to be generated by any proposed development on nearby streets, highways, or other public rights-of-way.

(11) The proximity to mass transit or other public transportation facilities.

Where in the judgment of the City Council it is reasonable, fair, and practicable so to do, the City Council in approving any use of the aforesaid land, or any part or parts thereof or interests therein granted and conveyed to the City hereunder, may make or require the reservation, granting, or dedication of such easements in, on, over, under, and across such land, or any part or parts thereof, as the City Council may deem necessary or appropriate for the purpose of providing public access to the Potomac River.

SEC. 6. (a) In granting, conveying, selling, leasing, or exchanging the lands or interests in lands granted and conveyed to the City by the Secretary this Act, or any part or parts thereof or leasehold or other interests or rights therein, the City shall receive in payment or consideration therefor the fair market value thereof, such value to be determined by mutual agreement between the Administrator of General Services Administration and the City but if after good faith efforts they are unable to agree upon a price, then by an appraiser selected by the judge of the United States District Court for the Eastern District of Virginia, then sitting on or assigned to said court at Alexandria, Virginia, the cost of such appraisal to be borne equally by the United States and the City. The net proceeds of such sales shall be retained and set aside by the City in a separate fund and shall thereafter be used by the City exclusively for the acquisition, development and maintenance of the park areas and pedestrian mall required or contemplated by this Act. The City shall file an annual accounting with the Administrator of the General Services Administration, accounting for its use of any such proceeds. The phrase "fair market value" as used in this subsection shall be deemed to mean only the fair market value of the land or interest in land granted and conveyed to the City by this Act and which is to be conveyed, sold, leased or exchanged by the City, such value to be determined as of the date of the conveyance. The phrase "fair market value", as used in this subsection, shall not include the value of any filling or other improvements placed on the land described in section 1 of this Act prior to the date of this Act.

(b) No purchaser, lessee, or other person, firm, corporation, trust, or entity acquiring or leasing any such lands or interests therein shall be required to see to the proper application of the purchase money, rentals or other consideration therefor.

SEC. 7. The City shall, within fifteen years of the effective date of this Act, create, develop, and maintain within the area granted and conveyed to the City pursuant to section 1 of this Act or, with the approval of the Secretary, from lands contiguous thereto, a pedestrian mall freely accessible to the public, not less than twenty-five feet in width, along or above the western shore of the Potomac River as the same may now exist, or as it may hereafter exist following any dredging, filling, or bulkheading permitted or contemplated by the terms of this Act, which said pedestrian mall shall provide access to the Potomac River. The Secretary may, in those instances where it may be necessary for the reasonable development of said mall or where circumstances make full compliance with the requirements of this section impractical or impossible, approve a reduced width or an alternate location for any particular segment of the mall: *Provided*, That in the event a future change in conditions makes compliance with the requirements of this section practicable, the City shall be obligated to relocate or widen said mall, as may be necessary to comply with the requirements of this section. The mall shall in any event be located as close as practicable to the said western shore of the Potomac River.

SEC. 8. In addition to the pedestrian mall required to be created and maintained under the provisions of section 7 of this Act, the City shall, within fifteen years of the effective date of this Act, create, develop, and maintain one or more public park areas from the lands and interests in lands granted and conveyed to the City pursuant to section 1 of this Act or, with the approval of the Secretary, from lands contiguous thereto, which shall be accessible to the public and provide access to the Potomac River, and which said public park areas shall total at least eleven acres in area.

SEC. 9. The Secretary is authorized to file suit in the United States District Court for the Eastern District of Virginia against the City or its grantees to enforce any of the provisions of this Act, or to restrain any violation of the terms and conditions hereof, without regard to the amount in controversy.

SEC. 10. Notwithstanding anything to the contrary hereinbefore provided in this Act, the Secretary may, upon request of the City Council, to be evidenced by a resolution adopted at a regular public meeting by at least a majority of the members thereof, and upon such conditions as he or his successor in office shall deem to be in the public interest, permit the deletion or elimination of or changes in or deviations or variances from the approved land use plan or any or all of the uses and conditions set forth in sections 4 and 5 of this Act: *Provided, however*, That any such request of the City Council shall automatically be approved, without further action, if the Secretary shall fail to act on any such request within sixty days after the date upon which the request is received by the Secretary.

SEC. 11. Nothing in this Act shall be construed to require the City to change the character of any existing use of any land granted and conveyed to it hereunder, except for the provision of the public park areas and pedestrian mall required by sections 7 and 8 of this Act.

SEC. 12. Violation of any of the provisions of this Act shall in no event be construed to effect a reversion or forfeiture to the United States of the land or any part thereof or rights or interests therein granted and conveyed to the City hereunder: *Provided*, That nothing in this section shall effect the right of the Secretary to protect the parkland and pedestrian mall areas required by sections 7 and 8 of this Act by filing suit for re-entry of said areas as provided under section 4(b) of this Act.

SEC. 13. Nothing in this Act shall be construed as changing, altering, increasing, diminishing, impairing, or affecting any right, title, or interest which the State of Virginia or any instrumentality thereof of any person, firm, corporation, trust, or entity, other than the United States or an agency or instrumentality thereof, may lawfully own or be entitled to in any part of the land or rights or interest therein lying within the boundaries of the land described in section 1 of this Act; it being the purpose and intent hereof to grant and convey to the City only so much of said lands and interests in lands as may be owned by the United States or an agency or instrumentality thereof.

SEC. 14. Nothing in this Act shall affect in any way the rights reserved to the United States of America in that certain deed, dated March 2, 1970, by and between the United States of America as grantor and the City, as grantee, which said deed is recorded in book 707 at page 327 of the land records of the city of Alexandria, Virginia.

GENERAL LEAVE TO EXTEND

Mr. STUCKEY. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks in explanation of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. STUCKEY. Mr. Speaker, I move to strike the last word. Mr. Speaker, H.R. 15550 seeks to clear title to a parcel of waterfront property in Alexandria, Va., comprising some 48 acres, 23.7 acres of which are submerged.

Title to this property was clouded by the inability to determine the exact location of the high water mark in 1791, which serves as the boundary between Alexandria and the District of Columbia. The line became obscured through natural and manmade fill, erosion, and accretion.

Due largely to this title problem, this portion of the Alexandria waterfront is presently a no man's land of blight and neglect. Cluttered with sagging buildings, ramshackled warehouses, abandoned oil tanks, rotted piers, and other clutter and debris, its present condition is unesthetic to the city of Alexandria and to the Washington metropolitan area. It is for the most part both inaccessible and uninviting to the public.

H.R. 15550 will give the city of Alexandria the legislative and legal tools it needs and must have to eliminate the blight and control the development of the waterfront area in such a manner as to insure not only quality development, but also public access, open space, and park lands.

The purpose of the bill H.R. 15550 (as set forth in the Committee report, H. Rept. 92–1236) is to authorize the United States to grant and convey to the city of Alexandria, Va., all interests of the United States in certain waterfront land located in that city along the shoreline of the Potomac River. This conveyance is to be subject to certain conditions and restrictions set forth in the bill.

PROVISIONS OF THE BILL

H.R. 15550 transfers Federal title and claims to approximately 48 acres of fast and submerged lands to the City of Alexandria. The bill also delegates to the Secretary of the Interior the power to approve or disapprove a plan for the property to be transferred, which shall show the location of the park land and pedestrian mall that the city is required by the bill to create and maintain, as well as certain other details specified in the bill. Upon approval of this plan, the city would be empowered to authorize the filling of certain portions of the Potomac River adjacent to the present Alexandria shoreline out to the bulkhead line.

In exchange for the transfer, the bill will impose the zoning restrictions, height limitations, and architectural review requirements of the old and historic district of Alexandria upon that portion of the transferred property south of Oronoco Street to Gibbon Street. The city will be required to create and maintain in perpetuity a 25-foot walkway or pedestrian mall, the entire length of the waterfront. The city will also be required to create and maintain in perpetuity 11 acres of park land. Finally, upon development of the waterfront area north of Oronoco Street, the city shall be obligated to require developers to create and thereafter maintain an additional area of approximately 10 to 12 acres of park land, open space, and public recreational facilities.

In summary, H.R. 15550 transfers to the city approximately 38 acres of usable real property—excluding approximately 4 acres in the Old Town Yacht Basin, where the city has indicated that it will not request authority to approve significant fill. Of this 38 acres, H.R. 15550 requires that approximately 20 to 23 acres be devoted to park, open space, and recreational uses, and additionally that more than 4 acres be devoted to a walkway or pedestrian mall.

The provisions of this bill do not either increase or diminish the present title or interest of any person in the waterfront lands involved. This legislation will, however, enable such owners or holders of interest for the first time to perfect their titles and thus to obtain title insurance, as a result of which they will be able to develop their properties in conformance with the city's plan as provided under the terms of this bill.

When a private interest holder enters into this procedure, he will be required to pay the city that portion of the fair market value of the property representing the interest which the Federal Government now holds, and which under the terms of this bill will be transferred to the City of Alexandria. This evaluation will be determined by mutual agreement between the Administrator of General Services and the city. However, if these parties are unable to agree upon a price, then the evaluation shall be made by an appraiser selected by the judge of the U.S. District Court for the Eastern District of Virginia. The net proceeds of such sales must be used by the city exclusively for the acquisition, development, and maintenance of the park areas and pedestrian mall provided for in the bill.

It should be noted at this point that it is the intent of your committee that the enactment of this legislation shall not affect any way the current rights of the parties to the lawsuit now pending in the Circuit Court for the City of Alexandria between the Northern Virginia Conservation Council, Inc., et al. and the city of Alexandria, et al.

NEED FOR LEGISLATION

This bill seeks to clear title to a parcel of waterfront property in Alexandria comprising some 48 acres, 23.7 acres of which are submerged, so as to permit its orderly development in compliance with guidelines and restrictions set forth in the bill.

Title to this property was clouded by the inability to determine the exact location of the high water mark of 1791, which serves as the boundary between Alexandria and the District of Columbia. A boundary commission in 1934 concluded that the 1791 line could never be determined and recommended that the property in question be given over to the city of Alexandria and the private holders then occupying it. In so legislating, however, the Congress—in 1945—added a reservation that the United States would not relinquish any title claim it may have.

This bill attempts to correct that legal tangle.

Due largely to this title problem with which it has been plagued, this portion of the Alexandria waterfront is presently a no man's land of blight and neglect. Cluttered with sagging buildings, ramshackled warehouses, abandoned oil tanks, rotted piers, and other clutter and debris, its present condition is unesthetic to the city of Alexandria and to the Washington metropolitan area. It is for the most part both inaccessible and uninviting to the public.

H.R. 15550 will give the city of Alexandria the legislative and legal tools it needs and must have to eliminate the blight and control the development of the waterfront area in such a manner as to insure not only quality development but also public access, open space, and park lands. Without H.R. 15550, there is no way that either the Federal Government or the city of Alexandria can guarantee any public access, public open space, or park lands—unless the Federal Government spends between $6 million and $10 million to acquire the legitimate private interests through condemnation.

At this point it should be emphasized that the property covered by H.R. 15550 has been in private ownership for many, many years, with some land titles dating prior to the formation of the District of Columbia. The owners of this property, in some cases, have developed it, built upon it, and certainly paid taxes on it. It may also be noted that in at least two instances, owners of property affected by the Federal title claim have been successful in obtaining title insurance, suggesting weakness in the Federal claim.

In sum, H.R. 15550 seeks to lift this cloud upon the title of the subject and to strike a judicious balance between Federal and private interests. Controls in the public interest are placed upon the conveyance of this Federal claim to the city of Alexandria in attempt to preserve that balance.

SECTION-BY-SECTION ANALYSIS

Section 1: Describes the metes and bounds of the property in which the Federal interest is being transferred to the city of Alexandria. The property is bounded on the north by Third Street, extended; on the south by a line 176.58 feet south of and parallel to Gibbon Street, extended; on the east by the established bulkhead line; and on the west by the 1791 high water line. Excepted from this transfer—see section 14—are the rights—essentially the right to occupy the buildings for up to 5 years—reserved to the United States when it sold the Federal Record Center property to the city on March 2, 1970. The transfer is made effective upon the approval of the Secretary of the Interior of a land use plan, to be submitted by the city, showing the locations of the parkland and pedestrian mall that the city is required by sections 7 and 8 to create and also showing the maximum extent of any filling that the city proposes to authorize within the area conveyed. This section also authorizes the Secretary to execute any documents necessary to obviate the land title problem in the area covered by this act.

Section 2: Upon the approval of the Secretary of the land use plan submitted by the city under section 1, section 2 relinquishes concurrent jurisdiction over the area described in section 1 which was reserved to the United States in the 1945 Boundary Line Act (59 Stat. 552).

Section 3: Authorizes the city, subject to certain specified restraints to permit the filling of certain portions of the

Potomac River between the present shoreline and the bulkhead line. Filling of that portion of the waterfront area east of Union Street, extended, between Madison and Pendleton Streets, known as Oronoco Bay is prohibited. Land east of the 1791 line which is already above water, and land which is created by the filling authorized by this act, is declared to be nonnavigable.

Section 4: Permits the city, subject to specified restrictions on land use, density, floor area ratio and height, and to certain other obligations, to transfer all or any part of the Federal interest conveyed in section 1. (Payment of fair market value for any portion of the Federal interest so transferred is required by section 6.) The city is affirmatively obligated to act to prevent the initiation or extension in the area described in section 1 of any use which is inconsistent with the restrictions of this section. In addition, the Secretary is granted the right to file suit for reentry covering any portion of the park land or mall area required by sections 7 and 8 which may be used for any purpose or permitted by the act. The restrictions vary in some cases, depending upon the area involved but all of the area described in section 1 which is in the old and historic district of Alexandria is subject to the density, height, and architectural restrictions generally in effect in that district. In addition, north of Pendleton Street, substantially all of the area east of a line 200 feet east of and parallel to Lee Street must be used for parks, open space, or public recreation area. The only structures permitted, other than those which are auxiliary to park usage, are restaurants, marinas, and other similar water-oriented commercial uses not exceeding 30 feet in height. No building, other than those aforementioned, may be constructed in this area closer than 100 feet to the shoreline of the Potomac River.

Section 5: Permits the city to impose additional restrictions on land use, should the city elect to do so, and sets forth a detailed list of criteria which must be considered by the city before permitting any of the authorized uses.

Section 6: Provides that the city must receive fair market value for any portion of the Federal interest transferred by the city. Procedures for determining fair market value are set forth in the section. The proceeds of any such transferred property are required to be set aside and used by the city for the acquisition, maintenance, and development of the park land and mall areas required or contemplated.

Section 7: Requires the city, within 15 years, to develop a pedestrian mall 25 feet in width, providing access to the Potomac River, running along the shoreline of the river throughout the entire area described in section 1. The Secretary is authorized to approve deviations from this requirement only where compliance is impractical or impossible. If a deviation is permitted, the city is required to correct the deficiency should a future change in conditions make it practicable to do so.

Section 8: Requires the city, within 15 years, to create a total of 11 acres of park land either from the area described in section 1 or, with the approval of the Secretary, upon contiguous lands. The park areas created under this section must provide access to the river.

Section 9: Authorizes the Secretary to file suit in the Federal court in Alexandria to enforce the provisions of this act, or to restrain violations of this act.

Section 10: Authorizes the Secretary to permit deletions, changes, deviations, and variances in the restrictions and conditions imposed by sections 4 and 5, and in the plan required by section 1, upon application of at least a majority of the Alexandria City Council, and upon such conditions as he deems to be in the public interest.

Section 11: Except for the park land and mall area required by sections 7 and 8, this section provides that the city is not required to change the character of any existing use of land.

Section 12: Provides that a violation of this act shall not effect a reversion or forfeiture of title. The Secretary's right to sue for reentry of the park land and mall areas as described in section 4 is preserved.

Section 13: Provides that this act shall have no effect on the right, title or interest that anyone, other than the United States, may lawfully own in the area described in section 1.

Section 14: Excerpts from the transfer the 5-year occupancy rights reserved by the United States when it sold the Federal Records Center property to the city of Alexandria on March 2, 1970.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike the requisite number of words.

(By unanimous consent, Mr. BROYHILL of Virginia was allowed to proceed for an additional 5 minutes.)

CALL OF THE HOUSE

Mr. SCHERLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 356]

Abernethy
Abourezk
Abzug
Anderson, Tenn.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Badillo
Baker
Baring
Belcher
Bell
Bevill
Biaggi
Blanton
Blatnik
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Byrne, Pa.
Byrnes, Wis.
Byron
Camp
Carey, N.Y.
Carney
Cederberg
Chappell
Chisholm
Clark
Clay
Cleveland
Collier
Cotter
Crane
Culver
Curlin
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Dennis
Derwinski
Devine
Donohue
Dorn
Dowdy
Dwyer
Eckhardt
Edmondson
Eilberg
Eshleman
Evins, Tenn.
Fish
Flowers
Ford, William D.
Fraser
Frelinghuysen
Frey
Fuqua
Gallagher
Gettys
Giaimo
Goldwater
Grasso
Green, Oreg.
Green, Pa.
Grover
Halpern
Hanley
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Heinz
Horton
Hunt
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Keating
Keith
Kemp
Kluczynski
Landgrebe
Landrum
Lent
Link
Lloyd
Long, Md.
McCormack
McDonald, Mich.
McEwen
McKevitt
McMillan
Macdonald, Mass.
Madden
Mallary
Mathias, Calif.
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mink
Minshall
Mitchell
Mizell
Mollohan
Montgomery
Moorhead
Mosher
Murphy, N.Y.
Nelsen
Pelly
Pepper
Peyser
Pickle
Pirnie
Podell
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rangel
Reid
Roberts
Roncalio
Rooney, N.Y.
Rostenkowski
Rousselot
Roy
Ruppe
Ruth
Ryan
Scheuer
Schmitz
Schwengel
Shipley
Sisk
Slack
Smith, N.Y.
Springer
Stanton, James V.
Steele
Stubblefield
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Whalley
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wydler
Wyman
Yatron
Young, Fla.
Zablocki
Zion

The SPEAKER. On this rollcall 247 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

FEDERAL INTEREST IN ALEXANDRIA WATERFRONT LANDS

The SPEAKER. The gentleman from Virginia (Mr. BROYHILL) is recognized for 10 minutes.

Mr. BROYHILL of Virginia. Mr. Speaker, I rise to urge the support of my colleagues for the bill H.R. 15550, of which I am the author, and which is designed to cede to the city of Alexandria, Va., whatever Federal interest may exist in certain lands located on the Potomac River waterfront of that city, subject to certain conditions.

The land in question is a strip of waterfront comprising some 48 acres, about half of which is presently submerged. The problem is that title to this property is clouded by reason of the fact that whereas the high water mark of the river in this area as it existed in 1791 served as the original boundary line between Alexandria and the District of Columbia at that point, it is now virtually impossible to determine where that line now exists. In 1934, in fact, a boundary commission concluded that this 1791 line can never be redetermined, because over the years considerable change has been wrought on the south bank of the Potomac River by accretion or artificial fill of the river bottom, as a result of which a substantial amount of the former river bottom is now dry land which lies of course between the present river bed and the 1791 high water line. This boundary commission recommended that title to this land be given to the city of Alexandria and to the private holders of interest who were then occupying parts of it. Unfortunately, however, the resulting legislation which was enacted in 1945 specified in addition that the United States should not give up any claim to title which it may hold.

Thus, a legal tangle now exists, as a result of which title insurance companies refuse to write policies on these lands; and without title insurance, the only kinds of developments willing to locate on this property are those of a less than desirable nature. For example, the property presently contains a rendering plant, an asbestos processing plant, several warehouses, and a coal dump. The area has been fittingly described as one of the worst eyesores in the Washington metropolitan region. Obviously, no improvement to this situation can be expected until clear and undisputed title to these lands is established.

I should like of describe briefly the history of our efforts to resolve this impasse by legislation. In the 91st Congress, identical bills were introduced in both Houses of Congress, which would simply have transferred any right the United States had reserved in these lands to the city of Alexandria, so that clear title would be established and the waterfront might be developed in accordance with a plan which the city had adopted in 1968. The Senate bill, S. 4481, passed the Senate on December 21, 1970; and H.R. 19842, which I introduced, was the subject of a public hearing on December 10, 1970.

The Department of the Interior, however, testified strongly against the enactment of that bill, chiefly on the grounds that no controls were provided whereby the Department could be assured that the development of the lands would be such as to preserve, restore, and enhance its beauty in keeping with its national significance. However, spokesmen for the Department stated further that they wished to encourage each community to adopt a plan to protect the lands adjacent to the river within their jurisdiction, and that the Department would welcome the opportunity to review any concrete plan which the city of Alexandria may have developed for its waterfront, and consistent with the national interest in the historic Potomac River to assist in the implementation of such a plan. Also, these spokesmen for the Department of the Interior indicated that this impasse might be resolved without recourse to legislation, and expressed their willingness to explore the entire matter with officials of the city government of Alexandria with a view toward such accord.

At that time, therefore, our committee took no further action on the proposed legislation, and encouraged the suggested conference on the matter to explore the feasibility of a nonlegislative solution to the problem.

These conferences did indeed take place, and considerable areas of agreement were accomplished. However, I was advised that it was still felt that legislation was necessary, and on April 6 of this year I introduced the bill H.R. 7267, which embodied largely the thinking on the part of the Alexandria City Council with respect to their conference sessions with the Department of the Interior. That bill expanded considerably on the basic concept of the bills proposed in the 91st Congress, by including a rather detailed description of the uses of this land, and the general limitations and restrictions within which the development must proceed.

Then on May 9, I introduced the bill H.R. 14869, which embodied the viewpoint of the Department of the Interior on this matter. The only important difference between this bill and H.R. 7267 was that it provided that the Secretary of the Interior must approve a general use plan for the development of the tract in question, prepared and submitted to him by the city of Alexandria, before he may convey to the city the interest of the United States in the land; and that all future use of this land shall conform to that plan, with the revestment of title to the United States provided in the event of failure to so conform.

Public hearings on these bills were held on May 16 and 18 of this year, at which time spokesmen for the city of Alexandria expressed the view that the conditions imposed by the Department of the Interior in the bill H.R. 14869 were too stringent and to some extent unrealistic. The strongest objections to both bills, however, were voiced by spokesmen for certain conservation groups and some citizens' organizations in the city. These witnesses sought more strict land use controls, and a much more specific land use plan which would assure a considerable amount of public land, for parks and a pedestrian mall. Also, these spokesmen were concerned that the bill should assure proper restrictions as to design and details of buildings in some areas which would be consistent with the nature of the old and historic section of the city to which they would be adjacent.

As a result of these hearing sessions, our subcommittee was convinced that the several groups of interested parties would have to come to some substantial amount of agreement, far in excess of what unity then existed between them, before the Congress could in good conscience take legislative action on this subject. This view of the members present was conveyed to the witnesses, and the result was that after some highly strenuous efforts on the part of these interested parties in several conference sessions, such accord actually was achieved, the result of which is the bill H.R. 15550 which I am advised meets with the substantial approval of all concerned.

Briefly, this proposed legislation will authorize the transfer to the city of Alexandria of any existing Federal interest in some 48 acres of land, about half of which is submerged, located on the Potomac River waterfront of Alexandria, upon the approval of the Secretary of the Interior of a detailed land use plan for the development of the tract, submitted to him by the city of Alexandria. This transfer would authorize certain portions of the submerged land, out to the bulkhead line, to be filled, and this would result in total usable land in the amount of about 38 acres.

The city is required to develop, within 15 years, a pedestrian mall 25 feet in width and running the entire length of the area subject to the transfer, with deviations from this requirement only where compliance is impractical or impossible. The city is required also to create within the tract a total of 11 acres of park land, and such park areas must provide access to the Potomac River. And in addition, some 8 to 10 acres north of Pendleton Street can be used only for parks, open space, or public recreation areas which will include restaurants, marinas, and the like, the height of which cannot exceed 30 feet. Thus, under the terms of this bill, at least 20 acres of the 38 acres of usable land in this tract must be allocated to park, open space, and recreational use, in addition to 4 or 5 acres for the pedestrian mall.

In order to assure the preservation of the architectural integrity of the old and historic section of the city near the waterfront, the bill provides detailed restrictions as to density, height, and architectural detail to apply to all development of that portion of the tract lying between Oronoco Street and Gibbon Street. Also, restrictions applicable to development of all the usable land, in regard to land use, floor area ratio, and height, are provided.

Subject to all the restrictions referred to above, the city will be authorized to transfer all or any part of the Federal interest conveyed to it by this legislation. This will enable the present landowners in the area to develop their properties in conformity with the plan for development which must be approved by the Secretary of the Interior, because they will then have access to clear title to the land. However, the bill provides that the city must receive fair market value for any portion of the former Federal interest so transferred to private owners; and the proceeds of any such transferred interest must be set aside and used by the city for the acquisition, maintenance, and development of the park land and mall areas required under the terms of the bill.

The SPEAKER pro tempore (Mr. BOLLING). The time of the gentleman from Virginia has expired.

Mr. BROYHILL of Virginia. Mr. Speaker, I ask unanimous consent that I be permitted to proceed for 3 additional minutes.

Mr. DINGELL. Mr. Speaker, reserving the right to object, I know that there are other Members who desire to be heard on this bill. I have no objection to the gentleman having the 3-minute extension so long as there is sufficient time for all who desire to speak, providing the gentleman from Virginia understands.

Mr. BROYHILL of Virginia. We are under the 5-minute rule. I want to make clear to any Members who wish to speak that they will have 5 minutes.

Mr. DINGELL. Very good. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, as for the fair market value of these lands, this is to be determined by mutual agreement between the Administrator of GSA and the city of Alexandria. I am advised that while opinions on this subject may differ, the most reliable estimate of the land values involved, assuming availability of clear title, averages about $5 per square foot. This figure represents the opinion of a highly qualified and experienced land appraiser who is thoroughly familiar with the value of Alexandria real property. While the percentage of fair market value which may represent the Federal interest in these lands, and which under the terms of the bill may be conveyed to private ownership, may be difficult to determine, the figure of 50 percent has been suggested as being probably a maximum such figure which may even overstate the true value of the Federal claim.

In this connection, I feel that it must be pointed out that private interest holders in these lands have legitimate claims on nearly all the lands in question. Most of them have been in undisputed possession of their property for many years. They have developed these properties, paid taxes on them, and in all respects have exercised normal activities of ownership. I feel strongly that regardless of the validity of the Federal claims to interest, these private interests are very real and cannot be ignored.

Mr. Speaker, this is a fair and equitable bill. It will simply transfer any right the United States has reserved in these waterfront lands to the city of Alexandria in which they are located, so that it may clear title to the property and proceed with an orderly development plan which clearly will accrue to the benefit of everyone concerned. At the same time, any existing and appropriate interest and concern on the part of the Department of the Interior as to the proper application of this authority to develop this waterfront by the city of Alexandria is thoroughly protected, with the Secretary being provided adequate controls every step of the way. And at the same time, the interests of the city are provided for to the satisfaction of their governing today; and the rightful concern of the conservationists and interested citizens who feel that this waterfront must be maintained in such a way as to assure its esthetic beauty and historic significance is also recognized and provided for.

The enactment of this proposed legislation is urgently needed, in order to make possible the transformation of the present dilapidated, deteriorated Alexandria waterfront into its proper and rightful role as a portion of this beautiful and historic old city. I commend prompt and favorable action by my colleagues in this body.

Mr. STUCKEY. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from Georgia.

Mr. STUCKEY. Mr. Speaker, I would like to ask the gentleman from Virginia: Is it not true that the portion which could possibly be developed will still come under the zoning authority of the old and historic district of Alexandria, so it would be in keeping with everything that has already been done in the city of Alexandria?

Mr. BROYHILL of Virginia. The gentleman is absolutely correct. There will be even more restrictions than there are at the present time. The maximum height will be 27 feet less than it is at this time in the Old Town section of the city.

Mr. STUCKEY. If the gentleman will yield further, it was brought out in testimony that many buildings that would be built in this area would provide scenic vistas of the river by being built on pylons, on stilts; is that correct?

Mr. BROYHILL of Virginia. That is correct.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. CABELL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker and Members of the House, I have very severe misgivings about this bill. While I am in complete agreement with its stated purpose, and that is the orderly development of a portion of the shoreline of the Potomac River which is certainly very unsightly, and which I think the District of Columbia and the city of Alexandria and the people of the country rightfully should have and do have an interest in its beautification, but at the same time this bill carries with it certain precedents, certain nuances that I think should be taken under very careful consideration.

Therefore, Mr. Speaker, I hope that the motion to recommit will carry in order that this matter may be given more objective study and so that certain of the legal aspects may be cleared up.

This is no place for judiciary action, we are not equipped for that.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. CABELL. I will yield to the gentleman from Virginia in a few moments when I have completed my statement.

Let us look at some of the precedents that I mentioned. I know of no other time in my experience in this body where land owned by or claimed by the U.S. Government was ceded to another jurisdiction where they could then in turn develop that at a profit, or even sell or lease this land to a private operator for private purposes. I know of no other action by our committee, of which I am a member, and a member of the subcommittee, where a conference was held, so-called, and where there was a member of the committee present, nor a member of the legal staff present, and where a so-called compromise was worked out where those who were in disagreement and were opposed to this were not permitted to speak, and who were only spectators.

There is a rather unusual case involved here, and that is that of these lands for which there is a disputed title, only one landowner or landholder who thinks he has a title, and who has been paying taxes for some 20-odd years to the city of Alexandria, and where this legislation reaches out and takes that property in, just willy-nilly, no compensation, no nothing.

So because of that this means that if this bill does pass then this matter is going to go to the courts anyway. I would think that this body would prefer that further court adjudication be had before we start messing with it. This particular company that has some 13.5 acres on what is called Cocoa Bay, they are willing to cede or quitclaim some 6.5 acres of their 13.5 acres, plus, for a marina, for the building of a riverside cafe, and for ingress and egress from the mainland proper into this property that they are willing to quitclaim.

So I do not think that any of us at this moment are in a position to act intelligently or to act objectively in the disposition of this matter.

I strongly urge that we not kill the intention of this bill because I think the purpose is exemplary, but I think that we should recommit this bill to the Committee on the District of Columbia so that that committee may look more closely at this matter and work more closely with the Department of the Interior, who certainly have a stake in this, and I would remind the Members that the gentleman from Virginia said that the Department of the Interior had to approve any improvements that were made, but there is a very serious question as to their authority in this matter because there is no reversionary clause, and generally that is the only ax that you hold over the head of someone to whom you are deeding property, that if they violate the deed restrictions, then there is a reversionary clause, but there is not any reversionary clause in this situation.

Now I will yield to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Speaker, I thank the gentleman for yielding, and I would state that there is a question as to what the interest of the Department of the Interior is in this situation. In fact, it is the main purpose of this legislation to clarify the title so that there may be proper development of the land. But, Mr. Speaker, I am surprised at the position the gentleman from Texas has taken concerning this legislation, because I believe the gentleman attended some of the hearings, and I do not know of any place——

The SPEAKER pro tempore (Mr. BOLLING.) The time of the gentleman from Texas has expired.

Mr. BROYHILL of Virginia. Mr. Speaker, I ask unanimous consent that the gentleman from Texas may proceed for 2 additional minutes.

Mr. CABELL. Mr. Speaker, I yield back the balance of my time.

Mr. STUCKEY. Mr. Speaker, I move to strike out the last word and to speak in favor of the bill.

The SPEAKER pro tempore (Mr. BOLLING). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. STUCKEY. Mr. Speaker, I would like to ask the gentleman from Texas who made the statement that sufficient time was not permitted to the interested parties on this to go back and take a look at the proceedings regarding this bill. The city of Alexandria and the Department of the Interior and all interested parties have spent over 3 years studying such a proposal as this.

Also, my subcommittee had three sessions of hearings and over 200 pages of testimony. Then we had 4 days of drafting sessions which included, by the way, the company that the gentleman speaks about, and which included all the environmentalists groups and included the Department of the Interior and included the city of Alexandria. I might add that a lot of time has been spent in putting this bill together.

There is no question about it, this is a compromise bill. But I think we were substantially able to satisfy the Department of the Interior and the environmental groups and the city of Alexandria. If this bill is recommitted, I think you are going to see a recommital that will have the same effect as killing the bill.

The gentleman said that there was no reentry clause in the bill. If the gentleman will take a look at page 7 of the bill, going down to line 2, I think the gentleman will find that there is a reentry clause for the Secretary of the Interior to file suit and reenter. I think the gentleman is incorrect in his statement to the contrary.

Mr. CABELL. Is it not true, sir, at the so-called compromise meeting which was in executive session that the old town group of environmentalists who are seeking to aid this were not represented nor testified. Is it not true that the owner of the land in question, which I mentioned, of some 13 or 14 acres was not permitted to address himself to the question but was permitted to be a spectator? Am I correct in that and, if not, I stand corrected.

Mr. STUCKEY. I think, if you go back and check the record, you will find out they chose not to be heard on the matter, so it was not a matter of not being included because everybody was given an opportunity. As I say, there were 3 days of hearings and 4 days of drafting so everyone was given more than an opportunity to be heard.

In this instance I think the gentleman will find out that the particular landowner that you spoke of chose not to be heard on this.

Mr. BROYHILL of Virginia. Mr. Speaker, will the gentleman yield?

Mr. STUCKEY. I yield to the gentleman.

Mr. BROYHILL of Virginia. Mr. Speaker, during my 20 years as a member of the Committee on the District of Columbia, I have not known of any legislation that has been considered by that committee on which there were more lengthy and thorough hearings, and more detailed consideration and greater effort put forth to get everybody interested and into agreement.

So when the gentleman from Texas states that we are not giving this bill enough time, I do not even know what he is talking about, because we worked hard and diligently on this bill and have come forth with a good bill on which everyone has agreed—at least, everyone agreed that the committee heard from.

Nobody on earth could make an additional provision after the committee had reported out the bill. I have great sympathy and concern for the landowners. The committee thought, however, that the land owners in this instance are not being hurt or injured in any way by the passage of this legislation.

Mr. CABELL. Mr. Speaker, will the gentleman yield?

Mr. STUCKEY. I yield to the gentleman.

Mr. CABELL. I must take issue with that statement of my friend, the gentleman from Virginia, that everyone is happy. My files do not indicate that and my telephone calls do not indicate that Utopia of everyone being satisfied, as was indicated. I might say further when the land owner involved—and it is no secret it is a Texas company—when they found out that they were being railroaded, they had no further desire to get on the record further because it is going to court.

So whatever we do, the matter is going to have to be adjudicated and it still appears to me it would be the wiser course for this House to let a judge and jury have its say and then let us pick up and go on from there.

Mr. STUCKEY. I will have to agree with the gentleman that not everyone is happy. Some environmentalists would like this to be a pure preserve.

The gentleman mentioned the Texaco Co. I think they would like to be able to continue like they are.

But if this bill is not passed, the title is still going to be in limbo. I am sure the city of Alexandria would prefer one type of bill and the Department of the Interior would prefer another.

But, I can say this—if this bill—which is a compromise and which has been agreed upon and on which the Texaco Corp. had many opportunities to speak out had they chosen—if it is not passed today, we are going to continue in limbo and not clear the title. If any of the Members present will take the time and look at the pictures which are on the desk, they will see the condition which the waterfront is going to remain.

I do not think we can continue to abdicate our responsibility and let this blight on the city of Alexandria continue.

Mr. McKINNEY. Mr. Speaker, I move to strike the necessary number of words.

Mr. Speaker, the credibility gap of testimony, intent, and direction, I do not think has ever been stretched quite as far as it has been on this bill. I sat through the hearings on this bill, and I listened to every single person grind his own ax as to what was to happen to this waterfront, which is one of the largest disgraces in the National Capital area.

After going on, with nobody giving one inch in any direction, the chairman, I thought with somewhat the wisdom of Solomon, pointed out that since this has been under dispute since two kings' grants were made, before this country was ever a nation, maybe we had better get all the interested parties into one room and let them come forth with a solution, a compromise.

This is exactly what happened. The people who are interested in a tow path or walk path to Mount Vernon, which does not exist now, were asked. The people who are interested in making it all a part of the park lands, were asked. The Texas corporation which has an interest here and which could well afford the tax loss of their interest, were asked.

Mr. BROYHILL of Virginia. Mr. Speaker, if the gentleman will yield, it is my understanding that the Texas Oil Co., which is the company the gentleman is referring to, has written a letter withdrawing its opposition to this bill. I do not think the gentleman from Texas realizes that.

Mr. McKINNEY. I certainly should hope so, because they did not express it to me at the time and I sat in on all the hearings.

The people who are interested in commercial development were asked. The people who are interested in the future development of Old Town were asked.

They came up with a compromise. Then what happened is what usually happens, or what often happens. They went back to their "constituents" and special-interest groups and everybody decided that is not exactly what they wanted, and the compromise, which I think was reached with intelligence and foresight and which gives the Congress the right to stop something happening which would destroy the waterfront, is now in danger.

I have walked this riverfront three times. There is only one thing that exists in healthy condition on the Alexandria waterfront and that is the rats. There are rats at 6 o'clock at night and at 8 o'clock in the morning and at 10 o'clock in the morning. There are rats and there is pollution and there are rotting docks and there is a general area that is infested with all types of activities taking place, particularly in the evening hours, which make the people of Old Town and the restored area question as to their safety after dark.

What do we have now? We have a compromise. Certainly it is not what the Sierra Club wants completely. Certainly it is not what the people who want a tow path want completly. Certainly it is not what Old Town wants completely. But let me tell the House it has done one thing for Old Town. It has made sure the development of high-rise apartments will not take place within Old Town, within the Old Town area as it is now designated. It will insure four or five or six blocks of collapsing buildings and warehouses next to Old Town, which are full of rats and drug traffic and every other type of crime, will disappear, so the people of Old Town will feel safe.

In other words it is a compromise such as every group of nations and every group of people and every family and every group of interests has to enter into every day. Without this compromise we will end up with what we have now.

I ask how long will it take Congress to assert its authority and solve the problem which has been hanging over the heads of this particular area since before this Nation was formed?

Some people say to me it is a give away of Government property. How can the Government give away property when just in the last quarter of the century the Government has thought it necessary to buy property in this area, and that property it has been felt necessary to turn around and sell to the city of Alexandria. Yet there is not a title company that will give clear title on this land because nobody knows to whom it belongs. We do know that if any taxes have been collected they have been collected by the State of Virginia and the city of Alexandria. This is the last remaining link to finish the shoreline of the Potomac from Mount Vernon all the way up to the Nation's Capital, and it should be finished.

Mr. MOSS. Mr. Speaker, I move to strike the requisite number of words.

(By unanimous consent, Mr. Moss was allowed to proceed for 5 additional minutes.)

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOSS. Mr. Speaker, I am quite familiar with the area. For 15 years I lived in Old Town Alexandria, but to make the record very clear now, I have not lived there for almost 4 years, and I no longer own property there. But the affection I developed for the city continues. Many neighbors have contacted me, neighbors who are leaders in the Old Town Association, urging that I speak out on their behalf on this, as I did on what efforts were underway to fill Little Hunting Creek and make a development out of it, and I was instrumental in stopping that; as I did a number of years ago when it was proposed to divide the old city of Alexandria with approaches to the Wilson Bridge, and I was instrumental in changing the approach route there to preserve the historic area of that old city. It is important that we preserve it.

Mr. Speaker, this bill is a bad bill and it should not be enacted. It would give away Federal property, nominally to the city of Alexandria, but principally for private development—I am not opposed to private development; I have been for more than a quarter of a century a licensed real estate broker, but I like to pay for what I get—without any compensation in this case to the Federal Government: a total giveaway.

It would declare a portion of the Potomac River nonnavigable, for the sole purpose of allowing the filling of that portion of the Potomac without any review by the Corps of Engineers and without any environmental review by the Environmental Protection Agency, and without a permit from the corps as required by section 10 of the River and Harbor Act of 1899.

It would allow development on lands now designated as flood plains in apparent violation of the national policy set forth in Executive Order 11296.

The Interior Department recommended on August 30, 1972, that H.R. 15550 'not be enacted," and that recommendation was approved by the Office of Management and Budget.

Through H.R. 15550, the city of Alexandria seeks to have the Federal Government transfer title to about 48 acres of fastland and submerged lands along the Alexandria waterfront. On receipt of the title, the city will proceed to develop the waterfront for office, industrial, and residential use. It says it cannot do so now because there is uncertainty as to the title of the Federal Government and the other owners of waterfront property in Alexandria.

The title uncertainty stems from the fact that the original grant by King Charles I of England to Lord Baltimore in 1632 extended to the high water mark on the Virginia shore. Therefore, when the present District of Columbia was ceded by the State of Maryland to the Federal Government in 1791, it extended to the high-water mark on the Virginia shore.

Over the years the Virginia shoreline has been altered by dredging and filling operations. Waterfront property created by landfills belong to the Federal Government because the submerged land on which the fill is placed belonged to the Federal Government.

Because of poor records, the precise location of the high water line is now in doubt.

Congress has made several attempts to resolve the problem arising from uncertainty as the the nature and location of changes in the original shoreline, including enactment of a 1934 act authorizing the Secretary of the Interior to settle disputed claims in this area, upon approval of the Attorney General and the National Capital Planning Commission.

This bill would dispose of the Federal interest to lands between the pierhead line and the 1791 high-water mark of the Potomac River. By act of Congress of 1945, Congress declared that the pierhead line shall be the boundary of the District of Columbia, between Second Street, in Alexandria, and the District of Columbia-Maryland boundary at Jones Point. Therefore, this bill applies to lands which are outside the District of Columbia. I point this out because rule XI of the House rules, which designates the jurisdiction of the standing committees of the House, specifically declares in paragraph 5 thereof, that the jurisdiction of the District Committee applies only to measures "relating to the municipal affairs of the District of Columbia in general other than appropriations therefor." Hence, this bill should never have been referred to the District of Columbia Committee. It should have gone to the Committee on Interior and Insular Affairs.

This bill requires the city to prepare a plan. I point out it requires them to prepare a plan because this is something which may or may not be a plan. That is all the pertinence it has.

The plan is to show the location of certain pedestrian mall and park areas, and the extent of filling that the city intends to permit. The city need not show how the nonpark or mall areas shall be developed. The plan must be approved by the Secretary of the Interior, but he has only 60 days to do so after it is submitted to him. Moreover, he can object only if the plan does not meet the requirements of sections 7 and 8 concerning the mall and park. If he does not like the filling that the city intends to permit, he still must approve the plan.

Interior's August 30 letter stresses that the mall and 11 acres of park should be developed in 10 years. This bill allows the city 15 years to develop them.

The bill piously states, on page 8, that "only" the uses listed in the bill "shall be permitted." But when one reads page 8 of the bill, one wonders what uses would in fact be eliminated. For example, the bills provides for commercial and professional offices and office buildings; retail and nonretail commercial uses; hotels and motels; parking garages; parking lots; warehouse buildings which are related to shipping; hospitals; marinas; churches; schools; and, of course, single and multifamily residences. About the only use that is not permitted is a major industry.

But even these mediocre conditions and the approved plan can be waived by the Secretary at the request of the city. Moreover, any request from the city for such a waiver will "automatically be approved" if the Secretary "fails" to act on it within 60 days. To illustrate how easy it is for the Interior Department to fail to act within 60 days. I point out that on July 14, 1972, I wrote to Secretary Morton about this bill and its conflict with Executive Order 11296. Since then, 60 days has passed and Secretary Morton has "failed" to even acknowledge my letter. In fact, when I wrote again on August 17, a representative of the Secretary came to my office and said Interior had "lost" my first letter.

They could lose the plan application also.

The bill allows the city to sell the transferred Federal land to developers at the fair market value. The Interior Department believes that this money should be "credited" to the land and water conservation fund. The bill, however, gives it to the city for the mall and park.

As I stated earlier, the bill allows the city to dredge and fill the Potomac and makes no provision for the manner in which it is accomplished. Polluted fill could be used. The Interior Department stated, in its August 30 letter, that—

> from an environmental standpoint, the most critical issues is dredging and filling—what areas are dredged and filled and the manner in which it is accomplished.

Mr. Speaker, this bill is a giveaway to private interests. It is a travesty on the public interest. It ignores the need to protect the Potomac from activities that will further pollute it.

It is opposed by the Interior Department, speaking for the administration.

It is opposed by environmentalists.

It is opposed by the Old Town Civic Association of Alexandria, those who live in closest proximity to the river. I concede that the waterfront of Alexandria is, indeed, a sorry sight. But a bill to enhance the pockets of a limited number of private developers is not going to insure that the kind of development here in the Nation's Capital area which would be most beneficial to the people of this country would take place.

I strongly urge that this bill be defeated and probably return it to the Committee on the District of Columbia and have one next time referred to the appropriate committee, the Committee on the Interior and Insular Affairs.

Mr. SAYLOR. Mr. Speaker, I move to strike the requisite number of words.

(By unanimous consent, Mr. SAYLOR was allowed to proceed for 5 additional minutes.)

Mr. SAYLOR. Mr. Speaker and Members of the House, we have in the House of Representatives a parliamentarian who has been here for a long, long time, and most times I agree heartily with his decisions on the referral of bills to the committees, but how, by any stretch of the imagination, this bill ever got to the Committee on the District of Columbia is beyond me. I ask the Parliamentarian or any other Member of this House to show me where the District of Columbia Committee has any jurisdiction over public lands in the State of Virginia and particularly in the city of Alexandria. They do not.

Mr. BROYHILL of Virginia. Will the gentleman yield?

Mr. SAYLOR. No. I will not yield.

I am going to read to you what the rules of the House say, referring to the jurisdiction of the Committee on the District of Columbia:

First. All measures relating to the municipal affairs of the District of Columbia in general, other than appropriations therefor, including—

Second. Adulteration of foods and drugs.

Third. Incorporation and organization of societies.

Fourth. Insurance executors, administrators, wills, and divorce.

Fifth. Municipal code and amendments to the criminal and corporation laws.

Sixth. Municipal and juvenile courts.

Seventh. Public health and safety, sanitation, and quarantine regulations.

Eighth. Regulation of sale of intoxicating liquors.

Ninth. Taxes and tax sales.

I want to tell you, if you can show me under the rules of the House how the District of Columbia Committee ever got over into Alexandria, unless it were the fact that certain members of the committee might represent part of that area, it would be more than I can imagine.

The rules of the House do say where bills affecting public lands are to be referred. They go to the Committee on Interior and Insular Affairs.

I can figure out why this bill was not referred to the Interior and Insular Affairs Committee. It is because that committee would have followed the advice of the Department of the Interior, and if it did so, it would not have reported this bill.

It is very interesting to note in the report that the District of Columbia Committee puts out that they do not have the adverse report of the Department of the Interior. Why? Well, you never put anything in a report that is going to adversely affect a bill if you expect to get it passed.

I am the first person to come here and tell you the pictures displayed by Mr. STUCKEY and other members of the committee on the horrible plight of the waterfront are a true representation of what exists there, but that does not solve or answer the real problem of what is involved.

What is involved is a giveaway of land that belongs to the people of the United States. They are not only going to give land away, they are going to change the provisions of our Constitution, which say that Congress is supposed to have charge of the navigable water and rivers, but by this bill we are going to give the people in the city of Alexandria the Federal title and right interest to approximately 48 acres and to fill certain portions of this navigable stream or river.

Now, I thought that we had battled this thing out once before on the Hunting Creek landfill issue when this Congress said to the town of Alexandria:

> You cannot fill in a navigable stream, and you cannot fill in the Potomac River.

This bill is a bad bill. It is a giveaway. There were a lot of headlines in the past few months concerning the plans that there were going to be a lot of high rise apartments put here on the waterfront. In an effort to placate some of those who might be opposed to this bill, the proponents very carefully have written in some real nice language as to what they can do in this area. Oh, yes, commercial and professional buildings, churches and schools, row dwellings, single-family and multi-family dwellings, private or fraternal clubs, docks, marinas, and warehouse buildings for water-related shipping, public buildings, and public utilities.

Oh, they finally get around to putting in a park, parking garages, parking lot, hotels, motels, including a conference center, retail and nonretail commercial uses, private garages, drives, common areas, parking and play spaces; streets, drives and open spaces; hospitals, clinics and other medical facilities, and any combination of the above uses.

But, they forgot to place a limitation on the height of any of these buildings. What was really attempted in the line of high-rise apartments will be there under the guise of buildings for public purposes.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I note also that there is no way to require them to require following a plan because on page 3 it provides that the deed shall be a conveyance of all interest in the land. There is no reversion clause.

Over on page 7, they say that if they do not follow the plan, the Secretary may finally sue for reentry, but a suit for reentry to the property would not be successful unless there were a reverter in the deed. By that time, the property would have passed through a bona fide purchaser and title would have been cleansed. A purchaser is not required to look at the CONGRESSIONAL RECORD of today or any other instrument not in the abstract of title.

Mr. SAYLOR. There is absolutely nothing in the provisions of this bill as to what can be constructed or that will do anything to prevent the giving away of this property.

Mr. DINGELL. Will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Michigan.

Mr. DINGELL. The point the gentleman from Iowa makes is well taken, because the function of the bill is to see to it that this land is in turn resold by the city of Alexandria. As the gentleman points out, there is some either very articulate or extraordinarily inarticulate reference which I think requires the bill to be returned to committee.

Either the compromisers did not know what they were compromising or they were taken by a bunch of shrewd operators. I suspect that perhaps maybe the District of Columbia Committee has been taken by some pretty shrewd operators.

But further down on page 7, lines 8 through 13, "that the prior approval by the Secretary of any proposed use not conforming with said approved land use plan," it seems to me this a complete waiver of reentry provisions so that the Secretary, no matter that he has approved by any action or inaction of any nonconforming use, immediately has waived and has no longer the right to reenter on behalf of the United States.

Mr. SAYLOR. The gentleman from Michigan is correct. If you really want to know how idiotic this bill becomes, the committee report says that there are no appropriations and consequently no expenditures of money involved, but all of the money that comes from the sale of this property instead of going to the Federal Government will go to the city of Alexandria.

This is a bad bill. It was poorly drafted. It is in the wrong committee. It is a giveaway of property that belongs to all the people. I would sincerely hope that the bill will be recommitted to the Committee on the District of Columbia, and that we see no more of it during this session of the Congress.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I wish to associate myself with the remarks just made by the gentleman from Pennsylvania.

Mr. DINGELL. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, it is becoming very plain that the remarks of the gentleman from Texas, the gentleman from Pennsylvania, and the gentleman from California in opposition to this legislation make good sense, and that the bill should be returned to the committee. Hopefully then there will be a more careful endeavor in the drafting of such a piece of legislation to be presented to this body. Certainly this should be gone into further, either in the Committee on the District of Columbia or, as I think more appropriately, in the Committee on Interior nad Insular Affairs, which I believe more appropriately and properly has jurisdiction over the legislation now before the House.

Mr. Speaker, I rise in opposition to the bill. The bill is a bad bill. The bill is a giveaway. The bill is a proposal which is poorly drawn. The bill will also be viewed by the conservationists as one of the major tests in analyzing the voting records of the Members of the Congress.

I believe that there are some points that ought to be stressed here, Mr. Speaker. First of all that the bill very artfully does away with every single law relating to pollution in the areas involved in the giveaway. It converts a given area of the Potomac River into a nonnavigable area on which every Federal conservation statute will no longer apply. As such, the Refuse Act, the Water Pollution Control Act, and the different environmental statutes of the United States, including the Fish and Wildlife Coordination Act, would no longer have application to the area concerned.

Now, to treat further on the so-called reversion, or the right of reentry which the bill fictionally retains to the United States, I think it should be recognized that the right to reenter and the right to lay down conditions with regard to the land use inside of the area relates only to that portion, that 11 acres which would be used for park and for recreational purposes. The balance is not subject to any reentry reversion or right of reclaiming by the United States of any portions of those interests or for violation of the plan.

Now you come to page 8. There is something else here my colleagues should have in their minds when voting on this bill. First of all, if you will read the very artfully drawn list—or perhaps I should say the very poorly drawn list of uses, you will find that it permits any kind of commercial use except possibly, and I say possibly, heavy industry and heavy manufacturing. I must confess as a reader of the language on page 8, lines 1 through 23, that I am unable to make the flat statement to this body that heavy industry or any other commercial use is not allowed. In any event, if nonconforming commercial and industrial uses to the plan are undertaken, the Secretary does not have any right to reenter. And then, of course, any failure or failures by the Secretary to properly assert right to reenter—or, rather, to fail properly to assert any contest with respect to the land use involved, effectively waives any right of reentry which the Secretary otherwise might have had.

Now I think we are coming to a clear understanding that this is bad legislation. It would allow the discharge of waste into the Potomac with impunity so long as it was conducted in the nonnavigable area. It would completely do away with controls by the Interior over dredging of filth. I would point out to my colleagues, it has been asserted that there has been some kind of compromise here involving the Interior Department. I do happen to have the language of the Interior's report on this bill which I will be very glad to make available to its sponsors, if they wish, pointing out as follows:

> We recommend that the bill not be enacted but that H.R. 14869, amended as recommended in our report dated May 16, 1972, be enacted instead.
>
> H.R. 15550 and the amended version of H.R. 14869 are aimed at a common objective—namely to convey to the city of Alexandria the United States interest in a portion of the waterfront thereby allowing the city to clear title to the property and encourage beneficial development in accordance with a general land use plan approved by the Secretary.

I will be more than pleased to make available to any of my colleagues the opposition that the Department of the Interior had to this particular bill.

Now to go a little further—I think some things have to be understood clearly by my colleagues.

This bill is not a bill to clarify title or to clear up ambiguities. This is a giveaway pure and simple. We would not be considering this bill today in the House of Representatives were it not a fact that there are many millions of dollars of real property at stake. There are ordinary routes to acquire title and to settle and dispose of controversies with regard to land title—and none of those devices are used today.

The SPEAKER. The time of the gentleman from Michigan has expired.

(Mr. DINGELL asked and was given permission to proceed for 3 additional minutes.)

Mr. DINGELL. Rather, we are presented with a bill opposed by the Department of the Interior speaking on behalf of the administration. We are presented with a bill where there is substantial controversy among citizens in Alexandria and where there is substantial controversy involving the major conservation organizations in this Nation.

I think it should be very plain that it would be extremely unwise for this House to move forward on a piece of legislation involving that kind of controversy and involving the kind of unanswered questions that we have before us today.

More importantly, I think it should be recognized that when we have legislation which does not consider the major conservation statutes of this Nation, but rather which tends to repeal and to avoid all of them. This bill would tend to set up land uses totally without control. The bill would give away literally millions of dollars in spite of the protestations of the sponsors of this legislation that it would not. We have here clearly before us a piece of legislation which should be rejected by the House of Representatives and which should be sent back to committee by the House and should be more carefully considered the next time.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, the gentleman is talking of quiet title actions and there is one more legal point that might be made here. There is a good reason why they would try this legislature route rather than a court action to quiet title. They say some people have paid taxes on the property and occupied it for 20 years, but the right to clear title based upon notorious and adverse possession never lies against a public body. If the dispute were between private owners and one had had possession and paid taxes for 20 years, then that would permit settling title on the basis of adverse possession but adverse possession does not lie against a public body even if they pay taxes for 100 years.

Mr. DINGELL. The gentleman is entirely correct. As a matter of fact, there is one other legal point I think should be before this body which has been very ably made by the gentleman from Texas (Mr. CABELL) and that is simply that here we have somebody paying taxes on this land for years. Now by fiat the Congress is saying to that individual, we are going to give your land away, land on which this individual has been paying taxes to the city of Alexandria. And Alexandria then is to resell for profit to any outsider.

That is a most anomalous and extraordinary practice and something I think should be frowned on by any person of good taste or good judgment and certainly something that raises a question of wisdom and propriety of the action now before this body.

Mr. BROYHILL of Virginia. Mr. Speaker, I move to strike out the last word.

The SPEAKER pro tempore. Without objection the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BROYHILL of Virginia. Mr. Speaker, the fact that the Department of the Interior does not support this legislation has been mentioned. I think that is an incorrect statement because the fact is that representatives of the Department of the Interior helped to write this legislation. The Department's letter to the committee under date of August 30, was written after the committee had reported the bill, and the reason there was no prior communication in the committee report is that they took part in the process of writing the legislation.

In their letter of August 30, they raised three objections to the bill, but in the preliminary portion of this letter they stated as follows:

> We support the objective of both bills as expressed above.

They wrote the bill H.R. 14869 themselves. The committee made some changes in it, however, that they are now objecting to. But the concept and the objective of this legislation is supported by the Department of the Interior.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I will be very glad to yield to my colleague.

Mr. DINGELL. I will be glad to read to my friends that they recommend that the bill do not be enacted as follows.

Mr. BROYHILL of Virginia. Please do not take my time to read.

Mr. Speaker, I decline to yield further time to the gentleman.

The SPEAKER pro tempore. The gentleman from Virginia refuses to yield.

Mr. BROYHILL of Virginia. Mr. Speaker, there have been some objections raised or some criticism made as to the committee's proper jurisdiction in regard to this legislation. I regret that the gentleman from Pennsylvania uses that as one of his reasons for objecting to this bill, but it is my understanding that the primary purpose of the bill was to settle a boundary dispute between the District of Columbia and the city of Alexandria. There is no Federal property that has been purchased by the Federal Government that is being given away as a result of this bill. I would challenge any Member who opposes this legislation, and I presume those who oppose it are knowledgeable about the legislation, to go to that map and point out to me what property owned by the Federal Government this bill would give away.

In fact, the bill provides that if any of the submerged land involved in this boundary dispute will be paid for as a result of an appraisal, the money will go into a fund to develop and maintain this waterfront. That is the part the Department of the Interior disagrees with, because they want the money to go into a national land use fund.

The gentleman from California took the floor a moment ago and said that he speaks for the people of the Old Town section of Alexandria. They city council of Alexandria represents those people, and they had the opportunity of being heard before the Committee on the District of Columbia. The gentleman from Virginia who now has the floor represents the people in Alexandria in the Congress; and I think he is highly qualified to speak for them.

Mr. MOSS. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from California.

Mr. MOSS. Mr. Speaker, the gentleman from California did not say he was speaking for the people of Alexandria. He very precisely stated he was speaking in response to the request of many of his former friends and neighbors in Old Town and that the Old Town Association had gone on record in opposition to this legislation.

I do not presume to overstate my role in this House.

Mr. BROYHILL of Virginia. Mr. Speaker, the statement I made was that the gentleman from California stated he was speaking in behalf of the people of Old Town. I think that is what he said. But the overwhelming majority of the citizens of Alexandria, and the overwhelming majority of the citizens of Virginia, support this legislation.

If this bill does not pass, and if the Federal Government indeed owns any land which this bill would give away—and I maintain we are not giving any away—I would appreciate it if some Member who opposes the legislation would come to the well of the House and tell us what the Federal Government will be able to do with this property. This is the point the gentleman from Georgia and I, as well as the gentleman from Connecticut, have been making. We have been trying to establish the fact that if this bill does not pass, the status quo will remain, and nothing can be done with this property. It will simply continue to deteriorate.

What we are talking about here is simply clearing the title to the property, and we are not talking about giving away any Federal property whatever.

Mr. GUDE. Mr. Speaker, because of what I believe is a clear potential conflict of interest involving my personal financial holdings and the resulting development associated with the enactment of H.R. 15550, when my name is called I shall answer "present."

The SPEAKER. Without objection, the previous question is ordered on the bill to final passage.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SAYLOR

Mr. SAYLOR. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SAYLOR. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SAYLOR moves to recommit the bill H.R. 15550 to the Committee on the District of Columbia.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 213, nays 38, answered "present" 1, not voting 179, as follows:

[Roll No. 357]

YEAS—213

Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Archer
Aspin
Barrett
Begich
Bennett
Bergland
Betts
Biester
Bingham
Blackburn
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Brotzman
Buchanan
Burleson, Tex.
Burlison, Mo.
Burton
Byron
Cabell
Caffery
Carlson
Casey, Tex.
Chamberlain
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Collins, Ill.
Collins, Tex.
Conable
Conover
Conyers
Corman
Coughlin
Daniels, N.J.
Danielson
Dellenback
Dellums
Denholm
Dennis
Dent
Dickinson
Diggs
Dingell
Dow
Drinan
Dulski
Duncan
du Pont
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Findley
Fisher
Flood
Ford, Gerald R.
Forsythe
Fountain
Frenzel
Fulton
Galifianakis
Garmatz
Gaydos
Gonzalez
Goodling
Griffiths
Gross
Gubser
Hagan
Haley
Hall
Hamilton
Hanna
Harvey
Hawkins
Hechler, W. Va.
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hutchinson
Ichord
Jacobs
Jarman
Jones, Tenn.
Kastenmeier
Kazen
King
Koch
Kyl
Kyros
Latta
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCulloch
McDade
McFall
McKay
Mahon
Mailliard
Martin
Mathis, Ga.
Matsunaga
Mazzoli
Miller, Ohio
Minish
Mink
Minshall
Mitchell
Monagan
Morgan
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
Passman
Patten
Perkins
Pettis
Pike
Poage
Podell
Price, Ill.
Purcell
Randall
Rangel
Rarick
Reuss
Riegle
Robison, N.Y.
Rodino
Roe
Rogers
Rosenthal
Roush
Roybal
Runnels
St Germain
Sandman
Sarbanes
Saylor
Scherle
Schneebeli
Schwengel
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Skubitz
Smith, Calif.
Smith, Iowa
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Sullivan
Symington
Teague, Tex.
Thone
Ullman
Vanik
Veysey
Vigorito
Waggonner
Waldie
Ware
Whalen
White
Widnall
Williams
Wright
Wyatt
Wylie
Young, Tex.
Zwach

NAYS—38

Abbitt
Andrews, Ala.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Carter
Colmer
Downing
Edwards, Ala.
Fascell
Foley
Frelinghuysen
Gibbons
Gray
Griffin
Hammerschmidt
Hansen, Idaho
Jonas
Jones, N.C.
Kee
Kuykendall
Leggett
Lennon
McCollister
McKinney
Mann
Mayne
Mills, Md.
Powell
Rees
Robinson, Va.
Rooney, Pa.
Satterfield
Scott
Stephens
Stuckey
Wampler
Whitehurst

ANSWERED "PRESENT"—1

Gude

NOT VOTING—179

Abernethy
Abourezk
Abzug
Anderson, Tenn.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Badillo
Baker
Baring
Belcher
Bell
Bevill
Biaggi
Blanton
Blatnik
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Byrne, Pa.
Byrnes, Wis.
Camp
Carey, N.Y.
Carney
Cederberg
Celler
Chappell
Chisholm
Cleveland
Collier
Conte
Cotter
Crane
Culver
Curlin
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Derwinski
Devine
Donohue
Dorn
Dowdy
Dwyer
Eckhardt
Edmondson
Eshleman
Evins, Tenn.
Fish
Flowers
Flynt
Ford, William D.
Fraser
Frey
Fuqua
Gallagher
Gettys
Giaimo
Goldwater
Grasso
Green, Oreg.
Green, Pa.
Grover
Halpern
Hanley
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Heinz
Horton
Hunt
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Karth
Keating
Keith
Kemp
Kluczynski
Landgrebe
Landrum
Lent
Link
Lloyd
McCormack
McDonald, Mich.
McEwen

McKevitt
McMillan
Macdonald, Mass.
Madden
Mallary
Mathias, Calif.
Meeds
Melcher
Metcalfe
Michel
Mikva
Miller, Calif.
Mills, Ark.
Mizell
Mollohan
Montgomery
Moorhead
Mosher
Murphy, N.Y.
Nelsen
O'Neill
Patman
Pelly
Pepper
Peyser
Pickle
Pirnie
Preyer, N.C.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Reid
Rhodes
Roberts
Roncalio
Rooney, N.Y.
Rostenkowski
Rousselot
Roy
Ruppe
Ruth
Ryan
Scheuer
Schmitz
Sisk
Slack
Smith, N.Y.
Springer
Stanton, James V.
Steele
Stokes
Stubblefield
Talcott
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Whalley
Whitten
Wiggins
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wydler
Wyman
Yates
Yatron
Young, Fla.
Zablocki
Zion

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Mr. Thompson of New Jersey with Mr. Arends.

Mr. Hébert with Mr. Pirnie.

Mr. Annunzio with Mr. Rhodes.

Mr. Rooney of New York with Mr. Smith of New York.

Mr. Giaimo with Mr. Bob Wilson.

Mrs. Grasso with Mr. Goldwater.

Mr. Cotter with Mrs. Dwyer.

Mr. Blatnik with Mr. Conte.

Mr. Charles H. Wilson with Mr. Cederberg.

Mr. Wolff with Mr. Broomfield.

Mr. Celler with Mr. Baker.

Mrs. Chisholm with Mr. Michel.

Mr. Murphy of New York with Mr. Lent.

Mr. O'Neill with Mr. Keith.

Mr. Reid with Mr. Horton.

Mr. Rostenkowski with Mr. Hastings.

Mr. Green of Pennsylvania with Mr. Nelsen.

Mr. Evins of Tennessee with Mr. Ruth.

Mr. Donohue with Mr. Springer.

Mr. Delaney with Mr. Talcott.

Mr. Biaggi with Mr. Wiggins.

Mr. Bevill with Mr. Zion.

Mr. Ashley with Mr. Halpern.

Mrs. Abzug with Mr. Grover.

Mr. Hanley with Wydler.

Mr. Hays with Mr. Fish.

Mr. Johnson of California with Mr. Collier.

Mr. Kluczynski with Mr. Ruppe.

Mr. Macdonald of Massachusetts with Mr. Steele.

Mr. Mikva with Mr. Teague of California.

Mr. Moorhead with Mr. Railsback.

Mr. Mollohan with Mr. Pelly.

Mr. Roberts with Mr. Mathias of California.

Mr. Roncalio with Mr. McEwen.

Mr. Zablocki with Mr. Kemp.

Mr. Yates with Mr. Hunt.

Mr. Tiernan with Mr. Ashbrook.

Mr. Carney with Mr. McKevitt.

Mr. Carey of New York with Mr. Landgrebe.

Mr. Brinkley with Mr. Johnson of Pennsylvania.

Mr. Badillo with Mr. Rousselot.

Mr. Anderson of Tennessee with Mr. Terry.

Mr. Aspinall with Mr. Whalen.

Mrs. Hansen of Washington with Mr. Eshleman.

Mr. Sisk with Mr. Harsha.

Mr. James V. Stanton with Mr. Vander Jagt.

Mr. Taylor with Mr. Crane.

Mr. Yatron with Mr. Cleveland.

Mr. Udall with Mr. Broyhill of North Carolina.

Mr. Van Deerlin with Mr. Peyser.

Mr. Jones of Alabama with Mr. Lloyd.

Mr. Karth with Mrs. Heckler of Massachusetts.

Mr. Abourezk with Mr. Belcher.

Mr. Stokes with Mr. Mosher.

Mr. Link with Mr. Bell.

Mr. Landrum with Mr. Quie.

Mr. Montgomery with Mr. Brown of Michigan.

Mr. Pickle with Mr. Davis of Wisconsin.

Mr. Pucinski with Mr. Thomson of Wisconsin.

Mr. Ryan with Mr. Frey.

Mrs. Green of Oregon with Mr. Winn.

Mr. Gettys with Mr. Derwinski.

Mr. Fraser with Mr. Mizell.

Mr. William D. Ford with Mr. Mallary.

Mr. Flowers with Mr. Heinz.

Mr. Fuqua with Mr. McDonald of Michigan.

Mr. Dorn with Mr. Price of Texas.

Mr. de la Garza with Mr. Byrnes of Wisconsin.

Mr. Davis of South Carolina with Mr. Camp.

Mr. Culver with Mr. Quillen.

Mr. Chappell with Mr. Devine.

Mr. Blanton with Mr. Thompson of Georgia.

Mr. Slack with Mr. Brown of Ohio.

Mr. Stubblefield with Mr. Schmitz.

Mr. McCormack with Mr. Whalley.

Mr. Meeds with Mr. Wyman.

Mr. Metcalfe with Mr. Young of Florida.

Mr. Mills of Arkansas with Mr. Whitten.

Mr. Byrne of Pennsylvania with Mr. McMillan.

Mr. Madden with Mr. Daniel of Virginia.

Mr. Pepper with Mr. Miller of California.

Mr. Eckhardt with Mr. Edmondson.

Mr. Patman with Mr. Flynt.

Mr. Harrington with Mr. Abernethy.

Mr. Hathaway with Mr. Baring.

Mr. Curlin with Mr. Davis of Georgia.

Mr. Roy with Mr. Preyer of North Carolina.

Mr. Melcher with Mr. Scheuer.

Mr. Pryor of Arkansas with Mr. Gallagher.

Messrs. FISHER, McKAY, DANIELS of New Jersey, and HILLIS changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT OF THE FEDERAL OCEAN PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-353)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed.

To the Congress of the United States:

It is with pleasure that I transmit today the report of the Federal Ocean Program. It has been a year of significant accomplishments and continued evolution of new directions to know, conserve, and use the sea.

A most important characteristic of our maturing ocean program is that we are increasingly viewing our efforts in the marine environment from the fresh perspectives illuminated by our need for its abundant resources and by the necessity to search carefully into the consequences of our actions in its development. We must insure the proper balance of these through measures which are compatible with the long-term maintenance of a healthy marine environment.

During 1971, strong emphasis was placed on improvements in the management of our marine living and nonliving resources, on easing pressures which threaten certain species with extinction, and on enforcement of measures to prevent environmental pollution and degradation. We have stepped up our studies of the ways in which we must manage our coastal zones to protect our fisheries, to make them available for marine transportation, to minimize pollution, and to enhance their recreational values. I have recommended legislation to establish national land use policy programs which include priority provisions for coastal zone management.

Further, in view of our increasing concern with energy supplies to sustain the Nation's economic growth and the health and well-being of our people, the Federal Ocean Program moved to explore the geophysical and geological character of our continental shelves. It should be recorded that 1971 was the year in which the Federal Government began to move vigorously to map and chart these promising submerged lands and their resource potential.

A major share of the Federal Ocean Program continued to support vital national defense objectives related to operations in the marine environment. Nevertheless, the major program increases of the past few years and those for the coming year are in the civil sector. Among the important accomplishments have been the increasing momentum to provide the operational capability for man to do useful work beneath the sea through application of research submersibles and laboratory habitats; the development of a system for the assessment of the abundance and distribution of harvestable living marine resources; and the designation of the first four Sea Grant Colleges.

Our efforts to explore the marine environment have been increasingly characterized by the trend toward major large-scale studies conducted by Federal agencies in national programs such as the Marine Ecosystems Analysis study of the New York Bight, and with other nations in international programs, such as the International Field Year for the Great Lakes and the International Decade of Ocean Exploration. In these, we are moving out to the ocean "laboratories" with arrays of ships, specially designed buoys, aircraft, earth-orbiting satellites, and submersibles to apply collective efforts to solve special problems and to advance knowledge and understanding.

I am pleased to report, also, the continued strengthening of Federal ties, both in scope and level of activity, with industry, state and local governments, and universities.

I consider this a most essential aspect underlying our marine programs. As I have stated in the past, private industry, state and local governments, scientific and other institutions must increase their own efforts if we are to continue our headway toward solving the myriad of marine problems.

My budget request for the Fiscal Year 1973 provides $672 million in support of our programs in marine science, engineering, and services, an increase of more than $60 million over last year's request. This budget will enable us to determine our advances in all areas of importance to our vital and increasing national interest in the seas.

RICHARD NIXON.

THE WHITE HOUSE, *September 11, 1972.*

H.R. 16523 TO PROVIDE TAX DEDUCTION FOR ADOPTION EXPENSES

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, last week I introduced H.R. 16523 to provide income tax deductions to foster parents for expenses incurred in connection with the adoption of children.

Passage of this legislation would encourage many American families to proceed with the adoption of a child when the brunt of financial cost is made tax deductible.

Enactment of this legislation will be a major step toward a moral solution to one of the great social problems facing our society—how to help parentless children.

Certainly assisting people who want to give a child a loving home is a preferable solution when compared to such liberal theories as abortion or parent replacement programs like the Comprehensive Child Development programs.

Every child benefits from parents. Every home benefits from children. The home and family are the backbone of the American way of life. I feel that H.R. 16523 will encourage Americans to adopt children and I urge other Members to join with me in support of this or similar legislation.

I include the text of my bill:

H.R. 16523

A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for social agency, legal, and related expenses incurred in connection with the adoption of a child by the taxpayer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 219 as section 220 and by inserting after section 218 the folowing new section:

"SEC. 219. Adoption Expenses.

"(a) ALLOWANCE OF DEDUCTION.—There shall be allowed as a deduction the amount of any adoption expenses (as defined in subsection (b)) paid by the taxpayer during the taxable year.

"(b) DEFINITION.—As used in this section, the term 'adoption expenses' means expenses which pertain to the legal adoption of a child by the taxpayer, and which are incurred in accordance with applicable State or Federal laws, including social or adoption agency fees, court costs, attorneys' fees, and other necessary costs and fees in connection with the adoption of the child.

"(c) EXPENSES OTHERWISE ALLOWABLE AS DEDUCTION.—No amount which is allowable as a deduction under any other provision of this part shall be allowed as a deduction under this section."

(b) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out

"Sec. 219. Cross references."

and inserting in lieu thereof

"Sec. 219. Adoption expenses.

"Sec. 220. Cross references."

SEC. 2. The amendments made by this Act shall apply only with respect to taxable years beginning after December 31, 1971.

TRIBUTE TO LATE LT. GEN. GEORGE B. SIMLER

(Mr. KAZEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, with thousands of his friends and associates, I grieve today at the tragic death of Lt. Gen. George B. Simler. Just 2 days before he was to get his fourth star and a new responsibility, General Simler and Capt. Gil L. Gillespie, his young aide, died Saturday when their plane crashed shortly after take-off from Randolph Field, Tex.

General Simler commanded the Air Force's Air Training Command, sometimes called the Air Force's "big schoolhouse," and it was under his leadership that his command attained the unprecedented reenlistment rate of almost 49 percent. Perhaps one major factor was that his career and his daily effort provided such fine examples of leadership.

He was a naval reservist shortly after he was graduated from high school in Johnstown, Pa., in 1941, and the Air Force won him away with an offer of pilot training. He served two tours of duty overseas during World War II, and on the second he eluded capture after being shot down. He came home to be the first professor of air science at the University of Maryland, and with typical dedication enrolled as an undergraduate, earning his degree and becoming captain of the Maryland football team.

He climbed the ladder of Air Force command, always diligent, always dedicated, though perhaps never more dedicated than when he was Director of Operations for the 7th Air Force in Southeast Asia and repeatedly flew combat missions in tactical strike aircraft.

He was popular and effective during his service as athletic director at the Air Force Academy. As commander of the Air Training Command, he initiated special efforts to train and to understand his men. He sent a noteworthy interracial human relations team to 15 air bases to solicit suggestions and complaints, and he gave his personal attention to the proposals from that effort.

He and his aide were en route to Scott Air Force Base, his new assignment, to bring Mrs. Simler back for the Tuesday promotion ceremony when the aircraft crash occurred. Our hearts go out to Mrs. Simler, their five children, and the general's mother.

Captain Gillespie was a member of my constituency. His record at the Air Force Academy caused him to be sent to the University of California at Los Angeles, where he earned a master's degree in 7 months. We share the grief of his wife, one son, and his parents.

PERSONAL EXPLANATION

(Mr. DULSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DULSKI. Mr. Speaker, I missed several rollcalls while absent from the Capitol on official business. Had I been present, I would have voted "yea" on rollcalls Nos. 346 and 349, and I would have voted "nay" on recorded teller vote No. 347.

AEC SHIFTS INTEREST TO NEW MEXICO

(Mr. SKUBITZ asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SKUBITZ. Mr. Speaker, the maneuverings of the Atomic Energy Commission are a game that I never cease to watch. My colleagues in this House know of my interest in this agency's attempts over the past few years to make my State of Kansas a burying ground for highly dangerous atomic waste—an atomic garbage dump, if you will.

Having been rebuffed by the people and the public officials of Kansas in its effort to dump long-lived, lethal, nuclear materials in Kansas salt beds, the AEC has turned its attention to another State, New Mexico. Of course, I am happy if this maneuver means that the AEC has actually and finally given up on Kansas, but it is no solace to me that people of another State will be exposed to the same dangers.

I suggest that they not be beguiled by fancy promises of a big government project offering employment and a large expenditure of Federal funds. That was the propaganda that was employed in Kansas and indeed, even convinced some Kansans that manna from heaven was about to be visited upon them. As I have made clear time and again, atomic wastes that remain deadly for man and beast and the environment for hundreds of thousands of years should not be permitted to pollute this land. Other places where human life would not be jeopardized are available, and other means of safe disposal should be researched.

Mr. Speaker, a typical Kansas newspaper editorial that greeted the AEC's new move is that which appeared in the El Dorado Times on August 19. Its editor, the much revered Rolla Clymer, has as usual, hit the nail on the head. I insert the El Dorado Times editorial in the CONGRESSIONAL RECORD as part of my remarks.

NUCLEAR WASTE TO CARLSBAD?

The Atomic Energy Commission is trying a new tack in its dealings with Kansas.

It is now trying the power of competition. Sen. Joseph Montoya, of New Mexico, announces that the Commission "plans to establish a $25 million atomic waste disposal operation near Carlsbad." It was almost in identical language that the commission's first move to bury its waste near Lyons, Kansas, was couched.

At the same time, Senator Montoya was speaking, a spokesman for the Commission in Washington was saying that no final decision had been made in favor of the Carlsbad site. This indicates that the Kansas site is still open; if the weepy Kansans around Lyons wish to get back in the running for that $25 million, there are no obstacles.

The proposal at Carlsbad would lower sealed containers of waste into deep holes and cover them with soil containing sodium chloride salt.

The AEC may be surprised at how little fuss this announcement created in Kansas. If the AEC wishes to land in New Mexico with its evil waste garbage and to set up burial of the same, let it take its doll rags and go. The State of Kansas would be greately relieved if New Mexico would take this "pain in the neck" problem off Kansas' hands.

REBEKAH BAINES JOHNSON CENTER

(Mr. PICKLE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. PICKLE. Mr. Speaker, one measure of a nation's greatness is its ability to care for those who are not in the mainstream of its society. This is manifested in our concern for children and for the elderly—particularly the elderly, whose contributions to our greatness like yesterday's newspaper, is often put on the back shelf.

Some years ago, a geriatric center was proposed in my district in Austin. I recently visited this now completed facility and was impressed with its setting and its operation.

When the center was first proposed, it was subject to much criticism with some charging President Lyndon B. Johnson with "cronyism" because some of his past business associates were connected to it. Seeing the center—which was named in honor of President Johnson's mother, Rebekah Baines Johnson—in operation should erase any doubt to these erroneous charges.

It is a pleasant, modern facility that is serving the needs of many older citizens. From a lovely setting on the banks of Town Lake in Austin, residents of the center can live the "sunsets" of their lives complimented by nature's sunset on the surrounding hills, but more importantly with dignity and proper care.

Lipservice has always been paid to the elderly. The Rebekah Baines Johnson Center is an extraordinary achievement in this Nation's commitment to older Americans. It is also a tenacious example of President Johnson's personal and public commitment and understanding of the needs of the elderly.

Recently, one of the residents of the center corresponded with President Johnson. I think our colleagues will find this couple's comments meaningful and, perhaps, a helpful guide as we consider legislation that affects the elderly. I include these firsthand comments in the RECORD:

RBJ CENTER,
Sept. 1, 1972.

DEAR MR. PRESIDENT AND MRS. JOHNSON: We wish to express our appreciation for your congratulatory card upon the occasion of our 65th wedding anniversary. We are now, since April, happily situated at Rebekah Baines Johnson Center. Mr. Hutchison, a wheel chair patient, has excellent care in the Nursing Home. It became necessary for me to leave him to the care of the nursing staff while I took an apartment at the Residential Tower. It is lovely and fits all my needs, and what a magnificent view of the Lake and the Hills beyond to the South from my 9th floor apartment.

Mr. H can also see a large span of water from his room over looking the lake. He enjoys watching the sail boats flapping up and down. There are also signs of Lady Bird's beautification program. The grounds are lovely now, and the trees to the east and north of the buildings are magnificent. This is the perfect answer to our problem and we bless you for making possible a place like this for people such as we.

Now it is our turn to offer congratulations to you upon the observance of your 64th birthday.

We heartily wish you many happy returns of the day plus much good health and happiness.

Sincerely,
O. B. and MARION HUTCHISON.

THE LATTIMER MINES MASSACRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ROONEY) is recognized for 30 minutes.

Mr. ROONEY of Pennsylvania. Mr. Speaker, the American labor movement, throughout its lifetime, has experienced many hardships and encountered numerous tragedies in its quest to improve working conditions for our citizens. The labor movement has played a key role in according the American worker a standard of living unparalleled in the world.

To achieve that standard, over a period of many decades millions of workers have struggled and sacrificed. Some have died in the struggle which often was bitter and brutal.

Yesterday, numerous representatives of the American labor movement paused in tribute to one early group of trade union members who gave their lives to correct intolerable working conditions confronting Pennsylvania coal miners before the turn of the century.

September 10, 1972, was the 75th anniversary of the Lattimer Mines Massacre in which 19 striking members of the first United Mine Workers Union Local were shot and killed by the Luzerne County, Pa., Sheriff and his deputies at the entrance to Lattimer Mines.

These miners, predominantly of Polish, Slovak, and Lithuanian origin, worked in the mines of the villages of Harwood, Cranberry, Crystal Ridge, Harleigh and Humboldt, near Hazleton. A short distance north of Hazleton was the village of Lattimer and its coal mines.

Ill paid and ill treated, and they and their families ill fed, the miners struck the mines to improve working conditions, to abolish the company stores, and to demand more for their work in and around the coal mines.

The nonunion workers at Lattimer Mines were exploited by the coal company in an effort to defeat the striking workers of surrounding mines. Seeking to enlist the support of those nonunion miners, the strikers marched from Harwood to Lattimer on September 10, 1897.

At the entrance to Lattimer the sheriff and his deputies aimed and fired on the unarmed miners. Nineteen fell dead.

Yesterday, the United Labor Council, AFL–CIO, of Lower Luzerne and Carbon Counties observed the 75th anniversary of that bloody event with ceromonies at the site. The tribute also marked the dedication of a monument memorializing the 19 men who died there.

Trade Union leaders from various AFL–CIO Unions, the United Mine Workers of America, United Auto Workers, Teamsters Unions, along with government officials attended the dedicatory ceremonies.

Cesar Chavez, director of the United Farm Workers, AFL–CIO, whose efforts to improve the lot of farm workers today reflects the early struggle of the Pennsylvania miners, participated in the dedication.

I feel personally privileged to call the attention of my colleagues today to that fateful day at Lattimer Mines. It was that event which had a profound unifying influence upon all of the various ethnic peoples of the anthracite coal regions and gave root to a common identity for all who worked in and around the coal mines. This and other similar labor struggles over the years have enhanced the lives of millions of American workers and their families today.

It is significant that within five years of the Lattimer tragedy, the United Mine Workers of America, founded in 1890, had seen its membership grow from 40,000 to over 200,000.

I should also like to call the attention of colleagues to the proclamation of the United Labor Council, AFL–CIO, Lower Luzerne and Carbon Counties, Pa., honoring the martyred 19 strikers—a proclamation subsequently adopted unanimously by the 13th Constitutional AFL–CIO Convention in Pittsburgh, Pa.

"PROCLAMATION": THE LATTIMER MASSACRE MEMORIAL YEAR—THE "75" YEAR

Whereas, shortly after they joined the first Local of the United Mine Workers of America in Lower Luzerne and Carbon Counties, Commonwealth of Pennsylvania, coal miners in the villages of Harwood, Cranberry, Crystal Ridge, Harliegh, and Humboldt, near Hazleton, were ill fed, ill paid, and ill treated, and

Whereas, these union men, predominately of Polish, Slovak, and Lithuanian origin, went on strike to better their working conditions, abolish the unfair company stores, and demand more for their work in and around the coal mines, and

Whereas, the non-union workers at Lattimer Mines were exploited by the Coal Company in order to defeat the men on strike, and

Whereas, the strikers marched from Harwood to seek the support of their fellow-workers at Lattimer Mines on Friday, September 10, 1897, and

Whereas, the Sheriff of Luzerne County and his deputies aimed and fired upon the unarmed union men at the entrance to Lattimer, and

Whereas, the lives of nineteen strikers were ended by the savage attack of the deputy sheriffs, and recorded with honor herein:

THE MARTYRED

Sebastian Broztowski, Frank Chrzeszeski, John Fotta, Andrew Jurecek, George Julick, Andrew Monikaski, Raphael Rekiewicz, John Tarnowicz, Stanley Zagorski, Michael Cheslock, Adalbert Czaja, Anthony Grekos, Stephen Jurics, Andrew Mieczkowski, Clement Platek, John Skrep, Jacob Tomashontas, Adalbert Ziemba, Adam Zeiminski.

Therefore, be it resolved, by the United Labor Council, Lower Luzerne and Carbon Counties, AFL–CIO, with a membership 8,000, headquartered at Hazelton Pennsylvania, that It call upon Its Contemporaries to observe the Seventy-Fifth Anniversary of the Lattimer Massacre with appropriate ceremonies: and Be it further resolved, that the Site of the bloody affair be hallowed by an official historical Marker of the Pennsylvania Historical and Museum Commission, and a fitting Monument by organized labor and their friends to the Memory of the 19 union members who sacrificed their lives for the cause of Trade Unionism; and, be it further resolved, that we call upon the City Council of Hazleton, the Pennsylvania AFL–CIO Organization, and the Governor of the Commonwealth of Pennsylvania to proclaim "1972" as the Seventy-Fifth Lattimer Massacre Memorial Year.

Adopted unanimously, Saturday, January 29, 1972, by the assembled Officers, Delegates, and Friends, of the United Labor Council, AFL–CIO, Lower Luzerne and Carbon Counties, in the City of Hazleton, Commonwealth of Pennsylvania.

DRUG TREATMENT QUALITY CONTROL PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, I am publicly releasing today the latest data on the military's drug testing quality control program. The military's program to detect GI drug users is still failing miserably.

The military's poor performance is permitting hundreds of GI drug users to slip through the drug testing screen. The statistics that I am releasing today show that nine service laboratories participating in the drug testing program have achieved only a 72 percent accuracy rate in determining GI drug users. One of the laboratories achieved only a 55 percent accuracy rate.

It should be noted, Mr. Speaker, that the Defense Department has set a 90 percent accuracy requirement on its quality control program.

What these new statistics mean is that the Armed Forces are detecting only 7 out of every 10 drug users. The services, however, are making some progress in improving the accuracy rate. According to earlier statistics provided to me by the Department of Defense the services were detecting only 62 percent of the drug users. But the Pentagon is still falling far short of their 90 percent goal of accuracy.

Probably the worst example of poor quality control is at the Naval Drug Rehabilitation Center in Jacksonville, Fla. At Jacksonville less than 44 percent of the herion samples tested for quality control are being correctly identified. The Navy facility at Jacksonville which allegedly rehabilitates drug users is a disgrace.

The military's drug treating program is also identifying correctly less than half of GI barbiturates users. At one installation only 22 percent of the barbiturate samples were correctly identified.

Thus, overall despite slight progress, the Army's drug testing program is still a miserable failure.

Mr. Speaker, the Congress recently enacted the military drug bill which requires urinalysis testing of all Armed Forces personnel in order to detect drug users. This legislation is of little use unless the quality control process is accurate.

Full value of the program rests on the ability to accurately detect GI drug users. It is simply a waste of time to continue to pretend that the program is working. Action is needed now to correct these deficiencies.

I am inserting into the Record at this point data which was provided to me by the Department of Defense on various drug treatment quality control programs. The letter follows:

Assistant Secretary of Defense,
Washington, D.C., September 1, 1972.

Hon. Les Aspin,
House of Representatives,
Washington, D.C.

Dear Mr. Aspin: On August 10, 1972 you requested from Dr. Wilbur an update of the quality control statistics of all the laboratories in the DoD drug screening program. An interim reply was furnished to you on 16 August 1972 which stated that information would be forthcoming pending a scheduled report from the Armed Forces Institute of Pathology. Enclosed per your request is a summary of the Armed Forces Institute of Pathology quality control report for the period April 5 thru June 28, 1972. The format used is the same as that forwarded to you on June 19, 1972.

There have been a few minor changes in the laboratories participating in the biochemical testing program. Since June 19, 1972 the contracts of two civilian laboratories have expired and were not renewed. There are two additional military laboratories tasked to analyze specimens—Camp Zama in Japan and the Tripler Army hospital in Hawaii. In regard to the military facility in Camp Alpha, Saigon, it is included in the overall quality control program of the Armed Forces Institute of Pathology as of June 25, 1972. We do not have the results of their findings as yet due to their late entry. The Camp Alpha facility has been in existence from the offset of our drug screening program and performing the same analysis as the other laboratories. Since they were first organized, the in-country Vietnam labs have been employing their own quality control procedures which have been completely acceptable to the DoD. Because of the similarity of their procedures, the Camp Alpha laboratory has now been incorporated into the Armed Forces Institute of Pathology quality control program.

As you will note from the enclosure, the capability of the laboratories to detect drugs more accurately has greatly increased since our last correspondence. We attribute this significant improvement to the increased knowledge of the technicians and improved management control established through the quality control program. Verbal reports on recent testing indicate this proficiency is continuing to increase.

I hope the enclosed statistics will be of assistance. Thank you again for your interest in the DoD drug program. If there is any further information you desire, do not hesitate to let us know.

Sincerely,

George J. Hayes,
Major General, MC USA,
Principal Deputy.

Armed Forces Institute of Pathology: Summary—Quality Control Report, April 5 Through June 28, 1972

Lab Name: U.S.A. Medical Component (SEATO).

Negatives: 30 out of 31 right (96%).

Amphetamines: 48 out of 52 right (92%).

Barbiturates: 11 out of 49 right (22%).

Morphines: 49 out of 58 right (84%).

Summary: 138 out of 190 right (72%).

Lab Name: U.S. Navy Rehabilitation Center, Jacksonville, Fla.

Negatives: 34 out of 36 right (94%).

Amphetamines: 49 out of 66 right (74%).

Barbiturates: 22 out of 64 right (34%).

Morphines: 25 out of 69 right (36%).

Summary: 130 out of 236 right (55%).

Lab Name: U.S. Naval Hospital, Oakland, Calif.

Negatives: 58 out of 58 right (100%).

Amphetamines: 72 out of 84 right (85%).

Barbiturates: 27 out of 84 right (32%).

Morphines: 60 out of 85 right (70%).

Summary: 217 out of 311 right (69%).

Lab Name: U.S. Naval Hospital, Great Lakes, Ill.

Negatives: 29 out of 30 right (96%).

Amphetamines: 52 out of 52 right (100%).

Barbiturates: 45 out of 49 right (91%).

Morphines: 55 out of 56 right (98%).

Summary: 181 out of 187 right (96%).

Lab Name: U.S. Naval Hospital, Portsmouth, Va.

Negatives: 36 out of 36 right (100%).

Amphetamines: 60 out of 66 right (90%).

Barbiturates: 29 out of 64 right (45%).

Morphines: 30 out of 68 right (44%).

Summary: 155 out of 234 right (66%).

Lab Name: U.S. Navy Drug Center, San Diego, Calif.

Negatives: 58 out of 58 right (100%).

Amphetamines: 79 out of 84 right (94%).

Barbiturates: 57 out of 84 right (67%).

Morphines: 58 out of 86 right (67%).

Summary: 252 out of 312 right (80%).

Lab Name: USAF, San Antonio, Texas.

Negatives: 36 out of 36 right (100%).

Amphetamines: 84 out of 97 right (86%).

Barbiturates: 35 out of 96 right (36%).

Morphines: 69 out of 101 right (68%).

Summary: 224 out of 330 right (67%).

Lab Name: USAF, Weisbaden, Germany.

Negatives: 39 out of 39 right (100%).

Amphetamines: 69 out of 71 right (97%).

Barbiturates: 28 out of 62 right (41%).

Morphines: 51 out of 72 right (70%).

Summary: 187 out of 250 right (74%).

REVISED LEGISLATION TO CREATE A NATIONAL CREDIT UNION BANK

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, on March 30, 1971, I introduced H.R. 6936 which would create a National Credit Union Bank to serve as a central liquidity facility for the over 23,000 credit unions in the United States. This bill was designed to give credit unions essentially the same central banking facilities which banks and savings and loan associations enjoy through the Federal Reserve banks and the Federal Home Loan Bank Board.

Today I am introducing a revised version of that bill. It is H.R. 16580, a version which contains refinements developed over the intervening months by comments and suggestions I have received from credit unions, credit union organizations, and other interested and informed parties. This revised bill is designed "to encourage the flow of credit to urban and rural areas in order to provide greates access to consumer credit at reasonable rates, to amend the Federal Credit Union Act, and for other purposes." And at this point I would like to emphasize that "reasonable interest rate" is a rate established by law for all our 13,000 federally chartered credit unions and for most of the State chartered credit unions in an amount not to exceed 1 percent per month on the unpaid balance of a loan.

SUMMARY OF DIFFERENCES IN BILLS

Generally, the major differences between H.R. 6936 and the revised bill concern: First, the interim management of the Bank; second, election of board members to the permanent board; third, capitalization requirements; and fourth, the authority for conversion of the Bank into a private, federally chartered corporation within 10 years under certain conditions.

While H.R. 6936 would utilize the NCUA Board, the Secretary of the Treasury, and Administrator, National Credit Union Administration, as the interim board of the Bank, the revised bill leaves this responsibility with the Secretary of the Treasury. Under H.R. 6936 the interim board establishes rules for election of six members to the permanent board. The revised bill includes election rules and authorizes credit unions to vote based upon their required stock participation in the Bank with some limits to establish an equitable parity of voting power between large and small credit unions. Concerning capitalization of the Bank, the revised bill reduces the initial stock purchase by credit unions by 50 percent to half of 1 percent of assets with one half of 1 percent of assets subject to call. In addition, at the end of 10 years, the Bank may be converted into a private, federally chartered corporation in the event no debt is owned to the Treasury at this time. The revised bill also eliminates the right to borrow from the Treasury and Government guaranty of the bonds and debentures of the Bank when the conversion feature is effected.

In addition, the revised bill includes several other substantive changes to H.R. 6936 as follows:

First. Broadens the "findings and purposes" section to include the "promotion of commerce and thrift at the consumer level";

Second. Requires election of members to the permanent board within 6 months of effective date of act and permits mail ballots by voting credit unions;

Third. Establishes qualifications for board members;

Fourth. Provides that Bank examination of shareholder credit unions be at the Bank's expense;

Fifth. Places a limitation on advances or loans which may be made to a credit union, not to exceed 50 percentum of the credit union's paid-in and unimpaired capital; and

Sixth. Eliminates treatment of stock subscriptions as constituting a part of required reserves for Federal credit unions in view of revision to reserve requirements under Public Law 91-468.

BANK POWERS

To accomplish the stated purpose of such a National Credit Union Bank of encouraging the flow of credit and to provide greater access to consumer credit at reasonabel rates, such a bank would be empowered to—

First, make temporary loans for liquidity purposes to its shareholders;

Second, discount notes of its shareholders;

Third, provide a national interlending service for credit unions;

Fourth, sell debt securities in the open market;

Fifth, aid in the rehabilitation and stabilization of credit unions;

Sixth, aid in the orderly liquidation of credit unions when necessary; and

Seventh, cooperate with and assist credit unions, credit union organizations, the National Credit Union Administration, and the various State regulatory bodies for the purpose of improving the general welfare of the people through credit unions.

BANK ESSENTIAL FOR EQUALITY

On March 10, 1970, the National Credit Union Administration was created as an independent agency in the executive branch placing the supervisory agency for Federal credit unions on an organizational par with the supervisory agencies of our national banks and federally chartered savings and loan associations. The proposed National Credit Union Bank is an essential step to give our Nation's credit unions facilities similar to those which other major financial institutions have for providing liquidity and other essential and vital services to their member institutions. I refer, of course, to the Federal Reserve System and to the Federal Home Loan Bank Board. A National Credit Union Bank is a logical step to give credit unions equality of opportunity in the financial field. It is a logical step to further improve our Nation's credit facilities, especially in the consumer field, and one which will materially help the middle- and low-income people of this Nation served by our credit unions.

Then, in 1970, Congress passed legislation establishing a Federal program of share insurance, insuring credit union accounts up to $20,000 for each individual account. This, again, gave credit unions equality in another field—insured accounts—which banks and savings and loan associations had long enjoyed under the Federal Deposit Insurance Corporation and the Federal Savings and Loan Insurance Corporation.

Under the provisions of the revised bill introduced today, as in the case of my original bill, a National Credit Union Bank would be established with a principal office in the District of Columbia and with such branch offices throughout the United States as the Bank officials may deem necessary and appropriate.

INITIAL GOVERNMENT OF BANK

Initially upon enactment of the National Credit Union Bank legislation, and pending the appointment of and election of the members of the Board of Directors of the Bank, the organization and management of the Bank would be vested in the Secretary of the Treasury, who would serve as the acting President of the Bank until the President of the United States appoints a President of the Bank.

Within 3 months of the effective date of the legislation, the Secretary of the Treasury would be required to prescribe procedures for the receipt of nominations for the election of one member to the permanent board of the Bank from each of the respective Federal credit union regions. An election, using the regional offices of the National Credit Union Administration to the extent practicable, would be held no later than 6 months from the effective date of enactment of the Bank bill.

PERMANENT BOARD OF THE BANK

Management of the Bank would be vested in a Board of Directors consisting of a President of the Bank, the Secretary of the Treasury or his designated representative, the Administrator of the National Credit Union Administration, and one member elected from each of the Federal credit union regions, all of whom would be required to be citizens of the United States. The Secretary of the Treasury, or his designee, and the Administrator of the National Credit Union Administration would serve as ex officio members of the Board. The President of the Board would be appointed by the President of the United States, by and with the advice and consent of the Senate, and would serve at the pleasure of the President of the United States. One director from each of the Federal credit union regions would be elected for a term of 6 years, although of the elected members first taking office, two would serve until December 31, 1973; two until December 31, 1975; and two until December 31, 1977, as determined by the President of the United States. Members of the National Credit Union Board, employees of the National Credit Union Bank would be ineligible to serve as directors while they hold such positions or office.

MEMBER CREDIT UNIONS' VOTING

Each director representing a Federal credit union region would be elected by credit unions holding shares in the Bank. Candidates for a directorship would be required to have tested credit union experience and would have to be nominated by at least 25 member credit unions in the respective region. A candidate would be required to have a plurality of votes cast within his region to be elected.

Each member credit union would cast a number of votes in proportion to the number of shares of stock the credit union held in the Bank at the end of the month preceding the election. A schedule of votes authorized a credit union based on the principle of insuring every member credit union a vote yet limiting the maximum votes to forestall undue influence to large credit unions by providing a maximum of 25 votes in such cases is contained in the legislation. This schedule follows:

Shares of stock	*Votes*
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 125	5
126 to 150	6
151 to 175	7
176 to 200	8
201 to 250	9
251 to 300	10
301 to 350	11
351 to 400	12
401 to 450	13
451 to 500	14
501 to 750	15
751 to 1,000	16
1,001 to 1,500	17
1,501 to 2,000	18
2,001 to 2,500	19
2,501 to 5,000	20
5,001 to 7,500	21
7,501 to 10,000	22
10,001 to 15,000	23
15,001 to 20,000	24
20,001 to 25,000	25

OPERATION OF THE BOARD

Once the Board of Directors had been elected, they would select from their own membership a Chairman, a Vice Chairman and a Secretary annually and would be required to meet at least six times a year. Board members could be removed from office for cause by the President of the United States, or by Congress by impeachment if the President does not act.

Compensation of the President of the Bank would be established by the Board. The Board would also have power to prescribe rules for the election of members from each of the Federal credit union regions. The Board would prescribe and publish necessary regulations and take such other actions as necessary to carry out the provisions of the act, both expressed and implied.

The President of the Bank would be the chief administrative officer of the Bank and perform all the functions and duties of the Bank in accordance with policies established by the Board. He would be subject to the general supervision of the Board.

CAPITALIZATION OF THE BANK

Under terms of my new bill, the National Credit Union Bank would be capitalized through sale of shares at par value of $100 each. Minimum capital stock would be issued at par, and stock issued thereafter would be issued at a price to be fixed by the Board of Directors, but not less than par.

Original stock subscriptions of each eligible credit union to become a member of the Bank would be in an amount equal to 1 percent of the subscriber credit union's total assets at the end of the preceding month in which it applies, but not less than $100. However, 50 percent of the required stock subscription could be held by the credit union subject to call by the Bank. Special provision is made for newly chartered credit unions to pay $25 initially upon chartering to be applied to stock purchase with at least a full share to be purchased by the end of 1 year.

BANK MEMBERSHIP

Under the terms of the bill, every credit union insured by the Administrator of the National Credit Union Administration must apply for membership in the Bank within 3 months of the enactment of the measure. Any other State-chartered credit union may apply for membership. Any credit union, other than an insured credit union, could withdraw from the Bank 6 months after filing notice of intent to do so.

To facilitate the establishment of the Bank, the bill contains an authorization for the Treasury to advance $500,000 for initial organizational and operating expenses. This amount is to be repaid within 1 year, and is to be at a rate of interest determined by the Secretary of the Treasury.

Also authorized to be appropriated and to be advanced by the Secretary of the Treasury such sums as may be necessary for the purposes of the Bank, but not to exceed $500 million in any fiscal year. Such advances are to be repaid within 1 year from the date of advance, and to be charged interest as the Secretary of the Treasury may determine.

The National Credit Union Bank is authorized general powers similar to those authorized similar corporate institutions to carry out its operations and objectives. For example, it would be authorized to loan to shareholder credit unions, enter into contracts, issue bonds, debentures, and other certificates of indebtedness, conduct examinations of shareholders at Bank expense, accept gifts, sue and be sued, and numerous other powers common to such an institution.

MONETARY OPERATIONS

Among the monetary powers authorized the Bank would be such matters as purchase of notes and other receivables from shareholders; make loans to shareholders; accept deposits from credit unions and make deposits in credit unions and other financial institutions; develop and establish an efficient interlending system among credit unions; invest in shares of a shareholder credit union; pay dividends on stock subscriptions; arrange for insurance from the Administrator of the National Credit Union Administration on its loans and purchases of notes from liquidating credit unions.

Initially the Bank would be an agency of the United States. At the expiration of 10 years, provided there are no outstanding Treasury loans, the Bank would cease to be an agency of the United States, but would continue in perpetuity as an instrumentality of the United States and as a banking corporation. The obligations of the Bank would no longer be unconditionally guaranteed by the United States and the Treasury authority to advance funds would be terminated. At such time, the management and operation of the Bank would be vested in the Board of Directors and exercised through the President of the Bank, to be selected by the Board. Also at this time, the three members of the Board designated by the President of the United States would cease to be members of the Board.

The bill also provides that the Bank shall have in reserve an amount at least equal to demand deposits of shareholders; shall in the interest of efficiency and to avoid duplication use reports, examinations, and other documents in conjunction with the National Credit Union Administration and State regulatory agencies; audits of the Bank's financial transactions shall be performed by the General Accounting Office; an annual report shall be submitted to the President and to Congress.

TAXATION OF THE BANK

The Bank is exempt from taxation, except on real property and tangible personal property insofar as Federal, State, and local taxes are concerned. Any and all obligations issued by the Bank would be subject both as to principal and interest to Federal, State, and local taxation to the same extent as the obligations of private corporations are taxed.

My bill also amends the Federal Credit Union Act to authorize Federal credit unions to participate in the Bank as shareholder members.

One of the major benefits of the National Credit Union Bank, in my opinion, would be its ability to assist and expedite the liquidation of solvent credit unions—credit unions forced to liquidate because of plant or military base closings, loss of field membership, or similar situations beyond the control of the credit union itself. Through the Bank's authority to purchase notes, and so forth, the delay in liquidation often encountered in converting assets into liquid form could be eliminated and the entire process expedited, with shareholders being paid off almost immediately.

Mr. Speaker, I am convinced that the establishment of a National Credit Union Bank such as I have proposed in my bill would be a major stimulant to the credit unions of the Nation. It will give them a flexibility, a means of improving liquidity, and a stability which will be of direct benefit to the flow of credit in our Nation, especially in low-income areas which credit unions primarily serve.

The record of credit unions in encouraging thrift and in providing low-cost loans to members based on the need and members' character is an outstanding one. After all, credit unions are simply people who are bound together by a common bond or interest to help one another. Surely for the good that they do, especially for the financial handicapped and deprived, they deserve every legitimate aid that our Federal Government can provide. In this bill, I merely set up and authorize machinery for the credit unions to help themselves. They will be paying the bill for a National Credit Union Bank just as they have paid the bill over the past 19 years for the National Credit Union Administration—formerly the Bureau of Federal Credit Unions—their Federal supervisory agency. And, I might add, they are paying the bill for the Federal share insurance program. I emphasize that credit union legislation does not cost the taxpayer 1 cent to implement—the credit unions pay the bill themselves, whether it be their own supervisory agency, share insurance or a National Credit Union Bank.

Mr. Speaker, it is more than ever essential that credit unions of our Nation have facilities similar to those of our other major financial institutions for providing liquidity and other vital services to their membership.

Through such an institution as the National Credit Union Bank, credit unions would have ready access to the Nations money markets to satisfy their capital needs over and above their assets. It would give them a flexibility, a means of improving liquidity, and a stability which will be of direct benefit to the flow of credit in our Nation. And permit me to emphasize that because credit unions primarily serve medium- and low-income people, this facility will be doubly important to our Nation's economy in funneling credit into these vital consumer purchasing areas.

The Bank would be a vital asset in assisting credit unions during periods of credit crunches such as was experienced in 1968–69. At that time many credit unions were forced to curtail member services because demand exceeded capability and borrowing at market rates was not feasible because of the fixed, low loan rates the vast majority of credit unions must charge for member borrowing.

Mr. Speaker, I submit that this legislation is extremely important to our national welfare and economy, as well as to credit unions as an institution. It provides a missing link in the institutional chain necessary for credit unions to be placed on a parity with other major financial institutions who already have such facilities. And because it does that, and does it for credit unions which are especially people- and service-oriented compared to other financial institutions, this proposed legislation is entirely in the best interests of the people of the United States.

PLIGHT OF JEWS IN A TROUBLED WORLD

(Mr. BUCHANAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, as we mark the beginning of the Jewish New Year and the end of the XX Olympiad, the great Israeli tragedy in Munich reminds us again that the world is yet a long way from peace and brotherhood.

This fact was punctuated by news today of the assassination attempt on an Israeli diplomat in Belgium.

In Munich, not even the brutal murders which paled into insignificance all other events of the Olympics, could sober the Russians, the East Germans, and others into fair and honest competition removed from political bias on the part of the judges and officials alike.

Indeed, the XX Olympiad seemed in many instances like a fulfillment of the Biblical prophesy:

> The race goes not to the swift nor the battle to the strong.

In New York, the United Nations Security Council stood ready to condemn the Israeli response to terrorist brutality and the Russians and Red Chinese were so unwilling to even condemn terrorism itself that the United States had to exercise what was only its second veto in United Nations history to oppose this Security Council resolution.

In such a context, the Jewish New Year begins.

It is, nevertheless, my hope and prayer that the ensuing year will bring our world at least a few steps closer to peace and justice for Jewish people everywhere and for all mankind.

STATES WHICH HARBOR AND GIVE SUCCOR TO TERRORISTS CANNOT THEN CLAIM SANCTUARY FOR THEMSELVES

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, yesterday the United States and its Ambassador, George Bush, demonstrated exemplary leadership in the Security Council of the United Nations by casting a veto against a prejudiced resolution. Thirteen nations led by the Soviet Union demeaned themselves by calling for a cease-fire from Israel while failing to condemn the terrorist attack in Munich and refusing to demand that States harboring these terrorists cease their support of them. The Soviet Union had already debased itself last week when it, alone of all the world's nations other than the Arab States, failed to have its Olympic athletes attend the mourning ceremony for the Israeli dead in Munich.

Our Ambassador, George Bush, formerly our colleague in the House, spoke bluntly yesterday when he said that the one-sided resolutions against Israel so often adopted by the Security Council did not contribute to the goal of peace but rather encouraged "perpetrators and supporters of acts of terrorism to believe that they can escape the world's censure."

> Those who preach violence and employ it as a matter of policy always suffer its consequences, for violence always begets violence. The crimes that were carried out at Lod and at Munich cannot but breed tragedy for their perpetrators and for those who defend them. States which harbor and give succor to terrorists cannot then claim sanctuary for themselves.

In the past I have not hesitated to criticize the actions of the administration and our United Nations representative, George Bush, when I thought they were wrong and I will not hesitate to praise them when I think they are right.

The Israeli Government will not and should not permit those states endorsing terrorism and harboring the terrorists to feel free to do so with impunity. The Israeli reprisals were justified and undoubtedly will continue so long as Arab terrorists kill and maim. A fundamental law of physics applies in this case: for every action there is a reaction.

CONGRESSMAN HANSEN OF IDAHO INTRODUCES BILL TO ESTABLISH COUNCIL ON EDUCATIONAL TECHNOLOGY

(Mr. HANSEN of Idaho asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Idaho. Mr. Speaker, today I am introducing a bill, H.R. 16572, to establish a Council on Educational Technology. This Council, unlike the advisory councils often established in conjunction with government programs, would be a functioning, working group with definite goals to be achieved and specific responsibilities.

The Council would have several specific tasks. First, it would be charged with coordinating the Federal agencies' actions and policies affecting educational technology, in both in-house and external programs. Second, it would be responsible for bringing together representatives of various educational users of technology for the identification and articulation of common needs and concerns. Finally, it would serve to foster communication between educational technology users, and manufacturers and distributors.

The need for such a Council is well recognized. As chairman of the House Republican Task Force on Education and Training, I correspond with several dozen educational users of educational television, government officials and manufacturers, and received very strong indications of interest and support for the establishment of a council which would delineate and work to resolve both informational and technical difficulties impeding the full use of educational technology.

Many others as well have cited the need for such a group. The report of the Commission on Instructional Technology, headed by Sterling McMurrin, called for—

> An organization representing education and industry . . . [which would] develop and institute improvements in the design, development, maintenance, and utilization of instructional technology.

Herbert E. Farmer, professor of cinema, University of Southern California, speaking in November 1971 before the Educational Media Council's Seminar on Standards for Education Equipment, stated that—

> It would certainly help if a more efficient process could be worked out so that manufacturers and users could get together in the development stages, protecting the proprietary interests of manufacturers but without fear of antitrust charges.

Philip W. Tiemann, of the University of Illinois, speaking at the same seminar, likewise called for "a coordinating organization at the national level—with the functions of developing, field testing and revising techniques, and procedures for continuing evaluation and validation of performance-based standards." Similarly, Edwin G. Cohen, executive director of the National Instructional Television Center called for "a national coordinating council representing education, industry, and government."

Several problems and conditions in the field of educational technology have led these and other experts to recommend, independently of one another, the establishment of such a council.

Definitions of needs: Although educators often complain that available technology does not fit their needs, they have thus far successfully resisted providing manufacturers with precise descriptions of the qualities they need in products to facilitate the educational process. Neither have they accurately defined, in many cases, the instructional objectives they hope to reach through use of educational equipment. To give education its due, it must be noted that such a wide variety of settings and purposes are involved, no single description of needs or objectives could possibly suffice. Nevertheless, it appears that greater precision on the part of educators in describing their needs can be achieved and would enhance the ability of manufacturers to respond to those needs. Lacking a clear picture of the requirements of the educational market, manufacturers understandably gear their products to the demands of business and home consumers.

Product assessment and consumer information: Too frequently, educators who purchase educational technology face a serious information gap. Many standards and specifications are now in existence, but they are not known to educators, or more frustrating, cannot be meaningfully related to classroom needs. Thus, much of the acquisition of educational technology is based solely on information supplied by salesmen or advertising literature, hardly a precise way to assess the relative capacities of given products in relationship to one's requirements.

Technical change: In some areas of educational technology, products are still in a rapid development stage, evolving quickly as major and minor improvements and variations are introduced. Often the result of such technological improvements is the obsolescence of similar but older equipment, for which replacement parts and possibly even software can no longer be obtained. For the educational user with the typical impecunious budget, this plays havoc with long-range plans for integrating educational technology into the overall school program. The video tape field provides an example of this phenomenon. Although there are nearly a dozen manufacturers in the market, varying tape widths, speeds, and formats mean that material recorded on one machine can often not be played back on a machine of a different brand. Despite the enormous educational potential of video tape, it is unlikely that it will be generally adopted for classroom use until these differences are resolved.

The bill I am introducing today enables the Council on Educational Technology to deal directly with these problems.

The Council is authorized to—

First, develop precise description of educators' needs with regard to educational technology;

Second, assess the quantity and quality of use of various types of technology in educational settings, including educational consumer reactions and evaluation of this technology;

Third, encourage and support the testing and assessment of technological equipment being marketed for educational purposes and the publication and dissemination of test results;

Fourth, encourage and support the development of prototype models of technological equipment designed to meet specific educational needs when these needs are not met by existing technological equipment on the market and encourage the use of free license arrangements to stimulate more widespread availability of common format equipment;

Fifth, where indicated after thorough study, develop specifications for common formats to assure compatibility and reliability for various types of technological equipment for educational use and continually review these specifications based on assessment of the use and effectiveness of the equipment. Where deemed necessary, adherence to the specifications may be made a condition of the expenditure of Federal funds for equipment used for educational purposes;

Sixth, make an annual report to the Congress and such other reports as it deems appropriate, on its findings, recommendations, and activities including, as appropriate, an assessment of the creation of high quality program materials, evaluation of the supply and demand of specialized personnel for the design and implementation of effective media-based instructional materials and other specialized concerns, which in the opinion of the Council, are of importance to the effective development of an improved and expanded learning system; and

Seventh, consult with such Federal and non-Federal advisory councils, committees, and professional associations, as may have information and competence to assist the Council. All Federal agencies are directed to cooperate with the Council in assisting it in carrying out its functions.

Because this is designed to be an operating Council, it is authorized such sums as may be necessary for expert staff and for consulting with educational users of technology in the field.

I anticipate that we will see a number of specific accomplishments resulting from the Council's efforts. We will have an accurate picture of what kinds of educational technology are being used, how much of this equipment is actually in the schools, and how well it serves educational needs and purposes. We will have established a system for conducting independent and impartial evaluations of educational technology on the market and for making educators aware of the results of those evaluations. We will have established communication between educational users of technology and manufacturers so that both can have a better understanding of the needs of the educational market.

The U.S. Office of Education has recently established a National Center for Educational Technology. This Center administers several programs dealing with educational technology and serves as a focal point within the Government. I would expect that the activities of the Council on Educational Technology would be closely coordinated with those of the Center.

Educational television is perhaps one of the most important educational technologies currently being developed. The "Sesame Street" program deserves much of the credit for public awareness of the potential of television for reaching large numbers of students at a minimal cost. The open university idea, first tried in Great Britain and now being explored here, is an important breakthrough at the other end of the educational ladder. The use of satellites to beam educational television into geographically remote and inaccessible areas is yet another experimental application of this technology.

The development of video tape cassette/cartridge players for both home and educational markets promises to overshadow these other facets of educational television. The cassette video player frees education from the constraints of broadcasting and viewing schedules, classroom sound and lighting requirements, and student groupings. Because of the importance of this new technology—it is being marketed in quantity for the first time this year—I hope that the Council will select this technology as one of its very first areas of attention.

Education today is facing what often seems to be two competing challenges: The need to squeeze as much as possible from our educational dollars, and simultaneously the need to provide every student with a high-quality education. The role that educational technology can play in meeting both these challenges of productivity will be strengthened by the industry-education cooperation this bill will foster.

Mr. Speaker, I include as part of my remarks the text of H.R. 16572:

H.R. 16572

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a Council on Educational Technology (hereinafter referred to as the "Council") composed of fifteen members, appointed by the Assistant Secretary for Education of the Department of Health, Education, and Welfare without regard to the provisions of title 5, United States Code, governing appointment in the competitive service. The membership of the Council shall include persons who are familiar with the educational needs and goals of the Nation; persons with competence in the applications of technology in education; and persons representative of the general public. Persons employed by the Federal Government or by State or local governments are eligible for appointment to the Council. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. The Chairman of the Council shall be the ranking official in the Department of Health, Education, and Welfare having direct operational responsibility for educational technology activities and shall serve at the pleasure of the Assistant Secretary for Education.

SEC. 2. The Council shall—

(1) develop precise descriptions of educators' needs with regard to educational technology;

(2) assess the quantity and quality of use of various types of technology in educational settings, including educational consumer reactions and evaluation of this technology;

(3) encourage and support the testing and assessment of technological equipment being marketed for educational purposes and the publication and dissemination of test results;

(4) encourage and support the development of prototype models of technological equipment designed to meet specific educational needs when these needs are not met by existing technological equipment on the market and encourage the use of free license arrangements to stimulate more widespread availability of common format equipment;

(5) where indicated after thorough study, develop specifications for common formats to assure compatibility reliability and durability for various types of technological equipment for educational use, and continually review these specifications based on assessment of the use and effectiveness of the equipment. Where deemed necessary, adherence to the specifications may be made a condition of the expenditure of Federal funds for education-use equipment.

(6) make an annual report to the Congress and such other reports as it deems appropriate, on its findings, recommendations, and activities with respect to sections 2 and 3 and including, as appropriate, an assessment of the creation of high quality program materials, evaluation of the supply and demand of specialized personnel for the design and implementation of effective media-based instructional materials, and other specialized concerns, which in the opinion of the Council, are of importance to the effective development of an improved and expanded learning system.

(7) consult with such Federal and non-Federal advisory councils, committees and professional associations, as may have information and competence to assist the Council. All Federal agencies are directed to cooperate with the Council in assisting it in carrying out its functions.

SEC. 3. In carrying out its responsibilities under section 2, the Council may—

(1) refer issues and problems of concern to educational technology to other agencies for appropriate resolution. The Council may employ consultants or staff in the development of background case materials for hearings before the various regulatory or administrative agencies on matters of concern to the Council;

(2) employ consultants or staff to evaluate equipment and materials to determine their potential for educational use and may publish consumer information, as needed and appropriate, to provide counsel to educators and administrators in the more effective and efficient utilization of technology for educational purposes;

(3) provide advice and assistance upon its own initiative or at the request of any government agency to provide said agency with the opportunity to better serve the specific needs of education;

(4) contract for services, as deemed appropriate by the Council chairman, for the development of plans, analysis of issues, evaluation of activities, or assessment of supply and demand statistics pertaining to any aspect of educational technology;

(5) convene conferences, obtain expert and lay testimony through hearings, and conduct other appropriate activities to ascertain the state-of-the-art of educational technology;

(6) participate or provide assistance for United States involvement in selected international standards activities and programs for technological equipment applicable to educational use.

SEC. 4. (a) (1) The Council is authorized to appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions, as prescribed by law.

(2) Subject to regulations of the Assistant Secretary the Council is authorized to procure temporary and intermittent services of such personnel as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the rate specified at the time of such service for grade GS-18 in section 5332 of such title.

(b) The Council shall meet at the call of the chairman thereof but not less than two times each year. Minutes of each meeting of the Council shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Council. The accuracy of all minutes shall be certified to by the chairman of the Council.

(c) (1) The Council shall be subject to such general regulations as the Assistant Secretary may promulgate and shall keep such records of its activities as will fully disclose the disposition of any funds which may be at its disposal and the nature and extent of its activities in carrying out its functions.

(2) The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the Council.

SEC. 5. No provision of this Act shall be construed to authorize any department, agency, officer or employee of the United States (including members of the Council) to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution, school, or school system, or over the programs of any Federal or State agency, or over the procurement of technological equipment or materials by any educational institution or school system.

SEC. 6. There are hereby authorized to be appropriated for the purposes of this Act for the fiscal year 1973 and each of the four succeeding fiscal years not to exceed $750,000.

THE STATE OF THE ECONOMY

(Mr. BARRETT was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, I meet with the people of my district nightly to discuss their problems and concerns. The recent recess provided a unique occasion and situation during which I had the opportunity to meet with so many more than usual. The setting was different, in that we are in an election year, not only for Congress and State offices but a presidential election.

I believe that the people of the First District of Pennsylvania are typical of the people of many congressional districts in our metropolitan areas, particularly the urban areas and centers where the great mass of our working people reside. These people are hard working, God loving, and they love their country. They are the grassroots and backbone of our Nation.

At the meetings, during the recess, I found much concern over conditions today and for the future. The broadest area and one of apparent greatest concern is the national economy and its effect upon the individual and his family as well as our Nation. The people want to know: What has happened to our economy and where it is going?

We are supposed to be the most industrialized country in the world with the greatest knowledge of technology and know-how. And yet, in many ways we are the most undeveloped and underdeveloped country in the world.

In the past 3½ years we have dropped from close to full use of our industrial capacity to a point where today we are operating at only 76 percent of capacity. Along with this decline in use of industrial capacity has been the steady increase in unemployment from 2.7 million workers unemployed to about 5.5 million; marking the biggest increase since the 1958 recession. Translated into percentage figures, this is an increase in unemployment from 3.3 to 5.5 percent of the labor force, and the figure has been over 6 percent during the past year.

In the Philadelphia area unemployment has steadily increased each year since 1968. In December of that year the Philadelphia area had a work force of 2,079,100 and approximately 54,300 or 2.6 percent were unemployed. In July of this year the work force had increased to 2,169,900, almost 91,000, and the unemployment had increased almost that same amount—to 136,600 or 6.4 percent of the labor force. The situation in the State of Pennsylvania is no better; unemployment has increased from 2.9 percent in December 1968 to 6.7 percent in July of this year.

Unfortunately these official figures do not include those who while unemployed are no longer listed as such, those who have dropped out of the labor market or those who are underemployed.

At the same time the cost of living has steadily risen. The greatest increase, almost 20 percent, being in the cost of food; meat prices have increased by 23 percent in the past 2½ years alone. Mr. Speaker, may I call your attention to the latest official figures, which indicate that food costs have increased more over the past 12 months under the present wage and price controls than they did in the 12 months prior to the imposition of controls. Clearly, these controls have failed to put a lid on the mounting cost of food. What they have done is put a lid on wages. At the same time big corporations have received billions of dollars in generous tax writeoffs.

While some may argue that more people are working today than ever before, that merely means that our national labor force is larger. There are also more people living in poverty than in 1968, almost 3 million more, bringing the total to approximately 25 million. This is a sorrowful situation in what is supposed to be the richest country in the world. At the same time there are more than 6 million of our people still living in substandard housing, millions of whom are the elderly. Unfortunately, the present governmental economic and monetary policies are not such as to be helpful in solving this situation. The cost of money, interest rates, the prime ingredient for solving this condition, has been higher for the past year than for the preceding 100 years. And we all know that this particular economic factor affects so many aspects and facets of our daily lives, as well as the future.

Let us not mince words. For the past 3½ years the general state of our economy has been going downhill to where we are now, and have been for a year or more in a real recession.

Mr. Speaker, these are problems that must be overcome for the good of the people of this country. We must direct our efforts, attention, and resources to solving the needs of our people here at home.

LET US LOOK AT THE RECORD

(Mr. BARRETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BARRETT. Mr. Speaker, much is being said and much is being done to capture the attention of the American people and garner votes. The rhetoric flows, but the American voter would do better to look at the record. A recent column by Michael Harrington highlights the importance of looking at the record. I include the article at this point in the Record:

Nixon's Masquerade Seeks Union Votes

Washington.—In his Labor Day message, Richard Nixon continued his campaign to win over the unionists of America. The problem is that working people who vote Republican would cut off their noses to spite their face. Even more to the point, there is every reason to believe that a majority of the people in the labor movement will be aware of that fact by November.

Part of Nixon's strategy is to play on some of the most prejudiced ignorance in the land. Thus he counterposed his own workfare ethic to the welfare ethic which he alleges is the Democratic position. That might appeal to people who wrongly think that the welfare roles are filled up with chiselers and loafers.

In fact, as Nixon's own Department of Health, Education & Welfare has documented, the overwhelming majority of the people on welfare are too old, too young or too handicapped to work. The number of able bodied males is negligible.

Indeed about half of the poor people in the United States do not receive any welfare payments at all. A third of the families of the poor are headed by full-time working men who toil long hours at miserable jobs and don't get a living wage.

Nixon and his party have addressed themselves quite clearly to these people. At the Republican Convention, the delegates—Ronald Reagan prominent among them—proudly proclaimed that they ate lettuce. That meant they were taking a stand against the unionization of migrant farm workers, i.e., against raising the living standard of men and women who do stoop labor in blazing hot fields for a pittance. And the Nixon NLRB has already used legal trips against that union campaign.

If the people in the plants think that Nixon's disdain is limited to the working poor and does not extend to the better paid workers in the mass production industries, they should ponder the workfare he promoted during his first two years in office when he doubled the unemployment figures. And they should then examine the soaring profits of the big corporations which received billions of dollars in welfare through generous tax write-offs.

So it would be fair to characterize four years of Nixon as four years of corporate collectivism. Everything has been done to stimulate, encourage and pamper the very wealthy and big business. Tax deductions have swelled the income of coupon clippers and others who do not work while the living standard of the vast majority of Americans have either stagnated or declined a little. Now, suddenly, this President of the rich is trying to pass himself off as a tribune of the working people. It is an absurd masquerade.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. de la Garza (at the request of Mr. O'Neill), for today and Tuesday, September 12, on account of official business.

Mr. McKevitt (at the request of Mr. Gerald R. Ford), for September 7 through September 11, on account of official business.

Mr. Schwengel (at the request of Mr. Gerald R. Ford), for Wednesday, September 13, in order to accompany the Secretary of Agriculture on his visit to the First District of Iowa.

Mr. Bob Wilson (at the request of Mr. Gerald R. Ford), for the week of September 11, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Schwengel (at the request of Mr. du Pont), for 10 minutes, today and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Denholm) and to revise and extend their remarks and include extraneous matter:)

Mr. Gonzalez, for 5 minutes, today.

Mr. Aspin, for 5 minutes, today.

Mr. Badillo, for 30 minutes, on September 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. du Pont) and to revise and extend their remarks and include additional matter:)

Mr. Teague of California.
Mr. McCollister in three instances.
Mr. Wiggins.
Mr. Sandman.
Mr. Spence.
Mr. Coughlin.
Mr. Edwards of Alabama.
Mr. Derwinski.
Mr. Whitehurst.
Mr. Bell.
Mr. Veysey in two instances.
Mr. Shoup.
Mr. Hosmer in two instances.
Mr. Rhodes in five instances.
Mr. Horton.
Mr. Michel in five instances.
Mr. Bray in three instances.
Mr. Dickinson.
Mr. Gude in five instances.

(The following Members (at the request of Mr. DENHOLM) to revise and extend their remarks, and to include extraneous matter:)

Mr. TEAGUE of Texas in six instances.
Mr. REUSS in six instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. JONES of Alabama.
Mr. FISHER in three instances.
Mr. VANIK in three instances.
Mr. STEED.
Mr. WALDIE in three instances.
Mr. ANDERSON of California in three instances.
Mr. BLATNIK in five instances.
Mr. KARTH.
Mr. WOLFF.
Mr. DANIELSON.
Mr. RODINO.
Mr. O'HARA.
Mr. MOORHEAD in five instances.
Mr. JACOBS.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2. An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2969. An act to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 7, 1972, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H.R. 9323. An act to amend the Narcotic Addict Rehabilitation Act of 1966, and for other purposes;

H.R. 12350. An act to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes; and

H.J. Res. 55. A joint resolution proposing the erection of a memorial on public grounds in the District of Columbia, or its environs, in honor and commemoration of the Seabees of the U.S. Navy.

ADJOURNMENT

Mr. DENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 12, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2312. A letter from the Secretary of the Treasury, transmitting the First Annual Report of the Emergency Loan Guarantee Board, covering the period August 9, 1971, through July 31, 1972, pursuant to section 12 of Public Law 92–70; to the Committee on Banking and Currency.

2313. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 18–T, *Minnesota Chippewa Tribe et al., on behalf of the Chippewa Indians of the Mississippi and Lake Superior, Plaintiffs,* v. *the United States of America, Defendant,* pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2314. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 263, *the Kikiallus Tribe of Indians, Plaintiff,* v. *the United States of America, Defendant,* pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2315. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 278, *the Tlingit and Haida Indians of Alaska, in its own right and as the representatives of, or successor to, the tribe, clans and groups of Tlingit and Haida Indians or Alaska, in their own right, jointly and severally, Plaintiffs,* v. *the United States of America, Defendant,* pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2316. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 278–A, *the Tlingit and Haida Indians of Alaska, in its own right and as the representative of, or successor to, the tribe, clans and group of Tlingit and Haida Indians of Alaska, and the tribes, clans, and groups of Tlingit and Haida Indians of Alaska, in their own right, jointly and severally, Plaintiffs,* v. *the United States of America, Defendant,* pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2317. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in docket No. 332–B, *the Yankton Sioux Tribe of Indians, Plaintiff* v. *the United States of America, Defendant,* pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

2318. A letter from the Executive Director, Federal Communications Commission, transmitting a report on the backlog of pending applications and hearing cases in the Federal Communications Commission as of July 31, 1972, pursuant to section 5(e) of the Communications Act, as amended; to the Committee on Interstate and Foreign Commerce.

2319. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title 35 of the United States Code to provide a remedy for postal interruptions in patent and trademark cases; to the Committee on the Judiciary.

2320. A letter from the Adjutant General, Military Order of the Purple Heart, transmitting the audit of the Order for fiscal year 1972, pursuant to section 14(b) of Public Law 85–761; to the Committee on the Judiciary.

RECEIVED FROM THE COMPTROLLER GENERAL

2321. A letter from the Acting Comptroller General of the United States, transmitting a report that the concentrated employment program is not meeting its employment objectives in New York City; to the Committee on Government Operations.

2322. A letter from the Acting Comptroller General of the United States, transmitting a report on training and equipping the Army National Guard for maintaining order during civil disturbances; to the Committee on Government Operations.

2323. A letter from the Acting Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during August 1972, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PERKINS: Committee of conference. Conference report on H.R. 14896 (Rept. No. 92–1387). Ordered to be printed.

Mr. HÉBERT: Committee of conference. Conference report on H.R. 15495 (Rept. No. 92–1388). Ordered to be printed.

Mr. MAHON: Committee on Appropriations. H.R. 16593. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1389). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROOMFIELD:

H.R. 16571. A bill to amend section 700 of chapter 33 of title 18 of the United States Code to provide penalties for showing disrespect for the flag of the United States; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.R. 16572. A bill to establish a Council on Educational Technology in the Department of Health, Education, and Welfare; to the Committee on Education and Labor.

By Mr. BROOMFIELD:

H.R. 16573. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes suitable for all forms of nonmotorized vehicles and for other purposes; to the Committee on Public Works.

By Mr. FASCELL:

H.R. 16574. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FISHER:

H.R. 16575. A bill to amend title II of the Social Security Act to prevent the issuance of social security numbers to aliens who are illegally in the United States, and to prohibit the payment of aid or assistance under approved State public assistance plans, or the provision of assistance in any form under any other Federal or federally aided program, to such aliens; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 16576. A bill to ban oppressive child labor in agriculture, and for other purposes; to the Committee on Education and Labor.

H.R. 16577. A bill to assure equal access for farmworkers to programs and procedures instituted for the protection of American working men and women, and for other purposes; to the Committee on Education and Labor.

H.R. 16578. A bill to provide compensation for the injury, illness, disability, or death of employees in agriculture, and for other purposes; to the Committee on Education and Labor.

By Mr. GUDE:

H.R. 16579. A bill to establish a national land use policy; to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs; to coordinate Federal programs and policies which have a land use impact; to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands; and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. PATMAN:

H.R. 16580. A bill to create the National Credit Union Bank to encourage the flow of credit to urban and rural areas in order to provide greater access to consumer credit at reasonable interest rates, to amend the Federal Credit Union Act, and for other purposes; to the Committee on Banking and Currency.

By Mrs. GRIFFITHS (for herself, Mr. ANDERSON of Tennessee, Mr. BELL, Mr. BIAGGI, Mr. BIESTER, Mr. BROOMFIELD, Mr. BROWN of Michigan, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. CLARK, Mr. CLEVELAND, Mr. COUGHLIN, Mr. DELLUMS, Mr. DENHOLM, Mr. DINGELL, Mr. DULSKI, Mr. EDWARDS of California, Mr. EILBERG, Mr. FRELINGHUYSEN, Mr. FRENZEL, Mr. FUQUA, Mr. GARMATZ, Mrs. GRASSO, Mr. HALPERN, and Mr. HANLEY):

H.R. 16581. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mrs. GRIFFITHS (for herself, Mrs. HANSEN of Washington, Mr. HARRINGTON, Mr. HARVEY, Mr. HASTINGS, Mr. KEMP, Mr. MCCLORY, Mr. MANN, Mr. MELCHER, Mr. NEDZI, Mr. OBEY, Mr. O'HARA, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. SCHNEEBELI, Mr. THOMSON of Wisconsin, Mr. THONE, Mr. VIGORITO, Mr. WOLFF, and Mr. WYMAN):

H.R. 16582. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Mr. JONES of Alabama:

H.R. 16583. A bill to repeal section 224 of the Appalachian Regional Development Act of 1965; to the Committee on Public Works.

By Mr. OBEY:

H.R. 16584. A bill to amend section 552 of title 5 of the United States Code to clarify certain exceptions from its disclosure requirements, and for other purposes; to the Committee on Government Operations.

By Mr. RODINO:

H.R. 16585. A bill to establish Capitol Hill as a historic district; to the Committee on Interior and Insular Affairs.

By Mr. RUNNELS:

H.R. 16586. A bill to designate the Alamorgordo Reservoir, N. Mex., as Lake Sumner; to the Committee on Public Works.

By Mr. WAGGONNER:

H.R. 16587. A bill to amend section 501(c) (4) of the Internal Revenue Code of 1954 in order to extend its application to endowment care funds of cemeteries; to the Committee on Ways and Means.

H.R. 16588. A bill to amend the Internal Revenue Code of 1954 to provide for a distribution deduction in the case of certain cemetery perpetual care fund trusts; to the Committee on Ways and Means.

By Mr. WHITEHURST:

H.R. 16589. A bill to amend the Internal Revenue Code of 1954 to allow deductions to teachers and registered nurses for personal savings for retirement; to the Committee on Ways and Means.

By Mr. MAHON:

H.R. 16593. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. ASHLEY (by request):

H.J. Res. 1296. Joint resolution to authorize and request the President to proclaim the period November 5, 1972, through November 12, 1972, as "Myasthenia Gravis Week"; to the Committee on the Judiciary.

By Mr. WALDIE:

H.J. Res. 1297. Joint resolution authorizing the President to proclaim the last week in June of each year as "National Autistic Children's Week"; to the Committee on the Judiciary.

By Mr. EILBERG (for himself, Mr. HECHLER of West Virginia, Mr. SMITH of New York, Mr. COTTER, Mr. VANIK, Mr. NEDZI, Mr. SHRIVER, Mr. MITCHELL, Mr. RYAN, Mr. ANDERSON of Illinois, Mr. MADDEN, Mr. BARRETT, Mr. LENT, Mr. ANNUNZIO, Mr. BLANTON, Mr. WALDIE, Mr. WYDLER, Mr. KEATING, Mr. CLAY, Mr. EDWARDS of California, Mr. ROSENTHAL, Mrs. HICKS of Massachusetts, Mr. DUNCAN, Mr. MAZZOLI, and Mr. GREEN of Pennsylvania):

H. Con. Res. 694. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. EILBERG (for himself, Mr. MINISH, Mr. BRASCO, Mr. BURTON, Mr. MCEWEN, Mr. BELL, Mr. GAYDOS, Mr. REES, Mr. COLLINS of Illinois, Mr. HOSMER, Mr. MURPHY of New York, Mrs. ABZUG, Mr. FORSYTHE, Mr. PODELL, Mr. NIX, Mr. ADDABBO, Mr. DOW, Mr. KOCH, Mr. METCALFE, Mr. RODINO, Mr. HUNT, Mr. ESHLEMAN, Mr. VEYSEY, Mr. HELSTOSKI, and Mr. MOSS):

H. Con. Res. 695. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. EILBERG (for himself, Mr. PATTEN, Mr. FISH, Mr. ARCHER, Mr. BADILLO, Mr. HARRINGTON, Mr. FRASER, Mr. KARTH, Mr. CRANE, Mr. CLARK, Mr. ROYBAL, Mr. HANLEY, Mr. PEPPER, Mr. FULTON, Mr. FRENZEL, Mr. ANDERSON of Tennessee, Mr. SCHEUER, Mr. GIAIMO, Mr. SARBANES, Mr. GROVER, Mr. WOLFF, Mr. BYRNE of Pennsylvania, Mr. QUIE, Mr. BURKE of Massachuetts, and Mr. PEYSER):

H. Con. Res. 696. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. EILBERG (for himself, Mr. WHITEHURST, Mr. BINGHAM, Mr. STRATTON, Mr. CELLER, Mr. MYERS, Mr. ROE, Mr. DELANEY, Mr. TIERNAN, Mr. FLOOD, Mr. DRINAN, Mr. LONG of Maryland, Mr. HEINZ, Mr. HALPERN, Mr. MURPHY of Illinois, Mr. SEIBERLING, Mr. MIKVA, Mr. GUDE, Mr. HOGAN, Mr. MATSUNAGA and Mr. DIGGS):

H. Con. Res. 697. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. BROOMFIELD:

H. Res. 1112. Resolution amending the rules of the House by adding rule XLV on House authorized Federal budget; to the Committee on Rules.

By Mr. TEAGUE of Texas:

H. Res. 1113. Resolution to provide for certain printing for use of the Committee on Veterans' Affairs of the House of Representatives; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII.

423. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the National Science Policy and Priorities Act of 1972; to the Committee on Science and Astronautics.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DUNCAN:

H.R. 16590. A bill for the relief of Andrew Chu-Kong So; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 16591. A bill for the relief of William J. Maly; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 16592. A bill for the relief of Jose Lopez and his minor son, Antonio Lopez; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

280. By the SPEAKER: Petition of the Board of Supervisors, Calaveras County, Calif., relative to the service of Congressman T. "Bizz" Johnson; to the Committee on House Administration.

281. Also petition of Albert J. Sullivan, Joliet, Ill., relative to redress of grievances; to the Committee on the Judiciary.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following registrations were submitted for the first calendar quarter 1973:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. Action for Legal Rights, 1601 Connecticut Avenue NW., Washington, D.C.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Gibson T. Ahlgren, 1957 E Street NW., Washington, D.C. 20006.

A. Alaska Interstate Co., P.O. Box 6554, 5051 Westheimer, Houston, Tex. 77005.

A. M. B. Alderton (Peggy), Suite 405, ARBA Building, 525 School Street SW., Washington, D.C. 20024

A. American Land Title Association, 1828 L Street NW., Suite 303, Washington, D.C. 20036.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C.

A. APCO Oil Corp., 1000 Liberty Bank Building, Oklahoma City, Okla.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. National Association of Retail Druggists, One East Wacker Drive, Chicago, Ill.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Carl E. Bagge, 1130 17th Street NW., Washington, D.C. 20036.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.

A. Thomas F. Baker, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association, Inc., 1101 16th Street NW., Washington, D.C. 20036.

A. Donald Baldwin, Suite 906, Cafritz Building, 1625 I Street NW., Washington, D.C. 20006.
B. National Council Against Forced Busing, 906 Cafritz Building, 1625 I Street NW., Washington, D.C.

A. Robert B. Baldwin, P.O. Box 6554, 5051 Westheimer, Houston, Tex.
B. Alaska Interstate Co., P.O. Box 6554, Houston, Tex. 77005.

A. Peter M. Balitsaris, 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.

A. Michael K. Beard, 2027 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Self-Determination for D.C. 2027 Massachusetts Avenue NW., Washington, D.C. 20036.

A. Thomas S. Belford, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

A. C. Thomas Bendorf, 1620 I Street NW., Washington, D.C. 20006.
B. American Trial Lawyers Association, Cambridge, Mass.

A. Lydia Bitter, 438 Pennsylvania Building, Washington, D.C. 20004.
B. U.S. Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C. 20004.

A. Brent Blackwelder, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

A. Linda Marie Billings, 324 C Street SE., Washington, D.C. 20003.
B. Sierra Club, 1050 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104.

A. Norman F. Blundell, 811 Dallas, Americana Building, Houston, Tex. 77002.
B. Gulf Interstate Engineering Co., 811 Dallas, Americana Building, Houston, Tex. 77002.

A. Frederick C. Bond III, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o M. L. DeBolt, O.D., Box 605, Winona, Minn. 55987.

A. S. Lees Booth, 1000 16th Street NW., Washington, D.C. 20036.
B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.

A. Joe Browder, 324 C Street SE., Washington, D.C.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C.

A. David Brower, 40 Stevenson Avenue, Berkeley, Calif.
B. Friends of the Earth, 620 C Street SE., Washington, D.C.

A. Anne Bryant, Suite 907, 1025 Connecticut Avenue NW., Washington, D.C.
B. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C.

A. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C.
B. St. Paul Title Insurance Corp., 1650 West Big Beaver Road, Troy, Mich.

A. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C.
B. Union Commerce Corp., 1025 Connecticut Avenue NW., Washington, D.C.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y.

A. Burson-Marsteller, 1776 K Street NW., No. 607, Washington, D.C.
B. American Land Title Association, 1828 L Street NW., Washington, D.C.

A. Clayton L. Burwell, 700 Federal Bar Building West, Washington, D.C.
B. Trans International Airlines, Inc., Box 2504 Airport Station, Oakland, Calif.

A. Charles O. Campbell, 1712 G Street NW., Washington, D.C.
B. American Automobile Association, 1712 G Street NW., Washington, D.C.

A. Elizabeth S. Carpenter, 1425 K Street NW., Washington, D.C.
B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y.

A. Central American Cooperative Federation, Inc., 1026 17th Street NW., Washington, D.C. 20036.

A. Church of What's Happening Now, 162 Tennessee Avenue NE., Washington, D.C.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Owens-Illinois, Inc., Madison Avenue and St. Clair Street (Box 1035), Toledo, Ohio 43601.

A. Grover C. Cobb, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

A. Jerry Cohen, 470 Totten Pond Road, Waltham, Mass. 02154.
B. Rugerswerke Aktiengesellschaft.

A. Timothy A. Colcord, 1620 I Street NW., Suite 603, Washington, D.C. 20006.
B. National BankAmericard, Inc., 555 California Street, San Francisco, Calif. 94126.

A. T. Neal Combs, 1822 Jefferson Place NW., Washington, D.C. 20036.
B. Sand Springs Home, care of E. J. Doerner, Trustee, 1200 Atlas Life Building, Tulsa, Okla.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Suite 1120, Washington, D.C. 20005.
B. Lee, McCarthy & DeRosa, 102 Maiden Lane, New York, N.Y. 10005.

A. Roger C. Courtney, 1730 M Street NW., Suite 206, Washington, D.C. 20036.
B. American Optometric Association, care of M. L. DeBolt, O.D., Box 605, Winona, Minn. 55987.

A. Eugene S. Cowen, 9024 Willow Valley Drive, Potomac, Md. 20854.
B. American Broadcasting Co., Suite 1102, 1150 17th Street NW., Washington, D.C. 20036.

A. Roger M. Craver, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

A. Robert W. Crawford, 1625 I Street NW., Washington, D.C.
B. Association of General Merchandise Chains, Inc., 1625 I Street NW., Washington, D.C. 20006.

A. Jean Daugherty.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. United States Brewers Association, Inc., 1750 K Street NW., Washington, D.C. 20006.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Saab-Scania of America, Inc., Post Office Box 697, Orange, Conn. 06477.

A. Patrice M. Doherty, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Bldg., Charlotte, N.C. 28202.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. Advance Schools, Inc., 5900 Northwest Highway, Chicago, Ill. 60631.

A. Lawrence M. Dubin, One First National Plaza, Suite 5200, Chicago, Ill. 60670.
B. Sears, Roebuck & Co., 925 S. Homan Avenue, Chicago, Ill. 60607.

A. Louise Dunlap, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

A. Arthur B. Edgeworth, Jr., 812 Pennsylvania Building, Washington, D.C. 20004.
B. U.S. Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.

A. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

A. Edward R. Fellows, Jr., 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

A. John F. Fochtman, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

A. Joan M. Franklin, 2209 Hindle Lane, Bowie, Md. 20715.

B. Prince Georges Community College, 301 Largo Road, Largo, Md. 20870.

A. Monroe H. Freedman, 2000 H Street NW., Washington, D.C.

B. Wesley P. Kliewer, 712 Dickran Drive, Tulare, Calif.

A. Verrick O. French, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.

B. The Navajo Tribe, Window Rock, Ariz.

A. Edward D. Friedman, 818 18th Street NW., Suite 1020, Washington, D.C.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C.

B. Institute for Government-Assisted Housing, 1133 15th Street NW., Washington, D.C.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C.

B. Section 23 Leased Housing Association, Suite 707, 1025 Connecticut Avenue NW., Washington, D.C.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. National Committee for Civil Airlift.

A. Robert E. Gallamore, 2100 M Street NW., Washington, D.C.

B. Common Cause, 2100 M Street NW., Washington, D.C.

A. Nicole Gara 1785 Massachusetts Avenue NW., Washington, D.C.

B. American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C.

A. Louis Gerber, 1925 K Street NW., Washington, D.C.

B. Communications Workers of America, 1925 K Street NW., Washington, D.C.

A. Robert S. Graetz, Jr., 89 East Wilson Bridge Road, Columbus, Ohio.

B. Ohio Council of Churches, 89 East Wilson Bridge Road, Columbus, Ohio.

A. George W. Gray III, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill.

A. Gulf Interstate Engineering Co., 811 Dallas, Americana Building, Houston, Tex. 77002.

A. John W. Hammett, 1000 Liberty Bank Building, Oklahoma City, Okla.

B. APCO Oil Corp., 1000 Liberty Bank Building, Oklahoma City, Okla.

A. Thomas E. Harman, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

A. Carl F. Hawver, 1000 16th Street NW., Washington, D.C.

B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C.

A. O. Charles Honig, P.O. Box 6554, 5051 Westheimer, Houston, Tex. 77005.

B. Alaska Interstate Co., P.O. Box 6554, Houston, Tex. 77005.

A. Philip A. Hutchinson, Jr., East Benning Road, Galesville, Md. 20765.

B. Committee on Federal Procurement of A/E Services, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.

A. John Isaacs, 1816 Lamont Street NW., Washington, D.C. 20010.

B. Americans for Democratic Action, 1424 Sixteenth Street NW., Washington, D.C. 20036.

A. Robert L. James, 1800 K Street NW., Suite 920, Washington, D.C. 20006.

B. Bank of America N.T. and S.A., Bank of America Plaza, San Francisco, Calif. 94137.

A. Glen L. Jermstad, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Coalition for Rural America, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Jess Johnson, Jr., 1700 K Street NW., Washington, D.C. 20006.

B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

A. Michael Kantor, 5460 30th Place NW., Washington, D.C.

B. Action for Legal Rights, 1601 Connecticut Avenue NW., Washington, D.C. 20009.

A. Joseph L. Koach, 1900 L Street NW., Washington, D.C. 20036.

B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C.

A. Laurence F. Lane, 1225 Connecticut Avenue NW., Washington, DC. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Lee, McCarthy and DeRosa, 102 Maiden Lane, New York, N.Y. 10005.

A. Let the People Be Heard Committee, P.O. Box 11125, Santa Ana, Calif.

A. S. R. Levering, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

A. Harry LeVine, Jr., 777 14th Street NW., Washington, D.C.

B. General Electric Co., 570 Lexington Avenue, New York, N.Y.

A. Charles B. Lipsen, 1015 18th Street NW., No. 505, Washington, D.C. 20036.

B. T. Richard Butera, 215 West De Kalb Pike, King of Prussia, Pennsylvania 19406.

A. Sheldon I. London, 1025 Vermont Avenue NW., Washington, D.C. 20005.

B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.

A. Raymond W. Lucia, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Motorcycle Industry Council, Inc., 1001 Connecticut Avenue NW., Washington, D.C.

A. C. H. McCall, Post Office Box 6554, Houston, Tex. 77005.

B. Alaska Interstate Co., Post Office Box 6554, Houston, Tex.

A. Robert C. McCandless, 700 Federal Bar Building West, Washington, D.C. 20006.

B. Trans International Airlines, Inc., Box 2504 Airport Station, Oakland, Calif.; National Air Carriers Association, 1730 M Street NW., Washington, D.C.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Coca-Cola Co., Post Office Drawer 1734, Atlanta, Ga. 30301.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. The Magnavox Co., 1700 Magnavox Way, Fort Wayne, Ind. 46804.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036.

B. Montgomery Coca-Cola Bottling Co., Inc., N. Perry and Jefferson Streets, Montgomery, Ala. 36103.

A. Jack McKenna, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

A. Ian R. MacGowan, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C.

A. John F. Magnotti, Jr., 7600 Old Springhouse Road, McLean, Va.

B. National Council of Professional Services Firms in Free Enterprise, 1100 Glendon Avenue, Los Angeles, Calif.

A. William J. Marschalk, 1300 Connecticut Avenue NW., Washington, D.C.

B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.; 1300 Connecticut Avenue NW., Washington, D.C.

A. Mayer, Brown & Platt, 1101 17th Street NW., Washington, D.C.

B. L. M. Williams and Clayton Burch families, c/o Continental Illinois National Bank & Trust Co., Trustee, 231 S. La Salle Street, Chicago, Ill.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. Central Gulf Steamship Corp., International Trade Mart, No. 2 Canal Street, New Orleans, La.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C.

B. Committee of American Tanker Owners, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C. 20006.

B. Stewart Title Guaranty Co., Post Office Box 2029, Houston, Tex. 77001.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. California State Club Association, c/o The University Club, 640 West Sixth Street, Los Angeles, Calif. 90017.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Lockheed Aircraft Corp., Burbank, Calif.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. National Interfraternity Conference, Inc., P.O. Box 40368, Indianapolis, Ind. 46240.

A. Joseph A. Millimet, 1838 Elm Street, Manchester, N.H.
B. New England Bankcard Association, Inc., Boston, Mass.

A. Montgomery Ward & Co., Inc., 910 Washington Building, Washington, D.C. 20005; P.O. Box 8339, Chicago, Ill.

A. David J. Muchow, 888 17th Street NW., Washington, D.C. 20006.
B. Central Gulf Steamship Corp., International Trade Mart, No. 2 Canal Street, New Orleans, La.

A. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.

A. National Council for a Responsible Firearms Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

A. Charles E. Nichols, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.

A. Robert B. Norris, 1000 16th Street NW., Washington, D.C. 20036.
B. National Consumer Finance Association, 1000 16th Street NW., Washington, D.C. 20036.

A. Layton Olson, 1835 K Street NW., Washington, D.C. 20006.
B. National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

A. Carol Ames Parker, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 2003.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Washington, D.C. 20036.
B. Fort Belknap Assiniboine Treaty Committee, Harlem, Mont.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.
B. Readers' Digest Association, Inc., Pleasantville, N.Y. 10570.

A. Paul, Weiss, Rifkind, Wharton & Garrison, 1775 K Street NW., Washington, D.C. 20006.
B. Alaska Federation of Natives, 1689 C Street, Anchorage, Alaska 99501.

A. Lynn Pearle, 10201 Grosvenor Place, No. 509, Rockville, Md. 20852.
B. Americans for Democratic Action, 1424 16th Street NW., Washington, D.C. 20036

A. Richard W. Peterson, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. John K. Pickens, 201 North Washington Street, Alexandria, Va. 22313.
B. American Nursing Home Association, Suite 607, 1025 Connecticut Avenue NW., Washington, D.C.

A. James H. Pittinger, 1000 Liberty Bank Building, Oklahoma City, Okla.
B. APCO Oil Corp., 1000 Liberty Bank Building, Oklahoma City, Okla.

A. Jerry W. Poole, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. James B. Potter, Jr., 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Motorcycle Industry Council, Inc., 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert J. Rauch, 620 C Street SE., Washington, D.C. 20003.
B. Friends of the Earth, 620 C Street SE., Washington, D.C. 20003.

A. Thomas D. Ray.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.

A. Barbara Reid, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C.

A. Kenneth Roberson, 2 Dubonnet Road, Valley Stream, N.Y. 11581.
B. Meat Importers' Council of America, Inc., 708 Third Avenue, Room 2304, New York, N.Y. 10017.

A. Stuart Philip Ross, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Motorcycle Industry Council, Inc., 1001 Connecticut Avenue NW., Washington, D.C. 20036.

A. James A. Rush, 180 North Michigan Avenue, Chicago, Ill. 60601.
B. Nalco Chemical Co., 180 North Michigan Avenue, Chicago, Ill. 60601.

A. Sachs, Greenebaum, Frohlich & Taylor, 839 17th Street NW., Washington, D.C. 20006.
B. York Bag Co., Ltd., 3577–81 Dundas Street West, Toronto, Ontario, Canada.

A. Sand Springs Home, Care of E. J. Doerner, 1200 Atlas Life Building, Tulsa, Okla.

A. The Section 23 Leased Housing Association, Suite 707, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Alice Shabecoff, 1029 Vermont Avenue, Washington, D.C. 20005.
B. National Consumers League, 1029 Vermont Avenue, Washington, D.C.

A. Jane M. O. Sharp, 100 Maryland Avenue NE., Washington, D.C. 20002.
B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C. 20002.

A. Lucien J. Sichel, 1730 M Street NW., Washington, D.C. 20036.
B. Abbott Laboratories, North Chicago, Ill. 60064.

A. Sidley & Austin, 1625 I Street, NW., Washington, D.C. 20006.
B. Electronic Industries Association, 2001 I Street NW., Washington, D.C. 20006.

A. Hall Sisson, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.

A. Arthur J. Smith, 1700 K Street NW., Suite 300, Washington, D.C. 20006.
B. Shell Oil Co., P.O. Box 2463, Houston, Tex. 77001.

A. Everard H. Smith, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.

A. Charles B. Sonneborn, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Association of Blue Shield Plans, 211 East Chicago Avenue, Chicago, Ill. 60611.

A. Jerome N. Sonosky, Gerald E., Gilbert, & Alvin Ezrin, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. American Physical Therapy Association, Washington, D.C.

A. William C. Spence, Box 683, Houston, Tex. 77001.
B. Columbia Gulf Transmission Co., Box 683, Houston, Tex. 77001.

A. Squibb Corp., 460 Park Avenue, New York, N.Y. 10022.

A. Stroock & Stroock & Lavan, 1100 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Robert Hall Clothes, Inc., 333 West 34th Street, New York, N.Y.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.
B. Morgan Drive Away, Inc., 2800 West Lexington Avenue, Suite 103, Elkhart, Ind. 46514.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.
B. Wall-Away Corp., 505 West Canal Street, Wabash, Ind.

A. Paul J. Tierney, 1101 17th Street NW., Washington, D.C. 20036.
B. Transportation Association of America, 1101 17th Street NW., Washington, D.C.

A. Tipperary Land & Exploration Corp., 500 West Illinois, Midland, Tex. 79701.

A Patrick F. Tobin, 1341 G Street NW., Suite 304, Washington, D.C. 20005.
B. International Longshoremen's & Warehousemen's Union, 150 Golden Gate Ave., San Francisco, Calif.

A. W. Lloyd Tupling, 324 C Street SE., Washington, D.C. 20003.
B. Sierra Club, 1050 Mills Tower, San Francisco, Calif. 94104.

A. Ted Van Dyk, 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. Hertz Corp., 660 Madison Avenue, New York, N.Y. 10021.

A. Ted Van Dyk, 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. Hertz Corp., 660 Madison Avenue, New York, N.Y. 10021.

A. Ted Van Dyk, 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

A. Ted Van Dyk, 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.

A. Walter D. Vinyard, Jr., 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Blake Building, Washington, D.C. 20036.

A. George D. Webster, 1822 Jefferson Place NW., Washington, D.C. 20036.
B. Sand Springs Home, c/o E. J. Doerner, 1200 Atlas Life Bldg., Tulsa, Okla.

A. Paul S. Weller, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. Douglas Whitlock II, 1660 L Street NW., Suite 1001, Washington, D.C. 20036.

B. Zale Corp., 1660 L Street NW., Washington, D.C. 20036.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.

B. American Association of Presidents of Independent Colleges and Universities, c/o John Howard, Rockford College, Rockford, Ill.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.

B. Blackfeet Tribe, Browning, Mont.; Gros Ventre Tribe, Poplar, Mont.; et al.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.

B. Brigham Young University, Provo, Utah.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. C. Brewer & Co., Ltd., P.O. Box 3470, Honolulu, Hawaii.

A. Williams & Jensen, 1130 17th Street NW., Washington, D.C. 20036.

B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.

A. Augusta E. Wilson, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

QUARTERLY REPORTS*

***All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.**

The following quarterly reports were submitted for the first calendar quarter 1973:

(NOTE.—The form used for registration is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ <

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

• (Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.<

AFFIDAVIT

[Omitted in printing]

PAGE 1<

Note on Item "D."—(*a*) *In General.* The term "contribution" includes *anything of value*. When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(*b*) If This Report Is for an Employer.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(*c*) If This Report Is for an Agent or Employee.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. Receipts (Including Contributions and Loans):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $--------Dues and assessments
2. $--------Gifts of money or anything of value
3. $--------Printed or duplicated matter received as a gift
4. $--------Receipts from sale of printed or duplicated matter
5. $--------Received for services (e.g., salary, fee, etc.)
6. $--------Total for this Quarter (Add items "1" through "5")
7. $--------Received during previous Quarters of calendar year
8. $--------Total from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $--------Total now owed to others on account of loans
10. $--------Borrowed from others during this Quarter
11. $--------Repaid to others during this Quarter

12. $--------"Expense money" and Reimbursements received this Quarter

Contributors of $500 or more
(from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": --------

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and Address of Contributor*
	(*"Period"* from Jan. 1 through ------------------, 19----)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	Total

Note on Item "E".—(*a*) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(*b*) If This Report Is for an Agent or Employee. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. Expenditures (Including Loans) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $--------Public relations and advertising services
2. $--------Wages, salaries, fees, commissions (other than item "1")
3. $--------Gifts or contributions made during Quarter
4. $--------Printed or duplicated matter, including distribution cost
5. $--------Office overhead (rent, supplies, utilities, etc.)
6. $--------Telephone and telegraph
7. $--------Travel, food, lodging, and entertainment
8. $--------All other expenditures
9. $--------Total for this Quarter (Add "1" through "8")
10. $--------Expended during previous Quarters of calendar year
11. $--------Total from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $--------Total now owed to person filing
13. $--------Lent to others during this Quarter
14. $--------Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	Total

A. Sothoron Kirby Able, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $150. (9) None.

A. John G. Adams, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Midland Enterprises, Inc., Cincinnati, Ohio.

A. Clarence G. Adamy, 1725 I Street NW., Washington, D.C.

B. National Association of Food Chains, 1725 E Street NW., Washington, D.C.

A. Aerospace Industries Association of America, Inc., 1725 De Sales Street NW., Washington, D.C. 20036.

D. (6) $7,373.20. E. (9) $7,373.20.

A. Gibson T. Ahlgren, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $1,000. E. (9) None.

A. Air Traffic Control Association, Inc., Suite 409, ARBA Building, 525 School Street SW., Washington, D.C. 20024.

A. Willis W. Alexander, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $1,500. E. (9) None.

A. Dr. Donna Allen, 3306 Ross Place NW., Washington, D.C. 20008.

B. National Committee Against Repressive Legislation, 555 North Western Avenue, Los Angeles, California 90004.

D. (6) $1,040. E. (9) $1,522.55.

A. Kenneth D. Allen, 1701 K Street NW., Washington, D.C.

B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $45.40. E. (9) $113.57.

A. Nicholas E. Allen, 444 Shoreham Building, Washington, D.C. 20005.

B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill.

D. (6) $1,462.50. E. (9) $220.28.

A. All-Industry Committee for Radio All-Channel Legislation, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.

A. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Amalgamated Transit Union, National Capitol Local Division 689, 100 Indiana Avenue NW., No. 403, Washington, D.C. 20001.

A. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. American Cancer Society, 219 East 42d Street, New York, N.Y. 10017.

D. (6) None. E. (9) $5,797.98.

A. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y 10004.

D. (6) $600. E. (9) $700.

A. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $4,635.71. E. (9) $4,635.71.

A. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $53,376. E. (9) $53,376.

A. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C. 20006.

D. (6) None. E. (9) $53,235.79.

A. American Hotel & Motel Association, 888 Seventh Avenue, New York, N.Y. 10019.

D. (6) $2,790.66. E. (9) $2,634.48.

A. American Insurance Association, 85 John Street, New York, N.Y. 10038.

B. Admiral Insurance Co.; Aetna Casualty & Surety Co.; Aetna Fire Underwriters Insurance Co. et al.

D. (6) $27,419.75. E. (9) $27,419.75.

A. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $4,727.20. E. (9) $2,511.98.

A. American Justice Association, Route 450, Box 498, Gambrills, Md. 21054.

D. (6) $2.00. E. (9) $2.00.

A. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.

E. (9) $765.63.

A. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

E. (9) $27,738.18.

A. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill. 60606.

E. (9) $3,045.

A. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo. 80218.

E. (9) $1,368.28.

A. American Optometric Association, Box No. 605, 117 West Third Street, Winona, Minn. 55987.

D. (6) $5,560.63. E. (9) $5,560.63.

A. American Paper Institute, Inc., 260 Madison Avenue, New York, N.Y.

A. American Parents Committee, Inc., 20 E Street NW., Washington, D.C.

D. (6) $2,992.09. E. (9) $11,002.41.

A. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $19,268. E. (9) $9,764.

A. American Physical Therapy Association, 1156 15th Street NW., Washington, D.C.

D. (6) $5,636.15. E. (9) $5,636.15.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

E. (9) $4,480.11.

A. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.

A. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. American Surveys, Embassy Square, Suite 901, 2000 N Street NW., Washington, D.C. 20036.

B. National Customs Brokers & Forwarders Association of America, Inc., One World Trade Center, Suite 1109, New York, N.Y., 10048.

D. (6) $300. E. (9) $352.07.

A. American Textile Machinery Association, 1730 M Street NW., Washington, D.C. 20036.

D. (6) $306.50.

A. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28202.

D. (6) $15,250.12. E. (9) $15,250.12.

A. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $10,290.06. E. (9) $36,680.24.

A. The American Waterways Operators, Inc., 1250 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,768.59. E. (9) $3,768.59.

A. Edward T. Anderson, 810 Malcolm Drive, Silver Spring, Md. 20901.

B. Comomo Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $1,500. E. (9) $48.50.

A. John Anderson, 4111 Franconia Road, Alexandria, Va.

B. Medical Society of the District of Columbia, 2007 I Street NW., Washington, D.C.

A. William C. Anderson, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2,175. E. (9) $27.66.

A. APCO Oil Corp., 1000 Liberty Bank Building, Oklahoma City, Okla.

A. George W. Apperson, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Amalgamated Transit Union, National Capital Division 689, 100 Indiana Avenue NW., Washington, D.C.

A. Clarence A. Arata, Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $12,500. E. (9) None.

A. John C. Archer, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $500. E. (9) $300.

A. Arent Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.

B. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.

D. (6) $890. E. (9) $11.75.

A. Arkansas Railroads, 1100 Boyle Building, Little Rock, Ark. 72201.

A. Carl F. Arnold, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Gas Supply Committee, 1725 DeSales Street, Suite 302, Washington, D.C. 20036.

D. (6) $1,820. E. (9) $73.85.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Fairchild Camera & Instrument Corp., 464 Ellis Street, Mountain View, Calif. 94040.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. National Council of American Importers, 295 Fifth Avenue, New York, N.Y. 10016.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Puerto Rican Government, Economic Development Administration, GPO Box 2350, San Juan, Puerto Rico 00936.

D. (6) $3,357.49. E. (9) $147.73.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.

B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.

D. (6) $19,166. E. (9) $510.92.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. State Farm Mutual Insurance Co., 112 East Washington Street, Bloomington, Ill.
D. (6) $2,170. E. (9) $251.

A. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.
D. (6) None. E. (9) $605.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. Associated Third Class Mail Users, Suite 607, 1725 K Street NW., Washington, D.C. 20006.
B. Associated Third Class Mail Users.
D. (6) $300. E. (9) $300.

A. Association for the Advancement of Invention & Innovation, Suite 1007, Crystal Plaza 1, 2001 Jefferson Davis Highway, Arlington, Va. 22202.
D. (6) $2,025. E. (9) $1,517.88.

A. Association of American Railroads, American Railroads Building, 1920 L Street NW., Washington, D.C.
D. (6) $4,972.13. E. (9) $4,972.13.

A. Association for Broadcast, Engineering Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C.

A. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y.
E. (9) $1,000.

A. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street NW., Washington, D.C.
E. (9) $1,806.83.

A. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C.
E. (9) $420.

A. Association of Petroleum Re-Refiners, 1500 North Quincy Street, Box 7116, Arlington, Va.

A. Atlanta Committee for Democratic Republican Independent Voter Education, 2540 Lakewood Avenue SW., Atlanta, Ga.
D. (6) $5,750. E. (9) $6,661.20.

A. Robert L. Augenblick, 1775 K Street NW., Washington, D.C.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C.
D. (6) $150. E. (9) $75.31.

A. Richard W. Averill, 1730 M Street NW., Washington, D.C.
B. American Optometric Association, Box 605, Winona, Minn.
D. (6) $800. E. (9) $301.

A. Michael H. Bader, 1730 M Street NW., Washington, D.C.
B. Association for Broadcast Engineering Standards, Inc., 1730 M. Street NW., Suite 700, Washington, D.C.

A. John C. Bagwell, 723 Investment Building, Washington, D.C. 20005.
B. Hawaiian Sugar Planters' Association, Honolulu, Hawaii.

A. Geo. F. Bailey, Jr., Montgomery, Ala. 36104.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala. 36104.

A. James F. Bailey, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $5,525. E. (9) $590.43.

A. Thomas F. Baker, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association.
D. (6) $1,211.40. E. (9) $17.

A. Ernest L. Barcella, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

A. Thomas H. Barksdale, Jr., 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $1,925. E. (9) $77.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C.
B. Colonial Sugar Refining Co., Ltd.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Interbank Card Association.

A. Robert C. Barnard, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association.

A. Arthur R. Barnett, 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $496.50. E. (9) $8.28.

A. Irvin L. Barney, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood Railway Carmen of the United States and Canada, 4929 Main Street, Kansas City, Mo.
D. (6) $3,600.

A. David S. Barrows, 214 Century Building, Portland, Oreg. 97205.
B. Association of Oregon and California Land-Grant Counties, Douglas County Court House, Roseburg, Oreg. 97470.
D. (6) $1,200. E. (9) $47.55.

A. Weldon Barton.
B. Farmers' Educational and Cooperative Union of America, P.O. Box 2251, Denver, Colo., 1012 14th Street NW., Washington, D.C.
D. (6) $4,092.48. E. (9) $134.27.

A. Davis M. Batson, 1155 15th Street NW., No. 611, Washington, D.C.
B. Ethyl Corp., 611 Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $300.

A. Lucius D. Battle, 950 L'Enfant Plaza South SW., Washington, D.C. 20024.
B. Communications Satellite Corp., 950 L'Enfant Plaza South SW., Washington, D.C. 20024.

A. Batzell & Nunn, 1523 L Street NW., Washington, D.C. 20005.
B. Independent Terminal Operators Association, 1523 L Street NW., Washington, D.C. 20005.

A. A. David Baumhart, Post Office Box 553, Lorain, Ohio 44052.
B. Green Olive Trade Association, 82 Beaver Street, New York, N.Y. 10005.
D. (6) $200. E. (9) $7.53.

A. Bay Fishing & Boating Committee, Inc., Room 309, 724 14th Street NW., Washington, D.C.
D. (6) $24,760.99. E. (9) $8,900.

A. Donald S. Beattie, 400 First Street NW., Room 800, Washington, D.C. 20001.
B. Congress of Railway Unions, 400 First Street NW., Room 800, Washington, D.C. 20001.
D. (6) $1,460.90.

A. Lowell R. Beck, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $3,325.13.

A. Daniel S. Bedell, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $2,256.71. E. (9) $58.88.

A. Jack Beidler, 1126 16th Street NW., Washington, D.C.
B. International Union, United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich.
D. (6) $3,013.60. E. (9) $76.40.

A. James F. Bell, 1100 Connecticut Avenue NW., Washington, D.C.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.
D. (6) $1,187.50. E. (9) $17.31.

A. E. Markham Bench, 136 East South Temple Street, Salt Lake City, Utah.
B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City Utah.

A. C. Thomas Bendorf, 1620 I Street NW., Washington, D.C.
B. American Trial Lawyers Association.
D. (6) $1,500.

A. Reed A. Benson, 1028 Connecticut Avenue NW., No. 1004, Washington, D.C.
B. The John Birch Society, Inc., 395 Concord Avenue, Belmont, Mass.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.
B. The Austrian Trade Delegate in the United States, 845 Third Avenue, New York, N.Y.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.
B. George Bronz, 888 17th Street NW., Washington, D.C.
D. (6) $300.

A. Max N. Berry, 888 17th Street NW., Washington, D.C.
B. Meat Products Group, American Importers Association, 420 Lexington Avenue, New York, N.Y.
D. (6) $400. E. (9) $102.05.

A. Robert L. Bevan, 1120 Connecticut Avenue NW., Washington, D.C.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C.
D. (6) $400. E. (9) $123.

A. Andrew J. Biemiller, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $8,989.20. E. (9) $325.25.

A. Walter J. Bierwagen, 5025 Wisconsin Avenue NW., Washington, D.C.

B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C.

A. Diana Washbon Bird, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $920.

A. Brent Francis Blackwelder, 324 C Street SE., Washington, D.C.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $100. E. (9) $100.

A. Jerald Blizin, 1425 K Street, NW., Suite 1000, Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y. 10017.

D. (6) $400. E. (9) $83.40.

A. William Blum, Jr., 700 Federal Bar Building, 1815 H Street NW., Washington, D.C. 20006.

B. Committee for the Study of Revenue Bond Financing, care of William A. Geoghegan, 1000 Ring Building, Washington, D.C. 20036.

D. (6) $833.33. E. (9) $466.63.

A. Blumberg, Singer, Ross, Gotteman & Gordon, 245 Park Avenue, New York, N.Y. 10017.

B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y. 10001.

D. (6) $10,875.01.

A. Frederick C. Bond III, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, care of M. L. DeBolt, O.D., Box 605, Winona, Minn. 55987.

D. (6) $28.44. E. (9) $35.15.

A. G. Stewart Boswell, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, 1501 Johnston Building, Charlotte, N.C.

D. (6) $400.05. E. (9) $38.70.

A. Charles G. Botsford, 1730 M Street NW., Suite 609, Washington, D.C. 20036.

A. Albert D. Bourland, 1660 L Street NW., Suite 814, Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48214.

D. (6) $3,000. E. (9) $1,566.72.

A. J. Wiley Bowers, 325 Pioneer Building, Chattanooga, Tenn. 37402.

B. Tennessee Valley Public Power Association, 325 Pioneer Building, Chattanooga, Tenn. 37402.

A. Edward L. Bowley, 817 14th Street, NW., Washington, D.C.

B. American Postal Workers Union, AFL-CIO.

D. (6) $6,778.30.

A. Wayne W. Bradley, 1776 K Street NW., Washington, D.C. 20006.

B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.

D. (6) $2,323.13. E. (9) $859.08.

A. Charles N. Brady.

B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Joseph E. Brady, Room 122, Sheraton Gibson Hotel, Cincinnati, Ohio 45202.

B. National Coordinating Committee of the Beverage Industry.

A. Charles R. Bragg, 90 Stony Corners Circle, Avon, Conn.

B. Northeast Utilities Service Co., Selden Street, Berlin, Conn.

E. (9) $109.60.

A. Edward J. Brenner, Suite 1007, Crystal Plaza 1, 2001 Jefferson Davis Highway, Arlington, Va. 22202.

B. Association for the Advancement of Invention and Innovation, Suite 1007, Crystal Plaza 1, 2001 Jefferson Davis Highway, Arlington, Va. 22202.

A. Parke C. Brinkley, Madison Building, 1155 15th Street NW., Washington, D.C. 20005.

B. National Agricultural Chemicals Association.

D. (6) $12.50. E. (9) $2.75.

A. Wally Briscoe.

B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.

D. (6) $135. E. (9) $16.50.

A. David A. Brody, 1640 Rhode Island Avenue NW., Washington, D.C. 20036.

B. Anti-Defamation League of B'nai B'rith, 315 Lexington Avenue, New York, N.Y. 10016.

D. (6) $350.

A. Michael D. Bromberg, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.

B. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.

D. (6) $3,750.

A. W. S. Bromley, 605 Third Avenue, New York, N.Y. 10017.

B. American Pulpwood Association, 605 Third Avenue, New York, N.Y. 10017.

A. George Bronz, 888 17th Street, NW., Suite 212, Washington, D.C. 20006.

D. (6) $1,012.79. E. (9) $300.

A. William J. Brooks, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Joe Browder, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $283.88. E. (9) $283.88.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C., 20006.

B. Cominco American Incorporated, West 818 Riverside, Spokane, Wash., 99201.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.

B. Ebasco Industries, 345 Park Avenue, New York, N.Y. 10022.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.

B. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960.

A. Brown, Lund & Levin, 1625 I Street NW., Washington, D.C. 20006.

B. Pacific Northwest Power Co., Public Service Building, Portland, Oreg. 97204.

A. J. D. Brown, 2600 Virginia Avenue, NW., Washington, D.C.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $300.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Council of Housing Producers, 1801 Avenue of the Stars, Los Angeles, Calif. 90067.

E. (9) $122.45.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C.

B. International Franchise Association, 1025 Connecticut Avenue NW., Washington, D.C.

A. Brownstein, Zeidman & Schomer, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mortgage Guaranty Insurance Corp., 600 Marine Plaza, Milwaukee, Wis. 53202.

A. Lyman L. Bryan, 2000 K Street NW., Washington, D.C. 20006.

B. American Institute of CPA's, 666 Fifth Avenue, New York, N.Y. 10019.

A. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. St. Paul Title Insurance Corp., 1650 West Big Beaver Road, Troy, Mich. 48084.

D. $75.00. E. $38.90.

A. Bryant Associates, Inc., Suite 907, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Union Commerce Corp., 1025 Connecticut Avenue N.W., Washington, D.C. 20036.

D. $50.00. E. (9) $15.22.

A. George S. Buck, Jr., Post Office Box 12285, Memphis, Tenn. 38112.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.

A. Bulgarian Claims Committee, c/o Chaco Chase, 109-20 71 Road, Forest Hills, N.J. 11375.

D. (6) $150. E. (9) $102.08.

A. George J. Burger, 250 West 57th Street, New York, N.Y. 10019.

B. Burger Tire Consultant Service, 250 West 57th Street, New York, N.Y. 10019.

A. George J. Burger, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.

B. National Federation of Independent Business, 921 Washington Building, 15th and New York Avenue, NW., Washington, D.C. 20005.

D. (6) $4,250.85. E. (9) $1,681.10.

A. Burley & Dark Leaf Tobacco Express Association, Post Office Box 860, Lexington, Ky. 40501.

D. (6) $11,802.87. E. (9) $1,082.50.

A. George Burnham IV, 1625 K Street NW., Washington, D.C. 20006.

B. United States Steel Corp., 600 Grant Street, Pittsburgh, Pa. 15230.

D. (6) $45. E. (9) $50.

A. David Burpee, Fordhook Farms, Doylestown, Pa. 18901.

E. (9) $75.48.

A. Monroe Butler, 1801 Avenue of the Stars, Los Angeles, Calif. 90067.

B. Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif. 90067.

A. Jack E. Buttram, 905 16th Street NW., Washington, D.C. 20037.

B. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.

D. (6) $250.

A. Charles S. Caldwell, 1437 K Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
D. (6) $5,550. E. (9) $489.79.

A California-Arizona Citrus League, Post Office Box 7888, Valley Annex, Van Nuys, Calif. 91409.
D. (6) $227. E. (9) $227.

A. Carl C. Campbell, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.
D. (6) 203.07.

A. Charles Argyll Campbell, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the U.S.A., 1615 H Street NW., Washington, D.C. 20006.
E. (9) $278.20.

A. Charles O. Campbell, 1712 G Street NW., Washington, D.C. 20006.
B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Marvin Caplan.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C.
D. (6) $2,590.20. E. (9) $109.80.

A. Ronald A. Capone, The Farragut Building, Washington, D.C.
B. Committee of European Shipowners, 30–32 St. Mary Axe, London E.C. 3, England.
D. (6) $3,500. E. (9) $2,731.49.

A. Michael H. Cardozo, 1 Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, 1 Dupont Circle, Washington, D.C. 20036.

A. Norval E. Carey, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa.
D. (6) $1,000. E. (9) $375.

A. Philip Carlip, 675 Fourth Avenue, Brooklyn, N.Y. 11232.
B. Seafarers International Union.
D. (6) $2,500. E. (9) $1,854.66.

A. Carolinas Association of Mutual Insurance Agents, 706 Raleigh Building, P.O. Box 2776, Raleigh, N.C. 27602.

A. Braxton B. Carr, 1250 Connecticut Avenue, Washington, D.C. 20036.
B. The American Waterways Operators, Inc., 1250 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $3,125. E. (9) $308.28.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $2,500.

A. Blue Allan Carstenson.
B. The Farmers' Educational and Cooperative Union of America, Post Office Box 2251, Denver, Colo.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Alaska Interstate Co., Apco Oil Corp., Gulf Interstate Co., and Tipperary Land & Exploration Corp.

A. Casey, Lane and Mittendorf, 26 Broadway, New York, N.Y. 10004.
B. South African Sugar Association, Post Office Box 507, Durban, South Africa.
E. (9) $1,657.36.

A. James B. Cash, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $130.05.

A. J. M. Chambers and Co., Inc., 2300 Calvert Street NW., Washington, D.C. 20008.
B. Cordage Institute, 2300 Calvert Street NW., Washington, D.C. 20008.
D. (6) $625.

A. Justice M. Chambers, 2300 Calvert Street NW., Washington, D.C. 2008.
B. Swaziland Sugar Association, Post Office Box 445, Mbabane, Swaziland.
D. (6) $10,000. E. (9) $2,138.93.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C. 20004.
B. The Fouke Co., Route 1, Box 168, White Horse Road, Greenville, S.C. 29611.
D. (6) $1,005. E. (9) $19.17.

A. Chapman, Duff & Lenzini, 932 Pennsylvania Building, Washington, D.C. 20004.
B. International Association of Game, Fish and Conservation Commissioners, 5727 Blake Road, Minneapolis, Minn. 55346.
D. (6) $542.50. E. (9) $10.15.

A. James W. Chapman, 1625 I Street NW., Washington, D.C. 20006.
B. Retired Officers Association.
D. (6) $1,411.

A. William C. Chapman, 1660 L Street NW., Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Michigan 48202.
D. (6) $3,000. E. (9) $3,395.42.

A. Leslie Cheek III, 1025 Connecticut Avenue NW., Suite 515 Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515 Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Lowell T. Christison, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o M. L. DeBolt, O.D., Box No. 605, Winona, Minn. 55987.
D. (6) $113.64. E. (9) $70.67.

A. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y. 10001.
D. (6) $63,628.68. E. (9) $270.10.

A. Earl W. Clark.
B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $750. E. (9) $87.18.

A. Richard W. Clark, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $4,500. E. (9) $241.30.

A. Mr. Robert M. Clark, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Atchison, Topeka & Santa Fe Railway Co., 80 East Jackson Boulevard, Chicago, Ill. 60604.

A. Clay Pipe Industry Depletion Committee, P. O. Box 16, Pittsburg, Kans. 66762.

A. Jacob Clayman, 815 16th Street NW., Washington, D.C. 20006.
B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $562.90. E. (9) $562.90.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C., 20036.
B. Cabot Corp.; Chemplex Co.; Copolymer Rubber & Chemical Corp. et al.
D. (6) $127.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Colonial Sugar Refining Co., Ltd., 1–7 O'Connell Street, Sydney, Australia.

A. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Interbank Card Association, Suite 3600, 110 East 59th Street, New York, N.Y. 10022.
D. (6) $400. E. (9) $15.75.

A. Cleary, Gotlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Synthetic Organic Chemical Manufacturers Association, 1075 Central Park Avenue, Suite 224, Scarsdale, N.Y. 10583.
D. (6) $300. E. (9) $81.30.

A. William T. Cleary, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
B. American Federation of Technical Engineers, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
D. (6) $240. E. (9) $20.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C.
B. American Brands, Inc., 245 Park Avenue, New York, N.Y. 10017.
E. (9) $55.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Brown & Williamson Tobacco Corp., Louisville, Ky. 40201.
E. (9) $55.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Lorillard, Division of Loews Theatres, Inc., 200 East 42d Street, New York, N.Y. 10017.
E. (9) $55.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Philip Morris Incorp., 100 Park Avenue, New York, N.Y. 10017.
E. (9) $55.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. Liggett & Myers Incorp., 630 Fifth Avenue, New York, N.Y. 10020.
E. (9) $55.

A. Earl C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C. 27102.
E. (9) $55.

A. Earle C. Clements, 1776 K Street NW., Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K. Street NW., Washington, D.C. 20006.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Avco Corp., 750 Third Avenue, New York, N.Y. 10017.
E. (9) $2.25.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. National Basketball Players Association, 15 Columbus Circle, New York, N.Y. 10023.
E. (9) $108.38.

A. Clifford, Warnke, Glass, McIlwain & Finney, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Owens-Illinois, Inc., Madison Avenue and St. Clair Street, Box 1035, Toledo, Ohio 43601.
E. (9) $5.05.

A. Larry D. Cline, 1315 16th Street, NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street, NW., Washington, D.C. 20036.
E. (9) $41.80.

A. Mr. Jeffery Cohelan, 1717 Massachusetts Avenue, NW., Washington, D. C. 20036.
B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D. C. 20036.
D. (6) $900. E. (9) $600.

A. David Cohen, 2100 M Street, NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street, NW., Washington, D.C. 20037.
D. (6) $750.

A. Robert E. Cole, 1619 Massachusetts Avenue, NW., Washington, D.C. 20036.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich. 48202.
D. (6) $500.

A. Coles & Goertner, 1000 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Committee of American Tanker Owners, Inc., One Chase Manhattan Plaza, New York. N.Y. 10005.
E. (9) 361.68.

A. William J. Colihan, Jr., 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Advertising Agencies, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $1,250. E. (9) $600.

A. William J. Colley, 1776 K Street, NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Illinois 60610.
D. (6) $2,248.13. E. (9) $865.36.

A. Collier, Shannon, Rill and Edwards, 1625 I Street, NW., Washington, D.C. 20006.
B. American Cylinder Manufacturers Committee, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $35.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. American Footwear Industries Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $500. E. (9) $475.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. Bicycle Manufacturers Association of America, Inc., 122 East 42d Street, New York, N.Y. 10017.
D. (6) $500. E. (9) $100.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
B. The Boston Herald Traveler Corp., 300 Harrison Avenue, Boston, Mass. 02106.
D. (6) $1,000. E. (9) $400.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
E. (9) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $300.

A. Collier, Shannon, Rill & Edwards, 1625 I Street NW., Washington, D.C. 20006.
B. Tool and Stainless Steel Industry Committee, 1625 I Street NW., Suite 622, Washington, D.C. 20006.
D. (6) $1,250. E. (9) $525.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Paul G. Collins, 111 Westminster Street, Providence, R.I. 02903.
B. The Industrial National Bank of Rhode Island, 111 Westminster Street, Providence, R.I. 02903.
D. (6) $68.75.

A. Colorado Railroad Association, 702 Majestic Building, Denver, Colo. 80202.

A. T. Neal Combs, 1822 Jefferson Place NW., Washington, D.C. 20036.
B. Sand Springs Home, c/o E. J. Doerner, Trustee, 1200 Atlas Life Building, Tulsa, Okla.

A. The Committee for Broadening Commercial Bank Participation in Public Financing, c/o Langdon P. Cook, Treasurer, 23 Wall Street, New York, N.Y.
D. (6) $600.

A. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
D. (6) $97,350. E. (9) $7,889.73.

A. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $866,575.36. E. (9) $135,427.30.

A. Paul B. Comstock, 1771 N Street NW., Washington, D.C. 20036.
B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.
D. (6) $3,000. E. (9) $145.61.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.
B. American Academy of Actuaries, 208 S. LaSalle Street, Chicago, Ill. 60604.
D. (6) $900. E. (9) $127.40.

A. Richard J. Congleton, 734 15th Street NW., Washington, D.C. 20005.
B. The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $1,500. E. (9) $200.

A. Congress of Railway Unions, 400 First Street NW., Room 800, Washington, D.C. 20001.
D. (6) $9,275. E. (9) $3,243.41.

A. Raymond F. Conkling, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $160. E. (9) $73.50.

A. Consulting Engineers Council/US, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $5,840. E. (9) $5,840.

A. Bernard J. Conway, 211 East Chicago Avenue, Chicago, Ill. 60611.
B. American Dental Association, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $2,600.

A. Jack T. Conway, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $2,250.

A. Cook & Franke S. C., 660 East Mason Street, Milwaukee, Wis. 53202.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Howard Lee Cook, Jr., 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,248.13. E. (9) $812.58.

A. Miss Eileen D. Cooke, 110 Maryland Avenue NE., Suite 101, Washington, D.C. 20002.
B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.
D. (6) $99.36.

A. J. Milton Cooper, Suite 401, 1000 Vermont Avenue NW., Washington, D.C. 20005.
B. R. J. Reynolds Industries, Inc., Winston-Salem, N.C.

A. Joshua W. Cooper, 626 South Lee Street, Alexandria, Va. 22314.
B. Portsmouth-Kittery Armed Services Committee, Inc., Box 1123, Portsmouth, N.H. 03801.
D. (6) $3,750. E. (9) $1,394.57.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Council of Forest Industries, 1025 West Hastings Street, Vancouver 1, Canada.
D. (6) $3,000. E. (9) $82.13.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C.
B. Footwear Division, Rubber Manufacturers Association, 444 Madison Avenue, New York, N.Y. 10022
D. (6) $6,000. E. (9) $23.55.

A. Darrell Coover, 1625 I Street NW, Apt. 812, Washington, D.C. 20006.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E (9) $263.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Washington, D.C.
B. The Committee for Broadening Commercial Bank Participation in Public Financing, c/o Langdon Cook, President, 23 Wall Street, New York, N.Y.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Suite 1120, Washington, D.C. 20005
B. Lee, McCarthy & DeRosa, 102 Maiden Lane, New York, N.Y.

A. Corcoran, Foley, Youngman & Rowe, 1511 K Street NW., Suite 1120, Washington, D.C. 20005
B. Glass Container Manufacturers Institute, Inc., 330 Madison Avenue, New York, N.Y.
D. (6) $450. E. (9) $210.

A. James T. Corcoran, 1025 Connecticut Avenue NW., Washington, D.C. 20036
B. National Association of Motor Bus Owners, 1025 Connecticut Avenue NW., 308, Washington, D.C. 20036.
D. (6) $925. E. (9) $87.50.

A. Allan D. Cors, 1629 K Street NW., Washington, D.C. 20006.
B. Corning Glass Works, Corning, N.Y. 14830.

A. Robert M. Coultas, Suite 508, 1612 K Street NW., Washington, D.C. 20006.
B. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.

A. Council for Community Action, 2100 M Street NW., Washington, D.C. 20037.
E. (9) $4,204.20.

A. Council of Profit Sharing Industries, 20 North Wacker Drive, Chicago, Ill. 60606.

A. Council of State Chambers of Commerce, 1028 Connecticut Avenue, Washington, D.C. 20036.

D. (6) $1,224.03. E. (9) $1,224.03.

A. Raymond L. Courage, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. Paul L. Courtney, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300 or less.

A. Roger C. Courtney, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, % M. L. DeBolt, O.D., Box No. 605, Winona, Minn. 55987

D. (6) $18.28. E. (9) $25.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. American Machine Tool Distributors Association, 1500 Massachusetts Avenue NW., Washington, D.C. 20005.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. Association of Maximum Service Telecaster, Inc., 1735 De Sales Street NW., Washington, D.C. 20036.

D. (6) $1,350.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. MGIC Investment Corp., 600 Marine Plaza, Milwaukee, Wis. 53201.

A. Covington & Burling, 888 16th Street NW., Washington, D.C. 20006.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Eugene S. Cowen, 9024 Willow Valley Drive, Potomac, Md., 20854.

B. American Broadcasting Co., 1150 17th Street NW., Washington, D.C. 20036.

D. (6) $30.30. E. (9) $30.30.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Association of Research Libraries, 1527 New Hampshire Ave. NW., Washington, D.C. 20036.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. Glaverbel (USA), Inc., 75 Plandome Road, Manhasset, N.Y. 11030.

A. Cox, Langford & Brown, 21 Dupont Circle NW., Washington, D.C. 20036.

B. The National Collegiate Athletic Association, Midland Building, Kansas City, Mo. 64105.

D. (6) $450. E. (9) $10.40.

A. Peter L. Coye, 1835 K Street NW., Washington, D.C. 20006.

B. The National Student Lobby, 1835 K Street NW., Washington, D.C. 20006.

D. (6) $450.

A. W. J. Crawford, Post Office Box 2180, Houston, Tex. 77001.

B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001.

A. Hubert M. Crean, 1801 K Street NW., Washington, D.C. 20006.

B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

D. (6) $2,253. E. (9) $282.

A. The Universal Exchange, 802 South Summer Avenue, Orlando, Fla.

A. H. C. Crotty, 12050 Woodward Avenue, Detroit, Mich.

A. J. A. Crowder, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, ISDI Johnston Building, Charlotte, N.C. 28202.

D. (6) $1,500.

A. Crowell Collier & Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va.

E. (9 $) 52.

A. Dan Curlee, 25 Louisiana Avenue, NW., Washington, D.C.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue, NW., Washington, D.C.

D. (6) $4,999.98.

A. John T. Curran, 905 16th Street NW., Washington, D.C.

B. Laborers' International Union of North America, AFL–CIO, 905 16th Street NW., Washington, D.C.

D. (6) $8,250. E. (9) $3,231.33.

A. Pamela G. Curtis, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $4,324.98. E. (9) $398.02.

A. William Kay Daines, 1156 15th Street, NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $200. E. (9) $25.40.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C. 2005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.

D. (6) $400. E. (9) $101.88.

A. F. Gibson Darrison, Jr., 1725 K Street NW., Suite 1103, Washington, D.C. 20006.

B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa. 19104.

A. John C. Datt, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,375. E. (9) $33.06.

A. Jean Daugherty.

B. National Federation of Independent Business, 921 Washington Building, 15th and New York Avenue NW., Washington, D.C. 20005.

D. (6) $1,500.

A. Philip J. Daugherty.

B. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.

D. (6) $2,599.10. E. (9) $59.15.

A. John B. Davenport, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $160.00.

A. Aled P. Davies, 59 East Van Buren Street, Chicago, Ill. 60605.

B. American Meat Institute, 59 East Van Buren Street, Chicago, Ill. 60605.

D. (6) $500.00. E. (9) $176.86.

A. Davis, Wright, Todd, Riese & Jones, 4200 Seattle-First National Bank Building, Seattle, Wash. 98154.

B. Arctic Slope Native Association, P.O. Box 486, Barrow, Alaska 99723.

E. (9) $1,757.64.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60670.

B. Chicago Bridge & Iron Co., 901 West 22nd Street, Oak Brook, Ill. 60521.

D. (6) $3,310.00. E. (9) $62.20.

A. Charles W. Davis, One First National Plaza, Suite 5200, Chicago, Ill. 60670.

B. Corporate Fiduciaries Association of Illinois, 111 West Washington Street, Chicago, Ill.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60670.

B. Inland Steel Co., 30 West Monroe Street, Chicago, Ill. 60603.

D. (6) $2,250.00. E. (9) $166.59.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60670.

B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.

D. (6) $1,360.00. E. (9) $342.31.

A. Charles W. Davis, One First National Plaza, No. 5200, Chicago, Ill. 60670.

B. Northwest Industries, Inc., 400 West Madison St., Chicago, Ill. 60606.

D. (6) $885.

A. Charles W. Davis, One First National Plaza—5200, Chicago, Ill. 60670.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

E. (9) $57.45.

A. Charles W. Davis, One First National Plaza—5200, Chicago, Ill. 60670.

B. Trans Union Corp., 111 West Jackson Boulevard, Chicago, Ill. 60604.

D. (6) $4,335. E. (9) $157.49.

A. Fred E. Davis, 1133 15th Street NW., Washington, D.C. 20005.

B. National Association of Manufacturers, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $500. E. (9) $576.55.

A. R. Hilton Davis, 1615 H Street NW., Washington, D.C. 20006.

B. Chamber of Commerce of the United States of America, 1615 H Street NW., Washington, D.C. 20006.

A. Walter L. Davis, 1775 K Street NW., Washington, D.C. 20006.

B. Retail Clerks International Association, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $750. E. (9) $151.85.

A. Charles W. Day, 815 Connecticut Avenue NW., Washington, D.C. 20006.

B. Ford Motor Co., Dearborn, Mich. 48121.

D. (6) $325. E. (9) $218.20.

A. Tony T. Dechant.

B. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.

D. (6) $3,000. E. (9) $235.33.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.

D. (6) $120. E. (9) $16.

A. DeHart and Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.

D. (6) $515.

A. DeHart & Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.

B. Saab-Scania of America, Inc., Saab Drive, P.O. Box 697, Orange, Conn. 06477.

D. (6) $980. E. (9) $712.60.

A. Richard A. Dell, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $150.

A. Ray Denison, 815 16th Street, NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street, NW., Washington, D.C.

D. (6) $5,677.10. E. (9) $355.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.

B. American Society of Composers, Authors and Publishers, One Lincoln Plaza, New York, N.Y. 10023.

D. (6) $6,000.

A. Claude J. Desautels Associates, Suite 711, RCA Building, 1725 K Street NW., Washington, D.C. 20006.

B. Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

D. (6) $6,000.

A. C. H. DeVaney, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6)$2,175.

A. R. Daniel Devlin, 1000 16th Street NW., Washington, D.C.

B. Trans World Airlines, Inc., 10 Richards Road, Kansas City, Mo.

A. George S. Dietrich, 1730 M Street NW., Suite 700, Washington, D.C. 20036.

B. Association for Broadcast Engineering, Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C. 20036.

A. Joseph E. Dillon, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

B. Toro Co., 8111 Lyndale Avenue, South Minneapolis, Minn. 55420.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.

B. Department of Water Resources, State of California, P.O. Box 388, Sacramento, Calif. 95802.

D. (6) $2,368.60. E. (9) $208.60.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.

B. Marysville Dam Committee, P.O. Box 1550, Marysville, Calif.

E. (9) $29.84.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.

B. Sacramento Municipal Utility District, P.O. Box 15830, Sacramento, Calif. 95813.

D. (6) $1,264.10. E. (9) $64.10.

A. Timothy V. A. Dillon, 1001 15th Street NW., Washington, D.C. 20005.

B. Sacramento Yolo Port District, P.O. Box 815, West Sacramento, Calif.

D. (6) $1,672.29. E. (9) $82.29.

A. Disabled American Veterans, 3725 Alexandria Pike, Cold Spring, Ky. 41076.

D. (6) $32,766.45. E (9) $32,766.45.

A. Discover America Travel Organizations, Inc., 1100 Connecticut Avenue NW., Washington, D.C.

D. (6) $39,746.18. E (9) $685.

A. William H. Dodds, UAW, 1126 16th Street NW., Washington, D.C. 20036.

B. International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW, 8000 East Jefferson Avenue, Detroit, Mich. 48214.

D. (6) $1,347.15. E. (9) $149.55.

A. James F. Doherty, 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

B. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $3,937.50. E. (9) $2,125.61.

A. Patrice M. Doherty, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.

B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28202.

D. (6) $30. E. (9) $5.

A. Robert C. Dolan, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $316.25. E. (9) $300.48.

A. C. L. Dorson, Room 1128 Warner Building, 501 13th Street NW., Washington, D.C. 20004.

B. Retirement Federation of Civil Service Employees of the U.S. Government, Room 1128, Warner Building, 501 13th Street NW., Washington, D.C. 20004.

D. (6) $2,733.72. E. (9) $280.

A. Mitchell Dorson, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $114.58.

A. Dow, Lohnes & Albertson, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. Newspaper Committee for Cablevision, Ninth and Edmond Streets, St. Joseph, Mo.

A. F. Raymond Downs, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.

B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.

A. Harry J. Doyle, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, Box No. 605, Winona, Minn. 55987.

D. (6) $626.20. E. (9) $745.

A. Robert H. Doyle, 2029 K Street NW., Washington, D.C. 20006.

B. National Society of Professional Engineers, 2029 K Street NW., Washington, D.C. 20006.

D. (6) $3,693.05.

A. Franklin B. Dryden.

B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Evelyn Dubrow, 1710 Broadway, New York, N.Y.

B. International Ladies' Garment Workers' Union, 1710 Broadway, New York, N.Y.

D. (6) $3,809. E. (9) $2,433.19.

A. William DuChessi, 1126 16th Street NW., Washington, D.C.

B. Textile Workers Union of America, 99 University Place, New York, N.Y. 10003.

D. (6) $1,268.76. E. (9) $100.

A. M. L. DuMars, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $60.

A. Pauline B. Dunckel, 1901 North Fort Myer Drive, Arlington, Va. 22209.

B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

A. Louise Dunlap, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $160. E. (9) $160.

A. William E. Dunn, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. J. D. Durand, 1725 K Street NW., Washington, D.C. 20006.

B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.

E. (9) $420.

A. Robert E. Early, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Products Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $3,750. E. (9) $88.01.

A. Roy W. Easley, 1735 De Sales Street NW., Washington, D.C. 20036.

B. Association of Maximum Service Telecasters, Inc., 1735 DeSales Street N.W., Washington, D.C. 20036.

D. (6) $88.88. E. (9) $16.50.

A. Jaye R. Ediger, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $30.25.

A. Hallett D. Edson, 956 North Monroe Street, Arlington, Va. 22201.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $1,400.

A. Macon T. Edwards, Ring Building, Room 610, 1200 18th Street NW., Washington, D.C. 20036.

B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.

D. (6) $202.50. E. (9) $22.95.

A. J. C. B. Ehringhaus, Jr., 1600 South Eads Street, Arlington, Va. 22202.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Harmon L. Elder, 1900 L Street NW., Washington, D.C. 20036.

B. Wilson E. Hamilton & Associates, Inc., 1900 L Street NW., Washington, D.C. 20036.

D. (6) $250. E. (9) $40.87.

A. John Doyle Elliott, 5500 Quincy Street, Hyattsville, Md. 20784.

D. (6) $2,870.83. E. (9) $2,734.90.

A. John M. Elliott, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Roy Elson, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $4,200. E. (9) $476.25.

A. Richard W. Emory, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.

B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.

E. (9) $1.76.

A. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.
E. (9) $963.05.

A. Gertrude Engel, 2450 Virginia Avenue NW., Washington, D.C. 20037.
B. Mr. Bob Hoffman, York Barbell Co., Inc., York, Pa. 17405.
D. (6) $1,525. E. (9) $190.52.

A. Grover W. Ensley, 200 Park Avenue, New York, N.Y. 10017.
B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $850.20.

A. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $2,527.50. E. (9) $3,853.69.

A. Russell G. Ernest, 1025 Connecticut Avenue NW., No. 1014, Washington, D.C. 20036.
B. Standard Oil Co., 30 Rockefeller Plaza, New York, N.Y. 10020.

A. Ethyl Corp., 1155 15th Street, No. 611, Washington, D.C. 20005.
E. (9) $300.

A. John D. Fagan, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the U.S.
D. (6) $2,575. E. (9) $15.75.

A. Clinton M. Fair, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,677.10. E. (9) $412.10.

A. Joseph A. Fanelli, 1511 K Street NW., Washington, D.C. 20005.
E. (9) $5.47.

A. The Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $107,140.21. E. (9) $29,537.76.

A. Federation of American Hospitals, 1101 17th Street NW., Suite 810, Washington, D.C. 20036.
E. (9) $3,750.

A. Federation of American Scientists, 203 C Street NE., Washington, D.C. 20002.
D. (6) $26,118.24. E. (9) $2,157.84.

A. Edward R. Fellows, Jr., 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
B. National League of Insured Savings Association, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $312. E. (9) $37.65.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036.
B. Council of the Forest Industries of British Columbia, 1500 Guinness Tower, 1055 West Hastings Street, Vancouver 1, Canada.
D. (6) $8,503. E. (9) $205.

A. Herbert A. Fierst, 607 Ring Building, Washington, D.C. 20036.
B. Joint Committee of Printing and Publishing Industries of Canada, Fourth Floor, 117 Eglinton Avenue East, Toronto 12. Canada.
D. (6) $999.99. E. (9) $37.

A. Francis S. Filbey, 817 14th Street NW., Washington, D.C.
B. American Postal Workers Union, AFL–CIO, 817 14th Street NW., Washington, D.C.
D. (6) $4,377.90.

A. Matthew P. Fink, 1775 K Street NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $48. E. (9) $2.

A. Thomas W. Fink, Room 610 Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.
D. (6) $720. E. (9) $69.70.

A. James W. Finley, 1015 18th Street NW., Suite 303, Washington, D.C. 20036.
B. Crown Zellerbach Corp., One Bush Street, San Francisco, Calif. 94119.

A. William J. Flaherty, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $6,375.

A. Roger Fleming, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $1,775. E. (9) $21.86.

A. Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y. 10017.

A. John F. Fochtman, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,062.50. E. (9) $578.72.

A. Gene N. Fondren, 337 National Press Building, Washington, D.C. 20004.
B. Missouri Pacific Railroad Co., 210 North 13th Street, St. Louis, Mo. 63103.
D. (6) $1,025. E. (9) $287.93.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn. 55101.
B. Minnesota Railroads Association.
D. (6) $500.

A. James W. Foristel, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $2,268. E. (9) $611.76.

A. John S. Forsythe, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $437.50. E. (9) $8.86.

A. William C. Foster, 1800 K Street NW., Washington, D.C. 20006.
B. Alyeska Pipeline Service Co., P.O. Box 576, Bellevue, Wash. 98009.
D. (6) $1,538.75. E. (9) $303.82.

A. William C. Foster, 1800 K Street NW., Washington, D.C. 20006.
B. Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63188.
D. (6) $400. E. (9) $114.50.

A. Ronald J. Foulis, 1140 Connecticut Avenue NW., Suite 1100, Washington, D.C. 20036.
B. United States Independent Telephone Association, 425 13th Street NW., Washington, D.C. 20004.

A. John G. Fox, 2000 L Street NW., Washington, D.C. 20036.
B. American Telephone & Telegraph Co., 195 Broadway, New York, N.Y. 10007.
D. (6) $112.50.

A. Charles L. Frazier, 485 L'Enfant Plaza SW., No. 2250, Washington, D.C. 20024.
B. National Farmers Organization, Corning, Iowa 50841.
D. (6) $1,950. E. (9) $2,834.63.

A. R. Frank Frazier, 1155 Fifteenth Street NW., Washington, D.C. 20005.
B. National Broiler Council, 1155 Fifteenth Street NW., Washington, D.C. 20005.
D. (6) $500.

A. Robert M. Frederick, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $4,750.

A. James O. Freeman, 812 Pennsylvania Building, Washington, D.C. 20004.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $2,125.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.
B. The Navajo Tribe, Window Rock, Ariz.

A. Philip P. Friedlander, Jr., 1343 L Street NW., Washington, D.C.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C. 20005.
D. (6) $100.

A. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $50,948. E. (9) $14,130.

A. Owen V. Frisby, 900 17th Street NW., Washington, D.C. 20006.
B. The Chase Manhattan Bank, 1 Chase Manhattan Plaza, New York, N.Y. 10015.
D. (6) $500. E. (9) $1,360.16.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.
D. (6) $250.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Institute of Housing Consultants, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,200.

A. Frosh, Lane & Edson, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Section 23 Leased Housing Association, Suite 707, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $450.

A. Bernard Fuchs, 60 East 42d Street, New York, N.Y. 10017.
B. National Association of Residents & Interns, Inc., 292 Madison Avenue, New York, N.Y. 10017.
D. (6) $325. E. (9) $7.71.

A. Garrett Fuller, 1307 Wyatt Building, Washington, D.C. 20005.
B. United Medical Laboratories, Inc., Portland, Oreg. 97208.
D. (6) $175. E. (9) $4.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.

B. Committee for the Martin Report, 1700 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $7,000. E. (9) $1,425.12.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. National Council of Professional Services Firms in Free Enterprise, 1100 Glendon Avenue, Los Angeles, Calif.

D. (6) $500. E. (9) $65.91.

A. Gadsby & Hannah, 1700 Pennsylvania Avenue NW., Washington, D.C.

A. William B. Gardiner, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.

B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.

D. (6) $5,625. E. (9) $215.40.

A. John W. Gardner, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

E. (9) $690.80.

A. Edward V. Garlich, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $225. E. (9) $200.

A. Marion R. Garstang, 30 F Street NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.

D. (6) $200.

A. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

E. (9) $870.

A. James A. Gavin.

B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.

D. (6) $7,500. E. (9) $325.

A. Donald A. Giampaoli, 1957 E Street NW., Washington, D.C. 20006.

B. Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20008.

D. (6) $1,350.

A. William T. Gibb, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $30.94.

A. Wayne Gibbens, 1625 K Street NW., Washington, D.C. 20006.

B. Mid-Continent Oil & Gas Association, 1111 Thompson Building, Tulsa, Okla. 74103.

D. (6) $750. E. (9) $126.06.

A. Arthur P. Gildea, 2347 Vine Street, Cincinnati, Ohio 45219.

B. International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America, 2347 Vine Street, Cincinnati, Ohio 45219.

A. Lawrence D. Gilson, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $114.58.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.

B. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.

D. (6) $5. E (9) $4.69.

A. Glassie, Pewett, Beebe & Shanks, 1819 H Street NW., Washington, D.C. 20006.

B. National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.

D. (6) $225. E. (9) $35.60.

A. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.

D. (6) $940. E. (9) $1,215.

A. Don A. Goodall, 1625 I Street NW., Suite 614, Washington, D.C. 20006.

B. American Cyanamid Co., Wayne, N.J. 07470.

D. (6) $506. E. (9) $185.84.

A. Vance V. Goodfellow, 828 Midland Bank Building, Minneapolis, Minn. 55401.

B. Crop Quality Council, 828 Midland Bank Building, Minneapolis, Minn. 55401.

D. (6) $5,625. E. (9) $208.38.

A. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y. 10022.

B. Florists' Transworld Delivery Association, 900 West Lafayette Boulevard, Detroit, Mich. 48226.

A. Government Employes Council, AFL-CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $14,709.69. E. (9) $5,585.24.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $2,956.66. E. (9) $84.76.

A. Cornelius R. Gray, 1712 G Street NW., Washington, D.C. 20006.

B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. George W. Gray III, 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

A. James A. Gray, 7901 Westpark Drive, McLean, Va. 22101.

B. National Machine Tool Builders Association, 7901 Westpark Drive, McLean, Va. 22101.

A. Robert K. Gray, 1425 K Street NW., Washington, D.C.

B. Hill & Knowlton, 150 East 42d Street, New York, N.Y. 10017.

D. (6) $800. E. (9) $91.58.

A. Virginia M. Gray, 3501 Williamsburg Lane NW., Washington, D.C. 20008.

B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C. 20001.

D. (6) $451.87. E. (9) $88.30.

A. Samuel A. Grayson, 611 Idaho Building, Boise, Idaho 83702.

B. Union Pacific Railroad, 1416 Dodge Street, Omaha, Nebr. 68102.

A. Dale Greenwood, 302 Hoge Building, Seattle, Wash. 98104.

B. Washington Railroad Association, 302 Hoge Building, Seattle, Wash.

A. William G. Greif, 1155 15th Street NW., Washington, D.C.

B. Bristol Myers Co., 345 Park Avenue, New York, N.Y.

D. (6) $500.

A. Fred J. Greiner, 910 17th Street NW., Washington, D.C. 20006.

B. Evaporated Milk Association, International Association of Ice Cream Manufacturers; Milk Industry Foundation, 910 17th Street NW., Washington, D.C.

E. (9) $303.28.

A. John F. Griner, 400 First Street NW., Washington, D.C. 20001.

B. American Federation of Government Employees, 400 First Street NW., Washington, D.C. 20001.

D. (6) $12,331. E. (9) $3,170.28.

A. Group Health Association of America, Inc., 1717 Massachusetts Avenue NW., Washington, D.C. 20036.

E. (9) $7,563.11.

A. James J. Gudinas, 1712 G Street NW., Washington, D.C. 20006.

B. American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Harry P. Guenther, 1015 18th Street NW., Washington, D.C.

B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C.

B. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.

D. (6) $1,837. E. (9) $925.

A. R. William Habel, 1771 N Street NW., Washington, D.C. 20036.

B. National Association of Broadcasters, 1771 N Street NW., Washington, D.C. 20036.

D. (6) $2,880. E. (9) $274.67.

A. Robert J. Habenicht, 1400 South Joyce Street, Arlington, Va. 22202.

B. A. H. Robins Co., Inc., 1407 Cummings Drive, Richmond, Va. 23220.

E. (9) $250.

A. Hoyt S. Haddock.

B. Labor-Management Maritime Committee, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $750. E. (9) $68.10.

A. Matthew Hale, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW.

D. (6) $500. E. (9) $100.

A. Harold T. Halfpenny, 111 West Washington, Street, Chicago, Ill. 60602.

A. J. G. Hall, 1660 L Street NW., Washington, D.C. 20036.

B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.

D. (6) $4,500. E. (9) $2,326.16.

A. Keith Halliday, 1725 K Street NW., Washington, D.C. 20006.

B. Associated Third Class Mail Users, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. Norman S. Halliday, 1629 K Street NW., Suite 603, Washington, D.C. 20006.

B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.

D. (6) $2,750. E. (9) $84.60.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.

B. Labor Law Study Committee, 888 17th Street NW., Washington, D.C. 20006.

D. (6) $300. E. (9) $10.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.

B. National School Supply & Equipment Association, 79 West Monroe Street, Chicago, Ill. 60603.

A. Hamel, Park, McCabe & Saunders, 888 17th Street NW., Washington, D.C. 20006.
B. United Student Aid Funds, Inc., 845 Third Avenue, New York, N.Y. 10022.

A. John W. Hammett, 1000 Liberty Bank Building, Oklahoma City, Okla.
B. APCO Oil Corp. 1000 Liberty Bank Building, Oklahoma City, Okla.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,029.99 E. (9) $69.47.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. E. F. Harding, 140 New Montgomery Street, San Francisco, Calif.
B. The Pacific Telephone & Telegraph Co., 140 New Montgomery Street, San Francisco, Calif.
D. (6) $102. E. (9) $176.96.

A. Robert B. Harding, 1801 E Street NW., Suite 1041, Washington, D.C. 20036.
B. Southern California Edison Co., Post Office Box 800, Rosemead, Calif. 91770.
D. (6) $150. E. (9) $33.76.

A. Franklin Hardinge, Jr., 1444 Wentworth Avenue, Pasadena, Calif. 91109.
B. California Savings & Loan League, 1444 Wentworth Avenue, Post Office Box R, Pasadena, Calif. 91109.
D. (6) $1,800.

A. Eugene J. Hardy, 1133 15th Street NW., Washington, D.C. 20005.
B. National Association of Manufacturers.
D. (6) $2,500. E. (9) $662.41.

A. Andrew E. Hare, 1315 16th Street NW., Washington, D.C. 20036.
B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
E. (9) $15.75.

A. Bryce N. Harlow, 1801 K Street NW., Washington, D.C. 20008.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $46. E. (9) $46.

A. Thomas E. Harman, 1025 Connecticut Avenue NW., Blake Building, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Blake Building, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. William B. Harman, Jr., 1701 K Street NW., Washington, D.C. 20006.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $465. E. (9) $44.86.

A. L. James Harmanson, Jr., 129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. John H. Harper, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Cos., 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $330. E. (9) $305.96.

A. Dennis E. Hart, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co., 910 South Michigan Avenue, Chicago, Ill. 60605.
D. (6) $996.55. E. (9) $14.29.

A. Rita M. Hartz, 1737 H Street NW., Washington, D.C. 20006.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $5,068.80. E. (9) $250.

A. Clifford J. Harvison, 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Walter A. Hasty, Jr., 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $3,565.25. E. (9) $29.66.

A. Paul M. Hawkins, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $186.75. E. (9) $167.25.

A. Robert T. Hayden, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.
D. (6) $2,910.25. E. (9) $936.85.

A. Kit H. Haynes, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,112. E. (9) $108.63.

A. Hays & Hays, Warner Building, Washington, D.C.
B. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
D. (6) $236.70.

A. Ralph E. Heal, 250 West Jersey Street, Elizabeth, N.J. 07207.
B. National Pest Control Association, 250 West Jersey Street, Elizabeth, N.J. 07207.
D. (6) $585. E. (9) $234.

A. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $6,179.44. E. (9)$6,179.44.

A. Patrick B. Healy, 30 F Street NW., Washington, D.C. 20001.
B. National Milk Products Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $300. E. (9) $100.30.

A. George J. Hecht, 52 Vanderbilt Avenue, New York, N.Y. 10017.
B. American Parents Committee Inc., 20 E Street NW., Washington, D.C.

A. Leslie P. Hemry, 1701 K Street NW., Washington, D.C. 20006.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $178.75. E. (9) $266.93.

A. Edmund P. Hennelly, 150 East 42d Street, New York, N.Y. 10017.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y.
D. (6)$1125. E. (9) $395.75.

A. Andrew I. Hickey, Jr., 1133 15th Street NW., Washington, D.C. 20005.
B. Federal National Mortgage Association, 1133 15th Street NW., Washington, D.C. 20005.
D. (6) $8,875. E. (9) $804.59.

A. M. F. Hicklin, 720 Bankers Trust Building, Des Moines, Iowa 50309.
B. Iowa Railway Association, 720 Bankers Trust Building, Des Moines, Iowa 5309.
E. (9) $700.34.

A. J. Thomas Higginbotham, 1725 K Street NW., Washington, D.C. 20006.
B. The Consumer Bankers Association, 1725 K Street NW., Washington, D.C. 20006.
D. (6) $2,000.00. E. (9) $871.65.

A. J. Eldred Hill, Jr., 720 Hotel Washington, Washington, D.C. 20004.
B. Unemployment Benefit Advisors, Inc.
D. (6) $2000.00. E. (9) $2,000.00.

A. James J. Hill, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Harry R. Hinton, 1776 K Street NW., Washington, D.C. 20006.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $1,987.50. E. (9) $1,035.03.

A. James D. Hittle, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Pan Am Building, New York, N.Y. 10017.
E. (9) $117.85.

A. Lawrence S. Hobart, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $875.

A. Claude E. Hobbs, 1801 K Street, NW., Ninth Floor, Washington, D.C. 20006.
B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.
D. (6) $900. E. $195.

A. Leo D. Hochstetter.
B. Motion Picture Association of America, Inc.

A. Thomas W. Holland, 1629 K Street NW., Suite 603, Washington, D.C. 20006.
B. Magazine Publishers Association, Inc., 575 Lexington Avenue, New York, N.Y. 10022.
D. (6) $875.

A. Thomas P. Holley, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Lee B. Holmes, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $2,813. E. (9) $8,849.

A. John W. Holton, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $1,700. E. (9) $18.

A. Thomas Howarth, 438 Pennsylvania Building, Washington, D.C.
B. United States Independent Telephone Association, 438 Pennsylvania Building, Washington, D.C. 20004.
D. (6) $650. E. (9) $650.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Allstate Enterprises, Inc., Allstate Plaza, Northbrook, Ill., 60062.

A. Joe L. Howell, 1225 Connecticut Avenue NW., Suite 412, Washington, D.C. 20036.
B. Allstate Insurance Co., Allstate Plaza, Northbrook, Ill. 60062.

A. C. T. Hoversten, 209 West 53d Street, Western Springs, Ill. 60558.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill. 60501.

A. Charles L. Huber, 1221 Massachusetts Avenue NW., Washington, D.C. 20005.
B. Disabled American Veterans, 3725 Alexandria Pike, Cold Springs, Ky.
D. (6) $8,250. E. (9) $1,300.

A. Edward W. Hummers, Jr., Fletcher, Heald, Rowall, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y. 10017.

A. David J. Humphreys, Paulson & Humphreys, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Manufactured Housing Association of America, Inc., 30 South LaSalle Street, Chicago, Ill. 60603.
D. (6) $500.

A. David J. Humphreys, Paulson & Humphreys, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.
D. (6) $7,500. E. (9) $56.35.

A. Richard M. Hunt, 1660 L Street NW., Washington, D.C. 20036.
B. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.
D. (6) $750. E. (9) $220.

A. James L. Huntley, 1775 K Street NW., Washington, D.C. 20006.
B. Retail Clerks International Association, AFL–CIO, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $5,825. E. (9) $1,032.99.

A. Elmer P. Hutter, P.O. Box 2233, Washington, D.C. 20013.
D. (6) $5.

A. Elmer P. Hutter, P.O. Box 2233, Washington, D.C. 20013.
B. Daniel Smith et. al., Washington, D.C.
D. (6) $1. E. (9) $219.

A. Lester S. Hyman, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Midland Enterprises, Inc., Cincinnati, Ohio.

A. Frank N. Ikard, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C., 20006.

A. Industrial Union Department, AFL–CIO, 815 16th Street NW., Washington, D.C. 20006.
D. (6) $9,732.20. E. (9) $9,687.70.

A. Institute for Rapid Transit, 1612 K Street NW., Washington, D.C. 20006.

A. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $10,013.

A. International Brotherhood of Painters and Allied Trades, 217-19 North Sixth Street, Lafayette, Ind. 47901.
E. (9) $3,982.53.

A. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.
E. (9) $19,645.66.

A. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill., 60603.
D. (6) $44,822.38. E. (9) $530.

A. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
E. (9) $1,467.81.

A. Iron Ore Lessors Association, Inc., 1500 First National Bank Building, Saint Paul, Minn. 55101.
D. (6) $13,759.46. E. (9) $7,134.39.

A. Chas. E. Jackson, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $750. E. (9) $16.

A. Robert C. Jackson, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C.
D. (6) $2,750. E. (9) $30.20.

A. Raymond M. Jacobson, 1819 H Street NW., Washington, D.C. 20006.
B. American Society of Consulting Planners, 1819 H Street NW., Washington, D.C. 20006.
D. (6) $2,250.

A. Robert L. James, 1800 K Street NW., Washington, D.C. 20006.
B. Bank of America N.T. and S.A., Bank of America Plaza, San Francisco, Calif. 94137.
D. (6) $165. E. (9) $251.57.

A. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.
E. (9) $300.

A. Jersey Central Power & Light Co., Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio.
B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio.

A. Jess Johnson, Jr., 1700 K Street NW., Washington, D.C. 20006.
B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.
D. (6) $500.

A. Reuben L. Johnson.
B. Farmers' Educational and Co-Operative Union of America, P.O. Box 2251, Denver, Colo.
D. (6) $5,169.02. E. (9) $173.47.

A. Spencer A. Johnson, 1025 Vermont Avenue NW., Washington, D.C. 20005.
B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.

A. Charles N. Jolly, 1775 K Street NW., Suite 315, Washington, D.C. 20006.
B. Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514.
E. (9) $200.

A. Charlie W. Jones, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Man-Made Fiber Producers Association, Inc., 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. H. Daniel Jones III, Suite 1001, 1150 17th Street NW., Washington, D.C. 20036.
B. American Textile Manufacturers Institute, Inc., 1501 Johnston Building, Charlotte, N.C. 28202.
D. (6) $150. E. (9) $60.

A. L. Dan Jones, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 Sixteenth Street NW., Washington, D.C. 20036.
E. (9) $12.95.

A. Oliver H. Jones, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $719. E. (9) $13,528.

A. Carl D. Jordan, 408 East Maple, Fremont, Mich. 49412.
B. Gerber Products Co., 445 State Street, Fremont, Mich. 49412.
D. (6) $345. E. (9) $156.

A. Francis M. Judge, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the USA, 1615 H Street NW., Washington, D.C. 20006.

A. Fritz R. Kahn, 9202 Ponce Place, Fairfax, Va. 22030.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
E. (9) $15.25.

A. Gerald M. Katz, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
E. (9) $1.76.

A. Carleton R. Kear, Jr.
D. (6) $170.

A. William J. Keating, 725 15th Street NW., Room 500, Washington, D.C. 20005.
B. National Grain and Feed Association, 725 15th Street NW., Washington, D.C. 20005.
D. (6) $25.

A. Howard B. Keck, 1801 Avenue of Stars, Los Angeles, Calif. 90067.
B. The Superior Oil Co., 1801 Avenue of the Stars, Los Angeles, Calif. 90067.
E. (9) $300.

A. W. M. Keck, Jr., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.
B. The Superior Oil Co., 1801 Avenue of the Stars, Suite 1110, Los Angeles, Calif. 90067.
E. (9) $275.

A. Charles C. Keeble, P.O. Box 2180, Houston, Tex. 77001.
B. Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex.
E. (9) $15.12.

A. John T. Kelly, 1155 15th Street NW., Washington, D.C. 20005.
B. Pharmaceutical Manufacturers Association.

A. Harold V. Kelly, 720 Hotel Washington, Washington, D.C. 20004.
B. Unemployment Benefit Advisors, Inc.
D. (6) $1,000. E. (9) $1,000.

A. George Kelm, One First National Plaza No. 5200, Chicago, Ill. 60670.
B. The Myron Stratton Home, P.O. Box 1178, Colorado Springs, Colo. 80901.
D. (6) $1,360. E. (9) $342.31.

A. R. G. Kendall, Jr., Montgomery, Ala. 36104.
B. Alabama Railroad Association, 1002 First National Bank Building, Montgomery, Ala. 36104.

A. Edward F. Kenehan, Fletcher, Heald, Rowell, Kenehan & Hildreth, 1225 Connecticut Avenue NW., Suite 400, Washington, D.C. 20036.
B. National Association of FM Broadcasters, 420 Madison Avenue, New York, N.Y. 10017.

A. I. L. Kenen, 1341 G Street NW., Washington, D.C. 20005.
B. American Israel Public Affairs Committee, 1341 G Street NW., Washington, D.C. 20005.
D. (6) $416.66.

A. Harold L. Kennedy, 420 Cafritz Building, Washington, D.C. 20006.

B. Marathon Oil Co., Findlay, Ohio 45840.

E. (9) $362.80.

A. Jeremiah J. Kenney, Jr., 777 14th Street NW., Washington, D.C.

B. Union Carbide Corp., 270 Park Avenue, New York, N.Y.

E. (9) $21.

A. Thomas P. Kerester, 1025 Connecticut Avenue NW., Suite 700, Washington, D.C. 20036.

B. Gulf Oil Corp., Pittsburgh, Pa. 15230.

D. (6) $925. E. (9) $200.

A. James F. Kmetz, 1437 K Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $5,749.98. E. (9) $728.36.

A. Kenneth L. Kimble, 1701 K Street NW., Washington, D.C. 20006.

B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

D. (6) $272.50. E. (9) $1.18.

A. Mrs. Walter G. Kimmel, 1715 25th Street, Rock Island, Ill. 61201.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

E. (9) $617.45.

A. Charles L. King, 1701 K Street NW., Washington, D.C. 20006.

B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.

D. (6) $73.

A. Joseph T. King, 3600 H Street NW., Washington, D.C. 20007.

B. Associated Equipment Distributors, 615 West 22d Street, Oak Brook, Ill. 60521.

D. (6) $4,250. E. (9) $1,108.69.

A. Gibson Kingren, 900 17th Street NW., Washington, D.C. 20006.

B. Kaiser Foundation Health Plan, Inc.

D. (6) $375. E. (9) $618.79.

A. John M. Kinnaird, 1616 P Street NW., Washington, D.C. 20036.

B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $2,344.88. E. (9) $701.43.

A. Peter M. Kirby, 1000 Connecticut Avenue NW., Washington, D.C.

B. Air Transport Association.

D. (6) $750. E. (9) $592.50.

A. Kirkland, Ellis & Rowe, 1776 K Street NW., Washington, D.C. 20006.

B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Paul K. Kirkpatrick, Jr., 1000 Ouachita Bank Building, Monroe, La.

B. Hale Manufacturing Company, Inc., Highway 82 West, Sherman, Tex.

E. (9) $1,674.82.

A. Ernest A. Kistler, 901 Hamilton Street, Allentown, Pa. 18101.

B. Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa. 18101.

D. (6) $719.10. E. (9) $753.68.

A. Ralph W. Kittle.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C 20006.

A. Douglas E. Kliever, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Philip M. Knox, Jr., 1211 Connecticut Avenue NW., Suite 802, Washington, D.C. 20036.

B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.

D. (6) $250. E (9) $25.

A. Bradley R. Koch, 2000 Florida Avenue NW., Washington, D.C.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $140.

A. Robert M. Koch, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $44.75.

A. Robert M. Koch, Jr., 1900 South Eads Street, Box 836, Crystal City, Arlington, Va. 22202.

B. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Arlington, Va. 22202.

E. (9) $36.50.

A. Horace R. Kornegay, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

B. Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

A. Paul A. Korody, Jr., 1725 I Street NW., Washington, D.C.

B. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.

E. (9) $300.

A. Kenneth S. Kovack, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

D. (6) $4,368.75. E. (9) $879.54.

A. Howard R. Koven and Abe Fortas, 208 South LaSalle Street, Chicago, Ill. Canal Square, 1054 31st Street NW., Washington, D.C.

B. Loeb, Rhoades & Co., 42 Wall Street, N.Y.

A. June Kysilko Kraeft, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $146.

A. Germaine Krettek, 110 Maryland Avenue NE., Suite 101, Washington, D.C. 20002.

B. American Library Association, 50 East Huron Street, Chicago, Ill. 60611.

D. (6) $750.

A. Krooth & Altman, 1001 15th Street NW., Washington, D.C.

E. (9) $3,000.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $2,016.65. E. (9) $122.10.

A. William J. Kuhfuss, 225 West Touhy Avenue, Park Ridge, Ill. 60068.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill. 60068.

D. (6) $975.

A. Lloyd R. Kuhn, 1725 DeSales Street NW., Washington, D.C. 20036.

B. Aerospace Industries Association of America, Inc., 1725 DeSales Street NW., Washington, D.C. 20036.

D. (6) $6,324. E. (9) $984.05.

A. Labor Bureau of Middle West, 1155 15th Street NW., Washington, D.C.

A. Earl W. Clark and Hoyt S. Haddock, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $5,673.70. E. (9) $3,947.84.

A. Laborers' International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $13,356.33.

A. John Lagomarcino, 2100 M Street NW., Washington, D.C. 20037.

B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.

D. (6) $6,366.68. E. (9) $67.29.

A. A. M. Lampley, 400 First Street NW., Suite 704, Washington, D.C. 20001.

B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.

E. (9) $150.

A. Asger F. Langlykke, 1913 I Street NW., Washington, D.C. 20006.

B. American Society for Microbiology, 1913 I Street NW., Washington, D.C. 20006.

A. James J. LaPenta, Jr., 905 16th Street NW., Washington, D.C.

B. Laborers International Union of North America, AFL-CIO, 905 16th Street NW., Washington, D.C. 20006.

E. (9) $572.28.

A. Glenn T. Lashley, 1712 G Street NW., Washington, D.C. 20006.

B. D.C. Division, American Automobile Association, 1712 G Street NW., Washington, D.C. 20006.

A. Robert B. Laurents, 7205 Reservoir Road, Springfield, Va. 22150.

B. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.

D. (6) $1,950.

A. Donald F. Lavanty, 1730 M Street NW., Washington, D.C. 20036.

B. American Optometric Association, Box 605 Winona, Minn. 55987.

D. (6) $817. E. (9) $701.55.

A. George H. Lawrence, 1515 Wilson Boulevard, Arlington, Va. 22209.

B. American Gas Association, 1515 Wilson Boulevard, Arlington, Va. 22209.

D. (6) $440. E. (9) $125.

A. Robert F. Lederer, 230 Southern Building, Washington, D.C. 20005.

B. American Association of Nurserymen, Inc., 230 Southern Building, Washington, D.C. 20005.

D. (6) $20. E. (9) $267.84.

A. Legislation for Animal Wards, 2225 Observatory Place NW., Washington, D.C. 20007.

D. (6) $1,959.25. E. (9) $6,623.57.

A. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $560. E. (9) $329.11.

A. Leibman, Williams, Bennett, Baird and Minow and Roy Bowman, 1156 15th Street NW., Washington, D.C. 20005.

B. American Institute of Merchant Shipping, Washington, D.C.

D. (6) $10,250.

A. Leva, Hawes, Symington, Martin & Oppenheimer, 815 Connecticut Avenue NW., Washington, D.C. 20006.

A. Morris J. Levin, 839 17th Street NW., Washington, D.C. 20006.

B. Association of American Railroads, American Railroads Building, Washington, D.C. 20006.

D. (6) $1,000.

A. J. Stanley Lewis, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $2,837.24.

A. Herbert Liebenson, 1225 19th Street NW., Washington, D.C. 20036.

B. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.

D. (6) $4,500. E. (9) $1,200.

A. Life Insurance Association of America, 1701 K Street NW., Washington, D.C.

D. (6) $3,288.38. E. (9) $3,288.38.

A. Lester W. Lindow, 1735 DeSales Street NW., Washington, D.C. 20036.

D. (6) $300. E. (9) $10.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. Master Contracting Stevedore Association of the Pacific Coast, Inc., San Francisco, Calif.

A. Lindsay, Nahstoll, Hart, Duncan, Dafoe & Krause, 1331 Southwest Broadway, Portland, Oreg. 97201.

B. National Maritime Compensation Committee, 1331 Southwest Broadway, Portland, Oreg. 97201.

A. John E. Linster, 2000 Westwood Drive, Wausau, Wis. 54401.

B. Employers Insurance of Wausau, 2000 Westwood Drive, Wausau, Wis. 54401.

D. (6) $500.

A. Zel E. Lipsen, Suite 809, 1140 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $900.

A. Robert G. Litschert, 1140 Connecticut Avenue, Suite 1010, Washington, D.C.

B. National Association of Electric Cos.

D. (6) $500. E. (9) $156.74.

A. Sheldon I. London, 1025 Vermont Avenue NW., Washington, D.C. 20005.

B. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.

A. Philip J. Loree, 25 Broadway, Room 1012, New York, N.Y. 10004.

B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.

D. (6) $400.

A. James F. Lovett, 1801 K Street NW., Washington, D.C. 20006.

B. Westinghouse Electric Corp., Westinghouse Building, Gateway Center, Pittsburgh, Pa. 15222.

D. (6) $700. E. (9) $200.

A. Otto Lowe, 888 17th Street NW., Washington, D.C.

B. National Canners Association, 1133 20th Street NW., Washington, D.C.

D. (6) $1,050.

A. Wilbur C. Lowrey, Suite 300, 1700 K Street NW., Washington, D.C. 20006.

B. Shell Oil Co., One Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.

D. (6) $500.

A. Clarence T. Lundquist, 4822 Tilden Street NW., Washington, D.C. 20016.

B. Menswear Retailers of America, Room 390, National Press Building, Washington, D.C., 20004.

D. (6) $600.

A. William George Lunsford, 245 Second Street NE., Washington, D.C.

B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.

D. (6) $1,452.

A. James H. Lynch, 400 First Street NW., Washington, D.C. 20001.

B. American Federation of Government Employees, 400 First Street NW., Washington, D.C. 20001.

D. (6) $5,487.30. E. (9) $363.49.

A. William J. McAuliffe, Jr., 1828 L Street NW., Suite 303, Washington, D.C. 20036.

B. American Land Title Association, 1828 L Street NW., Suite 303, Washington, D.C. 20036.

D. (6) $2,833. E. (9) $250.

A. William C. McCamant, 1725 K Street NW., Washington, D.C. 20006.

D. (6) $300.

A. John A. McCart, 100 Indiana Avenue NW., Washington, D.C. 20001.

B. Government Employes Council, AFL–CIO, 100 Indiana Avenue NW., Washington, D.C. 20001.

D. (6) $2,918.40.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Coca-Cola Co., Post Office Drawer 1734, Atlanta, Ga. 30301.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Gulf & Western Industries, Inc., One Gulf and Western Plaza, New York, N.Y. 10023.

D. (6) $9,993.13.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. The Magnavox Co., 1700 Magnavox Way, Fort Wayne, Ind. 46804.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Montgomery Coca-Cola Bottling Co., Inc., North Perry and Jefferson Streets, Montgomery, Ala. 36103.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Motion Picture Association of America, Inc., 1600 I Street NW., Washington, D.C. 20006.

D. (6) $3,000. E. (9) $31.46.

A. McClure & Trotter, 1100 Connecticut Avenue NW., Washington, D.C. 20036.

B. Tidewater Marine Service, Inc., 3308 Tulane Avenue, New Orleans, La. 70119.

A. E. L. McCulloch, 814 Railway Labor Building, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Locomotive Engineers, Engineers Building, Cleveland, Ohio 44114.

D. (6) $284.60. E. (9) $81.50.

A. Albert L. McDermott, 777 14th Street NW., Washington, D.C. 20005.

B. American Hotel & Motel Association, 888 7th Avenue, New York, N.Y. 10019.

D. (6) $466.45. E. (9) $125.75.

A. Joseph A. McElwain, 40 East Broadway, Butte, Mont. 59701.

B. The Montana Power Co., Butte, Mont. 59701.

E. (9) $65.66.

A. Myles F. McGrail, 1825 K Street NW., Washington, D.C. 20006.

B. The Dow Chemical Co., Midland, Mich. 48640.

A. Barbara D. McGarry, 20 E Street NW., Washington, D.C.

B. American Parents Committee Inc., 20 E Street NW., Washington, D.C.

A. J. Raymond McGlaughlin, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.

D. (6) $7,080.

A. Marshall C. McGrath.

B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006.

D. (6) $660. E. (9) $301.30.

A. F. Howard McGuigan, 815 16th Street, NW., Washington, D.C.

B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $5,677.10. E. (9) $204.45.

A. Clifford G. McIntire, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $1,375.

A. Clarence M. McIntosh, Jr., 400 First Street NW., Washington, D.C. 20001.

B. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.

D. (6) $2,067.63.

A. Graham N. McKelvey, 1437 K Street NW., Washington, D.C. 20005.

B. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.

D. (6) $1,500. E. (9) $75.

A. Jack McKenna, 324 C Street SE., Washington, D.C. 20003.

B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.

D. (6) $100. E. (9) $100.

A. William F. McKenna, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

D. (6) $210. E. (9) $1.62.

A. C. A. Mack McKinney, 1200 North Courthouse Road, Arlington, Va. 22201.

B. National Headquarters, Marine Corps League, 933 North Kenmore Street, Arlington, Va. 22201.

E. (9) $42.05.

A. C. A. Mack McKinney, 1200 North Courthouse Road, Arlington, Va. 22201.

B. Non-Commissioned Officers Association of the USA, P.O. Box 2268, San Antonio, Tex. 78298.

D. (6) $1,890. E. (9) $187.95.

A. Marvin L. McLain, 425 13th Street NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $3,375. E. (9) $34.10.

A. Teresa D. McLaughlin, 1125 15th Street NW., Washington, D.C. 20005.

B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $250. E. (9) $5,004.

A. John S. McLees, 1615 H Street NW., Washington, D.C. 20006.
B. Chamber of Commerce of the U.S., 1615 H Street NW., Washington, D.C. 20006.
D. (6) $200.

A. C. W. McMillan, Suite 1015, 14th and F Streets, Washington, D.C. 20004.
B. American National Cattlemen's Association, 1540 Emerson Street, Denver, Colo. 80218.
D. (6) $1,200.

A. Ralph J. McNair, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $362.14. E. (9) $5.22.

A. Charles R. McNeill, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,000. E. (9) $1,823.72.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C. 20006.
B. American Dredging Co., Great Lakes Dredge & Dock Co., and Dunbar & Sullivan Dredging Co.
D. (6) $5,150. E. (9) $1,033.28.

A. McNutt, Dudley, Easterwood & Losch, 910 17th Street NW., Washington, D.C.
B. American Dredging Co., Great Lakes Dredge & Dock Co., and Dunbar & Sullivan Dredging Co.
D. (6) $5,150. E. (9) $1,710.66.

A. Shane MacCarthy, 1730 North Lynn Street, Arlington, Va. 22209.
B. Printing Industries of America, 1730 North Lynn Street, Arlington, Va. 22209.
D. (6) $950. E. (9) $1,273.80.

A. Joseph V. Machugh, 225 A Street NE., Washington, D.C. 20002.
B. Menswear Retailers of America, Room 390, National Press Building, 14th and F Streets NW., Washington, D.C. 20004.

A. John R. MacKenzie, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
B. Automobile Manufacturers Association, Inc., 320 New Center Building, Detroit, Mich. 48202.
D. (6) $1,000.

A. James E. Mack, 1225 19th Street NW., Washington, D.C. 20036.
B. National Confectioners Association, 36 South Wabash Avenue, Chicago, Ill. 60603.
D. (6) $6,687.50. E. (9) $523.88.

A. James E. Mack, 1225 19th Street NW., Washington, D.C. 20036.
B. Peanut Butter Manufacturers and Nut Salters Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $6,687.50. E. (9) $543.66.

A. Robert L. Maier, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Industries' Corp., 900 17th Street NW., Washington, D.C.

A. Andre Maisonpierre, 666 11th Street NW., Washington, D.C. 20001.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $765.

A. Elizabeth Mallory, Box 718, Union Station, Endicott, N.Y. 13760.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

A. Carter Manasco, 5932 Chesterbrook Road, McLean, Va. 22101.
B. National Coal Association, 1130 17th Street NW., Washington, D.C. 20036.
D. (6) $6,873.01. E. (9) $134.05.

A. Mike Manatos, 1801 K Street NW., Suite 1104, Washington, D.C. 20006.
B. The Procter & Gamble Manufacturing Co., 301 East Sixth Street, Cincinnati, Ohio 45202.
D. (6) $43.33. E. (9) $43.33.

A. Man-Made Fiber Producers Association, Inc., 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Manufactured Housing Association of America, Inc., 39 South LaSalle Street, Chicago, Ill. 60603.
E. (9) $500.

A. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $5,000. E. (9) $3,000.

A. John V. Mararney, 324 East Capitol Street, Washington, D.C. 20003.
B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. Ralph J. Marlatt, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.
B. National Association of Mutual Insurance Agents, 640 Investment Building, 1511 K Street NW., Washington, D.C. 20005.
E. (9) $1,516.

A. Rodney W. Markley, Jr., 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.

A. William J. Marschalk, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.
D. (6) $3,500. E. (9) $15.

A. Edwin E. Marsh, 600 Crandall Building, Salt Lake City, Utah 84101.
B. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $4,378.52. E. (9) $392.04.

A. Winston W. Marsh, 1343 L Street NW., Washington, D.C.
B. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.

A. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. J. Paul Marshall, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $253.98. E. (9) $145.40.

A. Richard E. Martinez, 1730 M Street NW., Washington, D.C. 20036.
B. American Optometric Association, c/o M. L. DeBolt, Box No. 605, Winona, Minn. 55987.
D. (6) $403.20. E. (9) $617.50.

A. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
E. (9) $1.76.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.
B. Association on Japanese Textile Imports, Inc., 551 Fifth Avenue, New York, N.Y. 10017.
D. (6) $1,000.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.
D. (6) $100.

A. Mike M. Masaoka, 2021 L Street NW., Washington, D.C. 20036.
B. West Mexico Vegetable Distributors Association, P.O. Box 848, Nogales, Ariz. 85621.
D. (6) $500.

A. Guy B. Maseritz, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.

A. Paul J. Mason, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $156.56.

A. Walter J. Mason, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
B. Building and Construction Trades Department, AFL–CIO, 815 16th Street NW., Suite 603, Washington, D.C. 20006.
D. (6) $5,499.91. E. (9) $1,000.

A. P. H. Mathews, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $252.43. E. (9) $561.95.

A. Charles D. Matthews, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Electric Companies, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $459. E. (9) $868.62.

A. Charles E. Mattingly, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $4,200. E. (9) $308.16.

A. C. V. & R. V. Maudlin, 1111 E Street NW., Washington, D.C. 20004.
B. Georgia Power Co., 270 Peachtree Street, Atlanta, Ga.

A. Arnold Mayer, 100 Indiana Avenue NW., Room 410, Washington, D.C. 20001.
B. Amalgamated Meat Cutters and Butcher Workmen of North America (AFL–CIO), 2800 North Sheridan Road, Chicago, Ill. 60657.
D. (6) $5,675. E. (9) $570.

A. George G. Mead, 621 Pershing Drive, Silver Spring, Md. 20910.
B. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $2,550. E. (9) $171.10.

A. George G. Mead, 621 Pershing Drive, Silver Spring, Md. 20910.
B. The National Association of Theatre Owners, Inc., 1501 Broadway, New York, N.Y., 10036.
D. (6) $1,480. E. (9) $311.60.

A. Medical-Surgical Manufacturers Association, 342 Madison Avenue, New York, N.Y. 10017.
E. (9) $4,511.04.

A. Kenneth A. Meiklejohn, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,936.30. E. (9) $214.83.

A. R. Otto Meletzke, 1701 K Street NW., Washington, D.C. 20006.
B. Life Insurance Association of America, 277 Park Avenue, New York, N.Y. 10017.
D. (6) $21.45.

A. Ellis E. Meredith, 1611 North Kent Street, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
E. (9) $61.50.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Central Gulf Steamship Corp., International Trade Mart, No. 2 Canal Street, New Orleans, La.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. National Association of Secondary Material Industries, Inc., 330 Madison Avenue, New York, N.Y. 10017.
D. (6) $6,250. E. (9) $756.62.

A. Edward L. Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Sugar Distributors of Venezuela, Edif. de la Luz Electrica de Venezuela, Av. Urdaneta, 7th Floor, Caracas, Venezuela.
D. (6) $6,250.

A. Lawrence C. Merthan, 1425 K Street NW., Washington, D.C.
B. Hill and Knowlton, Inc., 150 East 42d Street, New York, N.Y.
D. (6) $811.37. E. (9) $129.37.

A. Metropolitan Washington Board of Trade, 1129 20th Street NW., Washington, D.C. 20036.

A. George F. Meyer, Jr., 1625 I Street NW., Washington, D.C.
B. Retired Officers Association.
D. (6) $392.

A. James G. Michaux, 777 14th Street NW., Washington, D.C. 20005.
B. Federated Department Stores, Inc., 222 West Seventh Street, Cincinnati, Ohio 45202.
D. (6) $1,000.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Freeport Minerals Co., 161 East 42d Street, New York, N.Y. 10017.
D. (6) $3,315.

A. Miller & Chevalier, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. National Interfraternity Conference, Inc., Post Office Box 40368, Indianapolis, Ind. 46240.
D. (6) $5,000.

A. A. Stanley Miller, 1629 K Street NW., Washington, D.C. 20006.
B. American Committee for Flags of Necessity, 25 Broadway, New York, N.Y. 10004.
D. (6) $100.

A. Anne Miller, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Bryant Associates, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $125. E. (9) $54.12.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Dallas, Tex., Chamber of Commerce.
D. (6) $195. E. (9) $33.53.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Gulf Intracoastal Canal Association, Houston, Tex.
D. (6) $262.50. E. '9) $82.86.

A. Dale Miller, 377 Mayflower Hotel, Washington, D.C. 20036.
B. Texas Gulf Sulphur Co., Newgulf, Tex., and New York, N.Y.
D. (6) $225. E. (9) $253.59.

A. Edwin Reid Miller, 1815 Capitol Avenue, Omaha, Nebr. 68102.
B. Nebraska Railroad Legislative Committee, 1815 Capitol Avenue, Omaha, Nebr. 68102.
D. (6) $5,749.98.

A. Joe D. Miller, 535 North Dearborn Street, Chicago, Ill. 60610.
B. American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610.
D. (6) $875.

A. Joseph L. Miller, 1612 K Street NW., Washington, D.C. 20006.
E. (9) $400.

A. Jack Mills, 1776 K Street NW., Washington, D.C. 20006.
B. Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C.

A. Luman G. Miller, 912 Failing Building, Portland, Oreg. 97204.
B. Oregon Railroad Association, 912 Failing Building, Portland, Oreg. 97204.
E. (9) $252.43.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C. 20003.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000.

A. Willis C. Moffatt, P.O. Box 829, Boise, Idaho 83701.

A. Michael Monroney, 1701 K Street NW., Suite 1000, Washington, D.C. 20036.
B. Sharon, Pierson, Semmes, Crolius & Finley, 1054 31st Street NW., Washington, D.C. 20007.
D. (6) $950.

A. Montgomery Ward & Co., Inc., 1660 L Street NW., Suite 1001, Washington, D.C. 20036.
B. Montgomery Ward & Co., Inc., P.O. Box 8339, Chicago, Ill. 60680.
D. (6) $500. E. (9) $650.

A. G. Merrill Moody, Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $157.63. E. (9) $196.44.

A. Joseph E. Moody, 918 16th Street NW., Washington, D.C. 20006.
B. Bituminous Coal Operators Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $500.

A. O. William Moody, Jr., 815 16th Street NW., Room 501, Washington, D.C. 20006.
B. Maritime Trades Department, AFL–CIO, 815 16th Street NW., Room 501, Washington, D.C. 20006.
D. (6) $2,500. E. (9) $872.16.

A. Donald L. Morgan, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Morison, Murphy, Abrams & Haddock, Suite 900, 1776 K Street NW., Washington, D.C. 20006.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va. 23219.

A. Morison, Murphy, Abrams & Haddock, Suite 900, 1776 K Street NW., Washington, D.C. 20006.
B. National Committee for Civil Airlift.
D. (6) $2,000. E. (9) $145.06.

A. Morison, Murphy, Abrams & Haddock, Suite 900, 1776 K Street NW., Washington, D.C. 20006.
B. The Sperry & Hutchinson Co., 330 Madison Avenue, New York, N.Y. 10017.

A. James M. Morris, 1660 L Street NW., Room 804, Washington, D.C. 20036.
B. General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich. 48202.
D. (6) $2,500. E. (9) $1,198.99.

A. James G. Morton, 1825 Connecticut Avenue NW., Washington, D.C. 20009.
B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.
D. (6) $2,500. E. (9) $100.

A. Jack Moskowitz, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $1,125. E. (9) $25.95.

A. Lynn E. Mote, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. Northern Natural Gas Co., 2223 Dodge Street, Omaha, Nebr. 68102.
D. (6) $2,000.

A. John J. Motley.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.
D. (6) $2,700. E. (9) $380.

A. Motor Commerce Association, Inc., 4004 Versailles Road, Lexington, Ky.
D. (6) $400. E. (9) $161.50.

A. Motorists United for Ecology, Inc., 3477 New Ridge Drive, Palos Verdes, Calif. 90274.
D. (6) $1,527. E. (9) $1,083.

A. William G. Mullen, 491 National Press Building, Washington, D.C. 20004.
B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.
E. (9) $322.70.

A. George L. Murphy, 905 16th Street NW., Washington, D.C. 20006.
B. GM Washington Consultants, Inc., 905 16th Street NW., Washington, D.C.
D. (6) $292.

A. John J. Murphy, 517 Shoreham Building, 806 15th Street NW., Washington, D.C. 20005.
B. National Customs Service Association.

A. Richard W. Murphy, 1200 18th Street NW., Suite 1109, Washington, D.C. 20036.
B. Merck & Co., Inc., Rahway, N.J. 07065.
D. (6) $400.

A. D. Michael Murray, 1920 L Street NW., Washington, D.C. 20036.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $260.63. E. (9) $340.63.

A. William E. Murray, 2000 Florida Avenue NW., Washington, D.C.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. Lawrence P. Mutter, 1016 20th Street NW., Washington, D.C. 20036.
B. National Association of Plumbing Heating Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036.
D. (6) $812.49. E. (9) $60.09.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $2,845.83. E. (9) $46.28.

A. John J. Nagle, 1625 I Street NW., Apt. 812, Washington, D.C.
B. National Association of Independent Insurers, 30 West Monroe Street, Chicago, Ill.
D. (6) $2,000. E. (9) $586.

A. The Nation-Wide Committee on Import-Export Policy, 815 15th Street NW., Suite 711, Washington, D.C. 20005.
D. (6) $2,625. E. (9) $5,064.39.

A. National Agricultural Chemicals Association, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $15.25. E. (9) $15.25.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $14,697.21. E. (9) $14,754.59.

A. National Association of Building Manufacturers, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,500. E. (9) $1,500.

A. National Association of Credit Management, 475 Park Avenue South, New York, N.Y. 10016.

A. National Association of Electric Cos., 1140 Connecticut Avenue NW., Suite 1010, Washington, D.C. 20036.
D. (6) $65,209.12. E. (9) $10,539.28.

A. National Association of Farmers, Elected Committeemen, 1900 South Eads Street, Box 836, Arlington, Va. 22202.
D. (6) $1,125.10. E. (9) $1,125.10.

A. National Association of Food Chains, 1725 I Street NW., Washington, D.C. 20006.
D. (6) $500. E. (9) $500.

A. National Association of Insurance Agents, Inc., 96 Fulton Street, New York, N.Y. 10038.
E. (9) $11,997.63.

A. National Association of Letter Carriers, 100 Indiana Avenue NW., Washington, D.C. 20001.
D. (6) $559,669.80. E. (9) $34,372.79.

A. National Association of Margarine Manufacturers, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.

A. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Indiana 46205.

A. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.
D. (6) $2,821. E. (9) $2,821.

A. National Association of Plumbing, Heating Cooling Contractors, 1016 20th Street NW., Washington, D.C. 20036
D. (6) $6,773.70. E. (9) $6,773.70.

A. National Association of Real Estate Boards, 1300 Connecticut Avenue NW., Washington, D.C.
E. (9) $15,308.93.

A. National Association for Uniformed Services, 956 North Monroe Street, Arlington, Va. 22201.
D. (6) $28,900.55. E. (9) $5,604.32.

A. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.
D. (6) $210,900.45. E. (9) $3,216.49.

A. National Automobile Dealers Association, 200 K Street NW., Washington, D.C.
D. (6) $1,711.08. E. (9) $1,711.08.

A. National Broiler Council, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $500. E. (9) $500.

A. National Coal Association, Coal Building, Washington, D.C. 20036.
D. (6) $496,833.13. E. (9) $9,658.50.

A. National Committee Against Repressive Legislation, 555 North Western Avenue, Room 2, Los Angeles, Calif. 90004.
D. (6) $1,522.55. E. (9) $1,522.55.

A. National Committee for Research in Neurological Disorders, 66 East 34th Street, New York City, N.Y. 10016.
D. (6) $700.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
D. (6) $628,892.25. E. (9) $617.45.

A. National Cotton Council of America, Post Office Box 12285, Memphis, Tenn. 38112.
D. (6) $9,287.43. E. (9) $9,287.43.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.
D. (6) $28,330.99. E. (9) $29,413.53.

A. National Counsel Associates, 421 New Jersey Avenue SE., Washington, D.C.
B. Committee for the Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C.
D. (6) $833.33. E. (9) $128.35.

A. National Electrical Contractors Association, Inc., 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. National Electrical Manufacturers Association, 155 East 44th Street, New York, N.Y. 10017.

A. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $336,943.15. E. (9) $18,812.61.

A. National Federation of Independent Business, Inc., 920–922 Washington Building, Washington, D.C.
B. National Federation of Independent Business, Inc., 150 West 20th Avenue, San Mateo, Calif. 94403.
D. (6) $30,366.47. E. (9) $30,366.47.

A. National Grain & Feed Association, 725 15th Street NW., Washington, D.C. 20005.

A. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $120,408.11. E. (9) $11,000.

A. National Home Furnishings Association, 1150 Merchandise Mart, Chicago, Ill. 60654.
E. (9) $532.50.

A. National Independent Dairies Association, 2120 L Street NW., Washington, D.C.
E. (9) $100.

A. National Institute of Locker and Freezer Provisioners, 224 East High Street, Elizabethtown, Pa. 17022.
D. (6) $1,603.45. E. (9) $788.18.

A. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $202,947.09. E. (9) $1,459.65.

A. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.
D. (6) $3,431.05. E. (9) $3,431.05.

A. National Livestock Feeders Association, Inc., 309 Livestock Exchange Building, Omaha, Nebr. 68107.
D. (6) $7,462.75. E. (9) $7,462.75.

A. National Milk Producers Federation, 30 F Street NW., Washington, D.C. 20001.
D. (6) $7,636.77. E. (9) $7,636.77.

A. National Rehabilitation Association, 1522 K Street NW., Washington, D.C. 20020.
D. (6) $11,850. E. (9) $1,391.

A. National Retail Merchants Association, 100 West 31st Street, New York, N.Y. 10001.

A. National Small Business Association, 1225 19th Street NW., Washington, D.C. 20036.
D. (6) $5,000. E. (9) $2,562.52.

A. National Soft Drink Association, 1101 16th Street NW., Washington, D.C. 20036.
D. (6) $235,105. E. (9) $6,913.34.

A. The National Student Lobby, 1835 K Street NW., Washington, D.C.
D. (6) $7,900. E. (9) $4,100.

A. National Tire Dealers & Retreaders Association, Inc., 1343 L Street NW., Washington, D.C.
D. (6) $200. E. (9) $200.

A. National Wool Growers Association, 600 Crandall Building, Salt Lake City, Utah 84101.
D. (6) $26,985. E. (9) $5,860.29.

A. NBA Players Association, 15 Columbus Circle, New York, N.Y. 10023.
D. (6) $1,119.15. E. (9) $1,119.15.

A. Alexander W. Neale, Jr., 1015 18th Street NW., Washington, D.C. 20036.
B. Conference of State Bank Supervisors, 1015 18th Street NW., Washington, D.C.
D. (6) $1,290.

A. Alan M. Nedry, 1801 K Street NW., Suite 1041, Washington, D.C. 20006.
B. Southern California Edison Co., P.O. Box 800, Rosemead, Calif. 91770.
D. (6) $200. E. (9) $146.54.

A. Allen Neece, Jr., 512 Washington Building, Washington, D.C. 20005.
B. National Association of Small Business Investment Cos., 512 Washington Building, Washington, D.C. 20005.
D. (6) $300.

A. Samuel E. Neel, 1125 15th Street NW., Washington, D.C. 20005.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C. 20005.

A. George R. Nelson, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $4,000. E. (9) $253.

A. William E. Neumeyer, Suite 900, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. GTE Service Corp., 730 Third Avenue, New York, N.Y. 10017.

D. (6) $54.

A. Robert B. Neville, 1155 15th Street NW., Suite 505, Washington, D.C. 20005.

B. National Restaurant Association, 1155 15th Street NW., Washington, D.C.

D. (6) $3,000. E. (9) $145.

A. Louis H. Nevins, 908 Colorado Building, Washington, D.C. 20005.

B. National Association of Mutual Savings Banks, 200 Park Avenue, New York, N.Y. 10017.

D. (6) $1,656.25. E. (9) $142.27.

A. E. J. Newbould, 1130 17th Street NW., Washington, D.C. 20036.

B. National Clay Pipe Institute, 350 West Terra Cotte Avenue, Crystal Lake, Ill. 60014.

D. (6) $150.

A. Sarah H. Newman, 1029 Vermont Avenue NW., Washington, D.C. 20005.

B. National Consumers League, 1029 Vermont Avenue NW., Washington, D.C. 20005.

D. (6) $1,100.

A. F. Clayton Nicholson, Box 15, Route 1, Henryville, Pa. 18332.

B. Northern Helex Co., 2223 Dodge Street, Omaha, Nebr. 68102.

D. (6) $1,475. E. (9) $904.66.

A. Patrick J. Nilan, 817 14th Street NW., Washington, D.C.

B. American Postal Workers Union, AFL–CIO.

D. (6) $7,320.60. E. (9) $1,261.44.

A. NL Industries, Inc., 111 Broadway, New York, N.Y. 10006.

E. (9) $825.

A. Charles M. Noone, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. National Association of Small Business Investment Cos., 537 Washington Building, Washington, D.C. 20005.

D. (6) $1,500. E. (9) $210.36.

A. Robert H. North, 1105 Barr Building, Washington, D.C.

B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Northeast Utilities Service Co., Selden Street, Berlin, Conn.

E. (9) $109.60.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C. 20015.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

D. (6) $650.

A. Raymond D. O'Connell, 400 Madison Avenue, New York, N.Y. 10017.

B. National Cable Television Association, Inc., 1634 I Street NW., Washington, D.C. 20006.

D. (6) $9,000. E. (9) $912.41.

A. Richard T. O'Connell, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $3,165.25. E. (9) $11.44.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

B. American Transit Association, 465 L'Enfant Plaza, West, Suite 2900, Washington, D.C. 20024.

D. (6) $2,250. E. (9) $198.50.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.

B. Investors Diversified Services, Inc., Investors Building, Minneapolis, Minn. 55402.

A. O'Connor, Green, Thomas, Walters & Kelly, 1750 Pennsylvania Avenue, NW., Suite 1303, Washington, D.C. 20006.

B. Upper Mississippi Towing Corp., 7703 Normandale Road, Room 110, Minneapolis, Minn. 55435.

D. (6) $2,500. E. (9) $215.27.

A. Lawrence J. O'Connor, Jr., 1801 K Street NW., Suite 1021, Washington, D.C. 20006.

B. The Standard Oil Co., Midland Building, Cleveland, Ohio 44115.

E. (9) $248.98.

A. John B. O'Day, 11 East Adams Street, Chicago, Ill. 60603.

B. Insurance Economics Society of America, 11 East Adams Street, Chicago, Ill. 60603.

D. (6) 300.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., No. 716, Washington, D.C. 20036.

B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.

D. (6) $300.

A. John A. O'Donnell, 1001 Connecticut Avenue NW., No. 716, Washington, D.C. 20036.

B. Philippine Sugar Institute.

D. (6) 500. E. (9) $250.

A. Jan O'Grady, 815 16th Street NW., Washington, D.C. 20006.

B. Amalgamated Clothing Workers of America, AFL–CIO, 15 Union Square, New York, N.Y. 10003.

D. (6) $3,701.52. E. (9) $1,626.68.

A. Richard C. O'Hare, 1120 Investment Building, Washington, D.C. 20005.

B. Harness Tracks of America, 333 North Michigan Avenue, Chicago, Ill. 60601.

A. Alvin E. Oliver, 500 Folger Building, 725 15th Street NW., Washington, D.C. 20005.

B. National Grain and Feed Association, 500 Folger Building, 725 15th Street NW., Washington, D.C. 20005.

D. (6) $26.60. E. (9) $2.

A. Edward W. Oliver, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

B. Amalgamated Transit Union, AFL–CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Peter J. Ognibene, 100 Maryland Avenue NE., Washington, D.C.

B. Council for a Livable World, 100 Maryland Avenue NE., Washington, D.C.

D. (6) $1,999.50.

A. Samuel Omasta, 1315 16th Street NW., Washington, D.C. 20036.

B. National Limestone Institute, Inc., 1315 16th Street NW., Washington, D.C. 20036.

E. (9) $28.50.

A. Kermit Overby, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $185.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.

B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. Norman Paige, 1132 Pennsylvania Building, Washington, D.C. 20004.

B. Distilled Spirits Institute, 1132 Pennsylvania Building, Washington, D.C. 20004.

A. Judith E. Park, 1909 Q Street NW., Washington, D.C. 20009.

B. National Association of Retired Federal Employees, 1909 Q Street NW., Washington, D.C. 20009.

D. (6) $2,627.63. E. (9) $117.39.

A. Robert D. Partridge, 2000 Florida Avenue NW., Washington, D.C. 20009.

B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.

D. (6) $189.40.

A. Kenton H. Pattie, 3150 Spring Street, Fairfax, Va. 22030.

B. National Audio-Visual Association, Inc., 3150 Spring Street, Fairfax, Va. 22030.

D. (6) $1,244.51.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.

B. Behavioral Research Laboratories, Box 577, Palo Alto, Calif. 94302.

D. (6) $1,200.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.

B. Boating Industry Association, 401 North Michigan Avenue, Chicago, Ill. 60601.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.

B. Machinery Dealers National Association, 1400 20th Street NW., Washington, D.C. 20036.

A. Patton, Boggs, Blow, Verrill, Brand & May, 1200 17th Street NW., Washington, D.C. 20036.

B. The Nestle Co., 100 Bloomingdale Road, White Plains, N.Y. 10605.

D. (6) $700.

A. Peabody, Rivlin, Gore, Cladouhos & Lambert, 1730 M Street NW., Washington, D.C. 20036.

B. Toyota Motor Sales, U.S.A., Inc., 2055 West 190th Street, Torrance, Calif. 90504.

A. Lynn Pearle, 4524 29th Street NW., Washington, D.C.

B. Americans for Democratic Action, 1424 16th Street NW., Washington, D.C. 20036.

D. (6) $2,004.77.

A. John J. Pecoraro, 1925 K Street NW., Washington, D.C. 20006.

B. International Brotherhood of Painters and Allied Trades, 217–19 North Sixth Street, Lafayette, Ind. 47901.

D. (6) $2,294.86.

A. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.

E. (9) $2,625.84.

A. D. V. Pensabene, 1700 K Street NW., Washington, D.C.

B. Standard Oil Co. of California, 1700 K Street NW., Washington, D.C.

D. (6) $50. E. (9) $25.

A. J. Carter Perkins, 1700 K Street NW., Washington, D.C. 20006.

B. Shell Oil Co., One Shell Plaza, Houston, Tex. 77002.

D. (6) $1,000.

A. A. Harold Peterson, 715 Cargill Building, Minneapolis, Minn. 55402.

B. National R.E.A. Telephone Association, 715 Cargill Building, Minneapolis, Minn. 55402.
D. (6) $2,500. E. (9) $1,558.12.

A. Kenneth Peterson, 815 16th Street NW., Washington, D.C.
B. American Federation of Labor and Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.
D. (6) $5,157.10. E. (9) $211.73.

A. Michael Petresky, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Maintenance of Way Employes, 12050 Woodward Avenue, Detroit, Mich. 48203.
D. (6) $2,850.

A. Walter T. Phair, 900 17th Street NW., Washington, D.C. 20006.
B. Kaiser Industries Corp., 900 17th Street NW., Washington, D.C. 20006.
D. (6) $350. E. (9) $325.

A. Roger J. Phaneuf, 1825 K Street NW., Suite 607, Washington, D.C. 20006.
B. United Air Lines, Post Office Box 66100, Chicago, Ill. 60666.
D. (6) $800. E. (9) $135.94.

A. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. John P. Philbin, 1100 Connecticut Avenue, Washington, D.C. 20036.
B. Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017.
D. (6) $1,125. E. (9) $128.45.

A. Franklin A. Pickens, Post Office Box 1552, Odessa, Tex. 79760.
B. Texas Railroads.
D. (6) $1,140. E. (9) $426.09.

A. John K. Pickens, 201 North Washington Street, Alexandria, Va. 22313.
B. American Nursing Home Association, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

A. Pierson, Ball & Dowd, 1000 Ring Building, Washington, D.C. 20036.
B. Committee for Study of Revenue Bond Financing, 1000 Ring Building, Washington, D.C. 20036.
D. (6) $3,333.33. E. (9) $361.19.

A. James F. Pinkney, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $2,501.13. E. (9) $122.86.

A. James H. Pipkin, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.
D. (6) $700. E. (9) $1,460.

A. James H. Pittinger, 1000 Liberty Bank Building, Oklahoma City, Okla.
B. APCO Oil Corp., 1000 Liberty Bank Building, Oklahoma City, Okla.

A. Plains Cotton Growers, Inc., 1720 Avenue M, Lubbock, Tex. 79401.
D. (6) $75,507.82. E. (9) $1,350.

A. Political Action Committee for Engineers and Scientists, Apt. 809, 1140 Connecticut Avenue NW., Washington, D.C.
D. (6) $600.

A. Frederick T. Poole, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $457. E. (9) $5.71.

A. Jerry W. Poole, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $4,000.75. E. (9) $65.75.

A. Pope, Ballard & Loos, 888 17th Street NW., Washington, D.C. 20006.
B. California-Arizona Citrus League, Post Office Box 7888, Valley Annex, Van Nuys, Calif. 91409.
D. (6) $220. E. (9) $7.

A. Dr. S. J. Poray-Tucholski, 15251 East Cedarsprings Drive, Whittier, Calif. 90603.

A. George G. Potts, 640 Investment Building, Washington, D.C. 20005.
B. National Association of Mutual Insurance Agents, 640 Investment Building, Washington, D.C. 20005.
E. (9) $301.

A. Ramsay D. Potts, 910 17th Street NW., Washington, D.C. 20006.
B. Investment Co. Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $1,125. E. (9) $11.50.

A. William J. Potts, Jr., 1730 M Street NW., Washington, D.C. 20036.
B. Association for Broadcast Engineering Standards, Inc., 1730 M Street NW., Suite 700, Washington, D.C. 200036.

A. Richard M. Powell, 1210 Tower Building, Washington, D.C. 20005.
B. National Association of Refrigerated Warehouses, 1210 Tower Building, Washington, D.C. 20005.

A. William I. Powell, 1101 16th Street NW., Washington, D.C. 20036.
B. Independent Petroleum Association of America, 1101 16th Street NW., Washington, D.C. 20036.
E. (9) $16.

A. Carlton H. Power, 1918 N. Parkway, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $630. E. (9) $60.09.

A. Forrest J. Prettyman, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $259.25.

A. The Proprietary Association, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
D. (6) $679.22. E. (9) $679.22.

A. Earle W. Putnam, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.
B. Amalgamated Transit Union, AFL-CIO, 5025 Wisconsin Avenue NW., Washington, D.C. 20016.

A. Joseph H. Quin, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $1,250.

A. William A. Quinlan, Route 1, Box 199, Annapolis, Md. 21401.
D. (6) $713. E. (9) $156.86.

A. Thomas H. Quinn, 1750 Pennsylvania Avenue NW., Suite 1303, Washington, D.C. 20006.
B. Committee for Study of Revenue Bond Financing, 1200 18th Street NW., Washington, D.C. 20036.
D. (6) $1,666.50. E. (9) $267.06.

A. James H. Rademacher, 100 Indiana Avenue NW., Washington, D.C. 20001.
B. National Association of Letter Carriers, 100 Indiana Avenue NW, Washington, D.C. 20001.
D. (6) $1,945. 53.

A. Alex Radin, 2600 Virginia Avenue NW., Washington, D.C. 20037.
B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $337.44.

A. Raymond Raedy, 1701 K Street NW., Washington, D.C.
B. Health Insurance Association of America, 1701 K Street NW., Washington, D.C.
D. (6) $17. E. (9) $16.28.

A. Railway Labor Executives' Association, 400 First Street NW., Washington, D.C. 20001.
D. (6) $8,692. E. (9) $8,692.

A. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $75. E. (9) $75.

A. G. J. Rauschenbach.
B. Communications Satellite Corp., 950 L'Enfant Plaza South, SW., Washington, D.C. 20024.
D. (6) $950. E. (9) $600.

A. Thomas D. Ray.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.
D. (6) $2,250. E. (9) $305.

A. William W. Rayner, 1701 North Fort Myer Drive, Arlington, Va. 22209.
B. Crowell Collier & Macmillan, Inc., 1701 North Fort Myer Drive, Arlington, Va. 22209.
E. (9) $52.

A. Recreational Vehicle Institute, Inc., 2720 Des Plaines Avenue, Des Plaines, Ill. 60018.
E. (9) $7,556.35.

A. Dwight C. Reed, 1101 16th Street NW., Washington, D.C. 20036.
B. National Soft Drink Association.
D. (6) $2,577.30. E. (9) $39.

A. David J. Reedy, 1517 Virginia Street, Downers Grove, Ill. 60515.
B. National Advertising Co., 6850 South Harlem Avenue, Bedford Park, Argo, Ill. 60501.
D. (6) $1,650.

A. Robert S. Reese, Jr., 1616 P Street NW., Washington, D.C. 20036.
B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. John T. Reggitts, Jr., R.D. No. 2 Boonton Avenue, Boonton, N.J. 07005.

A. Barbara Reid, 324 C Street SE., Washington, D.C. 20003.
B. Environmental Policy Center, 324 C Street SE., Washington, D.C. 20003.
D. (6) $120. E. (9) $120.

A. John A. Reilly, Kenyon & Kenyon Reilly Carr & Chapin, 59 Maiden Lane, New York, N.Y. 10038.
E. (9) $25.

A. W. W. Renfroe, 101 East High Street, Lexington, Ky. 40507.
B. Kentucky Railroad Association, 101 East High Street, Lexington, Ky. 40507.
E. (9) $122.50.

A. Retired Officers Association, 1625 I Street NW., Washington, D.C. 20006.
D. (6) $1,973.

A. Retirement Federation of Civil Service Employees of the U.S. Government, Warner Building, Suite 1128, 13th and E Streets NW., Washington, D.C. 20004.
D. (6) $9,076.50. E. (9) $9,642.15.

A. William L. Reynolds, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $800. E. (9) $100.

A. Theron J. Rice, 1130 17th Street NW., No. 430, Washington, D.C. 20036.
B. Continental Oil Co., High Ridge Park, Stamford, Conn. 06904.

A. Maxwell E. Rich, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Rifle Association of America, 1600 Rhode Island Avenue NW., Washington, D.C. 20036.
D. (6) $625.

A. James W. Richards, 1000 16th Street NW., Washington, D.C. 20036.
B. Standard Oil Co. (Indiana), 910 South Michigan Avenue, Chicago, Ill. 60605.
D. (6) $1,513.99. E. (9) $11.13.

A. Mark Richardson, 342 Madison Avenue, New York, N.Y.
B. American Footwear Industries Association, Inc., 342 Madison Avenue, New York, N.Y.
D. (6) $270. E. (9) $250.

A. Rosalie Riechman.
B. Women's International League for Peace and Freedom, 13th Street, Philadelphia, Pa. 19107.
D. (6) $1,500.

A. Siert F. Riepma, 1725 K Street NW., Suite 1202, Washington, D.C. 20006.
B. National Association of Margarine Manufacturers, 1725 K Street NW., Washington, D.C.

A. Stark Ritchie, 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.

A. William Neale Roach, 1616 P Street NW., Washington, D.C. 20036.
B. American Trucking Associations, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $3,750.50. E. (9) $199.94.

A. Kenneth Roberson, 2 Dubonnet Road, Valley Stream, N.Y. 11581.
B. Meat Importers Council of America, Inc., 708 Third Avenue, New York, N.Y. 10017.
D. (6) $55. E. (9) $22.75.

A. William S. Roberts, 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association, 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $85.

A. Charles A. Robinson, Jr., 2000 Florida Avenue NW., Washington, D.C. 20009.
B. National Rural Electric Cooperative Association 2000 Florida Avenue NW., Washington, D.C. 20009.
D. (6) $185.

A. John P. Roche, 150 East 42d Street, New York, N.Y.
B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $210.

A. James A. Rock, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $203. E. (9) $2.16.

A. Donald L. Rogers, 730 15th Street NW., Washington, D.C.
B. Association of Registered Bank, Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $677.15.

A. Frank W. Rogers, Suite 793, 1801 K Street NW., Washington, D.C. 20006.
B. Western Oil and Gas Association, 609 South Grand Avenue, Los Angeles, Calif. 90017.
D. (6) $750.

A. Walter E. Rogers, 1660 L Street NW., Suite 601, Washington, D.C. 20036
B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.
D. (6) $1,000.

A. Edward W. Rothe, One First National Plaza, No. 5200, Chicago, Ill. 60670.
B. Chicago Bridge & Iron Co., 901 West 22d Street, Oak Brook, Ill. 60521.
D. (6) $3,310. E. (9) $62.20.

A. Robert J. Routier, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.

A. Royall, Koegel & Wells, 1730 K Street NW., Suite 1009, Washington, D.C. 20006.
B. The Associated Press, 50 Rockefeller Plaza, New York. N.Y.
D. (6) $2,780. E. (9) $25.

A. Royall, Koegel & Wells, 1730 K Street NW., No. 1009, Washington, D.C. 20006.
B. The Deltona Corp., 3250 Southwest Third Avenue, Miami, Fla. 33129.
D. (6) $4,340. E. (9) $27.50.

A. John Forney Rudy, 902 Ring Building, Washington, D.C. 20036.
B. The Goodyear Tire & Rubber Co., Akron, Ohio 44316.

A. Albert R. Russell, P.O. Box 12285, Memphis, Tenn. 38112.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $707.69. E. (9) $90.97.

A. J. T. Rutherford, 1660 L Street NW., Washington, D.C. 20036.
B. American Trucking Association, Inc., 1616 P Street NW., Washington, D.C. 20036.
D. (6) $1,200. E. (9) $893.87.

A. J. T. Rutherford & Associates, Inc., 1660 L Street NW., No. 514, Washington, D.C. 20036.
B. The American College of Radiology, 20 North Wacker Drive, Chicago, Ill. 60606.
D. (6) $2,500. E. (9) $1,314.17.

A. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
B. Amalgamated Clothing Workers of America, 15 Union Square, New York, N.Y.
D. (6) $900. E. (9) $1,000.

A. Stanley H. Ruttenberg, 1211 Connecticut Avenue NW., Washington, D.C.
B. Stanley H. Ruttenberg & Associates, Inc., 1211 Connecticut Avenue NW., Washington, D.C.
D. (6) $900. E. (9) $25.

A. E. M. Ryan, 1156 15th Street NW., Washington, D.C. 20005.

B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $125. E. (9) $42.

A. William H. Ryan, Machinists Building, Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,400. E. (9) $480.

A. Francis J. Ryley, 500 Title & Trust Building, Phoenix, Ariz. 85003.
B. Standard Oil Co. of California, San Francisco, Calif.

A. Sachs, Greenebaum, Frohlich & Tayler, 839 17th Street NW., Washington, D.C. 20006.
B. Ontario Corp., 1200 West Jackson Street, Muncie, Ind.
D. (6) $360. E. (9) $11.73.

A. Sachs, Greenebaum, Frohlich & Tayler, 839 17th Street NW., Washington, D.C. 20006.
B. York Bag Co., Ltd., 3577–81 Dundas Street West, Toronto, Ontario, Canada.
D. (6) $2,500.

A. Carl K. Sadler, 400 First Street NW., Washington, D.C. 20001.
B. American Federation of Government Employees, 400 First Street NW., Washington, D.C. 20001.
D. (6) $6,343.40. E. (9) $8,028.75.

A. Raymond L. Schafer, Room 610, Ring Building, 1200 18th Street NW., Washington, D.C. 20036.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $3,000. E. (9) $271.26.

A. Jacques T. Schlenger, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
E. (9) $1.76.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. Hilliard Schulberg, Suite 304, 1900 L Street NW., Washington, D.C.
B. National Liquor Stores Association, Inc., Suite 304, 1900 L Street NW., Washington, D.C.
D. (6) $225. E. (9) $30.

A. Hilliard Schulberg, Suite 304, 1900 L Street NW., Washington, D.C.
B. Washington, D.C., Retail Liquor Dealers Association, Inc., Suite 304, 1900 L Street NW., Washington, D.C.
D. (6) $555. E. (9) $50.

A. Donald H. Schwab, 200 Maryland Avenue NE., Washington, D.C. 20002.
B. Veterans of Foreign Wars of the United States.
D. (6) $1,691.25. E. (9) $10.30.

A. John W. Scott, 1616 H Street NW., Washington, D.C. 20006.
B. The National Grange, 1616 H Street NW., Washington, D.C. 20006.
D. (6) $5,000.

A. Scribner, Hall, Thornburg & Thompson, 1200 Eighteenth Street NW., Suite 1209, Washington, D.C. 20036.
B. Jefferson Pilot Corp., Post Office Box 21008, Greensboro, N.C. 27402.
D. (6) $30,000.

A. Scribner, Hall, Thornburg & Thompson, 1200 Eighteenth Street NW., Suite 1209, Washington, D.C. 20036.
B. Provident Life & Accident Insurance Co., Chattanooga, Tenn. 37402.
E. (9) $12.

A. Kay Sealy, 900 Southwest Tower, Houston, Tex. 77002.
B. Pennzoil United, Inc., 900 Southeast Tower, Houston, Tex. 77002.

A. Earl W. Sears, P.O. Box 12285, Memphis, Tenn.
B. National Cotton Council of America, P.O. Box 12285, Memphis, Tenn. 38112.
D. (6) $131. E. (9) $4.60.

A. Ronald C. Seeley, 1357 Nicolet Place, Detroit, Mich. 48207.
B. Estate of Bert N. Adams, 1461 West 16th Place, Yuma, Ariz. 85364; Emma (Adams) Giambaldi, 1461 West 16th Place, Yuma, Ariz. 85364; George Hallingby, 4104 Chestnut Drive East, Forest Hills, Holiday, Fla. 33589.
E. (9) $150.11.

A. Stanton P. Sender, 1211 Connecticut Avenue NW., No. 812, Washington, D.C. 20036.
B. Sears, Roebuck & Co., 925 South Homan Avenue, Chicago, Ill. 60607.
D. (6) $250. E. (9) $25.

A. Theodore A. Serrill, 491 National Press Building, Washington, D.C. 20004.
B. National Newspaper Association, 491 National Press Building, Washington, D.C. 20004.

A. Leo Seybold, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association.
D. (6) $1,479. E. (9) $348.10.

A. Alice Shabecoff, 1029 Vermont Avenue NW., Washington, D.C.
B. National Consumers League, 1029 Vermont Avenue NW., Washington, D.C.
D. (6) $1,250.

A. Robert L. Shafer, 1700 Pennsylvania Avenue NW., Washington, D.C. 20006.
B. Pfizer Inc., 235 East 42d Street, New York, N.Y. 10017.
D. (6) $850. E. (9) $310.

A. Shaw, Pittman, Potts & Trowbridge, Barr Building, 910 17th Street, Washington, D.C. 20006.
B. Doubleday and Co., Inc., 277 Park Avenue, New York, N.Y. 10017.

A. John J. Sheehan, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.
D. (6) $5,862.75. E. (9) $3,235.38.

A. Norman R. Sherlock, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association.
D. (6) $865. E. (9) $650.34.

A. Dale Sherwin, 425 13th Street NW., Washington, D.C.
B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.
D. (6) $2,000. E. (9) $51.02.

A. Edward L. Shields, 666 11th Street NW., Washington, D.C. 20001.
B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.
E. (9) $905.

A. Max Shine, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
B. American Federation of Technical Engineers, 1126 16th Street NW., Room 200, Washington, D.C. 20036.
D. (6) $992.50. E. (9) $20.

A. Harvey A. Shipman, 1725 K Street NW., Suite 1103, Washington, D.C. 20008.
B. Penn Central Transportation Co., Six Penn Center Plaza, Philadelphia, Pa. 19104.

A. A. Z. Shows, Suite 904, 2600 Virginia Avenue NW., Washington, D.C. 20037.
D. (6) $4,950. E. (9) $2,925.17.

A. Lucien J. Sichel, 1730 M Street NW., Washington, D.C. 20036.
B. Abbott Laboratories, North Chicago, Ill. 60064.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C. 20006.
B. Electronic Industries Association, 2001 I Street NW., Washington, D.C. 20006.
D. (6) $400.

A. David Silver, 1775 K Street, NW., Washington, D.C. 20006.
B. Investment Company Institute, 1775 K Street NW., Washington, D.C. 20006.
D. (6) $58.

A. Lana H. Sims, 1003 Security Federal Building, Columbia, S.C. 29201.
B. South Carolina Railroad Association, 1003 Security Federal Building, Columbia, S.C. 29201.
D. (6) $17.74. E. (9) $55.35.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Marcus W. Sisk, Jr., 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Carstens Slack, 1825 K Street NW., Washington, D.C. 20006.
B. Phillips Petroleum Co., Bartlesville, Okla. 74004.

A. Stephen Slipher, 812 Pennsylvania Building, Washington, D.C. 20004.
B. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $3,750. E. (9) $17.

A. Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. American Horse Council, Inc., 1776 K Street NW., Washington, D.C. 20006.
D. (6) $6,250. E. (9) $789.66.

A. Smathers & Merrigan, 888 17th Street NW., Washington, D.C. 20006.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $15,000. E. (9) $214.59.

A. Donald E. Smiley, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex.
E. (9) $185.42.

A. Everard H. Smith, Jr., 815 Conecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.

A. Gordon L. Smith, 1145 19th Street NW., Washington, D.C. 20036.
B. Edward Gottlieb & Associates Ltd., 485 Madison Avenue, New York, N.Y. 10022.
E. (9) $17.55.

A. Robert W. Smith, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich. 48121.
D. (6) $375. E. (9) $218.

A. Wallace M. Smith, 425 13th Street NW., Washington, D.C. 20004.
B. National Association of Mutual Insurance Cos., 2511 East 46th Street, Suite H, Indianapolis, Ind. 46205.

A. Wayne H. Smithey, 815 Connecticut Avenue NW., Washington, D.C. 20006.
B. Ford Motor Co., Dearborn, Mich.
D. (6) $2,840. E. (9) $1,037.

A. Arthur V. Smyth, 1625 I Street NW., Washington, D.C. 20006.
B. Weyerhaeuser Co., Tacoma, Wash. 98401.
D. (6) $500. E. (9) $100.

A. Frank B. Snodgrass, 1100 17th Street NW., Suite 306, Washington, D.C. 20036.
B. Burley and Dark Leaf Tobacco Export Association, P.O. Box 860, Lexington, Ky. 40501.
D. (6) $550. E. (9) $532.50.

A. Edward F. Snyder, 245 Second Street NE., Washington, D.C.
B. Friends Committee on National Legislation, 245 Second Street NE., Washington, D.C.
D. (6) $1,802.

A. J. R. Snyder, 400 First Street NW., Suite 704, Washington, D.C. 20001.
B. United Transportation Union, 400 First Street NW., Suite 704, Washington, D.C. 20001.
E. (9) $200.

A. Society for Animal Protective Legislation, P.O. Box 3719, Georgetown Station Washington, D.C. 20007.
D. (6) $2,601.35. E. (9) $6,427.13.

A. Jerome N. Sonosky, Gerald E. Gilbert, & Alvin Ezrin, 815 Connecticut Avenue, Washington, D.C. 20006.
B. American Physical Therapy Association, Washington, D.C.
D. (6) $490.

A. J. Taylor Soop, 400 First Street NW., Washington, D.C. 20001.
B. International Brotherhood Electrical Workers, 330 South Wells Street, Chicago, Ill.
D. (6) $1,125.40.

A. Frederick F. Spalding, Rural Route 1 Box 96, Annapolis, Md.
E. (9) $61.50.

A. William W. Spear, 1000 16th Street NW. Washington, D.C.
B. Standard Oil Co., 910 South Michigan Avenue, Chicago, Ill.
D. (6) $1,322.34. E. (9) $5.83.

A. Frank J. Specht, 725 DeSales Street NW., Washington, D.C.
B. Schenley Industries, Inc., 88 Seventh Avenue, New York, N.Y.

A. John F. Speer, Jr., 1105 Barr Building, Washington, D.C.
B. International Association of Ice Cream Manufacturers, and Milk Industry Foundation, 1105 Barr Building, Washington, D.C.

A. Nicholas J. Spiezio, 1125 15th Street NW., Washington, D.C.
B. Mortgage Bankers Association of America, 1125 15th Street NW., Washington, D.C.
D. (6) $1,406. E. (9) $6,841.

A. Larry N. Spiller, 1155 15th Street NW., Suite 713, Washington, D.C.

B. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C.

D. (6) $1,500. E. (9) $50.

A. John M. Stackhouse, The Madison Building, 1155 15th Street NW., Washington, D.C.

B. National Agricultural Chemicals Association.

A. Lynn Stalbaum, 1026 17th Street NW., Washington, D.C.

B. Associated Dairymen, Inc., 1026 17th Street NW., Washington, D.C.

D. (6) $450.

A. The Standard Oil Co., 1801 K Street NW., Suite 1021, Washington, D.C.

E. (9) $248.98.

A. Melvin L. Stark, 1025 Connecticut Avenue NW., Suite 211, Washington, D.C.

B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 211, Washington, D.C.

D. (6) $3,000. E. (9) $350.

A. David J. Steinberg, 1028 Connecticut Avenue NW., Washington, D.C.

B. Legislative Committee of the Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C.

D. (6) $100.

A. Steinhart, Goldberg, Feigenbaum & Ladar, Crocker Plaza, Montgomery at Post, San Francisco, Calif.

B. Valley Center Municipal Water District, Valley Center, Calif.

E. (9) $7.21.

A. Steptoe & Johnson, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

B. Green Olive Trade Association, Inc., 82 Beaver Street, New York, N.Y. 10005.

D. (6) $500.

A. Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036.

B. Robert College of Istanbul, Turkey, 305 East 45th Street, New York, N.Y. 10017.

A. Steptoe & Johnson, 1250 Connecticut Avenue, Washington, D.C. 20036.

B. Texaco Inc., 135 East 42d Street, New York, N.Y. 10017.

A. B. H. Steuerwald, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railroad Signalmen, 2247 West Lawrence Avenue, Chicago, Ill.

A. Wynne A. Stevens, Jr., 1901 North Fort Myer Drive, Arlington, Va. 22209.

B. Gas Appliance Manufacturers Association, 1901 North Fort Myer Drive, Arlington, Va. 22209.

D. (6) $870.

A. Travis B. Stewart, 1775 K Street NW., Washington, D.C. 20006.

B. Hoffmann-La Roche Inc., 340 Kingsland Street, Nutley, N.J. 07110.

D. (6) $750. E. (9) $150.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

B. United States-Japan Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Francis W. Stover, 200 Maryland Avenue NE., Washington, D.C. 20002.

B. Veterans of Foreign Wars of the United States, 200 Maryland Avenue NE., Washington, D.C. 20002.

D. (6) $6,039.35. E. (9) $312.30.

A. William M. Stover, 1825 Connecticut Avenue NW., Washington, D.C. 20009.

B. Manufacturing Chemists Association, Inc., 1825 Connecticut Avenue NW., Washington, D.C. 20009.

D. (6) $980. E. (9) $100.

A. Herald E. Stringer, 1608 K Street NW., Washington, D.C.

B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.

D. (6) $5,910. E. (9) $793.97.

A. John Stringer, 666 11th Street NW., Washington, D.C.

B. American Mutual Insurance Alliance, 20 North Wacker Drive, Chicago, Ill.

E. (9) $1,875.

A. Norman Strunk, 111 East Wacker Drive, Chicago, Ill. 60601.

B. U.S. Savings and Loan League, 111 East Wacker Drive, Chicago, Ill. 60601.

D. (6) $2,250. E. (9) $486.61.

A. Walter B. Stults, 512 Washington Building, Washington, D.C. 20005.

B. National Association of Small Business Investment Companies, 512 Washington Building, Washington, D.C. 20005.

D. (6) $600.

A. Frank L. Sundstrom, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200.

A. C. Austin Sutherland, 1616 P Street NW., Washington, D.C. 20036.

B. National Tank Truck Carriers, Inc., 1616 P Street NW., Washington, D.C. 20036.

A. Irving W. Swanson, 1155 15th Street NW., Washington, D.C. 20005.

B. Pharmaceutical Manufacturers Association, 1155 15th Street NW., Washington, D.C. 20005.

A. David A. Sweeney, 25 Louisiana Avenue NW., Washington, D.C. 20001.

B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C. 20001.

D. (6) $6,593.73.

A. John R. Sweeney, Solar Building, 1000 16th Street NW., Washington, D.C. 20036.

B. Bethlehem Steel Corp., 701 East Third Street, Bethlehem, Pa. 18016.

D. (6) $425. E. (9) $239.10.

A. Russell A. Swindell, P.O. Box 2635, Raleigh, N.C. 27602.

B. North Carolina Railroad Association, P.O. Box 2635, Raleigh, N.C. 27602.

D. (6) $145.82. E. (9) $106.28.

A. Charles P. Taft, 1028 Connecticut Avenue NW., Washington, D.C. 20036.

B. Committee for a National Trade Policy, Inc., 1028 Connecticut Avenue NW., Washington, D.C. 20036.

A. Rev. Charles C. Talley, 100 Angus Court, Charlottesville, Va. 22901.

B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill.

A. Tennessee Railroad Association, 916 Nashville Trust Building, Nashville, Tenn. 37201.

A. Roy W. Terwilliger, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

A. L. D. Tharp, Jr., 1660 L Street NW., Suite 601, Washington, D.C. 20036.

B. Independent Natural Gas Association of America, 1660 L Street NW., Suite 601, Washington, D.C. 20036.

D. (6) $300.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.

B. Morgan Drive Away, Inc., 2800 West Lexington Avenue, Suite 103, Elkhart, Ind. 45614.

D. (6) $2,000.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.

B. R. Markey & Sons, Inc., 99 Wall Street, New York, N.Y. 10005.

D. (6) $3,125.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.

B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.

D. (6) $1,500.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.

B. Wall-Away Corp., 505 West Canal Street, Wabash, Ind.

A. William D. Thompson, 1660 L Street, NW., Washington, D.C. 20036.

General Motors Corp., 3044 West Grand Boulevard, Detroit, Mich.

D. (6) $3,000. E. (9) $1,953.91.

A. Paul J. Tierney, 1101 17th Street, NW., Washington, D.C. 20036.

B. Transportation Association of America, 1101 17th Street, NW., Washington, D.C.

A. E. Linwood Tipton, 1105 Barr Building, Washington, D.C. 20006.

B. International Association of Ice Cream Manufacturers and Milk Industry Foundation, 1105 Barr Building, Washington, D.C. 20006.

A. Tobacco Associates, Inc., 1101 17th Street NW., Washington, D.C. 20036

E. (9) $2,367.

A. Patrick F Tobin, 1341 G Street NW., Room 304, Washington, D.C. 20005.

B. International Longshoremen's and Warehousemen's Union, 150 Golden Gate Avenue, San Francisco, Calif.

D. (6) $3645.

A. H. Willis Tobler, 30 F Street, NW., Washington, D.C. 20001.

B. National Milk Producers Federation, 30 F Street, NW., Washington, D.C. 20001.

D. (6) $2,800. E. (9) $398.46.

A. David R. Toll, 1140 Connecticut Avenue, Washington, D.C.

B. National Association of Electric Cos., 1140 Connecticut Avenue, Washington, D.C.

D. (6) $756.25. E. (9)222.13.

A. John P. Tracey.

B. American Bar Association, 1705 DeSales Street, NW., Washington, D.C. 20036.

D. (6) $400. E. (9) $50.

A. Transportation Association of America, 1101 17th Street, NW., Washington, D.C. 20036.

A. Matt Triggs, 425 13th Street, NW., Washington, D.C.

B. American Farm Bureau Federation, 225 West Touhy Avenue, Park Ridge, Ill.

D. (6) $2525. E. (9) $30.04.

A. Bernard H. Trimble, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Glenwood S. Troop, Jr., 812 Pennsylvania Building, Washington, D.C. 20004.
B. United States Savings & Loan League, 111 East Wacker Drive, Chicago, Ill.
D. (6) $5,625. E. (9) $13.15.

A. Richard F. Turney, 230 Southern Building, Washington, D.C. 20005.
B. American Association of Nurserymen, 230 Southern Building, Washington, D.C. 20005.
D. (6) $20. E. (9) $287.84.

A. John D. Tyson.
B. International Paper Co., Room 700, 1620 I Street NW., Washington, D.C. 20006

A. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C.
E. (9) $8,118.50.

A. United Cerebral Palsy Associations, Inc., 66 East 34th Street, New York, N.Y.
E. (9) $1,012.

A. United Mine Workers of America, 900 15th Street NW., Washington, D.C. 20005.
E. (9) $24,327.59.

A. United States Cane Sugar Refiners' Association, 1001 Connecticut Avenue, Washington, D.C. 20036.
E. (9) 283.87.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $405.81. E. (9) $405.81.

A. United States Savings and Loan League, 111 East Wacker Drive, Chicago, Ill.
E. (9) $55,762.15.

A. David E. Ushio, 2021 L Street NW., Suite 530, Washington, D.C. 20036.
B. Japanese American Citizens League, 1634 Post Street, San Francisco, Calif. 94115.
D. (6) $200.

A. John A. Vance, 1150 17th Street NW., Suite 1109, Washington, D.C. 20036.
B. Pacific Gas & Electric Co., 77 Beale Street, San Francisco, Calif. 94106.
D. (6) $2,313. E. (9) $1,574.88.

A. Theodore A. Vanderzyde, Machinists Building, Washington, D.C. 20036.
B. International Association of Machinists and Aerospace Workers, 1300 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $2,400. E. (9) $480.

A. Ted Van Dyk Associates, Inc., 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. The Hertz Corp., 660 Madison Avenue, New York, N.Y. 10021.
E. (9) $103.79.

A. Ted Van Dyk Associates, Inc., 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
E. (9) $4.53.

A. Ted Van Dyk Associates, Inc., 1720 I Street NW., Suite 400, Washington, D.C. 20006.
B. United Air Lines, P.O. Box 66100, Chicago, Ill. 60666.
E. (9) $4.53.

A. Lois W. Van Valkenburgh, 1673 Preston Road, Alexandria, Va. 22302.
B. Citizens Committee for UNICEF, 20 E Street NW., Washington, D.C. 20001.
D. (6) $46.

A. Venable, Baetjer & Howard, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Md. 21201.
B. Maryland State Fair and Agricultural Society, Inc., Timonium State Fair Grounds, Timonium, Md. 21093.
E. (9) $1.76.

A. Richard E. Vernor, 1701 K Street NW., Washington, D.C. 20006.
B. American Life Convention, 211 East Chicago Avenue, Chicago, Ill. 60611.
D. (6) $108. E. (9) $74.77.

A. Veterans of World War I of the USA, Inc., 916 Prince Street, Alexandria, Va. 22314.
D. (6) $83,985.05. E. (9) $73,863.64.

A. L. T. Vice, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
B. Standard Oil Co. of California, Suite 1204, 1700 K Street NW., Washington, D.C. 20006.
E. (9) $195.

A. Walter D. Vinyard, Jr., 1025 Connecticut Avenue NW., Suite 515, Washington, D.C. 20036.
B. American Insurance Association, 1025 Connecticut Avenue NW., Suite 515, Washington, D.C. 20036.
D. (6) $1,500. E. (9) $250.

A. Bruce E. Vogelsinger, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
B. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $1,350. E. (9) $50.

A. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y.
E. (9) $578.68.

A. Donn L. Waage, 730 15th Street NW., Washington, D.C. 20005.
B. Association of Registered Bank, Holding Companies, 730 15th Street NW., Washington, D.C. 20005.
D. (6) $127.75. E. (9) $79.75.

A. Paul A. Wagner, 1126 16th Street NW., Washington, D.C. 20036.
B. United Automobile, Aerospace & Agricultural Implement Workers, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $844.70. E. (9) $181.54.

A. E. F. Waldrop, Jr., Suite 212, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Association of American Railroads, 1920 L Street NW., Washington, D.C. 20036.
D. (6) $150.20.

A. Lionel L. Wallenrod, 260 Madison Avenue, New York, N.Y. 10016.
B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Jack A. Waller, 905 16th Street NW., Washington, D.C. 20006.
B. International Association of Fire Fighters, 905 16th Street NW., Washington, D.C. 20006.
D. (6) $5,869.

A. Franklin Wallick, 1126 16th Street NW., Washington, D.C. 20036.
B. United Automobile, Aerospace and Agricultural Implement Workers of America, 8000 East Jefferson Avenue, Detroit, Mich. 48214.
D. (6) $1,153.20. E. (9) $275.65.

A. Charles S. Walsh.
B. National Cable Television Association, Inc., 918 16th Street NW., Washington, D.C.
D. (6) $127.50. E. (9) $15.

A. Thomas G. Walters, 1909 Q Street NW., Washington, D.C. 20009.
B. National Association of Retired Federal Employees, 1909 Q Street NW., Washington, D.C. 20009.
D. (6) $2,884.62. E. (9) $3,889.90.

A. William A. Walton, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.
B. Kansas Railroad Committee, 800 Merchants National Bank Building, Eighth and Jackson Streets, Topeka, Kans. 66612.

A. Alan M. Warren, Suite 1014, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Humble Oil & Refining Co., P.O. Box 2180, Houston, Tex.
E. (9) $175.69.

A. James A. Warren, 5500 Friendship Boulevard, Chevy Chase, Md. 20015.
B. REA Express Inc., 219 East 42d Street, New York, N.Y. 10017.
D. (6) $450. E. (9) $150.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C. 20005.
B. American Occupational Therapy Association, 251 Park Avenue South, New York, N.Y. 10010.
D. (6) $450. E. (9) $340.

A. Washington Consulting Service, 1435 G Street NW., Washington, D.C. 20005.
B. Rehabilitation Institute of Chicago, 401 East Ohio Street, Chicago, Ill. 60611.
D. (6) $900. E. (9) $850.

A. Ray Wax, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va. 22202.
B. National Association of Farmer Elected Committeemen, 1900 South Eads Street, Box 836, Crystal City, Arlington, Va. 22202.
E. (9) $38.75.

A. Herman Webb, 400 First Street, Washington, D.C. 20001.
B. International Brotherhood of Electrical Workers, Suite 400, 10400 West Higgins Road, Rosemont, Ill. 60018.
D. (6) $525.

A. George D. Webster, 1822 Jefferson Place NW., Washington, D.C. 20036.
B. Sand Springs Home, 1200 Atlas Life Building, Tulsa, Okla.
E. (9) $114.

A. Clarence M. Weiner, 350 Fifth Avenue New York, N.Y.
B. Cigar Manufacturers Association of America, Inc., 350 Fifth Avenue, New York, N.Y.
D. (6) $10,000.03.

A. F. Paul Weiss, 1825 K Street NW., Suite 607, Washington, D.C.
B. United Air Lines, Post Office Box 66100, Chicago, Ill.
D. (6) $850.

A. Dennis W. Weissman, 1730 M Street NW., Washington, D.C.
B. American Optometric Association, Box 605, Winona, Minn.
D. (6) $132. E. (9) $122.

A. Bernard J. Welch, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.
E. (9) $123.88.

A. Dr. Frank J. Welch, 3724 Manor Road, Chevy Chase, Md. 20015.

B. The Tobacco Institute, Inc., 1776 K Street NW., Washington, D.C. 20006.

A. Fred M. Wertheimer, 2100 M Street NW., Washington, D.C. 20037.
B. Common Cause, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $5,858.32. E. (9) $52.70.

A. Terrell M. Wertz, 1608 K Street NW., Washington, D.C.
B. The American Legion, 700 North Pennsylvania Street, Indianapolis, Ind.
D. (6) $3,750. E. (9) $95.70.

A. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz. 85621.
B. West Mexico Vegetable Distributors Association, Post Office Box 848, Nogales, Ariz. 85621.
E. (9) $500.

A. Wheeler, Van Sickle, Day & Anderson, 25 West Main Street, Madison, Wis. 53703.
B. Marshall & Ilsley Bank, 770 North Water Street, Milwaukee, Wis. 53202.

A. Clyde A. Wheeler, Jr., 1800 K Street NW., Suite 820, Washington, D.C. 20006.
B. Sun Oil Co., 1608 Walnut Street, Philadelphia, Pa. 19103.
E. (9) $1,725.

A. Edwin M. Wheeler, 1015 18th Street NW., Washington, D.C. 20036.
B. The Fertilizer Institute, 1015 18th Street NW., Washington, D.C. 20036.
E. (9) $25.

A. John C. White, 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., 1101 17th Street NW., Washington, D.C.

A. John S. White, 420 Cafritz Building, Washington, D.C. 20006.
B. Marathon Oil Co., Findlay, Ohio 45840.
E. (9) $680.98.

A. Robert L. White, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.
B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Douglas Whitlock II, 910 Washington Building, Washington, D.C. 20005.
B. Montgomery Ward & Co., Inc., 910 Washington Building, Washington, D.C. 20005.
D. (6) $500. E. (9) $150.

A. Joe O. Wiggs, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. Claude C. Wild, Jr., 1025 Connecticut Avenue NW., Washington, D.C. 20036.
B. Gulf Oil Corp., Pittsburgh, Pa. 15230.
D. (6) $1,000. E. (9) $250.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. American Association of Presidents of Independent Colleges and Universities, Rockford College, Rockford, Ill.
E. (9) $5.96.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. American Society of Travel Agents, Inc., 360 Lexington Avenue, New York, N.Y. 10017.
E. (9) $905.66.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Arapahoe Tribe of Indians, Fort Washakie, Wyo.
E. (9) $58.01.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Blackfeet Tribe, Browning, Mont.; Gros Ventre Tribe, Poplar, Mont.; and Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Bonneville International Corp., 136 East South Temple Street, Salt Lake City, Utah.
E. (9) $89.88.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Brigham Young University, Provo, Utah.
E. (9) $6.69.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. College Placement Council, Inc., 65 East Elizabeth Street, Bethlehem, Pa.
E. (9) $21.27.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Confederated Salish and Kootenay Tribes of the Flathead Reservation, Mont.
E. (9) $276.63.

A. Wilkinson, Cragun & Barker, 1616 H Street, NW., Washington, D.C. 20006.
B. Crow Creek Sioux Tribe, Pierre Agency, Pierre, S. Dak.
E. (9) $30.41.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. The Hoopa Valley Tribe, Post Office Box 817, Hoopla, Calif.
E. (9) $44.48.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. National Congress of American Indians, 1346 Connecticut Avenue NW., Washington, D.C.
E. (9) $18.40.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. Quinaielt Tribe of Indians, Taholah, Wash.
E. (9) $57.42.

A. Wilkinson, Cragun & Barker, 1616 H Street NW., Washington, D.C. 20006.
B. The Three Affiliated Tribes of the Fort Berthold Reservation, New Town, N. Dak.
E. (9) $43.59.

A. Williams, Jensen, & Gipson, 1130 17th Street NW., Washington, D.C.
B. C. Brewer & Co., Ltd., Post Office Box 3470, Honolulu, Hawaii.
E. (9) $100.

A. Williams, Jensen & Gipson, 1130 17th Street NW., Washington, D.C. 20036.
B. International Utilities Corp., 1500 Walnut Street, Philadelphia, Pa. 19102.
D. (6) $5,000. E. (9) $400.

A. Harry D. Williams, 1660 L Street NW., Suite 204–05, Washington, D.C. 20036.
B. Ashland Oil, Inc., P.O. Box 391, Ashland, Ky. 41101.
D. (6) $250.

A. John C. Williamson, 1300 Connecticut Avenue, Washington, D.C.
B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.
D. (6) $8,000. E. (9) $185.60.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. American Airlines, Inc., 633 Third Avenue, New York, N.Y. 10017.
D. (6) $2,890. E. (9) $61.50.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, New York 10019.
D. (6) $198. E. (9) $50.04.

A. Wilmer, Cutler & Pickering, 900 17th Street NW., Washington, D.C. 20006.
B. Oil Investment Institute, One Greenwich Plaza, Greenwich, Conn. 06830.

A. W. E. Wilson, 623 Ockley Drive, Shreveport, La. 1106.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Texas 77002.
D. (6) $1,200. E. (9) $54.68.

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex. 77002.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.
D. (6) $1,000. E. (9) $371.16.

A. Richard F. Witherall, 702 Majestic Building, Denver, Colo. 80202.
B. Colorado Railroad Association, 702 Majestic, Building, Denver, Colo.

A. Peter L. Wolff, Suite 370 1 Dupont Circle NW., Washington, D.C. 20036.
B. Association of American Law Schools, Suite 370, 1 Dupont Circle NW., Washington, D.C. 20036.

A. Nathan T. Wolkomir, 1737 H Street NW., Washington, D.C. 20006.
B. National Federation of Federal Employees, 1737 H Street NW., Washington, D.C. 20006.
D. (6) $7,491.36. E. (9) $849.22.

A. Women's International League for Peace and Freedom, 1 North 13th Street, Philadelphia, Pa. 19107.
D. (6) $4,724.76. E. (9) $7,800.26.

A. William E. Woods, 440 National Press Building, Washington, D.C. 20004.
B. The National Association of Retail Druggists, 1 East Wacker Drive, Chicago, Ill. 60601.
D. (6) $750. E. (9) $150.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Flying Tiger Line, Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Cos., Inc., 1010 Wilshire Boulevard, Los Angeles, Calif. 90017.

A. Perry W. Woofter. 1801 K Street NW., Washington, D.C. 20006.
B. American Petroleum Institute, 1801 K Street NW., Washington, D.C. 20006.
D. (6) $2,000. E. (9) $452.

A. George M. Worden, 1425 K Street NW., Washington, D.C. 20005.

B. Hill & Knowlton, Inc., 150 East 42d Street, New York, N.Y. 10017.

A. V. T. Worthington, 1500 North Quincy Street, Arlington, Va. 22207.

B. Association of Petroleum Re-Refiners, 1500 North Quincy Street, Arlington, Va. 22207.

A. Gerald L. Wykoff, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

B. National Electrical Contractors Association, 1730 Rhode Island Avenue NW., Washington, D.C. 20036.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Alaska Federation of Natives, Inc., 1675 C Street, Anchorage, Alaska 99501.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Association of Motion Picture & Television Producers, 8480 Beverly Boulevard, Los Angeles, Calif. 90048; Hollywood A.F.L. Film Council, 7715 Sunset Boulevard, Hollywood, Calif. 90046; and Screen Actors Guild, 7750 Sunset Boulevard, Hollywood, Calif. 90046.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Copyright Owners Negotiating Committee, 477 Madison Avenue, New York, N.Y. 10022.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Embassy of the Government of the Republic of Korea, 2320 Massachusetts Avenue NW., Washington, D.C. 20008.

A. Wyman, Bautzer, Rothman & Kuchel, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

B. Merger Committee, National Basketball Association, 6101 16th Street NW., Washington, D.C. 20011; and Merger Committee, American Basketball Association, 601 Portland Federal Building, 200 West Broadway, Louisville, Ky. 40202.

D. (6) $2,750.

A. John H. Yingling, 905 16th Street NW., Washington, D.C. 20006.

B. First National City Bank, 399 Park Avenue, New York, N.Y. 10022.

D. (6) $200. E. (9) $115.86.

A. Kenneth Young, 815 16th Street NW., Washington, D.C.

B. American Federation of Labor & Congress of Industrial Organizations, 815 16th Street NW., Washington, D.C.

D. (6) $6,226. E. (9) $463.98.

A. Robert C. Zimmer, 1775 K Street NW., Suite 220, Washington, D.C. 20006.

B. Charge Account Bankers Association, Suite 220, 1775 K Street NW., Washington, D.C. 20006.

D. (6) $1,632. E. (9) $425.

A. Albert H. Zinkand, 1701 Pennsylvania Avenue NW., Washington, D.C.

B. Getty Oil Co.

A. Charles O. Zuver, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $3,000. E. (9) $162.83.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the fourth calendar quarter of 1971 were received too late to be included or not included (**) in the published reports for that quarter:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19______ ◄

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:

(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)

(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".

(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:

(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.

(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).

(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).

(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.◄

AFFIDAVIT

[Omitted in printing]

PAGE 1◄

A. John J. Adams, Suite 550, 1819 H Street NW., Washington, D.C.
B. Ethyl Corp., 330 South Fourth Street, Richmond, Va.
D. (6) $600.

A. Paul W. Airey, 4517 Sunset Drive, Panama City, Fla. 32401.
B. Air Force Sergeants Association Inc., 1501 Pennsylvania Avenue SE., Washington, D.C.

A. Air Transport Association of America, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association.
D. (6) $7,650.82. E. (9) $7,650.82.

A. Frederick K. Alderson, 1900 L Street NW., Suite 205, Washington, D.C. 20036.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C. 20036.
D. (6) $880. E. (9) $125.50.

A. Nicholas E. Allen, 444 Shoreham Building, Washington, D.C. 20005.
B. Music Operators of America, Inc., 228 North LaSalle Street, Chicago, Ill. 60601.
D. (6) $675. E. (9) $70.94.

A. American Civil Liberties Union, 156 Fifth Avenue, New York, N.Y. 10010.
D. (6) $5,094.58. E. (9) $5,094.58.

A. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $5,326.89. E. (9) $5,326.89.

A. American Institute of Housing Consultants, 1025 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100. E. (9) $100.

A. American Optometric Association, care of M. L. DeBolt, O.D., Box 605, 117 West Third Street, Winona, Minn. 55987.
D. (6) $4,227. E. (9) $4,227.

A. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
E. (9) $4,341.15.

A. The American Short Line Railroad Association, 2000 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,175.68. E. (9) $1,175.68.

A. American Society of Consulting Planners, 1819 H Street NW., No. 800, Washington, D.C. 20006.
E. (9) $2,250.

A. Erma Angevine, 1012 14th Street NW., Washington, D.C. 20005.
B. Consumer Federation of America, 1012 14th Street NW., Washington, D.C. 20005.
D. (6) $800.

A. Robert E. Ansheles, Suite 718, 1028 Connecticut Avenue NW., Washington, D.C. 20036.
B. CITC Industries, Inc., 1 Park Avenue, New York, N.Y. 10016.
D. (6) $150. E. (9) $39.35.

A. APCO Oil Corp., 1000 Liberty Bank Building, Oklahoma City, Okla.
E. (9) $8,825.07.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Washington, D.C. 20006.
B. Conwood Corp., 701 North Main Street, Memphis, Tenn. 38101.
D. (6) $1,225. E. (9) $21.08.

A. Arent, Fox, Kintner, Plotkin & Kahn, 1815 H Street NW., Suite 800, Washington, D.C. 20006.
B. National Association of Record Merchandisers, Inc., Trianon Building, Suite 703, 20 Conshohocken State Road, Bala Cynwyd, Pa. 19004.
D. (6) $1,570. E. (9) $96.87.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Franklin Life Insurance Co., Franklin Square, Springfield, Ill. 62705.
E. (9) $46.80.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601.
E. (9) $118.14.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Powell Lumber Co., Lake Charles, La.
D. (6) $1,953.75. E. (9) $49.30.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Puerto Rican Government, Economic Development Administration, Government Post Office Box 2350, San Juan, P.R. 00936.
E. (9) $170.01.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $12,499. E. (9) $870.31.

A. Arnold & Porter, 1229 19th Street NW., Washington, D.C. 20036.
B. State Farm Mutual Insurance Co., 112 East Washington Street, Bloomington, Ill. 61701.
D. (6) $287.50. E. (9) $58.49.

A. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.
E. (9) $1,350.

A. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $30. E. (9) $41.25.

A. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y. 10022.
E. (9) $300.

A. Bailey, Sipes, Williamson & Runyan, Inc., 1100 V & J Tower, Midland, Tex.
D. (6) $528.

A. Charles W. Bailey, 1900 L Street NW., Suite 205, Washington, D.C. 20036.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C. 20036.

A. James F. Bailey, 101 Constitution Avenue NW., Washington, D.C. 20001.
B. United Brotherhood of Carpenters & Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
D. (6) $5,525. E. (9) $642.27.

A. Davis M. Batson, 1155 15th Street NW., No. 611, Washington, D.C. 20005.
B. Ethyl Corp., 611 Madison Building, 1155 15th Street NW., Washington, D.C. 20005.
D. (6) $150.

A. Thomas P. Bennett, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
B. The American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $2,500.

A. J. Wiley Bowers, 325 Pioneer Building, Chattanooga, Tenn. 37402.
B. Tennessee Valley Public Power Association, 325 Pioneer Building, Chattanooga, Tenn. 37402.

A. Melvin J. Boyle, 1125 15th Street NW., Washington, D.C.
B. International Brotherhood of Electrical Workers, AFL–CIO–CLC, 1125 15th Street NW., Washington, D.C. 20005.
D. (6) $5,000.

A. George E. Bradley, 1341 G Street NW., Washington, D.C. 20005.
B. Organization of Professional Employees of the USDA (OPEDA), 1341 G Street NW., Washington, D.C. 20005.
D. (6) $420. E. (9) $25.

A. Cyril F. Brickfield, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $297.60.

A. Miss Teresa A. Brooks, 1625 I Street NW., No. 1009, Washington, D.C. 20006.
B. American Osteopathic Association, 212 East Ohio Street, Chicago, Ill. 60611.
D. (6) $900. E. (9) $120.

A. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $24,641.25. E. (9) $24,641.25.

A. Lyman L. Bryan, 2000 K Street NW., Washington, D.C.
B. American Institute of CPAs, 666 Fifth Avenue, New York, N.Y. 10019.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. The Hearst Corp., 959 Eighth Avenue, New York, N.Y. 10019.

A. David A. Bunn, 1211 Connecticut Avenue NW., Washington, D.C. 20036.
B. Parcel Post Association, 1211 Connecticut Avenue NW., Washington, D.C. 20036.

A. Burwell, Hansen & McCandless, 700 Federal Bar Building West, Washington, D.C. 20006.
B. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y.
D. (6) $1,000. E. (9) $391.83.

A. John H. Callahan, 1126 16th Street NW., Washington, D.C. 20036.
B. International Union of Electrical, Radio and Machine Workers, AFL–CIO, 1126 16th Street NW., Washington, D.C. 20036.
D. (6) $875. E. (9) $720.

A. Candlelighters, 1006 D Street SE., Washington, D.C. 20003.
D. (6) $400.75. E. (9) $333.

A. John R. Carson, 20 Chevy Chase Circle, Washington, D.C. 20015.
B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C. 20015.
D. (6) $1,875.

A. Casey, Lane & Mittendorf, 815 Connecticut Avenue NW., Washington, D.C. 20006.
D. (6) $10,650.

A. E. Michael Cassady, 1130 17th Street NW., Suite 500, Washington, D.C. 20036.
B. Water Resources Congress, 1130 17th Street NW., Suite 500, Washington, D.C. 20036.

A. Frank Chelf, Suite 303, Congressional Plaza Building, 220 C Street SE., Washington, D.C. 20003.
B. Conwood Corp., 701 North Main Street, Memphis, Tenn.
D. (6) $1,800.

A. Hal M. Christensen, 1101 17th Street NW., Suite 1004, Washington, D.C. 20036.

B. American Dental Association, 1101 17th Street NW., Suite 1004, Washington, D.C. 20036.
D. (6) $2,250.

A. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.
D. (6) $10,785. E. (9) $11,481.15.

A. Coalition for Rural America, 1001 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $41,051.11. E. (9) $16,956.55.

A. Carl A. S. Coan, Jr., 1625 L Street NW., Washington, D.C.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $6,000. E. (9) $459.79.

A. James F. Collins, 1000 16th Street NW., Washington, D.C.
B. American Iron and Steel Institute, 150 East 42d Street, New York, N.Y.
D. (6) $500. E. (9) $125.

A. Committee for Humane Legislation, Inc., 11 West 60th Street, New York, N.Y. 10023.
D. (6) $21,065.02. E. (9) $11,429.24.

A. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $5,840. E. (9) $5,840.

A. Conwood Corp., 701 North Main Street, Memphis, Tenn.
E. (9) $3,046.08.

A. Harry N. Cook, Suite 200, 1130 17th Street NW., Washington, D.C. 20036.

A. Mitchell J. Cooper, 1001 Connecticut Avenue, Washington, D.C. 20036.
B. Converse Rubber Co., Malden, Mass.
D. (6) $5,000. E. (9) $312.06.

A. Council for Community Action, 2100 M Street NW., Washington, D.C. 20037.
D. (6) $12,866. E. (9) $15,314.05.

A. Council of AFL-CIO Unions for Scientific, Professional, & Cultural Employees, 1155 15th Street NW., Washington, D.C.
D. (6) $1,250. E. (9) $1,250.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Adhesive & Sealant Council, 1410 Higgins Road, Park Ridge, Ill. 60068.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. American Corn Millers Federation, 1030 15th Street NW., Washington, D.C. 20005.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Classroom Periodical Publishers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Industrial Diamond Association of America, Inc., 2017 Walnut Street, Philadelphia, Pa. 19103.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Jewelers Vigilance Committee, Inc., 156 East 52d Street, New York, N.Y. 10022.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. Kohler Co., Kohler, Wis. 53044.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Linen Supply Association of America, 975 Arthur Godfrey Road, Miami Beach, Fla. 33140.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. National Association of Casualty & Surety Agents, 83 Maiden Lane, New York, N.Y.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue, Washington, D.C. 20036.
B. National Glass Dealers Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Counihan, Casey & Loomis, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Optical Manufacturers Association, 30 East 42d Street, New York, N.Y. 10017.

A. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $3,873.19. E. (9) $1,693.63.

A. Harold L Crosier, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

A. Dan Curlee, 25 Louisiana Avenue NW., Washington, D.C. 20001.
B. International Brotherhood of Teamsters, 25 Louisiana Avenue NW., Washington, D.C.
D. (6) $5,000.04.

A. William Kay Daines, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $160. E. (9) $14.60.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. American Importers Association, New York, N.Y.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. The Cocoa, Chocolate & Confectionery Alliance of Great Britain, London, England.
D. (6) $4,500.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Indian Sugar Industry Export Corp., Ltd., New Delhi, India.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. Japan Chemical Fibres Association, Tokyo, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C. 20006.
B. Japan Woolen & Linen Textiles Exporters Association, Osaka, Japan.

A. Daniels & Houlihan, 1819 H Street NW., Washington, D.C.
B. Orgalime, Brussels, Belgium.
D. (6) $19,500. E. (9) $4,949.35.

A. Richard C. Darling, 1156 15th Street NW., Washington, D.C. 20005.
B. J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, N.Y. 10019.
D. (6) $500. E. (9) $155.07.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. Air Transport Association, 1000 Connecticut Avenue NW., Washington, D.C.
D. (6) $750.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. Association of Plaintiffs Trial Attorneys of Metropolitan Washington, D.C., Inc., 910 17th Street NW., Washington, D.C. 20006.

A. Dawson, Quinn, Riddell, Taylor & Davis, 723 Washington Building, Washington, D.C. 20005.
B. C.I.T. Financial Corp., 650 Madison Avenue, New York, N.Y. 10022.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. D.C. Transit System, Inc., Washington, D.C.

A. Donald S. Dawson, 723 Washington Building, Washington, D.C. 20005.
B. Guild of Prescription Opticians, Inc., 1250 Connecticut Avenue NW., Washington, D.C. 20036.

A. DeHart and Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Kansas City Southern Industries, Inc., 114 West 11th Street, Kansas City, Mo. 64105.
D. (6) $180. E. (9) $18.30.

A. DeHart and Broide, Inc., 1505 22d Street NW., Washington, D.C. 20037.
B. Recording Industry Association of America, Inc., 1 East 57th Street, New York, N.Y. 10022.
D. (6) $150. E. (9) $4.10.

A. Leslie E. Dennis, 400 1st Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill., 60018.
D. (6) $850. E. (9) $100.68.

A. William E. Dunn, 1957 E Street, NW., Washington, D.C. 20006.
B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

A. J. D. Durand, 1725 K Street NW., Washington, D.C. 20006.
B. Association of Oil Pipe Lines, 1725 K Street NW., Washington, D.C. 20006.
E. (9) $405.

A. Eastern Meat Packers Association, Inc., 734 15th Street NW., Washington, D.C. 20005.
E. (9) $43.02.

A. Hope Eastman, 1424 16th Street NW., No. 501, Washington, D.C. 20036.
B. American Civil Liberties Union.
D. (6) $5,094.58. E. (9) $5,094.58.

A. D. A. Ellsworth, 400 1st Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $5,514. E. (9) $985.

A. Emergency Committee for American Trade, 1211 Connecticut Avenue, Washington, D.C. 20036.
D. (6) $1,980. E. (9) $945.61.

A. Ethyl Corp., 1155 15th Street NW., No. 611, Washington, D.C. 20005.
E. (9) $150.

A. Joseph A. Fanelli, 1511 K Street NW., Washington, D.C. 20005.
D. (6) $3,000. E. (9) $27.43.

A. Federation of American Scientists, 203 C Street NE., Washington, D.C. 20002.

D. (6) $13,331. E. (9) $1,977.75.

A. Edward R. Fellows, Jr., 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

D. (6) $150. E. (9) $42.

A. Fensterwald & Ohlhausen, 905 16th Street NW., Washington, D.C. 20006.

B. Committee for Humane Legislation, Inc.

D. (6)$1,500. E. (9) $193.34.

A. Gordon Forbes, 207 Union Depot Building, St. Paul, Minn. 55101.

B. Minnesota Railroads Association.

D. (6) $500.

A. Mark H. Freeman, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. Coalition for Rural America, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $12,500. E. (9) $392.09.

A. Fried, Frank, Harris, Shriver & Kampleman, 600 New Hampshire Avenue NW., Washington, D.C.

B. Devils Lake Sioux Tribe.

D. (6) $931.25. E. (9) $13.23.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C.

B. The Hualapai Tribe of Hualapai Reservation, Box 168, Peach Springs, Ariz.

D. (6) $235.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Nez Perce Tribe, Lapwai, Idaho.

D. (6) $525.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Pueblo of Laguna, Laguna, N. Mex.

D. (6) $450.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. Salt River Pima Maricopa Community, Route 1, Box 120, Scottsdale, Ariz.

D. (6) $125.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. San Carlos Apache Tribe, San Carlos, Ariz.

D. (6) $118.

A. Fried, Frank, Harris, Shriver & Kampelman, 600 New Hampshire Avenue NW., Washington, D.C. 20037.

B. The Sisseton and Wahpeton Sioux Tribe, Sisseton, S.D.

D. (6) $943.75. E. (9) $9.27.

** A. Friends of the Earth, 620 C Street SE., Washington, D.C.

D. (6) $6,750. E. (9) $6,750.

A. Frank W. Frisk, Jr., 2600 Virginia Avenue NW., Washington, D.C. 20037.

B. American Public Power Association, 2600 Virginia Avenue NW., Washington, D.C.

D. (6) $300.

A. League for Economic Assistance and Development, Inc., 390 Plandome Road, Manhasset, N.Y. 11030.

D. (6) $1,066.01. E. (9) $954.36.

A. David C. Fullarton, 2100 M Street NW., Suite 700, Wahington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

D. (6) $175.

A. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C.

D. (6) $48,975. E. (9) $1,397.34.

A. Donald A. Giampaoli, 1957 E Street NW., Washington, D.C. 20006.

B. The Associated General Contractors of America, 1957 E Street NW., Washington, D.C. 20006.

D. (6) $1,350.

A. Jack Golodner, 1155 15th Street NW., Washington, D.C. 20005.

B. Council of AFL–CIO Unions for Scientific, Professional, and Cultural Employees, 1155 15th Street NW., Washington, D.C. 20005.

D. (6) $1,000.

A. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $298. E. (9) $298.

A. Frederick D. Goss, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

D. (6) $96.

A. Donald E. Graham, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $1,068.75. E. (9) $75.81.

A. Ben H. Guill, 2000 K Street NW., Washington, D.C.

B. National Automobile Dealers Association, 2000 K Street NW., Washington, D.C.

D. (6) $1,440. E. (9) $925.

A. John W. Hammett, 1000 Liberty Bank Building, Oklahoma City, Okla.

B. APCO Oil Corp., 1000 Liberty Bank Building, Oklahoma City, Okla.

D. (6) $200.

A. Robert N. Hampton, 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $990. E. (9) $20.71.

A. John F. Hall, 1619 Massachusetts Avenue NW., Washington, D.C., 20036.

B. National Forest Products Association, 1619 Massachusetts Avenue NW., Washington, D.C. 20036.

E. (9) $550.76.

A. Donald K. Hanes, 1129 20th Street NW., Washington, D.C., 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. L. James Harmanson, Jr., 1129 20th Street NW., Washington, D.C. 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

A. William E. Hardman, 1411 K Street NW., Washington, D.C. 20005.

B. National Tool, Die and Precision Machining Association, 1411 K Street NW., Washington, D.C. 20005.

A. Robert L. Hartig, 717 K Street, Anchorage, Alaska. 99501.

B. Alaska Miner's Association, P.O. Box 80006, Fairbanks, Alaska 99701.

D. (6) $1,750. (9) $745.77.

A. Robert T. Hayden, 1001 Connecticut Avenue NW., Washington, D.C. 20036.

B. United Steelworkers of America, 1500 Commonwealth Building, Pittsburgh, Pa. 15222.

D. (6) $2,757.95. E. (9) $889.80.

A. Ross E. Heller, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.

D. (6) $280.

A. Phil D. Helmig, 1025 Connecticut Avenue NW., Washington, D.C. 20036.

B. Atlantic Richfield Co., 717 Fifth Avenue, New York, N.Y. 10022.

D. (6) $150. E. (9) $150.

A. James D. Hittle, 1800 K Street NW., Washington, D.C. 20006.

B. Pan American World Airways, Pan Am Building, New York, N.Y. 10017.

E. (9) $342.75.

A. Harold K. Howe, 400 Walker Building, 734 15th Street NW., Washington, D.C. 20005.

B. Outdoor Power Equipment Institute, Inc., 400 Walker Building, Washington, D.C. 20005.

A. Peter W. Hughes, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

B. American Association of Retired Persons/National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

E. (9) $52.03.

A. Gerald W. Hyland, 1730 Rhode Island Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.

D. (6) $1,093.08. E. (9) $301.80.

A. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

E. (9) $5.

A. Hugo E. Johnson, 600 Bulkley Building, Cleveland, Ohio 44115.

B. American Iron Ore Association, 600 Bulkley Building, Cleveland, Ohio 44115.

A. Charlie W. Jones, 1000 Connecticut Avenue, Washington, D.C. 20036.

B. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y. 10001.

A. Elmer A. Jones, 1145 19th Street NW., Washington, D.C. 20036.

B. Lead-Zinc Producers Committee.

D. (6) $750. E. (9) $605.61.

A. Ardon B. Judd, Jr., 1100 Connecticut Avenue, Washington, D.C. 20036.

B. Dresser Industries, Inc., 1100 Connecticut Avenue, Washington, D.C. 20036.

A. George J. Kelley, 1700 Pennsylvania Avenue NW., Washington, D.C.

B. Blue Cross Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.

D. (6) $1,250. E. (9) $800.

A. James J. Kennedy, Jr., 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $5,294.40. E. (9) $1,147.

A. Franklin E. Kepner, The Berwick Bank Building, Berwick, Pa. 18603.

B. Associated Railroads of Pennsylvania, Room 1022, Transportation Center, Philadelphia, Pa.

D. (6) $2,400. E. (9) $65.

A. Peter M. Kirby, 1000 Connecticut NW., Washington, D.C.

B. Air Transport Association.

D. (6) $750. E. (9) $625.10.

A. Robert E. Kline, Jr., 409 LaSalle Building, 1028 Connecticut Avenue, Washington, D.C.
B. Bowling Proprietors Association of America, Inc., West Higgins Road, Hoffman Estates, Ill. 60172.
D. (6) $1,250. E. (9) $71.06.

A. George W. Koch, 1425 K Street NW., Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.
D. (6) $275.50.

A. Kominers, Fort, Schlefer, & Boyer, 5th Floor, Tower Building, Washington, D.C. 20005.
B. American Institute of Merchant Shipping, 1120 Connecticut Avenue NW., Suite 930, Washington, D.C. 20036.
E. (9) $1,017.08.

A. Kominers, Fort, Schlefer & Boyer, 500 Tower Building, Washington, D.C. 20005.
B. Lykes Bros. Steamship Co., Inc., Commerce Building, P.O. Box 53068, New Orleans, La. 70150; Pacific Far East Line, Inc., One Embarcadero Center, San Francisco, Calif. 94111.

A. James S. Krzyminski, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $731.25. E. (9) $35.71.

A. Reed E. Larson, 1900 L Street, NW., Suite 205, Washington, D.C.
B. National Right to Work Committee, 1900 L Street NW., Washington, D.C.

A. Charles W. Lee, Room 211, Congressional Hotel, 300 New Jersey Avenue SE., Washington, D.C. 20003.
B. Full Funding of Education Programs, 300 New Jersey Avenue SE., Washington, D.C.
D. (6) $200. E. (9) $20.

A. Robert J. Leigh, 2100 M Street NW., Suite 700, Washington, D.C. 20037.
B. National Telephone Cooperative Association, 2100 M Street NW., Suite 700, Washington, D.C. 20037.
D. (6) $110.

A. Steven H. Lesnik, 1511 K Street NW., Washington, D.C.
B. Lumbermens Mutual Casualty Co., Long Grove, Ill., 60049.
D. (6) $675.

A. Liberty Lobby, Inc., 130 Third Street SE., Washington, D.C. 20003.
D. (6) $17,318.28. E. (9) $13,726.55.

A. George A. Lucas, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

A. Lumbermens Mutual Casualty Co., Long Grove, Ill. 60049.
E. (9) $1,350.

A. Donald Lerch & Co., Inc., 1101 17th Street NW., Washington, D.C. 20036.
B. Shell Chemical Co., 2401 Crow-Canyon Road, San Ramon, Calif.

A. Nils A. Lennartson, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
B. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $12,124.98.

A. Joseph B. McGrath, 1625 L Street NW., Washington, D.C.

B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $7,433.96. E. (9) $321.03.

A. Peter E. McGuire, 400 First Street NW., Washington, D.C. 20001.
B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.
D. (6) $3,054. E. (9) $1,171.98.

A. William F. McKenna, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.
D. (6) $200.

A. Joseph V. Machugh, 225 A. Street NE., Washington, D.C. 20002.
B. Menswear Retailers of America, Room 390, National Press Building, 14th and F Street NW., Washington, D.C. 20004.

A. Elizabeth Mallory, Box 718, Union Station, Endicott, N.Y. 13760.
B. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.

A. Man-Made Fiber Producers Association, Inc., 350 Fifth Avenue, New York, N.Y. 10001.

A. John V. Maraney, 324 East Capitol Street, Washington, D.C. 20003.
B. National Star Route Mail Carriers' Association, 324 East Capitol Street, Washington, D.C. 20003.

A. Anthony Mazzocchi, 1126 16th Street NW., Washington, D.C. 20036.
B. Oil, Chemical & Atomic Workers International Union, 1636 Champa Street, Denver, Colo. 80201.
D. (6) $1,875. E. (9) $227.50.

A. George G. Mead, 621 Pershing Drive, Silver Spring, Md. 20910.
B. The American Society of Radiologic Technologists, 645 North Michigan Avenue, Chicago, Ill. 60611.
D. (6) $2,550. E. (9) $562.05.

A. George G. Mead, 621 Pershing Drive, Silver Spring, Md. 20910.
B. The National Association of Theatre Owners, Inc., 1501 Broadway, New York, N.Y. 10036.
D. (6) $800. E. (9) $83.88.

A. Ellis E. Meredith, 1611 North Kent Street, Arlington, Va. 22209.
B. American Apparel Manufacturers Association, Inc., 1611 North Kent Street, Arlington, Va. 22209.
D. (6) $400.

A. Lester F. Miller, 1750 Pennsylvania Avenue NW., Washington, D.C.
B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.
D. (6) $290. E. (9) $10.50.

A. Arnold C. Johnson, William T. Plumb, Jr., and Seymour S. Mintz, c/o Hogan and Hartson, 815 Connecticut Avenue NW., Washington, D.C.
B. Hughes Tool Co., Houston, Tex.

A. Clarence Mitchell, 422 First Street SE., Washington, D.C. 20003.
B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $4,000.

A. John G. Mohay, 734 15th Street NW., Washington, D.C. 20005.
B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.
D. (6) $312.50.

A. Joseph E. Moody, 918 16th Street NW., Washington, D.C. 20006.
B. Bituminous Coal Operators Association, Inc., 918 16th Street NW., Washington, D.C. 20006.
D. (6) $500.

A. John Morgan, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $598.07.

A. John J. Motley.
B. National Federation of Independent Business, 921 Washington Building, 15th Street and New York Avenue NW., Washington, D.C. 20005.
D. (6) $2,700. E. (9) $380.

A. Motorists United for Ecology, Inc., 3477 New Ridge Drive, Palos Verdes, Calif. 90274.
D. (6) $952.06. E. (9) 699.89.

A. Kenneth D. Naden, 1129 20th Street NW., Washington, D.C. 20036.
B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.
D. (6) $1,657.49. E. (9) $45.02.

A. Augustus Nasmith, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
B. Associated Railroads of New Jersey, Pennsylvania Station, Raymond Plaza, Newark, N.J. 07102.
D. (6) $41.25.

A. National Associated Businessmen, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $336.77. E. (9) $852.44.

A. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.
D. (6) $14,426.72. E. (9) $14,525.37.

A. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $40,004.14. E. (9) $35,023.16.

A. National Association of Record Merchandisers, Inc., Trianon Building, Suite 703, 20 Conshohocken State Road, Bala Cynwyd, Pa. 19004.
E. (9) $1,666.87.

A. National Citizens Committee for Revenue Sharing, 707 National Press Building, Washington, D.C. 20004.
E. (9) $4,795.86.

A. National Committee for Research in Neurological Disorders, c/o Warren F. Beer, 66 East 34th Street, New York City, N.Y. 10016.
D. (6) $10. E. (9) $5,000.

A. National Congress of Parents and Teachers, 700 North Rush Street, Chicago, Ill. 60611.
D. (6) $138,283.43. E. (9) $267.35.

A. National Council of Agricultural Employers, 620 Southern Building, Washington, D.C. 20005.
D. (6) $1,652. E. (9) $14,283.

A. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C. 20036.

D. (6) $15,357.40. E. (9) $15,650.54.

A. National Council of Technical Service Industries, 888 17th Street NW., Suite 601, Washington, D.C. 20006.

D. (6) $710. E. (9) $818.97.

A. National Federation Business & Professional Women's Clubs, 2012 Massachusetts Avenue NW., Washington, D.C. 20036.

D. (6) $89,610.30. E. (9) $7,999.68.

A. National Housing Conference, Inc., 1250 Connecticut Avenue NW., Suite 632, Washington, D.C. 20036.

D. (6) $8,560.50. E. (9) $20,956.40.

A. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.

D. (6) $183.25. E. (9) $1,993.87.

A. National League of Insured Savings Associations, 1200 17th Street, Suite 500, Washington, D.C. 20036.

D. (6) $186,823.20. E. (9) $425.

A. National Right to Work Committee, 1900 L Street NW., Suite 205, Washington, D.C. 20036.

D. (6) $2,842.63. E. (9) $2,842.63.

A. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $6,580. E. (9) $4,464.

A. National Sharecroppers Fund, Inc., 112 East 19th Street, New York, N.Y. 10003.

D. (6) $9,021.74. E. (9) $11,900.96.

A. National Tax Equality Association, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,681.44. E. (9) $2,371.42.

A. National Taxpayers Union, 319 Fifth Street SE., Washington, D.C. 20003.

D. (6) $5,014.89.

A. Ivan A. Nestingen, 1000 Connecticut Avenue NW., Washington, D.C.

B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wisc.

D. (6) $300. E. (9) $360.40.

A. Seward P. Nyman, 20 Chevy Chase Circle, Washington, D.C. 20015.

B. American Podiatry Association, 20 Chevy Chase Circle, Washington, D.C.

D. (6) $650.

A. Daniel J. O'Callaghan, 734 15th Street NW., Washington, D.C. 20005.

B. The National Independent Meat Packers Association, 734 15th Street NW., Washington, D.C. 20005.

D. (6) $218.75.

A. Richard T. O'Connell, 1129 20th Street NW., Washington, D.C., 20036.

B. National Council of Farmer Cooperatives, 1129 20th Street NW., Washington, D.C.

D. (6) $3,199.98. E. (9) $54.17.

A. Lawrence J. O'Connor, Jr., 1801 K Street NW., Suite 1021, Washington, D.C. 20006.

B. The Standard Oil Co., Midland Building, Cleveland, Ohio 44115.

E. (9) $187.50.

A. Claude E. Olmstead, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $290. E. (9) $14.

A. Roy E. Olson, 260 Madison Avenue, New York, N.Y. 10016.

B. American Paper Institute, 260 Madison Avenue, New York, N.Y. 10016.

A. Roy W. Olson, 1341 G Street NW., Washington, D.C. 20005.

B. Organization of Professional Employees of the USDA, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $225. E. (9) $25.

A. Charles T. O'Neill, Jr., 1120 Connecticut Avenue NW., Washington, D.C. 20036.

B. The American Bankers Association, 1120 Connecticut Avenue NW., Washington, D.C. 20036.

D. (6) $2,000. E. (9) $158.60.

A. Organization of Professional Employees of the U.S. Department of Agriculture, 1341 G Street NW., Washington, D.C. 20005.

D. (6) $114.65. E. (9) $1,352.91.

A. Raymond S. Page, Jr., Mill Creek Terrace, Gladwyne, Pa. 19035.

B. Campbell Soup Co., Campbell Place, Camden, N.J. 08101.

A. Lew M. Paramore, P.O. Box 1310, Kansas City, Kans. 66117.

B. Water Resources Congress, 1130 17th Street NW., Suite 500, Washington, D.C. 20036.

A. Patton, Blow, Verrill, Brand & Boggs, 1200 17th Street NW., Suite 710, Washington, D.C. 20036.

B. Boating Industry Association, 333 North Michigan Avenue, Chicago, Ill. 60601.

D. (6) $792.50.

A. Paul Weiss, Rifkind, Wharton & Garrison, 345 Park Avenue, New York, N.Y.

B. Alaska Federation of Natives, Anchorage, Alaska.

E. (9) $3,165.80.

A. Peabody, Rivlin, Gore, Cladouhos & Lambert, 1730 M Street NW., Suite 707, Washington, D.C. 20036.

B. National Tool, Die and Precision Machining Association, 1411 K Street NW., Washington, D.C. 20005.

A. Peabody, Rivlin, Gore, Cladouhos & Lambert, Suite 707, 1730 M Street NW., Washington, D.C. 20036.

B. Toyota Motor Sales, USA, Inc., 2055 West 190th Street, Torrance, Calif. 90504.

A. Lynn Pearle, 4524 29th Street NW., Washington, D.C.

B. Americans for Democratic Action, 1424 16th Street NW., Washington, D.C. 20036.

D. (6) $2,019.22.

A. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.

E. (9) $8,212.82.

A. James H. Pittinger, 1000 Liberty Bank Building, Oklahoma City, Okla.

B. APCO Oil Corporation, 1000 Liberty Bank Building, Oklahoma City, Okla.

D. (6) $250.

A. J. Francis Pohlhaus, 422 First Street SE., Washington, D.C. 20003.

B. National Association for the Advancement of Colored People, 1790 Broadway, New York, N.Y. 10019.

D. (6) $1,000.

A. H. P. Pressler, 1122 Southwest Tower, Houston, Tex.

B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C. 20036.

A. Arthur L. Quinn, 723 Washington Building, Washington, D.C., 20005.

B. Belize Sugar Industries, Belize City, British Honduras.

D. (6) $2,500.

A. Arthur L. Quinn, 723 Washington Building, Washington, D.C. 20005.

B. Compania Azucarera Valdez, S.A., Sociedad Agricola e Industrial, San Carlos, Guayaquil, Ecuador.

D. (6) $7,483.80.

A. Arthur L. Quinn, 723 Washington Building, Washington, D.C. 20005.

B. Government of Republic of Panama. Compania Azucarera La Estrella, S.A. and Azucarera Nacional, S.A., Panama City, Panama.

D. (6) $9,250.

A. Arthur L. Quinn, 723 Washington Building, Washington, D.C. 20005.

B. West Indies Sugar Association, Bridgetown, Barbados.

A. Ragan & Mason, 900 17th Street NW. The Farragut Building, Washington, D.C.

B. Atkins, Kroll & Co., Ltd., 417 Montgomery Street, San Francisco, Calif.

D. (6) $3,000.

A. Ragan & Mason, 900 17th Street NW., Washington, D.C.

B. Island Equipment Co., 3300 Northeast Yeon Avenue, Portland, Oreg.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.

B. Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, N.J.

D. (6) $900. E. (9) $13.50.

A. Ragan & Mason, 900 17th Street NW., The Farragut Building, Washington, D.C.

B. Stimson Lumber Co. and Miller Redwood Co., 315 Pacific Building, Portland. Oreg.

D. (6) $250.

A. Railway Progress Institute, 1140 Connecticut Avenue NW., Washington, D.C. 20036

A. Rial M. Rainwater, 1750 Pennsylvania Avenue NW., Washington, D.C.

B. National Rural Letter Carriers' Association, 1750 Pennsylvania Avenue NW., Washington, D.C.

D. (6) $290. E. (9) $12.

A. Louis J. Rancourt, 400 First Street NW., Washington, D.C. 20001.

B. Brotherhood of Railway, Airline & Steamship Clerks, 6300 River Road, Rosemont, Ill. 60018.

D. (6) $1,018. E. (9) $210.74.

A. Sydney C. Reagan, 6815 Prestonshire, Dallas, Tex. 75225.

B. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.

D. (6) $150.

A. William L. Reynolds, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

B. National League of Insured Savings Associations, 1200 17th Street NW., Suite 500, Washington, D.C. 20036.

D. (6) $75. (9) $40.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. The Kellogg Co., Battle Creek, Mich.

A. James W. Riddell, 723 Washington Building, Washington, D.C. 20005.

B. Volume Footwear Retailers of America, 51 East 42d Street, New York, N.Y. 10013.

A. John Riley, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $665.62. E. (9) $14.85.

A. Nathaniel H. Rogg, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C.
D. (6) $2,400. E. (9) $96.12.

A. Scott Runkle, 1000 Connecticut Avenue NW., Washington, D.C., 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Allan D. Schlosser, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $100.

A. W. O. Senter, 1725 DeSales Street NW., Washington, D.C. 20036.
B. Gas Supply Committee, 1725 DeSales Street NW., Washington, D.C. 20036.
D. (6) $677.25. E. (9) $64.94.

A. Leo Seybold, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association.
D. (6) $1,479. E. (9) $335.35.

A. Norman R. Sherlock, 1000 Connecticut Avenue NW., Washington, D.C.
B. Air Transport Association.
D. (6) $865. E. (9) $763.82.

A. Robert L. Shortle, 1147 International Trade Mart Tower, New Orleans, La. 70130.
B. Water Resources Congress, 1130 17th Street NW., Suite 500, Washington, D.C. 20036.

A. A. Z. Shows, Suite 904, 2600 Virginia Avenue NW., Watergate Office Building, Washington, D.C. 20037.
D. (6) $3,300. E. (9) $780.16.

A. Sidley & Austin, 1625 I Street NW., Washington, D.C. 20006.
B. Electronic Industries Association, 2001 I Street NW., Washington, D.C. 20006.
D. (6) $500.

A. Lana H. Sims, 1003 Security Federal Building, Columbia, S.C. 29201.
B. S. C. Railroad Association, 1003 Security Federal Building, Columbia, S.C. 29201.
D. (6) $16.82. E. (9) $45.25.

A. William L. Slayton, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
B. American Institute of Architects, 1785 Massachusetts Avenue NW., Washington, D.C. 20036.
D. (6) $1,500.

A. Jonathan W. Sloat, 1425 K Street NW., Washington, D.C. 20005.
B. Grocery Manufacturers of America, Inc., 1425 K Street NW., Washington, D.C. 20005.

A. Spencer M. Smith, Jr., 1709 North Glebe Road, Arlington, Va. 22207.
B. Citizens Committee on Natural Resources, 1346 Connecticut Avenue NW., Suite 712, Washington, D.C. 20036.
D. (6) $3,620.90. E. (9) $2,734.99.

A. Larry N. Spiller, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
B. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $1,500. E. (9) $50.

A. Southwestern Peanut Shellers Association, 6815 Prestonshire, Dallas, Tex. 75225.
D. (6) $150. E. (9) $150.

A. J. Gilbert Stallings, 1776 K Street NW., Washington, D.C. 20036.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.
E. (9) $5.

A. Standard Oil Co., 1801 K Street NW., Suite 1021, Washington, D.C. 20006.
E. (9) $187.50.

A. Edward W. Stimpson, 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.
B. General Aviation Manufacturers Association, Inc., 1025 Connecticut Avenue NW., Suite 1215, Washington, D.C. 20036.
D. (6) $195. E. (9) $87.50.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Room 609, Washington, D.C. 20036.
B. Footwear Group, American Importers Association, New York, N.Y.

A. Stitt, Hemmendinger & Kennedy, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. Japan Iron & Steel Exporters' Association, Tokyo, Japan.

A. Nelson A. Stitt, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
B. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.

A. Richard H. Stock, 1250 Connecticut Avenue, NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, Colonial Sugar Refining Co., 1250 Connecticut Avenue NW., Washington, D.C.

A. Richard H. Stock, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, Interbank Card Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. Richard H. Stock, 1250 Connecticut Avenue NW., Washington, D.C. 20036.
B. Cleary, Gottlieb, Steen & Hamilton, Synthetic Organic Chemical Manufacturers Association, 1250 Connecticut Avenue NW., Washington, D.C.

A. Stroock & Stroock & Lavan, 1100 Connecticut Avenue NW., Washington, D.C. 20036.
B. Breezy Point Cooperative, 202–30 Rockaway Point Boulevard, Rockaway Point, N.Y.
D. (6) $450.

** A. Barry Sullivan, 536 Washington, Building, Washington, D.C.
B. National Association of River and Harbor Contractors, 536 Washington Building, Washington, D.C.
D. (6) $750. E. (9) $165.59.

A. Frank L. Sundstrom, 1776 K Street NW., Suite 1200, Washington, D.C. 20006.
B. The Tobacco Institute, Inc., 1776 K Street NW., Suite 1200, Washington, D.C. 20006.

A. Surrey, Karasik & Green, 1156 15th Street NW., Washington, D.C. 20005.
B. Associated Private Sugar Producers of Guadeloupe and Martinique, Zone Industrielle, Pointe-Jarry, Baie-Mahault, B.P. 175, Pointe-A-Pitre, Guadeloupe.
D. (6) $566.56. E. (9) $427.58.

A. Surrey, Karasik and Greene, 1156 15th Street NW., Washington, D.C. 20005.
B. Private Sugar Producers of Madagascar, 282 Boulevard St. Germain, Paris 7°, France.
E. (9) $112.53.

A. Ivan Swift, 1925 K Street NW., Washington, D.C. 20006.
B. Communications Workers of America, 1925 K Street NW., Washington, D.C. 20006.
E. (9) $1523.61.

A. Robert F. Sykes, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
E. (9) $22.64.

A. Evert S. Thomas, Jr., 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $1,726.31. E. (9) $924.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.
B. R. Markey & Sons, Inc., 99 Wall Street, New York, N.Y. 10005.

A. J. Woodrow Thomas Associates, Inc., 1730 M Street NW., Suite 609, Washington, D.C. 20036.
B. REA Express, Inc., 219 East 42d Street, New York, N.Y. 10017.
D. (6) $1,500.

A. W. M. Trevarrow, 1056 National Press Building, Washington, D.C. 20004.
B. American Motors Corp., 14250 Plymouth Road, Detroit, Mich. 48232.
D. (6) $4,125. E. (9) $103.50.

A. United Brotherhood of Carpenters and Joiners of America, 101 Constitution Avenue NW., Washington, D.C. 20001.
E. (9) $8,668.27.

A. United States-Japan Trade Council, 1000 Connecticut Avenue NW., Washington, D.C. 20036.
D. (6) $379.43. E. (9) $379.43.

A. Bruce E. Vogelsinger, 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
B. Consulting Engineers Council/U.S., 1155 15th Street NW., Suite 713, Washington, D.C. 20005.
D. (6) $1,350. E. (9) $50.

A. E. R. Wagner, 888 17th Street NW., Suite 601, Washington, D.C. 20006.
B. National Council of Technical Service Industries, 888 17th Street NW., Suite 601, Washington, D.C. 20006.
D. (6) $242.30. E. (9) $1,950.

A. Wald, Harkrader, Nicholson & Ross, 1320 19th Street NW., Washington, D.C. 20036.
B. INA Corp., 1600 Arch Street, Philadelphia, Pa. 19101.

A. De Melt E. Walker, 1730 Rhode Island Avenue NW., Washington, D.C.
B. Credit Union National Association, Inc., 1617 Sherman Avenue, Madison, Wis.
D. (6) $753.80. E. (9) $107.43.

A. Richard D. Warden, 1823 Jefferson Place NW., Washington, D.C. 20036.
B. Washington Research Project Action Council, 1823 Jefferson Place NW., Washington, D.C. 20036.
E. (9) $12,849.33.

A. James A. Warren, 5500 Prospect Place, Chevy Chase, Md. 20015.
B. REA Express Inc., 219 E. 42d Street, New York, N.Y. 10017.
D. (6) $450. E. (9) $150.

A. Fred Wegner, 1225 Connecticut Avenue NW., Washington, D.C. 20036.
B. American Association of Retired Persons, National Retired Teachers Association, 1225 Connecticut Avenue NW., Washington, D.C. 20036.

A. Weissbrodt & Weissbrodt, 1614 20th Street NW., Washington, D.C. 20009.
B. Central Council of the Tlingit & Haida Indians of Alaska, Box 529, Juneau, Alaska 99801.
E. (9) $553.67.

A. Bernard J. Welch, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. Donald F. White, 1616 H Street NW., Washington, D.C. 20006.
B. American Retail Federation, 1616 H Street NW., Washington, D.C. 20006.
E. (9) $750.

A. John C. White, Room 1008, 1101 17th Street NW., Washington, D.C. 20036.
B. Private Truck Council of America, Inc., Room 1008, 1101 17th Street NW., Washington, D.C.

A. Robert E. Wick, 1800 K Street NW., Washington, D.C. 20006.
B. Pan American World Airways, Inc., 1800 K Street NW., Washington, D.C. 20006.

A. Harding deC. Williams, 1825 K Street NW., Washington, D.C.
B. Del Monte Corp., 215 Fremont Street, San Francisco, Calif.
D. (6) $500. E. (9) $50.

A. John C. Williamson, 1300 Connecticut Avenue NW., Washington, D.C.
B. National Association of Real Estate Boards, 155 East Superior Street, Chicago, Ill.
D. (6) $6,000. E. (9) $13.50.

A. Kenneth Williamson, One Farragut Square South, Washington, D.C. 20006.
B. American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611.
D. (6) $390.65. E. (9) $140.04

A. R. J. Winchester, 900 Southwest Tower, Houston, Tex. 77002.
B. Pennzoil United, Inc., 900 Southwest Tower, Houston, Tex. 77002.
D. (6) $1,800. E. (9) $697.28.

A. Burton C. Wood, 1625 L Street NW., Washington, D.C. 20036.
B. National Association of Home Builders of the United States, 1625 L Street NW., Washington, D.C. 20036.
D. (6) $13,500. E. (9) $584.80.

A. William E. Woods, 440 National Press Building, Washington, D.C.
B. National Association of Retail Druggists, One East Wacker Drive, Chicago, Ill. 60601.
D. (6) $750. E. (9) $150.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Signal Cos., Inc., 1010 Wilshire Boulevard, Los Angeles, Calif. 90017.

A. Albert Young Woodward, 815 Connecticut Avenue NW., Washington, D.C.
B. The Flying Tiger Line Inc., Los Angeles International Airport, Los Angeles, Calif.

A. Nicholas H. Zumas, 1225 19th Street NW., Washington, D.C. 20036.
B. National Music Publishers Association, 460 Park Avenue, New York, N.Y.
D. (6) $500.

SENATE—*Monday, September 11, 1972*

The Senate met at 10 a.m. and was called to order by Hon. Adlai E. Stevenson III, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for the Sabbath of rest and worship when the spirit is uplifted and the soul renewed. We beseech Thee to guide Thy servants in this place as they undertake the tasks of a new week. Keep their hearts in tune with Thee, their motives pure, their methods clean, and their purposes ever to do Thy will. Help them to work right, to think right, to speak right, and to live as befits those who have begun this day with Thee. Bring them at evening time undefeated in spirit, at peace with themselves, with their colleagues, and at peace with Thee. For Thy kingdom's sake and in Thy name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Eastland).

The assistant legislative clerk read the following letter:

> U.S. Senate,
> President pro tempore,
> *Washington, D.C., September 11, 1972.*
>
> *To the Senate:*
>
> Being temporarily absent from the Senate on official duties, I appoint Hon. Adlai E. Stevenson III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.
>
> James O. Eastland,
> *President pro tempore.*

Mr. STEVENSON thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, September 8, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services and the Committee on Interior and Insular Affairs may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD subsequently said: Mr. President, earlier this morning the Senate granted permission to the Committee on Interior and Insular Affairs to meet during the session of the Senate today. It has come to my attention since that time that an objection has been raised. So, I ask unanimous consent that the request be negated.

I point out, however, that until the morning business is concluded that all committees have the right under the rules to continue to meet.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

DEPARTMENT OF JUSTICE

The second assistant legislative clerk read the nomination of Frank D. McCown, of Texas, to be U.S. attorney for the northern district of Texas for the term of 4 years.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

CORPORATION FOR PUBLIC BROADCASTING

The second assistant legislative clerk read the nomination of Thomas B. Curtis, of Missouri, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1976.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. SCOTT. Mr. President, I am delighted that the former Representative from Missouri, my friend Mr. Thomas B. Curtis, has been confirmed as a member of the Board of Directors of the Corporation for Public Broadcasting.

Those of us who served with Mr. Curtis were pretty much of the opinion on our side of the aisle that Mr. Curtis was perhaps the most thoroughly informed man on more issues of general importance to the Nation than anyone serving in that body at that time.

He is a man with a great and impressive command of legislation, not only fiscal legislation and matters pertaining to appropriations, but also broadly and generally in the field of communications.

The Corporation for Public Broadcasting is greatly strengthened by the addition of Mr. Curtis as a member of its Board of Directors. I am very much pleased that he has been confirmed by the Senate.

Mr. MANSFIELD. Mr. President, along with the distinguished Republican leader, I also express my high regard for the appointment, as a member of the Board of Directors of the Corporation for Public Broadcasting, of Mr. Thomas B. Curtis of Missouri, with whom we both served in the House of Representatives.

As the distinguished Senator from Pennsylvania has just said, Mr. Curtis is a man who has a wide command of the legislative process.

Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1034 through and including No. 1041.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOHN C. ROGERS

The bill (S. 909) for the relief of John C. Rogers, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John C. Rogers of McMinnville, Oregon, is relieved of all liability for repayment to the United States of the sum of $135.17, representing the amount of an overpayment he received from the United States as the result of administrative error in determining the lump-sum payment for accumulated, unused leave to which the said John C. Rogers was entitled upon his discharge from active duty with the United States Navy. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John C. Rogers, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-1092), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this bill is to relieve Mr. Rogers of liability to the United States in the amount of $135.17, representing the sum he received in overpayment as the result of an administrative error in determining the lump sum payment for his accumulated leave upon his discharge from the U.S. Navy.

STATEMENT

Mr. Rogers enlisted in the U.S. Navy on November 2, 1967, and served on active duty until October 16, 1968, when he was discharged under honorable conditions. Upon his discharge Mr. Rogers was erroneously paid for 46 days unused leave when he actually should have been paid for only 16 days unused leave. This mistake was made due to an administrative error on the part of the Navy. Mr. Rogers apparently received this overpayment in good faith and to require him to repay this amount would impose an undue hardship upon him.

The Department of the Navy interposes no objection to the enactment of S. 909. On these facts the committee has considered that relief is appropriate. Accordingly, it is recommended that the bill be favorably considered.

M. SGT. WILLIAM C. HARPOLD, U.S. MARINE CORPS, RETIRED

The bill (S. 2714) for the relief of M. Sgt. William C. Harpold, U.S. Marine Corps, retired, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Master Sergeant William C. Harpold, United States Marine Corps (retired), is relieved of all liability for repayment to the United States of the sum of $2,235.27, representing the amount of overpayments of retainer and retirement pay received by him from the United States Marine Corps during the period October 1, 1949, through June 30, 1971, as a result of an administrative error in computing his years of service for pay purposes, the United States Marine Corps having erroneously credited him for such purposes with a period of inactive service from November 27, 1926, through November 3, 1927.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Master Sergeant William C. Harpold (retired), the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed to be guilty of a misdemeanor and shall be fined in any amount not to exceed to $1,000.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92-1093), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of this bill is to relieve Master Sergeant Harpold of all liability for repayment to the United States of the sum of $2,235.27, representing the amount of overpayment of retainer and retirement pay received by him during the period between October 1, 1949, and June 30, 1971, as a result of administrative error occurring without fault on his part.

STATEMENT

Department of the Navy records indicate that M. Sgt. William C. Harpold, U.S. Marine Corps (retired), was transferred to the Fleet Marine Corps Reserve on June 30, 1949. At that time he had completed 25 years, 2 months, and 9 days of service, of which 24 years, 3 months, and 1 day were active service. In accordance with section 511 of the Career Compensation Act of 1949 (63 Stat. 802), he elected to receive, commencing October 1, 1949, retired/retainer pay based on 2½ percent of the monthly basic pay of his grade multiplied by the number of years of his active service. However, Master Sergeant Harpold's retired/retainer pay was erroneously computed on the basis of completion of 25 years active service, rather than the correct basis of 24 years active service. Thus, he received a multiple of 2½ percent more retired/retainer pay than that to which he was entitled during the period October 1, 1949, through June 30, 1971. A comprehensive review of his retired pay account resulted in the determination that he was indebted to the United States in the amount of $2,235.27.

Since the indebtedness in this case accrued over a period of almost 22 years at an average monthly rate of $8.56, it is understandable that Master Sergeant Harpold did not detect the fact that he was being overpaid. Moreover, the method used to compute his retired/retainer pay was changed after his transfer to the Fleet Marine Corps Reserve. His pay during his retirement has also been subject to frequent adjustments as a result of increases in basic pay and increases in the Consumer Price Index. Additionally, in response to certain questions raised by him, Master Sergeant Harpold was advised on several occasions, both by Headquarters, U.S. Marine Corps, and the General Accounting Office, that his retired/retainer pay was being properly computed. In view of all these factors, the only conclusion that can be drawn in this case is that Master Sergeant Harpold accepted the overpayments in good faith, without fault or knowledge on his part.

Since Master Sergeant Harpold's debt extends unreasonably into the past and there appears to be no doubt that he accepted the overpayments in good faith, the Department of the Navy supports the enactment of S. 2714.

The committee agrees with the Navy Department and believes that legislative relief is appropriate in this case. Accordingly, it is recommended that the bill be favorably considered.

DAVID CAPPS

The bill (H.R. 1860) for the relief of David Capps, was considered, ordered to a third reading, read the third time, and passed.

MAJ. HENRY C. MITCHELL, RETIRED

The bill (H.R. 5299) for the relief of Maj. Henry C. Mitchell, retired, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1095), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay to Maj. Henry C. Mitchell, U.S. Army (retired) of Tallahassee, Fla., the sum of $514.15 in full settlement of all his claims against the United States arising out of his family's move (in July 1964, prior to the delayed issuance of moving orders) from Columbia, S.C., to Nashville, Tenn., while he was on active duty with the U.S. Army. The claims consist of fees paid to movers, a travel allowance for his wife and children, and a dislocation allowance.

STATEMENT

The facts of this case, as contained in House Report 92–876, are as follows:

"The Department of the Army in its report on the bill stated it has no objection to the bill.

"In its report on the bill the Army stated that in 1964 Maj. Henry C. Mitchell was assigned to duty and occupied Government quarters with his family in Fort Jackson, S.C. The Army further advised the committee that soon after his arrival, he experienced neurotic symptoms and received outpatient treatment, without improving. Outbursts and threats of physical harm to his wife caused her to leave home on several occasions from early 1964 until his hospitalization on June 17, 1964, at the U.S. Army Hospital, Fort Jackson. On June 20, 1964, he was moved to Walter Reed Army Medical Center in Washington, D.C., for further treatment. The diagnosis of his illness was: "Neurotic depressive reactions; chronic severe; manifested by depressed effect, tearfulness, and self-doubt. Stress: severe."

"On June 26, 1964, Mrs. Mitchell took her five children, ages 3, 9, 10, 12 and 15, to Nashville, Tenn., to stay with her parents, but she returned to Fort Jackson. On July 1, 1964, she was informed that Major Mitchell would be hospitalized for 8 more weeks at Walter Reed Army Medical Center, and that he might be hospitalized for a longer period of time, if he did not respond to treatment. She consulted with Major Mitchell's commanding officer at Fort Jackson, who is a physician, and with military psychiatrists, who confirmed the diagnosis of the psychiatrists, at Walter Reed Army Medical Center. The commander advised and encouraged her to plan to move from the quarters at Fort Jackson, and he and the post transportation officer helped arrange for a mover.

"Mrs. Mitchell shipped part of their household goods from Fort Jackson to Nashville, Tenn., on July 27, 1964. She paid the mover with money she borrowed because she did not have the needed funds, and because the Government did not provide her with transportation. She found it necessary to retain her quarters at Fort Jackson because she did not have sufficient funds to move all the household goods at one time.

"On August 3, 1964, Walter Reed Army Medical Center issued permanent change of station orders which transferred her husband to that hospital in Washington, D.C. Mrs. Mitchell relinquished her quarters at Fort Jackson on August 27, 1964, and her remaining household goods were apparently shipped at Government expense.

"On September 4, 1964, Major Mitchell filed a claim for: (1) reimbursement for travel on June 26, 1964, of his wife and children from Fort Jackson, S.C., to Nashville, Tenn.; (2) dislocation allowance in connection with that travel; and (3) reimbursement for movement of household goods on July 27, 1964, to Nashville, Tenn. On May 15, 1965, the General Accounting Office disallowed the claim for travel and dislocation because they occurred prior to issuance of orders. The Chief of Transportation, Department of the Army, on July 15, 1965, disallowed the reimbursement claim for shipment of the household goods for the same reason. In this connection, the Army in its report stated that an exception could have been made under the governing regulations (paragraph 7004, Joint Travel Regulations) if the commanding officer of Walter Reed Army Medical Center had furnished a certificate that Major Mitchell's treatment could be expected to be prolonged, but such a certificate was not secured.

"The Department of the Army after outlining the facts referred to above stated its opinion that it would be equitable to pay the claimant as provided in this bill because the retired officer could have qualified for all of the allowances and reimbursements in question if the proper documentation had been secured in the form of orders or a certificate of the commanding officer at the Walter Reed Medical Center. The Army further recognized that the omission to secure these documents on a timely basis is excusable in the light of the facts of this particular case. In this connection, the Army stated:

" 'The omission to secure these documents on a timely basis is excusable in the light of the husband's mental incompetency, and Mrs. Mitchell's reasonable reliance upon the advice and encouragement of his commanding officer.'

"The committee agrees that these circumstances justify relief and recommends that the bill be considered favorably."

In agreement with the views of the House of Representatives, the committee recommends that the bill be favorably considered.

GARY R. UTTECH

The bill (H.R. 5315) for the relief of Gary R. Uttech was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1096), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Gary R. Uttech, of Mosinee, Wis., of liability in the amount of $312.50, representing overpayments of active-duty pay received by him as a member of the U.S. Navy for the period June 8, 1966, to October 10, 1969, inclusive, as a result of administrative errors on the part of Government personnel who failed to make required deductions in his pay for authorized bond allotments and leave.

STATEMENT

The facts of this case, as contained in House Report No. 92–877, are as follows:

"The Department of the Navy in its report on the bill stated that it has no objection to enactment of the bill. The Comptroller General questioned relief in this instance.

"Gary R. Uttech began his service as a naval reservist. He enlisted in the U.S. Naval Reserve on February 8, 1966, and was placed on inactive duty. He was discharged on June 7, 1966, to immediately reenlist in the U.S. Navy, and he reenlisted on June 8, 1966. On October 10, 1969, he was released from active duty at Naval Air Station, Quonset Point, R.I., and was transferred to the U.S. Naval Reserve for the duration of his military obligation. At the time of his release from active duty, Petty Officer Uttech was indebted to the United States in the amount of $554.75. Of this total, $262.50 was due to an accounting error. The error was that bond allotment deductions from August 1, 1968, through September 30, 1969, were not recorded in his pay record. The remaining $292.25 of indebtedness arose because Petty Officer Uttech was charged 19 days excess leave. At the time of his release from active duty, Petty Officer Uttech had accrued $211.07 in pay and allowances which was applied to reduce his indebtedness to $343.68. On March 5, 1970, he remitted $31.18 to the Department of the Navy to reduce his indebtedness to $312.50.

"In indicating that it would have no objection to enactment of the bill, the Navy stated:

" 'It is normally the Department of the Navy's policy to forgive overpayments of excess leave where a substantial period of time has elapsed, since such overpayments are usually the result of administrative error. Overpayments of bond allotments by failure to deduct from basic pay is viewed somewhat differently in that the individual involved should be aware of his basic pay and should call to the attention of the proper parties the fact that he is being overpaid. However, it is recognized that even in the case of overpayment of a bond allotment the Navy is partially at fault because of administrative error.

" 'In view of the foregoing, the inconvenience caused Mr. Uttech, and the small amount of his total indebtedness attributable to the overpayment of the bond allotments, the Department of the Navy interposes no objection to the enactment of H.R. 5315.'

"The committee has carefully considered all of the facts of this matter, including those submitted to the committee as additional evidence in support of the bill and also the considerations outlined in the report of the Comptroller General. The additional information details facts which establish equities which, in the opinion of the committee, provide a firm basis for relief as would be provided in the amended bill. The difficulties encountered by Mr. Uttech date back to January of 1969 when he returned from Vietnam and received an assignment to the U.S.N.S., Argentina, Newfoundland. After receiving a 2-week leave he and his wife went to Davisville, R.I., and Gary reported in at the Construction Battalion Center enroute to Newfoundland; however, he did not receive orders until the end of May 1969.

"Upon learning of a mobile home court near the base in Newfoundland, he contacted naval authorities to determine if the Navy would transport a mobile home as he was at that time an E–5. He was advised that a mobile home could be transported to Newfoundland at the expense of the Government and proceeded to borrow money and purchased a home. When he went to the Household Effects Office to make arrangement for shipment, he was then told that the Navy could ship the mobile home only as far as the United States-Canadian border—he would be responsible for shipment from the border to Newfoundland. Upon learning that it would cost him $800 to have the mobile home transported, he purchased a truck for $900 to move the mobile home himself and he and his wife would have transportation during his tour in Newfoundland.

"Three months after the Uttechs arrival in Newfoundland, Mrs. Uttech's father passed away, and again they had to borrow money for round trip fares to Wisconsin. When they returned, Mr. Uttech was advised that he was being released from the service early. With less than a month to sell his mobile home, he sold it at a loss. Had he kept the home, he understood that he would have had to pay the Canadian Government a $500 import tax.

"After receiving his discharge he was advised that he had received an overpayment of $554.75; $262.50 was an accounting error as bond allotment deductions had not been made from his pay record; $292.25 of the overpayment was caused because of 19 days of excess leave. However, since he had incurred $211.07 in pay and allowances, it was applied to the debt which was reduced to $343.68. Mr. Uttech submitted $31.81 to the Navy which reduced his indebtedness to $312.50.

"When he returned to Wisconsin, he obtained work and continued his education. During the summer of 1970 he was laid off, and could not find another job. In the summer of 1971, he was again laid off for a month.

"The committee feels that the circumstances outlined above demonstrate a case of obvious hardship for the former serviceman which justifies relief in this instance. The information given him concerning his mobile home clearly was a factor in leading him to elect to buy the home in the first instance and then incurring additional expense to get it to Newfoundland. The loss he suffered on leaving compounded his financial difficulties. He is attempting to continue his education in the face of difficulties in finding employment. Accordingly, it is recommended that the amended bill be considered favorably. The amendment is to delete section 2 as recommended by the Comptroller General, so that there will be no provision for a refund of amounts already repaid."

In agreement with the views of the House of Representatives, the committee recommends that the bill be favorably considered.

WILLIAM E. BAKER

The bill (H.R. 10635) for the relief of William E. Baker was considered, ordered to a third reading, read the third time, and passed.

RONALD K. DOWNIE

The Senate proceeded to consider the bill (S. 995) for the relief of Ronald K. Downie which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That the Comptroller General of the United States is authorized to settle and adjust the claim of Ronald K. Downie, of Oklahoma City, Oklahoma, for the amount to which he would be entitled under section 5724(a)(4), title V of the United States Code, and the regulations issued thereunder without regard to section 4.1d of the Bureau of the Budget Circular No. A–56, revised October 12, 1966, representing expenses he incurred in selling his residence in Virginia and buying another in Fremont, California, incident to his transfer in June of 1967 as an employee of the Federal Aviation Administration from Leesburg, Virginia, to Fremont, California, for the convenience of the Government.

Sec. 2. No part of the amount disbursed in the first section of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GARY WENTWORTH

The Senate proceeded to consider the bill (S. 3257) for the relief of Gary Wentworth, of Staples, Minn., which had been reported from the Committee on the Judiciary with an amendment on page 1, line 5, after the word "of", where it appears the first time, strike out "$346.22" and insert "$313.22"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Gary Wentworth, of Staples, Minnesota, is relieved of all liability for repayment to the United States of the sum of $313.22, representing the amount of an overpayment received by him from the United States Marine Corps, prior to his discharge from such corps, as a result of an administrative error in balancing his pay record.

(b) In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

Sec. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Corporal Gary Wentworth, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–1091), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF THE AMENDMENT

The purpose of the amendment is to reflect the correct amount of Mr. Wentworth's indebtedness.

PURPOSE OF THE BILL AS AMENDED

The purpose of the proposed legislation, as amended, is to relieve Gary Wentworth of liability for repayment to the United States of $313.22, which is the amount of an overpayment received by him from the U.S. Marine Corps as a result of an administrative error.

STATEMENT

Department of the Navy records indicate that Cpl. Gary Wentworth, U.S. Marine Corps, retired, entered on active duty on July 23, 1968, and served until July 30, 1970, when he was retired because of physical disability rated at 40 percent. A postretirement examination of his pay account revealed that he had been overpaid $313.22 while on active duty.

Corporal Wentworth was evacuated from Vietnam on June 1, 1970, because of gun-shot wounds involving both legs. Since his permanent pay record did not accompany him, a temporary pay record was prepared on June 19, 1970, to provide pay service until his permanent pay record was recovered. It should be noted that a temporary pay record is not based on official records but is prepared from basic data provided by the member. It is opened as of the date he indicates that he received his last regular pay. The member is then paid the pay and allowances to which it appears he is entitled for the interim period, less any partial payments which he may have received. In this instance, Corporal Wentworth certified that he had received his last regular pay on April 1, 1970, and that he had also received two partial payments totaling $108. His permanent pay record, recovered after his release from active duty, revealed that he had actually received his last regular pay on May 13, 1970, and that he had been paid partial payments totaling $127. These mistakes of fact caused an overpayment of $346.22. The fact that Corporal Wentworth was not paid for 25 days' leave rations to which he was entitled, however, resulted in an adjustment to his account which reduced his indebtedness to $313.22.

While it may reasonably be assumed that the mistakes of fact were not intentional on the part of Corporal Wentworth, enactment of S. 3257 would nevertheless permit him to retain an overpayment caused by misinformation provided by him. The Department of the Navy is of the opinion that under normal conditions such a benefit would be unwarranted. However, the Department believes that Corporal Wentworth's case is not a normal case. Corporal Wentworth was wounded in action, and his wounds were severe enough to cause his retirement for disability. In view of the great sacrifice made by Corporal Wentworth in the service of his country, the Department of the Navy supports enactment of S. 3257, subject to modification of the amount of relief to $313.22.

TODAY IS THE BIRTHDAY OF SENATOR PACKWOOD OF OREGON

Mr. SCOTT. Mr. President, the assistant whip on our side today is the distinguished Senator from Oregon (Mr. Packwood). Today is his birthday. I want to congratulate him on behalf of all of us and to say he is one of our most effective and persuasive Senators. We are all delighted that he is a Member of this body.

We join him on the occasion of the anniversary of his natal day and wish him long life, long service, and great patience in this body.

Mr. MANSFIELD. Mr. President, I join the distinguished Republican leader in extending felicitations to the distinguished Senator from Oregon (Mr. Packwood) on this his birthday.

LATEST HARRIS POLL SHOWS INCREASE IN SUPPORT OF PRESIDENT NIXON'S POLICIES IN SOUTHEAST ASIA

Mr. SCOTT. Mr. President, since this is Monday, a day in which one collects his thoughts and then distributes them, I am delighted that the current Harris poll shows a new increase in support of President Nixon's policies in Southeast Asia, which are now approved by a 53- to 32-percent margin.

This is good news.

Thus, I celebrate three items of good news this morning without assessing the priorities because I do not know where I should fix the priority among God and country and Yale.

I do know, but I do not know to whom should be assigned the first priority of Heaven's light.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 5 minutes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Stevenson) laid before the Senate the following letters, which were referred as indicated:

Report on Proposed Use of Certain Research and Development Funds

A letter from the Administrator, National Aeronautics and Space Administration, reporting, pursuant to law, on the proposed use of certain research and development funds appropriated to that Administration, for modifications to existing Government-owned contractor-operated facilities at Santa Susana, Calif., and Canoga Park, Calif. (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

Reports on Final Determination of Claims of Certain Indians

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination relating to Docket No. 18-T, Minnesota Chippewa Tribe, et al., on behalf of the Chippewa Indians of the Mississippi and Lake Superior, plaintiffs, v. The United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination relating to Docket No. 263, the Kikiallus Tribe of Indians, plaintiff, v. the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination relating to Docket No. 278, the Tlingit and Haida Indians of Alaska, plaintiffs, v. the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination relating to Docket No. 278-A, the Tlingit and Haida Indians of Alaska, plaintiffs, v. the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination relating to Docket No. 332-B, the Yankton Sioux Tribe of Indians, plaintiff, v. the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

Report of the Administrative Conference

A letter from the Vice Chairman of the Administrative Conference of the United States submitting its report for 1971-72 (with accompanying report); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Stevenson):

The petition of A. Manihak, of Shoshone, Wyo., relating to the situation in Vietnam; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EAGLETON, from the Committee on Public Works:

S. 3974. An original bill to authorize cooperative operation, maintenance, and repair of the Chester Bridge, Missouri and Illinois, and for other purposes. (Rept. No. 92-1107).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BENNETT:

S. 3972. A bill for the relief of Sung Wan Kim. Referred to the Committee on the Judiciary.

By Mr. AIKEN (for himself, Mr. Talmadge, Mr. Allen, and Mr. Sparkman):

S. 3973. A bill to establish a system of wild areas within the lands of the national forest system. Referred to the Committee on Agriculture and Forestry.

By Mr. EAGLETON:

S. 3974. An original bill to provide for the cooperative operation, maintenance, and repair of the Chester Bridge, Missouri and Illinois. Ordered to be placed on the calendar.

By Mr. BEALL:

S. 3975. A bill for the relief of Rosa Elena Veas. Referred to the Committee on the Judiciary.

By Mr. JORDAN of North Carolina:

S. 3976. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the New River as a potential component of the National Wild and Scenic Rivers System. Referred to the Committee on Interior and Insular Affairs.

By Mr. ROTH:

S. 3977. A bill to impose a statutory limit on expenditures and net lending during fiscal year 1973. Referred to the Committee on Finance.

By Mr. TOWER:

S. 3978. A bill to amend the Internal Revenue Code of 1954 with respect to the treatment of the portion of junior ROTC instructors' compensation which is based on armed services allowances. Referred to the Committee on Finance.

By Mr. METCALF (for himself, Mr. Mansfield, Mr. Moss, and Mr. Burdick):

S.J. Res. 266. A joint resolution to provide a temporary moratorium on Federal coal leasing and for other purposes. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JORDAN of North Carolina:

S. 3976. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a segment of the New River as a potential component of the national wild and scenic rivers system. Referred to the Committee on Interior and Insular Affairs.

Mr. JORDAN of North Carolina. Mr. President, I wish to offer for appropriate consideration a bill which would amend the Wild and Scenic Rivers Act of 1968 to designate a segment of the New River in northwestern North Carolina and the southwest section of Virginia for consideration as a possible component of the national wild and scenic rivers system.

The effect of this legislation would be to require the Secretary of Interior by October 2, 1978—10 years from passage of the original act—to make a study of the section of the river concerned and make a determination of whether it meets the criteria for designation under the act.

If that segment is determined to be eligible, the designation would bar the Federal Power Commission from licensing construction of any dam, water conduit or reservoir on, or directly affecting, the section of the river concerned for so long as the official classification remains in force or until it is formally revoked by the Secretary of Interior.

I am proposing the legislation at this time because an application is presently before the FPC for a hydroelectric power project designed primarily for the benefit of downriver areas of West Virginia even though having its principal impact on the North Carolina and Virginia segment.

Since Congress has already clearly evidenced its interest in the preservation of wild and scenic areas, I consider it entirely appropriate that action be taken to insure that this intent is not thwarted by alteration of the character of a river which might now meet the guidelines of the 1968 act.

Failure to provide such insurance would, in my judgment, not only contravene congressional intent but at the same time do injustice to the economic and environmental interests of the areas of North Carolina and neighboring Virginia affected by the project.

For those reasons I hope it will be possible to have this legislation promptly referred to committee and reported for floor action prior to adjournment of this congressional session.

By Mr. ROTH:

S. 3977. A bill to impose a statutory limit on expenditures and net lending during fiscal year 1973. Referred to the Committee on Finance.

Mr. ROTH. Mr. President, I was a little surprised to read the article by Hobart Rowan in yesterday's Washington Post, on the administration's spending record and the prospects for future deficits. Mr. Rowan wisely observed that both conservative and liberally inclined economists have pointed to the dangers of further enormous deficits, but he neglected to emphasize the President's earnest desire to hold fiscal year 1973 spending under a "no-holes" ceiling of $250 billion.

I have long been bothered by what seems to me an uncontrollable budget process within Congress, and by the election year spending urge that predictably rises on Capitol Hill and in the White House. Several times in the last year I have introduced legislation which would have held outlays in line. Regrettably, congressional inaction on these measures has allowed the estimated deficit for fiscal year 1973 to rise close to $35 billion, on the unified basis. Under the Federal funds calculation, the figure is close to $42 billion.

Recently, several Members of the House have introduced similar language, and I understand they may push to have it included in the upcoming bill to raise the debt ceiling. I am certainly hopeful they will succeed.

Many Senators have asked me what I plan to do in view of the fact that my original spending bill (S. 3123) has languished in the Finance Committee for over 6 months. That measure received the endorsement of 49 cosponsors, and though I have asked that hearings be held, no action has been taken. In an effort, therefore, to bring this bill once again to the Senate's attention, I am reintroducing the language as a new bill, updating the budget total to $250 billion, which is the figure the administration has requested. If neither the House nor the Senate Finance Committee includes this provision in the debt bill, I will offer it as an amendment on the floor of the Senate.

Mr. President, it seems high time that we put aside partisan feelings on the budget issue, and realize that everyone, regardless of his political affiliation, will be hurt if deficit spending rekindles the heat of inflation. We could do no greater disservice to the American public than force an increase in taxes or wipe out the hard-won gains which have begun to restore economic prosperity. A majority of the Senate indicated support for this ceiling last February. We cannot postpone action on it any longer.

I ask unanimous consent that the full text of the bill be printed in the Record and that Mr. Rowan's article from the Post be included, as well.

There being no objection, the bill and article were ordered to be printed in the Record, as follows:

S. 3977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) expenditures and net lending during the fiscal year ending June 30, 1973, under the budget of the United States Government shall not exceed $250,000,000,000.

(b) The President shall, notwithstanding the provisions of any other law, reserve from expenditure and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

(c) In the administration of any program as to which—

(1) the amount of expenditures is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for obligation (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula.

Deficit: White House Ducks Issue

(By Hobart Rowan)

This is the season for the "early morning line" on economic prospects for 1973. And despite the sometimes confusing rhetoric of the election campaign, there already is a fairly remarkable unanimity among the forecasters on the outlook.

In summary, most economists look for another year of solid gains next year—but with inflation still enough of a factor to require continued wage and price controls and a tough monetary policy. Some respected analysts, in fact, are talking about another credit "crunch" with a jump to an 8 per cent corporate bond yield by late 1973.

For example, the Wharton school, which has had a good record of predictions, says the economy will enjoy a $114 billion gain in Gross National Product next year to $1,267 billion, but with growth slowing down after mid-year and the rate of inflation moving up from 3.5 per cent to 4 per cent.

The Wharton economists see the 5.5 per cent wage standard crumbling "under pressure of a tighter labor market, high capacity operations, and a large gamut of expiring contracts." This raises the question of the probable need for tighter controls, for (as the Wharton economists says) "the whole configuration of the economic accounts looks better with the stiffer inflation controls."

There are variations on the Wharton theme, as various "models" are turned out of the mounting numbers of computers. The University of Michigan, for example, has a GNP figure of $1,270 billion.

All see some progress—but not spectacular gains—on the unemployment front, with the overall-rate moving down from 5.6 per cent in 1972 to 4.6 per cent in 1973. Many forecasters, however, do not see an unemployment rate below 5 per cent until the final few months of 1973.

The thread that runs through all of the forecasts is the possibility that costs and prices will again accelerate, especially toward the end of 1973. And in large part, this is based on the staggering federal deficit, which instead of narrowing with the approach of recovery, is getting bigger.

Raymond J. Saulnier, former Chairman of the Council of Economic Advisers at the end of the Eisenhower years, this week told the annual meeting of the National Association of Business Economists that "it is an enormous hazard to operate with a succession of deficits in the neighborhood of $30 billion to $35 billion. And the risk is amplified when upwards of $60 billion of short-term liabilities is owed to foreigners."

If you discount Saulnier as a rather conservative Republican economist, listen then to Murry L. Weidenbaum, until this year an Assistant Secretary of the Treasury, usually rated a liberal Republican economist.

"To put it simply but accurately, the federal budget is heading the wrong way . . . I am worried now . . . We have a growing deficit, in the neighborhood of $35 billion. Whether you are a practitioner of the New Economics, the Old Economics, or whatever, that just does not make sense."

The Nixon administration used to fend off talk about rising budget deficits by directing attention to the "full employment" budget. The goal, Mr. Nixon used to say, is a full employment balance which would limit spending to the level of receipts that would accrue if the economy were operating merrily at a 4 per cent unemployment rate.

But a $35 billion deficit in the regular budget this year translates to a full employment deficit of $12 or $13 billion. "There are enough potential new spending pressures on the horizon to make it unlikely that the so-called 'full employment budget' will be close to balance anytime during the first half of this decade—unless taxes are raised," Weidenbaum observes.

That's the prospect that the administration won't face up to. Treasury Secretary George Shultz and more recently White House aide John Ehrlichman have been taking turns obfuscating this key issue.

Ehrlichman told reporters on Thursday that "the President will not ask for any increase in federal taxes at all." But then he said that this pledge was "dependent on" congressional willingness not to exceed the President's budget proposals, and further on a formal ceiling on expenditures.

And when Elizabeth Drew, on a public television interview asked Ehrlichman if the President's tax plans shouldn't be made public before the election, Ehrlichman said:

"The election date is really an arbitrary date, in terms of this work. . . . It would be a real mistake to accelerate . . . this . . . simply for the sake of rushing out with some kind of a campaign slogan."

The suspicion here is that the administration can read the tax handwriting-on-the-wall as well as anyone, but has ordered no one to talk about it in a meaningful way until after the election. But Congress—whatever its complexion next year—won't be rushing to raise total taxes, which means that the deficit will continue, the Federal Reserve Board will be pressured into a tighter money policy—and that we won't see the end of wage-price controls for a long time.

By Mr. METCALF (for himself, Mr. Mansfield, Mr. Moss, and Mr. Burdick):

S.J. Res. 266. A joint resolution to provide a temporary moratorium on Federal coal leasing and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. METCALF. Mr. President, on behalf of the distinguished senior Senator from Montana (Mr. Mansfield), the distinguished junior Senator from North Dakota (Mr. Burdick), the distinguished junior Senator from Utah (Mr. Moss), and myself, I introduce for appropriate reference a joint resolution providing for withdrawal of Federal coal lands pending final action by the Congress on surface mine reclamation legislation.

Our resolution would direct the Secretary of Interior to withdraw temporarily from prospecting and exploration, lease or other disposal subject to valid existing rights, deposits of coal owned by the United States which are minable by surface mining methods. The resolution further would direct the Secretary to suspend pending applications for coal permits and suspend all coal leases for surface mine operations not in actual production, pending final congressional action.

We introduce this resolution and shall press for its adoption, because of the dimming hopes for legislation during these closing days of the Congress.

The House Interior Committee has completed action on a bill which deals only with coal lands. The Senate Interior Committee has had on its agenda for some time a proposed bill, drafted and modified after thorough hearings, which covers other minerals as well.

It was my hope, shared by Chairman JACKSON and my colleague from Utah (Mr. Moss) who is chairman of the Subcommittee on Minerals, Materials, and Fuels, that we would finally get to markup of the bill at the scheduled executive session this morning. I regret that this was not possible. We were unable to get a quorum. In addition, there was objection to the meeting of the committee during the Senate session.

Mr. President, the temporary moratorium is necessary in order to protect the land and water resources of America that are being defiled by mining techniques now employed and inadequate administration of present laws.

The story of the rape of Appalachia is well known. Now the earthmoving machines are burying the fragile topsoil of the Northern Plains. I believe the corporate leaders who have directed this activity have underestimated the feeling of the American people.

To those who say that we must not stop this despoilation because of the energy shortage, I have two comments. First, ours is a temporary moratorium. It would be lifted after legislation is enacted. Second, if the energy shortage is so critical, why were more than 22 million tons of coal shipped abroad during the first 5 months of this year? And why do the major, investor-owned, electric utilities spend seven times as much on advertising and sales promotion of their scarce product as they do on research and development? Reduction of coal exports and a switch in R. & D. and advertising and sales promotion priorities will help close the energy gap until protective legislation is approved.

I recognize that legislation is no better than its enforcement. But the decision as to who will enforce the laws is to be made by the voters themselves, rather than the Congress.

Mr. President, one of the reasons for our concern deals with the administration's failure to keep its promise regarding regulation of mining on national forests. Two years ago, Senator MANSFIELD, Senator Moss, and I had discussions with Forest Service officials regarding damage to national forests, by mining operations, in the Stillwater country near Billings, Mont. The subcommittee conducted hearings. We looked over the area. The Forest Service promised to issue regulations that would insure proper reclamation.

The Forest Service kept its word, insofar as it was capable of doing so. I have a copy of its proposed regulations governing prospective and mineral development. But they have not been issued. And the reason, I am informed, is that they were killed, at a White House meeting attended by two Cabinet officers and a former Cabinet official who is now with the Committee To Reelect the President.

The latter has not been very communicative since the Watergate caper. He may not wish to comment on his role. But, surely, the Secretary of Agriculture, who is in charge of the Forest Service, must be held responsible.

I ask unanimous consent to have printed in the RECORD the text of the joint resolution.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 266

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Secretary of the Interior be and he hereby is authorized and directed to withdraw temporarily from prospecting and exploration, lease or other disposal subject to valid existing rights, deposits of coal owned by the United States which are minable by surface mining methods, and to suspend pending applications for coal permits and suspend all coal leases for surface mine operations not in actual production pending Congressional action on legislation for the regulation of surface mining operations.

Mr. MOSS. Mr. President, will the distinguished Senator from Montana yield?

Mr. METCALF. I yield.

Mr. MOSS. Mr. President, I commend the distinguished Senator from Montana (Mr. METCALF) for introducing this joint resolution.

As chairman of the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee, I have, during both sessions of this, the 92d Congress, conducted many hours of hearings and flown over thousands of miles of surface mining operations from one side of the country to the other.

Hours have been spent in subcommittee meetings with, I might add, the great and full support of the minority members of the subcommittee. Three times in the last 6 weeks, our surface mining legislation has been on the agenda of the full Committee of Interior, but we have been unable to report the bill. An executive session was scheduled for 10 a.m. this morning, but no one from the minority side was present at 10 a.m. The minority had filed an objection in the Senate to the holding of the committee meeting after termination of morning business of the Senate.

Surface mining needs controls. The area disturbed by strip mining climbed from 50,000 acres in 1965 to nearly 100,000 acres in 1970 according to the latest figures of the Bureau of Mines. The Council on Environmental Quality put the 1971 estimate at 241,800 acres and said at least 4,650 acres are being stripped each week.

I deplore the fact that environmental legislation seems to have become a political football for my Republican friends. Delay and recriminations of a political nature will not solve the problems of Appalachia, the mounting environmental problems of the West, nor those of the mining industry, fraught with indecision over whether to invest or not, and of the environmentalists who have been telling it like it is for months.

If we are unable to get our Republican friends to take committee action, and if we are unable to get the Republican leadership to refrain from filing objections to the meetings of the Senate Interior Committee to mark up vital, pending surface mining legislation, other action must be taken.

I, therefore, join with my good friends from Montana in offering a joint resolution to protect coal lands owned by the United States and to withdraw such lands from coal leasing activity until the Congress acts on surface mining legislation.

Mr. MANSFIELD. Mr. President, one of the gravest issues we face in the West, is the proper regulation of surface mining, particularly in the vast coal fields of eastern Montana and hard rock mining exploration in the Beartooth Mountains. The Federal Government has a responsibility to take the initiative in establishing strong controls over strip mining on Federal lands and reclamation of both Federal and privately owned lands developed for mineral purposes. This applies to both coal and hard rock mining. The people of my State are deeply concerned that indicated accelerated development of coal deposits and other minerals will leave vast portions of the State scarred and made useless forever. My colleague, Senator LEE METCALF and I do not want to see a repeat of Appalachia.

These mineral deposits can play an important economic role in the future of Montana, Wyoming, and the Dakotas, but their development cannot be at the expense of surface landowners and general environmental considerations. Senator METCALF, several other western Senators and I, have attempted to obtain action on the part of the Federal agencies who have responsibility for managing Federal lands. Over 2 years ago the U.S. Forest Service promised that they would take the initiative in issuing mining regulations to insure reclamation within national forests. It now has become quite apparent that the Forest Service officials do not intend to do anything about it until after the election. The situation is so serious that executive action is imperative. We want action now, until such time that the Congress in cooperation with the States can develop a uniform set of regulations affecting both private and public lands.

I am pleased by the action taken by the House Interior Committee in reporting the Coal Mining Reclamation Act, and it had been my hope that the Senate would also be able to consider the mining reclamation bill prior to adjournment. As of today, the prospects for such consideration do not look good. For this reason, I am pleased to join with the junior Senators from Montana and Utah, Mr. METCALF and Mr. MOSS, in the introduction of a simple joint resolution prohibiting all coal mining exploration and prospecting on all Federal lands until such time as a uniform program is established. Again, I wish to to state how unfortunate it is that the Forest Service has refused to exercise its authority in implementing a program of mining reclamation. I would hope that this matter has not been held in abeyance for partisan reasons. If so, the interests of the West will suffer needlessly.

It is the time for all parties to proceed rapidly in setting forth a realistic set of surface mining regulations and reclamation requirements. The Federal agencies have the authority to move now, and should have done so some time ago. The Congress must then expand on this program by enacting laws making reclamation applicable to all lands, private and public. Let us not stand around wringing our hands while the West is being torn apart. Next year, or the year after, will be too late.

In summation it is important that recognition be given to the fine efforts made by the State of Montana in facing up to its responsibilities with respect to surface reclamation. I wish that the Federal agencies with responsibility for Federal lands could be equally complimented. They cannot.

Mr. President, an article appearing in the September 1 issue of The Independent Record of Helena, Mont., contains an excellent summation by Art Hutchinson. An editorial from the Billings Gazette of this morning also faces this issue headon. I ask unanimous consent to have the column and editorial printed in the RECORD, as well as a letter dated August 8, 1972, from the Regional Forester to the State Land Commissioner, the Land Commissioner's letter of August 28, 1972, to the Governor, and Governor Anderson's letter of August 29, 1972, to me.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USFS RENEGS ON RECLAMATION

(By Arthur Hutchinson)

The U.S. Forest Service, reneging on nearly two years of promises, has quietly informed state officials that they will not make mining regulations this year to insure reclamation within national forests.

The new delay in making regulations covering exploration, development and mining within the forest preserve means that exploitation of the Stillwater mining area southeast of Billings may continue under the 1872 Mining Act and ineffective existing regulations.

The reversal in promised USFS policy, which stunned the state administration, came almost a year to the day after USFS officials came under strong fire from U.S. Senators Mike Mansfield, Lee Metcalf, both D-Mont., and Frank Ross, D-Utah, and the administration of Democratic Gov. Forrest H. Anderson.

Tough questions were thrown at the USFS at the public hearing Aug. 18, 1971, in Billings by the Senate Subcommittee on Minerals, Materials and Fuels. The hearing followed a flight over the Stillwater to show the senators and committee staff the results of current exploration and development.

Nearly two years ago, USFS officials at a meeting in Metcalf's office promised mining regulations by early 1971 and in April of that year sent the state Department of Lands a copy of the proposed regulations and the required environmental impact statement. At the Billings hearing that followed, the pledge was repeated.

But earlier this month, state land commissioner Ted Schwinden received an almost apologetic letter from Steve Yurich, Missoula, Region One forester.

"We have recently learned that the chief (of the Forest Service) has considered it best to temporarily delay regulations for mining as such regulations would only apply to the national forests and not the public domain," Yurich wrote.

"Congress now has under active consideration legislation which the Department of the Interior believes it needs in order to issue regulations applicable to BLM (Bureau of Land Management) lands," he said.

"The chief believes it would be most desirable for mineral development regulations covering the national forest and public domain lands to be as consistent and uniform as possible," the letter said. "Should Congress fail to act on the proposed legislation this session, the chief will again consider the promulgation of mining regulations for the national forest."

The land commissioner said chances of pending legislation that would scrap the 1872 Mining Law passing Congress are practically nil this year considering that Congress probably will adjourn shortly to campaign this election year.

Schwinden said he had been told by the USFS "month after month" that publication of the regulations was imminent. He said he had even been told the number under which the regulations would be published in the federal register.

But then, Schwinden said, he began to hear "rumors" of a switch in USFS policy.

"It is a great disappointment to have you confirm what has been rumored," he said.

"The logic of delay for the sake of uniformity of regulations on U.S. lands I consider faulty," Schwinden said. "Would a physician in good conscience postpone necessary treatment of one twin because his brother was not treatable?

"As you know, some of the other western states have evidenced less concern with the problem of mined land reclamation than has Montana. I find that regrettable, but not an excuse for relaxation of our standards," he said.

Schwinden told the governor that the about-face by the USFS "means in effect that the Department of State Lands, through its administration of the (1971) Hard Rock Reclamation Act, will have to go it alone on the nearly 17 million acres of national forest in Montana."

The land commissioner reminded the governor of his testimony presented at the Billings hearing where Anderson complained that federal inactivity had forced Montana into a position of leadership in mine reclamation.

"However," Schwinden said, "this department simply does not have the resources to assure that our Montana environment will be fully protected from mining development."

(The department has an appropriation of only $183,600 for two years to supervise mining reclamation.)

The state officials blame pressure from the top in Washington for the sudden reversal.

"Our cooperation in the whole area of adequate mining regulations and reclamation standards at the regional U.S. agency levels has been excellent," Schwinden told Anderson. "At the national administration, we have been handed paper and promises, and now this complete reversal on the Forest Service regulations."

He asked the governor to inform the state's congressional delegation of "our frustration with the ambivalence and lack of commitment of the Nixon Administration."

Schwinden said he was not aware of any announcement from Washington on the abrupt policy change by the Forest Service.

[From the Billings Gazette Editorial—Monday, Sept. 18, 1972]

A LAME EXCUSE

Smokey the Bear must be hiding his head in shame these days at the inaction of the U.S. Forest Service bosses in Washington, D.C.

As a result of their inaction, top brass, high level, inner-sanctum backing off, the 1872 mining act still prevails on national forest land.

What does that mean? Nothing has changed. Miners may go into the national forests and do pretty much what they've done for 80 years—tear it up at their pleasure. No reclamation required.

For some time the Forest Service used the excuse that it lacked the authority to require reclamation of land torn up by mining exploration.

This claim came to an abrupt halt when U.S. Senator Lee Metcalf reminded them they had the authority to establish regulations controlling the use of forest land. That was nearly two years ago.

The Forest Service then assured Metcalf and others it would draw up rules to protect the forest land.

Now, even after having been shown what could result in the Stillwater area southwest of Billings, the Forest Service has reneged on its promises.

The excuse for delay is a lame one. The gist is that it is waiting for Congress to adopt regulations covering all public domain.

A better name for it is a broken promise.

The U.S. Forest Service, right at the top, is remiss in its duty to the people of this Nation. Its job is to protect and make best use of the forest land.

It has fallen down on the job in not correcting a situation which permits abuse when it has the power to do so.

STATE OF MONTANA,
OFFICE OF THE GOVERNOR,
Helena, Mont., August 29, 1972.

Hon. MIKE MANSFIELD,
U.S. Senate, Office of the Majority Leader, Washington, D.C.

DEAR MIKE: On August 18, 1971, I submitted testimony to the Subcommittee on Minerals, Materials and Fuels of the Senate Interior Committee in Billings, Montana. The previous day, Senators Moss, Metcalf, myself and various state and federal officials had viewed the Stillwater mining area in south central Montana.

In my testimony I tried to emphasize the need for orderly resource development in a context of environmental quality. I noted that the Federal Government had failed to use its authority to promote the best interests of Montana and the Nation. At that time, however, we were hopeful that the implementation of new Forest Service regulations relating to exploration and mining on forest lands would be of invaluable help.

The enclosed correspondence quite clearly indicates a drastic change in Administration policy.

Despite professed federal concern and prolonged rhetoric, it appears that my apprehensions in August, 1971, were inadvertently prophetic . . . "And we will do it alone, if necessary."

Best personal regards.

Sincerely,

FORREST H. ANDERSON,
Governor.

Department of State Land,
Helena, Mont., August 28, 1972.
Governor Forrest H. Anderson,
State of Montana,
Helena, Mont.

Dear Governor Anderson: I have just recently learned that the regulations covering exploration and mining on Forest Service lands, long promised by the U.S. Forest Service, are not to be published!

The attached letter from Regional Forester Service Yurich is self-explanatory. Please note that Mr. Yurich had also ". . . expected that the Forest Service would now have regulations on mining *which would achieve good reclamation practices* for minerals mined . . . on the National Forest . . .". (Emphasis added)

Mr. Yurich states that the delay decision by the Chief Forester was attributable to pending federal legislation, and a desire for uniformity of regulations on all federal land.

You are well aware of the lack of response at the Washington level to our requests for help in resolving problems in the development of our eastern Montana coal. This decision to defer promulgation of adequate mining regulations on Forest Service lands means in effect that the Department of State Lands, through its administration of Chapter 252, the "Hard Rock Reclamation Act", will have to "go it alone" on the nearly 17 million acres of National Forest in Montana.

Our cooperation in the whole area of adequate mining regulations and reclamation standards at the *regional* U.S. agency levels has been excellent. At the national administration level, we have been handed paper and promises, and now this complete reversal on the Forest Service regulations.

Nearly two years ago, in the office of Senator Metcalf in Washington, Forest Service officials pledged that regulations would be drafted by early 1971. Enclosed is a copy of the regulations and the Environmental Impact Statement required . . . *received by us in April, 1971.* In August, 1971, the Senate Subcommittee on Minerals, Materials and Fuels reviewed the Stillwater mining area of Montana and heard extensive testimony in Billings. Month after month we were assured that publication of the regulations was imminent. Now, in late summer of 1972, we learn that the regulations are indefinitely postponed.

As you observed in your testimony in Billings in August, 1971, Montana had been forced into an unusual position in the Federal-State system . . . a position of leadership. When Mr. Wicks and I met with the Conservation Foundation in Washington in late July, it was gratifying to find that Montana's leadership in the area of sound resource management is nationally acknowledged. However, this Department simply does not have the resources to assure that our Montana environment will be fully protected from mining development. Please communicate to our Congressional delegation our commitment to sound resource development, and our frustration with the ambivalence and lack of commitment of the Nixon Administration.

Sincerely yours,
Ted Schwinden, *Commissioner.*

U.S. Department of Agriculture,
Missoula, Mont., August 8, 1972.
Mr. Ted Schwinden,
State Land Commissioner, Department of State Lands, State Capitol, Helena, Mont.

Dear Mr. Schwinden: It is gratifying to see the progress made the past year in getting better mined-land reclamation in the State of Montana.

The two new State laws, Chapters 224 and 252 of the Session Laws of 1971 and the good work your staff has done in the administration of these laws really moved Montana forward.

I am pleased to see the State move in this direction and to be able to apply these laws where Federal controls are nonexistent.

Our memorandum of understanding on Chapter 224 has aided our people to work more closely with the State in getting the best reclamation possible on the National Forest under the authority of State law and in areas where we have little or no control.

We had expected that the Forest Service would now have regulations on mining which would achieve good reclamation practices for minerals mined under the General Mining Laws on the National Forest, similar to the authority which we do have for the leasable and salable minerals and mineral materials.

We have recently learned that the Chief has considered it best to temporarily delay regulations for mining as such regulations would only apply to the National Forest and not the public domain. Congress now has under active consideration legislation which the Department of the Interior believes it needs in order to issue regulations applicable to BLM lands. The Chief believes it would be most desirable for mineral development regulations covering the National Forest and public domain lands to be consistent and as uniform as possible. Should Congress fail to act on the proposed legislation this session, the Chief will again reconsider the promulgation of mining regulations for the National Forest.

We consider the objectives of the State and the Forest Service are close together in trying to achieve the best mined-land reclamation possible in the State.

There is some overlap in the laws of the State and the authorities which the Forest Service does have. This is chiefly in the area of the common varieties of sand, gravel, clay and rock, and occurs in some of our road contracts. In these cases it creates double administrative responsibilities and leaves the operator answering to both the State and the Forest Service for the same apparent objective. It does add some additional cost.

We believe it would be in the best public interest of both the State and the Forest Service to look forward ways of resolving this situation as soon as possible. However, we recognize that it may require an amendment in Montana Open Cut or Strip Mined Reclamation Act, Chapter 224, for clarification similar to the language as found in section 23 of Chapter 252.

Bob Manchester discussed this overlap area with you and your staff at the meeting in your office on July 17.

I would appreciate your review of this situation and your suggestions for resolving it.

Sincerely,
Steve Yurich, *Regional Forester.*

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 750

At the request of Mr. Robert C. Byrd, the Senator from Delaware (Mr. Boggs) was added as a cosponsor of S. 750, a bill to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation, and for other purposes.

S. 3925

Mr. ERVIN. Mr. President, I wish to announce that Senator William Fulbright has joined in cosponsoring S. 3925, a bill to regulate the testimony of newsmen in Federal criminal cases. This bill was introduced on August 16, 1972, by Senator James Pearson and myself.

S. 3659

At the request of Mr. Williams, the Senator from California (Mr. Cranston) was added as a cosponsor of S. 3659, a bill to establish a commission to develop a plan leading to the conquest of multiple sclerosis.

S. 3966

At the request of Mr. Mathias, the Senator from Hawaii (Mr. Inouye) was added as a cosponsor of S. 3966, to authorize a Federal payment for certain additional rapid transit facilities in the District of Columbia and environs.

FOREIGN ASSISTANCE AUTHORIZATIONS, 1973—AMENDMENT

AMENDMENT NO. 1506

(Ordered to be printed and referred to the Committee on Foreign Relations).

Mr. BROOKE submitted an amendment intended to be proposed by him to the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS—AMENDMENT

AMENDMENT NO. 1507

(Ordered to be printed and to lie on the table.)

Mr. FULBRIGHT (for himself, Mr. Mansfield, Mr. Church, Mr. Symington, Mr. Aiken, Mr. Case, Mr. Cooper, and Mr. Javits) submitted an amendment intended to be proposed by them jointly to Senate Joint Resolution 241, the interim agreement on offensive weapons systems.

FEDERAL REVENUE-SHARING ACT—AMENDMENTS

AMENDMENT NO. 1508

(Ordered to be printed and to lie on the table.)

Mr. TAFT submitted an amendment intended to be proposed by him to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1509

(Ordered to be printed and to lie on the table.)

Mr. INOUYE, for himself, Mr. Fong, Mr. Gravel, and Mr. Stevens, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 14370), supra.

AMENDMENTS NOS. 1510 AND 1511

(Ordered to be printed and to lie on the table.)

Mr. HARTKE submitted two amendments intended to be proposed by him to the bill (H.R. 14370), supra.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1505

At the request of Mr. Roth, the Senator from Washington (Mr. Magnuson), the Senator from New Hampshire (Mr. Cotton), the Senator from Delaware (Mr. Boggs), the Senator from Kansas (Mr. Dole), and the Senator from Texas

(Mr. TOWER) were added as cosponsors of amendment No. 1505, intended to be proposed to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on September 25, in room 3110, New Senate Office Building, on the following bills:

S. 666, S. 3618 and H.R. 12996, to designate certain lands in the Lava Beds National Monument in California as wilderness.

S. 667, S. 3618 and H.R. 10655, to designate certain lands in the Lassen Volcanic National Park in California as wilderness.

S. 1927 and H.R. 8756, to provide for the establishment of the Hohokam Pima National Monument in the vicinity of the Snaketown archeological site, Arizona, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that today, September 11, 1972, he presented to the President of the United States the following enrolled bill:

S. 2969. An act to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

ANNOUNCEMENT OF OPEN HEARINGS BY SUBCOMMITTEE ON PARKS AND RECREATION

Mr. BIBLE. Mr. President, I wish to announce for the information of the Senate and the public that open hearings have been scheduled by the Subcommittee on Parks and Recreation at 10 a.m. on September 27, 1972, in room 3110, New Senate Office Building, on the following bill:

S. 3662. Providing for the establishment of the Tuskegee Institute National Historical Park, and for other purposes.

ADDITIONAL STATEMENTS

VICTIMS OF CRIME

Mr. MANSFIELD. Mr. President, I was pleased to hear that the Committee on the Judiciary, meeting in executive session on September 8, 1972, reported S. 750, a bill which I introduced to compensate the innocent victims of crime. That bill is now on the calendar, and I anticipate that it will be scheduled soon to provide the most expeditious Senate consideration.

During the course of hearings on S. 750 and related measures, it was learned that seven States had at that juncture similar crime compensation programs functioning on a State level. These included the States of California, New York, Hawaii, Massachusetts, Maryland, Nevada, and New Jersey.

On July 20, the Senator from Arkansas (Mr. MCCLELLAN) chairman of the Subcommittee on Criminal Law and Procedures and an ardent supporter of the concept of crime compensation, brought to the attention of this Chamber the fact that Rhode Island this year enacted a similar statutory scheme.

Most recently, the State of Alaska has joined the ranks of those States which recognize the basic financial needs of crime victims, bringing the total to nine. I ask unanimous consent that the text of the Alaska statute be printed in the RECORD at the conclusion of my remarks.

The way is now being cleared for the most prompt action on S. 750. I am confident it will receive the overwhelming support it deserves from the Senate.

There being no objection, the statute was ordered to be printed in the RECORD, as follows:

AN ACT ESTABLISHING A VIOLENT CRIMES COMPENSATION BOARD; AND PROVIDING FOR AN EFFECTIVE DATE

Be is enacted by the legislature of the State of Alaska:

Section 1. AS 18 is amended by adding a new chapter to read:

Chapter 67. Violent Crimes Compensation Board.

Sec. 18.67.010. Purpose. It is the purpose of this chapter to facilitate and permit the payment of compensation to innocent persons injured and to dependents of persons killed as a result of certain serious crimes or in attempts to prevent the commission of crime or to apprehend suspected criminals.

Sec. 18.67.020. Criminal Injuries Compensation Board. (a) There is the Violent Crimes Compensation Board in the Department of Health and Welfare composed of three members to be appointed by the governor. One of the members shall be designated as chairman by the governor. At least one member shall be a medical or osteopathic physician licensed to practice in this state.

(b) The term of office of each member of the board is three years, except that of the members first appointed one shall be appointed for a term of three years, one for a term of two years, and one for a term of one year. All vacancies, except through the expiration of term, shall be filled for the unexpired term only.

(c) Each member of the board is eligible for reappointment and serves at the pleasure of the governor.

(d) Each member of the board is eligible for reappointment and any member of the board may be removed by the governor for inefficiency, neglect of duty or malfeasance in office after due notice and hearing.

(e) Members of the board receive no salary, but are entitled to per diem and travel expenses authorized by law for other boards.

(f) The board may appoint one or more hearing officers, who must be licensed to practice law in the state, to conduct hearings and take testimony in proceedings under this chapter, but final determinations of any matter shall be only by the board. A hearing officer acting under this section shall report his findings of fact and conclusions of law to the board, together with the reasons for the findings and conclusions. The board shall act only after consideration of the report and such other evidence as it considers appropriate.

(g) The board may appoint and fix the duties of personnel necessary for carrying out its functions under this chapter.

Sec. 18.67.030. Application for compensation. (a) Any person who may be eligible for compensation under this chapter may make application to the board. In a case in which the person entitled to make application is a minor, the application may be made on his behalf by his parent or guardian. In a case in which the person entitled to make application is mentally incompetent, the application may be made on his behalf by his parent, guardian or other individual authorized to administer his estate.

(b) In order to be eligible for compensation under this chapter, the applicant shall, before a hearing on an application under this chapter, submit reports, if reasonably available, from all physicians or surgeons who have treated or examined the victim in relation to the injury for which compensation is claimed at the time of or subsequent to the victim's injury or death. If, in the opinion of the board, reports on the previous medical history of the victim, a report on the examination of the injured victim, or a report on the cause of death of the victim by an impartial medical expert would be of material aid to its determination, the board shall order the reports and examination.

Sec. 18.67.040. Hearings. (a) Upon application made under the provisions of this chapter, the board shall fix a time and place for a hearing and shall give notice to the applicant.

(b) For the purpose of carrying out the provisions of this chapter, the board or its hearing officer may hold the hearings, sit and act at the times and places, and take the testimony that it or he considers advisable. The board or its hearing officer may administer oaths or affirmations to witnesses. The board has full powers of subpoena and compulsion of attendance of witnesses and production of documents, but no subpoena shall be issued except under the signature of a member of the board. Application to a court for aid in enforcing the subpoena may be made in the name of the board only by a board member. Subpoenas are served by any person designated by the board.

(c) The applicant and any other person having a substantial interest in a proceeding may appear and be heard, produce evidence and cross-examine witnesses in person or by his attorney. The board or its hearing officer also may hear other persons who in its or his judgment may have relevant evidence to submit.

(d) Admissibility of evidence is governed by the Administrative Procedure Act (AS 44.62).

(e) If a person has been convicted of an offense with respect to an act on which a claim under this chapter is based, proof of that conviction shall be taken as conclusive evidence that the offense has been committed, unless an appeal or a proceeding with regard to it is pending.

(f) Orders and decisions of the board shall be final.

Sec. 18.67.050. Attorney fees. The board may, as part of an order entered under this chapter, determine and allow reasonable attorney fees, which shall not exceed 15 per cent of the amount awarded as compensation under sec. 70 of this chapter, to be paid out of but not in addition to the amount of the compensation, to the attorney representing the applicant. It is unlawful for the attorney to ask for, contract for, or receive a larger sum than the amount allowed in the award.

Sec. 18.67.060. Regulations. In the performance of its functions, the board is authorized to make, rescind and amend regulations prescribing the procedures to be followed in the filing of applications and proceedings under this chapter, and other matters the board considers appropriate.

Sec. 18.67.070. Standards for compensation. For the purpose of determining the amount of compensation payable under this chapter, the board shall, insofar as practicable, formulate standards for uniform application of this chapter and take into consideration rates and amounts of compensation payable for injuries and death under other laws of the state and of the United States and the availability of funds appropriated for purposes of this chapter.

Sec. 18.67.080. Awarding compensation. (a) In a case in which a person is injured or killed by an incident specified in sec. 90(1) of this chapter, or by any act of any other person which is within the description of offenses listed in sec. 90(2) of this chapter, the board may order the payment of compensation in accordance with the provisions of this chapter:

(1) to or for the benefit of the injured person;

(2) in the case of personal injury of the victim, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury; or

(3) in the case of death of the victim, to or for the benefit of any one or more of the dependents of the victim.

(b) For the purposes of this chapter, a person is considered to have intended an act notwithstanding that by reason of age, insanity, drunkeness, or otherwise, he was legally incapable of forming a criminal intent.

(c) In determining whether to make an order under this section, the board shall consider all circumstances determined to be relevant, including provocation, consent or any other behavior of the victim which directly or indirectly contributed to his injury or death; the prior case or social history, if any, of the victim; need for financial aid; and any other relevant matters.

(d) An order may be made under this section whether or not any person is prosecuted or convicted of an offense arising out of the act which caused the injury or death involved in the application. Upon application made by an appropriate prosecuting authority, the board may suspend proceedings under this chapter for a period it considers appropriate on the ground that a prosecution for an offense arising out of the act which caused the injury or death involved in the application has been commenced or is imminent.

Sec. 18.67.085. Recovery from collateral source. (a) The board shall deduct from any compensation awarded under this chapter any payments received from the offender or from any person on behalf of the offender, or from the United States, a state, or any of its subdivisions or agencies, or any private source or any emergency awards under sec. 105 of this chapter, for injury or death compensable under this chapter.

(b) If compensation is awarded under this chapter and the person receiving it also receives a collateral sum under (a) of this section which has not been deducted from it, he shall refund to the board the lesser of the sums or the amount of compensation paid to him under this chapter.

Sec. 18.67.090. Incidents and offenses to which chapter applies. The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death which resulted from

(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or in aiding or attempting to aid a police officer to do so, or in aiding a victim of a crime, or

(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses: mayhem; indecent act with children; kidnapping; murder; manslaughter; rape; assault with intent to kill, rob, rape, or poison; assault with intent to maim; assault with a dangerous weapon; threats to do bodily harm; or lewd, indecent, or obscene acts.

Sec. 18.67.100. Nature of the compensation. The board may order the payment of compensation under this chapter for

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of the victim;

(3) pecuniary loss to the dependents of the deceased victim; and

(4) any other loss resulting from the personal injury or death of the victim which the board determines to be reasonable.

Sec. 18.67.105. Emergency compensation. If it appears to the board that, prior to taking action on an application, the claim is one for which compensation is probable, and undue hardship will result to the applicant if immediate payment is not made, the board may make an emergency award of compensation to the applicant pending a final decision in the case. However

(1) the amount of the emergency compensation shall not exceed $500;

(2) the amount of the emergency compensation shall be deducted from the final compensation made to the applicant;

(3) the excess of the amount of the emergency compensation over the final amount shall be repaid by the applicant to the board.

Sec. 18.67.110. Limitations on awarding compensation. (a) No order for the payment of compensation may be made under sec. 80 of this chapter unless the application has been made within two years after the date of the personal injury or death, and the personal injury or death was the result of an incident or offense listed in sec. 90 of this chapter which had been reported to the police within five days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made.

(b) No compensation may be awarded if the victim of:

(1) is a relative of the offender;

(2) is at the time of the personal injury or death of the victim living with the offender as a member of his family or household, or maintaining a sexual relationship, whether illicit or not, with the person or with any member of his family;

(3) violated a penal law of the state, which violation caused or contributed to his injuries or death; or

(4) is injured as a result of the operation of a motor vehicle, boat or airplane unless the vehicle was used as a weapon in a deliberate attempt to run the victim down.

(c) No compensation may be awarded under this chapter in an amount in excess of $10,000 and all payments shall be made in a lump sum.

(d) Orders for payment of compensation under this chapter may be made only as to injuries or death resulting from incidents or offenses occurring on and after July 1, 1971.

Sec. 18.67.120. Recovery from offender. When an order for the payment of compensation for personal injury or death is made under this chapter, the board, upon payment of the amount of the order, is subrogated to the cause of action of the applicant against the person or persons responsible for the injury or death and is entitled to bring an action against the person or persons for the amount of the damages sustained by the applicant. If an amount greater than that paid under the order is recovered and collected in the action, the board shall pay the balance to the applicant.

Sec. 18.67.122. False claim. A person who knowingly makes a false claim under this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than $500, or by imprisonment for not more than one year, or by both, and shall forfeit any benefit received and shall repay the state for any payment of compensation made under this chapter.

Sec. 18.67.124. Survival and abatement. The rights to compensation created under this chapter are personal and shall not survive the death of a victim or dependent entitled to them, except that if the death occurs after an application for compensation has been filed with the Violent Crimes Compensation Board, the proceeding shall not abate, but may be continued by the legal representative of the decedent's estate.

Sec. 18.67.130. Reports. The board shall prepare and transmit to the governor and legislature annually a report of its activities under this chapter including the name of each applicant, a brief description of the facts in each case, and the amount of compensation awarded.

Sec. 18.67.140. Definitions. In this chapter

(1) "board" means the Violent Crimes Compensation Board;

(2) "dependent" means a relative of deceased victim, who was dependent upon the victim's income at the time of his death; children of a victim born after a victim's death are included;

(3) "personal injury" means actual bodily harm;

(4) "relative" means spouse, parent, grandparent, stepparent, natural born child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or spouse's parents;

(5) "victim" means a person who is injured or killed by an incident specified in sec. 90 of this chapter.

*Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without approval.

THE 75TH ANNIVERSARY OF LATTIMER MASSACRE

Mr. SCOTT. Mr. President, Sunday, September 10, 1972, was the 75th anniversary of a very tragic but significant day in Pennsylvania and American history. On that day 19 striking workers at the Lattimer Mines near Hazleton, Pa., were senselessly gunned down.

The mineworkers were being underpaid and forced to work long hours. Those Polish, Slovak, and Lithuanian strikers who died that bloody day had come to the land of opportunity to better their own lives. Instead they had to give their lives so millions of others could live and work under more favorable conditions.

To commemorate the sacrifice of those 19 men, a monument has been erected in Lattimer, Pa. I feel it is appropriate to name the men who are mentioned on that monument: Sebastian Broztowski, Frank Chrzeszeski, John Fotta, Andrew Jurecek, George Kulick, Andrew Monikaski, Raphael Rekiewicz, John Tarnowicz, Stanley Zagorski, Michael Cheslock, Adalbert Czaja, Anthony Grekos, Stephen Jurics, Andrew Mieczkowski, Clement Platek, John Skrep, Jacob Tomashontas, Adalbert Ziemba, and Adam Zieminski.

May God spare our Nation and the world future deaths of good men who only seek to live good lives in peace.

THE ENVIRONMENTAL CONSCIENCE OF CONGRESS

Mr. PACKWOOD. Mr. President, never could the comparison of Congress and Nero be more clearly discerned than today. For Congress seems surely to be fiddling while America burns.

As Senators, we, together, embarked upon this session of Congress with an environmental conscience and promised to produce historical antipollution laws that would enhance the day-to-day living environment of every American. Yet, here we are at the 11th hour, still engaged in political rhetoric with important environmental measures pushed to the back burners. And time passes. Pretty soon, a new session and a new Congress will convene. Will we have to begin our long legislative journeys on pesticides, water pollution, and land use again in that Congress? And what about ocean dumping, strip mining, and coastal development?

In some instances legitimate reasons exist for the slowness in moving these important items to the floor and out of conference, but in more instances, I am afraid, the symptoms of politics and profits have given Congress a bad case of fear.

Let us take a look at some of these critical items. Land use. The Senator from Washington (Mr. JACKSON) has worked his committee hard and long to produce S. 632. It has wide support nationwide. It will intimately affect Americans across the country. The Christian Science Monitor editorially discussed S. 632, stating Monday, July 31, 1972:

> In our view, the Congress should deal separately with the nonfederal and the federal land portions of this proposed legislation. (Aspinall and Jackson bills.) And in so doing, it should weigh the words of Senator Jackson, whose bills are favored by the Nixon administration: "We must treat land not as a commodity to be consumed or expended, but as a valuable finite resource to be husbanded."

The Evening Star, too, editorialized on Wednesday, July 28, 1972, and stated:

> The measure which deserves to be enacted is sponsored principally by Senator Henry M. Jackson of Washington.

And further:

> Over in the House, Representative Wayne N. Aspinall of Colorado is guiding similar legislation toward a vote, but his version is weaker and in some respects retrogressive . . . We hope that Jackson will stand fast for his commendable product, and the House will be bold enough to deny the powerful Aspinall all he wants in this case.

Since those two editorials, weeks have passed, and still S. 632 has not come to the floor of the Senate for a vote. And the sand is running out.

What about the Clean Water Amendments? Here the story of an environmentally concerned Congress is even more unbelievable.

In the Senate we passed a very worthy bill, unanimously. We quite obviously thought it necessary to provide a program based on effluent limitations at the point of discharge if the national goal of clean water is to be met. We did not hastily consider that bill. The Senate Public Works Committee held some 30 days of public hearings on about 15 bills and at the close of those hearings, I understand the committee met in executive session for some 45 days and drafted the bill we unanimously passed.

The House, too, passed a bill—months ago. And, my friends, those two bills have been in conference since early spring of this year. The sand is running out. Will all of this legislative road have to be traveled again in the 93d Congress? Lord, I hope not.

And what about pesticide legislation? The Agriculture Committee has reported a bill, and it is on the calendar. But the Commerce Committee has raised some legitimate and highly important questions. Undoubtedly, both those respected groups want an effective pesticide bill. Then why can we not have a meeting of the minds on the real questions involved, and push aside that which would obscure our main purpose for this legislation? The sand is running out.

Mr. President, I feel a little like the kid looking in through the window to the candy shop. For I am on none of the committees involved in the above-mentioned legislation. I am on the outside looking in. But I am a U.S. Senator representing one of the most environmentally concerned States in America. And my constituents let down all the bars in reminding me that Congress is failing to meet its environmental commitment to Americans. They tell me that environment knows no political parties, nor social barriers. It is where we live, where we are, what we breathe, what we drink, what we hear, what we see, and what we do. It needs protecting, restoring, enhancing, and loving. It needs our undivided attention in Congress.

Mr. President, I would be the first to scream over weak, watered-down environmental provisions in any of the aforementioned bills, but please, give me the chance. Bring them to a vote.

THE PHILADELPHIA PLAN: IT SHOULD BE ENDED

Mr. ERVIN. Mr. President, the New York Times reported on September 4 that the administration has decided to end the practice of employment quotas for minority employees in the Federal Government and among Federal contractors.

According to the Times, the administration also is reviewing the so-called Philadelphia plan in light of this new policy against quotas.

The Philadelphia plan is all too familiar to me. The Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman, conducted hearings on this unwise and unconstitutional plan shortly after it was put into effect 3 years ago.

As was pointed out at those hearings, the Comptroller General held that the Philadelphia plan was unacceptable because it constituted an illegal racial quota system in violation of section 703 (j) of the Civil Rights Act of 1964.

The plan requires prospective contractors to pledge to meet "affirmative action goals" of minority employment, which are written into the specifications sent out with invitations for bids on each Federal contract. The goals vary from contract to contract and apply only to Federal construction projects with values of $500,000 or more. The "affirmative action goals" commit Federal contractors to hire enough minority group workers to fall within certain percentage "ranges" which are individually set in each contract's specifications.

The Comptroller refused to permit any Federal funds to be spent under the plan. However, the Department of Labor, supported by a memorandum from the Attorney General, contended that the plan was legal and proceeded to implement it in the Philadelphia area of Pennsylvania and New Jersey.

During the summer of 1969, the Philadelphia plan became the focal point of pressures and discontent which reached not only into Congress, but far into American society. Disturbances over minority hiring occurred in the streets of Chicago, Pittsburgh, and Seattle, tinting the dispute with violence. The plan was the basis for "Hometown" hiring plans in many other cities.

All along the administration contended that the so-called "goals" or "ranges" of minority employees required of Federal contractors in the Philadelphia area were not "quotas." This view was sustained by the U.S. Court of Appeals for the Third Circuit in the case of *Contractors Association* v. *Shultz*, 442 F.2d 159 (1971), cert. denied 404 U.S. 854 (1971).

Prior to this holding by the third circuit, the subcommittee issued a report, "Congressional Overnight of Administrative Agencies: The Philadelphia Plan (Department of Labor)," in which it stated:

> There can be no doubt and, in fact, there appears to be no argument on the subject, that the Philadelphia Plan cannot be accommodated within the terms of either title VI or title VII of the Civil Rights Act of 1964. That statute forbids an employer to consider the race of an actual or putative employee; the Philadelphia Plan compels him to do so. The statute forbids imposing employment of minorities in order to compensate for past discrimination against such minorities; the Philadelphia Plan compels it. The statute forbids imposing employment in terms of ratios based on race or color; the Philadelphia Plan compels it.

Furthermore, the subcommittee found that—

> . . . the Philadelphia Plan is an invalid attempt by the Secretary of Labor to engage in legislation—not merely in an area where Congress has not spoken, but in an area where Congress has specifically prohibited the action which the Secretary desires to take.
>
> In conclusion, the Philadelphia Plan, ostensibly designed to ensure equal employment opportunity in the construction trades, is in fact a blatant case of usurpation of the legislative function by the executive branch of the Government; as such it constitutes a grave threat to the doctrine of separation of powers upon which our governmental structure is based.

Mr. President, I do not intend that these words be construed to imply that I support discrimination against any person who applies for employment with the Government or with private business. To the contrary, I strongly advocate an equal opportunity for every person based on his experience and ability to do the job. But while I am opposed to discrimination, I am also opposed to "reverse" discrimination, such as is promoted by the Philadelphia plan but prohibited by the Civil Rights Act of 1964.

The administration would be wise to eliminate the Philadelphia plan or to revise it in such a way to conform it with titles VI and VII of the Civil Rights Act of 1964. I urge the President to abolish "quotas" in every respect, for they are completely contrary both to law and to what I consider to be the American way of life.

Mr. President, I ask unanimous consent that three newspaper articles, one from the New York Times, one from the Wall Street Journal, and one from the Washington Post, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 4, 1972]

NIXON HELD LIKELY TO DROP PROGRAM OF MINORITY JOBS

(By Paul Delaney)

WASHINGTON, September 3.—The Nixon Administration has decided to scrap the Philadelphia Plan, according to sources in the Labor Department and the White House.

The plan, once the Administration's major civil rights program, began in the fall of 1969 as a highly publicized effort to place minorities in skilled jobs at federally assisted construction projects in Philadelphia through a system of quotas.

It was emulated in at least two dozen cities in what were called "home town" plans. Unlike the Philadelphia Plan, the others were voluntary. The sources reported that these plans were also threatened.

The sources, along with Arthur A. Fletcher, the former Assistant Secretary of Labor who was in charge of administering the plans, said the decision to drop the Philadelphia Plan would be in line with the Administration's new policy of opposing job quotas for minorities.

Further, they said, the policy is aimed at attracting support in the election year from organized labor, which strongly opposed the plan, designed to force building-trades unions to accept minorities as members.

DENIAL IS MADE

Mr. Fletcher, who resigned from the Nixon Administration last year and is the executive director of the United Negro College Fund in New York, said that friends within the White House and Labor Department apprised him of the decision several days ago. A lifelong Republican, he said he was especially bitter, and for the first time publicly denounced President Nixon in harsh terms both in an interview and in a speech today at Reston, Va.

Secretary of Labor James D. Hodgson insisted today that no decision had been made to drop the Philadelphia Plan, but he acknowledged that all programs involving quotas were being reviewed.

"We're reviewing the whole thing in light of the President's letter about quotas," he said in a statement released through a spokesman. "We're reviewing everything we are doing that might be affected by the policy.

"But we never conceded that we had a quota system. We always considered them as goals and timetables. A quota puts a ceiling and lid on your effort while goals and timetables say to contractors that, if you can't make them, then prove to us you made a good-faith effort."

However, Mr. Fletcher and others said they felt the decision had been made at a higher level, in the White House.

"I found it shocking, just shocking," Mr. Fletcher remarked in the interview. "This is an indication that blacks and minorities are being excommunicated from this society. They're moving against the goals and timetables of the Philadelphia Plan and, if it goes, the others [home town plans] will go too.

"This is definitely a step backwards," he continued. "The legality of Philadelphia Plan was upheld in Federal District Court and in the Federal appeals court. The Supreme Court refused to review those decisions.

"President Nixon should reaffirm his support of the Philadelphia Plan and some kind of goals and guidelines to assure equitable employment of blacks. The riots of the sixties were caused by the frustration of blacks who saw that a full-employment economy meant whites were working and blacks were unemployed. The same situation is upon us again."

Mr. Fletcher was in Reston to address the fourth annual Black Arts Festival in the small, integrated community in suburban Washington. He criticized both President Nixon and Senator George McGovern, the Democratic Presidential nominee, for their opposition to quotas.

"It is very popular this year to run against everything black Americans stand for, their hopes and aspirations," the former stanch defender of the Administration said.

"Busing is a code word which means whites don't want to have anything to do with black folks. Opposition to low-cost housing in the suburbs is a code word for the containment of blacks. And the new code word is quotas, and it means whites don't want to see any systematic way to deal with minorities."

Mr. Fletcher was once the ranking black official in the Nixon Administration. He had pursued enforcement of the Philadelphia Plan with vigor.

The plan, along with the home town plans, set percentage quotas for the training and hiring of minorities at the federally assisted construction sites. Under the plan, contractors working on the projects were required to set specific goals within Federal guidelines for hiring members of minority groups.

Affected by the plan were such skilled crafts as ironworkers, steamfitters, sheetmetal, electrical and elevator workers and plumbers and pipefitters. Employers were expected to demonstrate "good-faith" efforts in meeting minority hiring levels ranging from 4 per cent when the program started to 26 per cent by next year.

The Philadelphia Plan and the home town plans have recently been criticized as being ineffective because of the failure to enforce the guidelines strongly.

[From the Wall Street Journal, Sept. 5, 1972]

EASING OF SOME MINORITY-HIRING RULES APPARENTLY BEING PLANNED BY WHITE HOUSE

WASHINGTON.—The Nixon Administration appears to be moving toward a softening of its regulations that require employers doing business with Uncle Sam to meet specific minority-hiring goals.

In view of President Nixon's repeated attacks on all employment "quotas" in recent days, a White House source said the "logical" outcome will be an easing of the minority hiring standards set for federal contractors by the Office of Federal Contract Compliance, or OFCC. A full-scale "review" of all OFCC policies already is under way in wake of the presidential condemnation of quotas, according to a Labor Department spokesman.

At the Western White House in San Clemente, Calif., however, Ronald Ziegler, the President's press secretary, said there aren't any plans to abandon the OFCC's minority-hiring programs for federal contractors.

The greatest impact on employers would probably result from an easing of the OFCC's so-called Order No. 4, which requires all nonconstruction contractors doing over $50,000 of business a year with the U.S. to set specific goals and timetables for hiring minorities. And the OFCC's already lagging effort to impose specific hiring goals on construction contractors in major cities, as it first did with the controversial Philadelphia Plan in 1970, could be further slowed.

The whole idea of quotas has been under severe attack within the White House, according to one source there. The source said the criticism isn't "aimed at the Philadelphia Plan per se, but at quotas in general." And he indicated there is a feeling within the White House that the OFCC's "goals and timetables" amount to hiring "quotas."

The administration's growing criticism of employment quotas appears to be part of its election-year effort to woo the traditionally Democratic union and Jewish vote. Both organized labor and Jewish groups long have opposed hiring quotas.

President Nixon, in a Labor Day radio address, asserted that "quotas are intended to be a short cut to equal opportunity, but in reality they are a dangerous detour away from the traditional value of measuring a person on the basis of ability."

The issue was first raised last month when the American Jewish Committee asked the President what he thought about the use of quotas in hiring federal employes. Mr. Nixon replied on Aug. 11 that he opposed "numerical goals" applied as "quotas," or based on "a concept of proportional representation." Subsequently, he injected a strong condemnation of all quotas into his acceptance speech at the GOP convention.

Mr. Nixon's opposition to quotas seems likely to have its most direct effect at the OFCC and at the Civil Service Commission, where officials already have pledged to continue to avoid any quotas in hiring federal employes. But it wasn't immediately clear what impact his views will have on the independent Equal Employment Opportunity Commission, which is responsible for attacking all kinds of job discrimination under the Civil Rights Act of 1964.

Officials at the Labor Department of which the OFCC is a part, contend that goals and timetables required by Order No. 4 and the Philadelphia Plan concept aren't quotas. "They are intended to be guides and targets" that a federal contractor must make a "good faith effort" to meet, said one official. A contractor can be barred from doing further business with the government if he doesn't make good faith efforts to meet his hiring goals.

Nevertheless, one Labor Department source conceded that "it's possible to apply these things (goals and timetables) in a quota form." That's one reason the department is moving quickly to review all the OFCC's programs, he added. "We're wrestling with it," said another official. This official believed a key difficulty was the tendency to simply set goals that reflect the proportional representation of a particular minority in the community, an approach the President has specifically attacked.

The OFCC's Order No. 4, issued in February, has forced such giant defense contractors as McDonnell Douglas Corp. to set specific hiring goals and timetables for ethnic minorities and women. The order requires nonconstruction contractors to make an analysis of their own situation and set the goals if there is an "underutilization" of any minority groups. Underutilization is defined as "having fewer minorities, or women, in a particular job classification than would reasonably be expected by their availability."

The OFCC order is carefully worded to try to avoid linking the hiring goals directly to the proportion of a minority's population in a community. Thus, the nonconstruction contractor setting his goals is directed to consider eight different factors, including "the minority population of the labor area" and "the general availability of minorities having (the) requisite skills."

But the OFCC's Philadelphia Plan concept of imposing hiring goals on building contractors preceded Order No. 4 and has received the most attention and criticism. Minority employment goals actually have been imposed on only five cities—and none in the past year—although the agency had vowed to do so by now in any area where local industry officials hadn't worked out a voluntary hiring plan. While the Labor Department publicly asserts the Philadelphia Plan idea is working, some officials have conceded recently to union leaders that it isn't turning out as well as the government expected.

[From the Washington Post, Sept. 7, 1972]

LABOR DEPARTMENT MULLS PLAN TO CUT CONSTRUCTION MINORITY QUOTA

(By Jon Katz)

The U.S. Labor Department is considering a proposal that could sharply decrease the number of blacks and other minorities the construction industry has to hire to meet federal contract requirements.

A Labor Department official said yesterday the department is considering a major restructuring of the controversial Philadelphia Plan and 55 similar plans for minority hiring in the construction industry.

The disclosure came two days after the Nixon administration denied reports that it has decided to scrap the plan entirely as a a pre-election gesture to the construction industry and organized labor, both of which have bitterly opposed it.

The Philadelphia Plan now requires federal contractors to establish minority hiring goals roughly tied to the percentage of blacks and other minorities in the metropolitan area covered by the plan.

Similar plans exist in Washington, D.C., and St. Louis, but the bulk are voluntary plans drawn by the construction industry.

Under the proposal being considered, the hiring goals would be tied to the percentages of blacks and other minorities in entire states or regions much larger than simple metropolitan areas.

"The new proposal would dilute the whole concept of the Philadelphia Plan," said the Labor Department official, who asked not to be identified. "The percentage of minorities would be smaller as the plan area grew bigger and the construction industry and organized labor wouldn't have to worry about meeting those goals."

For example: According to the U.S. Census Bureau, employable blacks comprise 24 per cent of the Washington metropolitan area. If the Washington Plan were extended to cover the District of Columbia and all of Maryland and Virginia, the percentage of employable blacks would drop to approximately 13 per cent, according to Census figures.

The drop would be even sharper in other areas of the country, since the District itself is 71 per cent black, one of the highest percentages in the nation.

Department officials said last week the Philadelphia Plan, and all other departmental programs were under review following President Nixon's Aug. 17 directive barring quotas in hiring minority workers for the federal government. On Monday, former Assistant Secretary of Labor Arthur Fletcher, who administered the Philadelphia Plan until 1970, told a reporter that he "feared the concept of the plan" would be dropped in the confusion over the ban on quotas.

The plan was initiated by former President Lyndon B. Johnson and vigorously enforced by Fletcher, with what he termed the enthusiastic approval of President Nixon.

"He'd be crazy to drop the plan," said Fletcher, "when I, with his (President Nixon's) support, fought so hard to support it."

U.S. Labor Secretary James Hodgson said earlier this week that published reports that the plan would be scrapped entirely were totally untrue.

"The Labor Department will vigorously pursue programs to bring about equal employment and improvement in the economic status of minorities," he said.

THE PRESIDENT'S ENVIRONMENTAL LEGISLATIVE PROGRAM

Mr. HATFIELD. Mr. President, with the focus of the Nation over the past months being on national politics, the economy, and foreign affairs, little attention has been paid to the administration's activities in the environment.

On September 5, 1972, the White House released a fact sheet on the President's environmental legislative program listing the diversity of environmental problems for which the administration has developed legislation. The breadth and scope of the President's proposals are a tribute to the 4 years he has been in office.

I ask unanimous consent that the fact sheet be printed in the RECORD.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

THE PRESIDENT'S ENVIRONMENTAL LEGISLATIVE PROGRAM

In three Environmental Messages in 1970, 1971 and 1972, thirty-one different environmental legislative proposals have been proposed by the President and transmitted to the Congress. As of today, only six of these have been enacted and only one—the Clean Air Act Amendments of 1970—was a major proposal. The major bills pending before the Congress are:

1. WATER QUALITY

The Problem: Current law fails to provide adequate enforcement authority and fails to provide funds for treatment plants beyond fiscal year 1971.

The President's Proposal: The President recommended new water pollution control legislation for the first time in February 1970 and again in February 1971. The 1971 proposal includes:

Six billion dollars authorization over 3 years as the Federal part of a total $12 billion program;

Revise rigid allocation formula to give special emphasis to areas where waste treatment facilities are most needed;

Encourage communities to provide for replacement and expansion of treatment facilities on a reasonably self-sufficient basis;

Increase enforcement coverage of act to virtually all U.S. waters;

Establish National Federal standards for discharge of hazardous materials;

Authorize fines from $25,000 to $50,000 a day for violation of standards;

Streamline law to provide for swift public hearings as a prelude to issuance of abatement orders;

Allow citizens to take legal action against violation of standards.

Congressional Action: Both the Senate and House have passed water quality legislation and it is before a conference committee. The House, Senate and Administration bills all differ in many respects. Legislation has been before the Congress for 2½ years.

2. PESTICIDES

The Problem: The current pesticide legislation relies almost entirely on using labeling to control use, which is unrealistic and ineffective. Procedures for registering, cancelling and suspending pesticides are cumbersome.

The President's Proposal would:

Classify pesticides for "general", or "restricted" use or for "use by permit only." Registered pesticides would be used only by trained applicators and licensed by the State. Approval from a licensed consultant would be required for use of "permit only" pesticides;

Streamline procedures for cancellation of registrations;

Authorize stopping the sale or use of, and to seize, pesticides being distributed or held in violation of Federal law.

Congressional Action: House has passed pesticide bill, but no bill has been reported for action in the Senate. This legislation has been before the Congress over 1½ years.

3. NOISE

The Problem: Except for DOT authority over aircraft noise, the Federal Government has no authority to control noise from a wide variety of sources.

The President's Proposal would:

Authorize EPA to set noise standards on transportation, construction and other equipment;

Require labeling of noise characteristics of other products.

Congressional Action: House has passed a noise bill, but no bill has been reported for action in the Senate. The bill has been before the Congress for 1½ years.

4. OCEAN DUMPING

The Problem: Lack of effective authority for regulation of ocean dumping by the States or the Federal Government has created serious environmental damage in some locations. Ocean dumping could grow to critical proportions in the future.

The President's Proposal would:

Require permits from EPA for the transportation and dumping of any wastes which originate in the U.S. into estuaries, the Great Lakes, and the oceans anywhere in the world; and for dumping by foreign nations in our territorial waters and in the 12-mile offshore contiguous zone;

State a national policy banning the unregulated ocean dumping of all materials and placing strict limits on ocean disposal of materials harmful to the environment;

Instruct the State Department, in cooperation with the Council on Environmental Quality to develop international initiatives to control ocean dumping.

Congressional Action: Ocean dumping legislation has been passed by both the Senate and the House, but it has not been reported for final Congressional action. An international agreement to control ocean dumping was endorsed at the Stockholm Conference on the Human Environment, calling upon governments to convene a conference before November 1972 to negotiate a convention for signature by the end of the year. The ocean dumping legislation has been before the Congress for over 1½ years.

5. TOXIC SUBSTANCES

The problem: Each year, hundreds of new chemicals are commercially marketed, some posing substantial health threats. There is a need to assure adequate testing of such chemicals to prevent environmental hazards in the future.

The President's Proposal would:

Allow EPA to restrict the use or distribution of substances which are a hazard to human health and the environment;

Stop the sale of chemicals that violate this legislation;

Seek injunctive relief when use or distribution of a chemical presents an imminent hazard to health or the environment;

Require tests to be performed on new chemical substances.

Congressional Action: The Senate has passed legislation to control toxic substances, but it has not been reported for action in the House. This bill has been before the Congress for 1½ years.

6. NATIONAL LAND USE POLICY ACT AND NATIONAL RESOURCE LAND MANAGEMENT ACT

(Note: Separate proposals by the Administration—Congressional Committees are combining consideration of them)

National Land Use Policy Act—The Problem: Haphazard land use decisions create a host of environmental problems including destruction of wetlands, development in hazardous areas, encroachment on open spaces and aesthetic blight. There is a need to encourage the States to deal with land use issues which spill over local jurisdictional boundaries.

The President's Proposal would:

Establish a National Land Use Policy;

Encourage States, in cooperation with local governments, to plan for and regulate major developments affecting growth;

Provide funds for State land use programs.

In 1972, the President further proposed that any State that had not established an acceptable land use program by 1975 would be subject to annual reductions of 7 percent of highway, airport and recreation funds. The funds would be reallocated to States with acceptable programs.

National Resource Land Management Act—the Problem: The 450 million acres of public domain land are being administered under laws which were forged when Federal ownership was expected to be temporary. There is no currently specific legislation setting forth a policy for management, retention and disposal of the Nation's public domain lands.

The President's Proposal would:

Require management of the Nation's public lands in a manner to protect environmental quality;

Declare that the retention of public lands is in the national interest except where disposal would serve important public objectives.

Congressional Action of both bills: Neither House has taken action on these proposals. The President's land use proposal has been pending 1½ years. The public lands bill has been pending for over 1 year.

7. STRIP AND UNDERGROUND MINING

The Problem: State regulation of the environmental effects of surface and underground mining have not been adequate. Strip mining alone now disturbs 4,650 acres of land a week.

The Presidents Proposal would:

Require State programs to regulate the environmental consequences of strip and underground mining;

Establish Federal requirements and guidelines for such State programs;

Authorize Federal regulation of the guidelines if States fail to implement programs after 2 years.

Congressional Action: Neither House has acted on this legislation. The President's proposal has been pending over 1½ years.

8. POWER PLANT SITING

The Problem: Recent power shortages dramatize the need for timely long-term planning for the location and construction of large-scale electric power plants and transmission lines. Without proper planning and control, power needs cannot be reconciled with the need to prevent long-term threats to environmental quality.

The President's Proposal would:

Require establishment of a single agency in each State or region to assure that environmental concerns are properly considered in the certification of specific power sites and transmission line routes;

Require utilities to identify needed power facilities 10 years prior to construction;

Require utilities to identify power plant sites and general transmission routes five years before construction;

Require utilities to apply for certification from the State or regional agency for specific facilities 2 years prior to construction;

Require that the State or regional agency give certification prior to construction.

Congressional Action: Neither House has taken action on this legislation. The President's proposal has been pending for over 1½ years.

9. PREDATOR CONTROL

The Problem: The use of highly toxic chemical poisons to kill coyotes and other predatory animals results in unintended losses of other animals and in other harmful effects on the natural environment.

President's Proposal: By administrative action, the President banned the use of poisons on all public lands, except for emergency situations. Backing up this action, the President proposed legislation which would shift the emphasis of the predator control program from Federal killing of predators to one of research and technical and financial assistance to the States to help them control predator populations by means other than poisons.

Congressional Action: Legislation similar to the President's Proposal has passed the House. The Senate has not yet acted on this legislation.

10. ENDANGERED SPECIES

The Problem: More than 100 species of fish and wildlife are on the endangered species list maintained by the Department of the Interior. However, under existing legislation, a species cannot be listed and protected until it is actually threatened with extinction. Even then, the Federal Government has no control over the shooting, trapping or other taking of endangered species.

The President's Proposal would:

Provide for early identification and protection of endangered species;

Allow for protection of species endangered in one country or area, rather than waiting until they are endangered throughout the world;

Make the taking of endangered species a Federal offense.

Congressional Action: Action has not been taken by either House on this legislation.

11. GOLDEN GATE NATIONAL RECREATION AREA

The President's Proposal would: establish a Golden Gate National Recreation Area in and around San Francisco Bay. The proposal would encompass a number of existing parks, military reservations, and private lands to provide a full range of recreation experiences. Altogether the area would encompass some 24,000 acres of fine beaches, rugged coasts and readily accessible urban parklands, extending approximately 30 miles along some of America's most beautiful coastline north and south of Golden Gate Bridge. Angel and Alcatraz Islands in the Bay would be within the boundaries of the National Recreation Area. The President directed that the Presidio at San Francisco be opened for dual military and civilian recreation uses.

Congressional Action: Neither the House nor the Senate has taken action on this legislation.

12. GATEWAY NATIONAL RECREATION AREA

The President's Proposal would establish a Gateway Nation Recreation Area in the New York City area. Proposed in May 1971, it would open to a metropolitan region of more than 14 million people a National Recreation Area offering more than 14 million people a National Recreation Area offering more than 23,000 acres of prized beaches, wildlife preserves and historical attractions, including the Nation's oldest operating lighthouse.

Congressional Action: Legislation establishing a Gateway National Recreation Area has passed the Senate. The House has not yet taken action.

13–14. TOXIC WASTE DISPOSAL AND SEDIMENT CONTROL (TWO PROPOSALS)

This legislation was transmitted in February 1972 as amendments to the Federal Water Pollution Control Act. Title I would require State programs, including permit systems, to regulate disposal on or under the land of those toxic wastes which pose a hazard to health. Title II would require States to establish regulatory programs to control sediment affecting water quality from earth-moving activities such as building and road construction. Netiher House has taken action on this legislation.

15. LAND AND WATER CONSERVATION FUND AMENDMENTS

These amendments would target more of the State allotments under the Land and Water Conservation Fund to heavily populated and urbanized States. Neither House has taken action on this proposal.

16. BIG CYPRESS NATIONAL RECREATION AREA

In February 1972, legislation was submitted to create a Big Cypress National Fresh Water Reserve. This legislation would empower the Federal Government to acquire the requisite legal interest in 547,000 acres of the Big Cypress Swamp to help maintain the water supply of the Everglades. Neither House has taken action.

17. ENVIRONMENT FINANCING AUTHORITY

Proposed by the President in his 1970 Environmental Message, the Authority would purchase bonds of communities for waste treatment plants when such bonds could not be sold at reasonable interest rates in the private market. The bill, passed by the House, is being considered by the Conference Committee on the water pollution legislation.

18. AUTHORIZATION OF EXPENSES FOR RELOCATION OF FEDERAL FACILITIES

Proposed by the President in his 1970 Environmental Message, this legislation would encourage surplus Federal properties to be returned for local uses by allowing agencies to be reimbursed for moving expenses when such agencies leave properties declared surplus. Neither House has taken action on this legislation.

19–22. MARINE POLLUTION CONVENTIONS (FOUR PROPOSALS)

Four international conventions or amendments to existing conventions, all dealing with oil pollution, are currently before the Senate for advice and consent. The new conventions would:

Set up an international fund for compensation of both Government and private victims of damages from tanker oil spills;

Establish strict liability on tanker owners for the costs and damages from oil spills.

Two amendments to a 1954 oil pollution convention would:

Tighten limits on the size of tanks in oil tankers to minimize spills caused by accidents;

Extend a flat, no-discharge requirement currently in effect for coastal areas to Australia's Great Barrier Reef.

23. OIL POLLUTION AMENDMENTS OF 1972

This legislation would implement 1969 and 1971 amendments to the 1954 international convention on oil pollution. These amendments would set stricter limits on oil discharges from all ships, set stricter limits on tank size to minimize spillage from accidents, and implement the Barrier Reef amendment. Neither House has taken action on this legislation.

24. SULFUR OXIDES TAX

The President proposed a tax on sulfur oxides in his 1971 Environmental Message. The legislation was transmitted as part of his 1972 Environmental Message. The bill is designed to provide a free market economic incentive to reduce harmful emissions of sulfur oxides. No action has been taken on this legislation.

25. ENVIRONMENTAL PROTECTION TAX ACT OF 1972

The major part of this legislative proposal would restrict applicability of certain tax benefits when development occurs in coastal wetlands. This proposal would complement the National Land Use Policy Act, which defines wetlands as "environmentally critical areas." Also, this legislation includes provisions to encourage charitable donations of land and to take away current incentives to demolish rather than restore buildings. No action has been taken on this legislation.

Bills Passed

1. CLEAN AIR ACT AMENDMENTS OF 1970

All of the President's 1970 air quality proposals were enacted in the Clean Air Act amendments of 1970. These include nationwide air quality standards, national emission standards for new facilities, national emission standards for hazardous pollutants, assembly line testing of vehicles for emissions, and regulation of fuels and fuel additives.

2. BRIDGE-TO-BRIDGE TELEPHONES

This legislation requires vessels to have bridge-to-bridge telephones to prevent accidental collisions at sea—a major cause of oil spills.

3. PORT AND WATERWAYS SAFETY ACT

This legislation provides the Coast Guard with greater authority to impose safety regulations for vessels and to establish harbor control systems to prevent accidents.

4. AMENDMENT TO THE SURPLUS PROPERTY ACT

This Act allows State and local governments to use properties transferred to them by the Federal Government for revenue-producing activities. This measure is expected to save a number of historic properties which State or local governments cannot afford to keep as museums.

5. OIL POLLUTION INTERVENTION CONVENTION

This convention, agreed to by the Senate, would allow the U.S. and other nations to intervene when a tanker threatens oil pollution.

6. CONVENTION TO REDUCE INTERNATIONAL OIL DISCHARGES

An amendment to the 1954 oil pollution convention, agreed to by the Senate, sets tighter oil discharge limits on all ocean-going ships, including tankers.

THE OTHER CONSTITUTION

Mr. ERVIN. Mr. President, the Federal Register of Saturday, August 5, 1972, contains Proclamation No. 4145, by which President Nixon proclaims September 17 as Citizenship Day and the week of September 17 as Constitution Week.

In keeping with appropriate Acts of Congress, the President has designated these periods, in the words of the proclamation:

> To inspire our citizens to rededicate themselves to the services of their country and to the support and defense of the Constitution so that they may have a better understanding of the Constitution and the rights and responsibilities of United States citizenship.

I should like to suggest respectfully that the President heed his own words, for the Constitution this administration knows apparently is different in some respects from the document drafted in 1787 by the Founding Fathers.

As was pointed out in the New York Times on August 5 by Arlie Schardt, the associate director of the Washington national office of the American Civil Liberties Union, there have been an "unusual number of serious misunderstandings between the administration and Congress" over just what the Constitution says.

In his article, Mr. Schardt gives emphasis to Executive Order 11605—which he says was "voted in, 1–0" by the President on July 2, 1971—that purported to expand the powers of the Subversive Activities Control Board. I have said on a number of occasions that Executive Order 11605 was an unconstitutional usurpation of the legislative functions of the Congress by the President—in effect, that he took legislative action on his own without consulting the Congress, much less getting its approval.

Citizenship Day and Constitution Week should be observed by every American in keeping with the advice issued by President Nixon in Proclamation No. 4145, especially by the members of the administration who concocted Executive Order 11605. They might begin by reviewing the doctrine of separation of powers.

Mr. President, I ask unanimous consent that the article entitled "The Other Constitution," written by Mr. Arlie Schardt, and Proclamation No. 4145, entitled "Citizenship Day and Constitution Week, 1972," be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Aug. 5, 1972]

The Other Constitution

(By Arlie Schardt)

Washington.—As this legislative year staggers through the humid months of summer, it has become obvious that the unusual number of serious misunderstandings between the Administration and Congress is the result of a minor oversight by the Administration.

The Administration simply forgot to share with Congress—and the rest of us—its copy of the Constitution, which is obviously different from the one we all studied in history class.

If the Administration would only take a moment to make public its copy of the Constitution, hundreds of man hours would be saved because countless nitpicking disputes would no longer arise. Everyone would be on the same ground.

The present set-up, known to some scholars as the Dual Constitutional System, is favored by those who feel it is more democratic to offer citizens a choice.

However, it is now clear after three and one-half years' experience that the Government will run more smoothly by using just one Constitution, not two.

For example, by failing to share its copy of the Constitution during the fights over Supreme Court nominees Haynsworth and Carswell, the Administration confused those Senators who somehow thought the Senate has a voice in these matters. We all know the result: debates that took up weeks of the Senate's valuable time, when the whole wrangle could have been avoided if both branches had access to the same rules.

Explaining the arrest of 13,000 people in Washington's 1971 Mayday demonstrations, the Administration revealed the doctrine of "qualified martial law." No other constitutional scholars had ever heard of this doctrine, but its author was quickly promoted to the Supreme Court, where he will presumably find it for them.

The current school integration battle is another example. During recent hearings on the President's antibusing bills, witnesses from the Justice Department had members of the House Judiciary Committee absolutely stroking their chins in confusion.

A few members finally admitted that their law schools were apparently deficient, because they were learning things that morning about the Constitution they had never known before, such as the business about Congress having the right to deprive citizens of constitutional rights. Or the revelation that constitutional rights could simply be suspended because the Administration was considering some new laws.

And then there's been all this fuss over the war. Even now, after all these years of patient explaining, there are still Senators—and lately even a few Representatives—who insist that at least one of our constitutions says something about Congress having a voice in setting off wars.

Another problem, less publicized but very important, involves that little matter of who gets to make the laws. Last summer, in fact, Senator Sam Ervin got so exercised about the whole thing that he made an emotional speech, in which he insisted (all the time waving around a copy of the old Constitution, just as if it was the only one), that only Congress had the power to pass legislation.

Well, the Administration could have made short shrift of that kind of uneducated talk by sending Senator Ervin a copy of you-know-what. But they made a tactical error. They just went right ahead with their new law (they called it Executive order 11605 instead of calling it an actual law), so the entire argument was exacerbated and a bunch of equally naive Senators all jumped in.

Executive order 11605 was voted in, 1–0, by the President last July. Its purpose is to expand the powers of the Subversive Activities Control Board. The board was created by the Internal Security Act of 1950. Its purpose was to help Joe McCarthy and other patriots expose subversives. The original sponsor of the act was Representative Richard M. Nixon, so you can understand why the Administration feels especially warm about the constitutional principles involved here.

The board's primary trouble has been that ever since it was created, practically everything it has done, except draw salaries, has been declared unconstitutional.

A long campaign to persuade Congress to abolish the board by eliminating its funds is gaining momentum. Even if it should fall short of final victory this year, we will at least have lived to see the ultimate novelty: that unique moment when Congress approves funds for an Executive order which usurps Congress's own authority—and which is sure to be ruled unconstitutional anyway.

[From the Federal Register, Vol. 37, No. 152—Saturday, Aug. 5, 1972]

Title 3—The President, Proclamation 4145; Citizenship Day and Constitution Week, 1972

(By The President of The United States of America)

A PROCLAMATION

One hundred and eighty-five years ago a group of determined and purposeful men assembled in Philadelphia and signed the Constitution of the United States. They gave form to our ideals of self-government, and laid the foundation for a community of free people in which the inalienable right to life, liberty, and the pursuit of happiness could flourish.

The world has changed greatly since then. But their work has endured, as a source of strength to America and of inspiration to the world. As a representative democracy, the United States has prospered beyond man's wildest dreams and has become a shining symbol of freedom for men and women everywhere. Within the framework of this fundamental law, our people enjoy the rights, the freedoms and the exercise of responsibilities to which people everywhere aspire.

The Constitution of the United States is no mere impersonal doctrine. It is an instrument of our people. Its vitality and meaning depend upon the purpose and the energy of all of our citizens.

President Grover Cleveland said: "I indulge in no mere figure of speech when I say that our nation * * * lives in us—in our hearts and minds and consciences. There it must find its nutriment or die. This thought more than any other presents to our minds the impressiveness and responsibility of American citizenship. The land we live in seems to be strong and active. But how fares the land that lives in us?" Today it is the land that lives in us which will determine the course of this Nation.

On February 29, 1952, the Congress approved a joint resolution (66 Stat. 9) setting aside the seventeenth day of September of each year as Citizenship Day in commemoration of the signing of the Constitution of the United States on September 17, 1787, and in recognition of all who, by coming of age or by naturalization, had attained citizenship during the year. On August 2, 1956, the Congress approved a second joint resolution (70 Stat. 932), requesting the President to designate the week beginning September 17 of each year as Constitution Week.

Now, therefore, I Richard Nixon, President of the United States of America, direct the appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1972. I urge Federal, State, and local officials, as well as all religious, civic, educational, and other interested organizations to make arrangements for impressive, meaningful pageants and observances on that day to inspire all other citizens to rededicate themselves to the service of their country and to the support and defense of the Constitution.

I also designate the period beginning September 17 and ending September 23, 1972, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches, and in other suitable places, to the end that our citizens, whether they be naturalized or natural-born, may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

In witness whereof, I have hereunto set my hand this third day of August, in the year of our Lord nineteen hundred seventy-two and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON.

MRS. JEWEL LAFONTANT, OF CHICAGO, U.S. REPRESENTATIVE TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Mr. PERCY. Mr. President, the nomination of Mrs. Jewel Lafontant, of Chicago, to be a representative of the United States to the 27th session of the United Nations General Assembly is an outstanding nomination. Mrs. Lafontant, whom I have known and admired for many years, will bring a brilliant record of experience in civic and public life to this assignment.

A distinguished attorney in private practice, and a member of the board of directors of several of America's greatest businesses, Mrs. Lafontant has also been a member of the U.S. Advisory Commission on International Educational and Cultural Affairs since 1969 and a member of the Illinois Advisory Committee to the U.S. Civil Rights Commission since 1958. She is a trustee of Lake Forest College and Provident Hospital and Training School Association, and is a director of the Harvard-Saint George School. She has been secretary of the National Bar Association, treasurer of the Cook County Bar Association, and a member of the Board of Managers of the Chicago Bar Association.

As important as this broad experience is Mrs. Lafontant's understanding of public issues and her deep concern for justice both in the United States and throughout the world. This understanding and this concern may be expected to bear significantly on the work of the United Nations General Assembly which will open in New York on September 19.

RIGGED VOTER REGISTRATION

Mr. McGEE. Mr. President, the Washington Post for Sunday, September 10, contains an excellent article concerning the obstacles which confront the eligible voters in this Nation. As the writer of the article pointed out:

> It is generally believed that manipulating votes went out with the payoffs of old-time political machines . . .
>
> The fact is that instead of machine payoffs, our more modern politicians have substituted sophisticated use—or non-use—of the voter registration process which will effectively strip the vote from millions of the less advantaged. . . .

The writer calls for the implementation of a national voter-registration system—a proposal which I have offered in the form of legislation, but which the Senate has failed to approve.

The points raised in the article are worthy of conscientious consideration by the Senate, as one example after another is cited as proof of partisanship on the part of registration agents to the detriment of the eligible voter.

I ask unanimous consent that the article, written by Alice Lynn Booth, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

How To Rig Votes Without Buying

(By Alice Lynn Booth)

It is generally believed that manipulating votes went out with the payoffs of old-time political machines. It did not. It is widely thought that making the voting booth inaccessible to the poor is an exclusive weapon of Southern segregationists against blacks. It is not. It is broadly assumed that the 26th Amendment to the Constitution means all those 18 to 21 years old will now be eligible to vote on Nov. 7. They will not.

The fact is that instead of machine payoffs, our more modern politicians have substituted sophisticated use—or non-use—of the voter registration process, which this year will effectively strip the vote from millions of the less advantaged in the North as well as the South—including nearly half of our newly enfranchised working youth. All this will become clearer not on Nov. 7 but about a month earlier, when registration books are closed in most states.

The chief reasons why these millions will lose their right to vote are not very complex. In the absence of a national registration system, city and county election officials are given virtual hegemony over voter sign-ups by the states. Whether appointed or elected, these officials are generally indebted to the party that put them in their jobs. They are not likely to go out of their way to register voters who might upset party leaders.

In fact, they sometimes go to some lengths to erect barriers to these voters. This was the case in many college towns across the country after the 26th Amendment was ratified. Seeing the new student voters as a threat to the established powers, election officials subjected the youths to excessive interrogations, demanded unusual proof of residency, and initially turned many away. At the University of Illinois at Champaign-Urbana, for example, many students were actually asked where they planned to be buried before they could register to vote. At the University of Maryland at College Park, some officials falsely implied that students who signed up to vote there might have their auto insurance rates raised.

THE REGISTRATION MAZE

The students fought these tactics and usually won, either in court or in rulings by state attorneys general. While only six states permitted students to register at campus addresses in 1971, more than 40 states now treat them like any other residents. (New York, with over 800,000 college students, still does not permit campus registration; a court case on this issue is now pending.) As a result, about 80 per cent of the nation's 6 million college students are likely to be registered this year.

But non-student youth, who outnumber the students by more than 3 to 1, have not been as fortunate. By March 1, according to the Gallup Poll, only 40 per cent were on the rolls. By June 1, only 1 per cent more were added. August polls indicate the tally now is about 44 per cent. The registration rate over the past six months suggests that, at most, 53 per cent of potentially eligible working youth will be allowed to vote. That means nearly 9 million of these 19 million youths will lose the ballot, in all likelihood significantly distorting November's election returns.

Registering college students has been a relatively easy task because of their concentration in large groups and their high political awareness. But non-student youths, dispersed among the general population, were thrown into the same pot that traditionally disenfranchised voters have been left to stew in since registration became widespread in the early 1900s to curb ballot box stuffing and other frauds. Less knowledgeable politically and feeling an urban-fed alienation and mistrust of institutions, they confront a registration system which, as the League of Women Voters has put it, is "an administrative maze through which the average citizen must painstakingly grope in order to exercise his fundamental right to the franchise."

Chief among the elements of the maze is the inaccessibility of registration. In the South, there is the continuing problem in rural areas of the county courthouse often being the only place to register. "If you are poor and live 60 miles, round-trip, how do you get there?" remarks John Lewis, whose Voter Education Project conducts registration drives in the South. "Election officials continually refuse to make mobile registration and deputy registrars available, so registration is left to VEP and other organizations who can provide transportation."

In Stewart County, Ga., Lewis says, the election administrator closed the courthouse on the day of a VEP registration drive, forcing its cancellation. "We have called the Justice Department and sent telegrams, but received no answers to our requests" for federal registrars to go out in mobile vans to sign up voters. Under the Voting Rights Act of 1965, such federal aid can be given when less than 50 per cent of voting age residents in a political subdivision are registered.

But inaccessibility is by no means limited to the South. "Normal" registration in Northern areas usually takes place in a central location during working hours. "Expanded" registration often means police stations or libraries—places not generally frequented on a voluntary basis by the less educated, and often consciously avoided. "Branch" registration usually is done at ward polling places and other city buildings or schools. And all of this is often accompanied by little publicity or canvassing of unregistered voters.

The consequences are clear. About the time of this spring's primary elections, for example, the overall registration rate in the cities was about 65 per cent. But in the South End of Boston, only 56 per cent of black and Spanish residents were signed up; in a youth ward near Boston's Beacon Hill, the rate for such potential voters was 51 per cent. In the District of Columbia at the time, registration was 44 per cent lower in one black Northwest ward than in a typical upper-middle-class white area. In Newark, registration figures for largely black wards were about 15 per cent lower than in surrounding white suburbs.

In New York City only last month, 58 per cent of all eligible voters had been signed up—but among 18-to-21-year-olds the rate was only 33 per cent, with the heaviest concentrations of those left out living in lower-income areas.

In fact, the case can be made that registration progress in the North is now lagging behind that of some areas in the South. In Dallas County, Ala.—where Selma is the county seat—about 68 per cent of blacks are now registered. This compares with only 2.1 per cent in 1964, when black registration in Selma was embroiled in the agonies of intimidation, beatings and literacy tests that even college professors could not pass. The Dallas County black rgeistration rate now exceeds the 58 per cent of all voters in New York City.

"Black people in the South fought for their right to vote and won—they are determined to use it," explains John Lewis.

THE SINCERELY MISGUIDED

The inaccessibility of registration is no chance happening. It stems from several causes. One is the sincerely misguided attitude many election officials still cling to that voting is a privilege, rather than the right it has clearly been established to be. In Milwaukee, for example, elections board member Rose Borjanac says: "Voting is a great privilege—you can't just give things to children if you expect them to value anything." The Milwaukee board this year cut back on registration sites, eliminating both a welfare center and a department store. And despite a city attorney's opinion supporting door-to-door registration, plus an offer of volunteers by a coalition of voter registration organizations, Milwaukee will not allow door-to-door registration.

The board chairman there, Lawrence Carlson, reasons: "I don't think we should grab people to register them. Some effort must be made by the people themselves. Those people have wheels. They can go an additional six or seven blocks to a police station or library if they really want to register."

But "those people" are understandably not eager to visit police stations or libraries. And there is no good reason why they should have to. If voting is not a privilege, *eligibility* to vote is certainly not one either. It is an absolute right for almost all citizens 18 or older. It is the government's job to ensure that this right is not taken away or made difficult to exercise.

Many local governments, however, do not see it that way—and not only because some view voting as a gift they are bestowing. Rather, they take pains to register voters when it suits them politically and ignore them when it does not.

"POLITICAL REGISTRATION"

Consider, for example, the case of Boston. In last September's mayoral primary, Thomas Atkins, a black and a former Democratic city councilman, was among incumbent Kevin White's opponents. (Atkins is now State Secretary for Communities under Republican Gov. Frances Sargent.) The other opposition to the moderately liberal White consisted of two other liberals plus conservative Rep. Louise Day Hicks.

Says Atkins: "The mayor made a political judgment concerning registration. If he expanded registration, the net addition to the rolls would be black, Spanish and students—people who would vote disproportionately for me. Therefore, the election office was slow in instituting registration procedures. After the primary, when White faced Hicks alone, the election department instituted extraordinary procedures to register voters. It represents a fairly cynical and manipulative view of the democratic process. I don't want to give the impression that what the mayor did was unique. But that doesn't make it any less immoral."

Then, before both this spring's presidential primary and this month's state primary, the Boston board refused requests for mobile registration and deputy registrars. "We can't afford mobiles," said mayoral aide Ann Lewis. "But with little city halls and other ward sites, we're registering people."

However, Leon Rock, head of Boston's Black Student Union, has a different view. He says that only 500 young people were registered before the books closed for this month's state primary, and that "the real reason they wouldn't expand registration was their fear of alienating Louise Day Hicks. Since she was running against a black for her seat in Congress, they didn't want to increase registration of young people, particularly blacks."

Now, with state primary registration over, the city is again adding money to the election office budget, mysteriously finding that it can expand to mobile registration after all for November's election. "We're going to get a lot of people registered," says Miss Lewis. "I've met with the election office and the ward committeemen who will phone every unregistered voter in the city. We'll make registration as easy as possible."

The Boston election board, consisting of two Democrats and two Republicans, is appointed by the mayor. As Miss Lewis succinctly puts it: "He tells them what he wants them to do and they do it."

Curiously, Miss Lewis, who has also been named state registration chairman for the McGovern presidential campaign, says: "We're not going to concentrate on the campuses. We're encouraging students to register in their home states wherever the vote would be crucial for McGovern." Mobile vans, she says, are to be sent to Boston campuses only on request. Evidently, some McGovern people as well are handy at manipulating registration to suit their candidate's purposes.

NOTHING UNIQUE

The Boston and Milwaukee tales are certainly not unique. In Philadelphia, the distribution of registration sites is determined by ward leaders. Requests by community and student groups for campus and community registration sites have been consistently turned down by election supervisor Jack Welsh, who claims to be "a civil servant who doesn't know a damn thing about politics."

But according to Hardy Williams, a black state assemblyman who was defeated by Frank Rizzo in the 1971 mayoral primary, the political party determines not only where sites are placed but for how many days. "If they want a strong black vote, they'll add sites in the black community, but generally whites are favored."

Mark Bernstein, co-chairman of the Voter Rights Committee at the University of Pennsylvania Law School and a leader of student-controlled Ward 27 in Philadelphia, adds: "An unfavored ward leader suffers when it comes to registration. Our ward generally gets the minimum—three days and three sites."

In Plainfield, N.J., the only place to register is at city hall, which is in an upper-income white community. It is a considerable distance from predominantly black wards, where registration rates range as low as 35 per cent. The Plainfield city council recently vetoed a plan to send mobile vans into these wards. "The present arrangement should satisfy anyone interested in voting," remarks Republican city council member David Rothberg.

He certainly had never spoken to a young black mother who recently talked to a lawyer seeking information for a possible suit against the council action. She receives $210 a month from the welfare department, has a small child to care for, has no car and no history of voting in her family. "I would like to register but I can't get downtown and I don't want to go to that place," she said.

THE CONFUSING LAWS

Similar stories can be found all across the nation. "It's no accident that it's so damn hard to register in this country," says Mike McClister, vice president of Matt Reese Associates, a Washington-based political consulting firm. "A political machine survives by reproducing its own turnout year after year. It's no wonder they don't want to expand registration."

It is not just the administration of the laws, McClister notes, but confusion among voters about the vague laws themselves. Citing a survey of eligible voters in a Minneapolis suburb, he says a check with registration lists showed that 75 per cent of those who had said they were registered actually were not.

Similarly, Ohio state assemblyman Richard Celeste, a Democrat who represents a largely Republican district in the Cleveland area, blames both political parties for maintaining a state registration law that is complex and vague and not used aggressively at the local level. "If the Republican Party has the least interest in expanding voter registration," he remarks, "then the second least interest is held by the Democrats, who fear a broad electorate would shake their power."

What all this adds up to is that voter registration, introduced mainly to curb those who used to cast more than one vote, has reduced the percentage of those eligible to vote at all on Election Day. In most cases this means no vote for the less affluent, the disaffected—those whom this country has been trying to convince since the riots and protests of the past decade to work through the democratic process. If that argument is to be at all persuasive, something must be done to make sure they have an electoral voice. Otherwise, there is no reason for them to listen.

THE ROAD TO REFORM

Registration reformers generally divide along the lines of those who want stronger state action and those urging a uniform federal registration system. Prof. Richard Smolka, director of American University's Institute of Election Administration, for example, advocates uniform registration laws for each individual state, with strong state control over administration. He believes that election administration must remain at the local level because of the possibility of fraud.

"There are 90,000 local units of government conducting elections, more than 500,000 officials elected to office each year, and an election held every week in this country," he says. "If the purpose of registration is to prevent fraud, then to justify it we must administer voter registration where people know each other. A nationally administered program could cause delay and would simply be impractical."

But Prof. Smolka's prescription would still leave room for less scrupulous state politicians to set the number, place and timing of registration to further their political interests. An issue as fundamental as voting requires federal standards for national elections and federal pressure for state and local races.

A bill introduced in the Senate last year by Sen. Gale McGee of Wyoming comes close to proposing a national system that would significantly reduce our registration ills. For federal elections, the bill would place the Census Bureau in charge of national registration administration. Registration postcards would be mailed to every home, to be sent by voters to local election offices, which would process the forms. To influence state reforms, Washington would offer financial incentives to those states adopting programs similar to its own.

But the McGee bill, which was shelved by the Senate for this year, does not go far enough. It does not sufficiently consider the millions of less advantaged citizens who may have difficulty receiving mail or be less than eager to fill out a government form that arrives in the mail. To ensure the registration of as many citizens as possible, the federal standards would have to include door-to-door registration in precincts where sign-ups fall below, say, 85 per cent. And those states eager for federal financial aid would have to follow this standard for state and local registration.

Only with such a system can we have a chance of fulfilling the promises this country has made.

THE 1972 REPUBLICAN PLATFORM

Mr. DOLE. Mr. President, last month the Republican party proclaimed in the platform adopted at its convention a remarkable vision of America. It was inspiring in the scope and depth of its considerations, and it was unique in the range of opinions and viewpoints which went into its composition.

It represents the dedicated efforts of the 105 individuals who served on the resolutions committee as well as hundreds of people from all walks of life, every political persuasion and all parts of the country who offered testimony before the committee.

Serving, as it does, to express Republican hopes for the Nation's future while reaffirming our faith in the sound principles of our past, the platform merits the careful attention of all Americans who are concerned for the directions in which our Nation will move over the next 4 years—and into the third century of our history.

I ask unanimous consent that the 1972 platform of the Republican Party, "a better future for all," as adopted by the national convention, be printed in the RECORD.

There being no objection, the platform was ordered to be printed in the RECORD, as follows:

REPUBLICAN PLATFORM—"A BETTER FUTURE FOR ALL"

(Adopted by the Republican National Convention, August 22, 1972, Miami Beach, Florida

PREAMBLE

This year our Republican Party has greater reason than ever before for pride in its stewardship.

When our accomplishments are weighed—when our opponents' philosophy, programs and candidates are assessed—we believe the American people will rally eagerly to the leadership which since January 1969 has brought them a better life in a better land in a safer world.

This political contest of 1972 is a singular one. No Americans before have had a clearer option. The choice is between going forward from dramatic achievements to predictable new achievements, or turning back toward a nightmarish time in which the torch of free America was virtually snuffed out in a storm of violence and protest.

It is so easy to forget how frightful it was.

There was Vietnam—so bloody, so costly, so bitterly divisive—a war in which more than a half-million of America's sons had been committed to battle—a war, it seemed, neither to be won nor lost, but only to be endlessly fought—a war emotionally so tormenting as almost to obliterate America's other worldly concerns.

And yet, as our eyes were fixed on the carnage in Asia, in Europe our alliance had weakened. The Western will was dividing and ebbing. The isolation of the People's Republic of China with one-fourth of the world's population, went endlessly on.

At home our horrified people watched our cities burn, crime burgeon, campuses dissolve into chaos. A mishmash of social experimentalism, producing such fiscal extravaganzas as the abortive war on poverty, combined with war pressures to drive up taxes and balloon the cost of living. Working men and women found their living standards fixed or falling, the victims of inflation. Nationwide, welfare skyrocketed out of control.

The history of our country may record other crises more costly in material goods, but none so demoralizing to the American people. To millions of Americans it seemed we had lost our way.

So it was when our Republican Party came to power.

Now, four years later, a new leadership with new policies and new programs has restored reason and order and hope. No longer buffeted by internal violence and division, we are on course in calmer seas with a sure, steady hand at the helm. A new spirit, buoyant and confident, is on the rise in our land, nourished by the changes we have made. In the past four years:

We have turned toward concord among all Americans;

We have turned toward reason and order;

We have turned toward government responding sensitively to the people's hopes and needs;

We have turned toward innovative solutions to the nation's most pressing problems;

We have turned toward new paths for social progress—from welfare rolls to payrolls, from wanton pollution to vigorous environmental protection;

We have moved far toward peace: withdrawal of our fighting men from Vietnam, constructive new relationships with the Soviet Union and the People's Republic of China, the nuclear arms race checked, the Mid-East crisis dampened, our alliances revitalized.

So once again the foreign policy of the United States is on a realistic footing, promising us a nation secure in a full generation of peace, promising the end of conscription, promising a further allocation of resources to domestic needs.

It is a saga of exhilarating progress.

We have come far in so short a time. Yet, much remains to be done.

Discontents, frustrations and concerns still stir in the minds and hearts of many of our people, especially the young. As long as America falls short of being truly peaceful, truly prosperous, truly secure, truly just for all, her task is not done.

Our encouragement is in the fact that things as they are, are far better than things that recently were. Our resolve is that things to come can be, and will be, better still.

Looking to tomorrow, to President Nixon's second term and on into the third century of this Republic, we of the Republican Party see a quarter-billion Americans peaceful and prospering as never before, humane as never before, their nation strong and just as never before.

It is toward this bright tomorrow that we are determined to move, in concert with millions of discerning Democrats and concerned Independents who will not, and cannot, take part in the convulsive leftward lurch of the national Democratic Party.

The election of 1972 requires of the voters a momentous decision—one that will determine the kind of nation that is to be on its 200th birthday four years hence. In this year we must choose between strength and weakness for our country in the years to come. This year we must choose between negotiating and begging with adversary nations. This year we must choose between an expanding economy in which workers will prosper and a hand-out economy in which the idle live at ease. This year we must choose between running our own lives and letting others in a distant bureaucracy run them. This year we must choose between responsible fiscal policy and fiscal folly.

This year the choice is between moderate goals historically sought by both major parties and far-out goals of the far left. The contest is not between the two great parties Americans have known in previous years. For in this year 1972 the national Democratic Party has been seized by a radical clique which scorns our nation's past and would blight her future.

We invite our troubled friends of other political affiliations to join with us in a new coalition for progress. Together let us reject the New Left prescription for folly and build surely on the solid achievements of President Nixon's first term.

Four years ago we said, in Abraham Lincoln's words, that Americans must think anew and act anew. This we have done, under gifted leadership. The many advances already made, the shining prospects so clearly ahead, are presented in this Platform for 1972 and beyond.

May every American measure our deeds and words thoughtfully and objectively, and may our opponents' claims be equally appraised. Once this is done and judgment rendered on election day, we will confidently carry forward the task of doing for America what her people need and want and deserve.

TOWARD A FULL GENERATION OF PEACE

Foreign Policy

When Richard Nixon became President, our country was still clinging to foreign policies fashioned for the era immediately following World War II. The world had changed dramatically in the 1960s, but our foreign policies had not.

America was hopelessly enmeshed in Vietnam. In all parts of the globe our alliances were frayed. With the principal Communist powers our relations showed little prospect of improvement. Trade and monetary problems were grave. Periodic crises had become the way of international economic life.

The nation's frustrations had fostered a dangerous spirit of isolationism among our people. America's influence in the world had waned.

In only four years we have fashioned foreign policies based on a new spirit of effective negotiation with our adversaries, and a new sense of real partnership with our allies. Clearly, the prospects for lasting peace are greater today than at any time since World War II.

New Era of Diplomacy

Not all consequences of our new foreign policy are yet visible, precisely because one of its great purposes is to anticipate crises and avoid them rather than merely respond. Its full impact will be realized over many years, but already there are vivid manifestations of its success:

Before this Administration, a Presidential visit to Peking would have been unthinkable. Yet our President has gone there to open a candid airing of differences so that they will not lead some day to war. All over the world tensions have eased as, after a generation of hostility, the strongest of nations and the most populous of nations have started discoursing again.

During the 1960s, Presidential visits to Moscow were twice arranged and twice cancelled. Now our President has conferred, in the Soviet Union, with Soviet leaders, and has hammered out agreements to make this world a much safer place. Our President's quest for peace has taken him to 20 other countries, including precedent-shattering visits to Rumania, Yugoslavia and Poland.

Around the globe America's alliances have been renewed and strengthened. A new spirit of partnership shows results in our NATO partners' expenditures for the common defense—up by some $2 billion in two years.

Historians may well regard these years as a golden age of American diplomacy. Never before has our country negotiated with so many nations on so wide a range of subjects—and never with greater success. In the last four years we have concluded agreements:

To limit nuclear weapons.

To ban nuclear weapons from the world's seabeds.

To reduce the risk of an accidental nuclear war.

To end the threat of biological and toxin warfare.

To terminate American responsibility for the administration of Okinawa.

To end the recurrent crises over Berlin.

To provide for U.S.-Soviet cooperation in health and space research.

To reduce the possibility of dangerous incidents at sea.

To improve emergency communications between the White House and the Kremlin.

To exercise restraint in situations threatening conflict.

To realign the world's currencies.

To reduce barriers to American exports.

To combat the international drug traffic.

To protect the international environment.

To expand cultural relations with peoples of Eastern Europe.

To settle boundary disputes with Mexico.

To restore the water quality of the Great Lakes in cooperation with Canada.

In Vietnam, too, our new policies have been dramatically effective.

In the 1960s, our nation was plunged into another major war—for the fourth time in this century, the third time in a single generation.

More than a half-million Americans were fighting in Vietnam in January 1969. Fatalities reached 562 in a single week. There was no plan for bringing Americans home; no hope for an end of the war.

In four years, we have marched toward peace and away from war. Our forces in Vietnam have been cut by 93 percent. No longer do we have a single ground combat unit there. Casualties are down by 95 percent. Our young draftees are no longer sent there without their consent.

Through it all, we have not abandoned an ally to aggression, not turned our back on their brave defense against brutal invasion, not consigned them to the bloodbath that would follow Communist conquest. By helping South Vietnam build a capability to withstand aggression, we have laid the foundation for a just peace and a durable peace in Southeast Asia.

From one sector of the globe to another, a sure and strong America, in partnership with other nations, has once again resumed her historic mission—the building of lasting peace.

The Nixon Doctrine

When President Nixon came into office, America's foremost problem was the bloody, costly, divisive involvement in Vietnam. But there was an even more profound task—to redefine the international role of the United States in light of new realities around the globe and new attitudes at home. Precisely and clearly, the President stated a new concept of a positive American role. This—the Nixon Doctrine—is monumentally important to every American and to all other people in the world.

The theme of this Doctrine is that America will remain fully involved in world affairs, and yet do this in ways that will elicit greater effort by other nations and the sustaining support of our people.

For decades, our nation's leaders regarded virtually every problem of local defense or economic development anyplace in the world as an exclusive American responsibility. The Nixon Doctrine recognizes that continuing defense and development are impossible unless the concerned nations shoulder the principal burden.

Yet, strong economic and military assistance programs remain essential. Without these, we are denied a middle course—the course between abruptly leaving allies to struggle alone against economic stagnation or aggression, or intervening massively ourselves. We cannot move from the overinvolvement of the Sixties to the selective involvement of the Seventies if we do not assist our friends to make the transition with us.

In the Nixon Doctrine, therefore, we define our interests and commitments realistically and clearly; we offer, not an abdication of leadership, but more rational and responsible leadership.

We pledge that, under Republican leadership, the United States will remain a leader in international affairs. We will continue to shape our involvement abroad to national objectives and realities in order to sustain a strong, effective American role in the world.

Over time we hope this role will eventually lead the peace-loving nations to undertake an exhaustive, coordinated analysis of the root causes of war and the most promising paths of peace, so that those causes may in time be removed and the prospects for enduring peace strengthened year by year.

Peace in the 1970s

We stand with our President for his Strategy for Peace—a strategy of national strength, a new sense of international partnership, a willingness to negotiate international differences.

We will strengthen our relationships with our allies, recognizing them as full-fledged partners in securing the peace and promoting the common well-being.

With our adversaries, we will continue to negotiate in order to improve our security, reduce tension, and extend the realm of cooperation. Especially important is continued negotiation to maintain the momentum established by the Strategic Arms Limitation agreements to limit offensive and defensive nuclear weapons systems and further to reduce the danger of nuclear conflict. In addition, we will encourage increased trade for the benefit of our consumers, businessmen, workers, and farmers.

Along with NATO allies, we will seek agreement with the Warsaw Pact nations on a mutual and balanced reduction of military forces in Europe.

We will press for expansion of contacts with the peoples of Eastern Europe and the People's Republic of China, so long isolated from most of the world.

We will continue to seek a settlement of the Vietnam war which will permit the people of Southeast Asia to live in peace under political arrangements of their own choosing. We take specific note of the remaining major obstacle to settlement—Hanoi's demand that the United States overthrow the Saigon government and impose a Communist-dominated government on the South Vietnamese. We stand unequivocally at the side of the President in his effort to negotiate honorable terms, and in his refusal to accept terms which would dishonor this country.

We commend his refusal to perform this act of betrayal—and we most emphatically say the President of the United States should not go begging to Hanoi. We believe that the President's proposal to withdraw remaining American forces from Vietnam four months after an internationally supervised cease-fire has gone into effect throughout Indochina and all prisoners have been returned is as generous an offer as can be made by anyone—by anyone, that is, who is not bemused with surrender—by anyone who seeks, not a fleeting peace at whatever cost, but a real peace that will be both just and lasting.

We will keep faith with American prisoners of war held by the enemy, and we will keep faith, too, with their families here at home who have demonstrated remarkable courage and fortitude over long periods of uncertainty. We will never agree to leave the fate of our men unclear, dedependent upon a cruel enemy's whim. On the contrary—we insist that, before all American forces are withdrawn from Vietnam, American prisoners must be returned and a full accounting made of the missing in action and of those who have died in enemy hands.

We pledge that upon repatriation our returned prisoners will be received in a manner befitting their valor and sacrifice.

We applaud the Administration's program to assure each returned prisoner the finest medical care, personal counseling, social services and career orientation. This around-the-clock personal service will ease their reintegration into American life.

North Vietnam's violation of the Geneva Convention in its treatment of our prisoners of war has called forth condemnation from leaders around the world—but not by our political opposition at home. We denounce the enemy's flagrant breach of international law and common decency. We will continue to demand full implementation of the rights of the prisoners.

If North Vietnam continues obdurately to reject peace by negotiation, we shall nevertheless achieve peace for our country through the successful program of Vietnamization, phasing out our involvement as our ally strengthens his defense against aggression.

In the Middle East, we initiated arrangements leading to a cease-fire which has prevailed for two years. We pledge every effort to transform the cease-fire into lasting peace.

Since World War II, our country has played the major role in the international effort to assist the developing countries of the world. Reform of our foreign assistance program, to induce a greater international sharing of the aid effort, is long overdue. The reforms proposed by the President have been approved only in part. We call for further reforms to make our aid more effective and protect the taxpayer's interests.

We stand for an equitable, non-discriminatory immigration policy, reaffirming our support of the principles of the 1965 Immigration Act—non-discrimination against national origins, reunification of families, and the selective admission of the specially talented. The immigration process must be just and orderly, and we will increase our efforts to halt the illegal entry of aliens into the United States.

We also pledge to strengthen the agencies of international cooperation. We will help multilateral organizations focus on international issues affecting the quality of life—for example the peaceful uses of nuclear energy and the protection of man's cultural heritage and freedom of communication, as well as drug abuse, pollution, overpopulation, exploitation of the oceans and seabeds, aircraft hijacking and international crime. We will seek to improve the performance of the United Nations, including more objective leadership. We support a more equitable sharing of the costs of international organizations and have serious concerns over the delinquency of many UN members in meeting their financial obligations.

Our country, which from its beginnings has proclaimed that all men are endowed with certain rights, cannot be indifferent to the denial of human rights anywhere in the world. We deplore oppression and persecution, the inevitable hallmarks of despotic systems of rule. We will continue to strive to bring them to an end, both to reestablish the right of self-determination and to encourage where and when possible the political freedom of subjugated peoples everywhere in the world.

We firmly support the right of all persons to emigrate from any country, and we have consistently upheld that doctrine. We are fully aware of and share the concern of many citizens for the plight of Soviet Jews with regard to their freedoms and emigration. This view, together with our commitment to the principles of the Universal Declaration of Human Rights of the United Nations, was made known to Soviet leaders during the President's discussions in Moscow.

The Middle East

We support the right of Israel and its courageous people to survive and prosper in peace. We have sought a stable peace for the Middle East and helped to obtain a cease-fire which contained the tragic conflict. We will help in any way possible to bring Israel and the Arab states to the conference table, where they may negotiate a lasting peace. We will continue to act to prevent the development of a military imbalance which would imperil peace in the region and elsewhere by providing Israel with support essential for her security, including aircraft, training and modern and sophisticated military equipment, and also by helping friendly Arab governments and peoples, including support for their efforts to diminish their dependence on outside powers. We support programs of economic assistance to Israel pursued by President Nixon that have helped her achieve a nine percent annual economic growth rate. This and the special refugee assistance ordered by the President have also helped to provide resettlement for the thousands of immigrants seeking refuge in Israel.

We will maintain our tactical forces in Europe and the Mediterranean area at adequate strength and high levels of efficiency. The irresponsible proposals of our political opposition to slash the defense forces of the United States—specifically, by cutting the strength of our fleet, by reducing our aircraft carriers from 16 to six and by unilateral withdrawals from Europe—would increase the threat of war in the Middle East and gravely menace Israel. We flatly reject these dangerous proposals.

With a settlement fair to all nations of the Middle East, there would be an opportunity for their peoples to look ahead to shared opportunities rather than backward to rancorous animosities. In a new environment of cooperation, Israel will be able to contribute much to economic renaissance in the Mideast crossroads of the world.

The Atlantic Community

We place high priority on the strengthening of the North Atlantic Alliance. One of the President's first initiatives was to visit Western European capitals to reinvigorate the NATO alliance and indicate its importance in U.S. foreign policy.

Right now, with plaintive cries of "come home America" echoing a new isolationism, the Republican Party states its firm belief that no nation can be an island or a fortress unto itself. Now, more than ever, there is need for interdependence among proven friends and old allies.

The North Atlantic Alliance remains the strongest most successful peacetime association ever formed among a group of free nations. The continued strengthening of the Alliance will remain an important element in the foreign policies of the second Nixon Administration.

Japan

During the 1960s a number of economic and political issues developed in our country's relations with Japan, our major ally in Asia. To resolve these, President Nixon terminated our responsibility for the administration of Okinawa and initiated action to reduce our trade deficit with Japan. We are consulting closely to harmonize our two countries' separate efforts to normalize relations with Peking. In these ways we have shifted our vital alliance with Japan to a more sustainable basis for the long term, recognizing that the maintenance of United States-Japanese friendship advances the interests of both countries.

The Soviet Union

Over many years our relations with the Soviet Nation have oscillated between superficial improvements and new crises. False hopes have been repeatedly followed by disillusioned confrontation. In the closing months of 1968, our relations with the Soviet Union deteriorated steadily, forcing the cancellation of a scheduled Presidential visit to Moscow and immobilizing projected negotiations on strategic arms limitation.

President Nixon immediately began the difficult task of building a new relationship—one based on a realistic acceptance of the profound differences in the values and systems of our two nations. He moved decisively on key issues—such as the Berlin problem and strategic arms limitation—so that progress in one area would add momentum to progress in other areas. The success of these efforts was demonstrated at the summit in Moscow. Agreements were reached on new areas of cooperation—public health, environmental control, space exploration and trade. The first historic agreements limiting strategic arms were signed last May 26 in Moscow, and the Soviet Union subscribed to a broad declaration of principles governing our relations.

We pledge to build upon these promising beginnings in reorienting relations between the world's strongest nuclear powers to establish a truly lasting peace.

China

In the 1960s it seemed beyond possibility that the United States could dispel the ingrained hostility and confrontation with the China mainland. President Nixon's visit to the People's Republic of China was, therefore, an historic milestone in his effort to transform our era from one of confrontation to one of negotiation. While profound differences remain between the United States and China, at least a generation of hostility has been replaced by frank discussions. In February 1972 rules of international conduct were agreed upon which should make the Pacific region a more peaceful area now and in the future. Both the People's Republic and the United States affirmed the usefulness of promoting trade and cultural exchanges as ways of improving understanding between our two peoples.

All this is being done without affecting our mutual defense treaty or our continued diplomatic relations with our valued friend and ally on Taiwan, the Republic of China.

Latin America

Our common long-range interests, as well as history and geography, give the relations among nations of the Western Hemisphere a special importance. We will foster a more mature partnership among the nations of this hemisphere, with a wider sharing of ideas and responsibility, a broader understanding of diversities, and firm commitment to the common pursuit of economic progress and social justice.

We believe the continuing campaign by Cuba to foment violence and support subversion in other countries makes it ineligible for readmission to the community of American states. We look forward to the day when changes in Cuba's policies will justify its re-entry into the American community—and to the day when the Cuban people achieve again their freedom and their true independence.

Africa

Our ties with Africa are rooted in the heritage of many Americans and in our historic commitment to self-determination. We respect the hard-earned sovereignty of Africa's new states and will continue to do our utmost to make a meaningful contribution to their development. We have no illusions that the United States can singlehandedly solve the seemingly intractable problems of apartheid and minority rule, but we can and will encourage non-violent, evolutionary change by supporting international efforts peacefully to resolve the problems of southern Africa and by maintaining our contacts with all races on the Continent.

DEFENSE

We believe in keeping America strong.

In times past, both major parties shared that belief. Today this view is under attack by militants newly in control of the Democratic Party. To the alarm of free nations everywhere, the New Democratic Left now would undercut our defenses and have America retreat into virtual isolation, leaving us weak in a world still not free of aggression and threats of aggression. We categorically reject this slash-now, beg-later, approach to defense policy.

Only a strong America can safely negotiate with adversaries. Only a strong America can fashion partnerships for peace.

President Nixon has given the American people their best opportunity in this century to achieve lasting peace. The foundations are well laid. By adhering to a defense policy based on strength at home, partnership abroad and a willingness to negotiate everywhere, we hold that lasting peace is now achievable.

We will surely fail if we go crawling to the conference table. Military weakness is not the path to peace; it is invitation to war.

A Modern Well-equipped Force

We believe that the first prerequisite of national security is a modern, well-equipped armed force.

From 1965 to 1969 the Vietnam war so absorbed the resources of the Defense Department that maintenance, modernization, and research and development fell into neglect. In the late 1960s the Soviet Union outspent the United States by billions of dollars for force modernization, facing the United States with the dangerous prospect that its forces would soon be qualitatively inferior. Our Reserve Forces and the National Guard had become a dumping ground for cast-off arms and equipment. The military posture of our country became seriously undermined.

To assure our strength and counter the mounting Soviet threat, President Nixon directed:

The most significant ship construction and modernization program since World War II;

The development of new types of tactical aircraft such as the F–15, a lightweight fighter, and a fighter plane for close support of ground troops;

Improvements in our strategic bomber force and development of the new B–1 strategic bomber;

Development of a new Trident submarine and undersea missile system;

Greatly increasing the capability of existing strategic missiles through multiple warheads;

Strengthening of strategic defenses, including initial deployment of an anti-ballistic missile system;

The largest research and development budget in history to insure continued technological superiority;

Equipping of the National Guard and Reserves with the most modern and sophisticated weapons;

Improved command and control communications systems.

We draw a sharp distinction between prudent reductions in defense spending and the meat-ax slashes with which some Americans are now beguiled by the political opposition. Specifically, we oppose plans to stop the Minuteman III and Poseidon programs, reduce the strategic bomber force by some 60 percent, cancel the B-1 bomber, reduce aircraft carriers from 16 to 6, reduce tactical air wings by a third, and unilaterally reduce U.S. forces in Europe by half.

These slashes are worse than misguided; they are dangerous.

They would torpedo negotiations on arms and troop reductions, create a crisis of confidence with our allies, damage our own industrial and technological capacity, destabilize Europe and the Middle East, and directly endanger the nation's security.

A New Partnership

The Nixon Doctrine has led to a new military strategy of realistic deterrence. Its essence is the sharing of the responsibilities and the burdens of defense. This strategy is based on the efficient utilization of the total force available—our own and our allies', and our civilian reserve elements as well as our regular forces.

For years our country shouldered the responsibility for the defense of other nations. There were fears that we were attempting to be the policeman of the world. Our country found it necessary to maintain a military force of 3.5 million persons, more than a million overseas at 2,270 installations.

A new partnership is emerging between the United States and other nations of the free world. Other countries are assuming a much greater responsibility for the common defense. Twice in the last two years our European allies have agreed to substantial increases in their support for NATO forces. In Asia we have been heartened by the efforts of the Koreans, Vietnamese, Thais, Nationalist Chinese, Australians, New Zealanders and others who have sought improvements in their own forces.

We have been able to reduce our military forces by more than one million men and women. We have cut by half the number deployed overseas, reduced overseas installations by more than 10 percent, and sharply reduced the economic burden of defense spending from the Vietnam high. All this has been done by virtue of our new security posture, without impairing our own or our allies' security.

We pledge to press on toward a lasting peace. To that end we declare ourselves unalterably opposed to a unilateral slash of our military power, and we reject a whimpering "come back America" retreat into isolationism.

An All-Volunteer Armed Force

We wholeheartedly support an all-volunteer armed force and are proud of our historic initiatives to bring it to pass.

Four years ago, the President pledged to work toward an early end of the draft. That promise has been kept. Today we approach a zero draft that will enlarge the personal freedom of millions of young Americans.

Prior to 1969, annual draft calls exceeded 300,000. The Selective Service System was inequitable in operation, and its rules caused prolonged uncertainty for young men awaiting call.

Since 1969, the Selective Service System has been thoroughly reorganized, and local draft boards are more representative than ever before. Today draftees are called by random selection of the youngest first, so that the maximum length of vulnerability is no longer seven years but one year only. Youth advisory committees are in operation all across the country.

Of critical importance, we are nearing the elimination of draft calls altogether. In every year since 1968, draft calls have been reduced. Monthly draft calls are now down to a few thousand, and no draftees are sent involuntarily to Vietnam. We expect to achieve our goal by July 1973. Then, for the first time in a quarter-century, we hope and expect that young Americans of all ages will be free from conscription.

Our political opponents have talked for years of their concern for young people. It is our Republican Administration that has taken the strong, effective action required to end the draft, with its many hardships and uncertainties for the youth of America.

Improvements in Service Life

We believe that the men and women in the uniformed services deserve the gratitude and respect of all Americans and are entitled to better treatment than received in the past.

For years most servicemen have been underpaid, harassed with restrictions, and afforded few opportunities for self-development. Construction of military housing was allowed to fall badly behind.

Since 1968 improvements in service life have been many and major:

The largest pay raises in military history have been enacted. While increases have been in all grades, the largest have gone to new recruits whose base pay will have risen more than 300 percent by the end of this year.

Construction of new housing for military personnel and their families has increased sixfold since January 1969.

Without sacrificing discipline, needlessly harsh, irksome and demeaning practices of the past have been abandoned.

An effective program against dangerous drugs has been initiated.

Educational and training opportunities have been expanded.

Major strides have been made toward wiping out the last vestiges of racial discrimination.

We regard these tasks as never completed, but we are well on the way and pledge ourselves to press forward assuring all men and women in the armed forces rewarding careers.

Better Defense Management

In the 1960s, the Department of Defense became administratively top-heavy and inefficient. The acquisition of new weapons systems was handled with inadequate attention to cost or performance, and there was little recognition of the human dimensions of the Department. Morale was low.

Our improvements have been many and substantial. Healthy decentralization has taken place. The methods of acquiring new weapons systems have been reformed by such procedures as "fly before you buy," the use of prototypes and the elimination of frills. Service personnel and civilian employees are now treated as the most important asset of the Department.

We have sharply reduced defense spending. In 1968, 45 percent of the Federal budget was spent for defense and 32 percent for human resources. In the 1973 budget the proportions were reversed—45 percent for human resources, 32 percent for defense. The 1973 defense budget imposes the smallest economic burden on the country of any defense budget in more than 20 years, consuming only 6.4 percent of the estimated Gross National Product.

Arms Limitation

We believe in limiting arms—not unilaterally, but by mutual agreement and with adequate safeguards.

When the Nixon Administration began, the Soviet Union was rapidly building its strategic armaments, and any effort to negotiate limitations on such weapons seemed hopeless. The Soviet build-up threatened the efficacy of our strategic deterrent.

The Nixon years have achieved a great breakthrough in the long-term effort to curb major armaments by international agreement and given new momentum to arms limitations generally. Of greatest importance were agreements with the Soviet leaders to limit offensive and defensive nuclear weapons. The SALT accords established mutually agreed restraints between the United States and the Soviet Union and reduced tensions throughout the world.

With approval of the SALT agreements by the Congress, negotiations will be resumed to place further restrictions on nuclear weapons, and talks will begin on mutual, balanced force reductions in Europe.

We believe it is imperative that these negotiations go forward under President Nixon's continuing leadership. We pledge him our full support.

For the Future

We will continue the sound military policies laid down by the President—policies which guard our interests but do not dissipate our resources in vain efforts to police the world. As stated by the President:

We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

We will help other nations develop the capability of defending themselves.

We will faithfully honor all of our treaty commitments.

We will act to defend our interests whenever and wherever they are threatened.

But where our vital interests or treaty commitments are not involved our role will be limited.

We are proud of the men and women who wear our country's uniform, especially of those who have borne the burden of fighting a difficult and unpopular war. Here and now we reject all proposals to grant amnesty to those who have broken the law by evading military service. We reject the claim that those who fled are more deserving, or obeyed a higher morality, than those next in line who served in their places.

In carrying out our defense policies, we pledge to maintain at all times the level of military strength required to deter conflict, to honor our commitments to our allies, and to protect our people and vital interests against all foreign threats. We will not let America become a second-class power, dependent for survival on the good will of adversaries.

We will continue to pursue arms control agreements—but we recognize that this can be successful only if we maintain sufficient strength and will fail if we allow ourselves to slip into inferiority.

A NEW PROSPERITY

Jobs, inflation and the economy

The goal of our Party is prosperity, widely shared, sustainable in peace.

We stand for full employment—a job for everyone willing and able to work in an economy freed of inflation, its vigor not dependent upon war or massive military spending.

Under the President's leadership our country is once again moving toward these peacetime goals. We have checked the inflation which had started to skyrocket when our Administration took office, making the difficult transition from inflation toward price stability and from war toward peace. We have brought about a rapid rise in both employment and in real income, and laid the basis for a continuing decline in the rate of unemployment.

All Americans painfully recall the grave economic troubles we faced in January 1969. The Federal budget in fiscal 1968 had a deficit of more than $25 billion even though the economy was operating at capacity. Predictably, consumer prices soared by an annual rate of 6.6 percent in the first quarter of 1969. "Jawboning" of labor and business had utterly failed. The inevitable tax increase had come too late. The kaleidoscope of "Great Society" programs added to the inflationary fires. Our international competitive position slumped from a trade surplus of $7 billion in 1964 to $800 million in 1968. Foreign confidence in the value of the dollar plummeted.

Strategies and Achievements

Our Administration took these problems head on, accepting the unpopular tasks of holding down the budget, extending the temporary tax surcharge, and checking inflation. We welcomed the challenge of reorienting the economy from war to peace, as the more than two and one-half million Americans serving the military or working in defense-related industries had to be assimilated into the peacetime work force.

At the same time, we kept the inflation fight and defense employment cuts from triggering a recession.

The struggle to restore the health of our nation's economy required a variety of measures. Most important, the Administration developed and applied sound economic and monetary policies which provided the fundamental thrust against inflation.

To supplement these basic policies, Inflation Alerts were published; a new National Commission on Productivity enlisted labor, business and public leaders against inflation and in raising real incomes through increased output per worker; proposed price increases in lumber, petroleum, steel and other commodities were modified. A new Construction Industry Stabilization Committee, with the cooperation of unions and management, braked the dangerously skyrocketing costs in the construction industry.

Positive results from these efforts were swift and substantial. The rate of inflation, more than 6 percent in early 1969, declined to less than 4 percent in early 1971.

Even so, the economic damage inflicted by past excesses had cut so deeply as to make a timely recovery impossible, forcing the temporary use of wage and price controls.

These controls were extraordinary measures, not needed in a healthy free economy, but needed temporarily to recapture lost stability.

Our mix of policies has worked. The nation's economic growth is once again strong and steady.

The rate of increase of consumer prices is now down to 2.7 percent.

On the employment front, expenditures for manpower programs were increased from $2.3 billion to a planned $5.1 billion; new enrollees receiving training or employment under these programs were increased by more than half a million; computerized job banks were established in all cities; more than a million young people received jobs this summer through Federal programs, 50 percent more than last year; engineers, scientists and technicians displaced by defense reductions were given assistance under the nation-wide Technology Mobilization and Reemployment program; 13 additional weeks of unemployment compensation were authorized; and a Special Revenue Sharing Program for Manpower was proposed to train more people for more jobs—a program still shelved by the opposition Congress.

Civilian employment increased at an annual rate of about 2.4 million from August 1971 to July 1972. Almost four and one-half million new civilian jobs have been added since President Nixon took office, and total employment is at its highest level in history.

The total productive output of the country increased at an annual rate of 9.4 percent in the second quarter of 1972, the highest in many years.

Workers' real weekly take-home pay—the real value left after taxes and inflation—is increasing at an annual rate of 4.5 percent, compared to less than one percent from 1960 to 1970. For the first time in six years real spendable income is going up, while the rate of inflation has been cut in half.

Time lost from strikes is at the lowest level in many years.

The rate of unemployment has been reduced from 6.1 percent to 5.5 percent, lower than the average from 1961 through 1964 before the Vietnam buildup began, and is being steadily driven down.

In negotiation with other countries we have revalued the dollar relative to other currencies, helping to increase sales at home and abroad and increasing the number of jobs. We have initiated a reform of the international monetary and trading system and made clear our determination that this reform must lead to a strong United States position in the balance of trade and payments.

The Road Ahead

We will continue to pursue sound economic policies that will eliminate inflation, further cut unemployment, raise real incomes, and strengthen our international economic position.

We will fight for responsible Federal budgets to help assure steady expansion of the economy without inflation.

We will support the independent Federal Reserve Board in a policy of non-inflationary monetary expansion.

We have already removed some temporary controls on wages and prices and will remove them all once the economic distortions spawned in the late 1960s are repaired. We are determined to return to an unfettered economy at the earliest possible moment.

We reaffirm our support for the basic principles of capitalism which underlie the private enterprise system of the United States. At a time when a small but dominant faction of the opposition Party is pressing for radical economic schemes which so often have failed around the world, we hold that nothing has done more to help the American people achieve their unmatched standard of living than the free-enterprise system.

It is our conviction that government of itself cannot produce the benefits to individuals that flow from our unique combination of labor, management and capital.

We will continue to promote steady expansion of the whole economy as the best route to a long-term solution of unemployment.

We will devote every effort to raising productivity, primarily to raise living standards but also to hold down costs and prices and to increase the ability of American producers and workers to compete in world markets.

In economic policy decisions, including tax revisions, we will emphasize incentives to work, innovate and invest; and research and development will have our full support.

We are determined to improve Federal manpower programs to reduce unemployment and increase productivity by providing better information on job openings and more relevant job training. Additionally, we reaffirm our commitment to removing barriers to a full life for the mentally and physically handicapped, especially the barriers to rewarding employment. We commit ourselves to the full educational opportunities and the humane care, treatment and rehabilitation services necessary for the handicapped to become fully integrated into the social and economic mainstream.

We will press on for greater competition in our economy. The energetic antitrust program of the past four years demonstrates our commitment to free competition as our basic policy. The Antitrust Division has moved decisively to invalidate those "conglomerate" mergers which stifle competition and discourage economic concentration. The 87 antitrust cases filed in fiscal year 1972 broke the previous one-year record of more than a decade ago, during another Republican Administration.

We will pursue the start we have made for reform of the international monetary and trading system, insisting on fair and equal treatment.

Since the 1930s, it has been illegal for United States citizens to own gold. We believe it is time to reconsider that policy. The right of American citizens to buy, hold, or sell gold should be reestablished as soon as this is feasible. Review of the present policy should, of course, take account of our basic objective of achieving a strengthened world monetary system.

Taxes and Government Spending

We pledge to spread the tax burden equitably, to spend the Federal revenues prudently, to guard against waste in spending, to eliminate unnecessary programs, and to make sure that each dollar spent for essential government services buys a dollar's worth of value.

Federal deficit spending beyond the balance of the full employment budget is one sure way to refuel inflation, and the prime source of such spending is the United States Congress. Because of its present procedures and particularly because of its present political leadership, Congress is not handling Federal fiscal policies in a responsible manner. The Congress now permits its legislative committees—instead of its fiscal committees—to decide, independently of each other, how much should be devoted to individual programs. Total Federal spending is thus haphazard and uncontrolled. We pledge vigorous efforts to reform the Congressional budgeting process.

As an immediate first step, we believe the Nation needs a rigid spending ceiling on Federal outlays each fiscal year—a ceiling controlling both the executive branch and the Congress—as President Nixon strongly recommended when he submitted his fiscal 1973 budget. Should the total of all appropriations exceed the ceiling, some or all of them would be reduced by Executive action to bring the total within the ceiling.

Our tax system needs continual, timely reform. Early in this Administration we achieved the first comprehensive tax reform since 1954. The record shows that as a result of the Tax Reform Act of 1969 and the Revenue Act of 1971:

9.5 million low-income Americans are removed from the Federal income tax rolls.

Persons in the lowest income tax bracket will pay 82 percent less this year than they would have paid, had the 1969 and 1971 tax reforms not been enacted; those in the $10,000 to $15,000 income range will pay 13 percent less, and those with incomes above $100,000 will pay about 7 percent more.

This year the tax reduction for a family of four earning $7,500 a year will be $270.

In this fiscal year individual taxpayers will pay $22 billion less in Federal income taxes than they would have paid if the old tax rates and structures were still in force.

The tax disadvantage of single taxpayers is sharply reduced and we urge further changes to assure full equality.

Working parents can now deduct more of their costs for the care of their children during working hours.

The seven percent automobile excise tax is repealed, saving the new car buyer an average of $200 and creating more jobs in that part of the economy.

This is sound tax reform, the kind that more equitably spreads the tax burden and avoids incentive-destroying tax levels which would cripple the economy and put people out of work.

We reject the deceitful tax "reform" cynically represented as one that would soak the rich, but in fact one that would sharply raise the taxes of millions of families in middle-income brackets as well. We reject as well the lavish spending promised by the opposition Party which would more than double the present budget of the United States Government. This, too, would cause runaway inflation or force heavy increases in personal taxes.

Taxes and government spending are inseparable. Only if the taxpayers' money is prudently managed can taxes be kept at reasonable levels.

When our Administration took office, Federal spending had been mounting at an average annual rate of 17 percent—a rate we have cut almost in half. We urge the Congress to serve all Americans by cooperating with the President in his efforts to curb increases in Federal spending—increases which will ordain more taxes or more inflation.

Since 1969 we have eliminated over $5 billion of spending on unneeded domestic and defense programs. This large saving would have been larger still, had Congress passed the Federal Economy Act of 1970 which would have discontinued other programs. We pledge to continue our efforts to purge the Government of these wasteful activities.

Tax reform must continue. During the next session of Congress we pledge:

To pursue such policies as Revenue Sharing that will allow property tax relief;

Further tax reform to ensure that the tax burden is fairly shared;

A simplified tax system to make it easier for all of us to pay no more and no less than we rightly owe;

Prudent fiscal management, including the elimination of unnecessary or obsolete programs, to keep the tax burden to a minimum.

International Economic Policy

In tandem with our foreign policy innovations, we have transformed our international economic policy into a dynamic instrument to advance the interests of farmers, workers, businessmen and consumers. These efforts are designed to make the products of American workers and farmers more competitive in the world. Within the last year we achieved the Smithsonian Agreements which revalued our currency, making our exports more competitive with those of our major trading partners, and we pledge continuing negotiations further to reform the international monetary system. We also established negotiations to expand foreign market access for products produced by United States workers, with further comprehensive negotiations committed for 1973.

As part of our effort to begin a new era of negotiations, we are expanding trade opportunities and the jobs related to them for American workers and businessmen. The President's Summit negotiations, for example, yielded an agreement for the Soviet purchase, over a three-year period, of a minimum of $750 million in United States grains—the largest long-term commercial trade purchase agreement ever made between two nations. This amounts to a 17 percent increase in grain exports by United States farmers. A U.S.-Soviet Commercial Commission has been established, and negotiations are now underway as both countries seek a general expansion of trade.

As we create a more open world market for American exports, we are not unmindful of dangers to American workers and industries from severe and rapid dislocation by changing patterns of trade. We have several agreements to protect these workers and industries—for example, for steel, beef, textiles and shoes. These actions, highly important to key American industries, were taken in ways that avoided retaliation by our trading partners and the resultant loss of American jobs.

As part of this adjustment process, we pledge improvement of the assistance offered by government to facilitate readjustment on the part of workers, businessmen and affected communities.

In making the world trading system a fairer one, we have vigorously enforced anti-dumping and countervailing duty laws to make them meaningful deterrents to foreign producers who would compete unfairly.

The growth of multinational corporations poses both new problems and new opportunities in trade and investment areas. We pledge to ensure that international investment problems are dealt with fairly and effectively—including consideration of effects on jobs, expropriation and treatment of investors, as well as equitable principles of taxation.

At the same time that we seek a better environment for American exports, we must improve our productivity and competitiveness. We must have a strong domestic economy with increased investment in new plants and equipment and an advancing technology.

We pledge increased efforts to promote export opportunities, including coordination of tax policy and improved export financing techniques—designed to make America more competitive in exporting. Of critical importance will be new legislative proposals to equip American negotiators with the tools for constructing an open and fair world trading system.

We deplore the practice of locating plants in foreign countries solely to take advantage of low wage rates in order to produce goods primarily for sale in the United States. We will take action to discourage such unfair and disruptive practices that result in the loss of American jobs.

Small Business

Small business, so vital to our economic system, is free enterprise in its purest sense. It holds forth opportunity to the individual, regardless of race or color, to fulfill the American dream. The seedbed of innovation and invention, it is the starting point of many of the country's large businesses, and today its roll in our increasingly technological economy is crucial. We pledge to sustain and expand that role.

We have translated this philosophy into many beneficial actions. Primarily through the Small Business Administration, we have delivered financial assistance to small business at a dramatically increasing rate. Today small business is receiving double the SBA funds it was receiving when our Administration took office. During the 1970–72 fiscal years the Agency loaned small business $3.3 billion—40 percent of the total amount loaned in the entire 19-year history of the Small Business Administration.

Financial help to minorities has been more than tripled, and now more than 17 percent of the SBA dollar goes to minority businesses. Procurement of Federal contracts for small business has surged above $12 billion.

In his first year in office, the President established a Task Force to discover ways in which the prospects of the small businessman could be improved.

The findings, reported to Congress, were followed by legislative proposals to give small business tax and interest advantages, to provide incentives for more participation in small business, to make venture capital and long-term credit easier to obtain, and to open the doors for disadvantaged minorities to go into business for themselves. Some of these measures have been signed into law. Others are still in the hands of the indifferent opposition in control of Congress.

The results of our efforts have been significant. Today small business is once again gaining ground. Incorporations are at a record level and the number of business failures is dropping. The current new growth of small businesses is about 100,000 units a year. For tomorrow, the challenges are many. We will:

Continue to fill the capital gap in the small business community by increasing SBA financing to upwards of $3 billion next year.

Provide more incentives for the private sector to join with SBA in direct action programs, such as lease guarantees, revolving lines of credit, and other sophisticated financial techniques, such as factoring and mortgage financing.

Increase SBA's Community Development program so that growth-minded communities can help themselves by building industrial parks and shopping centers.

Continue the rejuvenation of the Small Business Investment Company (SBIC) program, leading to greater availability of venture capital for new business enterprises.

See that a fair share of all Federal dollars spent on goods and services goes to small business.

Create established secondary financial markets for SBA loans, affording ready liquidity for financial institutions and opening up more financial resources to small firms.

Through tax incentives, encourage the start-up of more new businesses, and work for a tax system that more fairly applies to small business.

Establish special programs that will permit small firms to comply with consumer, environmental, and other new government regulations without undue financial burden.

IMPROVING THE QUALITY OF LIFE

Health Care

Our goal is to enable every American to secure quality health care at reasonable cost. We pledge a balanced approach—one that takes into account the problems of providing sufficient medical personnel and facilities.

Last year President Nixon proposed one of the most all-inclusive health programs in our history. But the opposition Congress has dragged its feet and most of this program has yet to be enacted into law.

To increase the supply of medical services, we will continue to support programs to help our schools graduate more physicians, dentists, nurses, and allied health personnel, with special emphasis on family practitioners and others who deliver primary medical care.

We will also encourage the use of such allied personnel as doctors' assistants, foster new area health education centers, channel more services into geographic areas which now are medically deprived, and improve the availability of emergency medical care.

We note with pride that the President has already signed the most comprehensive health manpower legislation ever enacted.

To improve efficiency in providing health and medical care, we have developed and will continue to encourage a pluralistic approach to the delivery of quality health care, including innovative experiments such as health maintenance organizations. We also support efforts to develop ambulatory medical care services to reduce hospitalization and keep costs down.

To reduce the cost of health care, we stress our efforts to curb inflation in the economy; we will also expand the supply of medical services and encourage greater cost consciousness in hospitalization and medical care. In doing this we realize the importance of the doctor-patient relationship and the necessity of insuring that individuals have freedom of choice of health providers.

To assure access to basic medical care for all our people, we support a program financed by employers, employees and the Federal Government to provide comprehensive health insurance coverage, including insurance against the cost of long-term and catastrophic illnesses and accidents and renal failure which necessitates dialysis, at a cost which all Americans can afford. The National

Health Insurance Partnership Plan and the Family Health Insurance Plan proposed by the President meet these specifications. They would build on existing private health insurance systems, not destroy them.

We oppose nationalized compulsory health insurance. This approach would at least triple in taxes the amount the average citizen now pays for health and would deny families the right to choose the kind of care they prefer. Ultimately it would lower the overall quality of health care for all Americans.

We believe that the most effective way of improving health in the long run is by emphasis on preventive measures.

The serious physical fitness problem in our country requires urgent attention. The President recently reorganized the Council on Physical Fitness and Sports to increase the leadership of representatives of medicine, physical education, sports associations and school administrations. The Republican Party urges intensification of these efforts, particularly in the Nation's school systems, to encourage widespread participation in effective physical fitness programs.

We have initiated this Nation's first all-out assault against cancer. Led by the new National Cancer Institute, the drive to eliminate this cruel killer will involve Federal spending of nearly $430 million in fiscal year 1973, almost twice the funding of just two years ago.

We have also launched a major new attack on sickle cell anemia, a serious blood disorder afflicting many black Americans, and developed a comprehensive program to deal with the menace of lead-based paint poisoning, including the screening of approximately 1,500,000 Americans.

We support expanded medical research to find cures for the major diseases of the heart, blood vessels, lungs and kidneys—diseases which now account for over half the deaths in the United States.

We have significantly advanced efforts to combat mental retardation and established a national goal to cut its incidence in half by the year 2000.

We continue to support the concept of comprehensive community mental health centers. In this fiscal year $135 million—almost three times the 1970 level—will be devoted to the staffing of 422 community mental health centers serving a population of 56 million people. We have intensified research on methods of treating mental problems, increasing our outlays from $76 million in 1969 to approximately $96 million for 1973. We continue to urge extension of private health insurance to cover mental illness.

We have also improved consumer protection, health education and accident prevention programs. And in Moscow this year, President Nixon reached an agreement with the Soviet Union on health research which may yield substantial benefits in many fields in the years ahead.

Education

We take pride in our leadership these last four years in lifting both quality and equality in American education—from pre-school to graduate school—working toward higher standards than ever before.

Our two most pressing needs in the 1970s are the provision of quality education for all children, an equitable financing of steadily rising costs. We pledge our best efforts to deal effectively with both.

Months ago President Nixon sent Congress a two-part comprehensive proposal on school busing. The first is the Student Transportation Moratorium Act of 1972—legislation to halt immediately all further court-ordered busing and give Congress time to devise permanent new arrangements for assuring desegregated, quality education.

The details of such arrangements are spelled out in a companion bill, the Equal Educational Opportunities Act. This measure would:

Provide $2.5 billion in Federal aid funds to help promote quality education while preserving neighborhood schools;

Accord equal educational opportunities to all children;

Include an educational bill of rights for Spanish-speaking people, American Indians, and others who face special language problems in schools;

Offer, for the first time, a real chance for good schooling for the hundreds of thousands of children who live in urban centers;

Assure that the people's elected representatives in Congress play their proper role in developing specific methods for protecting the rights guaranteed by the 14th amendment, rather than leaving this task to judges appointed for life.

We are committed to guaranteeing equality of educational opportunity and to completing the process of ending de jure school segregation.

At the same time, we are irrevocably opposed to busing for racial balance. Such busing fails its stated objective—improved learning opportunities—while it achieves results no one wants—division within communities and hostility between classes and races. We regard it as unnecessary, counter-productive and wrong.

We favor better education for all children, not more transportation for some children. We favor the neighborhood school concept. We favor the decisive actions the President has proposed to support these ends. If it is necessary to accomplish these purposes, we would favor consideration of an appropriate amendment to the Constitution.

In the field of school finance, we favor a coordinated effort among all levels of government to break the pattern of excessive reliance on local property taxes to pay educational costs.

Our nation's intellectual resources are remarkable for their strength and public availability. American intellectuals have at least two important historical roles of which we are deeply conscious. One is to inform the public, the other to assist government by thoughtful criticism and consultation. We affirm our confidence in these functions and especially in the free play of ideas and discourse which they imply.

We cherish the nation's universities as centers of learning, as conservers of our culture, and as analysts of our society and its institutions. We will continue to strive to assure their economic well-being. The financial aid we have given and will continue to give in the form of funds for scholarships, research, building programs and new teaching methods must never be used as a device for imposing political controls on our schools.

We believe that universities should be centers of excellence—that they should recruit faculty on the basis of ability to teach and admit students on the basis of ability to learn. Yet, excellence can be too narrowly confined—abilities overlooked, and social conformity mistaken for educational preparation.

We pledge continued support of collegiate and university efforts to insure that no group in our society—racial, economic, sexual or regional—is denied access to the opportunities of higher education.

Our efforts to remedy ancient neglect of disadvantaged groups will continue in universities as well as in society at large, but we distinguish between such efforts and quotas. We believe the imposition of arbitrary quotas in the hiring of faculties or the enrollment of students has no place in our universities; we believe quotas strike at the excellence of the university.

We recognize that the public should have access to the most rational and most effective kinds of education. Vocational training should be available to both young and old. We emphasize the importance of continuing education, of trades and technologies, and of all the honorable vocations which provide the society with its basic necessities. Such training must complement our more traditional forms of education; it will relieve the pressures on our universities and help us adapt to the rapid pace of technological change. Perhaps most important, it will help to restore a public sense of importance to these essential jobs and trades.

Moreover, we believe our educational system should not instruct in a vacuum, unmindful that the students ultimately will engage in a career. Our institutions of learning, from earliest years to graduate schools, can perform a vital function by coupling an awareness of the world of work to the delivery of fundamental education. We believe this kind of career education, blended into our school curricula, can help to prevent the aimlessness and frustration now experienced by large numbers of young people who leave the education system unable to cope with today's complex society.

In recognizing the fundamental necessity for quality education of all children, including the exceptional child, we recommend research and assistance in programs directed to the problems of dyslectic and hyperkinetic children who represent an estimated ten percent of the school population.

By every measure, our record in the field of education is exceptionally strong. The United States Office of Education is operating this year under its highest budget ever—some $5.1 billion. Federal aid to elementary and secondary education has increased 60 percent over the past four years. Federal aid for college students has more than tripled.

We are proud of these accomplishments. We pledge to carry them forward in a manner consistent with our conviction that the Federal Government should assist but never control the educational process. But we also believe that the output of results, not the input of dollars, is the best yardstick of effectiveness in education. When this Administration took office in 1969, it found American schools deficient at many points. Our reform initiatives have included:

An Office of Child Development to coordinate all Federal programs targeted on the first five years of life and to make the Head Start Program work better;

A Right to Read Program, aimed at massive gains in reading ability among Americans of all ages;

A Career Education curriculum which will help to prepare students for the world of work;

A National Institute of Education to be a center for research on the learning process; and

A proposed National Foundation for Higher Education.

We have also proposed grant and loan programs to support a national commitment that no qualified student should be barred from college by lack of money. The Education Amendment of 1972 embodied substantial portions of that proposal and marked the Nation's most far-reaching commitment to make higher education available to all.

Our non-public schools, both church-oriented and nonsectarian, have been our special concern. The President has emphasized the indispensable role these schools play in our educational system—from the standpoints of the large numbers of pupils they serve, the competition and diversity they help to maintain in American education, and the values they help to teach—and he has stated his determination to help halt the accelerating trend of nonpublic school closures.

We believe that means which are consistent with the Constitution can be devised for channeling public financial aid to support the education of all children in schools of their parents' choice, non-public as well as public. One way to provide such aid appears to be through the granting of income tax credits.

For the future, we also pledge Special Revenue Sharing for Education, continued work to develop and implement the Career Education concept, and continued efforts to establish a student financial aid system to bring together higher education within the reach of any qualified person.

Welfare Reform

The Nation's welfare system is a mess. It simply must be reformed.

This system, essentially unchanged since the 1930s has turned into a human and fiscal nightmare. It penalizes the poor. It provides discriminatory benefits. It kills any incentives its victims might have to work their way out of the morass.

Among its victims are the taxpayers. Since 1961 the Federal cost of welfare has skyrocketed over 10 times—from slightly over $1 billion then to more than $11 billion now. State and local costs add to this gigantic expenditure. And here are things we are paying for:

The present system drains work incentive from the employed poor, as they see welfare families making as much or more on the dole.

Its discriminatory benefits continue to ensnare the needy, aged, blind and disabled in a web of inefficient rules and economic contradictions.

It continues to break up poor families, since a father's presence makes his family ineligible for benefits in many States. Its dehumanizing life-style thus threatens to envelop yet another "welfare generation."

Its injustice and costs threaten to alienate taxpayer support for welfare programs of any kind.

Perhaps nowhere else is there a greater contrast in policy and philosophy than between the Administration's remedy for the welfare ills and the financial orgy proposed by our political opposition.

President Nixon proposed to change our welfare system "to provide each person with a means of escape from welfare into dignity." His goals were these:

A decent level of payment to genuinely needy welfare recipients regardless of where they live.

Incentives not to loaf, but to work.

Requiring all adults who apply for welfare to register for work and job training and to accept work or training. The only exceptions would be the aged, blind and disabled and mothers of preschool children.

Expanding job training and child care facilities so that recipients can accept employment.

Temporary supplements to the incomes of the working poor to enable them to support their families while continuing to work.

Uniform Federal payment standards for all welfare recipients.

In companion actions, our efforts to improve the nutrition of poor people resulted in basic reforms in the Food Stamp Program. The number of recipients increased from some three million to 13 million, and now 8.4 million needy children participate in the School Lunch Program, almost three times the number that participated in 1968.

Now, nearly 10,000 nutrition aides work in low-income communities. In 1968 there were none.

Since 1969, we have increased the Federal support for family planning threefold. We will continue to support expanded family planning programs and will foster research in this area so that more parents will be better able to plan the number and spacing of their children should they wish to do so. Under no circumstances will we allow any of these programs to become compulsory or infringe upon the religious conviction or personal freedom of any individual.

We all feel compassion for those who through no fault of their own cannot adequately care for themselves. We all want to help these men, women and children achieve a decent standard of living and become self-supporting.

We continue to insist, however, that there are too many people on this country's welfare rolls who should not be there. With effective cooperation from the Congress, we pledge to stop these abuses.

We flatly oppose programs or policies which embrace the principle of a government-guaranteed income. We reject as unconscionable the idea that all citizens have the right to be supported by the government, regardless of their ability or desire to support themselves and their families.

We pledge to continue to push strongly for sound welfare reform until meaningful and helpful change is enacted into law by the Congress.

Law Enforcement

We have solid evidence that our unrelenting war on crime is being won. The American people know that once again the thrust of justice in our society will be to protect the law-abiding citizenry against the criminal, rather than absolving the criminal of the consequences of his own desperate acts.

Serious crimes rose only one percent during the first quarter of this year—down from six percent last year and 13 percent the year before. From 1960 to 1968 major crime went up 122 percent.

The fact is, in the first quarter of 1972, 80 of our 155 largest cities had an actual decline in reported crime.

In our Nation's Capital, our anti-crime programs have been fully implemented. Through such measures as increased police, street lighting, a Narcotics Treatment Administration, court reform and special prosecuting units for major offenders, we have steadily dropped the crime rate since November 1969. By the first quarter of this year, the serious crime rate was down to half its all-time high.

When our Administration took office, a mood of lawlessness was spreading rapidly, undermining the legal and moral foundations of our society. We moved at once to stop violence in America. We have:

Greatly increased Federal aid to State and local law enforcement agencies across the country, with more than $1.5 billion spent on 50,000 crime-fighting projects.

Augmented Justice Department funding four-fold and provided more marshals, more judges, more narcotics agents, more Assistant United States Attorneys in the field.

Raised the Law Enforcement Assistance Administration budget ten-fold, earmarking $575 million of the $850 million for 1973 to upgrade State and local police and courts through revenue sharing.

Added 600 new Special Agents to the FBI.

Raised Federal spending on juvenile delinquency from $15 million to more than $180 million and proposed legislation to launch a series of model youth services.

Appointed Attorneys General with a keen sense of the rights of both defendants and victims, and determination to enforce the laws.

Appointed judges whose respect for the rights of the accused is balanced by an appreciation of the legitimate needs of law enforcement.

Added to the Supreme Court distinguished lawyers of firm judicial temperament and fidelity to the Constitution.

Even more fundamentally, we have established a renewed climate of respect for law and law enforcement. Now those responsible for enforcing the law know they have the full backing of their Government.

We recognize that programs involving work release, study release and half-way houses have contributed substantially to the rehabilitation of offenders and we support these programs. We further support training programs for the staffs in our correctional institutions and will continue to see that minority group staff members are recruited to work in these institutions.

The Fight Against Organized Crime

To most of us, organized criminal activity seems remote and unreal—yet syndicates supply the narcotics pushed on our youth, corrupt local officials, terrify legitimate businesses and fence goods stolen from our homes. This Administration strongly supported the Organized Crime Control Act of 1970, and under our Strike Force concept we have combined Federal enforcement agencies to wage a concerted assault on organized crime. We have expanded the number of these strike forces and set a high priority for a new campaign against the syndicates.

Last year we obtained indictments against more than 2,600 members or associates of organized crime syndicates—more than triple the number indicted in 1968.

At last we have the lawless elements in our society on the run.

The Republican Party intends to keep them running.

Rehabilitation of Offenders

We have given the rehabilitation of criminal offenders more constructive, top-level attention than it has received at any time in our Nation's history. In November 1969, the President ordered a ten-year improvement program in prison facilities, correctional systems and rehabilitation methods and procedures.

We believe the correctional system not only should punish, but also should educate and rehabilitate. We are determined to press ahead with reform of the system to make it more effective against crime.

Almost a decade of inadequate Federal support of law enforcement has left deep scars in our society, but now a new mood pervades the country. Civil disorders and campus violence are no longer considered inevitable. Today, we see a new respect for law and order.

Our goal is justice—for everyone.

We pledge a tireless campaign against crime—to restore safety to our streets, and security to law-abiding citizens who have a right to enjoy their homes and communities free from fear.

We pledge to:

Continue our vigorous support of local police and law enforcement agencies, as well as Federal law enforcement agencies.

Seek comprehensive procedural and substantive reform of the Federal Criminal Code.

Accelerate the drive against organized crime.

Increase the funding of the Federal judiciary to help clear away the logjam in the courts which obstructs the administration of justice.

Push forward in prison reform and the rehabilitation of offenders.

Intensify efforts to prevent criminal access to all weapons, including special emphasis on cheap, readily-obtainable handguns, retaining primary responsibility at the State level, with such Federal law as necessary to enable the States to meet their responsibilities.

Safeguard the right of responsible citizens to collect, own and use firearms for legitimate purposes, including hunting, target shooting and self-defense. We will strongly support efforts of all law enforcement agencies to apprehend and prosecute to the limit of the law all those who use firearms in the commission of crimes.

Drug Abuse

The permissiveness of the 1960s left no legacy more insidious than drug abuse. In that decade narcotics became widely available, most tragically among our young people. The use of drugs became endowed with a sheen of false glamour identified with social protest.

By the time our Nation awakened to this cancerous social ill, it found no major combat weapons available.

Soon after we took office, our research disclosed there were perhaps hundreds of thousands of heroin users in the United States. Their cravings multiplied violence and crime. We found many more were abusing other drugs, such as amphetamines and barbiturates. Marijuana had become commonplace. All this was spurred by criminals using modern methods of mass distribution against outnumbered authorities lacking adequate countermeasures.

We quickly launched a massive assault against drug abuse.

We intercepted the supply of dangerous drugs at points of entry and impeded their internal distribution. The budget for international narcotics control was raised from $5 million to over $50 million. Narcotics control coordinators were appointed in 59 United States embassies overseas to work directly with foreign governments in stopping drug traffic. We have narcotics action agreements with over 20 countries. Turkey has announced a total ban on opium production and, with our cooperation, France has seized major heroin laboratories and drugs.

To inhibit the distribution of heroin in our own country, we increased the law enforcement budget for drug control more than 10 times—from $20 million to $244 million.

We are disrupting major narcotics distribution in wholesale networks through the combined efforts of the Bureau of Narcotics and Dangerous Drugs, Customs operations at our borders, and a specially created unit of over 400 Internal Revenue agents who conduct systematic tax investigations of targeted middle and upper echelon traffickers, smugglers, and financiers. Last January we established the Office of Drug Abuse Law Enforcement to disrupt street and mid-level heroin traffickers.

We established the "Heroin Hot Line"—a nationwide toll free phone number (800/368-5363)—to give the public a single number for reporting information on heroin pushers.

Last year we added 2,000 more Federal narcotics agents, and the Bureau of Narcotics and Dangerous Drugs has trained over 170,000 State and local personnel.

And we are getting results. This past year four times as much heroin was seized as in the year this Administration took office. Since 1969, the number of drug-related arrests has nearly doubled.

For drug abuse prevention and treatment we increased the budget from $46 million to over $485 million.

The demand for illicit drugs is being reduced through a massive effort directed by a newly created office in the White House. Federally funded drug treatment and rehabilitation programs were more than doubled last fiscal year, and Federal programs now have the capacity to treat more than 60,000 drug abusers a year.

To alert the public, particularly the youth, to the dangers of drugs, we established a National Clearinghouse for Drug Abuse Information in 1970 as well as a $3.5 million Drug Education and Training Program.

We realize that the problem of drug abuse cannot be quickly solved, but we have launched a massive effort where practically none existed before. Nor will we relax this campaign:

We pledge to seek further international agreements to restrict the production and movement of dangerous drugs.

We pledge to expand our programs of education, rehabilitation, training and treatment. We will do more than ever before to conduct research into the complex psychological regions of disappointment and alienation which have led many young people to turn desperately toward drugs.

We firmly oppose efforts to make drugs easily available. We equally oppose the legalization of marijuana. We intend to solve problems, not create bigger ones by legalizing drugs of unknown physical impact.

We pledge the most intensive law enforcement war ever waged. We are determined to drive the pushers of dangerous drugs from the streets, schools, and neighborhoods of America.

Agriculture and Rural Life

Our agriculture has become the economic marvel of the world. Our American farmers and ranchers have tripled per worker production in the last 20 years, while non-farm industries have increased theirs a little over half.

Yet when we took office three and a half years ago, the farm community was being shockingly shortchanged for its remarkable achievements.

Inflation was driving up both the cost of farming and the cost of living—indeed, driving up all prices except the prices of products the farmers were taking to market. Overall farm income was down. Farm exports were low. Bureaucratic planting regulations were oppressive. All across the country family farms were failing.

Our moves to deal with these problems have been numerous and effective.

The rate of inflation has been curbed without forcing down prices for commodities, even as we have stepped up our drive against rising food costs in the cities.

Net farm income has soared to a record high of more than $18 billion. During these Republican years average net farm income has been over $2 billion a year higher than during the last two Administrations. For the same period average income per farm is up more than 40 percent.

And farm exports now stand at a record $8 billion, sharply up from the $5.7 billion when we took office.

Operating loans to help young farmers have reached the highest levels in history. Administration-backed legislation has given farmers much greater freedom to plant what they choose, and we have given assistance to cooperatives to strengthen the farmers' bargaining positions.

Rural development has been energetically carried forward, and small towns and rural areas have been helped to adjust and grow. The loan programs of the Farmers Home Administration for farm and rural people have been dramatically increased. Electric and telephone service in rural areas has been substantially expanded, a Rural Telephone Bank has been enacted, and the Farm Credit Administration has been streamlined. The total national investment in rural development has almost tripled. Heading the Department of Agriculture have been leaders who understand and forcefully speak out for the farming people of America.

Farmers are benefiting markedly from our successful efforts to expand exports—notably a $750 million sale of United States grains to the Soviet Union, with prospects of much more. Last year we negotiated a similar sale amounting to $135 million.

For the future, we pledge to intensify our efforts to:

Achieve a $10 billion annual export market by opening new foreign markets, while continuing to fight for fair treatment for American farm products in our traditional markets;

Follow sound economic policies to brake inflation and reduce interest rates;

Expand activities to assist farmers in bargaining for fair prices and reasonable terms in a rapidly changing marketing system;

Keep farm prices in the private sector, not subject to price controls;

Support family farms as the preferred method of organizing agricultural production, and protect them from the unfair competition of farming by tax-loss corporations and non-farm enterprises;

Reform Federal estate tax laws, which often force the precipitate sale of family farms to help pay the tax, in such ways as to help support the continuance of family farms as institutions of great importance to the American way of life;

Provide greater credit, technical assistance, soil and water conservation aid, environmental enhancement, economic stimulus and sympathetic leadership to America's rural areas and communities;

Concentrate research on new uses of agricultural products;

Continue assistance to farm cooperatives, including rural electric and telephone cooperatives, in their efforts to improve their services to their members;

Develop land and water policy that takes account of the many uses to which these resources may be put;

Establish realistic environmental standards which safeguard wise resource use, while avoiding undue burdens on farmers;

Use forums of national leaders to create a better understanding by all citizens, those in the cities and suburbs as well as those in small towns, of the difficult problems confronting farm and ranch families in a modern agriculture.

We will not relax our efforts to increase net farm income, to narrow the spread between farm and non-farm income levels, and to pursue commodity programs that will enable farmers and ranchers to receive fair prices for what they produce.

Community Development

For more than a quarter century the Federal Government has sought to assist in the conservation and rebuilding of our urban centers. Yet, after the spending of billions of dollars and the commitment of billions more to future years, we now know that many existing programs are unsuited to the complex problems of the 1970s. Programs cast in the mold of the "big government" philosophy of the 1930s are simply incapable of meeting the challenges of today.

Our Party stands, therefore, for major reform of Federal community development programs and the development of a new philosophy to cope with urban ills.

Republican urban strategy rejects throwing good money after bad money. Instead, through fundamental fiscal, management and program reforms, we have created a new Federal partnership through which State, county and municipal governments can best cope with specific problems such as education, crime, drug abuse, transportation, pollution and housing.

We believe the urban problems of today fall into these categories:

The fiscal crises of State, county and municipal governments;

The need for a better quality and greater availability of urban services;

The continual requirement of physical development;

The need for better locally designed, locally implemented, locally controlled solutions to the problems of individual urban areas.

In the last category—the importance of grass roots planning and participation—our Republican Party has made its most important contribution to solving urban problems.

We hold that government planners should be guided by the people through their locally elected representatives. We believe that real solutions require the full participation of the private sector.

To help ease the fiscal crises of State, county and municipal governments, we pledge increased Federal assistance—assistance we have more than doubled in the past four years. And, as stressed elsewhere in this Platform, we remain committed to General Revenue Sharing, which could reduce the oppressive property tax.

Our proposals for Special Revenue Sharing for Urban Development, transportation, manpower and law enforcement—all still bottled up by the opposition Congress—are designed to make our towns and cities places where Americans can once again live and work without physical or environmental hazard. Urban areas are already benefiting from major funding increases which we fought for in the Law Enforcement Assistance Administration programs and in our $10 billion mass transit program.

Urban areas are also benefiting from our new Legacy of Parks program, which is bringing recreation opportunities closer to where people live.

We are committed also to the physical development of urban areas. We have quadrupled subsidized housing starts for low and moderate income families since 1969, and effected substantial increases for construction of municipal waste treatment facilities.

We strongly oppose the use of housing or community development programs to impose arbitrary housing patterns on unwilling communities. Neither do we favor dispersing large numbers of people away from their homes and neighborhoods against their will. We do believe in providing communities, with their full consent, guidance and cooperation with the means and incentives to increase the quantity and quality of housing in conjunction with providing increased access to jobs for their low-income citizens.

We also pledge to carry forward our policy on encouraging the development of new towns in order to afford all Americans a wider range of residential choices. Additionally, our Special Revenue Sharing for Urban and Rural Community Development, together with General Revenue Sharing and nationwide welfare reform, are basic building blocks for a balanced policy of national growth, leading to better lives for all Americans, whether they dwell in cities, suburbs or rural areas.

Our Party recognizes counties as viable units of regional government with a major role in modernizing and restructuring local services, eliminating duplication and increasing local cooperation. We urge Federal and State governments, in implementing national goals and programs, to utilize the valuable resources of counties as area-wide, general-purpose governments.

Housing

Our Republican Administration has made more and better housing available to more of our citizens than ever before.

We are building two-and-a-third million new homes a year—65 percent more than the average in the eight years of the two previous Administrations. Progress has not been in numbers alone; housing quality has also risen to an all-time high—far above that of any other country.

We will maintain and increase this pattern of growth. We are determined to attain the goal of a decent home for every American.

Significant numbers of Americans still lack the means for decent housing, and in such cases—where special need exists—we will continue to apply public resources to help people acquire better apartments and homes.

We further pledge:

Continued housing production for low and moderate income families, which has sharply increased since President Nixon took office;

Improvement of housing subsidy programs and expansion of mortgage credit activities of Federal housing agencies as necessary to keep Americans the best-housed people in the world;

Continued development of technological and management innovations to lower housing costs—a program begun by Operation Breakthrough, which is assisting in the development of new methods for more economical production of low-cost, high-quality homes.

We urge prompt action by State, county and municipal governments to seek solutions to the serious problems caused by abandoned buildings in urban areas.

Transportation

When President Nixon took office a crisis in transportation was imminent, as indicated by declining mass transportation service, mounting highway deaths, congested urban streets, long delays at airports and airport terminals, deterioration of passenger train service, and a dwindling Merchant Marine. Within two years the President had proposed and signed into law:

A $10 billion, 12-year program—the Urban Mass Transportation Act of 1970—to infuse new life into mass transportation systems and help relieve urban congestion;

A major 10-year program involving $280 million annually for airport development projects as well as an additional $250 million annually to expand airways systems and facilities;

The Rail Passenger Service Act of 1970 to streamline and improve the Nation's passenger train service;

New research and development projects, including automatic people movers, improved Metroliner and Turbo-trains, quieter aircraft jet engines, air pollution reduction for mass transportation vehicles, and experimental safety automobiles. We strongly support these research and development initiatives of the Department of Transportation.

Four years ago we called attention to the decline of our Merchant Marine due to previous neglect and apathy. We promised a vigorous ship replacement program to meet the changing pattern of our foreign commerce. We also pledged to expand maritime research and development and the simplification and revision of construction and operating subsidy procedures.

By the enactment of the Merchant Marine Act of 1970, we have reversed the long decline of our Merchant Marine. We reaffirm our goals set forth in 1968 and anticipate the future development of a merchant fleet that will give us defensive mobility in time of emergency as well as economic strength in time of peace.

To reduce traffic and highway deaths, the National Highway Traffic Safety Administration has been reorganized and expanded, with dramatic results. In 1971, the number of traffic deaths per hundred million miles driven was the lowest in history.

To help restore decision-making to the people, we have proposed a new Single Urban Fund providing almost $2 billion a year by 1975 to State and metropolitan areas to assist local authorities in solving their own transportation problems in their own way.

Our proposal for Special Revenue Sharing for Transportation would also help governments close to the people meet local needs and provide greater freedom to achieve a proper balance among the Nation's major transportation modes.

To revitalize the surface freight transportation industry, we have recommended measures to modernize railway equipment and operations and to update regulatory practices. These measures, on which Congress still dawdles, would help curb inflation by saving the public billions of dollars a year in freight costs. Their enactment would also expand employment and improve our balance of trade.

The Nation's transportation needs are expected to double in the next 20 years. Our Party will continue to pursue policies and programs that will meet these needs and keep the country well ahead of rapidly changing transportation demands.

Environment

In January 1969, we found the Federal Government woefully unprepared to deal with the rapidly advancing environmental crisis. Our response was swift and substantial.

First, new decision-making organizations were set in place—the first Council on Environmental Quality, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration. We also proposed a new Department of Natural Resources, but Congress has failed to act. We also created a National Industrial Pollution Control Council to enlist the private sector more actively against environmental decay, and a Presidential Federal Property Review Board was appointed to ferret out Federal property for transfer to local park and recreational uses.

Second, we gave top priority in the Federal Budget to environmental improvements. This fiscal year approximately $2.4 billion will be expended for major environmental programs three times more than was being spent when President Nixon took office.

Third, sweeping environment messages were sent to Congress in 1970, 1971 and 1972 covering air quality, water quality, toxic waste substances, ocean dumping, noise, solid waste management, land use, parklands and many other environmental concerns. Almost all of these proposals still languish in the opposition Congress.

Although the President cannot move until and unless Congress passes laws in many of these areas, he nevertheless can act—and has acted—forcefully on many fronts:

He has directed the Federal Government to practice ecological leadership by using low-lead gasoline and recycled paper. He has cracked down on flagrant polluters, greatly increasing prosecutions and making the first use of Federal authority to shut down major industries during an air pollution crisis. The fragile and unique Everglades were saved from a jetport. Pesticide abuses were curtailed.

Strict new clean-air standards were set, and in many urban centers the air is improving. Regulations were issued to make one grade of lead-free and phosphorous-free gasoline available throughout the Nation by July 1, 1974, and a phased reduction was required in the lead content of regular and premium gasolines. Auto makers were required to design air pollution control systems to assure that vehicles comply with Federal emission standards throughout their useful life.

Additionally, the President launched the Legacy of Parks program to convert underutilized Federal properties to park and recreational use, with special emphasis on new parks in or near urban areas. More than 140 areas have already been made available to States, counties and municipalities for such use, including priceless stretches of ocean beach. Moreover, nearly two million acres of land have been purchased by Federal, State and local governments for recreation and for historical and natural preservation purposes.

A system of recreational trails for hiking, bicycling and horseback riding will help meet the pressing recreational needs of our increasingly urbanized society. Many State, county and municipal governments are developing bicycle, hiking, and horseback trails with our active assistance through various Federal programs. We pledge our continued commitment to seeking out practical ways for more and safer bicycling opportunities within our cities and metropolitan areas.

We have also provided effective leadership in international environmental activity. The President has negotiated the Great Lakes Water Quality Agreement with Canada and a Cooperative Agreement on Environmental Protection with the Soviet Union.

The United Nations Conference on the Human Environment in Stockholm adopted our government's initiatives for the creation of an international fund for the environment, a continuing United Nations agency for environmental problems, and the control of ocean dumping. Our President has led the effort for a ten-year moratorium on commercial whaling everywhere in the world.

We call upon the Congress to act promptly on the President's environmental proposals still stalled there—more than 20 in all. These include:

Legislation to control, and in some cases prohibit, the dumping of wastes into the oceans, estuaries and the Great Lakes;

A Federal Noise Control Act to reduce and regulate unwanted sound from aircraft, construction and transportation equipment;

Authority to control hundreds of chemical substances newly marketed each year;

Legislation to encourage the States to step up to pressing decisions on how best to use land. Both environmentally critical areas such as wetlands and growth-inducing developments such as airports would have particular scrutiny;

A proposal to provide for early identification and protection of endangered wildlife species. This would, for the first time, make the taking of endangered species a Federal offense;

Establishment of recreational areas near metropolitan centers such as the Gateway National Recreational Area in New York and New Jersey and the Golden Gate National Recreation Area in and around San Francisco Bay.

The nostalgic notion of turning the clock back to a simpler time may be appealing but is neither practical nor desirable. We are not going to abandon the automobile, but we are going to have a clean-burning engine.

We are not going to give up electric lighting and modern industry, but we do expect cleanly-produced electric power to run them.

We are not going to be able to do without containers for our foods and materials, but we can improve them and make them reusable or biodegradable.

We pledge a workable balance between a growing economy and environmental protection. We will resolve the conflicts sensibly within that framework.

We commit ourselves to comprehensive pollution control laws, vigorous implementation of those laws and rigorous research into the technological problems of pollution control. The beginnings we have made in these first years of the 1970's are evidence of our determination to follow through.

We intend to leave the children of America a legacy of clean air, clean water, vast open spaces and easily accessible parks.

Natural Resources and Energy

Wilderness areas, forests, fish and wildlife are precious natural resources. We have proposed 36 new wilderness areas, adding another 3.6 million acres to the National Wilderness Preservation System. We have made tough new proposals to protect endangered species of wildlife.

Public lands provide us with natural beauty, wilderness and great recreational opportunities as well as minerals, timber, food and fiber. We pledge to develop and manage these lands in a balanced way, both to protect the irreplaceable environment and to maximize the benefits of their use to our society. We will continue these conservation efforts in the years ahead.

We recognize and commend the humane societies and the animal welfare societies in their work to protect animals.

Water supplies are not a boundless resource. The Republican Party is committed to developing additional water supplies by desalinization, the discovery of new groundwater stocks, recycling and wiser and more efficient use of the waters we have.

We will continue the development of flood control, navigation improvement and reclamation projects based on valid cost-benefit estimates, including full consideration of environmental concerns.

No modern nation can thrive without meeting its energy needs, and our needs are vast and growing. Last year we proposed a broad range of actions to facilitate research and development for clean energy, provide energy resources on Federal lands, assure a timely supply of nuclear fuels, use energy more efficiently, balance environmental and energy needs and better organize Federal efforts.

The National Minerals Policy Act of 1970 encourages development of domestic resources by private enterprise. A program to tap our vast shale resources has been initiated consistent with the National Environmental Policy Act of 1969.

We need a Department of Natural Resources to continue to develop a national, integrated energy policy and to administer and implement that policy as the United States approaches the 21st Century. Energy sources so vitally important to the welfare of our Nation are becoming increasingly interchangeable. There is nothing inherently incompatible between an adequate energy supply and a healthy environment.

Indeed, vast quantities of energy are needed to do the work necessary to clean up our air and streams. Without sufficient supplies of power we will not be able to attain our goals of reducing unemployment and poverty and enhancing the American standard of living.

Responsible government must consider both the short-term and the long-term aspects of our energy supplies. Avoidance of brown-outs and power disruptions now and in the future call for sound policies supporting incentives that will encourage the exploration for, and development of, our fossil fuels. Such policies will buy us time to develop the sophisticated and complex technologies needed to utilize the exotic energy sources of the future.

National security and the importance of a favorable balance of trade and balance of payments dictate that we must not permit our Nation to become overly dependent on foreign sources of energy. Since more than half our Nation's domestic fossil resources now lie under Federal lands, high priority must be given to the governmental steps necessary to the development of these resources by private industry.

A liquid metal fast breeder reactor demonstration plant will be built with the financial support of the Atomic Energy Commission, the electric power industry and the Tennessee Valley Authority.

We will accelerate research on harnessing thermonuclear energy and continue to provide leadership in the production of energy from the sun and geothermal steam. We recognize the serious problem of assuring adequate electric generating capacity in the Nation, and pledge to meet this need without doing violence to our environment.

Oceans

The oceans are a vast, largely untapped reservoir of resources, a source of food, minerals, recreation and pleasure, with great potential for economic development. For their maintenance we must:

Encourage the development of coastal zone management systems by the States, in cooperation with the Federal Government, to preserve the coastal environment while allowing for its prudent social and economic development;

Protect the oceans from pollution through the creation of binding domestic and international legal and institutional arrangements;

Foster arrangements to develop the untapped mineral resources of the seas in an equitable and environmentally sound manner;

Establish domestic and international institutions for the management of the ocean fisheries. Fishing in international waters, a way of life for many Americans, must be maintained without harassment on the high seas or unreasonable restrictions;

Protect and conserve marine mammals and other marine species to ensure their abundance and especially to protect species whose survival is endangered;

Maintain a national capability in ocean science and technology and, through the United Nations Conference on the Law of the Sea, work to codify an international legal framework for the peaceful conduct of ocean activities.

Science and Technology

Basic and applied scientific research and development are indispensable to our national security, our international competitive position, and virtually every aspect of the domestic economy. We have initiated a new research-and-development strategy which emphasizes a public-private partnership in searching out new ideas and technologies to create new jobs, new internationally competitive industries and new solutions for complex domestic problems.

In support of this strategy we have increased Federal efforts in civilian research and development by 65 percent—from $3.3 billion to $5.4 billion—and expanded research in drug abuse, law enforcement, health care, home building, motor vehicle safety, energy and child development as well as many other fields.

We will place special emphasis on these areas in which breakthroughs are urgently needed:

Abundant, clean energy sources;

Safe, fast and pollution-free transportation;

Improved emergency health care;

Reduction of loss of life, health and property in natural disasters;

Rehabilitation of alcoholics and addicts to dangerous drugs.

Additionally, we urge the fair and energetic enforcement of all fire-prevention laws and applaud the work of the National Commission on Fire Prevention and Control. We encourage accelerated research on methods of fire prevention and suppression, including studies on flammable fabrics, hazardous materials, fire equipment and training procedures.

The space program is yielding impressive dividends in earth-oriented applications of space technology—advances in medicine, industrial techniques and consumer products that would still be unknown had we not developed the technology to reach the moon. We will press ahead with the space shuttle program to replace today's expendable launch vehicles and provide low-cost access to space for a wide variety of missions, including those related to earth resources. We pledge to continue to extend our knowledge of the most distant frontiers in space.

We will also extend our exploration of the seabed and the sea. We will seek food for the hungry, power for future technologies, new medicines for the sick and new treatments of water for arid regions of the world.

The quantities of metals and minerals needed to maintain our economic health and living standards are so huge as to require the re-use of all recoverable commodities from solid waste materials. We pledge a vigorous program of research and development in order to seek out more economical methods to recover and recycle such commodities, including the processing of municipal solid wastes.

We pledge to extend the communications frontier, and to foster the development of orbiting satellite systems that will make possible wholly new, world-wide educational and entertainment programs.

We recognize that the productivity of our Nation's research and development efforts can be enhanced through cooperative international projects. The signing of the Moscow agreements for cooperation in space, environment, health and science and technology has opened a new era in international relations. A similar agreement between the United States and Polish Governments will permit expansion of programs such as the jointly-funded Copernicus Astronomical Center and the Krakow Children's Hospital.

Finally, we pledge expanded efforts to aid unemployed scientists and engineers. We are determined to see that such on-going efforts as the Technology Mobilization and Reemployment Program are effective.

The Individual and Government

Even though many urgently-needed Administration proposals have been long delayed or stopped by the opposition Congress, we have kept our 1968 promise to make government more accountable and more responsive to the citizen. One such proposal is General Revenue Sharing with State and local governments—a means of returning to the people powers which for 40 years have grown increasingly centralized in the remote Washington bureaucracy. Another is consolidation of scores of categorical grant programs into six Special Revenue Sharing programs which would make available some $12 billion annually in broad policy fields for States and localities to apply in their own ways to their own needs. Yet another is our proposal to modernize the Executive Branch of the Federal Government by combining six Cabinet departments and several independent agencies into four new departments. So far, the opposition controlled Congress has blocked or ignored all of these proposals.

In addition, we have:

Improved domestic policy formulation and implementation by the new Domestic Council and Office of Management and Budget within the Executive Office of the President;

Established stronger liaison between the Federal Government and the States, counties and municipalities by a new Office of Intergovernmental Relations, headed by the Vice President;

Overhauled the fragmented and poorly coordinated Federal agencies concerned with drug abuse and the environment;

Utilized voluntary citizen effort through the formation of the ACTION agency in government and the National Center for Voluntary Action outside of government;

Proposed reorganization of the Federal regulatory agencies and appointed distinguished people to those agencies;

Assured more open government, ending abuse of document classification and providing fuller information to the public.

We pledge continuing reform and revitalization of government to assure a better response to individual needs.

We express deep concern for the flood victims of Tropical Storm Agnes, the worst natural disaster in terms of property damage in our Nation's history. Past laws were totally inadequate to meet this crisis, and we commend the President's leadership in urgently recommending the newly-enacted $1.8 billion flood relief measure, greatly expanding and enlarging the present program. We pledge to reevaluate and enlarge the national flood disaster insurance program so that it will be adequate for future emergencies.

We will continue to press for the enactment of General and Special Revenue Sharing and to pursue further initiatives both to decentralize governmental activities and to transfer more such activities to the private sector.

We will continue to defend the citizen's right to privacy in our increasingly interdependent society. We oppose computerized national data banks and all other "Big Brother" schemes which endanger individual rights.

We reaffirm our view that voluntary prayer should be freely permitted in public places—particularly, by school children while attending public schools—provided that such prayers are not prepared or prescribed by the state or any of its political subdivisions and that no person's participation is coerced, thus preserving the traditional separation of church and state.

We remain committed to a comprehensive program of human rights, social betterment and political participation for the people of the District of Columbia. We will build on our strong record in this area—a record which includes cutting the District of Columbia crime rate in half, aggressive support for a balanced transportation system in metropolitan Washington, initiation of a Bicentennial program and celebration in the national capital region, and support for the first Congressional Delegate in nearly a century. We support voting representation for the District of Columbia in the United States Congress and will work for a system of self-government for the city which takes fair account of the needs and interests of both the Federal Government and the citizens of the District of Columbia.

The Republican Party adheres to the principle of self-determination for Puerto Rico. We will welcome and support statehood for Puerto Rico if that status should be the free choice of its people in a referendum vote.

Additionally, we will pursue negotiations with the Congress of Micronesia on the future political status of the Trust Territories of the Pacific Islands to meet the mutual interests of both parties. We favor extending the right of electing the territorial Governor to the people of American Samoa, and will take complementary steps to increase local self-government in American Samoa. We vigorously support such action as is necessary to permit American citizens resident in Guam, Puerto Rico and the Virgin Islands to vote for President and Vice President in national elections. We support full voting rights in committees for the Delegates to Congress from Guam and the Virgin Islands.

In our territorial policy we seek a maximum degree of local self-sufficiency and self-government, while encouraging greater inclusion in Federal services and programs and greater participation in national decision-making.

Volunteerism

In our free system, the people are not only the source of our social problems but also the main source of solutions. Volunteerism, therefore, an indispensable national resource, is basic to our Republican philosophy. We applaud the Administration's efforts to encourage volunteerism by all Americans and commend the millions of volunteers who are working in communities and states across the country on myraid projects. We favor further implementation of voluntary action programs throughout the fifty States to assist public and private agencies in working to assure quality life for all human beings.

Arts and humanities

The United States is experiencing a cultural renaissance of inspiring dimension. Scores of millions of our people are now supporting and participating in the arts and humanities in quest of a richer life of the mind and the spirit. Our national culture, no longer the preserve of the elite, is becoming a people's heritage of importance to the whole world.

We believe, with the President, that "the Federal Government has a vital role as catalyst, innovator, and supporter of public and private efforts for cultural development."

We have supported a three-year extension of the National Foundation on the Arts and the Humanities, and increased the funding of its two endowments by more than four times the level of three years ago. The State Arts Councils, which operate in all 50 States and the five special jurisdictions, have also been strengthened.

The Arts Endowment has raised its support for the Nation's museums, orchestras, theatre, dance, opera companies and film centers and encouraged the creativity of individual artists and writers. In addition, the new Federal Expansion Arts Program has been sharply increased.

We have encouraged Federal agencies to use the arts in their programs, sponsored an annual Design Assembly for Federal administrators, requested the National Endowment for the Arts to recommend a program for upgrading the design of Federal buildings, and moved to set new standards of excellence in all design endeavors of the Federal Government.

Moreover, the National Endowment for the Humanities, now greatly enlarged, is fostering improved teaching and scholarship in history, literature, philosophy and ethics. The Endowment also supports programs to raise levels of scholarship and teaching in Afro-American, American Indian and Mexican-American studies, has broadened its fellowship programs to include junior college teachers, and stresses adult or continuing education, including educational television and film series. We have also expanded the funding of public broadcasting.

For the future, we pledge continuance of our vigorous support of the arts and humanities.

A BETTER FUTURE FOR ALL

Children

We believe, with the President, that the first five years of life are crucial to a child's development, and further, that every child should have the opportunity to reach his full potential as an individual.

We have, therefore, established the Office of Child Development, which has taken a comprehensive approach to the development of young children, combining programs dealing with their physical, social and educational needs and development.

We have undertaken a wide variety of demonstration programs to assure our children, particularly poor children, a good start in life—for example, the Parent and Child Center program for infant care, Home Start to strengthen the environment of the preschool child, and Health Start to explore new delivery systems of health care for young children.

We have redirected Head Start to perform valuable full-day child care and early education services, and more than 380,000 preschool children are now in the program. We have doubled funds for early childhood demonstration programs which will develop new tools and new teaching techniques to serve children who suffer from deafness, blindness and other handicaps.

So that no child will be denied the opportunity for a productive life because of inability to read effectively, we have established the Right to Read Program.

To add impetus to the entire educational effort, our newly-created National Institute of Education ensures that broad research and experimentation will develop the best educational opportunities for all children. Additionally, we have taken steps to help ensure that children receive proper care while their parents are at work.

Moreover, as stated elsewhere in this Platform, we have broadened nutritional assistance to poor children by nearly tripling participation in the Food Stamp Program, more than doubling the number of needy children in the school lunch program, operating a summer feeding program for three million young people, increasing the breakfast program fivefold, and doubling Federal support for child nutritional programs. We are improving medical care for poor children through more vigorous treatment procedures under Medicaid and more effectively targeting maternal and child health services to low-income mothers. We will continue to seek out new means to reach and teach children in their crucial early years.

Youth

We believe that what our youth most want and need is not special treatment as a group apart, but just the opposite—the opportunity for full participation by exercising the rights and responsibilities of adults.

In 1970 the President approved legislation which gave the vote to more than 11 million 18-to-20 year olds. The 26th Amendment, which places this important new right in the Constitution, has our enthusiastic backing.

Our Administration has already made the draft a far less arbitrary factor in young men's lives. Now we near the point where we can end conscription altogether and achieve our goal of an all-volunteer armed force.

Our total war on drug abuse has had special benefits for youth, hardest hit by this menace. Last year we held the first White House Conference ever held by and for young people themselves. The Administration gave the Conference's more than 300 recommendations a searching review, and last spring the President returned a detailed response and action report to the conferees.

The anarchy which swept major campuses in the late 1960s penalized no one more severely than the young people themselves. The recent calm on campus is, we believe, in part the result of the President's leadership in winding down the war in Vietnam, reducing the draft, and taking a strong stand against lawlessness, but our view is that colleges themselves are responsible for maintaining a campus climate that will preserve academic freedom.

We have proposed legislation to ensure that no qualified student is denied a higher education by lack of funds, and have also moved to meet the often-overlooked concerns of the two-thirds of the college-age young not in school. We have developed a new job-oriented, career-education concept, expanded Federal manpower programs and provided a record number of summer job opportunities for young men and women.

To engage youthful idealism and energies more effectively, we have created the new ACTION volunteer service agency, bringing together the Peace Corps, VISTA, and other volunteer programs; and we encouraged the establishment of the independent National Center for Voluntary Action.

We stand for lowering the legal age of majority in all jurisdictions to 18; and we will seek to broaden the involvement of young people in every phase of the political process—as voters, party workers and leaders, candidates and elected officials, and participants in government at municipal, State and Federal levels.

We will continue to build on these solid achievements in keeping with our conviction that these young people should have the opportunity to participate fully in the affairs of our society.

Equal Rights for Women

The Republican Party recognizes the great contributions women have made to our society as homemakers and mothers, as contributors to the community through volunteer work, and as members of the labor force in careers outside the home. We fully endorse the principle of equal rights, equal opportunities and equal responsibilities for women, and believe that progress in these areas is needed to achieve the full realization of the potentials of American women both in the home and outside the home.

We reaffirm the President's pledge earlier this year: "The Administration will . . . continue its strong efforts to open equal opportunities for women, recognizing clearly that women are often denied such opportunities today. While every woman may not want a career outside the home, every woman should have the freedom to choose whatever career she wishes—and an equal chance to pursue it."

This Administration has done more than any before it to help women of America achieve equality of opportunity.

Because of its efforts, more top-level and middle-management positions in the Federal Government are held by women than ever before. The President has appointed a woman as his special assistant in the White House, specifically charged with the recruitment of women for policy-making jobs in the United States Government. Women have also been named to high positions in the Civil Service Commission and the Department of Labor to ensure equal opportunities for employment and advancement at all levels of the Federal service.

In addition we have:

Significantly increased resources devoted to enforcement of the Fair Labor Standards Act, providing equal pay for equal work;

Required all firms doing business with the Government to have affirmative action plans for the hiring and promotion of women;

Requested Congress to expand the jurisdiction of the Commission on Civil Rights to cover sex discrimination;

Recommended and supported passage of Title IX of the Higher Education Act opposing discrimination against women in educational institutions;

Supported the Equal Employment Opportunity Act of 1972 giving the Equal Employment Opportunity Commission enforcement power in sex discrimination cases;

Continued our support of the Equal Rights Amendment to the Constitution, our Party being the first national party to back this Amendment.

Other factors beyond ouright employer discrimination—the lack of child care facilities, for example—can limit job opportunities for women. For lower and middle income families, the President supported and signed into law a new tax provision which makes many child care expenses deductible for working parents. Part of the President's recent welfare reform proposal would provide comprehensive day care services so that women on welfare can work.

We believe the primary responsibility for a child's care and upbringing lies with the family. However, we recognize that for economic and many other reasons many parents require assistance in the care of their children.

To help meet this need, we favor the development of publicly or privately run, voluntary, comprehensive, quality day care services, locally controlled but federally assisted, with the requirement that the recipients of these services will pay their fair share of the costs according to their ability.

We oppose ill-considered proposals, incapable of being administered effectively, which would heavily engage the Federal Government in this area.

To continue progress for women's rights, we will work toward:

Ratification of the Equal Rights Amendment;

Appointment of women to highest level positions in the Federal Government, including the Cabinet and Supreme Court;

Equal pay for equal work;

Elimination of discrimination against women at all levels in Federal Government;

Elimination of discrimination against women in the criminal justice system, in sentencing, rehabilitation and prison facilities;

Increased opportunities for the part-time employment of women, and expanded training programs for women who want to reenter the labor force;

Elimination of economic discrimination against women in credit, mortgage, insurance, property, rental and finance contracts.

We pledge vigorous enforcement of all Federal statutes and executive orders barring job discrimination on the basis of sex.

We are proud of the contributions made by women to better government. We regard the active involvement of women on all levels of the political process, from precinct to national status, as of great importance to our country. The Republican Party welcomes and encourages their maximum participation.

Older Americans

We believe our Nation must develop a new awareness of the attitudes and needs of our older citizens. Elderly Americans are far too often the forgotten Americans, relegated to lives of idleness and isolation by a society bemused with the concerns of other groups. We are distressed by the tendency of many Americans to ignore the heartbreak and hardship resulting from the generation gap which separates so many of our people from those who have reached the age of retirement. We deplore what is tantamount to cruel discrimination—age discrimination in employment, and the discrimination of neglect and indifference, perhaps the cruelest of all.

We commit ourselves to helping older Americans achieve greater self-reliance and greater opportunities for direct participation in the activities of our society. We believe that the later years should be, not isolated years, not years of dependency, but years of fulfillment and dignity. We believe our older people are not to be regarded as a burden but rather should be valuable participants in our society. We believe their judgment, their experience, and their talents are immensely valuable to our country.

Because we so believe, we are seeking and have sought in many ways to help older Americans—for example:

Federal programs of direct benefit to older Americans have increased more than $16 billion these past four years;

As part of this, social security benefits are more than 50 percent higher than they were four years ago, the largest increase in the history of social security;

Social security benefits have become inflation proof by making them rise automatically to match cost-of-living increases, a protection long advocated by the Republican Party;

We have upgraded nursing homes.

Expenditures under the Older Americans Act have gone up 800 percent since President Nixon took office, with a strong emphasis on programs enabling older Americans to live dignified, independent lives in their own homes.

The valuable counsel of older people has been sought directly through the White House Conference on Aging. The President has appointed high-level advisers on the problems of the aging to his personal staff.

We have urged upon the opposition Congress—again, typically, to no avail—numerous additional programs of benefit to the elderly. We will continue pressing for these new initiatives to:

Increase the amount of money a person can earn without losing social security benefits;

Increase widow, widower, and delayed retirement benefits;

Improve the effectiveness of Medicare, including elimination of the monthly premium required under Part B of Medicare—the equivalent of more than a three percent social security increase;

Strengthen private pension plans through tax deductions to encourage their expansion, improved vesting, and protection of the investments in these funds;

Reform our tax system so that persons 65 or over will receive increased tax-free income;

Encourage volunteer service activities for older Americans, such as the Retired Senior Volunteer Program and the Foster Grandparents Program;

Give special attention to bringing full government services within the reach of the elderly in rural areas who are often unable to share fully in their deserved benefits because of geographic inaccessibility;

Upgrade other Federal activities important to the elderly including programs for nutrition, housing and nursing homes, transportation, consumer protection, and elimination of age discrimination in government and private employment.

We encourage constructive efforts which will help older citizens to be better informed about existing programs and services designed to meet their needs, and we pledge to cut away excessive Federal redtape to make it easier for older Americans to receive the benefits to which they are entitled.

Working Men and Women

The skill, industry and productivity of American workers are the driving force of our free economy. The Nation's labor unions, comprised of millions of working people, have advanced the well-being not only of their members but also of our entire free-enterprise system. We of the Republican Party reaffirm our strong endorsement of Organized Labor's key role in our national life.

We salute the statesmanship of the labor union movement. Time and time again, at crucial moments, it has voiced its outspoken support for a firm and effective foreign policy and for keeping the Armed Forces of the United States modern and strong.

The American labor movement and the Republican Party have always worked against the spread of totalitarian forms of government. Together we can continue to preserve in America the best system of government ever devised for human happiness and fulfillment.

We are for the right of American workers and their families to enjoy and to retain to the greatest possible extent the rewards of their own labor.

We regard collective bargaining as the cornerstone of the Nation's labor relations policy. The government's role is not to encroach upon this process but rather to aid the differing parties to make collective bargaining more effective both for themselves and for the public. In furtherance of that concept, we will continue to develop procedures whereby the imagination, ingenuity and knowledge of labor and management can more effectively seek solutions for such problems as structural adjustment and productivity.

In the construction industry, for example, we will build on a new joint effort between government and all parts of the industry to solve such problems as seasonality and varying peaks of demand to ensure a stable growth in the number of skilled craftsmen.

We call upon management and labor to devote their best efforts to finding better ways to conduct labor-management relations so the good of all the people can be advanced without strikes or lockouts.

We will continue to search for realistic and fair solutions to emergency labor disputes, guided by two basic principles; first, that the health and safety of the people of the United States should always be paramount; and second, that collective bargaining should be kept as free as possible from government interference.

For mine health and safety, we have implemented the most comprehensive legislation in the Nation's history, resulting in a major reduction in mine-related accidents. We pledge continued advancement of the health and safety of workers.

We will continue to press for improved pension vesting and other statutory protections to assure that Americans will not lose their hard-earned retirement incomes.

We pledge further modernization of the Federal Civil Service System, including emphasis on executive development. We rededicate ourselves to promotion on merit, equal opportunity, and the setting of clear incentives for higher productivity. We will give continuing close attention to the evolving labor-management relationship in the Federal service.

We pledge realistic programs of education and training so that all Americans able to do so can make their own way, on their own ability, receiving an equal and fair chance to advance themselves. We flatly oppose the notion that the hard-earned tax dollars of American workers should be used to support those who can work but choose not to, and who believe that the world owes them a living free from any responsibility or care.

We are proud of our many other solid achievements on behalf of America's working people—for example:

Nearly five million additional workers brought under the coverage of the unemployment insurance system, and eligibility deadlines twice extended;

Funding for more than 166,000 jobs under the Emergency Employment Act;

Expansion of vocational education and manpower training programs;

Use of the long-neglected Trade Expansion Act to help workers who lose their jobs because of imports. We strongly favor vigorous competition by American business in the world market but in ways that do not displace American jobs;

Negotiation of long-needed limitations on imports of man-made fibers, textiles and other products, thus protecting American jobs.

We share the desire of all Americans for continued prosperity in peacetime. We will work closely with labor and management toward our mutual goal of assuring a job for every man and woman seeking the dignity of work.

Ending Discrimination

From its beginning, our Party has led the way for equal rights and equal opportunity. This great tradition has been carried forward by the Nixon Administration.

Through our efforts de jure segregation is virtually ended. We pledge continuation of these efforts until no American schoolchild suffers educational deprivation because of the color of his skin or the language he speaks and all school children are receiving high quality education. In pursuit of this goal, we have proposed $2.5 billion of Federal aid to school districts to improve educational opportunities and build facilities for disadvantaged children. Further to assure minority progress, we have provided more support to predominantly black colleges than ever before—twice the amount being spent when President Nixon took office.

Additionally, we have strengthened Federal enforcement of equal opportunity laws. Spending for civil rights enforcement has been increased from $75 million to $602 million—concrete evidence of our commitment to equal justice for all. The President also supported and signed into law the Equal Employment Opportunity Act of 1972, which makes the Equal Employment Opportunity Commission a much more powerful body.

Working closely with leaders of construction unions, we have initiated 50 "hometown" plans which call for more than 35,000 additional minority hirings in the building trades during the next four years. We will continue to search out new employment opportunities for minorities in other fields as well. We believe such new jobs can and should be created without displacing those already at work. We will give special consideration to minority Americans who live and make their way in the rural regions of our Country—Americans too often bypassed in the advances of the general society.

We have made unprecedented progress in strengthening minority participation in American business. We created the Office of Minority Business Enterprise in March 1969 to coordinate the Federal programs assisting members of minority groups who seek to establish or expand businesses. We have more than tripled Federal loans, guarantees and grants to minority-owned businesses. More minority Americans are now in our Nation's economic mainstream than at any other time in our history, and we pledge every effort to expand these gains.

Minority businesses now receive 16 percent of the Small Business Administration dollar—more than double the proportion in 1968. Many Minority Enterprise Small Business Investment Companies have been licensed since 1969 to provide venture capital for minority enterprises. More than $200 million is now available through this program, and we have requested additional funding.

In late 1970, we initiated a combined Government-private program to increase minority bank deposits. This year our goal of $100 million has been reached four times over.

We pledge to carry forward our efforts to place minority citizens in responsible positions—efforts we feel are already well under way. During the last four years the percentage of minority Federal employees has risen to a record high of almost 20 percent and, perhaps more important, the quality of jobs for minority Americans has improved. We have recruited more minority citizens for top managerial posts in Civil Service than ever before. We will see that our progress in this area will continue and grow.

In 1970 President Nixon approved strong new amendments to the Voting Rights Act of 1965, and we pledge continued vigilance to ensure that the rights affirmed by this act are upheld.

The cultural diversity of America's heritage groups has always been a source of strength for our society and our Party. We reaffirm our commitment to the basic American values which have made this Nation the land of opportunity for these groups, originating from all sectors of the world, from Asia to Africa to Europe to Latin America. We will continue our Party's open-door policy and work to assure all minorities full opportunity for participation in the political process. We pledge vigorous support of the Bilingual Act and the Ethnic Studies Heritage Act.

Spanish-Speaking Americans

In recognition of the significant contributions to our country by our proud and independent Spanish-speaking citizens, we have developed a comprehensive program to help achieve equal opportunity.

During the last four years Spanish-speaking Americans have achieved a greater role in national affairs. More than thirty have been appointed to high federal positions.

To provide the same learning opportunities enjoyed by other American children, we have increased bilingual education programs almost sixfold since 1969. We initiated a 16-point employment program to help Spanish-speaking workers, created the National Economic Development Association to promote Spanish-speaking business development and expanded economic development opportunities in Spanish-speaking communities.

We will work for the use of bilingual staffs in localities where this language capability is desirable for effective health care.

Indians, Alaska Natives, and Hawaiians

President Nixon has evolved a totally new Indian policy which we fully support. The opposition Congress, by inaction on most of the President's proposals, has thwarted Indian rights and opportunities.

We commend the Department of the Interior for its stalwart defense of Indian land and water rights, and we urge the Congress to join in support of that effort. We further request Congress to permit Indian tribal governments to assume control over the programs of the Departments of Interior and Health, Education and Welfare in their homelands, to assure Indians a role in determining how funds can best be used for their children's schools, to expand Indian economic development opportunity, to triple the funds for Indian credit and create a new Assistant

Secretary of the Interior for Indian and Territorial Affairs.

These reforms, all urged by the President, have been ignored by the Congress. We—with the Indian people—are impatiently waiting.

Knowing the Indians' love for their land and recognizing the many wrongs committed in years past, the President has restored Blue Lake in New Mexico to the Taos Pueblo and the Mt. Adams area in Washington to the Yakima Nation. We are seeking to protect Indian water rights in Pyramid Lake by bringing suit in the Supreme Court.

We are fully aware of the severe problems facing the Menominee Indians in seeking to have Federal recognition restored to their tribe and promise a complete and sympathetic examination of their pleas.

We have increased the Bureau of Indian Affairs' budget by 214 percent, nearly doubled funds for Indian health, and are arranging with tribal leaders for the allocation of Bureau funds in accordance with priorities set by the tribal governments themselves.

We pledge continued attention to the needs of off-reservation Indians and have launched demonstration projects at Indian centers in nine major cities. We are determined that the first Americans will not be the forgotten Americans, and that their rights will be respected.

We will continue the policy of Indian preference in hiring and promotion and apply it to all levels, including management and supervisory positions in those agencies with programs affecting Indian peoples.

The standard of living of Indian Americans is still far below that of any of the peoples of the United States. This intolerable level of existence shoud be alleviated by the enactment of new legislation designed to further Indian self-determination without termination and to close this economic gap and raise the Indian standard of life to that of the rest of America. We favor the development of such legislation in the 93d Congress.

At the President's recommendation, the Congress voted an Alaska Native Claims Settlement which confirms the titles of the Eskimos, Indians and Aleuts to 40 million acres and compensates them with a generous cash settlement.

We will also preserve and continue to protect the Hawaiian Homes Commission Act which provides land already set aside for Hawaiians for homes and the opportunity to preserve their culture.

Our achievements for human dignity and opportunity are specific and real, not idle promises. They have brought tremendous progress to many thousands of minority citizens and made our society more just for all.

We will press on with our fight against social injustice and discrimination, building upon the achievements already made. Knowing that none of us can reap the fullest blessings of liberty until all of us can, we reaffirm our commitment to the upward struggle for universal freedom led by Abraham Lincoln a century ago.

Consumers

The American consumer has a right to product safety, clearly specified qualities and values, honest descriptions and guarantees, fair credit procedures, and due recourse for fraud and deception. We are addressing these concerns forcefully, with executive action and legislative and legal initiatives.

The issues involved in this accelerating awareness on the part of consumers lie close to the heart of the dynamic American market: Good products at fair prices made it great; the same things will keep it great.

Enlightened business management is as interested in consumer protection and consumer education as are consumers themselves. In a marketplace as competitive and diverse as ours, a company's future depends on the reputation of its products. One safety error can wipe out an established firm overnight.

Unavoidably, the remoteness of business management from the retail counter tends to hamper consumers in resolving quality and performance questions. Technical innovations make it harder for the consumer to evaluate new products. Legal complexities often deny efficient remedies for deception or product failure.

To assist consumers and business, President Nixon established the first Office of Consumer Affairs in the White House and made its Director a member of his personal staff and of the Cost of Living Council. We have also proposed a Buyer's Bill of Rights, including:

Federal authority for the regulation of hazardous consumer products;

Requirement of full disclosure of the terms of warranties and guarantees in language all can understand.

We support the establishment of an independent Consumer Protection Agency to present the consumer's case in proceedings before Federal agencies and also a consumer product safety agency in the Department of Health, Education and Welfare. We oppose punitive proposals which are more anti-business than pro-consumer.

We pledge vigorous enforcement of all consumer protection laws and to foster more consumer education as a vital necessity in a marketplace ever increasing in variety and complexity.

Veterans

We regard our Nation's veterans precisely as our President does:

"Americans have long known that those who defended the great values of our Nation in wartime are of great value to the Nation when the war is over. It is traditional that the American veteran has been helped by his Nation so that he can create his own 'peace story', a story of prosperity, independence and dignity.

"Veterans benefit programs have therefore become more than a recognition for services performed in the past; they have become an investment in the future of the veteran and of his country."

Under Republican leadership, far more for our veterans is being done than ever before:

G.I. Bill education benefits have been increased more than 35 percent. Vietnam-era veterans have the highest assistance levels in history to help them pursue educational opportunities.

Major cost-of-living adjustments have been made in compensation and pension payments.

Medical services are the best in the history of the Veterans Administration and now include a strong new drug treatment and rehabilitation program.

Disability benefits have been increased.

G.I. home loan benefits have been expanded and improved.

The total Administration commitment is massive—$12.4 billion for this fiscal year. This is the largest Veterans Administration budget in history, and the third largest of all Federal agencies and departments.

We are giving the highest priority to the employment problems of Vietnam veterans. In 1971 we initiated a comprehensive program which recently placed more than one million Vietnam-era veterans in jobs, training and education programs.

For the future, we pledge:

Continuation of the Veterans Administration as a strong, independent agency;

Continuation of an independent system of Veterans Administration health care facilities to provide America's veterans with the best medical care available, including appropriate attention to the problems of the ex-serviceman afflicted with drug and alcohol problems;

Continuing attention to the needs of the Vietnam-era veteran, with special emphasis on employment opportunities, education and housing;

Continuation of our efforts to raise G.I. Bill education benefits to a level commensurate with post-World War II benefits in adjusted dollars;

Continued effort for a better coordinated national policy on cemeteries and burial benefits for veterans.

We will not fail our obligation to the Nation's 29 million veterans and will stand ever watchful of their needs and rights.

CONCLUSION

The record is clear.

More than any President, Richard Nixon has achieved major changes in policy and direction in our government. He has restored faith—faith that our system will indeed reflect the will of the people—faith that there will be a new era of peace and human progress at home and around the world.

To be sure there is unfinished business on the agenda of our ever-restless Nation. We have great concern for those who have not participated more fully in the general prosperity. The twin evils of crime and drug abuse are still to be conquered. Peace in the world is not yet won.

But Republican leadership has restored stability and sanity to our land once again. We have vigorously attacked every major problem.

Once again our direction is peace; once again our determination is national strength; once again we are prospering; once again, on a host of fronts, we are making progress.

Now we look to tomorrow.

We pledge ourselves to go forward at an accelerated pace—with a determination and zeal unmatched before.

In four years we mark the 200th anniversary of the freest, most productive, most benevolent Nation of all human history. In four years we celebrate one of man's highest achievements—two hundred years as a constitutional republic founded on the noble concept that every person is a sovereign being, possessed of dignity and inalienable rights.

Almost two centuries ago, the Founding Fathers envisioned a Nation of free people, at peace with themselves and the world—each with equal opportunity to pursue happiness in his own way. Much of that dream has come true; much is still to be fulfilled.

We, the Republican Party, pledge ourselves to go forward, hand-in-hand with every citizen, to solve those problems that yet stand in the way of realizing that more perfect union, the dream of the Founding Fathers—a dream enhanced by the free and generous gift of people working together, not in shifting alliances of separated minorities, but in unison of spirit and purpose. We cannot favor, nor can we respect, the notion of group isolation in our United States of America. We must not divide and weaken ourselves by attitudes or policies which would segregate our citizens into separate racial, ethnic, economic, religious or social groups. It is the striving of all of us—our striving together as Americans—that will move our Nation continually onward to our Founders' dream.

Building on the foundations of peace in the world, and reason and prosperity at home, our Republican Party pledges a new era of progress for man—progress toward more freedom, toward greater protection of individual rights, toward more security from want and fear, toward greater fulfillment and happiness for all.

We pledge to the American people that the 200th anniversary of this Nation in 1976 will be more than a celebration of two centuries of unequaled success; we pledge it also to be the beginning of the third and greatest century for all of our countrymen and, we pray, for all people in the world.

LIBERALIZATION OF U.S. TRADE POLICY

Mr. TAFT. Mr. President, the Committee for Economic Development, a panel representing 200 American businessmen and educators, has joined with Western European and Japanese businessmen to call for a substantial liberalization of U.S. trade policy toward Eastern Europe and the U.S.S.R. Among the committee's primary recommendations was that all restrictions on nonmilitary exports to these countries should be removed.

I believe that such recommendations are timely and constructive. Industrialization is now proceeding full speed in Eastern Europe, which is one of the fastest growing regions in the world. At the same time, the recent lessening of East-West tensions has created a favorable environment for the expansion of trade. As a result of this combination of events, the vast markets of Eastern Europe are rapidly becoming accessible. If we are going to participate in the rapid growth of this region, our industries must be able to move in without further delay, subject only to restrictions which are really necessary to protect the national security. We can no longer afford to handicap ourselves by controlling the export of goods and technology which are not of strategic value and are not controlled by our foreign competitors.

With this situation in mind, I authored the Equal Export Opportunity Act, which was signed by the President late last month. I believe that this legislation will provide the basis for modernization of an export control system that is one of the most costly anachronisms of the cold war. The act requires the Commerce Department to review U.S. export controls and licensing procedures during the next 9 months. At the end of that time, the Department must give the reasons for retaining any export controls or burdensome licensing procedures which are not required by our allies. The act also establishes industry advisory committees to help the Commerce Department administer the Export Administration Act in a more realistic manner.

I ask unanimous consent that the articles from the Washington Post and the Cincinnati Enquirer describing the committee's report be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

End To Export Curbs Urged

(By James L. Rowe, Jr.)

A high-level panel of U.S. businessmen urged yesterday that this country remove all restrictions on exports to most Communist countries—except on military items—and bring its trade policies toward them in line with those toward other industrialized nations.

The Committee for Economic Development joined with business groups in Western Europe and Japan in a statement which called for the creation of a worldwide economic panel to formulate ground rules to govern East-West trade.

The multi-national statement appeared as an appendix to the CED's report, "A New Trade Policy Toward Communist Countries."

The CED, in its statement, said increased East-West trade would foster "a more open and less hostile relationship that can become the basis of a more peaceful world."

The business panel called for the United States to adjust its credit policies to provide the longer-term credit already provided by other Western countries trading with the Communist bloc. The CED said its recommendations do not apply to North Vietnam, North Korea or Cuba.

The CED suggested that the United States negotiate country-by-country agreements with the Communist nations, including China, offering most-favored-nation treatment. Under most-favored-nation treatment, lower tariffs negotiated between two countries are extended to all countries.

The panel said most-favored-nation treatment should be offered only in return for fair trade guarantees from the Eastern nations.

The joint statement said one of the most important barriers to East-West trade is the lack of convertibility of Communist currencies. Convertibility means a currency can be exchanged for another in world trading markets.

Communist countries, as a result, cannot run a trade deficit with one country and have it balanced by a surplus with another.

The joint statement—signed by business groups from the United States, West Germany, France, Japan and Sweden—urged Western nations to discuss approaches to solving this problem.

Ease Red Trade, Study Urges United States

New York.—A panel representing 200 American businessmen and educators has urged a broad revision of U.S. trade policies toward Communist nations, including liberalization of credit terms and removal of virtually all restrictions on non-military exports.

The recommendations were contained in a 68-page report, "A New Trade Policy Toward Communist Countries," prepared by the Research and Policy Committee of the Committee of Economic Development and released Sunday.

The committee also joined with business groups in Germany, France, Britain and Sweden in recommending establishment of a new global economic agency to set ground rules for East-West trade.

In its report on U.S. trade policies, the committee held that current restrictions on East-West trade "almost certainly result in more loss than gain."

Citing political and economic advantages to be gained from inproved trade relations, the 65-member committee recommended:

That the United States remove all restrictions on exports to Communist countries with the exception of military equipment and the kind of advanced technology that would be useful in producing such equipment.

That U.S. policy on credit terms to Communist countries be aligned with that of other Western industrial countries, pending achievement of international regulation of credit terms.

That the President be authorized to grant most-favored-nation treatment on trade with Communist countries provided that in return they extend compensatory benefits to the United States.

That, subject to limitations on the export of technology, the U.S. government place no obstacles in the way of American companies entering into coproduction agreements in Communist countries or otherwise investing there, except for obstacles that apply to foreign investment generally.

A statement accompanying the report said the recommendations did not apply to North Vietnam, North Korea and Cuba, where U.S. trade embargoes were imposed under the Trading with the Enemy Act.

"The practical values to be served by removing restrictions on international trade include economic benefits but extend beyond them," the committee said. "Willingness to trade is in itself a sign of amity that helps dissipate tensions."

It cautioned, at the same time, that any advances in East-West trading depended on the willingness of Communist countries to reciprocate on the easing of restrictions and to deal with such problems as currency differences and the setting of fair trading standards.

"With the removal or reduction of U.S. restrictions, the growth of trade will be determined more than in the past by economic and business considerations," the report said.

"In general, however, no great or sudden increase in trade should be expected," it said.

The report drew dissenting comment and other qualifications from six CED trustees, including Herman L. Weiss, vice chairman of General Electric Co.

ATTACK AGAINST GENOCIDE CONVENTION UNFOUNDED

Mr. PROXMIRE. Mr. President, a full page criticism of the Genocide Convention appeared in the August 10 edition of the Houston Tribune urging a protest against the treaty.

The principle criticism of the convention, according to this attack, is that it creates an entirely new international crime which broadens the use of the word "genocide" to include "not only causing bodily harm to an individual, but also something as vague as attempting 'mental harm' to an individual on the basis of his race, religion, or nationality." The article goes on to say that—

> If any citizen is charged with harming, physically or mentally, any individual who is a member of a racial, national, or religious group—and who is not a member of some such group—then his alleged action becomes an international crime.

Such fears that the Genocide Convention will usurp the Bill of Rights and subject American citizens to possible extradition for international prosecution beyond the jurisdiction of U.S. law are thoroughly unfounded.

Article II of the Genocide Convention defines "genocide" as meaning:

> Any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
>
> (a) Killing members of the group;
>
> (b) Causing serious bodily or mental harm to members of the group;
>
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
>
> (d) Imposing measures intended to prevent births within the group;
>
> (e) Forcibly transferring children of the group to another group.

The Committee on Foreign Relations (Ex. Rept. No. 92–6), in a report delivered to the Senate May 4, 1971, emphasizes the importance of the word "intent" in the above definition. The committee's report is a forceful refutation of the charge which appeared in the Houston Tribune advertisement:

> Basic to any charge of genocide must be the *intent* to destroy an entire group because of the fact that it is a certain national,

ethnic, racial, or religious group, in such a manner as to affect a substantial part of the group. There have been allegations that school busing, birth control clinics, lynchings, police actions with respect to the Black Panthers, and the incidents at My Lai constitute genocide. The committee wants to make clear that under the terms of Article II none of these and similar acts is genocide unless the *intent* to destroy the group as a group is proven. Harassment of minority groups and racial and religious intolerance generally, no matter how much to be deplored, are not outlawed per se by the Genocide Convention. Far from outlawing discrimination, article II is so written as to make it, in fact, difficult to prove the "intent" element necessary to sustain a charge of genocide against anyone. (Ex. Rept. No. 92–6, p. 6.)

In further refutation of the charges advanced against the convention, the United States is prohibited by the Constitution from becoming party to any treaty which would supersede the highest law of the land. The Genocide Treaty would usurp no such law.

The United States must act on the Genocide Convention as soon as possible.

DIFFICULTIES OF AMERICAN SHOE INDUSTRY

Mr. TAFT. Mr. President, during the first 7 months of this year we exported 10,227,000 hides which represent 50 percent of the slaughter in this country. This compares with 42 percent for the first 7 months of 1971. In July, with a slaughter of 2,735,000, our exports totaled 2,152,000, or an export of 78 percent.

The American shoe industry is having a difficult time maintaining domestic employment. American manufacturers are having to compete against foreign companies with automated plants and very low wage rates. These competitive pressures are now compounded by policies which permit the raw material from which shoes are made, namely leather, to be exported to our competitors. As if it were not enough for American shoe manufacturers and their employees to have to compete against low wage operations overseas, they now find that their source of leather is being dried up as 78 percent of American hides leave this country.

Several new shoe manufacturing facilities that were originally scheduled for construction in this country, are now being built overseas. This means a loss in American jobs and this trend will only be accelerated if the raw material for shoes is exported in such extraordinary quantities.

The stress of this situation is reflected in a letter to the White House and the Department of Commerce from Mr. Philip G. Barach, president of the U.S. Shoe Corp. I ask unanimous consent that the letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The U.S. Shoe Corp.,
Cincinnati, Ohio, September 6, 1972.

Henry Cashen,
The White House,
Washington, D.C.
William Letson,
Department of Commerce,
Washington, D.C.

Dear Messrs. Cashen and Letson: One can understand the political ramifications on the unfortunate amendment created by the farm and cattle block relative to the Department of Commerce approach to create some regulation on hide exports.

However, in the interest of good communications . . . I thought it terribly important that your offices be aware that the export of hides for July, 1972 were astronomical!!! 2.1 million hides were shipped out as compared to 1.2 million in June, 1972 . . . and only 672,000 for July, 1971.

Since we slaughter about 31 million hides per year . . . or approximately 2.6 million per month . . . obviously, using July, 1972 as a basis . . . we exported almost 80% of the slaughter.

No one can be certain if this rate will keep up . . . but certainly I trust that your offices are monitoring the situation . . . as it portends extremely dire consequences for the domestic manufacturer in terms of the price of his basic material.

In addition, the unusual figures for July vividly depict the "behind the scene" push by exporters during a period of time when the export control quota approach was being prepared.

I would assume that even the farm and cattle block would be dismayed at these figures.

With every good wish.

Sincerely,

Philip G. Barach.

GRAIN SALES TO RUSSIA

Mr. CURTIS. Mr. President, as a Senator representing a wheat-producing State, I have naturally been most interested in the current controversy over the recent grain sales to Russia.

I am sure that the Senator from South Dakota will be having something to say on the floor of the Senate on this matter. In order that both sides of this issue may be fairly considered, I ask unanimous consent that two recent statements by Secretary of Agriculture Earl Butz be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Secretary of Agriculture Earl Butz, September 11, 1972

George McGovern's phony issue regarding the grain sale to Russia is a bald attempt to sabotage the sale. The Nixon Administration successfully negotiated a grain sale with the Soviet Union that benefits every American taxpayer, every grain farmer and members of the Maritime Unions.

The Senator knows first-hand that the Soviets backed away from a sale in 1965 when the sale became embroiled in a domestic squabble, and he is deliberately attempting to undercut this agreement. Last Saturday I asked him to retract his unfounded and inaccurate charges. He responded by repeating them. I therefore must conclude that his personal and political motives are to undercut this sale and our efforts to improve east-west relations.

Just this week the President sent Henry Kissinger to Moscow to further expand the areas of agreement reached at the Moscow Summit in May. Sale of surplus grains was one of the vital issues discussed at the Summit talks.

The American taxpayer gains from this sale by paying less to store surplus wheat. The grain farmer gains from a stronger market and higher prices. Union members gain from expanded jobs and opportunities. The economy gains from this increased activity and from a sizeable contribution to our balance of trade. Everyone gains from the bettered relations between the two nations.

The efforts of George McGovern to discount and dishonor the genuine benefits of the grain sale with inaccurate statements and innuendos is a political attempt to smear, sabotage and scuttle one of the most significant achievements for the American people in the last four years.

The grain sale is one successful step in the direction of the President's goal of a generation of Peace, not just for Americans, but for all the world.

Statement of Secretary of Agriculture Butz

Yesterday in the Midwest, Senator George McGovern flailed out with a series of wild charges against the historic sale of wheat to Russia. Among other things, Senator McGovern claimed that a grain deal was negotiated with the Soviet Union by assistant secretary Clarence Palmby and myself last April and that the facts were kept secret from farmers and the public.

I would like to report to you that Senator McGovern is wrong, as usual. Not just 1000 percent wrong. But old fashioned, 100 percent dead wrong.

I would like to invite Senator McGovern to reveal any facts he has that a grain deal was negotiated with the Soviet Union last April. If he can't do that, I invite him to make another of his retractions where he has a sudden change of mind.

The history-setting sale of grain to Russia was negotiated from June 28 to July 8, three to four weeks after Mr. Palmby left the Department of Agriculture, and the details were announced on July 8 immediately after the agreement was signed. By attacking this historic sale with wild and inaccurate charges, Senator McGovern is engaging in another political flight of fancy and is jeopardizing a trade that is of great benefit to the Nation.

This is not the first time that Senator McGovern has attempted to scuttle a beneficial sale of grain to Russia. Only a week ago, Mr. George Meany of the AFL–CIO publicly denounced on a nation-wide TV program the negative role played by Mr. McGovern in a previous grain negotiation.

President Nixon, who laid the groundwork for the sale of grain to Russia last fall, and who was instrumental in bringing about this year's record sale, has received the praise and plaudits of the American people and the American farm community.

But apparently there is something that Mr. McGovern doesn't like about a sale of grain that is good for American farmers, good for our balance of trade, good for maritime workers, good for the public, and good for better relations between these two powerful nations. What is it that Senator McGovern likes about the alternatives?

Look at what this historic sale of wheat to Russia has done:

1. It has increased the value of farmers' crops by nearly $1 billion. The alternative would be less income in farmers' pockets.

2. The sale to Russia has reduced the stocks of government-held grain and has enhanced the prospect of stronger grain prices for farmers next year. The alternative would

be larger surpluses, lower farm prices, and tighter controls on farmers.

3. The sale to Russia has reduced the cost to U.S. taxpayers so that the cost of the export equalization payments on the sales to Russia are off-set by dollar savings of about four to one. The cost of wheat in a loaf of bread has been increased by about one half cent per loaf. The alternative would be higher government tax costs, with farmers getting more of their income from the government rather than from the market.

4. The sale was conducted by private traders, which is the American way of doing business. The alternative would be state monopoly trading with the government conducting our export business.

5. The credit arrangements were negotiated and carried out by experts in the Department of Agriculture who were selected for their experience and knowledge of complicated international trade. The alternative is to have our Department of Agriculture run by political hacks who have no expertise or acceptability, in international trade negotiations.

6. The sale to Russia was made by meeting world competition with the aid of export equalization payments that have been used since 1949. The alternative would be to withdraw from wheat exports or to let United States farmers compete individually against the subsidized sale of wheat by every other exporting country in the world.

7. The agreement with the Soviet Union was deferred until Russia agreed to our regular CCC three-year credit terms at 6⅛ percent interest. This agreement came on July 8 after some U.S. farmers had sold their wheat. Our estimates indicate that by July 15 farmers had sold 330 million bushels of wheat out of a total supply of 1,958 million bushels under farmers' control. The alternative would have been to induce the Russians to sign earlier by granting them the 10-year, 2 percent interest that they first requested—which would have been better than the terms available to our long-time, established world customers and would have harmed this business.

I ask Senator McGovern, "What is it about these alternatives that you like? Why do you seemingly take a self-persecuting delight in dwelling on the bad side of most things? Why can't you rejoice in the benefits that farmers and the Nation enjoy from the largest grain deal in history?

The accusations by Senator McGovern that exporters reaped windfall profits from advance, inside information is without any substance. I invite Mr. McGovern to provide his proof, and I will offer mine. For example—

A. On July 6, two days before the signing of the Russian grain agreement on July 8, nine exporters offered to sell 7 million bushels of wheat to the CCC at 44 to 48 cents under present market prices. Do you really believe they would have done that, Mr. McGovern, if they had advance, inside information?

B. On the day before the signing of the Russian trade agreement on July 8, exporters booked 2½ million bushels of wheat for export at an equalization payment of 7 cents per bushel. Do you think, Mr. McGovern, that they would have done that if they knew that the market would strengthen so that equalization payments would go up to 47 cents in August?

C. On July 12 exporters booked 13 million bushels of wheat at a 13-cent export equalization payment; and by the end of July they had booked 153 million bushels at export equalization payments of 15 cents or less. Do you seriously think, Mr. McGovern, that our grain traders are so inept that they would have done that had they known that the market would rise to move export equalization payments up to 47 cents in August?

This historic grain sale has proven to the Soviet Union that we have the agricultural capacity and the statesmanship to trade with them permanently on a friendly and forthright commercial basis. The alternative is to retreat, let other countries gear up to supply Russia's grain needs, and launch a silly political snipe hunt by narrowly partisan office-seekers every time we do business with them.

Come home, Mr. McGovern, and discover the American people and what is good about America. Come home, Mr. McGovern, and quit chasing the butterflies of your imagination. Come home, Mr. McGovern, to learn why your staff is in rebellion, why the polls show you down in fifty states, and why your radical views are rejected by the great majority of farmers, workers, businessmen, consumers and citizens.

September 9, 1972.

Hon. George S. McGovern,
U.S. Senate,
Washington, D.C.:

Your statement reported from Rockford, Illinois that "the Soviet grain deal was negotiated in April by agriculture secretary Earl Butz and his assistant secretary for foreign affairs Clarence Palmby, but that the deal was not announced until July" is completely unfounded and contrary to the facts. Full announcement of the Soviet grain deal was made by President Nixon on July 8, less than two hours after the agreement has signed. Later the same day a press conference by commerce secretary Peterson and myself covered the agreement in great detail.

Your allegation that the deal was consummated three months before it was announced impugns the integrity and the creditability of myself, secretary Peterson and President Nixon.

If one of your campaign aides had made this false charge, I might have dismissed it as over zealous statement of an excited assistant. But when a patently false statement that impugns the personal integrity of me and of the President is made by a candidate for the presidency, I cannot let it go unchallenged. Therefore, I await your public retraction of the charge.

If you really want to improve the income of our farmers it would be helpful if you would stop trying to scuttle this massive sale of U.S. Grains abroad, and join in our combined efforts to expand our markets and raise real income for our farmers.

Earl L. Butz,
Secretary of Agriculture.

ST. JOHN'S—THE HOUSE OF GOV. CHARLES CALVERT

Mr. MATHIAS. Mr. President, there is exploration taking place in Maryland today nearly as exciting as that which took place after the first founding of the colony in 1634. I had the privilege this morning of seeing the foundation of St. John's, an early 17th-century house, which was the home of Charles Calvert, Governor of Maryland, and later Lord Baltimore and Lord Proprietor of Maryland.

This archaeological project has already told us new things about the way that America developed and about the way Americans lived. For example, the archeological team working at the site of St. John's in St. Mary's City, Md., has uncovered the only hewn-stone masonry known in a 17th-century tidewater dwelling.

All of this information literally comes to the surface at a most appropriate time. The Nation is looking ahead to a commemoration of the Bicentennial of the Founding of the Republic. In my judgment, that commemoration should be a long look at American history and not only at the events of 1776. To understand the climactic nature of 1776 it is necessary to understand fully what came before and led up to the Declaration of Independence. To understand the significance of 1776 it is necessary to consider all that has happened since and what ought to happen in the future.

The exploration of America's past in St. Mary's City by the St. Mary's City Commission will be an unusual contribution not only to the people of Maryland and the scholars of American history generally, but to the enlargement of the scope and development of the bicentennial. We are all indebted to the St. Mary's City Commission and to the grants it has received from the National Endowment for the Humanities and the Rockefeller, Donner, and France Foundations. The work also reflects the intense personal interest of some of those who are carrying it on and we also owe them a very real debt. They include: Gen. Robert Hogaboom, U.S.M.C. retired; commission director, Polly Barber; assistant commission director, Mrs. G. W. Stone; Mr. Carey Carson, and Mr. Gary Stone; and the students who worked so hard on the project during the summer.

I ask unanimous consent that historical material relating to the St. John's excavation be included in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

St. John's Excavations

The St. Mary's City Commission began this summer a generation of archaeological research with grants from the National Endowment for the Humanities and the Rockefeller, Donner, and France Foundations. In its size and importance this project is comparable to the National Park Service's excavations at Jamestown in the 1950's. Like Jamestown, St. Mary's City was one of America's earliest settlements. For 60 years it was the legislative center of Lord Baltimore's colony, then it too disappeared when the seat of government moved to Annapolis, just as Jamestown vanished when Williamsburg became Virginia's capital. Today nothing is visible of the seventeenth-century town, but underground an entire community awaits discovery—the original fort, the streets of the town that replaced it, dwellings, lawyer's lodgings, public buildings, taverns, churches, mills and shops, and outlying plantations.

The Commission, a division of Maryland's Department of Economic and Community Development, and its partners, St. Mary's College of Maryland, George Washington University, and the Smithsonian Institution, have assembled a team of archaeologists, historians, architectural historians, and anthropologists to explore the site and study the lives of the English, Dutch and African colonists who settled the southern American colonies. This summer's excavation of one of St. Mary's City's largest plantations, the home of Charles Calvert, later the third Lord Baltimore, was run as an archaeological field school. Undergraduates and graduate students in history and archaeology from all over the United States learned the rudiments of historical archaeology.

St. John's was one of the largest and most important structures of Maryland's seventeenth-century capital. Constructed in 1638 by John Lewgar, Secretary and Surveyor General of Maryland, it was the frequent meeting place of Assembly and Provincial Court. The second known occupant was the merchant, Simon Overzee. Upon Governor Charles Calvert's arrival in the colony in 1661, he acquired the property from Overzee's widow, and for the next six years St. John's was the home of the proprietory Governor. By 1668 Calvert had moved to a Patuxent River plantation, but his St. Mary's City house continued to be used for an occasional meeting of the Council or Courts. During much of the 1670's and 1680's St. John's was leased to innkeepers who maintained a tavern there. The house was probably not occupied long after the capital moved to Annapolis. It appears to have collapsed about the beginning of the eighteenth century.

When the house collapsed the old ground level was buried with a heap of chimney brick, plaster, and roof tile. Cultivation and erosion only partly cut through this protective layer. Below the plow dirt have been found not only cobblestone and brick foundations, but also the corner of a hearth and the molds of joists complete with vertical flooring nails.

The foundations of the building reveal that it was a structure 20 x 52 feet, divided into two rooms by a huge central chimney. Under one end was a small storage cellar walled with squared blocks of a soft sedimentary rock—the only hewn stone masonry known in a seventeenth-century tidewater dwelling. Just outside of the north wall is a rectangular pit with steps now buried under the footings of the house, possibly traces of a wing containing a milk house, torn down before the rest of the structure collapsed.

The excavations have yielded other clues about the appearance of Governor Charles Calvert's home. It was a frame structure, probably covered with clapboard. Thousands of rusty nails have been found, but no evidence of brick or wattle walling. At least part of the interior was plastered over split lath, and the roof was covered with large curved tile. Fragments of glass found in a construction ditch suggest the location of one of the leaded windows, but whether the house was one story or two is unknown.

In comparison with an English manor house Charles Calvert's home was modest indeed. Calvert only exaggerated a little when, in the 1670's, he wrote that the houses in St. Mary's City were like the "meanest" of English farmhouses. In the seventeenth century "farmhouse" meant the dwelling of the farm owner or manager and not the cottage of a tenant or laborer. For the colonies, however, St. John's was a large and comfortable dwelling. Its center chimney plan was modern for the period, and in size it was almost identical to the dwelling of Virginian Samuel Mathews, member of the Royal Council and one of the wealthiest men in early Virginia.

Although much remains to be done to complete the excavation of the house, already one element of its landscaping has been located—the construction ditch of a paling or "picket" fence. Next summer the excavation will be expanded to search for other yard features, outbuildings, and trash pits. After the excavation is completed the ruins of the house will be restored, and exhibits and interpretive signs will be constructed to explain the site to visitors.

THE PROPERTY

In December 1639 John Lewgar, Secretary of Maryland and Surveyor General, claimed 300 acres of town land at St. Mary's. One hundred acres he was to have by special warrant from the Proprietor, 200 by assignment from Captain Cornwaleys. Two months later, in mid-February, the survey and patent he had obtained under this first demand were ordered cancelled and a new warrant, survey, and patent set aside 200 acres. One hundred acres on the north side of St. John's Creek, included in the first grant, were excluded from this one, and the remaining boundaries were altered to fit better the facts of geography in the area.

Lewgar sold "St. John's Freehold," plus "800 acres of land more adjoyning," to Richard Bennett, Esqr. "for sattisfaction of a debt." Both men then assigned the land to John Lewgar, Jr., sometime before November 20, 1651. On that date, Lewgar, Jr. sold the land to Henry Fox and the following February 11, Bennett's attorney agreed to the sale on condition that half the purchase price went to Bennett. The rent roll of 1659 says that Philip Land was co-owner with Fox and that the two men sold to Symon Overzee. Overzee seems to have been in occupation at least by 1656. He died diseised in fee of this land in February 1659/60. His widow lived there a year. The property then escheated to the Proprietor, she being compensated for her dower rights by a 20-year lease for other lands. In 1665 Lord Baltimore sent instructions that Governor Charles Calvert, his son, should have a formal grant of the "mansion house" and the 1000 acres attached to it, plus adjacent land to make up 6000 acres. There is no record that this grant was made, but when Charles became the Second Proprietor in 1675, he must have acquired "St. John's Freehold" by inheritance.

THE HOUSE

A house on St. John's Freehold was standing by February 11, 1638/9, when elections to the Assembly were ordered to be held there. The house was at that time occupied by Secretary John Lewgar, who a few months later took out a patent for the land. The Assembly met in the house off and on until early 1648, and again in 1661. The Provincial Court was also held here during the 1640's. These facts suggest that the house was sizeable from the beginning.

John Lewgar, Jr. may have occupied the house briefly after his father's permanent departure for England in 1649, but the next certain occupant was the merchant Simon Overzee. He may have added to the house, although the work for Overzee referred to by John Crabree may have been done on buildings on other Overzee properties. Augustine Herman visited Overzee at St. John's as ambassador from New Netherlands in September–October 1659.

"Reaching Mr. Calvert's plantation early in the afternoon, we sent two of our people in advance to announce our approach and that we could not forbear paying him our respects, requesting passage across his creek to Mr. Overzee's, with whom we proposed to lodge."

The following February Overzee died unexpectedly and intestate, and unfortunately no inventory of his estate survives. There does survive, however, a gruesome account of theft in 1658 by his servants and midwife, Mary Clocker, of valuable linens and laces after his first wife lay dead in childbirth. The items stolen are listed in the indictment.

Overzee remarried before his death, and his second wife, Elizabeth, lived at St. John's for a year after her husband's death. She then gave up her dower rights in the property to Governor Charles Calvert in return for a 20-year lease on one of Overzee's other properties.

Calvert lived in the house, where by 1663 his cousin Anne Calvert, daughter of Leonard, "has the care of my household affaires, as yet noe good match does present, but I hope in a short time she may find one to her owne content. . . ." In 1666 Calvert married Jane Sewall, the widow of Secretary Henry Sewall, and by February 8, 1667/8 he seems to have been living at the house he then built on Mattapany-Sewall property he acquired via this marriage. Thereafter the Council did not meet at St. John's, as it had been wont to do, although the construction of the second state house in 1666 may also have affected the location of Council meetings.

The Governor may have further extended the house during the years he lived there, but there is nothing to tell us he did so. From his correspondence with his father we know a little about the materials and seeds he imported, including stones and fittings for a mill, but none of this equipment need have been used at St. John's. We do know that in 1663 there was an orchard near the house.

Calvert evidently continued to make some use of St. John's, at least through February 1674/5, when the Assembly voted him 30,000 pounds of tobacco "towards the defraying his Charge by keeping his house at St. Johns and entertaining the Members of the Upper house there." About the same time, however, the inhabitants of the "city" offered him 100,000 pounds of tobacco towards construction of a dwelling on West St. Mary's Manor, across the river, to occupy when in attendance at the capital. By then St. John's must have been too small or too decayed to provide a comfortable proprietary residence.

From 1679 through at least early 1681 Henry Exon, innkeeper, kept an inn at St. John's, but it is not altogether clear that he kept it in the same building. In November of 1681 the trial of Josias Fendall was held at St. John's, and on May 7, 1687 the Council met there once more. From that time mention of the house disappears from the records.

CHARLES CALVERT

Charles Calvert was born August 27, 1637 in England. In 1656 he married Mary Darnall, daughter of Ralph Darnall of Loughton, Herefordshire. He came to Maryland in 1661 as Governor, bringing his wife with him. By September 1662, he lived on St. John's tract, probably where Mary Calvert died in childbirth before September 1663. In 1666 Calvert married Jane Sewall, the widow of Col. Henry Sewall, former Secretary of the Province, and daughter of Vincent Lowe of Denby, Derbyshire. By March 19, 1666/7 Calvert had moved to his wife's "Mattapany Sewall Manor." Jane Calvert had five children by her first marriage, and bore Calvert five more, his only offspring. The Lord Proprietor died November 30, 1675, and Charles Calvert proclaimed his succession March 4, 1675/6. He left the Province for England in June 1676, but governed in person from April 1679 to May 1684. Calvert died February 21, 1714/5.

On his first arrival in 1661, Calvert apparently desired the St. John's tract where Simon Overzee's widow resided. Land escheated to the Proprietor for want of heirs, so Calvert offered Mrs. Overzee a 20-year lease on land in Charles County in lieu of her thirds in St. John's. Calvert lived on St. John's by September 1662. Proprietary instructions were issued September 20, 1665 to grant Calvert St. John's, but no grant was found. Even after he moved to his wife's residence, "Mattapany Sewall", he kept St. John's and entertained members of the Upper House of the Assembly there at the expense of the Province. He continued to hold meetings of the Council and sessions of the Provincial Court there.

On his St. John's plantation, Calvert experimented with fruit trees, crops, and other plants, and with the care of livestock. Apparently he planned a water mill; he patented 150 acres called "The Mill" and 270 acres called "The Mill Damm" in 1665, but whether he ever built the mill is unclear.

JOHN LEWGAR

John Lewgar was born about 1602. He first became acquainted with Cecil Calvert at Trinity College, Oxford. Originally Protestant, he became an Anglican Rector in Somersetshire, then left his living in 1634 to enter the Catholic Church. After his conversion he renewed his acquaintance with Calvert. Calvert sent Lewgar to Maryland with a commission for a new provincial government (April 15, 1637).

Lewgar arrived November 28, 1637 with his wife Ann, and a nine-year-old son, John. Ann Lewgar died several years after her arrival. Lewgar lived on St. John's until 1647 or 1648, when he returned to England. Lewgar sought entrance into the Jesuits in 1647, but was refused. He became chaplain in Lord Baltimore's house on Wilde-Street, near London, where he died of plague in 1665. He left no will in Maryland, but was survived at least by his son John, who had remained in Maryland after his father's departure.

Lewgar did not share in the original trading monopoly with the Lord Proprietor, Thomas Cornwaleys, and other wealthy adventurers. As Collector and Receivor of the Rents and Revenues, and often as the Proprietor's legal representative, Lewgar handled proprietary financial affairs in the Province. He operated a plantation on St. John's tract. He kept some of the Proprietor's livestock at St. John's and owned hogs and cattle himself. He also kept various tools and goods at St. John's for the Proprietor's use and carried out business deals on the Proprietor's behalf. Lewgar participated in smaller kinds of trade, as with skins, and he owned a ketch which he hired out at a per diem rate. Many settlers were indebted to him.

In 1638 Governor Leonard Calvert wrote of John Lewgar to his brother Cecil, that he was a "very serviceable and diligent man in his secretaries place," and "a faithful and able assistant" to Leonard Calvert. This seems to be an accurate description of Lewgar; as a Provincial official he seems to have been loyal and dutiful to the Proprietor, as well as fair in his activities. In a letter to Calvert (January 5, 1638/9), he stated that he did not understand the dissension and disfavor among governing officials and settlers. In a case involving one angry Catholic and several angry Protestants, he appears to have been particularly level-headed and objective in his decision. His turn to England and the priesthood indicates, perhaps, a weariness of politics and dissension in the Province.

SIMON OVERZEE

Simon Overzee, successful merchant and planter, was born in England about 1628. He was active in Virginia before transporting his wife and son to Maryland in 1650. He moved back and forth from Virginia to Maryland in the 1650's. From at least 1656, he lived in St. John's and may have extended the House there.

His first wife, Sarah, was the daughter of Sarah and Adam Thoroughgood of Lynhaven, Virginia. Sarah died at St. John's in childbirth. Mary Clocker, midwife, was nursing the newborn child after Sarah's death, according to testimony given on November 1, 1658. Mary Glocker was giving testimony since she, Thomas Courtney (her stepson), and Mary and John Williams were being tried for theft of goods valued at £50 sterling. The goods, including gold and silver laces and other finery, were stolen from chests and trunks at St. John's. Depositions of November 1, 1658 suggest that Mary Glocker nourished malice in her feelings towards Overzee. Mary Williams tells that when she commented to Mary Glocker:

"That these things could not be used here but they would of known, and that Clocker answered hang him (as she conceaves Mr. Overzee) rather than ever he shall have them, I will burne them, and further sayd shee would bury them in a case in the Ground."

All the defendants plead not guilty. The verdict found the Williamses guilty as principals and Mary Clocker and her step-son guilty as accessories.

By February 1659 Overzee had remarried. His second wife, Elizabeth Willoughby, outlived Overzee, who died intestate in March 1660. He left no living heirs to claim his 1950 acres.

It has been suggested that Simon Overzee was ruthless, callous, and shrewd.

WOMEN'S LIBERATION AT ST. JOHN'S

On January 17, 1648 the assembly met at St. John's. At this session Mistress Margaret Brent, the administratrix of Leonard Calvert's estate, applied to the assembly demanding, "to have vote; and voyce allso in the howse for her selfe." She called attention to the fact that as she was already "looked upon and received as his Lordship's (Lord Baltimore's) attorney," it seemed only fair that she should have some say in matters concerning the government of the colony. This was refused peremptorily by Governor Greene, and the lady "protested in form against all proceedings of that assembly, unless she might be present and vote as aforesaid."

ELIMINATION OF LOCAL ELECTIONS THROUGHOUT SOUTH VIETNAM

Mr. MONDALE. Mr. President, with the decision of the Saigon government last month to eliminate local elections throughout South Vietnam, the curtain fell on another act in the unending tragedy that is Vietnam.

This was a minor act, to be sure. It gave us the drama of democracy created in Vietnam but cast in our own image: A democracy of free elections, separation of legislative and executive functions, an independent judiciary, individual rights, and a free press. In the enthusiasm and innocence of an earlier era, the American people were told, and to a great and understandable degree believed, that the imposition of American democracy on an Indochinese society was at hand.

In the past several years, however, the course of the drama has changed. We have been witnesses to innumerable arbitrary arrests, the suppression of free speech, countless instances of judicial and legislative irregularities. But the facade of democracy has been played out, much like a sideshow at the circus, while the principal action—the murder, destruction, and mutilation caused by the war—has occupied the center stage.

Almost as an after-thought, President Thieu has now rung down the final curtain on the tragi-comedy of democracy in South Vietnam. His little publicized decree led to trenchant and moving editorial comment recently in the Minneapolis Tribute and the New York Times.

These editorials are fitting epitaph to the betrayal of our most basic principles, aspirations, hopes, and dreams in Vietnam. They deserve to be read thoughtfully by all Americans.

Mr. President, I ask unanimous consent that these editorials be printed at this point in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

Vietnamizing Democracy

The abolition of popular elections in South Vietnam's 10,775 hamlets by the stroke of an executive order from Saigon once again underscores the futility of the war and the fatuousness—in today's context—of professed American war aims. The blood of hundreds of thousands of Vietnamese and American soldiers and the suffering of millions of civilians has been rationalized by lofty commitments to assure for the South Vietnamese people the right to democratic self-government. In explaining his war policy, President Nixon has insisted that when the United States leaves Vietnam, it must be "in a way that gives the South Vietnamese a reasonable chance to survive as a free people."

The immediate result of the new decree is that President Thieu will determine who is to be in charge of local government, from province chiefs to the officials of the smallest village. The extraordinary lesson in democracy thus continues. President Thieu, having demonstrated that it takes only one candidate to stage a democratic election, has more recently indicated through stringent rules controlling the press that in his version of democracy the right to know is as unnecessary as free political choice—in Saigon no less than in Hanoi.

If the experiment in popular government without the ballot works out to Mr. Thieu's satisfaction in the local communities, he will undoubtedly "recommend" it for the national level as well, further emulating the democracy to the North. The fact that the abolition of local elections in the South is to be accomplished within two months indicates that Vietnamization is working more smoothly in politics than in defense.

No More "Rice-Roots Democracy"

In January 1968, the U.S. Department of State used the term "rice-roots democracy" processes in South Vietnam. The American people had been told that we were engaged in a great nation-building effort in Vietnam, a nation in which democratic processes would have a vital place—a nation modeled after our own, with free elections, an independent judiciary, a free press and separate legislative and executive branches. Developments in recent years under President Thieu made a sham of most of this effort, so it is not surprising that when the Thieu government last month abolished local elections it did so without publicity.

Ambassador Bunker in Saigon has cited self-determination for the South Vietnamese people and the development of democratic institutions as two of the most important U.S. objectives in Vietnam. These were an important rationale for our presence in Vietnam during the Kennedy and Johnson administrations, and President Nixon has emphasized the importance of self-determination.

Today "rice-roots democracy" is no more in Vietnam, though probably many Americans have forgotten how this rationale was once to justify the American war effort. Or another rationale of halting the expansion of Communist China—a rationale that somehow disappeared, in good measure, when President Nixon took his historic steps toward improved China-America relations.

A Minneapolis journalist recalled the other day that he had first visited Vietnam in 1963, and he reflected on how much time has passed since then, with the end of the war still not in sight. In this context, Scott Long's cartoon today also is pertinent. America has been in the valley of Vietnam death so long that many of us have forgotten what some of the mountains looked like—those mountains to stop Peking, those mountains on which to build a new democracy. And many of us, without the large weekly death lists of young Americans, have forgotten—or at least have tried to forget—the valley of death in which we stand. The valley is still there.

A TRIBUTE TO GORDON F. HARRISON

Mr. STEVENS. Mr. President, on June 30 of this year, Gordon F. Harrison retired from his position as staff director and chief counsel of the Committee on Rules and Administration.

It is not necessary to go into great detail on Gordon's outstanding service to this country, except to remind the Senate of his outstanding service as former Senator Theodore Green's legislative assistant prior to World War II. During the war, Gordon served with distinction in the U.S. Navy, retiring with the rank of captain. He then served under the direction of Warren E. Burger in the Department of Justice, and in January of 1955 he was appointed to the position of chief counsel and staff director of the Rules Committee by the late Senator Green.

I know that I speak for many Senators and their staffs when I say that Gordon will be sorely missed. As a member of the Rules Committee, I came to know and rely on Gordon's wisdom and sure hand not only in handling the various problems faced by the committee, but also by helping this body solve its day-to-day administrative problems.

Not only was it a pleasure to work with Mr. Harrison; it was also a pleasure to be his neighbor for almost 2 years. Our offices being across the hall from each other, we would see each other frequently and enjoyed passing the time of day for a short spell. We who have come to know Gordon have come to appreciate him. We will indeed miss his gentle but firm hand in the Senate. He has had a long and distinguished career, and he deserves our gratitude and best wishes for a well deserved retirement.

NO GENERATION GAP AT HENNEPIN STATE JUNIOR COLLEGE, BROOKLYN PARK, MINN.

Mr. MONDALE. Mr. President, at North Hennepin State Junior College in Brooklyn Park, Minn., there is no such thing as a generation gap. Of the 2,600 students enrolled last spring, almost one-quarter were senior citizens.

The North Hennepin experiment began as a conventional seminar sponsored by the college on services for the elderly. It developed first into a special tuition-free program for senior citizens, then led to their enrollment in regular college courses.

This happy mixture of younger and older Americans was described in a lively profile in the September 10, 1972, edition of Parade magazine.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HAPPY SCHOOLMATES—A COLLEGE WHERE THE YOUNG AND GRANDPARENTS LEARN FROM EACH OTHER

(By John G. Rogers)

BROOKLYN PARK, MINN.—Dick Heesen, a student at North Hennepin State Junior College, emerged from a math class the other day and encountered a smiling coed. "Hi there, Dick," she said. And Dick replied, "Good morning, grandmother. How are you today?"

Sure enough, the smiling coed was Dick's 74-year-old grandmother, Harriett Heesen, headed for her class in creative writing. And Harriett Heesen is not a novelty on this campus. Under a program aided by federal funds, North Hennepin State recruits elderly students by the hundreds.

In the last spring semester 600 of the 2600 enrollment were oldsters, and in the summer session, the avid grayheads outnumbered the college-age kids 700 to 500.

"None of that rocking chair stuff for me," says 79-year-old Earl Scott. "It's more fun being a college boy. I wasn't able to finish high school more than 60 years ago because my parents were poor and I had to go to work. But now I've got my high school equivalency diploma from the college and I'm out for more classwork. Just by going to school I feel younger."

"I could easily let myself go and become a vegetable," says 74-year-old Evelyn Sandusky, "but thank heaven I heard about the college wanting us on campus and I just love it. I wish I had time to take every course they have. And I also feel good about being able to contribute. I used to be active in a laundry workers' union and the college assigned me to lecture to some business management classes on the inside operation of a labor union."

And how do the kids like mixing with the old folks in classes and corridors?

Says pretty Diane Swanson, 19, a sophomore. "They're great. I get a real kick out of their enthusiasm. And most of us agree that we feel closer to them than we do to our parents' generation. As a group, they feel sort of bypassed by government and society in general, just as many of us do."

RICHER EXPERIENCE

One young student speaks warmly of "the fellowship of the young and old" and says it has added a whole new dimension to his college experience. The elders are equally sensitive. Says one: "Just to have a place to go several times a week, where there's hustle and bustle and people to talk to, makes the difference between living and just aging."

The concept of lots of senior students on campus in this St. Paul-Minneapolis suburb was born out of a seminar on services for the elderly sponsored by the college and hosted by Bruce Bauer, the school's director of community relations. The expected participants were social workers and nursing home directors but a great number of just plain folks turned out also.

EXPANDING PROGRAM

Up to this point, the college felt it was discharging its responsibility to the older people in the community by giving them such events as free movies and concerts. But at the seminar they were so intensely interested in the college and the young students, so poignant in lamenting the lack of meaningful programs for themselves, that John Helling, the college president, asked Bauer to study the possibilities of organizing college courses for people over 55. Bauer called a meeting and some 400 of them attended. He asked them what they wanted. "Educational opportunities, just like anybody else," said Ollie Pacquet from a wheelchair. And a 73-year-old widow added, "I had to quit school in the sixth grade. Now I've got time to improve myself but I need help, somewhere to go."

Impressed by this chance for community service, Helling authorized Bauer to set up a tuition-free program of senior students' classes. It began modestly but expanded into such areas as psychology for daily living, high school equivalency diploma, nature study, swimming, public speaking, painting, lipreading, home budget making, cooking and gardening. These courses were simply for personal enrichment. But some elderly students almost immediately asked to be admitted to courses carrying college credit.

There was apprehension on both sides. An instructor recalls: "I thought the college-age kids might resent them as offbeat intruders. I also was afraid they'd be slow learners and hold back class progress."

And Sy Halls, a 77-year-old Scandinavian immigrant, remembers: "My wife and I thought maybe young people would tease us. But they were nice to us. We have fun and learn good."

Some students feel that they "learn too good." Observes a girl freshman: "Most of them take only one or two courses and their enthusiasm is out of this world. And since they don't have anything to do but study, they make some of the grades on our papers look pretty pedestrian."

One of the provocative byproducts of the mixing of young and old is periodic rap sessions at which both groups sit around a table and pour out their hearts. Says Loretta Sundquist, an elderly woman who takes public speaking and other courses as a togetherness thing with her husband, Dan:

"Many of the kids complain that their parents are too materialistic, too devoted to money and possessions and always trying to get more of these. One girl was particularly unhappy over this. Well, my husband and I have worked all our lives and I asked the girl, 'Why do you suppose your family has such a nice home and two cars and you can easily afford to be in college? Those advantages don't just happen by magic. Somebody had to work for them.' I tried to get her to see that whether your aim is idealistic or materialistic, you have to work for it. That girl and I have become good friends."

DISCUSSION LIVELY

Mike Nagell, a 20-year-old sophomore, sees the rapping from the youth side: "We do a lot of arguing but we never get sore at each other. None of them, for instance, likes the idea of a guy and a girl living together before marriage. But there is agreement on the war—all against it. Overall, we find that you can learn things from those old people. They've been through the mill."

In education circles, North Hennepin's educational love affair with the elderly is gaining more and more outside attention. In a typical recent week. Bruce Bauer received letters of inquiry from colleges and universities in Michigan, Texas, Iowa, California, Missouri and Florida.

One of the things he tells the inquirers is that old people are very interested in and suspicious, of the federal government because they feel it has an inordinate influence on their lives and their incomes. Many of them are talking about trying to organize a power bloc of the aged and some say a campus such as North Hennepin, which brings them together, might be a good place to start.

PRACTICAL PURSUITS

Says Brus von Ende, 19, a sophomore and member of the old-young advisory board that helps plan future senior student courses: "They really are hipped on government. Some who take public speaking say they want to be able to make a better case of complaint at City Hall. And some who take creative writing—they don't want to write fiction; they just want to write better angry letters to their Congressmen. But, they have other interests, too. In fact, they're a pretty peppy bunch. They're now asking the college to put in a course called 'Sex after 65.' You can't get much peppier than that."

WYOMING PEOPLE ANSWER QUESTIONNAIRE

Mr. HANSEN. Mr. President, Wyoming people like to have an opportunity to express their opinions on important issues to their representatives in the Congress. Many people, of course, routinely write their representative about matters concerning them, and in Wyoming where the population is small and it is possible to work on a personal basis with many citizens, I am able to talk with people about their thinking on issues before Congress. But there are those who have not the time or inclination to write a special letter and who are not contacted by their Congressional representatives, but who will make known their views about certain issues if they are asked to do so.

Several weeks ago, in an effort to enhance communication with my constituents, I wrote to more than 63,000 Wyoming people, enclosing a questionnaire which I asked them to answer and return. The responses have now been received and the comments tabulated. I wish to express my thanks to all in Wyoming who took the time to read my letter, study the questions asked, and submit their personal thoughts about the questions.

Also, I wish to share with the Senate the views of my constituents on some issues which are important, and which have been and are being discussed in the Senate.

Mr. President, among those in Wyoming who received my questionnaire were some 20,000 eligible first-time voters. I was particularly interested in contacting these newly enfranchised persons, both to establish a line of communication with them and to gain some idea of their views on key issues.

About 10 percent of the first-time voters who were contacted responded to the questionnaire. Many took time to write letters to accompany their replies, further elaborating on their views and mentioning additional issues they believe to be important.

A great deal has been said by the news media and by so-called experts on voter habits about the philosophy of 18- to 21-year-olds, who they will support, and to what extent they will influence traditional politics in various parts of the country.

Although the opinion survey I conducted in Wyoming was not scientifically or professionally perfect, it does offer some insight into the views of young voters on the issues included in the questionnaire, and when the responses of the young voters who replied are compared with those of voters over 21 who responded, there is a similarity in their reaction to the questions asked.

Some general conclusions can be drawn from the results of the questionnaire. For example, one can conclude that the respondents are most concerned about economic considerations—inflation and unemployment, to be specific. It is obvious that a majority of those who answered the questionnaire does not believe steps taken by the administration to dampen the fires of inflation have been successful. And, even though Wyoming has one of the lowest unemployment rates in the country, it is equally obvious that a majority of the respondents in both the first-time voter and non-first-time voter categories feels unemployment is a major concern.

An issue of importance to Wyomingites is the proposed wagon wheel project—an atomic stimulation project which, if carried out, could free deep natural gas deposits in Sublette County, Wyo., by means of a series of underground nuclear explosions. Because this proposed project is extremely technical and complicated, and because it is still under study and a great deal of information about its effect is not yet available, it is not surprising that a significant percentage of those who responded indicate they have no opinion as to whether the project should move forward or not.

With regard to the question about establishing additional wilderness areas in Wyoming, a majority of first-time voters favors the wilderness concept over the multiple use concept, while non-first-time voters prefer multiple use to establishment of new wilderness areas.

The questionnaire results indicate that newly enfranchised voters, like non-first-voters, do not favor amnesty for draft evaders or military deserters; do not favor legalization of marihuana, though some favor reduced penalties; and do not support the guaranteed income approach suggested as an alternative to welfare.

A significant majority of all who responded to the questionnaire believe the President should have the authority to arbitrate a labor strike after all negotiations have failed, and oppose the abolition of the death penalty.

Mr. President, I ask unanimous consent that the tabulated results of the questionnaire be printed in the RECORD.

There being no objection, the questionnaire was ordered to be printed in the RECORD, as follows:

Question	Responses					
	1st-time voters	Percent	Non-1st-time voters	Percent	Total	Percent
1. Do you agree that President Nixon's visits to the People's Republic of China and to Russia will aid the goal of world peace?						
Yes	1,557	81.1	5,910	86.5	7,467	85.3
No	363	18.9	925	13.5	1,288	14.7
2. Do you approve of the way the President is ending our Vietnam involvement?						
Yes	1,223	63.9	5,445	79.0	6,668	75.7
No	692	36.1	1,445	21.0	2,137	24.3
3. Do you generally approve of President Nixon's handling of American foreign policy?						
Yes	1,271	67.6	5,362	79.2	6,633	76.7
No	608	32.4	1,406	20.8	2,014	23.3
4. How do you rate President Nixon's overall performance in office?						
Good	850	43.9	3,940	55.3	4,790	52.9
Fair	771	39.8	2,510	35.2	3,281	36.2
Poor	238	12.3	596	8.4	834	9.2
No opinion	77	4.0	81	1.1	158	1.7
5. Do you agree that recent Government actions affecting our economy have helped reduce inflation? Unemployment?						
Inflation:						
Yes	724	39.1	2,570	41.7	3,294	41.1
No	1,127	60.9	3,591	58.3	4,718	58.9
Unemployment:						
Yes	320	27.0	981	30.1	1,301	29.8
No	863	73.0	2,280	69.9	3,143	70.2
6. Under supervision of the Atomic Energy Commission, a program called the "Wagon Wheel Project" may be undertaken in Sublette County involving underground nuclear explosions to free natural gas deposits to alleviate a gas shortage. Would you favor this project?						
Yes	719	37.3	3,048	43.2	3,767	42.0
No	856	44.4	2,571	36.5	3,427	38.2
No opinion	352	18.3	1,428	20.3	1,780	19.8
7. Do you believe the penalties for possession or use of marihuana should be:						
(a) Increased	754	38.8	3,857	55.1	4,611	51.6
(b) Kept as they are	320	16.5	1,630	23.3	1,950	21.8
(c) Reduced	375	19.4	1,003	14.3	1,378	15.4
(d) Removed	486	25.3	507	7.3	993	11.2
8. Classifying land as a "wilderness area" means prohibiting timbering, road building, construction, vehicular traffic and other uses. Generally, would you favor:						
(a) Designating more Wyoming land as wilderness areas	1,234	64.7	3,088	44.4	4,322	48.8
(b) "Multiple-use" land management, permit more kinds of public use than in a wilderness area?	672	35.3	3,873	55.6	4,545	51.2
9. Do you favor amnesty for draft evaders or military deserters?						
Yes	502	26.4	620	9.0	1,122	12.9
No	1,399	73.6	6,263	91.0	7,662	87.1
10. Would you favor the Government paying all or part of the premium for health insurance for the poor?						
Yes	883	49.1	2,845	42.4	3,728	43.8
No	914	50.9	3,866	57.6	4,780	56.2
11. Do you favor a Federally guaranteed minimum income for every American whether he or she is willing to work or not?						
Yes	132	6.9	189	2.8	321	3.7
No	1,784	93.1	6,558	97.2	8,342	96.3
12. Would you favor a bill authorizing the President to settle a labor strike by compulsory arbitration after all negotiations had failed?						
Yes	1,506	74.5	5,917	84.3	7,423	83.3
No	381	25.5	1,105	15.7	1,486	16.7
13. Do you feel the death penalty should be abolished?						
Yes	536	28.2	1,004	14.3	1,540	17.4
No	1,365	71.8	5,930	85.7	7,295	82.6
Approximate total number of respondents	2,000	10.0	7,000	16.2	9,000	14.3
Approximate total number of persons contacted	20,000	-----	43,000	-----	63,000	-----

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

REVENUE SHARING ACT OF 1972

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). Under the previous order the Chair now lays before the Senate H.R. 14370, which the clerk will state.

The assistant legislative clerk read as follows:

H.R. 14370, to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The ACTING PRESIDENT pro tempore. Under the previous order the unfinished business, Senate Joint Resolution 241, will be temporarily laid aside and remain in a laid aside status until the disposition of H.R. 14370 or until the close of business today, whichever is earlier.

AMENDMENT NO. 1487

Mr. ROTH. Mr. President, I call up my amendment No. 1478.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

At the end of the Act add the following new title:

TITLE IV—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

SEC. 401. STATE AND LOCAL TAX CREDIT.

(a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended (1) by renumbering section 42 as 43; and (2) by inserting after section 41 the following new section:

"SEC. 42. STATE AND LOCAL INCOME TAXES.

"(a) ALLOWANCE OF CREDIT.—If an individual chooses to have the benefits of this section, there shall be allowed to such individual as credit against the tax imposed by this chapter for any taxable year beginning after December 31, 1976, an amount equal to 40 percent of the State and local income taxes paid or accrued for such taxable year.

"(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) STATE AND LOCAL INCOME TAXES.—The term 'State and local income tax' means only—

"(A) a tax imposed upon the income of the taxpayer, after the deduction of an amount for personal exemptions and dependents allowances or the subtraction of a tax credit or credits equivalent in amount to the amount allowed for this purpose under part V of subchapter B of chapter 1 (relating to deductions for personal exemptions);

"(B) the taxpayer's distributive share of a tax imposed upon the income of a partnership of which the taxpayer is a member; and

"(C) the taxpayer's pro rata share of a tax imposed upon the income of an electing small business corporation (as defined in section 1371(b)) of which the taxpayer is a shareholder, by a State or any political subdivision thereof. In the case of a separate return by a married individual, the amount of State and local income taxes imposed upon the income of such individual shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) CHANGE OF ELECTION.—The choice as to whether an individual shall elect to have the benefits of this section may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year with respect to which such State or local income tax was paid or accrued.

"(3) ADJUSTMENTS ON PAYMENT OF ACCRUED TAXES.—If accrued taxes when paid differ from the amounts used by an individual as the basis for claiming a credit under this section, or if any tax paid is refunded, in whole or in part, such individual shall notify the Secretary or his delegate, who shall redetermine the amount of the credit for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by such individual on notice and demand by the Secretary or his delegate, and the amount of tax overpaid, if any, shall be credited or refunded to the individual in accordance with subchapter B of chapter 66 (section 6511 and following). In the case of a State or local income tax accrued but not paid, but used as the basis for claiming a credit under this section, the Secretary or his delegate, as a condition precedent to the allowance of such credit may require such individual to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the individual of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from such individual for the year or years affected by a refund, the amount of the taxes refunded with respect to which credit has been allowed under this section shall be reduced by the amount of any State or local income tax imposed with respect to such refund; but no credit under this section, and no deduction under section 164 (relating to deduction for taxes), shall be allowed for any taxable year with respect to such State or local income tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary, or his delegate, resulting from a refund to the individual, for any period before the receipt of such refund, except to the extent interest was paid on such refund, by the State or local government for such period.

"(4) TAX IMPOSED BY THIS CHAPTER.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(c) CROSS-REFERENCES.—

"(1) For deductions of State and local income taxes, see sections 161 and 275.

"(2) For right of each partner to make election under this section, see section 703(b)."

(b) DISALLOWANCE OF DEDUCTION.—Section 275(a) of such Code (relating to certain taxes not deductible) is amended by adding at the end thereof the following new paragraph:

"(6) State and local income taxes, if the individual chooses to take to any extent the benefits of section 42 (relating to State and local income taxes)."

SEC. 302. TECHNICAL AMENDMENTS.

(a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. State and local income taxes.
"Sec. 43. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 42 (relating to State and local income taxes)".

(c) Section 46(a)(3) of such Code (relating to amount of credit) is amended—

(1) by striking out "and" in subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding after subparagraph (c) the following new subparagraph:

"(D) section 42 (relating to State and local income taxes)."

(d) Section 703 of such Code (relating to partnership computations) is amended—

(1) by relettering subparagraphs (D), (E), and (F) of subsection (a)(2) as subparagraphs (E), (F), and (G);

(2) by inserting after subparagraph (C) of paragraph (2) the following new subparagraph:

"(D) the deduction for taxes provided in section 164(a) with respect to State and local income taxes;" and

(3) by amending subsection (b) to read as follows:

"(b) ELECTIONS OF THE PARTNERSHIP.—Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that the election under section 42 (relating to State and local income taxes) and 901 (relating to taxes of foreign countries and of possessions of the United States), and any election under section 615 (relating to pre-1970 exploration expenditures) or under section 617 (relating to deduction and recapture of certain mining exploration expenditures), under section 57(c) (relating to definition of net lease), or under section 163(d) (relating to limitation on interest on investment indebtedness), shall be made by each partner separately."

SEC. 403. REPORT BY THE SECRETARY.

The Secretary shall report to the Congress not later than March 1, 1980, on the operation of the provisions of this title for the preceding 3 calendar years. This report shall include estimates of the amount of Federal revenue foregone and of the amount of additional State and local revenue derived from the provisions of this title. This report may also contain any recommendations on the part of the Secretary for additional legislation.

Mr. ROTH. Mr. President, today I am offering amendment No. 1478 to H.R. 14370, the State and Local Fiscal Assistance Act of 1972. This, of course, is the Senate Finance Committee revenue-sharing bill. My amendment would make it possible for citizens to credit 40 percent of their State and local personal income taxes against their Federal tax bill once revenue sharing terminated after 5 years. It is my expectation that such a credit would provide an incentive for the wider use of the more efficient and equitable personal income tax, by States and localities.

I have long associated myself with the concept of revenue sharing. At the time of my first congressional campaign of 1966, I endorsed this concept. During the 91st Congress, I introduced H.R. 13353, the House version of the Muskie-Goodell revenue-sharing proposal. Further, I am cosponsor of S. 680, the President's measure, and S. 3651, the Senate companion to the Ways and Means Committee bill.

Despite my endorsement of revenue

sharing as a temporary answer to State-local fiscal crisis, I have been unable to find in it a permanent solution to the financial imbalance within our federal system. Mr. President, I feel this way because revenue sharing in itself does little to increase the ability of non-Federal governments to produce their own revenues to finance their appropriate functions. If our system of decentralized federalism is to remain a reality, and not just a formality, States and their communities cannot continue to come to Washington for larger and larger portions of their budgets. The vast, complex, and often irrational system of Federal grants-in-aid we have erected has certainly not proven to be a really adequate means by which to maintain federalism.

In addition to my concern that revenue sharing is only a short-term approach, I, like many others, hesitate to bring about the permanent separation within our intergovernmental apparatus of the taxing and spending powers. Given this uneasiness, it is likely that general revenue-sharing funds would soon become burdened with the same sort of "strings" now attached to categorical assistance.

Because I have had some reservations about all of the prominent revenue sharing proposals, I, along with the distinguished senior Senator from Delaware (Mr. BOGGS), have introduced during this Congress the Intergovernmental Revenue Adjustment Act of 1971 (S. 2080). The House companion to S. 2080 is H.R. 9347, introduced by Representative JERRY PETTIS of California.

I am pleased to note that the Ways and Means bill in the form which it passed the House met a number of the objectives of S. 2080. H.R. 14370 provided for a closeout date for revenue sharing after 5 years; it provided an incentive for wider use of personal income taxes; it permitted the Internal Revenue Service to collect on behalf of the States individual income taxes tailored after the Federal income tax; and it provided a formula of distribution relatively more favorable to the large urban States and their major cities.

Unfortunately the version of H.R. 14370, as reported by the distinguished Committee on Finance, omits several positive elements found in the House bill. I am especially concerned about the alterations made in the formula for allocating funds among the States. The elimination of factors giving weight to urbanized population and State income taxes, if allowed to stand, would greatly lessen the positive impact which revenue sharing could have. The revised distribution of funds, compared to the Ways and Means Committee version, would provide less aid to our urban States, where the most serious fiscal crisis exists.

This pattern of distribution further gives no incentive for the wider use of income taxes on the State and local level. I feel that such an incentive within the revenue sharing formula, as well as through tax credits, is important. Only measures such as these will help our non-Federal governments develop the independent fiscal capacity necessary to perform their appropriate responsibilities without Federal money and the regulations which usually accompany it.

The amendment which I am offering to H.R. 14370 today would allow taxpayers a credit on their Federal personal income taxes of 40 percent of State and local income taxes after December 31, 1976, the termination date for Federal assistance under H.R. 14370. My Intergovernmental Revenue Adjustment Act provided for such a phasein of tax credits. This combination meets an immediate fiscal need through revenue sharing and provides a long-term incentive to the strengthening of State and local tax-gathering ability.

States and localities which are presently unable, for constitutional or administrative reasons, to levy income taxes would have 5 years to prepare themselves to do so. Additionally, a tax credit provision and H.R. 14370's title authorizing Federal collection of State income taxes would complement one another.

I by no means intend to suggest that our State and local governments are lying down on the job. The expenditures of these non-Federal governments increased from $70 billion in 1960 to $131.3 billion in 1970—an increase of about 88 percent.[1] Similarly the number of persons employed by these governments has increased from over 6 million to in excess of 10 million during this same period.[2] While State and local revenues from own sources have increased by 112 percent between 1960 and 1969, from $53.3 billion to $113 billion, State-local debts have risen almost 91 percent from $70 billion to $133.5 billion.[3] During the same decade the national debt rose by approximately 26 percent, from $290.9 billion to $367.1 billion.[4]

These statistics make it clear that States and localities are making a strong effort to fulfill the ever-expanding roles given them by their residents. To help finance these undertakings they have had increasingly to turn to deficit financing and dependence on Federal grants-in-aid. Much of the tax money raised by these entities to meet this challenge is derived from taxes which are not as responsive to growth in the economy and are less equitable than the Federal personal income tax.

According to the Advisory Commission on Intergovernmental Relations, in 1970 State governments derived 19.1 percent of their tax collections from personal income taxes, as compared to 29.6 percent resulting from general sales taxes.[5] When State and local general revenues are combined only 8.2 percent of revenues from own sources were derived from income taxes—over one-third of local revenues still coming from property taxes.[6]

While we are all aware of the recent adoption of State income taxes, between 1960 and 1969 this source of revenue grew as a portion of State tax collections by less than 6 percent.[7] The proportion of revenue from sales taxes grew at about the same rate. A number of States, including several large ones, are still without an income tax. The decade of the 1960's saw individual income taxes increase as a portion of local revenues derived from our sources from 0.9 to 2.6 percent.[8]

I do not intend to argue that the revenue modes widely used by non-Federal governments have nothing to be said in their favor or that they should not continue to play a major role in taxation at these levels of government. My real point is that State and local legislators would put their governments in a stronger financial situation, if they more frequently turned to individual income taxes.

Property, sales, and corporate income taxes do not usually increase at the same rate at which the GNP and our need for public services grow whereby personal income taxes grow 1.5 to 1.8 percent for every 1-percent increase in the GNP.[9] While the National Government can to a considerable extent depend on economic growth to provide greater revenues, State and local officials are continuously forced to seek increases in their tax rates through legislation or public referendum.

This is one way in which Washington obtains considerable advantage over other governments in the intergovernmental competition for revenues. We at the center simply make use of a tax which is normally a more efficient revenue producer than those upon which other governments depend. Further, we must remember that to some extent we in Washington have preempted personal income taxes as a source of revenue. Income taxes must come out of the same pockets, regardless of what level of government levies the tax. A credit of State and local income taxes against Federal payments would help release a part of this superior revenue source to our non-central political units.

Besides being inefficient revenue-producers, many nonpersonal income taxes are inequitable in terms of the distribution of their burden among individual taxpayer or among social groups. This fact, of course, can add to their unpopularity with voters. Additionally some of the taxes widely used at the State and local level, particularly the real property tax, may have harmful impact on urban growth and business patterns. Individual income taxes further offer advantages over some other modes of revenue in their ease of collection.

The tax credit scheme which my amendment authorizes was originally presented as title II of the Intergovernmental Revenue Act of 1969, introduced by Senators MUSKIE and Goodell in the Senate and by myself in the House. This bill was the result of excellent staff work by the Advisory Commission on Intergovernmental Relations.

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[1] Tax Foundation, Inc., "Facts and Figures on Government Finance," 1971, p. 130; and Advisory Commission on Intergovernmental Relations, "State-Local Finances: Significant Features and Suggested Legislation," 1972 edition, p. 122.

[2] ACIR, *op. cit.*, p. 126.

[3] Tax Foundation, *op. cit.*, p. 127.

[4] Computed from statistics in the "Special Analyses of the Budget, 1973," p. 34.

[5] ACIR, *op. cit.*, p. 20.

[6] *Ibid.*, pp. 25 and 29.

[7] Tax Foundation, *op. cit.*, p. 173.

[8] Ibid., p. 233.

[9] ACIR, Fiscal Balance in the American Federal System, vol. I, p. 114.

If my proposal were to become law, taxpayers would have a choice between making use of the present deduction for State and local income taxes or crediting 40 percent of State-local personal income tax payments against their Federal tax bills. The current deduction, of course, applies to a wide variety of State and local levies while the 40-percent credit would be usable only for individual income taxes. These income taxes, to be creditable, would have to permit deductions for personal exemptions and dependents, or credits equivalent to those allowed against the Federal income tax. Thus, the credit would provide an incentive for income taxes which are minimally progressive.

The addition of a tax credit alternative would provide relief from State and local tax burdens to more taxpayers since the deduction is available only to those who itemize their returns. In 1970 less than half of the returns submitted to the Internal Revenue Service were itemized.[10] It is estimated that by 1973, as a result of the Tax Reform Act of 1969, this proportion will decline to about 27 percent.[11] It is especially those in the lower and middle income categories, who would stand to gain by the introduction of the 40-percent credit.

It is my assumption that once this tax credit is in effect, State and local legislators could more frequently turn to personal income taxes in their search for new revenues. They could justify such a wider use of this more efficient and equitable mode of taxation by pointing out to their constituents that 40 percent of each new tax dollar could be credited against their Federal income tax bill. Once these new sources of financial support were obtained. State and local bodies could determine their use free of Federal requirements. Unlike revenue sharing funds, money resulting from a tax credit, would be raised and spent at the same governmental level.

Besides their use as an incentive in promoting the utilization of personal income taxes, tax credits can serve as a means of lessening interstate and intrastate competition for revenues. A State which wished to raise its income taxes would not need to be so concerned about lower rates elsewhere since its citizens would be relieved of 40 percent of this new levy. There would be a tendency for all States to move toward some uniformity by adjusting their income tax rates to obtain the full advantage of the Federal credit.

What is such an innovation likely to offer States and localities in increased revenues and cost the National Government in revenues foregone? In 1969 the Advisory Commission on Intergovernmental Relations estimated that such a 40-percent credit would during the first year of effectiveness generate $2.1 billion in additional State-local income tax revenues at a cost of $2.5 billion foregone in Federal tax dollars. By the third year of operation, the ACIR forecast a gain of $7.2 billion with $5.1 billion foregone. At 1973 income levels, the Treasury Department foresees a possible $2 billion loss to the Federal Government during the first year of effectiveness. The staff of the Joint Committee on Internal Revenue Taxation arrived at a very similar figure of $2.1 billion at 1971 income levels under tax laws prevailing in 1972.

Individual income tax credits as a constructive device in intergovernmental fiscal relations has received the endorsement of numerous governmental and academic figures over the years. During the present session of Congress the distinguished senior Senator from Indiana (Mr. HARTKE), Representative JOHN BYRNES, and Representative OMAR BURLESON, along with others have introduced tax credit measures. In the past support for this concept has come from such diverse sources as Prof. Walter W. Heller, Prof. Morton Grodzins, former Agriculture Secretary Orville Freeman, President George Meany of the AFL–CIO, John W. Gardner, the American Farm Bureau Federation, the Advisory Commission on Intergovernmental Relations, and the Committee for Economic Development.

In summary, Mr. President, I would urge the adoption of my amendment to H.R. 14370, the State and Local Fiscal Assistance Act of 1972. I feel very strongly that it offers us the opportunity to help return fiscal balance to our federal system. Greater State-local revenue capacity made possible by Federal tax credits for income taxes paid at the non-Federal level would contribute to such a development. This in my opinion is a long-term means of revitalizing our decentralized government, which should reasonably be put to use once revenue sharing terminates in 5 years.

Mr. LONG. Mr. President, the Senator's suggestion is certainly worth being considered when the revenue-sharing bill approaches its terminal date. However, prior to that time I do not think we should commit ourselves to it, and I believe it was the judgment of the Senate committee that we should see what experience will demonstrate under revenue sharing. With the experience of the next few years, we will be in a better position to determine whether we should consider substituting the Federal income tax credit approach for revenue sharing. Prior to that time, I would be willing to study it and accumulate information on the subject. I do not think we should commit ourselves to it at this time.

Therefore, I hope the amendment will not be agreed to.

Mr. BENNETT. Mr. President, I think the record should show that if this amendment were adopted at this time, we could look forward to an increase of at least $2 billion above estimated outlays for revenue sharing the first year. Since it is not to go into effect until approximately 4 years from now, many States that do not now have income taxes would be under substantial incentive to adopt them, so that the cost, as compared with the present revenue sharing, might be $5 billion or even $10 billion more than under the present system.

I agree with the chairman that it would be wise, first, to get experience with revenue sharing, rather than to commit ourselves now to change the basic method of financing revenue sharing at this time.

I hope the amendment will be defeated.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Delaware.

Mr. ROTH. Mr. President, I would like to point out that this particular program would, of course, cost no additional funds during the first year, because it would not go into effect until 1976. My reason for proposing it at this stage—and I do not expect that it will be adopted today—is that I think it is necessary that we begin thinking along these lines. I feel that if members of the Finance Committee and other interested bodies in Congress do not give this approach some consideration, we shall find that at the end of 5 years we shall merely continue in effect a revenue sharing program probably pretty much along the same lines as finally adopted this year, except with increased funds.

I do not intend, Mr. President, to ask for a vote on this particular amendment, but before withdrawing it I would like to urge the members of the Finance Committee and others who are interested in a viable federalism to give this approach favorable consideration. I think there are many advantages, as I have pointed out, to a tax credit, primarily because it places the responsibility on the same level of government that will be spending the funds. Over the long range, I think history will show it makes no sense to divorce responsibility or accountability for those who decide what the program of spending should be.

A number of prominent Americans, as I mentioned earlier, have prompted similar amendments. I should like just to review what the distinguished ranking Republican member of the House Ways and Means Committee (Mr. JOHN W. BYRNES) has to say about tax credits. He points out:

> General revenue sharing *does not* provide a relevant response to the problem of financing our State and local governments.

He says:

> *First*, under tax credits, states and localities will raise their own revenues as they have historically done under our federal system, rather than being dependent upon appropriations from the federal government. States and localities will "pay the fiddler and call their own tune." Tax credits provide state and local governments with greater access to the income tax, with its desirable characteristics of elasticity, broadly distributed burden, and efficient collection.

Representative BYRNES points out that:

> *Second*, tax credits provide a positive incentive, concurrent with fiscal relief, for states and localities making little or no use of the individual income tax to improve their tax structure. . .
>
> *Third*, tax credits retain the important

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[10] Data provided by the Joint Committee on Internal Revenue Taxation.

[11] *Ibid.*

nexus between dispensing benefits and imposing tax burdens. . . .

Fourth, tax credits provide additional taxing latitude to the states consistent with our constitutional system.

Mr. President, as I say, I think the tax credit, from the long-range point of view, provides a far better answer to maintaining the viability of federalism than revenue sharing. I do not say, necessarily, that the formula I have in my amendment is the best, but I would hope that the Finance Committee would not wait 5 years before looking into other approaches. I would urge and ask that consideration be given at an early date to the possibilities of tax credits, which, for the reasons I have already set forth, I believe offer a better solution than revenue sharing.

Mr. President, with these remarks I withdraw my amendment.

The ACTING PRESIDENT pro tempore. The amendment is withdrawn. The bill is open to further amendment.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that Mr. Richard Fay of my staff be permitted the privilege of the floor during the course of debate on the amendments to the Revenue Sharing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1495

Mr. CHURCH. Mr. President, I call up my amendment No. 1495 and ask that it be stated.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill insert the following:

TITLE IV—INTERNAL REVENUE CODE AMENDMENTS

SEC. 401. REPEAL OF ASSET DEPRECIATION RANGE SYSTEM.

(a) Section 167(m) of the Internal Revenue Code of 1954 (relating to the Asset Depreciation Range System) is repealed.

(b) Section 167(a) of such Code (relating to a reasonable allowance for depreciation) is amended by adding at the end thereof the following: "Such reasonable allowance shall be computed, subject to the provisions of Revenue Procedure 62–21 (except for the provisions for the reserve ratio test) as in effect on January 1, 1971, on the basis of the expected useful life of property in the hands of the taxpayer."

(c) The amendment made by subsection (a) shall apply to property placed in service after December 31, 1971. The amendment made by subsection (b) shall apply to taxable years ending after December 31, 1971, but shall not apply to property placed in service by the taxpayer during the calendar year 1971 if an election has been made to have the provisions of section 167(m) of the Internal Revenue Code of 1954 apply to such property.

Mr. CHURCH. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

WE CANNOT SHARE WHAT WE DO NOT HAVE

Mr. CHURCH. Mr. President, Will Rogers once remarked, during the great depression, that the United States may be the only nation ever to go to the poorhouse in an automobile.

Forty years later, the remark still seems apropos, particularly in view of the financial hemorrhage afflicting the Federal budget and our spiraling national debt.

The Senate is on the verge of passing a $35 billion revenue-sharing measure without raising a dime to pay for it. In the face of a national debt that will have skyrocketed up more than $100 billion during the 4 short years President Nixon has occupied the White House, the Senate is about to acquiesce in the Nixon request that the Federal Government assume added expenditures of more than $35 billion, over the next 5 years, without raising any money whatever to pay for the program.

Just because the administration has abandoned all sense of fiscal responsibility, the Senate is not absolved of its duty to keep the Federal Government solvent. One can sympathize with the plight of many a Governor or mayor strapped for extra funds. It is understandable that they would prefer to obtain these funds from the Federal Treasury, rather than raise the money on their own. But someone has to raise it. What sense does it make to add billions more to the national public debt, in order to give away the borrowed money to State and local governments?

Can anyone doubt that Federal spending is already running wild? The national debt is leaping upward on a rising curve.

When President Truman left office, the Federal debt stood at $259.2 billion, only one-tenth of a billion above its level at the end of World War II. In the 8 years that followed under President Dwight D. Eisenhower, the debt grew by $27.3 billion; in the next 8 Kennedy-Johnson years, $61.6 billion was added. But in the 3 completed years of the Nixon Presidency, not counting the present fiscal year, a whopping $86.4 billion has been added to the national debt. Thus, in 3 short years under President Nixon, the debt has increased almost as much as the accumulated increase in the preceding 16 years.

The projected deficit for the current fiscal year is estimated by the most conservative measurement at 25 billion, which means that the Federal debt will reach 459.5 billion by the time the books are closed on Richard Nixon's first term. Put another way, the debt will have increased by a far greater amount during President Nixon's one term, than during the combined terms of our four previous Presidents, Truman, Eisenhower, Kennedy, and Johnson.

I acknowledge that the American people are sublimely unaware of these startling facts. The practice of politics has given way to the art of obfuscation; this administration is carefully costumed and masked by the Madison Avenue image-makers. The fiction is hammered home that this is a "conservative" administration, a "businessman's" administration, an administration of "fiscal responsibility."

These self-serving labels are so persistently applied, with such consummate professional skill, that the truth is concealed from the people.

I am no match for the image-makers. Neither is the penniless Democratic Party, nor its embattled candidate for President, GEORGE MCGOVERN. Public opinion has been spoon-fed too long. Why bother about the facts, when the people have already made up their minds. Tell them that this is the most spendthrift, deficit-ridden administration since the end of the Second World War, and they will shake their heads in disbelief. Show them the figures, and they will say: "It cannot be President Nixon's fault; it must be the fault of Congress."

Yet we know that President Nixon has actually asked for more money than Congress has been willing to give. During the 3 fiscal years completed since Mr. Nixon took office, Congress has appropriated $3.8 billion less than the President requested. The truth is that, as between a Republican administration and a Democratic Congress, it is Congress that has shown the most restraint, when it comes to runaway spending.

Mr. President, I ask unanimous consent to have a comparison printed in the RECORD in order to illustrate my point:

There being no objection, the comparison was ordered to be printed in the

There being no objection, the comparison was ordered to be printed in the RECORD, as follows:

COMPARISON OF APPROPRIATIONS REQUESTED BY PRESIDENT NIXON AND APPROPRIATIONS ENACTED BY CONGRESS IN FISCAL YEARS 1970–72

[In billions of dollars]

	Appropriations requested	Appropriations enacted	Difference
Fiscal year:			
1970	137.2	134.2	[1] 2.9
1971	151.9	153.1	[2] 1.2
1972	158.7	156.6	[3] 2.1
Total	447.8	444.0	3.8

[1] Less than requested.

[2] Above request.

[3] Less than requested by the Nixon administration.

Source: Congressional Research Service, Library of Congress.

Mr. CHURCH. Still, this is a record in which we can take scant pride. Along with President Nixon, Congress must bear its part of the responsibility for rising deficits. If the President has led us down the seductive path of "Spend now, pay later," it was a path we were not obliged to follow. Congress could have said, "No, Mr. President, we refuse to fund mushroom spending with borrowed money. We refuse to plunge further into debt."

Congress could have done that.

But it did not.

Instead, Congress found it easier just to go along, trimming off a little bit here or there, but, for the most part, approving the Nixon budgets, while winking at the mounting debt. The rules of the game were implicitly understood on both sides of the aisle: "Yes, one day we will have to raise more money, after the elections."

No wonder the American people have developed such a distaste for politics. They are made the pawns of the game, to whom the moves ahead are left unrevealed. Indeed, spokesmen for this administration declared to the press last week that no new taxes were planned after the election.

One must ask, then, what is planned? Obviously, President Nixon does not plan to cut spending. He is calling instead for bigger spending, bigger defense spending, up from $80 to $100 billion in the next 3 years; bigger welfare spending in the guise of welfare reform; and bigger allocations to State and local governments in the form of this costly revenue-sharing measure now pending before us.

Does anybody believe we can pile on all this additional spending without raising the money to pay for it? Does anybody think we can keep on going ever more deeply into debt? The interest on the present debt has reached $22.7 billion a year. Only last month, the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) reminded us that out of every income tax dollar now collected by the Federal Government, 17 cents must go to pay the interest on the existing debt. If we keep following President Nixon's lead, it will not be long before a full fourth of the Government's income will be consumed in servicing the national debt.

Every Senator knows this spending binge is fiscal folly; that we must either cut Federal spending drastically or raise a great deal more money to pay for it. Yes, every Senator—and President Nixon as well—knows this. But the rules of the political game call for keeping the truth from the people until after the election.

To his everlasting credit, GEORGE MCGOVERN refuses to play the political game this way. He alone is telling the people precisely how he proposes to cut spending by trimming billions off our bloated military budget. He alone is telling the people how he would raise over $20 billion in new revenues, not by jacking up the rates on the average taxpayer, but by plugging the loopholes in our present Swiss cheese tax system. And for his trouble, we are told, he will be overwhelmingly defeated.

If this proves true, then the people will have only themselves to blame for the way the political game is played. If they keep on reelecting politicians who withhold the hard truth from them at election time, telling them what they want to hear instead, then they should expect to get reamed afterwards. If they believe the cynical disclaimers of this administration to the effect that no new taxes are intended after the election, then they are in store for a rude awakening.

Given the spiraling national debt and the Nixon programs for still higher spending, tax increases are inevitable. When pressed, administration spokesmen will admit in the fine print that a "value added" tax is under consideration, a less abrasive name for what we usually call a sales tax. The scheme is to raise the money in the most regressive way, by taxing rich and poor alike at the same rate, so that the heaviest burden will fall once more on the working people.

This revenue-sharing measure now before us presents the Senate with a singular opportunity to start playing straight with the American people. I have my doubts about the wisdom of revenue sharing.

It typifies the hypocrisy so fashionable in our politics these days that the President should call for the enactment of revenue sharing in the name of strengthening State and local governments. For the program can only have the opposite effect, making State and local government all the more dependent on the Federal Treasury, subject to the many "strings" being attached to this, and susequent, bills. Revenue sharing is not a transfer of authority or responsibility; it is a handout of money which will further reduce a citizen's control over his State and local government.

Nevertheless, in light of the pressing need, I would be willing to give revenue sharing the benefit of my doubts, and vote in favor of the program, if the Senate would be willing to pay for the program.

The argument for the two revenue-producing amendments Senator NELSON and I are offering can be summed up in a very few words:

> Revenue-sharing? Then, raise the revenue to be shared. We can't share what we don't have.

The prestigious Brookings Institution puts forward the same proposition in its publication, "Setting National Priorities: The 1972 Budget," in which appears the following:

> It should be obvious that revenue sharing, like any other government program, is not free. Taxes would have to be increased or other Federal expenditures reduced to provide the necessary funds.

Why belabor the obvious? Our two amendments would help pay for this revenue-sharing measure through tax reform. They would raise nearly $4 billion during the first year they are in effect, according to the best estimates we can obtain.

Moreover, the two amendments are familiar to the Senate. One would strengthen the minimum tax on income derived from tax preferences, a weak version of which was adopted by Congress in 1969. The second would repeal the "Asset Depreciation Range System"—ADR—which, when added on top of the 7-percent investment credit, has become a pointless "windfall."

Indeed, one could go further, and argue that neither the accelerated depreciation nor the 7-percent investment tax credit has stimulated economic growth. But taken together, they surely represent "overkill." My witness is none other than Mr. John Connally who, when speaking to the U.S. Chamber of Commerce as Secretary of the Treasury in January 1972, said pointedly:

> You got it [i.e., ADR and the 7 percent investment credit]. What have you done with it? Nothing.

Our amendment would repeal the ADR, while leaving the 7-percent investment credit intact, thereby returning to the depreciation system that existed prior to 1971.

I ask unanimous consent that a more detailed explanation of the two amendments, together with the approximate income generated by each, may be printed here in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

AMENDMENTS OFFERED BY SENATORS CHURCH AND NELSON

1. Strengthen the provisions of the Minimum Tax:

Although the Tax Reform Act of 1969 adopted a minimum tax on income derived from tax preference provisions, it has many shortcomings. As a result, it is still possible for the very rich to pay little or no tax. The minimum tax is defective because it contains unnecessary exemptions and because its tax rate of 10 percent is unreasonably low. The proposed amendment would make three major changes in the tax treatment of the four major tax preference items—stock options, bad debts, depletion, and capital gain—of the minimum tax. First, it would repeal the provision of existing law that allows regular income taxes to be deducted from these tax preference items. Second, it would lower the present $30,000 exemption to $12,000. Finally, it would increase the minimum tax rate from 10 percent to 50 percent of the regular income tax rate that would otherwise apply. The tax treatment of the other items of tax preference in the minimum tax provision would not be changed. Yield: *$1.9-billion* (est.).

2. Repeal the Asset Depreciation Range System (ADR) allowing for a 20 percent increase in depreciation allowance enacted in 1971:

As a result of tax changes approved in 1971, businessmen can now take depreciation on their plant and equipment at a rate of 20 percent faster than before, without regard to the actual useful lives of their assets. This tax change, which the Administration first attempted to achieve by quietly changing tax regulations, will cost the Treasury 27.5 billion during the decade of the 1970's. Before 1971, the tax laws already provided for generous accelerated depreciation allowance. Also, in 1971, Congress restored the much enacted 7 percent investment tax credit to stimulate investment. The ADR system was, therefore, a costly and unnecessary tax windfall to businesses using depreciable assets. Originally, ADR was justified on the grounds that it would stimulate the economy. ADR has been in effect for over a year and the evidence does not support such a conclusion. Yield: *$1.8-billion* (est.).

Mr. CHURCH. Mr. President, in his campaign for the Presidency, Senator MCGOVERN has repeatedly stressed the theme that America must "come home" again, home from a war in Southeast Asia that makes no sense, and home to confront the long-neglected problems that afflict our own people. He would agree that we must also "come home" to fiscal responsibility.

I say that, not as one who believes in parsimonious government, but as one who recognizes the necessity for solvent government. Only a few months ago, I sponsored the amendment which raised social security benefits by 20 percent, in order to give some measure of relief to the elderly, half of whom were living in or near poverty. It was to the credit of

Congress that the amendment passed, despite the resistance of the Nixon administration, in view of the desperate need of so many of our senior citizens.

But my amendment increasing social security benefits contained the tax adjustments needed to pay for it. The amendment was solidly based upon the principle of fiscal responsibility. What Congress did in the case of social security, it should do again in the case of revenue sharing.

By approving these two amendments, Congress would advance a double-pronged objective: We would adopt a financially viable revenue-sharing program and make a start on the reform of an unfair Federal income tax system which disburses some $77 billion a year in tax advantages, some legitimate, but many indefensible. At present, 394 Americans with adjusted gross incomes above $100,000 a year, pay no income tax at all. More than 1,300 Americans with adjusted gross incomes of over $50,000, pay no tax. Out of a total personal income of approximately $860 billion a year, only 47 percent, or about $405 billion, is presently reached by the Federal income tax law.

Congressional acknowledgment of the need for far-reaching tax reform would be achieved by the adoption of these two amendments. They would set the stage for a thorough tax review next year.

Better still, Congress would put the President on noice that the political game of "Spend Now, Pay Later" is over. As the custodian of the public purse under the Constitution, Congress would begin to regain the stature it once enjoyed as a coequal branch of the Federal Government. The American people would say of us, "At last, Congress is displaying some commonsense."

The PRESIDING OFFICER. Who yields time?

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. Mr. President, we are not operating under a unanimous-consent agreement. Is that correct?

Mr. TALMADGE. We are not. There is no time limit.

Does the Senator from Wisconsin desire to proceed at this time?

Mr. NELSON. If the Senator from Idaho has completed his remarks.

Mr. CHURCH. I have for the moment. If there is an argument I will participate in it, but I have completed my initial presentation.

Mr. NELSON. Mr. President, we are not under a time limitation?

The PRESIDING OFFICER. We are not.

Mr. NELSON. Mr. President, I have joined with the Senator from Idaho in sponsoring this amendment to repeal the asset depreciation range. This proposal has been debated at length on the floor on more than one occasion.

Mr. President, this amendment would repeal the asset depreciation range—ADR.

In January 1971, the Treasury issued new regulations governing the depreciation of plant and equipment. The major change was a 20-percent shortening of guidelines lives. Thus, an asset which previously had a guideline life for 10 years could now be depreciated over 8 years.

This amendment would repeal the 20-percent speedup in guideline lives.

It would save the Federal Treasury $1.8 billion in 1973 and $26 billion between now and 1980; over the next 5 years the saving would be $15 billion—about one-half the amount needed to finance revenue sharing over the next 5 years. The savings to the Treasury in each of the next 8 years would be as follows:

Savings to Treasury

1973	$1.8
1974	2.5
1975	3.0
1976	3.7
1977	4.0
1978	3.8
1979	3.6
1980	3.6

Mr. President, revenue sharing will cost $30 billion over the next 5 years. It comes before the Senate at a time when we are experiencing the largest deficits in our history—$24 billion in fiscal year 1972, an estimated $27–$35 billion in fiscal year 1973, and total deficits for the last 4 years of about $90 billion. Moreover, the recent Brookings Institution study of the Federal budget concludes that we will experience a $17 billion deficit in 1975 even if the economy is at full employment. Obviously, the Federal Government has no revenues to share.

To begin this new program without raising the money to fund it would set a bad precedent. It would also be costly. It has been estimated that the interest cost involved in financing this program by borrowing would total more than $5 billion over the next 5 years. This cost can be avoided if the pending amendment is adopted.

The ADR system became law last December as part of the Revenue Act of 1971. At that time, its proponents argued that it was needed to stimulate investment. This argument made little sense then, and it makes even less sense now.

On the floor of the Senate, I pointed out that most economists and many businessmen thought ADR would have little effect on investment in the near-term. With industry operating at 73 percent of capacity, businessmen had little incentive to expand plant and equipment. I quoted Chairman John Roche of General Motors:

> It should be understood that most companies of any size determine their purchases of equipment by the needs of the business and not by any short-term tax advantages.

Mr. Roche went on to say that what mattered was consumer spending:

> It must be noted that the tax credit and accelerated depreciation applies only after equipment is purchased and put to use. This like the other elements of the program, means very little unless we can achieve the improved economy the President has called for.

Today there is overwhelming evidence that the Nixon investment incentives—and particularly the ADR—have had little or no impact on investment. According to the Commerce Department's Survey of Current Business, June 1972:

> There is some evidence that capital spending this year is stimulated by the liberalized depreciation rules and the new investment tax credit enacted last December. According to a survey of spending plans taken by McGraw Hill Publications Company in March and April, businessmen reported that their expected 1972 outlays are $3/4 billion higher than they would have been in the absence of these two stimulants. Roughly $500 million of that amount was attributed to the investment tax credit and $250 million to liberalized depreciation.

The ADR and the Investment Tax Credit are costing the Treasury about $5.3 billion in 1972 and $6.3 billion in 1973. Yet here is an official organ of the Nixon administration reporting evidence that the effect on investment is negligible—less than 15 percent of the cost to the Treasury.

Of course, some people may have some doubts about the McGraw-Hill estimate. To satisfy any such doubts, we quote another source which should certainly be biased in favor of the Nixon investment incentives—Dr. Pierre Rinfret, President Nixon's principal economic spokesman for the 1972 campaign.

According to press reports, Dr. Rinfret conducted a comprehensive survey of major businesses, and concluded that if the investment credit, the ADR, and the oil depletion allowance were all repealed, investment would be cut by about 5.5 percent or $5 billion in 1973. These three tax provisions will cost the Treasury well over $7 billion in 1973 according to Dr. Rinfret.

This very point came up last Thursday at Secretary Shultz' press conference on the McGovern tax program:

> Question: Pierre Rinfret, the Administration's official spokesman on economic matters during this campaign, referring to Evans and Novak, conducted a survey among business investment among companies concerning their investment decisions, indicated that if you repeal ADR and investment tax credit, that investment would drop by about 5½ percent next year.
>
> Well, if you lower business investment by about 5½ percent, wouldn't that come awfully close to equalling, in dollar amounts, just about what you're losing in revenue because of ADR and investment credit?
>
> In other words, my question is this, is it a bargain when you would get about an additional dollar of investment for a dollar of revenue loss
>
> Secretary SHULTZ. Well, I think the main point of it is to have our tax structure be one that stimulates the economy, that leads it to be more productive, that invites investment in better tools for the American worker to use so that, as I said, he is competitive in world markets and is able to produce a rising standard of living here at home. I think that is the main point about it.

The reporter's point gets to the heart of the matter:

> Is it a bargain when you would get an additional dollar of investment for a dollar of revenue loss?

Secretary Shultz' response suggests strongly that he has no answer to this argument.

In any event, whether one accepts the three-quarter billion dollar figure from the McGraw-Hill Survey, or Dr. Renfret's figure of $5 billion, it is clear that the effect on investment is relatively small—at least when compared to the cost.

True, investment has been increasing in the recent period. Nonresidential fixed investment in the second quarter of 1972 was running at an annual rate of $84.4 billion—in 1958 dollars—or about 9 percent above the 1970 level. According to the Commerce Department's survey, capital spending in the second quarter was running at $87.1 billion, also about 9 percent above the 1970 level.

Mr. President, I ask unanimous consent that a tabulation on this subject be printed in the Record at this point.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

[In billions of dollars]

	Nonresidential fixed investment GNP accounts (1958 dollars)	Capital spending (Commerce Department survey)
1970	77.6	79.7
1971	76.8	81.2
1972, 1st quarter	82.2	86.8
1972, 2d quarter	84.4	87.1

Mr. NELSON. But this growth in investment was relatively modest; and it was hardly unexpected, since the economy as a whole was expanding throughout this period.

Much more dramatic was the growth in corporate profits and depreciation. In the second quarter, after-tax corporate profits were at an annual rate of $52.4 billion—or 30 percent above the 1970 level; and corporate depreciation was running over 23 percent above the 1970 level. The net result was a 26-percent jump in corporate cash in hand from 1970 to the second quarter of this year.

One other administration argument should be mentioned: that these tax subsidies to investment are needed to preserve the international competitiveness of American firms.

In his testimony before the Senate Finance Committee last fall, Secretary Connally presented data showing the effect of income taxes on the cost of capital goods in the major industrial countries. The United States was at the top of the list. The Secretary concluded that the U.S. tax structure is biased against capital.

However, the Treasury table failed to show any relationship between the Connally capital cost index and GNP growth or the growth of exports. Indeed, the United Kingdom, which had the lowest capital cost figure, also had the lowest GNP growth rate and the slowest growth of exports.

The fact is that the tax treatment of capital plays a minor role in determining a country's competitive position. Other factors—such as inflation and technological change—are much more significant.

Nor is U.S. tax policy unfavorable to business. Thus, if we compare the effective corporate tax rates in the major industrialized nations—table III—taking into account such special provisions of the tax laws as accelerated depreciation, percentage depletion and the like—the U.S. rate is not out of line with those elsewhere. Indeed, it is lower than that in Italy, Canada, Germany, and France.

I ask unanimous consent that a table showing the estimated effort of corporate tax rates in major industrialized countries (1966) be printed at this point in the Record.

There being no objection, the tabulation was ordered to be printed in the Record, as follows:

TABLE III

Estimated effective corporate tax rates in major industrialized countries (1966)

	Percent
Italy	44.0
Canada	43.5
Germany	43.3
France	42.2
U.S.	42.1
U.K.	35.0
Netherlands	25.6
Japan	24.0

Mr. NELSON. The new depreciation rules—ADR—should be repealed. The investment credit and the ADR together represent an excessive corporate tax cut. Most of the witnesses in last year's hearings on the New Economic Policy before the Joint Economic Committee took this position. Senator Proxmire, chairman of the committee, summarized their testimony as follows:

> They (the witnesses) agreed that if there is to be an investment credit, then the ADR should be withdrawn. Even Pierre Rinfret, now President Nixon's top campaign economic advisor, took a similar position. In testimony before the House Ways and Means Committee on September 14, 1971, he said: Liberalized depreciation should not be allowed together with the use of the investment credit. Corporations should be given an either/or choice. If they opt for the investment credit, they cannot take liberalized depreciation, or vice-versa.

The issue is one of priorities. The investment credit and the ADR together represent a corporate tax cut of more than 15 percent. These—and other measures have brought about a major shift away from the corporate income tax. Thus, in 1960, the Federal Government raised 35 percent of its revenues from the income tax on corporations; today, the figure is under 27 percent.

We must now recognize one fact: the ADR is simply not working. For every $1 of increased investment, the Federal Government is losing over $2 in revenues.

We cannot afford this waste, particularly at a time of such staggering budget deficits. Efficiency in Government, as well as fiscal responsibility require that the ADR be repealed.

I yield the floor.

Mr. TALMADGE. Mr. President, this amendment is not germane to the revenue-sharing bill. It is a major revenue-raising amendment. It is a major change in the tax laws of our country. Under the House rules it would be considered nongermane, and even if the Senate approved the amendment, the conferees on the part of the House would not even consider it. So, if the Senate does approve the amendment, it would be a futile gesture insofar as the conferees on the part of the House are concerned.

Less than a year ago—in fact, in December of last year—the Congress of the United States approved our present asset depreciation range. It was approved at that time because our country was in a major recession. Employees were being laid off. Profits of corporations were going down. Our country was in a major noncompetitive position vis-a-vis foreign countries. The Congress of the United States thought it was imperative to do something if we were to avoid a major recession and get our country back on the road of economic recovery.

When the Congress approved the asset depreciation range at that time, it cut back, in the first year, the Treasury's recommendations by some $2 billion. So the Congress has, indeed, reduced what the Treasury provided in its recommendations on the asset depreciation range by $2 million in this year alone. Therefore, the Congress made a major change from what the Treasury itself provided in its regulations.

Mr. President, capital investment in the United States is recouped far less rapidly than in any other major industrial power on the face of the earth. The depreciation allowances we give, even with ADR and investment credit, are noncompetitive with Japan, are noncompetitive with Great Britain, are noncompetitive with Germany, are noncompetitive with France, and yet we are expected to compete with them in world trade.

That is one of the reasons why we have been noncompetitive with major trading powers throughout the world, and it is one of the reasons why in our balance of payments, we are operating at a huge deficit. Our balance-of-payments deficit with Japan ran at an annual rate of $3.8 billion in the last quarter, and, on an annualized basis, our loss on the balance of payments with all the other countries was $13 billion the first quarter and $3 billion the second quarter. If this amendment is approved, it will worsen our competitive position and make it much worse than it is at the present time.

One of the reasons why Congress passed this asset depreciation range system—ADR—last year was that our economy was lagging in capital investment. From that time last year when we passed the ADR system, our total plant and equipment expenditures increased by more than $10 billion. That is one of the major reasons why we have been able to employ 2 million more people this year than were employed at this time last year. So apparently the action taken by Congress is working.

Here is a comparison, Mr. President, using the United States as a base under present law prior to ADR and without any regard to subsequent changes in the law, and taking the after-tax cost to the United States as $100. The aftertax cost of the same equipment in Great Britain is $79. I am not talking about differences in price. I am talking about differences created by the differences in taxes. In Japan it is $81. In Italy it is $82. In West Germany it is $83. In Sweden it is $83.

With the 7-percent investment tax credit alone, without ADR, the aftertax cost to the United States would be $90.50. The other countries are still far below us.

The Revenue Act of 1971, with ADR plus the 7-percent tax credit, we reduced the cost in the United States to $87.

So even after the action taken by the Congress last year in approving ADR and the 7-percent investment credit, we still recover our capital investment at a far less rapid rate than most other major industrial nations on the face of the earth.

Finally, this amendment is a major revenue change in the law. It would mean that the Senate, since last December, would reverse its field 180 degrees, without any hearings, without any opportunity for the Treasury Department to testify, without any opportunity for representatives of business and industry to testify, without any opportunity at all for hearings to examine carefully how this amendment would affect the economy of this country.

I do not believe that we ought to spring an amendment of this far-reaching scope suddenly on the floor of the Senate, without any notice, without any hearings, without any opportunity for the pros and cons to be heard, and without an opportunity for the tax-writing committees of Congress to examine carefully the witnesses to see what the amendment would do.

So in due course, after Senators have had an opportunity to state their case, on behalf of the Committee on Finance, I shall move to lay the amendment on the table.

Mr. BENNETT. Mr. President, as a member of the Finance Committee, I agree completely with the Senator from Georgia.

I do not know why some of our colleagues feel that it is so easy to amend the tax laws just by changing a figure here or a date there, without any consideration of the effect of such changes on individual industries as well as on the economy as a whole.

The business of writing tax legislation is probably the most complicated business in which the Senate and the House of Representatives are involved. To blandly wipe out all the effort of all the two committees by a simple amendment, it seems to me, is to greatly oversimplify the legislative process, and I am sure it would create more problems than it would solve.

It looks like an easy way to get money, because corporations do not vote; but corporations employ voters, and, as the Senator from Georgia has pointed out, the effect of this law has been to make possible the employment of some 2 million or more Americans, who presumably might find their jobs in jeopardy, or whose friends in the years immediately ahead might not be able to find jobs as a result of it.

How people can argue problems like this without relating investment to jobs has always been beyond me. I agree that this amendment is not germane. I agree that if we took it to conference, the House, under its rules, would have to reject it. Therefore, I think it is an exercise in futility. I agree with the Senator from Georgia that a motion to lay on the table should be made, and when it is made I shall support it.

Mr. LONG. Mr. President, I think that the very persuasive and cogent statement of the Senator from Georgia, seconded by that of the Senator from Utah, states the case that a tax measure should not be added to this bill.

I would point out, Mr. President, that the expenditures under this bill are within the budget that the President submitted to Congress. They are every bit as much a part of the President's budget as the appropriation bills that went through the Appropriations Committee.

As a matter of fact, compared to the President's budget this bill is a revenue saver, since it limits Federal funds for the social services programs. The $1 billion increase we have provided in the authorization for revenue sharing, in recognition of the limit on social services funds, costs far less than maintaining the present runaway social services program without change. The committee bill would close down an item that threatens to cost the Federal Government billions of dollars.

Pending further discussion of this matter, I withhold further comment at this time.

Mr. CHURCH. Mr. President, the reason that the distinguished Senator from Wisconsin (Mr. NELSON) and I chose these two particular amendments is because they are both familiar to the Senate. They have both been argued and considered before. The arguments, pro and con, are well known. So these two proposals do not come freshly to the Senate floor.

Therefore, I think the argument that they must go the normal route and be taken up again by the appropriate committees lacks the force it would otherwise have, were the subject matter not so familiar. We have plowed and replowed the same ground many times before. The major issue, it seems to me, is being overlooked—something we do very easily in this Chamber.

The major issue is, if we want revenue sharing, how are we going to raise the revenue to pay for it? The fact is that we have no revenue now to share. We have only mounting deficits. The fact is that no economist—or no bookkeeper, for that matter—can possibly justify going further into debt, borrowing money to give away to State and local governments.

The distinguished Senator from Georgia mentioned our competitive problems with certain other countries in the world. But those competitive problems are the direct result of the American inflation, which constantly prices us out of the market. Yet, I do not know of an economist, liberal or conservative, who would disagree that continuous deficit spending is one of the chief stimulants to the inflation. We are arguing in circles. The truth is that we do not want to raise the money to pay for this measure, particularly before an election.

Even the administration's own people are now admitting to the calamity of the Federal deficits. There is a fiscal hemorrhage occurring of unprecedented proportion, and when we find the administration experts themselves agreeing that this is the case, then the matter certainly has risen above purely partisan levels, and the argument in favor of these amendments ought to attract the attention of both sides of the aisle.

I quote, for example, from an article published in the business and financial section of the Washington Post yesterday, entitled, "Deficit: White House Ducks Issue," written by Hobart Rowan. I shall propose to put the entire text of the article into the RECORD, Mr. President, but I think these particular quotations should be extracted and emphasized in this debate:

First of all, a quotation from Raymond J. Saulnier, the former chairman of the Council of Economic Advisers at the end of the Eisenhower years. This week, Mr. Saulnier told the annual meeting of the National Association of Business Economists that:

> It is an enormous hazard to operate with a succession of deficits in the neighborhood of $30 billion to $35 billion. And the risk is amplified when upwards of $60 billion of short-term liabilities is owed to foreigners.

Mr. Rowan continues:

> If you discount Saulnier as a rather conservative Republican economist, listen then to Murray L. Weidenbaum, until this year an Assistant Secretary of the Treasury, usually rated a liberal Republican economist.

Mr. Weidenbaum is quoted in the article as saying:

> To put it simply but accurately, the federal budget is heading the wrong way . . . I am worried now. . . . We have a growing deficit, in the neighborhood of $35 billion. Whether you are a practitioner of the New Economics, the Old Economics, or whatever, that just does not make sense.

To quote further from the article, Mr. Rowan writes:

> The Nixon administration used to fend off talk about rising budget deficits by directing attention to the "full employment" budget. The goal, Mr. Nixon used to say, is a full employment balance which would limit spending to the level of receipts that would accrue if the economy were operating merrily at a 4 per cent unemployment rate.
>
> But a $35 billion deficit in the regular budget this year translates to a full employment deficit of $12 or $13 billion. "There are enough potential new spending pressures on the horizon to make it unlikely that the so-called "full employment budget" will be close to balance anytime during the first half of this decade—unless taxes are raised.

Mr. President, I ask unanimous consent that the entire article entitled "Deficit: White House Ducks Issue," written by Hobart Rowan and published in the Washington Post of Sunday, September 10, 1972, be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFICIT: WHITE HOUSE DUCKS ISSUE

(By Hobart Rowan)

This is the season for the "early morning line" on economic prospects for 1973. And despite the sometimes confusing rhetoric of the election campaign, there already is a fairly remarkable unanimity among the forecasters on the outlook.

In summary, most economists look for another year of solid gains next year—but with inflation still enough of a factor to require continued wage and price controls and a tough monetary policy. Some respected analysts, in fact, are talking about another credit "crunch" with a jump to an 8 per cent corporate bond yield by late 1973.

For example, the Wharton school, which has had a good record of predictions, says the economy will enjoy a $114 billion gain in Gross National Product next year to $1,267 billion, but with growth slowing down after mid-year and the rate of inflation moving up from 3.5 per cent to 4 per cent.

The Wharton economists see the 5.5 per cent wage standard crumbling "under pressure of a tighter labor market, high capacity operations, and a large gamut of expiring contracts." This raises the question of the probable need for tighter controls, for (as the Wharton economists say) "the whole configuration of the economic accounts looks better with the stiffer inflation controls."

There are variations on the Wharton theme, as various "models" are turned out of the mounting numbers of computers. The University of Michigan, for example, has a GNP figure of $1,270 billion.

All see some progress—but not spectacular gains—on the unemployment front, with the overall-rate moving down from 5.6 per cent in 1972 to 4.6 per cent in 1973. Many forecasters, however, do not see an unemployment rate below 5 per cent until the final few months of 1973.

The thread that runs through all of the forecasts is the possibility that costs and prices will again accelerate, especially toward the end of 1973. And in large part, this is based on the staggering federal deficit, which instead of narrowing with the approach of recovery, is getting bigger.

Raymond J. Saulnier, former Chairman of the Council of Economic Advisers at the end of the Eisenhower years, this week told the annual meeting of the National Association of Business Economists that "it is an enormous hazard to operate with a succession of deficits in the neighborhood of $30 billion to $35 billion. And the risk is amplified when upwards of $60 billion of short-term liabilities is owed to foreigners."

If you discount Saulnier as a rather conservative Republican economist, listen then to Murray L. Weidenbaum, until this year an Assistant Secretary of the Treasury, usually rated a liberal Republican economist.

"To put it simply but accurately, the federal budget is heading the wrong way . . . I am worried now . . . We have a growing deficit, in the neighborhood of $35 billion. Whether you are a practitioner of the New Economics, the Old Economics, or whatever, that just does not make sense."

The Nixon administration used to fend off talk about rising budget deficits by directing attention to the "full employment" budget. The goal, Mr. Nixon used to say, is a full employment balance which would limit spending to the level of receipts that would accrue if the economy were operating merrily at a 4 per cent unemployment rate.

But a $35 billion deficit in the regular budget this year translates to a full employment deficit of $12 or $13 billion. "There are enough potential new spending pressures on the horizon to make it unlikely that the so-called 'full employment budget' will be close to balance anytime during the first half of this decade—unless taxes are raised," Weidenbaum observes.

That's the prospect that the administration won't face up to Treasury Secretary George Shultz and more recently White House aide John Ehrlichman have been taking turns obfuscating this key issue.

Ehrlichman told reporters on Thursday that "the President will not ask for any increase in federal taxes at all." But then he said that this pledge was "dependent on" congressional willingness not to exceed the President's budget proposals, and further on a formal ceiling on expenditures.

And when Elizabeth Drew, on a public television interview asked Ehrlichman if the President's tax plans shouldn't be made public before the election, Ehrlichman said:

". . . the election date is really an arbitrary date, in terms of this work. . . . It would be a real mistake to accelerate . . . this . . . simply for the sake of rushing out with some kind of a campaign slogan."

The suspicion here is that the administration can read the tax handwriting-on-the-wall as well as anyone, but he has ordered no one to talk about it in a meaningful way until after the election. But Congress—whatever its complexion next year—won't be rushing to raise total taxes, which means that the deficit will continue, the Federal Reserve Board will be pressured into a tighter money policy—and that we won't see the end of wage-price controls for a long time.

Mr. CHURCH. Mr. President, here we have the administration's own spokesmen calling attention to our spiraling deficits, unprecedented since the end of the Second World War, and warning the American people that this kind of reckless spending cannot go on—themselves admitting that we must either drastically cut Federal expenditures or raise new revenue.

That is all we are trying to do in this case. We are asking the Senate to recognize its responsibility to keep this Government solvent. If we want to start giving away money to the State and local governments, we ought to have the gumption to raise the money. We do not have it now. All we have are mounting deficits, spiraling out of control.

I submit, Mr. President, that it is not fair to the American people. It is not dealing with them honestly to pass this kind of program to add still further to the debt and then put over until after the elections whatever consideration is to be given to raising the revenues with which to finance this measure and with which to reduce the growing debt.

Thus, the argument for the adoption of the amendments comes down to the basic principle of fiscal responsibility, and whether or not the Senate is willing to face up to it.

Mr. NELSON. Mr. President, as a member of the Committee on Finance, I commend the chairman of the committee, Mr. LONG, the senior minority member, Mr. BENNETT, and the other members of the committee and the staff for the exceptional and conscientious way in which they addressed themselves to the revenue-sharing measure which was requested by the President of the United States. There are, of course, members of the Finance Committee who worked and who helped send the bill to the Senate floor because it was part of the President's program, but who were in fact not enchanted by the concept of revenue sharing.

In any event, I wish to make clear that I think they improved quite dramatically the measure as originally recommended by the administration. It contains a number of very sound and creative features and is a much better bill than what was sent to Congress. Those on the committee who worked so hard on it deserve credit for their creative additions to this bill.

I have been interested in revenue sharing for many years, because for a long time I have hoped that it might be a device for assisting States and the municipalities with their difficult fiscal problems, while at the same time strengthening States and the municipalities without eroding their power.

Nevertheless, I think there are two weaknesses in this measure. One is there is no provision for funding. It is one to argue that, as a matter of national economic policy, it is necessary to have unbalanced budget from time to time. It is quite another matter to launch a large, novel, brandnew program in which, for the first time in the history of the country, general revenues are going to be shared with States and municipalities.

I think it is critically important from the standpoint of the relationship between the States and the Federal Government that, if and when revenue sharing is adopted, we be careful to establish the principle that whatever amount of money is shared with the municipalities, a provision must be made to fund it. I happen to have grave reservations about sharing federally raised and appropriated funds directly with States and municipalities. I would much prefer the concept that we cede some jurisdiction to the States in one tax field or another, preferably the income tax, and that they be compelled to participate in the raising of these funds.

There is no doubt whatever that once we follow the procedure of directly appropriating Federal funds to be sent directly to the States and municipalities, we have opened Pandora's box. Next year the request will be for $8 billion or $10 billion, then $15 billion, then $20 billion, and then you have created a situation in which the States and municipalities have become directly dependent upon the largesse coming from funds at the Federal level.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. CHURCH. I commend the Senator for his argument, because it seems to me perfectly evident that once we establish revenue sharing, not only will pressures be on us to keep increasing the amount we allocate to State and local government, but also, as this amount increases, State and local governments will become more and more dependent upon the Federal Treasury.

I regard it as a paradox that those who advocate revenue sharing are doing so in the name of strengthening State and local governments, when in fact it can only have the opposite effect.

Does the Senator agree?

Mr. NELSON. I agree with the Senator from Idaho. This is one reason why I have had reservations about it.

Once you decide that the funds are going to be raised directly at the Federal level, we create a situation in which the spender of the funds has no obligation to levy the taxes to pay for them. That bothers me. I do not say that it is a situation impossible to handle. But I do not think it has been adequately explored.

The amount of money being appropriated here—depending upon the State, depending upon the municipality, depending upon how it fits into the formula that has been developed for distribution—the amount of money that will go into the general treasury of cities and States, will amount to about 5 percent on the average of the revenue they raise from their own sources.

That will not solve the desperate fiscal problems of some of the major cities where it is the most serious. We can see the development of a political competition here in which every Congressman and every Member of the Senate will be back in his constituencies, and the demand will be made from mayors, members of the city council, the Governors, and the local taxpayers that the amount of the revenue sharing be increased at the local level so that the responsibility will not fall on them to raise the money. There will be no end once that begins. This explains my great reservation. That is why I have said it seems to me we should put this aside and attempt to evaluate more carefully the pitfalls and the alternatives.

I am not against the concept of revenue sharing per se. In fact, I spoke on behalf of the concept of revenue sharing at least 10 years ago. Almost 6 years ago, on January 12, 1967, I introduced a bill on the floor of the Senate to create a National Committee on Sharing Federal Revenues because I thought the concept was not well enough understood and that the issues and pitfalls had not been carefully enough evaluated. In my statement, I said that we were not going to have revenue sharing in 1967 or 1968 anyway, that we would not have it until we ended the Vietnam war in any event, and therefore, let us spend the time carefully evaluating the whole concept of revenue sharing, so that then, after the national commission had made a careful study, it could come to Congress with recommendations. Unfortunately, that was almost 6 years ago and the bill was not passed.

Then all of a sudden, without any study having been made, a proposal is made to Congress. At each step of the way, the proposal has been improved over what the administration sent to Congress. A better bill was passed by the House than came to it from the administration. A better bill came from the Senate than came from the House.

Nevertheless, we have not adequately evaluated the question of how we should share the revenues. The question of whether we should simply cede to the States a certain amount of the income tax jurisdiction and allow them to levy it has not been explored. We have not settled the question of how much money it should be.

So it seems to me that we should send this proposal back to the drawing board and should, in fact, establish a commission on revenue sharing with instructions to report to Congress in 12 months. After all the efforts we have put into it in 12 months, I think they can come up with a proposal that would be practical and that would meet the problems we seek to meet. That would be a better way to do it. But once we start this way, I fear there will be no way substantially to change it or to improve it.

Mr. CHURCH. Mr. President, will the Senator from Wisconsin yield to me again.

Mr. NELSON. I yield.

Mr. CHURCH. I could not agree more with the Senator's position when he points out that the pressures will be on Congress to increase the allotment once the bill is passed. Already those very pressures have moved this bill through the two Houses of Congress. It is clear that the enactment of this one proposal, selected out of a host of proposals the President made at the beginning of this session, is indicative of how potent the pressures are.

I remember that when President Nixon first made his proposal, he said there would be no strings attached, that this was going to be money set aside for the States and cities, without Federal control over how it might be spent. The only exception, in the President's first message, was the constitutional requirement respecting nondiscrimination between the races.

But look at what we have already done. In the legislative process, we have already begun to attach strings to the money. In subsequent bills, more and more conditions will be added. It is natural that Congress should want to impose conditions on the spending, where Congress is handing out the money. There is no way of avoiding the accumulation of restrictions and limitations written in by Congress, as time passes.

So here again is the paradox, a President who says, "I want revenue sharing in the name of strengthening State and local governments," and before the first bill is even passed by Congress, strings are being tied to the money as quickly, almost, as we can think of them. And this is only the start.

So I suggest to the Senator that he is well advised to question the principle at issue here. The evidence is already before us that this measure may not strengthen State and local governments at all, but make them more dependent on the Federal Treasury instead, and more subject to Federal restraints and Federal restrictions, with respect to the spending of the money.

I therefore question whether this is a measure that should be enacted at all. But because I know of the dire straits of many a city and State for adequate revenue, I am willing to resolve the doubts in favor of revenue sharing, if the Senate is willing to raise the revenue to share. But I cannot possibly vote for this bill if we propose to borrow the money and go still further into debt in order to give the money away to State and local governments. That is the height of fiscal irresponsibility, and we all know it. But it is more convenient not to face up to it at this time.

Therefore, I return to the basic argument that we should pass this amendment and the other one that the Senator from Wisconsin (Mr. NELSON) and I are offering, just to make certain the principle is established that the revenue we will share with the State and local governments will be raised, not borrowed.

The Senator is also correct in his observation that one of the unfortunate effects of revenue sharing is that it divorces the privilege of spending the money from the responsibility for raising it. Once we begin to eliminate the responsibility for raising the money at the local level, we reduce the power that the voting taxpayer has to discipline spending. Thus, the end result is further to reduce the effective control of the people over State and local government.

I am afraid, in the end, that Congress will be the goat. Once we enact this program, we will then be faced with the problem each year of raising more money through Federal means to give away to State and local governments who will no longer have to tax their own people for the pleasure of spending it.

We will wonder why we ever started the process. One day we may very well live to regret it. But, if we start it without financing it, then I think we greatly compound the error. For this reason, I could not be party to the enactment of this legislation, unless we are prepared to raise the money to pay for it.

Mr. NELSON. I thank the distinguished Senator from Idaho very much. Let me say that I share the Senator's concern over the serious fiscal problems faced in particular by the major cities in America. Even though I do not like the principle of establishing a program in which we are going to share directly raised Federal taxes with the municipalities and States, because of the serious problem I am prepared to support a 2-year program on revenue sharing if we raise the taxes to pay the cost of the program and if in the interim we are prepared to create a national commission on revenue sharing to evaluate all of the still unanswered questions and have them come back to Congress and submit a report 12 months from now.

I think it is worth mentioning the nature and kind of politics that will develop in this country if Congress is to raise the money by taxes, or deficit spending as this bill proposes, and send the money back to the municipalities.

In the executive session of the Finance Committee a question was raised as to whether we ought to make the program retroactive to January 1, or effective July 1. This occurred just 2 or 3 weeks ago. I argued in executive session that, whereas it would be nice to make it retroactive, the 6 months was already over with and it would cost more than $2 billion of money that we do not have to make it retroactive therefore we should not do so.

We did not vote on that question because, I believe, only seven members were present. We just had a show of hands. It was in executive session and no one was there but the staff. It was a matter that we were going to have to settle a day or two after that. Within 24 hours my phone was busy. I heard from governors and mayors. I got telegrams from city councilmen saying, "We desperately need that money, vote to make it retroactive". All that suggests is that the League of Cities and the Conference of Mayors and the lobby here is very well organized and that every time the issue is presented there will be political pressure put on Congress to give more money back to the municipalities, where the people have no responsibility for the raising of funds.

I am not critical of their desire. Some councilmen have sent me telegrams and said they were in desperate need. The mayors said they are in desperate need. And the State is in desperate need. I do not quarrel with that. If I were to hold such a position and had that problem, I suppose I would be petitioning the Congress of the United States, too. However, this is the nature and the character of the politics that will develop if we go this route. And I think that there are very grave dangers in it.

Mr. President, as I have mentioned a couple of times, this matter needs further study. And there is time in which to do it. We could get around to resolving this major problem in another 12 months.

I raised several questions when I introduced this bill on January 12, 1967. I would like to read, before I conclude, an excerpt or two from my remarks at that time, almost 6 years ago.

Mr. President, at that time I said:

> It is also possible that local level governments will be even more dependent upon Washington instead of becoming stronger and more self-reliant. It is also feared that Federal power will be enlarged rather than diminished by giving further aid to these governing bodies.
>
> Rather than doling out public funds, some feel that any surplus funds should be used to reduce the national debt.
>
> There is also strong opinion by other high Federal officials that the funds can be better spent on Federal programs such as mass transit, cancer research, welfare programs, and so forth, and that these programs should not be sacrificed for the sake of aiding State and local governments.
>
> The main controversy, in any case, will revolve around just how much Federal control and supervision shall be exercised over the disbursement of these funds.
>
> TAX SHARING RAISES MANY QUESTIONS
>
> Why not simply cut taxes and let the State and local governments raise their own taxes as necessary to produce the same amount of new revenue?
>
> Even though most plans do not advocate that Federal string, how can we be sure that asking for modernization is not really a string after all—or that the greater share going to less prosperous States is not a qualification at the outset?
>
> Once such a program is begun, how can it ever be changed? Since each Federal legislator is affected, will this not become a giant boondoggle and porkbarrel? Would not it become as unworkable and as ungainly as some of the giant grant-in-aid programs we now have?
>
> How can we say that the Federal programs which may suffer cuts as the result of the return of money to the States are less valuable than those which the States will spend money on?
>
> And how will the States ever know how much is going to be allocated to them during each succeeding year of Congress? How will they ever know how to budget wisely?
>
> Is it not possible that putting States on the Federal payroll instead of letting them raise their own revenues for their own needs might weaken States even further rather than strengthening them and might this not shift even more power to Washington?

Mr. President, these are some of the questions that I raised at that time and that other people were also raising. I stated further at that time:

> If an equitable tax sharing plan can be developed that strengthens the States and does not expand the Federal bureaucracy, then we should do it. But any such new program requires the extensive and expert study which only a blue ribbon commission can give.

We can get the answers to these problems, which we do not have now, and we can do it within the next year if we proceed in that fashion.

Mr. President, I ask unanimous consent that the full text of the remarks, as well as the proposal I made on January 12, 1967, be printed in full in the RECORD at the conclusion of my remarks.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

A NATIONAL COMMISSION ON TAX SHARING

Mr. NELSON. Mr. President, I introduce for appropriate reference a bill, on behalf of myself and the Senator from Maine (Mr. MUSKIE), which will enable us to accomplish what many people seem to agree is an urgently necessity—a system of Federal-State tax sharing.

As the 90th Congress convenes, it seems that the sharing of Federal revenues with the States is just about the most popular issue of all.

All across the Nation, Democratic and Republican leaders are vigorously enunciating plans to solve State and local fiscal problems by sharing Federal revenues. A multiplicity of proposals already have been made, and many more are on the way. A monumental partisan contest is looming to see which political party gets the credit for helping the States and cities the most.

There are serious reasons for this national phenomenon. The needs of State and local government are growing faster than their revenues. Meanwhile, the yield of the Federal income tax is growing more rapidly and it is possible to look forward to the day when the Federal Government will enjoy a surplus. It is sensible to consider using this money to meet the needs of the States.

However, I do not think we should kid ourselves. The hard fact of the matter is that talk of passing a tax sharing measure this year is just political window dressing.

Federal-State tax sharing is incredibly complicated and it would be irresponsible for Congress to rush a plan through without exhaustive consideration. Furthermore, the war in Vietnam puts such a strain on the Federal budget that there is no likelihood whatever that Congress would choose this year as the one in which to begin sharing revenues with the States.

The real question is, What can we do in 1967 to set this important new tax-sharing proposal in motion so that it can be accomplished in the near future?

In my opinion, the answer is to create a blue ribbon National Commission on Tax Sharing to work out the details of such a plan and report back to Congress in 1969.

THE STATES' PROBLEM

When I was Governor of Wisconsin from 1959 to 1963, I was made constantly aware of the fact that State and local governments have increasing difficulty in raising necessary revenues.

This experience made me fully aware of the need for some kind of sharing of tax dollars between the huge and powerful Federal Government, with its growing revenue sources, and the State units of government.

It is next to impossible many times for the legislatures, city councils and county boards to face up squarely to the need to raise taxes to pay for vital State services, especially in the fields of education, health, and welfare.

Too often, Governors, State legislatures, mayors, and city councils, facing the choice of a tax increase or a cut in vital programs, must choose the latter alternative. As a result, local and State governments sometimes are unable to meet their responsibilities.

What is the answer to this problem? I do not believe any one person knows precisely—nor does any one group of economists, nor any one political party, nor does any group of Federal or State officials.

The riddle of the financing of State and local governments has no simple answer.

But this does not mean that we should not look at the problem of revenue sharing. It convinces me, however, that no plan we will see or hear about in the opening months of this Congress will be the ultimate plan we will want to approve.

BASIC CONCEPTS OF TAX SHARING

Generally speaking, all proponents of revenue sharing favor some kind of plan which returns money to the States after it has been collected by the Federal Government.

Block grants were first used in 1836 during the Jackson administration and represented even then a radical departure from the conventional method of disbursing Federal aid. The disbursement of $28 million to the States under the terms of the Surplus Distribution Act of 1836 represents the only instance in U.S. history when Federal funds have been granted to the States without conditions governing the use of the funds.

There are a few instances now where some Federal funds are returned directly to a few States for education and road aids. These are derived to begin with from those same States in the form of sale of public lands and the sharing of grazing receipts.

Since 1836, therefore, this country has made no move to enact any other method of tax sharing as we are now defining the term.

In 1960 Walter Heller, then chairman of the Department of Economics of the University of Minnesota, proposed that rising Federal revenues be distributed to State and local governments with little or no strings attached.

This recommendation did not get serious attention until the spring of 1964, but other pressing matters of fiscal nature prevented this proposal from receiving congressional consideration. The tax reduction bill of that year was one important roadblock, and also because the Federal budget had been running chronic deficits since 1960. Heller based his plan on the supposition that the budget would have surpluses for the next 2 years and would, therefore, make the proposal possible.

The Democratic platform of 1964 also stated that its candidates would further "development of fiscal policies which could provide revenue sources to hard-pressed State and local governments to assist them with their responsibilities."

The Republican candidate for President in 1964 also embraced this idea by recommending that a portion of Federal income taxes be returned to the States and that these governments be given a larger share of revenues derived from inheritance taxes.

In a statement issued on October 28, 1964, President Johnson declared the intention of the administration to carry out the pledge of the Democratic Party. He proposed that the Federal Government should make available to State and local governments "some part of our great and growing Federal tax revenues—over and above existing aids."

President Johnson then appointed a task force composed of individuals from government and business and headed by the distinguished Joseph A. Pechman, director of economics at Brookings Institution, to study the possibility of setting aside a fixed percentage of Federal revenues each year in a trust fund for distribution to State and local governments.

TWO BASIC CONSIDERATIONS ARE INVOLVED

First, when this plan was suggested in 1964, the rapid growth of the gross national product and the closing down of military bases prompted thoughts of budgetary surplus by the end of fiscal year 1966. It was feared that a surplus before full employment of manpower and resources had been achieved would cause "fiscal drag." This in turn would retard the then current high rate of business expansion.

The second factor, and still the most important one, is that State and local governments are badly in need of new revenue sources for their ever growing needs in schools, colleges, health services, and welfare problems.

State and local expenditures are still growing at an expanded rate.

During the 10-year period from 1954 to 1963, the expenditures of these governments more than doubled, increasing from $36.6 to $74.9 billion. State and local indebtedness increased even more rapidly during the same period—from $38.9 to $86.4 billion. Expenditures by State and local governments increased at an average rate of 7½ percent a year between 1958 and 1963. During that period net indebtedness increased by 43 percent. More recent figures obtained from the Library of Congress obtained from the Census Bureau show that in 1965, the State and local units expenditures were $87 billion while their indebtedness climbed to $99.5 billion.

According to recent figures attributed to Mr. Pechman, of Brookings Institution, by 1970 these expenditures should reach about $103 billion. And I have read that some sources indicate this figure is conservative. One hundred twenty billion dollars might be the more accurate amount, according to one study done for CED.

Most States have tax systems which place heavy emphasis on sales taxes, fees, and property taxes rather than progressive income taxes. Naturally, local governments find it difficult to support rising costs of necessary programs.

Nearly one-third of State and local revenue is derived from real property taxes. Almost one-half is raised through sales taxes and fees. Income taxes provide only a little more than 7 percent of the total.

Therefore, even if the difference between revenues and expenditures of some $20 to $30 billion a year could be raised from this existing State and local revenue system, the largest amount of the money would have to be derived from the highly regressive sales taxes and property taxes. Besides the fact that this penalizes the obvious groups of poor and older citizens, this would also discourage homeownership and accelerate the trend of deterioration of property in our already troubled cities.

Nearly 80 percent of this money will be spent for health, education, and welfare—areas in which States not only have maintained but should maintain principal responsibility.

Where is this money going to come from? These expenses can hardly be deferred.

EXAMPLE OF STATE TAXATION SYSTEM

Since I am most familiar with my own State of Wisconsin, let me bring the facts closer to home by citing some examples from figures compiled by the nonpartisan Wisconsin Taxpayers' Alliance. This group states that Wisconsin State and local tax collections in the last decade have grown much faster than the Federal collections—in 1954 State and local collections equaled 30 percent of all taxes collected. By 1964 they had grown to 39 percent of all taxes collected. This appears to be the average for other States as well.

Total State and local taxes raised in Wisconsin increased from $265 million in 1944 to $1,246 million in 1964. This represents an increase of 500 percent. The Federal tax collections for the same period increased from $822 million to $1,959 million or slightly more than twice.

Meanwhile, the percentage of money expended by the State of Wisconsin on education for the 5-year period ending 1964 rose from 22 to 26 percent of all money spent. Every 2 years the State must provide for approximately 100,000 more pupils than in the previous 2 years. Each biennium must provide for college classroom space equal to the entire pre-World War II enrollment at the University of Wisconsin.

Wisconsin, of necessity, had to resort to almost every possibility in order to raise the necessary revenues; the broadly based and progressive income tax, corporate and personal, a 3-percent sales tax, high property taxes in local communities, borrowing by local units to finance capital expenditures, gasoline taxes, sportsmen's licenses, tuition, and license fees.

But, after all these taxes are raised, the State only keeps about 11 percent with which to finance its operations. Eighty-three percent of the taxes collected by the State, about $1 billion total collected—were spent by the local units of government. Six percent went into the highway fund by law, leaving the State to spend the final 11 percent for all the functions of the State and government.

UTILIZATION OF REVENUES

If Federal tax revenues continue to grow as expected, these courses of action would be open to the Congress:

First. Expansion of the Federal budget to use the full increase in revenue;

Second. Tax reduction;

Third. Retirement of national debt;

Fourth. Expansion of Federal spending through grants-in-aid for specific programs. This latter method has been used more and more in increasing amounts.

In 1934, 18 grant-in-aid programs were in existence to send money back to State and local governments for specific purposes. By 1964 there were 68 programs for State and local governments plus 60 more programs for disbursement of funds to individuals and institutions. As of this year some 140—depending on how you count them—programs exist in the grant-in-aid field.

In terms of dollars expended, $126 million was spent for Federal grants-in-aid in 1934 and this had risen to $10,060 million in 1964 a rise of eightyfold. Average expenditure per program for Federal grants-in-aid increased in the same period of time from $7 million to $148 million. In 1965 the figure was $10.9 billion. By 1966, according to the Bureau of the Budget, $13.3 billion was being spent through grants-in-aid programs.

Naturally, along with the increase in the programs more and more strings have been attached and a growth in the Federal bureaucracy has been the direct result. This may or may not have resulted in some weakening of the State and local governments.

STATE GOVERNMENTS ARE AN EFFICIENT UNIT

The simple fact is that the State governments are more important to our system of government today than at any time since the founding days of the Republic. Their function has evolved into one of greater responsibility than ever before, especially in the fields of education, hospitalization of the sick and mentally incapacitated, law enforcement, the control of traffic and safety, the system of highways, regulation of utilities, insurance, and conservation of our natural resources.

We should lend more emphasis, not less, to the role of the State governments. They should be made stronger, not weaker. The State unit is the most efficient unit and the most rational form of a government dealing with regional problems of any other in existence today. They should be given ever-increasing responsibilities and nurtured so they grow in an orderly and logical fashion.

Nevertheless, State governments have a tough role ahead for them. They should modernize and reorganize their ancient way of administering their far-flung operations. In many cases they are still in the horse-and-buggy stage, still trying to serve an industrial society with a system that was designed around an agrarian economy.

The modern State government must develop, therefore, intensive plans and guidelines which will chart their future course through the expansion of our private enterprise economy, bearing in mind, of necessity, that the local governments must be made a partner in this development.

State governments should evaluate their present situation and develop comprehensive plans, projecting needs for the next half century in State facilities, recreation, land use, the State's economy, intercity and mass transportation, population growth and migration, and recreation resources and needs.

To do these things, both in the planning and in the implementation stages, States need money. And that is what all of these tax-sharing plans are designed to do—to get back to the State and local units of government, money which will enable them to do all of these things and more.

PROPOSALS EXAMINED BRIEFLY

The newspapers have been filled with ideas coming from all sides, many of them with great merit, at first glance.

The best known, of course, is the Heller-Peckman plan, which basically is a return of 2 percent of the Federal income tax base, returned to the States on a per capita basis. In 1966 this would have involved the sum of $5.6 billion based on total taxable income returned with no strings attached. I recently read that Mr. Pechman said that there was no reason why the States should not be compelled to turn over a fixed portion of such income to the cities. I believe Mr. Heller, on the other hand, feels that reapportionment of the State legislatures in time would mitigate the possible problems of rural legislatures refusing to share funds with urban centers.

Henry Reuss, Representative from Wisconsin, has also embraced the idea of revenue sharing with his own plan, but he gets a good deal more specific and does attach a few strings. He would like to provide $25 billion over a 5-year period to States which would take steps to modernize State and local governments. He would also like to see regional coordinating committees for each of four regions set up. His plan, as I understand it, would allocate money on the basis of population with no State receiving less than $500,000. The formula also apportions funds according to total population per State with up to 20 percent of the total set aside for supplements to States with low per capita income, or a high incidence of poverty, dependency, or urbanization.

The Senator from New York (Mr. Javits) also introduced a plan some time ago in this House, which was designed to establish in the Federal Treasury an amount equal to 1 percent per year of all total individual income taxes. In 1965 this would have amounted to $2.65 billion. Roughly, this was to be shared by means of a formula which tied the total population of the State to its revenue-raising efforts in comparison to the rest of the States. About 85 percent to 90 percent of the total fund would be divided up in that manner. In addition, about 10 percent to 15 percent of the total fund would be distributed in an income redistribution formula. Simply stated, the State which is lowest on the list of the 50 in terms of per capita national average income would receive more than the State next higher on the list and so on, until the more affluent States would receive none. Here again a string was attached, however, because all money returned would have to be spent for health, education, or welfare programs, State payments in lieu of property taxes, debt service, or disaster relief.

The plan which the distinguished Representative from Wisconsin, Melvin Laird, has suggested is that of merely returning a flat percentage of Federal taxes collected from each State to that State with no strings attached. He cites precedence in the Wisconsin plan for tax sharing. In Wisconsin all income taxes collected by the State are shared to the extent that 50 percent goes back to the community from which it was collected, 10 percent to the county, and 40 percent is retained by the State. Representative Laird does suggest that some kind of equalization formula similar to Wisconsin's formula applied throughout the country would insure that poorer States would receive a greater percentage of the funds they collect because of their greater need for assistance.

In addition, this plan is designed to partially supplant rather than to supplement some Federal grants-in-aid programs.

Representative Goodell, of New York, on the other hand, would like to make specific allotments to local communities. He would distribute 50 percent for State purposes with 45 percent to be distributed by the State to local governments and 5 percent to strengthen the executive and management functions of the State.

Several foreign governments have also engaged in tax-sharing plans with some varying degree of success. You will find that most of them are rather complicated. Germany, Canada, Australia, and Argentina all have plans which cannot be explained in a few sentences. The formulas are extremely complex. I ask unanimous consent that the documents from the Library of Congress relating to these plans be inserted in the Record at the close of my remarks.

The Vice President. Without objection, it is so ordered.

(See exhibit 1.)

ARGUMENTS FOR THESE PROPOSALS

Mr. Nelson. In an expanding economy based on 1965 tax rates Federal revenues increased on the average by about $6 billion per year. Economists fear that additional taxes would siphon off too much money from the private sector of the economy. A Federal surplus would thus result before full employment of manpower and resources is achieved. Such a surplus has the effect of retarding economic growth, and in time, the forces of recession set in. It is believed that enactment of a sharing proposal would avert this so-called fiscal drag which such surpluses may exert upon the national economy. Naturally, 1966–67 expenditures for defense and Vietnam will preclude this possibility.

Tax reduction measures would also counteract the restrictive effects a budget-surplus would produce. Tax reduction bills usually take too long to get through Congress, however, and recessions can take effect faster than legislation. By making excess revenues available to State and local governments automatically, action would get underway immediately to offset the contractive effect of such surplus.

It is apparent that the largest area of unmet needs lies in the services provided by State and local governments.

State and local governments have been increasing their outlays much more rapidly than the Federal Government during the past several years in attempts to meet mounting obligations.

As I said, in 1963 they spent about $75 billion. The Library of Congress reports projected expenditures for 1972 of amounts varying from $103 to $120 billion. On the other hand, Federal spending has increased less drastically. Fiscal year 1965 showed a total of $98 billion spent, and if one disregards expenditures for Vietnam, the projected amount for 1972 is $110 to $115 billion.

Representative Henry Reuss suggests that State and local governments may not use these Federal funds wisely if they are granted nor will they increase their own taxes and expenditures for necessary programs. Past experience, I feel, proves these fears groundless and that this would not be the case. A large proportion of total State and local outlays over the past years have been used for educational, health, and welfare purposes—an indication that they are cognizant of the needs of their people in these areas and are attempting to meet them.

As a matter of fact, of the $39 billion increase in State and local government expenditures between 1954 and 1963, 41 percent went into education; another 14 percent into health and welfare; 16 percent to highways, and 8 percent for police, fire, and sanitation—a rather good division I would venture to say.

The argument is made that grants made to State and local governments should be on a "no strings attached" basis, that these groups should be allowed to operate without tight supervision and restrictions—free from Federal control. The argument continues that the spread of "growing bureaucracy" will be halted. State and local governments will then be in a stronger financial position, and a better fiscal balance can be achieved between all three levels of government.

Other arguments for the scheme encompass the idea that unconditional grants will free Federal Government from much redtape and overhead currently necessitated under Federal programs. Present aid programs are becoming so numerous, diverse, and complex that it is difficult for the less sophisticated, governmental bodies to take advantage of them. It has been pointed out that more Federal listings appear in some phone books than do State listings.

During fiscal year 1963 the Treasury Department itemized some 66 programs of direct aid to State and local governments. These do not include numerous other programs of assistance disbursed directly to individuals and institutions within the States. During the past 10 years, direct payments to State and local governments have almost tripled—from $3.8 billion in fiscal year 1956 to $10.9 billion in fiscal year 1965. In 1965 alone, Congress added some 10 to 30 programs, depending upon how one considers a separate program. Despite the talk of "creative Federalism" and "local responsibility" every one of those dollars has a string attached—and sometimes even hawsers and cables.

Making additional revenues available, the case goes, would enable Federal officials to devote more time and energy to more pressing problems of national defense, international relations, and so forth. Loosening restrictive Federal controls would relieve Congress of overseeing the programs. The Congress would also be freed from constant pressuring of lobby groups seeking special projects or benefits for their particular districts.

And, there are arguments which say that unconditional grants will be a boon to low-income cities and States. Stringent matching requirements currently imposed on numerous programs make it difficult for some units to take advantage of some grants-in-aid, or if they do, some of their own programs must suffer. If, as some spokesmen recommend, Federal revenues are shared on the basis of population, rather than on the amount of Federal taxes paid, poorer States might be the principal beneficiaries.

ARGUMENTS AGAINST THE PROPOSALS

In 1965, the plan Heller proposed presumed continued prosperity and Federal budget surpluses. Even though we still do have prosperity, some of which is based on a war economy, the surplus is nowhere in sight right now. Between 1961 and 1965 there was a full expansion of economic activity but a full utilization of industrial capacity and full employment was not attained. Budget surpluses have always been the exception rather than the rule in the past 30 years—only six times as a matter of fact. Thus, with budget surplus a literal uncertainty the local government would have a difficult time in trying to determine their projected Federal share. Such uncertainties would certainly preclude them from projecting intelligent budgets. This would be an undesirable hardship. And once they receive a tax share, it would be difficult or impossible to cut back or cut out the program in years of budget deficits. It would not be fair to make these distributions, therefore, based on surplusage. Indeed, Congress can control its own deficits and surpluses based on the amount of spending it wants to engage in. Thus, the Heller argument for sharing based on the Federal budget surplus poses some serious problems.

Critics of tax sharing fear that without Federal supervision and control, the local governments will not use the funds in the right way. These local units may be tempted to reduce their own taxes and curtail vital programs. This has been evidenced in some sections of the country which are gearing up their economy through low local taxes, designed to attract industry and meanwhile waiting for Federal programs to help them with basic programs such as sewer and water, industrial parks, and the like.

There is apprehension that rural dominated legislatures will make allocations of funds which will not be in the best interest of the majority of the citizens. County leaders are fearful that money may never trickle down to the local level from the State level. Similarly, civil rights leaders fear that funds will be spent to support segregated schools, housing, and other facilities. Failure of the Federal Government to control the actual distribution of funds below the State level undoubtedly will cause bitter controversy among State, county, and city leaders as to just how these funds will be spent.

It is also possible that local level governments will be even more dependent upon Washington instead of becoming stronger and more self-reliant. It is also feared that Federal power will be enlarged rather than diminished by giving further aid to these governing bodies.

Rather than doling out public funds, some feel that any surplus funds should be used to reduce the national debt.

There is also strong opinion by other high Federal officials that the funds can be better spent on Federal programs such as mass transit, cancer research, welfare programs, and so forth, and that these programs should not be sacrificed for the sake of aiding State and local governments.

The main controversy, in any case, will revolve around just how much Federal control and supervision shall be exercised over the disbursement of these funds.

TAX SHARING RAISES MANY QUESTIONS

Why not simply cut taxes and let the State and local governments raise their own taxes as necessary to produce the same amount of new revenue?

Even though most plans do not advocate that Federal string, how can we be sure that asking for modernization is not really a string after all—or that the greater share going to less prosperous States is not a qualification at the outset?

Once such a program is begun, how can it ever be changed? Since each Federal legislator is affected, will this not become a giant boondoggle and pork-barrel? Would not it become as unworkable and as ungainly as some of the giant grant-in-aid programs we now have?

How can we say that the Federal programs which may suffer cuts as the result of the return of money to the States are less valuable than those which the States will spend money on?

And how will the States ever know how much is going to be allocated to them during each succeeding year of Congress? How will they ever know how to budget wisely?

Is it not possible that putting States on the Federal payroll instead of letting them raise their own revenues for their own needs might weaken States even further rather than strengthening them and might this not shift even more power to Washington?

Some officials admit to the haunting fear of tax sharing on other grounds. Many existing Federal programs are open end—that is, the cost to the U.S. Government is limited only by the ability and the willingness of the States to come up with matching funds. What would happen if the States used their tax-sharing money to match Federal grants under old programs? At least one Federal official believes that the States could bleed the Federal Treasury with its own money.

CONGRESS NOT THE PLACE TO DRAFT THE BEST PLAN

The complexities involved in tax sharing are so great, and the disparities in the plans already offered are so broad, that it seems obvious that we need a thorough examination of this subject by a blue-ribbon commission. The Congress and its own committees will still have to give a thorough review of the commission's recommendations, but at least we will have the benefit of extensive considerations and we will have a broadly acceptable proposal to use as a starting point for congressional action.

I happen to disagree with those people who suggest that we should automatically plow back 1, 2, or 5 percent of the personal income taxes to the States, with or without strings, by whatever formula they have devised thus far. This is too great a departure from the usual method of expenditure to start on a program of this sort quickly. All the ramifications should be studied in a yearlong recital of fact and opinion. With the state of our economy now being controlled to a great extent by the Vietnam crisis, this is no time to begin this program. We can afford to buy the time now.

Furthermore, I am not prepared to automatically agree that a program of this kind should supplant rather than supplement the Federal aid programs.

I think that both the urgency for haste and arguments for gradually replacing the grants-in-aid program may be politically motivated, designed to embarrass rather than to be constructive. I urge a "go slow" attitude at this juncture.

Mr. President, I am sending to the desk a measure which will provide for a commission to study the possibilities of sharing Federal revenues with the States and local governments. This commission is designed to examine the entire issue by a cross section of the country's leading authorities; including economic leaders of the Congress, the Executive, business, labor, academicians, and the general public. In addition, a Federal interagency committee is authorized which will provide information, liaison, cooperation and coordination for the commission. The bill further provides for an executive group which will provide continuity, staff, and technicians to administer and conduct the day-to-day operations of the commission. The cost is limited to $1 million and it is to report back by January 1, 1969.

I urge again that now is the time to make haste slowly.

The war in Vietnam almost certainly precludes the possibility of enacting any kind of a revenue sharing plan in this session, at least.

There are many plans being formulated, all based on different premises, all designed to accomplish different goals, and all involving different sums of money.

The complex nature of the concept, and the somewhat radical departure from our previous way of doing business calls for a comprehensive study.

If an equitable tax sharing plan can be developed that strengthens the States and does not expand the Federal bureaucracy, then we should do it. But any such new program requires the extensive and expert study which only a blue ribbon commission can give.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD, and further, that the bill lie on the desk for 10 days, for additional cosponsors.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and held at the desk, as requested by the Senator from Wisconsin.

The bill (S. 92) to establish a National Commission on Federal Tax Sharing, introduced by Mr. NELSON, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows.

S. 92

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds—

(a) that in recent years there has been an ever-increasing growth in the needs for State and local governmental services in areas of traditional State-local responsibility; and

(b) that the rising demands for spending by State and local governments have strained their ability to meet all their revenue needs; and

(c) that there are now being suggested several legislative proposals under which the Federal Government would assist the States and local governments in meeting their financial problems by sharing with them certain portions of the Federal tax revenues; and

(d) that the problem of the financing of State and local governments is of great complexity and the proposals for its solution represent a radical departure from accepted methods of providing Federal financial assistance; and

(e) that there is an urgent need for a thorough study and appraisal of all questions raised by revenue sharing proposals in order to enable the Congress to determine which of the available proposals or possible alternatives are best designed to provide financial assistance to the State and local governments and meet the needs of their citizens for essential public services; and

(f) that such a study and appraisal can best be carried out by a high level commission comprised of public and private members representative of a cross-section of the economy and the citizenry of our Nation.

SEC. 3. (a) The Commission shall be composed of twenty-seven members as follows:

(1) The Secretary of the Treasury, or his designee;

(2) The Director of the Bureau of the Budget, or his designee;

(3) The Chairman of the Council of Economic Advisers, or his designee;

(4) The Chairman of the Committee on Finance of the Senate, or his designee;

(5) The Chairman of the Ways and Means Committee of the House of Representatives, or his designee;

(6) The Chairman of the Joint Economic Committee of the Congress, or his designee;

(7) Fifteen members to be appointed by the President, by and with the advice and consent of the Senate, from among persons outside the Government, of whom three shall be drawn from labor, three shall be drawn from management, three shall be drawn from farmers' organizations, three shall be drawn from the academic profession, and three shall be drawn from among other private persons with a competency in the areas of study of the Commission.

(8) Three members to be appointed by the President from a panel of at least six persons designated by the United States Conference of Governors from among its members; and

(9) Three members to be appointed by the President from among a panel of at least six persons designated by the National League of Cities from among the Mayors of our Nation.

(b) The President shall designate a Chairman of the Commission.

(c) Fourteen members of the Commission shall constitute a quorum.

(d) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 3. The Commission shall conduct a comprehensive and impartial study and appraisal of all proposals to establish a system for the sharing of a portion of the Federal tax revenues with the States and local governments, including, but not limited to, making a determination of the following:

(a) The total amount of Federal revenues which might be available annually for sharing with the States and local governments;

(b) The portion of such revenues which should be allotted to each State and the extent to which each State should be required to distribute any of such revenues received by it to its local governments;

(c) The best manner of achieving an equitable allotment of any shared revenues among the States while helping to equalize the public services available to citizens in the different States;

(d) The extent of Federal control and supervision which should be exercised over the disbursement of any shared revenues to the States and local governments and the uses to which such revenues may be applied;

(e) The effect which the operation of any such system of revenue sharing might have upon the viability of the States as members of our Federal system;

(f) The extent to which any such system for the disbursing of Federal revenues should supplement or supplant alternative methods for the utilization of such revenues, such as specific grant-in-aid programs, direct Federal spending programs, tax reduction, and retirement of national debt; and

(g) Any ramifications which might accompany the establishment of such a revenue sharing system not otherwise considered pursuant to a determination of the preceding questions.

SEC. 4. The Commission may transmit to the President and the Congress such interim reports as it deems advisable concerning its findings and recommendations and shall transmit a final report to the President and the Congress not later than January 1, 1969. Such final report shall contain a detailed statement of the findings and conclusions of the Commission together with its recommendations for such legislation as it deems appropriate. The Commission shall cease to exist thirty days after transmitting its final report.

SEC. 5. (a) A member of the Commission who is a Member of Congress, in the executive branch of the Government, a governor of a State, or a mayor shall serve without compensation in addition to that received in his regular public employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(b) A member of the Commission who is from private life shall receive compensation at the rate of $100 per diem while engaged in the actual performance of duties vested in the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

Sec. 6. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. In addition, the Commission may procure temporary and intermittent services to the same extent as is authorized for the departments by section 15 of the Act of August 2, 1946 (60 Stat. 810), but at rates not to exceed $75 per diem for individuals.

(b) The President is authorized to appoint, by and with the consent of the Senate, an executive secretary to oversee the work of the staff of the Commission under the general direction of the Commission. The executive secretary may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates.

Sec. 7. The Department of the Treasury shall provide for the Commission necessary administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) for which payment shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Commission and the Secretary of the Treasury.

Sec. 8. (a) The Commission is authorized to negotiate and enter into contracts with private firms, institutions, and individuals to carry out such studies and to prepare such reports as the Commission determines to be necessary to the discharge of its duties.

(b) The Commission is authorized to secure directly from any executive department, agency, or independent instrumentality of the Government any information it deems necessary to carry out its functions under this Act; and each such department, agency, and instrumentality is authorized and directed to cooperate with the Commission and, to the extent permitted by law, to furnish such information to the Commission, upon request made by the Chairman.

Sec. 9. The Commission, or any subcommittee or panel thereof as authorized by the Commission, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places as the Commission or such subcommittee or panel may deem advisable.

Sec. 10. There is hereby established an interagency committee to be known as the Advisory Committee on Tax Sharing, consisting of the heads of any departments, agencies and independent instrumentalities of the Federal Government (or their designees) concerned with or interested in any areas of study considered by the Commission, to advise the Commission and to maintain effective liaison with the resources of such departments, agencies, and instrumentalities. Such committee shall elect a Chairman, from among its members.

Sec. 11. There are hereby authorized to be appropriated to the Commission, out of any money in the Treasury not otherwise appropriated, such sums, not to exceed $1,000,000, as may be necessary to carry out the provisions of this Act.

Mr. LONG. Mr. President, I move that the amendment be laid on the table.

Mr. CHURCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CHURCH. Mr. President, inasmuch as the yeas and nays have been ordered on the amendment, does it follow that the yeas and nays will be ordered on the motion, or is it necessary to make such a specific request?

The PRESIDING OFFICER. It is necessary to especially make such a request.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays on the motion to lay on the table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 1495. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. Cranston), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Minnesota (Mr. Humphrey), the Senator from North Carolina (Mr. Jordan), the Senator from Massachusetts (Mr. Kennedy), the Senator from Washington (Mr. Magnuson), the Senator from Wyoming (Mr. McGee), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), and the Senator from Virginia (Mr. Spong), are necessarily absent.

On this vote, the Senator from Virginia (Mr. Spong) is paired with the Senator from Minnesota (Mr. Humphrey). If present and voting, the Senator from Virginia would vote "yea" and the Senator from Minnesota would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Wyoming (Mr. Hansen), and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is necessarily absent because of death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New Hampshire (Mr. Cotton) and the Senator from Maryland (Mr. Mathias) are detained on official business.

If present and voting, the Senator from Colorado (Mr. Allott) and the Senator from Iowa (Mr. Miller) would each vote "yea."

The result was announced—yeas 56, nays 21, as follows:

[No. 410 Leg.]

YEAS—56

Aiken
Allen
Anderson
Beall
Bennett
Bible
Boggs
Brock
Brooke
Buckley
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Case
Cook
Cooper
Curtis
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Gurney
Hartke
Hatfield
Hruska
Inouye
Javits
Jordan, Idaho
Long
McClellan
Montoya
Packwood
Pastore
Pearson
Percy
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—21

Bayh
Bentsen
Burdick
Cannon
Chiles
Church
Eagleton
Fulbright
Griffin
Hollings
Hughes
Jackson
Mansfield
McIntyre
Metcalf
Mondale
Moss
Nelson
Proxmire
Stevenson
Symington

NOT VOTING—23

Allott
Baker
Bellmon
Cotton
Cranston
Goldwater
Gravel
Hansen
Harris
Hart
Humphrey
Jordan, N.C.
Kennedy
Magnuson
Mathias
McGee
McGovern
Miller
Mundt
Muskie
Pell
Sparkman
Spong

So Mr. Long's motion to lay Mr. Church's amendment (No. 1495) on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2. An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes; and

S. 2969. An act to declare title to certain Federal lands in the State of Oregon to be in the United States in trust for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

Subsequently, the enrolled bills were signed by the President pro tempore.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF THE FEDERAL OCEAN PROGRAM—MESSAGE FROM THE PRESIDENT (H. DOC. 92-353)

The PRESIDING OFFICER (Mr. Tunney) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce.

To the Congress of the United States:

It is with pleasure that I transmit today the report of the Federal Ocean Program. It has been a year of significant accomplishments and continued evolution of new directions to know, conserve, and use the sea.

A most important characteristic of our maturing ocean program is that we are increasingly viewing our efforts in the marine environment from the fresh perspectives illuminated by our need for its abundant resources and by the necessity to search carefully into the consequences of our actions in its development. We must insure the proper balance of these thorough measures which are compatible with the long-term maintenance of a healthy marine environment.

During 1971, strong emphasis was placed on improvements in the management of our marine living and nonliving resources, on easing pressures which threaten certain species with extinction, and on enforcement of measures to prevent environmental pollution and degradation. We have stepped up our studies of the ways in which we must manage our coastal zones to protect our fisheries, to make them available for marine transportation, to minimize pollution, and to enhance their recreational values. I have recommended legislation to establish national land use policy programs which include priority provisions for coastal zone management.

Further, in view of our increasing concern with energy supplies to sustain the Nation's economic growth and the health and well-being of our people, the Federal Ocean Program moved to explore the geophysical and geological character of our continental shelves. It should be recorded that 1971 was the year in which the Federal Government began to move vigorously to map and chart these promising submerged lands and their resource potential.

A major share of the Federal Ocean Program continued to support vital national defense objectives related to operations in the marine environment. Nevertheless, the major program increases of the past few years and those for the coming year are in the civil sector. Among the important accomplishments have been the increasing momentum to provide the operational capability for man to do useful work beneath the sea through application of research submersibles and laboratory habitats; the development of a system for the assessment of the abundance and distribution of harvestable living marine resources; and the designation of the first four Sea Grant Colleges.

Our efforts to explore the marine environment have been increasingly characterized by the trend toward major large-scale studies conducted by Federal agencies in national programs such as the Marine Ecosystems Analysis study of the New York Bight, and with other nations in international programs, such as the International Field Year for the Great Lakes and the International Decade of Ocean Exploration. In these, we are moving out to the ocean "laboratories" with arrays of ships, specially designed buoys, aircraft, earth-orbiting satellites, and submersibles to apply collective efforts to solve special problems and to advance knowledge and understanding.

I am pleased to report, also, the continued strengthening of Federal ties, both in scope and level of activity, with industry, state and local governments, and universities. I consider this a most essential aspect underlying our marine programs. As I have stated in the past, private industry, state and local governments, scientific and other institutions must increase their own efforts if we are to continue our headway toward solving the myriad of marine problems.

My budget request for the Fiscal Year 1973 provides $672 million in support of our programs in marine science, engineering, and services, an increase of more than $60 million over last year's request. This budget will enable us to continue our advances in all areas of importance to our vital and increasing national interest in the seas.

RICHARD NIXON.

THE WHITE HOUSE, *September 11, 1972.*

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

ORDER OF BUSINESS

Mr. NELSON. Mr. President, I ask unanimous consent that I may yield briefly to the distinguished Senator from Kentucky (Mr. COOPER) without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. I thank the Senator from Wisconsin.

VISIT TO THE SENATE BY MEMBERS OF THE PARLIAMENT OF BELGIUM

Mr. COOPER. Mr. President, Members of the Senate, we are honored to have with us in the Senate today 15 members of the Parliament of Belgium—all of whom are members of their Committees on National Defense.

The six members of the Senate of Belgium are: M. De Vlies, M. Vangronsveld, M. Souwens, M. Thomas, M. Lambiotte, and M. Verleysen.

The nine Members of the Chamber of Deputies are: M. Tanghé, who is the Vice Chairman of the Committee on National Defense; M. Herbage, H. Magnee, M. Mattheyssens, M. Laloux, M. Geysen, Madame Lahaye-Duclos, M. Carpels, and M. Ramacle.

This distinguished group has visited the Lockheed Aircraft plant in Marietta, Ga.; the Little Rock Air Force Base in Arkansas; and Cape Kennedy in Florida.

I would like to say to our guests and fellow parliamentarians that we are delighted to greet you as our guests in the Senate today.

(Applause, Senators rising.)

RECESS FOR 3 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess for 3 minutes.

The motion was agreed to; and at 12:39 p.m. the Senate took a recess until 12:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. TUNNEY).

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1496

Mr. NELSON. Mr. President, I call up amendment No. 1496, offered on behalf of myself and the distinguished Senator from Idaho (Mr. CHURCH).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 1496) as follows:

TITLE IV—INTERNAL REVENUE CODE AMENDMENTS

SEC. 401. MINIMUM TAX FOR TAX PREFERENCES.

(a) Section 45 of the Internal Revenue Code of 1954 (relating to imposition of the minimum tax for tax preferences) is amended by redesignating subsections (b) and (c) as (d) and (e), respectively, and by striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) IN GENERAL.—In addition to the other taxes imposed by this chapter, there is hereby imposed for each taxable year, with respect to the income of each person, a tax equal to the sum of—

"(1) the tax on such person's category I tax preference income (computed under subsection (b)), and

"(2) the tax on such person's category II tax preference income (computed under subsection (c)).

"(b) CATEGORY I TAX PREFERENCE TAX.—For purposes of subsection (a)(1), the tax on a person's category I tax preference income is 10 percent of the amount (if any) by which—

"(1) the sum of the items of tax preference set forth in paragraphs (2), (3), (4), (5), and (10) of section 57(a) in excess of the category I exemption, is greater than

"(2) the sum of—

"(A) the taxes imposed by this chapter for the taxable year (computed without regard to this part and without regard to the taxes imposed by sections 531 and 541) reduced by the sum of the credits allowable under—

"(i) section 33 (relating to foreign tax credit),

"(ii) section 37 (relating to retirement income),

"(iii) section 38 (relating to investment credit),

"(iv) section 40 (relating to expenses of work incentive program), and

"(v) section 41 (relating to contributions to candidates for public office); and

"(B) the tax carryovers to the taxable year.

For purposes of this subsection, the category I exemption is $30,000 minus the amount of the category II exemption that the taxpayer elects to use.

"(c) CATEGORY II TAX PREFERENCE TAX.—

For purposes of subsection (a)(2), the tax on a person's category II tax preference income is—

"(1) in the case of a corporation, 24 percent of the amount (if any) by which the sum of the items of tax preference set forth in paragraphs (6), (7), (8), and (9) of section 57(a) exceeds the taxpayer's category II exemption, and

"(2) in the case of a taxpayer other than a corporation, a tax on the amount (if any) by which the sum of the items of tax preference set forth in paragraphs (6), (7), (8), and (9) of section 57(a) exceeds the taxpayer's category II exemption equal to one-half of the tax which would be imposed under section 1 by treating the amount of such excess as the taxable income for the taxable year.

For purposes of this subsection, the category II exemption is the amount, not exceeding $12,000, that the taxpayer elects (at such time and in such manner as the Secretary or his delegate prescribes by regulations) to use for the taxable year."

(b) Section 56(d) of such Code, as redesignated by subsection (a) (relating to deferral of tax liability in case of certain net operating losses), is amended to read as follows:

"(d) Deferral of Tax Liability in Case of Certain Net Operating Losses.—

"(1) In general.—If for any taxable year a person—

"(A) has a net operating loss any portion of which (under section 172) remains as a net operating loss carryover to a succeeding taxable year, and

"(B) has items of tax preference taxable under subsection (b) or (c) for the taxable year,

then an amount equal to the lesser of the tax imposed by subsection (a) or 10 percent (or such percent as may be determined under regulations prescribed by the Secretary or his delegate) of the amount of the net operating loss carryover described in subparagraph (A) shall be treated as tax liability not imposed for the taxable year, but as imposed for the succeeding taxable year or years pursuant to paragraph (2).

"(2) Year of liability.—In any taxable year in which any portion of the net operating loss carryover attributable to the items of tax preference described in paragraph (1)(B) reduces taxable income, the amount of tax liability described in paragraph (1) shall be treated as tax liability imposed in such taxable year in an amount equal to 10 percent (or such percent as may be determined under regulations prescribed by the Secretary or his delegate) of such reduction.

"(3) Priority of application.—For purposes of paragraph (2), if any portion of the net operating loss carryover described in paragraph (1)(A) is not attributable to the items of tax preference described in paragraph (1)(B), such portion shall be considered as being applied in reducing taxable income before such other portion."

(c) Section 56(e) of such Code, as redesignated by subsection (a) (relating to tax carryovers) is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) the sum of the items of tax preference set forth in paragraphs (2), (3), (4), (5), and (10) of section 57(a) in excess of the category I exemption for the taxable year,"; and

(2) by striking out "subsection (a)" in the last sentence and inserting in lieu thereof "subsection (b)".

(d) Section 58 of such Code (relating to rules for application of the minimum tax) is amended—

(1) by striking out "$30,000 amount specified in section 56 shall be $15,000" in subsection (a) and inserting in lieu thereof "$30,000 and $12,000 amounts specified in section 56 shall be $15,000 and $6,000, respectively";

(2) by striking out "30,000 amount" in subsections (b) and (c) and inserting in lieu thereof "$30,000 and $12,000 amounts";

(3) by striking "$30,000" in subsection (c) and inserting in lieu thereof "$30,000 or $12,000, as the case may be,";

(4) by striking out subsection (g); and

(5) by adding at the end thereof the following new subsection:

"(h) Election Not To Claim Tax Preferences.—In the case of an item of tax preference which is a deduction from gross income, the taxpayer may elect to waive the deduction of all or part of such item, and the amount so waived shall not be taken into account for purpose of this part. In the case of an item of tax preference described in section 57(a)(9), the taxpayer may elect to treat all or part of any capital gain as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231, and the amount treated as such gain shall not be taken into account for purposes of this part. An election under this subsection shall be made only at such time and in such manner as is prescribed in regulations promulgated by the Secretary or his delegate, and the making of such election shall constitute a consent to all terms and conditions as may be set forth in the regulations as to the effect of such election for purposes of this title."

(e) The amendments made by this section shall apply to taxable years beginning after December 31, 1971.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, I ask unanimous consent that a memorandum which explains the present minimum tax provision and the changes we propose be printed in the Record at this point.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

MEMORANDUM

A. PRESENT MINIMUM TAX PROVISION

The Tax Reform Act of 1969 provided a special minimum tax for certain special deductions or tax favored income, called preference income. The present minimum tax is levied on nine areas of preference income. The taxpayer is allowed a deduction of $30,000 plus any regular income tax paid, and the tax is levied at the rate of 10 percent.

The following tax preference income is subject to the minimum tax: (1) accelerated depreciation on personal property subject to a net lease. Straight line depreciation means that deductions for depreciation are taken in equal amounts over the useful life of the property. Taxpayers have the option of using methods of accelerated depreciation which may allow a larger portion of depreciation to be deducted in the earlier years than in later years. The excess of these larger deductions in earlier years over the amounts that would be deducted under straight line depreciation is preference income subject to the minimum income tax. The provision only applies to individuals, estates, trusts, Subchapter S Corporations (which may elect to be taxed as partnerships), and personal holding companies; they do not apply to other corporations. Personal property of a taxpayer, which is leased with a guarantee of a specific return or a whole or partial guarantee against loss of income, is personal property subject to a net lease eligible for this treatment.

(2) Accelerated depreciation on real property. Similarly, for real property (such as buildings) the excess deductions taken in any year under an accelerated method of depreciation over those which would be taken under the straight line method are subject to the minimum tax. In addition, depreciation deductions for rehabilitation expenditures on low and moderate income housing may be taken in equal yearly installments over a five-year period. This provision allows the deductions to be taken over a shorter time than the useful life of the improvement. The excess of these deductions in any one year over the deduction which would be taken if the expenditure were depreciated over the entire useful life of the property under straight line depreciation is subject to the minimum tax. These provisions are applicable to all taxpayers.

(3) Amortization of on-the-job training and child care facilities. Under present law, expenditures for on-the-job training and child care facilities can be deducted in equal amounts over a period of five years. The excess of these deductions over the deductions which would be taken under allowable depreciation methods (including accelerated depreciation) is preference income subject to the minimum tax.

(4) Amortization of pollution control facilities. Under present law, deductions for the costs of certified pollution control facilities attributable to the first 15 years of useful life can be taken in equal yearly installments over a five-year period. The excess deductions taken under this method over allowable methods of depreciation (including accelerated depreciation methods) are subject to the minimum tax. This provision is applicable to all taxpayers.

(5) Amortization for certain railroad rolling stock. Under present law, the deduction for the cost of certain railroad rolling stock may be taken in equal installments over a period of five years. The excess deductions under this provision over allowable depreciation deductions (including accelerated depreciation methods) are subject to the minimum tax. This provision applies to all taxpayers.

(6) Tax benefits from stock options. Stock options are often granted which allow employees to buy stock at some time in the future for a stated price regardless of the market price. The difference between the option price and the market price at the time the option is exercised, which is not considered taxable income until the stock is eventually sold, is subject to the minimum tax.

(7) Depletion allowances. Present law allows a method of percentage depletion, for recovering the cost of developing a well or mine, which is based on production rather than cost. Deductions for depletion may exceed the actual costs. The excess of the depletion allowance for the year over the adjusted basis of the property at the end of the year is subject to the minimum tax.

(8) Bad debt deductions of financial institutions. Financial institutions are allowed to deduct from their taxable income, reserves against bad debts. These reserves are generally higher than actual bad debt losses. The amount by which deductions for the purpose of adding to bad debt reserves exceed the amount which would have been allowed if a bank were to maintain its reserves on the basis of actual experience is preference income subject to the minimum tax.

(9) Capital gains. Long term capital gains are treated somewhat differently for individuals and corporations. For individuals, one half of net long term capital gains (to the extent they exceed net short term capital losses) are excluded from regular tax. This income is now subject to the minimum tax. For corporations, all net long term capital gains (to the extent they exceed net short term capital losses) may be taxed at the rate of 30 percent instead of the regular corporate rate of 48 percent. Long term gains considered as preference income for a corporation are determined by multiplying total long term gains by a fraction whose numerator is the regular rate minus the alternative 30 percent rate (or 18 percent) and whose denominator is the regular rate (or 48 percent). Thus, 18/48ths of corporate long term

capital gains—the difference between the tax at the regular rate and the tax at the lower rate—is subject to the minimum tax.

B. PRESENT MINIMUM TAX INEFFECTIVE

Under the present minimum income tax, it is very easy for a taxpayer to avoid paying any minimum tax or to pay a very small amount of minimum tax. For example, a taxpayer filing a joint return with a regular income of $100,000 and preference capital gains income of $50,000, who happens to have itemized deductions of 15 percent and two exemptions, would pay no tax on his preference income. If his preference income were $100,000 he would pay a tax of $3,463 on that $100,000 of income. To take another example, a financial institution with taxable income of $500,000 and preference income of $250,000 of excess bad debt deductions would pay no tax on that preference income.

C. PROPOSED NELSON/CHURCH AMENDMENT

The proposed amendment would set up two categories of preference income. Category I income—excess depreciation and amortization for real property, personal property subject to a net lease, pollution control facilities, rolling stock and on-the-job training and child care facilities—would continue to be treated as they are under present law. Category II income—preferences due to stock options, bad debt reserves, depletion and capital gains—would be treated differently. For Category II income no deduction for regular income tax would be taken and the exemption would be $12,000 rather than $30,000. The $30,000 exemption for Category I income would be reduced by the amount of the exemption taken for Category II income in the case of a taxpayer who had both types of preference income.

The rates which apply to Category II income would also be changed. In the case of corporations, the rate would be 24 percent or half of the regular corporation tax of 48 percent (normal tax plus surtax). In the case of individuals, the tax on Category II income would be equal to one-half of the tax which would be due if the preference income were considered to be regular taxable income, that is to say, one-half of the applicable marginal rates.

Mr. NELSON. The enactment of the Tax Reform Act of 1969 should not result in complacency. It was merely the beginning—and a rather poor beginning—of meaningful tax reform. Our tax code, a document of mind-numbing complexity, still enshrines inequities and injustices. It still unduly rewards the rich and punishes the poor.

Perhaps the main reason why a modicum of tax reform was finally achieved in 1969 was the public's rightful outrage when it learned that many wealthy people were paying little or no income taxes. When Secretary of Treasury Joseph Barr disclosed that in 1967 155 Americans with income of over 200,000 paid no Federal income tax and, in fact, 21 of them made incomes of over $1 million each and still paid no taxes it was clear that something had to be done. Unfortunately, what was done was not done well. Although the Tax Reform Act of 1969 adopted a minimum tax on income derived from tax preference provisions it is still possible for the very rich to pay little or no tax. In 1970, 106 individuals with incomes of $200,000 or more paid no Federal income tax. Incredibly, three taxpayers with adjusted gross income of more than $1 million each pay no income tax at all.

As startling as these figure are, they understate the number of wealthy people who, through tax loopholes, escape paying any Federal income tax at all. These figures include only individuals who file Federal income tax returns showing adjusted gross incomes in excess of the $200,000 and $1 million levels. Important tax preferences in the present Internal Revenue Code exclude certain classes of income from the definition of "gross income" altogether. More important than the tax preferences excluding income items from "gross income" are those which result in reduction of a taxpayer's "adjusted gross income" by means of special deductions.

The deductions permitted by the percentage depletion allowance is an example of such a deduction. Because deductions of this kind reduce taxpayers' adjusted gross income—the figure upon which the Treasury statistics are based—they can prevent the statistics from including many individuals who in fact have large real incomes but pay no tax.

The fact that a millionaire can escape paying any Federal income tax at all captures our attention but the problem is much more serious and widespread. For every wealthy person who pays no Federal income tax there are many more who do not pay a fair share of their income in tax. In fact, the tax rate on these wealthy peoples' income is much less than the tax rate on the income of the average American worker.

The statutory rate schedule for the individual income tax has a sharply progressive structure. The tax rates rise from 14 percent to 70 percent. For married taxpayers filing joint returns, the 14 percent bracket applies only to the first $1,000 of taxable income; the 70 percent bracket applies to all taxable income in excess of $200,000.

Data on the rates of tax which taxpayers really pay manifests a marked departure from the statutory rates. Statistics disclosed by the Treasury Department in 1969 indicate that, at 1969 income levels, 28.2 percent of the tax returns showing "amended taxable income" between $500,000 and $1 million paid tax at effective rates of no more than 25 percent; 58.5 percent of the taxpayers in this income range paid tax at effective rates of no more than 30 percent—substantially less than half the top statutory rate. Of taxpayers having amended taxable income of $1 million and over, 62.8 percent paid tax at effective rates of no more than 30 percent.

Comparable data is not yet available for the first year after the Tax Reform Act of 1969 became effective. However, analysis of the data in light of the specific reforms contained in the 1969 act suggests that post-1969 statistics would not show substantial deviations from the figures set forth above.

A study recently completed by Joseph Pechman and Benjamin Okner of Brookings affords additional evidence for the conclusion that the upper ranges of the individual income tax system possess very little real progressivity.

Computing the Federal income tax paid under existing law by all classes of individuals as a percentage of so-called "expanded adjusted gross income," the study finds effective tax rates rising from 0.5 percent—for the first $3,000 of income—to 29.5 percent—for expanded AGI from $100,000 to $500,000—30.4 percent—for expanded AGI of $500,000 to $1 million—and 32.1 percent—for expanded AGI of $1 million and over. This data is based upon projections of 1972 income levels and computations of tax under the law as amended both by the Tax Reform Act of 1969 and by the Revenue Act of 1971. Here again, one finds clear evidence that the 1969 act did little to improve the progressivity of the upper ranges of the individual income tax. To put the matter somewhat differently, the fundamental goal of the income tax system—to correlate taxes paid with ability to pay—remains unrealized despite the 1969 act.

The Treasury Tax Reform Studies and Proposals, published in early 1969 and providing much of the background material for the 1969 Tax Reform Act, described 11 specific cases of high income individual taxpayers who were making use of the preferential provisions of the Internal Revenue Code to pay little or no Federal income tax. The minor effect of the 1969 act can be seen by comparing the results of the post-1969 law in these cases with that of the pre-1969 law.

One of the Treasury cases concerned a taxpayer with income of $935,781, consisting largely of capital gains, dividends, and interest. Under the pre-1969 law this individual paid tax at an effective rate of 14.7 percent. Under the post-1969 law he would pay tax at 17.5 percent—bringing him to an effective tax rate 0.5 percent less than the rate applicable to persons with incomes of from $20,000 to $50,000 in 1966.

A second Treasury case concerned an individual with income of $1,284,718, composed almost entirely of capital gains. Under the pre-1969 law, his effective rate of tax was 0.03 percent. Under the law applicable to 1971, his effective tax rate would be 8.5 percent—hardly a dramatic increase if one bears in mind that persons having income of less than $5,000 in 1966 paid tax at an average effective rate of 7.4 percent.

A third case described in the Treasury studies concerned a taxpayer with $1,469,179 of income from oil and gas, $673,390 of long-term capital gains, and $118,393 of dividends, interest, and miscellaneous income. Under the pre-1969 law, he paid to Federal income tax. Under the post-1969 law, the effective tax rate on his $2,260,962 total income would be 6.7 percent. That rate is less than half of the 14 percent rate which applies to the first $1,000 of the average workingman's taxable income.

One should note that, if anything, these illustrations understate the tax avoidance possibilities which remain in the post-1969 income tax law. The computations here assume continuation of the same investment patterns which the taxpayers had chosen under pre-1969 law. The 1969 act made some of the tax preferences outlined here less advantageous, but it left a number of other tax preferences untouched; it opened several new loopholes; and the Revenue Act of 1971 opened still others. Presumably, sophisticated upper-bracket investors will shift their investment patterns to take advantage of these new possibilities—and thereby avoid or reduce the effect which the computations above suggest for the 1969 act.

Two hypothetical examples are useful to make clear the tax avoidance possibilities which remain in the law after the 1969 act.

X has $1 million of tax-exempt interest, $200,000 of dividend income, $100,000 of deductible charitable contributions and other personal deductions including interest, of $100,000. Under the present Internal Revenue Code—including the 1969 amendments—X will pay no Federal income tax or minimum tax on his total income of $1,260,000.

Y is a married taxpayer with $300,000 of long-term capital gains, $100,000 of dividends, $50,000 of salary, $50,000 of tax-exempt interest, $200,000 of income from oil and gas production, $100,000 of percentage depletion in excess of cost, $250,000 of intangible drilling and development costs, $100,000 of real estate losses attributable to accelerated depreciation, $25,000 of deductible charitable contributions—including $10,000 of untaxed appreciation—and $25,000 of other personal deductions. Under the present income tax law, Y will have no taxable income. He will pay a minimum tax of $32,000, making his effective Federal income tax rate 4.5 percent on total real income of $710,000.

A different class of evidence further demonstrates the subsisting need for reform of the income tax system. An active and vigorous market in tax shelters—devices by which high-income individuals shield their incomes from tax—continues despite the 1969 act. Corporate executives, doctors, lawyers, other high income individuals, and their tax and financial advisers are bombarded by a steady stream of sales literature advertising tax shelter arrangements. The advertisements are attractively packaged, with colorful illustrations and glossy paper; and their tax advice is, unfortunately, largely sound.

One such brochure, addressed to "Mr. and Mrs. Fortunate Participant" and prefaced with the observation that its information will be of interest only to persons in the 50 percent or higher tax brackets, tells the reader that he may "convert a portion of—his—tax burden into an investment which will provide potential income and the creation of a capital asset." It proceeds to describe, in clinical detail, how high-income individuals can utilize cattle feeding, oil and gas, cattle breeding, and real estate investments to avoid tax.

A second pamphlet urges investors to "Put tax dollars to work for you" by investing in an oil and gas drilling program. It explains:

> Individuals in high tax brackets can utilize the Drilling Fund to shelter part of their income from taxes, starting in the year of investment and continuing as long as oil and gas income is received. Much of their investment in the program is made with dollars that would otherwise be paid in taxes to state and Federal governments. Higher income tax brackets enable Limited Partners to enjoy greater tax savings than would be possible in lower tax brackets.

An advertisement for a tape cassette entitled "The Big, New Tax Benefits of the Revenue Act of 1971" helpfully addresses itself to such topics as "The Revolutionary, New 'Class Life' Depreciation System That Pumps Extra-$$$ Back Into Your Business"; and "How To Create a 'Domestic International Sales Corporation' (DISC) and Cash in on This New Tax Shelter for Export Profits." A summary explains:

> With this quick-listening cassette you'll cut straight to the core of great new tax benefits. You'll see how you can profit from brand-new tax credits and shelters . . . get the most out of increased deductions and exemptions . . . make powerful, new tax moves to put yourself $$$ ahead in 1972.

An advertisement for a program on "Tax-Sheltered Investments," held in New York, San Francisco, and Houston this year, explains that the program's objective is "to explore and evaluate the numerous investment opportunities which offer the investor reduced or deferred tax liabilities under current Internal Revenue Service regulations." Noting that "Tax-sheltered investments are by definition complicated," the brochure points out that a special "faculty of tax, legal, accounting, investing, and operating management experts will work with you to clarify the possibilities for profitable participation in this field."

The examples could be multiplied almost without limit. The lesson is clear: brokers and dealers in tax shelters are thoroughly aware of the tax avoidance devices which remain available after the 1969 act, and they are doing all they can to bring that information to the attention of high income taxpayers.

The departure of our income tax system from the measurement of taxes according to ability to pay is not confined to the individual income tax. It extends also to the corporate income tax.

The 1969 Tax Reform Studies and Proposals contained statistics, based on 1965 data, comparing the effective tax rates of various industries.

In comparison with the average effective tax rate of 43.3 percent paid by manufacturing industries generally, the petroleum industry paid 21.1 percent, other extractive mineral industries paid 24.3 percent, the lumber industry paid 29.5 percent, commercial banks paid 24.4 percent, mutual savings banks paid 5.3 percent, and savings and loan associations paid 14.5 percent.

Although the Tax Reform Act lowered the percentage depletion deduction from 27.5 percent to 22 percent and restricted certain other corporate tax preferences, it did nothing to the exploration and development deduction, the deduction for intangible drilling and development expenditures, tax-exempt interest, and the Western Hemisphere Trade Corporation deduction; and its only change affecting the capital gains treatment for timber was the modest general elevation of the corporate capital gains rate to 30 percent. Furthermore, the investment credit was reenacted in 1971, and the 1969 act reforms for accelerated depreciation on residential rental property were quite minor. Accordingly, while the industry effective rate percentages described above may have increased slightly for the petroleum industry, the effective rates for 1962 should reflect approximately the same industry-to-industry variances which were present before the 1969 act.

The situation hardly seems improved when the U.S. Treasury can report that for 1970, 40 percent of all U.S. corporations paid no Federal income taxes. This was true before ADR and the investment tax credit went into effect, we therefore can anticipate even greater reduction in the effective tax rate for corporations.

In the light of such facts is it unreasonable to ask Congress to act?

The introduction of the minimum tax in the Tax Reform Act of 1969 was an attempt to obtain some tax contribution from wealthy individuals who had previously escaped income tax on all or most of their income. The facts I have previously mentioned reveal how far we have yet to go to achieve that goal.

The minimum tax is levied at a 10 percent rate on a selected list of preference incomes to the extent that income from all the items exceed, first, a $30,000 exemption and second, the regular income tax for that year or prior years. The most important preference incomes in the minimum tax base are capital gains, the 50 percent of long-term capital gains excluded from taxable income for individuals, and the difference between the tax at the regular rate—48 percent—and the lower capital gain rate of 30 percent for corporations; depletion deductions in excess of the amount that would be allowed on the basis of cost; the value of a stock option given to an employee at the time the option is exercised and bad debt deductions of financial institutions.

The amendment which Senator CHURCH and I am proposing would change the tax treatment of these four items of the minimum tax. For these items no deduction for regular income tax would be taken and the exemption would be $12,000 rather than $30,000. The rate which applies to these items would also be changed. In the case of corporations, the rate would be 24 percent or half of the regular corporation tax of 48 percent—normal tax plus surtax—in the case of individuals the tax would be equal to one-half of the tax which would be due if the preference incomes were considered to be regular taxable income, that is to say, one-half of the applicable marginal rates.

Mr. President, Congress enacted the minimum tax provision in 1969 to achieve the rather simple principle of tax equity that every wealthy person should pay some Federal income tax. It is becoming painfully clear that we failed to achieve that goal. I proposed that we try to finish the job. Acceptance of this amendment will not end the need for more thorough tax reform. On the other hand, acceptance of this amendment should not have to wait for a more comprehensive tax reform proposal. The minimum tax provision is by its very nature not an attempt to reform the entire tax code. It merely tries to insure that everyone, who can, pays some percentage of his income in taxes. The amendment I am proposing today has been the subject of extensive debate in recent years. It received detailed hearings in Congress during the Tax Reform Act of 1969. There is no excuse for not doing at least this much this year.

Mr. CHURCH. Mr. President, I join the distinguished Senator from Wisconsin in offering this amendment.

Again, our purpose is the same as it was before: To undertake to raise the revenue we propose to give away to State and local governments and avoid thrusting the National Government more deeply into debt.

Senator Nelson and I have prepared a chart which we have distributed to Members of the Senate, illustrating the dramatic increase in the growth of the debt. Since the end of Harry Truman's administration, the debt has increased by $200 billion, and half of that increase will have occurred in the fiscal years 1970, 1971, 1972, and 1973—that is, the 4 years of the Nixon administration.

Is there any wonder, then, why it is repeatedly charged that the Federal budget has gone totally out of control? Is there any way we can avoid the responsibility for raising the money we propose to share? To be sure, we can avoid doing it now, before the election, but one day we must face up to it. It is far more honest to face up to it now and advise the American people that there is no free revenue to share; that there is no way to manufacture the money to give away to State and local governments; that the Federal Government cannot keep going ever more deeply into debt.

With this amendment, we propose to raise the revenue through tax reform to do the very thing that so cries out for the doing. We are very close to a tax revolt in this country. The people know that the present system is grossly unfair.

The manager of the bill, the distinguished Senator from Louisiana (Mr. Long), in making one of the finest statements concerning the need for this reform, had this to say about the present tax system, when speaking on the floor of the Senate on November 24, 1969:

> As the members of the Senate well know, there is a great demand for tax reform. Throughout the country, our people are paying high tax rates and bearing heavy tax burdens. They want to make sure that their taxes are fair. They are willing to pay their share of the tax burden, but they do not want to bear someone else's tax burdens. There is nothing that makes a man so angry and discouraged as the feeling that other people are not paying their taxes and are putting their tax burdens on his back .
>
> I think there is a widespread feeling throughout the country that our tax system is now not as fair as it should be. Joe Barr, when he was Secretary of the Treasury, pointed out the nature of the problem that faces us when he cited 154 individuals with incomes of $200,000 or more in 1966 who paid no income taxes. There were even 21 individuals with incomes of $1,000,000 or more in that year paid no tax.

Mr. President, I agree heartily with the distinguished chairman of the Committee on Finance. We do need tax reform. It has become a major issue in this election. Nowhere is the need more glaring than when it comes to those at the very top of the tax brackets who are paying little or no tax at all.

I take it that 2 years ago, when Congress acted to pass a minimum tax, it intended to reach these people. Yet, the provisions of that minimum tax are so weak that, after 2 years of experience with it, we know that it must be strengthened if it is to do the job we intended.

The record is clear. The evidence is before us. It is just a question of whether we blink at the evidence and postpone tax reform until another, more convenient time, or whether we undertake to now raise the money we propose to give away to State and local governments. It is a question of whether we continue to be irresponsible or whether we at last act as serious custodians of the Public Treasury.

I am sure that the question will be settled, if one may judge from the previous vote, in favor of more irresponsibility. Nonetheless, it is difficult to argue that this minimum tax ought not be strengthened in face of the data now available.

In 1970, for example, the minimum tax raised only $117 million from 18,646 individuals on a total of $2.85 billion in preference income. This represents an effective 4-percent tax rate, not the 10 percent we had intended, which was little enough—only 4 percent, a rate far below the tax rate paid by the average working man or woman.

The 1970 figures also show that it is possible to have very large amounts of loophole income, while still paying little or nothing under the minimum tax. In 1970, a total of 3,140 individuals showed no adjusted gross income in the aggregate—in fact, they showed a loss—but they had a total amount of tax preference income of $197 million.

There is no way this can be justified. The proof is in that the minimum tax has failed even to achieve the standards set by Congress when it enacted it. We are not receiving 10 percent from these people, though we tax the workingman at a much higher rate. We are receiving 4 percent. Is there any wonder that people are so angry at the tax system and the men who perpetuate it?

In this connection, Mr. President, a very informative article demonstrating the failure of the present minimum tax to achieve its objectives, written by Eileen Shanahan, was published in the New York Times. I ask unanimous consent that the full text of the article, giving all the particulars, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

New Minimum Tax Net $117 Million; But 18,000 Wealthy Persons Pay Average 4 Percent Levy

(By Eileen Shanahan)

Washington, March 26.—The major reform of the 1969 Tax Reform Act cost some 18,000 wealthy individuals a total of nearly $117-million in additional taxes last year, but the tax that they paid under the reform provision averaged only 4 per cent.

All taxpayers taken together, regardless of income bracket, paid an average 13.8 per cent of their income in Federal income taxes.

Statistics showing the effect of the reform act on 1970 personal income taxes have just been released by the Internal Revenue Service in its annual publication, Statistics of Income.

The pamphlet (I.R.S. Publication 198-2-72) gives for the first time an analysis of what has happened under what is known as the "minimum tax," a provision of the 1969 law that was aimed at preventing individuals with large income from escaping all Federal income tax.

The minimum tax imposes a special tax at a flat rate of 10 per cent on income that is tax-free under other provisions of the tax law, provided that tax-free income exceeds $30,000 plus whatever tax the individual paid on his other income. Thus, the actual tax rate paid under the minimum tax will always be less than 10 per cent.

FALLS SHORT OF GOAL

The minimum tax did not entirely succeed in its basic purpose of making sure that all persons with income in excess of $30,000 paid at least some Federal income tax, the I.R.S. figures showed.

A total of 3,314 persons with incomes of $30,000 or more paid no income tax in 1970. Of these, 1,338 had incomes in excess of $50,000; 394 had incomes in excess of $100,000; 22 had incomes of excess of $500,000, and three had incomes in excess of $1-million.

Criticism of the operation of the minimum tax came immediately from Representative Henry S. Reuss, Democrat of Wisconsin, who has become one of the leading advocates of tax reform in the House.

He said that even if the well-to-do-persons subject to the minimum tax were paying the tax at an average 7 per cent rate—instead of the 4 per cent that a simple averaging of the figures would indicate—that is the same overall percentage of Federal income tax payments that is made by a person with an income of only $6,500.

"As things stand now," Mr. Reuss said, "the minimum tax administers just a small love pat to wealthy tax avoiders. They can continue to use tax loopholes if they will just pay a small admission fee for the privilege."

Mr. Reuss said that, at the very least, the 10 per cent rate of the minimum tax should be increased.

PREFERRED ITEMS LISTED

The number of taxpayers who were subject to the minimum tax in 1970 was 18,646. They paid $116,875,000 in minimum tax on a total of $2,845,207,000 of income that is given preferential treatment—either untaxed or lightly taxed—under other provisions of the tax law.

Items of tax-preferred income that are subject to the minimum tax include accelerated depreciation deductions, income subject to depletion allowance and the tax-free half of capital gains.

Some other items of tax-preferred income are not included in the list. Among these are income from state and local government bonds and income subject to the special deduction for oil and gas well drilling expenses.

Mr. Reuss said that the way the tax law works, some income that receives preferential tax treatment is subtracted before the taxpayer reaches the point on his tax return that says "adjusted gross income." All of the statistics on how much tax is paid—or avoided—by persons in each income bracket are based on adjusted gross income.

ESCAPE STATISTICIANS

Thus, Mr. Reuss said, the figures showing the number of high-income persons who pay little or no tax are misleadingly low.

"It is possible to have very large amounts of tax loophole income, while at the same time having little or no adjusted gross income," he said. "These people are not only escaping the tax collectors, they're escaping the statisticians as well."

An example of what Mr. Reuss had in mind could be found in the Internal Revenue figures showing that there were 3,140 individuals who showed no adjusted gross income—in the aggregate, in fact, they showed a loss—but who had a total amount of tax preference income of $197,245,000.

Mr. CHURCH. Mr. President, I ask unanimous consent that an editorial published in the Idaho Statesman, captioned "Revenue Sharing," which supports the proposition that we ought to raise the revenue we now propose to give to State and local governments under this measure, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

REVENUE SHARING

Senators Church and Jordan have considerable logic on their side in their positions on the Senate's revenue-sharing bill. Jordan opposes it and Church said he will support it only if it is accompanied by legislation to raise $5 billion to pay for it.

That is the best approach—to pass revenue sharing and to raise the $5 billion to pay for it. That amount could easily be raised by closing a few tax "loopholes."

The Senate bill would give Idaho's state government $7.9 million the first year. State and local governments would receive $15.7 million, a total of $23.6 million.

With that $23.6 million Idaho could reverse the trend of rising property taxes. Property taxes should go down substantially. The schools would benefit. Growing areas, like Ada and Canyon counties, would find it easier to keep up with rising costs.

By pre-empting so much money through the federal income tax, the federal government tends to starve state and local governments. People can't resist federal taxes very effectively, but they can resist taxes at the state and local level.

Yet the greater needs are not for more federal projects, for higher federal salaries, for bigger federal buildings, but for such bread and butter local services as schools, roads, sewers and parks.

There is work to be done. There are jobs to be created. Some of it isn't done now because local government has no place to turn but to the property tax.

The trouble with revenue-sharing this year is that the federal government is heading for a deficit of more than $25 billion. Revenue sharing will really be debt sharing.

Raising the $5 billion to pay for revenue-sharing would be a good starting place for a more responsible fiscal policy. It would help curb the deficit.

Senator Jordan favors another alternative to the revenue-sharing bill as written, diverting to states a share of federal income tax revenue collected in the states.

There is a danger, as he notes, that state and local government will become too dependent on revenue sharing. Unless Congress and the executive branch practice more restraint than in the last few years, it could get out of hand.

On the other hand, there is no evidence that the executive and Congress will be any less extravagant with revenue sharing than without it. At least with it state and local government, and local taxpayers, would be better off.

Revenue sharing would be approved, but as Senator Church suggests, with a $5 billion revenue-raising measure to accompany it. Or Congress should follow its passage with a $5 billion cut in federal spending.

Mr. CHURCH. Mr. President, an excellent statement of the general need for tax reform, one of the most detailed and objective statements I have seen, was published in the August 12, 1972, edition of Business Week. It sets out the inequities in the present system and discusses, pro and con, the various proposals for tax reform. In the hope and expectation that Congress, following the elections, will address itself to this question and undertake to raise some revenue to close the tremendous deficit gap, I ask unanimous consent that the full text be printed here in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX REFORM

Never in modern U.S. economic history has there been tax reform without an accompanying tax cut to soften the blow. But the odds are that no matter who occupies the White House in 1973, Congress will seek tax reform as part of—or instead of—a hefty tax increase.

Two forces are working to break tradition:

The federal budget has skyrocketed, with this year's deficit running at more than $30-billion. According to the Brookings Institution, the country is headed for a $17-billion full-employment budget defict in fiscal 1975, unless current tax and spending plans are altered. Administration officials blame Congress, but that will not solve the dilemma. Economists, warning that the mid-1970s could bring an inflationary boom like that of the mid-1960s, say that bigger taxes are inevitable. Noble Prize winner Paul Samuelson told a recent hearing of the Joint Economic Committee that "no matter who wins the election, Congress will find itself legislating higher taxes next year."

The public distrusts and resents the way in which the federal tax system imposes its load. Voters are increasingly uphappy with tax laws that they think hit the average man too hard and the rich and the corporation too softly. This dissatisfaction surfaced during the Democratic Presidential primaries. Both South Dakota's Senator George McGovern and Alabama's Governor George Wallace repeatedly attacked what they called the unfair federal tax system that lets the rich and powerful pay less than their fair share. Although the charge was never spelled out in much detail, voters responded enthusiastically.

It could be that Wallace and McGovern were merely giving listeners a target for their general unhappiness with successive governments that brought them the war in Vietnam, inflation, recession, rising expectations, and rising frustration. But whatever its true origin, the taxpayers' revolt, which Congress tried to stifle with the Tax Reform Act of 1969, is back on the march. Says Walter W. Heller, President Kennedy's chairman of the Council of Economic Advisers: "We have got to get this equity question straightened out before we get the tax increase."

PRESSURE ON THE WHITE HOUSE

Congress has gotten the message. Tax reform is fast becoming a fashionable cause in the Capitol. The thin ranks of old-time reformers—including Representative Henry S. Reuss (D-Wis.), Charles A. Vanik (D-Ohio), James C. Corman (D-Calif.), and Senator Gaylord Nelson (D-Wis.)—have been joined by new recruits. In the vanguard: Democratic Presidential nominee McGovern.

This fall a group of reform enthusiasts may start the ball rolling by placing a quickie, $6-billion reform rider on the Administration's debt ceiling bill. Procedural problems will probably stymie the move, but not the spirit, behind the drive for reform.

Ways & Means Committee Chairman Wilbur D. Mills, the godfather of Congressional tax legislation, has also seen the handwriting on the wall. The wily Arkansas legislator has not been a champion of reform in the past. But during his brief run for the Presidential nomination this year, he tried to outdo opponents by proposing a massive repeal bill that would have wiped out 54 special tax provisions unless Congress took specific action to retain them. Noncandidate Mills has backed off from the sweeping proposal, but he is pledged to hold tax reform hearings early next year—on exactly what, he will not say.

President Nixon, too, has tested the water and announced that the Treasury is working on a plan for tax reform—albeit a "secret plan" that will not be unwrapped until after the November elections. The White House likes to point to the Tax Reform Act of 1969 as evidence of its reforming zeal, but Congressional observers scoff at this claim. The view from the Hill is that Congress forced reform on Nixon not vice versa, and that may happen again. In 1969, Congress was armed with a giant study of tax reform proposals prepared by outgoing Democratic Assistant Treasury Secretary Stanley Surrey. "Nixon," says one Hill staffer, "had to run to catch up." Neither Nixon nor Congress, however, ran very hard, and the 1969 bill wound up with more tax reduction than reform.

Yet the President has promised localities some kind of relief next year for heavy property taxes, perhaps through a new federal value-added tax. Nixon would have a tough time pushing this controversial form of national sales tax through a Democratic Congress without some accompanying reforms to increase taxes on the rich.

What is causing the reformers' dismay is buried in 1,856 pages of the Internal Revenue Code and in over 4,000 pages of Treasury regulations. This mountain of legalese describes how the federal government will pick some $220-billion out of American pockets this year. More than half the money (table, page 85) will come from income taxes, personal and corporate, that were designed to be progressive—to take more from the rich man's dollar than from the poor man's, more from the giant corporations' profits than from little businesses: Estate and gift taxes, levied for the privilege of transferring money before and after death, will bring in only about $4.3-billion a year. These two taxes are designed to hit the rich harder, on the theory that they have a greater ability to pay. The rest of the federal booty comes from regressive taxes—where the poor pay more—such as payroll levies and excises.

GOOD TAXES, BAD TAXES

Reformers note the federal government's increasing reliance on the "bad taxes," the regressive ones. Washington now collects more revenue from payrolls than from corporate income taxes—a turnabout from the 1950s. Economists argue about who ultimately pays the corporate tax—consumers through higher prices, or stockholders through lower profits. But most experts agree that the tax is at least moderately progressive—and certainly more so than payroll taxes, half of which come straight out of labor's pocket.

To make matters worse for poorer Americans, in recent years state and local governments have been upping their demands, too, even faster than has Uncle Sam. The tax take at these lower levels rose from 45% to 52% of the federal total between 1950 and 1969. Most of the money comes from regressive excise, sales, and property taxes.

The upshot, according to a study by economists Lester C. Thurow and Robert E. B. Lucas, is that the "bad" has canceled out the "good", leaving the U.S. with a proportional tax system that hits the rich and the poor with about the same clout. Thus, taxes do virtually nothing to alter income distribution, which has remained unchanged since 1947. The poorest fifth of families receives about 5% of the total family income—before and after taxes—while the top fifth gets 42%. The tax system's turn toward regressivity does not mean of course, that the taxpayer is overloaded. He is not—at least compared to his European counterpart. Taxes in the U.S. add up to about 32% of gross national product—roughly on a par with Italy, Canada, and Belgium. Harder hit are residents of Sweden, Norway, and Great Britain, where taxes take 48%, 43% and 39% respectively of the GNP.

Moreover, taxes tell only part of the story of the government's financial impact on various citizens. A fuller picture comes from looking at what the government gives as well as what it takes. On this basis (table, page 85), the U.S. seems to have a progressive system that on balance reduces the income of the rich and increases the income of the poor.

FAILING THE FAIRNESS TEST

This bird'e eye view, however, misses the point of the taxpayers' revolt. Most Americans do not really know very much about what taxes are today in Sweden, or what some Census Bureau experts think about progressivity of the U.S. tax-transfer mix. What they do know is that, because of inflation and higher taxes, the value of their paychecks did not grow between 1965 and 1971. And they know that people on salary do not get many breaks from the Internal Revenue Service. They see the tax system losing its grip—but not on them. For example:

Some 112 Americans with annual incomes of more than $200,000 in 1970 paid federal income taxes of zero—despite the much-heralded tax reform of 1969 and the new minimum income tax of 10% imposed at that time (page 85).

Taxpayers with incomes of $20,000 to $50,000 pay an effective rate of 20% to 30%. But people 20 times that rich, with incomes from $500,000 to $1-million, pay the same effective rate—not the 70% IRS maximum for this bracket.

Corporations paid an estimated average effective tax rate of 37% on profits in 1969, according to a recent study by Representative Vanik. The top 100 companies managed to reduce the toll to 26.9%, a far cry from the 48% tax legislated by Congress. (Although corporate tax figures are not public, Congress may soon demand that they be published.)

Conservatives tend to view such discrepancies as a matter of incentive for investment; liberals are more likely to view them as "loopholes." For the average man, the problem seems to boil down to equity, something that Adam Smith 200 years ago said that every tax system ought to have.

Unfortunately, Smith did not leave his modern counterparts much advice about achieving tax equity. And today's public finance experts have not done much better than their master. Their rules and logic run as follows:

Taxpayers who are economically equal should be taxed equally. This is called horizontal equity.

Thus, it follows that taxpayers who are not equal should not be taxed equally.

Since the U.S. espouses a progressive tax system, rich Americans should pay a larger share of their incomes into the pot than low-income individuals. This is vertical equity.

On its face, the U.S. system—built on the base of a personal income tax with rates ranging up to 70% in the top brackets—seems to meet all three measures of fairness. The charge of inequity arises because over the years Congress has written into the revenue code a long list of exemptions and provisions for special treatment of certain kinds of income and expenses. Many of these originally were intended to achieve greater equality in treatment of taxpayers. Others were designed to promote activities deemed necessary for the economy. The result has been to offer alert tax avoiders a wide range of choices:

Deductions for certain kinds of spending—charitable contributions, interest payments, local taxes, for example—shrink the income base to which taxes apply.

Exemption of certain kinds of income—interest on state and local bonds, part of capital gains, interest earned on premiums paid for life insurance, payments into pension funds by employers—put huge slices of income beyond the reach of the tax collector.

Special credits—notably the 7% investment tax credit—cut taxes of corporations that undertake spending programs that the government wants to encourage.

In the late 1960s, Stanley Surrey put together the first comprehensive tabulation of so-called tax expenditures or tax subsidies—revenues foregone by the government as a result of exemptions, deductions, and credits. Part of Surrey's table, updated by the Treasury at the request of the JEC, is shown on page 89. This is the battlefield map for the tax reformers.

Surrey, now back teaching law at Harvard, would like to see federal departments submit their budgets with tax expenditures included. This, he argues, would present a more realistic picture of what resources the government is putting into each activity. In 1969, for example, the table shows that Washington put roughly $8-billion of regular outlays into commerce and transport but "spent" about twice that, $16-billion, in taxes not collected.

Treating tax concessions as budget items would give Congress a chance to weigh each item in term of what it is costing and what it is producing. But it is unlikely that tax reform will proceed along any such logical line. Instead, Congress and the White House are likely to pick their way cautiously through Surrey's list.

WHAT THE CRITICS PROPOSE

Extreme reformers such as the Brookings Institution's Joseph Pechman would like to do away with every tax break on the list and then some—achieving the ultimate in horizontal equity, at least as far as figures can show equity. Pechman's version of a comprehensive personal income tax would erase special treatment for homeowners, married couples, and even Social Security beneficiaries.

This sweeping reform, given current tax rates, would net the government an additional $77-billion in 1972, according to Pechman and his research partner at Brookings, Benjamin Okner. It would be so effective, in fact, that Pechman and Okner estimate that it could be accompanied by a major cut in the rate schedule. If the government chose to give the whole $77-billion back to the taxpayer, it could reduce marginal tax rates as part of the scheme, bringing the levy on the top bracket down to 44% on incomes above $100,000.

However, Pechman, who is now an adviser to the McGovern camp, is realistic about the prospects of any such drastic move. "I could visualize a world in which you had rates like that," he says, "but I never kid myself that we are poised for that bold new era."

Instead, tax reform in 1973 will follow the more traditional route—tightening up here, pulling back there, cutting but not obliterating the more obvious preferences. This approach is typified by several proposals already before Congress. Some 25 representatives have endorsed a blockbuster bill by California's Corman that would chip away at dozens of tax preferences and net an estimated $19-billion when it took full effect in 1980. Another package of roughly the same size was tossed to the Senate by Wisconsin Democrat Nelson and a dozen other liberals.

The basic barrier to reform is the simple fact that one man's loophole is another man's salvation. The beleaguered homeowner does not think of his deduction for interest and local taxes as a special privilege. He sees it as the only thing that stands between him and foreclosure.

Economists—and the politicians who listen to them—also worry about the impact that heavy-handed tax reform might have on economic growth. Most of the tax preferences that business enjoys were granted originally on the ground that they would stimulate expansion or offset a handicap. The nagging questions that any tax reformer must answer are whether hitting the rich will shrink the flow of funds for investment and whether tightening up on corporations will reduce the number of jobholders as well as the number of fat cats.

At least on the Democratic side of the fence, the worry is not enough to dampen the enthusiasm for tax reform. Says Walter Heller, who was chief architect of the 1964 tax cut: "There must be a balance between the fair shares consideration and the need for full use of resources and economic growth. But the optimal mix between distribution and growth should be struck to the left of where it now is."

Inevitably, tax reform will take its coloration from the man who sits in the White House next year. Nixon would be cautious about upsetting business and the investment markets. McGovern would be rougher on higher incomes and corporations—though his recent statements indicate that he would try to achieve full employment first.

THE 12 TARGETS FOR REFORM

Of course, forcing rich Americans to pay more will do little to lower the tax burden of middle-income earners, particularly if the move is part of a push to raise taxes generally. But the object of tax reform today is to answer the complaint that the system is unfair and to make the rich pay more even if the effect on the total government budget is nominal.

This means that in 1973, Congress will be looking hardest at the 12 areas that have established themselves in the popular mind as places where the rich are getting away with something:

Estate and gift taxes

Under the present estate tax regulations, based essentially on a 1916 law and virtually ignored by Congress since 1942, most wealth can be passed from generation to generation untouched by Uncle Sam. Each year, only 4% of the estates of adults who die and 25% of the total wealth of the decedents is subject to the tax. The take comes to less than 2% of all federal revenues.

The federal estate tax alone—above the current exemption level of $60,000, rises progressively to a maximum of 77% at $10-million. Gift taxes on money or property given away during an individual's life time run at roughly three-fourths the estate rate. It would seem that a wise man would prefer to give his wealth away, rather than to take it with him. But the records show that the richest Americans prefer to retain the bulk of their wealth until death, then pass it on in elaborate trusts that can be devised to avoid estate taxes for two or more generations.

The very rich have the best of it. "These laws have helped create an aristocracy of wealth," says reformer Thomas Field, a former Treasury lawyer who now heads a public interest group called Tax Analysts & Advocates.

Tax experts of all political stripes agree that estate and gift taxes are in dire need of overhaul, if for no other reason than to update the rates and exemptions. It takes a lot more money now to support widows and orphans than it did 30 years ago. But the concentration of wealth—and the power that goes with it—are the chief targets of the economists in McGovern's camp. Their ultimate aim is to redistribute wealth in such a way as to break down artificial barriers to class mobility; revenue-raising is secondary.

Although some conservative critics oppose any kind of estate taxation as a disincentive to individual achievement, some of America's richest men disagree. Andrew Carnegie, for one, called estate taxes the nation's "wisest" levy. A father who leaves his son enormous wealth tempts him to "lead a less useful and less worthy life," Carnegie wrote.

The debate in Congress next year will revolve around modern Carnegies, who think the current rules have too many escape clauses, and their opponents, who want to keep E&G taxes loose enough to maintain the traditional American entrepreneurial spirit.

One major change, suggested by Surrey's Treasury study, would lump gift and estate levies into a single, progressive lifetime tax. This would be simpler than present rules, and would eliminate the option of trading off one progressive tax system against the other.

Another reform would aim at the generation-skipping trusts. As the 1968 Treasury study said: "The enjoyment of the property by each successive generation is not skipped; it's only the estate tax that is being skipped."

Under McGovern's present plan, the estate tax would be dumped in favor of a federal inheritance tax, with a top rate of 77% on $500,000 or more. If the current estate tax law is only modified, a very rich man with one child would probably be able to leave him very rich. An inheritance tax, which would be levied progressively on the heir on all legacies received in his lifetime, would cut into his wealth much more sharply.

Ways & Means ran out of time—or patience—to consider Surrey's estate and gift tax proposals. Mills promised to do the job as soon as possible, and could end up spending most of the next session on this part of the tax code. The Administration's chief tax man, Treasury Under Secretary Edwin Cohen, says he is ready to act. too.

Special treatment for capital gains

In 1913, when personal income taxes were authorized by the 16th Amendment to the Constitution, capital gains were not exempted. Congress was given power to tax "incomes, from whatever source derived," and income from capital gains was lumped along with the rest. Some economists—Pechman of Brookings, for one—wish that the system had stayed that way, but Congress began to spoon in the preferences and exemptions starting in 1918.

Today, only half of long-term capital gains is taxed, at a maximum rate of 25% in most cases, and never at more than 36.5%. The theory: Capital investment is an engine of growth that should be encouraged.

This special status for capital gains has been a double-edged sword. Along with encouraging growth, spurring the stock market, and enabling many hot-shot businessmen to accumulate fortunes, the preferences have sent Americans and their tax lawyers on a merry chase for ways to convert regular income into capital gains.

Congress has obliged by chipping away at the income tax to extend preferential treatment to income from livestock and timber production; royalties on patents, coal, and iron ore; and real estate investment. Economists do not agree that the result is a net plus for growth, though the incentives certainly have lured investment money into the favored sectors.

Furthermore, the Treasury estimates that the capital gains allowances cost Washington about $6-billion a year. Pechman and economist Gerard Brannon, who recently retired from the Treasury after nine years in the Office of Tax Analysis, put the figure somewhat higher.

Beyond cost, there is an equity argument. Reformers assert that the preferences allow very wealthy Americans, who derive the bulk of their income from stockholdings, to avoid taxes unfairly. Wilbur Mills has said that he cannot see why a dollar earned by the sweat of one's brow should be taxed more heavily than a dollar earned on capital appreciation.

Yet Congress is not about to strike out any of the individual preferences, for the forces arrayed against such moves are powerful. This spring, several tax studies done for the JEC concluded that specific tax preferences, such as the timber allowance, miss the mark, are not worth the Treasury's revenue loss, and might better be handled by direct government subsidies. But chances of change are slim, according to economist Jerry Jasinowski, the JEC staffer who organized the subsidy hearings for Chairman William Proxmire (D-Wis.).

"It's like being a rat in a maze," say Jasinowski. "No matter which way you turn, your're stuck. The JEC get one study done. The industry involved could get 17 written against it."

Nevertheless, reformers next year may take two swipes at capital gains. One reform would stretch the definition of long term from the current six months to 12 months. The other assault will be against capital gains that are unrealized at death, and thus untaxed.

Tax experts are hard-pressed to explain the estate loophole. Says one: "I think they just forgot about this money—it got lost between the income tax and the estate and gift taxes." The result: Some $20-billion of appreciation slips away every year through the kind of escape hatch that former Senator Paul Douglas used to call a "truckhole."

This escape route is the top reform priority for Heller and Brannon. "If Congress spent the whole year working out how to tax capital gains at death—and did nothing else—it would be a very good year for tax reform," says Brannon, who now teaches and works for Thomas Field's tax group. Mills says that he is willing to go after this loophole, but only as part of a total revision of gift and estate taxes.

Action on the death-tax angle is a high priority for reformers, however. For persons who are not rich, the rule tends to lock in assets as death approaches; people cannot afford to realize their gains during their lifetimes and reduce their estate. Furthermore, Congress cannot really raise capital gains taxes during life without shutting off the death escape. Higher rates would merely encourage more people to freeze their assets until death.

For equity reasons, any change would hit only capital gains that occur after the rules are altered. Lumping of the gains in one tax year could be avoided by averaging.

Stock option provisions

The reforms of 1964, plus Wall Street's depressed performance in the last few years, have taken some of the glow off the stock option. Nevertheless, corporations still use this shelter for executives. Taxes on the spread between the option price and the final selling price are taxed as capital gains—rather than at higher regular rates—if the stock is held at least three years before sale.

Liberal Democrats are teaming up to trim away some of this preference. They want to treat the difference between the option price and the stock's market value as regular income, and tax it when the option is exercised. Senator Nelson argues that this would discourage corporate use of the option and protect stockholders from dilution of ownership.

Tax-free interest on State and local bonds

From the start, Washington has kept hands off the interest paid by State and local governments on the bonds they issue. Congress did not want to tangle with the question of whether it is constitutional to interfere with the States this way.

The legal question still has not been settled, but the exemption has come under increasing fire. Like the capital gains preference, this break is heavily skewed in favor of the rich, the chief buyers of tax-exempts and the chief beneficiaries of the allowance (page 85). Moreover, economists have begun to challenge the provision as inefficient for Washington, the economy, and even the localities that depend on the exemption to enable them to compete with private industry for much-needed investment dollars..

According to a new study made for the JEC, the Treasury's revenue loss on such debt issued in 1969 alone was about $2.6-billion over the life time of the municipals. Interest costs saved by the state and local governments, however, total only $1.9-billion. Thus, it seems, Washington could tax the rich on their interest, directly subsidize the governments involved, and still come out ahead.

The direct subsidy on interest, a kind of revenue-sharing, would also eliminate distortions in capital flows caused by the tax break, reformers argue. According to economists David and Attiat Ott, 25% of the money that went into tax-exempts in 1969 would have headed into other forms of investment and savings if the special tax provision for increasing after-tax income did not exist.

Even the state and local governments are hurt by reliance on tax-exempts, the Otts say. Their treasuries have been left vulnerable to swings in monetary policy. Banks, major buyers of tax-exempts when money is easy, flee this market when the Federal Reserve Board tightens up and interest rates elsewhere become more attractive. Presumably a direct federal subsidy would prove less fickle.

In 1969, the House passed a bill that offered states and cities the option of a Treasury subsidy worth up to 40% on interest. But mayors and governors, fearing too much federal control, lobbied away the provision in the Senate.

Now, local resistance appears to be waning—as long as the subsidy remains optional and the door stays open for selling tax-exempts. Only new issues would be affected, since taxing old debt would not be fair to investors who bought tax-exempts under the old law.

The minimum tax

The revelation in early 1969 that a few hundred wealthy citizens legally had paid no federal income taxes touched off an uproar. As a result, the Tax Reform Act of 1969 contained a new provision: a minimum tax to be applied even though a taxpayer could claim preferences that would have produced a lower result. The taxpayer must now add up a list of certain preference incomes—including half of capital gains, accelerated depreciation, and depletion allowances. If the total exceeds his regular income tax plus an exemption of $30,000, he must pay 10% on the difference.

The minimum tax has cut the list of rich nontaxpayers, but it has not eliminated the category. Congress still has to explain to the voters why there are hundreds of wealthy income recipients who pay no taxes (page 85). The answer is that certain tax preferences—notably interest on state and local bonds—are not included in the minimum-tax list.

The Treasury insists, however, that most wealthy Americans pay "heavy amounts of tax." It cites figures to show that in 1970 the average effective rate for those with an adjusted gross income of more than $200,000 was 44.1%. For those of more than $1-million, the rate was 46.4%.

The Treasury's AGI figures do not suit the tax reformers, as Representative Reuss pointed out to Treasury Under Secretary Cohen during JEC hearings this month. The AGI, said Reuss, omits billions of nontaxable dollars, the very preferences that make it possible for a rich man to pay no taxes or to pay a very low effective tax rate.

The no-pay issue is unimportant from a budget standpoint, but it is perhaps the sor-est point of all in popular criticism of the system. Congress is eager to include a tougher minimum rule in any tax reform package. It might tack one onto this fall's debt ceiling bill as a quickie reform rider. Changes would run in two directions: (1) a lower exemption and a higher tax rate, perhaps $12,000 and 20%; (2) coverage of a broader list of preferences. Municipal bond interest would be the main addition.

McGovern seems to favor folding the minimum tax into a comprehensive requirement that would make any person pay 75% of what his taxes would be without preferences.

The personal exemption

Born with the income tax in 1913, the personal exemption was originally intended to keep low-income Americans off the tax rolls. Since then, the preference has tumbled in real value. Today's $750 would do little to shelter the poor from IRS without the added low-income allowance adopted in the 1969 reforms.

Critics of the exemption now want to transform it to a tax credit worth the same amount for everyone. They argue that the exemption is an upside-down tax preference, bringing a $525 tax saving to a man in the top tax bracket, but only $107 for someone slugging along on the bottom of the income scale.

A similar argument can be made for progressivity of the personal deductions. They too are worth more to the rich than to the poor. Some congressmen are devising a plan to substitute a variable credit for deductions on charity, medical expenses, nonbusiness interest, and the like. A credit of 25% would leave the Treasury's revenue unchanged, but result in a net gain for lower income tax payers.

Most likely: Turning the exemption into a $150 credit to help taxpayers under $12,000, at no cost to Treasury.

Charity deductions

Full deduction of charity contributions from taxable income long has been a tempting target for tax reformers. They charge that much of the upper-bracket giving is pure tax avoidance, and they argue that it results in a distorted deployment of the nation's resources, with sentimental old ladies giving to homes for stray cats instead of contributing revenue to support government.

In recent years, Congress has tried to chip away at contributions motivated by tax avoidance. In 1969, it set a ceiling of 50% of AGI on charitable deductions (effective in 1975). Even that, however, produced a frightened protest from foundations, colleges, and other groups that qualify under the contributions heading on Form 1040.

This year, the reformers are taking another tack. They would like to put a floor under the personal charity deduction so that only taxpayers who give more than, say, 3% of adjusted gross income can claim deductions. Backers of the proposal argue that the deduction is intended to encourage extra giving, not to exempt donations that the taxpayer would make in any case. Small givers, who put less than 3% of their AGI into various collection plates, get no benefit from the deduction anyhow, because they do not itemize.

A 3% floor under the charitable deduction would bring in roughly $1.9-billion a year. Almost all of it would come from the upper bracket. Charities might be more inclined to buy the floor than the ceiling, but strong opposition will come from middle-bracket taxpayers who itemize.

Oil and mineral preferences

In the public imagination, the 54-year-old oil and mineral preferences loom large. That is why, despite a notable lack of leadership from President Johnson's otherwise reform-minded Treasury, Congress decided to trim the oil depletion allowance from 27½% to 22% in the reforms passed in 1969.

The case for tax help to mineral producers has been a subject of hot debate almost since corporate income taxes were first levied in 1909. The first extra depletion allowance for minerals was granted in 1918.

Arguments in favor of the preferences usually center on national defense and the peril of an energy crisis. Both demands would require a reliable and growing supply of oil and gas. And a parallel is drawn between depreciation for machinery and depletion allowances: Both investments eventually are exhausted. Thus, the argument runs, deductions must be allowed.

However, mineral depletion allowances are far more attractive than depreciation write-offs—even accelerated depreciation. Oil and gas extractors can deduct 22% of receipts for depletion every year, up to a ceiling of 50% of net income, and without a time limit on taking down the allowance. The Treasury estimates that oil operators recover their costs 19 times over, before the well runs dry.

The other big break—this one exclusively for oil and gas producers—allows an immediate write-off for so-called intangible drilling expenses, the money spent on wages, fuel, repairs, hauling, and other necessities that have no later salvage value. In other industries, these costs are capitalized and recovered gradually by depreciation.

Economists have tried in vain to estimate whether these preferences are worth the well over $1-billion a year they cost the Treasury. It is difficult to evaluate the amount of national defense that the tax subsidy produces. Critics think it may be cheaper to use a direct budget outlay or lift import quotas to get the same results. But they do not know what the "echo effect" would be on the price of gasoline, for example, if the preferences were dropped.

Still, sentiment on the Hill is growing for another move against the minerals industry. This time, it will probably be a push to require that intangible costs be capitalized—except for a dry well, which can be written off immediately. The Nelson bill figures on a potential federal revenue gain of $300-million a year, after an extra big take of $750-million in the first year.

Asset depreciation

The Nixon Administration persuaded a somewhat reluctant Congress to approve broad liberalization of depreciation rules last year mainly because it predicted that the action would help U.S. businessmen expand their investment programs and sharpen their competitive teeth in international trade. In effect, the asset depreciation range (ADR) gives industry the option of writing off its investment in plant and equipment at a rate 20% faster than under the old rules. The estimated long-run cost: $3.5 billion a year.

Business economists argue that the ADR does not represent a tax cut, but only tax deferral. Once the equipment is written off, the taxpayer will have used up his deductions and will be liable for full rate on any income the equipment generates. Consumerists, however, have attacked the plan as a permanent subsidy to industries that maintain their investment programs year after year.

The ADR has not been in effect long enough for economists to assess its effectiveness. Something certainly has been stimulating investment in the past year, but it is hard to say how much the big jump in capital spending is attributable to ADR and how much to the tax credit.

Complete repeal is on the reform list of virtually every Democratic liberal. However, Ways & Means Chairman Mills and the Republicans want to keep the ADR as it is. They argue that it has generated a big cash flow for investment. It also has permitted companies to make investment decisions on the basis of a short payout time, thus encouraging risk-taking.

The battle over the ADR could be a hot one. Paradoxically, the bigger the boom in investment, the more willing Congress may be to apply brakes. The ADR could be tightened up precisely because it has done what the White House said it would do.

Tax deferral for foreign subsidies

One of the key questions in any income tax is: When is the income received? In the case of foreign subsidiaries of U.S. corporations, the Treasury originally took the attitude that earnings were not realized until the parent brought them home. In 1961, it tried for the first time to tax such earnings on a current rather than a deferred basis. The result was a labyrinthian 1962 law that tried clumsily to restrict the use of the deferral privilege to establish tax havens.

Deferral continues virtually unabated, however. Until a U.S. corporation actually brings the profits home in the form of dividends paid to it by its foreign subsidiaries, there is no U.S. tax. Since much of this money is reinvested overseas, the exemption is likely to become permanent.

Economist Peggy Musgrave, who studied this subject for the joint committee, recently reported that "deferral clearly introduces a nonneutral incentive to invest abroad and is difficult to defend on both equity and efficiency grounds."

This, in fact, seems to be one issue where academic economists join forces with the protectionists who favor the Hartke-Burke bill. The mounting threat of balance-of-payments deficits puts extra push behind the move to tax undistributed earnings of foreign subsidiaries on the same basis as domestic earnings. Net yield to the Treasury would be only about $165-million, but the impact on incentives to invest abroad could be large.

Domestic international sales corporations

The DISC program, which cost the Treasury $170-million in lost revenues this year and is expected to cost more later, was devised by Congress in 1971 to encourage exports by domestic concerns and to offset the tax advantages offered to U.S. subsidiaries abroad. It offers tax deferrals and profit-shifting advantages for U.S. companies that set up special export sales subsidiaries at home. The hope is to keep jobs in the U.S. and to improve the balance of payments.

Reformers such as Representative Reuss point to this legislation as a classic case of erosion of the tax system—"correcting one loophole by creating another." Their preferred solution: Cancel both and they will try.

Earnings and conventions abroad

The good life is about to get less good—for those who work and play abroad. In 1926, when the government first decided to exclude from taxes income earned by Americans living in foreign lands, the intention was to lure Americans away from this country to help stimulate foreign trade. The exclusion also had an international equity goal: Foreign governments did not tax their nationals on foreign income sources. After World War II, the exclusion was juiced up to entice technicians to work in less-developed countries.

No one is sure how much foreign trade all this produced. But quite clearly the tax breaks have proved an enticing incentive for Americans who prefer Rio to Reading. For citizens who work overseas 17 out of 18 months, the exclusion amounts to $20,000 a year. If the citizen is a bona fide foreign resident—three-years' living over "there"—the exclusion totals $25,000. The tax cost is $50-million a year.

Taxpayers at home do not see much equity in a huge exclusion for living on the Left Bank in Paris. Most likely change: U.S. income taxes will be applied to foreign earnings, with a credit for foreign taxes paid.

Another foreign tax preference may also be slapped down: the business expense deduction for attending conventions overseas.

The American Bar Assn.'s 1971 convention in London seems to have riled some congressmen. If they get their way, a San Francisco convention will continue to qualify as business, with deductions allowed for the trip, meals, and lodging. But when an American organization decides to convene in foggy. London, that will be counted as pleasure, with no deductions.

THE PRICE OF A TAX BOOST

Although the cost of tax preferences runs ino boxcar figures—$77 billion according to Pechman's calculations—tax reform does not pormise to be a big money-raiser for the federal government, especially in the first few years after it is enacted. Reform strategists think that something like $10-billion in extra revenue is the most they could possibly get, and that would not be realized until some years after the bill had passed.

Some of the biggest preferences have too much solid support among the voters to be tampered with. The income-splitting provision for husbands and wives, for instance, costs the Treasury $21-billion a year in lost revenue, but since there are more husbands and wives than any other kind of people, income-splitting is here to stay.

Other big preferences will survive intact simply because it would cause too much economic disruption to change them. Deduction of homeowners' interest and property tax payments costs the government $5.1-billion a year. But millions of homeowners are locked into long-term mortgages. To change the law would ruin many. And to allow a "grandfather clause" for present homeowners would mean that the man who bought his house last year would get the preference, while his next-door neighbor who bought in 1973 would not. No congressman would care to explain that one to the constituent who just missed getting under the wire.

Confronted with problems like these, Congress is likely to nibble gingerly at the big tax preferences if it touches them at all. Even capital gains will get relatively gentle treatment for fear of throwing the stock market into a panic. Still, the emphasis will be on increasing the effective rate for the high-bracket taxpayers.

None of this will do much to cope with the huge budget deficit that will face the next Administration. Yet Clark MacGregor, head of the Committee to Reelect the President, said his week that the Nixon Administration would not ask for any tax increases in "the foreseeable future"—meaning the next two years. Instead, the Republicans would balance the budget by pruning Great Society programs and tapping increased revenues.

It is highly unlikely that Congress will undertake such massive budget-slashing. The consensus is that Congress will soon be required to raise taxes; the asking price will be strong reforms. The shape of these reforms may depend on the kind of revenue measure the next President seeks.

One money-raiser Nixon seems to favor is a value-added tax, essentially a national sales tax levied at each stage of production. Nixon says he will only sponsor VAT if it can be made "nonretrogressive." But a recent Brookings study indicates that there is no such animal; even with tax credits for the poor, VAT would lose its progressivity at high income levels, since wealthier people spend less of their money on consumption. The reformers' price for this kind of tax would be especially high.

An alternative to VAT would be a 1968-style surcharge on income taxes, which Brookings rates as the most progressive way to boost revenues with the current tax code. This by itself would increase equity and might take some of the steam out of Congress' drive for fairness through reform.

In the end, Congress will make its judgments on what its constituents think—not on what the economists and accountants tell it. Congress is more responsive to political vibrations than to statistical evidence. Right now, the vibrations tell congressmen to do something about tax reform.

WHAT SPECIAL TAX TREATMENT COSTS THE GOVERNMENT

[Calendar year 1971—Millions of dollars]

Commerce and economic development	
Capital gains	5,980
Investment credit	3,300
$25,000 corporate surtax exemption	2,300
Exclusion of interest on life insurance savings	1,100
Asset depreciation range (ADR)	700
Expensing R&D spending	545
Excess depreciation on buildings [non-rental]	480
Individual dividend exclusion	300
Education	
Additional exemption for students	550
Contributions to educational institutions	275
Housing	
Property tax deduction on owner-occupied homes	2,700
Interest deduction on owner-occupied homes	2,400
Excess depreciation on rental housing	500
Rehabilitation of low-income housing	25
International trade	
Deferral of foreign subsidiary income	165
Exemption of income earned abroad by U.S. citizens	50
Medical care	
Medical insurance premiums and medical care fringe benefits	2,000
Medical expense deductions	1,900
Natural resources	
Excess of percentage over cost depletion	985
Expensing mineral exploitation costs	800
Capital gains treatment of timber cutting	175
Pollution control amortization	15
Capital gains treatment of coal and iron royalties	5
Other	
Net exclusion of employee pension contributions	3,650
Charity deductions	3,200
Tax-free interest on state and local bonds	2,600
Expensing and capital gains for farming	840
Group life insurance premium exclusion	500

Mr. LONG. Mr. President, it was in 1969 that the Finance Committee undertook to consider all the so-called tax reform recommendations of Senators and Representatives, the administration, as well as those from various groups who study the tax system. We looked into all the items that would be involved in the amendment before us, such as, accelerated depreciation, depreciation of personal property, such as, net leases, amortization of pollution control equipment, amortization of rolling stock, amortization of mine safety equipment, stock options, capital gains, and so forth, which would increase taxes, on those we regarded as favored taxpayers, by about $7 billion. That bill would—and did—reduce taxes for the rank-and-file taxpayer—half of it to be achieved by raising the personal exemptions—by about $9 billion a year. There was an overall shift of the income tax burden to the tune of about $16 billion, chiefly for the benefit of the masses who, in our judgment, were paying altogether too much and at the expense of those who, we felt, were probably getting the best of the tax laws at the time. We would strike at those who, we thought, were getting the greatest depreciation. We would strike at those who were getting extra oil depletion allowances, extra capital gains, stock options, and excessive bad debt reserves. We put a tax on foundations which I thought should be a part of it. We incorporated a feature I had advocated for some time, the minimum income tax. The latter feature, the minimum income tax, is what this pending amendment would seek to increase.

According to those with views like the Senator, he would increase it in a way which would increase the amount of money that is achieved by that tax from about $535 million a year up to the estimate of $2.4 billion—an increase of $1.9 billion. In other words, the tax would raise five times as much money as it raises now by making it apply to income to which it does not presently apply. This could be achieved by eliminating the deduction from the tax already paid by the taxpayer to the Federal Government. Then, by taxing more heavily in the rates. Those who look at the——

Mr. CHURCH. Mr. President, will the Senator from Louisiana yield at that point for a question?

Mr. LONG. I yield.

Mr. CHURCH. If it is true that the present effective tax rate for those who enjoy tax preference shelter is only 4 percent, why should not the Senate take immediate action to strengthen the minimum tax? Even if our amendment were to enlarge the minimum tax bite by fivefold, that would still be an effective tax rate of only 20 percent, which is still low for those in the high-income brackets.

Mr. LONG. Well, what is wrong with the tax and what is wrong with the amendment, in my judgment, I would say, is a defect in the tax which the amendment would make worse.

Let us take a situation where property has been held by a taxpayer for many years. During that period of time, let us assume for the sake of argument, the property in terms of dollars doubled in value, although over that same period of time the dollar has depreciated in value by more than 50 percent. So, in the last analysis, when the taxpayer sells that piece of property, perhaps because of pressure of adverse business in other areas down through the years which might have depleted his resources to where he must dispose of something he has held for many years, in terms of constant dollars, he is making no profit at all.

The Senator knows, as do all of us, that in that situation, that person must, nevertheless, pay a capital gains tax, which was increased by the Tax Reform Act of 1969. So he would have to pay a capital gains tax of up to 35 percent on a theoretical gain. For the sake of argument, let us say that the property started off being worth $200,000 and now is worth

$400,000, but depreciation in the value of currency accounted for the whole thing.

So, in the last analysis, that person, in terms of real income of real value, and in terms of constant dolars, has made no gain at all. He has only made a gain in terms of dollars but inflation has depreciated the value of this purchasing power.

So in a situation like that, what we have really done is to sock a penalty to that fellow because the Federal Government failed to maintain the value of the purchasing power of the dollar.

If we could look at the minimum tax and apply it to a situation like that, where even the capital gains tax was putting a penalty on the taxpayer because the Federal Government has failed to maintain the value of the dollar, and then proceed to place a minimum tax on him, we could not be too badly upset about that, if it proved to be an unfair tax, because this was a low rate. When we raise that rate from a low rate of 10 percent, and then change the law to deny him credit for the tax he has already paid, and proceed to raise that rate, we have doubled the rate the man will pay, and so we are taxing him more. We are doubling the rate at which we are taxing him. In the general pattern of this amendment, we will hit him with a fivefold tax rate increase, and I fear we are slugging him in a situation, in a real sense, where he did not make any profit to begin with.

Mr. RIBICOFF. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. RIBICOFF. Is there any question in the chairman's mind that tax reform will have a prime position in the next Congress?

Mr. LONG. If I have anything to say about it and the Democrats are in control of Congress and the Senator from Louisiana should be chosen by the Democrats to continue as chairman of the Finance Committee, I would certainly advocate that this should be one of the principal items that we would look into. It would be a priority matter. Chairman Mills of the House Ways and Means Committee indicated he feels the same way. It is important that the House should concur in that view because revenue measures, of course, must originate there.

Mr. RIBICOFF. Is there any question in the chairman's mind that when we consider tax reform legislation the problem of the minimum tax will have a high priority?

Mr. LONG. I think it should be definitely considered. I believe that we would be justified in increasing the minimum tax. That is my offhand impression. But I also think that we would be better advised carefully to study how we would work it out, and what it has done to various groups of taxpayers, and accord the taxpayers the opportunity to make their complaints. The Senator knows that we in the Finance Committee do not have to take the taxpayer's word for it. We have it within our capacity, if we wish to do so, to send for their tax returns and even to have an audit made of them and see exactly the extent to which they might be favored taxpayers, even now.

Mr. RIBICOFF. Mr. President, if our distinguished friends, the Senators from Idaho and Wisconsin are correct—and I do not question their figures—the net cost of having a minimum tax of 4 percent would seem to have a different effect than that which we have contemplated when we changed the tax law.

Mr. LONG. Mr. President, my understanding is that, while there is only a 4-percent rate on preference income, the regular tax on the adjusted gross income of these same taxpayers equals a tax rate of 38 percent. But I think that we should take a look at this to see in what area people are getting the best of it.

I cited an instance in which a person is not being taxed fairly to begin with, which would be not at all difficult to find. We will find situations where taxpayers could be made to pay more than they are paying in terms of an increase in the income tax and with respect to some other things. One of the items touched on is the bad debt reserves of the financial institutions. As the Senator has suggested, these are matters that we ought to be studying next year. We do not have time to study them now.

Mr. RIBICOFF. Mr. President, I am aware of the dilemma the Senate finds itself in. It is one thing if the effective minimum income tax is 4 percent, and it is another if it becomes 38 percent. I, for one, am most pleased that the distinguished Senator from Wisconsin is now a member of the Finance Committee. I look forward to next year when subjects such as this will be very deeply explored.

In talking to many people who benefit from these tax preferences, I get the feeling that they believe there should be an effective minimum tax and they would be willing to pay it. They take advantage of what the law now affords them. However, people have guilty consciences over the fact that there are so many tax loopholes which allow them to take advantage of the law.

I do believe that the Senator from Wisconsin and the Senator from Idaho have called the attention of the Senate to a real problem. However, I cannot support them at this time because of my uncertainty over the real statistics.

Mr. LONG. Mr. President, the 38-percent figure is the regular tax that these people who pay a minimum tax are already paying on their adjusted gross income.

Mr. RIBICOFF. I understand that. The question that comes to mind is what total tax is being paid by people in the country. And I think that we have to take a look at the tax revenue.

We cannot say that they are paying taxes on the 4-percent rate if, in fact, on their overall income they are paying 38 percent. There is a difference.

What bothers me is the differential. We ought to know this and we should be able to have these cases before us to determine what is actually being paid in this country. I believe that the American people and the Congress of the United States deserve to have this factual information.

Mr. LONG. Mr. President, the Senator is suggesting that this requires study. I should think that next year, assuming that we have a Democratic Congress and that the Democrats are in a position to call the signals in this area, we will definitely be requesting a study by the Treasury.

Mr. President, incidentally, we raised taxes so much in 1969 that we had to repeal some of them to get the country moving again. For example, one of the largest items in the so-called tax reform was the repeal of the investment tax credit. There is no doubt in my mind, and I believe the figures reflect it, that that was a factor in the economic slowdown that occurred thereafter and which caused the President to ask the Congress to reinstate the investment tax credit. It also caused the Secretary of the Treasury to give a more generous depreciation allowance to business.

We actually hit so hard in this area of tax reform, including many in the Treasury who advocated the bill, that we had to go back to the bill to repeal part of it to get the economy moving. I think it speaks for itself that it necessarily played a part in the economic slowdown that occurred thereafter.

Mr. RIBICOFF. I would hope that our distinguished chairman would not wait for answers from the Treasury Department. In Dr. Woodworth we have one of the most able men in the country, a man who has the respect of the entire Congress and certainly of the members of the Finance Committee. We should look into these items independently.

I would hope that our distinguished chairman would have the staff make a request of the Treasury concerning those items in dispute and especially the question raised by the Senator from Wisconsin and the Senator from Idaho.

There is no reason why we have to wait to try to find out whether it was 4 percent or 38 percent until next February, March, or April.

We will have an intervening 3 or 4 month period, and the sooner we have the facts, the greater will be the opportunity for those of us on the Finance Committee who are concerned to look at these figures and try to come at an understanding of what the situation actually is.

Mr. LONG. Mr. President, we do not have to wait to find that out. Thirty-eight percent is the rate which they pay on their regular income. Four percent is the preference rate they pay on their preference income. In 1970, they had a $2.8 billion preference income and paid 4 percent on it.

Mr. RIBICOFF. Mr. President, the problem that concerns me, as I see it, is knowing all of the taxes they are paying on their entire income. They talk about an individual having a tax preference, and we do not know the effective tax rate they pay on their income. We do not have that figure. That is why I recommend asking the staff to get those figures together, because we have to have them in order to understand what we are discussing.

Mr. LONG. Mr. President, we passed a tax reform act in 1969. I recall in the hearings the various alternatives that we studied on the minimum income tax approach. The tabulations and figures are here, so that we know that generally speaking that it was our intention that a person who was paying a minimum income tax would be one whom we felt in general terms was a favored taxpayer.

If we look at the minimum income tax plus the tax that the person is already paying, the figures show that the taxpayers paying this minimum income tax also pay a rate of 38 percent measured against their adjusted gross income.

That would indicate that we did not do a bad job if we look upon those who are considered as favored taxpayers. We have them under a tax rate of 38 percent on adjusted gross income.

I realize that there are a few items that do not appear in the adjusted gross income. The committee ought to take a look at those. I am waiting simply to put together a tax reform bill, such as the Ways and Means Committee enabled us to do when they pulled out the tax returns of people they thought were getting too much the better of it and proceeded to draft a law to make those people pay a lot more taxes. If we proceed in that fashion I do not have any doubt that we will find a lot of situations where we feel a tax increase is justified.

Incidentally, the point has been made that we should be studying and getting the information before that time. As the Senator knows, we do not have enough people on the staff of the Committee of Finance to do this job and it is felt that the Joint Committee on Internal Revenue Taxation, which has many more staff members is the group which we should rely upon to do this study for us.

Dr. Woodworth informs me that the joint committee staff will be doing this work as soon as we are through with this session. As soon as we turn them loose from this revenue-sharing bill and the day-to-day questions that we Senators are asking them, they are free to carry on the studies that they do between sessions. This is what they will be working on.

Chairman MILLS has indicated he wanted that done, and they are working on his request. Dr. Woodworth pointed out that even if he had not done so, that is what they would be working on because that is what we will be asking questions about next year.

Mr. RIBICOFF. I am glad to hear that. I feel the Committee on Finance, considering the important problems it faces, is the most understaffed committee in the Senate. When one considers that next year the committee is going to be faced with the problems of trade, health insurance, welfare reform, social security, medicare and medicaid, I think the staff on the Committee on Finance should be free to assist the chairman or any member in work that needs to be done. We have a Joint Committee on Taxation which under the leadership of Dr. Woodworth has served the Senate well. But as I indicated, the Senate Finance Committee has jurisdiction over revenue sharing and there is a great responsibility on the committee to make sure it exercises the proper oversight in the months and years to come.

I hope that from the time we adjourn until we meet the chairman will call upon his aides to get some of the most able men in the country to devote themselves to the problems we are going to face if we are going to do the job we must do for the country.

Mr. LONG. I thank the Senator. There are two problems: One problem is having the personnel, but another problem is obtaining enough office space. We have had difficulty even obtaining space to permit the people we have on the Committee on Finance staff to do the job; we have had more difficulty in obtaining enough space than in getting qualified staff. But I am pleased the Senator raised the point because I will persevere in trying to provide a more adequate staff and to obtain space for them if the Senator will continue to support my efforts. I think we need more help than we have.

The Senator is the chairman of an important subcommittee. His subcommittee has the responsibility to advise the Finance Committee with regard to foreign trade. I do not think he requested that we increase our staff by a single person, and yet that is a subject area involving about $25 billion of exports, and even more than that in imports a year.

Mr. President, I am going to move to table the amendment in a moment. While a sufficient number of Senators are in the Chamber I ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. It would take unanimous consent.

Mr. LONG. Mr. President, I ask unanimous consent that I might ask that the yeas and nays be ordered even though the motion to table has not yet been made.

The PRESIDING OFFICER. Without objections, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. PASTORE. Mr. President, I have sat here this morning listening intently to this debate on tax reform. I think that while I disagreed with the amendment proposed by the Senator from Idaho I want to say this: I quite agree with the Senator from Connecticut that this matter of tax reform is going to be front and center when we come to grips with it. But the one thing that disturbed me is that I think the Senator from Wisconsin has bitten into something with quite some substance, and something needs to be done about it. There is no doubt about it. My reaction is more pragmatic than it is philosophical. I think the case ought to be made and the Senator from Wisconsin made his case and so did the Senator from Idaho. But I hope that after they have made their case that they would not put these matters up to a vote here and now.

The reason I say that is that the vote could be misunderstood. The last vote was 56 to 21. Some people might get the impression that the Senate is not interested in these loopholes. I do not want that interpretation. There are many people who believe in what the Senator from Wisconsin has put forth. But they do not think it should be put on this bill at this time. It may be for the reason suggested by the Senator from Connecticut that this matter needs to be studied further. I am not a member of the Committee on Finance. I know we have gone too far in this country in the creation of loopholes; I have been very concerned about the depletion allowance on oil and other minerals. All of that started for a reason, but I think we overpassed the reason long ago, and there should be a carryback because the former premise does not carry the weight it did when these programs were initiated.

I hope this amendment does not go down to a crashing defeat, because it is a good amendment, and under proper circumstances at the proper time it would fare well.

But if the matter is pursued now and if the motion is made to lay it on the table, and I understand the Senator from Louisiana is about to make the motion to lay it on the table, it could create the wrong impression. That is my point. I urge that Senators make their case but do not put the matter in a position where it is going to go down to overwhelming defeat.

Mr. RIBICOFF. I wish to respond to my colleague from Rhode Island, for whom I have the highest respect, that that is why I entered into this colloquy with some concern. My feeling is that next year the Senator from Wisconsin and I probably will be on the same side of the tax reform debate 90 percent of the time. What bothers me is the wide scope of his amendment. I might feel we have to change the minimum tax provisions on stock options, bad debts, and depletion allowances, but I want to look at capital gains more carefully. So there is going to be a laundry list of loopholes and tax policies which is going to need very careful study and scrutiny.

When tax reform comes up, there will be a very long debate and a deep discussion of the issue for we probably will be setting the next policy of this Nation for the next 10 to 20 years. I am somewhat concerned about trying to solve this problem as part of revenue sharing. This issue is going to be one of the most important issues that will face the 93d Congress. We should take these issues up on their own.

Mr. NELSON. Just for clarification in the RECORD, the list the distinguished Senator read including stock options and capital gains are all in the present law. We have not added any item. All we have done is simply increase the minimum tax of some of the preferred items and eliminate some of the deductions.

I appreciate the remarks of the distinguished senior Senator from Rhode Island. Actually, I would like to say to the Senator that I have been on the losing end of so many propositions in my career that I would be very uncomfortable if I began to win some rollcalls. Then I would be inclined to suspect the merit of my position. I think there is something in what the Senator from Rhode Island has said. However, this is one way, it seems to me, we can get the issues out in the public arena for discussion. I think it is worthwhile to have rollcall votes on these issues as we go along and risk whatever feelings the public might have about the concern here in Congress over tax reform.

As the Senator knows, having been in this body longer than I have, the public is entitled to be suspicious that Congress and the President are not really interested in tax reform because that issue has been before Congress for so many years without significant reform being accomplished.

Long before I came here, as the Senator knows, the great and distinguished Senator from Illinois, Paul Douglas, waged lonely fights for years for tax reform, as had the distinguished Senator from Tennessee, Albert Gore. For years they were almost the only voices raised in behalf of tax reform.

I think it is true that the climate has changed and that many of those who have not previously been deeply concerned about tax reform are now looking more carefully at the problem. I think a climate has developed in the Congress and the country so that there is a realistic hope that we will get some significant reforms in the next few years.

Mr. PASTORE. The Senator from Wisconsin was a distinguished Governor of his State and he has been in politics most of his life. I think he understands the point I was trying to make. I am not suggesting that anyone here be denied the privilege of pursuing to a vote what he wishes. I am not arguing against that. Or course, the Senator has a perfect right to pursue this to a vote. I quite agree that the climate is changing among a large body of the Members of Congress—but not all of us. Whether or not it has changed in the White House I am not in a position to say; I doubt that very much. But the fact still remains that the vote that the Senate would have would not be an accurate barometer of that change of climate because, as the Senator from Connecticut has pointed out, and as many of us feel, this matter has not been pursued to the point where we all understand it enough to vote it intelligently up or down.

The next question arises on whether it is premature to bring it up now because of what is happening on this bill. Had this situation come about earlier, I might have felt differently than I do now, but I have seen worthwhile amendments laid on the table one after another.

All I am saying is, let us not play a game to lose. Let us play a game to win. I think timing is essential in everything you do in life, whether it is in athletics or in politics or even on amendments. There comes a certain time when it should be done. All I am suggesting is that the case be made thoroughly so the public will understand and it will be so recorded. Let us not invite something adverse, so that tomorrow we will pick up a newspaper and read one line which could say, "An amendment by Senator NELSON to do something about favoritism in our tax system went down to defeat by a vote of 56 to 20," or something like that. I do not think that would look good. And the idea deserves better.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. RIBICOFF. I sympathize with the Senator's pessimistic view of what may happen, and perhaps the Senator from Wisconsin is thinking along the line of welfare reform, which has been before us for years and has never really emerged from the Finance Committee. Perhaps the Senator from Wisconsin is concerned that if we start with tax reform, it may go on for years and that nothing will come out of the Finance Committee. Perhaps that is what is worrying the Senator from Wisconsin.

Mr. NELSON. That is worrying me, but the Senator commented on a very important point, welfare reform. As the Senator knows better than anyone here, the President sent his representatives to Miami and they put a plank in their platform repudiating the President's welfare reform proposal. They said they did not want any program that called for income maintenance or a guaranteed annual income. The very essence of the President's proposal is the provision for a guaranteed annual income. We have conducted hearings in the Finance Committee on the President's proposal for months. Then suddenly the President sends his representatives to Miami and attacks the most fundamental part of his own program, which provides for a $2,400 guaranteed annual income for a family of four. This is what the President was denouncing Congress for not passing in the last 2 years. Yet his own representatives in Miami denounced his own proposal. I though this was an appropriate place to make the point.

Mr. RIBICOFF. I would like to ask the distinguished chairman and the ranking minority member of the Finance Committee a question. Do they think there is a possibility that welfare reform will ever see the light of day before adjournment? We have only a few weeks left. The President has said welfare reform is something Congress should pass, and some of the flagellations Congress has been receiving are based on its failure to pass welfare reform. I am wondering whether our ranking minority member can enlighten the U.S. Senate as to whether welfare reform will ever come before this body in this session of Congress.

Mr. LONG. Mr. President, if the Senator will yield, it definitely will be brought to the floor.

Mr. RIBICOFF. Will the distinguished chairman give us a date on the calendar when he anticipates it will be before us?

Mr. LONG. I am confident that within a week after we dispose of the revenue sharing bill—and I am saying a week because I want to be on the safe side—I would think the bill would be before the Senate for debate.

Mr. RIBICOFF. In other words, the Senator feels now that, while he is not the majority leader or the minority leader, the prospects of getting out of here September 30 are a mirage and we probably ought to start admitting that we are going to go right through election day and maybe through Christmas. I imagine the Senator has that in mind, too?

Mr. LONG. As far as the welfare bill is concerned, as the Senator knows, we already have a proposed committee report and a proposed committee draft bill. There are a few changes that will have to be made in the bill, and most of them can be done very quickly. To report the bill in the form it ought to be, we ought to know what the new minimum wage law is going to be, and, if we can, we ought to try to conform the welfare proposal to the minimum wage law. That is the one $64 question we would like to know the answer to in order to report the bill. But I would think that it would be safe to say we will have the welfare reform bill here within a week after we have disposed of the revenue sharing bill.

I am thinking in terms of a week after we finally dispose of the conference report on the revenue-sharing bill, just to be on the safe side, because senior members of the Finance Committee will have to participate in that conference until we can reach an agreement. However, I think it would be safe to say we could have the welfare bill out here within a week of the time that the Congress has disposed of the revenue-sharing bill, and maybe sooner than that.

Mr. RIBICOFF. And does the chairman anticipate that he will have the enthusiastic support of the President of the United States for welfare reform?

Mr. LONG. Well, now, that is an entirely different matter. I can speak for one person, and I think sometimes I can say what I think the Finance Committee will do, within some limitations. But I must say this welfare bill (H.R. 1) has upset all my plans and time schedules, and I am sure those of the Senator from Connecticut, as well as those of other people.

Mr. RIBICOFF. In other words, the Senator is not sure whether this orphan that is floating around the Congress of the United States will ever find a father?

Mr. LONG. Well, I am satisfied that we will have a chance to vote on H.R. 1. I am satisfied we will have it out here in time for the Senate to act on it this session.

Several Senators addressed the chair.

Mr. NELSON. Mr. President, I still have the floor. I would ask the distinguished chairman of the Finance Committee if he could respond to a question, now that we have the national chairman of the Republican Party (Mr. DOLE) here: If the newspapers are correct that the White House, as one would expect—President Johnson did the same thing—dictated the platform—may I have the attention of the chairman of the committee? In view of the fact that the platform was dictated from the White House, as the newspapers reported, and as one would expect, since he is the incumbent President, and in view of the fact that the platform repudiated H.R. 1—specifically, absolutely, unequivocally repudiated the idea of a guaranteed annual income in explicit language—does the Senator think we ought to take up the time of the Senate on the President's welfare bill H.R. 1 without the chairman first inquiring of the White House to find out whether the President will repudiate the platform and sign his welfare bill if we pass it, or whether, after we go through all this exercise, he will veto it in compliance with the platform plank dictated by the White House? I do not think we ought to, due to the lateness of the hour, spend all that time and then have the President veto his own proposal.

That happened to me on the OEO. He vetoed child care, and he vetoed Manpower. Not a single Cabinet member could tell us what the President was going to do, and we spent endless time trying to accommodate the White House and then, bang, after all of our effort and cooperation the President vetoed the bill and denounced us for our effort. We could not get the White House to tell us whether or not he would sign the bill for extension of the OEO; they just would not tell us.

I do not think we ought to spend the time down here, in view of the fact that the White House has repudiated the President's proposal, and then have the President veto and denounce it as a giveaway welfare scheme, as he did in his speech in Miami. I say to the chairman, in all due respect, I think he ought to quietly call the White House and say, "Are you going to veto this bill and denounce us, or will you sign it despite what you had put into the platform in Miami?"

I think it is an important thing to get clear; we are being deceived by speeches on both sides of the issue and platform stands on both sides of the issue, and attacks by the President and White House staffers. I think we ought to have just a simple, straight, honest, decent answer from the White House; otherwise I would not give them 2 minutes on that welfare bill.

Mr. LONG. Mr. President, there is no way the Senator from Louisiana can predict what the President would do with the bill.

Mr. NELSON. Would the Senator ask him?

Mr. LONG. Well, there is no way this Senator can predict what the bill is going to look like by the time it gets to the White House. There is a big difference, as the Senator knows, between the bill recommended by the House of Representatives and the bill being recommended by the Senate Finance Committee. There is no way that this Senator can be sure in what form the bill would reach the White House. I do not see how I could ask the President whether he would veto the bill, when I do not know just how the bill is going to look when it goes to him.

There is no doubt in my mind that the bill that the House sent us was a guaranteed annual income bill. The bill that we are proposing to report out of the Finance Committee is not a guaranteed annual income bill, however, and if the Finance Committee views prevail in the Senate, it might be that the bill that goes to the President's desk might be completely consistent with the Republican platform as well as the President's declaration.

Mr. NELSON. Well, it will be a guaranteed annual income for anyone who is willing to work, or for anyone who is unable to work and his dependents. I think the point to be asked the White House is, if we preserve the principle of a guaranteed annual wage, which the President recommended to Congress in this bill, will he sign it, in spite of the platform that they drafted in the White House repudiating it, or will he veto it?

You see, they are on both sides now, and the President made both decisions.

Mr. LONG. Mr. President, I honestly do not know what the President is going to do if and when the welfare bill reaches him, but I do not see that it is necessary to know that in order to act on the revenue sharing bill. It seems to me we could act on this bill regardless of what the President might or might not do about the welfare bill.

Mr. NELSON. Let me to say to the Senator that I am not even sure about that. Several times the President has denounced Congress as irresponsible spenders. He vetoed the HEW bill because it had a little over a billion dollars for medical research and other health programs. He denounced us as big spenders; and yet the President's revenue sharing bill has $6.3 billion in it, and not a single penny of taxes to pay for it. So I am not so sure but that the Senator ought to find out how much more time we ought to spend on this one, because if the President runs true to form, even if he signs the bill, he is going to have to denounce Congress and himself for fiscal irresponsibility.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. NELSON. I want to finish my statement.

Mr. DOLE. I just wanted to give the Senator some information, if I might.

Mr. NELSON. I do not trust Greeks bearing gifts, especially my distinguished friend from Kansas.

Send over a note, and I will take a look at it. (Laughter.)

Mr. President, I wish to state for the record some statistics.

On the question that was raised by the distinguished Senator from Connecticut on effective tax rates for preferred income, I think the record should show that the minimum tax was paid by 18,646 individuals in the past year. Those 18,646 individuals had a total preferred income of $2.85 billion. They paid a total of $117 million in taxes on $2.85 billion in preferred income. That is an effective rate of 4 percent. When you include all the taxes they paid on their preferred income and the taxes they paid on their regular income, they paid at an effective tax rate of 21.6 percent.

It also should be noted that the minimum tax did not get at all kinds of income in this country that ought to be taxed. For example, in 1970 there were 3,140 individuals in the country with preference income of $197,245,000, and, because of deductions, they did not even have an adjusted gross income on which to pay any tax. So we had a situation in which 3,140 people in this country—which breaks out at an average income of approximately $60,000 per individual—did not even have an adjusted gross income on which to pay any tax.

This is the kind of inequity we are trying to get at in this amendment to increase the amount of the minimum tax.

Mr. President, I yield the floor.

Mr. LONG. Mr. President, I move to lay the amendment on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Virginia (Mr. SPONG) are necessarily absent.

On this vote, the Senator from Virginia (Mr. SPONG) is paired with the Senator from Minnesota (Mr. HUMPHREY).

If present and voting, the Senator from Virginia would vote "yea" and the Senator from Minnesota would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Wyoming (Mr. HANSEN), and the Senator from Iowa (Mr. MILLER) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Vermont (Mr. STAFFORD) is detained on official business.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Iowa (Mr. MILLER), and the Senator from Vermont (Mr. STAFFORD) would each vote "yea."

The result was announced—yeas 60, nays 23, as follows:

[No. 411 Leg.]

YEAS—60

Aiken
Allen
Anderson
Beall
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Case
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gurney
Hartke
Hatfield
Hruska
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Long
Mathias
McClellan
McGee
Montoya
Packwood
Pastore
Pearson
Percy
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stennis
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—23

Bayh
Cannon
Chiles
Church
Cook
Eagleton
Gravel
Griffin
Hart
Hollings
Hughes
Jackson
Magnuson
Mansfield
McIntyre
Metcalf
Mondale
Moss
Nelson
Proxmire
Stevenson
Symington
Tunney

NOT VOTING—17

Allott
Baker
Bellmon
Cranston
Goldwater
Hansen
Harris
Humphrey
Kennedy
McGovern
Miller
Mundt
Muskie
Pell
Sparkman
Spong
Stafford

So Mr. LONG's motion to lay Mr. NELSON's amendment (No. 1496) on the table was agreed to.

AMENDMENT NO. 1485, AS MODIFIED

Mr. GURNEY. Mr. President, I call up my amendment No. 1485, as modified. The modification is at the desk.

The PRESIDING OFFICER (Mr. BEALL). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. GURNEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

SUBTITLE D—LOCAL PROPERTY TAX REFORM

SEC. 151. DETERMINATION OF THE PROPERTY TAX FAIRNESS FACTOR.

(a) Prior to December 31 of every even numbered year beginning with 1974 the chief executive officer of each local assessment authority receiving funds under this title shall report to the Secretary the local assessment ratio, the projected property market value, and the sum of all real property tax assessments for his local assessment authority.

(b) The Secretary shall determine and publish the property tax fairness factor for each local assessment authority.

SEC. 152.

If the Secretary determines that the property tax fairness factor for any local assessment authority **is less than .85, or if he** determines that any local assessment authority has failed to comply substantially with any provision of this subtitle, he shall notify the chief executive officer of that local assessment authority that if it fails to take corrective action within 90 days from the date of receipt of such notification further payments to it shall be withheld for the remainder of the entitlement period and for any subsequent entitlement period until such time as the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

SEC. 153. DEFINITIONS.

(a) For purposes of this subtitle, the term "local assessment authority" means any unit of local government which is legally responsible for assessing real property for tax purposes.

(b) For purposes of this subtitle, the term "local property sales sample" means the sum of the fair market values, as determined by a qualified appraiser, of a representative sample of real properties within the jurisdiction of a local assessment authority.

(c) For the purposes of this subtitle, the term "local property assessment sample" means the sum of the assessed values recorded by a local assessment authority for the properties included in a corresponding local property sales sample.

(d) For the purposes of this subtitle, the term "local assessment ratio" means the ratio determined by dividing a local property assessment sample by the corresponding local property sales sample.

(e) For the purposes of this subtitle, the term "projected property market value" means the result obtained by dividing the sum of all real property tax assessments for a local assessment authority by the local assessment ratio for the same local assessment authority.

(f) For the purposes of this subtitle, the term "State assessment ratio" means the ratio determined by dividing the sum of all real property assessments reported to the Secretary by the local assessment authorities within a State by the sum of the projected property market values for the corresponding local assessment authorities.

(g) For the purposes of this subtitle the term "property tax fairness factor" means the result obtained by dividing the local assessment ratio of a local assessment authority by the State assessment ratio for its respective State.

The text of the amendment, as modified, is as follows:

At the end of Subsection 151(a), add the following words:

"Local Assessment Authorities within states which by law provide different standards of assessment for different classes of property shall report separately for each such class of property the Local Assessment Ratio, the Projected Property Market Value and the sum of all real property tax assessments."

At the end of Subsection 151(b), add the following words:

"A separate Property Tax Fairness Factor for each class of property shall be determined and published for those Local Assessment Authorities within states which by law provide different standards of assessment for different classes of property."

In the first sentence of Section 152, following the words "determines that", strike the word "the" and insert the word "any".

Mr. TALMADGE. Mr. President, will the Senator from Florida yield for a question?

Mr. GURNEY. I yield.

Mr. TALMADGE. Would the Senator object to a time limit on this particular amendment?

Mr. GURNEY. No, I have no objection.

Mr. TALMADGE. How long a time would the Senator desire?

Mr. GURNEY. I would suggest 40 minutes, 20 minutes to a side.

Mr. TALMADGE. Mr. President, I ask unanimous consent, on the pending amendment of the Senator from Florida, that there be a 40-minute time limitation, with 20 minutes to the Senator from Florida and 20 minutes to the acting manager of the bill, to be equally divided, and in the event an amendment is offered to the amendment, that there be 10 minutes to each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. NELSON. Mr. President, will the Senator from Florida yield?

Mr. GURNEY. I yield.

Mr. NELSON. Will the distinguished Senator from Florida yield to me for 4 minutes, with the understanding that the 4 minutes, if he will yield it to me, will not be taken out of his time?

Mr. GURNEY. I would be delighted to yield to the Senator from Wisconsin.

First, I ask unanimous consent that Mr. George Beal of my staff be accorded the privilege of the floor during consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. President, I now yield 4 minutes to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I thank the Senator from Florida.

I ask unanimous consent that the time yielded to me not be taken out of either side of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. Mr. President, I regret that I am unable to support this revenue-sharing bill much as I had hoped it would be possible to do so. Along with other members of the Finance Committee I have spent more than a year evaluating and reevaluating this proposal in the hope that I could honestly conclude that this bill as presently designed is a sound step forward and does in fact serve the best long-term interests of the Nation.

I have reluctantly concluded that it does not and, therefore, in good conscience I cannot support it.

While we ought to lay this measure aside for further deliberation next year I have no illusions about it—the bill is going to pass.

The broad support and tremendous political pressure generated for it make it unrealistic to suppose that the President and the Congress will delay action beyond election day.

The President has repeatedly pressured Congress in behalf of the bill because he believes it is good politics. A nationwide coalition of Governors, Mayors, and other elected officials have organized powerful support for it because they hope it will be an important step toward solving their fiscal problems. Public employees support it because they hope it will provide funds for a much needed salary increase. And, finally, hard pressed local taxpayers lighten their tax burden at home.

There is a little bit of truth in all of these hopes but unfortunately the bill promises more than it can produce.

The two fatal weaknesses in the bill, it seems to me, involve the failure to finance it with the necessary tax levies and the method of sharing—not the formula.

Since the President opposes the levy of any taxes to pay for revenue sharing it is unrealistic to expect that Congress will make any serious attempt to override him.

We come now then to the real gut question that no one wants to talk about—Where in the hell do we get the money to pay for it? For months that question has been bandied about the White House and the Congress and the only truthful answer I have heard is that "we are going to pay for it out of the deficit."

That may be good election year strategy but it is fiscally irresponsible.

While deficit spending can be defended from time to time as a matter of national economic policy it is dangerous and irresponsible to launch a major program of deficit spending to supply Federal aid to State and local governments.

This bill alone will add $30 billion to the Federal deficit in the next 5 years. Before we go into a permanent—and it will be permanent—revenue-sharing program it is crucial that we establish the principal that all shared funds must be paid for out of current revenues, not deficits.

I have grave reservations about using federally raised and appropriated funds for revenue sharing. It would be far preferable to design a program in which the Federal Government gave us some area of spending jurisdiction such as part of the income tax and permitted the States to raise funds at their own option within that area. This would place the responsibility where it belongs. Those who spend the money ought to have the responsibility of raising the taxes.

Our problem at this stage in history is that we have not made a comprehensive study of all the ramifications of revenue sharing. We have not explored all the possible methods and problems involved. Consequently we are now legislating without having explored all possible alternatives and without having considered all of the dangerous pitfalls.

For over a decade I have been inclined to the view that revenue sharing could be a useful and constructive device to strengthen State and local governments. I still think it may be possible to design such a measure if we go back to the drawing board and work at it for another year or two.

It seems to me any revenue sharing proposal must meet two fundamental criteria: First, it must be fiscally sound and second, it must not compromise our Federal system of government. This bill fails on both counts. It is not fiscally sound and, I fear, it plants the seeds that will grow and corrode the power and independence of State and local government.

Almost 6 years ago—January 12, 1967—I introduced a bill to establish a National Commission on Federal Tax Sharing. The purpose was to create a commission that would make a comprehensive study which would be used as a basis for designing a revenue-sharing plan. Unfortunately the bill never passed and the study was never made. Consequently we have been compelled to legislate upon an incredibly complicated matter without adequate research or advanced study. Such a commission should be created at this time to make further studies and report to the Congress 1 year from now. We would then, I think, be in a position to respond intelligently to the major problems raised by this bill.

My comments on this bill are in no way to be interpreted as a criticism of the Finance Committee. As a member of the committee I am aware of the tremendous amount of time and energy put into this bill. The chairman of the committee, Mr. Long, the members, and staff have put forth a monumental effort to design a good bill. It is, by any standard of measurement, a vast improvement over the proposal recommended to Congress by the President. Under all of the circumstances the committee has responded to the President's request for a revenue-sharing bill with exceptional diligence and dedication to the job at hand. Though many Members do not even endorse the "concept" of revenue sharing they have been willing to send a bill to the Senate for its consideration.

Mr. HARRY F. BYRD, JR. Mr. President, would the distinguished Senator from Florida yield me 1 minute?

Mr. GURNEY. I yield 1 minute to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I commend the distinguished and able Senator from Wisconsin on the statement he has just made.

It was a well-reasoned statement. It is a statement with which the Senator from Virginia can associate himself wholeheartedly. I think that the Senator from Wisconsin brought out points that need to be emphasized to the Senate and to the Congress and to the American people.

I commend the Senator on his excellent statement.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Florida yield me 1 minute?

Mr. GURNEY. Mr. President, I yield 1 minute to the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time yielded to me not be charged against the time of either side on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, upon the disposition of the Gurney amendment, the distinguished Senator from Florida (Mr. Chiles) be recognized to call up his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Chiles amendment, the distinguished Senator from New York (Mr. Javits) be recognized to call up his amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on the Javits amendment there be a time limitation of 2 hours, to be equally divided between the mover of the amendment and the manager of the bill, and that the time on any amendment, debatable motion, or appeal related thereto, be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from Florida.

Mr. GURNEY. Mr. President, we should require all of the State tax assessors in the cities and counties and other tax assessing units to bring their tax assessments up to an average within 15 percent of the average statewide assessment level.

Incidentally, the technical amendments I have offered to the bill address themselves to situations where, within a State, certain classes of property are treated separately. For example, agricultural land may be treated separately from residential and business property. The technical amendments provide that where there are separate classes of property, the accounting figures are to be handled separately insofar as those different classes are concerned. It does not otherwise affect the amendment.

Mr. President, the property tax throughout all of our tax jurisdictions is dominant in State and local taxes. For example, over two-fifths of all the tax revenues for State and local governments combined come from property taxes. In municipalities, two-thirds of the revenues come from property taxes. In county areas, 88 percent of the revenues come from real property taxes. It is 92 percent in townships, and in school districts it is 98 percent.

I mention this, of course, to emphasize that what we are doing here, as has been said time and again during the course of this debate, is giving money back to the State and local governments—money that the Federal Government has collected in revenues—in order to help them with their tax problems. When we help them with their tax problems, we are really helping them primarily in the area of property taxes.

Therefore, it seems to me that the property tax area ought to receive a little corrective attention from the different primary jurisdictions themselves. Yet we find that property tax assessments throughout the United States, in jurisdiction after jurisdiction, whether it be city, county, township, or school district, have extremely wide variations and discrepancies.

To put it simply and solidly, the tax assessment rolls in this country are not in good shape.

There have been many studies made of this situation and many observations made about this. I could spend a long time here this afternoon reading facts and figures, but I shall only refer to a couple of sources to emphasize my point. One is an editorial from the Washington Post of 2 years ago. This editorial was written in the Washington Post at a time when tax assessors were meeting in Washington. At that time leading people from the League of Cities and the U.S. Conference of Mayors, the International Association of Assessing Officers, and other municipal groups spent 2 days discussing the matter of tax assessments. This is what one of their papers stated, and I quote from the Washington Post editorial:

> Today the sad fact is that almost nobody realizes how bad property tax asesments are apt to be, almost nobody understands how many urban problems and housing problems are made worse by bad assessments, and (worst of all) almost nobody seems to care except to hope his own property will get in on the right side of a bad assessment instead of on the wrong side.

I would like to also refer to a study which was made by the Committee on Government Operations, the Subcommittee on Intergovernmental Relations. This published report is dated February 24, 1971. I might say that the Subcommittee on Integovernmental Relations, under the able leadership of the Senator from Maine (Mr. Muskie), has gone into this matter of tax assessment at great length. I think that under his leadership the committee has made a great contribution in showing how bad the situation is, and that something should be done about it.

In the publication to which I have referred, there is printed on page 30 a chart. In reference to the chart the text of the report discusses the fact that the chart shows that 47 percent of the assessment areas across the country have a coefficient of dispersion of 20 percent or more. That means the tax assessment variation, as measured by the coefficient of dispersion, exceeds 20 percent in almost one-half of our taxing jurisdiction assessments rolls.

Almost 75 percent, or three-fourths of the areas have coefficients of dispersion of more than 15 percent. The report shows eight States with a coefficient of 40 percent or more.

The report also shows that these eight States include four of the most populous States. I will not mention them by name. I do not want to point a finger at some of the States of my colleagues. These figures indicate that we have problems. We are overlooking a great source of revenue within the States themselves because we are not equalizing the tax rolls.

One of the reasons I am particularly interested in this problem is that my previous government experience, prior to coming to Congress, was the 8 years I spent in local government as a city commissioner and later as a mayor. I coped with the problem of tax rolls and equalization all during those 8 years. I had enough experience to make me realize that here is a great place for reform if we are going to provide proper revenues for local and State governments.

My State of Florida has made a lot of progress in this direction. Beginning several years ago we passed a State law which, in effect, said that all of our taxing units would have to equalize their tax rolls. This has been done over the years and we have almost completed the job. What we are doing down there with reassessments and the reexamination of our rolls is making certain that tax assessments are equal and that everyone carries a fair share of the tax load.

There is an old equity saying among lawyers that he who seeks equity must come into court with clean hands. I think that is the situation here. We have received a tremendous amount of communications from all over the country, from city comissioners, county commissioners, Governors, and all kinds of local officials who want us to pass a revenue-sharing bill. It seems to me that the least we can expect them to do is to put their tax house in order and to make sure their assessment rolls are up to date and equitable or, as I stated in this amendment, within 15 percent of their respective State's average.

This principle runs through a lot of other revenue sharing in which the Federal Government engages. For example, we put money in the Federal highways. In interstate highways it is 90 percent of the money used in building roads, and it is 50 percent in connection with other roads. Although the States do the planning, decide where the roads are going and have supervision, it is still true that the Federal Government sees to it that the money is well spent and that the highways are built as they should be.

My amendment does not say anything requiring State or local governments to enact this kind of tax or that kind of tax. It does not say they have to raise a certain amount of dollars or that they have to tax at 50 percent, 20 percent, or 90 percent of market value; all it states is that whatever the property taxes are, they have to be based on assessment rolls which are in good shape, and within 15 percent of the State average. It does not even require them to make a reassessment. However, it does require them to report what they have done and to show they are within 15 percent of the State average. If they are not within 15 percent of the State average, the amendment intends to require them to do their job and bring the tax rolls into line. By requiring this, it seems to me that the tax assessors will have to pay more attention to what shape their rolls are in and will have to bring them up to date so that all taxpayers are treated fairly.

I think this amendment makes all kinds of good sense. I do not understand why we should embark on a whole new program of giving billions of dollars back to State and local governments—and I support the concept of revenue sharing—without requiring proper tax management. We would be derelict if we did not require local governments to bring their assessment rolls into good shape and to conduct their business as it should be conducted.

I hope the committee will endorse this amendment and accept it. If they do not, I hope that my colleagues support the amendment and make some small effort toward doing something about this problem, which we know exists everywhere in the country. We know that tax assessment rolls are out of date, have wide discrepancies, and in some cases reflect negligence enough for one to believe they are dishonest rolls.

Tax reform is overdue. I do not think we should give billions of dollars back to State and local governments unless we insist on proper tax management.

Mr. President, I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, I rise in behalf of the Committee on Finance to oppose the amendment.

Just last week in connection with an amendment offered by the distinguished junior Senator from Minnesota, the managers of the bill and the Senate voted to request and direct the staff of the Joint Committee on Internal Revenue Taxation to make a study of property taxes throughout the entire United States.

There is no one thing in our country that is more complex or controversial than what is a fair property tax assessment on local real estate. We have 38,000 units of general purpose local government in the United States, Mr. President, not including special districts such as school districts. These local units of government are charged with the responsibility of determining a fair valuation on local real estate and determining the assessment therefor. The assessments may vary from local subdivision to local subdivision of government as the necessity for revenue may warrant.

In my own State we have some 159 counties. It is the duty and the responsibility of the executive officers of those particular counties to determine their needs for a particular fiscal year, and in accordance with those needs, they determine what is the assessed valuation and then they levy the property taxes accordingly. The property tax may be different in each of the 159 counties—that is, not the valuation, but the rate that is levied for the purpose of carrying out the functions of that local government. The same thing is true of the municipalities.

Imagine what a burden it would be to try to thrust onto the Secretary of the Treasury the responsibility for determining what is a fair market value for farmland in Echols County, Ga., and what is a fair market value for the Chrysler Building in the City of New York. Yet the amendment offered by the distinguished Senator from Florida would put that burden on him.

In addition to that, it would authorize him to cut off every dime of revenue-sharing funds that would go to any county or to any municipal government if the Secretary of the Treasury determined that, from his standpoint, the local government was not fairly valuating or correctly assessing property within its jurisdiction.

I do not think we ought to make the Secretary of the Treasury a czar on local taxation in 38,000 or more local subdivisions of government in this country.

It was the thought of the Finance Committee, when this bill got to us, to make it free of strings, so that the money could go to the States, the counties, and the municipalities to be utilized for any normal function of government in accordance with their regular budgetary procedures and laws for them to correct their greatest problems and meet their highest priorities. That is the way the bill now reads, but if we agree to the amendment of the Senator from Florida, it will do just the opposite of that. It will put the greatest strain of all on the Secretary. It will vest in the Secretary of the Treasury the power to control the property taxes throughout the United States, the fair assessment on property throughout the United States of America, and the right to cut off every dime that goes to local governments out of this more than $3 billion that we are authorizing over a 5-year period.

I do not believe the Senate wants to do that. I urge it to reject the amendment.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from Utah, the ranking minority member of the committee.

Mr. BENNETT. Is it not true that we have instructed the staff of the Joint Committee on Internal Revenue Taxation to study this problem and bring us a report next year?

Mr. TALMADGE. The Senator is correct.

Mr. BENNETT. We recognize the problem, and we have set the machinery in motion to prepare an orderly solution for it. I do not think it would be wise today to undercut that decision and try to provide an apparently simple solution that may in fact create far more problems than it would solve because of the difficulties in complying with it.

Mr. TALMADGE. I agree. There is nothing in America that is more controversial than what is a fair evaluation when there is no buyer. In recent elections they have cleaned out courthouse after courthouse all around me on that very question.

Under the law that exists at the present time virtually every State in the Union has some officer in the State government to see that property values are adjusted on an equitable basis, that what is done in one county must be done in another, so that there is a uniform level of assessments and valuations. I cannot think of anything that would be more controversial than to delegate to the Secretary of the Treasury the power and authority to establish the fair market value of every acre of real estate in America, and then authorize him, in the final analysis, if he is not satisfied with what the local people have done, to consider this matter, appoint assessors, appoint arbiters, and litigate it in the courts. The measure would empower the Secretary of the Treasury to say the assessment ratio is not fair, to say "You have got to do it my way; you cannot do it any other way or we will cut off all your money."

Mr. GURNEY. Mr. President, as I understand the argument in opposition to the amendment—and I have listened carefully to the manager of the bill, the senior Senator from Georgia, as well as the distinguished ranking minority member of the committee—two points have been made against the amendment.

One is that the property assessment rolls are so bad in the United States that the Joint Committee on Taxation has been urged to do something about it. All I say is that that completely buttresses the argument I have made for the amendment and the reason why we ought to do something about it now. We ought to do something before giving $30 billion, using the figure of the manager of the bill, for State and local governments to spend without any reins or strings. I do not think we should go as far as telling them how to spend the money, but I certainly think that strings ought to be tied to the money they get to see that local tax assessors are doing the proper job back home.

It is argued that Congress is going to make a long, delayed study. This supports the argument that we ought to do something about it now.

The other argument I sensed is that the Secretary of the Treasury is going to be given some authority here to determine the fair market values of all property in 30,000 or more taxing districts. I hasten to say that the measure does not say anything about that at all. All it says is that the local people themselves have to make some determinations and send those figures to the Secretary. Those figures, which the local tax people themselves determine, must show that the tax assessments are made within 15 percent of the statewide average. The Secretary is authorized to require them to bring the property tax assessment to within 15 percent of the statewide average.

All the Secretary would do is determine whether the tax assessment rolls in an area are within 15 percent of the statewide average, and the raw figures involved are generated within each particular district.

So we are not putting anybody in jeopardy and we are not thrusting upon the Secretary of the Treasury, as I see it, anywhere near the responsibility the Secretary already has in the bill. He already has the authority to determine whether the money spent under this bill has been spent in accordance with the bill's provisions. The bill already requires that. My amendment would require that information be sent forward based on the figures on the particular tax rolls, and if the assessment ratio is not within 15 percent of the statewide average, the Secretary would tell them to make it within 15 percent of the statewide average.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. GURNEY. How much time does the Senator need?

Mr. TALMADGE. Mr. President, I yield 3 minutes to the Senator.

Mr. BENNETT. Reading from the amendment:

> If the Secretary determines that the property tax fairness factor for any local assessment authority is less than .85—

That is fairly simple, but I go on:

> Or if he determines that any local assessment authority has failed to comply substantially with any provision of this subtitle . . .

That puts on him the responsibility to analyze the figures of the local assessing authority from every point of view in the subtitle, and then he has no discretion. He must—he shall—notify the chief executive officer of that local assessment authority, and so on. And if he does so notify him, until he is satisfied, the Secretary shall make no further payments of such amounts. So he is not only involved in the 15 percent; he is involved with the whole question of substantial compliance with all the factors of the amendment, and then he is left with the responsibility of making no further payments. So it seems to me that we have involved the Secretary directly in all of these 38,000 tax assessing units of general government.

He not only must look at the arithmetic, he must look at the method of compliance, and whether or not it is substantially in accordance with the provisions of the act.

Mr. COOPER. Mr. President, may I ask a question of someone?

Mr. GURNEY. Mr. President, if I may reply very quickly: It is true that the Secretary is involved to the extent of analyzing these determinations of percentages that are set up by the local tax assessor, to see if he has complied by bringing his roll within 15 percent of the State average.

The language the Senator has read from the bill does require that. But it does not in any way, as I said before, require the Secretary to make any determinations of value himself by sending his own appraisers out. That is all done at the local level.

If I may say so to the distinguished Senator, I did spend some time in local government. In this particular area, I spent 8 years. There is no particular secret involved in bringing tax rolls into good shape. It does require a tax assessor who has some brains and enough honesty to put his tax rolls in shape; aside from that, it is an easy job.

All this amendment does is focus upon the question of whether or not the local tax assessor has brought his roll into the same general picture as the average for his State. I think that is a simple requirement, and it seems to me it is a very small, little step in the direction of putting the tax assessors' rolls in better shape.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. Mr. President, if you assume that all the Secretary is going to do is check the mathematics, then this amendment is not particularly necessary; but as I read it, the Secretary of the Treasury has got to be in a position to send an individual into a county if some taxpayers in that county challenge the assessment of the tax assessor. He has got to make sure that the local assessment authority has complied substantially with every provision of the subtitle. So I can see the Secretary with the obligation to send representatives all over the United States to analyze the manner in which the assessments are made, and probably to hear complaints from taxpayers who say, "Well, our taxes were not assessed in accordance with this proper method."

In my State, we have a State tax commission that has equalization authority. Now it is proposed to put the Secretary of the Treasury on top of them, in an attempt to decide whether or not the provisions of this subtitle have been complied with, because the Secretary is mandated to withhold the money if they have not been. He cannot afford to take the chance of withholding the money unless he has been able to satisfy himself completely that the local government is not in compliance, and that decision could be challenged by any taxpayer under the circumstances.

So I think it is not only very dangerous but very difficult and very expensive, and I hope the amendment will be rejected.

Mr. GURNEY. Mr. President, if I may reply again to the distinguished Senator from Utah, the words "substantial compliance" are actually language taken from the rest of the bill concerning compliance by the local authority with all the other provisions of this rather substantial bill. It is simply language we used before.

The only thing the Secretary would have to check here to monitor compliance, other than the mathematics which a first-year student in arithmetic could figure out, is whether or not the taxing authority did employ a qualified assessor every 2 years to take a sample of the properties on his roll, in order to determine the figures submitted to the Secretary. The Secretary would merely crank those figures into the determination of whether the tax roll is within 15 percent of the State average. I do not think that is any great degree of supervision, and I do not think the Secretary would have to employ an army of skilled people to do it, either. It is a rather simple requirement.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. BENNETT. How much time have the opponents of the amendment remaining?

The PRESIDING OFFICER. The opposition has 9 minutes remaining.

Mr. BENNETT. The Senator from Kentucky wanted to ask a question.

Mr. COOPER. He may not have time to answer.

Mr. BENNETT. Mr. President, I yield 3 minutes to the Senator from Florida, so that he may answer the question.

Mr. COOPER. Mr. President, I want to know where in the title is the language which states that the local assessment ratio must equal what I thought the Senator stated was the State assessment ratio, the average. Is this dependent upon local assessments, authority by authority, or is it a comparison of the local to the State assessment ratio?

Mr. GURNEY. It is the latter.

Mr. COOPER. Where is the language?

Mr. GURNEY. The language is in section 152, and it is also in the definitions.

Mr. COOPER. I know the Senator is very familiar with his amendment, but I regret that I cannot find that.

I recall to mind what the Senator from Georgia said, where a local assessment ratio, say, in X county's roll, was at a certain level, and one in Y county was much higher, and yet you would have X county deprived of revenue, and Y county receiving revenue, in the same State. They both might be low.

Mr. GURNEY. If I may reply to the Senator, the assessment ratios here are set out in the definitions in section 153, and those definitions indicate how to arrive at the local assessment ratio and the State assessment ratio. A comparison of the local ratio with the State ratio shows whether or not the variation exceeds 15 percent. It is a matter of mathematics, under the definition.

Mr. COOPER. Well, assessments in Kentucky have changed; the local supervisors of assessments now are examined by the State, and the State attempts to get an average of assessments throughout the State. I really thought, on reading the amendment, that under the Senator's amendment this would not be done, but he could have different ratios throughout the State with different counties, and they could be very inequitable between the counties.

Mr. GURNEY. If I understand the Senator's question, that is exactly what the amendment is designed to do, to bring the ratios of units in the State to within reasonably fair equality, as compared to each other. A fair amount is within 15 percent of the State overage. That is a principle fairly generally recognized, that you have to give a certain leeway when assessing property, so that competently assessed rolls will not be thrown out. You cannot make them exactly perfect.

I might say also that some States are enforcing this kind of law, to determine the ratios in different jurisdictions within the States. Florida has had a law on the books for some time that does require local jurisdictions to upgrade their tax rolls, and it is working. So all these matters have been tried before, and all the amendment would necessitate would be that they be done in some places where it is not now being done.

Mr. TALMADGE. Mr. President, if the estimation given by the Senator from Florida with reference to the amendment is correct, the amendment is meaningless, and amounts to nothing except so much language on a piece of paper. I do not accept that view. I think the view of the Senator from Utah and the view I have accepted is correct: this amendment would make the Secretary of the Treasury the tax assessor for 38,000 or more political subdivisions of Government in the United States.

I read, on page 2 of the amendment, line 16:

> Until he is satisfied—

Now, who is he? The Secretary of the Treasury:

> The Secretary shall make no further payments of such amounts.

That means that if the Secretary is not satisfied, he can cut out every dime of the money and then, of course, the triggering language is in the earlier lines there, too.

So this amendment makes the Secretary of the Treasury the tax assessor for the more than 38,000 units of local government in this country, and I think it ought to be rejected overwhelmingly.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Florida. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the role.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. Cranston), the Senator from Oklahoma (Mr. Harris), the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman) and the Senator from Virginia (Mr. Spong) are necessarily absent.

I further announce that, if present and voting, the Senator from Virginia (Mr. Spong) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Wyoming (Mr. Hansen), and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is necessarily absent because of death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Tennessee (Mr. Brock) is detained on official business.

If present and voting, the Senator from Colorado (Mr. Allott) and the Senator from Iowa (Mr. Miller) would each vote "nay."

The result was announced—yeas 8, nays 75, as follows:

[No. 412 Leg.]

YEAS—8

Beall
Chiles
Cook
Cotton
Dole
Gurney
Packwood
Percy

NAYS—75

Aiken
Allen
Anderson
Bayh
Bennett
Bentsen
Bible
Boggs
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Church
Cooper
Curtis
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Griffin
Hart
Hartke
Hatfield
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Mondale
Montoya
Moss
Nelson
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NOT VOTING—17

Allott
Baker
Bellmon
Brock
Cranston
Goldwater
Hansen
Harris
Humphrey
Kennedy
McGovern
Miller
Mundt
Muskie
Pell
Sparkman
Spong

So Mr. Gurney's amendment (No. 1485), as modified, was rejected.

The PRESIDING OFFICER (Mr. Beall). Under the previous order, the distinguished Senator from Florida (Mr. Chiles) is now recognized.

AMENDMENT NO. 1504

Mr. CHILES. Mr. President, I call up Amendment No. 1504 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 63, beginning with line 17, strike out through line 23 on page 66.
>
> On page 67, line 1, strike "Subtitle C" and insert "Subtitle B".
>
> On page 67, line 2, strike "Sec. 141" and insert "Sec. 121".
>
> On page 69, line 7, strike "Sec. 142" and insert "Sec. 122".
>
> On page 69, line 16, strike "Sec. 143" and insert "Sec. 123".
>
> On page 71, line 7, strike "Sec. 144" and insert "Sec. 124".
>
> On page 100, beginning with line 1, strike out through line 15 on page 112.

Mr. COOK. Mr. President, if the Senator from Florida will yield me 30 seconds I ask unanimous consent that Mary McAuliffe of my staff be accorded the privilege of the floor during consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I ask unanimous consent that Mr. George Patten and Margaret Maruschak be accorded the privilege of the floor during the consideration of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Georgia (Mr. GAMBRELL) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, will the distinguished Senator from Florida kindly add me as a cosponsor of his amendment?

Mr. CHILES. I am very happy to do so. Mr. President, I ask unanimous consent that the name of the distinguished Senator from New York (Mr. JAVITS) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHILES. Mr. President, this amendment would strike from the sections of the general revenue sharing bill those portions having to do with social services, including the $1 billion "sweetener."

The reason for striking this portion from the bill is to instruct the Finance Committee to make a thorough study of the problem of social services and come up with a realistic cap as to what kind of cap should be placed on social services.

My feeling is that the bill attempts to mix apples with oranges. Social services have no direct relationship to general revenue sharing. But the pending bill attempts to lump the subjects together and consider them at the same time, deleting certain social services but recognizing and leaving with an open-end provision other social services.

During the past 2 years, the States have made many uses of the lack of limits on social services under the Social Security Act's open-ended 75-percent matching fund, to be used for a wide variety of social services, some good and some bad, such as, employment services, health-related services, rehabilitation for alcoholics, rehabilitation for narcotics users, homemaker services, protective services for adults, special services for the blind, information services, chore services, day care services for adults, educational services, home delivered or congregate meals, homemanagement and other functional educational services, legal services, transportation services, housing improvements, and others.

Mr. President, many of the services are certainly valuable to the concept that Congress set up when it provided for matching funds for social services in an attempt to keep many of our citizens off welfare and off of the welfare rolls. Certainly, in addition to that, there have been many States that have abused the program and some of the funding. They have attempted to use it under these circumstances.

The Finance Committee version of the revenue-sharing bill allows the open-ended services for child care and family planning. All of the services are knocked out of the bill. And, as I understand it, they could be taken care of with the funds that are added, the $1 billion sweetener, if the States and local governments and sharing units care to use those funds for that purpose.

These services are even further defined as only those needed to enable a member of the family to work or to take job training or to provide necessary supervision for a child whose mother is dead or incapacitated.

Mr. President, I enclosed a chart with my "dear colleague" letter which gives some indication of what States stand to lose in social service funds with the Finance Committee version of the bill.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. JAVITS. Mr. President, my office has prepared a chart which the Senator may find very useful. Would the Senator mind if I told him what the chart contains?

Mr. CHILES. No; I would be delighted if the Senator were to do so.

Mr. JAVITS. Mr. President, this is a very interesting chart. It shows how the $1 billion would be divided. It shows that 26 States according to this chart lose more than they actually spend, which was roughly $1.5 billion in the preceding fiscal year. And even after we take the scare headlines which we saw in May of 1972, even on that basis $1.759 billion was spent, and not any $4.5 billion figure.

The loss is very high. And the chart adjusts the figures for the two items remaining, child care and family planning. Also it shows that over half of the States, and by far the most populous States, lose on this $1 billion basis. This makes it crystal clear as to the absolute necessity of supporting the Senator's amendment.

Does the Senator mind if I have the chart printed in the RECORD?

Mr. CHILES. I would be delighted if the Senator from New York were to do so.

Mr. JAVITS. Mr. President, I ask unanimous consent to have the chart to which I have referred printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

REVENUE SHARING, SOCIAL SERVICES GRANTS—COMMITTEE DISTRIBUTION VERSUS ACTUAL AND PROPOSED SPENDING

[In millions]

	Col. 1—Finance Committee distribution	Col. 2—Projected spending for fiscal year 1973, based on May estimates (excluding child care and family planning)	Col. 3—Actual spending for fiscal year 1972. (For some jurisdictions, 4th quarter figures are estimates)
Alabama	10.6	13.5	8.0
Alaska	0.8	18.5	7.4
Arizona	9.6	4.1	2.6
Arkansas	4.8	2.4	7.9
California	134.0	236.1	181.4
Colorado	11.8	16.4	15.5
Connecticut	17.4	12.3	6.8
Delaware	2.9	32.9	13.4
District of Columbia	6.3	9.3	8.4
Florida	34.3	98.2	58.5
Georgia	15.7	19.3	20.1
Hawaii	3.7	1.7	1.0
Idaho	1.8	2.2	1.4
Illinois	65.4	135.6	171.9
Indiana	19.9	6.0	5.8
Iowa	7.0	12.4	9.5
Kansas	6.5	7.3	6.2
Kentucky	9.3	13.1	6.4
Louisiana	14.1	13.5	28.5
Maine	2.5	6.4	5.6
Maryland	21.5	19.5	17.5
Massachusetts	36.0	13.9	46.4
Michigan	47.0	67.5	19.8
Minnesota	15.6	21.5	22.9
Mississippi	5.5	4.9	1.3
Missouri	21.4	15.9	12.7
Montana	1.7	2.8	2.5
Nebraska	4.9	10.7	5.8
Nevada	2.8	1.9	1.5
New Hampshire	1.4	2.1	1.8
New Jersey	50.4	37.0	29.7
New Mexico	2.5	4.6	10.1
New York	118.0	532.0	442.4
North Carolina	12.7	33.2	17.0
North Dakota	1.5	3.6	3.0
Ohio	55.1	21.1	17.0
Oklahoma	8.7	8.6	23.0
Oregon	8.2	18.6	20.0
Pennsylvania	57.4	68.3	23.6
Rhode Island	6.2	5.5	4.5
South Carolina	6.4	8.3	5.2
South Dakota	1.7	2.3	1.7
Tennessee	12.4	19.4	8.6
Texas	57.4	32.0	51.2
Utah	6.1	4.0	3.4
Vermont	1.1	1.9	1.6
Virginia	19.9	16.9	14.0
Washington	15.5	54.6	26.6
West Virginia	4.3	7.5	7.1
Wisconsin	17.1	53.2	31.8
Wyoming	.8	.6	.0
Total	1,000.0	1,759.3	1,449.8

Note: Details may not add to totals because of rounding.

Sources: Department of Health, Education and Welfare. Senate Committee on Finance.

Mr. CHILES. Mr. President, as the Senator knows, there are all kinds of different figures and all kinds of different charts that are available. Many of them are greatly exaggerated and greatly misleading. However, I think that really all that these figures point up is the need for the Finance Committee to take a look at this and try with the staff of the committee to sift through some of these figures and get to the hard truth of the matter here. This should be done.

I have heard a lot about the abuses of the program. We know that there certainly have been some abuses. However, I have not heard much, and I do not think that the Finance Committee took any testimony about this, about some of the good things about the program. It was defined by Congress as an effort to reduce the welfare rolls. I wonder if any State has been given an opportunity to testify about some of the benefits of the program and some of the good things about it.

I can tell the Senate that in my State we have turned over all social services to the State level. We have reduced the cost of operation. It is a computerized operation. We can tell where every dollar for services are spent.

I do not think that we have any frills in the program. We have been able to start in the program and adopt a meaningful alcoholic rehabilitation program and a meaningful program that does something about providing services to senior citizens.

It is truly keeping many people off the welfare rolls that would be on the welfare rolls and that would be a part of the escalation of welfare if we did not have a social services program. Where will we be left by the Finance Committee version of the bill? We will lose a tremendous sum of the money we are now using in what I think—and we can prove it before any committee—are sound programs, soundly managed and with no frills. However, with the quickener or sweetener money, it will be divided one-third to the State, one-third to the local unit, and one-third to other units of government. And that money will not then provide the social services.

Those programs will be administered at the State level. And the cities and counties will say, "We look to the State to provide those services." Two-thirds of those funds will be unavailable for the services. They will be used to build buildings or build roads or to match some other funds. They will be completely lost for the provisions that Congress set out.

This is something that the Finance Committee ought to look at and try to determine when they are trying to determine what kind of rules and regulations the committee should prepare. Certainly the fact that the Department has failed up to now to put on some meaningful guidelines and rules and regulations cannot be ignored. We cannot allow it to stay open ended. There are abuses. And those abuses must be brought under control. The HEW themselves say that they now have their rules and regulations that they are ready to come forward with.

I think the committee should try to see what they are and consider them and see whether Congress needs to write guidelines and rules as to what funds should be available for social services.

Mr. President, with one fell swoop, however, to knock out all social services except child care and family planning and then say that we are putting in this $1 billion sweetener and they can make their own decisions on how to spend it fails to look back to the decision Congress made when it said that there are some services the State should look to so as to see how to reduce the welfare rolls. That is an important thing.

I have a hard time in my mind ranking drug treatment behind child care and alcoholic rehabilitation behind family planning. What makes one more important? We leave it open ended and knock out the money for the other and say to them that they can take the sweetener fund and use it for these purposes. I have a difficult time in making that decision in my mind.

Mr. LONG. Mr. President, would the Senator be willing to consider a unanimous-consent agreement on the limitation of debate on his amendment?

Mr. CHILES. Mr. President, I think there should certainly be a stage in the debate at which I would be willing to do so. However, at the present time I do not know what would be an adequate time limitation on my amendment. I would therefore like to wait until we discuss the issue a little more before we do that.

We are operating under an almost complete lack of information on where or how our money is being spent. The committee report states that their trimming of social services is due to the fact that:

> Under present administrative guidelines—or perhaps more correctly lack of guidelines—States have succeeded in financing almost any government activity under this provision.

The committee report goes on to say that—

> It appears that the Secretary of Health, Education, and Welfare, estopped by his past actions in approving State plans, is now incapable of taking any effective steps which will restore fiscal responsibility.

I think we have to look at the rules and regulations that the HEW now says they are ready to issue to determine whether that is true or whether Congress has to get into the picture and write some meaningful rules and regulations.

The bill as presently drawn virtually eliminates those services that I feel are necessary, effective, and successful in preventing welfare dependency in many States.

I mentioned alcoholic rehabilitation and drug rehabilitation, services for the elderly, employment services, hot meals for the elderly. I think these are certainly as important in reducing the welfare rolls in my State, and I think in every other State, as any other feature we could consider in the bill.

I know many Senators are talking about a "cap." They are talking about what a cap is and what should be the proper cap. This is something the committee should look for under the present bill as drawn by the Committee on Finance. There is no cap on the services that will be in the bill. Perhaps Congress should decide on what the cap should be. This is something the committee should look into.

The committee in its report, and I think that portion of the report is certainly laudable, seeks to tighten up on social services and it points out spending has gone the wrong route, but instead of encouraging better administration and accountability for spending and efficiency, and demanding a look at the program and the individual merits, they have simply backed away and cut across and hacked off the portion of funding itself instead of responsibly looking at the programs and determining if they are doing the job, and if there are abuses, how to get to them.

The bill as presently drawn would have us express the national policy of the United States to be one that does not encourage preventive social services, does not reward States for efficient administration, does not examine programs on merit, and selectively prune and regulate, but rather blatantly strikes at the core, the funding center, so that nearly all States suffer because of isolated cases of abuse.

The only aspect of this program that has gotten any publicity so far has been the abuse that has occurred in some instances. The well-running programs just are not newsworthy I suppose. But programs across the country bringing hot meals to the elderly, helping rehabilitate narcotics and alcoholics, providing day care and chore service for the elderly and many other services, are working—and working well in accomplishing the goal Congress set—the prevention of welfare dependency.

I hope Congress will not turn its back on a program that it adopted, and which was sound at the time, but vote for this amendment to strike the sections dealing with social services from the bill, urging the Committee on Finance to give this issue separate, complete, and early consideration. At present we are operating under an almost complete lack of information, juggling figures that are fictional, and devising formulas whose implications we cannot hope to fully understand in such hasty consideration. At present no one on the floor of the Senate is in a good position to know the ramifications of any of the formulas being offered as far as his own State is concerned. There is much confusion everywhere. My amendment offers the reasoned, logical approach of saying, "Let us give this important issue the consideration it deserves as a separate question from revenue sharing, not lumped with revenue services. But let us take the time to find out the needs and how they are being met, and what we need to do to continue to meet them, and how we can continue with a program that is sound in reasoning but which has been misinterpreted and misused by some States, and by the Department in its failure to set proper guidelines.

Mr. COTTON. Mr. President, I have listened to the presentation of the Senator from Florida in connection with his amendment. Among other things he said the Committee on Finance had not held hearings on this matter. That can be answered by the members of the Committee on Finance and not me. I would like to direct the attention of the Senator and the Senate to the fact that there is a committee that has been grappling with this problem for the last 4 years. That is the Subcommittee on Health, Education, and Welfare of the Committee on Appropriations, of which the distinguished Senator from Washington (Mr. MAGNUSON) is chairman, and on which I serve as the ranking minority member.

This money does not go to the receipients, the old people, or the underprivileged, or the retarded children, or any of the recipients. This money is used for administration. For every dollar the States choose to put in hiring social workers and hiring various administrators, the Federal Government is obligated to match with $3. We pay 75 percent.

It has been my experience for nearly 20 years in this body that every time we establish a program in which we agree to pay more than 50–50 we find ourselves running into trouble and find the money leaking out as if there were a hole in the bottom of the ship. That was true in connection with the Interstate Highway System, which we set up when I was a freshman Senator and serving on the Committee on Public Works. That was 90 percent and in no time at all States were spending unheard-of money to buy rights-of-way.

Mr. LONG. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. LONG. Mr. President, I wanted to make clear that if anyone said here that the Committee on Finance has not held hearings on this matter of social services, that is in error. I am sure the Committee on Appropriations has been struggling with this matter as long as the Committee on Finance, but we, like the Committee on Appropriations, are aware that as of now this open-ended 3-for-1 Federal matching for so-called social services takes the cake as being the most irresponsible, wide-open Federal expenditure to do things no one in Congress ever intended, beyond any per adventure of doubt.

For example, in New York City they had a program to help drug addicts. They took the money for drug addiction and they call it a social service and they get 75 cents in Federal funds for every $1 they spend. We were dismayed to find that they had a long waiting list for drug addict treatment programs in New York City, and that welfare payments were being made to these addicts while they received no treatment for their addiction. In view of the fact that there were so many people on the waiting list, the indications were that more than half of those addicts on welfare were simply using the money to buy more heroin.

We found all sorts of things were being called social services that never were intended to be funded under the social services program.

I have here one of the pamphlets prepared by our staff in connection with our deliberations on social services. Here is a quotation from Representative MICHEL of Illinois, a member of the House Subcommittee on Health, Education, and Welfare Appropriations. This is what he said in the House:

> It is possible now for the States to finance almost anything under this system. For example, did you know that one State financed a half million dollar TV documentary with social services money?
>
> In another State, social service funds have gone into the State highway department.
>
> Did you know that in one State program funds are going for advice on personal grooming to potential parolees from the State prisons?
>
> Another State is financing a prekindergarten education program with these funds.
>
> And the list goes on and on. In many States as much as 80 percent of their Federal funding under this program is going for refinancing of what were formerly State-financed services. State welfare departments, who are supposed to exercise control over these expenditures, are becoming little more than fiscal conduits. Some States have even gone so far as to formally appropriate private funds—like UGF, and so forth—so they will qualify for Federal matching money.

Let me explain that last item. Money donated to the United Givers Fund, or what is called in some places the Community Chest, would be run through the State or local government for the sole purpose of having it matched with three times as much Federal money. Through this device, the State gets three Federal dollars for every dollar put into it.

Some people who contributed to the United Givers Fund or the Community Chest are in the 70 percent tax bracket. Then the United Givers uses the social services device to multiply the funds 3-to-1. Then, Mr. President, the State agency contracts back to the United Givers Fund to provide the service. So they take the Community Chest money, pass it to the State, then the State picks up Federal matching and gives it back.

This is actually going on in this country. I am quoting from Representative MITCHELL, and he is right about this:

> A big part of the problem, too, is that there is no formula for insuring an equitable distribution of social services money among the States.

For example, California managed to exploit the program early in the game. Illinois heard about it and hired some consultants to advise them on how they could get the maximum number of dollars by shifting money they were putting up for other programs into so-called social services. So Illinois increased their Federal grant tremendously.

Down in my part of the country, the States were being told this kind of thing could not be done. But it was done, for example, in New York, to the tune of an estimate $850 million in the current fiscal year. Now Mississippi is working hard trying to catch up. Mississippi people do not like to look like pikers, even though they might seem to be so from the island of Manhattan. Now they are trying to get $464 million matching for Mississippi.

Maryland is aiming for $418 million. If this thing is done on the scale that Mississippi and Maryland are trying to do it, it will cost $20 billion at the Federal level alone.

Practically all of this was unintended. When this provision went into the law to begin with, the estimate was given to us that it would cost $40 million. How does $20 billion relate to $40 million? I think it would work out to be 500 times beyond what it was originally estimated to cost.

There was a fine gentleman from Florida, Mr. Bax. I think he is a very fine and sincere young man, and he was enthusiastic about administering the program under President Nixon. He is no longer in HEW, but he did his best to administer the program. His estimate to me was that the social services programs would cost $4 billion this year and $7 billion next year. That is a conservative estimate, based on the way the estimates are coming in right now.

The ridiculous thing about the situation is that the money is taken from high-priority items among the States and put into low-priority items which are then called social services. For example, a State will have a medicaid program for medical care for the needy under which it might receive 50-percent matching to provide medical care to a welfare recipient. Yet any program that can be fit under the social services heading, no matter how low its priority, will receive 3-to-1 Federal matching, even if it means cutting back on medical care for the needy. That may sound ridiculous, but it happens.

The large growth in Federal social service funds just means that the States have been reprograming money. It means they have taken money away from some program and have reprogramed it into another program where there is 75–25 matching.

This problem is something that the Appropriations Committee tried to bring within reason, and it was unable to persuade the House to go along, but the Senate at least did support the Appropriations Committee in its efforts.

We on the Finance Committee were a little late in realizing how bad this matter had become. The Appropriations Committee was trying to get it under control even before we did. Having seen this example of probably the most flagrant abuse of an open-ended spending program in the Nation's history, we felt it was our duty to do what we could to try to bring it under control. We realize that the House might not be willing to agree to the Finance Committee approach, but we would like to hope, at least, to enter negotiations with the House with our approach as the starting point.

I appreciate what the Senator from New Hampshire has had to say, because he has worked in that field, and he and the others on the Appropriations Committee tried to bring this matter under control. He is indubitably correct. We in the Finance Committee tried to cooperate in bringing this matter into control. We appreciate their efforts to bring this open-ended spending program into some reasonable context.

Mr. COTTON. I thank the Senator. We on the Appropriations Committee are appreciative of the fact that the Finance Committee had grappled with this problem and has suggested at least a partial solution.

I would like to make two or three points clear, and I shall be very brief about it. We have lived with this matter for more than 4 years. In the first year, as the distinguished Senator said, the amount was $40 million. Very soon it was $500 million. Then it jumped from $500 million to $1 billion. Then it jumped from $1 billion so that last May, when the 51 States—and, of course, I include the District of Columbia as a State—came up with estimates of what they required—again, I emphasis, for the administration of these social services—it came to more than $2.1 billion.

Mr. JAVITS. Mr. President, will the Senator yield for a question of fact?

Mr. COTTON. For a question, yes.

Mr. JAVITS. Just a question of fact.

Mr. COTTON. I yield.

Mr. JAVITS. Is it not a fact that the Senator has omitted what they actually were spending?

Mr. COTTON. I am coming to what they actually were spending in just a moment.

Mr. JAVITS. That was at the rate of $1.759 billion.

Mr. COTTON. I think the Senator from New York will be satisfied when I get a chance to finish what I have to say, if I have that opportunity.

Mr. JAVITS. I am sorry.

Mr. COTTON. Last year, we on the Appropriations Committee tried vainly—the Department of Health, Education, and Welfare was most anxious that there should be a limitation, and we tried to put on a percentage limitation. Health, Education, and Welfare suggested that no State, on these administration funds, on this 3-to-1 business, should have more than 110 percent of what they had in the preceding year, in other words to hold the increase to 10 percent.

We soon discovered that we did not have a prayer—not a prayer—of doing that in the Senate, because if that was put on, certain States had already obligated themselves beyond that.

So we tried for 120 percent, and we were defeated on the floor of the Senate. That was last year.

So this year, after the May estimates came in totaling $2.1 billion, the Health, Education, and Welfare Appropriations Subcommittee decided to put a dollar limit on and that dollar limit would be $2.5 billion. We thought that we were giving leeway. We found out that we were not, and I shall come to that in just a moment.

Now, mind you, this is for administration of the social services. In the meantime, only a few months ago, the President of the United States came out with a bill—which I voted against, incidentally—an emergency employment bill to appropriate, I believe, $1 billion to go to States, cities, counties, and subdivisions to augment their working forces. To me, it did not seem to be satisfying the kind of unemployment we wanted to satisfy. It seemed to me that that was going to aid States and subdivisions to build up bureaucracies by having $1 billion to put ward healers, political hacks, and everybody else on the payroll. But the fact remains that the States had that $1 billion in addition to the moneys they were already using on this open-end program. We came into the Senate, and we prevailed, and the Senate by a fairly substantial vote, voted to keep that $2.5 billion limitation into the bill.

We went to conference. Now, in justice to some of these States, and in justice to the point that was about to be raised by the distinguished Senator from New York—of which I am keenly aware—in the meantime the States had run up bills for fiscal 1972 that exceeded considerably the amounts of the estimates they had previously given for 1973. The House conferees said, "Well, we will not try to write in any limit this year; we will put some language into the bill and warn the States that we are watching them, and that next year or some subsequent year we are going to put a stop to this leakage" which was like a sieve.

Mr. President, what I am now about to say will not be agreed to, I am sure, by the distinguished manager of the bill, the chairman of the Finance Committee.

We are not satisfied with what is in this bill. The bill, still allows an open end authorization for child care, which I assume means for day care centers and family planning. If you follow the history of this thing, you will realize that if you leave this loophole, the States will go on and employ all of these people, most of them, ostensibly working for child care and family planning, but they will still be running the whole gamut of social services.

So later on this afternoon, as soon as we get an opportunity, an amendment will be offered by the distinguished Senator from Delaware (Mr. ROTH). The distinguished Senator from Washington (Mr. MAGNUSON) and myself are cosponsors of that amendment which will close up the loopholes in the bill brought in here by the Finance Committee. This amendment will put on a real lid on these services. We want that lid high enough, and it will be high enough, as not to hurt no State, New York or any other State, that has in fiscal 1972 run far beyond the limitations that we were putting on before. It will not hurt any State in this Union, unless it hurts a State that wants an increase of 4,000 percent, like one of the States referred to by my friend from Louisiana. It is my ardent hope, first, that the amendment of the distinguished Senator from Florida will not be adopted, and that we will not strike this whole thing out. But I think that what is in the bill deals with this matter inadequately, and I hope the Senate will give careful consideration to the very broad limitation and very high ceiling, but very definite and all-inclusive ceiling, that will be offered in the so-called Roth amendment, cosponsored by the Senator from Washington and myself.

I just wanted to give notice that we were going to do that; and when the Senator from New York sees that amendment—or perhaps he already has it before him—I think that he will find that his situation is taken care of.

Mr. President, I yield the floor.

Mr. ERVIN. Mr. President, according to an old story, this event occurred in the British Parliament many years ago:

A member of the House of Commons introduced a bill which proposed that the British Government should forthwith issue and sell enormous quantities of bonds, that the proceeds of the sale of the bonds should be immediately spent to finance existing temporary programs, and that no payment should be made on the principal of the bonds until 50 years had elapsed. Another member, whose economic views were similar to mine, denounced the bill on the ground that it was unfair to posterity. The author of the bill replied:

> Posterity has not done anything for me, and I'm not going to do anything for posterity. Besides, posterity can't vote in the next election.

This old story ought to induce sorrow rather than merriment among us. This is so because it points up the fiscal folly which has prevailed in the Federal Government for almost half a century.

For more than 40 years, occupants of the White House and congressional seats have emulated ostriches, and buried their heads in political sands to hide from themselves these unalterable economic truths: First, persistent deficit spending fuels the fires of inflation, and robs the past of its savings, the present of its earnings, and the future of its hopes; and, second, any institution, private or governmental, whose disbursements constantly exceed its receipts is doomed to fall into a financial abyss.

For more than 40 years, occupants of the White House and congressional seats, who won election by promising to balance the Federal budget, have ignored their promises, and heeded the pleas of politically powerful groups, who, like the horseleach's daughters, cry for more and more and more money out of an empty Federal treasury.

As a consequence, they have piled deficit on deficit year after year, and thus imposed upon the American people a national debt of $450 billion, a national debt which surpasses the combined national debts of all the other nations of earth by far more than 100 billion dollars.

Strange to say, all of this national debt has not been accumulated in financing obligations the Constitution imposes upon the Federal Government. Indeed, much of it has resulted from chronic foreign aid programs under which the Federal Government borrowed money and gave it to foreign nations because of the delusion of those who have ruled in Washington that they can promote the general welfare of Americans by taking their patrimony from them and bestowing it upon the rulers and people of other lands.

I digress to observe that if an individual should indulge in the unspeakable folly of borrowing money to give it away, his family and friends would institute an inquisition in lunacy against him, and the court would put his estate in guardianship on the ground that he is mentally incompetent to manage his own affairs.

President Nixon won the Presidency by promising that he would restore financial sanity to the Federal Government, stop the deficit-financing of its activities, and balance its budget.

His performances in office do not match his promises as a candidate. The most enormous deficits in the peacetime history of our country have occurred during his administration.

In attempting to excuse or justify these deficits the President proves his prowess as a semantic acrobat. In one breath, he proclaims that the deficits are the inevitable results of his wise "full-employment budgets," which require the employment of deficit-financing; and in the next breath, he charges that an iniquitous Congress is solely responsible for the deficits.

The inescapable truth is that President Nixon and Congress are jointly responsible for the deficits. Under the Constitution, Congress cannot appropriate a single penny without the approval of the President unless it overrides the President's veto of an appropriation bill by a two-thirds vote in both the Senate and the House. Congress has not been accustomed to override presidential vetoes since President Nixon was inaugurated.

The President expects his full employment budgets or an iniquitous Congress to cause further deficits during his administration. This is made obvious by his constant demands that Congress legalize further deficits by repeatedly raising to unprecedented heights that hypocritical restraint on Federal spending, the national debt limit.

President Nixon is urging Congress to extract $33.5 billion from an empty Federal treasury by the legerdemain of deficit financing and give it over a 5-year period to the States, with the biggest shares going to a few big States who are notorious for their extravagant welfare and unemployment insurance programs. To delude themselves into believing this fiscal year folly to be righteous, the President and the sponsors of his proposal euphemistically call the legislation which is to authorize it a revenue sharing bill.

They remind me of a story. In some rural areas of North Carolina, those whose relatives were buried in small country churchyards gather together annually in the churchyards and undertake to beautify them cooperatively by removing briars and weeds from the graves and planting flowers beside them. On one occasion the people had assembled in a certain churchyard to perform their yearly labor of love. One of them, who was somewhat lazy physically, hired George to accompany him and perform his physical tasks for him. George got down on his knees beside a grave and began to pull up the weeds growing on it. Suddenly George burst into laughter. His employer asked: "George, why are you laughing?" George replied: "It's them funny words that are writ on this grave stone," as he pointed to an epitaph which said: "Not dead, but sleeping." George's employer said: "I don't see anything funny in that." George replied: "Boss, he ain't fooling nobody but himself."

The President and the sponsors of the revenue sharing bill are not fooling anybody but themselves.

As everybody else knows, the Federal Government does not have a single diluted copper cent to share with anybody. On the contrary, all it has of a financial nature is a deficit which now amounts to $450 billion—a deficit which is constantly increasing in volume.

If the President and the sponsors of the bill wish to give $33.5 billion or any other sums to the States under a new program, they ought to exercise the political courage to insist that old taxes be raised or new taxes be imposed sufficient to cover the cost of the program; and if Congress wishes to give $33.5 billion or any other sums to the States under a new program, Congressmen ought to exercise the political courage to raise old taxes or impose new taxes sufficient to cover the cost of the program.

Anyone who expects the President and the Congress to exhibit this political courage, however, is as foolish as King Canute who commanded the ocean waves to be still.

If the Federal Government were an eleemosynary institution and its treasury were full rather than empty, a better case could be made for the proposition that Congress ought to pass the so-called revenue sharing bill.

Even apart from the tragic financial strait in which the Federal Government finds itself, there are other considerations which raise serious doubts in respect to the wisdom of enacting the revenue sharing bill. These considerations may be summarized as follows:

First. To divorce the responsibility of raising public revenues by taxation from the power to spend such revenues is exceedingly unwise. Nothing is more certain to encourage inefficiency and waste in government.

Second. To make the States, the cities, and units of local government throughout the United States dependent upon Federal handouts for defraying of general expenses will rob the States, the cities, and units of local government of their independence and self-reliance and thus impair, if not destroy, the Federal-State system which the Constitution was ordained to establish. There is nothing truer than the ancient adage, "Whose bread I eat, his songs I sing."

Third. To afford the Federal Government the opportunity to play Santa Claus, which the revenue sharing bill offers to it, will result in constantly increasing Federal gifts to the States, the cities, and units of local government, and ultimately compel the Federal Government either to impose confiscatory taxation or confess its bankruptcy. The Governors of States, the mayors of cities, and the officers of units of local government would do well to realize that any confiscatory taxes which the Federal Government imposes will be imposed upon their constituents because they are the only taxpayers this Nation has.

The temptation to vote for the revenue sharing bill is great. The needs of the States, the cities, and the units of local government are great, notwithstanding the fact that most of them are unlike the Federal Government, in that they are still solvent. Moreover, the Governors, mayors, and officers of units of local government are politically powerful. Furthermore, the overwhelming majority of Congressmen will undoubtedly support the measure. Consequently, I have been strongly tempted to disobey the injunction of Exodus 23:2, which says: "Thou shall not follow a multitude to do evil," and vote for the bill. To enable myself to do this, I had hoped that I might find a spiritual surgeon who would amputate my conscience, and permit me to vote for a politically popular bill which is fraught with great peril to the future of my country.

I have not been able to find a spiritual surgeon to amputate my conscience. For this reason, I cannot vote for the revenue sharing bill. I love my country too much to subject it to the future perils which the legislation will inevitably present.

Mr. GAMBRELL. Mr. President, I should like to address some brief remarks to the amendment offered by the Senator from Florida, but before doing so, I should like to state that I am very much persuaded by the remarks of the distinguished Senator from North Carolina (Mr. ERVIN) with reference to the bill as a whole. I congratulate him on the perceptiveness he shows in evaluating the entire proposal. It has been my position since revenue sharing was first suggested that it could be brought forward in an atmosphere of fiscal responsibility and on some basis whereby it could be financed within itself, or that the responsibility for levying any additional taxes that would be required would be transferred to the States themselves and local governments.

So I find what the Senator from North Carolina has said to be very persuasive. I have followed this debate carefully in the hope that some of the amendments would generate such responsibility.

I might say that I found the proposal of the Senator from New York (Mr. BUCKLEY) to be very interesting. I thought it was not perfect, but it was worthy of deep consideration.

The same is true of the amendment proposed by the Senator from Idaho (Mr. CHURCH) and the Senator from Wisconsin (Mr. NELSON). Although persuasive in principle, I felt it was imperfect and was persuaded by the committee's urging that we not adopt a single shot tax approach for this program.

I might say that before the debate is over, however, if we cannot see our way clear to determining what programs to give up, admitting to ourselves and to the American people that this will require a considerable tax increase, and telling the American people what taxes will be increased, I would be inclined to vote against this proposal in its final form.

In reference to the proposal of the Senator from Florida (Mr. CHILES), I have been urged by our State welfare officials, and in particular by the Governor of Georgia, to support the amendment. This might seem contrary to the comments I have just made concerning fiscal responsibility. I am going to offer for the RECORD at this time some material headed "State of Georgia's Position on Social Services" and charts indicating how the present and proposed program of the State in reference to this type of activity which have been furnished me by the State welfare officials. I ask unanimous consent that this material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF GEORGIA'S POSITION ON SOCIAL SERVICES

The 1962 and 1967 social services portions of the public assistance titles of the Social Security Act have provided increasing financing for State and local social services. These services are designed to:

(1) Remove persons from the welfare rolls or reduce welfare grants through training and job placement.

(2) Help other low income persons with problems that may, without services, result in their becoming welfare recipients.

(3) Provide protective services to children and adults.

(4) Provide community services and placement alternatives to institutionalization.

When the welfare rolls began to rise some years ago, the States, including Georgia, began to use their only instrument—social services—to control this increase. Many of these public assistance cases could not, however, be served by a single program. For example, one individual may require correctional care, mental health service, and alcohol and drug services before he can become self-supporting.

In an effort to coordinate services and to deal with multi-problem clients on a multiservice basis, Georgia began to purchase social services from many sources, concentrating on the purchase of those services which led to bringing persons out of prisons, out of high cost mental retardation institutions, and custodially-oriented mental hospital wards, and back to the community. Because other States faced the same problems, social services costs began to expand quickly—so quickly that HEW has not been able to report adequately to the Congress on the States' expanded services.

The increasing costs of the social services programs have caused considerable concern in the Congress. For the past three years the Congress has attempted to reduce the total cost of this "local response" program, mainly by asking for a ceiling on the open-end in the appropriations process.

Georgia believes that "closing the end" will control the increasing costs of the social services programs. However, further actions are necessary to guarantee that these funds are used effectively and prudently and to ensure that proven programs are continued and, in some cases, expanded.

There is no doubt that these programs have tremendously benefited the poor and indigent people of Georgia (see attachment). What is of concern to Governor Carter and the Congress is HEW's failure to issue guidelines for the purchase of social services programs and to design an internal accountability system for these funds.

The maldistribution of social services funds has resulted in the creation of three classes of states with respect to the use of these funds:

(1) States who were able to plan and implement social services programs fully

(2) States who have recently begun to make use of the social services programs, but do not have fully operational programs

(3) States who have not completed plans for an adequate social services program for their people.

Georgia falls into the second category of having planned and contracted for programs which are not fully operational. Our approach, in keeping with the intent of the Social Security Act, has been to assist the impoverished and disabled to achieve self-care and self-support.

We asked for and received the support of our Congressional delegation in FY 71 and FY 72 for an open-end funding on social services in order to have time to plan and implement a comprehensive social services system. This system is now being vigorously implemented as evidenced by the attached listing of activities and services being provided.

In addition to adhering to the original intent of the Social Security Act, the State of Georgia, as have many other States, has made a concerted effort to consistently pursue efficiency in expending the "social services" funds. Although DHEW has not devised criteria to ensure accountability and now finds itself incapable of managing these programs, this criticism cannot be justifiably made of the programs in Georgia. We have systematically monitored and accounted for our "social services" expenditures. DHEW auditors recently gave us a clean bill of health on our day care programs at the same time they were reporting to Congress that they did not know how the funds were being spent. This information not only supports the contention that the funds have *not* been spent recklessly in Georgia, but it also indicates a carefully planned approach to future activity.

The Georgia State government fully agrees with the Senate Finance Committee's position that fiscal restraint and accountability are imperative and stands ready to cooperate with the Congress to establish these requirements.

We do *not* agree, however, that this objective can be best achieved by imposing an arbitrary level on spending without regard for needs of commitment. In an attempt to only curb the rapid growth in expenditure of these funds, the Senate Finance Committee has closed off the open-ended social services program at a one billion dollar level in an amendment to the Revenue Sharing bill.

Georgia fought aggressively against the $2.5 billion ceiling placed on social services in the HEW Appropriations Act because Georgia's share of the $2.5 billion for social services would not allow us to continue our FY 72 level of spending for social services (let alone continue the services we have contracted for in FY 73).

The information provided the Senate Appropriations Committee by HEW concerning FY 72 expenditures for social services was based on an estimate conducted by HEW in April (and reported in May) which did not take into account planning activity conducted by the States during the last quarter of FY 72. Consequently, HEW grossly underestimated the amount of funds needed to carry out State commitments in social services for FY 73.

Clearly then, the Senate Finance Committee's one billion dollars in revenue sharing (in lieu of the Senate Appropriations Committee's $2.5 billion) will even more disastrously affect existing Georgia programs and plans which our Congressional delegation helped us to achieve.

Although the $2.5 billion ceiling on social services was appropriately eliminated by the conference committee, Governor Carter was pleased by the language contained in the conference committee report. This language mandated HEW to develop, in consultation with the States, "a comprehensive plan for a system of fiscal restraint and programmatic accountability in the social services program." Georgia considers the inclusion of this mandate essential to any subsequent amendments to the social services portions of the public assistance titles of the Social Security Act. Therefore, Governor Carter's position on the social services issue is clear:

(1) An adequate ceiling should be placed on social services funding which takes into account valid contracts and existing program expenditures (which we signed and began in FY 72 and that will operate in FY 73).

(2) An accountability system for the use of social services funds should be developed by HEW with guidance from the Congress and in cooperation with the States.

(3) Uniform guidelines for approval of social services programs developed in consultation with the States, should be issued by HEW and strictly enforced.

We earnestly urge our delegation, in taking action on this program, to provide Georgia with adequate amounts of funding to continue our current programs and program commitments.

PRESENT AND PROJECTED USE OF SOCIAL SERVICE FUNDS UNDER PRESENT SOCIAL SERVICE PROGRAMS

State of Georgia	State commitments in socia service funds as of (Federal dollars only)—					
	June 30, 1972		Aug. 31, 1972		June 30, 1973	
	Amount	Serving	Amount	Serving	Amount	Serving
I. Contract services:						
A. Title IV-A programs:						
1. Day Care for children of working mothers and those being trained for employment or homemaker skills to help them provide better child care	$15,356,192	12,886	$17,231,219	16,070	$19,485,000	25,600
2. Extended Day Care before and after school hours for children of working mothers. Social services, counseling, tutoring, family life education and job information and referral	4,237,728	196,825	4,598,705	209,624	6,450,000	253,644
3. Retardation Centers are training centers providing day care for mentally retarded children to help them function more adequately and to be less dependent upon others for support	3,981,653	1,598	5,856,653	2,500	8,475,000	3,500
4. Psycho-education Center, Crisis Intervention, Half-Way Houses for the diagnosis, evaluation, and work with emotionally disturbed children including social services to families	1,223,599	1,500	1,223,599	2,000	1,575,000	7,900
5. Family Planning is provided to assist families in health care and planning for children, including the number and spacing of children	529,425	4,290	529,425	5,290	675,000	15,358
6. Planning, Evaluation, information and referral services are provided to communities for the delivery of social services	834,038	[1]44	1,209,000	[1]73	2,340,000	[1]159
7. Special Services including help in securing better housing, legal services, coordination of day care services, training volunteers, specialized foster care, vocational rehabilitation and other services	23,552,150	40,400	23,793,328	43,000	26,400,000	44,600
B. Title XVI programs:						
1. Retardation Centers are training programs providing day care for mentally retarded adults to help them function more adequately and to be less dependent upon others for support	2,423,678	1,240	2,798,678	1,426	4,500,000	2,251
2. Aged and Disabled Adults provided health education, legal aid, meal on wheels, adult employment, counseling, consumer education, credit counseling, homemaker, day care, chore services, transportation and social services	1,369,966	15,790	2,119,966	17,964	5,100,000	23,712
3. Offender Rehabilitation, Drug and Alcohol Treatment for adults including social services, counseling, training for employment, job information and referral, diagnosis, short term treatment and education	6,802,955	23,824	7,177,955	24,224	8,625,000	28,736

PRESENT AND PROJECTED USE OF SOCIAL SERVICE FUNDS UNDER PRESENT SOCIAL SERVICE PROGRAMS—Continued

State of Georgia	State commitments in social service funds as of (Federal dollars only)— June 30, 1972 Amount	Serving	Aug. 31, 1972 Amount	Serving	June 30, 1973 Amount	Serving
II. State services:						
A. Title IV-A programs:						
1. Social Services to Families and Children including information and referral, legal services, protective services, child care, employment services, prevention or reduction of births out of wedlock, family planning, services to meet particular needs including specialized planning, improved family living, overcoming family and housing problems, reuniting families, casework service to runaways, family counseling through casework and referral, assist in money management, consumer education, counseling in family living. Licensing services for adequate care and protection of children	17,825,000	228,563	17,825,000	228,563	17,825,000	228,563
2. Social Services and Intensive Treatment for mentally retarded and emotionally ill children. Diagnosis, counseling, prevocational training, occupational therapy, social services	7,275,000	0	7,275,000	200	7,275,000	1,200
3. Social Services in Local Communities for mentally retarded and emotionally ill children; to provide services to children in their own homes and to prevent children from being institutionalized	15,562.500	0	15,562,500	1,000	15,562,500	15,750
B. Title XVI programs:						
1. Social Services to Aged, Blind, and Disabled include information and referral, protective payments (personal representative), protective services, services to adults who remain in or return to own homes, meet health needs, self support for handicapped, legal services housing improvements and assistance services services to adults in foster care, educational services related to consumer protection and money management, assistance in obtaining recreational services, volunteer services providing them opportunities to volunteer, family planning	7,000,000	58,630	7,000,000	58,630	7,000,000	58,630
2. Diagnosis and Treatment of emotionally disturbed adults in community settings on an outpatient basis, to help parents and children to cope with problems that arise in the school and in the home. To refer adults and children to other available social services	188,667	800	188,667	850	375,000	3,975
3. Social Services and Intensive Treatment in institutional setting for mentally retarded and mentally ill adults. Services include diagnosis and evaluation, vocational training, counseling, group social and recreational activities, and release planning	65,475,000	0	65,475,000	2,700	65,475,000	47,250
4. Community Based Program for Adults with emotional problems, mental illness and mental retardation to prevent institutionalization and to provide services to adults leaving the mental institutions. Services include diagnosis, evaluation, social services, vocational rehabilitation, referral, referral job and counseling	46,687,500	0	46,687,500	8,250	46,687,500	10,800
Grand total of all social services programs in Georgia funded under titles IV-A and XVI of the Social Security Act	220,325,051	586,346	226,522,205	622,291	243,638,667	771,469

[1] Counties

Sources: Prepared by Georgia State Department of Human Resources, Division of Family and Children Services.

Mr. GAMBRELL. Mr. President, these materials set forth, I think, very succinctly and clearly the situation which faces the State of Georgia in regard to these programs. Georgia, under a very enlightened welfare administration, in the last year or so has gone into the development of the type of programs contemplated by the term social services. I am not sure where the Senator from New York (Mr. Javits) got the figures shown here. However, the figures furnished by the people from Georgia, and also in the circular letter of the Senator from Florida (Mr. Chiles), indicate that Georgia's projected expenditures for these programs over the next year would be in the range of $220 million, rather than, as I understand the figure from the Senator from New York, $19 million. However, in any event an enormously enlarged program is contemplated in our State, and a great many of the commitments have already been made for the current year and for the following year. The passage of the pending bill in its present form would require the sacrifice of a great deal of planning and a great deal of the expenditures that have already been made. Our welfare people in the State of Georgia, in addition, take the position that the services are very urgently needed in our State. We know that they certainly cannot be cut off in midstream and that further consideration should be given to a determination of this type of support and whether it should be given, rather than cutting them down suddenly as is proposed.

Mr. President, I understand that the Senator from Delaware (Mr. Roth) and others may come forward with an alternate proposal which might have the possibility of giving some relief in this respect. And I would propose to support that effort if the Chiles amendment is rejected.

It does seem to me in the present posture of the matter that it is incumbent on me as a representative of the people of my State to support the amendment. And I will vote for the Chiles amendment.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. HANSEN. Mr. President, would the Senator from New York yield to me for a moment?

Mr. JAVITS. Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank the distinguished Senator from New York. I appreciate his yielding very much.

Last Friday, when we were debating an amendment proposed by the distinguished Senator from Ohio (Mr. Taft), he asked what percentage of the total tax collections in the State of Wyoming were represented by severance taxes. I regretted at that time that I did not have that information readily available before me. I told the Senator that I would supply it for the Record.

I ask unanimous consent, Mr. President, that a chart showing the total tax collections and how much is represented by the severance tax may be printed at this point in the Record.

There being no objection, the chart was ordered to be printed in the Record, as follows:

STATE TAX COLLECTIONS IN 1971

TABLE 3.—STATE TAX REVENUE, BY TYPE OF TAX: 1971

[Dollar amounts in thousands]

State	Total	Sales and gross receipts (Table 4)	Licenses (Table 5)	Individual income	Corporation net income	Property	Death and gift	Severance	Poll	Document and stock transfer	Other
Number of States using tax	50	50	50	43	44	43	49	27	6	25	11
All States	$51,469,441	$29,538,058	$5,024,188	$10,125,954	$3,420,136	$1,126,013	$1,103,514	$733,031	$5,300	$379,958	$13,289
Alabama	710,351	498,607	53,897	92,094	33,764	24,020	2,899	2,379	(1)	2,691	(1)
Alaska	102,054	22,238	15,874	41,833	6,050	(1)	104	14,491	1,464	(1)	(1)
Arizona	523,113	316,435	32,474	73,710	26,987	65,547	7,960	(1)	(1)	(1)	(1)
Arkansas	379,810	254,587	43,003	44,243	26,384	976	1,205	4,667	(1)	(1)	4,745
California	5,675,445	3,072,951	368,023	1,266,556	533,121	244,015	188,949	1,830	(1)	(1)	(1)
Colorado	513,742	281,451	44,081	143,461	28,837	2,008	12,960	567	(1)	(1)	337
Connecticut	795,589	552,636	59,238	10,331	126,796	(1)	46,588	(1)	(1)	(1)	(1)

State	Total	Sales and gross receipts (Table 4)	Licenses (Table 5)	Individual income	Corporation net income	Property	Death and gift	Severance	Poll	Document and stock transfer	Other
Delaware	222, 180	45, 395	77, 636	79, 444	12, 383	317	4, 679	(1)	(1)	2, 326	(1)
Florida	1, 587, 183	1, 263, 408	211, 055	(1)	(1)	35, 688	18, 411	571	(1)	58, 050	(1)
Georgia	990, 951	663, 527	53, 110	184, 954	79, 971	4, 057	4, 342	(1)	(1)	(2)	990
Hawaii	372, 712	231, 757	4, 517	116, 233	15, 296	(1)	4, 428	(1)	(1)	481	(1)
Idaho	187, 379	89, 105	27, 654	56, 278	12, 563	446,	1, 065	268	(1)	(1)	(1)
Illinois	3, 142, 311	1, 851, 246	301, 148	773, 610	154, 984	494	58, 583	(1)	(1)	2, 246	(1)
Indiana	1, 054, 296	705, 485	89, 220	218, 467	9, 580	15, 592	15, 713	239	(1)	(1)	(1)
Iowa	636, 838	379, 793	96, 305	115, 344	23, 896	1, 511	19, 139	(1)	(1)	850	(1)
Kansas	463, 141	290, 598	45, 397	82, 156	25, 112	10, 459	8, 755	664	(1)	(1)	(1)
Kentucky	760, 335	497, 116	49, 107	132, 669	40, 093	26, 746	13, 374	182	(1)	1, 048	(1)
Louisiana	988, 715	492, 421	70, 727	81, 867	51, 299	28, 254	7, 547	256, 600	(1)	(1)	(1)
Maine	228, 823	162, 284	24, 184	23, 878	8, 558	3, 967	5, 950	(1)	2	(1)	(1)
Maryland	1, 146, 255	542, 052	73, 111	413, 976	70, 260	33, 541	10, 705	(1)	(1)	155	2, 455
Massachusetts	1, 494, 291	577, 255	83, 358	568, 574	203, 066	431	56, 867	(1)	(1)	4, 740	(1)
Michigan	2, 543, 856	1, 447, 943	330, 040	475, 938	164, 786	90, 015	33, 262	933	(1)	(1)	939
Minnesota	1, 099, 070	507, 988	90, 226	370, 702	79, 969	6, 844	21, 733	18, 388	(1)	3, 220	(1)
Mississippi	517, 290	397, 376	32, 659	46, 003	20, 083	4, 114	2, 570	14, 458	(1)	(1)	27
Missouri	826, 662	533, 844	106, 248	140, 540	27, 322	3, 241	15, 467	(1)	(1)	(1)	(1)
Montana	135, 840	50, 287	16, 254	42, 381	9, 546	8, 596	3, 645	5, 131	(1)	(1)	(1)
Nebraska	294, 447	190, 589	38, 191	53, 888	9, 405	570	640	686	(1)	478	(1)
Nevada	172, 517	150, 858	16, 096	(1)	(1)	4, 790	(1)	[3] 50	(1)	485	238
New Hampshire	118, 465	68, 857	20, 099	5, 238	12, 277	3, 880	5, 919	70	1, 641	384	(1)
New Jersey	1, 501, 047	1, 010, 337	233, 564	19, 570	112, 312	58, 457	66, 807	(1)	(1)	(1)	(1)
New Mexico	294, 260	170, 783	24, 315	35, 815	10, 119	15, 893	1, 520	35, 815	(1)	(1)	(1)
New York	6, 248, 106	2, 419, 806	337, 057	2, 530, 207	572, 328	13, 635	130, 104	(1)	(1)	244, 969	(1)
North Carolina	1, 296, 974	710, 762	122, 909	301, 756	116, 707	25, 169	19, 643	(1)	(1)	(1)	28
North Dakota	142, 242	91, 746	20, 455	16, 877	7, 723	1, 410	865	3, 166	(1)	(1)	(1)
Ohio	1, 772, 541	1, 379, 809	314, 318	(1)	(1)	60, 553	17, 861	(1)	(1)	(1)	(1)
Oklahoma	540, 918	298, 402	84, 566	63, 648	25, 207	(1)	16, 708	51, 280	(1)	1, 107	(1)
Oregon	444, 218	102, 518	75, 461	226, 245	24, 517	326	12, 613	2, 538	(1)	(1)	(1)
Pennsylvania	3, 093, 520	1, 890, 866	458, 119	[4] 135, 067	431, 696	33, 756	110, 821	(1)	(1)	33, 195	(1)
Rhode Island	272, 085	172, 499	25, 019	37, 625	27, 647	(1)	9, 002	(1)	(1)	293	(1)
South Carolina	600, 478	404, 912	33, 297	108, 429	43, 579	1, 893	5, 024	(1)	(1)	3, 344	(1)
South Dakota	121, 730	102, 578	15, 739	(1)	[3] 800	(1)	2, 613	(2)	(1)	(1)	(1)
Tennessee	739, 920	516, 503	123, 724	12, 383	59, 499	(1)	19, 815	(1)	(1)	5, 915	2, 081
Texas	2, 188, 318	1, 446, 317	335, 318	(1)	(1)	63, 837	34, 921	307, 924	(1)	1	(1)
Utah	268, 892	157, 152	17, 417	61, 884	11, 085	13, 089	3, 594	4, 671	(1)	(1)	(1)
Vermont	141, 058	71, 682	16, 193	42, 848	6, 005	266	2, 085	(1)	844	1, 135	(1)
Virginia	1, 040, 555	539, 764	85, 162	312, 984	64, 705	14, 317	12, 328	325	683	10, 057	230
Washington	1, 126, 357	903, 784	79, 950	(1)	(1)	116, 301	25, 012	(1)	(1)	1, 310	(1)
West Virginia	436, 235	329, 966	35, 646	59, 102	4, 927	401	4, 777	(1)	666	750	(1)
Wisconsin	1, 423, 085	618, 896	95, 398	507, 146	88, 792	77, 718	32, 967	261	(1)	728	1, 719
Wyoming	93, 241	60, 887	17, 629	(1)	(1)	8, 873	975	4, 877	(1)	(1)	(1)

[1] Not applicable.
[2] Repealed.
[3] Estimated data.
[4] This money was collected under the original income tax law which became effective March 4, 1971, and was declared invalid on June 24, 1971. Taxpayers will receive credit for this amoun against their obligation under the new income tax law which was made retroactive to June 1, 1971.

Mr. HANSEN. Mr. President, further, for the benefit of those Senators who may not care to read through the rather detailed chart, it will be interesting to note that Wyoming's severance taxes raised only 5.2 percent of the total taxes raised in the State.

Mr. President, I thank the distinguished Senator from New York for yielding.

Mr. JAVITS. Mr. President, I support the amendment. All one needs to do at this point to support it is to invoke the argument made by the distinguished ranking minority member of the Appropriations Subcommittee of the Appropriations Committee. This is a substantive question not particularly within the purview of the Finance Committee. It relates to certain social services which, if anything, would come under either the Appropriations Committee or the Labor and Public Welfare Committee itself.

The fact is that I agree thoroughly that the matter should be completely explored, though we may disagree on the remedies. Second, I agree that the Department of HEW has been extremely laggard in not imposing the proper administrative regulations with respect to this program.

Mr. President, I support the amendment for that reason, and not because any State is profligate, because the States are too poor to be profligate in the sense that they are looking for help in these matters. Let us remember that this is not a free program. States have to put up 25 cents for every dollar that the Federal Government matches.

I know of many programs in my own State—and New York is supposed to be one of the affluent States—where they have a 10-percent matching and the State has preferred not to come up with this money because of the difficulty in finding that type of money in an extremely tight and debt-ridden budget.

My State has already cranked in the money it hopes to receive from the program. Otherwise we would have a deficit budget. In New York, that would be quite a mouthful because in New York the Democrats and Republicans alike have always prided themselves on the fact that the budget is always balanced, even in difficult times.

There is no question about the fact that HEW was far behind in the parade in not coming up with the proper regulations on this matter. This is not a free program. The Federal Government is not putting up the money. The State has to be willing to put up one-fourth of the cost.

As to the catalog of horrors stated by the Senator from Louisiana, one must understand that he gives no estimates of what States and what amounts were involved in the particular horrible example he gives. All of these horrible examples can be swept away by intelligent regulations from the HEW.

So the Senator talks about inequities of the past. We are dealing with an amendment that would take effect in the future.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COTTON. Mr. President, I was very much interested in what the Senator from New York just said about the State's 25-percent contributions, $1 for $3.

I gather that the attitude of the Senator from New York, and I think it should be the attitude of every Senator, is that vital needs for social programs cannot be measured in dollars and cents, and should not be curtailed. The problem is where the temptation or situation is that they can get $3 for $1, and some States do not watch their priorities and see to it that the social services are those that are most vitally needed.

I would like to ask the Senator from New York, who long has been so active on the legislative committee, a question. We would not need, in my opinion, to talk about any limit on the administration of welfare programs if this were, instead of 75–25, a program of 50–50, because it would police itself. In 20 years I have discovered, whether it be highways or any other project, that when the Federal Government gets beyond that ratio abuses inevitably result.

I would like to ask the Senator from New York if in the long run it would not be his opinion to forget about putting any limit on expenditures, but to make it 50–50? I know my State and I think almost any State, would see to it, if they had to match the Federal contribution dollar for dollar, that it was only used for the most worthy programs.

Mr. JAVITS. I wish to say to the Senator that I am against a ceiling in this matter and I will explain why. I certainly have an open mind on his point and I will consider it very seriously. It needs, of course, to be juxtaposed according to what regulations HEW will impose, because they will impose regulations, and I certainly think the Senator's suggestion is worthy of consideration.

The reason for my opposition to the ceiling is that there is no ceiling on the number of welfare recipients or the impact of the welfare program. There is no ceiling on distress. We are spending $6.6 billion on a nationwide basis on welfare. In 1972 our expenditure, the actual distribution under this program, was $1.449 billion. Even the Department's May estimates, which are to be juxtaposed with this lurid figure of $20 billion, were $1.759 billion. That is on the chart I have already placed in the RECORD.

Obviously if they tighten up even further on the regulations, that figure would go down. So until there is some kind of handle on distress, on the welfare situation, other than in terms of the regulations and the conditions, and perhaps the sharing—how much the Federal Government comes in for—I do not know how a ceiling can be imposed. That does not mean we cannot get into the fiscal part, and we should, and I will lend my interest to that.

However, we would cut off at the neck large industrial States which are heavily impacted with this problem if a ceiling as has been discussed were imposed on welfare. So in my opinion the approach should be HEW regulations and a good hard look, as the Senator from New Hampshire said, at the percentages; but not an arbitrary ceiling which takes into consideration one element of the total welfare picture and says that we are going to put a ceiling on that. We might as well put a ceiling on the sea unless you are going to further beggar the States which are already in trouble on this score.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. COTTON. In justice to HEW, the Senator from New York served on the Committee on Appropriations and we both know how many people come in and say they know what an authorization is and think we have to appropriate an authorization. But when Congress writes into law an authorization that whatever a State spends in social services the Federal Government will triple it and pay $3 for $1, does the Senator from New York believe that the Department of HEW by promulgating rules could stop that practice? If a State said, "We are going to do thus and so for a group of our people that are in need," and if we are ready to pay the money, is it the belief of the Senator from New York, who as we all know is an extremely sound lawyer, that HEW could stop that by a rule or decision?

Mr. JAVITS. The Senator from New York is unable to answer that in the affirmative in the absence of research into the total body of law dealing with the powers of the Secretary of HEW. However, I believe it was the duty of the Department to do the research and if it saw the difficulty burgeoning, as it undoubtedly did, if it found insufficient authority, to let the legislative committees with legislative oversight know. We have requests from the President himself where he did not hesitate to write to the Speaker, the President pro tempore, or the Vice President and say, "I need a bill on this." He did not do it in this case and, therefore, the States have found themselves faced with this situation. I do not think the States should be blamed. The executive branch and we did vote the authority, so if it is my fault, mea culpa; no question about that. We cannot shunt this responsibility onto the States, which already are in extreme difficulty.

Mr. COTTON. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. COTTON. I am afraid if HEW sent word to Congress that it wanted authority to say to any State in the Union, "You must do this, and we have the power to tell you that you have to curtail what you are doing for your underprivileged or handicapped, deaf, blind, or your halt;" I do not believe Congress would pay much attention to that.

Mr. JAVITS. Every other day I am on the telephone with some department, whether it is HEW, OEO, the Department of Defense, or some other department, in a case of serious distress. They say: "We cannot do it. The law does not allow it, or our appropriations do not allow it." I do not say HEW should be lawless and make authority where it did not have it. I say we should at least have had the opportunity to act on it if they felt they had no statutory authority to deal with what was a burgeoning situation. Some ground rules should have been set, but not having been set, I think the ex post facto situation is not fair to the States.

That is the situation we face.

Mr. COTTON. I thank the Senator.

Mr. JAVITS. I thank my colleague very much.

I would like to give some of the facts, because the facts are critically important.

Again, with respect to the enormous estimate of $20 billion, or something like that, based on the May 1973 submissions, according to the best estimates we have, the States estimate that $2.162 billion will be required for this year in the Federal financing of the services here under consideration.

My own State of New York, which has probably the biggest welfare problem in the country according to its expenditures, spent at the rate of $442 million per annum based upon the record.

Let us remember, also, which is critically important, that this figure of $442 million means the State spent $110 million, and also let us remember that the figure of $442 million excludes child care and family planning which, even under the Finance Committee's idea, would be retained.

For all those reasons, I feel that that is not the wise thing to do from the point of view of the national interest, and I believe the amendment of the Senator from Florida should be agreed to. We will undoubtedly act in this matter. I have no doubt of it whatever. I am sure no State has any doubt about it. But we should not act improvidently. We should endeavor to deal with it with a scalpel, and not with a cutlass, in a matter that is as sensitive as this one, in view of the financial condition of the States. I believe that kind of legislation will come before us and that we will act on it.

The provision which Senator CHILES seeks to strike is not in the national or State interest. At the very moment, we are giving some help, which in fact they need, on revenue sharing, we are going to rob them of almost half of what we have provided. So, if we really want to help them, we should strike this provision from the bill.

Mr. LONG. Mr. President, I have here in my hand a chart prepared by the committee staff to show what the trend has been in this area. It is interesting to note, for example, that the State of New York, for fiscal year 1973, is seeking $850 million of Federal funds in this program. Just compare that to a relevant State Pennsylvania is about two-thirds the size of New York in population. Pennsylvania shares a common boundary line Pensylvania is seeking $265 million. I could understand New York's getting 50 percent more or even 100 percent more than Pennsylvania, but to see why New York would get $850 million and Pennsylvania would get $265 million is something that calls for one's imagination.

Mr. JAVITS. Mr. President, would the Senator yield?

Mr. LONG. I yield.

Mr. JAVITS. Can Pennsylvania not get as much as or more than New York if it just has the program? Is that not true?

Mr. LONG. The Senator is exactly right. If we do not bring this matter under control, it will cost $20 billion, which would be 500 times as much as the estimated cost when we first voted for it in the Finance Committee.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. We are talking about New York and the needs of New York. But in 1971 New York's need was for $88 million, and that is what it got, but New York now estimates that it will need $850 million for 1973. Is anyone going to tell me that the needs of New York have multiplied 10 times in 2 years?

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. BENNETT. The Senator from Louisiana has the floor.

Mr. JAVITS. I am asking him to yield.

Mr. LONG. I yield.

Mr. JAVITS. I am going to tell the Senator exactly that, because the State's ability to finance this very bill has been reduced by more than that. The State is really badly up against it. That is what we see reflected in the bills. We have done the utmost to pay, ourselves. We cannot pay any more. So, unless the whole thing is to be shut off, we have to go to the only source which can help us. Incidentally, that is why we are having revenue sharing.

Mr. BENNETT. The Senator from Utah has the impression that New York has as effective a group of welfare operators as there is in the country, and this tenfold increase that is disclosed does not represent a tenfold increase in need, but rather the proliferation of the ability of its administrators to figure out how to get more Federal matching.

Mr. LONG. Mr. President, if I may just continue the point I have in mind, New York is now smaller in population than California. Keep in mind, Mr. President, that it was California that first managed to use this program and expand it in ways that nobody had ever dreamed of applying this program to. So we must credit California with the initial thrust. Mr. Veneman, now Under Secretary of HEW, and a man named Tom Joe while they were in California figured out how this program could be used to attract Federal matching in ways that the mind of man had never conceived of applying. Then efforts were successfully made to bring Mr. Veneman and Mr. Tom to work in Washington, presumably on the theory that it takes a thief to catch a thief. However, instead of getting the genie back into the bottle, the cost of the program has been going up and up.

The cost for the whole Nation was originally expected to be $40 million. By 1971 California had succeeded in getting its program up to a $210 million level.

At that time California was more than 2 to 1 ahead of New York. New York was extracting only $88 million from the Federal Treasury, while California was extracting $210 million. But the following year New York caught up and went ahead in the derby, to the point where it was $382 million for New York and only $253 million for California.

What is the next projection for fiscal 1973? California undoubtedly felt that it had to use its conscience not to go beyond demanding so much money from the Federal Government, so California said it would settle for $273 million, an increase of merely $20 million. New York bounced up and more than doubled its request over the previous year to $850 million.

The whole reason for enacting the social services program in the first place was that we would keep people off welfare rolls and out of hospitals by providing modest social services which would save some money. But let us see how much we are saving in New York. The whole cash assistance program for New York in 1973 is expected to cost $836 million in Federal funds, while New York expects to empty the Federal Treasury for so-called social services to the extent of $850 million—more for the social services than for the cash assistance program in the State.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. TALMADGE. Is it not true that one State has financed a half a million dollar documentary film with this social services money?

Mr. LONG. It has.

Mr. TALMADGE. Is it not also true that some of these funds go through State highway departments under the guise of social services?

Mr. LONG. Senator, just about anything that the mind of man can conceive of is being called social services to make Uncle Sam pay 3 to 1 matching.

The attraction of 3-for-1 Federal matching is so great that States are taking money away from better State services to put it in worse State services, taking it from higher priority items to put it in lower priority items, just for the sake of the matching funds.

For example, in the State of New York, they expect to spend more money for services than they spend for cash payments to needy persons. Which do you think the welfare recipient wants, social services or cash?

Mr. TALMADGE. Will the Senator yield further?

Mr. LONG. I yield.

Mr. TALMADGE. Is it not also true that some of these social service funds have gone for advice on personal grooming to potential parolees from State prisons?

Mr. LONG. Yes. There is no formula, no limitation. As a matter of fact, Mr. Bax, who used to administer this program, came to Louisiana to give us some ideas about how Louisiana might apply for more of this money.

Mr. TALMADGE. Is it not true that some States have also gone so far as to formally appropriate private funds, like the United Givers Fund, and so forth, so that they will qualify for Federal matching money?

Mr. LONG. The Senator is correct.

Mr. TALMADGE. I thank the Senator for yielding.

Mr. LONG. Mr. President, when we talk about trying to get this genie back into the bottle, there is no way we can do it equitably or fairly if we are going to maintain the existing funding levels some States have managed to get from the Federal Government.

The Senator from Texas (Mr. BENTSEN) is not present at the moment, but he has been complaining about the fact—and I do not think he would object to my making the matter public—that when the Governor of his State requested funds on the same basis as what New York had already received, what Florida had received, and what Illinois was receiving, he was told that the application could not be accepted. Perhaps HEW now is beginning to exercise some of the responsibility that they should have been exercising a long time ago. At any rate, the Senator from Texas was saying, quite resentfully: "If you are going to do something to bring this program under control, you should not permit these States that were able to distort this program and make it apply to all kinds of things to which it was never intended to apply to benefit from an initial mistake that should not have been made in the first instance."

I felt the logical way to do it would be simply to say, "All right, we will continue to fund the services we think are a very good investment." We think the services for family planning probably save the Government substantial amounts for every dollar spent.

In the area of child care, we have had great complaints that mothers would like to go to work, but that they cannot find adequate child care and therefore they cannot accept employment, which would take the family off the welfare burden of the State.

In those two areas, we have not been able to prevail upon the States to do as much as we would like for them to do, and one reason, I suppose, is that so much of this money had been going into all sorts of other items that no one ever intended to direct any of that money into. Presumably, if we had prevented them from spreading all this money all over the countryside for everything the mind of man could conceive, the States would have had enough money to provide adequately for child care and family planning, and do the job we hoped they would do and to this point have failed to do sufficiently.

Under the committee amendment, we provided in addition to funds for child care and family planning $1 billion for additional revenue sharing.

In conference we may well go to some higher figure. But we would be in a better position to start with a billion dollars in revenue sharing and the limited program for child care and family planning services that costs perhaps $600 million, which would be about the equivalent of $1.6 billion as a limitation, and leave the Senate representatives in a position to negotiate upward from there if we must, rather than to be in the position of having to go for a much higher figure.

I know that the Senator from Florida, with his interest in people, would, of course, like to see this program continued, or would like to see a higher cutoff figure, if indeed the program is to be brought under some kind of more responsible control. But I would think, Mr. President, that the question is up to the House of Representatives, to tell us at what point the House is willing to discontinue this program, or to quit expanding it, at a minimum.

The Senate offered the House a limitation of about $2.5 million, and the House was unwilling to agree to that. But that was on a bill where the Governors of these large States that are getting large amounts of money from this could call on their representatives and say, "We do not want any program of that sort," or "Do not vote for any limitation."

I think if it was an amendment on a revenue-sharing bill, which the Governors all want, we would have some leverage there to say, "Well, if you want the revenue-sharing bill, you will have to cooperate with us on bringing this spending program under control," and on that basis I think we would have a reasonably good chance of bringing this program under some kind of limitation.

Mr. President, I think it would almost enrage some Senators to see how little their States are getting for social services by comparison to the enormous amounts others are getting. But this is a prime example of a program completely out of hand, a program that should be brought under some kind of control, and I would hope that the Senate would not strike the committee amendment, but would support the committee in trying to get this program under some kind of reasonable control.

Mr. CHILES. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. CHILES. Mr. President, I shall be able to close rapidly, now that we have discussed the amendment.

I think it is interesting to hear the Senator from Louisiana say that, in the parade of horrors we have heard now twice during the debate, it was interesting to hear both times that it comes from what a representative from Illinois says, and the Senator from Louisiana says, "I think it is correct." But the Finance Committee has taken no testimony on this point. The Finance Committee has not looked at the State of Florida and its program to determine whether they think there are any abuses or any good points in the State of Florida's program, and that is the kind of thing I would like to see. I would like to see the Finance Committee study this matter.

The Senator from Louisiana said also, "The Finance Committee got into this late. We recognize that the House of Representatives is not going to take this; this is just something to start with, but this is our idea of a couple of good programs, and we like these two programs because we think they are good. We are going to knock out all the rest of them; this is where we are going to put the limit, and we will put a sweetener in, and use that as a kind of starting place."

I think that shows that we have not given the kind of attention we need to something that is running away. I will admit that this is something that needs to be curbed, something the executive branch allowed to get away, with several States getting huge funds, but a program that allowed States to come up with innovative new programs to reduce the welfare rolls. Some States have taken that to heart. I think my State has taken it to heart. To come up with designs for innovative new programs, not old programs presently financed, but to come up with new programs and to use those to reduce the welfare rolls.

I have a hard time determining how child care is more important than hot meals on wheels for senior citizens, which would keep them from being welfare recipients, which would keep them from being in a nursing home, and would allow them to stay home and enjoy the twilight years and not be a ward of the State. With respect to rehabilitation of alcoholics, we know of the costs, how alcoholics become wards of the State, and how much money we are spending.

What I am saying is that the proper committee should look into this matter and determine what the ceiling should be. We have all kinds of figures, and the question is as to whose estimate is right and whose is wrong. What kind of ceiling is proper, and what kind of controls and guidelines do we need to attack the problem in a responsible way? That is preferable to saying that this is something we had better start off with here because when we go to conference, we will work out something, and take it along on that basis.

For that reason, I think the social service portion of the bill should be stricken.

Mr. LONG. Mr. President, if Senators will look at pages 111 through 145 in the committee hearings on the revenue sharing bill, they will see this issue discussed and the considerable amount of material presented in connection with it. We also discussed social services and took testimony on it in connection with H.R. 1.

Furthermore, the Senate has discussed this matter at length and voted to try to bring this matter under control. It has been debated for hours on the floor of the Senate, and the Senate position is that this program should be brought under control, based on the recommendations of the Appropriations Committee.

I am privileged, further, to say that the administration favors the Senate committee position on this matter. The Nixon administration favors the committee amendment to bring this matter under control in this fashion.

I would think that the matter has been studied adequately by the Senate itself, as well as by two responsible Senate committees, as well as by the administration; and all believe that this is the epitome of an unrestrained, open-ended, spending program that should be brought under some kind of control.

I hope the Senate will reject the amendment, which would have the effect of leaving this matter in the sad fashion in which we now find it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Iowa (Mr. MILLER), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is necessarily absent because of death in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. ALLOTT), the Senator from Iowa (Mr. MILLER), and the Senator from South Carolina (Mr. THURMOND) would each vote "nay."

The result was announced—yeas 18, nays 67, as follows:

[No. 413 Leg.]

YEAS—18

Brock
Brooke
Case
Chiles
Gambrell
Gravel
Hart
Hughes
Inouye
Javits
Mansfield
Mathias
Mondale
Packwood
Percy
Stevens
Stevenson
Tunney

NAYS—67

Aiken
Allen
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Boggs
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Griffin
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McGee
McIntyre
Metcalf
Montoya
Moss
Nelson
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Symington
Taft
Talmadge
Tower
Weicker
Williams
Young

NOT VOTING—15

Allott
Baker
Bellmon
Cranston
Goldwater
Harris
Humphrey
Kennedy
McGovern
Miller
Mundt
Muskie
Pell
Sparkman
Thurmond

So Mr. CHILES' amendment was rejected.

Mr. MONDALE. Mr. President, I will support a reasonable ceiling on social services spending, either on this bill or on the HEW-Labor Appropriation bill which will come before the Senate shortly.

But I cannot support the ceiling contained in the committee bill, which would force drastic cutbacks in existing programs.

The social services program, conducted under title IV(a) of the Social Security Act, provides Federal funds to support programs conducted by State and local governments which are designed to strengthen and support poor and near-poor families, and to restore the heads of those families to useful and productive work.

The pending revenue-sharing bill, as reported from committee, replaces the existing program of social services with an additional $1 billion in revenue sharing, allocated among the States on the basis of urbanized population. Social services funding would continue only for child care and family planning, and then on a severely limited basis.

Some States are perhaps taking unfair advantage this year of the open-ended provisions of the present social services law which require the Federal Government to provide 75 cents for each 25 cents supplied by State and local government. The Washington Post reports that the total national expenditures could reach $6 to $8 billion over budget estimates by the next fiscal year. There must be a stop to such irresponsible growth.

Mr. President, I ask unanimous consent that an article entitled "Back Door Revenue Sharing," from the Washington Post of August 7, may appear in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BACK DOOR REVENUE SHARING—AND ON A BIG SCALE

(By Jodie Allen)

While debate rages in the halls of the Congress and the administration over revenue sharing and welfare relief for hard-pressed states and localities, a multi-billion dollar program of fiscal relief for states is quietly being implemented under a little noticed provision of the Federal welfare law which provides federal matching for state expenditures on "social services" for needy persons. A recent action by the Senate-House Conferees on the 1973 HEW appropriation bill on August 2 seems to assure that almost $4 billion for "social services" will be added to the President's budget with little debate and with virtually no public attention.

Program increases of this magnitude are usually front page news, particularly in an administration highly concerned over the prospect of a record-breaking budget deficit. The reason for this strange turn of events lies in the peculiar history and characteristics of the social service program.

There are three features of the social service authority which explain its unique potential for breaking the federal bank. The first is that the language of the social service provisions, as modified by a series of liberalizing amendments during the 1960s, is remarkably broad. The services covered include any "services to a family or any member thereof for the purpose of preserving, rehabilitating, reuniting or strengthening the family and such other services as will assist members of a family to attain or retain capability for the maximum self-support and personal independence." Furthermore such services may be provided not only to current welfare recipients but since 1965 to former or potential recipients as well.

Without even stretching the imagination it would seem that practically the entire gamut of services provided by state and localities for their citizens—including vocational rehabilitation, job training and counselling, child care, foster care, family planning, family counselling and referral, protective services for dependent persons, mental health and mental retardation services, community health services, homemaker services, non-formal or compensatory education, and information and referral services of all sorts—might easily be justified at least in part as deserving of federal support under the amendments. In fact the only services specifically excluded from support are public school education and institutional care and the only additional limitation appears to be a vaguely worded caveat in a HEW memorandum to the states that they must "significantly expand" not merely refund existing services. And to make it all easier, since 1967 the law has allowed the states not only to provide such services themselves but to purchase such services from other public and private agencies with federal support.

The second striking feature is that the terms of the federal support are extremely attractive. For every $25 the states or localities proffer for these services the Feds will supply another $75. The Talmadge amendments of 1971 went this one better and allowed 90 federal dollars for every 10 state or local dollars if the services provided were such as to enhance the employability of current, former or potential welfare recipients. (This largesse should be compared the relatively miserly 50 per cent matching which is all most large states can receive on actual cash grants to recipients.)

Last and best there is the "open-end" financing provision—which means exactly what it sounds like. Unlike most federal authorizations for which a fixed amount is appropriated by Congress each year, the social service fund is essentially a bottomless pit. As is the case for public assistance cash payments, whatever amount of money states and localities express willingness and ability to spend for social services in a given year, the federal government must stand ready to match at $3 or more for 1.

Given these generous provisions, the only thing that is hard to understand about the social services program is why it is not already the largest domestic program in the federal budget. In fact most states were slow to recognize the potential of the social service program. In 1964 only $75 million in federal dollars went to social services. By 1968 the federal cost had risen to the still modest level of $230 million and by 1969 even after a one year increase of 59 per cent the federal share was still only $366 million. A few sharp state officials however were beginning to catch on. One state, California, had by 1970 managed to corner almost 40 per cent of the total social service budget of $500 million for that year largely through the cleverness of a consultant to the California State Assembly, Tom Joe. In a fascinating article in the June 17, 1972, issue of the "National Journal." John Iglehart has traced the subsequent involvement of the ingenious Mr. Joe who, as part of the entourage accompanying former HEW Secretary Finch to Washington from California, has subsequently stayed on at HEW. There, in an informal capacity, he has spread the glad tidings of largesse to other less favored states—to the ultimate discomfort of the administration.

For discomforted indeed are HEW budget managers. From a sleepy little sub-billion dollar program, social services has in the last several months skyrocketed with a multi-billion dollar flare likely to eclipse in importance both the much heralded revenue sharing proposals now being debated in the Senate Finance Committee and the now beleagured welfare reform package with its promise of some $2 billion in state welfare savings.

Picking up the thread of our chronology we find that by fiscal year 1971 the federal share of social service expenditures had climbed to almost $700 million with the Congress ignoring a request by the administration in its budget for that year to impose a 10 per cent ceiling on expenditure increases over the previous year (a request repeated and again denied in the administration FY 72 budget). In FY 72 social services again surprised everyone by outstripping the original administration estimate of $838 million by at least another $450 million and, by some estimates by perhaps, as much as $750 million. In either case the federal government is thus already spending at the rate of over $1.3 billion a year on social services—an amount almost twice that expected in the previous year and already larger than the administration's $1.2 billion request for the upcoming fiscal year, 1973.

But that discrepancy must be counted as minor. For while the Congress has been considering the HEW request, the states have quietly been revising drastically their estimates of federal dollars required in FY 73. In May to the consternation of HEW officials a new estimate of $2.2 billion, almost twice the administration's 1973 budget request of $1.2 billion, was computed. The Senate Appropriations Committee, alerted to the danger added to the HEW appropriation bill a ceiling of $2.5 billion on social service expenditures. But pressure from governors and state officials anxious to cash in on the bounty proved too strong and, with virtually no public attention, the limitation was dropped in the Conference Committee despite assertions in the conference report issued on August 2 that the conferees "agreed with the basic premises of the Senate amendment: (1) to insure fiscal control over a program which is presently increasing at an alarming rate and (2) to insure that funds are disbursed prudently and effectively."

But the conferees literally didn't know the half of the matter. For by the end of June the states had set their sights far higher than a mere $2.2 billion—in fact having doubled the estimate once, they decided to do it again this time submitting a total FY 73 request of almost $5 billion, a quadrupling in expenditures over the previous year to an amount equal to the much publicized revenue sharing program. And there is unanimous agreement on the Hill and in HEW that that estimate is probably too low.

Fortunately it is not necessary to question the efficacy or relative utility of social services in order to question the desirability of this turn of events. It is fortunate in that no one seems to have any clear idea of what the money is being spent on.

But apart from the merits of social services per se three things are abundantly clear:

1. A huge sum of taxpayer money is being distributed among states in a quixotic fashion unrelated either to relative need or to the ability and willingness of states to use the money constructively.

2. It is not possible for states and local governments to achieve a four-fold expansion in services of any kind in one year (on top of a doubling the previous year) and particularly not in services of a type for which no clearly successful record of performance has yet been demonstrated, even on a modest scale.

3. Even if the money is in fact expended for the purposes intended, serious imbalances are occuring within state expenditures patterns between social service activities for low income populations and other forms of assistance and service both to this population and to other groups in the population.

To illustrate these points one need only look at a few states. In 1971 Mississippi spent about $950,000 on social services. Its estimated expenditures for 1972 increased by 88 per cent to $1.8 million. In 1973 Mississippi now estimates it will spend some $460 million on social services, over 250 times the amount it spent the previous year.

Two other comparisons are equally interesting. If Mississippi's social service benefits were spent entirely on welfare recipients, it would turn out that Mississippi would be spending some $1,625 per welfare recipient on social services, or about $6,500 per year on a family of four (a number familiar to the National Welfare Rights Organization). Apart from the striking generosity of this allotment it is interesting to compare this expenditure with the maximum welfare cash grant which such a family if it had no other income could receive in Mississippi. That amount is $720. And lastly it is interesting to observe that if, as is likely most of the $460 million in federal dollars is used simply to support existing state and local services in Mississippi, this amount alone will account for over half of the current total Mississippi state budget.

Other examples abound. Maryland's estimated expenditures will grow from a 1971 level of $15 million to an estimated level of almost $420 million in 1973. At this point Maryland will be spending some $1,650 per welfare recipient or about $6,600 for a family of four. Georgia plans to expand its program from a 1971 level of $12 million to a 1973 level of over $220 million. New York will expand from $67 million, 1971 to $850 million, Illinois from $24 million to over $180 million. Faced with an unplanned increase in the President's budget of at least $3.6 billion and the frightening potential of even more staggering increases to come (the estimates are from $6 to 8 billion in the next fiscal year) there appears to be little that the administration can or, perhaps, wants to do to stem the flowing tide. To "close the end" on social services would require legislative action and, as has already been demonstrated by the recent action of the appropriation conferees, such action is unlikely to be forthcoming, particularly in an election year, given the opposition to such a change that would be generated by enthusiastic state and local officials who have suddenly discovered that there is indeed a pot of gold at the end of the federal rainbow.

There is also the difficult problem of devising a formula which, at once, distributes the fund among the states in at least some vague relationship to need and current fiscal effort; maintains each of the states at least at their current level of expenditures and probably allows some increase (a practical necessity to ensure acceptance of any formula); and, at the same time sets a reasonable dollar limit on the total budget.

Despite the practical and political difficulties involved, however, it is clear that something constructive must be done not simply to control a runaway program, but to insure that the monies are distributed equitably among states and that real and needed public services are produced in the process. Surely some more rational basis must exist for distributing several billion dollars of taxpayer money than one depending upon the relative ambition and ingenuity of a few state and federal officials.

Mr. MONDALE. On the other hand, the committee bill would work severe hardship on States which have made constructive use of the Federal program—and who have relied in good faith on its continued life.

In my own State of Minnesota, social services funds support child care, vocational rehabilitation, foster care, family and marriage counseling, consumer education, drug and alcohol rehabilitation programs, services for disturbed and retarded children, and a host of other important activities.

Minnesota last year received $44 million in social services funding—and under the committee bill Minnesota would receive less than $16 million this year for the same purposes. Hennepin County, for example, will suffer a net $8 million loss under the revenue-sharing bill, if the committee ceiling is retained.

Because of the very severe effects of the committee ceiling, I will support the pending amendment to strike this provision from the bill, and refer it to committee for further study.

I wish to stress, however, that I will support a reasonable ceiling, which will not harm those State and local governments which have in good faith made responsible use of the social services program.

Mr. GRAVEL. Mr. President, I wish to associate myself with the distinguished Senator from Minnesota's remarks.

Mr. COOK. Mr. President, the Federal, State, and Local Fiscal Assistance Act of 1972 represents a concept endorsed by the Nixon administration in 1969 and one which I have supported in the form of cosponsorship since coming to the Senate. I would now like to go on record in favor of the Senate Finance Committee bill, H.R. 14370, which distributes $6.3 billion to State, city, and county governments on a no-strings-attached basis effective January 1 of the present year.

As all of us know, there are very few cities left in this country which are financially sound. State governments are faring little better and it is time for the Federal Government, having greater access to revenue, to come to the rescue. Presently, most State and local governments are merely treading water in anticipation of these funds. The committee bill, presently under consideration by the Senate, would lend the necessary support to these local and State governments and, hopefully, establish the momentum to put them back in sound operating condition.

Local and State governments find themselves, in many cases, in the position of having to deny services to the public which the public is demanding in ever-increasing intensity and with greater expectation. Specifically, many cities, such as my hometown of Louisville, have had to forego the installation of sprinkler systems in hospitals; or lights in high crime areas—even parks. Police and firemen have had to be cut back or denied long-overdue pay increases—often both. Air pollution abatement systems are needed. Schools are in desperate need of money. Roads need to be repaired or built.

In order to meet these demands, city officials have had to expand the tax base or increase taxes. The result of this has been to force more and more people into the suburbs leaving those with limited income in the cities. These people cannot possibly support the financial needs. Many rural areas are also inhabited by the relatively poor and some county governments are experiencing the same problems. It is a vicious circle and the buck stops here.

The Federal Government is the most efficient revenue collector. It also serves the same constituents as local and State governments. The revenue-sharing bill would merely turn money collected at the Federal level back over to the State and local governments to use as they see fit, responding to the prevailing and priority needs in their communities. Local officials, needless to say, are best equipped to determine what these priorities are.

Previously, State and local governments have only been able to resort to Federal block grants and Federal matching funds. The difficulty here is that quite often the grants available do not correspond with the top priority needs of the community. In the case of Federal-State matching grants, the States frequently do not have the funds available to take advantage of these federally assisted programs. More often, local governments respond to these matching grants by using up available funds in areas which are not of the top priority level. Forced to reply on fluctuating revenues and the uncertainty of available funds, local and State officials have been unable to proceed into major programs with the confidence that funds could be obtained to see the programs through to completion. This is certainly a sorry state of affairs.

The Revenue-Sharing Act would guard against such a situation since city and state officials will be able to plan ahead. Revenue sharing is a 5-year funding program. When the act is enacted into law each State and local government will know exactly how much money it will receive over a 5-year period.

I would like to make some further comments on the desirability of this bill. It will not involve a tax increase because revenue sharing will use money which is already being collected by the Federal Government. Funds will also come from the conversion of a set of narrower categorical grants.

Revenue sharing is a method of decentralizing the Federal Government by placing the responsibility back on the State and local governments who are most equipped to understand and meet the needs of their constituency. For those who continuously complain about bureaucracy and redtape in the Federal Government—and I, on numerous occasions, have been one of those—this bill is a major breakthrough. It is a landmark. Hopefully, it will set precedent. After all, the same people who elect State and local officials also elect us who serve in the Federal Government. These people are qualified to elect competent officials to run their local and State governments. By supporting this bill we are respecting the confidence of the American people in their local and State officials. I see no need for the Federal Government to dictate, supervise, or intervene in the distribution of revenue-sharing funds except for the minimal accounting requirements contained in this bill.

As you are well aware, inflation has taken its toll on the financial situation in local and State governments. Since 1966 the prices paid by State and local governments for goods and services have risen about one-third.

We must create sound local and State governments so as to enhance the quality of life for Americans. We must restore sound government at the grassroots level. We have the responsibility of using the American taxpayer's dollar as best we know how.

Therefore, let us be on about our business without wasting additional time. Let us pass revenue sharing now. Let us demonstrate effective government at its best.

Mr. BUCKLEY. Mr. President, I have general revenue sharing with the most mixed feelings.

It is abundantly clear that a large number of local governments across America face today an acute fiscal crisis for reasons over which they have had little or no control. They have simply been required to handle greater responsibilities than the limited taxing powers which they have been assigned can equitably support.

A major portion of the blame for their fiscal problems, as well as for those also faced by State governments, can be laid at the door of the Federal Government. The proliferating Federal categorical grants programs have too often forced State and local governments to follow Washington's priorities rather than their own, and to divert scarce revenues from more pressing needs in order that they might qualify for Federal funding. Furthermore, it is extravagance of the Federal Government which has caused the inflation which has exacerbated the financial difficulties in which the States and localities now find themselves.

For these reasons, I find it entirely proper that the Federal Government adopt temporary measures designed to alleviate the current difficulties while basic reforms are enacted to eliminate their causes. General revenue sharing, for a limited period, clearly represents a means for providing such relief. My major concerns over the present bill are focused on my fear that it will not, in fact, prove to be a temporary measure; but rather, that it will in time become simply an additional Federal program recycling funds collected from individual taxpayers for distribution back to the communities and States in which they live in a manner which will weaken the accountability of State and local governments to their citizens for the tax moneys which they expend, and invite still further Federal intrusion into what ought to be the exclusive responsibilities and prerogatives of other levels of government within our federal system.

It is because of these fears, Mr. President, that I have offered four amendments seeking to limit Federal restrictions on the uses to be made of shared revenues while at the same time encouraging reform and accountability at the State and local levels. Only one of my amendments has been accepted; but in the course of the debate on these amendments, as well as on others which have been submitted, I have been encouraged to believe that my concerns are far more widely shared than I had at first anticipated.

In the first place, the legislative history of the bill in the Senate and in the House makes it clear that it is being enacted essentially as an emergency measure, and that there is no present intention on the part of Congress to institutionalize it as a permanent source of Federal financing for other levels of government. Second, it is clear that a majority of the Senate appreciates the necessity to keep the general revenue-sharing bill free of the kind of federally imposed restrictions and controls which have proven so costly and inhibiting in the categorical grants programs. Finally, because of the testimony received from State and local officials in the course of hearings on the pending legislation, there now exists in the Senate a far better appreciation of the disruptive effect of too many of our categorical grant programs on the efficient functioning of State and local governments.

Mr. President, I have found it extremely difficult to balance the short-term needs for this legislation against the long-term hazards which are inherent in it. After the most careful study, I have decided to vote for the general revenue sharing bill in its present form. I will vote for it as emergency legislation which represents the only immediately available means for meeting a fiscal crisis among State and local governments which the Federal Government has been instrumental in creating. I want to make it clear, however, that I cannot and do not approve of general revenue sharing as a permanent source of supplemental financing for State and local governments. By supporting the bill at this time as a temporary emergency measure, I believe I will be in a better position to work for the necessary reforms in our chaotic system of Federal categorical grants.

At the same time, I hope that State and local governments will work with the utmost diligence to achieve a more effective and equitable distribution of governmental responsibilities and taxing powers within each State well before the term of the current legislation expires. Such action on their part is essential if we are to return to conditions which will allow each level of government within our system to reacquire its full vitality and independence.

ORDER OF BUSINESS

Mr. METCALF obtained the floor.

(The remarks that Mr. METCALF made at this point when he introduced Senate Joint Resolution 266 and the ensuing discussion are printed in the routine morning business section of the RECORD under Statements on Introduced Bills and Joint Resolutions.)

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. BEALL). The Chair, on behalf of the Vice President, in accordance with Public Law 85–474, appoints the following Senators to attend the Interparliamentary Union Meeting, Rome, Italy, September 21 to 29, 1972: the Senator from Rhode Island (Mr. PASTORE), the Senator from North Carolina (Mr. JORDAN), the Senator from Indiana (Mr. HARTKE), the Senator from Utah (Mr. MOSS), the Senator from Indiana (Mr. BAYH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Texas (Mr. BENTSEN), the Senator from Ohio (Mr. SAXBE), the Senator from Ohio (Mr. TAFT), and the Senator from Vermont (Mr. STAFFORD).

The Chair, on behalf of the Vice President, pursuant to the provisions of section 140(g), Public Law 92–318, appoints the following Senators to be members of the National Commission on the Financing of Postsecondary Education: the distinguished Senator from Rhode Island (Mr. PELL) and the distinguished Senator from Maryland (Mr. BEALL).

SENATE RESOLUTIONS 299 AND 304—CHANGE OF DATES

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself, I ask unanimous consent that the date set forth in Senate Resolution 299, to conduct a study and report its findings and recommendations to the Senate by February 15, 1973, which was adopted by the Senate on August 15, 1972, be changed from February 15, 1973, to January 2, 1973; and that the date February 28, 1973, found on pages 3 and 4 of Senate Resolution 304, authorizing expenditures by the special committee on the termination of the national emergency, which was adopted by the Senate on June 23, 1972, be also changed from February 28, 1973, to January 2, 1973.

The purpose is to effect an accommodation with the Legislative Reorganization Act.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Senate Resolution 299 is the resolution for an ad hoc committee to determine what we should do with classified matters, of which I was the author. I am advised it is impossible for leadership to go into the appointment of a committee unless the date is limited to this Congress. I also understand that the Senator from Nebraska (Mr. HRUSKA), who is the only Senator who has taken a somewhat adverse view, understands the situation and has agreed, and also has agreed to allow time for the committee to report.

We may come in immediately on the convening of the new Congress and get the same dates. I would appreciate it if the leader would confirm that.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. JAVITS. Mr. President, on behalf of myself and Senators BROOKE, BUCKLEY, CASE, INOUYE, MATHIAS, PERCY, and TUNNEY, I call up amendment No. 1465 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 63, after line 16, insert the following:

"SUBTITLE B—ALLOCATION AND PAYMENT OF FUNDS BASED ON URBANIZED POPULATION

"SEC. 121. CREATION OF TRUST FUND

"(a) IN GENERAL.—There is created on the books of the Treasury of the United States a trust fund to be known as the Urban Dividend Trust Fund (referred to in this subtitle as the 'Trust Fund'). The Trust Fund shall consist of the amounts appropriated to it as provided in this section. There are hereby appropriated to the Trust Fund, out of any moneys in the Treasury not otherwise appropriated, amounts equivalent to—

"(1) for the fiscal year ending June 30, 1972, one-half of 1 percent of the Federal individual income taxes received in the Treasury during such fiscal year;

"(2) for the fiscal years ending June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976, 1 percent of the Federal individual income taxes received in the Treasury during each such fiscal year; and

"(3) for the fiscal year ending June 30, 1977, one-half of 1 percent of the Federal individual income taxes received in the Treasury during such fiscal year.

The amounts appropriated by paragraphs (1), (2), and (3) shall be transferred from time to time from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such paragraphs. Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the amounts required to be transferred.

"(b) FEDERAL INDIVIDUAL INCOME TAXES.—For purposes of subsection (a), the term 'Federal individual income taxes' means the tax imposed by chapter 1 of the Internal Revenue Code of 1954 on the income of individuals and the tax deducted and withheld at source on wages under chapter 24 of such Code.

"(c) TRUSTEE; REPORTS TO CONGRESS.—The Secretary of the Treasury shall be the trustee of the Trust Fund, and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

"(d) EXPENDITURES FROM TRUST FUND.—Except as provided in this subtitle, amounts in the Trust Fund shall be available for, and may be used only for, payments by the Secretary to State governments and units of local government under this subtitle. Such amounts shall remain available without fiscal year limitation.

"(e) TRANSFERS FROM TRUST FUND TO GENERAL FUND.—The Secretary shall from time to time transfer from the Trust Fund to the general fund of the Treasury any moneys in the Trust Fund which he determines will not be needed to make payments to State governments and units of local government under this subtitle.

"SEC. 122. PAYMENTS TO STATE AND LOCAL GOVERNMENTS

"Except as otherwise provided in this subtitle, the Secretary shall, for each entitlement period, pay out of the Trust Fund to—

"(1) each State government a total amount equal to the entitlement of such State government for the period (determined under section 123(c)), and

"(2) each unit of local government (within the meaning of section 105(d)) a total amount equal to the entitlement of such unit for the period (determined under section 123(d)).

Such payments shall be made in installments during the entitlement period but not less often than once each quarter. Such payments for any entitlement period may be initially made on the basis of estimates. Proper adjustment shall be made in the amount of any payment to a State government or a unit of local government, to the extent that the payments previously made to such government under this subtitle were in excess of or less than the amounts required to be paid.

"SEC. 123. ALLOCATION AMONG STATE AND LOCAL GOVERNMENTS.

"(a) IN GENERAL.—The Secretary shall, for each entitlement period, allocate among the States so much of the moneys appropriated to the Trust Fund for the fiscal year which includes such entitlement period as does not exceed—

"(1) $300,000,000, in the case of the entitlement period beginning on January 1, 1972,

"(2) $750,000,000, in the case of the entitlement period beginning on July 1, 1972,

"(3) $900,000,000, in the case of each of the entitlement periods beginning on July 1 of 1973, 1974, and 1975, and

"(4) $450,000,000, in the case of the en titlement period beginning on July 1, 1976.

"(b) ALLOCATION AMONG STATES.—There shall be allocated to each State for each entitlement period an amount which bears the same ratio to the total amount to be allocated for such period under subsection (a) as the urbanized population of that State bears to the urbanized population of all the States.

"(c) DIVISION BETWEEN STATE AND LOCAL GOVERNMENTS.—The State government shall be entitled to receive one-third of the amount allocated to that State for each entitlement period. The remaining portion of each State's allocation shall be allocated among the units of local government of that State as provided in subsection (d).

"(d) ALLOCATIONS TO LOCAL GOVERNMENTS.—The amount to be allocated to the units of local government within a State under subsection (c) for any entitlement period shall be allocated among such units of local government so that each unit of local government will receive an amount which bears the same ratio to the total amount to be so allocated as—

"(1) the payments to which such unit of local government is entitled under subtitle A for the same entitlement period, bears to

"(2) the aggregate payments to which all units of local government within the State are entitled under subtitle A for the same entitlement period.

Each unit of local government shall be entitled to receive the amount allocated to it under this subsection.

"(e) APPLICATION OF SUBTITLE A.—The provisions of sections 107, 108, 109, and 110 of subtitle A shall apply to the making of payments under this subtitle.

"(f) COORDINATION OF PAYMENTS.—To the maximum extent feasible, payments under this subtitle shall be made at the same time and in the same manner as payments are made under subtitle A.

"SEC. 134. DEFINITION OF URBANIZED POPULATION.

"For purposes of this subtitle, the term 'urbanized population', when used in reference to any State, means the population of each area, within such State, which consists of a central city or cities of 50,000 or more inhabitants (and of the surrounding closely settled territory for such city or cities) which is treated as an urbanized area by the Bureau of the Census for general statistical purposes. The data used for determining urbanized population under this section shall be the most recently available data provided by the Bureau of the Census, except that where the Secretary determines that the data so provided are not current enough or are not comprehensive enough to provide for equitable allocations, he may use such additional data (including data based on estimates) as may be provided for in regulations."

On page 38, strike out lines 5 through 14, and insert the following:

"(2) $5,300,000,000, in the case of the entitlement period beginning July 1, 1972,

"(3) $5,300,000,000, in the case of the entitlement period beginning July 1, 1973,

"(4) $5,300,000,000, in the case of the entitlement period beginning July 1, 1974,

"(5) $5,450,000,000, in the case of the entitlement period beginning July 1, 1975, and

"(6) $2,875,000,000, in the case of the entitlement period beginning July 1, 1976."

On page 63, line 17, strike out "B" and insert "C".

On page 63, line 19, strike out "121" and insert "131".

On page 64, line 12, strike out "122" and insert "132".

On page 66, line 5, strike out "123" and insert "133".

On page 67, line 1, strike out "C" and insert "D".

Mr. JAVITS. Mr. President, I intend to yield momentarily to Senator GRIFFIN. However, before I do I would like to state to the Senate that this is a substitute revenue-sharing amendment that is very critically important to the States which have cities in them. It concerns funds for urbanized areas. There is no question of irrelevancy or any element of social security or anything else. This is right on the beam on this bill. It highlights a very serious discrimination against States which are urbanized.

I hope that the Senate will hear my purpose. I intend to be as brief as possible. I intend to take 15 minutes.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield to the Senator from Illinois first.

Mr. PERCY. Mr. President, I thank the Senator from New York for yielding. I have an executive committee meeting at the Kennedy Center. I appreciate the opportunity to finish my comments briefly.

Mr. President, I am a cosponsor of this amendment and I support it unequivocably.

There is a very serious flaw in the formula used by the committee to determine the distribution of revenue-sharing funds among the States. This flaw is the committee's failure to take account of the fact that the degree of a State's urbanization to a very large extent determines the degree of a State's expenses for all kinds of social and community purposes: Environmental control, police protection, drug abuse prevention, and other programs associated with our urban centers.

Senator RIBICOFF, in his statement before the Senate on September 7, cited what I believe to be the telling facts. Under the Finance Committee formula, each person in Hartford County, Conn., will receive $14.61, but each person in certain other local communities will receive $31.12. There simply can be no justification for this amount of discrimination against the urban centers.

This amendment would correct this disequilibrium. It takes into account the key factor of urbanized population, and distribute an additional $1.5 billion over the five full fiscal years of the bill to the States, and it will redistribute the incremental amounts over $5.3 billion already scheduled by the bill on the basis of this key factor.

The fact that Illinois will gain funds is of course extremely important to me. But Illinois is not the only gainer—the gainers are the millions of people who live in our country's urban centers, where the quality of life too often seems to be in serious decay. We talk frequently in this Chamber about the need for rural development as a means of helping stem the flow of people to the cities, and as a means of alleviating the burdens of the cities. We have already enacted this year a very extensive, comprehensive, and very costly new rural development program, which I very much favored, and which I know will benefit the rural constituencies represented in this Chamber. Now let these same Senators, who represent the majority of the States, the unurbanized States, give the same consideration to our problems by helping us enact a revenue sharing program that will take adequately into account the aspirations and needs of our cities.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may yield to the majority and minority leaders with the understanding that I may gain the floor when the colloquy is completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SCOTT. Mr. President, I thank the Senator from New York for graciously yielding.

I would like to inquire of the majority leader whether or not we are making any progress or whether there is any likelihood of passing this or any other legislation this session.

Mr. MANSFIELD. Mr. President, as the distinguished minority leader will recall, we discussed this earlier today and expressed the hope that if at all possible we would like to finish the revenue-sharing bill by tonight and that we were prepared to stay in until the hour of 9 o'clock if that was possible. However, we have an amendment pending before the Senate at the present time on which there is a 2-hour limitation, the Javits amendment. Then I understand following that will be the Roth amendment. I understand that the distinguished Senator from Delaware (Mr. Roth) has indicated that he would be willing to consider a 1½-hour limitation with 45 minutes to a side, if that will meet with the approval of the distinguished chairman of the committee.

Mr. LONG. Mr. President, that is agreeable.

Mr. MANSFIELD. That would take us up to 8 o'clock or 8:30 this evening. What other amendments are there?

Mr. PERCY. Mr. President, for the information of the Senate, the Senator from Maryland (Mr. Mathias) and I have an amendment. We would certainly agree to a time limitation. Four or five Senators have said that they want to speak on the matter. So, I would think it would take an hour or an hour and a half.

Mr. MANSFIELD. Would the Senator give consideration to an hour to be equally divided, with some of the Senators putting their speeches in the Record in the interest of the Senate?

Mr. PERCY. I would certainly give consideration to it. I would like to speak to the Senators who have spoken to me to see if that would be agreeable to them. Certainly an hour and a half maximum would be all right. I can agree to the hour and a half maximum now.

Mr. MANSFIELD. Would the Senator agree to an hour now with the understanding of the chairman of the committee that if more time is needed, it can be done?

Mr. PERCY. I would certainly do that, because my own statement would not take more than 10 or 12 minutes.

Mr. LONG. Mr. President, I would rather wait to see if we are going to do this tonight or tomorrow. I would be willing to agree to a limitation, however, as long as the majority leader would agree to it. I will go along with it.

Mr. JAVITS. Mr. President, I thought I would help the Senate by saying that I am very hopeful that we will not need all of the time on my amendment. As I have said, I will speak 15 minutes. I do not know what the Senator from Louisiana (Mr. Long) has in mind. However, I have the time and I want to keep it for protection. I hope that we will be able to vote within an hour, however.

Mr. MANSFIELD. The Senator from Ohio has an amendment.

Mr. TAFT. Mr. President, I have two amendments, both of which have been printed. One of them is of a rather technical nature and will not take very long. I think the chairman of the committee is aware of that amendment. I think I told him informally that it would take 20 minutes.

The other amendment, however, I think is rather substantive. I am not ready to agree to a limitation of time on that amendment at this time.

Mr. HARTKE. Mr. President, I might say to the majority leader that I have two amendments. However, I would not like to proceed at this time until I get an indication from the chairman of the Finance Committee as to the ultimate proposal, which is whether we will really have a welfare reform proposal before the Senate in this session for its serious consideration. This will be the last opportunity to do this unless we do it on the debt limit bill. It would provide some substantial relief to the people on welfare.

The second provision relates to loopholes dealing with corporations.

The fact is that there have been no hearings scheduled on this matter in the Finance Committee. And until such time as we can make substantial progress on it, this may be the last opportunity to present this matter.

I have discussed the matter with the chairman of the Finance Committee. He has not given any indication except to say that we can have hearings next year. I would like to have pretty definite information before I forego the possibility of having a vote on this matter in this session.

Mr. LONG. Mr. President, much as I would like to expedite the vote on the bill, I am personally not prepared to agree at this point, particularly sight unseen, to agree to vote on any amendments that are not strictly, from a reasonably strict point of view, germane to the bill.

So understanding that what the majority leader is trying to arrive at is an agreement that will assure on a unanimous-consent basis a vote on the bill, I regret I do not think that is possible at this time although I think the chances are good for final passage of the bill tomorrow. I hope it will be this evening, but observing what has transpired, we have not moved as fast as the desire for adjournment would dictate.

Mr. MANSFIELD. I agree with the remarks just made by the distinguished Senator from Louisiana. It does not appear we could finish tonight. That does not mean we should not stay in and go as far as we can because, after all, we have an election and each passing day means this session of the 92d Congress is that much closer to the end.

I disagree with the distinguished Senator that we have not made progress; I think we have made excellent progress.

Mr. LONG. I believe we have. I am sorry the Senator did not quite understand. I believe we have made progress. Moving under the most expeditious rules we have been able to devise in the Committee on Finance we were able to report the bill in 5 days of executive sessions, and we might move as fast in the Senate.

Mr. MANSFIELD. I agree.

With the concurrence of the distinguished Senator from Louisiana, the distinguished Senator from Illinois, and the distinguished Senator from Utah (Mr. Bennett), the ranking Republican member of the committee, I ask unanimous consent that the time on the Roth amendment be limited to 1½ hours, the time to be equally divided between the manager of the bill and the sponsor of the amendment, and that there be a time limitation of 30 minutes on amendments thereto, the time to be equally divided between the sponsor and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that on the Percy amendment there be a time limitation of 1 hour.

The PRESIDING OFFICER. Is there objection?

Mr. MATHIAS. Mr. President, reserving the right to object, is that with the understanding previously stated by the Senator from Illinois?

Mr. MANSFIELD. Yes, together with the statement made previously.

Mr. MATHIAS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, reserving the right to object, and I shall not object, I hope the Senator makes provision for amendments in the second degree. It is most embarrassing when it is not done.

Mr. MANSFIELD. I ask unanimous consent that there be ½ hour on amendments to amendments to be offered, the time to be divided as indicated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I have been asked by some Senators to inquire if there is any possibility of reaching an agreement on time for final passage.

Mr. MANSFIELD. On the basis of what has been said tonight, the Senator from Ohio (Mr. Taft) indicated he would be reasonable on one amendment but could not at this time make a commitment on a second amendment, the Senator from Indiana (Mr. Hartke) has two amendments but he is not prepared to agree to a time limitation, it is my hope that if the Senate comes in at 10 a.m. or 9 a.m. tomorrow, say 9 a.m., and we get to the pending business at 9:30, I would guess we would probably come to a final vote—and we would have to make exceptions in this guess—around 1 o'clock.

Mr. SCOTT. I thank the distinguished majority leader. Senators may wish their views known to constituents and the country and may not wish to go through the rather lengthy exercise of delivering their speeches in full. I would hope that some Senators would extend their remarks in the Record. If they have any apprehensions, I agree with the Senator that we could designate one Senator on each side to read all the speeches between now and Christmas.

Mr. MANSFIELD. As always, I come out second best.

Mr. SCOTT. Mr. President, I would like assurance that there will be no vote on the revenue sharing bill tonight, so that Senators will be advised accordingly.

Mr. MANSFIELD. There will be no vote on final passage tonight but it would be the hope of the leadership that we would be able to dispose of the Javits amendment, on which the yeas and nays have been ordered, the Roth amendment on which there is an agreement and on which the yeas and nays have been ordered, and hopefully the Percy-Mathias amendment, on which a time limitation has been tentatively agreed to, so I would say we will remain in session until around 8 o'clock tonight.

Mr. JAVITS. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, the amendment I have proposed is intended to correct a gross inequity in the bill as reported by the Committee on Finance, an inequity which did not arise in the bill sent here by the House because they did exactly what I am trying to do, at least in part, in terms of the amount of money in dealing with problems of the urban States. I will point out how heavily weighted this bill is against those urban States, not for but against them, and the grave disproportion that would result. I was treated to quite a lecture on disproportion regarding my State in connection with social services awhile ago; I am going to be able to point out the grave disproportion which States other than urbanized States are put into in this matter, whether they need it or not, whereas the real crisis which brings on revenue sharing is brought on by the urbanized States.

The States to which I refer are 27 in number. The urbanized States are 27 of the 50 States. This is a very critical matter.

The amendment I have offered——

Mr. ROBERT C. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, the amendment I have offered answers the need I have discussed by designating an urban dividend of $600 million the first year and $900 million for each subsequent year to be divided among the States according to an urbanized population formula. The definition of urban population in the amendment is the same as the Census Bureau definition.

In speaking of the urbanized areas of the countries let us remember we are speaking of areas in which well over half of the population of the United States lives and works. That is the urban content of our population.

This urban dividend, which I have described, is financed partly out of the growth factor written in the committee bill. Specifically, the amendment deletes the $300 million annual growth factor in the committee bill for calendar years 1973, 1974, and 1975. The $300 million growth factor for 1976 has been left in.

The amendment which I have offered differs in one important respect from the amendment as I had it printed at the time when I laid it on the table just about a week ago. At that time the amendment called for $900 million the first year. I have reduced that to $600 million.

I was very encouraged by the response of my colleagues to the concept of an urbanization dividend, but as some reservations were expressed about the amendment's cost, I decided to cut that cost for the first year, as a kind of preload year, by $300 million. The cumulative cost for the entire 5-year period of the bill, if my amendment were adopted, would be $31 billion, compared to $29.5 billion for the basic Finance Committee bill.

No State would receive any less under my measure—other than the $300 million dividend—than what is provided by the Finance Committee's bill, over the 5-year period, 27 States would receive materially more.

In order to give my colleagues an accurate picture of exactly what the amendment means to each State in its first year's distribution both with and without the amendment which I have proposed, I send to the desk and ask unanimous consent that there be incorporated in my remarks an appropriate chart relating to the distribution.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

1ST-YEAR DISTRIBUTION OF REVENUE SHARING FUNDS

[In millions]

	House bill	Finance Committee bill[1]	Committee bill with proposed amendment
Alabama	$80.2	$127.6	$134.1
Alaska	6.6	5.5	5.5
Arizona	46.1	55.1	62.5
Arkansas	38.3	60.4	62.3
California	610.8	510.4	592.2
Colorado	59.4	60.0	67.2
Connecticut	72.6	57.5	68.2
Delaware	17.3	12.9	14.7
District of Columbia	26.0	14.1	17.9
Florida	150.0	160.3	181.2
Georgia	103.4	120.7	130.2
Hawaii	25.9	22.7	25.0
Idaho	15.4	21.8	22.2
Illinois	301.8	250.9	290.8
Indiana	113.8	114.6	126.7
Iowa	67.8	84.6	88.9
Kansas	47.7	58.0	62.0
Kentucky	71.8	95.9	101.6
Louisiana	83.2	124.8	133.4
Maine	19.9	34.2	35.1
Maryland	117.5	94.8	107.9
Massachusetts	179.0	143.5	165.4
Michigan	243.7	210.9	239.6
Minnesota	114.1	108.2	117.8
Mississippi	46.0	99.6	101.2
Missouri	107.6	108.5	121.6
Montana	16.7	22.6	23.3
Nebraska	34.5	47.1	50.1
Nevada	12.4	11.9	13.6
New Hampshire	13.5	16.7	17.6
New Jersey	179.7	142.6	173.4
New Mexico	22.5	36.5	38.0
New York	649.6	507.1	579.4
North Carolina	113.0	148.8	154.9
North Dakota	12.0	21.7	22.0
Ohio	227.4	185.4	219.1
Oklahoma	52.9	65.3	70.6
Oregon	60.1	61.8	66.8
Pennsylvania	300.9	290.2	325.3
Rhode Island	25.9	23.1	26.4
South Carolina	57.9	89.5	92.8
South Dakota	13.5	27.6	28.0
Tennessee	79.3	108.1	115.6
Texas	248.3	268.6	303.7
Utah	29.0	34.5	38.2
Vermont	11.0	16.3	16.3
Virginia	115.6	109.7	121.8
Washington	79.1	92.3	101.8
West Virginia	36.4	57.5	59.2
Wisconsin	137.0	147.1	157.6
Wyoming	6.1	10.7	10.7

[1] Excluding social services grant.

Mr. JAVITS. Also, we have developed a flow chart showing the relationship of the cost of this urban dividend amendment at each stage of the bill in terms of the number of years which go by, showing how it starts in the first year and ends up in the last year, and therefore how the $300 million growth dividend is accounted for in respect of this particular urban dividend.

I ask unanimous consent to have that chart printed in the RECORD at this point.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

CUMULATIVE COST OF URBAN DIVIDEND AMENDMENT

[In billions of dollars]

	Senate bill	Senate bill with urban dividend amendment
Calendar year:		
1972	5.3	5.9
1973	10.9	12.1
1974	16.8	18.3
1975	23.0	24.5
1976	29.5	31.0

Mr. MATHIAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MATHIAS. Mr. President, I am privileged to be a cosponsor of this amendment. I salute the Senator from New York for his leadership in offering the amendment.

I rise to join the Senator from New York and the Senator from Illinois in offering this amendment to assure that this historic revenue sharing legislation is fully responsive to the needs of the great urban areas of America, which are growing so rapidly and contain the heart of so many of our Nation's domestic problems.

I am concerned that the bill as reported by the Finance Committee alters the House bill by shifting funds from the large urban States to the smaller rural States. In the case of my State of Maryland, it reduces our share of the funds from $117.5 million to $94.8 million. This massive slice leaves too little to meet the needs and expectations of the people of my State. The city of Baltimore is counting on revenue sharing to balance its budget in the coming years. Other cities and suburban areas need these funds to finance housing, transportation, education, and other services demanded by our rapidly growing population. There is a real need for all the funds allotted for Maryland under the House bill.

I know that there are many views as to how revenue sharing should be distributed among the States. It seems to me, however, that whatever formula we adopt must recognize the special problems associated with large metropolitan areas, and that one factor in the formula should be urban population. That is the purpose of the amendment which we are offering today. This amendment would establish a pool of $600 million to be apportioned among the States according to their urban population. The amount of funds in the pool would increase to $900 million during the second year of revenue sharing. The added cost of the program would be absorbed by the planned increases in the amount of funds devoted to the revenue-sharing program.

This amendment would go a long way toward correcting the weakness in the bill as reported by the committee. It would provide an additional $14.5 million for my State of Maryland, and over $19 million during the second year. This would not raise us entirely to the amount provided by the House bill during the first year, but we would reach the same level approximately in the second year of the bill. I know these funds are needed by the urban and suburban areas of Maryland and of other States in our Nation, and therefore I urge my colleagues to support this amendment.

Mr. President, I ask unanimous consent that my testimony before the Finance Committee in favor of the bill as reported by the House be printed at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Statement of Senator Charles McC. Mathias, Jr., Submitted to the Senate Finance Committee, July 27, 1972

Mr. Chairman, I am deeply grateful to have the opportunity to express to your Committee my enthusiastic support for S. 3651, the State and Local Fiscal Assistance Act of 1972. As a former member of the Senate Government Operations Committee's Intergovernmental Relations Subcommittee, I am all too familiar with the fiscal plight of our State and local governments and with the various proposals for easing it. Moreover, I recently held hearings in my own State of Maryland to study alternatives to the inadequate property tax system upon which our local governments have been forced to lean. I am convinced that revenue sharing is essential, not only to the survival of the federal system as we know it, but to the solution of our most urgent public problems.

Maryland will receive $117.5 million this year if S. 3651 is enacted, bringing relief to property owners who have watched their taxes soar as local governments strive to pay for schools, police, fire protection, water and sewer lines and other public services. The $19.4 million available to Baltimore this year under revenue sharing is essential to bringing new life to the urban center of Maryland. How essential will be understood when it is realized that the current Baltimore City budget anticipates these funds and will be in default if they are not provided. A real urban crisis would follow the defeat of this bill.

I would like to address myself to one of the objections most often raised against revenue sharing—the charge that it would divorce the authority to tax from the authority to spend and thus destroy one of our most basic built-in controls over irresponsible spending. There is, it is argued, no more effective check upon such spending than the requirement that the responsibility for raising and for spending money should rest upon the same governmental shoulders. To permit a government to enjoy the power of spending money without having first to endure the pain of raising it is, we are told, to undermine the principle of public accountability.

On the face of it, Mr. Chairman, this argument would seem to have a good deal of force. But it simply does not stand up under close and careful analysis.

To begin with, revenue sharing is not the novel notion—the alien and untried idea—that some would have us think it is. In the broadest sense of the phrase, revenue sharing has been with us since the early decades of the Republic. It has, more recently, become not only a fact of federal life, but an increasingly important feature of our federal system. We have developed what Daniel Elazar has called a "cooperative system," in which "the federal government, the states, and the localities share the burden for the great domestic programs by making the larger governments primarily responsible for raising the revenues, and the smaller ones primarily responsible for administering the programs." As we all know, state and local officials have, for decades now, administered billions of dollars of federal assistance. But what is far more significant, and what we rarely seem to recognize, is the fact that for years every state in the nation has been sharing large portions of its revenues with local units of government. In fiscal 1969, the states disbursed almost $25 billion to their local governments.

The development of these state revenue sharing practices has not been merely a matter of accident or convenience, but of deliberate design. We have relied heavily, under our federal system, upon those governments and agencies closest to the people—upon local governments and agencies—for the actual provision of many of our public services. We have, at the same time, relied just as heavily upon the Federal and state treasuries for much of the funding of these services. And we have done so for some very sound reasons.

It is, to begin with, impossible to devise a set of geographic boundaries that would divide the country into governmental units capable of raising precisely the amount of revenue each unit would need. Some of our areas are wealthy, others poor; some are rural, others urban; some are industrial, others residential; and so on. Yet none of these areas is self-contained. Over their boundaries, countless times daily, millions upon millions of people are passing—making demands upon one jurisdiction while paying taxes in another.

The only way to make government responsive and effective under these conditions is to work out a system of intergovernmental transfers to help insure the provision of at least the essential services in every jurisdiction. Without some such system, many units of government would inevitably elect to block the immigration of people or businesses or activities which, for one reason or another, might add to its financial burden. In varying degrees this has, in fact, already happened—most notably in the resistance of some suburbs to the construction of low and moderate income housing. It is to counter this tendency that we have developed a rather complex set of both federal-state and state-local transfers.

Recently, the federal-state system of transfers—the federal grant in aid system—has come in for a good deal of attention. But we have in the process almost entirely ignored the fact that, for many years, the states have had highly advanced systems of grants. Indeed, state grants account for over 30 percent of local governmental expenditures, and for about a third of state budgets. Many of these grants are for specific purposes, but many others are not. State grants, in other words, cover the entire spectrum of possibilities—from grants that are completely united, to others which allow a great deal of latitude, to still others that leave state-local officials with virtually no discretion.

Take, for example, my own State of Maryland. We have had school equalization grants for many years. These are transfers from the State to local governments which spend money they do not raise in taxes. Every school board in my State spends money it is not responsible for raising. Finally, the county "piggy-back" income taxes are a form of revenue sharing, at least to the extent of the minimum 25 percent which the State requires of all counties.

The same situation holds true in a variety of ways throughout the country. A number of states have independently enacted "per capita grants" to their local governments, which are similar in every respect to the revenue sharing grants proposed in the legislation before us today. Back in 1949, New York State replaced most of its shared taxes (personal and corporate income, alcoholic beverages, and utility taxes) with per capita shared taxes in one form or another; and still others provide support in the form of property tax relief.

The enactment of a new revenue sharing plan in New York stands out as the most dramatic state aid development of 1970. The New York plan will distribute 21 percent of the State personal income tax to counties and municipalities. As a result, New York's per capita aid will triple from the present $200 million to $600 million.

At the federal-state level, some degree of federal sharing of revenues with the states has occurred in every period since the beginning years of the nation. Before the depression years of the 1930's, most such distribution of funds was of a temporary or short-term nature—with a few notable exceptions such as the land grant colleges, vocational education, and the federal aid highway system. In 1790, at the recommendation of Secretary of the Treasury Alexander Hamilton, the Federal government assumed some $18.3 million worth of Revolutionary War debts incurred by the states. During the closing years of the second Jackson Administration federal revenues exceeded both the national debt and the level of current expenditures. The Federal government decided, in 1836, to distribute more than $28 million of its surplus funds to the states in proportion to their electoral votes.

Today, in addition to the billions of dollars of federal categorical or restricted assistance which each year pour out of the federal treasury and into the hands of state and local officials, the Federal government directly shares with state and local governments a portion of the revenues it derives from the sale of public lands from grazing leases and permits, and from the use of national grasslands.

In short, Mr. Chairman, state and local officials are already very much involved in spending funds which they themselves have had no hand in raising—and they have been doing so for many, many years.

There is, however, one glaring gap between the Federal-state and the state-local transfer systems: states do make general purpose grants to localities, while the Federal government currently makes no such grants to state and local governments. That gap should, in my judgment, be closed by a carefully constructed program of Federal revenue sharing.

The major reason for revenue sharing, which I shall not expand upon here, is to help reduce the enormous disparities that have developed in the revenue raising abilities of our state and local governments—disparities that we cannot diminish through the conditional grant system. Next to the swelling growth in Federal revenues—a ninety-fold increase in 36 years—state and local revenues seem almost at a standstill, their growth stifled by their dependence upon regressive and excessive property and sales taxes. As John Kenneth Galbraith once said: "The great economic anachronism of our time is that economic growth gives the federal government the revenues while, along with population increase, it gives the states and especially the cities the problems."

A federal revenue sharing program to overcome that fiscal imbalance would, I am convinced, strengthen rather than subvert political accountability at all levels of government—Federal, state and local.

If divorcing the authorities to tax and to spend were as dire a deed as some suggest, then we would have been done for long ago—for, as I've stressed, we have had such a divorce, in some form or other, from the start.

Nor do I see how the current system of categorical aid is in any respect more "accountable" than a system of general revenue sharing. As President Nixon noted in his Revenue Sharing Message to Congress, the "crucial operating decisions are often made by anonymous bureaucrats who are directly accountable neither to elected officials, nor to the public at large." Indeed, even many of the elected officials who control federal spending have only a limited degree of public accountability. In its sheer size and complexity, with its 500 different spigots, the current multi-billion dollar categorical aid system defies both Presidential and Congressional oversight. Under this system, authority rests in the hidden hands of thousands of program administrators who run the system by spawning a vast jungle of regulation that serves as an almost impenetrable obstacle to efficient state and local use of Federal aid dollars.

Presidential and Congressional control over this sprawling system has steadily slipped away. Increasingly, the Congress has relied on trust funds, long term contract authorizations, and debt service grants to help finance highways, airports, mass transit facilities, college housing, and public housing units. The great gap between Federal aid promises (program authorizations) and funding performance (annual appropriations) has been one of the strongest factors behind the demand that Congress make the funding of these and other capital facility programs far more certain. We have paid an extremely high price for that certainty—as the President and the Congressional appropriations committees have been stripped of much of their annual budgetary control over these categorical aid programs.

In a real sense, then, neither the Congress nor the President nor the Federal bureaucrats down the line are capable of being really accountable or responsive to the mass of citizens who are affected by their actions.

As President Nixon put it in his Message, "accountability really depends, in the end, on accessibility—on how *easily* a given official can be held responsible for his spending decisions." The crucial question is thus not where the money comes from, but whether the official who spends it can be made to answer to those who are affected by the choices he makes. To echo the President: Can the people get their views through to him? Is the prospect of their future support a significant incentive for him? Can they remove him from office if they are unhappy with his performance? These questions, quite clearly, are far more likely to receive an affirmative answer in a smaller jurisdiction than in a larger one.

Under revenue sharing, therefore, the political accountability of state and local officials to their electorate would stand as a powerful and natural defense against wasteful fiscal practices. Local policymakers will fully realize that, if they fritter away revenue sharing funds, they will be forced to ask their constituents to pay yet higher taxes.

As an argument against revenue sharing, therefore, the issue of divorced taxing and spending and of diminished accountability simply does not stand up. It is a false issue that simply diverts our attention from the real one—the urgent and overriding need to relieve the fiscal plight of our states and localities.

Mr. Chairman, we can no longer ignore the fiscal crisis threatening our states and localities—we can no longer delay action on revenue sharing. I strongly urge prompt adoption of S. 3651.

Mr. JAVITS. Mr. President, one very important factor emerges here which I think is so related to what I think we have been arguing in respect of the so-called social services proposition that I think it needs to be noted immediately at the outset.

The committee said—and I use that word very advisedly and very strongly—that it was providing a dividend to the urban areas out of the $1 billion which it had inserted in the bill—an amendment to strike that provision was just defeated—relating to social services grants, that money being distributed on an urbanization basis. But, Mr. President, I hasten to point out that this is nothing but a disguised way of eliminating any urbanization dividend and striking out the social services grants provision, because this $1 billion does not add anything.

In the first place, it is nothing but an authorization, unlike the rest of the bill, which is now a direct appropriation, Senator McCLELLAN's amendment having been defeated. So the $1 billion is only an authorization. It is an authorization only in place of social service grants. It is not even an authorization in respect of any urbanization consideration. Therefore, to flag it as such is entirely inaccurate and inappropriate.

I noted that in debating the social services grants proposition just on the last amendment, the chairman of the committee (Mr. LONG) said as follows, and I give his words as nearly as I got them as he was speaking: "The $1 billion was a tradeoff for this social services program." Therefore, to pretend for one minute that this is an effort to adjust to the problems of the urbanized States is very misleading.

The fact is that this is the committee's effort—ploy, if you will, because that is what it is—to get rid of social services grants. They figured as long as they were doing that they might as well call it an effort to compensate for urbanization, which it distinctly is not. It certainly cannot be that, and the chairman has already made it clear that it is intended to be a tradeoff for the social services program.

So we face a bill which is loaded heavily against the urbanized States, and which has no compensatory feature for them, and which is diametrically opposed to the House of Representatives bill on the same subject.

A lot of dazzling rhetoric has passed into the RECORD about the plight of our cities, and while I strongly agree with my colleagues on this very important subject, I shall not endeavor to repeat here what has been said and what is only too well known. Indeed, as I said a minute ago, the Finance Committee recognized the problem, but did not do anything about it, when it sought to make us think that this billion dollars was an urbanization dividend.

The fact is that the problem of the cities is not only a problem of the cities alone but of the State governments within which those cities are contained, for a major percentage of the budgets of those States is devoted to aid to cities and other communities, towns, and villages within those States. For example, a major increase in the outlay of New York City in respect of its welfare rolls has had a direct effect upon the budget outlays of the State of New York, and the existence of cities and other heavily urbanized areas within a State has a direct effect on State outlays for medical care, crime control, housing, highways, education, and parks.

But, Mr. President, even this is but one-half of the grim story. The cost of providing these increased services is higher because of the increased costs in highly urbanized States. For example, the rent of living quarters averages $20 per unit more in the urbanized Northeast than in the South. Urbanized States generally pay higher wage scales than rural States. Population migration may seem like a problem of the cities, but it is a State problem as well. Migration of the poor from other States into New York, for example, has created vast pressures on the State to supply adequate services and infrastructure—roads, buildings, and similar facilities. During the past decade, the population of New York alone has grown by an amount equal to the entire population of Nebraska and many of the in-migrants settle in urbanized areas within the State of New York.

To be sure, many of them are also taxpayers, but it is common knowledge that the tax base has not kept up with the staggering demand of providing a large capital investment plan for the services which such growth requires.

Mr. President, the problems of New York only mirror the problems of almost every other State of the Nation. The problems of urbanization are not confined to a few industrialized States in the North or Northeast. The Census Bureau recognizes the fact of urbanized areas in Utah, North Dakota, Wyoming, and Idaho. For this reason my staff's projections show that during the 5-year period of this bill, assuming constant conditions as we face them now, a majority of the States will benefit from this urbanization amendment.

Another important point, Mr. President, is that the definition "urbanized population" includes—Mr. President, may we have order? There are not many Senators to listen, but let me at least hope those who are here will allow me to speak.

The PRESIDING OFFICER. The Senate will be in order.

The Senator may proceed.

Mr. JAVITS. Mr. President, the definition of "urbanized population" includes our Nation's suburbs, and it is most important to include in the RECORD some corrective remarks about our so-called rich suburbs. Economists are beginning to find that many of our suburbs are losing their former function as bedroom communities for wealthy city workers, and are becoming cities in their own right, with all of the problems of the cities. This has been caused, in part, by the problems of the central cities themselves in not being able to provide the jobs that our burgeoning suburbs require, and in part by the simple fact of economics that any large and growing community eventually establishes its own industrial base.

Let us see what has happened in those allegedly rich suburban communities outside, for example, my own New York City. They are very well known throughout the country. Suffolk and Nassau Counties are Long Island areas outside of New York City, which is also partly on Long Island.

The population of those two counties is

over 2.5 million. Over the past year, the number of unemployed in those two counties—these rich suburban counties—has grown up unbelievably, drastically, and now stands at a staggering high 7.4 percent rate, two percentage points above the national average. In the last 2 months alone, Mr. President, major companies in the Long Island area have announced cutbacks or threats of cutbacks in excess of 1,600 workers.

I realize that you can take almost any area and find problems there, but I would not want to leave my colleagues with the impression which I get from the Finance Committee's report that our so-called well-to-do suburbs do not deserve special consideration in a distribution formula.

Mr. President, may we please have order? I can hardly hear myself, let alone listening to the conversation of others.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from New York may proceed.

Mr. JAVITS. Mr. President, what does the Finance Committee bill do for our urbanized areas? In the first place, of the 17 jurisdictions receiving less money under the Finance Committee bill than under the House bill, 16 are urbanized States, with urbanized populations in excess of 50 percent of their total State populations. In the aggregate, those 16 urbanized States——

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. JAVITS. I yield myself another 10 minutes.

In the aggregate, Mr. President, these 16 urbanized States lose $523,700,000 between the Finance Committee's bill and the House of Representatives bill. Every year. Let me repeat that, because it is the key reason for my offering this amendment. Sixteen of the 17 jurisdictions receiving less money under the Senate Finance Committee bill than under the House bill are urbanized, and their urban populations exceed 50 percent of their total State populations. Yet it is these very States that lose $523,700,000 between the Finance Committee's bill here in the Senate and the House of Representatives bill.

Revenue sharing is absolutely essential to those States, because that is why revenue sharing was originally invented. The States that do not need it are the ones that are being loaded with it here; the States that do need it are not getting it, and it is highly inequitable and unfair.

To illustrate what the urban dividend of my amendment would restore, Mr. President, the same States would recover $401,400,000 of that loss in the first year, 1972. The urbanized States take the rap for 10 percent of the whole amount to be distributed under revenue sharing, to wit, half a billion dollars out of $5.3 billion. What my amendment would seek to restore to them is something in the area of 8 percent.

In the first place, let me point out that the Finance Committee struck out completely in this bill any factor of urbanization. The House bill contained a 22-percent factor for urbanization, but the Finance Committee struck it out completely.

Now let us take an example as to three cities, Mr. President—and I have picked widely diverse cities, with widely diverse conditions, all of the same size: Shreveport, La., in the home State of the chairman of the Finance Committee; Warren, Mich.; and Syracuse, N.Y. Each of those cities has about the same population roughly 180,000. All three, therefore, Mr. President, have comparable problems.

But indeed, one would call the State of Louisiana, in which Shreveport is located, less urbanized than the other two, that is, Michigan and New York, because Louisiana's urbanized population is less than 50 percent of its total State population, whereas in Michigan and New York, the urbanized population is more than 50 percent of the State's population.

Let us see what the Finance Committee bill does for Shreveport, what it does for Warren, Mich., and what it does for Syracuse, N.Y.

The Finance Committee bill gives Shreveport an amount equal to 37.3 percent of Shreveport's annual budget. Let me repeat that. The Finance Committee bill gives Shreveport, La., 37.3 percent of its aggregate annual budget.

Now let us turn to Warren, Mich. The Finance Committee bill gives Warren, Mich., less than half of that: 17.4 percent of its budget. And when you get to Syracuse, N.Y.—which, incidentally, has a higher unemployment rate than Shreveport—Syracuse gets 8.3 percent of its budget—less than one-quarter of what Shreveport gets, a similar city, comparable in size.

That is how this bill has been loaded most unfairly. Talk about being enraged to see the list of the figures, Mr. President, on social services grants: I think this is even more enraging, because this is not based on any quantum of services or quantum of troubles, but it is based strictly upon how the committee divided the money, period. They divided it most unfairly and most prejudicially to the urbanized States, and only the State can correct it. And I hope it will.

Mr. President, the list of cities in New York, including New York City itself, for which revenue sharing, as styled by our Finance Committee, would help by less than 10 percent of their budget—and let us remember that 47.3 percent of Shreveport, La.—is absolutely staggering: Albany, Buffalo, Rochester, Binghamton, to name but a few major cities in my own State. That being true, why should Little Rock, Ark., be helped out to the extent of 44.2 percent of its budget? Why should 57 of Arkansas' 65 counties be bumping against the committee ceiling of 50 percent of their own annual budgets? Even WILBUR MILLS would not go that far. And yet that is the situation.

So, Mr. President, these nonurbanized States have simply been loaded up, in contrast with the urbanized States. That is exactly what has happened in this Senate bill, and we must correct it if we are going to be fair, because the purpose of this whole exercise was to deal with the grave exigencies which were faced by the urban centers of the United States; and the definition of an urbanized State, as I pointed out a minute ago, is not all that big. It is a city of 50,000 and its surrounding, closely settled territory.

Mr. President, the exercise which I have gone through illustrates the truly grave disparities in benefits received by urban as opposed to rural States under this bill, and the amendment which I have proposed would seek, to some extent, to correct that disparity. It does so at a minimum cost, considering the immense needs which are involved. It benefits a majority of States both in 1972 and during the 5-year period of the bill.

Indeed, if you take the first year, when you do not have this $300 million increment—this so-called growth increment which is cranked into the bill—there are only three States—Alaska, Wyoming, and Vermont—which do not benefit directly from this dividend in the first year.

Mr. President, one other point about this so-called growth dividend: It will be noted that the Senate committee in its report kind of brushed it off, once over, rather lightly. I invite attention to page 11 of the Senate committee's report, in which will be found a paragraph which deals with the question of the $300 dividend. I should like to read that paragraph into the RECORD, because it reveals very clearly how this bill was loaded in respect of the nonurbanized States.

> These considerations led the committee to the conclusion that specific amounts of aid should be provided both in the case of the States and the local governments and that it should be provided for a specific period of time. As a result, the committee set the annual amount of revenue sharing at a specific figure—starting at the rate of $5.3 billion in the initial period and increasing by an additional $300 million a year after the first full year. While this is the same total amount of regular revenue sharing funds as provided by the House bill, as is indicated below, the committee also provided an additional $1 billion a year in supplemental sharing grants which replace social service grants (other than those for child welfare and family planning). The committee bill also differs from the House bill in that the $300 million of annual increments are distributed one-third to State governments and two-thirds to the local governments. The House bill proposes to distribute the entire $300 million increment to the States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself an additional 5 minutes.

That is the whole way in which this $300 million is kissed off.

The House report, on the other hand, related to a totally different fact, on a totally different premise, which is not figuring in the Senate bill at all. The House of Representatives put the $300 million growth increment per annum on the States, gave it to the States rather than the localities. It pointed out that the growth increment was to keep States which had income taxes from being penalized by the enactment of income taxes by other States. In order to be of assistance to the States which had an income tax, which was a heavy part of the formula of the other body in respect to revenue sharing, they put in the $300 million a year growth increment.

The reason I point that out in such detail is to show that even when it came to the growth increment, it is the urban areas that are growing; it is not the nonurban areas that are growing that fast. People are moving into the cities in droves. That is where the problem is. Even when it came to the growth element which was going to be cranked into this bill, again it was loaded strictly in favor of the nonurbanized States and against the urbanized States. So that even in that small respect, no effort whatever was made to try to deal with this inequity against the urbanized States, but they were hit over the head all over again by the Finance Committee's formula.

I repeat: Only the Senate itself can correct this matter. I realize the reluctance of the Senate to put on extraneous amendments on social security and property taxation and many other things. Indeed, I voted that way and felt that way myself on this bill, and I voted against some pet proposals of mine, such as voter registration, simply because I think revenue sharing is so critical and so urgent. But this is not that kind of amendment, nor is it an amendment to deal with changes in formula, nor is it very complicated. It is simple. This amendment simply says that this bill is loaded against the urbanized States, and the only way to get some equity in respect of the bill is by reforming in that way; and the only way I could see to reform it so that it was simple and understandable and utilized the growth dividend—the growth dividend was for places that grow, not for places that did not grow, and that is exactly what is happening to these urban areas. They are the ones that are growing. So by cranking in the growth dividend, it was possible to give this dividend annually to the urbanized States and at the same time not to increase materially the amount of the bill—the aggregate increase is $1.5 billion—and not to disturb materially, outside of the growth dividend, what the nonurbanized States are getting under the bill.

Mr. President, one last word. It is always a popular sport around here to haul New York up on the carpet. Incidentally, I might say that as time goes on, Texas, California, and perhaps a few other States will get it, too. But it is always a popular pastime to haul New York up on the carpet. They got this and that and the other. Never is anybody very interested in what they spend and what they pay to the Federal Government and what the Federal Government returns. That never enters into the calculation at all. New York is and was and continues to be—and, so far as we can see, will continue to be, for a long time to come—the biggest loser on the exchange in terms of volume and percentage.

We would be in fine shape if we were the United States of New York. But that is ridiculous, of course. It is just out of the question. Nevertheless, that is the way to look at it. You look at everything they get, but not what they put in.

A former colleague of mine, Senator Keating of New York, once voted against a highly desirable education measure which I was for. It was a very embarrassing political development to me, because he pointed out—and he was right—that New York got thoroughly trimmed in terms of what it sends down here and what it gets back under the allocation of that bill.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself an additional 3 minutes.

That does not just happen in respect of one program. It happens in respect of 250 programs. All kinds of formulas are written in which, when you reflect upon what we pay and what we get, are extremely unfair to us.

It is something like the Hill-Burton formula, which doubles a particular ratio so that it operates against States like New York. It has been going on for years and years and has paid out hundreds of millions of dollars in respect of hospital construction, which we need as badly as anybody else.

So I am not a bit intimidated by that, and I hope Congress will not be. These are ancient days, characterized by the cry of "Hey, Rube!" of long ago, and I do not think by colleagues are going to be panicked by that in 1972.

Mr. President, I think that what I have said bespeaks the honest analysis of this bill. The pendulum has swung too far in the Senate's bill against the urbanized States. The pendulum must be brought somewhat back. I have offered to the Senate a means by which it can be brought back to some extent. I repeat that my amendment would restore $400 million to the urbanized States, roughly, as against the $525 million difference, for them, between the House bill and the Senate bill. It restores less.

Second, that it does not add greatly to the cost of the bill, $1.5 billion out of almost a $30 billion, anyhow, because it utilizes the growth dividend. I point out that in the House the growth dividend was directed toward dealing with inequities for income for States which had an income tax. Here the growth item, $300 million, was simply loaded more against the urbanized States than before. It is called the same thing and is the same amount but it is only a cover for loading the bill even worse against the urbanized States.

I hope, on this vote, that we have a kind of way for ideas to travel here, even if Senators are not in the Chamber, by some kind of intellectual osmosis, of which we are all aware, that somehow or other they will all know about it.

I hope, of course, that Senators will look at the chart and will consult the financial interests of their States and not be dissuaded or distracted by generalized arguments, but will look at what it means in hard dollars and cents; because I can assure them that Senators from the nonurbanized States do that 365 days a year with the greatest of care. We should take our experience from them, at least on this measure, which is strictly a division of money—no principles involved—but a division of money, and we should look at it ourselves with that very clear eye.

Mr. PASTORE. Mr. President, the reason I rise is that the distinguished Senator from New York (Mr. JAVITS) is making a dramatic and emphatic statement of his position and has kept looking at the Senator from Rhode Island. I suspect it was in the hope that it would provoke me to rise and speak out.

I merely want to say at the outset, without any disrespect or any ulterior motive, that 13 members of the Finance Committee will profit by the new formula suggested by the committee—13 members out of a membership of 16.

I realize there is always a parochial position to consider, even affecting a U.S. Senator. We realize that we have to be elected to this office by the people of our States, even though we are U.S. Senators. But I would invite the attention of those who come from the rural areas to the fact that we in the urbanized areas have always been amenable to legislation that has to do with subsidies on agricultural products, even though in many instances it meant that the consumer would have to pay a little more for his fruit, his produce, and also for his meat.

Now the distinguished Senator from New York has made what I believe to be a rational argument. What we are saying is that much of the trouble which confronts the country today has sprung up in the urbanized areas. Right or wrong, something needs to be done about it. In many of these areas they are hard pressed for money. The country has now recognized the fact that there has to be some sharing of the revenues collected by the Federal Government. I think we are all for that. The only trouble comes, in deciding what the formula should be.

The House did pass a formula which in my particular case meant that Rhode Island would get $3 million more under the House formula than under the Senate formula. When I called that to the attention of the chairman of the committee and I told him that we were going to make quite a discussion of that on the floor, I understand that the committee made amendments on the matter of social services, which means in dollars and cents that we might get the same. But the fact remains that the formula is somewhat unfair to the urbanized areas.

I want to congratulate the distinguished Senator from New York for his amendment. I realize that it is destined to defeat, just like the amendment suggested by the distinguished Senator from Connecticut. We are pleading but our words are falling on deaf ears.

I am a little surprised that the Senate committee did go as far as it did in changing the formula. So far as I am concerned, it will always be a source of discontent on my part that the formula was changed to aid 13 of the 16 members of the Finance Committee of the Senate.

Mr. JAVITS. I thank my colleague from Rhode Island very much. I owe him an explanation. I have myself, and so have members of the Finance Committee and others, often acted against our own parochial interests and I was not meaning to imply that. If I did, I withdraw it and I apologize for it. But I feel, on the facts and the figures, that a serious bias is created against the urbanized State. I think we have a right here in order to break through the thinking—as the Senator says, there is a lot of apathy on this anyhow—to make it as dramatic as we can.

One thing I should note to the Senator, especially as we both have served here a long time together, is that he has often voted for measures which were not necessarily loaded in favor of his particular State. I have, too—very frequently.

I should like to give the Senate an illustration of that.

With regard to the conference on the antipoverty bill, I allowed to be stricken from the bill a provision dealing with a certain type of housing in slum areas in the cities, in order to help a similar provision which came over from the House about slum areas in rural parts of the United States, in the hope that from some other housing project we would be able to help the cities.

That is one illustration of many.

The example I gave of former Senator Keating and myself parting company on an education bill which was heavily against New York in its formula is also germane. I voted for that bill. Indeed, I was its principal protagonist. I understand that and I accept it. I am proud of it in my legislative career.

All I argue is, when many States come along, on what is a transfer of dollars and cents from one area—to wit, the Federal Government—to States and cities whose needs are so urgent, that the formula should at least accommodate the place of urgent need which gave rise to the whole concept, rather than being loaded, as I see it, expressly against the very urbanized areas.

For these reasons, Mr. President, I hope that my amendment will be agreed to.

Mr. PASTORE. Mr. President, I am not apologizing for anything I have said. All I am saying is that I thought the formula instituted by the House was a good one and if we had adopted it, I do not think we would have had the fracas on the floor of the Senate we have had these several weeks.

Mr. JAVITS. Not at all.

Mr. PASTORE. All I am saying is that it is a rare situation, indeed, when 13 members of a 16-member committee will profit more from the Senate formula than they would from the House formula.

I realize that the composition of the Senate is different from the composition of the House.

I also realize that whether we come from an urban area that is large, or an area that is small, the whole science behind the democratic process is to give each State equal representation in the Senate. I understand that completely. I am not disputing that for one moment. I do not want to change it. But I am talking about conscience, the troubles in America that occur are in the urban areas. That is where the drug addiction is. That is where the trouble is. That is where the ghettos are. That is where the money belongs I am saying that any time we begin to tamper with that, we take more from them. Therefore, we are acting counterproductively.

Mr. JAVITS. Mr. President, I thank the Senator from Rhode Island very much. I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, I yield such time as he may require to the Senator from Utah.

Mr. BENNETT. Mr. President, I am about to read some figures that may surprise my friends, the Senators from New York and Rhode Island.

New York City under the House bill would receive $20.12 per capita; under the Senate bill it would get $33.13 per capita. The Senate bill increases the amount.

Mr. PASTORE. Mr. President, that is after having added extra money for social services. Am I right or wrong?

Mr. BENNETT. It is included. However, this is an increase of 65 percent, and since the supplemental amount is an increase of only 19 percent, this alone cannot account for more than a minor portion of the increase for New York City under the committee action.

Mr. PASTORE. However, the answer to the question that I ask categorically is that this is after I had complained to the chairman of the committee and it went back into conference and added social services. That is when the change was made. Moreover, when we go into conference with the House, I do not know what will happen to the money.

Mr. LONG. Mr. President, the change in the formula caused New York City to get a lot more money. And that was before the Senator ever complained about it, because after taking inverse income and tax effort into consideration, New York City and practically every other big city got a lot more money. The affluent suburbs got less.

Mr. PASTORE. Mr. President, may I ask a question categorically of both Senators. Is it not true that Rhode Island got $26 million under the House formula, and did Rhode Island not end up with $23 million under the Senate formula?

Mr. BENNETT. Mr. President, the important thing here is that the Senator from New York has complained that we have short-changed the big cities where the ghettos are and where the problems are. If the Senator will permit me, I would like to read into the RECORD the differences between the House bill and the Senate bill for the larger cities in the United States.

Mr. JAVITS. Mr. President, would the Senator yield for a question?

Mr. BENNETT. No. I want to finish my statement.

Mr. JAVITS. I am sorry. I challenge every one of those figures, and I will do it on my own time.

Mr. BENNETT. That is all right.

Under the House bill, Los Angeles would receive $10.55 per capita. Under the committee bill, it would receive $14.58.

Under the House bill, San Francisco would receive $19.59. Under the Senate bill, the figure would be $31.21.

Chicago under the House bill would receive $17.49. Under the Senate bill, it would be $23.75.

New Orleans would receive $21.70 under the House bill. Under the Senate bill it would receive $30.38.

Baton Rouge, which the Senator from New York mentioned, would receive $20.15 under the House bill. Under the Senate bill, it would receive $23.16.

Baltimore under the House bill would receive $21.37. Under the Senate bill, it would receive $28.66.

St. Louis, under the House bill, would receive $21.39. Under the Senate bill, it would receive $26.84.

Newark, under the House bill, would receive $15.89. Under the Senate bill it would receive $26.03.

New York City, as I said, under the House bill, would receive $20.12. Under the Senate bill it would receive $33.13.

Buffalo, under the House bill, would receive $14.71. Under the Senate bill it would receive $16.74.

Cleveland, under the House bill, would receive $15.36. Under the Senate bill, it would receive $21.83.

Portland, under the House bill, would receive $18.52. Under the Senate bill it would receive $27.29.

Philadelphia, under the House bill, would receive $21.21. Under the Senate bill it would receive $28.49.

Under the House bill, Providence, R.I., would receive $22.67. Under the Senate bill it would receive $29.80.

Mr. PASTORE. At that point, would the Senator yield, having mentioned Providence?

Mr. BENNETT. I yield.

Mr. PASTORE. Now, what would Rhode Island get under the House bill and what would Rhode Island get under the original version of the Senate bill until it was increased?

Mr. BENNETT. I do not have those figures.

Mr. PASTORE. I will give them.

Mr. BENNETT. The Senator has already given them.

Mr. PASTORE. I will repeat them. Under the House language, Rhode Island would receive $26 million. Under the Senate bill in its original form, it would receive $23 million. We lost $3 million. Does the Senate blame me for rising and making a point of it as the Senator from Utah would rise up if Utah were to lose $3 million because of a change in the formula?

Mr. BENNETT. I do not blame the Senator. However, I think the point has to be made.

Mr. PASTORE. That the Senator gets more than I get?

Mr. BENNETT. No, that we have increased the funds for the urban areas, which is supposed to be the purpose of the amendment of the Senator from New York. Some centers in Rhode Island are not urban. However, for Providence, R.I., it was increased.

Seattle under the House bill would receive $19.99. Under the Senate bill it would receive $23.84.

Mr. LONG. Mr. President, would the Senator yield?

Mr. BENNETT. I would be happy to yield.

Mr. LONG. Mr. President, if the Senator reviews the history of the way the bill progressed in the House, he will note that the administration recommended that the formula should be based on relative tax effort.

The House, even though it added $300

million to the bill, put a factor in there that had to do with urbanization, which the administration did not recommend, and it put in another factor that had to do with the extent to which a State relies on personal income tax. By doing so, it came out with a formula which, even though it had put in an additional $300 million, caused 29 States—more than half of them—to do worse than the administration's initial recommendation on the formula.

We in the Senate proceeded to adopt a simple formula which the administration now tells us is better than the one they suggested to begin with.

We considered factors that caused the poor to do better because they are poor. We also considered the relative tax effort, which the administration suggested.

By doing that we found that two-thirds of the States would do better than they would by the House bill.

Having agreed to that by a 2-to-1 margin, the Finance Committee then proceeded to feel that we would be justified in adding $1 billion to revenue sharing because we recommended a cutback of the program which we hoped would save the country a lot of money. And even though we had enough votes by a 3-to-1 margin to vote that measure down, we agreed to distribute 15.9 percent of the money on the urbanization formula, and those who complained now find it to be the most advantageous thing that they could have.

It was said that they did not think it could be justified other than on the basis of a trade off on social services because some of the big urban States had been receiving the largest grants in the social services program.

However, when we put that $1 billion on the bill, the majority of the Senators on the committee, when they increased that distribution formula, were voting for their States getting less so that other States could get more. While some may complain about it, there was a great deal of statesmanship in that effort to add $1 billion.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BENNETT. After I finish my presentation, I would then be glad to do so. I point out to the Senator from New York that New York City under the House bill would receive $20.12 per capita. Under the Senate bill, without the social services supplementary grants, it would receive $26.88 per capita, and with the social services funds, it would receive $33.13 per capita. So we increased the benefits of citizens of New York, where the problems are the greatest, by 30 percent, even without the social services funds.

The Senator from New York has made another point. He said the growth formula should be where the growth is. I have in my hand the summary of the 1970 census population. For a rough-and-ready measure of where the growth is in the United States I have marked those States which in 10 years grew more than 20 percent. New York is not among them. They are New Hampshire, Delaware, Maryland, Florida, Colorado, Arizona, Nevada, California, Alaska, and Hawaii. If they are going to put the growth money where the growth is, and this is where the money should go, most of these States are in the West and Southwest. The Senators who have spoken for the amendment will recognize that most of the high-growth States are rural and will probably state that they already get too much benefit from the Federal Government and, therefore, should not share in this program.

May I say to the Senator from Rhode Island that in the House Providence got $22.67 per capita and under the Finance Committee bill, without social services, the figure is $23.49. So where the real urban problem is present in Rhode Island, we did raise them high—not as much as New York, but we increased the amount in Providence.

Mr. PASTORE. I do not think that he will like me for saying it, but I must state the truth, but I do not think the amendment of the Senator from New York will carry any more than the amendment of the Senator from Connecticut. I rise at this time to admonish the conferees, and I hope they will stand fast in preserving the social services at $1 billion, because I think that makes the difference.

Mr. BENNETT. The Senator can be sure we will do that. I would like to make this point.

Try to work out a formula which will make the representatives of 50 States and 38,000 communities all feel that they fared better than somebody else. We did not sit down and say, "What can we do for this town and this State?" We worked out a mathematical formula trying to weight the factors which were involved. We felt that the formula we worked out, which was population weighted by tax effort and weighted by inverse income, or the poverty ratio, was as good as we could come up with.

Mr. PASTORE. If the Senator will yield, I realize that we cannot satisfy 50 States, but we are a country of over 205 million people. Any formula we adopt is directed toward the welfare of the people of all the States.

Mr. BENNETT. I agree completely with the Senator.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. JAVITS. I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. JAVITS. Mr. President, the argument we just heard from the Senator from Utah may go down in history, because that is pretty much the way the bill is drafted, as the razzle-dazzle argument, whereby States receive less even though the need is more. I tried to catch the names of the States the Senator read. The States of California, Delaware, Hawaii, and Maryland get $130 million less under the bill of the Committee on Finance than they do under the House bill. That is $130 million less. These are the growth States. I have the full list of States that get taken for $524 million. But that is $130 million.

The other part of the razzle-dazzle argument is that they wrote it so that I, coming from New York City, would feel they are getting more money, but the State is not, and the State does a lot to support the people. Many places in New York need money for important services and are very much harmed by this distribution. For example, there is a 7-percent unemployment rate in our two so-called rich counties of Nassau and Suffolk. Under the House bill Nassau County would get some $27 million, and under the Senate bill $16 million. I do not know how you can trick around that figure. Suffolk County would get $21 million under the House bill and here it would get $13 million. A whole list of cities would be similarly situated, such as Schenectady, Utica, Rome, and Rochester, all of which will get less.

The answer is what has been cranked in here, and that is why there is the razzle-dazzle argument for the $1 billion. It has been cranked in and the cities have been loaded against the States. That does not do us any good. What does do us good is a composite of what we get.

In my State, the State spends over 50 percent of its revenue for the support of the cities. What you give in this hand you take away with the other hand by sweeping out the whole system and inserting $1 billion; you have already taken away several million dollars from my State and you are not going to replace it with revenue-sharing funds no matter how you compare the situation for New York City.

The Senator from Rhode Island (Mr. PASTORE) with his great gift for putting his finger on the main point, has pointed this out clearly. The fact is that this bill has been rewritten so that it seriously prejudices the urbanized States, and whatever tricks you play with it, it still does so. It should be corrected.

I do not agree that the Senate will not vote for this amendment. I do not think the Senate will refuse to vote for something that is desirable if it can be proven. If the Senate rejects this amendment it is because we have not broken through with the facts and figures, but on the merits it does deserve to pass, and I urge the Senate to agree to the amendment.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TAFT. I thank the Senator for yielding.

Mr. President, the Senator from Rhode Island has left the Chamber. I am sorry, because he mentioned his grief over losing $3 million in the Senate committee version. I wonder how he would feel if he lost $92 million under the version of the bill reported by the committee. That is what happened to the State of Ohio under this bill. That is why I offered an amendment the other day to correct the situation.

My purpose today in this brief period is to try to ask the chairman of the committee and the ranking minority member to explain why they have applied the formula they arrived at, because it seems to me that the Senator from New York made some excellent points as to the impropriety of the formula and its application insofar as the genuine needs of revenue sharing we are considering at this time, to do something about the problems of urban America.

I understand the three factors that were used but why multiply them by each other so that any discrepancy in one is carried to the ultimate extreme? I have never seen a formula applied to a distribution where the factors are multiplied three times each other.

Ordinarily you would take one-third and apply that or some other percentage, and apply it to certain given percentages, but here it was necessary to multiply one factor times another factor times another factor. This resulted in an inequity and I share the hope of the Senator from Rhode Island that it will be corrected in conference.

I think perhaps we can get this bill straightened out when it gets there. I have little hope it will be straightened out here. It appears that the tracks are pretty well greased to get it through as it is. But that does not mean we should not have a full discussion of it here on the floor, and a discussion of other formulas that ought to be considered, before we accept blindly a formula which makes no sense.

I will be glad to yield to any Senator to have him explain to me how a formula was arrived at which involved multiplication of these factors.

Mr. TALMADGE. Mr. President, I yield myself such time as I may need.

When the bill came to the Senate Committee on Finance from the House of Representatives, which held hearings looking into the matter and the various formulas, the Senate Committee on Finance was impressed by the fact that the richer the States and the richer the suburbs, the more money they received under the bill. Under the same formula of the House, the poorer the States and the lower the income of the municipalities and the States, the less they got.

This struck the Committee on Finance as being wrong. If we were going to have a revenue-sharing bill, the Committee on Finance thought it ought to be a revenue-sharing bill that held the cities that were poorest, that helped the municipalities that were poorest, that helped the States that were poorest.

So we changed the formula. What did we do? We set up a mathematical formula that applied to all 50 States—not just the States represented by members of the Finance Committee, but States represented by every Senator in this body. Here is what the formula provided: First, population. Second, it was based on income in inverse order. In other words, the poorer they were, the more they got. Third, it was based on tax effort. In addition to that, we added $1 billion annually to be allocated purely on the basis of urbanization.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TALMADGE. What were the results? The bill that was sent to us by the Ways and Means Committee gave 22 percent of the money to urbanization. The Finance Committee gave 15.9 percent of the money to urbanization.

The amendment offered by the Senator from New York would go even beyond the Ways and Means Committee provision and give 23.2 percent of the money to urbanization alone. It would be beyond what the Committee on Ways and Means sent to the committee originally.

Our staff has studied carefully the amendment that has been offered by the distinguished Senator from New York and here is what it does: The first year it adds $600 million to the kitty to be divided. The second year it adds another $300 million. The third year the figure stays the same—$900 million. The fourth year the figure stays the same—$900 million. The fifth year the figure increases to $1.2 billion.

What the Senate Committee on Finance did was add zero the first year, except what was in the bill for the first year. The second year we added $300 million. The third year we added $600 million. The fourth year we added $900 million. The fifth year we added $1.2 billion.

The Senator from New York has distributed a formula as to how the money would be allocated, but that goes only for the first year. The Senate Committee on Finance has projected it beyond the first year, and what happens? The third year the figures were changed substantially. The fourth year 32 States would receive less money than they would get under the Finance Committee's proposal. The fifth year 32 States would get less money than they get under the Finance Committee's provision. The staff has looked at it carefully, and that is the conclusion they come to. So the situation is not exactly accurate as stated.

It is difficult to write a formula for an outlay of $30 billion to 38,000 political subdivisions of government. One can write a formula that will show anything he wants.

I want to say, for the benefit of the Senator from Rhode Island, that it is true that perhaps 13 members of the Finance Committee represent States that get more money under the Finance Committee's version, but it is also true that 32 States out of 50 get more money. Some States get less because those States have a higher per capita income than other areas. It will be seen that some of the rich suburbs get less and some of the rich areas get less, but the poor ghettos get more.

I ask unanimous consent to insert a table at this point illustrating that by the fourth year of the program 32 States lose under the Javits proposal, not taking into account the supplementary grants.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

UNDER FINANCE COMMITTEE BILL AND SENATOR JAVITS' PROPOSAL

[In millions of dollars]

States	Committee bill with proposed amendment (1)	Finance committee bill expanded (2)	Difference (1)−(2) (3)
Total, United States	6, 200.0	6, 200.0	
Alabama	137.3	149.3	−12.0
Alaska	5.5	6.4	−.9
Arizona	66.2	64.5	1.7
Arkansas	63.2	70.7	−7.5
California	633.1	597.1	36.0
Colorado	70.5	70.2	.3
Connecticut	73.5	62.3	6.2
Delaware	15.6	15.1	.5
District of Columbia	19.8	16.5	3.3
Florida	191.7	187.5	4.2
Georgia	135.0	141.2	−6.2
Hawaii	26.1	26.6	−.5
Idaho	22.4	25.5	−3.1
Illinois	310.7	293.5	17.2
Indiana	132.8	134.1	−1.3
Iowa	91.0	99.0	−8.0
Kansas	64.0	67.8	−3.8
Kentucky	104.4	112.2	−7.8
Louisiana	137.7	146.0	−8.3
Maine	35.5	40.0	−4.5
Maryland	114.5	110.7	3.6
Massachusetts	176.4	167.9	8.5
Michigan	253.9	246.9	7.2
Minnesota	122.6	126.6	−4.0
Mississippi	102.0	116.5	−14.5
Missouri	128.1	126.9	1.2
Montana	23.7	26.4	−2.7
Nebraska	51.6	55.1	−3.5
Nevada	14.4	13.9	.5
New Hampshire	18.0	19.5	−1.5
New Jersey	188.8	166.8	22.0
New Mexico	38.8	42.7	−3.9
New York	615.5	593.2	22.3
North Carolina	158.0	174.1	−16.1
North Dakota	22.1	25.4	−3.3
Ohio	235.9	216.9	19.0
Oklahoma	73.3	76.4	−3.1
Oregon	69.3	72.3	−3.0
Pennsylvania	342.8	339.5	3.3
Rhode Island	28.8	27.0	1.8
South Carolina	94.4	104.7	−10.3
South Dakota	28.2	32.3	−4.1
Tennessee	119.4	126.5	−7.1
Texas	321.2	314.2	7.0
Utah	40.1	40.4	−.3
Vermont	16.3	19.1	−2.8
Virginia	127.7	128.3	−.6
Washington	106.5	107.8	−1.3
West Virginia	60.1	67.3	−7.2
Wisconsin	162.8	172.1	−9.3
Wyoming	10.7	12.5	−1.8

Note: Number of States receiving less under the proposal, 32.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. TAFT. I just point out that the Senator has not yet answered in any way the question I asked, and that is why, after deciding upon the factors to be used, it was decided to multiply one factor by another factor by another factor. Why was multiplication used rather than percentages?

Mr. TALMADGE. We thought it was the best formula to be devised. I do not know of any better formula to be devised than population, tax effort, and poverty.

Mr. TAFT. Those are fine, but why were they multiplied?

Mr. TALMADGE. To arrive at a formula that was reasonable and accurate in the eyes of the Finance Committee.

Mr. TAFT. Was there any rationale for that?

Mr. LONG. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. LONG. For the benefit of the Senator, may I also point out that this formula was at the suggestion of the Senator from Utah (Mr. BENNETT), but the Senator gave credit to the Treasury Department for suggesting that that would be the fairest way to do it. We agreed on it.

At the time we were discussing it, we talked about whether we should take poverty or poverty and tax effort and multiply those, but the Treasury Department said this was the fairest way to do it. It was suggested that we apply it and see how it would work among the States, and we concluded it was the fair way to do it. That was done not at the suggestion of the Senator from Georgia or of the Senator from Louisiana, but at the suggestion of the Senator from Utah, who can confirm that if he wishes. The Treasury Department suggested that in considering the poverty factor and multiplying it relative to the population, it would be fairer if we also took into consideration the tax effort. By multiplying the two factors, inverse income and tax effort relative to population, there would be more impact than merely considering the two elements as additive factors, because the two factors interact on each other.

It is amazing how this formula works. For example, Georgia would be better off if the formula were applied only on the basis of poverty. Mississippi would be better off if it were applied only on the basis of tax effort, even though it is the poorest State in the Union.

Persuasive and logical arguments were made for the urbanized areas. The Senator from Connecticut (Mr. RIBICOFF) is a most articulate and able Member of this body, and he was so persuasive that he persuaded us to add $1 billion, which we hoped would help extricate us from the impossible social services fiasco, on the basis entirely of urbanization. So, insofar as the Senator would like us to add something for the urbanized States, we did what they would like to have done to a much higher degree than many of them realized.

Mr. BENNETT. Mr. President, if the Senator will yield, I would confirm what the chairman said. We worked with the Treasury. They ran formulas through the computers night after night. It was the Treasury's recommendation that finally persuaded us to adopt the present formula.

I would just like to add a little footnote to what the chairman has said. Utah would fare best if we developed a formula entirely on urbanized population because, strange as it sounds, 80 percent of our people live in five urban communities. They are not big communities like New York, but they qualify as urbanized areas.

The thing is that there are so many variables, there are so many variations in local situations, that you will never get a formula that will make everyone happy. But as I say, this multiplication idea was the recommendation of the Treasury Department, after they had run these things through their computers.

Mr. TAFT. That may be true, but what is the logic? That is really the question to which I am speaking. I would be satisfied if I knew what the logic was in multiplying. It seems to me if there is some peculiarity in the makeup of some particular State that is involved here, this would accelerate it in a way that does not seem to be justified.

Why did they not use those studies? They used the population, the inverse income factor, and the tax effort, and they are working on that, and all of a sudden, at the last minute, when the bill goes to the committee somebody comes back here and announces they are going to multiply one factor times another.

Mr. BENNETT. I think that is a rather dramatic misexplanation of the way the committee worked. As I said, we tried formula after formula, and the computers worked all night between meetings to tell us what would be produced by each suggested formula. Out of all that came our suggestion to modify it—we basically started with population, and then we built on population by multiplying it by a factor representing inverse income, and then multiplying both by a general tax effort factor.

Mr. TAFT. Why did not the committee say, "Well, we are going to use the three factors we are using in the bill. We are going to take one-third times per capita, one-third times inverse income, and one-third times tax effort"?

Mr. TALMADGE. If you multiply the one by the other, of course, it increases the impact, and that is why the Senate Finance Committee did that.

Mr. TAFT. That is exactly the point I am making. By increasing the impact of one factor rather than three factors, you increase the inequities.

Mr. TALMADGE. Those are the factors we wanted to increase the impact of. This does not increase inequities unless you think it is inequitable to help the poor and those who have a large tax effort.

Mr. BENNETT. We increased the impact of two factors, inverse income and tax effort.

Mr. TAFT. I see that the Senator from Rhode Island is back on the floor, and I would like to ask him: I agreed with him about his 3 million; I want to ask him whether he would agree with me as to my 92.

Mr. TALMADGE. Mr. President, I believe I have the floor. Does the Senator from Rhode Island ask me to yield briefly?

Mr. PASTORE. Mr. President, I merely want to say this: I agree with the Senator from Ohio, but it is a lost cause.

Mr. TALMADGE. Mr. President, I have only one final thing to say. We have heard much about urbanization here this evening. That was what the Finance Committee tried to do, with the urban areas and allocations to the cities themselves. The bill sent us by the Ways and Means Committee gave most of the money to the urban suburbs. The larger the city and the more poverty they had, the less they got. We felt that was wrong. We looked at some of the rich areas of California, out where the movie stars live, and they had the highest per capita income of any municipality, and we felt that was wrong. We looked at Beverly Hills. It was a huge allocation we were giving them under the House-passed bill.

I looked at some of the areas of my own State. And do you know which municipalities got the most? The ones with the highest per capita income in the State of Georgia. We did not think that was right.

Mr. PASTORE. Mr. President, we do not have an actor in Rhode Island, but how come we got more money under the House bill than under the Senate bill? I am not talking about Beverly Hills, but we do not have one actor in Rhode Island, as far as I know.

Mr. TALMADGE. Maybe their per capita income is not as high as Beverly Hills.

Mr. PASTORE. I know it is not.

Mr. TALMADGE. But when we started allocating the money, we gave to Providence a great deal more money than the House bill did. Maybe the Senator can throw some light on it. I am looking at Rhode Island; what kind of community is Cranston?

Mr. PASTORE. That is where I live. It is a fine community.

Mr. TALMADGE. High income?

Mr. PASTORE. Well, no, it is average.

Mr. TALMADGE. We gave Cranston a little less than what they gave Cranston. We gave Warwick a little less than what they gave Warwick. I assume they are high income areas.

Mr. PASTORE. No, they are not. They are actually bedroom areas of Providence.

Mr. TALMADGE. Well, the bedroom areas of Atlanta are the highest per capita income areas in my State, and I assume that is what the Senator is talking about. That is what we were trying to rectify; so when we were channeling money to cities, we sent it to the areas where the ghettos were and the need was great. I thought the committee acted wisely, and I hope the Senate will sustain that action.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. TUNNEY. The Senator mentioned Beverly Hills and the fact that the movie stars and rich people live there. I wonder if the Senator could tell us how California was benefited by the Finance Committee bill; the way I read it, we lost more than $100 million?

Mr. TALMADGE. We used the formula we thought was the wisest. Some of the States benefited, some did not. California had one of the highest per capita incomes in the Union, and that was one of the reasons they got less under the Finance Committee bill than under the House bill. I think if the Senator will look at the poorer cities in California, he will find those cities got more under the Senate committee bill than under the House-passed bill.

Mr. TUNNEY. But the State of California also contributes more to the Federal Treasury than any other State.

Mr. TALMADGE. There is no doubt about that. If the Senator believes that the rich ought to get richer and the poor ought to get poorer, that would make good sense, but I do not buy that.

Mr. TUNNEY. No, we are not suggesting that the rich ought to get richer and the poor get poorer, but if you take a look at the allocations per capita to help communities through Federal aid, I think you will find that the States of Georgia, Louisiana, and Mississippi receive far more than the State of California or the State of New York. I just do not see how we are benefited inasmuch as California loses $100 million under the Finance Committee version of the bill.

Mr. TALMADGE. I was glad to yield

to the Senator for a question, but I cannot yield more of my time for a speech. We are on limited time.

Mr. TUNNEY. Well, I ended up with a question.

Mr. TALMADGE. I have answered the Senator's question. The Senate Committee on Finance thought we ought to allocate the money where the poverty was, where the people were, and where the tax effort was, instead of where the rich suburbs were.

Mr. LONG. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. LONG. It is interesting to note that with all the complaints, after taking into account poverty and relative tax effort, we have yet to see anybody try to change the formula as to how the money would be distributed within a State. And may I say that our study has been applying the same factors uniformly within a State that we recommended applying among the States.

We found that these large cities did better than they did under the House bill, even though the State might get less money. And may I say, applying it within my own State, although I know I will have some complaints from about 10 percent of those areas where they either make a very low tax effort or else they are well off financially from the per capita income point of view, so that the communities would receive less, it makes sense and it makes for justice as between a wealthy suburb and the poor central city. The poor central city ought to get the help. I do not know whether everyone has had the experience that I have had of living in rural areas as well as in the cities. I have lived both ways many times in my life.

Somebody, sometime, ought to say a good word for a fellow who does not have a sidewalk, who does not have a sanitary sewer, who does not have a paved street, who does not have any of these things, who is lucky to get an REA powerline, and about half the time when you get a high windstorm down that comes.

So that there are many things needed in these rural areas that deserve some consideration. Why have so many people moved away? Because there is so little to offer out there in the way of public services. Somebody ought to think about some of those people, because people like that exist in every State of the Union, with very few exceptions.

Mr. TALMADGE. I agree with the Senator.

Mr. President, the staff just handed me some computations. If the amendments offered by the distinguished Senator from New York is agreed to, of the 10 richest States in the United States, every one except Alaska, will get an increase. Of the 10 poorest States in the Union, under the amendment offered by the Senator from New York, every one of them will be cut.

So this is the same theory that the Ways and Means Committee sent us: The richer the State, the more you give them; the poorer the State, the more you take away from them.

Mr. President, I ask unanimous consent that this table be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Per capita income	Javits bill over finance bill (millions $)
1. Connecticut	$3,900	+$6.2
2. Alaska	3,765	−.9
3. New Jersey	3,691	+22.0
4. New York	3,650	+22.3
5. California	3,632	+36.0
6. Ohio	3,632	+19.0
7. Nevada	3,570	+.5
8. Maryland	3,540	+3.6
9. Illinois	3,512	+17.2
10. Massachusetts	3,425	+8.5
41. Nebraska	2,458	−3.5
42. New Mexico	2,449	−3.9
43. Kentucky	2,437	−7.8
44. Louisiana	2,345	−8.3
45. West Virginia	2,339	−7.2
46. South Dakota	2,227	−4.1
47. Arkansas	2,155	−7.5
48. South Carolina	2,033	−10.3
49. Mississippi	1,935	−14.5
50. Alabama	1,832	−12.0

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I think the RECORD should show this: The measure which came to the Senate Finance Committee from the House of Representatives provided that 40 percent of all the funds would go to five States—New York, California, Illinois, Michigan, and Pennsylvania. Even under the Finance Committee proposal, 35 percent of all the funds would be distributed to those five States. I think it is important that the RECORD show that, Mr. President.

Mr. JAVITS. Mr. President, I yield 2 minutes to the Senator from California.

Mr. TUNNEY. I thank the Senator.

In answer to the comment made by the Senator from Virginia to the effect that five States would receive 40 percent of the funds, you have to take a look at the size of those States. California represents 10 percent of the country; we have 20 million people.

We have areas of extreme poverty in California. We can bandy about figures that California has the richest per capita income of any State. Yet, if we take a look at California, as I have, if we take a look at south-central Los Angeles, Oakland, and the Central Valley, we see extreme poverty.

Under the Finance Committee version, the State of California is going to lose $100 million that it would receive under the House version of the bill. One of the areas cut is the State government of California. The California State government has been, perhaps, more farsighted than any other State in giving assistance to local communities to help them with their problems. By cutting the State of California, what you are doing in effect is cutting the State's ability to grant relief to local communities.

As I read the Finance Committee version of the bill, approximately $525 million was cut from the industrial States' entitlements. That might make good sense to me if I came from a rural State that was going to receive an additional $40 million or an additional $60 million. But it does not make any sense to me, representing a State of 21 million people, 10 percent of the population and, by the way, which contributes a very significant portion, a disproportionately significant portion, of Federal revenues that go into the general revenue fund in order to provide categorical aid grants in disproportionately large amounts to rural States.

I do not see how anyone can say that it is fair to take States like New York and California, which each have 10 percent of the population, deprive them of hundreds of millions of dollars and say that they are being benefited.

I was born in New York. I have been in northern Manhattan, Harlem, and Brooklyn. You see some of the most impoverished areas of the world there. I do not know how many Senators have had the opportunity to travel through those areas. They are asphalt jungles in the extreme.

I think that to cut a State like New York or a State like California to the degree that the Finance Committee did does not make sense, in the name of humanity.

Mr. LONG. Mr. President, will the Senator yield for a question?

Mr. TUNNEY. I yield.

Mr. LONG. What percentage of the population does California have?

Mr. TUNNEY. About 10 percent of the country.

Mr. LONG. California gets 10 percent of the funds under this bill. I do not know why California is complaining. Is the Senator contending that the wealthy ought to get more and the poor relatively less?

Mr. TUNNEY. No. I am saying that we have to take a look at California's poor population. California has a couple of million senior citizens who are desperately poor. Many of them come from other States to California, where they are expecting the State to provide services, even though they had never contributed to the State in the way of taxes during their productive years. States like California and Florida, for example, have had to pick up a substantial portion of the welfare burden because other States have not done the job. We have significantly higher welfare payments than other States.

The PRESIDING OFFICER. The time yielded the Senator from California by the Senator from New York has expired.

Mr. LONG. I yield myself 1 minute.

California has a per capita income of $3,632 as against an average of $3,134 for the United States as a whole. So California's per capita income is 16 percent above the average of that of the United States, which of course adds to California's ability to help the poor. The Senator is very much interested in helping them, and so am I. I have sponsored amendments that would give California a great deal more money than would go to Louisiana, and sometimes I have had difficulty persuading California Senators—not the present Senator from California—to vote for that kind of amendment. We will be doing more of that.

In terms of revenue sharing, it seems to me that with more than the national per capita income and 10 percent of the population, if the State gets about 10 percent of the money provided, the State is doing very well.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. The Senator from California was not in the Chamber when I read the figures for the city of Los Angeles and the city of San Francisco. Under the House bill, the city of Los Angeles got $10.55 per captia. Under the Senate bill, it gets $14.58 per capita. San Francisco runs from $19.59 to $31.21.

Mr. JAVITS. Mr. President, I wish to tell the minority leader, under the circumstances, that I would be compelled to offer an amendment to the amendment, in order to get more time, so that I may have an understanding as to when we are likely to vote.

The two things I should like to call to the Senator's attention, because he has brought them out very admirably, are these: All these things being quoted are what go to a particular municipality which may get more or less, depending on many factors. But as to what a State can do for the cities—it does a great deal, of course—they get less. You cannot shine this mirror into your eyes so that you do not see anything.

The second point is this: All these figures, including those cited by Senator TALMADGE, trying to tell us that 32 States get less after the first year, is because they crank in this billion dollars. That is the biggest phony of all, because they are taking away with the one hand perhaps $3 billion and they are just authorizing a billion dollars. Then you are supposed to take that; that is your urban dividend. Again, that mirror shines in your eyes so that you do not see anything.

We are U.S. Senators; we are not children. The fact is that you will get less, a great deal less, and this bill is loaded against you, and it should not be. This is revenue sharing. So who puts up the revenue is very important. This is not some bill about rivers and harbors or health. It is revenue sharing.

I do not agree with Senator PASTORE. I do not give this up at all. I think we ought to fight like tigers here. A majority of the States of the United States are being prejudiced. There is a bias in this bill against them. We should overturn it. If we have the votes, let us do it. If we do not, we should be held accountable, every one of us, by the people of the States.

Mr. TUNNEY. I do not know what the situation is in other States, but in California, the city of Los Angeles has no welfare responsibility. It is the county of Los Angeles that has the welfare responsibility. So the fact that we give to the city of Los Angeles additional sums and at the same time we take away from the State government $100 million, in effect is, as the Senator from New York suggests, playing with mirrors, because in California the net loss is $100 million, and 21 million people are suffering as a consequence.

Mr. LONG. Mr. President, if the Senator wishes, he can have some of my time. I have 23 minutes and I would be glad to let him have half.

Permit me to say, first, that I do not for one moment agree that there was ever any justice, any equity, or any fairness in the House decision to distribute this money so that a wealthy State would receive more money than a poorer State because there were a higher percentage of people in that relatively wealthy State who lived in its cities. It seemed to me that was irrelevant. If we look at the State which I have the honor to represent—if we look at the living conditions in the rural areas—and I have lived in the rural areas of other States than the great State of Louisiana, I have observed how the people live there—generally speaking, in rural areas the working population probably needs help even more than the areas to which the people in the rural areas are now moving—moving, poor though they may be, to the central cities. They move there because the people are finding conditions better in the central cities than in the rural areas; otherwise they would not have moved.

We cannot ignore the poor rural areas if we are going to be fair to them, which we did with regard to every State in the Union except four, and by the time we were through, adding an additional $1 billion which was on an urbanized formula. It was there, and we could justify that, because we were looking on it as a trade which was closing in on some of the abuses of the social services programs which had developed. So that we felt, on that basis, we could justify putting it on the urbanized formula. By the time we look at the additional amount, the large States did well compared to the House bill. So that a great State like California actually receives $35 million more than it did under the House bill.

I would be frank to say I am not saying we did not add $1 billion to the bill. We undoubtedly did. We did it in a way calculated to benefit California the most. If there was any discrimination, that is where it was, frankly, Senator. There is a lot more logic, and also the votes, to support the formula we agreed to in the committee.

If we had tried to put this entire amount on a formula distributing that money on the basis of urbanization, someone would have given us a poverty formula or a relative tax effort formula to begin with, and our committee would have been ignored. We added to the formula close to what the administration recommended. We did the best we could in trying to see that the States would do no worse. I regret that New York did not do quite as well, but New York was well taken care of by the House when the administration recommendation was shifted, so that even though they added the $300 million to the bill, 29 States did worse than under the administration's recommendations. That cannot be justified to the Senate. It can be supported in the House because the large States have large delegations down there.

Mr. TUNNEY. Under the Senate bill, which includes $1 billion in social services, California receives slightly more than under the House bill; but the net effect of it is to take away from the States between $2.5 billion to $3 billion in social services under the Social Security Act, and give $1 billion to the States in return. California, as an example, with its 21 million citizens, would have received this year, under the open-ended program—and I do not believe in an open-ended appropriation for social services—$271 million, up $21 million from last year. Our share of the $1 billion available for social services is only $134 million. There is, therefore, a net loss of about $137 million not taking into account child care and family planning. California loses close to a quarter of a billion dollars.

Mr. LONG. That is just one way of looking at it, Senator. On page 4 of the committee report, in the table, it says, administration recommends revenue sharing for New York, $534 million. That bill recommends $625 million. That is more than $90 million above what the administration recommended. The only reason I would think that New York would be heard to complain was that the House jumped that $534 million figure to $649 million, which is $115 million more than the administration recommended. We do not think that can be justified on any basis whatever. That is a difference of opinion.

Now look at the California figures. California was recommended for $590 million by the administration. The committee bill recommended $644 million, $54 million above what the administration recommended. I would think that there would be little to complain about on that, if the House had not already raised it—without adding as much as we did to the bill—up to $610 million.

So that what the State would get is substantially beyond what the figures of the administration recommended.

The Senator's State may not be entirely satisfied that we did not do the best we could, but taking all the factors of equity into account——

Mr. TUNNEY. I believe that I know why. The Senator worked out that formula. I have great sympathy for the problems the Senator has in his State, as well as all the other rural States in the South and Midwest. It seems to me that where we have a revenue-sharing bill which makes money available to a State to enable it to be of greater service, we must recognize the special circumstances of the large States. We have higher welfare payments due to our higher standards of living, and people have emigrated to those States, even though they have not contributed in the slightest to the tax revenues in the past. They expect their local governmental agencies to provide them with assistance and services. Under the Senate version of the bill, the effect is to take away the $137 million in social services because social services are eliminated and we are given only $510 million under the revenue-sharing provisions. Insofar as the House bill is concerned, we have lost $100 million. So, in essence, if the Senate Finance Committee version of the legislation passes, California will lose approximately $237 million that it would have received under the House version of the bill.

I believe strongly that there should be

a limit on social services. I believe that $2.5 billion or $3 billion or $3.6 billion makes a lot of sense. The $1 billion limit is just not adequate, particularly in California. Local and State governments will be required to pay the additional $150 million to bring it to an even level.

Mr. LONG. Mr. President, with regard to these welfare expenditures, that is a different subject. That is covered more fully in H.R. 1. That will be considered in the future. When the Senator sees the report on it, I know that the way it stands now, California is one of the States that gets the largest amounts in that measure because California is doing a lot in that area. I do not think that the Senator will be disappointed with the way California makes out in that bill, at least as far as the committee recommendations are concerned. Nor do I think that the Senator should really feel very badly about the fact that his State, with just under 10 percent of the population and 16 percent above the average income, receives just over 10 percent of the money under the bill.

So, on the whole, with respect to California, we do not propose to do quite as well as the House did. We cannot justify doing what the House did. The House looked at the personal income taxes and whether a person does or does not live in the metropolitan area and shifted more money to the large metropolitan States. At the same time, when we take all factors into account, I believe that California has been treated very fairly. And I believe that the figures will speak for themselves.

Mr. TUNNEY. Mr. President, if the Senator will yield further, I have just one last point I would like to make. Under the administration proposal, California would have received $590.2 million. Under the Finance Committee proposal, we would receive $510.4 million. So, we do receive about $80 million less.

Mr. LONG. But the Senator is leaving out his State's share of the additional $1 billion.

Mr. TUNNEY. Yes. I am leaving out social services because the Finance Committee bill takes away the $250 million that we are receiving right now for social service programs.

Mr. LONG. We would not reduce the money for child care nor family planning. Your share of that must be something like a $100 million plus $134 million you received under the supplementary grants. You cannot count this as a loss on both sides. Also, we have another bill coming along, H.R. 1, that will provide a large amount of additional funds to help the Senator with the welfare problems and the aged and the family planning category as well.

Mr. JAVITS. Mr. President, would the Senator yield? I gather that the Senator would prefer us to use his time.

Mr. LONG. I am happy to yield.

Mr. JAVITS. Mr. President, if the Senator would yield me 10 minutes, I yield 4 minutes to the Senator from Illinois.

Mr. LONG. Mr. President, how much time do I have remaining? If I have 10 minutes, the Senator may certainly have it.

Mr. JAVITS. Will the Senator yield me 8 minutes?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. LONG. Mr. President, if I have 11 minutes remaining, the Senator may have the 11 minutes.

Mr. JAVITS. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I thank my colleague.

I think that this colloquy has been among the most important exchanges we have had. We are getting down to the nitty-gritty of the bill. I am delighted that the Senator from Georgia has returned to the floor, because he raised a profound question.

What other formula could be adopted? There are an infinite number. And when some of us support the proposal, we do so because it is absolutely necessary to do so. The committee has made it possible to have this argumentation on the floor. We would not have been here if the committee had not met for week after week of hearings to report the bill. And we did say that we would take this if it means taking nothing otherwise. From that standpoint it is a magnificent bill. However, we do not want to be steamrollered in conference because the House has recognized certain factors that are so important to all States that they will have to be taken into account.

I ask the committee why it chose to ignore income tax as a special factor. When we give $5 million back to the States we ought to say what my distinguished colleague said last Thursday in a quotation that I have reference to and will put in the Record tomorrow. The fact is that his State of Louisiana has received more. I realize the difficult job of putting on an income tax. That fact has destroyed Governors and moved the people out of office that have proposed them. However, States have had to do it because they could not do it on the sales tax alone. We know how inequitable that is.

What the House has done, which has gone further than we have and we recognize the wisdom of it, is to provide a special incentive to those States and award those States that have bitten the bullet and moved forward and started to base their future revenue on income taxes which, as we know, is the only sensible and sound way to finance a government. That is the only way we have been able to finance the Federal Government. It is the only way that we have been able to finance State and local governments.

So I merely ask why the committee did not take into account the fact that income tax should be set up as the way to finance Government operations and provide an incentive for the States to move forward and reform their own system.

Mr. President, I would like to put in the Record at this time the comments made by Robert E. Merriam, Chairman of the Advisory Commission on Intergovernmental Relations.

I ask unanimous consent to have the comments printed in the Record.

There being no objection, the comments were ordered to be printed in the Record, as follows:

Statement Submitted by Robert E. Merriam, Chairman, Advisory Commission on Intergovernmental Relations

The Advisory Commission on Intergovernmental Relations has been in the vanguard of those advocating the revenue sharing idea. The basis for the Commission's commitment to the concept is its belief that revenue sharing will build greater flexibility into our intergovernmental system—the kind of flexibility that will enable State and local governments to be more responsive to the diverse conditions and needs in this vast country. This is, of course, the essence of federalism and the source of its benefits as a form of governmental organization.

As recently as December, 1971, the Commission expressed its appreciation to the House Ways and Means Committee for resolving to make H.R. 11950, the progenitor of H.R. 14370, its first order of business when Congress reconvened in January 1972. The Commission noted at its December 17, 1971, meeting that from its earliest espousal of the idea of Federal revenue sharing with States and localities, "this Commission has consistently taken the position that the first order of priority is to establish the principle of general support payments." H.R. 14370 does this and therefore on behalf of the Commission I can say that it supports this bill.

In addition to being in the vanguard of those advocating revenue sharing, the Advisory Commission on Inter-governmental Relations has been in the vanguard of those advocating more intensive use of the State personal income tax. While it comes as no surprise to members of the Advisory Commission that the limited State income tax incentive provided in H.R. 14370 is under attack, we want the record to show clearly that ACIR favors the retention of the State income tax incentive.

The case for linking revenue sharing with encouragement of the State personal income tax rests on three arguments:

1. *Without an inducement to use the personal income tax, revenue sharing would tend to undercut State use of this prime tax source.* State legislators, especially those in the non-income tax States, could be expected to live in constant hope that even larger Federal revenue sharing grants will take them off the fiscal hook. Yet no rhetoric about the plight of financially hard-pressed State and local governments can gloss over the fact that the non-income tax States are failing to help themselves.

2. *The claim that a Federal incentive for the use of the State personal income tax is "coercive" carries little weight when the inducement is part of a revenue sharing bill.* If Congress is willing to make general support payments to States and localities, it becomes quite reasonable for Congress to enact as part of H.R. 14370 a provision that would help insure that States tap their own income tax potential.

3. *The combination approach—revenue sharing coupled with a State personal income tax inducement provision—is the best hope of meeting both the immediate and long-range fiscal requirement of State and local governments.* H.R. 14370 will provide high income tax States such as California, New York, Oregon and Wisconsin immediate financial aid and long-range assistance in the form of reduced vulnerability to interstate tax competition. The somewhat larger allocations to income tax States would tend to prompt non-income tax States, e.g. Connecticut, New Jersey, Tennessee and Texas, to enter the income tax field and the resultant reduction in the vulnerability of income tax States to interstate tax competition would then permit States such as New York to make further use of the personal income tax.

In summary, H.R. 14370—the State and Local Fiscal Assistance Act—promotes the interests of federalism by introducing both a badly needed element of flexibility into our Federal aid arrangements and an incentive for greater State use of the income tax.

STATEMENT OF ROBERT E. MERRIAM, CHAIRMAN, ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS, BEFORE THE HOUSE WAYS AND MEANS COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, JUNE 14, 1971

Mr. MERRIAM. Thank you, Mr. Chairman.

For the record, I have with me William MacDougall, the Executive Director of the Commission, and John Shannon, who is Assistant Director.

I also for the record make note of Congressman Ullman's kind remarks and recall that you, Mr. Chairman, were one of the original members of this Commission in 1959 when it was formed.

Mr. Percy. Mr. President, I will read three short sentences.

The case for linking revenue sharing with encouragement of the State personnel income tax rests on three arguments:

1. *Without an inducement to use the personal income tax, revenue sharing would tend to undercut State use of this prime tax source.* State legislators, especially those in the non-income tax States, could be expected to live in constant hope that even larger Federal revenue sharing grants will take them off the fiscal hook. Yet no rhetoric about the plight of financially hard-pressed State and local governments can gloss over the fact that the non-income tax States are failing to help themselves.

2. *The claim that a Federal incentive for the use of the State personal income tax is "coercive" carries little weight when the inducement is part of a revenue sharing bill.* If Congress is willing to make general support payments to States and localities, it becomes quite reasonable for Congress to enact as part of H.R. 14370 a provision that would help insure that States tap their own income tax potential.

3. *The combination approach—revenue sharing coupled with a State personal income tax inducement provision—is the best hope of meeting both the immediate and long-range fiscal requirement of State and local governments.* H.R. 14370 will provide high income tax States such as California, New York, Oregon and Wisconsin immediate financial aid and long range assistance in the form of reduced vulnerability to interstate tax competition. The somewhat larger allocations to income tax States would tend to prompt non-income tax States, e.g., Connecticut, New Jersey, Tennessee and Texas, to enter the income tax field and the resultant reduction in the vulnerability of income tax States to interstate tax competition would then permit States such as New York to make further use of the personal income tax.

In summary, H.R. 14370—the State and Local Fiscal Assistance Act—promotes the interests of federalism by introducing both a badly needed element of flexibility into our Federal aid arrangements and an incentive for greater State use of the income tax.

Mr. PERCY. Mr. President, that is from Chairman of the Advisory Commission on Intergovernmental Relations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I want to conclude this debate. It has gone longer than I had expected. It is indicative of the deep feelings existing here about this matter. The fact is that we have simply faced an issue that at one and the same time the social services proposition is being wiped out. And allegedly we are getting an urban dividend which only replaces it at the most by 40 percent—that is the social services provision. And in addition we are asked to assume that this represents the correction of a bias against industrialized States and urbanized States which is found in the bill.

I do not see how we can do that, especially as the history of what States receive shows that they spend a greater part of what they receive for the benefit of their city areas. And even to gloss over this by saying that we are somewhat bettering the city areas means that we should not be taken in by that, because each of the States I have mentioned takes a very material reduction under this measure.

Mr. President, in conclusion let me say first there is absolutely no urbanization aspect to the Senate formula, notwithstanding the fact that most of the population of our country is urbanized and that urbanized areas exist in a great majority of our States. This is simply stricken out. It was in the House bill but it is not here.

Also, Mr. President, you cannot have it both ways on the $1 billion. You cannot argue at one and the same time that it is a tradeoff for the social services program and also that it is an urban dividend on revenue sharing. It will not stretch that far. Nor do I think we are going to be bemused by the so-called cranking in of $1 billion. It may be clever but I think we have enough brains to see through it. They have cranked in $1 billion. You may be getting $1 billion more in this but you may be losing $1 billion or $2 billion or worse in the other provisions.

So I hope that Senators from States with urbanized populations will see that their interests have not been fairly served in this bill by this formula, that the urban dividend I have suggested is the way to correct that inequity, and that the Senate will agree to the amendment.

Mr. LONG. Mr. President, I can understand why Senators from New York, Illinois, even California might complain about the committee recommendation. But the House committee, and keep in mind that in the House a large State like New York has more than 10 times as many Representatives as a State like Utah——

Mr. BENNETT. Twenty.

Mr. LONG. They have more than 20 times as many Representatives as a State like Utah, but they do not have any more Senators than Utah when they reach the Senate. So they have five times as many Representatives as Louisiana, but no more Senators when they reach the Senate. That was the great compromise to begin with.

Recognizing those factors, let us face it. The Ways and Means Committee in the House has to take into consideration the composition of the House, just as we who serve on the Committee on Finance have to take into consideration the composition of the Senate.

On the House side, based on a logical and reasonable formula recommended by the Nixon administration, they proceeded to change the formula to help 17 States and hurt 33 States. Who received the most help? It was the wealthier States and the urbanized States, such as New York and Illinois.

We on the Senate side would not buy that formula. How could we? If we came to a formula on the administration recommendation and benefited 17 States and hurt 33 States, we would have been voted down by a 2-to-1 margin, and we should have been. We would not be recommending something the Senate would be willing to buy. We did it the other way around. We helped 33 States instead of 17, by turning it around the other way and making it far more in line with the administration recommendation. The committee bill was so much in line with the administration recommendation that without one word of solicitation by any member of the committee, the administration said that what we did was better than what they had recommended to begin with, whereas on the House side they were told, "Support that concept or no bill."

Frankly, when the administration saw the good way things were going, that we were considering poverty as the sole factor, they suggested that to put poverty together with the tax effort factor would make better sense.

The same wealthier States said we better improve their situation on the theory that to him who has it shall be given and, from him who hath not it shall be taken away. What was left to the rest was taken from them by the House, and the Finance Committee in the Senate restored to the poor States what had been taken away from them.

REVENUE SHARING MUST GIVE RECOGNITION TO URBAN PROBLEMS AND EXTENSIVE USE OF INCOME TAXES

Mr. ROTH. Mr. President, I support the principle contained in amendment No. 1465 to the Finance Committee version of H.R. 14370, the State and Local Fiscal Assistance Act of 1972. If this measure, offered by Senators JAVITS, MATHIAS, and PERCY, were to be adopted, "urbanized population" would be accorded greater weight in determining State allotments of the shared revenues. This goal could be accomplished without penalizing the less urban States. The amendment would increase the cost of revenue sharing over a 5-year time period by just $1.5 billion since, except for the final year, annual increments to the national revenue-sharing fund would be eliminated.

Frankly, I am opposed to any increase over the funding approved by the House. However, I intend to vote for this amendment with the hope that a way can be found in conference to attend to urban needs without expending more total funds on revenue sharing than were authorized by the Ways and Means Committee version of H.R. 14370.

I have long endorsed revenue sharing as an interim measure to relieve the State-local fiscal crisis. For that reason, I support the Ways and Means Committee bill because it terminates revenue sharing after 5 years. Further, compared to some other proposals, it directs relatively greater assistance to urban States, and provides an incentive for the wider use of State income taxes. The amendments offered by the Finance Committee to H.R. 14370 would weaken the bill in these two senses.

Any really constructive program of revenue sharing, to my mind, must direct adequate amounts of shared funds into those States where our great urban centers are located. The 17 States, plus the District of Columbia, which receive smaller allocations under the Finance Committee bill, as compared to the Ways and Means approach, include most of our great urban States. These States together contain about 50 percent of the population of the United States. While these States and their cities often have great economic resources, the public problems which they face frequently far exceed these resources. Similarly the costs of supporting a family are usually higher in metropolitan areas than outside such areas. Greater wealth is required to provide adequate living standards as well as public services.

The Advisory Commission on Intergovernmental Relations has found that the per capita cost of providing many public services increases as a community becomes larger. In other words, in the provision of governmental services, there are diseconomies of scale. Costs of public services and the number of public employees per 100 population may be as much as 50 percent higher in cities of 250,000 population or more as compared to smaller communities.

These larger governmental expenditures result partly from the greater complexity of life in crowded urban environments. However, the presence of proportionally larger numbers of poor, minimally educated, older, and nonwhite residents are important factors which also influence these outlays. Crime, poor housing, and unemployment are all manifestations of the urban social situation which necessitate great public expenditures.

Not only are the governments of urban areas faced with public problems of a magnitude greater than those of most other areas, but they possess fewer resources to meet them. The bases for property and retail sales taxes do not grow as rapidly in center cities as elsewhere. Yet, the burdens of taxation, especially that on real property, often weigh heaviest on the residents of the inner cities.

State aid, which can help offset these fiscal disadvantages of big cities, is normally a smaller contributor to center city revenues than to those of other communities. The Federal domestic grant system also delivers on the whole less per capita aid to the heavily urbanized regions of the Nation than to those which are less urbanized.

When State contributions to the Federal revenues in fiscal year 1970 are compared to benefits from Federal grants-in-aid during that period, it is clear that money is redistributed away from the urban States to the poorer rural States. In many cases, these are the same States which would be penalized under the provisions of the Senate Finance Committee revenue-sharing proposal. The loss to my own State of Delaware, as compared to the House form of H.R. 14370, would be $4.4 million. I do not wish to say that no redistribution of resources should take place within the Federal system or that rural areas are not plagued by grave social, economic, and political problems. Rather, I do urge that the meeting of urban needs be a primary goal of revenue sharing since the problems of nonurban areas are already the focus of our grants-in-aid.

The argument has been put forth that while the Finance Committee's bill may not affect urban States as favorably as the Ways and Means Committee measure, it put larger portions of State allocations in center cities. This contention overlooks the fact that large percentages of State funds—over 30 percent—are devoted to intergovernmental aid to local units. The denial of adequate revenue-sharing funds to urban State governments will, of course, make it more difficult for them to direct this assistance to their cities.

The major city of my State, Wilmington, receives $831,349 less under the Senate proposal even though an additional $1 billion "supplemental sharing" money is included in the national fund by the Senate committee. Consequently, we in Delaware have an additional reason to be concerned with the revised form of H.R. 14370. The data found in the Finance Committee's report show at least 24 other cities which represent significant urban centers within their States also receiving less money from the Senate formula than from that of the Ways and Means Committee.

Urban problems are clearly not restricted to the center cities. America's suburbs more and more must undertake governmental tasks of a magnitude similar to that of those confronted by the center cities. These suburban counties and cities, according to advocates of the Finance Committee bill, would not fare well as a result of its pattern of intrastate distribution.

When assessing the impact of the Finance Committee bill on States and localities, it is important to separate the funds derived from the newly appropriated revenue-sharing moneys from those provided by the $1 billion "supplemental sharing grants."

The "supplemental grants," to be distributed on the basis of "urbanized population," are in reality funds which States are already receiving under the open-ended social services grant program. The Finance Committee has moved to set a $1 billion national limit on expenditures under this program, excluding child care and family planning services. I favor a limitation on the open-endedness of social service grants, but would apply it to all elements of the program.

The substitution of "supplemental revenue-sharing grants" for the bulk of the social services program creates one further difficulty for States and localities. The bill, as currently structured, would apportion these grants on a basis of one-third to States and two-thirds to localities. Some States, including my own, place the responsibility for most social services at the State level of government. H.R. 14370 as altered by the Senate Committee would in some cases not put the supplemental funds in the hands of those who have responsibility for social services.

The second major weakness of the revenue-sharing bill presently before the Senate is that it fails to provide an incentive for the wider use at the State and local levels of the more productive and equitable personal income tax. It is only through the use of such modes of revenue that our States and communities will be restored to their proper places of responsibility within the Federal system. Currently only about 8 percent of State and local revenues are derived from this source.

Revenue sharing without encouraging the modernization of non-Federal taxes will do little to free States and localities from their dependence on Federal funds, which are frequently encumbered with complex requirements. It is quite reasonable to assume that revenue-sharing funds themselves would soon become subject to extensive Federal regulation, similar to those applied to grants-in-aid, once misapplications of the funds were discovered. Funds obtained as a result of more extensive use of the income tax by non-Federal bodies would be raised and spent at the same level of government.

This amendment would provide an annual "urban dividend" of $600 million during the first year of revenue sharing and $900 million thereafter, to be divided among the States on the basis of urbanized population. Neither "supplemental grants" nor the local pattern of distribution would be affected by the measure. It would allow the great urban States to receive funds partly in proportion to their urbanized population. Frankly, I prefer the House version, but I commend the senior Senator from New York for so forcefully arguing the inequities contained in the Finance Committee version. As I stated earlier, I am hopeful that the conference between the two Houses could find a way to meet the urban needs without exceeding the total amount of revenue-sharing funds authorized in the House bill.

I urge Senators to join me in support of this amendment, which offers an excellent compromise revenue sharing package. Such a compromise would permit us to expeditiously deliver badly needed funds to our States and localities.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from New Mexico (Mr. ANDERSON) are necessarily absent.

I further announce that, if present and voting the Senator from Minnesota (Mr. HUMPHREY) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Oklahoma (Mr. Bellmon), the Senator from Iowa (Mr. Miller), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from Arizona (Mr. Goldwater) is necessarily absent because of death in his family.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Iowa (Mr. Miller), and the Senator from South Carolina (Mr. Thurmond) would each vote "nay."

The result was announced—yeas 27, nays 57, as follows:

[No. 414 Leg.]

YEAS—27

Bayh
Beall
Boggs
Brooke
Buckley
Case
Cook
Cooper
Fong
Griffin
Hart
Inouye
Javits
Mathias
Mondale
Pastore
Percy
Ribicoff
Roth
Saxbe
Schweiker
Scott
Stevenson
Taft
Tunney
Weicker
Williams

NAYS—57

Aiken
Allen
Bennett
Bentsen
Bible
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fulbright
Gambrell
Gravel
Gurney
Hansen
Hartke
Hatfield
Hollings
Hruska
Hughes
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
McIntyre
Metcalf
Montoya
Moss
Nelson
Packwood
Pearson
Proxmire
Randolph
Smith
Spong
Stafford
Stennis
Stevens
Symington
Talmadge
Tower
Young

NOT VOTING—16

Allott
Anderson
Baker
Bellmon
Cranston
Goldwater
Harris
Humphrey
Kennedy
McGovern
Miller
Mundt
Muskie
Pell
Sparkman
Thurmond

So Mr. Javits' amendment (No. 1465) was rejected.

Mr. MANSFIELD. Madam President, will the Senator from Delaware yield to me before he calls up his amendment?

Mr. ROTH. I yield.

Mr. MANSFIELD. Madam President, for the information of the Senate, when I was questioned by the distinguished Republican leader earlier today, I estimated that we would finish this bill at 1 o'clock tomorrow afternoon. In view of developments that will not be possible, but we ought to finish it some time tomorrow afternoon and dispose of this bill at that time, and then go back on the Interim Agreement on Offensive Weapons.

I thank the distinguished Senator.

AMENDMENT NO. 1505, AS MODIFIED

Mr. ROTH. Madam President, I send to the desk my amendment No. 1505, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER (Mrs. Edwards). The amendment, as modified, will be stated.

The legislative clerk read as follows:

Beginning on page 63, line 17, strike out through page 66, line 23.

On page 67, line 1, strike out "Subtitle C" and insert in lieu thereof "Subtitle B".

Beginning on page 100, line 1, strike out through page 112, line 15, and insert in lieu thereof the following new title:

"TITLE III—LIMITATIONS ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

"LIMITATIONS ON GRANTS TO STATES

"Sec. 301. (a) Notwithstanding the provisions of section 3(a) (4) and (5), 403(a) (3) and (5), 1003(a) (3) and (4), 1403(a) (3) and (4), or 1603(a) (4) and (5), amounts payable to any State under any such section with respect to expenditures incurred for social services for any calendar quarter commencing after June 30, 1972, shall be reduced by any such amounts as may be necessary to assure that the total amount paid to such State for any fiscal year (commencing with the fiscal year beginning July 1, 1972) under all of such sections with respect to such expenditures does not exceed the allotment of such State for such fiscal year (as determined under subsection (b)).

"(b) For such fiscal year (commencing with the fiscal year ending July 1, 1972) there shall be allotted to each State—

"(1) an amount which bears the same ratio to $2,750,000,000 as the population of such State (determined on the basis of the most recent data available from the Bureau of the Census as of the beginning of such fiscal year) bears on the population of all the States (as so determined); and

"(2) in the case of any State whose allotment (as determined under paragraph (1)) is less than the smaller of—

"(A) the total payments received by such State with respect to social services for the fiscal year ending June 30, 1972, under all of the sections of the Social Security Act referred to in subsection (a), or

"(B) $450,000,000,

such additional amount as may be necessary to bring the total allotment of such State for such year up to the smaller of the amounts referred to in clauses (A) and (B), reduced by such amount as may be necessary to assure that the total amount allotted to all States under this paragraph does not exceed $25,000,000.

"Sec. 302. In addition to any sums otherwise appropriated, for the purpose of enabling the Secretary of Health, Education, and Welfare to make payments to the States for social services provided under title I, X, XIV, or XVI or part A of title IV of the Social Security Act, there is hereby authorized to be appropriated the sum of $150,000,000 for the fiscal year ending June 30, 1973. The sums appropriated under this section shall be available to the Secretary of HEW for the making of payments to States with respect to such social services (including, but not limited to)—

"(1) to insure that no State is paid less for social services provided under any such title during the fiscal year ending June 30, 1973, than such State received for the provision of such services for the fiscal year ending June 30, 1972, and

"(2) to provide for making supplemental payments to States which provide social services under such titles during the fiscal year ending June 30, 1973, pursuant to revised plans for the provision of such services which were submitted to the Secretary of Health, Education, and Welfare prior to July 1, 1972, and which have entered into purchase of service contracts requiring payments in excess of amounts they would otherwise receive for the provision of such services under section 301 of this Act, and

"(3) to make additional payments to States upon approval of a State plan which demonstrates a clear and significant cost benefit, as that term is defined in regulations issued subsequent to the passage of this legislation.

"Sec. 303. For the purposes of this title, the term 'State' means the fifty States and the District of Columbia."

AMENDMENT OF AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970

Mr. CANNON. Madam President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3755.

The PRESIDING OFFICER (Mrs. Edwards) laid before the Senate the amendments of the House of Representatives to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such Act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, which were to strike out all after the enacting clause, and insert:

That, during the eighteen-month period beginning on the date of enactment of this Act, no State (or any political subdivision thereof) shall levy or collect any tax, fee, or other charge, directly or indirectly, on persons traveling in interstate, overseas, or foreign air transportation or on the carriage of persons in interstate, overseas, or foreign air transportation.

Sec. (a) The Civil Aeronautics Board shall conduct a full and complete investigation of taxes, fees, and other charges levied and collected by States and their political subdivisions, directly or indirectly, on persons traveling in interstate, overseas, or foreign air transportation or on the carriage of persons in interstate, overseas, or foreign air transportation in order to determine the effect of such taxes, fees, or other charges on air transportation in the United States. Not later than twelve months after the date of enactment of this Act, the Board shall report to the President and to the Congress the results of such investigation, together with such recommendations as it may deem appropriate.

(b) The Civil Aeronautics Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Board, the head of such department or agency shall furnish the information so requested.

(c) In the conduct of the investigation required by this section, the Civil Aeronautics Board may hold hearings, issue subpenas, administer oaths, examine witnesses, and receive evidence in the same manner as provided by section 1004 of the Federal Aviation Act of 1958 (49 U.S.C. 1484).

Sec. 3. As used in this Act—

(1) the term "State" means a State of the United States, the Commonwealth of Puerto Rico, the District of Columbia, the Virgin Islands, and Guam; and

(2) the terms "interstate air transportation", "overseas air transportation", and "foreign air transportation" shall have the same meaning given such terms by section 101(21) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(21)).

Sec. 4. There are authorized to be appropriated such sums, not to exceed $100,000, as may be necessary to enable the Civil Aeronautics Board to carry out the provisions of section 2 of this Act.

Sec. 5. The first sentence of section 12(a) of the Airport and Airway Development Act of 1970 (49 U.S.C. 1712 (a)) is amended by striking out "two years" and inserting in lieu thereof "three years".

And amend the title so as to read: "An act to provide for a moratorium on State taxation of the carriage of persons in air transportation, and for other purposes."

Mr. CANNON. Madam President, I ask that the Senate disagree to the House amendments and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Magnuson, Mr. Cannon, Mr. Hart, Mr. Cotton, and Mr. Pearson conferees on the part of the Senate.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. MANSFIELD. Madam President, for the information of the Senate, there will be no further votes this evening.

Mr. ROTH. Madam President, I ask unanimous consent that the name of the senior Senator from Illinois (Mr. Percy) be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that time on the pending amendment not begin running until tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that when the Senate completes its business tonight, it stand in adjournment until 9 o'clock a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER VACATING THE ORDER FOR RECOGNITION OF SENATOR RIBICOFF TOMORROW AND FOR HIS RECOGNITION ON WEDNESDAY

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the order previously entered recognizing the distinguished Senator from Connecticut (Mr. Ribicoff) for not to exceed 15 minutes on tomorrow be vacated, and that he be recognized instead on Wednesday for not to exceed 15 minutes immediately following the recognition of the two leaders under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that on the disposition of the amendment No. 1505, as modified, by the Senator from Delaware (Mr. Roth), the distinguished Senator from Illinois (Mr. Percy) be recognized for the purpose of calling up an amendment No. 1500.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BENTSEN TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that on tomorrow, immediately following the recognition of the two leaders under the standing order, the distinguished Senator from Texas (Mr. Bentsen) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO LAY BEFORE THE SENATE THE REVENUE SHARING BILL FOLLOWING THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that following the recognition of the distinguished Senator from Texas (Mr. Bentsen) on tomorrow, there be a period for transaction of routine morning business of not to exceed 15 minutes, with statements therein limited to 3 minutes, at the conclusion of which the Chair lay before the Senate H.R. 14370, the revenue sharing bill; that the unfinished business, Senate Joint Resolution 241, the Interim Agreement on Offensive Weapons, be temporarily laid aside, and that it remain in a temporarily laid aside status until the close of business tomorrow or until the disposition of the revenue sharing bill, whichever is the earlier.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Madam President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

FOR VICTIMS OF CRIME

Mr. ROBERT. C. BYRD. Madam President, I ask unanimous consent—having been authorized by the distinguished majority leader to do so, and after clearing this request with the distinguished Senator from Arkansas (Mr. McClellan), the distinguished Senator from North Carolina (Mr. Ervin), and the distinguished Senator from Nebraska (Mr. Hruska)—that at such time as the victims of crime compensation bill S. 750, is laid before the Senate and made the pending business, there be a time limitation thereon of 1½ hours, to be equally divided between and controlled by the distinguished Senator from Arkansas (Mr. McClellan) and the distinguished Senator from Nebraska (Mr. Hruska); that time on any amendment thereto be limited to 30 minutes, to be equally divided between the mover of such and the manager of the bill (Mr. McClellan); that time on any amendment to an amendment or in the second degree, debatable motion, or appeal, be limited to 20 minutes, to be equally divided between the mover of such and the mover of the amendment in the first degree, in the case of amendments in the second degree; and that in the case of any debatable motion or appeal, the time in opposition thereto be under the control of the distinguished manager of the bill (Mr. McClellan).

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. ALLEN. Madam President, at this stage of the proceedings for the last 4 days, we have made inquiry of the distinguished majority leader or the assistant majority leader as to the plans of the leadership with respect to calling up H.R. 13915, the antibusing legislation bill. Each time, it has been pointed out to the Senate that the scheduling of that bill is a matter for the joint leadership to decide, and we have not yet had an expression from the Republican leader. If the acting Republican leader would kindly engage in a colloquy with the Senator from Alabama, the Senator from Alabama would appreciate being advised as to the position of the Republican portion of the joint leadership with respect to the scheduling of this bill. He would appreciate an expression from the acting Republican leader in this regard.

Mr. HANSEN. Madam President, may I say that I came on the floor just momentarily to assist, if I could, in the handling of the further debate on the revenue sharing bill. I regret that I am not prepared to respond to the inquiry by the distinguished Senator from Alabama on the question he has posed. I just could not venture an opinion.

Mr. ALLEN. Will the distinguished acting Republican leader be able to enlighten the Senate as to whether or not the Republican leader, the distinguished Senator from Pennsylvania (Mr. Scott) has been approached by the Democratic leadership with respect to reaching an agreement for a recommendation by the joint leadership on this question?

Mr. HANSEN. I am sorry, Madam President, to have to respond in the negative. I do not know whether the minority leader has been approached.

Mr. ALLEN. I wonder whether the distinguished Senator could advise the Senator from Alabama as to the whereabouts of the distinguished Republican leader, the senior Senator from Pennsylvania.

Mr. HANSEN. May I say that, as is rather a common practice, I am sure, when a bill is being debated for some time, as has the bill now before the Senate, the revenue sharing bill, it has been the custom for the chairman and the ranking Republican member to assume leadership positions, as indeed they have assumed them all day long.

I regret that I cannot be more helpful. I came on the floor only to relieve the distinguished ranking Republican member of the Finance Committee, the Senator from Utah (Mr. BENNETT).

Mr. ALLEN. As the Senator from Alabama recalls, on each of the four evenings that this question has been brought up, the distinguished Republican leader has not been occupying the leadership chair on the opposite side of the aisle. The junior Senator from Alabama would like to inquire as to what method is used from time to time by the Republican side of the aisle to ascertain the whereabouts of missing Senators. Does the leadership or the acting leadership send out an all-points bulletin to seek to locate the missing leader when he does not show up? What system is followed? Would the Senator mind enlightening the Senator from Alabama in this regard?

Mr. HANSEN. Madam President, I would be presumptuous, indeed, to try to detail any course of action to my distinguished and beloved colleague, the Senator from Alabama. Despite the fact that I have been a Member of this body for a little longer than he has been a Member of this body, I know full well how knowledgeable he is with respect to the rules of the Senate. He has been on the floor constantly. He has earned the admiration of all of us. He certainly has my admiration. I know that every maneuver, every device, every channel, every opportunity that is available to anyone to find out anything about any other Member of this body is at least as well known to the distinguished Senator from Alabama as it is to me. I suspect that if I were trying to find out about some Member, perhaps I would call his office. I do not know whether that has been done.

I repeat, Madam President, that I came on the floor only to relieve the distinguished Senator from Utah (Mr. BENNETT), who has been here a very long time today, as he has been for the past several days.

Mr. ALLEN. Does the Senator anticipate the presence of the distinguished Republican leader in the Senate Chamber on tomorrow?

Mr. HANSEN. I suspect so.

Mr. ALLEN. The Senator recalls that the distinguished Republican leader and the distinguished majority leader have great familiarity with this type of legislation, because they, acting as Senators from their respective States, had the famous—or infamous—Scott-Mansfield amendment as an amendment to the higher education bill. So they have great interest and knowledge and familiarity with this subject.

The junior Senator from Alabama would not feel that it would be too difficult for the two leaders to get together and decide on a time when the Senate would be allowed to consider this measure. What the Senator would like to inquire of the distinguished acting Republican leader is this: Does he anticipate that the Republican leader will be willing, as half—or the lesser half, possibly—of the joint leadership, to see the Senate given an opportunity to vote on H.R. 13915 prior to our adjournment by recess prior to the general election?

Mr. HANSEN. Madam President, I think the minority leader has been most diligent in the discharge of his duties as a Member of this body. I certainly think his record speaks for itself.

I can see that no useful purpose would be served in my trying to speculate on his precise activity at any given moment.

Mr. ALLEN. The Senator does feel that the Republican leader will be in the Chamber tomorrow and that he would have no objection to being questioned as to his plans and wishes with regard to scheduling this measure for Senate action?

Mr. HANSEN. May I answer the two-pronged inquiry of the distinguished Senator from Alabama by saying that I suspect that the minority leader will be in the Senate tomorrow, so far as I know. I have just returned from Wyoming, late this afternoon. I have not had an opportunity to visit with him. My guess is that if he is in town, he will be here.

I do not think that it would be appropriate for me to speculate as to his reaction to any question. I could say generally that I have found him to be very forthright and candid.

I see that no useful purpose would be served by my going beyond that in trying to guess what his attitude would be on any particular subject.

Mr. ALLEN. The Senator does feel that he will be here tomorrow to speak for himself?

Mr. HANSEN. As nearly as I know. The Senator from Wyoming is simply speculating. As I say, I have not seen him. If he is in town, I assume he will be here. Beyond that, I cannot go, in good candor.

Mr. ALLEN. I would hope that if the distinguished Senator from Wyoming, the acting Republican leader, should chance to come upon the distinguished Republican leader, he would advise him that there are Senators who would like to question him as to his attitude about the bringing up of this most important bill.

I thank the distinguished Senator.

Mr. HANSEN. I thank the Senator.

ORDER FOR RECOGNITION OF SENATOR FULBRIGHT TOMORROW

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that at such time as the unfinished business, Senate Joint Resolution 241, is laid before the Senate tomorrow, the distinguished Senator from Arkansas (Mr. FULBRIGHT) be then recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Madam President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Texas (Mr. BENTSEN) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair will lay before the Senate H.R. 14370, the revenue-sharing bill.

The pending question at that time will be on the amendment, No. 1505, as modified, of the distinguished Senator from Delaware (Mr. ROTH), on which there is a time limitation of 1 hour and 30 minutes. There will be a yea-and-nay vote on that amendment.

Upon the disposition of amendment No. 1505, as modified, the distinguished Senator from Illinois (Mr. PERCY) will be recognized for the purpose of calling up his amendment, No. 1500, on which there is a time limitation of 1 hour.

There will be yea-and-nay votes on that amendment and on various other amendments tomorrow.

As the distinguished majority leader has already stated, he hopes and believes that the Senate will complete action tomorrow on H.R. 14370.

Upon the disposition of such, the Senate will tomorrow resume consideration of the unfinished business, Senate Joint Resolution 241, the interim agreement on offensive weapons.

ADJOURNMENT TO 9 A.M.

Mr. ROBERT C. BYRD. Madam President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9 a.m. tomorrow.

The motion was agreed to; and at 8:02 p.m. the Senate adjourned until tomorrow, Tuesday, September 12, 1972.

NOMINATIONS

Executive nominations received by the Senate September 11, 1972:

NATIONAL MEDIATION BOARD

Kay McMurray, of Illinois, to be a member of the National Mediation Board for the remainder of the term expiring July 1, 1974, vice Peter C. Benedict, deceased.

PACIFIC NORTHWEST REGIONAL COMMISSION

Jack O. Padrick, of Virginia, to be Federal Cochairman of the Pacific Northwest Regional Commission; new position.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 11, 1972:

DEPARTMENT OF JUSTICE

Frank D. McCown, of Texas, to be U.S. attorney for the northern district of Texas for the term of 4 years.

CORPORATION FOR PUBLIC BROADCASTING

Thomas B. Curtis, of Missouri, to be a member of the Board of Directors of the Corporation for Public Broadcasting for the remainder of the term expiring March 26, 1976.

EXTENSIONS OF REMARKS

ARMY SURVEILLANCE OF CIVILIANS

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, September 11, 1972

Mr. HARRY F. BYRD, JR. Mr. President. Columnist James J. Kilpatrick, in an article published in many newspapers on September 7, forcefully presented the case against Army surveillance of civilians.

Mr. Kilpatrick's column is based in large part on the excellent report recently prepared by the Subcommittee on Constitutional Rights under the able chairmanship of Senator ERVIN, of North Carolina.

The column points out that it is still not certain that all of the dossiers accumulated during the surveillance period have been destroyed. Furthermore, there is the possibility of a resumption of the often objectionable snooping carried on by several Army commands.

Senator ERVIN's subcommittee and Mr. Kilpatrick have rendered an excellent service in drawing public attention to this issue.

I ask unanimous consent that the text of Mr. Kilpatrick's column, "How Long Before the Clocks Strike 13?", be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOW LONG BEFORE THE CLOCKS STRIKE 13?

(By James J. Kilpatrick)

WASHINGTON.—If it has been some time since you read "1984," let me recommend a return to George Orwell's classic; and then read a supplement to it. The supplement, published only a few days ago, is titled, "Army Surveillance of Civilians: A Documentary Analysis." We are not far from Orwell's bright cold day in April, when the clocks were striking thirteen.

This is a bone-chilling report, prepared for the Senate Subcommittee on Constitutional Rights under the direction of Chief Counsel Lawrence M. Baskir. The document achieves dramatic impact by not being dramatic; it sounds a thundering warning without raising its voice. For many years, politically active Americans have been wondering: Were they suffering a kind of paranoia, or was Big Brother really watching them? Answer: He was watching.

The report covers some familiar ground, already traversed in hearings before Senator Sam Ervin's subcommittee, but it contains much that is new. It transpired through the hearings last year that over a period of decades, going back at least to the time of Franklin Delano Roosevelt, the Army had been systematically gathering intelligence on civilians who might cause trouble. In the ensuing uproar, thousands of files and dossiers were destroyed, or so it was said, and orders went out to halt the surveillance.

Were the dossiers in fact destroyed? Has the surveillance ceased? Baskir leaves the questions unresolved. "It is unlikely," he says, "that we will ever know the extent to which the monitoring and the data banks have been cut back."

Baskir's report stops at Dec. 31, 1970. At that time, by his estimate, Army Intelligence "had reasonably current files on the political activities of at least 100,000 civilians unaffiliated with the armed forces." The Army then was maintaining more than 350 separate records centers. Some of these were enormous: Fourth Army Headquarters at Fort Sam Houston, Texas, had the equivalent of 120,000 file cards on "personalities of interest." At Fort McPherson, Ga., the Third Army had dossiers on 4,672 persons and 2,220 organizations.

Some of the most elaborately computerized files were maintained by the Continental Army Command, known as CONARC. At the press of a button, the computer could search through "2,269 pages of detailed summaries of the political beliefs and activities of nearly 5,500 persons." The information was known as "plink," computer shorthand for "personality link."

The plink on Subject No. 000001641, married female, Massachusetts, contained this derog info: "Has written a number of letters to U.S. Government officials, civil defense officials, and to newspapers. The letters are generally very critical of Federal and local government because of what she considers the futility of a civil defense program and refusal of countries to disarm."

The Army's dossiers, many of them drawn, like the foregoing plink, from FBI records, covered the whole landscape of political activity. The National Committee for a Sane Nuclear Policy, in one coding system, had Dossier No. ZA 00 90 26. The National States Rights Party was nearby: Dossier No. ZA 00 90 97.

Baskir's somber observation, in a concluding statement, evokes the Orwellion nightmare: "What separates military intelligence in the United States from its counterparts in totalitarian states," he says, "is not its capabilities, but its intentions." And he adds: "This may not wholly reassure many Americans."

How did this outrageous invasion of constitutional rights get started? It was for the best of motives: The Army wanted to prepare itself for the threat of internal revolution and major civil disorders. Then the cancer of bureaucracy went to work. People had to appear to be "doing something." Vast quantities of useless material piled up, and the technological wonders of computerized data processing did the rest.

Assuming that most of the dossiers have indeed been shredded, and most of the tapes wiped out, what is to prevent a recurrence of such surveillance in the future? That practical question, says Baskir, "remains to be considered." Thus ends his report; and we are left to wonder, to go back to Orwell, when our clocks will start striking thirteen.

SISTER MARY SEBASTIAN

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. WALDIE. Mr. Speaker, in these days when the headlines are occupied by tragic international events and seesawing national politics the actions of such people as Sister Mary Sebastian often go unacknowledged save by those fortunate enough to cross paths with her.

I take this opportunity to insert a newspaper article which aptly captures the spirit of the remarkable and versatile person of Sister Sebastian. I am deeply grateful to my friends Dick Martin and Bob Hughes for introducing me to her:

VERSATILE NUN, COUNSELOR ALSO WEARS COACH HAT

(By Pauline Metza)

"I was always a little on the wild side," said Sister Mary Sebastian mischievously as she discussed the two "hats" she wears at Xavier High School in Appleton, Wis., where she is a guidance counselor and coach of the girls' track team—among the few, if not the only women's coach who also wears a veil.

In Richmond visiting her long-time friends Mrs. Freda Martin and son Dick Martin of Twenty-first Street, "Coach Sister," as she is called at Xavier, took over the job last fall as a volunteer when the school was low on funds. "I knew absolutely nothing about track," she confided.

But that didn't deter Sister Sebastian who "loves a challenge and is a firm believer in doing what you put your mind to." She set about learning the intricacies of the sport. With the help of the manual, which she stayed up nights studying, and advice on the side, she said, "I didn't feel it was too much of a task to undertake."

The team of 25 girls ended up finishing the year under "Coach Sister's" guidance with two successful meets, then a second place win in a four school meet, and a state meet in which the team took 18 points. "They want me to come back in the fall and I'm going to," says Sister Sebastian with smiling determination.

Sister Sebastian's road to the convent and life of a nun for 35 years was a roundabout one. Just 18 and with ambitions to enter the entertainment world, she set out for California where she planned to stay with family friends while trying to crash Hollywood as a nightclub performer.

The trip had to be postponed because of the death of an uncle. Then she decided to visit a friend at Holy Family Convent in Manotowoc, Wis.

"I was brought up in Mingo Junction, Ohio," she said "and went to a Catholic School up to the 10th grade before going on to public school. In those days, the sisters never went out anywhere, never went to a private home. Classrooms were crowded and the Sisters were strict disciplinarians. All I thought Sisters did was crab to students and pray." "My impression was," she continued "that if you couldn't get a man, you went to the convent."

That childhood view took a dramatic reversal when she visited her friend at Holy Family Convent, taking along her silk stockings and hoping to have a little fun. "Here I met beautiful girls who had chosen to enter the life of a convent. They had such a joyous community."

She never left the convent, graduated from Holy Family College with a bachelor's degree, and after taking her final vows as a sister of the Franciscan Sisters of Christian Chartiy, worked in the field in Nebraska, Hawaii, Michigan, Ohio, and California. It was in the latter state that she first met the Martins when she was teaching at San Miguel Mission where Dick Martin had signed up for three months of volunteer work in the Mission School.

In the entertainment field since childhood days, Dick was doing some work in Hollywood at the time. For many years now, he has been part of the Dick Martin and Bob Hughes team, cafe society entertainers who perform at hotels and resorts all over the United States.

Sister Sebastian went on to receive her master's degree at Notre Dame in adolescent guidance and counseling and went to Xavier to set up the guidance department in 1962. She is respected throughout Wisconsin for her work with adolescents, an area to which she has been deeply committed for the past 15 years. A sign on her desk reflects a portion of her philosophy and explains some of the ease with which she can bridge any communications gap: "All people smile in the same language."

Giving her an additional understanding of the adolescent and their problems has been her own childhood "which was stormy," Sister Sebastian said. "I lost my parents early in life, was raised by grandparents who came from Europe, and felt I wasn't understood by them as readily as if my own parents had raised me."

"I've learned that it is important to have an interest, not only in the academic life, but in the whole life of the student," she said, a factor she feels has contributed to her own success as a counselor.

Although much of her counseling is routine, dealing with the emotional problems of students plays a big role, she said. "They might just come in to chat, but things come out to show they are hurting. These are turbulent years when emotions are at a fever pitch. Those who have a lot of support at home can weather this. For those with no one at home who is interested, there are problems."

Sister Sebastian's approach to counseling is not totalitarian. "I am there to support, not to command or demand," she said. She cited one case of a boy, emotionally insecure because he had no adult support at home, who waited for her every day. "He would tell me these little grievances and then he could function throughout the day," Sister Sebastian said. "It took all year of giving support so he could develop confidence in himself."

She practices what she preaches about participation in student life. "I don't hesitate to chaperone anything," she said. If her appointment calendar is free, she meets students in the hall between classes for a chat or counseling session with members of her track team.

As the only nun among 600 students, she participated in a "Walk for Development" which raised money for the poor. "When we got together for the big start," she said "Someone asked, 'who would sponsor a decrepit old nun like you?' So I was more determined than ever I was going to walk" and she did, finishing 16 of the 26 mile trek and making close to $40 for the poor.

"The kids thought this was great," she said. "I was showing what I thought of the poor, and not just with words. Kids are so sick of hearing just words from older people. Doing impresses kids a whole lot more. I don't think we have to talk any more. We just have to act."

Sister Sebastian performs at student talent shows, once doing a jazz version of old tunes. She did a soft shoe dance to "Sweet Georgia Brown" at a huge pep rally and send-off for the school's team which was going to the state basketball tournament.

She plays the ukulele and can do the hula, both of which she learned in Hawaii; and frequently performs at faculty parties as part of a combo on the drums, organ, and piano.

She can also make wine, an art she learned from her brother, and which is served at special occasion dinners at the convent. The recipe, which has made the rounds, includes concentrated grapejuice, sugar, dry yeast, and warm water, and "it's more of a ladies wine," she said.

Within the surrounding communities, Sister Sebastian works with the "Fish" good neighbor program geared to help the elderly, the poor, and the lonely. Volunteers sign up for one day a month, and their work might involve just talking to someone who is lonely or helping defrost a refrigerator.

She is secretary of the Family Service Association of Fox River Valley which offers counseling to families on the verge of "going on the rocks," families who can't afford an attorney or psychiatric advice. In an advisory capacity, Sister Sebastian also works with adolescent problems in the courts.

Participation in such activities outside the convent is one of the more liberal changes Sister Sebastian has seen come about during her many years as a nun. "Years ago," she said, "sisters didn't do these things. We went to visit relatives every five or seven years. Now we can go wherever we wish as long as it doesn't interfere with our work. We can engage in any activity without asking our superiors. When I was asked to be a coach, I could stick my neck out."

She resides at the Franciscan Sisters of Christian Convent in Appleton, Wis. where she lives in a community of 20 sisters. "All have a voice in what goes on," she said, a contrast to the structured life of a nun years ago. "Now we sit down in informal gatherings, plan a few structured activities, such as praying and eating together which we feel important. But everyone is listened to. Dress is changed. We have black and white. Happily we have maintained the veil."

"For the last four years," she continued, "we have had a special guitar mass for kids, letting them compose the songs, music, and liturgy. Our young priests are encouraging this."

Sister Sebastian, who teaches two sophomore religious classes, said, "Our discussions are relevant to the issues students are being faced with. We are talking about abortion, pre-marital sex, getting away from established things, the Vietnam war, peace, the meaning of peace and brotherhood. This is very relevent to the adolescent. They say older people are giving a lot of lip service to this and not doing a lot of real basic loving of each other."

Sister Sebastian flew back to Wisconsin last Sunday after spending two weeks here with the Martins whom she has known for 20 years, last seeing them 14 years ago and corresponding with them regularly. While here she accompanied her hosts on tours of the Bay Area, to Lake Tahoe, Reno, Sparks and Salt Lake City.

THE TOTAL ENERGY MESS

HON. CLIFFORD P. HANSEN

OF WYOMING

IN THE SENATE OF THE UNITED STATES

Monday, September 11, 1972

Mr. HANSEN. Mr. President, energy supply is a matter of utmost importance to the well-being of our citizens, the strength and growth of our economy, and the security of our Nation. America is currently hearing a great deal about the energy problem—the energy gap—the energy crisis. Call it what you will, the time may be imminent when instead of just hearing about it we will be actually experiencing it in terms of serious power shortages, public inconveniences, and stifled economic progress.

Our present energy problems did not just happen. They are largely the result of the Federal Government's uneconomic regulatory practices and ill-defined and frequently conflicting energy policies. These energy problems, caused by shortsighted governmental practices and policies, will be corrected only if we adopt a more realistic attitude with respect to energy economics. Some perspective can be given to this matter by realizing that between now and the year 1985, the Nation will have to invest $375 billion in new energy production and distribution facilities to meet energy demands. It is projected that the U.S. energy demand will double in the period from 1970 to 1985. In the case of oil, the demand is expected to rise from 15 million barrels a day in 1970 to nearly 30 million barrels in 1985. If we do not take immediate steps to maintain our present level of domestic self-sufficiency in oil production, it is projected that by 1985 oil imports will be a deficit factor in our balance-of-payments position in the magnitude of $25 to $30 billion.

Mr. President, the time for America to do something about the energy gap is now if we are to avoid the emergence of an energy crisis in the years immediately ahead. Governmental policies in such areas as environment, public lands, price regulation, taxation, and import controls are crucial factors affecting the discovery, development, and production of our domestic oil and gas resources. The future greatness of our Nation will be determined in important part by the energy policies we adopt and pursue today. The future availability of adequate energy supplies for the consuming public will be determined by the policy judgments that are made today by the legislative and executive branches of our Federal Government. Time is running out on us as we confront the crunch between supply and demand of energy resources.

The Weekly Staff Letter of David L. Babson & Co., Inc. for July 20, 1972, contains a perceptive comment on the Nation's energy problems. So Members of Congress can have the benefit of this excellent commentary, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TOTAL ENERGY MESS

One of the most serious problems facing the country is the total energy mess—in oil, natural gas, coal and nuclear power. Even though it is essential to the daily activities of every family and business, few realize that energy has become a critical problem, and even fewer the reasons for it or the enormous difficulties we face in solving it.

What is the "energy crisis", as it is sometimes called? Simply stated, it is a tangled web of conflicting national and international issues and objectives which must be resolved as soon as possible. Commerce Secretary Peterson has called it "not just a security problem, or a scientific one, or an economic one, or a balance of payments or environmental one; it is all of these, and probably more, interacting".

The dilemma we are in did not develop overnight. The economy's enormous growth since World War II required the continually expanding production and consumption of vast quantities of energy. At the same time, short-sighted regulatory policies increasingly restricted the interplay of natural market forces, thus creating more and more imbalances in the cost-price structure of competing energy sources

The cracks in the system began to open when environmental restraints were first imposed several years ago. These have run the gamut from inflexible opposition to offshore drilling, strip mining and the Alaskan pipeline, to long delays in approving liquefied natural gas and nuclear projects and to outright bans on the use of high-sulfur coal and oil.

Yet it ought to be clear that we cannot have clean, safe and aesthetically acceptable fuels at prices consistent with the previous national policy of "cheap and abundant" energy. The crux of the problem is not that we are running out of fossil fuel resources. There are sufficient underground reserves in the U.S. to take care of the country's growing energy needs for another century, or longer.

But what consumer advocates, price regulators and hell-bent-for-leather environmentalists are failing to take into account is that developing our potential energy supplies requires staggering amounts of capital, adequate profit incentives and long lead times. For example, it takes from three to seven years to bring on a new oil or gas field, two to five years to open a coal mine and up to ten years to plan and build a nuclear generating plant.

And the fact is that the U. S. production—and its economically available supply—of both oil and gas is now on the verge of decline for the fisrt time. In the case of coal, the ecologically acceptable supplies of low sulfur content are located in the Far West and the cost of transporting them to major markets is prohibitive.

Complicating the situation further, imported oil—hitherto the safety valve for any major energy shortage—is becoming more costly and less reliable. Keenly aware of the growing needs of the U.S. and Europe, the governments of the producing countries are extracting sharply rising taxes and royalties from international oil companies, which means higher import prices.

All this leads to one inescapable conclusion: the cost of energy will lose its long-held bargain status relative to most goods and services as fuel prices advance steeply in the years immediately ahead.

At the same time, higher prices alone will not clear up the energy mess. To avoid a serious shortage in the late 1970's and early 1980's—with attendant blackouts, brown-outs, turn-offs, rationing and economic dislocations—the diverse protest movements, the government policymakers, the Congressional tax committees, consumer groups and industry will have to agree upon mutually acceptable goals—both among themselves and with other nations.

It will probably take at least a full-fledged crisis for this to happen. Except for the fact that energy is basic to our society, the problem seems hopeless.

THE TOTAL ENERGY OUTLOOK

According to a recent study by the National Petroleum Council, U. S. energy demand will nearly double between 1970 and 1985. Nuclear power will supply a rapidly increasing share, but—at best—it will account for only 17% of total requirements in 1985.

Thus, we will have to continue to rely heavily upon the conventional fossil fuels to meet our stepped-up energy needs. And oil imports, which currently account for only 25% of oil demand, will exceed the domestic supply by the early 1980's. Following is a summary of the outlook for each major fuel.

Oil is expected to continue to provide two-fifths of U. S. energy consumption. Demand for this fuel should rise from 15 million barrels a day in 1970 to nearly 30 million barrels in 1985. However, domestic output—now at 11 million b/d and centered largely in mature Texas and Louisiana fields—will increase very little, if at all.

If it were not for the possible discovery and development of new offshore pools and the pending construction of the Alaska pipeline, most experts believe that U. S. production would be certain to decline. And this may happen anyway in view of the current politicial attacks on the already reduced depletion allowance and the rising tide of ecology.

In any case, oil imports from Middle Eastern and African countries—now artificially restrained by quotas—will increase dramatically. And since they will no longer be "cheap", they will impose what may be an insurmountable burden on our balance of payments.

In recent years, our international trade position has swung from an established $5–6 billion surplus to a $6 billion rate of deficit, leaving a devalued dollar in its wake. Yet we now face a mounting deficit on oil imports, which could skyrocket from $2–3 billion at present to $15–$20 billion by 1980 and to $25–30 billion by 1985.

How can we handle this mammoth financial load? The plain truth is that nobody knows. Another disturbing question is the desirability of allowing the nation to become so heavily dependent upon energy supplies obtained from an unstable and potentially explosive region.

Natural gas, a premium fuel, has been underpriced for years by the Federal Power Commission's policy of keeping the cost to consumers as low as possible. As a result, well over half of our energy growth has been based on cheap gas and this has led to serious dislocations, a current shortage and the possibility of future rationing.

In time. a change to more realistic pricing could stem the expected steep decline in production by stimulating the discovery of new domestic reserves. Unlike oil, imports are not an easy solution. The only overland source is Canada, which will not be in a position to export significant quantities of gas for years ahead.

To be brought in from overseas, gas must first be liquefied and then transported in cryogenic tankers. The entire process involves gigantic capital investment, long lead times and fixed price contracts along all the distribution channels to attract the necessary capital. In spite of these obstacles, liquefied gas projects are being planned—including some in Algeria and the Soviet Union. The indicated cost to American consumers is two or three times the price they pay for domestic gas.

Early this month, however, the FPC imposed restrictions on imported liquefied gas that would make it extremely difficult for pipeline companies to alleviate the gas shortage via this route. Some industry executives believe that this decision suggests a radically new regulatory philosophy which could jeopardize all non-conventional efforts to develop new gas supplies.

Coal reserves are abundant—600 times as large as current annual output. But new mine safety regulations and ecological restrictions have greatly increased costs, while the sudden adoption of strict air pollution laws has curbed the use of coal in power generation. The availability of low-sulfur supplies is limited. And removing the polluting elements from the big coal deposits in the East would require higher costs and prices.

Nuclear power, though a fast growing energy source, is expected to provide no more than 17% of total needs by 1985. And to accomplish this doubtful goal, 280 new plants of 1,000 megawatt capacity will have to be built, compared with the equivalent of only 10 such plants in operation today.

Nuclear development is being slowed by a combination of political, environmental and regulatory hassles over thermal pollution, waste disposal and fears of catastrophe. A fast breeder reactor—which uses a long-lived and clean power source—will not become practical for at least another decade. And fusion technology is much further away.

OTHER FORMS OF ENERGY

Over the very long run, oil can be produced from shale rock or tar sands, coal and oil can be gasified and even solar energy can be tapped. But these techniques will not even begin to become economically viable until the natural fuels have risen sharply in price, and their full development will take decades.

PRICING, PROFITS, CAPITAL REQUIREMENTS AND REGULATION

From now to 1985, the nation will have to invest an estimated $375 billion in new energy production and distribution facilities to meet the growing demand. Yet these funds are many times larger than can be internally generated by the companies and they are unlikely to be obtained from the capital markets at existing levels of prices and profitability.

The energy field is regulated by a hodge-podge of federal, state, and municipal agencies often operating at cross purposes. Unfortunately, the regulatory philosophy of the post-World War II era has largely put the short-run interests of consumers ahead of the long-term needs of the entire economy, including consumers.

A change in direction is vital to the national interest. Our available energy supplies—now under growing pressure—can be allocated much more effectively through a competitive price mechanism than by the outmoded system of artificial restraints.

Before blindly tossing the depletion laws into the trash can because they are "loopholes for the rich", we should examine whether these should not be increased—and/or new incentives created—to encourage the discovery of additional reserves and to attract the large amounts of capital that will be needed in all sectors of the energy field.

If policymakers decide to place environmental considerations ahead of energy costs, they should establish reasonable time tables and also expect consumers to pay for the resultant increase in the production costs of goods and services. In short, the energy companies need a new set of guidelines under which they can plan ahead with confidence in order to provide our society with the energy it will demand.

Straightening out the energy mess is not a matter of benefiting one group at the expense of another or of enabling the energy companies to make excessive profits. It is instead—or ought to be—a national priority of the highest order aimed at solving problems which pose grave risks for the economy and the nation's security in the years ahead.

FLEEING THE SHIP

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. MICHEL. Mr. Speaker, during the recent recess I noticed an editorial appearing in the August 21, 1972, edition of the Galesburg Register Mail calling attention to the fact that individuals and groups who might have been considered to be favorable to the candidacy of Senator GEORGE McGOVERN for the Presidency are not really all that enthralled with the Senator and his record. I include the text of the editorial in the RECORD at this point:

FLEEING THE SHIP

The New Republic, as everyone knows, is a consistently liberal journal, but McGovernomics was too much for Melville Ulmer in the June 24 issue. He concludes that the McGovern proposals are "notable neither for logical consistency nor irresistible political appeal," and, citing the Brookings Institution's recent budget study, he points out that "a substantial increase in tax rates over the next two years will be required even if no new Federal programs are undertaken . . . The net yield of (McGovern's) tax reforms and the cut in military spending would be, at most, $45 billion. Estimated new program costs looming in education, water pollution control, day care centers, public work, and national health insurance, in legislation that McGovern has supported, would come to about twice that amount."

Here Mr. Ulmer is being kind to McGovern: most analysts would say three times that amount. Thus Time assesses the cost of the new McGovern programs at $165 billion (June 26).

Sylvia Porter, the economic columnist for the liberal New York Post, concedes that McGovern's proposals could "frighten business and the stock market into a disastrous slump," but comforts her readers with the reflection that Congress would never pass them. Eileen Shanahan, a Times economist, points out, among other things, that McGovern could not conceivably raise corporate taxes by $17 billion without a rate increase—which, however, he disavows. Her implicit conclusion is that the McGovern package is unconvincing and amateurish.

Down at the liberal Washington Post, Nicholas von Hoffman finds McGovern's welfare proposals "horrendous" and "a pernicious extension of the power of the state."

When McGovern comes under attack by Tom Wicker, the New Republic, the New York Post, the Times, and von Hoffman, well, you know he's really in trouble.

Many long-time Democrats who contributed heavily to the Muskie and Humphrey campaigns are now reported to be heading for the door where George McGovern is concerned. Even more remarkably, sharp criticism of Sen. McGovern is being voiced by liberal journals and journalists who might have been expected to back McGovern all the way.

Sensing the spread of this malaise, John Kenneth Galbraith made a heroic effort on McGovern's behalf in an article in the Saturday Review last month called "The Case for McGovern."

"For months," concedes Galbraith, "friends have kept calling me to say what a mistake it was for McGovern to spell out his position . . . in such unnecessary detail." But this specificity, replies Galbraith, is evidence of McGovern's honesty: "Only an honest and serious man bothers to tell you exactly what he hopes to do." Yet even Galbraith cannot bring himself to the defense of McGovern's "fiscal policies that nearly everyone agrees are ghastly."

Galbraith's suave evasions aren't good enough for Tom Wicker over at the New York Times, however. Initially a fervent apologist for the McGovern economic program, Wicker finally did the arithmetic and concuded that the whole thing "was either extremely careless or deceptive." Going to the heart of the matter, Wicker even questioned McGovern's credibility as a candidate:

"Mr. McGovern cannot at one and the same time proclaim his intention to restore the 'credibility' of the President and . . . pretend that his program for income redistribution was just a casual idea to which he was never really committed. The fact is that it was only when analysts began to show the economic holes in the program that McGovern started backing away from it."

WHY TERRORISM?

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. RARICK. Mr. Speaker, acknowledging the fact that terrorists are criminals, then one may wonder why our liberal leaders do not recommend that we treat the cause of international criminality with the same understanding and compassion that has been adopted with regard to our domestic criminals.

Root causes, poverty, deprivation, and discrimination are now the accepted targets of domestic criminal justice. Force and injustice are now taboo.

A recent letter to the editor of a Washington paper offers this diagnosis as the cause for the terror binge by the Palestinians:

> For the past 28 years we have attempted to exclude the Palestinians from the human race. Can we sincerely expect them to conform to our laws and moral standards while we are denying their very existence. It has been suggested that some of the Arab governments share in the guilt. Perhaps they do, but if we are honest with ourselves then we must all share in this guilt. Israel which has deprived the Palestinians of their homes must share in the guilt. America which has turned a deaf ear to the Palestinian's call for recognition must share in the guilt. The Soviet Union which has attempted to exploit the Palestinians helplessness must share in the guilt. And all "civilized nations of the world must share in the guilt for having attempted to obtain peace and security for themselves while denying the existence of a nation of three million human beings.

If our domestic mobilization to solve the crime problem by rehabilitation is correct, then must we not apply similar understanding to the problems which cause the international criminals—the terrorists—if we are interested in solving the problem rather than in eradicating a nation of human beings.

I include a letter to the editor of the Washington Post from Muhammad Tahir:

[From the Washington Post, Sept. 10, 1972]

LETTER TO THE EDITOR

> The shock and the shame that developed in Munich while the world's athletes were participating in peaceful competition is shared by myself and the American-Arab community. There are perhaps no words that can express the true feelings of those who stood by helpless as the drama played itself out.
>
> To condemn the terrorists activities is all well and good, however, if it is our true desire to secure mankind from terrorism in the future it will take more effort on our part than the passing of new and harsh laws against terrorism. We must have the courage to face up to the problems which breed terrorism.
>
> For the past 28 years we have attempted to exclude the Palestinians from the human race. Can we sincerely expect them to conform to our laws and moral standards while we are denying their very existence. It has been suggested that some of the Arab governments share in the guilt. Perhaps they do, but if we are honest with ourselves then we must all share in this guilt. Israel which has deprived the Palestinians of their homes must share in the guilt. America which has turned a deaf ear to the Palestinian's call for recognition must share in the guilt. The Soviet Union which has attempted to exploit the Palestinian's helplessness must share in the guilt. And all "civilized" nations of the world must share in the guilt for having attempted to obtain peace and security for themselves while denying the existence of a nation of three million human beings.
>
> Jay Silvester, one of America's finest athletes, correctly noted, "The Olympics must remain aloof from politics. When they let the Rhodesians get thrown out, they were perpetrating something like this." Whether we are talking about white Rhodesians, black South Africans or semitic Palestinians, the world will be safe from terrorist activities only when we make an honest and sincere effort to eradicate those conditions which breed the terrorist.
>
> What better monument could be built in memory of those eleven Israelis who lost their lives than to build a new world in which no man would need to resort to violence in order to be heard and recognized.
>
> MUHAMMAD TAHIR,
> *Washington Representative, The Action Committee on American-Arab Relations.*

TRIBUTE TO MARVIN G. KIZER

HON. TOM STEED

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. STEED. Mr. Speaker, for the past 37 years, Mr. Martin Kizer, one of my constituents from Apache, Okla., has served the people of his area as a volunteer weather observer for the National Weather Service. In appreciation of his cooperation and outstanding service, the National Oceanic and Atmospheric Administration has selected him as one of 24 observers across the country to receive the John Campanius Holm Award. The following summary of his career is presented in acknowledgment of his distinguished achievements:

MARTIN G. KITZER

> Martin G. Kizer, the National Weather Service's Volunteer weather observer at Apache, Okla., since 1935, has been selected to receive the Weather Service's John Campanius Holm Award. Names of the 24 observers selected nationwide to receive the annual award were announced by the Commerce Department's National Oceanic and Atmospheric Administration (NOAA), parent agency of the Weather Service.
>
> John Campanius Holm Awards were created in 1959 by the National Weather Service and are presented annually to honor volunteer observers for outstanding accomplishments in the field of meterological observations. The award is named for a Lutheran minister who is the first person known to have taken systematic weather observations in the American colonies. In 1644 and 1645, the Reverend Holm made records of the climate, without the use of instruments, near the present site of Wilmington, Del.
>
> Kizer was honored for excellent service as a cooperative observer, outstanding cooperation, and unusual promptness in furnishing weather reports at Apache for 37 years.
>
> An octogenarian, Kizer continues to make the daily observations even under extreme or hazardous weather conditions. He regularly furnishes weather information to the

local newspaper and his records are available to interested citizens.

Kizer was previousy honored with the John Campanius Holm Award in 1964.

In his community, Kizer was Postmaster for 27 years until his retirement, and served as Sunday School Superintendent and Cub Scout Master for many years.

The National Weather Service has 13,000 volunteer observers throughout the United States who make and record daily weather observations. The information they gather is processed and published by the Environmental Data Service, another major component of NOAA, and forms a valuable part of the nation's weather history. Like many of these observers, Kizer serves without pay.

MR. JACK COHEN—A ONE-MAN CHARITY DRIVE

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. GUDE. Mr. Speaker, I was recently visited by a remarkable man who, at 83, has the spirit of a teenager and who has frequently been described as a one-man charity drive.

I would like to share with you an article that recently was published in Jewish Week about this fine resident of Silver Spring, Md.:

MR. JACK COHEN—A ONE-MAN CHARITY DRIVE

(By Albert Friedman)

You may have seen him delivering a public service announcement on television: his staring earnestness contending with the tyranny of time. He struggles to get to you in the frantic minute or so the station allots for his message—before the commercials for underarm deodorants crack down with the polished proclamations of Madison avenue.

He's Jack Cohen, 83-years-old, of Silver Spring, who describes himself as a sort of one-man campaign to help the underprivileged. He estimates his efforts have brought comfort to about 20,000 people over the past four years.

More than 50 years ago, when he was still in his 20's Cohen was cruelly stricken by polio and he has borne the stigmata ever since: a small, twisted frame that contains, however—as one observer put it recently—"a great spirit."

When polio struck, Cohen didn't know if he would ever walk again—but when he recovered the use of his legs he certainly made more use of them than most.

His physical frailty and disabilities do not prevent Cohen from scouring the neighborhood's food stores, furniture warehouses, laundries and cleaners for items that can be made available for the needy. He is unsparing of himself—and of anyone who has something to give to his cause.

His efforts have earned the plaudits of many agencies and individuals, including the Washington Home for the Blind, Holy Cross Hospital, Little Sisters of the Poor, Colesville United Methodist Church, St. Elizabeth's Hospital, Catholic Charities, Trinity Mission, Patrick Cardinal O'Boyle, the Archbishop of Washington, the Women's Interfaith Services and many, many more.

He received the $500 Thanks Award and plaque of radio station WINX. As a member of the executive board of the National Council of Senior Citizens, he was appointed by Mayor Walter Washington to the planning committee of the recent White House Conference on the Aging.

IMPRESSIVE RESULTS

Last year he was credited with collecting more than 18,000 garments distributed through Montgomery County agencies, such as the Community Action Committee and the Women's Interfaith Services.

The Russian-born octagenarian arrived in America with his mother to join his father in a laundry and dry cleaning business in New York. He had to quit school at 12 to work in the laundry for which he earned $3 for a six-day week plus a weekly allowance of five cents. He was a clothing salesman when he met his future wife Adele.

A tenant-activist of the Housing Authority's high-rise apartment on Fenwick ave., Cohen helped persuade authorities to install benches for the local park, and stop signs, and traffic lights near the apartment.

Right now, he's on the lookout for donations of used clothing and used furniture, all sorts of household items, rugs and lamps, pots and flatware which will be given to the underprivileged. Other items for which there is need include electric fans, washers and dryers, linens, drapes, mirrors—and many others.

The name, again, is Jack Cohen of 1400 Fenwick lane, Silver Spring, 20910, Apt. 515.

TRIBUTE TO AHEPA

HON. JOHN A. BLATNIK

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. BLATNIK. Mr. Speaker, ours is a Nation with a tradition of freedom in diversity. We have provided a refuge for all nationalities, races, and religious groups and have been enriched by the differences, achieving a deeper and more universal identity through the merging of divergent cultures.

As we celebrate the 50th anniversary of AHEPA, the American Hellenic Educational Progressive Association, it is fitting that we recognize the contribution of this group to the growth of our Nation as it is today. AHEPA has participated in American society in our most recent history by establishing and supporting a variety of educational programs as well as civic projects of importance to their local communities.

But we cannot ignore the deeper significance of the Hellenic heritage which has formed the very basis for Western society as it exists today. Our democratic system is, in fact, an offshoot of the participatory democracy conceived and germinated and practiced daily by the citizens of Greece centuries ago.

Our Nation has lived with this tradition of freedom and we as Americans have fought to purify it and extend the full meaning of its concept in the deepest and most significant way to all our American citizens.

I would like to commend the membership of this fine organization but particularly pay tribute to the local and district officers of the Order of Ahepa in Minnesota. The Duluth local chapter officers John Regas, James Schaeffer, Andres Maras and Bill Grias have given selflessly of their time and effort to promote local and national causes. I cannot forget to also mention the current district lodge officers John Regas, Peter Dress, and George Patronas who have worked to further the primary AHEPA objective of encouraging and promoting loyalty to the United States of America.

I am proud to have this opportunity to recognize this outstanding group and to wish them an equally successful future.

FACTS VERSUS FANTASY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. DERWINSKI. Mr. Speaker, the Life Newspapers, serving suburban Cook County, carried a very hardhitting editorial on Sunday, August 20, discussing the recent trips to North Vietnam of Ramsey Clark and Jane Fonda. Since their return, both have continued to perform in a notorious fashion and the points made in this editorial are, in my judgement, a totally accurate appraisal.

The editorial follows:

FACTS VERSUS FANTASY

Few people are expected to be gulled by the recent two-pronged attack of leading Democrats in the effort to make President Nixon the political target and hold him accountable for the Vietnam War.

Sargent Shriver, the umpteenth choice as a running mate for George McGovern, charged last weekend that President Nixon ignored a peace overture by the Communist Hanoi government. His charge was supported by Averell Harriman and Cyrus Vance, Democratic leaders who were conducting the Paris peace talks.

This fantasy was unmasked when they had to admit that the questionable peace moves by Hanoi came during the last three months of the Democratic administration of President Lyndon B. Johnson, who did nothing about it. Where were these men during the past four years and why didn't they speak out?

Shriver now bemoans the fact that Nixon didn't take the course of President Eisenhower who brought an end to the Korean involvement that was another Democratic legacy.

As anyone with any knowledge of history will recall Eisenhower upon taking office announced that he would send trained American army divisions into Korea and at the same time prepare two more combat divisions of Koreans in an all-out effort to end that war. The Korean truce followed shortly.

Shriver, who professes to want the Vietnam War ended forthwith (parroting the McGovern theme), attacks Nixon for the withdrawal of 500,000 American fighting men while at the same time was recommending the approach used by Eisenhower. Shriver obviously doesn't know what he is talking about and facts refute his almost every utterance.

Former Attorney General Ramsey Clark, an already discredited Democrat, joins with another ultra-liberal, Jane Fonda, both of whom are accused of "traitorous conduct," in assailing this country's role in defending its military in Vietnam.

Both Clark and Miss Fonda, with whose thesis McGovern ascribes, have broadcast from Hanoi protesting American bombing of North Vietnam while conveniently overlooking the Communist butchery of hundreds of thousands of South Vietnamese we have been helping to try to live in peace.

Clark's mental astigmatism has blinded him to the fact that the North Vietnamese have been given nearly every concession to bring an end to the war and obtain a return of the American prisoners of war. He is so naive that he believes the promises of the Communists whose word is valueless.

With other campaign issues available, McGovern and his party council would rather deal in fantasy than in fact. He chooses to disregard a recent poll conducted among our troops in Vietnam which show 70 per cent favoring the Nixon course, only 16 per cent supporting his own, 11 per cent undecided and 3 per cent for Governor Wallace. Hardly a recommendation for McGovern.

PRIVATE AVIATION NEEDS AND PROBLEMS IN THE WESTERN STATES

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. SHOUP. Mr. Speaker, like most of our Western States, Montana has much land, a low density of population, and great natural resources. Economic growth can be accommodated easily. Our scenic beauties and recreational resources are extensive and varied. Their enjoyment only needs to be made more practical for people living in other parts of the Nation.

Increases in economic development and tourism will yield more trade, more jobs, and more tax resources for our State and its communities. And for our visitors they will yield more opportunities for recreation, refreshment, and education.

Time has become more precious to everyone. Our Montana distances are great. Passenger rail service has declined almost to the point of extinction. Our highways are becoming congested. Only a handful of our communities enjoy scheduled air service and it is unlikely that their number will increase in the foreseeable future.

How can we encourage economic development and tourism in the face of the costliness of time, the greatness of distance, the congestion of the highways, and the limitations of scheduled transportation services?

One remedy lies in making our State more accessible to those who fly business and personal aircraft. They are looking for opportunities for investment and recreation—and their numbers are growing. But two handicaps make commerce and tourism in Montana and other Western States difficult for these people: an inadequate airport system and inadequate aviation weather service.

The standards for Airport Development Aid Program—ADAP—assistance under Federal law need revision. These standards are promulgated by the Department of Transportation's Federal Aviation Administration, specifically, its airport service.

Most of our communities and recreational areas will never have the traffic to support service by commercially scheduled air carriers—but that does not mean that such locations should be deprived of ADAP assistance to establish airports commensurate to their need and which will accommodate 95 percent of the general aviation type aircraft which could be used for access by air to these communities and recreational areas.

Present standards for airport development are often excessive to the needs of many of our Montana communities and recreation areas, since they include provisions for development beyond either present needs, reasonable expectations for the future, or the economic capacity of the community or State agencies available to support them.

This is not a problem limited only to our sparsely populated Western States. Indeed, even the densely populated State of Ohio has found that it can establish completely new airports, adequate for its present and reasonably foreseeable needs, using State rather than Federal standards, at a fraction of the cost required by meeting Federal standards for ADAP assistance. I submit that it should not be necessary for any State or community to overspend and overdevelop merely to meet an excessive standard in order to obtain Federal assistance for needed airport development.

Standards for ADAP assistance need revision to permit airport development based upon a realistic assessment of the needs, capabilities, and future prospects of the particular location rather than unrealistic hopes that the traffic may eventually warrant service by large aircraft. Too many of our communities have developed airports to airline specifications only to suffer a reduction in airline service or lose it entirely. Small communities and recreational areas need practical and realistic standards for federally aided airport development.

Another impediment to air travel in our Western States is the lack of adequate useful weather information. Particularly in our mountainous areas we need more observations and reportage of cloud levels or ceilings and visibilities. The National Weather Service has become too wedded to the idea of using a few observations, mathematical formulas, computers, and satellite pictures to produce its weather information. Consequently, the number of places at which weather observations adequate for aviation purposes are taken and the frequency with which they are taken has declined substantially.

It is now quite apparent to those who fly in mountainous areas that the available weather information is inadequate for safe and efficient air operations by small aircraft. To remedy this situation, weather observations need to be taken in more places and with a greater frequency. This we already know how to do and the cost is not excessive.

While some effort at developing automatic weather observing equipment has been expended by the National Weather Service, the amount of research on this program nowhere near approximates that which has been expended on many other weather research projects. The results to date have not produced a machine that will do the job properly. Solution of this problem would markedly reduce the cost of taking observations, particularly in remote areas. More effort should be devoted to obtaining a solution to this problem.

Transmittal of present weather information could also stand improvement. Aircraft now fly at speeds which often make it more practical to use information regarding present weather rather than outdated and unreliable forecasts to determine whether to fly or not, and if so, by what route. It seems timely to consider whether some of the emphasis on forecasting might not be better redirected to observing accurately and disseminating present weather to those who need it.

ANTIPOLLUTION PROGRESS

HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. KARTH. Mr. Speaker, I am particularly pleased by the result of the recent report on the paper industry released by the Council on Economic Priorities. Pleased since it pointed out the positive progress made in the area of antipollution by Hoerner Waldorf Corp. of St. Paul. The progressive leadership of this corporation clearly demonstrates what can be accomplished if a company sincerely dedicates itself to cleaning up the environment.

It is with pride, then, that I place on the RECORD an editorial from the August 30, 1972, edition of the St. Paul Dispatch that outlined several points in this year's report and gave Hoerner Waldorf the praise it so greatly deserved:

ANTIPOLLUTION PROGRESS

The spectacular turnabout in pollution control by the paper industry is an example of what can be done to protect the environment if people will adopt a positive approach.

Two years ago the Council on Economic Priorities, a nonprofit study group with both Ralph Nader and Barry Commoner on its board of advisers, blasted the paper industry in a harshly critical report title "Paper Profits." In a new report, issued this week, the council praised the paper industry as being "years ahead of others, such as steel and utilities" in antipollution efforts.

Hoerner Waldorf Corp. of St. Paul was one of the firms singled out for special praise. It is appropriate praise, since Hoerner Waldorf was one of the first to adopt a positive approach to environmental protection. That approach is illustrated in a comment by the firm's president, John Myers, after the report was released Monday:

"The basic philosophy and commitment of Hoerner Waldorf Corp. is simply this: We will meet pollution control standards in each state in which we have a mill or plant. Quietly, without fanfare or publicity, we are working to achieve this commitment, and we anticipate an expenditure of $40 million in a five-year period for pollution control."

This is the kind of attitude that will keep the poisons out of our water and the smoke out of our air.

The paper industry as a whole will spend about $840 million for cleanup from 1971 to 1975—some $90 million more than the council estimated would be necessary for minimum installation of up-to-date pollution control equipment.

Other Minnesota communities which will benefit from the cleanup program are Sartell, where the St. Regis plant has installed a primary clarifier and is putting in secondary treatment facilities, and Cloquet, where Northwest Paper Co., a subsidiary of Potlatch Forests, is undergoing a major renovation and expansion program. Both St. Regis and Patlatch were identified in the 1970 study as being among the country's most serious polluters.

Stories of great anti-pollution progress are uncommon. The paper industry is to be commended for its progress, attitude and leadership.

WAGE AND PRICE CONTROLS GET TIMELY EVALUATION

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. COUGHLIN. Mr. Speaker, I think that a timely and sensible evaluation of the wage and price controls program has been written by Donald Rumsfeld, director of the Cost of Living Council.

Mr. Rumsfeld's article appeared in the August 29, 1972, edition of the Philadelphia Inquirer in a guest column. He noted that the wage and price controls program "served to break this psychology of economic defeatism" which resulted from too many years of spiraling prices and wage increases.

As he so accurately noted, "perhaps one of the most valuable contributions of the flexible controls program has been to create a change in mood."

It is encouraging that while consumer prices have risen at a rate of 2.7 percent, average hourly earnings have risen at a rate of 5.6 percent. Real spendable earnings of the typical worker have increased at an annual rate of about 4.5 percent under the program, compared with almost no growth from 1966 to 1970.

I feel that Mr. Rumsfeld's evaluation places the wage and price controls program in its proper perspective and commend his article to my colleagues:

Mr. Rumsfeld's column follows:

DESPITE MYTHS, FLEXIBLE CONTROLS ARE WORKING

(By Donald Rumsfeld)

The wage and price controls program has been in existence for a little more than a year, and it has contributed to the present brighter economic picture. Strangely enough, some myths have also grown up during the same time about the operation of the flexible controls system, and they seem to persist against solid evidence to the contrary. It's time to lay these myths to rest; especially now because of attempts to inflate them still more.

The first myth is: The program controls wages but puts no effective limits on prices and profits.

The second myth is: The program has done nothing about food prices.

The third myth is: The decrease in inflation would have happened anyhow without a controls program.

As for the first myth, controls aim at holding wage increases within 5.5 percent a year, while the target for price controls is an increase of 2.5 percent. Price changes must reflect only cost changes and all controls on profit margins are in force on all companies except small businesses. These restrictions on businesses bar profit margins any higher than the avearge of the two best of the last three fiscal years.

The price of food is a sensitive area, despite the fact that an hour's work today will buy considerably more meat than in previous years. But the Cost of Living Council, the Price Commission and the Pay Board have attacked the problem on several fronts. First by putting all agricultural food producers under controls after the first sale. In other words; every item in a chain store must be considered—none are exempt—when figuring the chain's markups and profits and holding them under the required margin.

The wage controls on employes serving the food industry is another aspect of the attempt to hold down the prices. The reason controls have not been placed on agricultural products before the first sale is that such action historcially has led to blackmarkets and shortages.

The third myth, that a decrease in the rate of inflation would have happened anyhow, is hotly debated in economic circles. But there is good evidence that price behavior has improved under the economic stabilization program. Those critics who make their assessments only on the basis of the monthly march of the Cost of Living Index across the chart are missing an important point.

An assessment of the performance of the economy since the New Economic Policy began must be placed in the context of the broader goals for the economy. Those aims were to stimulate business and consumer expenditures, increase employment and encourage productivity while reducing the rate of inflation. Not, by the way, eliminating completely any rise in the cost of living, but bringing it down to a more reasonable rate.

The inflation rate, while still too high, was on a downward trend and the economy was undergoing a slow increase in growth at the time that the New Economic Policy was implemented. Why then, place controls on prices and wages? Because there was concern that an increase in the pace of the economy in response to added stimulus to business and consumer spending might result in contributing inflation and a conviction that it surely would have further contributed to the increased expectations of explosive inflation. The consumer could be left in a worse position that before, with more current dollars in his pocket but with less buying power. An evaluation then, of the controls program must take into account what might have been, as well as what actually happened.

This much is certain, and even the most determined critics must agree. The rate of inflation has gone down. Prices and wages have been restrained.

Remember the general feelings that prices were spiraling higher and would continue to soar without any prospect of their stopping? Remember the public's expectation that every time management and labor sat down to work out a wage settlement it would inevitably result in inflationary increases?

The public's only role was to foot the bill, or try to by seeking larger increases in wages next time. The controls program served to break this psychology of economic defeatism. Perhaps one of the most valuable contributions of the flexible controls program has been to create a change in mood.

More significant for the wage earner is the fact that gains have been made for the consumer in terms of real purchasing power. While consumer prices have increased at a rate of 2.7 percent, average hourly earnings have risen at a rate of 5.6 percent. Real spendable earnings of the typical worker have increased at an annual rate of approximately 4.5 percent under the program. This compared with almost no growth whatsoever during the period from 1966 to 1970.

Certainly the controls program is not infallible, and its results are not completely predictable. But it is fair to say that prices and real spendable earnings are in better shape today than they would have been if no hand had been raised to check inflation.

THE OLYMPIC TERROR

HON. JAMES A. BYRNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. BYRNE of Pennsylvania. Mr. Speaker, I strongly support House Resolution 1106, which condemns the barbarous actions in Munich of the Palestinian Arab terrorists, expresses the sympathy of the United States for the families and friends of the innocent Israeli Olympians, and which calls upon the civilized nations to deny sanctuary and support to terrorists.

That a peaceful institution such as the Olympic games should be perverted to the most base exploitation by a band of international renegades for the inhumane stage of wanton, wholesale murder is indeed the vilest corruption of civilized man. In the Olympic tradition, wars, and political conflicts stopped to allow the athletes to engage in their contests of skill and strength; but the tradition has been violated by these terrorists who invaded the Olympic Village to perform their heinous acts.

Were that not enough, the targets of the attack were the athletes from the State of Israel. For 25 years, the Israeli people have lived in a state of siege, constantly harassed and pummelled by Arab guns, continually provoked by the machinations of Arab criminals, and perpetually threatened by knives and bombs waiting in the night in the hands of cowardly assassins. Now the assassins have struck again, this time in what had been an atmosphere of international cooperation and brotherhood. That the assassins strike at all is appalling, but that they should choose to strike the innocent in the refuge of Olympic spirit is incomprehensible. The terrorists are, as the resolution suggests, uncivilized and undeserving of membership in the family of man.

Our immediate concern at this moment is to express, as best we can, our profound sympathy to the State of Israel, to the Israeli people, and particularly to the loved ones of the slain athletes, for the momentous loss they have incurred. But we must fulfill the intended meaning of our resolution and do what we can to stop these witless animals from further crimes. Every nation should turn its back on the terrorists, deny them sanctuary, deny them encouragement, and deny them the resources to continue on their trail of death and insanity. It is astonishing to me that some nations have said nothing of these crimes, that they remain silent and do not speak out against terror. Their silence assumes in the minds of the terrorists the proportions of assent and encouragement for their acts. It should be the accepted policy of this and every other nation to isolate through the strictest sanctions any nation or people who encourage terrorists.

THE AMERICAN DREAM

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. EDWARDS of Alabama. Mr. Speaker, I invite the attention of my colleagues in the House to an article which appeared in yesterday's Mobile Press Register. It tells the story of the realization of the American dream and is a fitting testimonial to a man who has made that dream work. As the subject of the article, Joe Moore states:

> To succeed you have to like to work and to work hard.

We are all proud of Joe Moore, and I include his story as a part of the RECORD:

LONG HOURS REMAIN UNCHANGED FOR SEAFOOD TYCOON

(By John Odom)

BAYOU LA BATRE.—Blood, sweat and tears is no rock musical group to Joe Moore.

It is, rather, what he gave of himself to become the first black seafood tycoon in Bayou La Batre, owner of Joe's Seafood.

Starting in 1964 with a pickup truck and an idea, he now presides over a seafood business which is worth more than a million dollars.

But there were years of 16-hour days and many a day stretched to 24 hours. And there were few days off for the man who was determined that the only place he cared to occupy was at the top.

Early each morning, regardless of the weather, Moore would load his pickup with crates of seafood and begin his work day selling and delivering fish throughout the Mobile area. Just as soon as he finished working the Mobile area, he again loaded the pickup, but this time drove to New Orleans where he had customers.

He also picked up more seafood for the next day's distribution in the Mobile area. This Mobile-to-New Orelans run was done five days a week for two and a half years.

FIRST EXPANSION

In 1968 his little business enterprise was successful enough to allow him to buy a boat. The boat enabled him to catch his own supply of seafood in addition to that which he received from New Orleans retailers. His business has continued to prosper and today he owns a large wholesale seafood business.

The pickup Moore used to deliver fish is gone now, replaced by many trucks making the daily run that their predecessor used to make.

But the trucks now cover more than Mobile and New Orleans. Joe Moore seafood is delivered along the Atlantic Coast as far as New York.

SUCCESS NOT FLEETING

And, instead of one boat supplying him, Moore now owns four, has four under construction and has contracts with 30 more owned by other fishermen who supply him. His fish business and his shrimp business each gross well more than a million dollars a year.

But Moore, who knows well how to claw his way to the top, does not just perch there and reap the benefits of his labors. Many realize benefits because what was once a one-man, one-truck firm now employs more than 50 people, black and white, on a year-round basis.

"I am an equal opportunity employer," he smiles.

He no longer has to make his daily run in his pickup. That's in his past. But it shows in his eyes, when he talks about the early days, that 1964 hasn't been or ever will be forgotten. His outlook on the early days is not of bitterness, despite the opposition that he encountered by being black and invading what was considered white man's territory. He considers this as one of the educational phases in his life that isn't found in a classroom textbook.

PRACTICAL KNOWLEDGE

According to Moore, "The seafood business is one of the few businesses in which formal education is not really an important factor." He himself is not well educated as far as formal schooling is concerned but is the equal to many college graduates because he is a graduate of the college of hard knocks and having to make it the hard way.

The reason formal education is not of the utmost importance in the seafood business he says, "is because to succeed you have to like to work and to work hard. You can't let a 16-hour work day bother you. That's why I say a person has to like to work to make it in his business."

He is willing, even anxious, to help anyone with a genuine interest in learning the seafood business.

"I got a lot of help from people when I started. Oscar Douglas, who owns Don Q. Seafoods in Mobile was a great source of help to me. His advice and faith in me helped me when I really needed it. Now as his supplier, I can help him, and that makes me happy."

He is currently working on several sets of arrangements which will help some skippers become owners of their own boats. He also encourages young men to enter the seafood business.

"With hard work and a good year a person with little education can earn up to $25,000 per year. That's mighty good money for a fellow with little education or trade training."

SUCCESS HIS OWN

Since he is sole owner of a million-dollar-plus seafood business the responsibility of decision-making rests solely on his shoulders. So far it seems that he has made all the right ones and if he has made any bad decisions they must have been minor and far between.

Moore is presently in the process of opening a "tourist trade," offering a line of frozen and fresh seafood. This will be Saturdays and Sundays so that the people who work daily and can't get off in time to catch the fresh seafood weekdays can get fresh seafood when they are off.

Joe says that his business has really changed since his pickup truck days except for one thing, the long hours.

EL MONTE'S SANDY NEILSON BRINGS HOME THREE GOLD MEDALS

HON. GEORGE E. DANIELSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. DANIELSON. Mr. Speaker, I am very proud to pay tribute today to one of my constituents, Miss Sandy Neilson, winner of three gold medals in swimming events at the Olympics in Munich, Germany.

Sandy Neilson amazed the swimming world when she captured first place in the women's 100-meter freestyle with an Olympic record of 58.59 seconds, upsetting Australia's Shane Gould who was favored to win the event.

Sandy won two other gold medals as a member of U.S. relay teams. In the 400-meter freestyle relay, Sandy led off for the U.S. team and was the first to break from the block, giving her team a lead which it never relinquished. The four young women from the United States set a new world record of 3:55.19 in the event, bettering the world and Olympic record old mark of 3:58.11 which was set earlier by the East German team. In the event the East German team finished second to theh U.S. record-setting team.

Sandy's third gold medal came when she finished the final 100-meter stretch of the women's 400-meter medley relay and brought the U.S. team to victory with a world and Olypmic record-setting time of 4:20.75. The United States held the former world mark of 4:25.3 and the Olympic mark of 4:27.52.

Sharing our pride in the achievements of Sandy Nielson is her home town of El Monte, Calif. On Thursday, September 14, El Monte is proclaiming Sandy Nielson Day to honor the Olympic gold medalist. A parade and dinner will be hosted in her honor.

It is indeed sad to know of the tragedy that has occurred during the Olympic games in Munich and our hearts go out to the families and teammates of the victims of the senseless actions that stand in opposition to all that the Olympics represent. It is heart-warming, on the other hand, to see the fair and open competition and the good sportsmanship demonstrated by the Olympic contestants such as Sandy Neilson and her teammates.

Sandy is an unpretentious 16-year-old student at El Monte High School, and a fine example of our country's youth. Her coach, Don La Mont, of the El Monte Aquatics Club, also deserves our tribute for his work in preparing Sandy for the competition in Munich. We are all proud of these tremendous achievements.

CAN ONE SHOOT ONE'S WAY INTO THE U.N.?

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. SPENCE. Mr. Speaker, it is beginning to appear more and more likely that the German Democratic Republic, which we know as East Germany, will be the next nation to be offered a seat in the United Nations despite its failure to meet the requirements of the United Nations Charter regarding respect for human rights.

In view of this likelihood, I thought it would be useful to bring to the attention of my colleagues a very excellent and thought-provoking analysis of the question by the very able editor of Die Welt, Dr. Axel Springer. I insert Dr. Springer's article at this point in the RECORD:

CAN ONE SHOOT ONE'S WAY INTO THE UN?

In a poll taken in West Germany over half of those interviewed favoured entry of the "German Democratic Republic" (East Germany) into the United Nations. The motives for their attitude were not mentioned. But they are obvious: detente, peace, coexistence, reconciliation, friendship between nations—topical slogans on every lip, in every ear. Hardly anybody examines or explains them any more. They sound good and save a lot of thinking.

As we know, the "GDR" cannot become a member of the UN unless West Germany opens the way. This decision is the last trump in the West German Government's policy for the East, the Ostpolitik. But unfortunately it looks as though the trump is going to be sacrificed. For East Berlin is pressing for UN membership, haughtily and indignantly.

Let us recall: years ago it was said that the West German Government would only take this step when human improvements for *all* Germans in their partitioned country were achieved. But soon Chancellor Brandt corrected this. "Outside influences" could also affect the date for the "GDR's" entry into the United Nations, he said. And one of these "outside influences" is the will of the new Secretary General of the UN to take the "GDR" into the world organization (as one of the "two German states") "as soon as possible".

PRINCIPLES AT THE HOUR OF BIRTH

What has happened? Are the erstwhile principles no longer valid? Have they been dropped?

More than thirty years ago, two years after the beginning of World War II, the British Prime Minister, Winston Churchill, and the American President Franklin D. Roosevelt met in the Atlantic Ocean—"somewhere on the high seas"—to talk about the creation of a world organization "on which they wished to found the hope of a better future". They signed an "Atlantic Charter", which laid down this about the future members of the Nations' Forum:

"They respect the right of all peoples to choose the form of government under which they will live." And further: "They wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them."

It was in this spirit that the United Nations organisation was born.

After the war nobody at first considered UN membership for Germany. The Germans, in whose name such horrible wrong had been committed, remained "in quarantine". In Germany too it was understood that a period of purification must elapse. Well, 27 years have passed. Is the time now ripe?

TRIUMPH OF POWER AND CYNICISM

Actually everybody must see that only nations should have a right to membership who accord with the principles of the UN Charter. The reality looks sadly different. In the United Nations palace in New York some states are represented which have many times been found guilty of infringement of human rights. Already in 1957 Winston Churchill said that the United Nations "had swollen beyond the intentions of their architects"; they must be doomed to failure if "opportunism guided their decisions".

A year before Paul Henri Spaak had deplored that in the UN "power and cynicism are triumphing". And seven years later Lord Home, the British Foreign Secretary, pointed out that the world organisation "applied double standards" in the question of self-determination for the people. Home summed up:—

"In the eyes of the United Nations self-determination, for instance, is for the Afro-Asians an absolute rule. But when Europeans claim the right, as for example in the case of Berlin and the Soviet Zone, other standards seem to apply."

Shall we dismiss such objections today as naive idealism or as unrealistic romanticism? Are we to wink and allow the view that the principles of human rights are only paper, but the reality of the UN is tactics, power politics and the utilitarianism of daily politics?

Whoever thinks thus becomes guilty.

STATUTES THE ONLY STANDARD

The protest that one state more or less infringing human rights is after all not decisive, would be sheer cynicism. An ailment cannot be treated by multiplying its causes. A breach of chartered principles and basic rights cannot be justified by further breaches.

Therefore whoever wishes to judge the question of UN membership for the "GDR" must measure this new member by the statutes which the UN has voted for itself. What other standard can apply?

The Declaration of Human Rights passed by the first General Assembly states: "Every man has the right to leave any country, including his own, and to return to his country."

But the citizens of the other part of Germany have not this right. Instead they are shot down if they seek to claim it. And nothing, nothing whatever, indicates that this will change once the East Berlin delegation walks into the United Nations chamber.

INCONVENIENT QUESTIONS ABOUT HUMAN RIGHTS

"Everyone has the right to freedom of expression and opinion; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

And the "GDR"? It is strange and depressing that this question is now considered almost "hostile to the easing of tension". Anyone who puts it must expect to be looked down on as a mischief maker, harming world peace as the United Nations understands it. The new, fashionable way of dealing with infringements of human rights is not to mention them.

This "second German state", which with the help of a freely elected West German Government is now to be raised to the exalted level of the UN Charter, was described ten years ago by the present West German Chancellor as a "miserable satellite state, neither German nor democratic nor a republic" which could not be consolidated "as long as the red sky of evening over the free part of Berlin evokes the hopes of the people behind the Wall."

MEMBERSHIP FOR A REGIME OF INJUSTICE?

The corpus delicti of injustice remains unchanged to this day. At least 67 people have been killed attempting to leave the "GDR" since the Wall was built. In this period frontier guards fired 1,410 times. Bullets struck in West Berlin, over the Wall, 372 times.

Can one shoot one's way into the United Nations?

The UN was founded when the world was still stunned by the scene of the Nazi murders, the annihilation of human rights and the destruction of human dignity. And now, "a German state", to the accompaniment of further murders, continued contempt of human rights and persistent fettering of human dignity, is to be accepted into the United Nations? And the "other German state", which took the path of human rights and vowed to preserve the dignity of every individual, is to open the door for this step over the threshold? Is it really hostile to the easing of tensions to see in this an act of inconsistency, indeed of unfaithfulness to our convictions?

The Social Democrat Otto Bach, until last year Berlin chairman of the German United Nations Society, set standards. He stated: "Membership of the Soviet Zone (East Germany) in the United Nations, the resulting recognition of its status as a state, would render the partition of Germany completely ineradicable. In addition, the UN itself would be burdened with new, difficult and surely insoluble problems."

THE "GDR" CANNOT FULFILL THE CHARTER

When he said this Otto Bach recalled the conditions of membership of the UN: "1. It must be a peaceloving state. "2. This state must be able and willing to carry out the obligations of the Charter."

The "GDR" is not capable and not willing to carry out the obligations of the Charter. No doubt is possible. We all know that. And those in our land know it who support "GDR" membership. Only one who has lost his faith in the realisation of human rights and replaced it by cynicism can feel at ease in his skin when he supports "GDR" membership in the UN. But anyone who does not regard traps, minefields and prison cells against free opinion as proper stations on the guilty "GDR" 's way to the United Nations, will have to oppose them. In the name of the human rights that are at stake.

Or is this not what is at stake now? What is at stake? Into the UN with the "GDR", out with human rights? That cannot be the political mandate for the free part of our native land.

A TRIBUTE TO JOHANN STRAUSS

HON. ALPHONZO BELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. BELL. Mr. Speaker, I would like to bring to the attention of my colleagues the fact that this year marks the 100th anniversary of Johann Strauss' only visit to the United States. Johann Strauss, the world-renowned Viennese composer, made his American debut in the city of Boston on July 17, 1872. It is significant to note that Strauss' initial appearance was made at the World Peace Jubilee, a festival commemorating the centenary of the proposal that the colony of Massachusetts separate itself from British rule. In celebration of this occasion, Strauss composed and directed the "New Jubilee Waltz," a waltz that enchanted the audience and one that concluded with "The Star-Spangled Banner." While in the United States, Strauss conducted 14 concerts in Boston and four more before huge and highly appreciative crowds in New York City.

The legacy of Johann Strauss lives with his music. Hundreds of millions of people of all ages, backgrounds, and nationalities have come to enjoy the compositions of this master musician, composer, and director. Known as the Waltz King, Strauss wrote over 150 waltzes during his lifetime, the most famous single composition being "An der schönen blauen Donau" or "By the Beautiful Blue Danube." Although best known for his waltzes, Strauss' talents created several operettas that have won worldwide acclaim together with numerous polkas, galops, and quadrilles.

Strauss' music dominated the life of Vienna much in the same way as the Hapsburgs had ruled their empire. His father, also a well-known and much-respected composer and director, had discouraged his son from studying music.

At the age of 19, however, Strauss started his first orchestra and played in competition with his father. From that time to the present Strauss' music has regaled his audiences.

Mr. Speaker, I ask that all of my colleagues join me in paying tribute to this man who has made an enormous contribution to the world of music.

POLLUTION CONTROL COSTS

HON. ROBERT E. JONES

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. JONES of Alabama. Mr. Speaker, those of us who have sought means to reduce and abate pollution of our lakes and streams for a number of years are aware that our goal of clean water is not to be had through a magic potion or a simple fiat, although this seems to be the doctrine of many who have come lately to the cause.

A recent editorial in the Decatur (Ala.) Daily, published by Mr. Barret Shelton, who is one of the most informed editors in the Nation on matters relating to proper use of water resources, commented on the complexities and ramifications of the price of pollution control.

The thought that every aspect of the water pollution problems needs to be considered in determining the solution merits greater consideration. I commend the editorial to the attention of my colleagues and that it be included as a part of my remarks at this point:

PRICE OF POLLUTION CONTROL TO RUN HIGH

There is no simple or quick answer to the pollution problem. After all it took us from the time our country was founded until now to reach our present condition.

But there is no question these problems can and must be solved, keeping in mind that time and money are vital ingredients.

Recently Dr. Joseph Ling of 3M's Environmental Engineering and Pollution Control Department appeared before the House of Representatives to testify on the problem. The Wall Street Journal reported excerpts from his testimony. It follows:

When I first heard about zero discharge, the first thing that came to my mind was not money; it was what is the environmental impact?

I mean the environmental impact because we are doing something to remove something from the system, because we are using a lot of energy and material to remove the last trace of pollutants from the water; because we cannot destroy the material and can only change the material from one form to the other; and therefore, what I was worried about, when we go to zero discharge, will we really take more pollution out of the environment than we will put in?

If we put more pollution into the environment, no matter if it is here or elsewhere, no matter if it is water pollution or air pollution, I call this a negative environmental impact. If we can take out of the environment more pollutants than we put in, I call it a positive environmental impact.

My major concern is, "What is the environmental impact of the zero discharge?" We did some figuring at one of our 3-M manufacturing plants. I must confess to you gentlemen that I had no intention of releasing this information to the public until I learned the answer.

First, what is the zero discharge? From my definition, as a technical man, we can have no zero. The discharge we are using for these calculations is based on the United States Drinking Water Standards published by the U.S. Public Health Service. For this particular question, I tried to purify the water from this particular plant to meet the same quality as the Drinking Water Standards.

To do this, I had to exercise a number of unit operations, such as distillation, neutralization, stripping, condensation, secondary activated sludge treatment, etc.

In order to do this, we would have to spend $25 million for capital investment and $3.5 million at least for maintenance and operation per year.

But that is not the point. The point is that while we are using this money, we have to buy necessary equipment, concrete and steel, to build this facility. In addition to that, we have to purchase 9,000 tons of chemicals to make this operation run. This includes sulphuric acid and caustic carbon, etc.

In addition to these 9,000 tons of chemicals, we have to purchase approximately 1,500 kilowatts of electricity.

Also we have to use 19,000 tons of coal to produce the steam for this particular operation. We figured we probably would remove about 4,000 tons of pollutants from the water of this plant.

In order to do this operation, we would produce 9,000 tons of chemical sludge and about 1,200 tons of fly ash from the boiler, 1,000 tons of sulphur dioxide, and 200 tons of nitrogen oxide in terms of air pollution.

This is only about 3M Company. How about the 9,000 tons of chemicals purchased from someone else in the country? In order, then, for him to produce 9,000 tons of chemicals for us to use for this particular process, according to the Encyclopedia of Chemical Technology, 1967 edition, I made a very quick calculation.

He would need 15,000 tons of natural resources to produce this 9,000 tons of chemicals, and he would also need additional power to do that job.

Meanwhile, he would produce 6,500 tons of sludge. That is—solid wastes.

How about the 1,500 kilowatts of electricity? According to the data published by the U.S. Public Health Service, he would have to use 6,000 tons of coal to produce these 1,500 kilowatts. Meanwhile, he would have to emit 350 tons per year of sulphur dioxide, 60 tons of fly ash, and 60 tons of nitrogen oxide, plus 100 million BTU's per year waste heat to be disposed of somehow, either to the air or the river.

How about the steel supply that we bought for the steel tank and the concrete tank? I would have to go to the calculation for the steel manufacturing and the cement operations, which I did not do.

From just the use of these major cycles I draw the conclusion: In order to remove approximately 4,000 tons of pollutants from this particular plant, we would have to use more than 40,000 tons of natural resources.

We would produce approximately 19,000 tons of waste material in terms of solid wastes or air pollution. That is four times as much as we removed from our plant.

In addition to that $25 million capital plus $3.5 million for annual operation, I think the most important thing is that the present effluent from our so-called equivalent secondary treatment plant is meeting the federal and state water quality standards.

My conclusion is that the zero discharge based on this particular operation would produce a negative environmental impact. If you looked into 3M's effluent pipe, yes, you would get a clear effluent. But you go up a little bit higher to look at the overall environment for the country and you would find that we created a lot more pollution than we have removed from this plant.

NEWS BULLETIN OF AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the RECORD the September 4, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. The bulletin is compiled and written by the staff of the ARBC Communications Committee. I take this action in any effort to keep my colleagues informed of activities and plans being made across the country preparing for the Nation's 200th anniversary in 1976. The bulletin follows:

BICENTENNIAL BULLETIN

The ARBC Executive Committee which met on August 29th in Washington, D.C. announced that the third quarter Commission meeting will be held on September 7th and 8th. Commission Members will address themselves to their role in planning and coordinating the nation's Bicentennial in a positive and constructive fashion.

The Department of Transportation of the State of Florida has announced plans for a water mode rapid transit system in the Miami area which will serve as a connector from the central business district to Miami Beach and connect with the Interama, a Bicentennial exposition in Miami. Currently, plans are to develop a hydro-ski vehicle application, by a vehicle that can obtain speeds of 45 miles per hour and provide service to 70 passengers per crossing.

The Greater Cleveland Bicentennial Commission with Mayor Ralph Perk as Honorary Chairman and Louis B. Seltzer as Chairman have set up cultural, historical, sports and summer festival committees. The Downtown Beautification Committee has arranged for beautifying the city and programming various downtown areas with music and entertainment, and the Cleveland Orchestra and the Cleveland Museum of Art are planning special projects for '76.

Mrs. Mitchell Doumit, Chairman of the Greater Federation of Women's Clubs Bicentennial Committee, stated in the September issue of the Club's *Bulletin*, "We shall suggest some specifics that we can do to participate in this commemoration of the birth of the greatest nation on earth. Let us assume this responsibility to promote reverence and respect for our country."

One of the projects of the Mississippi ARBC is the restoration of Jefferson College as a museum to interpret the history of the Old Natchez District and southwest Mississippi. The College, birthplace of Mississippi's statehood, is being restored by the State Building Commission, the Department of Archives and History and the Jefferson College Advisory Committee. Dedication ceremonies are planned for July 4, 1976.

The Citadel Museum in Charleston (S.C.) is currently showing an exhibition of the McBarrow collection of paintings depicting the evolution of the uniforms from the Revolutionary War to 1963. Coincidentally, staff members Mrs. Dorothy Turner and Miss Trudy Heuer are working on authentic Revolutionary War costumes that may be worn by Citadel cadets during the Bicentennial.

The National Society of the Daughters of the American Revolution announces that Dallas Corey has recorded an album, "The History of the American Revolution," which chronicles musically the most important events of the American Revolution. Endorsed by the NSDAR and the SAR, the record may be obtained at local record stores.

The Interior Department has announced a contract for a nationwide study of historic places involving the role of black Americans in U.S. history. The study will be conducted by the Afro-American Bicentennial Corporation with the Association for the Study of Negro Life and History serving as adviser to the project. The department said the study will recommend places for designation as National Historic Landmarks, deserving consideration for addition to the National Park System.

The Learning Corporation of America and the American Heritage Publishing Company, Inc. have produced two excellent films on the American Revolution: "Cause of Liberty" and "Impossible War." The films include Source Readings for use by teachers in a classroom situation. The prints would be invaluable audio/visual reference material for any organization or school.

The New York State ARBC has issued a booklet titled, "Landmarks of the Revolution in New York State." It describes 40 of the most important landmarks of the Revolution in the State, each with an accompanying map. Free copies may be obtained by writing the New York State ARBC, 99 Washington Avenue, Albany, N.Y. 12210.

Hon. George F. McDonald, Chairman of the Rhode Island Bicentennial Commission, announced that the Zap program for cleaning up the Blackstone River is scheduled for September 9th. The *Providence Journal* which is sponsoring the event has invited organizations, service groups and private citizens from around the state to participate in the massive clean-up.

The U.S. Army, which will celebrate its 200th birthday in 1775, has issued a manual for observing its bicentennial in the form of Army Regulation 360–1775. The manual tells unit commanders down to company level how to plan and coordinate activities which will run from June 14, 1975 to July 4, 1976.

The Kansas Departments of the Veterans of Foreign Wars and the American Legion and the Fort Riley-Central Kansas-First Infantry Division Chapter, Association of the U.S. Army have co-sponsored a proposed National Military Museum-Park to commemorate the observance of the Bicentennial in Kansas. Resolutions from the three organizations state, "Almost every generation of Americans has been called upon at least once to bear arms in defense of freedom, yet America is the only major nation in the world lacking a national museum and study center dedicated to the history and accomplishments of its armed forces."

R. Richard Wagner has been appointed executive director of the Wisconsin ARBC . . . Robert S. Wise was elected chairman of the Wichita Bicentennial Commission . . . The Representatives Town Meeting of Waterford (Conn.) created an American Revolution Bicentennial Committee in a resolution at an RTM session. The resolution stipulates that any Waterford citizen may join the committee.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

DEFENSE BUDGET

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. ASPIN. Mr. Speaker, I have been asked to insert into the RECORD a series of discussions of the defense budget prepared by the Congressional Action Fund. This chapter on the defense budget is one of eight being prepared by the organization for use by congressional candidates.

In the section I am introducing today there is an excellent discussion of the general differences between the administration's proposal, the Brookings Institution lower option proposal, and the McGovern proposal.

In succeeding days I will be introducing other sections of this excellent report. The first portion follows:

THE DEFENSE BUDGET

I. Military Spending: The Administration's proposal and two major alternatives.

II. Defense Spending Fact Sheet.

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Note.—The author of this chapter (except part II), who chooses to remain anonymous, has worked as a defense analyst for seven years in Washington, both in and out of government. Part II was prepared by CAF staff.

MILITARY SPENDING: THE ADMINISTRATION'S PROPOSAL AND TWO MAJOR ALTERNATIVES

By way of introduction

While specific defense issues have often played a major role in American political campaigns, the debate this year promises to focus on the broader questions of whether and how much to cut the defense budget. Three comprehensive schemes—each outlining an alternative overall size and composition of the nation's military establishment—have been proposed:[1]

The Administration's proposed budget and force structure for Fiscal 1973;

Senator McGovern's proposal, "Toward a More Secure America";

The so-called "lower option" outlined in a recent study by the Brookings Institution, and embraced by Senator Humphrey.

Our purpose is to summarize and compare each proposal, so as to introduce the reader, presumed to be a non-specialist in defense analysis, to the essence of the controversy. Following a brief look at each proposal in aggregate, we will contrast them in terms of the three dimensions which largely determine the size of the defense budget:

a) Force levels—How many units of each major force type should be maintained? When should older and less effective units be retired?

b) Modernization—At what rate should major weapon systems be modernized? What should be the characteristics of next-generation systems?

Table 1 lists the major features of the three alternative proposals.

TABLE 1.—MAJOR FEATURES OF THE 3 PROPOSALS[1]

	The administration program	The Brookings' "lower option"	The McGovern proposal
Total annual cost[2] (billions)	$89.0	$76.0	$65.0
Total active-duty military manpower (millions)	$2.3	$2.0	$1.7
Strategic forces:			
Land-based missiles	1,054	550	1,000
Sea-based missiles	656	656	656
Strategic bombers (ue)	463	255	200
Modernization program	(3)	(4)	(5)
General purpose forces:			
Army divisions[6]	13	[7] 13	10
Marine Corps division/airwings[8]	3	3	2
Air Force tactical fighter wings[9]	21	21	18
Navy carrier task forces[10]	[11] 12–16	12	6
Modernization program	(3)	(12)	(5)

[1] These comparisons should be treated with caution. In some cases, very different forces are being compared, due to the differing modernization programs envisioned by each proposal.

[2] Costs refer to total obligational authority, not actual expenditures. The figures for the administration's and the Brookings' proposals are average annual costs, fiscal years 1973–79, as projected in the Brooking's study, "Setting National Priorities." The McGovern figures is the adjusted cost of his program in fiscal 1975; the adjustment reflects pricing errors contained in the text. All costs are in constant (noninflated) 1973 dollars.

[3] Vigorous.

[4] Vigorous, except continental air defense.

[5] Slowed.

[6] A "division" is the major tactical unit containing within itself the equipment and services needed for sustained combat. Divisions vary considerable in size and equipment. On average, U.S. Army divisions presently consist of 16,000 men. The addition of incremental units necessary for protracted conflict bring the size of the so-called "division force" to 48,000 men. Additionally, some Army personnel are organized into units not associated with "division forces".

[7] 6 of these divisions would have 1 reserve brigade in place of an active brigade. A division usually consists of 3 active brigades.

[8] In the Marine Corps, close air support units are integrated with land combat forces into "division/wings." These units are considerably larger than Army divisions.

[9] An Air Force "tactical fighter wing," the major tactical unit capable of independent action, consists of 3 squadrons, each with 18 to 24 aircraft. Additional general purpose air forces includes reconnaisance and special operations squadrons, and various Air National Guard and Air Force Reserve units.

[10] Broadly speaking "carrier task forces" include the aircraft carriers themselves; associated destroyers and destroyer-escorts (4 to 8 per carrier); a variable mix of fighter, antisubmarine warfare, reconnaisance, and electronic warfare aircraft; and associated underway replenishment groups (supply vessels). Additional general purpose naval forces include amphibious assault ships, attack submarines, and escort vessels unaffiliated with aircraft carriers.

[11] There are presently 16 carriers in the active U.S. fleet. Brookings projects an inevitable decrease to 12 by the end of the decade. Such a decline has not been announced by the administration which would, no doubt, like to maintain 16 as long as possible.

[12] Moderate.

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[1] Four other aggregate defense budgets have been proposed in addition to the three discussed herein: General Gavin briefly sketched a proposal in the June issue of *Center Magazine* (Center for the Study of Democratic Institutions), Senator Proxmire has often suggested ways of cutting the budget (principally by eliminating cost overruns)—most recently in the August 3 *Congressional Record*, the Urban Coalition's *Counterbudget* remains one of the lower options (at $50.4 billion) and the lowest of all has been proposed by Professor Seymour Melman of Columbia University (see)*Congressional Record*, February 16, 1972).

The proposals in aggregate:

The Administration[2] has described its fiscal 1973 defense program as the minimum force structure and budget that could be recommended consistent with U.S. security requirements. Spokesmen have indicated that any but the most minor cuts would jeopardize the nation's security, undermine current international negotiations, and lead to increased tensions between nations.

Great emphasis is placed on the political consequences of decisions regarding military forces. The Administration argues that vigorous weapons development programs and stable force levels assure the permanence of our alliances and encourage adversary states to settle their disputes with the U.S. in a peaceful manner. Particular stress has been placed on the impact of defense cuts on the resolution of outstanding issues with the Soviet Union. For example, a relatively large shipbuilding program is said to deter Soviet advances in the Middle East; similarly, accelerated strategic weapons modernization programs are said to be necessary to encourage further strategic arms limitation (SALT) agreements.

The defense budget proposed in January would provide obligational authority of $83.4 billion in fiscal 73, an increase of $5 billion from last year's budget.[3] Of this amount, slightly more than one-fifth ($18 billion) will be used to finance the development, acquisition, and operation of strategic forces—heavy bombers, long-range missiles based on land and on submarines, the SAFEGUARD anti-ballistic missile (ABM) system, and continental air defenses. The bulk of the budget total ($52 billion) will go for general purpose forces—ground combat troops (Army and Marine), naval vessels, and tactical air forces. The incremental cost of the war in Vietnam is likely to be on the order of $4-5 billion.[4] The remainder of the budget will be used for air and sea lift forces ($2 billion), retired pay ($5 billion), military housing ($1 billion), and military assistance other than that related to Vietnam ($1 billion).

The fiscal 1973 budget request continues to trend toward accelerated spending for baseline military forces (i.e., those that would be in the force irrespective of the war) begun in last year's request. The extent of the acceleration can be seen in the size of the gap, this year, between what DOD expects in fact, to spend (76.5 billion) and what they would like to be authorized to obligate ($83.4 billion). Moreover, the acquisition program outlined in testimony by defense officials, particularly the modernization program suggested for strategic forces, portends continued real cost increases for the next several years. Assuming current plans are implemented, the Administration's baseline defense program is likely to average $89 billion per year, over the balance of the decade. This figure represents an increase in spending for baseline forces of 20% ($15 billion) over the amount appropriated for fiscal 1970. At its projected peak, in fiscal 1976 and 1977, the Administration's program is likely to cost near $100 billion, in terms of inflated 1976 dollars.

Senator McGovern[5] describes his defense program as sufficient to deter or counter foreseeable threats to the security of the United States or its allies, as defined by conservative planning assumptions. It is said to maintain a clear U.S. lead in technology, to operate sufficient forces for even remote contingencies, and to retain more than sufficient nuclear power to deter any combination of hostile states.

On the other hand, the proposal does attempt to eliminate needless military forces which only heighten international tensions and raise the cost of security. It aims, in the words of the proposal, "to find the line between conservatism and paranoia." Furthermore, Senator McGovern discounts the likelihood of political consequences attributed to changes in defense spending and force levels by the Administration. The proposal downgrades the importance of military forces as "bargaining chips" in international negotiations, and denies the postulated effect of year-to-year changes in defense spending on the expectations of other nations. Finally, the proposal considers military force as only one of many instruments for assuring America's security, and for fulfilling our responsibilities around the globe.

The budget resulting from the McGovern defense program would be considerably smaller than that implied by present Administration plans. The full extent of the cost differential is, however, a matter of some debate. The Senator's proposal suggests a budget of $51 billion in fiscal 1975 ($54.8 billion in inflated 1975 dollars). This represents a decrease of 40% ($35 billion) from the projected cost of the Administration's program in that year.

Secretary Laird and other defense officials claim[6] that the true cost of the McGovern program is somewhat greater, tracing the difference to a number of pricing errors. The cost factors used in the Brookings' study support this contention. Consequently, *the true cost of the McGovern defense budget is likely to be on the order of $65 billion in fiscal 1975; a sizable reduction nonetheless.*

The proposal would increase the share of the defense dollar that goes for strategic forces somewhat (from one-fifth to one-fourth). Although it assumes the termination of U.S. participation in Vietnam, the bulk of the savings would result from cutbacks in existing general purpose force levels, and a sizable slow-down in present modernization programs. Overall research and development expenditures (R&D) would be maintained near current levels.

The Brookings "lower option"[7] falls between the other two proposals. It shares with both the aim of providing sufficient military force to deter or counter foreseeable contingencies, as defined by conservative planning assumptions. Like the McGovern proposal, it discounts the political consequences of force level changes and specifies a somewhat more relaxed view of the international situation and consequent threats to U.S. security.

The proposal is estimated to cost an average of $76 billion per year, between fiscal 1973 and 1979, and is thus roughly midway between the Administration's budget and the adjusted cost of the McGovern proposal. Savings from the future level of expenditures implied by the Administration's program are obtained by making selective slow-downs in weapons modernization programs and, more importantly, by eliminating less effective components of existing force levels. The proposal justifies such force reductions on the basis of cost and efficiency factors. In Senator Humphrey's words, "cutting the fat in the military budget, but not the muscle."

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[2] The best single source for a complete description of the Administration's program is the annual posture statement: Secretary of Defense Melvin R. Laird, *Annual Defense Department Report, FY 1973* (Washington: Processed, February 1972). Chapter III of the Brookings' study—Charles L. Schultze, et al., *Setting National Priorities: The 1973 Budget* (Washington: Brookings, 1972)—outlines, highlights, and projects the implications of the Administration's program. The projections in this paper are taken from the Brookings study.

[3] All cost figures, unless otherwise stated, refer to constant (uninflated) fiscal 1973 dollars, and total obligational authority (TOA). The use of constant dollars will facilitate comparisons across proposals as well as between present and future costs. It will require the adjustment of costs presented in the McGovern proposal, however, which are given in terms of fiscal 1975 dollars. A 4% annual inflation rate is assumed for these calculations.

At times of rising defense budgets, TOA will be greater than actual expenditures, as money can be allocated much quicker than it can be spent. For example, while contracts can be signed quickly, the actual performance of services and consequent expenditures are likely to take longer. At times of declining budgets, the opposite will obtain. Over the long run, however, the gap between the two will be narrow.

[4] Incremental costs are those beyond what would have been required to finance our military forces in peacetime. For example, the incremental cost of the air war includes combat pay, aircraft losses greater than the peacetime accident rate, ordnance expenditures greater than the peactime attrition rate, and so forth. It does not include the cost of procuring the aircraft, base salaries, other peacetime operating costs, etc.

[5] Senator McGovern's proposal has been reprinted in the *Congressional Record* (January 19, 1972), pp. 388–401.

[6] Secretary Laird's rebuttal is contained in a letter addressed to Representative Rhodes of 5 July 1972. It is available from the Defense Department's Office of Public Affairs. The pricing errors occur, most importantly, with regard to: non-salary related operating costs, the military and civilian payroll, and retired pay.

Additionally, the proposal overestimates the incremental cost of Vietnam, and appears to make no allowance for one-time termination costs associated with large-scale force reductions.

[7] It should be noted that the Brookings' study simply presents this option as one of many, none of which are selected as a preferred course of action. See: Schultze, et al., *loc. cit.*

REMARKS OF THE HONORABLE DONALD E. JOHNSON AT THE 54TH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues the following remarks made by the Honorable Donald E. Johnson, Administrator of Veterans' Affairs, at the opening session of the 54th annual national convention of the American Legion on August 22, 1972, in Chicago, Ill.:

REMARKS BY DONALD E. JOHNSON

National Commander John Geiger, National President Bertha Parker, distinguished guests, and my fellow-Legionnaires:

It is a privilege . . . as well as a personal pleasure . . . to bring to this 54th National Convention of The American Legion the greetings of my 183,000 associates in the Veterans Administration. They join me in wishing you a most successful convention.

I have come here tonight . . . however . . . not only to bring you greetings . . . but also to tell you that The American Legion faces one of the severest tests in its history.

That test will be the preservation of the independent, viable, quality Veterans Administration hospital and medical care program which we know today . . . as the 93rd Congress faces the imperative of fashion-ing a national program to insure adequate health care at reasonable cost for all Americans.

This test can be met if you Legionnaires will tell the positive, dynamic story of the VA hospital and medical care program to the American people.

His record-high budget requests for VA medicine demonstrates more forcefully than any words that President Nixon knows well this story of countless accomplishments, ongoing achievements, and even more exciting potential.

Nonetheless . . . I would like to quote from the President's statement on the dedication this past June 16 of our new VA hospital in Columbia, Missouri.

"Fulfilling the Nation's obligation to its veterans is a matter of justice and national honor. Meeting their medical needs is one of our greatest national priorities. To ensure that they are met I intend to maintain and reinforce the independent system of Veterans Administration health care facilities when and as required."

Encouraging as this clear, concise declaration is . . . and it is nothing less than this . . . the fact remains the President needs the support of the American people. So do the Members of Congress who share his conviction . . . and ours . . . that the present quality, independent VA hospital and medical care system benefits not just our deserving veterans . . . but all Americans . . . indeed, all mankind . . . and must be continued as it now exists.

Tonight . . . I ask you . . . my fellow-Legionnaires . . . to return home from this great convention and tell the story of the VA hospital and medical care system.

Tell the story that we are going to treat one million patients in this fiscal year . . . and handle nearly 11 million out-patient visits . . . both record-highs.

Tell the story that on an average day in fiscal 1973 there will be 167,000 veterans who will need . . . and receive . . . medical care from VA.

Tell the story that we are going to add 248 new medical units to the Nation's finest as well as largest hospital system . . . including 12 new Drug Dependence Treatment Centers which will bring to 44 the total number centers opened by VA in a little more than a year . . . thus enabling us to care for many more veterans than the 20,000 cared for in fiscal 1972.

Tell the story that we are going to train 62,000 people . . . the greatest number in VA's history . . . in health delivery . . . that today one out of every three physicians practicing in the United States got his training through the VA . . . and that one-half of all third and fourth year medical students in the United States receive part of their training from VA.

Tell the story that VA is a laboratory for a new concept of health delivery.

And tell the story of VA medical research.

Research that freed mankind from the scourge of tuberculosis.

Research that perfected kidney transplants, and made possible portable hemodialysis units for home use.

Research that helped to develop the Laser cane for the blind . . . and the heart pacemaker.

Tell the story that two veterans at our VA hospital in Buffalo, New York, just last month received the first nuclear-powered heart pacemaker implants in the Western Hemisphere.

Tell the story of VA medical research that proved that hypertension can be treated . . . and that, hopefully, will achieve a breakthrough in conquering the deadly disease of sickle cell anemia . . . and thus give new hope and life to America's Black citizens.

I have unbounded confidence in the wisdom of the American people.

In this confidence . . . I tell you tonight that when they know not only the truly remarkable story of the Veterans Administration's hospital and medical care system . . . but that even more dramatic, dynamic chapters have yet to be written . . . they will not permit this story to end.

TEXAS RESIDENT HEADS AMERICAN LEGION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. TEAGUE of Texas. Mr. Speaker, for the fourth time in its long and distinguished history, the American Legion has elected a resident of the State of Texas as its national commander. Joe L. Matthews, of Fort Worth, Tex., was elected to that office by the delegates to the 54th national convention of the American Legion on August 24, 1972, at Chicago, Ill. I have known Joe Matthews for many years and know the qualities of leadership he possesses. By every standard of measurement he is qualified to lead this great veterans' organization, and I am proud that this honor has come to him and to my State and district. It is a tribute to the membership of the American Legion that they recognized in this fine citizen the qualities of character and leadership which are so urgently needed in these trying times. With Joe Matthews as commander, the American Legion can look forward to a year of dedicated service and added achievement. In his acceptance speech after his election, he discussed some of the current problems facing this Nation and pledged the resources of the American Legion toward their solution. I insert National Commander Matthews' acceptance speech, together with his biography in the RECORD.

ACCEPTANCE MESSAGE OF JOE L. MATTHEWS

Commander John, distinguished guests, my fellow Legionnaires. Many years ago I had a dream about being National Commander of the American Legion, but along the way the dream was lost, and I put it away. Several months ago some of you felt the dream should be revived and it was revived and culminated here today in my election.

I owe a deep debt of gratitude to those who encouraged me along the campaign trail, and I hope each one of them is savoring this moment with me because so many of us have worked so hard and so long to realize the reality of this moment.

To the members of my campaign committee and to my fellow Texas Legionnaires, I am most grateful for the loyal support which you have given to me. But I also recognize there have been Joe Matthews boosters throughout The American Legion, in each and every Department, for a successful campaign for the office of National Commander cannot be the work of a single Department—not even Texas. To my good friends in every Department of this great American Legion—my heartfelt thanks.

To the delegates to this Convention, I thank you for the vote of confidence you have just given to me—and I pledge to you that I will work diligently throughout this coming year in the cause of The American Legion for it now becomes a personal obligation with me to justify your confidence.

To my own dear wife, Pinky, and to all of the rest of my family, thank you for bearing with me and for sharing the rigors of this campaign. I would further ask the indulgence of my family for the year ahead because this next year is going to be even more demanding.

Speaking of a demanding year, this certainly has been one for our retiring National Commander, a man who has made tremendous impact for The American Legion both within its ranks and outside of our organization. For a really great year of service to The American Legion, will you join with me in a warm round of applause for John H. Geiger.

Under Commander John, and before him, Al Chamie, the words "Reach Out," became almost household words across this land, and I'm happy to announce that those words are going to remain a part of our theme for my term of office as National Commander. I, too, want to expand those words, and the full theme for our coming Legion year at the National level will be: "Reach Out—In Service For America."

There are many, many ways we can reach out to our beloved country, in her service, and one of the most important ways to me will be to *speak out* loud and clear, on behalf of this land that all of us love so well.

I say to you, there is no reason to be apologetic about America. America does have a need for strong, positive, forceful pro-American spokesmen. As we leave this convention city to return to our respective homes, let us do so with the strong resolve to make The American Legion that pro-American spokesman for the coming year.

To a large degree, the dissidents, who have been all too much with us for most of the decade of the sixties, have fallen silent. Unfortunately, they have left a cheap legacy of distrust and disenchantment with this great country among many young Americans, and with others who are not so young.

By giving undue emphasis to all the negatives—by failing or refusing to recognize anything good about America, when there is so much good to be recognized—these detractors who have talked so loud and so long have created a totally false impression of America among those who have listened to them.

America has indeed made mistakes—but let it be remembered that so has every other nation and every other government in the history of mankind. I say to you, and I say to the world, that it would be impossible for any nation on the face of the earth to match the decent idealism which we have brought to our role in world affairs.

I think, and I hope to prove during this coming year, that The American Legion can serve America well by sweeping away the fuzzy notions, the half truths and the untruths left behind by the spokesmen of nearly a decade of dissent. I speak of the critics of America in the most charitable of terms when I call them idealists who lacked realism.

Those critics, young and old, liked to call upon their Constitutional guarantees of freedom of speech and freedom of expression, not only to downgrade their country, but in many instances, sometimes involving violence, the dissidents prevented other people, whose views did not agree with theirs, from speaking. The exercise of the Constitution's guarantees to deny other people their Constitutional rights destroys the validity of any cause that reverts to such tactics.

I must recall, too, some of the confrontations that have been concocted by the dissidents with The American Legion and the irony of these situations never ceases to amaze me. In the first place, The American Legion seeks peace as ardently as any group in this country. In the second place, the Constitution with all of its promise and all of its guarantees of personal freedoms, would be a dead document if young Americans of other eras of our nation's history had failed or refused to defend our freedoms.

Yes, I speak very specifically of the men and women of The American Legion and of our comrades in arms of the great World Wars. If the military victories in either of those conflicts had gone to the enemy, the Constitution of the United States would have been destroyed along with the freedoms of the American people.

Yet, there have been instances at all levels of our organization where we have been accused of being militaristic war mongers, and worse. This is sheer nonsense. Members of The American Legion have been involved in war and we know it is a miserable business. We know that if America is to go to war again it will be our children who have to fight it. We do not want our children subjected to the horrors of war, and we believe the best way to maintain peace and freedom is to remain strong as long as there are those who would destroy freedom. History is the basis for the Legion's philosophy with regard to the maintenance of freedom and there is no more sound basis for planning the future than on the experiences of the past. We have heard a lot of simplistic reasoning, much of it from people who should know better, to the effect that maintaining military strength does not maintain peace. Those who peddle that line of reasoning also conveniently overlook the fact unilateral disarmament has never encouraged a lasting peace either. On the contrary, and we call attention to one of the conclusions of the Blue Ribbon Defense Panel: "The road to peace has never been through appeasement, unilateral disarmament or negotiation from weakness. The entire recorded history of mankind is precisely to the contrary. Among the great nations, only the strong survive. Weakness of the U.S.—of its military capability and its will—could be the gravest threat to the peace of the world."

It is my firm belief that in this matter of speaking up for America, we can provide a much needed service to our great land, and I also believe we will continue to serve America well by continuing our time-tested programs of service to America's veterans of all ages, service to the youth of our land, and service to our communities.

And let me close with a plea to American Legionnaires and to all Americans everywhere, to stand tall in the knowledge of your great accomplishments of the past. Stand tall, my friends, in the sure and certain belief that we can continue to improve upon everything that has been done. Stand tall in your faith that through your efforts, and with God's blessing, America will continue to be the hope of the world and that one day that hope will be fulfilled.

JOE L. MATTHEWS, OF HOUSTON, TEX., ELECTED AMERICAN LEGION NATIONAL COMMANDER FOR 1972–73

CHICAGO, ILL.—Joe L. Matthews, 59, of Fort Worth, Texas, was elected National Commander of The American Legion for 1972–73, by action of the 54th Annual National Convention of the Legion in Chicago, Ill., at the Convention's closing session here today..

Born at Wick, Pa., Dec. 30, 1912, be received his early education in Grove City, Pa., and attended Slippery Rock State Teachers College, Slippery Rock, Pa.

He is a veteran of two tours of duty with the U.S. Navy. He served his first enlistment from 1932 to 1936. In 1943, he re-enlisted and became a member of the Navy's famous Seabees. He was attached to a Naval Construction Battalion which saw service in the Marshall Islands, Okinawa and Hawaii. He was discharged in 1946 with the rank of Chief Boatswains Mate and holds two battle stars.

After his first duty with the Navy, he became a manager of a business firm in Fort Worth, Texas. Following his World War II service, he returned to his position as manager until he began his own Linemens Equipment Company, which he still owns and operates.

After he returned to Fort Worth following World War II, he joined Blackstone American Legion Post No. 482. He served his Post in many capacities, including adjutant, vice commander and commander.

He has served the Department of Texas as Department Commander in 1956–57 and as membership chairman. He also served on the finance and budget committee and for four years was Texas' National Executive Committeeman. He was vice president of The American Legion 1971 National Convention Corporation of Texas, planning the Houston National Convention.

He has held various positions of leadership at the national level which have moved him steadily forward through the ranks of the Legion membership, culminating in his election to the office of National Commander.

From 1958–61, he was the Liaison to the National Security Commission, and from 1958–60 was a member of the National Executive Committee Resolutions Subcommittee. He was also chairman of the National Liaison Subcommittee to the Civil Defense Committee from 1961–62.

Just prior to his election to the Legion's top position of leadership, he served on the Legion's National Internal Affairs Commission and was a member of the National Commander's Advisory Committee.

Throughout his Legion membership, he has been active in youth programs, such as the Legion's Oratorical Contest, School Awards Program, American Legion Baseball and Boys State.

Commander Matthews' activities with Legion youth programs is natural since he himself was active in Scouting. He attained the coveted rank of Eagle Scout. He later became a Scoutmaster, swimming instructor and camp director.

He is a member of Masonic bodies, including Chapter & Council, Knights Templer and Moslah Temple Shrine. He is also a member of the University Baptist Church and Fort Worth Elks Lodge.

Other service and veterans organizations in which Commander Matthews holds membership include the Fort Worth Chamber of Commerce, Veterans of Foreign Wars and the Disabled American Veterans.

He is married to the former Alberta Thompson who has had a distinguished career of her own in the American Legion Auxiliary. They have two children and five grandchildren.

RECIPIENTS OF AID OR ASSISTANCE UNDER THE VARIOUS FEDERAL-STATE PUBLIC ASSISTANCE PROGRAMS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. FRASER. Mr. Speaker, on October 1, 27 million Americans will receive a 20-percent increase in social security benefits. For a special group of recipients, however, this increase will be illusory. A growing number of older people are finding that when benefits are increased for one program—such as social security—they lose their eligibility for the nutritional, health or housing aid that they have been receiving from other Government agencies.

For example, I estimate that one-third of the elderly people in my District will lose eligibility for food stamps. Others will lose eligibility for medicaid. In 1973, many of my constituents may have their VA pensions reduced.

We need to deal with the interaction of Federal aid programs adequately. Legislation for a study and recommendations to eliminate conflicts are incorporated in the Older Americans Amendments passed by the House. However, that is a long-range solution. I believe we have an immediate and urgent need to protect the people who will be affected on October 1 of this year.

Below is the bill I plan to introduce:

A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or Federally-assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a)(10)(A) of the Social Security Act is amended by inserting "(I)" immediately after "(i)", by striking out "(ii)" and inserting in lieu thereof "(II)", and by inserting immediately before the semicolon at the end thereof the following: ", and (ii) the State agency shall, in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92–336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of this Act".

(b) Section 402(a)(8)(A) of such Act is amended by striking out "and" at the end of clause (i), by striking out "; and" at the end of clause (ii) and inserting in lieu thereof ", and", and by adding after clause (ii) the following new clause:

"(iii) in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, any part of such benefits which results from (and would not be payable but for the general increase in benefits under such program provided by section 201 of Public Law 92–336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of this Act; and".

(c) Section 1002(a)(8) of such Act is amended by striking out "and" at the end of clause (B), and by inserting immediately before the semicolon at the end thereof the following: ", and (D) shall, in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92–336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of this act".

(d) Section 1402(a)(8) of such Act is amended by striking out "and" at the end of clause (B), and by inserting immediately before the semicolon at the end thereof the following: ", and (D) the State agency shall, in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92–336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of this Act".

(e) Section 1602(a)(14) of such Act is amended by striking out "and" at the end of subparagraph (C), by striking out the semicolon at the end of subparagraph (D) and inserting in lieu thereof ", and", and by adding at the end thereof the following new subparagraph:

"(E) the State agency shall, in the case of any individual who is entitled to monthly benefits under the insurance program established under title II, disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of this Act;".

SEC. 2. (a) Subsection (g) of section 415 of title 38, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) In determining the annual income of any individual who is entitled to monthly benefits under the insurance pragram established under title II of the Social Security Act, the Administrator, before applying paragraph (1)(G) of this subsection, shall disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act."

(b) Section 503 of title 38, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In determining the annual income of any individual who is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, the Administrator, before appying subsection (a)(6) of this section, shall disregard any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act."

(c) In determining the annual income of any person for purposes of determining the continued eligibility of that person for, and the amount of, pension payable under the first sentence of section 9(b) of the Veterans' Pension Act of 1959, the Administrator of Veterans' Affairs shall disregard, if that person is entitled to monthly benefits under the insurance program established under title II of the Social Security Act, any part of such benefits which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336 or any subsequent cost-of-living increase in such benefits occurring pursuant to section 215(i) of the Social Security Act.

SEC. 3. Notwithstanding any other provision of law, in the case of any individual who is entitled for any month after August 1972 to a monthly benefit under the insurance program established by title II of the Social Society Act, any part of such benefit which results from (and would not be payable but for) the general increase in benefits under such program provided by section 201 of Public Law 92-336, or which results from (and would not be payable but for) any cost-of-living increase in such benefits subsequently occurring pursuant to section 215 (i) of the Social Security Act, shall not be considered as income or resources or otherwise taken into account for purposes of determining the eligibility of such individual or his or her family or the household in which he or she lives for participation in the food stamp program under the Food Stamp Act of 1964, for surplus agricultural commodities under any Federal program providing for the donation or distribution of such commodities to low-income persons, for admission to or occupancy of low-rent public housing under the United States Housing Act of 1937, for subsidized mortgages or rentals under title II of the National Housing Act, or for any other benefits, aid, or assistance in any form under a Federal program, or a State or local program financed in whole or in part with Federal funds, which conditions such eligibility to any extent upon the income or resources of such individual, family, or household.

SEC. 4. The amendments made by the first section of this Act shall be effective with respect to calendar quarters ending on or after September 30, 1972. The amendments made by section 2 of this Act shall apply with respect to annual income determinations made pursuant to sections 415(g) and 503 (as in effect both on and after June 30, 1960) of title 38, United States Code, for calendar years after 1971. The amendments made by section 3 of this Act shall be effective with respect to items furnished after August 1972.

MEXICAN INDEPENDENCE DAY, 1972: 162D ANNIVERSARY

HON. CHARLES E. WIGGINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. WIGGINS. Mr. Speaker, September 16 marks the 162d anniversary of the birth of Mexico's movement for national independence. On that date in 1810, Father Miguel Hidalgo y Costilla, a parish priest, rallied the citizens of the little town of Dolores and, amidst the ringing of church bells, sounded the first pronouncement of Mexican nationalism, the Grito de Dolores, the Cry of Dolores.

That historic call, which summoned the support of the Mexican people for ending Spanish colonial domination and proclaimed Mexico's right to be free, has been immortalized in the annals of Mexican history. It is traditionally pronounced each year by the President of Mexico to signal the beginning of the independence day celebrations. When it was first sounded 162 years ago, it initiated the revolutionary struggle which was to test the limits of the Mexican people's strength and courage, loyalty, and sacrifice, for over a decade.

Before he was turned back, Father Hidalgo and his army of about 75,000, poorly clad and poorly armed, but dedicated in a singleness of purpose to winning sovereignty for the Mexican people, had reached almost to the entrance of Mexico City. Although his courageous effort was repelled by the Spanish forces, and he himself martyred, Father Hidalgo and his men ignited the torch of liberty whch was passed on to other heroes of Mexican independence inspired by his dream. In his footsteps came Jose Maria Morelos, a mestizo priest and one of Father Hidalgo's lieutenants, who took command of the rebel army and succeeded in liberating the southern half of the country and establishing a revolutionary government before he was captured and executed by the Spanish Army.

The struggle was to endure another 5 years before the final defeat of the Spanish royalists by the Mexican revolutionaries under the leadership of Augustin de Iturbide who, on September 27, 1821, led the exultant army in triumph into Mexico City.

Each year on September 16, the Grito de Dolores, the beloved heroes, and the scores of Mexican patriots who devoted their lives, their valor, and their determination to the ideal of self-government and human liberty, are honored by the citizens of Mexico and by the many citizens of Mexican descent in the United States and elsewhere throughout the world.

We in the United States, who share with the Mexican people our own heritage of revolutionary struggle from domination by a European power, hold the commemoration of this holiday in special esteem. Throughout our two nations' histories, the peoples of the United States and Mexico have maintained close-knit ties of friendship based on a 2,000-mile common boundary, our common heritage, and myriad forms of cooperation in areas ranging from mutual defense to political, economic, social, and cultural efforts. Our nations have joined together in various boundary and water projects, in border industrial promotion, in combating communicable disease, in controlling narcotics traffic, and in many other areas of common concern.

Today we share with the Mexican people in their joyous commemoration of their nation's birth. We share with them their pride in the great industrious and prosperous nation that is Mexico today. We pay tribute to the Mexican people of the historic past and those today whose toil and effort have made Mexico a proud and strong nation, and to our own citizens of Mexican descent who have carried with them the honor and the proud heritage of Mexico in their lives in this country.

Mexico, we salute you.

CARDINAL O'BOYLE ENDORSES THE LETTUCE BOYCOTT

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. O'HARA. Mr. Speaker, there has been a good deal in the RECORD lately regarding the existence of a strike in the lettuce industry. I will not get into that rather technical dispute at this time, other than to say that whether or not the phrase strike applies, there is most assuredly a very real and very bitter labor dispute going on in agribusiness and in the lettuce industry in particular.

The United Farm Workers have urged a consumer boycott of iceberg lettuce to win union recognition and bargaining rights from growers.

On Labor Day, Patrick Cardinal O'Boyle, Archbishop of Washington addressed himself, not to the legalisms that are involved in discussing whether or not a strike exists, but to the moral question involved. And, as is his custom, he did not mince words.

His Eminence strongly and unequivocally endorsed the lettuce boycott, the

efforts of the United Farm Workers to bring farm workers to their rightful place in the mainstream of American economic life, and the leadership given to that union and that effort by Cesar Chavez, founder of the UFW, and a man described by the Archbishop as one of the most dedicated labor leaders in the history of the United States.

At this point, Mr. Speaker, I insert the full text of Cardinal O'Boyle's Labor Day statement be printed in the RECORD.

STATEMENT ON THE FARM LABOR PROBLEM

(By Patrick Cardinal O'Boyle)

Upon entering the Church this morning for this annual Labor Day Mass, each of you received a copy of the 1972 Labor Day Statement of the United States Catholic Conference. You will note that this Statement opens with a pertinent quotation from Pope Paul VI on the dignity of labor. The Church, His Holiness said, has the greatest sympathy for the workingman because "it sees in him and proclaims for him the dignity of man, the brother who is equal to every other man, the inviolable person upon whose face is impressed a divine likeness." The Labor Day Statement goes on to say that while "Pope Paul's concern for the dignity of manual labor is a familiar theme in Christian social teaching, . . . it takes on new meaning and new implications and must be applied in different ways in each succeedng generation, including our own."

My own experience, past and present, confirms the truth of this observation. As a native of Scranton, Pennsylvania—the center of the hard coal region—I can still recall very vividly that the condition of labor in that area around the turn of the century left much to be desired. The sturdy, God-fearing immigrants who labored in the mines and the mills in that bygone era—my own relatives, neighbors, and fellow-townsmen—were compelled, by sheer economic necessity, to work inhumanly long hours in dangerous, unsanitary conditions. Their wages were at a bare subsistence level. There was little if any legislation, whether Federal or State, to protect them against the ravages of unemployment, catastrophic illness, and occupational disability. Their unions, though led by dedicated men of great integrity, still were relatively weak and seldom a match for the entrenched power of corporate wealth.

As a result, many workers became old men before their time. They were completely worn out in their 40s or early 50s and were consigned to the scrap heap, so to speak. They and their families were left to fend for themselves, while younger and more vigorous workers—always in great supply—were recruited to take their place in the labor market.

It goes without saying, of course, that during the intervening decades, the condition of labor in the mines, the mills, the shops and the factories in the anthracite regions, as well as in the country at large, has markedly improved. While the average worker in the American economy is still faced with many serious problems—problems which society can ill afford to sweep under the rug—he is nevertheless considerably better off than his immigrant forebears, the men I was privileged to know as a boy growing up in Pennsylvania.

On the other hand, there is one group of workers in particular who have never been permitted to enter into the mainstream of our relatively prosperous society and, as a result, are perhaps even worse off in 1972 than were the immigrants who made up the bulk of the American labor force at the turn of the century. I refer to the 2,500,000 workers who harvest the crops that have made this the best fed nation in the history of the world. These workers—mainly Mexican-Americans, Filipinos, and migrant blacks—are truly the forgotten people of the United States. They are not covered—indeed they have been deliberately excluded from coverage—under most of the social legislation enacted during the past 40-odd years. Their wages and working conditions are pitifully below standard, and their housing, by and large, is totally inadequate. Moreover, until very recently, they have not been able to organize into a union of their own choosing.

At long last, however, the farm workers of this country are also beginning to come into their own. In the face of almost insurmountable obstacles, they have established their own union—the United Farm Workers Union—led by one of the most dedicated labor leaders in the history of the United States, Cesar Chavez—a man who is fully committed, as a matter of religious conviction, to the philosophy of non-violence and the principle of labor-management cooperation. This new union is still struggling to consolidate its limited gains while defending itself against increasingly powerful attacks from the outside. It needs and fully deserves the support of the general public. At the present time, as you undoubtedly know, it is carrying on a nation-wide boycott in a desperate effort to achieve its goal of collective bargaining. The issues involved in this controversy were outlined recently in a Statement issued by the Committee on Social Development of the United States Catholic Conference. Each of you has received a copy of this Statement. I fully subscribe to this Statement and urge all of you to do whatever you can to implement its recommendations.

What better day than Labor Day to commit ourselves to helping these disadvantaged workers—who are the salt of the earth—to achieve their basic human rights and to take their rightful place in the mainstream of American economic life. God bless them in their continuing struggle for justice—and God bless all of you for whatever assistance you may be able to give them in behalf of this worthy cause.

THADDEUS KOSCIUSZKO HOME NATIONAL HISTORICAL SITE

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. DULSKI. Mr. Speaker, the Subcommittee on National Parks and Recreation of the Committee on Interior and Insular Affairs held a hearing last Friday on legislation to establish the Thaddeus Kosciuszko National Historical Site in Philadelphia, Pa.

I introduced H.R. 11621 last November, and support for the project has been mushrooming steadily. Both the Senate Committee on Interior and Insular Affairs and the Senate approved similar legislation by unanimous action last March.

Thaddeus Kosciuszko played a vital role in America's fight for independence 200 years ago. It would be most appropriate to have this memorial to him restored in time for the bicentennial activities in 1976.

The historic significance is a matter of record, and I am hopeful that the committee will act promptly to clear the legislation for House action.

Mr. Speaker, as part of my remarks I include the text of my prepared statement to the subcommittee:

STATEMENT BY HON. THADDEUS J. DULSKI

Mr. Chairman, I appreciate very much your scheduling these hearings on my bill, H.R. 11621, and similar House bills, as well as on the Senate-passed S. 1973.

For the record, I am Thaddeus J. Dulski, a Representative of the 41st District of New York.

The purpose of this legislation is to authorize the Secretary of Interior to establish the Thaddeus Kosciuszko Home National Historic Site in Philadelphia, Pennsylvania.

The Senate bill was approved unanimously last March, both by the Senate and by its Committee on Interior and Insular Affairs.

There is no question about the authentic historic significance of the Kosciuszko Home because it already has been recognized for listing by the National Park Service in its National Register of Historic Places.

As our Nation prepares to mark its own bicentennial, attention naturally turns to those historic days 200 years ago when our forefathers were laying the foundation for the United States of America.

Thaddeus Kosciuszko played an important role in the American Revolutionary War even though he was a native of Poland and never gave up his citizenship although he lived the later years of his life as an exile.

Kosciuszko was a Polish patriot and revolutionary soldier who had studied engineering and artillery. Learning of the American fight for independence, he traveled across the Atlantic to work with DeLisle and Payne in developing plans for fortification of the Delaware River.

His successful work led to his commission as Colonel of Engineers in the Continental Army in October 1776. The following spring, he joined the Northern Army and advised on the fortification of Mount Defiance.

Kosciuszko's skill in choosing battlefields and erecting fortifications were integral to the stunning victory of the Americans over Burgoyne at Saratoga.

Indeed, the Commander of the American Forces at Saratoga, General Horatio Gates, described Kosciuszko's part in this battle as follows:

"Let's be honest. In war as in medicine, natural causes not under our control do much. In the present case the great tacticians of the campaign were hills and forests, which a young Polish engineer was skillful enough to select for my encampments."

Kosciuszko's engineering skill was utilized in the fortification of West Point to which he directed his attention from 1778 to 1780, helping to protect New York City from British attack by way of the Hudson River.

Following his work at West Point, Kosciuszko was attached as Chief Engineer with General Nathaniel Greene and the Army of the South where he contributed further to American successes. His chief functions were to survey the fields of operations, to point out strategic areas, to determine potential sources of food and water, and to devise means for the rapid transportation of troops and provisions.

Records show that when the campaign turned into guerrilla warfare, as so often happened, Kosciuszko disregarded his rank and fought alongside of the foot soldiers. For his service to the American cause he was promoted to brigadier general at the end of the war.

Thus it can be seen that Kosciuszko's role in the Revolutionary War was extremely important and was recognized at the time by the founders of the new Government, particularly Thomas Jefferson.

In fact, while Thomas Jefferson was Vice President of the United States, he visited Kosciuszko at the Philadelphia residence involved in this legislation. He asked Kosciuszko to travel to France on behalf of the

United States and in the interest of world peace.

The relationship between Kosciuszko and Jefferson was so close that Kosciuszko, while living in Philadelphia, wrote and delivered to Jefferson his last will and testament in which he bequeathed his fortune for the purpose of freedom of enslaved blacks.

Mr. Chairman, it is only fitting that this home in Philadelphia—the only home which Kosciuszko had in the United States—should be preserved as a national historic site in his memory.

The historic significance is clear, and there is wide support for the pending proposal throughout the Nation.

It would be most appropriate to have this legislation enacted so that the property can be acquired and renovation completed in time for the bicentennial observance in 1976.

I urge approval of pending legislation at the earliest possible time.

GEN. IRA EAKER DOCUMENTS FACT THAT DEFENSE BUDGET IS RELATIVELY LOW, AND CONFIRMS FACT PROPOSED MEATAX CUTS WOULD MAKE OF THE UNITED STATES A SECOND RATE POWER

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. FISHER. Mr. Speaker, in these times of confusion it is imperative that we have the best and most reliable information available relating to our national defense. One of the most respected authorities in this country on that subject is Lt. Gen. Ira Eaker (retired), who writes a syndicated column.

Under leave to extend my remarks I include a recent article written by General Eaker. Because of the vital factual information it contains, it should be widely read. The article follows:

DEFENSE BUDGET IN PARTISAN POLITICS

(By Lt. Gen. Ira C. Eaker)

Recently the defense budget has moved into partisan politics, a bad place to have national security.

The Democratic nominee, Sen. George McGovern, proposes the '73 Pentagon budget now before Congress be cut by $30 billion. He claims new weapons are unnecessary, they cost too much and, after all, his defense budget proposal is more, he says, than President Eisenhower's annual outlays for national security.

Here are some facts and figures pertinent to this defense budget debate:

The 1960 defense budget, Eisenhower's last, totaled $84 billion. The '73 Nixon defense outlay proposal is $83.6 billion, while McGovern proposes $54.8 billion, all in comparable '73 dollars. The average of the eight defense budgets while Eisenhower was President was $75 billion, in current dollars.

PERSONNEL SAME

The armed forces in 1960 totaled 2.5 million men; today there are 2.4 million men and women in uniform. McGovern proposes this be cut to 1.7 million.

It has been charged there is great Pentagon waste in weapons procurement and new weapons costs are outrageous. Since 1970, weapons costs rose 18.7 per cent. Price increases in the entire private industrial sector rose 21.9 per cent. The increase in weapons costs the last five years is about the same as the increase in the price of a 1972 automobile over the 1967 model.

It is curious the Democratic nominee should attack President Nixon for overspending on national security. The last four Kennedy-Johnson defense budgets averaged $86 billion—the four Nixon military budgets averaged $75 billion.

DRASTIC CUTS

Nixon has reduced the cost of the Vietnamese war from $25 billion in 1968 to $7 billion in 1972. He has cut military strength from 3.6 million in 1968 to 2.4 million in 1972. Civilian employes have been reduced by 300,000. Employment in defense-related industries has been cut by 1.2 million workers.

In 1968 defense costs represented 45 per cent of the federal budget; today they comprise 32 per cent. In 1968 defense outlays represented 9 per cent of the gross national product. Today they total less than 7 per cent of the GNP. Russia, incidentally, spends more than 18 per cent of its GNP on growing military forces.

Since the war is winding down and we are reducing our military forces by more than a million men, some are asking why we need $84 billion for defense this year while we spent only $76 billion last year.

PAY INCREASES

Congress has voted 11 pay increases for the military the past three years. It has also voted 11 pay increases for the civil service employes. These were overdue to make defense salaries comparable to similar jobs in industry. However, pay for military and civilian employes of the Defense Department will cost $6 billion more in 1973 than in 1972, despite the reduced force.

The increased costs of weapons and people account for the proposed budget increase from $76 billion in 1972 to $84 billion in 1973.

There is frequent demand to save on defense in order to increase outlays for health, education, welfare and pollution control. These well-meaning advocates appear oblivious to the fact this reorientation has already taken place. Nondefense (principally HEW-related) expenditures in the federal budget increased from $15 billion in 1965 to $75 billion in 1972. The proportion of the federal budget devoted to defense is now the lowest in 23 years.

In the eight years while Eisenhower was President, the United States was the most powerful nation in the world. He kept it that way. A $54 billion defense budget the next four years will ensure the United States becomes a second-rate world power. Do a majority of our thoughtful, concerned citizens believe this is safe in these times? That is the crux of the present defense budget battle.

AUTISTIC CHILDREN'S WEEK

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. WALDIE. Mr. Speaker, I am pleased today to introduce a resolution authorizing the President to proclaim the last week in June of each year as "National Autistic Children's Week."

The tragic and heartbreaking story of autistic children is one that merits further attention from the people of this Nation.

Mr. Speaker, too many persons have no idea of the problems confronting these children and their families.

Autistic children would appear to be free from any problems of behavior at first glance. However, their behavior patterns, for some unknown reason, separate them from other children and require special attention and often medical treatment.

Mr. Speaker, I would like to quote from a publication of the National Society for Autistic Children which describes the plight of these children:

> They live in a world apart from others, seemingly inaccessible. Parents and others writing about them use such terms as "the invisible wall," "the glass ball," "the fortress," "the trance children." They seem unresponsive to the usual give and take of parent-child relationship.

Mr. Speaker, adoption of this resolution will do a great deal to assist those who are helping autistic children acquaint the Nation with a growing medical problem.

I urge the Congress to give rapid consideration to this resolution.

ENCOURAGING PRIVATE FUNDING OF HIGHER EDUCATION

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. COLLIER. Mr. Speaker, from time to time letters come to my office that are filled with logic and commonsense and so well written that they deserve a wider readership. One such letter was written by a young lady in my district who will be entering college this fall. I am confident that she will do well in her studies.

Her letter follows:

LETTER FROM CONSTITUENT

I am writing in regards to the informational booklet that I received from you today entitled "You Can Go to College." The booklet could have been of great value to me, had I received it before March 15, which is the date by which most applications were due. It doesn't really matter, though. It seems that I'm not eligible for most of them anyway . . . my father makes too much money.

Most of the scholarships today are given out on a very discriminatory basis. You have to be really poor to get one. The students in college today on scholarships or grants are not the cream of today's high school graduating classes. Most of the top students aren't given money to help them through school unless they have fourteen brothers and sisters and have been orphaned early in life.

It seems that the students that do get scholarships are only those that can prove that there is no way that they can make it through school without one. However, there are many of us who have the brains to deserve a scholarship, but can't prove enough financial need. Next year both my sister and myself will be attending college, and my family will most definitely be just making ends meet.

So I would like to close this letter with a big thank you for all the help you haven't given me. In the future, if I ever make it through college and get married, I will remember the tricks of getting financial help for school. One must either be completely poverty-stricken, or independently wealthy.

The list of graduating students was not available before March 15, which explains my inability to send the booklet sooner.

Altogether too much emphasis in recent years has been placed on being poor or disadvantaged and not enough on more revelant matters. While there should be no stigma in being poor, neither should there be any merit in mere poverty.

Being a member of a minority that suffers or has suffered from discrimination has its disadvantages. The disadvantages ought to be removed and tremendous progress has been made along this line, but the disadvantages should not be replaced by advantages based upon discriminating against other deserving students.

Higher education, like medical care, should not be available only to the rich, who are able to pay for it, and the needy, who can get it free because someone else, usually the taxpayer or a philanthropist, is paying for it. While everyone who suffers from illness certainly ought to be able to receive medical care, every high school graduate does not necessarily have to go to college.

Those who do go, however, ought to be selected on the basis of merit and not on whether they have wealthy parents who can afford to send them or are poor and, therefore, eligible for Federal scholarships. Rich men's sons and daughters will continue to attend college and some of them will make great contributions after graduation. We do not need to worry about them. We do need to be concerned about the indiscriminate granting of scholarships to those whose only qualification for them is their poverty or their membership in a minority group and the lowering of admissions standards that has swelled college enrollments.

While ending discriminations against minorities and removing financial obstacles that strew the paths of the poor, we have unwittingly made things more difficult for those who are neither rich nor poor. I refer to the great and numerous middle class.

The poor, having little property and receiving inadequate incomes, pay little or nothing in the way of property or income taxes, while the rich at the opposite end of the scale pay large sums into the public treasuries, because of their great wealth and high incomes and because of the progressive features of the income tax. The middle class, a much larger group than the poor and the rich combined, pays the bulk of the taxes and is, therefore, the backbone of our society.

The members of the middle class, like the parents of my young correspondent, are not rich enough to send one or more children to college without making financial sacrifices yet they are not poor enough to receive most available scholarships. In fact, they are the victims of a new kind of discrimination and are being penalized because of their lack of poverty. Some of them may at one time or another have been poor and may have moved up to the middle class through hard work, thrift, and doing without luxuries and semiluxuries.

Unfortunately, since the Federal Government's intrusion into the field of education, many parents who cannot afford to send their own children to college are forced through taxation to send the children of other people, not because those children have made good scholastic records but simply because the money is available.

On June 8, Congresswoman EDITH GREEN of Oregon, who is certainly not an enemy of education, made some interesting comments on the Higher Education Act of 1972. After inviting the House's attention to the opposition of hundreds of college and university presidents to the conference report on the measure, Mrs. GREEN said:

> I am opposed as a matter of principle to expediency, to taking what is offered by Congress simply because it is better than nothing. We react too easily to the dollar sign. I happen to believe that nothing is much better than many courses of action. I do think we should be firm in insisting that Congress not start false courses that cannot later be corrected . . . .
>
> In my judgement we are starting false courses and we are making false promises that we will never keep. The first false promise appears in the student financial aid section . . . of the conference report in Section 411(a).
>
> We state that every student who has been accepted for enrollment shall be entitled to $1,400 a year minus the family contribution. With the eighteen-year-old vote and new court decisions on residency requirements, and with the trend toward emancipation of more and more eighteen-, nineteen-, and twenty-year-olds, we invite youngsters to set up separate residences because parents will be willing and anxious to cooperate if by the new emancipation of their children they are relieved of the financial responsibility of helping to pay for higher education. This is accented, if by our action today the federal government says it will pick up the tab.
>
> I do not happen to believe that every student attending an institution of higher education is entitled as a matter of right to $1,400 of other taxpayer's money. I think any student financial aid supplied by the federal government should depend on the academic achievement and the motivation of the student . . . To use an economic incentive to try to persuade every student to go to college is following a wrong course of action.
>
> I cannot vote for this conference report because it is class legislation—with almost exclusive emphasis on the disadvantaged student—to the neglect of sons and daughters of middle-income families.

What is the answer to this problem that faces the middle class? One would be the shift in emphasis from mere financial need to merit, but I am not going to hold my breath waiting for such a change. I have a more practical solution to offer.

H.R. 11113, a bill that I have introduced and which is pending before the Committee on Ways and Means, would help middle-class parents without detriment to the poor and with but negligible help to the wealthy. This measure, the Higher Education Funding Act of 1972, would, if enacted into law, amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents. The amount deducted would be limited to the lesser of: $500 times the number of qualified beneficiaries; 10 percent of the taxpayer's adjusted gross income; or $2,500.

My bill provides that a qualified education fund must be established by the taxpayer pursuant to a written plan: First, solely for the purpose of defraying the cost of room, board, and tuition at an institution of higher education of one or more eligible beneficiaries; second, which provides that no distribution shall be made by the funding—except upon termination thereof—other than to, or on the behalf of, eligible beneficiaries; third, which provides that upon termination of the fund all assets of the fund shall be distributed to the taxpayer or to his estate; fourth, which provides contributions to the fund in excess of amounts deductible; and fifth, under which the taxpayer consents to the income tax treatment upon termination of the fund.

H.R. 11113 defines "institution of higher education" as an educational institution: First, which regularly offers education at a level above the 12th grade; second, contributions to or for the use of which constitute charitable contributions; third, which is legally authorized to provide and does provide a program of postsecondary education; and fourth, which is accredited by a nationally recognized accrediting agency or association listed by the U.S. Commissioner of Education.

Mr. Speaker, the objective of making higher education available to high school graduates whose parents are prosperous but not rich can be attained without establishing still another multibillion-dollar program financed by Federal income taxpayers. Such a program might unduly swell college enrollment, while a tax incentive which would require some financial outlay by the parents would most likely keep increased enrollments within reasonable bounds. I hope that hearings on H.R. 11113 can be scheduled for the near future.

TREMENDOUS ENVIRONMENTAL PROGRESS

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. SANDMAN. Mr. Speaker, more has been accomplished to protect the environment in the past 4 years under the Nixon administration than in all the previous 192 years combined since the Colonies joined to form the United States.

This tremendous environmental progress has been made despite an uncooperative Congress controlled by Democrats. Only a tiny fraction of President Nixon's legislative proposals to improve and protect the environment have cleared the appropriate committees, every one of which is chaired by Democrats.

Representing the Second Congressional District of New Jersey, I have strongly supported the Nixon administration on environmental issues. I have voted for every genuine and realistic environmental bill that has come before the House of Representatives. I serve on the Republican Taskforce on Population Growth and Ecology.

Because I believe in it, I have done everything I can on this issue, not only as a Member of Congress, but also as a citizen. Just during the past 2 years of the 92d Congress, for example, I have led the fights against ocean dumping, offshore oil and gas drilling, deepwater oil port proposals, and the Federal threat to prohibit State efforts to stop pollution, to mention a few issues of national importance in the environmental field.

At the State level, my efforts to insure conservation of the wetlands, beaches, and our relatively nonpolluted air and water resources are well known.

Often misunderstood has been my insistence that what is done must be done legally; the right way. The ends do not justify the means, except in rare cases. For example, I said a year ago that confiscation of a person's property without due process or compensation is not the right means to prevent destruction of the wetlands. That does not mean I want the wetlands destroyed as some uninformed environmentalist screamed. I do not.

The right way to legislate, in my opinion, is through careful and extensive research, deliberation and debate on each issue in public. In Congress, most of this preliminary work is done in committee, where experienced members, each a specialist, sort through all of the arguments and alternatives before reporting what they feel is the soundest language.

The wrong way to legislate, except in unusual circumstances in my opinion, is by spur-of-the-moment amendments to committee-approved language. The margin for error increases because of the scarcity of time, lack of testimony from outside experts on the issue in question and the fact that most of us prefer to have the benefit of the views of our constituents, something not possible when an issue is brought up suddenly.

Considering this background and my consistent record in support of every sound environmental cause, I found it bitterly ironic that some people became concerned about my environmental credentials when an obscure group issued a chart purporting to show how I and the other Congressmen voted on critical environmental issues in 1971.

The rating, compiled by the League of Conservation Voters, gave me a score of 11 and ranked me 356th out of the 435 Members of Congress. In other words, this outfit believes I am an environmental bad guy. They claim they are right and I am wrong on 13 of what they describe as the 15 "most important environmental votes in the House."

Of the 13 votes cited, seven of them are not genuine environmental issues, and the other six were floor amendments that were all rejected by large majorities.

The seven LCV votes I do not consider to be genuinely environmental were:

I voted twice against efforts to scuttle the supersonic transport (SST) aircraft.

I was necessarily absent on a vote to spend $180 million for family planning and contraceptive research.

I voted twice against spending billions on a boondoggle known as D.C. Rapid Transit System—Metro—in Washington, D.C.

I voted twice to strengthen the new Federal Election Campaign Practices Act.

The issues raised in the six amendments I opposed had been thoroughly considered by the appropriate committee in the House, but rejected for some reason by the experts. My own reasons on the six issues follow:

I voted to allow the Atomic Energy agency to bury radioactive wastes in a salt mine in Kansas instead of in the ocean as before.

I voted against a last minute effort to stop an atomic test at Amchitka Island, Alaska, because I did not believe the claims that it would cause the world to end. It did not.

I voted against a "channelization" amendment that could have prohibited waterway dredging, soil conservation practices, and the control of mosquitoes by "ditching."

I voted against three unrealistic amendments to the Federal Environmental Pesticide Act but voted for the committee version as the Environmental Protection Agency urged.

The league did give me credit for good judgment when I voted to kill a $100,000 "restudy" of a dam project, and when I voted to improve the Alaskan Natives land claim settlement.

The most interesting aspect is this group's selection of what is called the most important environmental issues in 1971. There were many highly significant votes on the genuine issues in 1971, such as:

I voted for the Marine Mammals Protection Act, which was considered vital to conservation.

I voted for S. 1116 to protect wild horses and burros.

I voted for the Pesticide Act of 1971.

I voted for the Ports and Waterways Safety Act so we can more strictly regulate congestion and pollution.

I voted for the Sandman amendment to prevent Federal preemption of State laws regulating ocean dumping.

I voted for the Ocean Dumping Act.

I voted for a measure to improve the national forests.

I voted for creating an environmental data system.

I voted for Fish and Wildlife Act amendments to stop aerial hunting of animals.

I voted for creating a National Advisory Council on the Oceans and the Atmosphere.

I voted for expanding desalting programs.

I voted for creating a Joint Committee on Environment.

Any of these 12 environmental votes are more pertinent than any of the votes selected by LCV. At the very minimum, these votes should have been counted. They were ignored.

What all of this boils down to is that rating systems are much like opinion polls: they can be tampered with and twisted to get almost any desired result. My voting record is rated by hundreds of different groups: ADA, AFL-CIO, COPE, ACA, ACU, Congressional Quarterly, Women's Lib, the Black Panthers, the CPUSA, and many others. But clearly the most misleading one to date is this one compiled by a group called League of Conservation Voters.

By comparison to my 11 rating, House Republican Leader GERALD FORD, Republican, of Michigan, is rated as 17, and the chairman of the Merchant Marine and Fisheries Committee, Representative EDWARD A. GARMATZ, Democrat, of Maryland, is given a 15 rating. Congressman FORD, of course, is the administration's spokesman in the House and Congressman GARMATZ is the author and sponsor of many outstanding laws to protect the natural environment.

Naive, inaccurate ratings do a great disservice to the officials involved. But more importantly to the cause about which they are compiled, they confuse and mislead less wary people and cause serious questions about credibility.

Such ratings are best left ignored.

ALBERT SOMMERS' PRESENT AUDIT OF THE ECONOMY

HON. WILBUR D. MILLS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. MILLS of Arkansas. Mr. Speaker, the marketplace of ideas, the late, great Mr. Justice Oliver Wendell Holmes liked to say, was America's best defense against abuses of political power and lapses of political wisdom. Although the Government cannot legislate new laws that the marketplace will necessarily obey, the attempts by the last generation to do just this have put us in need of a marketplace of economic ideas free from any suspicion of political bias or self-interested manipulation.

The conference board is dedicated to keeping an honest and realistic count on economic marketplace ideas and performance. Here is Senior Vice President and Chief Economist Albert Sommer's present audit of the economy:

ALBERT SOMMERS' PRESENT AUDIT OF THE ECONOMY

JANEWAY. What do you think of the 1972 industrial trend in the American economy?

SOMMERS. If you suspend consideration of a number of serious domestic and international problems confronting it, I'd say the industrial trend is strong and getting stronger. There are enough resources to feed it and heaven knows there's enough money around. The stage is set by policy and by industrial conditions for the kind of prolonged expansion that terminates in what we would have thought of ten years ago as cyclical inflation, that is, 2 to 4 percent inflation.

JANEWAY. What do you see as the domestic problems in the way of such a business cycle recovery?

SOMMERS. I would say that our economy, along with virtually every other mixed economy in the world, is overpromised and overcommitted and underfinanced. It is overpromised in terms of what government will do and underfinanced in terms of our desire to have consumption expand rapidly at the same time. And, of course, you put the two together and there just are not enough resources. We are trying to multiply private outlay and public outlay simultaneously. The result is overcommitments, which I believe are the fundamental source of inflation both here and in Europe. In other words, I think inflation is a symptom of growing contradictions in our socio-economic structure.

JANEWAY. What are these contradictions?

SOMMERS. Well, the basic contradiction is between a desire for economic security and a desire for economic freedom. We want full employment, but we don't want to accept the idea that this will require wage controls. We want fast growth and more public investment, but we balk at curbing consumption through regressive taxation.

JANEWAY. Meanwhile, we have price controls.

SOMMERS. Yes, and the longer they stay in existence, the harder they become to remove.

JANEWAY. Do you expect higher interest rates?

SOMMERS. Yes, up to about an 8 percent long-term rate, which is a tough rate, especially with price controls. I think these high rates are a kind of reflection of the permanent low-grade inflationary fever running through the whole economic system and not principally attributable to the business cycle. They reflect inflation generated by institutions that are no longer appropriate to what we require of them; for instance, the institutional structure of the labor market, our inadeqaute means of meeting social costs, and our heavy taxation of investment as opposed to consumption.

JANEWAY. When do you think the business recovery will begin to reflect these problems?

SOMMERS. Well, the problems will undoubtedly precipitate a debate about American economic institutions that may take three or four years to resolve and produce changes in the system. I don't yet see them impeding business growth, which I think will continue at a rapid pace for several more quarters. But by 1973 the rate of inflation will lead the Price Commission to call long and hard for support from the traditional anti-inflationary weapons—curtailing availability of funds and raising taxes—returning us to the same set of circumstances that twice before stopped our growth, in 1966 and 1969.

JANEWAY. How do you eventually see this country dealing with its underlying sources of inflation?

SOMMERS. Since we've pretty much committed ourselves to a high level of employment and to cushioning the effects of whatever unemployment occurs, I wouldn't be surprised if before the end of the decade, the Federal Government took on the role of employer of last resort. This might be coupled with some kind of wage policy that wouldn't preclude collective bargaining, but would key increases to productivity gains and the changing mix of demand for labor and would provide meaningful public participation in wage negotiations.

I also think we'll move in the direction of improving the vigor and flexibility of economic policy, the tools of which are fiscal and credit control. This might be done in part by giving the Executive Branch discretionary tax authority within a range legislated by the Congress, and by giving greater public support to certain segments of the money market, such as housing and state and local government, thus getting them out of the way of general monetary policy. I also see us seeking ways to shift some of the tax burden from income to consumption, in order to free capital and resources for public and private investment.

THE UNENFORCED SECRECY SYSTEM

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. MOORHEAD. Mr. Speaker, the White House recently announced that some 27,000 Government employees who had authority to stamp "top secret," "secret," and "confidential" on Government documents have lost that authority under a new Presidential directive. This is a step toward open government, but it is a small step.

The figures are fine, but unless the rules on classifying Government documents are enforced, the figures mean next to nothing. Unfortunately, the rules are not enforced, nor have they been for 4 years past.

While the President's new directive on the handling of classified information inveighs against too much classification, there is no reason to believe that it will be any better enforced than the old regulations on the same subject.

And there has been no effort to enforce the prohibition against classifying and hiding information which does not qualify for classification. I do not mean to imply that there has been inadequate enforcement—I mean to state, flatly, that there has been no enforcement.

The Foreign Operations and Government Information Subcommittee, of which I am chairman, asked the major agencies handling sensitive Government documents how they had handled enforcement of this important Government information directive during the 4 fiscal years between July 1, 1967, and June 30, 1971. Their answers to the subcommittee's questions are a shock to anyone who believes that a Presidential directive should be honored, not ignored.

The Presidential Executive order in effect during the 4-year period covered by the subcommittee's survey states that "unnecessary classification and overclassification shall be scrupulously avoided." The new order on the same subject by President Nixon repeats this warning. The old directive was ignored; the new directive will not improve the situation.

My subcommittee asked a series of questions of the 27 Government agencies which handle the great bulk of information classified to protect the national defense. We asked them how many investigations they carried out in 4 years into possible violations of regulations governing the handling of classified information. We asked them how many of those investigations concerned too little protection of the information and how many concerned too much protection. And we asked how often they enforced the regulations to prevent either too little—or too much—classification of Government documents.

The agencies' answers show they are eager to enforce the rules requiring secrecy, but extremely reluctant to enforce the rules to prevent unnecessary withholding of Government information. In 4 years, the Government carried out 2,433 investigations of violations of regulations governing the classification of national security information. They assessed administrative penalties—ranging from reprimands to loss of pay—against 2,504 individuals involved in the investigations.

But only two of the investigations involved cases of overclassification where too high a security stamp was stuck on a Government document. And how many of the 2,504 administrative penalties was assessed for violating the Presidental directive that "overclassification shall be scrupulously avoided?" None—not a single one.

The same survey disclosed that nearly 55,000 Government employees had the authority to put confidential stamps on Government records. Now the White House reports that the number of persons authorized to stamp the documents has been cut in half. That is a step forward, but only a small step when the fact is that earlier directives prohibiting overclassification were never enforced. Cutting the number of persons who can wield the classification stamps by 100 percent is fine, but increasing the penalties or overclassification is useless—two times zero still is zero.

"SURVIVAL KIT," A MUST FOR VETS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. WOLFF. Mr. Speaker, I wish to bring to the attention of my colleagues a most commendable new service geared to provide much needed assistance to our veterans returning from Vietnam. Organized as an information center by the Nassau-Sulffolk Post Vietnam Planning Committee, under the Federal Vocational Education Act, and supported by area business firms, this bicounty group offers the Vietnam vet a "survival kit," a compilation of available benefits and opportunities.

By dialing IV 3-1776, the veteran can contact Michael J. Petro, program director, who will then provide the caller with coordinated information concerning both Federal and State benefits and make arrangements for job and educational counseling.

Our returning veterans desperately need a helping hand to become fully aware of their rights and benefits and to gain educational and employment opportunities. Too often their plight is overlooked.

As a member of the House Committee on Veterans' Affairs, I am deeply involved with opening up new avenues of opportunity for our men who have given so much in the service of our country. The Vietnam veterans' survival kit is a praiseworthy step in that direction.

HISPANIC HERITAGE WEEK

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. ANDERSON of California. Mr. Speaker, yesterday, September 10, marked the beginning of a week designated as "Hispanic Heritage Week" in order to celebrate and pay homage to the many contributions to our society made by Americans of Spanish origin.

This week of national significance culminates on September 16—a fitting tribute to Mexican Independence Day—and includes "El Grito," the night of September 15, when in 1810, Father Miguel Hidalgo gave his famous cry for independence at the little village of Dolores, Guanajuato.

Being a native Californian, I am especially pleased that we have recognized—through a congressional resolution—the importance of the contributions and accomplishments of the people of Spanish descent.

California, which was under Mexican rule until 1848, has been particularly blessed by the Spanish culture and the talented Mexican American men and women who preceded the Anglos in settling and developing California.

Look at our architecture.

Look at the names of our cities—Los Angeles, San Francisco, San Diego, Sacramento, to name but a few.

Look at our system of government, our intellectual life, our artistic endeavors, our industry and our labor.

In fact, California was officially a bilingual State for many years after entering the Union, and the State constitution, as well as other official documents, were written in both Spanish and English.

Through every enterprise, through every venture, or undertaking, the strain of Mexican culture can be found.

But how have we rewarded those who have contributed so much to our society?

How have we treated the sons and daughters of Jose Figuero, Don Dominguez, Juan Cabrillo, and Francisco Avila?

Mr. Speaker, I am sad to say that we have not done very well.

While 15 percent of the Californians killed in Vietnam were Mexican American; only 5.9 percent of the Federal Government's employees in California are of Mexican origin.

While Mexican Americans consist of 17 percent of southern California's population; they hold less than 6 percent of the 150,000 Federal jobs in the area.

While the Federal Government hands out billions of dollars to agribusiness not to grow crops; the labors of Mexican Americans in the fields go virtually unrewarded.

While we spend billions in foreign aid; our own citizens of Mexican descent are denied an opportunity for adequate education.

The contributions of the men and women of Spanish origin have enriched our country immeasurably.

Today, at the beginning of Hispanic Heritage Week, we must renew our pledge to end discrimination and bigotry and join with our fellow citizens of Mexican heritage in recognizing and paying homage to those of Hispanic origin who have helped build the United States through their inspiration, their intellect and their hard work.

THE HIT-AND-RUN DRIVER

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. DICKINSON. Mr. Speaker, the problem of the hit-and-run driver continues to plague the average American motorist. Because there is no foolproof way to catch or identify these violators of highway safety, very often accidents involving both death and injury go unsolved because the driver at fault left the scene of the accident.

Montgomery, Ala., Police Chief Ed Wright has developed a program which promises to be a deterrent to potential hit-and-run violators and should keep those types of accidents to a minimum.

Chief Wright discusses the plan at length in the September issue of the FBI Law Enforcement Bulletin. Chief Wright's remarks are most interesting and informative and I believe other sections of the country could learn from his experience. I would like to share his remarks with this Congress, therefore, I am including Chief Wright's remarks with my comments.

A PROGRAM FOR HIT-AND-RUN VIOLATIONS

(By Edward L. Wright, Jr.)

Ever since man developed the wheel to transport himself and his goods, vehicular collision accidents have become common. When technology introduced the motor vehicle, the frequency of collision accidents not only increased but also they became more lethal and destructive.

We have all seen, at one time or another, the often tragic results of an automobile accident, but there is none more frustrating to the police or more offensive to popular concepts of individual responsibility and fair play than the destruction, injury, or death caused by a hit-and-run driver. This type of violation usually represents a challenging investigative problem to the police.

There are, of course, those less aggravated instances where the hit-and-run violation involves only the offender's vehicle and some structure. The location, time, circumstances, and minor extent of the damage could be such that the offender may have reasonable grounds to leave the scene. These less aggravated accidents, generally, are reported to the authorities by the violator. They are not considered to be hit-and-run offenses in the same sense as situations in which a violator deliberately flees the accident scene to conceal the facts of his involvement.

DIFFICULTIES

In many metropolitan areas the investigator of hit-and-run crimes faces considerable difficulty in identifying a suspect vehicle and its owner. The conditions of the city enable a hit-and-run violator to easily lose himself within its complex. In one of many automobile repair shops the offender can usually give a plausible explanation, for both insurance and repair purposes, how his vehicle was damaged. With no reason to doubt the authenticity of the explanation, the shop repairs the vehicle and obliterates the hit-and-run evidence. The violator goes about his business without attracting suspicion of his involvement in a crime. On the other hand, the victim and/or his family is left to absorb their loss with a disenchanted attitude towards the police because the perpetrator has not been discovered.

Each violator, psychologically, has his own motive for leaving the scene. A reflective survey of hit-and-run offenders in the Montgomery, Ala., area indicated that neither social nor economic status could categorize these offenders. People at all social and economic levels were found to be violators. A predominant motive, in addition to panic, was the belief by hit-and-run violators that no one could place them at the accident scene. In the absence of witnesses, violators simply fled rather than face up to their responsibility for damage, personal injury, or death.

A hit-and-run investigative section of a metropolitan police department must have its investigations reach into suburban and surrounding communities where offenders traveling to and from the city might be found. Out of necessity, it must make frequent checks and inquiries of the repair shops within its jurisdiction in an effort to discover hit-and-run vehicles. In large geographical areas this task can become a days work in itself.

To Bobby G. Pruitt, the officer in charge of Montgomery's hit-and-run section, the odds and advantages preventing discovery seemed to favor the hit-and-run offender. The officer's advantage seemed to consist only of any debris which may have been left at the crime scene. And, even good evidence needs thorough supporting investigation and boundless determination on the part of the officer.

PROGRAM

During the early part of 1968, Officer Pruitt conceived an idea which would substantially assist in detecting and identifying hit-and-run offenders. The method would identify those vehicles involved in a vehicular accident which had been reported and investigated by the police from those which had not. A sticker device attached to the vehicle's window by the investigating law enforcement agency would signify that the circumstances of the accident had been reported to it.

While the idea was simple, a geographical problem remained. The city of Montgomery, the State capital and the seat of Montgomery County, is situated in the northeastern part of the county, which location places it in close proximity to two other counties. In addition, each of the adjoining counties has its county seat within close proximity to Montgomery, which, in turn, also imparts additional jurisdictional barriers that can aid the hit-and-run offender. Two military bases are located within Montgomery's jurisdiction. Since the city has a multiplicity of jurisdictions, boundaries, and a steady flow of transient traffic, coordination and implementation of such a program in the tri-county area appeared to be difficult.

The sticker concept was discussed with officials of the various tricounty jurisdictions together with the owners of all repair facilities within the combined area. A sample sticker design was also presented to illustrate its purpose. The sticker measured 3 by 3 inches and had space to designate the date and location of the accident together with the officer and department that made the report. The advantage of such a program was immediately apparent, and agreements to adopt and utilize the sticker program were given by those contacted.

Support for the program was such that, when the date of implementation was threatened by delay because of a lack of funds in the budget for the initial purchase of the stickers, local independent insurance agents within the area absorbed this expense to get the program underway.

IMPLEMENTATION AND MODIFICATION

State, county, city, and military police officers within the area's operational boundaries were supplied with the stickers, and the program went into effect in the three-county area, on a voluntary basis, on September 2, 1968.

During the initial stage of operation the program was monitored and its implementation closely coordinated among the various enforcement agencies involved. As is the case with any new procedure, weaknesses were noted and certain adjustments were made to provide a more effective program.

Shortcomings noted at the beginning spurred certain modifications.

Each striker was given a consecutively sequenced control number. This provided a system for accountability.

The original stickers had an adhesive coating on the reverse side which was exposed for use by removing the protective paper backing. The original application method required that the sticker be placed on the exterior portion of a window surface. Three individual problems were noted in utilizing this practice:

1. The possibility of effectively removing the sticker and transferring it to another vehicle existed. This was corrected by purchasing stickers coated with an adhesive on the front. This adhesive is activated with the application of moisture and enables the sticker to be placed on the more protected interior portion of the automobile window.

2. Exposure to the elements over a considerable period of time tended to obliterate the writing on the sticker through fading and resulted in the sticker's curling away from the surface where applied. With the placing of the improved sticker on the interior window surface, this problem was solved.

3. At first, there was no standard area utilized for placement of the sticker. Primarily the postioning of the sticker had been discretionary with the investigating officer according to the type of vehicle involved. Standard positions now utilized are: The upper inside surface of the rear windshield on either the driver's or passenger's side of the vehicle; and the upper inside surface of the front windshield on the driver's side (used in the case of convertibles or those vehicles that have sustained extensive damage in other areas).

In situations where a person delayed reporting an accident, information would be obtained and entered on the uniform traffic accident report. This procedure required the hit-and-run section to review all such reports to determine which ones were, in fact, delayed. The check was necessary to discover possible suspect vehicles and was time consuming. A separate, supplementary form was introduced whereby an investigating officer, taking a delayed or minor damage report from a driver, can obtain the information and complete the additional form at the same time he completes the uniform accident report. This supplemental report is then routed directly to the hit-and-run section for comparison with other similar, reported accidents in which that vehicle may have been involved. This procedure reduces the time required for review.

Other than regular oral or written notices, there was no special reporting procedure whereby officers in the field could highlight the observance of suspect hit-and-run vehicles. The section prepared a field reporting card which allows officers to report suspected vehicles and particularly identify them to the hit-and-run section by license number, make and model, color, street location, date and time observed, and location of damaged areas on the vehicle. This card is routed directly to the hit-and-run section upon its completion.

An awareness of the program began to spread soon after its introduction. Locally, citizens would notice and report a damaged vehicle that would appear in their neighborhood without a sticker. When a damaged transient vehicle was brought to a local repair facility, an officer of the hit-and-run section would check the vehicle and damaged areas together with the owner's report of where, when, and under what circumstances the damage was sustained. This information was submitted, by means of a teletype or telephonic inquiry, to the jurisdiction where the accident allegedly occurred, or to the city of record of the owner, to insure that the transient vehicle's owner was not a hit-and-run violator. Officers of adjoining communities and in nearby States began to notify this department when a car from the tricounty area was garaged in their districts for repairs. This practice resulted in the city of Birmingham, Ala., becoming interested and adopting a similarly designed program within its area. In addition, inquiries have been received from officials of several other cities and States seeking information on the procedures and success of the program to date.

On November 4, 1969, the program was enacted into law by the Montgomery City Commission. It is now included in the city code as article 23, section 23-1 and those that follow. Basically this ordinance provides that:

All motor vehicle or trailer accidents in which any person is killed, injured, or there is damage to the property of one or more persons shall be investigated.

The investigating officer shall affix to each vehicle damaged a damage release sticker.

It shall be unlawful for any person, firm, or corporation to repair any damaged vehicle until and unless such a sticker has been affixed.

It shall be unlawful to possess a sticker or a facsimile thereof unless given to the possessor by an investigating police officer.

It shall be unlawful to transfer a sticker from one vehicle to another or to affix a facsimile to any vehicle.

Any person, firm, or corporation requested to repair, appraise, or tow a damaged vehicle without a sticker affixed shall report to the department within 24 hours the location and description of such vehicle.

It shall be unlawful to tow or remove a damaged vehicle from a point inside the city or police jurisdiction to a point outside the city or police jurisdiction.

The person who repairs a damaged vehicle or the person in charge of the repair facility shall remove the damage release sticker before delivery of the vehicle to its owner.

At the present time a bill has been introduced into the State legislature patterned after the Montgomery City Code providing for the adoption of a statewide sticker program. The bill has received the support of many State legislators and is expected to be enacted into law.

From a statistical standpoint, the reader can make his own evaluation of the program.

In 1968, the year preceding implementation of the program, 244 hit-and-run cases were reported. Of these, 143 cases were cleared which, on a percentage basis, gave a 58 percent clearance rate of reported offenses. In 1969, the year following the implementation, 681 cases were reported (which was 179 percent increase over the previous period), and 571 cases were cleared (a 299 percent increase over the previous period). The clearance rate for this reporting period was 84 percent. The large increase for the period following implementation is attributed to the requirements of the program which uncovered damage not previously reported and made it a matter of record. In 1970, 870 hit-and-run cases were reported. Of those 679 cases were cleared. The clearance rate for this period was 65 percent. In comparison with the previous period, 1969, an increase of 28 percent in reported cases occurred. There was approximately a 19 percent increase in cases cleared. In 1971, 1,100 cases were reported, and 811 of these cases were cleared by the hit-and-run section, which amounted to a 74 percent clearance rate. A comparison between the periods 1970 and 1971 indicated a 24 percent increase in the number of cases reported over this period. This represented a 19 percent increase in cases cleared for this period.

Results

From an enforcement standpoint the program has assisted not only the local officers but State officers as well. The officer on patrol, with little effort, can now note a damaged vehicle and determine if its damage is a matter of record. The program has had a powerful psychological effect on offenders as well. An example of this effect occurred in March of this year. During the daylight hours a vehicle struck a pedestrian who was pushing a grocery cart across an intersection. The pedestrian was knocked down and the cart continued on down the street colliding with two other vehicles. The driver of the car which struck the pedestrian left the scene without stopping. Witnesses were able to furnish the investigating officer the color and possible make of the vehicle together with three numbers of its license. Normal investigative procedures were put into operation to identify the violator. Early the following morning the offender presented himself to the hit-and-run section with the explanation that he thought it best to turn himself in without having to be apprehended. He believed his apprehension was imminent because of his failure to have a sticker on his damaged vehicle. The confessed violator was subsequently tried on a charge of leaving the scene of an accident, found guilty, fined, and had his license suspended.

Early in the program four parked, unoccupied vehicles were damaged in a hit-and-run incident. The investigating officer found no conclusive evidence at the scene but obtained paint samples of the vehicles involved, together with foreign paint chips from the damaged areas of the vehicles.

Two days after the incident a driver brought his vehicle to a repair facility to be fixed. The driver claimed that his vehicle had been struck by persons unknown while it was parked in an alley behind his place of business. The hit-and-run section was notified by the repair shop that a vehicle without a sticker had been brought in for repairs. Paint samples were obtained from this damaged vehicle and compared by the State crime laboratory with those foreign samples found on the four cars in the hit-and-run incident. The samples matched. With this evidence the owner was questioned as to his whereabouts on the night of the incident. He denied having been near the scene but, when confronted with the evidence of the matching paint samples, confessed to having been responsible for this hit-and-run incident. He was tried in the city court and convicted on the charge of leaving the scene of an accident.

Another example of the effectiveness of the program was the case of an offender who struck a parked vehicle late one evening while returning home from a party. Believing there were no witnesses because of the hour, he left the scene. When the accident was investigated, parts of a headlamp molding and parking lamp lens were found in the immediate area. These items were retained and forwarded to the hit-and-run section together with the investigating officer's supplemental report. Three weeks after the incident a man brought his late model vehicle to a repair facility to have it fixed and stated that he had run into a post in the Atlanta, Ga., area.

Since the vehicle did not have a sticker, the hit-and-run section was notified. The description of the vehicle given by the shop foreman to the hit-and-run section fitted the make and model of the vehicle from which, it had been determined, the molding and lens parts found earlier at the hit-and-run accident scene had come. These items were taken to the repair shop and compared with the vehicle in question. They matched with similar parts missing on the damaged vehicle. The owner was arrested, tried, and found guilty of leaving the scene of an accident. He was fined $100 and court costs and his license was suspended for a period of 6 months.

The program has proved to be an effective means of identifying many hit-and-run suspects. The methods have been neither operationally nor administratively complicated. In fact, the reverse is true. The sticker program has reduced the time spent by the hit-and-run section in certain areas of investigation by focusing immediate attention on suspect vehicles. The results experienced thus far in the program promise to be a deterrent to potential hit-and-run violators and, hopefully, keep these particularly offensive crimes to a minimum.

A LAW FOR CONGRESS

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. MICHEL. Mr. Speaker, since we just passed the September 10 deadline for the report which is due under provisions of the new campaign reporting law, I thought my colleagues might be interested in an editorial relating to the law which appeared in the August 28, 1972, edition of the Peoria Journal Star. The editorial says it all. I have nothing to add and insert the text of the editorial in the RECORD:

A LAW FOR CONGRESS

(By C. L. Dancey)

For once in their lives, the Congress of the United States almost to a man must experience what it is like when they pass a law to "improve" somebody's conduct.

The guys who have passed so many regulatory laws that drive other people up the wall are finally finding out what it is like to be on the receiving end—and it isn't any fun.

The problem is not in pursuing the principle of the law. The problem is the detail, technical complications and uncertainties involved in its precise application in every circumstance from Peoria to Pittsburgh.

We now have a law limiting the money that federal candidates can spend on political campaigns, forbidding excessive and untracable activities to "buy an election." The sums are large for presidential candidates, smaller for senators, and still smaller for congressmen—based on the populations involved.

It makes a lot of sense, doesn't it?

But how, in fact, do you execute such a control in effective detail?

The way the law attempts to do it is to require candidates to certify every ad expenditure they make on TV, radio and in newspapers, and to hold both the candidate and any medium he used responsible for any excess!

That raises some problems. How do we in Peoria know what President Nixon and Candidate McGovern are spending in Nome, Alaska, or on other media? How do we at the Journal Star know whether the ad placed here is in excess or not?

The answer to that question is that we are prohibited from taking any ads that apply to those candidacies and possibly to issues involved in those candidacies without the express authorization of the candidate himself and his certification to us that it is not in excess.

So, if the county chairman in Peoria county wants to run a Democratic ad calling on people to support the whole ticket, we have a problem. How much of that expenditure must be allocated to McGovern's campaign limit? How much belongs to Pucinski? How much to each federal candidate, and where is his certificate?

If the UAW wants to come out for Senator Whoois and announce it in a paid ad, can they? No. Not without the senator's formal official and legal okay and his certificate on the expenditure.

If the Independent Voters Association wants to come out for certain Democrats and certain Republicans as their choice of the "good guys" and proclaim their opinions in an ad, can they? Not without the express okay of each federal candidate involved and each such must subtract his portion of value of that newspaper ad or TV commercial from his allotted spending limit (although he may not spend a dime on it himself).

What proportion?

Nobody knows.

When should it be proportioned between candidates depending on the content of the ad? What if the ad is certified to be split 50–50 but the contents of the ad seem to be 60–40 in who is boosted?

What if the media distributes partly in the district and partly outside the district on which limits are based?

Nobody knows the answers to these and a thousand other questions in the varied circumstances of political activity by all kinds of people throughout the United States.

We don't know the answers. The comptroller general doesn't know the answers. The candidates don't know the answers.

Nobody knows any given answer until some poor devil is hauled into court and the court thinks about it and decides what the court thinks is an answer!

The rigamorole, the uncertainties, the risks and the costs of going through an extensive bureaucratic procedure for every individual ad are so staggering that a good many small radio stations have reportedly decided simply not to take any political ads of any kind.

Citizens and organizations other than the candidates themselves and those expressly authorized by and working with the candidate simply are forbidden by law to express themselves politically at-their own expense!

Is this crazy?

Yes, but when you attempt to control the political spending of 220,000,000 Americans, how else can it be done?

Big brother is a confusing, deadening, and expensive onlooker in any activity.

This one just happens to be one that comes right back to the same guys who passed the law—and to their challengers—and much of this troublesome mechanical demand is now on them.

It will be a miracle if they can even know what they are doing with reasonable accuracy—and a crime by law if they don't!

(Some candidates don't even know the law exists . . . but are subject to severe penalties for violating it.)

It is perhaps a healthy thing that every candidate for Congress this year will get a personal example of how government regulation, in a fairly simple matter and with * * * confuses the urgent business in which he is engaged—and imposes a sizable new expense.

Perhaps they will go back to Washington after this election with some small notion of how many of the "good laws" they have passed actually turn out as a dead hand on the vital functions of a whole society and are both inoperable and expensive.

Our only regret is that appellate and supreme court judges, especially, of the United States are not running for election, too, and subject to the actual results of this thing.

It would be healthy if they realized how impossible it is to "obey the law" under a system where nobody really knows the application of the law, and courts operate under the kind of disregard for identifiable principles and precedents that make it impossible for the victim to know whether he is doing "right" or liable for severe—even criminal—proceedings on a rule nobody has made yet!

It's hard to run a campaign that way. It's damned hard to run a business or factory that way, too.

Big Brother is with us, now. There are second class citizens, now. And we have made second class citizens of our most productive people!

And until we learn that you can't do everything from Washington—and have it actually work.

Meanwhile, the real fun for the candidates is just about to begin—because nobody has ever laid out a campaign plan that embraces every single activity of everybody concerned from his party to his personal campaign headquarters and also to embrace anybody and anything that may support him.

Such budgeting is impossible.

It is also absolutely necessary under the law.

Lots of luck, fellows!

ADDRESS BY AMBASSADOR OF THE REPUBLIC OF SINGAPORE AT GRADUATION CEREMONY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. GUDE. Mr. Speaker, it was with great pleasure that I attended the graduation ceremonies of the School of Dialysis Therapy of the Metropolitan Washington Renal Dialysis Center yesterday. Twenty-four persons were graduated with all of the special skills and knowledge required to serve their fellow human beings as dialysis nurses. This field, of course, forms part of the important development of paramedical personnel in the delivery of quality medical care.

I have long taken an active interest in the serious problems kidney disease presents for so many people. I was pleased to be able to introduce and have enacted legislation which provided for an Anatomical Donors Act for the District of Columbia, facilitating the donation and use of kidneys, and other vital bodily organs, in the Metropolitan Washington area. Because of the unique political makeup of this area, with its three separate political entities, real problems occurred with attempts to donate and use organs prior to enactment of this legislation.

I had the privilege of addressing the graduates, and was most impressed with remarks which were made by His Excellency, Prof. E. S. Monteiro, Ambassador of the Republic of Singapore, on the subject.

I would like to submit for the review of my colleagues in the Congress the text of the Ambassador's remarks:

Address by His Excellency Prof. E. S. Monteiro, Ambassador of the Republic of Singapore, at the Graduation Ceremony of Dialysis Nurses

Ladies and Gentlemen, this is indeed a most pleasant occasion for me and my wife to be present at this most auspicious and proud occasion when you are about to receive your diplomas qualifying you as Dialysis Nurses.

With the rapid advances which are today being made in the field of Scientific Medicine, the use of the Artificial Kidney Machines to help those with failing kidney function has become universal the world over. The use of the kidney machine first used only for acute Renal failure has today been extended to save lives in cases with Chronic Renal Failure and in cases of poisoning when it is necessary to speedily remove poisons circulating in the blood as in cases of Phenobarbitone Poisoning as the only effective and speedy remedial measure.

The extended use of the Artificial Kidney Machine for cases of Chronic Renal Failure was made possible when the Father of Haemodialysis, Professor Scribner invented his shunt that enabled us to dialyse cases of Chronic Renal Failure many times a week without the necessity of any repeated cut downs on the arms or legs. The Scribner shunt is a simple appliance but the happy choice of the right material to make the shunt and now the internal fistula enabled us to extend the use of the Artificial Kidney Machine to treat and keep alive otherwise fatal cases of Chronic Uraemia.

The importance of this advance is perhaps not sufficiently realised. These unfortunate patients, some of them breadwinners in the prime of their lives, would have died but for the use of the Artificial Kidney Machines which have enabled them to live normal lives, follow their normal occupation and look after their families. Even the increasing additional benefits from kidney transplantation from donors made legal by the Anatomical Gift Act for cases of progressive kidney failure has not lessened but in fact increased the importance of the use of the Artificial Kidney Machines in the treatment of cases of progressive and fatal cases of Renal failure.

Ladies and Gentlemen, this indeed is a great medical advance and you who are today qualified as Renal Nurses are fellow participants in this great medical venture. I would like therefore to congratulate each one of you for joining with us in this worldwide fraternity to help those less fortunate than ourselves who are suffering from Chronic Renal Failure.

Your role in the Renal Team of a Nephrology Unit is most important because you are the link between the machine and the patient. With an increasing trend today to have renal dialysis done at home, convenient to the patient and the family, I need not stress the importance of the education of the renal patient which will be your most important responsibility besides manipulating the machine. You must remember, the patient is usually dominated by the emotion of uncertainty and fear although he or she may not show it. You must establish the confidence of your patient and teach him about the machine, the care of the shunt and the limb, the need to keep to the diet and salt restriction prescribed by the doctor.

Most important you must remove the "dependence complex" from your patients who inevitably believe that their lives depend on the machine. Rather, you should stress that the machine is only a means to an end. In your nurse-patient relationship which will inevitably develop you should be careful to keep a well-balanced patient-nurse relationship in accordance with the high principles of the nursing ethics of your profession.

You may be interested to know that four years ago Singapore started a similar scheme to train the Renal Nurses who were urgently required by the growing demands for more dialysis in Chronic Renal Failure in Singapore. Today this specialist branch of renal nursing is much in demand in Singapore.

My wife and I are indeed happy to be with you today and we would like to assure you as our dear colleagues that you are engaged in assisting in one of the noblest aspects of the profession of medicine of which you will always be the most trusted handmaids of the physician and trusted friends of grateful patients.

I know that all of my colleagues in the Congress join me in offering hearty congratulations to each of the graduates, and in applauding their real dedication to this most important work. The graduates, Jacqueline L. Bayne, Kenneth G. Bolen, Shirley Bowden, Margaret B. Brice, Susanne R. Briddell, Morris Calhoun, Rebecca K. Dailey, Ronald R. Fuller, David L. Jones, Mildred Kadin, Deirdre C. Langford, Robert J. Leonard, Carolyn Martin, Ovella Goziem Rapu, Dwight R. Ricketts, John J. Rzonsa, Jr., William V. Sanwald, Donna R. Schoolmeester, Sandra G. Shaw, Marilyn N. Shrager, Joyce A. Villareal, Alexander F. Worthing, Raymond A. Vanencis, and Patricia A. Durant, all deserve the highest praise.

THE SOARING COST OF EDUCATION

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. RARICK. Mr. Speaker, the announcement that $47,000 in LEAA funds are to be given to an Alexandria school project for the purpose of curbing break-ins and vandalism of Alexandria schools is unique to say the least. Federal funds intended to make the streets safe from criminals are now to be used to protect the taxpayers' educational investments.

Education and the police may not profit from this expenditure, but some equipment company should make a pretty good commission. I include a related news clipping at this point:

[From the Washington Post, Sept. 10, 1972]

Alexandria Granted $47,011 To Fight School Vandalism

RICHMOND.—The Virginia Council on Criminal Justice has made a $47,081 grant to an Alexandria school project aimed at curbing break-ins and vandalism at the city schools.

The money, along with $17,121 in local funds, will be used by the Alexandria School Board to buy surveillance cameras, alarm systems, two walkie-talkie radios and telephone lease lines "to harden the Alexandria city schools as crime targets."

In its application for funds the city said the project hopefully will eliminate or markedly reduce the schools as crime targets themselves, their vulnerability to crime, drug abuse and juvenile delinquency, the heavy financial loss and damage to expensive equipment and to improve apprehension and evidence gathering for conviction. The request was made under the "hardening of crime targets" category of money available to Virginia under the Omnibus Crime Control and Safe Streets Act of 1968.

One member of the Council on Criminal Justice questioned the distribution of funds under the category for schools to one school system when many systems would like to install such a program.

"I have the feeling in this project that we're in effect getting out of bounds in providing a unique service to one locality which we can't possibly provide to other localities," said Judge Richard J. Jamborsky of Fairfax.

"I think school systems all over the country are concerned about this. Most are having to take money out of the education budget in order to provide it."

A spokesman of the council's administrative arms, the state Division of Justice and Crime Prevention, said Alexandria schools average three alarms nightly with about one in 100 alarms being valid break-in complaints. He added Alexandria had asked for the funds to start a pilot project.

LINE ITEM BUDGETS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. WALDIE. Mr. Speaker, I am taking this opportunity to insert in the RECORD an address by Long Beach State University President, Stephen Horn to draw each Member's attention to the many disadvantages of the line-item budget.

The line-term budget, as will be illustrated by President Horn, apart from being a much dated method of budgeting, serves to frustrate the State's higher education officials in their attempts to provide a good education with the limited funds allocated to them each year. It is an example of bureaucratic redtape at its costliest glory.

Perhaps printing this speech will serve to focus more Californians' attention on the situation and in this way serve as an impetus for change. It is my hope that the State of California will take the Hoover Commission's studies to heart and use a more efficient, less costly method of financial planning.

The address follows:

[Partial text of remarks by Stephen Horn, President, California State College, Long Beach, California, before the Scottish Rite Bodies, March 5, 1971]

Ode to a Line-Item Budget

I appear before you tonight, ladies and gentlemen, to discuss education. Not the education of college students, but the education of college presidents. The education that the State of California has provided students able to benefit from it has been—at least, up to this point—very good. But based on my own experience of some seven months, the education that California provides its State College presidents can only be described as unbelievable.

As some of you know, I have spent most of the last 12 years groping my way through the mazes and thickets of the Washington bureaucracy. But I must stand before you tonight and confess that California makes me humble. Utilizing a fairly commonplace managerial device called the "line-item budget," the State of California has woven a vast and complex tapestry of educational red tape that surely must be one of the wonders of the modern world. The line-item budget administered by long distance from Sacramento is further complicated by a proliferation of state administrative procedures that are all too often outdated, irrelevant, or simply act to stifle all initiative, innovation, or economy of operation.

Briefly stated, a line-item budget is a budget in which every major expenditure and many not so major are listed and approved line by line. Once the budget is approved, the administrators of the budget are seldom allowed to deviate from line items and presidents have no authority to move funds between such broad functional categories as general administration, instruction, student services, library, and plant operation, among others. For example, in the Instruction function there are separate line items for personal services, operating expenses and equipment, student assistants, etc. In the Student Services function there are also lines for the same and many more items.

If a family budget were run this way you would budget $25 a month for your telephone bill and $160 for food, perhaps a year or more before you planned to spend it. But suppose your wife's mother unexpectedly comes to visit for the last two weeks of the month. She's a big eater, so your food budget is exhausted with two days of the month still left. On the other hand, since she's staying with you, your wife doesn't call her long distance every day, so your phone bill is only $8. It seems like no problem. Just use the telephone surplus to buy the food.

You could do that, with a program budget, or even a line-item budget with some flexibility—but not with the line-item budget which controls the destiny of the State Colleges. You would either have to secure the permission of an anonymous staff assistant in the Department of Finance in Sacramento or eventually secure a special deficit appropriation to pay two-days food bills, while the money you saved on the telephone bill would probably revert to the state's general fund.

Of course, if your family actually operated on a line-item budget, you would probably figure ways to resolve little difficulties like the above without a deficit appropriation. You'd probably go to your grocer and say, "How about charging $15 of your telephone calls to my telephone number and giving me the equivalent amount of food?" That is not an unknown procedure in state government.

Now—let me apply this rough analogy directly to our University. We have a category for Student Assistants within the instructional portion of our budget and a similar category in the Student Services portion of our budget. If we run short of funds in one category—but have a surplus in the other—the president cannot authorize the transfer to meet the need. Putting it simply, a transaction that could be handled by two Vice Presidents walking across the hall requires the submission of documentation to the Chancellor's Office in Los Angeles and to the Department of Finance in Sacramento. Ladies and gentlemen—a simple, logical need for an intra-campus transfer of, say, $3,000 or less could require several hundred dollars, and several weeks time on the part of several layers of unneeded administration "rigamarole."

As President of California State College, Long Beach—the third largest university in California—I sometimes feel like the engineer in the anonymous verse:

"I'm not allowed to run the train
  Or see how fast 'twill go.
I ain't allowed to let off steam
  Or make the whistle blow.
I cannot exercise control
  Or even ring the bell.
But let the darn thing jump the track
  and see who catches hell!

There are sound historical reasons why the line-item budget has persisted so long. A legislature historically has exerted its influence on the executive, first by detailing a specific level of funding to be expended on a given governmental function and, second, by imposing prohibitions and limitations on that spending. The appropriation of funds for specific purposes rather than in a lump sum for a general program dates back to the victory of the legislative-oriented Jeffersonians over the executive-oriented Hamiltonians in the early years of the republic.

We can appreciate this historical justification just as we can appreciate the efficiency of the steam locomotive compared to horse transport of the 19th century. But today we move people better, faster and farther with airplanes. Similarly, we have 20th century management tools that will do the same job as the 19th century line-item budget—but do it better, faster, and more economically.

The Hoover Commission in 1949 called attention to the concept of performance budgeting—which is budgeting based on functions, activities and projects. Budgeting based on the work to be done rather than on the things to be acquired such as personal services, equipment and supplies. Since the Hoover Commission reported, the number of line-item appropriations in the 15 major money bills Congress passes each year has decreased almost two-thirds. This tendency of the Congress to appropriate for broad categories of services has increased executive flexibility and provided for more effective use of resources.

Some will ask, of course, that if the Congress or the State Legislature does not specify precisely how each tax dollar must be spent by a public agency, is not the public giving up its control over the public purse, and will it not be powerless to prevent incompetency, waste, and actual embezzlement?

The answer is no. The responsibile administrator must still explain to the next higher executive level and to the legislature just what he intends to accomplish with his funding. Generally, a tacit agreement is arrived at between legislative committee and program administrator about the goals to be achieved with the money allotted. The committee and the program administrator know that next year and the year after that the administrator must return for additional funding. He must justify his requests not only by budget presentation but by past performance.

One learns early that you do not deceive a legislator. They have long memories. As more and more lawmakers become professionals in their chosen field of politics, they also become specialists in the areas covered by their committees or subcommittes. Thomas Jefferson said of some early civil servants, "few die and none resign." Today we might say that of legislators. The program director knows that each new budget hearing brings a day of reckoning for last year's performance. This is as it should be in a representative government where those elected must try to reflect citizen priorities as best they can.

The Hoover Commission's approval of performance budgeting has influenced many large private corporations as well as the federal government. Even our Associated Students have changed their financial planning procedures from line-item budgeting to program budgeting. This is another instance of where we can learn from them.

In California, some of our budget practices in appearance, at least, have followed the federal pattern. The governor submits a single budget bill to the Legislature. It is based on estimates often prepared more than 12 months before the beginning of a particular fiscal year. The funds for the California State Colleges are appropriated in a lump sum to the Trustees according to three schedules—personal services, operating expense and equipment, and reimbursements—only here is where simplicity stops.

California State College, Long Beach must submit its estimated budget needs a full 18 months to two years in advance of the budget year it covers. That line-item budget is carefully scrutinized and red-penciled by the Chancellor's Office and then integrated into a line-item budget for the entire State College system.

That budget, in turn, is reviewed by the Department of Finance, acting as the governor's elite staff analysts and all too often program managers. There it is pared, renegotiated, re-cut, and finally integrated into the governor's formal budget request which is submitted to the Legislature six months before the beginning of the next fiscal year in July. It is then carefully scrutinized by the finance committees of the Assembly and the State Senate, the two houses themselves, and—probably—a conference committee of both houses before it is sent back to the governor for his approval or veto. Unlike the President of the United States, our governor does not receive the budget from the Legislature on a "take it or leave it" basis. He has a line-item veto which means it will often do you little good to secure a restoration through the legislative process. But hope does spring eternal. By a two-thirds vote the Legislature can override the governor, but it seldom does.

When our line-item budget—and there are 365 lines in our current budget (18,000 in the system budget)—finally comes home to us from the wars it is frequently grayer, lighter, and less healthy than when, in its youth, it boldly marched away from home for the first time. But our problems are not yet over. The Department of Finance may still impound the funds in any of those line-items which it, the Legislature, and the governor all have supposedly approved. In most cases, the State will insist on spending for us the money it approves our spending.

ODE TO A LINE-ITEM BUDGET

I feel it is only fair, ladies and gentlemen, to pause at this point and warn you that this tale is about to take on some aspects of a horror story. I am about to give examples of instances where the line-item budget and long distance management have not only impaired the efficiency of our university but have actually cost you, the taxpayer, more money than necessary. These examples may seem fanciful, but I assure you, they are all too true.

Let us start with a skeleton. Some years back, our Biology Department found itself in the position of the family with telephone money but no food. The Biology Department needed a skeleton. But the State classifies a skeleton as equipment and the department had no equipment money available. However, it did have money in its operating budget and State procedures permit the purchase of small items out of the operating budget. The department found it could not buy a skeleton, but it could buy a hand, a pelvis, a skull, a tibula, or fibula and what have you, and then assemble a skeleton piece-by-piece. It finally decided against doing it that way because the cost would have been twice that of an ordinary skeleton, and it might have had a funny shape—sort of like a camel being a horse constructed by a committee.

The Biology Department keeps having trouble with its equipment budget. Some years ago it bought a refrigerator for roughly $200. After several years of hard and honorable service, the refrigerator broke down. The department did not have any equipment money for a new refrigerator. So it had to spend $150 of operating budget money to have the old $200-when-new refrigerator repaired.

Two years ago the same department ordered something called a spectrophotometer and a power pack for it. Now a spectrophotometer won't work without a power pack any more than a TV set will work with the plug pulled out. But apparently some anonymous State employee didn't know that. He approved the spectrophotometr, but he cut the power pack out of the budget. The spectrophotometer arrived—and sat on a shelf for two years before the State would allow purchase of the power pack.

The State allocates budget line items according to formula. It has formulas which prescribe the number of faculty assigned, the size of classes, the number of seats in a classroom, the ratio of maintenance personnel to square feet of campus, the ratio of cubic feet of space to each student, the number of technical and clerical positions allowed, the dollars for equipment per student, doctors, nurses, counsellors and placement advisors per 1,000 students, and so forth. Unfortunately, these formulas are frequently unrealistic.

Many of the formulas are founded upon a fiction. That fiction is called the "full-time equivalent student," or affectionately, the "FTE." The FTE is a student who each semester takes exactly 15 units—no more, no less.

Actually, our students vary greatly. We have 17-year-olds and 70-year-olds. We have men and women. We have black, white, brown, red, and yellow. We have some geniuses and some who just made it. These students' registration data are fed into the computer and what comes out is our FTE. That is the number of students we would have if all our students were taking 15 units. This semester we have 20,000 full-time equivalent students enrolled. In actual fact we have more than 28,000 human beings attending classes on our campus.

The fictitious FTE doesn't work to badly in computing facility utilization formulas, although it tends to overload our Library at examination and term paper time. Where it really breaks down is in the student personnel area, where you must treat a student as a person rather than as a statistic.

Take the Student Counseling service, for instance. By formula we are allotted one counselor for every 1,000 FTE. In practice that means that one counselor is actually working with approximately 1,500 actual, living students. Now a student taking three units doesn't necessarily have merely one-fifth the personal problems of a student taking the FTE ideal of 15 units. In fact, part-time students frequently require more counseling and testing than students taking full loads since emotional problems are one of the factors that can limit a student's load. Our counselors have just as great a responsibility to a maladjusted part-timer as to an FTE.

The same situation holds true in our Student Health Service. A part-time student gets just as sick from mononucleosis as a full-time one. We are allotted one physician to every 1,800 FTEs and in effect, given three-fourths of a physician for 8,000 part-time students.

Our Career Planning and Placement office has the same problem. Students may go to school part-time but they plan a full-time career after graduation. After a college reaches 16,500 FTE, it is not allowed to hire additional career counselors. Since we have 28,000 students, our Placement staff must absorb the overload by cutting down on the time allotted each student who seeks its services.

In compiling its formulas, the Department of Finance frequently ignores such relevant data as the size of the institution and the efficiency of its operation.

For six years, California State College, Long Beach has been the most efficient and economically operated of the 19 state colleges in that we have had the lowest per capita cost per student. Yet the State has ignored this. When any budget reduction for any given purpose is made, our share is usually ten percent because that is the systemwide proportion of students we have enrolled. Since we are already operating at a low cost, these cuts hurt us more than other institutions.

One of our six schools—the School of Letters and Science, has more than 14,000 students and 600 faculty members. Alone, it has more students than 10 of the 19 state colleges—more than either Fullerton, Hayward, Chico, Pomona, Humboldt, Sonoma, Stanislaus, San Bernardino, Dominguez Hills, or Bakersfield. Its student body is seven times the size of Occidental College.

It has more students than 10 of the 19 state colleges and a larger budget than six of these colleges. Yet under the line-item budget it is allotted only one school-wide administrative position—a dean. A single individual cannot possibly administer an institution of that size and complexity—25 diverse departments. It is imperative that additional resources—associate deans for educational policy, faculty and staff affairs, and fiscal affairs—also be assigned to help the dean. Yet the Legislature adopted a provision in the 1970 budget act which prohibits using instructional positions for such administrative positions. The Governor has included this language in his 1971 budget act. Such a policy completely ignores the need for middle level administrators to help manage these complex institutions.

California State College, Long Beach is the largest of the state colleges—indeed, it is the largest state college in the nation. It has a budget of more than 33.4 million, which is about five million dollars more than the budgets of the five smallest colleges total together. Yet, we are restricted to two vice presidents, the same number as many colleges in our system that are less than half our size. This is another example of an externally imposed personnel judgment which wouldn't last one day in a private firm of comparable size.

IS THE GOVERNMENT PUTTING UP "INSTANT SLUMS"?

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. ROUSSELOT. Mr. Speaker, it is well known by many Members of the House of Representatives that the Federal Government, and especially this Congress, has created several subsidized-housing programs for the people of this country. The intentions of Congress, and those of others who originally supported these programs in 1968 legislation, were nothing but good and idealistic. Unfortunately, some of these subsidized-housing programs are "muddled" and distorted examples which have proven unfair to the very people they are supposed to be helping.

Because the Banking and Currency Committee is presently marking up an extensive bill relating to housing, and in that bill we seriously contemplate extending the present 235/236 programs—which are subsidized-housing plans—I want the entire Congress to be aware of what the results of these programs have been in the field. U.S. News & World Report, in the September 11, 1972, issue, page 66, has an article entitled "Is the Government Putting Up Instant Slums?" Many of us in Congress, and on the Banking and Currency Committee, have taken the time and made the effort to determine just what the end results of these programs are especially in our own districts, but in other places in the country as well.

Mr. Speaker, I would like all of my colleagues in this House to be fully aware of the problems of subsidized housing, and it is my hope that they will read the U.S. News & World Report article which I am submitting today because, in my opinion, it does a thorough and thoughtful job of reviewing the actual results of the present subsidized-housing programs. Before we launch out in this House to either extend these programs or enlarge upon them, I think we could well stop and consider what we have accomplished by these acts. U.S. News & World Report has attempted to present an objective appraisal of the subsidized-housing programs:

Housing Muddle—Is the Government Putting Up "Instant Slums"?

High costs, increasing foreclosures, housing scandals spur a search for new methods to provide shelter for the poor. So far, answers are elusive.

Housing programs to benefit the needy, financed by federal money, are being trimmed back.

The Nixon Administration is having a close look at soaring costs and growing scandals in these undertakings.

At stake are about 14 per cent of the housing starts in the current home-building boom—and federal plans for a much larger proportion.

Subsidized-housing starts for the first six months of 1972 are down more than 20 per cent, compared with the same period last year. The total of 128,769 is less than half the 268,700 projected originally for this period.

There is every indication the Administration would like to cut back further and make big changes.

MILLIONS ELIGIBLE

One obstacle to further cutbacks is that more Americans seem to need help to pay for shelter today than ever before, mainly because of skyrocketing costs.

The Department of Housing and Urban Development estimates that some 25 million households, about 40 per cent of the population, are eligible for some sort of subsidy.

Another problem is that the Administration doesn't seem to know what kind of changes it wants to make. It has offered no major proposals for reform to Congress. And a new housing bill, now pending in Congress, would make no significant alteration in the way the programs work.

Meanwhile, the crisis in Government housing is growing, reflecting turmoil, corruption and decay in cities. Current troubles stem from efforts in the late 1960s to improve housing in slums. Under congressional mandate, HUD lowered its standards for insuring home mortgages in inner cities, taking on more risky borrowers. Subsidized projects were O.K.'d in larger numbers, especially after passage of the 1968 Housing Act, which set big new housing goals.

FORECLOSURES RISING

Now a number of the mortgages insured in this period are going bad as whole city neighborhoods are being abandoned. Foreclosures of all kinds of federally insured innercity mortgages are on the rise. Many more are in default, first signs of potential foreclosure.

ONE PART OF THE HOUSING BOOM THAT IS LOSING STEAM

Homes started for low-income families eligible for federal subsidies—Years ended June 30

1969	155,900
1970	278,200
1971	394,200
1972	346,000

1971

Housing subsidies for low-income families supported about one in four housing starts.

Today

Only about one in seven falls in this category.

For the calendar year 1970, a total of 3,686 units were foreclosed in housing programs for poor families, and 12,641 owners were in default at the end of the year. In 1971, this rose to 9,414 foreclosures and 27,402 in default last December 31. This year there have been 5,995 foreclosures through the first six months, and 34,972 borrowers were in default on June 30.

There are mushrooming scandals involving sales of shoddy houses at exorbitant prices to poor families. Even HUD officials admit "fast buck" operators moved into the picture in many places.

Indictments involving federal officials and businessmen have been handed down in Detroit, Philadelphia and New York City. Grand juries are studying the situation in six other cities.

DRASTIC PROPOSAL

Because of all these problems, HUD Secretary George Romney has suggested that housing programs be shut off entirely from large parts of some central-city areas.

Earlier this year, he put into effect tough new rules on selection of sites for subsidized-housing projects, designed mainly to encourage more building in suburban areas. These new rules, along with a general crackdown on lax operating procedures, have slowed construction of subsidized units.

"Each approving officer in an area office is scared to death that any project he approves in the inner city may fail," explains one housing expert. "Because the heat is on, they are determined to prevent this. One way is by delaying approval, throwing up obstacles, killing as many projects as they can."

BUDGET WORRY

Even if these difficulties did not exist, Nixon Administration officials still would be worried about the budget impact of the 10-year housing program mandated by Congress in 1968. It calls for construction of 5 million housing units under Government subsidy, and rehabilitation of 1 million existing houses.

When the law passed, it was estimated that the annual cost of the program would be about 3 billion dollars by 1978. Now the burden is expected to reach 7.5 billion dollars a year by 1978 and to total 200 billion over a 40 to 50-year period.

If subsidized housing is to be continued beyond 1978, costs will go up and up.

For the fiscal year ending next June 30, payments for all such programs will be 1.8 billion dollars. This compares with only 474 million in fiscal 1970.

BACK OF COST RISE

One reason for the jump in costs has to do with the nature of the two major new programs begun in 1968—a home-ownership and a rental plan for low- and moderate-income families. Both involve an interest subsidy, with the Government paying the difference between the prevailing market rates on home mortgages and a flat 1 per cent. Federal assumption of most of the interest charge enables payments or rents to be reduced.

When interest rates skyrocketed in 1969 and 1970, so did the cost of the programs.

Many experts feel the nation would have been better off had the Government continued its earlier programs which involved direct, low-interest loans to build subsidized projects. These programs cost the Government more at the start but less in the long run.

Complaints about the new housing, especially the rental projects, are many. Even HUD officials are in agreement that the homes often are poorly built, in bad locations and likely to wind up as new slums.

POORER PEOPLE LEFT OUT?

Because of rising building costs and the relatively high rents that must be charged, experts contend that very little of this housing is going to low-income families. Most of it, they say, is occupied by families with incomes of $6,000 to $10,000 a year.

In order to encourage private developers to build, Congress wrote into the 1968 Act rapid depreciation and other tax benefits for private sponsors of subsidized projects. And HUD has been encouraging this kind of sponsorship instead of that by nonprofit groups—often church or civic organizations—with less housing know-how.

However, HUD is now finding out that businessmen who take advantage of the tax benefits may have little interest in the long-term success of the projects.

A report issued recently by the House Appropriations Committee says there is much concern that HUD eventually will end up owning many of these projects, after the tax benefits expire. Telling of interviews in seven cities across the nation, the House investigators report:

"Many of these sponsors advised the staff that their motivation for developing a [low income rental] project was the tax-shelter benefits. . . . After they have taken advantage of the . . . benefits, they would probably sell or return their projects to HUD if the projects do not give them a 6 per cent return on their investment."

The report says most sponsors contacted say they are not now realizing the 6 per cent profit on the investment. It adds:

"One of the sponsors advised the staff that 'it is a fact of life' that the only motive of many limited-dividend partnerships and/or corporations for being involved in the . . . program is because of the tax-shelter benefits. This sponsor pointed out that HUD should recognize this fact and should foresee that there eventually would be a large number of subsidized units returned to HUD after the sponsors have realized their tax-shelter benefits."

TEST AHEAD

Both the Administration and Congress have expressed concern over the problems of subsidized housing for several years.

In an effort to try new methods, Congress has voted a two-year, 20-million-dollar test of housing allowances. Under this approach, the subsidy payment goes directly to the family, which seeks out shelter on its own. However, this test is just getting under way.

The two programs created in 1968 were begun without such a trial run.

HUD also is plannnig to experiment with other means of using existing housing to shelter poor families, especially the leasing of private homes for public housing.

However, none of these programs is seen—yet—as the answer to the problems of Government housing for the poor.

Until a more satisfactory method is found, it appears that the Nixon Administration will continue to go slow on approving big new projects, especially those in the inner city. And the building boom, as a result, will have lost one of its strongest props.

THE COST OF HIGHER EDUCATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. VANIK. Mr. Speaker, during the past month millions of young people have returned to vocational schools and colleges. Many of these students are finding that inflation and rising tuition costs are driving needed training and education out of the reach of their families. Taxes go up—new taxes are created—food costs are rising—and paychecks seem to dwindle from both ends—making education expenses a nearly impossible burden. Because of these high and continually rising educational costs, it is vital that families plan far ahead.

The following chart—prepared by the East Ohio Gas Co.—lists the tuition and fees of a number of Ohio schools and a few selected schools elsewhere in the Nation. The figures used are from the academic year 1971–72 and therefore may be slightly under present rates. That educational expenses are increasingly difficult to meet can be seen by the fact that total tuition, fees, room and board at Ohio State University have risen by more than $200 during the last 2 school years. Many schools have experienced even larger increases.

COSTS AT COLLEGES AND UNIVERSITIES FOR THE 1971–72 ACADEMIC YEAR

College and location	Tuition and fees	Room and board	Total	For further information about— Financial aid write to	General information, write to
Private colleges and universities in Ohio:					
Antioch College, Yellow Springs	$3,152	[1]$788	$3,940	Frank A. Logan	Frank A Logan.
Ashland College, Ashland	2,201	1,000	3,201	Edward E. West	Giles L. Krueger.
Athenaeum of Ohio, Norwood, Cincinnati	1,100	900	2,000	Rev. William Schwartz	Rev. William Farrell.
Baldwin-Wallace College, Berea	2,244	1,092	3,336	David Darr	John Amy.
Bluffton College, Bluffton	1,850	950	2,800	Carl Lehman	John Slotter.
Borromeo Seminary of Ohio, Wickliffe	1,000	900	1,900	Rev. James Conry	Dr. John F. Murphy.

Footnotes at end of article.

COSTS AT COLLEGES AND UNIVERSITIES FOR THE 1971-72 ACADEMIC YEAR—Continued

College and location	Tuition and fees	Room and board	Total	For further information about— Financial aid, write to	General information, write to
Private colleges and universities in Ohio—Continued					
Capital University, Columbus	$2,100	$1,045	$3,145	Rev. Smallsreed	Roger Wiley.
Case Western Reserve University, Cleveland	2,495	1,305	3,800	Mrs. Daria Maresh	Maclin E. Richardson.
Cedarville College, Cedarville	1,450	945	2,395	David Gidley	C. B. Hurst.
Cincinnati Bible Seminary, Cincinnati	731	869	1,600	David G. Baumgardner	Earl W. Sims.
Cleveland Institute of Art, Cleveland	1,488	1,325	2,813	A. Narwold	Clayton J. Bachtel.
Cleveland Institute of Music, Cleveland	2,340	1,255	3,595	William Kurzban	Frank P. Caputo.
Dayton, University of, Dayton	1,750	950	2,700	James Hoover	Gerald W. Bergeron.
Defiance College, Defiance	2,050	910	2,960	Roger Ames	Roger Ames.
Denison University, Granville	2,560	1,150	3,710	Albert Davison	Burton W. Dunfield.
Dyke College, Cleveland	1,130	1,000	2,130	Office of Financial Aid	Joseph P. Furber.
Edgecliff College, Walnut Hills, Cincinnati	1,300	1,200	2,500	Sister Marcia Kenning, R.S.M	Sister Agnes Cloud, R.S.M.
Findlay College, Findlay	1,950	977	2,927	Mrs. Lottie Freeman	Donald J. Gix.
Heidelberg College, Tiffin	2,165	965	3,130	Walter M. Nutter	John C. Nelson.
Hiram College, Hiram	2,470	880	3,350	Alan Donley	James Mottice.
John Carroll University, University Heights, Cleveland	1,700	1,000	2,700	Donald Chenelle	John P. Sammon.
Kenyon College, Gambier	2,635	1,175	3,810	P. Wesley Tutchings	John D. Kushan.
Lake Erie College, Painesville			[2] 3,400	Vern Fegley	Vern Fegley.
Malone College, Canton	1,548	924	2,472	Guy A. Hull	Guy A. Hull.
Marietta College, Marietta	2,050	1,050	3,100	James L. Stephens	Ross W. Lenhart.
Mary Manse College, Toledo	1,260	900	2,160	William Salmi	Sister M. Helen Venier.
Mount St. Joseph-On-The-Ohio, Mount St. Joseph	1,420	1,140	2,560	Sister Martha Ann	Sister Mary Declan Browne.
Mount Union College, Alliance	2,160	990	3,150	David R. Darr	James R. Didham.
Mount Vernon Nazarene College, Mount Vernon	1,110	840	1,950	Paul Wells	William Bennett.
Muskingum College, New Concord	2,204	1,050	3,254	Mrs. Frances D. Becker	Clancy Biegler.
Notre Dame College, Cleveland	1,120	1,000	2,120	Sister Mary Margaret Therese	Sister Mary Vernice, S.N.D.
Oberlin College, Oberlin	2,770	1,180	3,950	James W. White	Robert L. Jackson.
Ohio Dominican College, Columbus	1,400	1,100	2,500	Maurice Spitler	Miss Susan McGough.
Ohio Northern University, Ada	1,197	975	2,946	John W. Guinn	William L. Robinson.
Ohio Wesleyan University Delaware	2,450	1,125	3,575	Fred A. Pollack	Ralph L. Hoffhines.
Otterbein College, Westerville	2,400	790	3,190	Elsley K. Witt	Michael Kish.
Pontifical College Josephnum, Worthington	1,200	1,200	2,400	Ronald Wojtowicz	Msgr. C. DeRuntz.
Rio Grande College, Rio Grande	1,700	1,075	2,775	Mrs. Sally Orebaugh	D. Brown.
St. John College, Cleveland	1,150	1,000	2,150	Louis Kneier	Miss Karen Kardos.
Steubenville, College of, Steubenville	1,400	1,000	2,400	William C. Zilligen	Ronald D. Jarvis.
Tiffin University, Tiffin	1,020	750	1,770	Lyle Gebhardt	Wayne Huffman.
Urbana College, Urbana	1,500	1,035	2,535	Jerome Weiskittle	William L. Inskeep.
Ursuline College, Cleveland	1,300	1,000	2,300	Roger Faust	Roger Faust.
Walsh College, Canton	1,438	1,000	2,438	Bro. Richard Levesque	Norman Kutz.
Western College, Oxford	2,624	1,216	3,840	Mrs. Helen Sullenberger	Mrs. Helen Sullenberger.
Wilberforce University, Wilberforce	1,240	930	2,170	Robert A. Thomas	Robert A. Thomas.
Wilmington College, Wilmington	1,890	1,005	2,895	Robert McCoy	Robert McCoy.
Wittenberg University, Springfield	2,316	1,140	3,456	William H. Porter	Paul G. Manuel.
Wooster, College of, Wooster			[2] 3,621	Byron Morris	Byron Morris.
Xavier University, Cincinnati	1,585	1,060	2,645	William Helmecamp	Rev. J. Peter Buschmann, S.J.
State-assisted Universities in Ohio: [3]					
Akron, University of Akron	660	1,140	1,800	Robert W. Larson	John W. Owen.
Bowling Green State University, Bowling Green	660	1,050	1,710	Mrs. Betty Whittaker	John Martin.
Central State University, Wilberforce	648	1,065	1,713	Mrs. Edith Johnson	Mrs. Frances H. Hawkins.
Cincinnati, University of, Cincinnati	825	1,239	2,064	Glenn E. Mitchell	John C. Hattendorf.
Cleveland State University, Cleveland	690	(4)	[4] 690	Lee Marshall	Dr. Richard Gulbenkian.
Kent State University, Kent	762	1,116	1,878	William E. Johnson, Jr	Rex. W. Simonds.
Miami University, Oxford	750	1,185	1,935	Guy D. Spitler, Jr	Charles R. Schuler.
Ohio State University, Columbus	720	1,245	1,965	Rodney J. Harrison	Edward E. Rhine.
Ohio University, Athens	750	1,284	2,034	M. L'Heureux	J. Reese.
Toledo, The University of, Toledo	735	1,260	1,995	Clark Reber	Robert Christen.
Wright State University, Dayton	720	1,345	2,065	Joel D. Cohan	Craig D. Willis.
Youngstown State University, Youngstown	570	975	1,545	John Wales	William Livosky.
State and county-assisted community colleges in Ohio: [5]					
Cuyahoga Community College:					
Metro Campus, Cleveland	330	(6)	[6] 330	Culbreth Cook	Major Harris.
Western Campus, Cleveland	330	(6)	[6] 330	Paul Hinko	Richard Curtis.
Eastern Campus, Cleveland	330	(6)	[6] 330	Either of above	David Mitchell.
Lakeland Community College, Mentor	418	(6)	[6] 418	Mrs. B. Seiter	F. M. Williams.
Lorain County Community College, Elyria	450	(6)	[6] 450	Paul Boguski	Timothy Boylan.
Sinclair Community College, Dayton	405	(6)	[6] 405	Asbury Turner, Jr	Kenneth Weaver.
Out-of-State colleges and universities: [7]					
Brown University, Providence, R.I	2,850	1,360	4,210	Lloyd W. Cornell, Jr	James H. Rogers.
California, University of (L.A.) Los Angeles, Calif	2,125	1,280	3,405	Don Brusha	Robert Kinsman.
Chicago, University of, Chicago, Ill	2,475	1,435	3,910	Anthony Pallett	Anthony Pallett.
Cornell University, Ithaca, N.Y	2,800	1,500	4,300	Gary A. Lee	Arthur Brodeur.
Duke University, Durham, N.C	2,300	[8] 1,130	3,430	Everette B. Weatherspoon	Robert H. Ballantyne
Harvard University, Cambridge, Mass	2,800	1,670	4,470	S. P. Malin	John P. Reardon.
Illinois, University of, Urbana, Ill	1,406	[9] 1,035	2,441	Hugh M. Satterlee	Charles E. Warwick.
Michigan, University of, Ann Arbor, Mich	2,140	1,236	3,376	Thomas Butts	Dr. Clyde Vroman.
Minnesota, University of, Minneapolis, Minn	1,511	1,200	2,711	Office of Financial Aid	James Preus.
Mount Holyoke College, South Hadley, Mass	2,450	1,400	3,850	Mrs. Groverman Payne	Miss Clara R. Ludwig.
Northwestern University, Evanston, Ill	2,700	1,135	3,835	Dan Hall	William Ihlanfeldt.
Notre Dame, University of, Notre Dame, Ind	2,300	1,050	3,350	Rev. Charles McCarrather	John Goldrick.
Pennsylvania, University of, Philadelphia, Pa	2,750	1,250	4,000	William G. Owen	J. E. Shada.
Purdue, University of, Lafayette, Ind	1,600	1,140	2,740	Richard Tombaugh	Harlan White.
Rensselaer Polytechnic Institute, Troy, N.Y	2,625	1,200	3,825	John Marks	David C. Heacock.
Rice University, Houston, Tex	2,183	1,267	3,450	L. M. Wilkens	James B. Giles.
Stanford University, Stanford, Calif	2,610	1,295	3,905	Robert P. Huff	Dean Fred Hargadon.
Wellesley College, Wellesley, Mass			[10] 3,640	Mrs. Peter V. Nychis	Mrs. George H. Ames.
Wisconsin, University of, Madison, Wis	1,832	1,040	2,872	Wallace Douma	Lee Wilcox.

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[1] This charge is for ½ of the academic year. Inasmuch as Antioch has a co-op program, students are often on off-campus assignments ½ of the academic year.

[2] This is a comprehensive fee which covers tuition, fees, room and board.

[3] These charges are for students who are Ohio residents. Higher tuition and fees are charged out-of-State students.

[4] Cleveland State University has limited residence facilities. The charge, without board, is $405 annually. This room charge is not included in the total cost.

[5] These charges are those charged students living in the same county as the one in which the college is located. Higher charges are charged out-of-county students.

[6] Community colleges are for commuting students, hence they have no room and board facilities and the total charge reflects only the charges for tuition and fees.

[7] Charges shown are those charged out-of-State residents, such as students from Ohio.

[8] This room and board charge is for male students. Room and board for women is $1,010.

[9] This room and board charge is for male students. Room and board for women is $995.

[10] This is a comprehensive fee which covers tuition, fees, room and board.

OLYMPIC SLAUGHTER

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 6, 1972

Mr. ROONEY of New York. Mr. Speaker, I sorrowfully join in supporting House Resolution 1106 which mourns for the dead Israeli athletes and calls for strict sanctions against the maniacal governments which condone or encourage such acts of beastiality. Once again we find ourselves numbly wondering what kind of mad dogs have been turned loose upon the world; wondering too what kind of mind equates publicity for a cause with the death of innocents.

I agree with the thoughts in House Resolution 1106 that sanctions must be taken against the countries that harbor these murderers. Those countries and their leaders cannot be tolerated in a society of human beings, any more than society can tolerate the thought of succumbing to the demands of terrorists. The attack in Munich during the Olympic games was calculated to focus world attention on the cause of the Arab fanatics. It was calculated, too, to raise the gorge of the Israeli people to the point where they would vent their justified rage on the Arab States thus destroying the ongoing efforts for peace in that troubled part of the world.

Mr. Speaker, we can only pray that the latter calculation was wrong. We pray, too, Mr. Speaker for the easing of the anguish that now fills the hearts of all Israel and in particular the families and the loved ones of the slain athletes. May their souls rest in eternal peace.

A TRIBUTE TO HARRY S. TRUMAN

HON. JOHN Y. McCOLLISTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 11, 1972

Mr. McCOLLISTER. Mr. Speaker, at the suggestion of one of my constituents, Mr. Frank J. Belik, of Omaha, Nebr., I would like to offer a few words of tribute to a fine American statesman, former President Harry S. Truman.

Mr. Truman, once again residing in his native Independence, Mo., presented unique leadership qualities to America in one of her darkest hours. Thrust into office in the midst of our country's involvement in World War II, President Truman guided the United States in its transition from a wartime to a peacetime economy. He continued to serve America for another 4-year term during which he asserted himself as a clear-thinking, decisive leader.

Today, at 88 years of age, the former President is still an intellectually active American. He did not retire from the responsibilities of American citizenry after serving as President, but has continued to participate in the American system as a concerned, involved, and interested member.

Harry S. Truman—a living example of citizenship for all Americans to observe, honor, and respect.

HOUSE OF REPRESENTATIVES—*Tuesday, September 12, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Where the spirit of the Lord is there is liberty.—II Corinthians 3: 17.

O Lord our God, and God of our fathers, we greet the coming of another day with joyful hearts and enter into Thy presence with thanksgiving. As Thou didst lead our fathers to found on these shores a nation of free men so do Thou continue to lead their children in keeping the flag of freedom flying in our day that men everywhere may come to know and to enjoy the greatness of liberty.

Amid all our blessings make us mindful of those who dwell in the land of oppression, who eat the food of affliction, and who taste the bitter fruit of bondage. Particularly do we pray for our prisoners of war and their families. Hasten the day when wars shall cease, the captives be released, and all mankind begin to be blest with the joyful experiences of brotherhood and peace.

In the spirit of Him who sets men free we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 1860. An act for the relief of David Capps, formerly a corporal in the U.S. Marine Corps;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech;

H.R. 10635. An act for the relief of William E. Baker; and

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3755) entitled "An act to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. CANNON, Mr. HART, Mr. COTTON, and Mr. PEARSON to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 909. An act for the relief of John C. Rogers;

S. 995. An act for the relief of Ronald K. Downie;

S. 2714. An act for the relief of M. Sgt. William C. Harpold, U.S. Marine Corps, retired, and

S. 3257. An act for the relief of Gary Wentworth, of Staples, Minn.

The message also announced that the Vice President, pursuant to Public Law 85–474, appointed Mr. PASTORE, Mr. JORDAN of North Carolina, Mr. HARTKE, Mr. MOSS, Mr. BAYH, Mr. HOLLINGS, Mr. BENTSEN, Mr. SAXBE, Mr. TAFT, and Mr. STAFFORD to attend, on the part of the Senate, the Interparliamentary Union Meeting to be held in Rome, Italy, September 21 to 29, 1972.

The message also announced that the Vice President, pursuant to section 140 (g) of Public Law 92–318, appointed Mr. PELL and Mr. BEALL as members, on the part of the Senate, of the National Commission on the Financing of Postsecondary Education.

AMENDING STATUTORY CEILING ON SALARIES PAYABLE TO U.S. MAGISTRATES

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7375) to amend the statutory ceiling on salaries payable to U.S. magistrates, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 2, after "$100" insert "nor more than $15,000".

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. GERALD R. FORD. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from California what changes, if any, were made in the bill as passed by the House.

Mr. EDWARDS of California. Mr. Speaker, the only change that was made, I advise the distinguished minority leader, was to limit the salary of part-time magistrates to $15,000 per year. Under the bill passed in the House, the salary of a part-time magistrate was tied to that of a part-time referee in bankruptcy and could have gone as high as $18,000 per year. The Senate amendment reduces that to $15,000, and I believe it is a good amendment. No part-time magistrate can get more than $15,000 per year.

Mr. GERALD R. FORD. In other words, the Senate amendment modifies the House version down and, in effect, is more restrictive than the House version.

Mr. EDWARDS of California. That is exactly correct. It is an economy change.

Mr. Speaker, I believe that the amendment to this measure adopted by the other body is both a constructive amendment, as well as an economy measure, and I urge that we concur in that amendment.

As originally passed by the House of Representatives, H.R. 7375 imposed the following statutory ceilings on the salaries payable to the U.S. magistrates.

The House-passed bill imposed the same ceilings on the salaries of full-time and past-time magistrates as are currently imposed on the salaries of full-time and part-time referees in bankruptcy, with the exception that the salary of a full-time magistrate cannot exceed 75 percent of the salary of a judge of a U.S. district court.

As a practical matter, the salaries of full-time and part-time referees in bankruptcy are now set at maximums of $30,000 and $18,000, respectively, subject to an overall statutory ceiling of $36,000 and $18,000, respectively. Under the House bill, the statutory ceiling for full-time magistrates would be limited to $30,000, since the House bill would prohibit magistrates from earning more than 75 percent of the salary of a district judge.

With respect to part-time magistrates, the House-passed bill provided, in effect, for a ceiling of $18,000. The Senate amendment to the House-passed bill would decrease that ceiling to $15,000.

Mr. Speaker, as I have indicated, the Senate amendment to H.R. 7375 can only have the effect of decreasing the costs to the Federal Government of the magistrate system. The amendment has the support of the National Council of Federal Magistrates. As a result, I believe that it should have the warm endorsement of all of our colleagues.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EDWARDS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill just considered.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDING TITLE 10, UNITED STATES CODE, TO ESTABLISH A SURVIVOR BENEFIT PLAN

Mr. PIKE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10670) to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert:

That chapter 73 of title 10, United States Code, is amended as follows:

(1) The title of the chapter is amended by adding "; SURVIVOR BENEFIT PLAN" after "PAY", and by inserting the following after the revised title:

"Subchapter	Sec.
"I. Retired Serviceman's Family Protection Plan	1431
"II. Survivor Benefit Plan	1447

"Subchapter I.—Retired Serviceman's Family Protection Plan".

(2) Subchapter I is amended as follows:

(A) Sections 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1444 (a) and (c), 1445, and 1446 are each amended by striking out "chapter" wherever it appears and inserting in place thereof "subchapter".

(B) Section 1443 is repealed and the corresponding item in the subchapter analysis for that section is stricken.

(C) Section 1444(b) is repealed and the catchline and subchapter analysis item for section 1444 are each amended by striking out "reports to Congress;".

(3) The following new subchapter is added after section 1446:

"Subchapter II.—Survivor Benefit Plan

"Sec.
"1447. Definitions.
"1448. Application of Plan.
"1449. Mental incompetency of member.
"1450. Payment of annuity: beneficiaries.
"1451. Amount of annuity.
"1452. Reduction in retired or retainer pay.
"1453. Recovery of annuity erroneously paid.
"1454. Correction of administrative deficiencies.
"1455. Regulations.

"§ 1447. Definitions.

"In this subchapter:

"(1) 'Plan' means the Survivor Benefit Plan established by this subchapter.

"(2) 'Base amount' means—

"(A) the amount of monthly retired or retainer pay to which a person—

"(i) was entitled when he became eligible for that pay; or

"(ii) later became entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or

"(B) any amount less than that described by clause (A) designated by that person on or before the first day for which he became eligible for retired or retainer pay, but not less than $300;

an increased from time to time under section 1401a of this title.

"(3) 'Widow' means the surviving wife of a person who, if not married to the person at the time he became eligible for retired or retainer pay—

"(A) was married to him for at least two years immediately before his death; or

"(B) is the mother of issue by that marriage.

"(4) 'Widower' means the surviving husband of a person who, if not married to the person at the time she became eligible for retired or retainer pay—

"(A) was married to her for at least two years immediately before her death; or

"(B) is the father of issue by that marriage.

"(5) 'Dependent child' means a person who is—

"(A) unmarried;

"(B) (i) under 18 years of age; (ii) at least 18, but under 22, years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution; or (iii) incapable of supporting himself because of a mental or physical incapacity existing before his eighteenth birthday or incurred on or after that birthday, but before his twenty-second birthday, while pursuing such a full-time course of study or training; and

"(C) the child of a person to whom the Plan applies, including (i) an adopted child, and (ii) a stepchild, foster child, or recognized natural child who lived with that person in a regular parent-child relationship.

For the purpose of this clause, a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while he is regularly pursuing such a course of study or training, is considered to have become 22 years of age on the first day of July after that birthday. A child who is a student is considered not to have ceased to be a student during an interim between school years if the interim is not more than 150 days and if he shows to the satisfaction of the Secretary of Defense that he has a bona fide intention of continuing to pursue a course of study or training in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim. Under this clause, a foster child, to qualify as the dependent child of a person to whom the Plan applies, must, at the time of the death of that person, also reside with, and receive over one-half of his support from, that penson, and not be cared for under a social agency contract. The temporary absence of a foster child from the residence of that person, while he is a student as described in this clause, will not be considered to affect the residence of such a foster child.

"§ 1448. Application of plan

"(a) The Plan applies to a person who is married or has a dependent child when he becomes entitled to retired or retainer pay unless he elects not to participate in the Plan before the first day for which he is eligible for that pay. If a person who is married elects not to participate in the Plan at the maximum level, that person's spouse shall be notified of the decision. An election not to participate in the Plan is irrevocable if not revoked before the date on which the person first becomes entitled to retired or retainer pay. However, a person who is not married when he becomes entitled to retired or retainer pay but who later marries, or acquires a dependent child, may elect to participate in the Plan but his election must be written, signed by him, and received by the Secretary concerned within one year after he marries, or acquires that dependent child. Such an election may not be revoked. His election is effective as of the first day of the month after his election is received by the Secretary concerned.

"(b) A person who is not married and does not have a dependent child when he becomes entitled to retired or retainer pay may elect to provide an annuity to a natural person with an insurable interest in that person.

"(c) The application of the Plan to a person whose name is on the temporary disability retired list terminates when his name is removed from that list and he is no longer entitled to retired pay.

"(d) If a member of an armed force dies on active duty after he has become entitled to retired or retainer pay; or after he has qualified for that pay except that he has not applied for or been granted that pay, and his spouse is eligible for dependency and indemnity compensation under section 411(a) of title 38 in an amount that is less than the annuity the spouse would have received under this subchapter if it had applied to the member when he died, the Secretary concerned shall pay to the spouse an annuity equal to the difference between that amount of compensation and 55 percent of the retired or retainer pay to which the otherwise eligible spouse described in section 1540(a)(1) of this title would have been entitled if the member had been entitled to that pay based upon his years of active service when he died.

"§ 1449. Mental incompetency of member

"If a person to whom section 1448 of this title applies is determined to be mentally incompetent by medical officers of the armed force concerned or of the Veterans' Administration, or by a court of competent jurisdiction, any election described in the first sentence of subsection (a), or subsection (b), of section 1448 of this title may be made on behalf of that person by the Secretary concerned. If the person for whom the Secretary has made an election is later determined to be mentally competent by an authority named in the first sentence, he may, within 180 days after that determination revoke that election. Any deductions made from retired or retainer pay by reason of such an election will not be refunded.

"§ 1450. Payment of annuity: beneficiaries

"(a) Effective as of the first day after the death of a person to whom section 1448 of this title applies, a monthly annuity under section 1451 of this title shall be paid to—

"(1) the eligible widow or widower;

"(2) the surviving dependent children in equal shares, if the eligible widow or widower is dead, dies, or otherwise becomes ineligible under this section; or

"(3) the natural person designated under section 1448(b) of this title at the time the person to whom section 1448 applies became entitled to retired or retainer pay, if there is no eligible beneficiary under clause (1) or (2).

"(b) An annuity payable to the beneficiary terminates effective as of the first day of the month in which eligibility is lost. An annuity for a widow or widower shall be paid to the widow or widower while the widow or widower is living or, if the widow or widower remarries before reaching age 60, until the widow or widower remarries. If the widow or widower remarries before reaching age 60 and that marriage is terminated by death, annulment, or divorce, payment of the annuity will be resumed effective as of the first day of the month in which the marriage is so terminated. However, if the widow or widower is also entitled to an annuity under this section based upon the marriage so terminated, the widow or widower may not receive both annuities but must elect which to receive.

"(c) If, upon the death of a person to whom section 1448 of this title applies, the widow or widower of that person is also entitled to compensation under section 411(a) of title 38, the widow or widower may be paid an annuity under this section, but only in the amount that the annuity otherwise payable under this section would exceed that compensation.

"(d) If, upon the death of a person to whom section 1448 of this title applies, that person had in effect a waiver of his retired or retainer pay for the purposes of subchapter III of chapter 83 of title 5, an annuity under this section shall not be payable unless, in accordance with section 8339(i) of title 5, he notified the Civil Service Commission that he did not desire any spouse surviving him to receive an annuity under section 8341(b) of that title.

"(e) If no annuity under this section is payable because of subsection (c), any amounts deducted from the retired or retainer pay of the deceased under section 1452 of this title shall be refunded to the widow or widower. If, because of subsection (c), the annuity payable is less than the amount established under section 1451 of this title, the annuity payable shall be recalculated under that section. The amount of the reduction in the retired or retainer pay required to provide that recalculated annuity shall be computed under section 1452 of this title, and the difference between the amount deducted prior to the computation of that recalculated annuity and the amount that would have been deducted on the basis of that recalculated annuity shall be refunded to the widow or widower.

"(f) An unmarried person who elects to provide an annuity to a person designated by him under subsection (a)(3), but who later marries or acquires a dependent child, may change that election and provide an annuity to his spouse or dependent child. A change of election under this subsection is subject to the rules with respect to execution, revocation, and effectiveness set forth in the last three sentences of section 1448(a) of this title.

"(g) Except as provided in section 1449 of this title or in subsection (f) of this section, an election under this section may not be changed or revoked.

"(h) Except as provided in section 1451 of this title, an annuity under this section is in addition to any other payment to which a person is entitled under any other provision of law. Such annuity shall be considered as income under laws administered by the Veterans' Administration.

"(i) An annuity under this section is not assignable or subject to execution, levy, attachment, garnishment, or other legal process.

"§ 1451. Amount of annuity

"(a) If a widow or widower is under age 62 or there is a dependent child, the monthly annuity payable to the widow, widower, or dependent child, under section 1450 of this title shall be equal to 55 percent of the base amount. However, when the widow has one dependent child, the monthly annuity shall be reduced by an amount equal to the mother's benefit, if any, to which the widow would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(l)(1) of title 42 and calculated assuming that the person concerned lived to age 65. When the widow or widower reaches age 62, or there is no longer a dependent child, whichever occurs later, the monthly annuity shall be reduced by an amount equal to the amount of the survivor benefit, if any, to which the widow or widower would be entitled under subchapter II of chapter 7 of title 42 based solely upon service by the person concerned as described in section 410(l)(1) of title 42 and calculated assuming that the person concerned lived to age 65. For the purpose of the preceding sentence, a widow or widower shall be considered as entitled to a benefit under subchapter II of chapter 7 of title 42 even though that benefit has been offset by deductions under section 403 of title 42 on account of work.

"(b) The monthly annuity payable under section 1450(a)(3) of this title shall be 55 percent of the retired or retainer pay of the person who elected to provide that annuity after the reduction in that retired or retainer pay in accordance with section 1452(c) of this title.

"(c) Whenever retired or retainer pay is increased under section 1401a of this title, each annuity that is payable under this section, or section 1448(d) of this title, on the day before the effective day of that increase shall be increased at the same time by the same total percent. The amount of the increase shall be based on the monthly annuity payable before any reduction under section 1448(d) or 1450(c) of this title, or subsection (a) of this section.

"§ 1452. Reduction in retired or retainer pay

"(a) The retired or retainer pay of a person to whom section 1448 of this title applies who has a spouse, or who has a spouse and a dependent child, and who has not elected to provide an annuity to a person designated by him under section 1450(a)(3) of this title, or who had elected to provide such an annuity to such a person but has changed his election in favor of his spouse under section 1450(f) of this title, shall be reduced each month by an amount equal to 2½ percent of the first $300 of the base amount plus 10 percent of the remainder of the base amount. As long as there is an eligible spouse and a dependent child, that amount shall be increased by an amount prescribed under regulations of the Secretary of Defense.

"(b) The retired or retainer pay of a person to whom section 1448 of this title applies who has a dependent child but does not have an eligible spouse, shall, as long as he has an eligible dependent child, be reduced by an amount prescribed under regulations of the Secretary of Defense.

"(c) The retired or retainer pay of a person who has elected to provide an annuity to a person designated by him under section 1450(a)(3) of this title shall be reduced by 10 percent plus 5 percent for each full 5 years the individual designated is younger than that person. However, the total reduction may not exceed 40 percent.

"(d) If a person who has elected to participate in the Plan has been awarded retired or retainer pay and is not entitled to that pay for any period, he must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period, except when he is called or ordered to active duty for a period of more than 30 days.

"(e) When a person who has elected to participate in the Plan waives his retired or retainer pay for the purposes of subchapter III of chapter 83 of title 5, he shall not be required to make the deposit otherwise required by subsection (d) as long as that waiver is in effect unless, in accordance with section 8339(i) of title 5, he has notified the Civil Service Commission that he does not desire any spouse surviving him to receive an annuity under section 8341(b) of title 5.

"(f) Except as provided in section 1450(e) of this title, a person is not entitled to any refunds of amounts deducted from retired or retainer pay under this section unless the amounts were deducted through administrative error.

"§ 1453. Recovery of annuity erroneously paid

"In addition to other methods of recovery provided by law, the Secretary concerned may authorize the recovery, by deduction from later payments to a person, of any amount erroneously paid to him under this subchapter. However, recovery is not required if, in the judgment of the Secretary concerned and the Comptroller General, there has been no fault by the person to whom the amount was erroneously paid and recovery would be contrary to the purposes of this subchapter or against equity and good conscience.

"§ 1454. Correction of administrative deficiencies

"The Secretary concerned may, under regulations prescribed under section 1455 of this title, correct or revoke any election under this subchapter when he considers it necessary to correct an administrative error. Except when procured by fraud, a correction or revocation under this section is final and conclusive on all officers of the United States.

"§ 1455. Regulations

"The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform for the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service. Those regulations shall—

"(1) provide that, when the notification referred to in section 1448(a) of this title is required, the member and his spouse shall, before the date the member becomes entitled to retired or retainer pay, be informed of the elections available and the effects of such elections; and

"(2) establish procedures for depositing the amounts referred to in section 1452(d) of this title."

SEC. 2. The chapter analysis of subtitle A and the analysis of part II of subtitle A of title 10, United States Code, are each amended by amending the item relating to chapter 73 by adding "; Survivor Benefit Plan" after "Pay".

SEC. 3. (a) The Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act applies to any person who initially becomes entitled to retired or retainer pay on or after the effective date of this Act. An election made before that date by such a person under section 1431 of title 10, United States Code, is canceled. However, a person who initially becomes entitled to retired or retainer pay within 180 days after the effective date of this Act may, within 180 days after becoming so entitled, elect—

(1) not to participate in such Survivor Benefit Plan if he is married or has a dependent child; or

(2) to participate in that Plan, if he is a person covered by section 1448(b) of title 10, United States Code.

(b) Any person who is entitled to retired or retainer pay on the effective date of this Act may elect to participate in the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act before the first anniversary of that date. However, such a person who is receiving retired or retainer pay reduced under section 1436(a) of title 10, United States Code, or who is depositing amounts under section 1438 of that title, may elect before the first anniversary of the effective date of this Act—

(1) to participate in the Plan and continue his participation under chapter 73 of that title as in effect on the day before the effective date of this Act, except that the total of the annuities elected may not exceed 100 percent of his retired or retainer pay; or

(2) to participate in the Plan and, notwithstanding section 1436(b) of that title, terminate his participation under chapter 73 of that title as in effect on the day before the effective date of this Act.

A person who elects under clause (2) of this subsection is not entitled to a refund of amounts previously deducted from his retired or retainer pay under chapter 73 of title 10, United States Code, as in effect on the day before the effective date of this Act, or any payments made thereunder on his behalf. A person who is not married or does not have a dependent child on the first anniversary of the effective date of this Act, but who later marries or acquires a dependent child, may elect to participate in the Plan under the fourth sentence of section 1448(a) of that title.

(c) Notwithstanding the provisions of the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act, and except as otherwise provided in this section, subchapter I of chapter 73 of title 10, United States Code (other than the last two sentences of section 1436(a), section 1443, and section 1444(b)), as in effect on the day before the effective date of this Act, shall continue to apply in the case of persons, and their beneficiaries, who have elected annuities under section 1431 or 1432 of that title and who have not elected under subsection (b)(2) of this section to participate in that Plan.

(d) In this section, "base amount" means—

(1) the monthly retired or retainer pay to which a person—

(A) is entitled on the effective date of this Act; or

(B) later becomes entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list; or

(2) any amount less than that described in clause (1) designated by that person at the time he makes an election under subsection (a)(2) or (b) of this section, but not less than $300;

as increased from time to time under section 1401a of title 10, United States Code.

(e) An election made under subsection (a) or (b) of this section is effective on the date it is received by the Secretary concerned, as defined in section 101(5) of title 37, United States Code.

(f) Sections 1449, 1453, and 1454 of title 10, United States Code, as added by clause (3) of the first section of this Act, are applicable to persons covered by this section.

SEC. 4. (a) A person—

(1) who, on the effective date of this Act is, or within one calendar year after that date becomes, a widow of a person who was entitled to retired or retainer pay when he died;

(2) who is eligible for a pension under subchapter III of chapter 15 of title 38, United States Code, or section 9(b) of the Veterans' Pension Act of 1959 (73 Stat. 436); and

(3) whose annual income, as determined in establishing that eligibility, is less than $1,400;

shall be paid an annuity by the Secretary concerned unless she is eligible to receive an annuity under the Survivor Benefit Plan established pursuant to clause (3) of the first section of this Act. However, such a person who is the widow of a retired officer of the Public Health Service or the National Oceanic and Atmospheric Administration, and who would otherwise be eligible for an annuity under this section except that she does not qualify for the pension described in clause (2) of this subsection because the service of her deceased spouse is not considered active duty under section 101(21) of title 38, United States Code, is entitled to an annuity under this section.

(b) The annuity under subsection (a) of this section shall be in an amount which when added to the widow's income determined under subsection (a)(3) of this section, plus the amount of any annuity being received under sections 1431–1436 of title 10, United States Code, but exclusive of a pension described in subsection (a)(2) of this section, equals $1,400 a year. In addition, the Secretary concerned shall pay to the widow, described in the last sentence of subsection (a) of this section, an amount equal to the pension she would otherwise have been eligible to receive under subchapter III of chapter 15 of title 38, United States Code, if the service of her deceased spouse was considered active duty under section 101(21) of that title.

SEC. 5. Section 3(a)(4) of the Act of August 10, 1956, chapter 1041, as amended (33 U.S.C. 857a(a)(5)), and section 221(a)(5) of the Public Health Service Act, as amended (42 U.S.C. 213a(a)(5)), are each amended to read as follows:

"Chapter 73, Retired Serviceman's Family Protection Plan; Survivor Benefit Plan."

SEC. 6. Title 38, United States Code, is amended as follows:

(1) Section 415(g)(M) is amended to read as follows:

"(M) payments of annuities elected under subchapter I of chapter 73 of title 10."

(2) Section 503(17) is amended to read as follows:

"(17) payments of annuities elected under subchapter I of chapter 73 of title 10.".

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIKE. Mr. Speaker, I am pleased to report that on last Friday, the Senate passed its version of H.R. 10670, the survivor benefits bill. As chairman of the Special Subcommittee on Survivor Benefits, I am happy to recommend that the House accept the Senate version of this legislation—thus eliminating the necessity of going to conference.

At the outset, let me point out that while the Senate made several changes in the House language, the essence of the House bill remains intact.

Let me briefly review the bill. The bill which we sent to the Senate was premised on two major considerations. First, it was built on the foundation provided by social security and second, to the extent feasible, it paralleled the survivor benefit program of the Civil Service Retirement System.

It provided for a maximum benefit of 55 percent to the survivor of the military retiree who would during his lifetime share in the cost of the program by deductions from the retired pay. The annuity will be adjusted according to the Consumer Price Index.

The deductions from the retired pay would be on the same formula that the civil service annuitants pay, that is, 2½ percent for the first $300 of the base amount and 10 percent for anything over that figure up to the maximum of the man's retired pay.

It provided for automatic coverage to all future retirees at the time of retirement if they are married or have a dependent child or children unless they elect not to participate.

The benefits under the bill accrue to the widow or widower of the retiree and are paid as long as they live or until remarriage if the remarriage occurs before reaching age 60. The annuity would not cease in the case of a widow or widower who remarries after age 60.

In the absence of a widow or widower, the benefits would go to the surviving dependent children in equal shares and the annuity would be paid as long as there are eligible children.

The bill provided that the benefits paid by DOD be reduced by the amount of social security benefit paid to the widow beginning at age 62 which is attributable to her husband's active military service.

The bill also provided for a minimum income guarantee for current widows of about $2,100 annually. If the widow's income is less than $1,400, a Defense supplement will be paid to the widow to bring the widow's income up to $1,400. This amount, together with a payment from the Veterans' Administration, will total about $2,100.

The bill guaranteed that no widow of a retirement-eligible member dying on active duty receives less than a widow of a similar member—same grade and length of service—dying in retirement.

Our bill provided that future retirees will not be eligible to participate in the present military survivor benefit program—the retired serviceman's family protection plan—RSFPP. Present participants would be allowed to drop RSFPP and elect a survivor annuity under the provisions of the new plan. Alternatively, they will be allowed to continue to participate in RSFPP and elect in the new plan up to a maximum survivor benefit level of 100 percent of retired pay. Survivor annuities would continue to be paid under RSFPP for as long as those currently receiving benefits continue to be eligible for payments and for so long as there are eligible survivors, if the member elects to stay covered under RSFPP in addition to, or instead of being covered in the new plan.

These provisions are all contained in the bill passed by the Senate.

Of the several amendments to our bill adopted by the Senate the only one which would have been in serious controversy at any conference on the two bills was the provision in the House bill providing for the attachment of up to 50 percent of a retiree's pay in order to comply with an order of a court of competent jurisdiction in behalf of a spouse, exspouse, or dependent children.

This particular provision was one which I personally, strongly favored, as did the majority of the subcommittee. It was, however, only a bare majority of the subcommittee. It was opposed by Mr. Gubser, the ranking Republican on the subcommittee; it was opposed by most of the servicemen's organizations who took an active interest in this legislation; it was opposed by the Department of Defense; and, it was omitted completely by the Senate.

The principal argument made against it was the fact that this attachment provision would single out military retirees for a form of enforcement of court orders imposed on no other employees or retired employees of the Federal Government.

We have with this legislation as it passed the House introduced this concept for the benefit of women and children whose husbands have failed to meet their legal obligations, and the concept has been put by the Senate committee into H.R. 1 as binding on all Federal employees and retired Federal employees. In view of this fact, and regardless of my strong feelings on the subject—and also because I learned to count votes a long time ago—I recommend that we accept the Senate amendments in order that this very important legislation may become the law of the land at the earliest opportunity.

While some of the other Senate amendments were of some substance, they are largely of a very technical nature and I shall not dwell on them at this time. Our most competent staff can answer any questions that any of the members may have as to these technical amendments.

I cannot close without again paying tribute to the Fleet Reserve Association for their leadership in getting this effort started; to the Honorable Charles Gubser, ranking minority member of our special subcommittee, who is primarily responsible for the subject matter being brought to the attention of the Congress; to each member of the subcommittee who worked so hard on this legislation and to the staff of Bill Cook, John Ford, and Holly Contes. These combined efforts have brought us to what I believe is one of the better days in the history of the Congress for we know we have accomplished a long sought and desired goal—equal treatment to survivors of career military personnel to that of survivors of career civil servants.

Mr. GUBSER. Mr. Speaker, I concur with Mr. Pike's recommendation that the House accept the Senate amendments to H.R. 10670, and I share in his great pride in the passage of this legislation.

Passage of this bill represents a classic example of the legislative process in its ideal form. The bill originated as an idea of the Fleet Reserve Association. A strong subcommittee was appointed by Chairman Hébert and his fortunate choice to serve as chairman of that committee was the gentleman from New York (Mr. Pike). As the person who first introduced a survivors' benefit bill, I recognize how complex the subject matter was. But Chairman Pike became the master of these complexities. His leadership and the hard work of all members of his subcommittee have resulted in this piece of landmark legislation. The administration contributed in a large measure to the final draft of the bill. In short, this bill is the product of a servicemen's association, the executive branch and a committee of Congress.

I might also mention that our former colleague, who acted as a member of the subcommittee which reported this bill and is now the junior Senator from the State of Maryland, the Honorable J. Glenn Beall, is largely responsible for Senate clearance of the bill.

This legislation will immediately result in a $5 billion enhancement of the estates of retiring servicemen. It is a great step forward for military personnel and will certainly make a military career more attractive. It will go a long way toward creating the all-volunteer military service which we desire so much.

As Mr. Pike pointed out, I was opposed to the attachment provision being applied solely to military personnel. I therefore concur in the Senate action deleting it from this bill. I recognize Mr. Pike's strong feelings on this issue, so I particularly appreciate his willingness to accept the bill as it passed the Senate and to avoid holding up passage of the legislation because of attachment. Parenthetically I would like to state that I favor the attachment principle provided it applies to everyone and not just a single group.

As Mr. Pike mentioned, the bill approved by the Senate is essentially the bill drafted by our committee. Other than the elimination of attachment, the only really major changes are in the method of extending coverage to dependent children and in the method of making contributions for military retirees who also qualify for benefits under the civil service.

The House bill had provided for the benefits to flow directly to dependent children. The Senate revised the bill to provide coverage for children on an actuarial basis—that is, for a slight additional charge the member is able to cover his dependent children; but his retired-pay deductions for such coverage would terminate when the children are no longer eligible for benefits. This makes it more advantageous to the retiree since he will only be paying as long as dependent children are covered, and at the same time it results in no additional cost to the Government as the program would be actuarially sound.

As regards military retirees who also qualify under the civil service retirement program, the retirees would have the option of which plan to use and could also use a combination of the two programs. The Senate revisions assure that he would never be paying twice for the same benefit and also that we would never get double coverage for the same period of service. The Senate language, therefore, is equitable for the Government and more advantageous to the retiree. Under the House plan he would have had to make an election under the military program at the time he retired and would have had to continue being under that program indefinitely.

The other changes in the Senate bill are minor changes mostly of a technical nature, and I do not believe it is necessary to go into them in detail here.

Before closing, let me say once again that this great piece of legislation could only result from great leadership. I am pleased that the Fleet Reserve Association's bill which I have fought for so hard and so long was fortunately referred to a subcommittee whose chairman can be classified as brilliant.

I urge the support of Mr. Pike's motion.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PIKE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on this matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MAKING IN ORDER CONSIDERATION OF THE SCHOOL LUNCH CONFERENCE REPORT TOMORROW

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that it may be in order to call up the school lunch conference report tomorrow notwithstanding the fact that it was only printed in the Record on Monday.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. RUTH. Mr. Speaker, reserving the right to object, and I do not intend to object if the chairman will explain what this would do with regard to having the school board know what money they will have available. We are late now in letting them know.

I think this is a good bill. If we would give this unanimous consent, I think it would be of benefit—especially to the schools.

If the chairman would explain a little bit more about this matter, I think it would be of help.

Mr. PERKINS. If the gentleman will yield, the conference report provides for the reimbursement rate for every school lunch that is served in the various school districts of the country. It increases the reimbursement rate from 6 cents to 8 cents. That is the real purpose.

The schools have already started in the country, and the conference was agreed to last Wednesday or Thursday. The report should have been filed on Friday, but I neglected to do it then. I was on my way to the House Chamber when the House adjourned.

Mr. RUTH. That is the point I want to make clear. I do not think we should penalize the schools for this oversight.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

COMMUNISM VERSUS SPORTSMANSHIP

(Mr. SIKES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, as a people, we in America find it very difficult to understand duplicity by other nations. We seek to be honest in our dealings. We help others regardless of their ideological beliefs. We assume they will be forthright and fair with us. That is not always the way things work out. In fact, they almost never work out that way when we deal with Communists.

The recent Olympic games are a case in point. I believe the records will show that in every instance when judges were called upon to decide between an award to a Communist or to a non-Communist participant or to settle disputed awards the voting by the Communist judges followed straight party lines. Scoring always was weighted in favor of the Communist participants. Some of the decisions were very bad. One of the worst was the manner in which the basketball championship was handed over to a Russian team.

The tragedies associated with this year's games are difficult enough if the Olympics are to survive. Add to this the obvious favoritism shown by Communist judges to Communist athletes and the doom may have been spelled for this great classic among sporting events. Non-Communist athletes should not be asked to go up against a stacked deck. The Olympics are degenerating into a stacked deck as a result of Communist tactics.

THE SHOCK AT MUNICH

(Mr. FISH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. FISH. Mr. Speaker, last week, speeches in this Chamber reflected the shock, the anger, the frustration of Members of Congress over the slaying of 11 Israel Olympians in Munich. The shock and anger remains. The frustration now must be replaced with action. What is needed is a plan to rid the world of international terrorists.

It must be clear that the black september movement is an integral part of organized Arab terrorism. Shielded, supported, applauded by certain Arab nations, the terrorists are encouraged in their madness.

Terrorism is not a new phenomenon for Israel. The recent shooting of a diplomat in Brussels, the massacre at Munich, the Lod Airport slaughter, the attack on a El Al plane in Athens, the truckload of dynamite exploding in a crowded Jerusalem market—only continue and intensify a 20-year history of terrorist guerrilla warfare against Israel. The new element is the internationalization of the terror.

The time is now, Mr. Speaker, to put an end to such barbarism. The time is now for the world community in concert to deal firmly with the sanctuaries that shield, foster and glorify international assassins.

International air carriers should refuse to land in nations that give highjackers sanctuary.

Economic sanctions should be explored as leverage to force nations to act responsibly.

The time is now, Mr. Speaker, for nations of Europe and in our hemisphere to root our terrorists in our midst. In Europe and in the Americas civilized nations that do not support terrorism, in fact lend themselves as sanctuaries by permitting terrorist groups to operate and recruit on their soil.

Last night I attended an ecumenical memorial service at the Temple Beth El in Chappaqua, N.Y., under the sponsorship of the Jewish Community Council of Northern Westchester and Putnam County.

A resolution was adopted at this meeting which I was requested to transmit to the President of the United States which reads as follows:

> We respectfully petition the President of the United States to do all that is in his power to bring an end to the sanctuary afforded Arab terrorists and recruiters in Europe and the Americas.

Mr. Speaker, the course for civilized nations of the world to follow is clear. Even while we mourn the death of the 11 Israeli Olympians, we must resolve to act firmly and swiftly to end international terrorism. Air piracy can be ended. Terrorist acts on the international scene can be ended, but it will take the concerted action of the civilized nations of the world.

CALL OF THE HOUSE

Mr. PETTIS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 358]

Abourezk
Abzug
Aspinall
Badillo
Baker
Baring
Bell
Bevill
Blanton
Blatnik
Bow
Buchanan
Byron
Camp
Carney
Clark
Clay
Conyers
Cotter
Davis, S.C.
Davis, Wis.
de la Garza
Delaney
Diggs
Dorn
Dowdy
Dwyer
Edmondson
Eshleman
Evins, Tenn.
Fraser
Frelinghuysen
Frey
Fuqua
Galifianakis
Gallagher
Gettys
Goldwater
Gray
Green, Oreg.
Green, Pa.
Halpern
Hanley
Hansen, Wash.
Hathaway
Jacobs
Jarman
Jonas
Kuykendall
Landrum
Lloyd
McCormack
McDonald, Mich.
McMillan
Macdonald, Mass.
Mallary
Meeds
Melcher
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Minshall
Moorhead
Murphy, N.Y.
Nelsen
Pelly
Pepper
Pucinski
Rangel
Rhodes
Roncalio
Rooney, N.Y.
Ruppe
Ryan
Scheuer
Schmitz
Shriver
Slack
Springer
Stokes
Teague, Calif.
Thompson, Ga.
Vander Jagt
Whalley
Wilson, Bob
Wilson, Charles H.
Wolff
Yatron
Young, Fla.
Zablocki

The SPEAKER. On this rollcall 340 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CRIMES OF COUNTERFEITING AND FORGERY

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9222) to correct deficiencies in the law relating to the crimes of counterfeiting and forgery, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

> Page 1, line 9, strike out "money order issued by or under the" and insert "blank money order or a money order issued by or under the".
>
> Page 2, line 2, strike out "or" where it appears the first time.
>
> Page 3, line 4, strike out "retains" and insert "possesses".
>
> Page 3, lines 24 and 25, strike out "or any postal money order form".
>
> Page 4, line 2, strike out "such" and insert "postal".

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE REPORTS

Mr. ANDERSON of Tennessee. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to

the request of the gentleman from Tennessee?

There was no objection.

IMMIGRATION AND NATIONALITY ACT AMENDMENTS

Mr. ANDERSON of Tennessee. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1108 and ask for its immediate consideration.

The Clerk read the resolution as follows:

> H. RES. 1108
>
> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16188) to amend the Immigration and Nationality Act, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Tennessee is recognized for 1 hour.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1108 provides an open rule with 1 hour of general debate for consideration of H.R. 16188 to amend the Immigration and Nationality Act.

The purpose of H.R. 16188 is to make it unlawful to knowingly hire aliens who have not been legally admitted for permanent residence or who are not authorized by the Attorney General to work while in the United States. Also, the legislation establishes a three-step procedure for imposition of sanctions against employers who hire illegal aliens.

While the legislation makes unlawful the knowing employment of illegal aliens, it provides that an employer who makes an honest effort to determine whether an alien is entitled to work will be exempt from liability.

For the first offense, an employer will be cited by the Attorney General informing him of the violation.

For a second offense within 2 years after receiving a citation, the employer will be fined not more than $500 for each alien employee.

For a third offense, the employer will be subject to a maximum penalty of $1,000 for 1 year imprisonment, or both, for each alien employee.

Also, provision is made for the forfeiture of vehicles used in transporting illegal aliens.

Cost of the legislation is estimated at $298,400 for each fiscal year.

Mr. Speaker, I urge the adoption of House Resolution 1108 in order that H.R. 16188 may be considered.

Mr. SMITH of California. Mr. Speaker, House Resolution 1108 provides 1 hour open rule for the consideration of H.R. 16188, which amends the Immigration and Naturalization Act and for other purposes.

I concur in the explanation of the bill as set forth by the distinguished gentleman from Tennessee.

Mr. Speaker, I commend the committee for bringing out this bill. I think it is long, long overdue. In fact, I do not think it goes far enough.

The primary purpose of H.R. 16188 is to make it an offense to knowingly hire illegal aliens.

It is estimated that there are presently between 1 and 2 million aliens illegally in the United States. The situation appears to be getting worse. Large numbers of illegal aliens contribute to problems such as unemployment, depressed wages, and increased welfare costs.

The Judiciary Committee has concluded that many illegal aliens enter seeking favorable employment opportunities in the United States. The goal of this bill is to eliminate the availability of jobs, thereby removing part of the economic incentive which attracts the illegal alien to the United States.

This bill makes it unlawful to knowingly employ illegal aliens. It establishes a three-step procedure for the imposition of sanctions against employers who hire illegal aliens. First, for a first violation, the employer gets a citation informing him of the apparent violation; second, if the employer subsequently violates the act within 2 years after receiving the citation, he may be fined by the Attorney General not more than $500 for each alien; and, third, if the employer violates the law again following imposition of the fine, he is then subject to a $1,000 fine and/or a 1-year prison term for each alien.

The cost of this bill is estimated at $298,400 per year, for increased funds for the Immigration and Naturalization Service. It is hoped that the long-range effect of this bill will be to save money.

The committee report contains a letter from the Justice Department generally favoring this bill.

I should like to see the penalties made more strict rather than just giving a citation, because in my opinion 90 percent of the employers, when they hire an illegal alien, know that the individual is an illegal alien. In restaurants all over the United States, I am satisfied that the employer knows that the individual is an illegal alien.

I imagine that many of you receive the same type of letter I have when the Immigration Department has caught up with the chef or particular expert salad maker, and he is ordered to return home, then you get a letter from the employer stating he cannot possibly replace this man, and please put in a private bill so that he can be kept here in the United States.

Back in 1970, I wrote to the Immigration Department in Los Angeles and asked them to check into the situation for me. Under date of April 17, 1970, I received a letter from the District Director in which he stated:

> At the present, this office has on file hundreds of similar recent reports relating to aliens illegally in the United States and employed in industry throughout the Los Angeles area. These reports are awaiting investigation.

Now, listen to this:

> During the period from March 18, 1970, to April 14, 1970—

That is less than 1 month—

> officers assigned to this office have conducted investigations concerning similar allegations and have located 7,558 aliens illegally in the United States.

This is in the Los Angeles area.

> The majority of these aliens were employed in various industries in the metropolitan Los Angeles area.

It seems to me that if we are going to help cut down unemployment and take care of our own people, we ought to figure out some way to make the penalty sufficiently strict so that we will not have these people coming in on forged papers and having employers hire them when they know that they are illegal aliens.

Mr. Speaker, I think this is good legislation. I urge its adoption and recommend passage of the bill.

Mr. Speaker, I yield to the minority whip, the distinguished gentleman from Illinois (Mr. ARENDS) such time as he may consume.

(By unanimous consent, Mr. ARENDS was allowed to speak out of order.)

TRIBUTE TO HONORABLE RICHARD H. POFF

Mr. ARENDS. Mr. Speaker, during my many years service in the House what has been most rewarding is the unique opportunity afforded me to be associated with so many accomplished men and women from all walks of life and from all sections of the country. Some of the most talented, most learned, and most inspiring individuals one could possibly know have been Members of Congress—men of high principle willing to sacrifice a promising political career for the principles in which they believed.

Richard H. Poff, of Virginia, who retired from this body last month to take a seat on the Supreme Court of Virginia, is one such. I cannot let another day pass without saying that for me this Congress will never be the same without Dick Poff. This great loss to the Congress is a great gain for the Commonwealth of Virginia. I do not know anyone who is more knowledgeable in constitutional law than he. He is what I would call "a lawyer's lawyer." And his contribution to the work of the House Committee on Judiciary is beyond measure.

Dick Poff loves the law, and he loves his home State of Virginia. His appointment to the Supreme Court of Virginia gives him the cherished opportunity to serve both these loves in a meaningful way. While I regret he has left the Congress, I am pleased that Dick is able to undertake a work most gratifying to him.

No man served in this body for whom I hold greater affection, greater respect, and greater admiration than I hold for Dick Poff. I cherish his friendship and take immeasurable pride in being able to call him my friend.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Speaker, I have no quarrel with the objectives of this legislation—that is, its attempt to stop or reduce the inflow of illegal aliens to this country. In fact, I have in recent years made repeated appeals to the immigration authorities to increase the number of border patrolmen assigned to the Mexican border area.

But this bill, which makes it unlawful to knowingly hire aliens who are illegally in this country, will undoubtedly have a very adverse effect on employment opportunities for many native Mexican-Americans and others of that ethnic origin who are legal residents.

I recall that a few years ago when a Mexican bracero bill was being debated in this body the late Antonio Fernandez, a very distinguished and highly respected Member from New Mexico, expressed the warning—and his words are in the RECORD—that by making it illegal to employ a citizen of Mexico who is unlawfully in this country, would inevitably militate against employment of many others of that ethnic origin not in that category.

Now, I am quite aware of the committee's attempt to soften this danger. The committee provides that a violation will not result if the employer makes "a bona fide inquiry" about the residence status of the worker. It further provides that a written statement, signed by the employee, showing the applicant is legally in this country, shall be considered prima facie proof the employer undertook a "bona fide inquiry."

Evidently aware of the seriousness of the danger of jeopardizing job opportunities for many deserving people, the committee has softened the penalties for violations. In doing this, however, the Attorney General is given extraordinary power which would seem to deprive a defending employer of the right to appeal for a judicial review of a finding which might be capricious or otherwise unwarranted. It lodges in the Attorney General total and executive jurisdiction to pass final judgement on whether a citizen who has been charged is guilty or innocent.

As I read the bill, for the first two alleged violations the defendant would have no right of jury trial, and no right of appeal or a right to have any judicial review applied to the proceedings against him. This would seem to provide an inviting setting for possible harassment and bureaucratic infringement upon basic rights of citizens.

Again, Mr. Speaker, I support any reasonable and proper efforts to stop the influx of illegal aliens. But I am very fearful that, notwithstanding the good intentions of the committee, this bill is fraught with many dangers which are not intended.

No matter what is said about it; no matter what is written into the committee report—the fact remains that if this bill is enacted into law many employers will thereafter refuse to employ deserving Mexican-Americans who are strangers to them. They will not want to take the risks that are involved. Once it is made unlawful to hire illegal aliens, prospective employers will naturally be very hesitant about giving jobs to people under conditions which conceivably could be frowned upon by the Attorney General—with or without good reason.

Mr. Speaker, it will be recalled that our so-called "wetback" problem on the Rio Grande was practically nonexistent during the time we had an international agreement with the Republic of Mexico under which Mexican aliens were admitted to this country to work under a written contract approved by our Government. Those workers were not admissible unless and until the Secretary of Labor certified there was a labor shortage in the area and also certified that the wage level agreed upon would not tend to depress domestic wages for similar work.

Unfortunately, the bracero law was permitted to expire. Since then we have been plagued with an influx of wetbacks—which has steadily increased. Thus, by discarding that bracero program the Congress and our Government have done much to bring on the problem with which this legislation is designed to cope.

For the reasons I have listed I shall be constrained to vote against enactment of this measure.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16188) to amend the Immigration and Nationality Act, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16188) with Mr. MCFALL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. RODINO) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. DENNIS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, the bill which the committee brings to the floor today, H.R. 16188, is the direct product of a year-long investigation by the Immigration Subcommittee into the problem of the illegal alien. In discussing this problem, it might be remembered that the term "illegal alien" includes not only the alien who enters surreptitiously, but also the alien who enters legally as a nonimmigrant—visitor, student, and so forth—and thereafter violates the terms of his admission.

Our committee has long been concerned with this problem and in recent years it has intensified to such an extent that there are presently between 1 and 2 million illegal aliens in this country.

In 1970, the administration in their omnibus immigration bill included a provision which would impose criminal penalties on those who knowingly employ illegal aliens. When the Commissioner of the Immigration and Naturalization Service, Hon. Raymond F. Farrell, appeared before the subcommittee in May of 1971, he indicated that the illegal alien problem had reached serious proportions. Consequently, my subcommittee immediately commenced a detailed investigation in order to determine the magnitude and scope of the problem and to determine the impact of illegal aliens on the domestic labor market.

We traveled to five major cities throughout the country—Los Angeles, Calif.; Denver, Colo.; El Paso, Tex.; Detroit, Mich.; Chicago, Ill.; New York City—and we heard from 186 witnesses who were affected by, or familiar with, this problem. As a result of these hearings, we have concluded that the 1 to 2 million illegal aliens in the United States have: First, had a significant impact on our unemployment problem; second, burdened both Federal and State public assistance programs; and third, severely affected the U.S. balance of payments.

In addition, we have learned that the illegal alien himself is oftentimes exploited by the unscrupulous employers who threaten to expose the alien to immigration officials if he complains about substandard wages and working conditions or the denial of fringe benefits.

Furthermore, many States desperately concerned with this problem have considered legislation to impose penalties on employers of illegal aliens or to deny welfare assistance to those who enter the United States illegally. In this regard, it should be noted that a California court recently struck down a State statute imposing penalties on illegal aliens on the grounds that the language of the statute was unconstitutionally vague and the court indicated, but did not specifically rule, that this is an area of law which may be preempted by the Federal Government.

The concept of imposing Federal penalties on those who knowingly hire illegal aliens has also been either suggested or recommended by: First, the administration, particularly the Immigration and Naturalization Service of the Department of Justice; second, the President's Commission on Population Growth and the American Future; and third, representatives of organized labor.

The severity of the problem is clearly demonstrated by the statistics compiled by the Immigration and Naturalization Service relating to the number of illegal aliens located and deported in fiscal year 1972. In that fiscal year, over 500,000 illegal aliens were located and 467,185 were actually removed. Instead of indicating better control of the illegal alien, the committee is of the opinion that the statistics relating to apprehension and deportation plainly illustrates that the problem has reached critical proportions and, in the absence of remedial legislation, will continue to worsen. It is significant to note that the number of illegal aliens removed from the United States in recent years exceeds the number of aliens who are annually admitted for lawful permanent residence under our present immigration law. Moreover, the committee is aware that the Immigration and Naturalization Service lacks sufficient funding and personnel to effectively combat the problem.

Despite the fact that eight out of 10 illegal aliens apprehended are Mexican natives, the problem is no longer restricted to the border areas of the Southwestern United States. Increasingly, illegal aliens travel, or arrange to be transported, to all of the major metropolitan areas in the United States, where they can obtain higher paying jobs and, at the same time, more easily escape detection by immigration authorities.

It is quite apparent that the primary reason an alien enters this country illegally is to obtain a job and consequently, the best way to attack the problem is to eliminate the availability of employment by imposing sanctions on the employer who knowingly hires illegal aliens. In other words, this legislation is designed to remove the economic incentive which causes aliens to illegally enter this country or to enter legally as a nonimmigrant and thereafter violate the conditions of their admission.

In drafting legislation to impose sanctions, the committee was careful, first of all, to protect the innocent employer of illegal aliens and, second, to eliminate the possibility of employment discrimination against ethnic or minority groups. We believe section 2 of H.R. 16188 accomplishes these objectives. This provision establish a three-step procedure for the imposition of sanctions, including citations by the Attorney General, civil fines, and criminal penalties.

For example:

First, for a first violation, the Attorney General is directed to serve a citation on the employer informing him of an apparent violation;

Second, if an employer commits a second offense within 2 years after receiving a citation, the Attorney General is directed to impose a fine of not more than $500 for each alien; and

Third, following the imposition of a fine, if an employer commits an additional violation, he shall be subject to a fine of $1,000 and/or 1-year imprisonment for each alien.

Section 2 of this bill would also repeal the provision in our present immigration law which specifies that normal employment practices shall not be deemed to constitute the harboring or concealing of illegal aliens.

In addition, there are two provisos contained in section 2 which are designed to insure that innocent employers of illegal aliens will not be prosecuted under this legislation.

The first proviso states that an employer who makes a bona fide effort to ascertain whether the prospective employee is entitled to work in the United States shall not be subject to civil or criminal liability. The second provision stipulates that if an employer obtains from his employee a signed statement that he is a citizen, a permanent resident, or an alien authorized to work in the United States, this shall be deemed prima facie evidence that the employer has made a bona fide inquiry.

Another provision of this bill, section 1, would allow qualified and admissible natives of the Western Hemisphere to adjust their status from a nonimmigrant to an immigrant without leaving the United States to obtain an immigration visa. This relief is presently available to natives of the Eastern Hemisphere and the committee believes that it should also be made available to Western Hemisphere natives. This section would, however, deny adjustment of status to aliens—other than immediate relatives—who have accepted unauthorized employment.

The other substantive provision of this bill would amend 18 United States Code 1546 to expressly include border-crossing cards, alien registration receipt cards, and other immigration documents used for entry into, or as evidence of stay in, the United States. This provision is necessitated by the Supreme Court's decision in *United States* v. *Campos-Serrano*, 404 U.S. 293 (1971). In that decision, the Court held that 18 United States Code 1546, which imposes criminal penalties for falsifying or misusing falsified immigration documents, does not cover alien registration receipt cards or border-crossing cards since they were not specifically mentioned in the statute.

Sections 4 and 5 of this bill contain a standards savings clause and an effective date clause.

In summary, there are two primary goals which this legislation is designed to acomplish. First, this bill will eliminate the intolerable situation existing under current law which enables employers to hire and exploit illegal aliens without fear of penalties. Second, this legislation will have the effect of assuring all American workers, particularly those who are low-skilled, or unskilled, that they will not have to compete for scarce jobs with aliens illegally in the United States.

In this regard, I read into the RECORD a letter which I received yesterday from the director, Department of Legislation, AFL–CIO, Mr. Andrew J. Biemiller, supporting this legislation:

> SEPTEMBER 8, 1972.
>
> Hon. PETER W. RODINO, Jr.,
> *Chairman, Subcommittee No. 1, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.*
>
> DEAR MR. CHAIRMAN: On Tuesday, September 12, the House of Representatives is scheduled to take up for debate and action H.R. 16188, a bill to repeal the exemption of employers now contained in the Immigration and Nationality Act from the prohibition against "harboring" illegal aliens. The AFL–CIO has long supported this legislation and urges its approval by the House.
>
> For too long a time there has been a growing problem arising from the increasing number of persons who enter this country illegally, take jobs needed by the unemployed in our own land, and work at substandard wages paid by exploiting employers. This process is robbing large numbers of American citizens and legal immigrants of opportunities for needed jobs and it continually threatens to undermine fair wage levels. To the extent that it does so, the present exemption of employers from the anti-harboring provisions tends to frustrate and defeat the declared policy of Congress in other provisions of the Immigration and Nationality Act which aim to protect the employment opportunities and labor standards of American workers.
>
> The AFL–CIO has long favored legislative action to deal with this situation along the lines of the provisions contained in H.R. 16188. This bill, we believe, will be workable and effective in dealing with the problem of employment of aliens illegally in the United States. But its provisions are also fair in that it provides for notice and warning before any punitive action is taken against persons violating the law.
>
> We urge that H.R. 16188 receive overwhelming approval from the House of Representatives.
>
> Sincerely,
> ANDREW J. BIEMILLER,
> *Director, Department of Legislation.*

On the other hand, this legislation is not intended as a punitive measure and we are not attempting to make criminals of employers. The committee believes that administrative fines will provide a sufficient economic deterrent in most cases and that criminal penalties should be imposed only on the habitual offender.

At the same time, we have avoided imposing any additional criminal sanctions on the alien who enters illegally and obtains employment, or on the nonimmigrant who accepts unauthorized employment in violation of his status. The committee felt that additional penalties would serve no useful purpose and experience has shown that the present criminal penalties on aliens who enter without inspection have proved to be an ineffective deterrent in the case of individuals who cross the border illegally for the sole purpose of providing for themselves and their families. Furthermore, the U.S. attorneys' offices are reluctant to prosecute cases of illegal entry and even when prosecutions are instituted, convictions are infrequent.

Finally, the committee has taken every precaution in drafting this bill to insure that employment discrimination against members of ethnic and minority groups does not occur.

This bill is the result of long hours of serious study and deliberation and, in preparing this legislation, careful consideration has been given to the budgetary problems confronting the Immigration and Naturalization Service and the practical limitations on our overburdened Federal courts.

Therefore, I urge my colleagues to support this necessary legislation.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from California.

Mr. HOLIFIELD. Mr. Chairman, on that point is there a written document that would be certified by the applicant for a job under the penalties of perjury, or anything like that? He is an illegal resident and an illegal alien. Is there any teeth in that document, in other words?

Mr. RODINO. Presently in the law anyone who falsely and willfully misrepresents himself to be a U.S. citizen or makes false statement on matters within the jurisdiction of Government agencies is violating sections 911 or 1001 of title 18 of the United States Code.

Mr. HOLIFIELD. This is a document that is sworn to, that the applicant swears to, so that it protects the employer?

Mr. RODINO. No, not necessarily, but the Attorney General will draft regulations as to the type of information to be contained in the form.

Mr. HOLIFIELD. I know that there is a penalty against signing a document to get into the country, and I think there should be, but I just wondered if there was any penalty for this kind of fraud on an employer—such as using, for instance, a forged identification card, social security card, or anything like that? Is there any kind of penalty?

Mr. RODINO. There is a penalty for the use of a false identification card or a forged identification card.

Mr. HOLIFIELD. If the employer proffers this for the individual to fill out, will it have space in it asking for the listing of social security numbers or other documentation or identification, which in effect would build up a case whereby the individual, if he did use fraud, would be subject to punitive action?

Mr. RODINO. We might say to the gentleman that we did not detail the specific questions that would be asked of the alien. This is something that we left to the Attorney General. If any individual making an application willfully misrepresents himself, whether it is a sworn document or otherwise, this is something for which he is liable under present Federal criminal laws.

Mr. HOLIFIELD. I hope that this is tight enough. The word "knowingly" is, of course, a word such as I think you would have to use. Incidentally, I am not criticizing the gentleman, but for an individual to say that, "I thought he was a resident American," or "I didn't think that he was," or "I didn't knowingly know," in other words, that he was an illegal alien. I am just wondering if that word, unless it is buttressed by some kind of sworn statement, would not leave a legal loophole for evasion.

Mr. RODINO. This is one of the reasons why we took that three-step procedure. The citation itself is a warning to the employer, and if that employer were to do it a second time, then this is an indication again that that employer is not exercising good faith and the citation could be used as evidence in proving "guilty knowledge" on the part of the employer.

Mr. YATES. Mr. Chairman, will the gentleman yield on that point?

Mr. RODINO. I yield to the gentleman from Illinois.

Mr. YATES. An employer who receives a warning—I am talking about a good faith employer who receives a warning—under the penalty provisions of this bill will never again hire a Latin American applicant for a job; will he? He would not want to take the chance of going to jail and paying a fine, so in order to protect himself, he just will not hire an applicant who is a Latin American.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. FISHER. I believe the gentleman from Illinois made a good point. I believe it is true the employers certainly will hesitate to hire another Latin American, because he will not want to take the risk as to whether the job applicant is an illegal or legal alien, no matter what he might sign.

As I understand it, the gentleman (Mr. RODINO) is referring to the first offense; that is, the first time an employer hires someone about whom some question is raised. Let me ask the gentleman a question about that.

As I understand it, from reading the bill on page 4, if, as a result of hiring a person who is, we will say, suspect—if somebody gets a rumor out that the worker is an illegal intrant—the Attorney General or some of his functionaries, whoever may have the responsibility, would decide either on evidence or information, to use the words in the bill, which the Attorney General deems "persuasive," and then he can issue the warning to the man and inform him that he has apparently violated the law. "Apparently."

As I understand it, there is no appeal from that. There is no chance to have it reviewed. The man against whom the charges are leveled would have no authority to seek a jury trial to determine whether he is or is not guilty.

Am I correct in that?

Mr. RODINO. No; the gentleman is not correct.

Mr. EILBERG. Mr. Chairman, will the gentleman yield on that point?

Mr. RODINO. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. The law is very clear, that the citation is only a warning. It has no immediate legal effect on the employer and causes him no legal detriment, except that it is a condition precedent to later sanctions.

What the gentleman no doubt refers to is the civil penalty involved. There will be a right of appeal to the Board of Immigration Appeals. Ultimately, if a fine is assessed, the United States must sue that individual in court, so there is judicial review at that time.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. FISHER. The gentleman missed the point entirely with his contribution. I am talking about this first warning. We can call it a warning or a charge, but it is a very important part of a succession of the three-stage actions against the employer. One cannot have the second until one has the first, and one cannot have the third until one has the second. So all three of them enter into this picture.

I am talking about the first one now. As I understand it, from reading the bill, it is very clear to me there is no opportunity for the employer who is suspect or warned to have an opportunity to go to court to have the finding reviewed, to have any administrative remedy applied.

Mr. RODINO. I believe, if he recognizes the fact that he is an employer who wants to exercise reasonable diligence and good faith, he will have no problem.

Mr. FISHER. Mr. Chairman, will the gentleman yield further?

Mr. RODINO. I refuse to yield further.

Mr. FISHER. Will not the gentleman do this for me? Will not the gentleman read to me the provision in this bill he is talking about?

Mr RODINO. I am sorry, the bill is there for the gentleman to read.

Mr. FISHER. I have already read it, and I do not find that in it.

Mr. RODINO. I refuse to yield further.

Mr. DENNIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and members of the Committee, I rise in support of this bill, which my distinguished colleague, the gentleman from New Jersey (Mr. RODINO) has described to the Committee.

I would like to make just one or two points in the course of my remarks.

This bill is an effort to address itself to what I think everyone here concedes to be a problem, that is, the presence in this country of a large number of aliens who have either entered illegally and taken employment or who have entered legally, perhaps as a student or a visitor, and then have unlawfully taken employment, violating that status.

This problem has become acute because of the unemployment situation in this country and because of the large number of these illegal aliens in the United States.

The main thrust of the bill is to attempt to address itself to this problem by for the first time placing sanctions on the man who knowingly employs an alien who is not legally entitled to that employment. That is a serious matter because you are putting a sanction on an American employer who is not necessarily one of these soulless corporations that we like to talk about. The employer may be a housewife with a maid. He may be a small farmer or rancher with a couple of hands. Therefore, it is not a thing to be approached lightly as far as I am concerned or as far as the committee is concerned.

It is also important from the point of view of the employee. No one wants to make it difficult for an ethnic Latin who is an American citizen to obtain employment.

So I would say that a conscientious effort has been made in this bill to address itself to the problem in a moderate fashion.

The bill is certainly no panacea for a very difficult problem which is basically an economic problem, basically an international problem, but which in that aspect falls beyond the jurisdiction of this subcommittee.

Now, what we have done in the way of sanctions is this: This is a three-step procedure. The first one is that the Attorney General, if he thinks an employer is unlawfully employing aliens who are not entitled to employment, can serve him a notice. There is no penalty attached to that stage of the matter whatsoever. It is a basis for further proceedings if any are taken, but there is no penalty at that stage. It is merely putting the man on notice that he may be violating the law, and he should be careful not to continue to do so. It was our thinking certainly that that was a moderate way to approach the problem. The bill which we originally had simply made it a misdemeanor, a criminal offense, to knowingly employ anyone who was not entitled to be employed, and in an alien status, so this was an ameliorating provision.

The second step is a civil penalty rather than a criminal penalty which, again, was intended to be an ameliorating provision. It can be exacted only after the first nonpenalty notice, and it has to be done within 2 years of that notice. There has to be another incident within that period of time. Only after these two steps have been exhausted can there be a criminal prosecution, and then, of course, the Government has to prove that the employment was knowing. Obviously, that would have to be true for any criminal prosecution. In addition to that, and as a further safeguard to the innocent employer, the bill has been drawn to provide that if the man makes a bona fide inquiry as to the status of the employee, he is not guilty of any knowing employment.

It goes still a step further and says that if he requires from the man he employs a written statement that he is a citizen or that he is otherwise entitled to employment, that will be not conclusive proof, but prima facie proof that he did make a bona fide inquiry. If he makes a bona fide inquiry, he is guilty of no offense.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. DENNIS. I have yielded to the gentleman from California. I shall be happy to yield to the chairman.

Mr. HOLIFIELD. I just wanted to ask, on a bona fide inquiry, how would you define that? Would it include the presentation of a document to be signed, to be signed by the applicant, or just a vocal question, "Are you a legal resident of the United States"?

Mr. DENNIS. I would think that a bona fide inquiry basically in the first instance is a question of fact depending on all the circumstances, but the bill says that if you take this written statement, that is prima facie evidence that your inquiry was bona fide.

Mr. HOLIFIELD. Then in effect, any employer who wants to protect himself, in addition to asking the vocal question, will also present a document of some kind for the man to sign?

Mr. DENNIS. I would certainly think so.

Mr. HOLIFIELD. And would that require any type of certification such as an affidavit or a notary public seal, or would that point be covered by existing statutes?

Mr. DENNIS. The bill before us does not require that the statement be sworn, only signed, but present law does provide, for instance in section 911 of title 18, that, "Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined," and so forth. So that that is an offense.

Another section, 1001, says,

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

So I think that would cover it.

Mr. HOLIFIELD. The gentleman feels that that would cover the situation through a signed document that was not notarized?

Mr. DENNIS. That would be my feeling, yes.

Mr. HOLIFIELD. I am glad to hear the gentleman say that, because over 30 percent of my district is composed of people with Spanish names, and by far the most of them are very good people, and I find among them a great resentment of these illegal aliens coming into the country and taking their jobs by being hired at lower rates for their services.

It seems to me that the committee has made an attempt to do a good job, and I wish to compliment the gentleman and the members of the committee.

Mr. DENNIS. I thank the gentleman.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the distinguished chairman of the Judiciary Committee.

Mr. CELLER. Mr. Chairman, I ask the gentleman would not the employer exculpate himself to show he did not really and intentionally hire an illegal alien by asking certain questions? For example, he would say, "Have you a green card?" A green card would mean that the intended employee was an alien lawfully admitted for permanent residence.

He would ask him, "Are you a citizen?" Or, "Are you an alien? If you are an alien are you admitted for permanent residence? If you are an alien have you the right to work here?" He could ask for a birth certificate, a draft card, or he could ask for a motor vehicle driver's license. He could ask questions along those lines which would indicate that he did not intentionally hire a man who was here illegally.

In addition thereto, if I understand correctly, the Attorney General under the bill is to provide certain forms which can be filled out which will help the employer in discovering whether or not he is hiring an illegal or legal alien. All these factors must be considered when you seek to hold the employer responsible for violations of the law. Am I correct in that?

Mr. DENNIS. The chairman is absolutely correct, in everything that he has said, and I concur therein.

Mr. CELLER. I thank the gentleman.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, do I understand correctly that the Attorney General devises his own procedure by which the determination of a violation of the act is arrived at?

Mr. DENNIS. In the second step, the civil penalty, the Attorney General does have some discretion as to the procedure which he will adopt in that particular case, although the statute does say that the man shall be entitled to a hearing, and it may be that some other general provisions of the Administration Procedure Act would nevertheless apply to the situation.

Mr. ECKHARDT. It is my understanding that the Administrative Procedure Act would not apply. And on page 5, beginning at line 5, it says:

> The proceedings shall be conducted in accordance with such regulations as the Attorney General shall prescribe and the procedure so prescribed shall be the sole and exclusive procedure for determining the assessment of a civil penalty under this subsection.

As I read that, there will be no requirement of an adjudicatory type presentation under the Administrative Procedure Act, and I wonder whether there is any guarantee of the right of cross examination for the person so accused?

Mr. DENNIS. In my estimation the language at the bottom of page 4 where it says:

> A civil penalty shall be assessed by the Attorney General only after the person charged with a violation * * * has been given an opportunity for a hearing.

That, to my notion, and I would think probably to yours, would necessarily import the right to cross-examine.

I further suggest to the gentleman, in paragraph 5 there is a certain backhanded indication of further review, because in providing that if there is a penalty and if it is not paid, then a civil suit may be brought to collect it. The statute says that in any such suit, or in any other suit seeking to review the Attorney General's determination—and so on—which evidently contemplates some type of proceedings.

Mr. ECKHARDT. It says here that suits shall be determined solely upon the administrative record upon which the civil penalty was assessed. So that would not afford cross-examination because the record alone would be the basis for the determination.

Mr. DENNIS. You are talking about paragraph 5 now?

Mr. ECKHARDT. Paragraph 5.

Mr. DENNIS. Yes. Where I was talking about cross-examination was paragraph 4 at the bottom of page 4, where it says that before the penalty is assessed the man is entitled to a hearing.

To my mind, that imports the right of cross-examination at that point at the Attorney General's hearing.

Mr. ECKHARDT. I would not know—unless there is a reference to the Administrative Procedures Act—would the gentleman object to referring to the Administrative Procedures Act?

Mr. DENNIS. The civil penalty shall be assessed by the Attorney General only after the person charged with the violation under paragraph 3 has been given an opportunity for a hearing—and that means cross-examination.

Mr. ECKHARDT. Would the gentleman object then to saying—a hearing in accordance with the Administrative Procedure Act sections dealing with the adjudicatory process?

Mr. DENNIS. I do not want to make a snap judgment on that.

I would like to yield to the gentleman from Pennsylvania.

Mr. EILBERG. For the benefit of the gentleman from Texas, the subcommittee was assured by the Attorney General that the civil penalty and all procedures connected with it are subject to appeal to the Board of Immigration Appeals.

It would be just conflicting to have it subject to another basic law on a matter of rights established under the Board or by the Board of Immigration Appeals.

In other words, there is a review there. Further, the gentleman from Texas is concerned apparently with new procedures that the Attorney General might prescribe. The Attorney General has that now under existing law. He can establish procedures in exclusion and deportation cases, visa petitions, waivers of inadmissibility and rescission of adjustment of status.

There are many categories there and there is nothing new or novel giving him the ability to establish procedures by providing a warning only in the first stage, the citation stage.

Mr. DENNIS. I thank the gentleman.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. HUTCHINSON. Further pursuing the thought of the gentleman from Pennsylvania (Mr. EILBERG) this civil proceeding that we are talking of is a civil proceeding directed against an employer. It is not a civil proceeding against the immigrant—it has to do with the employer.

So, the proceedings already in the law having to do with immigrant appeals does not seem to me to be particularly appropriate.

I would like to ask the gentleman in the well this further question, just for reassurance.

In this civil proceeding—before the Attorney General can assess a penalty, a civil penalty, is it necessary for the record before the Attorney General to establish beyond a reasonable doubt that the employer knowingly employed this immigrant, knowing he is illegally here?

Mr. DENNIS. In my judgment, the question of knowledge is necessary under both section 2 and section 3. I do not think either a civil or criminal penalty can be imposed unless you showed knowledge.

Mr. HUTCHINSON. Then you are satisfied that the language in the bill is very clear in that regard so that after this becomes law, we might not be surprised?

Mr. DENNIS. That would certainly be my thinking about what the bill means. I am sure that is the intention of the committee. I would call attention to the fact that the only thing made unlawful here under section 2 is knowingly to employ. Then we follow with the various steps of procedure which can be taken to punish—the only thing we have made illegal—which is knowing employment.

So I feel the answer is, it must be knowing.

Mr. HUTCHINSON. I thank the gentleman. I would ask the gentleman if he cares to respond to my earlier observation on the arguments made by the gentleman from Pennsylvania (Mr. EILBERG) with reference to the fact that they could go to the Court of Immigration Appeals, and so on. My observation is that would not particularly follow because this is not a case involving the immigrant, this is a case involving the employer.

Mr. DENNIS. It is a case involving the employer, but as I understand, the gentleman from Pennsylvania has been assured by those in charge in the Department of Justice that they could go to the Board of Immigration Appeals. As far as I am concerned, I hope that is correct. I think the Board of Immigration Appeals procedure would provide this remedy. I hope that is true.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, under the Immigration and Nationality Act, section 257, the procedure is available for imposing fines for bringing aliens into the United States to evade the law. We questioned the Attorney General as to the application of the section we are now considering and he felt that same appeal would follow.

Mr. DENNIS. The Attorney General feels the appeal to which we are referring would lie under the same section to which the gentleman is referring.

Mr. EILBERG. Yes.

Mr. PATTEN. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New Jersey.

Mr. PATTEN. Mr. Chairman, in committee did the gentleman get the impression there were hundreds of thousands of aliens who come in illegally who are knowingly employed? Do I gather from this regional questioning that there are people who would like to flout the laws—the present laws and still be allowed to hire illegal aliens as has been their practice in past years? Is there some basis for my observation?

Mr. DENNIS. There is no doubt from our hearings that there are hundreds of thousands of aliens illegally in this country, and there is no doubt I think from the hearings that quite a number of them are employed. When it comes down to proof of knowledge, that is a difficult proposition. I do not recall that we have testimony which establishes how many are knowingly employed, particularly.

Mr. PATTEN. Are the agricultural workers brought in illegally to pick melons in violation of the laws of the United States? Did that happen this past season?

Mr. DENNIS. I would hate to come to any conclusion such as this. I assume that all citizens care about the laws until it is proven to the contrary. We have a great many illegal aliens in this country. That is true and that is why we have this bill.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the chairman of the committee, the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, during fiscal year 1972 the Immigration and Naturalization Service deported some 500,000 illegal aliens. That was more than the number of aliens who entered the country as immigrants. It has been estimated there are some 1 to 2 million illegal aliens in this country. We have tried everything to stop the hiring of illegal aliens and nothing has availed us at all. This is the only method left to us. Just adding manpower, just giving more agents to the Immigration and Naturalization Service is not going to solve this situation. We had to devise something of this sort, because the sore spot is the desire on the part of unscrupulous employers to hire at lower wages under pitiful conditions these unskilled illegal aliens, to labor under very, very severe conditions. This is the method we think will curb a great many of the evils and solve much of the difficulty. At least we have to try it. We have tried everything else and everything else has failed. We have to try this program to see how it works.

Mr. DENNIS. Mr. Chairman, may I say the thrust of the bill is to try to lessen the economic attractiveness of employing an illegal alien. That is the problem to which we are addressing ourselves and it is the thrust of this bill. At the same time we are trying to do it in a moderate and reasonable way, designed not to make criminals out of a great many American citizens who are not disposed to be classed as and who would not and should not be classed normally as in that category.

This is a sort of first step measure. We will have to see how it works. It may be we will need to strengthen it. It may be we will need to ameliorate it. It may be entirely unsatisfactory. But it is a first step in addressing ourselves to an unsatisfactory problem. As such, I recommend its support.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, I thank the gentleman for yielding.

In further response to the question asked by the gentleman from New Jersey, I think the gentleman in the well will recall in some of the hearings which our committee conducted there was evidence, very clear and conclusive evidence that some of these illegal aliens, who had been identified and were then deported or permitted to leave the country under voluntary circumstances, that they had later showed up again employed illegally by the very same employers from whose places of business those aliens were originally taken when first identified. I think the gentleman will agree with me that in at least those instances there can be no doubt whatsoever that employers were illegally employing these aliens knowingly, and that is a very real part of our problem.

Mr. DENNIS. I think that is the type of thing we tried to reach in the bill, Mr. Chairman.

I reserve the remainder of my time.

Mr. RODINO. Mr. Chairman, I yield to the distinguished chairman of the Judiciary Committee (Mr. CELLER).

Mr. CELLER. Mr. Chairman, I wish to compliment the chairman of the subcommittee and his cohorts, members of the subcommittee, for an able presentation and able writing of this proposed bill, which I approve wholeheartedly.

This bill is just to our alien population, protects American workmen, safeguards rights of employees of aliens, and adds to the well-being of the Nation's economy.

We owe an immeasurable debt to the great influx of strangers in our midst over the decades. The amalgam of diverse peoples from all parts of the universe has enriched us with brain and braun.

We welcome the poor, the distressed, the persecuted the disheartened. We hold the lamp beside the "Golden Door," through which has entered the human refuse of teeming shores. We and they have mutually prospered. But despite this boon problems have arisen, the avid desire to come to our shores and to partake of our generosity has enticed many to overlook our laws.

Many come and overstay their leave, enter secretly, refuse to depart when their legal tenure here has terminated, many students deliberately "forget" to depart, many come temporarily to seek work to support themselves and their families but remain indefinitely.

Guards at the borders cannot keep all from entering the pearly gates, what must be done about these irregularities?

It is a human problem that must be handled humanely and with prudence and justice. The bill before you is prudent and just. Those unwanted must be forced to leave, but brute force must be tempered with equity. We treat employers of those illegal entrants fairly.

The Immigration Service has done well in apprehending and causing to go hence aliens who are here illegally. In the fiscal year 1972 over 500,000 deportable aliens were located and were deported. Yet the presence of so many more of those ineligible to stay offers serious problems.

Probably between 1 to 2 million are here without legal basis. Most are Mexican natives. They crossed the Rio Grande, entered the United States because of economic hardship in their native land. They are here primarily to eke out a livelihood for themselves and their brood. The Service has insurmountable trouble with such a mass of aliens. New legislation is essential.

Mere manpower in the Service does not serve as an answer. Sanctions against those who deliberately and knowingly employ these unfortunate people are essential.

Opportunity is easy to hire these poor and wretched people at pitiably low wages. Horrible conditions are present and exacerbate the difficulties of the Service.

We must remove the incentives that encourage employers to hire these illegal aliens. Otherwise, among other disadvantages, American native employables suffer.

Presently there are no penalties upon firms, farmers, and corporations hiring illegal aliens. There is the rub. Much exploitation of these unfortunate people by unscrupulous outfits is rampant. Most of these aliens are unskilled and ignorant, and those are easily imposed upon.

This bill would make it unlawful to knowingly hire aliens who have not been lawfully admitted for permanent residence or who have not been authorized by the Attorney General to work while in the United States. The bill establishes the following three-step procedure for imposition of sanctions against employers who knowingly hire illegal aliens: First, for a first violation, the Attorney General would serve a citation on the employer informing of the violation; second, for a second violation within 2 years after receiving a citation, the Attorney General would impose a fine of not more than $500 for each alien; and third, for any additional violation the employer would be subject to a fine of $1,000 and/or 1-year imprisonment for each alien. These conditions are reasonable and should alleviate much of the difficulties.

Mr. RODINO. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, I rise in support of H.R. 16188 and urge the Committee to promptly approve this very necessary legislation.

As Chairman RODINO has stated, the Subcommittee on Immigration and Nationality has thoroughly investigated the problem of the illegal alien. We have diligently listened to every argument presented. Arguments demanding rigid sanctions against employers as well as arguments opposing any penalty—administrative or criminal—against employers as well as illegal aliens. The committee has cautiously weighed all arguments.

Now in an endeavor to protect the American workingman, as well as to prevent employers from becoming criminals, and at the same time, not to disadvantage any minority group, we come to the House today with remedial legislation.

Regardless of whatever sympathy we may share for the underprivileged of other countries, we, as Members of Congress, in considering any legislation, have an obligation to support and protect the American worker. Protection of our workingmen must begin at home. We must not tolerate unfair competition for jobs, nor creation of substandard working conditions caused by aliens who are illegally in our country.

The extensive hearings held by the committee have directed a legislative course. H.R. 16188 is not designed to make criminals of every employer or even of the aliens illegally in the United States, but is directed to removing the incentive to aliens to violate their status or to enter surreptitiously and to take jobs in this country.

It is evident that the problem of the illegal alien will remain as long as job opportunities are available in this country for those who enter illegally, or legally as temporary nonimmigrants, for the purpose of seeking illegal employment.

The committee believes that the best approach to this problem is to eliminate the availability of jobs thereby removing the job incentive that draws aliens to the United States in violation of the law.

Testimony is firmy established that illegally employed aliens: First, take jobs which would normally be filled by American workers.

Second. Depress the wages and impair the working conditions of American citizens.

Third. Compete with unskilled and uneducated Americans—the disadvantaged to whom our manpower programs are directed.

Fourth. Increase the burden on American taxpayers through added welfare costs by taking jobs which may be filled by persons on welfare, thereby thwarting our efforts to find jobs for these welfare recipients through such programs as the work incentive program.

Fifth. Reduce the effectiveness of employee organizations.

Sixth. Constitute for employers a group highly susceptible for exploitation.

This remedial legislation, I am firmly convinced, is in the best interests of American labor and of the United States.

Mr. DENNIS. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, H.R. 16188 is directed toward a problem of increasing magnitude—one that is nationwide in scope and not limited to the border areas in the Southwest. That problem is the presence of between 1 and 2 million illegal aliens in the United States, most of whom are employed.

While the majority are from Mexico our committee found in its hearings, held in cities the length and breadth of the country, that illegal aliens have entered into labor markets in every section. They are employed in all phases of industry and the service trades as well as agriculture. Every illegal alien occupying a job means a lost job opportunity for a U.S. citizen or permanent resident.

Even my own inland Sixth Congressional District, in northwest Iowa, just about as far from the various borders as you can get, has not been immune from this problem, and it is a problem of growing magnitude. The Immigration and Naturalization Service district office at Omaha, Nebr., responsible for enforcing the immigration laws throughout both Iowa and Nebraska, apprehended 65 illegal aliens in those two States in the year ending June 30, 1965. Total apprehensions by that district office in Iowa and Nebraska have increased by leaps and bounds over the years until during the fiscal year ending June 30, 1972, 771 illegal aliens were apprehended. A total of 2,770 illegal aliens were apprehended by the Omaha INS office in the 8 years ending June 30 of this year, and 93 more were apprehended in July and 61 more in August. Although some of these were apprehended on Interstate 80 on the way to jobs in the Chicago area, most of them were taken into custody by the Immigration and Naturalization Service inspectors upon their visiting various farms and industries and finding these persons working illegally.

While much of the credit for this record of apprehensions deservedly belongs to the three inspectors working out of the Omaha office, joined this summer by an inspector trainee, with the district director and deputy director frequently lending a hand, this record of increasing apprehensions also reflects the increasing seriousness of the problem of illegal aliens working in competition with legal immigrants and American citizens at a time of relatively high unemployment. The Immigration and Naturalization Service would be among the first to admit that the number apprehended may be only the tip of the iceberg of the total number of illegal aliens in the area. The INS needs the additional tools provided by this bill.

Additionally, we found that illegal aliens impose a heavy drain upon our local educational, welfare, and health services. We were also informed that our balance of payments is unfavorably affected by the large aggregate of funds sent out of the country by these aliens.

Our hearings established that the illegal aliens are often exploited by unscrupulous employers on the farms and in the factory—paid minimum wages, often worked overtime without pay, denied vacations, and other benefits. The constant threat of disclosure of his illegal status, renders the alien defenseless against exploitation, not only by his employer, but by the landlord, the retailer he buys from, by everyone he must depend upon. In one instance we were told of an epidemic spread of disease because the illegal aliens in the community were afraid to seek treatment for fear their status would be revealed.

Fearful that he will be apprehended if he reports any income, the illegal alien usually pays no income tax and contributes nothing toward social security or unemployment funds. Although he works at gainful employment, he does not register for the Selective Service as does the legal immigrant and the American citizen, and so escapes military service. He avoids the census taker, and so the population of an area is not accurately reflected in the census and in the allocation of educational, health, and other services to that area in accordance with formulae based on census statistics.

Afraid to place his earnings from illegal employment in any bank because he fears this would result in his illegal status being detected by the Internal Revenue Service and the Immigration and Naturalization Service, the illegal alien often hoards his wages in cash, and is therefore easy prey for thieves and confidence men—again, because of his illegal status, he is reluctant to report the crime and his losses to law enforcement authorities. The illegal alien is especially susceptible to blackmail—not only for money, but also for service as an accomplice in crime.

Presently there is no great incentive for the employer to inquire into the citizenship or alien status of prospective employees. H.R. 16188 sets forth an elaborate three-step procedure for the imposition of sanctions on employers who knowingly employ aliens illegally in the United States.

Under the proposed bill, the Attorney General, after receiving evidence that a violation had occurred, would notify the apparent violator of the apparent violation. If the apparent violator continued to engage in apparently violative acts, the Attorney General would then formally determine whether there had actually been a violation. This determination would be made through a civil proceeding conducted before an officer of the Immigration and Naturalization Service designated for this purpose. Upon a finding that the individual had committed a violation, the Attorney General would then assess a civil penalty of up to $500. A subsequent violation by a person against whom a civil penalty had been assessed would be a misdemeanor and conviction therefore would subject the violator to a maximum punishment of 1 year's imprisonment or a fine of $1,000, or both.

Thus H.R. 16188 would specifically put employers on notice that the employment of illegal aliens is proscribed. The bill contains a proviso that enables employers or agents to avoid violations of the statute if they make a bona fide inquiry, in accordance with regulations prescribed by the Attorney General, whether the prospective employee is a citizen or an alien authorized to work.

Other provisions of the bill provide for the forfeiture of vehicles used in smuggling and transporting illegal aliens; and for the loss of the right of a nonimmigrant to adjust his status—to permanent resident when a visa is available—if he has taken unauthorized employment.

This is a good bill which will make possible substantial progress toward elimination of the problem of illegal employment. With all employers on notice of the new law, illegal aliens in this country will find employment opportunities drastically reduced, and those aliens across the borders will have far less incentive to enter the United States illegally.

I urge favorable action upon the bill.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. Seiberling).

Mr. SEIBERLING. Mr. Chairman, as a member of this subcommittee, I can say we went into this at very great depth. We literally held hearings from border to border and coast to coast. We listened to representatives of business, farmers, labor unions, and chicanos, as well as the various affected government agencies.

I was opposed at the outset of our hearings to proposals which would have imposed an immediate criminal penalty on employers who would hire illegal aliens, because I felt that was too drastic and was using the criminal laws to affect what is basically a civil problem.

I believe the committee has come up with a bill which is very carefully drawn, which has many, many safeguards. I believe any employer who conscientiously wants to comply with the law will have no trouble with this bill.

The problem is going to be—and that is the focus of this bill—with the employer who knowingly, wilfully and deliberately hires illegal immigrants because he wants to exploit their condition and pay substandard wages.

It is true, as the gentleman from Indiana (Mr. Dennis) pointed out, that the root of this problem lies in the depressed economic conditions in other countries, particularly those bordering us on the south.

I believe the Congress has to consider that in another context, but our first obligation, after all, is to look after our own citizens and the people who are here lawfully. Where there are hundreds of thousands we know of, and many more hundreds of thousands, we are convinced, who have not been apprehended and who are taking jobs away from Americans, who are costing the taxpayers money for welfare they are receiving, it is our obligation to close every possible loophole we reasonably can.

Possibly after we have some experience with this bill, we may even want to tighten it up in certain respects. But I believe this bill is an important step to get at the source of the problem.

The chairman of the subcommittee and other members went to detention camps down on the border and asked some of the hundreds of illegal immigrants who were there waiting to be deported whether or not they would have come to this country if they had employment in their own country, and they invariably said "no".

By adopting this bill, we are at least going to dry up the attraction, the "bait" that is used to draw these people into this country. In this way I believe we will start to get some control of the problem.

Mr. DENNIS. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. McKevitt).

Mr. McKEVITT. Mr. Chairman, I rise in support of H.R. 16188. It is a good bill—as far as it goes. However, it is only the beginning of an attack which must be made on several fronts against a problem which affects not only the employment market but adds to the tax burden of every American and endangers the health and safety of everyone living in the United States.

I wish every Member of this body could have attended the hearings conducted by the Immigration Subcommittee of the Judiciary Committee in cities throughout this land—from the west coast to the east coast, from the southern border to the northern border.

We heard from the officials of the Immigration Service that they picked up more than 400,000 illegal aliens last year.

But we heard testimony that there may be 2 million illegal aliens plus an unknown number of nonimmigrant visitors and students who have entered the labor market to take jobs away from U.S. citizens.

We inspected the border operations of the Immigration Service, we visited the detention facilities, we watched the deportation procedures, and we carefully examined the field investigation system by which some illegal aliens are located and apprehended. We found the Service does need more personnel; but we also found areas of inefficiency and incompetence—and above all, a woeful lack of cooperation between Government agencies.

We heard from fruitgrowers, farmers, and industrial employers—many of whom testified that illegal aliens were often hired when U.S. citizens refused to work and chose unemployment compensation instead. But we also heard testimony of exploitation, shortchanging, and mistreatment of aliens by employers.

Labor union officials in some cities told us they assumed no responsibility to inquire as to the legal or illegal status of aliens granted membership.

Social Security Administration officials informed us they made no inquiry as to the status of applicants for social security cards—and had no right to make such inquiry.

State and local welfare and health agencies testified of the heavy burden upon their services occasioned by illegal alien applicants. Others told of the infectious diseases, of epidemic proportions in some areas, brought into the United States by the illegal aliens. Law enforcement officers reported upon dope smuggling and other criminal activity by the illegals.

And we also heard from the illegal aliens themselves and from officials of ethnic organizations who urged us to be humanitarian—not to take any steps to make life harder for the alien. But no humanitarian can defend the taking of jobs away from the disadvantaged—from the unemployed U.S. citizen—the undermining of decent wage levels—the exploitation of the aliens themselves.

This bill, H.R. 16188, is just one step—it puts the employer who has benefited from the employment of illegal aliens—the unscrupulous employer who has exploited illegal aliens—on notice that he is violating the law. It protects the honest, law-abiding employer who makes a sincere effort to screen job applicants and hire only those eligible to work. It will obviously remove at least some of the incentives for aliens to cross the border and take jobs away from U.S. citizens. Without the economic incentive the alien will not attempt the illegal entry.

But for those 2 million illegal aliens already in the United States, we need to take other steps to discourage their continued drain upon our welfare and public health services—and to encourage them to depart voluntarily. I have introduced a bill, H.R. 16430, which will amend the Social Security Act to prohibit the payment of and or assistance under approved State public assistance plans to aliens who are illegally within the United States. This measure, when enacted, will not only save the taxpayers of the United States million of dollars, it will also assist in the detection and identification of illegal aliens so that they may be deported as provided by law.

The enactment of H.R. 16188—the bill now under consideration—and H.R. 16430, along with cooperation from the Social Security Administration in noting alien status upon social security cards, more efficiency in the operation of the Immigration Service—these steps are all needed promptly to bring a complex and dangerous problem to successful solution.

I urge your support for this legislation.

Mr. HOGAN. Mr. Chairman, will the gentleman yield?

Mr. McKEVITT. I am glad to yield to the gentleman.

Mr. HOGAN. Mr. Chairman, H.R. 16188 is the result of more than a year's investigation, hearings, and study by the Immigration and Nationality Subcommittee of the Judiciary. We have traveled from California to New York, from El Paso to Chicago and Detroit. We have heard testimony from farmers, fruitgrowers, manufacturers, tradesmen, service employers, illegal aliens, civil rights groups, ethnic organizations, labor union officials, private attorneys, Immigration Service employees and officers, law enforcement officers, U.S. magistrates, and representative officials from local, State, and Federal labor, health, and welfare agencies.

Witnesses have urged that all immigration be cut off; that all Mexicans and Canadians be given the right to enter the United States at their pleasure; that permanent resident status be granted to all illegal aliens now in the United States.

I cosponsored this bill because I think it is vitally needed.

The facts are clear:

First. There are between 1 and 2 million illegal aliens in the United States, the majority of whom are presently employed.

Second. Illegal aliens have had a substantial adverse impact on our unemployment situation; the wages and working conditions of American workers; Federal and State public assistance programs; and the U.S. balance of payments.

Third. The illegal alien problem is nationwide in scope and, therefore, is not limited to the border areas in the Southwest United States.

Fourth. The availability of employment in the United States and the economic conditions in the aliens' native country encourage aliens to enter this country illegally in search of employment.

Fifth. Since the employment of illegal aliens is not presently prohibited, employers and placement agencies do not now inquire into the citizenship or alien status of prospective employees.

Sixth. Due to the nature of their status, illegal aliens are often exploited by unscrupulous employers—for example, they are sometimes denied vacation pay, overtime pay, and other fringe benefits.

Seventh. The Immigration and Naturalization Service is unable to cope effectively with the illegal alien problem, due to insufficient funding and manpower.

Eighth. Immigration violations are low priority matters in the U.S. attorneys' offices and criminal penalties against aliens are enforced only in aggravated cases.

Ninth. There has been little, if any, cooperation by the various agencies of the Government in combating the illegal alien problem—Wage and Hour Division of the Department of Labor, the Social Security Administration, and the Department of Health, Education and Welfare.

Tenth. Counterfeit or altered documents, including social security cards, visas, alien registration receipt cards and birth certificates are often used to enter the United States illegally and to obtain employment after entry. H.R. 16188 attacks the problem revealed by these facts.

Section 1 would permit natives of the Western Hemisphere who are in the United States to adjust to immigrant status as can natives of the Eastern Hemisphere—provided a visa is immediately available. However, H.R. 16188 provides that an alien who has illegally taken employment would be denied this opportunity.

Section 2 repeals the proviso in section 274 of the Immigration and Nationality Act which provides that normal employment practices shall not be deemed to constitute the harboring or concealing of illegal aliens—an offense which is currently punishable by a fine of $2,000 and/or 5 years in prison.

Next, it makes unlawful the "knowing" employment of illegal aliens. Providing however, that an employer, who makes a bona fide effort to determine if the prospective employee is entitled to work in the United States, shall be exempt from civil or criminal liability.

The following three-step procedure for the imposition of sanctions against employers who knowingly hire illegal aliens is provided in the bill:

For a first violation, the Attorney General is directed to serve a citation on the employer informing him of such apparent violation;

If such employer commits a subsequent violation within 2 years after receiving a citation, the Attorney General is directed to impose a fine of not more than $500 for each alien; and

Following the imposition of such a fine, if an employer commits an additional violation, he shall be subject to a fine of $1,000 and/or 1-year imprisonment for each alien.

Also, provision is made for the forfeiture of vehicles used in smuggling and transporting illegal aliens.

Section 3 of the bill amends 18 U.S.C. 1546 to include border crossing and alien registration cards in the general forgery and counterfeiting penalty statute.

H.R. 16188 is a sound and logical treatment of the problem. It will discourage aliens from crossing our borders illegally because job opportunities will be sharply reduced. It will put all employers on notice that it is a violation of law to knowingly employ illegal aliens. It will protect those employers who sincerely make inquiry as to the eligibility of prospective employees. It will preserve job opportunities for U.S. citizens and reduce a heavy drain by illegal aliens upon our welfare services.

It is a good bill. I urge its passage.

Mr. DANIELSON. Mr. Chairman, I rise in support of the bill. In the time remaining on general debate. I hope to put to rest the minds of one or two persons who have been concerned that if this bill is passed, a prospective employee with a Spanish surname simply could not find employment, because the prospective employer would be afraid to hire him.

I can understand the gentleman's concern, the gentleman who raised that point, but I would like to point out that I think he is needlessly concerned. This bill very carefully protects the employer against that sort of a situation. It provides, by it terms, that it is unlawful in a criminal sense, or unlawful in a civil penalty sense, only in the event that the employer should knowingly employ the illegal alien. Procedures are carefully spelled out which require the Attorney General first of all, to examine into whether or not there has been such a knowing illegal employment. It provides that having done so, and finding in the affirmative, the Attorney General must serve a citation upon the employer, and it is only for subsequent acts that the penalties are invoked.

In addition, the bill provides two or three steps under which the prospective employer may exculpate himself. I call the gentleman's attention to the language appearing on page 3 of the bill in paragraph b(1); namely:

> An employer, referrer or agent shall not be deemed to have violated this subsection if he has made a bona fide inquiry whether a person hereafter employed by him is a citizen or an alien,

And second:

> That evidence establishing that the employer, referrer, or agent has obtained from the person employed or referred by him a signed statement in writing that such person is a citizen of the United States or that such person is an alien lawfully admitted for permanent residence or is an alien authorized by the Attorney General to accept employment.

This does exculpate him, so there really is no need for this fear. I happen to come from a district which has a very substantial number of residents of Latin surname. I have a file full of letters of complaint from those residents stating that they or their husbands or their fathers or their sons cannot obtain employment simply because in the industries nearby illegals are filling those jobs. I have not to this day received one letter expressing a fear that this bill would cause any difficulty.

Mr. Chairman, I yield back the balance of my time.

Mr. DENNIS. Mr. Chairman, I yield to the gentleman from Texas (Mr. Price) for a unanimous consent request.

(Mr. PRICE of Texas was given permission to extend his remarks at this point in the Record.)

Mr. PRICE of Texas. Mr. Chairman, the bracero program existed from 1951 to 1963.

Looking back, the bracero program was the kind of program that had substantial appeals for those involved in it. U.S. farmers and ranchers like it, because it helped them meet their labor demands by supplying steady dependable help and at reasonable costs. Mexicans who participated in the program like it, because it enabled them to make significantly more money doing agricultural work in the United States than they were able to earn doing similar work in Mexico. The Government of Mexico favored the program, because it provided an additional means of obtaining U.S. dollars and it partially helped Mexico's domestic employment problems. In fact the only primary dissatisfactions with the bracero program stemmed from certain liberal politicians and organized labor representatives who viewed the program in the light of misguided idealism at best; and union organizational needs at worst.

I regretted the termination of the bracero program, and I have viewed with interest the varied attempts the detractors of the program have made to find a workable substitute. To date, nothing has really been developed. Farmers and ranchers in northwest Texas and throughout much of the Southwest still stand in dire need of steady and dependable farm labor. I would point out here that the high unemployment rate has not materially changed this labor shortage situation, because there are just not that many people who are interested in working in agriculture. I say this despite the fact that the Department of Labor claims there are workers available in general and in northwest Texas in particular. I say this, because I know from bitter experience what other farmers and ranchers know; namely, that the chronically unemployed cannot do the needed jobs on farms and ranches—they just cannot do the work. The simple fact of the matter is farmwork is hard work. There is no real timeclock, work is governed more by the light of the sun and the state of the weather. Moreover, wages are typically low, because farmers do not make enough money themselves to pay top dollar for farm labor. In this regard, as I and other farm State Members have often stated, the level of food prices in the marketplace depend more on distribution and packaging costs than they do on farm production costs.

Mr. Chairman, the present welfare system and unemployment compensation system also have contributed to the farm labor shortage. In some cases individuals can make more money by drawing welfare and unemployment compensation than they can make by either working part-time or not working at all.

When all is said and done, when the liberals are through gnashing their teeth over the supposed immorality of encouraging Mexicans willing to work on U.S. farmlands, and when the labor organizers are through bemoaning the fact that the Bracero program undercuts their efforts to unionize American farmworkers, then one central fact remains. The farmers and ranchers of this Nation need new sources of farm labor and they need it desperately.

In an attempt to meet this need I introduced a bill to reestablish the Bracero program some time ago which would put it under the jurisdiction of the Secretary of Agriculture, and empower the Secretary to establish certain program standards governing the provision of adequate wages, hours, and conditions of employment. Under my proposal, U.S. farmers and ranchers will have the opportunity to get more help, and Mexicans who want to better themselves and better care for their families by earning more money will be free to do so in this country.

As those of us who live in border States know, there is a thriving trade going on right this minute involving Mexicans illegally entering the United States to work. To combat this illicit trade the members of the U.S. border patrol are working overtime. Their efforts have not stopped the flow of Mexican workers from illegally entering the country, because the United States-Mexico border is simply too long to be adequately patrolled and there are too many spots suitable for passage between the two nations.

Mr. Chairman, on balance it seems to me there is a clear need for instituting a new Bracero program or something close to it. Not only would it benefit American agriculture, it would also appeal greatly to Mexican farmworkers. Such a program would strike a new equilibrium between the labor resources of Mexico and the agriculture labor needs in the United States. It would better enable the food and fiber producers of this Nation to continue to provide their needed goods at reasonable costs to the American consumer.

Mr. DENNIS. Mr. Chairman, I yield myself the balance of my time.

Mr. HUTCHINSON. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Michigan.

Mr. HUTCHINSON. Mr. Chairman, the debate thus far on this bill has made no reference to section 3 of the bill. Section 3 of the bill undertakes to amend section 1546, title 18, United States Code.

I would like to ask the gentleman if he would indicate in a word or two what changes in the law are made in section 3.

Mr. DENNIS. I say to the gentleman the inclusion of section 3, which includes the alien registration receipt card and certain documents under the counterfeiting or forgery statute is caused by a decision in the case of the United States against Campos-Serrano, 404 U.S. 293, which held that alien registration receipt cards were not covered by the present law.

This section covers them, and, therefore, corrects that decision.

Mr. Chairman, during the balance of my time, I would like to say once again that this is a rather moderate approach to a difficult problem. Those who have looked at the committee report will realize that I have some individual views which I expressed, which indicate some of my reservations with regard to this bill.

On the whole, however, it seems to me that in addressing itself to the problem in a rather moderate way, as a first step, as I said a while ago, it would help to correct a situation which has been giving concern for some length of time, and that it does so while being fair to all concerned and without intentionally bearing too hard on anyone.

As such I recommend its adoption by the committee and by the House.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. RODINO. Mr. Chairman, I yield myself the balance of our time.

Mr. Chairman, in the time remaining I would merely like to point out that we must react to this problem and attempt to protect American citizens and the aliens who are lawfully admitted, to enjoy the job opportunities this country provides, to insure that there is orderly immigration into this country and to insure that we do not provide a bonus to persons who come into our country illegally, and take jobs in preference to American citizens and those lawfully resident aliens. In this regard, I would like to insert in the RECORD the following letter which I received from the general counsel of the California Rural Legal Assistance, Sheldon L. Greene, as well as a newspaper article prepared by Mr. Greene:

CALIFORNIA RURAL LEGAL ASSISTANCE,
San Francisco, Calif., August 22, 1972.
Hon. PETER W. RODINO, JR.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: This will urge your support of H.R. 16188 reported favorably by the Judiciary Committee on August 15th. The measure would discourage the employment of illegal entrants to the exclusion of lawful resident workers. The bill takes into consideration both the problems of identification of illegal entrants and the civil rights of lawful resident aliens.

The apprehension of 420,000 illegal entrants in 1971 indicates the severity of the problem. Enactment of H.R. 16188 will certainly provide jobs to lawful resident workers reducing acute unemployment among the unskilled and semiskilled and lowering welfare costs.

Enclosed you will find an article which appeared in several newspapers explaining my views in greater detail.

Thanks.

Very truly yours,
SHELDON L. GREENE,
General Counsel.

[From the Los Angeles Times, May 25, 1972]

THE EMPLOYER SHOULD PAY A PENALTY FOR HIRING ILLEGAL ALIENS

(By Sheldon Greene)

Unemployment in the American labor force has hovered around 6% for the past year. One of every five black and brown ghetto youth, white Appalachians and residents of depressed areas are chronically out of work.

At the same time, more than two million persons are believed to live and work illegally in the United States. More than 420,000 illegal entrant workers were picked up by immigration officials last year and their ranks continue to swell. Although border violators usually work for subsistence wages, their overall impact is enormous. They account for an annual loss of wages, estimated at more than $1 billion, that otherwise would be available to the American poor.

While Mexico provides most of the illegal entrants, many South American and European countries and the Caribbean account for substantial numbers who jump ship or enter on student or temporary visas and take permanent jobs. The highest concentration of illegal aliens is in the Southwest (more than 100,000 were apprehended in California alone in 1971), but many are found in the major population centers of the Eastern seaboard and the Midwest as well.

For the enterprising illegal entrant the stakes are high—10 times the wage available in Mexico. At the same time, the risks of apprehension or punishment are marginal. Immigration officials, swamped by the volume, simply give them a free ride home within a few days after detection. Formal deportation or prosecution is reserved or a small percentage who are involved in smuggling, which is a multimillion dollar illegal industry with ties to the drug traffic.

Ironically, an illegal entrant to the United States finds it easier to get a job than a lawful resident because of his willingness to take undesirable employment for low wages by American standards and to work long hours without overtime compensation. Unable to bring in cheap foreign labor lawfully and unwilling to meet competitive demands for job security, decent wages and fringe benefits, such employers as clothing manufacturers, hotels, restaurants and farm factories consider the hiring of illegal entrants to be the next best thing to moving the plant to Mexico.

The public indirectly subsidizes this preference by paying hundreds of millions of dollars in public assistance, unemployment compensation and health care to those lawful residents left unemployed. There also result staggering indirect costs for law enforcement, deficiencies in the urban tax base and a greater need for expensive programs to create jobs.

Until recently, employers were free to hire illegals with impunity. While illegal entry was itself a crime, hiring the border jumper was not expressly prohibited. But in 1972, California, where for every two jobless workers there is one illegal, became the first state to prohibit the knowing hiring of border violators.

The somewhat bland measure, the Arnett Act, was ruled unconstitutional in a lower state court. The decision is being appealed and the Legislature is working on remedial language. The act faced opposition from an improbable coalition of employers of cheap labor, representatives of a segment of the urban Mexican-American community and immigration lawyers. The critics charged discrimination against Chicanos, but they neglected to note that the intense immigration inspections in urban areas would continue with or without the law prohibiting employment of illegal entrants—at least as long as the incidence of illegal entry is high.

Suggesting that employment should be open to everyone on both sides of the border, the critics of the Arnett Act ignore the fact that opportunity is limited by available jobs. One loaf and a few fishes may have served to feed the multitudes who came to hear Christ, but the income from a limited number of jobs when the demand for work exceeds the supply will not fill the bellies of the families of unsuccessful applicants. And it will also diminish the paycheck of those fortunate enough to find employment .

While opponents have attempted to characterize the Arnett Act as anti-alien, the legislation actually favors lawful resident aliens by making jobs available to them. It should also encourage illegal entrants married to lawful residents to apply for and obtain permanent resident status.

Considering its effect on unemployment and poverty, something had to be done to curb illegal entrant use. The approach taken by the California Legislature and by federal lawmakers, who have conducted extensive national hearings resulting in the introduction of a similar bill, seems to be the least undesirable of several alternatives. Creating a Cactus Curtain on our long, open border with Mexico is unrealistic. Certainly, providing more stringent penalties against the illegal entrants themselves would be inhumane and hypocritical and would not stop the influx while job access remains constant.

Ironically, the benefit to the illegal entrants as a group is speculative. Notre Dame sociologist Julian Samora, who has studied the problem extensively, concluded in a recent book that most illegal entrants are not materially improved by their exposure to American jobs. "Those who profit are those who employ him, or who smuggle him," he asserts. Since the employer is the principal beneficiary of the traffic and since his willingness to employ illegal entrants is the principal inducement to the number of unlawful entries, providing penalties which make it less profitable to employ illegal entrants is clearly the best possibe remedy.

Democratic and Repubican legislators who support laws curbing illegal entrant employment including Mexican-American elected officials and public figures like Cesar Chavez, recognize that the country owes to its poor—black, white and brown citizen and lawful alien—an equal crack at the limited job opportunities available to the semiskilled in a technological society.

We must recognize that for a period of time many employers have knowingly employed illegal aliens. Now, these employers will be put on notice that they should discontinue doing so.

If we do not pass this bill then the number of employers who say there is no penalty on the statute books and there is no prohibition will continue unabated; the serious unemployment situation that we see today will continue to grow with illegal aliens taking the jobs of American citizens and lawfully resident aliens.

For these reasons I recommend the adoption of this bill.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise in support of H.R. 16188, a bill to provide civil penalties for those who knowingly hire aliens who have not been lawfully admitted to the United States.

Mr. Chairman, several leaders of organized labor in the 14th Congressional District of New Jersey have come to see me to complain about certain unscrupulous employers who hire illegal aliens. At a time of persistent unemployment in my State, New Jersey, which has an unemployment rate of over 7 percent and in my own Hudson County, a jurisdiction with persistently high unemployment, this practice is particularly unfortunate. Their complaints are valid, and I am happy that we are taking action to correct this situation.

Even more unfortunate, Mr. Chairman, is the near peonage in which illegal aliens are kept. Employers may hire them at below the minimum wage and/or require them to work under substandard conditions. If the employee complains he is turned over to the immigration officials. Our Government simply cannot permit this condition to be continued. We cannot permit any human being to be exploited.

Mr. Chairman, it is estimated that there are over 1 million illegal aliens employed in America today. The effect of this is to depress wages for Americans, and by replacing otherwise employable Americans to swell our welfare rolls. This bill, by imposing civil penalties on employers who hire illegal aliens, should put some teeth into the immigration law.

I urge all my colleagues to join with me in support of this bill.

Mr. BOLAND. Mr. Chairman, I support H.R. 16188, the Immigration and Nationality Act.

The purpose of this bill, and justifiably so, is to make it unlawful for an employer to hire, knowingly, aliens who have not been lawfully admitted for permanent residence, or who are not authorized by the Attorney General to work while in the United States. For too long a time the number of aliens illegally entering this country has been growing; these illegal aliens are working for substandard wages and are therefore standing in the way of the unemployed of our own country.

Specific instances of employed illegal aliens in my own area of western Massachusetts were called to my attention within the past few years by John F. Albano, manager of the Western Massachusetts International Garment Workers Union, AFL–CIO, and Charles Marchese, business agent for Carpenters Union Local 122 in Springfield.

Illegal aliens from islands in the Caribbean area were working under sweatshop conditions in certain garment factories at substandard wages when taken into custody by officers of the Immigration and Naturalization Service.

The poor aliens had been promised good paying jobs when they were recruited by shoddy New York City agencies in their island homes. After arriving in New York, they had to repay travel expenses and then pay job-finding fees to agencies who had already contracted for their labor in Massachusetts factories. The illegal aliens were eventually deported, but the employment agency and the employer got only verbal Government reprimands.

Robbing Americans of jobs was not unique to the garment industry building contractors in western Massachusetts were employing carpenters and other tradesmen who had entered illegally from Canada with job promises. Such practices ended only when the building trades unions demanded investigations by the Immigration and Naturalization Service.

The present exemption from antiharboring provisions tends to frustrate and defeat the declared intent of Congress in other provisions of the Immigration and Nationality Act. To protect the employment opportunities and labor standards of American workers we must pass H.R. 16188.

Illegal aliens are generally unskilled or low-skilled workers, who compete for jobs with minority groups who have traditionally been denied opportunites to improve their skills. Consequently, this legislation is designed to remove this illegal source of competition, protect the job security of citizens of the United States and aliens lawfully present in this country.

Further, this legislation establishes a three-step procedure for the imposition of sanctions on employers to insure that only those employers who knowingly hire illegal aliens are penalized. For the first violation, the Attorney General will serve a citation informing the employer of the violation. If a subsequent violation is committed within 2 years of the first citation, a fine of not more than $500 will be imposed for each alien. If the same employer commits an additional violation, he is subject to a fine of $1,000 and/or 1 year imprisonment for each alien.

I urge my colleagues to support this legislation.

Mr. KOCH. Mr. Chairman, I intend to vote against this bill. I believe that employers should not be turned into sheriffs. I am in accord with the efforts made by those departments charged with responsibility for preventing illegal immigration into the country, deporting illegal aliens, and preventing those immigrants not allowed to work under the law, from doing so. However, if this bill were enacted, the effect would be the following:

An employer, to show good faith efforts on his part to comply with the law would demand of every perspective employee who looked "foreign," whatever that means, or who spoke with a foreign accent, a signed statement that he or she were an American citizen or an alien permitted to work in the United States. So, someone educated, perhaps even with a cultured English accent, would not be asked the question but someone who emigrated to this country years ago, but perhaps never lost his East European or Mediterranean accent, would be required to sign the forms. I do not think this would be just. Worse still would be situations where employers not wanting to be bothered with such forms would refuse to hire foreign born.

I am thinking of my 78-year-old father who is working in a department store in midtown Manhattan at this moment. He came here when he was 14 years old. He is a citizen. He still retains his accent from the old country. I would not want him singled out from the other employees in his department, most of them probably American born, and asked to sign a special form. He and others like him should not be made to feel they are second class citizens.

Hence I shall vote to recommit this bill to committee.

Mr. SISK. Mr. Chairman, it is my intention to vote in favor of H.R. 16188. The time has come when we can no longer rely on the traditional method of employing sanctions against the alien alone to protect the jobs which properly belong to American citizens and aliens legally admitted for permanent residence. We in California are acutely aware of the adverse effect these large numbers of illegal aliens have had on the employment situation in the State. In many instances the illegal entrant to the United States finds it easier to get a job than a lawful resident because of his willingness to take undesirable employment for low wages. The public, of course, subsidizes this preference by paying the ever-increasing costs of public assistance, unemployment compensation, and health care to those lawful residents left unemployed.

While I would agree with the basic argument of the committee in reporting this bill that to solve the illegal alien problem, we must remove the economic incentive which draws the illegal alien to the United States, I am most concerned that employment discrimination may result, particularly against those of Mexican background in my area. There is a genuine fear in California, in the light of the enactment of a similar law in the State recently, that there would be wholesale layoffs by employers of thousands of aliens, illegal or legal, and that those with Spanish surnames would be identified and pointed out as a special category in relation to the total work force. It is my hope that the committee will make a special effort to see that this legislation is implemented in a manner which will prevent job discrimination against members of ethnic or minority groups.

I am equally concerned, Mr. Chairman, that we are still not giving the same treatment to Western Hemisphere immigrants that we have given to their Eastern Hemisphere counterparts since 1965. Many of my Mexican-American constituents contend, and I think rightfully so, that our policy toward Western Hemisphere aliens is designed to restrict immigration, at least legal immigration on the Mexican border. As we all know, there is no preference system for immigration from the Western Hemisphere as there is for the Eastern Hemisphere. All aliens seeking to enter this country for permanent residence from the Western Hemisphere, except immediate relatives, must obtain Labor Department certification. This is, of course, totally impossible for the thousands of unskilled workers attempting to enter this country from Mexico. Yet, labor certification is not required for unmarried sons and daughters of citizens, spouses and unmarried sons and daughters of permanent resident aliens, married sons and daughters of citizens, and brothers and sisters of citizens from Eastern Hemisphere countries, even though they be just as unskilled as persons from Mexico.

With the termination of the bracero program and with the imposition of the labor certification requirement we effectively ended legal immigration from Mexico of the unskilled and semiskilled who are not immediate relatives of American citizens and as a result illegal immigration increased proportionately. Since 1963 there has been a huge influx of nonimmigrants from Mexico and elsewhere in Latin America and a vast underground labor market has been created. These poor, exploited workers, living at the margins of society and the law could not participate in the political life of the community and were frequently used to blunt the efforts of American workers for decent wages, job security, and better working conditions. The answer in my opinion, therefore, is not to further restrict immigration from Mexico and other Western Hemisphere countries but to remove the inequity which currently exists in the Immigration and Naturalization Act and accord the same treatment to Western and Eastern Hemisphere applicants.

I was deeply pleased by your statement earlier, Mr. Chairman, that you favor the establishment of a preference system for the Western Hemisphere and your personal assurance that the Judiciary Committee will give full consideration to the matter early in the next session of Congress.

Mr. ANNUNZIO. Mr. Chairman, I welcome this opportunity to commend the gentleman from New Jersey, the Honorable PETER W. RODINO, Jr., the distinguished chairman of the Subcommittee on Immigration and Nationality. The bill before us today and the comprehensive hearings which preceded its drafting are indicative of the high quality efforts of the subcommittee under his very able leadership.

The bill under consideration, H.R. 16188, is aimed primarily at protecting the U.S. labor market against illegal aliens, aliens who are either present in this country in violation of the immigration law or who have accepted employment in violation of their immigration status. The magnitude of the problem and the need for this legislation were carefully documented by the immigration subcommittee in their extensive hearings on illegal aliens. These hearings were held in eight cities across the country, including my own city of Chicago. It was concluded that illegal aliens have a substantial adverse impact on U.S. employment as well as on Federal and State public assistance and other benefit and service programs.

It was estimated during the course of the hearings that there are between 1 and 2 million aliens illegally in this country, and that they are here almost exclusively for the purpose of obtaining employment. Furthermore, the problem is no longer primarily a regional one, as it has been in the past. The illegal alien is now found throughout the country wherever there is the promise of employment. He is increasingly found in industry as opposed to agriculture, where his apprehension is considerably more difficult.

As documentation of these generalizations, testimony received by the subcommittee in Chicago indicated that over the past 10 years there has been an 800 percent increase in the number of illegal aliens apprehended in the tri-State Chicago INS district, which consists of Illinois, Indiana, and Wisconsin. In fiscal 1971, 9,572 deportable aliens were located in this area, 8,747 of them in Illinois. Of the deportable aliens located while employed, 90 percent were in industry and 10 percent in agriculture.

I do not mean to imply in citing these statistics that the problem of the illegal alien is more serious now that it affects my part of the country than it was before when it was in somebody else's backyard. What these statistics and similar ones received in Detroit, Denver, and New York show is the extent to which this has become a national, rather than a regional problem, requiring Federal legislation rather than just strategically located increased manpower.

Commenting on the 800 percent increase in apprehension in the Chicago district, Mr. Alva L. Pilliod, the U.S. Immigration and Naturalization Service District Director, told the subcommittee:

> It is quite apparent that under the present conditions, this situation will get out of control. It has been suggested that we have an increase in manpower, and an increase in manpower would, no doubt, bring an increase in the number of apprehensions. However, it is my firm conviction that the aliens will continue to come to this area or anywhere where they can seek employment, so long as the employment opportunities exist, and the continued apprehensions and deportations will not to a great extent deter them.

The illegal alien appears to be driven by very strong economic motives, bordering in many cases on simple self-preservation. Sanctions in the Immigration and Nationality Act aimed at deterring the alien from entering the country illegally and/or illegally accepting employment range in severity from enforced voluntary departure to two years' imprisonment and a $1,000 fine. It is apparent that these sanctions have not been effective.

Mr. Chairman, quite frequently foreign immigration has been blamed for high unemployment in the United States. This is sheer fallacy. Labor certification is required for all lawfully admitted aliens who plan to become American citizens, other than immediate relatives, such as mothers, fathers, sons, daughters, brothers, and sisters. My colleagues will recall it was the intention of the Immigration and Nationality Act Amendments of 1965, which I sponsored and supported, to make it easier to reunite families and bring together members of families who had been tragically separated for so many years.

During fiscal year 1971, approximately 48,000 skilled immigrants entered the United States with the required labor certification which was issued to them only because their skills were in short supply in the United States. Thus, labor certification has been used as an effective tool in limiting admission of aliens to those whose skills are needed in the American labor market.

It is not the lawfully admitted aliens who are taking jobs away from Americans. To the contrary, lawfully admitted aliens are usually highly educated, highly skilled individuals who are supplementing our labor supply when it is short in certain specific areas, and quite frequently, we find other nations lamenting their "brain drain" because only their highly qualified citizens can meet the requirements for immigration to the United States and therefore they are losing their most productive citizens. Their loss, of course, is our gain.

Our country was built, and its greatness was assured to a very large degree by the lawfully admitted aliens who have come to America from all over the world. Indeed, Polish Americans, Italian Americans, German Americans, Jewish Americans, Irish Americans, Scandinavian Americans, Slovenian Americans, Greek Americans, and so many others, have made tremendous contributions to the growth and advancement of our country—and it is unfair to put legally admitted and illegal aliens in the same category. They are totally different, and this vast difference should be recognized.

I do not advocate a ban on immigration—our immigrants are the ones who built America. What I do advocate is a halt to the entry of illegal aliens into our country, since it is they who are adversely affecting our unemployment situation.

The legislation before us today aims to deter the illegal alien from coming by eliminating his incentive for coming—employment. It is currently not illegal for U.S. employers to hire illegal aliens, with the result that many employers do not attempt to ascertain the immigration status of prospective employees. It seems probable that most employers would be deterred from hiring illegal aliens if it were in violation of a Federal criminal statute.

H.R. 16188 would make it unlawful to knowingly hire aliens who have not been lawfully admitted for permanent residence or who are not authorized to work while in the United States. The criminal provisions of the bill are not aimed at the employer who unwittingly hires an illegal alien or even at the one-time offender. A graduated three-step procedure for the imposition of sanctions against the employer would be established, consisting of a warning for the first offense; a civil penalty of not more than $500 per alien for a second offense; and a fine of $1,000 and/or 1-year imprisonment for each alien for a third offense. The three-step civil and criminal penalty provision is expressly aimed at the employer who has established a clear pattern of violation.

Mr. Chairman, I believe the bill before us represents an effective approach to a very complicated and sensitive problem. I would like again to commend the gentleman from New Jersey and the subcommittee he chairs for their painstaking work, and to urge that this legislation be enacted.

Mrs. ABZUG. Mr. Chairman, while the aim of this legislation—to prevent aliens not entitled to accept employment from accepting it—may be laudable, I do not believe that it will accomplish that purpose. In fact, I believe that it will leave us in the same position we are in now.

Originally, proposed legislation in this area would have created a presumption that an employer employing aliens not entitled to accept employment did so knowingly, and would have made such an employer criminally liable upon such a showing. There was substantial objection to this approach on two counts: First, many individuals, including myself, feared that the effect of this law would be to justify and even encourage job discrimination against the foreign born, or those with foreign accents, or those with swarthy skins; second, some individuals asserted that the law would place an undue burden upon the employer, imperiling him—by the use of a possibly unconstitutional presumption—for conduct not his own.

Section 275 of the existing Immigration and Nationality Act imposes criminal penalties upon aliens who enter the country illegally, but, according to the committee report on this bill:

> It has proved to be an ineffective deterrent in the case of an alien who crosses the border illegally for the sole purpose of sustaining himself and his family. Moreover, the United States attorneys' office are reluctant to prosecute cases of illegal entry and even when prosecutions are instituted, convictions are infrequent.

The Judiciary Committee, taking cognizance of the objections noted above, rewrote the legislation. In its present form, it provides a three-step procedure before any employer can incur criminal liability: he must first receive a citation, then is subject to a civil penalty of $500 if he repeats his offense within 2 years, and only upon a third offense becomes liable to criminal prosecution. In addition, he will go free if he has obtained from the illegal employee a signed statement to the effect that the employee is a citizen or is an alien authorized to accept employment.

Obviously, then all that an employer has to do is to make every one of his employees sign such a statement. Then, he will be safe, except for the unlikely case in which it can be demonstrated that he accepted such statements knowing them to be false.

In the meantime, though, it is the employee who is subjected to criminal penalties as soon as he falsifies such a statement. The staff of the Judiciary Committee has informed my office that a false statement to the employer that an individual is entitled to accept employment will subject him to prosecution under section 1001 of title 18, United States Code, prohibiting false statements in matters subject to the jurisdiction of the United States. I must say that it is not all that clear to me that the statement envisioned by the bill would come within section 1001.

The application of section 1001 to such a statement leaves us no better off than we are at present. The employer can easily protect himself from prosecution by taking signed statements from all employees. The employee subjects himself to prosecution if he falsifies such a statement—no second or third chances are provided for. Of course, we began this discussion with the committee's statement that convictions of illegal aliens are difficult to obtain.

Where does that leave us? We have done nothing to deter employers from hiring individuals not entitled to work, because they will protect themselves by obtaining signed statements from the employees. We have created an additional liability for the little guy, the poor soul who comes across the border to try to earn the price of food for his family, although it seems unlikely that there will be many prosecutions or convictions of this nature. In summary, this bill, while it will impress the press and our constituents and perhaps create some additional animus against the foreign born, will accomplish nothing of substance, and I urge its defeat.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended to read as follows:

"Sec. 245. (a) The status of an alien who was inspected and admitted or paroled into the United States may be adjusted by the Attorney General, in his discretion and under such regulations as he may prescribe, to that of an alien lawfully admitted for permanent residence if (1) the alien makes an application for such adjustment, (2) the alien is eligible to receive an immigrant visa and is admissible to the United States for permanent residence; and (3) an immigrant visa is immediately available to him at the time his application is filed.

"(b) Upon the approval of an application for adjustment made under subsection (a), the Attorney General shall record the alien's lawful admission for permanent residence as of the date the order of the Attorney General approving the application for the adjustment of status is made, and the Secretary of State shall reduce by one the number of the preference or nonpreference visas authorized to be issud under section 203(a) within the class to which the alien is chargeable, or the number of visas authorized to be issued pursuant to the provisions of section 21(e) of the Act of October 3, 1965, for the fiscal year then current.

"(c) The provisions of this section shall not be applicable to: (1) an alien crewman; (2) any alien (other than an immediate relative as defined in section 201(b)) who has hereafter accepted unauthorized employment prior to filing an application for adjustment of status; (3) any alien admitted in transit without visa under section 238(d); or (4) any alien who is a native of any country contiguous to the United States or any adjacent island named in section 101(b)(5), except an alien who is an immediate relative defined in section 201(b), or who is the child of parents neither of whom was born in such country or adjacent island."

Sec. 2. Section 274 of the Immigration and Nationality Act (8 U.S.C. 1324) is amended by deleting the proviso in paragraph 4 of subsection (a) and by redesignating subsection (b) as subsection (e) and adding new subsections (b), (c), and (d) to read as follows:

"(b)(1) It shall be unlawful for any employer or any person acting as an agent for such an employer, or any person who for a fee, refers an alien for employment by such an employer, knowingly to employ or refer for employment any alien in the United States who has not been lawfully admitted to the United States for permanent residence, unless the employment of such alien is authorized by the Attorney General: *Provided*, That an employer, referrer, or agent shall not be deemed to have violated this subsection if he has made a bona fide inquiry whether a person hereafter employed by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence or is authorized by the Attorney General to accept employment: *Provided further*, That evidence establishing that the employer, referrer, or agent has obtained from the person employed or referred by him a signed statement in writing that such person is a citizen of the United States or that such person is an alien lawfully admitted for permanent residence or is an alien authorized by the Attorney General to accept employment, shall be deemed prima facie proof that such employer, agent, or referrer has made a bona fide inquiry as provided in this paragraph. The Attorney General of the United States shall prepare forms for the use of employers, agents, and referrers in obtaining such written statements if they so desire, and shall furnish such forms to employers, agents, and referrers upon request.

"(2) If, on evidence or information he deems persuasive, the Attorney General concludes that an employer, agent, or referrer has violated the provisions of paragraph (1), the Attorney General shall serve a citation on the employer, agent, or referrer informing him of such apparent violation.

"(3) If, in a proceeding initiated within two years after the service of such citation, the Attorney General finds that any employer, agent, or referrer upon whom such citation has been served has thereafter violated the provisions of paragraph (1), the Attorney General shall assess a penalty of not more than $500 for each such alien employed in violation of paragraph (1).

"(4) A civil penalty shall be assessed by the Attorney General only after the person charged with a violation under paragraph (3) has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur, and the amount of the penalty which is warranted. The hearing shall be of record and conducted before an immigration officer designated by the Attorney General, individually or by regulation. The proceedings shall be conducted in accordance with such regulations as the Attorney General shall prescribe and the procedure so prescribed shall be the sole and exclusive procedure for determining the assessment of a civil penalty under this subsection.

"(5) If the person against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount assessed in any appropriate district court of the United States. In any such suit or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed and the Attorney General's findings of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

"(c) Any employer or person who has been assessed a civil penalty under subsection (b)(3) which has become final and thereafter violates subsection (b)(1) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or both, for each alien in respect to whom any violation of this subsection occurs.

"(d)(1) Any vessel, vehicle, or aircraft which has been or is being used in furtherance of a violation of subsection (a), or which has been or is being used by any person who for a fee refers or transports an alien for employment in furtherance of a violation of subsection (b), shall be seized and forfeited: *Provided*, That no vessel, vehicle, or aircraft used by any person as a common carrier in the transaction of business as such common carrier shall be forfeited under the provisions of this section unless it shall appear that (A) in the case of a railway car or engine, the owner, or (B) in the case of any other such vessel, vehicle, or aircraft, the owner or the master of such vessel or the owner or conductor, driver, pilot, or other person in charge of such vehicle or aircraft was at the time of the alleged illegal act a consenting party or privy thereto: *Provided further*, That no vessel, vehicle, or aircraft shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such vessel, vehicle, or aircraft was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal laws of the United States, or of any State.

"(2) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of vessels and vehicles for violation of the customs laws; the disposition of such vessels and vehicles or the proceeds from the sale thereof; the remission or mitigation of such forfeitures; and the compromise of claims and the award of compensation to informers in respect of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, insofar as applicable and not inconsistent with the provisions hereof: *Provided,* That such duties as are imposed upon the collector of customs or any other person with respect to the seizure and forfeiture of vessels and vehicles under the customs laws shall be performed with respect to seizures and forfeitures of vessels, vehicles, and aircraft under this section by such officers, agents, or other persons as may be authorized or designated for that purpose by the Attorney General.".

SEC. 3. The first paragraph of section 1546 of title 18 of the United States Code is amended to read as follows:

"Whoever knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or".

SEC. 4. Nothing contained in this Act, unless otherwise specifically provided therein, shall be construed to affect the validity of any document or proceeding which shall be valid at the time this Act shall take effect; or to affect any prosecution, suit, action, or proceeding, civil or criminal, done or existing, at the time this Act shall take effect; but as to all such prosecutions, suits, actions, proceedings, statutes, conditions, rights, acts, things, liabilities, obligations, or matters, the statutes or parts of statutes repealed by this Act are, unless otherwise specifically provided therein, hereby contained in force and effect.

SEC. 5. This Act shall become effective on the first day of the first month after the expiration of ninety days following the date of its enactment.

Mr. RODINO (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: On page 2, line 20, after "adjustment of status;" insert the word "or".

On page 2, line 21, strike out "section 238 (d); or (4) any alien who is a native of any country contiguous to the United States or any adjacent island named in section 101(b) (5), except an alien who is an immediate relative defined in section 201(b), or who is the child of parents neither of whom was born in such country or adjacent island." and substitute in lieu thereof "section 238(d)."

The committee amendments were agreed to.

Mr. KAZEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I approve of the thrust of the bill for various reasons that have already been discussed here today. However, I quarrel with the method used in the bill.

What is America to you and to you and to me? One answer is that it is a blend of people from all parts of the world. All of us know of the symbolic Statue of Liberty, and its inscription:

> Give me your tired, your poor,
> Your huddling masses, yearning to breathe free, . . .

Today we are asked to reject this great tradition. This proposed legislation would introduced new humiliation to many legal newcomers to our own land and to many more who were born here, but whose ethnic characteristics still show on their face and in the color of their skin.

No blond white American faces the requirement of proving his citizenship when he applies for work, but under this legislation the Latin, the oriental, the black and brown people of the Mediterranean and Caribbean lands would have to be challenged by every potential employer.

What a denial of the flaming torch of the Statue of Liberty, lifted into the sky to proclaim our welcome to the huddled masses yearning to be free.

This legislation would do more—it would turn every housewife hiring a maid, or every shopkeeper hiring a porter, or every farmer hiring a field hand—all of these and many more would be turned into policemen.

I yield to no one in my desire that we serve the citizens of our Nation first, and I say with all the fervor I can command that we do not serve them well by selfishness.

I know that our Nation has economic problems. I represent a south Texas district where unemployment is scandalously high—as much as 15 percent. But I know in my heart that the jobless man and woman does not want help if that help will take pride away from them.

The passage of this bill would be a confession of weakness by this House. It would say to people whose skins are not white or whose voices have accents that we have abandoned our belief in equal rights for all under the law.

Let me cite statistics in the area I know best, my own south Texas congressional district. We have almost 450,000 white people according to the latest census. Of these almost half are Spanish-speaking or have Spanish surnames. We do not have many blacks and we have a few hundred American Indians, Japanese and Chinese—in other words, about 50 percent of our people have ethnic influences that affect their appearance and their speech.

We have never thought that this was a burden—because to have a burden there must be a burden on someone. We have problems, of course—but we have pride in the intermixture of our people, and I must oppose any action that would build barriers between our peoples.

It has been said that good fences make bad neighbors. We do not want such fences as this legislation would erect. Those of you who represent minorities in your districts—if this bill passes—can well expect to hear from your native citizens asking you—Why is it there is a law on the books that every time I go to ask for a job, I am asked if I am a citizen and, yet, my blond brother across the street is never asked that question? Have I been relegated to a second-class citizen because of the law that the Congress has passed?

Listen to what the bill says on page 3:

> "That an employer shall not be deemed to have violated this subsection if he has made a bona fide inquiry whether a person hereafter employed by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence or is authorized by the Attorney General to accept employment: *Provided further,* That evidence establishing that the employer, has obtained from the person employed or referred by him a signed statement in writing that such person is a citizen of the United States or that such person is an alien lawfully admitted for permanent residence" . . . and so on.

It would be fine if the employer—and we have all types of employers—if he would treat everyone who came to apply for a job alike. But under this bill he is precluded from doing that because if he should hire a man who turns out to be a unlawful alien, then he is subject to penalties. Therefore, as I said before, it is the minority group that we are trying to protect actually under this bill, whose jobs we are trying to protect—and I agree with that.

As I said at the beginning, it is not the thrust of the bill that I oppose—it is the mechanics of the bill that I oppose because I know these people to be proud people. Let me tell you something—those of you who represent these minorities have in the past received many, many complaints about how they are treated by the immigration and border patrol officials. I myself, as some of you, have seen check points along our highways where our border patrol waves on a blond, blue-eyed man but stops every automobile that carries a Latin person.

Not too long ago to the embarrassment of those people, a district judge was stopped right down there in my district. Officers made him get out of his car for no reason at all except that he was a Latin American—when right before him dozens of cars were waved on.

It is bad enough as the situation is now, but here we are sanctioning this type of action not by Government officials but by every single prospective employer in this country.

I urge the ladies and gentlemen of this Committee to look at the results of what this bill will be. Sooner or later you will be here remembering the words I have spoken today when we receive complaints of discrimination against the citizens of this country who happen to be of a minority, simply because they and they alone are asked to produce proof of citizenship or lawful residence in this country before they are ever given a job.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I compliment the gentleman from Texas for a very eloquent explanation of this legislation. I associate myself with his remarks. I think the gentleman has a clear an understanding as anyone else in this House on this problem, and equal to or better than anyone else.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I share the gentleman's disapproval of any practice of Immigration Service people stopping all persons whose appearance is of a particular nationality or race, but I think the gentleman in his fears about this bill is seeing ghosts. It is rather significant to me that we did not have this kind of objection raised when we had the hearings in El Paso or Los Angeles. In fact the Chicanos and the Mexican Americans who testified there did not raise these objections.

Mr. KAZEN. I would not call every Mexican American a Chicano.

Mr. SEIBERLING. I said "and Mexican Americans."

Mr. KAZEN. All right.

Mr. SEIBERLING. They came to us and said, "We need this protection. We are being competed with by illegal aliens."

Mr. KAZEN. My time is short. I agree with the gentleman. They do need protection. We have to stop the illegal aliens, but this is not the way to do it. The burden should be on the Government.

My argument today is for human decency. I say the system proposed by this legislation for many citizens and legal resident aliens will be degrading and humiliating, and for this reason I shall vote against this bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. KAZEN was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield to me?

Mr. KAZEN. I yield to the gentleman from Ohio since he got the time for me.

Mr. SEIBERLING. Mr. Chairman, I do not know what the gentleman's experience is as an employer but I am an attorney.

Mr. KAZEN. I am an attorney.

Mr. SEIBERLING. When I applied for admission to the bar, when I was employed by a law firm, when I was employed by Goodyear, I was asked if I was an American citizen.

Mr. KAZEN. But there is a double standard that will be applied here because the employer is not going to bother to question the blue-eyed blond whereas he will be forced to question the minorities, the blacks and the browns and the orientals in order to protect himself, because if he should hire a person who turned out to be an illegal alien without having made the inquiry ordered in this bill, then the employer is in trouble.

Mr. SEIBERLING. There are a great many blue-eyed, blond, illegal aliens in this country.

Mr. KAZEN. This is correct.

Mr. SEIBERLING. What will happen as a result of this bill is that the employers are going to inquire of every applicant.

Mr. KAZEN. I hope so, because I believe not enough members of this Committee will join me in voting against this bill. I hope what the gentleman says is true, but knowing human nature, I know what is going to happen. We are going to humiliate and embarrass the minorities every time they go to ask for a job.

We are trying to do something in this legislation which I agree with, but the method this committee has chosen is wrong and inhumane for all minorities in this country.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: Amend H.R. 16188, page 3, line 2, by adding thereafter a new section 2, and renumbering the subsequent sections:

SEC. 2. That section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended by striking out "who is coming temporarily to the United States to perform other temporary services or labor, if unemployed persons capable of performing such service or labor cannot be found in this country; or (iii)".

SEC. 2. Section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended by striking out the period at the end of subparagraph (J) and inserting in lieu thereof "; and" and by adding at the end thereof the following new subparagraph:

"(M) an alien having a residence in a foreign country which he has no intention of abandoning who is coming to the United States under a contract of employment to perform services or labor (other than services referred to in subparagraph (H) of this paragraph) of a temporary or seasonal nature, subject to the conditions that—

(i) the contract of employment shall be for a period of not to exceed one year, which may be renewed for additional periods up to one year, but will not be renewable for periods aggregating more than five years;

"(ii) the alien will not perform services or labor not specified in the contract of employment, or perform services or labor for an employer not named in the contract of employment without the approval of the Secretary of Labor; and

"(iii) the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14)."

Mr. WHITE. Mr. Chairman, again, like my colleague from Texas, I am not complaining of the objectives of the particular bill before us, but this bill leaves a hiatus in the treatment of the American public. We of the Southwest, in Texas, Arizona, and California, also recognize that at times there is great difficulty in harvesting crops. There is at times a scarcity of labor. The present status of the law provides that the Secretary of Labor shall certify the need for labor in case of any specific application. The Secretary of Labor recognizes that that person, once receiving a permanent visa, becomes a permanent resident of the United States and is, therefore, competitive on the labor market of the United States and is available to all of the benefits, including welfare, and therefore the Secretary of Labor is very guarded about approving such applications.

Consequently, many, many of these needed employees are not approved, and farmers find great hardship in trying to harvest their crops and till their lands.

What I propose here is an alternative that should have been done some time ago in order to maintain this Nation, to prevent the welfare rolls that we have had, and in order to provide the labor necessary to do the essential jobs in various communities throughout this land.

This amendment, which is in the form of a bill that I introduced earlier, provides that a person can apply for a temporary visa for a period of 1 year for a specific job under a specific contract, renewable for a year at a time, up to 5 years. I know that the Justice Department at one time said that they were afraid that this would cause a great increase and proliferation of immigration in this country, but what they failed to see was that it will have the exact reverse effect, because this insures that we are not going to have great migration into this country. We are not going to have people, wetbacks, coming across the Rio Grande and other places, coming in illegally, because they will know there is a means by which to get jobs in this country under legal procedures.

That is what I am providing—legal procedures.

Mr. EILBERG. Mr. Chairman, will the gentleman yield at this point?

Mr. WHITE. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. I am sure the gentleman is familiar with that provision in the Immigration and Nationality Act, providing nonimmigrant visas for temporary workers—the H-2 worker. Is there anything in the law to prohibit an individual from applying for a temporary visa for the purpose of working? It is my understanding there is none, so I do not understand the necessity for this particular amendment.

Mr. WHITE. This sets up a specific procedure for a year at a time for a specific application for a particular job. I do not believe that particular section has been used. I am not familiar with the reason why this particular section has not been used.

Mr. EILBERG. Why not give this particular section an opportunity to work itself? This is the purpose of it.

Mr. WHITE. It has been there for years and years.

Mr. EILBERG. Does the gentleman know of any people that have applied under the H-2 category and who have been denied?

Mr. WHITE. I believe they have not been admitted, but I think if we adopt this amendment side by side in this bill, we are assuring that the American public, especially the people in the Southwest, knowing that they are going to have penalties against them, have an alternative. We have to go back to our people and tell them, "All right, we have a bill before our Congress saying that if you hire an illegal alien and for some reason the evidence shows that you knew he was an illegal alien, for whatever desperate purpose you have, then you are susceptible to the warning and thereafter you are susceptible to fines and penalties, even imprisonment and jail."

How can we sell that to the people if we do not give them an easy alternative? That is what I am suggesting in this particular amendment—give them an alternative that will insure that we are not going to have a permanent person in our society drawing welfare and competing in the labor market. I say give them a year at a time under the control of the Secretary of Labor.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman from New York.

Mr. PODELL. It is my understanding the amendment provides an employer can enter into a contract with a prospective employee without the need for labor certification.

Mr. WHITE. No. He needs labor certification.

Mr. PODELL. If the individual can get labor certification, what is the need for this provision?

Mr. WHITE. Because the Secretary of Labor is reluctant to issue a certification for a permanent visa. We believe if there were a temporary visa for a year at a time, for a specific contract, which intrinsically will not allow the person to become a public charge, there is more likelihood that the Secretary of Labor would approve such an application.

Mr. PODELL. The problem presents itself today that the Labor Department does not give labor certification.

Mr. WHITE. For permanent visas.

Mr. PODELL. What the gentleman is doing is creating a temporary visa situation where the Labor Department can give temporary certification?

Mr. WHITE. Yes, sir. And it is renewable by certification each year up to a specific period of time, for a maximum period of time. After that time the person should apply for a permanent visa.

Mr. PODELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe the gentleman from Texas points out a problem that applies not only in the Southwest but in all parts of the country.

I am not from the Southwest. I am from the Northeast. We have a very serious problem in the Northeast as well. We have a problem with respect to household help, wherein the Labor Department refuses to give labor certification to individuals who seek employment here in this country as household help, as domestics, as housekeepers, and so forth.

The rationale which is set forth by the Labor Department is that there is a glut of employees on the market. This is not the case. There is an entirely insufficient number of individuals seeking domestic employment.

I, for one, receive requests from my constituents constantly to try and assist them in bringing people in from foreign countries as domestics.

This may seem to be a very small part of a major problem, but nevertheless it does exist. I believe the gentleman from Texas has found a solution to a problem which has been long standing throughout the entire country.

This is an opportunity for us to provide domestic help on a temporary basis, and which can be reapplied each year. I believe the gentleman from Texas has made a very valid point.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from New York.

Mr. BIAGGI. I should like to ask the gentleman from New York a question for the purpose of emphasizing an essential element in our considerations.

The amendment offered today by the gentleman from Texas deals with a situation, as the gentleman has stated, of domestics, specifically as to the problem relating to the Northeast but not confined to the people of the Caribbean. It relates to all the world, really, because there have been many applications made by people throughout the world to come to the United States to serve as domestics, and other capacities, and they have been denied admission.

There is an essential point involved, and I will ask the question for the record. Is there an adequate supply of domestics for the people of the United States currently within our country?

Mr. PODELL. I cannot answer that for the entire country, obviously, but I can speak for New York and for New York City and for my district, and I will say that it is impossible—impossible to get household help in New York City. I would say that 50 percent of the domestic help today in New York City is there illegally in one form or another, because one cannot get American citizens to take the jobs.

Mr. BIAGGI. I anticipated that reply, and want the record to show that fact. That is all the more reason why the amendment offered by the gentleman from Texas, with which I concur, has a great deal of merit.

I thank the gentleman for yielding.

Mr. Chairman, I rise in support of this bill. I would like to commend the committee and, in particular, the gentleman from New Jersey (Mr. RODINO) for the fine effort made to help reduce the number of illegal aliens working in the United States.

It is clear that in recent years the number of illegal aliens entering the United States has increased rapidly. This is especially true in the Southwest United States and in my home State of New York.

With these additional people available in the work pool, jobs that could go to American citizens and legal aliens are drained off the economy. The result is more people on welfare and a diminished opportunity for minority and low-income workers to improve their economic status.

While this measure will not solve the problem overnight, in the long run it will greatly reduce the incentive for coming illegally into this country. By placing civil and criminal penalties against the employer who knowingly hires the illegal alien, there is a better opportunity to eliminate the job market for this virtual slave labor. At the same time, we will help eliminate the oftentimes inhuman and unfair labor conditions under which these illegal aliens work.

This particular bill, though, should be looked on as only a starting point. It does not address itself to other aspects of the problem. There is in operation, particularly in New York State, unscrupulous individuals who sell a packaged dream to immigrants.

Unable in many cases to get into the country legally, the prospective immigrant from all countries throughout the world goes to these individuals and purchases his travel, forged papers, and all the other effects of a "good citizen" just to get into America. The Justice Department is already burdened in its efforts to apprehend these individuals and put them out of business. This legislation would provide an additional weapon in its fight.

The committee has alluded to the problem of freely available social security cards. Here we have a ready means to better control the work status of aliens. The social security system should devise a better means of verifying the status of the individual applying for a card so that the card itself would be proof of citizenship and working rights.

I hope this bill is not viewed as a club over the head of the lawfully admitted alien. I have long urged that some improvement should be made in our immigration laws to permit better access by aliens. America, with all its problems, is still the land of opportunity.

This country was built by immigrants, like my parents, who came to this country seeking a better opportunity for employment, a better opportunity for their children, and, in general, a better opportunity to live life and enjoy it. The Statue of Liberty is a beacon of opportunity to the world; and as long as it stands, we cannot turn our backs on the poor, the weak, and the downtrodden of this earth.

Mr. Chairman, I urge passage of this bill and urge at the same time that the additional steps necessary to properly control the illegal alien situation also be taken by the respective departments.

Mr. DANIELSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to direct a question to the gentleman from Texas (Mr. WHITE) if I may, with respect to this amendment.

I do not have a written copy of the amendment, but, as I recall it, it would make provision for a temporary type of visa to be issued where a prospective employer would enter into a contract with a prospective employee who is an alien, and otherwise would not have legal status in the United States, under which that alien could come to the United States under the contract, and be employed in specified types of work for this employer for 1 year, and the contract would be subject to renewal for four additional 1-

year periods, making a total of not to exceed 5 years.

Mr. WHITE. That is correct.

Mr. DANIELSON. How, may I ask, would this program differ in substance from the old bracero program which we had in effect in this country until more or less 10 years ago?

Mr. WHITE. As I recall it, that bracero program involved a contract with a foreign power in which the foreign power enlisted or recruited the employees and brought them to the border under specific treaty arrangements.

Mr. DANIELSON. I thank the gentleman. I believe that is correct.

Under that program, the bracero program, the United States, or the State of California, in a contract with Mexico, or the Southeastern United States in a contract with Cuba or Haiti, could enter into a contract under which a large group, a contingent of employees would come in and work under the contract, whereas your proposed amendment would be an individual contract between the employer and the alien. Is that correct?

Mr. WHITE. That is correct.

May I point out one other thing. Under the present program, if a person receives a permanent visa for domestic employment, it has been our experience that person may go to work for that employer for a short period of time, and with a permanent visa he is entitled to move anywhere else in the United States that he wishes to, and a large percentage do. So this does not alleviate the problem one bit as far as help is concerned to that employer. He has to go out and get another visa for another person.

Mr. DANIELSON. But under the gentleman's proposal the employee would be under contract to a given employer. It is reminiscent, in my mind, of the indentured service that we had in this country in the colonial days where a colonist could bring in someone from a foreign country and this person was compelled to work, for that employer only, during the period of indenture.

Mr. WHITE. The difference between that is a person had to stay with that job, but under my amendment he can go back to his own country.

Mr. DANIELSON. But assuming he enjoys living in the United States at $15 or $20 a day rather than $2 a day, do you feel there might be any leverage by which the employer might be able to convince the employee to exceed 40 hours per week?

Mr. WHITE. No. It is under the regulations of the Secretary of Labor, and they have to comply.

Mr. DANIELSON. But those regulations also applied in the days of the bracero program. Is that not true?

Mr. WHITE. I do not know what the agreement was with Mexico.

Mr. WILLIAM D. FORD. Will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman.

Mr. WILLIAM D. FORD. Is it not true that another distinction between the gentleman's proposal and the bracero program was that there was a treaty between this country and a foreign power which set forth certain minimum health standards and certain minimum living quarters standards and hours of work and wages and other factors. In fact, a bracero had more protection in many of the States, particularly in the southwestern part of the United States, than an indigenous employee because of the very bad working conditions that itinerant workers were subjected to at that time. That protection provided by treaty would not be present if the gentleman's amendment were adopted today.

Mr. DANIELSON. I believe the comments of the gentleman from Michigan are very close to correct. Of course, I cannot evaluate them with precision at this time. However, I can add to this extent: As an assistant U.S. attorney many years ago when we deported aliens who were here, and had originally entered under the bracero program, the Immigration people always went to the place of business of the employer and checked his books and records and saw to it that the alien, when he went to the border to go home, was paid up to date, and he could take his shoes with him and he could take his personal possessions with him and, in fact, when he went across the border he went back with whatever he had earned.

Mr. WHITE. Will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from Texas.

Mr. WHITE. These factors would be under review constantly, of course, or renewal. There will be no problem. The bracero program only referred to farm laborers. This amendment goes to all types of laborers or employees, so that the Secretary of Labor has complete control to insist on proper working conditions.

Mr. DANIELSON. I thank the gentleman.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to have the attention of the gentleman from Texas (Mr. WHITE) on this matter, if I may. I am not completely out of sympathy with what I think the gentleman is thinking about, but I am not clear that he is really doing anything here that amounts to very much. The H-2 program which he seeks to strike out as part of his amendment already is a means to get seasonal employment into the country. It seems to me that the gentleman's amendment merely spells out a procedure in greater detail, and the excuse for that, if I understand it, is that the Secretary of Labor has been too niggardly about cooperating under the present H-2 provisions. Yet, if I read the gentleman's amendment correctly, he says down at the bottom that consular officer has got to be in receipt of a labor certificate issued by the Secretary of Labor.

As long as that is true, I am not sure that I see where this amendment meets the objection that the Secretary is not giving permission.

Mr. WHITE. We think the problem does go to the Secretary of Labor. By spelling out procedures provided for 1 year plus renewal up to 5 years with this particular bill, we think, perhaps, the Secretary of Labor would be more lenient. I do not recall the H-2 provision allowing for extensions. I cannot recall whether it allows for extensions and goes as far as my particular amendment.

Mr. DENNIS. If I may say to the gentleman, my understanding is that it can be renewed as long as the need can be shown, and the absence of Americans available for the employment.

Mr. WHITE. But this is spelling out procedures which we think will make it far easier to get renewal.

I would like to add, with permission of the gentleman, and ask unanimous consent that the "K" be read as an "M." Counsel pointed out that it would be more proper to have it as an "M."

Mr. DENNIS. I would simply say to the committee that although the amendment—and I have only had an opportunity, of course, to see this briefly—the gentleman did provide this table with a copy—it really does not do very much that is not in the law already.

I am inclined to agree that the Secretary of Labor has sometimes been less than outgoing in approving these things when asked to do so by the Attorney General, but I am not sure that this proposal which still requires his certificate, will do anything at all to encourage him to take a broader view.

Actually, under the law at present, it is the Attorney General who can give these H-2 permissions. Really, I think the law as it stands, if properly administered, will meet the problem.

Mr. WHITE. We would like to take our chances. We think it will help.

Mr. Chairman, I did not ask for unanimous consent at that time, but counsel has pointed out the propriety of having an "M" instead of a "K." I ask unanimous consent to so modify the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas (Mr. WHITE) to so modify his amendment?

There was no objection.

Mr. RODINO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, although I recognize the fact that the gentleman is attempting to make a solution to an almost insoluble problem, I think the amendment the gentleman offers certainly does not provide in any way for protection against the unscrupulous employer who would dismiss this alien at will despite the fact that there is a contract. I say this because there is no enforcement provision, and there is no right of the Secretary of Labor to do anything other than to oversee any job change. It would adversely affect, once again, the working conditions in the country because it would put him in competition with others who are seeking similar employment. It does not in any way indicate what specific provisions there would be in the contract between the employer and the alien, and this would subject him once again to the possibility of discontinuance if he were to in any way protest against the conditions of his employment or the fact that his wages may have been decreased, or anything of that sort.

It seems to me that under the circumstances it does not solve the problem, whereas in the provisions in the immigration law providing that temporary workers may be admitted to fill certain needs in this country, there is better control by the Secretary of Labor when this kind of H-visa is issued. And in my considered judgment, Mr. Chairman, it would seem to me that this is certainly not useful in any way, and would only cloud the issues surrounding this legislation.

Therefore I would oppose the amendment.

Mr. PRICE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address some questions to the gentleman from Texas (Mr. WHITE).

First let me say that I rise in support of his amendment, but I would like to ask the gentleman this question: In this situation we give the Secretary of Labor the same authority which he has now. And I am sure that the gentleman has had many inquiries as I have had from agriculture in the Midwest and the southern border States wherein they write and say that they cannot get people to help gather their crops on their farms. Therefore we write to the Secretary of Labor and he says. "Well, check with your State unemployment office to see if there is help available."

So you write to the State unemployment office, and your inquiry goes back to your local district office, and they write back and say, "Yes, we have men available."

As a farmer-rancher myself, I have gone into the employment offices time and time again, and although some legitimate people have been laid off and are entitled to workmen's compensation, there is also a bigger percentage in a lot of the areas of what is termed, at least, in our part of the country, as people who cannot do a day's work. They go to work for a couple of days, and then come back and draw their unemployment compensation, and you cannot find a person in many cases to work in agriculture in the Midwest and Southwest.

I think that the gentleman from Texas has found the solution to this runaround by the Secretary of Labor, because certainly this merry-go-round has provided no satisfaction.

So I think that the gentleman's approach is a satisfactory approach; it is a new approach, and it would tend to provide the labor that is much needed all over the Midwest and Southwest.

I would like to have the gentleman's comments—if this is not correct in his area also?

Mr. WHITE. I thank the gentleman very much for his support on this particular amendment.

In my opinion, the Secretary of Labor will be more inclined to grant a visa as a temporary visa than a permanent visa because he knows that that person is not going to be on the labor market as a permanent resident of the United States. He can set up guidelines for every aspect of the contract that I think would be fair to both sides, and I think there would be a greater allowance of visas.

I think it will mean some alleviation of the problem that we have in the Southwest and in other parts of the country.

Mr. PRICE of Texas. That is right. I agree with the gentleman over there to send out 5,000 men to our part of the country right now and we would put them to work. That is the point—you have touched the point—it is not only a matter of being there, but also a matter of being willing to work. This is part of the guideline that I think the Secretary of Labor could set up in determining whether or not a labor force is available for work. Well, there are more people in the welfare offices drawing welfare checks who could work and many people in the State unemployment offices in these States that could work and will not work. I think your amendment is a proper step to solve the labor shortage for agribusiness and other businesses with adequate protection to the laborer.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman.

Mr. EILBERG. I think in the debate on this amendment so far we have not addressed ourselves to the existing law.

It is the position of the subcommittee and I believe all of the subcommittee members that the provision of law, the H-2 provision, can deal with this problem.

There has been no indication that H-2's have been arbitrarily denied.

Mr. PRICE of Texas. I can show you 15 letters in my office today where they have been denied by the Secretary of Labor.

Mr. EILBERG. I do not doubt that the gentleman has received such letters. But I think it is very interesting that the subcommittee charged with the responsibility in this area heard no testimony on this subject.

Mr. PRICE of Texas. This gentleman over here said a minute ago that he had received some testimony from people that they could not get workers.

Mr. EILBERG. The Secretary of Labor indicated his position on legislation similar to the amendment before us in a letter dated July 31, 1972, to the chairman of the full committee, the gentleman from New York (Mr. CELLER). Mr. Hodgson said:

> In light of our experience with the use of temporary alien workers, I oppose any expansion of our admissions policy for nonimmigrant aliens or broadening the existing job limitations.

He goes on to say:

> Even under the Bracero program, which vested compliance authority in the Secretary of Labor to assure that the conditions on which temporary farm workers were admitted were maintained by the employer, the Department of Labor had a difficult task with its limited staff of preventing worker exploitation. Under these bills there is no provision for a compliance program to be carried out by either the Immigration Service or the Department of Labor.

I submit, therefore, that the amendment should be rejected.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(Mr. PRICE of Texas asked and was given permission to proceed for 2 additional minutes.)

Mr. PRICE of Texas. Mr. Chairman, regardless of what the Secretary of Labor said on this issue that they do not have the personnel to administer this bill, that does not help the farmer in the Midwest and Southwest who have to harvest his crops when they become ripe and it does not help the person who is trying to farm and get someone to run the tractor so he can feed this Nation and they do not need to tell me that there are people available because I can take anyone to my district and show you that there are not enough laborers to prepare the land, water, and harvest crops available regardless of what the Secretary of Labor says.

Mr. RODINO. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman.

Mr. RODINO. I want to reiterate that this amendment can only be performing a very useless act because there is a provision in our immigration, the so-called H-2 visa that you read that is being used now in these very areas. It would be used for those who come temporarily to the United States to perform temporary services or labor, if unemployed persons capable of performing such services or labor cannot be found in this country.

It would seem to me, therefore, that we do already have established law which is available to the individual who finds a need—and when the Secretary of Labor finds that there are not available American workers who desire this kind of employment.

Mr. PRICE of Texas. If that is true, then why does the Secretary of Labor object to the gentleman's amendment?

Mr. RODINO. Because it sets up new procedures and makes it more difficult and we have something already on the books.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. PRICE of Texas. I yield to the gentleman.

Mr. WHITE. The difference is that my amendment specifies a contract for a specific job for a specific period of time renewable for 1 year at intervals, up to 5 years maximum time.

The H-2 is a one line statement that is nebulous, and which the Secretary of Labor obviously was not able to enforce or utilize to any great extent.

But my amendment allows an across-the-board scope for temporary passports.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise at this, although I had not intended to participate, at least not at this juncture, in this debate but because of the nature of the debate and especially because of the nature of the pending amendment which has been offered by my very distinguished and very respected colleague, the gentleman from Texas (Mr. WHITE) and in view of some of the statements which have been made in the course of the discussions on this proposal.

I cannot help but review this situation. It was almost exactly 10 years ago as a freshman in this House that I was given the credit for the leadership in eventually defeating the so-called bracero system or law. Let us go back. That system prevailed in our country from 1951 until about 1964, the terminal year, because we allowed 1 year to round out the program in 1963.

I recall the history in my part of the country, which is the State of Texas, as it occurred under a controlled plan. The gentleman's amendment is a resurrection of the bracero program without any of the merits or any of the controls of the bracero program.

I heard the same arguments 10 years ago and 20 years ago as offered by my other distinguished colleague, the gentleman from Texas, that it is impossible to find farm labor, that it must be necessary to contract in some vague way in order to tap this reservoir.

I recall 1957, my freshman year in the State senate of the State of Texas, for the first time offering a minimum wage bill in the State of Texas, and I had set a minimum of 40 cents, because the farmworker who happened to have the bad luck of being born in the State and being a native American was earning less than 40 cents in the fields of Texas, but the foreign imported Mexican laborer under the bracero contract first was guaranteed by international agreement, having the power and sanction of enforcement by two countries, of first 40 cents and then 50 cents. The native Texan, the native American had absolutely no protection, no safeguard, and nobody really cared if he earned 30 cents or less.

If we adopt this proposal, we are going to go back to it at a time in which all the labor indexes clearly show there is available labor; but what we are not told is not that the labor is not going to go into the fields at 40 cents or 50 cents or 75 cents an hour. That is the salient difference. This is the point which ought to be brought out and this is the reason I rise at this time.

We have heard time and time again the same arguments. I remember the alarums in 1962 and 1963 from the California fields, where I was even burned in effigy. They said that if we did away with the bracero program the crops would perish in the fields, and that was 10 years ago, and the crops certainly have not perished.

Of course we have problems. The reason I was motivated and the reason for my saying I did not intend to get up to argue much on this is that in all these efforts in this field we have never really brought in the human element, the human side. It is a very tragic thing to have to debate this type of legislation one way or the other, because we know that literally thousands of the folks that have come into the United States have done it impelled by the same motive as our ancestors did. They want to have a job. They want to have a chance to earn a living and support their families. I think everyone of us instinctively shares a sympathy with this, but unfortunately the conditions staring us in the face today are a little bit more complex. In my district for instance there is no question. I have statements from the immigration officials just this week where they have raided at least two places that have been under strike by the employees. They have found illegal workers at the struck plants having the impact of strike breakers.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(On request of Mr. WHITE and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. GONZALEZ. I find that the human element gets lost. On the one hand you have unions and union members who are interested in protecting their particular economic interests. On the other hand, we have the employer who is also interested in protecting his economic interests and we tend to lose sight of what is really, really involved here that we are not addressing ourselves to, and we have not. I think that on a higher order eventually we will have to see what is involved, because it is wrong for us to have the misery of one nation feeding on the misery of another. It is wrong for us to provide laws or systems or operations that will allow a continuation of the exploitation of the native American fieldworker and his associates by the importation of the hard-pressed and usually in misery foreign counterpart.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I will be glad to yield to the gentleman from Texas.

Mr. WHITE. I agree with what the gentleman says. He is a great humanitarian, but I want to point out that in this particular amendment there is a safety valve that shows that it must be certified by the Secretary of Labor. I left that in there as a control, to control the terms of the agreement, the time, the conditions, the pay, the hours, everything. He is an absolute czar on approval of any particular application, so you will not have this type of exploitation that the gentleman is speaking of, if it is properly done.

Mr. GONZALEZ. I would like to agree with the gentleman, but I am afraid I must conclude that the safety valve he proposes here is kind of a faulty one. It will get stuck.

Mr. WHITE. Oh, I do not think so.

Mr. GONZALEZ. It will not announce the "hold harmless" safety point.

Mr. EILBERG. Will the gentleman yield on that point?

Mr. GONZALEZ. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, a strong reason for the amendment offered by the gentleman from Texas is the unreasonable position of the Labor Department on labor certification. The gentleman says there is great difficulty.

Mr. GONZALEZ. Yes, but for domestic labor.

Mr. EILBERG. For domestic labor. I have a suggestion in connection with the very loose procedures in the language which the gentleman referred to.

(By unanimous consent Mr. EILBERG was allowed to proceed for 1 additional minute.)

Mr. EILBERG. I would just like to call the gentleman's attention to the fact that the language of the amendment does not do away with labor certification. If the problem exists with the Labor Department now under existing law, the amendment of the gentleman from Texas does nothing. That same problem will remain.

Mr. GONZALEZ. I agree with the gentleman. That was the reason I was compelled to get up as reluctantly as I did, because of the fact that the sponsor is a distinguished and respected Member of my own Texas delegation.

Let me add one thing here that I did not complete. The evidence is in. In my own district, for example, there is no question that this form of labor supply has been grossly exploited, not only against its own best interests, but also at the expense of the native worker.

As I said, just this week I received a report from the Immigration and Naturalization Service where in at least three of these struck plants the native worker happened to be striving for standards, and he found himself confronted with strike-breakers who happened to be illegal aliens.

(By unanimous consent, Mr. GONZALEZ, was allowed to proceed for 2 additional minutes.)

Mr. GONZALEZ. We are asking our enforcement officials under these circumstances to come in under pressure and raid the place, as they did this week in San Antonio, picking up 38 or 40 illegal aliens, with the strikebreakers. In this respect I must share sympathy with those who are attempting to establish under the American system some type of work standards, although, as I said awhile ago, I hate to be caught in an economic battle of appetites between organized labor and the employer who wants a cheap source, and other contending economic interests.

If anything, there is no question in anybody's mind in southwest Texas that the problem has become acute, especially within the last 2 years.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from New York.

Mr. PODELL. Is it not a fact that the Labor Department would be more apt to give labor certification in certain areas on a temporary basis than it would on a permanent basis, when it is possible that the lack of employment or surplusage of employment may be only temporary? Is that not a possibility?

Mr. GONZALEZ. I would say, answering in the abstract, that that would be true, yes, in the abstract; but we are not dealing in the abstract, we are dealing with concrete realities.

The gentleman talks about the difficulty of getting a maid for a New York apartment. It all depends, as it does with the field workers in Texas. One is not going to get that maid from a domestic supply at $3 a day.

Mr. PODELL. Mr. Chairman, will the gentleman yield further?

Mr. GONZALEZ. I yield further.

Mr. PODELL. The gentleman earlier in his remarks stated that there was an overabundance of employable individuals, and he referred particularly to a certain segment of employment, I imagine in the agricultural field.

Mr. GONZALEZ. All over.

Mr. PODELL. The gentleman referred to a domestic in a New York apartment. What about Washington, D.C.? Is the gentleman going to tell this body there is a surplus of employable household help in Washington, D.C.?

Mr. GONZALEZ. Yes; if a person will pay that maid $10 or $11 or $12 a day he will get them here in Washington, D.C.

Mr. PODELL. If the gentleman will yield, for $10 or $11 or $12 a day one can get a "good morning" and a "good night."

Mr. GONZALEZ. I will yield, and I will supply a few names after the debate. I think that we ought to understand that we are talking about an immensely difficult situation. It is not a matter that can be properly worked out on the floor.

The truth is that many nations desire to import foreign labor, and many do. Uniformly, the labor importing countries are relatively wealthy, and uniformly, the conditions of the imported laborers turn out to be miserable.

An alien worker, one who is in a country only for a season, has absolutely no bargaining power. If he protests his wages or his working conditions he can be fired and replaced forthwith. Even if he is being cheated he has no real redress—for who is going to listen to an alien beggar? And so imported workers live in a condition that approaches servitude, because they are hopeless and powerless.

This is what we have exprienced in the bracero program; this is what we experienced with the coolie business in the last century—and this is what other countries that import foreign laborers experience today.

I do not think that we want to reopen in our country the desperately tragic bracero program. I do not think that we have found the answer to prevent exploitation of imported workers—for nobody has, in this land or in any other, found any way to protect the rights of workers who are absolutely without any influence or power, as alien workers are.

Let us not bring back upon ourselves the shame of the discredited alien labor program; let us not bring upon ourselves the same conditions and shame that has beset and still besets every nation that uses imported alien labor—let us be reasonable and act for our own honor and integrity, and not play off against each other the poor and desperate people of this land and their even more poor and desperate counterparts abroad.

We have workers enough to do our labor—we have millions without work. Let us not degrade them, degrade aliens, and degrade ourselves by reopening the odious practice of alien contract labor—be it a coolie law or any euphemism for it—because in the final analysis a coolie law is just that—a coolie law, and ought to be rejected by humane and honorable societies.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Texas who last spoke is correct, that this is a sort of a renewal of the bracero program.

Those who were around during the period the gentleman from Texas spoke about, when he gave such fine leadership to the effort to end that program, will remember that it was about the fourth or the fifth effort made to terminate that program, which had been adopted as a temporary expedient during the war years.

The amendment does not have some of the safeguards, as the gentleman from Texas pointed out, that the bracero program had, yet this Congress ended the bracero program because it considered that it had led to abuses. Yet under the bracero program was a contract between the two governments, a solemn obligation between Mexico and the United States, and the workers brought in under the bracero program were entitled to certain protections, and their government was in a position to enforce their rights.

We would have no such representative for the workers brought in under the proposed amendment.

The gentleman from Texas, the author of the amendment, Mr. WHITE, has indicated that there is a requirement for a labor certification in his amendment. But if that is the same labor certification which the law already requires, what is the purpose of the amendment?

There is something more here than meets the eye. If it is the same certification that the law already requires, and that it what would appear on the face of the amendment, then there is no purpose to the amendment.

But I believe the interpretation which would be placed on our action is that we want something different from the present law, that one way or the other we want a lot of foreign laborers brought in to work in agriculture in the United States.

I do not believe we want to give that impression to the Justice Department or to the Immigration Service or to the Department of Labor.

It would be very grave step backward if we were not to return even part way to those days and quit trying to work out our problems with our own domestic labor force.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. O'HARA. I am happy to yield to the gentleman from Texas.

Mr. WHITE. The gentleman continues to equate this particular amendment program with the bracero program, when in fact under the amendment it is all individual applications with individual approval by the Secretary of Labor of all the facets of a particular contract. It is not a broadcast type program whereby classes of people would come in for an industry such as the farming industry. This relates to all phases of industry, but it has to be filtered through the Secretary of Labor, who can control these abuses and the fears the gentleman pronounces.

Let me also point out that it will help stem illegal aliens coming into this country, because there has not been a workable means by which a legal entry or hiring may be made up to now. The Secretary of Labor has been fearful of granting visas, because he knows they will be here permanently. Therefore, these people come here illegally, and they sometimes bear children who are permanent citizens. Under my amendment you have a 1-year contract, and then the aliens can go back to their original country, and you do not have the problems in permanent residence.

Mr. O'HARA. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

There is one point that has to be made here. The bracero program imported single workers. That in itself created a social problem, which has never been gone into thoroughly. This is why I said this amendment is not really a renewal of the bracero program. If it is, it is a weak one with none of the protections. But I believe it is a direct throwback to the old contract worker importation tactics used up to 1873 when the Congress prohibited this type of contract worker, and from that time on until 1951, when the so-called bracero program came in.

There were very good and fundamental reasons why the Congress took that action, and for those same reasons we should do it again today.

Mr. O'HARA. Certainly, Mr. Chairman, it would be a very serious and grave step to take without further hearings and without much more consideration than we can give to this proposal today.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE) as modified.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. PRICE of Texas. Mr. Chairman, I demand tellers.

Tellers were rejected.

So the amendment, as modified, was rejected.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 7, after line 16, insert the following new section:

SEC. 3. The Immigration and Nationality Act is amended by inserting immediately after section 274 the following new section:

"Disclosure of Illegal Aliens Who Are Receiving Assistance under the Social Security Act

"SEC. 274A. Notwithstanding section 1106 (a) of the Social Security Act, any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act."

Redesignate the following sections accordingly.

Mr. PICKLE. Mr. Chairman and members of the committee, I rise today to propose an amendment——

Mr. CELLER. Mr. Chairman, a point of order.

The CHAIRMAN. The Chair will point out to the gentleman from New York who desires to make a point of order that it comes too late. The gentleman from Texas is recognized.

Mr. CELLER. But, Mr. Chairman, I was standing while the amendment was being read.

The CHAIRMAN. The Chair did not

observe the gentleman standing. If the gentleman says he was standing, then the Chair will rule that the gentleman was standing and the gentleman from New York will state his point of order.

Mr. PICKLE. Mr. Chairman, a parliamentary inquiry. Have I been recognized for my amendment? I thought I had been recognized.

The CHAIRMAN. The Chair did not observe the gentleman from New York standing at the time of the recognition of the gentleman from Texas. However, the gentleman from New York says that he was standing. Therefore, the Chair rules that the gentleman from New York was standing at the time and is entitled to make his point of order.

Mr. PICKLE. I wonder, then, if the gentleman from New York would reserve his point of order.

Mr. CELLER. I reserve the point of order and will permit the gentleman to make his statement.

Mr. PICKLE. I thank the gentleman.

The CHAIRMAN. The gentleman reserves his point of order.

The gentleman from Texas is recognized for 5 minutes.

Mr. PICKLE. Mr. Chairman, Members of the Committee, I propose an amendment to this bill in order to aid the Department of Justice in stemming the illegal alien problem and in fulfilling the objectives stated on page 5 of the committee report.

If the Members would turn to page 5 of the report of this bill, they will notice language in which the committee points out the lack of cooperation in the Federal departments. I would read to the House a portion of that statement:

> The lack of cooperation by the various agencies and departments of government in combating the illegal alien problem demonstrates the need for remedial legislation of this nature. For example, the relative ease with which social security cards can be obtained by illegal aliens and the common misconception that such cards constitute authorization to work, has enabled such aliens to obtain employment without difficulty. On the other hand, if an illegal alien is unable to locate employment, he may become eligible for public assistance in all States under regulations recently proposed by the Department of Health, Education and Welfare. These regulations which will prohibit a State from denying public assistance to a noncitizen—including illegal aliens, may further aggravate the illegal alien problem in the absence of this legislation.

Mr. Chairman, my amendment would be a first step in remedying the lack of cooperation in controlling the inflow of illegal aliens, a fact which the committee admits and states clearly on page 5.

Mr. Chairman, this problem comes about partially because of a recent ruling that HEW has issued relative to a decision of the Supreme Court. HEW read into that Supreme Court decision of Graham against Richardson this new regulation which really does not make any horse sense. The HEW rule would require the States to pay welfare benefits to illegal aliens. Welfare officials in Texas tell me such a requirement would probably cost my State $25 million to $27 million per year. I am sure there are many other States which would have similar or comparable costs.

I do not understand how HEW could say that this case, Graham against Richardson, requires welfare to be given to illegal aliens. The basis of the Graham decision is that the word "person" in the 14th amendment encompasses lawfully admitted aliens.

Justice Blackmun, who wrote the Graham opinion, said in part 2 of the opinion that he did not say that the 14th amendment extended to illegal aliens. In fact, a three-judge court in Texas actually, in Perez against Hackney, ruled that Texas had to assist lawful aliens, but said nothing about illegal aliens. This decision followed the Graham case.

Mr. Chairman, I have tried to impress my views on HEW, and the replies by HEW to my inquiries have been slow and unsatisfactory. I imagine that many Members of the House have also protested to HEW. HEW has engaged in a great contest of paper shuffling. They will not give an answer; they will not say definitely that a State must pay these aliens, but they did put out a rule through the regional offices that says that every State would be required to pay welfare benefits to every illegal alien. They promised only 6 weeks ago that they would do something about this—that is, issue a new ruling.

The committee recognizes that this is a bad situation and should not be permitted. The committee recommends that some action be taken. Yet, they come before us here today with a bill that, in effect, says, "You must pay illegal aliens welfare benefits."

One of the arguments I took to HEW was that if illegal aliens applied for welfare, why does not HEW follow the intent of the law and tell the Justice Department where we do have the illegal aliens?

I have been informed also that HEW says that they cannot and they do not choose to pass on such information. So my amendment would attempt to remedy this situation.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Chairman, I want to commend the gentleman for bringing this subject up, that is, of having a policy and a system in our Government today under which tax money used for welfare purposes is being paid to and for the benefit of illegal aliens who are here contrary to the law. This is being done under the sanction of HEW, as I understand it.

I have protested about this, and the gentleman now addressing the House has protested it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. PICKLE was allowed to proceed for 3 additional minutes.)

Mr. FISHER. Mr. Chairman, if the gentleman will yield further, many protests have been launched against this. Let me cite another example of how this welfare thing has gotten out of hand, as applying to illegal aliens.

In San Antonio, according to the press report, a loan was granted under section 235 of the 1968 Housing Act, which is a subsidized program, and a highly subsidized program. A contract and a sale was granted to an illegal alien in San Antonio financed under that program. Now, I just do not think the American taxpayer should be expected to subsidize these people who are here illegally. I think the gentleman from Texas (Mr. PICKLE) has brought up a good point. I hope that the reservation of the point of order will be withdrawn so that we can insert this into this legislation, and maybe that will help expose the situation and hopefully eventually bring about some relief.

Mr. Chairman, the Congress should prohibit any form of tax-supported aid to aliens illegally in this country.

I have introduced a bill (H.R. 16575), which would prohibit social security numbers being issued to illegal aliens and also prohibit any Federal aid for any who are illegally in this country.

Mr. PICKLE. Mr. Chairman, I thank the gentleman for his comments, and I would like to conclude my remarks, because I know that I have a time limitation.

My amendment would require any HEW official to report to the Immigration and Nationality Service the receiving of welfare by any illegal alien, and the address of such illegal alien. Such information would allow the Immigration Service to proceed according to its duties as to illegal aliens.

Now, I am accomplishing this purpose by adding a new section to the Immigration and Nationality Act, and that would be section 274(a). My amendment would not affect in any way the bill before us, H.R. 16188, as reported from the committee. I think that my amendment is a step toward meeting the issue that is stated very frankly on page 5 of the committee report, the way the present practice is being carried out. HEW says that they cannot tell anybody if these illegal aliens are on their books, particularly the Immigration and Nationality Service; although they are illegal aliens, they will not give this information to them. The two Government agencies do not talk to each other. As an example, HEW directed the States to specifically pay welfare benefits to illegal aliens. I think we ought to suggest that HEW and the Immigration Service get together, and that they pass this information on.

And it would not in any way affect this particular bill.

Mr. MAYNE. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Iowa.

Mr. MAYNE. Mr. Chairman, the gentleman has said that HEW refuses to pass this information on to another Government agency as to whether or not a person is an illegal alien. Well, the situation is even worse than that because the Social Security Administration does not know whether an applicant is an illegal alien or not; they make absolutely no inquiry as to this. They take the position that the social security cards and social security benefits will be issued without regard to American citizenship, and they absolutely refuse to cooperate with other branches of the Government in trying to identify the problem, and find out who the illegal aliens are.

I think the gentleman from Texas is doing a real service to this House, and to the country, by offering this amendment.

Mr. PICKLE. I thank the gentleman and I hope the House will accept this amendment. I would have hoped that the committee would not have reserved a point of order because, obviously, the committee is in sympathy, from what you said in the report, and if we do not take this action, then there will be no action taken this session.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. PICKLE) which would require all welfare agencies to report to the Immigration and Naturalization Service any illegal alien put on the welfare rolls.

The need for this amendment is clear. The Department of Health, Education, and Welfare has grossly misinterpreted the decision of the Supreme Court which struck down residency requirements for welfare recipients. The justices certainly did not intend to grant welfare benefits to illegal aliens. Mind you, I said illegal aliens. I am not referring to those who have entered this country through lawful means. Nevertheless, HEW has construed the decision to apply to illegal aliens.

This amendment would merely require that, if that is done, then the agencies should report the illegal alien to the authorities. This would thus provide an additional method of detecting persons illegally in this country.

In most areas of the country, the welfare rolls have grown so large that taxes can no longer support the number of people in poverty. Local communities have rebelled against further expansion of these payments. As a result, reduced benefits, in many cases, must be paid. In Texas and New York, for example, where substantial numbers of illegal aliens may go on welfare, the problem is even more acute. In fact, it is depriving those who legitimately need welfare of a reasonable benefit.

The thought that an offender of law can enjoy the benefits of this country's largess is repugnant to the American taxpayer and really appears to be an invitation to the impoverished of the world to seek entry into this country by illegal means to either deprive an American of employment or to join the rolls of welfare recipients. It would not be a question of persons traveling to a welfare haven from State to State but from nation to nation—an intolerable prospect that must be stopped immediately.

As I remarked during debate, the illegal alien problem will not be solved by this bill alone. This amendment does provide yet another step further toward a solution. I hope that this amendment will prompt HEW and the other agencies to eliminate similar inconsistencies in the laws and regulations.

POINT OF ORDER

Mr. CELLER. Mr. Chairman, I insist upon my point of order that the amendment offered by the gentleman is not germane. It amends the Social Security Act. This bill is amendatory of the Immigration and Naturalization Act and, therefore, the amendment is incompetent for consideration by this Committee of the Whole since this Committee of the Whole is now considering an entirely different act and, therefore, the amendment is not germane.

The CHAIRMAN. Does the gentleman from Texas desire to be heard on the point of order?

Mr. PICKLE. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman.

Mr. PICKLE. Mr. Chairman, in my opinion this amendment is germane and has been discussed at length prior to its submission.

First, I would point out to you that I am simply adding a new subsection, section 274(A), to section 274 which is before this body at this time.

I am just amending a specific section that you have here now.

Second, I do not affect your bill—I just make an addition to the very section that you are amending by the legislation you are offering.

In the present law pertaining to the immigration service, it says this in section (b):

> No officer or person shall have authority to make any arrests for violation of any provision of this section except officers and employees of the service designated by the Attorney General either individually or as a member of a class or all other officers whose duty it is to enforce the criminal laws.

I submit to you, Mr. Chairman, that is a statement that indicates the Congress is expecting Immigration to take action when they know there are illegal aliens in this type of situation receiving welfare benefits.

I do not affect the bill that you have. It merely adds an additional section to the very section that you are considering.

I also submit to you under the rules of the House on page 444, section C, it says:

> A general subject may be amended by specific provisions of the same class.

Thus, the following have been held to be germane and they recite several instances in which such cases have been held to be germane to a bill admitting several territories to the Union and an amendment adding another territory and an amendment to a bill providing for the construction of buildings in each of two instances and an amendment providing similar buildings in several other cities and to a resolution embodying two distinct phases of international relationships and so on.

It is clear within the rules that when you are dealing with certain type of classes that this type of amendment would be in order.

I think the only objection that the committee has raised on this amendment, other than just saying that it is not germane, is that this is an attempt to amend a section of the social security act. We are not actually amending section 1106 (A).

Now I hope the committee would keep this in mind—that section 1106(A), and I have a copy of it here, specifically states that relative to disclosure of information on the position of HEW and the Welfare Department, it says:

> No records can be or may be disclosed on welfare payments to any officer or any other person.

I am not asking that they disclose all this information and that they turn their files open. I am simply saying that HEW shall notify immigration when they have an illegal alien that they know of to whom they may be paying benefits.

That is not opening up all the records and violating any sense of confidentiality. That is just simply saying that HEW knowing that there are illegal aliens shall notify immigration. Otherwise, I say to the chairman of the committee, unless we take action, and the committee, I repeat, is sympathetic, because you point out that it ought not to be permitted—unless you ask action and not just try to attempt to be strictly technical and this situation continues, and although you have said you are going to make recommendations—here we are coming to the end of the session and my State possibly within the next year, if this thing is carried out, will pay some $25 to $27 million.

I say the amendment is germane, that it does not repeal any section of the Social Security Act. It simply adds to it. It says HEW shall notify the Immigration Service. But I do say they must take the first step and say HEW must at least let Immigration know. It seems to me this is very much in line and germane to the matter. Otherwise we are precluded from any action. The regional offices already said throughout the country that HEW says that "person" means even an illegal alien. This is our only chance. I do think it is germane, because we are not creating a new section, or repealing any other law.

The CHAIRMAN (Mr. MCFALL). The Chair is ready to rule.

The gentleman from New York makes a point of order that the amendment offered by the gentleman from Texas (Mr. PICKLE) is not germane to the bill H.R. 16188. The amendment would insert a new section 3 in the bill by amending the Immigration and Nationality Act to provide that notwithstanding section 1106(a) of the Social Security Act, officers and employees of the Department of Health, Education, and Welfare shall disclose to the Immigration Service the names and most recent addresses of aliens unlawfully in the United States who are receiving welfare assistance under provisions of the Social Security Act.

The Chair notes that while the problem which the gentleman seeks to correct is discussed on page 5 of the committee report, as the gentleman from Texas has stated, the bill itself contains no provisions which refer to the Social Security Act or to officers or employees of the Department of Health, Education, and Welfare.

The Chair feels that the amendment constitutes an attempt to waive the provisions of law which is not being amended by the bill, and to affect the activities of Federal officials who are not mentioned in the bill. For these reasons, the Chair holds that the amendment is not germane to the bill and sustains the point of order.

AMENDMENT OFFERED BY MR. PICKLE

Mr. PICKLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PICKLE: Page 7, after line 16, insert the following new section:

SEC. 3. The Immigration and Nationality Act is amended by inserting immediately after section 274 the following new section:

"DISCLOSURE OF ILLEGAL ALIENS WHO ARE RECEIVING ASSISTANCE UNDER THE SOCIAL SECURITY ACT

"SEC. 274A. Any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act."

Redesignate the following sections accordingly.

Mr. PICKLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. I will explain very briefly what I seek to do.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The gentleman from Texas is recognized in support of his amendment.

Mr. PICKLE. Mr. Chairman, my amendment now would read this way.

The center of the amendment, which some of the Members have before them, would pertain to section 274A. That portion which says "notwithstanding section 1106(a) of the Social Security Act" would be deleted, and the language would now read:

Any officer or employee of the Department of Health, Education, and Welfare shall disclose to the Service the name and most recent address of any alien who such officer or employee knows is not lawfully in the United States and who is receiving assistance under any State plan under title I, X, XIV, XVI, XIX, or part A of title IV of the Social Security Act.

What I have done Mr. Chairman, is simply delete that portion, so it is without any reference to the Social Security Act, and I make no reference to the Social Security Act.

POINT OF ORDER

Mr. CELLER. Mr. Chairman, I make the point of order the amendment still is not germane.

The CHAIRMAN. The point of order comes too late. The gentleman in the well had been recognized and proceeded to explain his amendment.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas (Mr. KAZEN).

Mr. KAZEN. Mr. Chairman, I was one of those who along with the gentleman in the well and others had contacted HEW on their proposed regulation to give welfare payments to illegal aliens. The gentleman in the well may not have received the answer from HEW but I got a letter just today in which they tell me:

A decision as to provisions to be contained in the final HEW regulations regarding citizenship and alienage has not yet been made. All the comments received regarding the proposed regulations are being analyzed and will be taken into account in making that decision.

What I cannot specifically understand, I will say to the gentleman from Texas (Mr. PICKLE), is in that letter they refer only to aliens. What the gentleman and the others and I have been talking about is aid to illegal aliens, those aliens who are in this country unlawfully. Yet the HEW people go ahead and cite certain Supreme Court decisions that they say in effect order them to give help to illegal aliens. I am not questioning the decision of the Supreme Court as to helping aliens. What we are talking about is helping illegal aliens in this country, and to that I certainly object. Certainly there should be no objection to trying to clarify that matter in this piece of legislation.

Mr. PICKLE. I thank the gentleman, and that is what I am attempting to do, to clarify it. Obviously, we are all in agreement that we should not pay these benefits to illegal aliens, and yet I repeat that under decisions in this agency, and in this particular case, Mr. Dudley Hall, Associate Regional Commissioner for Assistance Payments, did notify my State that they would have to pay assistance, medical assistance, to all aliens, including those who were illegally in the United States.

Of course, a State can, in its State plan, have a statement that they would intend not to include in their own State plan payment of these benefits, and at some point later if HEW approved it, we might find some relief. But right now this amendment is merely a statement of purpose that HEW shall tell Immigration what to do.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I rise to commend the gentleman for his previous effort and for his present effort to try to bring some order out of the chaos which exists.

I think the gentleman feels, as I do, that our laws with respect to aliens and illegal aliens are not adequate at this time. But it seems to me that the pending legislation before us today is not the answer.

This bill works undue hardships on employees of labor and unduly penalizes employers of labor. I am constrained to feel that this bill ought to be recommitted and restudied in order that we might have a measure which takes into consideration the matters which the gentleman has raised. This approach could bring about a more equitable treatment of the whole problem of the treatment of aliens.

Mr. PICKLE. I thank the chairman and the members of the committee. I hope that the House will support this amendment.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me, first of all say that this is just a spurious attempt to get by the lack of germaneness of the previous amendment that was offered. It was unfortunate that the distinguished chairman was not recognized, since he was on his feet prior to the explanation of his amendment; but, nevertheless, I now state that if the gentleman in the well from Texas is serious about trying to insure that no welfare assistance is given to those who are illegal aliens, and do not merit it, then I would trust that he would take it before the proper forum. There are no teeth in this amendment. It states merely that the Health and Welfare officer shall disclose to the Immigration Service the name and most recent address of any illegal alien, but it does not in any way impose any obligation. It does not provide for any penalty; it does not do anything at all except alert the Service.

We have stated in our committee report that there is a lack of coordination between Government agencies, but we realize that the jurisdiction of our committee is confined to the Immigration and Nationality Act. We made recommendations to the Department of Health, Education, and Welfare, and the other appropriate agencies of Government that must deal with this problem.

I would say to the gentleman that I know he means to do the kind of job that would really bring about a solution to this problem, but I would say that he should present his proposal to the appropriate committee of the Congress; the Ways and Means Committee, so that they might write the kind of legislation that would insure what the gentleman is seeking to do. But to bring this up is just a vague, useless, and certainly ineffective amendment. I think it just encumbers the bill.

Mr. PICKLE. Will the gentleman yield?

Mr. RODINO. I yield to the gentleman from Texas.

Mr. PICKLE. First, I want to take whatever approach would be appropriate to get the right kind of legislation. I have appealed to HEW, because in my opinion HEW need not have ruled or have scared all of these State officials like they have. I do not agree with their ruling at all, but I have tried to get relief from them, as have many Members of this House, and we cannot get the time of day out of HEW on this subject. I defy the Members of this House to try it. Have they tried it?

They will say, "We are studying this." They say, "This is a serious problem, we believe. This might be a violation of the intent. We hope to be able to issue a ruling within the next few weeks."

This has been going on since this matter came up. It has not moved 1 inch.

Maybe this bill could be made a little

stronger and if you want to put some more teeth into it, I would say you are welcome to do it. I would accept any amendments the Members would want to put in.

In the meantime, though, this is at least a first step, and surely we must take this first step.

Mr. RODINO. I would say to the gentleman that the fact that he has called this to the attention of Congress, is certainly a worthy contribution.

I am sure that the gentleman wants to legislate effectively. It is one thing to present an amendment to this assembly which is supposedly intended to accomplish something, and yet another to present an amendment that is not going to do any thing at all except to call attention to an issue.

I would therefore suggest that the gentleman should bring this to the attention of the Ways and Means Committee and other appropriate committees, and perhaps that would cause this kind of legislation to be adopted. I would help the gentleman, because I believe he presents a real problem, but it should not be within the Immigration and Nationality Act.

Mr. PICKLE. While we grope for ways to find a perfect answer my State will be out some $25 million or $27 million. I would rather have Santa Claus now, or at least have commonsense now, rather than to delay this thing.

Mr. RODINO. Does the gentleman really expect that, the terms "shall disclose," will be anything but just words, with no actual action?

Mr. PICKLE. I would say that if this amendment is passed—and I believe it will pass overwhelmingly—it will be a direct message to HEW to get off its backside and issue a ruling, and not allow this to continue to go on.

Mr. RANDALL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. PICKLE).

I listened attentively to the gentleman from New Jersey, the floor manager of this bill, state his objections to the amendment. Notwithstanding, I think we should presume that if this bill is passed with this amendment the executive branch, meaning HEW, are going to have to pay some attention to congressional intent. Certainly, if this amendment is adopted it will give our various committees an opportunity to inquire of HEW, "What have you done about disclosing the names of illegal aliens who are receiving assistance under any State plan or social security under our Federal provisions?" I am sure the Appropriations Committee, when they come before that committee with a request for funding, will be in a strong position to find out why HEW has not followed the mandate of this amendment. The wording is not permissive in nature. The key words are "shall disclose."

To say that this would be ineffective, with no teeth in it, is simply to say that the words "shall disclose" mean nothing, and that HEW will stand back and figuratively thumb their noses at us. I cannot believe we have yet reached such a ridiculous state of affairs.

I believe it was the gentleman from Iowa, over on the other side of the aisle, Mr. MAYNE, who said we have never been able to assemble and find out how many illegal aliens have actually received social security cards, or the number who have worked the required number of quarters, then have been deported, and, having gone back to where they came from, are drawing social security today. At least we ought to be able to find out how many such almost, unbelievable instances in fact exist.

This amendment is a step in the right direction. I believe the amendment should be adopted.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman from Ohio.

Mr. SEIBERLING. We inquired at great length during our hearings of some of the representatives of HEW and Social Security, as well as the Justice Department, whether it would be possible for them to indicate, at the time they grant a social security number, whether the applicant is an alien or a citizen.

Mr. RANDALL. And what did they say?

Mr. SEIBERLING. They take the position it is not their obligation and that in fact under the law they are not permitted even to inquire.

This is a perfectly meaningless thing, because they will never be affected by this proposed amendment, because they will never know whether it is an alien or a citizen under the present procedure. They can comply with this proposed amendment and not do one thing, because they will not know of any aliens.

Mr. RANDALL. Let us make clear the difference between an alien and an illegal alien. Surely there is some kind of interrogation by HEW when they issue a social security card whether the applicant is a legal or an illegal alien.

Mr. SEIBERLING. I can state that any person can walk into any social security office in this country and get a social security number without disclosing anything more than his address. He does not need to indicate whether he is a citizen or an alien, much less whether he is an illegal alien.

The only department qualified to determine whether an alien is legally or illegally here is the Department of Justice, not the Department of HEW. So this is a meaningless amendment that will accomplish absolutely nothing.

Mr. RANDALL. We must be in worse shape, then, than some of us thought we were, if HEW passes out social security cards to any and all illegal as well as legal.

But bad as it may be, the gentleman's amendment is a step in the right direction. Let us adopt this amendment and see whether the people of HEW can continue to go their own way without paying any attention to the mandates of Congress.

Mr. Chairman, H.R. 16188 has as its purpose to repeal the exemption of employers now contained in the Immigration and Naturalization Act from the prohibition against "harboring" illegal aliens. There has been an increasing number of persons who enter this country illegally, take jobs needed by the unemployed in our own land, and are paid substandard wages by exploiting employers.

Now, I have no quarrel with legal immigrants. These are an entirely different category of aliens. It is the illegal immigrants or illegal aliens who rob not only our own citizens, but those legal immigrants from the opportunity for needed jobs. The present exemption of employers from antiharboring provisions frustrates and defeats the declared policy of Congress which should be to protect the employment opportunities and labor standards of American workers.

H.R. 16188 is not only workable and effective legislation, but completely fair in that it provides for notice and warning before any punitive action is taken against persons violating the law.

Now, Mr. Chairman, at the appropriate time and perhaps in a special order later this week, I shall take the time to outline what the Special Studies Subcommittee of the House Committee on Government Operations, which it is my honor to Chair, has done on this problem of illegal aliens in this country. It would take too long at this time to enumerate or describe in detail our activity. I will say that the committee has asked the General Accounting Office to make a thorough study in the Kansas City area as well as the Boston and Los Angeles areas, and to extend its study to include Chicago, New York, and Miami. At another time I will outline the tentative recommendations of GAO and also point out the need for further hearings and further legislation, on the matter of illegal aliens.

For the time being, I join not only in the support of the amendment by the gentleman from Texas (Mr. PICKLE), but also support the content of H.R. 16188, which I hope receives the overwhelming approval of the House today.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to oppose this amendment, because I have a good deal of sympathy with the thought behind it and I am willing to go along just as a matter of expressing that sympathy.

But what my friend from New Jersey (Mr. RODINO) said—and it is true—is that you are not really doing a thing with this amendment. I think the author knows that.

In the first place, the people at the Department of Health, Education, and Welfare will not have this information. They will not know it. So, since it only applies to them if they do know it, and they will not know it, we are not doing anything there.

In the second place, if you really want to do something about it, what you need to do is amend the Social Security Act to require them to find out and ask the question and put it on their social security card, none of which we can do here.

So all this is is a sort of pious, if that is the word, hope, or expression of opinion, or something of that kind.

Mr. ECKHARDT. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. ECKHARDT. Will the gentleman tell me how we may constitutionally require someone, as a condition for getting social security, to admit the fact that he is guilty of being in the country illegally to the extent that he can thus be convicted of a crime and still not be in violation of the fifth amendment?

Mr. DENNIS. I have often admired the acute legal perception of the gentleman from Texas. He has thrown out a very interesting question.

It seems to me perhaps, if you are dealing with—and this is off the cuff and I have not thought about it before—an illegal entrance which has violated the law by entering illegally and if you ask him the question, "Did you enter illegally," then you may have a point. If you are merely asking, "Are you an alien," then that is not a crime. If you are merely asking "Are you an alien entitled to employment," that is not a crime, either, because unlawfully taking employment is not an offense, although I suggested during the committee hearings we might make it one, but it was not made one. So I do not think the problem will arise in a good many cases.

Mr. CELLER. Will the gentleman yield?

Mr. DENNIS. I yield to the chairman of the committee.

Mr. CELLER. Can you tell the committee how in thunder HEW can make a distinction between aliens who are here legally and aliens who are here illegally? Do they have the apparatus to do any such thing? I ask that especially because it has been estimated that there are in this country today from 1 to 2 million illegal aliens. How in thunder can HEW separate the wheat from the chaff and the illegal from the legal aliens and satisfy the provisions of this proposed amendment? Will you tell us how that can be done?

Mr. DENNIS. Of course, I think the chairman has a very valid point which underlines again what I said awhile ago; that is, we are really not accomplishing very much here. What the gentleman's amendment does is to say that if they know, they should tell the Service. It is hard for me to see what is wrong about that.

Mr. PICKLE. Will the gentleman yield?

Mr. DENNIS. Yes. I yield to the gentleman.

Mr. PICKLE. The gentleman made reference to my amendment. No one in this House should be deluded in to thinking that HEW does not know whether it is a legal or illegal alien. They do know and recognize the problem. For us to debate it technically here is somewhat ridiculous. Perhaps we can later find stronger language, but right now this is certainly a mandatory first step, in my opinion.

I thank the gentleman for yielding.

Mr. RODINO. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New Jersey.

Mr. RODINO. I would like to point out that in a colloquy we had with Mr. John Hutley, Deputy Commissioner, Assistance Payments Administration, who testified before our committee from the Department of HEW, he was unable to answer to these very questions as to whether or not individuals were known to be legal or illegal aliens; he was unable to offer any information at all which would indicate that Health, Education, and Welfare had any knowledge or could in any way find out whether the person who was receiving assistance was or was not here legally. This was explored at great length, and it was for that very reason that we addressed ourselves in the report to the question whether or not HEW should look into this matter and deal with it more effectively.

I would like, at this point, to insert into the Record, the colloquy from our hearings.

> Mr. Rodino. Well, would it not be a matter of importance to know in view of the fact that there have been allegations to the effect that there are a substantial number of illegal aliens who are receiving welfare?
>
> Mr. Hurley. Well, we have the allegation——
>
> Mr. Rodino. I am not talking about the question of citizenship now but I am trying to determine "who" are the recipients of welfare assistance.
>
> Mr. Hurley. Well, as I say, sir, as I discussed with members of the committee staff, that we can throw no light in terms of whether a number of illegal aliens are on assistance or not.
>
> Mr. Rodino. Isn't this a matter of importance to determine in view of the fact that HEW is responsible for the allocation of substantial sums of money in this area?
>
> Mr. Hurley. They are responsible under the terms of the Social Security Act and there are many specific features in the determining of eligibility for assistance which agencies have to inquire into, but this is not one that has been required. As I say, we have to amend our regulation at this time to reflect this decision by the Supreme Court.
>
> Mr. Rodino. We found in the course of our hearings that just as you say there is no information whether the person was a permanent legal resident alien or an illegal alien. You say there is no information to this effect and you can determine the status of persons receiving this kind of assistance. At some time or other there were some spot surveys made, that is all. It was determined that the number of those receiving welfare were illegal aliens.
>
> Now I am wondering whether or not there should not be some comprehensive inquiry in this direction and some importance attached to the charges that are being made that in some areas of the country the number of the illegal aliens receiving welfare payments is large.
>
> Mr. Hurley. Mr. Chairman, I doubt if it would be very productive because as I mention there is no basic inquiry into the matter of citizenship in determining eligibility. This would have to be a de novo kind of review and I question just how effective that would be.
>
> Mr. Rodino. It is not a question of determining whether they are citizens or not but whether they are aliens who are legally here or aliens who are illegally here. I think that is something else again.

Mr. MAYNE. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. MAYNE. Mr. Chairman, I am supporting this amendment, although I do think that it is of very limited utility. It is, as the author of the amendment says, however, a step in the right direction which perhaps will open the door a little further to getting some kind of a sensible Social Security Administration policy on these questions.

The amendment will, it seems to me, require that when the Social Security Administration and HEW do have information concerning an alien, that they will then have to disclose it.

Of course, as has been pointed out by several Members here including the distinguished chairman and the distinguished chairman of the subcommittee, the Social Security Administration does not presently have this information.

They do not ask for it; they do not want it. I have an application for a social security number here. There is absolutely nothing on it about citizenship status. There should be. Certainly it would be reasonable as one of the conditions of eligibility for social security, to require a person to state whether or not he is a citizen. I would go further than that and require him to relate, if he is not a citizen, the circumstances under which he came into this country.

Unfortunately none of this is presently inquired into by the Social Security Administration at the present time. It should be, but it is not. But this amendment will, at least, require the Social Security Administration to give such information as it does have and, at present, they are not willing to do even that.

They would keep an absolute iron curtain drawn over this and are not cooperating with the Department of Justice as they should to ferret out cases of illegal aliens who are receiving social security benefits.

I am convinced that was not the intent of Congress when it passed the social security law. We did not intend to be providing social security benefits to illegal aliens. I will support the pending amendment, but to get more thoroughgoing correction of this situation, I agree with the gentleman from Indiana that we are going to have to amend the Social Security Act itself.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. SEIBERLING. Mr. Chairman, I would just like to associate myself with the remarks of the gentleman from Ohio, with one exception. That is, that I do not come to the same conclusion he does with respect to this amendment.

It seems ridiculous to me that an alien can walk into a social security office in this country and get a social security card and number without stating anything more than his name and address. We had testimony to the effect that some illegal aliens have two, three, four, and more social security numbers, and they use different cards for different purposes.

At the very least, the Social Security Administration should be compelled by law, as the gentleman says, to indicate by some code on the card whether the individual is a citizen or not.

Because of this practice the Social Security Administration at the present time has no way of knowing whether a person is even an alien or not, so you could pass this amendment, and it will not compel them to take any action whatsoever.

Now, if in addition, we amended the law to require the Social Security Administration to indicate by the number whether a person is an alien or not, they could then report to the Immigration Service all social security numbers of people who are not citizens, and the Immigration Service could make the determination of whether they think that each particular individual is or is not an illegal alien. If the Service determines a person is an illegal alien, it could then contact the Internal Revenue Service to determine from the employer's payroll tax returns bearing social security numbers, the identity of the particular alien's employer. They could then notify the employer that he is employing an illegal alien.

But this would require a very large administrative machinery, even though computers could turn out the information. We have testimony to the effect that there would be millions of social security numbers that would have to be reviewed for this purpose every calendar quarter, and that the Immigration Service would have to have an enormous number of people working on this to make much use of it.

So you are talking about not just a simple requirement that HEW report all aliens whom they know to be illegal aliens; you are talking about an involved procedure that would have to be set up. They will have to employ hundreds of people. They will have to set up a whole new elaborate computerized machinery. Perhaps we should do that, but it is beyond the jurisdiction of the Judiciary Committee.

In any event, I agree that the Social Security Administration should require information as to whether a person is an alien or not.

So while I agree with the gentleman from Iowa as to what we ought to require the Social Security Administration to do, the conclusion that I come to is that this amendment would accomplish nothing more than serve as an expression by the House of its dissatisfaction with the present practice of the Social Security Administration.

Mr. McKEVITT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that although teeth will be missing in the proposed amendment before us, it does have a purpose. The Supreme Court in the Graham case has said that welfare benefits could be paid to resident aliens; they made no reference to illegal aliens. The Secretary of Health, Education, and Welfare is now under the provisions of the Graham case considering the possibility of directing the States to pay welfare benefits to illegal aliens in Texas and in other States. It surely presents a multimillion-dollar liability situation for the States if HEW directs them to pay welfare payments to illegal aliens. This involves a lot of money to subsidize these aliens.

If this amendment does anything, it may express the clear intent of this Congress that we think that we should not have HEW requiring the States to pay welfare benefits to illegal aliens. That is the reason I am going to vote in favor of the amendment offered by the gentleman from Texas (Mr. PICKLE).

I have previously introduced H.R. 16430 which forbids the payment of welfare benefits to illegal aliens. I hope my colleagues will join me in cosponsorship of this legislation.

Mr. HOGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had intended to stay out of the debate on this issue although I participated actively in the hearings we held across the country. I think that the debate on this particular amendment has brought our attention to the problem which came up in all of the hearings.

One of the things that has troubled me in the provisions of this legislation—and I want to say that I enthusiastically support the bill—is that we have not really provided a method for the potential employer of illegal aliens some way to determine whether or not the person he is employing is in fact an illegal alien.

In each of the hearings I asked the witnesses from the government agencies if it would not be helpful to have a special social security card, perhaps one of a different color, to designate an individual as an alien, not necessarily as an illegal alien, but as a noncitizen of the United States. This would at least be prima facie evidence to the prospective employer that he should inquire further, and be alert to the possibility that the individual is an illegal alien, and under this proposed bill unacceptable for employment.

So, although I agree with those who have said that the amendment before us would not accomplish anything constructively, I do hope in the legislative history that it has stimulated that it will serve notice to the Committee on Ways and Means and to the Social Security Administration that they share part of the responsibility for this problem of illegal alien employment in the United States.

So I thank the gentleman from Texas for making that contribution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. PICKLE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. EILBERG. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. PODELL

Mr. PODELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PODELL: After section 3, add a new section 4 as follows:

SEC. 4. Renumber following sections. Amendment to 101(a) (15) (H) of the Immigration and Nationality Act by adding a new subsection IV as follows:

"Who is coming temporarily to the United States under a contract of employment to perform work as a live-in domestic without regard to the provision of section 212(a) (14) of the Act."

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. PODELL).

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. PODELL. I yield to the gentleman.

Mr. DENNIS. I wonder if the gentleman could furnish us with a copy of his proposed amendment.

Mr. PODELL. I am unable to do so as I have prepared the amendment just a few moments ago after the defeat of the White amendment. But I shall be delighted to explain it to the gentleman so that the gentleman would understand it completely.

Mr. DENNIS. I will listen attentively.

Mr. PODELL. Mr. Chairman, this amendment is very simple. It merely provides for a certain class of aliens who can come to this country without need for labor certification—that is, the domestic.

During the debate on the White amendment, it was brought out that there was a surplusage of individuals to take care of some of the farm problems and, therefore, the kind of language as required under the amendment offered by the gentleman from Texas was not truly necessary. However, the same does not apply to domestic employment. There is a severe shortage of domestic employment whether it be in New York or in Washington in any part of the country. This very simple amendment now permits temporary help to come here to this country without need for labor certification for a period of 1 year, and that is the sum and total substance of the amendment.

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the gentleman, whether he is facetious or not, knows that this would certainly disrupt the whole labor market. This amendment has not been studied in any way whatsoever. We have already provided legislation for temporary workers. I am sure the gentleman, if he wants to provide for legislation of this sort, will take this up at the appropriate time. I would assure him that when we consider comprehensive legislation regarding temporary workers, I am sure this would be given a hearing. I believe this amendment has no place in this bill, and I believe it certainly would be disruptive of the whole purpose of this legislation, which is to deal with the effect of the illegal alien on the domestic labor market.

Mr. PODELL. Mr. Chairman, will the gentleman yield?

Mr. RODINO. I yield to the gentleman.

Mr. PODELL. Can the Chair give to us or give to the House a sort of broad guess as to just how many bills have been introduced and how many requests have been made by Members of Congress for help with regard to domestics on behalf of their constituents?

Mr. RODINO. The gentleman would have to, I think, survey the field. I know there have been many individual requests. However, the gentleman knows too that this is not a question that can be easily answered and that the Labor Department is certainly cognizant of the effect that this kind of legislation would have on the domestics themselves. The fact is that bringing in these people who will work at substandard wages will result in their eventual exploitation.

I would think the gentleman would certainly not want to foist this kind of legislation on the Congress.

Mr. PODELL. Mr. Chairman, will the gentleman yield further?

Mr. RODINO. I yield to the gentleman.

Mr. PODELL. In view of the fact that the gentleman knows that there have been numerous requests over the years by Members of Congress on behalf of constituents, can the gentleman now say that the gentleman's committee has not been aware of this problem for some time?

Mr. RODINO. The gentleman knows that we have been aware of it but today we are dealing with priority matters and the gentleman knows also that there are many, many domestics who are properly employed at proper wages. But to attempt to resolve the problem under these circumstances, I think, is really begging of a situation that certainly does not deserve the time we are giving it now.

Mr. PODELL. And it is better not to do anything at all?

Mr. RODINO. I would say at this point that the gentleman is quite aware of the fact that the situation has been dealt with and the situation is constantly being dealt with and I would oppose the amendment and urge its defeat.

Mr. DENNIS. Mr. Chairman, I rise in opposition to the amendment. I want to concur with what the distinguished chairman of the subcommittee, the gentleman from New Jersey (Mr. RODINO), has said in opposition to this particular amendment, and I would add thereto that this seems to me to be an effort to single out a special class or problem. We defeated the White amendment here which in my judgment had a great deal more merit than this amendment. If we cannot give any special and additional relief, beyond the H-2 category, to the large agricultural interest in this country, I fail to see why we should give any additional relief, more than that category now provides, to those who think they need a ladies' maid.

Mr. DANIELSON. Mr. Chairman, I rise in opposition to the amendment and I move to strike the requisite number of words.

Mr. Chairman, about an hour ago one of our distinguished Members made a most eloquent plea on this floor and invoked those immortal words on the State of Liberty—

> Give me your tired, your poor, your huddled masses yearning to breathe free. . . .

Now we are confronted with this amendment. In the fine print of this amendment, are we not saying: "Give me your poor, provided, however that pursuant to this indenture said alien shall covenant and agree to work for me as a domestic for the period of 1 year, and this indenture shall be subject to renewal for 4 additional years, a total of 5 years."

I submit, Mr. Chairman, that is about what we would do by this amendment. I respectfully request that it be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PODELL).

The amendment was rejected.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. ECKHARDT: Amend H.R. 16188 by adding on page 5 line 6, after the word "regulations" the following: ", within the constraints and requirements of Title 5, section 554 of the United States Code" which shall be applicable to the hearing provided for herein,".

Mr. ECKHARDT. Mr. Chairman, the only thing this amendment does is require the Attorney General, when he establishes the procedure by which he may fine a person $1,000 who is alleged to have employed a person he may not employ under this act, to apply the procedure required under title 5, section 554 of the Administrative Procedure Act. If this is not done we have a very strange act here. It gives the Attorney General first the power to make exceptions. He is an administrative authority. On page 3 it says that it shall be unlawful to employ a person who has not been lawfully admitted to the United States for permanent residence unless—and it provides here that the Attorney General may make the exception—the employment of such alien is authorized by the Attorney General. So he is an administrator. He can make it legal, so to speak.

Then on page 5 it says a civil penalty shall be assessed by the Attorney General only after the person charged with the violation under paragraph 3 has been given an opportunity for a hearing and the Attorney General has determined that a violation did occur. So he is the judge. He makes the determination whether a violation occurs.

It says he shall determine the amount of the penalty which is warranted. So he also performs the function of the judge or the jury of providing a penalty.

It says the hearing shall be of record and conducted by an immigration officer designated by the Attorney General individually or by regulation. So he appoints the hearing officer. That is, he selects the jury, so to speak.

In addition to that the proceedings that are conducted shall be conducted in accordance with such regulations as the Attorney General shall prescribe, and the procedure so prescribed shall be the sole and exclusive procedure for determining the assessment of a penalty under this subsection.

So he writes the law. He writes the proceedings under which the hearing is conducted.

Then, finally, under the next section it is said that "In any such suit, or in any other suit seeking to review the Attorney General's determination, the suit shall be determined solely upon the administrative record upon which the civil penalty was assessed, and the Attorney General's finding of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive."

So what he decides is conclusive if there is any substantial evidence to support it.

Mind you, he does not have to give notice of a hearing as is provided under title 5, section 554, the Administrative Procedure Act. He may consult with the litigants. He can receive information from attorneys on one side or another without violating the Administrative Procedure Act.

In other words, he does not have to be a pure judge who decides a case without conducting a conversation with litigants ex parte. He does not have to permit cross-examination, but his determination is final.

When I went to law school I heard a phrase that I did not understand at that time, but I am beginning to understand it now, and that is that this is a nation of laws and not of men. What we would do here is make this an administration of man. We would give the authority to the Attorney General to be the administrator, that is, the administrative agency. We would give him authority to be the rulemaking power, the legislative body. We would give him authority to be the prosecutor. We would give him authority to appoint the judge; and we would finally give him authority to make the determination as to the penalty on the question of guilt.

We would do all this, without assuring one scintilla of due process. We do not control him by one administrative limitation whatsoever.

If we did not have in this act the provision that he shall prescribe the procedure so described and shall have the sole and exclusive authority to do so, the Administrative Procedure Act, section 554, would apply, because it says:

> This section applies, according to the provisions thereof, in every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing, except to the extent that there is involved—

And then it names six categories, none of which apply here.

(By unanimous consent Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. ECKHARDT. So this is an adjudicatory procedure. In every other adjudicatory procedure provided by statute we give the right of cross-examination. We limit the nature of the hearings by those well-devised techniques and provisions that afford due process under title 5, section 553, for rulemaking authority, and 554 for adjudicatory process.

At any rate, there is no reason in the world why, in my opinion, the committee should oppose—whatever other process may be available—granting the person who is accused of violating this act the right to cross-examination in his own defense.

If we are going to have a proper final hearing, it should be one that is obtained after due process, and that is all the amendment does.

I would certainly invite the committee on both sides of the aisle to accept the amendment, if they would. It certainly is within the general framework of the bill, and it does no harm to its principal purpose and general design. I think it makes the bill suitable for me to support, but certainly the bill without such an amendment would put such complete sweeping power in the Attorney General it could not be supported by me. I would then oppose it, not on the grounds of general policy with respect to immigration, but on grounds relating to due process.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. I join with the gentleman. I believe the Congress should make policy instead of the Attorney General.

Mr. EILBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in 1950 the Supreme Court held in Sung against McGrath that administrative hearings in proceedings for the deportation of aliens must conform to the requirements of the Administrative Procedure Act.

Seven months later, the Congress enacted a provision in a supplemental appropriation bill that proceedings under law relating to the exclusion or expulsion of aliens shall be without regard to the provisions of sections 5, 7, and 8 of the Administrative Procedure Act. In other words, the Congress overcame the decision of the Supreme Court.

In order to resolve this problem and as a result of the 1952 Immigration and Nationality Act, the position of special inquiry officer was established to afford aliens with hearings, along with all the procedural safeguards of cross-examination, et cetera. This officer operates independently of the enforcement machinery, and all hearings are conducted in conformity with the requirements of the Administrative Procedure Act.

The point I make here, Mr. Chairman, is that a procedure and a mechanism is already set up, and what the gentleman suggests is that there be another procedure.

Mr. EVANS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Colorado.

Mr. EVANS of Colorado. As I understand your explanation, these procedures pertain to the trials of aliens, but do not apply to someone who is accused of illegally employing aliens. Is that correct?

Mr. EILBERG. They go against shippers and airlines as well.

Mr. EVANS of Colorado. Does the law so provide at the present time, that employers of illegal aliens are subject to the Administrative Procedure Act?

Mr. EILBERG. There is an appeal procedure set up in the Board of Immigration Appeals, which I have just established, which hears a variety of appeals. The Attorney General has established a Board of Immigration Appeals, and this board has authority to hear appeals in many different cases, on practically every case which might come under the Immigration Act.

Mr. EVANS of Colorado. Can the gentleman assure us here in this Committee that in those hearings involving employers accused of hiring illegal aliens, there will be proceedings following the requirements of the Administrative Procedure Act?

Mr. EILBERG. In response to the gentleman, I have a statement from the Attorney General, which reads:

> There is no doubt that if a statutory provision or the imposition of a civil penalty were enacted, the regulations would afford the opportunity for an administrative appeal, probably to the Board of Immigration Appeals.

In other words, the Attorney General knows of this problem and is telling us that an appeals procedure would be provided for employers.

Mr. EVANS of Colorado. It seems to me there is some question with regard to what is required under the law. Since there is that uncertainty, the Congress, itself, should be specific in what it considers in this regard, and no harm, certainly, could be done by accepting the amendment offered by the gentleman from Texas.

Mr. EILBERG. The point is that the Board of Immigration Appeals is set up with normal procedures, and is so weighted down with so many cases that, under the existing procedures, it could not handle them. My argument is a practical one as well. We would load down the process of procedure under the Administrative Procedure Act with so many different cases, it would not work.

That is why the Board of Immigration Appeals was set up.

I might say that these appeals have been extended to cover penalties on owners of vessels, in the case of crewmen, and, in the case of the airlines, when persons enter the United States without visas or in passing through the United States to foreign destinations do abscond. Therefore, although I am completely in favor of granting an employer every due process, I believe such safeguards already are provided under the existing regulations.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. EILBERG. I yield to the gentleman from Indiana.

Mr. DENNIS. I share some of the concerns of the gentleman from Texas, and I have been a bit like the gentleman from Colorado; I have not really seen any particular objection to writing this into the law.

What I understand the gentleman to say now is, if I understand him correctly, that the Attorney General has given him assurance that if we adopt the bill as it is, without the proposed amendment, he will, in fact, adopt regulations which provide in this instance for an appeal from the administrative findings to the Board of Immigration Appeals. Is that what the gentleman is saying?

Mr. EILBERG. That is exactly correct.

Mr. DENNIS. Then the gentleman is saying further, if I understand him, that he believes that to be preferable, because that would keep this appeal, which is under the Immigration Act, before the Board of Immigration Appeals rather than bringing in the procedure provided in another act. Is that correct?

Mr. EILBERG. That is correct. And that is the extent of my opinion.

Mr. DENNIS. And the gentleman is saying in that matter he feels there will be complete review here for the employer?

Mr. EILBERG. The gentleman is correct.

The gentleman from Texas eloquently referred to language that the determination should be on the administrative record which would be based on the Attorney General's findings, and he says again and again "solely upon the administrative record, solely upon the administrative record." He leans very heavily on this.

This language is copied from existing law. In other words, the subcommittee has written the language in here which already appears in section 106 concerning judicial review of orders dealing with exclusion. So this is nothing new.

He also talks about another provision, saying that it is a sole and exclusive procedure, as though there is something wrong with that. That language also appears in the Immigration and Nationality Act. So once again we are borrowing language from the existing law, and that is the language we put in our bill.

I suggest if we do put it in here, we will be wasting time, because we will just have to come back here and do it over again.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. DENNIS, Mr. EILBERG was allowed to proceed for 2 additional minutes.)

Mr. DENNIS. Will the gentleman yield?

Mr. EILBERG. I yield to the gentleman.

Mr. DENNIS. The gentleman is saying, therefore, if I understand him correctly, for the purpose of legislative history, that if we reject the amendment offered by the gentleman from Texas, it is nevertheless the intent and the purpose of this bill, as provided by the committee, and the belief of the members of the committee, that a complete review of the administrative penalty provided in section 2 will be provided by the Board of Immigration Appeals. Is that correct?

Mr. EILBERG. That is correct.

Mr. DENNIS. I thank the gentleman.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

I would like to make a comment here. I must confess I think the gentleman from Texas has raised a point which has not really been squarely met, and that is that the Board of Immigration Appeals apparently is not subject to the provisions of the Administrative Procedure Act governing judicial proceedings. Is that correct?

Mr. EILBERG. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. EILBERG. That is not correct. The Board of Immigration Appeals and the other procedures for administrative review within the Department of Justice comply with the standards set up by the Administrative Procedure Act. You have in effect a separate parallel process.

Mr. SEIBERLING. So, then, you are saying that the Board of Immigration Appeals is subject to the same basic due process requirements with notice of hearing, cross-examination, et cetera, as are provided by the Administrative Procedure Act. Then why is it not expressly governed by the Administrative Procedure Act?

Mr. EILBERG. Because there was difficulty created by the number of deportation cases that were being submitted to the Immigration and Naturalization Service after the Supreme Court's decision. They were swamped, and it was necessary to set up the position of a special inquiry officer to hear these cases.

Mr. SEIBERLING. But this is different from the ordinary immigration case, and under this particular section it will involve employers who are citizens and not aliens who are covered by the deportation process.

Mr. EILBERG. I suggest that the employer is given due process precisely as in the procedure existing under the Administrative Procedure Act.

Mr. ECKHARDT. Will the gentleman yield?

Mr. SEIBERLING. I yield to the gentleman.

Mr. ECKHARDT. The point is, though, as has been said here, that the Board of Immigration Appeals will not have authority to entertain the appeal unless the Attorney General sets up that structure. So if the gentleman from Pennsylvania is correct that the Attorney General will so authorize the Board of Immigration Appeals as a reviewing authority, and, after all, that is only at his discretion, then if under those circumstances the Administrative Procedure Act applies, you can write my amendment in the bill and accomplish exactly what the Attorney General says he proposes to do.

If he is correct on that, and under those circumstances, the Administrative Procedures Act applies, you can write my amendment into the bill and do exactly that, and it will not affect it at all except that it will compel the Attorney General to provide for submission to the Board of Immigration Appeals, or else to hear the matter under the standards of adjudicatory procedures of the Administrative Procedures Act.

So the amendment does not add anything more than what you say the Attorney General is going to do anyway. The only thing is, it does not depend on the grace of the Attorney General to afford due process. It provides for due process as a matter of right. It tells him that he has to afford due process.

Whatever procedure he sets up, whether it be through the Board of Immigration Appeals or otherwise, he should proceed with all due process. That is all the amendment does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. EILBERG. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was agreed to.

Mr. BADILLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the legislation currently before us represents a serious assault against certain basic principles and rights upon which this country was founded. It is the culmination of an ill-conceived campaign against the foreign born and certain minority groups in this land. It unnecessarily exacerbates tensions which already exist within many communities and serves no other purpose than to give some credence or sense of legitimacy to the scare headlines declaring that "illegal aliens" are depriving American workers of jobs, are undermining the economy and inflating the welware rolls.

In recent months one of the most popular scapegoats for our bankrupt economic policies and soaring unemployment has been the illegal aliens. Erroneous and misrepresented figures have been put forth on the number of persons living and working illegally in the United States and unfounded charges have been made on their affect on the domestic economy. What is especially disturbing is the fact that the Judiciary Committee's report simply parrots these charges without any attempt to support or verify them.

It is claimed, for example, that illegal aliens are taking jobs which American workers would normally fill. I believe a careful examination will reveal that the illegal alien accepts work which the vast majority of citizens would not even consider. Mr. PODELL of New York, for example, speaks from experience which is closer to reality than the committee report. Most unemployed persons will not take these jobs and they are left for the illegal alien to fill at substandard wages.

The claim that illegal aliens flock to the welfare rolls is equally as specious. I believe the facts will clearly show that, fearful of being exposed and deported, the illegal alien will do everything possible to avoid any association with the authorities. Also, the possibility of becoming a permanent resident is seriously jeopardized if an illegal alien would accept public assistance. Finally, many of the illegal aliens have a deep sense of personal pride and even though they maintain a submarginal economic existence, they will try to avoid accepting welfare at all costs.

While some illegal aliens may send a portion of their meager salaries back to their families in their homelands, I am certain that the effect of this outflow of funds on our balance of payments is virtually insignificant and that it surely palls in the face of some of our more outlandish expenditures overseas.

As I have observed on several occasions in the past, the term "illegal alien" serves as a code word for Mexican Americans on the west coast and in the Southwest and for Spanish-speaking persons from Latin America and the Caribbean on the east coast. If this legislation is enacted, anyone who speaks with an accent and/or has the appearance of being Latin or Hispanic will be subject to questioning about their citizenship or immigration status. This requirement is really only one step removed from the implementation of a sort of national identity card or similar system.

The committee pays only lipservice to the rights of minority groups. For one can find no benefits at all in this legislation which will accrue to Puerto Ricans, Mexican Americans, Cubans, or other Spanish-speaking citizens or permanent residents. Although the committee intends that this measure be implemented in a manner which prevents job discrimination against minority or ethnic group members, I find no comfort in their assurances. We all know from past experience that the will of the Congress is not always realized in the performance of a program or the implementation of a law.

Mr. Chairman, I feel very strongly that our domestic labor force must be afforded all possible and reasonable protection. However, while protecting the rights of the American worker, we must not deny rights to others. The problems of unemployment and economic depression will not be solved by pitting American-born workers against the foreign-born. The provisions of H.R. 16188 provide no meaningful safeguards for the American worker and certainly will not expand employment opportunities. Finally, I find it difficult to believe that an immigration measure will help to improve domestic labor standards.

Although I am very much opposed to this legislation, I do so with some regret as H.R. 16188 contains a provision whereby qualified Western Hemisphere aliens may adjust their immigration status to that of permanent resident without having to leave the United States. This provision is long overdue as the current requirement that a Western Hemisphere alien leave in order to administratively adjust his status has worked an undue personal and financial hardship on hundreds of thousands of Latin Americans. I am hopeful that the committee will pursue this issue and favorably report a separate measure to effect this necessary change in our immigration laws.

Mr. Chairman, I am fearful that the unfounded charges which this legislation perpetuates will serve only to fan the flames of prejudice and misunderstanding and that it will discriminate against many citizens and bona fide permanent residents, regardless of the supposed safeguards. By enacting this measure the House will be avoiding one of the root causes of the illegal alien situation—the highly discriminatory limitation on the number of persons who can annually emigrate to the United States from Western Hemisphere countries. This is the issue to which we must address ourselves and not to some imagined problem which H.R. 16188 hopes to solve. I urge the defeat of the measure before us which represents nothing more than a return to the days of harsher, more inhumane immigration policies and the grossly discriminatory features of the Walter-McCarran Act.

Finally, I would warn the members of the committee that there are many areas of this country where the illegal aliens are not Latin Americans but Europeans from Mediterranean countries such as Italy and Greece. My own district in New York City is one such example. Although at present the term, "illegal alien" is a code word which applies primarily to

Spanish-speaking people; the effect of the legislation would inevitably and ultimately be to set up a double standard with respect to anyone with a foreign accent as the safest way to avoid inquiries by the Attorney General.

The effect of this act therefore is to reduce employment opportunities for all who have a foreign name or accent and as such it represents precisely the kind of legislation that should be repudiated.

Mr. ROYBAL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I could well associate myself with the remarks of those Members who have just spoken against the bill, and say that all of my arguments have been given, but I also rise in opposition to this bill because experience in my home State of California shows that this bill may be unconstitutional and of highly questionable policy.

On its face, the bill appears to pass constitutional muster, but in California we experienced an almost similar piece of legislation, the Arnett law, with very adverse effects.

Even before that law became effective it was clear to everybody that its effect was to deny people of foreign background, particularly Americans of Mexican and Asian heritage, equal protection under the law as guaranteed by the 14th amendment.

The California law, as you know, was declared unconstitutional. The fifth amendment of the Constitution places the same prohibition on the power of the Federal Government.

Past experience with the Arnett law indicates that employers will seek to minimize their exposure to the sanctions of this law with the result that they refuse to hire people with foreign backgrounds, and begin firing those already on the payroll. This was the case in many instances in California.

I think that the Members of the House should know that there were many occasions where I received calls from parish priests and from ministers on behalf of their parishioners who were complaining because employers were making inquiries with regard to their status, and in some instances were releasing them because they were not able to immediately prove their citizenship.

I think we must also note that some employers in California would not even interview for employment anyone who was of Asian background or who had a Spanish surname. In contrast, white Americans whether they were here legally or not did not face these employment obstacles in either getting a job or retaining the employment that they had.

I believe a similar effect would take place if this bill becomes the law of the land. It would treat people of foreign extraction as second-class citizens in direct contradiction to the requirement of the fifth amendment.

From a policy standpoint, the bill falls wide of its mark. The bill attacks a narrow and definable problem with a meat cleaver approach which would have a widespread effect never intended by its sponsors.

The bill puts the burden of determining the status of a job applicant on the employer. The fact is that the employer does not read the fine print of the Immigration and Naturalization Act. He is not an expert in this field. He is only interested in hiring a competent person with the least amount of trouble and fuss.

But under this bill, he becomes the one person called upon by law to make a finding of fact and in so doing is performing the job of the immigration authorities of this country. The whole thing then rests on the employers of this Nation. They are called upon to become experts in the field of immigration, and decide whether or not a person is here legally.

I contend that this is not a subject matter in which the employers of this Nation seek expertise in.

I believe that the bill, H.R. 16188, would hang an albatross of suspicion around every person of foreign background in the highly competitive job market that could only result in lost chances and less opportunities. Although such an effect is not intended by the sponsors of this bill, there is little doubt that this would be the outcome.

I believe that this bill will cause the loss of job opportunities particularly for those Americans of Spanish speaking and Asian descent, and reverse the efforts of these people to achieve job equality in this country.

It is clear that the complex issues raised in this bill cannot be adequately settled within the short time and span of 1 hour of debate. We need to reflect further on the impact and language of this legislation, including the necessity to correct existing inequities in the law for the Western Hemisphere countries.

I sincerely hope that the proper committee of this Congress deals with this matter and particularly these inequities in the Western Hemisphere. It is my understanding that they are now in the process of doing that. I applaud the committee for that, but for the present I ask for a "No" vote on the discriminatory legislation before us.

Mr. DANIELSON. Mr. Chairman, I move to strike out the last word.

Mr. Chairman and gentlemen, first of all I want to associate myself with the remarks a while ago of the gentleman from Texas (Mr. GONZALEZ) relative to the braceros.

Here is a man who knew what he was talking about and he told it precisely as it was. I thought he did a masterful job of helping to defeat that amendment.

Second, I would like to point out that I feel this bill serves a most useful purpose. Many people forget that already today in our law there are penalties against the illegal alien who seeks and accepts employment. It is unlawful for any alien who is here without a legal right to be employed, to accept employment and to work as a competitor in our labor force.

But this bill for the first time would put some onus on the employer, the man who utilizes this illegal labor force.

Customarily, when an employer has been found to be employing illegals, the illegals are picked up and some censure is directed at the employer, who responds, "Who, me? I did not know that these people were illegal." This bill will give the employer some incentive to make a reasonable inquiry—and how much effort does that take? Very little I submit. He can inquire of a prospective employee—Are you a citizen of the United States?

If he says, "Yes"—that is the end of it. If he says, "No"—he can then inquire as to his status as an alien in this country.

Now the Immigration and Naturalization Service already provides every alien with one type or other of identification card. I have spoken to the representatives of the INS. They tell me there is no reason why they cannot prepare an adequate identification card which would indicate that the alien is or is not entitled to accept employment. That is all it would take in order to protect the employer from the penalties under this bill.

I quite agree with the gentleman from New York (Mr. BADILLO) who states, and this is very true, that the illegal alien labor force in the United States is of all origins. It is not just of Latin origin, or oriental. There are blonde, blue-eyed Europeans. They are of every category and every race and every nationality and every type of person and of every type of speech. It just happens that different groups are concentrated in different parts of the United States.

For those who, like myself, consider themselves to be liberal, I would like to point out the testimony which appears on page 170 and following of the committee hearings. It is well worth reading. It is testimony by Mr. Sheldon Greene, General Counsel of the California Rural Legal Assistance, a man who has worked on this program for years and who is eloquent in expressing the need for this type of legislation. A portion of his statement follows:

> Mr. Chairman, members of the committee, I am Sheldon Greene, general counsel to California Rural Legal Assistance.
>
> I am appearing here because, in the last four years, I have been concerned with the problem of illegal entry. I have litigated it, made some studies, done some writing, and it is certainly one of the most frustrating problems one can encounter. The Congress of the United States has always been frustrated with the problem of alien labor. In 1885, legislation was first enacted to minimize the exploitation and the abuse of alien workers, both because they were harmed and because the domestic laborers were displaced. The situation hasn't really changed since then, although Congress periodically comes back and provides what they deem at the time to be sufficient safeguards in the law, to insure that the domestic labor force won't be harmed by the influx of foreign laborers.
>
> For example, the bracero program, like every other, was subject to abuse. So much so that a governmental agency which studied it in 1954—the President's Commission on Migratory Labor—actually, perhaps without precedence, condemned the Government of this country for complicity in encouraging lawbreakers to disregard the bracero law.
>
> In fact, the Immigration and Naturalization Service withheld illegal entrants to farmers who had refused to pay the minimum wages to the braceros—according to the agreement between the two countries.
>
> And so it continues today—the statistics, I'm sure you are familiar with them, show this fantastic impact on unemployment and on poverty, 133,000 illegal entrants were apprehended in California alone, in 1970. And

over 300,000 illegal entrants were apprehended nationally.

Opposed to this is the fact that in California there is, or was, in this past month, 68,000 families of unemployed wage earners who were being supported by public assistance, to the tune of about $100 million of taxpayers' money a year.

It is very easy to see the connection between illegal entry and this problem of unemployment and public dependency. In fact, when you consider the number of illegal entrants who are apprehended, scale up the number who were not apprehended to perhaps 250,000 to 300,000 conservatively, and then compare that with the fact that in California today there is about 600,000 unemployed, it is obvious to see that the impact of the illegal entrant upon unemployment in California is devastating.

Lastly I want to touch briefly on the impact of this sort of employment upon our economy and our social structure. I have in my hand—and I will insert this in the Record—a memorandum from the office of the Los Angeles County Superintendent of Schools, dated June 23, 1972. I want the Members to hear this. In his memorandum he says that in Los Angeles County alone the cost to the taxpayers of that area, brought about by the presence of illegal aliens, projects to an annual cost of $96 million, and probably more than $100 million. I am speaking of 1 year in Los Angeles County.

The memorandum follows:

Office of the Los Angeles County Superintendent of Schools,
June 23, 1972.

To: Dr. R. McCaughin, Chief Deputy Superintendent.
From: Bill Ruth.
Re: Illegal Aliens—("Non-Citizens without Immigration Status")—Preliminary Report.

I discussed the subject today with Rose Erlich. Their "300,000" figure refers to subject persons of all ages believed to be living in the Los Angeles Unified School District. The figure is derived from estimates frequently mentioned by Immigration and other authorities placing the number of such persons in the Southern California area at about one million.

Assuming that about 20 percent of this population would be enrolled in school, the Los Angeles district would have approximately 60,000 illegal alien pupils. Since the current expense of education (1970–71) is approximately $800 in the district, this would represent an annual cost for educating these pupils of $48 million. Actually, such pupils often require special instruction (Special Education and ESL classes) and this would mean higher costs.

If we assume that similar enrollments in all other school districts of the county would provide a combined total equal to the Los Angeles Unified enrollment, we can project a countywide enrollment of 120,000 at an annual cost of $96 million. (Average current expense countywide is $805.) Costs of special education for these pupils probably would increase the projection to more than $100 million. A further increase might be effected by projection on the basis of a ratio of 44% to 56% in terms of Los Angeles Unified enrollment to the rest of the county.

Although the law (EC 6950) permits school districts to make claims against the county for the cost of educating such pupils—thus spreading the tax burden countywide—fewer than 300 ADA claims were filed by all districts last school year. Our contacts with districts indicate that the lack of claims, to date, is due to the *difficulty in identifying* "non-citizens without immigration status" and to *concerns about community relations problems* inasmuch as the law requires that the names and addresses of persons upon whose attendance such claims are based must be forwarded to immigration authorities.

The purpose in the preceding explanation of the provisions under Education Code Section 6950 is to illustrate the lack of available data in school records to substantiate the "guesstimates" about the "non-citizen without immigration status."

We could attempt a telephone survey of selected districts to seek further clues on the subject, but the lack of response to the provisions of EC 6950 suggests that we are not likely to glean much information by this means.

Mr. HOLIFIELD. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to the gentleman from California (Mr. Holifield), my dean.

Mr. HOLIFIELD. Mr. Chairman, I just want to associate myself with the remarks of the gentleman. I have had a number of Mexican American people in my district who are citizens of the United States who have been born here and who are very valuable citizens, who have come to me over the past few months and complained about the competition they have to face with these people who come in illegally.

The figures the gentleman has given of the deportation of almost a half million people annually from southern California is evidence of the widespread practice of illegal aliens coming in and taking the jobs of a great many resident legal citizens.

The CHAIRMAN. The time of the gentleman from California has expired.

(On request of Mr. Holifield, and by unanimous consent, Mr. Danielson was allowed to proceed for 1 additional minute.)

Mr. DANIELSON. Mr. Chairman, I would like to point out in concluding that increasing the number of border patrol agents is no solution. We have more than 3,500 already. They did report 420,000 people last year but they only skimmed the surface. More Immigration Service staff is not the answer, however. We need the active, dedicated cooperation of the employer.

Illegal aliens are also subject to exploitation and abuse. For example, at two plants in Los Angeles employees were questioned by immigration officials and 53 deportable aliens were discovered. Allegations that a number of employees at one of these plants had paid supervisors amounts ranging from $350 to $750 to obtain their jobs were investigated by the district attorney. It was not possible to obtain legally admissible evidence to prove those allegations, and it appears that—even if it was true—there is little that could be done other than to prosecute them for operating an employment agency without a license.

It is not beyond the realm of possibility that the illegal alien would be willing to pay that kind of money for a job—at so much a week on payday—although I doubt if many of them could get it together in cash at one time. Under normal circumstances, a Mexican laborer earns the equivalent of $2 for a full day's work in Mexico, but in an unskilled job in this country, he can earn between $10 and $15 a day.

The jobs they take are unskilled work. The people they are cutting out of work are our own hard-core unemployed, where the unemployment rate is the highest. In my own district they are taking the jobs from the people who most urgently need those very jobs—unemployed Mexican Americans.

And this is the reason that I feel it is extremely important that we do something and do it fast.

I would like to point out another important economic factor. A few months ago the Congress appropriated $1 billion for Public Service Employment, which is supposed to create 173,000 jobs. About 10 percent—$100 million—was allocated to California—or, about 17,300 jobs for our State. More than 90,000 of the illegal aliens picked up this past year were in California.

Obviously, it would seem, these aliens were holding more jobs than we are creating with the Public Service Employment Act. In other words, effective legislation that would prevent illegal aliens from taking jobs from citizens and legally admitted permanent residents would be more valuable in California than the Public Service Employment Act.

Nationwide, there are roughly 5 million unemployed. A conservative estimate of 500,000 illegal aliens holding jobs in this country would indicate that unemployment rates could be cut by 10 percent if illegals were effectively prevented from going to work here.

I might also mention that there are approximately 350,000 unemployed veterans of the Vietnam war. We can safely say that there are more illegal aliens working in this country than there are unemployed Vietnam vets.

These figures must necessarily be estimates. We know how many aliens are apprehended, but we do not know how many are not discovered.

Estimates of the number of illegal aliens actually in the United States run between 1 to 10 million. With more than 420,000 deportable aliens located in the United States in fiscal 1971, it is hard to believe that the figure is not at least more than 2 million. This allows for four escaping detection for each one that is located.

Most of the aliens located are not officially deported—an action which would make them subject to imprisonment if they were located in the United States subsequently. Only 16,893, less than 5 percent, of the 345,353 located in fiscal 1970 were deported. There were another 303,348 who were "required to depart" from the United States. That means they are loaded on a bus and taken to the border or otherwise ordered to leave. Many of them return almost immediately and many employers rehire the same aliens who have been apprehended a few days earlier while in their employ.

An anecdote to illustrate this can best be given by quoting from a letter I received several weeks ago from the Los Angeles Immigration office as a result of a complaint about illegal aliens working in a small restaurant which I forwarded to them. The letter reads, in part:

Investigators apprehended three aliens illegally in the United States in their employment at the cafe. Two other aliens, also illegally in the United States and also employed by the same cafe, were apprehended at a nearby motel. The only employee left at the cafe is a United States citizen waitress.

I can sympathize with the breakfast customers the next morning, but the point of this story is that I received a report about a week later that claimed that every one of the aliens who had been apprehended at the cafe were back at work.

It is a tremendous problem to attempt to solve simply by seeking out individual aliens and taking them to the border.

I intend to try and enlist the aid of the only person who can really solve the problem—the employer.

Statistics concerning aliens apprehended are as follow:

STATISTICS RELATED TO ILLEGAL ALIENS

Total number of deportable aliens located in the United States.

FY 1970, 345,353.

FY 1971, 420,126 almost 22 percent increase over 1970.

FROM MEXICO

FY 1970, 296,801.

FY 1971, 348,178 (83 percent of total).

Total number of deportable aliens located who had entered the U.S. without inspection (surreptitious border-crossers):

FY 1970, 244,492.

FY 1971, 317,822.

FROM MEXICO

FY 1970, 243,826.

FY 1971, 312,943 (98.5 percent of total).

SOUTHWEST REGION—FY 1971

Total: 330,527 located, of these 298,858 had entered without inspection.

Calif. 90,623 located, of these 76,827 had entered without inspection.

Texas 193,122 located, of these 176,951 had entered without inspection.

Ariz. 40,302 located, of these 38,852 had entered without inspection.

Balance from New Mexico, Nevada, Oklahoma, Colorado, Wyoming, and Utah 6,480 located, of these 6,228 had entered without inspection.

1961–1971 total illegal aliens apprehended in the United States:

1961	88, 823
1962	92, 758
1963	88, 712
1964	86, 597
1965	110, 371
1966	138, 520
1967	161, 608
1968	212, 057
1969	283, 557
1970	345, 353
1971	420, 126

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. DANIELSON. I yield to my colleague, the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, may I say to the gentleman from California that no one is quarreling with his figures. Those who oppose this bill agree with the gentleman. The only thing we are saying is that this is not the right way to administer this law. This is discriminatory and we do not agree with the way it is done.

Mr. DANIELSON. I thank my distinguished colleague for his comments.

Mr. Chairman, I withdraw my motion to strike.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McFALL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 16188) to amend the Immigration and Nationality Act, and for other purposes, pursuant to House Resolution 1108, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PRICE OF TEXAS

Mr. PRICE of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. PRICE of Texas. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. PRICE of Texas moves to recommit the bill, H.R. 16188, to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PRICE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 53, nays 297, not voting 81, as follows:

[Roll No. 359]

YEAS—53

Abbitt
Anderson, Calif.
Andrews, Ala.
Badillo
Burleson, Tex.
Cabell
Caffery
Casey, Tex.
Chappell
Chisholm
Clawson, Del
Clay
Collins, Ill.
Collins, Tex.
Colmer
Dellums
Denholm
Downing
Fisher
Goldwater
Hébert
Jones, Ala.
Kazen
Koch
Long, La.
McCormack
McEwen
Mink
Mitchell
Moss
Passman
Patman
Pickle
Poage
Price, Tex.
Purcell
Quillen
Rees
Roberts
Rosenthal
Roybal
Satterfield
Sebelius
Sikes
Skubitz
Steiger, Ariz.
Veysey
Waggonner
Waldie
White
Wright
Yates
Young, Tex.

NAYS—297

Abernethy
Adams
Addabbo
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Boggs
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brotzman
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Carey, N.Y.
Carlson
Carter
Cederberg
Celler
Chamberlain
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Conable
Conover
Conte
Corman
Coughlin
Crane
Culver
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Dellenback
Dennis
Dent
Derwinski
Dickinson
Dingell
Donohue
Dow
Drinan
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Evans, Colo.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fraser
Frenzel
Fulton
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Goodling
Grasso
Gray
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hays
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Tenn.
Karth
Kastenmeier
Keating
Kee
Keith
Kemp
King
Kluczynski
Kyl
Kyros
Landgrebe
Latta
Lent
Link
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Madden
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Ohio
Minish
Minshall
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patten
Perkins
Pettis
Peyser
Pike
Pirnie
Podell
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Randall
Rangel
Rarick
Reid
Reuss
Riegle
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Saylor
Scherle
Scheuer
Schneebeli
Schwengel
Seiberling
Shipley
Shoup
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Vigorito
Wampler
Ware
Whalen
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Zion
Zwach

NOT VOTING—81

Abourezk
Abzug
Alexander
Aspinall
Baker
Baring
Bell
Bevill
Blanton
Blatnik
Boland
Buchanan

Camp
Carney
Conyers
Cotter
Curlin
Davis, Wis.
de la Garza
Delaney
Devine
Diggs
Dorn
Dowdy
Edmondson
Eshleman
Evins, Tenn.
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Gallagher
Gaydos
Green, Oreg.
Green, Pa.
Halpern
Hanley
Hansen, Wash.
Hathaway
Hawkins
Jonas
Jones, N.C.
Kuykendall
Landrum
Leggett
Lennon
Lloyd
McDonald, Mich.
McMillan
Macdonald, Mass.
Mahon
Mallary
Metcalfe
Mikva
Miller, Calif.
Mills, Ark.
Mills, Md.
Mizell
Murphy, N.Y.
Nelsen
Pelly
Pepper
Pucinski
Railsback
Rhodes
Rooney, N.Y.
Ryan
Schmitz
Scott
Shriver
Springer
Stokes
Talcott
Teague, Tex.
Vander Jagt
Whalley
Wilson, Bob
Yatron
Young, Fla.
Zablocki

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Mahon for, with Mr. Rooney of New York against.

Until further notice:

Mr. Green of Pennsylvania with Mr. Eshleman.

Mr. Blatnik with Mr. Bell.

Mr. Hanley with Mr. Railsback.

Mr. Teague of Texas with Mr. Devine.

Mr. Zablocki with Mr. Kuykendall.

Mr. Delaney with Mr. Frelinghuysen.

Mr. Evins of Tennessee with Mr. Baker.

Mr. Gaydos with Mr. Springer.

Mr. Pucinski with Mr. Lloyd.

Mr. Murphy of New York with Mr. Mills of Maryland.

Mr. Mikva with Mr. Halpern.

Mr. Macdonald of Massachusetts with Mr. Frey.

Mr. Leggett with Mr. McDonald of Michigan.

Mr. Lennon with Mr. Buchanan.

Mr. Yatron with Mr. Shriver.

Mrs. Hansen of Washington with Mr. Camp.

Mr. Hawkins with Mr. Baring.

Mr. Alexander with Mr. Scott.

Mrs. Abzug with Mr. Carney.

Mr. Cotter with Mr. Davis of Wisconsin.

Mr. Conyers with Mr. Miller of California.

Mr. Jones of North Carolina with Mr. Mizell.

Mr. Bevill with Mr. Nelsen.

Mr. Aspinall with Mr. Pelly.

Mr. Boland with Mr. Mallary.

Mr. Fountain with Mr. Jonas.

Mr. Fuqua with Mr. Schmitz.

Mr. Diggs with Mr. Gallagher.

Mrs. Green of Oregon with Mr. Rhodes.

Mr. Hathaway with Mr. Stokes.

Mr. Metcalfe with Mr. Abourezk.

Mr. Pepper with Mr. Young of Florida.

Mr. Dorn with Mr. Talcott.

Mr. Blanton with Mr. Vander Jagt.

Mr. Curlin with Mr. Whalley.

Mr. Edmondson with Mr. Bob Wilson.

Mr. Ryan with Mr. Galifianakis.

Mr. Landrum with Mr. de la Garza.

Mr. Mills of Arkansas with Mr. McMillan.

Messrs. HOLIFIELD, BOLLING, LONG of Maryland, McCULLOCH, STRATTON, and MICHEL changed their votes from "yea" to "nay."

Messrs. KOCH and DELLUMS changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 16188 and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CHANGE IN LEGISLATIVE PROGRAM

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I take this time to announce the change in the legislative program for the balance of this week.

On tomorrow we will not consider H.R. 15003, the consumer product safety bill. We hope to consider that bill next week.

We will consider the conference report on H.R. 15495, the military procurement bill, which will be considered under a rule waiving points of order.

We will then consider the conference report on H.R. 14896, the School Lunch Act amendments, on which the chairman, Mr. PERKINS, has unanimous consent.

We then hope to have and probably will begin general debate on H.R. 16593, the Defense Department appropriations bill. We would only have general debate on that bill tomorrow, and do not anticipate reading the bill for amendment until Thursday.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BOGGS. I will be happy to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Is that the order in which the program will follow, as far as you can tell today?

Mr. BOGGS. As far as I can tell today, the conference report on military procurement will be the first order of business.

The school lunch amendments will be second, and general debate on defense appropriations follows.

I yield back the remainder of my time.

CONFERENCE REPORT ON S. 3442, COMMUNICABLE DISEASE CONTROL ACT AMENDMENTS OF 1972

Mr. STAGGERS. Mr. Speaker, I call up the conference report on the bill (S. 3442), to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 6, 1972.)

Mr. STAGGERS (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The SPEAKER. The gentleman from West Virginia is recognized.

Mr. STAGGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on S. 3442, a bill to extend and revise programs of assistance under the Public Health Service Act for the control and prevention of communicable diseases. This conference report is in most respects the same as the House-passed bill except that we have separated the House-passed support for venereal disease control programs into a new section, and compromised with the Senate on the money figures in the two bills.

The House bill authorized appropriations of $90 million in each fiscal year from 1973 through 1975. The Senate bill authorized a total of $165 million for each fiscal year over the same period, and the conference report authorizes a total of $107.5 million per year.

The House-passed bill authorized the expenditure of $50 million in each fiscal year for grants for venereal disease control programs. In the Senate bill and in the conference report venereal diseases are treated in a separate section which specifically authorizes project grants for research, demonstrations and training with respect to venereal disease; formula grants to States for public health programs for diagnosis and treatment, and project grants to States and political subdivisions for prevention and control programs. The total authorization in this section will be $62.5 million a year.

The Senate-passed bill also contained increases requested by the administration in the authorization for family planning services and project grants for health services development. For family planning services, the conference report increases the authorization for appropriations in fiscal year 1973 from $90 million to $111.5 million. The conference report does not contain the Senate-passed increase in authorization for project grants for health services development.

Mr. Speaker, as we are all aware, communicable diseases, including measles, tuberculosis, and, particularly, venereal diseases, are an ever-present threat to the health of this Nation. This bill will increase our programs for the control of these diseases and make them substantially more effective. I know of no opposition to this conference report and, because this is a good bill which we need as soon as possible, I urge its passage.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky, a member of the subcommittee (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I must say that this is a good conference report. We did not get the House position in its entirety, but most of it was obtained.

Of course, this bill has to do with the prevention of diseases such as tuberculosis, measles, and venereal diseases, and it also includes an authorization for family planning. All these things are very much needed.

Mr. Speaker, I urge the support of the conference report.

Mr. STAGGERS. Mr. Speaker, I thank the gentleman from Kentucky. I yield such time as he may consume to the chairman of the subcommittee, the gentleman from Florida (Mr. ROGERS).

Mr. ROGERS. I thank the gentleman for yielding.

Mr. Speaker, I should like to join in asking passage of the conference report. It is a good report. It does address itself to the great need for doing something with respect to communicable diseases in this country, and particularly with respect to the VD epidemic which is spreading all over the Nation. This bill was reported unanimously by the Subcommittee on Public Health and Environment and passed the House by a vote of 386 to 2 on July 18, 1972.

I urge the adoption of the conference report.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

DIRECTING THE SECRETARY OF THE SENATE TO CORRECT THE TITLE OF THE BILL, S. 3442

Mr. STAGGERS. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 698), to provide for the correction of the title of the bill just passed, and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution as follows:

Resolved by the House of Representatives (*the Senate concurring*), That in the enrollment of the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes, the Secretary of the Senate shall correct the title so as to read: "An Act to amend the Public Health Service Act to extend and revise the program of assistance under that Act for the control and prevention of communicable diseases."

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

BUSING

(Mr. GAYDOS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. GAYDOS. Mr. Speaker, Time magazine, in a recently authorized poll, found that 67 percent of the cross section of Americans questioned were "totally opposed" to forced school busing.

The Time findings square almost exactly with those of other opinion samplings and also with the vote results of elections in which school busing has been presented as an issue.

The fact, thus, must be faced by those in positions of authority. The people do not want the neighborhood school concept abandoned. Nor do they want their children hauled for various distances each school day to achieve some social goal unrelated to education.

Few issues in our national history have so aroused the emotions of those immediately involved as has that of compulsory busing. It is spreading bitterness, fanning popular defiance, and creating tensions such as never were felt before.

I am certain that vast numbers of our black citizens are as opposed to forced busing and as concerned for their neighborhood schools as are whites. We have seen in Pittsburgh certain of the black civil rights leaders turn their attention to campaigns against busing.

If busing could bring better education for all our youngsters—if it could achieve a harmonious racial balance in the schools—if it could promote racial understanding and amity generally—then every thoughtful American would and should support it. But the facts are otherwise. Money and time spent in busing means less money and time spent on education.

Also, the feelings generated by the forcing of something which most people do not want can only worsen our race relations and threaten the fine progress which has been made in this field over recent years.

The solutions which the busing advocates seek cannot come through the transporting of children away from their home neighborhoods, but must come through the improving of our schools where they are substandard, the elimination of our ghettos and arrangements by which all our citizens, regardless of race, can share in the opportunities for a good life in America.

Let us upgrade our schools to the highest level possible. Let us spend public funds on this rather than on buying and operating buses. And let us work for a better understanding between the races and to eliminate with care and wisdom the barriers which divide them.

Congress has addressed itself to the schoolbusing controversy, laboring over legislation to curb the practice. But, as might be expected in such a highly charged matter, the congressional "cure" is wordy, full of doubletalk, and potentially ineffective. As a Congressman, I consider it my duty to make public my views. I am opposed to compulsory busing in the sincere belief that it will bring far more problems than it possibly could solve and that our children, black and white, best can be educated by improving rather than destroying our system of neighborhood schools.

I have and will support any legislation which has this as its clear purpose.

THOSE WHO PERISHED AT MUNICH WILL LIVE FOREVER IN OUR HEARTS

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, the Olympic games are over. The races have been run. The Olympiad flame has been extinguished. But there cannot be erased the shock and horror which engulfed the world when the news broke of the murder of the Israeli athletes by Arab terrorists last Wednesday.

Mr. Speaker, on Thursday, I attended a special service for the dead which was held in the Loop Synagogue in Chicago, Ill. The mood of the hundreds who attended was one of deep emotion, of profound sorrow and sympathy for the families of those who had been slain. In everybody's mind was the question: Would something be done to prevent a repetition of the brutal killings by Arab terrorists? These killings had occurred in Munich, Germany. The previous murder of innocent civilians had occurred at the Lod Airport in Israel. Would nations continue to stand by in apparent helplessness while Arab terrorists make the whole world their arena for murder?

In my speech on the floor of the House last week, I urged the President of the United States to mobilize the nations of the world to take action to halt the brutal, criminal killings. I repeat that request now. We must not let the time pass without pressing for a solution to this bitter problem.

Mr. Speaker, the principal speaker at the service in the Loop Synagogue was the brilliant, scholarly rabbi of Anshe Emet Synagogue, Dr. Seymour J. Cohen, past president of the Synagogue Council of America. His moving address, resounding through the hushed synagogue, gave courage and comfort to the grieving worshippers.

He said:

> They who perished in Munich will live forever in our hearts.

The congregation softly murmured "Amen."

Mr. Speaker, I am proud to append Rabbi Cohen's eloquent address to my remarks for all Members of the Congress to read. It follows:

REMARKS OF DR. SEYMOUR J. COHEN, RABBI, ANSHE EMET SYNAGOGUE

We are shocked and overwhelmed by the events of yesterday. Beautiful young lives have been cruelly snuffed out, victims of insensitive barbarians. They died at the hands of their murderers but they are the victims of a world which is still unprepared to put an end to piracy, to kidnapping and the murder of innocents.

The moral health of mankind is reflected in the mirror of Jewish experience. We are the sensitive barometer of mankind. When Jewish blood is cheap, all life becomes cheap. When Jewish blood is cheap, it is the sign of a sick world; when Jewish life is precious, all human life is precious. It is a sign of a world which is spiritually alive, which is sensitive, concerned not with self, but with the safety of all. We are the world's barometer of the moral state of mankind.

An Israeli coach who faced the tormenting dilemma of saving the lives of his young team or surrendering to the demands of their ultimate murderers agonized and shouted in despair: "Why don't they ever fight fair?" The fighting of wars is not the hallmark of the Jewish people. We hate war; we love peace. God's Name is Peace. We teach our children when they first start lisping in the cradle, the word "Shalom", the word "Peace". We teach it to ourselves every day of our lives. Why don't they ever fight fair? How do you fight an enemy who puts bombs on beaches, shells school buses, massacres pilgrims on their way to Jerusalem, the

Faithful City of Peace? We agonize ourselves and ask:

How could it happen when peace seemed to be so near?

How could it happen at the Olympics which bring men and women from all parts of the world, East and West, in a grand demonstration of sportsmanship and fairness?

How could it happen in that very country which had taken the torch and ignited the whole continent and burned the flesh of millions of our people?

How could it happen in that very Bavarian city where, 40 years ago, the ravings and rantings of a mad killer whose infamous deeds destroyed so, so many millions, were first heard?

We come to this House of God, we come to this Fortress of Faith, to this Place to which Jews have always assembled for solace and study, for prayer and renewal, we come in this hour, in this time of distress, we come to this House of God where we daily strengthen our better selves, we come here to this Sanctuary of the Spirit for morale, to continue to fortify our will to help mankind and our people on the road to peace. We come to this Synagogue, our most sublime expression of our religious life for morale. We come to relearn the basic lesson of morality. The temptation to become bestial is great. We will not become barbarians. The guilty, those who carried out this nefarious crime, and those who stood miles away in their capitals will be punished by God and by man, but we will not become beasts. Those who have spoken in this country so quickly and so glibly must be circumspect in their words and cautious in their deeds. We come for morale, we come for morality.

The tragedy of Munich is in the life of all who succumbed, Christian as well as Jew.

The tragedy of Munich is in the life of Moshe Weinberg, who left a widow, and a month-old babe who will never feel the warmth of his strong embrace. The tragedy of Munich is in a David Berger who left Cleveland, a Magna Cum Laude graduate of one of America's oldest universities, who came from the free world to Israel to build and to be rebuilt, to share in the thrilling drama of our people, reborn and our homeland set free, came to Israel to help people. The tragedy of Munich is in the life of Mark Slavin, 18 years old, who only three months ago went from Soviet slavery to the freedom of Israel.

They are gone now.

But to the heavens which are still torn by the tormented screams of their dying bodies, to those very heavens, we lift our eyes, we ask God: Grant us strength, make us strong, keep us morally firm to continue their heritage of human dignity and fairness.

They who perished in Munich will live forever in our hearts.

CIVIC SERVICE BY MILITARY RESERVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. HANSEN) is recognized for 15 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I have taken this special order to inform my colleagues concerning civic service and domestic action activities in two of our military's Reserve components—the Air National Guard—ANG—and the Air Force Reserve—USAFR.

We all realize that the primary Federal mission of the citizen airmen of the Guard and Reserve is to train in their specialty in order to be prepared to assist with the defense of the United States in time of emergency. However, we do not often hear about the patriotic, unselfish, and important actions of these part-time military volunteers in behalf of our country's social and economic welfare.

During the first 6 months of 1972, widely separated sections of our Nation were adversely affected by natural and industrial disasters of significant importance. Quietly, in a true sense of caring for neighbors and fellow citizens, volunteer guardsmen and reservists responded to the call for assistance in every case.

In May, air guardsmen and air reservists flew tons of firefighting equipment and equipment operators into Arizona to assist the U.S. Forestry Service with their efforts to quench forest fires near Prescott.

June saw severe flooding hit parts of South Dakota, mid-Atlantic States, and Arizona. Again, guardsmen and reservists were there, helping with rescue and recovery efforts. Air Guardsmen from Minnesota and air reservists from Missouri and Utah airlifted relief supplies and equipment by the ton into the Rapid City area. Near Scottsdale, Ariz., Air Force reservists from a helicopter rescue unit were credited with saving 29 lives during flash flooding.

The most widespread disaster was, of course, Hurricane Agnes and her disastrous flooding along the east coast, particularly in Pennsylvania and New York. This most extensive disaster brought the most widespread response from the volunteers of the ANG and USAFR. During almost a week of relief operation, Air Guardsmen from units in New York, Pennsylvania, and North Carolina airlifted over 660,000 pounds of vitally needed equipment and supplies into flood-stricken areas. Reservists assigned to units in New York, Pennsylvania, Maryland, Michigan, and Utah responded by flying some 584,000 pounds of relief supplies into areas hard hit by the storm. Over 1,200,000 pounds were delivered by our volunteer airmen of the Guard and Reserve.

Recently in my own State, an industrial disaster at a silver mine near Kellogg took many lives. But, Air Force reservists from Wisconsin did what they could to help by flying in 11 tons of seismic listening gear and associated equipment in an effort to help us.

Because of the nature of ANG and USAFR flying training, disaster relief such as I have cited has always been a major effort in Guard and Reserve civic activities. Activities like these are often unrecognized day-to-day responses by Air Guardsmen and Air Force reservists when the need arises.

While the drama may lie with disaster relief efforts, our citizen airmen have been giving their time, talents, and efforts to improve the lot of our country and its citizens in many ways.

In Idaho, an Air National Guard unit at Boise hosted over 1,100 children, youth groups, and adults at educational tours and briefings of unit facilities, in April and May of this year alone. They have held classes in wilderness survival for some 400 youths and young adults. Airmen from the unit transported 99 patients from St. Albans Hospital to a new medical facility. The unit furnished facilities to support community needs, such as use of the rifle range by law-enforcement groups and use of barracks by Boy Scouts unable to find other housing.

In California, 400 Air Force Reservists refurbished a building for boys' club use and cleaned up a city park in Riverside. Reserve medical personnel in the same State performed school and precamp physicals for 196 young people. Other California reservists rehabilitated a paddle-wheel riverboat for a city, while others painted a juvenile home in Sacramento.

In Ohio, Air Guardsmen constructed a taxi strip at the Mansfield Lahm Airport. Air Force Reservists helped clear and construct a 5-acre community park in Sabina. Members of an Air Guard unit spent off-duty hours constructing a ball park for the youngsters of Blue Ash. In Columbus, air reservists are helping in many ways with the establishment and operation of a home for neglected preteen boys.

In New York, members of six ANG units annually devote a full day in June to escorting over 4,000 mentally and physically handicapped children to an amusement park. Guardsmen in Syracuse repaired the home of a 62-year-old lady to bring it up to building code standards so she would not be forced to move. A USAFR unit in New York City has made over 128 drug abuse presentations to civilian clubs and high schools, consisting of a film showing and discussion. At Niagara Falls, a youngsters' drum and bugle corps sponsored by the police department uses the gymnasium at the Reserve installation for weekly practice sessions.

In Alaska, Air Guardsmen conduct Operation Santa Claus each year, involving the airlift of food and clothing to remote Eskimo villages during the Christmas holidays.

In South Carolina, approximately 220 youths and adults at St. John's Episcopal Mission Center had a happier Christmas holiday because of the efforts of the Air Force reservists in donating new and used items of clothing and toys for their use.

In Puerto Rico, members of an ANG unit have adopted a rural school in Aguadilla. They have become fathers, counselors, benefactors, carpenters, painters, plumbers, and janitors for the children attending classes at "La Playuela" school.

In Arizona, where desert survival is of vital interest to local communities, pararescuemen from a USAFR unit conduct a continuing program of instruction for their civilian neighbors. During 1 month last year they taught survival techniques to 1,215 students.

On a daily basis, in every State in our Nation, concerned humanitarian actions such as those I have mentioned are being performed on a voluntary basis by the citizen airmen of our Air National Guard and Air Force Reserve. Then too, because of the community ties of these guardsmen and reservists, there are many small, perhaps individual efforts that are just as meaningful, if not more so, than the larger programs.

The volunteer airmen of the Air National Guard and Air Force Reserve are making substantial contributions to the economic and social progress of the United States, and they should be commended for their demonstrated interest in the well-being of their fellow citizens.

I speak of these actions because I have found that not too many people know enough about the National Guard and the Military Reserve in terms other than their normal training. These residual actions produce for this Nation and its communities benefits far beyond those that could be produced by citizens just being citizens.

Through Guard and Reserve training we have groups of citizens working together, equipped to do the job expeditiously, and imbued with a "team spirit" that spurs them on.

THE WAR-POWERS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CONABLE) is recognized for 5 minutes.

Mr. CONABLE. Mr. Speaker, a House-Senate conference committee is now considering the first war-powers legislation in the Nation's history. If that conference adopts the House verision of the warpowers bill, twice passed as House Joint Resolution 1, the result will be effective, responsible, constitutional war-powers legislation as part of the record of the 92d Congress. If, on the other hand, the conference goes beyond the House bill the result may well be no war-powers legislation at all.

The House bill calls for closer consultation between Congress and the President in committing U.S. military forces abroad and would establish an innovative and highly useful reporting mechanism which would require the President to submit reports in writing to the House and the Senate whenever he deploys U.S. military forces abroad or commits them to armed conflict without prior authorization by the Congress. The witnesses who have testified on this concept have praised it as a highly useful step forward and have unanimously been of the opinion that it would be constitutional.

On the other hand, the Senate has passed a war-powers bill which attempts to rigidly codify the circumstances in which the President may authorize the use of the Armed Forces abroad without a declaration of war. The vice of this approach is that it attempts to freeze the circumstances in which the Armed Forces can be used on Presidential authority—a maginot line against the Presidency—and that it assumes total congressional primacy, judgments which the Framers wisely avoided. Not surprisingly, the constitutionality of this Senate bill has been widely challenged and the administration has opposed it.

The extensive hearings held in both the House and the Senate on the concept embodied in the Senate bill demonstrate that many constitutional scholars have grave doubts about any approach which would attempt a codification of Presidential authority or a time limit on the exercise of the President's emergency powers. Certainly without a more careful study of the constitutional issues, such as that now underway by the American Bar Association, it would be a great mistake to adopt this concept.

The relationship between Congress and the President with respect to the use of the armed forces abroad are among the most important issues in the structure of our Government. We should not sacrifice an opportunity for real progress in this area for a measure which has not had adequate study and which seems assured of administration opposition.

BARBARISM AT OLYMPIC GAMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SANDMAN), is recognized for 5 minutes.

Mr. SANDMAN. Mr. Speaker, the games of the XX Olympic in Munich are now over, but the wounds inflicted on the hopes for peace and the minds of civilized people around the world because of the senseless terrorism will take years to heal.

The invasion of the Olympic compound and the seizure and cold-blooded murder of 11 members of the Israeli Olympic team by Arab terrorists was one of the most barbaric acts in history.

In an expression of national shock, sympathy for the families of those killed and in an initial effort to try to prevent such a dastardly crime from happening ever again, the U.S. Congress unanimously adopted a resolution the day after the killings that reads as follows:

> Resolved, that all means be sought by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid or comfort to acts of murder and barbarism such as those just witnessed at Munich and that the Clerk of the House be directed to communicate these sentiments and expressions to the Secretary of State.

I and 345 other Members of Congress voted for the resolution on September 6.

Our sympathy, while sincere, cannot bring back the lives of the Israeli athletes and the German personnel who died. Our expressions of disgust and anger will not, unfortunately, do anything to change the outlook or the tactics of the Palestinian guerrillas who somehow feel that their terrorist activities will avenge the United Nations decision nearly 25 years ago to permit formation of the State of Israel.

I am among those who feel strongly that politics should have absolutely no role in the conduct of the Olympic games. Along with most of the rest of the people of the world, I hope the International Olympic Committee does not allow the games to be intimidated by such political terrorism that was totally unrelated to sports.

I am urging my Government to take whatever steps may be necessary to pressure other nations into ending terrorist actions by their citizens and from or within their respective borders.

It is my hope that the resolution we passed in the Congress will generate that pressure and also underline this Nation's continued support of Israel's desire and right to be left alone and allowed to grow and prosper.

OLYMPIC GAMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MATHIAS) is recognized for 30 minutes.

Mr. MATHIS of Georgia. Mr. Speaker, it is with a saddened heart that I rise on the floor of this House today to ask if the modern Olympic games, like those of old, is not in danger of losing these time-honored goals for the greatest of all international sporting competition. In an age when we are all filled with a deep yearning for peace and understanding among nations we cannot ignore the preponderance of evidence that our 20th century Neros are trying to use these noble games for their own political purposes. Cauliflowered ears on the boxers and the look of maturity on the faces of team members forces us to ask if the amateur standing of athletes from Communist-bloc nations where everyone is on the state payroll are the same as ours. Is it possible, Mr. Speaker, that judges or referees from countries devoid of any political freedom can impartially judge participants from free nations? The evidence from the 1972 Olympics would tend to point toward a negative conclusion in that regard.

Politics reared its head before the games had started when Rhodesia was barred from participation. Avery Brundage, president of the IOC, called a spade a spade when he labeled this action as "naked political blackmail." A North Korean gold medal winner in a rifle contest stated quite frankly:

> My chief de Mission told me to keep my country's enemies in my sights.

These statements obviously shed some light on the meaning of the highly questionable decisions that often appeared to be the rule rather than the exception.

The article which I now introduce from the record from this mornings Washington Post clearly illustrates how the Communists are already using the results of the Olympic games as part of their political propaganda.

The headline reads:

> GAMES SHOW RED IS BETTER, IZVESTIA SAYS
>
> Moscow, September 11.—Triumphs at the Munich Olympics by the Soviet Union and her allies have demonstrated the great advantages of Communism, Izvestia said today.
>
> The Government daily, reporting from Munich, said competitors from Communist countries provided the high-light of the games with their successful showing.
>
> "Here they demonstrated honorably the great advantage of the new system, which creates all opportunities for the successful development of the personality, for taking part in physical culture and sports," Izvestia declared.

I would be less than honest if I did not say that I have deep misgivings about the propriety of Congress becoming involved in the controversies surrounding the Olympic Games. However, this Government, committed to the cause of world peace certainly has a justifiable interest in preserving international events that promote peaceful competition and understanding between people from different nations. It appears to me that we would be derelict in our duties as elected representatives if we stand silent while nations who do not believe in freedom abuse America's young athletes to promote their own political goals in the world.

Yes, we must raise our voices when the honor of our country is at stake, but more important we cannot in good conscience stand idly by and allow America's finest young athletes to have their talents and efforts used as fodder for the Communist propaganda cannon. Many of these dedicated American athletes have trained for four or more long years as true amateurs without financial reward, giving up their free time and holidays to develop their skills, often putting off the start of a career only to see biased judges take away the individual recognition they have earned and so justly deserve.

Just to mention a few examples: Reginald Jones had so battered his Russian opponent that the crowd booed for some 15 minutes after the Soviet boxer was proclaimed the winner. Almost a dozen judges were fired for incompetence but the unfair decision stood. The superheavyweight American wrestler, Chris Taylor, lost an equally controversial decision to a wrestler from the Soviet Union. Victor Auer was told 2 hours after the event that the gold medal he had won was to go to a North Korean. An East German judge so consistently rated divers from Communist countries high and those from free countries low in consistent contrast to the other judges that he received almost as much TV time as the divers. The American pole vaulter was first told that he could use one of the poles with which he had practiced for years only to have the decision reversed at the last minute. Free world gymnists clearly did not receive impartial judging by the judges from the Communist countries. The Japanese frequently stood in disbelief as they saw Russians awarded judo decisions in which the Japanese had been clearly superior.

The straw that really broke the camel's back, in my opinion, and, I believe, for millions of American TV viewers, was the "official" outcome of the basketball game for the gold medal between the Americans and the Russians. As the German scorekeeper for the game, Hans Tenshert, said, "under FIBA rules the United States won." But, in spite of irrefutable evidence that there was no rule under which the Soviet Union could have been granted an additional 3 seconds after the game had ended, the FIBA board of appeals made up of three Comunist-bloc nations, Poland, Hungary, and Cuba in addition to Italy and Puerto Rico, voted 3 to 2 to declare the Russians the winners. Another Communist-bloc vote had deprived the young American athletes of the victory they had so clearly won by every rule of decency and fairplay.

Mr. R. William Jones, secretary of the International Amateur Basketball Association, said after the game that the Americans "have to learn how to lose." Let me tell Mr. Jones that although no American ever wants to lose, that he knows how to lose, when he loses fairly and squarely. I am proud of the American basketball team for voting as a team not to accept the silver medals since they had fairly won the gold medals.

Mr. Speaker, I also believe that we who live in glass houses should not throw stones. The U.S. Olympic Committee is also, in my opinion, fully deserving of a thorough investigation. As every American citizen who followed the Olympics on television knows, we had two of our finest young sprinters who were watching television in their rooms at the Olympic Village when their qualifying heats were scheduled. They reportedly had been given an erroneous time for their heats by their coach. We had a young swimmer from California who was stripped of his gold medal after he had clearly outdistanced the pack in his event, because he was using a prescribed medication for an asthmatic condition. We had runners who were gold medal possibilities who did not even show for their heats, and a young swimmer who was stripped of a gold medal because of the apparent error of a physician. We can dismiss these incidents as human error, and it would be very easy for us to do so. These type of things, I am sure, could happen to all of us. But they did not happen to me, Mr. Speaker, or to any Member of this House, but to dedicated young athletes who have spent unmeasured hours preparing themselves for these games, and the facts are that these unfortunate incidents could have been avoided. I believe that all of the facts should be brought to light, and that we should take every step possible to insure that this type disappointment never again comes to one of our athletes through an error that could have been avoided. We owe it to our athletes to make sure that they have maximum support from our own Olympic committee.

In a lengthy conversation this morning with one of America's best known sportscasters who was on the scene in Munich, my worst suspicions were confirmed that our athletes were treated most unfairly by judges from Communist countries. I was also assured that many of the leading figures in the sports world in America were looking for ways to prevent a recurrence of the same situation 4 years from now.

In view of all these considerations I am announcing today that I am in the process of drafting a House joint resolution to establish a commission to investigate the Olympic games of 1972. I will propose a 12-member commission to be appointed by the President of the United States, the President of the Senate, and the Speaker of the House of Representatives with eight of the members to be selected from the private sector. The purpose of the commission will be to study the nature and makeup of the International Olympic Committee and all its boards and committees, the Olympic committees of all the major nations involved as well as the selection of judges and referees. The U.S. Olympic Committee must certainly be called to account for its mistakes and required to adopt measures to prevent making the same costly and careless errors in the future. The commission should also determine the distinction between amateur and professional athletes and recommend guidelines that can be applied equally to all nations participating in the games. The commission will be given adequate staff and funding to conduct a full and thorough investigation and report back to the Congress and the American people in a reasonable length of time.

It is my conviction, that we as citizens of this great country, have the right to know the full facts surrounding the Olympics in order that we can provide adequate safeguards for future games. I for one do not believe that we can in good conscience ask our young athletes to devote so much of their life and efforts to the rigid training schedule necessary unless we can offer them honest assurances that they have the support of their country behind them and every reason to believe they will encounter fair and impartial competition.

EQUAL TREATMENT FOR FEDERAL RETIREES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, with today's skyrocketing rate of inflation, Congress has recently seen fit to enact a 20 percent increase in social security annuities and railroad retirement benefits. However, in all the flurry, it seems that we have overlooked a very important group—those who have devoted years of service to the Federal Government. It seems strange that such a large and important group could be left out of the picture. But when we take a look at the record we find this to be the case. Civil service employees have been known to get the short end of the stick in a number of cases involving retirement benefits.

Under the present system, the civil service employee contributes 7 percent of his gross income toward his retirement plan. No deduction or exclusion is allowable on this contribution. This means that the Federal employee must pay taxes on deferred income—money which he will not receive for many years. Indeed, if he dies before attaining retirement age, he is paying taxes on money which he will never receive.

The 7 percent of gross income which the employee pays into the retirement plan is matched by his employer, the Federal Government. However, the contribution which is made by the Government is not subject to taxation until it is paid to the employee or his beneficiaries. Therefore the tax burden once again falls upon the employee.

The Federal employee first pays taxes on income which he may never receive, then when he reaches retirement age, he must pay taxes on any annuities over and above his own contribution.

If we compare the civil service retirement system with the social security or railroad retirement systems, we discover a terrible inequity. Under the railroad retirement, and social security systems, the annuitants contribute to retirement funds much as one does under civil service. But here the similarity ends. Social security and railroad retirement benefits are totally exempt from Federal income taxation. When the retiree draws upon his annuity, at no time is he required to declare it as income for tax purposes. Nor does he pay taxes on this money when he originally contributes it to the retirement fund.

It is long past time that civil service employees be accorded equal tax treatment with social security and railroad retirement annuitants. In June I introduced H.R. 15756, the Civil Service Annuity Protection Act, a bill to provide that the first $5,000 received as civil service retirement annuity from the United States or any agency thereof shall be excluded from gross income for Federal income tax purposes. Today in a further attempt to correct the present situation, I am introducing the Civil Service Annuity Incentive Act of 1972. The purpose of this act is to amend the Internal Revenue Code of 1954 to provide that there shall be allowed as an income tax deduction those contributions on the part of civil service employees toward personal retirement annuities.

We can no longer continue to treat retired Federal employees as second class senior citizens. It is my sincere hope that my colleagues will join with me in protest of this inequity which has already existed too long.

Mr. Speaker, we must take action immediately in order to insure equal treatment for Federal employees.

HOW DANGEROUS CAN PRAYER SHAWLS AND PRAYER BOOKS BE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH) is recognized for 5 minutes.

Mr. KOCH. Mr. Speaker, constituents of Jewish faith asked me to ascertain how they could send to coreligionists in the Soviet Union religious material such as prayer shawls—tallisim—and prayer books. I am sad to report that the Soviet Union refuses to permit such material to be sent.

The correspondence follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 16, 1972.

Hon. ANATOLY F. DOBRYNIN,
Ambassador Extraordinary and Plenipotentiary, Union of Soviet Socialist Republics, Washington, D.C.

DEAR MR. AMBASSADOR: Constituents have asked me to inquire of you whether it would be permissible for them to send to the Moscow Synogogue at 8 Ul. Arkhipova, prayer shawls (tallisim) and prayer books.

If there is a procedure for doing this, I would appreciate knowing what must be done in advance of the actual shipment.

Sincerely,

EDWARD I. KOCH.

EMBASSY OF THE UNION OF
SOVIET SOCIALIST REPUBLICS,
CONSULAR DIVISION,
August 28, 1972.

DEAR MR. KOCH: With reference to your letter dated August 16th, 1972, we would like to inform you that in accordance with the Soviet customs regulations it is not permissible to send to the USSR prayer shawls (tallisim) and prayer books, but as an exception a believer is allowed to bring through the Soviet Union border a copy of mentioned above items to meet only his personal needs.

Sincerely yours,

Y. GALISHNIKOV,
Chief of the Consular Division of the USSR Embassy.

LOOPHOLES: THE RICH GETS RICHER AND RICHER AND——

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WALDIE) is recognized for 5 minutes.

Mr. WALDIE. Mr. Speaker, I would like to draw your attention to several items from the Sacramento Bee concerning the issue of tax reform. Every political election year we hear promises by electioneering officials to reform the tax laws. This recent editorial documents the overwhelming need for a reform of our tax system—a system that is more responsive to the interests of big companies such as International Telephone & Telegraph than the anguish of the American people:

FAILURE OF RICHEST CORPORATIONS TO PAY INCOME TAXES SHOWS NEED FOR TAX REFORM

The disclosure that five huge corporations with 1972 profits totalling $382 million paid no federal corporate income taxes last year shows why this nation needs a drastic overhaul of its tax structure.

The situation is preposterous. It is so bad as to be almost incomprehensible the general public should put up with it.

Rep. Charles A. Vanik, D-Ohio, presented to the Joint Economic Committee of Congress a report which reveals that although the corporate tax rate is supposed to be a flat 48 per cent on profits over $25,000, none of the 100 largest corporations in the country pay at that rate. Instead, six firms with profits totalling $2.3 billion paid taxes at a rate of less than 10 per cent and five paid none at all.

The largest corporations paid at the rate of 26 per cent. Smaller companies paid at the rate of 44 per cent.

International Telephone & Telegraph Corp. paid taxes at the rate of 14 per cent in 1969 when it had a profit of about $369 million but two years later, when its profits rose to $410 million, its tax rate fell to 5 per cent.

The corporate tax disclosures come on top of recent revelations that 107 individuals who received more than $200,000 in annual income each last year paid no federal income taxes.

These are the things tax reformers mean when they want to close loopholes. These are the outrages which U.S. Sen. George McGovern of South Dakota, the Democratic nominee for president, is talking about when he says the present tax system penalizes hard work; when he says tax laws should be devised so that those who get the highest benefits will pay their full share rather than being allowed to slip through loopholes at the expense of the rest of the population.

These are the things which give the lie to the rosy picture painted by former Treasury Secretary John N. Connally Jr., who somehow likens failure to pay taxes with doing something good for the country.

These are the things which should be causing the middle- and lower-income taxpayers—many of whom put up 10 to 20 or more per cent of their net incomes for taxes—to revolt and demand executive leadership and congressional action toward reform.

These are the things which solidly document the need for tax laws which would prevent any individual or corporation from escaping a fair share of the burden of financing democracy.

This year, we are again hearing about tax reform, but this time in the form of credible and workable suggestions. On the other hand, it seems that all some elected officials can do is condone the "living by loopholes" which allows the well-to-do to pay less taxes than the citizen who works hard to make ends meet. As the Sacramento Bee recently reported:

REINECKE: MCGOVERN IS OVEROBSESSED ON TAXES

Lt. Gov. Ed Reinecke said yesterday that Democratic presidential hopeful Sen. George McGovern "seems overobsessed with doing away with tax loopholes."

"We're going to have to let a lot of people know we live by loopholes—they allow people to live within their own means," Reinecke said.

The Republican lieutenant governor devoted most of his speech on "Economic Development in California" to criticism of the Democratic presidential candidate. He was addressing a luncheon of the Sons in Retirement, a senior citizens organization.

"Sen. McGovern has a long fight ahead of him to convince the American people that he's not more than a pied piper with a single tune," Reinecke said. "The American people do not relish the idea of their president begging on his hands and knees for a cup of kindness from Hanoi.

"Neither do they condone total amnesty for draft dodgers who flew the scene while others were bleeding and dying," he continued.

Reinecke said that "loop-hole" would be the "buzz word" of the campaign. He maintained that such loop-holes as the oil depletion allowance benefit the average citizen.

The American people realize that "any increase in tax on business is an increase in their own taxes," he said.

REINECKE DISPLAYS LACK OF CONCERN

In a speech last week before the Sons in Retirement club in Sacramento, Lt. Gov. Ed Reinecke made one of the wierdest observations yet heard about the need for reform of the tax laws of the nation.

He said:

"We're going to have to let a lot of people know we live by loopholes—they allow people to live within their own means."

This must be the first time the taxpayer who is struggling to keep up with the rising cost of living while at the same time coughing up increasing amounts of his pay for government has been told the tax laws were written to allow him to live within his means.

It may be the loopholes which permit more than 100 of the richest people in the nation to escape paying any federal income tax at all last year helped them to live within their means.

It could be the loopholes which make it possible for the wealthiest corporations to pay less of a percentage of their income taxes than do wage-earners allowed them to live within their means.

But the loopholes, if indeed they are such, which are available to fixed-income retirees, the lower-income families and the middle-income worker dependent upon only a paycheck certainly do not help these taxpayers live within their means.

Maybe some people live by loopholes but they are a favored few of the millions of income earners of the nation.

Reinecke, a Republican, made his curious remark in the context of a political attack on U.S. Sen. George McGovern of South Dakota, the Democratic nominee for president, so it probably should be dismissed as such.

His contention that McGovern is "overobsessed" with doing away with tax loopholes actually could be applauded. McGovern wants only what hundreds of other government leaders, economists and citizens have campaigned for years. Fair distribution of the tax burdens so that advantage is not rewarded and hard work is not penalized.

More people should be so overobsessed.

I submit to you this evidence that the "single tune" sung for so long by the hard-working American people is one which must be resolved soon so that the burden is shared by all income brackets, and not almost fully supported by just one. I find it highly distasteful that loopholes, a major concern of the people of California and the Nation, could be so carelessly shrugged off by an elected official of the State as "merely allow[ing] people to live within their means." Loopholes allow the privileged to live within and above their means, not the working Americans.

DAY CARE AND EARLY CHILDHOOD EDUCATION

(Mr. REID asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. REID. Mr. Speaker, today I am introducing legislation to deal with what has been described by many experts as the most important remaining gap in our educational system in America.

The bill that I am introducing will establish a Federal program of support for the creation of facilities to provide quality day care and early childhood education for the millions of American children, principally preschool children, in middle- and lower-income families where the mothers work. If enacted this measure will more than double the licensed facilities in the Nation and will extend the children it serves badly needed health, education, and nutrition services.

I want to stress that this is much more than just the sponsorship of legislation. This is a reaffirmation of a commitment to win enactment of what I believe to be the most important social legislation of this decade. It is the beginning of the formation of a new coalition dedicated to meeting the urgent needs of more than 4.5 million American children and their families.

As you know, the Congress of the United States last year enacted such a measure only to see the President veto it. With this veto the President ignored more than 3 years of painstaking work by Congress. He rebuffed the broadest coalition ever formed behind social legislation. He rejected the counsel of experts in every related discipline, including members of his own administration. He may have dealt a fatal blow to his much-touted welfare reform program. Most serious of all, he dealt a cruel blow to the Nation's working mothers and their children.

We are determined that narrow partisan considerations will not be allowed to block this logical and indispensable extension of our public education system or to deny American women and children this program which is their right.

I am pleased to be able to announce that we are already well-advanced in the effort to rebuild the day care coalition that proved so successful in the past.

The measure that I am sponsoring today has already won the support of the AFL–CIO, the United Auto Workers, the Child Welfare League of America, the Washington research project and the Day Care Council of Westchester, the cornerstones of the original coalition. I ask unanimous consent to enter copies of the letters and telegrams of support in the Record immediately following my remarks.

As the Senate has already acted on a not too dissimilar measure, we are seeking the broadest bipartisan support in the hope that a measure may be brought to conference before adjournment.

The quality day care and early childhood development program has been the subject of one of the most virulent and scurrilous attacks in my experience, not unlike the attacks that were launched against such social programs as social security and medicare. Without going into too much detail, let me take this opportunity to set the record straight on what the program does and does not propose to do.

First, it has been charged that day care facilities are sort of an un-American plot to undermine family relationships and wean children from their parents. Nothing could be further from the truth.

The program is an effort to strengthen family bonds and parental authority. It does this not only by relieving a source of grave anxiety for working parents as to the care their children are receiving during the day, but also by requiring that parents be intimately involved in day care and education programs at every level from policy to implementation.

Second, it has been charged that the program is unnecessary and will encourage mothers to take jobs outside the home, when, in the opinion of the opponents, the woman's place is in the kitchen. This is both untrue and a grave disservice to American women.

The growing number of women who want to, and need to, work, either to support their families or satisfy the need for greater self-fulfillment, has made it imperative that we create quality day care facilities. The only alternative for millions of middle- and lower-income families who cannot afford existing facilities is either not to work, and thus suffer poverty or join welfare rolls, or to leave children in informal care or alone with no care at all.

Let me briefly list some of the major things this legislation will do.

It will create facilities to provide quality day care and early childhood education for more than 1 million children of middle- and lower-income families.

It will provide for extensive parent involvement at all levels.

It establishes modest fee schedules according to the family's ability to pay.

It provides a wide variety of family-strengthening programs and services such as in-home care that will enable parents to choose the services that meet their own and their children's needs.

Finally, it authorizes expenditures of $150 million for the first year to set up the program and a total of $2 billion thereafter to run it.

I have prepared the following list of the highlights of my bill for the information of my colleagues:

HIGHLIGHTS OF THE COMPREHENSIVE CHILD DEVELOPMENT ACT OF 1972

(1) A comprehensive program of family-oriented early childhood development and preschool education including educational, medical, nutritional and social services, available for the children of lower and middle income working mothers.

(2) Extensive parental involvement at all levels including parental responsibility for the day-to-day administration of the programs, and responsibility for determining policy.

(3) Explicit statutory language on the voluntary nature of the program.

(4) A wide variety of family-strengthening programs and services including in-home care to enable parents to choose services to meet their own and their children's specific needs.

(5) Improved programs to train professional and paraprofessional personnel to staff day care and child development programs.

(6) A fee schedule similar to the vetoed bill as worked out with the Administration with the added provision that prime sponsors can apply to have the schedule waived to meet special local circumstances and reflect actual living costs.

(7) A delivery system designed to insure workability by limiting the number of localities that can run their own programs to those with populations of 25,000 or more.

(8) Strong assurances that on-going Headstart programs will be continued as long as they have community support.

(9) The assurance of a broad socio-economic mix.

(10) The establishment of explicit operating and staff standards to insure quality developmental programs.

(11) Establishment by statute of a separate Office of Child Development.

(12) Programs to insure the involvement of existing education agencies through a 5% set-aside of funds for special innovative programs run by educational agencies.

(13) Authorizations of $150 million in Fiscal Year 1973 for planning and $2 billion for Fiscal Year 1974.

SEPTEMBER 11, 1972.

Hon. OGDEN R. REID,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: The AFL–CIO fully endorses your decision to introduce a new comprehensive child development bill, similar to concept to legislation that we have supported during both sessions of the 92nd Congress.

As you know, the AFL–CIO worked for passage of the 1971 bill and had hoped for enactment. The unfortunate veto by the President postponed badly needed federal aid—and support—in this critical domestic area.

The children of working mothers, as well as the children of those who seek work to lift them out of poverty, desperately require the type of programs and services spelled out in last year's legislation.

Since the Senate already has passed its version of a bill tailored to meet the Administration's objections, the AFL–CIO would hope that the House could pass a bipartisan measure containing the basic principles of the 1971 bill.

Your decision to introduce such a bill is a strong step in the right direction.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

SEPTEMBER 8, 1972.

Hon. OGDEN R. REID,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN REID: As you know, the UAW is among numerous organizations which enthusiastically supported enactment of the comprehensive child development legislation callously vetoed by the President last year. That veto represented one of the sorriest moments in an Administration which has unfortunately been characterized by a consistent disregard of the social needs of the American people—particularly the young people.

The vetoed child development legislation contained provisions reflecting principles which we believed then—and still believe—are essential for the effective operation of a family-oriented, locally-controlled program to provide the kind of comprehensive services needed by America's children.

We are indeed pleased to learn that you plan to introduce a bill reflecting those same essential principles. Your leadership in the continuing effort to enact an effective child development program is appreciated. You can depend upon us to continue our interest in this legislative objective so vital to the interests of our nation's children.

Sincerely,

JACK BEIDLER,
Legislative Director.

SEPTEMBER 11, 1972.

Hon. OGDEN R. REID,
House Office Building,
Washington, D.C.

DEAR MR. REID: The Child Welfare League of America is pleased to learn that you are planning to introduce an improved version of the child development bill that passed the Senate, S. 3617. We are particularly appreciative that your bill makes two changes recommended by our Board—parent participation is improved and the discretion given to the Secretary of the Department of Health, Education, and Welfare is limited.

There are certain basic principles which the League believes should be incorporated in any child care legislation what its primary purpose may be—whether to improve opportunities for disadvantaged children, to serve as an adjunct to work and training programs for public assistance recipients, to help provide safe care for children whose parents are unable to do so, or to provide developmental services for children whose parents need or want them.

These principles include the following:

1. The welfare of the child should be the prime consideration in child care programs.

2. Child care should be available to all children in need of such care regardless of the socio-economic circumstances or employment status of the family.

(a) Initially, there should be priorities in providing services for the economically disadvantaged.

(b) Cost for care to a family should range from free to full payment, depending on the family's financial resources.

(c) Programs should provide for continuity of care for children irrespective of changes in economic or employment status of parents.

(d) Programs should be available to children on a part-time or full-time basis to the needs of the child and his family.

(e) The same programs should be available to all socio-economic groups. Children should not be separated into different programs on the basis of the socio-economic or employment status of the family. The establishment of a two-class child care system should be avoided.

3. Child care programs should be of a comprehensive nature—that is, in addition to providing care and protection, they should make available a variety of services, such as nutritional, health, psychological, social work and educational services, etc. Programs should not be limited solely to physical safekeeping or so-called "custodial care."

4. Standards to insure a sound quality of child care should be established with particular reference to the ratio of staff to children, and to the quality and training of staff. There should be provision and adequate funding for enforcement of standards. Government funds should not be permitted to finance, directly or indirectly, child care which does not meet proper standards.

5. There should be provision for parental involvement in all child care programs.

6. There should be flexibility of administration to permit adaptation of programs to meet local needs.

7. Funding should be adequate to support the needed quantity and quality of child care.

To the extent that the introduction of your bill will help stimulate debate leading to the enactment of legislation which incorporates these principles, we are supportive of this continued action on behalf of children.

Sincerely,

JOSEPH H. REID.

WASHINGTON RESEARCH PROJECT,
Washington, D.C., September 8, 1972.

Hon. OGDEN R. REID,
U.S. House of Representatives,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN REID: I understand that you are planning to introduce this week a comprehensive child development bill.

As you know, we have worked over the past two years, with many other national and community organizations, for the enactment of legislation to make available to families who need them comprehensive developmental child care programs which would be locally controlled, with parents in decision-making roles. Contrary to the false fears raised by the President in his heartless veto of the child care bill Congress passed last year, child development programs are urgently needed to strengthen and support American families. Millions of mothers are working, not to escape their families but to help support them, and they are properly demanding quality developmental programs for their children for the time they must be out of the home. Moreover, there are several million children in this country whose families are in poverty and thus cannot on their own adequately provide for all of their intellectual, physical, nutritional and social needs during the crucial early developmental years.

It is a shocking truth that this country has refused a commitment to its children. Today, early childhood programs are available only for some of the very wealthy who can afford to pay the high costs of private nursery schools, or for some of the very poor, a great number of whom are being shuffled off into custodial if not damaging day care. Little if anything is available for the vast majority of children who fall in between.

We commend you for your continued efforts on this vital legislation and want to assure you of our vigorous support for enactment of the type of comprehensive child development bill which will fulfill our national responsibility to our children.

Sincerely,

MARIAN WRIGHT EDELMAN,
Director.

SEPTEMBER 12, 1972.

Congressman OGDEN R. REID,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN REID: As the foremost child care advocates in Westchester County we applaud your initiative in proposing new child development legislation. We are in agreement with the principles of a comprehensive child development bill.

Your continued leadership and interests in the cause of high quality day care for this Nation's children is needed to make day care the priority it should be.

MRS. JOHN F. MALONEY,
President, Day Care Council of Westchester.

ANNIVERSARY OF INVASION OF CZECHOSLOVAKIA

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, while Congress was in its recent August recess, a sad anniversary was observed by the Czechoslovakian people and our fellow Americans of Czech and Slovak descent. It was on August 21, 1968, that Soviet troops rolled across the borders into Czechoslovakia in flagrant violation of the United Nations Charter.

The Soviet occupation of Czechoslovakia demonstrated to the world that communism and freedom cannot live side by side, even if it is the limited freedom that was allowed by the Dubcek regime. Truth and free speech are poison to the Communist plan of total domination of every aspect of every human being.

This anniversary, Mr. Speaker, was not just a commemoration of a tragic event that occurred 4 years ago, but was a reminder of a condition that has existed in that country for the past 4 years. Soviet troops continue their occupation and reign of terror to this day.

Just within the past month, some 38 former supporters of Alexander Dubcek have been sentenced to jail for "subversion" by puppet courts in Prague with the strings pulled from Moscow. These men were guilty of simply helping a popular leader bring about some liberal reforms in his country and allow his countrymen a taste of freedom.

In recent weeks we have read in the newspaper reports of an attempted dismantling of the Catholic Church by the Soviet-installed Czechoslovakian Government. Monasteries have been closed, nuns banished, and priests suspended. The official press tells its readers that the church is an ally of France and that religion is dangerous. Religion, of course, is dangerous to dictatorial communism because it teaches the dignity of the individual.

Since that day in 1968, some 50,000 Czechoslovakians have escaped from behind the Iron Curtain, finding themselves unable to live in the intolerable conditions imposed upon their nation. Some of them have come to America to join others who came from Czechoslovakia, or whose ancestors came from that country to help make our Nation great. We welcome them to the United States, but still despair over the conditions that forced them to leave and under which their friends and relatives are forced to continue to live.

So as we enter the fifth year of Soviet occupation of Czechoslovakia, let us join with all freedom-loving people in expressing our outrage that this occupation of repression is allowed to continue and in bringing world opinion to bear upon the Russians to abandon their illegal activities.

THE 50TH ANNIVERSARY OF U.S. RECOGNITION OF THE BALTIC REPUBLICS

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the year 1972 marks a very special anniversary in the history of relations between the United States and our friends in the Baltic nations of Eastern Europe. It was 50 years ago that the United States followed the lead of the major European powers in extending de jure recognition to the free and independent governments of Lithuania, Latvia, and Estonia.

The nationalism and individual cultures of these three nations had survived centuries of domination and occupation by various European tribes, Russians and Germans, and they proclaimed their independence in 1918. Four years later, Secretary of State Charles Evans Hughes, in announcing that the United States was extending diplomatic recognition to the Baltic States, noted that the independent governments had existed for a significant period of time and had successfully maintained political and economic stability within their borders.

This was a day of great joy for both Americans and those in the Baltic nations as well for it meant that at last the governments of these nations could enter into treaties with each other and work together for the goals that had been common to the heritage of all four of these countries—sovereignty of nations and liberty for all people.

While U.S. recognition of those nations continues today, our relations are with exiled governments, for just 18 years after American recognition the Soviets broke treaties and agreements and invaded the Baltic Republics, beginning a reign of terror that continues to this day. The Communists have executed or deported to Siberia hundreds of thousands in an effort to break the spirit and nationalistic fervor of these freedom-loving people. In spite of the fact that these crimes against humanity have continued for more than 30 years, the Russian dictators have failed to squelch the desire for freedom in those nations.

Just last May, for example, reports of anti-Soviet rioting in Lithuania leaked to the Western press. In all three Baltic nations, bold libertarians have been working underground publishing nationalistic anti-Soviet literature.

I should add, of course, that many who fled their homeland to escape the Soviet persecutors came to this Nation and have made tremendous contributions to our society as American citizens and continue to do so while working and praying for the eventual liberation of their homelands.

On this occasion it is appropriate that all Americans join them in their prayers and rededicate ourselves to working for the day that the true governments of the people of the Baltic States, recognized by the United States for 50 years, will be able to return to their homelands and once again allow the liberty-loving people of the Baltic States to govern themselves.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DU PONT) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. HOSMER, for 5 minutes, today.

Mr. HANSEN of Idaho, for 15 minutes, today.

Mr. CONABLE, for 5 minutes, today.

Mr. SANDMAN, for 5 minutes, today.

(The following Members (at the request of Mr. DENHOLM) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. MATHIS of Georgia, for 30 minutes, today.

Mr. PODELL, for 10 minutes, today.

Mr. FOUNTAIN, for 15 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. KOCH, for 5 minutes, today.

Mr. WALDIE, for 5 minutes, today.

Mr. WOLFF, for 60 minutes, on September 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

Mr. HOLIFIELD and to include extraneous matter.

Mr. RODINO and to include extraneous matter with his remarks on H.R. 16188.

(The following Members (at the request of Mr. DU PONT) and to include extraneous matter:)

Mr. DUNCAN.

Mr. SCHERLE in 10 instances.

Mr. DERWINSKI in two instances.

Mr. GOODLING.

Mr. WYMAN in two instances.

Mr. ANDERSON of Illinois.

Mr. BYRNES of Wisconsin.

Mr. KEITH in two instances.

Mr. SAYLOR.

Mr. MCCLURE.

Mr. MIZELL.

Mr. PRICE of Texas in two instances.

(The following Members (at the request of Mr. DENHOLM) and to include extraneous matter:)

Mr. MCKAY in two instances.

Mr. CORMAN in five instances.

Mr. HARRINGTON in two instances.

Mrs. GRIFFITHS in two instances.

Mr. JACOBS in two instances.

Mr. SIKES in five instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. PATTEN.

Mr. PUCINSKI in five instances.

Mr. DOW in two instances.

Mr. ALEXANDER in six instances.

Mr. HAMILTON in 10 instances.

Mr. RODINO.

Mr. SEIBERLING in 10 instances.

Mr. REID.

Mr. LONG of Maryland.

Mr. NIX.

Mr. LENNON.

Mr. ROE in two instances.

Mr. PURCELL.

Mr. ROGERS in two instances.

Mr. WALDIE in three instances.

Mr. VANIK in three instances.

Mr. DANIEL of Virginia.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 909. An act for the relief of John C. Rogers, to the Committee on the Judiciary.

S. 995. An act for the relief of Ronald K. Downie; to the Committee on the Judiciary.

S. 2714. An act for the relief of M. Sgt. William C. Harpold, U.S. Marine Corps (retired); to the Committee on the Judiciary.

S. 3257. An act for the relief of Gary Wentworth, of Staples, Minn.; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1860. An act for the relief of David Capps, formerly a corporal in the U.S. Marine Corps;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech; and

H.R. 10635. An act for the relief of William E. Baker.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 11, 1972 present to the President, for his approval, a bill of the House of the following title:

H.R. 2. An act to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 13, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2324. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage; to the Committee on Foreign Affairs.

2325. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on the proposed use of certain research and development funds appropriated to NASA for modifications to existing Government-owned contractor-operated facilities at Santa Susana and Canoga Park, Calif., to support the space shuttle main engine research and development program, pursuant to 85 Stat. 159; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. S. 1316. An act to amend section 301 of the Federal Meat Inspection Act, as amended, and section 5 of the Poultry Products Inspection Act, as amended, so as to increase from 50 to 80 percent the amount that may be paid as the Federal Government's share of the costs of any cooperative meat or poultry inspection program carried out by any State under such sections; with amendments (Rept. No. 92–1390). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs, H.R. 16444. A bill to establish the Golden Gate National Urban Recreation Area in San Francisco and Marin Counties, Calif. (Rept. No. 92–1391). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 1121. A bill to provide for the establishment of the Gateway National Seashore in the States of New York and New Jersey, and for other purposes; with an amendment (Rept. No. 92–1392). Referred to the Committee of the Whole House on the State of the Union.

Mr. BYRNE of Pennsylvania: Committee on Armed Services. H.R. 11035. A bill to amend title 10 of the United States Code to designate the Medal of Honor awarded for military heroism as the "Congressional Medal of Honor." With an amendment (Rept. No. 92–1393). Referred to the House Calendar.

Mr. KASTENMEIER: Committee on the Judiciary. House Joint Resolution 733. Joint resolution granting the consent of Congress to certain boundary agreements between the States of Maryland and Virginia; with amendments (Rept. No. 92–1394). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. House Joint Resolution 912. Joint resolution granting the consent of Congress to an agreement between the States of North Carolina and Virginia establishing their lateral seaward boundary; with amendments (Rept. No. 92–1395). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of Tennessee: Committee on Rules. House Resolution 1114. Resolution waiving points of order against H.R. 16593. A bill making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes (Rept. 92–1396). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 1115. Resolution waiving points of order against the conference report on H.R. 15495. A bill authorizing appropriations for fiscal year 1973 for military procurement, research, and development, and for antiballistic missile construction and prescribing active duty and reserve strengths (Rept. No. 92–1397). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Tennessee:

H.R. 16594. A bill to amend chapter 44 of title 18 of the United States Code (respecting firearms) to penalize the use of firearms in the commission of any felony and to increase the penalties in certain related existing provisions, to lower certain age limits from 21 years to 18, and to eliminate certain recordkeeping provisions with respect to ammunition; to the Committee on the Judiciary.

By Mr. BURLESON of Texas (for himself and Mr. Betts):

H.R. 16595. A bill to amend the Internal Revenue Code of 1954 to avoid duplication of tax imposed under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act in the case of an affiliated group of corporations; to the Committee on Ways and Means.

By Mr. BURLISON of Missouri:

H.R. 16596. A bill to authorize cooperative operation, maintenance, and repair of the Chester Bridge, Mo., and Ill., and for other purposes; to the Commitee on Public Works.

By Mr. DOW:

H.R. 16597. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. FLOOD:

H.R. 16598. A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue; to the Committee on Public Works.

By Mr. FLYNT:

H.R. 16599. A bill to extend through December 31, 1974, the suspension of duty on electrodes for use in producing aluminum; to the Committee on Ways and Means.

By Mr. BYRNES of Wisconsin:

H.R. 16600. A bill to amend the Tariff Act of 1930 to provide an exemption from the restrictions of the trademark laws, and for other purposes; to the Committee on Ways and Means.

H.R. 16601. A bill to modernize the procedures for licensing and disciplining customs brokers, and for other purposes; to the Committee on Ways and Means.

H.R. 16602. A bill to amend the Tariff Act of 1930 to grant additional arrest authority to officers of the Customs Service; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 16603. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 16604. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increases in such benefits, either by disregarding it in determining their need for assistance or otherwise, and for other purposes; to the Committee on Ways and Means.

By Mrs. GRASSO:

H.R. 16605. A bill to amend the Emergency Employment Act of 1971 to provide programs for unemployed scientists and engineers to assist State and local governments; to the Committee on Education and Labor.

H.R. 16606. A bill to authorize the Commissioner of Education to award fellowships to persons preparing for environmental careers; to the Committee on Education and Labor.

By Mr. GUDE (for himself, Mr. Stokes, and Mr. Symington):

H.R. 16607. A bill to amend the Small Business Act, to provide financial assistance for handicapped individuals establishing or operating small business concerns, and for other purposes; to the Committee on Banking and Currency.

By Mr. HÉBERT (for himself and Mr. Arends) (by request):

H.R. 16608. A bill to amend title 37, United States Code, to provide special pay to certain nuclear-trained and qualified enlisted members of the naval service who agree to reenlist, and for other purposes; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Bell, Mr. Dellums, Mr. Kastenmeier, Mr. Nix, and Mr. Rees):

H.R. 16609. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Burke of Massachusetts, Mrs. Chisholm, Mr. Clark, Mr. Collins of Illinois, Mr. Fauntroy, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Gallagher, Mr. Halpern, Mr. Harrington, Mr. Hawkins, Mr. Helstoski, Mr. Hosmer, Mr. Mitchell, Mr. Podell, Mr. Rangel, Mr. Reuss, Mr. Rosenthal, Mr. Ryan, and Mr. Stokes):

H.R. 16610. A bill to amend title XVIII of the Social Security Act to require that Public Health Service hospitals, Veterans' Administration hospitals, and hospitals receiving assistance under the medicare program, and Hill-Burton Act make available to persons entitled to benefits under the cost, prescription drugs not covered under that program, eyeglasses, and hearing aids; to the Committee on Ways and Means.

By Mr. LANDGREBE:

H.R. 16611. A bill to authorize and direct the establishment of the Hoosier Prairie National Nature Preserve; to the Committee on Interior and Insular Affairs.

By Mr. MEEDS (for himself, Mr. Daniels of New Jersey, Mr. Esch, Mr. Perkins, Mr. Quie, Mrs. Green of Oregon, Mr. Steiger of Wisconsin, Mr. Thompson of New Jersey, Mr. Forsythe, Mr. Dent, Mr. Veysey, Mr. Pucinski, Mr. Peyser, Mr. Brademas, Mr. Bell, Mr. Hawkins, Mr. Dellenback, Mr. William D. Ford, Mr. Hansen of Idaho, Mrs. Mink, Mr. Kemp, Mr. Scheuer, Mr. Carlson, Mr. Burton, and Mr. Gaydos):

H.R. 16612. A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Daniels of New Jersey, Mr. Esch, Mr. Clay, Mrs. Chisholm, Mr. Biaggi, Mrs. Grasso, Mrs. Hicks of Massachusetts, Mr. Mazzoli, Mr. Badillo, Mr. Pike, Mr. Rees, Mr. Roy, Mr. Fulton, Mr. Pepper, Mr. Eilberg, Mr. Hammerschmidt, Mr. Cleveland, Mr. Dingell, Mr. Riegle, Mr. Matsunaga, Mr. Moss, Mr. Nix, Mr. O'Neill, and Mr. Nedzi):

H.R. 16613. A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MEEDS (for himself, Mr. Daniels of New Jersey, Mr. Esch, Mr. Rodino, Mr. Ruppe, Mr. Schwengel, Mr. Begich, Mr. Bingham, Mr. Wyatt, Mr. Halpern, Mr. Hanley, Mr. Harrington, Mr. Hicks of Washington, Mr. Roush, Mr. Coughlin, Mr. Kastenmeier, Mr. McDade, Mr McKay, and Mr. Obey):

H.R. 16614. A bill to expand the Youth Conservation Corps pilot program, to authorize assistance for similar State programs, and for other purposes; to the Committee on Education and Labor.

By Mr. MIZELL:

H.R. 16615. A bill to aid the conservation of natural water resources and protect the scenic New River by prohibiting the Federal licensing of the construction of certain types of projects on or directly affecting a certain portion of the New River in North Carolina and Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS:

H.R. 16616. A bill to authorize the Midland and local protection project, Kentucky; to the Committee on Public Works.

By Mr. PEYSER (for himself and Mr. Anderson of Illinois, Mr. Badillo, Mr. Bell, Mr. Clay, Mr. Collins of Illinois, Mr. Forsythe, Mr. Heinz, Mr. Kemp, Mr. Landgrebe, Mr. Lent, Mr. McClory, Mr. Mazzoli, Mr. Michel, Mr. Murphy of New York, Mr. Robison of New York, and Mr. Waggonner):

H.R. 16617. A bill to prevent the use of heroin for any drug maintenance program; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 16618. A bill to amend the Internal Revenue Code of 1954 to provide that there shall be allowed as an increase tax deduction those contributions on the part of civil service employees toward personal retirement annuities; to the Committee on Ways and Means.

By Mr. PURCELL (for himself and Mr. Pickle):

H.R. 16619. A bill to authorize the Secretary of Agriculture to reimburse owners of equines and accredited veterinarians for certain expenses of vaccinations incurred for protection against Venezuelan equine encephalomyelitis; to the Committee on Agriculture.

By Mr. REID:

H.R. 16620. A bill to strengthen and expand the Headstart program, with priority to the economically disadvantaged, to amend the Economic Opportunity Act of 1964, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHNEEBELI:

H.R. 16621. A bill to amend the Internal Revenue Code of 1954 to preserve an estate tax charitable deduction when there is a failure to take against the will by the surviving spouse; to the Committee on Ways and Means.

By Mr. STAGGERS (for himself and Mr. Springer):

H.R. 16622. A bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mrs. Abzug, Mr. Badillo, Mr. Bell, Mrs. Chisholm, Mr. Fraser, Mr. Frenzel, Mr. Goldwater, Mr. Gude, Mr. Halpern, Mr. Harrington, Mr. Hathaway, Mr. Heinz, Mr. Helstoski, and Mr. Horton):

H.R. 16623. A bill to amend the Clean Air Act to prohibit tampering with any device or element of design installed in or on a motor vehicle or motor vehicle engine in compliance with regulations under section 202 of the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE (for himself, Mr. Kemp, Mr. Mailliard, Mr. Pepper, Mr. Podell, Mr. Mann, Mr. Rangel, Mr. Riegle, Mr. Rees, Mr. Robinson of Virginia, Mr. Rodino, Mr. Scheuer, Mr. Schwengel, and Mr. Ware):

H.R. 16624. A bill to amend the Clean Air Act to prohibit tampering with any device or element of design installed in or on a motor vehicle or motor vehicle engine in compliance with regulations under section 202 of the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMSON of Wisconsin:

H.R. 16625. A bill to amend title XVIII of the Social Security Act to authorize payment under the supplementary medical insurance program for periodic flu shots; to the Committee on Ways and Means.

By Mr. PERKINS:

H.J. Res. 1298. Joint resolution to authorize the President to designate the period March 4, 1973, through March 10, 1973, as "National Nutrition Week"; to the Committee on the Judiciary.

By Mr. SHIPLEY:

H.J. Res. 1299. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty in certain cases; to the Committee on the Judiciary.

By Mr. DERWINSKI (for himself, Mr. Crane, and Mr. Collier):

H. Con. Res. 699. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding payment from educated and skilled Jews who desire to emigrate to Israel: to the Committee on Foreign Affairs.

By Mr. GREEN of Pennsylvania:

H. Con. Res. 700. Concurrent resolution expressing the sense of the Congress that all American aid, loans, commerce, and air service to the host countries of guerrilla groups responsible for acts of international terrorism and to the countries offering sanctuary to and refusing to extradite or prosecute such groups should be terminated; to the Committee on Foreign Affairs.

By Mr. MOSS (for himself, Mr. Johnson of California, and Mr. Leggett):

H. Con. Res. 701. Concurrent resolution commending the 1972 U.S. Olympic team for their athletic performance and Mark Andrew Spitz, in particular, for his unparalleled achievement in the 1972 Olympic games in Munich, Germany; to the Committee on the Judiciary.

By Mr. NIX:

H. Con. Res. 702. Concurrent resolution expressing the sense of Congress that the United Nations should impose sanctions against countries harboring terrorists; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. McFALL:

H.R. 16626. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 16627. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 16628. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. SHRIVER:

H.R. 16629. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 16630. A bill to provide for the payment of death benefits in lieu of servicemen's group life insurance benefits to the eligible survivors of certain individuals killed while participating in the Air Force Reserve Officers' Training Corps flight instruction program; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 16631. A bill for the relief of William M. Kornman; to the Committee on the Judiciary.

SENATE—*Monday September 12, 1972*

The Senate met at 9 a.m. and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, giver of every good and every perfect gift, Thou hast blessed the Nation with great natural and human resources and through toil of hand and brain has made us stewards of great wealth. Guide us now, that in sharing the wealth of a common treasury we may also share the wealth of our spiritual heritage.

We beseech Thee, O Lord, so to dispose our hearts that we may distribute the revenue of the mind and heart, the lofty idealism of the Founding Fathers, a new sense of national purpose, and a common dedication to truth, to justice, and to brotherhood.

Show us that we must first be our brother's brother before we can become our brother's keeper. Replace all covetousness and jealousy with trust and love. Draw all citizens together in the comradeship of patriots, in the fellowship of the Spirit, and in the bonds of peace.

In the Redeemer's name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a comunication to the Senate from the President pro tempore (Mr. Eastland).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 12, 1972.
To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, September 11, 1972, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services; the Committee on Commerce; the Committee on Public Works; the Subcommittee on Indian Affairs of the Committee on Interior and Insular Affairs; the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary; the Subcommittee on Internal Security of the Committee on the Judiciary; and the Subcommittee on Compensation and Pensions of the Committee on Veterans' Affairs may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1044 and 1045.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SGT. GARY L. RIVERS

The bill (H.R. 12638) for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1101), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to relieve Sgt. Gary L. Rivers, U.S. Marine Corps, retired, of liability of $1,153.86 for overpayments of compensation during his period of active service.

STATEMENT

The facts of this case, as contained in House Report 92–1137, are as follows:

The Comptroller General in his report to the committee on the bill indicated that the General Accounting Office would have no objection to the bill with the amendments recommended by the committee.

Sergeant Rivers enlisted in the Marine Corps on December 17, 1963, and reported for active duty on December 27, 1963. He was promoted to E–2 on July 16, 1964; to E–3 on April 1, 1965; to E–4 on April 16, 1966; and to E–5 on March 20, 1967. On May 12, 1967, he reenlisted for 4 years and was paid a reenlistment bonus of $1,034.40 (basic pay of $258.60 times 4 years) and was authorized a variable reenlistment bonus, multiple of two, for a total of $2,068.80 to be paid in four equal installments of $517.20. The first installment was paid on May 12, 1967, and the second installment was paid on May 12, 1968.

Sergeant Rivers had four tours of foreign duty; (1) between June 20, 1964, and February 9, 1965, at Vieques Island, P.R.; (2) from July 18, 1965, to July 30, 1966, in Southeast Asia which included Vietnam service from July 24, 1965, through June 30, 1966; (3) from November 29, 1966, through May 1, 1967, at Guantanomo Bay, Cuba; and (4) from April 14, 1968, through October 6, 1968, in Southeast Asia and Vietnam. He was wounded in action on September 20, 1968, and evacuated to the U.S. Naval Hospital, Philadelphia, Pa., reporting on October 7, 1968. He was ordered home to await retirement orders on June 13, 1969. On July 21, 1969, he was released from active duty and transferred to the permanent disability retired list, effective July 22, 1969, with a 100-percent disability. Effective November 1, 1969, he waived his retired pay in full in favor of Veterans' Administration compensation.

During the period Sergeant Rivers was hospitalized, he was authorized to be paid the balance of his variable reenlistment bonus in a lump sum. On November 26, 1968, he was erroneously paid $1,710 instead of $1,034,40 ($517.20 times 2).

Sergeant Rivers' regular pay record opened July 1, 1968, at his overseas activity apparently did not accompany him when he was evacuated to the United States and the disbursing officer at the U.S. Naval Hospital, Philadelphia, Pa., opened a temporary pay record at his request based on information furnished by him. The temporary pay record covered the periods from July through December 1968, from January through June 1969, and from July 1 to 21, 1969.

On recovery of the original pay record closed December 31, 1968, the Examination Division, Marine Corps Finance Center, adjusted the temporary pay record based on entries on the original pay record. They found that a savings bond (B) allotment for $18.75 per month, a savings (S) allotment for $20 per month, and a charity (C) allotment of $3 per month had been omitted from the temporary pay record. A copy of the adjusted temporary pay record was forwarded to the disbursing officer on May 20, 1969, showing that Sergeant Rivers had been overpaid $239.31 and containing a notation to adjust the renewed temporary pay record opened January 1, 1969. However, the temporary pay records for the period from January 1, 1969, through July 21, 1969, were closed by the disbursing officer and submitted to the Marine Corps Finance Center without the necessary adjustments being made.

A complete analysis of Sergeant Rivers' pay record account shows him to be indebted by reason of the following errors:

1. Adjusted temporary pay record closed December 31, 1968, shows member overpaid $239.31 which amount was not brought forward to temporary pay record opened January 1, 1969	$239.31
2. Member was paid the balance of his variable reenlistment bonus installment in the amount of $1,710, whereas correct amount due was $517.20 times 2 or $1,034.40	675.00
3. Savings bond (B) allotment of $18.75 per month, and savings (S) allotment of $20 per month, not charged against earned pay for the period January through June 1969 ($38.75 times 6)	232.50
4. Member was on unauthorized absence between April 7 and 9, 1969, a period of 3 days, which is considered lost time and necessitates recoupment of a pro rata share of the reenlistment bonus and variable reenlistment bonus paid	6.45
Total amount of indebtedness	1,153.86

Sergeant Rivers is 100-percent disabled due to the loss of his right arm, his right leg and his left eye. He has a family to support and the Comptroller General has reported to the committee that there is no evidence that he has any income other than his veteran's disability compensation. The Comptroller General has stated that the General Accounting Office has no objection to favorable consideration of the bill. The committee feels that under these circumstances, legislative relief is clearly merited. It is recommended that the amended bill be considered favorably.

In agreement with the views of the House of Representatives the committee recommends that the bill be favorably considered.

STATE OF IOWA—CITY OF CLINTON BRIDGE COMMISSION

The Senate proceeded to consider the bill (S. 3822) authorizing the City of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State Highway Commission of the State of Iowa, which had been reported from the Committee on Public Works with an amendment, on page 5, after line 17, insert: "No toll shall be charged officials or employees of the highway commission, nor shall toll be charged officials of the Government of the United States while in the discharge of duties to their office or employment, nor shall toll be charged members of the fire department or peace officers when engaged in the performance of their official duties."; so as to make the bill read:

S. 3822

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to facilitate interstate commerce by expediting the completion of interstate bridge facilities across the Mississippi River in the vicinity of the city of Clinton, Iowa, the City of Clinton Bridge Commission (hereafter referred to as the "commission"), created and operating under the Act approved December 21, 1944, as revived, amended, and reenacted, is hereby authorized to sell, convey, and transfer to the State of Iowa all of its real and personal property, books, records, money, and other assets, including all existing bridges for vehicular traffic crossing the Mississippi River at or near the city of Clinton, Iowa, and the substructure constituting the partially constructed new bridge which has been designed to replace the older of the two existing vehicular bridges, together with all easements, approaches, and approach highways appurtenant to said bridge structures, and to enter into such agreements with the State Highway Commission of the State of Iowa (hereafter referred to as the "highway commission"), and the Department of Transportation of the State of Illinois as may be necessary to accomplish the foregoing: *Provided, however,* That at or before the time of delivery of the deeds and other instruments of conveyance, all outstanding indebtedness or other liabilities of said commission must either have been paid in full as to both principal and interest or sufficient funds must have been set aside in a special fund pledged to retire said outstanding indebtedness or other liabilities and interest thereon at or prior to maturity, together with any premium which may be required to be paid in the event of payment of the indebtedness prior to maturity. The cost to the highway commission of acquiring the existing bridge structures by the State of Iowa shall include all engineering, legal, financing, architectural, traffic surveying, and other expenses as may be necessary to accomplish the conveyance and transfer of the properties, together with such amount as may be necessary to provide for the payment of the outstanding indebtedness or other liabilities of the commission as hereinbefore referred to, and permit the dissolution of the commission as hereinafter provided, less the amount of cash on hand which is turned over to the highway commission by the commission.

SEC. 2. The highway commission is hereby authorized to accept the conveyance and transfer of the above-mentioned bridge structures, property and assets of the City of Clinton Bridge Commission on behalf of the State of Iowa, to complete the construction of the new replacement bridge, to repair, reconstruct, maintain, and operate as toll bridges the existing bridges so acquired until the new replacement bridge has been completed, to dismantle the older of the two existing bridges upon completion of the new replacement bridge, and to thereafter repair, reconstruct, maintain, and operate the two remaining bridges as toll bridges. There is hereby conferred upon the highway commission the right and power to enter upon such lands and to acquire, condemn, occupy, possess, and use such privately owned real estate and other property in the State of Iowa and the State of Illinois as may be needed for the location, construction, reconstruction, or completion of any such bridges and for the operation and maintenance of any bridge and the approaches, upon making just compensation therefor to be ascertained and paid according to the laws of the State in which such real estate or other property is situated, and the proceedings therefor shall be the same as in the condemnation of private property for public purposes by said State. The highway commission is further authorized to enter into agreements with the State of Illinois and any agency or subdivision thereof, and with any agency or subdivision of the State of Iowa, for the acquisition, lease, or use of any lands or property owned by such State or political subdivision.

The cost of acquiring the existing bridge structures, of completing the replacement bridge and of dismantling the bridge to be replaced and paying expenses incidental thereto as referred to in section 1 of this Act may be provided by the highway commission through the issuance of its revenue bonds pursuant to legislation enacted by the General Assembly of the State of Iowa, or through the use of any other funds available for the purpose, or both. The above described toll bridge structures shall be repaired, reconstructed, maintained, and operated by the highway commission in accordance with the provisions of the General Bridge Act of 1946, approved August 2, 1946, and the location and plans for the replacement bridge shall be approved by the Secretary of Transportation in accordance with the provisions of said Act, as well as by the Department of Transportation of the State of Illinois. The rates and schedule of tolls for said bridges shall be charged and collected in accordance with said General Bridge Act of 1946 and applicable Iowa legislation and shall be continuously adjusted and maintained so as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridges and approaches under economical management, to provide a fund sufficient to pay the principal of and interest on such bonds as may be issued by the highway commission as the same shall fall due and the redemption or repurchase price of all or any thereof redeemed or repurchased before maturity, and to repay any money borrowed by any other means in connection with the acquisition, construction, reconstruction, completion, repair, operation, or maintenance of any of said bridge structures. All tolls and other revenues from said bridges are hereby pledged to such uses. *No toll shall be charged officials or employees of the highway commission, nor shall toll be charged officials of the Government of the United States while in the discharge of duties to their office or employment, nor shall toll be charged members of the fire department or peace officers when engaged in the performance of their official duties.* No obligation created pursuant to any provision of this Act shall constitute an indebtedness of the United States.

SEC. 3. After all bonds or other obligations issued or indebtedness incurred by the highway commission or loans of funds for the account of said bridges and interest and premium, if any, have been paid, or after a sinking fund sufficient for such payment shall have been provided and shall be held solely for that purpose, the State of Iowa shall deliver deeds or other suitable instruments of conveyance of the interest of the State of Iowa in and to those parts lying within Illinois of said bridges to the State of Illinois or any municipality or agency thereof as may be authorized by or pursuant to law to accept the same, and thereafter the bridges shall be properly repaired, reconstructed, maintained, and operated, free of tolls by the State of Iowa and by the State of Illinois, or any municipality or agency thereof, as may be agreed upon.

SEC. 4. The interstate bridge or bridges purchased, constructed, or completed under the authority of this Act and the income derived therefrom shall, on and after the effective date of this Act, be exempt from all Federal, State, municipal, and local property and income taxation.

SEC. 5. After all of the property, books, records, money, and other assets of the City of Clinton Bridge Commission have been conveyed and transferred to the State of Iowa as contemplated by this Act, such commission shall cease to exist, without the necessity for any hearing, order, or other official action.

SEC. 6. The right to alter, amend, or repeal this Act is hereby expressly reserved.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1102), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

COMMITTEE AMENDMENT

The 1944 act (P.L. 78–526) which created the City of Clinton Bridge Commission provided that "no toll shall be charged officials or employees of the Commission, nor shall toll be charged officials of the Government of the United States while in the discharge of duties incident to their office or employment, nor shall toll be charged members of the fire department or peace officers when engaged in the performance of their official duties." The Federal Highway Administration recommended that the same provision be incorporated in this measure. The Committee believes that it would not be proper to exact charges for official use of this structure and accordingly has added this provision as an amendment to the bill.

The Committee notes also that other amendments recommended by the Federal Highway Administration during the drafting of the bill have been included in the bill before it was introduced.

GENERAL STATEMENT

The Clinton Bridge Commission is a Federal bridge commission created December 21, 1944, by Public Law 526–78 which authorized the Bridge Commission to construct, maintain and operate bridges for vehicular traffic across the Mississippi River at or near the cities of Clinton, Iowa, and Fulton, Illinois. The Bridge Commission presently owns and operates at this location two toll bridges commonly referred to as the Gateway Bridge and the Old North Bailey Bridge. Because the latter is substandard and has been deteriorating rapidly, a replacement bridge is in the process of being constructed. Unfortunately, however, the Bridge Commission has been unable to secure funds necessary to complete the new structure.

Three factors apparently account for the failure to secure necessary funds: (1) limitations on bridge revenues; (2) a legally-fixed 6% rate of interest on bonds issued by the Bridge Commission; and (3) a ruling by the Internal Revenue Service that the interest on bonds issued by the Bridge Commission are subject to Federal taxation.

After the Bridge Commission undertook construction on the new bridge, it discovered that it was unable to market bonds to support its entire cost. A loan to complete the substructure of the bridge was obtained with the intent of borrowing additional amounts for other sections of the bridge after the first obligation has been paid. Construction has been halted for several years, however, and the Bridge Commission has made little progress in securing essential financing. In the meantime, structural safety of the Old North Bridge continues to be of growing concern.

The Bridge Commission has been unable to devise a workable plan to proceed with the project under its interest rate and revenue limitations. This bill would allow the Highway Commission of the State of Iowa to assume complete responsibility for operating and maintaining the existing bridges, completing construction on the new structure, removing the old bridge, and operating the two remaining crossings as toll facilities until all outstanding obligations have been paid or a sinking fund sufficient for retiring outstanding obligations has been established. Thereafter, the bridges would be operated as toll free facilities and would be maintained under agreements to be reached by the States of Iowa and Illinois. The Clinton Bridge Commission would cease upon conveyance of bridge structures, property and assets to the Highway Commission of the State of Iowa.

Legislation passed during the 64th General Assembly of the State of Iowa authorized the Iowa Highway Commission to assume responsibility for completing this project. The Committee believes that this would be a feasible undertaking. Since the interest on bonds issued by the Highway Commission would not be subject to Federal taxation, they could be sold at lower cost.

The Clintom situation appears to be unique; existing federal statutes do not contemplate either the acquisition of existing bridge structures by the State of Iowa or the completion of the partially built structure. Passage of this bill would help solve a critical financing problem and provide the required consent of Congress for completing an interstate bridge over navigable waters.

The Committee understands that the Iowa Highway Commission and the Clinton Bridge Commission are in favor of this legislation. Included in this report are copies of letters received by Senator Miller from these two agencies.

COST OF LEGISLATION

There would be no cost to the Federal Government by the enactment of S. 3822. The total financial obligation would be borne by the State of Iowa until construction of the new bridge is completed and all outstanding obligations are either paid or an adequate sinking fund established to retire them. Thereafter, the cost of maintaining and operating both bridges as toll free facilities would be the task of the States of Iowa and Illinois according to an agreement between the two States.

HEARINGS

Although no formal hearings were held on the bill, Senator Miller, sponsor of the legislation, appeared in executive session of the Committee to explain its terms and purpose. The Senator also presented supporting documents for the Committee's consideration.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting Republican leader desire recognition at this time?

Mr. HANSEN. No, I do not.

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, the Chair recognizes the distinguished Senator from Texas (Mr. BENTSEN) for 15 minutes.

UNEMPLOYMENT IN THE UNITED STATES

Mr. BENTSEN. Mr. President, I rise today to address myself to a problem which has plagued that Nation for the past 2½ years, but one which must continue to claim our most serious attention. I am talking about the lack of jobs for Americans who want to work.

In the past few months, much of the economic news has been favorable, which has been a result of programs, policies, and authorities given to the President by a Democratic Congress and urged upon him by a Democratic leadership.

The rapid growth of real output and the reduction in the rate of inflation during the second quarter of this year indicates that we are at last beginning to experience a true recovery from the recession of 1969 and 1970. However, despite these gains, we have not made a significant gain in the reduction of unemployment in this Nation. After enduring an unemployment rate at the unreasonably high rate of 6 percent for a year and a half, in June we saw it go down to 5½ percent, but in August it crept back up to 5.6 percent.

But far more alarming to me than the August increase are the statements of administration spokesmen about the building of excess demand and the need for restraints to prevent rekindling the flames of inflation.

Mr. President, this Nation still has almost 5 million people unemployed and is using only 76 percent of its manufacturing capacity. We are a long way from having shortages of plant and labor that would cause price escalations. Having finally adopted an expansionary monetary and fiscal policy, let us not repeat the mistakes of the 1950's and put the brakes on too soon. In both 1955 and 1959 healthy recoveries from recessions were underway. Restraints were imposed too quickly and both recoveries were prematurely terminated. In the case of the 1959 recovery, the economy was heading back down within a year. During the present upswing, there will be a time for restraints to be imposed, but that time has not yet arrived.

Mr. President, in 1969 a recession was created by policies in Washington. We must not allow the present recovery to stagnate in 1973, because of those same policies. Instead, we should make a commitment to be satisfied with nothing less than 4 percent unemployment as an interim goal and set a national, long-range unemployment goal of no more than 3 percent. This is the recommendation of the Joint Economic Committee in its midyear report—a document I recommend to my colleagues on both sides of the aisle.

The President has said that this Nation must remain No. 1 in the world economically. I wholeheartedly agree with him on that. But if we are to remain No. 1 and compete against other nations, let us take a look at how we use our manpower as compared to those other nations.

The unemployment rate in Japan in 1971 was 1.3 percent. Here we have ours at 5.6 percent. It was 2.7 percent in France, 1.6 percent in Australia, 3.4 percent in Italy, and in West Germany, the unemployment rate was less than 1 percent. I am totally convinced, as I am sure every Member in this Chamber is, that ours is the best form of government and that our economy is envied around the world. Yet in the employment of human resources, other nations have done a better job than we have. We just must start making better utilization and more efficient use of our human resources if we are to compete in the world today.

Yet, the administration wll not make a commitment to achieving even the 4 percent unemployment level which was advocated by President Eisenhower's Commission on National Goals in 1960. In fact, the only time the administration mentions the 4-percent figure is in its calculation of the so-called full employment budget. A "full employment budget" calculation can be a useful device in analyzing Federal expenditures. But it is only useful if one intends to achieve that level of unemployment at some point. The administration has yet to say when, if ever, it intends to achieve it. The President's economic advisers prefer to talk about unemployment in the neighborhood of 5 percent and hint that it may no longer be possible to achieve 4 percent and maintain acceptable price stability.

Let us dwell for just a moment on what settling for 5 percent instead of 4 percent unemployment means. It means the Nation as a whole will be giving up $35 billion of economic growth every year. It means giving up $10 billion a year in profits for our businesses. It means giving up $10 to $12 billion a year in Federal tax revenues which we badly need. But most importantly, it means telling almost 1 million Americans who want to earn their own living, who want to stand tall, who want to support their families, and who want to contribute to our society, that their society has no productive work for them to do—that their economy has no jobs for them.

Administration witnesses have testified before the Joint Economic Committee that because more women and young people are seeking jobs, our labor force has undergone a basic structural change making low unemployment far more difficult. Mr. President, I reject the notion out of hand that women and the young are inherently less employable. In fact, they are more highly skilled today than at anytime in our history. If they are educated and skilled in the wrong fields, this is a challenge which our educators can and must meet. It is not a reason for throwing up our hands and settling for the status quo. The unemployment rate for Vietnam veterans is 7.7 percent. Would any Member of this body care to tell one of those young men he is not needed, because there is no demand for a good machinegunner in the civilian job market?

Mr. President, I have been shown job application sheets and the requests for people to come to work that appear in the want ads. The trouble with this simplification is that we have not fitted these people for the available jobs and given them the kind of education and training they ought to have.

Mr. President, while there are some differences between our economy and the countries of West Germany, France, and Japan, the low levels of unemployment in these countries—substantially lower than 3 percent—convinces this Senator that a 3-percent unemployment level is a realistic goal for the United States.

There are those who would try to dismiss talk about high unemployment as election year politics. But the Committee for Economic Development released in July a publication entitled, "High Employment Without Inflation," part of which insisted:

> We thus emphatically reject the advice of those who would have us give up the battle for simultaneous achievement of high employment and price stability even before a comprehensive effort has been mounted to win the battle.

The document goes on to set a goal of reducing unemployment until the number of job openings matches the number of those seeking jobs at reasonable wages. Mr. President, the Committee for Economic Development is composed of 200 presidents of corporations and universities. As a former member, I can assure the Senate they are not all Democrats.

The normal expansion of our economy if supported by a proper balance of fiscal and monetary policy should bring us close to the interim goal of a 4-percent unemployment level. As President Kennedy once said, "A rising tide lifts all boats." Past experience has demonstrated that a vigorous expansion helps many of the so-called structurally unemployed to find jobs when they would have otherwise been passed over. And, we know that when vacancies are more abundant, transitional unemployment is also reduced, because it takes less time to find a job.

To lower unemployment below 4 percent and to reach those groups in our society who have always suffered high unemployment we must continue to break down the barriers of discrimination, language, and lack of training which hinder their entry into the labor force. Their initial entry will require a healthy dose of public service employment. Publicly financed employment is more productive for both the individuals involved and the society which pays for it than continually extending unemployment benefits and providing welfare to those who can and want to work. This public employment must not be dead end, make-work but rather, employment which provides training and experience for eventual entry into the private job market. For, while this public employment will be a necessary interim measure, we must continue to seek ways of increasing private employment to insure that the private sector expands rapidly enough to absorb our growing labor force. The suggestion of the Labor Department that the present high unemployment can be excused, because we have more people employed today than ever before is like saying we do not have a drug problem, because we have more nonaddicts this year than last. When we have a growing population, it is obvious that we are always going to have more people at work. Mr. President, the question is, Do we have enough?

We must continue to seek ways of stabilizing private employment to insure that when hard times do come, the payroll is not the first item cut. A job is more than another item on the debit side of an income statement. These efforts may require new and creative approaches, but it is a job which must be done. We must not allow a high level of unemployment to become an accepted condition of American life.

Mr. President, I yield back the remainder of my time.

TRANSACTION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Under the previous order, there will now be a period for the transaction of routine morning business for 15 minutes, with a limit of 3 minutes on the statements therein.

UNEMPLOYMENT IN THE UNITED STATES

Mr. HANSEN. Mr. President, while the distinguished Senator from Texas is still on the floor, I wonder if he would have time to exchange views with me for a few moments.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. BENTSEN. The Senator from Texas would be very willing to exchange views with the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I am very much impressed with the concern that has been shown on repeated occasions by the distinguished Senator from Texas. I would like to ask the Senator from Texas what his views are. He touched upon two subjects inferentially—on those persons who have few skills and thus find it difficult to get into the labor market, and the impact that discrimination may have on employment.

With respect to those subjects, I would like to ask my distinguished colleague if he feels that there may be a difference in contrasting the economy and the employment policy of the United States with that of the other countries around the world. I believe that the Senator mentioned Japan, France, West Germany, Italy, and I have forgotten the others, each of which, as I recall, has a lower level of unemployment than we have in this country.

My question is whether the distinguished Senator from Texas feels that the great difference between wages paid in this country and the wages paid in those other countries may be a factor in our being able to compete in the American market with American made goods as contrasted to those coming from abroad.

Mr. BENTSEN. Mr. President, I would say to the distinguished Senator from Wyoming that that gap is narrowing with each year and that wage rates in those countries that have been enumerated have escalated substantially faster in the last 5 years than they have in this country.

One of the problems we run into is, for example, let us take the country of Japan. Between the years 1967 and 1970, wage rates went up at a compounded rate of 15.1 percent a year but productivity went up 14.9 percent a year, so the unit cost basis remains almost constant.

There are differences in the economics of those countries and our economy, but I chose a wide breadth and spectrum of countries to cite. Each of them has its advantages and disadvantages, as compared to our economy. For example, we could get into the question of natural resources as between our country and Japan. We can find many differences but I think the pluses and minuses finally balance themselves out and I think one can be correlated to the other, and we must use our resources, both human and natural, more efficiently than we have.

Mr. HANSEN. I wish to ask the distinguished Senator from Texas if it is not true that a number of multinational corporations that operated in the past in this country are going abroad. We had testimony before the Committee on Finance indicating that is the case, despite the fact that wage scales have been rising, as the Senator accurately pointed out, in Japan and in other countries around the world. Germany is an example of one country. There is still a wide disparity between American salaries and salaries paid in other countries. I know this is true with respect to steel.

Despite the fact that the gap is closing between Japanese and American steel, there is a wide separation there, and as a consequence, I have been inclined to note that multinational corporations which are operating in the United States are being forced to go abroad. They are moving abroad, I am told, simply because there is such a great difference between wages paid in the United States and wages paid in any other country in the world. I am told that the reason for their moving some of their operations abroad—it is true in the electronics industry and in many other industries—is purely and simply because there is so much difference between wages paid in those countries and wages paid here, and so much difference between the relative cost of production over there as compared with the relative cost of production here.

Mr. BENTSEN. I would say to the distinguished Senator from Wyoming that I think when they give that answer it is much too simplistic. The rest of the story must be told.

I think in a number of those instances one sees advantages our own tax structure has given them to go abroad. We will have to take a close look at this as we look at our tax structure in coming years.

Mr. HANSEN. I am told that in recent years we lost 100,000 jobs in the textile industry, an industry noted in the past for providing employment for those with few labor skills, and particularly for minorities in America. I am disturbed and distressed, as I suppose many others are, that here is an industry that has historically provided the first job opportunity for many people. They have not always stayed in the textile industry, but that has been their first job and their first opportunity for gainful employment. Yet for a number of reasons, some of which include the unavailability of newer, technologically sophisticated machinery used in the textile industry and the fact that we have minimum wages in this country that far exceed by a magnitude of 10 times those paid in the Far East and in some European countries, we are losing jobs instead of gaining jobs in this country as we rely more and more on foreign exports, fabrics, and textiles. At the same time we witness a further deterioration in the textile industry.

Does my friend have any feelings on that?

Mr. BENTSEN. I recognize some of the problems raised by my distinguished friend, but I believe that there are better ways to approach the problem than we have used thus far. We could do some of the things Japan does, for example. They do not export their jobs, but their production. There one sees government assist business, not by giving the the tax havens in Japan, but by assisting them with long-term credits to be able to sell and to keep their jobs at home.

That kind of cooperation rather than a tax break is a much more meaningful way and would help employment in this country.

The PRESIDING OFFICER (Mr. MOSS). The time of the Senator from Wyoming has expired.

Mr. MANSFIELD. Mr. President, if the Chair will recognize me, I yield my 3 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for an additional 3 minutes.

Mr. BENTSEN. Mr. President, the other problem the Senator from Wyoming addressed himself to is the question of lack of skills sometimes matching job opportunities. In this country we must do a great deal more to make people recognize that every job has an excellence in it; and not every person in this country needs to go to college. Of all job opportunities, three-fourths of them do not require a college degree. So we have to have some pride in crafts that require handwork. I think we have to reinstill that principle. We must spend a great deal more on vocational education than we have in the past. I can give an example for the Senator. In my State, officials of the Texas State Technological Institute, a vocational school which I visited, said 93 percent of their graduates had been receiving welfare in one form or another; that they are now receiving an average of six job offers apiece as they graduate; they were good jobs, and they were becoming contributing members of our society. This is where we can help.

In addition, I think every man who wants to work should be able to work. I think that is an obligation of our Government, and if we have to provide interim employment until we can fit a person into the private employment sector, we should do it. I think there should be jobs available for every able-bodied man who wants to work.

Mr. HANSEN. Mr. President, I find that I share a great many views with my colleague from Texas. I would like to make one further observation.

It is true that Japan does a far better job in encouraging and assisting industry than our Government does in assisting American industry. I am told that 80 percent of the capital investment in manufacturing in Japan comes from the Japanese Government, contrasted with 20 percent in this country. From this one can get some idea of the Government's attitude toward business in both Japan and in the United States.

Second, it should be observed that Japan has undertaken worldwide ranging surveys of markets and market potentials for its products. Instead of looking askance at business, as we seem so eager to do in this country, the Japanese Government encourages business to sort of divide up the world in order to have one industry concentrate on a particular product in one place and another manufacturing operation concentrate in another place. In this country we bend over backward to see if we can find different ways to harass business.

I am for treating business fairly and impartially, but I think we have gone off the deep end to see how difficult we can make it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, if the Chair will recognize me, I yield my 3 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 3 additional minutes.

Mr. HANSEN. Mr. President, I think that in this country we have gone too far overboard in making it difficult for business to operate; not that we should not try to enforce all the laws on the books in this country, but rather that we should be more keenly aware, as the distinguished Senator from Texas pointed out, of the end result of some of our attitudes.

Actually, we have a great need for many kinds of services in this country. We in the United States look demeaningly on essential service jobs which are respected and held in high esteem elsewhere around the world. I think that is too bad.

It is also important to recognize that if we are to compete with the Japanese, the West Germans, the French, the Italians, or the people of any other country, I think we have got to recognize that the governments in those nations have been working hand in hand with the manufacturers and have been trying their very best to expand the opportunity for sales, and as a result make more jobs available.

I thank my distinguished colleague for bringing to our attention a very important subject, and I thank the distinguished assistant majority leader for yielding his time to me.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Need for a National Earthquake Research Program" (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HART, from the Committee on Commerce, without amendment:

H.R. 13025. An act to amend the Act of May 19,1948, with respect to the use of real property for wildlife conservation purposes (Rept. No. 92–1108).

By Mr. MUSKIE, from the Committee on Government Operations, with amendments:

S. 3140. A bill to improve the financial management of Federal assistance programs to facilitate the consolidation of such programs; to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation (Rept. No. 92–1109).

By Mr. FANNIN (for Mr. ANDERSON), from the Committee on Interior and Insular Affairs, without amendment:

H.R. 7701. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico (Rept. No. 92–1110).

By Mr. FANNIN (for Mr. METCALF), from the Committee on Interior and Insular Affairs, without amendment:

H.R. 10702. An act to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community (Rept. No. 92–1111).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAYH:

S. 3979. A bill to establish an independent Board of Parole, to provide for fair and equitable Federal parole procedures, to study the parole procedures provided for released prisoners, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. MOSS (for himself, Mr. MCGEE, and Mr. HANSEN):

S. 3980. A bill for the relief of William Allen, and Marie Allen, his wife, Rock Springs, Wyo. Referred to the Committee on Interior and Insular Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOUTIONS

By Mr. BAYH:

S. 3979. A bill to establish an independent Board of Parole, to provide for fair and equitable Federal parole procedures, to study the parole procedures provided for released prisoners, and for other purposes. Referred to the Committee on the Judiciary.

PAROLE REORGANIZATION AND REFORM ACT OF 1972

Mr. BAYH. Mr. President, I am introducing today the "Parole Reorganization and Reform Act of 1972," which is designed to restructure and reform the U.S. Board of Parole. While this bill will directly affect only those offenders who are incarcerated in the Federal prison system, it should serve as a useful model to the States in their efforts to improve parole procedure. The Federal prison system has traditionally been viewed as a leader in prison reform, and I hope that this bill will place the U.S. Board of Parole in a similar position of leadership.

Since its inception 95 years ago in New York, parole has become an integral part of correctional and rehabilitative efforts. As currently constituted, there are three principal elements in the parole process. The first is the courts and the prison system which supply information about individual offenders. The second element is the Parole Board which uses that information to decide who should be released, under what conditions of parole, and when to revoke parole. The third element is the probation officers who supervise parolees as well as probationers. The legislation which we are introducing today touches all parts of the process but deals primarily with the Parole Board because it has primary responsibility.

Last year, the Board held approximately 12,000 hearings and made an additional 5,000 determinations based upon written progress reports. This tremendous volume of decisions was accomplished by eight board members and eight hearing examiners on a budget of approximately $1.2 million. Such an enormous number of decisions reached on such minimal resources has frequently resulted in methods of action which often appear arbitrary or casual. The Board has not established detailed rules or standards to guide its decision-making process. Neither does it follow the philosophy of stare decisis and thus develop general standards on a case-by-case basis. The most specific decisional standard is the statutory provision, that the Board "may in its discretion" release a prisoner on parole if it finds "a reasonable probability that such prisoner will live and remain at liberty without violating the laws" and that "such release is not incompatible with the welfare of society." The Board has never publicly stated any substantive principles that guide it in making this determination. Nor has it publicly listed the criteria which it considers.

The Parole Board does not make decisions as a group. Instead, each member votes individually without discussing the case with his colleagues. Memoranda relating to the factors considered in releasing eligible prisoners are not prepared. The Board does not articulate the reasons for any particular determination, nor does it inform prisoners why parole was denied.

It is hard to believe that any administrative agency would make decisions in such a haphazard fashion, yet the Parole Board openly admits to these practices. In a pamphlet published by the Board entitled "Functions of the United States Board of Parole," the decisionmaking process is described as follows:

> Voting is done on an individual basis by each member and the Board does not sit as a group for this purpose. Each member studies the prisoner's file and places his name on the official order form to signify whether he wishes to grant or deny parole. The reasoning and thought which led to his vote are not made a part of the order, and it is therefore impossible to state precisely why a particular prisoner was or was not granted parole.

The hearing process is as casual as the decisionmaking process. According to testimony before a House Judiciary Subcommittee, parole hearings are usually conducted in the Federal institution by a hearing examiner, and only occasionally by a Board member. Hearings typically last from 10 to 15 minutes, although some testimony indicated that most hearings lasted between 2 and 5 minutes. Present at the hearing along with the Parole Board official is the prisoner, the prison counselor, and a stenographer. The prisoner is never represented by counsel. After the hearing when the prisoner has left the room, the examiner dictates his recommendation to the stenographer. Because no transcript is prepared, this recommendation serves as the only record of the parole hearing.

Because hearings are so short, heavy reliance must be placed upon the prisoner's file. Yet one witness at the House hearings testified that he was advised by an examiner that each man's record could be adequately appraised in 5 minutes. Furthermore, although the contents of the file are crucial, the prisoner is not allowed to review the file to insure that it is accurate. The same witness testified that "this is in itself disturbing, because prison files are not consistent or accurate records. I have seen black men listed as white, and Harvard graduates listed with borderline IQ's." Although there is serious dispute over the extent of access a prisoner should have to his own file, even the Administrative Conference of the United States has supported relatively broad disclosure. In testimony before the House subcommittee, the Conference recommended that:

> The prison counselor should disclose the file to the prisoner or his representative in advance of the parole hearing, except for any information as to which disclosure is clearly unwarranted or which has been determined by the sentencing judge to be improper. The prisoner should be given an oral summary or indication of any relevant adverse information which is not directly disclosed to him.

While many of the Board's practices are open to severe criticism, the courts have generally refused to enter the parole decisionmaking process. In certain areas related to the procedure for revoking parole and conditions of parole as imposed by the Board, courts have felt more free to attempt reform. However, even in these peripheral areas of the parole process, the Board has steadfastly resisted outside intervention.

As recently as last year, the Board maintained that it had exclusive jurisdiction in the area of parole. In that case, *Sobell* v. *Reed*, 327 F. Supp. 1294 (S.D.N.Y. 1971), the Chairman of the Parole Board refused to appear in court to testify, arguing that the court had no power to review the Board's decisions. The court flatly rejected that claim, and rebuked the Board in language which clearly points to the need for thorough reform in this area:

> But it is urged that the Board's action is outside the court's power of review. It would be surprising, and gravely questionable, if Congress has meant to confer such final authority upon any administrative agency particularly one that makes no pretense to learning in constitutional law. It would be bizarre to hold, as the Government's position ultimately entails, that assertions of constitutional rights like those made here may be overridden without ever being faced and decided by any tribunal of any kind. But there is no occasion to become upset over such implications. The Government's position is not soundly based.

In Sobell against Reed the issue was the infringement of plaintiff's first amendment right to freedom of speech by overly restrictive conditions of parole. However, in an earlier case, *Reed* v. *Butterworth*, 297 F.2d 776 (D.C. Cir. 1961), the court threw out a Board decision because it refused to follow the parole revocation procedures which Congress envisioned when it enacted the parole statute. Further, the court indicated that the Board's refusal to follow these procedures was a matter of long-standing, and the court's warning was clear:

> The Parole Board apparently still has the notion, which we criticized in *Fleming* v *Tate* [156 F. 2d 848 (D.C. Cir. 1946)], that revocation hearings are mere formalities, and the result a foregone conclusion. As long as the Board evidences this philosophy by denying fundamental procedural safeguards, we will be compelled to order new hearings, and, in cases of grievous injustice, to order such further relief as the circumstances may warrant.

Mr. President, while individual court cases have brought relief to a few plaintiffs and reform to isolated areas of Board practice, they have not changed the Board's attitude toward constitutional rights and statutory guarantees. The criticisms made by the courts which I have just referred to are still valid. The legislation which we introduce today clarifies the rights of prisoners and parolees. It specifies in detail the scope of the Parole Board's discretion and the responsibilities of courts for judicial review. Let me discuss a few of the major reforms proposed in this legislation:

RESTRUCTURED, INDEPENDENT PAROLE BOARD

Since the effectiveness of any reform depends upon the organization mandated with implementing that reform, restructuring of the Parole Board itself was the first priority. My bill establishes a National Board which will perform the appeals and policymaking functions of the Board of Parole. It also establishes four regional boards which will conduct parole determination and parole revocation hearings. This decentralization of the decisionmaking process will alleviate the oppressive caseload currently borne by each member of the Board.

Additionally, the Board of Parole is taken out of the Department of Justice and established as an independent agency within the executive branch because I feel that the Board should exercise its discretion free from the influence of the prosecutor and the prison administrator. Because it is essential that the Board be composed of highly qualified personnel, the bill also provides that Board appointees represent different areas of expertise in the criminal justice system, such as correctional officers and former parolees.

ELIGIBILITY FOR PAROLE

The bill retains the present practice which leaves the date of eligibility for parole substantially in the hands of the sentencing authority. In general, a prisoner may be considered for parole only after serving one-third of his maximum term. However, unlike the present practice, the bill creates a presumption of parole. The Parole Board must grant parole to eligible prisoners unless there is substantial reason to believe that a prisoner will engage in further criminal conduct or will not conform to conditions of parole. This is intended to circumscribe the wide discretion presently exercised by the Board. A similar presumption of parole was recommended by the National Commission on Reform of the Federal Criminal Laws. Of course, prisoners who are ineligible for parole under any other provision of law will not be made eligible by the operation of this legislation.

HEARING PROCEDURE AND FREQUENCY

The proposed legislation specifies the frequency of parole hearings and other reconsiderations of the prisoner's status. An effort was made to balance the right of the prisoner to have his progress frequently judged against the administrative realities of implementing such a right. Therefore, my bill provides that each prisoner must be given a hearing at least every 2 years after an initial parole rejection. Additionally, I have accepted the recommendations of the Association of the Bar of the City of New York which include: First, a right to counsel at all parole hearings; second, a written transcript of all hearings; and third, the publication of criteria for granting, denying, and revoking parole. While some experts do not recommend formalized hearing procedures and written, reasoned decisions, I believe that the parole process has suffered over the years from too little formal structure. I accept the judgment of the Association of the Bar of the City of New York that the key problem with the parole process is the Board's over-broad discretionary power:

> The present rules are extremely scanty, with the result that the Parole Board possesses today almost unbridled, and unreviewable powers. The problem, as we noted before, is even greater than in the area of probation, where the power over prisoners is exercised within the judicial structure. There is no such control over the Parole Board, whose members are not necessarily even lawyers, and whose procedures are loose, to say the least. (A.B.C.N.Y. Report on the Title 18 revision recommended by the National Commission on Reform of the Federal Criminal Laws.)

SUPERVISION WHILE ON PAROLE

Three separable issues are raised when a prisoner is placed on parole. The first is the conditions of parole. The second is the procedure for revoking parole. The third is how much additional time a parolee should serve when he is returned to prison after a parole revocation.

The freedom of the Parole Board to establish conditions of parole presents extremely difficult problems. On the one hand, the Board must retain sufficient flexibility to meet the individual needs of the parolee. On the other hand, the parolee must be protected from unrealistic or abusive conditions of parole. While the proposed legislation allows the Board substantial freedom in this area, it does specify some general guidelines for the Board's consideration. In addition, it requires the Board to supply the parolee with a written list of conditions at the moment of release. Since the courts have already expressed an interest in this area, the bill relies on judicial review to correct any abuses.

Parole revocation proceedings have received considerable attention in the courts since 1946 when the right to representation by counsel was guaranteed in *Fleming* v. *Tate* 156 F.2d 848 (D.C. Cir. 1946). As recently as June 29, 1972, the United States Supreme Court in *Morrissey* v. *Brewer* (40 LW 5016), reviewed in detail the rights constitutionally required at such hearings. The Court declared that, in parole revocation hearings, minimum standards of due process include: first, written notice of the claimed violations of parole; second, disclosure to the parolee of the evidence against him; third, opportunity to be heard in person and to present witnesses and documentary evidence; fourth, the right to confront and cross-examine witnesses; fifth, a "neutral and detached" hearing officer; and sixth, a written statement by the fact-finders as to the evidence relied on and reasons for revoking parole. This legislation incorporates these due process requirements.

In addition, it prohibits arbitrary and unreasonably long imprisonment prior to hearing in proper circumstances. My bill also requires that counsel be appointed if the parolee is indigent.

Under current law, a parole violator who is returned to prison is given no credit for the time he has spent "on the street" successfully fulfilling his parole conditions. The prisoner's paroled status may continue during good behavior until his maximum sentence expires. However, if he is returned to prison, his maximum sentence is not reduced by the time he spent on parole. This is extremely unfair, and ironically places a greater burden on the model prisoner who is released early in his sentence than on other prisoners who are considered worse risks and consequently are released at a later point in their sentence. To rectify this injustice, I have accepted the National Commission on Reform of the Federal Criminal Laws' recommendation that a portion of a parolee's time on the street, prior to parole violation, should be subtracted from his maximum sentence. As a result, the consequences of parole violation would be no more serious for the model prisoner than for other prisoners released later in their term.

APPEAL

The proposed legislation provides a formal, internal process of review. Prisoners or parolees who are dissatisfied with Regional Board determinations may appeal to the National Board. Considerations of administrative efficiency weighed heavily in our consideration of this area. We finally concluded that a written appeal would be adequate.

Finally, the bill requires that the Parole Board initiate a study of parole services and report to Congress annually with recommendations for reform.

Mr. President, last year the Parole Board made 17,000 determinations. Approximately 5,000 individuals were granted parole, 2,000 warrants were issued against parole violators, and 10,000 people remained under the Board's supervision. Fair and equitable procedures must be instituted to protect the rights of these individuals. As the U.S. Court of Appeals for the District of Columbia and in *Fleming* v. *Tate*, 156 F. 2d 848 (D.C. Cir. 1946) over 25 years ago:

> The parole system is an enlightened effort on the part of society to rehabilitate convicted criminals. Certainly no circumstance could further that purpose to a greater extent than a firm belief on the part of such offenders in the impartial, unhurried, objective, and thorough processes of the machinery of the law. And hardly an circumstance could with greater effect impede progress toward the desired end than a belief on their part that the machinery of the law is arbitrary, technical, too busy, or impervious to facts.

The legislation which I am introducing today is designed to achieve the kind of parole system called for so many years ago. Our bill also reflects many of the reforms suggested by Congressman KASTENMEIER and the numerous witnesses who recently appeared before his subcommittee to discuss the problems of parole.

I ask unanimous consent that a copy of the bill and a summary be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill and summary were ordered to be printed in the RECORD, as follows:

S. 3979

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Parole Reorganization and Reform Act of 1972."

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BOARD OF PAROLE; PAROLE PROCEDURES, CONDITIONS, ETC.

SEC. 101. Chapter 311 of title 18 of the United States Code (relating to parole) is amended to read as follows:

"Chapter 311.—PAROLE

"Sec.
"4201. Board of Parole; members; terms of office; etc.
"4202. Authority of the Board of Parole.
"4203. Administrative powers of the Board of Parole.
"4204. Time of Eligibility for release on parole.
"4205. Release on parole.
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"4218. Parole revocation hearing.
"4219. Appeals to the National Board.
"4220. Fixing eligibility for parole at time of sentencing.
"4221. Young adult offenders.
"4222. Warrants to retake Canal Zone violators.
"4223. Report.
"4224. Definitions.

"BOARD OF PAROLE; MEMBERS; TERMS OF OFFICE; ETC.

"SEC. 4201. (a) There is hereby established, as an independent establishment in the executive branch, a Board of Parole to consist of a National Board and four Regional Boards.

"(b) The National Board shall be composed of nine members appointed by the President by and with the advice and consent of the Senate. Each of the Regional Boards shall be composed of three members appointed by the President by and with the advice and consent of the Senate. A vacancy in either Board shall be filled in the manner in which the original appointment was made.

"(c) Not more than five members of the National Board and not more than two members of each Regional Board shall be of the same political party (as determined by the last voting registration within the four years immediately prior to appointment). There shall be at least one member of the National Board appointed from each of the following categories, and each of the Regional Boards shall consist of members appointed from any three of these categories:

"(1) individuals who have been imprisoned in a Federal or State prison, released on parole, and discharged from such parole;

"(2) attorneys having experience in the field of criminal justice;

"(3) social or behavioral scientists expert in the field of criminal studies;

"(4) individuals experienced in the education or training of handicapped or disadvantaged persons;

"(5) individuals having supervisory experience in law enforcement, as defined in section 3781(a) of title 42, United States Code; and

"(6) individuals having experience as

guards or correctional officers in a correctional institution or facility, as defined in section 3781(1) of title 42.

"(d)(1) Except as provided in paragraphs (2), (3) and (4), the members of both the National Board and the Regional Boards shall be appointed for terms of six years.

"(2) Of the members of the National Board first appointed under this section—

"(A) three shall be appointed for terms of two years,

"(B) two shall be appointed for terms of three years,

"(C) two shall be appointed for terms of four years, and

"(D) two shall be appointed for terms of five years, from the effective date of this title.

"(3) Of the members of each of the Regional Boards first appointed under this section—

"(A) one shall be appointed for a term of one year,

"(B) one shall be appointed for a term of three years,

"(C) one shall be appointed for a term of five years, from the effective date of this title.

"(4) Any member of the Board of Parole who is appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

"(5) The President shall from time to time designate one of the members of the National Board to serve as Chairman of the Board of Parole and shall delegate to him the necessary administrative duties and responsibilities. The Chairman of the Board of Parole shall designate one of the members of each Regional Board to serve as Chairman of such Regional Board. The Chairman of each Regional Board shall have such administrative duties and responsibilities with respect to the Regional Board as may be necessary to carry out the purposes of this chapter. The term of office of the Chairman of the Board of Parole and of the Chairman of each Regional Board shall be not less than three years, but not more than six years, as specified at the time of designation as Chairman.

"(6) Each Regional Board shall have such geographical jurisdiction as the National Board may provide in order to assure efficient administration.

"(7) The respective rates of pay for members of the Board of Parole (other than the Chairman of the Board of Parole) shall be equal to the maximum rate, as in effect from time to time, for GS-17 of the General Schedule of section 5332 of title 5. The rate of pay of the Chairman of the Board of Parole shall be at the rate prescribed for level III of the Executive Schedule.

"AUTHORITY OF THE BOARD OF PAROLE

"SEC. 4202. (a) The National Board shall have such powers and shall perform such functions and duties as may be provided for the Board of Parole or the National Board under this chapter or under any other provision of law.

"(b) Except as otherwise specifically provided by law, when so authorized by the National Board, any member or agent of the Board of Parole may take any action which the National Board is authorized to take.

"(c) The Regional Boards shall conduct parole determination hearings (in accordance with section 4209) and parole revocation hearings (in accordance with section 4218) and perform such other functions and duties as may be provided under this chapter.

"(d) Except as otherwise provided by law, when so authorized by a Regional Board, any member or agent of the Regional Board may take action which the Regional Board is authorized to take.

"ADMINISTRATIVE POWERS OF THE BOARD OF PAROLE

"SEC. 4203. (a) The National Board shall have the power to—

"(1) appoint and fix the compensation of personnel of the Board of Parole;

"(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5;

"(3) prescribe such administrative rules and regulations as may be necessary for the operation of the Board of Parole;

"(4) utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

"(5) without regard to section 529 of title 31, United States Code, enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its functions, with any public agency, or with any person, firm, association, corporation, educational institution, or nonprofit organization;

"(6) accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31;

"(7) request such information, data, and reports from any Federal agency as the Board of Parole may from time to time require and as may be produced consistent with other law;

"(8) arrange with the heads of any other Federal agency for the performance by such agency of any function of the Board of Parole, with or without reimbursement; and

"(9) request probation officers and other individuals, organizations and public or private agencies to perform such duties with respect to any person released on parole as the National Board deems necessary for maintaining proper supervision of, and assistance to, such persons, provided that in no case shall a probation officer or other individual caseworker maintain an average caseload in excess of 50 individuals.

"(b)(1) The Board of Parole shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter with respect to which the National Board or any Regional Board is empowered to make a determination under this chapter. Such attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the United States.

"(2) If a person issued a subpena under paragraph (1) of this subsection refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted, or within the judicial district within which such person is found or resides or transacts business may (upon application by the Board of Parole) order such person to appear before the National Board or any Regional Board to produce evidence or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(3) the subpena of the Board of Parole shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(4) All process of any court to which application may be made under this section may be served in the judicial district wherein the person required to be served resides or may be found.

"(c) Upon the request of the Chairman of the Board of Parole, each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information available to the greatest practicable extent to the Board in the performing of its functions.

"(d) The National Board may delegate to the Regional Boards such powers as may be appropriate other than—

"(1) the power to establish general policies for the Board of Parole, and

"(2) the power to prescribe administrative rules and regulations.

"(e) Except as otherwise provided by law, any action taken by the National Board or any Regional Board shall be taken by a majority vote of all individuals currently holding office as a member of the National Board or the Regional Board taking the action.

"TIME OF ELIGIBILITY FOR RELEASE ON PAROLE

"SEC. 4204. (a) Whenever confined and serving a definite term or terms of over one hundred and eighty days, a prisoner shall be eligible for release on parole after serving one-third of such term or terms or after serving fifteen years of a life sentence or of a sentence of over forty-five years unless his sentence provides that parole shall not be granted.

"(b)(1) Any prisoner whose eligibility for release on parole is fixed under section 4220(a)(1) at the time of sentencing shall be eligible for release on parole as provided in that provision.

"(2) Any prisoner whose eligibility for release on parole is specified under section 4220(a)(2) at the time of sentencing to be at such time as the Regional Board may determine shall be eligible for release on parole no less than ninety days after the date of his imprisonment or on such other date prior thereto as the Regional Board may determine.

"(c) Any prisoner not referred to in subsection (a) or (b) (including a prisoner released on parole and subsequently reimprisoned) shall be eligible for release on parole ninety days after the date of his imprisonment or on such other date prior thereto as the Regional Board may determine.

"RELEASE ON PAROLE

"SEC. 4205. The Regional Board shall release a prisoner on parole upon the date of his eligibility for parole (as prescribed by section 4204) unless the Regional Board determines that he should not be released on such date, or that he should be released on a later date, for one or both of the following reasons:

"(1) there is substantial reason to believe that the prisoner will engage in further criminal conduct; or

"(2) there is substantial reason to believe that the prisoner will not conform to such conditions of parole as may be established under section 4212.

"CERTAIN PRISONERS NOT ELIGIBLE FOR PAROLE

"SEC. 4206. Nothing in this chapter shall be construed to provide that any prisoner shall be eligible for release on parole if such prisoner is ineligible for such release under any other provision of law.

"FACTORS TAKEN INTO ACCOUNT IN PAROLE DETERMINATION

"SEC. 4207. In making a determination under section 4205, the Regional Board may take into account any of the following factors:

"(1) the prisoner's ability and readiness to assume obligations and undertake responsibilities;

"(2) the prisoner's family status, including whether his relatives display an interest in him or whether he has other close and constructive associations in the community;

"(3) the prisoners' employment history and his occupational skills;

"(4) the prisoner's vocational, educational, and other training;

"(5) the adequacy of the prisoner's plans or prospects upon release;

"(6) the prisoner's past use of controlled substances or past habitual and excessive use of alcohol;

"(7) any recommendations made by the sentencing court;

"(8) the prisoner's conduct during his term of imprisonment;

"(9) the prisoner's behavior and attitude during any previous experience of probation or parole, and the recency of such experience;

"(10) the availability of community resources to assist the prisoner; and

"(11) any other factor which the Regional Board determines to be relevant if prior to the parole determination hearing held under section 4209, the Regional Board has provided the prisoner with adequate and timely written notice of such factor.

"INFORMATION CONSIDERED BY THE REGIONAL BOARD

"SEC. 4208. In taking into account the factors specified in section 4207 the Regional Board shall consider the following information:

"(1) any reports prepared by any institutional case worker relating to the prisoner's personality, social history, and adjustment to authority;

"(2) any recommendations which the staff of the facility may make;

"(3) any official report of the prisoner's prior criminal record, including a report or record of earlier probation and parole experiences;

"(4) any presentence investigation report;

"(5) any recommendation regarding the prisoner's parole made at the time of sentencing by the sentencing judge or thereafter;

"(6) any reports of physical, mental, or psychiatric examination of the offender; and

"(7) such other relevant information concerning the prisoner as may be reasonably available.

"PAROLE DETERMINATION HEARING; TIME

"SEC. 4209. (a) In making a determination relating to release on parole under section 4205, the Regional Board shall hold a hearing (referred to in this chapter as a 'parole determination hearing') at which a member of the Regional Board shall preside.

"(b) In the case of any prisoner eligible for parole on a date provided by section 4204, an initial parole determination hearing shall be held at a time prescribed by the Regional Board. Whenever feasible, such time shall be not later than sixty days before such date of eligibility as provided by section 4204, and in the case of a prisoner referred to in section 4204(b)(2) the time of such hearing shall be not later than thirty days following such prisoner's imprisonment.

"(c) In any case in which release on parole is denied at the prisoner's initial parole determination hearing, a second parole determination hearing shall be held not later than two years following such initial hearing. If release on parole is denied at such second hearing, subsequent parole determination hearings shall be held not less frequently than every two years thereafter.

"SETTING RELEASE DATE

"SEC. 4210. In no case shall the Regional Board set any date for the release of a prisoner on parole which is more than one year following the date of the parole determination hearing at which such release date is set.

"PROCEDURE OF PAROLE DETERMINATION HEARING

"SEC. 4211. (a) Within a reasonable time prior to any prisoner's parole determination hearing, the Regional Board shall (1) provide the prisoner with written notice of the time and place of the hearing and (2) make available to the prisoner any file or report or other document to be used by the Regional Board in making its determination.

"(b) Clause (2) of subsection (a) of this section shall not apply to any file, report, or other document, or any portion thereof, which—

"(1) is not relevant to the determination of the Regional Board;

"(2) is a diagnostic opinion which might seriously disrupt a program of rehabilitation; or

"(3) contains sources of information which may have been obtained on a promise of confidentiality.

Whenever the Regional Board finds that this subsection applies to any file, report, or other document, or any portion thereof, to be used by the Regional Board in making its determination, the Regional Board shall state such finding (including the reasons therefor) on the record and shall provide the prisoner (or any representative of the prisoner referred to in subsection (c)(2) of this section) with written notice of such finding (including the reasons therefor). Whenever feasible, the Regional Board shall make available to the prisoner the substance of any information contained in any file, report, or other document, or any portion thereof, to which this subsection applies, except that specific names may be withheld in the case referred to in paragraph (3).

"(c)(1) At any time prior to the parole determination hearing and after having received written notice of such hearing, a prisoner may consult with his attorney, and by mail (or otherwise as provided by the Regional Board) with any person concerning such hearing.

"(2) The prisoner shall, if he chooses, be represented by an attorney or by an employee of the Federal Bureau of Prisons or by any other qualified person, unless he intelligently waives such representation. Such attorney may be retained by the prisoner or appointed pursuant to section 3006A of title 18, United States Code.

"(d) The prisoner shall be allowed to appear and testify on his own behalf at the parole determination hearing.

"(e) A full and complete record of the parole determination hearing shall be kept, and not later than thirty days after the date of the hearing the Regional Board shall (1) notify the prisoner in writing of its determination and (2)—

"(A) furnish the prisoner with a formal notice stating with particularity the grounds on which such determination was based, indicating which of the factors specified in section 4207 were taken into account, and indicating the conclusion of the Regional Board with respect to such factors taken into account, and

"(B) furnish the prisoner with a formal notice of the date prior to which he shall be entitled under section 4209(c) to another parole determination hearing. Where that date is more than one year from the present date the Regional Board must state which factors in Section 4207 motivated the Regional Board's determination.

"CONDITIONS OF PAROLE

"SEC. 4212. (a) The Regional Board shall impose such conditions of parole as it deems reasonably necessary to insure that the parolee will lead a law-abiding life or to assist him in doing so. In every case the Regional Board shall impose as a condition of parole that the parolee not commit any criminal offense during his parole. The Regional Board may require as a condition of parole that the parolee reside in or participate in the program of a residential community treatment center, or similar facility, for all or part of the period of parole if the Attorney General or director in the case of such similar facility, certifies that adequate treatment facilities, personnel, and programs are available. If the Attorney General, or director in the case of such similar facility, determines that the parolee's residence in the center, or participation in its program, should be terminated, because his residence or participation adversely affects the rehabilitation of other residents or participants, he shall so notify the Regional Board, which shall thereupon make such other provision with respect to the parolee as it deems appropriate. A parolee residing in a residential community treatment center may be required to pay such costs incident to residence as the Regional Board deems appropriate.

"(b) In imposing conditions of parole, the Regional Board shall consider the following:

"(1) there should be a reasonable relationship between the condition imposed and the prisoner's previous conduct and present situation;

"(2) the conditions should provide for the minimum deprivation of liberty and freedom of association; and

"(3) the conditions should be sufficiently specific to serve as a guide to supervision and conduct.

"(c) Upon release on parole, a prisoner shall be given a certificate setting forth the conditions of his parole.

"PERIOD OF PAROLE

"SEC. 4213. (a) In the case of any parolee released on parole, the period of time to be served on parole shall end upon the expiration of the maximum term for which he was sentenced, reduced by the amount of parole good time allowed as a reduction under section 2214, except that in the case of any prisoner deemed as if released on parole under section 4164 (relating to mandatory release), the period of time to be served on parole shall be the period provided by section 4164, reduced by the amount of parole good time allowed as a reduction under section 4214. The parole of any parolee may, at the discretion of the sentencing authority, run concurrently with any period of imprisonment, parole, or probation under any other Federal, State, or local sentence. In the case of any parolee who has intentionally refused or failed to respond to any request, order, or warrant of the Board of Parole during any time, and for any reason which the Regional Board determines to be invalid, the period of time to be served on parole may be extended for such period as the parolee so refused or failed to respond.

"(b) The parole of any prisoner sentenced before June 29, 1932, shall be for the remainder of the term or term specified in his sentence, less good time allowances provided by section 4161 through 4165 of this title.

"PAROLE GOOD TIME

"SEC. 4214. (a) Except as provided in subsection (b), the Board of Parole shall allow each parolee whose record of conduct shows that he has faithfully observed all the conditions of his parole a reduction from his parole, computed as follows:

"(1) five days for each month of parole, if the period (determined as of the date of release on parole) is more than six months but not more than one year;

"(2) six days for each month of parole, if such period of parole is more than one year but less than three years;

"(3) seven days for each month of parole, if such period of parole is more than three years but less than five years;

"(4) eight days for each month of parole, if such period of parole is more than five years but less than ten years;

"(5) ten days for each month, if such period of parole is ten years or more.

"(b) Reduction from parole for good conduct may be forfeited or withheld by the Board of Parole only if the Regional Board finds a violation of the conditions of parole pursuant to a hearing as provided in section 4218.

"(c) Any reduction forfeited or withheld under the preceding subsection may be restored by the Regional Board at any time.

"DISCHARGE FROM PAROLE

"SEC. 4215. (a) the Board of Parole may terminate the parole of any parolee or may release him from any condition of parole imposed under section 4212 at any time after the expiration of one year of parole, if warranted by the conduct of the parolee and the ends of justice.

"(b) Upon the expiration of the period of time to be served on parole, as provided by section 4213, the Board of Parole shall terminate the parole of any parolee.

"(c) Upon the termination of the parole of any parolee, the Board of Parole shall issue a certificate of termination to such parolee and to such other agencies as the Board of Parole may determine.

"ALIENS

"SEC. 4216. When an alien prisoner subject to deportation becomes eligible for parole, the Board of Parole may authorize his release on condition that he be deported and remain outside the United States. Such prisoner, when his parole becomes effective, shall be delivered to the duly authorized immigration official for deportation.

TIME FOR REVOCATION OF PAROLE; PERIOD OF REIMPRISONMENT; RETAKING PAROLEE

"SEC. 4217. (a) The regional board may revoke the parole of any parolee under section 4218 (e) or (f) at any time prior to the expiration of the period of time to be served on parole, except in such cases as an extended period may be reasonably necessary for the adjudication of matters arising before such expiration as a result of an approved request by the parolee for postponement of his compliance with any order or warrant of, or any other action taken by, the regional board under subsection (c).

"(b) No order issued under section 4218 (e) or (f), including an order resulting in imprisonment, shall apply for any period following the expiration of the period of time to be served on parole as prescribed by section 4213, except that an order may also apply for the extended period referred to in subsection (a).

"(c) In the case of any parolee believed to have violated a condition of his parole, the regional board may—

"(1) order such parolee to appear at a revocation hearing not later than twenty-one days from the date of the issuance of the order;

"(2) retake the parolee by means of a warrant issued and executed as provided in this section; or

"(3) take such other action as may be appropriate.

Any order or warrant issued under this section shall be issued as soon as practicable following the date of the alleged violation of the condition of parole.

"(d) A warrant for the retaking of a parolee who has violated a condition of his parole may be issued only by the Regional Board, or at least two members thereof, and only prior to the last date on which parole may be revoked as provided by subsection (a).

"(e) Any officer of any Federal penal or correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant for the retaking of a parole violator is delivered, shall execute such warrant by taking such prisoner and returning him to the custody of the Regional Board.

"(f) A parolee retaken under this section may be returned to the custody of the Attorney General and imprisoned if the Regional Board determines, after a preliminary hearing, that there is substantial reason to believe that the parolee will not appear for his parole revocation hearing under section 4218 when so ordered. The preliminary hearing shall be held as soon as possible following the retaking of the parolee; and the parolee shall be advised of the charges against him and shall be allowed to testify at such hearing. In no case shall any parolee retaken under this section be imprisoned or otherwise released by the court having jurisdiction over an alleged criminal offense which constitutes the alleged violation of parole with respect to which the parolee has been retaken.

PAROLE REVOCATION HEARING

"SEC. 4218. (a) If any parolee (other than a parolee referred to in subsection (f)) retaken or ordered to appear under section 4217 contests the revocation of his parole, a hearing (hereinafter referred to in this chapter as a 'parole revocation hearing') shall be held (1) on the date specified in such order or (2) not later than twenty-one days after the date of execution of the warrant for his retaking, which ever is later. Such hearing shall be held at a place reasonably near the location where the alleged violation of parole occurred. At least one member of the Regional Board shall be in attendance at such hearing.

"(b) Prior to the parole revocation hearing, the Regional Board may, subject to section 4217(f), impose such interim modifications of the conditions of parole as may be necessary.

"(c) Upon the issuance of an order or the execution of a warrant under section 4217, the Regional Board shall provide the parolee with written notice of—

"(1) the conditions of parole he is alleged to have violated;

"(2) the time, date, place, and circumstances of the alleged violation;

"(3) the time, date, and place of the scheduled hearing; and

"(4) his rights under this section.

"(d) The hearing procedures shall include—

"(1) proper and timely opportunity for the parolee to examine any evidence on which the order or warrant is based;

"(2) representation by an attorney (retained by the prisoner or appointed pursuant to section 3006A of title 18, United States Code, or such other qualified person as the parolee shall retain, unless the parolee intelligently waives such representation;

"(3) opportunity for the parolee to appear and testify on his own behalf;

"(4) opportunity for the parolee to compel the appearance of witnesses and to confront and cross-examine witnesses; and

"(5) maintenance of a full and complete record of the hearing.

"(e) If the Regional Board finds substantial reason to believe that the parolee violated a condition of his parole, the Regional Board shall inform the parolee in writing not later than ten days after such hearing, stating with particularity the bases for such finding. In such case the Regional Board may order that—

"(1) the parolee receive a reprimand and a warning;

"(2) parole supervision and reporting be intensified;

"(3) the parolee be required to conform to one or more additional conditions of parole imposed in accordance with the provisions of section 4212.

"(4) parole good time allowed under section 4214 be forfeited or withheld; and

"(5) the parolee be assigned to reside in or participate in the program of a residential community treatment center, or similar facility, if the Attorney General, or director in the case of such similar facility, certifies that adequate residential community treatment facilities, personnel, and programs are available. If the Attorney General, or director in the case of such similar facility, determines that the parolee's residence in the center or facility, or participation in its program should be terminated, because the parolee can derive no further significant benefits from such residence or participation or because his residence or participation adversely affects the rehabilitation of other residents or participants, he shall so notify the Regional Board which shall thereupon make such other provision with respect to the parolee as it deems necessary. A parolee residing in a residential community treatment center or similar facility pursuant to this subsection may be required to pay such costs incident to residence as the Regional Board deems appropriate.

"(f) In the case of any parolee retaken or ordered to appear under section 4217 on the grounds of an alleged act constituting a violation of parole, for which such act the parolee is charged with a criminal offense under any authority of law, no hearing shall be held but the Regional Board shall make a determination with respect to the revocation of such parolee's parole within a reasonable time after final order or judgment has been entered by the trial court having jurisdiction over the criminal offense. If such parolee is found not guilty or acquitted by such trial court or if the charges against him have been dismissed, the order or warrant issued under section 4217 shall be rescinded. If the parolee is convicted of such criminal offense, such conviction shall constitute prima facie evidence of the violation of the conditions of parole by such parolee, and the Regional Board may make any order referred to in subsection (e) and may, in addition, order that the parolee be reimprisoned.

"APPEALS TO THE NATIONAL BOARD

"SEC. 4219. (a) A parolee whose parole is revoked and who is subject to an order issued under section 4218(e) (4) or (5), may appeal the determination or order by submitting a notice of appeal not later than fifteen days after being informed of such revocation and by submitting appeal papers not later than forty-five days after being so informed. Such appeal shall be considered by no less than five members of the National Board. The parolee shall be allowed to consult with an attorney or any other person concerning such appeal. The National Board shall decide the appeal within a reasonable period of time and shall inform the parolee in writing of its decision and the reasons therefor. Any member of the Regional Board who was present at the parole revocation hearing may present to the National Board such materials as he deems relevant.

"(b) Whenever a prisoner is denied release on parole under section 4205; whenever conditions of parole are imposed under section 4212; or whenever parole is revoked and an order is issued under section 4218(e) (3), the prisoner or parolee may appeal such conditions or order by submitting a notice of appeal not later than fifteen days after his being informed of such denial or conditions and by submitting appeal papers not later than forty-five days thereafter. Such appeal shall be considered by no less than three members of the National Board. The prisoner or parolee shall be allowed to consult with an attorney, an employee of the Bureau of Prisons, or any other person concerning such appeal. The National Board shall decide the appeal within a reasonable period of time and shall inform the prisoner in writing of its decision and the reasons therefor.

"FIXING ELIGIBILITY FOR PAROLE AT TIME OF SENTENCING

"SEC. 4220. (a) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice and best interests of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may (1) designate, in the sentence of imprisonment imposed, a minimum term at the expiration of which the prisoner shall become eligible for parole, which term may be less than, but shall not be more than one-third of the maximum sentence imposed by the court, or (2) the court may fix the maximum sentence of imprisonment to be served in which event the court may specify that the prisoner may become eligible for parole at such time as the Board of Parole may determine.

"(b) If the court desires more detailed information as a basis for determining the sentence to be imposed, the court may commit the defendant to the custody of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law, for a study as described in subsection (c) hereof. The results of such study, together with any recommendations which the Director of the Bureau of Prisons believes would be helpful in determining the disposition of the case, shall be furnished to the court within three months unless the court grants time, not to exceed an additional three months, for further study. After receiving such reports and recommendation, the court may in its discretion: (1) Place the prisoner on probation as authorized by section 3651 of this title, or (2) affirm the sentence of imprisonment originally imposed, or reduce the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from the date of original commitment under this section.

"(c) Upon commitment of a prisoner sentenced to imprisonment under the provisions of subsection (a), the Director, under such regulations as the Attorney General may prescribe, shall cause a complete study to be made of the prisoner and shall furnish to the Board of Parole a summary report together with any recommendations which in his opinion would be helpful in determining the suitability of the prisoner for parole. This report may include but shall not be limited to data regarding the prisoner's previous delinquency or criminal experience, pertinent circumstances of his social background, his capabilities, his mental and physical health, and such other factors as may be considered pertinent. The Board of Parole may make such other investigation as it may deem necessary. It shall be the duty of the various probation officers and Government bureaus and agencies to furnish the Board of Parole information concerning the prisoner, and, whenever not incompatible with the public interest, their views and recommendations with respect to the parole disposition of his case.

YOUNG ADULT OFFENDERS

"SEC. 4221. In the case of a defendant who has attained his twenty-second birthday but has not attained his twenty-sixth birthday at the time of conviction, if, after taking into consideration the previous record of the defendant as to delinquency or criminal experience, his social background, capabilities, mental and physical health, and such other factors as may be considered pertinent, the court finds that there are reasonable grounds to believe that the defendant will benefit from the treatment provided under the Federal Youth Corrections Act (18 U.S.C., chap 402) sentence may be imposed pursuant to the provisions pursuant to the provisions of such Act.

WARRANTS TO RETAKE CANAL ZONE PAROLE VIOLATORS

"SEC. 4222. An officer of a Federal penal or correctional institution, or a Federal officer authorized to serve criminal process within the United States, to whom a warrant issued by the Governor of the Canal Zone for the retaking of a parole violator is delivered, shall execute the warrant by taking the prisoner and holding him for delivery to a representative of the Governor of the Canal Zone for return to the Canal Zone.

REPORT

"SEC. 4223. The Board of Parole shall investigate the services provided to paroled prisoners and shall submit to Congress an annual report which shall include recommendations for reforming the services currently provided. The initial report shall be submitted not later than twelve months after the effective date of this title.

DEFINITIONS

"SEC. 4224. As used in this chapter—

"(a) The term 'prisoner' means a Federal prisoner other than a juvenile delinquent or a committed youth offender.

"(b) The term 'parole' means the legally sanctioned release of an offender from a correctional institution to the open community under temporary restrictions for the community's protection and under professional guidance and supervision directed at reintegrating him into society.

"(c) The term 'parolee' means any prisoner released on parole or deemed as if released on parole under section 4164 (relating to mandatory release)."

CONFORMING AMENDMENTS

SEC. 102. (a)(1) Section 5314, United States Code, relating to level III of the Executive Schedule, is amended by adding at the end thereof the following new item:

"(58) Chairman, United States Board of Parole."

(2) Section 5108(c)(7) of title 5, relating to classification of positions at GS–16, 17, and 18, is amended to read as follows:

"(7) The attorney General, without regard to any other provision of this section, may place a total of ten positions of warden in the Bureau of Prisons;".

(b)(1) Section 3655 of title 18, United States Code, relating to duties of probation officers, is amended by striking out "Attorney General" in the last sentence and inserting in lieu thereof "Board of Parole".

(2) Section 3006A(a) of title 18, relating to adequate representation by counsel, is amended by striking out "who is subject to revocation of parole" and inserting in lieu thereof "who is eligible for release on parole or subject to revocation of parole".

(3) Section 3006A(g) of title 18, relating to representation by counsel, is amended by striking out "subject to revocation of parole,".

(4) Section 5005 of title 18, relating to the Youth Correction Division, is amended by striking out "Attorney General" and inserting in lieu thereof "Chairman of the Board of Parole."

(5) Section 5008 of title 18, relating to officers and employees of the Youth Correction Division, is amended by striking out "Attorney General" and inserting in lieu thereof "Chairman of the Board of Parole."

(c) Section 509 of title 28, United States Code, relating to functions of Attorney General, is amended by—

(1) inserting "and" at the end of paragraph (2);

(2) striking out "and" at the end of paragraph (3); and

(3) striking out paragraph (4).

(d) Clause (B) of section 504(a) of title 29, United States Code, relating to prohibition against certain persons holding offices, is amended by striking out "of the United States Department of Justice".

EFFECTIVE DATE OF TITLE

SEC. 103. The amendments made by this title shall apply—

(a) to any person sentenced to a term of imprisonment at any time after one hundred and eighty days after the date of the enactment of this Act, and

(b) except as otherwise may be provided by rule or regulation prescribed under section 104(b), to any person—

(1) sentenced to a term of imprisonment at any time prior to the date one hundred and eighty-one days after the date of the enactment of this Act; or

(2) released on parole at any time prior to the date one hundred and eighty days after the date of the enactment of this Act. For any purpose other than a purpose specified in the preceding provisions of this section, the effective date of this title shall be the date one hundred and eighty days after the date of the enactment of this Act.

SAVINGS PROVISIONS AND TRANSITIONAL RULES

SEC. 104. (a) Section 4220 and 4221 of title 18, United States Code, shall not apply to any offense for which there is provided a mandatory penalty.

(b) If, by reason of any computation of (1) eligibility for parole, (2) time of entitlement to release on parole, (3) expiration of parole, or (4) parole good time, or by reason of any other circumstances, the application of any amendment made by this title to any individual referred to in section 103(b) is impracticable or does not carry out the purposes of this title, the National Board established under section 4201 of title 18, United States Code, as amended by this title may prescribe such transitional rules and regulations for the application of the amendments made by this title to such individuals as may be fair, equitable, and consistent with the purposes of this title.

(c) Nothing in this title shall apply to, or be construed to change or affect in anyway, any provision of law contained in chapter 314 of title 18, United States Code (relating to narcotic addicts).

AUTHORIZATION OF APPROPRIATIONS

SEC. 105. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this title.

SECTION-BY-SECTION ANALYSIS OF THE PAROLE REORGANIZATION AND REFORM ACT OF 1972

Sec. 101: Amends Chapter 311 of Title 18 as follows:

Section 4201. *Board of Parole; members; terms of office.*

This section establishes the Board of Parole as an independent agency consisting of a nine member "National Board" and four "Regional Boards" of three members each. The Board, whose members are appointed by the President for six-year terms, must be broadly representative of persons who have had extensive experience in corrections, such as former parolees, correctional officers, and behavioral scientists.

Section 4202. *Authority of the Board of Parole.*

This section authorizes individual Board members to take any action which their respective Boards are authorized to take. Regional Boards are given the authority to conduct parole determination and parole revocation hearings.

Section 4203. *Administrative powers of the Board of Parole.*

This section sets out the administrative powers of the Board of Parole, such as the authority to hire personnel, to utilize the services of other agencies, to prescribe necessary rules and regulations, and to enter into contracts. National Board is authorized to request the services of probation officers and "other individuals, organizations, and public or private agencies" to perform duties with respect to parolees. An average caseload limit of 50 is placed on individual probation officers or other caseworkers, thereby ensuring that parolees are given adequate supervision. This section also gives the Board of Parole subpoena power.

Section 4204. *Time of eligibility for release on parole.*

(a) This subsection retains the existing law which states that when a prisoner is serving a definite term of more than 180 days, he shall be eligible for parole after serving one-third of his sentence, or 15 years of a life sentence or of a sentence of over 45 years.

(b)(1) This subsection establishes that any prisoner whose eligibility for release is fixed by the court at the time of sentencing shall be eligible as so provided by the court.

(b)(2) This subsection sets eligibility for parole, in cases where the court has set eligibility date as being "at any time," as being no less than 90 days after the day of imprisonment, or on such earlier date as the Board may determine.

(c) This subsection provides that any prisoner not covered by the above subsections, including any reparolee, shall be eligible for parole within 90 days of his imprisonment.

Section 4205. *Release on Parole.*

This section establishes that the Regional Board shall release a prisoner on parole unless it determines that there is substantial reason to believe that the prisoner will engage in further criminal conduct, or that the prisoner will not conform to such conditions of parole as may be established under section 4212.

Section 4206. *Certain prisoners ineligible for parole.*

This section provides that no prisoner who is ineligible for parole under any other provision of law shall be rendered eligible by the operation of this chapter.

Section 4207. *Factors taken into account in parole determination.*

This section specifically sets out factors which the Regional Board shall take into account in determining whether to release a prisoner. These factors include: the prisoner's family status; his vocational and educational training; his conduct during his term of imprisonment; and the avialability of community resources to assist him.

Section 4208. *Information considered by the Regional Board.*

This section lists the sources of information which the Regional Board shall consider in making the parole determination. These sources include reports prepared by institutional case workers, official reports of the prisoner's prior criminal record, and reports of physical, mental, or psychiatric examinations of the offender.

Section 4209. *Parole determination hearing; time.*

This section requires the Regional Board to hold parole determination hearings with at least one Regional Board member present. The hearing is to be held no later than 60 days prior to the date on which the prisoner becomes eligible for parole. This section also provides that if parole is denied at the initial hearing, a second hearing must be held within two years. If release is denied at the second hearing, subsequent hearings must be held at least every two years.

Section 4210. *Setting release date.*

This section establishes that the Regional Board must set a release date within one year following the parole release determination.

Section 4211. *Procedure of parole determination.*

This section sets out the procedural requirements of a parole determination hearing, as follows:

(a) written notice of time and place of hearing;

(b) availability of any file or report or other document to be used by the Regional Board;

(c) consultation by the prisoner with any person prior to the hearing;

(d) representation by an attorney, or other qualified person;

(e) personal appearance and testimony by the prisoner;

(f) maintenance of full and complete record;

(g) inform the prisoner within 14 days of the determination; and, if he is denied, the Regional Board must formally notify him of the particular grounds for the determination.

Section 4212. *Conditions of Parole.*

(a) This subsection provides that the Regional Board shall impose such conditions of parole "as it deems reasonably necessary to insure that the parolle will lead a law-abiding life or to assist him in doing so." In addition, the Regional Board may require that the parolee be assigned to either a Federal, State or private residential community treatment center.

(b) This subsection sets forth considerations the Regional Board shall make in imposing conditions of parole, such as making the conditions sufficiently specific to serve as a guide to supervision and conduct.

(c) This subsection requires that the parolee be given a certificate setting forth the conditions of his parole.

Section 4213. *Period of Parole.*

This section provides that the period of parole shall end upon the expiration of the maximum term for which the parolee was sentenced, reduced by good time parole deductions.

At the discretion of the sentencing authority, the parole period may run concurrently with any period of imprisonment, parole, or probation under any other Federal, State, or local sentence. In the case of a parolee who has intentionally failed or refused to respond to any order, request, or warrant of the Board of Parole, the period of time to be served on parole shall be extended for such period as the parolee so refused or failed to respond.

Section 4214. *Parole good time.*

This section authorizes reduction in parole for those who observe all the conditions of their parole, and establishes a schedule for parole reduction. It further provides that good time may be forfeited or withheld only if the Regional Board finds a condition violation after a hearing. The Regional Board is authorized to restore any good time which has been forfeited.

Section 4215. *Discharge from parole.*

(a) This subsection provides that the Board of Parole may terminate parole or alter the parole conditions of any parolee who has served one year of parole.

(b) This subsection requires the automatic termination of parole at the expiration of the period of time to be served on parole.

(c) This subsection requires that the Board of Parole issue a certificate of termination.

Section 4216. *Aliens.*

This section provides that alien prisoners, subject to deportation, may be deported as a condition of parole.

Section 4217. *Time for revocation of parole; period of reimprisonment; retaking parolee.*

(a) This subsection provides that the Regional Board may revoke parole under section 4218(e) or (f) at any time prior to the expiration of the parole period unless a request for postponement is approved.

(b) This subsection stipulates that no parole revocation order issued under section 4218(e) or (f) shall apply for any period longer than the period of time to be served on parole unless there was a postponement.

(c) This subsection authorizes the Regional Board to issue warrants or orders when any parolee is believed to have violated a condition of his parole.

(d) This subsection requires the approval of at least two members of the Regional Board for the issuance of a warrant.

(e) This subsection authorizes any Federal officer who is empowered to serve criminal process to execute such a warrant.

(f) This subsection provides for a preliminary hearing, and authorizes imprisonment only after a Regional Board determination of substantial reason to believe that the parolee will not appear for his parole revocation hearing.

Section 4218. *Parole revocation hearing.*

(a) This subsection provides for a parole revocation hearing for those whose parole is being revoked for a non-criminal violation of their parole conditions.

(b) This subsection allows necessary modification of the conditions of parole when a revocation hearing is pending.

(c) This subsection sets forth the revocation notification procedure. Written notice is required.

(d) This subsection sets forth hearing procedures, such as representation by an attorney, discovery, subpena power for the parolee, and maintenance of a full record of the hearing.

(e) This subsection enumerates the sanctions which the Regional Board may impose on a parolee when it finds substantial reason to believe he has violated a condition of his parole. The Regional Board is required to inform the parolee of the reasons for their finding.

(f) This subsection provides that when a parolee is charged with a criminal offense no hearing need be held. Conviction shall constitute prima facie evidence of the violation of the conditions of parole.

Section 4219. *Appeals to the National Board.*

(a) This subsection provides a written appeal procedure for those whose parole is revoked and who are subject to an order for loss of good time or for assignment to a community treatment center. The appeal provided by this section is to be considered by no less than five members of the National Board.

(b) This subsection provides for a written appeal procedure for those prisoners who are denied release under section 4205, those who receive conditions of parole under section 4212, or those whose parole is revoked and an order is issued under section 4219(e)(3). Both subsections require that the National Board shall inform the prisoner or parolee of its decision and the reasons therefor in writing.

Section 4220. *Fixing eligibility for parole at time of sentencing.*

(a) This subsection sets forth the alternatives a sentencing court may use in fixing time of eligibility for parole.

(b) This subsection allows the commitment of a defendant for three months for pre-sentence study.

(c) This subsection stipulates that all prisoners be studied upon commitment and that a report be furnished to the Board of Parole. This report would include the prisoner's history and other such factors and recommendations as may be considered pertinent. It further empowers the Board of Parole to require information concerning the prisoner from Government bureaus and agencies.

Section 4221. *Young adult offenders.*

This section retains the present law regarding sentencing of youth offenders under the Youth Corrections Act.

Section 4222. *Warrants to retake Canal Zone violators.*

This section sets out procedures for the issuance and execution of warrants to retake Canal Zone parole violators.

Section 4223. *Report.*

This section requires that the Board of Parole investigate parole services and report annually to Congress its recommendations for reforming services.

Section 4224. *Definitions.*

This section sets forth definitions of terms used in this chapter.

Section 102. *Conforming amendments.*

The only substantive change appears in subsection (2), which amends the Criminal Justice Act to provide for appointment of attorneys not only at parole revocation hearings, but also at release hearings.

Section 103. *Effective date of title.*

This section provides generally that the bill shall take effect 180 days after enactment.

Section 104. *Savings provisions and transitional rules.*

This section provides that whenever the application of the effective date provisions is impracticable, the National Board can prescribe necessary and equitable rules and regulations. The bill does not apply to the Narcotics Addict Rehabilitation Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2567

At the request of Mr. Hruska, the Senator from Delaware (Mr. Boggs) was added as a cosponsor of S. 2567, a bill to facilitate prosecutions for certain crimes committed aboard aircraft, and for other purposes.

S. 3926

At the request of Mr. Tunney, the Senator from Florida (Mr. Chiles) and the Senator from Minnesota (Mr. Mondale) were added as cosponsors of S. 3926, a bill to provide new programs for the aging through the establishment of the National Senior Service Corps, and for other purposes.

SENATE CONCURRENT RESOLUTION 95—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO A MORATORIUM UPON CERTAIN FOREIGN FISHERIES OPERATIONS

(Referred to the Committee on Commerce.)

Mr. STEVENS. Mr. President, on August 3, 1972, the United States tabled several draft articles before the United Nations Law of the Sea Conference. Article III dealt with fisheries. The United States position on this draft article has subsequently been modified to some extent. However, the basic concept, under which fish resources are divided into three categories—high seas, anadromous, and coastal—has remained basically the same. This classification was proposed by the National Federation of Fishermen. That group has taken the lead in the formulation of this country's policy concerning the international conservation of fish resources and was the pioneer in the formulation of America's position on this.

The National Federation of Fishermen at their meeting in San Francisco on June 9 and 10, 1971, recommended the division of marine fish resources into three categories: coastal, oceanic, and anadromous. The coastal species—which may be benthic, demersal, or pelagic—are those which generally inhabit the waters closely adjacent to the major land masses or islands of the world. Oceanic species are those that inhabit the vast open spaces of the oceans of the world. Their ranges extend across the ocean, and the same oceanic species are frequently found in all oceans of the world.

Anadromous species are those which spawn in the rivers and lakes of major land masses and whose young migrate into the open ocean areas to feed and mature before returning to their country of origin. Of these three main species, the coastal is the most important to most nations because of its accessability and close proximity to land. Most of the world's fish catches are still taken in areas over the Continental Shelf and slope. These are the truly rich marine areas of the world. Coastal waters, which represent but 14 percent of the ocean's surface area, contribute more than 90 percent of the world's production of fish. Because the coastal species are the most productive and the most easily accessible, they are also our most valuable resources.

To illustrate the importance of fisheries as a protein food, statistics show that more than two-thirds of all meats and milk are consumed by less than 600 million people; however, over 1½ billion human beings depend upon aquatic food for more than half of their daily animal protein. More and more nations are coming to turn with ever-increasing frequency to the sea for their livelihood. While this Nation is not yet mainly dependent upon its sea resources, we, too, undoubtedly will become moreso in the future. Because this is the case, our coastal species will assume an ever-more important role.

As a result of the recognition of this fact, the National Federation of Fishermen published a historic position paper on United States and world fisheries. This was reaffirmed at their San Francisco meeting in June of 1971. I request unanimous consent that this position paper be printed in the Congressional Record at the end of my remarks as exhibit A.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, that proposal by the National Federation of Fishermen would require that coastal nations shall have the ownership of all coastal species as defined in that document. However, when stocks of fish are underharvested by the coastal nation, provisions must be made for harvesting by other nations subject to licensing and control by the coastal state. Anadromous fish shall be the property of the coastal nation of origin. No nation may harvest anadromous species without the express consent and approval of that country. When anadromous fish inhabit and are harvestable in the territorial waters of another country, both nations must work out harvesting rules. High seas species must be subjected to the conservation and management of multinational groups consisting of the harvesting countries and also countries whose coasts border the distribution of such fish stocks.

Under the National Federation of Fishermen's plan, species classified as coastal might include, but not be limited to, all shellfish species resident of the continental shelf, halibut, all flat fish species, rockfishes, cod species, herring, anchovy, anchovetta, black cod, hake, and so forth. Anadromous species would include but not be limited to all salmon, all trout and char, chad, sturgeon, and so forth. High seas or pelagic fish would include tuna, sauries, and so forth.

On August 3, 1971, the United States tabled a draft article III on this subject to the United Nations Committee on the Peaceful Uses of the Seabed and the Ocean Floor Beyond the Limits of National Jurisdiction, Subcommittee II. This draft article contained many defects; however, it did incorporate the three-tiered approach advocated by the National Federation of Fishermen.

On March 29, 1972, Ambassador Donald L. McKernan of the United States presented an historic statement to Subcommittee II of the same United Nations Committee setting forth in great detail the U.S. recommendation that the Committee adopt the National Federation of Fishermen's three-tiered stance. This major statement of American policy significantly modified the earlier draft article III. I request unanimous consent that Ambassador McKernan's historic March 29 statement be inserted in the Congressional Record at the end of my remarks as exhibit B.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, this remains this country's official position. At various times portions of it were explained, either to congressional committees or in other important speeches. The Honorable Hastings Keith of Massachusetts inserted Mr. Stevenson's testimony before his subcommittee in the Congressional Record last June. For those of my colleagues and the general public who are particularly interested in following the historical background, I refer them to pages 20558–59 of the Congressional Record of June 12, 1972; page 20703 of the June 13 Congressional Record; and pages 20970–71 of the June 14 Congressional Record. In addition, I recommend the remarks of the Honorable Thomas pages 20970–71 of the June 14 Congressional Record insert by the Honorable Don H. Clausen, at pages 26338–41 of the August 1 Congressional Record.

As a final chapter in the evolution of the U.S. position on fisheries thus far, on August 4, 1972, at the meeting of the Committee in Geneva, Switzerland, Ambassador McKernan presented a revised draft fisheries article. This revised draft article is a substantial improvement over the previous submission. It incorporates and refines many of the ideas mentioned in his March 29 speech. The United States has come a long way since the National Federation of Fishermen first proposed this landmark idea. I request unanimous consent that the August 4 draft fisheries article and Ambassador McKernan's introductory comments be inserted at the end of my remarks in the Congressional Record as exhibit C.

The PRESIDING OFFICER. Without objection, it so ordered.

Mr. STEVENS. Mr. President, however, as improved as the draft article submitted by the State Department is, much yet remains to be done. The Law of the Sea Conference still must be authorized by the United Nations General Assembly this fall. More importantly, while this is just a formality, the activities at the convention itself may prove frustrating. Even agreement on an agenda may be impossible to reach. And, in the meantime, our coastal stocks and species and our anadromous species may severely suffer. Already they are becoming rapidly depleted. Foreign fishing incursions are commonplace. Sightings are too numerous to mention. Fish loss and wastage, gear losses, and violations of international fishery conventions are still commonplace. The fishermen of America are extremely concerned and rightfully so.

We look back on the United Nations Deep Seabed Committee which, during 1971, at its major session did virtually nothing. The developing countries promptly tore apart the United States' draft Seabed Convention. Congressman Pelly described the March preparations for the 1973 Law of the Sea Conference as a "Tower of Babel." At that March 1972 session, the 91 nations present could not even agree on a draft agenda. Even the working group to whom fell the privilege of drafting a provisional agenda broke up in complete disarray.

The problems will be immense at the

1973 Conference. Procedural and substantive problems may, as I have indicated, quite possibly preclude any meaningful achievements.

As many of my colleagues well know, the State Department has been subjected to intense pressure from within this country as well as from other nations abroad. Many who support a strong Navy have, in effect, sacrificed our fishery industry for the right of free passage.

In its attempts to be fair and to advance the best interests of this country, the State Department has been put to the test. Nobody has been totally satisfied. But I think all parties would agree that theirs has been a virtually impossible task.

However, until the Law of the Sea Conference actually convenes, our coastal and anadromous species will continue to be threatened with extinction. And I do not use this term lightly. Under the U.S. position, the coastal nation shall control and conserve and manage the conservation of our coastal species. I believe it is most important that we commence on this conservation of our coastal species immediately. We cannot wait for June of 1973. I am, therefore, today introducing a Senate concurrent resolution requesting the President to impose a unilateral moratorium on foreign fishing of American coastal species.

This resolution was suggested to me by the National Federation of Fishermen. I ask unanimous consent to have printed in the CONGRESSIONAL RECORD their letter to me of June 6 requesting such a moratorium. I would also like to insert their resolution on this subject which was adopted at their February 5, 1972, meeting. These I would like to designate as exhibit D and ask unanimous consent to have printed at the end of my remarks in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I also ask unanimous consent to save printed in the RECORD an article from the Southeast Alaska Empire, Thursday, June 8, 1972, edition, page 1, explaining the AFF's campaign. This is exhibit E.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the Pacific Marine Fisheries Commission in its 23d annual report published in May 1972 published a resolution which was adopted at the 1970 annual meeting to extend the fishery jurisdiction of the United States. At its November 18, 1971, annual meeting, the Pacific Marine Fisheries Commission supported the three-tiered management concept. It adopted a resolution to this effect. Recently on February 15, 1972, the advocates television program presented a debate on extension of U.S. jurisdiction over fishing rights to 200 miles offshore—80.4 percent agreed that our jurisdiction should be so extended. Moreover a resolution to this effect was adopted at the annual Fishermen's Forum at Point Judith, R.I. on January 26, 1972. Articles on these four items appeared in the SFI Bulletin No. 237 of August 1972. I ask unanimous consent that the first two resolutions be inserted at the end of my remarks in the CONGRESSIONAL RECORD and labeled as exhibit F.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, finally, I request that my proposed concurrent resolution be inserted in its entirety in the CONGRESSIONAL RECORD at the end of my other exhibits and labeled Exhibit G.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, because this resolution is of such importance, I request that it be given early consideration by my colleagues.

EXHIBIT A

NATIONAL FEDERATION OF FISHERMEN'S POSITION ON U.S. AND WORLD FISHERIES

I. COASTAL SPECIES

Coastal nations shall have the ownership of all the fish and shellfish resources which live on or above or are dependent upon the Continental Shelf and slope adjacent to the coastal nation and/or the waters above the shelf and slope for reproduction and/or survival during the major part of their life.

When stocks of fish are underharvested by the coastal nation to which they belong, provisions shall be made for harvesting by other nations subject to licensing and control by the coastal nation.

II. ANADROMOUS SPECIES

Anadromous fish shall be the property of the coastal nation of origin. No nation shall harvest anadromous species of fish without express consent and approval of country of origin. Where anadromous fish is habitating and is harvestable in territorial waters of a country other than the country of origin, it shall be mandatory upon the nations involved to work out harvesting rules consistent with conservation with due regard to the rights of each nation to its proper share of the allowable catch.

III. HIGH SEAS SPECIES

All species of fish not included in paragraphs I and II and, in particular, fish of oceanic origin and habitat, shall not be subject to ownership and control by the coastal nation. The conservation and management of such species shall be the responsibility of multi-national control to be exercised jointly by the harvesting countries and by countries whose coast borders the distribution of such fish stocks.

EXHIBIT B

STATEMENT BY THE HONORABLE DONALD L. MCKERNAN, ALTERNATE U.S. REPRESENTATIVE TO THE COMMITTEE ON THE PEACEFUL USES OF THE SEABED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION

SUBCOMMITTEE II, *March 29, 1972.*

MR. CHAIRMAN: During our last session in Geneva, the United States Delegation submitted a draft article on fisheries to accompany our draft articles on the breadth of the territorial sea and free transit through and over straits. That article was based on a species approach, that is, on the principle that the management and harvesting of fisheries should be governed by the biological distribution and migration of fish stocks, rather than by arbitrary jurisdictional boundaries. It was because we felt that the reality of how fish breed, live and die imposed its own patterns upon us that we proposed this approach to the regulation of fisheries.

We looked to the establishment of international or regional organizations to assure the conservation and equitable allocation of particular species or groups of species. These organizations, to which participation would be open on a non-discriminatory basis, were to adopt conservation measures which would assure the maximum sustainable yield. The organizations were to gather information and, on the basis of that information, determine the allowable catch and develop sound conservation regulations.

In recognition of the problem of protecting the economic interests of coastal States in coastal and anadromous fish stocks harvested on the high seas, our proposal required the management organization to apply a rule that would give preferential treatment to the fishermen of the coastal State. This rule of allocation was based on the actual fishing capacity of the coastal State, and it represented our response to the expressions of developing countries to us that they desire to expand their fishing industry in the future. Under this proposed rule of allocation, the coastal State preference over coastal and anadromous fish stocks would expand along with its capacity to fish. In this connection, we expressed the view that reasonable arrangements regarding traditional fisheries of distant water states in areas adjacent to coastal States should be included in an ultimate treaty. Because we share the concern of the world community that the production of protein from the sea should not be reduced, we also proposed that a coastal State should not have the power to prevent or encumber fishing by other nations for portions of the stock that are not allocated to the coastal State.

Our article on fisheries dealt with the possibility that the States concerned with a particular fishery might be unable to arrive at an agreement establishing a regional organization, or might think such an organization unnecessary. The draft article proposed that in either case, the coastal State would be empowered to set up its own regulatory system after it had laid the scheme before other states participating in the fishery and had failed to reach agreement with them. We favored the international regulation of fisheries, but if that failed, the coastal State would have that responsibility. We hoped that these provisions dealing with failure to agree would not have to be employed after the new treaty had been in effect for some time.

We exempted highly migratory oceanic stocks from the provision for coastal State regulation and preferences. Major difficulties stood in the way of implementing coastal State control or preference for the large number of nations off the coasts of which such species may appear during a short period of the year.

THE SPECIES APPROACH

We continue to be persuaded that the species approach is the soundest way of managing fish stocks to maximize yield. We understand quite well what some delegations have recently noted—that maximum yield is only one of the objectives of fisheries management. We understand that second, equally important purpose for which a legal regime is to be created, is the equitable allocation of the yield among participating nations. Our view is that both purposes dictate the adoption of the species approach.

Regulation of only a portion of the fishing for a stock is ineffective. Accordingly, whatever conservation regime is applied to obtain maximum yield from a stock should be applied to the entire area in which the stock is fished. Indeed, regulation of only a portion of the fishing effort, which would result if the conservation regime were applied in an arbitrary zone not related to the distribution of the stock, could be counterproductive, since the result is that fishermen in one area would be penalized, to no good end, while fishermen in other areas would be unregulated.

It may be less obvious, but it is no less true, that for the purpose of equitable allocation of the yield, the regime should also apply to the entire area in which the stock is fished. A preference for coastal State fishermen would have little meaning if a large part of the stock could be caught by other fishermen without regard to the preference in waters outside the area in which the preference rule applies. That would likely be the case if the preference rule were to be applied in an arbitrary zone not related to the distribution and migratory habits of the stock.

Thus, for both purposes—biological and economic—the management regime should apply to the entire range of the fish stock involved. Neither purpose requires application of the regime to waters beyond the range of the fish stock. If it is not necessary to apply the regime, then we think it wrong to do so because our common purpose here is to create only necessary limitations on the use of seas. In virtually all cases, an arbitrary zone will be either too narrow, and thus fail to achieve the objective which is sought, or too broad, and thus impose unnecessary and unwanted limitations on the use of the seas.

HIGHLY MIGRATORY OCEANIC SPECIES

It continues to be our view that highly migratory oceanic species can be managed effectively only through international organizations. Many of these species migrate widely through the world's oceans. For example, as shown on charts 2.5 and 2.6 of the FAO *Atlas of the Living Resources of the Seas* (FAO Fishery Circular No. 126-Rev. 1), tuna and tuna-like fish are to be found throughout the major temperate and tropical oceans of the world. They are, above all, highly mobile.

In the Pacific Ocean, the northern bluefin and albacore migrate between the coasts of North America and Asia. Skipjack and yellow fin undertake extensive migrations; the former are transoceanic in their migrations, the latter travel between the coastal waters of the eastern Pacific and the central Pacific.

In the Atlantic, bluefin tuna travel between the Bay of Biscay, the Mediterranean, and the waters of the Gulf Stream off North America.

The southern bluefin tuna, found only in the southern hemisphere, migrate from spawning areas around Australia to the Atlantic, Pacific and Indian Oceans—a truly circumpolar movement.

The breeding and nursery grounds of the tunas, as well as other oceanic species, cover vast areas of the oceans well beyond the capability of any single coastal state to control them or their environment. In fact, at no stage in the life history of oceanic species can a single coastal State exert a significant influence on the well-being of such fish populations.

Tuna are already the object of effective international management arrangements. The Inter-American Tropical Tuna Commission and the International Commission for the Conservation of Atlantic Tunas deal with the establishment of controls on the harvesting of tuna and related species. The Indian Ocean Commission has the tunas of those waters under study. Within the scientific community, the 22-year old program of the Inter-American Tropical Tuna Commission is recognized as one of the world's most successful fishery management efforts.

If jurisdiction to manage and conserve these species were to be delegated to coastal States, the best that could be hoped for would be piecemeal management programs in which each coastal State would regulate particular stocks that are within its jurisdiction for only a short part of each year, and only during certain phases of the life cycle of the fish. At other times, when the stock was in mid-ocean, another regulatory mechanism would presumably apply. This fragmented approach to the problem would make meaningful conservation impossible.

This Subcommittee should also consider that as a number of countries—developing and developed—have learned from experience a substantial economic fishery for tuna generally requires the operation of a mobile fleet because of the migratory nature of the stocks. Thus, the very migration of these species provides a basis for accommodating the economic interests of distant water and coastal fishing States in a manner that does not—in any practical sense—affect the development of coastal fisheries.

COASTAL AND ANADROMOUS SPECIES

We followed with closest attention the views on fisheries presented by some fifty other delegations at our session last summer. We have been listening to opinions expressed both privately and publicly since that time. We agree with the distinguished representative of France that the Canadian statement on fisheries made at this session is a particularly helpful contribution to the Subcommittee's work.

What we have learned about the concerns of other States has led us to reconsider our own initial position on fisheries in response, in particular, to the economic and social needs of coastal States.

Within the framework of the species approach, and in respect to two types of fish stocks, coastal and anadromous, we are prepared to consider a greater role for coastal States. We appreciate the particular economic and social interests of coastal States in coastal fisheries and the need to take prompt and effective action to ensure the management and conservation of such stocks. These coastal stocks are generally not far-ranging. They are resident species which remain within the capabilities of the coastal State to study and manage. These are the stocks upon which the coastal State often has a substantial economic dependence because of the inability of its relatively small vessels to move on to distant fishing grounds if local stocks become depleted.

The Canadian delegation has expressed its view that the coastal State has a particular interest in anadromous fish, such as salmon. We agree. These fish are spawned in the fresh water of streams within coastal States and then migrate to the sea. They return to their streams of origin in the coastal State to spawn. Chart 2.4 of the FAO *Atlas of the Living Resources of the Seas*, previously referred to, displays the migration pattern of North Pacific Salmon.

The Canadian delegation also pointed out that anadromous species can be properly managed and full utilized only if the fish are harvested in or near the rivers of origin and that coastal States should regulate fish bred in their own rivers. Only there have the fish realized their maximum growth potential. Only there have individual spawning stocks begun to sort themselves out as they approach their river of origin. Only there can management measures be applied to each genetically unique stock on the basis of stock size in relation to the number of spawners required to assure optimum spawning and, in following years, to assure optimum yields to the fishery.

The fate of entire populations of anadromous fish rests in the continuation of restrictions placed by the coastal State on competing uses of its own rivers and lakes. The coastal State must make costly investments both for the maintenance of the quality of the fresh water environment and for conservation measures, often at the expense of its own fishermen. If these stocks are subject to substantial exploitation during the oceanic phase of their life history, the coastal State of origin will be hard pressed to justify continued investment in the environment and conservation of the stocks, or to prevent competing uses of the river environment, which are detrimental to the survival of salmon, if the end result is to support a resource for others—if indeed the resource can be perpetuated.

For these reasons we are ready to consider whether responsibility for conservation and management of coastal and anadromous species could rest primarily with the coastal State, subject to agreed international standards and review. However, it continues to be our view that if States concerned with a particular species of fish desire to work through an international or a regional organization, they should be encouraged to do so and that their joint management of the stock should be facilitated.

Specifically, we are prepared to consider whether clear regulatory authority could be vested in the coastal State with respect to coastal species adjacent to the state's coast and anadromous species throughout their migratory range on the high seas. This could include, in our view, a right of the coastal State to assess a reasonable management fee on foreign fishing vessels, in accordance with the criteria set forth in the treaty, without discrimination among such foreign fishermen. In the case of lateral migrations of these stocks from the waters off one State to coastal waters off an adjacent State, it would be necessary for the countries involved to arrive at agreements for the management and allocation of the catch from that stock. Nondiscriminatory access to coastal stocks on the part of distant water fishermen should not preclude reciprocal and other special arrangements among States in a region.

At this point, I would like to correct a misunderstanding which seems to have emerged regarding our views on traditional fishing for coastal and anadromous species. Our draft article of August, 1971 may appear to contain a contradiction in that the article contains a preference for the coastal State based on its capacity to harvest, but also contemplates the continuation of distant water fishing. What we sought to indicate was that the extent to which the coastal State preference should diminish traditional distant water fishing—or put another way, the extent to which the traditional distant water fishery should limit the coastal State preference—is a matter to be negotiated between the coastal States and distant water fishing States in this Subcommittee and in the Conference. We would contemplate that the agreement produced at the Conference would establish criteria for settling this matter. In this connection, we believe there is a broad range of negotiable formulae that might serve as a basis for agreement at the Conference and that would take into account short-term and long-term economic needs of both the coastal and distant water fishing States involved. Finally, I would like to emphasize that the problem of reconciling traditional fishing interests with an expanding coastal State fishery is not unique to the species approach, but would have to be addressed in connection with any fishery regime.

It will also be recalled that in presenting our draft fisheries article, we stressed the need for compulsory settlement of fisheries disputes in a special commission. We remain strongly committed to this view. However, other States have drawn attention to the fact that a stock of fish may be in danger if the implementation of coastal State conservation regulations can be suspended by the Commission while a matter is being arbitrated. At the same time, distant water fishing States should be afforded protection against the imposition of substantial and unnecessary economic harm. On balance, recognizing the potential for long-term damage to the resource if timely measures are not taken, as well as the economic concern of the distant water fishing States, we are prepared to consider appropriate limitations on the power of a Commission to suspend the implementation of those coastal State regulations dealing with conservation matters during the period in which the dispute is being arbitrated.

A number of countries have stressed the need for expert assistance in designing and carrying out fishery management programs. Accordingly, we suggest that the Subcommittee consider the establishment of an international register of fisheries experts to assist countries at their request. This arrangement could be financed in a number of ways, including, for example, the allocation of a percentage of the management fee collected by coastal States. These measures could provide developing coastal States with the expertise whereby they themselves might effectively exercise their responsibilities for managing coastal and anadromous species under the arrangements that we have just outlined.

We wish to stress that we are addressing the content of an ultimate agreement on fishing as part of an agreed overall law of the sea settlement at the Conference that protects other uses of the high seas, including navigation. Our opposition to unilateral claims of fisheries jurisdiction beyond the recognized 12-mile fisheries zone and other unilateral assertions of jurisdiction over ocean space is unchanged, both on legal grounds and because such action inherently fails to reflect the international nature of the problems involved. Experience has taught us that unilateral action cannot adequately accommodate the divergent interests of States in the ocean, but, on the contrary leads inevitably to conflict between States as they insist upon pursuing actions that best serve their narrow national interests. For this reason, we believe it is essential that serious attempts be made to solve these problems multilaterally in a timely and constructive manner that reflects and seeks to harmonize the divergent interests involved.

SUMMARY

So that there may be no doubt about the broad pattern of the regulatory system we are prepared to consider, let me put the matter in summary form:

The world can best bring about effective management of the living resources of the sea and secure the maximum yield from the living resources of the ocean through a species approach to fisheries management, rather than through the establishment of artificial national jurisdictional boundaries.

Overall three-quarters of the world's marine fish catch is composed of coastal and anadromous species. Effective management and conservation of these species may be provided by granting coastal States clear and effective control over all such species, in the context of protecting other uses of the high seas. This concept includes inspection and arrest authority. The control exercised by the coastal States would follow such stocks as far offshore as the stock ranges. The coastal State could reserve to itself that portion of the allowable catch that it could utilize. The remaining portion of the allowable catch would be open to harvest on a nondiscriminatory basis by fishermen of other nations but would be subject to the coastal State's nondiscriminatory conservation measures, and reasonable management fees fixed in accordance with an international standard. The extent to which the coastal State preference should diminish traditional distant water fisheries—or vice versa—would be dealt with under a reasonable compromise provision in the treaty. We are opposed to the creation of a zone of exclusive coastal State jurisdiction beyond 12-miles.

On the other hand, oceanic fish stocks must be regulated by quite different arrangements, which are dictated by the migratory characteristics of these fish. These fisheries would be managed by competent international organizations, in which all fishing and interested coastal States could participate.

The treaty would contain agreed international standards and provisions for the compulsory settlement of disputes.

My delegation hopes that, with the interventions that have been made by other delegations, our suggestions will make it possible for this Subcommittee to move rapidly into the negotiating phase of our work. It is there that our real task lies.

Now, Mr. Chairman, I should like to briefly touch on the Canadian suggestion concerning a technical conference of experts on fisheries. While we are appreciative of the reasons given by the Canadian representative in suggesting the consideration of such a technical conference it is our view that this Subcommittee is the proper forum for work on this matter. Indeed, it is our belief that this Subcommittee's awareness of the problems of fisheries management was evidenced by the many interventions on that subject. With the comprehensive background documentation already furnished by the FAO and such supplementary information as may be requested of them for our next session, we proposed that, in lieu of such a technical conference, a working group on fisheries be established now and that it be directed to meet immediately prior to the forthcoming Geneva session in order to enhance the chances for substantial progress at that meeting. We urge that participating delegations include fishery experts.

Finally, Mr. Chairman, we suggest that the FAO be asked to prepare supplementary technical background information for the next session of the Subcommittee, including:

(a) Various ways to establish the allowable catch and its apportionment;

(b) The extent of present cooperation between countries in the field of research of the living resources of the seas;

(c) Determination of the extent and nature of the intermingling of various species of fish.

(d) Determination of stocks located in areas off the coasts of two or more neighboring coastal States.

Thank you, Mr. Chairman.

EXHIBIT C

STATEMENT BY THE HONORABLE DONALD L. MCKERNAN, ALTERNATE U.S. REPRESENTATIVE TO THE COMMITTEE ON THE PEACEFUL USES OF THE SEABED AND THE OCEAN FLOOR BEYOND THE LIMITS OF NATIONAL JURISDICTION

MR. CHAIRMAN: You will recall that in our March 29 presentation to this Subcommittee, I indicated a willingness on the part of my Delegation to consider several modifications to our original draft fisheries article. We have today submitted a revised fishery article which incorporates these modifications as another step in seeking a widely agreeable solution to the fisheries problems confronting the Subcommittee.

Our views on this vital and perhaps pivotal element of the negotiations before us have changed since we introduced our original draft one year ago. This change occurred as we listened to the statements of other representatives in this forum, participated in many frank consultations with other delegations, and diligently tried to accommodate our fisheries interests and those of other interested States.

We remain committed to the concept that both sound conservation and rational utilization must be linked directly to the biology and distribution of the living marine resources involved. Hence, our revised proposal not only continues to recognize, but indeed reemphasizes, the "species approach."

Our draft article of August 1971 relied heavily on international and regional organizations to implement the fishery regime we proposed. We continue to believe that such organizations will have a vital role in the future and our new article recognizes this role in both the conservation and utilization aspects of fisheries.

We have, however, also been persuaded by the compelling arguments, expressed so often in this Subcommittee, that the coastal state should have the right to regulate the fish stocks inhabiting the coastal waters off its shores as well as its anadromous resources. We also believe that inherent in this right of the coastal state would be a strong preference to the utilization of such stocks. Those are the particular resources upon which its coastal fishermen must rely for their livelihood and upon which its people rely for a substantial part of their nutritional requirements. Accordingly, our revised article would grant to the coastal state the authority necessary to regulate such stocks, to the limits of their range, as well as a right to reserve to itself all of the available catch its vessels are capable of harvesting. To assure that such authority is not misused, we further propose that the coastal state should have the obligation to notify, and consult with, other affected states prior to implementing any new regulatory measures.

With an ever increasing reliance on the sea to satisfy the world-wide demand for protein, a basic objective of any regime agreed upon in this forum must be to assure that all fish stocks are available for man's use. Therefore, a fundamental principle of our article is that of maximum utilization in which that portion of any stock which is not being utilized by local fishermen must be available to others. This provision will in no way prejudice the fishing interests of the coastal state, for it may reserve to its own use all of that particular resource it can catch; it simply insures that the living riches of the oceans will not be wasted.

The coastal State preference; though of highest priority, should be applied in a manner that takes account of the traditional fisheries of other nations and tries to minimize the immediate economic effect on them. In this regard, we have suggested that the particular formula for allocating the allowable catch between coastal state and traditional distant water fisheries should be negotiated within this Subcommittee.

When neighboring states, including those that are land-locked or otherwise limited in their access to living marine resources, find it to their mutual benefit to enter into reciprocal regional arrangements in order to more equitably share in the harvest of coastal resources inhabiting the waters near their shores, we believe that they should have the right to do so. We have, therefore, proposed that there could be an allocation from that portion of the allowable catch remaining after provision for the coastal state and traditional fisheries, pursuant to such regional arrangements.

We remain firmly convinced that the highly migratory and truly oceanic species can only be properly regulated through international organizations because of their ocean-wide distribution and vast migrations, the temporary nature of their presence in the waters off any single state, and the well demonstrated economic fact that a viable fishery for such species must also be far ranging.

Our draft also recognizes the concern of many states that any fishery regime adopted must provide realistic enforcement procedures to assure that regulatory measures are complied with. In this regard, we propose, for those fisheries under coastal state jurisdiction, not only coastal state inspection and arrest, but trial and punishment of the offending vessel as well, if the flag state has not established procedures of its own requiring compliance with legitimate coastal state regulations. Our draft also incorporates enforcement procedures and regulatory provisions that would strengthen the effectiveness of international organizations.

We remain firm in our belief that any fishery regime should contain provisions for the peaceful settlement of disputes. Our article contains such a standard. On the other hand, this provision should not present an obstacle to the timely application of conservation measures—hence, we have also suggested that the conservation regulations promulgated by a coastal state should remain in force pending the outcome of any dispute settlement procedure.

Finally, Mr. Chairman, we recognize that the rational management of fisheries requires money and technical expertise. We have provided for a reasonable fee, to be charged those States which harvest a resource under regulation by a coastal State, to help defray those costs, and for a register of experts who would be available to assist the coastal State in formulating effective conservation programs.

In closing, Mr. Chairman, I respectfully urge all delegations to study our proposal carefully, for we believe that it is a reasonable approach which accommodates the desires and needs of most states. My delegation is anxious to discuss the content of this draft and to that and we propose once more that a working group on fisheries be established immediately by this Subcommittee.

Thank you, Mr. Chairman.

U.S. REVISED DRAFT FISHERIES ARTICLE

AUGUST 4, 1972.

REGULATORY AUTHORITY

I. Authority to regulate the living resources of the high seas shall be determined by their biological characteristics and such authority shall be exercised so as to assure their conservation, maximum utilization and equitable allocation.

II. Coastal and anadromous living resources:

The coastal state shall regulate and have preferential rights to all coastal living resources off its coast beyond the territorial sea to the limits of their migratory range. The coastal state in whose fresh or estuarine waters anadromous resources (e.g., salmon) spawn shall have authority to regulate and have preferential rights to such resources beyond the territorial sea through out their migratory range on the high seas (without regard to whether or not they are off the coast of said state).

A. The term "coastal resource" refers to all living resources off the coast of a coastal state except the highly migratory species listed in Annex A [annex A not attached], and anadromous resources.

B. The coastal state may annually reserve to its flag vessels, in accordance with this article, that portion of such coastal and anadromous resources as they can harvest.

C. Such coastal and anadromous resources which are located in or migrate through waters adjacent to more than one coastal state shall be regulated by agreement among such states.

III. Highly migratory oceanic resources:

The highly migratory oceanic resources listed in Annex A shall be regulated by appropriate international fishery organizations.

A. Any coastal state party, or other state party whose flag vessels harvest or intend to harvest a regulated resource, shall have an equal right to participate in such organizations.

B. No state party whose flag vessels harvest a regulated resource may refuse to cooperate with such organizations. Regulations of such organizations in accordance with this Article shall apply to all vessels fishing the regulated resources regardless of their nationality.

C. In the event the states concerned are unable or deem it unnecessary to establish an international organization the resources shall be regulated by agreement or consultation.

CONSERVATION PRINCIPLES

IV. In order to assure the conservation of living marine resources, the coastal state or appropriate international organization shall apply the following principles:

A. Allowable catch and other conservation measures shall be established which are designed, on the basis of the best evidence available, to maintain or restore the maximum sustainable yield, taking into account relevant environmental and economic factors.

B. For this purpose scientific information, catch and effort statistics, and other relevant data shall be contributed and exchanged on a regular basis.

C. Conservation measures and their implementation shall not discriminate in form or fact against any fishermen. Conservation measures shall remain in force pending the settlement, in accordance with the relevant provisions of this Article, of any disagreement as to their validity.

UTILIZATION AND ALLOCATION

V. In order to assure the maximum utilization and equitable allocation of coastal and anadromous resources, the coastal state shall apply the following principles:

A. The coastal state may reserve to its flag vessels that portion of the allowable annual catch they can harvest;

B. The coastal state shall provide access by other states, under reasonable conditions, to that portion of the resources not fully utilized by its vessels on the basis of the following priorities:

(1) states that have traditionally fished for a resource, subject to the conditions of sub-paragraph C;

(2) other states in the region, particularly landlocked states and other states with limited access to the resources, with whom joint or reciprocal arrangements have been made; and

(3) all states, without discrimination among them.

C. Whenever necessary to accomodate the allocations to the coastal states traditional fishing may be reduced, without discrimination among those states that have traditionally fished for a resource, in the following manner:

(Formula to be negotiated within Subcommittee II which takes into account the interests of traditional fishing states.) States whose fisherman harvest a resource under regulation by a coastal state may be required, without discrimination, to pay reasonable fees to defray their share of the cost of such regulation.

NOTIFICATION CONSULTATION

VI. The coastal state shall give to all affected states timely notice of any conservation, utilization and allocation regulations, prior to their implementation, and shall consult with other States concerned.

TECHNICAL ASSISTANCE

VII. An international register of independent fisheries experts shall be established and maintained by the Food and Agriculture Organization of the United Nations. (The Subcommittee may wish, in accordance with paragraph 13 of General Assembly Resolution 2750 C (XXV), to invite the comments of the Director-General of the Food and Agriculture Organization of the United Nations on the ability of the Organization to assume such responsibilities.)

Any developing state party to this convention requiring assistance may select an appropriate number of such experts to serve as a fishery management advisory group to that state.

ENFORCEMENT

VIII. Actions under this paragraph shall be taken in such a manner as to minimize interference with fishing and other activities in the marine environment:

A. Coastal state—the coastal state may inspect and arrest vessels for fishing in violation of its regulations. The coastal state may try and punish vessels for fishing in violation of its regulations, provided that where the state of nationality of a vessel has established procedures for the trial and punishment of violations of coastal state fishing regulations adopted in accordance with this article, an arrested vessel shall be delivered promptly to duly authorized officials of the state of nationality for trial and punishment, who shall notify the coastal state of the disposition of the case within six months.

B. International fisheries organization—Each state party to an international organization shall make it an offense for its flag vessels to violate the regulations adopted by such organization in accordance with this article. Officials authorized by the appropriate international organization, or of any State so authorized by the organization, may inspect and arrest vessels for violating the fishery regulations adopted by such organizations. An arrested vessel shall be promptly delivered to the duly authorized officials of the flag State. Only the flag State of the offending vessel shall have jurisdiction to try the case or impose any penalties regarding the violation of fishery regulations adopted by international organizations pursuant to this article. Such State has the responsibility of notifying the enforcing organization within a period of six months of the disposition of the case.

DISPUTES SETTLEMENT

IX. Any dispute which may arise between states under this article shall, at the request of any of the parties to the dispute, be submitted to a special commission of five members, unless the parties agree to seek a solution by another method of peaceful settlement, as provided for in Article 33 of the Charter of the United Nations. The commission shall proceed in accordance with the following provisions:

A. The members of the commission, one of whom shall be designated as chairman, shall be named by agreement between the states in dispute within two months of the request for settlement in accordance with the provisions of this article. Failing agreement they shall, upon request of any state party to the dispute, be named by the Secretary General of the United Nations, within a further two month period, in consultation with the states involved and with the President of the International Court of Justice and the Director-General of the Food and Agriculture Organization of the United Nations, from amongst well-qualified persons being nationals of states not involved in the dispute and specializing in legal, administrative or scientific questions relating to fisheries, depending upon the nature of the dispute to be settled. Any vacancy arising after the original appointment shall be filled in the same manner as provided for the initial selection.

B. Any state party to proceedings under these articles shall have the right to name one of the nationals to sit with the special commission, with the right to participate fully in the proceedings on the same footing as a member of the commission but without the right to vote or to take part in the writing of the commission's decision.

C. The commission shall determine its own procedure, assuring each party to the proceedings a full opportunity to be heard and to present its case. It shall also determine how the costs and expenses shall be divided between the parties to the dispute failing agreement by the parties on this matter.

D. Pending the final award by the special commission, measures in dispute relating to conservation shall be applied; the commission may decide whether and to what extent other measures shall be applied pending its final award.

E. The special commission shall render its decision, which shall be binding upon the parties, within a period of five months from the time it is appointed unless it decides, in the case of necessity to extend the time limit for a period not exceeding two months.

F. The special commission shall, in reaching its decision, adhere to this article and to any agreements between the disputing parties implementing this article.

OTHER USES

X. The exploitation of the living resources shall be conducted with reasonable regard for other activities in the marine environment.

EXISTING CONVENTIONS

XI. The provisions of this article may be applied to fishery conventions and other international fishery agreements already in force.

EXHIBIT D

NATIONAL FEDERATION OF FISHERMEN,
Seattle, Wash., June 6, 1972.

Hon. TED STEVENS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR STEVENS: Of the 650 foreign fishing vessels sighted by the Coast Guard off the U.S. shores in March of this year, 330 of them were sighted off your great state of Alaska. Of these, 174 were Japanese vessels, an increase of 90 vessels over last year. The Russian fishing fleet off Alaska is even larger and just as efficient. I know that this information is not new to you, but we feel you will agree that this amount of fishing effort cannot continue to fish on our coastal stocks without some kind of management and control. Other coastal states have almost the same problem, so this is not just a regional problem, but a national problem.

The Law of the Sea Conference will provide management for our coastal stocks, but the Law of the Sea Conference is not scheduled to be held until late 1973, or even possibly 1974 and there is a chance that it might not even be held at all. In the meantime, our coastal stocks are being fished out at an alarming rate.

As an interim measure, the National Federation of Fishermen is requesting a meeting of each governor of a coastal state to meet with the fishermen of his state and endorse the enclosed "Moratorium on Foreign Fisheries". After these meetings the Federation will take these endorsements back to Congress and hope to have it endorsed and implemented at the earliest time possibly.

We have requested a date for the Governor of Alaska to meet with Mr. Ralph Ennis, President of the NFF and representatives of fishing organizations of Alaska, on the 19th, 20th or 21st of July.

It would help the Governor of Alaska, the other governors of coastal states, if you would endorse the Moratorium also. Your support would be appreciated.

Sincerely,

K. F. MOSNESS,
Secretary,
National Federation of Fishermen.

RESOLUTION

Whereas the Soviet Union and Japan have constructed and are operating huge fishing fleets off the Pacific Coast and Alaska which are exerting maximum pressure on United States coastal fishery stocks, and

Whereas these stocks are facing depletion and destruction unless measures are taken to substantially reduce foreign fishery efforts in United States coastal waters, and

Whereas fishery activities and employment derived from the fisheries are of great economic importance to the United States, and

Whereas protein foods derived from fishery resources are even more important to the health and welfare of the United States citizens than any other factor connected with the fisheries, and

Whereas the plundering and abuses of the farms of the sea off our coastline by foreign nationals without regard to conservation or the present and future food supplies of our country can do irreparable harm, and

Whereas an emergency exists and action is needed to halt immediate depletion,

Now therefore be it resolved that the National Federation of Fishermen go on record to recommend that the United States recognizes the existence of a serious conservation problem and takes unilateral action imposing and enforcing a moratorium upon foreign fishery operations on United States coastal stocks of fish, and that during the period of the moratorium upon foreign fishery operations on United States coastal stocks of fish that no foreign fishing on any specie shall take place in United States coastal waters, unless specific permission by the United States to fish coastal waters which shall include waters adjacent to our territorial waters inhabitated by U.S. coastal stocks of fish, and

Be it further resolved that no permission to fish shall be granted to foreign nationals unless there is definite proof there is no existing danger to conservation—this action is necessary as an interim measure to provide safeguards for the preservation and conservation of United States coastal fishery resources until conservation rules and regulations are worked out on a permanent basis with the nations involved, and

Be it finally resolved that this Resolution be forwarded to the President of the United States, Secretary of State, Secretary of Commerce and Congress, to federal agencies involved and to the news media.

Respectfully submitted,

RALPH A. ENNIS,
President,
National Federation of Fishermen.

EXHIBIT E

COASTAL FISHERIES JURISDICTION

The 23rd Annual Report of the Pacific Marine Fisheries Commission, published in May, 1972, contains the following Resolution adopted at the 1970 annual meeting:

13. Extend Fishery Jurisdiction of the United States

Whereas, the living marine resources found in the waters adjacent to and associated with the United States continental shelf and slope provide an important part of the seafood needs of the Country, and

Whereas, these living marine resources are particularly vulnerable to damage from unrestrained fishing, and

Whereas, the United States is handicapped in providing proper protection and management for these living marine resources by lack of adequate jurisdiction over all fishing in the areas in which these resources are found, and

Whereas, the harvesting of these marine resources on a sustained basis can be effective only if a greater measure of jurisdiction is given to coastal authorities.

Be it therefore resolved, that the United States of America by appropriate means secure fishery jurisdiction off its coastline to the outer edge of the continental slope or to such additional distance as will allow adequate protection and management to fishery resources emanating from or adjacent to the United States with such fishery jurisdiction being qualified to permit fishing by foreign vessels inside the United States fishery zone through negotiated agreements with foreign governments.

MARINE FISHERIES REGIMES

At the November 18, 1971, annual meeting in Seattle of the Pacific Marine Fisheries Commission (Alaska, California, Idaho, Oregon, Washington), the following resolution, having both national and international significance, was unanimously adopted (among a larger number of national, regional, or local significance):

IN SUPPORT OF FISHERIES MANAGEMENT BY COASTAL, ANADROMOUS, HIGH SEAS GROUPINGS

Whereas, an International Conference on the Law of the Sea is scheduled to be held in 1973; and

Whereas, any agreement reached by the Conference will have a deep and profound influence on American fisheries for generations to come; and

Whereas, the preliminary proposals by the United States offer little or no protection for American fisheries; and

Whereas, our coastal fishery resources are being depleted due largely to effect of foreign fishing conducted without regard to sound conservation principles; and

Whereas, conservation is urgently needed, both to maintain our fishery resources on a sustainable yield basis and to secure our economic future in the fisheries;

Now be it therefore resolved, that the Pacific Marine Fisheries Commission urge the United States government to adopt the following proposals as its objective in the coming conference:

Coastal Species—Fish and shellfish resources which live on or above the continental shelf and slope and/or the waters above the shelf and slope for reproduction and/or survival during the major part of their lives shall belong to the country off whose coast the continental shelf and slope occurs.

Anadromous Species—Anadromous fish shall be the property of and subject to control by the coastal state of origin. Where anadromous fish are harvestable in the territorial waters and contiguous fishery zone of a country other than the country of origin, the nations involved shall work out harvesting rules consistent with adequate conservation principles and with due regard to the right of each nation to its proper share of the allowable catch.

High Seas Species—All species of fish of oceanic origin and habitat shall not be subject to control by the coastal nation. The conservation and management of such species shall be the responsibility of multinational control to be exercised jointly by the harvesting countries including countries whose coasts border the waters frequented by such species.

Underharvested Species—Where stocks of fish are underharvested by the coastal nations in which they belong, provision shall be made by the coastal state for harvesting by other nation where such harvesting would not be unduly harmful to the conservation of other species in the area of harvest. Such harvesting shall be conducted under appropriate nondiscriminatory conservation rules promulgated by the controlling countries who shall be entitled to charge non-punitive users' fees of those engaged in the harvesting.

Be it further resolved, that the United States Department of State be requested to include on its official delegation at the coming Conference, including preliminary meetings, adequate representation from the United States fishing industry, and

Be it lastly resolved, that copies of this resolution is forwarded to the President of the United States, the Secretaries of State, Interior, Commerce and Defense, to members of the House Merchant Marine and Fisheries Committee, to members of the Senate Committee on Commerce, to members of the Senate Committee on Foreign Affairs, and to the Governors of all coastal states of the United States.

EXHIBIT F

[From the Southeast Alaska Empire, June 8, 1972]

FISHERMEN SEEK AID

SEATTLE.—The National Federation of Fishermen will begin a campaign next week of seeking endorsements from governors of coastal states for a moratorium on foreign fishing off U.S. coasts.

The federation will meet Tuesday with Gov. Dan Evans, and later this month with Govs. Tom McCall of Oregon and Ronald

Reagan of California, said Mrs. Peter Mosness, secretary of the Seattle-based federation.

Alaska Gov. William Egan has in past weeks expressed strong opposition to foreign fishermen operating in Alaskan waters, vowing to seize violating vessels.

The federation is seeking congressional action on the moratorium proposal this year, she said, and hopes to take gubernatorial endorsements to Senate and House Committees in August.

A moratorium would be an interim measure to ward off taking a food fish by foreign fleets until a United Nations law of the sea conference is held at Geneva next year or in 1974, she said.

Mrs. Mosness said Wednesday the federation has been encouraged by recent statements from government officials warning of a possible crisis in depletion of American offshore fishing stocks.

"We believe a trend is developing (in government) at the moment," she said. "Finally, some of our government people are beginning to see what we have been yelling about for years."

EXHIBIT G

S. CON. RES. 95

Whereas over 650 foreign fishing vessels have been sighted officially off the shores of the United States in March of this year alone, a vast increase over the number of vessels sighted last year; and

Whereas these vessels pose a grave threat to American coastal fish stocks; and

Whereas American coastal fish stocks will face rapid depletion and destruction unless emergency actions are taken to reduce foreign fishery efforts in American coastal waters; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States recognizes the existence of a serious conservation problem and requests that the President take unilateral action imposing and enforcing a moratorium upon foreign fishery operations on United States coastal stocks of fish, and further requests that the President prohibit foreign fishing of any American coastal species within American coastal waters, unless specific permission is granted to fish in these waters by the American government; and

Be it further resolved that the Senate (the House of Representatives concurring) urges the President to refuse permission for foreign fishing of such coastal species within such coastal waters of the United States unless definite convincing proof is presented by foreign nationals requesting such permission that there is no existing danger to American coastal fishery species; and

Be it further resolved that the Senate (the House of Representatives concurring) urges the President to maintain this moratorium until an international regime for the conservation of American coastal fish species can be established.

SENATE CONCURRENT RESOLUTION 96—SUBMISSION OF A CONCURRENT RESOLUTION TO COMMEND MARK ANDREW SPITZ

(Referred to the Committee on the Judiciary.)

Mr. CRANSTON (for himself, Mr. BAYH, Mr. HARTKE, and Mr. TUNNEY) submitted the following concurrent resolution:

S. CON. RES. 96

Resolved by the Senate (the House of Representatives concurring), That Mark Andrew Spitz of Carmichael, California is commended for the individual excellence, skill, and perseverance that earned him a record seven gold medals in swimming in the XX Olympiad, the historically significant achievement of being the first Olympic contestant ever to win seven gold medals in one Olympiad, and the recognition of being the outstanding Olympian of modern times; be it further

Resolved, That the Congress notes with praise the determination and exceptional athletic ability displayed, individually and in team concert, by the many fine athletes who represented the United States during the 1972 Olympic Games in Munich, Germany, and commends the 1972 U.S. Olympic Team for its athletic performance in the XX Olympiad.

AUTHORIZATION OF APPROPRIATIONS FOR THE CONSTRUCTION OF CERTAIN HIGHWAYS—AMENDMENT

AMENDMENT NO. 1512

(Ordered to be printed and to lie on the table.)

Mr. COOPER. Mr. President, I send to the desk, for myself and the Senator from Maine (Mr. MUSKIE), an amendment to S. 3939, the Federal-Aid Highway Act of 1972. Our amendment would permit use of urban system funds—that is, the $800 million authorized to be appropriated to metropolitan areas in fiscal year 1974 and in fiscal year 1975—to be used for mass rail transportation, as well as for public transportation systems other than rail as now authorized in exiting law and in the Public Works Committee bill, S. 3939.

We have asked the members of the Committee on Public Works and the Committee on Banking, Housing and Urban Affairs who considered this matter and voted for the amendment to join as cosponsors. Because the 1972 Highway Act could come up later this week or early next week, we thought the amendment should be printed and available to the Senate. We know other Members are interested and may also wish to cosponsor the proposal.

I ask unanimous consent to have printed at this point in the RECORD the statement I prepared for the hearing of the Banking Committee last Thursday, and the text of Secretary Volpe's prepared statement at that hearing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JOHN SHERMAN COOPER

Mr. Chairman, the Federal-Aid Highway Act of 1972, S. 3939, as reported by the Public Works Committee is a constructive highway bill which contains important new provisions for meeting the transportation needs of large urban areas while maintaining a fair and balanced program for rural and smaller urban areas.

For example, the Federal-Aid Highway Act of 1970 created the Urban System, a separate road program for urban areas of 50,000 or more, authorized at $100,000,000 for each of two years. The 1972 Committee bill authorizes an eight-fold increase in urban funds—to $800,000,000 annually. The 1970 Act also permitted, for the first time, use of the Highway Trust Fund for projects related to highway public transportation, including construction of preferential or exclusive bus lanes, bus shelters and loading areas, and fringe parking. The Senate bill, S. 3939, specifies that at least $300,000,000 must be used for public transportation projects, which, for the first time, may include purchase of buses. Third, our bill requires apportionment of urban system construction and planning funds to each urbanized area on a proportional population basis. Thus, urbanized areas are assured of funding levels from year to year, and will be able to develop more rational long-range transportation programs. Finally, Section 111 would allow a city to use funds originally scheduled for construction of an urban Interstate route to provide other means—including public transportation—to accommodate inter- and intra-urban travel.

I support the Committee bill, and it was reported unanimously by our committee. It was referred to this Committee for its consideration of the use of the Highway Trust Fund for the purchase of buses, as this relates to urban mass transportation. Briefly, I thought it would be appropriate for me to appear before you today because I had proposed—with Senator Muskie—a further step: that the urban highway system funds be made available for mass transportation, including rail. I will give my reasons:

As I stated in my individual views, which are included in the report on S. 3939 by the Public Works Committee, I believe urbanized areas should be given flexibility to use Urban Highway System funds for transportation modes other than highways.

In the 1970 highway act, the Public Works Committees and the Congress added to Title 23 U.S.C. a new Section 142, to encourage the development, improvement, and use of public mass transportation systems within urbanized areas so as to increase the traffic capacity of the Federal-aid systems—limited however to systems operating motor vehicles on highways, "other than on rails". The section specifically authorized the Federal share of construction costs, from the Highway Trust Fund, for exclusive or preferential bus lanes, bus passenger loading areas and facilities, and transportation corridor parking facilities to serve bus and other public mass transportation passengers. In recent years amendments have been presented in the Senate from time to time, supported by an increasing body of opinion, to go further and permit use of the Trust Fund for urban mass transit.

At the opening of this session of Congress, I joined in sponsoring the Public Works bill S. 3037 introduced by Senator Weicker, then a member of the Committee, which would have removed from Section 142 the limitation on the use of the Trust Fund for mass transportation systems "other than rail", so as to provide metropolitan areas with greater flexibility in the use of federal funds for urban transportation systems, and enhance their ability to establish priorities and balance interlocking modes of transportation. Earlier this year, the Administration proposed that urban highway and mass transportation needs be met from a "Single Urban Fund," with revenues continued as at present from highway user taxes deposited into the Highway Trust Fund. The Administration deserves great credit for this construction recommendation, and I consider that Secretary Volpe made a vital contribution by his timely decision going to this central issue.

I introduced the Administration bill, S. 3590, which also called for a reduction in the number of categorical programs and a lower level of expenditures than S. 3939. I think it is recognized now that the Single Urban Fund failed to attract widespread support primarily because it proposed to transfer financing of the Urban Mass Transportation Act from general fund appropriations to the Trust Fund, which would have become the source of Federal financing for both the highway and mass transit programs. Decisions on continued authorizations and appropriations for UMTA is properly the concern of this and other Committees. However, I believe it both appropriate and necessary for the Congress to say that Highway Trust Funds allocated to urbanized areas may now be used to supplement mass transportation funds, and that providing such flexibility is in fact the best hope for reducing traffic congestion and maintaining the usefulness of urban highway systems.

In the executive session of the Public Works Committee, Senator Muskie offered an amendment to permit the use of Interstate highway funds within urbanized areas for alternative transportation modes. I offered as a substitute an amendment to section 142 of Title 23, United States Code, permitting the use of Urban Highway System funds for public transportation system construction and equipment—without the prohibition against rail transit. This proposal would allow urbanized areas to use their portions of the $800 million each year, authorized by S. 3939 for the Urban System, for such transportation modes as they determine necessary to meet the needs of their people. Senator Muskie joined in my motion and the decision of the committee was very close. The "Cooper-Muskie amendment" was first adopted by a vote of 8 to 7, and later reversed.

I am proud that the Administration supports the amendment I offered in the Public Works Committee and intend to offer in the Senate—which I know is of interest also to members of this Committee.

In urban areas different transportation modes are closely related. In order to achieve the most effective overall transportation system, officials need at any given time some flexibility in determining their immediate funding priorities for each mode. It is for this reason that my amendment was directed to the use by city officials and metropolitan transportation agencies of the Urban System funds assigned to metropolitan areas from the Trust Fund.

But to propose, as the Committee may be asked to consider, that primary and secondary highway funds could also be used for subways, would confront State Highway Departments or Governors with the very sort of conflict we are hoping to resolve. That is, it would pit the demands of high-density metropolitan areas for subways in central cities against the interests of rural roads and inter-city routes, with both needs competing for the same funds.

The Public Works Committee bill assigns $800,000,000—a large increase—to the expanded urban system; if enacted, Congress would have made a judgment as to the funding level for urban system needs in the next two years. If the State's primary and secondary funds are also proposed for urban mass transit, however, it would seem to me to destroy the urban-rural balance the Public Works Committee has tried to strike in this bill, and the Congress would fail to provide guidance as to the proper division of Highway Trust funds for urban and for other needs.

I do not hold that the Highway Trust Fund as presently constituted can or should be the sole source of financing for both mass transit and highways. I think it clear that subway systems represent huge capital expenditures in a relatively small number of high-density metropolitan centers, and that the funds made available by this and future Highway Acts cannot possibly provide the primary Federal financing for them. But I think the time has come to resolve this issue and to enable cities to better manage their capital expenditures for these closely related transportation modes.

I emphasize my belief that the entire Senate Committee on Public Works, under the leadership of its Chairman, Senator Randolph, fully supports continued strong Federal support of urban mass transportation. Concern was expressed in our discussions that support of mass transit from the Highway Trust Fund—either for purchase of buses as in the Committee bill, or to include rail as in the Cooper-Muskie amendment—could lead to a decrease in appropriations from the general fund for urban mass transit. The committee bill itself declares that any Highway Trust funds should supplement and must not displace funds authorized and available for the Urban Mass Transportation Act. It is for this reason that I consider referral of the bill to this Committee appropriate and very useful; I would hope your committee may take steps to assure that authorizations, appropriations, and commitments for the Urban Mass Transportation Act of 1964 will not be reduced—and I hope that Secretary Volpe may address this point.

Mr. Chairman and members of the Committee, I appreciate very much the time you have allowed me for this statement. I would be glad to answer any questions I can, and if I may, I should like to remain to hear the testimony of the Secretary.

HIGHWAY TRUST FUNDS FOR PUBLIC TRANSPORTATION

STATEMENT OF JOHN A. VOLPE, SECRETARY OF TRANSPORTATION

Mr. Chairman and Members of the Committee:

I am very pleased to have the opportunity to testify before you regarding the public transportation provisions of the Federal-Aid Highway Act of 1972 (S. 3939), which has been referred to your Committee from the Committee on Public Works.

Today, Mr. Chairman, I am here to discuss with you some of the fundamental issues affecting transportation primarily in our urban areas. In the last several years we have taken many significant steps together. In 1969, the Administration proposed, and through the instrumental support of this Committee, the Congress enacted the far-reaching Urban Mass Transportation Act of 1970. Subsequently, we discussed the concept of a single transportation trust fund, and the Administration proposed Special Transportation Revenue Sharing and the Highway and Mass Transportation Act of 1972 which contained the Single Urban Fund proposal. Underlying all these proposals, and confirmed by our analytical studies, especially the 1970 Statement on National Transportation Policy and the 1972 National Transportation Report, were two recurring objectives. First, current Federal-aid programs should be made more flexible to permit State and local governments to determine their transportation priorities and to use Federal funds accordingly. Second, the greatest transportation needs exist in our major urban areas.

At this time, we have an opportunity to address these points head on and to take a truly fundamental step forward and enact a landmark piece of transportation legislation.

I am pleased that the bill reported by the Public Works Committee (S. 3939) incorporates several of the Administration's recommendations. However, we do not feel that the bill now meets the critical need to achieve efficient urban mobility through balanced transportation brought about by real flexibility of modal choices.

There are a number of features of the bill which are most undesirable from the Administration's standpoint. However, since they are primarily in areas not of immediate concern to this Committee, I plan today to concentrate on those features which are critical to this Committee's interests and an efficient urban transportation system. To this end, I will be requesting that this Committee prepare a report on S. 3939 in which you endorse certain amendments proposed by Senators Cooper and Muskie. These amendments will (1) allow rail transit projects as well as bus purchases to be funded out of the Highway Trust Fund; and (2) set the Federal share for public transportation projects at the same level as provided for all highway projects, other than the Interstate, namely 70 percent. Second, I recommend as part of the total program that you subsequently amend the Urban Mass Transportation Act to provide $3 billion in additional contract authority to sustain this program through 1977 and raise the Federal share from 66⅔ percent to 70 percent. While the Administration continues to believe strongly in the Single Urban Fund concept which we recommended to the Congress, we also recognize that there are more than one means to reach the ultimate objective which I believe we share in common—a balanced urban and rural transportation system with flexibility for local choice.

When the Department proposed its Federal-Aid Highway and Mass Transportation Act of 1972, we recognize the urgency of the transportation problem in our urban centers and the lack of a single simple solution. We felt the first objective must be to increase the flexibility that State and local governments have in determining how Federal transportation dollars would be used in metropolitan areas. It is essential that the officials responsible for local transportation be freed from the compulsion to simply build highways based on the old principle of "use it or lose it". Our other principal objective was to provide an assured pattern of program growth for both highway and mass transit projects in our metropolitan areas. We felt the appropriate mechanism to satisfy these objectives was the creation of a new urban transportation program, which we referred to as the Single Urban Fund. Under that proposal the Highway Trust Fund would have become the sole source of Federal financing for both highway and mass transit programs.

As I previously indicated to you, Mr. Chairman, in an exchange of correspondence, the fact that the Department was not requesting the additional authorizations for capital grants under the Urban Mass Transportation Act by no means indicated a lack of commitment by the Administration for funding mass transportation programs. We were awaiting congressional action on our Single Urban Fund proposal. Now that we have an indication of the apparent unwillingness of the Congress to adopt our Single Urban Fund in total, we are recommending that the Urban Mass Transportation Act be amended to provide an additional $3 billion in contract authority to sustain the program through fiscal year 1977. We feel that this funding will satisfy our objective of assuring the continued progress and the guaranty of financing for the urban mass transportation program.

As I have indicated, the other major objective of our original proposal was to provide for flexibility which would enable local officials to best satisfy their transportation needs. The Public Works Committee has taken a positive step in this direction by its proposed amendments to section 142 of title 23, which are presently contained in section 128 of S. 3939. These proposed amendments would authorize the use of all Federal-aid highway funds apportioned to a State for use within urban areas and in certain rural areas for the financing of highway public transportation projects, which would include exclusive bus lanes, traffic control devices, passenger loading areas and facilities and the purchase of buses. By these amendments to section 142 the Public Works Committee has proposed, for the first time, that Highway Trust Fund monies be made available for the purchase of buses both in urban and rural areas. However, it is important that this proposal be broadened further if we are to provide meaningful alternatives to our local officials. Amendments to section 142 should provide that funds authorized for the Federal-aid urban system be available for the acquisition and construction of rail transit facilities and equipment, as well as the highway public transportation projects currently contained in S. 3939. This approach was suggested in the Public Works Committee by Senator Cooper, and with the support of Senator Muskie it gained the vote of seven of the fifteen members of that Committee. The so-called Cooper-Muskie amendment would allow urbanized areas to use their share of the $800 million authorization for the Federal-aid urban highway system for whatever urban transportation capital projects they deem necessary to meet the needs of their communities. Some communities might choose to use their entire allotment for mass transportation; others all for highway construction; and some would obviously provide for both mass transit and highway projects. In any case, the important point is that each community would have the flexibility to program funds to meet its identified transportation priorities. The option will be theirs.

Mr. Chairman, the Administration fully supports the Cooper-Muskie amendment and recommends that this Committee join in support of such a proposal when it is offered as an amendment on the Senate floor. At this time, let me assure this Committee that utilizing Highway Trust funds for urban mass transportation projects will in no way diminish the current responsibilities of the Urban Mass Transportation Administration. If the proposed amendments to section 142 are enacted, mass transportation projects selected locally for funding under that section will be referred to UMTA for administrative and program review and supervision. In a real sense, their current responsibilities will be increased. For these reasons, I strongly urge this Committee to endorse this amendment in its report on S. 3939.

In addition, we feel that section 142 should be modified in another important respect. S. 3939 presently provides for 100 percent Federal financing of bus purchases from the Highway Trust Fund. Our experience gained from Federal grant programs shows that provision for 100 percent Federal financing is most undesirable. The lack of some degree of local contribution detracts from the responsibility and accountability which ordinarily is applied to investments of local revenues. In addition, our objective in supporting a broadened urban transportation program is to provide for complete flexibility of transportation choices by local officials and not to create a bias of one mode over another. A provision of 100 percent Federal financing for buses would create such a bias and should be avoided. We believe there should be a parity between transportation projects eligible for financing under this section, and we believe that the appropriate Federal share of the cost of such projects should be the same whether it be a highway project or a transit project. We understand that Senator Cooper will include such a provision in his amendment to section 142, and we strongly urge that this Committee also support this position in its report.

Further, to provide the parity between transportation projects we recommend that the maximum allowable Federal share of transit projects funded under the UMTA program be raised to 70 percent, which is the Federal share for non-Interstate highway projects. The additional funding for the UMTA program, together with the amendments to section 142 proposed by Senators Cooper and Muskie, would provide a total transportation package well designed and adequately funded to meet our urban transportation needs while at the same time being fully cognizant and supportive of our rural road programs. I am hopeful that this total transportation package will have the full support and backing of this Committee.

Mr. Chairman, I sincerely hope that this Committee will take the actions we have requested to advance the Administration's revised urban transportation program.

In summary, we seek your support on two counts. First, we wish you to support amendments to section 142 which will be offered on the Senate floor to provide meaningful flexibility of modal choices for our metropolitan centers by allowing local officials to determine the proper balance of highway, rail, and bus transit best suited for their needs. In developing this balance, it will not create a new bias by favoring the selection of the bus mode through the imbalance of 100 percent Federal funding.

Second, we wish you to act favorably upon our recommendation for a $3 billion authorization for additional contract authority for UMTA with the ceiling on the Federal share for such projects being raised to 70 percent from the present 66⅔ percent.

Enactment of a proposal along these lines will be the culmination of our mutual efforts to meet our urban transportation needs. The new resources coming from the Highway Trust Fund, together with true flexibility for local officials to design their own programs, as well as the assurances to State and local governments and the transit industry that we are committed to the continuation of a vital UMTA program, will be the most purposeful steps we can take. By this action we will do much to relieve the traffic congestion of our cities, to preserve our environment and energy sources, and to provide a balanced transportation system for the movement of people and goods which is so essential for the quality of life in our cities.

In conclusion, Mr. Chairman, let me express my hope that the positions I put before you today can gain the enthusiastic support of this entire Committee. Need for improved and efficient public transportation for our urban areas is recognized as a must by all concerned citizens. I know that this Committee recognizes this need, and I am hopeful that we will be working together to meet it. It is my hope that we can go forward together in 1972 in the same spirit that we shared in 1970 in enacting that year's landmark urban mass transportation legislation.

That concludes my statement, Mr. Chairman. At this time I will be happy to answer any questions you or members of the Committee may have.

Committee on Public Works,
Washington, D.C., September 12, 1972.

Dear Senator: The Committee on Public Works, on which we serve, has reported the Federal-Aid Highway Act of 1972, S. 3939, which was then referred to the Committee on Banking, Housing and Urban Affairs. That Committee has now made its recommendations to the Senate, and the bill could be taken up in the Senate late this week or early next week.

The highway bill contains important new provisions for meeting the transportation needs of metropolitan areas, while maintaining a fair and balanced highway program for rural and smaller urban areas. For example, it authorizes an eight-fold increase—to $800 million dollars annually—in funds for the Urban System established by the 1970 Highway Act. The 1970 Act also authorized use of the highway Trust Fund for highway public transportation, including the construction of bus lanes; the Committee bill extends this public transportation authority to include the purchase of buses. However, existing Section 142 of title 23 U.S.C., and the Committee bill, restrict use of the Trust Funds to public mass transportation systems "other than on rails."

In the Committee on Public Works, we offered an amendment with respect to the Urban System to remove that restriction excluding rail mass transit—so as to allow city officials and metropolitan transportation agencies to use their portions of the $800 million Urban System funds for such transportation modes as they determine necessary to meet the needs of their people.

The decision of the Public Works Committee was very close. The "Cooper-Muskie" amendment was first adopted by a vote of 8–7, later reversed. We announced our intention to offer the amendment in the Senate.

When the bill was referred to the Banking Committee—which held a hearing September 7 on the provisions of the bill relating to urban mass transportation—the "Cooper-Muskie" amendment received the full support of the Administration through the testimony of the Secretary of Transportation, Mr. Volpe, who strongly urged its adoption. We are glad that the testimony of other groups heard by that Committee also supported the amendment. The Senate Banking Committee, by a vote of 10–0, has now recommended to the Senate adoption of the "Cooper-Muskie" amendment.

We consider it appropriate and necessary for the Congress to say that highway trust funds allocated to urban areas may now be used to supplement mass transportation funds—and that providing such flexibility is perhaps the best hope for reducing traffic congestion and maintaining the usefulness of urban highway systems. We believe the time has come to resolve this issue, and to enable cities to better manage their capital expenditures for these closely related transportation modes.

We emphasize that our amendment is directed solely to the Urban System funds, and would not change the effect of the Committee bill with respect to primary, secondary and Interstate funds—which would continue to be available for highways as under the Committee bill (including public highway transportation such as the construction of bus lanes and purchase of buses). The amendment would not permit the diversion of rural road or inter-city highway funds for subways. We believe it would protect the continued use of the Highway Trust Fund for these purposes by helping to meet the legitimate needs of metropolitan areas—which if not met could lead to demands to abolish the Highway Trust Fund.

The purpose of this letter is to invite your support of the amendment we will offer in the Senate. Our views are contained in Senate Report No. 92–1081 between pages 53–63. The report of the Committee on Banking, Housing and Urban Affairs, No. 92–1103, also discusses the amendment as a recommendation of that Committee, beginning on page 5, including the text of the amendment.

If you would like additional information, you may wish to have your staff be in touch with Mr. Guard, ext. 5–7854, or Mr. Billings, ext. 5–7859, of our respective staffs.

With kind regards, we are
Sincerely yours,
John Sherman Cooper.
Edmund S. Muskie.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 1240

At the request of Mr. Gravel, the Senator from Minnesota (Mr. Humphrey) was added as a cosponsor of amendment No. 1240, intended to be proposed to the bill (S. 3410) a bill to revise the special pay structure relating to members of the uniformed services, and for other purposes.

NOTICE OF HEARING ON A NOMINATION

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, September 19, 1972, at 9:15 a.m., in room 2228, New Senate Office Building, on the following nomination:

Herman G. Pesquera, of Puerto Rico, to be U.S. district judge for the District of Puerto Rico, vice Juan B. Fernandez-Badillo, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Mississippi (Mr. EASTLAND) chairman; the Senator from Nebraska (Mr. HRUSKA), and the Senator from Arkansas (Mr. McCLELLAN).

ADDITIONAL STATEMENTS

DEATH OF FORMER REPRESENTATIVE ROBERT RAMSPECK, OF GEORGIA

Mr. TALMADGE. Mr. President, I was very much saddened to learn today of the passing of former U.S. Representative Robert Ramspeck, of Decatur, Ga., who served with distinction for many years in the House and as chairman of the Civil Service Commission.

Mr. Ramspeck, who made his home in Rockville, Md., following his retirement in 1961, had a long and outstanding career of public service. He represented the Fifth District of Georgia from 1929 to 1945, and served as Democratic whip of the House from 1942 to 1945. His special interest was Federal employment, and he was chairman of the House Civil Service Committee for 10 years and head of the U.S. Civil Service Commission during the Truman administration.

Bob Ramspeck's entire life was characterized by hard work and distinguished accomplishment. He brought great credit to the State of Georgia, and he served his Nation well.

Mrs. Talmadge joins me in extending our sympathies to his family.

I ask unanimous consent that there be printed in the RECORD an article on former Representative Ramspeck's death.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 12, 1972]

FORMER REPRESENTATIVE ROBERT RAMSPECK DIES

(By Jean Hailey)

Former Rep. Robert Ramspeck, 82, who served as Democratic whip of the House from 1942 to 1945, died Sunday while on a visit to Castor, La.

Considered one of the foremost friends of federal government employees, Mr. Ramspeck represented the Fifth District of Georgia from 1929 until 1945.

Described as soft-talking and hard-smoking, he was credited with helping to bridge the gap between the Northern and Southern wings of the Democratic Party during the 1940s.

It was said that no one could call the turn on a vote quicker than he or move faster to plug the holes of division when they could be plugged.

Mr. Ramspeck, who was chairman of the Civil Service Commission in 1951–1952, had wide knowledge of the aviation industry and left his congressional post on Jan. 1, 1946, to become vice president of the Air Transport Association of America.

Born in Decatur, Ga., he started work as a youth in the office of the clerk of Superior Court in his home county of De Kalb. He went to law school in Atlanta and was admitted to the Georgia bar in 1920.

He was secretary to a Georgia congressman, deputy U.S. marshal for the North District of Georgia, secretary of the Decatur Board of Trade, secretary of the Chamber of Commerce in New Bern, N.C., publisher of the De Kalb New Era, a newspaper, and a representative from De Kalb County in the Georgia legislature before coming to Washington.

During his tenure in the House of Representatives Mr. Ramspeck served as chairman of the House Civil Service Committee for 10 years. He was also a member of the Democratic Congressional Campaign Committee.

At the time President Harry S. Truman named him to head the Civil Service Commission, he had the distinction of being endorsed by as many Republicans as Democrats.

After leaving the CSC, Mr. Ramspeck became a vice president of Eastern Air Lines. He was considered an outstanding authority on civil aviation matters.

He retired from Eastern Air Lines in 1961 but remained as a consultant to the firm.

In 1940, Mr. Ramspeck received an honorary doctor of law degree from the Atlanta Law School. He received a similar degree from Ohio Wesleyan University in 1951.

He was a member of the American Bar Association, the Former Members of Congress Club and the Columbia Country Club. He was also a Mason, a Shriner and a member of the Elks.

Mr. Ramspeck lived at 1200 Old Georgetown Rd., Rockville.

He is survived by two daughters, Mrs. Thomas Webb Jr., of Potomac, and Dorothy Dunson, of Bethesda, and eight grandchildren.

GRAIN SALES TO RUSSIA

Mr. YOUNG. Mr. President, most of the recent criticism of wheat sales to Russia is highly politically motivated and inaccurate. The wheat sales to Russia, totaling about 400 million bushels, are far higher than anticipated by anyone in the Department of Agriculture, or most anyone in the United States.

The Russians are not the kind of people who publicly disclose all of their plans and intentions. After the first meeting by Secretary of Agriculture Butz and then Assistant Secretary Palmby and others with Russian officials, it was estimated that the Russians would purchase $750 million worth of grain, but mostly feed grains, not wheat. Most of the credit for this very beneficial sale must go to President Nixon, Secretary Butz, and other Agriculture Department officials.

After President Nixon's trip to Russia and the initial negotiations with Russia, anyone in the habit of speculating in grain futures who had some knowledge of crop conditions in Russia might well have anticipated sizable sales of wheat to Russia. If he bought futures, he could have made money. There is nothing new in this type of speculation.

The great benefit of these big wheat and feed grain sales is to farmers. Cash wheat prices went up from 25 to 40 cents a bushel, depending on the class of wheat and its location. This increase in price was most welcome and helpful, since wheat prices in North Dakota on May 15 had reached the lowest point since 1944. These large wheat sales should reduce the cost of the wheat program to the Federal Government, and, equally important, it will improve our balance of trade with the rest of the world by at least a billion dollars—and this at a time when we are facing a critical trade deficit.

These sales will also be of great benefit to businessmen, industry, and others since agriculture is still the biggest purchaser of steel, rubber, petroleum, chemicals, and some other products of any other segment of the economy.

Unfortunately, some farmers already had sold their wheat before this price increase resulting from the Russian sales. This is particularly true of some Southern States. Most of the sales, though, were by landlords and not the farmer or farmer-tenant who usually stores his grain on the farm for a period of time and takes out a Government loan. Since this price increase, many farmers have repaid their loan and storage to the Federal Government and are now selling that wheat at a profit.

If it had not been for these huge Russian sales, we would have been faced with an even bigger surplus of wheat and continued depressed prices. On July 1 there was a wheat carryover of approximately 900 million bushels. The new wheat crop is estimated at 1,450,000,000 bushels. With much of our total wheat supply still under farmer control, these sales cannot help being very beneficial to wheat farmers.

The charge that the Russians were given preferential treatment in the sale of this wheat is completely false. The sale was made on the same terms as all other commercial sales to our biggest customers such as Japan and European countries. President Nixon did make one major change. He rescinded the previous Presidential order by President Kennedy that required that 50 percent of all wheat sales to Russia be carried in U.S. ships. This change was long overdue since Canada and other exporting nations have no such requirements, so Russia could buy wheat at less cost from those countries.

Mr. President, having been primarily a wheat and feed grain farmer all my life until I came to the U.S. Senate, I cannot help feeling that the vast majority of wheat and feed grain producers will be highly pleased with these grain sales and the resultant better cash prices.

THE GENOCIDE CONVENTION AND AMERICAN POW'S IN VIETNAM

Mr. PROXMIRE. Mr. President, one of the concerns of critics of the Genocide Convention is that the treaty, if ratified by the Senate, would have adverse effects on American prisoners of war in Vietnam. Opposition to the convention has emphasized the possibility that our soldiers incarcerated by the enemy could be charged with genocide and tried in Hanoi.

Since the treaty, in article I, specifically refers to "time of war," the possible effect of the Genocide Convention on U.S. military forces abroad, especially when in combat, was carefully considered by the Committee on Foreign Relations. It was the conclusion of the committee's report that combat actions do not fall within the meaning of the Genocide Convention.

The convention restricts its definition of genocide to acts which are committed "with intent to destroy" a national, ethnical, racial or religious group. Thus, even incidents such as that at My Lai do not constitute genocide, as defined in the treaty.

In the opinion of most witnesses who appeared before the Foreign Relations Committee, ratification of the Genocide Convention would not alter the situation of American military forces in peace or war in any way or create new hazards for them. As stated in the committee's report (Ex. Rept. No. 92–6):

> It is reality that American prisoners of war in North Vietnam could now be charged by the Hanoi government for war crimes or genocidal acts or whatever other trumped-up charges Hanoi wishes to make. Their peril will not be increased by approval of this convention while peril may be avoided for tens of millions by ratification of the convention. This is an essential point to bear in mind in connection with the treaty's effect on our Armed Forces.

We can readily see from the above opinion of the Foreign Affairs Committee that the genocide treaty will not subject American POW's to prosecution which is not already enforceable.

Mr. President, I call upon the Senate to ratify the Genocide Convention without delay.

ADDRESS BY SECRETARY OF THE NAVY JOHN W. WARNER BEFORE AMERICAN LEGION CONVENTION, AUGUST 22, 1972

Mr. THURMOND. Mr. President, last month my good friend, the Honorable John W. Warner, our capable and dedicated Secretary of the Navy, made a splendid address to the American Legion Convention in Chicago.

As you know, Secretary Warner was at the Moscow Summit and signed the Incidents at Sea Agreement on behalf of the United States. This agreement stated the mutual recognition of both countries of the dangerous consequences of unintentional accidents between our two navies. Included in this agreement were procedures to enhance safety when ships of our navies operate in close waters, and in my judgment, this accord will go a long way in solving many potential difficulties.

Mr. President, the Secretary of the Navy also made some very enlightening remarks about the SALT agreements and discussed its most important provisions.

I commend this fine address to the attention of my colleagues and ask unanimous consent that the Secretary's address, entitled "Strategic Arms Limitation Talks and the ABM/Interim Offensive Agreements," be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Strategic Arms Limitation Talks and the ABM/Interim Offensive Agreements

Good morning—Ladies and Gentlemen, Members of the American Legion:

I am very happy to be here today to have this opportunity to talk to you about the Strategic Arms Limitation Talks and the agreements that were signed at the Summit. I was privileged to be at the Moscow Summit and, therefore, am happy to share with you my firsthand observations and impressions.

I have two subjects from the Summit that I would like to talk to you about—the SALT Agreements, of course, and the Incidents at Sea Agreement which I signed in Moscow on behalf of the United States. Let me discuss the Incidents at Sea Agreement first.

In 1968, the United States invited the USSR to sit down and talk about how to avoid confrontations between units of our Armed Forces on and over the high seas. A series of near collisions between Soviet and United States ships and aircraft during the 1960's convinced us that we and the Soviets needed to discuss ways of increasing safety at sea. In 1971, the Soviets accepted our invitation.

I headed the United States delegation which went to Moscow in October 1971 to discuss with the Soviets—Navy to Navy—our mutual concern about the safety of our fleets. A Soviet Naval delegation visited the United States in May 1972—just before the Summit—for a second round of talks.

From these discussions emerged the Incidents at Sea Agreement.

This agreement records the mutual recognition of both countries that an unintentional accident between our two navies could have disastrous consequences—serious loss of lives, property damage, possible nuclear pollution and a marked increase in tension between our two countries.

To avoid just such consequences, the two navies agreed upon practical procedures aimed at enhancing safety when units of our two navies operate in close proximity. Although the Incidents at Sea Agreement is far from solving all our problems with the Soviet Union, it should help to decrease tension on or over the high seas.

The Incidents at Sea Agreement and the SALT Agreements I am going to discuss with you today are important not just for our people but for *all* people, and for their children, in a world of increasingly complex relationships, the points of accord reached by the U.S. and the Soviet Union provide the momentum for a generation of peace for our children.

Speaking of children, I want to thank you for sending to us your representatives, the members of the Boys and Girls Nations, in Washington. Secretary Laird and I both were impressed by these fine young people, sponsored by the American Legion. Their presence indicated their concern for and dedication to the American way of life, "For God and Country." I am sure that their understanding of how their government operates has been enlarged and enriched. Congratulations on such an excellent group of young people. We obviously have some fine hitters in the on deck circle.

Now let us proceed to SALT. I am certain that all of you have heard, and will continue to hear, a great deal of discussion concerning the adequacy of the ABM Treaty and the Interim Offensive Agreement. This is good, right and proper. It is a necessary function of the democratic process that we thoroughly discuss these highly important agreements. They are important not only for the *achievements* they represent, but also for the opportunities they *present*. Strategic Arms Limitations is not a one-time, one shot effort, but a continuing and arduous process. Secretary of State Rogers told the Senate Foreign Relations Committee on June 19, 1972 that:

"They constitute an unprecedented step in controlling strategic arms. They are tangible evidence that both sides are moving into an era of negotiation. The two sides now have an important investment in cooperation which they are not likely to risk lightly. The U.S. and the Soviet Union have thus indicated a recognition that their relations can be improved by cooperation in some areas even though there remain important differences in others."

I'd like to place the SALT Agreements in perspective by recalling that President Nixon faced a three part problem in 1969.

First, the USSR was engaged in a continuing buildup of its strategic missile launchers and was rapidly approaching parity with the United States.

Second, President Nixon recognized that the United States had to maintain forces adequate to meet our national security requirements—forces second to none.

Third, the economic realities of life precluded embarking on another course of new arms construction.

How could we meet our needs and, at the same time, meet the challenge of the Soviets? Experience had shown that the "I build—you build" arms race was ultimately self defeating *but*—through negotiations we could gain an opportunity to obtain a more stable strategic relationship with the USSR and seek—over time—a relationship in which both nations could use more of their great resources for purposes other than weaponry.

The two major results of the Strategic Arms Limitation Talks are the ABM Treaty and the Interim Offensive Agreement signed in Moscow.

In broad outline, the ABM Treaty, signed on May 26, 1972 and consented to by the Senate three weeks ago, provides as follows:

Prohibits a *nationwide* ABM deployment, and a base for such deployment;

Limits ABM deployments to two widely separated deployment areas in each country—one for the defense of the national capital, the other for defense of a single ICBM installation.

For these purposes, no more than 100 ABM launchers and interceptors may be deployed at each site for a total of 200 deployed interceptors and 200 deployed launchers for each country.

Controls ABM radars numerically and qualitatively.

There are three immensely important aspects of the ABM Treaty. They cover the verification and implementation of the Treaty and further negotiations.

First, each side will use *national* technical means for verification and will not interfere with the other's verification means nor will either side take deliberate concealment measures;

Second, a standing consultative commission is established to facilitate implementation of the Treaty and consider questions that may arise;

Third, both countries agreed to continue active negotiations aimed at limitations on strategic arms.

Let me emphasize—with respect to the ABM Treaty—it commits both sides not to build a costly, nationwide ABM System. This fact is very significant because without a nationwide ABM defense there can be no shield against retaliation. Thus the balance of the strategic power of our weapons, and theirs, is maintained. Both great nuclear powers recognize and have agreed to maintain that mutual deterrence. Another major objective of SALT was to reduce the high costs, in international tension, uncertainties *and* dollars flowing from the upward spiral of Arms competition. Over the long term, we stand to save tens of billions of dollars which might have otherwise been expended for a national ABM System. Secretary Laird recently testified before the Senate Armed Services Committee that the total ABM saving through 1981 as a result of SALT would be, in 1968 dollars, $9.9 billion.

The second major portion of the SALT Agreements—the Interim Agreement and the protocol on the limitation of offensive weapons—which was also signed on 26 May 1972 contains the following important provisions:

Carries a restriction of five years on strategic offensive missile launcher deployments pending negotiation of more complete limitations on strategic offensive arms;

Limits the aggregate number of fixed, land-based ICBM launchers and sea launched ballistic missiles;

Prohibits starting a new construction of additional fixed, land-based ICBM launchers;

Limits the number of launchers for modern, heavy ICBM's, such as the Soviet SS-9, to that number currently operational and under construction;

Places ceilings on operational ballistic missiles and submarines;

Importantly, up to agreed ceilings, deployment of additional SLBM launchers above a specified number for each country requires an offsetting reduction of other ICBM or SLBM launchers.

With respect to the Interim Agreement on offensive weapons—which we hope will be the first step to more comprehensive and permanent limitations—we feel that a break has been made in the continuing action-reaction arms race which has so characterized our relations with the Soviet Union. This cycle alone has been a major contributing factor in the arms race, and we have seen, since the cold war, that it is nearly impossible to break. The new levels of strategic offensive and ABM weapons agreed on have become the starting point from which the United States and the USSR can go on to further slow the arms race.

I would like to suggest to you three ideas as you consider these historic agreements. First, I suggest you not try to calculate and compute a comparison of our strategic systems on the basis of megatonnage and throw weight, missiles and warheads. Just remember one unalterable and sobering fact—as of today both countries have, and will continue to have during the life of the agreement—sufficient power to render utter devastation to both lands.

The result is that there can be no winner in a nuclear disaster. The question has been raised as to who "won" at SALT. I think we can say that there was no real winner in the commonly accepted sense of the word at the SALT Talks.

In any situation such as a Summit there must be a carefully laid foundation of trust; without it there is no basis upon which to proceed. There is no winner take all situation; both nations win, or everybody loses. President Nixon has already said, "This will either be a serious attempt to turn the world away from time worn practices and jockeying for power or there will be endless, wasteful, and purposeless competition in the acquisition of armaments."

Second, I'd like you to keep in mind the continuing need for the modern, general purpose military. The Moscow agreements are the first span of a bridge of understanding, cooperation and peace. But we need strong Armed Forces to support that bridge, buttress it in time of storm, and guard its approaches. Most importantly, we need them to provide our chief architect, President Nixon, the power he must have to negotiate in future sessions from a position of strength. Even with the advantages that these two agreements bring, we must continue to modernize our forces if they are to remain credible deterrents adequate to protect the United States, and our allies. Our ability and resolve to protect our vital interests and those of our allies, wherever they may be threatened, must never be underestimated. Indeed, in recent weeks, Congress has reaffirmed this evaluation with their support for two important basic tools of national security into the 1980's, the CVN-70, and the Trident.

And finally, I would like to conclude by passing on a few non-official comments, namely, my own personal observations about the Soviet Union. By no means do I pretend to be an expert for I visited once in 1965 and twice within the last eight months. Nevertheless, these trips left me with lasting impressions.

My principal motivation for working as a public servant is to be a part of those efforts leading to President Nixon's goal of a generation of peace. My recent trips to the Soviet Union have given me optimism that this goal is achievable.

Although I spent much time with senior Soviet officials—principally Navy—I made every effort to see as much as possible of the Soviet citizenry, that unidentifiable man found in every country known as the "man in the street." It is my judgment that there is a striking parallel between that man and his counterpart in the United States in their common desire for peace and a higher standard of living.

One need only go back in the thousands of years in Soviet history to see how that country has been invaded, ravaged and raped by invaders from the North, the South, the East and the West. The most recent holocaust, of course, was World War II where 20,000,000 lives were lost and a greater number were casualties . . . not just soldiers, sailors and airmen but that war touched husbands, wives, children, grandparents—everyone.

All traces of the widespread devastation of World War II—save those ruins carefully preserved as a perpetual reminder—have been replaced with modern buildings and factories. But the horror of war shall never be eradicated from the Soviet heart. There is hardly a family today that it has not touched in some way.

Since World War II the Soviet man in the street has now enjoyed a generation of peace. His standard of living has improved markedly, particularly in the last few years. This better life combined with memories of the past induce him toward another generation of peace.

There seems to me to be a delicate balance between his desire for peace and his will to fight. Whereas our country has remained free of foreign invaders since the abortive attempt during the War of 1812, his land has been overrun many times. Therefore, he understands—perhaps better than we—the meaning of survival. That survival can only be achieved through strength—strength and the will to fight. Words alone by us are not enough; we must combine those words with tangible evidence of our determination to remain strong while proceeding through negotiation towards a generation of peace.

Since the children—our children, their children, children the world over—are the principal beneficiaries of this generation of peace, much was said about children during the Moscow Summit. As President Nixon told the Soviet people during his television address to the people of the Soviet Union in May of this year ". . . We love our children and we want for you (the Soviet people) and for your children the same peace and abundance that we want for ourselves and for our children." I would like to speak specifically of one young Russian girl who during the siege of Leningrad kept a diary; her name was Tanya. In the pages of her diary she tells the terrible, terrible story of war in the simple words of a child. She wrote of the deaths of the members of her family, Zhenya in December, Grannie in January, Leka next, then Uncle Vasya, then Uncle Lyosha and Mama, and then the Savichevs and finally, these words, the last words in her diary, "All are dead, only Tanya is left."

The SALT Talks and SALT Agreements and our determination to remain strong are steps forward towards this goal—a goal to do all that we can to insure that no other children will have to endure what Tanya did and that your children and ours and all the children of the world can give their full lives to each other, can live their full lives together in friendship and in peace.

Thank you.

THE $35 BILLION GAP IN GNP AND THE $10 BILLION GAP IN FEDERAL REVENUES CAUSED BY THE NIXON ECONOMIC POLICIES

Mr. PROXMIRE. Mr. President, the Wall Street Journal for today, September 12, contains the first in a series of articles written by distinguished contributors which the Journal plans to run monthly. Included among the authors are Walter Heller, Irving Kristol, Paul McCracken, and Arthur Schlesinger, Jr.

Today's article is by Walter Heller, the distinguished economist and former Chairman of the Council of Economic Advisers. Mr. Heller first describes the economic differences and the economic consequences of an economy running at 4 percent unemployment and one running with a 5-percent unemployment level.

HUGE GNP AND REVENUE GAPS WITH 5 PERCENT UNEMPLOYMENT

As he contends, the difference is about $35 billion a year in lost GNP, a $10 billion loss in Federal revenues, and 1 million more men and women unemployed if unemployment goals remain at 5 percent—which is the Nixon goal—as against 4 percent or below—which is supported by Senator McGOVERN and those who support him.

Mr. Heller then stresses the difference in emphasis of the two schools and argues persuasively, in my view, for an unemployment level at 4 percent or below.

Finally, he prescribes a formula for achieving the 4-percent level and what he calls a prudent policy for the future.

I agree with much of what he proposes, but I do differ in one respect. He urges the Federal Government to continue to spend, in order not to shut off economic growth. But he also urges us to raise taxes in 1974 to offset the larger spending.

NO NEED FOR TAX INCREASE—CUT WASTEFUL SPENDING

I believe the same goals can be achieved by different means. I see no reason to push spending merely to sop up its effects through higher taxes. My view would be that the Government should cut, and cut hard, those useless and wasteful programs and subsidies where non-productive activity is rampant.

I would prune military spending and procurement, cut out manned space flights and substitute instrument flights, reduce wasteful public works, and cut some of the $60 billion and more in subsidies which goes to the economically strong and powerful.

We should not merely keep spending these sums to satisfy some mechanistic view of macro-economics. The same economic damper can be obtained by cutting wasteful spending rather than by raising taxes.

Nonetheless, the prescription to get to a 4 percent level or below of unemployment is appealing and correct both from an economic and a humane point of view.

I ask unanimous consent that Mr. Heller's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

The Price Tag for Nixonomics

(By Walter W. Heller)

Is the cup of recovery half full and filling rapidly? Or is it two-thirds empty and in no early danger of running over?

One school of thought sees the economy reaching its capacity, its limits of inflationary tolerance, at a fairly early date, perhaps mid-1973. Another believes that the ample slack in today's economy won't be taken up until some time in 1974.

The issue is far from academic. The economic recovery is at a stage that raises this question: Is it time to reach for the fiscal and monetary brakes? And the political campaign is at a stage that puts the two schools of thought against each other.

The Nixon White House and the Federal Reserve apparently associate the U.S. economy's potential with an unemployment rate of 5% or a bit below. And they assure us that in a booming economy 5% is just around the bend. So they are raising the spectre of an early renewal of excess-demand inflation and calling for budget belt-tightening and monetary snugging to ward it off.

Sen. McGovern and his economic advisers, true to the Kennedy-Johnson tradition, associate potential with an unemployment rate of 4% or a bit below. And unemployment, as they see it, won't reach even 5% for many months. By their lights, the economy has a long way to go before it bumps against its ceiling and overheats. So, they argue, don't choke off recovery by tromping on the monetary and fiscal brakes prematurely.

This critical question of reasonable full employment targets, of realistic limits to expansion, has been overshadowed by the more emotional (and to the financial community, more personal) issue of fair-shares tax reform and redistributive welfare plans. But for the rational reader of these lines "How high is up?" is an even more critical issue than "How much will I have to give up? Why? First, because the *perceived* limits to expansion will determine the course of near-term action on interest rates, money supply and the budget, while the *actual* limits will determine the levels of prosperity, profits and taxes in the longer run. Second, because the Federal Reserve and the White House have the monetary powers and much of the budget power they need to accomplish their chosen full-employment goals, in sharp contrast with structural tax and welfare reforms, where a balky Congress is not highly disposed to do what the President proposes.

What's at stake in this contest between competing concepts of the power and flexibility of the U.S. economy? Simply this: if the country lowers its sights from a target of 4% unemployment to one of 5%, it will sacrifice each year about $35 billion of GNP, $10 billion of profits and $10 billion of federal tax revenue. Settling for 5% instead of 4% would mean denying jobs to one million people and denying the country—and especially the poor and non-white who are at the end of the job line—the benefits of the better living standards and the social advances we can buy with that $35 billion of added output and $10 billion of added tax revenues.

NO SCIENTIFIC ANSWER

Who's right and who's wrong? Alas, as in the case of so many questions of political economy, there's no wholly scientific answer. Where we set our full-employment targets is in considerable part in the realm of values and policy. It depends on one's relative tolerance for inflation and unemployment—i.e., how much inflation one is willing to trade off for lower unemployment—and how vigorous a policy of wage-price restraint, public service jobs and labor market reform one is willing to pursue.

So there are no absolutes. But there are some important facts to start with. First, we know roughly how fast the U.S. economy has to grow just to stand still. Just to absorb the 4.4% annual growth in labor force and productivity and to allow for about 3% inflation, requires a 7½% annual rise in money GNP. At current GNP levels, that requires an $85-billion-a-year advance merely to hold our own.

Second, we "know" that GNP will rise by $100 billion to $105 billion this year. And the early entrants in the 1973 forecasting derby cluster around a $105 billion to $110 billion advance for 1973. Given the characteristic lags in economic actions and reactions, it's safe to say that this outlook—unlike that for later years—will be little affected by the outcome of the election. By the end of 1973, then, GNP will be running at an annual rate of about $1,300 billion, some $220 billion above its rate at the end of 1971. Some $50 billion of the slack in the U.S. economy will have been taken up. How much will be left?

The answer starts, but hardly stops, with a third set of facts, namely, how much more GNP our economy delivers at 4% unemployment than at 5% or 6%. The 4% benchmark is the basis for the official Commerce Department estimate of the GNP gap, the difference between the existing and the potential level of output. By the 4% standard, the economy was running about $75 billion below its potential at the end of 1971.

But if you're not a 4-percenter—if in your heart of hearts you're willing to trade more unemployment for less inflation and government intervention (even though in your head of heads you still use 4% in calculating full-employment tax revenues)—the $75 billion overstates the gap. Lowering one's target to, say, 4¾% is the same thing as lowering the GNP goal and the gap by $25 billion.

So. how much slack will be left? McGovernomics, faithful to a target of 4% or better, says in effect, "Recovery is closing about one-third of the GNP gap this year and another third next year. That will still leave us $25 billion short of a full-employment, full-production, full-profit economy by the end of 1973. Don't abort recovery short of full-term."

Nixonomics, in effect, says, "We can't get there from here without excessive inflation and controls. So let's settle for something close to 5% as our full-employment goal. By that standard, the GNP gap was more like $50 billion at the end of 1971. We're taking up half of that slack this year and the other half next year. Reach for the brakes."

SOME SPECIFICS

Since there is so much at stake, let me be more specific about how the two schools of thought differ in assessing the amount of slack in the U.S. economy. What we might call the "uptight school" stresses:

That today's unemployment rate of 5.6% (a) includes much low-grade labor, (b) conceals the fact that less than 3% of adult married males are unemployed, (c) ignores the fact that it's as hard as ever to find good maids, gardeners and handymen;

That the rising proportion of teenagers and women among the unemployed translates into tighter labor markets, a worse Phillips curve, more inflation than we used to have at 4% unemployment.

That with business and labor more sensitized to the signs and significance of inflation, it's easier to get caught in a price-wage or wage-wage spiral than it used to be;

That current data slowing 78% operating rates in manufacturing are based on slippery capacity numbers and include much obsolete plant and equipment.

In contrast, the "lots-of-headroom school" stresses:

That today's unemployment rate fails to count millions of (a) hidden unemployed, the discouraged dropouts from the labor force and the non-entrants who will seek jobs as the economy strengthens; (b) part-time workers who want full-time work, and (c) skilled laborers and professionals forced to accept jobs well below their capacities;

That the trend toward more youth and women among the unemployed should be dealt with, not by retreating on job goals, but by more strenuous efforts to strengthen manpower, mobility and public service job programs;

That the dangers of cost-push inflation should be dealt with not by measures to cut back aggregate demand and thereby deny jobs and incomes to the economic "underclass," but by wage-price restraints focussed on the business and labor leaders who sit in the seats of market power;

That even if nearly half of idle manufacturing capacity (say, 10% of total capacity) is classed as obsolete or inefficient, that still leaves 12 percentage points of slack to take up.

I need hardly add that I find the defense of the 4% unemployment target persuasive in both economic and human terms. Given a responsible fiscal-monetary policy and some ingenuity and courage in wage-price restraint, there's no reason to deny ourselves the million jobs and the $10 billion each in profits and tax revenues that lie hidden in the gap between 5% and 4% unemployment.

What, in sum, is the prudent policy path to this goal?

First, don't prematurely cut off the monetary and fiscal lifeblood of this expansion.

Second, recognizing the lags in response to monetary and budget changes, start throttling down by mid-1973.

Third, recognizing the $17 billion full-employment deficit for fiscal 1975 implicit in Mr. Nixon's present programs and proposals, plus the several billions that Congress will tack on, put a sizeable net tax increase on the books to take effect in 1974.

Fourth, since cost-push won't wait for full employment but looms up next year when the pace of big labor negotiations steps up and the productivity surge slows down, get ready to put a streamlined Phase III in place.

FISHING OFF ALASKA

Mr. STEVENS. Mr. President, I have often remarked on the fishing problems facing the State of Alaska. An excellent article on this subject was published last November on pages 12 and 13 of the Southeastern Log. The article, entitled "Fishing Off Alaska Big Business," and written by Normand Dupre, concerned an interview with Elmer Rasmuson, one of four American members of the International North Pacific Fisheries Commission. Mr. Rasmuson, a Native Alaskan, has long been involved in the fishing business both officially because of his position on this Commission and unofficially because of his position as an officer of one of the major banks in our State. Mr. Rasmuson is extremely knowledgeable in this area and is the first and only Alaskan ever to be appointed to the Commission. This article is particularly timely because H.R. 9501, a bill to amend the North Pacific Fisheries Act, has recently been the subject of hearings by the Senate Commerce Committee. This convention has recently been violated by the Japanese in the Gulf of Alaska.

I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FISHING OFF ALASKA BIG BUSINESS

(By Normand Dupre)

Elmer Rasmuson has urged Alaskans to take the lead in formulating a policy the United States can present to the Law of the Sea convention to be held by the United Nations in 1973.

Rasmuson, one of four American members on the International North Pacific Fisheries Commission, emphasized the necessity of the U.S. taking a strong stand.

Every member nation of the U.N. will be represented and each will have only one vote, even landlocked nations. He said any nation with a firm plan to present would have an advantage over nations without a formulated policy.

And, he said, Alaska is the state to whom the convention's agreements could have the greatest effect because of its vast fishery. With the exception of the state of Washington, no other state has the interest in fishery problems that Alaska has. Rasmuson said the state should begin formulating a plan now that the U.S. can take to the convention. If it doesn't have a plan probably no one else in the United States will, he indicated.

Rasmuson pointed out that Alaska has more coastline than the rest of the U.S. taken together and it has two-thirds the total U.S. continental shelf.

Rasmuson, chairman of the board of the National Bank of Alaska, spoke Nov. 11 at Ketchikan Community College at the invitation of the Seine Boat Owners and Operators and Richard Whittaker, state representative.

The three-nation North Pacific Fisheries Commission, of which Rasmuson is a U.S. member, will undoubtedly contribute information to the 1973 convention.

The commission was established by representatives from the United States, Canada and Japan in 1953, to assure the maximum sustained productivity of fish in the North Pacific and to conserve the resource, Rasmuson said.

Japan lost many of its traditional fishing grounds as a result of World War II and so it moved its fleets into the North Pacific nearer Alaska and Canada. This resulted in the treaty that created the commission.

The incursion of the large and efficient Japanese fleets resulted in real or potential conflicts with which the commission was asked to deal.

These involved fishing rights on the vast continental shelf north of the Aleutian chain in the Bering Sea. Japanese fishermen also moved down along the coast of Southeastern Alaska, into the Gulf of Alaska and along and around the Aleutian Islands.

The commission was created by a treaty that would last 10 years, and indefinitely after that if none of the member nations wished to withdraw. None did and the treaty remains in force today.

The commission is composed of four commissioners from each of the three nations, and although it had no research staff of its own, the commission was provided with three 20-member advisory staffs one for each nation.

Rasmuson is the first and only Alaskan to be appointed to the commission.

The American advisory board is made up largely of Alaskans and others from the NW states, Rasmuson said, in recognition of the area's contribution to the nation's fisheries.

Alaskan members include Jack Cotant, Ketchikan; Gordon Jensen, Petersburg; Jay Hammond, Naknek, and Clem Tillion, Halibut Cove.

"The commission never takes an action that doesn't represent the consensus of the advisory board," Rasmuson said.

The Alaska-born banker said he now feels the lack of a research staff is an asset. The board gets large amounts of information from a variety of agencies in the United States including the Alaska Department of Fish and Game, the National Marine Fisheries Service of the U.S. Department of Commerce, the University of Washington's fisheries institute and the international halibut commission. These contribute many new ideas to the commission, he said.

A major accomplishment of the commission and one that has been more advantageous to the United States than to the other two members is the so-called abstention line that roughly divides the North Pacific and the Aleutian chain for salmon fishing rights.

The line runs north and south along the 175 degrees west longitude, prohibits Japanese fishing east of the line. The United States refrains from salmon fishing west of the line, which runs across Atka Island in the Adreanof group.

By virtue of historic use that dates to the 1930s Japanese fishing efforts in limited areas surround some of the Aleutian Islands west of the line even within the 12-mile limit.

In addition to the line, the U.S. and Japan yearly negotiate a salmon quota for Japan's high seas catch.

Conditions under which Japan agreed to the line are that the United States use and harvest the salmon fisheries east of the line, that the U.S. manage that fishery and that the U.S. continue scientific studies of the salmon fishery.

Rasmuson said he believes the United States fishermen, especially Alaskans, had gotten the better part of the bargain with the line.

He cited figures which show that only 10 per cent of the Bristol Bay Salmon run (the largest run in Alaskan waters) ever migrate west of the line, and that Bristol Bay red salmon make up only three per cent of the Japanese catch.

Therefore, he surmises, while the line does not work perfectly it does protect about 90 per cent of Alaskan salmon. In addition, he said, the United States has managed by negotiation to lower the quota the Japanese can take.

Since the birth of the commission, the Soviet Union and South Korea have joined in North Pacific fishing but neither is a member of the commission.

Rasmuson said he would rather they keep out. He cited several reasons for this view. Bilateral treaties have been very effective especially with the Russians in curbing their fishing efforts in which Alaskans have a great interest. Also, he feels the entrance of the nations would "water down the vote" of the other members.

There is also the problem of political conflicts between Russia and South Korea, a staunch anti-Communist nation, that would make the two hard to get along with on the commission.

Another factor is the sudden recent decrease in fishing by South Korea in the North Pacific after several years of building up their effort.

Rasmuson suspects the Koreans never intended to vie seriously for the North Pacific fisheries but only wanted to edge into the Japanese market.

A bilateral treaty was negotiated last year with Russia and Japan by which both agreed to phase out tangle net gear used to catch king and tanner crab on the Bering shelf. Since then, he said, the Japanese this year have used crab pots almost exclusively. In addition the quota has been cut.

The problem with tangle nets is that they snag and destroy stationary gear as the nets are dragged across the ocean bottom. There have, in fact been incidents in which American boat owners have raised howls over destruction of their gear on the high seas.

One such case involved Petersburg Fisheries Inc., two of whose boats lost more than $10,000 worth of gear in two instances to Russian trawlers.

While the Japanese respond to pressure, "a lot of this is too little too late. The Japanese wait until the fish stocks drop too far before taking corrective measures," he said.

By other bilateral treaties the Russians have agreed to refrain from salmon fishing on the high seas, a major source of fish product for Japan. Neither the United States nor Canada fish salmon on the high seas because of potential damage to runs in parent streams.

Now the commission is trying to reduce the Russian take of king crab, but the Russians are sticklers for scientific data before they make a decision, and research effort still is needed to prove overfishing.

The Russians are greatly concerned with stocks of fish the United States does not use but might use later—pollack and black cod. Perch and black cod are human foods frequently found in fish sticks and pollack is used in pet foods.

In the eastern Bering Sea, Rasmuson said, it is known Russian and Japanese trawling picks up a lot of young halibut. U.S. and Canadian members have been trying to get permission for observers to go aboard the trawlers next year to watch for violations.

Already American agents of the National Marine Fisheries Service have been allowed aboard foreign vessels including Russian research boats in the Bering. This, according to an official in the NMFS, has been of lopsided advantage to our side because most of our knowledge of fisheries is published and readily available to all, while Russian studies remain unpublished, hidden away in a file somewhere.

Looking to other legal means of protecting American fisheries, Rasmuson said he favors the continental shelf doctrine over a 200-mile limit.

The continental shelf doctrine, adopted by an international agreement in 1958, states among other things that creatures that live on a continental shelf belong to the nation on whose coast the shelf is located. This refers primarily to crab, which lives on the bottom, and not to fish which live in the water above the shelf.

Rasmuson claims the United States would be better protected by the shelf doctrine because there are large areas of the Bering shelf outside of 200 miles and also because good fishing drops off beyond the edge of the shelf anyway.

As for the 200-mile limit, Rasmuson said that since the United States is fighting the 200-mile limit in Latin American countries it is not likely the government could support one at home.

CAREERS FOR MINORITIES IN OPTOMETRY

Mr. HUMPHREY. Mr. President, for a good many years now, a number of us here in the Senate and our counterparts on the House side have worked diligently for civil rights and for equal opportunities for all Americans in terms of employment, housing, and every other area which affects the quality of life in America. I believe we have been eminently successful, but we still have a considerable distance to go.

One area which has been of deep concern for me is the relative lack of educational opportunities in the health care field for young people among minority groups; notably those in the black community, in the Spanish-speaking population, and among American Indian tribes. While these educational opportunities do, in fact, exist, there has been a distinct lack of effort to bring such opportunities to the attention of well qualified students and their families so that young people interested in the health field might prepare themselves for such careers.

I want to bring to the attention of

Senators a ray of hope in this whole picture. One of my constitutents has advised me of a three-way program mounted earlier this year to recruit students from minority groups for matriculation into schools and colleges of optomery. I would hope that other national professional groups in the health professions and allied health fields will follow the fine example set by the health profession of optometry.

The American Optometric Association and the National Optometric Association, which is comprised mostly of black optometrists, agreed in mid-1971 to cooperate in a minority recruitment program seeking to locate qualified minority students and assist them in arranging the necessary financing and in other ways, to make it possible for these young people to embark on programs of optometric education, involving a 2-year preoptometry course and 4 years in professional school.

Both the National and American Optometric Associations made heavy commitments of volunteer members, staff support, and funds toward this goal. Together, they approached the National Urban Coalition's health manpower development program, and received further financial support from that source for carrying out the minority recruitment program.

Just a few short months ago the joint effort got underway, with the goal of placing six to 10 qualified optometry students in accredited schools and colleges of optometry for the fall 1973 term. As a result of the great interest in optometry as a professional career, and the yeoman service of the three organizations involved, nine students have already been located, assisted, and placed in optometry school or preoptometry courses.

I commend the American Optometric Association, the National Optometric Association, and the health manpower development program of the Urban Coalition for their effective conduct of this program. I wish them every success in continuation and further expansion of their minority recruitment efforts. I hope other professions will follow suit in adopting and implementing aggressive, forward-looking programs like this one, to help minority groups take full advantage of available educational opportunities.

HITCHCOCK CHAIR CO. MUSEUM, RIVERTON, CONN.

Mr. WEICKER. Mr. President, in a day of fast-moving events it is most important to reflect for a moment on some of the memorabilia associated with our past. Particularly when events or products of the past automatically denote the excellence of the American worker.

Such is the case with the famous Hitchcock chair, which throughout our history has become a household word in the United States.

I am proud to say that the Hitchcock Co. is located in my State and that this fine company has recently inaugurated the Hitchcock Museum in Riverton, Conn.

I ask unanimous consent that the general remarks issued by the company on the occasion of the opening of their museum, which has the replicas of how our forefathers lived in the middle of the last century, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Old "Hitchcocks-ville" Church Becomes Hitchcock Chair Co. Museum in Riverton, Conn.

Riverton, Conn., August 1.—The 143-year-old gray, cut native stone edifice which Lambert Hitchcock, creator of the famed "Hitchcock Chair" was instrumental in planning, designing and equipping in 1829 as the Union Episcopal Church, reopens today as a museum of home furnishings of the early 18th century United States.

Sponsored by the Hitchcock Chair Company, the museum will feature about 100 of the more than 300 homefurnishings pieces gathered by Mr. John Kenny, Chairman of the Board, in his years of search for Hitchcock originals. Several original Lambert Hitchcock chairs, signed "L. Hitchcock, Hitchcocks Ville, Conn.—Warranted" are among the museum's pieces, together with a "Place Book" table, designed by Lambert to hold the "Place Book" of his first wife at the entrance of their home here.

Museum items are displayed in early 19th century settings within the vaulted interior of the church, its balcony choir loft, and the interior of its square, setback, eight-spirited bell-tower.

According to Thomas H. Glennon, President, the museum will be open Tuesday through Saturday, from 10 a.m. to 5 p.m. until December first when it will be open Saturdays only from 10 a.m. to 5 p.m. The five day schedule begins again the first of May, 1973.

DEATH OF CHIEF JUSTICE GEORGE BONEY OF THE ALASKA SUPREME COURT

Mr. GAMBRELL. Mr. President, I was saddened to learn through the distinguished junior Senator from Alaska (Mr. Stevens) of the death of George Boney, Chief Justice of the Alaska Supreme Court. While I have had little recent contact with Chief Justice Boney, I considered him a close and respected personal friend as a result of our acquaintance as law students together more than 20 years ago at Harvard Law School. Chief Justice Boney was a native of Georgia, had a distinguished career as a student, and subsequently as a lawyer for the U.S. Air Force and as a member of the bar in Alaska.

His selection, at the age of 38, as a justice of the Supreme Court of Alaska and his subsequent elevation to the office of chief justice of that court testifies to his professional skill as well as to the esteem in which he was held by his personal, professional, and political associates in that State.

I join Senators Stevens and Gravel, and the many other friends of George Boney in extending my sympathy to his wife and family.

THE REPUBLICAN ADMINISTRATION AND ITS PROBLEMS WITH ARITHMETIC

Mr. PROXMIRE. Mr. President, in today's New York Times, Eileen Shanahan exposes a series of misleading economic figures and misstatements of facts recently put forward by the key economic managers of the Nixon administration.

While the Nixon administration has been desperately trying to downgrade the significance of the unemployment figures, she correctly points out that unemployment for heads of households is still at recession levels, and that white males, veterans, professional and managerial employees, and skilled craftsmen are very much among the unemployed, as well as teenagers, blacks, and welfare mothers.

In addition, she shows how the Nixon administration has arrived at some gross exaggerations of Senator McGovern's program costs by failing to subtract his specific proposals for savings from the total.

While she quite rightly says that the administration may well have a $35 billion budget deficit this year, I differ with her and believe that significant cuts in the Pentagon budget, manned space flights, public works projects, and the $60 billion plus spent in Federal subsidies are possible. In view of that difference of opinion, I believe it is possible not only to limit spending to $250 billion this year, but that it could be cut to $240 billion without impairing any significant and important program for the rank and file of the American people.

I ask unanimous consent that Miss Shanahan's article, entitled "Some Arithmetic Problems and the G.O.P. Campaign" be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Sept. 12, 1972]

Some Arithmetic Problems and the GOP Campaign

(By Eileen Shanahan)

Washington, September 11.—After months in which it was Senator George McGovern who kept using tax and other economic statistics that no one else could add up the way he did, it is now President Nixon and his staff who are having trouble with their arithmetic.

Budget arithmetic seems to be their biggest problem. Administration assessments of where Mr. Nixon's own budget stands are beginning to draw challenges even from Republican experts outside the Government. And the Administration's assessments of the budgetary consequences of Senator McGovern's programs are rarely documented, and appear full of inconsistencies when they are.

In addition, there has recently been a flow of economic statistics from key Administration officials that are not simply controversial but, on the basis of the Government's own figures, demonstrably wrong.

A recent example: John D. Ehrlichman, assistant to the President for domestic affairs, contended in a television interview last week that the unemployment rate for heads of households—persons with the primary responsibility for supporting themselves and other people—"is now something around 2 per cent." The undisputed official figure is 3.3 per cent, which is down from the peak, but still a recession-level figure for this group of the population.

COMPOSITION OF UNEMPLOYED

Mr. Ehrlichman also maintained that the 4.8 million unemployed were now "down to teen-aged blacks, welfare mothers and folks of that kind, people who can't hold jobs." The Labor Department's figures show that, as of August, 1.7 million of the unemployed were males over the age of 20, of whom 300,000 were veterans of the armed forces who served during the Vietnam era.

From an occupational viewpoint, more than half a million were professional, technical, managerial or administrative workers; another 400,000 were skilled craftsmen. Nearly a million more were what the Labor Department calls "operatives," who can be skilled or semi-skilled, but who are never common laborers.

The Administration's problem with the budget numbers seems to have begun with President Nixon's acceptance speech in Miami Beach. He made a number of statements that had economists doing double takes, among them that the United States has the fastest rate of economic growth of any industrialized nation—a statement that is true only if the comparison is limited to the last six months, when the United States began growing its way out of the recession that started in Mr. Nixon's Administration.

It was also in Mr. Nixon's acceptance speech that the number $144-billion was used, for the first time, as the cost of all the various new governmental programs that had been proposed by Senator McGovern, his Democratic opponent in the Presidential election.

NO BREAKDOWN OF FIGURE

The Administration never supplied any breakdown to document the figure. An earlier study by Republicans in the House of Representatives, which did give a detailed breakdown, showed a somewhat smaller expenditure total. But the House Republicans said that the largest item in their total was the McGovern $1,000-for-every-one grant program, which he subsequently abandoned. The House Republicans said the grant would cost $70-billion net, after allowing for some tax changes the Senator also proposed.

The Senator has since substituted a completely different antipoverty program, whose cost he estimates at $14-billion, an estimate no one in the Administration has yet challenged.

Despite the $56-billion change in what Senator McGovern has proposed. Administration officials continue to use the $144-billion figure as the total cost of all the new programs the Senator is backing.

One official who used the figure, Secretary of the Treasury George P. Shultz, did supply documentation when challenged. He reached a total of $146-billion, but on a gross basis, not a net basis, which is what Mr. Nixon had used in his acceptance speech. That is, Secretary Shultz did not subtract offsetting changes such as the Senator's planned $22-billion increase in tax collections from the end of certain tax preferences or his planned $30-billion reduction in defense spending over a three-year period.

SUBTRACTIONS OMITTED

Mr. Shultz also included in his calculations $10-billion for an emergency employment program that is no longer a part of the McGovern plan, because it is something the Senator thought should go into effect this year or not at all.

And he did not subtract from his estimated $62-billion cost to the taxpayers of Senator McGovern's health insurance plan two effects of this plan that would put money back in the taxpayer's pocket. One is the $15-billion of private health insurance premiums that would no longer have to be paid if the Federal health insurance plan went into effect. The other is the state expenditures of $4.6-billion—which are financed by taxpayers, too—that would be eliminated under the plan.

Whether Mr. Shultz deducted enough from the cost of the insurance plan to reflect all the existing Federal programs that could be reduced or eliminated is a matter for dispute. The Office of Legislation is using $59.4-billion for the net cost to the Federal Government of the health insurance plan, and says it does not know where Secretary Shultz got his $62-billion.

With these adjustments, the Shultz figure would come down to about $65-billion for the net cost of all the McGovern programs. The Senator has said he would add only as many programs as could be financed out of his tax reforms and defense reductions—a total of $52-billion—but has not indicated what additional programs once advocated by him that he would not support at this time.

A net budget increase of $65-billion would clearly require additional taxes, though not the doubling of taxes that Republican orators are consistently maintaining would be necessary. They arrive at that figure by putting the net new McGovern spending figure at $90- to $100-billion, and arguing that there is no source of tax increases except the individual income tax, which yields about $94-billion in revenues now. Other taxes raise total revenue collections to $223-billion.

As for where the budget is headed if Mr. Nixon remains President, very little has been said publicly.

FORECASTS ON BUDGET

But two competent, conservative authorities put the figure for the current fiscal year at $260-billion in separate estimates last week. They were Murray L. Weidenbaum, an economist at Washington University in St. Louis who served as Assistant Secretary of the Treasury for two and a half years under Mr. Nixon, and Eugene F. Rinta, director of research for the Council of State Chambers of Commerce. A spending total of $260-billion implies a deficit of $35-billion, or a little more.

Administration officials say that the budgetary picture, both for this year and for next year, will present no problems, if Congress will set a spending ceiling of $250-billion for the current year.

But many budgetary experts believe that it would be impossible for the Administration to stay within such a ceiling, even if it were given virtually unlimited powers to eliminate programs by the legislation imposing the ceiling. They believe the Administration would be forced to ask for repeal of the ceiling before the fiscal year was out.

One reason is that it presumably would not start the actual mass layoffs of Government personnel that would be required, and the terminations of contracts in fields such as manpower training, until after the election. That would give it only about seven months to cut $10-billion from spending.

EFFECT OF VIETNAM BOMBING

That $10-billion figure includes an estimate for continued high levels of bombing in Vietnam only through the end of this month. If it continues longer, even greater cuts elsewhere would be required to bring the budget within the $250-billion ceiling.

If actual spending in the current fiscal year exceeds $250-billion, there is little argument that it would also exceed $262-billion in the new fiscal year that begins July 1, 1973, whoever is President.

The figure of $262-billion represents the outer limit of spending that could be tolerated next fiscal year without inflation—or higher taxes—according to the Nixon Administration's own economic philosophy. That philosophy holds that outlays may not exceed the revenues that would be collected if the economy were operating at full employment. The figure of $262-billion represents these full-employment revenues, an essentially undisputed number.

At least $12-billion in spending increases are already in sight for fiscal 1974, even with Mr. Nixon in the White House and without any new programs. Some of the larger components include increases in civilian and military pay, increased Social Security benefits, increased interest costs and increased costs of Medicare.

COLORADO READING-TUDOR VOLUNTEER PROGRAM FOR CHILDREN

Mr. DOMINICK. Mr. President, the National Reading Center in Washington, D.C., reminds us that 8 million school children need special help in learning to read.

This Nation has a national reading problem. Most teachers cite reading as the most critically needed compensatory education for their disadvantaged pupils.

I am pleased to note that citizens of Colorado are concerned about this Nation's reading problem, and are volunteering their time and effort to give the children of our State the reading help they need.

In Denver, 182 volunteers recently participated in a 2-day tutor trainer workshop directed by the National Reading Center and sponsored by our State Department of Public Education.

Forty city, county, and metropolitan school districts cooperated to sponsor the workshop, which was provided at no cost to the local volunteers.

The following colleges, universities and organizations also were participating sponsors: Adams State College, Community College of Denver, Metropolitan State College, Morgan County Community College, University of Northern Colorado, the Brighton House of Neighborly Service, Denver Public Library, Archdiocese of Denver, Adult Education Tutorial Program, Lookout Mountain School for Boys, Mountain View School for Girls, Neuville Center, and the Parent-Teacher Association.

These volunteers have now returned to their home communities to teach other volunteers how to tutor primary grade children in reading beginning this fall.

I would like to express my personal appreciation to these men and women for the invaluable service they are rendering to the children of Colorado.

I am sure many more Colorado citizens will wish to volunteer for free training to become reading tutors at the local schools in their neighborhoods.

Interested Coloradans can volunteer their services by contacting the Colorado State Right-to-Read Coordinator at the State Library Building, 1362 Lincoln, Denver 80203—phone 892-2181.

As one of the authors of the learning disability program under the Elementary and Secondary Education Act, I applaud their efforts.

LATTIMER MASSACRE MEMORIAL

Mr. MUSKIE. Mr. President, last Sunday, September 10, 1972, was the 75th anniversary of the tragic massacre of 19 striking workers at the Lattimer Mines near Hazleton, Pa. On Sunday afternoon the Lower Luzerne and Carbon Counties AFL-CIO Labor Council dedicated a Lattimer Memorial to these striking workers who were of Polish, Slovak, and Lithuanian descent.

I speak to the Senate today to honor those who died 75 years ago and to commend the labor council for their fitting tribute of this year.

Seventy-five years ago coal miners in the villages of Lower Luzerne and Carbon Counties joined a local of the United Mine Workers to combat the existing miserable working conditions. They hoped to improve their lives, abolish company stores, and protect themselves from any exploitation by the coal companies. In order to seek support from their fellow miners, the strikers marched from Harwood on September 10, 1897. At the entrance of the Lattimer Mines the sheriff of Luzerne County and his deputies fired upon the unarmed union group. This senseless attack killed 19 men.

It is altogether proper that we commemorate this bitter episode in the long struggle for union rights. These men lost their lives in the battle for dignity and a decent life. We owe them our gratitude and respect. Today, when many of our problems are different, we should not forget those whose sacrifices gave us what we have today. And we should look to their courage and determination to give us strength to face our own challenges.

I ask unanimous consent that a proclamation adopted by the United Labor Council, AFL–CIO, Lower Luzerne and Carbon Counties, in the city of Hazleton, Commonwealth of Pennsylvania, be printed in the RECORD. I am happy to make the Senate aware of the fitting tribute to the Lattimer massacre that occurred last Sunday and would like to add to that tribute by paying our respects to the 19 men who died 75 years ago.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION—THE LATTIMER MASSACRE MEMORIAL YEAR—THE "75" YEAR

Whereas, shortly after they joined the first Local of the United Mine Workers of America in Lower Luzerne and Carbon Counties, Commonwealth of Pennsylvania, coal miners in the villages of Harwood, Cranberry, Crystal Ridge, Harleigh, and Humboldt, near Hazelton, were ill fed, ill paid, and ill treated, and

Whereas, these union men, predominantly of Polish, Slovak, and Lithuanian origin, went on strike to better their working conditions, abolish the unfair company stores, and demand more for their work in and around the coal mines, and

Whereas, the non-union workers at Lattimer Mines were exploited by the Coal Company in order to defeat the men on strike, and

Whereas, the strikers marched from Harwood to seek the support of their fellow-workers at Lattimer Mines on Friday, September 10, 1897, and

Whereas, the Sheriff of Luzerne County and his deputies aimed and fired upon the unarmed union men at the entrance to Lattimer, and

Whereas, the lives of nineteen strikers were ended by the savage attack of the deputy sheriffs, and recorded with honor herein:

THE MARTYRED

Sebastian Broztowski.
Frank Chrzeszeski.
John Fotta.
Andrew Jurecek.
George Kulick.
Andrew Monikaski.
Raphael Rekiewicz.
John Tarnowicz.
Stanley Zagorski.
Michael Cheslock.
Adalbert Czaja.
Anthony Grekos.
Stephen Jurics.
Andrew Mieczowski.
Clement Platek.
John Skrep.
Jacob Tomashontas.
Adalbert Ziemba.
Adam Zieminski.

Therefore, be it resolved, by the United Labor Council, Lower Luzerne and Carbon Counties, AFL–CIO, with a membership 8,000, headquarters at Hazleton, Pennsylvania, that It call upon Its Contemporaries to observe the Seventy-Fifth Anniversary of the Lattimer Massacre with appropriate ceremonies: and be it further resolved, that the Site of the bloody affair be hallowed by an official historical Marker of the Pennsylvania Historical and Museum Commission, and a fitting Monument by organized labor and their friends to the Memory of the 19 union members who sacrificed their lives for the cause of Trade Unionism; and, be it further resolved, that we call upon the City Council of Hazleton, the Pennsylvania AFL–CIO Organization, and the Governor of the Commonwealth of Pennsylvania to proclaim "1972" as the Seventy-Fifth Lattimer Massacre Memorial Year.

Adopted unanimously, Saturday, January 29, 1972, by the assembled Officers, Delegates, and Friends, of the United Labor Council, AFL–CIO, Lower Luzerne and Carbon Counties, in the City of Hazleton, Commonwealth of Pennsylvania.

ON MEXICAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, Mexican Independence Day will be celebrated on September 16, and I look forward to participating in the Chicago celebration on that day. In Chicago and Illinois we have an outstanding Mexican American Community; it will be an honor for me to recall with my Mexican American friends Father Miguel Hidalgo's "grito", the famous cry for freedom, which in 1810 inspired the Mexican struggle for independence.

Today the Chicano community is engaged in a different but equally important struggle, a struggle in this country to achieve full educational and employment opportunities. They struggle to raise their standard of living and to live a good life. I support them in their aspirations, and I will continue to do everything I can to assist them in their legitimate struggle for equal opportunity. It is a cause which means very much to me.

INDIAN TRADERS

Mr. GOLDWATER. Mr. President, starting last August 28, a hearing was held at the capital of the Navajo Nation in Window Rock, Ariz., on the subject of Indian traders. I think that knowing the Bureau of Indian Affairs the way I do and the DNA which was behind all of this, I could have written an exact scenario before it ever took place. Let me set the scene.

The traders have been licensed to do business on the Reservation since the late 1800's, and they come—and keep this in mind—under the complete domination of the BIA and now the Navajo Nation.

The term of an Indian trader is limited so that it is impossible for him to get the usual bank loans to make improvements on his property. These improvements must be made at their own expense or on money borrowed from friendly sources.

I held one of these licenses at one time, so I know a little bit about it, although I must admit that the last time I held one was in the mid-1950's. Keep in mind that the Bureau of Indian Affairs, acting through the tribal government, or on its own, could at any time revoke or refuse to reissue a license to any person accused of mistreating the Indians. We then look into the ridiculousness of what went on.

First, Mr. Louis Bruce, Commissioner of Indian Affairs, made a statement that said about as much as yesterday's weather report. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF LOUIS R. BRUCE, COMMISSIONER OF INDIAN AFFAIRS

Chairman MacDonald and members of the Navajo Tribal Council and government; my esteemed colleague Alfred Cortese, Assistant Executive Director of the Federal Trade Commission; other federal representatives and most importantly, fellow Indian citizens. It is a pleasure, and I might add a most rewarding pleasure, for me to appear here today and assist in the development of effective administrative procedures to deal with the regulation of traders on or near the Navajo Reservation. This work is extremely important to me as the Commissioner of Indian Affairs and as an Indian, for it will solve some of the historic problems which have concerned and plagued our people throughout the United States. The work that we do here today will be felt in every Indian community throughout the nation, and this work will not stop here. This is merely the beginning.

Many of you have heard me speak during the past three years and you have heard me speak of my number one priority, which is, the development of a truly Indian economy. You have heard me say, that there has not been a true Indian economy since the passing of the buffalo. This is true. My efforts as Commissioner of Indian Affairs have been directed towards the development of a new Indian economy. You have heard me say that I want to see Indians buying food from other Indians in Indian-owned food stores. I want to see Indians buying automobiles and pickup trucks from Indian-owned and operated dealerships. I want to see Indians dealing with Indian businessmen, both professional and tradesman. I want to see a truly Indian-owned economy serving Indian people. My goal is to see that the Indian dollar, which is so difficultly earned, pass from one Indian hand to another in this new Indian economy, so that the dollar moves five or six times in the Indian economy.

Many people say that we are not ready for this yet. I say that we are long overdue. This is a beginning. Today and for the past several months we have been measuring the extent of some of the economic problems in the Navajo Nation. We are concerned with how the Navajo people obtain their life services. The very food which keeps them and their children alive in the remote parts of this Navajo Nation. As Commissioner of Indian Affairs and as an Indian person I will not tolerate conditions which prevent the Navajo people from obtaining the basic life services at reasonable cost. Life is not easy in the Navajo Nation and you Navajo people know it better than I, but it is up to me as principal federal official involved in enforcing laws to protect the Navajo people, insure that the laws designed to do this do not work to your disadvantage.

To this end approximately 14 months ago I appointed Tony Lincoln as the first Navajo Area Director, of the BIA Navajo Area Office. Shortly after assuming his new assignment Mr. Lincoln asked me what we would be doing about the traders. Chairman MacDonald also asked for action to correct irregularities which he felt existed. I pointed out the magnitude of the job and the fact that I felt we had a nation-wide task to examine the relationship of traders on or near the Indian reservations and that this should be undertaken at once. We then together, with some of my Washington executive staff, outlined a general course of action involving, not only the Bureau of Indian Affairs, but several other federal and state agencies.

At this time, D.N.A. was contacting the Federal Trade Commission for this same assistance. What you see today is the fruition of our early hopes. The cooperation and energies and innovative activities of the Federal Trade Commission are known to many of you people here today. I want to publicly thank the Assistant Executive Director of the Federal Trade Commission, Mr. Cortese, Mr. Richard Lavine, the Federal Trade Commission Regional Director from Los Angeles, and particularly, Mr. George Zervas the man on the job here at Navajo.

My thanks extends to the many more people of the Federal Trade Commission, the Bureau of Indian Affairs, both Navajo Area Office and the Washington Office who have worked so hard to bring us to this point. I want to remind everyone, however, that this is merely the beginning of the work here on Navajo and we will not rest until I am assured that Navajo people will be able to live in an economy in which they feel comfortable and which they are adequately protected as required by law.

I offer my special thanks to those Navajo Consumers who have bravely come forth to air their complaints. I admire their courage and any reprisal attempts by any person or groups will result in the sternest federal actions. If necessary, this will include the revocation of business licenses.

Mr. GOLDWATER. Mr. President, then there was a statement by Peter MacDonald, Chairman of the Tribal Council, who also had and has the power of licenses, but who at no time has done anything to bring the offending traders into line. I ask unanimous consent that his statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY PETER MACDONALD, CHAIRMAN, NAVAJO TRIBAL COUNCIL

Members of the Joint Hearing Board, ladies and gentlemen, I come before you today, first to express my appreciation for your cooperation in convening this hearing and initiating this investigation of the trader situation.

It is long overdue and no doubt provoked in good part by the recent *Rockbridge* decisions, which I thank D.N.A. for instituting. I also thank B.I.A. and the F.T.C. for responding so promptly.

Second, I would like to discuss what is commonly referred to as "trader problem." It arises from the relationship between the Navajo people and the federally licensed traders on the Navajo Reservation and is one of long duration and great complexity. The trader is often banker, finance company, hiring agent, retail merchant, adviser, pawn broker, purchaser of wool and livestock, and arts and crafts. In short, the trader is the economic center of many Navajo communities. The potential for abuse of the practically exclusive privilege of doing business on the Navajo Reservation by the multi-roled trader is great. There is no cash flow or alternative source of credit, and there is no competing purchaser of rugs or silver work. In the last century, rural America operated in such an economic system. The farmer bought groceries and other staples on credit from a retailer and paid him when his crop or livestock were sold. Such is the prevailing economic system, in many parts of the Reservation. It is miles to a market other than the trader. There are few banks at which to cash checks. Rugs and silver jewelry replace cash. There is little cash flow and most economic activity is strictly barter. The negative aspects of this system depend upon cash being kept out of circulation and the lack of competition.

The most common allegations made against traders are as follows:

(1) Unlawful retention of welfare checks,

(2) Artifically inflated prices for goods,

(3) Violation of the Truth in Lending Act,

(4) Excessively high interest rates,

(5) False debit entries for alleged "purchases," and,

(6) Problems arising from the sale and disposition of dead pawn.

It is, in my opinion, the function of this Joint Board to investigate and report with respect to these alleged trader abuses so that appropriate rules, regulations and laws may be enacted to remedy any such problems.

The original trader regulation statutes were adopted by the Congress in an age of reform to shield the Navajo consumer from undue business exploitation. They contain specific promises by the federal government. They clearly establish the responsibility for enforcement of the trading regulations promulgated pursuant to these statutes. In spite of the explicit responsibility set out in the statutes, the Bureau of Indian Affairs, Navajo Area Office has, by its non-enforcement of these regulations, informally repealed the trading regulations and ignored the enforcement obligation imposed upon it by the statutes. This gross administrative abdication of statutory obligation away and excused by local Area Office personnel under the guise of promoting Indian self-determination.

The findings of these Joint Hearings should enable us, together with the B.I.A., O.E.O., the Office of Minority Enterprise and other appropriate federal agencies, to develop and encourage a system of free enterprise which will in itself effect a partial cure of many of the alleged wrongs.

To complete the remedial action, of course, certain regulatory measures may have to be taken by the Navajo Nation, B.I.A. and the F.T.C.

Witnesses from throughout the Navajo Nation will be involved in these hearings. Many do not speak or understand English, but appropriate interpreters will be provided as will all of the services of my office and my staff.

I want to make it clear that any attempts to intimidate witnesses or take reprisals of any kind against any Navajo witnesses in these hearings will be viewed with the severest displeasure by the Navajo Nation. The focus of these hearings must remain upon protection of and fair dealing for the individual Navajo consumer. It is absolutely essential to this endeavor, that there be maintained throughout, an atmosphere allowing the free exchange of information between those conducting the hearings and Navajo consumers.

I would also, at this time, like to make clear the position of the Navajo Nation on these matters. The Navajo Nation is bound to a policy of protection of the Navajo people. The Navajo Tribe must not and will not be a knowing accomplice in denying Navajo consumers the fullest protection granted by law. Disregard for the law and the flaunting of regulations by the Bureau of Indian Affairs or any traders must be eliminated.

The resolution of problems with trading practices on the Navajo Reservation will not be simple or solved overnight. More and better answers will evolve from the creative initiative of those concerned and the testimony taken in these hearings. We must be resolute and we must continue to seek solutions to this problem.

Again, I want to express my appreciation that you are here and thank you for the opportunity to express my views on this subject. At this time I would like to request an opportunity to address this hearing at its close, after the evidence is in, in order to provide specific recommendations.

Mr. GOLDWATER. Mr. President, then there is the rather short and evasive statement of Anthony P. Lincoln, who is area director of the BIA and who is now a member of the Commission on the Joint BIA-Federal Trade group. I ask unanimous consent that these statements be printed in the RECORD so that the interested Senators might understand the background of superficiality that preceded and prevailed throughout the hearings.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ANTHONY P. LINCOLN, AREA DIRECTOR, NAVAJO AREA OFFICE, BUREAU OF INDIAN AFFAIRS

Since assuming my post as Area Director of the Navajo Area, approximately 14 months ago my number one priority has been the establishment of mechanisms to insure that the Navajo people are fairly treated by all of the commercial activities on the reservation, especially the traders.

Shortly after assuming my position at Window Rock I contacted the Commissioner of Indian Affairs and asked when we could commence the necessary investigation of the activities of traders on and near the Navajo Reservation which would precede the development of proper administrative procedures to insure fair treatment for Navajo people. Commissioner Bruce informed me of his intentions to examine the entire trader relationship with Indian people throughout the United States, and that he had assigned some of his top level Washington staff to explore the possibility of a joint investigation with the Federal Trade Commission. The Commissioner asked me to hold off my independent action until we could mount an effect of nation-wide federal operation.

Many of you here today are familiar with what has resulted. The joint BIA-Federal Trade Commission investigation and study of trader conditions on the Navajo Reservation which I understand will be expanded to other Indian reservation areas of this nation.

Not only as the Area Director of the largest BIA area and as the principal federal representative here, but more particularly as a Navajo, I am delighted at the interest of the federal government in my people.

My hope for the future is bright. Last year when I first arrived here a law suit was pending between my people and the former BIA Area Director regarding discrepancies and the activities of traders and the failure of BIA to enforce the regulations. This condition made my heart sick for I can recall very little change in the BIA attitude since my childhood on this reservation. To my knowledge, and my knowledge extends not only as a BIA employee but as a former Tribal employee of many years, there has been no agreement between the Tribe and BIA to determine the enforcement mechanisms of trader regulations. One of my side interests in my former employment as a Tribal employee was to find out just exactly where the buck stopped between the Tribe and Bureau in enforcing the regulations. Unfortunately, I wasn't able to determine this. Possibly the answer was that no one knew exactly where the buck stopped or possibly because no one wanted to know.

Today this investigation and the hearings bring into focus many of the problems which have faced our people for years. I share the Commissioner's concern and I also share his enthusiasm for the results that will come from this open airing of problems that have been festering in the Navajo Nation for years. I appreciate this opportunity to appear before this panel and I have appreciated the opportunity to share, in my own small part, with the supportive work to this investigation. You're assured of my continued support as Area Director of the Navajo Area and as an individual Navajo citizen in the successful completion of this much needed, and long overdue work. You can be assured that this office will vigorously explore the revised regulations which will resullt from these hearings.

Mr. GOLDWATER. Mr. President, naturally, the Indian traders were painted as being the worst kind of rascals, completely devoid of any feeling for their red brothers. One headline that went pretty well across the country told that price tags were 27 percent higher at trading posts. Again, having been a trader, I can recall having to pay $100 a ton to get hay delivered to my post, and while I never tried to figure out what it cost me personally to truck my supplies in over 90 miles of an almost unmarked road, I can assure Senators that the costs were much higher than landing this merchandise by train or aircraft if they were available.

While the road situation on the reservation has greatly improved since my day, there are still many posts where approach roads nearly tear a truck to pieces, and this has some bearing on the prices. During all of these years these traders have served as bankers and advisers; they have carried the sick to hospitals when the medicine man could not cure; they have buried the dead; they have, in most of the cases I know of, been, in effect, the only friends the Indians have had.

Keep in mind that the Navajos are not pueblo dwellers; they do not live in towns; they are seminomadics; and in many cases they live more than 50 miles from a trading post, and this adds not only to the cost of the merchandise, but to the cost of obtaining it.

Much has been said in these hearings about pawn. Pawn has always been the Indians' credit card. He would place his or her jewelry up, and the trader would issue credit, and while I know there are some traders who have violated the unwritten rule about pawn, I have never known a trader who sold pawn as long as the Indian was alive. But, as I have indicated earlier, I never had a bad credit experience with a Navajo or Hopi Indian, and I often wished that my white customers were as diligent in their credit responsibilities as were my Indians.

The whole point of this recitation in the Record today is not necessarily to criticize the hearings that were held in Window Rock, but to point out, as was pointed out the other day in the Washington Post that there is something continually wrong with the Bureau of Indian Affairs when it cannot even get the courage to enforce the rules that have been on the books for years. There is something wrong with the BIA when it continues to want to coddle and paternalize the Indians instead of giving them a chance to show them what they can do on their very own.

Two groups of Indians in my State of Arizona come to my mind in this connection, both of whom live as neighbors on the Colorado River, the Chemehuevis and the Mohaves, who have been asking the BIA for more years than I can remember for a paltry sum of money that would enable them to refurbish a generating plant they operate and from the sale of this electricity would enable them to become, in the long run, independent to conduct their business, as they say, without the constant meddling hands of the BIA being imposed on them.

It is going to be interesting to me to watch and see what happens as a result of this investigation drummed up by a group of young nonpracticing lawyers and academic types; and if they can get the BIA to do those things no one else has been able to do, I say my hat is off to them.

If it is the aim of the BIA to replace all white traders with Indians, fine and dandy. All they have to do is to refuse to issue or reissue licenses; but I plead with them not to try to destroy the character of the great majority of these traders who have meant so much to the Indian. If attack is called for, single out the violators—and we all know there are some—but let us not put everyone in the same kettle.

It is time that this agency of Government began to act out its responsibilities to Indians across this country by taking a more active role in doing for them those things that need to be done. The time is long past due.

AGNEW ATTACK ON PSYCHOLOGISTS

Mr. MOSS. Mr. President, for almost a year the Vice President of the United States has created a substantial stir in the field of psychology by his distorted attacks on some of the approaches used in that field. He has made it appear as though a large number of psychologists support the heavy use of drugs to correct behavioral patterns of schoolchildren. This is not the case, and the record should be set straight.

In order to give a balanced view of the real trends now occurring in the field of behavioral psychology, I ask unanimous consent that a letter by Howard M. Sloane, Jr., Ph. D., be printed in the Record. Dr. Sloane's letter was addressed to the Vice President and helps to establish the views of reputable psychologists.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The University of Utah,
Salt Lake City, Utah, March 17, 1972.

The Vice President,
U.S. Senate,
Washington, D.C.

My Dear Mr. Vice President: As an advocate and practitioner of what you have called "behavioral thinking," I wonder if I might take a few minutes of your time to respond to some aspects of your November 17 speech to the Illinois Agricultural Association. I feel that the importance of education, and the importance of providing our children with the best education available, make it imperative that we formulate decisions on the basis of fact rather than on what a single individual has said. Skinner's book *Beyond Freedom and Dignity* does *not* represent what is going on in places where behavior analysis has been applied to education, nor does it represent a "program" which people in the field are promoting. For detailed data on this, I might suggest that you get a copy of the report of the HEW Work Group on Behavior Modification, available from the Office of Education.

Let me start by noting that the majority of actual educational programs mentioned in your speech are not based upon a behavior analysis approach. Actually, most of them represent approaches which nearly every behaviorist working in education disowns. Behaviorists nearly to a man feel that the use of drugs to modify school children's behavior is not warranted (other than for disorders such as epilepsy), that the attempts that have been made to "improve learning" and to "control hyperactivity" in school children using drugs such as ritalin are not only unwarranted, but definitely undesirable, that these procedures prohibit actual useful learning, that Kenneth Clark's suggestions concerning the development of drugs to prevent alleged misuse of power by politicians is misguided, unwise and unfeasible, that the objectives and procedures of "psychosocial" and "psychodrama" approaches are similarly undesirable and have no empirical basis or philosophical justification, and so forth. All of these approaches, which you have linked with a behavioral approach, are the very things "behaviorists" feel are most unwise and ineffective.

As the HEW report will indicate to you, behavior modification approaches in education have mostly stressed the teaching of basic skills. There have been no programs I am familiar with which have attempted what some right call "mind control" or "character molding" in the area of personal values. A possible exception to this is that many programs have included work skill acquisition learning to independently complete work and homework assignments, and to value such things. It is true that a few people have suggested that this is inculcating middle class values.

Behavioral education programs stress individuality more than any other approach. The entire approach is antithetical to your assertion that "To the behaviorist, man is not an individual; he is one of a herd, a particle in a mass of humanity. . . ." A major assumption of all behaviorism is that the way an individual acts is a function of the personal interactions he has had in his life, that there are not "group variables" but only factors which affect the individual, and that the specific function of events on individuals is different for every person as a result of his particular experience and makeup. What people *say* about behavioristic programs, and what actually goes on are often quite dissimilar. Probably stemming from the early work and writings of Watson, behaviorism has always received a "bad press" in many respects. Unfortunately, rather than looking to see what actually is the case, many people base their conceptions on this bad press and on what others state is the case. With all respect, your speech suggested that you had no direct or personal experience with behavioral programs, but that you had relied on various secondary sources. I firmly believe that you would have an entirely different opinion given sufficient, accurate information.

You also stated that the behaviorist feels that man ". . . needs to be saved from himself by a superior elite. . . ." I assume, perhaps incorrectly, that this is largely based upon Skinner's book. In practice, behavioral programs are probably the most "open" as far as not secretly manipulating people. A behavior analysis approach, whether to education or therapy, requires explicit and clear statement of the objectives *in advance*. More than in any other approach, these objectives are made explicit for the patron or client *in advance* of starting a program. Usually they are formulated with him. Students in a behavior modification program usually know exactly what the goals of the program are from the very beginning, while most students find that school is a "secret" process whose objectives are kept hidden from them. In a school or class whose objectives are thus made public and explicit, the students and parents are in the best position to exert control over the educational objectives. I have been told, although I do not know it for a fact, that parents in the two behavioristic follow-through programs are among the most ardent supporters of these programs, and that a major reason for this is that they know the program is trying to teach their children, and are able to have easy input to the program. I am sure that the fact that they see their children learning something for the first time is another reason for the popularity of these programs.

It would be a grievous error to interpret the entire field in terms of the book *Beyond Freedom and Dignity*. In it, Skinner is trying to do two things. The first is to translate technical laboratory findings as social imperatives. This is always a reflection of the person doing the translation, and never a simple factual interpretation of the science. The second thing he is trying to do is deduce what he feels are the necessary lines of social action based upon his translation of the data. This has no more to do with behavioral science than the statements that we should drop nuclear bombs on all communist countries, or that we should reveal all our nuclear data to all countries, reflect the current status of nuclear physics. Skinner's contributions to the field of behavioral science *are* revered by nearly all familiar with behavioral science. His social deductions, however, are his own, and have no status as dogma with anyone I know.

Very truly yours,
Howard N. Sloane, Jr., Ph. D.,
Professor of Educational Psychology.

ADDRESS BY SENATOR BENNETT BEFORE TAX SECTION OF AMERICAN BAR ASSOCIATION

Mr. HANSEN. Mr. President, I invite the attention of the Senate to a speech made recently by the distinguished senior Senator from Utah (Mr. Bennett) before the tax section of the American Bar Association in San Francisco. Senator Bennett spoke of tax reform and of some of the tax reform measures which have been referred to the Committee on Finance as well as other tax reform measures which are yet to be introduced. Senator Bennett demonstrates, in this address, his usual keen ability for seeing through matters and of extricating the important issues immediately and with great foresight.

I have nothing but praise for the distinguished Senator from Utah. I have the honor at present to serve with him on the Finance Committee, where he is the ranking minority member. As I have said before, Senator Bennett always acts in a manner which brings honor to himself and to his State of Utah. His ideas are always well thought out, and he is the epitome of a noble American.

I ask unanimous consent that Senator Bennett's remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

Remarks of Honorable Wallace F. Bennett

I appreciate this opportunity to be with the Tax Section of the American Bar Association and to talk to you about taxes and tax reform. There is an old saying that nothing in this world is certain except death and taxes.

On Capitol Hill we've succeeded in amending that adage so that nothing in this world is certain except death, taxes and tax reform.

The Tax Reform Act of 1969—which has been described as the most comprehensive tax reform in history—has not satisfied the purists' taste for tax reform; it seems rather to have merely whetted their appetite for more. And not surprisingly, the prime candidates for tax reform are the same old favorites that are always highlighted in tax reform scenarios—the depletion allowance; capital gains; State and municipal bond interest; rapid depreciation; and the investment tax credit.

During the past year, however, two newcomers have been added to this allstar list—the ADR, the Asset Depreciation Range, which provides business with greater flexibility in calculating depreciation allowances, and the minimum tax. And since the Presidential campaign began, an additional 25 have been identified.

Frankly I suspect a principal reason for the popularity of the most popular targets of the tax reformer is that these items involve tremendous amounts of revenue, and this distinguishes them from other features of the law where tax reform may truly be in order, but where the glamour is far less apparent.

The chief tool of the tax reformer is rhetoric. It always has been, and I suspect it always will be. And in the arsenal of rhetoric, "equity" is the principal offensive weapon. It takes many forms. It may be the simple cry that the "Taxes are unfair." Or it may show up in allegations and charges that certain businesses pay only 5 percent or 10 percent of their income in the form of Federal taxes. Another variation, one which has drawn considerable attention this year is the "disclosure"—(and that is another cliché in the jargon of tax reform)—that 106 persons in the United States in 1970 had adjusted gross income above $200,000 without paying any tax. With this "disclosure" came the denunciation that our tax laws are a failure, that they are so shot through with loopholes that 106 people could avoid paying their fare share of the cost of Government.

Well, this is a Presidential election year, and rhetoric of all sorts is to be expected, and in the tax field, our candidates are not letting the people down. On the contrary, tax reform rhetoric reached a fever pitch shortly before the Congressional recess for the "other" national convention in July. One of the leading candidates was promising voters in a well-known western State that he would junk the tax law as we know it today and replace it with a new tax system which not only would finance the expenses of running the Government, but in the process would also redistribute the wealth of America. Parenthetically, I wonder if he would also eliminate the need for tax attorneys. At about the same time in Washington, one of the leading non-candidates was proposing to repeal 54 provisions which "provide benefits" under the tax law. "Tax reform" with everything the term connotes, was also a primary plank in the platform of other aspirants to the Presidency.

But whether it will be moved to action by rhetoric or by the type of piercing analysis of a tax statute of which you gentlemen of the tax bar are constantly giving them, one thing is clear—the 94th Congress, which will convene in January 1973, is going to be deeply immersed in tax reform. Regardless of who wins in November, the American people have been promised tax reform. Both the present Administration and its challengers are already busy mapping their programs. I have no inside information as to what the present Treasury's plans might contain, but I would speculate that estate and gift taxes, foreign income, pension plans and Subchapter S Corporations all are being carefully searched for possible improvements. And I should think further that "simplification" will be the touchstone for their new programs.

But I'm getting ahead of myself. Tax reform is a generic term with countless variations. For most people, certainly the man on the street, tax reform is synonymous with tax reduction. This is certainly understandable, since lately they've become accustomed to receiving tax cuts every time the call for tax reform reaches the kind of crescendo it seems now to be approaching. Look at the Revenue Act of 1964; the Excise Tax Reduction Act of 1965; the Tax Reform Act of 1969; and even, if you will, witness the Revenue Act of 1971.

After these many years of conditioning taxpayers to expect almost annual "fiscal dividends" from tax reform, it would seem to me that Congress would again find it very difficult to produce anything labelled "tax reform" effort without significant tax reductions for low and middle income taxpayers.

But if Congress should succumb to the attraction of tax cuts—and it is a mighty powerful political lure—then we will have surrendered, and lost, what should be the sine qua non of any successful current tax reform; that is, to produce additional revenue which will help reduce the budget deficit and thereby contribute to the battle against inflation. No one will deny that the hidden tax of inflation can be a more vicious levy than all the Federal and State income taxes combined. Every person in the whole nation would benefit if we could eradicate inflation and this should rank high among Congressional objectives of tax reform.

And speaking of the desired pluses of tax reform, some of its most vocal of advocates look on their efforts primarily as a way of financing broad new programs of social reform. This Utopian dream of bending the tax law to the goals of social reform has been with us ever since the idea of a progressive income tax was adopted, but it has found its zenith in the proposals of one of the candidates for the Presidency which would redistribute the income of America by taxing it away from the earnings of middle and upper income groups and giving the proceeds to the poor, for whom any work requirement would be considered a form of slavery.

The theory for the proposal, I guess, is that the richest nation on earth should be able to buy its way out of the guilt feeling caused by the existence of poverty, by giving money to people who are poor.

The Committee on Finance has said "No!" If people are poor and are in need of help to aid in supporting their families, then we should provide them with a job opportunity and thereby help them to help themselves, but we should not simply give tax money away.

To do so would polarize the American people into two groups, one composed of those who "get" and the other made up of those who "pay." The $2,400 grant to a family of four as the House welfare bill called for was not the issue. That is a modest amount by anyone's standards. But that level of payment would put 26 million people on the welfare rolls at a cost of $13 billion to the Federal Government, and as you raise the basic benefit level, you raise the numbers of people and the cost.

Once we embark on a program of giving tax money away—a "guaranteed annual income" is how it is described—it would be difficult to confine the payment level to $2,400. If the grant were raised to $3,000, then 72 million people soon would be eligible and the cost would raise to $42 billion. At the $6,500 level recommended in a bill introduced by Senator McGovern on July 29, 1971, 114 million people would share $80 billion. Can you imagine more than half the people of America being on welfare? I shudder to think what the tax system would look like that would have to extract enough revenue from the working one-half of our people to support the other half in idleness.

If I seem to be quaking slightly here at the speaker's platform, it is because we have been offered a glimpse of that kind of a tax system, and it is not reassuring. In a speech entitled, "Tax Reform and Redistribution of Income," the Junior Senator from South Dakota suggests that one way of financing his plan to give $1,000 to every person in the country would be to junk the present tax system and substitute a flat tax of 33⅓ percent of total income. Total income; no deductions; no credits; no personal exemptions—nothing but total income. Such a plan might be called total reform. The $1,000 grant would not be taxed; it would be subtracted from the tax. Aside from that, every taxpayer across America from the lower middle income wage earners on up to the most successful businessman would be taxed at precisely the same rate.

Is such a tax system equitable? It treats the man with large medical expenses just like his neighbor who spends his money on riotous living. It taxes the man who supports churches and schools the same as one whose income is spent on luxuries. Great achievements and mediocre are taxed alike. Immediate profits and long-term gains, too, are taxed identically. And, a flat tax like this ignores the fact that one taxpayer may pay large State and local tax bills, while another similarly situated taxpayer is tax-free at the State and local level.

Not only would such a system not provide tax equity, it would be even more fraught with tax inequities than today's law is. And I submit that the American people not only do not want it, but would not stand for it. It is not fair for a rich man and a poor man to pay the same tax rate, and it is not fair for taxpayers with the same income to have to pay the same tax when one's situation cries regardless of any special circumstances. In these respects, the flat tax approach violates both the principal of vertical equity and horizontal equity. In my judgment, a good tax system is one which seeks to fairly balance the need for investment on the one hand, (which can lead to new jobs and greater prosperity for us all) and consumption on the other hand, (which means that the people must have sufficient income *after taxes* to purchase the output of our plants and equipment.)

No tax system is ever perfect, in fact, if one could be devised that would be perfect at one moment in time, changing circumstances would make it imperfect in the next instant, and, therefore, Congress can never cease to strive constantly to redress the ever-shifting balance of this most sensitive of all our laws. We must be ever alert to the changes necessary to assure that our tax structure is responsive to the constantly fluctuating needs of our time, adjusting them whenever they seem to be out of harmony with current conditions and goals.

That is what Congress tried to do in 1969, in the most massive tax reform of them all. But by doing it then, they could not escape the necessity of doing it again in 1971 when developing economic conditions signaled that a change was in order. That is what we will continue to do in 1973 and 1974 and it is my fervent hope that Congress will ever remain alert to the needs of our people and be prepared to continue to pass new legislation whenever in the future new actions are necessary to keep the tax laws consistent with the times.

Looking back, it is easy to demonstrate that the tax laws Congress passes are responsive to the circumstances at the time we acted. The investment tax credit and the DISC are good illustrations. About the time the Tax Reform Act of 1969 was repealing the tax credit in response to its pressure on the money markets, the Administration was moving to begin to wind down the war in Southeast Asia and buyer resistance was building up in retaliation to the continuing inflation.

The combination of all these factors, and perhaps others, caused a sharp decline in new investments in plant and equipment, contributing still further to our economic downturn. As a matter of fact, we had placed ourselves in the unenviable position of being one of the highest capital-cost countries in the world.

The restoration of the tax credit in 1971, and the initiation of the ADR rules not only brought the cost of raising capital in the United States substantially in line with capital costs in the other principal industrial nations, but they also simulated new investment and are making a great contribution to the Administration's efforts to fight inflation with increased productivity.

Like the tax credit the DISC, too, found its genesis in one of the current pressing economic problems confronting this nation. In our international trade, we have, in recent years been failing in our efforts to export at least as much as we import. One of the reasons for this was a pattern of tax laws which encouraged U.S. business to build factories abroad to sell in foreign markets, rather than to build their plants at home and export their products.

The DISC is an ingenious device for relieving U.S. exports of tax in a manner which I believe will provide a new incentive for American industry to build factories and create jobs here at home rather than abroad, and thus help very much in restoring some element of true balance in our international transactions.

If we are to regain our position as a great exporting naton, we must leave no stone unturned and no tool unused. In this respect, I applaud the Treasury Department for the work they have been doing in exploring additional tax alternatives which might aid in the drive to restore a favorable trade balance. The tax on value-added—TVA—is another possibility we should carefully investigate because it would further enable us to improve our competitive position without even theoretically violating the GATT. Though many experts believe the GATT in itself is wrong on its face. Philosophically, the right thing to do would be to amend the GATT but to do that we would need the cooperation of the other members of the GATT, this cannot be achieved at this time, while we can change our domestic law without their acquiescence, which is the most practical way out of the dilemma.

Actually, our tax system is more responsive to changing conditions than is our trading system. If our trading system set up in the 40's cannot cope with the problems of the 70's, and our tax law can, then I submit we should cope with them through the tax law now, and work for the other solutions in the long run unless there are compelling reasons to the contrary.

Turning back to our domestic problems, in the future, as in the past, one of the basic elements of tax reform should be tax simplification. Several years ago, when Congress was exploring a withholding tax system for dividends and interest, spokesmen for the financial community described at length the philosophical arguments against withholding and concluded their presentation by saying that if, despite the case they had made, Congress felt that it had to pass a withholding statute, then it should be made as simple as possible. "Give us a round rate to work with," they said, "and 'zero' is the roundest rate of all."

There is no question but that tax reform for the purpose of tax simplification has prompted some of the most significant changes in the tax treatment of individuals. The low income allowance, the higher personal exemptions, and greater standard deductions are all part of a pattern of tax simplification for millions of individual taxpayers; and for a larger percentage of these, the ultimate in tax simplification has been achieved—tax exemption. Thus, today no individual whose income is below $2,050 is taxed at all. And a family of four is tax-exempt on $4,300 of income. For most people in these categories, the tax law presents little difficulty.

For millions of others who do pay tax, the complexity of the system has been largely eliminated by upgrading the standard deduction. The proportion of our taxpayers who use the standard deduction has been raised to 70 percent from the level of 58 percent before the law was changed in 1969, and that is no mean feat.

This percentage may rise even higher if the Treasury can work out its latest simplification idea. Under it homeowners with heavy mortgage interest and anyone with other fairly substantial deductions such as state and local taxes—could select a standard deduction at a rate lower than the present 15% or $2,000, and use it, without losing the privilege of itemizing deductions for such costs as these. This is an ingenious idea, and I hope it can be developed to the point where we in Congress can look at it.

But when we read in the newspapers of the large scale on which unlicensed, unskilled, unscrupulous tax return preparers have been cheating the Government by preparing false and fraudulent tax returns for their unsuspecting clients, then we know that the law and tax returns are still too complex—"grieviously complex," as the Undersecretary of the Treasury recently described it. It should not be necessary for our law and our tax forms to be so complicated that reasonably intelligent persons—and most Americans can be so characterized—cannot prepare their own tax returns and pay their tax without having to consult a "preparer."

I believe we who are most directly involved in the Congress, the Commissioner of Internal Revenue, the Treasury tax planners, and all you highly skilled technicians who make the Tax Section of the American Bar Association, one of the most respected groups in American jurisprudence, owe our tax paying countrymen a duty to work together to pinpoint the specific and unnecessary complexities of our tax law and, acting in the public interest, to chart an even broader path towards simplification. We should, and I believe that if we are willing, we can, have a law simple enough that we would make an honest man out of the Commissioner of Internal Revenue (Johnnie Walters) who not long ago reported that the next tax forms were so simple a fifth grade could complete them.

If the Tax Section does not yet have a Committee on Simplification of the Tax Laws, I urge you to form one. Its public service work in the national interest could be truly rewarding.

Gentlemen, in planning earlier for my comments for today, I had intended to devote some observations to the tax reform proposals of the illustrious Chairman of the Committee on Ways and Means of the House which if all were adopted, might have repealed virtually half the Internal Revenue Code. The Chairman is a serious and dedicated legislator, and any bills he introduces are not to be taken lightly.

Fortunately, we have both been spared that ordeal because a few days ago, the Washington press in a front-page story regarding the Mills bill reported the following:

"Meanwhile, Rep. Wilbur Mills (D., Ark.)

backed away from his proposal to schedule the repeal of 54 'tax loopholes' over three years as a device to compel Congressional review.

"Mills, Chairman of the House Ways and Means Committee, admitted in an interview that his bill might be disruptive because it would create uncertainty about tax benefits."

While you may have breathed a collective sign of relief at this news, you will have a hard time catching your breath again when you sense the full impact of the spending and taxing proposals in the 1972 Democratic platform—plus those already aired in speeches by their Presidential candidate referred to earlier.

On the spending side there are 18 planks in the platform calling for new expenditures in fiscal 1974 and thereafter. These can be priced out within a range of conservative or liberal interpretations of the candidates speeches. For these, the most conservative estimate of cost is an additional $144 billion and a liberal interpretation would raise the added cost to $329 billion. Put these on top of today's $250 billion level and you have total Federal expenditures rising to a minimum of $394 billion or a maximum of $579 billion—the latter well above half of the total G.N.P.

But this is not all. In that platform there are 11 more spending proposals, the cost of which cannot be estimated in advance. Time will not permit a discussion of them, but here are a couple of samples:

"We will replace the 1970 Farm Act . . . with a permanent law to provide fair prices to family-type farm and ranch operators. This law will . . . raise family farm income to 100 percent of parity, based on 1910–14 ratios." "The VA should assume responsibility for the care of wives and children of veterans who are permanently disabled or who have died from service-connected causes."

How is all this to be paid for? By raising taxes, of course. Between the platform and the candidate we can identify 24 specific tax proposals including the flat 32⅓ percent personal tax rate—without personal exemption—and the re-inclusion of the ideas Chairman Mills dropped. At the most oppressive levels suggested, however, these ideas would only raise another $240 billion leaving a potential additional deficit that could be as high as $100 billion and the individual income tax for everybody would have to be more than doubled.

If the average taxpayer considers tax reform as a synonym for tax reduction what will he call this kind of a program?

Friends, I shall conclude my remarks on this cheerful note. I thank you again for your kind invitation to be with you. I wish it might have been possible for me to leave you with a specific blueprint for the next great tax reform effort Congress will begin to make next year. But I fear that I have failed. All we can be sure of is that tax reform like taxes, is always inevitable, perennial and completely unpredictable, and this year even more so. In any event, whatever happens, your clients will still need you—and probably more than ever. What a business to be in.

Thank you.

CONSERVATION OF WORKS OF ART AND HISTORICAL OBJECTS DURING HURRICANE AGNES

Mr. PELL. Mr. President, we are all aware of the tragic loss of life and property that followed in the wake of Hurricane Agnes, but scant attention has been been paid to the threatened loss or severe damage to America's cultural heritage that occurred in the same flood or to the efforts of devoted museum personnel, conservators, and State officials to rescue that heritage from total loss. New York and Pennsylvania were most severely damaged. As the flood waters rose museum directors, curators, and volunteers in Chadds Ford, Wilkes-Barre, Pittsburgh, and Elmira among others raced against time to remove their most important treasures to safekeeping. Many were successful, but no one was able to save everything. Despite the best efforts many of these devoted workers were finally obliged to admit that the hurricane and the river had won the race.

Before the flood waters receded a corps of volunteer experts in conservation of works of art and historical objects, many of whom had previously worked to help rescue the artistic patrimony in Florence and Venice, Italy, were banding together to provide emergency consultation and information. Mr. and Mrs. "Sheldon and Caroline" Keck for the New York State Historical Association in Cooperstown, N.Y., called on their students and friends to gather together information sheets on emergency treatment of flood damaged objects. Too hasty removal of mud and water from books, manuscripts, paintings, furniture, or textiles could only cause irreparable damage. Sheldon Keck provided immediate emergency treatment information for a wide variety of objects. Caroline Keck gave precise and thorough directions for the emergency treatment necessary to preserve paintings from permanent damage. Robert Organ from the Smithsonian Institution and his colleague Eleanor McMillian contributed a previously published paper on their rescue work in a hurricane damaged museum. Bernard Rabin's report to the Committee for the Rescue of Italian Art on the emergency treatment of musical instruments was gathered together with advice from Marilyn Kemp Weidner of Cooperstown on the treatment of framed and unframed prints and with Carolyn Horton's advice on the treatment of bound books. Technical advice on the treatment of textiles came from Margaret Eikioris and on furniture from Mervin Martin, both of the Henry Francis duPont Winterthur Museum in Delaware. Copies of these instructions were hurriedly printed and distributed widely throughout the stricken area. While these highly trained conservators shared freely of their knowledge, students from the conservation training centers at Cooperstown and at Oberlin, Ohio, were in the field with volunteers carrying out emergency treatment.

Officials at the State level were just as quick to come to the aid of the stricken museums and State historical societies. G. Carroll Lindsay of the New York State Museum and Science Service in Albany mobilized his staff and competent volunteers to provide emergency aid. Rare books and manuscripts from the Corning Glass Museum and from the Chemung Historical Society were rushed to deep-freeze facilities where quick freezing prevented mold and mildew from growing on the paper and parchment and prevented the ink from dissolving. These important documents are now held in suspension until such time as a trained conservator can thaw them out and proceed with the work of removing the water and mud. The Museum Service at Albany also made available its freeze-drying facilities to rescue as quickly as possible a limited number of documents. In Pennsylvania, William N. Richards of the Pennsylvania Historical and Museum Commission launched a survey of damage to museums and historical societies and sites in his State together with emergency aid.

The exact extent of the damage to buildings and collections is still not known. Many collections were saved from direct contact with the floodwaters, but it will be some time before indirect damage to these collections can be identified. It is clear, however, that much of the material necessary to the successful operation of museums and historical societies, such as card catalogs of the collections, photographs, libraries, and the like, has been severely damaged. The services of conservators will be required for many years to come just to recover and rescue this important supporting material. The National Endowment for the Arts, the National Endowment for the Humanities, and the Smithsonian Institution have expressed their concern and have pledged their assistance in helping these museums and historical societies recover from the devastating effects of Hurricane Agnes. The National Endowment for the Arts has already made emergency grants to the Chemung Historical Society and to the Library of Congress for a meeting of paper conservators to assess the extent of the problem and to plan a campaign of attack. The National Endowment for the Humanities has made a grant to the American Association of State and Local History to assist one museum and four historical societies to recover. The Smithsonian is supporting the freeze-drying program in Albany and related research.

As a result of the flood, residents of the State most severely damaged have recognized the importance of conservators of works of art and historical objects in preserving the American cultural heritage. Hundreds of individuals and municipalities had nowhere to turn but to this handful of experts who gave so unselfishly of their time and so freely of their knowledge. Museums and historical societies as well learned to band together for the sharing of information and for mutual assistance. It is to be hoped that these cooperative efforts will endure long after the threat of natural disaster has passed.

The flood was sudden and devastating. The work of recovery will be slow and meticulous. We must admire the devotion of those who worked feverishly to remove what could be removed from the threat of rising water. We must also admire the devotion of those who will work with painstaking care to repair the damaged objects. We can admire them, but they deserve as well our respect and support.

I ask unanimous consent that an article on this subject, published in History News for August 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLOOD EMERGENCY REQUIRES KNOW-HOW, PROMPT ACTION TO PRESERVE HISTORICAL MATERIALS

Serious flooding in recent months that ravaged sections of New York, Pennsylvania, and elsewhere in the eastern United States as well as the earlier disaster that struck Rapid City, South Dakota, point up the importance of knowing what to do in case of a water emergency. Flood waters have no respect for history, and priceless artifacts and manuscripts are just as vulnerable as anything else in their path. The Clinton Historical Society in Lockhaven, Pennsylvania, for instance, was almost entirely destroyed in recent flooding there. Its manuscripts were watersoaked and its building was lost, along with a small library. Knowing in advance the emergency steps to take and acting promptly can mean the difference between saving or losing the historical items and records in your trust. Even if serious flooding is unlikely where your institution is located, water damage from broken pipes, fire losses, and other causes can be just as costly to historical collections.

Well-known conservators Sheldon and Caroline Keck, of the art conservation program at the Cooperstown Graduate Center, have spearheaded efforts to get emergency information to stricken areas of New York State and elsewhere. They have republished for distribution through the New York State Historical Association in Cooperstown an information brochure describing treatment of art objects and historic artifacts.

In addition, the Kecks have volunteered their services in advising historical agencies damaged by the flooding. Among others who have offered to assist with conservation counsel are Robert M. Organ, conservator at the Smithsonian Institution, Peter Waters, restoration officer for the Library of Congress, and William Young of the Boston Museum of Fine Arts.

The American Association for State and Local History joined efforts to aid historical organizations during the disaster. With information supplied by the Kecks, AASLH mailed an emergency bulletin to all historical societies and museums in the stricken areas. The first-aid measures are reprinted here for those who might face similar threats in the future. It is expected that more detailed information will be provided at a later date.

1. The greatest danger to the materials that got wet is the development of destructive molds on them. To prevent this, remove the wet materials to a room that is (a) cool, (b) dry, and (c) well-ventilated. Do this at the very earliest opportunity. Even a twenty-four hour delay can be crucial. Time is of the essence.

2. If you have access to a cold-storage or freezer locker, or to a refrigerated truck, or even to a spare refrigerator, this is even better. You can freeze records, manuscripts, and most other materials without further damage and with great benefit. The ideal temperature is 20° Fahrenheit, but any freezing is better than none. Frozen records won't mold.

3. Exercise maximum care to keep identification and catalog numbers for your books and museum objects. You will need to know what you have after the conservation work is over.

4. Don't spend your money for expertise right now if you can arrange the cold storage. Conservation work can't be done well under the present flood-damage conditions. What you need most are willing hands to do the essential first-aid.

In addition to mold and mildew, the kinds of major damage caused by water, moisture, and humidity include dimensional changes as items dry: shrinkage, warping, curling, and splitting; loss or damage to surface films; blanching of varnish and paint, loosening, buckling, and flaking of paint and veneers; and disfiguring and staining from mud and oil.

Freezing is a temporary measure to prevent these alterations for all items except paintings. Paintings damaged by flood waters should be removed from their frames (but do not remove canvas from stretcher.) Dry paintings on blotting paper on a horizontal flat surface, placing additional blotters and weights on the backs of the canvas. Change blotters frequently to prevent sticking.

Consult experienced conservators for assistance before proceeding beyond these emergency measures.

NARUC AND THE GAS SHORTAGE

Mr. HANSEN. Mr. President, at a recent meeting of the Executive Committee of the National Association of Regulatory Utility Commissioners, a resolution of vital importance to the future progress of the United States was adopted.

This body whose overall public interest is widely acknowledged has added its voice to the warnings of a critical natural gas shortage and urged State and national political leaders to take immediate steps to reverse the perilous course the Nation is now pursuing in its growing dependence on foreign sources for its principal energy supplies.

Mr. President, if there are still doubters in this body of the need for quick and decisive action to accelerate the exploration, development, and delivery of domestic oil and gas, I would hope they will note the recommendations of the Executive Committee of NARUC, a body that deals directly with the energy problem in the various States of the Union.

Mr. President, I ask unanimous consent that their resolution on the natural gas shortage be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION

Whereas, the Gas Committee and the Executive Committee of NARUC have, for several years, passed resolutions relating to the shortage of natural gas, and the development of an energy crisis, and

Whereas, it now appears that the consuming public has at last recognized that such a shortage of natural gas and other forms of energy threatens our national interest, and

Whereas, in spite of the mounting evidence and knowledge of the impending energy crisis there are still state and national political leaders who fail to realize that the best interests of our country and its citizens require that immediate steps be taken to stimulate exploration and drilling for new sources of gas and oil.

Now, therefore, the Executive Committee of the National Association of Regulatory Utility Commissioners hereby resolves that:

1. Immediate steps should be taken to lease additional off-shore areas, now controlled by the Federal and State Governments, for immediate exploration and development.

2. There should be an immediate and intensive program of further exploration and drilling of the areas of the Continental Shelf, both in the Atlantic and Gulf areas.

3. HR 15900, or similar legislation that is designed to lessen or abolish depletion allowances, or any other legislation that will, in any way, discourage or slow down exploration should be defeated.

4. Federal and State legislators and regulatory agencies should encourage deep testing of present oil and gas fields.

5. All regulatory agencies and legislative bodies should immediately take whatever actions are required to accelerate and encourage the importation of gas and oil from Alaska and Canada, and the Courts should exercise judicial restraint before interfering with such action.

6. The FPC be encouraged and requested to stimulate the increased drilling of wells in this country by establishing a realistic price for domestic gas.

Now, therefore, a copy of this resolution is authorized to be sent to the Governor of each state, state Commissions, members of the United States Senate and House of Representatives, Washington, D.C., and the Federal Power Commission.

NO-FAULT AUTOMOBILE INSURANCE

Mr. MOSS. Mr. President, there were many spurious allegations during our consideration of no-fault automobile insurance in the Senate. One of them, having no bearing whatsoever on referral of the bill to the Judiciary Committee, was the assertion that no-fault insurance would cost the consumer more. Of course, the committee report on no-fault demonstrated that this was not the case.

Actual experience in the State of Massachusetts is a further testimonial to the value of no-fault. Of particular concern is the equity in payments, the speed in which settlement is agreed upon, and the overall savings for the consumer. I ask unanimous consent that an article from the Washington Post describing the Massachusetts no-fault program be printed in the RECORD at the conclusion of my remarks.

Particularly interesting figures are contained in the article. According to the State Insurance Department 50,000 fewer claims were filed in the bodily insurance category in 1971 than in 1970, and these have resulted in premium reductions for bodily insurance coverage amounting up to 42 percent for motorists with minimum coverage. Furthermore, settlement of claims takes place within 15 days. Now that is truly a benefit for the consumer.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"NO FAULT" PAYING OFF IN MASSACHUSETTS

(By Steven A. Cohen)

BOSTON.—After one year, Massachusetts' first-in-the-nation no-fault automobile insurance law has resulted in stabilized premiums for motorists and a savings of mounds of paperwork and $40 million for the insurance industry.

The final report on the 1971 no-fault experience in Massachusetts, now in the process of being checked and verified by the State Insurance Department, shows there were 50,000 fewer claims filed under the bodily insurance category than in 1970, the last year before no-fault. That is a reduction of 37 per cent.

At the same time, rate reductions for bodily insurance coverage have amounted to 42 per cent for motorists with minimum coverage and the state Supreme Court has upheld an insurance commission order providing for a 27 per cent rebate from 1971 bodily injury rates.

For its first year, which began Jan. 1, 1971, the no-fault concept in Massachusetts applied only to compulsory bodily injury insurance-liability coverage to pay for bodily injuries caused by automobile wrecks. This year, no-fault was extended to collision and property damage insurance.

Premiums for collision and property damage have continued to rise, largely to keep pace with inflation, but the reductions in the bodily injury section have served to more than offset any other increases.

The net result for motorists in Massachusetts is that auto insurance premiums remain high—an under-25 couple in Boston with a new, medium-priced car will pay up to $1,000 a year and more—but there has been some relief from previous skyrocketing rates and claims are settled faster.

No-fault, as applied to compulsory bodily injury insurance in Massachusetts, prohibits claims for "pain and suffering" unless actual medical expenses exceed $500. The law also requires out-of-court settlement of all claims under $2,000 without fixing blame for the accident on either party. The motorist's own insurer pays him regardless of who is at fault.

State insurance officials have attributed much of the success of the 1971 no-fault law to the elimination of what they regard as "nuisance" pain and suffering claims, unless actual medical bills demonstrate injury.

During 1970, the 135,000 bodily injury claims cost the insurance industry $90 million. The final report for 1971 indicates that the industry paid out $50 million to settle 85,000 claims.

The insurance industry collected about $150 million from Massachusetts motorists for compulsory bodily injury premiums the year before no-fault took effect.

This year, according to Insurance Department statistics, the industry collected $95 million in bodily injury premiums.

Premium rates for bodily injury coverage were reduced 15 per cent the year no-fault first took effect.

They were reduced another 27.6 per cent this year and, as a result of an order by insurance commissioner, John Ryan, which was upheld in June by the state Supreme Court, companies that write bodily injury coverage will have to return another 27.6 per cent to motorists because the 15 per cent reduction in 1971 was not sufficient.

With the success of the bodily injury no-fault law, the state legislature last year extended the concept to physical damage insurance.

The law makes property insurance mandatory but provides three options with varying degrees of coverage, and rates vary according to the type of coverage, the car model and where it is garaged.

Insurance companies, under the new law, are required to settle claims within 15 days of the filing.

"The real selling point is the 15-day settlement requirement," said John O'Connor, a spokesman for the casualty insurance industry in Massachusetts.

The effect of the new law is to combine collision coverage, which protects a motorist when he is hit, and property damage insurance, which protects motorists against liability for damage to another's car.

The combined coverage, according to officials, saved motorists an average of 10 per cent this year, compared to the 1971 rates for these types of insurance.

TO PROTECT WORKERS' PENSIONS

Mr. HUMPHREY. Mr. President, on June 29, 1972, the Labor Subcommittee of the Senate Committee on Labor and Public Welfare heard important testimony on S. 3598, the Retirement Income Security for Employees Act.

I am a cosponsor of this bill because I believe it is essential that Congress take effective action to provide for the protection of workers' pensions. The workers of America have a right to security and dignity in retirement. And they have a right to expect that Congress will respond, when up to one-half of all persons participating in private pension plans may not receive pension benefits when they retire.

Appearing before the Senate Subcommittee on Labor to present the views of American labor on this vital pension reform legislation were Andrew J. Biemiller, director of the department of legislation, AFL–CIO, Leonard Woodcock, president of the UAW, and I. W. Abel, president of the United Steelworkers of America, AFL–CIO. Their testimony presented a profoundly disturbing exposition of the critical problems confronting workers who have seen their supplementary income for retirement from their participation in private pension plans over years of hard work suddenly evaporate.

While expressing strong support for the purposes of the Retirement Income Security for Employees Act, they made specific recommendations for changes in provisions on pension plan termination insurance, minimum vesting standards, and the proposed voluntary portability program, and they expressed concern over the need for adequate protection for workers currently nearing retirement.

While these recommendations will require careful evaluation in the light of fiscal and economic cost factors, Congress should heed the warning of a "potential social tragedy" of untold numbers of workers without retirement income security, strongly posed by Mr. Abel and documented, for example, by Mr. Woodcock, in his statement that at a minimum, about 500 pension plans affecting more than 25,000 workers are discontinued each year.

Further examples of the tragedy already afflicting workers from the discontinuation of pension plans were brought to the attention of the Senate Labor Subcommittee, as reported in a recent article in the Christian Science Monitor. The article, which I will ask to have included in the RECORD at the conclusion of my remarks, cites personal cases to illustrate the serious problem of uncertain legal supervision or protection in private pension plans that currently total over $137 billion.

This problem has been brought home sharply in Minneapolis, Minn., where the White Motor Corp., has closed its Moline plant. The company stopped funding its pension plan for hourly Moline employees last June, confronting 850 workers with stark statistics of a pension fund with obligations of more than $20 million and assets of only $3.4 million. Pension funding for 470 salaried workers was also to be terminated. Those already retired face a bleak future as a result of this termination of funding for the Minneapolis-Moline union pension plan. For example, it is reported that a retiree of 65 with 30 years of service who has been getting $202.50 a month will now receive only $93.75.

This is happening again and again to workers and retired persons across America. They are angry and feel betrayed. In every State where I went in my recent election campaign, wherever I talked with American workers, the one concern they expressed more often than anything else was a fear over the possibility of losing their pensions.

It is profoundly wrong that a worker, only a few years or even days short of his or her retirement, should see the pension rights that had always been regarded as postponed benefits in lieu of higher wages, suddenly wiped out by the termination of his or her company's pension plan.

It is wrong that the worker should face a future of despair and helplessness because that pension plan was not required to maintain funds to meet its obligations or even to account for the investment of these funds.

For many months I have been speaking out on this critical national issue. Last November I took this issue directly to the corporate financial executives administering this multibillion-dollar business, in an address in New York City at an annual pension fund conference sponsored by a major pension fund management firm. I advised these gentlemen to launch immediately a major program of reform and warned that unless they put their house in order, the pension fund industry would face strong Federal regulation.

Mr. President, pension reform is an issue of the highest priority for America's workers. I believe that the enactment of effective legislation to assure the accomplishment of this reform must be made an equally high priority in Congress. I ask unanimous consent, Mr. President, that the article by Richard L. Strout, entitled "How Many Pension Plans Will Really Pay?", and published in the August 21 issue of the Christian Science Monitor, and the statements by Mr. Biemiller, Mr. Woodstock, and Mr. Abel, presented before the Senate Subcommittee on Labor, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HOW MANY PENSION PLANS WILL REALLY PAY?

(By Richard L. Strout)

WASHINGTON.—Millions of American workingmen, with homes and families, have a qualm of fear at three o'clock in the morning when they wonder about "the pension": Will the company really pay them when they retire? They go back to sleep—still wondering.

George Silver worked for 30 years for the Michigan Tool Company of Detroit. Then it was announced on the bulletin board that the company was going to move South. It turned out that the pension plan to which he had contributed had been mismanaged. There would be no pension after all. He was 50 years old—a bad age to shift jobs. The pension could not be transferred to some other company.

Workers have been telling stories like that for two years to a labor subcommittee under Sen. Harrison A. Williams (D) of New Jersey.

Clearly reform is needed—and today it is being urged by Sen. George McGovern in particular, by members of the subcommittee, and by the Nixon administration as well.

Stephen Duane got a job with the Great Atlantic & Pacific Tea Company when he was 19. He participated in a company pension plan for 32 years. He told his wife comfortably that sometime he would have a little something coming in—not luxury, but, with Social Security, something that could help them make out. Millions of workers tell their wives the same thing.

THEN THE PLANT CLOSED

But the plant where Stephen Duane worked closed. He was four years short of the retirement age and forfeited his pension rights. The rights were not transferable. For 32 years he had considered these pension rights as postponed benefits, in lieu of wages.

In 1964 the Studebaker plant at South Bend, Indiana, suddenly closed and terminated its pension plan. Result: the retirement security of 10,500 workers was affected.

Here is another case: At P. Ballantine & Sons, a Newark brewery, John McGrath was nine days short of his 30-year pension eligibility on March 31, the day of closing. He was 53 years old. There was some money in the fund but he testified he doubted if he would get it and, what with unemployment, get another job.

The formula had been "$10 per month per year of service." They all knew that formula. But there was total ignorance that the plan was not required by law to be funded to meet its obligations. The pension booklet promised them benefits "for the rest of their lives."

PLANS TOTAL $137 BILLION

Private pensions in America include $137 billion and have uncertain legal supervision or protection, the studies show. This is one of the subjects Sen. George McGovern, now a presidential nominee, has followed.

"One large data processing equipment manufacturing company," Mr. McGovern told the Senate June 8, "has invested $41 million of pension money in unsecured loans."

Others buy their own stock—a double hazard if things go wrong.

Former Sen. Paul H. Douglas battled for pension responsibility. In his autobiography, "In the Fullness of Time" he tells of discovering that the United Mine Workers ran their own pension fund of $100 million, and put half of it into a bank in Washington, owned and controlled by the union. The odd thing was—the money drew no interest. The interest might have aided widows and orphans. The unpaid interest, of course, benefited the bank and the unions' officers. Senator Douglas was fighting for pension reform when he was defeated.

The Nixon administration favors reform. The Labor Department has offered repeated examples of pension fund manipulation. Members of the Senate subcommittee include Republicans like Robert Taft Jr. of Ohio and Jacob Javits of New York, as well as Democrats like Thomas F. Eagleton, Missouri, and Adlai E. Stevenson, of Illinois.

MOST PLANS "SUCCESSFUL"

Senator Taft told Congress that there are 30 million participants in private pension plans under 34,000 pension plans. Most private pension plans, he noted, "have been largely successful." What is needed is to police the weak and the corrupt:

"I receive as much mail on the issue as any other subject," Mr. Taft told the Senate. Failure by Congress to act, he warned, might produce "a more radical solution."

"Some type of pension reform legislation," Mr. Taft forecast flatly, "will be enacted by the Congress."

This was last May, however, and no law has been passed. Mr. McGovern seems to be seizing the issue.

Some 20 million voters over 65 include many on pensions, while of the 50 million men and women at work a considerable number have pension rights. Are their rights safe?

BANKS MANAGE MOST FUNDS

Employers commonly turn funds over to the trust department of a bank. The four biggest banks in the country manage about half of the estimated $137 billion in private pension funds, according to Ralph Nader.

"This has given enormous power to the banks," ex-Senator Douglas notes. "Some have claimed that these funds have furnished the reserves by which the recent rash of conglomerate mergers has been effected."

There may be political dynamite in this issue, and Senator McGovern seems to be seeking it out.

"Why shouldn't a man who has contributed 20 years to one fund be able to transfer his rights to another company if he switches jobs?" he asks. The government insures savings deposits—why not workers' pensions?

Senator McGovern says workers should be permitted to select outside, competitive management companies to handle funds, and at their direction employers should pay the money to the outside company. Employers get tax deductions for pension plans; Senator McGovern would continue these.

"The entire system should be overhauled," he says.

STATEMENT OF ANDREW J. BIEMILLER

Mr. Chairman, we appreciate this opportunity to appear before you to present our views with regard to S. 3598, the "Retirement Income Security for Employees Act," which has been introduced by you and Senator Jacob Javits, and most of the other members of the Senate Committee on Labor and Public Welfare.

The purpose of S. 3598 is to broaden and strengthen the rights of participants and beneficiaries in employee welfare and pension benefit plans. The bill proposes to accomplish these purposes by establishing minimum Federal standards of vesting and funding for pension plans and by establishing a Private Pension Plan Termination Insurance Program to protect the vested pension benefits of employees against loss caused by the bankruptcy of their employer. S. 3598 would also establish minimum standards of fiduciary conduct for persons occupying positions of trust in any health, welfare or pension plan. Such standards would include the "prudent man" rule for evaluating the conduct of trustees with regard to investments and other financial transactions of employee benefit plans.

Mr. Chairman, the AFL–CIO supports minimum Federal standards for employee pension plans. The principles which we believe should be included in any legislation establishing such standards were set forth in a resolution on "Proposals for Federal legislation to Regulate Health, Welfare, Pension and Profit Sharing Plans" which was adopted by the Seventh Constitutional Convention of the AFL–CIO in December, 1967. The views set forth in this resolution continue today to express the principles and policies of the AFL–CIO with respect to legislation in this most important field. I would like to ask that this resolution, a copy of which is attached to my statement, be incorporated in the RECORD as part of my testimony.

I would also like to read a portion of it into the record at this point, as follows:

"While the issue of fiduciary responsibility relates to health and welfare plans as well as to private pension and profit sharing plans, the vast aggregates of money in pension and profit sharing plan reserves present special problems. At a minimum, serious conflicts of interest may arise where employers directly or indirectly control both the assets of a pension or profit sharing plan and a business enterprise in which they can be invested without regard to the interests of plan participants.

Seventy-seven percent of all pensions and profit sharing plans are unilaterally administered by employers, 20 percent are jointly administered through a joint labor-management board of trustees and only 1 percent are administered by unions.

"Where retirement benefits under private pension and profit sharing plans originally represented a relatively modest supplement to social security, some plans now provide a retirement annuity greater than a worker can expect to receive from the OASDI program. Private pension and profit sharing plans provide, therefore, a significant and growing part of the retirement income expectations of workers.

"Unfortunately, these expectations too often do not materialize. Some employers have failed to administer pension and profit sharing trusts for the exclusive benefit of the beneficiaries and have used plan reserves for corporate expansion and for other corporate purposes. There is some question whether state trust laws, which greatly vary in their provisions, are sufficiently applicable to pension plans which are unilaterally administered by the employer. Many workers fail to qualify for a pension because of their inability to meet length of service or vesting requirements established under private pension and profit sharing plans. Workers have also lost their rights to a pension because of business failures, mergers and acquisitions.

"Because of business failures, as well as plant shut-downs in firms continuing to operate, a small but significant proportion of employees covered by private pension plans have lost not only their jobs but also their earned rights to pensions. Others have been similarly victimized when their employers have been delinquent in making previously stipulated contributions to pension funds thereby seriously jeopardizing the soundness and stability of the trust. Still others have lost their pension rights when runaway employers, often encouraged by plant piracy through tax-free industrial bonds, have moved their operations to other communities.

In contrast to Social Security, pensions financed under the private system involve inherent risks which are not applicable to the nearly universal public Old Age and Survivors Insurance Program. Under Social Security, OASDI credits continue to accrue to the employee regardless of the frequency of his job changes.

Social Security taxes are held in one pooled trust fund for the exclusive benefit of the beneficiaries. It is a soundly financed system backed by the credit of the United States. The goal of an adequate retirement income for most working people would best be met by substantial improvements in Social Security that would truly meet the retirement needs of American workers. Private pension plans can significantly supplement, but they are not a substitute for, an adequate Social Security System. Private pension plans will therefore continue to play an important role in the aspirations of American workers for an adequate retirement income."

The problems outlined before the 1967 Convention are still with us today. This is why we welcome the opportunity of presenting our views on this important legislation.

During the past few years a number of bills to improve and strengthen the reporting requirements of the Welfare and Pension Plans Disclosure Act, to impose standards of fiduciary responsibility on administrators of health, welfare and pension plans and to establish minimum federal standards of vesting and funding and a reinsurance program to protect the interests and benefits of employees participating in such plans have been introduced in the Congress, and periodic hearings have been held before the interested committees of Congress. In our opinion, S. 3598, which represents the results of the studies and hearings accorded these various legislative proposals, contains substantial improvements over any of the other bills we have seen thus far. S. 3598 contains the following provisions which we have long advocated. In the earlier bills one or more of these provisions were generally lacking.

(1) The Department of Labor would administer the law. This is important because the legislation concerns itself with *employee* benefit plans. It therefore seems axiomatic that the Secretary of Labor should have the responsibility for administering the law.

(2) The bill rightly limits the authority

of the Secretary to conduct investigations into the affairs of employee benefit plans without a showing that there is reasonable cause to believe that a violation of the law is taking place. The broad investigatory powers of the Secretary under the Landrum-Griffin Act have been used to conduct "fishing expeditions" with no substantive evidence that any violations of the law would be revealed. This authority under the Landrum-Griffin Act has resulted in the harassment of honest union officials to no useful purpose. We oppose extension of such authority to employee benefit plans, and therefore support the provisions of S. 3598.

(3) S. 3598 would also pre-empt state laws covering employee benefit plans. Many, if not most, employee benefit plans cover workers in many states. The administrative cost of complying with many state regulatory agencies would be most burdensome if this provision were not included in any bill reported out by this Committee.

While S. 3598 is, in our opinion, the best bill before the Subcommittee, we believe it could be further improved. We have the following suggestions which, if adopted, would further the objectives of the legislation and improve the possibility of early enactment of the bill.

Title II of S. 3598 establishes standards of vesting and funding for pension and profit sharing plans. In our opinion, insufficient distinction is made in the bill between single and multi-employer plans. This is particularly true for the vesting standard which provides that 30 percent of the accrued pension rights of a beneficiary be vested after 8 years of service with an additional 10 percent each year thereafter until 100 percent vesting is attained after 15 years of service. Although we cannot cite any definitive study that proves the point, it is our contention that the proportion of workers who can expect to ultimately receive a pension is much higher among multi-employer plans than it is among single employer plans even where there is a substantial difference in the vesting requirement as between the two types of plans.

The reason for this is that employees continue to accrue pension benefits in a multi-employer plan as they transfer jobs from one employer to another. Many multi-employer plans are national in scope. The International Ladies' Garment Workers Union, the International Typographical Union, the Bakery and Confectionery Workers, the Marine Engineers Beneficial Association have national programs as do many of the building trades such as the Sheet Metal Workers, the Roofers, the Laborers and the Electrical Workers.

Other unions such as the Amalgamated Clothing Workers, the Carpenters and the Operating Engineers have worked out reciprocity agreements between their local area multi-employer plans so that their members accrue pension credits wherever they may work.

As early as 1968, the Monthly Labor Review of the U.S. Department of Labor reported that "At least half of the members of the multi-employer plans are either in plans which are national in scope or in regional plans which permit reciprocity." Since then, reciprocal agreements have expanded. It is our concern, therefore, that mandating a single vesting standard for both single and multi-employer plans will inhibit the highly desirable movement toward reciprocity between multi-employer plans.

The 1967 Convention resolution on employee benefit plans was adopted by the AFL–CIO after an in-depth study of the problem and conducted by a special committee of the AFL–CIO Executive Council. This subcommittee was under the chairmanship of I. W. Abel, President of the United Steelworkers of America. The subcommittee was assisted by two technical committees. Many meetings were held. It was the conclusion of the special subcommittee that single and multi-employer plans were quite different and that standards that might be appropriate for one would not be appropriate for the other.

The 1967 Convention Resolution stated:

"The Pension credits of workers covered by a multi-employer plan are portable as between different participating employers. Whether financed by employer contributions, joint contributions or solely out of union dues, such plans provide continuing coverage for workers remaining in the plan's jurisdiction regardless of where they work. Moreover, the bankruptcy of one employer in a multi-employer plan does not affect the solvency of the pension trust. Thus, a multi-employer plan continues to protect the rights to benefits of workers who may lose their jobs because of the shut-down or failure of their participating employer but who continue to be covered by the plan through employment with another participating employer. Because of these built-in safeguards in multi-employer plans, standards of vesting and funding required for single-employer plans are not appropriate for multi-employer plans. Therefore, be it

"Resolved: That AFL–CIO favors the inclusion in private pension plans of adequate and appropriate vesting and funding provisions. To provide adequate safeguards to workers covered by single-employer plans we favor Federal legislation establishing minimum requirements of vesting and funding. Because multi-employer plans, whether financed by employer contributions, joint contributions or solely out of union dues, contain built-in safeguards for the pension rights of workers covered by them, any such legislation should exempt multi-employer plans."

The vesting standard outlined in the bill appears to us to be an attempt to bridge the fundamental difference between single and multi-employer plans. As such, the standard is not strict enough for single-employer plans and is too strict for multi-employer plans. We urge a 10-year vesting standard for single-employer plans and exemption of multi-employer plans.

We recognize that 2 single employers might form a multi-employer plan for the purpose of evading the vesting and funding standards of the bill. We suggest that the definition of a multi-employer plan be more carefully drawn than it is in Sec. 3(32). The definition of a multi-employer plan in S. 2, introduced by Senator Javits, would, in our opinion, be more appropriate than the definition in S. 3598.

Title IV establishes a Plan Termination Insurance program to insure beneficiaries of private pension plans against loss of their vested benefits when their plan is terminated. The program guarantees such rights for an annual premium not to exceed .2 percent of a plan's unfunded liability for vested benefits, with certain limitations.

The AFL–CIO strongly endorses this insurance program. As stated in the 1967 resolution,

"The AFL–CIO re-affirms its policy position in favor of pension reinsurance adopted in the 1963 and 1965 Conventions and calls upon Congress to pass legislation providing at reasonable cost protection to workers against the loss of pension rights."

However, we are disappointed that S. 3598 would only protect the earned retirement credits of workers after enactment of the bill. As we read the bill, this would leave uninsured all accrued pension credits of all workers in all plans in existence today. Many older workers would have no protection of benefit rights accrued prior to enactment of the bill. Only younger workers entering the labor force after the bill is enacted would have the assurance of receiving their full pension. We therefore urge Title IV be amended to insure all pension credits earned before as well as after the date of enactment.

Although not included in Title IV, section 217(e)(1), (2) and (3) would also appear to have special significance in relation to the bill's proposed reinsurance program. This provision is new and not included in any other bill. The purpose of the section would be to make a multi-employer plan whole were one or more employers to withdraw from the plan with the result of causing a significant reduction in the rate of aggregate contributions to the plan. We strongly support this provision.

We very much favor Sec. 405 making employers liable for reimbursement to the insurance fund for insurance benefits paid out where such employers are not bankrupt. We also urge, however, that employers should be required to accord amounts due welfare and pension plans the same priority as wages under the Bankruptcy Act. As stated in the 1961 Convention Resolution on "Payments Due Welfare and Pension Plans a Priority Under the Bankruptcy Act":

"The AFL–CIO from its very inception has not only voluntarily sought to establish standards for the administration of these funds, but supported and continues to support legislation which is designed to conserve the assets of welfare and pension plans for the men and women for whose benefit they are intended. It is for this reason that we now favor the adoption of legislation which would serve to accord these payments to welfare and pension plans the same priority under the Bankruptcy Act that is now accorded direct wage payments made to workers. These payments to the welfare and pension plans from the assets of bankrupt employers not only serve to further the financial soundness of these programs, but more important, can serve to provide workers, and often times their dependents with the protection so vital to their peace of mind during a period when there is a loss of income, resulting from loss of jobs."

Such a provision would, in our opinion, make the insurance program more viable as it would prevent employers establishing pension plans in anticipation of bankruptcy for the purpose of collecting insurance.

Title V of the bill amends the Welfare and Pension Plan Disclosure Act to accomplish the following:

(1) Setting forth responsibilities applicable to persons occupying a fiduciary relationship to employee benefit plans, including a "prudent man" standard.

(2) Adding to the reporting requirements in order to disclose more significant information about plans and the financial transactions engaged in by those controlling plan investments and operations.

(3) Barring from responsibility fiduciary positions all persons convicted of certain listed criminal offenses.

Existing law is clearly inadequate to provide protection of the interests of such employees. Section 302 of the Taft-Hartley Act purports to provide certain safeguards in the interest of beneficiaries of jointly-administered health, welfare and pension plans. Whether or not these safeguards are adequate, and lawyers do not agree as to this, it is clear that these safeguards do not apply to plans under unilateral administration.

It is also clear that while the common law of trusts as it is recognized in most states—requiring a trustee to carry out the purposes of the trust, act in good faith and exercise as much care and diligence as a prudent man would exercise in dealing with his own money—offers further protection, in practice this is not all certain. For example:

(1) the plan may not be established as a trust;

(2) the trust may be established only as a funding medium. In such cases the courts have leaned toward the view that an employee-beneficiary has contractual rights enforceable against the employer, but not as a beneficiary of the trust;

(3) conventional trust law is generally not applicable to employer administrators who are not technically "trustees".

Another, non-legalistic difficulty is that few of those covered by these plans have the legal or financial knowledge required to discover breaches of trust.

For those reasons, the AFL-CIO favors a federal fiduciary statute, enforceable through the federal courts, which would give participants, beneficiaries or their representatives and the Secretary the right to sue for appropriate remedies if the statute is violated.

Hence, we very much favor Title V with the exception that we believe the list of crimes enumerated in Section 15(h) is far too broad and would, in effect, bar many honest and conscientious labor officials from acting as a trustee of a health, welfare or pension plan. Our attorneys advise us that a person could be barred from holding a responsible position with a trust for having been convicted of participating in a civil rights demonstration in front of a courthouse or of disobeying a court injunction to cease picketing in a labor-management dispute.

Obviously, these are very sensitive points to organized labor and we urge that Section 15(h) be redrafted to apply primarily to violations of law relevant to the issue of fiduciary responsibility.

As indicated, we very much favor Title VI because it lodges the primary responsibility for enforcement of the law with the Federal courts.

In conclusion, Mr. Chairman, we hope the Subcommittee will carefully consider our suggested changes toward the goal of enacting a practical and workable bill that will protect the interests of the beneficiaries and our members in the private pension system while at the same time not unduly inhibiting the future growth of pension plans.

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS, POLICY RESOLUTION ON PROPOSALS FOR FEDERAL LEGISLATION TO REGULATE HEALTH, WELFARE, PENSION AND PROFIT SHARING PLANS, ADOPTED DECEMBER 1967

Because of the stimulus of collective bargaining and non-bargained employe benefit plans have had a spectacular growth. From modest beginnings dating from World War II, about 50 million employes now have life insurance coverage, about 130 million employees and dependents have some health insurance coverage and nearly 30 million wage and salary employes are covered by private pension and profit sharing plans.

Employer-employe contributions to health, welfare and pension and profit sharing plans now exceed $20 billion annually and benefit payments approximate $13 billion. In contrast to heath and welfare plans, private pension plans accumulate vast funds in order to finance retirement annuities at a future date. The assets of private pension and profit sharing plans approximate $100 billion and are increasing by about $8 billion a year. These assets will exceed $200 billion by 1980.

While the issue of fiduciary responsibility relates to health and welfare plans as well as to private pension and profit sharing plans, the vast aggregates of money in pension and profit sharing plan reserves present special problems. At a minimum, serious conflicts of interest may arise where employers directly or indirectly control both the assets of a pension or profit sharing plan and a business enterprise in which they can be invested without regard to the interests of plan participants. Seventy-seven percent of all pensions and profit sharing plans are unilaterally administered by employers, 20 percent are jointly administered through a joint labor-management board of trustees and only 1 percent are administered by unions.

Where retirement benefits under private pension and profit sharing plans originally represented a relatively modest supplement to social security, some plans now provide a retirement annuity greater than a worker can expect to receive from the OASDI program. Private pension and profit sharing plans provide, therefore, a significant and growing part of the retirement income expectations of workers.

Unfortunately, these expectations too often do not materialize. Some employers have failed to administer pension and profit sharing trusts for the exclusive benefit of the beneficiaries and have used plan reserves for corporate expansion and for other corporate purposes. There is some question whether state trust laws, which greatly vary in their provisions, are sufficiently applicable to pension plans which are unilaterally administered by the employer. Many workers fail to qualify for a pension because of their inability to meet length of service or vesting requirements established under private pension and profit sharing plans. Workers have also lost their rights to a pension because of business failures, mergers, and acquisitions.

Because of business failures, as well as plant shut-downs in firms continuing to operate, a small but significant proportion of employes covered by private pension plans have lost not only their jobs but also their earned rights to pensions. Others have been similarly victimized when their employers have been delinquent in making previously stipulated contributions to pension funds thereby seriously jeopardizing the soundness and stability of the trust. Still others have lost their pension rights when run-away employers, often encouraged by plant piracy through taxfree industrial bonds, have moved their operations to other communities.

In contrast to Social Security, pensions financed under the private system involve inherent risks which are not applicable to the nearly universal public Old Age and Survivors Insurance Program. Under Social Security, OASDI credits continue to accrue to the employe regardless of the frequency of his job changes. Social Security taxes are held in one pooled trust fund for the exclusive benefit of the beneficiaries. It is a soundly financed system backed by the credit of the United States. The goal of an adequate retirement income for most working people would best be met by substantial improvements in Social Security that would truly meet the retirement needs of American workers. Private pension plans can significantly supplement, but they are not a substitute for, an adequate Social Security System. Private pension plans will therefore continue to play an important role in the aspirations of American workers for an adequate retirement income.

A number of proposals to regulate health, welfare, pension and profit sharing plans are under consideration by both the Congress and the Administration. The AFL-CIO is prepared to consider each on its merits and to lend its support to legislation which would enhance the security of employes in their rights to benefits. However, any legislation which might be enacted by the Congress must take into consideration the great diversity of employe benefit programs, the wide variation of conditions under which these plans have been established and the substantial and varying impact on costs which such regulations might entail. Any Federal standards should not be so restrictive as to discourage the spread of new plans or inhibit the growth or impose substantially higher operating costs on existing plans.

The pension credits of workers covered by a multi-employer plan are portable as between different participating employers. Whether financed by employer contributions, joint contributions or solely out of union dues, such plans provide continuing coverage for workers remaining in the plan's jurisdiction regardless of where they work. Moreover, the bankruptcy of one employer in a multi-employer plan does not affect the solvency of the pension trust. Thus, a multi-employer plan continues to protect the rights to benefits of workers who may lose their jobs because of the shut-down or failure of their participating employer but who continue to be covered by the plan through employment with another participating employer. Because of these built-in safeguards in multi-employer plans, standards of vesting and funding required for single-employer plans are not appropriate or multi-employer plans. Therefore, be it

Resolved: That the AFL-CIO favors a Federal fiduciary statute, enforceable through the Federal courts, which would pre-empt State law and which under appropriate safeguards would give plan participants, beneficiaries or their representatives the right to bring suit with appropriate civil remedies for violation of the law. Such a statute should apply uniformly to all health, welfare, pension and profit sharing plans whether self-administered or insured. It should specify that every organization, corporation or person who exercises any substantial control or authority over such a plan is a fiduciary and should be held accountable for his actions and duties with respect to the plan which he should fulfill with the same degree of care and skill as a man of ordinary prudence. Such fiduciary standards should not be so stringent as to restrict or inhibit the investment, either at home or abroad, in socially useful projects. If investigatory powers are granted to the U.S. Department of Labor to enforce standards of fiduciary responsibility, such powers should not be so broad as to allow fishing expeditions or unwarranted investigations. Undefined and unrestricted investigatory powers can lead to abuse of Federal authority and unnecessary harassment of health, welfare and pension plan administrators. There should also be appropriate safeguards against nuisance suits or civil actions of a frivolous character.

Persons convicted of crimes involving corrupt or fraudulent financial activity, such as theft, embezzlement, grand larceny, extortion or bribery, should not be allowed to hold positions of trust or administration in a health, welfare, pension or profit-sharing plan. However, prohibitions against persons holding office should not be so broad as to include a wide variety of offenses not involving the element of fraudulent financial practice. And be it further

Resolved: The AFL-CIO favors the inclusion in any Federal statute regulating health, welfare, pension and profit-sharing plans of a provision for imposing appropriate civil and criminal remedies upon employers who fail to comply with their financial obligations to an employe benefit trust. Where employers go bankrupt leaving unfulfilled obligations to the trust, the employe benefit plan should have a prior claim, after wages, against any assets of the employer. And be it further

Resolved: The AFL-CIO favors the inclusion in private pension plans of adequate and appropriate vesting and funding provisions. To provide adequate safeguards to workers covered by single-employer plans we favor Federal legislation establishing minimum requirements of vesting and funding. Because multi-employer plans, whether financed by employer contributions, joint contributions or solely out of union dues, contain built-in safeguards for the pension rights of workers covered by them, any such legislation should exempt multi-employer plans. And be it further

Resolved: That the AFL-CIO re-affirms its policy position in favor of pension reinsurance adopted in the 1963 and 1965 Conventions and calls upon Congress to pass legislation providing at reasonable cost protection to workers against the loss of pension rights.

PENSION REFORM LEGISLATION [1]

(By Leonard Woodcock) [2]

My name is Leonard Woodcock. I appear here in behalf of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), of which I am President. Accompanying me is Jacob Hurwitz, Consultant, UAW Social Security Department.

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[1] Testimony before the Subcommittee on Labor of the Senate Committee on Labor and Public Welfare, June 27, 1972.

[2] President, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW).

Mr. Chairman, my colleagues and I am fully cognizant of the concern demonstrated by the members of this Committee for correcting the existing shortcomings of our nation's private pension plan system and of their careful studies and hearings leading up to the introduction of S. 3598, the proposed Retirement Income Security for Employees Act. We are pleased to have this opportunity to express our views and the hope, which your sponsorship of the bill suggests you share, that American workers will soon be free of the burden of their fears for the safety of their earned pensions.

It has long been a goal of our society to provide to those who spend a lifetime at hard work the security of income sufficient to enable them to live in retirement in decency and in dignity. Our Social Security system provides minimal benefits which alone cannot offer such assurance. Accordingly, the private pension system has been designed as an essential supplement to inadequate public benefits.

Experience to date indicates that too often this essential supplement has been a false promise which has resulted in tragedy and disillusion for far too many workers.

I can report to you from extensive experience in our own Union that genuine pension reform, including plan termination insurance, which will deal effectively with the major problems which have developed in the private system is an issue with which millions of Americans are vitally concerned. This is a "bread and butter" issue to workers. We look to this Committee and to the Congress of which it is a part for early and meaningful solutions.

My own mail—doubtless yours too, Mr. Chairman—testifies to the depth of their concern and the stake they have in secure pensions. One such letter comes from a 68 year old retired Minneapolis-Moline worker. His pension is currently $129.76 and may be reduced if the Company follows its announced intention of discontinuing the plan. He writes:

"The reason I am writing you is if I get a cut in my pension fund, I don't know what I will do. My wife has been mentally ill for 14 years and had 45 shock treatments and I am doctoring for cancer since 1954. So you can see my health and my wife's are not too good. Her medicine for a year runs over $500 not including mine, so we need all the pension fund we can get."

How does one answer such a letter? And how does one answer a letter from a former Packard worker inquiring about his benefits? He enclosed a photocopy of a certificate he received from the joint union-management pension board when he left Packard in 1955. The certificate notifies him that he met the eligibility requirements for a vested pension when he left and advises him his pension will become payable when he reaches 65 in 1972. It is not pleasant to be the one to inform him that when the Company discontinued operations in Detroit, the pension fund lacked the money to cover his benefit.

Legislation is necessary because too many American workers unreasonably either lose pension entitlements, or fail to qualify for them, through no real fault or failure of their own, no matter how prudent and diligent their bargaining agents.

For our own Union economic security in retirement is a goal dating back to the beginnings of the UAW in the early 1930's. We have yet fully to reach that goal. In practically every important contract negotiation of our Union in the last two decades, pension improvements have been an important negotiating issue.

UAW members have regularly assigned a high priority to pension benefits in collective bargaining during the more than 22 years since the establishment of our initial pioneering pension agreements in the automobile industry. Our members, young and old alike, willingly forego added wages for the sake of better pensions. In fact, Mr. Chairman, in industries in which UAW members work—mass production industries characterized by hard, physical, repetitive work, monotony, boredom and severely limited promotional opportunities—the hope and prospect of a secure, at least modestly comfortable retirement, are important considerations for keeping men working.

Most of the discussions about pension protections have centered on the economic issues involved. There are very personal and psychological implications as well. Long-range studies by Dr. Sidney Cobb and Stanislav Kasl of the Survey Research Center of the University of Michigan show a decline in the mental and physical health of UAM blue-collar workers threatened with job loss when a plant closes. Cobb and Kasl found that the workers studied showed an increased tendency to mental depression, elevation of blood pressure and suicide. Among older workers also faced with the irreparable loss of expected pensions, the trauma must be even greater. We should not permit these conditions to continue to exist when it is within the means of the Congress on a reasonable and economic basis to correct the situation.

We have currently approximately 1500 separate pension plans of all sizes and types negotiated to cover our members in the automotive, aerospace, agricultural implement and supplies industries. We estimate currently about 240,000 retired UAW workers are drawing benefits. Those retired received about $425 million in benefits in 1970. Our pension funds total more than $4.5 billion. Total liabilities still to be funded probably equal this figure.

From the beginning we have emphasized sound principles as fundamental building blocks, for plans large and small. UAW negotiated plans, with rare exceptions, include provision for systematic amortization of past service liabilities, normal, early and disability retirement, joint union-management boards to determine benefit rights of participants, use of qualified independent fiduciary institutions (banks or insurance companies) to receive and invest contributions, funding determinations by qualified independent actuaries and full disclosure to participants of plan operations, financial condition and plan provisions.

We have tried to make our plans responsive to the needs of our members, both active and retired. While our initial plans in the early 1950's stressed the immediate income needs of workers then near or past normal retirement age, the plans have evolved to include liberal vesting, more adequate disability protection, subsidized survivor benefits for retired workers and those still active but eligible to retire, meaningful early retirement opportunities with special supplements to provide substantial income security, and benefits based on all service. In addition, we have consistently acknowledged a continuing obligation to protect and enhance the purchasing power of pensions for retired members.

Looking back, it is difficult to see how, short of calling a moratorium on progress and abandoning older workers and those already retired to the generosity of employers, the problems encountered could have been avoided. It would be far simpler to provide for the retirement needs of workers who will retire in the year 2000, if we felt no obligation to a worker retired in 1965, or the one who will retire in 1975. In our dual system, with its public universal base of relatively limited Social Security retirement benefits supplemented by private plan benefits, we do not know of any honorable alternative to the course we have pursued.

It is inherent in private plans, if they are to fulfill their assigned role of providing meaningful retirement benefits supplementary to the Social Security system, that most such plans will have more or less perpetual unfunded liabilities. These liabilities exist because plans start "late"—i.e. when growing numbers of older and long-service workers make retirement needs self-evident. Meeting these needs requires creation of substantial "instant" liability for service before the plan started. The problem is magnified by additions to unfunded liabilities created because plans must be amended periodically.

Problems arise when business failures, market decisions, acquisitions by conglomerates with subsequent shutdown or removal of plants or other economic contingencies cause abrupt termination of pension plans with consequent repudiation of significant portions of the employer's pension commitment.

It is not enough to complain that the cure may cost something or result in burdensome regulation or loss of the "flexibility" so prized by the opponents of pension reform.

There is in fact no "new" cost in pension reform. The issue is the allocation of existing costs when private plans fail to perform adequately. We refuse to accept the implicit judgment of apologists for the status quo that workers unreasonably deprived of their pensions should bear the burden. Neither are we prepared to sacrifice the safety of workers' pensions to an abstract concept of flexibility.

PLAN TERMINATION INSURANCE (REINSURANCE)

In the view of the UAW, the inclusion of plan termination insurance in S. 3598 leads us to lend our support. No pension reform worthy of the name is possible without such reinsurance.

In its present form, however, it is doubtful whether S. 3598 will be of much value to the present generation of workers. In order to provide substance to the plan termination insurance provisions, we urge you to make them effective now. Insurance should be included against loss of accrued benefits with respect to service performed both before and after enactment of legislation. It would be a tragic mistake to limit application of reinsurance to service required, under S. 3598, to be vested. As we understand the insurance and vesting standards, this would delay insuring any benefit losses for a minimum of 9 years and effectively postpone insuring the major portion of benefit losses for probably at least twice that period. This generation of workers should not be expected to forego the protection of reinsurance; they need it now, as indeed it will probably also be needed in 1990.

Issues regarding plan termination insurance

The most frequently stated reasons for opposing plan termination insurance have to do with its possible cost, infrequency or insufficiency of loss, the need for further study, possibility of abuse, and the tendency to discourage adequate funding. Let me deal briefly with these questions.

1. *Cost of Reinsurance, Infrequency or Insufficiency of Loss and Need for Study*

No one opposed to reinsurance can, with consistency, rely on more than one of these arguments at a time, for they are mutually exclusive.

(a) *Cost*

The UAW's actuaries have independently reviewed the question of the probable initial premium rate reasonably required for plan termination insurance of the scope we believe is required.

They have concluded that an initial annual rate of 0.2% of the insured liability should be appropriate. Such a premium rate, if applied to the estimated current unfunded liabilities of major pension plans in the automobile industry, would presently entail a cost approximately equivalent to ½¢ per man-hour worked. We cannot conceive that added costs of the magnitude indicated are too burdensome or a poor investment when compared to the peace of mind reinsurance would confer on American workers.

(b) *Infrequency or Insufficiency of Loss*

The most commonly quoted data indicate that about 500 pension plans affecting more than 25,000 workers are discontinued each year. Our recent experience, however, leads us to suspect that those numbers understate the current rate of terminations. Our headquarters is not notified of all UAW negotiated pension plan terminations, but of those of which we were advised during the 10 year period ending in 1969, the average number of plans discontinued each year was 10. The number increased to 20 in 1970, and 40 in 1971.

Whatever the numbers, the losses are real, as indicated by two examples taken from a UAW study of benefit losses in terminations of UAW negotiated pension plans during the period 1959–69. (That study has been made available to the House General Subcommittee on Labor):

E. W. Bliss Company, Hastings, Michigan and Toledo, Ohio: Effective date of plan, January 1, 1951; terminated August 18, 1959; 1,048 covered workers. There were 275 persons aged 60 and over who received 34.6% of full benefits. The remaining 773 workers received nothing.

ITT Abrasive Products Company, Detroit, Michigan: Effective date of plan, June 1, 1955; terminated August 31, 1967; 45 covered employees. Full benefits were paid to 10 persons aged 60 and over; 12 workers aged 50 to 60 received 39.3% of their benefits; and 23 workers below 50 received nothing. Average service for 50 to 60 age group was 23.7 years.

Such wiping out of substantial earned pension rights cannot be dismissed as an "incidental" or "inconsequential" failure of a system. They represent human tragedies of the first magnitude to large numbers of individuals and their families. Mr. Chairman, it is unfair and unjust to ask an individual who has spent a lifetime of work with a company to apply for public welfare because his pension commitment will not be honored and his Social Security benefits will not support him and his wife.

(c) *Need for Further Study*

We would not object to further study if study were accompanied by a commitment to corrective legislation to solve a problem known to exist. We feel certain, however, that the Administration's recent request for a study is but an excuse to deliver the problem intact to a new Congress and a new Administration. Congress has studied the problem. The UAW has also made a study. We know and understand the problem. We need action now.

The interest of the UAW dates back more than 10 years. Almost 8 years have passed since the celebrated Studebaker Corporation closing of its auto plants. We believe the UAW was the first union to advocate the development of a self-supporting federal system for reinsuring the risks to workers of unforeseen plan terminations. For some time, however, the labor movement generally and most of the individual unions with direct experience of the problem of plan terminations, have fully endorsed the principles involved. Any differences are on technical details.

Perhaps there is more validity than we may care to admit in the bumper sticker that says, "The majority is not silent, the government is deaf."

2. *Avoiding Abuse*

The possibility of abuse, that is of employers acting alone or jointly with unions deliberately to create unfunded liabilities and then terminate a plan, is frequently cited as an argument against plan termination insurance. S. 3598 includes two effective safeguards to deal with this possible abuse. One such protection, in Section 402, is the 3 year waiting period for insurance coverage, applicable both to new plan benefit liabilities and to additional liabilities created by amendments. The other, Section 405, which requires a solvent employer to repay a portion of the reinsurance benefits paid, reflects a commendable effort to make appropriate allocations of the social costs of plan termination dictated by sheer greed. We would count that a significant social advance over present conditions which permit, for example, a conglomerate to acquire and close an existing operation or a profitable firm and move it to another area by promises of cheap labor and a new plant, while the promised pensions of the affected workers are wiped out.

3. *Threat of Inadequate Funding*

It is conceivable that legislation attempting to do no more than provide a mechanism for insuring against plan terminations would encourage irresponsible employers to avoid, insofar as possible under applicable legislation, funding pensions earned by their employees. Inasmuch as S. 3598 includes provisions for mandatory funding, the issue of inadequate funding is dealt with constructively.

4. *Other Plan Termination Insurance Considerations*

I would also like to note, without extensive comment, several other features of S. 3598's reinsurance which merit approval. I have in mind particularly (i) applicability of reinsurance to virtually all plans, (ii) supervisor protection, (iii) the uniform premium rate for all covered plans, and (iv) authority for the Secretary of Labor to vary the general premium rate in the light of experience, subject to Congressional review.

MINIMUM VESTING STANDARDS

The establishment of minimum vesting requirements is long overdue. Present tax laws and regulations permit plans to favor unduly workers who continue as active participants until retirement age. One of the needs of our kind of economy is a mobile work force. Without vesting pension benefits after some reasonable period of service so that workers are able to accumulate benefits over their entire working lifetime, the price of mobility is simply too high.

In order to establish vesting provisions that are also of reasonable cost, we believe vesting standards should:

(1) require vesting after 10 years as an initial goal;

(2) apply to all service with an employer or covered group, including service prior to the enactment of the legislation; and

(3) be limited to lifetime benefits of the type generally provided at a plan's normal retirement age.

We believe S. 3598 represents a sincere, carefully conceived effort to begin to meet this need. Perhaps the conception was somewhat over-careful in that its impact would be too long delayed. As is true of the reinsurance provisions, no benefits would vest for a minimum of 9 years, and because only service performed after enactment of the legislation is covered, the present generation of workers would remain exposed to possible loss of benefits earned for service up to the earliest date when a benefit can vest under the bill, presumably around 1982. Even then, the benefit vested can represent no more than 2.4 years' service. The promise of vesting would remain empty for far too long.

UAW's experience with vesting illustrates its value. The importance of vesting in UAW plans is indicated both by the prevalance of vesting in our plans and the favorable standard achieved. Our Union was one of the first to win 10-year vesting with no age requirement, for any separation in the preponderance of plans. Our current estimate is that at least 90% of approximately 1¼ million active workers covered by UAW negotiated plans have this protection. Right now, significant numbers of UAW members have already achieved vested status with respect to their accrued benefits and at relatively early ages. By the beginning of 1970, in the "Big Three" auto plans, for example, of approximately 815,200 workers covered, 345,400 (42.4%) met the vesting requirement. Of the 346,700 workers aged 40 and over, 277,400 (80%) were vested (see attached Appendix "A").

Although the slow pace at which vesting would occur is disappointing, we still believe that S. 3598 successfully overcomes some drawbacks of other proposals. Inasmuch as it permits minimum age for participation no higher than 21 and minimum service at no more than 6 months, ultimately it will become possible for workers to begin earning pension rights at early ages and over virtually all of their working lifetimes.

While S. 3598 does allow plans to vest accrued benefits sooner than required by Section 202—30% after 8 years and increasing by 10% each subsequent year to 100% after 15 years—it is somewhat too inflexible. Consideration might also be given, for example, to permitting substitution of alternative schedules that are, in overall impact, as liberal as that required. In a plan that provides 100% vesting after 10 year's service with no age requirement, there may be little value in mandating that workers terminating with 8 years or 9 years be vested for 2.4 years and 3.6 years respectively.

FUNDING REQUIREMENTS

Pension reform legislation incorporating both plan termination insurance and minimum funding standards needs to maintain an appropriate balance between them. As nearly as possible, plans should be self-supporting. If funding requirements are lax, too large a share of the guaranteed benefits in a plan termination may be charged to the insurance fund at the unwarranted expense of surviving plans. If funding is overly stringent, the value of insurance may be minimal and there is further risk of the funding requirement itself causing plans to terminate.

The 40 year funding standard provided for in S. 3598 goes a long way towards striking an appropriate initial balance and represents a reasonable departure point for new legislation. As experience develops, however, it would be wise to provide for funding over a shorter period. Furthermore, inasmuch as many existing plans already provide for faster funding than required by S. 3598—25 or 30 years in some instances—there need to be incentives to encourage those plans not to slide backwards to 40 years. Conceivably, lower premiums for plan termination insurance could preserve the desired incentives.

FIDUCIARY STANDARDS AND DISCLOSURE REQUIREMENTS

We regard with warm approval the provisions of S. 3598 that would establish standards of fiduciary responsibility and require fuller and more intelligible disclosure of descriptive and financial information to covered workers and other interested persons. The specific proposals are effective, workable, long overdue and scarcely controversial. They should be included in any pension reform legislation.

VOLUNTARY PORTABILITY FUND

For a number of years the UAW has questioned the value of proposals to establish a central portability fund, to receive money transferred on account of vested benefits of workers who change jobs, or to arrange interplan transfers. Inasmuch as most plans are continually less than fully funded, a transfer of funds equal to the value of the terminating employee's benefits would dilute the funded status of the plan with respect to the remaining employees. There is no valid reason why the claim of the terminated employee should have an automatic priority.

In preference to a portability fund, we continue, as we have, to favor a central recordkeeping arrangement, preferably under the aegis of the Social Security Administration, to make sure that workers' vested benefits are not forfeited through inaction. We propose, therefore, that the Social Security Administration be authorized to make arrangements to receive and record notifications from any plan whenever an individual acquires a vested benefit right. When the individual subsequently applies for his Social Security benefits, he would be furnished with a list of the private plans in which he has a vested benefit.

CONCLUSION

We are convinced that appropriate legislation to reform private pension plans can improve their effectiveness, make them more equitable, assure that pension funds are managed in the interests of covered workers, and more fairly allocate the costs of plan terminations. These reforms can be accomplished, moreover, without radically altering the role and nature of private pension plans in our economy.

With some modification, S. 3598 can become the vehicle for such reform. Accordingly, Mr. Chairman, we urge your Committee to amend the bill in the following respects:

1. Make plan termination insurance effective as soon as is reasonably practicable, and no later than January 1, 1974.
2. Include insurance against loss of accrued benefits with respect to service performed both before and after enactment of legislation.
3. Require that service performed prior to the legislation be counted, for eligibility and benefit purposes, towards vesting.
4. Permit substitution of alternative vesting schedules of at least equivalent actuarial value to the standard prescribed by S. 3598.
5. Establish a vested benefit "clearinghouse," operated by the Social Security Administration, to notify eligible workers of private plan benefit entitlements.

UAW members and their families are deeply concerned about the security of their promised pensions if any of the plans covering them should terminate. They know too that the injustices caused by plan terminations are not a new phenomenon, but have been with us at least from the time in the late 1940's and early 1950's when great numbers of industrial workers first became covered by pension plans. At our recent 23d Constitutional Convention they expressed their concern in a resolution calling for immediate enactment of legislation to establish a broadly based federal system of pension plan termination insurance.

Pension reform has been studied and debated in committees of Congress for many years, and the hour is late. Mr. Chairman, we urge prompt, vigorous and constructive action on pension reform by this Congress.

APPENDIX "A"

EFFECT OF 10-YEAR VESTING IN AUTO INDUSTRY—UAW PENSION PLANS (BASED ON AGE-SERVICE DATA FOR 815,200[1] EMPLOYEES COVERED BY "BIG THREE" PLANS)[2]

[Jan. 1, 1970]

	All employees		Vested employees (10 or more years service)	
Completed years of age	Number	Percent of total	Number	Percent of age group
Under 40	468, 500	57. 5	68, 000	14. 5
40 to 49	181, 000	22. 2	130, 700	72. 2
50 to 59	140, 000	17. 2	123, 000	87. 9
60 and over	25, 700	3. 1	23, 700	92. 2
Total	815, 200	100. 0	345, 400	42. 4

[1] All figures are rounded to nearest 100.

[2] General Motors, Ford, and Chrysler.

Age	Percent vested
Under 40	14. 5
40 and over	80. 0
50 and over	88. 5
60 and over	92. 2
All ages	42. 4

TESTIMONY OF PRESIDENT I. W. ABEL, UNITED STEELWORKERS OF AMERICA, AFL–CIO–CLC

My name is I. W. Abel, and I am appearing here today as President of the United Steelworkers of America.

I appreciate this opportunity to appear here today and testify on a matter of extreme interest and concern to our Union, our Union's members, and their families. As you may well know, adequate pension legislation is a priority objective of the United Steelworkers of America.

Before proceeding with my remarks, I want to congratulate the 15 of the 17 members of the Subcommittee—both Republican and Democratic—who have joined in bipartisan sponsorship of Senate Bill 3598. This is in the tradition of earlier Senators who have sponsored and enacted legislation to protect American workers from exploitation, unsafe working conditions and economic insecurity.

As has been the case with similar legislation in the past, opposition to Senate Bill 3598 has developed from an unusual combination of forces. It is perhaps understandable that opposition has come from certain bank officials, financial officers of companies, actuaries and business organizations. It is more difficult to understand the opposition of some labor organizations to the proposed Retirement Income Security Act. I believe this opposition from these labor organizations is poorly thought through and not in the interests of working people.

The major opposition to Senate Bill 3598 is the same stand-pat opposition that in the 1930's fought such social legislation as the Wagner Act, Social Security, the Wage and Hour Law, and public housing. It may be dim in the memories of the younger persons in this audience, but it is deeply etched in my mind that much the same groups that opposed Senate Bill 3598 were also opposed to the New Deal legislation that today is a bulwark against depression and social chaos.

This Nation no longer has the time to wait until a new depression strikes to find the incentive to enact legislation protecting rights of working people. The hundreds and thousands who have been affected by pension fund failures, are only the tip of the iceberg. The failure to protect and guarantee pension funds and pension rights is building a potential social tragedy of terrible dimensions.

We have but to observe the people's reaction to unfair taxes to realize that each unsolved social problem becomes an increment added to every other social problem. And when the sum of all these unsolved problems becomes an intolerable load, the people's reaction may not always be reserved and orderly. Our Union believes that the protection and guarantee of pension funds and pension rights is basic to the future security of workers and the Nation.

I cannot stress too strongly the need for action in protecting and guaranteeing the pensions of workers. In our Union alone, we have had firsthand experiences with the terrible personal tragedies caused by the termination of pension plans. It is not a pleasant experience, I can assure you.

Increasing imports and their devastating effect on the jobs of American workers also underscores the need for action in this area. Union after union has felt the impact of the flood of imports as plant after plant has been forced to close down, wiping out thousands upon thousands of jobs. In the five-year period from 1966 through 1970 this country lost 1,400,000 jobs because of imports and gained 500,000 jobs because of exports. Thus, the total job loss for the five-year period was 900,000. When you translate a trade deficit into human terms, you are talking about food on the family table, money for the doctor, clothes for the children. And when you add the loss of pensions to that, you are talking about additional fear and want and privation. I realize full well that this is a highly technical and complex area, but as one who knows from personal experience the great need for such legislation, I cannot emphasize enough the urgency for action.

Although our Union endorses and supports the basic purposes of the Retirement Income Security Act, we wish to offer some suggestions to strengthen what we believe to be deficiencies in the proposed Bill. Our suggestions are intended to strengthen the Bill and enable it to better serve its stated purposes.

The proposed legislation demonstrates that capable men of good will, who seek solutions to one of the most complex problems of our day, can devise a solution to that problem.

And as Senator Williams has put it, "to guarantee retirement security for the worker and to encourage the continued growth and expansion of private pension plans". I wish to praise the efforts of Senators Williams and Javits in developing the present Bill which attempts to preserve a balance between federal regulation and private initiative. In a sense, the problem the Senate faces in determining what should be the minimum standard for operation of all pension plans, is the same problem it must resolve in discussing minimum wage legislation, industrial safety and health standards, levels of Social Security and other similar legislation.

On the one hand, the regulatory laws should not be so extensive and demanding as to leave little or no room for collective bargaining or other private initiatives. On the other hand, a law should not be so weak that it does little, if anything, to solve the social injustice or inequity it seeks to remedy.

DELEGATION OF AUTHORITY TO THE DEPARTMENT OF LABOR

Our Union believes the proposed establishment of an office of Pension and Welfare Administration in the Department of Labor is a wise and effective step. The administration of pension plans involves both economic and labor relations aspects. It is sound public policy to assign administrative functions relating to labor problems to the Labor Department. In the administration of the Fair Labor Standards Act and other minimum standards legislation, the Department of Labor has always maintained a reputation for effectiveness and integrity. If the functions of this Bill were assigned to a Department having no other responsibilities concerning labor relations, the functions could not be handled as well as they could by the Labor Department.

The Administration, including the Secretary of Labor, has proposed that the policing of pension plans be assigned to the Internal Revenue Service. The Administration believes that high standards of pension administration can be achieved by giving or withholding IRS approval of pension contributions and pension trusts for tax purposes. We believe tax incentives are a weak and ineffective tool to compel proper standards of pension plan benefits and funding. Tax incentives are irrelevant to the problem of pension plan protection.

The approach of Senate Bill 3598 is sound in that it calls for the establishment and enforcement of minimum standards of administration, funding, vesting and pension termination protection. These functions can best be established and enforced by an administrative agency rather than a tax agency.

We commend the Subcommittee for proposing that the office of Pension and Welfare Plan Administration be made part of the Department of Labor, and we strongly endorse this proposal.

PENSION VESTING (SECTION 202)

I am filing with the Subcommittee a statement containing detailed suggestions on various provisions of Senate Bill 3598. But in my prepared remarks I do want to comment briefly on these suggestions.

On pension vesting, we believe the proposed vesting provision does not go far enough. The vesting schedule under the proposed Bill has two basic elements: (1) It operates only with respect to service on or after the effective date of the Act; (2) Vesting commences partially with the eighth year of service, and by annual increments of 10% becomes fully effective after 15 years of service. The proposed schedule, if enacted immediately, would not fully protect workers until a full generation after enactment because such protection would apply only to service from the date the Bill becomes law. Workers would not receive any credit for time worked before the legislation became effective.

Publicity on this legislation has led workers to believe that the Federal government is about to protect them against the loss of pension rights where either their employment or their pension plan is terminated. It is not difficult to imagine the terrible shock of workers who would find that the legislation, if enacted as proposed, did not protect most of the time they had worked.

We recognize the argument that unless some minimum requirement of service for vesting is adopted, huge amounts of recordkeeping may be created, although the federal Social Security system has demonstrated that it can keep total employment records on all the Nation's workers.

If vested rights are to be granted only after there has been a reasonable attachment to an employer, we believe the rule should require no more than five years of service in the case of voluntary quits or discharges. In addition the rule should provide that all years of service after five years should be vested in full and not by increments on an annual basis.

In the case of involuntary breaks in continuous service resulting from layoff, disability or permanent shutdown, no minimum period of service should be required for a deferred vested pension right. In such involuntary breaks in service, all periods of service, regardless of length, should be credited toward the worker's pension at his retirement.

CONTINUOUS SERVICE GUIDELINES

The vesting section of the Bill, governing whether covered service must be continuous, delegates the duty to establish standards to the Secretary of Labor. But the Bill does not clearly indicate the legislative intent that should guide the Secretary of Labor in the establishment of these standards. A general definition of continuous service should be included in the Bill. We believe that hours worked should be part of the definition of covered service and that plans based on lifetime hours worked should be considered as equally acceptable as those that credit service on some annual basis. The major, if not exclusive, consideration of the Secretary of Labor in establishing such standards, should be only to prevent pension provisions designed to evade the law or to obtain unjustifiable benefits from the Insurance Fund.

PENSION COSTS

Pension costs will undoubtedly be increased by the enactment of compulsory pension vesting. But the costs involved in legally establishing vested rights may be compared to the costs involved in raising minimum wages or abolishing child labor. When these costs are measured against the social justice achieved, they are small indeed and should not be considered as a bar to legislative action.

CREDITED SERVICE PRIOR TO THE BILL'S ENACTMENT

Every major pension negotiation in this country since World War II has provided for crediting all service prior to the start of the pension plan. Thus, even employees at retirement age on the effective date of a new pension plan were immediately eligible for a pension based on their total service from the time they were hired.

This has also been true for improvements providing for increased benefits. Unless past service is credited in new pension plans, long-service employees would be entitled to few or no benefits if they are at retirement age or close to retirement age. Yet this is what Senate Bill 3598 would do since it credits only future service for the purpose of compulsory vesting and termination insurance. This is like proposing that minimum wage legislation should not apply to the current workforce—only to employees hired in the future.

What we are advocating is that, where pension plans exist or will be negotiated, all past credited service recognized by the plans should also be recognized by the Bill for the purposes of vesting and termination insurance.

PROPOSED PROCEDURE IN THE EVENT OF PLAN TERMINATION

The proposed Bill is silent on the procedure to be followed when a pension plan terminates and there is not enough money in the pension fund to cover immediate and deferred pension benefits. Where insurance is payable, we believe the logical first step would be to transfer the terminated fund to the Pension Benefit Insurance Fund. Such a transfer would accomplish a number of practical purposes.

1. The problem of when the Insurance Fund takes over would not arise.
2. Administrative problems would be centralized initially.
3. The transfer of pension funds, and assets, will allow the Insurance Fund to become operative immediately with respect to existing plans and with respect to service credited prior to passage of the legislation. This is one of the most crucial points before the Subcommittee.

COST OF PLAN TERMINATION INSURANCE

If our pension experience in the Steelworkers were applied to industry generally, we estimate the deficit in terminated pension plans—when combined with our proposal on the use of employers' assets—would range between $50 million and $100 million a year. This is a very reasonable cost for eliminating the nightmare confronting the workers of this Nation.

RECOVERY (SECTION 405)

We believe the recovery provision should be strengthened in two ways. It should provide that upon the effective date of the legislation, all provisions of a pension plan limiting pension liability just to the pension fund's assets should be declared null and void. Secondly, the Insurance Fund should be entitled to recover from the firm's assets the difference between the actuarial value of the vested benefits and the value of the pension fund transferred to the Insurance Fund. This should be done before any payments are made from the Pension Benefit Insurance Fund, and after the plan's pension fund has been transferred to the Insurance Fund.

ASSETS OF THE COMPANY

Pension plans are different than other employee benefits because of two special characteristics of pensions: (1) Pensions are payable only after an employee ceases to work; and (2) pension plans usually acquire substantial unfunded liabilities.

We believe it is important to establish by legislation the principle that an employer is not absolved from meeting the obligations of a pension plan when it is terminated and when assets are less than liabilities.

When an employee is hired he is not told that he *may* be paid a decent wage, that he *may* have a safe place to work, that he *may* eventually be paid a pension. The new employee is hired on the basis of certain absolute conditions of employment. In fact, the government already has established minimum standards for many conditions of employment.

But at the present time it has not established standards for the retirement of workers.

It is our position that an employer who terminates his pension plan, when all liabilities are not fully funded, should be in no different position than someone who quits his job while owing someone else some money. If he has money in the bank, or other sources of income, he is expected to continue to meet his obligations. We believe an employer has the same duty to meet his obligations to pay the pension benefits due to his employees. During his time on the job, the worker has contributed to the creation of the assets owned by his employer. The worker, therefore, has the right to look to those assets, as well as the pension fund, to pay the retirement benefits he has earned.

The legislation before you should provide that if a pension fund cannot fully meet the obligations of a terminated plan, the employees should be entitled to enough of the employer's assets to make up the deficiency. The legislation also should specify that a successor employer to the terminating employer is as fully responsible for the payment of benefits as the original owner.

Most, if not all, responsible employers accept what we are proposing as perfectly normal. It is not unusual for a company negotiating a new pension agreement to assume pension obligations larger than what the initial contributions to the fund will cover. In such cases, the difference is made up from the company's treasury until the fund is large enough to assume the total obligations of the pension provisions.

Our pension agreement with the U.S. Steel Corporation is typical of the general philosophy of most of our pension agreements. Under that agreement the corporation and our Union agree that the benefits of the plan (quote) "shall be provided by the Company or caused to be provided by the Company". (unquote) Also, in the case of U.S. Steel, the Company (quote) "is free to determine the manner and means of making provision for funding and paying the benefits" (unquote) of the pension agreement. Thus, in any termination involving U.S. Steel, the company's assets are pledged if the pension fund is inadequate to pay all benefits.

We must accept the twin principles that every company must fund its pension obligations prudently, and if the pension fund—despite such sound procedures—is inadequate, the company's asset must meet the deficiency. Any other approach would make penions subject to a kind of roulette: If the employer guesses the life expectancy of his operations and the liabilities correctly, pensions would be paid; otherwise, they would be paid only in part, or perhaps not at all.

TERMINATION INSURANCE IS FEASIBLE

In earlier testimony before the House Ways and Means Committee, Mr. Kenneth L. Houck of the Bethlehem Steel Corporation raised some questions on the feasibility of insuring pensions. Mr. Houck asked, (quote) "should the program be designed against someone making a thoughtless promise; or to cover the bankruptcy of a business or seriously declining operation; or to insure against someone making a decision to discontinue operations for any reason?" (unquote) These are serious questions with which the legislation must contend, and we believe the proposed legislation goes only part way to overcome the implications of Mr. Houck.

We believe the benefit levels that the legislation proposes to insure are reasonable, at least at the beginning. We believe the next step to insure fiscal responsibility is a minimum funding obligation. Then, after a prudent funding program is established, the company's assets should be assigned to cover any unfunded liabilities when the plan is terminated. The most effective means to guard against "thoughtless promises" would be for each company to carry on its books a legally-binding note acknowledging pension obligations as a debt to be paid in full.

In order to encourage the investment of American funds abroad, the government insures such investments against seizure by foreign governments although it cannot predict when the investments might be seized.

Should we be less eager to protect the pension benefits of American workers whose rights are threatened by equally unpredictable plant shutdowns?

Mr. Houck's question about insuring "thoughtless promises" implies there are pension plans that provide unreasonably high benefits. We are unaware of any pension plans that provide excessive benefits. Pension benefit levels are based on earnings before retirement and are, therefore, self-limiting. Mr. Houck's fears about "thoughtless promises" most certainly cannot be applied to the Basic Steel Industry, or any other industry within our Union's jurisdiction. We have yet to negotiate with any employer who did not first have to be convinced that what he was agreeing to was consistent with the pattern in his own industry or area.

Our private pension system is a major element in the maintenance of industrial peace. We seek positive ways of strengthening that system. We think responsible companies and company officials should support our efforts with constructive proposals of their own, rather than seek out questionable obstacles and try to make them impossible to overcome.

Mr. Houck also pointed out that pension insurance is unlike Federal bank deposit insurance because it does not protect existing assets. We do not argue that there are no differences in insurance coverage. Life insurance is different than fire insurance. It is the difference in the object being insured that requires different types of insurance.

ASSESSMENT AND PREMIUMS FOR PENSION BENEFIT INSURANCE

A problem that has troubled union negotiators for many years is the great variation in actuarial estimates of cost. For the sake of proper administration, the legislation must require that the determination of unfunded liabilities be based on actuarial standards, assumptions and methods established by the Secretary of Labor. Then, uniformity will have been obtained among all employers, and an unnecessary area of labor dispute will have been eliminated.

PENSION FUNDING

A sound pension funding formula should create a pension fund large enough so that if contributions to the fund were to stop on a permanent basis, the fund would provide all the benefits accrued by the workers to the date the payment stopped.

It seems to us that a first approach to the funding-policy problem should be a requirement that enough money should be contributed to the pension fund during the service of the average worker to pay him his pension for life after retirement. But if the average age of a company's employees is 45 years, and the average retirement age is 65, 40-year funding would, in many cases, fail to produce adequate assets. If the legislation is to be effective, authority should be granted to the administrative agency to require contributions adequate to meet all obligations.

Current practice in several large American industries provides for newly-created pension liabilities to be paid off over 30 years. We know of no evidence that a 30-year funding standard has adversely affected the ability of any employer to stay in business or to compete successfully.

How pension costs increase can be illustrated by the pension reports of Bethlehem Steel. Pension payments increased from $699,503 in 1931 to $4,181,184 in 1951 and to $67,502,535 in 1971. If one looks back to 1931 and thinks what the effect would have been if the funding provisions of Senate Bill 3598 were in effect at that time, with the advantage of knowing the problem in 1972, it is evident that 40-year funding is inadequate.

VOLUNTARY PORTABILITY

It is difficult to see what benefits would result from the proposed Portability Program under Title III of the legislation. Our Union is an advocate of portability, and I am proud to say that portability is a part of the pooled pension plan of the Industrial Union Department.

We recognize, however, that portability is only possible if the participants are all members of a single, pooled pension fund in which actuarial assumptions and actual experience is applied the same to all plans. Since no such pooling is contemplated in Senate Bill 3598, the proposed Portability Program is impractical.

However, if vesting and pension protection are achieved, the worker will be assured of his pension benefits whether he receives them ultimately from one employer or a number of them.

For the time being, at least, this subject should be left to collective bargaining. We urge that the proposed portability provision be dropped since it serves no useful function, and does not add anything to Retirement Income Security.

PENSION PLAN OPTIONS (SECTION 215)

The proposed legislation would permit employers with plans in existence, which do not provide for vesting, to keep such plans in effect. But the Bill would require such employers to establish an additional plan that would meet the vesting requirements of the legislation. Apparently, it is intended that a plan without vesting could make the change to vesting without additional cost. This would be accomplished by requiring that contributions to the new plan be made at a rate not less than the contributions to the old plan.

Exactly how this is to be accomplished is not clear, since new employees will all be compelled to participate in the new plan.

But if the principle of equality of contributions between plans could be made to operate, employees covered by the new plan would have a different level of benefits than the employees without vesting in the old plan.

We have recognized that compulsory vesting will add to the cost of pension plans. A plan that seeks to add vesting to its benefits without any increase in contributions can do so only by reducing other benefits of the plan. Such a plan, therefore, transfers the cost of vesting from the employer to the employees, and this would inevitably lead to serious labor-management disputes.

In order for the proposed two-plan system to work, it is necessary to offer employees an alternative to the old plan.

An alternative cannot be some undefined benefit level plus vesting. The proposed two-plan system would be an administrative nightmare since a new alternative benefit—not requiring any change in pension contributions—would have to be a guess subject to change later.

Our experience in Canada, where we are the largest industrial union, convinces us that the cries of doom if vesting is required are without foundation. If public policy mandates vesting of pensions, the provision should apply uniformly to all covered employers on the same date. We oppose the proposed two-plan system and urge its deletion from the Bill.

CONCLUSION

Many areas of this Nation's economic life affect employers and employees where industry and labor cannot solve their problems by themselves. In these areas there must be a cooperative venture of government, industry and labor. We subscribe to the belief that to the greatest extent possible, free collective bargaining should be the primary method for the resolution of labor-industry problems. But in the pension security area, as in others, no amount of negotiating between companies and unions at a time of pension termination will create a pension fund sufficient to cover liabilities, where no such fund exists.

Secretary of Labor Hodgson displays a general hostility to the idea of mandatory funding and pension termination insurance and suggests that Congressional action be delayed until an updated study "on the extent of benefit losses under pension plans which are terminated" can be concluded at the end of this year. Can any amount of further study change Mr. Hodgson's opinion that (quote) "required full funding could raise plan costs to the extent that the formation of new plans and the expansion of existing plans might be curtailed"? (unquote) I submit that no amount of studying can throw light on the reasonableness or unreasonableness of the Secretary's policy position.

Mr. Hodgson's position parallels the position of the National Association of Manufacturers which, in testimony before the House Committee on Labor in 1971, said that compulsory funding "would slow down normal pension plan improvements while discouraging the establishment of new plans". I can only repeat what I have said in response to the NAM position: "This statement is totally illogical, if not downright silly. If pension promises can only be paid if the accruing liability is funded, how can anyone urge the government to permit or encourage the establishment of plans which are almost certain not to pay their benefits? The failure to establish such new plans is no more to be regretted than the failure to establish banks and insurance companies which intend to operate without proper reserves".

The United Steelworkers of America and other unions at the bargaining table and in the legislative halls have done as much or more to create pension retirement income than has any combination of employers acting independently. If Mr. Hodgson believes extension of the private pension system is praiseworthy, he should recognize the contributions of the union movement to this cause. Because we have been so active in this effort, we more than anyone, know the obstacles to pension security through the theory of economics preached by some witnesses before your Committee.

By all means let us encourage the expansion and liberalization of private pensions. But let us make sure the private pension system retains its integrity so that the faith of the people in that system will not be destroyed.

The government can do this by helping the private pension system to deliver all the benefits it has promised to the millions of people who rely on these benefits to achieve a decent standard of living in retirement. Pension insurance is essential for the continued existence of the private pension system.

In conclusion, I want to express my appreciation again for this opportunity to testify on a subject of such great importance to the workers of America. I also would like to repeat my plea for urgent action to protect and guarantee the pensions of the millions of workers who, after a lifetime of work, are entitled to security and dignity in their golden years. This is one of the most current vital needs of workers.

You have seen proof of that here today. The guarantee and protection of workers' pensions will stand as another landmark piece of social legislation that will give workers an added measure of human dignity. Thank you.

U.S. POSTAL SERVICE

Mr. COOK. Mr. President, a strong and efficient postal system is of vital importance to our Nation and its people. We all know that the new Postal Service has been going through the ordeals of transition from a system that the Congress itself found to be ineffective and outmoded. The transition to something better is a long way from fruition, but the current issue of the U.S. News & World Report offers encouragement that the new Postal Service is making real progress on several fronts. These items of progress are contained in the U.S. News & World Report article which I ask unanimous consent to have printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A LEASE ON LIFE FOR THE 8-CENT STAMP

A planned boost in postal rates has been scrapped—at least for the time being.

The reason: A cost-cutting program started five months ago by the U.S. Postal Service is paying off.

That program—mainly a freeze on hiring of new workers—is expected to reduce postal expenses by 900 million dollars a year.

The cut in outlays means that the price of a stamp for a first-class letter will stay at 8 cents, instead of going up to 9 cents on Jan. 1, 1973, as had been anticipated.

Also, for the time being: Airmail postage will remain at 11 cents an ounce, post cards at 6 cents; parcel-post rates will not be changed, and the bulk advertising mail of business firms will continue at present rates.

SOME RAISES SCHEDULED

The only mail rates currently scheduled for increases are for magazines, newspapers, books, records, films and the mail of nonprofit organizations.

Rates for newspapers and magazines, which have gone up 30 per cent over the levels of April, 1971, are to be raised further in four annual steps starting next July—for a total increase which will amount to 126 per cent.

Mailing costs for books, records and films are in line for four more hikes, for a total of 70 per cent.

Rates for nonprofit publications, such as religious magazines, have gone up 38 per cent since April of last year. They are scheduled for nine more yearly hikes, for a total rise of 350 per cent.

These boosts were part of a rate increase of 1.9 billion dollars that was approved by the Postal Rate Commission in June. Most of the higher rates had been in effect on a temporary basis since May of 1971. That was when first-class stamps went from 6 cents to 8 cents, air mail from 10 to 11 cents, and rates were raised for almost all other classes of mail.

What many people did not realize, however, was that the Postal Service had budgeted an additional rate increase of 900 million dollars a year to start next January—to come on top of the one just approved three months ago.

Although the new increase in January is rejected for the moment, officials do not rule out the possibility of further rate hikes next year.

THE LABOR FACTOR

The principal reason is that the Postal Service's contract with its labor unions expires next July. Negotiations on wages and fringes for a new contract are to begin early in the year. These items account for about 85 per cent of total postal costs.

In view of the uncertain labor situation, Postmaster General E. T. Klassen said it would be "foolhardy" to promise there would be no postal-rate boosts in 1973.

Despite the job freeze—which has cut the postal work force by 33,000 employees—Mr. Klassen maintains that, over all, "We are doing a better job."

In most places, he said, 95 per cent of first class letters addressed to local destinations are delivered the next day.

About airmail letters sent to major cities within 600 miles, Mr. Klassen said the same level of fast and reliable delivery can be reached.

The Postmaster General also pledged that much closer checks are going to be made on mail service from now on—to insure that postal management knows exactly how good or bad it is.

To further improve service, the Postal Service has in the works two new nationwide systems.

One is a "bulk-mail network" of 33 highly mechanized plants for handling parcels and the bulk-advertising mail of businesses. Scheduled for completion by 1975, it will cost 1 billion dollars.

The other system consists of automated centers to speed letter mail. The Postal Service is planning to invest 4 billion dollars over six years.

In addition, 400 million dollars is to be spent in the next two years to replace at least 2,000 post offices and other buildings across the country and to improve more than 10,000 others.

For the moment, however, Mr. Klassen cautions: "We can't perform any miracles in bringing service to the levels we think it ought to be."

THE FAILURE TO RESPOND

Mr. BROCK. Mr. President, the failure of this body to speak out on the question of forced busing in our Nation's schools justifies the belief of too many Americans that Congress is unresponsive to their needs.

This is particularly disappointing in that those who now oppose immediate consideration of this issue in the Senate are often the most vocal in their support of a responsive government. Yet, these now stand between their own opinion of what "is best for the people," and the people's rights and their unmistakable desire for action.

Busing is and will continue to be a most pervasive social issue in the American forum. Until Congress acts, we will be vexed with the illogical and unjust condition of having to submit our school-age children to an arbitrary court ordered balances based solely on the color of their skin.

Every day we allow this situation to continue, we risk further hardships on communities and individuals who have set their sights on the true object of education—to impart knowledge. Busing does nothing to further this pursuit.

One recent example where a community has been thwarted in its attempt to educate is the case of the Memphis Board of Education, where the U.S. Sixth Circuit Court of Appeals upheld the April 20 ruling by District Judge Robert M. McRae, Jr. Judge McRae ordered the school board to implement a plan for busing 13,789 students beginning with the fall term which began the week of August 28.

The three-judge panel ruled 2 to 1 in favor of upholding the order. The one dissenting opinion was written by Judge Paul C. Weick. I believe Judge Weick's opinion bears consideration for it points out the blatant disregard for the rights of individuals that busing creates.

In his dissent Judge Weick wrote:

> What about the black and white children who do not want to be bused away from their neighborhood schools? Do they have no constitutional rights? It would appear that this issue has been given scant consideration by the courts.
>
> Yet, merely because a child's skin is black or white, he is on that account, and without his consent or that of his parents, assigned to a particular school, and bused away from his neighborhood school in order to achieve a mixture of the races in each school of the city. I submit that the Constitution requires no such thing.
>
> It is not claimed that these unfortunate children, who are the victims of induced busing, have committed any offense. And we are living in a free society in which one of its privileges is the right of association.

As my colleague from Tennessee (Mr. Baker) has emphasized on numerous occasions, the question of busing is one of the highest priority. The Senate must pass on the issue to halt the course of court-ordered busing.

Mr. President, I have a number of newspaper articles describing the Memphis case which may be of interest to Senators. The board of education has stated their inability to comply with the order and have announced their intent to appeal the case to the Supreme Court. Implementation of the present order would cost millions of dollars. Dollars that would not serve the interest Memphians have in education. I ask unanimous consent that these several articles be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Memphis Press-Scimitar, Aug. 30, 1972]

". . . THE CONSTITUTION REQUIRES NO SUCH THING"

Throughout the long history of the Memphis school desegregation case, The Press-Scimitar has expressed many times its opposition to the forced busing of children for the purpose of achieving a racial balance.

Now the U.S. Sixth Circuit Court of Appeals, in a two to one decision, has upheld the April 20 ruling of District Judge Robert M. McRae Jr., which ordered the Memphis Board of Education to implement a plan for the busing of 13,789 Memphis children beginning with the fall term which opened this week.

For comment on the Appeals Court's decision, handed down in Cincinnati, we can do no better than to quote from the dissenting opinion given by Judge Paul C. Weick, of Akron, Ohio.

Judge Weick wrote in dissent, concerning the Memphis case:

"What about the black and white children who do not want to be bused away from their neighborhood schools? Do they have no constitutional rights? It would appear that this issue has been given scant consideration by the courts.

"Yet, merely because a child's skin is black or white, he is on that account, and without his consent or that of his parents, assigned to a particular school, and bused away from his neighborhood school in order to achieve a mixture of the races in each school of the city. I submit that the Constitution requires no such thing.

"It is not claimed that these unfortunate children, who are the victims of induced busing, have committed any offense. And we are living in a free society in which one of its privileges is the right of association.

"The average American couple, who are raising their children, scrape and save money to buy a home in a nice residential neighborhood, near a public school. One can imagine their frustration when they find their plans have been destroyed by the judgment of a federal court."

As to the financial aspects of school busing, the appeals judge declared:

"The cost of all this program will run into millions of dollars . . . The court does not determine where all the money is to come from or whether it is practical or feasible. It is assumed that this burden will be thrust on the Memphis taxpayers."

After declaring that "in Memphis today no person is excluded from any school because of race or color," Judge Weick made the point that upsetting the neighborhood school pattern interferes with parental participation with PTA programs, and with the children's after-school activities and "can even lower the quality of education."

Judge Weick wrote further that "the burden of elimination of all the ills of society should not, in all fairness, be visited upon the public school system and upon innocent school children who are not responsible for these conditions and who are not represented and cannot protect themselves. Nor should the children be used as pawns . . ."

"In remedying discrimination against the plaintiffs, we are not to discriminate against other innocent children whose constitutional rights, with those of the plaintiffs, are equal . . ."

"In our opinion, the school system can not be faulted for conditions resulting from the residential pattern of Memphis, and the board ought not to be charged with the duty of their entire elimination."

At this point, the Memphis school case stands where it did last April 20, when Judge McRae handed down his ruling, now upheld by the two-to-one Appeals Court decision.

The Memphis school board will consider taking the case to the U.S. Supreme Court, a step which we believe the community supports.

Meanwhile, Judge Weick's dissenting opinion must be considered as a powerful and reasonable argument on behalf of parents, children and the neighborhood school.

[From the Memphis Commercial Appeal, Aug. 30, 1972]

Majority Says Dual Plan Not "Cured"—Objections Ruled "Without Merit"

This is the text of the majority opinion filed yesterday by the Sixth Circuit Court of Appeals in the Memphis school desegregation case:

An opinion filed Tuesday, Aug. 29 in the United States Court of Appeals for the Sixth Circuit at Cincinnati, Ohio. The opinion is written by Judge Anthony Celebrezze of Cleveland, Ohio. Judge John W. Peck concurred in the opinion. A strong dissent was written by Judge Paul C. Weick of Akron, Ohio. In the opinion Memphis was ordered to follow a school desegregation plan set for earlier by Judge Robert McRae of United States District Court in Memphis.

Case of Deborah Northcross vs. Board of Education of Memphis City Schools.

These appeals represent another installment of an already lengthy serial: "The desegregation of the Memphis Public School System." The initial chapter of this story was written in 1960 when plaintiffs first sought to apply the principles of Brown vs. Board of Education 347 U.S. 483 (1954) (Brown 1) and 349 U.S. 294 (1955) (Brown 2) to Memphis' de jure segregated school system. Since that time various aspects of this desegregation suit have been before the U.S. District Court for the Western District of Tennessee, this court, and the United States Supreme Court.

Most recently, pursuant to our remand (444F. 2D1179) (1971) The district court has reconsidered its previously adopted desegregation plans in light of the principles announced by the Supreme Court in Swann vs. Charlotte-Mecklenburg Board of Education 402 U.S. 1 (1971) and its companion cases: Davis vs. Board of School Commissioners of Mobile County, 402 U.S. 33 (1971); North Carolina State Board of Education vs. Swann 402 U.S. 43 (1971); McDaniel vs. Barresi, 402 U.S. 39 (1971); Moore vs. Charlotte-Mecklenburg Board of Education, 402 U.S. 47 (1971).

As a result of this reassessment, the District Court determined that more intensified desegregation efforts were required in Memphis. In April, 1972, after holding extensive hearings, the District Court ordered into effect a new plan which would, for the first time in the history of this suit, require the transportation of children as part of an effort to eliminate "root and branch" the vestiges of the dual school system in Memphis. The plan is to be operational by the start of the 1972–73 school year.

Most defendants and plaintiffs have appealed from this latest order of the U.S. District Court. This court (court of appeals) granted a stay of that order pending our decision in the cases. Mindful of the need for speeding implementation of appropriate desegregation orders, however, we also granted expedited hearings in connection with such appeals. Northcross vs. Board of Education of Memphis City Schools (Sixth Circuit MISC. 1576 decided June 2, 1972; rehearing en bloc denied, July 5, 1972).

In its appeal, the defendant school board asserts that it has achieved the constitutionally required unitary school system or will shortly attain such unitary system as a result of minor changes to be effected in its student assignment plans. The school board therefore assets that the new plan adopted by the district court in April, for September 1972 implementation, imposes an unnecessary burden upon it and the school children within its system. It also contends that the busing ordered by the district court "is wrong" because such busing is harmful to the interest which the board asserts Brown 1 and Brown 2 sought to further.

In their appeal from the district court's order, the plaintiff complained that the new plan adopted by the district court does not meet the requirement of Green vs. County School Board of New Kent County 391 U.S. 430, 439 (1968), that any desegregation plan adopted be one which "promises realistically to work now."

The Memphis School system is one of the largest in the nation. When this suit was begun in 1960 the schools of the system were segregated by law despite the Supreme Court's rulings in Brown 1 and Brown 2, handed down years earlier. As a result of decisions handed down by the federal courts in connection with this suit the school board adopted several plans for the desegregation of the Memphis schools in the period subsequent to 1960. The effectiveness of these plans can be gauged by a quick look at the "vital statistics" of the Memphis system as it now exists.

In the 1971–72 school year some 145,581 students attended classes within the school district. Of these children 53.6 per cent were black and 46.4 per cent were white. The school board operated 162 schools in that year. In 128 of these schools, students of one race comprised 90 per cent or more of the school's total enrollment, despite the near-equality in the number of black and white children in the system as a whole. Forty-seven schools (29 per cent of the total) have student populations which were entirely black or white.

The present racial discrimination has been a result of an assignment plan essentially based on geographic zoning and the "neighborhood school" concept. Such assignment plans became fully operational in 1964 when overt assignment by race was finally abandoned with respect to all grades. The attendance zones have been modified several times since 1964 by court order in an effort to increase the degree of integration which could be achieved within the system. During this past year minority to majority transfers within the system were prohibited.

It is the defendant school boards contention that notwithstanding the fact that some 79 per cent of its schools has an essentially monolithic racial structure, it has satisfactorily cured the violation of law involved in its past de jure segregation and has, in fact, established a unitary system. We cannot accept this contention.

As recently as 1970, the Supreme Court affirmed the district court in its finding that Memphis was not a unitary school system. Northcross vs. Board of Education of the Memphis City Schools, 397 U.S. 232, 235 (1970). While additional faculty integration has occurred since the date of that decision the continued pattern of racial separation with respect to student assignment convinces us, as it did the district court, that the dual system has not yet been eliminated in Memphis.

We recognize, of course, the Supreme Court's caution that the existence of "some small number of one-race or virtually one-race schools within a district is not in and of itself the mark of a system that still practices segregation by law." Swann vs. Charlotte-Mecklenburg Board of Education, 402 U.S. 126 (1971).

We cannot believe that this language—obviously designed to ensure that tolerances are allowed for practical problems of desegregation where an otherwise effective plan for dismantlement of the dual system has been adopted—was intended to blind the courts to the simple reality that a formerly de jure segregated system has not dismantled its dual system when 87 per cent of its black students still attend one-race schools.

Even were we to assume that the existence of the large number of one-race schools in this case is not a per se indication that the Memphis Board has failed to eliminate its dual system, there is still a presumption that such is the case under Swann, 402 U.S. 126. To overcome this presumption according to the Supreme Court, the school board would have to demonstrate that at the very least its remaining one race schools are not in any way the product of its past or present discriminatory conduct. It is clear that the school board has not met that burden in this case.

The board maintains that the present one-race schools are attributable to the pattern of residential segregation within the Memphis area. Evidence taken at a 1971 hearing held with regard to this matter demonstrated, however, that through a pattern of school location decisions, selective construction and systematic over and under utilization of school buildings. The racially neutral geographic zone assignments formulated with court approval have been undermined and made to serve the cause of continued segregation in Memphis. The District Court found that such conduct by the school board, continuing up until the time of the 1971 hearing itself has contributed "to the establishment of the present large number of one-race schools." Our independent review of the evidence leaves us to conclude that the District Court's findings were not clearly erroneous, and in fact represent an accurate and realistic view of the factors responsible for the present racial pattern in the Memphis City Schools.

It is thus clear that far from having achieved a unitary school system, the board has helped to perpetuate the old dual system. Under these circumstances there can be no doubt that the district court was under an obligation to order the adoption of a plan providing for further desegregation. Since many of the one-race schools are clearly the result of discriminatory actions of the school board there can be no doubt that under any interpretation of Swann the elimination of such schools must be one of the objectives of any appropriate desegregation plan.

In adopting such plan, the District Court was not bound to employ a system which merely would be racially neutral in operation. "The objective is to dismantle the dual system:" Swann, 402 U.S. 1, 28 and "the measure of any desegregation plan is its effectiveness." Davis vs. School Commissioners of Mobile County, 402 U.S. 33, 37 (1971). Given such a measure:

"Racially neutral assignments plans proposed by school authorities to a district court may be inadequate; such plans may fail to counteract the continuing effect of past school segregation resulting from discriminatory location of school sights or disportion of school size in order to achieve or maintain an artificial racial separation. When school authorities present a district court with a 'loaded game Board' affirmative action in the form of remedial altering of attendance zone is proper to achieve truly non-discriminatory assignments. In short, an assignment plan is not acceptable simply because it appears to be neutral. Swann supra 402 U.S. act 28.

Recognizing the applicability of these comments to the Memphis situation the District Court went beyond the mere gesture of requiring that future construction locations and utilization decisions be truly neutral. It acquired affirmative action including pairing, the alteration of some zone lines and counter the observed—and the unobservable—results of past school board—enforced segregation.

The school board does not contest the fact that any further substantial desegregation cannot be accomplished without the transportation of school children; nor, as discussed in the preceding paragraph is there any reason to believe that such further desegregation is not required. Nevertheless, the school board opposes the use of busing in this case. Its position is simple; the use of compulsory busing for desegregation purposes is unwise and counter productive. In short, the school board argues busing for the purposes of desegregation "is wrong."

The Supreme Court has, of course, come to the opposite conclusion in a recent unanimous decision holding that "bus transportation" is one "tool of desegregation" which school authorities may be required to use. Swann, supra, 402 U.S. 1, 30. Recognizing this to be the holding of Swann, defendants nevertheless suggest that we come to a contrary conclusion on the basis of a single piece of much-criticized sociological research, the conclusions of which are, by its own terms, inapplicable to the Southern school pattern. It would be presumptious in the extreme for us to refuse to follow a Supreme Court decision on the basis on such meager evidence. Swann is controlling and requires us to sanction the use of bus transportation as a tool of desegregation when, as here, such busing is necessary to accomplish the dismantling of the dual system and its use does not pose intolerable practical problems.

With respect to this latter point we note that the most serious practical problem which busing commonly presents—that of requiring children to spend an excessive amount of time on the buses—is not a factor in this case. Under the plan adopted by the district court, the maximum time to be spent on the buses by any child is 34 minutes—slightly less than the maximum time involved in the Swann case and there found acceptable. See 402 U.S. at 30.

The only other practical problem which has been raised by the school board is its lack of familiarity with the administration of a transportation program. It is true that while the board has used buses in recently annexed areas pending the construction of new schools, it has not used them on a regular basis within the the school system proper. This lack of experience, while perhaps a factor of marginal significance to be considered in creating a timetable for implementation of any busing program, surely cannot be allowed to bar entirely the use of such a program where busing is the only effective means of accomplishing the constitutionally required job of desegregation.

Under the circumstances of this case we believe defendants' objections to the implementation of the plan adopted by the district court are without merit.

Plaintiffs too have objected to the District Court's over-all decision, however. They assert that the District Court erred in rejected plans which could have provided for more desegregation faster. Plaintiffs point out that the present plan will still leave 80 of the defendant's 162 schools in the one-race status at the close of the 72–73 school year. They contest the accuracy of the District Court's finding that the more effective plans submitted to it would prove impractical. At the same time plaintiffs raised these objections, however, they acknowledge that at this late date no more effective desegregation plan could be implemented for the beginning of the 1972–73 school year. Since they also recognize that the district judge accepted a need for further desegregation in the future they request only that this court direct the district court to prepare a timetable for further desegregation. We believe such a request is reasonable. It will allow the implementation of the present plan unimpeded by procedural wrangles while providing an opportunity for the District Court to arrive at a final plan which is effective, "feasible and pedagogically sound." See Robinson vs. Shelby County Board of Education, 442 F 2d 255, 258 (6th Cir. 1971). (Opinion of McCrea, Judge.)

Accordingly we affirm the order of the District Court in its timetable providing for the establishment of a fully unitary school system in the minimum time required to devise and implement the necessary desegregation plan.

Upon entry of this decision the stay heretofore granted by this court shall be dissolved and the order of the District Court implemented forthwith.

BUSING VICTIMS' RIGHTS ARE IGNORED, DISSENTER CHARGES

Here is the dissenting opinion of Circuit Judge Paul C. Weick:

The order of the District Court which this court has just affirmed requires the daily busing of about 14,000 school children, but this is just the prelude to a great, massive busing program, for which this court directs the District Court to "prepare a definite timetable providing for the establishment of a fully unitary school system in the minimum time required to devise and implement the necessary desegregation plan."

The District Court has characterized the plan providing for the busing of 14,000 children as "minimal." Indeed it is minimal when compared with an alternate plan under consideration by that court, which alternate plan provides for the busing of 39,085 children, and the plaintiff's plan which they are urging the court to adopt, providing for the busing of 61,530 children.

The cost of all this program will run into millions of dollars, not only for the buses but also millions of dollars annually to operate them. The court does not determine where all the money is to come from, or whether it is practical or feasible. It is assumed that this burden will be thrust upon the Memphis taxpayers.

Nor do we know what effect the massive busing programs will have on the education programs now in existence, on the educational achievement of the children who attend public schools, or on the constitutional rights of the children (if they have any) of both races who do not want to be assigned away from the neighborhood schools where they are attending, which assignments are made fully because of the color of their skin, and by which assignments the children will be bused to strange and unfamiliar surroundings in order to achieve a racial quota or mixture in each and every school in Memphis.

Immediately upon the filing of the appeal, plaintiffs moved that the appeal be expedited. We granted the motion and assigned the appeal for all arguments on July 15, 1972, during our summer recess. It now appears that this is a piecemeal appeal, or an appeal from an interim order, and that the massive busing orders which are being requested are not supposed to become effective until the 1973–74 school year. We stayed the order of the District Court pending appeal.

The history of the case and the developments in the law appear in the reported decision of this court in Northcross vs. Board of Education. Since adoption of the desegregation plan no student has been excluded from any school because of race or color, except in compliance with a transfer plan ordered by the court.

Upon the last remand of the case by this court for reconsideration in the light of Swann vs. Board of Education (1971), and related cases, the District Court conducted an evidentiary hearing and filed the two opinions which are the subject of review in the present appeals.

In the Dec. 10 opinion of the District Court, the school system is described as follows:

"During the current school year (1971–72), the defendant system is based upon a curriculum arrangement of elementary schools of grades 1–6, junior high schools of grades 7–9, and high schools of grades 10–12. There are 145,581 pupils, 53.6 per cent of them are black and 46.4 per cent of them are non-black (hereafter referred to as white). Percentagewise (87.7 per cent of the blacks are in 90 per cent or more black schools and 76.4 per cent of the whites are in 90 per cent or more white schools. There are 162 schools, 67 of them are 90 per cent or more black and 61 of them are 90 per cent or more white (29 are all-black and 18 are all-white). Percentagewise, 37.6 per cent of the 162 schools are 90 per cent or more white and 41.3 per cent are 90 per cent or more black. Pursuant to previous orders of this court the present pupil assignment phase of the defendant system's desegregation plan is basically a geographic zone plan with minority to majority transfers prohibited. The proof unquestionably establishes the one-race schools do follow racial housing patterns."

Substantial evidence was offered pending to prove that these racial housing patterns were not peculiar to Memphis, but that such housing patterns existed in other cities throughout the county, irrespective of the type of school system in operation (whether they be de jure or otherwise). This was testified to by Dr. Robert Guthrie. In his book on "Negroes in Cities," Dr. Karl Taeuber states that residential segregation exists "regardless of the character of local laws and policies and regardless of other forms of discrimination." He said substantially the same thing in his article "Residential Segregation," in the August, 1965, issue of Scientific American:

"No elaborate analysis is necessary to conclude from these figures that a high degree of residential segregation based on race is a universal characteristic of American cities. This segregation is found in the cities of the North and West as well as of the South; in large cities as well as small; in non-industrial cities as well as industrial; in cities with hundreds of thousands of Negro residents as well as those with only a few thousand, and in cities that are progressive in their employment practices and civil rights policies as well as those that are not."

It seems to us that this evidence ought to carry great weight on the important issue as to whether the board was responsible for the creation or maintenance of the residential patterns of the city and whether the entire burden for the integration of the races should be placed upon the public school system and the school children.

In Bradley vs. School Board of City of Richmond (decided June 5, 1972), the court said: "The root causes of the concentration of blacks in the inner city are simply not known . . ." and "whatever the basic causes it has not been school assignments and school assignments cannot reverse the trend."

Since 1960 the Board of Education has spent an average of 10 million dollars per year on school construction. Some schools have vacant spaces, whereas others are overfilled with students. This condition can easily be remedied. It has been the established practice of the Memphis Board of Education and of other Boards of Education throughout the county to locate schools in areas of the residences to be served. The neighborhood school system has existed throughout America and its value only recently has been the subject of bitter attack in desegregation cases. The District Court now requires court approval of any new school construction.

I disagree with the District Court that the accommodation of the board to the housing patterns made it or its predecessors an active partner in discrimination. The record shows that on occasions the board interceded with housing authorities in an effort to persuade them to locate structures so as to either approximate integration or retard segregation. There has been mobility of both white and black families which the board cannot very well control.

Three plans were considered by the District Court. Plan A, which the court adopted, provides maximum use of pairing of adjacent or nearby schools without transportation of students, changing some zone lines of adjacent or nearby schools, closing some schools, plus the minimum use of transportation of students by clustering or pairing non-contiguous zones or other methods.

The transportation, which the court characterizes as minimum, provides for busing of about 14,000 pupils, just as a starter. Memphis does not have a history of transportation of students. The board estimates this will require a capital expenditure of $1,664,192 for buses, plus an annual operating cost of $629,192. It had an estimate of $744,330, annually from one contractor. The annual cost of transportation would be about $50 per pupil. The court was of the view that adoption of Plan A would provide the board "with an opportunity to observe the best ways and means for implementing further desegregations in the future." Plan B was ordered by the court as an alternate, to desegregate all schools necessary so that "no school will have a minority race of less than 30 per cent." It would require the busing of 39,085 pupils, at a cost of $1,783,490 annually or a total investment as estimated by the board in the amount of $3,924,000. This, of course, is the "quota" system.

Plaintiffs submitted a proposed plan prepared by their expert, Dr. Gordon Foster, which plan would require minority races to be present in each and every public school in the system, regardless of where the children live. It would require the daily busing of 61,530 pupils. Plaintiffs have submitted estimated operating costs of $2,354,220, $2,431,710, or $3,463,100, depending on whether the board buys its own buses, and if so, whether diesel or gasoline buses are used, and whether the buses are provided by contract carriers.

Memphis has a large concentration of population in the inner city, with small numbers of the outskirts. The only way these residential patterns can ever be dismantled is by forced or induced busing of black and white children away from their neighborhood schools to other schools located some distance therefrom. It is claimed that all of this is necessary in order to achieve integration of the races in the public schools.

What about the black and white children who do not want to be bused away from their neighborhood schools? Do they have no constitutional rights? It would appear that this issue has been given scant consideration by the courts. Yet merely because a child's skin is black or white, he is on that account and without his consent or that of his parents, assigned to a particular school, and bused away from his neighborhood school in order to achieve a mixture of the races in each school in the city. I submit that the Constitution requires no such thing.

It is not claimed that these unfortunate children, who are the victims of induced busing, have committed any offense. And we are living in a free society in which one of the privileges is the right of association.

The average American couple who are raising their children scrape and save money to buy a home in a nice residential neighborhood near a public school. One can imagine their frustration when they find their plans have been destroyed by the judgment of a federal court.

The elimination of neighborhood schools necessarily interferes with the interest in and participation by parents in the operation of the schools through parent-teacher associations, interferes with activities of children out of school, and interferes with their privilege of association, and it deprives them of walk-in schools. It can even lower the quality of education.

In Brown 2, the court said:

"The opinions declaring the fundamental principle that racial discrimination in public education is unconstitutional, are incorporated herein."

The effect of prior discriminatory practices can hardly be deemed to exist when children are permitted to select the schools they desire to attend and are furnished free transportation to that school at public expense.

In Alexander vs. Holmes County Board of Education the court required: ". . . unitary school systems within which no person is to be effectively excluded from any school because of race or color."

In Memphis today no person is excluded from any school because of race or color.

However, it is contended that discrimination of individuals and of public and private agencies either caused or contributed to cause the concentration of black populations in the inner city. The fact should not be overlooked that socio-economic conditions were involved, importantly and principally, in the concentration. The burden of elimination of all of the ills of society should not, in all fairness, be dissident upon the public school systems and upon innocent school children who are not responsible for these conditions and who are not represented and cannot protect themselves. Nor should the children be used as pawns.

As Chief Justice Warren Burger well stated in Swann:

"The elimination of racial discrimination in public schools is a large task and one that should not be retarded by efforts to achieve broader purposes lying beyond the jurisdiction of school authorities. One vehicle can carry only a limited amount of baggage."

In remedying discrimination against the plaintiff, we ought not to discriminate against other innocent children whose Constitutional rights, with those of the plaintiff, are equal.

Boards of education have no jurisdiction over discrimination by private individuals or by public or private agencies. Moreover, they are not parties to this case. Adequate remedies exist under the civil rights act (1866, 1964, 1966) and under the Fourteenth Amendment to remedy discrimination in the rental or purchase of homes.

We considered this situation in Deal vs. Cincinnati Board of Education, (1967), where we said:

"Because of factors in the private housing market, disparities in job opportunities, and other outside influences, (as well as positive free choice by some Negroes), the imposition of the neighborhood concept on existing residential patterns in Cincinnati creates some schools which are predominantly or wholly of one race or another. Appellants insist that this situation, which they concede is not the case in every school in Cincinnati, presents the same situation and hints the same Constitutional violation condemned in Brown. We do not accept this contention.

The element of inequality in Brown was the unnecessary restriction of freedom of choice for the individual, based on the fortuitous, uncontrollable arbitrary factor of his race. The evil inherant in such a classification is that it fails to recognize the high value which our society places on individual worth and personal achievement. Instead, a racial characterization treats men in the mass and is unrelated to legitimate governmental considerations. It fails to recognize each man as a unique member of society.

In the present case the only limit on individual choice in education imposed by state actions is the use of the neighborhood school plan. Can it be said that this limitation shares the arbitrary invidious characteristic of a racially restrictive system? We think not. In this situation, while a particular child may be attending a school composed exclusively of Negro pupils, he and his parents know that he has the choice of attending a mixed school if they so desire and he can move into neighborhood district of such a school. This situation is far removed from Brown where the Negro was condemned to separation, no matter what he as an individual might be or do. Here, if there are obstacles or restrictions imposed on the ability of a Negro to take advantage of all the choices offered by the school system, they stem from his individual economic plight, or result from private, not school, prejudice. We read Brown as prohibiting only enforced segregation."

Subsequently we considered Deal (Deal vs. Cincinnati Board of Education) again and affirmed the principles therein set forth. Twice the Supreme Court had opportunities to review Deal and twice it declined to do so.

Deal, of course, dealt with alleged de facto segregation in Northern schools, but, as we have shown, there is concentration of blacks in the inner city in the North the same as it exists in the South. The same rule of law should apply throughout the country.

Also, we are not unmindful of programs of the federal government and of industry for job training and employment opportunities for minority groups. As these programs become more effective, the black population will be able to move into better living quarters and neighborhoods and their children will attend schools in these neighborhoods. . . .

INTERNATIONAL ACTION AGAINST HIJACKING AND TERRORISM

Mr. JAVITS. Mr. President, two newspapers in my State have published editorials of unusual merit on the issue of the 17-nation conference on aerial hijacking and the failure to deal with those countries that might in effect be a haven for air pirates. I spoke at length in this Chamber last week on the failure of the conference so far and the need for the United States, if necessary, to take unilateral action or to act in concert with any other nation willing to join with us in dealing effectively with those who in effect facilitate hijacking—as well as lawlessness and terrorism like the barbarism we saw recently at Munich.

I am pleased that these two outstanding newspapers in the State of New York The Times-Union, of Rochester, and the Buffalo Evening News, as I am sure other newspapers have displayed such editorial perception and vigor in addressing themselves to this very serious problem.

I invite the attention of the Senate to the editorials and ask unanimous consent that they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Times-Union (N.Y.), Sept. 7, 1972]

Sanctions Needed To Curb Hijackers

Hopes for international sanctions against countries that offer refuge to airplane hijackers have suffered a severe blow.

Delegates to a 17-nation conference have rejected U.S.-Canadian efforts aided by Israel to negotiate an international anti-hijacking treaty which could require signatory nations to suspend air service to any nation that did not punish or extradite air pirates or saboteurs.

Russia opposed the treaty on the grounds that only the United Nations Security Council should have the right to impose sanctions. Other nations also raised legalistic objections.

But remarks of Secretary of Transportation John A. Volpe to the conference seemed more to the point:

"We have long recognized that the elimination of shelters is essential to the ultimate control of the hijacking problem. No nation can do that job alone.

"Piracy on the high seas came to an end when the ports of call were closed to the plunderers of ships. Piracy in the skies will die the same death when the doors of welcome are universally slammed on hijackers around the world."

Under the U.S.-Canadian proposal, a panel of international representatives would have decided what sanctions to impose against nations violating treaty requirements. An international boycott of air service for an offending country would have been the maximum penalty.

The conference has now turned its efforts to salvaging some agreement.

But no agreement will be effective and no airplane passenger will be secure as long as unprincipled nations have nothing to lose—and, in the case of some Arab countries, something to gain—by sheltering air pirates.

[From the Buffalo (N.Y.) Evening News, Sept. 8, 1972]

Facing Up to Terrorism

In the aftermath of the horrible bloodbath at Munich, angry and frustrated onlookers throughout the world cry out for something to be done to put an end to such mindless acts of terrorism against innocent people.

The overriding sense of dismay is heightened by the failure of the rescue attempts by Munich police. An observer cannot help thinking of the tragic toll at Attica prison just a year ago when realizing that in spite of all the careful planning in both cases, the results could hardly have been worse. And the shock of the tragedy was magnified in the end by the issuance of a false report that the Israeli hostages had been freed.

Nevertheless, the German authorities—at every level up to Chancellor Willy Brandt—did their best, and not a hint of blame has come from Israel on their handling of the case. They were dealing with desperate fanatics, and their rescue attempt was a last-ditch, desperate move. Israel did, in fact, approve the German action, which was in accord with Israel's own policy of resisting force with force.

It was also in accord with an increasing trend against too-easy compliance with the fantastic demands of such terrorists or plane hijackers. Compliance only encourages more hijackings; on the other hand, Israel, which has had several successful shootouts with hijackers, seems to have solved its hijacking problem. While each case has to be played by ear, increasingly stringent measures in this country have had their effect too. Most hijackings in the U.S. in the past year have failed, with the result that three hijackers are dead and 17 are in jail. The best way of discouraging hijackings or new atrocities like those at Munich is to make sure they fail.

Besides the use of force, this can also be achieved by international agreement. Few Arab terrorists would stage an attack like that at Munich unless there was an escape route, but the readiness of several Arab nations like Algeria and Lebanon to provide havens for terrorists and air pirates leaves that escape route open. The response of most Arab nations to the Olympic tragedy provides an odious contrast to the revulsion felt by the civilized world. Only Jordan, whose premier was killed by the same "Black September" terrorists last November, has condemned the atrocity outright. Egypt, which rejected Chancellor Brandt's personal appeal to assist in freeing the hostages, allowed a terrorist group to hail the Munich raiders as "heroes" and "martyrs" in a Cairo broadcast.

While other countries have denounced the terrorists, they have been reluctant to take any action in conflict with their national interests. Russia and France, which are courting the Arab nations, are dragging their feet in the negotiations on air piracy now being held in Washington by 17 nations of the International Civil Aviation Organization. One also awaits the response of the African and Asian nations that in the past have been loud in their denunciations of Israel. Only by joint action can the havens for air pirates be eliminated.

Hanging over the whole horrible incident is the bitter irony that Munich, which has had connotations of appeasement, Nazism and anti-Semitism over the years, had taken on a happy aura recently but is now once again under a cloud. The new tragedy is felt so keenly by some that they have proposed canceling the remaining events of the Olympic Games, but that would make about as much sense as canceling the United Nations or the U.S. Congress because of the act of some deranged individual.

The tragedy tarnishes the image of the Olympics as being beyond national rivalries and conflicts, but to the participants themselves it has brought home—more than to outsiders—the true brotherhood of all mankind. "This little girl from Jerusalem was in my heat next to me," one athlete recalled, feeling the shock of the tragedy. "It was just like somebody in my family died," said another. Maybe some good will come from it all if a trace of this sense of unity and brotherhood reaches the world's corridors of power.

PHILADELPHIA AREA NEWS MEDIA EDITORIALS CALL FOR PENSION PLAN REFORM

Mr. SCHWEIKER. Mr. President, on July 17, the Subcommittee on Labor of the Committee on Labor and Public Welfare held field hearings in Philadelphia to examine case histories of two pension plans which had terminated, leaving workers either without any pensions at all or with pensions much lower than they anticipated. I was pleased to have presided at these hearings.

These hearings focused on the termination of the pension plans at the Horn & Hardart Baking Co., which is in financial difficulty, and the Eddystone plant of Baldwin-Lima-Hamilton Corp., which has ceased operations altogether. In both cases, workers who labored for years expecting a company pension were sadly disappointed and will undergo additional hardships in their retirement years because their pension plans terminated. The hearings made an excellent case for comprehensive pension plan reform legislation to protect the rights of workers, and such legislation is S. 3598, now about to be acted upon by the subcommittee. It is sponsored by the chairman of both the subcommittee and full committee (Mr. Williams), the ranking minority member of the subcommittee and full committee (Mr. Javits), and 13 other members of the committee, myself included.

The hearings in Philadelphia attracted several hundred spectators and were fully covered by the major news media, including both newspapers and television. I had reprinted in the Record of August 1, 1972, at pages 26305 to 26307 several newspaper accounts of these hearings. In addition, Mr. President, a number of excellent editorials have appeared in the Philadelphia area media commenting on the hearings and calling for enactment of pension reform legislation.

Mr. President, I ask unanimous consent that four editorials be printed in the Record: From the Philadelphia Evening Bulletin of July 28; from WCAU-TV, Philadelphia, July 20; from the Philadelphia Daily News, July 19; and from the Daily Local News, West Chester, Pa., July 17:

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Philadelphia (Pa.) Evening Bulletin, July 28, 1972]

Payless Pensioners

Testimony from workers who lost all or part of their pensions when two Philadelphia area firms went broke points to the need to shore up poorly funded pension plans.

At a hearing in Philadelphia of a Senate labor subcommittee, Sen. Richard S. Schweiker (R-Pa) elicited grim stories from workers with 30 to 40 or more years' service of how they were left with little or no pension income.

Pensioners who expected to have an extra financial cushion have been forced to live mainly on Social Security checks. Older workers who were laid off before they reached retirement may be even worse off. Many of them are having problems finding new jobs.

The plight of workers whose pension rights vanished through no fault of their own suggests that a pension reform bill sponsored by Sens. Harrison Williams (D-NJ) and Jacob Javits (R-NY) is more to the point than the Nixon Administration's proposed bill on pensions.

Senator Schweiker is backing the Williams-Javits bill, noting that it would require both the funding of pension plans and insurance to cover any unfunded claims. The Administration's bill includes no provisions for either funding or insurance. And it takes a more conservative approach to vesting pensions than the Senate bill does.

Insisting on adequately funded pension plans will be costly to many employers. But some movement toward guaranteeing pension rights is called for.

In many cases, union-dominated pension plans are no more secure than unfunded plans run by employers alone. Unions frequently prefer higher pay over adequate pension financing. And there have been instances, as in the case of former Teamsters Union president, James R. Hoffa, where union pension funds have been invested unwisely.

Employes who invest 30 or more years of service in a company that collapses are entitled to more than a forum for airing the hardship that their curtailed or nonexistent pension benefits are causing.

[From WCAU-TV, July 28, 1972]

Workers' Pensions Must Be Protected

It was a parade of people with truly pathetic stories who appeared before Senate Subcommittee hearings in Philadelphia yesterday. These were people who had worked for firms for years, one who had worked for 49 years for the same firm. Now, in retirement, their pensions had been suddenly cut off.

How can this happen? It can happen when a firm goes bankrupt or merges with another firm. It can happen when a firm simply goes out of business.

What do these people do . . . many of them in their seventies . . . what do they do when their pensions are stopped? What do they have to show for 20, 30, or 40 years of work? What protection do they have? The answer, apparently, is no protection.

WCAU-TV agrees with Senator Richard Schweiker, who chaired the Senate Labor Subcommittee hearings in Philadelphia, that workers should be able to confidently look ahead to their retirement years . . . retirement years with a secure pension. And yet, the Senator estimated that one-third of the work force in this country would never realize any benefits from their pension plans.

The hearings held in Philadelphia are in conjunction with Senate Bill 3598. Among other provisions, this bill would provide federal insurance for protectoin of pension funds. That means, if a company did fold for one reason or another, those workers who had earned a pension would not lose it.

It is our hope that, if the hearings show that Senate Bill 3598 should be strengthened, this should be done before the bill is brought to the Senate floor for a vote. Workers' pensions must be protected.

[From the Philadelphia (Pa.) Daily News, July 19, 1972]

Fountain Pen Bandits

Through all this world I've wandered,
I've seen lots of funny men,
Some will rob you with a six-gun
And some with a fountain pen.

Woody Guthrie, longtime champion of the workingman, wrote those words many years ago. They remain true today.

Fountain pen bandits continue to plague the working man. With a stroke of that pen they can effectively rob him. Sen. Richard Schweiker described one of the biggest legal rackets at a hearing here Monday.

"One-third to one-half of all workers now covered by pension plans will not realize a nickel when they retire," Schweiker testified.

That's because the companies these employees are working for will either have merged with another company or gone bankrupt by the time the employee is eligible to collect on the pension plan he dutifully paid into during his working years.

And, up to now, it's all been perfectly legal. While the bigshots have their stock options, capital gains, allowances, annuities and tax shelters, the little guys must depend on their pensions. But it turns out that those carefully collected pensions are all too easily wiped out, leaving the little guy—if he's one of the lucky ones—with nothing more than a gold watch or a handshake for all his years of labor.

Schweiker, a member of the Senate Labor subcommittee, co-sponsored Senate Bill 3598. That bill would guarantee the worker partial pension rights after eight years and complete rights after 15 years of service.

The People Paper would like to see Schweiker's bill passed and passed quickly—before any more little guys fall victim to the fountain pen bandits.

[From the West Chester (Pa.) Daily Local News, July 17, 1972]

Effective Pension Reform Is Overdue

Testimony being given in Philadelphia today will serve to underscore the urgent need for pension reform as it relates to pensioners whose employers have come upon hard times.

Sponsored by the United States Senate Labor Subcommittee, the sessions are chaired by Senator Richard S. Schweiker, Pennsylvania's junior senator, a strong advocate of reform through effective legislation.

Witnesses include workers who have lost their pensions, company representatives, union spokesmen as well as pension plan actuarial experts.

Is there a need for reform in this area or is this simply one more hearing being conducted under Federal auspices? Senator Schweiker pinpoints the need in these words: "The hearings are being held to gain first-hand information from area workers who have lost pension rights and benefits due to the financial failure of the Horn and Hardart Baking Company and the shutdown of the Baldwin-Lima-Hamilton Company's Eddystone plant."

Pennsylvania's senator points out that in both cases, "many workers lost any hope of receiving pension payments even though they had paid into the pension fund in good faith." That has proved to be a serious blow to former employes who, over the years, had counted on pension checks to help them in their retirement.

Senator Schweiker who resides in Montgomery county is close enough to the Philadelphia scene to realize what pension failures mean to workers who have been turned out to fend for themselves. Adequate legislation to make certain that the experiences of former workers of the above two mentioned plants aren't repeated must be the aim of the subcommittee. Such concern on the part of our lawmakers is long overdue.

NUCLEAR REACTORS

Mr. GRAVEL. Mr. President, the Members of this body are well aware that I have long opposed the widespread use of nuclear reactors to generate power unless they can be proven to be 100-percent safe. I am well aware of the power crisis this Nation is facing. I am well aware of the need for finding alternatives to the present methods of generating electricity. But because humans are fallible, careless, and sometimes demented, it is unreasonable and wreckless to assume that "failsafe" nuclear reactors can be operated year in and year out. Furthermore, it is foolish to count on some special immunity when it comes to sabotage, war, and natural disasters such as tornados and earthquakes.

I have brought my views on this subject to the Senate floor before. I have done so in spite of claims by the AEC that 99.99 percent radioactive containment was possible through so many redundant safety features that any conceivable accident simply could not happen. I did not believe this and I said so. It simply boggles the mind to think of what death and devastation one nuclear accident could cause.

Now, within the AEC itself, scientists and safety experts also are publicly expressing their concern. This week, Time magazine carried a short report on the recent AEC hearings held in Bethesda, Md., which bears this out.

Mr. President, I ask unanimous consent to have that article printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

How Safe the Atom?

Are nuclear power plants safe? For years the Atomic Energy Commission has insisted that they are. For one thing, the AEC argues, the plants are equipped with so many redundant safety devices that any conceivable accident simply could not occur. For another, they are designed to the most rigorous specifications of any peacetime industry. But evidence has recently accumulated that the AEC's position is not as secure as it sounds. The commission held extensive hearings at Bethesda, Md., to allow nuclear critics, who represented a coalition of 60 citizen groups, to dispute the effectiveness of a safety device called the "emergency core cooling system." This back-up complex of pipes and valves is designed to bathe the hot reactor core with cooling water if the main cooling system fails. Since the system has not ever actually been tested, not even in scale models, scientists have had to depend on mathematical models to decide whether it would really work. In the hearings, much to the AEC's chagrin, many of its own top nuclear-safety experts testified that "technically indefensible" assumptions were being made about the device. One AEC scientist even went so far as to label AEC rules governing operation of the cooling system "a triumph of hope over reason."

BAD RODS

There is also disturbing evidence that the nuclear fuel rods in one kind of big atomic plant have bent, crushed or cracked during normal operations. (So have those in a comparable plant in Switzerland.) What makes this problem especially troublesome is the fact that the fuel rods are among the most thoroughly tested part of any nuclear plant. The damage therefore probably cannot be traced to the simplest explanation: shoddy workmanship. Instead, it may have a more serious, generic cause: the rods, designed for and proved in a previous generation of smaller reactors, may simply not stand the higher pressures and temperatures of today's big reactors. Even so, the rods do not pose an imminent hazard to public safety—except in the unlikely event of a failure of the cooling system. Says a respected engineer: "We haven't the foggiest idea how this fuel would behave in such an accident."

In any case, the AEC has concluded that it would rather be safe than sorry. It just ordered that seven plants* must operate at restricted power levels until a crash study on the fuel problem is completed later this fall.

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*Among them: the Robert E. Ginna reactor near Rochester, N.Y., Palisades near Kalamazoo, Mich., Maine Yankee at Wiscasset, Me., Indian Point No. 2 at Buchanan, N.Y., Beach Point No. 2 at Two Creeks, Wis., Turkey Point No. 3 on Florida's Biscayne Bay and Surry No. 2 in Gravel Neck, Va.

REDTAPE AND PAPER POLLUTION

Mr. HATFIELD. Mr. President, recently the Senate Small Business Committee held hearings on problems of redtape. I submitted a statement to the committee, on which I serve, calling attention that the three "R's" of the Federal bureaucracy have become rules, regulations, and redtape. This must be halted, or our small businesses across the country will die from suffocation in triplicate.

Mr. President, I ask unanimous consent that my statement at the hearing be reprinted at this point in the Record.

The PRESIDING OFFICER. Without objection it is so ordered.

Statement by Senator Hatfield

I am pleased to comment on the problems of redtape and its effects on small business. First, I want to commend the Chairman for his leadership in this effort. We in the Congress must take more steps to help ease the growing paperwork burden on our small businessmen, and I hope today's hearing will represent only the beginning.

Others today will tick off the staggering statistics concerning effects of redtape on businesses, and how this volume of redtape has grown in recent years. The only statistic that will quote today stems from the Chairman's observation that the Government, at the Federal level only, generates about 4.5 million cubic feet of paper. I had some statisticians at the Congressional Research Service do some calculating, and their results are equally staggering. That 4.5 million cubic feet equals a stack of forms seven million feet high. I calculated that this would equal 14,000 stacks of typing paper the height of Oregon's tallest office building.

What runs through all of our discussions is the practical effects of the redtape. The time and money that goes to completion of redtape government forms could be used to hire part-time high school or college student help. When United States productivity statistics are running behind those of nearly all other Western nations, we should be encouraging greater productivity, and not putting up roadblocks which impede greater productivity. Certainly, paperwork is not the only contributor to the declining productivity of this country, but it is one factor.

Businessmen in Oregon have told me that they would be able to hire part-time help, except that the costs of such action in paperwork would be nearly as much as the increase in service, or production, that a part-time employee could contribute. Something is bascially wrong with our governmental system when this occurs. We must be taking steps to increase employment.

Another example is the case of a small company in Southern Oregon, who was chosen by a computor in the Bureau of Labor Statistics to "voluntarily" participate in a statistical research program. This business employs only a few people, and the information requested is so detailed that the owner would have to pay an accountant to compile it. What makes this even more absurd is that I think most of this information could be compiled from the IRS or the Oregon State Division of Employment. We must take steps to increase information sharing between governmental units, so that the volume of paperwork can be curtailed. In addition, the frequency of reports should be curbed wherever practical, for there are many instances where I think a vicious circle exists: government bureaucrats are created, and then they generate statistics and reports to justify their positions. This is not true in all cases, certianly, but an examination of record-keeping requirements in some areas makes me believe that it is true in some areas.

I think our committee should investigate the possibilities of introducing legislation requiring a "paperwork impact" statement as a part of our legislative review of prospective laws. Certainly the environmental impact statements have been a great help to us, and I would like to know the estimated volume of paperwork that each new law will require.

In conclusion, Mr. Chairman, it appears that the three Rs of the Federal bureaucracy have become Rules, Regulations, and Red Tape. Today's hearing should be the beginning of a concerted effort to curtail this paperwork explosion. Employment would increase, as would productivity. Trust in government, weakened as it has been by paperwork demands, would increase. I hope our committee can begin steps to improve this situation.

THE FUTILITY OF WAR

Mr. HATFIELD. Mr. President, many parents in the United States have been forced to suffer the agony of losing a son as a result of our involvement in Vietnam. We tend to forget this agony as the reduction in ground troop activity takes place. I ask unanimous consent to have printed in the Record an article from the Christian Herald in which a mother reflects upon the loss of her son to remind us of some of the consequences of our involvement. Her reflection gives consolation to others that while the United States may always regret its involvement in Indochina, the lives of these men have not been given in vain if they serve to remind us of the futility of war.

There being no objection, the article was ordered to be printed in the Record, as follows:

What Shall We Say to Buddy?

I had thought a thousand times of what we would say to Buddy when he returned home. How many ways can you tell a son you are sorry?

For days I had rehearsed what we would say to him. Myriads of thoughts and emotions were teeming in my brain, but I could not search them out, separate them, put them into words.

And now he was home.

Family and friends who met him at the airport, and others who thronged to see him this first evening, were gone now. Tomorrow the house would be filled again with acquaintances and relatives; there would be no time to reflect, to think of an explanation, to humbly lay my apologies at his feet.

The room was still as I slipped in. He was asleep. I tiptoed over to look at him again. My stomach constricted at the gauntness of his young face as it had constricted when I first saw him that afternoon. A great surge of maternal love rocked my body.

My arms ached to sweep him to my breast as I had done when he was a baby; rock him, comfort him, pour out my love. Most of all, to pour out my apologies.

But I knew I must not.

I heard quiet footsteps behind me and felt my husband's arms about my shoulders. As we looked down at our only son's exhausted young face, a montage of his childhood scenes unfolded before my eyes. . . .

He was a quiet child, asking little, playing happily on the soft carpet of grass under the crooning pines, feeling a special kinship with the land and its creatures.

Knowing nothing of killing, blood and torture, he taught the chattering squirrels to come to him and eat bread from his hands. The birds sang joyous songs for him alone, the farm animals crowded about him, vying for his pat of attention and special tidbit.

He carefully weeded and hoed the crooked rows of his own garden, pride glowing softly in his brown eyes as he laid the products of his sweat and toil before us.

With a quiet love bordering on reverence, he gloried in the deep snows of winter, autumn's bright harvest, the warm breath of spring smelling of violets deep in the woods, fresh rain, gurgling brooks.

We taught him to love and respect the country that nourished him. When other parents took their children to Disneyland, we took him to see the Freedom Train. We wanted him to see the documents of his nation's birth, to appreciate the hardships, blood and tears shed in creating this country.

His daddy spent long hours with him in Boy Scouts, building up his mind and body, teaching him service to God and country and duty to all human beings. We urged him to make good use of his free hours, to take advantage of America's free enterprise system, to accept individual responsibility, to stand on his own sturdy feet.

He learned his lessons well. He worked his way through college with after-school and weekend jobs. We cheered him on when he engaged in baseball games, swimming, bowling.

We trained Buddy in the philosophy that to enjoy a country's freedoms one must accept its responsibilities. He never questioned it.

He had marched off that morning much as he had marched off another morning only a few short years before, it seemed, to kindergarten—eyes straight ahead, going with courage and trust into a world totally unknown to him.

We stood smiling in the doorway as we bade him a brave farewell, saluting his strength, much greater than our own now. He looked back only once, a last unguarded, longing, little-boy look, before he turned the last corner. . . .

I clasped my husband's hand. He stared straight ahead now, eyes dark with memories.

He no doubt was remembering, as I was, the night Buddy called to tell us he had received his overseas orders. His young voice, still gallant with hope and trust, cracked only once. He had hesitated a second before he spoke the word that edged every parent's heart with ice—Vietnam.

But his country had pledged itself. The goal, we were told, was freedom and democracy for the people in South Vietnam.

Buddy was not reared to bewail his lot in life. When he fell off his first bicycle, we encouraged him to get up, brush himself off without complaining and keep trying until he mastered the skill. If he had been given more than his fair share of a load or treated in a way that was unfair, we pointed out that it was the knocks we get that we don't deserve that build strong moral fiber. He took us at our word.

"You'd never believe how long it took us to get over here," was all he wrote about the long, fearful journey of innumerable stops, starts and weary waits to a steamy jungle halfway around the world.

Each night we read of the bloody warfare, the exploding mines, the shot-down helicopters, while our hearts lurched with fear. We stormed heaven with our prayers. Each day our eyes frantically searched the print for some glimmer of hope for a peace settlement and an end to the killing, the bombings, the torn bodies.

"One of the boys in my outfit was shot down yesterday. He died instantly, thank God. He was my best friend," Buddy wrote with stark simplicity. We remembered the anguish in his eyes, the tight-set lips, how he averted the favored spot on the porch for weeks the summer his pet dog was struck and killed on the highway.

We kept our letters cheerful, full of hope, as we wrote daily accounts of familiar, family things, all pointing to the day when Buddy would be home again. "The yellow kitten caught his first mouse today. Mark was asking about you. You'd hardly recognize him with his hair cut."

We haunted the mailbox for the letters

with the firm, young handwriting. They were often folded and crumpled but they ended always, "Take real good care of yourself, and don't worry, Mom, I'll be all right."

We would awake in the middle of the night, shaking uncontrollably, as the horror of it all washed over us. We paced the floors, lovingly fingered the pictures, the comb and brush on his dresser, the bowling and swimming trophies on the shelf in his closet, trying to put out of our minds the hardship he was going through now.

As the weary days dragged on, we slowly forced our numbed minds away from the scenes of the battles to lock about the country and the Congress that had sent these young men away to war and to death.

We see our legislators vote themselves raises of two-thirds or more, while haggling over GI benefits and asking the rest of the country to tighten their belts. We see many of our Congressmen showing little or no concern for the fate of over one thousand six hundred Americans, either missing or prisoners, whom they helped send away to war.

We see a selfish, heedless nation squabbling for more spoils, pushing for the top dollar, unwilling to make the slightest sacrifice for their country as it writhes in the throes of an economic depression. When at last wage and price controls are tried, we hear industrial unions and federal employees weep about the great sacrifices they are making and nothing about the fifty thousand American boys who were sent to give up their lives in rice paddies on the other side of the globe.

We see examples of official deceit corrode our democracy, calculated deception from federal departments to cover mistakes, forestall criticism and deny voters the facts they need to make enlightened choices.

What shall we say to Buddy?

We learn with continuing anguish that the country to which we send our sons to help refuses to cooperate, steals our products off the docks, sells them in the open at outrageous prices and those guilty are not arrested. The black market is owned by the Saigon police, we were told politely.

We see the country which is supposed to be our beneficiary taking advantage of our young sons' loneliness and homesickness, and plying them with drugs and diseases. Our beneficiary rewards us by returning our sons to us, not as heroes, but addicts to heroin or in caskets or broken in body and spirit forever.

We hear our President telling how we got into Vietnam, and we hear of our complicity in the overthrow and murder of President Diem. We read that the United States finds itself embarrassed because its long and costly battle to give the South Vietnamese "freedom of choice" is bolstering a regime which has arranged matters so there is only one candidate in the presidential election.

After ten years of sacrifice, fifty thousand young American lives lost, two hundred billion dollars of taxpayers' money spent, three hundred thousand Americans wounded, thousands of other young American lives ruined forever, the United States is presented with a sleazy, cheap carnival-type election, emceed Ellsworth Bunker and starring Nguyen Van Thieu, who is convinced the United States, after its tremendous investment of lives and treasure, is not going to leave him unsupported and unprotected . . .

My husband's arm tightens about my shoulders. Then I become aware that the staff of the funeral home is waiting, patiently and sympathetically. It is past time to close the doors.

We give a long last look at the quietly resigned young face, at the unnaturally white gloves on the still hands folded on his chest, the flag draped on his casket. And our souls are turned inside out.

But we have our answer, in this desolate moment with the awful remnants of war laid out bare before our eyes—broken bodies, grieving families, half-fulfilled dreams hanging before us because man has not found a way to settle his differences without brutality, murder and the power of arms.

Buddy, we say to you, if your life, and the thousands of other lives given up can keep our country from blundering into future Vietnams; if this can help teach our leaders to use reason instead of force, that wars actually settle nothing, but only sacrifice the blood of our youth and wreak irreparable misery and anguish; our son, we say to you, if your going can help keep other parents from having to wear on their hearts this shroud that will drape ours until the end, then, and only then, will there be a reason.

We turn to leave, remembering another who gave his only son.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

REVENUE SHARING ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the unfinished business, Senate Joint Resolution 241, will be temporarily laid aside and remain in a temporarily laid aside status until the disposition of H.R. 14370 or until the close of business today, whichever is earlier.

The Chair will now lay before the Senate H.R. 14370, which the clerk will report.

The legislative clerk read the bill by title, as follows:

> A bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Amendment No. 1505 is the pending question now before the Senate, with debate thereon limited to 1½ hours, equally divided between Mr. Roth, mover of the amendment, and the manager of the bill (Mr. Long).

Mr. ROTH. Mr. President, I yield myself 10 minutes.

I am happy to have my amendment cosponsored by the senior Senator from Washington (Mr. Magnuson), the senior Senator from New Hampshire (Mr. Cotton), the senior Senator from Delaware (Mr. Boggs), the junior Senator from California (Mr. Tunney), the junior Senator from Kansas (Mr. Dole), the senior Senator from Texas (Mr. Tower), the senior Senator from Illinois (Mr. Percy), and the junior Senator from Kentucky (Mr. Cook).

Mr. President, roughly 1 month ago, when the HEW appropriations conference report came back to the Senate floor for action, I proposed, through a series of motions, that we insist on the conference reimposing a $2.5 billion ceiling on the spending covering social services. This $2.5 billion ceiling was the same amount that the Senate had earlier approved.

I regret to say that this action did not succeed, and consequently social services remained open ended.

I come here today again in an effort to provide an airtight ceiling on spending under the social services program. For the same reasons we were in a serious situation in August, we are today in September.

Originally, when this legislation was proposed, it was estimated that the total cost per year would not be in excess of $60 million. That was in the early 1960's. Originally the President proposed for fiscal year 1973 an expenditure of $1.2 billion.

Subsequently, as I have pointed out, the Senate imposed a ceiling of $2.5 billion.

The Secretary of HEW has now predicted that during the current year it will be at least $4.6 billion. There are others who estimate it could go as high as $6 billion to $8 billion.

I think we are all aware of the many statements in the press covering how every State is now trying to increase substantially the number of dollars it can pour through the loophole in the law. I think better than anything I can say myself was said in a recent editorial in the Washington Post. This editorial was headed "A $5 Billion Error in Social Policy." It reads, in part, as follows:

> Impossible though it sounds, the Federal Government has apparently backed itself blindly into a multibillion dollar promise to subsidize State social services. The fiscal drain is not only unexpected but, under the present law, uncontrollable. Whereas this fluke of Federal law is encouraging the States in a massive turn in precisely the wrong direction for our national social policy, it is a classic example of a great decision that was made without foresight, without public debate, and without any deliberation on the other and better choices.

Mr. President, this is exactly the same social services program that I am trying to cap today.

The Senate Finance Committee, in the revenue-sharing legislation, likewise tries to place a limitation, and I applaud it and am happy that it is interested in providing an end to this open funnel to Federal funds. My great concern with the Finance Committee proposal is that it does not do the job. It is not an airtight limitation, but it continues very significant—and I want to emphasize, very significant—loopholes that could face us with almost the identical problems in the future that we are facing in the present language.

More specifically, under the proposal of the Finance Committee, they would cap everything but the following, and I quote from section 301 of the bill:

> . . . no payment shall be made to any State with respect to services (other than child care services (as defined in subsection (b) (3)), family planning services, and services provided pursuant to section 402(a) (19) (G) of such Act) . . .

In other words, the limitation on grants for social services does not apply to child care services, it does not apply to family planning services, and it does not apply to services under section 402(a) (19) (G), which provides for setting up independent social welfare agencies in the State government.

The problem that we have faced under the social services legislation, Mr. President, is the fact that there is no overview or control exercised by the Congress. So long as the States meet the relatively lax requirements of this legislation, the Federal Government must reimburse them for every $3 of every $4 spent. The same will continue to be true under the new proposal. In other words, for every dollar that a State spends for child care services, for family planning services, and for a department of social services, the Federal Government will be required to pay $3, and we will have no overview, no supervision, nor authority within this area of activity.

Now, why do I say that? I think it is important that we look at the specific language with which we are dealing.

"Child Care Services" is defined in the new act, and I would like to read that language. It says:

> The term "child care services" means services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (1) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (2) because of the death, continued absence from the home, or incapacity of such child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child.

This language, I believe, is very indefinite and vague. I think any State that has competent professional services, which most of the States have today, or a competent lawyer, will find that this language is a wide-open door.

I admit and applaud that it is not quite as open as it is today. But the fact remains it is not an airtight limitation, and we will find that the States will simply be forced to pervert their programs a little bit more in order to fit the language that the Finance Committee proposes.

In explaining why I say the language is lax, I would like to look at some of the individual words. It says that "Child Care Services" means services provided to meet the needs of a child for personal care.

Well, "personal care," insofar as I can determine, is not a word of art. It is not limited to custodial care. It could be argued, and probably argued persuasively, that this language could include such things as home care visits by a nurse. One might argue that it includes health and dental care. Some of these proposals may seem a litle extreme, but when we see what has already happened under the existing law, I think we have no reason to rely upon the fact that the States will not be ingenious in their efforts at expanding the intent and use of the purposed language.

The next word is that that child service shall include "protection" of a child. What is protection to a child? It seems to me it could be argued, and argued persuasively, that all law enforcement and police protection should be financed at least in part under this particular section. After all, if a local policeman is helping to protect children, it does fall within the language of this section. The same kind of example could be made as to the word "supervision." When we say "to meet the need for child supervision," that is very broad. If we are talking about schools, it could include supervision at every level, from the State secretary of education in the Governor's cabinet on down.

What I am trying to show, Mr. President, is that because of the vagueness or indefiniteness of this language, there is opportunity for the States to do again what they have done in the past: To use this language as a loophole, as a means of providing broad coverage at Federal expense; and I agree with the Washington Post that there is a better means of meeting these problems than through uncontrolled Federal subsidies.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ROTH. I would like to complete my statement, if I may.

The PRESIDING OFFICER. The Senator may proceed.

Mr. ROTH. Mr. President, in illustrating just how broad "child services" can be, I would like to point to one section of the current law that gives an idea of the broad range of problems that may be covered by this term. I do not argue that all these propositions would fall within the language of the definition of child-care services, but I think they do illustrate the kind of approach a State could take if it were trying to use this language as an open door to Federal funds.

In section 625 of title 42 of the United States Code annotated, the term "child welfare services" is defined as make such services available for the purposes of:

> (1) preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children, (2) protecting and caring for homeless, dependent, or neglected children, (3) protecting and promoting the welfare of children of working mothers, and (4) otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible or, where needed, the provision of adequate care of children away from their homes in foster family homes or day-care or other child-care facilities.

The Finance Committee, in its report, asserts that this language would not authorize massive child care or prekindergarten programs in low income neighborhoods, and perhaps that is partially correct. But the fact remains that it would come very close to doing that, because the language specifically says that "child care services" can be provided for children in order to enable a member of such child's family to accept or continue in employment, or to participate in training to prepare such member for employment.

So I say that where you have persons on welfare, and you want to retrain them for jobs, you can certainly, under this section, justify a child care center; and while it may not be quite as broad as the language in the Finance Committee report, it would mean that a State could, with care, organize massive child care centers for the purpose of enabling people to be trained for employment. In fact, it might even be argued that if you have a young man and his wife both going to college, they would be entitled to child care services under this program.

In any event, the point I am trying to make, and one can argue as to exactly what the language means or is intended to mean, is that it is so broad that, with skill, I fear that it can be expanded far beyond what was intended by the Finance Committee.

I would make the same argument with respect to the language under family planning. There is no definition in the revenue sharing legislation, so one cannot be exactly certain of what is intended here, but if one goes to section 300 of title 42 United States Code, one will find a long description of family planning programs. I shall not take the time of the Senate to read everything that this section says, but at one point it says:

> The Secretary is authorized to make grants, from allotments made under subsection (b) of this section, to State health authorities to assist in planning, establishing, maintaining, coordinating, and evaluating family planning services.

It would appear that any State which adopted an extensive and massive family planning program could get three-quarters of its cost reimbursed by the Federal Government under this language, and I think no one can say at this point exactly how many dollars we would be dealing with.

The third loophole is, of course, the independent social agencies at the State level. The basic point I am trying to make today, Mr. President, is that the revision provides, in fact, no ceiling at all; that it is so broad that Congress will be faced in the future with the same problems that it is today, because the States will find means of getting many of their social programs under this tent even though that is not the intent or desire of the Finance Committee.

One of the things I find difficult to understand is why the Finance Committee put a limit on other programs but not in the areas of child care services and family planning.

As I said earlier, I fully agree that the family planning programs and the child-care services are desirable programs. But I also feel that programs for the aged, mental health, drug addiction, and health clinics, all of which are covered by the present social services legislation are desirable. Why should we distinguish between the two groups and in one case place a fixed limitation but leave the others wide open? That is difficult for me to comprehend.

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. ROTH. I yield for a minute, for a question.

Mr. HANSEN. I think that the reason why the twin exceptions of child care and family planning were made is that it is in precisely these two areas that government activity offers the greatest promise of moving people from welfare and into workfare. For those persons who already have children, if child care arrangements can be made so that they can go to work, that is a real plus for this country. Second, if through——

Mr. ROTH. If the Senator is to speak at length, I would like him to speak on his time, since we are on controlled time.

Mr. HANSEN. The Senator said he did not understand why the Finance Committee did what it did, as I understand, and I was offering this explanation in an attempt to be helpful.

Second, if through family planning unwanted children will not be brought into the world, I think we will move this country closer toward full employment.

Mr. ROTH. I would answer the Senator's statement in two ways:

No. 1, I am not arguing that child care or family planning are not very desirable objectives. But I go back to what the Washington Post article says—that this is not the correct way for us to propose these types of programs. They remain unsupervised and uncontrolled by the Federal Government. I think that if we want to spend funds in these areas, we should legislate and appropriate funds for that purpose.

Let me make this point very clear. I am not arguing against these programs, any more than when I propose a ceiling across the board, I am arguing against programs to help the aged or the mentally handicapped. In my judgment, these are highly desirable programs. I am just saying that this is the wrong approach to an important problem.

Second, what I am saying is that, because of the open-endedness of the Finance Committee language, we are in effect inviting the States to try to convert as many of their programs as they can into these rather loose definitions. I do not pretend to know precisely what they mean; but if I were a Governor or a mayor, I would get myself the best professional advice I could from consultants and lawyers. I think the language is so broad that we are going to find that reimbursement under child care service and family planning are going to balloon just exactly as they did under the original social service program. What I am seeking is a total limitation across the board, and I think that is what needs to be done.

Mr. President, how much time have I used?

The PRESIDING OFFICER. The Senator has used 25 minutes up to this point.

Mr. ROTH. I should like to make one further brief comment, and then I will yield to the other side.

I feel that my proposed amendment will cost no more than the committee amendment during the first year. I know there are those who think that the Finance Committee proposal will cost considerably less, but that is not the case as I understand it and from figures I have received from HEW.

Under the Finance Committee proposal, for the first half year of fiscal 1973, all States would be permitted to continue programs in operation so long as they are not new projects as defined in the act. The figures I have received are that this would bring the total cost of the Finance Committee proposal up to roughly $3 billion. That is very close to what my proposal would cost.

The great advantage in my proposal is that we know exactly where we are going. The problem with the Finance Committee proposal is that we leave a large, gaping hole through which the States are going to drive a steamroller; and we again could end up with exactly the same situation we face today.

Mr. President, I yield the floor.

Mr. LONG. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator has yielded the floor.

Mr. LONG. Mr. President, will the Senator yield on my time for a question?

Mr. ROTH. I am happy to yield.

Mr. LONG. May I say to the Senator that what disappoints me about the Roth amendment is the fact that the Senator from Delaware would permit an expenditure for this purpose of about $1.5 billion more than the Finance Committee proposal contemplates.

Those of us on the Finance Committee take the view toward the Senator's amendment that, if worst comes to worst, we might be required to compromise with the House for a figure that would approach what the Senator is proposing here, but we would hope to settle for a limitation a great deal lower than this.

Incidentally, does the Senator know that the biggest spenders under this program are supporting his amendment? They are doing so for the reason that they hope to get a great deal more money under the Roth amendment than they could under the Finance Committee amendment.

Usually, the Senator is very interested in economy, and he is trying to hold down the cost of these programs; and when we look at what the Senator is proposing, it is far more money than we would like to settle for. If need be, in order to get the House to agree to cut off this most irresponsible spending program in the history of the Federal Government, we might have to go as high as the Senator is suggesting. But why should we start out with that amount as openers?

It seems to me that our position ought to be that we hope to settle for a great deal less than this. Then, if the House insists on trying to go to a $4 billion or $5 billion figure, perhaps we might have to compromise around the figure that the pending amendment proposes. But why would the Senator want to put us in the position that for openers we would be beyond the figure for which we would hope to compromise?

Mr. ROTH. Would the Senator tell me what he estimates the Finance Committee proposal would cost in the first year?

Mr. LONG. We estimate that what we are proposing here would cost approximately $1.6 billion. What the Senator is proposing would cost $3.15 billion. That is twice what we hope to settle for.

I do not have the slightest doubt that 50 Governors out of 50 would be willing to settle on the basis of taking a great deal less money if it were put on a basis by which they could spend it at their discretion, rather than having to pour it into this so-called social services category in order to get 3 for 1 Federal matching.

I am not talking about what the welfare administrators would like. I am talking about the Governors for whom the welfare administrators work, what the Governors and the State legislators would settle for if they were given the choice of determining what the money would be used for. That is why we on the Finance Committee think the average Governor would just as soon have $1 billion on a no-strings-connected basis as he would to have $3 billion to put in some kind of social services program in order to get the money.

This extravagant and wasteful program has run out of bounds and been criticized, rightly, by the Senator, for having done things which the mind of man never conceived of as a social service proposition. But the Senator's amendment would spend twice what was spent in fiscal 1972 for the program. As one who wants to hold it down, why would the Senator want that much for starters?

It seems to me that the Senator would much prefer the committee's position, which includes $1 billion which can be spent any way they want as a tradeoff to get us out of things we never intended to get into to begin with.

We should have some money for child care. We should have some money available for family planning. Family planning, from the fiscal point of view and the point of view of economy, is the best investment we can make. We will save many times over in welfare costs for every dollar spent on family planning.

Our experience in New Orleans with family planning was that it had a dramatic effect on reducing births out of wedlock. So there is an enormous potential saving to be made thanks to family planning, and the cost is small.

It can cost a lot more to support a child on welfare for just one month than to provide family planning services for a whole year to a young mother who does not want to be pregnant to begin with.

The PRESIDING OFFICER (Mr. CHILES). The time of the Senator has expired.

Mr. LONG. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 5 additional minutes.

Mr. LONG. Of course, we are not just thinking about saving 1 month's welfare check. A mother with no job, no training, no education, no income, and no husband, who is left with an unwanted pregnancy, may receive welfare for both herself and the children for 18 years or more.

Therefore, family planning services are something everyone agrees we do not want to reduce. We would like for the States to take advantage of that part of the program because it saves their money and it also saves the Federal Government money.

Now in the child care area, we know that a good child care program is necessary to make it possible for welfare mothers to take jobs and go to work. Even where as much is spent on child care as would have been spent on welfare, it is still a good investment, because it does so much for the morale and the pride of a family, that they are paying their own way and earning something and contributing to their own support.

Perhaps one reason States have not expanded family planning and child care as we had hoped is that it has been so politically attractive for people to spread money all over the countryside on the kind of social services that no one ever had in mind.

Whoever had in mind, for example, that States would pull money out of their medicaid programs providing medical care to the needy, just to put money instead into lower priority social services programs? Yet we find that the States are actually reaching into their medicaid program to take out money from that program where they get less Federal matching funds, and putting it instead into social services programs.

We hear about the meals-on-wheels

program. It sounds good. One can argue that an old person might have to otherwise go to a nursing home, and if we can bring them meals on wheels, this would not be necessary. So the meals-on-wheels man comes around, something like the Good Humor man who used to go through my neighborhood when my children were small. All the children would run out to the Good Humor man when he rang his bell. They would come out of the woodwork from all directions, gathering around the Good Humor man to get some Good Humor ice cream.

The PRESIDING OFFICER. (Mr. Chiles). The time of the Senator has expired.

Mr. LONG. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 more minutes.

Mr. LONG. So after we start that program, everyone else in the neighborhood sees the man with his meals on wheels drive up. The next thing we know, every aged person up and down the neighborhood has applied for meals on wheels, just like the Good Humor man all over again.

Thus, we start out by planning to save money when we keep one old person out of a nursing home and the next thing we know we are feeding everyone a hot lunch as part of the meals-on-wheels program.

At the minimum, we should not be providing any higher degree of Federal matching for meals on wheels than we provide for cash welfare payments. It does not make any sense to provide 3-for-1 matching for meals on wheels while there is 50-50 matching in many States for payments to mama and papa, grandpa and grandma, to provide their own meals at their own expense and putting their own effort into it. There are some situations, of course, where we might justify going beyond 50-50 matching, but the program has gotten so far out of bounds that we have got to bring it under control first. I am disappointed to see the Senator offering an amendment to put in twice as much as the committee bill has in it.

The point has been made that perhaps it would be a good idea to provide a firm cutoff figure for child care and family planning services, on some realistic basis. I would have no objection to a limit of about $600 million.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 additional minutes.

Mr. LONG. Mr. President, I do not object to nailing down the funds for child and family planning. I do not think we will need as much as $1 billion, but I would not mind pinning it down to a limited figure. However, if we go to the House and start by offering them twice what we spent last year, just for openers, it seems to me that is an irresponsible way to handle this thing. We would be far better off if we were to start with the amount of money the Senate committee proposes and not start by talking to them in terms of spending twice the amount of money that we spent last year for these purposes.

Mr. BENNETT. Mr. President, would the Senator yield a half minute so that I may make unanimous-consent request?

Mr. LONG. I yield.

Mr. BENNETT. Mr. President, at the request of the Senator from New York (Mr. Javits), I ask unanimous consent that Mr. John Scales, a member of his staff, may be on the floor during the discussion of the pending amendment.

The PRESIDING OFFICER (Mr. Chiles). Without objection, it is so ordered.

Mr. EAGLETON. Mr. President, would the Senator from Louisiana yield for a unanimous-consent request?

Mr. LONG. I yield.

Mr. EAGLETON. Mr. President, I ask unanimous consent that Mr. James Murphy, of my staff, may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I ask unanimous consent that Curtis Moore, of my staff, be given the privilege of the floor during the discussion of the amendment and the rollcall vote on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, would the Senator from Louisiana permit me to answer on his time?

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from Delaware.

Mr. ROTH. Mr. President, my concern with the Finance Committee position is that it is not an airtight position and that it leaves very broad loopholes in three different areas. That is one of the primary reasons I have offered my proposal.

Let me say that I am not going to argue against any program. I agree with family planning. However, I do not feel that this is the way to legislate it. I agree that there are needs for child care services. However, I do not feel this is a way to legislate it.

What gives me great concern after listening to the distinguished chairman of the Finance Committee is his admission that in conference he will probably have to compromise at roughly the same level as my amendment, but unlike my amendment, he will have no ironclad amendment.

Mr. LONG. Mr. President, I hope that we do not have to compromise. We might be forced to compromise for the figure the Senator is proposing. We hope to compromise far below that figure.

The point is that if we have to compromise, we might have to compromise at a figure that would go as high as the Senator proposes. However, I would hate to think that we would go to conference starting with twice the amount that we think we ought to have, and then we might have to compromise even higher than that.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. LONG. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 3 minutes.

Mr. LONG. Mr. President, the Senator may have a part of my time, if he needs time.

What I am trying to achieve is the same as what the Senator from Delaware is trying to achieve. I want to cut the spending down as far as we can.

The Finance Committee has worked for many months on this matter. As for the peril that the Senator sees in the bill is concerned, we are willing to meet the Senator's objection by putting a strict limit on how much is available for child care and family planning. We are willing to do that, if that will make our amendment acceptable to the Senator.

However, we think that the Senator ought to be willing to compromise with us and to take out the provision that doubles the amount of money we are asking for. We hope that the Senator will work with us and try to get this runaway program under control so that it would cost half as much as his amendment would make it cost.

It would seem to us that if we go to conference with what we have, which we estimate amounts to $1.6 billion, and the way the Senator's amendment would do it, the cutoff would be $3.1 billion.

Our thought is that if we go to conference with a $1.6 billion cut off, we might have to settle for $3 billion. However, if we go to conference with the $3.1 billion, we might have to settle for $4.5 billion or $5 billion, which is a great waste of the Federal money and would constitute irresponsible spending which I know the Senator opposes.

I hope that something constructive will come out of this. I think the most constructive thing would be to have us agree, as close as we can, to the initial figure suggested by the Finance Committee and, with your suggestion, we would have a provision for the two open ends that remain. If we could do that, it would seem to me that we would have a far better amendment to go to conference with.

Mr. ROTH. Mr. President, I should like to go back to my original concern about what the Senator from Louisiana is saying, as well as go into the question as why I do not believe the House would buy our Finance Committee proposal.

One reason is that under the Finance Committee language two-thirds of the funds would go to local governments and one-third would go to State governments. However, many of these programs in many States are administered by the State government. So, we would be changing the allocation of these funds to local units who in some States are not responsible for the programs. This would work a very heavy burden on State governments who supply these services.

Second, I would like to point out that there would be a very rapid drop between funds available the first 6 months of calendar year 1973 and the second 6 months of calendar year 1973.

In my State of Delaware, for example, it would be something like $13 million to $2.5 million. And we are only 3½ months away from the first half of calendar year 1973.

It is perfectly obvious that the Governors will fight this tooth and nail. They have made commitments and they will have a hard time trying to change them. I do not think the original proposal is realistic. Therefore, I agree with the chairman when he says that the House will not accept it.

What concerns me is that he says he may well have to compromise the figure at roughly $3 billion, which is the figure mine contains.

Now the chairman says that he would be willing to agree to a limitation across the board. Of course, that is paramount in my mind. I think there has to be a total ceiling if we are going to accurately cast this flow of funds.

For the reasons that I have pointed out, I think the Finance Committee language is so broad that it does provide another loophole. The Senator says that he would be happy to accept a total ceiling. I suggest that the best one we could get is mine. I doubt that the House would accept his proposal.

Mr. LONG. Mr. President, would the Senator yield at that point? There is no way of knowing yet whether we can persuade the senior members of the Ways and Means Committee to take this amendment back to the House of Representatives.

I would point out that thus far the struggle has been between the conferees of the Appropriations Committees of the two Houses. It may very well be that what we are proposing here might be a sufficient ceiling to Chairman WILBUR MILLS of Arkansas and Representative JOHN BYRNES of Wisconsin and that those men would be happy to go back and recommend this Senate amendment to the House. We would not know until we tried.

If the Senator thought we could take his concept of a limitation, but set it at one-half the figure he is proposing, and have it agreed to, would he want to foreclose us from doing that?

Mr. ROTH. To answer the distinguished Chairman, for the reasons I have already discussed, I do not think there is any chance of the House accepting the proposal of the Committee on Finance.

Mr. LONG. I say to the Senator that we would not know until we try. This Senate amendment does not have much appeal to the welfare directors. But I am willing to assert that virtually every mayor, every county commissioner, and every State legislator would be for the committee approach. For them, this is a very appealing proposition. Governors have said that if they had their choice, they would not put the money into welfare. But they say they have no other choice because of the matching available for social services.

The Governor of one State, which I prefer to remain nameless, told me in confidence, on signing that application for social service funds on the day he signed it, "I am going to do so because it means a great deal of money to our State." He said confidentially to me and another member of the committee, "This is the most irresponsible waste of any funds I have ever seen in my life."

If the same Governor were asked if he would be willing to take the committee approach, even though it means less money to his State, he would rather do it this way.

We tell the States, "We are going to give you $1 billion and leave you $600 million for child care and family planning; if you think that the social services program is all that worthwhile, go ahead and take your share of the $1 billion and put it in social services; if you think you can find something better to spend it on, put it in that." I think it very likely that almost every Governor will take all or part of that $1 billion and put it into something else other than social services.

All these situations such as lessons in hair grooming and all that sort of thing we will stop, and we will stop telling the Community Chest that they do not have to raise more than one-fourth of what they raised last year because they can run it through the State welfare agency and pick up three times as much from the Federal Government. We would stop that foolishness and instead we would put this program in a context that makes sense. Every mayor would favor it and every county commissioner would favor it. The only people who would be upset about it would be the welfare commissioners who want to get in on this. New York has shown how you can exploit this thing and pick up $850 million for New York.

Governor Rockefeller called me a couple of days after the revenue-sharing bill was reported, when he returned from Europe, to congratulate us on what the Committee on Finance had done. I would assume he might be for the amendment because New York victimized this program more than any other State in the Union up to now, but they are not the only State to victimize it.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PASTORE. Apropos the argument just made by the Senator from Louisiana I remember an incident back in August 1963 when I was designated by President Kennedy to go to Moscow to witness the signing of the Nuclear Test Ban Treaty. In our party was Dean Rusk, then Secretary of State. I remember after a little recess at the end in Moscow we took a little stroll because they were afraid to talk on the porch for fear it might be bugged. Of course, the Russians had devices with which to do things of that kind.

While strolling through the yard the question of foreign aid came up. I remember that as if it were 1 hour ago. I remember it verbatim almost. He said:

> John, on this Foreign Aid Program, instead of the $3 billion you give us with all these strings telling us in advance what we have to do with it, because times change I can do a better job if you give me $1 billion without strings.

That is the argument being made by the Senator from Louisiana. If we begin on this revenue sharing to put in a lot of ifs and buts on how much money is going to be spent, we better leave everything the way it is and get back into categories.

Mr. LONG. That is the point. We believe that even taking this figure of $3 billion, if we say, "Governor, do you want funds on a no-strings-attached basis or would you rather pour it down the social services rat hole," they would say, "Let us use it where we think it ought to be spent."

I would not be surprised if the Governors and mayors can find ways to spend $1 billion and get the results they would get for the whole $3 billion. After all, $600 million is being left in the one part we intended, for child care and family planning. It is not the Governors who are exercised about this; it is these welfare commissioners.

I hope the Senator finds a way to cooperate with us to get this done.

Mr. ROTH. Mr. President, in answer to what the Senator from Louisiana said, what I am trying to secure is a total and complete ceiling.

Mr. LONG. The Senator can have that. We would be willing to join with the Senator now to agree to that. That we can agree on.

Mr. ROTH. The problem is that we have to get it through the Senate. May I point out that in August I proposed a $2.5 billion ceiling and that lost by 10 votes.

Mr. LONG. Mr. President, will the Senator yield?

Mr. ROTH. The Senator made certain statements and charges which I would like to answer. My proposal in August was to reimposing what the Senate had agreed to. As far as my current proposal is concerned I would like to point out it is a total and complete ceiling. We have discussed it not only with Governors but with organizations representing mayors and county officials, and NACO, as well. I do not think they have officially approved it, but they have discussed it with their own people, and many of us have individually heard from these groups.

I do not want this legislation to leave the Senate wide open. That is what the Committee on Finance is doing. The chairman said they will have to compromise at the higher figure. Maybe it will be $3 billion but it will be a compromise, and you place no limitation on child services or on family planning. I point out you have a wide-open door, narrower than now exists, but nevertheless wide open.

Mr. LONG. If the Senator will permit us to add an amendment to our bill, we on the committee would be willing to propose or to agree to an amendment to limit the funds available for child care and family planning to the $600 million that we estimate will be spent in that area. If we cannot agree to a $600 million limit, then we might agree to a $1 billion limit. But we would not be willing to agree to the Senator's amendment of giving up the ball game before it starts, and that is that it means we settle now for $3.1 billion. At the least, for openers, the Senator suggests that we should settle for $3.1 billion.

Keep in mind that when the Senator was trying to put his amendment on the appropriation bill one reason why he could not get it done was that the conferees did not have it within their power to touch that distribution formula, because they could not legislate on appropriation bills. But that will not be the case when we get together with the conferees from the House Ways and Means Committee. We will have the power to change the formula or legislate with regard to that formula if need be.

I would add that it has been the experience of the Senator from Louisiana that there is a concern to keep spending within limits that the Government can afford within the committees that have to write the tax laws, more so than there is within the committees that appropriate the money.

It has been my experience, from serving on the Foreign Relations Committee and the Finance Committee, that Senators could sit in the Foreign Relations Committee and vote to give away as much as anyone else, and then proceed to go to the Senate Finance Committee room and be as tight as a hatband, because then they would have to act in the context of raising revenue and would try to control spending and would be much more careful when they had to find ways of providing those revenues than when they were thinking in terms of appropriating huge amounts of money without having to think about the discipline of finding the money, and the unpopularity of imposing a tax to pay for it.

I urge the Senator to give us a chance to see if the two tax-writing committees cannot get this matter back into control, and not give the ball game away before it ever starts by running the figure up to $3.1 billion, which we feel is $1.5 billion too high.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield the Senator from Illinois (Mr. PERCY) 3 minutes.

Mr. PERCY. Mr. President, I would like to address myself to some of the comments made here by our distinguished colleague from Louisiana, because while the statements he has made may be true in some cases, they simply have no relationship to the problems and the solution of those problems that we face in Illinois.

I wonder if I could address myself directly to a few of the questions the Senator from Louisiana has raised. I believe the Senator knows the Governor of our State, Governor Ogilvie, is not a starry-eyed liberal. He was sheriff of Cook County, he was chairman of the Board of Supervisors of Cook County and ran a tight budget, and he runs as tight a budget as is possible to run in the State of Illinois.

The way we have administered this program I think is exemplary. Illinois was the first State to develop a system of cost-benefit analysis. We spent $850,000 of our own State money just to set up a cost accounting and accountability system for the expenditure of that money.

Second, we have maintained, and in fact have increased, our own expenditures by more than the increase we have received in Federal dollars. Those are hard dollars to spend, and yet we have felt it was worthwhile to do so.

Under Illinois' social services program, we have implemented a whole new service directed to finding jobs for people who are now on welfare. This new service would have to cease if Illinois' social services funds were cut. We are not cutting out frill expenses. We are cutting large amounts from programs where the effort has been to get people off welfare and see if we cannot make productive citizens out of them.

We have analyzed what we would have to cut out of the State's programs. We would have to cut out many types of day care, notably for mentally retarded children. That is what we are spending money for. I do not know what we would do if we had to cut that out.

Homemakers' services are the kind of essential services that we think are important for the kind of people affected.

Services for foster care of children are important services because they involve care of children who do not have parents of their own.

Family counseling is another program. Everybody recognizes the need for having this kind of service for families who have migrated into Illinois and who do not have the background for the kind of family union that we think is right for them to have in our society. Family counseling services have paid dividends a hundredfold in many cases.

We have protective services for children, which is care for children who have been abused. Anyone who reads the newspapers in the Midwest recognizes the problem we have. We have had a rash of such cases of child abuse.

We have services for the visually handicapped. How could anyone question that?

We have an alcohol abuse program, a drug abuse program, a community mental health services program, correctional services and preventive services—all important programs.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ROTH. Mr. President, I yield the Senator 1 more minute.

Mr. PERCY. I would like to address myself to a program we have called meals on wheels. I myself have wondered whether or not providing free meals delivered directly to homes would not cause a rash of requests for that service. I can assure the Senate that is not true in our case. Recently I picked at random 10 cases, went on the truck and delivered these meals myself. The first woman I called on lived on Wilson Avenue in an apartment hotel, in a one-room apartment. She had a broken hip and a broken leg. She was unable to stand up and support herself. She would have had to be institutionalized, but she said:

> I want to stay here. I can look at my television. People in the hotel can visit me. I would rather do that than go to a nursing home. Besides, I love the young man who comes here and talks to me. He spends 5 minutes talking to me, and that is wonderful.

We do know that if this service were interspersed through the community, it would be noticeable, because a meal on wheels truck there would indicate that that person needed that kind of service. Anyone in the community would know the person did not need the program if that were the case. I did not see one case of abuse in the 10 cases I pulled at random, and I was convinced this program was paying off.

Mr. LONG. Mr. President, I yield myself 1 minute.

I would like to ask the Senator a question. Let us agree that the meals on wheels program is a good program. But why should it attract any higher Federal matching than the cash assistance program? Second, even when we start out with a social service for which a good case can be made, the situation can get out of hand. When we take an application such as that made by Mississippi for example, for more than $400 million, would that not provide meals on wheels to every person in the State, with a higher degree of matching than could be had by most States for medical care?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 1 additional minute.

Some social services certainly sound good, and everybody would tend to be for them, but when we have this wide open matching for anything that might be classified as social services, for all sorts of things that the mind of man could conceive, then, instead of providing the services to welfare recipients, as we intended, we would have social services for everyone in the neighborhood, poor or not. One person would say, "Well, if they are getting it, I ought to have it."

The point is that this program, if we are going to do all these things, ought to be done on a considered basis, where we consider what we are going to do before we do it, rather than this kind of thing that just spreads all over the lot in all directions.

I believe the Senator knows that the committee proposal is favored by the Nixon administration. The Department of Health, Education, and Welfare favors the committee amendment, and they are trying to get word to Republican Senators that that is how they feel about it. They think it ought to be agreed to.

Furthermore, I would like to point out that it has been felt among Democratic administrators and Democratic Governors that this thing has obvious indications of political appeal and favoritism; here is an article that discusses some of these things that appeared in the National Journal.

It is pointed out in this article, for example, that nobody really thought Governor Rockefeller could get that $850 million, but that man has so much charm and charisma that by the time he got through talking to these people, he had it approved.

California got this thing started, undoubtedly not only due to the charm and professional appeal of Mr. Veneman, but also of Mr. Reagan, its charming Republican Governor, who has been a great friend of the President for all these many years.

Then, as to Illinois, I quote from the article as follows:

> Following California's lead, Illinois, facing a budget deficit of $180 million, refashioned its social-service program in 1970 to conform to the 1967 amendments and realized a windfall of $135 million new federal dollars the first year.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LONG. I yield myself such time as continues:

I may require to read the statement. It

> During the year-long negotiations between HEW and Illinois that ultimately led to the massive infusion of new Federal dollars, the State hired a private consultant—

That is Arthur D. Little, by the way—

> one of the Nation's largest accounting firms—

They hired Arthur D. Little Associates—

> and a Washington law firm, and used a degree of political influence to develop and press its case.

They needed a bunch of specialists to show them how to get Federal money for 3-to-1 matching, so they decided to use Arthur D. Little Associates.

Now, listen to this, Senators:

> Asked whether the Republican credentials of Illinois Governor Richard B. Ogilvie were helpful, Thomas J. Corcoran—

That would be Tommy the Cork. Governor Ogilvie is a Republican Governor, but he decided to use one of the best Democratic lobbyists to work on the other side—

> Thomas J. Corcoran, director of the State's Washington office, said:

That is a job I did not know he had.

> "There's no question about it. We wouldn't have had access to the White House or to important people in Congress or Richardson . . . without them."

Mr. PERCY. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. PERCY. I cannot let this go by. Tom Corcoran is the director of the Illinois office. He is 30 years old. There is no relationship to the Democratic Tommy Corcoran; it is ludicrous to imply that. It is an entirely different person.

Mr. LONG. I thought it was the same Tommy Corcoran.

Mr. PERCY. You might have a John Dillinger or someone else. But this is one of the finest young public servants I have ever known. He is not a lobbyist; he works for the State of Illinois.

Mr. LONG. Well, it says they hired a private consultant. That is what the article says.

Mr. PERCY. Tom Corcoran is not a private consultant. He is the director of the Illinois office in Washington, D.C.

Mr. LONG. Senator, I would not have thought I in any way offended your Tommy Corcoran by referring to our Tommy Corcoran. We have a high regard for ours.

Mr. PERCY. Well, the implications were very, very clear to everyone.

Mr. LONG. Well, let us just read on with the statement. The suggestion of the article is that there was political influence, and let us just read what they are talking about. Tommy Corcoran said——

Mr. PERCY. I would not say it was without political influence. There is nothing onerous about that.

Mr. LONG. Let us just read what your Tommy Corcoran said, with the credentials you give him, about using political influence to get the $135 million:

> There's no question about it. We wouldn't have had the access to the White House or to important people in Congress or Richardson (HEW Secretary Elliott I. Richardson) without them.

So whether it is your Tommy Corcoran or our Tommy Corcoran, the fact remains that you have three Republican Governors who have their fists in here, and are doing a magnificent job. I do not care whose Tommy Corcoran you hired.

Mr. PERCY. The Senator is talking about my Governor. It is perfectly legitimate for a Governor to try to further the interests of his State.

Mr. LONG. All I am accusing your Governor of is having political influence, and I do not know why you would want to deny that.

Mr. PERCY. I am very proud that he has, and if I may respectfully mention the fact, there is not a Member of this Senate who does not go back home, when he campaigns, and talk to his constituents about his political influence. He gets reelected because he has a little clout.

Mr. LONG. Well, I am not going to come up here and brag that my governor can come up here and get $135 million that I as a U.S. Senator cannot get for my State, or that my governor can get $850 million at the call of the White House that the two Senators from our State cannot get.

I am not complaining that Governor Rockefeller has so much influence. I am complaining that we do not have that much. I am not complaining that Governor Reagan has so much influence.

Mr. PERCY. I must say you are not doing badly.

Mr. LONG. I am complaining that Governor Edwards or Governor McKeithen did not have the power to get all this money. I am complaining that our people were told this could not be done, that these applications could not be accepted. We were told, at that Southeast and Southwest Regional Office, "Do not even make the application, you will hurt your chances," while Mr. Reagan, Mr. Rockefeller, and Mr. Oglivie were sitting down at the White House getting their applications approved.

I am not angry about them getting it. I am just angry about the discrimination involved in this.

It seems to me, Mr. President, that the logical way to handle this thing is to put it all back under control on some basis where everybody gets an increase, and then if we want to open up all these new programs the Senator has in mind, and spread the joy in all directions to everybody, then at the same time let us all come in together on an equal basis; let us not reward somebody for getting there first.

For example, under this amendment, the fellows who got to the trough first and got it approved get more money. For example, New York gets more, Illinois gets more, Delaware gets more, and California gets more because they got there first. They were telling our people, "No need to even apply," while the other guy was getting his application approved; and, of course, the sad part about it is that what that regional office was telling Oklahoma, Arkansas, Louisiana, Mississippi, and Tennessee was correct; that was the way it should have been all the time. That is what they should have done to New York, Illinois, and California. But, oh, no, they let them come in and hog up all this money, and by the time we are trying to get the thing back under control, they do not want to let that be done.

It would seem to me that all States ought to be put on an equal basis, and then, if we want to expand the social services program, we can expand it to where everybody gets equal access and an equal chance.

I do not blame a Republican President for favoring Republican Governors, but even if I were a Republican Governor I would get a little irritated at the favoring of the Governors of these large States at the expense of the Governors of the small States. That is the kind of thing we would like to bring back under control.

We think it would be far better to put this thing on a basis where we provide money for the child care and family planning they have in mind, and then give the States a billion dollars to use however they want to.

Mr. PERCY. Mr. President, does anyone have 1 minute I can have to summarize my position?

Mr. ROTH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Delaware has 10 minutes.

Mr. ROTH. I raise a parliamentary inquiry on that point. I had 25 minutes earlier, and I yielded 3 minutes to the Senator from Illinois. I have not yielded any further time. I specifically asked that my discussion be on the time of the Senator from Louisiana.

The PRESIDING OFFICER. The Senator specifically asked if he could have the time to answer a question.

The Chair advises that on the one exchange in which the Senator specifically asked that the Senator from Louisiana yield him time to answer a question, the time did come from the Senator from Louisiana.

Mr. LONG. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Louisiana has 4 minutes remaining.

Mr. LONG. How much time does the other side have?

The PRESIDING OFFICER. The Senator from Delaware has 9 minutes remaining.

Mr. PERCY. In view of this, I will withdraw my request.

Mr. LONG. I will yield the Senator a minute of my time.

Mr. ROTH. Mr. President, I want to press this point, because I did not yield the time.

How much time did I use in answering the question by Senator LONG?

The PRESIDING OFFICER. During the one exchange, in the answering of a question, the Senator from Louisiana yielded 2 minutes, and then he yielded an additional 3 minutes. After that, additional time was taken from the Senator from Louisiana. After that, another exchange ensued in which the time was taken from both Senators in proportion to the time they were then using.

Mr. ROTH. That was the exchange between the Senator from Louisiana and the Senator from Illinois?

The PRESIDING OFFICER. No. That exchange was on the Senator from Louisiana's time. In the last exchange between the Senator from Delaware and the Senator from Louisiana, both Senators were charged a proportion of the time they were using.

Mr. ROTH. Mr. President, I did not yield further time.

I raise a parliamentary inquiry. Are we not entitled to be advised when our time is being used?

The PRESIDING OFFICER. The Senator from Delaware was controlling the time, and he did take the floor in two instances after that.

Mr. ROTH. I yielded the floor. I do not think it can be said that I had the floor in the exchange between the Senator from Louisiana and the Senator from Illinois.

The PRESIDING OFFICER. The Chair did not hear the Senator's last statement.

Mr. ROTH. It seems to me that the Chair is counting the exchange between Mr. PERCY and the Chairman against the time allotted to me.

Mr. LONG. Mr. President, might I suggest to the Senator that we are going to propose an amendment to this amendment when the time has expired, anyway; so there will be more time to discuss the matter, and the Senator will have his share.

Mr. ROTH. I also have agreed to yield time to the Senator from Washington. I ask the Senator from Washington how much time he desires.

Mr. MAGNUSON. Four minutes.

Mr. ROTH. And the Senator from New York?

Mr. JAVITS. Three minutes.

Mr. ROTH. I yield 3 minutes at this time to the Senator from Washington.

Mr. LONG. Mr. President, I would suggest that we find out how much time the Senator feels he has lost needlessly and that we increase the time on both sides by that amount.

Mr. ROTH. I thought I had 22 minutes remaining.

Mr. LONG. Mr. President, I ask unanimous consent that the Senator be accorded an additional 12 minutes and that the opponents be accorded an equal amount of time.

The PRESIDING OFFICER. The time of the Senator from Louisiana would have long since expired if all time had been coming from the time allotted to him. The vote on this measure is to occur at 11:02 a.m.

Mr. LONG. Mr. President, I ask unanimous consent that there be an additional 12 minutes, to be divided equally. That would give both sides 6 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PERCY. The distinguished chairman has offered 1 minute of his time so that I can finish. Then I will have completed my summary statement.

Mr. President, I agree fully and completely with the ceiling, and this is what the distinguished Senator from Washington and the distinguished Senator from New Hampshire (Mr. COTTON) tried to accomplish in the Appropriations Committee. I agree that there should be a lid, that there should be a ceiling. But I do believe the record will show that the State of Illinois, for one, has been exemplary in carrying out these provisions.

When we hire not a lobbyist but one of the finest management consulting firms, Arthur D. Little, to scientifically approach the problem as to how we can best utilize these funds for the welfare of the State, the people, and the Federal Government, I think it is to the credit of the State and should not be put in the category of their being hired as lobbyists. They are not lobbyists, as I understand the work of Arthur D. Little Co.

I feel that we all agree that a ceiling should be imposed, and it should be.

Mr. President, in conclusion, I support the Roth amendment as it:

First. Provides a great deal of equity of distribution of money among the States. By using population as the basis of distribution, it avoids favoring the very few States which got into these programs early and have been receiving the bulk of the money—or who happened to have the best "grantsmen."

Second. Most importantly, the Roth amendment provides the necessary ceiling on social services costs, which have recently been skyrocketing.

Third. The ceiling can be considered a cutback from the present rate of usage by the States. Initial August estimates for fiscal year 1973 are between $3.6 billion and $4.6 billion.

Fourth. It is a reasonable middle ground between destroying these programs entirely, as the Finance Committee bill would do, and allowing them to continue to grow without limit.

Fifth. It is consistent with what the Senate Appropriations Committee has tried to do, which has been to try to close the lid on social services.

Sixth. It answers the objections raised by the House conferees—that there was no formula for distribution of the funds in the Senate Appropriations Committee limitation.

HOW ILLINOIS IS HURT BY THE FINANCE COMMITTEE BILL

First. Illinois currently receives—fiscal year 1972—$181 million. Under title III of the bill, Illinois would receive about $41 million. The bill allows limited child care and family planning programs—only—to continue unimpeded, which would be of only limited value to Illinois because it would actually cut back, by its definitional limitations, such Illinois child care and family planning programs. In addition to the approximately $41 billion under title III, subtitle B would provide a total authorization of $1 billion for all the States, of which Illinois receives $60 million. But, of this $60 million, only one-third would go to the State, and two-thirds to the localities.

The result of the committee bill for Illinois is to cut back social service programs from $181 million to a maximum of $61 million.

ILLINOIS USE OF THESE FUNDS HAS BEEN EXEMPLARY, HAS NOT BEEN A RAID ON THE TREASURY, AND DOES NOT DESERVE THIS TREATMENT

Second. Under the bill, Illinois would have to eliminate:

Many kinds of day care, notably for mentally retarded children.

Homemaker services.

Foster care supportive services.

Family counseling.

Protective services for children—take child out of home because of abuse to child.

Services for visually handicapped.

Alcoholism programs.

Drug abuse programs.

Community mental health services.

Corrections education support services and preventive services.

Third. It would mean that a large number of people who are not now institutionalized would have to be institutionalized, particularly in mental health facilities, or kept in institutions for longer periods than present. In many cases the Federal Government would be liable for these additional costs, particularly where people end up in nursing homes.

Fourth. One result of the elimination of many of these programs would be an increased rate of family breakup, resulting in more people on welfare. The purpose of these social service programs was to try to keep people off the welfare rolls. The Finance Committee amendment would appear to be limiting an element of welfare costs, but would in fact be generating new upward pressure on welfare programs.

Illinois is exemplary because:

First. The first State to develop a system of cost-benefit analysis. It is spending $850,000 of State money just to set up an effective cost accountability system.

Second. It is maintaining its own effort, and in fact has increased its own expenditures by more than the increase it has received in Federal dollars.

Third. Illinois plans for social services have been fully approved by HEW.

Fourth. Illinois has implemented a whole new service directed to finding jobs for people who are now on welfare. This new service would have to cease if Illinois' social service funds were cut.

Mr. LONG. I yield myself 1 minute.

Mr. President, with respect to the hiring of Arthur D. Little, Illinois is not the only State that has done so. It might be a very wise thing to do. But the hiring of Arthur D. Little may have been a case of hiring a consulting firm to show how to move these State funds around in order to obtain the highest degree of Federal matching. This team of Arthur D. Little has been employed by States to show them how to take money from one Federal matching program of 50–50 and move it into a matching program of 3 for 1.

So, in effect, a State gets twice as much Federal money overall if it can shift it from one Federal program into another. The hiring of Arthur D. Little has been used to take from a program that gets lower matching and shift the money and call it social services, even though it is actually spent for the same thing. They are not lobbyists, but they are advisers on how to extract the largest amount of money from the Federal Government.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ROTH. I yield 3 minutes to the Senator.

Mr. MAGNUSON. Mr. President, the Senate should be aware of the fact that the reason for the problem we have here is the law itself. Until now, there has been no indication from anyone, including the Secretary of HEW, the administration, the committee in charge in the Senate, and the House, to change the law. That law has been there for some time, and the Governors have decided that they should take advantage of it.

It is true that California started first. They came to realize that they could get $3 for every dollar someone put up, and then it started to grow and grow.

Before this year, the Secretary of HEW on two occasions came to the Appropriations Committee and asked us if we would put a percentage ceiling on this. We tried and lost in the Senate, due to the lobbying of all Governors—Republicans and Democrats.

This year, the Governors asked for $2.1 billion in their May estimates. This was their earlier request to HEW under this formula, which should be changed. In the meantime, they had a Governors' Conference, and now they have increased their requests to between $4 and $5 billion. It may reach $6 billion, or perhaps it will be $7 billion before the year is over.

For instance, Maryland is now asking for around $426 million. The Senator put into the RECORD the chart showing all these increases. My State happens to be one, I suppose, that took advantage of it. They have a Republican Governor, I might say to the Senator from Louisiana.

When we marked up the Labor-HEW appropriations bill, Senator COTTON and I and the other members of the Appropriations Committee took a long look at this matter and decided that we would put on a ceiling, and we put a ceiling of $2.5 billion on the costs of these social services. We thought that would give them a leeway of around $400 million above what they asked for—the $2.1 billion requested in the beginning.

Now the matter has gotten out of hand. But, I happen to think that the $1 billion that would be provided here is not enough. Therefore, I am going to support the amendment of the Senator from Delaware, because we will again have to make a decision on this in the Appropriations Committee within the next 10 days, when the Labor-HEW bill comes before us again, but I think that this debate has been very good. The action of the Finance Committee and our committee surely called attention to this whole matter.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. CHILES). The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG. The Senator should keep in mind that those of us on the Finance Committee have an advantage in working this thing out with the Ways and Means Committee that did not exist with the Appropriations Committee with this same problem. The reason is that we on the Finance Committee have legislative authority to change the basic law which is not available to those on the Appropriations Committee.

Mr. MAGNUSON. But the Senator did not change the law, and this has been growing and exploding for several years now.

Mr. LONG. We have not had a chance yet, Senator, but when we go to the conference on it, we will get that chance if we have the amendment in, because it would shut the whole social services program off, except for child care and family planning, with a tradeoff of $1 billion. In conference, there would be many variations between our going all the way up to what they are spending now. So we do have legislative flexibility in conference that was not available to the Appropriations Committees when they tried to work the same thing out. In other words, they did not have the power to legislate on an appropriation bill. That situation is not the same when we are legislating on a tax bill. So that with the Finance Committee's amendment, we would have the power to legislate in this area.

If there is a program that has great merit to it, we can leave it in. In other words, we would have the power to change the formula on the social services in conference with the House.

I am informed that one of the reasons this thing could not be worked out by the Appropriations Committee is that they could not change the basic law in conference with the House Appropriations Committee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LONG. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 additional minute.

Mr. LONG. I believe that the Texans did complain that they were being left out of the social services program. They were told they could not apply for the money. They were not willing to agree to some settlement whereby we would limit funds because that would give grandfather rights to States like New York who were getting their applications approved at a time when Texas was told it could not apply.

Mr. MAGNUSON. California was the beginning.

Mr. LONG. Yes, but New York surpassed what California achieved in this regard. So, Senator, what I would contend is that we begin with flexibility in conference and try to work this thing out, including a change in the basic law which we would seek to amend. Our amendment would seek to change it with regard to social services, which we feel have gotten out of hand, except for child care and family planning which we would leave in. But we are willing to accept a limitation even on that.

Mr. MAGNUSON. I am not so sure when you get to conference you can negotiate up. You have to negotiate down from the $1 billion—the House has nothing, and you will find it difficult to go higher than the Senate amount.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. I am not so sure——

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. MAGNUSON. Will the Senator yield me 1 more minute?

Mr. LONG. I yield 1 more minute to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 additional minute.

Mr. MAGNUSON. The Senator from New Hampshire and I have been trying for a good long time to get a ceiling on this program. We thought that with the Roth amendment at $3.1 billion, that then when we meet next week on a new Labor-HEW bill, we will have a chance probably to take a good long look at it again and probably come back to $2.5 billion, $2.8 billion, or $3 billion, or $3 billion plus—or hold that ceiling. We can talk all we want, again, about the jurisdiction of the Finance Committee vis-a-vis the Appropriations Committee but what we have to do is to change the law. Perhaps even the 75 percent to 25 percent matching——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Change the $3 for $1 matching provision. There have been many abuses.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Will the Senator yield me one-half minute?

Mr. ROTH. I yield 1 minute to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 1 additional minute.

Mr. MAGNUSON. It is still open-ended. Let us be honest about this, changes need to be made and the open-end closed. But, we cannot cut this too much because good administrations of welfare programs have achieved some success in some States. They have lowered the rolls. That is true in my State.

Mr. President, I want to put in the RECORD the experience of my State. I wholeheartedly support the amendment of the Senator from Delaware (Mr. ROTH) because I think it is a better way to do it. Until now, there has been very little indication from anyone that has the responsibility that they want to change the law.

Mr. LONG. We do want to change the law. We on the Finance Committee are responsible for this thing being in the law. It has been mishandled completely by poor and maladministration. We want to amend the basic law as part of bringing this matter under control. There is no limit on funds in present law. Our present situation was permitted to be brought about by loose administration. Much of this mischief occurred under the Nixon administration. But they want to bring it under control. They support what the committee recommends.

CONCERNING SOCIAL SERVICE EXPENDITURES IN THE STATE OF WASHINGTON

Mr. MAGNUSON. Mr. President, I would like to call the attention of the Senate to program data which I have received from the State of Washington demonstrating that my State is making some significant strides toward providing services that have real cost benefit, that are reducing dependency and are providing clear evidence of rehabilitation. During fiscal year 1972 in the State of Washington, approximately $52 million of State and Federal funds were expended on social services that related directly to cost benefit programs. Based upon data supplied by the State, I can report that savings realized from this investment during that first year of 1972 amounted to approximately $55 million with continuing benefits that will carry over into subsequent years.

I also want to point out that these savings, including a reduction in caseload, were realized during a time when my State was suffering over a 12-percent unemployment rate.

As a result of this investment, it is apparent that we will realize a short-term return of almost $2 for every one of these dollars spent on social services. Major areas of savings realized included services that allowed and afforded the disabled and the handicapped to remain in their homes and communities or services that enabled them to return to their communities from institutions or nursing homes. Another major area of saving was in the services provided to employable persons on our welfare rolls that enabled them to find partial or full-time employment and our support enforcement program which the General Accounting Office and the Senate Finance Committee have already cited as an example for the rest of the Nation.

I would like to point out also that we have very fine programs providing protective services for children, special services for blind children and adults, protective and supportive services for the aged, disabled and handicapped, and excellent service programs covering the problems of alcoholism and drug abuse. While these programs are obviously essential from a humanitarian standpoint and do provide social stability in our communities, it is also apparent that while we may not realize short-term cost benefits from programs such as these that the long-run cost savings may be very substantial in continuing such programs.

I have taken the time to very briefly outline what we are doing in the State of Washington because I believe it shows very clearly what can be accomplished if proper management controls are exercised by the Department of Health, Education, and Welfare and this administration and, at the same time, demonstrate the very critical need to continue the social services program as an integral part of our welfare system. Without the ability to provide the essential services to the poor, the old, the crippled and the disadvantaged persons of our Nation, we will return to that period where the unfortunate in our society were swept into the periphery. Instead of being afforded the less costly, and certainly, the more humanitarian alternative of a place in the community and in the home, they will have to accept the desolation of institutionalization and the despair of continued existence on a welfare dole. That is a possibility which, I know, no Member of Congress would want to come true.

Mr. ROTH. Mr. President, I ask unanimous consent for additional time, so that I may yield to the ranking member of the Finance Committee.

Mr. LONG. Mr. President, how much additional time does the Senator need?

Mr. COTTON. I can get by with 3 minutes.

Mr. LONG. Mr. President, how much time remains to us?

The PRESIDING OFFICER (Mr. Chiles). The Senator from Delaware has 6 minutes remaining and the Senator from Louisiana has 3 minutes remaining.

Mr. LONG. Use all you have and we will ask for some more if need be.

Mr. ROTH. I yield 3 minutes to the distinguished Senator from New Hampshire (Mr. Cotton).

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. COTTON. Mr. President, I wish to commend the Senate Finance Committee for its effort to control the increasing costs of social services. Because of certain provisions in the Social Security Act and broad Federal regulations, the Federal Government has an open ended commitment to match 3 Federal dollars for each dollar that States spend on social services. A definition of social services—developed by the Department of Health, Education, and Welfare—covers almost anything imaginable, even education.

Consequently, the Federal commitment for the funding of social services has practically exploded during the last several years—from approximately $345 million in fiscal year 1969 to an estimate of somewhere around $3 to $4 billion in 1973 as State after State discovered and took advantage of the liberal financing provisions of the program. For example in one State alone, the Federal contribution is estimated to increase by 42,000 percent. Frankly, these large and apparent disproportionate increases in spending disturb me deeply. It was for this reason that I have worked for the establishment of a ceiling on social services in the annual appropriations bill for Labor-HEW for the last several years. This year we were successful in securing a $2.5 billion limitation in the Labor-HEW bill, only to have it lost in conference with the House.

However, even though I have been a strong supporter of a limitation in social services, I do feel that the limitation suggested by the Senate Finance Committee could virtually eliminate these programs which may result in increased welfare rolls and increased dependency in other program areas. This will mean increases in grant assistance in other titles of the Social Security Act, such as cash assistance and medicaid that can, in the long run, cost the Federal and State governments more—for example, the Finance Committee proposal could result in a significant constraint for such programs as homemakers services for the aged, which allow these citizens to live in their own home instead of a nursing home and becoming a burden on public agencies.

I want to say that I am for a level of social services when the effect is to help welfare recipients achieve self support or reduced dependency; but I am opposed to the open end of social services which finance just about everything imaginable even education.

Consequently, I am willing to lend my support to Senator Roth's proposal. It is a higher level of funding than I personally would like the Senate to approve, but we failed in conference to get the House to accept a $2.5 billion limitation. So it appears to me that some figure in excess of $2.5 billion will be necessary in order to gain acceptance with the House on this issue and I think that the figure suggested by Senator Roth is an appropriate amount.

Now, as to the comments of the opponents to this amendment, let me say that in the first place, with the Roth amendment, the conferees will still have elasticity and will still have freedom in the conference to agree with the House on something. They are not deprived of that.

In the second place, let us not get away with the idea that it will only cost $1.6 million for what the committee has provided including the two large loopholes for child care and family planning; because, remember, there is a 6-months moratorium, 6 months more where it will be wide open.

I have just received information that for that period when it will still be open season on the Treasury, from July to December 1972, the Department of Health, Education and Welfare estimates that it will cost $2.147 billion. Then we add what would come into effect under the committee bill and we are up to the Roth amendment.

Mr. LONG. Mr. President, will the Senator from New Hampshire yield on my time?

Mr. COTTON. Yes, certainly.

Mr. LONG. While the Senator was out of the Chamber, I said that we in the committee would be willing to agree to a limitation on the child care and family planning money of $600 million. So we are willing to close off that open end. But what the Senator from Delaware is proposing would start us off at twice that amount.

Mr. COTTON. When the Senator goes to conference, if he thinks the Roth amendment is too strict, has too high a ceiling, or is not satisfactory, the Senator has all the freedom of action of his own because the Roth amendment is in there.

Mr. LONG. The Roth amendment is too loose. It is twice the cost of the committee bill. I am willing to close off the open end on child care and family planning, but the Senator is willing to add another $1.5 billion on top of that for social services.

Mr. COTTON. Mr. President, in our subcommittee we have been living with this for years. And we have seen it grow and grow and grow. When we tried to get a $2.5 billion limitation, we found that State after State was going to be penalized. The thing for us to do is to stop up this loophole definitely and certainly, even if we have to have it higher so that it does not work a hardship on any particular State at the present time. This is what the Senator from Delaware has worked out and I am glad to join the chairman of our Appropriation Subcommittee on HEW in supporting this amendment.

The PRESIDING OFFICER (Mr. HOLLINGS). Who yields time?

Mr. ROTH. Mr. President, I yield 3 minutes to the Senator from New York (Mr. JAVITS).

The PRESIDING OFFICER. The Senator from New York is recognized for 3 minutes.

Mr. JAVITS. Mr. President, we heard again about New York today and how Governor Rockefeller is now being charged with something merely because he did not raise the money, because he did not say that New York needed it very urgently. These charges have some implication that he does not need it.

I think there is one very hard fact which is being avoided entirely in this debate. It is unfair that it should be. Why is a big industrial State like New York in great trouble? The reason is that there has been an enormous demographic shift in this country. New York City with a population of 8 million people has had 2 million people move out of the city and another 2 million people come in.

Where have they come from? They have come from the South. They have come from Southern States like Georgia, Mississippi, and from States where they found life very difficult. They have exercised a solemn privilege of American citizens and have shifted their residence. But they have brought with them enormous problems at an enormous cost for the cities. States cannot shoulder all of this cost. There is no revenue sharing. There is no base under welfare. There is no H.R. 1. There is a lot of conversation about it. However, there is no law.

These States have literally been bankrupted by this situation. And this social services provision showed a little promise so that a little life might be restored and the situation might be alleviated a little bit. Because they have tried to help, they are charged with being arch criminals, with cheating the Government, and taking money out of the Federal till, and so on.

Why is not welfare money provided in Mississippi and Alabama and other States equal to what the people can live on as decent human beings? Why are these people being chased to other places?

I do not know how the Senate will vote on this matter. However, I think that the Senator from Delaware (Mr. ROTH) is trying to approach this in an intelligent and humane way. For that reason I shall support the amendment. However, the reason for this is not the fault of Illinois, New York, California, or any of the other big States. It is because of the demographic changes which have resulted in a huge number of people moving from one place to another simply because they have considered the living conditions in their native States as being most difficult.

I think it comes with ill grace for Senators from those States to abuse us because it is charged that we are reaching into the Federal till and helping ourselves to the Federal money and working through "loopholes," quite apart from the fact that every one of those States has the advantage over us 4 to 1 when we compare the amount of money going to the various States and the amount of money coming from the various States.

Mr. President, this is the United States of America. And I hope very much that the parochialism that has characterized much of this debate may be eliminated.

The PRESIDING OFFICER. The time of the Senator has expired.

SOCIAL SERVICES AMENDMENT

Mr. DOLE. Mr. President, I support the amendment No. 1505 proposed by the distinguished Senator from Delaware (Mr. ROTH) as a substitute for the social services portion of the revenue sharing bill now under consideration. I feel the amendment establishes a fair and financially responsible formula for continued funding of the State social services programs at a reasonable level, and I would ask my colleagues to join in support of this proposal.

Federal spending for social service programs authorized under title IV of the Social Security Act has been given much consideration by the Senate in recent months. This consideration has disclosed a number of defects and weaknesses in the social services area, both in term of finances and programs. Under title IV States are authorized to receive funds on a 3-to-1 matching basis for a broad image of so-called social services programs. Any State program which provides "service to a family or members thereof for the purpose of preserving, rehabilitating, reuniting, or strengthening the family, and such other services as will assist members of a family to attain or retain capability for the maximum self-support and independence," is automatically eligible for these Federal matching funds. Any past, present, or potential future welfare recipient is eligible to be served by the programs.

This broad definition of social services and accompanying loose restriction on participants eligibility have resulted in a nearly unlimited number of huge social programs being created to take advantage of 3 for 1 matching Federal expenditures. As States have become more aware of the attractions of this program, participation has increased dramatically. In fiscal year 1969, the total Federal expenditure in matching funds for State social programs amounted to only $370 million. The fiscal year 1973 Federal budget initially allocated $1.2 billion dollars for this item, but since early this year, more and more States have qualified for increasing larger grants which have raised the estimate of Federal expenditures to the $6 billion level, a fifteenfold increase in Federal costs over the 4-year life of the program, and a fivefold increase over original estimates for this year alone.

State social programs do provide necessary assistance for disadvantaged and disabled citizens throughout the United States, yet it is doubtful that the need—or the delivery of—these services has increased at a rate equal to the increase in Federal supporting expenditures.

The upshot of the situation is that in effect the social security laws have authorized an outlay for State social programs whose funding, unless controlled, will most likely exceed the total amount of general revenue sharing authorized for the coming year. The only apparent limit to the Federal costs for these programs is the imaginations of State planners who devise and qualify them. So, rather than assist and promote the development of well-planned economical and effective State social programs the present system has encouraged a maximum increase in State expenditure merely to secure matching Federal funds. No incentive whatsoever has been provided to bring about more needed, more efficient, more effective or more comprehensive programs; the only goal has been to spend more money. This is not good government. One State actually initiated a 42,000-percent increase in social services programs between 1971 and 1973. It would be interesting to learn if the quality or effectiveness of these programs increased by a comparable margin.

Senate efforts were undertaken to limit the appropriation for the social services program to $2.5 billion in the 1973 labor, and health, education, and welfare appropriation bill. But these provisions were deleted in conference, and the appropriations bill was eventually vetoed.

Recognizing the need for some type of fiscal control on Federal matching expenditures for State social service programs, the Committee on Finance included in title III of H.R. 14370 a program which provides for funding State social services programs on a revenue-sharing basis. Under the committee version of the bill, only State child care and family planning services programs will be eligible for continued Federal funding on an open-ended 75-percent Federal matching basis. The remaining State social programs which include employment services, health related services, educational services, transportation services, and other vital programs for the disabled, will be funded under a $1 billion revenue-sharing authorization; $1 billion would be apportioned among the States in proportion to their urbanized population.

While the committee provisions do limit Federal expenditures made in support of social services programs, an unreasonable restriction is placed on some vital State social service programs, and I am especially concerned for the future of programs for the disabled in Kansas.

Kansas programs to provide needed supportive services for the disabled are currently being developed and expanded in line with the President's policy of encouraging deinstitutionalization of the disabled. Federal assistance under the committee bill would place the expansion of this program in jeopardy because only $1 billion would be available for State social service programs. I, therefore, urge your support of amendment No. 1505, which combines fiscal responsibility with an adequate level of support for all State programs and a fair division of funds among the States.

Amendment No. 1505 provides $2.75 billion to be distributed among the States on the basis of population, with an additional $250 million to insure that no State receives less social service money in fiscal year 1973 than it did in fiscal year 1972, limited only by the provision that no State can receive more than $450 million in Federal assistance. An additional $150 million plus whatever money is turned back by the States is made available as discretionary funds for the Secretary of Health, Education, and Welfare to use for special needs.

Amendment No. 1505 would thus authorize a total expenditure of $3.15 billion in Federal matching funds for State social services programs. It would provide Federal support for all vital social services and effectuate a fair division of funds among the States.

Under amendment No. 1505, Kansas would be eligible to receive nearly $30 million in Federal assistance should the State feel that such an additional amount is needed and if the State share can be afforded. This amount is nearly three times the figure the State would be authorized under the committee bill. This eligibility is extremely important to the Kansas disabled program which is attempting to expand training and rehabilitation for the disabled. Funds made accessible to the State by amendment No. 1505 could provide CORE support for community programs and induce community participation and involvement in a most worthwhile program.

This amendment will benefit Kansas and every other State. Its provisions establish a reasonable level of funding for State social services programs while placing a responsible ceiling on Federal outlays. It provides fair division of funds among the States while insuring that all States can receive funding at a level equivalent to that of last year. I feel amendment No. 1505 will contribute to the efficient use of Federal funds and greater effectiveness of State social service programs, and urge my colleagues to join in support of the measure.

Mr. TUNNEY. Mr. President, I wish to express my support for the amendment offered by the distinguished Senator from Delaware (Mr. ROTH), which I have joined in cosponsoring.

I believe that it is absolutely necessary that a reasonable and responsible limit should be placed on the Federal funding of social services. Although I would have preferred that the Finance Committee not use the revenue sharing legislation as a vehicle to attempt this limitation, the social services programs, with the exception of limited child care and family planning services, have been virtually eliminated by the committee.

Such wholesale emasculation does little to serve a constructive approach to curb the apparent abuses which have developed. There are many more worthwhile programs in social services than those left intact by the committee, and the States should be allowed to continue them on a reasonable basis.

Senator ROTH's amendment will enable States to carry out those programs deemed to be worthwhile, and at the same time will impose a reasonable limitation based upon a straight population allocation or an amount equal to fiscal year 1972 expenditures, subject to a $450 million limitation. Under this amendment, California will be able to continue its responsible administration of its social services program.

Under the committee bill, California would receive only $134 million as its share of the $1 billion supplemental grant program. Under Senator ROTH's amendment, California will receive up to $270 million.

Under Senator ROTH's amendment, another beneficial by-product will accrue. It will allow the social services funds to be distributed in the same fashion as is currently the case, thereby leaving it up to the States themselves as to how they wish to administer their social services programs. As the committee bill stands, a substantial portion of the funds would go to the cities and State government, which, at least in California, do not administer social services programs.

I urge the Senate to act favorably upon Senator ROTH's amendment.

Mr. TOWER. Mr. President, I am pleased to cosponsor the amendment offered by the distinguished Senator from Delaware (Mr. ROTH). This amendment would affix a ceiling on Federal social services expenditures authorized under title IV of the Social Security Act. The amendment calls for $2.75 billion to be distributed to the States on the basis of population. Additionally, there is a $250 million "hold harmless" provision to assure that no State would receive less than it did last year, and a provision for $150 million in discretionary funds to the Secretary of Health, Education, and Welfare.

I have opposed amendments offered this year in the Senate to impose a ceiling on social services expenditures because the proposals contained no mechanism for the distribution of the funds in an equitable manner. The social services debate has now become more difficult and controversial due to the fact that only a few States have been receiving the vast amount of funds necessary to establish and administer new programs to reduce welfare dependency and maximize employment opportunities.

By emphasizing population as the basis for distributing the bulk of the social services funds, the Roth amendment eliminates my major objection to proposals seeking to establish a ceiling. The Roth amendment would not penalize the State of Texas for its inability to participate in the title IV programs as early as did some of the other States. Texas' participation was delayed because of the Department of Health, Education, and Welfare's failure to interpret the program's regulations in a consistent and nondiscriminatory manner. It took the Department 9 months to correct this misinterpretation before Texas was allowed to participate.

The distribution formula in Senator ROTH's amendment would provide the State of Texas with $152.9 million for fiscal year 1973. In terms of the overall commitment by the Federal Government, I think it is quite clear that this is an equitable figure and will allow the State government to plan its programs while at the same time greatly reducing the need for a State tax increase.

I agree with Senator ROTH that this amendment should be viewed as a temporary solution to this problem. While it provides an equitable basis to disburse these funds for fiscal year 1973, I believe that both the Senate Finance Committee and the House Ways and Means Committee should carefully review the social services programs with the idea of improving their effectiveness, emphasizing the need for fiscal responsibility at the Federal level. I would hope, therefore, that title IV of the Social Security Act could be amended in the near future.

After Senate consideration of the Department of Health, Education, and Welfare Appropriations Conference Report, I wrote a letter to Secretary Richardson emphasizing the need for a social services ceiling based upon an equitable formula. Because of the letter's relevance to the debate at hand, I ask unanimous consent that it be inserted into the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 11, 1972.

Hon. ELLIOT LEE RICHARDSON,
Secretary of Health, Education, and Welfare,
Washington, D.C.

DEAR MR. SECRETARY: I too am very much concerned over the increasing costs of the federal social services program. Therefore, I am in sympathy with your request for a ceiling on these expenditures.

However, before I could support such a limitation, I would have to be convinced that the social services expenditures would be disbursed to the states on an equitable basis. Discussions between your Department and my office have led me to believe that an equitable formula has not been devised. It is my understanding that if a $2.5 billion ceiling was approved, your Department would distribute the vast majority of the funds to each state on the basis of either what it received from the federal government in fiscal year 1972 or the amount compiled in the May 1972 estimate for fiscal year 1973, whichever is the highest.

Under such a formula the most Texas could receive would be $58,017,000. On the other hand, California would receive $272,999,000, New York $618,443,000 and Illinois $181,317,000.

I do not believe a state should be penalized because it did not take advantage of the program at its inception or soon thereafter. Furthermore, the State of Texas is in a most unique position because its State Plan for participation was actually approved in July of 1971. However, on September 7 of that year the Regional Office of HEW in Dallas notified the Texas State Department of Public Welfare that they were not in compliance with federal regulations on Title IV–A of the Social Security program. On June 15, 1972, the Regional Office informed the State that the interpretation stated in the September 7 correspondence was never the policy of the federal government.

These events prevented Texas' participation in the program and to a large extent caused the dollar imbalance I have already noted.

I urge you to give this matter your serious consideration. While a ceiling of these expenditures is in order, I cannot condone a formula that would provide a windfall for two or three states at the expense of the rest of the nation.

Because of recent legislative activity by the HEW conference committee and because this matter may again be taken up in the very near future during debate on the Revenue Sharing bill, I would appreciate receiving a response to this letter as quickly as possible.

Sincerely yours,

JOHN TOWER.

Mr. ROTH. Mr. President, I ask unanimous consent that I may have 6 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. EAGLETON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG. Mr. President, I send to the desk an amendment in the nature of a substitute for the pending amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk proceeded to state the amendment.

Mr. LONG. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. JAVITS. Mr. President, I object. I would like to hear the reading of the amendment.

The PRESIDING OFFICER. The clerk will report the amendment in full.

The legislative clerk read as follows:

Strike out beginning on page 1, line 1 and all that follows, and insert in lieu thereof the following:

On page 106, after line 5, of the bill add the following:

(c) Effective July 1, 1973, title XI of the Social Security Act is amended by adding at the end thereof the following:

"LIMITATION ON FUNDS FOR CHILD CARE AND FAMILY PLANNING SERVICES

"SEC. 1130. (a) Notwithstanding the provisions of sections 3(a) (4) and (5), 403(a)(3) and (5), 1003(a) (3) and (4), 1403(a) (3) and (4), or 1603(a) (4) and (5), amounts payable to any State with respect to expenditures incurred for child care and family planning services under any such section shall be reduced by any such amounts as may be necessary to assure that the total amount paid to such State for any fiscal year (commencing with the fiscal year beginning July 1, 1973) for child care and family planning services does not exceed the allotment of such State (as determined in subsection (b)).

"(b) For each fiscal year (commencing with the fiscal year ending June 30, 1973) there shall be allotted to each State an amount which bears the same ratio to $600,000,000 as the urbanized population of such State (as defined in sec. 123 of this Act) bears to the urbanized population of all the States."

Mr. LONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 2 minutes.

Mr. LONG. Mr. President, this amendment seeks to reach one main argument of those who support the Roth amendment because they want to control the social services program. What this amendment would do would be to close off the open end that would be left for family planning and child care services under the committee amendment.

We offer this as a substitute for the Roth amendment. This would then give us what we intended to begin with, a very strict limitation.

Some might say that this is too strict a limitation, but this is a concept that the Department of Health, Education, and Welfare supports and that the administration supports, and we may well be required in conference to go above what we members of the Finance Committee believe it should be.

We are recommending what we think it should be. But we do not want to give away the whole ball game before we even start. We do not want to start our offering them a $3.1 billion limit. Last year the program cost $1.5 billion. Even then it was far beyond what anyone intended. We do not want to be in a position of offering $3.1 billion, a large figure, for this item when, as far as we are concerned, that is far too much.

So we propose that we retain the $1 billion additional revenue sharing with no strings attached, which we propose in the bill. And we would put a $600 million limit on child care and family planning.

They could expect that $1 billion. But we think it would be unfortunate, having said that they will get the revenue sharing, not to tie down the social service program and close off the open end. For anyone interested in economy, that is where economy comes in, closing off the open end for this program.

Admittedly those who got in early got large amounts of money and might not like to have that cut down. The amendment might adversely affect the State of Delaware. It would adversely affect Illinois.

It would adversely affect New York; it would adversely affect Alaska; but on balance this is a better approach.

Again I say to the Senator that to get this program under control we may have to raise the figure we are talking about, but I hope the Senator from Delaware will go along with a figure far below the figure the Senator is offering. If worst comes to worst maybe we could settle for the figure the Senator from Delaware suggested the first time, $2.5 billion, but we have something here with which to negotiate. We have funds with no strings attached that these governors and State legislators want worse than they want any other bill.

If the social services program is to be brought under strict control now is the time to do so. I hope the Senator agrees to this approach. It seems to me that he is trying to save the taxpayers from an irresponsible spending program and this proposal would go further toward achieving that end than the Senator's suggestion.

Mr. ROTH. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. ROTH. My understanding is that this proposed limitation would not take effect until after fiscal year 1973, and that it applies to fiscal year 1974. Is that correct?

Mr. LONG. This amendment cannot take effect for the period that already has expired. There is no way we could do that, to my knowledge. We could not legislate except for the months of October, November, and December. I am told the Senator from Washington stated on the floor that somebody tried to give us an estimate that there could be a vast expansion of some of these programs between now and then. We do not think so. But so far as we can control the expansion of this program from now until January, we are willing to try to control that.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. Does not the Senator think that a State administrator would be very foolish to develop a fancy new program that he had to abandon on January 1? I think this is an effective brake against the development of any new program.

Mr. LONG. The Senator is correct. No one is going to start something knowing that it will come to an end in January.

If we can get this part in I am willing, if the Senator wants to do so, to have some amendments to keep them from getting some new programs between now and January.

Mr. ROTH. I would like to know if this is true. For the remainder of fiscal 1973 the Senator's amendment would continue in effect the present language of the Finance Committee bill. Beginning in fiscal year 1974 the Senator's new limitation takes effect. I would like to ask this question. Does the Senator's new limitation apply to all the services covered by the exception in the Finance Committee's original language, which I quote:

> other than child-care services defined in subsection (b) (3), family planning services, and services provided pursuant to 402(a) 19(g) of such Act?

I am asking whether beginning in 1974 the Senator's limitation applies not only to child care services and family planning services but also to 402(a) 19(g).

Mr. LONG. That is the intention. The amendment was amended to do that.

Mr. ROTH. It would provide a maximum of $600 million in those three areas, based on urban population.

Mr. LONG. That is right, based on the urbanized formula, to the States. That is at the State level so they can put in their State level program. This $600 million would remain in this measure. That is to achieve an even stricter limitation than the Senator was advocating and to close off the open end the Senator talks about. We believe it meets the objective and we hope it is acceptable to the Senator from Delaware.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. COTTON. If the Senator goes into conference with the amendment that the Senator is now offering, then the Senator can agree that the House will have no limitation, the Senator will have this small limitation, and the Senator cannot agree to any limitation higher than that. If you go into the conference with the higher limitation of the Senator from Delaware, then you start at the higher figure and the compromise is going to be upward.

Mr. LONG. The Senator is correct.

Mr. COTTON. But, if the Senator is

able to go into conference with the limitation he now suggests, is it not his purpose to get a higher limitation? I think it would squeeze some of these States too much at the level of his amendment.

Mr. LONG. Any time the House conferees want to accept the Senate amendment, that is all there is to it. They would be privileged to accept the amendment without going to conference, but that is not going to happen. What is going to happen is this: we go to the House and we propose to limit this matter. Meanwhile, all the welfare directors are at work trying to expand it. Immediately somebody is going to say, "How about care for retarded children? Certainly you would want money for that." If they insist on that we might have to say we would be willing to let this program include money for retarded children. How much? Let it be definitely understood so every State gets its share and that no State gets it all.

It might be said that is too severe a limitation. What overall limitation would you be willing to settle on? I hope it is far below $3.1 billion, but if we go in with $3 billion we could only go above it. We want to go in with a figure we hope they will accept. The Senator from Washington thinks this is too strict. If they say that, we would like to be in a position to say, "If you think that is too strict, what would you be willing to agree to?" Presumably they might say a figure far above what we suggest. Maybe we could get them to go to the first Roth figure. Maybe we could get them near our figure. But in any event, if anyone has negotiated these matters, they know that you start at the low figure and then you are in a better bargaining position to keep the cost down than if you start at the higher figure.

In my opinion, if we start at $3.1 billion, we can only go up. But if we go in at what I urge, we would have the flexibility we need. I do not think anybody here thinks we should settle for anything more restrictive than that. So a compromise would have to be by way of moving it up. We have an advantage not ordinarily available to the Committee on Appropriations. As the legislative committee that started this program, we do have the legislative power in conference with what we have in this bill, as the committee that has jurisdiction to amend the basic law.

There have been many complaints and I know the Senator agrees, that we should not have any huge bounty to pay off any State because it was the one that got the Federal administrator to drift away from the law to begin with. So whatever system is worked out should be the one that will do justice and equity to every State.

Mr. COTTON. I thank the Senator. The attitude of this Senator is that we have to have an all-encompassing ceiling. What that ceiling is is something else again, but we cannot have loopholes in it, or exceptions; we have to have a ceiling, or this matter is going to be outrageous.

If this gives the distinguished chairman and his associates on the Finance Committee a better bargaining position, with the understanding he is not going to squeeze these things into the program, I will certainly vote for the amendment.

The PRESIDING OFFICER. The 15 minutes of the Senator have expired.

Mr. JAVITS. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state this point of order.

Mr. JAVITS. I make the point of order that the amendment is not a proper substitute for the Roth amendment.

The PRESIDING OFFICER. As submitted, the Senator from New York is correct, but the Chair thinks the Senator has corrected that.

Mr. LONG. Mr. President, I send to the desk a modification of the substitute. In this fashion I think the point of order cannot be sustained.

The PRESIDING OFFICER. The clerk will state the modification.

The legislative clerk read the modification, as follows:

On page 1, strike out line 1 through line 4 and in lieu thereof insert the following language:

TITLE III—LIMITATION ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

Mr. JAVITS. Mr. President, I do not understand the reference to page 1. Page 1 of what?

Mr. LONG. Page 1 of the amendment.

Mr. JAVITS. So that this is an amendment?

The PRESIDING OFFICER. That is right, in the nature of a substitute.

The substitute amendment, as perfected, is as follows:

Strike out page 1, line 1 through 4 substitute for Roth amendment and in lieu of the language proposed to be inserted, insert the following:

TITLE III—LIMITATION ON GRANTS FOR SOCIAL SERVICES UNDER PUBLIC ASSISTANCE PROGRAMS

INTERIM PROVISIONS

Sec. 301. (a) Notwithstanding sections 3 (a) (4) and (5), 403(a) (3) and (5), 1003(a) (3) and (4), 1403(a) (3) and (4), and 1603 (a) (4) and (5) of the Social Security Act, no payment shall be made to any State with respect to services (other than child care services (as defined in subsection (b)(3)), family planning services, and services provided pursuant to section 402(a)(19(G) of such Act) provided under any of its plans approved under titles I, X, XIV, or XVI or part A of title IV of such Act for the period commencing July 1, 1972 and ending with the close of December 31, 1972. In lieu of payments for such period pursuant to the above enumerated sections the Secretary of Health, Education, and Welfare shall pay to each State an amount equal to whichever of the following is the greater—

(1) an amount which bears the same ratio to $500,000,000 as the urbanized population (as defined in section 123 of the Revenue Sharing Act of 1972) of such State bears to the urbanized population of all the States, or

(2) the total of the Federal payments which it would (except for the provisions of this section) have received with respect to expenditures for such services for such period under the above enumerated sections, but not counting, for purposes of determining the amount of such Federal payments, any expenditure by such State which is attributable to the provision of such services (A) after December 31, 1972, or (B) under a new project (as defined in subsection (b)(2)).

(b) For purposes of this section—

(1) The term "State" means the fifty States and the District of Columbia.

(2) The term "new project", when used in reference to the provision of social services, means any project for the provision of such services (whether operated directly by the State agency authorizing the project or by any other person) under which social services are initially provided after August 9, 1972. Social services provided after August 9, 1972, under a project, under which such services were initially provided on or before such date, shall be regarded as being provided under a new project, if such services would not have been provided thereunder except for a modification, expansion, renewal, or extension, of such project.

(3) The term "child care services" means services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (A) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (B) because of the death, continued absence from the home, or incapacity of the child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child.

(c) Any appropriated Federal funds which are available after June 30, 1972, for the purpose of making payments to States for services under title I, X, XIV, or XVI, or part A of title IV of the Social Security Act, shall be available for the purpose of making grants authorized by this section.

AMENDMENTS TO PART A OF TITLE IV OF THE SOCIAL SECURITY ACT

Sec. 302. Part A of title IV of the Social Security Act is amended—

(1) (A) by striking out "and rehabilitation and other services" in the first sentence of section 401, and

(B) by striking out "and services" in the second sentence thereof;

(2) by striking out "and Services" in the heading immediately preceding section 402;

(3) (A) by striking out "and services" in the matter preceding clause (1) of section 402(a),

(B) by striking out ", with particular emphasis" and all that follows down to the semicolon in clause (5) (B) of such section and inserting in lieu thereof "in the administration of the plan",

(C) by striking out clause (13) of such section,

(D) by striking out "such family services, as defined in section 406(d), and child welfare services, as defined in section 425" in clause (14) of such section and inserting in lieu thereof "such child care services, as defined in section 406(d), family planning services, and child welfare services available under the State plan approved under part B";

(4) by inserting "subject to subsection (e)," immediately before "75 per centum" in section 403(a) (3) (A);

(5) (A) by striking out "any of the services described in clauses (14) and (15) of section 402(a)" in subparagraphs (A) (i) and (ii) of section 403 (a) (3) and inserting in lieu thereof "child care services as defined in section 406(d) and family planning services",

(B) by striking ": Provided" and all that follows down through "if provided by such staff" in subparagraph (C) of such section,

(C) (i) by striking out "subject to limitations" in subparagraph (D) of such section and inserting in lieu thereof "under conditions", and

(ii) by striking out "by the State health authority" and all that follows in such subparagraph down through "under the Vocational Rehabilitation Act or",

(D) (i) by striking out "except that services described in clause (ii)" and all that follows down through "vocational rehabilitation services so approved;" in the matter following subparagraph (D) of section 403 (a)(3), and

(ii) by striking out "child welfare services, family planning services, and family services" in such matter and inserting in lieu thereof "child care services (as defined in section 406(d)) and family planning services"; and

(6) by striking out section 403(a)(5) and inserting in lieu thereof the following:

"(5) in the case of any State, an amount equal to 50 per centum of the total amount expended under the State plan during such quarter as emergency assistance to needy families with children."

(7) by amending section 403(d)(1) to read as follows:

"(d)(1) In addition to amounts paid under subsection (a)(3)(A), the Secretary shall pay to each State with a plan approved under this part an amount equal to 90 per centum of the total amounts expended during any quarter as are found necessary for the proper and efficient administration of the plan and as are for social and supportive services provided pursuant to section 402(a)(19)(G)";

(8) by adding at the end of section 403 the following new subsection:

"(e) Notwithstanding subsection (a)(3)(A)(i) and (ii), the amount of the payment made thereunder to any State for any quarter shall not exceed 12½ per centum of the total of such amounts paid thereunder for such quarter to all the States.";

(9) by striking out "and services" in the matter preceding clause (1) of section 404 (a);

(10) by amending section 406(d) to read as follows:

"(d) The term 'child care services' means services provided to meet the needs of a child for personal care, protection, and supervision, but only in the case of a child where the provision of such services is needed (1) in order to enable a member of such child's family to accept or continue in employment or to participate in training to prepare such member for employment, or (2) because of the death, continued absence from the home, or incapacity of such child's mother and the inability of any member of such child's family to provide adequate care and supervision for such child.".

(b) The amendments made by this section shall become effective January 1, 1973.

(c) Effective July 1, 1973, title XI of the Social Security Act is amended by adding at the end thereof the following:

"LIMITATION ON FUNDS FOR CHILD CARE AND FAMILY PLANNING SERVICES

"SEC. 1130. (a) Notwithstanding the provisions of sections 3(a)(4) and (5), 403(a)(3) and (5), 1003(a)(3) and (4), 1403(a)(3) and (4), or 1603(a)(4) and (5), amounts payable to any State with respect to expenditures incurred for child care and family planning services under any such section shall be reduced by any such amounts as may be necessary to assure that the total amount paid to such State for any fiscal year (commencing with the fiscal year beginning July 1, 1973) for child care and family planning services does not exceed the allotment of such State (as determined in subsection (b)).

"(b) For each fiscal year (commencing with the fiscal year ending June 30, 1973) there shall be allotted to each State an amount which bears the same ratio to $600,000,000 as the urbanized population of such State (as defined in section 123 of this Act) bears to the urbanized population of all the States."

CONFORMING AMENDMENTS TO TITLES I, X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

SEC. 303. (a)(1) Section 1(c) of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 2(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency", and inserting in lieu thereof "in the administration of the plan".

(3) Section 2(a)(10) of such Act is amended—

(A) by inserting "and" after the semicolon at the end of subparagraph (A) thereof; and

(B) by striking out subparagraph (C) thereof.

(4) Section 3(a)(4) of such Act is amended to read as follows:

"(4) in the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 3(a) of such Act is further amended by striking out paragraph (5) thereof.

(6) Section 3 of such Act is further amended by striking out subsection (c) thereof.

(7) Section 2(a)(12)(C) of such Act is amended by striking out "for services referred to in section 3(a)(4)(A)(i) and (ii) which are appropriate for such recipients and for such patients;".

(b)(1) Section 1001 of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 1002(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency" and inserting in lieu thereof "in the administration of the plan."

(3) Section 1002(a) of such Act is amended—

(A) by inserting "and" immediately after the semicolon at the end of clause (11) thereof; and

(B) by striking out the semicolon at the end of clause (12) thereof and all the matter following such clause up to, but not including, the period at the end of such section 1002(a).

(4) Section 1003(a)(3) of such Act is amended to read as follows:

"(3) in the case of any State an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 1003(a) of such Act is further amended by striking out paragraph (4) thereof.

(6) Section 1003 of such Act is further amended by striking out subsection (c) thereof.

(c)(1) Section 1401 of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 1402(a)(5)(B) of such Act is amended by striking out ", with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency" and inserting in lieu thereof "in the administration of the plan".

(3) Section 1402(a) of such Act is amended—

(A) by inserting "and" immediately after the semicolon at the end of clause (10); and

(B) by striking out the semicolon at the end of clause (11) thereof and all the matter following such clause up to, but not including, the period at the end of such section 1402(a).

(4) Section 1403(a)(3) of such Act is amended to read as follows:

"(3) in the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 1403(a) of such Act is further amended by striking out paragraph (4) thereof.

(6) Section 1403 of such Act is further amended by striking out subsection (c) thereof.

(d)(1) Section 1601(c) of the Social Security Act is amended by striking out "to furnish rehabilitation and other services".

(2) Section 1602(a)(5)(B) of such Act is amended by striking out " ,with particular emphasis on the full-time or part-time employment of recipients and other persons of low income, as community service aides, in the administration of the plan and for the use of nonpaid or partially paid volunteers in a social service volunteer program in providing services to applicants and recipients and in assisting any advisory committees established by the State agency" and inserting in lieu thereof "in the administration of the plan".

(3) Section 1602(a) of such Act is further amended by striking out paragraph (10) thereof.

(4) Section 1603(a)(4) of such Act is amended to read as follows:

"(4) in the case of any State, an amount equal to the sum of the following proportions of the total amounts expended during such quarter as found necessary by the Secretary of Health, Education, and Welfare for the proper and efficient administration of the State plan—

"(A) 75 per centum of so much of such expenditures as are for the training of personnel employed or preparing for employment by the State agency or by the local agency administering the plan in the political subdivision; plus

"(B) one-half of the remainder of such expenditures."

(5) Section 1603(a) of such Act is fur-

ther amended by striking out paragraph (5) thereof.

(6) Section 1603 of such Act is further amended by striking out subsection (c) thereof.

(7) Section 1602(a)(16)(C) of such Act is amended by striking out for services referred to in section 1603(a)(4)(A) (i) and (ii) which are appropriate for such recipients and for such patients;".

(e) The amendments made by this section shall take effect January 1, 1973.

PUERTO RICO, THE VIRGIN ISLANDS, AND GUAM

SEC. 304. The amendments made by sections 302 and 303 of this title shall not be applicable in the case of the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

Mr. JAVITS. Another point of order, Mr. President. Who controls the time in opposition?

The PRESIDING OFFICER. The time would be controlled by the Senator from Delaware and the Senator from Louisiana.

Mr. JAVITS. May I make another point of order? Will it be the Senator from Delaware unless he is opposed to the amendment?

The PRESIDING OFFICER. There is nothing in the agreement one way or the other.

Mr. JAVITS. I am more than pleased to have the Senator handle the control of that time. I just wanted to inquire whether he opposes the amendment.

Mr. ROTH. I have not made up my mind at this time. I want to be certain I understand the proposal.

Mr. JAVITS. When the Senator does, will he let us know? I am glad to have him run the whole thing.

Mr. LONG. I assure the Senator, after we have discussed it and have had a chance to exchange our views, if the Senator wants any time I shall be glad to yield him my time, or the Senator can yield him his time.

Mr. JAVITS. I am not interested in the courtesy of it. We will be as courteous as possible, but I am a little unhappy with the fact that the Senator from Missouri (Mr. EAGLETON) found it necessary to object to another Senator's getting a moment or two. I hope that will not be the tenor of the debate.

I think it is fair to inquire, when there is an amendment to an amendment which one supports, whether the author of the amendment supports it, so the time may be allocated, not as a matter of courtesy, but as a matter of right, as the principle really lies. I think that is fair, but I am perfectly willing to wait until the Senator from Delaware decides whether he supports the amendment.

Mr. ROTH. I cannot say, until I have had a chance to study the amendment. I am interested in an overall limitation, so I may vote for it. For that reason, I am willing to let the Senator from New York control the 15 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 15 minutes.

Mr. LONG. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. LONG. Mr. President, I will speak on my own time.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. LONG. Does the Chair mean my time has expired on my amendment?

The PRESIDING OFFICER. The Senator spoke 15 minutes.

Mr. LONG. I just offered a new amendment. Do I not have time on that?

The PRESIDING OFFICER. It was a perfecting amendment.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

It seems to me that this whole debate has gotten off really on a complete tangent with respect to the real essence of what we are here to discuss, and that is the propriety of the Federal Government's sharing to the extent of 75 percent in the social services provisions.

As I tried to say before—within the very narrow limitations of time we had—the difficulty is that what has failed to be recognized is the enormous demographic shift which has taken place into New York. This is not just a shiftless New York, or a shiftless Illinois, or a shiftless California that have just decided to dip into the Federal Treasury, but they have suddenly faced an enormous problem which, in another form of government, would be faced by the Federal Government.

And so, as I pointed out, in the city of New York—which is so important a part of the State of New York—we had a 2 million shift in population from those who were, generally speaking, taxpayers, and who are reasonably good earners, to those, who for a period of time, perhaps a decade, perhaps two, have to be integrated into the fabric of this society at a very, very substantial cost to the State and to the localities.

This was the only program which was in a position to accommodate, to some extent, the effort to stem the expense which ensued as a result of the demographic shift in the population.

In addition, there has been a very great exaggeration of figures. The fact is that approximately $1.5 billion was actually spent on this program in fiscal 1972, and again, I repeat, that is in the absence of revenue sharing. It is in the absence of a basic floor in welfare, which has been a high priority proposal of the administration for well over 2 years, while these States have been hurting and while these States have had to receive such a large number of people from other States from which they came, because they felt themselves so seriously disadvantaged in those other States.

One does not have to make a finding, like a judge, that the other States were wrong and that we were right, to deal with the factual problem on a national basis.

I can understand the effort to arrive at a ceiling and I accept it by voting for the Roth amendment, but I do not believe it is acceptable or advisable to limit the authority of the Senate conferees to deal with this problem, as the Senator from Louisiana has suggested, because I think it is going to be counterproductive.

I think, in fact, the Senate conferees may find it impossible to agree with the House conferees at all, and we may very well lose revenue sharing, which is so urgently necessary, because we will split on this rock. The rules of the House and the Senate are such, with all respect to the Senator from Louisiana, that there will be a grave question in the conference as to whether, when the Senate has legislated and the House has not legislated, the figures above those provided by the Senate can be negotiated at all. I have been in a lot of these conferences, and I doubt very much that they can be. The House can refuse to take anything back from conference which does not have as a ceiling what is in their bill. There is nothing in the House bill, so the ceiling would be what is in the Senate bill. That is very different and quite opposite from what the Senator from Louisiana has represented in the colloquy with the Senator from New Hampshire as being the basis for his hope for negotiations.

I yield myself 2 more minutes.

So a negotiation will not be possible, because the House is not bound to do any such thing, and probably will not, based on my experience in conference. So the Roth ceiling, the ceiling prescribed by Senator ROTH's amendment, in my judgment, is the right one. Any effort to lock us into anything stronger will deprive the conferees of the ability to negotiate and may very well mark the demise of revenue sharing in this Congress, Mr. President, many States get close to what they will get in revenue sharing in this type of program, and therefore there is no tradeoff involved. It is simply a matter of exchanging those dollars for these dollars, and so, as much as the States, including my own, want revenue sharing, they may find that there is no point to it; it has been washed out by what has been done in this particular matter.

Finally, Mr. President, there is the power to insure that every conceivable precaution is taken to see that these are desirable programs. After all, there is no adequate child care now, because we do no have H.R. 1, yet—which we are being promised—but it has not arrived, and we can easily repeal this, if we would like to, when we do get H.R. 1. However, we should not do it in advance, because we do not have H.R. 1. The States and the cities are broke, and this is their one chance to be rescued. We should not abort that chance by the ill-advised adoption of a plan which will inhibit the very thing we are trying to assist.

For those reasons, Mr. President, I would hope very much that the amendment of the Senator from Louisiana—which only adds a ceiling to the ceiling upon the particular proposition—would be defeated in view of the national responsibility which is involved in the demographic shift and which affects New York, Michigan, Pennsylvania, Illinois, California, and many other States.

One final word: I would like to read from the Finance Committee report. At page 65, the committee says:

The Secretary—

To wit, the Secretary of Health, Education, and Welfare—

by law, is given specific authority to limit the contracting authority for social services

and to limit the extent of services to potential (as opposed to actual) welfare recipients.

So the argument we had yesterday and today respecting who has authority to put on a substantive ceiling by regulation is solved by the Finance Committees' own report. He can do it, he should do it, and I have no doubt he will do it.

It seems to me that very adequate provision is made by the amendment of the Senator from Delaware to deal with any danger that we could convey that there is going to be an excess in this situation, without at the same time strangling, in the absence of other programs which are promised but not delivered, the States which have taken enormous migrations of population from the very States which are complaining the strongest, including Louisiana; because those people have exercised their right as Americans to shift from a place where they were not happy to a place where they thought they would be happy.

We ought to help that, not inhibit it, or we ought to at least try to adopt a decent attitude toward it. That would be the substance of the Roth amendment. So I hope very much that the Long amendment to the Roth amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. I yield 3 minutes to the Senator from Louisiana.

Mr. LONG. Mr. President, the Senator is in error when he says we could be more restrictive than this in conference. The committee amendment would provide for child care and family planning, as open-ended programs; and this amendment would limit Federal funds for those two programs to $600 million.

In conference, where you have an open-ended program, and can see it could cost $6 billion or more, and you place a limitation of $600 million in the Senate bill, you cannot come down; all you can do is go up, and raise the figures up to a billion dollars, or beyond that.

Mr. JAVITS. Mr. President, will the Senator yield on my time?

Mr. LONG. Yes.

Mr. JAVITS. I have been in a lot of conferences, too, with the House of Representatives. There is nothing in the House bill on this. What we want would be only in the Senate bill, and the House treats that as a ceiling, because they have a new rule of germaneness which applies in these conferences. They have done it with me time and again, if they wish to, and they will in this conference, or it will be the rock upon which the whole thing founders. They say the maximum is what appears in either bill, and as there is nothing in the House bill, the ceiling would be what is in the Senate bill.

Mr. LONG. Mr. President, I have been in many conferences with this same committee, and it all depends upon the bill. If you have a bill where, presumably, the ceiling is outer space, unlimited, then when the Senate puts a ceiling of, let us say, $600 million on, if nothing is agreed to, the ceiling remains outer space, but if there is a compromise, the difference would be somewhere between the Senate figure, in this case $600 million, and a higher figure. So in this type of conference situation, you can only go up; you cannot go down.

Those types of compromises work both ways, depending on what the situation is. So it would be within our power to move up as the Senator would like to see us do. It would not be within our power to move down. That is why it is so important that we ought to go to conference with a lower limitation, not a higher limitation, as the Senate has suggested on other occasions, or a higher limit than the Senate committee has agreed to.

We on the committee are willing to accept the principle for which the Senator from Delaware (Mr. ROTH) argues, that the limitation ought to be complete, and that there be no open end for this program. I am glad that the Senator from Delaware is prepared to vote for the amendment as so modified, and on that basis, those of us who are its sponsors on the committee would be happy to support the Roth amendment.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. COTTON. The Senator from Washington and I have just come from a conference a few weeks ago. I am sure it was not with the same conferees, because these were Appropriations Committee conferees, but there was no suggestion by the House that when the Senate had a ceiling and they had no ceiling, that ceiling was a ceiling they could not go above. They said right off they wanted no ceiling, and if they had a ceiling it must be much higher. They finally persisted until all we got was some language in the report. So this suggestion that the House cannot go above the ceiling in the Senator's amendment just is not so, because not only can the House go above it, I have very little doubt that they will.

I personally feel that the general amounts in the Roth amendment are fair and honest amounts. I would hope personally, speaking as one Member, that the bill would come out of conference with about the amount of the Roth amendment.

But if we are going to get that amount out of the House, I think we ought to have some starting point, and for that reason I shall support the Senator's amendment.

Mr. JAVITS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. JAVITS. I would like to ask the Senator from Louisiana a question, because we wish to understand the amendment.

As I understand the Senator's amendment, it is a subceiling within the Roth ceiling, that is, to put a subceiling of $600 million upon a particular element of these so-called title IV expenditures; is that correct, or would it do more than that?

Mr. LONG. No, it is not a subceiling. This is a substitute for the Roth amendment, and, as amended, what the Senate amendment would be is this: The Roth amendment as amended would then mean that we would be offering the States $1 billion in revenue sharing as a trade-off for all social services programs except family planning and child care, and that for family planning and child care we would be proposing a ceiling of $600 million.

Mr. JAVITS. In other words, if I may, it would wash out the Roth amendment, wash out the $2.75 billion ceiling; is that correct?

Mr. LONG. We would offer a $1 billion additional revenue sharing trade-off for social services.

Mr. JAVITS. I understand, but it would wash it out.

A point of order, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is this an amendment in the nature of a substitute, or is it an amendment to the amendment?

The PRESIDING OFFICER. It is a substitute.

Mr. JAVITS. I do not know whether Senators understand that.

The Senator from Louisiana is washing out the Roth ceiling. What the Senator from Louisiana is doing is providing the $1 billion already in the bill, and now he is putting a ceiling on family planning and child care of $600 million. It is now a tougher situation than it was in the committee's bill.

The PRESIDING OFFICER. All time has expired.

Mr. LONG. Mr. President, I ask unanimous consent that each side be allotted 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, this amendment would mean that there would be a $1 billion trade-off in terms of revenue sharing to the States, allocated on the basis of urbanized population. That is so the States can spend it any way they want to. If they want to spend it for social services, more power to them. Then there is a $600 million ceiling for family planning and child care services.

That is what we hope to get the House to accept. If they will not, then that gives us a low starting point, and we would hope to settle for a point below the authorization under the original Roth amendment, and we would work it out the best we could.

We think that if one would like to see what the Roth amendment provides become law, it is much more likely to happen under our proposed amendment to the Roth amendment than it would be if it were taken the way the Senator from Delaware offered it.

Mr. JAVITS. All that is being done here is to make the ceiling put on by the Finance Committee—to wit, the billion dollars—the razzle-dazzle so-called urbanization amendment which knocks out both the social services payments and the urbanization dividend, for this $1 billion. That is locked in, plus a new ceiling of $600 million on child care and family planning, and the Roth amendment is completely washed out.

In other words, this is tougher and harder upon the States that have been compelled to carry the burden of in-migration, to the tune of millions of people, than even the Finance Committee bill. I think it ought to be decisively defeated in the Senate, if the Senate wants to be fair at all to the States which are being called upon to carry the load in a great national problem.

The PRESIDING OFFICER. All time has expired.

Mr. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Minnesota (Mr. Humphrey), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), the Senator from Oklahoma (Mr. Harris), and the Senator from Maine (Mr. Muskie), are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. Sparkman) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), and the Senator from Iowa (Mr. Miller) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott) and the Senator from Iowa (Mr. Miller) would each vote "yea."

The result was announced—yeas 59, nays 29, as follows:

[No. 415 Leg.]

YEAS—59

Aiken
Allen
Anderson
Bellmon
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Cotton
Curtis
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hartke
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
Metcalf
Montoya
Moss
Pastore
Pearson
Proxmire
Randolph
Ribicoff
Roth
Scott
Spong
Stafford
Stennis
Symington
Talmadge
Thurmond
Weicker
Williams
Young

NAYS—29

Bayh
Beall
Boggs
Brooke
Case
Chiles
Cook
Cooper
Cranston
Gravel
Griffin
Hart
Hatfield
Hughes
Javits
Mathias
McGee
Mondale
Nelson
Packwood
Percy
Saxbe
Schweiker
Smith
Stevens
Stevenson
Taft
Tower
Tunney

NOT VOTING—12

Allott
Baker
Harris
Humphrey
Kennedy
McGovern
McIntyre
Miller
Mundt
Muskie
Pell
Sparkman

So Mr. Long's amendment in the nature of a substitute for Mr. Roth's amendment (No. 1505) was agreed to.

The PRESIDING OFFICER (Mr. Harry F. Byrd, Jr.). The question now occurs on the amendment of the Senator from Delaware as amended by the substitute amendment of the Senator from Louisiana.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is this a complete substitute?

The PRESIDING OFFICER. The Senator from New York is correct; it is a complete substitute.

The question is on agreeing to the amendment of the Senator from Delaware (Mr. Roth) as amended by the substitute amendment of the Senator from Louisiana (Mr. Long). (Putting the question.)

The amendment as amended was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

The Senator from Illinois is recognized.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. Hollings) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced, that the House had agreed to the amendment of the Senate to the bill (H.R. 7375) to amend the statutory ceiling on salaries payable to U.S. magistrates.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 10670) to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 1860. An act for the relief of David Capps, formerly a corporal in the U.S. Marine Corps;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech; and

H.R. 10635. An act for the relief of William E. Baker.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1500

Mr. PERCY. Mr. President, I send to the desk an amendment and I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the Record.

The amendment is as follows:

TITLE IV

Sec. 401. This title may be cited as the "Property Tax Reform and Assistance Act of 1972".

Sec. 402. As used in this title, the term—

(1) "Secretary" means the Secretary of Housing and Urban Development;

(2) "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

(3) "low-income individual" means an individual (a) whose property taxes on his principal residence exceed 8 percent of his income, or, in the case of an individual who occupies his principal residence under a lease, 25 percent of whose rent exceeds 8 percent of his income; and (b) whose income does not exceed $15,000;

(4) "income" means income from any source whatever, without regard to the provisions of subtitle A of the Internal Revenue Code of 1954 (relating to income taxes), determined in accordance with such regulations as the Secretary may prescribe.

Sec. 403. Upon application made by any State, the Secretary of Housing and Urban Development is authorized to make payments to that State in accordance with the provisions of this title if he determines that it is eligible under section 4 to receive such payments. The amount of payments which may be made by the Secretary to any State under this title during any year is an amount equal to 50 percent of the amounts paid by that State as property tax relief during that year to eligible low-income individuals residing in that State under a program described in section 404(h) of this title and approved by the Secretary.

Sec. 404. (a) No State shall be eligible to receive payments under this title, unless the Secretary determines that it is carrying out a program of ad valorem real property taxation meeting the requirements of subsections (b) through (h) of this section under State law.

(b) Any such State law shall provide for—

(1) State government supervision of the assessment of real property subject to ad valorem taxation, and State supervision of property tax administration at the local level;

(2) the establishment of a program of training and certification of individuals charged with the responsibility for appraising and assessing such property;

(3) the assessment and appraisal of real property by such individuals in accordance with regulations prescribed by the State;

(4) the development and maintenance, in

accordance with regulations prescribed by the State, of maps reflecting property tax rates and assessments; and

(5) the development and enforcement of a system of real property tax assessment rolls, billing practices, and related administrative practices and records which is uniform throughout the State.

(c) Any such State law shall provide that individuals subject to an ad valorem tax on their real property shall be supplied with statements, not later than 30 days before the date on which payment of that tax is due, which disclose the assessed value of the property, the percentage of value at which the property is assessed, and the rate of tax at which the property is taxed. Each such statement shall also include the results of comprehensive assessment ratio studies of the assessment and taxation of property in the State and in the county, or other political subdivision, within which the property of any such individual is located.

(d) Any such State law shall provide that the State shall undertake comprehensive assessment ratio studies annually of the average level of assessment, the degree of assessment uniformity, and overall compliance with asessment requirements for each major class of real property in each county or other political subdivision in the State. In carrying out such studies, the State shall compute measures of central tendency and dispersion in accordance with appropriate standard statistical analysis techniques. As used in this subsection, the term "average dispersion" means the percentage which the average of the deviations of the assessment ratio of individual sold or appraised properties bears to their median ratio.

(e) Any such State law shall provide that the State shall define the base for real property taxation, and shall establish all exemptions from such taxation. The State shall determine the total assessed valuation of real property in each class of exemption and make that information available to the public.

(f) Any such State law shall provide that the State shall insure the enforcement of its real property tax standards and practices uniformly throughout the State by providing for necessary enforcement personnel and procedures.

(g) Any such State law shall provide that the State shall establish a system of appeals from the determinations of assessors which will provide for prompt, efficient disposal of such appeals. Under such system a citizen of the State shall have standing to appeal the assessment, rate of tax, or exemption from tax of his own property or any other real property with respect to which he can demonstrate that the challenged assessment, rate of tax, or exemption may adversely affect himself or others similarly situated. Upon a successful challenge under such system, the State may be authorized to assess the property, set the rate of tax, or provide or withdraw the exemption without the consent of local officials.

(h) Any such State law shall provide that the State shall reimburse low-income individuals for ad valorem real property taxes, or rent in lieu of such property taxes, paid by such individuals with respect to their principal residence. The amount of reimbursement paid to any individual under a State program of reimbursement shall not exceed—

(1) in the case of such an individual who owns his residence, the lesser of $300 per year or the amount of ad valorem real property taxes paid with respect to that residence during that year in excess of 8 percent of his income; or

(2) in the case of such an individual who rents his residence, and with respect to whom it is determined under regulations prescribed by the Secretary that a portion of his rent is based on property taxes payable on that residence by the owner thereof, the lesser of $300 per year or the amount of property taxes payable on, or in the case of an apartment, allocable to, that residence for the taxable year in excess of 25 percent of his rent;

(i) Nothing in subsection (h) above, however, shall be construed to limit the implementation by States of property tax relief payment programs in amounts in excess of the amounts stated in subsection (h). In such cases, Federal payments will be made to States up to the limits set forth in subsection (h).

SEC. 405. The Secretary shall make a payment under this title to a State only upon receipt of an application filed by that State at such time, in such manner, and containing such information as the Secretary may require. The application shall provide for making an annual report and such other reports, in such form and containing such information, as the Administrator may reasonably require to insure that the State continues to be eligible under section 404 for such payments, and shall set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year are appropriately controlled. Payments made under this title to the States may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

SEC. 406. The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this title, and to provide such advice and assistance to the States as they may request for the purpose of developing ad valorem property tax programs meeting the requirements of section 404.

SEC. 407. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

Mr. PERCY. Mr. President, the amendment I have sent to the desk is amendment No. 1500 with the exception that on the top of page 4, line 1, the 60 days is changed to 30 days.

The amendment is identical in every other respect.

Mr. President, I have had placed on the desks of all Senators a brief explanation of this amendment which I have offered with the principal cosponsorship of the Senator from Maryland (Mr. MATHIAS). Before discussing this amendment, I must say that I feel very much as I did at Miami Beach. This has been an exercise in the last several days in the nature of a tug-of-war between the populous, industrialized, urbanized States and the smaller States. And the struggle has been very clear. The results of this struggle have been disastrous for the populous States, because this is the Senate of the United States. It is just as disastrous as it was at the Republican Convention for the proportional representation that many of us were trying to achieve so as to give greater representation at the next national convention to the populous States.

However, I am most pleased now to be offering an amendment to the bill that is not an issue between the major States and the medium-sized and smaller States in population. However, they are all major.

This is a principle that involves real estate taxes, property taxes. The amendment would tend to favor 12 States that have now undertaken reform measures with respect to their real estate taxes. Those 12 States number among them six of the populous States and six of the smaller States—an equal division.

I am also happy to say that the State of Illinois would not now qualify for any benefits under the amendment that I have offered. Only the State of Oregon has gone all of the way and has taken a position, supported by the Advisory Commission Intergovernmental Relations, that for a decade now has been preaching the philosophy that in order to have fairness and equity in our real estate taxes, we must have more informity, more professional assessment, more nationality in property taxation—so that the average citizen can understand what is going on.

My amendment also has this to say for it—there is no coercion involved. It simply provides an incentive. There are benefits payable under this amendment only to low-income homeowners, including the elderly who are on fixed incomes. Only the low-income renters, roughly 25 percent of whose rent is paid in real estate taxes, would benefit.

If there is a benefit, the benefit flows only when the State goes back and does what the Intergovernmental Relations Commission had recommended for a decade, that we simply reform their property tax systems.

So the one main purpose this amendment has is to encourage States to adopt basic tax administrative reforms. It does so by offering to pay the States half of the cost of their programs on property tax relief for low income homeowners and renters, if the States also adopt specified property tax reforms.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate is not in order. Will Senators please take their seats? The Senate is not in order. The Senator from Illinois is not able to proceed until the Senate comes to order.

Before proceeding, may the Chair suggest to the Senator from Illinois that he might want to ask unanimous consent to make the change he has proposed in his amendment?

Mr. PERCY. Mr. President, I ask unanimous consent that I may make the change I have already described.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, the distinguished chairman of the Finance Committee and the distinguished ranking minority member have over the past several days made it very clear that they do not wish to consider and will not consider amendments that they consider nongermane. I have not really quarreled with this principle. I wish that both of them were present on the floor at this time. However, what I have to say, I will repeat when they come back to the floor because I think it is very important with respect to the particular point which they properly have held up as a principle for amendments that they would support.

I feel that this amendment is germane to the subject of revenue sharing. Local governments derive about 85 percent of their revenue from property taxes.

The matter of property taxes for local

and State revenue sources has been a central justification for revenue sharing. This is why there has been a demand for revenue sharing. The demand has come from the governors and the mayors and the county governments because they have simply reached the limit. They have reached the point where they can no longer increase the property taxes.

Mr. President, I have a schedule that indicates the dependence of local government on the property taxes.

In 1950, 88 percent of all revenue used by the local government was obtained through the property tax. There is not much change in that figure today.

In 1970, it was 85 percent. There was 2 percentage points difference.

The full schedule shows the basis of the revenue for local governments expressed in millions of dollars.

Mr. President, I ask unanimous consent that the schedule be printed at this point in the RECORD.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

LOCAL GOVERNMENT[1] REVENUES

[Dollar amounts in millions]

	1950	1960	1965	1967	1968	1969	1970
Sales tax	$484	$1,339	$2,059	$1,956	$1,932	$2,470	$3,068
Individual and corporate income tax	64	254	433	916	1,077	1,381	1,630
Property tax	7,042	15,798	21,817	25,186	26,835	29,692	32,963
Other taxes and licenses	394	692	807	1,016	1,327	1,239	1,173
Total taxes	7,984	18,081	25,116	29,074	31,174	34,781	38,833
From Federal Government	211	592	1,155	1,753	1,954	2,245	2,605
From State government	4,217	9,522	14,010	18,434	20,342	23,837	26,920
Charges and miscellaneous	1,602	4,831	7,245	8,971	9,714	11,080	12,558
Insurance trust revenue	$185	$549	$795	$933	$1,044	$1,155	$1,299
Total revenue	14,199	33,575	48,321	59,165	64,228	73,098	82,215
Debt as of end of year	18,830	51,412	72,478	81,185	85,492	93,995	101,563
Percentage property tax receipts are of total local taxes	88	87	86	86	86	85	85
Percentage property tax receipts are of total local government revenues, from all sources	45	47	45	43	41	40	40

[1] Does not include State revenues: sub-State governments only.

Mr. PERCY. Mr. President, I feel that this amendment is germane because the Senator from Louisiana (Mr. LONG), chairman of the Finance Committee, on September 8 accepted an amendment offered by the Senator from Minnesota (Mr. HUMPHREY) calling for a study by the Joint Committee on Internal Revenue Taxation of property tax administration nationwide.

In so doing the Senator from Louisiana (Mr. LONG) stated:

> Mr. President, I find considerable appeal to this amendment. I have not had a chance to give it adequate consideration, but I have discussed it with the ranking member on the other side of the aisle, and he finds no objection to it. I find a great deal of appeal in it.
>
> Frankly, one of the reasons why we in Louisiana need revenue sharing is because of the shortcomings of our property tax assessment system. My guess is that if that could be straightened out and put on a more logical and uniform basis, many of our problems might be solved and we might not need revenue sharing so badly.

So the need is very directly stated by the chairman of the Committee on Finance.

Later in the colloquy on another Humphrey amendment the Senator from Louisiana said:

> So far we have not had an amendment added to the bill that is not at least relevant to the revenue sharing concept and that I did not think was relevant to revenue sharing.
>
> The nearest thing to a nongermane amendment was the one offered by the Senator from Minnesota that I agreed to accept and to make a study of the property tax matter.
>
> I know that the States need it. I know they need it in Louisiana, because they have such a confused property tax in the State that they are not collecting what I think is fair and equitable.

I simply submit to the Senate the fact that we have been debating in the Committee on Finance for many days, weeks, and months of hearing and arguments the revenue sharing bill and yet, in essence, the bill is an administration bill that has been sent down and the response we have made to it is a responsible response. But I think we have a right and an obligation to creatively think through our problems. Everyone agrees, and certainly the American people agree, that when we come to taxation, the real estate tax is chaotic and something needs to be done about it.

My point is that here is a chance at very, very low cost to innovate, to create, to do something in response to a demonstrated need, and to do so not in a coercive manner but in a way we should, by offering incentives for the States to take action.

When the chairman of the committee states that he knows the States need this kind of reform, and he points to his own State as an example of what ought to be done to reform, I point out there are 48 other States that could make that same statement. Only Oregon has gone all the way. Possibly it was done under our distinguished colleague, the senior Senator from Oregon, when he served as Governor. But only one State has done what it should. We are saying, Let us all do it.

The chairman has clearly by his action and words accepted the direct relevance of property tax reform to the concept of revenue sharing and the implementation of the concept in H.R. 14370. The Percy-Mathias amendment gets to the issue that Senator LONG indicated is the important problem in Louisiana, property tax administration. That is what we drive right to the heart of. The amendment offers an incentive and encourages the States to adopt administrative reform.

Mr. LONG. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. LONG. Can the Senator tell us, if his amendment is agreed to, how much money goes to his State, so we can look at it on a State-by-State basis and see who gets how much?

Mr. PERCY. Yes. When the chairman was away from the Chamber—and he has not been off the floor for more than a few moments for days now—I indicated I was very pleased in this instance to say that Illinois would not qualify under this amendment. Only one State would do so. Oregon would qualify. That is the only State that passed a State law that has provided forgiveness for low-income people, including many elderly, when their property taxes exceed a certain percentage of their income, and that is the only State that has adopted the procedures that have been outlined in the Advisory Commission's recommendation for a reform of our property taxes. Eleven other States instituted rebate programs for low-income people, but no other State, including Illinois, would qualify, and Illinois would have to adopt the necessary property tax reforms in order to do so.

Payments would be minuscule to start with. I would say as a maximum over the next 2 years the amount would be $75 million. Twelve States might make reforms in their laws to make themselves eligible. I do not know how quickly the other States would be able to comply. I know it would take the State of Illinois over a year. I would be willing to put a ceiling on the cost.

Mr. LONG. Mr. President, will the Senator yield on my time?

Mr. PERCY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. Mr. President, is there a time limitation agreed to?

The PRESIDING OFFICER. Yes, there is a 1 hour limitation, one-half hour to a side.

Mr. LONG. Mr. President, I yield myself 2 minutes on my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. One of the problems the Senator's amendment raises is that if it should benefit any State it should be Louisiana, but it would not. For example, we have $2,000 homestead exemption. Every homeowner is entitled to an exemption of the first $2,000. My father played a leading role in instituting that law in Louisiana, but unfortunately it produced a situation which is undesirable in Louisiana. Now, there is a lack of uniformity in assessments. Some assessors have found it politically advantageous to assess the excess over $2,000 at the lowest conceivable value, and this has led to chaos in many instances in Louisiana.

We very much need uniformity of assessments, but I do not think it is an answer to make the Secretary of the Treasury the tax assessor for 38,000 units of government in the country, nor can I see that an answer has been provided to solve the problem.

The Senator said that this would benefit one State, but if all the States changed their laws so that they came under it, it could cost $1 billion. Something that significant should require considerable study, and we should receive the views of those who have had time to think about it. We did not have an opportunity to study this proposal in the Committee on Finance. If this is to be done, there should be a long-range program and more time should be provided for the Senate and the House to study the matter, and so the proposal might be discussed around the Nation to see what extent Governors and State legislatures think it is a good idea.

Maybe this is a very fine idea but this is the beginning of something that should be studied. We would be poorly advised at this late stage to commit ourselves to this specific provision when the whole idea of the 5-year period is that we can study this and the other proposed modifications. We would make a mistake to go into this before we have a chance to study it and see how it could be applied nationwide and how much the cost would be. Also, we would want to see to what extent States could conform their laws and also to associate with this measure to increase tax equalization.

It is a novel idea and it has a very appealing aspect, but I hope we would not permit ourselves to add it to the bill at this stage, because I doubt we could save it in conference.

Mr. PERCY. I very much appreciate the comments of my distinguished colleague, and I appreciate the fact that he sees the need for it.

I will try to make the point that this subject has really been studied to date. This is no new subject. This is a subject that has been studied for a decade. The very fact that one State has seen fit to implement it shows that fact. A uniform code has been sought for years. What we need now is a carrot. We need some inducement to get other States to do the same thing.

To specifically answer the question of my distinguished colleague, the cost right now would be $10 million. That is the cost that would be involved, because only the State of Oregon actually qualifies. If, for instance, the State of Illinois qualified, and if we had a plan to work toward it—I can assure the distinguished Senator that with this kind of incentive we would be striving for it—we would then be eligible for $30 million a year, because it only applies as a 50-percent matching fund as forgiveness to low-income renters and homeowners.

Mr. LONG. Mr. President, will the Senator yield? I shall be glad to yield him some of my time if I trespass on his time.

Mr. PERCY. I yield.

Mr. LONG. If we were to apply it in Louisiana, our people would say that does not meet our problem. In our State, all aged people, except those who are very affluent, pay no taxes on real estate. That is what we have done in Louisiana already. The amendment is not tailored to our law, so that we would get no benefit from it. I am not sure we should, but that is part of the problem.

It would seem to me, that if the Senate wanted to do it, the proposal could be something which first would be offered as a bill. Then I think every Senator ought to be given an opportunity to consult with his Governor and his State legislative leaders, to see if they would be interested in having something like this implemented. I am sure some Senators would not want this law if it were going to benefit every State except their own, or benefit half of the States and not their own. I would think, if this approach were going to be used, Senators and Representatives generally would like to explore the possibility that their States would use this approach or that they could conform to it. It might be that in Louisiana our law might be amended to conform with what the Senator is proposing, although I believe we would have problems which might require a State constitutional amendment.

While it is true that the subject of revenue sharing and tax credits has been discussed, this particular proposal has never been studied by the committee with jurisdiction over it, because it has not been submitted to us before.

I would hope that the Senator would not insist upon it now, although I shall be happy to study it and explore it with other States to see what potential it offers for the future and see if that is the direction in which they want to move.

Mr. PERCY. So far as concerns the question of whether this is an idea which needs to be studied or not, as the distinguished Senator knows, I introduced this as a bill last May. I testified on the bill before the Subcommittee on Intergovernmental Relations, of which the Senator from Maine (Mr. MUSKIE) is the chairman. The bill has been drawn largely from the legislation suggested by the Commission on Intergovernmental Relations. It is available for study, and has been available for study, for many years, really. It is a commission composed of mayors, Governors, Members of the U.S. Senate, and other elected officials, and is headed by Robert E. Merriam, who is the chairman. So that it is not a new idea. As a matter of fact, the ACIR, in its landmark 1963 report titled "The Role of the States in Strengthening the Property Taxes," documented in detail the massive shortcomings of State property taxation systems.

Again, in its annual report to Congress and the Nation of February 1972 called "The Crisis Continues," the ACIR again concluded:

> To be equitable, and to keep pace with growing property values, the property tax requires a degree of administrative and financial commitment that most States and localities have been unwilling to give. Its administration in most jurisdictions is still left to officials whose principle qualification is political skill at the polls or political contacts—not a knowledge of the techniques of the appraisal profession.

So that these problems are extremely well known.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PERCY. At what point was the 1-hour limitation established? I was on the floor when a unanimous-consent request was made that the Mathias-Percy amendment be the order of business following the Roth amendment. I had advised the distinguished chairman and the distinguished assistant majority leader that I would be willing to agree to a time limitation, but that at least 1 hour and a half would be required. We know that the Republican Policy Committee is in session. The Senators who indicated they wanted to speak on this amendment are not on the floor. I feel that an hour to explore this idea, during a luncheon period, with half the Senators at a formal luncheon, is unfair to the amendment.

The PRESIDING OFFICER. The Chair will say that the unanimous-consent agreement was entered into on Monday, yesterday.

Mr. PERCY. For all amendments?

The PRESIDING OFFICER. No, for this particular amendment the Senator is speaking of.

Mr. PERCY. It must have been after I left the Chamber, then.

I ask the attention of the Senator from Louisiana. I am raising the question of the time limitation of 1 hour. When I left the Senate last night, when I felt we had concluded the discussion of this matter, we had put it on the agenda to follow the Roth amendment, but the distinguished Senator from Louisiana said he did not want a time limitation at that time. I said if we had a time limitation, I would be willing to agree to it, but a minimum of an hour and a half would be required. Now I find that my colleagues who wish to speak on it are at a policy committee luncheon. For us to vote in the middle of a luncheon would go against what we try not to do on Tuesdays at noon. Second, it really prevents my colleagues who have asked to speak on the amendment from coming in and doing so.

Mr. LONG. What is the Senator's suggestion about it? What can we do about it?

Mr. PERCY. I would suggest that we either remove the time limitation, or notify Senators that they must leave the luncheon if they wish to speak, or fix a time certain at 2:30, or 2 hours from now, and enter into that arrangement by unanimous consent.

Mr. LONG. I think there might be a better way to do it.

Mr. President, how much time remains on this amendment?

The PRESIDING OFFICER. The Senator from Illinois has 6 minutes. The Senator from Louisiana has 26 minutes.

Mr. LONG. I shall be glad to yield the Senator some of my time. I think it might help solve the Senator's problem if we could lay this amendment temporarily aside, and then I can divide the time evenly with the Senator as far as the time remaining on this amendment is concerned. I know the Senate is anxious to act. I wonder if we could lay it aside and take up something else now.

Mr. President, I ask unanimous consent that this amendment may be temporarily laid aside so we may go to another one. I will give the Senator some of my time when we take it up again later.

Mr. METCALF. Mr. President, may I be recognized for a unanimous-consent request?

Mr. PERCY. Mr. President, if I am to be limited to the 1 hour—and I appreciate very much the extension of the time—I might just as well finish my time now.

Mr. LONG. Mr. President, I believe I have 26 minutes and the Senator has 6 minutes. I shall be glad to divide the time evenly with the Senator, and we will take 16 minutes apiece. Is that satisfactory?

Mr. PERCY. I would just as soon finish it now, if that is the limit of time, and simply advise Senators that if they wish to speak they will have to come out of the luncheon.

Mr. LONG. I will be glad to split the time with the Senator. I understand his problem. I have been confronted with the same thing. I have been speaking to empty desks for a week, so I understand the problem.

Mr. PERCY. If we go ahead on it and we have run out of time and one or two Senators wish to speak on it, would it be possible to get time for them to speak?

Mr. LONG. I shall be glad to cooperate.

Mr. PERCY. All right.

Mr. LONG. I do not want to go on for another hour or two, but for 10 or 15 minutes, I will cooperate to that extent.

Mr. PERCY. All right.

The PRESIDING OFFICER. Does the Senator from Louisiana withdraw his unanimous-consent request?

Mr. LONG. Yes; I think the Senator said that would not help the problem, so we will just proceed.

Mr. METCALF. Mr. President, will the Senator yield for a unanimous-consent request at this time, that, while the people at his luncheon are off the floor, without taking time out from either the time of the Senator from Louisiana or the time of the Senator from Illinois, I may bring up a matter that has been reported out of committee by unanimous consent? We could, I believe, handle it at this time.

Mr. PERCY. Mr. President, I shall be very pleased to yield for that purpose, provided it does not come out of the time on either side.

Mr. TUNNEY. Mr. President, I ask unanimous consent that a member of my staff, Tony David, be allowed to be present on the floor during the further consideration of the revenue-sharing bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ADVISORY COMMITTEE ACT

Mr. METCALF. Mr. President, I ask unanimous consent that at this time the Senate proceed to the consideration of Calendar 1043, S. 3529.

The PRESIDING OFFICER. Is there objection?

Mr. LONG. Mr. President, reserving the right to object, may I understand that this will not take more than one-half hour? Because if it takes more than an hour or two——

Mr. METCALF. Twenty minutes.

Mr. LONG. All right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3529) to prescribe certain standards and procedures governing the establishment and operation of advisory committees in the Federal Government, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Government Operations with amendments on page 5, line 3, after the word "such", to insert "advisory"; on page 12 line 8, after the word "until", to strike out "a" and insert "an advisory"; and, on page 20, line 7, after the word "is", to strike out "continued" and insert "renewed"; so as to make the bill read:

S. 3529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Advisory Committee Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that there are numerous committees, boards, commissions councils, and similar groups which have been established to advise the Federal Government and that they are frequently a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions to the Government.

(b) The Congress further finds and declares that—

(1) the need for many existing advisory committees has not been adequately established;

(2) new advisory committees should be established only when they are determined to be essential and their number should be kept to the minimum necessary;

(3) advisory committees should be terminated when they are no longer active or no longer carrying out the purposes for which they were established;

(4) uniform standards and procedures are necessary to govern the establishment, operation, administration, and duration of advisory committees;

(5) the Congress and the public should be kept fully and currently informed with respect to the number, purpose, membership, activities, and cost of advisory committees; and

(6) the function of advisory committees shall be advisory only, and that all matters under their consideration shall be determined, in accordance with law, by the official agency of officer involved.

DEFINITIONS

SEC. 3. For the purpose of this Act—

(1) the term "agency advisory committee" means a committee, council, board, commission, task force, or other similar group, or any subcommittee or subgroup thereof, which is established or organized under any statute or by the President or any officer of the Government for the purpose of furnishing advice, recommendations, or information to any officer or agency, or to any such officer or agency and to the Congress, and which is not composed wholly of officers or employees of the Government;

(2) "Presidential advisory committee" means a committee, council, board, commission, task force, or other similar group, or any subcommittee or other subgroup thereof, which is established or organized under any statute or by the President for the purpose of furnishing advice, recommendations, or information to the President or the Vice President, or to the President or the Vice President and the Congress, and which is not composed wholly of officers or employees of the Government;

(3) "advisory committee" means any agency advisory committee or any Presidential advisory committee;

(4) "Director" means the Director of the Office of Management and Budget;

(5) "agency" has the same meaning as in section 551(1) of title 5, United States Code;

(6) "officer" has the same meaning as in section 2104 of such title; and

(7) the term "employee" has the same meaning as in section 2105 of such title.

APPLICABILITY

SEC. 4. (a) The provisions of this Act or of any rule, order, or regulation promulgated under this Act shall apply to each advisory committee except to the extent that any Act of Congress establishing any such advisory committee specifically provides otherwise.

(b) Except as provided in section 5, nothing in this Act shall be construed to apply to any standing, special, or joint committee of the Congress, any local civic group whose primary function is that of rendering a public service with respect to a Federal program, or any State or local committee, council, board, commission, or similar group established to advise or make recommendations to State or local officials or agencies.

RESPONSIBILITIES OF CONGRESSIONAL COMMITTEES

SEC. 5. (a) In the exercise of its legislative review function, each standing committee of the Senate and the House of Representatives shall make a continuing review of the activities of each advisory committee under its jurisdiction to determine whether such advisory committee should be abolished or merged with any other advisory committee, whether the responsibilities of such advisory committee should be revised, and whether such advisory committee performs a necessary function not already being performed. Each such standing committee shall take appropriate action to obtain the enactment of legislation necessary to carry out the purpose of this subsection.

(b) In considering legislation establishing, or authorizing the establishment of any advisory committee, each standing committee of the Senate and the House of Representatives shall determine, and report such determination to the Senate or to the House of Representatives, as the case may be, whether the functions of the proposed advisory committee are being or could be performed by one or more agencies or by an advisory committee already in existence, or by enlarging the mandate of an existing advisory committee. Any such legislation shall—

(1) contain a clearly defined purpose for the advisory committee;

(2) require that membership of the advisory committee shall be representative of those who have a direct interest in the purpose of such committee as described in such legislation;

(3) contain provisions authorizing specific appropriations and prescribing the date for submission of any report, the duration of the advisory committee, the publication

of reports and other materials, and, where appropriate, the authorization for, and any limitation upon the use of, subpenas; and

(4) contain provisions to assure that the advisory committee will have adequate staff, office space, and other resources to operate effectively.

RESPONSIBILITIES OF THE PRESIDENT

SEC. 6 (a) The President may assign to the Domestic Council, or such other agency as he deems appropriate, responsibility for evaluating and taking action, as appropriate, with respect to all public recommendations made to him by Presidential advisory committees.

(b) The Domestic Council or such other agency to which the President has assigned responsibility for any public recommendations of a Presidential advisory committee, shall transmit to the President and to Congress, within six months of its receipt of the recommendations, a public report containing its views on the recommendations and setting forth proposals for action with respect to the recommendations or its reasons for proposing that no action be taken.

RESPONSIBILITIES OF THE DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SEC. 7. (a) The Director shall establish and maintain within the Office of Management and Budget a Committee Management Secretariat, which shall be responsible for all matters relating to advisory committees.

(b) The Director shall, immediately after the enactment of this Act, institute a comprehensive review of the activities and responsibilities of each advisory committee to determine—

(1) whether such committee is carrying out its purpose;

(2) whether, consistent with the provisions of applicable statutes, the responsibilities assigned to it should be revised;

(3) whether it should be merged with other advisory committees; and

(4) whether it should be abolished.

The Director may from time to time request such information as he deems necessary to carry out his functions under this subsection. Upon the completion of the Director's review he shall make recommendations to the President, the agency head, or the Congress, as the case may be, with respect to action he believes should be taken. Thereafter, the director shall carry out a similar review annually.

(c) The Director shall prescribe administrative guidelines and management controls applicable to advisory committees, and, to the maximum extent feasible, provide advice, assistance, and guidance to advisory committees to improve their performance. In carrying out his functions under this subsection, the Director shall consider the recommendations of each agency head with respect to means of improving the performance of advisory committees whose duties are related to such agency.

(d) (1) The Director, after study and consultation with the Civil Service Commission, shall establish guidelines with respect to uniform fair rates of pay for comparable services of members, staffs, and consultants of advisory committees in a manner which gives appropriate recognition to the responsibilities and qualifications required and other relevant factors. Such regulations shall provide that—

(A) no member of any advisory committee or of the staff of any advisory committee shall receive compensation at a rate in excess of the rate specified for GS-18 of the General Schedule under section 5332 of title 5, United States Code; and

(B) such members, while engaged in the performance of their duties away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons employed intermittently in the Government service.

(2) Nothing in this subsection shall prevent—

(A) an individual who (without regard to his service with an advisory committee) is a full-time employee of the United States, or

(B) an individual who immediately before his service with an advisory committee was such an employee, from receiving compensation at the rate at which he otherwise would be compensated (or was compensated) as a full-time employee of the United States.

(e) The Director shall include in budget recommendations the sums he deems necessary for the expenses of advisory committees, including the expenses for publication of reports where appropriate.

(f) The Director shall, not later than March 31 of each year, transmit a report to the Congress on the activities, status, and changes in the composition of advisory committees during the preceding calendar year. Such report shall be published in the Federal Register. The report shall contain the name of each such advisory committee, classified by the official or agency to which it reports, the date of and authority for its establishment, its functions, a reference to the reports it has submitted during the preceding calendar year, a statement of whether it is an ad hoc or continuing body, the dates of its meetings during the preceding calendar year, the names, addresses, and affiliations of its current members, and the total estimated annual cost to the United States to fund, service, supply, and maintain such committee. Such report shall include a list of advisory committees which the Director has recommended be abolished together with his reasons therefor, together with an account of any action taken. The Director shall exclude from this report any information which, in his judgment, may compromise the national security, and he shall include in such report a statement that such information is excluded.

RESPONSIBILITIES OF AGENCY HEADS

SEC. 8. (a) Each agency head shall establish uniform administrative guidelines and management controls for agency advisory committees established by that agency head, which shall be consistent with directives of the Director under section 7. A uniform informational system relating to agency advisory committees and their operation shall be maintained within each agency.

(b) Each agency head shall designate an Advisory Committee Management Officer who shall—

(1) exercise control and supervision over the establishment, procedures, and accomplishments of agency advisory committees established by that agency;

(2) assemble and maintain the reports, records, and other papers of any such committee during its existence; and

(3) carry out, on behalf of that agency, the provisions of section 552 of title 5, United States Code, with respect to such reports, records, and other papers.

ESTABLISHMENT AND PURPOSE OF ADVISORY COMMITTEES

SEC. 9. (a) No advisory committee shall be established unless such establishment is—

(1) specifically authorized by statute or by the President; or

(2) determined as a matter of formal record, by the head of the agency involved after consultation with the Director, with timely notice published in the Federal Register, to be in the public interest in connection with the performance of duties imposed on that agency by law.

(b) Unless otherwise specifically provided by statute or Presidential directive, advisory committees shall be utilized solely for advisory functions. Determinations of action to be taken and policy to be expressed with respect to matters upon which an advisory committee reports or makes recommendations shall be made solely by the President or an officer of the Government.

(c) No advisory committee shall meet or take any action until an advisory committee charter has been filed with (1) the Director, in the case of Presidential advisory committees or (2) with the head of the agency to whom any agency advisory committee reports and with the standing committees of the Senate and of the House of Representatives which have legislative jurisdiction over such agency. Such charter shall contain the following information:

(A) the committee's official designation;

(B) the committee's objectives and the scope of its activity;

(C) the period of time necessary for the committee to carry out its purposes;

(D) the agency or official to whom the committee reports;

(E) the agency responsible for providing the necessary support for the committee;

(F) a description of the duties for which the committee is responsible, and, if such duties are not solely advisory, a specification of the authority for such functions;

(G) the estimated annual operating costs in dollars and man-years for such committee;

(H) the estimated number and frequency of committee meetings;

(I) the committee's termination date, if less than two years from the date of the committee's establishment; and

(J) the date the charter is filed.

A copy of any such charter shall also be furnished to the Library of Congress.

ADVISORY COMMITTEE PROCEDURES

SEC. 10. (a) (1) Each advisory committee meeting shall be open to the public.

(2) Timely notice of each such meeting shall be published in the Federal Register, and the Director shall prescribe regulations to provide for other types of public notice to insure that all interested persons are notified of such meeting prior thereto.

(3) Interested persons shall be permitted to attend, appear before, or file statements with any advisory committee, subject to such reasonable rules or regulations as the Director may prescribe.

(b) The records, reports, transcripts, minutes, appendixes, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee shall be available for public inspection and copying, at a single location in the offices of the advisory committee or the agency to which the advisory committee reports until the advisory committee ceases to exist.

(c) Transcripts or minutes of each meeting of each advisory committee shall be kept and shall contain a record of the persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by such advisory committee. The accuracy of all minutes shall be certified by the chairman of the advisory committee.

(d) (1) Subsections (a), (b), and (c) of this section shall not apply to any advisory committee meeting which the President, or the head of the agency to which the advisory committee reports, determines is concerned with matters referred to in section 552(b) of title 5, United States Code. Any such determination shall be in writing and shall be published prior to the meeting in the Federal Register together with the reasons for such determination.

(2) A verbatim transcript shall be taken of any meeting to which subsections (a), (b), and (c) of this section do not apply.

(3) Any person aggrieved by a determina-

tion by the President or by the head of an agency under this subsection may file an action under section 552(a)(3) of title 5, United States Code.

(e) Advisory committees shall not hold any meetings except at the call of, or with the advance approval of, a designated Government official and in the case of agency advisory committees, with an agenda approved by such official.

(f)(1) There shall be designated an officer or employee to chair or attend each meeting of each advisory committee. The officer or employee so designated is authorized, whenever he determines it to be in the public interest, to adjourn any such meeting. No advisory committee shall conduct any meeting in the absence of that officer or employee.

(2) No advisory committee shall receive, compile, or discuss information concerning the current or projected commercial operation of identified business enterprises. When ever it appears to the officer or employee designated under paragraph (1) that such information is being received, compiled, or discussed, he shall promptly adjourn such meeting.

AVAILIBILITY OF TRANSCRIPTS

Sec. 11. (a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings. Notwithstanding any other provision of law, any funds received under this section shall be deposited in the Treasury of the United States and credited to the appropriation of the agency or advisory committee involved.

(b) As used in this section "agency proceeding" means any proceeding as defined in section 551(12) of title 5, United States Code.

COLLECTION OF INFORMATION

Sec. 12. Section 3509 of title 44, United States Code, is amended by inserting "(a)" before the words "A Federal agency" and by adding at the end thereof the following new subsections:

"(b) A determination of disapproval by the Director shall be accompanied by a full statement of the reasons therefor.

"(c) Any collection of information which has been referred to the Director of the Office of Management and Budget for his approval under section 3506 of this title or under subsection (a) of this section shall be acted upon within ninety days or such approval shall be presumed."

FISCAL AND ADMINISTRATIVE PROVISIONS

Sec. 13. (a) Each agency shall keep records as will fully disclose the disposition of any funds which may be at the disposal of agency advisory committees it establishes or which report to it, and the nature and extent of the advisory committee's activities in carrying out its functions. The Administrator of General Services shall maintain such records with respect to Presidential advisory committees. The Comptroller General of the United States, or any of his authorized representatives, shall have access, for the purpose of audit and examination, to any such records.

(b) Each agency shall be responsible for providing support services for each agency advisory committee established by or reporting to it unless the establishing authority provides otherwise. Where any such advisory committee reports to more than one agency, only one agency shall be responsible for support services at any one time. In the case of Presidential advisory committees, such services shall be provided by the General Services Administration.

(c) Each advisory committee is authorized to request from any agency any information it deems necessary to carry out its functions, and each agency is authorized to furnish such information to such advisory committee upon an official request therefor.

ADVISORY COMMITTEE REPORTS AND OTHER MATERIALS

Sec. 14. (a) Not later than thirty days after the transmission of any report by an advisory committee, that committee shall transmit to the Library of Congress not less than six copies of such report. Upon the termination of any advisory committee such committee shall transmit to that Library copies of such reports, records, transcripts, appendixes, working papers, drafts, studies, agenda, or other documents as the Librarian of Congress may request. For the purpose of this subsection, the Librarian of Congress shall have full access to the records and papers of each advisory committee.

(b) The Librarian of Congress shall establish a depository for all reports and other materials received by him under this section. All such reports and materials shall be available for public inspection and copying, except that the Librarian shall establish procedures to restrict such availability in the case of any reports or other materials which are classified.

TERMINATION OF ADVISORY COMMITTEES

Sec. 15. (a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than December 31, 1973, unless—

(A) in the case of an advisory committee established by the President or an officer of the Government, such advisory committee is renewed by the President or that officer by appropriate action prior to December 31, 1973 or

(B) in the case of an advisory committee established by an Act of Congress, such termination is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Government such advisory committee is renewed by the President or that officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, such termination is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Government may be continued only for successive two-year periods by appropriate action taken by the President or that officer prior to the date on which such advisory committee would otherwise terminate.

EFFECTIVE DATE

Sec. 16. (a) Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following the date of enactment.

(b) The report required under section 7(f) shall be first transmitted not later than March 31 of the year following the first full calendar year after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. METCALF. Mr. President, I ask unanimous consent that Mr. E. Winslow Turner of the staff of the Committee on Government Operations may be present in the Chamber during the consideration of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METCALF. Mr. President, this bill was reported unanimously by the Committee on Government Operations.

Mr. ROBERT C. BYRD. Mr. President. may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. METCALF. This bill, governing the establishment and operation of Government advisory committees, originated from three separate bills that were introduced in the Government Operations Committee, one by the Senator from Delaware (Mr. Roth), one by the Senator from Illinois (Mr. Percy), and one that I introduced.

I believe that many of the contents of this bill are from Senator Percy's own bill, which was introduced subsequent to our other bills; but it takes the best parts of all three bills and incorporates them into one piece of legislation.

As I have pointed out, the bill was reported unanimously from the Committee on Government Operations. It was cleared by the leadership on the minority side, and has been cleared with all Senators involved and concerned.

The legislation is the result of extensive hearings in both the 91st and 92d Congress, and is based upon a comprehensive investigation of the problems of advisory committees conducted by the subcommittees of both the House and the Senate. The bill has been reported unanimously by the full Government Operations Committee.

PURPOSE

The purpose of S. 3529 is to accomplish the following objectives: To strengthen the authority of Congress and the executive branch to limit the use of Federal advisory committees to those that are necessary and serve an essential purpose; to provide uniform standards for the creation, operation, and management of such committees; to provide that the Congress and the public are kept fully and currently informed as to the number, purposes, membership, and costs of advisory committees, including their accomplishments; and to assure that the functions of Federal advisory committees shall be advisory only and that all matters under their consideration shall be determined solely by Federal officials and agencies.

Under S. 3529, advisory committees include such committees, councils, boards, commissions, task forces, or similar groups, which are established or organized under a statute or by the President or an officer of the Government for the purpose of furnishing advice, and which are not composed wholly of employees of the Federal Government—that is, public advisory committees.

Among other things:

It requires Congress to make a continuing review of existing advisory committees to determine which should be abolished, merged, or revised, and to follow certain guidelines in the creation of any new committees.

It requires the OMB to institute a similar comprehensive review of advisory committees and recommend changes to the President; to prescribe administrative guidelines and management controls; and to report annually to Congress on the activities, status, and changes, including costs, of such committees.

It authorizes the President to assign responsibility for evaluation and action on recommendations of Presidential advisory committees, and to report on the disposition of such recommendations.

It provides for uniform procedures in the establishment and conduct of advisory committees. These include the filing of a committee charter, requirements of notice and public access to meetings and records, subject to certain exceptions, and the monitoring of such meetings by a Government employee.

It provides for the opportunity for advisory committee meetings to be closed where they deal with matters exempted from disclosure under the Freedom of Information Act.

It provides for the termination of advisory committees after 2-year periods, subject to formal renewal under certain procedures.

I would like to emphasize at the outset that many of the numerous advisory committees, boards, commissions, and similar groups have provided a useful and beneficial means of furnishing expert advice, ideas, and diverse opinions. It is not the intent of the legislation to impair this useful function where its essentiality has been demonstrated.

However, evidence obtained during public hearings both by the House and Senate committees clearly indicates that there are a large and undetermined number of advisory committees which have outlived their usefulness and must be either reorganized or eliminated. Unfortunately, neither the Federal agencies, nor the Office of Management and Budget, nor the Congress, has thus far developed any effective mechanism for separating the wheat from the chaff, for monitoring advisory committee effectiveness, for assuring their usefulness, for coordinating their work products, or for preventing creation of unnecessary or duplicating committees, and thus reducing their cost to Government.

Further evidence has shown that there exists a tendency among advisory committees to operate in a closed environment, permitting little opportunity for the public to be informed of their deliberations and recommendations, and of the materials and information on which they rely. This provides a suspicion, deserved or not, that advisory committees hold a privileged seat in the decision-making process, and may exert certain subjective influences upon the decision-maker which are not necessarily best for the public interest.

Thus, the legislation provides both a housekeeping function in the interests of efficiency and economy in Government and a function of disclosure and objective counsel—so that the public will know what advice their Government is getting, and how they might add their contribution to the information process.

Mr. President, I want to emphasize this objective of efficiency and economy because I think it is one of the most powerful arguments in favor of its enactment.

The Special Subcommittee of the House Committee on Government Operations counted over 1,500 such advisory bodies at the Federal level, costing the taxpayer about $65 million annually, with a total committee membership of over 20,000 individuals and an assigned staff of some 4,400 persons. But these figures are conservative, taken only from answers to the subcommittee survey. Estimates range up to 3,200 interagency and advisory committees running over $100 million a year.

The committee revealed that many advisory groups existed in name only; their reports were ignored or forgotten, their missions were ill-defended, leading to duplication and the loss of time and money; and their membership lacked objectivity as well as the balancing of geographic and public interests. Some advisory committees were asked to make judgments on matters which regulatory agencies were given their own expert staff and authorities to resolve. Others were sparsely funded and infrequently called into session, rendering no meaningful advice or information. One agency, after establishing a central management review mechanism, was able to abolish 125 of its advisory committees in 9 months.

The committee found that Congress has never made a sustained inquiry into the operations of advisory and interagency committees from the standpoint of Government efficiency and economy, nor has it established any guidelines for itself in authorizing the use of such committees. It found further that the Office of Management and Budget, despite a 1962 Executive Order No. 11007 and several BOB memoranda, has not carried on adequate supervisory and managerial role with respect to advisory committees, nor has OMB made any comprehensive review as to the number and relative value of such committees. Further, the committee found, among other things, that some Presidential advisory committees, in particular, lacked adequate administrative guidelines and any mechanism for evaluation and followup of their public reports and recommendations, including what action was taken by the Executive—positive or negative—on such recommendations.

These are problems that have grown over time. They are not the fault of any one Chief Executive or administration. They are the result of a system which has grown up in the Federal bureaucracy and which must be reformed and made more effective.

Mr. President, the House passed H.R. 4383, the Federal Advisory Committee Standards Act, which in large measure covers the same ground as S. 3529. We are very close to developing some critically needed legislation here, and it is my urgent hope that the Senate will adopt this bill so that we can complete our task with the House.

Mr. President, there are committee amendments. I move the adoption of the committee amendments.

The PRESIDING OFFICER. Does the Senator from Montana ask that the amendments be considered en bloc?

Mr. METCALF. I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments are considered and agreed to en bloc.

Mr. METCALF. Mr. President, I have one further amendment. This is an amendment that was requested by the former chairman of the Committee on Government Operations, Mr. McCLELLAN, who received a letter from the Central Intelligence Agency suggesting such an amendment. I send the amendment to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, after line 12, insert the following new subparagraph: "(b) Nothing in this Act shall be construed to apply to an advisory committee which furnishes advice or recommendations only with respect to national security or intelligence matters."

On page 4, on line 13, change "(b)" to "(c)".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment was agreed to.

Mr. METCALF. Mr. President, I ask unanimous consent that the letter to Senator McCLELLAN from the CIA, dated July 18, 1972, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CENTRAL INTELLIGENCE AGENCY,
Washington, D.C., July 18, 1972.

Hon. JOHN L. McCLELLAN,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: We wish to submit the views of this Agency on S. 3529, 92nd Congress, a bill "To prescribe certain standards and procedures governing the establishment and operation of advisory committees in the Federal Government, and for other purposes."

In its present form, S. 3529 raises several problems for the Agency. The provisions of most concern are the requirements:

(a) To publicize the existence of an advisory committee;

(b) To file with the Library of Congress a committee charter involving information on the committee's objective and scope of activity and a description of its duties;

(c) To file committee reports with the Library of Congress;

(d) To provide to the Librarian of Congress committee records, transcripts, working papers, drafts, studies and other documents upon a committee's termination;

(e) To audit the nature and extent of the committee's activities by the Comptroller General, and

(f) To make a determination in writing and publish it in the *Federal Register* prior to each meeting which is to be closed to the public and for which the minutes of the meeting are not to be available upon the request of any person because of security considerations.

The National Security Act of 1947 requires this Agency:

"To correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using where appropriate existing agencies and facilities . . ." (50 U.S.C. 403).

In order to correlate and evaluate foreign intelligence information, it is necessary to obtain advice and recommendations from diverse sources, frequently using the committee system for this purpose. These committees are usually composed solely of Federal employees and officers but a number have representatives from the private sector as well. In both cases, however, their work involves sensitive matters directly bearing upon a statutory requirement:

"That the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure; . . ." (50 U.S.C. 403).

It is believed that the requirements of S. 3529 previously noted could conflict both with the statutory responsibility to protect intelligence sources and methods and with the provisions of the Central Intelligence Agency Act of 1949 which exempt this Agency from:

"The provisions of any other law which require the publication or disclosure of the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency . . ." (50 U.S.C. 403g).

It is clear from the hearings before your Committee on legislation similar to S. 3529 that the principal objective of the legislation is to assure that advisory committees operate in the public interest. In the case of committees dealing exclusively with sensitive national security and foreign intelligence matters, it appears that the public interest is best served by protecting their endeavors in line with the provisions of law noted above.

In view of the foregoing, it is recommended that S. 3529, or any similar legislation reported out by your Committee, contain a provision similar to that which appears in S. 1637, which was introduced by Senator Metcalf on 22 April 1971, as follows:

"APPLICABILITY

"Sec. 4. This Act shall not apply to an advisory committee—(1) which furnishes advice or recommendations only with respect to national security or intelligence matters; . . ."

We will be happy to provide any additional information that your Committee may request.

The Office of Management and Budget has advised that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

Richard Helms,
Director.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, a parliamentary inquiry.

On whose time is this quorum call?

The PRESIDING OFFICER. It would have to come out of the 20 minutes allotted to the Senator from Montana.

Mr. LONG. I thought that amendment had been disposed of.

Mr. METCALF. Mr. President, as I understand, I have 20 minutes on the entire bill. I have offered an amendment, and it has been disposed of. I think the Senator from New York wants to offer an amendment.

The PRESIDING OFFICER. Debate is not in order. A quorum call is in progress.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 4, line 12, strike the period, and insert a comma and the following: ", provided however that the provisions of this act shall not apply to any advisory committee established for or utilized by the Federal Reserve System."

The PRESIDING OFFICER. Who yields time?

Mr. METCALF. Mr. President, I yield such time as he may need to the Senator from New York.

Mr. JAVITS. I thank the Senator.

Mr. President, I have a letter from the Chairman of the Federal Reserve System which points out that the Federal Reserve System, due to an open market and other operations, much as it sympathizes with the purposes of this bill, simply cannot have the Federal Reserve Advisory Council within that same category. It is fine to live in a fish bowl, but everyone knows the speculation, financial, and otherwise, which goes on around the world respecting the Federal Reserve System's operations. In order to have an advisory council at all, which would be very useful to them, they simply have to ask to be exempted from the provisions of this bill.

They point out that the expenses of the Federal Advisory Council are paid by the Federal Reserve Banks out of their own earnings. They really do not represent a charge upon the Government.

I ask unanimous consent that the letter addressed to Senator McClellan, chairman of the Committee on Government Operations, from the Chairman of the Federal Reserve Board, dated June 2, 1972, be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Federal Reserve System,
Washington, D.C., June 2, 1972.

Hon. John L. McClellan,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: I am writing in the hope that when your Committee considers pending bills relating to advisory committees you will take into account problems that these bills pose in relation to the Federal Advisory Council. The FAC was created in 1913 by the Federal Reserve Act, and is a valuable component of the Federal Reserve system. It is composed of twelve members, one from each Federal Reserve District, elected by the Federal Reserve Banks. The statute provides that the FAC shall meet at least four times a year, but additional meetings may be called by the Federal Reserve Board or at the FAC's own initiative.

As I understood them, the bills now under consideration, S. 3529 and H.R. 4383, have two general objectives: to eliminate unnecessary expenditures of appropriated funds in connection with advisory committees and to assure openness in the operations of advisory committees.

The modest expenses of the FAC are paid by the Federal Reserve Banks out of their earnings. Since the FAC does not use appropriated funds, it should not be subject to guidelines established by the Office of Management and Budget governing the use of such funds. Similarly, subjecting the FAC to GAO audit, as section 10(d) of H.R. 4383 would do, is both unnecessary and in conflict with the procedures established under the Federal Reserve Act for auditing the expenditures of the Federal Reserve System.

The provisions of S. 3529 and H.R. 4383 regarding public disclosure of the proceedings of the FAC could also prove troublesome. Since the FAC's discussions cover a number of subjects such as monetary policy, the international payments system, and liquidity conditions in the banking system, premature publication of views candidly expressed at FAC meetings could prove harmful. Discussion at these meetings is now full and frank and would be seriously inhibited if the meetings were open to the public, as provided in S. 3529, or even if minutes of the meetings were published, as provided in H.R. 4383.

The House Committee on Government Operations included in H.R. 4383 a provision excluding from coverage the Advisory Committee on Intergovernmental Relations, in recognition of "its unique character." We believe that the Federal Advisory Committee is also unique, and for the reasons outlined in this letter, we hope that it will also be excluded from any bill your Committee reports to the Senate.

Sincerely yours,

Arthur F. Burns.

Mr. JAVITS. I hope the author of the bill will find the amendment satisfactory.

Mr. METCALF. Mr. President, there are important considerations in this bill that provide for openness of hearings, presentation and keeping of transcripts, and other matters that are clearly not involved and should not be a part of the considerations as to the Federal Reserve Board. As the Senator from New York has pointed out, many of the propositions that are analyzed by the board need to have secrecy of consideration and secrecy as to their activities as they affect the open market operations. So I certainly concur with the Senator from New York in this amendment, and hope it will be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. METCALF. Mr. President, I ask for third reading of the bill, as amended.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. PERCY. Mr. President, I would like to comment for just a moment on this bill. I think this is one of the most significant bills to reach the Senate floor this year. It does not require extensive discussion here, but it has been the product of a great deal of study by and cooperation between the majority and minority members of the Government Operations Committee.

For the first time, it establishes a congressionally mandated system of controls over the Federal advisory committees that constitute what has been called the "fifth branch of Government."

Mr. President, I would like to say that a part of my enthusiasm for this bill grew out of an experience related to me by Prof. Ed Banfield of Harvard University, who said that in his judgment—he has served on many of these committees and commissions—once you get an advisory committee set up, when the need is long gone, it is impossible to get rid of that committee. Many times you just have people jetting into Washington and jetting out and getting an honorarium or travel expenses, or whatever it may be, for no real solid purpose. The problem may have been long since solved.

This bill recognizes the realities. Committees do not fade and die and go away. They go on and on. This bill, for the first time, faces up to this problem, and I think it therefore is a commendable piece of work by our Government Operations Committee.

I want to give special recognition to the distinguished Senator from Delaware, Senator ROTH, for his work on this bill. He is an able member of the Government Operations Committee's Subcommittee on Intergovernmental Relations, which originated this bill. He is the author of one of the three basic bills that formed the basis for the bill we are now considering. I know the distinguished Senator from Montana, Senator METCALF, joins me in recognizing the very important contribution of the Senator from Delaware to this legislation.

I also want to pay tribute to Senator METCALF for the many hours he devoted to this legislation as chairman, acting for Senator MUSKIE, of the Intergovernmental Relation Subcommittee. Without his tenacity and his determination that we simply must enact a reform of this area of Government, we would not have this legislation.

Mr. President, we have before us one of the most significant bills to reach the floor this year. This bill, the product of very close cooperation between the majority and minority members of the Government Operations Committee, for the first time establishes a congressionally mandated system of controls over the hundreds of Federal advisory committees that constitute what has been called the "fifth branch of government."

The system of controls installed by this bill has two main elements.

First, this bill creates a management system that will put a limit on indiscriminate creation of new committees by executive agencies. It will require a close monitoring of the costs—estimated to be about $60 million—by the agencies to which the Advisory Committee report and the Office of Management and Budget. A key element of the system is the requirement that the Director of OMB immediately make a major review and recommend to the President and the agencies which advisory committees should be continued and which abandoned. Another key provision is that all advisory committees will terminate unless specific action is taken by the creating authority to continue them.

The second major element of the bill is its provisions for opening up advisory committees to public scrutiny. During the extensive hearings of the Intergovernmental Relations Subcommittee, chaired by Senator METCALF, we became convinced that there were too many instances where advisory committees were consulting with Government offices on important policies and decisions without an adequate guarantee that the public interest was being served. Meetings are typically closed to the public. Minutes and documents used in meetings are typically not available for public inspection.

There has been a concern expressed that the bill goes too far in guaranteeing public access to the business of advisory committees, that public access to such meetings will inhibit and even destroy the advisory process. I think the best single rebuttal to this charge is the following statement of Arnold Weber, then Associate Director of the Office of Management and Budget in his testimony before the subcommittee:

> We have found that opening the meetings of committees and panels of the Business Advisory Council on Federal Reports to public participation has in no way inhibited full and frank discussion of reporting and recordkeeping problems associated with the Federal Government's data collection activities. Moreover, in some cases, public participants have offered suggestions which have helped to resolve some of the issues raised. In every case, the broader participation has provided an opportunity for improved public understanding of the problems involved in particular data collection proposals. Further, we believe that previous suspicions that closed meetings were providing a cover for clandestine activities have been dispelled.

The other elements of the bill deserve attention. One is the requirement that congressional committees exercise a great deal more care in creating new advisory committees. It seems that legislative draftsmen do not feel their job is complete unless they top off their handiwork with a couple of citizen advisory committees. Too often the creation of an advisory committee is a substitute for making a decision about an issue, or is intended to serve purely cosmetic purposes. The bill asks congressional committees to exercise a greater degree of self-control, and to begin to exercise oversight over the advisory groups they have already created.

Another aspect of the issue is the use of Presidential advisory committees. The Executive has come under frequent criticism for creating highly publicized "blue ribbon" commissions to study issues of apparently critical national moment, only to disregard the final recommendations of such groups. The impression is often left that their reports are not even read, either by the President and his staff or by the relevant departmental officials.

This bill makes a modest attempt to change this situation. Section 6 of the bill says that the President may designate the Domestic Council or another agency to make a report expressing its views on the work and recommendations of an advisory committee. This is an attempt to insure that the reports of Presidential advisory committees are read and seriously considered at a policy level. The agency designated shall make a public report on the recommendations of the presidential committee, which will contain its recommendations for action or inaction in the report.

Finally, I think it important to recognize that this bill will supersede an Executive Order (No. 11671) recently promulgated to provide new OMB and agency controls over advisory committees. Many of us have sought a new Exectuive order in this field for some time. This legislation, and its counterpart measure that has already passed the House, is a response to the fact that none was forthcoming. A new order was promised by an official of OMB as early as March 1970. Only when both houses of Congress showed that they were absolutely serious in their intention to establish order and control in this area of Government did OMB act. It issued its new Executive order on June 7, 1972—only after the House had passed its bill, and only after the Subcommittee on Intergovernmental Relations had unanimously reported this bill, S. 3529—only after literally months of hearings by both bodies, and hundreds of man-hours of staff time in both bodies.

The administration has suggested that we let the new Executive order do the job: that the bill is not necessary. We disagree, and the full Senate Government Operations Committee reported the bill now before us. The bill is necessary, we believe, because: an Executive order is no substitute for law; the present bill is the result of extensive work by the committees which should be reflected in legislation; the new order is inadequate in several respects; the history of enforcement of the previous Executive Order No. 11007 which governed in this field does not encourage us to have confidence in the effectiveness of the new one; some have even concluded that the new order was promulgated for the express purpose of forestalling legislative action.

The new Executive order is inadequate because: it omits the requirement for initial comprehensive OMB review of all advisory committees and the recommendation for consolidation and elimination of useless ones—one of our most important "house-cleaning" provisions; it does not—and cannot—provide for closer congressional oversight over existing committees, and care in creating new ones; it does not deal with Presidential advisory committees; it does not provide for transcripts of closed meetings and other safeguards to assure that the public's right to know is protected. I ask unanimous consent to have printed at the conclusion of these remarks a document showing the shortcoming of the Executive order in more detail.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

SIGNIFICANT DIFFERENCES BETWEEN EXECUTIVE ORDER NO. S. 11671 AND S. 3529

	S. 3529	Executive Order 11671
1. Report to Congress	Sec. 7(f) requires an annual report to Congress on the activities, status, and changes in the composition of advisory committees during the previous year.	Sec. 8 requires an annual report on the advisory committees established or used by the executive branch during the preceding fiscal year. It should be noted that this presumably would not cover those advisory committees which had previously been established but were not used during the past fiscal year—of which there may be a significant number.
	Reporting requirements: a. Name of each advisory committee b. Date and authority for its establishment. c. Reference to rpts. submitted during preceding year d. Whether an ad hoc or continuing body e. Meeting dates during preceding year f. Names, addresses and affiliations of current members g. Total estimated annual cost to U.S. Government h. List of adv. committees recommended to be abolished and any actions taken	Reporting requirements: a. Name of each adv. committee and agency to which it rpts. b. Name and business address of the chairman and agency or organization he represents c. An indication that the committee was established, continued or terminated during rpting year d. Name, business address and tel. number of person whose duty it is to make appropriate responses to additional information about the committee
2. Openness	Sec. 10 requires verbatim transcripts to be taken of advisory committee meetings which are not open to the public.	No corresponding provision.
	Sec. 10 requires the "no advisory committee shall receive, compile, or discuss info concerning the current or projected commercial operation of identified business enterprises." If such info is being received, compiled or discussed the meeting will be adjourned promptly.	Sec. 12 states that "advisory committees (does not include Presidential) shall not receive, compile, or discuss data or rpts. showing the current or projected commercial operations of identified business enterprises, unless the department or agency determines it necessary for the effective functioning of the committee."
3. Responsibilities of Congress	Sec. 5 provides: a. for a continuing review of advisory committees under its jurisdiction b. guidelines for the creation of further advisory committees	No corresponding provision.
4. Responsibilities of the President	Sec. 6 provides that the Domestic Council or such other agency as the President may designate, shall transmit a public report to the Pres. and Congress containing its views on the recommendations of Presidential advisory committees and setting forth proposals for action with respect to the recommendations or its reasons for proposing that no action be taken.	No corresponding provision.
5. Comprehensive Reviews of Advisory Committees	Sec. 7(b) states that the Director shall immediately institute a comprehensive review of the activities and responsibilities of each advisory committee. Thereafter, the Dir. shall carry out a similar review annually.	No corresponding provision.
6. Availability of Transcripts.	Sec. 11 Provides transcripts of advisory committee meetings shall be made available to the public at actual cost of duplication.	No corresponding provision.
7. Collection of Info.	Sec. 12 would require (a) that an information request disapproval be accompanied by a full statement of the reasons therefor and (b) that information requests be acted upon within 60 days or approval could be assumed.	No corresponding provision.
8. Adv. Com. Reports and Other Materials.	Sec. 14 would require that advisory committees transmit to the Lib. of Congress not less than six copies of each advisory committee report. Upon termination of an advisory committee, copies of its document would be sent to the Lib. of Congress.	No corresponding provision.
9. Chartering.	Sec. 9(c) states specifically the information to be contained in the charter of each advisory committee.	Sec. 3 states that "the heads of the departments and agencies shall establish standards for chartering of advisory committees.

NOTE.—It should be noted that several significant sections (e.g. openness section) of the new Executive Order 11671 are not applicable to Presidential advisory committees.

Mr. PERCY. Mr. President, finally, I think it would be helpful to include in the RECORD an article by E. Winslow Turner, special counsel to the Intergovernmental Relations Subcommittee and to Senator METCALF, titled: "Advisory Committees: the Fifth Branch of Government." The article was published in the Bureaucrat, a quarterly journal. It is relevant here because in it Mr. Turner briefly describes some of the subcommittee's findings about advisory committees and gives specific examples about the ways in which some of these committees were conducted contrary to the public interest. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PERCY. Mr. President, I believe this bill is badly needed. It will save money. It will eliminate redundant activity. It will guarantee public access and help insure the protecton of the public interest. I urge its adoption.

EXHIBIT 2

ADVISORY COMMITTEES: THE FIFTH BRANCH OF GOVERNMENT

(By E. Winslow Turner)

For several years the Government Operations Committees of both the House and the Senate have been examining a little-known appendage to the federal decision-making process—the federal advisory committee. Whether known as a committee, board, commission, or council, it is a concept which has grown into an elaborate system which Congressman John Monagan from Connecticut calls the "fifth arm of the government, existing alongside the executive, legislative, judicial, and regulatory arms." And to a very large extent, the system is composed of citizens outside of government whose expertise and special interests are being given great weight and consideration in the development of federal policy and in the performance of federal tasks.

"There is a growing awareness," says Congressman Monagan, "that an invitation to advise can by subtle steps confer the power to regulate and legislate."

Viewed in its best light, the advisory committee draws on the experience of leader in industry, labor, finance, social action, and science at an exceedingly low cost to the government for the wisdom obtained. The committee can become a liaison between the federal official and the real world. It can muster substantial support for a good federal policy, or it can become an early warning system for the development of a bad policy. Further, it can produce its own studies, papers, and recommendations against which internal federal views and information may be tested.

Viewed in its worst light, the federal advisory committee can be a convenient nesting place for special interests seeking to change and preserve a federal policy for their own ends. Such committees stacked with giants in their respective fields can overwhelm a federal decision maker, or at least make him wary of upsetting the status quo. The federal advisory committee can be, and has been, used for political purposes to confer prestige on individuals who may have little or nothing to contribute. It can be, and has been, used to obtain inside information about what government is doing as well as to convey to government information which is not necessarily accurate or objective.

HOUSE STUDY

It is difficult to draw any specific patterns of benefit or abuse between these poles of conduct because of the enormous number and functional diversities of federal advisory bodies. They run the gamut from the Tea Tasters and the International Screw Thread Commission to the high-level presidential commissions looking into crime, violence, productivity, and urban problems. They are created by statute, executive order, agency directive, bureau chiefs, and a variety of other means, often unknown to any central administrative authority. The Special Subcommittee of the House Committee on Government Operations counted over 1,500 such advisory bodies at the federal level, costing the taxpayer about $65 million annually with a total committee membership of over 20,000 individuals and an assigned staff of some 4,400 persons. But these figures are conservative, taken only from answers to the subcommittee survey. Estimates range up to 3,200 interagency and advisory committees running over $100 million a year.

In a hard-hitting report, the House Government Operations Committee revealed that many advisory groups existed in name only; their reports were ignored or forgotten, their missions were ill-defined, leading to duplication and the loss of time and money; and their membership lacked objectivity as well as the balancing of geographic and public interests. Some advisory committees were asked to make judgments on matters which regulatory agencies were given their own expert staff and authorities to resolve. Others were sparsely funded and infrequently called into session, rendering no meaningful advice or information. One agency, after establishing a central management review mechanism, was able to abolish 125 of its advisory committees in nine months.

Perhaps the most significant findings of the House committee lay in the public policy area. The committee found that Congress has never made a sustained inquiry into the operations of advisory and interagency committees from the standpoint of government efficiency and economy, nor has it established any guidelines for itself in authorizing the use of such committees. It found further that the Office of Management and Budget, despite a 1962 Executive Order (No. 11007) and several BOB memoranda, has not carried on an adequate supervisory and managerial role with respect to advisory committees, nor has OMB made any comprehensive review to be able to provide the Executive and the Congress with accurate and reliable data as to the number and relative value of such committees. Further, the committee found, among other things, that costly presidential advisory committees, in particular, lacked adequate administrative guidelines and any mechanism for evaluation and follow-up of their public reports and recommendations, including what action was taken by the Executive—positive or negative—on such recommendations.

SENATE STUDY

The Senate investigation into advisory committees took a different approach. It concerned itself primarily with case examples of the confidential operations of industry advisory committees whose advice and operations had broad implications with respect to government policy. Hearings were held by the Subcommittee on Intergovernmental Relations of the Senate Committee on Government Operations, chaired by Senator Lee Metcalf of Montana. Among the committees studied were the Advisory Council on Federal Reports (OMB), the National Petroleum Council, the Industry Advisory Council (DOD), the National Industrial Pollution Control Council, the National Business Council for Consumer Affairs, and certain advisory committees to the Civil Aeronautics Board, the Federal Power Commission, and the Federal Communications Commission. The inquiry was conducted in connection with the subcommittee's consideration of four pieces of proposed legislation during the 91st and 92nd Congresses (S. 3067 by Senator Metcalf, 1st Session, 91st Congress; S. 1637, by Senator Melcalf, S. 1964, by Senator William V. Roth, and S. 2064, by Senator Charles H. Percy, all in the 1st Session, 92nd Congress).

CAB Advisory Committee

One of these examples explored by the subcommittee was the Financial Advisory Committee to the Civil Aeronautics Board. The purpose of this advisory committee was to see whether the Board was asking the right questions and getting the right information as to the financial condition of the air carriers. Members of the committee consisted of top officials of major banks, insurance companies, and private consortiums holding the airline debt. The committee's first meeting was closed, and was held in the office of its chairman at the Chase Manhattan Bank in New York City. The Chase is a major creditor in five of nine local service carriers, and as trustee is a major shareholder in five of the nation's nine largest commercial airlines. A subsequent committee meeting, also closed, was held in the Conference Room of the Equitable Life Assurance Society, in New York City. The Equitable is the third largest holder of long-term airline debt. Except for two executive sessions scheduled by the committee in New York, all other meetings were held at the offices of the CAB. There was no public notice of the meetings, nor public dissemination of the minutes, transcripts, and other documentary material developed (until the subcommittee opened up the issue.)

Although the Board specifically instructed the Finance Advisory Committee not to discuss any matter pending before the CAB, nor to advise it with respect to any such matter, the minutes show that rates, subsidies, financial conditions of carriers, competition, and other substantive issues were discussed, and that the only persons present were the committee members and, at various times, Board members and CAB staff.

The above is not in any way to imply that there was anything wrong in what the Board did or what the committee did. It was all carried on within the guidelines of an existing Executive Order (Executive Order 11007). It was the potential for abuse and the suspicion of *ex parte* activity that bothered some of the members of the subcommittee. Senator Lawton Chiles of Florida told the CAB Chairman:

"I do not think it is so strange personally that you have people that are in the financial field that are on the committee, because I think you are looking for their help. My concern is that if the meeting is closed and if there is no transcript, how do we know that the public is completely protected? Because if from this meeting you or other members sitting in this meeting or reading the report are persuaded, then this is a subjective reasoning process. If this is something that you are persuaded about, and the fact that you later hold a public hearing, somehow the public is never apprised in a disclosure way about the reason you were persuaded."

It may be of some significance that five weeks after Senator Metcalf called the public's attention to the existence and operations of the CAB advisory committee, it was disbanded.

Administrative Advisory Committee

A second example examined by the Senate subcommittee concerned an industry committee advisory to the federal Executive (as contrasted with the previous example relating to an independent regulatory agency), the National Industrial Pollution Control Council (NIPCC). It was established to advise the President and the Chairman of the Council on Environmental Quality through the Secretary of Commerce on environmental problems of industry and on plans and actions of federal, state, and local agencies affecting industry. The membership, chosen by the Commerce Secretary, consists not of technicians but of some 63 of the nation's most prestigious board chairmen and chief executive officers who in turn preside over a variety of sub-councils concerned with every area of pollution from aircraft to wood products. Total membership runs over 200. Not one of them is drawn from environmental organizations, state or local governments, consumer groups, public interest law firms, or other areas of public concern.

The all-industry makeup of the committee is defended by the Commerce Department and industry officials on the grounds that the Council is supposed to be the "central source" of industry information to the President and "principal consulting organization" with respect to governmental standards being forced on industrial polluters. Yet NIPCC meetings have been closed except to key government officials who are treated to a continuing battery of industrial complaints and information. Environmental and consumer organizations are not even allowed to listen; the press is denied post-meeting press conferences.

Nevertheless, in a little more than a year, the Council prepared and published some 30 reports, printed at government expense and bearing the imprimatur of the Commerce Department. These included a "Casebook of Pollution Cleanup Actions," drawn from published accounts of individual company environmental activities. The subcommittee discovered that these cases were supplied from self-serving company house organs, employee magazines, annual reports, trade association reports and favorable newspaper and magazine articles, at the specific request of a NIPCC press officer in order to launch a "communications-P.R. program" for the Council. One of the Council's pamphlets extolling the safety of NTA as a detergent had to be superseded by a second pamphlet alerting the public to the fact that parts of the first pamphlet were incorrect and misleading.

The point which was emphasized by Senator Metcalf at the hearings was that this was a closed group, and because of the secrecy, its recommendations "are bound to be suspect."

The Senator observed:

"What we are dealing with, in these hearings, goes to the bedrock of government decisionmaking. Information is an important commodity in this capital.

"Those who get information to policymakers, or get information for them, can benefit their causes, whatever it may be. Outsiders can be adversely and unknowingly affected. And decisionmakers who get information from special interest groups who are not subject to rebuttal because opposing interests do not know about the meetings—and could not get in the door if they did—may not make tempered judgments."

Scientific advice

A third type of advisory committee problem developed by the Senate committee lay in the area of scientific advice. In 1971 the Environmental Protection Agency announced that it would not suspend further uses of a potent herbicide 2,4,5,-T pending the decision of a special science advisory committee which had been previously selected by the Department of Agriculture from a list of names furnished by the National Academy of Sciences. Responsibility for herbicide regulation had been transferred by law to EPA, and it had inherited the advisory panel. The scientific credentials of the committee members were not in question. What was at issue was the lack of procedures to ensure that the committee was not unduly biased either toward or against the manufacturer's point of view (or for that matter the views of the environmentalists). USDA claimed it only screened the personnel for conflict of financial interests. NAS apparently made no effort to seek a philosophical balance. As it turned out, the advisory committee gave the herbicide a clean bill of health. The committee operated in secret and didn't even consult FDA scientists who had done considerable research on 2,4,5,-T. The report was filed in secret.

Nevertheless, the report of the science advisory group fell into the hands of independent scientists who held a press conference severely criticizing the report and alerting EPA and FDA experts to the report's omissions, basis, methodology, and conclusions. The FDA recommended the ban on 2,4,5,-T be continued. The Surgeon General concurred, and EPA rejected the advisory committee's recommendations.

Testifying for the Center for the Study of Responsive Law, Harrison Wellford said:

"I think that this is a very important point because with the closed system the way it is now, you really do have tremendous incentives for a 'cliquishness' to develop among people who are invited to consult. It is very difficult for outsiders to break into this network."

Federal reports

A fourth example of potential advisory committee abuse in influencing government policy was highlighted by the subcommittee's inspection of the role of the Advisory Council on Federal Reports. This federal advisory committee was privately organized by industry at the request of the former Bureau of the Budget to advise on business information requests intended for general circulation. The Federal Reports Act (46 U.S. Code 3501–3511) requires the OMB to coordinate and clear the collection of information from ten or more persons. The ACFR consists of 16 committees whose members are entirely representative of leading companies and trade associations in banking, broadcasting, chemicals, meat packing, natural gas, oil, railroads, utilities, and other industry lines.

When government officials in 1964 proposed a federal inventory of industrial wastes, they were faced with a 27-man panel from the council, representing major industrial polluters, who vigorously opposed the inventory. Thereafter, the Budget Bureau pigeonholed it. The meetings with the BOB were secret, and no representatives from conservation, environmental, small business, consumer, taxpayer, or other public interests were present. The survey languished in the BOB for four years until 1968 when the industry advisory panel again considered the proposed form in secret with government officials, and objected to it. BOB returned the inventory to the pigeonhole. Finally, in 1970, after a seven-year delay, a pilot, voluntary inventory was approved, under procedures of limited disclosure, as required by the OMB. The House Committee on Governmental Operations, in a 1970 report, placed part of the blame for delay on the influence of the council over basic policy decisions of the Federal Water Quality Administration and the OMB. Because the meetings and discussions between OMB and industry were closed and no transcripts were taken, the extent of such influence remains to be determined.

CURRENT LEGISLATION

On May 9, 1972, the House passed its advisory committee bill (H.R. 4383) by a vote of 357 to 9. The significant thing is that the desire to have some legislation establishing a system with respect to the creation and operation of federal advisory bodies appears to be strongly bipartisan. The Senate Subcommittee on Intergovernmental Relations has introduced a clean bill (S. 3529) and has reported it favorably to the Committee on Governmental Operations for action. The Senate bill is a comprehensive blending of the features contained in the three previous bills: S. 1637, S. 1964, and S. 2064. Other sponsors of S. 3529 are Senators Muskie, Hart, Humphrey, Chiles, Brock, and Gurney.

Senate legislation

Briefly, the Senate legislation would accomplish the following:

Require Congress to make a continuing review of existing advisory committees under its jurisdiction to determine which such committees should be abolished or merged, or their responsibilities revised; and to follow certain prescribed guidelines in the creation of new advisory committees by legislation.

Authorize the President to assign responsibility to his Domestic Council, or other agency, for evaluating and taking action on recommendations of presidential advisory committees, including the issuing of a public report containing views on such recommendations and proposals for action.

Require the Office of Management and Budget to establish a "Management Secretariat" on advisory committee matters; to institute a comprehensive annual review of the activities and responsibilities of all existing advisory committees; to make a report to the President as to whether such committees are carrying out their purposes and whether their missions should be revised, merged, or abolished; and to report to Congress on essential facts as to each advisory committee, such as activities, status and changes in composition, its reports, dates of its meetings, name and affiliations of members, and cost of its maintenance.

Require agency heads to establish uniform guidelines and management controls for advisory committees under their responsibility, together with the designation of an advisory committee management officer to be solely responsible for the supervision over, and the records of, such agency advisory committees.

Provide that no advisory committee shall meet or take any action after the effective date of the legislation until it has filed a charter with the agency or the President, depending on the nature of such committee, setting forth detailed information as to its official designation, objectives and scope of activity, time needed to carry out its purposes, estimated operating costs, and other pertinent information.

Provide procedural rules for all advisory committees requiring that meetings shall be open to the public; timely notice of such meetings shall be published in the *Federal Register;* interested persons shall be permitted to appear before or file statements with such committees; and records of such committees shall be made available for public inspection and copying.

(a) Where the President or agency head determines in writing and after notice that the subject matter of an advisory committee meeting is concerned with areas exempted under the Freedom of Information Act (5 US Code 552(b)), the meetings may be closed, but a verbatim transcript must be taken.

(b) Any person aggrieved by a determination by the President or agency head as to closure of the meetings or as to the withholding from the public advisory committee records, including transcripts, may file an action in the United States District Court under procedure contained in the Freedom of Information Act (5 US Code 552(a)(3)).

Require that each advisory committee in existence on the effective date of the legislation be determined not later than December 31, 1973, unless it is renewed by appropriate action (which procedures are set forth) or such termination is otherwise provided by law. For advisory committees established after the effective date of the legislation, require that they be terminated after a two-year period unless renewed by appropriate action, or such termination date is otherwise subject to law.

The above procedural requirements as to "openness" are, in a very real sense, a compromise between the mandatory requirements of openness and public participation contained in S. 1637, the Metcalf bill, and the permissive agency option for public access contained in the Percy and Roth bills (S. 2064 and S. 1964.)

Metcalf legislation

Under the Metcalf legislation, the membership of all advisory committees was to be revamped to include at least one-third of the members from private life to represent the interests of the public with respect to the subject matter of the committee. This was to ensure a direct public participation, *ab initio,* in the organization and activities of the advisory committee. The Metcalf bill also required that all advisory committee meetings (with the exception of those dealing with national security and intelligence matters) be open to the public, and that a verbatim transcript be taken at each such meeting.

There was opposition to this approach, particularly from agencies whose committees dealt with such issues as national defense and foreign policy, trade secrets, matters relating to the regulation and supervision of financial institutions and markets, and information concerning the competence and character of individuals, such as that taken up by the grant review committees of National Institutes of Health, the National Science Foundation, and NASA.

Thus, the Metcalf bill was modified to eliminate the one-third public membership requirement, but to keep however, the mandatory provisions for open meetings, timely notice, public records, and the opportunity for public appearances, subject to giving permission to the President or agency head to waive the application of openness, where it was determined that matters to be taken up came within certain specific exemptions set forth under the Freedom of Information Act. This act was chosen because it had received the most thorough scrutiny and consideration by the Congress in this sensitive area between public disclosure and privileged information. Further, it seemed to meet most of the objections raised as to openness during the hearings.

It is to be emphasized that in no manner is there any intention in this legislative language to modify, amend, or otherwise affect the meaning and effect of the Freedom of Information Act. Section 552(b) of title V is used for reference purposes only. The law which has been developed by the cases in interpreting that provision would be binding on the President or agency head in making its determination.

House legislation

The House legislation, H.R. 4383, is not substantially different from the Senate bill in its approach. It provides for congressional review of advisory committees and legislative guidelines. It places similar responsibilities in the President and OMB for review and reporting as to advisory committee activities, and establishes certain administrative and management controls in the agencies.

But the House bill differs in two major respects: (1) it covers interagency committees composed wholly of government officials (the Senate bill concerns solely committees with membership from outside government); and (2) it does not provide for the broad mandate of openness and public disclosure of the Senate bill; however it leaves discretion with the agency, and does require minutes to be kept and timely notice of meetings to be given.

LEGISLATIVE TIME HAS COME

Many senators and congressmen believe that advisory committees represent an area of governmental reform whose legislative time has come. The fact that there has been such extensive legislative action on the matter lends optimism to the expectation that a bill will be forthcoming in the present session of Congress.

Senator Charles H. Percy of Illinois, who is ranking Republican member of the Senate Committee on Government Operations, had a major personal role in drafting the new Senate bill. His statement in the Senate on June 15, 1971, reflects the bipartisan concern which has followed this advisory committee legislation from the outset:

> There has been a growing concern about committees created to advise the executive branch. This concern has been of two kinds. First, is a belief that standards and procedures for establishing and managing advisory committees have been inadequate, and that as a result there exists a very large number of such committees, many of which have been of marginal usefulness. . . . There is another kind of concern about Federal advisory committees—a belief that these committees do not adequately and fairly represent the public interest, that they may be biased toward one point of view or interest, and that their proceedings are unnecessarily closed to the public.

One thing is certain: whatever legislative action is taken with respect to advisory committees, the inquiry by the House and Senate has significantly alerted the federal establishment that there are problems, particularly with respect to committee proliferation and operating procedures, and that corrective action and new policy guidelines for openness and reporting are an administrative priority in the public interest.

Mr. BROCK. Mr. President, I am delighted with the Senate passage today of S. 3529, the Federal Advisory Committee Act. The bill establishes standards and procedures governing the establishment and operation of advisory committees in the Federal Government.

Advisory committees have contributed substantially to the effectiveness of the Federal Government, but Congress has neglected to provide adequate controls to supervise their growth and activity. It is estimated that we now have somewhere between 2,600 and 3,200 advisory committees in existence today—with no uniform guidelines. Some no longer have a relevant purpose. Some are overlapping and unnecessary. And they are costly. But we have neglected to disband them.

I think probably one of the best features of the bill is the requirement that any advisory committee must file a new committee charter every 2 years, and this provision also relates to those committees now in existence.

This legislation streamlines a small portion of our whole Government operation, but it is important. I urge my colleagues in the House to move quickly and favorably so that we can make the most efficient and effective use of advisory committees, with continuing congressional oversight.

Mr. METCALF. Mr. President, H.R. 4383, a companion bill, has been referred to the Committee on Government Operations. I ask unanimous consent that the committee be discharged from further consideration of the bill, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (H.R. 4383), to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes.

Mr. METCALF. Mr. President, I move to strike out all after the enacting clause of H.R. 4383 and to substitute therefor the text of the S. 3529, as reported and amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

Mr. METCALF. Mr. President, on June 5, 1972, after the House passed H.R. 4383, its counterpart bill on advisory committees, and after the Subcommittee on Intergovernmental Relations unanimously reported the clean bill, S. 3529, the President proclaimed new Executive Order 11671, which order contained to a limited degree some of the concepts incorporated in the House and Senate legislation. It is a matter of conjecture whether this order was more of an effort to divert the legislation than to meet the problems raised by the House and Senate investigations into Federal advisory committees.

In any event, it is the intent of the Senate Government Operations Committee that there be a congressional mandate to deal with the proliferation and abuses of these advisory committees. Executive orders and regulations have been insufficient in the past to cope with these problems. Executive orders are always subject to amendment and change, and OMB operational rules and memoranda implementing such orders are capable of weakening flexibility without sanctions set forth by Congress. The issue has become much too serious and pervasive to be reached effectively by administrative pronouncements. As demonstrated by the extensive inquiry in the House, and by the bipartisan nature of the bills introduced, this is clearly a matter for statutory solution.

Furthermore, Executive Order 11671 does not cover a number of key areas of reform incorporated in S. 3529.

First. It does not provide for coverage of Presidential committees or committees not appointed by the President but which advise him, such as the National Industrial Pollution Control Council. This coverage is crucial, involves many committees.

Second. It does not provide for coverage of advisory committees which have been or will be in existence for less than 12 months, thereby encouraging the creation of limited committees not subject to any rules.

Third. It does not provide for public participation or submission of views at advisory committee meetings; and where meetings are closed, there is no requirement for transcripts and other definitive records to be made, nor any judicial method for challenging the closed session or for finding out what transpired. Thus, agency heads can easily hide under exemptions of the Freedom of Information Act.

Fourth. It gives wide discretion to agency heads in setting standards for advisory committees, including what is required by committee charter. S. 3529 spells this out.

Fifth. It makes no provision for congressional review and reorganization of committees—it could not; but also no adequate comprehensive review and housecleaning by the OMB on advisory committees or any report as to which should be abolished.

Sixth. It does not provide for adequate reports to Congress on the activities, status and changes in committees, nor for adequate public reports as to the makeup and purposes of committees.

Seventh. It exempts a broad number of educational, technical, nonprofit, welfare, and other committees.

Eighth. It provides no reports as to evaluation of, and action on, recommendations of Presidential commissions and other advisory committees.

Ninth. It contains no amendments to Federal Reports Act, no requirements that advisory committee reports and records be sent to the Library of Congress.

Thus, I think it is quite apparent that the Executive order is by no stretch of the imagination any substitute for the comprehensive legislation which has been framed by both the House and the Senate, and that as a matter of basic policy and orderly government, a congressional mandate is required with respect to Federal advisory committees.

Mr. President, I ask unanimous consent to have Executive Order 11671 printed at this point in the Record.

There being no objection, the Executive order was ordered to be printed in the Record, as follows:

Committee Management

(Executive Order 11671)

To assure that the many committees appointed to advise or assist the Federal Government can work effectively, it is necessary to set forth general standards for their formation, use, conduct, management, and accessibility to the public.

Now, therefore, by virtue of the authority vested in me as President by the Constitution and laws of the United States, it is hereby ordered as follows:

Section 1. As used in this order, the term—

(1) "department or agency" means any department, independent agency, or establishment of the executive branch of the Government;

(2) "Government Official" means any full-time salaried officer or employee of the Federal Government;

(3) "Director" means the Director of the Office of Management and Budget;

(4) "Committee" means any committee, board, commission, council, conference, panel, task force, or other similar group or body established to meet on a recurring basis to provide advice or recommendations to the Government, or for the purpose of coordinating the activities of departments or agencies, including Presidential, interagency, advisory, or industrial advisory committees but excluding intra-agency committees;

(5) "Presidential committee" means any advisory committee having members appointed by the President and which is used as a source of direct advice and counsel to the President or the Vice President;

(6) "Advisory committee" means any committee that is not composed wholly of Government officials and (A) is established by a department or agency of the Government in the interest of obtaining advice or recommendations, and which has been or will be in existence more than twelve months, or (B) is not established by a department or agency, but only for such period when it is being utilized by a department or agency in the same manner as a Government-established advisory committee.

(7) "industrial advisory committee" means an advisory committee composed predominantly of members or representatives of a single industry or group of related industries, or of any subdivision of a single industry made on a geographic service or product basis; and

(8) "interagency committee" means any committee formally established by a department or agency whose membership consists exclusively of Government officials, as defined herein, representing more than one department or agency, and which has been or will be in existence more than twelve months.

Sec. 2. No interagency or advisory committee including any industrial advisory committee shall be established by any department or agency unless such establishment is:

(1) specifically authorized by statute or Presidential directive, or

(2) specifically determined as a matter of formal record by the head of the department or agency to be in the public interest in connection with the performance of duties imposed on that department or agency by law.

Sec. 3. The heads of departments or agencies shall establish standards for the chartering of committees. No committee shall meet until after a committee charter has been approved by the head of the department or agency establishing the committee except where such committee has been established by statute.

Sec. 4. Unless otherwise specifically authorized by statute or Presidential directive, no advisory committee shall be utilized for functions not solely advisory. Determinations of action to be taken and policy to be expressed with respect to matters upon which a committee advises or makes recommendations shall be made solely by the President or an official of a department or agency of the Government.

Sec. 5. Unless its duration is otherwise fixed by statute or Presidential directive, a committee shall terminate not later than two years from the date of its formation unless the establishing authority makes a formal determination not more than 60 days prior to the date of scheduled termination that its continued existence is in the public interest. A like determination by the establishing authority shall be necessary not more than 60 days before the end of each subsequent two-year period to continue the existence of such committee thereafter. For the purpose of this section, the date of formation of a committee in existence on the date of publication of this order, and not now having a termination date, shall be deemed to be January 1, 1972, or the actual date of its formation, whichever is later.

Sec. 6. Unless specified to the contrary by Presidential directive, statute, or committee charter, the department or agency establishing a committee shall be responsible for providing support services for the committee's activities. Where more than one department or agency establishes a committee, only one of those departments or agencies shall be responsible for support services at any one time.

Sec. 7. In order to strengthen interagency or advisory committee responsibility, a committee shall have dual or rotating chairmanships only when the head of the department or agency establishing the committee determines that such an arrangement is required.

Sec. 8. The Director shall:

(1) establish and maintain oversight of the administrative activities of Presidential advisory committees unless provided to the contrary by the establishing authority;

(2) provide guidance to departments and agencies concerning the management of interagency and advisory committees consistent with the purposes and provisions of this order;

(3) from time to time request such information as he deems necessary to assure proper utilization of committees; and

(4) on or before January 1 of each year, provide to the Congress and thereafter publish in the Federal Register, a list of Presidential advisory, interagency advisory, and industry advisory committees established or used by the executive branch during the preceding fiscal year. Such a list shall contain (A) the name of each committee and the agency to which it reports, (B) the name and business address of the Chairman and the agency or organization he represents, (C) an indication that the committee was established, continued or terminated during the reporting year, and (D) the name, business address and telephone number of a person whose duty it is to make appropriate response to requests for additional information about the committee.

Sec. 9. The head of every department or agency establishing a committee shall:

(1) designate a Committee Management Officer to exercise effective control over the establishment and use of interagency, advisory, and industry advisory committees;

(2) issue directives and provide guidance for the management of the department or agency, interagency advisory, and industry advisory committees consistent with the provisions and purposes of this order and the instructions of the Director;

(3) designate a Government official who shall be responsible for assembling committee records and, under established agency procedures, responding to requests for public information; and

(4) establish a committee management system, under the supervision of the Committee Management Officer, which will provide systematic and effective review and evaluation of the activities and accomplishments of interagency, advisory, and industry advisory committees.

Sec. 10. Advisory committees shall meet under the chairmanship of, or in the presence of, a Government official appointed by the agency establishing the committee who shall have the authority and be required to adjourn any meetings whenever he considers adjournment to be in the public interest.

Sec. 11. Each industrial advisory committee shall be reasonably representative of the group of industries, the single industry, or the geographical, service or product segment thereof to which it relates, taking into account the size and function of business enterprises in the industry or industries, and their location, affiliation, and competitive status, among other factors. Selection of industry members shall, unless otherwise provided by statute, be limited to individuals actively engaged in operations in the particular industry, industries, or segments concerned, except where the department or agency head makes a written determination that such limitations would interfere with effective committee operation, detailing his reasons therefor.

Sec. 12. Advisory committees shall not:

(1) receive, compile, or discuss data or reports showing the current or projected commercial operations of identified business enterprises, unless the department or agency head determines it necessary for the effective functioning of the committee, or

(2) hold any meetings except at the call of, or with the advance approval of, a Government official and with an agenda approved by such official, unless the head of the agency determines it is in the public interest to permit such meetings.

Sec. 13. (a) In order to provide for public knowledge of and accessibility to advisory and industry advisory committees, department and agency heads shall make adequate provision for participation by the public in the activities of such committees. In carrying out this obligation, and except as provided in subsection (d) of this section, departments and agencies shall:

(1) require that all meetings of such committees be open to public observation, and

(2) apprise, by publication in the Federal Register or as appropriate by publication in local media, any interested individual or group of the purposes, membership and activities of advisory and industrial advisory committees, including dates, places, and agendas of open meetings.

(b) Any interested person may attend open meetings of advisory and industrial committees. However, the department or agency head may establish reasonable limitations as to numbers of persons who may attend and the nature and extent of their participation, if any, in such meetings.

(c) Advice or recommendations of the committee shall be given only with respect to matters covered in the record of the committee's proceedings. Records shall be kept of all committee proceedings, including:

(1) the identification of committee members present and members of the public who participate at meetings and the interests or affiliations they represent;

(2) the written information made available for consideration by the committee;

(3) a description of matters discussed; and

(4) recommendations made and reasons therefor.

(d) The preceding provisions of this section shall apply to all advisory and industry advisory committees except to the extent that a determination is made in writing by the department or agency head that committee activities are matters which fall within policies analogous to those recognized in Section 552(b) of Title 5 of the United States Code, and the public interest requires such activities to be withheld from disclosure. When such a determination is made, the department or agency head shall detail his reasons therefor. In the event a department or agency head makes such a determination, provision shall be made for the committee to issue a report, at least annually, setting forth a summary of its activities and such other matters as would be informative to the public and would be consistent with policies analogous to those recognized in Section 552(b) of Title 5 of the United States Code.

(e) The availability to the public of records of such committees shall be determined pursuant to section 552 of Title 5 of the United States Code and other applicable law.

SEC. 14. The requirements of this order shall not apply to any advisory committee composed wholly of representatives of State or local agencies or charitable, religious, educational, civic, social welfare, or other similar nonprofit organizations.

SEC. 15. To the extent this order is inconsistent with or in conflict with any statutory provision, the provisions of the order shall not apply.

SEC. 16. This order supersedes Executive Order No. 11007, as well as all provisions of prior Executive orders to the extent that they are in conflict with the provisions of this order.

RICHARD NIXON.

THE WHITE HOUSE, *June 5, 1972.*

[FR Doc. 72-8652 Filed 6-5-72; 2:37 pm]

Mr. ROTH. Mr. President, I urge the Senate to act favorably on S. 3529, the Federal Advisory Committee Act, today. This measure grew out of bills introduced by Senators METCALF (S. 1637), PERCY (S. 2064), and myself (S. 1964). It is cosponsored by Senators BROCK, GURNEY, MUSKIE, CHILES, HUMPHREY, and HART. My bill, which was introduced in the House as H.R. 4383, resulted from hearings held before the House Government Operations Subcommittee on Special Studies, chaired by Representative MONAGAN of Connecticut. H.R. 4383 has already passed the House. This legislation has also been the subject of extensive hearings and staff efforts in the Senate Subcommittee on Intergovernmental Relations.

I am impressed by Executive Order 11671, published on June 7, 1972, as an important step toward improved advisory committee management. Nevertheless, I still feel that Congress should provide a general mandate for reform in this area where the Executive has been slow to act.

Further, there are several aspects of S. 3529 which are not reflected in the executive order—such as the regulation of presidential advisory bodies.

There are several specific objectives which the Federal Advisory Committee Act will achieve in providing better and more economical administration of the over 2,600 advisory bodies existing in the Federal establishment today. First of all, S. 3529 will help to slow the proliferation of unneeded and overlapping committees by requiring that bodies automatically terminate after 2 years unless formally renewed. Secondly, it offers improved tools for management of committees by the Office of Management and Budget and agencies.

This committee bill further places responsibility on each committee of Congress to review the advisory committee apparatus operating within its area of jurisdiction. Similarly, the President is authorized to make a specific assignment of responsibility for evaluation and action on the recommendations of presidential advisory committees. Thus, perhaps the Nation will obtain greater advantage from these advisory groups—which are often made up of very able individuals and expend considerable amounts of money.

Fourth, I feel that adequate steps have been taken in constructing this legislation to provide public access to meetings and records of advisory committees. Provisions are included to allow the closing of meetings where matters exempted by the Freedom of Information Act are to be dealt with.

Finally, S. 3529 addresses itself to the danger of private interests exercising unfair influence on governmental decisions through membership in advisory committees. Government personnel are given clear administrative control of these bodies; and there is a general mandate to Congressional committees to see that they be representative of those concerned in any advisory body's area of interest.

I urge the Senate to approve the Federal Advisory Committee Act to improve the management of Federal advisory bodies. It is my hope that the result will not only be an organizational improvement, but that the right of the people, their representatives in Congress, and the press to know how public decisions are made will be better protected.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4383) was read the third time and passed.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. METCALF. I move to lay that motion on the table.

The motion was agreed to.

Mr. METCALF. Mr. President, I move that consideration of S. 3529 be indefinitely postponed.

The motion was agreed to.

Mr. METCALF. Mr. President, I am very grateful to the Senator from Illinois, not only for his help but also for his consideration in allowing this bill to be brought up, and I am also grateful to the Senator from Louisiana for his assistance.

I think that all members of the Committee on Government Operations who worked on this bill, and there were many, have made a great contribution to better governmental control of the thousands of advisory committees concerned.

REVENUE SHARING ACT OF 1972

The Senate resumed the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time to be charged to which side?

Mr. BENNETT. On which amendment is time controlled?

The PRESIDING OFFICER. The amendment of the Senator from Illinois.

Mr. BENNETT. I ask unanimous consent that the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I yield 5 minutes to the distinguished Senator from Oregon.

Mr. BENNETT. Mr. President, will the Senator yield to me first?

Mr. PERCY. I yield.

Mr. BENNETT. Mr. President, as I understand it, the manager of the bill has 28 minutes remaining.

The PRESIDING OFFICER. Twenty-six minutes.

Mr. BENNETT. I will be very happy to yield 15 of those 26 minutes to the Senator from Illinois, which gives him the 45 minutes he would have had if we had had an hour and a half time scheduled.

Mr. PERCY. I accept the generous offer with gratitude, with the understanding that we will try to expedite this matter and finish within that time; but if there is still a Senator who has not spoken who wishes to speak, then we will ask whether we can have time for him. I think that arrangement was made with the majority leader and the manager of the bill last night.

Mr. BENNETT. When that time comes, this would leave us 11 minutes, and we may be able to supply that.

Mr. PERCY. Very good.

The PRESIDING OFFICER. The Senator from Illinois has 17 minutes. To whom does he yield?

Mr. PERCY. I yield 5 minutes to the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I am pleased to speak today in support of the amendment offered by the senior Senator from Illinois (Mr. PERCY).

The State of Oregon has for many, many years participated in revenue sharing of sorts with its local governments. Governor Tom McCall recently estimated that the total of State-originated revenues and "pass through" of Federal funds for use by units of local government approximates $500,000,000 per biennium, so you can see that we in Oregon are not newcomers to the revenue sharing principle.

With this background, then, it seems appropriate to point out that the State of Oregon has been a pioneer in the field of property tax relief. As of last year we became the first State to institute a property tax relief program based upon the income—and not solely the age—of those persons subject to the property tax.

Federal revenue sharing, as a concept, raises many important and of course, controversial issues. Most often cited as the real reason for Federal help is the mounting local property tax burden, and its devastating effect on the elderly and low income families. For this reason, we in Oregon are encouraged by the concept contained in Senator Percy's amendment No. 1500.

We think it is important, if revenue sharing is to succeed, that much of its impact be directed to relieving the burden of local property tax payers in meeting their program needs. This amendment would help establish a sound and workable basis for this objective. It encourages the establishment of rational standards for property tax assessment practices, and would substantially assure that Federal money appropriated for property tax relief would, in fact, be used to that end.

The State of Oregon has led the Nation in establishing a system for equalization and uniformity of the local property tax. We started the first statewide reappraisal system 21 years ago. We have long observed professional standards for assessment personnel, annual ratio studies, and, for the past 11 years, have had a separate tax court to handle appeals resulting from differences arising at the local level.

Last year the Oregon State Legislature approved an appropriation from the State's general fund of $20 million annually for direct property tax relief to the elderly—to those folks on a fixed income. In addition, and again Oregon has led the way, we made this property tax relief program applicable to low income households. With this sort of leadership and tax relief effort on the part of the State, it seems especially important that we, in Congress, encourage and foster such efforts with the enactment of the amendment offered by Senator Percy.

I urge its adoption by the Senate.

Mr. President, I ask unanimous consent to have printed in the Record an excerpt from a bulletin published by the Oregon Department of Revenue for July and August, 1972, entitled "Oregon Has Nation's Only State Tax Court."

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Oregon Has Nation's Only State Tax Court

While the Department of Revenue tries to equitably carry out its responsibilities as the state's chief money collector, a few taxpayers will seek additional relief from an independent arbiter with some authority to do something about their grievances.

They'll find that authority in the Oregon Tax Court, which was founded by the legislature in the early 1960s and charged with resolving legal disputes over income taxes, property taxes and, beginning in 1972, inheritance and gift taxes. Oregon courts were jammed, and the 1959 legislature had passed a measure for a board of tax appeals which was vetoed by the governor because no money was appropriated for the board. The Tax Court was finally created by the 1961 legislature with money to operate and began hearing cases in 1962.

The judge is the court. The current judge, the Honorable Carlisle B. Roberts, is the third man to occupy the Tax Court bench, following the first judge, Peter M. Gunnar, and his successor, the Honorable Edward H. Howell, now a justice of the Oregon Supreme Court.

Judge Roberts says he may take six or seven days after hearing a case before reaching a decision; but that length of time is the exception, not the rule. "I don't let the decision go out," he says, "unless I can feel serene about it, even if it is overruled." Arriving at a "serene" decision in the nation's only state tax court can be difficult, but Judge Roberts approaches the responsibility calmly and with a strong background in the subject he's dealing with.

Before becoming Tax Court judge in 1970, Judge Roberts was the Chief Tax Counsel in the Attorney General's Tax Division; he headed the legal counsel for the Department of Revenue.

But the change in jobs required a change in viewpoint. When advising the Department, he would look at the principal reason for the statute when the legal question was very difficult to answer. "That reason," Judge Roberts explains, "was usually to raise revenue."

Now he grants more consideration of the taxpayer. And he must consider whether his decision will stand up in higher courts. His rulings can be appealed directly to the state Supreme Court; and, if the taxpayer remains unsatisfied and there is a federal question (such as constitutionality under the U. S. Constitution), into Federal Courts. This has broadened his thinking in weighing a decision; this is why he waits until he feels "serene" before "letting the decision out."

Judge Roberts' reflection on his verdicts created a lag when he first stepped up to the bench; a lot of time elapsed between the arrival of a case in the court and the ruling. Some delay is unavoidable. After a complaint is filed, the other side is given 20 days in which to answer. After the answer, the complainant is allowed another 20 days to reply. So, a month and a half could elapse before some of the pre-trial maneuvering is completed. Motions can also delay the proceedings; and on top of this, many courtrooms for cases heard on circuit are jammed. Scheduling may need to be done two months in advance.

Judge Roberts is working to reduce the lag. As he has become more familiar with the legal questions and applicable statutes; he can reach decisions more quickly. This is one of the reasons for creation of the Tax Court.

Before the court began operating, tax questions were handled in circuit courts. Some judges did not hear tax cases regularly; and when one came before them, more time was necessary to reach a judgment. The legislators created the Tax Court with an eye on economies of specialization. Judge Roberts likens the old system to having a watchmaker repair a camera; he may be able to do the job because of intelligence and experience with small, interlocking parts, but he would have made more money in the same time repairing watches.

Judge Roberts believes the Tax Court is a safety valve. "Many taxpayers think the county assessor, the board of equalization, and the Department of Revenue are all 'taxgetters,'" he says. The judge views his job as a responsibility to each taxpayer to provide justice under the law, and he feels justice comes when each taxpayer can bring his grievance before an impartial court.

Almost all cases come before Judge Roberts on appeals of decisions made in two places: a county board of equalization or the Department of Revenue. The appeal from the board of equalization may enter the Small Claims Division of the Tax Court on property tax issues not exceeding $25,000 true cash value for the land or $25,000 for the improvements; or income tax issues and inheritance and gift tax controversies involving taxes of $250 or less in any tax year. The decision of the judge in the Small Claims Division is final; no appellate review is permitted.

Before a case may be heard in the Regular Division of the court, it must have first been appealed to the Department; all orders issued by the Department are appealable to the Tax Court, subject to statutory time limitations. Decisions in the Regular Division may be appealed directly to the Oregon Supreme Court, rather than the Court of Appeals. There is no money limit on appeals to or from the Regular Division. The amount of money is not a concern, according to Judge Roberts. "The principle is more important than the principal," he adds.

Mr. PERCY. Mr. President, I yield 5 minutes to the distinguished Senator from Maryland (Mr. Mathias), who is the principal cosponsor of this amendment.

The PRESIDING OFFICER (Mr. Eagleton). The Senator from Maryland is recognized for 5 minutes.

Mr. MATHIAS. Mr. President, I am privileged to join the distinguished Senator from Illinois (Mr. Percy) in offering this amendment. There has been a cry for tax reform all over the country. People talk about tax reform. Here is an amendment that the Senator from Illinois and I are offering, providing for a specific plan for tax reform. It is tax reform for the people who need it. It is also tax relief for the people who need it.

In January of 1972 I held public hearings in the State of Maryland on the subject of property taxes and land use. As a result of those hearings, if I had no other evidence to go on, I was convinced that the burden of property taxation and the attempt to finance all local taxes out of real estate taxes on small homes was one of the principal grievances that Americans have today in dealing with government.

The pending amendment is simple and direct in its operation. It would provide for what we might call a circuit breaker. It is a circuit breaker on property tax relief. As the Senator from Illinois has already explained, the Federal Government would contribute to State programs which will give grants to low income individuals, individuals earning incomes less than $15,000 a year, with high property taxes defined as more than 8 percent of their income or a total rent exceeding 25 percent. The State programs would then be able to provide relief for the taxpayer.

It would also contemplate general relief for all homeowners even though they did not fall into the category of those who were low income individuals, because it would give grants to States for reform of their property tax administrations, including State supervision of local assessment practices and a State program for training assessors. So that you and I, Mr. President, and everyone else in the country, who pay any kind of property tax would know the logical basis on which the tax is being computed and could also have an opportunity to make some kind of judgment as to the basis on which our neighbors' property was being taxed.

That, I think, is extremely important information for exery taxpayer to have, not only in the management of his own affairs but also in reinforcing his confidence in the whole system.

I believe that the pending amendment is germane to revenue sharing. The distinguished chairman of the Finance Committee, the Senator from Louisiana (Mr. Long) said last Friday:

> Frankly, one of the reasons why we in Louisiana need revenue sharing so badly is because of the shortcomings of our property tax assessment system. My guess is that if that could be straightened out and put on a more logical and uniform basis, many of our problems might be solved and we might not need revenue sharing so badly.

Mr. President, this is an amendment which directs itself at his concern. This is an amendment which directs itself at the concern of millions of Americans. It is not new. It is not revolutionary. It is not radical, because 11 States of the Union already are employing this kind of circuit breaker tax relief. When the taxes get too high in relation to the value of the property and the income of the taxpayer, the circuit breaker goes into effect and relief is made available.

The cost may vary between 50 cents to $1.50 per citizen of the States involved—an average price of $1 per head. The Advisory Commission on Intergovernmental Relations estimates that the whole cost might be about $200 million a year, of which the Federal Government might pay a maximum of $100 million a year. Those are round figures, Mr. President, but the Commission has an admirable reputation for its work and I believe that we can give it credence.

Thus, I am glad to join the distinguished Senator from Illinois in this fight for a meaningful tax reform which will provide immediate relief for Americans who need it. I hope that the Finance Committee will give very serious consideration to the material which the Senator from Illinois has already provided for the Record.

Mr. President, I am pleased to join with the Senator from Illinois in introducing an amendment to the historic revenue-sharing bill before the Senate at this time. The purpose of this amendment is to encourage and assist State and local governments to reform their property tax systems so that they are more fair, equitable, and responsive to the needs and resources of all Americans.

One of the purposes of revenue sharing is to improve the overall tax system of the United States by using the Federal income tax, which is the best tax system we have yet devised, to finance general projects of State and local governments. This is in reality fundamental tax reform. Another goal of this is to provide State and local governments with the revenues they need to adequately respond to the needs and expectations of our citizens.

To reach these goals of revenue sharing, however, we must look beyond the provisions of this bill as it stands before us today and examine other parts of our tax and revenue system. Most importantly, we must examine the complex system of State and local property taxes. Widespread dissatisfaction with the current system of property taxes was brought home very strongly to me last January, when I held public hearings in Towson, Md., on the need for property tax reform. Public officials of all levels of government and citizens from all walks of life came forward at those hearings with example after example of the inadequacy of the current property tax system and yet experts told us that Maryland has one of the best property tax systems in the United States.

Since those hearings, I have tried to develop legislation which will lead to reform in property taxes which we so urgently need. The result of those efforts is the amendment which the Senator from Illinois and I are introducing today.

This amendment would provide grants to States to reform their property tax administration; would provide relief to low-income individuals who are burdened with soaring property taxes; and would enable each taxpayer in America to know whether the property taxes which he pays will be his fair share of the overall tax load.

I think this amendment speaks for itself and I hope each of my colleagues will find the time to read it and will give it the enthusiastic support which I firmly believe it deserves.

Mr. President, I ask unanimous consent to have printed in the Record the opening statement I made on this subject on the floor of the Senate on February 2, 1972.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Opening Statement of Senator Mathias

I have called these hearings to solicit the advice and counsel of Maryland citizens and public officials on a subject which is justly receiving increased attention throughout our country: the very high rate of local property taxes and the effect of these taxes on American citizens and on the use of America's land.

The tax on land and buildings is the oldest major tax in America—and one of the most important. Nationally, these taxes provide some $38 billion a year to American governments. As a revenue producer, the property tax is exceeded only by Federal income and social security taxes. It is used by over 70,000 local government units and by 23 state governments. It produces 40 per cent of the revenues raised by these governments and two-thirds of the revenues raised by local governments.

Throughout America, property taxes finance 54 per cent of local government costs for education, 41 per cent of their costs for health care, and 30 per cent of their costs for welfare.

In the last 15 years, property taxes have doubled.

Two hundred years ago in an agrarian society in which an individual's income and wealth was usually directly related to the amount of land he owned, real property seemed an appropriate basis for taxation. A farmer with a large amount of land could afford to pay more tax than a farmer with a small amount of land.

Today, of course, only a small percentage of Americans derive their income and wealth directly from land or other real property. And so it should not surprise us that to many citizens the philosophical legitimacy of a very heavy tax on real property seems obscure, while its inequities and inadequacies seem very clear.

The great Chief Justice of the U.S. Supreme Court, John Marshall, stated in a leading decision 152 years ago, "The power to tax is the power to destroy". Today, for millions of our citizens, soaring property taxes are destroying the American dream of owning one's home.

Two letters which I have recently received underscore the urgency of this problem. One is from Mr. Frederick P. Babcock of 10771 Kinlock Road, Silver Spring, Maryland. He writes:

"Mrs. Babcock and I heartily agree with the position taken by President Nixon with regard to the necessity of tax relief for the elderly. . . . There is no argument about the fact that *real estate taxes* are so high that they are a great burden upon all taxpayers and especially on the elderly. A major reason for this is the tremendous increase in school taxes in recent years. . . . We agree that in the interest of keeping America strong, a good school system must be maintained, and therefore everyone should help to pay the cost. However, we also feel that some serious consideration should be given to relieving the elderly of at least a part of the school tax. . . ."

Another letter comes from Mr. and Mrs. William S. Gossard of 953 View Street, Hagerstown, Maryland. They write:

"At present our family is involved in a very serious financial crisis in the form of an increase of $3,800 property tax assessment that will result in a $15.00 per month increase in our house payment. This 30 year old house was purchased in December 1970. . . . At the time of purchase we didn't even take the optional mortgage insurance because we felt we couldn't afford the additional expense to our payment.

"We are a family of seven with one wage earner and a net income in the neighborhood of $11,000 per year. We purchased this home one year ago because the price seemed right for our income and the house seemed sufficient for our family. In the twelve months we have occupied this residence we have faced a constant increase in all utilities in this area. Needless to say, along with increased rates at local hospital and medical facilities, clothing expenses, food expenses and the like, it has been a constant struggle and an increasing strain on our budget!"

The experiences of these homeowners are shared by thousands of other Marylanders.

The Governor's Study Commission on Tax Structure (the Mills Commission) stated in its report of January, 1971.

"Property taxes impair citizens' ability to provide housing, and further increases would worsen the problem, especially in Baltimore City where the property taxes are highest and housing conditions are among the worst in the state."

The burden of the property tax is felt by the tenant as well as the homeowners—and by the owners of real property other than homes.

The public dissatisfaction with the property tax stems not only from the amount of the tax but also from several other factors. First, the amount of the tax varies according to who owns the property, where it is located, and what it is used for. Property owned by any agency of government, churches or certain educational or philanthropic foundations is not taxed. In some cities these exemptions mean that 50 per cent of the property within the core area of the city is tax-free, which means, in effect, that the tax rate on the remaining property must be doubled.

In some states, the law provides special relief if the property is owned by senior citizens or veterans or new industries.

In Maryland, we provide that land used for farming should be taxed at a rate different from land used for other purposes. The justification for this provision is that it prevents the farmer from being taxed out of business, that it preserves open green spaces, and accordingly, that it improves the environment of the general community. But now some Marylanders allege that this provision must be rewritten to prevent abuse by persons who are not bona fide farmers. Others feel it should be repealed entirely. Others feel its provisions should be liberalized to encourage the preservation of open space by persons who are not farmers.

The amount of tax varies also between local jurisdiction, according to the revenue needs and the resources of the jurisdiction, the frequency, skill, and fairness of value assessment, and the diligence of tax collectors.

A number of other criticisms have been levelled at the property tax. Economists tell us that the tax is regressive, that the poor pay a higher percentage of their income in property taxes than the affluent. A study by the Brookings Institution in Washington showed that taxpayers who earn less than $4,000 carry twice the burden, in terms of their available resources, as taxpayers who earn more than $15,000. The regressive nature of the property tax should be of special concern since property taxes have doubled since the late 1950's.

The soaring rates of the property tax evidences another of its shortcomings. Revenues from the property tax, unlike revenues from the income tax, do not increase significantly as our economy grows. As a result, governments which depend on revenues produced by the property tax must ask for frequent increases in the rate of the tax to meet their higher costs of education, welfare, transportation, parks, and other services.

Recently some Americans have also alleged that our current system of local property taxes does violence to land itself. The local property tax, coupled with local zoning authority, is said to frustrate county, state, and regional land use planning, to encourage the wrong type of development in the wrong place at the wrong time.

One report based on research conducted for a Senate subcommittee recently stated "Property taxation has a major effect on patterns of land use and this effect is of great significance in any effort to revive and improve the metropolitan environment". The property tax, the report states, helps to encourage a pattern of development in which "expansion is irregular and disordered, with subdivisions, shopping centers, and factories springing up far from the perimeter of the urbanized area. . . . Leapfrogging of development . . . requires that public improvements and services be extended to islands of settlement far from the city, resulting in increased costs to both the individuals personally involved and the entire metropolitan community".

In summary, the local property tax in America appears to be inequitable to the taxpayer, inadequate as a provider of revenue to local governments, and destructive of any rational planned approach to metropolitan growth.

Accordingly, a number of alternatives have been suggested, including reform of property tax administration, repeal of the current exemptions from the tax or the granting of new exemptions, a uniform state-wide property tax, replacement of the property tax by other state taxes or by a federal tax.

It has been suggested to President Nixon that he should ask Congress to enact a federal value-added tax to replace the local property tax. Revenues from the federal tax would be given to state and local governments on the condition that they reduce the amount of their property tax. Other persons in Washington have suggested that revenues from an increase in federal income tax should be used to offset local property taxes.

There are also a number of bills designed to foster a better pattern of metropolitan growth and overcome the adverse effects on land use of factors such as America's current system of local and state property taxes. Last year, I introduced the National Land Use Policy Act, S. 2554. This bill would establish a systematic and comprehensive national land use policy which would coordinate the efforts of local, state, and federal agencies. The bill recognizes that the primary responsibility for land use planning must continue to rest with state and local governments, but it responds to the increasingly evident need for coordinated, long-term planning. The bill would provide the Secretary of the Interior, Rogers Morton, the power to provide grants to states to aid them in developing acceptable land use plans and the means and manpower to implement these plans. Hearings on this bill have been held by the Senate Interior Committee and I am hopeful that its proposals will be enacted by the Congress during the coming session. I would be happy to provide any interested person with a copy of this bill.

Ladies and gentlemen, I appreciate very much your attendance here this morning and your willingness to give me the benefit of your experience in this important area. I know that some of you would like to be able to reflect longer on this complex subject and gather more information on which to form your final judgment. But I appreciate your sharing your current thoughts with me and I hope that you will continue to keep me informed in the future.

Mr. HUMPHREY. Mr. President, will the distinguished Senator from Maryland yield?

Mr. MATHIAS. If I have any time, I am glad to yield.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. PERCY. Mr. President, I yield 2 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 2 minutes.

Mr. HUMPHREY. I appreciate the courtesy of the distinguished Senator from Illinois. I want to compliment him, as well as the distinguished Senator from Maryland (Mr. Mathias), on this amendment. Earlier in deliberations on this bill the Finance Committee chairman and its ranking minority member accepted a proposal which I offered, for the Joint Committee on Internal Revenue Taxation to make a complete study of the property tax situation in the United States, the problem of assessments, of rates, and of the use of the property tax.

That study is to come back to Congress with legislative recommendations and proposals within a year——

Mr. BENNETT. I think it is June 30, 1973.

Mr. HUMPHREY. Yes, June 30, 1973.

I believe that that study will be of great help to us in the overall understanding of the many discrepancies in the property tax structure in this country, the difficulties in assessment, the variations in assessment, and how the property tax itself is used to finance the multiplicity of services of State and local governments.

The pending amendment is a constructive proposal. I am pleased to note that one of the 12 States that now has a program of offering some relief to senior citizens living on a fixed income, is the State of Minnesota. It is a program that has worked very well and has rendered a great saving.

I want now to rise in support of the amendment and to commend the two Senators who have sponsored it.

It is not a costly amendment. Frankly I was pleased to hear the estimates. I believe it is a sensible and prudent amendment that ought to be agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I would first like to make the point that I am very pleased that the Humphrey amendment was accepted and that a study will be made. I do feel that this subject has been studied and studied and studied. However, I feel that a great deal of good is going to come out of this additional definitive study under a staff that has a competence second to none. We will make some great accomplishments. They have a great deal of information to work on.

The property tax has been amply studied. We know what reforms to make. The ACIR has published a model property tax reform law for the use of the States. The Humphrey amendment, accepted by Chairman Long last Thursday, September 9, requires a study of property tax administration by the Joint Committee on Internal Revenue Taxation. This is not essential though it will be helpful.

The ACIR is about to complete, at the request of the President, still another study of the property tax—this time in relation to school financing.

Need for reform of the administration of the property tax is widely recognized. C. Lowell Harriss, of Columbia, a leading authority on public finance, said:

> As I have studied property taxation over the years . . . I have become increasingly convinced that feasible improvements offer tremendous hope for bettering our communities, our businesses, our homes, our whole economy—while distributing the cost of government more equitably . . . Some of what needs to be done should be obvious—better administration.

Senator Muskie's hearings in the Intergovernmental Relations Subcommittee have clearly demonstrated how the property tax is abused in localities across the country. His hearings confirm the need for the Percy-Mathias amendment. In Chicago, vigorous community action organizations are slowly forcing the medieval, corrupt property taxation office and its overlord to open up his books, begin to revise grossly distorted assessments that bear no relationship to real values, and become somewhat more responsive to the people.

I can only point out that when we assess homes as high as we do—and we have five racetracks in Illinois that are assessed 3 percent of the real market value—there is gross inequity and the worst of the political system comes to bear. I do not have to mention that racetrack stock is such a sensitive subject in

Illinois. A group of foreign students who arrived in the United States just the day before asked me, as their first question, "How much race stock do you own?" That is how badly their impression of American politician is affected by these kinds of scandals.

Property taxation as it exists now is subject to open abuse by the worst of the political system. This kind of reform is specifically needed.

Specifically, tax reform is needed.

The Percy-Mathias amendment requires that States, in order to obtain 50 percent matching money for their tax relief programs, must, among other reforms:

First, require State government supervision of the assessment of the tax. A highly trained group of State assessors would insure both internal consistency of assessments within a local jurisdiction, and statewide consistency as well. State assessment systems would enable use of the best data processing techniques as well. (Sec. 4(b) (1) (2).)

Second, establish exemptions and their cost (Sec. 4(e)). Exemptions from tax have been granted over the years with no attempt to control them or even know how much they cost the homeowners who have to pay more as a result.

Fortune magazine in an article in the May 1972 edition said:

> The scandal of profligate grants of exemptions to religious, charitable, education, and fraternal organizations has been well documented. . . . An estimated $600 billion in real property owned by such organizations is now exempt, much of it not related to the activities that originally justified its exemption. In Boston, property worth 54 percent of total assessed valuation is exempt. Partly as a consequence, homeowner taxes there are among the highest in the country.

WRAU-TV in Peoria, in an editorial on June 7, noted that assessed valuation in Peoria County has passed the $1 billion mark, but the "exact percentage of tax exempt property is unavailable."

WRAU said:

> There would appear to be justification to take another look at the vast tax exempt heading. If some of the property must remain on the list, then it would appear reasonable to insist upon some assessed payment for public services.

Third, give the public the right to know how their property taxes are determined, and how his tax compares to taxes paid by others—section 4(c)(d). A major problem is that valuation and assessment practices and records are hidden from public view. If a taxpayer has a complaint he often cannot tell whether he has been fairly treated or not. Assessment ration studies that are made public are a way of insuring fairness.

A CBS WBBM-TV editorial said:

> A property tax bill is not hard to read or understand . . . What is not so easy to figure out is how the assessor decides what your property is worth—and how your assessment compares with assessments elsewhere.

Fourth, appeals. Citizens should have a ready ability to appeal a valuation, assessment, or tax rate they consider to be erroneous. Presently this is nearly impossible for a person to do, in most localities, without a great deal of difficulty. Section 4(g) requires States to establish such systems.

Mr. PERCY. Mr. President, in conclusion, I would like to state that this amendment is in the nature of a sunshine law of State property taxation. Its purpose is to clean up the mess that everyone admits is there, but that only a few crusading organizations and individuals have made any effort to change. Its potential is great. The matter of property tax cannot be ignored. Today property taxes constitute 85 percent of the revenue of our local communities. It constitutes 40 percent overall of the revenue from all sources that come to our local communities. And there has been very small change in the last two decades in this matter. So that it can be fairly pointed out to those who say that they would eliminate the property taxes that this is the sheerest kind of political hypocrisy to make that kind of a public statement in an election year.

Mr. President, I would not have the courage to suggest that this be done unless I asked where we would get the money to finance our local communities.

We can make the property tax more fair, more equitable, and more understandable.

I defy anyone to understand how their property tax assessment is actually made. One has just to take a look at some of the people who make these assessments to see that it is just impossible. We cannot improve on this performance without training the personnel.

The tax cannot be abolished, and it should not be because it is too important a part of the local financial structure. If it is modernized, applied fairly, and administered well, it is quite possible that the average homeowner's tax burden be reduced as other forms of property are given their proper share of the load.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. PERCY. I yield.

Mr. HUMPHREY. Mr. President, I want to say that there are not too many remaining on this side of the aisle. The Senator from Alabama (Mr. ALLEN) and I are holding the fort.

Anyone who talks about closing the tax loopholes should remember that the worst loophole of the entire tax structure concerns the assessment of property tax.

That is a terribly corrupt system. The amendment of the Senator from Illinois gives us a vehicle with which to do something about it. It is not a matter of using the stick. It does not deny a State the opportunity to share in revenue sharing. It is the use of the carrot to get more reform which is really needed.

I think that those of us who have raised our voices in a political year about closing the tax loopholes will try at least to close this little one that costs so much. I hope that we will do something about it.

Mr. PERCY. Mr. President, I thank my distinguished colleague. I can only say that if we do reform the taxes, the homeowners will share in the low rates and after so long a period of time will be able to pay a fair rate. We should remember the political clout that makes it possible for some to get a better rate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I would like only to engage in a colloquy with the Senator from Utah.

Mr. BENNETT. Mr. President, I have listened to the colloquy between the two distinguished Senators with a great deal of interest. I am delighted that the Senator from Minnesota came along to engage in the colloquy, because he was the offerer of the amendment that the Senate agreed to which sets up a study to be made by the staff of the Joint Committee on Internal Revenue Taxation. They are to report back by June 30 of next year. I would hope that the proponents of the amendment would permit us to include this problem in the report. If they would, speaking in the name of the chairman, I can assure them that the Senate Committee on Finance would be prepared to hold hearings as soon as the report is available.

I am sure that the staff of the committee which will make the report will be very grateful for any input that the proponents of this amendment can give to the overall subject.

I would hope that rather than vote on this today, the proponents of the amendment would be prepared to recommend its inclusion in the study with the promise of prompt action after the report has been made available.

Mr. PERCY. Mr. President, before responding to the acting manager of the bill, I would like to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. Mr. President, I thank the Senator from Illinois.

Mr. PERCY. Mr. President, how much time does the Senator need?

Mr. GRIFFIN. Three minutes.

Mr. PERCY. Mr. President, I yield 3 minutes to the Senator from Michigan, if I have that time available.

The PRESIDING OFFICER. The Senator from Utah has the time.

Mr. BENNETT. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Utah has 8 minutes remaining.

Mr. BENNETT. Mr. President, I am happy to yield 3 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I thank the distinguished Senator from Utah and the distinguished Senator from Illinois.

I want to indicate my agreement in principle with what the Senator from Illinois is trying to do. However, I must point out a matter of concern with regard to the applicability of this amendment to Michigan.

Our State has already acted to provide some property tax relief for senior citizens, particularly those with limited means.

Our system may be somewhat unique. In my State certain property owned by the indigent, the blind, and the elderly is exempt from real property taxes at the local level of government. The local unit of government foregoes the right to collect taxes from these people, and the State in turn remits the lost revenues to the local unit of government.

As I understand it, as now worded, the Percy-Mathias amendment would not benefit my State, although I feel certain that it is the intention of the sponsors of the amendment to cover such a situation.

Before the Senator from Illinois responds to the suggestion made by the Senator from Utah, I would like to offer an amendment to his amendment with the thought in mind that he might accept it. My amendment would simply bring Michigan under coverage of the pending amendment.

Mr. BENNETT. If the Senator will allow me to make a comment, it seems to me that problems like this justify the study because given the time we should be able to find a means by which all these presently different situations can be worked out. It is a completely workable proposition.

Mr. PERCY. I would like to advise the Senator from Michigan that the amendment he offered would be perfectly acceptable to me. I think it bears out that we can make improvements and refinements as we discuss this matter.

Mr. GRIFFIN. Mr. President, with that expression, I wish to join the Senator from Maryland and the Senator from Illinois in support of their amendment. Unless the yeas and nays have been ordered, I believe the Senator could modify his amendment without unanimous consent.

The PRESIDING OFFICER. The Senator is not correct. The amendment is subject to a unanimous consent previously entered into.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the amendment be amended as proposed by the Senator from Michigan.

The PRESIDING OFFICER. Is there objection to the modification of the Percy amendment by the Griffin amendment? Without objection, the amendment is so modified.

Mr. GRIFFIN. I thank the Senator.

Mr. PERCY. Mr. President, the distinguished manager of the bill made a suggestion and I wish to ask only a few questions.

The PRESIDING OFFICER. Does the Senator from Utah yield time?

Mr. BENNETT. Yes. I wish to make clear that all time available to me is available for this colloquy.

Mr. PERCY. The distinguished Senator made it clear, and I want to make certain I understand it, that this amendment we have offered, as now amended, will be incorporated as a part of the staff study that has been discussed.

Mr. BENNETT. There are no limitations on the staff study and specifically we are instructing the staff to study this amendment, together with the proposal of the Senator from Michigan, and any others.

Mr. PERCY. Speaking on behalf of the distinguished chairman of the committee, the chairman himself recognizes the need for reform in this area and feels this initiative would have sympathetic hearings and is worthy of serious consideration, and that hearings will be held following the completion of this study at a relatively early date and as part of the hearings this specific amendment will be considered at that time.

Mr. BENNETT. Mr. President, the Senator from Utah would like to suggest that given the situation in the Senate and what the committee may be considering at the time, the committee should hold hearings on this study as soon as possible after it has been presented to us.

Mr. MATHIAS. And that will be about the end of next June?

Mr. BENNETT. The study is dated so that it must be returned by June 30, so that committee consideration would be as soon as possible after July 1.

Mr. PERCY. With that assurance, and I thank my distinguished colleague, I feel sure we will move ahead expeditiously in this area, and I withdraw my amendment.

The PRESIDING OFFICER. Unanimous consent is required.

Mr. PERCY. I ask unanimous consent that the amendment now pending be withdrawn.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. BENNETT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MATHIAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BANK SECRECY ACT PROVISIONS HELD UNCONSTITUTIONAL

Mr. MATHIAS. Mr. President, I note in this morning's newspapers that a three-judge Federal court in California ruled yesterday that certain sections of the 1970 Bank Secrecy Act relating to domestic financial transactions are unconstitutional. The court said that sections of the law permit a violation of a citizen's right of privacy and his right under the fourth amendment to be free from unreasonable searches and seizures.

This is a position with which I heartily agree. Along with the Senator from North Carolina (Mr. ERVIN) I introduced in July S. 2828 which would establish standards and procedures by which the Government could obtain information from banks and other financial institutions. This bill aims at assuring that a person's financial records in a bank are as free from Government snooping as they would be if they were in the citizen's own home. S. 2828 would also restrict some of the unnecessary recordkeeping which can be required of banks under the 1970 law.

I am hopeful that the court's ruling yesterday will spur the Congress to reconsider the 1970 law and other laws which give the Government easy access to the rich array of information which is contained in any individual's or organization's financial records.

The court stated in its ruling that—

> To require virtually unlimited reporting from banks and their customers of domestic financial transactions as a surveillance device for the alleged purpose of discovering possible, but unspecified wrongdoing among the citizenry . . . transcends the constitutional limits, as laid down by the United States Supreme Court, for this kind of legislation." The court, according to the Associated Press, goes on to say that provisions of the Act would permit the government to "unreasonably invade the right of privacy protected by the Bill of Rights . . . particularly the Fourth Amendment provision protecting the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

The court appears to have distinguished between domestic and international financial transactions. This is a distinction which is also drawn in S. 2828 and in the 1970 Bank Secrecy Act. The principal purpose of that act was to bolster the Government's ability to ferret out international organized crime. S. 2828, and the court's ruling yesterday, would enable the Government to continue its battle against international wrongdoing without trampling on the rights of the overwhelming majority of Americans who never have any international dealings.

Mr. President, the court has taken a large step toward correcting the defects of the 1970 law; I think it is high time the Congress get busy and finish the job of protecting the rights of all Americans to deal with their bank without the Government always looking over their shoulder.

I ask unanimous consent that my earlier remarks explaining the problems created by the 1970 law be printed at this point, along with newspaper accounts of the court's action yesterday.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY OF SENATOR CHARLES McC. MATHIAS, JR., PREPARED FOR DELIVERY BEFORE THE SENATE SUBCOMMITTEE ON FINANCIAL INSTITUTIONS

Mr. Chairman: I wish to thank the Subcommittee on Financial Institutions for this opportunity to testify on a matter of serious concern to us all. As you know, Senator Ervin and I recently introduced a bill, S. 3828, which is designed to remove a very real threat to the freedom and privacy of every American. I am gratified that the American Civil Liberties Union, the American Bankers Association, and the Maryland Bankers Association, have indicated their interest in our effort and have offered their support. I would first like to explain the current law and controversy, and then the provisions of my bill.

The current threat was created by the 1970 amendments to the Federal Deposit Insurance Act, better known as the Bank Secrecy Act of 1970, or the Swiss Bank Act. This act gave the Secretary of the Treasury the power to require every bank and every financial institution in America to keep records—including microfilms of every check, draft, deposit, withdrawal, or other financial transaction involving a bank, and any of its customers. The law permits the government easy access to these records, and requires the bank to make periodic reports of certain transactions even without a formal request by the Treasury. The Treasury is permitted to give the records to any other agency in the government.

What this means is that every agency in the Federal Government including the IRS and the FBI, can obtain a complete history of every citizen's financial dealings, no matter how small the amount or how private the purpose. This law, furthermore, makes the financial institutions of America the servants of the Government, rather than of their customers.

The expressed purpose of this legislation was to bolster the government's ability to combat international organized crime and overcome the secrecy surrounding certain Swiss bank accounts, but the power granted by this act extends far beyond the legitimate needs of the Government in this field.

The treasury has now moved to use the vast power granted under this act. It has promulgated regulations to implement the record keeping and reporting provisions of this act. These regulations were scheduled to go into effect on July 1, 1972, but have been delayed by court order.

On several occasions during the past few months, I have written the Secretary of the Treasury, and talked with various Treasury officials. My staff has also been in contact with Treasury officials. The purpose of these exchanges was to try to assure that the Treasury would respect and safeguard the rights and privileges of private citizens. While the Treasury has responded to each of my inquiries, the continued existence of this statute and of the Treasury regulations still represents a potential timebomb on the fundamental rights of all Americans.

As a result, the Bank Secrecy Act of 1970 raises several important Constitutional issues. The American Civil Liberties Union and the California Bankers Association have filed suit in the District of Columbia. In these suits, the parties contend that this law violates the First Amendment's guarantee of freedom and speech and assembly, the Fourth Amendment's guarantee against unreasonable Search and Seizure of a person's papers and effects, and the Fourteenth Amendment's guarantee that each person is entitled to equal protection under the law. The briefs further contend that the act imposes an unnecessary burden on interstate commerce and threatens to destroy the private fiduciary relationship between a bank and its customers which is essential to our modern economic system. I would associate myself with each of these contentions.

I am pleased that the Federal Court in California has now granted a temporary restraining order which will delay the implementation of the proposed regulations until the Court can hear further arguments in the case. Regardless of the Court's eventual decision, however, the Congress is obliged to promptly correct its own grevious error.

My bill, therefore, has two main thrusts to protect the Constitutional rights threatened by the Bank Secrecy Act. First, it would guarantee that a person's records contained in a financial institution are as secure from government surveillance as they would be if contained in a safe in the person's own home. Secondly, it would restrict the Treasury Department's power to require banks to maintain records to a small area of activity relating directly to international financial transactions.

The act states that a fiduciary institution may disclose the records of any customer only upon the customer's consent or under a court order which would be sufficient to support the issuance of a valid search warrant to obtain the financial records if the financial records were in the home of the customer. The act provides that any such court order must be served upon the customer and the institution at least 21 days before the records are to be turned over to the Government. This provision would give the customer time to take legal action to challenge the validity of the court order. By restraining record keeping to activities directly related to international financial transactions, this bill would exempt over 95% of the financial activities from any surveillance under this act, while still permitting the Treasury to explore possible misuse of foreign bank accounts or to pursue international organized crime. My bill, however, would not prevent financial institutions from keeping records as part of their normal business procedure if they prefer to continue doing so.

The act contains both civil and criminal penalties for any institution or individual who, knowingly and willfully, violates this act or induces any other person or institution to violate this act.

This bill does not affect the record keeping which is now required solely for the use of government agencies which supervise the internal financial operations of the bank.

The disclosure provisions of this Act apply not only to disclosures to government officials, but also to disclosures to "any person other than the customer or his duly authorized agent." Thus, the bill will prohibit undue disclosures to credit agencies or other such non-governmental bodies.

Mr. Chairman, permit me again to express my thanks to the members of the Financial Institutions Subcommittee for allowing me to appear before you today.

[From the New York Times, Sept. 12, 1972]

Court Overturns Part of Bank Law

San Francisco, September 11.—A three-judge Federal court ruled today that the section of the Bank Secrecy Act of 1970 requiring banks to report all domestic transactions of their customers to the Government was unconstitutional.

But the two-to-one decision, granting a preliminary injunction, held that a section of the law requiring the reporting of financial transactions involving foreign monetary interests or accounts did not violate the Constitution.

The decision also declined to halt the required microfilming by banks of all deposits and checks, as the law prescribes.

DISSENT EXPLAINED

The majority decision was signed by United States District Court Judges William T. Swigert of San Francisco and William G. East of Oregon. The dissent was by Judge Oliver D. Hamlin of the Ninth United States Circuit Court of Appeals.

Judge Hamlin said he dissented from the portion of the opinion that held that sections dealing with domestic banking transactions were unconstitutional.

In the 18-page decision, the majority said, "Such a thing as a constitutionally protected 'right of privacy' has been recognized by the Supreme Court."

"To require virtually unlimited reporting from banks and their customers of domestic financial transactions as a surveillance device for the alleged purpose of discovering possible, but unspecified wrongdoing among the citizenry . . . transcends the constitutional limits, as laid down by the United States Supreme Court for this kind of legislation."

BILL OF RIGHTS CITED

The majority held such requirement for reporting would 'unreasonably invade the right of privacy protected by the Bill of Rights . . . particularly the Fourth Amendment provision protecting 'the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures.' "

The suit was filed June 22 by the California Bankers Association as the first court test of the law, which was to have gone into effect July 1 of this year. On June 30, Judge Sweigert issued a temporary restraining order halting the reporting requirements, but specifying that banks must continue to keep required records until the three-judge decision was reached.

The three judges heard three hours of argument*on July 17 with the Bankers Association being joined by the American Civil Liberties Union, which claimed the act would "require banks to become government spies on their customers."

The Government's attorneys argued that "there simply is no right of privacy for bank customers."

The Secretary of the Treasury, under the law, had ordered banks to report all account deposits and withdrawals of more than $10,000 to the Treasury Department. The court noted that under the law the Secretary had the right to set the figure upon which reports could be requested.

No Treasury Comment

Washington, September 11.—The Treasury had no comment today on the court decision in San Francisco involving the Bank Secrecy Act because the text of the decision has not yet been received here.

Officials said the sketchy reports of the decision that they had seen left them unclear as to its scope and, herefore, as to how much the Treasury's law-enforcement activities would be affected.

BANKERS' SPOKESMAN COMMENTS

A spokesman for the American Bankers Association said yesterday that "since we do not know the exact content of the court's ruling at this time, we cannot comment in detail."

"We have always taken the position that an individual's bank records are part of a confidential relationship between him and his bank, and the ruling seems to uphold that position," he added.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

AMENDMENT NO. 1492

Mr. RIBICOFF. Mr. President, I call up my amendment No. 1492 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment, ordered to be printed in the Record, is as follows:

On Page 63, strike lines 19 through line 3, page 64, and insert:

"Sec. 121. Creation of the Social Service Trust Fund.

"(a) In General.—There is created on the books of the Treasury of the United States a trust fund to be known as the Social Service Trust Fund (referred to in this subtitle as the 'Trust Fund'). The Trust Fund shall consist of the amounts appropriated to it as provided in this section. There are hereby appropriated to the Trust Fund out of any moneys in the Treasury not otherwise appropriated, $500,000,000 for the entitlement period beginning January 1, 1973, $1,000,000,000 for each of the entitlement periods beginning on July 1 of 1973, 1974, and 1975, and $500,000,000 for the entitlement period beginning July 1, 1976.

"(b) Trustee; Reports to Congress.—The secretary of the Treasury shall be the trustee of the Trust Fund, and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

"(c) Expenditures From Trust Fund.—Except as provided in this subtitle, amounts in the Trust Fund shall be available for, and may be used only for, payments by the Secretary to State governments and units of local government under this subtitle. Such amounts shall remain available without fiscal year limitation.

"(d) TRANSFERS FROM TRUST FUND TO GENERAL FUND.—The Secretary shall from time to time transfer from the Trust Fund to the general fund of the Treasury any moneys in the Trust Fund which he determines will not be needed to make payments to State governments and units of local government under this subtitle."

Page 46, line 4, strike "(b)", and insert "(e)".

Page 64, line 13, strike, "allocate to each State for each entitlement period beginning on or after January 1, 1973" and insert "for each entitlement period beginning on or after January 1, 1973, pay out of the Trust Fund to each State".

Mr. RIBICOFF. Mr. President, my amendment would place the $1 billion social service fund added by the committee on the same footing as the $5.3 billion "pure" revenue sharing fund. The $5.3 billion will be allocated by direct appropriation while the $1 billion in social service money is simply authorized. If we are to be consistent, if we are to make sure the urban States are treated on the same basis, the $1 billion should also be directly appropriated instead of simply authorized.

The Finance Committee claims that all but four States and the District of Columbia will receive more money under the bill now before us than under the House bill. That claim, however, is conditional on future events which we cannot today predict.

The reason most States may get more money is that the committee wants to add $1 billion to the House bill's $5.3 billion.

No States, especially the urban States who are scheduled to receive the bulk of this $1 billion, can rely on getting this new money. The reason is simple. In order to distribute the $5.3 billion of pure revenue sharing funds, the committee established a trust fund which would bypass the congressional appropriations process and thus guarantee distribution to the States.

The committee has not, however, treated the $1 billion social service money in the same way. The committee bill simply authorizes the appropriation of the money for the social service fund. Because this fund must also go through the entire congressional appropriations process, no one here today can say how much, if any, of the $1 billion will ever reach the States.

I agree with the committee that the social services program has gotten out of hand and that a ceiling must be placed on expenditures under it.

If, however, we replace the old program with the committee's proposal, but never fund it at the full level many States are going to have to drastically cut back on the social services they are now providing.

Mr. President, I ask unanimous consent that a table listing the amounts each State would lose if the $1 billion is not appropriated be inserted in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Amounts in millions States receive under Subtitle B

Alabama	$10.6
Alaska	.8
Arizona	9.6
Arkansas	4.8
California	134.0
Colorado	11.8
Connecticut	17.5
Delaware	2.9
District of Columbia	6.3
Florida	34.3
Georgia	15.7
Hawaii	3.2
Idaho	1.8
Illinois	65.3
Indiana	19.9
Iowa	7.0
Kansas	6.5
Kentucky	9.3
Louisiana	14.1
Maine	2.5
Maryland	21.5
Massachusetts	36.0
Michigan	47.0
Minnesota	15.8
Mississippi	5.5
Missouri	21.4
Montana	1.7
Nebraska	4.9
Nevada	2.8
New Hampshire	1.4
New Jersey	50.4
New Mexico	7.5
New York	118.0
North Carolina	12.7
North Dakota	1.5
Ohio	55.1
Oklahoma	8.7
Oregon	8.2
Pennsylvania	57.4
Rhode Island	6.2
South Carolina	6.4
South Dakota	1.7
Tennessee	12.8
Texas	57.4
Utah	6.1
Vermont	1.1
Virginia	19.9
Washington	15.5
West Virginia	4.3
Wisconsin	17.2
Wyoming	.8

Mr. RIBICOFF. Mr. President, it is clear that the States need this money and are relying on it. My amendment would guarantee the existence of the $1 billion by creating a social services trust fund similar to the revenue sharing trust fund. Unless we make such a change it is possible that not a single dollar of social services money will ever reach the States and localities.

Mr. LONG. Mr. President, I think the Senator is correct about this matter. I have discussed this with other members of the committee. We had intended that the $1 billion should be a continuing matter until the end of the 5-year period applicable to the basic revenue-sharing amount. I think the logic of the Senator is compelling.

I have discussed this with the Senator from Utah, who has left the Chamber momentarily. He feels we should support the amendment, and so do I.

Mr. RIBICOFF. Mr. President, I commend the Senator for his understanding. It is difficult to work out a balance as between the urban and nonurban States. When we discussed the problem of the urban States in the Committee on Finance, we agreed that by basing the $1 billion social service money solely on urbanization. Some balance would be achieved.

Basically the total $6.3 billion would be distributed as follows: 84 percent by population, relative income and general tax effect, 16 percent by urbanized population.

It would be my hope that when the distinguished chairman discussed in conference what the proper formula should be, he will advocate one which treats the rural and urban States equally. By this I mean the final formula should apply to both the $5.3 billion and $1 billion. In that way, if the $1 billion is eliminated or decreased the loss would be shared equally by all the States. Under the present arrangement, if the social service fund was decreased or eliminated, the urban States would suffer a disproportionately heavier loss.

Mr. LONG. We will have to work that out the best way we can. There is no way at all to tell how the conferees will resolve their differences, but the Senator from Connecticut has contended for the urbanization formula. I think it represents 22 percent of the amount in the House bill, and, in effect, after we have included the $1 billion in the bill, it works to roughly 16 percent of the funds in the Senate bill.

So while the Senator has been moving from a position that is short on votes in the Senate, he has persuaded us, one might say, to go two-thirds of the way to the urbanization formula of the House bill. We will consider that as a possible way of resolving the controversy, just as we will consider some other suggestions that will be made, I am sure.

Mr. President, there is no time limitation, so there is no need to yield back the time, but the committee favors the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. LONG. Mr. President, I suggest the absence of a quorum——

Mr. RIBICOFF. Mr. President, if there is no further business at this time, I have some comments on a matter not involving revenue sharing which I would like to make. It will only take 15 minutes.

Mr. LONG. Can the Senator assure us that he will not take more than 15 minutes?

Mr. RIBICOFF. It will not be more than 15 minutes.

Mr. LONG. Mr. President, I ask unanimous consent that the Senator from Connecticut be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE WITH THE SOVIET UNION: IS IT WORTH THE PRICE?

Mr. RIBICOFF. Mr. President, along with the overwhelming majority of my colleagues and the American people, I welcome the easing of tensions between our own country and the Soviet Union. The recently approved SALT treaty and the interim agreement now before the Senate are milestones in the peaceful evolution of international relations. They are important indications that the Soviet Government and our own have been able to resolve formidable national differences and reach agreements beneficial to both sides. However, the United States may be moving too quickly in seeking to improve trade relations at a time when the Soviet Union is acting contrary to the spirit of detente and moving away from norms of civilized behavior.

Unless the Soviet Union rescinds its recent ukase which places Soviet Jews and particularly Jewish scientists into a new form of 20th century bondage, all of the assumptions behind improved United States-Soviet trade relations fail. When the United States supports increasing economic and commercial ties, we do so in the hope that these contacts act as moderating, civilizing influences on relations between nations. But the establishment of a schedule of exorbitant visa fees supposedly related to a person's education is a totally reprehensible form of extortion. At best it is a highly unusual method of gaining foreign exchange to hold one's citizens captive until ransom is paid by outside sources. The Soviet Union's placing of price tags on its state-supplied education is nothing more than another form of repression against its Jewish citizens and a vulgar attempt at blackmailing the world Jewish community into paying for each educated Jew seeking emigration from Russia. Soviet action in enacting emigration fees ranging from $5,000 to $25,000 goes beyond the usual cynicism expected from the Soviet Union.

The transparency of the Soviet arguments that they are acting to recoup educational expenses provided by the state is hardly worth refuting. However, it suffices to say that all Soviet citizens, not only those of the Jewish faith, produce a great deal more than they consume. This difference goes to finance the Soviet Government in all of its activities, educational and other. The average Russian, it has been pointed out, earns about 100 rubles a month, although he produces perhaps twice that sum. In the Soviet Union the costs financed by the state, and the benefits accruing to it, cancel each other out. Those who are more educated are in a position to make an even greater contribution—and are truly Soviet society's creditors. An analysis of the actual figures involved is contained in a perceptive letter to the New York Times yesterday on this subject, which I shall ask to be inserted in the RECORD at the conclusion of my remarks.

Another Soviet argument that they are acting to end a brain drain is equally fallacious. Once a Soviet scientist makes his determination to leave for Israel he is fired from his job and must find menial tasks to earn his livelihood. There is absolutely no economic or rational basis for the Soviet actions other than the further intimidation of its Jewish citizens from applying for visas and obtaining hard currency at the same time.

While it is not certain what motivated the Soviet leadership to take this retrogressive step, we can guess at the sinister motives behind this posting of a price-list for human beings. There are several apparent reasons for this move. It reflects despair on the part of Soviet authorities. To this date, no matter how they have tried to intimidate Jews, the movement has grown and flourished and the number who apply to emigrate continues to increase. Also the number of highly skilled scientists who apply has also grown.

In a more subtle way it may be an attempt to limit the number of Jews who seek higher education. Knowing that he may be charged exorbitant fees if he ever decides to leave, a Soviet Jew might decide not to continue his education at all. But finally, this tactic may be viewed as a deliberate effort on the part of the Soviet Union to obtain much needed foreign exchange on the assumption that the world Jewish community would pay the ransoms for their brethren.

This decree of August 15 has already resulted in a new wave of fear among Soviet Jews who expect intensified punitive action against those Jews who have been courageous enough to apply for permits to emigrate. This latest Soviet move comes against a background of anti-Jewish diatribes and slander now common in the Soviet media. There have been untold instances of Jews who have indicated their desire to emigrate to Israel being subjected to physical assaults, loss of jobs, arrest, and other brutal forms of intimidation.

To many Americans this latest Soviet action is uncomfortably reminiscent of the Nazi era when the same type of extortion was practiced against German Jews who desperately sought visas to flee Germany. The employment of this technique only brings shame upon those who masterminded it. Fortunately world attention is now being focused on this heinous practice. And fortunately, we as free men living in a democracy are in a position to do something concrete about it.

I do not see how any Senator or Congressman in good conscience could vote for new trade concessions for the Soviet Union at a time when the Russians are trading in human lives. The ransoming of Soviet Jews is one Soviet export all decent men must absolutely refuse to accept. If it is appropriate to link trade issues with political objectives, as our own Government has indicated, it is certainly just as appropriate to establish a linkage between improved United States-Soviet trade relations and the overriding moral issues raised here. It must be made clear to the Soviet Union that it will receive the credits and tariff treatment it is seeking only by removing these new restrictions imposed on the emigration of Soviet Jews.

As many of my Senate colleagues are aware, I have actively sought to expand trade between East and West. Last year I introduced S. 2460, the East-West Trade Exchange Act of 1971. Shortly afterward, working closely with the distinguished chairman of the Senate Commerce Committee, Senator MAGNUSON, and joined by 25 of our Senate colleagues, we cosponsored S. 2620, the East-West Trade Relations Act of 1971.

In June of 1971, I was the keynote speaker at a large gathering in Budapest, Hungary which had been convened to explore the means of expanding trade and investment between East and West. Upon my return I submitted a report to the Senate Finance Committee recommending the removal of existing American barriers to trade with the East. I still feel that economic ties should be improved, but the question is at what price?

If we are willing to do business as usual despite this blatant disregard for the elements of human decency, we will ourselves be contributing to the continuing amorality in international relations. We will also be acting contrary to our own long-term interests by encouraging the Soviet Union to believe it can get away with this outrageous behavior in the future. No less a Soviet public figure than physicist Andrey Sakharov, the "father" of the Soviet H-bomb, recently condemned the Western democracies for offering only concessions and smiles to a Soviet regime which he described as barbaric. It is time to put a stop to these smiles and concessions unless the Soviets stop the degrading practice of ransoming people.

Israeli Prime Minister Meir in her statement in the Knesset described what brutal message this policy conveyed to every educated Jew in the Soviet Union:

> Your brains and whatever you have studied and thought don't actually belong to you. Since you are a Jew, it is doubtful whether you are entitled to study and gain an education at all. And if you are bound for Israel to join your people—it is your duty to suffer. As for us, we will do our best to find clever means to prevent your emigration in all ways possible . . .

The Knesset adopted a strong resolution appealing to all nations, parliaments and international organizations to work for the abolition of this tax. I ask unanimous consent that this resolution be printed at the conclusion of my remarks.

In this country the National Academy of Sciences is already seeking to put together its own appeal on behalf of Soviet Jewish scientists wishing to emigrate. This commendable action was precipitated by the personal appeal of an eminent Soviet Jewish scientist, Benjamin Levich.

Professor Levich, a renowned Soviet physicist and member of the Soviet Academy of Sciences, had publicly denounced the new visa fees—and is already paying the price for his candor. He subsequently transmitted to me a handwritten note appealing to me personally to look into the desperate situation of Soviet Jewish scientists. This letter was delivered to me by an American scientist who recently met with Professor Levich in Moscow during the recent International Biophysical Congress. Enclosed with Levich's note was a copy of the letter he had sent to this International Congress. In his letter Levich stated:

> The scientists who apply to the authorities for the permission to leave for Israel are magically transformed into outcasts who are deprived of any right of continuing a scientific activity: publications forbidden, lecturing forbidden, making scientific reports forbidden, even being cited forbidden.
>
> A person is immediately expelled from any kind of scientific council, editorial boards, demoted and often fully discharged.
>
> A person is constantly living under the conditions of permanent pressure and anguish for the fate of his family and himself.

Levich then made an observation which is particularly telling:

> The violation of the civil rights of scientists as compared to other people and the transformation of scientists into the property of the Government is a dangerous precedent.
>
> Today it is the fate of perhaps a small group of scientists at a certain place of the world. Tomorrow it may happen to anybody and anywhere. The brains as well as the hands of any human being are his personal property. I believe as well that the persecution of scientists and the prohibition of their scientific activity as a punishment for their moral and conscience convictions is inhuman, immoral and disgraceful.

As more people in this country and around the world become aware of the outrageous nature of this latest Soviet action, calls for positive action on the part of our own Government to bring pressure on the Soviet Union will undoubtedly follow.

The Congress of the United States has special constitutional responsibilities with regard to the establishment of trade relations with other nations. Eximbank credits, most-favored-nation treatment, and OPIC guarantees are all legislative matters within the province of the Congress. Already the Soviets have made it known that they place MFN treatment high on their list of trade priorities in the current negotiations. Legislation granting such authority must be considered by the Senate Finance Committee, of which I am a member.

I would hope that other Members of both Houses of the Congress are prepared to go on record, as I am doing today, in making clear our strong opposition to any trade legislation granting the Soviet Union better trade terms as long as the ransom decree is in effect, and as long as similar draconian measures are applied to restrict emigration of Soviet Jews.

I am also prepared, in consultation with my colleagues, to explore other more immediate legislative means to deny the Soviet Union the trade terms it desires. I urge my colleagues to condemn the extortionist Soviet visa fees and to make clear their determination to link improved trade relations with this issue. There is still time to save Soviet Jewry, and I appeal to men of goodwill everywhere to raise their voices in loud protest against this latest injustice, and to pledge their efforts to its total elimination.

Mr. President, I ask unanimous consent to have printed in the Record at this point a letter to the editor of the New York Times entitled "A New Soviet Export—Jews," published in the New York Times of September 11, 1972, and the text of a resolution adopted by the Israeli Knesset on August 23, 1972.

There being no objection, the letter and the resolution were ordered to be printed in the Record, as follows:

A New Soviet Export—Jews

(By Zev Katz)

To the Editor:

The Soviet Government's attempt to capitalize on Jewish emigrants is a dehumanizing and unconscionable act. Moral-humanitarian consideration aside, it is essential to examine objectively the Soviet claim that persons emigrating from the U.S.S.R. should repay the state for the costs of their education.

According to Soviet sources, the cost of education for a full-time university graduate would be: ten years of pre-college education, 1,000 rubles; plus an average of four and a half years of higher education, 4,500 rubles, for a total of 5,500 rubles. However, the latest Soviet decree requires a university graduate to pay 12,500 rubles. A doctor of science is asked to repay 31,000 rubles. There obviously is no correlation between the actual costs of education and the payments sought.

Furthermore, one of the central themes in Soviet literature on education is that the Soviet state quickly recoups its educational investment. Through higher productivity, and new skills and, consequently, a higher input into the economy, graduates repay through their labor investment in their education in a period of five to seven years.

The Jewish emigration affords the Soviet state other material benefits which offset possible labor losses of skilled personnel. We assume that Jewish emigrants for 1972 alone will number 30,000. If this is valid, by the end of 1972 the exodus will have totaled 60,000 persons (15,000 in 1971; 15,000 in the preceding decade). The émigrés leave behind their houses and flats. The overwhelming majority of these are state-owned, and the departing emigrants do not receive compensation for this property.

In granting emigration visas Soviet authorities give preference to older people. Data on Soviet émigrés show that one in three is a pensioner or close to pension age. Of the 60,000 departing Jews, 20,000 are estimated as pensioners. State expenses for such persons, including medical care and other public services, average 1,000 rubles per year. As a result of the current exodus, the U.S.S.R. saves twenty million rubles per year in state subsidies for pensioners.

To sum up, by allowing 60,000 Jews to emigrate, the Soviet state affords itself a saving of 200 million rubles in pension payments in a decade and obtains 20,000 apartments valued at 128 million rubles (including costs of upkeep). Together, these sums amount to about one-third of a billion rubles. Additionally, certain intangible benefits result—specialist positions become available, university places become vacant, etc.

Such material savings, generated by the Jewish exodus, coupled with the fact that expenditures on education are (and have been) recouped through the labor of Jewish scientists, objectively demonstrate the fallaciousness (let alone the amorality) underlying the so-called Soviet "education" tax on emigrants.

Soviet officials know that most Jewish professionals in the U.S.S.R. are not capable of raising enough money to pay the emigration tax even if they gave away all their life's savings and sold all their possessions. Obviously, the money will have to come from abroad (mainly from Jews in America). Besides exporting furs, gas, and timber, there will be a new and original Soviet export—Jews.

Text of a Resolution Adopted by the Knesset, August 23, 1972

1. The Knesset notes that the head tax imposed by the Soviet authorities on Jews holding university degrees in the Soviet Union who desire to emigrate to Israel is an infringement of human rights, a trampling underfoot of human morals and an attempt to prevent the immigration of Jews to their historical homeland. This device aims at cutting off the Jewish community in the Soviet Union from the Jewish people and from the State of Israel.

2. The Knesset appeals to the Government of the Soviet Union to repeal this shameful decree which is aimed only at the Jewish citizens and recalls the Czarist anti-Jewish legislation.

3. The Knesset takes note with deep appreciation of the great response all over the world, amongst peoples, parliaments, governments, progressive organizations, scientists and religious leaders, who all raised their voices in protest against the ransom and demanded its cancellation.

4. The Knesset appeals to all governments, parliaments and international institutions and organizations, as well as to enlightened public opinion in all countries, to work towards the abolition of the head tax imposed on the Jews in the Soviet Union who wish to return to their historic homeland.

5. The Knesset calls upon the Jewish people to mobilize its strength, neither to rest nor to cease their efforts until the "diploma levy" is abolished and the freedom of emigration of Jews from the Soviet Union is insured in effect.

6. The Knesset calls upon scientists of all nations to rise to the defense of the human and national rights of their colleagues in the Soviet Union.

7. The Knesset sends its good wishes, and its hope that they might continue their good fight, to our brethren in the Soviet Union, who are struggling for their human rights and their affinity with our people. The Knesset declares that the people in Israel, as well as the Jewish nation the whole world over, will not rest until the head tax is abolished.

8. The Knesset takes note of the government statement as delivered by the Prime Minister at the special session on Wednesday, the 13th of Elul, 5732 (August 23, 1972).

"EXIT FEES" FOR RUSSIAN JEWS

Mr. EAGLETON. Mr. President, I wish to add my voice in condemnation of the Soviet Union for its deplorable action of instituting a system of escalated exit fees for those Russians who wish to emigrate.

The Soviet Union's harassment of its Jewish citizens has reached a new—albeit more subtle—level of intensity. After world opinion forced the Soviet Government to modify its policy of absolute restriction of Jewish emigration, the Soviet Government created restrictions of a more informal—and less perceptible—nature. Jews desirous of emigrating were ostracized and persecuted at the city and neighborhood level where the eyes of the world public could not see. But Russia underestimated the will of its Jewish citizens to escape the perfidy of officially sanctioned persecution.

But now world attention is again focused on the Soviet system—a system that can only be described as 20th century slavery. This latest action is reminiscent of Adolph Hitler's attempted ransoming of Jews during World War II.

The newly imposed schedule of exit fees for Soviet citizens who leave the Soviet Union—especially those who, as in the case of Jews, are forced to renounce their citizenship—is a two-edged sword.

It damages those who wish to leave the Soviet Union by imposing an incredibly restrictive tariff—a person must pay anywhere from $5,400 to almost $40,000, depending on the level of education attained. And by establishing the exit fee schedule as a reimbursement for education the Soviet Government also destroys the incentive of its Jewish citizens to achieve higher education.

Another disturbing feature of this new Soviet Government policy is that it may have been applied in order to obtain much-needed hard currency. The Soviet Government may be proceeding on the assumption that the American Jewish community will pay a ransom fee to help Russian Jews emigrate to Israel. In light of Moscow's dire need to expand its hard currency reserves to purchase Western goods, this possibility cannot be ignored.

If in fact economic gain is a motive for this latest harassment of Jews, then the United States has an obligation to assure that this action results only in economic loss—and not gain.

The Soviet Government is hereby put on notice that if it persists and implements this deplorable policy, this body and the U.S. Government may take appropriate action to revise its trade arrangements with the Soviet Union.

The Congress of the United States cannot agree to enter a favored nation trade arrangement with a country whose oppressive tactics denigrate the spirit of liberal trade policies. The United States cannot allow the Soviet Union to make economic gain from human suffering.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The PRESIDING OFFICER (Mr. Eagleton). The bill is open to further amendment.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TAFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Cook). Without objection, it is so ordered.

Mr. TAFT. Mr. President, I ask unanimous consent that during further proceedings on this bill, my staff aide, Mr. William Wickens, be permitted the privilege of the floor, during the debate and during the rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1467

Mr. TAFT. Mr. President, I call up my amendment No. 1467.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 99, after line 24, insert the following new section:

"Sec. 205. Withholding of City Income Taxes From Compensation of Federal Employees.

"(a) Withholding by Federal Agencies.—Section 5517 of title 5 of the United States Code is amended—

"(1) by inserting 'or city' after 'State' each place it appears in subsections (a) and (b), and

"(2) by inserting before the period at the end of subsection (c) the following: ', and "city" means only a city which is incorporated under the law of a State and which contains at least two hundred employees whose regular place of Federal employment is within such city, except that the Secretary of the Treasury may lower the foregoing requirement in his discretion'.

"(b) Clerical Amendments.—

"(1) The heading for such section 5517 is amended to read as follows:

"'§ 5517. Withholding State and city income taxes'.

"(2) The analysis for subchapter II of chapter 55 of title 5 of the United States Code is amended by striking out the item relating to section 5517 and inserting in lieu thereof the following:

"'5517. Withholding State and city income taxes.'.

"(c) Effective Date.—The amendments made by this section shall apply only in respect of agreements entered into after the date of the enactment of this Act."

On page 99, line 1, after "and (c)" insert "and section 205(c)".

Mr. TAFT. Mr. President, this amendment would allow our cities to arrange for the Federal Government to withhold city income taxes from compensation paid Federal employees. Any city which has 200 or more Federal employees, and any other city where the Treasury Department determines that such an arrangement would be beneficial, would be eligible for this service.

The purpose of the Revenue Sharing bill is to increase the Federal financial assistance to States, and particularly urban areas, which are hard pressed to make ends meet. This amendment would provide an additional source of income for our cities, without requiring increased Federal funding other than the amount necessary to cover administrative costs.

The increment in local funds would result largely from a reduction in tax delinquencies, and an increase in the cities' ability to collect delinquent taxes from Federal employees. Cleveland's tax department, for example, estimates that by reducing losses in uncollected taxes, my amendment could increase the city's resources by $300,000–$400,000 annually. The city of Cincinnati expects the enactment of the amendment to save its taxpayers about $100,000 per year. Similar savings would, of course, be realized by cities in other States which have income taxes.

To help improve the administration of non-Federal taxation systems, the Revenue Sharing Act of 1972 contains a title authorizing the Federal Government to act as a collection agent for State income taxes.

My amendment would make a positive contribution along the same lines for our cities. It would decrease the administrative burden for our cities' tax collection departments, by relieving them of the necessity to devote extra attention to Federal workers. In my own State of Ohio, the cities of Akron, Columbus, and Toledo expect that they could each save between $20,000 and $35,000 annually by trimming administrative costs in this manner.

The cities would benefit greatly from my amendment. The greatest benefits, however, would be realized by the hundreds of thousands of civilian Federal workers affected. Because local income taxes are not withheld from the wages of Federal employees, these workers are forced to pay the taxes in lump sums on a quarterly or annual basis. The obligation to pay a substantial amount in local taxes at one time is a serious hardship for many Federal workers. As of last winter, one third of Cleveland's postal workers had not been able to meet this obligation, and owed the city hundreds of dollars per person in back taxes.

My amendment would allow Federal workers to pay their city taxes in the same convenient manner as other workers, by making the payments in even installments throughout the year, with automatic deductions.

The major organizations representing groups which my amendment would affect strongly support it. These organizations include the National League of Cities, U.S. Conference of Mayors, the National Postal Union, and other major Federal employees' associations. The Treasury Department and the Office of Management and Budget have historically supported legislation along these lines, and I have been informed that their positions have not changed.

I hope that the Senate will seize this opportunity to provide equal treatment for our Federal workers and additional assistance for our cities. It is not revenue that we are talking about; it is help to the cities, and I believe it is relevant.

Mr. President, I wholeheartedly support the distinguished Finance Committee chairman's position that all nongermane amendments to the Revenue Sharing Act should not be brought up or acted upon at this time.

This bill is vital to our Nation's States and cities. It is essential, therefore, that any unrelated amendments which might impede the progress of this bill be put aside. Several times in the course of the debate on this bill, I have indicated my feeling that specific amendments should be rejected on those grounds.

I cannot agree with the chairman, however, that the amendment we are presently debating is nongermane in this sense. The purpose of the revenue sharing bill, stated in its simplest terms, is to provide a mechanism whereby the Federal Government can increase its assistance to our cities and States. That is exactly what my amendment does, while at the same time it eliminates a glaring inequity in present law between Federal workers and other elements of the work force.

It is difficult to overemphasize the importance of this legislation to our Nation's cities. In recognition of this fact, the organization that represents them, the National League of Cities—U.S. Conference of Mayors, has supported Senator Long's efforts to obtain speedy passage of the bill. The organization has carefully refrained from taking a position on any amendments offered, even though virtually every amendment to this bill affects them directly or indirectly. I have been informed by representatives of the league, however, that they consider my amendment so essential to the cities, that they wish to make an exception to their overall strategy. The National League of Cities—U.S. Conference of Mayors feels strongly that my amendment is germane to this legislation, and they urge that the amendment be accepted.

The league's position emphasizes a point I made in my earlier remarks—that all the groups directly affected by this legislation strongly support it and urge its adoption. I hope that the Senate will listen to them.

Mr. President, before yielding to the distinguished chairman of the committee, I ask unanimous consent that the name of the Senator from Kentucky (Mr. COOK) be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

Mr. LONG. Mr. President, the question of germaneness understandably may be a matter of disagreement among Senators even though they have pretty much the same objective in mind. This is an amendment that would require the Federal Government to withhold from its own employees, if I recall it correctly, income taxes paid to the cities. This suggestion has already been made in the House of Representatives. The Ways and Means Committee has reported bills along the line the Senator has suggested. They have done it three times, I am informed. It has not come to us from the House because the New Jersey people seem to be upset about the possibility of this money's being withheld from New Jersey residents for the benefit of the city of Philadelphia, where many New Jersey people work. That seems to be where the main problem exists.

I would be happy to try to help the Senator work out his problem in this connection, if we could put it on some other measure. I would suggest to the Senator that he should cooperate with us, and we will cooperate with him, in finding an appropriate vehicle. If we have a bill on the calendar now, I would have no objection to adding his amendment to it. We would get the cooperation of the leadership to let us take the amendment, motion up a bill and place the amendment thereon. I do not see why that could not be done.

Personally, I would like to help the Senator with this problem, to place it on an appropriate bill and I will be glad to find him one, even if it were necessary to report a particular measure out of the Finance Committee and to provide him with a vehicle for his amendment. We will have plenty of opportunity to do that between now and the time we adjourn—perhaps in the next week or so. Then we could see if it was possible to do that.

If the House conferees are not going to let the House vote on the matter, I really cannot see that is will make any difference whether his amendment is attached to this bill or to any other bill. In the last analysis, if he is able to attach his proposal to a House-passed bill—and, from the point of view of those on the Finance Committee, that is no problem finding a bill to attach it to—he will still have to persuade the House Ways and Means Committee to take that matter to the House so that the House can vote on it.

Of course, at that point, I would like to offer him my best offices in trying to bring that about, but I would hope that the Senator would not insist on it on this bill because, from my point of view, it is not germane to the bill.

One can say it is a close point by broadening the rule of germaneness. Perhaps it would be. But this is an amendment relating to the Federal Government's withholding of local income taxes from its own employees. The revenue sharing bill which we reported and are considering has nothing to do with that. The way it stands right now, it is true we have something in the bill where a State can request the Federal Government to collect its income taxes for it, and if a certain number of States do that, then the Federal Government would do so, for those States which conform their income tax laws sufficiently to the Federal income tax laws. The Federal Government would then serve as tax collector.

But this amendment goes beyond that. It takes this further afield and it puts the Federal Government in the position of collecting a city tax, so that it is only by extending the principle further and further on that one could get involved in this. We hope to stay out of that.

I would urge the Senator to withhold his amendment and let us consider this in connection with something where we are not accused of having something nongermane but where we could accept his amendment and give the Senator the best help to try to make it law. I would be glad to cooperate with the Senator if he will put his amendment on what we would regard as an appropriate House-passed bill. I do not think this would be the one, because we are trying to restrict ourselves closely to a germane rule. I would like to urge the Senator to consider withholding his amendment at this point and offering it on any one of a number of additional House-passed bills which will be reported by the committee and which will be voted on in the next few weeks. We will be reporting a number of those bills and the Senator can offer his amendment to one of them.

Perhaps we could attach it for him in the Finance Committee on one of those bills and help him shepherd it on through the Senate on a bill where we are not trying to restrict ourselves to the germaneness rule.

Mr. TAFT. I thank the distinguished Senator for his remarks and his support of the principle. To expand upon the record on the matter, I might say that it is my understanding the objection to the amendment on the House side, if such there be, does not lie within the Ways and Means Committee that committee has reported similar tax legislation from time to time. The objection, apparently, comes from other Members, as the Senator has indicated, from the State of New Jersey. Their objection relates not to the issue of whether this is a sound principle, or whether it is justified in order to assist the States in obtaining local revenues which I think are so important, but rather to the validity of the taxes involved.

Mr. LONG. What the Senator is trying to achieve is objected to from people who hail from New Jersey for reasons that apply to the situation which exists in that area bordering on the great metropolitan area of Philadelphia on the one hand and New York City on the other. We will have to take back to the House, anyway, some sort of compromise in the social services area, where we would expect some pretty fervent opposition from some who have hitherto enjoyed more of the social services money, or would have enjoyed had we not tried to tighten up in this area. We will have to go back to the controversy of the formula between Senate and House which, as the Senator so well knows, is controversial even right here in the Senate. And, with all the controversy and the dispute we are trying to resolve, the way it stands now, we fear and we must therefore resist the amendment because I think it is adding too much additional controversy to the bill. I would therefore urge the Senator to cooperate with us and let us find a bill where there is no controversy to it.

So the only thing in controversy would be this matter which certain people in New Jersey strenuously object to. We would take it back to the House where that is the only real controversy involved. Then, if a majority of the Members of the House can be prevailed upon to accept a settlement of this simple issue, then to my point of view that is one simple controversy rather than having all of the controversy wrapped up in this bill. We think that is where the chances of the Senator are best.

I will be glad to cooperate with the Senator providing he would cooperate with us.

Mr. TAFT. Mr. President, I appreciate the feeling of the chairman. I had intended to cooperate with the chairman. I had discussed the subject with him before I came to the floor. However, I cannot think of anything really more relevant to a revenue sharing proposal than an effort to try to do something to help the cities and States get more revenue, and to help them with an additional inflow so as to raise their own revenue.

I am willing to defer to the position of the distinguished chairman, as I have indicated to him. We will have a chance at a later time to take action upon this measure. Revenue sharing, of course, is of great importance; if my amendment were approved in this measure it would become law, whereas if we attach what can be a controversial provision, apparently insofar as some Members of the House are concerned, to a less important measure, there might be a controversy over whether the provision should become law.

Mr. LONG. The Senator's problem is not with the administration. My understanding is that the Nixon administration agrees with the Senator's position and that the Treasury agrees with the Senator's position. The Senator's problem is in the House of Representatives. And there it would be simply a matter of agreeing or not agreeing to the amendment. It would be a simple up or down vote.

I think that we could easily enough pick a bill that has the favorable support of the President and his administration and add the amendment to that bill. It would have a very good chance of being agreed to.

Mr. TAFT. Mr. President, I appreciate the remarks of the chairman.

Mr. President, in view of the chairman's remarks and in view of the situation, hopefully, that we can possibly get this provision through at an early time on other legislation, I withdraw my amendment.

The PRESIDING OFFICER (Mr. COOK). The amendment is withdrawn. The bill is open to further amendment.

PATENT COOPERATION TREATY—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Patent Cooperation Treaty and Annexed Regulations, signed at Washington, on June 19, 1970 (Ex. S, 92d Cong., second sess.), transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Patent Cooperation Treaty, signed at Washington on June 19, 1970, together with the Regulations under the Patent Cooperation Treaty annexed thereto. I transmit also, for the information of the Senate, the report from the Department of State with respect to the Treaty.

The Patent Cooperation Treaty offers several major advantages. One is to simplify the filing of patent applications on the same invention in different countries by providing, among other things, centralized filing procedures and a standardized application format.

Another advantage offered by the Treaty is the longer period of time available to an applicant before he must commit himself by undertaking the expenses of translation, national filing fees and prosecution in each country. Today, a twelve month priority period is provided by the Paris Convention for the Protection of Industrial Property, while under the Patent Cooperation Treaty an applicant will have generally twenty months or more. This advantage should permit the applicant to be more selective of the countries in which he ultimately decides to file, by giving him more time and information to evaluate the strength of his potential patent and to determine his marketing plans. Thus, this Treaty would serve to expand established programs of industry to file foreign patent applications as well as to encourage smaller businesses and individual inventors to become more actively engaged in seeking patent protection abroad.

A third advantage is to facilitate the examining process in those member countries which examine applications for patents.

In order to carry out the provisions of the Treaty, proposed implementing legislation will be forwarded to the Congress in the near future.

I recommend that the Senate give early and favorable consideration to the Treaty submitted herewith and give its advice and consent to ratification subject to three of the declarations for which provision is made in the Convention under Article 64, paragraphs (1) (a), (3) (a), and (4) (a), respectively, as explained in the report from the Department of State.

RICHARD NIXON.

THE WHITE HOUSE, *September 12, 1972.*

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. DOMINICK. Mr. President, will the Senator yield to me for 3 or 4 minutes for the purpose of engaging in a colloquy with the Senator?

Mr. LONG. I yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, we have had several inquiries from localities in our State pointing out that in the printed Revenue Sharing Act supplemental report that shows the distribution of the funds, some municipalities have not been included. These would include some cities which have been incorporated since 1967, when I understand this report was made. However, some cities that have been there for a long time, such as Northglenn in Adams County, Lakewood in Jefferson County and Security-Widefield in El Paso County are exempt according to the people who have talked with me.

It is my understanding, and I ask the Senator if I am correct in this, that all governmental units would be included in the distribution here whether or not they happened to be listed within this supplemental report.

Mr. LONG. The Senator is correct.

Mr. DOMINICK. Second, Mr. President, I am somewhat confused on a point here. If the Senator would turn to page 61, for example, which deals with Colorado, I point out that I have added some figures on my own, and I am not quite sure what these figures mean.

Under Adams County which is the first one on page 61 we have the total——

Mr. LONG. Mr. President, did the Senator from Colorado say page 61?

Mr. DOMINICK. The Senator is correct. The very first county there is Adams County. It shows total grants and then it shows total for all city government, which is the third line down.

Mr. LONG. Mr. President, is the Senator looking at the book that has a star printed in the lower, left-hand corner?

Mr. DOMINICK. I am looking at the supplemental report, part 2, the green book.

Mr. LONG. If the Senator looks at the book, there has been a reprint because of computer error and there is a star on the bottom of the lower, left-hand corner of the volume that I have in my hand. That is because there were computer errors that required this matter to be reprinted.

Mr. DOMINICK. Mr. President, I thank the Senator. I did not have that volume before me.

Mr. LONG. Mr. President, I believe that there are enough copies of this volume. If the Senator looks at page 61, it might be the same as the volume he has.

Mr. DOMINICK. They are different. It is page 71. I see that the questions I have have, in fact, been answered by the corrections of the printer's error.

Mr. LONG. That is the star print. We had to reprint this volume because there were computer errors in the effort to provide this information in haste. And it was only by reprinting the volume that we were able to correct the computer errors that are in the volume that the Senator has. The star print is correct.

Mr. DOMINICK. Mr. President, the thing that bothered me was when they got to the end, the total was more than the cities represent and the cities were in fact less than the number of cities there. That thing is what puzzled me.

I gather that the star print is correct and up to date and all cities, whether included in here or not, will be included in the distribution.

Mr. LONG. The Senator is correct. May I say that in my first presentation before the recess, I had made the point that we had discovered computer errors in the original volume. And I asked that that volume be reprinted to correct those errors. The Senator now has the old volume. I believe that we can provide the new volume to every Senator.

It was one of those things that we could not help. There were computer errors. I believe that we have corrected them. There is a possibility, however, that there may be some in the star print. However, I do not know of any at this point.

Mr. DOMINICK. Mr. President, I thank the Senator from Louisiana. That clears up my questions. I very much appreciate it.

Mr. LONG. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. LONG. Mr. President, may I comment further on what the Senator has had to say that the cities that have been incorporated since 1967 will be entitled to receive revenue-sharing payments, even though those cities do not appear in the supplemental committee report. So, for the first payments under the bill, the amounts of which would depend in part on information gathered in 1967 Census of Governments, a tax effort factor will be constructed on a fair and equitable basis. After the first payments, we expect up-to-date information to be available from the Bureau of the Census. As soon as the amounts have been calculated and run through the computers, the information will be made available to the Senator and other interested persons.

Mr. DOMINICK. Mr. President, following along with the colloquy, one of our major cities has recently been incorporated, Lakewood, in Jefferson County. That has not been included in this star print. If this is going to be based on the Bureau of the Census data, what will happen to Lakewood which is one of our major cities?

Mr. LONG. Lakewood will be included. It will be eligible for the grant.

Mr. DOMINICK. Even though the original distribution is under the 1967 formula?

Mr. LONG. That is correct.

Mr. DOMINICK. I thank the Senator very much.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 1502

Mr. TAFT. Mr. President, I call up my amendment No. 1502 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

On page 35, line 10, strike "3½" and insert "3.75".

On page 35, line 14, strike "7 percent" and insert "7.3 percent".

On page 35, line 17, strike "3½" and insert "3.75".

On page 38, line 3, strike out "$2,650,000,000" and insert "$2,830,350,000".

On page 38, line 5, strike out "$5,450,000,000" and insert "$5,810,700,000".

On page 38, line 7, strike out "5,750,000,000" and insert "$6,110,700,000".

On page 38, line 9, strike out "$6,050,000,000" and insert "$6,410,700,000".

On page 38, line 11, strike out "$6,350,000,000" and insert "$6,710,700,000".

On page 38, line 13, strike out "$3,325,000,000" and insert "$3,505,350,000".

On page 38, strike lines 15 through 23 and insert in lieu thereof the following:

"(b) ALLOCATION AMONG STATES.—

"(1) IN GENERAL.—There shall be allocated to each State for each entitlement period the greater of the amount determined under paragraph (2) or the amount determined under paragraph (3).

"(2) THREE FACTOR FORMULA.—The amount to be allocated to any State under this paragraph for any entitlement period is an amount which bears the same ratio to the total amount to be allocated for such period under subsection (a) as—

"(A) the population of that State, multiplied by the general tax effort factor of that State, multiplied by the relative income factor of that State, bears to

"(B) the sum of the products determined under subparagraph (A) for all States.

"(3) ALLOCATION ON BASIS OF POPULATION.—The amount to be allocated to any State under this paragraph for any entitlement period is an amount which bears the same ratio to the total amount to be allocated as the population of such State bears to the population of all the States."

Mr. TAFT. Mr. President, we already have heard a lengthy discussion in this Chamber with regard to the nature of the formula adopted by the Committee on Finance as opposed to the formula adopted by the House committee and reported by the House of this body, and as opposed to many, many other type formulas that have been suggested and considered, not only in the Committee on Finance, but by many other bodies.

Mr. LONG. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. LONG. Would the Senator be amenable to agreeing to a unanimous-consent agreement to limit debate on this amendment so we may expedite action on the bill?

Mr. TAFT. I appreciate the Senator's inquiry. However, at this time, I think I would not be so inclined. We got into a rather prolonged discussion the other day. It is hard at this time to predict the length of the discussion involved in this amendment since the question is a very broad, philosophic one that I want to discuss.

Mr. President, my first familiarity with revenue sharing came many years ago when I was a member of the Ohio Legislature. It came because we had a great shortage of educational funds, and it came with regard to the proposal of the then Governor of Ohio, Mike Disalle. We memorialized Congress to the effect that they provide some supplement out of revenues collected by the Federal Government, to be distributed back to the States for use by the States for educational purposes only. I felt this had merit at the time and began to study it.

However, the basis of that resolution, of which I was a cosponsor, called for distribution. It was logical, and it provided that from the income tax collections from each State there be deducted 5 percent, and to have that amount, without going to the Treasury or going through the appropriations process in any way, or before getting congressional action, paid back to the States involved. That is one approach that could be taken with respect to revenue sharing. Obviously, it would not take into account the question of the ability to pay and the ability to finance its own services in the individual areas involved.

In other words, there would be no relative income or poverty factor or other factors of that sort involved. Also, there would be no direct relationship to the other proposal that would seem obvious when you talk about one nation, as we have, and the distribution back to the State and local levels, so far as per capita distribution is concerned. That is another obvious way for us to go: To simply say we are making a distribution on a per capita basis to States throughout the United States, a certain amount of money will be paid by the Federal Government.

Each of these ways has a good deal of merit. They do not take into account other factors. However, we have considered these quite heavily in connection with various grant-in-aid programs that we have enacted over the years in great numbers. As a matter of fact, it is the proliferating of those grant-in-aid programs that really has now brought us to another approach to the revenue-sharing proposal which we have before us, and which brought us in my own party, back in 1965, to prolong its studies of the whole question of revenue sharing.

In 1965 I was asked to serve and I accepted the responsibility of serving as chairman of the Republic Coordinating Committee, a committee set up by the Republican National Committee to discuss the policy. I was made the chairman of a task force to look into the question of the relationship between State, local, and Federal Government, and to try to work out some sound and proper method for the distribution of funds on this basis. We carried on those studies for two and a half years, with the committee members drawn from all over the United States, representing all kinds of interests, populationwise and economywise.

We made several reports that we finally consolidated into one report that was adopted by the Republican Coordinating Committee in 1968 and resulted in the adoption of the Republican platform of the principle of revenue sharing as one of the principles on which the party proposed to go to the Nation.

We have now moved to the congressional theater and finally gotten to the point of considering legislation.

I have brought out all of that background because it is relevant to the type formula we are going to adopt. We have to recognize that having abandoned the very basic formula which we start with—simple redistribution of revenue back to the areas on a per capita basis—we have to recognize all these other factors are involved and should be considered.

Later I will go into a careful and detailed explanation, but let us ask ourselves what has been done by the Committee on Finance in this bill on which we are asked to vote within the next day or so.

What was adopted was, one, the population factor, which should be in any formula. As I indicated, perhaps it should be the only factor. Second, there is the relative income factor which was given weight in the distribution on an inverse ratio to the relative income of the residents of the States involved.

We have always felt in this country that this is one country and that we should give some recognition to ability to pay in measured effort, and insofar as we recognize we want to provide a minimum standard of services for all Americans, no matter in what locality they live. This seems to be a reasonable factor.

The third factor is, I think, perhaps a great deal more questionable. The third factor adopted was tax effort. This is a factor that has been questioned for some time in connection with revenue sharing, as far as it was the feeling of many who considered the revenue sharing concept;

that the providing of additional Federal funds to State and local governments should not enable anyone to take a free ride. In other words, there should be some assurance that the funds provided would not be in lieu of local funds, that there should not be a reduction in State and local taxes, but that the funds should be used for expansion of areas in which the Federal Government might otherwise expand; to obviate the necessity and pressure to further expand the various grant-in-aid programs that have been proliferating, as I have said, to over 500 in number, from just a few just 15 years ago.

This relative factor of tax effort can be figured in many, many different ways. Initially there was considered the proposal merely to give credit for State income tax. That seemed unwise. I believe it is unwise. While it was rejected as the sole factor, it still is written into the tax effort factor because, in effect, by putting in the State income tax credit factor, we are using the Federal Government and Federal legislation in a way exactly opposite from the principle of revenue sharing, the principle of revenue sharing being to give the State and local authorities the right to make their own decisions and make their own choice as to how they obtain revenues for the services they provide.

By giving State income tax preference, we are really mandating the States to go the income tax route for their revenue structure. For some States that may be wise. It may be their choice. But for any bill to mandate that for all the States is, in my opinion, an error.

For those reasons, I felt that that factor, while some argument could be made for it, unless it were carefully put together and handled, it was likely to develop flaws in any formula applying it.

It would be well to take time to consider all these factors. As I indicated, What did the Senate Finance Committee do? The Senate Finance Committee, instead of doing what would be one's normal reaction in the use of these three factors, which would be to say, "Well, we will use these, one-third, one-third, and one-third," and apply them in that way and take the total of the funds nationally and make the allocations applying these factors to one-third the revenue in each case, setting aside the money for this purpose, as many States do in their redistribution formulas, instead of dividing it on a one-third basis, took these factors and, as we discussed yesterday, in discussing another amendment, decided that rather than add these figures together, they would multiply these factors one times the other, times the other—in other words, the population factor times the tax effort factor times the relative income factor. Well, the effect of it is, inevitably, that any variation in any State from the norm in any one of these factors is going to be distorted.

On the floor yesterday I asked the distinguished chairman of the Finance Committee, the ranking minority member, and any other member who happened to be present, what philosophy, what thinking, or what theory led to their multiplying these factors times each other. I must say my conclusion—perhaps unjustified, but nevertheless my conclusion—was that it just happened that the figures worked out better that way for the results sought to be achieved. There was no other logic that lent itself to the adoption of the multiplication approach in the use of the three factors.

As it happened, the effect upon my State of Ohio in using this approach is an extremely unfavorable one, one that I think is almost an affront to our State. It takes away from it, under the formula the House proposed, some $42 million, reducing the allocation under the House bill of $227 million to $185 million—a very high percentage decrease, the greatest percentage decrease, I believe, of any of the States in a comparison between the House bill and the Senate committee proposal.

Insofar as the population factor alone is concerned, if we applied the population factor to the distribution of $5.3 billion that is proposed here, we would find that Ohio suffered there a proposed loss of $92 million, as opposed to a straight distribution on the population basis. In general, a distribution on a population basis would make a distribution, on the norm, of about $26 per individual. The Senate, version, on the other hand, reduces this, insofar as Ohio is concerned, to $20 per individual.

I have felt, therefore, against this background and what seems to me to be an entirely illogical approach toward the formula the Senate committee has adopted, that it is absolutely vital to have a prolonged discussion of how this formula was arrived at and what factors we ought to consider, so that the conferees meeting with the House, when the bill gets to conference, will have the benefit of a thorough discussion and the backgrounds of the various alternative approaches that might be considered.

I could have chosen many different ways to go about a consideration of this problem. I have chosen three which I hope to present to the Senate, one in this amendment and two in subsequent amendments I hope to offer.

The first of these amendments is the amendment before the Senate today, and it follows the pattern of least resistance, perhaps. Perhaps it is not the best logically, but it follows the path of least resistance as far as the Senate is concerned. It would put a floor under the distribution to each State based on the population factor alone. In other words, it would allow to come into play the Senate committee's formula as to all the States involved, and there would be no reduction of payment to any State involved. For that reason, the Senate committee's formula would be a minimum. But those States that are cut under the Senate committee formula insofar as their per capita distribution is concerned would be provided a minimum payment amounting to the population percentage alone times the $5.3 billion that is proposed to be offered in the overall distribution under the plan.

I have a hard time in seeing the justification of giving any State less than what its fair share would be under a per capita distribution formula. Every State must provide for police protection, fire protection, and the education of its children. Unless the committee is going to change its formula to allocate funds on the basis of the cost of living in each State, it would seem only fair that every State receive not less than its per capita allocation.

When we broke through the clouds of the Senate Finance Committee's report and looked behind the $1 billion added on for social services, we saw that many of the States shortchanged are those where problems and expenses are the greatest. I find it completely inexcusable that these States should receive less than what they would receive under a straight per capita distribution formula.

Assuming for the moment that there may be valid reasons for the committee to give some States more than their per capita fair share—an assumption which I seriously question—we nevertheless should have a hold harmless provision to assure that the per capita fair share is at least a floor for the distribution of funds.

The amendment which I now offer, No. 1502, is a hold harmless amendment. It would not reduce the allocation of any State under the Senate Finance Committee's formula. It would add approximately $360.7 million to the distribution each year. This amendment would not affect in any way the social services funds which have been added to the bill by the Finance Committee, as it has now been conformed and changed as amended by the adoption of the Roth amendment, as amended by the Long amendment.

Mr. President, the chart which I have placed on each Senator's desk indicates the gains which 21 States and the District of Columbia would receive under this amendment. These are the States which have been shortchanged by the Senate committee approach, particularly and especially because of the distinction that results from the multiplication of one factor times another factor times a third factor.

If the American people are to have confidence in revenue sharing, they must understand, I think, that no State will be shortchanged by an unfair formula. I certainly do not recommend it. I do not think any Member of the Senate would recommend the prospect, if the formula is indeed unfair, as we feel this one is, that every year, here on the floor of the Senate and in the Ways and Means Committee and on the floor of the House of Representatives, we are going to have to see a battle to change the formula. I think we ought to arrive at it correctly, fairly, and equitably, first, on some basis that cannot be challenged. We are not on such a basis insofar as this formula is concerned.

I hope the members of the Finance Committee will recognize the essential fairness of the approach, and will not oppose the amendment for that reason. I hope they will recognize the tremendous financial burdens on the States which would be helped by this amendment, and the fact that these States are the ones which are dealing with some of the most pressing and costly programs in our country, a factor which should be given tremendous weight in attempting to arrive at a fair formula.

Mr. President, at this point I ask unanimous consent to have printed in the

RECORD a table marked "Taft Exhibit A Formula," which sets out the additional amounts that would go to each State under the additional distribution as proposed by this amendment, the total additional distribution being $360 million.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Gains under Taft exhibit a formula, providing that no State shall receive less than it would under a per capita distribution formula. Allocations are based on a $5.3 billion level and exclude social services funds

[In millions of dollars]

Alaska	2.5
California	10.1
Connecticut	21.4
Delaware	1.4
Florida	16.7
Illinois	38.9
Indiana	21.1
Kansas	.7
Maryland	7.5
Massachusetts	4.9
Michigan	20.7
Missouri	13.5
Nevada	1.0
New Hampshire	2.4
New Jersey	44.5
Ohio	92.3
Oklahoma	1.5
Pennsylvania	17.2
Rhode Island	1.8
Texas	23.4
Virginia	11.7
21 States total	355.2
District of Columbia	5.5
Total	360.7

Mr. TAFT. The amounts involved I think I might run through for the benefit of Senators who are present and might be interested in the figures.

Alaska would receive $2.5 million additional.

California, $10.1 million additional.

Connecticut, $21.4 million.

Delaware, $1.4 million.

Florida, $16.7 million.

Illinois, $38.9 million.

Indiana, $21.1 million.

Kansas, $700,000.

Maryland, $7.5 million.

Massachusetts, $4.9 million.

Michigan, $20.7 million.

Missouri, $13.5 million.

Nevada, $1 million.

New Hampshire, $2.4 million.

New Jersey, $44.5 million.

Ohio, $92.3 million.

Oklahoma, $1.5 million.

Pennsylvania, $17.2 million.

Rhode Island, $1.8 million.

Texas, $23.4 million.

Virginia, $11.7 million.

District of Columbia, $5.5 million.

Mr. President, I know it will be said, in reviewing that table—because it has already been said on an amendment which I proposed yesterday or the day before—that this is a formula which would be most favorable to the State of Ohio.

Indeed, that is true. I take no shame in saying it is true, and I will state the reason it is true. The reason it is true is because the Senate Finance Committee formula took the most away from the State of Ohio; and if we were to make a readjustment back to that basis, that would not take us to a per capita allocation, or anywhere near a per capita allocation.

This gives us only $92.3 million, as opposed to $270 million, the sum Ohio would be entitled to under a per capita distribution. So I am not asking for a per capita distribution, but, in all equity, I am asking for some floor to be put under the distribution involved here, to do away with some of the inequities which are basically built into the formula which has been adopted by the committee.

Mr. President, I am willing to yield to the chairman of the committee, if he would like time to respond.

Mr. LONG. Mr. President, I would like the floor in my own right.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, I can understand the Senator from Ohio is not happy about the formula the committee agreed to. I am sorry about that, but in that regard, that occurred because of Ohio's good fortune. For example, we thought it was a relevant factor to consider relative tax effort, and that is the only factor other than population that the administration recommended at all. To start with, the administration thought that relative tax effort, to look at what people are trying to do to help themselves and what little they have to work with or how much they have to work with, was the only factor that needed to be taken into account in addition to population. Frankly, Mr. President, that formula has much to recommend it. If you are looking at one factor, that is a very fair formula to suggest. But suppose we do it; how does Ohio come out? Well, they come out last because if you look only at relative tax effort because Ohio has the lowest tax effort. Here is the House committee report that has figures on tax effort on page 93. I ask unanimous consent to put it in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 1.—STATE AND LOCAL GENERAL REVENUE FROM OWN SOURCES BY STATE [1]

State	Personal income calendar year 1969 (millions) (1)	General revenue from own sources fiscal year 1970 (millions) (2)	Revenue effort (col. 2 as a percentage of col. 1) (percent) (3)	General revenue from own sources under the average revenue effort of the 10 States with the highest revenue effort	
				Amount [2] (millions) (4)	Excess over actual (millions) (5)
Wyoming	$1,073	$213.0	19.85	$185.7	−$27.3
North Dakota	1,852	340.6	18.39	320.6	−20.0
New Mexico	2,879	528.1	18.34	498.4	−29.7
Wisconsin	15,376	2,700.5	17.56	2,661.6	−38.9
Hawaii	3,060	534.8	17.48	529.7	−5.1
Vermont	1,426	248.2	17.41	246.8	−1.4
New York	81,384	14,006.3	17.21	14,087.6	81.3
South Dakota	1,995	340.9	17.09	345.3	4.4
Alaska	1,258	[3] 211.9	16.84	217.8	5.9
Arizona	5,709	957.2	16.77	988.2	31.0
Nevada	2,037	338.7	16.63	352.6	13.9
Mississippi	5,234	869.6	16.61	906.0	36.4
California	83,408	13,747.6	16.48	14,437.9	690.3
Utah	3,132	513.4	16.39	542.1	28.7
Minnesota	13,448	2,184.9	16.25	2,327.8	142.9
Louisiana	10,413	1,687.8	16.21	1,802.5	114.7
Montana	2,172	351.7	16.19	376.0	24.3
Colorado	7,569	1,194.6	15.78	1,310.2	115.6
Iowa	9,870	1,541.2	15.61	1,708.5	167.3
Washington	13,093	2,002.9	15.30	2,266.4	263.5
Oregon	7,261	1,108.9	15.27	1,256.9	148.0
Idaho	2,120	320.9	15.14	367.0	46.1
Nebraska	5,230	783.8	14.99	905.3	121.5
Maryland	15,336	2,297.3	15.98	2,654.7	357.4
Delaware	2,218	331.0	14.92	383.9	52.9
Maine	2,987	442.3	14.81	517.0	74.7
Michigan	35,010	5,100.3	14.57	6,080.0	979.7
Massachusetts	22,722	3,233.3	14.23	3,933.2	699.9
Kansas	$8,096	$1,148.4	$14.18	$1,401.4	$253.0
Oklahoma	7,825	1,106.5	14.14	1,354.5	248.0
Alabama	9,116	1,269.9	13.93	1,578.0	308.1
West Virginia	4,735	658.7	13.91	819.6	160.9
Florida	22,396	3,109.7	13.89	3,876.6	767.0
Kentucky	9,202	1,261.5	13.71	1,592.9	331.4
Georgia	14,253	1,941.8	13.62	2,467.2	525.4
Illinois	47,340	6,270.4	13.25	8,194.6	1,924.2
North Carolina	15,030	1,983.8	13.20	2,601.7	617.9
Arkansas	4,963	648.8	13.07	859.1	210.3
Pennsylvania	43,182	5,612.6	13.00	7,474.8	1,862.2
Rhode Island	3,515	456.2	12.98	608.4	152.2
South Carolina	7,018	909.5	12.96	1,214.8	305.3
Tennessee	11,189	1,442.1	12.89	1,936.8	494.7
Virginia	15,441	1,985.2	12.86	2,672.8	687.6
Texas	36,458	4,679.0	12.83	6,310.9	1,631.9
Indiana	18,868	2,393.2	12.68	3,266.1	872.9
New Jersey	30,312	3,787.3	12.49	5,247.0	1,459.7
Connecticut	13,784	1,712.9	12.43	2,386.0	673.1
Missouri	16,085	1,993.0	12.39	2,784.3	791.3
New Hampshire	2,489	303.4	12.19	430.8	127.4
District of Columbia	3,768	[4] 449.4	11.93	652.2	202.8
Ohio	40,145	4,732.5	11.79	6,949.1	2,216.6
Total, 10 States	116,012	20,081.5	17.31	20,081.5	
Total, 41 States	628,470	87,906.0	13.99	108,807.7	20,901.7
Total, 51 States	744,479	107,987.5	14.51	128,889.2	20,901.7

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[1] Under the fiscal year 1970 actual relationship between revenue and personal income and under the average relationship between revenue and personal income of the 10 States with the highest percentage relationship between revenue and personal income.

[2] Derived by applying to the personal income of each of the States the average revenue effort (17.31 percent) of the 10 States with the highest revenue effort.

[3] Exclusive of $900.041,605 derived from bonus mineral lease—North Slope; also exclusive of nterest on investment of this item.

[4] General revenue from our sources; does not include any Federal contribution or Federal aid.

Note: Details may not add to totals because of rounding.

Source: Compiled and computed by the Staff of the Joint Committee on Internal Revenue Taxation.

Mr. LONG. It shows that, in terms of relative tax effort, Ohio comes dead last, even behind the District of Columbia. They show the least effort of any State in the Union in putting taxes on themselves to solve their own problems. I am not finding fault with the State of Ohio. That is their good fortune, that they have high per capita income.

Now, in the entire United States, Ohio—based on the 1970 census data—has the sixth highest per capita income. I wish I could say that for Louisiana. If they want something, they have the income to pay for it. That causes them to receive less revenue sharing money, because of relative tax effort. The tax effort looks at your income and compares that to how much taxes you are paying. So, if you look at those two factors, the income of the people and the relative tax effort that they are making, Ohio, because of its great, good fortune relative to other States, a wealthy State with relatively high per capita income and low taxes, they are very fortunate. And for that reason, they do not get as much money in the revenue sharing bill as they would like because they do not need as much.

It is just about that simple.

Now, we have thought about it and, frankly, Mr. President, this is the second formula the Senator is suggesting. I understand he has a third one in mind. In this one he is again using a double standard. He winds up with a bill that does not do as much for as many States as the Finance Committee would benefit, to begin with.

For instance, take this one. He starts out by adding $360 million to the pot. If this amendment is to be voted on a direct up or down basis, I am going to insist on a division, so we would first vote on whether we are going to sweeten the pot—to use the gambler's term—because if we are or are not going to crank more money into it, and therefore under either formula the amount to be will be the same. If we are going to crank more money into it, then we are going to have to calculate on another basis to see if Senators are going to be well advised or poorly advised to vote for the amendment.

Now, let us assume, if we want to do that, that we are going to increase the amount of money from $5.3 billion to $5.66 billion, an increase of $360 million. Now, assuming we wanted to do that, how many States would benefit and how many States would lose compared to the bill reported by the committee? Just assume that we take that much money and distribute it the way the formula of the amendment would distribute it. The formula is somewhat vague in that respect. But, the staff of the Joint Committee on Internal Revenue Taxation has calculated this out as best they could, trying to make the assumptions that one would have to make, trying to see how this formula is going to work. Then assume that we distribute that $5.660 billion according to the Committee formula. We will choose whichever formula is going to be the best at the same dollar level. If we do, 34 States would get less money under the Senator's amendment and 16 States would get more money, compared to the committee formula.

So, in spite of the Senator's effort to improve on his previous suggestion that we voted on a day or two ago, he still has twice as many States that would lose money as would gain money, compared to the formula the committee was able to work out. Ohio would get 25 percent of the $360 million additional money—a very good take indeed.

Now, it is interesting to note that we have heard a lot of complaints from New York up until now. We have heard the Senator from New York bitterly complain about how unfair the committee was to the State of New York. The Senator from Ohio would give them $34.5 million less than the committee's formula would in distributing the same amount of money. The only reason New York would be doing as well under his amendment as under the committee bill at $5.3 billion is because the Senator from Ohio sweetened the kitty by about $360 million. But if one looks at the entire formula he has in mind, the formula would treat New York even less favorably than the one about which the Senator from New York complains bitterly on the grounds that we discriminated against his State. And let us hear about California. We heard the complaint from the Senator from California (Mr. TUNNEY) that he thought we had not done as well as should have been done for the State of California. California loses $24.7 million compared to the distribution of the same amount of money under the formula in the committee's bill. Even Pennsylvania would lose money under his proposal.

Let me read off the States which would lose money under the Senator's proposal, compared to the distribution of the same amount, $5.660 billion, under the committee formula. This loss apparently would come under the guise of trying to offset inequities:

Alabama loses, Arizona loses, Arkansas loses, California loses, Colorado loses, Georgia loses, Hawaii loses, Idaho loses, Iowa loses, Kansas loses, Kentucky loses, Louisiana loses, Maine loses, Massachusetts loses, Minnesota loses, Mississippi loses, Montana loses, Nebraska loses, New Mexico loses, New York loses, North Carolina loses, North Dakota loses, Oklahoma loses, Oregon loses, Pennsylvania loses, South Carolina loses, South Dakota loses, Tennessee loses, Utah loses, Vermont loses, Washington State loses, West Virginia loses, Wisconsin loses, and Wyoming loses.

There would be all these losers, just to benefit 16 States and to heavy up on the State of Ohio.

This amendment has no more attraction for the Senate than did the Senator's first try at adopting an alternate formula.

In due course, I intend to move to table the amendment, because the Senator was not inclined to limit debate. Senators do not need that much time to understand this. All they need to see is whether their State wins or loses by the time you put all the States on the same basis, and then see whether, compared to the committee amendment, they are better off or worse off.

Obviously, when the Senator brings in a formula that would favor Ohio above all others—even with New York complaining bitterly and California complaining about the matter—that would favor Ohio at the expense of the 34 States, that is not going to be agreed to. It probably will not do any better than or as well as the last one.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. BENNETT. I have been interested to compare those States that would gain under today's version of his proposal with those States that would have gained under the previous proposal. While the States are the same, there are six States that will not gain as much under today's proposal as they would have gained if the other proposal had been adopted, though Ohio stands very firm at a $92.3 million increase.

Kansas does not do as well as he would have done for it the other day. Missouri does not do as well, nor do New Hampshire and Oklahoma. He cut the gain for Texas in half over what would have been the case if the previous formula had been adopted. Virginia does not do as well.

It seems to me that we have a heads-I-win, tails-you-lose game here. In this proposal he says:

> We will give every State the better of two situations. If they fare better under the committee's proposal, we will let them have it. They can have that money. But I have added $360 million, and I am going to divide it among 21 States and the District.

But of those 21 States, six would not do as well as if we had used the formula proposed the other day.

When the chairman says he is going to move to table it, I should like to remind the Senate that the vote on tabling the other formula was 53 to 24. I think the same Senators who voted to table the other formula would vote to table this one, and I think we might pick up four or five new recruits, because he has reduced the amount he would have given them.

Mr. LONG. Mr. President, I ask unanimous consent to insert in the RECORD at this point a States distribution prepared by the staff showing the distribution under the Finance Committee bill and under the Senator's amendment assuming the distribution of the same amount of money—$5.66 billion—in both cases.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF FINANCE COMMITTEE BILL EXPANDED TO EQUAL THE COST OF THE TAFT AMENDMENT AND THE TAFT AMENDMENT (NO. 1502)

States	Finance bill expanded (1)	Taft amendment[1] (2)	Difference (2)-(1)
United States, total	5,660.0	5,660.0	
Alabama	136.3	127.6	−8.7
Alaska	5.9	8.0	2.1
Arizona	58.9	55.1	−3.8
Arkansas	64.5	60.4	−4.1
California	545.2	520.5	−24.7
Colorado	64.1	60.0	−4.1
Connecticut	61.4	79.0	17.6
Delaware	13.8	14.3	.5
District of Columbia	15.1	19.6	4.5
Florida	171.2	177.0	5.8
Georgia	128.9	120.7	−8.2
Hawaii	24.2	22.7	−1.5
Idaho	23.3	21.8	−1.5
Illinois	268.0	289.9	21.9
Indiana	122.4	135.7	13.3
Iowa	90.4	84.6	−5.8
Kansas	61.9	58.8	−3.1
Kentucky	102.4	95.9	−6.5
Louisiana	133.3	124.8	−8.5
Maine	36.5	34.2	−2.3
Maryland	101.3	102.3	1.0
Massachusetts	153.3	148.4	−4.9
Michigan	225.3	231.6	6.3
Minnesota	115.6	108.2	−7.4
Mississippi	106.4	99.6	−6.8
Missouri	115.9	121.9	6.0
Montana	24.1	22.6	−1.5
Nebraska	50.3	47.1	−3.2
Nevada	12.7	12.7	
New Hampshire	17.8	19.1	1.3
New Jersey	152.3	187.1	34.8
New Mexico	39.0	36.5	−2.5
New York	541.6	507.1	−34.5
North Carolina	158.9	148.8	−10.1
North Dakota	23.2	21.7	−1.5
Ohio	198.0	277.7	79.7
Oklahoma	69.7	66.8	−2.9
Oregon	66.0	61.8	−4.2
Pennsylvania	310.0	307.4	−2.6
Rhode Island	24.7	24.9	.2
South Carolina	95.6	89.5	−6.1
South Dakota	29.5	27.6	−1.9
Tennessee	115.5	108.1	−7.4
Texas	286.9	292.0	5.1
Utah	36.8	34.5	−2.3
Vermont	17.4	16.3	−1.1
Virginia	117.2	121.4	4.2
Washington	98.6	92.3	−6.3
West Virginia	61.4	57.5	−3.9
Wisconsin	157.1	147.1	−10.0
Wyoming	11.4	10.7	−.7

[1] Larger of finance distribution or funds distributed on population basis.

Note: Compared to the expanded finance committee bill, 34 States lose, 16 gain, and one has no change.

Mr. LONG. Mr. President, I move to table the amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion is not debatable.

Mr. LONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG. Mr. President, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Alabama (Mr. Sparkman), and the Senator from Florida (Mr. Chiles) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. Sparkman) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Iowa (Mr. Miller), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Iowa (Mr. Miller), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 60, nays 30, as follows:

[No. 416 Leg.]

YEAS—60

Aiken
Allen
Anderson
Baker
Bayh
Bellmon
Bennett
Bentsen
Bible
Brock
Burdick
Byrd,
Harry F., Jr.
Byrd, Robert C.
Cannon
Church
Cook
Curtis
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Proxmire
Randolph
Smith
Spong
Stafford
Stennis
Talmadge
Tower
Tunney
Young

NAYS—30

Beall
Boggs
Brooke
Buckley
Case
Cooper
Cotton
Cranston
Eagleton
Gravel
Griffin
Hart
Hartke
Javits
Mathias
Pastore
Pearson
Pell
Percy
Ribicoff
Roth
Saxbe
Schweiker
Scott
Stevens
Stevenson
Symington
Taft
Weicker
Williams

NOT VOTING—10

Allott
Chiles
Harris
Kennedy
McGovern
McIntyre
Miller
Mundt
Sparkman
Thurmond

So Mr. Long's motion to lay Mr. Taft's amendment (No. 1502) on the table was agreed to.

The PRESIDING OFFICER (Mr. Cook). The bill is open to further amendment.

AMENDMENT NO. 1510

Mr. HARTKE. Mr. President, I call up an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment as follows:

On page 34, line 18, cross out all the following up to and including page 73 and insert the following in lieu thereof:

TITLE I—FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAXES

ALLOWANCE OF CREDIT

Sec. 101. Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by renumbering section 40 as 41, and by inserting after section 39 the following new section:

"Sec. 40. State and Local Income Taxes.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed, as a credit against the tax imposed by this chapter, an amount equal to 50 percent of the State and local income taxes imposed on such individual and paid by him during the taxable year.

"(b) Limitations.—

"(1) State income taxes.—The credit under subsection (a) for any taxable year attributable to State income taxes paid during the taxable year shall not exceed an amount equal to 12 percent of the tax imposed on the taxpayer by this chapter.

"(2) Local income taxes.—The credit under subsection (a) for any taxable year attributable to local income taxes paid during the taxable year shall not exceed an amount equal to 7 percent of the tax imposed on the taxpayer by this chapter for the taxable year.

"(3) Application with section 164.—The credit under subsection (a) for any taxable year, when added to the taxpayer's State and local income tax deduction benefit for the taxable year, shall not exceed the amount of State and local income taxes imposed on the taxpayer and paid by him during the taxable year. For purposes of this subsection, a taxpayer's State and local income tax deduction benefit for the taxable year is the amount by which (A) the tax imposed by this chapter on the taxpayer for the taxable year is less than (B) the tax which would be so imposed if the State and local income taxes were not allowable as a deduction under section 164.

"(c) Definitions and Special Rules.—For purposes of this section—

"(1) State or local income taxes.—A State or local income tax includes only an income tax imposed by a State, a political subdivision of a State, or the District of Columbia.

"(2) Taxes on partnerships.—State or local income taxes imposed on and paid by a partnership shall be treated as imposed on and paid by each partner in an amount equal to his distributive share of such taxes.

"(3) Taxes on subchapters corporation.—State or local taxes imposed on and paid by an electing small business corporation (so defined in section 1371) shall be treated as imposed on and paid by, pro rata, the persons who are shareholders of such corporation on the last day of its taxable year.

"(4) Tax imposed by this chapter.—The tax imposed by this chapter for any taxable year does not include the tax imposed by section 56 (relating to minimum tax for tax preferences).

"(d) Adjustment for Refunds.—

"(1) In general.—The amount of State and local income taxes imposed on and paid by an individual during any taxable year shall be reduced by the amount of any refund of such taxes, whether or not received during the taxable year.

"(2) Interest.—In the case of underpayment of the tax imposed by this chapter for a taxable year resulting from the application of paragraph (1), no interest shall be assessed or collected on such underpayment if the amount thereof is paid within 60 days after the taxpayer receives the refund of State or local income taxes which caused such underpayment.

"(e) Regulation.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the purposes of this section."

TECHNICAL AND CLERICAL AMENDMENTS

SEC. 102. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"Sec. 40. State and local income taxes.
"Sec. 41. Overpayments of tax."

(b) Section 37(a) of such Code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest)" and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 40 (relating to State and local income taxes)".

(c) Section 46(a)(3) of such Code (relating to liability for tax) is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof ", and"; and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) section 40 (relating to State and local income taxes)."

EFFECTIVE DATE

SEC. 103. The amendments made by sections 101 and 102 shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE II—FEDERAL FINANCIAL RESPONSIBILITY FOR PUBLIC ASSISTANCE PROGRAMS

FINDINGS OF FACT AND DECLARATION OF POLICY

SEC. 201. (a) The Congress finds and declares that—

(1) existing Federal programs (under titles I, IV, X, XIV, and XVI of the Social Security Act) to assist States in providing aid or assistance to needy individuals have resulted—

(A) in a great and unjustifiable disparity (as among the various States) in the level of aid or assistance provided to needy individuals; and

(B) in the imposition of a disastrously heavy financial burden upon the States, and, in particular, upon those States which have made the greatest efforts to provide adequate levels of aid or assistance to needy individuals; and

(2) the provision of aid or assistance to the needy through a national welfare program administered and financed by the Federal Government would not only more adequately and fairly meet the needs of the poor and needy, but would relieve the States of responsibility for a problem which is national in scope and with which they lack the resources effectively to deal.

(b) Therefore, it is hereby declared to be the policy of the Congress that—

(1) at the earliest practicable date, there be developed and considered by the Congress a national program for provision of aid to the needy which will be federally financed and administered; and

(2) pending the development and enactment of the national program referred to in paragraph (1), that the Federal share of public assistance expenditures under existing Federal programs be increased to 90 per centum.

DEVELOPMENT OF FEDERAL WELFARE PROGRAM

SEC. 202. (a) The Secretary of Health, Education, and Welfare shall develop, and submit to the Congress, a legislative proposal under which—

(1) the provisions of titles I, IV, X, XIV, and XVI of the Social Security Act would be repealed; and

(2) the Federal Government would, through a federally financed and administered program, undertake to provide aid and assistance to the categories of needy individuals for whom aid or assistance is currently provided under State programs established pursuant to such titles.

(b) The legislative proposal referred to in subsection (a) shall be developed and submitted (in completed form) to the Congress not later than June 30, 1972.

INCREASED FEDERAL MATCHING UNDER PUBLIC ASSISTANCE PROGRAM

SEC. 203. (a) Title XI of the Social Security Act is amended by adding at the end thereof the following new section:

"SEC. 1122. The amount of the Federal payments to which any State is entitled under section 3(a), 403(a), 1003(a), 1403(a), or 1603(a) for any quarter shall, at the option of the State, be determined by application of a Federal share of 90 per centum, instead of the fractions and percentages provided under such section, to the expenditures under its State plan approved under title I, X, XIV, or XVI, or part A of title IV (as the case may be), which would be included in determining the amounts of the Federal payments to which such State is entitled under such section. The preceding sentence shall also be applicable, at the option of any State, in determining the amount of the Federal payments to which such State is entitled for any quarter by reason of any modification of a State plan (referred to in the preceding sentence) of such State pursuant to section 1121."

(b) The amendment made by subsection (a) shall be applicable with respect to expenditures (under titles I, IV, X, XIV, and XVI of the Social Security Act) in the case of calendar quarters beginning after the date of enactment of this Act, and ending before January 1, 1973.

Mr. HARTKE. Mr. President, this amendment is really in the nature of a substitute for the pending bill. The basis of the present bill is a complete tearing asunder of the Federal system to present the States with $6 billion.

No effort whatever is made to assure that taxing responsibility goes with spending.

The PRESIDING OFFICER (Mr. WEICKER). Would the Senator from Indiana suspend. The Senate will please come to order. The Chair is finding it very difficult to hear the comments of the Senator from Indiana.

The Senator from Indiana may proceed.

Mr. HARTKE. Mr. President, the Hartke amendment changes title I, and deals also with welfare reform. Under this amendment every single State in the Union would have a substantial increase in the amount of money available to them. Not a State in the Union would be cut back. Every one of them would share more equally and more fairly. The difficulty with the present system is that everyone admits that it is a poor procedure to begin with and involves a large drain on the Federal Treasury. I do not think that anyone denies that. It is in the nature of a politicalization of revenue sharing.

As a former mayor, I can say that the politics involved are very appealing to all mayors and local government officials. As far as they are concerned, they have no incentive whatever from here on out to increase taxes at the local level. It is much easier to lobby 100 Senators, 435 Representatives, and the President of the United States and ask them to assume the burden of raising the revenue and sending it back to the States to be distributed with practically no strings attached at the local level.

If the Federal taxing system were not in fact the most fair method of collecting taxes, then the local government would not be coming to the Federal Government and asking for revenue sharing. What they are saying is that they want to share in the revenue raised by the Federal income tax system. That is all very well and good. However, by implication what they have been saying is that the progressive income tax system is the best. Everyone is crying about property taxes and the unfair sales taxes, both of which are regressive and unfair.

The difficulty is in the local system. The mayor, if he has authority, or the Governor, if he has authority under the State constitution, is immediately faced with the political reality that if he advocates a progressive income tax, the powers that be at the local level will force him to back off.

They attempt to alleviate the financial need at the local level by adding a sales tax which only puts the burden on those who are least able to pay. It does not hurt the rich. Or, they go to a property tax form of taxation because it has been a historical approach.

The net result of what we do today in this bill is that we are bringing into our Federal system a complete abdication of local taxation. That is the ultimate, end result.

I can assure the Senate that there will not be one single new tax levied by any State or by any municipality after this bill goes into effect. The local officials will feel that the door is wide open and they can raid the Federal Treasury which is already staggering under an enormous budget deficit.

The Senator from Idaho is on the floor. And I commend him for attempting to close tax loopholes and provide a way to pay for the cost of the bill.

If we use the funds of the Federal Treasury to support local governments, they ought to be responsible enough to make some effort to take care of their own needs.

The burdens at the local level are just overwhelming. Even so, I seriously doubt whether anything will be done about it in this session of the Congress, although I hear all of the whimpering and the accusations and the statements that something will be done about welfare reform.

I am convinced that we will not do anything about it except to politicize it in this campaign and blame everyone else for the welfare mess. That will be the end of that. Anyone who thinks we are going to do something about that in this Congress is misleading the American people.

I would like to see welfare reform. Senator RIBICOFF made a good proposal to bring about welfare reform. It goes no further than the Nixon approach, which would increase the welfare load from 15 million to 40 million, and the so-called McGovern approach which is not really much different from the Nixon approach.

The first item of business should be that the Federal Government should federalize the welfare system.

We have numerous factors involved here, but one factor every Senator must realize is that there will be no stopping the raid on the Federal Treasury by State and local governments.

There are those who say, "If you get the money from Washington the taxpayers do not foot the bill."

It is said that the bureaucrats are running the Government, and it is true. We can talk about the campaign but the bureaucrats will say, "I was here before the Democrats came in and I was here before the Republicans came in, and I will be here when they are gone. Ultimately I will have my say."

The bureaucrats can say that because we do not have the type of system that lets people get through to them.

I am a strong believer in the principle that we will have to decentralize the Government. Revenue sharing is the greatest item of centralization that will have been achieved in this Congress, at least since 1933. This measure is centralizing Government to an extent it never has been centralized. I grant that the States and local communities need help. How can it be done on a fair basis? It can be done on a fair basis if the Senate agrees to the amendment I am proposing today.

This amendment is not something unique with me. It has been proposed by many tax experts, but not by many politicians. It has been advocated by Republicans as well as Democrats. A variation of it was introduced in the House by Representative BYRNES.

It says that if you are going to share in Federal taxation, the best way to do it is not to send the money to Washington merely to dole it out like grandpa giving out money for chewing gum, but by providing a method for local taxation, a tax credit, and to keep the money on a local basis. That makes good sense and it will increase governmental responsibility. Most important of all, I say to my distinguished friend from Idaho, it will be the one factor to strengthen local government and not destroy it. Local government will be destroyed under the bill we are going to adopt today.

I am not under any illusions that this amendment will be agreed to. It provides that taxpayers can take up to 50 percent of their total State and local taxes as a credit against their Federal income tax.

Mr. President, I ask unanimous consent to have printed in the RECORD the charts prepared by the Joint Committee on Taxation and also a chart showing the amount of money coming to the States under the Hartke proposal and under the committee proposal, and the other proposals.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

COMPARISON OF DISTRIBUTION OF FUNDS TO THE STATES UNDER FINANCE COMMITTEE AND HARTKE VERSIONS OF REVENUE SHARING

	Hartke proposal	Committee	Gain under Hartke proposal
Alabama	$239.3	$138.2	$101.1
Alaska	17.2	6.3	10.9
Arizona	175.8	64.7	111.1
Arkansas	124.0	64.2	59.8
California	2,434.5	644.4	1,790.1
Colorado	194.5	71.8	122.7
Connecticut	804.7	75.0	729.7
Delaware	38.1	15.8	22.3
District of Columbia	50.5	20.4	30.1
Florida	1,104.3	194.6	909.7
Georgia	349.2	136.4	212.8
Hawaii	48.8	26.4	22.4
Idaho	39.8	23.6	16.2
Illinois	1,807.1	316.3	1,490.9
Indiana	589.5	134.5	455.0
Iowa	265.4	91.6	173.8
Kansas	238.6	64.5	174.1
Kentucky	197.7	105.2	92.5
Louisiana	340.8	138.9	201.9
Maine	107.1	36.7	70.4
Maryland	384.3	116.3	268.0
Massachusetts	592.2	179.5	412.7
Michigan	1,084.2	257.9	826.3
Minnesota	188.9	124.0	64.9
Mississippi	114.2	105.1	9.1
Missouri	552.6	129.9	422.7
Montana	28.1	24.3	3.8
Nebraska	73.2	52.0	21.2
Nevada	116.3	14.7	101.6
New Hampshire	108.7	18.1	90.6
New Jersey	1,499.6	193.0	1,306.6
New Mexico	70.5	39.0	31.5
New York	1,561.1	625.1	2,936.0
North Carolina	298.4	161.5	136.9
North Dakota	34.3	23.2	11.1
Ohio	1,880.5	241.1	1,639.4
Oklahoma	246.4	74.0	172.4
Oregon	110.8	70.0	40.8
Pennsylvania	1,935.8	347.6	1,588.2
Rhode Island	135.8	29.3	106.5
South Carolina	152.8	95.9	56.9
South Dakota	59.4	29.3	30.1
Tennessee	457.3	120.4	336.9
Texas	1,657.2	326.0	1,331.2
Utah	59.8	40.6	19.2
Vermont	24.7	17.4	27.3
Virginia	377.8	129.6	248.2
Washington	584.3	107.8	476.5
West Virginia	153.0	61.8	91.2
Wisconsin	239.0	164.3	74.7
Wyoming	43.0	11.5	31.5

COMPARISON OF DISTRIBUTION OF FUNDS TO THE STATES UNDER HOUSE AND FINANCE COMMITTEE VERSIONS OF H.R. 14370

[In millions of dollars]

	Original administration proposal	House bill [1]	Committee bill [2]	Difference—committee bill-House bill
Alabama	82.0	80.2	138.2	58.0
Alaska	8.5	6.6	6.3	—.3
Arizona	51.5	46.1	64.7	18.6
Arkansas	43.0	38.3	65.2	26.9
California	590.0	610.8	644.4	33.6
Colorado	60.0	59.4	71.8	12.4
Connecticut	59.0	72.6	75.0	2.4
Delaware	13.5	17.3	15.8	—1.5
District of Columbia	23.0	26.0	20.4	—5.6
Florida	167.5	150.0	194.6	44.6
Georgia	107.5	103.4	136.4	33.0
Hawaii	23.5	25.9	26.4	.5
Idaho	20.0	15.4	23.6	8.2
Illinois	220.0	301.8	316.2	14.4
Indiana	116.0	113.8	134.5	20.7
Iowa	74.5	67.8	91.6	23.8
Kansas	54.0	47.7	64.5	16.8
Kentucky	78.0	71.8	105.2	33.4
Louisiana	101.5	83.2	138.9	55.7
Maine	23.0	19.9	36.7	16.8
Maryland	92.5	117.5	116.3	−1.2
Massachusetts	136.0	179.0	179.5	.5
Michigan	229.0	243.7	257.9	14.2
Minnesota	107.5	114.1	124.0	9.9
Mississippi	61.5	46.0	105.1	59.1
Missouri	96.5	107.6	129.9	22.3
Montana	19.0	16.7	24.3	7.6
Nebraska	39.0	34.5	52.0	17.5
Nevada	14.0	12.4	14.7	2.3
New Hampshire	15.0	13.5	18.1	4.6
New Jersey	154.0	179.7	193.0	13.3
New Mexico	32.0	22.5	39.0	16.5
New York	534.0	649.6	625.1	−24.5
North Carolina	113.5	113.0	161.5	48.5
North Dakota	20.5	12.0	23.2	11.2
Ohio	212.5	227.4	241.1	13.7
Oklahoma	63.5	52.9	74.0	21.1
Oregon	57.0	60.1	70.0	9.9
Pennsylvania	246.0	300.9	347.6	46.7
Rhode Island	21.0	25.9	29.3	3.4
South Carolina	56.5	57.9	95.9	38.0
South Dakota	19.0	13.5	29.3	15.8
Tennessee	87.0	79.3	120.4	41.1
Texas	243.0	248.3	326.0	77.7
Utah	28.5	29.0	40.6	11.6
Vermont	12.0	11.0	17.4	6.4
Virginia	104.5	115.6	129.6	14.0
Washington	92.0	79.1	107.8	28.7
West Virginia	41.5	36.4	61.8	25.4
Wisconsin	124.5	137.0	164.3	27.3
Wyoming	11.5	6.1	11.5	5.4
Total	5,000.0	5,300.2	6,300.6	1,000.4

[1] The House bill would have distributed $1,800,000,000 to the States based on general State and local tax effort, and State individual income tax receipts, and $3,500,000,000 to the local units of government within each State based on 3 factors: Population, urbanized population, and relative income.

[2] The committee formula for distributing $5,300,000,000 in revenue-sharing funds to the States is based on State population multiplied by inverse State per capita income (the lower the per capita income, the higher the weight of this factor) multiplied by tax effort (State and local tax collections as a percentage of total personal income in the State). The committee bill distributes an additional $1,000,000.000 to the States based on urbanized population. This additional $1,000,000,000 will be distributed within each State on the same basis as the $5,300,000,000 allocation.

Note: Details may not add to totals because of rounding.

Source: Treasury Department.

THE IMPACT ON STATE AND LOCAL GOVERNMENTS OF (a) GENERAL REVENUE SHARING AND (b) INCOME TAX CREDITS [1] COUPLED WITH AN EXPANDED FEDERAL ROLE IN PUBLIC ASSISTANCE

[In thousands]

State	Estimated Federal individual income tax liability, calendar year 1970 [2] (1)	State individual income tax collections, fiscal year 1970 [3] (2)	State income tax revenue under 50 percent credit proposal [4] (3)	Gain to States under 50 percent tax credit proposal [5] (4)	Local income tax revenue under 50 percent tax credit proposal [6] (5)	Additional Federal expenditures for public assistance with Federal share at 90 percent [7] (6)	Column (4) plus column (5) plus column (6) [8] (7)	General revenue sharing first full year under President's program (8)
Alabama	$853,549	$85,081	$204,852	$119,771	$119,497	$18,031	$257,299	$82,089
Alaska	122,667	32,455	29,440	0	17,173	3,524	20,697	8,590
Arizona	633,499	63,974	152,040	87,066	88,690	4,368	180,124	51,395
Arkansas	438,210	42,548	105,170	62,622	61,349	9,993	133,964	43,028
California	9,434,493	1,150,604	2,264,278	1,113,674	1,320,829	511,683	2,946,186	590,219
Colorado	851,441	129,097	204,346	75,249	119,202	22,318	216,769	60,116
Connecticut	2,130,568	4,916	511,336	506,420	298,280	34,625	839,325	59,237
Delaware	272,448	68,486	65,388	0	38,143	2,775	40,918	13,411
District of Columbia	351,549	83,044	84,372	1,328	49,217	9,080	59,625	22,915
Florida	2,906,022	0	697,445	697,445	406,843	18,935	1,123,223	167,438
Georgia	1,405,578	184,943	337,339	152,396	196,781	16,556	365,733	107,519
Hawaii	348,517	105,019	83,644	0	48,792	7,589	56,381	23,453
Idaho	201,127	36,662	48,270	11,608	28,158	2,837	42,603	20,077
Illinois	6,270,292	575,601	1,504,870	929,269	877,841	125,352	1,932,462	219,760
Indiana	2,120,799	216,384	508,992	292,608	296,912	32,046	621,566	115,772
Iowa	995,037	112,746	238,809	126,063	139,305	23,860	289,228	74,488
Kansas	834,170	78,423	200,201	121,778	116,784	18,054	256,616	54,230
Kentucky	840,236	121,423	201,657	80,234	117,633	13,202	211,069	78,194
Louisiana	1,023,247	47,993	245,579	197,586	143,255	22,150	362,991	101,465
Maine	331,556	18,885	79,573	60,688	46,418	5,356	112,462	22,885
Maryland	2,099,087	413,366	503,781	90,415	293,872	25,870	410,157	92,664
Massachusetts	2,921,553	517,952	701,173	183,221	409,017	106,028	698,266	136,160
Michigan	3,946,210	415,345	947,090	531,745	552,469	84,065	1,168,279	279,149
Minnesota	1,349,636	345,733	323,913	0	188,949	25,161	214,110	107,791
Mississippi	416,949	44,162	100,068	55,906	58,373	5,930	120,209	61,295
Missouri	1,795,417	129,654	430,900	301,246	251,358	29,069	581,673	96,432
Montana	176,183	38,871	42,284	3,413	24,666	2,466	30,545	18,766
Nebraska	487,410	44,444	116,978	72,534	68,237	8,839	149,610	38,992
Nevada	306,176	0	73,482	73,482	42,865	1,483	117,830	13,868
New Hampshire	295,206	3,462	70,849	67,387	41,329	3,352	112,068	14,958
New Jersey	3,992,783	17,643	958,268	940,625	558,990	121,083	1,620,698	153,773
New Mexico	279,486	35,730	67,077	31,347	39,128	4,482	74,957	31,814
New York	10,704,081	2,506,435	2,568,979	62,544	1,498,571	411,519	1,972,634	534,083
North Carolina	1,498,247	270,945	359,579	88,634	209,755	21,372	319,761	113,288
North Dakota	130,604	15,379	31,345	15,966	18,285	2,310	36,561	20,502
Ohio	4,948,710	0	1,187,690	1,187,690	692,819	55,035	1,935,544	212,535
Oklahoma	781,367	50,516	187,528	137,012	109,391	21,779	268,182	63,683
Oregon	791,099	213,053	189,864	0	110,754	16,580	127,334	56,860
Pennsylvania	5,094,214	0	1,222,611	1,222,611	713,190	113,783	2,049,584	246,210
Rhode Island	406,366	18,644	97,528	78,884	56,891	11,159	146,934	20,823
South Carolina	653,023	95,398	156,726	61,328	91,423	2,623	155,374	56,701
South Dakota	156,360	0	37,526	37,526	21,890	3,197	62,613	18,826
Tennessee	1,235,344	12,113	296,483	284,370	172,948	13,239	470,557	86,809
Texas	4,361,088	0	1,046,661	1,046,661	610,552	43,404	1,700,617	243,034
Utah	318,884	61,335	76,532	15,197	44,644	5,424	65,265	28,704
Vermont	176,419	43,668	42,341	0	24,699	3,641	28,340	11,942
Virginia	1,738,262	282,769	417,183	134,414	243,357	15,856	393,627	104,608
Washington	1,537,580	0	369,019	369,019	215,261	36,728	621,008	91,958
West Virginia	508,138	40,061	121,953	81,892	71,139	5,842	158,873	41,685
Wisconsin	1,707,296	489,944	409,751	0	239,021	25,752	264,773	124,370
Wyoming	113,117	0	27,148	27,148	15,836	1,281	44,265	11,436
Other	230,698		55,368		32,298	11,884		
Total	87,521,998	9,265,906	21,005,279	11,838,022	12,253,079	2,142,570	26,189,489	5,000,000

Mr. HARTKE. Mr. President, for example, in a State like New Hampshire, and I see the Senator from New Hampshire on his feet, where they do not have an income tax, the Hartke proposal would provide for $112 million, and the committee proposal is for $18 million so it provides a basic increase of $94 million. This would generate new funds. The difference between the Hartke proposal and the bill which has been reported by the Committee on Finance, is that not one single penny in new funds is generated by the committee bill.

We have a $30-billion deficit this year, which will probably be closer to $40 billion, and we are going to raid the Treasury in the next 5 years for an additional $30 billion. My guess is that it will be closer to $100 billion. Not only are we bankrupting local and State governments but also the Federal Treasury.

Mr. COTTON. Mr. President, will the Senator yield

Mr. HARTKE. I yield.

Mr. COTTON. Mr. President, in justice to the State I represent, I wish to call attention to the fact that what the Senator said may be true with respect to other States, but the State I represent has been without a State income tax. The one reason they never have had it is that in the State constitution there is a provision that all taxes must be equal and proportional, which has been interpreted as meaning that if the State had an income tax, all persons would have to pay the same rate. If a man's income were $5,000 he would have to pay the same rate that another man pays on his $100,000.

Repeatedly attempts have been made to amend the constitution. So in this instance you have a State where the hands of the officials are tied because it cannot secure enough of the popular vote to amend the constitution and an income tax would be most unjust in the present circumstances.

While I am on my feet, if the Senator will be patient with me for 2 minutes, this Senator has found the situation extremely difficult. In fact, if the amendment had not been adopted this morning on the limitation of moneys for social services this Senator might have voted against the entire bill because I have great trouble with the theory of this bill that puts a penalty on frugality in a State and puts a premium on profligacy.

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[1] Under the proposal there would be a credit against the Federal individual income tax equal to 50 percent of State and local income taxes paid but not to exceed, in the case of the credit for State individual income taxes, 12 percent of the Federal individual income tax and, in the case of the credit for local individual income taxes, 7 percent of the Federal individual income tax. The credit, when added to the taxpayer's State and local individual income tax deduction benefit, would not exceed the amount of State and local individual income taxes paid.

[2] Estimated by the staff of the Joint Committee on Internal Revenue Taxation. The State-by-State data on which these estimates are based on data compiled from Federal individual income tax returns by the Internal Revenue Service (Statistics of Income) and reflect taxpayer State of residence except for those cases in which the taxpayer filed his return in the wrong place. The reasons why returns are filed in districts or regions other than those in which the taxpayer resides are as follows: (1) filing with former district office or regional service center after moving to a new area; (2) filing from place of business rather than place of residence; (3) filing from tax lawyer's or accountant's place of business in another State; (4) filing with a place other than residence because of misunderstanding of instructions on where to file.

[3] State Tax Collections in 1970, GF No. 1, Bureau of the Census.

[4] 24 percent of the estimated Federal individual income tax in column (1). This is the minimum State income tax which would bring into play the maximum allowable credit under the proposal: 12 percent of the Federal individual income tax. Under this proposal, which combines the deduction for income tax paid with a 50 percent credit, there would be a strong incentive for States, in need of greater revenues, to enact individual income taxes which would exceed 24 percent of the Federal individual income tax, even though the limitation on the credit would remain at 12 percent of the Federal individual income tax.

[5] Column (3) minus column (2). These figures represent the minimum additional State income tax over the fiscal year 1970 tax which would take full advantage of the 12 percent of Federal income tax limitation. Under the proposal, the incentive would be strong for States, in need of additional revenues, to exceed these additions.

[6] 14 percent of the estimated Federal individual income tax in column (1). This is the minimum local income tax which would bring into play the maximum allowable credit under the proposal: 7 percent of the Federal individual income tax. See the last sentence in footnote 4.

[7] Included public assistance programs are: Old age assistance, aid to the blind, aid to the permanently and totally disabled, aid to families with dependent children, and payments to intermediate care facilities.

[8] To the extent to which States do not employ individual income taxes as high as 24 percent of the Federal individual income tax and local governments now have individual income taxes and do not employ individual income taxes as high as 14 percent of the Federal individual income tax, to that extent do the figures in this column overstate the additional resources made available to the State and local governments under the proposal for individual income tax credits and 90 percent Federal sharing in the indicated public assistance programs.

It is nice to say we still take care of the States in the proportion they are disposed to take care of themselves. That sounds good, but it is a pressure from the Federal Government and the State that gouges its citizens the most gets the most money from the Federal Government.

For that reason, I have been extremely unhappy about this bill. As I said, I was in doubt until the time we added the amendment that was agreed to this morning as to what I would do about this bill.

But in the case of New Hampshire, it is unjust to penalize the State where it is unable because of its State constitution, which was adopted shortly after the Revolutionary War, to have a progressive income tax.

Mr. HARTKE. The Senator makes my point. What we are doing in this bill is to take off the gloss. If the Senator from New Hampshire thinks that the people of New Hampshire do not pay a Federal tax he is badly mistaken because they do pay a Federal tax. They pay it on a progressive basis. The Senator said his constitution prevents them doing that, but they are doing that. The Good Lord does not come down and give manna to the United States. There is not going to be a draft of money coming to the Federal Treasury because we adopt a revenue bill.

What is the State going to do? Under the bill, New Hampshire today would get $18 million. Am I correct?

Mr. COTTON. I believe so. I am satisfied the people of the State of New Hampshire will pay out more than they get back.

Mr. HARTKE. I am not arguing that point for the moment. Nobody is talking about the true facts and what is going to happen in this case. The facts are that somebody has to raise that money; that money is going to be raised at the Federal level by a progressive income tax—which I favor. If we are going to raise taxes next year in order to pay for local services, the people of New Hampshire will be faced by a higher progressive income tax, which the Senator says his constitution prohibits. There is one difference—we will have removed the last vestige of local government. New Hampshire, every State, and every city of this Union becomes a vassal of the Federal Government. In fact, they are almost that already. That is what they are complaining about. Every city is complaining that it does not have money to provide the services, enough money to do what is needed. And they say, "Give us strings-unattached Federal money." But let us not forget that "strings-unattached Federal money" comes from income tax dollars collected from everybody paying income taxes.

I do not like to talk about fiscal irresponsibility, because I think that is a phrase which means absolutely nothing.

I am talking about two things. I am talking about the bankruptcy of the United States of America. I am talking about the real problem of devaluing the dollar. We have had a devaluation of the dollar once. This administration is going to try not to have it devalued again before the election, but before next year ends, that dollar will be devalued substantially. The run on it is so great that it is almost beyond control.

I have been in New Hampshire. It has great communities. The committee bill will destroy the town meetings and the towns will have to give up. There will be no local responsibility. Every dollar of their taxes will come from the Federal Government.

If we follow the Hartke tax credit scheme, if one paid $200 in local income taxes he could take a credit of $100, which means against this Federal tax liability. The responsibility of assessing that tax would be left with the local community. The Hartke proposal provides an incentive to assess a local tax.

Mr. COTTON. If the Senator will yield a moment. I doubt if he knows the people of New Hampshire as well as I know them.

Mr. HARTKE. I admit I do not.

Mr. COTTON. However, I am completely in accord with much of what the Senator has said, and that is why I have been very unhappy about this bill. Some years ago I was the first Senator who advocated what could be called revenue sharing. That was when we were first fighting over Federal aid to education. In two Congresses in succession I introduced an amendment that 1.5 percent—that was the original Federal contribution—of the direct Federal income tax paid by each State should be returned to the State earmarked for educational purposes.

There is no better criterion of personal income or the prosperity of its citizens than what they pay in Federal income tax. That, in my opinion, would have been the fairest formula in this bill.

Seven percent of the individual income taxes is the amount contemplated in this bill to be set aside for revenue sharing. The amount would be computed by just a few checks and their percentage of it would be returned to them. That is the way to fix a just and absolutely fair revenue sharing.

I prepared such an amendment and was going to offer it. Then I proceeded to count up the States, and I found that if my amendment were adopted, 20 States would gain and 30 States would lose. I have been here long enough to know that whenever one offers an amendment in which 20 States would gain and 30 States would lose, he would be wasting time and the time of the Senate. So I did not offer the amendment.

I did not mean to give the Senator this lengthy colloquy or trespass on the time of my friend from Indiana, but in view of the fact that he saw me on my feet and mentioned New Hampshire, I thought I should mention that.

It happens to be a fact that it requires a two-thirds vote of the population to change our State constitution. A majority have voted again and again to take away that provision which makes it impossible to have a graduated income tax, but it has never succeeded. When there is an income tax that is not graduated, so that a man who gets a $10,000 income pays the same rate on his taxable income as the man who makes $200,000, obviously a State income tax under those circumstances is not practicable, and New Hampshire would be the victim of the amendment of the distingushed Senator from Indiana.

I thank the Senator.

Mr. HARTKE. I thank my colleague.

I refer again to New Hampshire, because I think it is a concrete example of what is probably considered to be true local rule. It has one of the largest State legislatures in the whole United States. I think it has over 400 members in the State legislature, which means it is made up of representatives of small enough communities so it can make a difference.

The Senator from New Hampshire says in his State two-thirds of the people have to vote for a constitutional change. There is no forcing of revenue sharing on New Hampshire under my proposal. All it says is that if they wanted to share money from the Federal Government, it must assess on the local level on the same basis as the Federal Government. To the extent that it does, it can take as a tax credit against the Federal income tax up to 50 percent of the local income tax. The Hartke proposal does not force New Hampshire to give up its constitutional prohibition. But it does encourage them to give it up as condition for revenue sharing.

Mr. COTTON. It forces us to give up our share. I wish the Senator would stop picking on New Hampshire, because there may not be another State with this provision.

Mr. HARTKE. There are only 13 States in the Union that have an income tax system. Not all of them are progressive in the same nature as the Federal income tax system.

The bill before us is a giveaway bill to local and State communities. It is perfectly clear that that is what we are going to do. Anybody who thinks we are going to get the money from anybody other than the taxpayers is deluding himself and misleading the public. It destroys the last vestige of what little State government we have left. Many nations in the world do this very thing. The next step in this process as the demands for Federal money grow, will be that the States will have to submit their budgets to the Office of Management and Budget. The cities will have to submit their budgets to the Office of Management and Budget. We will then have a similar system to those used by the European countries, whereby all the city budgets are reviewed by the States, and then submitted to the Federal Government. The Office of Management and Budget will make a table of what is being done for the cities, what is being done for the counties, and what is being done for the States and the Federal Government. They will then divide up the fiscal resources just as they presently do for the agencies.

That is what is going to happen. It is absolutely and utterly clear that this whole thing has been politicalized. The mayors came in, and the Governors came in, and I do not blame them. If I had been in their shoes I would have done the same. I would rather somebody give me the money to spend with no strings attached.

Mr. LONG. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. LONG. Would the Senator be willing to agree to a limitation of further debate on this amendment?

Mr. HARTKE. Let us go ahead. I do not think the Senator from Louisiana really wants to debate this issue at all.

Mr. LONG. What I really want to do is vote, but I am willing to debate, if the Senator is willing to limit the time for further debate on this amendment.

Mr. HARTKE. I frankly do not intend to take much more time. I think we have made the point quite clear. I would like to deal with the second part of the Hartke proposal that deals with welfare reform. The Hartke approach will provide for 90 percent of the welfare payments to be assumed by the Federal Government. This is a great burden on most local governments. That is why property taxes have been going up.

I think it is recognized now that there are two fields that will have to be established according to Federal standards, the field of welfare and the field of education. I think if States do not improve their standards in these areas, the Federal Government is going to have to force the issue. I think when it comes to matters of this kind, we are all reactionaries rather than progressive leaders. Congress is not leading; the President hesitates; everyone waits for a crisis to develop, and the net result is, very simply, that what we have done here is wait until the cities got on the edge of bankruptcy and are falling to pieces; we have waited until the welfare system became such an atrocity that even legitimate cases can no longer be taken care of. As a result, I feel no great sense of pride in our attempts to solve the social and economic dilemmas of this country.

I would like to see us exert some leadership. This revenue-sharing bill is another great example of default, another great example of a temporary Band-Aid on an extremely serious problem. A lot of time has been given to it, and I commend the chairman of the Finance Committee, because he has not only devoted his time and energy to working out something which he thinks would satisfy Congress, the President, the mayors, the county commissioners, and the Governors. But I say it will not satisfy the people, because there is not enough money in it to solve the social problems—not enough to even begin to do the job—but there is enough principle involved to destroy the local governments and to destroy the State governments that are already on the edge of the cliff. All we are doing is shattering them down to bits and pieces.

I imagine we will be able to say, when this bill is passed, that we have finally destroyed local government in the United States of America.

Mr. CHURCH. Mr. President, will the Senator yield for a question?

Mr. HARTKE. I am glad to yield.

Mr. CHURCH. I have listened to the argument the Senator presents, and I think he makes a very strong point when he condemns this revenue-sharing measure as the commencement of a process that can only erode away the independence and responsibility of State and local governments. I think that is incontestable, and that he will be proved a prophet.

The one difficulty I have with the Senator's amendment is that it seems to fail in one important respect to do what the committee bill would do; namely, to apply a formula to the distribution of the Federal revenues that helps the poorer States lift themselves up.

As I understand the Senator's amendment, the credit that would accrue to each State would be based upon a fixed percentage of the Federal income tax that would otherwise be paid by that State, and therefore there would be no income redistribution effect. Is that not correct?

Mr. HARTKE. Yes, the Senator is exactly right. Let me just say, so there will be no misunderstanding, what would happen, for example, if a State imposed a progressive income tax, and, as I said before, if that progressive income tax would cause an individual to have a tax liability to the State and local governments of $200, he could take a credit of $100, in place of the present deduction. I do not eliminate the deduction, which would still continue, but would add the credit.

Let me say to my friend from Idaho that he has stated my point quite correctly, and I appreciate his concern. I do not intend to press for a vote.

There is a great deal of merit to saying you need some form of redistribution. The proposal before us, however, has no tax principle in it at all, none.

When you take a formula, that is merely bookkeeping. When you take a formula for the distribution of the money, that is a mere giveaway. So as far as governmental principle is concerned, this bill does not have one iota of governmental principle in it, and I say there is not a member of the Committee on Finance that will debate that issue on this floor, or in the committee. The reason they will not debate it is that this whole thing is politicized to meet a commitment made by the President that no one wants to argue with. That is fine with me, except that we have too much politicization of too many institutions of the United States now. We have politization of the war, politicization of the international monetary fund, politicization of the welfare system, and now we are going to have politicization of the tax system. Somebody is going to have to pay for the cost of running the Government.

I withdraw the amendment.

Mr. CHURCH. Mr. President, will the Senator withhold that for a moment?

Mr. HARTKE. I withhold the withdrawal.

Mr. CHURCH. Mr. President, I agree basically that this is a defective program. I cannot support it is principle. I shall vote against it on final passage.

I think we will rue the day when we initiated this program, and look back on it as one of our great mistakes. I thank the Senator very much for his explanation of the amendment, and I appreciate why he withdraws it, because it does pose another problem; namely, how to effect the redistribution of Federal funds, once we undertake to give them away to State and local governments. However, basically, I have no argument with the Senator. I think on principle he is correct.

Mr. HARTKE. Mr. President, I find myself in this rather paradoxical situation: I know the desperate plight of the local communities. They are not exaggerating their plight. The States are in desperate shape; they are not exaggerating their plight. The need for services is there.

The difficulty, very simply, is that this is the wrong way to do it. Now, we have our choice. Are we going to provide assistance in the form of financial assistance to these people, who otherwise may go further and deeper into the mire, with a system which is patently bad and which obivously cannot withstand the light of day, if it is examined in any analytical, objective, and intelligent fashion? It is for that reason that we cannot have an intelligent debate on this subject. All the debate thus far has been upon formula and administrative detail. We have acted as if we were in the middle of trying to figure out how much we are going to pay for paper clips.

Mr. CHURCH. I recognize, as does the Senator, the serious financial plight of the cities and some of the States of this country. On the basis of need, I would have voted in favor of this bill, had the Senate been willing to raise the revenue that bill will give away. But in the face of the refusal of the Senate to raise the money to be shared, and its insistence upon relying, instead, upon further borrowing that will plunge the Federal Government still more deeply into debt, I shall vote against it.

Mr. HARTKE. If there is no further comment, I am willing to withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 1508

Mr. TAFT. Mr. President, I call up my amendment No. 1508.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. TAFT. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 38, beginning with line 15, strike all through line 23 and insert in lieu thereof the following:

(b) ALLOCATION AMONG STATES.—The amount allocated to each State for each entitlement period shall be computed as follows:

(1) one-third of the total amount to be allocated for such period shall be allocated on the basis of State population;

(2) one-third of the total amount to be allocated for such period shall be allocated on the basis of general tax effort;

(3) one-third of the total amount to be allocated for such period shall be allocated on the basis of relative income.

Mr. TAFT. Mr. President, I bring up this amendment at this time to again give the Senate a chance to examine the formula, the makeup, and the philosophy—or lack of philosophy—behind the formula as proposed by the Senate Finance Committee.

In discussing the last amendment, the one which put a floor under the distribution to any State based on the population factor multipled by the original planned $5.3 billion distribution, I again challenge the proponents of the formula, as the Finance Committee reported it, to explain why the multiplication factor or the multiplication element was used in the formula, multiplying the population factor times the relative income factor times the tax effort factor.

I have made this challenge five separate times, and once more there has been a total failure to answer the question or to give any rationale between the multiplication of these factors times each other.

Because this factor is again involved in the amendment that is now before the Senate and because, as a result of the procedures involved, the tabling motion prevented a reply to some of the discussion on the prior amendment, I should like at this time to bring up some matters by way of reply to the arguments against going to the floor approach of the last amendment. Some of these apply in support of this amendment as well.

In the first place, there has been some indication on the part of the chairman of the Finance Committee that Ohio is going to fear that it will fair poorly because it had an abnormally high per capita income. Quite the contrary. The chairman gave some indication that he felt that the income of Ohio residents was somehow abnormally high.

We are, of course, an industrial State. We have, therefore, a higher cost of living than some other areas. But as against that, I should like to put into the RECORD the fact that the per capita income of the State of Ohio, as I understand it, is $4,175, compared to a national average of $4,156—a very minor element over and above the national income factor.

So that is not anything that is detracting from any distribution to Ohio as this formula is concerned. In other words, we are hurt in only the most minor way by the reverse income factor in the formula. I should like to make it absolutely clear that that is the case.

I also point out that the criticisms of the position of Ohio as being hurt by the formula proposed by the Finance Committee, in not measuring up to the tax factor to other States, seems to me to be criticizing economy in government, as I have said before; criticizing also the fact that in some States, particularly a well developed State such as Ohio, perhaps the private institutions, profit or nonprofit, are able to take on more of the social burden and perhaps do take on more of the social burden.

For example, our United Fund activities in Ohio have been outstanding throughout the United States over the years. We have perhaps more private colleges per capita than any other State in the Union. This is no drain on State funds. Except in minor ways, it does not come out of State funds; yet, it is a social activity, without profit to anyone. These are nonprofit institutions. This distorts the figures that have been indicated here as somehow deploring the fact that we do not spend more money or take in more money at the State level than we have been doing. Unfortunately, in the future we will have to take it in and spend more money, perhaps. But this bill is now based on the past record insofar as the distribution we are talking about is concerned, and I think this record painfully distorts the present picture.

I also take issue with the statement of the chairman of the Finance Committee in which he said we attempted to give 22 percent more, or 22 percent of the total additional distribution proposed under the last amendment, to the State of Ohio. My proposal in amendment No. 1508 does not add any cost to the bill. Going back to the past amendment, the reason why 22 percent more of the funds went to the State of Ohio under the proposed amendment was that the Finance Committee took away 22 percent of the total taken away under the House formula when they acted on the bill. That is the only explanation for that figure. To give any other impression is misleading.

I invite attention to one other aspect, particularly with regard to the tax effort factor. This is really the crux of it, and I do not think it has been explored adequately on the floor of the Senate. I think it is very important to explore it adequately before this bill goes to conference, so that the conferees on the House side at least—and hopefully some on the Senate side—may be apprised of exactly what is involved in the multiplication factor in the formula. As I indicated earlier, there is a distortion involved in using multiplication factors. I invite the attention of the Senate to page 52 of the bill, line 18:

(b) GENERAL TAX EFFORT FACTOR OF STATES.—For purposes of this subtitle—

(1) IN GENERAL.—The general tax effort factor of any State for any entitlement period is (A) the net amount collected from the State and local taxes of such State during the most recent reporting year, divided by (B) the aggregate personal income (as defined in paragraph (3) of subsection (a)) attributed to such State . . .

Let us just talk about this formula, how it is made up. I have heard no justification of this particular factor. Why are we taking the net amount collected in State and local taxes? My State of Ohio for many years has been the monopoly in the liquor business. It takes into its treasury each year a considerable amount, several million dollars. The last figure I recall is $10 million; but knowing the drinking habits of the people of my State, I expect that it has gone up considerably since then, and prices have gone up. That factor apparently counts for nothing in this formula.

I see the Senator from New Hampshire in the Chamber, and I know that the State of New Hampshire has a lottery. I do not believe that lottery is classified as a tax. Other States are turning in the direction of lotteries. That factor, which is revenue coming into the State, is not figured into this formula at all.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. COTTON. We also have State stores, and the State of New Hampshire sells every ounce of liquor that is sold, and that is not counted.

Mr. TAFT. I agree with the Senator.

Let me take one other instance to show the kind of distortions that will result from the use of the multiplication factor when inaccuracies in the revenues come in. I am proud of the fact that over 100 years ago the people of my city of Cincinnati were wise enough to make a tremendous major capital investment for them at that time, in the Southern Railroad—the Southern Railroad System, and a very large amount of money comes into the coffers of the city of Cincinnati every year as a result of that lease.

Is that taken into account anywhere in the formula? Absolutely not. We are bound to have some of the minor distortions. I recognize that trying to draw up a formula and make it work and be accurate is very difficult, but I also recognize there are bound to be some distortions.

What happens here when we use the multiplication factor is that every one of those distortions is multiplied many times. Particularly in the case of the State of Ohio, I feel it is a multiplied factor and does not reflect what a truly equitable and fair formula would be.

Because such great stock has been put by members of the committee, by the chairman of the committee, and by the ranking member of the committee in the population factor, the relative income factor, and the inverse relative income factor, we should apply these factors fairly. Each should be applied to one-third of the total distribution.

That is what this amendment does.

The Finance Committee's formula, by multiplying the factors together, instead of allocating one-third of the funds by each factor, causes the factors to lose their meaning. If the Senate Finance Committee wanted to use three factors and give each equal weight, one-third of the money should be allocated on the basis of the first factor, one-third of the money should be allocated on the basis of the second factor, and one-third of the money should be allocated on the basis of the third factor. But that is not what was done. The factors were multiplied together, thereby using the multiplier effect to distort their meaning and give a disproportionate effect to a low factor. A very low factor, consequently, affects not only one-third of the money but reduces the entire allocation. If one of the factors were zero, a State would receive no money at all.

The absurdity of this formula can be illustrated by some simple numbers: 5, 5, and 5 total 15. Multipled together they equal 125; 9, 5, and 1 also total 15, but multiplied together they equal 45, or barely one-third as much.

Here are two sets of numbers which, added together, give exactly the same total but multiplied together give radically different results. This is precisely where the inequity comes in, in using the Senate Finance Committee's formula.

There has been a great deal of rhetoric from Finance Committee members in recent days about how sacrosanct these three factors are, how they should be given equal weight, and how we should not disturb the $5.3 billion revenue sharing allocation. For that reason, I am now offering amendment No. 1508 which is consistent with all of these concepts. This amendment does not add any more money to the bill. This amendment uses the same three factors adopted by the Finance Committee. These three formulas give equal weight to the factors but unlike the Finance Committee's, this amendment does not present the inequities and the distortions present when factors are multiplied together.

As I have indicated on the tax effort factor, they are fatal errors in any event. They have not been gone into adequately by the committee or by the legislation. I do not believe it is possible on the floor of the Senate to go into detailed amendments to correct this and do it properly.

This amendment very simply would allocate one-third of the money on the basis of population, one-third of the money on the basis of general tax effort—even though, as I have indicated, it may be somewhat distorted—and one-third of the money on the basis of inverse relative income. This amendment would do what the members of the Finance Committee say they are doing and pretend they are doing. In reality, the Finance Committee's formula does not give equal weight to three factors. Instead, it gives disproportionate weight to abnormally low factors which, when multiplied, negate the higher values of the other components.

Using this formula, Ohio would still receive less than its per capita fair share.

Mr. President, it is interesting to me, in listening to the many arguments that I particularly recall the argument of the Senator from Utah (Mr. BENNETT) just recently in which he, in effect, indicated that what he felt was fair—and I cannot think of anything fairer, really—was the per capita formula. I may give the Senate the opportunity to vote on that later, but I do not see how we justify giving any State less than its per capita fair share. In fact, it would receive $50 million a year less than its per capita fair share. I do not see how we can justify giving any State less than its per capita fair share—this was turned down, however, by the Senate on the recent amendment—but at least the amendment I propose does away with the harshly unfair multiplier effect. If a State has only one factor that is low, that State will no longer have its entire allocation reduced accordingly. Instead, that factor will reduce only one-third of the money for that State.

Under this formula, the State of Ohio would increase its share from $185.4 million to $227.4 million. The State of Illinois would be increased from $251 million to $287.2 million, and the State of New York would be increased from $498.1 million to $589.5 million.

Mr. President, I feel that this amendment has much merit in hitting the target that the distinguished Senator from New York (Mr. JAVITS) was talking about in his amendment. It puts the money where the effort is needed. While it has some problems of its own, and may cut back on the allocation of some funds, nevertheless, if we are to have a formula that we can defend and that we will not be arguing over every year as the bill comes before the Senate, then we have to take the multiplier effect out of the formula.

I hope that the Senate will have the wisdom to do this and certainly hope that the results in the conference will not be tragic because it seems to me completely to discredit the whole revenue-sharing concept.

Mr. President, I hold in my hand a list of figures for the various States, if any Senators would like to see them. I am not going to take time reading all of them. I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Figures for various States

	Senate	*Taft No. 1508*
Alabama	127.6	94.7
Alaska	5.5	6.9
Arizona	55.1	47.8
Arkansas	60.4	48.4
California	510.4	579.0
Colorado	60.0	56.9
Connecticut	57.6	73.5
Delaware	12.9	13.8
District of Columbia	14.1	18.6
Florida	160.3	158.6
Georgia	120.7	110.1
Hawaii	21.8	23.3
Idaho	21.8	18.2
Illinois	251.0	287.2
Indiana	114.6	121.1
Iowa	84.6	76.9
Kansas	58.1	56.3
Kentucky	95.9	83.5
Louisiana	124.8	96.7
Maine	34.2	27.0
Maryland	94.8	102.8
Massachusetts	143.5	153.0
Michigan	210.9	227.9
Minnesota	108.2	101.5
Mississippi	99.6	63.7
Missouri	108.4	109.4
Montana	22.6	18.6
Nebraska	47.1	39.9
Nevada	11.7	13.1
New Hampshire	16.7	17.1
New Jersey	142.6	171.2
New Mexico	36.5	27.5
New York	498.1	589.5
North Carolina	148.8	126.2
North Dakota	21.7	17.0
Ohio	185.4	227.4
Oklahoma	65.3	60.4
Oregon	61.7	55.1
Pennsylvania	290.2	292.1
Rhode Island	23.1	23.7
South Carolina	89.6	68.2
South Dakota	27.6	29.7
Tennessee	108.1	94.4
Texas	268.6	261.0
Utah	34.5	26.2
Vermont	16.3	13.4
Virginia	109.7	108.7
Washington	92.3	90.4
West Virginia	57.5	44.9
Wisconsin	147.1	133.3
Wyoming	10.7	9.1

Mr. LONG. I ask unanimous consent to insert in the RECORD at this point a State distribution prepared by the staff showing the distribution under the Finance Committee bill and under the Senator's amendment.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF DISTRIBUTION OF FUNDS TO THE STATES UNDER FINANCE COMMITTEE BILL AND SENATOR TAFT'S AMENDMENT NO. 1508

[In millions of dollars]

States	Finance Committee bill (1)	Proposal [1] (2)	Difference, col. (2) — col. (1) (3)
U.S. total	5,300.0	5,300.0	
Alabama	127.6	94.7	−32.9
Alaska	5.5	6.9	1.4
Arizona	55.1	47.8	−7.3
Arkansas	60.4	48.4	−12.0
California	510.4	575.6	65.2
Colorado	60.0	56.7	−3.1
Connecticut	57.5	73.5	16.0
Delaware	12.9	13.9	1.0
District of Columbia	14.1	20.6	6.5
Florida	160.3	158.5	−1.8
Georgia	120.7	110.0	−10.7
Hawaii	22.7	23.3	.6
Idaho	21.8	18.2	−3.6
Illinois	250.9	287.4	36.5
Indiana	114.6	121.1	6.5
Iowa	84.6	76.6	−8.0
Kansas	58.0	56.3	−1.7
Kentucky	95.9	80.2	−15.7
Louisiana	124.8	96.8	−28.0
Maine	34.2	27.0	−7.2
Maryland	94.8	102.6	7.8
Massachusetts	143.5	153.0	9.5
Michigan	210.9	227.8	16.9
Minnesota	108.2	101.4	−6.8
Mississippi	99.6	63.5	−36.1
Missouri	108.5	109.5	1.0
Montana	22.6	18.6	−4.0
Nebraska	47.1	39.9	−7.2
Nevada	11.9	13.1	1.2
New Hampshire	16.7	17.1	.4
New Jersey	142.6	171.1	28.5
New Mexico	36.5	27.7	−8.8
New York	507.1	589.5	82.4
North Carolina	148.8	126.3	22.5
North Dakota	21.7	17.0	−4.7
Ohio	185.4	227.3	41.9
Oklahoma	65.3	60.3	−5.0
Oregon	61.8	55.0	−6.8
Pennsylvania	290.2	292.1	1.9
Rhode Island	23.1	23.6	.5
South Carolina	89.5	68.7	−20.8
South Dakota	27.6	19.8	−7.8
Tennessee	108.1	94.4	−13.7
Texas	268.6	260.9	−7.7
Utah	34.5	28.2	−16.0
Vermont	16.3	13.3	−3.0
Virginia	109.7	108.6	−1.1
Washington	92.3	90.4	−1.9
West Virginia	57.5	44.9	−12.6
Wisconsin	147.1	133.3	−13.8
Wyoming	10.7	9.0	−1.7

[1] $5,300,000 distributed on following basis: ⅓ population; ⅓ relative income; and ⅓ general tax effort.

Note: Details may not add to totals because of rounding. Number of States receiving less under proposal—32.

Mr. TAFT. Mr. President, I have no desire to prolong debate on this amendment but I do feel that it is of enormous importance that the arguments, whatever the outcome, might be spread out on the record. The arguments should be set out and set out in full for the consideration of the conferees.

I know that there have been many amendments turned down and many amendments have been tabled in the past 2 or 3 days in this debate on the revenue sharing bill. I suppose, perhaps, this amendment may meet the same fate but I hope, at least, that the rationale and the arguments I have presented will have some effect on the thinking of Members of the Senate in making their decision as to, really, what is a fair and equitable approach to this problem.

The PRESIDING OFFICER (Mr. Weicker). The question is on agreeing to the amendment of the Senator from Ohio (Mr. Taft) (No. 1508).

Mr. TAFT. Mr. President, I ask for the yeas and nays.

There was not a sufficient second.

Mr. TAFT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG and Mr. TAFT asked for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio (Mr. Taft) (No. 1508).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. McGovern), the Senator from Massachusetts (Mr. Kennedy), the Senator from Alabama (Mr. Sparkman), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Oklahoma (Mr. Harris) are necessarily absent.

I further announce that, if present and voting, the Senator from Alabama (Mr. Sparkman) and the Senator from New Hampshire (Mr. McIntyre) would vote "nay."

Mr. GRIFFIN. I announced that the Senator from Colorado (Mr. Allott), the Senator from Iowa (Mr. Miller), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Iowa (Mr. Miller), and the Senator from South Carolina (Mr. Thurmond) would each vote "nay."

The result was announced—yeas 32, nays 59, as follows:

[No. 417 Leg.]

YEAS—32

Bayh
Beall
Bible
Boggs
Brooke
Buckley
Cannon
Case
Cotton
Cranston
Eagleton
Fong
Gravel
Griffin
Hart
Hartke
Javits
Mathias
Pastore
Pell
Percy
Ribicoff
Saxbe
Schweiker
Scott
Stevens
Stevenson
Symington
Taft
Tunney
Weicker
Williams

NAYS—59

Aiken
Allen
Anderson
Baker
Bellmon
Bennett
Bentsen
Brock
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Church
Cook
Cooper
Curtis
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
McGee
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pearson
Proxmire
Randolph
Roth
Smith
Spong
Stafford
Stennis
Talmadge
Tower
Young

NOT VOTING—9

Allott
Harris
Kennedy
McGovern
McIntyre
Miller
Mundt
Sparkman
Thurmond

So Mr. Taft's amendment (No. 1508) was rejected.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9222) to correct deficiencies in the law relating to the crimes of counterfeiting and forgery.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. TAFT. Mr. President, I call up an unprinted amendment.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 38, line 18, after "subsection (a)" strike all through line 23 and insert in lieu thereof the following: as the population of that State, bears to the population of the United States.

Mr. TAFT. Mr. President, this amendment should be fairly simple and one that everyone can understand. It relates distributions to one factor and certainly it is the equitable factor and the only factor in the long run that can stand up. It is a per capita distribution. The States would receive for every man, woman, and child in the State $26.09 per person across the board.

This standard has been referred to as the truly equitable standard. To me, it is the truly equitable standard. We can play around with figures and talk about who is best served, but I would like to suggest, as I did earlier, that the place to handle the balancing of inequities and the problem of the State really is not in a revenue sharing bill. It is going to come about, as sure as we go ahead with a revenue sharing bill, that it will become increasingly difficult to work out a formula in the Senate or in the House as to what we feel appropriate for the needs and for distribution to the States.

I am appalled by the number of Senators who really are deeply concerned about this problem and the formula but who feel, and I sympathize with them, the important consideration is how much their States will receive. I am deeply concerned about the State of Ohio. The State of Ohio would be much more deeply cut than any other State. But the place to handle distribution on revenue as between States is not in a revenue sharing bill; it should be done in various grant-in-aid programs where we aim at particular targets.

The whole principle of revenue sharing, it seems to me, was originally really to limit the areas of distributions under various grant-in-aid programs, for programs and types of programs which the States and the local governments really can better do by themselves. In those cases where they need additional aid to handle particular problems involved, and where we believe that there is a national problem concerned therein, that will be supplied through a grant-in-aid program, and not through revenue sharing at all.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. COTTON. I think there is much merit in the Senator's amendment, and I am prepared to vote for it, but I would like to suggest to the Senator if he would consider amending his amendment, where it says "population," by inserting the words "as determined by the last official census," because in this day and generation, in the desire for some people to vote, people can go from State to State and practically establish a residence in 2 or 3 weeks. It would seem to me that would avoid confusion.

Mr. TAFT. I appreciate very much the suggestion of the distinguished Senator from New Hampshire, and I will send to the desk an amendment changing the amendment as he has proposed.

I would like to discuss for a few moments some of the negative aspects of the present formula. Really, I am giving a choice as between adopting and not adopting it. I have already discussed the multiplier factor involved in the Senate Finance Committee's argument and I have indicated why I feel that this is an extremely inequitable way to arrive at it.

I am still waiting. This is the sixth or seventh time in which I have asked for some explanation or rationale from the chairman of the Finance Committee, or the ranking minority member, or any other member of the committee, as to why they went to the formula of multiplying one factor by the other factor by the third factor, rather than applying each factor to one-third. I did that on my last amendment. I have yet to get a reply. I indicated some of the inequities which would result therefrom. I omitted some others.

The PRESIDING OFFICER (Mr. Weicker). If the Senator will suspend, the Chair finds it very difficult to understand and hear what the Senator is saying. The Chair would appreciate it if the Senate would be in order.

Mr. TAFT. Mr. President, the areas that I have already mentioned as a distortion of the tax effort factor are related to page 52 of the bill, in which it reads that the general tax effort factor of any State for any entitlement period is the net amount collected from the State and local taxes of such State during the most recent reporting year, divided by the aggregate personal income as defined in other parts of the bill.

I have already discussed what the effect of that might be as to some items, particularly as to the fact that it completely leaves out the possibility of income from lotteries. It leaves out the possibility of income, as in the case of my State, and a very sizable income, from a monopoly of running the liquor sales in the State. It leaves out a couple of other items I would like to mention.

For instance, it has a detrimental effect on any State which has a large investment from outside the State, because the divider is personal income only. It has nothing to do with the overall resources of the individual State that might or might not be involved. This is a highly unfavorable factor in my State, and I believe it is a highly unfavorable factor for many States. I mentioned that Cincinnati has private ownership of a rail line, from which it derives a sizable amount of its budget, and has for years. Yet no credit is given for that.

I bring this up not to criticize, because I realize there is danger in drawing up general language in any bill, but I wish to point up that these distortions and inequities not only are not reflected in not considering the total tax effort as one-third of the entire amount, but this factor is made a multiplier of the other two factors. This to me makes no sense at all.

I would like to discuss this matter for a few minutes, because I am hopeful the conference committee will consider some of these other factors. I have advocated in this amendment that we move solely toward a per capita approach to this problem. I would like to discuss what the other possibilities are. It seems to me this is the only fair factor, the only factor on which one can rely to the exclusion of other factors. Let us take some of these.

I have figures which indicate various other factors that might be considered. Let us take welfare expenditures. That could possibly be a factor. I have a table showing welfare expenditures throughout the Nation. These would be based, presumably, on need and application.

How about State indebtedness? That certainly would be a pretty good indication of the tax effort of the particular State involved. Some States may have no debt. They may rely solely on the tax effort. Others may have indebted themselves in the past, and this approach would have no consideration of past indebtedness.

How about State deficits? Some States cannot have deficits; and some do. How about State taxes collected from State residents only? That would be very relevant in showing the tax effort.

The Senator from Wyoming and I had a discussion previously about the severance tax. He pointed out that 5 percent of the revenues of Wyoming come from the severance tax. No credit is given for that. Other States may have a higher severance tax. I do not know. Why that should be a factor in tax programs, I do not know, any more than considering the fact that a State runs a liquor selling business, such as my own State, or runs a lottery.

How about Federal taxes collected in the States? I suggested before that I felt revenue-sharing distribution involved the very concept of the Federal Government collecting taxes and giving them back. Why not give them back where they were collected? It seems to me that is a factor that should be taken into consideration, as well as the factors considered by the Senate committee.

How about the factor of the number of welfare recipients? How about the number of pupils per classroom, if we are really concerned with the education of youth? I do not believe that could be ruled out as a proper consideration insofar as the future of the Nation is concerned. If we start going into the merits of each considered factor, that factor certainly should be considered in this particular formula.

How about student-teacher ratios? How about unemployment rates, if we are talking about the needs of the unemployed in the States? And, for the future, how about environmental effort? Why should not we use that as a whip to see to it that we move promptly to protect our environment—so important to the entire Nation?

How about inner-city crime, a problem with which we have not dealt adequately? How about inverse crime effort? How about air pollution programs?

Mr. President, I ask unanimous consent that tables showing how various factors affect the several States be inserted at this point in the RECORD.

There being no objection, the tabulations were ordered to be printed in the RECORD, as follows:

SELECTED FACTORS AFFECTING STATE AND LOCAL FINANCES

State	Population[1]		Personal income calendar 1969[2] (millions)	Retail sales[3] calendar 1969 (millions)	Assessed valuation of property 1966[4] (millions)	Motor vehicle registration[5] calendar 1969 (thousands)	Mileage in state and local systems[6] calendar 1968	Public elementary and secondary school enrollment fall 1969 (thousands)	Higher education enrollment, fall 1969[7]		Old age assistance recipients, December 1969	Patients in mental hospitals, Dec. 31, 1968[8]	Families receiving aid to dependent children December 1969
	Total, July 1, 1969 (thousands)	Percent urban in 1960							Total public and private (thousands)	Percent public			
Total	201,921	69.9	742,961	347,808	484,057	105,404	3,684,085	45,619	7,512	72.3	2,054,000	409,606	1,830,000
Alabama	3,531	54.8	9,062	4,572	3,962	1,860	78,097	826	95	82.1	115,000	7,749	29,600
Alaska	282	37.9	1,272	467	1,300	131	6,850	77	7	85.7	1,600	164	2,400
Arizona	1,693	74.5	5,648	2,962	2,239	1,024	41,062	418	91	97.8	12,500	1,153	12,200
Arkansas	1,995	42.8	5,027	2,930	1,804	950	78,839	460	50	78.0	60,700	1,667	11,200
California	19,443	86.4	83,070	37,992	42,522	11,601	158,159	4,598	1,104	89.5	314,000	19,728	304,000
Colorado	2,100	73.7	7,492	3,724	4,232	1,374	81,517	538	103	85.4	38,300	1,829	18,000
Connecituct	3,000	78.3	13,610	5,580	13,881	1,677	18,116	646	106	53.8	8,000	6,655	21,700
Delaware	540	65.6	2,167	989	1,730	297	4,847	130	19	78.9	2,200	1,396	5,100
Florida	6,354	73.9	21,777	12,499	25,629	3,859	85,889	1,408	202	78.2	70,400	9,796	52,500
Georgia	4,641	55.3	14,108	7,131	5,938	2,487	98,241	1,113	109	78.0	92,100	10,984	52,300
Hawaii	794	76.5	3,024	1,261	3,090	375	3,442	179	25	92.0	2,200	585	6,200
Idaho	718	47.5	2,051	1,228	894	477	54,758	180	27	77.8	3,500	633	4,200
Illinois	11,047	80.7	47,609	21,086	39,848	5,162	129,419	2,324	391	64.5	38,100	22,102	83,500
Indiana	5,118	62.4	18,891	9,283	9,493	2,975	90,950	1,224	175	69.1	17,600	9,994	17,800
Iowa	2,781	53.0	9,782	5,435	6,225	1,754	112,349	661	104	59.6	24,300	1,432	16,900
Kansas	2,321	61.0	8,197	3,789	4,953	1,515	133,405	519	93	82.8	14,200	2,240	13,900
Kentucky	3,232	44.5	9,210	4,488	16,320	1,713	69,909	707	94	75.5	65,200	4,156	33,700
Louisiana	3,745	63.3	10,413	5,349	3,729	1,750	52,733	854	115	83.5	120,000	5,132	47,100
Maine	978	51.3	2,972	1,588	3,048	496	21,311	240	28	67.9	10,700	2,805	9,500
Maryland	3,765	72.7	15,416	6,710	12,975	1,795	25,885	892	125	74.4	8,500	8,473	33,900
Massachusetts	5,467	83.6	22,623	10,171	14,501	2,426	27,805	1,147	269	32.3	50,500	15,700	58,900
Michigan	8,766	73.4	34,574	15,685	20,488	4,488	114,170	2,166	343	84.8	37,700	15,471	62,600
Minnesota	3,700	62.2	13,350	6,532	2,517	2,144	127,099	914	148	80.4	22,000	4,244	21,900
Mississippi	2,360	37.7	5,174	2,787	1,528	1,085	66,104	575	69	87.0	73,900	5,131	29,200
Missouri	4,651	66.6	16,086	8,158	9,548	2,313	114,596	1,077	165	69.1	92.800	7,645	34,900
Montana	694	50.2	2,168	1,211	824	478	76,437	175	26	88.5	3,700	1,376	3,600
Nebraska	1,449	54.3	5,278	2,779	4,333	929	103,464	331	61	73.8	8,100	2,116	7,600
Nevada	457	70.4	1,992	1,056	1,477	329	47,562	124	10	100.0	3,600	451	3,300
New Hampshire	717	58.3	2,491	1,310	2,384	377	14,669	152	27	51.9	4,300	2,158	2,200
New Jersey	7,148	88.6	30,580	12,746	28,429	3,490	31,522	1,455	170	61.8	15,600	17,071	68,200
New Mexico	994	65.9	2,876	1,489	1,440	611	66,450	276	38	92.1	9,300	710	13,400

Footnotes at end of table.

State	Population[1]		Personal income calendar 1969[2] (millions)	Retail sales[3] calendar 1969 (millions)	Assessed valuation of property 1966[4] (millions)	Motor vehicle registration[5] calendar 1969 (thousands)	Mileage in state and local systems[6] calendar 1968	Public elementary and secondary school enrollment fall 1969 (thousands)	Higher education enrollment fall 1969[7]		Old age assistance receipients, December 1969	Patients in mental hospitals, Dec. 31, 1968[8]	Families receiving aid to dependent children, December 1969
	Total, July 1, 1969 (thousands)	Percent urban in 1960							Total public and private (thousands)	Percent public			
New York	18, 321	85. 4	80, 989	32, 397	51, 161	6, 505	102, 327	3, 514	704	52. 3	91, 700	80, 548	272, 000
North Carolina	5, 205	39. 5	15, 045	7, 574	13, 621	2, 717	85, 029	1, 186	148	66. 9	38, 800	8, 449	31, 600
North Dakota	615	35. 2	1, 852	1, 095	693	420	107, 237	148	28	96. 4	3, 900	1, 208	2, 800
Ohio	10, 740	73. 4	40, 587	18, 247	33, 936	5, 875	108, 360	2, 424	337	70. 9	58, 600	20, 740	66, 800
Oklahoma	2, 568	62. 9	7, 872	4, 111	3, 049	1, 650	107, 321	613	106	82. 1	75, 900	3, 993	25, 800
Oregon	2, 032	62. 2	7, 244	3, 751	3, 454	1, 335	90, 810	479	96	86. 5	7, 500	2, 219	20, 100
Pennsylvania	11, 803	71. 6	43, 243	19, 556	17, 336	5, 760	113, 911	2, 318	372	54. 6	46, 800	31, 839	103, 000
Rhode Island	911	86. 4	3, 442	1, 504	3, 157	470	5, 203	180	45	57. 8	3, 900	1, 987	9, 900
South Carolina	2, 692	41. 2	6, 947	3, 507	1, 037	1, 311	59, 520	648	56	67. 9	19, 000	5, 896	12, 800
South Dakota	659	39. 3	2, 011	1, 132	2, 393	418	84, 333	167	29	75. 9	4, 500	1, 342	4, 300
Tennessee	3, 985	52. 3	11, 197	5, 954	4, 942	1, 971	77, 617	891	123	69. 1	52, 400	7, 011	32, 500
Texas	11, 187	75. 0	36, 401	18, 569	16, 366	6, 506	240, 130	2, 755	379	80. 7	233, 000	14, 609	47, 800
Utah	1, 045	74. 9	3, 129	1, 546	1, 541	601	39, 040	302	70	62. 9	3, 600	542	9, 100
Vermont	439	38. 5	1, 434	817	640	215	14, 208	100	18	50. 0	4, 500	1, 467	3, 100
Virginia	4, 669	55. 6	15, 377	6, 988	9, 834	2, 161	60, 428	1, 077	127	78. 0	11, 900	11, 651	22, 000
Washington	3, 402	68. 1	13, 046	6, 181	4, 875	2, 106	73, 955	820	154	87. 0	23, 300	3, 012	30, 400
West Virginia	1, 819	38. 2	4, 748	2, 250	4, 915	836	35, 850	401	59	79. 7	12, 600	4, 590	22, 000
Wisconsin	4, 233	63. 8	15, 437	7, 326	15, 123	2, 075	101, 729	980	172	80. 8	18, 500	11, 709	21, 200
Wyoming	320	56. 8	1, 103	572	1, 168	238	40, 338	87	14	100. 0	1, 700	509	1, 400
District of Columbia	798	100. 0	3, 869	1, 746	3, 538	254	1, 083	150	70	8. 6	2, 700	5, 539	9, 500

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[1] Excludes Armed Forces overseas.
[2] Preliminary.
[3] Estimated by Sales Management, Inc.
[4] Assessed value subject to tax, after deduction of exemptions.
[5] Includes private, commercial, and public-owned vehicles (except military vehicles).
[6] Includes mileage in Federal parks, forests, and reservations that are not a part of the State highway system.
[7] Total includes 15,000 students in U.S. service academies not listed under States.
[8] Primarily resident patients in State and county mental hospitals.

Source: Department of Commerce; Department of Health, Education, and Welfare; and Sales Management, Inc.—Copyright 1970, Sales Management's Survey of Buying Power; further reproduction is forbidden.

PUBLIC ELEMENTARY AND SECONDARY SCHOOL EXPENDITURES BY STATE[1]

[Selected School Years 1945-46—1967-68; in thousands]

State	1945–46	1949–50	1955–56	1959–60	1967–68
Total[2]	$2, 906, 886	$5, 837, 643	$10, 955, 047	$15, 613, 255	$32, 983, 730
Alabama	39, 054	79, 374	134, 070	191, 165	388, 631
Alaska				24, 195	72, 974
Arizona	14, 840	41, 535	83, 138	139, 697	277, 944
Arkansas	22, 959	54, 354	71, 690	100, 548	244, 219
California	221, 435	623, 359	1, 280, 350	2, 021, 625	4, 047, 651
Colorado	25, 861	59, 458	126, 061	189, 508	348, 231
Connecticut	41, 174	83, 748	156, 406	231, 407	496, 364
Delaware	5, 724	13, 118	29, 604	55, 667	114, 694
Florida	38, 970	97, 319	226, 826	367, 207	899, 032
Georgia	46, 102	95, 225	166, 676	236, 764	652, 416
Hawaii				48, 766	126, 235
Idaho	11, 687	26, 267	42, 964	52, 527	99, 685
Illinois	178, 815	358, 198	627, 899	846, 734	1, 704, 019
Indiana	81, 692	158, 180	260, 008	393, 626	913, 566
Iowa	59, 525	114, 174	186, 992	235, 678	487, 457
Kansas	41, 500	72, 391	157, 982	216, 003	365, 421
Kentucky	38, 033	68, 092	96, 995	148, 236	347, 409
Louisiana	39, 991	112, 753	191, 806	298, 618	540, 965
Maine	14, 769	25, 143	39, 911	59, 674	135, 396
Maryland	35, 116	94, 545	186, 622	286, 550	725, 359
Massachusetts	93, 224	145, 559	272, 537	368, 907	833, 453
Michigan	134, 015	274, 534	581, 448	811, 973	1, 724, 076
Minnesota	64, 667	118, 163	258, 676	352, 448	737, 601
Mississippi	21, 080	40, 786	81, 329	148, 791	251, 688
Missouri	78, 573	112, 463	222, 219	300, 749	662, 857
Montana	18, 316	31, 607	51, 722	64, 021	129, 681
Nebraska	$29, 478	$47, 193	$86, 589	$112, 836	$212, 662
Nevada	3, 427	8, 757	21, 638	32, 641	96, 486
New Hampshire	8, 154	16, 939	29, 559	41, 114	94, 352
New Jersey	120, 017	199, 986	399, 081	599, 007	1, 262, 277
New Mexico	13, 820	33, 509	73, 640	88, 902	182, 227
New York	351, 711	617, 811	1, 256, 339	1, 742, 717	3, 762, 231
North Carolina	63, 477	151, 323	225, 311	294, 744	606, 876
North Dakota	14, 594	24, 905	41, 687	59, 694	99, 559
Ohio	158, 379	291, 920	573, 343	799, 953	1, 558, 569
Oklahoma	45, 467	87, 611	150, 036	185, 751	323, 168
Oregon	31, 651	93, 325	136, 818	185, 229	366, 258
Pennsylvania	205, 379	348, 118	584, 052	797, 498	1, 794, 868
Rhode Island	13, 929	21, 538	37, 350	53, 035	128, 981
South Carolina	28, 959	63, 465	141, 732	136, 686	329, 895
South Dakota	15, 683	27, 071	44, 392	53, 855	105, 016
Tennessee	39, 596	104, 576	155, 927	214, 459	488, 335
Texas	138, 465	303, 013	546, 691	757, 092	1, 564, 727
Utah	17, 897	33, 800	68, 861	97, 490	192, 219
Vermont	6, 520	11, 548	28, 024	28, 144	67, 664
Virginia	47, 840	100, 902	188, 478	266, 942	664, 697
Washington	59, 661	113, 845	225, 113	319, 393	619, 081
West Virginia	40, 108	69, 666	96, 059	122, 434	230, 806
Wisconsin	69, 861	123, 868	244, 225	332, 960	712, 572
Wyoming	7, 661	14, 737	35, 114	46, 844	58, 600
District of Columbia	14, 031	27, 871	38, 060	52, 752	134, 391
Alaska	1, 391	4, 101	13, 093		
Hawaii	12, 712	19, 412	30, 551		

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[1] Includes current expenditures, capital outlay, and interest for public day schools, expenditures or operation of summer and adult programs, community services, and community colleges.
[2] Beginning in 1959–60, totals include Alaska and Hawaii.

Source: Department of Health, Education, and Welfare, Office of Education.

STATE LONG-TERM DEBT BY CHARACTER AND STATE

[End of fiscal year 1969; dollar figures in thousands]

State	Gross long-term debt	Full faith and credit		Nonguaranteed	
		Total[1]	General obligation	Amount	Percent of total
Total	$36, 686, 452	$16, 182, 805	$12, 729, 539	$20, 503, 647	55. 9
Alabama	632, 435	56, 900	55, 325	575, 535	91. 0
Alaska	168, 623	105, 333	105, 333	63, 290	37. 5
Arizona	90, 238			90, 238	100. 0
Arkansas	108, 736	18, 622	18, 622	90, 114	82. 9
California	5, 494, 072	4, 811, 450	3, 556, 750	682, 622	12. 4
Colorado	124, 710			124, 710	100. 0
Connecticut	1, 311, 041	1, 001, 086	765, 977	309, 955	23. 6
Delaware	426, 428	338, 146	338, 146	88, 282	20. 7
Florida	941, 238			941, 238	100. 0
Georgia	876, 989	16	16	876, 973	([2])
Hawaii	445, 211	325, 837	325, 837	119, 374	26. 8
Idaho	30, 505	516	516	29, 989	98. 3
Illinois	1, 279, 826	291, 900	291, 900	987, 926	77. 2
Indiana	$527, 385			$527, 385	100. 0
Iowa	100, 224	$10, 400	$10, 400	89, 824	89. 6
Kansas	236, 432	18, 165		218, 267	92. 3
Kentucky	1, 186, 420	252, 390	252, 390	934, 030	78. 7
Louisiana	780, 437	369, 628	351, 385	410, 809	52. 6
Maine	200, 901	130, 700	126, 690	70, 201	34. 9
Maryland	966, 431	562, 871	557, 325	403, 470	41. 7
Massachusetts	1, 801, 014	1, 065, 504	781, 867	735, 510	40. 8
Michigan	888, 965	17, 200	17, 200	811, 165	98. 1
Minnesota	360, 955	292, 022	292, 022	68, 933	19. 1
Mississippi	443, 432	309, 386	179, 386	134, 046	30. 2
Missouri	148, 358	38, 755	38, 755	109, 603	73. 9
Montana	81, 868	650	650	81, 218	99. 2
Nebraska	54, 655			54, 655	100. 0
Nevada	29, 003	20, 006	20, 006	8, 997	31. 0

STATE LONG-TERM DEBT BY CHARACTER AND STATE—Continued

State	Gross long-term debt	Full faith and credit		Nonguaranteed	
		Total [1]	General obligation	Amount	Percent of total
New Hampshire	$114,660	$111,939	$111,939	$2,721	23.7
New Jersey	1,358,357	585,074	337,341	773,283	56.9
New Mexico	130,621	23,096	23,096	107,525	82.3
New York	5,546,673	2,199,349	994,226	3,347,324	60.3
North Carolina	462,384	367,881	367,881	94,503	20.4
North Dakota	34,369	885	885	33,754	98.2
Ohio	1,069,625	144,016	144,016	925,610	86.5
Oklahoma	685,389	136,525	136,525	548,864	80.1
Oregon	596,450	596,434	587,584	16	(3)
Pennsylvania	2,889,930	431,571	431,571	2,458,359	85.1
Rhode Island	288,760	221,742	182,477	67,018	23.2
South Carolina	$326,896	$189,271	$189,271	$137,625	42.1
South Dakota	28,821			28,821	100.0
Tennessee	298,443	229,730	229,730	68,713	23.0
Texas	938,621	432,575	432,575	506,046	53.9
Utah	103,070	56,000	56,000	47,070	45.7
Vermont	169,449	145,304	143,994	24,145	14.2
Virginia	344,085	81,373	81,373	262,712	76.4
Washington	672,288	67,265	67,265	605,023	90.0
West Virginia	445,162	125,292	125,292	319,870	71.9
Wisconsin	392,691			392,691	100.0
Wyoming	52,995			52,995	100.0

[1] Total includes general obligation debt plus $3,453,266,000 payable initially from specified nontax revenue.

[2] More than 99.9 percent.

[3] Less than 0.05 percent.

Source: Department of Commerce, Bureau of the Census. Percentage computations by Tax Foundation.

TOTAL AND PER CAPITA GROSS DEBT AND NET LONG-TERM DEBT BY STATE[1]

[End of selected fiscal years 1946–69]

State	Gross debt				Net long-term debt 1969	
	Total in millions			Per capita 1969	Total in millions	Per capita
	1946	1950	1969			
Total	$2,352.8	$5,285.1	$36,686.5	$182	$32,297.1	$161
Alabama	[2] 50.2	[2] 53.8	632.4	179	621.0	176
Alaska			168.6	598	162.7	577
Arizona	2.8	3.5	90.2	53	82.9	49
Arkansas	134.6	132.8	108.7	54	93.3	47
California	169.9	263.3	5,494.1	283	4,207.5	216
Colorado	19.5	14.6	124.7	59	111.4	53
Connecticut	22.8	158.5	1,311.0	437	1,167.8	389
Delaware	4.7	76.8	426.4	790	423.6	784
Florida	4.4	19.7	941.2	148	815.9	128
Georgia	8.4	2.8	877.0	189	824.5	178
Hawaii			445.2	561	425.5	536
Idaho	.4	.9	30.5	42	29.0	40
Illinois	104.8	427.8	1,279.8	116	1,183.3	107
Indiana	7.2	14.9	527.4	103	454.1	89
Iowa	1.2	35.1	100.2	36	89.9	32
Kansas	10.3	5.5	236.4	102	230.1	99
Kentucky	3.2	7.2	1,186.4	367	1,135.6	351
Louisiana	156.1	229.5	780.4	208	757.8	202
Maine	17.0	30.1	200.9	205	194.8	199
Maryland	34.6	101.8	966.3	257	904.5	240
Massachusetts	84.0	242.4	1,801.0	329	1,683.6	308
Michigan	23.1	232.1	889.0	101	805.3	92
Minnesota	66.2	131.9	361.0	98	354.1	96
Mississippi	63.4	77.6	443.4	188	431.0	183
Missouri	$59.1	$40.3	$148.4	$32	$135.9	$29
Montana	12.7	25.1	81.9	118	66.9	96
Nebraska	.8	1.0	54.7	38	50.5	35
Nevada		.8	29.0	63	27.9	61
New Hampshire	11.6	22.5	114.7	160	111.9	156
New Jersey	63.8	98.7	1,358.4	190	1,307.6	183
New Mexico	21.2	29.9	130.6	131	109.8	110
New York	563.1	866.9	5,546.7	303	4,685.2	256
North Carolina	101.9	202.3	462.4	89	448.1	86
North Dakota	19.0	43.6	34.6	56	30.7	50
Ohio	[2] 3.7	189.8	1,069.6	100	946.4	88
Oklahoma	41.3	96.3	685.4	267	562.9	219
Oregon	18.3	36.7	596.4	294	147.2	72
Pennsylvania	125.6	804.7	2,889.9	245	2,710.5	230
Rhode Island	24.4	53.7	288.8	317	276.9	304
South Carolina	74.6	98.7	326.9	121	301.7	112
South Dakota	23.5	37.2	28.8	44	27.2	41
Tennessee	74.0	99.4	298.4	75	290.4	73
Texas	[2] 12.2	[2] 52.3	938.6	84	861.4	77
Utah	1.9	1.0	103.1	99	98.8	95
Vermont	2.2	6.3	169.4	386	168.0	383
Virginia	22.5	38.1	344.1	74	328.1	70
Washington	11.9	97.7	672.3	198	600.1	176
West Virginia	68.2	70.4	445.2	245	422.8	232
Wisconsin	3.7	4.4	392.7	93	359.5	85
Wyoming	[2] 2.9	[2] 2.9	53.0	166	31.7	99

[1] Gross debt includes short- and long-term debt (see amounts in table 166).

[2] Fiscal year ending in preceding calendar year.

Source: Department of Commerce, Bureau of the Census.

STATE PAYMENTS TO LOCAL GOVERNMENTS BY FUNCTION AND STATE: FISCAL YEAR 1969

[In millions]

State	Total	Specified function				General local government support
		Education	Highways	Public welfare	Other [1]	
Total	$24,779.3	$14,858.3	$2,108.7	$4,402.4	$1,274.5	$2,135.4
Alabama	336.5	254.5	60.4		12.5	9.1
Alaska	36.3	30.8			1.3	4.2
Arizona	259.5	183.5	22.3		3.6	50.1
Arkansas	171.2	129.5	26.5	.1	4.9	10.1
California	3,676.2	[2] 1,575.1	279.7	1,365.9	266.7	188.6
Colorado	222.0	107.0	24.3	81.8	8.6	.3
Connecticut	195.2	155.3	9.4	7.4	11.0	12.0
Delaware	78.7	75.5	2.1		1.2	
Florida	756.9	690.2	21.8	.2	42.6	1.2
Georgia	,454.8	370.3	32.4	14.7	20.6	16.7
Hawaii	16.8	1.0			3.3	12.4
Idaho	60.7	42.4	12.5		.4	5.5
Illinois	824.7	544.7	157.3	104.4	18.3	
Indiana	518.2	300.2	86.8	63.1	15.9	52.2
Iowa	375.6	246.5	75.3	2.2	3.8	47.8
Kansas	234.4	126.3	15.7	77.2	4.2	11.1
Kentucky	254.1	235.0	3.3		14.1	1.8
Louisiana	453.6	335.7	24.8		22.3	70.8
Maine	53.8	46.5	3.7	.5	2.4	.6
Maryland	514.3	254.3	71.1	102.7	48.6	37.6
Massachusetts	444.8	221.5	14.8	52.8	56.1	99.6
Michigan	1,229.9	774.3	215.8	30.2	29.0	180.5
Minnesota	665.6	303.3	61.5	140.8	13.3	136.8
Mississippi	252.7	200.8	27.1		8.6	16.3
Missouri	$307.2	$274.1	$19.6	$0.9	$6.9	$5.6
Montana	46.7	42.5		.2	3.9	
Nebraska	111.6	38.2	23.2	45.0	3.9	1.3
Nevada	58.8	45.3	3.8		2.7	7.0
New Hampshire	17.2	11.1	.5	.1	1.7	3.7
New Jersey	577.8	312.3	21.0	191.3	43.0	10.2
New Mexico	149.3	133.9	5.8		4.9	4.7
New York	4,970.2	2,259.5	138.5	1,772.4	293.3	506.5
North Carolina	627.1	470.5	10.4	101.2	14.1	30.9
North Dakota	52.4	36.0	11.7	1.3	1.9	1.4
Ohio	811.5	465.6	191.0	52.3	17.7	84.9
Oklahoma	223.9	157.7	50.5	.4	12.7	2.7
Oregon	191.5	97.2	48.6	1.5	5.5	38.6
Pennsylvania	1,070.0	864.1	65.1	42.0	92.8	6.1
Rhode Island	67.5	50.6	.4	6.8	1.5	8.1
South Carolina	240.1	192.1	11.4		12.2	24.5
South Dakota	28.8	21.9	2.7	.1	2.0	2.1
Tennessee	329.5	234.8	57.8	.2	10.4	26.3
Texas	790.7	763.8	7.5		19.3	.1
Utah	113.5	103.3	4.6		4.7	1.0
Vermont	39.1	29.9	7.0	.4	1.8	(3)
Virginia	450.6	339.5	18.5	49.9	28.9	13.9
Washington	475.3	336.8	62.0	9.3	31.3	35.9
West Virginia	150.8	141.6		3.1	6.1	
Wisconsin	760.2	207.0	95.5	75.2	34.3	348.2
Wyoming	41.4	24.9	3.1	4.5	2.4	6.4

[1] Largely health and hospitals.

[2] Includes $6,763,000, contingent loans for school construction.

[3] Less than $50,000.

Source: Department of Commerce, Bureau of the Census.

STATE AND LOCAL DIRECT GENERAL EXPENDITURES BY FUNCTION AND STATE: FISCAL YEAR 1969

[In millions]

State	Total	Education	Highways	Public welfare	Health and hospitals	Police and fire	Financial administration [1]	Other [2]
Total	$116,727	$47,238	$15,417	$12,110	$8,520	$5,694	$4,105	$23,643
Alabama	1,570	631	242	157	127	54	41	318
Alaska	343	110	70	11	12	9	17	114
Arizona	976	484	140	43	45	47	40	177
Arkansas	884	314	147	88	57	23	23	232
California	15,099	5,365	1,461	2,283	965	831	603	3,591
Colorado	1,272	595	156	128	93	48	54	198
Connecticut	1,764	664	210	174	116	96	77	429
Delaware	381	161	66	24	21	11	14	83
Florida	3,080	1,364	334	171	283	155	138	634
Georgia	2,206	930	237	211	254	78	76	419
Hawaii	633	210	78	36	36	27	29	216
Idaho	356	140	70	26	24	13	15	68
Illinois	6,154	2,467	822	504	410	340	195	1,415
Indiana	2,477	1,264	350	102	192	100	76	393
Iowa	1,654	758	288	134	97	50	55	272
Kansas	1,176	538	198	86	83	41	40	190
Kentucky	1,619	649	340	167	93	54	40	276
Louisiana	1,979	742	315	251	150	84	55	381
Maine	468	186	88	46	23	20	19	86
Maryland	2,309	964	236	193	185	140	80	512
Massachusetts	3,480	1,036	338	771	269	222	125	719
Michigan	5,388	2,562	526	496	417	247	185	956
Minnesota	2,368	1,065	380	207	171	70	74	401
Mississippi	1,029	409	173	85	74	31	24	232
Missouri	2,268	969	315	239	185	118	72	370
Montana	403	165	96	28	18	12	17	68
Nebraska	768	353	127	45	57	31	28	127
Nevada	351	117	57	22	31	24	21	80
New Hampshire	348	144	72	25	21	16	12	58
New Jersey	3,782	1,511	569	223	234	258	156	831
New Mexico	605	293	94	57	32	22	24	82
New York	14,954	5,071	1,310	2,207	1,541	919	507	3,399
North Carolina	2,030	949	307	132	150	81	72	338
North Dakota	384	161	70	28	13	8	13	91
Ohio	5,092	2,150	813	417	312	252	170	977
Oklahoma	1,316	524	202	226	76	46	44	197
Oregon	1,271	599	172	79	63	51	56	250
Pennsylvania	6,032	2,507	993	561	326	264	209	1,173
Rhode Island	543	192	79	74	33	29	21	116
South Carolina	1,023	481	119	55	98	38	32	201
South Dakota	396	184	93	26	13	9	14	56
Tennessee	1,725	697	283	126	155	72	51	341
Texas	4,490	2,268	796	388	321	235	156	776
Utah	612	326	97	41	29	18	18	83
Vermont	280	110	69	30	11	8	10	42
Virginia	2,126	948	367	101	147	90	75	398
Washington	2,208	1,004	310	186	124	89	79	416
West Virginia	845	355	189	75	50	20	25	131
Wisconsin	2,754	1,231	416	252	167	118	91	479
Wyoming	304	108	72	10	22	7	8	77
District of Columbia	664	178	66	57	94	69	26	174

[1] Includes general control.

[2] Sewerage, other sanitation, local parks and recreation, interest on general debt, and all other general expenditures.

Source: Department of Commerce, Bureau of the Census.

STATE TAX COLLECTIONS BY STATE: EXCLUDING UNEMPLOYMENT TAX COLLECTIONS[1], SELECTED FISCAL YEARS 1939-1970[2]

[In thousands]

State	1939	1946	1950	1960	1969	1970
Total	$3,076,387	$4,937,065	$7,929,881	$18,035,927	$41,930,697	$47,904,706
Alabama	47,780	66,607	115,918	273,718	575,154	657,361
Alaska				27,110	71,828	85,899
Arizona	15,288	31,701	47,836	164,965	410,723	474,270
Arkansas	28,030	55,415	85,015	158,118	317,602	351,447
California	242,215	480,144	811,206	2,124,369	5,243,537	5,497,548
Colorado	31,360	51,268	89,455	192,542	408,092	470,060
Connecticut	40,258	55,783	105,636	238,124	541,573	741,789
Delaware	9,776	15,175	25,775	70,776	156,999	195,648
Florida	51,191	111,066	170,275	521,682	1,269,436	1,421,109
Georgia	42,128	79,769	124,648	369,080	828,109	941,334
Hawaii				124,230	289,033	340,450
Idaho	10,143	18,172	30,052	68,999	150,532	155,880
Illinois	183,247	256,819	380,270	836,372	1,927,422	2,868,694
Indiana	72,617	117,887	202,895	399,379	881,725	1,002,418
Iowa	61,071	82,127	146,437	265,787	588,599	628,327
Kansas	36,144	59,221	119,349	206,622	385,077	430,975
Kentucky	40,787	56,032	107,390	228,507	654,900	703,044
Louisiana	70,143	113,157	240,867	452,695	776,704	838,792
Maine	19,751	26,049	41,628	86,929	158,221	207,617
Maryland	35,895	57,523	131,464	343,579	862,770	1,082,058
Massachusetts	106,826	175,351	234,846	491,123	1,233,510	1,393,653
Michigan	139,610	238,113	393,056	913,920	2,248,779	2,345,090
Minnesota	75,775	99,050	188,610	352,583	914,569	1,020,953
Mississippi	27,288	57,943	87,451	194,300	400,390	485,755
Missouri	69,071	111,789	162,215	213,895	711,110	820,860
Montana	11,007	14,395	30,149	64,868	111,822	128,823
Nebraska	21,474	28,661	54,055	91,052	217,329	261,307
Nevada	3,554	5,375	10,953	44,885	125,561	149,128
New Hampshire	12,445	16,328	19,819	41,757	83,247	94,765
New Jersey	91,730	135,150	147,914	365,232	1,181,308	1,332,251
New Mexico	13,998	27,120	51,070	123,206	237,423	266,458
New York	416,207	668,718	891,738	1,961,008	5,329,946	6,116,519
North Carolina	69,169	137,544	212,728	459,373	1,009,568	1,190,220
North Dakota	11,235	21,196	39,210	60,760	105,421	121,646

STATE TAX COLLECTIONS BY STATE: EXCLUDING UNEMPLOYMENT TAX COLLECTIONS [1] SELECTED FISCAL YEARS 1939–1970 [2]—Continued

State	1939	1946	1950	1960	1969	1970
Ohio	$190, 341	$242, 376	$379, 403	$872, 723	$1, 540, 503	$1, 702, 624
Oklahoma	55, 721	104, 883	158, 232	275, 379	472, 562	502, 121
Oregon	22, 592	52, 094	99, 829	208, 283	405, 808	430, 686
Pennsylvania	238, 747	263, 406	439, 387	1, 032, 861	2, 265, 832	2, 777, 578
Rhode Island	14, 162	25, 284	38, 297	86, 095	200, 104	228, 674
South Carolina	28, 646	61, 133	90, 019	235, 478	465, 146	543, 678
South Dakota	14, 879	18, 887	37, 923	52, 993	91, 889	112, 725
Tennessee	40, 553	67, 065	149, 782	304, 590	645, 758	686, 936
Texas	111, 375	170, 921	315, 117	792, 800	1, 710, 686	1, 924, 788
Utah	15, 365	26, 181	43, 613	100, 405	203, 314	251, 596
Vermont	9, 853	13, 383	20, 425	43, 522	100, 892	135, 176
Virginia	47, 365	79, 625	147, 081	291, 664	924, 229	955, 726
Washington	57, 474	134, 872	201, 560	460, 770	980, 715	1, 028, 028
West Virginia	43, 616	62, 252	94, 029	180, 119	346, 556	384, 993
Wisconsin	75, 649	126, 433	197, 546	426, 234	1, 090, 826	1, 332, 754
Wyoming	6, 836	8, 622	17, 663	41, 460	77, 858	84, 475

[1] Unemployment tax collections by State shown in tab'e 163.

[2] Data for 1970 are preliminary; 1939 not strictly comparable to other years.

Source: Department of Commerce, Bureau of the Census.

STATE UNEMPLOYMENT COMPENSATION TAX COLLECTIONS BY STATE—SELECTED FISCAL YEARS 1939-69 [1]

(Thousands)

State	1939	1946	1950	1960	1969
Total	$801, 113	$1, 033, 591	$1, 028, 033	$2, 135, 933	$2, 550, 431
Alabama	8, 134	10, 392	11, 913	17, 739	26, 566
Alaska				5, 322	12, 592
Arizona	2, 140	3, 114	3, 824	9, 149	19, 479
Arkansas	3, 303	5, 471	4, 332	8, 842	14, 931
California	75, 351	143, 767	128, 456	268, 217	552, 361
Colorado	4, 875	4, 979	3, 490	5, 501	7, 944
Connecticut	15, 670	25, 848	13, 285	42, 766	65, 037
Delaware	2, 205	972	1, 458	9, 677	5, 120
Florida	6, 109	10, 680	7, 542	35, 967	27, 606
Georgia	8, 869	12, 223	13, 013	27, 084	38, 887
Hawaii				4, 464	13, 288
Idaho	2, 016	2, 644	4, 263	5, 103	8, 115
Illinois	65, 909	58, 304	56, 031	121, 051	57, 334
Indiana	19, 623	22, 082	18, 156	42, 998	51, 536
Iowa	8, 091	9, 346	10, 848	9, 811	12, 863
Kansas	5, 703	7, 928	5, 966	10, 605	17, 077
Kentucky	10, 939	11, 080	14, 833	29, 297	25, 502
Louisiana	9, 810	13, 192	15, 350	20, 217	31, 170
Maine	4, 032	5, 927	6, 173	8, 560	9, 650
Maryland	11, 844	16, 846	12, 294	44, 372	22, 164
Massachusetts	37, 803	21, 823	49, 018	78, 435	121, 656
Michigan	36, 563	60, 890	68, 839	154, 185	125, 969
Minnesota	14, 100	16, 988	9, 184	22, 123	44, 548
Mississippi	2, 143	6, 026	4, 118	13, 319	7, 391
Missouri	$19, 567	$22, 498	$23, 327	$30, 003	$34, 972
Montana	2, 682	3, 623	4, 178	4, 106	6, 051
Nebraska	3, 986	2, 951	2, 724	6, 754	7, 171
Nevada	937	1, 499	1, 515	6, 013	11, 668
New Hampshire	2, 734	3, 049	4, 538	6, 785	6, 756
New Jersey	43, 978	63, 647	43, 601	109, 894	164, 266
New Mexico	1, 481	1, 983	4, 058	5, 996	6, 796
New York	119, 215	166, 945	208, 227	293, 185	354, 089
North Carolina	10, 691	15, 978	17, 987	37, 627	52, 091
North Dakota	1, 112	768	1, 869	3, 122	5, 015
Ohio	56, 889	68, 307	44, 029	107, 558	89, 817
Oklahoma	5, 621	5, 412	7, 310	11, 171	10, 701
Oregon	6, 439	11, 562	12, 788	34, 338	28, 098
Pennsylvania	75, 745	60, 117	57, 937	239, 053	168, 780
Rhode Island	7, 594	13, 335	10, 927	19, 071	19, 183
South Carolina	4, 438	5, 127	7, 377	11, 765	24, 742
South Dakota	1, 144	587	1, 368	1, 970	2, 070
Tennessee	8, 486	17, 513	12, 396	29, 737	45, 056
Texas	22, 740	20, 714	26, 927	42, 698	27, 652
Utah	2, 627	4, 885	3, 096	6, 793	11, 659
Vermont	1, 506	1, 796	1, 569	2, 585	6, 806
Virginia	9, 913	8, 330	8, 644	23, 365	15, 048
Washington	10, 061	30, 764	34, 756	50, 512	49, 616
West Virginia	9, 453	9, 511	9, 604	22, 701	19, 105
Wisconsin	15, 415	20, 960	13, 222	31, 759	61, 487
Wyoming	1, 427	1, 208	1, 673	2, 568	2, 950

[1] Data for 1939 are not strictly comparable to other years.

Source: Department of Commerce, Bureau of the Census.

UNEMPLOYMENT COMPENSATION BENEFITS AND RESERVES BY STATE, AS OF JUNE 30, 1970

State	Thousands			Amount of benefits paid for each dollar of income [2]
	Cumulative contributions collected and interest [1]	Cumulative benefits paid	Funds available for benefits	
Total [3]	$62, 254, 519	$49, 627, 234	$12, 443, 633	$0. 80
Alabama	630, 145	486, 762	134, 440	. 77
Alaska	163, 098	134, 807	29, 840	. 83
Arizona	299, 196	182, 456	116, 676	. 61
Arkansas	295, 253	243, 227	49, 514	. 82
California	8, 675, 558	7, 308, 145	1, 308, 853	. 84
Colorado	291, 470	208, 308	85, 181	. 71
Connecticut	1, 272, 008	983, 179	293, 165	. 77
Delaware	142, 673	119, 423	23, 989	. 84
District of Columbia	222, 554	146, 093	75, 806	. 66
Florida	727, 296	458, 243	269, 481	. 63
Georgia	800, 627	467, 169	333, 585	. 58
Hawaii	170, 651	125, 628	45, 417	. 74
Idaho	190, 080	145, 704	44, 438	. 77
Illinois	3, 106, 591	2, 670, 907	448, 965	. 86
Indiana	1, 225, 018	893, 899	326, 797	. 73
Iowa	378, 506	250, 257	128, 773	. 66
Kansas	390, 328	296, 327	94, 299	. 76
Kentucky	737, 655	567, 718	171, 296	. 77
Louisiana	752, 018	599, 186	154, 087	. 80
Maine	285, 226	243, 584	41, 729	. 85
Maryland	984, 034	751, 009	222, 193	. 76
Massachusetts	2, 675, 968	2, 272, 927	406, 638	. 85
Michigan	3, 495, 337	2, 879, 662	588, 545	. 82
Minnesota	755, 070	641, 072	116, 270	. 85
Mississippi	306, 835	223, 518	83, 589	. 73
Missouri	$1, 062, 780	$789, 616	$273, 437	$0. 74
Montana	167, 693	143, 590	24, 335	. 86
Nebraska	194, 276	139, 146	55, 363	. 72
Nevada	179, 104	140, 299	39, 001	. 78
New Hampshire	198, 890	144, 176	55, 209	. 72
New Jersey	3, 317, 052	2, 858, 358	471, 858	. 86
New Mexico	164, 320	123, 499	41, 442	. 75
New York	9, 949, 105	8, 096, 115	1, 768, 630	. 81
North Carolina	1, 076, 944	676, 009	403, 481	. 63
North Dakota	91, 305	80, 885	10, 586	. 89
Ohio	3, 171, 677	2, 472, 086	702, 831	. 78
Oklahoma	364, 436	307, 650	59, 274	. 84
Oregon	720, 995	595, 570	126, 209	. 83
Pennsylvania	5, 292, 230	4, 340, 590	864, 458	. 82
Puerto Rico	217, 078	156, 949	88, 984	. 72
Rhode Island	532, 733	446, 171	81, 675	. 84
South Carolina	451, 559	287, 964	163, 616	. 64
South Dakota	61, 454	45, 311	19, 494	. 74
Tennessee	897, 873	690, 475	208, 013	. 77
Texas	1, 177, 555	826, 084	351, 889	. 70
Utah	229, 855	181, 331	48, 939	. 79
Vermont	114, 710	89, 025	25, 929	. 78
Virginia	518, 948	305, 590	214, 860	. 59
Washington	1, 370, 444	1, 071, 305	302, 221	. 78
West Virginia	528, 809	428, 597	102, 969	. 81
Wisconsin	1, 146, 805	826, 975	327, 121	. 72
Wyoming	82, 696	64, 656	18, 245	. 78

[1] Includes employee contributions in States when in effect: excludes all permanent transfers.

[2] Cumulative benefits paid divided by cumulative contributions and interest.

[3] Includes Puerto Rico beginning Jan. 1, 1961.

Source: Department of Labor, Manpower Administration.

STATE AND LOCAL GENERAL EXPENDITURES, REVENUES, AND DEBT BY STATE: FISCAL YEAR 1969

[In millions]

State	Expenditures			Revenue				Gross debt[1]	
	Total State and local	State	Local	Total State and local	State	Local	From Federal Government	Total State and local	State
Total	$116,727	$43,244	$73,483	$114,550	$49,537	$45,861	$19,153	$133,548	$39,553
Alabama	1,570	729	841	1,485	691	431	363	2,188	635
Alaska	343	239	104	294	123	60	111	375	190
Arizona	976	390	585	1,014	495	331	187	911	90
Arkansas	884	381	503	789	368	216	205	956	111
California	15,099	4,885	10,214	15,449	5,938	6,884	2,627	15,638	5,506
Colorado	1,272	498	774	1,294	524	528	242	1,112	126
Connecticut	1,764	795	969	1,632	664	730	238	3,020	1,640
Delaware	381	197	184	231	202	78	40	732	429
Florida	3,080	1,016	2,063	3,157	1,434	1,316	417	3,567	941
Georgia	2,206	905	1,300	2,108	950	734	423	2,358	877
Hawaii	633	488	144	593	345	122	126	693	449
Idaho	356	171	185	372	177	122	73	186	30
Illinois	6,154	2,183	3,970	5,880	2,183	2,714	983	6,281	1,306
Indiana	2,477	934	1,543	2,530	1,123	1,056	351	1,894	571
Iowa	1,654	633	1,021	1,573	698	654	222	875	100
Kansas	1,176	410	767	1,220	484	550	186	1,096	236
Kentucky	1,619	908	711	1,577	779	392	406	2,489	1,248
Louisiana	1,979	964	1,015	1,970	1,045	502	423	2,745	784
Maine	468	236	232	441	196	163	82	410	201
Maryland	2,309	720	1,589	2,161	1,002	877	282	3,160	1,186
Massachusetts	3,480	1,425	2,055	3,362	1,391	1,451	520	4,103	1,865
Michigan	5,388	1,929	3,459	5,405	2,640	2,054	711	4,749	930
Minnesota	2,368	744	1,624	2,309	1,113	841	356	2,320	361
Mississippi	1,029	470	558	983	983	281	220	1,166	447
Missouri	2,268	934	1,334	2,145	821	937	387	1,982	149
Montana	403	203	200	405	147	165	93	240	82
Nebraska	768	275	494	808	291	402	115	1,201	55
Nevada	351	142	209	356	145	141	71	344	29
New Hampshire	348	173	175	319	112	151	57	326	151
New Jersey	3,782	1,114	2,668	3,846	1,418	1,987	440	4,452	1.408
New Mexico	605	310	294	655	340	133	182	417	131
New York	14,954	3,474	11,480	14,440	6,057	6,415	1,968	22,130	6,745
North Carolina	2,030	873	1,157	2,073	1,187	534	352	1,772	582
North Dakota	384	197	187	394	184	138	72	217	35
Ohio	5,092	1,747	3,345	4,944	1,874	2,322	748	5,416	1.403
Oklahoma	1,316	728	588	1,365	638	384	342	1,553	686
Oregon	1,271	526	745	1,269	518	507	244	1,253	596
Pennsylvania	6,032	2,636	3,396	5,643	2,528	2,211	904	8,188	2,904
Rhode Island	543	300	243	495	240	163	92	726	352
South Carolina	1,023	511	513	967	552	234	181	789	327
South Dakota	396	192	203	391	135	167	89	136	29
Tennessee	1,725	740	985	1,628	732	552	344	2,242	370
Texas	4,940	1,961	2,979	4,960	2,129	1,957	875	6,626	939
Utah	612	305	307	592	262	180	150	589	106
Vermont	280	178	101	272	124	74	73	249	170
Virginia	2,126	880	1,247	2,155	1,107	689	359	2,044	344
Washington	2,208	1,005	1,203	2,197	1,151	694	352	4,082	676
West Virginia	845	505	340	834	412	190	232	740	461
Wisconsin	2,754	949	1,805	2,588	1,287	975	326	2,173	514
Wyoming	304	135	169	279	109	87	84	237	53
District of Columbia	664	------------	664	614	------------	387	227	490	------------

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[1] Includes general and utility debt.

Source: Department of Commerce, Bureau of the Census.

PER CAPITA STATE AND LOCAL GENERAL EXPENDITURES BY FUNCTION AND STATE

[Fiscal year 1969]

State	Total	Education	Highways	Public welfare	Health and hospitals	Police and fire	Financial administration[1]	Other[2]
Total	$578	$234	$76	$60	$42	$28	$20	$117
Alabama	445	179	69	44	36	15	12	90
Alaska	1,216	390	248	39	43	32	60	404
Arizona	576	286	83	25	27	28	24	105
Arkansas	443	157	74	44	29	12	12	116
California	777	276	75	117	50	43	31	185
Colorado	606	283	74	61	44	23	26	94
Connecticut	588	221	70	58	39	32	26	143
Delaware	706	298	122	44	39	20	26	154
Florida	485	215	53	27	45	24	22	100
Georgia	475	200	51	45	55	17	16	90
Hawaii	797	264	98	45	45	34	37	272
Idaho	496	195	97	36	33	18	21	95
Illinois	557	223	74	46	37	31	18	128
Indiana	484	247	68	20	38	20	15	77
Iowa	595	273	104	48	35	18	20	98
Kansas	507	232	85	37	36	18	17	82
Kentucky	501	200	105	52	29	17	12	85
Louisiana	528	198	84	67	40	22	15	102
Maine	479	190	90	47	24	20	19	88
Maryland	613	256	63	51	49	37	21	136
Massachusetts	637	190	62	141	49	41	23	132
Michigan	615	292	60	57	48	28	21	109
Minnesota	640	288	103	56	46	19	20	108
Mississippi	436	173	73	36	31	13	10	98
Missouri	488	208	68	51	40	25	15	80
Montana	$581	$238	$138	$40	$26	$17	$24	$98
Nebraska	530	244	88	31	39	21	19	88
Nevada	768	256	125	48	68	53	46	175
New Hampshire	485	201	100	35	29	22	17	81
New Jersey	529	211	80	31	33	36	22	116
New Mexico	609	295	95	57	32	22	24	82
New York	816	277	72	120	84	50	28	186
North Carolina	390	182	59	25	29	16	14	65
North Dakota	624	262	114	46	21	13	21	148
Ohio	474	200	76	39	29	23	16	91
Oklahoma	512	204	79	88	30	18	17	77
Oregon	625	295	85	39	31	25	28	123
Pennsylvania	511	212	84	48	28	22	18	99
Rhode Island	596	211	87	81	36	32	23	127
South Carolina	380	179	44	20	36	14	12	75
South Dakota	601	279	141	39	20	14	21	85
Tennessee	433	175	71	32	39	18	13	86
Texas	442	203	71	35	29	21	14	69
Utah	586	312	93	39	28	17	17	79
Vermont	638	251	157	68	25	18	23	96
Virginia	455	203	79	22	31	19	16	85
Washington	649	295	91	55	36	26	23	122
West Virginia	465	195	104	41	27	11	14	72
Wisconsin	651	291	98	60	39	28	21	113
Wyoming	950	338	225	31	69	22	25	241
District of Columbia	832	223	83	71	118	86	33	218

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[1] Includes general control.

[2] Sewerage, other sanitation, local parks and recreation, interest on general debt, and all other general expenditures.

Source: Computed from data in table 105, based on population at the beginning of the fiscal year.

STATE AND LOCAL TOTAL AND PER CAPITA TAX COLLECTIONS BY STATE: SELECTED FISCAL YEARS 1942–1969

State	Amount (millions)			Per capita [1]		
	1942	1957	1969	1942	1957	1969
Total	$8,528	$28,817	$76,712	$63.24	$169.14	$379.94
Alabama	81	320	793	27.61	102.92	224.47
Alaska			110			390.49
Arizona	34	183	654	65.54	162.74	386.57
Arkansas	56	179	440	28.15	103.05	220.82
California	668	3,311	10,499	86.40	232.13	539.99
Colorado	83	314	810	74.32	188.93	385.80
Connecticut	144	462	1,177	80.11	195.83	392.15
Delaware	16	59	201	55.77	137.98	372.17
Florida	116	667	2,096	53.80	152.51	329.86
Georgia	100	470	1,252	31.18	124.79	269.66
Hawaii			381			480.23
Idaho	30	100	236	61.79	156.25	327.96
Illinois	589	1,732	4,118	73.12	179.10	372.80
Indiana	202	638	1,710	57.55	140.98	334.19
Iowa	154	490	1,081	63.23	180.28	388.60
Kansas	106	369	804	60.14	173.23	346.40
Kentucky	95	325	897	34.04	110.99	277.32
Louisiana	122	498	1,116	48.06	159.95	297.87
Maine	51	141	301	60.31	149.20	308.11
Maryland	107	461	1,546	53.54	160.53	410.58
Massachusetts	358	1,018	2,474	81.96	206.50	452.59
Michigan	371	1,396	3,754	66.80	184.48	428.26
Minnesota	196	600	1,503	73.44	183.29	406.15
Mississippi	73	234	571	32.91	112.23	241.95
Missouri	186	554	1,400	48.63	132.14	301.02
Montana	$39	$126	$244	$74.68	$188.89	$351.33
Nebraska	65	201	525	52.25	144.38	362.13
Nevada	11	60	213	82.19	231.78	466.39
New Hampshire	34	87	215	70.68	152.25	299.37
New Jersey	346	991	2,903	80.51	172.67	406.06
New Mexico	25	128	322	49.84	151.25	323.55
New York	1,386	3,723	10,544	106.63	227.40	575.51
North Carolina	146	503	1,347	40.93	115.20	258.81
North Dakota	44	108	208	75.98	176.14	338.06
Ohio	435	1,404	3,284	62.48	149.21	305.77
Oklahoma	115	346	737	51.97	151.85	287.04
Oregon	78	350	786	70.49	204.20	387.00
Pennsylvania	644	1,777	4,007	66.36	162.21	339.52
Rhode Island	49	130	345	66.04	152.92	378.66
South Carolina	72	246	605	35.88	108.05	224.84
South Dakota	40	113	232	67.47	169.37	352.80
Tennessee	106	404	1,006	36.04	117.73	252.31
Texas	271	1,259	3,084	40.42	138.78	275.66
Utah	37	137	342	64.89	165.59	327.21
Vermont	22	65	169	64.88	172.53	382.17
Virginia	112	492	1,465	36.81	127.89	313.70
Washington	136	514	1,395	71.39	188.67	410.12
West Virginia	87	220	478	47.62	191.48	262.82
Wisconsin	228	709	1,858	74.80	187.00	439.04
Wyoming	16	61	132	65.59	193.14	413.73
District of Columbia	46	143	341	54.14	187.76	427.67

[1] Based on population, excluding Armed Forces overseas, at the end of fiscal year.

Source: Department of Commerce, Bureau of the Census.

EXPENDITURES FOR PUBLIC ASSISTANCE BY SOURCE OF FUNDS AND STATE [1], CALENDAR YEAR 1969

State	Amount (millions)					Percentage distribution				
			State and local					State and local		
	Total	Federal	Total	State	Local	Total	Federal	Total	State	Local
Total	$12,931.4	$6,801.1	$6,130.3	$4,623.0	$1,507.3	100.0	52.6	47.4	35.7	11.7
Alabama	152.9	115.5	37.4	37.2	.2	100.0	75.5	24.5	24.3	.2
Alaska	11.8	5.1	6.7	6.7		100.0	43.1	56.9	56.9	
Arizona	39.4	28.4	11.0	10.8	.2	100.0	72.1	27.9	27.4	.5
Arkansas	90.2	68.5	21.7	21.7		100.0	76.0	24.0	24.0	
California	2,538.4	1,285.4	1,253.0	860.8	392.2	100.0	50.6	49.4	33.9	15.5
Colorado	125.4	73.3	52.1	40.4	11.7	100.0	58.4	41.6	32.2	9.4
Connecticut	172.5	78.8	93.7	91.0	2.7	100.0	45.7	54.3	52.8	1.5
Delaware	18.3	10.0	8.3	7.2	1.1	100.0	54.6	45.4	38.3	7.1
Florida	158.4	116.3	42.1	39.1	3.0	100.0	73.4	26.6	25.7	.9
Georgia	220.1	166.6	53.5	46.0	7.5	100.0	75.7	24.3	20.9	3.4
Hawaii	38.0	16.8	21.2	21.2		100.0	44.2	55.8	55.8	
Idaho	22.8	15.5	7.3	7.3		100.0	68.0	32.0	32.0	
Illinois	622.9	279.0	343.9	324.8	19.1	100.0	44.8	55.2	52.1	3.1
Indiana	90.5	43.4	47.1	28.4	18.7	100.0	47.9	52.1	31.4	20.7
Iowa	115.3	65.3	50.0	38.1	11.9	100.0	56.6	43.4	33.0	10.4
Kansas	109.2	58.3	50.9	27.1	23.8	100.0	53.4	46.6	24.8	21.8
Kentucky	171.2	129.1	42.1	42.1		100.0	75.4	24.6	24.6	
Louisiana	242.2	176.3	65.9	65.9		100.0	72.8	27.2	27.2	
Maine	45.8	30.7	15.1	12.4	2.7	100.0	67.1	32.9	27.1	5.8
Maryland	194.1	96.6	97.5	87.3	10.2	100.0	49.8	50.2	45.0	5.2
Massachusetts	546.4	251.6	294.8	294.5	.3	100.0	46.0	54.0	53.9	.1
Michigan	515.1	238.0	277.1	246.1	31.0	100.0	46.2	53.8	47.8	6.0
Minnesota	210.3	112.3	98.0	40.3	57.7	100.0	53.4	46.6	19.2	27.4
Mississippi	77.5	60.8	16.7	16.1	.6	100.0	78.5	21.5	20.8	.7
Missouri	237.6	152.9	84.7	84.4	.3	100.0	64.3	35.7	35.5	.2
Montana	26.9	15.0	11.9	4.9	7.0	100.0	55.7	44.3	18.2	26.1
Nebraska	53.9	33.2	20.7	15.2	5.5	100.0	61.7	38.3	28.2	10.1
Nevada	16.1	9.5	6.6	4.8	1.8	100.0	58.8	41.2	29.8	11.4
New Hampshire	19.2	11.0	8.2	5.2	3.0	100.0	57.1	42.9	27.1	15.8
New Jersey	309.8	118.8	191.0	132.5	58.5	100.0	38.4	61.6	42.8	18.8
New Mexico	53.3	38.7	14.6	14.6		100.0	72.6	27.4	27.4	
New York	2,648.3	1,130.9	1,517.4	827.2	690.2	100.0	42.7	57.3	31.2	26.1
North Carolina	143.3	99.8	43.5	22.0	21.5	100.0	69.6	30.4	15.4	15.0
North Dakota	27.1	18.7	8.4	6.4	2.0	100.0	69.0	31.0	23.6	7.4
Ohio	379.2	195.4	183.8	165.0	18.8	100.0	51.5	48.5	43.5	5.0
Oklahoma	222.9	156.7	66.2	66.2		100.0	70.3	29.7	29.7	
Oregon	80.0	43.0	37.0	32.6	4.4	100.0	53.7	46.3	40.8	5.5
Pennsylvania	633.7	294.5	339.2	325.2	14.0	100.0	46.5	53.5	51.3	2.2
Rhode Island	71.8	34.5	37.3	37.3		100.0	48.0	52.0	52.0	
South Carolina	60.8	46.0	14.8	14.3	.5	100.0	75.7	24.3	23.5	.8
South Dakota	26.6	17.8	8.8	7.6	1.2	100.0	66.9	33.1	28.6	4.5
Tennessee	121.8	91.0	30.8	25.0	5.8	100.0	74.7	25.3	20.5	4.8
Texas	437.5	316.6	120.9	117.3	3.6	100.0	72.4	27.6	26.8	.8
Utah	42.5	27.7	14.8	14.8		100.0	65.2	34.8	34.8	
Vermont	30.0	19.3	10.7	10.7		100.0	64.3	35.7	35.7	
Virginia	84.5	49.6	34.9	20.8	14.1	100.0	58.7	41.3	24.6	16.7
Washington	198.2	97.0	101.2	101.2		100.0	48.9	51.1	51.1	
West Virginia	73.2	51.9	21.3	19.7	1.6	100.0	71.0	29.0	26.9	2.1
Wisconsin	254.0	138.1	115.9	58.5	57.4	100.0	54.4	45.6	23.0	22.6
Wyoming	8.5	4.8	3.7	2.1	1.6	100.0	56.3	43.7	24.7	19.0
District of Columbia	55.6	29.0	26.6	26.6		100.0	52.1	47.9	47.9	
Guam	1.3	.6	.7	.7		100.0	47.9	52.1	52.1	
Puerto Rico	82.8	36.6	46.2	46.2		100.0	44.2	55.8	55.8	
Virgin Islands	2.4	.9	1.5	1.5		100.0	37.3	62.7	62.7	

[1] Includes cash payments under programs for the aged, blind, permanently and totally disabled, dependent children and their families, and general assistance where available; as well as vendor payments for medical care under all public assistance programs, and expenditures for administration, services, and training.

Source: Department of Health, Education, and Welfare; Social and Rehabilitation Service.

TOTAL STATE REVENUE BY SOURCE AND STATE

[Fiscal year 1969; in millions]

State	Total	From own sources						Intergovernmental	
			General revenue						
		Total own sources	Total	Taxes	Charges and miscellaneous	Liquor stores [2]	Insurance trust	From Federal	From loca
Total	$77,584.3	$59,809.1	$49,536.7	$41,930.7	$7,606.0	$1,663.5	$8,608.9	$16,907.4	$867.8
Alabama	1,169.1	829.7	691.1	575.2	115.9	69.2	69.5	330.5	8.8
Alaska	250.9	145.3	123.0	71.8	51.1		22.4	105.6	(3)
Arizona	767.8	607.1	495.0	410.7	84.3		112.1	157.1	3.6
Arkansas	600.9	406.6	368.3	317.6	50.7		38.2	194.0	(3)
California	10,263.2	7,699.1	5,938.4	5,243.5	694.8		1,760.8	2,347.8	216.3
Colorado	827.8	602.4	524.1	408.1	116.0		78.3	222.8	2.7
Connecticut	993.6	796.7	664.5	541.6	122.9		132.2	194.4	2.5
Delaware	247.9	208.8	202.5	157.0	45.5		6.2	36.9	2.2
Florida	1,962.1	1,601.3	1,423.8	1,269.4	154.3		177.5	345.6	15.2
Georgia	1,459.8	1,069.5	950.3	828.1	122.2		119.1	380.1	10.2
Hawaii	528.1	399.5	344.6	289.0	55.6		54.9	123.7	5.0
Idaho	294.5	222.8	176.9	150.5	26.3	19.3	26.6	69.7	2.0
Illinois	3,268.2	2,446.7	2,183.2	1,927.4	255.8		263.5	808.4	13.1
Indiana	1,560.0	1,234.2	1,122.9	881.7	241.1		111.3	319.0	6.8
Iowa	1,072.6	833.1	698.1	588.6	109.5	66.2	68.8	206.5	33.0
Kansas	706.9	528.0	483.7	385.1	98.6		44.3	170.2	8.7
Kentucky	1,230.4	858.0	778.6	654.9	123.7		79.4	369.8	2.6
Louisiana	1,571.3	1,158.4	1,044.9	776.7	268.2		113.4	397.4	15.5
Maine	340.6	264.0	196.0	158.2	37.8	36.6	31.5	72.5	4.0
Maryland	1,355.5	1,105.5	1,001.7	862.8	138.9		103.8	233.9	16.0
Massachusetts	2,108.5	1,594.2	1,390.6	1,233.5	157.1		203.5	445.3	69.1
Michigan	3,875.2	3,191.2	2,640.1	2,248.8	391.3	263.7	287.4	644.7	39.3
Minnesota	1,606.8	1,253.5	1,112.6	914.6	198.0		140.9	336.1	17.1
Mississippi	783.0	568.8	482.6	400.4	82.3	42.4	43.7	210.5	3.7
Missouri	1,295.7	941.1	820.7	711.1	109.6		120.4	349.0	5.6
Montana	292.8	201.5	147.3	111.8	35.5	22.6	31.6	88.1	3.1
Nebraska	424.5	306.9	291.4	217.3	74.0		15.6	100.2	17.3
Nevada	255.2	189.7	144.6	125.6	19.0		45.1	63.0	2.5
New Hampshire	251.9	192.4	112.0	83.2	28.8	56.0	24.4	51.0	8.5
New Jersey	2,282.7	1,857.2	1,418.5	1,181.3	237.2		438.7	379.7	45.8
New Mexico	543.0	376.8	340.1	237.4	102.7		36.7	163.4	2.8
New York	9,174.3	7,297.0	6,057.4	5,329.9	727.4		1,239.7	1,787.5	89.8
North Carolina	1,680.4	1,350.5	1,187.2	1,009.6	177.7		163.3	320.8	9.1
North Dakota	269.3	197.9	183.5	105.4	78.1		14.3	67.4	4.0
Ohio	3,531.7	2,858.2	1,874.2	1,540.5	333.7	301.6	682.4	650.7	22.8
Oklahoma	1,004.3	676.3	638.4	472.6	165.9		37.9	321.0	6.9
Oregon	938.9	719.7	518.2	405.8	112.4	76.2	125.2	207.8	11.5
Pennsylvania	4,171.8	3,349.2	2,527.8	2,265.8	262.0	340.0	481.3	769.6	53.0
Rhode Island	380.0	295.9	239.7	200.1	39.6		56.2	82.7	1,4
South Carolina	801.0	626.0	551.6	465.1	86.5		74.4	166.5	8.6
South Dakota	225.7	141.4	134.6	91.9	42.8		6.7	83.0	1.3
Tennessee	1,128.0	815.6	731.7	645.8	85.9		84.0	300.2	12.1
Texas	3,137.9	2,327.7	2,128.6	1,710.7	417.9		199.1	800.2	10.0
Utah	463.1	323.9	262.2	203.3	58.9	22.4	39.3	137.2	2.0
Vermont	230.3	157.8	124.0	100.9	23.1	20.0	13.9	71.8	.7
Virginia	1,649.8	1,336.1	1,106.9	924.2	182.7	146.4	82.8	296.8	16.9
Washington	1,830.7	1,510.3	1,150.9	980.7	170.2	125.8	233.7	313.4	6.9
West Virginia	759.0	534.2	411.9	346.6	65.3	45.0	77.3	224.0	.8
Wisconsin	1,803.6	1,469.5	1,286.9	1,090.8	196.1		182.6	308.1	26.0
Wyoming	214.0	131.9	108.8	77.9	30.9	10.3	12.8	81.4	.7

[1] Excludes unemployment compensation taxes included in insurance trust revenue and shown separately in table 163.

[2] Represents sales revenues, not net profits.

[3] Less than $500.000.

Source: Department of Commerce, Bureau of the Census.

STATE TAX COLLECTIONS BY SOURCE AND STATE

EXCLUDING UNEMPLOYMENT TAX COLLECTIONS—FISCAL YEAR 1970[1]

[Dollar amounts in thousands]

State	Total	General sales, use, or gross receipts	Selective sales and gross receipts	Licenses	Individual income	Corporation income	Property	Death and gift	Severance	Other taxes
States using tax	50	45	50	50	[3] 42	43	43	49	28	
Total	$47,904,706	$14,127,082	$13,070,816	$4,615,055	$9,182,862	$3,737,944	$1,090,448	$996,396	$685,892	$398,211
Alabama	657,361	212,383	249,486	51,190	85,081	30,797	22,853	1,380	2,252	1,949
Alaska	85,899		20,408	14,735	32,455	5,301		123	10,780	2,097
Arizona	474,270	173,739	113,218	29,362	64,974	20,910	67,822	4,245		
Arkansas	351,447	108,719	124,175	40,338	42,548	26,228	870	743	4,334	3,492
California	5,497,548	1,756,935	1,251,921	358,464	1,150,604	587,577	233,480	155,935	1,632	
Colorado	470,060	137,768	111,621	43,906	129,097	33,513	1,115	11,934	1,058	48
Connecticut	741,789	258,659	258,081	58,005	4,916	119,538		42,590		
Delaware	195,648		42,798	62,965	68,486	13,446	303	5,353		2,297
Florida	1,421,109	658,197	490,578	176,524			33,623	16,017	248	45,922
Georgia	941,334	335,807	274,907	51,276	184,943	84,735	3,123	5,642		901
Hawaii	340,450	162,689	51,209	4,219	105,019	14,578		2,324		412
Idaho	155,880	41,679	39,042	25,573	36,662	11,125	750	785	264	
Illinois	2,868,694	1,008,182	797,895	277,865	575,601	143,956	2,502	63,720		1,973
Indiana	1,002,418	380,739	276,906	81,677	216,384	8,597	22,780	15,013	322	
Iowa	628,327	223,464	156,093	90,040	112,746	24,273	4,063	16,767		881
Kansas	430,975	145,371	123,502	46,229	78,423	19,258	10,353	7,234	605	
Kentucky	703,044	267,688	189,452	44,834	121,423	39,459	26,577	12,445	191	975
Louisiana	838,792	166,485	234,136	70,726	47,993	34,770	26,935	6,728	251,019	
Maine	207,617	83,240	65,588	22,934	18,885	8,257	3,767	4,944		2
Maryland	1,082,058	236,843	253,092	69,227	413,366	60,109	34,119	11,921		3,381
Massachusetts	1,393,653	168,443	356,761	84,749	517,952	218,279	349	43,422		3,698
Michigan	2,345,090	828,491	487,651	307,804	415,345	194,602	83,032	26,470	965	[4] 730
Minnesota	1,020,953	195,620	267,394	84,603	345,733	79,832	5,810	20,032	18,976	2,953
Mississippi	485,755	227,930	141,770	31,777	44,162	19,949	3,917	1,980	14,262	8
Missouri	820,860	344,799	198,737	111,572	129,654	21,287	2,815	11,996		
Montana	128,823		48,211	14,990	38,871	9,696	8,090	4,235	4,730	
Nebraska	261,307	74,883	96,125	33,185	44,444	8,550	2,006	816	766	532
Nevada	149,128	54,710	73,834	15,380			4,336		50	818

STATE TAX COLLECTIONS BY SOURCE AND STATE—Continued

EXCLUDING UNEMPLOYMENT TAX COLLECTIONS—FISCAL YEAR 1970 [1]—Continued

[Dollar amounts in thousands]

State	Total	General sales, use, or gross receipts	Selective sales and gross receipts [2]	Licenses	Individual income	Corporation income	Property	Death and gift	Severance	Other taxes
New Hampshire	$94,765		$62,778	$19,243	$3,462		$3,485	$3,769	$71	$1,957
New Jersey	1,332,251	$355,613	454,931	219,557	17,643	[5] $169,178	49,755	65,574		
New Mexico	266,458	85,709	64,501	22,207	35,730	8,072	13,172	1,669	35,398	
New York	6,116,519	1,012,036	1,174,815	322,959	2,506,435	693,151	12,350	127,935		266,838
North Carolina	1,190,220	264,461	383,227	116,530	270,945	112,408	23,680	18,936		33
North Dakota	121,646	42,926	34,069	20,828	15,379	2,998	1,406	842	3,198	
Ohio	1,702,624	658,759	660,626	306,822			58,563	17,854		
Oklahoma	502,121	93,821	183,436	80,861	50,516	27,490		14,459	50,539	999
Oregon	430,686		90,089	68,758	213,053	39,880	2,881	14,088	1,937	
Pennsylvania	2,777,578	948,357	815,277	322,697		529,770	32,009	98,850		30,618
Rhode Island	228,674	78,324	79,070	20,637	18,644	23,090		8,618		291
South Carolina	543,678	192,552	174,156	31,408	95,398	42,318	1,655	3,517		2,674
South Dakota	112,725	47,736	47,274	14,967		780		1,952	16	
Tennessee	686,936	241,151	232,655	116,417	12,113	59,633		18,118		6,849
Texas	1,924,788	520,561	760,448	301,379			64,063	23,123	273,213	1
Utah	251,596	90,976	51,662	15,624	61,335	11,790	12,835	3,102	4,272	
Vermont	135,176	17,065	48,844	15,334	43,668	5,819	225	2,307		1,914
Virginia	955,726	210,045	282,280	79,067	282,769	67,369	12,599	12,245	314	9,038
Washington	1,028,028	546,236	267,868	74,151			113,061	25,434		1,278
West Virginia	384,993	181,710	118,451	34,220	40,061	3,872	250	5,009		1,420
Wisconsin	1,332,754	272,614	267,694	91,458	489,944	104,704	72,317	32,569	222	1,232
Wyoming	84,475	30,967	22,074	15,782			10,752	632	4,268	

Preliminary; unemployment tax collections are shown in table 163.

[2] Includes collections of motor fuels, alcoholic beverages, tobacco products, insurance, public utilities, pari-mutuels, amusement, and other selective sales and gross receipts.

[3] Includes 4 states (Connecticut, New Hampshire, Rhode Island, and Tennessee) where tax applies to limited income base (see table 141); and New Jersey, where tax is limited to earnings of New York residents employed in New Jersey.

[4] Business activities tax (repealed Jan. 1, 1968).

[5] Includes unsegregable amount of business franchise tax.

Source: Department of Commerce, Bureau of the Census.

PER CAPITA GENERAL REVENUE OF LOCAL GOVERNMENTS IN SELECTED STANDARD METROPOLITAN AREAS BY SOURCE, FISCAL YEAR 1968-1969

Area [1]	Total [2]	Intergovernmental revenue			Revenue from local sources				
						Taxes			
		Total	From State	From Federal	Total	Total	Property	Nonproperty	Charges and miscellaneous
Total, 38 areas	$448.15	$154.09	$138.22	$15.87	$294.07	$229.39	$187.61	$41.78	$64.68
Anaheim-Santa Ana-Garden Grove, Calif	470.08	148.63	144.31	4.31	321.46	259.16	230.39	28.76	62.03
Atlanta, Ga	335.92	102.78	92.12	10.67	233.14	147.32	131.57	15.75	85.82
Baltimore, Md	413.65	179.32	169.64	9.67	234.33	187.47	141.57	45.90	46.86
Boston, Mass	416.64	124.21	106.66	17.54	292.44	248.85	246.53	2.33	43.59
Buffalo, N.Y	482.40	209.45	205.55	3.90	272.95	225.20	188.00	37.20	47.75
Chicago, Ill	355.46	97.69	75.84	21.85	257.77	211.46	178.54	32.91	46.31
Cincinnati, Ohio-Ky.-Ind	344.73	94.53	72.70	21.83	250.20	162.00	137.22	24.77	88.20
Cleveland, Ohio	337.13	60.71	55.36	5.35	276.42	214.28	195.04	19.24	62.15
Columbus, Ohio	289.33	77.70	67.87	9.83	211.63	157.42	127.72	29.69	54.22
Dallas, Tex	259.41	57.85	53.86	3.99	201.56	146.72	135.40	11.32	54.83
Dayton, Ohio	307.09	83.84	69.80	14.04	223.26	169.49	144.43	25.06	53.77
Denver, Colo	368.53	99.80	90.88	8.91	268.74	208.90	177.00	31.90	59.85
Detroit, Mich	429.86	146.61	134.74	11.88	283.25	210.60	186.62	23.99	72.65
Houston, Tex	279.21	61.82	58.43	3.39	217.39	164.11	150.75	13.36	53.29
Indianapolis, Ind	308.69	86.93	83.96	2.97	221.77	177.41	176.64	.77	44.36
Kansas City, Mo.-Kans	320.48	81.24	70.26	10.99	239.24	175.14	143.84	31.29	64.10
Los Angeles-Long Beach, Calif	558.38	187.56	182.14	5.42	370.81	292.83	251.00	41.83	77.98
Louisville, Ky.-Ind	315.64	90.25	63.89	26.36	225.39	141.87	95.26	46.61	83.52
Miami, Florida	393.65	110.04	84.76	25.28	283.60	174.14	148.54	25.60	109.46
Milwaukee, Wis	479.20	197.71	189.09	8.61	281.49	216.42	212.82	3.60	65.07
Minneapolis-St. Paul, Minn	447.11	197.87	189.94	7.94	249.24	169.79	163.23	6.64	79.28
Newark, N.J	411.51	97.93	85.10	12.82	313.59	279.96	258.50	21.46	33.63
New Orleans, La	285.85	106.08	94.66	11.41	179.77	112.68	52.82	59.86	67.10
New York, N.Y	740.71	318.45	307.73	10.72	422.26	341.46	239.37	102.09	80.80
Paterson-Clifton-Passaic, N.J	315.72	56.83	52.95	3.89	258.89	231.23	213.95	17.34	27.60
Philadelphia, Pa-N.J	318.59	88.88	72.65	16.23	229.71	181.33	130.04	51.29	48.38
Pittsburgh, Pa	290.90	90.83	78.04	12.80	200.07	157.08	120.00	37.08	42.99
Portland, Ore.-Wash	363.25	106.67	95.80	10.87	256.58	191.83	182.11	9.73	64.75
Providence-Pawtucket-Warwick, R.I	249.30	67.20	58.64	8.59	182.06	163.45	161.26	2.20	18.60
Rochester, N.Y	486.97	226.34	211.49	14.85	260.63	218.73	163.45	55.28	41.90
St. Louis, Mo.-Ill	310.47	69.58	60.35	9.23	231.90	182.25	146.10	36.16	49.65
San Antonio, Tex	213.59	83.28	66.12	17.16	130.31	84.99	81.18	3.18	45.33
San Bernardino-Riverside-Ontario, Calif	536.14	218.89	198.70	20.19	317.25	245.88	221.08	24.81	71.36
San Diego, Calif	478.05	188.19	170.78	17.41	289.86	204.68	178.50	26.18	85.18
San Francisco-Oakland, Calif	663.26	228.15	188.15	40.01	435.11	325.34	290.89	34.45	109.76
Seattle-Everett, Wash	402.88	139.29	126.36	12.93	263.60	161.30	135.33	25.97	102.29
Tampa-St. Petersburg, Fla	339.92	116.76	104.56	12.19	223.16	129.57	102.97	26.60	93.58
Washington, D.C.-Md.-Va	485.86	161.36	62.15	99.21	324.51	269.00	152.76	116.24	55.51

[1] These are the 38 most populous standard metropolitan statistical areas according to the 1960 census of population, and contain approximately 10,000 local governments.

[2] Excludes interlocal revenue.

Source: Department of Commerce, Bureau of the Census.

STATE CORPORATION NET INCOME TAX COLLECTIONS BY STATE, SELECTED FISCAL YEARS 1939-70 [1]

[In thousands]

State	1939	1946	1950	1960	1969	1970
Total	$134,895	$441,750	$585,750	$1,179,924	$3,179,765	$3,737,944
Alabama	934	3,543	[2] 885	9,447	29,023	30,797
Alaska				1,692	4,307	5,301
Arizona	544	2,181	2,897	6,833	18,080	20,910
Arkansas	306	1,829	7,809	8,862	22,387	26,228
California	20,230	55,783	74,546	240,064	592,493	587,577
Colorado	706	3,301	6,003	10,723	32,000	33,513
Connecticut	2,834	8,766	12,200	30,773	86,228	119,538
Delaware				7,478	15,079	13,446
Georgia	$2,700	$8,309	$14,589	$23,634	$73,223	$84,735
Hawaii				5,649	13,748	14,578
Idaho	877	1,456	3,297	5,778	10,032	11,125
Illinois						140,956
Indiana					8,839	8,597
Iowa	761	1,271	2,652	3,807	24,105	24,273
Kansas	867	1,695	3,456	8,434	20,126	19,258
Kentucky	1,518	3,861	8,305	20,240	39,375	39,459
Louisiana	2,891	5,112	(3)	18,331	34,580	34,770
Maine						8,257

Footnotes at end of table.

State	1939	1946	1950	1960	1969	1970
Maryland	$305	$3,105	$10,463	$20,381	$54,749	$60,109
Massachusetts [4]	1,277	18,416	19,450	28,539	[5] 185,068	218,279
Michigan					216,847	194,602
Minnesota	6,492	11,661	15,568	39,840	82,642	79,832
Mississippi	852	5,350	7,637	13,460	33,276	19,947
Missouri	[6] 6,173	(3)	(3)	10,000	18,505	21,289
Montana	395	766	1,678	4,671	8,070	9,696
Nebraska					6,866	8,550
New Jersey				27,690	156,631	[7] 169,178
New Mexico	279	662	1,255	(3)	5,128	8,072
New York	42,147	176,937	180,664	256,309	610,307	693,151
North Carolina	6,950	21,845	30,015	51,516	112,457	112,408
North Dakota	149	543	1,306	1,414	2,188	2,998
Oklahoma	$4,585	$7,041	$7,893	$12,166	$22,135	$27,490
Oregon	1,484	8,381	17,017	22,442	37,543	39,880
Pennsylvania	15,141	43,129	64,214	142,086	283,965	529,770
Rhode Island		250	4,382	8,419	28,134	23,090
South Carolina	1,571	9,152	14,487	18,797	40,467	42,318
South Dakota	[6] 574	67	143	395	606	780
Tennessee	1,784	3,510	10,443	21,392	61,633	59,633
Utah	1,024	1,277	2,584	5,671	10,706	11,790
Vermont	158	592	1,172	2,219	5,553	5,819
Virginia	2,077	7,041	18,458	31,715	67,482	67,369
West Virginia					4,138	3,872
Wisconsin	6,310	24,918	40,315	59,057	101,044	104,704

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[1] Data for 1970 are preliminary; 1939 not strictly comparable to other years.

[2] Financial institutions only; other corporation income taxes are included with individual income taxes in table 142.

[3] Unallocable, included with individual income taxes in ta ble 142.

[4] Excludes corporation taxes measured in part by net income included with license taxes in table 157. Financial institutions are included only in 1939.

[5] Includes portion of corporation excise taxes and surtaxes measured by corporate excess; for prior years, included in amount for licenses.

[6] Includes individual income taxes.

[7] Includes unsegregable amount of business franchise tax.

Source: Department of Commerce, Bureau of the Census.

LOCAL EXPENDITURES BY CHARACTER AND STATE—FISCAL YEAR 1967

[Thousands]

State	Total	Direct						Local payments to state governments
		Total	Current operation	Capital outlay	Assistance and subsidies	Interest [2]	Insurance trust	
Total	$67,862,796	$66,263,694	$70,664,691	$12,328,999	$3,714,951	$2,586,804	$1,009,277	$1,589,004
Alabama	895,460	808,719	584,036	176,586	6	45,794	2,297	86,741
Alaska	103,684	103,609	64,618	33,702		5,263	25	75
Arizona	579,327	564,810	429,200	111,587		22,246	1,776	14,517
Arkansas	378,648	376,500	263,746	95,647	3	16,179	926	2,147
California	9,664,685	9,509,463	6,329,603	1,871,241	894,135	269,932	144,553	155,222
Colorado	786,370	756,118	508,644	146,115	67,137	27,681	6,541	30,252
Connecticut	852,388	839,228	603,264	188,673	2,895	33,055	11,340	13,161
Delaware	166,402	163,217	99,692	53,139		9,348	1,037	3,185
Florida	1,882,595	1,861,784	1,373,678	396,468	554	79,760	11,324	20,810
Georgia	1,163,250	1,115,733	841,863	223,001	622	41,587	8,660	47,517
Hawaii	149,755	145,598	90,398	46,969		8,231		4,157
Idaho	185,170	175,755	143,724	28,769	63	3,099	100	9,416
Illinois	3,345,892	3,312,122	2,509,080	550,872	13,509	145,393	93,269	33,770
Indiana	1,494,926	1,440,335	1,076,613	262,830	53,483	37,011	10,396	54,591
Iowa	901,003	876,786	675,254	179,022	312	19,020	3,178	24,216
Kansas	797,716	743,843	539,477	133,100	45,225	23,388	2,653	53,874
Kentucky	633,447	626,117	459,850	132,619	702	30,665	2,280	7,330
Louisiana	957,654	946,433	654,790	232,766	38	51,316	7,523	11,221
Maine	211,245	193,981	158,778	28,887	673	5,563	80	17,264
Maryland	1,263,275	1,255,155	834,311	291,599	60,360	50,257	18,628	8,120
Massachusetts	2,089,430	2,012,060	1,481,310	271,559	149,975	55,454	53,761	77,370
Michigan	3,132,978	3,047,167	2,253,508	620,714	6,293	105,366	61,285	85,811
Minnesota	1,510,079	1,465,523	997,945	327,674	68,607	52,045	19,251	44,556
Mississippi	516,965	509,348	367,075	118,197	8	23,096	971	7,617
Missouri	1,236,159	1,227,216	912,668	257,479	123	47,201	9,744	8,943
Montana	222,402	187,894	149,805	32,235	236	4,932	685	34,509
Nebraska	637,030	612,485	420,111	144,429	22,558	22,356	3,032	24,546
Nevada	197,588	196,182	144,189	41,778	17	10,198		1,407
New Hampshire	166,615	158,727	117,866	35,118	684	5,019	39	7,887
New Jersey	2,289,964	2,213,352	1,710,705	314,900	95,477	83,904	8,366	76,612
New Mexico	290,918	289,342	227,281	53,260		8,750	52	1,575
New York	9,845,257	9,728,069	6,981,611	1,340,065	593,741	429,176	383,477	117,188
North Carolina	1,225,362	1,215,570	881,974	219,888	81,201	31,509	999	9,792
North Dakota	196,475	178,875	128,900	42,904	153	6,730	188	17,600
Ohio	2,965,296	2,949,267	2,199,361	570,267	71,526	104,084	4,029	16,029
Oklahoma	601,059	585,424	446,967	110,322	32	24,751	3,351	15,635
Oregon	701,415	677,987	517,367	139,761	432	15,913	4,514	23,428
Pennsylvania	3,167,882	2,942,773	2,211,926	541,330	20	148,075	41,421	225,109
Rhode Island	212,496	210,870	161,269	34,904	2,051	9,538	3,108	1,626
South Carolina	444,497	442,051	363,349	67,938	56	10,526	181	2,446
South Dakota	207,155	187,343	149,341	34,766	373	2,609	254	19,812
Tennessee	1,268,604	1,205,667	830,770	300,072	375	62,558	11,891	62,937
Texas	2,926,192	2,917,623	2,014,230	727,796	578	164,621	10,398	8,569
Utah	291,233	290,327	220,873	60,626	23	8,482	323	906
Vermont	110,655	100,356	75,524	22,347	138	2,211	136	10,299
Virginia	1,052,769	1,040,654	731,646	218,106	38,506	48,391	4,005	12,115
Washington	1,379,913	1,346,886	879,115	348,703	85	109,632	9,351	33,027
West Virginia	306,325	304,701	254,175	39,114	1,310	8,902	1,200	1,624
Wisconsin	1,618,235	1,578,324	1,106,589	356,670	54,677	43,484	16,904	39,911
Wyoming	119,785	117,254	95,471	14,206	4,518	2,954	105	2,532
District of Columbia	519,171	519,171	365,170	98,279	16,502	9,549	29,670	

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[1] Includes util'ty and liquor store expenditures.

[2] Includes payments on general and utility debt.

Source: Department of Commerce, Bureau of the Census.

STATE GENERAL SALES TAX RATES, AS OF SEPT. 1, 1970

State	Rate [2] (percent)	Taxation of food and drugs [3]		Credit: maximum per dependent	Local sales taxes levied [4]
		Food [5]	Prescription drugs		
Alabama	4	T	T		Yes.
Arizona	3	T	E		Yes.
Arkansas	3	T	T		Yes.[6]
California	4	E	E		Yes.
Colorado	3	T	E	$7	Yes.
Connecticut	[7] 5	E	E		No.
Flordia	4	E	E		No.
Georgia	3	T	T		No.
Hawaii	4	T	T	[8] 21	No.
Idaho	3	T	E	10	No.
Illinois	4	T	T		Yes.
Indiana	2	T	E	8	No.
Iowa	3	T	T		No.
Kansas	3	T	T		No.[9]
Kentucky	5	T	T [10]		No.
Louisiana	3	T	T		Yes.

STATE GENERAL SALES TAX RATES, AS OF SEPT. 1, 1970—Continued

State	Rate [2] (percent)	Taxation of food and drugs [3]: Food [5]	Taxation of food and drugs [3]: Prescription drugs	Credit: maximum per dependent	Local sales taxes levied [4]
Maine	5	E	E		No.
Maryland	4	E	E		No.
Massachusetts	3	E	E	[8] 8	No.
Michigan	4	T [11]	T		No.
Minnesota	3	E	E		Yes.[6]
Mississippi	5	T	T		No.
Missouri	3	T	T		Yes.
Nebraska	2.5	T	E	7	Yes.
Nevada	3	T	T		Yes.
New Jersey	5	E	E		No.
New Mexico	4	T	T		Yes.
New Yrok	3	E	E		Yes.
North Carolina	3	T	E		Yes.
North Dakota	4	T	E[12]		No.
Ohio	4	E	E		Yes.
Oklahoma	2	T	T		Yes.
Pennsylvania	6	E	E		No.
Rhode Island	5	E	E		No.
South Carolina	4	T	T		No.
South Dakota	4	T	T		Yes.
Tennessee	3	T	T		Yes.
Texas	3.25	E	E		Yes.
Utah	4	T	T		Yes.
Vermont	3	E	E	[8] 12	No.
Virginia	3	T	E		Yes.
Washington	4.5	T [13]	T		Yes.
West Virginia	3	T	E		No.
Wisconsin	4	E	E		No.[9]
Wyoming	3	T	T		No.
District of Columbia	[14] 4	T [14]	E	[8] 6	

[1] In all but 2 of the States listed, the tax is confined to retail, or final, sales; Hawaii and Mississippi also tax certain preretail sales at special, low rates. Every sales-tax State levies an accompanying use tax on imports from other States at a rate identical to that of the sales tax.

[2] The following States tax retail sales of certain automotive vehicles and/or aircraft at lower rates: Alabama, 1½ percent; Florida, 3 percent; Mississippi, 3 percent; North Carolina, 2 percent.

[3] E=Exempt: T=Taxable.

[4] See table 186 for information on local sales taxes.

[5] Exemptions apply only to food for consumption away from place of sale; all States tax restaurant meals, although Massachusetts and Vermont do it under separate taxes. Several States listed as taxing food exempt farm products sold directly to consumers by producers.

[6] Authorization restricted to one or a few localities.

[7] Scheduled to be 3.5 percent beginning July 1, 1971.

[8] The credits allowed by Hawaii, Vermont, and Washington, D.C. are reduced over several income brackets; the Massachusetts credit is $4 for taxpayer and spouse, $8 for others, for families with income under $5,000.

[9] Local taxes authorized but not levied.

[10] Drugs exempt as of Jan. 1, 1971.

[11] The tax applies only to 50 percent of the amount charged for prescription drugs.

[12] Fresh meat and dairy products not enclosed in airtight containers are exempt.

[13] The rate on wine is 26 percent; on liquor, 15 percent plus 2 cents per fluid ounce.

[14] Food for home consumption, nonprescription medicine, and specified consumer services are taxed at 2 percent; alcoholic beverages, restaurant meals, and transient lodgings at 5 percent.

Source: Commerce Clearing House.

STATE CORPORATION INCOME TAX RATES , AS OF SEPT. 1, 1970

State	Flat rate or lowest bracket: Rate (percent)	Flat rate or lowest bracket: To net income of	Highest bracket: Rate	Highest bracket: Net income over	Minimum tax	Federal income tax deductible [2]
Alabama	[3] 5.0	All				Yes.
Alaska	18 percent of total income tax					No.
Arizona	2.0	$1,000	8.0	$6,000		Yes.
Arkansas	1.0	3,000	6.0	25,000		Mo.
California [4]	7.0	All			$100	No.
Colorado	5.0	All				No.
Connecticut	[5] 5.25	All			45	No.
Delaware	6.0	All				No.
Georgia	6.0	All				No.
Hawaii	5.85	25,000	6.435	25,000		No.
Idaho	[6] 6.0	All				No.
Illinois	4.0	All			No	No.
Indiana	[7] 2.0	All				No.
Iowa	4.0	25,000	8.0	100,000		Yes.[8]
Kansas	[9] 4.5	All				Yes.
Kentucky	5.0	25,000	7.0	25,000		Yes.[8]
Louisiana	4.0	All				No.
Maine	4.0	All				No.
Maryland	[10] 7.0	All				No.
Massachusetts	[11] 7.5		(11)	(11)	(11) 100	No.
Michigan [12]	5.6	All				No.
Minnesota	[13] 8.5	All			10	Yes.
Mississippi	3.0	5,000	4.0	5,000		No.
Missouri	2.0	All				Yes.
Montana	[14] 6.25	All			[15] 50	No.
Nebraska	2.6	All				No.
New Hampshire	[16] 6.0	All				No.
New Jersey [17]	4.25	All				No.
New Mexico	5.0	All				No.
New York	[18] 7.0	All			100	No.
North Carolina	6.0	All				No.
North Dakota	[19] 3.0	3,000	6.0	15,000		Yes.
Oklahoma	4.0	All				Yes.
Oregon	6.0	All			10	No.
Pennsylvania	12.0	All				No.
Rhode Island	[20] 8.0	All				No.
South Carolina	6.0	All				No.
Tennessee	6.0	All				No.
Utah	6.0	All			25	Yes.
Vermont	6.0	All			25	No.
Virginia	5.0	All				No.
Washington [21]	3.5	All				
West Virginia	6.0	All				No.
Wisconsin	2.0	1,000	7.0	6,000		Yes.[8]
District of Columbia	6.0	All			25	No.

[1] A special tax on financial institutions is levied in all States, and is based either on net income or generally on the value of shares of capital stock.

[2] In general, each State which permits the deduction of Federal income taxes, limits such deduction to taxes paid on that part of income subject to its own income tax.

[3] The tax rate is increased to 7 percent with respect to taxable income for the calendar year 1970 or for any fiscal year beginning during 1970, if voter approval of a constitutional amendment authorizing the increase is secured at a November 1970 election.

[4] Financial corporations other than banks are allowed a limited offset for personal property taxes and license fees.

[5] If tax yield is greater, 2⅝ mills per dollar of capital stock, surplus, and indebtedness. For income years beginning on or after Jan. 1, 1969, and prior to Jan. 1, 1971, tax rates are increased from 5¼ percent to 8 percent of net income, and from 2⅝ mills to 4 mills per dollar of capital stock, surplus, and indebtedness.

[6] Each corporation filing return pays additional $10.

[7] Based on adjusted gross income.

[8] Deductions limited.

[9] A 2¼ percent surtax is imposed on taxable income in excess of $25,000.

[10] Domestic corporations deduct franchise taxes in excess of $25.

[11] Corporations pay an excise tax equal to the greater of the following: (1) $7 per $1,000 of value of Massachusetts tangible property not taxed locally or net worth allocated to Massachusetts, plus 7½ percent of net income; or (2) $100, whichever is greater. Interstate corporations not subject to the corporation income tax pay a tax of 4 percent of net income. In addition, a surtax of 14 percent is imposed.

[12] In addition, cities are authorized to levy a 1 percent tax on corporations.

[13] An additional tax of 1.8 percent for taxable years beginning after Dec. 1, 1968, and prior to Jan. 1, 1972. The basic rate and the surtax are increased 10 percent from Jan. 1, 1961 to Dec. 31. 1972.

[14] For taxable years ending on or after Feb. 28, 1971, the rate is 5½ percent.

[15] $10 for small business corporations.

[16] Effective for profits earned since Jan. 1, 1970.

[17] All corporations pay additional tax on net worth.

[18] Alternative methods of computation are used if tax yield is greater.

[19] An additional 1 percent tax is imposed for the privilege of going business in the State.

[20] If the yield is greater, 40 cents on each $100 of corporate excess applies. Tax on net income is effective without apportionment.

[21] The tax is effective Jan. 1, 1972 if voters approve a constitutional amendment at a November 1970 election.

Source: Commerce Clearing House.

STATE GENERAL SALES TAX COLLECTIONS BY STATE [1]—SELECTED FISCAL YEARS 1939–70 [2]

[In thousands of dollars]

State	1939	1946	1950	1960	1969	1970
Total	451,213	899,051	1,670,028	4,301,997	12,443,224	14,127,082
Alabama	5,921	18,265	32,662	89,109	197,364	212,383
Alaska						
Arizona	3,571	9,672	16,138	64,164	147,467	173,739
Arkansas	4,937	13,349	23,116	54,571	103,697	108,719
California	88,365	178,693	321,560	714,991	1,684,261	1,756,935
Colorado	8,455	15,582	25,901	50,205	122,834	137,768
Connecticut			23,689	77,293	174,141	258,659
Delaware		148	13			
Florida			23,516	171,335	573,779	658,197
Georgia				146,277	307,997	335,807
Hawaii				62,067	137,067	162,689
Idaho					38,429	41,679
Illinois	81,696	107,378	166,951	374,949	989,569	1,008,182
Indiana [3]	19,982	46,252	86,550	189,170	349,420	380,739
Iowa	15,423	29,878	55,741	80,680	207,539	223,464
Kansas	9,744	21,947	37,430	73,349	137,366	145,371
Kentucky					247,733	267,688
Louisiana	8,248	12,939	45,003	88,489	159,811	166,485

Footnotes at end of table.

State	1939	1946	1950	1960	1969	1970
Maine				27,318	70,382	83,240
Maryland			28,378	74,093	162,405	236,843
Massachusetts					158,276	168,443
Michigan	51,838	118,703	204,864	363,221	794,768	828,491
Minnesota					173,961	195,620
Mississippi	6,296	17,017	24,540	71,792	173,520	227,930
Missouri	22,488	46,641	72,084	118,934	295,669	344,799
Montana						
Nebraska					70,368	74,883
Nevada				12,905	44,224	54,710
New Hampshire						
New Jersey					264,902	355,613
New Mexico	3,440	9,560	17,384	40,948	82,747	85,709
New York					698,759	1,012,036
North Carolina	10,995	26,555	41,848	87,978	239,596	264,461
North Dakota	2,751	6,328	11,563	15,876	35,631	42,926
Ohio	47,864	73,861	133,016	265,201	620,677	658,759
Oklahoma	11,782	23,978	34,839	56,184	87,033	93,821
Oregon						
Pennsylvania		26		330,419	891,223	948,357
Rhode Island			5,799	24,666	72,493	78,324
South Carolina				67,705	137,798	192,552
South Dakota	4,158	5,867	17,048	15,748	34,691	47,736
Tennessee			42,507	104,923	228,914	241,151
Texas					440,571	502,561
Utah	3,725	8,388	14,014	28,592	65,199	90,976
Vermont						17,065
Virginia					185,264	210,045
Washington [3]	20,332	66,838	104,771	261,534	532,263	546,236
West Virginia [3]	17,349	38,125	51,911	85,039	157,117	181,710
Wisconsin					116,821	272,614
Wyoming	1,853	3,061	7,192	12,272	29,478	30,967

[1] Includes use tax collections. For information on sales taxes, see table 146.

[2] Data for 1970 are preliminary; 1 39 not strictly comparable to other years.

[3] Includes business occupation taxes for Washington and West Virginia, and gross income tax collections for Indiana. Figures listed for 1960 and earlier years for Indiana refer to gross income tax collections only.

Source: Department of Commerce, Bureau of the Census.

STATE INDIVIDUAL NET INCOME TAX COLLECTIONS BY STATE—SELECTED FISCAL YEARS 1939–70

]In thousands of dollars]

State	1939	1946	1950	1960	1969	1970
Total	196,044	389,139	724,435	2,209,294	7,527,498	9,182,862
Alabama	1,061	3,350	[2] 14,314	27,360	74,905	85,081
Alaska				8,903	25,233	32,455
Arizona	372	1,841	2,668	10,000	52,765	64,974
Arkansas	343	1,539	4,343	9,774	37,669	42,548
California	20,672	44,946	60,500	245,797	1,086,919	1,150,604
Colorado	1,361	3,630	11,287	34,542	103,474	129,097
Connecticut [3]						4,916
Delaware	1,085	1,464	7,398	26,393	61,420	68,486
Georgia	2,280	6,874	10,884	36,442	139,165	184,943
Hawaii				28,778	86,501	105,019
Idaho	520	3,120	5,374	20,195	38,476	36,662
Illinois						575,601
Indiana					181,451	216,384
Iowa	3,483	6,345	15,812	36,671	106,866	112,746
Kansas	1,325	5,499	8,313	24,000	72,423	78,423
Kentucky	1,941	5,525	11,025	51,686	107,580	121,423
Louisiana	2,344	5,884	[4] 18,768	12,500	44,516	47,993
Maine						18,885
Maryland	570	6,572	18,267	85,010	313,433	413,366
Massachusetts	18,875	30,369	44,758	151,728	452,568	517,952
Michigan					390,177	415,345
Minnesota	8,097	11,900	37,351	89,328	304,150	345,733
Mississippi	861	2,540	4,487	7,639	36,719	44,162
Missouri	(5)	[4] 15,223	[4] 25,239	37,659	118,229	129,654
Montana	435	1,589	3,687	10,707	31,223	38,871
Nebraska					36,628	44,444
New Hampshire [3]	745	631	1,119	1,581	2,916	3,462
New Jersey					14,514	17,643
New Mexico	268	552	1,546	[4] 7,101	19,631	35,730
New York	105,888	147,737	262,916	756,364	2,151,634	2,506,435
North Carolina	2,767	16,058	24,397	91,814	239,644	270,945
North Dakota	275	1,614	3,697	4,796	13,964	15,379
Oklahoma	2,469	5,571	7,260	16,780	47,818	50,516
Oregon	3,338	14,487	29,460	94,641	204,323	213,053
Rhode Island [3]						18,644
South Carolina	1,250	5,852	10,292	31,642	84,370	95,398
South Dakota	(5)	4				
Tennessee [3]	1,386	1,757	3,045	5,218	11,381	12,113
Utah	680	2,579	4,111	16,234	50,887	61,335
Vermont	562	1,041	3,057	11,373	33,976	43,668
Virginia	2,161	9,090	23,993	77,314	273,430	282,769
West Virginia	1,311	22			30,959	40,061
Wisconsin	7,319	23,961	45,067	139,324	461,876	489,944

[1] Data for 1970 are preliminary; 1939 not strictly comparable to other years.

[2] Includes corporation income taxes except on financial institutions.

[3] In Connecticut only income from capital gains is taxed; in Tennessee and New Hampshire the tax is restricted to income from interest and dividends; and in Rhode Island the income from dividends, interest, and capital gains is taxed.

[4] Includes corporation income taxes.

[5] Included with corporation income taxes in table 143.

Source: Department of Commerce, Bureau of the Census.

STATE INDIVIDUAL INCOME TAX RATES AND RELATED DATA, AS OF SEPT. 1, 1970

State	Lowest bracket		Highest bracket		Maximum personal exemption and credit for dependents [1]			Optional tax table or standard deduction	Federal income tax deductible [3]	Withholding of salaries and wages
	Rate (percent)	To net income of	Rate (percent)	Income above	Married or head of family	Single	Each dependent [2]			
Alabama	1.5	$1,000	5	$5,000	$3,000	$1,500.00	$300	Yes	Yes	Yes.
Alaska	(4)	(4)	(4)	(4)	(4)	(4)	(4)	Yes	No	Yes.
Arizona [5]	2	1,000	8	6,000	2,000	1,000.00	600	Yes	Yes	Yes.
Arkansas	1	3,000	5	25,000	[6] 35	[6] 17.50	[6] 6	Yes	No	Yes.
California [5]	1	2,000	10	14,000	[6] 50	[6] 25.00	[6] 8	Yes	No	Yes.[7]
Colorado	3	1,000	(8)	10,000	[8] 1,500	[8] 750.00	[8] 750	Yes	Yes	Yes.
Connecticut [9]	6	[9] All			200	100.00				
Delaware	1.5	1,000	11	100,000	[10] 1,200	600.00	600	Yes	Yes [11]	Yes.
Georgia	1	1,000	6	10,000	3,000	1,500.00	600	Yes	No	Yes.
Hawaii	[12] 2.25	500	11	30,000	1,250	625.00	625	Yes	No	Yes.
Idaho [5]	[13] 2.5	1,000	[13] 9	5,000	1,250	625.00	625	Yes	Yes	Yes.
Illinois	2.5	All			2,000	1,000.00	1,000	No	No	Yes.
Indiana	2.0	All			[14] 2,000	1,000.00	500	No	No	Yes.
Iowa	.75	1,000	5.25	9,000	[6] 30	[6] 15.00	[6] 10	Yes	Yes	Yes.
Kansas	2	2,000	6.5	7,000	1,200	600.00	600	Yes	Yes [11]	Yes.
Kentucky	2	3,000	6	8,000	[6] 40	[6] 20.00	[6] 20	Yes	Yes [11]	Yes.
Louisiana [5]	2	10,000	6	50,000	[15] 5,000	[15] 2,500.00	[15] 400	Yes	No	Yes.
Maine	1	2,000	6	50,000	2,000	1,000.00	1,000	Yes	No	Yes.
Maryland	2	1,000	5	3,000	1,600	800.00	800	Yes	No	Yes.
Massachusetts	[16] 4	All			[16] 4,000	[16] 2,000.00	[16] 600	No	No	Yes.
Michigan	2.6	All			2,400	1,200.00	1,200	No	No	Yes.
Minnesota	1.5	500	12	20,000	[6] 38	[6] 19.00	[6] 19	Yes	Yes	Yes.
Mississippi	3	5,000	4	5,000	6,000	4,000.00		Yes	No	Yes.
Missouri	1	1,000	4	[17] 9,000	2,400	1,200.00	400	Yes	Yes	Yes.
Montana [18]	2	1,000	11	35,000	1,200	600.00	600	Yes	Yes	Yes.
Nebraska	(19)	(19)	(19)	(19)	(19)	(19)	(19)	Yes	No	Yes.
New Hampshire [9] [20]	4.25	[9] All			1,200	600.00		No	No	No.
New Jersey [20]	2	1,000	14	23,000	[6] 1,200	[6] 600.00	[6] 600	Yes	No	Yes.[7]
New Mexico [5]	1	500	(21)	100,000	1,250	625.00	625	Yes	No	Yes.
New York	[22] 2	1,000	[22] 14	23,000	[6] 1,250	[6] 625.00	[6] 625	Yes	No	Yes.
North Carolina	3	2,000	7	10,000	2,000	1,000.00	600	Yes	No	Yes.
North Dakota	[23] 1	3,000	[23] 11	15,000	1,500	600.00	600	Yes	Yes	Yes.[7]
Oklahoma	1	1,500	6	7,500	2,000	1,000.00	500	Yes	Yes	Yes.
Oregon	4	500	(24)	5,000	1,250	625.00	625	Yes	Yes	Yes.
Rhode Island [9]	10	[9] All			(25)	(25)				

STATE INDIVIDUAL INCOME TAX RATES AND RELATED DATA, AS OF SEPT. 1, 1970—Continued

State	Lowest bracket		Highest bracket		Maximum personal exemption and credit for dependents[1]			Optional tax table or standard deduction	Federal income tax deductible[3]	Withholding of salaries and wages
	Rate (percent)	To net income of	Rate (percent)	Income above	Married or head of family	Single	Each dependent[2]			
South Carolina	2	2,000	7	$10,000	$1,600	$800.00	800	Yes	Yes[11]	Yes.
Tennessee[9]	6	[9] All								
Utah	2	1,000	6.5	5,000	1,200	600.00	600	Yes	Yes	Yes.
Vermont[18]	(26)	(26)	(26)	(26)	1,200	600.00	600	Yes	No	Yes.
Virginia	2	3,000	5	5,000	2,000	1,000.00	300	Yes	No	Yes.
West Virginia	1.65	2,000	(27)	200,000	1,200	600.00	600	Yes	No	Yes.
Wisconsin	2.7	1,000	10	14,000	[6] 20	[6] 10.00	[6] 10	Yes	No	Yes.
District of Columbia	[22] 2	1,000	(22, 28)	25,000	2,000	1,000.00	500	Yes	No	Yes.

[1] Does not include exemptions or credits granted for age or blindness, to offset sales or property taxes paid, or for any other special purpose. For information on sales tax credits, see table 146.

[2] In some States "heads of families" are taxed at slightly different rates. A taxpayer with head of family status is generally disallowed deductions for dependents.

[3] In general, each State which permits the deduction of Federal income taxes limits such deductions to taxes paid on that part of income subject to its own income tax.

[4] Rate of 16 percent of Federal tax payable upon net income derived from sources in Alaska.

[5] Community property State in which in general ½ of the community income is taxable to each spouse.

[6] Amount deducted in lieu of exemption, except in New York and New Jersey where credits of $25 for married couple or head of household and $10 for single taxpayer are in effect.

[7] Withholding on nonresidents only.

[8] $525 plus 8 percent of excess of $10,000. In addition, there is a surtax of 2 percent on income in excess of $5,000 received as dividends and interest. A credit equal to ½ percent of net taxable income is allowed on the 1st $9,000 of net taxable income.

[9] Tax limited to interest and dividend and/or capital gains income. The Connecticut tax applies only to capital gains income. Those of New Hampshire and Tennessee apply to income in the form of interest and dividends only. Rhode Island's tax applies to interest and dividends and net capital gains.

[10] An additional exemption of $300 is allowed heads of households.

[11] Deductions limited in Delaware, Kansas, and Kentucky. In South Carolina, deduction limited to $500.

[12] An alternative tax is permitted on capital gains. A taxpayer may deduct 50 percent of capital gains and pay an additional tax of 4 percent of such gains.

[13] An additional $10 is paid by every taxpayer or taxpaying unit except persons who are blind or recipients of public assistance.

[14] For joint returns, each spouse may subtract the lesser of $1,000 or the adjusted gross income of each, but not less than $500 apiece.

[15] Personal exemptions are deductible from the 2 percent bracket only.

[16] On income from professions, employments, trade or business. Rate is 2 percent on income from annuities and 8 percent on interest, dividends, and capital gains from sales of intangibles. Exemptions listed apply to earned income. There is also a $2,000 exemption applicable to interest, dividends, annuities, and capital gains if income from all sources does not exceed $2,000 for an individual or $2,600 for a couple.

[17] Graduated tax credit on all brackets except 1st up to $135 on income over $9,000. The entire taxable amount of each net income shall be computed at only the 1 rate wherein the income falls.

[18] A surcharge on personal income tax of 10 percent is levied in Montana, and of 15 percent in Vermont.

[19] The rate is 13 percent of adjusted Federal income tax liability. For nonresidents, this applies only to Federal liability attributable to Nebraska sources. Rate will be 10 percent for 1971

[20] Tax applies to commuters only. The New Hampshire rate is 4 percent on New Hampshire-derived income less $2,000. The New Jersey tax applies to income of New Jersey residents from New York sources and income of New York residents from New Jersey sources.

[21] $7,765 plus 9 percent of the excess of net income over $100,000.

[22] Income of unincorporated businesses is taxed at 5½ percent in New York and 6 percent in District of Columbia.

[23] An additional 1 percent tax is imposed on net income derived from a business, trade, or profession other than as an employee.

[24] $345 plus 10 percent of excess over $5,000.

[25] Exemption determined by multiplying $2,000 times a fraction whose numerator is interest and dividend income and whose denominator is Federal adjusted gross income.

[26] 25 percent of Federal income tax liability attributable to Vermont sources, plus 15 percent surcharge.

[27] $12,907 plus 7.6 percent of the excess of taxable income over $200,000.

[28] $1,770 plus 10 percent of excess over $25,000.

Source: Commerce Clearing House.

STATE PROPERTY TAX COLLECTIONS BY STATE

[Selected fiscal years 1939-70,[1] in thousands]

State	1939		1956		1960		1969		1970 total
	Total	General	Total	General	Total	General	Total	General	
Total	$251,046	$179,881	$467,489	$203,011	$607,399	$231,497	$981,329	$341,868	$1,090,448
Alabama	5,273	5,273	10,631	10,631	13,220	13,220	21,548	21,308	22,853
Alaska					[2] 542				
Arizona	2,938	2,938	14,794	12,839	28,470	25,250	60,130	53,452	67,822
Arkansas	3,437	3,437	318	78	321	68	730	87	870
California	11,188	1	101,510		125,459		220,832		233,480
Colorado	5,228	5,228	10,774	9,702	10,646	9,318	1,458	464	1,115
Connecticut	1,918	1,742	12		12				
Delaware [3]			699	699	1,842		282		303
Florida	2,074	2,074	9,417	168	18,629	[2] 44	27,224		33,673
Georgia	5,003	5,003	881	861	1,275	1,275	3,146		3,123
Idaho	1,501	1,501	2,410	2,384	2,572	2,546	448	411	750
Illinois	570	570	615	44	918	[2] 2	2,061	[2] 4	2,502
Indiana	7,279	6,188	15,083	9,658	9,967	2,784	20,624	1,092	22,780
Iowa	7,855	7,855	138		3,641	3,448	7,300	7,186	4,063
Kansas	4,852	4,852	13,412	12,911	7,949	6,653	9,461	8,381	10,353
Kentucky	6,334	6,334	13,867	(4)	17,080	1,193	24,831	2,044	26,577
Louisiana	7,250	7,250	11,094	11,094	14,880	14,880	27,074	27,074	26,935
Maine	5,082	5,082	1,083	1,081	1,650		3,668	3,074	3,767
Maryland	6,662	6,662	7,498	7,449	12,101		27,061	26,933	34,119
Massachusetts	18,029	18,029	153		270		369		349
Michigan	10,418	1,725	39,497		51,170		76,220		83,032
Minnesota	13,792	13,792	15,949	15,764	22,518	20,828	4,602	479	5,810
Mississippi	2,437	2,437	3,352	3,352	4,448	4,448	3,870	3,870	3,917
Missouri	5,795	5,795	9,880	4,434	11,224	5,068	3,022	3,022	2,815
Montana	2,005	2,005	4,434	4,434	6,247	6,247	7,578	7,578	8,090
Nebraska	5,518	5,518	24,182	23,371	23,173	25,893	1,672		2,006
Nevada	1,371	1,371	2,416	2,416	1,841	1,841	3,910		4,336
New Hampshire	2,316	2,137	2,064	2,060	2,366		3,044	5	3,485
New Jersey	26,643	11,328	3,023		2,700		41,900		49,755
New Mexico	1,838	1,838	6,045	6,045	8,234	8,234	12,064	12,064	13,712
New York	1,638	1,638	2,727	2,727	3,474	3,474	10,032	10,032	12,350
North Carolina	2,450	32	8,071		11,155		24,317		23,680
North Dakota	2,060	2,060	2,708	2,653	3,220	3,172	1,348	889	1,406
Ohio	6,527	4	27,594	3,620	46,691	12,086	59,045	4,609	58,563
Oklahoma	85	85	[2] 1						
Oregon			21		21		404		2,881
Pennsylvania	12,188		1,526		1,656		2,425		32,009
Rhode Island	10	10							
South Carolina	1,515	293	1,272	1,272	1,042	1,642	1,526		1,655
South Dakota	1,417	1,417	747	635	3	3			
Tennessee	1,255	1,255	[2] 16	[2] 16	[2] 9	9			
Texas	17,394	17,394	30,522	30,522	37,587	37,587	63,974	63,974	64,063
Utah	3,326	3,326	5,174	5,174	8,087	8,087	12,324	12,324	14,835
Vermont	641	22	351	26	339		278	36	225
Virginia	4,080		10,620		13,170		11,903		12,599
Washington	5,285	5,285	21,715	5,722	34,017	9,305	104,915	54,959	113,061
West Virginia	1,493	1,493	271	271	390	390	400	400	250
Wisconsin	14,101	6,627	22,612	2,792	30,423		61,322	5,781	72,317
Wyoming	705	705	6,310	6,105	6,750	6,576	10,987	10,336	10,752

[1] Data for 1970 total are preliminary; 1939 not strictly comparable to other years

[2] Back taxes only.

[3] For years 1956 and 1960 tax was collected locally for schools operated directly by the State Board of Education.

[4] Detailed data not available.

Source: Department of Commerce, Bureau of the Census.

TOTAL STATE EXPENDITURES INCLUDING PAYMENTS TO LOCAL GOVERNMENTS BY FUNCTION AND STATE, FISCAL YEAR 1969

[In millions]

State	Total	Education	Highways	Public welfare	Health and hospitals	Natural resources	Financial administration[1]	Insurance trust[2]	Liquor stores	Other
Total	$74, 218.1	$27, 162.1	$12, 518.0	$10, 866.1	$4, 703.2	$2, 095.9	$1, 513.6	$4, 911.3	$1, 292.6	$9, 155.4
Alabama	1, 167.5	495.6	219.2	154.2	61.6	26.1	16.4	40.8	61.0	92.5
Alaska	285.1	86.3	63.2	11.3	8.5	11.4	11.6	9.5		83.4
Arizona	693.4	333.1	128.2	40.2	17.5	15.7	13.6	43.6		101.4
Arkansas	575.9	222.5	138.6	87.8	35.7	18.9	11.7	23.7		37.0
California	9, 633.3	2, 660.0	1, 211.9	2, 132.8	378.7	474.1	179.2	1, 072.3		1, 524.4
Colorado	757.5	326.8	126.1	115.5	56.6	23.8	19.1	37.6		52.0
Connecticut	1, 082.9	310.3	169.5	165.9	104.5	31.9	47.5	92.7		160.6
Delaware	283.1	131.1	34.9	24.4	20.6	6.5	9.0	7.0		49.6
Florida	1, 846.8	959.4	262.6	152.5	118.4	87.5	44.5	73.4		148.5
Georgia	1, 402.4	673.9	174.2	206.4	102.5	52.6	27.0	42.4		123.3
Hawaii	534.3	209.8	56.0	35.9	28.6	20.1	19.0	29.4		135.5
Idaho	258.2	82.6	61.3	22.8	11.6	18.2	6.9	12.9	13.9	28.0
Illinois	3, 205.9	1, 166.3	693.7	504.5	260.6	66.2	66.4	197.9		250.4
Indiana	1, 517.7	740.9	333.5	71.4	104.5	33.3	23.5	66.0		144.8
Iowa	1, 091.9	462.3	222.7	116.0	53.0	31.8	17.4	33.8	49.5	105.5
Kansas	670.0	279.3	131.7	89.6	51.4	22.3	14.4	26.1		55.2
Kentucky	1, 208.4	444.2	321.6	164.0	54.0	36.7	26.5	46.1		115.3
Louisiana	1, 493.0	550.7	238.7	250.2	111.2	41.6	22.1	75.7		202.9
Maine	340.0	104.3	66.1	43.3	19.5	17.1	8.5	25.7	24.0	31.6
Maryland	1, 284.8	436.0	208.3	183.4	116.7	27.9	38.5	59.3		214.7
Massachusetts	2, 039.5	430.0	228.2	566.4	168.0	26.0	50.7	169.7		400.6
Michigan	3, 554.7	1, 514.1	466.5	448.7	228.2	56.6	58.9	183.0	213.2	385.6
Minnesota	1, 452.9	590.8	278.4	149.9	96.2	40.1	27.8	53.6		216.3
Mississippi	779.2	313.4	130.8	82.3	36.7	24.1	9.4	19.3	36.8	126.5
Missouri	1, 298.3	500.2	253.2	233.5	105.7	36.7	26.9	57.0		85.2
Montana	287.3	92.5	78.1	23.3	12.1	14.0	7.2	19.1	18.3	22.7
Nebraska	395.9	152.0	90.9	49.5	33.3	23.3	7.8	9.5		29.5
Nevada	226.3	76.8	49.3	18.4	6.8	8.2	9.2	25.4		32.2
New Hampshire	238.9	63.9	54.0	18.6	16.6	7.7	6.4	7.0	41.9	22.7
New Jersey	2, 005.3	574.5	445.3	219.4	130.4	37.9	48.9	313.1		235.9
New Mexico	478.3	240.7	80.5	57.0	17.0	14.8	12.9	18.9		36.5
New York	9, 028.2	3, 045.0	888.6	1, 878.0	790.8	118.7	193.6	583.6		1, 530.0
North Carolina	1, 522.3	768.8	277.9	119.5	106.8	42.0	34.2	52.3		150.8
North Dakota	260.1	93.3	52.5	26.6	12.2	11.2	5.3	10.7		48.4
Ohio	3, 153.0	963.0	729.6	337.5	147.6	62.0	44.5	384.8	209.5	274.5
Oklahoma	982.9	353.5	190.8	224.6	52.7	27.3	19.2	31.0		83.8
Oregon	831.0	281.0	152.3	77.5	38.8	41.1	24.9	65.0	48.6	101.8
Pennsylvania	4, 313.8	1, 495.2	882.4	510.4	278.1	96.6	69.2	325.6	282.4	374.0
Rhode Island	411.6	123.2	65.1	73.5	32.2	8.2	13.1	44.7		51.7
South Carolina	780.8	361.0	112.3	52.7	59.8	19.1	13.7	30.0		132.2
South Dakota	225.5	81.2	67.8	24.4	9.2	12.3	4.4	4.4		21.8
Tennessee	1, 113.0	467.7	253.8	117.9	69.3	32.8	19.9	43.8		107.9
Texas	2, 870.1	1, 356.4	571.6	376.6	166.7	60.9	43.2	118.6		176.0
Utah	455.4	226.4	85 5	40.6	18.8	12.8	9.2	20.5	16.4	25.3
Vermont	243.9	76.9	61.7	28.5	10.1	9.1	7.2	7.2	19.4	23.7
Virginia	1, 484.9	606.0	330.9	64.6	127.2	42.8	34.3	30.9	123.8	124.4
Washington	1, 710.3	691.1	275.3	195.3	71.1	55.7	34.0	138.8	91.2	157.8
West Virginia	739.4	266.3	181.7	74.2	36.8	26.2	14.2	50.5	33.1	56.5
Wisconsin	1, 780.8	621.1	253.1	197.7	101.2	53.2	36.5	71.7		446.5
Wyoming	191.8	60.9	67.9	7.2	7.0	10.8	4.4	5.9	9.6	18.2

[1] Includes general control totaling $600,900,000.

[2] Comprises payments to beneficiaries (including withdrawal of retirement contributions) of employee retirement, unemployment compensation, workmen's compensation, and disability benefit social insurance programs.

[3] Principally police protection, correction, interest, employment security administration and intergovernmental payments to local governments not elsewhere classified.

Source: Department of Commerce, Bureau of the Census.

TOTAL LOCAL REVENUE BY SOURCE AND STATE—FISCAL YEAR 1967

[In millions of dollars]

State	Total	From own sources										Intergovernmental	
			General revenue										
				Taxes[1]									
		Total own sources	Total general	Total	Property	Sales and gross receipts	Individual income	Licenses and other	Charges and miscellaneous	Utility and liquor stores[2]	Insurance trust	From States	From Federal
Total	64, 606	44, 418	38, 046	29, 074	25, 186	1, 956	916	1, 016	8, 971	5, 442	932	18, 434	1, 753
Alabama	786	477	368	194	100	58	2	34	173	107	3	284	26
Alaska	83	55	44	28	21	5		1	16	11	(3)	25	3
Arizona	559	380	296	225	195	26		5	71	80	4	159	20
Arkansas	345	209	179	109	102	2		5	70	30	(3)	123	13
California	9, 397	6, 448	5, 509	4, 300	3, 811	384		105	1, 209	739	201	2, 779	170
Colorado	733	516	440	342	310	27		5	98	69	7	199	19
Connecticut	795	628	594	514	511			3	80	29	7	132	34
Delaware	152	80	69	37	35	(3)		2	32	11	(3)	68	4
Florida	1, 839	1, 372	1, 140	746	631	77		39	393	218	14	413	54
Georgia	1, 112	706	591	357	319	16		22	234	106	9	374	32
Hawaii	150	114	103	80	61	8		11	22	11		30	6
Idaho	178	122	111	77	75	(3)		2	35	11	(3)	52	4
Illinois	3, 352	2, 628	2, 218	1, 799	1, 586	129		84	419	322	87	635	89
Indiana	1, 435	1, 014	893	700	697	(3)		3	193	120	1	400	20
Iowa	835	664	603	466	460	(3)		6	137	57	3	158	12
Kansas	757	549	476	362	352	4		6	114	71	2	188	19
Kentucky	605	380	330	208	159	1	39	9	121	48	2	193	32
Louisiana	849	469	400	268	177	66		25	131	63	6	358	22
Maine	188	143	135	121	120	(3)		1	14	7	(3)	39	7
Maryland	1, 194	758	675	531	462	12	34	23	144	62	21	404	33
Massachusetts	2, 002	1, 430	1, 223	1, 051	1, 039			12	173	156	51	518	53
Michigan	2, 887	1, 862	1, 623	1, 184	1, 109	(3)	61	14	439	184	54	968	57
Minnesota	1, 372	932	788	596	582	5		9	192	132	12	423	17
Mississippi	483	283	249	153	124	15		14	95	34	(3)	190	10
Missouri	1, 172	895	777	584	484	30	39	30	193	107	12	248	29
Montana	192	155	148	120	114			6	28	6	(3)	33	4
Nebraska	604	520	337	253	237	2		14	84	179	3	73	11
Nevada	181	129	121	79	64	1		14	43	8		45	6
New Hampshire	151	131	126	111	109			1	16	4	(3)	15	5

TOTAL LOCAL REVENUE BY SOURCE AND STATE—FISCAL YEAR 1967—Continued

[In millions of dollars]

		From own sources										Intergovernmental	
			General revenue										
				Taxes[1]									
State	Total	Total own sources	Total general	Total	Property	Sales and gross receipts	Individual income	Licenses and other	Charges and miscellaneous	Utility and liquor stores[2]	Insurance trust	From States	From Federal
New Jersey	2,156	1,705	1,637	1,406	1,276	97	----------	34	231	66	2	404	47
New Mexico	234	130	110	66	49	14	----------	4	44	21	(3)	131	22
New York	9,794	6,287	5,359	4,367	3,311	658	329	68	992	625	302	3,289	218
North Carolina	1,191	655	448	289	281	----------	----------	8	159	206	1	505	31
North Dakota	177	130	122	92	89	(3)	----------	3	30	8	(3)	39	7
Ohio	2,877	2,143	1,947	1,454	1,298	1	119	37	493	191	5	665	69
Oklahoma	592	390	331	228	207	17	----------	4	103	56	2	182	20
Oregon	655	463	416	309	298	4	----------	6	107	44	3	164	28
Pennsylvania	2,858	2,034	1,874	1,473	1,087	5	229	152	402	132	28	720	104
Rhode Island	209	153	141	123	122	(3)	----------	2	17	10	3	44	11
South Carolina	440	240	192	115	107	----------	----------	8	78	47	(3)	188	13
South Dakota	192	163	143	121	115	(3)	----------	6	22	20	(3)	25	5
Tennessee	1,103	760	476	306	240	49	----------	17	169	277	8	308	35
Texas	2,718	1,961	1,626	1,135	1,065	25	----------	45	491	320	15	687	70
Utah	284	179	156	124	112	9	----------	3	32	23	(3)	95	10
Vermont	93	69	62	55	53	----------	----------	2	7	7	(3)	22	3
Virginia	992	640	558	436	311	76	----------	48	123	75	7	305	47
Washington	1,204	802	553	333	282	33	----------	17	220	239	10	371	31
West Virginia	308	181	171	119	106	2	----------	11	52	10	(3)	116	10
Wisconsin	1,483	858	765	597	587	----------	----------	10	168	71	21	613	12
Wyoming	118	83	77	55	51	2	----------	2	22	6	(3)	33	2
District of Columbia	488	341	314	275	93	96	64	21	40	8	19	----------	146

[1] Excludes unemployment tax collections.

[2] Includes revenue of liquor stores as follows: Maryland $23,600,000; Minnesota $54,700,000; North Carolina $108,900,000; South Dakota $7,700,000.

Source: Department of Commerce, Bureau of the Census.

SELECTED FACTORS AFFECTING STATE AND LOCAL FINANCES

	Population[1]								Higher education enrollment, fall 1969[7]				
State	Total July 1, 1969 (thousands)	Percent urban in 1960	Personal income calendar 1969[2] (millions)	Retail sales[3] calendar 1969 (millions)	Assessed valuation of property 1966[4] (millions)	Motor vehicle registration[5] calendar 1969 (thousands)	Mileage in state and local systems[6] calendar 1968	Public elementary and secondary school enrollment fall 1969 (thousands)	Total public and private (thousands)	Percent public	Old age assistance recipients, December 1969	Patients in mental hospitals, Dec. 31, 1968[8]	Families receiving aid to dependent children, December 1969
Total	201,921	69.9	$742,961	$347,808	$484,057	105,404	3,684,085	45,619	7,512	72.3	2,054,000	409,606	1,830,000
Alabama	3,531	54.8	9,062	4,572	3,962	1,860	78,097	826	95	82.1	115,000	7,749	29,600
Alaska	282	37.9	1,272	467	1,300	131	6,850	77	7	85.7	1,600	164	2,400
Arizona	1,693	74.5	5,648	2,962	2,239	1,024	41,062	418	91	97.8	12,500	1,153	12,200
Arkansas	1,995	42.8	5,027	2,930	1,804	950	78,839	460	50	78.0	60,700	1,667	11,200
California	19,443	86.4	83,070	37,992	42,522	11,601	158,159	4,598	1,104	89.5	314,000	19,728	304,000
Colorado	2,100	73.7	7,492	3,724	4,232	1,374	81,517	538	103	85.4	38,300	1,829	18,000
Connecticut	3,000	78.3	13,610	5,580	13,881	1,677	18,116	646	106	53.8	8,000	6,655	21,700
Delaware	540	65.6	2,167	899	1,730	297	4,847	130	19	78.9	2,200	1,396	5,100
Flordia	6,354	73.9	21,777	12,499	25,629	3,895	85,889	1,408	202	78.2	70,400	9,796	52,500
Georgia	4,641	55.3	14,108	7,131	5,938	2,487	98,241	1,113	109	78.0	92,100	10,984	52,300
Hawaii	794	76.5	3,024	1,261	3,090	375	3,442	179	25	92.0	2,200	585	6,200
Idaho	718	47.5	2,051	1,228	894	477	54,758	180	27	77.8	3,500	633	4,200
Illinois	11,047	80.7	47,609	21,086	39,848	5,162	129,419	2,324	391	64.5	38,100	22,102	83,500
Indiana	5,118	62.4	18,891	9,283	9,493	2,975	90,950	1,224	175	69.1	17,600	9,994	17,800
Iowa	2,781	53.0	9,782	5,435	6,225	1,754	112,349	661	104	59.6	24,300	1,432	16,900
Kansas	2,321	61.0	8,197	3,789	4,953	1,515	133,405	519	93	82.8	14,200	2,240	13,900
Kentucky	3,232	44.5	9,210	4,488	16,320	1,713	69,909	704	94	75.5	65,200	4,156	33,700
Louisiana	3,745	63.3	10,413	5,349	3,729	1,750	52,733	854	115	83.5	120,000	5,132	47,100
Maine	978	51.3	2,972	1,588	3,048	496	21,311	240	28	67.9	10,700	2,805	9,500
Maryland	3,765	72.7	15,416	6,710	12,975	1,795	25,885	892	125	74.4	8,500	8,473	33,900
Massachusetts	5,467	83.6	22,623	10,171	14,501	2,426	27,805	1,147	269	32.3	50,500	15,700	58,900
Michigan	8,766	73.4	34,574	15,685	20,488	4,488	144,170	2,166	343	84.8	37,700	15,471	62,600
Minnesota	3,700	62.2	13,350	6,532	2,517	2,144	127,099	914	148	80.4	22,000	4,244	21,900
Mississippi	2,360	37.7	5,174	2,787	1,528	1,085	66,104	575	69	87.0	73,090	5,131	29,200
Missouri	4,651	66.6	16,086	8,158	9,548	2,313	114,596	1,077	165	69.1	92,800	7,645	34,900
Montana	694	50.2	2,168	1,211	824	478	76,437	175	26	88.5	3,700	1,376	3,600
Nebraska	1,449	54.3	5,278	2,779	4,333	929	103,464	331	61	73.8	8,100	2,116	7,600
Nevada	457	70.4	1,992	1,056	1,477	329	47,562	124	10	100.0	3,600	451	3,300
New Hampshire	717	58.3	2,491	1,310	2,384	377	14,669	152	27	51.9	4,300	2,158	2,200
New Jersey	7,148	88.6	30,580	12,746	28,429	3,490	31,522	1,455	170	61.8	15,600	17,071	68,200
New Mexico	994	65.9	2,876	1,489	1,440	611	66,450	276	38	92.1	9,300	710	13,400
New York	18,321	85.4	80,989	32,397	51,161	6,505	102,327	3,514	704	52.3	91,700	80,548	272,000
North Carolina	5,205	39.5	15,045	7,574	13,621	2,717	85,029	1,186	148	66.9	38,800	8,449	31,600
North Dakota	615	35.2	1,852	1,095	693	420	107,237	148	28	96.4	3,900	1,208	2,800
Ohio	10,740	73.4	40,587	18,247	33,936	5,875	108,360	2,424	337	70.9	58,600	20,740	66,800
Oklahoma	2,568	62.9	7,872	4,111	3,049	1,650	107,321	613	106	82.1	75,900	3,993	25,800
Oregon	2,032	62.2	7,244	3,751	3,454	1,335	90,810	479	96	86.5	7,500	2,219	20,100
Pennsylvania	11,803	71.6	43,243	19,556	17,336	5,760	113,911	2,318	372	54.6	46,800	31,839	103,000
Rhode Island	911	86.4	3,442	1,504	3,157	470	5,203	180	45	57.8	3,900	1,987	9,900
South Carolina	2,692	41.2	6,947	3,507	1,037	1,311	59,520	648	56	67.9	19,000	5,896	12,800
South Dakota	659	39.3	2,011	1,132	2,393	418	84,333	167	29	75.9	4,500	1,342	4,300
Tennessee	3,985	52.3	11,197	5,954	4,942	1,971	77,617	891	123	69.1	52,400	7,011	32,500
Texas	11,187	75.0	36,401	18,569	16,366	6,506	240,130	2,755	379	80.7	233,000	14,609	47,800
Utah	1,045	74.9	3,129	1,546	1,541	601	39,040	302	70	62.9	3,600	542	9,100
Vermont	439	38.5	1,434	817	640	215	14,208	100	18	50.0	4,500	1,467	3,100
Virginia	4,669	55.6	15,377	6,988	9,834	2,161	60,428	1,077	127	78.0	11,900	11,651	22,000
Washington	3,402	68.1	13,046	6,181	4,875	2,106	73,955	820	154	87.0	23,300	3,012	30,400
West Virginia	1,819	38.2	4,748	2,250	4,915	836	35,850	401	59	79.7	12,600	4,590	22,000
Wisconsin	4,233	63.8	15,437	7,326	15,123	2,075	101,729	980	172	80.8	18,500	11,709	21,200
Wyoming	320	56.8	1,103	572	1,168	238	40,338	87	14	100.0	1,700	509	1,400
District of Columbia	798	100.0	3,869	1,746	3,538	254	1,083	150	70	8.6	2,700	5,539	9,500

[1] Excludes Armed Forces overseas.

[2] Preliminary.

[3] Estimated by Sales Management, Inc.

[4] Assessed value subject to tax, after deduction of exemptions.

[5] Includes private, commercial, and public-owned vehicles (except military vehicles).

[6] Includes mileage in Federal parks, forests, and reservations that are not a part of the State highway system.

[7] Total includes 15,000 students in U.S. service academies not listed under States.

[8] Primarily resident patients in State and county mental hospitals.

Source: Department of Commerce; Department of Health, Education, and Welfare; and Sales Management, Inc.—Copyright 1970, Sales Management's Survey of Buying Power; further reproduction is forbidden.

Mr. TAFT. Mr. President, I am not going to belabor this debate. I think I have adequately shown, by the previous debate, that the approach by the Finance Committee was one that was really inequitable. I think if they had taken any other three factors and used them as multiplying factors, it would make any less logic than the particular factors which they chose when they brought these multiplier factors into effect.

Using the one-third population factor alone might make some sense. Using the one-third income factor might make sense. Using a one-third factor for the tax effort, which made some sense, might be a better approach.

The final point I want to make to the Senate and to the conferees who are going to be considering this bill is that none of the factors, insofar as fairness to the people of the United States and the States of the United States is concerned, really are as fair or will be as lasting or as satisfactory as a per capita distribution. That is the basis on which this amendment is proposed.

Mr. LONG. Mr. President, with regard to the suggestions the Senator from Ohio has made, let it be said that certainly a Senator representing any State can understand that, when a committee undertakes as best it can to work out a problem and chooses a formula that helps one State and hurts another, certainly any other Senator has a right and would be expected to object to it and seek to change it on the floor. I salute and applaud the Senator from Ohio if he feels that Ohio did not do as well as he would have liked. He fought valiantly and diligently to change it to Ohio's advantage.

But we on the committee, Mr. President, have tried to think in terms of what would appeal to all 50 States of the Union; and, in fairness, I think it can be said that most Senators would vote for almost any change of the formula if it appeared that the change would do better by their States, and cause their States to receive more money than what was proposed by the Finance Committee bill.

Notwithstanding that, no one yet has found a formula that, if you simply take 50 States and look at their problems and apply a single standard, would benefit more States than does the Senate Finance Committee bill, which would indicate to me that we on the Finance Committee have been well aware of the fact that we must report to Senators from 50 States, and try to report a bill that would meet with the approval of Senators from 50 States.

Most of the changes that Senators have recommended would be to the disadvantage of two-thirds of the States, while they would be to the advantage of one-third of them. The advantage is not that disproportionate in regard to this amendment, but that tendency is still present. And may it be said to the credit of the Finance Committee, Mr. President, that even though the financial situation was such that it would probably have benefited four of the States and been to the disadvantage of 12 of those represented on that committee to put $1 billion in this bill and distribute that $1 billion on the basis of urbanized population, we nevertheless did that, because a convincing presentation for that distribution was made. And let it be stated for the record that though the urbanized States have disagreed with the formula and have tried and tried in vain to change it, the Treasury thought this was the best formula and we on the committee thought it was the best formula. We have made no effort to change the billion dollars in this bill or to change its formula from an urbanization basis. We recognized that you could well contend for an urbanized population formula in some contexts, so that the amendment that I offered when we were looking at the social services money provided the $600 million for social services was to be distributed among the States on an urbanized population basis. That was not to the advantage of Louisiana, nor to the advantage of the majority of the States represented on the Finance Committee, to do business that way because the States that have the greatest social service problems tend to be the urbanized States, and we proposed to distribute the money on that basis for their benefit.

There are Senators on the committee, and it might even embarrass them to have me say it, who voted, not one time but several times, to construct the formula that is before the Senate, and in doing so, voted contrary to what, at that point, would have been the selfish interests of their particular States. They did so, because, as a committee, we realized our responsibility to try to put together a formula that would be the best for all 50 States of the Union, all things considered.

I see in the Chamber, across the aisle from me, the distinguished Senator from Utah (Mr. BENNETT). When we were looking at the bill that had been sent to us by the House of Representatives, I at first simply suggested that we use the Hill-Burton approach, which has been approved time and again by the Senate, under which I had no doubt that the House bill would stand up.

That proposal failed to be agreed to by a tie vote when it was first suggested, because the leadership in opposition was taken by the Senator from Utah (Mr. BENNETT). Compared to the House bill, his State would have benefited, but taking the responsibility for the adminstration and for the Treasury, and realizing the President's interest in this matter, he fought for a formula that would take more things into consideration. It was he, after the Treasury had considered the committee's views and a great number of other things, who suggested the formula we have here.

I do not at all regret that in many respects this Senator as well as others have voted for aspects of this bill that would help other States more than the States we have the honor to represent. On the whole, this is a very good bill, and even for those who find that there have been some changes made compared to the House bill that are not to their advantage, I ask them to keep in mind that we still have to go to conference. The House bill, for example, with regard to the State of Ohio, is far more advantageous than the Senate bill. We will therefore have to seek to resolve those differences, and we will. Those are men of good will on the House side. We will work our differences out, and insofar as the Senator has in mind some consideration for urbanized States to a greater degree than the committee recommended, or that he wants more distributed on a population basis, I would suggest to him, if the formula is better on the House side, that he had a right to be complaining. So did most of the small States under the House bill, because the big city delegations pretty well had their way over there. On the Senate side, we had a chance to work out the distribution differently. But what will emerge from conference will be a composite of the construction of the House and the House point of view, where the big population States tend to dominate, and the attitude of the Senate, where the smaller States have far more influence under the great compromise that put this Union together.

So those who might feel that the House formula was somewhat more favorable can see and expect, by the time this bill emerges from the conference, that the Senate committee amendment undoubtedly will be modified to show the effect of the House philosophy as expressed in their bill.

With regard to this amendment, Mr. President, despite the Senator's best efforts—and this is his third try at a formula—he benefits 22 States, and 28 States do worse, which I think indicates that the committee did a pretty good job of trying to work out a bill that we thought the Senate would approve.

But, even more important than that, I think we ought to keep in mind the point of view of the administration, the President, the Secretary of the Treasury, the White House advisers, the Director of the Budget. These people have been working on this subject for a long time, and it was their judgment, after they saw what our handiwork was, that we had worked out a better proposal than the one they had made to Congress.

I hope the amendment will not be agreed to, because it is contrary to the philosophy of the bill and the philosophy of the administration.

Mr. TAFT. Mr. President, I am not going to continue the debate any further. I should like to point out a few things.

First, I am encouraged by the fact that the chairman of the Finance Committee indicates that he thinks the Hill-Burton distribution formula would be good. Although it is fairer than most, I still do not think it could be as fair, when we consider the very general nature of the bill. The name of this bill is the general revenue sharing bill as a per capita distribution. I do not think that one can devise a formula that will not work inequities other than one that is considered on a per capita basis.

I noted with interest that the distinguished chairman said that a number of the States represented on the committee would benefit. I am sure that was not the basis on which the decision was made to use the multiplier factor, but I am still waiting to get an explanation as to why the multiplier factor works.

I have heard no explanation of the fact that the tax effort factor apparently leaves out quite a number of aspects of the problem. For example, a corporate franchise tax may comprise, in the case of some of the smaller States, particularly Delaware, a sizable amount of the State revenue. Yet, no credit is given, so far as I can see, for that particular factor insofar as the representation of the personal income divider according to the formula is concerned.

Mr. LONG. Mr. President, will the Senator yield?

Mr. TAFT. I yield for a question.

Mr. LONG. We studied the suggestion made by the Senator in the committee. He suggested the formula where you distribute one-third of the money on a population basis, one-third of it on a relative per capita income basis, and one-third on relative tax effort. I think he proposed this formula, and the Senate had a chance to vote on it. It did not appeal to the Senate.

With respect to these factors—population and per capita income—so far as this Senator is concerned, his first reaction was to accept that for a formula. That was not the one agreed upon.

If you stop at that point, you take little account of what people are doing to try to help themselves. If you then multiply those two factors by the relative tax effort, it gives far more weight to the relative tax effort than if you simply put one-third on a tax effort basis and then put one-third on a population basis and one-third on an inverse relative income basis. Then if you take the committee formula, which we think fair, and apply it among the 50 States, what is impressive is not so much how it works out among the 50 States as within each one of them.

You see that in the poorer rural areas, they do better, a great deal better. You look to see what happens in the needy, distressed central city areas, such as New York or Los Angeles or San Francisco or Chicago or Detroit, and you will see that they do a great deal better. You look to see what happens in the relatively well-to-do, the relatively affluent, suburban areas, such as Forest Dale and Beverly Hills, and you will find that they get less. That is so for no better reason than that two factors come through with more effect—that is, they are well able to provide for themselves the services if need be, and their high income gives them a low tax effort.

Therefore, they have little need to tax themselves as heavily as the poorer communities must tax themselves. That comes through to cause those people in the wealthy suburbs to receive less than the people in the poorer central cities.

I have seen the committee formula challenged time and again—three or four times by the Senator from Ohio alone. Never yet have they tried to change that formula for application within their own States.

I have in my pocket a telegram from one of my parishes that has a relatively high per capita income and a low tax effort. The officials of that parish complain bitterly that, notwithstanding the fact that Louisiana does better under the Senate bill, their parish gets a million dollars less. They complain bitterly about that. I can understand why they feel that way.

The reason for it is that by taking into account relative income and the tax effort, and multiplying those factors rather than adding them very much, highlights their efforts. It places a tremendous incentive upon any people who are denied services, an advantage in putting taxes on themselves, if that is the problem, so that they can raise money for the needs of the communities of which they are a part.

It puts this Senator and every other Senator in a position to tell the officials of any country or any State, "Look, if you do not get much money out of revenue sharing, the principal reason is that you have a low tax effort. If you will make a greater tax effort, you will get a great deal more from revenue sharing." If they do not think enough of it to help raise more money among themselves, they will have to settle for the amount provided in the bill as reported by the Finance Committee and eventually agreed to by Congress.

Mr. President, this was not a printed amendment which the Senator offered, and in the beginning I did not have a chance to compute what the difference would be. While the debate has been going on, we have been able to compute the differences this proposal would create with regard to the 50 States. It shows that 28 States would do less well under the Senator's substitute than under the Finance Committee formula, and I ask unanimous consent to have this table printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Comparison of distribution among States under Finance Committee bill and under Senator Taft's proposal

(in millions)

States	Proposal on Population Basis[1]	Finance Committee bill
United States, total	$5,300.0	$5,300.0
Alabama	90.1	127.6
Alaska	8.0	5.5
Arizona	46.1	55.1
Arkansas	50.4	60.4
California	520.5	510.4
Colorado	57.8	60.0
Connecticut	79.0	57.5
Delaware	14.3	12.9
District of Columbia	19.6	14.1
Florida	177.0	160.3
Georgia	119.8	120.7
Hawaii	20.1	22.7
Idaho	18.6	21.8
Illinois	289.9	250.9
Indiana	135.7	114.6
Iowa	73.7	84.6
Kansas	58.8	58.0
Kentucky	83.7	95.9
Louisiana	94.9	124.8
Maine	26.0	34.2
Maryland	102.3	94.8
Massachusetts	148.4	143.5
Michigan	231.6	210.9
Minnesota	99.1	108.2
Mississippi	57.8	99.6
Missouri	121.9	108.5
Montana	18.0	22.0
Nebraska	38.7	47.1
Nevada	12.7	11.9
New Hampshire	19.1	16.7
New Jersey	187.1	142.6
New Mexico	26.5	36.5
New York	475.9	507.1
North Carolina	132.5	148.8
North Dakota	15.9	21.7
Ohio	277.7	185.4
Oklahoma	66.8	65.3
Oregon	54.6	61.8
Pennsylvania	307.4	290.2
Rhode Island	24.9	23.1
South Carolina	67.8	89.5
South Dakota	17.5	27.6
Tennessee	102.3	108.1
Texas	292.0	268.6
Utah	27.6	34.5
Vermont	11.7	16.3
Virginia	121.4	109.7
Washington	89.0	92.3
West Virginia	45.6	57.5
Wisconsin	115.0	147.1
Wyoming	8.5	10.7

[1] 28 States would receive less money under this proposal than under the committee bill.

Note: Details may not add to totals due to rounding.

Mr. TAFT. Mr. President, the Chairman has indicated that he thinks the formula is fair. I have indicated why I believe the multiplier factor is fair. He has indicated that some States which are richer are going to be hurt somewhat by the distribution.

I do not consider that the average income in my State, which is just about the norm of the United States, is at a level which would justify the differential that is involved on a per capita basis.

The amendment is a per capita amendment. The Senate might be interested to know what affect it will have on the State of Ohio in so far as the per capita amendment is concerned. The answer is that Ohio would get, per capita, $17.38 compared to the national average distribution, if we did it on a per capita basis, as this amendment, would do, of $26.09.

It may be that this is a very nice formula for some States but it is also inevitable, because of the fact that the tax effort factor is poorly drafted, that it does not include other considerations that will have to be considered if we are going to use the factor at all, and fairly.

It also multiplies the distortions. It does not add them in. It multiplies them in. For that reason, I feel that the formula is essentially unfair.

The distinguished chairman mentioned that the administration, somehow, approved the formula. As I have indicated earlier, and so far as I know I would be interested in this—and I am not questioning the Senator in any respect—the approval of the administration and specifically, I believe, the Under Secretary of the Treasury, his remarks insofar as the Senate formula is concerned, were for later distribution within each State.

I go along with the committee in that respect. This is an improvement in the distribution within the States to give a better allocation of the funds which are finally given to the States to use within their States.

I was one of those who complained very loudly, in speeches and elsewhere, with regard to the effect of the House formula as putting money spent where it was not needed and not putting money where it was needed. That has nothing to do with it. It is a formula within the States. All of us now know, and I do not believe the administration would be so foolish as to get caught in the buzz saw in trying to determine what a revenue sharing bill should be, and dictating to the Senate or indicating in any way to the Senate how it should make its distribution as between the various States. If it is a thing that has been done, if it has, then I would like to be corrected and I should like to know from whom and how it was done.

Mr. President, at this point, I believe that I have said all I wish to say but I think I have a question from the distinguished Senator from Illinois (Mr. PERCY) and I will be glad to yield to him for a question.

Mr. PERCY. Mr. President, I thank my colleague. I should like to express my deep appreciation to the distinguished Senator from Ohio for the leadership he has shown in this area. By some his efforts are considered to be an exercise in futility. I mentioned earlier this morning that I felt my own effort was an exercise in futility at the time. I felt as though we were at the Republican Convention in Miami trying to get delegate allocation on a fairer basis.

But I have reached the point now where I must direct a question to the distinguished manager of the bill, the Senator from Louisiana (Mr. LONG), because I have had unbounded enthusiasm for this legislation, in principle, ever since I came to the Senate. My seatmate, the distinguished Senator from Tennessee (Mr. BAKER), put in a bill on revenue sharing as his maiden piece of legislation in March of 1967, and I became one of his earliest and most enthusiastic cosponsors.

I have really worked for this principle. But, 2 minutes ago, I sat down with a piece of paper to see how I could figure out what my responsibility is now to my State of Illinois with respect to the vote which I trust will come tonight on final passage of the pending bill.

I direct a question to my distinguished colleague from Utah (Mr. BENNETT) whose advice and counsel I have followed many times, with whom I worked intimately on the Committee on Banking and Currency, whose judgment I have great respect for, and who has a firm knowledge of what a Senator's responsibility is.

I want to ask both Senators LONG and BENNETT this question: How does the arithmetic work out? We started out with a bill from the House which led the people of our State and the Governor of our State and the fiscal officers of our State to believe that Illinois would get something in the area of $301 million in revenue sharing.

The bill now before us would cost $5.3 billion. We are not naive enough to wonder where this money is coming from. It will come from the people of America and some of those people live in the State of Illinois. Most of them pay taxes.

We have roughly figured that about 7 percent of the Federal tax load is borne by Illinois, so that 7 percent of that figure we were talking about comes to about $371 million. Under the House bill we in Illinois were going to give $371 million, and would get $301 million; so that we would lose $70 million. But, that is really not too bad, considering that is better than we do under most Federal programs.

So our enthusiasm was high that this was really a good revenue-sharing bill for the people of Illinois, who are paying for this in taxes under a progressive Federal income tax—a progressive basis that we could not get through the State Legislature of Illinois. We got through a flat rate, and it has caused havoc with anyone that voted for it ever since. A progressive tax is unconstitutional in Illinois, so that we could not do it.

Now when the Senate bill came along, I sent a report to the Governor and to the people of Illinois, in a meeting, stating that I was disappointed, that it brings in only $251 million to Illinois. That was what it looked as though it was going to be. But then we additionally get slapped in the face with the ceiling on social services. In principle, I support a ceiling. I think it is right that we have a ceiling, but I do not think we can have a ceiling that is almost down to the floor when we are talking about expenditures being committed now by the States, expenditures in hard-raised dollars in Illinois which these kind of social services justify. In fact, we need to spend these Federal dollars because I think it is the only way we will ever be able to help those on welfare, take care of malnourished people, orphans, people who cannot see, and all the other kinds of services that are so necessary.

But, when we consider that we got $181 million in social services in fiscal 1972 and will be, by this bill, cut back to $61 million, we take a loss of $120 million. Then when we consider the fact that the bill cuts us down to $250 million in revenue sharing funds, in addition to taking $120 million of social services funds from us, that means that in the final analysis we are receiving under this bill only $130 million, for which we are paying in Federal taxes $371 million. This bill is a net loss of $241 million to the people of Illinois.

How can I possibly justify voting for a bill that, in principle, I really believe in, but which is really unfair to my State. How can I go back to the people of Illinois and explain this to them?

I must say to my colleague from Illinois, Mr. STEVENSON, who now occupies the chair, that I have backed this legislation for many months. We both have debated this question. He, in principle, is against it. He said it was a fraud and a waste, that would not work out.

I must say that with this kind of arithmetic as I have worked it out that for the State of Illinois under this formulation, we are being cut so badly I do not know how to justify a vote for the bill, although I still favor it in principle.

It is not just the fact that that nongermane addition on social services has been added, which should have gone on a social security bill or some other kind of bill—not on this bill, which should be kept a revenue-sharing bill. But on the revenue-sharing section, I would simply ask the question: Is my arithmetic correct and, if my arithmetic is correct, how can I justify voting for the bill?

Mr. LONG. If the Senator will yield at that point, to permit me to respond——

Mr. PERCY. Here are the figures. I jotted them all down.

Mr. LONG. I heard enough of them to get the point. Let me respond to some of what the Senator said. He talks about a bill which came over with $301.8 million in it. That was not a bill the President recommended. He recommended a revenue-sharing proposal which would have allowed for Illinois $219.8 million.

The House proceeded to crank in an urbanization factor, and the big delegations from States such as New York, California, Illinois, and Pennsylvania had a great deal to do with that. And by the time they finished, they had put in an urbanization factor. They worked it out so that it came over here with $301 million for the State of Illinois. They were recognizing how the House was going to vote with their big delegations from New York, California, Illinois, and Pennsylvania which have a greater number of votes and can pretty well have their say.

Those of us in the Senate took a different position. By the time the bill got here from the House, Illinois' allocation had increased from $219.8 million up to $301.8 million.

If the Senator wants to look at what the President of the United States, Richard Nixon—who lived in California and served that State as a Senator, and who lived in New York when he ran for the office of President of the United States—recommended, it was less than the House provided for both of those States.

The Senate bill provided $251 million, if we put the $5.3 billion on the new formula, and it is substantially above the $219.8 the Senator is talking about.

Mr. PERCY. But the committee gave with one hand and took with the other.

Mr. LONG. Let us take it step by step, as the Senator did. Even without the additional $1 billion in place of social service grants the Senate committee formula is better for Illinois than the administration formula that Nixon recommended. He is a man who had been elected from two large metropolitan States. He lived in one as a Senator and he lived in the other when he ran for President.

So the formula we came out with would do for the State of Illinois $31 million better than the proposal of the President of the United States who thought about both of these big States and the problems of every State in the Union. He thought it would be appropriate.

So the State of Illinois did better under the Senate proposal than the administration's recommendation by $31 million.

We did not try to distribute the money based on who paid the taxes. We did not try to do it in that way. The President did not recommend it, and even the House committee did not recommend that.

The State of Illinois did better under the Senate Finance Committee formula than Illinois did under the formula recommended by the President of the United States and his Secretary of the Treasury.

The Senator asked about the social

services aspect. I believe that the Senator had better get his pencil out to figure this. If we take $7 billion, which it is anticipated is what it will cost for social services if we do not put the program under control, let us see what the Illinois share of the taxes will be. It will be a lot of money.

Mr. PERCY. Mr. President, will the Senator yield? I have made the point that I believe in a ceiling on social services. I have supported a ceiling. I supported the ceiling of $2.5 billion. That is the reason that I think a $7 billion figure would be utterly unreasonable.

Mr. LONG. If we did not put those ceilings on, it would surely be $7 billion, and not very far in the future, either. That's unless we put on a ceiling.

In Louisiana, we could get a great deal of money for this because we have, relatively speaking, more poor people than Illinois does. The result would be that it would cost the taxpayers a great deal of money, and by the time they pay the taxes to pay for the cost of this, we might find that it would be wise to ask Illinois to provide their own social services and have every other State provide theirs.

If the Senator will go back to the position taken by the former Senator Douglas, who was in the Senate and whom the Senator knew intimately—and both men had an admiration and respect for each other, and properly so—if we take the Federal expenses uniformly across this country, because Illinois is a relatively high-income State, it will pay more than it gets back.

That is how it would be. If I had my choice, I would put myself in the Senator's shoes gladly. I would wish that Louisiana was richer, even though we would get back less than we had paid under a Federal aid program if that was the case.

Mr. PERCY. Mr. President, I would like to make clear my position in supporting the amendment of Senator TAFT. I have supported every amendment to bring some equity into this bill. We have tried to effect some improvement, some change, some modification in the bill as it came from the Senate Finance Committee because the questions of all Senators who have spoken cannot be totally overlooked. We cannot all be out of our minds. And certainly when we get into conference with the House, we would find—I would swear to it and I would wager to it—that the conferees on the part of the Senate will have to accept some form of reform.

We should give credit to those States who have raised their own taxes. We must give some emphasis to the fact that those States that have imposed taxes have bitten the bullet and they are paying their share. The House will require that point of view when we go into conference, so that we do not run roughshod over States that have a major population. But there should be some yield and give at the Senate level now. That is why I am urging support of the amendment offered by the distinguished Senator from Ohio (Mr. TAFT).

Mr. LONG. Mr. President, just talking about the revenue-sharing aspect of it first, and leaving out the social services, if we take the $5.3 billion figure and talk about that, both the House and Senate bill would give the State of Illinois more than the administration recommendation. So, if you want to consider the administration recommendation, to begin with, it did not wait to see how the Senate would vote or how the House would vote. But it took account of the competent views of both Houses. The State of Illinois has the good fortune to be a winner no matter how it comes out. If we take the Senate figure, the State of Illinois wins. And if we take the House figure, the State of Illinois wins. In either case the State of Illinois is a big winner compared to the administration's recommendation.

Mr. TAFT. Mr. President, I would like to point out that is not the case with the State of Ohio. It would be $212 million for the State of Ohio compared to the $285 mililon.

Mr. LONG. Mr. President, let me take one Senator at a time. As far as the State of Illinois is concerned, they will win either way. It is just a question of how big they win.

Mr. PERCY. Mr. President, will the Senator yield on that point? I cannot accept that point. We cannot carry on a dialog if we proceed on that basis. We cannot separate revenue sharing and social services because they are one package here. In fact, I would say to the distinguished Senator that if we had a bill for revenue sharing and Illinois would receive $251 million and we would pay in taxes $318 million, I would still vote for the bill. I would still believe in it. I still say that is a bargain, even though we get back $68 million less than we pay in. As Federal programs go, it certainly is a rare bargain for Illinois although there are States that get back certainly $3 to $4 for every dollar they pay.

I have not argued in principle against the fact that we should pay heavier than poor States pay. The question is a question of degree.

The question is that this bill now is not revenue sharing. I would have to say to the State of Illinois that this is a fraud because this bill now includes social services. With all due respect, that is nongermane to this bill. And if the distinguished Senator would simply say, "Let's put that on a bill it really belongs on," in accordance with the principle that the Senator has espoused on this floor for days, I would say "Amen." Let us vote for revenue sharing and get rid of social services on this bill and handle it some other place. That is what we must take into consideration when we are looking at the two factors, because we give with one hand but take so much away with the other that we cannot separate them.

Mr. LONG. If there is any way to bring social services under control we will do it. If we can get a bill to bring social services under control we will do it on any bill we can. If the Senate can bring that fiasco under control, we will do it. The Committee on Finance recommended the program in the first place, but it has been badly abused in the way it has been administered. Maybe we can get it under control. Maybe we cannot get our amendment agreed to and if we cannot, I suppose the Senator from Illinois will be happy because Illinois was able to get in and get Federal funds. But we will try to bring the program under control.

Mr. PERCY. That is why I support placing a ceiling on it.

Mr. LONG. We do not know what the House will agree to, but we should try to get this thing under control.

I hope the Senator would not prejudge the result of the conference. I know he is not satisfied with the limitation we have placed in here. We know we may have to agree to do something far more liberal, but at least we are in a position of bargaining strength to begin with. The Senator did not vote to put us there, but he can be confident that if the House was unwilling to accept a ceiling of $2.5 billion, it will not agree to our ceiling without some House amendments.

Mr. PERCY. I thank my distinguished colleague. I would like to pause to give an opportunity to correct the RECORD in one respect, because what has been said is factually misleading on the income tax effort of the State of Illinois. The administration bill provides so little for Illinois in the figures that were calculated because Illinois at the time did not have an income tax. We have since then made that major step. We changed our constitution. We now have an income tax, and Illinois would get substantially more under the administration bill because we would get credit for doing what we should have done.

This is the whole principle I feel we are failing to adhere to now. We are giving this money with no strings attached, but I think we are also shutting our eyes completely to the fact that it is right and proper that we offer incentives to States that have a State income tax. Each of us knows in our States how many inequities there are in the property tax, and we know that the six States that do not have an income tax will have to have an income tax eventually. Therefore, those States that have taken this step should be given the incentive and encouragement to continue. They should be rewarded for financing their States in the right way and not the wrong way, which is to just keep jacking up the sales tax, which affects mostly the poor.

But in this bill we are not using the money to provide the incentive for States to move forward. I trust my colleague will accept the correction in the statement he made on the amount provided in the administration bill. We do not have the new arithmetic because it has not been computed, but I can assure the Senator we pay a very big income tax and Illinois' share under the administration bill would be substantially higher.

I come back to the original question. I appeal for advice and counsel of my colleagues. They have never refused to urge that Senators give support for a bill. Can either the chairman of the committee or the ranking Republican member in good conscience advise a Senator that in the interest of his State and the Nation, and I talk about the Nation because a lot of people live in the urban areas—can we justify a vote for this bill and support it when these facts and figures have been given? I feel in good conscience the people of my State are not protected and cared for in this bill as they are in the House bill, and as they are in the administration bill. This bill as it now stands, and this is why I supported the amendments of the Senator from Ohio, does not respond to the needs of the populous areas of the country.

Mr. BENNETT. May I reply?

Mr. PERCY. I respectfully request that the Senator do so.

Mr. BENNETT. My first comment is that the present amendment of the Senator from Ohio eliminates any consideration of any tax effort.

Mr. PERCY. I would agree that others that have been offered are better than this one.

Mr. BENNETT. Very well.

Mr. PERCY. Obviously the distinguished Senator put forward the best amendments he could first, and so did the Senator from New York, and we have been tabled and beaten down to where we do not have too many amendments left.

Mr. BENNETT. I think the situation we find ourselves in illustrates the fact that the Senator from Ohio has been trying every way he can to find a formula to benefit the State of Ohio. His first two formulas took nearly one-fourth of the additional money he added to the bill and paid it to Ohio.

Mr. TAFT. The Committee on Finance took it away from the State of Ohio.

Mr. BENNETT. I was addressing the Senator from Illinois.

Mr. TAFT. I believe I have the floor.

Mr. BENNETT. If the Senator wishes me to, I will sit down.

Mr. TAFT. I am glad to yield.

Mr. BENNETT. The Senator from Illinois addressed a question. I learned a long time ago in school that when you figure percentages it depends on the base on which you figure.

The chairman pointed out that this whole matter started on a measure suggested by the administration. The House changed that base and the Representatives of the States who have been hurt or whose share has been reduced are going to make the best comparison they can. It is the most difficult business in the world to try to write a formula that will take into account the factors that are different in every State and under every circumstance. I am sure if every Senator in this body were free to sit down and write his own formula, he would do what the Senator from Ohio has done—he would write a formula to take care of his own State and then try to make a comparison with other formulas to show that *x* formula damaged him, and, therefore, that he must protect himself.

I do not think it is possible to write a formula that will satisfy every State in the Union.

We on the Committee on Finance, rightly or wrongly, felt as the chairman said, that the House formula, representing the dominance in the House of the big and rich States, was slanted in their direction. I do not represent any of those States; the Senator from Illinois does represent one of those States, so we may look at this matter from different points of view. We tried to represent the composition of the Senate and therefore tried to give more consideration to the two elements in addition to population, the relative income factor, and the tax effort factor. We have been criticized because we multiplied rather than added because by multiplying we increased the impact of these other two factors.

We could spend the next 2 weeks here trying to rewrite formulas according to the way a different formula would benefit a different State.

I will go back to the very beginning and answer the Senator's question. I will tell him a story. I had not been in the Senate very long, and in those days we quite often met until 2 or 3 o'clock in the morning. It was one of those nights. I was very tired and very confused, and I took the floor and addressed the Chair and said, "Mr. President, how do I vote on this amendment?" And he said, "The Senator from Utah will have to make up his own mind how he is going to vote on this amendment." I was trying to say, "What does a 'yea' vote mean and what does a 'nay' vote mean?" The Presiding Officer gave me the perfect answer: "The Senator from Utah will have to make up his own mind." The Senator from Illinois faces the same problem.

We never get a clear choice in this business of legislating. There are always factors that are beneficial on one side and damaging on the other side, and we have to find a balance and make our adjustments.

In this case I will admit that, as compared with the House bill, there are some factors in our formula that make it less attractive than the other. I can understand that the Senators from those States that have had the opportunity of taking advantage of the open-ended matching formula for social services had the right to believe that that would go on indefinitely and therefore they were free to depend on a continuing increase in the funds. We chose to do the best we could to cut that off. I know that the Senator's State will be damaged, in terms of its present program, by our provision, but I agree with the chairman. We are going to have to compromise this when we get to conference. If we started out with the Roth amendment, the compromise could have been only up and not down.

So I come back to the answer Senator McKellar gave me at 3 o'clock in the morning: The Senator, I am afraid, will have to make up his own mind.

Mr. PERCY. I certainly will, and on the basis of what I have heard, I am going to vote against the bill. I had not made up my mind when I came in the door of the Senate today. Based on what I have heard, I will have to say that the Senator from Ohio has been fighting for what he feels is in the best interest of the State of Ohio. That is his job, so long as it is consistent with what is right for America, because we all are, first and foremost, representatives of the United States, and then we fight for the interests of our States. But I would have to say that this bill is really a product of the system of the Senate as I have understood it these last 6 years. It is a product of the seniority system. It is a product of the system of committee assignments. The reason why the Senate moves so glacially slow is that we get a bill—in this case from the Senate Finance Committee—from a committee that has very, very little representation from the places where people in large numbers live, and certainly not from the big urban areas.

The members of the committee have done what we have been considering here on the floor. In committee they have fought for the interests of their States. I would say that the people of Louisiana are well served by this bill, and there is no question that the distinguished Senator from Louisiana would vote for it. That is true of New Mexico, whose Senator has the next ranking position on the Democratic side. That is true of Georgia, whose Senator has the next ranking position on the committee.

I would question whether the distinguished Senator from Indiana should vote for the bill, even though he is a member of the Finance Committee, and I have no idea how he voted in committee.

I would suppose the Senator from Arkansas would vote for it.

I would certainly feel the Senator from Connecticut, who was a lone voice in that committee—and what a lonely, lonely business it must be—would have a question about it. This is not a big State versus a small State argument. He is a distinguished Senator who was a Governor of his State and who had that responsibility. He was a Secretary of HEW and had that responsibility. He, in my judgment, has had a broader-based experience in both branches of government than any other Senator. He was a distinguished lawyer. In conscience, even though many times it may not have been only his State's interest involved, he has fought a lonely and hard battle.

Then the Senator from Oklahoma.

Then our distinguished and eloquent Senator from Virginia, who always has the best interests of his State of Virginia at heart.

Then the distinguished Senator from Wisconsin. I also say, in good conscience, I cannot see how he can possibly vote for the bill from his own committee.

On the Republican side, the distinguished Senator from Utah, whom I respect for fighting for the people of his State—and he loves that State, but really the problems in his State are different——

Mr. HANSEN. Mr. President, will the Senator yield at that point?

Mr. PERCY. I am happy to yield.

Mr. HANSEN. May I observe to my distinguished and cherished colleague from Illinois that if the Senator from Utah were to be motivated by selfish interests in doing the very best job he could for his own State, he would not vote with the committee. He would vote for the urbanization formula, because it just happens that in the State of Utah 80 percent of all the people in that State live within a five-city area. I thought that, in a very statesmanlike fashion, the Senator from Utah said, let us devise a formula as nearly fair as we can make it for all 50 States, and I think the record of the executive sessions will indicate that on more than one occasion there were those who spoke out, not in a manner that would redound to the maximum benefit of their specific States, but, rather, in trying as best they could to express their convictions insofar as what best served America was concerned.

I thank the Senator for yielding.

Mr. PERCY. I am very pleased to have that commentary. I take second place to no one in my respect for the distinguished Senator from Utah, but I do point out that the problems of Utah are quite different from the problems of the very populous States.

Next, on the Republican side, the Senator from Nebraska.

Certainly Iowa has some of the problems, but not too many.

Then Idaho, Arizona, and Wyoming.

Then we get to the bottom of the list. The distinguished Senator from Michigan, the only Republican on that committee who comes from an industrialized northern State——

Mr. LONG. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. LONG. Who has the floor?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. LONG. I make the point of order that the Senator can yield only for a question. Has the Senator yielded the floor or not?

Mr. PERCY. Mr. President, may I have 1 additional minute?

Mr. TAFT. I am glad to yield 1 minute to the Senator from Illinois.

Mr. LONG. Mr. President, I make a point of order. The Senator can yield only for a question. The Senate is anxious to come to a vote. It has been a long day. I make the point of order that the Senator can yield only for a question.

Mr. PERCY. Mr. President, I will rephrase the question, which has not been answered by the chairman of the committee. The ranking minority member of the committee did answer it. But I ask this question, then: In good conscience can this Senator vote for this bill? I repeat what I have said several times before in this colloquy. We are grateful to the Finance Committee for getting this bill on the floor so we can have this colloquy. We are not arguing the principle. The principle is right. But I do disagree with the formula that has been arrived at, and I ask the distinguished Senator, in good conscience, could I vote for this bill?

Mr. LONG. Mr. President, will the Senator yield?

Mr. TAFT. Mr. President——

The PRESIDING OFFICER. The Senator from Ohio can yield only for a question.

Mr. LONG. Mr. President, will the Senator yield to me?

Mr. TAFT. I will yield in a moment. I would like to correct a statement of fact by the Senator from Illinois. Under the utilization of the formula, the Senator's State would get $32 million as compared with $34 million. I do not know that it is important.

I yield now to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I will claim the floor in my own right when I can obtain it.

Mr. TAFT. Does the Senator from Illinois have a further question?

Mr. PERCY. I have one further question that I would like to have answered at some point.

Mr. TAFT. I yield to the Senator.

Mr. PERCY. A good measure of fairness is per capita distribution of the new revenue sharing funds, and I wonder if there is a table available that shows the per capita distribution by the various States.

Mr. TAFT. I would advise the Senator that we do have available such a table on per capita distribution, which is the basis on which this amendment would operate.

Mr. PERCY. Mr. President, I conclude by saying that I feel I have offended my colleagues, and I am distressed and very sorry if I have, but I do feel very deeply about this matter, and regret deeply the necessity of voting against a bill that embodies a principle that, for 6 years, I have believed in very strongly. But I simply cannot justify a vote on the basis of the committee formulation, and I would hope in conference that more equity could be built into the bill for the populous States.

Mr. TAFT. Mr. President, I am ready to ask for the yeas and nays. I have no reason to protract the discussion. I think I got somewhat off the point, however, on the social services discussion. As to the differing points of view on per capita distribution, unfortunately, we do have a dilemma here in the Senate. I can appreciate the approach of both sides, in that I think it is important that the Senate act on this matter, but, on the other hand, to get mixed up in such a basic, long-range issue as determining the direction we are going to go on revenue sharing and the direction we shall take in that formula, I think, is unfortunate.

I feel that the figures in the committee report are misleading in this regard. Yet I recognize also the urgency. I think it is too bad it could not have come up in some other way.

I would also like to correct the Senator from Illinois in an observation he made in stating that he felt perhaps I had advanced the best amendments I thought could be offered at an earlier date. I assure him that, quite the contrary, it was my object, while I may have been right or wrong in that regard, to offer first an amendment which I felt had a better chance of drawing support, because there were more Senators whose States would perhaps have benefited more under other amendments than the amendment I am offering at this time.

But that does not detract one whit from my belief that the principle of this amendment is sound, and I think the statement made a few minutes ago by the Senator from Utah, the ranking Republican member of the committee, bears out exactly what I am saying about this amendment. He described, I thought very accurately, the tremendous difficulty in working out a formula and applying it in some way that works out fairly for all the States.

The committee amendment adopted several factors, and applied them in a way that makes no sense at all and tends to distort further any inequities. With reference to the application of the various factors, it just happens to have hit my State. It could have been the Senator's State or any other State. I am not saying that the factor of tax effort should not have been considered, or that another factor should not have been considered. I do think it did not work out properly in this bill. I think the relative efforts of the States involved are not included properly in the formula for tax effort application. I think it could be better.

We are going to have this argument, I assure Senators, time after time on this floor, if we adopt the committee amendment. The only way we are going to be able to stop the revenue-sharing distribution formula from becoming an issue every year on the floor of the Senate is to adopt some very basic and understandable principle, and I cannot think of any that is more accurate and equitable than a per capita distribution of $26.09 per person throughout the United States. That is where I think he will eventually end up, or the revenue-sharing principle will be lost and become meaningless.

Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LONG. Mr. President, I ask unanimous consent that I may yield to the distinguished majority leader, without prejudicing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INTERIM AGREEMENT ON OFFENSIVE WEAPONS—CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to file a cloture motion at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask that the motion be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending joint resolution, S. J. Res. 241, the authorization of the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

1. Mike Mansfield
2. Hugh Scott
3. John O. Pastore
4. Robert C. Byrd
5. Norris Cotton
6. Philip A. Hart
7. Frank E. Moss
8. Lee Metcalf
9. Wallace Bennett
10. Robert Dole
11. Jennings Randolph
12. Clifford P. Case
13. Thomas F. Eagleton
14. Daniel Inouye
15. William Proxmire
16. Joseph M. Montoya
17. John Tower
18. Henry M. Jackson
19. Clinton Anderson

Mr. JAVITS. Mr. President, will the Senator yield for a question on that motion?

Mr. MANSFIELD. The Senator from Louisiana has the floor.

Mr. JAVITS. Just for 30 seconds.

Mr. LONG. Mr. President, I ask unanimous consent that, without prejudice to my right to the floor, I may yield to the Senator from New York for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Normally when a motion is filed, we qualify the amendments which have been printed, without going through the rigmarole.

Mr. LONG. The rule does that.

Mr. MANSFIELD. The rule takes care of it. Will the Senator yield to me further?

Mr. LONG. I ask unanimous consent that I may yield further to the majority leader for a unanimous-consent request, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I ask unanimous consent that the cloture motion may lie at the desk until the Senate completes its business tonight, for additional signatures.

The PRESIDING OFFICER. Without objection, it is so ordered.

Subsequently, the following Senators signed the cloture motion:

20. Robert P. Griffin
21. Marlow W. Cook

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. Stevenson). The Chair, on behalf of the Vice President, pursuant to Public Law 90–206, appoints the following as members of the Commission on Executive, Legislative, and Judicial Salaries: Mr. Joseph Meglen, of Montana, and Mr. Bernard G. Segal, of Pennsylvania.

REVENUE SHARING ACT OF 1972

The Senate continued with the consideration of the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

Mr. LONG. Mr. President, I move that the pending amendment be laid on the table, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. Stevenson). The question is on agreeing to the motion of the Senator from Louisiana (Mr. Long) to lay the amendment of the Senator from Ohio (Mr. Taft) on the table. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Alabama (Mr. Sparkman), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), and the Senator from Wyoming (Mr. McGee) are necessarily absent.

I further announce that if present and voting, the Senator from Alabama (Mr. Sparkman), and the Senator from New Hampshire (Mr. McIntyre) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. Allott), the Senator from Iowa (Mr. Miller), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Kansas (Mr. Dole) is detained on official business at the White House.

If present and voting, the Senator from Colorado (Mr. Allott), the Senator from Iowa (Mr. Miller), and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 60, nays 28, as follows:

[No. 418 Leg.]

YEAS—60

Aiken
Allen
Anderson
Baker
Bayh
Beall
Bennett
Bentsen
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Church
Cook
Curtis
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Goldwater
Gravel
Gurney
Hansen
Hatfield
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
McClellan
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Pearson
Proxmire
Randolph
Smith
Spong
Stafford
Stennis
Talmadge
Tunney
Young

NAYS—28

Bellmon
Boggs
Brooke
Case
Cooper
Cotton
Cranston
Eagleton
Griffin
Hart
Hartke
Mathias
Packwood
Pastore
Pell
Percy
Ribicoff
Roth
Saxbe
Schweiker
Scott
Stevens
Stevenson
Symington
Taft
Tower
Weicker
Williams

NOT VOTING—12

Allott
Dole
Fulbright
Harris
Kennedy
McGee
McGovern
McIntyre
Miller
Mundt
Sparkman
Thurmond

So Mr. Long's motion to lay Mr. Taft's amendment on the table was agreed to.

Mr. MAGNUSON. Mr. President, I send to the desk an amendment on behalf of myself and Senators Ribicoff, Jackson, Javits, Brooke, Case, Tunney, and Humphrey, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following:

TITLE IV—MISCELLANEOUS PROVISIONS

AMENDMENT TO FEDERAL-STATE EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 1970

Sec. 401. Sec. 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by adding at the end thereof the following new sentence: "Effective with respect to compensation for weeks of unemployment beginning before July 1, 1973, and beginning after the date of the enactment of this sentence (or, if later, the date estabilshed pursuant to State law), the State may by law provide that the determination of whether there has been a State "on" or "off" indicator beginning or ending any extended benefit period shall be made under this subsection as if paragraph (1) did not contain subparagraph (A) thereof, and as if paragraph (1) of section 203(b) did not contain subparagraph (B) thereof."

Mr. MAGNUSON. Mr. President, this is sort of an emergency situation affecting about 19 States. It involves the whole question of unemployment. I hesitate to suggest that this amendment be put on this particular bill, but if I thought we could not get some consideration for the amendment on this bill, we might be able to do so on a separate bill later on. The Chairman of the Finance Committee, I would insist, and my sponsors would join me in insisting that we add the pending amendment to this bill.

I will explain it briefly.

The amendment, if enacted, would allow the States to repeal the so-called 120 percent on-off trigger. This 120 percent trigger arbitrarily and harshly discriminates against unemployed workers residing in a State with a persistently higher rate of unemployment. The provision originally, when adopted, possibly made some sense, because the problem of recession and unemployment did not last too long. The provision is that a State must have an unemployment rate which is at least 120 percent of the rate prevailing in that State in a corresponding period of the previous 2 years. It has the adverse effect of eliminating the States where the unemployment has leveled off and remained static for over a 2-year period. That includes my own State. It includes 19 States in the United States. It includes New York, for instance, and California—19 States where they have persistently held themselves at this same level. So it has not increased 120 percent. So there is no trigger. The States can do this themselves. The basic reason behind that authority for the States is that when they do it, then they have to make their contribution to the fund. But the way it is now, it has stayed that way in 19 States way above the amount anyone ever believed at the time the bill was enacted for a period of over 2 years.

In my particular State, we have had the rate of 70 percent, some have 10 to 12 to 13 percent, but the workers do not qualify for the Federal-State extended benefits because of this requirement. We are having a recession there that continues. Workers in these 19 States need the extended benefits. The program which calls for the 120 percent requirement happens to be unfair where there is persistent and long time unemployment that has not in some cases gone up or down. I think the States should repeal it as quickly as possible, but we have to amend the law to be able to do that.

This amendment has not been considered by the Finance Committee but we have discussed it informally with its members and I would hope that the Senator from Louisiana (Mr. LONG), who has been a long-time friend of the unemployed worker, and the distinguished Senator from Wyoming (Mr. HANSEN), and other Senators here, would give us some assurance that before this session ends, we will be able either to have this attached to another bill from the committee which might show up on the calendar—I guess there is one on the calendar—or that we would have a hearing before the committee. I am joined by these sponsors from the 19 States that have this problem.

Now, Mr. President, the Senator from New York (Mr. JAVITS) wanted me to yield to him for a period of a minute or two on this matter.

Mr. JAVITS. Mr. President, I thank the Senator from Washington.

Mr. President, in 1970 we enacted the Federal-State Extended Unemployment Compensation Act, the provisions of which have been an invaluable source of support to thousands of jobless persons in the recent months of extended high unemployment. Under the act, extended benefits for 13 weeks have been paid to jobless persons in 37 States and continue to be paid in five of these States and in Puerto Rico. Through April 29, 1972, more than 700,000 workers had filed claims for temporary compensation and total benefits paid were over $227 million. According to a report of the Secretary of Labor—

> It is clear that this program has been of substantial benefit to three-quarters of a million persons who had substantial attachment to the labor force.

This amendment, offered by the distinguished Senator from Washington and myself, deals with the State "off-and-on" trigger mechanism, which determines eligibility for participation in this program. The program on a national basis ended several months ago. However, for sometime thereafter New York and many other States were eligible to participate in the program because the State unemployment rate was 120 percent of the rate prevailing in the State in the corresponding period of the previous 2 years, and the State unemployment rate was above the trigger rate of 4 percent. But recently, despite the fact that the insured unemployment rate in many States is above the 4-percent level, these States have become ineligible to participate in the program due to the 120 percent "off" trigger.

It is clear that the 120 percent "off" trigger is disqualifying States at a time when the need of their unemployed workers is still great and urgent. To the present, some 27 States have been triggered out of the program through the operation of the 120 percent provisions at times when their unemployment rate was greater than 4 percent. In 10 of these States—California, Washington, Alaska, Connecticut, Maine, Massachusetts, Michigan, New York, Oregon and Rhode Island—this "off" trigger has had a particularly harsh consequence, for their unemployment rates continue to be significantly higher than the national average.

In my own State of New York, some 90,000 individuals, or 18 percent of the total unemployed work force in New York, have had their benefits terminated. In some areas of my State, particularly Elmira, Buffalo and Utica, and on Long Island, unemployment has reached 8 and 9 percent. Approximately 4,500 persons exhaust their regular unemployment insurance benefits each week in New York State, and will not be able to draw further benefits unless legislative action is taken.

This amendment would remove the 120 percent "off-and-on" trigger so that the only test which would have to be met by the States to qualify for an extended benefit period is an insured unemployment rate in excess of 4 percent. Insured unemployment is, of course, always lower than total unemployment; a 4 percent insured unemployment rate translates into a total unemployment rate of 5.5 percent or higher. In addition, the amendment would eliminate the 13-week waiting period before a State which meets the eligibility criteria, can apply for reinstatement into the program.

Mr. President, I have been an ardent supporter of the President's wage stabilization program and I think it has done much to cool off the inflationary fires which were overheating our economy in recent years. But it seems to me that just as we have acted vigorously to control inflation, we must also act vigorously to deal with the equally serious problem of excessive unemployment. The least we can do, in that respect, is to act now to reinstitute the 13-week benefits program provided for under the 1970 act in States where unemployment is high, even if the unemployment rate is not higher than it was a year ago. I cannot see any justification for providing 13 weeks of extended benefits to a State which has an insured unemployment rate of 4.1 percent if its rate during the previous year was 3.2 percent and denying such extended benefits to workers in a State where insured unemployment is higher than 4.1 percent, but not 20 percent greater than it was a year ago.

The purpose of the extended benefits program is to provide some extra assistance to the long-term unemployed during periods when it is hard to find a job because of generally high unemployment, and it should make no difference in the application of the program whether the unemployment rate last year was lower, higher, or the same than it is today. Similarly, if perchance the insured unemployment rate in a State drops below 4 percent for a period of time and then rises again above that figure, the State should not be precluded from regaining its eligibility to participate in the program. I stress the latter point because I am informed by officials in the New York State Labor Department that it is possible that the insured unemployment rate in New York will drop below 4 percent this fall and rise to over 4 percent again this winter.

The amendment before us deals with these problems by eliminating the 120 percent "off-and-on" trigger from the 1970 act. It would permit States, such as New York, which have lost their eligibility to participate in the program to regain their eligibility through appropriate action by the State legislature in accordance with the Federal law, as amended.

Mr. President, in the interest of long-term unemployed workers in New York and throughout the Nation, I hope the Senate will support this amendment.

Mr. President, I ask unanimous consent that an article entitled "New Jobless Aid for 90,000 Urged," written by Edward C. Burks, and published in the New York Times of August 1, 1972, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW JOBLESS AID FOR 90,000 URGED—STATE LABOR LEADER ASSAILS ENDING OF EXTENDED BENEFITS

(By Edward C. Burks)

Raymond R. Corbett, president of the New York State A.F.L.-C.I.O., called yesterday for emergency measures to aid 90,000 state residents whose extended unemployment insurance benefits had just been cut off.

He referred to the mandatory termination of two programs which gave 26 extra weeks of extended unemployment benefits to the state's jobless.

Because the basic maximum is 26 weeks of assistance, the two programs had given benefits to unemployed workers for up to 52 weeks.

Mr. Corbett said that "it doesn't make sense" to have a rule terminating the programs simply because the unemployment situation was not worse than it was in 1971 and 1970. However, such a rule was written into the legislation setting up the two temporary programs.

One of the programs was financed on a 50–50 state and Federal basis, and the other—the program providing for benefits after 39 weeks of unemployment—was wholly financed by the Federal Government. He called for action by Congress, and if necessary, by the Legislature, contending that otherwise the 90,000 would be forced onto welfare rolls.

WORKING WITH JAVITS

Industrial Commissioner Louis L. Levine, head of the State Labor Department, said of the termination of the programs: "We had no choice. We sympathize with the A.F.L.-C.I.O. It's a rough situation but one we had little control over."

He added, however: "We've been working intensely with Senator [Jacob K.] Javits and the Federal Labor Department to try to get Congress to move to provide extensions."

Mr. Javits is a member of the Senate Labor Committee.

Mr. Corbett contended that "persons able and willing to work should be entitled to unemployment insurance benefits." Especially in a period of "extremely extended unemployment such as we are still experiencing," it should be possible to extend the aid, he said.

The 90,000 New Yorkers affected constitute 18 per cent of the state's total number of unemployed workers.

CRITERIA CITED

The extra benefits financed jointly by the state and Federal Government terminated on July 23 because the state unemployment situation no longer met the criteria of the program. The criteria are that the state's unemployment average must not only exceed

4 per cent (which it did) but that the jobless rate would also have to be 20 per cent higher than for the comparable period of 1970 and 1971.

Mr. Corbett noted that in some areas of the state—Elmira, Buffalo and Utica—the jobless rate in June was 8 and 9 per cent and he said that the law should be amended to cover these extreme cases.

The second program—the one financed wholly by the Federal Government—was terminated because the state's over-all unemployment average was not high enough to qualify under the Federal formula. Thirteen weeks must intervene before the state can apply again for this aid, and only then if it meets this criteria.

Mr. Corbett feels that kind of rule is "like the doctor stopping treatment and telling the patient he'd look in on him three months later to see if he's gotten much worse."

Mr. JAVITS. Mr. President, I join the Senator from Washington (Mr. MAGNUSON) in expressing my appreciation to the Senators.

The article that I have had printed in the RECORD shows that the AFL–CIO in our State is very deeply concerned about this problem and has made a very strong representation about it.

I assure the chairman of the committee that I will personally write a letter, and I am sure that the junior Senator from New York (Mr. BUCKLEY) will join me in that effort, to every New York member. The Senator has told us so eloquently how many members there are. We will urge their full cooperation in the letter and ask that it be transmitted to the House Ways and Means Committee.

Mr. MAGNUSON. Mr. President, I think that in the original act of the Finance Committee, they did not anticipate at that time that some of these things would go on over a 2-year period. If someone had serious unemployment and it went up to 120 percent, it would trigger it. However, what has happened in these 19 States is that it just persisted more than it did in other States. I am happy to say that it has not gone up in some States. However, it has not gone down.

Mr. LONG. Mr. President, will the Senator yield?

Mr. MAGNUSON. I yield.

Mr. LONG. Mr. President, as the Senator knows, the amendment could be offered on a revenue bill that has already reached here. But the Ways and Means Committee has already acted favorably on this matter.

So we will get a chance to act on the matter on another bill. I might say that I feel like a sort of substitute Senator from the State of Washington.

Mr. MAGNUSON. We are glad to have the Senator from Louisiana. We need him there.

Mr. LONG. Mr. President, I have worked on this unemployment insurance problem. I am well aware of what the Senator is talking about. I want to assure him that I will cooperate, and I assure him that we will find a bill to which we can accept the amendment and go to conference. And in conference, if it is possible to prevail upon the House to do anything about this, we will do so. And I think that the House Ways and Means Committee is willing to cooperate in this matter. And if that is the case, it is possible to get the House to agree to do something. I am confident that we can get it done. However, I do not want to do it on this bill. And I will oppose it as strongly as I know how on this bill because we are trying to keep off amendments that are nongermane. Once we get in that area we would be in trouble. If we put a rider on something, it is like putting a rider on a horse. If we put too much weight on the horse, the poor horse will collapse and the rider will never go anywhere.

If we could take a relatively noncontroversial bill and add the amendment on a measure of that sort, we can then try to get the House Ways and Means Committee to accept it in conference, and then I am confident that the House will go along with it.

Mr. MAGNUSON. The House members said that they are agreeable. I understand there is a bill on the calendar on which we might do this.

Mr. LONG. We have a bill on the calendar to which it could be attached. And if there is too much objection, we could find another one. We could find a proper vehicle to get the amendment before the House.

Mr. MAGNUSON. The Finance Committee could find anything if they wished to do so. I see the Senator from Utah nodding his head. I appreciate his support and the support of the other Senators also.

We have been talking all day about the cost of welfare. I can tell the Senate that the people we are talking about are out of work and have exhausted their benefits. If this condition continues, the only place they can go is on welfare. That is a humiliating thing. And we are getting more and more people on welfare. They have given up. They cannot find jobs.

The cost of welfare, as far as the Senator from New Hampshire (Mr. COTTON) and I can ascertain, runs about $4,000 a year when we add it all up.

This is a much better way, and the people want to work. We are hopeful that the economy will come back and that people will be employed again.

I am sure that the Senator from New York and all my cosponsors join in thanking both the Senator from Louisiana and the Senator from Utah, as well as all other Members of the Senate, for their consideration of this matter.

Mr. RIBICOFF. Mr. President, in 1970 Congress enacted the extended unemployment compensation program. Its intent was to provide an additional 13 weeks of benefits to workers who had exhausted their regular 26 weeks of benefits.

The program was designed to trigger into effect in each State when that State's unemployment insurance rate was at least 4 percent and the average of this rate for the prior 2 years had been equal to or greater than 120 percent.

Such a formula assured that if States' rates were increasing, as they were in August of 1970 when the program was enacted, then the program would become operative.

The program was a success. During the period from the beginning of the program in October of 1970 to January 1972, a total of 22 States paid extended benefits. In 1971 about 66 percent of the Nation's insured unemployment, and 51 percent of total covered employment, were in these States.

Today the unemployment rate has leveled off at a high level. As a result the average unemployment rates are not increasing by 120 percent over the past 2 years and States are triggering out of the program.

Today only three States—Hawaii, Pennsylvania, and Vermont—and the Commonwealth of Puerto Rico remain in the program because they are the only ones whose rates are increasing by more than 120 percent.

Mr. President, it is clear that with unemployment continuing at a high rate, it is crucial to unemployed workers that the extended benefits program be revived. They do not know about the 120-percent trigger mechanism which is depriving them of assistance. They only know that they are without jobs. In Connecticut, for example, 129,000 people remained jobless in July of 1972. That is an unemployment rate of 9.1 percent.

On June 14 of this year, the Senator from Washington (Mr. MAGNUSON), I, and other Senators introduced S. 3705 to allow the States to waive the 120-percent trigger. While a companion measure, S. 3704, was passed to extend the emergency compensation program, no action was taken on S. 3705. An identical bill has been ordered reported out of the Ways and Means Committee. I am hopeful that the Committee on Finance will expedite action on this measure which will provide aid to hundreds of thousands of unemployed Americans.

Mr. MAGNUSON. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER (Mr. GAMBRELL). The amendment is withdrawn.

The bill is open to further amendment.

AMENDMENT NO. 1460

Mr. TUNNEY. Mr. President, I call up amendment No. 1460.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill, add the following new title:

TITLE IV—DISREGARD OF SOCIAL SECURITY BENEFITS IN DETERMINING NEED FOR PUBLIC ASSISTANCE

SEC. 401. DISREGARD OF SOCIAL SECURITY BENEFITS IN DETERMINING NEED FOR PUBLIC ASSISTANCE.

In addition to the requirements imposed by law as a condition of approval of a State plan to provide aid to individuals under title I, X, XIV, or XVI of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result of the requirement imposed by this section or otherwise) for aid for any month after August 1972 who also receives in such month a monthly insurance benefit under title II of such Act, the sum of the aid received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the sum of the aid which would have been received by him for such month under the State plan as in effect for August 1972, plus either—

(1) the monthly insurance benefit which

was or would have been received by him for August 1972 plus $15; or

(2) the monthly insurance benefit to which he would be entitled for the month of September 1972, whichever is less (whether this requirement is satisfied by disregarding a portion of his monthly insurance benefit or otherwise).

Mr. TUNNEY. Mr. President, my amendment is designed to give financial assistance to a minority whose needs cannot be denied. I refer to over 1,250,000 elderly people who depend on both social security and public assistance payments for their income. These people have few resources. They receive a very low income. They have little or no capacity to absorb the impact of inflation.

These are people of our Nation who have been crying for assistance to make ends meet, and they should be given some counterbalance to the inroads made on their little income by the ever-paring knife of inflation.

Unless some measure is adopted to give these people a pass through, they will not benefit from the recent 20-percent increase in social security payments passed by Congress.

Mr. President, it seems to me that the Senate should consider the needs of these people as a special class. They should not be lumped in with other welfare-type amendments that conceivably could be offered to the bill.

In the Nation as a whole there are approximately 1,277,000 people receiving both social security as well as old age assistance. In California alone there are approximately 229,000.

My amendment would add an extra title to the revenue sharing bill, imposing an additional requirement in States as a condition for approval of a State plan to provide aid to individuals under titles I, X, XIV, or XVI of the Social Security Act.

This requirement is that once the 20-percent increase is effective, an individual who receives both social security and old age assistance payments must receive a total from the two sources of at least an extra $15 per month or an amount equal to the full amount of his personal social security increase, whichever is the lesser.

States would be permitted to pass on this extra amount to them, either by increasing the extra amount of income disregarded, or by increasing the standard of need, or payment of assistance to aged, whether they are social security beneficiaries or not.

I think the need for this legislation is urgent, and I know I speak for my distinguished senior colleague, Senator CRANTSON, when I say that the large number of social security recipients who also receive public assistance in California demand some consideration. When it was published in California that I would be offering this amendment, my office received many, many letters from senior citizens, in effect praying that the amendment would be accepted by the Senate.

Mr. CASE. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. CASE. Mr President, I wish to commend the Senator from California and join him in supporting this amendment. I think it is an important and useful thing he is attempting to do.

We have discussed this matter beforehand, and I would like to seek to broaden the amendment offered by the Senator from California to insure that the disregard of the 20-percent social security benefits increase will apply to recipients of medicaid and also to participants in the food stamp program.

Thousands of medicaid recipients and food stamp program participants will be cut out of the medicaid programs and food stamp programs altogether.

In my own State hundreds may be forced to leave nursing homes—and in other States which allow medicaid coverage under a special category known as "medically needy" the cost of remaining in the medicaid program will increase substantially for the individual, perhaps prohibitively.

Medicaid provides a number of vital services to older persons receiving minimal social security benefits—services ranging from the purchase of necessary drugs, eyeglasses, hearing aids, home care, nursing home care, and partial doctors' fees.

Congress had no intention, in passing the 20-percent social security increase, of forcing older citizens out of nursing homes or in reducing real benefits they may receive. But this will be the result unless this timely action is taken, for the 20-percent increase already is in effect.

We are not speaking about new expenditures—since older citizens are already receiving this aid.

In my view this action ranks differently from the fuller consideration of the other social security amendments that are to be proposed by the Senate Finance Committee and the Senator from Louisiana later in this session, since the purpose of my amendment is to remedy an oversight in the passage of Public Law 92–336.

Mr. TUNNEY. Mr. President, I discussed this matter with the Senator. I think his amendment to my amendment is most appropriate and should be accepted by the Senate.

Mr. CASE. Mr. President, I send to the desk an amendment to the Senator's amendment. I ask that the amendment be stated so that the Senator from California can decide if he will accept it.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

On page 3, after line 5, add the following: "Section 5 of the Food Stamp Act of 1964, Part B, at the end of the second sentence, after 'criteria of eligibility,' 'that those currently eligible shall continue to receive Food Stamps disregarding the increase in social security benefits in P.L. 92–336, and this shall equally apply to persons participating in the commodity distribution program.' "

Mr. TUNNEY. Mr. President, I ask unanimous consent that my amendment be modified to include the language sent to the desk by the Senator from New Jersey.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. On his request the amendment is so modified.

The amendment, as modified, is as follows:

TITLE IV—DISREGARD OF SOCIAL SECURITY BENEFITS IN DETERMINING NEED FOR PUBLIC ASSISTANCE

SEC. 401. DISREGARD OF SOCIAL SECURITY BENEFITS IN DETERMINING NEED FOR PUBLIC ASSISTANCE.

In addition to the requirements imposed by law as a condition of approval of a State plan to provide aid to individuals under title I, X, XIV, XVI, XIX of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result of the requirement imposed by this section or otherwise) for aid for any month after August 1972 who also receives in such month a monthly insurance benefit under title II of such Act, the sum of the aid received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the sum of the aid which would have been received by him for such month under the State plan as in effect for August 1972, plus either—

(1) the monthly insurance benefit which was or would have been received by him for August 1972 plus $15; or

(2) the monthly insurance benefit to which he would be entitled for the month of September 1972,

whichever is less (whether this requirement is satisfied by disregarding a portion of his monthly insurance benefit or otherwise).

Section 5 of the Food Stamp Act of 1964, Part B, at the end of the second sentence, after "criteria of eligibility", "that those currently eligible shall continue to receive Food Stamps disregarding the increase in social security benefits in P.L. 92–336, and this shall equally apply to persons participating in the commodity distribution program."

Mr. CASE. I thank the Senator. I appreciate what the Senator has done.

I would like to have my name included as a cosponsor of the amendment as amended, if the Senator is willing to do that.

Mr. TUNNEY. I certainly do.

Mr. CASE. Mr. President, I ask that I may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, if the Senator will yield, I, too, would appreciate being added as a cosponsor, and I ask unanimous consent that my name may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I wish to set forth a few facts which I have concerning the city of New York to indicate what is happening if this amendment is not agreed to.

Under the present plan, in New York City old age assistance will be eliminated for at least 10,000 elderly persons whose income will be brought above the level of eligibility. For additional thousands there will, in fact, be no increase in income since old age assistance payments will be deducted by the amount of the social security increase. Fifteen thousand elderly will be totally removed from medicaid coverage and an additional 20,000 senior citizens who now enjoy full coverage will have to pay for drugs, home care, eyeglasses, hearing aids, as well as for partial doctors' fees. For loss of medicaid increases we average out of pocket costs for the citizen of $300 a year. The elderly person whose major source of income is social security and whose savings are minimal simply cannot absorb that cost. This is true even though in New York City more than 600,000 senior citizens ride the subways and buses at reduced fares, and even though we have recently enacted a senior citizens rent increase exemption program.

I hope this reform for older people about whom we are recognizing the need in this amendment will be agreed to.

Mr. PASTORE. Mr. President, I ask unanimous consent that my name may be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PASTORE. Mr. President, I do not know how the manager of the bill feels. Maybe this should be treated like the so-called Magnuson amendment. But this problem confronts some of our elderly in Rhode Island. I think it needs to be rectified. Whether this is the proper time, on this bill, I am not prepared to say. I hope it can be taken to conference. But if the manager of the bill feels this is not the opportune time I hope we can get some assurance from him that this will be added to the so-called finance bill that is here from the Committee on Finance, as will be done in the case of the Magnuson amendment.

Mr. LONG. Mr. President, I understand the very noble intentions of the Senator from California and his cosponsors with regard to this matter. But this amendment, with all of its merits, would cost about $500 million to begin with. And everything in this amendment would be a part of H.R. 1 when it is reported by the Committee on Finance. About the only thing that is preventing us from reporting this bill now is waiting to see what the House-Senate conference is going to do about the minimum wage because the workfare program in our bill should be geared to the Federal minimum wage.

We in the Committee on Finance recommended a $50 disregard of any income for the aged, blind, and disabled. This amendment provides for a $15 disregard, and limits the disregard only to social security payments. So we have a far more liberal provision in the Committee on Finance bill.

Now we may want to look again at what we have done to see if for the same amount of money an alternate approach could be worked out that would provide a special benefit under social security, let us say for everyone over 72, and take many people off of public welfare completely.

So one of the advantages of raising social security could be to take people off of welfare, and instead of providing a disregard of income, we might want to provide enough social security income for everybody beyond a certain age so that they would all come off of the welfare rolls. That should be considered as another approach to this problem.

I have many times been an author of amendments such as the pending one myself in my earlier years in this body. But we should keep in mind that some States are taking a different approach to meet the same problem. For example, in Louisiana, when this 20-percent social security increase passed, the Louisiana Department of Welfare simply raised the eligibility standards so that every aged welfare recipient in the State, no matter whether he is getting social security income or not, would have a higher entitlement. By doing that they allow all persons on the welfare rolls to have more income, whether they are receiving social security or not. So that Louisiana can well argue that the approach in the amendment fails to take into account what the State has done for all aged welfare recipients simply by raising the eligibility standards.

The Senator has raised a problem. He has raised an issue. We ought to deal with it and we ought to provide an answer by the beginning of October, because that is when the social security increase will first be received.

I can agree with all that, and I am perfectly willing to help work it out so that the Senate gives its answer and seeks to get the House to concur with it, so that this problem is considered and acted upon, certainly as liberally as the Senator would like to do, and perhaps more liberally.

For instance, the Finance Committee is recommending a $50 disregard. The Senator is recommending a $15 disregard. One way or the other, we ought to provide the answer to that. But that is something the Senate is going to want to consider, and is going to want to consider in greater depth than we can do at the present time.

The question raised by the Senator from New Jersey is very important. We had that question before the Finance Committee. The only reason we have not voted on it is that the revenue-sharing bill is on the floor, and we cannot be in two places at the same time.

We are well aware of the problems that occur when social security payments are increased. Many people will thereby lose their entitlement to medicaid benefits, which, for a person receiving a very small welfare check, are even more meaningful than the welfare cash benefits. So these people are very concerned about losing their entitlement.

The Senator has well raised a point that should be considered carefully, and we ought to do it promptly, but it should not be done on this particular bill. We have a bill we are going to report out of committee as soon as we can get the revenue bill behind us, H.R. 1, which had, at last count, about $12 billion of benefits for the needy, the aged, and those under social security, as well as medicare and medicaid benefits. The item in the amendment is properly a part of that bill.

I do not think there is any reason at all why we ought to fail to pass the relatively noncontroversial parts of that bill, of which there are perhaps 600 pages, I may inform Senators, which, in my judgment, could be passed in 10 days, or even a week, by the Senate. There is no reason why we should fail to have it go to the President's desk just because we get involved and enmeshed in a controversial argument over aspects of the family assistance plan. We ought to vote it up and down and see what conclusion we reach. If we cannot reach a conclusion on the workfare or welfare aspects of it, then we ought to take out the part of it that really does not strike sparks when it comes here, simply pass that part of the bill, lay it on the President's desk, make that the law, and continue with the controversy from now until Christmas or from now until New Year's with respect to the controversial aspects of the bill.

There is no reason at all why items of a noncontroversial nature should fail to be agreed to in the Senate simply because we are going to have a heated debate on other aspects of H.R. 1.

I would hope we would not be asked to accept this amendment on the pending bill. We are perfectly content to vote on the matter at the appropriate time. We have our own recommendations, which go beyond this amendment in some respects, and we will certainly recommend at least as much as the Senators are requesting.

I would hope that they would permit us to pass this bill, and then get on with H.R. 1, and if H.R. 1 should bog down so that by October 1 it looked as though we were going to have to do something to meet this type of situation which has developed, we would then take certain parts of H.R. 1, do whatever the Senate wanted to do about those items, and pass them either as a condensed version of H.R. 1 or take part of them and put them on some other bill, such as the debt limit bill, and get it to the President's desk so that we can get at least that much done.

Mr. CASE. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. CASE. I know the Senator from California appreciates the Senator from Louisiana's consideration of this subject and his understanding of it. It is a problem which applies to the elements that the Senator from California raises, and in a very serious way.

The Senator said it is the first of October when this problem is going to hit. That is what we are concerned about. If we can get an assurance from the Senator that if we run into such a block on the welfare bill, or if we are not going to be able to get action on this problem in time through the vehicle of the welfare bill, and also get the assurance of the ranking minority member of the committee that we will get cooperation in meeting the problem in some other quick way, I would assume that would satisfy the needs of the situation perhaps best of all.

Mr. LONG. I am happy to assure the Senator from New Jersey. As far as I am concerned, the two items that we have in the amendment here can be put on some other bill and be moved expeditiously in the event we bog down on the provisions of H.R. 1, which would do at least this much, and perhaps a lot more.

Mr. TUNNEY. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. TUNNEY. I really appreciate the comments made by the chairman of the committee. I think it goes a long way to alleviate my fear that we might get bogged down on H.R. 1 and may never have the opportunity to see H.R. 1 passed containing a provision for pass-through.

If we can have an understanding—and from what the Senator has said, it is, I think, crystal-clear that we do have—that the Senator would be willing to have my proposal attached to some other Finance Committee bill, assuming H.R. 1 or a portion of it cannot get through the Senate, I do not think the Senator from California has any problem with that at all.

The only thing I would like to ask the distinguished Senator is this: In the event H.R. 1 passes as drafted by the Senate Finance Committee, will there be a pass-through with increases to aged, blind or disabled social security recipients who are also receiving public assistance?

Mr. LONG. The way our bill is drafted at this moment, the provision on this subject provides for a $50 disregard. So if a person were receiving, let us say, a public welfare check for $100, he would disregard the first $50 of his social security income. What the Senator is proposing here would disregard the first $15 of social security income. In other words, the provision that we have agreed to in the committee, Senator, just in terms of dollars for the aged recipient, actually does three times as much as the Senator's proposal.

So when we get down to what the committee agreed to, and which we agreed to some months ago, with regard to the aged, we are actually going far beyond what the Senator is recommending in this proposal, but the committee approach would have the advantage of treating other income on the same basis. In other words, any income would be treated in the same way, and we therefore would not be subject to the charge that we had discriminated against certain types of income of aged people compared with other types of income.

Mr. TUNNEY. I, unfortunately, am not familiar with H.R. 1 as written by the Senate committee. I have not had a chance to study it. But in California the standard for need is $206. Would H.R. 1, as drafted by the Finance Committee, provide an increase of at least a portion of the 20-percent increase in the social security benefits passed by Congress recently?

Mr. LONG. That $50 of course would apply to California like everybody else, and if California wanted to, they could go ahead and raise the benefits; they certainly could do so.

Mr. TUNNEY. But would it be mandatory?

Mr. LONG. Under the committee approach, a State would be required to guarantee aged persons a monthly income of at least $130, and the State would be required to disregard any income up to $50, and that would assure the person receiving social security a monthly income of at least $180. We would then provide States a substantial increase in Federal matching money.

The way it works out, I believe California would receive more savings than any other State of the Union with the possible exception of the State of New York. So, when we study it, on balance, we would find that the Finance Committee proposal is far more liberal than what the Senator from California is offering at this time. It may be that after he studies the two, he may want to tailor it to California's needs. I am not sure I would not go along with an amendment if he offered it. But, the point is, we definitely want to provide one way or the other an answer to this problem of what to do about these aged people who receive an increase in social security and who would be no better off if a State failed to raise their entitlement to public welfare?

In other words, if a State winds up not increasing what a person is entitled to receive on the public welfare program by more than $15, it would not meet the problem the Senator has in mind. If they failed to increase it, then the State Treasury would be the beneficiary instead of the individual, and the Senator does not want that to happen. Neither do I. We would like to work it out so that the aged people are the beneficiaries. But the matter gets complicated because the way one State would handle it is at variance with another. When we have that proposal before the Senate, our experts on social security, and the administration social security experts, can help us to work out something that will do every bit as well for the aged, and probably a lot better.

Mr. TUNNEY. Would the distinguished chairman be willing to support the concept of a mandatory passthrough? The thing that concerns me is that in some States, as H.R. 1 is written—I am relying on secondhand knowledge—if we give the State the option to pass increases on or to recoup savings offered by H.R. 1, I feel that any legislation which did not guarantee the passthrough of a portion of the social security increase to citizens of States such as California and New York would not be legislation that I could support. I may be wrong about my impression of what H.R. 1 does, but it is my impression that there is no guarantee that the pass through must take place, and that it does give the State the option to recoup the savings offered, and not pass anything through.

Mr. LONG. Well, of course, when we have our bill out here, the Senator can look at it and see how it would tend to work out. And if it should work out as the Senator fears, then I would suggest that he offer an amendment to do what he wishes to achieve. Now, I know if I occupied a similar position, I would want to take a look at what this bill would do for California.

My impression is that the State of California, will save some $400 million under the committee version of H.R. 1. The State of California can, of course, use these savings or some portion of them to increase welfare benefits.

I think if I were a Senator from California, when that occurred, I might want to ask the Governor and the welfare administrator what they propose to do with this saving, and whether they could assure me that was going to be spent for the benefit of the aged rather than as a windfall against their budget. Those are some of the questions that must be answered when this matter comes before us, but I do not have any doubt that what the Senator wants to do can be achieved. That is the reason for requiring the passthrough.

Mr. TUNNEY. Mr. President, the reason I am engaging in this colloquy, I am sure the Senator from Louisiana is sympathetic to the basic thrust of the amendment, but could the Senator offer satisfaction to the Senator from California that he would accept the basic principles of a mandatory passthrough if I offer such an amendment to H.R. 1?

Mr. LONG. I am not in a position to assure the Senator at this point that I can agree to his proposed amendment, for a simple reason. When we get it before us and we look at the proposed increases, it might well be that we might want to see that we insist that every State should pay a higher level of welfare payments, and if you are going to have a higher level of payment and you get your level high enough, then you would not want to disregard any sources of income for public welfare purposes. It is only when you cannot raise the level to get it to a high enough point that you start thinking in terms of a disregard of this or some other source of income.

We, on the Finance Committee, decided to disregard $50 of social security income. But we also decided to disregard $50 of any income. It does not make any difference whether it is social security, railroad retirement, or some private pension.

It tends to be discriminatory to say that you would disregard social security, but you would not disregard a private pension, for example. But, we understand the problem and we understand what the Senator is trying to achieve, and we are trying to help him work it out.

I point out that it is a little more complicated than would appear here because we have to think of what happens in 50 States and, of course, the Senator thinks about the problem that highlights itself in the State with which he is most familiar, the great State of California.

Mr. TUNNEY. That is true. On the other hand, we have almost 300,000 senior citizens who would be affected by any proposal and, fortunately, for these senior citizens the standard of living is higher, and they need to have more money. The mean subsistance allowance has been determined by the State to be $206.

My problem is that I am concerned as to whether or not, when I offer such an amendment to pass through a portion of the 20-percent increase in social security that the Congress agreed to just a short time ago, the distinguished chairman of the Finance Committee will say, "Well, we can't accept that." Originally, from the Senator's first statement, I had the feeling that there should be no problem whatsoever, because he indicated that he would be prepared to accept such an amendment, but from some of his later remarks, I have been concerned as to whether or not he would accept such a pass through.

Mr. LONG. I cannot say, without seeing this amendment in the context of the language to which it is to be offered, that

I would agree in advance to that amendment. I can tell the Senator that the principle he is seeking is a disregard of a certain amount of income, and we in the committee have recommended a disregard that exceeds his by 3 to 1.

But, again, that amendment ought to be offered and tailored to the best legislative answer we can propose; and if we cannot propose one that adequately satisfies what the Senator is trying to do here, then he ought to offer his amendment.

We will face this problem, but we would like the Senator to join us in looking at what to do about it and tailor his amendment to our proposal, rather than doing it the other way around.

Mr. TUNNEY. One of the problems with H.R. 1, as I understand it, is that the $50 that the Senator refers to would not increase the total amount of money that would be received by an aged person in California. It is my understanding that he would receive exactly the same after H.R. 1 was passed as he received before—no increase as a result of the social security increase.

Mr. LONG. That would depend on what the State of California wanted to do with more than $400 million that I believe would be made available under the committee welfare bill. If the State wanted to use that money for the benefit of the aged people, it could provide a great increase.

Mr. TUNNEY. That is the point. I do not think we should be giving $400 million under H.R. 1 to the State of California unless it is specified that California use some of those savings to pass through all or part of the 20 percent social security increase to aged persons who are receiving social security and public assistance.

Mr. LONG. Why do we not take up that part of it when we get the welfare proposal before us? If we cannot get the proposal before us in time, why does the Senator not join in working out something that we can put on some other measure that would take care of this matter until we do provide a final answer to it?

In any event, we would be happy to work with the Senator to meet this problem. We tried to recognize States that have responded to the problem in a somewhat different manner, however, because they have tried to solve it in a different fashion, such as by raising the overall entitlement to all welfare recipients. For example, if a State had simply raised their entitlement to welfare payments by $15 per capita, then for anybody who got a $15 increase in social security benefits there would be no problem, because the entitlement to welfare payments would go up by an equal amount.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. LONG. I yield.

Mr. ANDERSON. This situation has existed too long. I think we should find some way to solve it.

Mr. RIBICOFF. If the Senator from Louisiana will yield, I do not want to seem to be interfering with his colloquy, but what strikes me is that what he is discussing is the basic problems of H.R. 1, which are so diverse and so controversial that it is impossible to settle in this colloquy what will transpire when H.R. 1 comes up; because the objective sought by the distinguished Senator from California will be subject to great controversy as to whether there will be a maintenance of effort that the States must become involved in or whether we will assume the costs if the State keeps its maintenance of effort. The discussion goes to the basic philosophy that is involved in the big controversy, some of the big controversy, of H.R. 1.

So I say to the distinguished Senator from California that I do not see how it is possible to settle this argument on the revenue sharing bill; because, whereas I differ from the distinguished chairman, it is possible for him to give the Senator from California a definitive answer tonight on a measure that we still have not reported, H.R. 1; and controversial measures involving the aged were subject to discussion when we had to cut off the discussion in the Finance Committee because the chairman and members of the committee were required to be on the floor for the revenue sharing bill.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. TUNNEY. I yield.

Mr. BENNETT. I have the same feeling as the Senator from Connecticut. We are far afield. I understood that the Senator from California, who is offering this amendment, was interested in discussing it and that probably he would offer it to another bill. If he cannot make up his mind whether he is going to offer it to another bill, I will move to table it.

Mr. TUNNEY. That is not the point. I say to the distinguished Senator from Utah that I think it is important to discuss exactly what H.R. 1 would do insofar as it would take care of this problem. I think we have discussed it, and one of the things we have brought out is that it really would not do anything with respect to pass-through, because it would give a State such as California the opportunity to exercise its own options to do whatever it wishes.

That does not mean, however, that I have not been satisfied with the statements of the distinguished chairman of the committee, to the effect that he believes that the approach of passing through some of the benefits of social security increases to senior citizens is a good one. I heard him say that he thought that if H.R. 1 got bogged down, he very well might accept it to another Finance Committee bill.

Mr. RIBICOFF. If the Senator will yield, irrespective of our differences in philosophy as to what should happen in H.R. 1 in many phases of welfare, if there is one phase that every member of the Finance Committee is agreed upon, irrespective of his general philosophy, it is that there definitely should be a pass-through and that the States should not take away from our aged recipients the increases in social security. I think every member of the committee is agreed as to that principle.

The $15 amount is going to depend upon what the final bill is that the committee reports.

Mr. LONG. I think we can all agree that it was our intention that the social security increase should be a real increase and should not wind up doing some people more harm than good, which is potentially a problem as of this moment.

I assure the Senator that I will help him work this matter out, and I think we can do it before October 1.

Mr. TUNNEY. On that basis, I withdraw my amendment.

Mr. LONG. I thank the Senator.

The PRESIDING OFFICER. The amendment is withdrawn. The bill is open to further amendment.

AMENDMENT NO. 1509

Mr. INOUYE. Mr. President, I call up my amendment No. 1509.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. INOUYE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 38, line 3, strike "$2,650,000,000" and insert "$2,652,390,000".

On page 38, line 5, strike "$5,450,000,000" and insert "$5,454,780,000".

On page 38, line 7, strike "$5,750,000,000" and insert "$5,754,780,000".

On page 38, line 9, strike "$6,050,000,000" and insert "$6,054,780,000".

On page 38, line 11, strike "$6,350,000,000" and insert "$6,354,780,000".

On page 38, line 13, strike "$3,325,000,000" and insert "$3,327,390,000".

On page 41, between lines 15 and 16, insert the following:

"(e) ADJUSTMENT OF ALLOCATION FOR CERTAIN STATES.—The amount allocated under subsection (b) for any entitlement period to any State in which civilian employees of the United States Government receive an allowance under section 5941 of title 5, United States Code, shall be increased by a percentage equal to the percentage of basic pay paid to such employees as an allowance under that section."

Mr. INOUYE. Mr. President, this is a simple amendment which can be very easily incorporated into the revenue sharing bill now before the Senate.

Briefly, my amendment recognizes the firmly established economic fact that living costs are substantially higher in the noncontiguous areas than elsewhere in our Nation. Certain inevitable economic consequences accompany the above disparities in the cost of living. Just as the cost of living is far higher, so the cost of government is also far higher there. The same basic economic forces affect individuals and governments alike. Both State residents and State and local governments exist within the same economic context.

In all due fairness, the Revenue Sharing Act should recognize the above economic facts. Such recognition would not be new. Indeed, there is strong precedent for it, dating back to at least 1948. Section 5941 of title 5 of the United States Code recognizes the substantially higher living costs encountered by U.S. Government civilian employees stationed outside the continental United States and in Alaska. Accordingly, section 5941 provides a cost-of-living allowance for such individuals.

The allowance under section 5941 alters with changing economic conditions and is established only in accordance with strict regulations prescribed by the President. Nothing has happened in the past 24 years which would justify halting this practice.

Let me speak candidly. If enacted, my amendment would in practice apply to only two States, the same two States that section 5941 of title 5 applies to—Hawaii and Alaska. I am sure that Senators are aware of the fact that Honolulu ranks second only to Anchorage as the most expensive metropolitan area of our Nation in which to live. I am also sure that Senators are aware of the geographical isolation of these two States, and the additional costs which this factor inevitably imposes upon State and local governments in Hawaii and Alaska. As these circumstances suggest, the above States have by no means escaped the fiscal crisis of State and local governments.

In short, the basic principle of the Revenue Sharing Act is to help resolve the State and local fiscal crisis by authorizing U.S. Government payments to the various States. Likewise, the basic principle of section 5941 of title 5 is to resolve the cost of living disparity in its most acute form by adjusting the rate of U.S. Government payments to individuals in those particular States. The revenue-sharing bill's principle concerns U.S. Government payments; section 5941's principle concerns the rate of such payments to Federal employees. My amendment simply combines these two accepted principles in order to assure a fair rate of payments to Hawaii and Alaska under this bill.

I would also like to emphasize to my colleagues that recognition of the cost of living analogy will not cost other States anything. Since the current cost-of-living allowance is 15 percent in the case of Hawaii, and 25 percent for Alaska above the basic pay. I have drafted an amendment which would increase Hawaii's and Alaska's "primary," not "supplementary," grants by that amount. In hard figures, the proposed amendment adds $4.78 million to the $6.3 billion, an increase of less than 1 percent of the bill's current total. Is less than one-tenth of 1 percent too extravagant to assure fairness in an otherwise sound bill? I think not. In greater detail, my amendment would merely add $3.405 million per year to Hawaii, and $1.375 million per year to Alaska under the "primary" grants allocated by the bill. Furthermore, I drafted the amendment in such a way that the percentage increase payable to these two States will fluctuate with the cost of living as determined under section 5941 of title 5, which embodies a 25 percent ceiling on such payments.

In conclusion, Mr. President, I can only say that I appreciate the time and patience of my colleagues in this Chamber. I hope they will consider my amendment favorably.

I have been advised by the chairman of the committee that this matter has been cleared by all parties and that he will be pleased to take the amendment to conference.

May I say that this amendment is cosponsored by my colleague (Mr. FONG) and by the two distinguished Senators from Alaska (Mr. STEVENS and Mr. GRAVEL).

Mr. GRAVEL. Mr. President, basically this amendment attempts to get more primary revenue sharing money for Alaska and Hawaii by tying it to the fact that the Federal Government already recognizes a cost of living difference in a statutory way for both these States. In other words, other high-cost State might well be deserving too, but Alaska and Hawaii are the only two which are noncontiguous and formally acknowledged to have substantial price level differences.

I am offering this amendment with Senator INOUYE in order that the revenue sharing bill reflect the great differences in the cost of State and local governments in Alaska and Hawaii.

I am aware that a bill such as this cannot be overly refined to accommodate small distinctions from region to region even though we could all agree they are there. I do believe that the cost of doing business is so different for State and local governments for the noncontiguous States that some accommodation should be made to this fact.

In Anchorage, the most expensive metropolitan area of our Nation in which to live, where the cost differentials are the lowest for the State, family budget costs are 36 percent higher than the United States urban average. Compared to Seattle total housing costs are 77 percent higher in Anchorage and 90 percent higher than the national average for single family dwellings. Total housing costs in Fairbanks, the State's second largest city, are 43 percent higher than Seattle. In Anchorage mortgage payments are 80 percent higher than the national average. Utilities cost three times as much as elsewhere and taxes are 50 percent higher than the national average in housing.

Construction costs for Alaska cities are very substantially different as can be seen by comparison with Seattle. Anchorage is 70 percent higher; Juneau, 80 percent; Fairbanks, 90 percent; Kodiak, 100 percent; and Nome, 130 percent higher. Construction materials cost 43 percent more than the U.S. average and labor in the building construction trade is 26 percent more.

My point, Mr. President, is that these are not small marginal differences but instead quantum changes from the rest of the United States and that these higher costs are borne not just in the private sector but importantly in the State and local government sector when it purchases goods and services and this sector makes up over one-third of the Alaska economy.

The effect of our amendment would be to add $1.375 million to Alaska's share—a small sum but an important principle of reflecting the regional cost differences acknowledged elsewhere in the Government statutes. I urge its acceptance.

Mr. INOUYE. Mr. President, I would like to introduce an amendment to the Revenue Sharing Act. It is a simple amendment which can be very easily incorporated into the revenue sharing bill now before us.

Briefly, my amendment recognizes the firmly established economic fact that living costs are substantially higher in the noncontiguous areas than elsewhere in our Nation. Certain inevitable economic consequences accompany the above disparities in the cost of living. Just as the cost of living is far higher, so the cost of government is also far higher there. The same basic economic forces affect individuals and governments alike. Both State residents and State and local governments exist within the same economic context.

In all due fairness, the Revenue Sharing Act should recognize the above economic facts. Such recognition would not be new. Indeed, there is strong precedent for it, dating back to at least 1948. Section 5941 of title 5 of the United States Code recognizes the substantially higher living costs encountered by U.S. Government civilian employees stationed outside the continental United States and in Alaska. Accordingly, section 5941 provides a cost-of-living allowance for such individuals.

The allowance under section 5941 alters with changing economic conditions and is established only in accordance with strict regulations prescribed by the President. Nothing has happened in the past 24 years which would justify halting the practice.

Let me speak candidly, my friends. If enacted, my amendments would in practice, apply to only two States: The same two States that section 5491 of title 5 applies to—Hawaii and Alaska. I am sure that you are all aware of the fact that Honolulu ranks second only to Anchorage as the most expensive metropolitan area of our Nation in which to live. I am also sure that you are all aware of the geographical isolation of these two States, and the additional costs which this factor, inevitably, imposes upon State and local governments in Hawaii and Alaska. As these circumstances suggest, the above States have by no means escaped the fiscal crisis of State and local governments.

In short, the basic principle of the Revenue Sharing Act is to help resolve the State and local fiscal crisis by authorizing U.S. Government payments to the various States. Likewise, the basic principle of section 5941 of title 5 is to resolve the cost-of-living disparity in its most acute form by adjusting the rate of U.S. Government payments to individuals in those particular States. The revenue sharing bill's principle concerns U.S. Government payments; section 5941's principle concerns the rate of such payments to Federal employees. My amendment simply combines these two accepted principles in order to assure a fair rate of payments to Hawaii and Alaska under this bill.

I would also like to emphasize to my colleagues that recognition of the cost of living analogy will not cost other States anything. Since the current cost of living allowance is 15 percent in the case of Hawaii and 25 percent for Alaska above the basic pay I have drafted an amendment which would increase Hawaii's and Alaska's "primary", not "supplementary", grants by that amount. In hard figures, the proposed amendment adds

$4.78 million to the $6.3 billion bill, an increase of less than 0.1 percent of the bill's current total. Is less than one-tenth of 1 percent too extravagant to assure fairness in an otherwise sound bill? I think not. In greater detail, my amendment would merely add $3.405 million per year to Hawaii, and $1.375 million per year to Alaska under the "primary" grants allocated by the bill. Furthermore, I drafted the amendment in such a way that the percentage increase payable to these two States will fluctuate with the cost of living as determined under section 5941 of title 5, which embodies a 25-percent ceiling on such payments.

In conclusion, Mr. President, I can only say that I appreciate the time and patience of my colleagues in this Chamber. I hope they will consider my amendment favorably.

Mr. LONG. Mr. President, as I responded the other night to the Senator from Alaska, I know that they have problems and it is difficult to deal with those problems. It occurred to me and to the other members of the committee that, if we could, we would try to take into consideration what the Senator suggests in the way of dealing with their problems. So far as I am concerned, I am happy to take the amendment to conference.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the amendment of the Senator from Hawaii (Mr. INOUYE).

The amendment was agreed to.

AMENDMENTS NOS. 1452, 1453, 1454, 1455, 1456, 1458, 1481, AND 1491

Mr. HARTKE. Mr. President, I call up my amendments Nos. 1452, 1453, 1454, 1455, 1456, 1458, 1481, and 1491 and ask unanimous consent to dispense with their reading but ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendments will be printed in the RECORD as requested; and, without objection, the amendments will be considered en bloc.

The texts of the amendments are as follows:

AMENDMENT NO. 1452

TITLE IV—SOCIAL SECURITY ACT AMENDMENTS

EARNINGS LIMITATION

SEC. 401. (a) (1) Paragraphs (1) and (4) (B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$200 or the exempt amount as determined under paragraph (8)".

(2) Paragraph (1) (A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$200 or the exempt amount as determined under subsection (f) (8)".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows:

"(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $200 or the exempt amount as determined under paragraph (8), multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence, if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) The amendments made by this section shall apply with respect to taxable years ending after December 1971.

AMENDMENT NO. 1453

On page 112, after line 15, insert the following:

TITLE IV—SOCIAL SECURITY ACT AMENDMENTS

ELIMINATION OF EARNINGS LIMITATION

SEC. 401. (a) Section 203(f) of the Social Security Act is amended to strike those provisions which refer to a reduction in benefits on account of work.

(b) The amendments made by his section shall apply with respect to taxable years ending after December 1971.

AMENDMENT NO. 1454

On page 112, after line 15, insert the following:

TITLE IV—SOCIAL SECURITY ACT AMENDMENTS

DISABILITY INSURANCE PROVISIONS FOR BLIND PERSONS

SEC. 401. (a) Section 214(a) of the Social Security Act is amended by inserting "or" at the end of paragraph (3) and adding the following new paragraph (4)—

"(4) in the case of an individual who has died and who was entitled to a benefit under section 223 for the month before the month in which he died, 6 quarters of coverage;".

(b) Section 215(b) (1) of such Act is amended by striking out "shall be the quotient" and inserting in lieu thereof "shall (except as provided in paragraph (5)) be the quotient".

(c) Section 215(b) of such Act is further amended by adding at the end thereof the following new paragraph:

"(5) In the case of an individual who is blind (within the meaning of 'blindness' as defined in section 216(i) (1) (B)), such individual's average monthly wage shall be the quotient obtained by dividing (i) the total of his wages paid in, and self-employment income credited to, all of the calendar quarters which are quarters of coverage (as defined in section 213) and that fall within the period after 1950 and prior to the year specified in clause (i) or clause (ii) of paragraph 2(C), by (ii) the number of months in such quarters, except that any such individual who is fully insured (without regard to section 214(a) (4)) shall have his average monthly wage computed under this subsection without regard to this paragraph, if such computation results in a larger primary insurance amount."

(d) Paragraph (3) of section 216(i) of such Act is amended to read as follows:

"(3) The requirements referred to in clauses (i) and (ii) of paragraph (2) (C) are satisfied by an individual with respect to any quarter only if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 (if a woman) or age 65 (if a man) and filed application for benefits under section 202(a) on the first day of such quarter, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with such quarter, or (ii) if such quarter ends before he attains (or would attain) age 31 not less than one-half (and not less than 6) of the quarters during the period ending with such quarter and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage; or

"(B) he is blind (within the meaning of 'blindness' as defined in section 216(i) (1) (B)) and has not less than 6 quarters of coverage in the period which ends with such quarter;

except that the provisions of that part of subparagraph (A) of this paragraph which precedes clause (i) shall not apply in the case of an individual with respect to whom a period of disability would, but for such provisions, begin before 1951. For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a prior period of disability unless such quarter was a quarter of coverage."

(e) The first sentence of section 222(b) (1) of such Act is amended by inserting "(other than such an individual whose disability is blindness, as defined in section 216(i) (1) (B))" after "an individual entitled to disability insurance benefits".

(f) Section 223(a) (1) of such Act is amended—

(1) by striking out the comma at the end of subparagraph (B) and inserting in lieu thereof "or whose disability is blindness (as defined in section 216(i) (1) (B)),";

(2) by striking out "the month in which he attains age 65" and inserting in lieu thereof "in the case of any individual other than an individual whose disability is blindness (as defined in section 216(i) (1) (B)), the month in which he attains age 65"; and

(3) by deleting the last sentence thereof.

(g) Paragraph (1) of section 223(c) of such Act is amended to read as follows:

"(1) An individual shall be insured for disability insurance benefits in any month if—

"(A) he would have been a fully insured individual (as defined in section 214) had he attained age 62 (if a woman) or age 65 (if a man) and filed application for benefits under section 202(a) on the first day of such month, and (i) he had not less than 20 quarters of coverage during the 40-quarter period which ends with the quarter in which such month occurred, or (ii) if such month ends before the quarter in which he attains (or would attain) age 31, not less than one-half (and not less than 6) of the quarters during the period ending with the quarter in which such month occurred and beginning after he attained the age of 21 were quarters of coverage, or (if the number of quarters in such period is less than 12) not less than 6 of the quarters in the 12-quarter period ending with such quarter were quarters of coverage, or

"(B) he is blind (within the meaning of 'blindness' as defined in section 216(i) (1) (B)) and has not less than 6 quarters of coverage in the period which ends with the quarter in which such month occurs.

"For purposes of clauses (i) and (ii) of subparagraph (A) of this paragraph, when the number of quarters in any period is an odd number, such number shall be reduced by one, and a quarter shall not be counted as part of any period if any part of such quarter was included in a period of disability unless such quarter was a quarter of coverage."

(h) Section 223(d) (1) (B) of such Act is amended to read as follows:

"(B) blindness (as defined in section 216 (i) (1) (B))."

(i) The second sentence of section 223(d) (4) of such Act is amended by inserting "(other than an individual whose disability is blindness, as defined in section 216(i) (1) (B))" immediately after "individual".

AMENDMENT NO. 1455

TITLE IV—SOCIAL SECURITY ACT AMENDMENTS

PRESERVATION OF RIGHTS TO CHILD'S INSURANCE BENEFITS OF INDIVIDUAL SERVING IN THE ARMED FORCES

SEC. 401. (a) Section 202(d) (7) of the Social Security Act is amended by adding after subparagraph (D) thereof (as added by section 115(a) of this Act) the following new subparagraph:

"(E) In determining, for purposes of this subsection, the age of any child who has been discharged or released from active duty as a member of the armed forces (as defined in section 101(4) of title 10, United States Code) after having performed such active duty for a period of not less than 30 consecutive days nor more than three years which commenced prior to the date such child attained age 22, such child's age shall be deemed to be his actual age minus the number of days in such period.

AMENDMENT No. 1456

TITLE IV—SOCIAL SECURITY ACT AMENDMENTS

REDUCTION FROM 6 TO 3 MONTHS OF WAITING PERIOD FOR DISABILITY BENEFITS

SEC. 401. (a) Section 223(c)(2) of the Social Security Act is amended—

(1) by striking out "six" and inserting in lieu thereof "three", and

(2) by striking out "eighteenth" each place it appears and inserting in lieu thereof "fifteenth".

(b) Section 202(e)(6) of such Act is amended—

(1) by striking out "six" and inserting in lieu thereof "three", and

(2) by striking out "eighteenth" and inserting in lieu thereof "fifteenth", and

(3) by striking out "sixth" and inserting in lieu thereof "third".

(c) Section 202(f)(7) of such Act is amended—

(1) by striking out "six" and inserting in lieu thereof "three",

(2) by striking out "eighteenth" and inserting in lieu thereof "fifteenth", and

(3) by striking out "sixth" and inserting in lieu thereof "third".

(d) Section 216(i)(2)(A) of such Act is amended by striking out "6" and inserting in lieu thereof "three".

(e) The amendments made by this section shall be effective with respect to applications for disability insurance benefits under section 223 of the Social Security Act, applications for widow's and widower's insurance benefits based on disability under section 202 of such Act, and applications for disability determinations under section 216(i) of such Act, filed—

(1) in or after the month in which this Act is enacted, or

(2) before the month in which this Act is enacted if—

(A) notice of the final decision of the Secretary of Health, Education, and Welfare has not been given to the applicant before such month, or

(B) the notice referred to in subparagraph (A) has been so given before such month but a civil action with respect to such final decision is commenced under section 205(g) of the Social Security Act (whether before, in, or after such month) and the decision in such civil action has not become final before such month;

except that no monthly benefits under title II of the Social Security Act shall be payable or increased by reason of the amendments made by this section for any month before January 1972.

AMENDMENT No. 1458

On page 112, after line 15, insert the following:

TITLE IV—SOCIAL SECURITY ACT AMENDMENTS

COVERAGE UNDER MEDICARE OF DENTAL CARE, EYE CARE, DENTURES, EYEGLASSES, AND HEARING AIDS

SEC. 401. (a) Section 1861(r)(2) of the Social Security Act is amended by striking out "but only with respect to (A) surgery related to the jaw or any structure contiguous to the jaw or (B) the reduction of any fracture of the jaw or any facial bone".

(b) Section 1861(s)(8) of such Act is amended (1) by inserting "(A)" immediately after "(8)", and (2) by striking out "(other than dental)", and (3) by adding thereunder the following new subparagraph:

"(B) dentures, eyeglasses, hearing aids, and other prosthetic devices relating to the oral cavity, jaw, eyes, or ears, including replacement thereof; and".

(c)(1) Section 1862(a)(7) of such Act is amended to read as follows:

"(7) where such expenses are for routine physical checkups, or immunizations;".

(2) Section 1862(a) of such Act is further amended (A) by inserting "or" at the end of paragraph (11) thereof, (B) by striking out paragraph (12) thereof, and (C) by redesignating paragraph (13) thereof as paragraph (12).

(d) The amendments made by the preceding provisions of this section shall apply with respect to services furnished after the month which follows the month in which this Act is enacted.

(e)(1) Section 1861(r) of the Social Security Act is amended (A) by striking out "or" at the end of clause (2), and (B) by inserting immediately before the period at the end thereof the following: ", or (4) a doctor of optometry, but only for purposes of sections 1861(s)(1) and 1861(s)(2)(A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them".

(2) Section 1862(a) of such Act (as amended by subsection (c) of this section) is further amended (A) by striking out the period at the end of paragraph (12) (as redesignated by paragraph (2) of such subsection (c)) and inserting in lieu of such period "; or", and (B) by adding after such paragraph (12) the following new paragraph:

"(13) where such expenses constitute charges with respect to the referral of an individual to a physician (as defined in section 1861(r)(1)) by a doctor of optometry arising out of a procedure in connection with the diagnosis or detection of eye diseases."

AMENDMENT No. 1481

On page 112, after line 15, insert the following:

TITLE IV—SOCIAL SECURITY ACT AMENDMENTS

COVERAGE OF PSYCHOLOGISTS' SERVICES

SEC. 401. (a) Section 1861(r) of the Social Security Act is amended (1) by striking out "or (4)" and inserting in lieu thereof "(4)" and (2) by inserting before the period at the end thereof the following: ", or (5) a psychologist holding a doctoral degree, licensed or certified as such by a State, but only for purposes of section 1861 (s) (1) and section 1861 (s) (2) (A) and only with respect to functions which he is legally authorized to perform as such by the State in which he performs them."

(b) The amendment made by subsection (a) shall apply only with respect to services performed on or after the date of the enactment of this Act.

AMENDMENT No. 1491

TITLE IV—SOCIAL SECURITY ACT AMENDMENTS

COVERAGE OF DRUGS UNDER MEDICARE

SEC. 401. (a) Section 226(c)(1) of the Social Security Act is amended by striking out "and post-hospital home health services" and inserting in lieu thereof "post-hospital home health services, and eligible drugs".

(b) Section 1811 of the Social Security Act is amended by inserting "and eligible drugs" after "related post-hospital services".

(c) Section 1812(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and "; and

(3) by adding after paragraph (3) the following new paragraph:

"(4) eligible drugs.".

(d) Section 1813(a) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4) The reasonable allowance, as defined in section 1823, for eligible drugs furnished an individual pursuant to any one prescription (or each renewal thereof) and purchased by such individual at any one time shall be reduced by an amount equal to the applicable prescription copayment obligation which shall be $1."

(e)(1) Section 1814(a) of the Social Security Act is amended—

(A) by striking out "and" at the end of paragraph (6);

(B) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(C) by inserting after paragraph (7) the following new paragraph:

"(8) with respect to drugs or biologicals furnished pursuant to and requiring (except for insulin) a physician's prescription, such drugs or biologicals are eligible drugs as defined in section 1861(t) and the participating pharmacy (as defined in section 1861(dd)) has such prescription in its possession, or some other record (in the case of insulin) that is satisfactory to the Secretary."

(2) Section 1814(b) of such Act is amended—

(A) by inserting "(1)" after "(b)",

(B) by inserting "(other than a pharmacy)" immediately after "provider of services", and

(C) by adding at the end thereof the following new paragraph:

"(2) The amount paid to any participating pharmacy which is a provider of services with respect to eligible drugs for which payment may be made under this part shall, subject to the provisions of section 1813, be the reasonable allowance (as defined in section 1823) with respect to such drugs."

(f) Section 1814 of the Social Security Act (as amended by section 227(b)(2) and 228(a) of this Act) is further amended by adding at the end thereof the following new subsection:

"Limitation on Payment for Eligible Drugs

"(j) Payment may be made under this part for eligible drugs only when such drugs are dispensed by a participating pharmacy except that payment under this part may be made for drugs dispensed by a physician where the Secretary determines, in accordance with regulation, that such eligible drugs were required in an emergency or that there were no pharmaceutical services available from providers of services in the community, in which case the physician (under regulations prescribed by the Secretary) shall be regarded as a provider of services for purposes of this part with respect to the dispensing of such eligible drugs."

(g) Part A of title XVIII of the Social Security Act is further amended by adding after section 1819 (as added by section 214 of this Act) the following new sections:

"MEDICARE FORMULARY COMMITTEE

"SEC. 1820. (a)(1) There is hereby established, within the Department of Health, Education, and Welfare, a Medicare Formulary Committee (hereinafter referred to as the 'Committee'), a majority of whose members shall be physicians and which shall consist of the Commissioner of Food and Drugs and of four individuals (not otherwise in the employ of the Federal Government) who do not have a direct or indirect interest in the composition of the Formulary established under this section and who are of recognized professional standing and distinction in the fields of medicine, pharmacology, or pharmacy, to be appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

The Chairman of the Committee shall be elected, from the appointed members thereof, by majority vote of the members of the Committee.

"(2) Each appointed member of the Committee shall hold office for a term of five years except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, one at the end of each of the first five years. A member shall not be eligible to serve continuously for more than two terms.

"(b) Appointed members of the Committee, while attending meetings or conferences thereof or otherwise serving on business of the Committee, shall be entitled to receive compensation at rates fixed by the Secretary (but not in excess of the daily rate paid under GS–18 of the General Schedule under section 5332 of title 5, United States Code), including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(c) (1) The Committee is authorized, with the approval of the Secretary, to engage or contract for such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Committee such secretarial, clerical, and other assistance as the Formulary Committee may require to carry out its functions.

"(2) The Secretary shall furnish to the Committee such office space, materials, and equipment as may be necessary for the Formulary Committee to carry out its functions.

"MEDICARE FORMULARY

"SEC. 1821. (a) (1) The Committee shall compile, publish, and make available a Medicare Formulary (hereinafter in this title referred to as the 'Formulary').

"(2) The Committee shall periodically revise the Formulary and the listing of drugs so as to maintain currency in the contents thereof.

"(b) (1) The Formulary shall contain an alphabetically arranged listing, by established name, of those drug entities within the following therapeutic categories:

"Adrenocorticoids
"Anti-anginals
"Anti-arrhythmics
"Anti-coagulants
"Anti-hypertensives
"Anti-neoplastics
"Anti-rheumatics
"Bronchodilators
"Cardiotonics
"Diuretics
"Gout suppressants
"Hypoglycemics
"Miotics
"Thyroid hormones
"Tuberculostatics

which the Committee decides are necessary for individuals using such drugs. The Committee shall exclude from the Formulary any drug entities (or dosage forms and strengths thereof) which the Committee decides are not necessary for proper patient care, taking into account other drug entities (or dosage forms and strengths thereof) which are included in the Formulary.

"(2) Such listing shall include the specific dosage forms and strengths of each drug entity (included in the Formulary in accordance with paragraph (1)) which the Committee decides are necessary for individuals using such drugs.

"(3) Such listing shall include the prices at which the products in the same dosage form and strength) of such drug entities are generally sold by the suppliers thereof and the limit applicable to such prices under section 1823(b) (1) for purposes of determining the reasonable allowance.

"(4) The Committee may also include in the Formulary, either as a separate part (or parts) thereof or as a supplement (or supplements) thereto, any or all of the following information:

"(A) A supplemental list or lists, arranged by diagnostic, prophylactic, therapeutic, or other classifications, of the drug entities (and dosage forms and strengths thereof) included in the listing referred to in paragraph (1).

"(B) The proprietary names under which products of a drug entity listed in the Formulary by established name (and dosage form and strength) is sold and the names of each supplier thereof.

"(C) Any other information with respect to eligible drug entities which in the judgment of the Committee would be useful in carrying out the purposes of this part.

"(c) In considering whether a particular drug entity (or strength or dosage form thereof) shall be included in or excluded from the Formulary, the Committee is authorized to obtain (upon request therefor) any record pertaining to the characteristics of such drug entity which is available to any other department, agency, or instrumentality of the Federal Government, and to request suppliers or manufacturers of drugs and other knowledgeable person or organizations to make available to the Committee information relating to such drug If any such record or information (or any information contained in such record) is of a confidential nature, the Committee shall respect the confidentiality of such record or information and shall limit its usage thereof to the proper exercise of its authority.

"(d) (1) The Committee shall establish such procedures as it determines to be necessary in its evaluation of the appropriateness of the inclusion in or exclusion from the Formulary, of any drug entity (or dosage form or strength thereof). For purposes of inclusion in or exclusion from the Formulary the principal factors in the determination of the Committee shall be:

"(A) the factor of clinical equivalence in the case of the same dosage forms in the same strengths of the same drug entity, and

"(B) the factor of relative therapeutic value in the case of similar or dissimilar drug entities in the same therapeutic category.

"(2) The Committee, prior to making a final decision to remove from listing in the Formulary any drug entity (or dosage forms or strengths thereof) which is included therein, shall afford a reasonable opportunity for a formal or informal hearing on the matter to any person engaged in manufacturing, preparing, compounding, or processing such drug entity who shows reasonable ground for such a hearing.

"(3) Any person engaged in the manufacture, preparation, compounding, or processing of any drug entity (or dosage forms or strengths thereof) not included in the Formulary which such person believes to possess the requisite qualities to entitle such drug to be included in the Formulary pursuant to subsection (b), may petition for inclusion of such drug and, if such petition is denied by the Formulary Committee, shall, upon request therefor, showing reasonable grounds for a hearing, be afforded a formal or informal hearing on the matter in accordance with rules and procedures established by such Committee.

"LIMITATIONS ON MEDICARE PAYMENT FOR CHARGES OF PROVIDERS OF SERVICES

"SEC. 1822. (a) Any provider of services as defined in section 1861(u), whose services are otherwise reimbursable, under any program under this Act in which there is Federal financial participation on the basis of 'reasonable cost', shall not be entitled to a professional fee or dispensing charge or reasonable billing allowance as determined pursuant to this part.

"(b) A fee, charge, or billing allowance shall not be payable under this section with respect to any drug entity that (as determined in accordance with regulations) is furnished as an incident to a physician's professional service, and is of a kind commonly furnished in physicians' offices and commonly either rendered without charge or included in the physicians' bills.

"REASONABLE ALLOWANCE FOR ELIGIBLE DRUGS

"SEC. 1823. (a) For purposes of this part, the term 'reasonable allowance' when used in reference to an eligible drug (as defined in subsection (h) of this section) means the following:

"(1) When used with respect to a prescription legend drug entity, in a given dosage form and strength, such term means the lesser of—

"(A) an amount equal to the customary charge at which the participating pharmacy sells or offers such drug entity, in a given dosage form and strength, to the general public, or

"(B) the price determined by the Secretary, in accordance with subsection (b) of this section, plus the professional fee or dispensary charges determined in accordance with subsection (c) of this section.

"(2) When used with respect to insulin such term means the charge not in excess of the reasonable customary price, at which the participating pharmacy offers or sells the product to the general public, plus a reasonable billing allowance.

"(b) (1) For purposes of establishing the reasonable allowance in accordance with subsection (a) the price shall be (A) in the case of a drug entity (in any given dosage form and strength) available from and sold by only one supplier, the price at which such drug entity is generally sold (to establishments dispensing drugs), and (B) in any case in which a drug entity (in any given dosage form and strength) is available and sold by more than one supplier, only each of the lower prices at which the products of such drug entity are generally sold (and such lower prices shall consist of only those prices of different suppliers sufficient to assure actual and adequate availability of the drug entity, in a given dosage form and strength, at such prices in a region).

"(2) If a particular drug entity (in a given dosage form and strength) in the Formulary is available from more than one supplier, and the product of such drug entity as available from one supplier possesses demonstrated distinct therapeutic advantages over other products of such drug entity as determined by the Committee on the basis of its scientific and professional appraisal of information available to it, including information and other evidence furnished to it by the supplier of such drug entity, then the reasonable allowance for such supplier's drug product shall be based upon the price at which it is generally sold to establishments dispensing drugs.

"(3) If the prescriber, in his handwritten order, has specifically designated a particular product of a drug entity (and dosage form and strength) included in the Formulary by its established name together with the name of the supplier of the final dosage form thereof, the reasonable allowance for such drug product shall be based upon the price at which it is generally sold to establishments dispensing drugs.

"(c) (1) For the purpose of establishing the reasonable allowance (in accordance with subsection (a)) a participating pharmacy shall, in the form and manner prescribed by the Secretary, file with the Secretary, at such time as he shall specify, a statement of its professional fee or other dispensing charges.

"(2) A participating pharmacy, which has agreed with the Secretary to serve as a provider of services under this part, shall, except for subsection (a) (1) (A), be reimbursed, in addition to any price provided for in subsection (b), the amount of the fee or charges filed in paragraph (1), except that no fee or charges shall exceed the highest fee or charges filed by 75 per centum of participating pharmacies (with such pharmacies classified on the basis of (A) lesser dollar volume of prescriptions and (B) all others) in a census region which were customarily charged to the general public as of June 1, 1972. Such prevailing professional fees or dispensing charges may be modified by the Secretary in accordance with criteria and types of data comparable to those applicable to recognition of increases in reasonable charges for services under section 1842.

"(3) A participating pharmacy shall agree to certify that, whenever such pharmacy is required to submit its usual professional fee or dispensing charge for a prescription, such charge does not exceed its customary charge."

(h) Section 1861(t) of the Social Security Act is amended—

(1) by inserting ", or as are approved by the Formulary Committee" after "for use in such hospital"; and

(2) by adding at the end thereof the following new sentence: "The term 'eligible drug' means a drug or biological which (A) can be self-administered, (B) requires a physician's prescription (except for insulin), (C) is prescribed when the individual requiring such drug is not an inpatient in a hospital or extended care facility, during a period of covered care, (D) is included by strength and dosage forms among the drugs and biologicals approved by the Formulary Committee, (E) is dispensed (except as provided by section 1814 (j)), by a pharmacist from a participating pharmacy, and (F) is dispensed in quantities consistent with proper medical practice and reasonable professional discretion."

(i) Section 1861(u) of the Social Security Act (as amended by section 227(d) (1) of this Act) is further amended by striking out "or home health agency" and inserting in lieu thereof "home health agency, or pharmacy".

(j) Section 1861 of the Social Security Act is further amended by adding at the end thereof the following new subsection:

"Participating Pharmacy

"(dd) The term 'participating pharmacy' means a pharmacy, or other establishment (including the outpatient department of a hosptial) providing pharmaceutical services, (1) which is licensed as such under the laws of the State where such State requires such licensure or which is otherwise lawfully providing pharmaceutical services in which such drug is provided or otherwise dispensed in accordance with this title, (2) which has agreed with the Secretary to act as a provider of services in accordance with the requirements of this section, and which complies with such other requirements as may be established by the Secretary in regulations to assure the proper, economical, and efficient administration of this title, (3) which has agreed to submit, at such frequency and in such form as may be prescribed in regulations, bills for amounts payable under this title for eligible drugs furnished under part A of this title, and (4) which has agreed not to charge beneficiaries under this title any amounts in excess of those allowable under this title with respect to eligible drugs except as is provided under section 1813(a) (4), and except for so much of the charge for a prescription (in the case of a drug product prescribed by a physician, of a drug entity in a strength and dosage form included in the Formulary where the price at which such product is sold by the supplier thereof exceeds the reasonable allowance) as is in excess of the reasonable allowance established for such drug entity in accordance with section 1823."

(k) (1) The first sentence of section 1866 (a) (2) (A) of the Social Security Act is amended by striking out "and (ii)" and inserting in lieu thereof the following: "(ii) the amount of any copayment obligation and excess above the reasonable allowance consistent with section 1861(dd) (4) and (iii)".

(2) The second sentence of section 1866 (a) (2) (A) of such Act is amended by striking out "clause (ii)" and inserting in lieu thereof "clause (iii)".

(l) The amendments made by this section shall apply with respect to eligible drugs furnished on and after the first day of July 1973.

Mr. HARTKE. Mr. President, the subject matter of these amendments deals with social security amendments.

The first one deals with raising the limitation from the present $1,680 to $2,400 with a $1 increase thereafter.

The next amendment would in effect vitiate amendment No. 1452, that is it would eliminate the earnings limitation entirely.

The next amendment would make disability insurance provisions available to blind persons regardless of their capacity to work or whether they are working at the time of coverage.

The next amendment would permit students to receive child insurance benefits under the Social Security Act after reaching the age of 22 for a period equal to the amount of time spent on active military duty, but in no case past the age of 25.

The next amendment would reduce from 6 to 3 months the waiting period for disability insurance benefits.

The next amendment would extend medical care to include dental services, dentures, eye glasses, hearing aids, and physical examinations for those aids.

The next amendment would reimburse psychologists as independent practitioners.

The last amendment would provide for certain drugs dealing with chronic diseases under medicare.

Mr. President, my understanding, was that the chairman of the committee probably would not want to see any of these amendments attached under any circumstances to the pending bill. I have repeatedly expressed my deep concern as to whether there will be any meaningful welfare reform this year. I have indicated previously that I hope, somewhere along the line, we can consider the welfare reform measure heretofore presented by the distinguished Senator from Connecticut (Mr. RIBICOFF), of which I am a cosponsor. I am not certain what will happen on that. If the bill is reported on September 29 with adjournment sine die on September 30, then I am very fearful that the benefits which would accrue to these deserving individuals would be denied to them. Not for the reason that they are not meritorious, not for the reason that the House is not in favor of most of these amendments, or that the committee or the Senate would be opposed to them, but because they are tied to a measure which cannot carry its own weight—and that is the welfare reform measure.

Everyone knows that social security, that wonderful old workhorse for the aged, is being asked to carry the whole of the weight, to try to bring some kind of sense, some kind of understanding to the welfare mess.

As I have said before, something must be done, because we have a bill 1,000 pages long, reports totaling 1,500 pages, and hearings totaling seven to eight volumes with 3,000 pages.

Mr. President, let me say facetiously that we could take the printing costs and distribute them among the welfare recipients. That would in itself, help the welfare load.

Mr. LONG. Mr. President, all that is keeping us from working in the welfare area is that we are trying to get this bill, H.R. 14370, behind us. It was not my idea to have a 900-page welfare bill. I must confess, in the previous Congress, the Senator from Louisiana was one of those who favored adding welfare amendments onto the social security bill. Then we finally passed the bill, as the Senator recalls, including everything we could get the Senate to agree on, the House refused even to talk to us about it. It was the idea of the House that they would wrap evertyhing up in one big package and then send it to us the next year. It wound up, as the Senator knows, taking in an enormous amount of hearings, effort, and time. We finally managed to pull together the Finance Committee's suggestions to where we have this all together in one package.

The Senator knows as well as I do that if we could take title I of H.R. 1, which relates to social security cash benefits, we could pass that through the Senate in less than a week—perhaps in less than 4 days.

Then take title II, medicare and medicaid amendments, we could take care of that in a week.

On title III, aid to the disabled and the blind, there is more controversy there. That may take 2 weeks, maybe longer, but we could get that wrapped up in 2 weeks, give or take a few days.

On title IV, that might take from now to Christmas. It might take from now until the next session starts, because that gets us into the family assistance plan, the committee substitute for the family assistance plan, and the Ribicoff substitute for both. So that gets us into a very controversial area.

Let us get as much of it done as we can, and then let us get the next part done, and then the next part. If we had gone about it in that way, we would be on title IV now, perhaps, rather than starting in on title I. But the House insisted on sending us this whole thing wrapped up in one big package.

I am against adjourning until we have worked on this bill and voted on it up or down, one way or the other, or we have finally concluded that we cannot bring it to a vote but have voted on what we can bring to a vote.

But anyway, once this is behind us, we are ready to go to work on H.R. 1 and work on just the kinds of amendments the Senator has here which are being considered en bloc now. Most of them are meritorious amendments and most of them I have voted for in committee, as the Senator knows.

Mr. HARTKE. I understand. I am appreciative of that. The chairman has displayed great strength in carrying this tremendous load. He is to be admired by every Member of this body. He has done a tremendously good job taking on that responsibility and making sure that we have something before us.

As I count the days, the chairman has given us 4 weeks before we start in on the family assistance plan. If my calculations are correct, we would go from September 12 to October 12. And that counts for no business coming in between for the interim agreement, which will become the next order of business. Nor does it take account of all the appropriations bills we have still to consider.

I wonder if the chairman really has any inkling whatsoever, in view of the coming election coming this year. And the time restrictions which have been indicated, that there is really any hope that the elderly can have their social security payments this year.

Mr. LONG. Yes, I think so. It might be getting on in the year. I think it might be October before we can act finally on the welfare benefits that we would like to provide for the aged. I do not see why we cannot provide benefits for them in time for them to have them starting in January. That depends on how fast the administrative machinery in all the States can operate.

Mr. HARTKE. Mr. President, is it not the intention of the chairman of the committee to ask for a division of this measure into four separate parts in the event it appears that the controversy would carry us through the rest of the year.

Mr. LONG. Mr. President, if it is within my power, I will do everything I can to see that we pass everything in the bill that I agree with, which, as it stands now, is all 900-odd pages of it. If we cannot bring that about, I would try to press for the passage of as much as I can persuade the Senate to agree with.

I would hope at this time that the House would be willing to consider what we send them.

Part of the amendment of the Senator from Indiana is involved in this. There must be 400 pages of H.R. 1 that we sent to the House 2 years ago, but they would not even talk to us about the bill then. One way or the other, we will provide an answer to all of these questions.

Mr. HARTKE. Mr. President, my understanding is that in the event it appears that the activities in regard to the family assistance portion of the welfare bill became submerged into legislative hopelessness, the chairman would not resist any attempt that would be made to retain the separate social security amendments I have introduced and to provide for separate passage of these amendments.

Mr. LONG. Mr. President, I am not in favor of yielding on the good provisions of H.R. 1. However, I might not be able to make my view prevail with regard to some segments of it.

I would think that we ought to pass all of those parts of it that the Senate can agree upon; and all those parts that the Senate cannot agree upon, I think we would have to leave behind and pass the parts that we can pass.

There are so many good things in that bill, including some of the things that the Senator from Indiana has at the desk, that I think it would be a travesty for the Senate to adjourn without acting on them. And I think it was a travesty when the House adjourned and declined even to talk to us about some of the things in H.R. 1 at that time.

We tried to get them to talk about those provisions. I do not think that it was any idea of the Senator from Indiana or of myself for the House to adjourn without talking to us. I went over and looked up the chairman and the ranking minority member of the House Committee on Ways and Means. I even called the President and urged him to have them talk to us about the good things in the bill we passed 2 years ago.

And last year they initiated H.R. 1, including many provisions which had passed the Senate 2 years ago.

I look forward to working with the Senator to put this provision and a lot of these other provisions into law, certainly all that the committee have worked on.

I expect to work with the Senator from Indiana to make these provisions law between now and adjournment sine die. I will work to bring it about.

Mr. HARTKE. Mr. President, with those assurances, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 1511

Mr. HARTKE. Mr. President, I call up amendment No. 1511 and ask unanimous consent that the reading of the amendment be dispensed with because I do not intend to have a rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 112, line 15, insert the following new title:

TITLE IV—TO AMEND THE INTERNAL REVENUE CODE OF 1954 TO STEM THE OUTFLOW OF UNITED STATES CAPITAL, JOBS, TECHNOLOGY, AND PRODUCTION, AND FOR OTHER PURPOSES

SEC. 401. AMENDMENT OF EXISTING LAW.

Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 402. TAXATION OF EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Part III of subchapter N of chapter 1 (relating to income from sources without the United States) is amended by inserting after subpart H thereof of the following:

"SUBPART I—CONTROLLED FOREIGN CORPORATIONS

"Sec. 991. Amounts included in gross income of United States shareholders.
"Sec. 992. Definitions.
"Sec. 993. Rules for determining stock ownership.
"Sec. 994. Exclusion from gross income of previously taxed earnings and profits.
"Sec. 995. Adjustments to basis of stock in controlled foreign corporations and of other property.
"Sec. 996. Records and accounts of United States shareholders.

"SEC. 991. AMOUNTS INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS.

"(a) AMOUNTS INCLUDED.—

"(1) IN GENERAL.—If a foreign corporation is a controlled foreign corporation for an uninterrupted period of 30 days or more during any taxable year, every United States shareholder of such corporation who owns (within the meaning of section 993(a)) stock in such corporation on the last day in such year on which such corporation is a controlled foreign corporation shall include in its gross income, for its taxable year in which or with which such taxable year of the corporation ends, its pro-rata share of the corporation's earnings and profits for such year.

"(2) PRO RATA SHARE OF EARNINGS AND PROFITS.—A United States shareholder's pro rata share referred to in paragraph (1) is the amount—

"(A) which would have been distributed with respect to the stock which such shareholder owns (within the meaning of section 993(a)) in such corporation if on the last day, in its taxable year, on which the corporation is a controlled foreign corporation it had distributed pro rata to its shareholders an amount (i) which bears the same ratio to its earnings and profits for the taxable year, as (ii) the part of such year during which the corporation is a controlled foreign corporation bears to the entire year, reduced by

"(B) an amount (i) which bears the same ratio to the earnings and profits of such corporation for the taxable year, as (ii) the part of such year described in subparagraph (A)(ii) during which such shareholder did not own (within the meaning of section 993(a)) such stock bears to the entire year.

"(b) EARNINGS AND PROFITS.—For purposes of this subpart, under regulations prescribed by the Secretary or his delegate, the earnings and profits of any foreign corporation, and the deficit in earnings and profits of any foreign corporation, for any taxable year—

"(1) except as provided in section 312(m)(3), shall be determined according to rules substantially similar to those applicable to domestic corporations,

"(2) shall be appropriately adjusted for deficits in earnings and profits of such corporation for any prior taxable year beginning after December 31, 1971,

"(3) shall not include any item of income which is effectively connected with the conduct by such corporation of a trade or business within the United States unless such item is exempt from taxation (or is subject to a reduced rate of tax) pursuant to a treaty obligation of the United States, and

"(4) shall not include any amount of earnings and profits which could not have been distributed by such corporation because of currency or other restrictions or limitations imposed under the laws of any foreign country.

"(c) COORDINATION WITH ELECTION OF A FOREIGN INVESTMENT COMPANY TO DISTRIBUTE INCOME.—A United States shareholder who, for his taxable year, is a qualified shareholder (within the meaning of section 1247(c)) of a foreign investment company with respect to which an election under section 1247 is in effect shall not be required to include in gross income, for such taxable year, any amount under subsection (a) with respect to such company.

"(d) COORDINATION WITH FOREIGN PERSONAL HOLDING COMPANY PROVISIONS.—In the case of a United States shareholder who, for his taxable year, is subject to tax under section 551(b) (relating to foreign personal holding company income included in gross income of United States shareholders) on income of a controlled foreign corporation, the amount required to be included in gross income by such shareholder under subsection (a) with respect to such company shall be reduced by the amount included in gross income by such shareholder under section 551(b).

"Sec. 992. Definitions.

"(a) United States Shareholder Defined.—For purposes of this subpart, the term 'United States shareholder' means, with respect to any foreign corporation, a domestic corporation which owns (within the meaning of section 993(a)), or is considered as owning by applying the rules of ownership of section 993(b), 10 percent or more of the total combined voting power of all classes of stock entitled to vote of such foreign corporation.

"(b) Controlled Foreign Corporation Defined.—For purposes of this subject, the term 'controlled foreign corporation' means any foreign corporation of which more than 50 percent of the total combined voting power of all classes of stock entitled to vote is owned (within the meaning of section 993 (a)), or is considered as owned by applying the rules of ownership of section 993(b), by United States shareholders on any day during the taxable year of such foreign corporation.

"Sec. 993. Rules for Determining Stock Ownership.

"(a) Direct and Indirect Ownership.—

"(1) General rule.—For purposes of this subpart, stock owned means—

"(A) stock owned directly, and

"(B) stock owned with the application of paragraph (2).

"(2) Stock ownership through foreign entities.—For purposes of subparagraph (B) of paragraph (1), stock owned, directly or indirectly, by or for a foreign corporation or foreign estate (within the meaning of section 7701(a)(31)) or by or for a partnership or trust shall be considered as being owned proportionately by its shareholders, partners, or beneficiaries. Stock considered to be owned by a person by reason of the application of the preceding sentence shall, for purposes of applying such sentence, be treated as actually owned by such person.

"(b) Constructive Ownership.—For purposes of section 992, section 318(a) (relating to constructive ownership of stock) shall apply to the extent that the effect is to treat any domestic corporation as a United States shareholder within the meaning of section 992(a), or to treat a foreign corporation as a controlled foreign corporation under section 992(b), except that—

"(1) In applying subparagraphs (A), (B), and (C) of section 318(a)(2), if a partnership, estate, trust, or corporation owns, directly or indirectly, more than 50 percent of the total combined voting power of all classes of stock entitled to vote of a corporation, it shall be considered as owning all of the stock entitled to vote.

"(2) In applying subparagraph (C) of section 318(a)(2), the phrase '10 percent' shall be substituted for the phrase '50 percent' used in subparagraph (C).

"Sec. 994. Exclusion From Gross Income of Previously Taxed Earnings and Profits.

"(a) Exclusion From Gross Income.—For purposes of this chapter, the earnings and profits for a taxable year of a foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 991(a) shall not, when such amounts are distributed directly, or indirectly through a chain of ownership described under section 993(a), to—

"(1) such shareholder (or any domestic corporation which acquires from any person any portion of the interest of such United States shareholder in such foreign corporation, but only to the extent of such portion, and subject to such proof of the identity of such interest as the Secretary or his delegate may by regulations prescribe), or

"(2) a trust (other than a foreign trust) of which such shareholder is a beneficiary, be again included in the gross income of such United States shareholder (or of such domestic corporation or of such trust).

"(b) Exclusion From Gross Income of Certain Foreign Subsidiaries.—For purposes of section 991(a), the earnings and profits for a taxable year of a controlled foreign corporation attributable to amounts which are, or have been, included in the gross income of a United States shareholder under section 991(a), shall not, when distributed through a chain of ownership described under section 993(a), be also included in the gross income of another controlled foreign corporation in such chain for purposes of the application of section 991(a) to such other controlled foreign corporation with respect to such United States shareholder (or to any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder in the controlled foreign corporation, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary or his delegate may prescribe by regulations).

"(c) Allocation of Distributions.—For purposes of subsections (a) and (b), section 316(a) shall be applied by applying paragraph (2) thereof, and then paragraph (1) thereof—

"(1) first, to earnings and profits attributable to amounts included in gross income under section 991(a), and

"(2) then to other earnings and profits.

"(d) Distributions Excluded From Gross Income Not To Be Treated as Dividends.—Any distribution excluded from gross income under subsection (a) shall be treated, for purposes of this chapter, as a distribution which is not a dividend.

"Sec. 995. Adjustments to Basis of Stock in Controlled Foreign Corporations and of Other Property.

"(a) Increase in Basis.—Under regulations prescribed by the Secretary or his delegate, the basis of a United States shareholder's stock in a controlled foreign corporation, and the basis of property of a United States shareholder by reason of which it is considered under section 993(a)(2) as owning stock of a controlled foreign corporation, shall be increased by the amount required to be included in its gross income under section 991(a) with respect to such stock or with respect to such property, as the case may be, but only to the extent to which such amount was included in the gross income of such United States shareholder.

"(b) Reduction in Basis.—

"(1) In general.—Under regulations prescribed by the Secretary or his delegate, the adjusted basis of stock or other property with respect to which a United States shareholder or a United States person receives an amount which is excluded from gross income under section 994(a) shall be reduced by the amount so excluded.

"(2) Amount in excess of basis.—To the extent that an amount excluded from gross income under section 994(a) exceeds the adjusted basis of the stock or other property with respect to which it is received, the amount shall be treated as gain from the sale or exchange of property.

"Sec. 996. Records and Accounts of United States Shareholders.

"(a) Records and Accounts To Be Maintained.—The Secretary or his delegate may by regulations require each person who is, or has been, a United States shareholder of a controlled foreign corporation to maintain such records and accounts as may be prescribed by such regulations as necessary to carry out the provisions of this subpart.

"(b) Two or More Persons Required To Maintain or Furnish the Same Records and Accounts With Respect to the Same Foreign Corporation.—Where, but for this subsection, two or more persons would be required to maintain or furnish the same records and accounts as may by regulations be required under subsection (a) with respect to the same controlled foreign corporation for the same period, the Secretary or his delegate may by regulations provide that the maintenance or furnishing of such records and accounts by only one such person shall satisfy the requirements of subsection (a) for such other persons."

(b) Technical and Conforming Amendments.—

(1) Section 864(c)(4)(D) is amended to read as follows:

"(D) No income from sources without the United States shall be treated as effectively connected with the conduct of a trade or business within the United States if it consists of dividends, interest, or royalties paid by a foreign corporation in which the taxpayer owns (within the meaning of section 958(a)), or is considered as owning (by applying the ownership rules of section 958 (b)), more than 50 percent of the total combined voting power of all classes of stock entitled to vote."

(2) Section 951 is amended by adding at the end thereof the following:

"(e) Taxable Years Ending After December 31, 1971.—No amount shall be required to be included in the gross income of a United States shareholder under subsection (a) (other than paragraph (1)(A)(ii) of such subsection) with respect to a taxable year of a controlled foreign corporation ending after December 31, 1971."

(3) Section 1016(a)(20) is amended by striking out "section 961" and inserting in lieu thereof "sections 961 and 995".

(4) Section 1246(a)(2)(B) is amended by inserting "or 991" after "section 951" and by inserting "or 994" after "section 959".

(5) Section 1248 is amended—

(A) by striking out subsection (b);

(B) by revising subsection (d)(1) to read as follows:

"(1) Amounts included in gross income under section 951 or 991.—Earnings and profits of the foreign corporation attributable to any amount previously included in the gross income of such person under section 951 or 991, with respect to the stock sold or exchanged, but only to the extent the inclusion of such amount did not result in an exclusion of an amount from gross income under section 959 or 994.";

(C) by striking out in subsection (d)(3) "section 902(d)" and inserting in lieu thereof "subsection (h)", and by adding at the end of such subsection "No amount shall be excluded from the earnings and profits of a foreign corporation under this paragraph with respect to any United States person which is a domestic corporation for any taxable year of such foreign corporation ending after December 31, 1971."; and

(D) by adding at the end thereof the following:

"(h) Less Developed Country Corporation Defined.—For purposes of this section, the term 'less developed country corporation' means—

"(1) a foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of section 955 (c) (1) or (2), and

"(2) a foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less developed country corporation within the meaning of section 955(c)(1), and—

"(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of section 955(c)(1)(A); and

"(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in section 955(c) (1)(B)."

(c) Effective Dates.—

(1) Except as provided in paragraph (2),

the amendments made by this section shall apply with respect to taxable years of foreign corporations ending after December 31, 1971, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) The amendments made by subsection (b)(4) shall apply with respect to sales or exchanges occurring in taxable years beginning after December 31, 1971.

Sec. 403. Repeal of Foreign Tax Credit Allowed Corporations.

(a) In General.—Section 901 (relating to taxes of foreign countries and of possessions of the United States) is amended—

(1) by revising subsection (a) to read as follows:

"(a) Allowance of Credit.—In the case of a taxpayer other than a corporation, who chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the applicable limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b). Such choice for any taxable year may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for such taxable year. The credit shall not be allowed against the tax imposed by section 56 (relating to minimum tax for tax preferences).";

(2) by revising subsection (b)(1) to read as follows:

"(1) Citizens.—In the case of a citizen of the United States, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and";

(3) by revising subsection (b)(4) to read as follows:

"(4) Nonresident alien individuals.—In the case of any nonresident alien individual not described in section 876, the amount determined pursuant to section 906; and"; and

(4) by striking out subsections (d) and (e).

(b) Technical and Conforming Amendments.—

(1) Section 78 is repealed.

(2) Section 535(b)(1) is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(3) Section 545(b)(1) is amended by striking out "and income, war profits, and excess profits taxes of foreign countries and possessions of the United States (to the extent not allowable as a deduction under section 275(a)(4)), accrued during the taxable year or deemed to be paid by a domestic corporation under section 902(a)(1) or 960(a)(1)(C) for the taxable year," and by inserting in lieu thereof "accrued during the taxable year,".

(4) Section 841 is repealed.

(5) Section 882(c) is amended by striking out paragraph (3).

(6) Section 884 is amended by striking out paragraph (4).

(7) Section 902 is repealed.

(8) Section 906 is amended—

(A) by striking out "and foreign corporations" in the heading thereof;

(B) by striking out in subsection (a) "or a foreign corporation" and "(or deemed, under section 902, paid or accrued during the taxable year)";

(C) by striking out in subsection (b)(3) "or 881 (relating to income of foreign corporations not connected with United States business)"; and

(D) by striking out subsection (b)(4).

(9) Section 904(g) is repealed.

(10) Section 960 is repealed.

(11) Section 1503 is amended to read as follows:

"Sec. 1503. Computation and Payment of Tax.

"In any case in which a consolidated return is made or is required to be made, the tax shall be determined, computed, assessed, collected, and adjusted in accordance with the regulations under section 1502 prescribed before the last day prescribed by law for the filing of such return."

(c) Effective Date.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1971.

Sec. 404. Depreciation of Foreign Assets

(a) Earnings and Profits of Foreign Corporations.—Section 312(m) (relating to effect of depreciation on earnings and profits) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) Foreign corporations.—In applying paragraph (1) or (2) for purposes of computing the earnings and profits of a foreign corporation, the amount of depreciation which would be allowable for the taxable year with respect to any property shall be determined on the basis of the useful life of such property in the hands of such foreign corporation."

(b) Depreciation on Property Located Outside the United States.—Section 167 (relating to depreciation) is amended by redesignating subsection (m) as subsection (n) and by inserting immediately after subsection (1) the following:

"(m) Depreciation on Property Located Outside the United States.—In the case of any property which either is located outside the United States or is used predominantly outside the United States (other than property described in section 48(a)(B) (i), (ii), (iii), (iv), (v), or (vi)), subsection (b) shall not apply and the term 'reasonable allowance' as used in subsection (a) shall be an allowance computed under the straight line method on the basis of the useful life of the property in the hands of the taxpayer."

(c) Effective Dates.—The amendments made by this section shall apply with respect to taxable years beginning after June 30, 1972.

Sec. 405. Transfers of Patents, Etc., to Foreign Corporations

(a) Recognition of Gain.—Section 367 (relating to foreign corporations) is amended by adding at the end thereof the following:

"(e) Transfers of Patents, Etc., to Foreign Corporations.—Notwithstanding any other provision of this subtitle, any gain realized on a transfer of a patent, an invention, model, or design (whether or not patented), a copyright, a secret formula or process, or any other similar property right to any foreign corporation in an exchange to which this section is applicable shall be recognized."

(b) Effective Date.—The amendments made by this section shall apply with respect to transfers of property made after the date of enactment of this Act.

Sec. 406. Exclusion for Earned Income From Sources Without the United States.

(a) Limitation of Exclusion.—Section 911(c) (relating to special rules) is amended by adding at the end thereof the following:

"(8) Certain compensation not excludable.—No amount received for services performed—

"(A) for a domestic corporation or a domestic partnership, or

"(B) for a controlled foreign corporation (within the meaning of section 992(b)), may be excluded under subsection (a)."

(b) Effective Date.—The amendment made by this section shall apply with respect to amounts received for services performed after the date of enactment of this Act.

Sec. 407. Submission of Report on International Tax Compliance.

Not later than December 31, 1972, the Treasury Department shall submit to the Congress a report on the administration of the income tax imposed by the Internal Revenue Code of 1954 as it applies to business activities carried on outside the United States by United States corporations, whether directly or through foreign entities. Such report shall include, but not be limited to, a discussion and analysis of the enforcement and compliance problems encountered by the Treasury Department in such administration.

Mr. HARTKE. Mr. President, this deals with an attempt to raise money by closing some big tax loopholes that cost the American Taxpayers about $4 billion a year. It deals simply with the question of multinational corporations. And the amendment is in four parts. One would provide for the same type of tax treatment for a corporation in a foreign country as is presently given to any corporation in the United States. That is, we would provide that in the future an American foreign corporation would not have an advantage taxwise. The American corporation abroad currently receives a tax credit for foreign taxes paid in lieu of a tax deduction for taxes paid to one of the several States. In other words, if a corporation is in Indiana, it receives a tax deduction for any taxes paid to the State government.

Mr. President, if that corporation chooses to move to France, they would receive not a tax deduction, but a tax credit which is worth twice as much to those corporations as it would be in the United States which, in effect, is subsidizing the corporations that run away from the United States. That is highly despicable and, I think, completely indefensible, and it is a tax loophole.

The second provision of the amendment would deal with the paying of taxes by an American corporation working outside of the United States. The amendment would require the American based corporate to pay taxes on foreign income when it is earned. If a corporation builds a plant in Taiwan, it only pays taxes when they are repatriated. This encourages American capital to run away from the United States and forces other corporations to carry the tax load. It also costs thousands and thousands of American jobs.

A third provision deals with a complete inequity in the law which says that if one stays in the United States and works for an American corporation, they will pay income tax. However, if one has the pleasure of working for a multinational corporation and living on the French Riviera for 18 months or more others pay no Federal income tax whatever.

All I am saying is that if an American is in that position he should pay the same taxes as an American at home ought to pay. He should be on the same basis as the taxpayers at home.

The fourth provision requires the closing of another outrageous loophole. It requires American corporations doing business overseas to go to a straight line method of depreciation.

I would like to have a little clarification on this matter. I have talked with the chairman about these provisions. I know that the committee has been very busy. As I have said before, the diligence of the chairman could never be challenged with regard to the work he does on this committee. I would like to have some assurance that early next year there will be no prohibition against having hearings on this overall question: Will we continue to permit American business to leave the United States or invest their capital overseas to the detriment of our workers, to the detriment of our economy, to the detriment of our domestic budget, and to the detriment of our international balance-of-payments account.

Mr. LONG. Mr. President, we will certainly be looking at all of this amendment in our consideration of tax reform next year or whenever the House gets the bill to us. It might be possible for us to hold hearings and start to explore the various aspects of the Senator's proposal prior to the time the House sends the bill to us.

I can assure the Senator that if we have not considered this matter prior to the time the House sends us its tax reform suggestions, we will certainly consider his proposals in connection with the House bill. And of course, the Senator has some very fine outstanding Americans who are strongly in support of each of these amendments. I would certainly plan to invite them, if I am chairman of the committee, to appear before the committee and testify for the Senator's amendments. As the Senator knows, there will also be adverse testimony. People will be opposed to it as well. It is a big order. It is deserving of consideration by the committee and the Senate. As the Senator knows, there would appear to be $3 billion of revenue involved and those who pay would object to paying it. They will present arguments against it. However, it is relevant to the subject of tax reform, and it is important in our balance of payments.

So I would suggest to the Senator that he bring this matter before the committee next year and before the Senate in due course. We will be looking at it.

Mr. HARTKE. I thank the chairman. I intend to withdraw the amendment but I do not want to leave any indication whatever that I would feel restrained from introducing this amendment or any part of it on the public debt extension bill, which I understand will be before us before the adjournment of Congress. I may not, but I want to put the Senate on notice that when that bill comes through, with such drastic speed that everyone will want to get out of its way, I may want an opportunity to reduce the tremendous debt being piled up in this country.

Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. CHILES. Mr. President, I have been a proponent of the concept of revenue sharing since I first heard of it, I suppose because my orientation was at the State government level. That has something to do with the position I have taken on revenue sharing. Having started in the State legislature in about 1959 at a time when the State governments were not responsive to the people and did not represent the people but represented special interests, and other factors, and seeing the change that took place in the State governments after the one-man, one-vote decision, I soon became of the firm opinion that there were so many matters in our Government that could be handled at the State and local level because they are close to the people and more responsive to the people, and the National Government is so far removed, and further proof of the pudding being that all attempts made at the national level to solve these problems have not worked, that I have been for revenue sharing.

We have an oversimplified system, and we find it is overweighted by bureaucracy, so that the dollars never get to where they are intended to go, and people never have a feeling of government being responsive to them. So I felt revenue sharing was commonsense. I thought we were also going to share responsibility and we were not going to just pass dollars down to the State and local governments, but also pass some of the responsibility down along with that. I thought that we were really going to get rid of some of the grant programs, and some of the ridiculous taxes we have, and pass some of the money and responsibility down to State and local governments.

I never really viewed revenue sharing being a bailout for hard-pressed county and State governments, but really that they would be able to do what we are now trying to do and to do it better, and that they would be closer to the people in their exercise of carrying it out, and it would be more economical in the expenditure of tax dollars.

I note the arguments that were always used by the chairman of the Ways and Means Committee in the House, that we up here who tax people and raise the money must be responsible for how it is spent. That is a fine argument. I cannot argue at all with the logic, but since 1930 we cannot point to how Congress has been responsible on how it would oversee the spending of the people's money. We would get the money through taxes, pass it on to the agencies, and we were not careful to see how that money was spent. So I felt that passing this money on to the Governors or mayors would be better because they would be more responsive to the people who would be watching them.

The more I look at this bill the more I realize I do not think we are passing down tax dollars, because we do not have any more tax dollars to pass down. We are overspending now at the rate of over $30 billion a year. We have $30 billion a year in deficit spending, so we are passing down part of the printing press we are running up here, to State and local governments.

The one thing that has been good about State governments is that in most of our State constitutions it is provided that they cannot enter into deficit spending. And now we are sharing our tax dollars. We are sharing the printing press and the ability to spend because we are sending down to local governments the ability that only the Federal Government has had in the deficit spending field, and at the same time we are not doing away with grant-in-aid programs. We are not saying to the cities what I thought we were really talking about in the concept of revenue sharing as I understood it. We are saying to State and local governments: "There are some things you can do best for your people. We recognize that. So we are going to give you the money back to do the things you can best do."

Mr. LONG. Mr. President, will the Senator yield at that point?

Mr. CHILES. I will yield in just a moment.

I thought we were going to say to the State governments, "There are some things you can do best for your people so we are going to give you the authority and responsibility we have taken away from you over the years, or which the States have allowed to erode away to the Federal Government, and we are going to give you that responsibility. Then, for the Federal Government in Washington there are truly some problems that can only be solved at that level so we are going to tackle that."

If we approach it in that way we would find we would truly be able to speak to national problems and not try to solve a plan to provide how one little town is going to have its sewer system or fire protection or police protection.

But now, the way I view it, with what we are coming up with here, I do not see that we are doing that. We are passing money through, not just to one level of government, the State governments, but we are passing it through to the local government. I thought we would have responsibility and look to the States for accountability. I thought that was how the States would account for the spending. I do not know how we are going to account for it on this basis. It looks as if we are coming up with a plan that is good in an election year and gives something to everybody. But I do not see how we are addressing ourselves to the problems. I thought the purpose of revenue sharing was to carry out governmental functions in the most efficient way. I now see that this bill is not going to do that.

For that reason, while I have so many times said I was for revenue sharing, I find myself not being able to vote for this bill because I do not think it is doing other than as I have said: passing on to the State and local governments our ability to spend and to have deficit spending. That is against what we should be doing in regard to providing for responsive government.

Mr. LONG. Mr. President, there are at the desk a number of technical, clarifying and conforming amendments which are necessary for that purpose. I ask unanimous consent for the consideration of those amendments and for their consideration en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc, and, without objection, the amendments will be agreed to en bloc.

The amendments considered and agreed to en bloc are as follows:

On page 35, line 24, after the period insert the following: "Proper adjustments shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or were less than the amounts required to be transferred."

On page 43, line 16, before "taxes" insert "adjusted".

On page 44, line 21, strike out "104(a)" and insert "104(b)".

On page 46, line 21, before "government" insert "county".

On page 46, line 22, after "county" insert "area".

On page 48, line 6, strike out "by" and insert "under".

On page 49, line 1, after "or" insert "under".

On page 60, line 16, strike out "statisfaction" and insert "satisfaction".

On page 97, line 23, strike out "(d)" and insert "(e)".

On page 100, beginning with "to services" on line 10, strike out all before the period on line 16, and insert in lieu thereof the following: "to expenditures incurred, during the period commencing July 1, 1972 and ending December 31, 1972, for the provision of services (other than child care services (as defined in subsection (b)(3)), family planning services, and services provided pursuant to section 402(a)(19)(G) of such Act) under any of its plans approved under titles I, X, XIV, or XVI, or part A of title IV, of the Social Security Act".

On page 100, line 24, insert "(as so defined)" immediately after "population".

On page 101, line 14, strike out "social".

On page 101, line 18, strike out "Social services" and insert in lieu thereof "Services".

On page 102, line 19, insert "(a)" immediately after "Sec. 302.".

On page 103, line 22, strike out "as defined in section 406(d)" and insert in lieu thereof "as defined in section 406(d))".

On page 104, line 9, strike out "approved;" and insert in lieu thereof "approved; and".

On page 104, line 12, strike out "child welfare" and insert in lieu thereof "child-welfare".

On page 104, line 22, strike out all after "with" and insert in lieu thereof "children';".

On page 106, between lines 3 and 4, insert the following:

(b) The heading to title IV of the Social Security Act is amended by striking out "AND SERVICES."

On page 106, line 4, strike out "(b)" and insert in lieu thereof "(c)".

On page 112, line 6, strike out "for" and insert in lieu thereof " 'for".

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. LONG. Mr. President, there are a number of Senators who would like to speak on this measure. I would think if we could obtain an agreement to limit debate to 2 hours, to be equally divided between the proponents and the opponents, we could accommodate those who desire to speak on this subject.

So I ask unanimous consent that there be a limitation of 2 hours, to be equally divided between the manager of the bill and the minority leader or his designee.

The PRESIDING OFFICER. Is there objection?

Mr. BROCK. Mr. President, reserving the right to object, I wonder if it is really necessary to get unanimous consent to limit it to 2 hours?

Mr. LONG. Perhaps not, but I think that is as much as we need to take, and I think that would accommodate those Senators who would like to speak on this subject.

Mr. BROCK. Is there really a need for unanimous consent?

Mr. LONG. Then, Mr. President, I ask unanimous consent that the Senate proceed to vote on the final passage of the bill at no later than 9 o'clock tonight.

Mr. JAVITS. Not later than, but we hope and pray before that time, because many of us have been hung up here. Could we make it 8:30, so those who need to can catch a 9 o'clock plane?

Mr. LONG. I am aware of requests for speeches by Senators that would take 50 minutes.

Mr. JAVITS. That is less than 1 hour.

Mr. LONG. There may be a Senator who wants to speak who has not informed me. I think chances are good that we will be done in an hour, but I really think one hour and a half would accommodate all Senators. Knowing of at least 1 hour to be used by speeches, I think we had better protect them on the outside limit, hoping we can abbreviate it, as we often do.

Mr. BROCK. If the Senator will yield further, I shall not object, but I would like to say that many of us have been accommodating, and a great number of us have been staying here and trying to achieve this result.

Mr. LONG. Mr. President, I am more sympathetic than the Senator realizes.

Mr. BROCK. I am fully aware of the Senator's participation.

Mr. LONG. I am sure that Senators who wish to speak on the subject will keep that in mind, but in view of the fact that there are a number of Senators who want to speak, I would think this is moving in the direction we all want.

Mr. President, I ask unanimous consent that the vote occur not later than 9 o'clock tonight, and that rule XII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, rule XII will be waived, and, in accordance with the agreement, the vote will be taken not later than 9 o'clock.

Mr. LONG. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. HARRY F. BYRD, JR. Mr. President——

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I had assured the Senator that he could have as much time as he required. He indicated he might use as much as 40 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I do not need that much time, but if the Senator will yield me 15 minutes, I will yield back such time as I do not use.

Mr. LONG. Mr. President, I yield 15 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, first on the procedural aspects, I would express my admiration for the patience and the ability with which the senior Senator from Louisiana, the Chairman of the Committee on Finance, has handled this very difficult piece of legislation. He has been on the floor now constantly for more than a week. He has a fine grasp of the details, and he has done, I feel, a magnificent job.

I want to say the same in regard to the ranking minority member of the Committee on Finance, the distinguished Senator from Utah. I find inspiration from his business experience and the deep grasp of the Nation's finances on the part of the distinguished ranking Republican member of the committee.

To get to the merits of the legislation, this legislation has much appeal. One is very tempted to vote for it. Virtually every mayor in the Nation wants this legislation. Every one of the 50 Governors want it. So it has great appeal.

The distinguished Senator from Florida (Mr. CHILES) mentioned earlier that this legislation has something for everybody. I want to put one amendment to the statement that he made—something for everybody except the taxpayers.

There is no way that the taxpayers can benefit from this legislation.

Written into it, both in the House proposal and in the Senate Finance Committee proposal, is that the more the States tax their citizens, the more funds they will get from the Federal Government. That in turn will mean more taxes at the Federal level. So there is no way the taxpayers can benefit from this so-called revenue-sharing bill.

This proposal gives to the localities, the 39,000 localities throughout the Nation, and the 50 States, an average of $6 billion per year.

Just imagine now, when we pass this legislation, and, over a 5-year period, give directly to 39,000 different localities throughout the Nation, these funds—and those funds will be incorporated into the operating budgets of the localities. To me it is obvious that once we embark on such a program, we can never change it. It will increase and multiply.

From inception, this legislation as passed by the House of Representatives seeks to coerce the States.

The Senate Finance Committee changed that to some extent, but when the bill passes the Senate tonight, as it will, then it must go to a committee of conference, and no one knows just what will come out of that conference.

But we do know that when the House of Representatives passed the bill, it attempted to dictate to the States what sort of tax system they should have. The House proposal did not adversely affect my State of Virginia. Virginia has a progressive income tax.

I want to say that, as far as the senior Senator from Virginia is concerned, I favor a progressive income tax. I think it is the fairest tax of all.

I do not like the rates to which it has gone in the United States under the Federal tax system, though I think the principle of a progressive income tax is a fair principle.

But I do not like the Federal Government and the Congress of the United

States attempting to dictate to the 50 States of this Union what type of tax system they should have, even though, in this particular case, it does not adversely affect the State which I have the responsibility to represent. I submit that as time goes on, there will be more and more coercive aspects put into the so-called revenue-sharing legislation.

The second reason that I have grave doubts about this proposal is the division of accountability. We in Congress will levy the taxes, and yet we will turn the money over to 39,000 different localities and to 50 State governments to spend. I think inevitably that means that it will take away the incentive for localities and States to handle the tax funds in a careful way, knowing that they are not responsible for raising the taxes that provide the money.

Another aspect of this matter is that under the House proposal, 40 percent of the total would be distributed to five States: New York, California, Michigan, Illinois, and Pennsylvania. Under the Senate proposal, 35 percent would be distributed to those five States.

Many of those States, if not all of them, are States which have handled their own funds in a wasteful and extravagant way, have piled new programs on top of new programs, and have gotten their own States in grave financial difficulties. They now are calling upon the Federal Government to bail them out.

But the No. 1 reason, Mr. President, that I cannot support this legislation tonight is the fact that the Federal Government has no revenue to share.

The Federal Government has no revenue to share.

What are the facts? For fiscal year 1971, the Federal funds deficit of the Federal Government was $30 billion. For fiscal year 1972, the Federal funds deficit was $29 billion. For the current fiscal year, the deficit is estimated by the Office of Management and Budget to be $38 billion. In my judgment it will be more than $40 billion.

So, the Federal Government has no revenue to share.

In a 3-year period, fiscal year 1971, fiscal year 1972, and fiscal year 1973, the accumulated Federal funds deficit will near or exceed $100 billion.

In just that 3-year period, 20 percent of the total national debt will have been incurred.

So I say again, the Federal Government has no revenue to share, and so far as my State of Virginia is concerned, I do not want the Virginia taxpayers to share any more of this Federal deficit than we already have been called upon to share.

There is $30 billion involved in this legislation tonight, an average of $6 billion a year for 5 years. The interest on that will be approximately $4 billion.

When we speak of interest, in the current budget the interest charges are $22.7 billion.

That is a sum that is rather difficult for me to grasp, so I will put it in another way, which I can understand better: Out of every personal and corporate income tax dollar paid into the Federal Treasury, 17 cents goes to pay the interest on the national debt. This bill tonight will greatly add to the interest charges.

This is a new program, Mr. President. It is being piled on top of all of the other programs that we have got.

If this were to take the place of some of the other programs, I would greatly prefer this program, because it has greater flexibility than many of the other programs. But it will not take the place of any other program. It will be piled on top of everything else that the Federal Government is spending.

Incidentally, we have heard a great deal about the financial conditions of the States and of the localities, and many are in difficult circumstances. I recognize that. I would like to try to be helpful.

But when 12 Governors came before the Senate Committee on Finance at one time to testify for this legislation, I made the statement that, in my judgment, no State in the Union is in as bad a financial condition as is the Federal Government. I said:

> If any Governor here has evidence that any State is in worse shape financially than is the Federal government, I wish he would speak up and make it a part of the record.

None so spoke.

If we have got so much money, if the Federal Treasury is overflowing with money, and we want to do away with $6 billion a year for 5 years, then the junior Senator from New York presented a proposal last week which appeals to me a great deal more, provided that we have so much money that we want to give away $6 billion.

His proposal was this: In this revenue-sharing legislation which we will vote on tonight, the dollar figures amount to 7 percent of the personal income tax collections. The proposal of the Senator from New York (Mr. BUCKLEY) was to permit the taxpayers to take a 7-percent reduction on their income taxes, unless the State legislature said that the State itself needed the funds, in which case the Federal Government would collect the funds and send them back to the State, rather than permitting a reduction on the part of the individual taxpayer.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). The Senator's 15 minutes have expired.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield me 3 additional minutes?

Mr. HANSEN. I yield 3 additional minutes to the Senator.

Mr. HARRY F. BYRD, JR. So if we are going to take Federal funds and disburse them, if we are in a position to do so, I think it is better to send those funds back from whence they came—namely, to the individual citizens, the individual taxpayers, throughout our Nation.

But the fact is that we do not have funds to disburse. This is another program piled on top of all the other spending programs, and it will mean even more deficit spending.

I note that the White House issued a statement the other day to the effect that in the new administration there would be no request for an increase in taxes. The Senator from Virginia will take that at face value. I will say tonight that I shall feel no obligation to vote to place additional taxes on the American people.

If you are not going to have more taxes and if you are not going to have more inflation, then you will have to cut spending. Yet, this bill goes the opposite way. It is piling a new spending program on top of all the other spending programs.

I regret to vote against the bill. It has appeal. Its concept is desirable. But in view of the financial condition with which our country is faced today, I think it is irresponsible to pile another spending program on top of all we already have, on top of these huge deficits that the Nation has been running for several years now.

Mr. President, I shall vote against this measure. I regret to do so, but I feel that I have no alternative.

I ask unanimous consent to have printed in the RECORD a table I have prepared showing Government receipts, Government outlays, surplus or deficit—there are very few surpluses—and debt interest during the 20-year period 1954 through 1973.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954-73 INCLUSIVE

[Billions of dollars]

	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972	148.8	177.7	−28.9	21.2
1973[1]	152.6	190.4	−37.8	22.7
20-year total	1,929.3	2,140.6	211.3	241.9

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

Mr. STENNIS. Mr. President, will the Senator yield me 7 minutes?

Mr. HANSEN. I yield 7 minutes to the Senator.

Mr. STENNIS. I thank the Senator.

Mr. President, when the idea of sharing revenue was first proposed, it was unthinkable to me that we would try to share revenue we do not have. When it was first proposed, the idea was to reduce other programs enough to take care of the amount involved. But that has long since been abandoned.

Mr. President, this bill marks a permanent departure in the road that our republic has followed for almost 200 years. This is milestone legislation. In time it will be a millstone around the necks of both Federal and local government. If the Senate takes this course there will be no turning back. We will have made a commitment that will endure as long as our form of government survives.

We are being asked to share the Federal revenue. What is the revenue that is to be shared? The implication is that there is enough revenue so that this part is surplus and can be shared without taking it from other Federal programs already being carried out for the benefit of the people. But there is no surplus. There is only a deficit.

The original proposal for sharing Federal revenue with the States, as submitted to Congress by the administration, was called special revenue sharing. Under that proposal the Federal Government would discontinue certain programs, take the money previously spent on those programs, and pass it on to the States as a block grant. The States could then decide whether they wished to use the money to continue the previous programs, or devote it to such other purposes as they felt might better suit their needs. In other words, it was a device to move some fiscal decisionmaking from the Federal level to the State level, a concept that has merit.

The bill that passed the House, however, and the bill that is presented to the Senate, is not a substitution of block grants for specific programs. It adds block grants on top of existing programs, using money the Nation does not have. It will be paid by deficit financing, thus creating deeper and more crucial fiscal problems.

The 3-year period that will end with the current fiscal year will see a deficit of more than $100 billion. This will be over a fifth of the total national debt that we have accumulated since we became a nation—and this has happened in only 3 years. On top of this deficit, the bill before the Senate would add another $30 billion over a 5-year period, on which the interest costs will be almost $4 billion more, if figured for the life of the program.

The bill provides that 7 percent of receipts from individual income taxes is to be set aside in a trust fund, for revenue sharing.

Incidentally, another basic feature that this bill destroys in a large way is the right of Congress to continue to pass on these appropriations, these large sums of money, every year. This bill, by its own terms, appropriates $29.5 billion today, when the signature is affixed, that is committed over a 5-year period, and that 5 years is beyond the term of the next President of the United States. It is beyond the term of every present Member of the Senate. It is beyond the term, of course, of the Members of the House of Representatives. It is beyond the term of every Governor in the United States, every mayor of every city, town, and village. I do not know of any who have more than a 4-year term.

Mr. President, this bill is a breakdown in our responsibility to pass on the welfare of the Nation, the fiscal affairs of the Nation. We have an annual report from the President of the United States on the state of the Union. What are we going to say here about the state of the Union when 5 years in advance, we appropriate $29.5 billion on top of the $100 billion deficit that we have run in the last 3 years?

I have to take my part of the blame for that deficit, but I voted against a great many provisions in those bills that ran up those amounts. Although I do not like to do it, I have never failed to vote for tax measures which I thought were anywhere near fair but, more important than that, whenever it seemed that it was required for the security of this Nation.

That is the most serious matter about this bill. We can overcome other points here. But unless we do something to stop the wheels running downhill concerning the fiscal affairs of this Nation, if we do not do something within a reasonable time, then I really have fear of our being able to have representative government that will be able to bring about a remedy.

Since there is no surplus revenue to share, this 7-percent set-aside will simply increase the deficit by that amount. That being the case I think it is difficult to refute the premise that the bill should also contain a 7-percent increase in income taxes. Who will introduce a bill to increase the peoples' taxes? It will not happen. Yet it is absolutely necessary that the deficit in our national finances not be increased in this fashion.

The proposal that is before us is fiscally irresponsible from the outset, and it will become worse very quickly, as time passes. Does anyone believe that once these block grants have been started, they can be stopped, or decreased in size, or even held at the original level? Certainly not. They will grow, inevitably and perpetually.

Even if block grants were a good thing for local and State governments in the long run, and even if the proposal were fiscally responsible, there are many questions to be raised. Why is $5.3 billion the particular size of the grant that should be sliced up for revenue sharing the first year? There appears to have been no rational system of relating that figure to the present amounts of other existing Federal grant programs, which are made for specific purposes, and which are disproportionately distributed in some cases.

Tremendous sums are already being provided as Federal aid to States and local governments, under existing programs. The total for fiscal year 1971, according to the Department of Treasury, was $29.8 billion. These are grants for specified purposes, for which there are anticipated benefits to be attained.

How can Congress weigh the benefits to be received from block grants for unspecified purposes? Congress will not know what the benefits are to be, yet it is the duty of Congress to evaluate benefits before allocating money to meet the many demands upon the Treasury. Would Congress give money to a Federal department, with no restrictions, to spend as it chose? I think not. It would be an irresponsible act, and it probably would be an unconstitutional delegation of the responsibilities of Congress. Let us remember that this bill is both an authorization and an appropriation, for a period of 5 years, and it bypasses completely the annual examining duties of the Senate Appropriations Committee.

It should be pointed out that there is nothing in this bill to give the people any hope of a lessening of their tax burdens. On the contrary, the formula used to distribute Federal funds is such that if a State or local government were to economize, and reduce its local taxes, the Federal contribution would be decreased. Under the formula, the way a State or local government would obtain greater dividends from the Federal Government would be to increase its own taxes. Of course, all of this money comes out of the pocket of the American citizen, and there is no real comfort in this bill for the taxpayer.

Mr. President, the first essential step for this Nation to take is to get the Federal finances in order. Prosperity without fiscal responsibility is not possible. It is absolutely essential that Federal outlays be brought in line with Federal income. Then there will be ways to see that total governmental income is properly divided between National, State, and local governments.

With this background of facts, and the passage of such bills as this and others calling for greatly increased spending, we are approaching a fiscal crisis.

President Nixon and members of his administration have made many hard decisions over the last 4 years, for which I commended him at the time and have strongly supported his position in many instances.

Now I respectfully say to the Chief Executive that I think he should tell the American people:

> Of course, we cannot go on year after year spending far more each year than we have. Of course, we cannot continue to add new programs and extend old ones, all on deficit spending. Of course, we must buckle up our belts and do on a little less if we are to preserve our fiscal system and our free and open economy. Of course, we are going to have to increase taxes some just to avoid going further in the red, and thus bringing to the brink of disaster our financial structure, both public and private, throughout the Nation.

The people already know these things, anyway. The common sense of the common man tells him they are true. They are entitled to have them pointed out by those at the top in authority.

Mr. President, I hope it was a mistake, the report that came out of the White House that we would be able to have all these things for the next 4 years and not be called upon to have to increase taxes. I just do not believe that the President approved that statement because, in my humble judgment, it is contrary to the facts. We should meet those facts now. No one likes to vote to increase taxes. I certainly do not. But I know, as surely as night follows day, with all the bills on all the programs that are being passed and this commitment of $29½ billion for 5 years on top of a $100 billion deficit we have accumulated for 3 years, I say that, as surely as night follows day, we will either have to raise taxes to find the money somewhere or the country will go into default and we will become a bankrupt nation—which, of course, we cannot afford to be.

So, even though I would like to join and vote for the bill, I think it is contrary to the idea that it will help in the long run any town, any village, any county, any State, or any other agency of the Government. As a matter of fact, in the long run it will hurt them. In my humble judgment, it hurts the Congress of the United States to abdicate its responsibility in voting these appropriations.

Mr. FULBRIGHT. Mr. President, it is my intention to vote for the revenue sharing bill now before the Senate, but I will do so with reservations. The concept of sharing revenue which we do not have is at best dubious. Our Government had a $30 billion deficit for fiscal year 1971; $28 billion in 1972; and faces a projected 1973 deficit of up to $40 billion. With the exception of World War II, these are the heaviest deficits in the Nation's history. I have continually worked toward reducing unnecessary spending, particularly for military and related programs, for which we are being asked to authorize $120 billion for fiscal 1973. However, those of us dedicated to this purpose have had very limited success. I believe that until we do succeed in trimming these exorbitant expenditures we will not really be able to provide the funds needed for productive growth and resolution of our serious domestic problems.

Notwithstanding my reservations about the wisdom of this bill, it has been evident to me for some time that it is destined to pass the Senate overwhelmingly and, further, that it will become law during this session. Accordingly I have devoted my efforts in the Senate, and particularly in the Senate Finance Committee, to insuring that the smaller, more rural States receive an adequate share of the funds, which they failed to receive under the House-passed version.

In my view, the Finance Committee has arrived at a constructive and equitable formula which will go a long way toward helping to resolve the financial problems which have confronted States and localities. I hope that by giving them the freedom to spend these tax funds as local citizens desire, we will be making Government more responsive to the true needs of the people.

Mr. MONDALE. Mr. President, I am pleased to support adoption of H.R. 14370, the State and Local Financial Assistance Act of 1972. This bill will provide substantial financial assistance from the broad Federal tax base to ease the growing pressure of State and local taxation, including the regressive and overworked property tax.

In my own State of Minnesota, the Senate bill will provide over $108 million for use by the State and local governments.

I wish to express my deep regret, however, at the Senate's failure to adopt a reasonable solution to the social services issue.

The pending bill would replace the existing program of social services with an additional $1.6 billion in revenue sharing, allocated among the States on the basis of urbanized population.

Some States are taking unfair advantage this year of the open-ended provisions of the present social services law. Total national expenditures could reach $6 to $8 billion over budget estimates by the next fiscal year. There must be a stop to such irresponsible growth.

But the pending bill would work severe hardship on States which have made constructive use of the Federal program—and which have relied in good faith on its continued life.

In my own State of Minnesota, social services funds support child care, vocational rehabilitation, foster care, family and marriage counseling, consumer education, drug and alcohol rehabilitation programs, services for disturbed and retarded children, and a host of other important activities.

Minnesota last year received $44 million in social services funding—and under the pending bill Minnesota would receive roughly $25 million this year for the same purposes. Hennepin County, for example, may suffer a net loss from revenue sharing if the $1.6 billion ceiling is retained.

Efforts—which I have supported—to increase this ceiling to an appropriate level have failed.

There will now be a conference committee to resolve differences between the bill adopted by the House—which, among other differences, imposed no limit on social services—and the bill about to be adopted by the Senate.

I have listened to the distinguished manager of the bill, the Senator from Louisiana (Mr. Long). He has said that there will be a compromise in conference on social services—that the ceiling will be raised. I urge the Senator from Louisiana and all of the Senate conferees to carefully consider the plight of those States which have made responsible, constructive, and moderate use of the social services program—and which stand to lose so much under the Senate-adopted ceiling.

Mr. HANSEN. Mr. President, I would like to take this opportunity to make a few comments regarding H.R. 14370, the revenue sharing bill now before the Senate.

This piece of legislation will be a landmark decision and of great benefit to our State and local governments. Therefore, I urge all Members of the Senate to expeditiously deal with this legislation with a conscious effort directed toward what will be best, in the long run, for the country.

The Senate Finance Committee has worked many days and considered many alternatives and amendments to this bill. The end result of the committee's work is, I think, an equitable means of giving back to the States revenue collected at the national level with the minimum of strings attached. I commend my Senate colleagues for continuing this same line of thought so far as various floor amendments have been considered.

We all know the plight of our State and local governments.

The figures regarding the revenues collected at the State and local level as compared with their necessary expenditures have been stated many times on this floor.

The fact is that these governmental units need help.

They have gone about as far as they can in increasing their own revenue collection measures. The Federal Government has, simultaneously, been increasing its tax efforts in accordance with the rising costs of services at the national level. It is no wonder that citizens in all of our States are rebelling at the thought of higher taxes on any level. They simply do not feel that they personally are benefiting from the services provided by these tax increases.

This brings me to the basic idea incorporated in revenue sharing—to turn back to the States a portion of the tax revenue collected at the national level—so as to afford these governmental units with an adequate means of operating in the best interests of their citizens. State and local governments best know what programs need to be instituted.

The Federal Government heretofore has awarded grants to the separate States for specific projects and programs.

This legislation would be more sound if the funds to be shared were transferred from grants-in-aid and block grants now going from the Federal Government to the States.

These so-called matching funds have not been in the best interests of our local governments. They have merely encouraged States to look for projects which will result in the most Federal aid rather than the projects most needed by and within the State. It resulted in the most projects being completed for the least amount of State funds, but it did not result in the most pressing, critical problems being solved first. The time has now come to let the States themselves determine their own priorities and use their revenue-sharing funds as they best see fit.

The Senate Finance Committee, after reviewing many formulas for allocating the revenue to the States, has arrived at, what I think, is the fairest formula for all States. According to this formula, funds will be distributed to the States on the basis of State population, State and local tax effort, and the inverse per capita income of each State.

Under this formula, each State's share is determined by its population multiplied by its tax effort and further multiplied by its inverse per capita income.

Unlike the House bill, the committee formula does not favor any particular type of tax system for the States such as personal income taxes, but does recognizes that general tax effort is a factor which should be considered in any distribution formula for revenue-sharing funds. States who help themselves by levying taxes will thereby receive a greater share of funds than States which do not. However, the Federal Government will not be dictating to the States that they must levy State income taxes in orders to adequately participate in revenue sharing.

This is a very important consideration.

Some concern has also been voiced regarding the committee's elimination of the urbanized population variable which was an integral part of the House formula. We, too, are concerned with the problems of urban areas and therefore want to make certain that revenue-sharing funds do go to those areas which need them most.

For that reason we deleted the urbanized population variable from the House formula and used instead the other three variables which I have already mentioned. The amount of tax effort and the inverse per capita income figures should send revenue-sharing funds to the poorer urbanized areas where funds are needed and tax collection bases are very low. This formula will likewise help the poorer rural areas of many of our States which face many problems also.

The committee, however, took an even more direct aim at the problems of urbanized areas by the distribution of a $1 billion supplemental grant to the States on the basis of their urbanized population. The effect of this action was to distribute this $1 billion in a manner which appreciably benefits the more urban and industrialized States.

The committee's bill also gives each State considerable flexibility in revising the formula for distributing the funds to its local governments. For the first 12 months of the program the funds must be distributed to the local governments on the basis of the standard formula; namely, population weighted by both tax effort and relative income.

After the first 12 months of the program, however, each State may continue to have the funds distributed to its local governments on the basis of the standard formula, or it may by law choose to have the distribution made on the basis of two alternative factors.

These alternative factors are population weighted by relative income and population weighted by tax effort. The State may use any combination of the two factors it desires. This is in accord with the principle we have tried to follow in this bill, of leaving with the State and local governments the maximum discretionary powers.

The committee's formula, therefore, will be of greatest benefit to all States. It is consistent throughout and will provide the governmental units with a convenient and easy means of determining the amount of funds they can expect to receive each year. In the interest of all States, this formula should not be changed.

I am sure all of us recognize the problems involved in trying to arrive at an equitable means of "sharing" revenue on the State and local level. Basically, we must be in agreement as to the express purpose of revenue sharing and very cognizant of its importance to every State. We personally represent numerous governmental units which desperately need help. The time to act is now. Revenue sharing is vital to the States we represent. Likewise, the financial soundness of our State and local governments is essential to our Federal system.

In deciding upon this legislation now before us, however, we must not lose sight of the principle of State's rights—an inherent part of our federal system.

We must have confidence in our State and local governments that they will take their revenue-sharing funds and use these funds in the best interest of all our citizens.

It is my belief that these governmental units will do a far better job as a policing force than the Federal Government could ever do.

This legislation covers a period of 5 years. At the end of that time, based upon a continuing evaluation of this program, we will, I am sure, be glad that we gave the States the responsibilities proposed by this legislation.

My enthusiasm for the Revenue Sharing Act is diminished somewhat by extraneous amendments adopted imposing the Davis-Bacon Act upon those projects undertaken by units of government into which more than 25 percent of the total funding comes from federally shared revenues. This amendment can only serve to add to the costs of building by cities, counties, school, hospital, and fire districts.

Despite efforts of some labor leaders to contend otherwise, the bill is not an antilabor, antiunion bill in any respect. It specifically provides that workers must be paid not lower than the prevailing rates of pay for persons employed in similar jobs by local governments. The union contracts in the construction industry, one of the most highly organized of all industries, will not be affected in any way by this bill.

Revenue sharing is just one step in the direction of helping our States to help themselves. There is continuing validity in the concept that with tax spending should go tax collecting. The contribution from the revenues of the Federal Government to State and local governments, while important and helpful, will still be only a small percentage of the funds necessary to operate these units of government. Thus the fundamental soundness of vesting government at every level with the twin responsibilities of tax spending and collecting is substantially unchanged.

Despite the reservations to which I have alluded, revenue sharing is important and most timely legislation, and I urge my colleagues to approve the Senate Finance Committee's recommendations.

Mr. TOWER. Mr. President, I think that we are taking a major step forward today in State-Federal relations by moving toward the likely passage of the revenue-sharing bill. For too many years Congress has expanded the scope of Federal activities, so that now the Federal Government utilizes so much of the available tax base in the country that local governments cannot feasibly raise their taxes in order to pay for vitally needed community services. It is time that we allow State and local governments to have access to the funds that they need to provide the American people with adequate police and fire protection, waste management services, local transportation systems, health services, and other important services. We are not "giving" local government anything in this bill; we are merely returning to the American people that which Congress has preempted—revenue to fund essential government services. In so doing, Congress will be giving back with one hand to governments closer to the people, money which it takes from the taxpayer with the other. I would prefer to go one step further and simply turn some of the tax base itself over to the State and local governments so that they can raise such taxes as they need on their own.

However, given the reluctance of many Members of Congress to acknowledge that Congress itself is responsible for the financial plight of local government, and their preference to appear as the saviors rather than as the repentant sinners in this matter, enactment of such a profound change in policy as I favor is hardly likely at this time. Yet, I view revenue sharing as only the first step of a process that will continue toward the eventual return of adequate spending and taxing power to local government and to their constituents, because the American people want better government and closer control over government. They want stronger local government and reduced spending by the Federal Government. Let us hope that Congress will face up to this reality.

Many people in my State and across the country do not approve of continual Federal budget deficits, and view this bill as an unwelcome addition to this year's deficit. Nevertheless, their objection really lies with the fact that various other Federal programs—those which are wasteful, ill-conceived, and simply unnecessary—push the budget into the red. Most of these people do not disagree with the view that local government services are virtually the highest priority today in terms of what government should be doing. Consequently, they recognize that what they really want to complain about is most of the other Federal programs and wastefulness that put the budget into deficit status—not this particular bill with its very vital mission to improve their local government services.

Mr. FANNIN. Mr. President, as a member of the Finance Committee I labored many hours, days, and weeks with my colleagues to work out legislation which would provide aid to our States and localities through a system of revenue sharing. When the committee completed its arduous task, I believed that we had accomplished something that would be beneficial to our States and localities and in keeping with our federal system of Government.

Unfortunately, changes have been made in this bill which will have a disastrous effect if they become law. And, in rereading the record of debate, I am appalled by the way the revenue-sharing concept is being perverted to serve the interests of big unions and big business at the expense of local government, at the expense of the American taxpayers, and at the expense of our business enterprise system. The bill which has been fashioned on this floor would be detrimental to our Nation and to my State, especially the smaller communities.

The revenue-sharing bill as amended on the floor of the Senate simply would be a vehicle for imposition of inflationary wage rates, inefficient construction practices, and bureaucratic waste of tax dollars. These characteristics of Federal construction projects already are commonplace in metropolitan areas, but I see no virtue in forcing smaller local governments to adopt the same costly methods of operation.

It was no surprise that the AFL-CIO should seek to reinstate the Davis-Bacon provision in the bill reported out of the Finance Committee. It was very disturbing, however, to see the erroneous and misleading statements made by Andrew Biemiller who wrote to all Senators on behalf of the AFL–CIO.

In his August 11 letter, Mr. Biemiller said:

> The general revenue sharing bill (H.R. 14370), as reported by the Senate Finance Committee, contains no federal labor protectives on the nearly $30 billion of federal funds that will be distributed to States and localities.
>
> Historically, Congress has provided specific safeguards for workers and for communities in the expenditure of Federal funds to insure that these monies were not used to undercut local wages, pirate away local industries, and diminish or destroy rights gained by workers through collective bargaining. All of these long-standing protectives are abandoned in this measure which provides "no-strings" funds to the State and localities and no safeguards to the citizens affected.
>
> The bill, as it now stands, gives States and communities free rein as to the expenditure of the funds. However, that license should not include the opportunity to escape the responsibility of adhering to basic protectives in the work lives of all Americans.

Mr. President, it is hard to believe that a man with Mr. Biemiller's long experience in Washington could make such an erroneous interpretation of the bill.

He said the bill "contains no Federal labor protectives on nearly $30 billion of Federal funds that will be distributed to States and localities." Yet, it is abundantly clear that the committee did not exempt the States from Davis-Bacon restrictions on the funds they receive. Only the localities were exempted.

The second and third paragraphs are equally unfactual and misleading.

The bill as reported by the Finance Committee does provide protection for the workers. The bill specifically provided that workers must be paid not lower than the prevailing rates of pay for persons employed in similar jobs by such local government. Nothing in the bill changes the union contracts in the construction industry, the most highly organized of all industries. Nothing in the bill would in any way preempt the little Davis-Bacon Acts of the States.

Mr. President, the debate on the floor last Wednesday concerned what I consider the most crucial issue in the bill—whether or not the Davis-Bacon Act and other Federal labor legislation should apply to local projects undertaken with revenue-sharing funds.

It appears to me that many Senators who were not present during the entire debate did not fully understand the effect of the adoption of the first two Hartke amendments as modified by the Senator from Louisiana (Mr. Long).

Amendment 1461 applied to all jobs financed in whole or in part out of the fund. For example, it would have forced the local government which added policemen, secretaries, or the like, and wished to pay them out of Federal funds, to pay the Federal rate. The Senator from Indiana stated that the practical effect would be to make the Davis-Bacon principle equally applicable to nonconstruction workers. This would have been true even though only 1 percent of Federal money was to be used in paying the wages.

It was at this point that Senator Long successfully tied Hartke amendment 1462—applying Davis-Bacon to local revenue sharing used in construction—and amendment 1461 together in one package.

Then Senator Long offered his amendment which would have required that Federal participation in a project would have to be 50 percent or more before the Federal wage provisions would apply. Eventually a compromise was reached by which this figure was lowered to 25 percent.

Therefore, what the Senate adopted was Federal wage standards for any jobs—whether in construction, services, and so forth—where 25 percent or more of the wage comes out of the Federal fund.

Frankly, I do not know whether the 25-percent limitation would be of any value to local communities trying to get something more for the dollars spent. There also is the possibility that the 25 percent will be reduced or eliminated in conference with the House.

The principle of the revenue-sharing bill was to have been the providing of funds to local governments so that they could undertake projects with the very minimum of Federal interference.

It was in keeping with this philosophy that I worked in the Finance Committee for an amendment to the House bill which would relieve localities from the suffocating effect of Davis-Bacon. After careful study by the committee.

Once again, I wish to emphasize:

First. The Davis-Bacon exclusion the committee approved would have applied only to local governments and would have had no effect on State projects which still would be covered by existing law.

Second. My amendment accepted by the commitee would have had no effect on the so-called Little Davis-Bacon Acts now in force in 34 States.

Third. The committee bill required that workers must be paid at rates no lower than the prevailing wages for persons employed in similar jobs by such local governments.

The purpose of the committee action was to allow localities to pay wage rates prevailing in their own communities rather than to require the payment of unrealistic, higher wages usually imposed under the area-wide concept of Davis-Bacon.

Mr. President, as I said, I have studied the debate of last Wednesday, and I feel compelled to restate the problems. It may be that in the great flood of words, the key point was missed.

First, it is essential that we realize the way in which the Davis-Bacon is administered—how it always had been administered under both Democratic and Republican administrations. It has been and is being administered erratically and capriciously in a manner which works to make federally funded projects the exclusive domain of large contractors and entrenched labor unions. It is administered in a fashion that attempts to impose the unrealistic, staggering wage rates in the big cities on the economy of smaller communities.

The Department of Labor has failed to use good judgment or good sense in establishing realistic minimum wage rates for federally financed construction projects in localities which are some distance from metropolitan areas. Federal officials have taken the easy way out and simply have reached into metropolitan areas—even though the metropolitan area may be hundreds of miles away—and used the highest big city union wage rate to establish the Federal minimum for communities which have a vastly different economy. This has been well documented by the General Accounting Office.

My colleagues from Utah and Colorado gave us some good examples of what happens in such cases.

We see that the people in the San Luis Valley of southern Colorado had to pay two and one-half times what they should have, to construct a community center because the Department of Labor decreed that the Denver wage rates should apply to the project.

We see that the Las Vegas, Nev., wage rates are used to establish the minimum for federally aided projects in rural Utah.

In my own State of Arizona, the Phoenix wage scales were used as the basis for determining the minimum pay for workers at Page. Out West we do not let distances impress us too much, but I would point out that Page and Phoenix are 276 miles apart. Not even the wildest imagination could equate the two economically.

Page is an isolated, small town of some 4,000 population; Phoenix is a huge metropolitan area of about 1 million population.

It provides a good illustration of the sharp contrast between the normal wages in a community and the inflated wages which are required when the Davis-Bacon Act is applied to a project in the area.

The Navajo power plant is being built just outside Page with work being performed in sections. Thus, the power plant hires many workers for a few months and when that phase is completed, the workers are laid off and seek re-employment in town.

Laborers privately employed in the town earn $2.50 per hour, but when working at the Navajo power plant under the Davis-Bacon Act they receive $7.50 per hour. Mechanics in town get $5 per hour as compared with $10.50 at the power plant. Carpenters who normally earn $5 per hour in Page are paid $9.32 on the federally funded project. Electricians get $10.10 an hour at the plant, more than twice their normal pay in the town of Page. Truck drivers draw $3 per hour in town, but $7.75 when working at the Navajo power plant.

The economy for small business in Page for the next few years of construction at the power plant is an unhappy one. When the power plant is hiring, the small businessman cannot get workers. When the work at the power plant phases out, there is an over-supply of workers.

Mr. President, it had been my hope that revenue sharing would be a means of fostering new vitality for local governments, that it would give a stimulus to smaller communities, that it would help them meet their needs for more public facilities and at the same time help stabilize local economies, and provide needed jobs.

The bill as it has been amended here would not accomplish this. It would have the opposite effect.

This bill would put the smaller local governments in an almost impossible position.

To accept Federal revenue-sharing funds, they would have to agree to pay wage scales which in most cases will be far out of line with those prevalent in the local economy.

It is my judgment that this effectively will preclude many and perhaps most localities from participating in this program. The localities will find that it is cheaper for them to go-it-alone entirely with their own funds using the normal wage rates rather than to accept the red tape and strings-attached Federal revenue-sharing funds which would inflate the cost of their projects more than 50 percent in most cases.

If they do decide to participate, many communities will find themselves with a yo-yo economy and many unhappy workers. Consider the morale problems caused when a worker who is worth $4 an hour finds himself employed on a federally funded project with a minimum wage decreed at $10 per hour, then the project ends and he has to go back to work in an economy which again will pay him only what he is worth—$4 per hour. Consider what this can do to the fragile economy of a small town.

What our communities need today is a great number of additional $3, $4, and $5 per hour jobs—not a few $9, $10, or $12 per hour jobs. We need to put people to work on jobs that will take them off the welfare rolls; that will give them an income that is adequate for the support of themselves and their families. Simple arithmetic makes it evident that when we force a community to pay salaries twice or three times as high as the normal wage for the locality, then we create only one-half or one-third as many jobs. Whenever we vote to extend the provisions of Davis-Bacon or other minimum wage standards, we simply are sentencing more people to the welfare rolls.

The Davis-Bacon provision originally was conceived to prevent abuses in the depression era when it was easy for unscrupulous employers to exploit the vast, hungry labor market. Today the workers do not need this protection. Today the act is used to protect the big unions and to protect the big business interests.

Imposition of the Davis-Bacon Act on the localities is a blow to the small cities and towns; it is a blow to independent contractors who do not have the resources of their more sizable competitors.

I believe that the unions and the established contractors are big enough to stand on their own feet without this form of Government subsidy.

The Davis-Bacon provision is a direct blow to the free enterprise concept. It is restrictive of competition. What we need today is more, not less, competition within America. Restrictions on competition, whether imposed by the Government or by unions or by business itself, will only further damage our ability to compete in the world marketplace.

We are not dealing in a vacuum in the distribution and employment of the revenue-sharing funds. This money will have a profound effect on our total economy and on our position in the world.

The amendments that were adopted in the Senate would be a new impetus to inflation.

The Senator from Indiana has been most vocal in complaining about the declining ability of America to compete in foreign trade. Yet the action he initiated will further contribute to the loss of American jobs. This will be the effect of the Hartke amendments, because they mean that revenue-sharing funds will be used to trigger demands for higher wages in every nook and cranny in America.

Factory workers being paid a fair wage of $4 per hour will not long be satisfied when new jobs paying much more are created as a result of revenue sharing. The manufacturing workers will demand parity. Our manufacturing costs will continue to spiral, our factories will lose their ability to compete in foreign markets and at home; the plants will close or be moved abroad.

Mr. President, another point which disturbs me greatly is the fact that what the Senate has done is to tell localities that they cannot try to get the most for their money; that they must purchase at an inflated price.

It has been demonstrated time and again that the inflated wages required under Davis-Bacon raise the cost of construction generally at least 10 to 15 percent and even more than 50 percent in many cases.

Mr. President, our Nation became great because our free enterprise system fostered efficiency and rewarded men and women for doing hard work well. For the past several decades there has been a steady erosion of this system. As one who has great faith in my country, I had hoped that we could reverse this trend. Legislation such as we have before us, however, is just another step away from the idea of a "fair day's pay for a fair day's work." It is another move toward featherbedding, toward the idea of "something for nothing."

Mr. President, we are told frequently these days that nothing is stronger than an idea whose time has come. Recently we have had a number of pieces of legislation put before us to implement "ideas whose time has come." To my regret, these ideas have been badly mangled before we can get them out of Congress. We have just mangled another one.

Mr. HATFIELD. Mr. President, the fiscal problems facing our cities are a well known fact and are particularly notable during the debates on various aspects of the revenue-sharing bill now before this body. State and local governments are spending above $150 billion annually with expenditures increasing approximately $15 billion each year. The proposals before us have ranged between $5 billion and $6.3 billion annually in grants to States and localities, but this is at least $8.7 billion less than the yearly increase of these State and local entities. Furthermore, as a report of the First National City Bank of New York indicates, "the past and present State-local fiscal crises have been occurring despite rapidly increasing Federal aid. Federal grants-in-aid have risen from $11 billion in 1965 to the current $30 billion." In other words, revenue sharing will not begin to meet the problems it is created to solve.

There is every indication in the experience of other countries that the program envisioned in the pending legislation will not work. Testimony given June 8, 1971, before the House Committee on Ways and Means by Harley H. Hinrichs, associate professor of economics at the U.S. Naval Academy, supports this conclusion. I ask unanimous consent that Mr. Hinrichs' statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REVENUE SHARING AND ITS ALTERNATIVES: LESSONS OF EXPERIENCE

(By Harley H. Hinrichs)

INTRODUCTION AND ABSTRACT

When Chairman Mills predicted that revenue sharing would tend to (1) weaken state and local governments; (2) divorce spending from a government's ability to raise taxes; and (3) encourage state and local governments to expend energies on increasing their revenue shares rather than undertake the difficult task of reforming their own tax sources, he was predicting the past as well as the future. The lessons of experience in other countries are on his side.

This brief summary will highlight the lessons of experience from other countries and then suggest more efficient alternatives than revenue sharing for the needs of our society.

These lessons are taken from the Joint Economic Committee's compendium, *Revenue Sharing and Its Alternatives: What Future for Fiscal Federalism?* and its subsequent hearings published in 1967 under the Fiscal Policy Subcommitee leadership of Congresswoman Martha W. Griffiths. Later evidence based on my recent missions to Argentina, Brazil, and Nigeria are also included. *Previous Federal Studies: The Groves, Gulick, Newcomer Committee in 1943.*

A special committee established by the Secretary of the Treasury in 1941, partly funded by the Congress, studied federal, state and local government fiscal relations. One of its key members was Professor Harold Groves, University of Wisconsin, teacher and mentor of both Walter Heller and Joseph Pechman. The report concluded that "Sharing involves more centralization than any other coordination device . . . It involves centralization both as to the levy of taxes and as to their administration, leaving local discretion only as to expenditure." In summarizing the Argentine experience in 1934 (and thereafter) and in Germany in 1919, it found the systems did not readily adjust to state needs nor did they foster responsibility.

Australia and Canada

Here revenue sharing developed primarily under wartime pressures when the federal governments usurped income tax powers of the states and provinces. These cases are distinguished from the U.S. experience wherein federal income tax rates have been reduced (in 1964 and 1969) and a wider and heavier use of income taxation has been made by the states. Indeed recent Canadian experience shows a greater tendency toward conditional grants.

Argentina

The lessons here are twofold: (1) state and local efforts have been concentrated at lobbying for greater shares of federally-collected revenues: this share has now risen from one-fourth to one-half forcing severe constraints on the central Treasury; and (2) state and local revenue efforts—and the importance of such governments—have atrophied over the years: local taxes haven't been reformed or appreciably increased, greater reliance is now on federal dispensations.

Nigeria

The interesting conclusion to abstract from the Nigerian experience is the tremendous amount of energy—both political and administrative—utilized in debating, revising and restructuring the revenue sharing system. The federal legislative machinery there, as well as here, might have more important tasks to perform. If revenue sharing were adopted by the U.S. Congress, it could easily be foreseen that an annual appropriations battle would ensue over revenue shares with mayors and governors spending inordinate amounts of time and energy in Washington rather than in their local habitats.

Germany

The German experience highlights the problem of a growing loss of power by the central government to stabilize the economy (prices and employment) when large shares of its tax collections are automatically earmarked to subordinate jurisdictions.

Brazil

The recent (1964–70) experience in Brazil in restructuring its revenue sharing system offers numerous lessons. Previous revenue shares were often unpaid by the central government or "temporarily frozen." When the system granted equal shares to each *municipio* (county), the result was a doubling of the number of counties. (The State of Wisconsin had a related experience in the proliferation of subordinate government units.) Later the federal government reduced revenue shares by 40 percent. Then it began to enact a growing number of conditions as to how the localities should spend the funds. In the meantime the localities either lost interest in reforming their own revenue sources (which declined sharply) or lost such revenue sources by a constitutional shift to the federal or state governments. The growing "conditioning" of the earlier unrestricted grants was related to the inability to spend the funds according to national priorities (many local units used the "free money" for conspicuous street lighting or sports stadiums when half of the citizens could neither read nor write).

CONCLUSION

The historical lessons of revenue sharing seem to point toward the following tendencies: (1) local governments tend to lose power within the federal system; (2) local revenue sources tend to atrophy: new tax reforms are not enacted; in the U.S. system one would expect less effort toward, say, adopting income taxes in those states not now having any such taxes; (3) an extraordinary amount of political energy is expended by local governments lobbying for greater revenue shares; in the U.S. context this might mean more time spent by the Ways and Means Committee on adjusting revenue shares than on other ("more important") issues: national health care, restructuring social security taxation (the most regressive tax in the federal system), and taxation at death (especially the taxation of capital grains at death—which has been postponed since 1963); (4) stabilization of the economy becomes more difficult for the federal government as a growing share of its revenues are automatically siphoned off to subordinate jurisdictions.

It is often stated that revenue sharing is merely a supplement to other federal programs. No economist could agree with this: every federal allocation has its "opportunity cost" or program foregone. The other possible use of federal funds would seem to have a much higher priority than unrestricted funds to states and localities. Any "unrestricted dollar" would be less efficient than "directed dollars" at "people problems": employment, housing, income maintenance or eduction. National priorities suggest that "people problems" take precedence over the "bookkeeping problems" of local governments. True revenue sharing means sharing money with people, not governments. And because today "revenue sharing" really means "loan sharing" (given that the funds would be borrowed as part of the deficit) it would be better for the states and localities to pool their borrowing themselves.

Mr. HATFIELD. Mr. President, perhaps most important, however, is the general philosophy behind revenue sharing. The bill now before us is, in reality, a way to spend the taxpayer's dollar without allowing him control over its allocation. The revenue-sharing bill circumvents the citizens of this country, particularly the taxpayers. The basic thrust of this kind of legislation undermines the representative nature of our Republic and erodes the quality of our Government. If grants are made to State and local governments they should include the requirement that explicit programatic standards be met, with an eye toward redirecting State and local spending. Virtually every revenue-sharing proposal presented to the Senate has failed to meet this criterion.

What should be done? Of primary importance at the Federal level is to cut back unnecessary and wasteful spending. We must focus our spending priorities in areas which will yield greater return. An example is military spending, which can be cut back without jeopardizing our national security. A recent study by the Bureau of Labor Statistics suggests, furthermore, that a dollar spent on education generates twice as many jobs as a dollar spent for military purposes.

A significant step in the right direction would be the absorption of all State welfare costs by the Federal Government. This would help the States reduce a major portion of their budgets and free them to spend these revenues in other badly needed areas. While the source of welfare revenues would generate from the Federal Government, the administration and control of the program must remain at the local level. My State of Oregon, for example, would benefit more by this approach than by the revenue-sharing proposal under consideration—$76 million through welfare reorganization in contrast to $70 million through revenue sharing.

Most urgently needed, however, is a major change in the trends of government over the past 3 decades. These trends must be reversed. Testimony I submitted to the Republican Platform Committee in Miami in August of this year discusses this matter in detail. Therefore, I ask unanimous consent that the testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ON NEIGHBORHOOD GOVERNMENT

(By Senator MARK O. HATFIELD)

It is clear today that the great experiment of our cities is a failure. We must return to a scale of government which is comprehensible to our citizens. By developing a neighborhood government—not by fiat but by an organic evolution from community organization—we can develop a sense of community through the state and a sense of individualism and neighborhood through the nation. To date, the centralization of government has destroyed community self-management and citizen participation. We must reverse this trend and develop our cities along the lines of neighborhood government and inter-neighborhood cooperation.

There is a renaissance in our democracy today, and the Republican Party has a distinct opportunity to play a major role in it. Over the past decade, communities of neighborhood size have been incorporating, taking over various governmental services, and providing for many of their own needs. This reformation of local control can be encountered from coast to coast, in poor neighborhoods, in middle class neighborhoods, among blacks, Chicanos, whites, Latins, Catholics, Jews, and Protestants. It has cut across economic, racial, religious, and political lines, and is potentially the most dynamic force within our society today. I would specifically make five proposals which the Republican Party should include in its platform:

1. Development of state and federal legislation, allowing for the creation of neighborhood governments.
2. Elimination of the legal, political, and economic obstacles to development of neighborhood self-governing capacity.
3. Nationwide boundary determination of neighborhoods.
4. Development of methods promoting economic self-sufficiency of neighborhoods.
5. Determination of standards and data regarding neighborhood development.

The first proposal is that legislation should be developed to allow for the creation of neighborhood governments. Within this context, incentives should be made to state and local governments to facilitate this effort. Model legislation could be created, including financing arrangements in the mutual interests of the neighborhood, state, and federal governments. The general thrust of all of these proposals should be to develop working models from which we can learn how to better devolve power to the people in as orderly a fashion as possible.

My second proposal is to encourage government at every level—city, county, state, and federal—to eliminate the political and economic obstacles to neighborhood self-governing capacity. The legal obstacles, let alone the political and economic obstacles to neighborhood evolution and incorporation, are numerous. Without the strong support of every level of government, this movement will be forestalled and distorted.

The political obstacles are considerable.

At the time of the Republican Party's founding, like today, the nation was in great turmoil. It was a painful period of introspection and groping for answers. From this turbulance, our Party was formed—too late, unfortunately, to stem the tide of our most devastating war. These Republicans, men such as Senator Charles Sumner of Massachusetts, Senator Salmon Chase of Ohio, Senator William Seward of New York, and Senator Benjamin Wade of Ohio, were among the leaders of the new political party. While their reforms focused primarily on the issue of slavery, they were couched in a common belief of every individual's right to freedom and opportunity.

Yet, they, as well as our nation's first Republican President, Abraham Lincoln, realized that the individual can only develop his full potential as a human being through community. This concept dates back to the twelve tribes of Israel. The ancients realized that without a sense of community and real citizen participation in the public life of community, the individual and the family structure deteriorates.

Reflecting on the state of our society today, the place of the individual, and the strength of family unity, we find that we do not have much, if any, real community life. Individualism is distorted for it is not grounded in community, but in money and private advantage. This has become the political perspective and expression of today's institutions, including both parties. Our Party must now make a turn away from artificial and massive institutions and move toward the people. The Government must stop looking at the nation as a reflection of itself, and the corporation must stop looking at the economy as a projection of the corporation's self image. These various perspectives represent only part of the picture, a picture which we must consider in its entirety if our institutions are to be relevant to human needs.

It is on this point—our original commitment to individual liberty through community—that we Republicans differ most from the Democrats. Yet, our rhetoric and our programs are sorely in need of reshaping in order that they might express this difference clearly. The state of our political system reflects this. Voter registration, particularly since the addition of young voters between the ages of eighteen and twenty-one, points up the fact that both parties, but particularly ours, are viewed as having little if anything to offer the overwhelming majority of people in our country. If for no other reason than basic survival, we have to confront these facts while remembering that President Nixon won only 43% of the popular vote in 1968 and won the ten largest states by the slimmest margin.

The need for community is instinctual. Thwarting this instinct leads to the pathological qualities encountered today, particularly the sense of rootlessness. Unless individuals are able to relate together and act publicly for the well being of the community, the individual himself will be lost. Therefore, it is a fundamental need to return to citizen participation and community self-management.

As I pointed out earlier, neighborhood government dates back to the beginning of recorded history. It was also the basic form of political-organization throughout our nation's history—during our formative years and through the 19th Century. Over the past decade, this form of organization has been, once again, gathering momentum across the land. Today, neighborhoods are incorporating. They are taking over various services and providing for their own needs. Yet, their information within the present legal, political, and economic constraints is continually threatened and their development and perpetuation are thwarted. It is a tribute to the vitality of organized neighborhoods that they continue to persevere within the present environment.

The historical precedent for neighborhood control in the United States is the local township and its town meeting. Today, neighborhood corporations and their assemblies of residents are springing up throughout the country. California, Ohio, New York, Washington, D.C., Pennsylvania, Indiana, and Kansas are a few states in which this phenomenon has been occurring over the past decade.

The finances of this new level of government present a major problem. Here, coordination on the federal, state and city levels is imperative. Neighborhood governments which are predominantly middle or upper income will have no financial problem. The major financial problems occur in the lower income neighborhoods. However, various recent studies have indicated that even in these poverty areas, there is more of a fiscal base than has been assumed. For instance, one study made in 1969 of the Shaw-Cardozo neighborhood of Washington, D.C. concludes that more money was collected in taxes than was returned to that neighborhood in visible public services and welfare. Perhaps this is not typical for other poverty areas in our country. Not enough research has as yet been conducted to come to any definite conclusion on this subject. Seen from the political perspective, it could be said that neighborhood governments might assume control of a variety of programs as their ability to do so develops. Neighborhood government might move, perhaps, from child care to health care, to welfare, education, sanitation, police, etc. Seen from the financial perspective, tax incentives would have to be provided to enable these neighborhood governments to assume as much of the financial burden as possible for their own programs. For instance, tax credits could be provided for all residents to their neighborhood government in such a way that the greater the income level, the smaller the tax credits.

Initially, it may well be necessary for the state and federal governments to develop a system of grants to some neighborhoods which would focus on helping them to increase their economic base in order to make them as self-sustaining and independent as possible. It should be kept in mind that these grants would be designed to help others to help themselves, rather than to perpetuate socially and economically unproductive dependence. Such grants could attract business, which would have obviously constructive spinoffs, and would be made for specific purposes.

My third suggestion is that a nationwide study should be undertaken to define the boundaries of neighborhoods in our cities. These boundaries should be drawn on nonpolitical bases. They could be based along historical municipal boundary lines before annexation, postal areas, and other "natural" boundaries. The first and last survey of this kind was taken in the late 18th Century and was for the purpose of determining townships—the local units of government. The new survey about which I am speaking is for regeneration and reconstruction of communities. In a manner of speaking, I am advocating a humanization of the Bureau of the Census. On the basis of this survey, they could, and should, adapt their data-gathering mechanisms, projections, and analyses to neighborhood communities and their characteristics. The states and their neighborhood communities can assist in this survey with the help of federal financing, thereby exemplifying a new type of cooperation of nation, state, and human community.

Fourth, I would suggest that the various methods of neighborhood financing be researched with an eye toward building an economic base where it does not already exist to better enable communities to provide for themselves. Most neighborhoods already have the economic base to service their own needs, and this includes many poverty areas. However, some do not have the resources. A study of the numerous modes of neighborhood financing and economic strengths and weaknesses of each should be undertaken to gain a better understanding of this most vital matter.

I cannot stress too strongly that this is an approach for rich and poor, inner city and suburban, urban and rural communities. It is not a new war on poverty or grandiose scheme to be implemented through some massive federal and/or state bureaucracy. The primary responsibility rests with the people—with the private sector, not the public.

Fifth, implicit within such an approach to government is not only a new relationship between representatives and those represented, but a new citizen participation and responsibility in the public matters of finance, economy, education, zoning, police, welfare, health care, courts, child care, garbage collection, and many others. All of the major domestic issues of our time would relate directly to these neighborhood governments and would be settled by them for themselves within a purview of the Constitution and the civil and individual rights assured therein. As I stated earlier, this is not a question of states' rights, but of individual and community rights. My colleagues in the Senate and House and I, as well as legislators at the state level, have the responsibility for giving legislative form to the rights of the community, where appropriate.

The appropriate guidelines for legislative and administrative activities should be thoroughly examined. The aim of neighborhood autonomy and inter-neighborhood cooperation is the goal, but the methods and programs would vary from community to community and from state to state. Chartering neighborhood corporations should be made easy as possible within two general criteria. First, the chartering authority should be presented with evidence that an overwhelming majority of the neighborhood's residents approve of the action. Second, the boundaries should be determined on as nonpolitical a basis as possible.

The chartering authority would rest, as it does now, in the hands of the states. The two qualifications for chartering which I mentioned above are intended to be federal guidelines which determine the legitimacy of these neighborhood entities. For the purpose of defining boundaries, various criteria, including the following, could be utilized:

Annexation boundaries of former municipalities and townships within the cities.

Official designations by municipal government for such city services as police and fire protection, recreation centers, and neighborhood city halls.

Official designations by public or semipublic institutions such as local Community Action Programs, Model Cities Programs, Public Housing Authorities, and Employment Service-funded neighborhood outreach programs.

Sub-areas designated by indigenous voluntary neighborhood citizens organizations as their service areas.

De facto designations by church parish, by neighborhood schools, and by private settlement houses and community centers.

Sub-areas of the cities designated by indigenous "folklore."

Sub-areas of the cities contained within natural boundaries such as hills and rivers.

Sub-areas of the cities contained within artificial boundaries that have come to be accepted, such as freeways, railways, or other elements of urban design.

Sub-areas containing public and commercial clusters of amenities that have recently been or are currently primary amenities to the surrounding residents.

Sub-area designations consistently recognized by mass media.

In the final analysis, residents do define their neighborhoods through the impact of some or most of the above criteria.

Having focused on the national implications of neighborhood governments, it might be asked how the states relate to this matter. The states have the basic constitutional responsibility for the establishment of local government and local citizen participation. A great deal of extensive research, co-ordination and soul-searching is required for developing state policy toward neighborhood government. For instance, state enabling legislation may be necessary to allow counties and cities to "set up" the smaller subunits. Critical questions must be answered beforehand: How will neighborhood governments be constituted? What authorities will be devolved to this level? What standards of governmental performance will be used? What will be the new mechanisms of coordinating neighborhood self-management to higher levels of government?

A searching inquiry within each state must take place as to the role of the state in developing neighborhood subunits, what community organizations already exist, and how may these be utilized as the foundation of neighborhood governments. This investigation would most likely require meetings and agreements between various groups and individuals: community organizations and state personnel; state executive, legislative and judicial officials and personnel; legislators and their constituents; and the communications media. The areas covered by these discussions would include: the legal development of neighborhood governments, devolution of legal authority to these community-controlled institutions, standards of responsible government performance, and neighborhood co-ordination to higher levels of government in a new system of state and federal unity.

We can foresee a number of things:

State Leagues of Neighborhood Governments;

Proposed state legislation instituting community or neighborhood subunits;

Development of a nonpolitical, nonpartisan Community Government Training Center;

University and college course offerings in the neighborhood and community government areas;

State-wide neighborhood atlas development;

Legal and economic studies of local self-management;

Pilot projects on Neighborhood Welfare Reform Corporations;

Community-controlled health care;

Pilot projects on different types of local mechanisms which can relate to state government.

The political implications of neighborhood government for the nation and for the Republican Party are profound. The Democrats have successfully tapped the alienated voter in the primaries, but there are significant differences in strategy as to how to best approach the alienated American. The word "domestic" for the Democratic nominee seems to mean "national." For Republicans, it should really mean "local." This is what the Republican Party should be talking about. Neighborhood or community government is a natural phenomenon for the GOP.

Crucial to this campaign is the fact that people simply do not trust politicians. The only way in which this trust can be engendered, once again, is for the Party to trust the people. We should support the people's interest in the self-management of their community affairs. It is time for democracy to go to work again. These are things Republicans should be saying.

By having served on the Platform Committee for the past three conventions, my observation has been that virtually every platform which we Republicans have presented has suggested a return of power to the people and a debureaucratizing of government—both federal and state. I believe that we should do what we have always promised to do and implement a program to accomplish these ends. What is needed is a foundation, not of marble buildings in Washington, D.C., but of homes and communities throughout the country. These building blocks would be cemented with a revitalized sense of cooperation between neighborhood governments, between regions, between states, and ultimately between nations.

The modern history of the Republican Party has been against great plans and blueprints, New Deals, and the like. The Democrats urge people to come home to a new nationalism; we Republicans should urge them to come home to their neighborhoods and community affairs. We have heard president after president speak of the greatness of our nation. I would like to hear the Republican Party speak of the greatness of the people and their human communities. We should continue to be the Party that speaks to the people. This is the thread that runs through the most diverse areas of the Party. Modern society and big government treat people like numbers. Neighborhoods are the only place where you can have a name.

During the Convention, demonstrations are anticipated by various groups. One of their most often-mouthed slogans is "power to the people." We should challenge them with this program; challenge them with action, not with rhetoric. If we do not face this challenge now and live up to our promises of the past, when will we?

There is a great deal of talk these days of the new Democratic coalition: the college students, academicians, suburban liberals, pacifist church groups, black power advocates, women liberationists—the young, minority groups, and the poor. Yet, what we Republicans need to realize is that we have an opportunity to put together an equally healthy, new partnership; the middle class, skilled workers, business and professional people, housewives, farmers, working youth, the new South, blue collar workers, and the alienated voter. And, the alienated voter is the key. I firmly believe that neighborhood government can not only coalesce this new partnership for the Republican Party, but make significant inroads into the Democratic coalition, particularly among the workers, the minorities, and the students. The potential is there, and I strongly urge us to act in our own interests, in the interests of the nation, and in the interests of those we are supposed to be representing by returning government to the neighborhood and to the people—this is our Party's dream and the American dream.

Mr. JORDAN of Idaho. Mr. President, I oppose the adoption of H.R. 14370, the general revenue sharing bill. It would not do the job it is intended to do and the results could be most detrimental to the federal system.

It is quite evident that our States and local governments are in distress, but in varying degree.

It is also quite evident that the expenditures at all levels of government in the United States has increased from about 21 percent of the gross national product in 1950 to about 34 percent of the GNP in 1972.

Thus the demands of government at all levels are growing faster than the national economy. If this trend continues and government spending cannot be reduced or restrained in relation to growth then two courses are available to us. They are: First, Increase taxes to a greater share of the gross national product, or second, increase the national debt by borrowing to meet our so-called needs.

Neither of these alternatives is acceptable until we overhaul our present system of grants-in-aid. With the Federal Government doling out about $40 billion per year in these programs at a Federal administrative cost of another $8 to $10 billion plus the State matching contribution of about $30 billion with perhaps a further State administrative cost of $5 to $6 billion, we begin to see the dimension of the problem.

Especially is this true when we read the testimony of Governors and mayors to the effect that they are being coerced into many low priority programs by the lure of "free" money.

If the lure of "free" money is so enticing on a matching program, what might we expect when the whole program is "free" money with no strings attached?

No matter what kind of protective language is written into the bill to prevent the use of general revenue sharing funds as the seed money for matching categorical grants-in-aid, I contend it cannot be done. Money, like water, loses its identity when comingled with other money.

Before we discuss what is wrong with general revenue sharing let us remember two points:

First. Except for collection of duties on imports—a small percentage of the total—the Federal Government has no source of revenue except to collect it from the citizens and businesses in all of the States.

Second. There is no prohibition against the States taxing the same sources, except for duties.

I object to general revenue sharing because there is no money to share.

The Federal funds deficit for 1971 was $30 billion; for 1972, $29 billion, and the administration estimates that the deficit for the current fiscal year will be at least $38 billion.

This means that in three fiscal years the Federal funds deficit will near or exceed $100 billion.

This means that more than 20 percent of the total national debt will have been incurred during this 3-year period.

General revenue sharing promotes unsound government because it separates the responsibility for raising revenue from that of spending, thus encouraging reckless spending and discouraging thrift. Some restraint may be expected when a governmental unit has to raise in taxes at least a part of the money that it spends. Let us look at the record.

During the past 25 years categorical grants-in-aid have increased from $1 billion to nearly $40 billion per year. Many witnesses testified to the inadequacies of this approach.

Over the past 25 years the recognition of a problem in American society has mandated a Federal solution. Program atop program has been added in Washington with the hope that if we throw enough Federal dollars and Federal bureaucracy at the problem, it will go away.

But this generation of new programs has not contributed as hoped to the solution of our basic problems. Indeed it may have exacerbated them and worsened our ability to solve local problems effectively.

When the Federal Government puts those categorical programs out there with very attractive matching provisions it virtually coerces the States and cities to spend money in accordance with federally set priorities.

I think in many respects this drain on States and localities has been one of the factors responsible for the fiscal difficulties in which they have found themselves. They have been forced into this in order to, in effect, conform to the pattern the Federal Government has imposed.

We have put in place over 500 Federal grant-in-aid programs which forms a crazyquilt of partial solutions to particular local problems in the Nation. This plethora of narrow programs has created an enormous bureaucracy and forced our State and local governments to compete with one another in their quest for Federal grants-in-aid.

This maze of programs has significantly reduced accountability at the State and local level because it has generated literally thousands of new special purpose districts that have been set up to receive and spend these funds, but which only infrequently answer to the voters.

In 1957 there were 14,000 special districts in the United States, in 1972 there are approximately 22,000.

In contrast the number of counties, cities, and towns has remained rather stable over this period while the number of school districts has actually decreased.

This bewildering array of different kinds of local units has confused, frustrated, and angered the public. It has created in Washington a vast number of uncoordinated and sometimes duplicate efforts to solve the same or similar problems. It is public confidence in government that suffers.

No attempt is made in this legislation to correct the evils of the present grant-in-aid system. General revenue sharing is superimposed on all other programs.

States and local governments have diverse needs not met by a single formula of distribution.

Each of the 50 States has a separate and uniquely different system of taxation and pass-through formula for distribution of State collected funds to local governmental units of government.

Why then do we assume that one single formula for distribution will work best for all 50 States and the 39,000 governmental units involved in this legislation?

To those who complain that the Federal Government has preempted sources of income with a progressive income tax; to those who are genuinely concerned with making more money available to State and local governments; to all who truly believe in passing government back to the people, I recommend that we proceed along these lines:

First. Overhaul the present grant-in-aids system by eliminating those programs of lowest priority and consolidating others into block grants thus providing States and local governments with greater flexibility in programing these governmental services to their particular needs.

Second. Permit the States to use the Federal income tax as a vehicle and the Internal Revenue Service as the collector to collect for the States, upon request by each State legislature such percentage of the amount of Federal income tax collected in that State as the State legislature may request. This could be done by adding one line to each tax return stating, "Collected for the State at the request of the State legislature a (stipulated) percent of the amount collected for Federal use."

Third. Permit the regular pass-through distribution system which each State has developed over a period of many years of trial and error and compromise—no single distribution formula can possibly meet all the needs of all the States as equitably as the ones presently in use. In other words, no distribution formula should be dictated by the Federal Government.

Mr. EAGLETON. Mr. President, the philosophical and political arguments on revenue sharing—pro and con—are abundant.

But the question now is not philosophy or politics. It is money—the hard fact that we cannot pay for revenue sharing, and therefore we cannot afford it.

If we pass this bill today, we will be instituting debt sharing, not revenue sharing.

Whatever its value to beleaguered city governments—whatever its merits as an instrument for returning financial power to States and localities—the benefits of revenue sharing in our present economic circumstance will be a costly illusion as far as the average American wage earner is concerned.

The money for revenue sharing will not be mysteriously generated in Washington. One way or the other, it will come out of the taxpayer's pocket. And the present reality is that unless the American people want higher Federal taxes, they will pay a higher "inflation tax" as we march them off down the road of irresponsible deficit spending.

In the past, I have voted on several occasions to reduce proposed military spending that I considered excessive. Logic and conscience demand that the same standards be applied to domestic expenditures. We can afford no sacred cows when it comes to getting value for the taxpayers' dollar.

If we could reform the Federal tax structure so that the rich would ante up their fair share, we might have the money for revenue sharing, and I might feel differently. But yesterday, the Senate rejected two amendments which would have linked revenue sharing and tax reform.

If there were a peace dividend—but there is not, because all the savings for winding down the war in Vietnam have gone into winding up new and more costly weapons systems.

If we were not in the grip of continuing inflation—if we could risk a greater stimulus to economic recovery from the Nixon recession, I might feel differently.

But the budget deficits of the last 2 years have averaged $23 billion. For fiscal year 1973, deficit estimates run between $27 billion and $35 billion. About $22 billion of this deficit is needed to stimulate economic recovery, but the rest is pure inflation. It means inequitable economic controls for a longer period.

And for Missouri voters in particular, there is a hidden cost. Under the distribution formula in the bill, Missouri will get back only 87 cents for every tax dollar it sends to Washington.

It would be easy to vote "yes." Virtually every mayor, every county official, and every Governor in the country would applaud. And in the past I, myself, favored revenue sharing provided that we had an economic growth dividend or a peace dividend to finance it.

But our choice on this vote is fiscal restraint or fiscal irresponsibility, and in the name of Missouri taxpayers, I will vote for restraint.

Mr. DOMINICK. Mr. President, I have followed and participated in the debate on revenue sharing with a great deal of interest. President Nixon in his message to Congress in February 1971 stated that—

> Revenue sharing is an idea whose time has clearly come.

I agree. Revenue sharing is a concept that should be enacted at the present time as a means of granting partial relief to the ever increasing fiscal crisis which has overtaken and engulfed our State and local governments. There are many of us who continue to ask such questions as how will our country pay for this bill? And does the Federal Government have any revenues to share? Perhaps the most pertinent question and the question which we fail to ask enough times during consideration of revenue measures is: Do the taxpayers of this country have any additional revenues to share? Let us remember as we deliberate the revenue-sharing bill and all of those other bills and well-intentioned proposals designed to eradicate the social and economic problems confronting our society that the funds to pay for this legislation originate with the taxpayer. The taxpayer is too often the forgotten hero or goat of our legislative process.

Under the Senate Finance Committee version the bill would cost $29.5 billion over a 5-year period, and the House-passed version of revenue sharing would cost $24.5 billion over the 5-year-life of revenue sharing.

My State of Colorado would receive a total of $71.8 million annually under the Senate version of the revenue-sharing bill. Under the House version, Colorado would receive $59.4 million annually. Funds paid directly to local governments under the House version would be restricted to certain items involving public safety, environmental protection, public transportation, whereas, under the Senate version no such strings will be attached to the revenue-sharing funds.

The annual difference between the House and the Senate versions is $1 billion and such an amount certainly requires comment. The Senate Finance Committee included the additional $1 billion for supplemental sharing grants which would replace existing social service grants except those for child welfare and family planning. Under the present law Federal matching for social service is mandatory and open ended. Every dollar a State spends for social services is matched by three Federal dollars. The Federal share for social services was three-fourths of a billion dollars in fiscal year 1971 and approximately $1½ billion in fiscal year 1972. Estimates have been made that the Federal share would be $4.7 billion for fiscal year 1973. Now is the time to stop this ever-enlarging spiral and an established limitation would certainly be a step in that direction. The Senate bill contains such limitation and although the amount will be raised in conference it does establish the proper precedent.

Evidence of the fiscal problems facing State and local governments is overwhelming. During the period 1946–70, general expenditures for State and local governments increased from $11 billion annually to $130 billion annually. Nearly three-fourths of the tax revenues for State and local government come from properties and sales taxes. The natural growth of revenues derived from these sources has fallen far behind the rate of expenditures, thus necessitating vast increases in the property and sales tax rates. Governors, mayors, county commissioners, city managers and budget directors throughout the country are unanimous in their testimony concerning the fiscal problems facing their governmental units. Thus, our country is experiencing a crisis of ever-increasing proportions. Something must be done to increase the amount of revenue available to our State and local governments and to review and analyze all of their tax programs and revenue-producing concepts. Archaic tax programs must be abandoned and a sound and equitable tax basis must be initiated.

Mr. President, I am convinced that the crisis facing our State and local governments is immediate and that the emergency presented transcends the problems confronting the Federal Government. Therefore, I will vote for passage of a revenue-sharing bill.

Mr. President, I have noted the many amendments proposed by other Senators which would impose conditions on the expenditures of revenue-sharing funds by State and local governments. Some of these have been accepted by the Senate during the course of its deliberations. Some are good but others unfortunately, represent another pronouncement by the people in Washington that they feel they know better than State legislatures what is best for State and local governments.

It is my view that these revenue-sharing funds should ultimately be retained where they originate—in the States—to be expended as each State and local government deems best. Accordingly, I view revenue sharing as an emergency or temporary measure. By adopting a revenue-sharing bill Congress undertakes a commitment to the taxpayers of this country to stop tapping a well that does indeed have a bottom; namely, the pockets of the American public; to reduce federal programs that have resulted in large budgetary deficits; to assist the States in finding an approach to newer revenue raising programs; and to return to State and local governments the powers and functions which are rightfully theirs to exercise.

I shall vote for revenue sharing and in doing so, I urge the Senate to undertake this commitment and to direct special attention to rebuilding the confidence of the American taxpayer during the 5-year life of the Revenue Sharing Act.

Mr. MOSS. Mr. President, Senate passage of H.R. 14370 resolves few of the serious, long-term questions which continue to surround the entire concept of revenue sharing.

I, for one, feel a responsibility at this time to express my misgivings at the many pitfalls which lie ahead if we are to expand indefinitely with this form of intergovernmental partnership.

There is the very real possibility, already voiced in some areas, that the annual appropriations called for under this bill will merely whet the appetites of local and State governments. They will be back for more. I review such a trend with real alarm. If allowed to expand as a means of intergovernmental partnership, revenue sharing threatens to erode the Federal categorical programs which have been so helpful to Utah and other parts of the country in providing schools, health facilities, water supply systems and other high-priority projects. The Federal guidelines applied in these categorical programs, so often viewed just as redtape, have in fact, proven critical in furthering the great social, as well as economic priorities of our Nation as a whole. There is another, perhaps more serious pitfall. In ceding its responsibility over the expenditure of its funds to the State and local governments, the Federal Government also cedes responsibility over the most efficient use of these funds. The effect is to sever the direct link of responsibility between taxpayer and public servant, a link which I believe is essential to our system of government.

Like many Senators I supported H.R. 14370, despite these personal reservations, because it constituted a major part of the incumbent administration's overall program. As such, it deserved a full opportunity to prove itself.

I had also recognized, firsthand, the need to provide immediate assistance to those State and local governments which have had to contend with the two-punch assault of rising prices and high unemployment. These forces have cut local revenues and increased costs at the same time.

I have also become aware that the application process for Federal assistance had so often been an impediment to efficient intergovernmental cooperation.

As a part of the Nixon administration's "New Federalism," however, revenue sharing has too often been presented as "all things to all men."

To the homeowner, it has been suggested as a means of property tax reduction. To the inhabitant of a low-income community it has been "sold" as a new opportunity for long-denied public services. To the local officeholder it has offered strong political appeal as a means of forestalling an unpopular increase in local taxes.

The Revenue Sharing Act of 1972, however, is far from a panacea. It is a very immediate solution to a very real problem, the near-bankruptcy of State and local governments which have been hard hit by rising prices and declining tax bases.

The act provides for a direct, no-strings-attached, 5-year appropriation of Federal individual income tax revenues to these governments at an amount eventually reaching $7.5 billion a year.

The Senate-passed version of H.R. 14370 provides for a retroactive appropriation for 1972 amounting to $5.3 billion. This amount will be increased by $300 million annually, reaching a total of $6.5 billion by the fifth year.

In addition, the bill authorizes, beginning next January, $1 billion in "supplemental sharing grants" in place of payments now made for social services.

Of these funds made available under H.R. 14370, two-thirds, initially about $3.5 billion, will be granted to cities, counties and other local governments. The remaining one-third will go to the State governments. Thus, Utah's local governments will receive, as of January 1973, a total of $27.1 million annually while the State government will receive $13.5 million. All in all, Utah's share will come to $40.6 million a year. This amounts to $300,000 more than was provided in the House-passed version of the revenue sharing bill and $11.9 million more than was proposed by the Nixon administration.

Mr. President, these funds will be greatly appreciated by the many Utah communities which have had a difficult time meeting increased costs in recent years. Passage of H.R. 14370 will no doubt bring a sigh of relief to those many local governments which have wondered how they were going to balance their budgets in the face of both inflation and recession. These governments will be heartened to know that their financial positions have been considered sympathetically during these long months of debate on revenue sharing.

They will also be glad that this legislation passed today, for unlike the House version of H.R. 14370, it provides these grants without restrictions or guidelines on their use. Local and State governments will be permitted to allocate the new funds according to their own priorities, free of Federal redtape.

Such a program holds many attractions. Freeing local officials from the need to conform to complicated Federal application forms, revenue sharing is supposed to get the funds where they are needed almost immediately.

As I have mentioned, however, it offers some very real pitfalls. I firmly believe that the Federal categorical programs have made an historic difference in the direction of our country, both economically and socially, over the past years. They have helped backward areas of the country to attract new industry, helped urban areas to solve their own particular problems and helped the entire country to conform to the principles of civil behavior upon which this Nation was originally founded. As long as the term "national priorities" has meaning, there will be a need for Federal programs, directed, as well as financed, from Washington. Revenue sharing cannot do everything that needs to be done, anymore than local or State government can solve all the Nation's problems.

I would hope, therefore, that all Senators keep a watchful eye on the effects of this legislation, to evaluate revenue sharing for what it can and cannot do, for its advantage and its dangers.

Mr. SPONG. Mr. President, I support the revenue-sharing legislation currently before the Senate. I believe revenue sharing represents one of our last best hopes for rejuvenating our State and local governments and for returning to the people more control over the policies and programs of their government. To me, the possibility that revenue sharing will move us toward these goals suggests that the potential benefits outweigh the possible disadvantages.

The Federal Government, through the personal income tax, has come to receive the lion's share of tax revenues. In fact, almost two-thirds of all taxes collected in the United States are collected by the Federal Government. Not only has the income tax proved immensely productive, but it has also discouraged greater use of the income tax by the States and use of other taxes by the States and localities. With the Federal Government taking so much and the Federal tax burden already great—and in need of reform—States and localities are limited in access to resources. Furthermore, the outlook for generation of new taxes and therefore additional revenue at the State and local levels is not good. If, however, additional activities are to be undertaken by these levels of government, if control over services and projects is to be moved from the Federal to lower levels of government, those levels must have additional resources. Revenue sharing is a means of getting additional revenues to the States and localities.

Second, the Federal grant-in-aid program has forced a set of priorities on the States and localities and has distorted the State and local priority systems. Today, depending on how they are counted, there are more than 400 categorical grant programs; that is, grants which are made for a particular program or activity, such as the education of culturally deprived children, construction of sewage treatment facilities or construction of a highway. Because these Federal programs exist, States and localities often seek funding under them. In doing so, however, the States and localities usually must match these grants—sometimes with direct appropriations of moneys, at other times with the provision of goods and services. Thus, State and local funds are channeled into program priorities set at the Federal level. In a land as diverse, as complex as ours, categorical programs established at the Federal level cannot contemplate all the various situations which might arise in our Nation, and should not be used as vehicles for forcing priorities upon States and localities. Revenue-sharing would open the way for States and localities to provide services and pursue programs which may be of particular importance or need to them but may not be reflected in the Federal priority list.

Third, localities have come to be almost wholly dependent for revenues upon the property tax. Property taxes have increased at a fast rate in recent years, and have become particularly burdensome to the elderly, the lower- and middle-income families. In fact, as many as 3 of the 26 million homeowners spend 10 percent of their total household income on property taxes, according to a study by the Advisory Commission on Intergovernmental Relations. Even so, property taxes have not generated the revenues to permit the localities to undertake many of the programs and projects demanded and desired by their people. Property taxes will continue—localities have little choice on this. But, hopefully revenue-sharing can stem some of the increases which could otherwise be anticipated and thereby help our citizens in maintaining homeownership, a desirable goal.

For these reasons, I believe we need a Federal revenue-sharing program. Numerous studies indicate that people both in the United States and abroad believe they have greatest influence and control at the local levels of government. Furthermore, in a nation as large, as diverse and as complex as ours, there are thousands upon thousands of local needs and issues which cannot be undertaken unless first, we either channel additional funds into the States and localities to enable them to undertake the projects and services which are needed, or second, we expand an already inflated Federal bureaucracy in Washington. One has only to remind parents and local school officials of their dealings with HEW or to remind those who follow the news of the Department of Housing and Urban Development's new and unexpected role as an absentee landlord to realize that the answers are not all in Washington. There is no monopoly of information, of knowledge, of expertise in the Federal Government. In fact, in all too many cases, States and localities are in a much better position to know their needs and requirements, than some Federal department or agency.

Our recent history has been one of increasing urbanization. That urbanization has increased needs in transportation, housing, education, crime control, air pollution and various other fields. In all too many cases, the States and localities were unable to come to grips with these problems—often because of a lack of resources. The result was that Governors, mayors, and other State and local officials turned to the Federal Government—turned to where the money was. Constituent pressure for action rose—and the programmatic, categorical grant-in-aid program was the result. The categorical approach has had its benefits: it has focused attention on newly recognized needs and encouraged action which otherwise might not have been taken. But, it has not solved all the problems, in fact it, created some new ones.

And, now we have two choices before us. One is to continue along the categorical path—to continue to recognize areas of need and then to enact a new program designed to overcome the problem. This means that money, priorities, and regulations will continue to come from Washington—that the best we can hope for in decentralization of government is for greater administrative control at the regional office level.

Or, we can make a new effort to revitalize our State and local governments—to return to States and localities funds which originated with their citizens so that the States and localities can carry out programs and projects which the citizens of that particular area need and want. To me, this seems the preferable way—an avenue well worth trying.

I do not, however, suggest that revenue sharing is the panacea for all our ills. It can be a failure; it can create new problems to replace the old. Revenue sharing requires that we adopt along with it a disciplined and critical eye toward the Federal budget, toward the proliferation of categorical programs, and toward the continuation of programs whose priorities have slipped on the list. As more funds are shifted from the Federal to the State and local governments, additional functions must also be shifted. And, Federal spending for those areas which could be better handled at the State and local area must be curtailed.

Furthermore, funds can be inefficiently utilized on the State and local levels just as they can on the Federal level.

Every effort must be made to see that those who administer revenue-sharing funds are held accountable for the programs pursued and the effectiveness of those programs. Spending on the local level should, however, be more visible—it should be easier to determine how much goes into a specific housing project or into crime control in a city than to evaluate the appropriation of millions of dollars for a generally defined program such as "housing," the terms in which most Federal programs are discussed. It should also be easier for the citizens of that area to hold their officials responsible and accountable for the use of those funds. Otherwise the hopes and the potential for revenue sharing can be lost.

During consideration of revenue sharing, several issues arose which are of particular importance to the concept and to which I devoted some time and attention. One involved the use of funds. Under the House bill, the amounts which the localities were to receive under the bill would be limited to certain uses including transportation, public safety, and pollution control. While these are all commendable objectives, I believe that if we are to try revenue sharing, then we should try it. If we believe the local and State government should be improved, that they should bear greater responsibilities for the activities which have come to be expected of government, then we ought to provide them with the tools to handle these responsibilities. Either we believe the States and localities are capable of doing more in terms of government and that they should do more—or we do not. I favor giving them the opportunity to do more and I believe they will do more.

A second problem is that of the appropriations process. Under the legislation, the set-aside to pay for the revenue-sharing program will be automatic. It will be a percentage of the Federal income tax collections. There will be no annual review of the revenue-sharing program in the annual appropriations process during the 5 years for which the program is authorized. I appreciate some of the concerns which have been voiced regarding accountability. But, I do not believe that enactment of this program in the form which has been presented will mean an abdication of congressional oversight over revenue sharing. I am certain that Members of Congress, those interested in intergovernmental relations and the public at large will be watching closely to determine whether revenue sharing bears out the hopes of those who support it. If it does not, Congress could act at any time to correct problems which might arise. In the meantime, the automatic setoff will permit the States and localities to know early in the year how much they can expect in revenue sharing and to plan for its use. When States and localities are to receive as much as they are, they should certainly have leadtime to prepare for its effective and efficient use.

A third argument that has been made is that there are simply no revenues to share. I am very much aware of our Nation's economic plight. I believe that action to buttress our economy should have been taken long before it was. I support a limit on Federal spending. I believe, however, that the concept of revenue sharing is so important that it should be tried at this time. It is, perhaps, our last hope of reversing the trend toward bigger and bigger National Government, of providing our citizens with more influence and control over the activities of government and of holding down local property taxes which burden so many of our Nation's homeowners.

Mr. HUMPHREY. Mr. President, I rise to applaud the action of the Senate this afternoon in passing the State and Local Government Fiscal Assistance Act. This bill has been a long time in coming—from 1965 when I first advocated the idea—until 1972 when I expected the President of the United States to sign it into law. I also wish to commend the distinguished chairman of the Finance Committee, Senator LONG, for his superb work in support of this legislation.

We in Congress can be especially proud of the history of this legislation. It was born of bipartisan origin. It was introduced in the Senate by Senator BAKER and myself as a bipartisan effort. It was considered by the Senate Finance Committee as a bipartisan measure. It was debated in a spirit of bipartisanship, and I hope it will be signed and looked upon not as a victory of party but rather as a victory for State and local governments which have the responsibility for service to the people.

This legislation cannot and ought not be viewed as the final answer to the fiscal problems facing our local governments. Much more remains to be done. This legislation, however, is a start. And, I am convinced that, with its passage, we in the United States will be on the way toward making life in our cities somewhat more livable.

Revenue sharing is truly a departure. It marks a fundamental change in the relationships of our federal system. It is historic. And, though none can accurately predict exactly how the program will fare in the future, I believe and hope that this change will make the relationships among government less competitive and more partnership oriented.

I do believe that it is imperative that the Senate Finance Committee continue to watch the program, to check any abuses in it, and to demand from the Secretary of the Treasury not simply an auditing of the funds but also a report that gives an indepth perspective as to how the program is operating, what impact it is having on the improvement in the quality of services at the local level, the ability of communities and States to reform their local tax systems, and an overall evaluation of the program as it continues to modify the traditional governing relationships in this country

Mr. President, I had hoped that in addition to the almost $110 million that Minnesota would receive under this legislation that a more generous return of dollars for social services would also be passed as part of the bill. However, the will of the Senate was otherwise. It is my judgment though, that the Senate Finance Committee, when it does go to conference with the House Ways and Means Committee would come to some reconciliation so that the valuable services at the State and local levels are not lost.

It is my hope, Mr. President, that the vast majority of the revenue sharing funds contained in the legislation would be used by State and local governments for improving public services. This is the perspective I have consistently held throughout the years of this debate. I can think of few more pressing problems facing our cities than the improvement of basic services such as garbage collection, water, and sewage treatment, law enforcement, health facilities, and youth recreation.

Finally, Mr. President, I would like to congratulate the distinguished chairman and ranking minority member of the Senate Finance Committee for the fairness they have shown, for the generosity they have given me in the adoption of my property tax study amendment, and for the manner in which they have conducted this bill through the Senate.

The very fact that this legislation passed the Senate today is a fitting tribute to their knowledge, stewardship, and statesmanship.

Mr. ROBERT C. BYRD. Mr. President, I wish to compliment the distinguished chairman of the Finance Committee (Mr. LONG) for the excellent way in which he has floor-managed this difficult bill. As is his custom, he has been thoroughly knowledgeable concerning every aspect of it, and has been in complete command of the situation from beginning to end. I also wish to compliment the ranking member of the committee (Mr. BENNETT) and all members of the committee on both sides of the aisle, and those who have expressed majority and minority views. Much work has gone into the preparation of this bill, and I feel that, in comparison with the bill which passed the other body, the Senate bill is the better bill.

Nonetheless, I shall cast my vote against the bill. The concept of revenue sharing is good, in my judgment, and if legislation embracing the concept were being recommended as a replacement for the countless other Federal spending programs which are presently operating, I would greatly prefer, for the most part, the flexibility of the revenue sharing concept. But this legislation is in addition to all of the other programs. Moreover, the Federal Government obtains its funds from the same taxpayers as do State and local governments, and, in the long run, Federal programs, paid for with borrowed money, cost more to the taxpayer than would programs funded wholly at the local level.

Under present circumstances, the revenue sharing bill proposes that the Federal Government share money it does not have. Everyone realizes that State and local governments are desperately in need of revenue, but the Federal Government is in worse shape than they are.

Now, the Federal Government, which is already head over heels in debt, proposes to launch a brand new program under which $30 billion in additional Federal funds would be distributed to 50 States and to 39,000 units of local government over a 5-year period. This is money which the Federal Government does not have and which it can only raise by borrowing—and which it must pay back with interest.

Experience has taught us that, once such a spending program is begun, there is no stopping it. It grows like Topsy. The effect of this proposal will be to further erode away the independence of State and local governments in the future.

The Federal deficit for the fiscal years 1971, 1972, and 1973 will be near, or will exceed, $100 billion. Of every income tax dollar paid into the treasury, 17 cents goes to pay the interest just on the national debt. This all comes out of the taxpayer's pocket in the end. This program, which is being launched now, will result in a higher national debt, with higher interest charges, and an increased burden on the already overburdened taxpayer.

If the Federal Government would give up some of its tax sources—for example, the Federal excise tax on cigarettes—they could then be taken over by State and local taxing authorities. This would be a desirable and preferable way of lessening the burden on State and local governments.

Mr. BENNETT. Mr. President, I yield back my time.

Mr. FULBRIGHT. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back.

The question is, Shall the bill (H.R. 14370) pass?

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CURTIS (when his name was called). On this vote I have a pair with the senior Senator from Colorado (Mr. ALLOTT). If he were here and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

Mr. JORDAN of Idaho. I have a live pair with the senior Senator from South Carolina (Mr. THURMOND). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. CHURCH. I have a live pair with the junior Senator from South Dakota (Mr. MCGOVERN). If he were here, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARKMAN), the Senator from New Mexico (Mr. ANDERSON), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that, if present and voting, the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Alabama (Mr. SPARKMAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the

Senator from Iowa (Mr. MILLER), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

Also, the Senators from Arizona (Mr. GOLDWATER and Mr. FANNIN) are necessarily absent.

The respective pairs of the Senator Colorado (Mr. ALLOTT) and that of the Senator from South Carolina (Mr. THURMOND) have been previously announced.

Also, on this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Iowa would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 64, nays 20, as follows:

[No. 419 Leg.]

YEAS—64

Aiken
Allen
Baker
Bayh
Beall
Bellmon
Bennett
Boggs
Brock
Brooke
Buckley
Cannon
Case
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Eastland
Edwards
Fong
Fulbright
Gravel
Griffin
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Long
Magnuson
Mathias
McClellan
Metcalf
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Talmadge
Tower
Tunney
Weicker
Williams

NAYS—20

Bentsen
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Chiles
Eagleton
Ervin
Gambrell
Hatfield
Mansfield
Nelson
Percy
Proxmire
Saxbe
Stennis
Stevenson
Symington
Taft
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Church, against.
Curtis, against.
Jordan of Idaho, against.

NOT VOTING—13

Allott
Anderson
Fannin
Goldwater
Harris
Kennedy
McGee
McGovern
McIntyre
Miller
Mundt
Sparkman
Thurmond

So the bill (H.R. 14370) was passed.

Mr. LONG. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read: "An act to provide for sharing with State and local governments a portion of the revenues derived from Federal individual income taxes, and for other purposes."

Mr. LONG. Mr. President, I move that the Senate insist on its amendments to the bill (H.R. 14370), and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS conferees on the part of the Senate.

Mr. LONG. Mr. President, I ask unanimous consent that the bill, H.R. 14370, be printed with the amendments of the Senate numbered and that in the engrossment of the amendments to the bill the Secretary of the Senate be authorized to make all necessary corrections and technical changes, including corrections in sections, subsections, designations, and cross references.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, the passage of the revenue sharing bill marks a significant and precedent-shattering breakthrough in the American Government experiment. It has been a safe maxim of Government that the entity that raises the money through taxation should determine exactly how that money is spent. But the problems of the urban communities of this Nation are the problems of the Nation and the Nation must use its resources to permit the local governments to meet the needs and to assure that the vital public services are supplied to the communities.

The taxation at the local level has reached the saturation point primarily through the vehicle of the property tax and the vital services still are not adequate. This measure bears the distinct imprint of the Congress. To bring this bill to a final enactment this session the leadership must thank the entire Senate—because each Member has had a vital interest in this measure. But I must single out the distinguished chairman of the Finance Committee (Mr. LONG) who has demonstrated again a parliamentary skill in shepherding legislation that can not be surpassed in this body. Both the Senate and the House have been creative in shaping this measure and the country as a whole owes him great gratitude. To the distinguished ranking member of the Finance Committee (Mr. BENNETT) I wish to express the Senate's indebtedness for his excellent contribution and cooperation in making this enactment a singular achievement.

I will not attempt to single out any further either members of the Finance Committee, for each must be praised, or the many Members of the Senate, who offered contributions or assisted in shaping the bill, because each Member would have to be mentioned.

I hope that the remainder of the 92d Congress will be undertaken in a similar spirit of cooperation and effectiveness.

Mr. PERCY. Mr. President, the Senate this evening accepted the Finance Committee's revenue sharing bill.

I voted against this bill, a vote that deeply distresses me. I strongly support the principle of revenue sharing, cosponsored revenue sharing legislation as early as March 1967, and have fought for the principle ever since. The Finance Committee has worked long and hard to bring this legislation to the floor.

I have nonetheless voted against this bill in good conscience, because the Senate bill seriously, discriminates against Illinois and other large States.

Here is the arithmetic on which I base this conclusion. In the revenue sharing title alone we lose $50 million by being cut back to $251 million from the House bill's figure of $301 million. In the social services title of the bill, Illinois will be cut back from a level of spending of $181 million, to about $61 million, a loss of $120 million in social services funds alone. Thus the net gain from this bill for the people of Illinois is only $130 million.

Now, compare this with what we will pay to finance this bill. The taxpayers of Illinois will pay about $371 million of their 1973 Federal income taxes to finance this revenue sharing bill. When I consider that Illinois is only getting $130 million from the bill, while we are paying $371 million to finance it, for a net cost to us of $241 million, I cannot in conscience vote for it.

I sincerely hope that the House-Senate Conference Committee will change the formula in order to treat the heavily populated States more fairly. I strongly urge the conferees to delete the portion of the bill cutting back social services spending, or increase the mandatory limit on such spending to an acceptable level. I will vote for the conference report if these changes are made. I would have supported the House passed revenue sharing bill or the administration bill which I cosponsored.

Mr. HUMPHREY. Mr. President, I know the Senator from Louisiana (Mr. LONG) has pressing matters to take care of. I want to thank him and the ranking minority member, the Senator from Utah (Mr. BENNETT) for the remarkable job they have done on this legislation. This is the most difficult legislation that has been handled and managed on the floor of the Senate.

I have been a strong proponent of revenue sharing. I do not consider it a partisan measure. I think it is an essential piece of legislation.

The Senator from Louisiana has literally given us a virtuoso performance in managing and handling this difficult legislation. He is entitled to the thanks and commendation not only of this body, which has voted overwhelmingly in support of this measure, but the country and those responsible in this country today for local and State government. I am confident he will receive that commendation, as will the distinguished Senator from Utah and other members of the Committee on Finance that cooperated so well in all of this effort. I wish to thank the Senator as one interested in this legislation.

Mr. LONG. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, I thank the distinguished Senator for his gracious remarks. I wish to point out that it was the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Tennessee (Mr. BAKER) who were the sponsors of this measure on the Senate side. The Senator from Minnesota worked for many years to bring this bill about. I am pleased that the Committee on Finance was able to make that possible.

It has been a great pleasure to have worked with the Senator from Utah (Mr. BENNETT), who contributed so very much to the details of this measure. I particularly want to thank the distinguished Senator from Utah (Mr. BENNETT) for his statesmanship in putting together what I believe is the very best that is within the capability of the Committee on Finance.

Mr. BENNETT. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BENNETT. Mr. President, I appreciate those kind words, but I want the Senate to know that the man who has had more responsibility in the success of this measure than anyone else is the chairman of the committee. He is a marvelous leader; he does a splendid job of keeping members of his committee on the job. I think we all appreciate him; I think we all support him, and if he is the maestro, I am delighted to be the concertmaster.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. BAKER. Mr. President, I thank the Senator from Arkansas for yielding so that I can add my thanks to those previously expressed to the chairman and the distinguished ranking Republican member for having done a monumental thing for the country, and that is to bring a good bill at a good time before Congress.

I also express thanks to the Senator from Minnesota for cosponsoring the bill. It augurs well for the bipartisan approach that made this country great.

I express my appreciation, to all those who made this moment possible.

Mr. FULBRIGHT. Mr. President, I certainly join in the sentiments expressed by the Senator from Louisiana, the Senator from Utah, and the Senator from Minnesota. I have followed this bill in the Committee on Finance much more closely than I ordinarily can and I know the gentlemen mentioned deserve great credit.

This is a very difficult bill and I think they did a very splendid job with a very difficult assignment. I join in the commendation of the Senator from Louisiana. It has been demonstrated in the last several years that he is a complete match for this subject and he is the power behind the bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes.

ORDER FOR RECESS FOR THE REMAINDER OF THE WEEK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, Thursday, and Friday, it stands in recess until the hour of 9 o'clock a.m. on Thursday, Friday, and Saturday respectively.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

> A joint resolution (S. J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Arkansas is recognized.

PROGRAM

Mr. FULBRIGHT. I wonder if the Senator from West Virginia has any news for us with regard to the program for the remainder of the evening. I would ask for permission to be recognized but the hour is too late to speak. Maybe the Senator can inform us as to the program.

Mr. ROBERT C. BYRD. The answer is yes. The Senate will recess shortly until tomorrow morning.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ROBERT C. BYRD. The Senate will recess shortly until 9 o'clock tomorrow morning. Beginning tomorrow, may I say, having been directed to do so by the distinguished majority leader, the Senate may proceed at any time to call up any one of the following measures. I emphasize that this is a list of measures which may be called up at any time during the remaining days of this session of the Senate.

Senators will be, therefore, alerted.

They are as follows, but not necessarily to be called up in the order listed:

Calendar No. 830, S. 632, land use policy.

Calendar No. 921, H.R. 7093, Osage Indians.

Calendar No. 935, S. 3474, traffic and motor vehicle safety.

Calendar No. 956, S. 3337, SBA.

Calendar No. 958, S. 3327, Public Health Service Act.

Calendar No. 961, S. 2230, unlawful seizure of aircraft.

Calendar No. 982, S. 3531, winter Olympics.

Calendar No. 1014, S. 3716, public health.

Calendar Nos. 1022 and 1047, H.R. 8389 and S. 750, dealing with crime control and victims of crime, respectively.

Calendar No. 1031, S. 3945, amending the Interstate Commerce Act.

Calendar No. 1033, S. 2818, dealing with the administration of DES to animals.

Calendar No. 1046, S. 3939, highway bill.

Calendar No. 1048, H.R. 15883, protection of foreign officials.

Calendar No. 1049, S. 3970, consumers council.

Mr. President, on tomorrow Senate Joint Resolution 241, the Interim Agreement on Offensive Weapons, will be the unfinished business. The distinguished majority leader and 17 other Senators today entered a cloture motion, which will be voted on the first hour after the Senate convenes on Thrusday. The Senate will convene at 9 o'clock, and there will be a quorum call at 10 o'clock. Immediately after a quorum is established, there will be a vote on the motion to invoke cloture on Senate Joint Resolution 241, the interim agreement.

If that motion carries, Senate Joint Resolution 241 will remain the unfinished business until disposed of. Whether it will be disposed of on Thursday remains to be seen. But in the interim, this list of measures has been publicized and will be in the RECORD for all Senators to see in order that they may be alerted to the fact that the leadership may call up any one of these measures without further notice.

Mr. FULBRIGHT. May I ask the distinguished Senator if it is the purpose of of the majority whip to pursue Senate Joint Resolution 241 tomorrow?

Mr. ROBERT C. BYRD. The distinguished majority leader gave me this list of bills and asked me to indicate that any one or more of these measures may be called up on tomorrow or on any of the remaining days of this session, except during a day or during days when the unfinished business, Senate Joint Resolution 241, would be brought under the cloture rule, in which case of course, none of the bills will be called up during that time.

Mr. FULBRIGHT. Is it understood that that measure will be considered when we resume the session tomorrow?

Mr. ROBERT C. BYRD. On tomorrow, the unfinished business will remain Senate Joint Resolution 241. That unfinished business, will be before the Senate when we convene in the morning at 9 o'clock. If the distinguished Senator from Arkansas wishes to take the floor at that time, he may do so and he may speak at length on Senate Joint Resolution 241. But at such time as there is a lag in the debate on Senate Joint Resolution 241, the leadership will be prepared then to call up any one of the measures that have been enumerated.

Mr. FULBRIGHT. I thank the Senator. That is what I had in mind. I assume, due to the lateness of the hour, the Senator wishes to recess at this time?

Mr. ROBERT C. BYRD. Yes. May I say to the distinguished Senator that the Senate will recess shortly.

Mr. FULBRIGHT. I thank the Senator. With that understanding, I will relinquish the floor at this time.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. ALLEN. Mr. President, will the Senator from West Virginia, the distinguished acting majority leader, yield?

Mr. ROBERT C. BYRD. Yes; I yield.

Mr. ALLEN. What the Senator has announced, then, is a departure from the whip notice of today's date, in other words, that the Senate will remain on a single track daily, with no second track item, until the Interim Agreement is finally acted upon. That is being changed. Is that correct?

Mr. ROBERT C. BYRD. Only because

of the introduction of the cloture motion——

Mr. ALLEN. Yes; but I understood the Senator to say——

Mr. ROBERT C. BYRD. If I may complete my sentence—which, of course, was not foreseen at the time the whip notice was dictated.

Mr. ALLEN. Yet I understood the Senator to say that this list of billls that might be called up would apply throughout the remainder of the session, so it is not with reference only to Senate Joint Resolution 241, because it extends far beyond that, apparently.

Mr. ROBERT C. BYRD. Well, it would be my assumption that the Senate would debate Senate Joint Resolution 241 during all of tomorrow, looking forward to the likelihood, I would think, of the invoking of cloture at around 10:15 a.m. on Thursday. The purpose of the list stated is just to let all Senators know that the leadership is prepared at any time there is a lag in the proceedings to move one of these measures up for action, because in so many instances Senators will place a "hold" on a bill, and the leadership is then reluctant to call up a bill until contact is made with that Senator. Such Senator may be away from town. It may require some hours or days to contact the Senator. In an effort to complete the work of the Senate and the work of the people by September 30 or thereabouts, the leadership wishes to have the understanding of Senators if it proceeds to call up these measures on short notice, and notice is hereby given to that effect.

Mr. ALLEN. I think it is very fine that the Senate is put on notice as to this. The Senator from Alabama, however, was somewhat disappointed that the leadership is not suggesting that among the bills that it might possibly call up and that it is prepared to call up would be H.R. 13195. The Senator from Alabama notices, unless he misunderstood, unless he did not hear correctly, that bill was not mentioned by the distinguished acting majority leader, even though he did hear some bills listed that came to the Calendar subsequent to the coming to the Calendar of H.R. 13195.

Mr. ROBERT C. BYRD. The reason being that the list I have just enumerated is not meant to be the alpha and omega of bills that will be called up—for instance, the defense appropriation bill, the welfare bill, the military construction appropriation bill, the foreign assistance appropriation bill, the supplemental appropriation bill, the HEW appropriation bill, and the extension and revision of the debt limit. All of these measures have to be called up before the Senate and the House adjourn sine die, but they are not on the list I have read.

The list of bills I have just enumerated are bills which are on the calendar but which have not been previously listed on the whip notice and which, for one reason or another, have not been called up until this time. Some have had a "hold" placed on them. Others have been newly placed upon the calendar.

It is the leadership's intention, with the support of the policy committee, to shut off the reporting of all bills, other than emergency bills, and noncontroversial bills of the type that can be passed by unanimous consent, after the 15th of September. The respective leaders are conferring in that regard. I do not think the majority leader has announced this yet, because the decision may not have been finalized, but that is what the leadership is hoping to do. If that decision is announced, the leadership still hopes it can clear the calendar of most of the bills presently thereon, and it is for that reason that such bills have been specified in the list.

So again may I say this so that all Senators may be on notice in the event the leadership feels that it is necessary to call one or more of these bills at particular times.

Mr. ALLEN. So this is not a unanimous-consent request that they may be called up. That may be faced as the request is made from time to time. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct.

Mr. ALLEN. Now, the Senator spoke of the distinguished majority leader and the distinguished Republican leader having conferred with regard to certain aspects of the program. I wonder if the matter of scheduling for consideration by the Senate of H.R. 13915 was also considered.

Mr. ROBERT C. BYRD. This has been discussed, today.

Mr. ALLEN. Yes?

Mr. ROBERT C. BYRD. I cannot say what the ultimate outcome of such discussion will be.

Mr. ALLEN. Is there any time at which those who are interested in seeing that bill called up for consideration might expect a statement from the leadership as to its plans with respect to the scheduling of the bill for consideration by the Senate?

Mr. ROBERT C. BYRD. I am not prepared to say at the moment.

Mr. ALLEN. So the Senator could not shed any light on when a decision might possibly be reached by the two leaders?

Mr. ROBERT C. BYRD. I cannot.

Mr. ALLEN. At some time in the future might we look forward to having the majority leader and the Republican leader present at this colloquy, so that they might speak for themselves on this subject?

Mr. ROBERT C. BYRD. I have no doubt but that those leaders will be present together at some time during the future, and they will welcome an inquiry from the distinguished Senator, as they have in the past. The majority leader has already spoken to the matter.

Mr. ALLEN. Will that come on the day of the sine die adjournment, possibly?

Mr. ROBERT C. BYRD. It might come on that day. It might come on a day previous thereto.

Mr. ALLEN. But probably not tomorrow?

Mr. ROBERT C. BYRD. Oh, I would not say that.

Mr. ALLEN. I see. I thank the Senator.

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I do not have the floor. The Senator from West Virginia has the floor.

Mr. HARRY F. BYRD, JR. Will the Senator from West Virginia yield?

Mr. ROBERT C. BYRD. Yes. I am glad to yield to the able senior Senator from Virginia.

Mr. HARRY F. BYRD, JR. I just want to associate myself with the remarks of the distinguished Senator from Alabama in expressing the hope that the majority leader and the minority leader will arrange to bring this vitally important piece of legislation before the Senate so that the Senate can express its will one way or the other on a matter that affects every schoolchild in the United States, and the mothers and fathers of those schoolchildren.

I thank the Senator from West Virginia.

Mr. BAKER. Mr. President, will the Senator yield briefly?

Mr. ROBERT C. BYRD. I yield.

Mr. BAKER. We have had an extended colloquy on this subject previously, and I shall not go to great length tonight, other than to associate myself with the remarks of the Senator from Alabama and the Senator from Virginia. I would hope that I might add to that the request of this Senator to the leadership—and I say this to the joint leadership—that at some early day we will have an expression from the leadership as to what their intentions are with respect to Calendar Order No. 1042.

Mr. ROBERT C. BYRD. Mr. President, I do not think there will be any hesitancy on the part of the leadership to express what its intentions are at such time as it makes its decision. This subject was raised during a meeting of the Democratic Policy Committee today, but I anticipate, on the basis of what was said there, that there may be further discussions of it. I do not know.

But the leadership is very much aware of the feelings that have been expressed by the Senators tonight.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. SPONG. I think this subject has been pretty thoroughly discussed up until now, but the Senator from Virginia would like to say to the majority whip that this is a bill which he believes should receive the consideration of the Senate before we leave this year, and I would hope, as a member of the Policy Committee, that the Senator from West Virginia will convey to the Democratic leadership the feelings expressed here, not only this evening but for the past 3 or 4 legislative days.

I appreciate what the junior Senator from Alabama is doing with regard to this matter, and I think that it may be a daily occurrence from now on that inquiry will be made with regard to this bill, because I think this is a matter that constituents from many States believe the Senate has a responsibility to act upon one way or another, and the Senator from Virginia intends to join with these others who have expressed themselves, to assure that some vote takes place on the matter.

I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I appreciate the sentiments that have been expressed both by the distinguished junior Senator from Virginia and the distinguished senior Senator from Virginia, along with other Senators who have expressed viewpoints as to the urgency for action on this matter. The leadership will take under advisement these additional expressions of interest, and will continue in its effort to negotiate some way out of the difficult situation that confronts the Senate.

Mr. President, I ask unanimous consent that it may be in order tomorrow at any time for the distinguished majority leader or his designee to lay aside the unfinished business and to proceed with the consideration of any other measure, and that at such time the temporarily laid aside unfinished business remain in such status until the disposition of the measure called up by the leadership.

Mr. ALLEN. Mr. President, reserving the right to object—did the Senator from Michigan wish to reserve an objection?

Mr. GRIFFIN. Yes; I would be constrained to object.

Mr. ALLEN. I would ask the assistant majority leader if his request was confined to the list of bills he enumerated earlier in the evening, rather than track 1.

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. All bills?

Mr. ROBERT C. BYRD. Yes. Mr. President, I withdraw my request. The purpose of my request was to include the measures I have listed plus any other measure which might perchance come on the calendar overnight and be there in the morning. I think it best that I withdraw the request, however, and that such requests be made from time to time as the majority leader or his designee sees fit.

Mr. GRIFFIN. Mr. President, if the Senator will yield, I appreciate that, because on the list that the distinguished assistant majority leader indicated there are some measures to which Senators have amendments to offer, who have indicated that they will wish to be notified in advance when a bill comes up, and so forth. I think these can be worked out on an individual basis.

Mr. ROBERT C. BYRD. I agree with that. It can be worked out on an individual basis. What the distinguished Republican whip has said, however, moves me to say this: I hope that all Senators on both sides of the aisle will have been alerted by this colloquy tonight and by the placing in the RECORD of the list of bills, so that the majority leader or his designee will not feel constrained or reluctant to call up any other measure at such time as the necessity seems to require.

Mr. GRIFFIN. Mr. President, will the Senator allow me to respond?

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. I have not joined in the colloquy up until now, and perhaps would not have, except that I think the colloquy that has gone before might well be kept in mind by the joint leadership. If they are going to operate and require the unanimous consent of the Senate, obviously it is going to be, it seems to me, very difficult to obtain that unanimous consent from day to day if there is no indication that this important legislation, having to do with busing, is going to be scheduled.

I join with the remarks that have been made, and I shall certainly convey to my leader, and I urge the majority whip to convey to his leader, the strong feeling expressed here that it is going to obviously be a factor in whether or not unanimous consent can be obtained on other matters at some point.

Mr. ROBERT C. BYRD. Mr. President, the majority leader understands. But may I say, in pursuance of what I said just prior to what the distinguished Republican whip has just said, that I hope that the leadership on both sides of the aisle will urge Senators on both sides of the aisle not to attempt to delay action on any of the measures that have been enumerated at such time as they are called up before the Senate, on the basis that a Senator is out of town and cannot be here to offer his amendment. This is the point I was trying to make.

I hope that all Senators have been properly and adequately alerted now. The measures that have been listed may be called up at any time, and Senators should not prevail upon their respective leaders on either side of the aisle to hold up a measure or to object to it simply because a particular Senator is out of town, or cannot be here, and has amendments to offer. I think all Senators ought to be prepared to offer their amendments when bills are called up and to take their chances. If they cannot be here, they just do not offer their amendments. But they should not delay the work of the Senate just because they themselves cannot be here.

If I have to be out of town, I will take my chances. I will miss votes. I will never attempt to hold up the operation of the Senate because I cannot be here, or because I have to miss a vote, or because I have an amendment to offer. I have to make a choice. I either go out of town, miss the vote, and have some other Senator call up my amendment, or I cancel the engagement away from town, stay in town, offer the amendment, and cast my vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR RIBICOFF TOMORROW VACATED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order previously entered under which the distinguished Senator from Connecticut (Mr. RIBICOFF) would have been recognized tomorrow morning for not to exceed 15 minutes be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 9 a.m., following a recess.

There will be no period for the transaction of routine morning business, unless requested and agreed to by unanimous consent on tomorrow.

Immediately following the prayer and the recognition of the two leaders under the standing order, the Senate will resume its consideration of Senate Joint Resolution 241, the unfinished business, the interim agreement on offensive weapons. Debate will continue thereon. Amendments thereto may be offered. Tabling motions will be in order—as of now, at least. Yea and nay votes could occur on amendments throughout tomorrow.

If a hiatus is reached and Senators do not seek recognition, of course, the Chair can always put the question, and has a duty to do so; but the majority leader or his designee may at such time proceed to set aside the unfinished business and call up any one of the measures that were earlier enumerated by me at the direction of the majority leader.

In summation, yea-and-nay votes could occur tomorrow. I hope that amendments to the unfinished business, Senate Joint Resolution 241, will be called up and disposed of tomorrow.

In any event, so that Senators may be amply alerted, a cloture motion was introduced today. The vote on that cloture motion will occur at circa 10 a.m. on Thursday next, following the establishment of a quorum. If cloture is invoked, Senate Joint Resolution 241 will remain the unfinished business until disposed of.

RECESS UNTIL 9 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed to; and at 8:55 p.m. the Senate recessed until tomorrow, Wednesday, September 13, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 12, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Joseph A. Greenwald, of Illinois, a Foreign Service Officer of the class of Career Minister, to be the Representative of the United States of America to the European Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Christopher Van Hollan, of Virginia, a Foreign Service Officer of class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldivas.

U.S. CIRCUIT COURTS

Frederick Pierce Lively, of Kentucky, to be a U.S. circuit judge, sixth circuit, vice Henry L. Brooks, deceased.

U.S. DISTRICT COURTS

Joseph L. Tauro, of Massachusetts, to be a U.S. district judge for the district of Massachusetts, vice Francis J. W. Ford, retired.

EXTENSIONS OF REMARKS

CONGRESSMAN BUCHANAN'S ELOQUENT COMMENTARY ON THE MUNICH TRAGEDY

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, we were all deeply shocked and horrified by the tragic events which occurred in Munich this past week. Although many Members of this body have ably voiced the profound sense of outrage which such heinous crimes compel, I think few have expressed themselves so eloquently as my distinguished colleague and good friend from Alabama, John Buchanan. In a special report to his constituents, he said:

> It is a tragedy of great magnitude for the young state of Israel, which has had to struggle merely to survive in an often hostile environment, to lose these outstanding young people who were competing in an atmosphere of peace and harmony. This latest attack compounds the pain which Israel has suffered in terrorist attacks at its airport and within its borders elsewhere.

Congressman Buchanan's compassionate response to the slayings is coupled with a call for a strong commitment to immediate international action against nations harboring terrorists. He urges for "strong and enforceable agreements to provide that those who commit crimes against humanity will not receive sanctuary from any nation and will be punished for their acts."

I strongly share the sentiments of my colleague from Alabama and include his report at this point in the Record:

Remarks by Congressman John H. Buchanan, Jr.

The House this week joined the rest of the nation and the world in expressing its shock and horror at the killing of 11 Israeli athletes and its sympathy to the people of Israel.

At the same time, the House passed a resolution pledging this country to seek all means "by which the civilized world may cut off from contact with civilized mankind any peoples or any nation giving sanctuary, support, sympathy, aid or comfort to acts of murder and barbarism such as those just witnessed in Munich. . . ."

The senseless slaying of the Israeli delegation is a tragedy of many dimensions. It is a personal tragedy to those who died and to their families. They have my deepest sympathy and prayers.

It is a tragedy of great magnitude for the young state of Israel, which has had to struggle merely to survive in an often hostile environment, to lose these outstanding young people who were competing in an atmosphere of peace and harmony. This latest attack compounds the pain which Israel has suffered in terrorist attacks at its airport and within its borders elsewhere.

We can also share the sense of tragedy felt by the people of the Federal Republic of Germany which hosted the games and whose nation was invaded for the purpose of committing this heinous crime and disrupting everything for which the Olympic games stand and toward which West Germany had worked. It is truly unfortunate that this nation which has worked for a generation to overcome the shadow of the madman Hitler was chosen by a group of terrorist madmen for the commission of crimes against the Jewish people.

And it is a tragedy to the world that a group of young people participating in the Olympics in the spirit of international unity and cooperation and who would perhaps have been leaders of the Israeli efforts toward peace in the future, died with their lives yet before them.

It is a grim and tragic fact that just as the courage and excellence which they displayed are a part of the reality of our times, so, as well, is the kind of brutality and inhumanity represented by the terrorists.

This is why it is so difficult to achieve instant peace or early solutions to the world's problems.

It does, however, seem a crime against life and history that in this era when there is so much basis for hope for peace, justice and humanity among men, the violent acts of irrational individuals and terrorist groups have so marred the record of our times.

We must, therefore, seek to pursue the goal of peace and justice for all the peoples of the world to insure that that minority which represents those who would inflict terror and spread hate will not prevail.

The resolution passed unanimously by the House is in effect a sense of Congress' resolution giving support to U.S. efforts, which will be forthcoming from the Department of State toward combatting terrorism of this type.

In the past, efforts to obtain complete cooperation of all nations concerning hijackers have not been successful. These were voluntary plans.

But the resolution as passed by the House made it clear that Congress does favor strong sanctions against any nation harboring or abetting terrorist groups or individuals.

It would appear that this is probably the only route which would offer some hope of obtaining cooperation from these nations. Stronger economic and political pressures must be brought to bear.

We have been seeking ways for years to stop hijackings and the violence which accompany them including extradition agreements and policy statements that nations will not permit hijackers to obtain sanctity in their lands.

These efforts are continuing with renewed force.

Secretary of State William Rodgers last week put the United States on record as supporting very strong action by the world community to combat both hijacking and terrorism.

Our government is contacting other world leaders to obtain their thoughts on the most effective route to pursue.

We must not cease our efforts until we have strong and enforceable agreements to provide that those who commit crimes against humanity will not receive sanctuary from any nation and will be punished for their acts.

E. A. BOWEN, LITTLE ROCK, ARK., HONORED ON 50TH ANNIVERSARY AS SCOUTMASTER

HON. JOHN L. McCLELLAN

OF ARKANSAS

IN THE SENATE OF THE UNITED STATES

Tuesday, September 12, 1972

Mr. McCLELLAN. Mr. President, lest we forget, I think it should be noted that in an era of our civilization that is marked by conflict, confusion, and anxiety—both at home and abroad—many positive, constructive, and commendable accomplishments of our people often go unrecognized or little appreciated. That is why it was a particular privilege and honor for me recently to join others in paying homage to one of Arkansas' most distinguished citizens, Mr. E. A. Bowen, of Little Rock.

Mr. Bowen has just completed his 50th year as scoutmaster of Troop No. 24, sponsored by the Asbury United Methodist Church of Little Rock. His remarkable contributions to society and the lives of thousands of our young men for over a half century and his unswerving dedication to Christian ideals have now received appropriate acknowledgement and public acclaim. Quietly and with constancy and perseverance, this fine American has made a strong and favorable impact on his fellow man.

Mr. Bowen's noble service is worthy of special praise. He has contributed much to the building of character in the youth of his community. His noble work stands as a beacon of inspiration for all good citizens to emulate in their pursuit of a better life and in the service of their fellow man. His many civic endeavors and attainments have included 50 years of service to over 10,000 boys in scouting activities. He has gained recognition as and has been acclaimed Dean of Scoutmasters in America. For 40 years he taught Sunday school at Asbury United Methodist Church, and for 45 years he was a teacher and administrator in Little Rock's public schools.

It may be said that few have given so much to shape the minds and bodies of so many of our youth who will be our leaders of tomorrow. Few have recorded such a splendid chapter of accomplishment or etched such an indelible impression on the lives of people or so greatly influenced their destiny.

On September 2, 1972, the Quapaw Council of the Boy Scouts of America and the Asbury United Methodist Church held an appreciation dinner in Little Rock honoring Mr. Bowen. I was privileged to be their guest and to present a citation to Mr. Bowen from the President of the United States. It read as follows:

> The President of the United States awards this commendation to E. A. Bowen in recognition of exceptional service to others in the finest American tradition.
>
> Richard M. Nixon.

Mr. Frank Blair, of the National Broadcasting Co.'s "Today Show," made the principal address on this memorable occasion, in which he paid a beautiful and richly deserved tribute to Mr. Bowen. His message was, I believe, most constructive and enlightening to all who heard it and to all who may have an opportunity to read it. I think it fully merits publication in the Congressional Record. Accordingly, Mr. President, I ask unanimous consent that it be printed in the Record.

There being no objection, the address

was ordered to be printed in the RECORD, as follows:

ADDRESS BY FRANK BLAIR

This is the kind of assignment I like. It is so unlike some of the more formal speaking engagement I fulfill. Here, tonight, I have the privilege of adding my small bit to paying tribute and honoring a man who is so outstanding, so outgoing, so giving of himself that he has spent 50 years of his young 86 years on this planet as a Scoutmaster. I ask you how many men of your acquaintance can boast of a record like that and deservedly be described as the Dean of Scoutmasters in America, and have a day declared by the Governor of this state as, "E. A. Bowen Day?"

Many words of praise and gratefulness have been heaped upon Scoutmaster Bowen this day. What can I, in my simple way, add to what has been said?

I am sure Mr. Bowen has many memories to reward him for his untiring services to Scouting and the youth of this community, in his long and precious journey on the Scouting Train. Memories of boys who died in service to their country—boys who grew to be leaders in their community and boys who found "something they could hold onto" as they made part of the journey with Mr. Bowen as their leader.

As I move around our country I sense a need, deep inside the people, for someone . . . something to depend upon . . . to put trust in . . . to hold onto!

I sense a weariness with crisis piled upon crisis . . . a hunger for relief from protest . . . a need for reaffirmation of values, the things that are truly important in life! Some of the great things that I found in Scouting and that many of you in this room found in Scouting and that Mr. Bowen instilled in more than 10,000 boys.

I sense a longing for a turning-point! And we've got to find that turning-point and soon and we've got to make that turn if we are to survive!

I think we all realize we are living under pressure today stemming from a nervous society, a gryrating economy, yet amidst unbelievable technological achievement.

From the sixties we inherited international crisis, social unrest, a drug problem, concern for our environment and concern for our survival. Yet, we have witnessed man's first step on the moon, medical miracles, faster transportation and communication.

Every day when I go to work—in the wee hours of the morning—wonder what new crises will erupt—and—what new miracles will be performed.

Our environment is taking a beating. It has reached the crisis stage. There is mounting concern over pollution of our lakes and streams, pollution of the air we breathe. There is concern about noise pollution and even people pollution, as this earth becomes crowded to the point of overcrowding. And among the crowds of city and suburbia and countryside there is a loneliness, new to mankind in its sharpness—a hunger for someone to turn to, talk with about even the simple problems of living and staying alive on this once green earth.

We are at a point in existence when the question arises—Are we going to survive? And when you mention survival or the possibility of not surviving, is it any wonder that human beings begin to wonder and worry and concern themselves with personal annoyances and frustrations and preconceptions and opinions and twice as many of the things their thinking disagrees with?

And then we start looking for the mistakes of others, we become hypercritical, we go off half cocked, as the saying goes. We forget the fundamentals, the basic philosophies, the concepts, the dreams and the hopes that were once ours. All taught and learned in Scouting. And then we get caught up in the maelstrom of confusion. We turn to false ideologies. We don't even stop to think about the present much less the future. We forget about that turning-point we're all seeking. We go off on tangents, in different direction espousing extreme causes leading to violence, blood-shed and self-destruction.

Wouldn't it be great if there were no generation gap, no color line, no religious bigotry and everyone was "just people?"

Are we too caught up in the present to look to the horizon? Are we too stymied in our mess that we can't even look back to see where we've come from. Mr. Bowen can look back proudly and he knows where we came from and why?

We hear a lot today about the generation gap. Sure there is! There is a gap, too between my father's generation and mine and between his father's and his! That's nothing new! And every generation has made mistakes . . . always has and always will. We have made out share. But out generation has made America the most affluent country on earth. It has tacked a serious racial problem. It has publicly declared war on poverty and it has gone to the moon. It has presided over what is probably the greatest social and economic revolution in man's history. It has desegregated school or is attempting to do so and has abolished polio. We have begun these things—not finished them. We have declared ourselves and committed ourselves and taxed ourselves and nearly run ourselves into the ground in the cause of social justice and reform. And our mistakes are fewer than our father's generation—or his father's.

I'd like to say to that younger generation that's beyond the present day gap. What do you have to offer? I haven't seen anything yet but dissention, violence and filth. Do you think you can survive on that? You say—I won't listen, that I'm too busy to hear you. Perhaps I am. I'm trying to further the job other generations of Americans—like Mr. Bowen's—started to make this a better world for *you*.

And I'd like to say, why don't you listen for a change and stop shouting and throwing rocks and running away from your responsibilities on some trip from which a lot of you will never return. Better he went on an overnight hike or an extended camping trip.

And I'd like to say—Look, young men and women of every generation have always stood on the same hill and felt the same vague sense of restraint that separated them from the ultimate experience—the sudden and complete expansion of the mind, the final fulfillment. It is the oldest, sweetest and bitterest experience of mankind. And what you seek to attain, all mankind has sought to attain throughout the ages. So what's new? Mr. Bowen knows about that hill and he has stood with many a lad at its summit.

Society hangs together by many threads. No 18 year old is simply the product of his 18 years. He is the product of 3,000 years of the development of mankind. And throughout those years, injustice has existed and been fought; rules have grown outmoded and been changed; doom has hung over men and been avoided; unjust wars have occurred, pain has been the cost of progress and man has persevered!

Maybe man has been able to persevere and survive thus far because he's been able to look back at his mistakes and tried to correct them and because he has an awareness that the present needs mending and he has the ability to look to the future with the impulse to grow, to reach out, to touch stars, to live freely and to let the mind loose along unexplored corridors.

If we're going to find that turning point that is so important to our survival, then we must seek tolerant religious, moral, legal and political philosophies and training in formal thinking. All of those things the Scouting Movement has been offered the younger generation for years under the leadership of great men like Mr. Bowen . . . with dedication, devotion, honor and trust.

The resolution of today's crisis in American life must begin with the individual. Each one searching his own soul and sensing the need to save it to recover the world. Within our own family groups, we must teach and learn understanding, reasonableness, justice, love, fidelity, patriotism, love of God—then and only then will we achieve love of our fellow man which, I believe, can and will save the world. It's all in Scouting.

There is really no limit to what we—the human race in general— we Americans in particular can accomplish in the Seventies. But even that doesn't define the quality of our lives in the decade ahead. What I hope to see in the years ahead is the flowering of the kind of life we started developing almost 200 years ago in this country. We fought then for the right, as independent men, to find our little piece of land, to build a home and hearth, to raise our families in security, preserving the values by which all free men have always lived.

But it will be a decade of such complexity, of such staggering problems and such dizzying progress, that it will become less and less possible to find the really meaningful satisfactions—the deep, quiet ones, outside our homes. We may travel more, faster and farther but we'll be happier than ever to return home.

But despite all the problems and all the warnings of doom, I have to feel good about a decade in which, about two thirds of the way through, on July 4th, 1976, the world is going to celebrate the 200th anniversary of the flowering on earth of the free human spirit.

That spirit I hope and pray will be as strong in the majority of Americans then as it was among those who fought for our freedom almost two centuries ago. And that spirit must prevail—in the Seventies and beyond and it can and will if we recognize and accept the responsibility of the individual in our society and he is willing to live up to his responsibilities. I think Scouting has taught me that.

Scouting is the school of life. It is a guide for boys to choose the truest, the most just and most natural side of things.

It is the purpose of Scouting to provide boys and young men an effective program designed to build desirable qualities of character, to train in the responsibilities of participating citizenship, and to develop in them personal fitness, thus to help in the development of American citizens who: Are physically, mentally and morally fit.

Have a high degree of self-reliance as evidenced in such qualities as initiative, courage and resourcefulness.

Have personal and stable values based on religious concepts.

Have the desire and the skills to help others.

Understand the principles of the American social, economic and governmental systems.

Are knowledgeable about and take pride in their American heritage and understand Amerca's role in the world.

Have a keen respect for the basic rights of all people.

Scouting offers the answers to the problems of the young and I am happy to say it is a growing movement.

I do not know the answers to all the problems facing this scarred world—I don't even pretend to; but I am sure as I am of the Scout Oath that all these problems could and would be solved if everyone on this earth was a good scout.

The man we honor here tonight, the Dean of Scoutmasters in America, Mr. Bowen, for 50 years has been all of these things and has passed them along to more than 10,000 boys directly in Scouting activities. I congratulate you, Mr. Bowen, and I thank you for being a good scout.

CONGRESSMAN LEE HAMILTON'S WASHINGTON REPORT ON THE U.S. ENERGY CRISIS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. HAMILTON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include my "Washington Report" concerning the United States' energy crisis.

WASHINGTON REPORT

(By Congressman LEE HAMILTON)

The United States, the richest nation in the world, is rapidly approaching the point where it will be energy poor. Our appetite for energy is voracious. With less than 6 percent of the world's population, the United States consumes about 35 percent of the world's energy production. Our electric usage has doubled since 1961, and will double again by 1980.

If we continue to use our fossil fuels (oil, gas, coal) at the present rate, we may well be left with only coal to burn by the year 2,000, and some geologists say even that resource may be depleted by the middle of the 21st century. In all, we burn 1.9 billion tons of fossil fuel every year, but produce only 1.7 billion tons. The gap is increasing, as is the importing of fossil fuels.

Our primary energy sources are:

OIL

U.S. production peaked in 1970 at 11 million barrels a day. Americans, meanwhile, are buring about 15 million barrels daily, and that usage is expected to reach 20 to 25 million barrels a day by 1980. Alaska's North Slope will supply about 2 million barrels a day by 1980, but dwindling domestic reserves in other oil states indicate we may never again reach the 1970 production peak. The U.S. now buys about 27 percent of its oil from foreign suppliers, and it is estimated that by 1985, about half of our oil and gas needs will have to be met with foreign imports.

GAS

The U.S. consumed 49 percent of the world's production of this resource in 1971 and experts say there may be enough left in domestic reserves for another 12 to 13 years. It is our cleanest-burning resource, and in the greatest demand. A recent decision by the Federal Power Commission to permit producers to deliver additional supplies at prices above the federally-regulated rates should prompt more exploration for, and production of, natural gas, and hopefully ease the growing shortage for homes and industries. The decision also means higher prices for consumers, however.

COAL

The most abundant of our fossil fuels, coal also is the dirtiest. Coal is expensive to transport, creates pollution when it is burned, and makes a shambles of the land when it is strip-mined.

NUCLEAR POWER

Twenty-one nuclear reactors are now in service in the U.S., producing about 2 percent of the electrical power. The Atomic Energy Commission has approved plans for 51 new plants, now being constructed, and 61 more, which are ready for construction. While nuclear power is generally thought of as the fuel of the future, the development of nuclear plants has been slow as experts work to resolve all questions of environmental safety.

The energy crunch has placed increasing pressure on the Congress for the establishment of a thoughtful energy policy which will meet our needs with a minimum of damage to the environment. Congress is just beginning to wrestle with these problems.

The House Interior and Insular Affairs Committee has concluded hearings aimed at assessing our supply of, and demand for, energy resources, and will publish a series of analyses and forecasts in the coming weeks. The Senate Interior Committee is now about half-way through a two-year study of the energy crisis.

In other developments, research into nuclear power is being accelerated, the mining and processing of oil-bearing shale is being encouraged, and a revision of the U.S. quota system to permit more imports of foreign oil and gas is under consideration.

We will be hearing much more in the days ahead about a national energy policy, and it will require a delicate balancing of national objectives such as national security, conservation, economic growth, consumer protection and international trade.

ELECTION AND BIGOTRY

HON. ROBERT N. C. NIX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. NIX. Mr. Speaker, I read with deep interest an article published in the Washington Post on September 11, 1972, under the byline of William Raspberry.

The article is entitled "Election and Bigotry."

I consider this article of particular significance, first, because it directs the attention of the American people to the significance of bigotry at a time in history when the very continuity and improvement of the life of our people and our country cry out for tolerance, for understanding and for the acceptance of each other in a spirit of brotherhood.

I am particularly grateful to the author of this article for the reason that bigotry must be in the forefront of the consciousness at this time of decision-making on the choice of the President of the United States, if we are to analyze the honest feelings and worth of the contending candidates.

I direct your attention to this article most particularly because the author, among other things, mentions the President's apparent position on racial matters as he speaks on the subject of so-called quotas in Government employment.

Mr. Raspberry mentions President Nixon's appointees to the Federal courts, including the Supreme Court. You must distinctly recall that the philosophies of the appointees to the U.S. Supreme Court were challenged and widely condemned. I was one of those who disagreed with and condemned those philosophies.

An additional value in the article is that Mr. Raspberry presents a challenge to the intelligence and good faith of all Americans. The article follows:

ELECTION AND BIGOTRY

(By William Raspberry)

Maybe Nov. 7 will be just another Election Day, after which the nation's business will go on pretty much as usual.

But I am more and more afraid that this Election Day—assuming the re-election of Richard Nixon—will put bigotry in the driver's seat for a long, long time.

That is not to say that President Nixon is a bigot; I don't know whether he is or not. But I can see the direction he's been heading on racial matters, and I find it scary as hell.

He has played the busing issue in such a manner that there is a good chance that some section of the country will be returning to pre-1954 segregation.

He has attacked racial "quotas" in government employment, and there are reports that his administration is about to dismantle the Philadelphia Plan (and similar devices around the country) that made it possible for large numbers of black people to find jobs in the construction industry.

He has made some unfortunate appointments to the federal courts, including the Supreme Court, and will have opportunity (assuming his re-election) to do a good deal more damage in that regard.

None of these things makes him a bigot. It is possible to be philosophically opposed to massive busing, quotas and liberal jurists without being a racist. The danger lies in the way he has done what he has done.

He has invested precious little of the enormous prestige that goes with his office in efforts to persuade America to do right by its dispossessed minorities. Instead, he has played upon the fears and prejudices of the white majority, not challenging them to a higher morality but dignifying their bigotry.

Those Americans who are opposed to racial integration will find support in the President's antibusing stance; those who are opposed to equal employment opportunity for blacks will cheer this antiquota remarks.

But more important, they will get the message that they no longer need restrain their bigotry; their President has told them that it's all right. He hasn't told anybody to indulge in bigotry, but he is setting a tone that will make bigotry a good deal easier to practice. You don't have to tell your personnel man to stop hiring black folk; just tell him that the quotas are off and that he doesn't have to hire black folk. He'll get the point.

It had become almost routine in this country for national leaders to appeal to America's sense of justice and fair play. It's hard to imagine the damage that could result if the appeal is now to be made to selfishness.

Some suspect that Nixon has taken some of his positions for the purpose of garnering votes from bigots. It would almost be a relief if that were so. For if his antiblack posture is intended only to assure his easy reelection—if he doesn't really believe that way—then he won't have to keep it up after Nov. 7.

If he is only indulging in political expediency, telling Americans what he thinks most of them want to hear to win their votes, he can, after he has those votes, devote himself to leadership, to carving for himself a respectable niche in history.

But suppose he does believe in what he's doing? Suppose he really would like to reverse the tide of black progress? Suppose he does believe that black folks and liberals will be the ruination of the country?

In that case, instead of being just another Election Day, Nov. 7 could mark the beginning of the biggest reversal for racial justice since the post-Reconstruction era. A lot of black Americans count that a very real possibility.

ROSH HASHANA—5733

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. ANDERSON of California. Mr. Speaker, the Jewish high holy days commenced at sundown, September 8, with Rosh Hashana, and will conclude on September 18, Yom Kippur—the Day of Atonement.

These holy days, usually a time for celebration and gladness, have been marred by violence born out of hatred, reared in malice, and fed by fanatical madness.

Thus, instead of the happiness which usually marks this occasion, the new year 5733, on the Hebrew calendar, was ushered in with cries of anguish from people all over the world mourning the tragic death of the young Israeli athletes.

To the shrill sound of the shofar, or ram's horn, has been added the sound of grief for those Olympians who died in Munich at the hands of their barbaric captors.

During these holy days, people of Jewish faith are assemblying to answer the violence, not with calls for retribution, but with prayers of forgiveness for man's sins and to pray for the unification of mankind.

The beginning of one of the prayers associated with Rosh Hashana—"unite all of us in the bond of brotherhood"—is a concept on which all can agree and affirm, as we pray for individual freedom, world peace, brotherhood, and the opportunity for greater spiritual growth—especially among Soviet Jews.

Mr. Speaker, as we recall the suffering endured by the Jewish people, and the many obstacles that have been placed in the way of Jewish religious observances, we can only emulate their prayers for guidance.

During this time of reflection, in which the Jewish people rededicate themselves to social justice, the sanctity and dignity of human life, and the brotherhood of man; the world would do well to look at the Jewish teachings and join their prayers for freedom from persecution, from violence and from hatred.

Mr. Speaker, the challenge of justice for the Jewish people is to all men, and all nations. For our part, let us resolve to erase the violence and the persecution. Let us offer a haven for peace and freedom, and let us continue to build the dream which led to the creation of Israel.

MILITARY SAVES MONEY

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. PATTEN. Mr. Speaker, I am indeed pleased to report to you today on a program that is saving the taxpayer substantial sums of money. I refer to the worldwide program instituted by the Department of Defense to reclaim and utilize silver on a recycling basis. This program has now been underway for 4 years and the commander of the Naval Ordnance Systems Command—as well as his staff—are to be commended for the efficient manner in which they have managed the program for the entire Defense Establishment.

This silver bank enables the Department of Defense to furnish silver to contractors at a cost to the Government far below the commercial price of silver. In fact, as a result of increased usage and improved management practices, it is now possible to make silver available for defense contracts at a cost of 35 cents an ounce at a time when the metal is selling in commercial markets for $1.90. Since most of the products that utilize this silver are eventually returned to the Government and the silver reclaimed and reused, it is obvious that these savings will prevail for many years to come.

The program began with the signing of DOD directive 4160.22 on August 23, 1968.

At the end of fiscal year 1972, the silver banks' resources totaled 13.4 million troy ounces valued at approximately $24 million. Of this amount, 8.8 million troy ounces were refined and on deposit with the U.S. Assay Office in New York City and West Point, New York.

During fiscal year 1971 utilization declined to a low of 2.6 million troy ounces chiefly due to the diminishing requirement for torpedo batteries. The search for new uses and energetic management practices during fiscal year 1972 stimulated an upward surge resulting in the utilization of 4.1 million troy ounces, an increase of 57 percent over fiscal year 1971. Chief among these were in contracts for film production and the procurement of Sonobuoy batteries by the Naval Air Systems Command.

A LETTER TO GOLD MEDAL WINNER MR. SUGAR RAY SEALES

HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. DANIEL of Virginia. Mr. Speaker, it is my understanding that, thanks to extensive television coverage, more people in the world were observers at this year's Olympic games than has ever before been possible. As Americans, with some few distressing exceptions, we felt pride in our athletes as we shared their triumphs and disappointments—and sometimes their frustrations. The Reverend A. Purnell Bailey, of McLean, Va., has eloquently stated the feelings of many in a letter from his family addressed to Mr. Sugar Ray Seales, one of the U.S. Gold Medal winners. Reverend Bailey has kindly shared his letter with me, and I wholeheartedly endorse his sentiments as I respectfully request that his letter be inserted in the CONGRESSIONAL RECORD.

Reverend Bailey's letter states:

MCLEAN, VA.,
September 10, 1972.

Mr. SUGAR RAY SEALES,
Olympic Gold Medal Winner, in care of Channel 7 TV—WMAL, Washington, D.C.

DEAR MR. SEALES: Congratulations on winning a great fight at the Olympics and winning the Gold Medal!

Even more, congratulations on your respect to the flag of our country and to all of us in the United States who supported our Olympic contestants. Your hand over your heart was a symbolic moment of respect to our country, and a word of thanks to all of us who participated in sponsoring our athletes.

Earlier in the Olympics we were distressed at the disloyalty of two contestants who literally "thumbed their nose" at the country which supported them. You had better stuff in you and we are grateful.

We are sending a copy of this letter to the President, to the Olympic officials, to our Senators and Congressmen to express to them our pride and gratitude for you, your loyalty to our country, and for your fine skills.

We are grateful, too, to the excellent station (WMAL–TV in Washington: Channel 7), advertisers, and others who brought us the events as if we were there. We were in Munich and Augsburg a week before the Olympics and wished we could have stayed for the events.

We are proud of you, and proud of the country to which we give our respect and loyalty!

Our congratulations to your family, too!

Yours cordially,

A. PURNELL BAILEY.
RUTH H. BAILEY.
JEANNE P. BAILEY.

"POSITIVE AMERICA"—ARTICLE BY SANDY BICKMORE

HON. JAMES A. McCLURE

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. McCLURE. Mr. Speaker, the more I travel throughout my State, the more convinced I become that today's young people are in every sense a credit to their country. I was reminded of this again in reading an article written by Sandy Bickmore, a student at Skyline High School in Idaho Falls.

It is Sandy's thought that we hear too much about what is wrong with our country today, and not enough about the good. I think the same thing could be said for today's youth. Let us stop talking about the bad apples and complement those—and they are in the majority—who are developing into responsible citizens.

I insert Sandy Bickmore's article in the RECORD at this point:

POSITIVE AMERICA

(By Sandy Bickmore)

"This land is my land; this land is your land. This land was made for you and me."

America was also made for those who want to disrupt the peace of this land. These people would like America to believe that she is going to pot.

It seems that America is not seeing the good in her land. What about the beautiful fields of wheat growing on the plains? What about clear water of cool mountain streams? What about the kids that do not riot? What about these things? They are good, and they DO exist.

From one corner of the nation to the other, one can see the natural beauties and blessings of America. Idaho's glorious mountains; clear and clean. California's rocky coasts. Utah's mountain canyons. Cotton fields in the South. The desert's beauty in New Mexico. The wildlife in Florida's everglades.

In every city, town, and village, live good people, whose children don't riot and are not hippies. There are many who are not

prejudiced and who work hard to keep America free.

Why is it that all that America sees is the bad; the hippies, the trash, the pollution, the prejudices, the slums, the unpatriotic influences? Why? Why is the good a silent majority? Maybe it's human nature. It's something that should change.

I think that America should stop looking at the negative side, and look at the positive. Because there is something good about America and all she has to do is look for it.

We are America, and this country is ours, it was made for all of us, so we might as well find the good instead of the bad!

MOLLOY SEAMOUNT

HON. ALTON LENNON

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. LENNON. Mr. Speaker, a note came across my desk several weeks ago reporting the death of Arthur E. Molloy, a marine cartographer at the Naval Underseas Research and Development Center's Arctic Submarine Laboratory in San Diego. Mr. Molloy was a veteran of almost 25 years Federal service. He started his career with the Navy Hydrographic Office here in Washington. He spent a number of years in Arctic nuclear submarine operations and participated in a number of underice cruises. At various times he served as senior scientist for bathymetric surveys in the North Atlantic, North Pacific, and Mediterranean.

After the loss of the submarine U.S.S. Thresher Analysis Group at the Woods for the lost vessel and served in the *Thresher* Analysis Group at the Woods Hole Oceanographic Institution examining data for clues that might shed some light on the loss of the vessel.

Before moving to the west coast, he served in the Naval Oceanographic Office in Suitland, Md., as a program manager for special oceanographic programs.

I bring this to your attention today because of the honor bestowed upon Mr. Molloy by the U.S. Board of Geographic Names. A number of Mr. Molloy's colleagues thought it fitting that a signficant undersea feature be named in his honor.

Accordingly, a seamount discovered in August 1960 on an underice cruise of the U.S.S. *Seadragon*, SSN-584, has been designated Molloy Seamount. This 1,166-fathom—6,996-foot—feature located at 83°58′ north latitude, 105°10′ east longitude in the Arctic Ocean is 20 miles long and 10 miles wide at the base. It is the largest seamount on the Nansen Cordillera, an extensive undersea mountain system. The seamount was first discovered by a single line of observations by the *Seadragon* and subsequently confirmed by other submarine crossings.

I feel that this tribute is appropriate because of the nature of the undersea feature. A seamount is defined as an elevation rising 500 or more fathoms from the seafloor and of limited extent across the summit. I think it is most appropriate that a man like Mr. Molloy, who has worked so many years in the marine environment and who has traveled thousands of miles under the surface of the ocean, should have this undersea feature named in his honor.

This seamount, Molloy Seamount, is very much like Mr. Molloy—one among many, almost imperceptible, yet very distinct and clearly identifiable.

Arthur Molloy, also one among many, quietly working in the ocean, but one of the few who gave special character to his field of endeavor.

I believe it most appropriate that his colleagues recognize Mr. Molloy's accomplishments and service to his country by the naming of this undersea feature "Molloy Seamount."

REJUVENATING RURAL AMERICA

HON. GRAHAM PURCELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. PURCELL. Mr. Speaker, it has become quite fashionable to extol the virtues of the "Family Farmer's" wish to preserve his survival on the land. It is also very "chique" these days to talk about the need for improving our rural-urban balance so that we start reversing the trend of getting more and more Americans into a smaller space. Currently over 75 percent of all Americans live on less than 2 percent of the land. This is going on while 80 to 100,000 farmers leave the land every year. A new breed of environmentalists, sociologists, economists and city planners all agree that rejuvenating rural America should have one of the highest national priorities.

The Secretary of Agriculture, Earl Butz, recently climbed on this bandwagon when on December 8, 1971, he told the American Farm Bureau:

> That we have the full support of President Nixon and his staff in the White House as we move forward vigorously to preserve the family farm structure in American agriculture; and do our utmost to assure a level of income for farm folks that will let them share adequately in the great American affluence; as we try to strengthen our rural communities all through America so that our young people may find good opportunities for purposeful employment and peaceful living in areas where they grew up; and finally, to bring to all of us in agriculture a deeper inner sense of dignity and pride in our profession.

If the administration is really serious about improving our rural problems, I suggest they direct Government procurements to be used as an aid in helping to stimulate rural economies. Federal procurements of food and fiber would provide the "family farmers" with needed alternative outlets for his abundance. This would assist the farmer by improving his bargaining position which in turn would help to improve his economic well-being.

Let me explain. According to Caspar Weinberger, the Director of the Office of Budget and Management, the Government purchases about $100 billion in goods and services annually. This means that Government purchases account for 10 cents out of every dollar produced in the country—or about 10 percent of our Gross National Product. A quick glance at the parties involved in this $100 billion business indicates that the Government contractors are not located in rural areas such as ours.

This fantastic purchasing power if properly used and directed could do much to stimulate the dying economies of rural America. The administration does not need enabling legislation. It could do this with Executive orders. These would command the various Federal agencies that procure goods and services to provide "set-asides" whenever feasible to stimulate the economies of rural America. We have recently seen a precedent when an Executive order was issued on December 28, 1971, to curtail or suspend purchases from any government supplier that violates the guidelines set forth in phase II of the Government's economic stabilization program. I applaud this effort and I would like to see this administration make a similar effort toward directing its purchasing power to improve the economic well-being of rural America.

There are two things the administration could do tomorrow that would help predominantly rural areas like my own 13th Congressional District of Texas:

First, provide for set-asides similar to that directed to small business and labor surplus areas for rural areas showing an outflow of population because of a general lack of job or economic opportunity. With such a set-aside policy, chances for locating new industries in rural areas such as ours would be greatly enhanced. This coupled with providing rural areas with its fair share of manpower training funds would do much to stimulate our economy. For example, when the Defense Department buys boots and shoes for its troops it could direct a portion of its purchases to rural areas meeting the qualifications I just mentioned. I think you can easily picture the kind of uplifting effect such a policy would have in our area.

Second, the administration could provide a special set-aside of its food and fiber procurements from producer groups deemed by the Secretary of Agriculture as having marketing difficulties. About 11 Federal agencies purchase over $4 billion worth of food annually. These procurements approach 10 percent of all the food produced in this country. These set-asides would go a long way toward providing family farmers with an important alternative outlet, especially when they are facing an ever-increasing concentration of buyers. As you can see, this could be particularly useful in enhancing farmers' bargaining power.

I believe that judicial use of the Governments' purchasing power could have a salutory effect on the rural economies of this country.

CONGRESSMAN ANNUNZIO IS HONORED

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. RODINO. Mr. Speaker, the adoption of resolutions of one form or another is certainly not an uncommon occurrence for any of us in this Chamber. I would like to bring to your attention, however, a particular resolution which was unanimously adopted on Friday, August 18, 1972, at the afternoon session of the 37th annual national convention of Italian-American War Veterans.

The resolution was written to pay just tribute to my close friend and colleague, the Honorable FRANK ANNUNZIO for his deep dedication, his great support, and his fervent actions on behalf of our American war veterans.

Only a few weeks ago, Mr. ANNUNZIO introduced H.R. 13804—a bill to provide for printing as a House document certain proceedings of the Italian American War Veterans of the United States, Inc. I recall the strength of his words at that time:

> It is an honor for an individual's activities or the proceedings of one's organization to be recorded among the official documents associated with the House of Representatives. It is an honor we have accorded to veterans organizations since 1931. We have done this as one of the symbols of high esteem a grateful nation bestows upon its veterans. To be included among official government papers is to be accorded a certain symbolic immortality.
>
> It is certainly appropriate for the Congress to extend this recognition, which is now enjoyed by other veterans organizations, to the Italian-American War Veterans of the United States whose members have done their share to uphold and preserve the freedom and security of our beloved country. It is only fitting that they and their activities should survive as long as the Republic itself. It is fitting that we remember their sacrifices for the perpetuation of our national ideals.

Before sharing the words of the August 18 resolution with you, I would like to mention that this is not the first time that Congressman ANNUNZIO has received recognition for his work in this vital area. In 1970, he received the "Man of the Year" award from the Disabled American Veterans, Business and Professional Chapter No. 47, Chicago, Ill. In 1971, he was presented with the Illinois Congressional Award as the Outstanding Illinois Veterans Legislative Leader from the Illinois Department of the American Legion. And, on October 3 of this year, he will be chosen "Man of the Year" by the Combined Veterans Association of Illinois.

Thus, it is with much pride that I submit the following resolution to you and I would like to congratulate Mr. ANNUNZIO, personally, for this very special recognition:

RESOLUTION

Whereas, the Honorable Frank Annunzio, Member of Congress, State of Illinois, has been an active leader in the support of causes important to American War Veterans;

Whereas, he has taken the initiative on many occasions to see that justice and recognition is bestowed upon these veterans;

Whereas, he has also advanced the causes of veterans' organizations that are non-profit and non-political whose membership is totally made up of honorably discharged American War Veterans; and

Whereas, such leadership in supporting veterans' measures has now placed him in the role of champion

Now, therefore, be it resolved that the Honorable Frank Annunzio, Member of Congress, State of Illinois, is hereby bestowed the symbol of "High Esteem" by the 37th Annual National Convention, Italian American War Veterans of the United States.

LINE-ITEM BUDGETS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. WALDIE. Mr. Speaker, I direct your attention to the extension of my remarks, September 11, 1972—page 30142—which contained the partial text of a speech by President Horn of California State College at Long Beach.

I wish to continue to extend my remarks on the timely subject of line-item budgets. Here is the concluding statement of President Horn:

ODE TO A LINE-ITEM BUDGET

This fall we had State auditors visit our campus. They noted that some of our laboratories were not filled to capacity with students. They asked why. We said that we had enrolled as many students in each laboratory as we had equipment to accommodate them. Admitting a student to a class where he has no equipment to use is a fraud upon him.

The auditors correctly pointed out that equipment costs less than faculty salaries. But they went on to recommend that the Department of Finance insist on larger classes by cutting the authorized number of science faculty positions.

The Department of Finance cut science faculty positions. Unfortunately, it also cut the laboratory equipment budget. We can actually accommodate less laboratory students than before in terms of faculty and equipment, but the State in its own unique version of Sacramento wisdom affected by a larger tule-fog than usual insist that we take more.

This is not an isolated case. The State formulas for budgeting faculty positions and the formulas used by State auditors in judging performance are many times not in agreement.

The formulas are developed as a result of what the colleges call "faculty staffing worksheets." Unfortunately, these worksheets are developed 18 months to two years ahead of the time that we are finally authorized the position we requested. I am sure that the businessmen in this audience—looking back on general economic conditions 18 months to two years ago—will realize that conditions can change drastically in that period of time. It is no different in the academic world.

In a dynamic, responsive university, it is extremely difficult to predict two years in advance the precise subject or class level that will be undergoing a boom or a recession. . . .

(In the deleted portion, President Horn discusses the problems of mass-ordering of some items such as tennis balls, of which half are usually "dead", dry felt-tip pens, carbon paper of poor quality, and typewriter ribbons.)

But I think precisely because of the financial crisis that this is the year that we might reasonably petition the Legislature to free us from archaic and stifling management techniques such as the line-item budget.

I am not asking for carte blanche to spend the State's money. What I am asking is that a program budget, which sets goals and lists out the specific costs of achieving them, be substituted for a line-item budget. I am asking that the Board of Trustees of the California State Colleges be given the fiscal flexibility to shift funds from one portion of the budget to another in order to meet the needs of students as they exist today, not as they existed two years ago. I am asking that the Trustees be allowed to delegate some of that flexibility as it affects the local campus to the president of that campus. *At a minimum* the president at each institution should have the authority to transfer up to 10% of the funds in each budget function to another function; for effective management, he should have greater authority.

There would be no real loss of control. The Legislature and the Governor would still have the power to review the budget. But the budget should be justified to them and to the Department of Finance according to realistic formulas, and then it should be administered according to realistic procedures.

However, once justified, once approved, once signed into law, a college president should have the local flexibility necessary to buy the most for his money—whether it be in faculty, in services, in facilities, or merely good carbon paper.

If a president can't do it, if he misuses his responsibility, then the Board of Trustees should fire him. It's as simple as that. But a president should be given the opportunity to provide the best education possible with a given number of taxpayers' dollars.

I do not really blame the Department of Finance for the horror stories I have related. The department is composed of honest, intelligent, and conscientious men doing the best job they know how. It is just impossible for them to do as good a job from Sacramento as other honest, intelligent, and conscientious men can do when they know and have full responsibility for the local campus. I think our leaders both in the legislative and executive branches are coming to agree with me. Just the other day, Dr. Alex Sherriffs, the assistant to Governor Reagan for educational matters, was quoted by the San Diego Union as advocating the assumption of greater local responsibility.

"The governor's fundamental approach . . . is that the real solutions to the problems we're facing in higher education have to come from the campuses," Dr. Sherriffs said, and he went on to add:

"The governor believes passionately in local control. He would rather the Trustees took the necessary action than the State Legislature, the local school boards rather than the State Board of Education."

I agree, and I hope that you will agree.

You have read in recent weeks about Chancellor Dumke's bold new proposals to reform higher education by redefining its tasks in terms of relevant goals rather than in terms of meaningless transcripts of courses suffered through. I think these proposals have touched a new chord within all elements of the State Colleges—administrators, faculty, and students. Many of these proposals have long had my support. I am a member of a committee recently appointed by the Chancellor to develop concrete suggestions for implementing the type of innovations he proposed. Last fall, we began the ground work to develop a mission project group which would serve as a vehicle for self-evaluation on our own campus.

I am excited by these proposals as I hope you are. But as the Chancellor and a number of us have pointed out, they can be achieved only if the government and the citizens of this state give us the necessary flexibility—particularly fiscal flexibility—to develop these programs. Without that flexibility they will never see the light of day. Without that flexibility taxpayers' funds will not be as effectively utilized as they might be.

In a year when your local university is confronted with the Governor's Budget which compels us to take over a thousand more students during the coming year and yet provide courses for them with 47 less faculty than we had this year . . . in a year when no funds for salary increases for faculty or staff have been rcommended in the budget . . . in a year when no capital outlay or equipment funds have been sought . . . in a year when these are just a few of many severe cuts which affect your institution—an institution with 28,000 students, 1,165 faculty, and almost a thousand on the staff . . . an institution with students from all over California, all fifty states, and 62 foreign countries . . . an institution which offers 51 baccalaureate degrees and 39 masters and graduate degrees . . . in such a year, the provision of adequate fiscal flexibility is essential if we are to maintain and to increase the academic quality which you, as taxpayers, have a right to expect of us.

TEACH OR JAIL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. JACOBS. Mr. Speaker, I place in the RECORD a story which appeared in the Indianapolis Star on September 7, 1972. Judge Sepe obviously is a man with an incisive intellect:

TWO WHITE TEENAGERS "SENTENCED" TO TEACH NEGRO PRISONERS TO READ AND WRITE

MIAMI, FLA.—A judge who thinks illiteracy is one of the major causes of crime has given two white teen-agers a chance to teach Negro prisoners to read and write in lieu of going to jail.

"I believe many of the people who end up in trouble do so because they are victims of the educational handicaps of poor people," Criminal Court Judge Alfonso Sepe said yesterday.

"They have been unable to get an education, and they can't communicate verbally or orally, so they get into trouble."

Tuesday, Sepe gave the choice of teach or jail to 17-year-old Margaret Fleming, who pleaded guilty to a marijuana possession charge, and 19-year-old Richard Wade, who admitted to charges of disorderly conduct and resisting arrest with violence.

Sepe also withheld adjudication, meaning the Miami students would have no criminal record if they taught once a week at the Dade County stockade for the next three years.

The judge said he specifically told the two young people to teach Negroes to read and write "because black people traditionally have been underprivileged and therefore are more likely to run into problems caused by being victims of racism.

"But I think we need to survey all the prisoners in all our jails—blacks and whites—and learn just how many are unable to read and write and speak effectively," he said.

Miss Fleming accepted the judge's terms with the comment, "I'd rather teach in jail than live there."

Wade said, "It was pretty strange because I'd never heard of a thing like that before. But it really makes sense. I don't think I'd be doing much good lying around a jail cell, and now I'm really interested to learn if I can teach someone to read and write. It's going to be a challenge."

Sepe makes no bones about the fact that he thinks people who commit crimes have a definite obligation to the society they trespass against.

"I've done something for you," he said at the sentencing of Miss Fleming and Wade. "Now it's time you do something for someone else."

SOURCES OF EDUCATIONAL FINANCIAL AID

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. VANIK. Mr. Speaker, scholarships and awards are granted from hundreds of organizations that are interested in promoting specialized fields of study and career development.

Since there are literally thousands upon thousands of scholarships, loan funds, gratuities, and other educational aids offered by universities, colleges, foundations, private organizations, and by Federal and State legislation—families and students might want to consult various educational aid bibliographies.

Following is a list of guides for financial aids provided to my office by the Library of Congress. Local libraries or high school counselors may have copies of these publications:

GUIDES FOR FINANCIAL AIDS

College Scholarship Guide. (Clarence E. Lovejoy and T. S. Jones) Simon and Schuster, Inc., 1 West 39th Street, New York, N.Y. 10018. 1964 Edition. $2.95, paperback; $4.95 cloth.

Alphabetical listing of schools, associations, foundations, and other organizations which gave scholarships, fellowships, and grants.

Financing a College Education—A Guide for Counselors. (College Entrance Examination Board) College Scholarship Service, Box 592, Princeton, New Jersey 08540, or Box 1025, Berkeley, California 94701. 1969 Edition. Five complimentary copies per high school; additional copies, 25¢ each.

A concise presentation of valuable information for the high school counselor on the policies and procedures of the CSS in evaluating students' financial needs by means of the *Parents' Confidential Statement.*

A Letter To Parents. (Sidney Margolius) College Entrance Examination Board, 475 Riverside Drive, New York, N.Y. 10027. 1968 Edition.

A 10-page pamphlet distributed by CEEB. Designed to give a thumbnail orientation for parents who must finance a student's college education, particularly with reference to the function of the College Scholarship Service and its *Parents' Confidential Statement.*

Need A Lift? (Ed Wieland, Editor) Education and Scholarship Commission, National Child Welfare Division, The American Legion Headquarters, Box 1055, Indianapolis, Indiana 46206. 21st Edition (Fall 1971) 50¢, prepaid.

The best reference available for the particular needs of the *veteran* of past wars and conflicts, and of his children in locating financial aids to education.

Scholarships, Fellowships, and Loans. (S. Norman Feingold) Bellman Publishing Company, Box 172, Cambridge, Massachusetts 02138. Vol. III & Vol. IV. $10.00 each.

Information on about 10,000 scholarships, fellowships, loans, and grants-in-aid. Gives names and addresses of administering agency, qualifications, funds available, and where to apply.

Student aid bulletin and student aid manual. Chronicle Guidance Publications, Inc., Moravia, New York. Available as part of the Educational or Guidance Service offered by CGPI, $18.00 per year.

The Annual continues from year to year to report the complete financial aids programs available from accredited four-year colleges. The Bulletins supplement the Annual, giving current information on scholarship opportunities available from labor unions, private organizations, businesses and industries, and the 50 states and Federal government.

You Can Win A Scholarship. (Samuel C. Brownstein and Mitchel Weiner) Barron's Educational Series, Inc., 113 Crossways Park Drive, Woodbury, N.Y. 11797. Revised Edition, 1964. $3.95, paperback; $7.95 cloth.

Lists about 150,000 scholarships in exceedingly brief form without describing them. Most valuable portion of the book is the review material and study outlines in various school subjects with the same tests from past examinations in these areas.

IN APPRECIATION TO OUR NATION'S PUBLIC SAFETY OFFICERS AND THEIR FAMILIES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. ROE. Mr. Speaker, the President recently announced that the Attorney General had reported to him that there was a 1-percent rise in serious crime for the first quarter of this year compared with a 6-percent increase for the same period in 1971, 13 percent in 1970, and 10 percent in 1969.

As you know, we here in the Congress have been attempting to expand and intensify our national commitment to bring an end to the rising rate of crime by providing the police, other law enforcement agencies, and public safety officials with the essential tools and funding to enable them to more effectively carry out their duties and responsibilities in seeking to achieve optimum public safety and protection for our people.

Mr. Speaker, the following is an updated synopsis report on some of the legislation I have sponsored during the 92d Congress to be of assistance to our public safety officers:

SYNOPSIS

H.R. 5645, March 4, 1971—Nationwide Emergency Telephone No. "911": To amend the Safe Streets Act of 1968 to provide funds to assist state and local governments for the purpose of developing and improving communications procedures and facilities with respect to prompt and efficient dispatch of police, fire, rescue and other emergency services.

H.R. 6304, March 17, 1971—Firearms Felony: a Federal Crime: To make use of a firearm to commit a felony a Federal crime where such use violates State law. With the increasing jeopardy that our police officers are encountering in America today: as a target in the war in our streets, or being hampered in arresting suspects because of sniper fire, as well as deliberate police assassinations, we must institute a tougher policy against the use of firearms and particularly these warlike crimes. This bill would prosecute the commission of a felony with a firearm as a federal crime thus permitting federal officials to assist local authorities in investigating crime and tracking down criminals, with the crime being punishable under federal statutes.

H.R. 7332, April 7, 1971—Law Enforcement Officers Bill of Rights: To amend the Omnibus Crime Control and Safe Streets Act of

1968 to provide a system for the redress of law enforcement officers' grievances and to establish a Law Enforcement Officers' Bill of Rights in each of the several states. This bill would guarantee the civil rights of our police officers and give national recognition to their fight to maintain their highly honorable and trustworthy stature during these most critical times when every institution that has been developed to serve the needs of the people of our country, and particularly our law enforcement agencies, are threatened by those who, through violence, destruction and coercion, attempt to take the authority into their own hands to achieve their goals, not only contravening the laws of the land but by their action attempt to force their will, transgressing the rights of all others. A firm and strict approach is necessary to stop the attack on our public safety officers and what they stand for in order to hold secure their dignity and honor and provide them with the rights enjoyed by other citizens throughout our country.

H.R. 7553, April 20, 1971—Aircraft Anti-Hijacking Detection Systems: To provide for a program of Federal Assistance in the development, acquisition and installation of aircraft anti-hijacking detection systems, and for other purposes.

H.R. 9760, July 13, 1971—Police Officers Benefits Act of 1971: To amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of police officers killed in the line of duty. Over 500 state and local policemen have been killed in the line of duty in the past five years and except for rather limited Workmen's Compensation laws 15 states provide no specific benefits to the survivors of policemen felled in the line of duty. Federal survivor benefits are available to the family of a local law enforcement officer killed in the line of duty if he is dealing with a federal law. This legislation would provide a $50,000 death benefit gratuity to the families of full-time state or local police officers killed in the line of duty. Payments would be made under regulations promulgated by the Law Enforcement Assistance Administration.

H.R. 10746, September 16, 1971—Federal Injury and Death Benefits for non-federal Law Enforcement Officers, Firemen and Their Survivors: This bill would extend the federal injury and death benefits of 5 U.S.C. 8191 to law enforcement officers and firemen (and their survivors) not employed by the United States, who are killed or totally disabled in the line of duty. Such benefits would include: medical, surgical and hospital services and supplies; compensation for disability; and compensation for death based on the number of survivors. However, in the event of such death, the total monthly compensation shall not exceed 75% of the decedent's monthly pay. Extends such benefits to professional state and local policemen and firemen, volunteer firemen, and to members of a legally organized State or local law enforcement agency who are serving without compensation.

H.R. 10747, September 16, 1971—Policemen and Firemen Safety Act: To provide a penalty for unlawful assault upon policemen, firemen and other law enforcement personnel and for other purposes.

H.R. 11290, October 18, 1971—Omnibus Correctional Reform Act: To provide financial assistance for state and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on the job counseling; to develop specialized curriculum, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute and for other purposes.

H.R. 11503, November 1, 1971—Commission on Penal Reforms: To establish a commission on Penal Reforms to make a comprehensive investigation and study of existing conditions at federal and state penal facilities and other correctional institutions. The Commission shall make findings of fact and recommended methods, legislative and otherwise, for improving the Nation's correctional systems.

H.R. 12525, January 20, 1972—Emergency Crime Control Act of 1972: To provide for greater and more efficient federal financial assistance to certain large cities with a high incidence of crime and for other purposes.

H.R. 15434, June 12, 1972—Law Enforcement Officers' Group Life Insurance Act: This bill would authorize the Attorney General to provide group life insurance and group accidental death and dismemberment insurance for state and local law enforcement officers. Defines "law enforcement officers" to mean, "any individual, who is employed full-time by a state or unit of local government primarily to patrol the highways or otherwise preserve order and enforce the laws." This program would closely parallel the Servicemen's Group Life Insurance and the Federal Employees' Group Life Insurance Program. The cost of this program would be shared by the insureds and the Federal Government and the President would determine the Federal contribution, which in no event could exceed one-third the cost of such insurance. The amount of life insurance authorized under this bill would be $2,000 more than the basic pay of the insured rounded to the next higher thousand, with a minimum of $10,000 and a maximum of $32,000. An equal amount of accidental death and dismemberment insurance would be provided.

H.R. 15513, June 14, 1972—Federal Injury and Death Benefits to Volunteer Firemen, Ambulance Teams, Rescue Squads: To provide for the compensation of innocent victims of violent crime in need; to make grants to states for the payment of such compensation; to authorize insurance programs and death and disability benefits for public safety officers, police, volunteer or paid firemen, and members of an ambulance team or rescue squad; to provide civil remedies for victims of racketeering activities; and for other purposes.

H.R. 16203, August 3, 1972—Rescue Squads Eligible for Federal Surplus Property: To amend the Federal Property and Administrative Services Act of 1949 to permit rescue squads to obtain surplus property.

H.R. 16292, August 9, 1972—Anti-Skyjacking Measures: To insure international cooperation in the prosecution or extradition to the U.S. of persons alleged to have committed aircraft piracy against the laws of the U.S. or international law by banning airlines of such countries from landing on U.S. territory.

H.R. 16291, August 9, 1972—Medal of Honor for Police and Firemen: To provide for the awarding of a Medal of Honor for policemen and a Medal of Honor for firemen.

Mr. Speaker, although there is still much more to be done, during the past 2½ years we have been successful through congressional action in providing increased Federal assistance for State and local authorities, strengthening our laws and providing additional funding and manpower, including additional Federal judges, and other anticrime measures. I know you will agree with me that these congressional initiatives, whose success has also depended on the degree of commitment held by the executive branch of the Government, have also placed added responsibilities and increased burdens upon our Nation's public safety officers.

On May 24 and 25, 1972, hearings before Subcommittee No. 1 of the House Judiciary Committee were conducted by the subcommittee's able chairman, my distinguished colleague, personal friend, and dean of our New Jersey congressional delegation, the Honorable PETER W. RODINO, regarding legislation which will provide death and disability benefits for our Nation's public safety officers.

I wish to commend the subcommittee and its chairman for acting promptly in considering the measures which have been introduced in this Congress. In doing so, the committee has demonstrated their concern and understanding of the urgent need for legislation in the area of public safety officer benefits and insure that the House will have the opportunity to consider such measures during this session of Congress.

Mr. Speaker, I would like, at this point, to enter in the CONGRESSIONAL RECORD my statement to the subcommittee as follows:

STATEMENT OF HON. ROBERT A. ROE, A REPRESENATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. Chairman, there is an impressive list of Congressional initiatives on anticrime measures in recent years; among them are the Law Enforcement and Assistance Act of 1965, the Prisoner Rehabilitation Act of 1965, Gun Control measures adopted in 1968, an Anti-Obsenity measure enacted in 1967, establishment of a Select Committee on Crime, establishment and extension of the National Commission on Reform of Federal Criminal Laws, Juvenile Delinquency Prevention and Control Act of 1968, the Omnibus Crime Control and Safe Streets Act of 1968, and Amendments of 1970, an increase of 61 additional federal judges, funding in 1970 of an additional $26 million for more "Strike Forces" against crime and $8 million more for the FBI fight against organized crime. I think that everyone present here today will agree with me that Congress has clearly understood its commitment to the nation to bring an end to the rising rate of crime and that we are providing the country with the necessary instruments and funds with which to accomplish that task. Much remains to be done to be sure, but the success of our legislative efforts has depended and will always depend upon the degree of commitment held by the Executive Branch of the Government; their willingness to act and their willingness to expend the funds as appropriated by Congress.

Mr. Chairman, in reviewing this impressive list of Congressional initiatives I would like, at this point, to draw the attention of this committee to the impact these measures have had on our nation's public safety officers. I think it is very important to understand that the composite side-effect of all anti-crime legislation has placed an enormous degree of responsibility on our police to perform under extradordinary circumstances and pressures. The publicity a national crime program engenders inevitably falls on the shoulders of our police; a secondary burden they carry with as much dignity and understanding as the functions of their profession.

Regrettably, for this nation, some have given their lives in the line of duty under the specter of this nation's watchful and sometimes all too critical eye. In these terrible instances, we have to ask ourselves how we can lighten the burden for the families who survive these dedicated and professional public safety officers and how Congress can assure its police and firemen that our interest in their welfare is as great as our commitment to the lessening of crime.

We are not speaking of only a few people when we dicuss this matter. With great alarm, we have seen the number of policemen killed in the line of duty in the United States rise steadily over the last few years. In 1969, 86 officers lost their lives. In 1970, the number rose to 100, an 11% increase in one year; and in 1971, the number went up again to 125, an increase of 25% over 1970. Violent crimes in the United States increased 12% in 1970 and by 10% in the first nine months of 1971. For the decade from 1960 to 1971, violent crimes have jumped 180%.

Mr. Chairman, I think I would be correct in saying that these figures reflect an ugly trend that is deplored by every citizen of this nation. Similarly, the escalating incidence of such crimes also reflects the factor of risk which confronts every policeman and fireman who must meet this challenge to decency day after day.

Mr. Chairman, I firmly believe H.R. 9760, the Police Officers Benefits Act and H.R. 10746 also providing benefits to law enforcement officers and firemen who are killed or totally disabled in the line of duty will demonstrate the Congress' concern for the families of police officers and firemen who have lost their lives and assure our entire force of public safety officers of our understanding of the many risks and uncertainties they must face in their professional pursuit. As the first line of defense of the laws of our democracy we cannot neglect the safety and morale of these men and the families of those who have lost their lives.

TAX COURTROOM BOONDOGGLE

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. ASPIN. Mr. Speaker, the Federal Government is building a huge and expensive ceremonial courtroom in Washington for 16 Tax Court judges who will almost never be there to use it. The ceremonial courtroom will be the largest single room in the $19.1 million Tax Court currently under construction in Washington.

There is no need for this ceremonial courtroom that accommodates 16 judges simply because the judges never meet together and are almost always traveling throughout the country as circuit judges.

According to the U.S. Tax Court's schedule of sessions for the fall of 1972, only two of the Tax Court's 16 judges will hold sessions in Washington for a total of 4 weeks during the 15 weeks between September 11 and the end of the year. In addition, every Wednesday the chief judge of the Tax Court hears special motions. But these sessions could be held in a broom closet and certainly do not require the planned massive ceremonial courtroom.

Today I am calling upon the Tax Court and the General Services Administration to dramatically change the plans of the building to eliminate this wasteful and blatant boondoggle.

My colleagues may be interested to know the cost of the courthouse has skyrocketed from an estimated $9 to $19.1 million. And I am told by officials of the court that the cost is expected to continue to rise.

Officials of the court hope to complete the building by June 1, 1974, but GSA estimates indicate that there may be delays or 2 to 6 months. The ceremonial courtroom is never planned for use as a regular courtroom, but will cover more than 25,000 square feet in the building which is currently under construction and cost at least $3 million. These judges do not need the 25,000 square-foot courtroom and the entire courtroom ought to be scrapped.

This ceremonial courtroom boondoggle seems to have all of the elements of a Pentagon escapade—cost overruns, delays, and paying for unnecessary puffery with public funds.

CONGRESSMAN LEE HAMILTON'S WASHINGTON REPORT ON THE NATIONAL PRESIDENTIAL SELECTION PROCESS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. HAMILTON. Mr. Speaker, my Washington report on the national presidential selection process:

WASHINGTON REPORT

(By Congressman LEE HAMILTON)

With the wrap-up of the national political conventions, it is appropriate to ask whether we are following the best practice to nominate a presidential candidate. This year, a record 25 presidential primary elections were held prior to the conventions, covering 3½ months and costing $13 million. A field of 16 candidates entered the fray, subjecting the residents of the 25 primary states to a barrage of campaigning for the world's most important political office.

The primary election campaigns also felt in their wake a growing number of complaints, among them: (1.) they last too long, (2.) they cost too much, (3.) they demand too much of the candidate, (4.) they disrupt the legislative business in Washington, (5.) the process of delegate selection is unrepresentative, (6.) the primary election laws are too diverse and complex, and (7.) the outcome is not clear-cut.

Criticism of the present system has led to a discussion of three alternatives: (1.) a national primary, or (2.) improvement of the present system, using state primaries and conventions to select national convention delegates, or (3.) a system of regional primaries to select all delegates, a compromise between the present convention system and the national primary.

NATIONAL PRIMARY

This suggestion calls for a constitutional amendment to set a national primary election day across the country. The states would handle the mechanics of the election and voters would vote only for candidates from the party in which they were registered. To qualify, a candidate would present a petition in 17 states with signatures in each state equal to 1 percent of the vote cast in that state in the previous presidential election.

Substituting a national primary for a party convention would have several advantages: (1.) it would extend popular control, (2.) make political manipulation less likely, (3.) provide uniformity in the nominating process, (4.) encourage a national, rather than regional, approach to problems, (5.) increase voter interest, and (6.) simplify campaigning for candidates.

A national primary also would have some disadvantages, including (1.) a weakening of the two-party system and party responsibility by diminishing the party's role in the selection process, (2.) increased costs, and (3.) limit choices of leadership by giving advantage to already-established personalities.

National polls, taken at the height of the primary election season, showed that most Americans approve of a national primary because it permits direct participation by the voters.

REGIONAL PRIMARIES

This approach divides the United States into five regions, in which a presidential primary would be held, once a month between March and July. Candidates would be selected by a national elections commission or by petition. Convention delegates for each candidate would be apportioned according to the candidate's vote total.

The regional primary plan's advantages and disadvantages are matters of degree, since it is intended as a compromise. It would standardize the delegate selection process, reduce costs by reducing the length and complexity of the campaigns, make conventions more representative of the voters, but it would also be costly and dilute political party responsibility.

IMPROVEMENT IN EXISTING SYSTEM

Before making too many changes in the way a President is selected, we should recognize that the present system has generally produced good candidates. It screens candidates effectively and balances a variety of interests reasonably well. Nevertheless, most people agree that the system could be improved by standardizing the rules for delegate selection, shortening the primary season, limiting spending, allocating delegates on the basis of votes, reducing total numbers of delegates, and establishing rules determining a delegate's commitment to support a candidate.

I am dissatisfied with the present system because of its costs, demands on the candidate, its delegate selection process, which produces delegates unrepresentative of the average voter, and its complexity, and I am willing to begin a careful and unhurried search for a better way to nominate the candidate for President.

FISCAL WONDERLAND

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. PRICE of Texas. Mr. Speaker, once again the spotlight has been thrown upon a most important but sadly neglected problem—and that is the chronic state of imbalance in the Federal budget.

The Federal agencies, the public and private lobby interests, and the general public have continued to demand, and the Congress has continued to appropriate public funds at a rate exceeding general revenues such that the United States has been brought to the brink of a first-rate fiscal crisis.

The Federal budget has become a Christmas tree—something for everyone. We keep ignoring the fact that someone has to pay the bill, and by borrowing we are merely postponing the day of reckoning. There is no room for emotion in this issue—simply, the laws of economics can be bent but not broken. Sooner or later the American people will be required to pay the bill—the question is. how long are we going to pretend may be able to pass our national debt off on our children by mortgaging their future—but the good faith and credit of the Government of the United States ultimately depends upon whether this Nation meets if financial obligations.

The situation is not hopeless. There is no such thing as an "uncontrollable item" in the budget—except for perhaps interest payments on the national debt itself—since Congress has the power to repeal or modify any existing law by which public funds are spent. I submit that the Congress ought to stop trying to buy votes with public funds; the time has come to face up to our responsibilities to not just a few special constituents or interests, but to all Americans of both present and future generations, and to restore integrity and balance to our national budget.

As a most appropriate commentary on this matter, I submit for the Record at this time an editorial from the Monday, July 17, 1972, Washington Evening Star and Daily News entitled "Fiscal Wonderland."

The article follows:

Fiscal Wonderland

In a year when presidential politics have become all-absorbing, the idea of worrying about the federal budget has all the appeal of tropical storm Agnes. And yet there is a direct and highly troubling connection between the budget and what the politicians, especially on the Democratic side, are saying the next president should do for the country.

The budget is a central and essential instrument of policy-making. But at this point, as we are told by Paul McCracken, former chairman of the Council of Economic Advisers, the budget is "in a quite literal sense out of control." If he is right, then it follows that spending policies and the setting of priorities are severely hamstrung. And all the evidence suggests he is right. In January the Office of Management and Budget predicted a deficit for fiscal 1973 of about $25 billion. Now the predictions are for a deficit of at least $34 billion, possibly going to $40 billion.

The Democrats may well try to embarrass Mr. Nixon on this issue. But even a cursory review of what has happened will reveal they haven't much to stand on. For one thing, the Democratic Congress, now in recess, not only ignored the fiscal crisis but, on one piece of legislation after another, helped make it substantially worse. This occurred not only in connection with Social Security and other sure-fire vote-getters, but almost as a matter of habit with less visible spending bills.

A good example was the HEW-Labor appropriations bill. Largely because of virtually uncontrollable increases in spending obligations (public welfare is a good example), the administration had requested $27 billion for this fiscal year, a full $7 billion increase over 1972. The Democrats couldn't be content with that. First the House added more than $1 billion to what the President asked; the Senate went even farther in the game of fiscal one-upmanship, appropriating over $2 billion above the budget.

To read the Democratic platform, meanwhile, is to enter even higher dimensions of fantasy. Everybody who can work is to have a job, and those who can't work are to have a guaranteed income. And while there will be great new spending for education, and manpower training, and health and just about everything else on the Democrats' domestic wishlist, and while there will be no price and wage controls, it is assumed the money will be there to pay the bill and somehow inflation will go away.

It is a dizzying period we are going through. Occasional warnings come of our worsening fiscal plight. But fiscal irresponsibility only increases. The Democrats spend, and plan to spend some more. The President occasionally threatens a veto, but not too loudly, and with an obvious eye on his own re-election chances, he keeps signing all those bills that run the deficit to ominous levels.

The grimmer the budget picture gets, the narrower the leeway for the next president, whoever he is, to do what he wants, and the greater the certainty that new taxes will be necessary. One of these days, reality will set in, and it will be something fierce.

TEAMSTER'S RAY SCHOESSLING—CHAMPION OF WORKING PEOPLE

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. PUCINSKI. Mr. Speaker, earlier today Mr. Ray Schoessling, vice president of the International Brotherhood of Teamsters and president of Teamsters Joint Council 25 in Chicago appeared before the Antitrust and Monopoly Subcommittee of the other body in support of legislation to strengthen this Nation's franchise opportunities.

I was pleased to see Mr. Schoessling support legislation pending in the other body which is identical to H.R. 16067 which I have the privilege of cosponsoring here in the House.

Mr. Schoessling has a long history of fighting for causes of highest importance and benefit to the Nation's working people.

As president of Teamsters Joint Council 25, Mr. Schoessling has brought a new dimension of respect and dignity to labor-management relations in the entire Midwest.

As an international vice president of the Teamsters, Mr. Schoessling has made a profound impact on this Nation's entire labor-management field.

I am particularly pleased that Mr. Schoessling supports the concepts of protecting and preserving the franchise system as incorporated in the bill I am cosponsoring—H.R. 16067.

As Mr. Schoessling told the other body:

> The franchise system has permitted the development of genuine maturity in collective bargaining.

I am sure that with the strong voice of Ray Schoessling behind this legislation, Congress will respond favorably and the jobs of many people involved in franchising will be preserved.

This legislation is necessary because of new procedures being enacted by the Federal Trade Commission which would seriously impair the future of franchising.

We see a measure of the man in Ray Schoessling when we reflect on his sensitivity to the needs of his members as demonstrated by his testimony here in Washington today.

This is not the only instance where Ray Schoessling demonstrates leadership. Recently, he was instrumental in helping the House-Senate conferees structure a school lunch bill which would help protect the jobs of many Americans.

We in Chicago are proud to produce labor leaders of Ray Schoessling's stature.

He reflects the highest traditions of the Teamsters in America and their deep concern for their fellow man.

Mr. Speaker, I am enclosing in the Record today the statement by Mr. Schoessling in support of legislation for continuing the franchising system.

Mr. Schoessling's excellent statement follows:

Statement of Ray Schoessling, Vice President, International Brotherhood of Teamsters

My name is Ray Schoessling. I am vice-president of the International Brotherhood of Teamsters. I am also president of Teamsters Joint Council 25, which is comprised of local unions with 160,000 members of the Teamsters Union in Northern Illinois.

I am also president of Teamsters Local 744, which has jurisdiction over the production, warehousing and delivery of soft drinks in the Chicago area. I am the Secretary-Treasurer of the soft drink division of the International Brotherhood of Teamsters.

Our International Union, with over 2 million members, strongly supports the franchise system. Accordingly, we urge a favorable report by this committee of bills that would continue the traditional methods of permitting exclusive local franchises and maintenance of standards distribution practices in the soft drink industry.

It has been my privilege to represent workers in the soft drink industry for over 35 years.

There are over 123,000 bargaining unit employees in the soft drink industry. About 8,000 more are in management and supervision.

A large proportion of the production, warehousing and route delivery personnel are members of local unions affiliated with the International Brotherhood of Teamsters.

These local unions negotiate collective bargaining agreements directly with franchise holders and/or local associations of bottlers.

We have developed a sound and mutually productive relationship between our union and the employers.

The franchise system has permitted the development of genuine maturity in collective bargaining.

We have recognized the employers' problems in adapting to changes in technology and the impact of a growing market for their products.

We believe that the records will show labor and management in the soft drink industry have achieved unusual success in union-employer relations.

The franchise system is a vital factor in producing this record.

I am sure that the manufacturers and franchise holders will provide adequate justification for enactment of the legislation under discussion, from their point of view.

I would like to point out certain factors in the franchise system as they relate to employees in the industry.

The franchise system sets territories for sale by the bottler.

He is assured of the integrity of his investment in plant and equipment because of the franchise.

The employees are reasonably assured of continuity of employment because the bottler will have a relatively steady share of the market.

If the employer is deprived of the exclusive sales territory by the Federal Trade Commission, the impact on the employees' welfare would be devastating.

Competitors producing the same product at lower wage levels in other communities could undermine the pay and conditions of workers in the franchise holder's territory.

There could be a temporary price advantage to the consumer, but this benefit would soon disappear as soon as the invader achieved control of the market.

Elimination of exclusive sales territories would create chaos in the labor-management picture.

Employees in the industry, through their unions, have negotiated excellent health and hospitalization benefits.

This has been made possible because the franchise holders are familiar with the problems of their employees.

Through exclusive sales territories, they can generally forecast the cost factors of these benefits.

This is especially important where pensions are concerned.

The viability of these benefits, designed to provide a life of decency and dignity for these workers when they retire, is dependent upon the employers staying in business.

Bottlers permitted to come into a territory of a franchise holder which has an agreement with a local union for pension benefits could cause the demise of the pension, with the resulting indignity to the worker.

I am sure that the members of this committee are aware of the concern of another committee of the United States Senate with the fact that many pension systems are withering away before the worker reaches retirement age.

All of us in the trade union movement know of the personal tragedies caused by the disappearance of the security on which a worker had based his hopes for his declining years.

I will leave to the lawyers the discussion of the legal principles involved in the Federal Trade Commission's action against the franchise system in the soft drink industry.

The workers I have the honor to represent have nothing to sell but their time, strength and skill.

If they are monopolists, they have a monopoly on the hard work that goes into the production, distribution and sale of their product. They have a monopoly on the insecurity that would come with loss of jobs and income.

They have the so-called work ethic: they like steady jobs, with decent pay, sound benefits for their families, the opportunity to make progress with the advancement of the economy and their industry, and the assurance that they will be able to retire with a measure of security.

The franchise system in the soft drink industry helps our union to avoid the harassment of territorial jurisdictional disputes.

This is a contribution to the stability of labor-management relations and the continuity of production.

In no sense, do we as a union want to eliminate competition in our industry. There is plenty of vigorous inter-brand competition for the consumer's favor, as is evident in the vast amount of advertising purchased by the various soft drink manufacturers.

Our purpose is continuity of employment, security of our pensions and other benefits and a share in the growth of the industry.

Your support of legislation to continue exclusive territorial arrangements in the soft drink industry would be a contribution to the stability of employment of our members, eliminate the danger of unfair competition that would endanger their living standards, and avoid the difficulties arising from jurisdictional disputes between unions.

The legislation is necessary because the litigation initiated by the Federal Trade Commission can create a long-term situation of uncertainty.

During this period, many bottlers with whom we negotiate for our members' wages, benefits and job conditions, will be reluctant to initiate or improve long-term gains for their employees.

We urge a favorable report on the legislation before you.

I appreciate the invitation to make this presentation on behalf of the workers in the soft drink industry.

CONGRESSMAN HAMILTON'S WASHINGTON REPORT TO INDIANA'S NINTH DISTRICT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. HAMILTON. Mr. Speaker, I include my Washington Report concerning President Nixon's New Economic Policy in the RECORD.

The report follows:

CONGRESSMAN LEE HAMILTON'S WASHINGTON REPORT

A year ago President Nixon announced his New Economic Policy to slow inflation, reduce unemployment and strengthen the dollar in foreign markets. On the first anniversary of the New Economic Policy an evaluation is appropriate.

Since then the economy has developed strongly, with production, incomes, employment, business spending and consumer buying all showing sharp increases, while the rate of inflation has been turned downward.

Despite the New Economic Policy, economic problems persist. Government deficits balloon, the unemployment rate has dropped only slightly, the dollar is sinking in value and the trade deficit still worsens.

INFLATION

The inflation rate has been running at about 3 percent, but the wholesale price level is rising, which suggests that consumer prices may climb faster in the months ahead. Most of the .5 percent increase in the June wholesale price index occurred in items over which there are few or no controls.

My own judgment is that Phase II has made a marginal contribution toward holding down inflation, although probably not enough to limit the rate to the target of 2–3 percent this year.

Two trouble spots in the fight against inflation are the costs of food and services, and the controls program has limited application to these items. In addition, Phase II operates on inflation caused by increasing costs, but in some areas the inflation is caused by strong demand (e.g. cattle and lumber), and the Phase II controls cannot be expected to be effective in these instances.

WAGES

The Pay Board has held average pay increases to 4.9 percent, actually below the 5.5 percent standard, and covering 10 million workers.

PROBLEMS

Phase II has its problems. It is an administrative swamp. No office of government presents the public with more bureaucratic confusion, delay and red tape. Public hearings are limited, public access to the decision making bodies restricted, and answers are hard to get.

But the question of the fairness of the wage-price controls is paramount. Many point out that the 70 percent of all workers who are not part of organized labor are getting less than their fair share, that too little of the productivity gains are being passed on to consumers in price cuts, that profit margins are not effectively enforced, and that the program locks in existing economic inequities without providing for a way to deal with them.

To reduce the charges of unfairness and the administrative confusion, exemptions from the controls are increasing. Today 56 percent of the labor force is exempt from wage-price controls, a total of about 32.5 million people and including all workers who earn less than $2.75 per hour.

Another problem is when and how to end the controls. Most observers think they will not disappear soon because abandonment of them in 1973 would invite resurgent inflation. 1973 will present many important wage negotiations and the productivity gains, which are relieving cost pressures today, will begin to run out. Public opinion surveys show that most people want controls and they want them tightened, rather than eased, if the controls are not working.

Enforcement of price controls, always a problem with controls, can be expected to toughen with sharp increases in the number of investigations and with special focus on the big and middle-sized companies and unions, especially in sectors of the economy where prices tend to rise the fastest.

Phase II, then, is neither a brilliant success nor a total failure. It is a mixed bag, with some progress and many problems.

NEWBURYPORT, MASS., STAGES A COMEBACK

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. HARRINGTON. Mr. Speaker, I would like to call to your attention an excellent article by Al Alabiso on the industrial development of Newburyport, Mass., in the August 1972 issue of Industry magazine. Under the dynamic leadership of Mayor Byron J. Matthews and his innovative industrial director Robert Polley, the city is making a remarkable industrial comeback. Through Polley's "climate for growth" program, Newburyport has been providing space for existing and potential industries. This developmental tool has provided jobs and increased income in the Newburyport area.

The text of the article follows:

NEWBURYPORT STAGES A COMEBACK

(By Al Alabiso)

In a sense, Newburyport is moving forward by turning back the clock.

This paradox is a tribute to Mayor Byron J. Matthews, a realist who recognizes that the most salable commodity of this smallest of Massachusetts cities is its charm as an old New England seaport. That's why five different developers are currently at work transforming the once-blighted Merrimac River port into a living masterpiece of clipper-age renaissance.

But Newburyport no longer holds claim to being a thriving port (although it lives in reflected glory as the brithplace of the United States Coast Guard) and Mayor Matthews is keenly aware of the need to broaden its industrial base.

He recalls a bleak day in 1961 when CBS Hytron closed the doors of its Newburyport plant, terminating 3,000 jobs.

By the time he moved into the mayor's office in January 1968, Owens Illinois, Inc. had opened a plastic packaging plant in the city, absorbing a relatively small segment of the labor force that was cut adrift with the Hytron closing.

The pervading attitude of the city was one of apathy. Yet, the seeds of an industrial resurgence had been planted in 1965 by a small, optimistic group of businessmen who organized as the Newburyport Area Industrial Development Corporation (NAID) With the cooperation of Earl F. Cook, the city's industrial director at that time, NAID went directly to the community and raised $200,000 to buy 113 acres of land suitable for an industrial park. They named it Lord Timothy Dexter Industrial Green, after a manufacturer and eccentric millionaire who flourished in the days of Federalism.

NAID had laid the base for the park by raising funds, acquiring land, and undertaking preliminary engineering and design work by the time Matthews was inaugurated as mayor. Because his formative years were steeped in the industrial tradition (he was the son of Greek immigrants who worked at Mayfair Shoe) he knew from practical experience that his administration must give high priority to a vigorous campaign to attract industry. A marketing program was now required.

To implement such a program required a professional in industrial development with a marketing background, and whose sense of purpose was in undeviating empathy with the mayor's own.

The search for such a person took four months, and finally ended with the enthusiastic selection of Robert E. Polley, a Cornell graduate who had gone on to earn his master's at Rutgers with a concentration on marketing. The young executive, a vice president of the international real estate development firm of D. H. Overmyer Company, embodied all the qualifications desired by the administration.

As industrial director for the City of Newburyport, Bob Polley inherited not only the problem of building the industrial park but the job of finding tenants for a handful of former mill sites downtown, as well.

He was determined not to "chase smokestacks," opting instead to go after elite, modern industries whose role as corporate citizens would enrich community life aesthetically, socially and economically.

Not long after his appointment, Polley and Mayor Matthews applied for and received an Economic Development Administration grant of $261,000—to be matched by the city—in order to bring water to Dexter Industrial Green, install roads, sewage and open drainage. (Application for a second-phase grant is currently pending before EDA to enable the city to extend the road and an existing railhead into the now-expanded park.)

Adopting as his slogan, "Climate for Growth," Policy developed a pitch which apparently is working with prospective tenants. Since Newburyport is off the beaten Route 128 path, it goes, there is less competition for the labor market. And that labor market is available at lower-than-average wage levels.

Bob Polley is an innovator with a finger on the pulse of industrial development concepts. Through his initiative, for instance, there is currently a building on a site close to the Industrial Green, a child care center . . . which should make it easier for more women to join the labor force.

Living and Learning is of dual value to the city, in Polley's view. "Not only will it benefit the community by freeing mothers for work, but as an organization and an investor in new facilities, it will provide tax revenue and help to raise Newburyport's employment income level."

At present, there are four manufacturing companies in Newburyport which employ 200 or more employees. One is the internationally renowned Towle Silversmiths—which was established in 1690 and has the distinction of being the oldest surviving industry in the state—located downtown on Merrimac Street. Another, also on Merrimac Street, is Chase-Shawmut Company, manufacturer of electrical equipment. The other two, situated in new structures in Dexter Industrial Green, are Owens-Illinois Glass Company, plastic container manufacturer, and Green Shoe Company, maunfacturer of Stride-Rite shoes and for many years a mainstay of the Boston shoe industry.

Relatively smaller firms located at the Green include:

International Light Company, producer of energy measurement devices;

Amesbury Specialty Company, maker of metal equipment;

SUDA Corporation, leather processing company;

Electronic Products, Inc., manufacturer of glass-to-metal seals;

Norfolk and Dedham Insurance Company.

Polley, a firm believer in providing manufacturing space as a development tool, on a speculative basis, urged NAID to erect a 10,000 square foot building. It was acquired by SUDA Corporation, which soon found it necessary to expand to 26,000 feet.

At Polley's invitation, McGill Development Corporation erected a 20,000 square foot "stall" building at Dexter earlier this year. The structure, set on 2½ acres, was designed in 5,000 foot modules, to accommodate as many as four industrial tenants. Last March, the entire building was leased to Trak, Inc., an importer and distributor of leisure time and recreational products, including its popular No-Wax cross country skis.

The quick leasing of the speculative building is an indication of the increasing progress of industrial development at "new" Newburyport. But that's the way things are happening—fast—at Lord Timothy Dexter Industrial Green, which was pastureland only two years ago. Polley attributes the increased pace to a growing awareness of the availability of extremely low-cost land and a choice of easy financing plans. And, most important, easy access to expressway routes 95 and 495.

Construction is progressing there now on a 20,000 square foot plant, with a financial assist from the Small Business Administration, for Berkshire Manufactured Products. The company custom-stamps metal precision parts for the aircraft engine, electronic and instrument industries. President Edward Molin said the plant will include a facility for making company tools, and a special production area for mechanical and hydraulic punch presses.

Under Matthews-Polley-NAID direction, the park has grown in recent months to 200 acres through acquisition of two adjacent farms. Uniquely, the old farmhouse on one parcel is being renovated and adapted to provide administrative quarters for the Norfolk and Dedham Insurance Company.

Polley and NAID have momentarily turned their attention to the general appearance of the Industrial Green. They have asked owners to landscape the grounds surrounding their buildings, and are making plans to pipe and fill an open drainage ditch that flows incongruously in front of the attractive plants—not unlike the moats of medieval times.

Newburyport was originally settled in 1635. Its location at the mouth of the Merrimac River was ideal for trade and trade-related industries. Extensive timber stands up-river made it a logical center for shipbuilding and, as an outgrowth, the production of barrel staves.

Between 1680 and 1740, more than 100 sailing ships were launched, and for a brief time following, during the 1850's, it was known as the clippership capital of the world. But the advent of steam and an insidious buildup of sand shoals at the mouth of the Merrimac made the industry impractical, and the community turned to the manufacture of shoes, textiles, rum and silverware.

To house these industries, substantial brick factories—handsome in their period—went up within walking distance of the tenement quarter and the downtown mercantile area.

Some of these mill structures continue to stand. Under Polley's mill building renovation program, they are rapidly being filled with "incubator" firms—small companies with a big growth potential.

Under this renovation program, Bixby Box Toe Company moved into a 100,000 square foot building on Warren Street last May. The company makes Bixlon, a new material from which it manufactures box toes and counters. Bixlon enables the shoe parts to retain the contour of the last while undergoing high speed production techniques.

"We consider the Newburyport location ideal for the development of our new production process, from the standpoint of close community cooperation," Vice President Benjamin C. Bixby said.

Responding to the community's "environmental considerations," the company engaged 32 people for the Newburyport plant on an experimental two-shift, four-day work week basis.

Fibre glass skis are the principal manufactured product of another Newburyport firm, Graves Manufacturing, which occupies space in a large brick plant on Charles Street—once the home of the Mayfair Shoe Company, where the parents of Mayor Matthews were employed.

In this same converted mill is located the world-famous Ernest M. Skinner Company, manufacturer of pipe organs and wind chests. Skinner designs, builds, maintains, installs, rebuilds organs, and does tonal design and tonal revisions. The company originally started in Boston 50 years ago, and moved to Florida in 1960. When John Bolten became president in 1971, he moved the firm to Newburyport.

Another tenant is Epicure Products, Inc., where hi-fi speakers and stereophonic equipment are made.

Newburyport's highly respected journal, the Daily News, is a major employer in the downtown area, with a complement of 34 workers earning a total of $225,000 annually. The city has its own radio station, WNBP, affiliated with the American Broadcasting Company. Its primary listening area extends from Hampton, New Hampshire to Ipswich.

For existing and potential industries requiring a financial lift, there are six banks which offer varying degrees of assistance: First and Ocean National, Institution for Savings, Merchants National Newburyport Five Cents Savings, Arlington Trust, and Newburyport Co-operative.

There are other avenues open to the prospective lender:

Under the city's "persistent unemployment" classification, it is eligible for special financial assistance from the federal government in order to help new businesses in the community. As an example, this classification allows priority considerations for companies seeking government contracts or manpower training assistance.

The Small Business Administration's 502 Program permits financing of new building construction because of the "persistent unemployment" classification. Eligible businesses may even obtain 100 percent financing for terms up to 25 years. A portion of the financing may be loaned by SBA at an interest rate of 5½ percent.

The Economic Development Administration grants low-interest, long-term loans for any size business firms in "persistent unemployment" areas.

Under the leaseback method of financing, the operating company may give building specifications to the Newburyport Area Industrial Development Corporation, which would then arrange for leasing the building to the operating company with a purchase option.

Another tool for financing industrial projects in Newburyport is the industrial revenue bond, authorized by the city council under Chapter 772 of the Massachusetts Act of 1967. These bond issues are eligible for preferred treatment, guaranteeing low interest rates and long terms for projects up to $5 million.

Mayor Matthews, in his desire to expand Newburyport's industrial base, is motivated by a personal sense of responsibility. "It is our job to provide jobs," he said.

He is regarded by his constituency as "a doer" . . . a chief executive who has been very successful in adapting federal programs to the needs of his city.

He is buoyed by the community's renewed spirit—a Climate for Growth—and the confidence that Bob Polley is the man who can nurture it.

THE AMERICAN-ISRAEL LOBBY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. RARICK. Mr. Speaker, along with the other Members I received a questionnaire and literature from the American-Israel Public Affairs Committee lobbying Members of Congress for support for a for a foreign nation.

The accompanying correspondence contains the Middle East platform planks of the two national political parties and a 7-point questionnaire to be answered by each Member of Congress.

Missing from the questionnaire was the paramount question: "Are you as a Member of Congress prepared to vote to send American fighting men to defend Israel, or are you prepared to sit idly by while your President, of either party, or the State Department commits American men without your approval?"

I ask that the questionnaire and the platform plank excerpts follow my comments:

THE 1972 MIDDLE EAST PLATFORM PLANKS

DEMOCRATIC

The United States must be unequivocally committed to support of Israel's right to exist within secure and defensible boundaries. Progress toward a negotiated political settlement in the Middle East will permit Israel and her Arab neighbors to live at peace with each other, and to turn their energies to internal development. It will also free the world from the threat of the explosion of Mid-East tensions into world war. In working toward a settlement, our continuing pledge to the security and freedom of Israel must be both clear and consistent.

A Democratic Administration should:

Make and carry out a firm, long-term public commitment to provide Israel with aircraft and other military equipment in the quantity and sophistication she needs to preserve her deterrent strength in the face of Soviet arsenaling of Arab threats of renewed war;

Seek to bring the parties into direct negotiation toward a permanent political solution based on the necessity of agreement on secure and defensible national boundaries;

Maintain a political commitment and a military force in Europe and at sea in the Mediterranean ample to deter the Soviet Union from putting unbearable pressure on Israel.

Recognize and support the established status of Jerusalem as the capital of Israel, with free access to all its holy places provided to all faiths. As a symbol of this stand, the U.S. Embassy should be moved from Tel Aviv to Jerusalem;

Recognize the responsibility of the world community for a just solution to the problems of the Arab and Jewish refugees.

Soviet Jews

We welcome every improvement in relations between the United States and the Soviet Union and every step taken toward reaching vital agreements on trade and other subjects. However, in our pursuit of improved relations, America cannot afford to be blind to the continued existence of serious differences between us. In particular, the U.S. should by diplomatic contacts seek to mobilize world opinion to express concern at the denial to the oppressed peoples of Eastern Europe and the minorities of the Soviet Union, including the Soviet Jews, of the right to practice their religion and culture and to leave their respective countries.

REPUBLICAN

In the Middle East, we initiated arrangements leading to a cease-fire which has prevailed for two years. We pledge every effort to transform the cease-fire into a lasting peace.

We support the right of Israel and its courageous people to survive and prosper in peace. We have sought a stable peace for the Middle East and helped to obtain a cease-fire which contained the tragic conflict. We will help in any way possible to bring Israel and the Arab states to the conference table, where they may negotiate a lasting peace. We will continue to act to prevent the development of a military imbalance which would imperil peace in the region and elsewhere by providing Israel with support essential for her security, including aircraft, training and modern and sophisticated military equipment, and also by helping friendly Arab governments and peoples, including support for their efforts to diminish their dependence on outside powers. We support programs of economic assistance to Israel pursued by President Nixon that have helped her achieve a nine percent annual economic growth rate. This and the special refugee assistance ordered by the President have also helped to provide resettlement for the thousands of immigrants seeking refuge in Israel.

We will maintain our tactical forces in Europe and the Mediterranean area at adequate strength and high levels of efficiency. The irresponsible proposals of our political opposition to slash the defense forces of the United States—specifically, by cutting the strength of our fleet, by reducing our aircraft carriers from 16 to six and by unilateral withdrawals from Europe—would increase the threat of war in the Middle East and gravely menace Israel. We flatly reject these dangerous proposals.

With a settlement fair to all nations of the Middle East, there would be an opportunity for their peoples to look ahead to shared opportunities rather than backward to rancorous animosities. In a new environment of cooperation, Israel will be able to contribute much to economic renaissance in the Mid-East crossroads of the world.

Soviet Jews

We firmly support the right of all persons to emigrate from any country, and we have consistently upheld that doctrine. We are fully aware of and share the concern of many citizens for the plight of Soviet Jews with regard to their freedoms and emigration. This view, together with our commitment to the principles of the Universal Declaration of Human Rights of the United Nations, was made known to Soviet leaders during the President's discussions in Moscow.

AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE QUESTIONNAIRE

May we respectfully ask your response to the following questions:

1. Do you endorse your party's plank?
2. Do you favor direct Arab-Israel peace negotiations?
3. Do you favor providing Israel with planes and other equipment needed to preserve her deterrent capacity?
4. Do you support economic assistance to Israel to lighten her present enormous defense burden?
5. Do you support assistance to Israel to help her resettle Jewish immigrants from the Soviet Union?
6. Are you in favor of moving the United States Embassy to Jerusalem, the capital of Israel?
7. Do you have any other comments?

Name:
City:
State:
Date:
Party:
District:

Please detach this part and mail this questionnaire to:

American Israel Public Affairs Committee,
1341 G Street, N. W., Washington, D.C. 20005.
Irving Kane, Chairman.
I. L. Kenen, Executive Vice Chairman.

GIVE TVA SOME HELP

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. DUNCAN. Mr. Speaker, strip mining has become a highly controversial and emotional subject. The Tennessee Valley Authority is as concerned about this issue as any of the combatants currently debating this matter.

So that all the facts on this be known, I am including the following article from the September 4, 1972, issue of the Knoxville News-Sentinel which seeks to set the record straight concerning TVA and its views on the strip mining of coal:

GIVE TVA SOME HELP

Critics of TVA for years have lambasted the agency because it buys strip-mined coal. Some say it should stop doing it. Rep. Ken Hechler (D–W. Va.) charged recently that deficiencies in TVA's enforcement of reclamation requirements justify abolishing strip mining.

All this in spite of these facts:

TVA is the only major coal consumer in the nation which has urged stronger state laws governing strip-mine reclamation.

It is the only major coal buyer which writes reclamation regulations into its purchase contracts.

It is the only major buyer which, on its own initiative, has done extensive research on strip-mine reclamation.

It buys only about 7 per cent of the coal strip-mined in the nation and only about 13 per cent of that stripped in the seven states where it buys coal.

We agree with TVA Chairman Aubrey J. Wagner who said recently that TVA is handicapped in enforcing its reclamation requirements because of inadequate laws in some states and no Federal law at all governing strip-mine reclamation.

We think lack of a strong Federal law hampers TVA in another way, too. TVA is supposed to provide a "yardstick"—the lowest reasonable price for producing electricity.

The "yardstick" is not quite accurate when TVA has to impose upon itself strip-mine reclamation costs that private utilities do not impose upon themselves. A Federal law, uniformly enforced, would solve this problem.

Plenty of proof can be found in nearby coal-producing counties that strip-mine reclamation has not been adequate—silted streams, ruined roads, scarred hills. Strip mining has made some floods more damaging than they would have been without it. There have been reports, undoubtedly true, of homes damaged by mining operations.

TVA and other utilities need coal and society needs the electricity produced with it. But not at the expense of the regions where the coal is mined.

We do not go along with those who would ban strip mining. But we strongly urge Congress to adopt legislation which will protect the welfare of the people in the coal regions.

Certainly, the fact that TVA alone cannot cure all the evils of stripping is not proof that strip-mine reclamation is impossible.

Give TVA some help.

REQUIREMENTS FOR NUCLEAR WASTE STORAGE

HON. CHET HOLIFIELD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. HOLIFIELD. Mr. Speaker, there was, on page 744 of the September 1, 1972, issue of Science magazine, a very interesting letter by Dr. Chauncey Starr, dean of the School of Engineering and Applied Science at the University of California at Los Angeles, and Dr. R. Philip Hammond of the Oak Ridge National Laboratory, Oak Ridge, Tenn., discussing the requirements that will be needed in future years for nuclear waste storage from nuclear power reactors. I would like to quote a few sentences from this letter which clearly indicate what volume of storage would be necessary for the electricity consumed by each U.S. citizen each year.

Each citizen of the United States consumes about 7000 kilowatt-hours of electricity per year, on the average; this amount of power is obtained from the fissioning of about 1 gram of nuclear fuel, equal to the weight of three aspirin tablets, but with a volume less than that of one aspirin. Thus if the source of the electric power is nuclear, about 1 gram of fission products to be stored per year per person is created.

I insert the entire letter in the RECORD at this point:

[Excerpt from Science, Sept. 1, 1972]

LETTERS: NUCLEAR WASTE STORAGE

(By Chauncey Starr)

In public discussion of nuclear power and public safety, much concern is expressed about the need for storing the radioactive waste for centuries. While such long-term storage is an essential part of nuclear power development, the projected public safety issue involved is minimal, compared with other environmental problems. A completely adequate waste storage system is trivial in terms of scope and cost, although we depend upon its being there and functioning properly and would suffer hazard and expense if it were not. Because of the long radioactive lifetime of nuclear waste, we are of necessity handing on to future generations a problem that we have "wrapped up" in one form or another. There is some ambiguity about what this form should be, derived mainly from a lack of clear distinction between the concepts of "waste disposal" and "waste management." We believe that perpetual, flexible management is essential so that future generations can have the option of choosing new solutions as new conditions and new technologies appear. Such perpetual care is neither difficult nor costly, chiefly because the inherent volume of nuclear waste is so small.

Each citizen of the United States consumes about 7000 kilowatt-hours of electricity per year, on the average; this amount of power is obtained from the fissioning of about 1 gram of nuclear fuel, equal to the weight of three aspirin tablets, but with a volume less than that of one aspirin. Thus if the source of the electric power is nuclear, about 1 gram of fission products to be stored per year per person is created. The waste concentration process is carefully arranged so that valuable plutonium is removed for fuel purposes, but there the removal of certain other inert material is too much trouble. The safest way to handle the final mixture is to drip it in liquid form into a small pot, heated by electric coils, where it boils dry and then melts to form a glasslike ceramic clinker that is insoluble in water. This is done in a sealed chamber behind heavy walls and watched and controlled with telescopes. After firing and cooling is completed, the clinker, pot and all, is sealed up inside a tight can, and then in still another. It then can be safely moved in a thick-walled shipping cask to a final place. In clinker form the 1 gram of fission products and the accompanying inert material (representing about 1 man-year of electricity use) will occupy about 1/10 of an ounce, volume measure, and the total cost of processing, transport, and permanent storage will amount to about 14 cents.[1] The heat emitted is 1/40 of a watt, or about 1/10 the energy of a penlight flashlight. In a lifetime of 70 years, each person served by nuclear power could account for a maximum nuclear waste accumulation of less than half a pint in volume. The value of the electric power consumed in his life, at 2 cents per kilowatt-hour, would be, at most, $10,000, and the cost of the nuclear waste storage would be $10 of this.

Thus, the volume to be stored is trivial, and the cost of storage is a fraction of a percent of the value of the power, but the wastes last a long time, must be kept behind thick walls, and must get rid of a certain amount of heat. Nuclear wastes accumulated for 1 year emit 10 watts of heat for each megawatt of heat emitted while in the reactor. If wastes from the same power source are continuously added to the storage vault, a steady-state heat output is reached of 550 watts per megawatt, since the older residues are decaying.[2]

Where would we store such wastes? How can we contemplate a continuity of protection and integrity of containment that will extend over hundreds of generations? Has anyone ever made such commitments before? The answer is yes—in Egypt, and with rather remarkable success. Wooden chests and sarcophagi removed from the Egyptian pyramids are perfectly preserved and look like new after 5000 years in the desert. Metal, ceramic, and glass objects are also unchanged. Can we not do as well.

The stone of the great pyramid of Cheops, which is about 230 meters square at the base, could be arranged to form a series of smaller vaults that would house all the nuclear wastes that could be generated by the United States, at its present rate of electric power consumption, for over 5000 years. The heat dissipation of 275 megawatts is a small load for such a "dry cooling tower." During these thousands of years, some spent waste could be removed for simple burial to make room for new, so that in fact a perpetual capacity would exist for our present rate of electricity use. New pyramids would be needed as electrical loads increased, perhaps one every decade or so.

We recognize that an engineered storage facility with appropriate handling and cooling facilities would require additional volume, and might look more like the Pentagon than a pyramid. The point of this example is to give perspective to the quantities of waste to be managed, which are indeed tractable and feasible to handle. We are not seriously suggesting that pyramids in the desert are the best way to store nuclear wastes. Other places, such as salt mines, are perhaps better. But if all else fails, they would work, they could be safe and attractive, and they would not be forgotten.[3] The key objective is to give our successors the freedom to manage the radioactive waste and to change the storage plan if they find a better one, or if surrounding conditions change.

FOOTNOTES

[1] W. G. Beliot, *Nucl. Safety* 8, 174 (1966).

[2] A. M. Weinberg and R. P. Hammond, "Global Effects of Increased Use of Energy" (paper presented at the Fourth International Conference on Peaceful Use of Atomic Energy, Geneva, 1971), table III.

[3] Since the above was written, the Atomic Energy Commission has announced plans for vault storage, while continuing research on other modes.

WHY ARE WE EXTERMINATING DDT?

HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. GOODLING. Mr. Speaker, the Environmental Protection Agency has decreed that the DDT insecticide shall be outlawed effective January 1, 1973.

There are many experts on the environment who feel that such a decision is ill-founded and has not been based on a scientific appraisal of what, in many quarters, is labeled a miracle insecticide. Instead, they contend, it was occasioned through an emotional overflowing prompted by pressures of so-called ecological specialists—instant experts, if you will.

The New York Times, in its issue of August 27, 1972, carried an article entitled "Why Are We Exterminating DDT?" Because this article deals with the subject of DDT in a rational, rather than an emotional, manner. I insert it in the CONGRESSIONAL RECORD and commend it to the attention of my colleagues.

The article follows:

[From the New York Times, Aug. 27, 1972]

WHY ARE WE EXTERMINATING DDT—BAN CALLED POLITICAL INSTEAD OF SCIENTIFIC

(By Samuel Rotrosen)

Only twice in the history of our country has a widely used product whose name has been a household word been banned by Government action. The first was alcoholic beverages in 1918 and the second was DDT, the "miracle" insecticide whose use has been outlawed by the Environmental Protection Agency effective next Jan. 1.

The immediate impact of the E.P.A. ruling falls most heavily, of course, on the Montrose

Chemical Corporation of California, the nation's sole remaining producer of DDT, and its employes; but I believe that there are implications far broader and more basic to our entire value system than have surfaced in the long controversy over DDT.

It took 10 years from the publication of Rachel Carson's "Silent Spring," the first popular criticism of DDT's use, to the order last June by William D. Ruckelshaus, the administrator of the E.P.A. During that time the number of DDT producers fell from six to one. Peak production in the United States reached 179 million pounds in 1963 and declined steadily to 48 million pounds last year.

Shortly after World War II there were 16 producers, including the giants of the American chemical industry—du Pont, Allied, Monsanto, American Cyanamid, Hercules. One by one they dropped out. Among the last of them to leave the field was the Olin Corporation, whose chairman, Gordon Grand, said in 1970, when his company ended production of DDT, that despite the fact that the bulk of their DDT went to the public health programs of the World Health Organization, Olin could not afford to spend the time and effort defending a product that accounted for less than 1 per cent of its sales.

The concern of the World Health Organization and the United States Public Health Service, the world's two largest users of DDT, has been repeatedly expressed. The Surgeon General and WHO have stressed that at present there are no substitutes in sight for control of malaria, typhus and other diseases that still are scourges in large areas of the world.

WHO cites DDT's "amazing record in eradicating malaria for 500 million people, of having saved about 5 million lives and prevented 100 million illnesses, of having served at least 2 billion people without causing the loss of a single life by poisoning from DDT" and it concludes that "the immediate discontinuation of the use of DDT would be a disaster to world health."

The implications to the farmer and the consumer are perhaps not as dramatic, but are beginning to be apparent. We have become accustomed to vegetables free of insect debris and to fruits that are unblemished.

Today's housewife is not used to cutting away wormy parts, but with the increasing attack on all insecticides, her attitude will have to change. A sign at a roadside produce stand in New Jersey tells the story: "We have stopped using DDT. Result!! Corn Worms." And the cotton grower in the South still claims he needs DDT to protect his crop, despite the development of newer pesticides.

In fact, the substitution of alternate insecticides has brought new and more serious problems. The organophosphates that the E.P.A. has recommended for use by cotton growers are deadly to humans unless properly used, as well as being more expensive. The carbamates that have been substituted for gypsy moth control and other uses kill bees.

In California's San Joaquin Valley, where bee keepers "rent" portable beehives to farmers to pollinate crops, the devastation caused by the substitutes has been so great that the bee keepers have just petitioned the state to reinstate DDT's use. The Wall Street Journal reported on Aug. 17 that 250,000 bee colonies disappeared last year, that honey is scarce and that its price rose 30 per cent in the last year.

Residents of the Northeast are only too familiar with the heavy infestation of mosquitoes, inchworms and gypsy moths as DDT has been outlawed for forest and garden uses.

Substitutes are slow in being developed. The current issue of the M.I.T. Technology Review says: "The degree of safety and effectiveness that DDT at first apparently gave the world may not be attained before the end of this century. Meanwhile, the people of the U.S. will have to put up with conditions that many will find barely acceptable."

Perhaps more important to the public generally and to businessmen in particular, however, is the clear implication, as exemplified in the long drawn out DDT case, that despite lip service to the principles of due process, Government actions are going to be based on election year political expediency.

The E.P.A.'s first annual report stated that it had begun "a long hearing process to assess the dangers and effects of pesticides on humans, and, as the law requires, to determine on the basis of the evidence whether they should be banned."

The DDT hearings lasted seven months, 125 witnesses testified and more than 9,300 pages of testimony were taken. At the end, the hearing examiner found that DDT held no threat of cancer or birth defects to man, that the DDT uses in question did not harm fish or wild birds and that the benefits of DDT's continued use outweighed any possible adverse effect. He concluded that "there is a present need for the essential uses of DDT."

Probably, we should not have been surprised that Mr. Ruckelshaus completely ignored the findings of the examiner the E.P.A. assigned to listen to and weigh all the evidence, for another sentence in the same annual report of his agency reads, perhaps prophetically: "Despite (lack of) evidence that any harm had come to humans from direct exposure to these pesticides, the national policy to phase out their use was responsive to public demand."

A question chemical producers might well ask themselves is why spend money on research for new products; would it not make more sense to devote the dollars to public relations?

Whether, as was the case with the prohibition law, our public attitudes will change, only time will tell. They already have changed abroad. Sweden, the first country to ban DDT, promptly reinstated its use to save its pine forests, a major factor in the country's economy, and Canada did the same thing last year when the cutworm threatened to wipe out a $2-million onion crop in Ontario.

I suspect that some of us in this country may begin to wonder why our corn must have worms, yet costs more than it used to; why our health and comfort must be threatened by mosquitoes; why our gardens must be plagued by inchworms and other pests.

GRIM STORY OF VIETNAM

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. DOW. Mr. Speaker, the following brief history of American involvement in Vietnam was prepared by Dr. Chaplain Morrison of the Congressional Action Fund staff. Dr. Morrison holds a Ph. D. in history from the University of North Carolina.

The point Dr. Morrison makes is clear: The policy of our Government has been to oppose communism wherever it takes root, disregarding the possibility that the alternative may be equally or more freedom-restricting. Moreover, the Vietnam experience teaches us that striking at communism may cause us to trample on national aspirations, doing more damage than any benefit our battle against communism could possibly offset.

I commend Dr. Morrison's comments to the attention of my colleagues:

Why Vietnam: A Brief History of American Involvement

American involvement in Vietnam began with the decision in May of 1950 to provide direct military assistance to the French effort to crush an indigenous independence movement led by Vietnamese who happened to believe in Communism. The decision was based upon the assumption that the struggle for native independence was part of a world Communist conspiracy. This was the position taken at that time by the Department of State:

"We have not urged the French to negotiate with Ho Chi Minh, even though he is now supported by a considerable majority of the Vietnamese people, because of his record as a Communist and the Communist background of many of the influential figures in and about his government."

Although Ho Chi Minh was the *only* Asian Communist leader whom American intelligence could *not* link to Moscow, the government refused to believe in the possibility of an Asian Tito, a second Communist leader not under the control of the Soviet Communist Party. It assumed instead that the magic word "Communist" supplied the missing link and that the word alone made Ho, in the words of Secretary of State Dean Acheson, "the mortal enemy of native independence in Indochina." Once the Korean War began American policy-makers relocated the source of Vietnamese revolution in Peking, but they refused to believe that it was not controlled by a foreign Communist power.

After the Geneva Agreements of 1954 brought to an end the military effort to reimpose French colonialism on Indochina, the United States replaced France as the major Western power working to defeat the independence movement. To do this it was necessary first to undermine the Geneva Accords and eventually to wage a war of unparalleled destructiveness against the peoples of Indochina.

The political terms of the Accords stated that "the military demarcation line" (the 17th parallel) is provisional and should not in any way be considered a political or territorial boundary." Vietnam remained a single country to be reunited by free elections in 1956.

But the leader of the Government of Vitnam in Saigon, Ngo Dun Diem, whom the United States supported in order to maintain its influence in the southern zone of Vietnam, refused to even discuss the elections because of the certainty that Ho Chi Minh would win them. Years later a State Department official summarized the reports of American military officers in the southern zone of the country: "If free elections were to be held in South Vietnam in 1962, Ho (Chi Minh) would get 70% of the popular vote." The United States was essentially responsible for the failure to hold nationwide elections in 1956. As Secretary of Defense Robert McNamara admitted to President Lyndon Johnson in a secret memo written eight years afterward: "Only the U.S. presence after 1954 . . . enabled Diem to refuse to go through with the 1954 provision calling for nationwide 'free' elections in 1956." Sustained by the American commitment, Diem tried to destroy the elements in the southern zone which had resisted French colonialism and thereby precipitated an indigenous rebellion against his regime.

The leaders of the Democratic Republic of Vietnam in Hanoi did nothing at first to assist the rebellion. As Assistant Secretary of State, William P. Bundy admitted in a paper written in 1965: "the Communists themselves undoubtedly thought that the 1956 elections would give them all of Vietnam and that they could afford to take their time." But after they were frustrated in their efforts to reunite the country via elections, they belatedly decided to support the resumption of the struggle for independence in the South.

For this decision North Vietnam was attacked by the United States, first clandestinely beginning in 1961 and then openly in 1965, in an effort to force the DRV to "bring about a cessation of the Viet Cong armed insurgency." The American government repeatedly torpedoed efforts to negotiate a peaceful compromise of the conflict. When non-Communist political leaders in Saigon proposed in 1964 to establish a neutralist state of South Vietnam, independent of the Communist North, for example, the American ambassador announced that the United States "firmly rejects the spurious idea of 'neutralizing' South Vietnam since 'neutralization' would simply be another means of Communist take-over."

Equating neutralism with Communism in South Vietnam, President Johnson cabled the ambassador: "your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head, and on this point I think nothing is more important than to stop neutralist talk wherever we can by whatever means we can." Given the loss of any chance for either reunification as promised in the Geneva Accords or a permanent compromise dividing the country, the DRV leaders have finally come to a full commitment of the human and material resources at their disposal to the expulsion of the United States from Indochina.

THE THIEU GOVERNMENT'S POLICY OF REPRESSION

Perhaps the greatest cost of the war to the Vietnamese has been the creation of a dictatorship dedicated to frustrating the overwhelming desire of the Vietnamese people for peace. The March 20 statement of the Catholic Movement to Build Peace sums up the feelings of many Vietnamese:

"All the peoples of Indochina in general, and those of Vietnam in particular, despise and denounce this war and look fervently for peace—literally from one minute, one second to the next.

"There will only be peace in Indochina when the imperialist countries, in particular the United States, stop trying to expand their strength in this area under any guise."

The rising tide of these pleas for peace has corresponded with the growth of autocracy in Vietnam. Last February 23, twenty-four South Vietnamese organizations issued a joint statement attacking as hypocritical the government's offer to talk peace while it was jailing its non-communist opponents:

"No person can believe in words inviting representatives of the North Vietnamese Communists and leaders of the National Liberation Front to meet about peace and neutrality in Saigon while in this same city as well as throughout the south hundreds of thousands of people are still being imprisoned, people almost all of whom love their country and people who have only expressed disapproval of present government policies."

The task of sweeping people indiscriminately into prison is an easy one in South Vietnam since it is presently a crime to advocate neutralism, to hold a demonstration, to go on strike, or simply to be considered by the authorities, "dangerous to the national defense or security."

With the recent intensified fighting and the rumors of a peace settlement, repression in South Vietnam has become even worse. An account by Benjamin Cherry in the *Far Eastern Economic Review* describes the situation:

"Reliable opposition sources estimate that 50,000 people have been arrested throughout the country in the past two months, many of them carted off to the infamous Con Son prison of 'Tiger Cages' fame. There is no longer enough time or manpower to question all the prisoners; many are packed like sardines into the airless 'cages' and left there.

"A letter smuggled out of Con Son recently told of some 1,500 children and old women who had been thrown together into one of the cells. They had come from the countryside around Hue. The police apparently had entered their villages and told them to report to the authorities with their identity cards prior to being moved elsewhere as refugees. The place of refuge turned out to be South Vietnam's most dreaded prison. . . .

"Guilt is irrelevant. It is a question of helping out of the way anyone who might possibly pose a threat to the Government. And the Government is not in the mood to take any risks. Having opted for the hard line, Thieu has no choice but to carry it through."

In a speech on August 5, Thieu justified his policy of destroying "the enemy within" in which he included not only Vietcong but also "pacificists, Communists, those who start whispering campaigns, spread false news and affect the morale of our soldiers and sow confusion in their ear." "They are everywhere," he continued. "They must be wiped out."

Thieu's past efforts have not succeeded in wiping out the enemy, but they have imposed a reign of terror on the people of South Vietnam. In 1971 American and Vietnamese briefing officers in Saigon informed Representative Paul McCloskey that under Operation Phoenix, designed to eliminate the Vietcong infrastructure, the government was assassinating twice as many citizens as the NLF. But one of America's advisers to the program explained in an issue of the Washington Post why the effort failed:

"We failed to notice that Phung Hoang [the Phoenix Program] was becoming something else—a means for repressive control over the South Vietnamese. VC economy-finance cadres would be captured again and again only to be released. But the "subversive" nationalist who expressed fatigue with the war, scorn for Thieu and Ky, and enthusiasm for a coalition government, was by definition a threat to public security. He might easily find himself on Con Son Island, his arrest being explained to advisers by ascribing to him a VC title.

"The larger task of neutralizing the Vietcong leadership was obviously considered impossible by South Vietnamese authorities. With self-interest foremost as usual, the Saigon government used the mechanisms of Phung Hoang to intimidate and control more accessible segments of the population."

Not only has Thieu used the Phoenix program to try to destroy his political opponents and to control the people, he has used the pacification program for the same ends. In a secret study done for Presidential Adviser Henry Kissinger in early 1969 the intelligence agency of the State Department explained why it considered the program a failure:

"Despite elaborate planning and creation of machinery to execute and sustain a combined political-military-pacification campaign, few Vietnamese leaders have clearly understood the goals of pacification or have committed themselves to supporting it through the GVN administration apparatus. The majority of the South Vietnamese leaders including President Thieu, have been chronically indifferent to the American ideas of pacification . . . Thieu is now using the name and assets of pacification to pursue a goal of rapidly expanding the GVN's nominal presence in the countryside . . . These moves do not suggest that a solid base for pacification is being built. . . .

"Pacification has thus far failed to give the peasant sufficient confidence in the GVN's ability to maintain security or in the longer run to redress basic economic political and social inequities."

Thieu's latest move to silence all criticism in South Vietnam is a new set of laws cracking down on the press. In describng the crackdown the August 21 issue of Newsweek Magazine said that "Thieu demonstrated anew his thirst for total control of thought in South Vietnam." The laws, according to Newsweek "will have the effect of wiping out most of Saigon's newspapers. Those that remain will necessarily be so totally pro-government that Moscow's Pravda may look like an underground sheet by comparison."

ADDITIONAL SOURCES OF INFORMATION

American Friends Service Committee (AFSC) 160 N. 15th St., Phila., Pa., 19102.

American Report Radio (ARR) 1330 Mass. Ave., N.W., Rm 101, Washington, D.C., 20005.

Campaign to End the Air War 339 Lafayette St., NYC, 10012.

Center for the Study of Power and Peace (CSPP) 110 Maryland Ave., N.E., Washington, D.C., 20002.

Clergy and Laymen Concerned (CALC) 637 West 125th St., NYC, 10007.

Committee of Liaison with Families of American Prisoners of War in North Vietnam (COL) 365 West 42nd St., NYC, 10036.

Community Video Center (CVC) 1411 K St., N.W., Washington, D.C.

Computer People for Peace (CPC) The Dolphin Center, 137 A West 14th St., NYC, 10011.

Congressional Hearings (CH) Free upon written request to appropriate committee. Also obtainable through local Congressman or Senator.

Corporate Information Center (CIC) Office of Resource Studies, Division of Christian Life and Mission, National Council of Churches, 475 Riverside Drive, NYC, 10027.

Council on Economic Priorities (CEP) 456 Greenwich Street, NYC.

Dispatch News Service International (DNSI) 1826 R St., N.W., Washington, D.C., 20009.

Earthlight Video (EV) 354 Broadway, Cambridge, Mass., 02139.

Glad Day Press (GDP) 308 Stewart Ave., Ithaca, N.Y., 14850.

Honeywell Project (HP) 529 Cedar Ave. South, Minneapolis, Minn., 55401.

Indochina Resource Center (IRC) 1322 18th St., N.W., Washington, D.C., 20036.

Liberation (L) 339 Lafayette St., NYC, 10012.

National Action Research on the Military Industrial Complex (NARMIC) 160 North 15th St., Phila., Pa., 19102.

New England Action Research on the Military Industrial Complex (NEARMIC) 48 Inman St., Cambridge, Mass., 02139.

New England Free Press (NEFP) 791 Tremount St., Boston, Mass., 02110.

New Hampshire Peace Action Coalition (NHPAC) 28 Profile Ave., Portsmouth, New Hampshire.

Non Violent Action (NVA) 2143 Market St., San Diego, Ca., 92102.

Pacific Studies Center (PSC) 1963 University Ave., East Palo Alto, Ca., 94303.

Project Air War (PAW) 1322 18th St., N.W., Washington, D.C., 20036.

Ramparts (R) 2054 University Ave., Berkeley, Ca., 94704.

Raytheon Project-University Christian Movement (RP–UCM) 474 Center St., Newton, Mass., 02158.

St. Louis Project (SLP) 4372 Westminster Place, St. Louis, Mo., 63108.

Stanford Biology Study Group (SBSG) Box 3724, Stanford, Ca., 94305.

Unsell (U) 637 West 125th St., NYC, 10012.

War Resisters League (WRL) 339 Lafayette St., NYC, 10012.

West Coast Video Project-Cosmic Productions (WCVP–CP) c/o Ed Rasen, 9 Sutter St., No. 300, San Francisco, Ca., 94104.

INSENSITIVITY TO VIETNAM TRAGEDY

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. WALDIE. Mr. Speaker, Martin F. Nolan, an able, perceptive, and sensitive columnist for the Boston Globe, has written a moving column examining the increasing insensitivity of the American public to the horror and devastation our policies are visiting on the peoples of Indochina.

Mr. Nolan does not suggest, though I believe it to be so, that that insensitivity arises from insensitive leadership in this area as it has been exercised by both President Johnson and President Nixon.

Whatever the cause, the tragic fact remains that America stands before the world as an arrogant, wounded giant thrashing its great power about in ways that are unjustified and demeaning.

Mr. Nolan's article follows:

BIBLICAL THOUGHTS FOR VIETNAM

(By Martin F. Nolan)

WASHINGTON.—They were symbols of innocence, slain in the guileless atmosphere of international brotherhood. The grief on this observance of Rosh Hashana is truly of Old Testament dimensions.

The hatred, the mindlessness, the shock of what happened in Munich evokes Cain and Abel, the Lord's trial of Job or His command to Abraham to slay Isaac.

And yet when the shofar's sound summons prayer this Yom Kippur, must it not echo for the faceless dead of Vietnam? No state funerals honor the peasants caught in the path of B52 ordnance, just as no glory greets the innocent killed in Viet Cong's atrocities.

The almost physical revulsion felt by so many Americans over the events in Munich has not gripped the national conscience on Vietnam for months, perhaps years. Ever since the My Lai revelations, a sort of Pepto Bismol of the soul has coated the American conscience.

Every other night on television, those soldiers—then American, now South Vietnamese—run from the helicopter into the tall elephant grass, into the valley of death, searching an unseeable enemy.

Television does not follow the B52s, no more than it can track the terror of the invading North Vietnamese. All that is left is the cold print-outs of statistics and even these are clouded in Pentagon "security" smokescreens.

But diligent reporters have discovered, for instance, that in June 112,460 tons of American bombs were dropped in Vietnam.

An intellectual numbness seizes the figure. Can all of that explosive death have been dropped in the silent jungle with no humans nearby? If one hand grenade held by an Arab terrorist at the Munich airport could inflict so much terror, sorrow and grief, what of this day-by-day, year-by-year terror from the skies?

The bare fact is as well-known as it is benumbing: more tonnage has been dropped on Vietnam than was dropped during all of World War II and the Korean War combined. All those John Wayne movies, all that "Twelve O'Clock High" glory, all the destruction of Dresden and the Solomon Islands and the Ruhr—all has been surpassed, but its effect on every American citizen's thought processes is a pop-gun bubble. We have built bunkers of the spirit.

Even politics is impregnable from any common-sense questioning. The attempted oddysey of Jimmy Hoffa to Hanoi becomes a slight misunderstanding, just as the visit of Ramsey Clark was all-but-seditious adventurism.

There are those in the Nixon administration who worry about attacks on Clark, on Daniel Ellsberg, on the Berrigans. "Do we want the question asked of who is the true patriot? Do we really want to bring out these question of what really is treason to the American tradition? I think the President should think twice about it," said one of his more loyal servants in a morose moment at Miami Beach.

The House of Representatives—the most loyal backers of the war—occasionally feels uneasy, but gets over it. The human drama of those 435 individual decisions is graphically captured by Ward Just in a short story in the October Atlantic Monthly.

Preachers, editorialists, and even politicians occasionally sit up at night and wonder about the possibility of a future as "Good Germans," of living to the 21st Century as a generation who stood by while in the far-off green jungle, people with yellow faces died for reasons no one could give.

It is a time for such thought in the Judeo-Christian world for such thought and the lamb's blood on the door may not keep that question away forever.

REPORTS ON NURSING HOMES

HON. JOHN P. SAYLOR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. SAYLOR. Mr. Speaker, Members will recall that on March 27 and April 17, I spoke on the general need for the full disclosure of information on the condition of nursing homes which are operated throughout the country. The Social Security Administration has been the main stumbling block to full disclosure relying on an original section of the social security law which had no reference to nursing homes on their operation today.

The Honorable Elliott Richardson, the Secretary of Health, Education, and Welfare and I have had several exchanges of letters and I am happy to note we are making progress as the correspondence which follows clearly shows:

MAY 3, 1972.

Hon. JOHN P. SAYLOR,
House of Representatives
Washington, D.C.

DEAR MR. SAYLOR: I deeply regret the delay in responding to your letters requesting survey and inspection reports on certain providers of health care services in Pennsylvania.

You asked to be furnished with copies of the inspection reports on intermediate care facilities, hospitals, and homes health agencies in the Medicaid program in the Commonwealth of Pennsylvania. These reports, prepared by the State Welfare Department, which is the licensing and inspection agency of the State, are not transmitted to this Department. I am advised, however, that such reports are made available to the public in the offices of the Welfare Department.

You also asked for Medicare survey reports. Prior to this time survey reports on health care institutions which participate in Medicare have been released only to Congressional Committees having legislative oversight of the Medicare program. A review of the Department's position on the confidentiality of these reports was underway when your request was received. Your request, however, has highlighted the issues involved and better enabled us to look at the questions we should be asking ourselves.

The Senate Committee on Finance also is considering whether and in what manner the information requested might be made generally available, consonant with the provisions of section 1106 of the Social Security Act, which is the statutory reference guiding our policy on release of information. We will not relegate what is clearly our responsibility to the Congress, and if I determine that it is desirable and within my authority to release the information requested, our regulations will be changed and information released accordingly.

I want to assure you that I am giving my personal attention to this matter, and that my strong commitment to freedom of information principles will bear considerably on my decision.

Again, thank you for presenting us with a concrete example of how the present policy is applied, and my apologies for the long delay in answering you. I will write you again within the next few weeks with my decision.

With kindest regards.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

MAY 17, 1972.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: Thank you for your letter of May 8 in response to my letters of February 3 and March 2.

I very much appreciated the call from the Undersecretary.

I note your reference to the action of the Senate Finance Committee and your decision not to relegate your responsibility in this matter. It is my understanding that the Senate Finance Committee is considering a compromise proposal, suggested by officials under your control in the Social Security Administration, which is supposed to give some 40 items of information from Medicare reports. While this might be construed as progress, I find it unacceptable. I think the average person who would review these survey reports would be able to determine from these reports the matters which I think are pertinent and meaningful, and if I may say so, I fear my objectivity would be greater than some, if not all, of your employees in the Social Security Administration who have clasped the secrecy flag around them as if it were a part of the national insignia.

It is my earnest hope that you will act promptly in this matter, and assert your full authority over the Social Security Administration in this and other important questions, and release these Medicare survey reports.

I would like to be advised of any factual errors in the legislative history of Section 1106 prepared at my request by the Library of Congress under date of March 8.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

JULY 18, 1972.

Hon. ELLIOT RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: With further reference to our exchange of letters concerning Section 1106 of the Social Security Act, I wonder if there has been any change in the plans of your Department with regard to disclosure of information under this section or other provisions of the law.

I refer of course to the statements contained in the paragraph which began on the first page of your letter of May 8 to me, and I write in view of the delay in the consideration of final action on H.R. 1. Do you plan to take any action prior to the final decision on this bill? If so, would you advise when.

I assume since I have not heard from you with regard to the last paragraph of my letter of May 17 that your staff has not found any factual errors in the legislative history of Section 1106 prepared at my request by the Library of Congress.

Sincerely,

JOHN P. SAYLOR,
Member of Congress.

Hon. JOHN P. SAYLOR,
House of Representatives,
Washington, D.C.

DEAR MR. SAYLOR: Thank you for your letters of March 1, May 18, and July 18. As I indicated in my previous letter to you, we in the Department have a strong commitment to freedom of information and we do not intend to abdicate our responsibility in carrying out this amendment. I am in full agreement with you that information which results from a finding that a provider of services is deficient in meeting one or more of the standards for participation should be made available to the public. Accordingly, and pending any liberalizations in our disclosure rules that H.R. 1 might bring, I have directed that changes be made in the regulations which will authorize the release of the survey reports and findings on the deficiencies of providers. As soon as these regulations become effective, reports thereafter prepared and issued will be made available for inspection by the public.

You may also be pleased to learn that I have directed that affirmative action be taken simultaneously, by way of additional changes in regulations, to provide for public access to other important Medicare program data. Thus, when the new regulations become effective, there will also be made available to the public (1) the most recent and all future contractor review reports on the performance of intermediaries and carriers; (2) all survey reports, prepared after the adoption of the regulation, by the Social Security Administration on the performance of providers of Medicare services; and (3) the names of providers of services, physicians and other persons who have furnished services to Medicare beneficiaries and who have been convicted in a Federal court of submitting false Medicare claims or have been found, after appropriate professional consultation, to have been engaged in a pattern of furnishing services in excess of the medical needs of such beneficiaries.

Since you asked us to advise you of any factual errors in the legislative history of section 1106 prepared by the Library of Congress, I am including the enclosed technical comments received from the Social Security Administration which, however, deal with another aspect of our disclosure policy under the Social Security Act. Once again, I will have to offer my sincere apologies for not having responded sooner to your inquiries.

With kindest regards.

Sincerely,

ELLIOT L. RICHARDSON,
Secretary.

COMMENT FROM THE SOCIAL SECURITY ADMINISTRATION ON LEGISLATIVE HISTORY OF SECTION 1106 OF THE SOCIAL SECURITY ACT

In the last paragraph of his May 18 letter to Secretary Richardson, Representative Saylor asks that he be advised of any factual errors in the legislative history of section 1106 prepared at his request by the Library of Congress.

The second sentence of the second paragraph of the Library of Congress memorandum states, "In addition, it requires the Administrator to furnish wage-record information to the legal representative of an individual or to the legal representative of the estate of a deceased individual." This statement is taken from page 120 of the conference report on H.R. 6000, issued August 1, 1950. However, such a provision is not included in section 1106 as amended by Public Law 81-734 approved August 28, 1950.

The original version of Regulation No. 1, published in the Federal Register on June 15, 1937 (2 F.R. 1053) provided for disclosure of information "to any claimant or prospective claimant for benefits under title II of the Social Security Act, or his duly authorized representative, as to matters directly concerning such claimant or prospective claimant," and a subsection was added on December 3, 1940 (5 F.R. 4846) providing that "after death of an individual, information considered not detrimental to him may be given to the representative of his estate or any surviving relative on written request, stating the purpose thereof, when efficient administration permits such disclosure." Such provisions, in substantially similar form, have remained in Regulation No. 1 to this day and form parts of Sections 401.3(a) and (b). While not limited to legal representatives, they certainly encompass requests from court-appointed executors and administrators.

In addition, we believe it would be desirable to correct Representative Saylor's impression that the original objective of Section 1106 of the Social Security Act was "to protect the earnings record of those enrolled." While this certainly was a consideration, the public pledge of confidentiality and subsequent issuance of Regulation No. 1 was given primarily to make certain that employees, employers and others would have no reluctance in submitting complete and accurate information on applications for social security account numbers, employer identification numbers, etc. A secondary purpose was to reassure people who might be concerned lest the collection of such information be the beginning of a system under which the Federal Government would keep track of each individual throughout his life for purposes of control.

In press releases of November 23, 1936, and December 10, 1936, the then Social Security Board pledged that information furnished to it would be used only for social security purposes and otherwise treated as restricted. The press release advised that the application of a social security number did not need to be returned through the employers, but could be returned through the Post Office Department or labor organization of which he was a member.

The concern of the Social Security Administration is, and has been from the beginning, the protection of individual privacy in all its facets rather than protection of the earnings record alone. In fact, on February 26, 1937, the Social Security Board warned employers against distributing unauthorized questionnaires purporting to be required by the Board and intended to disclose union affiliation, religion, or other personal affairs of employees.

In my remarks in the RECORD of April 17, 1972, at page 13061. I inserted the text of a suit brought to compel the furnishing of information on a listed number or nursing homes. On July 17, the District Court for the District of Columbia ordered the release of such information on nursing homes and completely overruled the silly long-time conclusion of the Social Security Administration that such information could not be disclosed. The court said:

> The Extended Care Facility Survey Reports, are not specifically exempted from disclosure by virtue of the provisions of 42 USC 1306, and that these sought after documents are therefore not exempt from disclosure under the provisions of the Freedom of Information Act. . . .

The text of the opinion follows:

[U.S. District Court for the District of Columbia]

MALVIN SCHECTER, PLAINTIFF, VERSUS ELLIOT L. RICHARDSON, DEFENDANT, CIVIL ACTION NO. 710-72

ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Upon consideration of the defendant's motion to dismiss or in the alternative for summary judgment, and the points and authorities thereto, and the opposition thereto, and upon consideration of the plaintiff's cross motion for summary judgment, and the points and authorities thereto and the opposition thereto, and the Court being of the opinion that the documents sought to be produced, i.e. the Extended Care Facility Survey Reports, are not specifically exempted from disclosure by virtue of the provisions of 42 USC 1306, and that these sought after documents are therefore not exempt from disclosure under the provisions of the Freedom of Information Act, 5 USC 552(b)(3), and that there is no genuine material issue of fact, and that plaintiff is entitled to a judgment in his favor as a matter of law, it is this 17th day of July, 1972.

Ordered that the defendant's motion to dismiss, or in the alternative, for summary judgment, be and the same hereby is denied, and it is

Ordered that the motion of the plaintiff for summary judgment be and the same hereby is granted, and it is

Ordered that the defendant produce the Extended Care Facility Survey Reports for the plaintiff's inspection and copying, within 20 days from the date of this order or such other time as the parties hereto may agree upon.

JULY 17, 1972.

JOSEPH C. WADDY,
U.S. District Judge.

MAJ. GEN. DANIEL JAMES, JR.

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. SIKES. Mr. Speaker, Florida's First District and his hometown of Pensacola take pride in the outstanding record of Air Force Maj. Gen. Daniel James, Jr., as Deputy Assistant Secretary for Public Affairs, Department of Defense. General James has been outspoken in his support for a strong America. His patriotism is unbounded. In an appearance on the NBC "Today Show," August 18, General James again laid it on the line. He deserves the appreciation and applause of the American public. I submit the interview for reprinting in the RECORD.

The interview follows:

MAJ. GEN. DANIEL JAMES, JR., APPEARANCE ON "TODAY" SHOW, AUGUST 18, 1972

FRANK MCGEE. Former Attorney General Ramsey Clark's account of his talks with American prisoners of war near Hanoi has, of course, focused new attention on captured Americans. Clark indicated the men may have felt the United States government is interfering with prisoners' mail. This morning we will talk about that and other matters with the Defense Department spokesman on this subject of American prisoners.

He is Major General Daniel James, Jr., of the Air Force, who is in our Washington studio with TODAY's Washington Editor Bill Monroe and NBC News Pentagon Correspondent Robert Goralski. Gentlemen.

Mr. MONROE. Good morning, Frank. Bob, why don't you go ahead?

Mr. GORALSKI. General James, I'd like to ask you about the flow of mail to the prisoners. Is the U.S. government in any way hindering the operation as some of the prisoners seem to think, according to former Attorney General Clark?

General JAMES. Absolutely not. Our government has always tried to expedite the flow of the mail both ways, and this has been the subject of many of my talks as I move around the country. We have recommended to the families that they use every channel available to them. Of course, we have emphasized the international mail channels that would be the most expeditious way to get the mail through. Now, Mr. Clark said yesterday several things that are erroneous, and I'd like to set those straight this morning.

One of them was that there seemed to be some competition or rivalry here among people to see who was carrying the mail. There's absolutely no rivalry among government officials. We want the mail to get through.

Mr. GORALSKI: (Inaudible) competition of those peace groups as it were who were delivering . . .

General JAMES. Yes, any private groups that seem to have their own fish to fry. Our government has always tried to get the mail through as fast and as expeditiously as we possibly can. Mail that was sent to the men themselves has been returned to us in large numbers as I will show you some pictures. Another point I want to make: Mr. Clark said yesterday that he carried 102 letters that had been accumulating for some time in the State Department. Mr. Clark was wrong in this. Those letters were solicited from the family members, on a crash basis, to be sent to members of their families in South Vietnam, from which we've received practically no mail at all, when it was learned that Mr. Clark was going and they had not been accumulating in the State Department. Of course, the State Department, too, has tried to take advantage of any vehicles going that way to send the mail. We've proof of how the mail has been coming back to us from the other side as shown in these photos I have here. It shows stacks of mail marked "Refuse par Vietnam"—Refused by Vietnam—Packages and letters by the scores of hundreds during the Christmas time even when most men would like to get mail.

This government has never refused to receive and has expedited—we never get a chance to move the mail at all until it has gotten back here and into normal government channels, and then it goes as fast and as expeditiously as any mail could possibly go.

I think it is the height of naivety for people who are as sophisticated as some of the people who are getting in there to buy the stories of the other side. One point that I really wanted to make; Mr. Clark kept referring to the fact that they seemed to believe, speaking about the prisoners, the prisoners seemed to believe this and they seemed to believe that. I would think that I would be very strong in letting the prisoners know, rather than saying "I do not wish to believe." I know my government well enough, and I know those with the expertise of a former Cabinet member probably do too to know that we would never stand in the way of mail to our men. We have to reassure them. If I had a chance on a face-to-face basis, would have given them some peace of mind by reassuring them because you see their beliefs are based on the limited information that they get in captivity. I'm not surprised at their believing most anything that they say they believe because the facts are strained for them and the things that they are allowed to say are very carefully screened also.

Mr. MCGEE. Mr. Clark also said that it was his belief that we could have a man in the prison camps to expedite mail if we would only try. Have we ever made such an attempt and, if not, why not?

General JAMES. We have tried everything that we possibly could, Mr. McGee.

Mr. MCGEE. Have you tried that specifically?

General JAMES. Trying to get a man into the prison camp? Certainly, we have tried to get Red Cross representatives into all of the prison camps, impartial peace teams to go and inspect all of the prison camps. Another thing that we're worried about, is we see the same faces all the time, the same men that I heard on the limited number of tapes that I've been able to listen to; they're so familiar to me I could call their names off without looking at a list. But I wonder what about the Robby Risner's, about Julius Jayroe and the others. This is the reason that we have consistently asked that impartial, international teams and the International Red Cross be allowed to look at all of the camps, and not just one, because that causes us to wonder what do they have to hide in the others, especially, at this time when they seem to be trying to put their best foot forward, why don't they let impartial teams. The Red Cross is ready, willing and able to go in there at any time and not only help facilitate mail, but to assure the loved ones of these men that they are all right—not just a few.

Mr. MONROE. General James, I believe you're indicating that Ramsey Clark talked to a special group of prisoners near Hanoi apparently, a group that is made available frequently for interviews. What is special about this group? Do you have a feeling that perhaps they're treated differently from the others or perhaps this group has different attitudes than the others?

General JAMES. Let me hasten to assure you that I'm not casting any aspersions on these men. These men are in a situation of captivity. I am just referring to the fact that these are the men that we see most often, and that these expressions by them are most consistent with this group of men. This assures us of only one thing, that just ten men are all right and are well treated, and are having humane treatment. But some of the treatment that we have had related to us from other prisoners of war that have been released, such as the tortures and the isolation that they went through and their restrictions, well, if this is humane treatment then I don't know the meaning of the word.

Mr. MCGEE. General, let me follow up on Bill's question. It seemed to me the suggestion he was underlining, thought that he had there, was that this might be a group of what might be called "show prisoners" who are put on display for persons such as Ramsey Clark and others who go over there. Do you have that feeling, that these are show prisoners?

General JAMES. I have that feeling, but I want to make sure that you understand that I have the feeling that it is no fault of the men. I am not trying to apply any judgment or imply any guilt on their part. I do have the feeling that they are a special group and that their surroundings are specially prepared for people who come there.

Mr. MONROE. Then you are suggesting that what these men say would not necessarily be typical of what might be heard from the other prisoners if we could talk to them?

General JAMES. That is right and you used the selection of words that I would use, it would not necessarily be.

Mr. GORALSKI. One question, General James, about the flow of mail again. Don't International Red Cross requirements indicate the number of letters and postcards and packages prisoners can and should receive?

General JAMES. Yes, the Geneva Conventions spell this out very clearly—two letters and four postcards. They say they set no minimums, but if a minimum is set it should not be less than two letters and four postcards. If that number were carried out, then we would have had more than 5,500 letters from the first of the year to July.

Mr. GORALSKI. How many have been received?

General JAMES. 4,000 less than that number. I would like to make one other point about Mr. Clark and that is that he only brought back 17 letters. It would seem to me that the length of time that he was there, he could have brought back at least 500.

Mr. MONROE. Thank you very much, General James. General Daniel James of the Air Force.

U.S.S. "LIBERTY"—THE FORGOTTEN MASSACRE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. RARICK. Mr. Speaker, on June 8, 1967, in international waters of the Mediterranean Sea, the U.S.S. *Liberty* was engaged in an unprovoked attack by Israeli military forces which resulted in 34 of the ship's company being killed and another 75 wounded. The U.S.S. *Liberty* sustained 821 separate hits by bombs, rockets, and machinegun bullets.

Unique to the point of being bizarre in American history is the way this tragic murder of American seamen was hushed up by the news media of the United States. There were no demonstrations, no thought-molding communications commentaries, and no condemnations by Congress—not even an investigation by the United Nations. No so-called "responsible" American even dared label the tragic killing of 34 of his fellow countrymen as a barbaric massacre.

The *Liberty* massacre has been buried and the findings of the Naval Court of Inquiry seemingly forgotten. Convened by Adm. John S. McCain, USN, Commander in Chief of the U.S. Naval forces in Europe, the Court of Inquiry sat in London and aboard the *Liberty* from June 11 to 17, 1967. Serving on the Court of Inquiry were Rear Adm. Issac C. Kidd, USN, and naval Capts. Bert M. Atkinson and Bernard J. Lauff. The findings of the court were approved by Adm. McCain on June 18, 1967.

The court found that there was significant surveillance of the U.S.S. *Liberty* on three separate occasions, 5 hours and 13 minutes before the attack, 3 hours and 13 minutes before the attack, and 2 hours and 37 minutes before the attack; that there were five to six separate air attacks on the U.S.S. *Liberty* with at least two or more planes participating in each attack; that at 8:50 a.m. a single unidentified jet crossed her wake at an estimated 3 to 5 miles astern, then circled the ship and returned to the mainland; that the *Liberty* was flying the normal American flag, 5 by 8 feet; that jet and propeller aircraft circled the ship at

10:56 a.m.; that at that time the *Liberty* was steaming at only 5 knots; that at 2 p.m. the ship's captain, Comdr. William L. McGonagle, of Norfolk, Va., fixed her position by radar as 25.5 nautical miles from the minaret of El Arish which was to the southeast bearing 152 degrees true.

I include selected portions of relevant material at this point:

[From the National Review, Sept. 5, 1967]

June 8, at 1400 Hours

(By James Jackson Kilpatrick)

The USS *Liberty*, a communications vessel attached to the Sixth Fleet, took on fuel and provisions at Rota, Spain, on June 2, 1967. She left that same day, under orders to proceed at top speed to an assigned position off the Sinai coast 800 miles to the east. She carried a crew of fifteen officers and 279 men. Three civilians identified cryptically as "technical representatives" from the Department of Defense (DOD), also were aboard. She arrived on station early on the morning of Thursday, the 8th. It was the fourth day of the six-day war between Israel and the Arab nations. That afternoon the *Liberty* was to undergo an attack without precedent in modern naval history. Thirty-four men would die, among them one of the DOD technicians; another 75 would be wounded. Well over a third of her total company would be casualties of an unprovoked assault in an undeclared war, victims of an inexplicable "mistake" on the Israelis' part. Or so the incident is described.

What follows here is neither an expose of the *Liberty's* clandestine role in the Mediterranean nor an explanation of the Israelis' trigger-happy attack; these aspects of the affair are at present unknowable. What follows is no more than an account, drawn largely from official records, of what happened. This is, in brief, a sea story; nothing more.

* * * * *

In April of 1966. Commander William Loren McGonagle, USN, had assumed command of *Liberty*.

* * * * *

So he brought the *Liberty* to her assigned position early on the morning of June 8, a hot day, the sun bright, the sea calm. His orders were to maintain patrol from "a point thirteen nautical miles from the coast of the United Arab Republic at 31 27.2N and 34-00E (point Alpha), thence to 31-22.3N and 33-42E (point Bravo), thence to 31-31N and 33-00E (point Charlie), retracing this track until new orders might be received." As events were to turn out, some new orders were in fact dispatched that very morning, but these messages strangely were "misrouted, delayed, and not timely received."

Liberty steamed methodically along her southeastern course until she reached point Alpha at 8:49. The ship's normal American ensign, a flag 5 x 8 feet, fluttered loosely in the torpid air. Then she turned to the southwestern leg. At about that moment, an unidentified jet aircraft approached and circled the ship. This was at 8:50 by the log. Some forty minutes later, the tall minaret at El Arish became visible, thirteen miles away. McGonagle asked for a bearing on the minaret, in order to make certain of his position within the established operating area. Everything checked out nicely. An hour later at 10:26, with the *Liberty* nudging along at five knots, two unidentified aircraft again orbited the ship. The presumption is strong—indeed, the presumption is inescapable—that these were Israeli reconnaissance planes. They circled the ship three times at a distance of approximately two miles. At 10:56, another aerial visitor turned up—"an aircraft similar to an American flying boxcar," which passed astern at a distance of three to five miles. "The plane circled the ship around the starboard side, proceeded forward of the ship, and headed back toward the Sinai peninsula." Visibility was perfect.

THE UNMARKED PLANE

"This aircraft," McGonagle was to testify at the Navy Court of Inquiry, "continued to return in a somewhat similar fashion approximately at thirty-minute intervals. It was not possible to see any markings on the aircraft, and the identity of this aircraft remains unknown."

McGonagle was not greatly worried by the surveillance. He was clearly within international waters, by anyone's international law. At 11.32, passing point Bravo, he altered course to 283 true, and plodded along his westward leg.

* * * * *

"He lingered on the bridge, chatting casually with his executive officer, Lieutenant Commander Philip McCutcheon Armstrong Jr. A few other officers were there—Lieutenant Maurice H. Bennett of Pittsburgh, Lieutenant James M. Ennis Jr. of Norfolk, and Lieutenant Stephen Spencer Toth, the son of retired naval Captain Joseph C. Toth of Virginia Beach. Lieutenant James G. O'Connor, who had served as officer of the deck during the general quarters drill, was ready to go off duty for lunch. Lieutenant (j.g.) Lloyd Clyde Painter climbed up the ladder to replace him.

For no particular reason, except that such reasons always stir in a naval captain's head, McGonagle put his own eyes to the radar screen for one more bearing on the minaret at El Arish. The landmark was then 25.5 miles distant; the bearing was 142, comfortably within the bearing he had established earlier as a danger point against shoal waters. It was 1:55. Painter had officially relieved O'Connor as officer of the deck. Ensign Malcolm Pat O'Malley of Minneapolis had just assumed the conn. McGonagle was ready to go below. Still he lingered.

At 2 o'clock, lookouts just above the bridge reported jet aircraft approaching. McGonagle moved to the starboard wing of the bridge to have a look at them with binoculars. He was able to observe one aircraft "of similar characteristics, if not identical, to the two aircraft which were sighted earlier in the day." The plane was about five or six miles away, at an altitude of perhaps 7,000 feet. It appeared to be traveling on a parallel course with the ship. There was no evidence of a hostile attitude. McGonagle put down the binoculars and again turned away.

The first explosion came, as best he can recall, within a couple of minutes. He sounded a general alarm, and dashed to the port wing of the bridge. Two 55-gallon gasoline drums, stored amidships on the main deck, were burning furiously. The outside port ladders were blocked. He ordered Armstrong to go down the starboard side and get the drums pushed overboard. O'Connor, who also had lingered on the bridge, moved to go with him. The two men had just reached the top of the starboard ladder, when a second bomb struck, this one near a whaleboat stowed just aft of the bridge. The explosion killed Armstrong outright and flung the others back into the crowded room. Suddenly the whole of the tidy bridge was a mass of blood and debris.

* * * * *

He ordered a message sent by the high command radio to the Chief of Naval Operations, advising that *Liberty* was under attack. He glanced at the helm and saw that his helmsman had been seriously injured by the second bomb blast. Quartermaster Third Class Francis Brown, of Troy, N.Y., had leaped to the helm in his place. In less than half an hour, Brown himself was to die.

The strafing attack continued. Whether there were two planes or three, McGonagle cannot recall. They came over the *Liberty* in criss-cross runs a minute or so apart, punishing the ship with machine guns, rockets, and fragmentation bombs. After the first or second run, McGonagle reached for a phone to relay some command, but the phone circuits had been destroyed. The public address system went out. Shouting through the smoke, he saw that Ensign John D. Scott of Charlotte, N.C. was rallying damage control parties to fight a raging fire in the vicinity of the whaleboat. Ensign David G. Lucas managed to make his way to the bridge, stepping over the bodies of the dead and wounded men. Together, they assigned runners to relay orders to the repair parties and to other vital stations.

* * * * *

The hostile planes kept boring in. A moment or so later, Ensign Lucas staggered in painful surprise; He had taken a piece of shrapnel in his forehead. McGonagle opened the bridge safe, got out a camera, and struggled to the port wing in order to take pictures of the attackers. For the remainder of the assault, he kept the camera close at hand.

It was now about 2:20. The *Liberty* was still on her course of 283 true, plodding toward point Charlie. She was still moving along at something in excess of five knots. The attacking planes, abruptly wheeled off. Through the smoke, McGonagle caught a glimpse of three high-speed torpedo boats approaching from the northeast at 27 to thirty knots.

From the transcript:

"It appeared that they were approaching the ship in a torpedo launch attitude, and since I did not have direct communication with the gun control or the gun mounts, I told a man from the bridge, whose identity I do not recall, to proceed to mount 51 and take the boats under fire. The boats continued to approach the ship at high speed and on a constant bearing with decreasing range.

"About this time, I noticed that our ensign had been shot away during the air attack, and ordered Signalman [Russell O'Neal] David to hoist the largest ensign we had in the locker. He ran up the holiday ensign [7 x 13 feet]. It was flying before the boats attack."

From the transcript:

"When the boats reached an approximate range of 2,000 yards, the center boat of the formation was signaling to us. Also, at this range, it appeared that they were flying an Israeli flag. This was later verified. It was not possible to read the signals from the center torpedo boat because of the intermittent blocking of view by smoke and flames. At this time I yelled to machine gun 51 to hold fire. I realized that there was a possibility of the air attack having been conducted in error. I wanted to hold fire to see if we could read the signal from the torpedo boat and perhaps avoid additional damage and personnel injuries. The man on machine gun 51 fired a short burst at the boat before he was able to understand what I was attempting to have him do."

From the transcript of Lucas's testimony:

"The first thing I noticed was that the mount 54 [on the port side] was vacant. Flames had reached it and chased everyone out of there. I ran toward the gun mount, and looked over the skylight from the engineering spaces. I had a clear view of mount 53 [the starboard mount, which was firing] from, say, the waist up, and there was no one on mount 53. The flames from the motor whaleboat were coming over the lip of the mount. I assume that the bullets that were in the gun, or bullets that were in the ready service ammunition box, very near there, were cooking off and firing."

At 2:34, the torpedo boats opened fire with their own guns. A cannon shot caught Quartermaster Brown. Mortally wounded, he fell from the helm. Seconds later, three torpedoes sped toward the *Liberty*. One passed astern by 25 yards. A second may have passed beneath the ship. The third struck the *Liberty*, forward, on her starboard side, immediately below the waterline. In the instant of the explosion, 25 men died—most of them highly skilled technicians. The ship went dead in the water, her steering control and all power lost. But there was no additional fire, and a nine-degree list to starboard presented no immediate danger of sinking.

* * * * *

It was 2:40. In the midst of this bizarre nightmare, it seemed not at all surprising that the commanding torpedo boat made a swift turn, stopped dead some 500 yards astern, and began signaling in English: "Do you require assistance?" McGonagle had no light left to return the signal. He ordered the flags "Lima India" hoisted, signifying that "I am not under control." (Somewhat later, an Israeli sailor was to say that "an officer appeared and shouted 'go to hell!'" After a moment or two—long enough for McGonagle to attempt a photograph of the vessel—the torpedo boat moved away from shore. Two minutes later, two helicopters, bearing Star of David markings, appeared. They hovered about the smoking ship, circled her repeatedly, flew off for about five miles, returned once more, and vanished.

McGonagle's mind turned to the dead, the wounded, the problems of regaining steerage. Scott's damage control parties were working at fever pitch, the sailors stripped to the waist, the deck a mass of twisted metal and burning gear. But the watertight bulkheads were holding, the starboard list was no worse, and Lieutenant Richard H. Kiepfer of Brooklyn, a Navy doctor, had done a superb job of organizing a main battle dressing station in the mess hall. Most of the slain men were trapped in the forward compartments, but three or four mutilated bodies, streaming blood, were still on deck. They were in plain view of the inspecting helicopters. By this time, McGonagle's wounded leg was giving increasing pain. He stretched out and tried to keep the limb elevated. Then, to his horror, he looked up: The two jets were coming back from the starboard side, "in similar fashion to that which preceded the initial attack." He called an alert to the possibility of renewed assault, but the jets disappeared.

It was 4:15. McGonagle ordered the ship's international call sign hoisted, and turned again to the problems of getting the *Liberty* back under steam. Both boilers came briefly back on the line, but lost their fuel oil suction almost at once. The gyro compass was a wreck. It was impossible to learn the ship's heading. The ship's surviving communications technicians, however, were able to manage the impossible: They rigged some emergency radio-telephone circuits, and restored communications with the Sixth Fleet.

* * * * *

At 6:45, a lookout sent word to the bridge that another Israeli helicopter was approaching.

"What do they want?" asked McGonagle.

"Sir, they're trying to land a man aboard."

McGonagle was in no mood for social visitors or for boarding parties. He thought of the dangerous clutter on the forecastle, and ordered a wave-off. The helicopter then dropped a message to the deck. Written on the back of the calling card of Commander Ernest Carl Castle, Naval Attaché for Air, U.S. Embassy, Tel Aviv, it read: "Have you casualties?"

From the transcript:

"We attempted to advise them by flashing light with an Aldis lamp that "affirmative," we did have casualties. I'm not sure that wounded men were still lying around the deck, as such. By that time, most of our wounded had been taken to the casualty collection stations.

"COUNSEL FOR THE COURT. In amplification of the Admiral's question, was there not a considerable amount of blood on the decks that would be obvious from a reasonable distance?

"The WITNESS. That is correct. There were numerous blood streams the full length from the forecastle to the main deck at machine gun mount 51, where one body was still lying. I do recall that now. There was also another body in the vicinity of mount 51."

After ten or fifteen minutes of unsuccessful attempts at communication, the helicopter buzzed off. And darkness fell.

* * * * *

During the night, McGonagle ordered three musters to identify the dead. He and his remaining officers bent to the task of preparing casualty messages. He winced at the first of these, to Mrs. Philip McC. Armstrong Jr., of 433 West Main Street, Dalton, Pennsylvania. His executive officer, a 38-year-old graduate of the Naval Academy, had left a young widow and five children behind. Lieutenant James C. Pierce had died, and Lieutenant Stephen Toth. The list included Allen M. Blue, one of the DOD specialists. And the sailors: Allenbaugh, Blanchard, Brown (he would recommend Brown for posthumous commendation), Campbell, Converse, Eisenberg, Goss, Graves, Hayden, Hersey, Higgins, Hoar, Keene, Lenau, Linn, Lupton, Marggraf, Marlborough, Mendle, Nygren, Raper, Rehmeyer, Skolak, John C. Smith and Melvin D. Smith, Spicher, Thompson, Thornton, Tiedtke, Walton. . . . Most of them were naval communications technicians, stationed in the forward compartments, who died in the torpedo's explosion.

Early on the morning of June 9, a lookout sent word that the U.S. destroyer *Davis* was in sight, ready for escort duty. Helicopters arrived from the carrier *America*, to transfer the wounded. During the morning, the fleet tug *Papago* also arrived. The heavy cruiser *Little Rock* joined the parade. The little convoy moved slowly off to Malta, the *Liberty* still listing badly and 25 bodies still entombed in the flooded wreckage of the communications rooms. She arrived at Veletta on the 14th. Awed workers in the shipyard counted 821 separate hits upon the hull and superstructure by bombs, rockets, and machine gun bullets. The teardrop hole left by the torpedo explosion measured 39 feet across.

II

A Navy Court of Inquiry opened its hearings in London on June 11, and continued them aboard the *Liberty* at Malta through June 17. Admiral I. C. Kidd served as President of the Court; other members were Captains Bernard J. Lauff and Bert M. Atkinson, both attached to headquarters of Admiral John S. McCain Jr., commander in chief of U.S. Naval Forces in Europe.

Almost all of the testimony taken by the court remains in classified status. Some excerpts have been released from McGonagle's transcript. A few quotations from the evidence supplied by Ensign Lucas and Dr. Kiepfer also have been made public. No supporting material whatever, having to do either with *Liberty's* mission or with the Israeli "mistake," has been released. For the time being, there is no way for the outside observer to form an independent judgment, from the record, upon the Court's conclusions.

We are told that the Court determined that "USS *Liberty* was in international waters, properly marked as to her identity and nationality," at the time the attack occurred. The Court produced evidence "that the Israeli armed forces had ample opportunity to identify *Liberty* correctly," but the Court "had insufficient information before it to make a judgment on the reasons for the decision by Israeli aircraft and motor torpedo boats to attack."

* * * * *

In a statement on June 10, the Pentagon coldly rejected published reports that some unidentified Pentagon spokesmen believed that "a plausible explanation" could be found in human error. Assistant Secretary for Defense Phil G. Goulding said that "we in the department cannot accept an attack upon a clearly marked noncombatant U.S. naval ship in international waters as 'plausible' under any circumstances whatsoever. The suggestion that the United States flag was not visible and the implication that the identification markings were in any way inadequate are both unrealistic and inaccurate. The identification markings of U.S. naval vessels have proven satisfactory for international recognition for nearly 200 years."

During the past month, press service interviews with survivors of the attack have turned up a uniform conviction that the attack was deliberate. Sailors point to the morning-long aerial surveillance; the presence of the flag; the known configuration of the *Liberty;* her name in English on the stern (Egyptian naval ships carry their names in the cursive Arabic script); her slow progression in international waters. All these factors support the crew's conclusion that the assault was no accident.

[From the Zarephath (N.J.) Herald of Freedom, July 28, 1967]

THE RAPE OF THE U.S.S. "LIBERTY"

* * * * *

There have been some strange activities on the part of the Department of Defense in connection with this case. The attack occurred on June 8 yet parents of wounded sailors did not know whether their sons were alive or dead until they finally received telegrams on June 11. The wounded were taken by helicopter from the U.S.S. Liberty to the aircraft carrier U.S.S. America, and, on arrival, were warned by a representative of the C.I.A. not to talk to anyone about what had happened. Those with head wounds were taken to a U.S. Army hospital at Landstuhl, Germany, and, while there, were kept under guard with tight security. Reliable sources have advised that the many communication technicians who were aboard the Liberty have been dispersed to other assignments separately in different parts of the world.

MISS INDIAN UTAH

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. McKAY. Mr. Speaker, this past weekend I had the opportunity to be the guest of the Robert Redford family at their Sundance resort in Provo, Utah. The occasion was the Third Annual Miss Indian Utah pageant, and there are few experiences in my recollection that were more rewarding.

This is not a typical beauty contest. In fact, beauty does not enter into the judging. This is a contest to determine which of the proud young Indian women competing have the best knowledge of their history, their tribal customs and their heritage.

Five Indian judges officiated the pageant, judging the contestants in basic categories of native dress, Indian skills in arts, crafts, knowledge of Indian heritage and tribal talents. The winners received scholarships to the educational institutions of their choice.

Mr. Speaker, this was a great event, an

event promoting Indian pride and respect for the Indian heritage not only among the Indian people but for the entire State.

EMERGENCY MEDICAL SERVICES

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. ROGERS. Mr. Speaker, our Public Health and Environment Subcommittee and the full Interstate and Foreign Commerce Committee have recently approved the Emergency Medical Services Act of 1972. It is my hope that the House will pass this measure in the near future, as it could well become one of the most important pieces of health legislation passed during the 92d Congress. It would authorize funds for the establishment and improvement of emergency medical services systems for life-saving projects, personnel and vehicles.

A few weeks ago Congressman JIM SYMINGTON and I visited Survival Technology, Inc. near Washington and witnessed an example of recent innovations in emergency medical treatment. A plan developed by Survival Technology would equip high-risk heart patients with a survival kit whereby a heart attack victim can administer self-treatment before he can get to a hospital. I thought my colleagues would be interested in the following article from Scientific American which details this remarkable new method of health care delivery:

[From the Scientific American, August 1972]

SURVIVAL KIT

Some two-thirds of the Americans who die as a result of acute myocardial infarctions (coronary heart attacks) do so before they reach a hospital, many of them in the first hour after the onset of the attack. The incidence of such sudden deaths in the U.S. alone is estimated at more than 300,000 per year, or almost 1,000 per day.

The feasibility of a novel plan to substantially reduce the prehospital mortality rate resulting from these acute heart attacks is now under study at a number of medical-research facilities in this country and abroad, under the general sponsorship of the National Institutes of Health. The essence of the plan is to make available to identifiable "coronary-prone" individuals the means for automatically self-injecting a drug or drugs capable of promptly suppressing the irregularities in cardiac rhythm that are often the prelude to sudden death in the period after an acute heart attack. The basic idea of the plan was originally put forward two years ago by Stanley J. Sarnoff, a former surgeon, medical-school professor and director of research in the Laboratory of Cardiovascular Physiology at the N.I.H.; Sarnoff is now president of Survival Technology, Inc., a Bethesda, Md., company engaged in the development of new medical devices.

As Sarnoff points out in his plan, the immediate precedent of death in many if not most patients who die of coronary heart attacks is ventricular fibrillation, the chaotic and uncoordinated "quivering" contraction of the muscle fibers of the heart's large blood chambers. When a patient goes into ventricular fibrillation in a coronary intensive-care unit in a hospital, he can usually be "defibrillated" promptly by a suitably applied electric shock. When an unattended person outside a hospital suffers venticular fibrillation, death almost invariably ensues. In most cases ventricular fibrillation is triggered by ectopic, or abnormal, electrical signals originating in the ventricles. The object of the Sarnoff plan is to provide an appropriate procedure for diminishing or abolishing such ectopic beats in coronary-prone patients as soon as possible after the onset of a heart attack.

Drugs that will diminish ectopic heartbeats are readily available. For example, atropine, a drug that increases the heart rate, thereby diminishing ectopic beats, is now frequently administered to heart-attack patients afflicted with bradycardia (an abnormally slow heart rate). In addition to increasing the heart rate, atropine also helps to maintain the blood pressure, which tends to fall dangerously in many heart-attack patients with bradycardia. For heart-attack patients with normal or higher-than-normal heart rates lidocaine (a drug without any influence on the heart rate) is given intravenously almost universally in coronary-care units to suppress ventricular ectopic activity.

What Sarnoff and his colleagues at Survival Technology propose to do is to equip coronary-prone individuals with a "Patient Technology Packet," a kind of cardiac survival kit containing three components, all developed in their company's research laboratory. The components are (1) an "AtroPen," an automatic injector containing atropine, (2) a "LidoPen," an automatic injector containing lidocaine, and (3) a "CardioBeeper," a small electronic device enabling the heart-attack victim to transmit the rate and rhythm of his heartbeat and his electrocardiogram by telephone to his physician or to a central emergency cardiac service. The physician could then have the patient self-administer the appropriate treatment, thereby diminishing the ectopic beats and hence lessening the chance of ventricular fibrillation prior to the patient's arrival at the hospital. The injected drug would also help to maintain cardiac output and arterial pressure while the patient is in transit.

The effectiveness of the AtroPen device for the emergency administration of atropine has already been extensively demonstrated. This particular type of spring-loaded automatic atropine injector was originally designed by Sarnoff and has been widely adopted by the armed forces of several countries, including the U.S., as a defense in chemical warfare against organophosphorus agents (nerve gases). More recently the same device with the same dose of the same drug has been approved by the World Health Organization as an emergency means of treating intoxication with organophosphorus insecticides. A new-drug application for the use of the AtroPen for this purpose has been filed with the Food and Drug Administration. The increased use of organophosphorus insecticides expected to result from the ban on compounds of the DDT type greatly enhances the need for an automatic atropine injector such as the AtroPen in this field.

A cooperative study designed to develop information about the effects of atropine and lidocaine when administered with automatic injectors early in acute heart attack was recently launched by the National Heart and Lung Institute. The participating laboratories include, besides Survival Technology, the Yale University School of Medicine, the University of Pennsylvania School of Medicine, the Binnengathuis Hospital in Amsterdam, the Nassau County (N.Y.) Medical Center and the Montgomery County (Md.) Heartmobile. Meanwhile studies are under way elsewhere to document the role of the CardioBeeper in providing accurate and reliable telephoned information on the basis of which a physician can confidently prescribe the correct drug for the heart-attack victim to self-administer.

F.D.A. approval must be received before the Survival Technology plan can be implemented. Nonetheless, Sarnoff and his colleagues believe their plan is "fundamentally sound" and report that they are increasingly confident that "the time is approaching when we will have the opportunity to participate effectively in a program that will save many human lives."

TESTIMONY BY SECRETARY OF TRANSPORTATION JOHN A. VOLPE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. HORTON. Mr. Speaker, both our House and Senate committees are proceeding with their deliberations on the Federal aid highway legislation of 1972. Congress has, in this legislation, an opportunity to make a significant and needed break with the past by opening up the highway trust funds to public transportation projects. Whether Congress accomplishes that end will be a key test of our commitment to deal realistically with the transportation crisis in America and related environmental concerns.

The administration, and Transportation Secretary John Volpe in particular, have set the stage for a positive congressional response. On September 7, in testimony before the Senate Subcommittee on Housing and Urban Affairs, Secretary Volpe recommended specific steps that must be incorporated in the Federal Aid Highway Act if that legislation is to become a truly balanced transportation bill. The Secretary called for a flexible Federal program that would permit State and local governments to determine their most pressing transportation needs and to apportion their Federal share directly to those needs, be they highway, rail, or bus transit. In addition to requesting a $3 billion authorization for additional contract authority for the urban mass transportation program, Secretary Volpe asked that the Federal share for UMTA projects be raised to 70 percent, equal to the Federal support of noninterstate highway projects. With parity, we could effectively remove the bias toward one transportation mode over another.

Mr. Speaker, we are not going to solve our transportation problems until, as Secretary Volpe pointed out, our local officials are "freed from the compulsion to simply build highways based on the old principle of 'use it or lose it'." I commend the Secretary's testimony to the review of each of my colleagues in hopes that it will influence our actions within committee and on the floor.

The article follows:

Mr. Chairman and Members of the Committee:

I am very pleased to have the opportunity to testify before you regarding the public transportation provisions of the Federal-Aid Highway Act of 1972 (S. 3939), which has been referred to your Committee from the Committee on Public Works.

Today, Mr. Chairman, I am here to discuss with you some of the fundamental issues affecting transportation primarily in our urban areas. In the last several years we have taken many significant steps together. In 1969, the Administration proposed, and through the instrumental support of this Committee, the Congress enacted the far-reaching Urban Mass Transportation Act of 1970. Subsequently, we discussed the concept of a single transportation trust fund, and the Administration proposed Special Transportation Revenue Sharing and the Highway and Mass Transportation Act of 1972 which contained the Single Urban Fund proposal. Underlying all these proposals, and confirmed by our analytical studies, especially the 1970 Statement on National Transportation Policy and the 1972 National Transportation Report, were two recurring objectives. First, current Federal-aid programs should be made more flexible to permit State and local governments to determine their transportation priorities and to use Federal funds accordingly. Second, the greatest transportation needs exist in our major urban areas.

At this time, we have an opportunity to address these points head-on to take a truly fundamental step forward and enact a landmark piece of transportation legislation.

I am pleased that the bill reported by the Public Works Committee (S. 3939) incorporates several of the Administration's recommendations. However, we do not feel that the bill now meets the critical need to achieve efficient urban mobility through balanced transportation brought about by real flexibility of modal choices.

There are a number of features of the bill which are most undesirable from the Administration's standpoint. However, since they are primarily in areas not of immediate concern to this Committee, I plan today to concentrate on those features which are critical to this Committee's interests and an efficient urban transportation system. To this end, I will be requesting that this Committee prepare a report on S. 3939 in which you endorse certain amendments proposed by Senators Cooper and Muskie. These amendments will (1) allow rail transit projects as well as bus purchases to be funded out of the Highway Trust Fund; and (2) set the Federal share for public transportation projects at the same level as provided for all highway projects, other than the Interstate, namely 70 percent. Second, I recommend as part of the total program that you subsequently amend the Urban Mass Transportation Act to provide $3 billion in additional contract authority to sustain this program through 1977 and raise the Federal share from 66⅔ percent to 70 percent. While the Administration continues to believe strongly in the Single Urban Fund concept which we recommended to the Congress, we also recognize that there are more than one means to reach the ultimate objective which I believe we share in common—a balanced urban and rural transportation system with flexibility for local choice.

When the Department proposed its Federal-Aid Highway and Mass Transportation Act of 1972, we recognize the urgency of the transportation problem in our urban centers and the lack of a single simple solution. We felt the first objective must be to increase the flexibility that State and local governments have in determining how Federal transportation dollars would be used in metropolitan areas. It is essential that the officials responsible for local transportation be freed from the compulsion to simply build highways based on the old principle of "use it or lose it." Our other principal objective was to provide an assured pattern of program growth for both highway and mass transit projects in our metropolitan areas. We felt the appropriate mechanism to satisfy these objectives was the creation of a new urban transportation program, which we referred to as the Single Urban Fund. Under that proposal the Highway Trust Fund would have become the sole source of Federal financing for both highway and mass transit programs.

As I previously indicated to you, Mr. Chairman, in an exchange of correspondence, the fact that the Department was not requesting the additional authorizations for capital grants under the Urban Mass Transportation Act by no means indicated a lack of commitment by the Administration for funding mass transportation programs. We were awaiting congressional action on our Single Urban Fund proposal. Now that we have an indication of the apparent unwillingness of the Congress to adopt our Single Urban Fund in total, we are recommending that the Urban Mass Transportation Act be amended to provide an additional $3 billion in contract authority to sustain the program through fiscal year 1977. We feel that this funding will satisfy our objective of assuring the continued progress and the guaranty of financing for the urban mass transportation program.

As I have indicated, the other major objective of our original proposal was to provide for flexibility which would enable local officials to best satisfy their transportation needs. The Public Works Committee has taken a positive step in this direction by its proposed amendments to section 142 of title 23, which are presently contained in section 128 of S. 3939. These proposed amendments would authorize the use of all Federal-aid highway funds apportioned to a State for use within urban areas and in certain rural areas for the financing of highway public transportation projects, which include exclusive bus lanes, traffic control devices, passenger loading areas and facilities and the purchase of buses. By these amendments to section 142 the Public Works Committee has proposed, for the first time, that Highway Trust Fund monies be made available for the purchase of buses both in urban and rural areas. However, it is important that this proposal be broadened further if we are to provide meaningful alternatives to our local officials. Amendments to section 142 should provide that funds authorized for the Federal-aid urban system be available for the acquisition and construction of rail transit facilities and equipment, as well as the highway public transportation projects currently contained in S. 3939.

This approach was suggested in the Public Works Committee by Senator Cooper, and with the support of Senator Muskie it gained the vote of seven of the fifteen members of that Committee. The so-called Cooper-Muskie amendment would allow urbanized areas to use their share of the $800 million authorization for the Federal-aid urban highway system for whatever urban transportation capital projects they deem necessary to meet the needs of their communities. Some communities might choose to use their entire allotment for mass transportation; others all for highway construction; and some would obviously provide for both mass transit and highway projects. In any case, the important point is that each community would have the flexibility to program funds to meet its identified transportation priorities. The option will be theirs.

Mr. Chairman, the Administration fully supports the Cooper-Muskie amendment and recommends that this Committee join in support of such a proposal when it is offered as an amendment on the Senate floor. At this time, let me assure this Committee that utilizing Highway Trust funds for urban mass transportation projects will in no way diminish the current responsibilities of the Urban Mass Transportation Administration. If the proposed amendments to section 142 are enacted, mass transportation projects selected locally for funding under that section will be referred to UMTA for administrative and program review and supervision. In a real sense, their current responsibilities will be increased. For these reasons, I strongly urge this Committee to endorse this amendment in its report on S. 3939.

In addition, we feel that section 142 should be modified in another important respect. S. 3939 presently provides for 100 percent Federal financing of bus purchases from the Highway Trust Fund. Our experience gained from Federal grant programs shows that provision for 100 percent Federal financing is most undesirable. The lack of some degree of local contribution detracts from the responsibility and accountability which ordinarily is applied to investments of local revenues. In addition, our objective in supporting a broadened urban transportation program is to provide for complete flexibility of transportation choices by local officials and not to create a bias of one mode over another. A provision of 100 percent Federal financing for buses would create such a bias and should be avoided. We believe there should be a parity between transportation projects eligible for financing under this section, and we believe that the appropriate Federal share of the cost of such projects should be the same whether it be a highway project or a transit project. We understand that Senator Cooper will include such a provision in his amendment to section 142, and we strongly urge that this Committee also support this position in its report.

Further, to provide the parity between transportation projects we recommend that the maximum allowable Federal share of transit projects funded under the UMTA program be raised to 70 percent, which is the Federal share for non-Interstate highway projects. The additional funding for the UMTA program, together with the amendments to section 142 proposed by Senators Cooper and Muskie, would provide a total transportation package well designed and adequately funded to meet our urban transportation needs while at the same time being fully cognizant and supportive of our rural road programs.

I am hopeful that this total transportation package will have the full support and backing of this Committee.

Mr. Chairman, I sincerely hope that this Committee will take the actions we have requested to advance the Administration's revised urban transportation program.

In summary, we seek your support on two counts. First, we wish you to support amendments to section 142 which will be offered on the Senate floor to provide meaningful flexibility of model choices for our metropolitan centers by allowing local officials to determine the proper balance of highway, rail, and bus transit best suited for their needs. In developing this balance, it will not create a new bias by favoring the selection of the bus mode through the imbalance of 100 percent Federal funding.

Second, we wish you to act favorably upon our recommendations for a $3 billion authorization for additional contract authority for UMTA with the ceiling on the Federal share for such projects being raised to 70 percent from the present 66-2/3 percent.

Enactment of a proposal along these lines will be the culmination of our mutual efforts to meet our urban transportation needs. The new resources coming from the Highway Trust Fund, together with true flexibility for local officials to design their own programs, as well as the assurances to State and local governments and the transit industry that we are committed to the continuation of a vital UMTA program, will be the most purposeful steps we can take. By this action we will do much to relieve the traffic congestion of our cities, to preserve our environment and energy sources, and to provide a balanced transportation system for the movement of people and goods which is so essential for the quality of life in our cities.

In conclusion, Mr. Chairman, let me express my hope that the positions I put before you today can gain the enthusiastic support of this entire Committee. Need for improved and efficient public transportation for our urban areas is recognized as a must by all concerned citizens. I know that this Committee recognizes this need, and I am hopeful that we will be working together to meet it. It is my hope that we can go forward together in 1972 in the same spirit that we shared in 1970 in enacting that year's landmark urban mass transportation legislation.

That concludes my statement, Mr. Chairman. At this time I will be happy to answer any questions you or members of the Committee may have.

THE SEA IS OUR PLANET'S BLOOD

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. KEITH. Mr. Speaker, probably the most famous name in oceanography today is that of the Cousteau family. Certainly no other family has done more to popularize the potential and problems of the sea.

The Dartmouth Historical Society, of New Bedford, Mass., was fortunate enough to get one of the Cousteaus to speak at the dedication of a new wing at the Whaling Museum there. Jean Michel Cousteau not only carried his father's name, but his father's work, as president of California's Living Sea Corp.

It was my pleasure to be present at the dedication ceremonies, and to hear this thoughtful and provocative man speak. His words were both stirring and disturbing, and I believe they are worth sharing with the readers of the RECORD. His remarks follow:

As recently as five years ago the mass media was still spreading to the public the belief that the resources of the ocean were soon going to be tapped, that these resources were virtually without limit, that they would deliver as much food as a hungry expanding population would need, would ever need. In brief, oceanography would be the answer to all our problems; we had nothing to fear. And eventually, if the world were destroyed by a nuclear holocaust we would just have to step down to the bottom of the sea and live there forever in underwater cities.

Today, fortunately, all that nonsense is reluctantly withdrawn from television and from newspapers because increased knowledge of the sea as well as space exploration and the Apollo program has helped tremendously to reveal the truth about the oceans, the Earth and the truth of ourselves. The truth which is frightening and comforting at the same time, discouraging and stimulating.

There is a vast series of concepts which we are being aware of today. In the Universe the liquid state is scarce. Of all scarce liquids, water is extremely rare and the Earth is the only planet of our solar system to be gifted with an appreciable quantity of water. There is not much water on board our space ship Earth. A very small quantity indeed when you compare the volume of the oceans with the volume of the Earth itself, but water is essential to life as we know it.

Alone. We are alone on this earth. Our water, our fragile blood, is contaminated. No help will come from other planets. There is no other planet to retreat to in emergency. We have no choice but to engineer ourselves to survival of our children, however difficult or painful the job may be. And we have but a very few years to perform such a herculean task. Bad news from the environmental battlefront fill the daily newspapers. In September only, last September, we clipped 256 such bad news from the Los Angeles Times alone.

The sea has become the universal sewer where all pollutions end up and hide out as rainfalls wash the air and the continents. Tankers, oil tankers, collide, blow up, sink. Oil drilling platforms capsize. Lakes and rivers are poisoned. Whalers, hunters, exterminate many species, wiping out entire sections of the biosphere.

Since 1900 more than 1,000 species have been eliminated. Birds, mammals, plants. It is estimated that today 280 mammals, 350 birds, and over 20,000 plant species are seriously endangered. Coral reefs and their fabulous beauty are disappearing rapidly all around the world.

Pesticides interfere with reproduction of various birds including the Antarctic penguin. Tons of canned seafood are destroyed because they are already found to be too radioactive for human consumption. Swimmers get skin infections or even hepatitis from a single swim in the North Sea or even in the Mediterranean.

And there is not one single white sand beach left in the entire world that is not more or less stained by crude oil or by tar.

This is today's situation only to become worse tomorrow.

It is evident to a space-age man, when he has time to think, that such a situation is an urgent global affair. Unfortunately, we are tempted to deal with inconvenient things one case at a time, day by day, with little concern about long-range consequences, especially when they are not obvious. We should realize there is only one problem—that of survival.

We forget that all life cycles are one. Environment is one too. There is no such thing as the environment, of a single species, of man for example. Or of a town, a locality. The only environment is the environment of life. Pollution must not be over-analyzed. They all end up in the oceans, and thus pollution problems also are one.

The survived man must steadily forget he was the traditional enemy of nature to become, at once, nature's protector. This radical change of alliance is so rapid, so abrupt, that we have not yet fully realized it. To succeed, a strategy of survival calls for all the courage mankind can mobilize. This race against time for the very life of our grandchildren—we can and we must win it.

PRICE'S WASHINGTON REPORT AND NEWS REPORT

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. PRICE of Texas. Mr. Speaker, as part of my continuing effort to keep the residents of Northwest Texas informed about my activities in the Congress, I am inserting in the RECORD at this time, the text of the Washington report for August 7 and September 7 and the text of my latest news report:

NEWS REPORT FROM CONGRESSMAN BOB PRICE

ASSISTANT SECRETARY OF THE AIR FORCE SPENCER J. SCHEDLER ATTENDS SHEPPARD DISCUSSIONS

The assistant secretary met with Wichita Falls businessmen and outlined Sheppard Air Force Base's future. Schedler arrived from Amarillo Air Force Base where a new Strategic Air Command Satellite Base is being established.

Price stated the proposal to close 500 military bases would be economically disastrous. Amarillo Air Force Base was closed prior to Price's election to Congress. Congressman Price stated to the assistant secretary that when he was elected to Congress Amarillo was suffering the economic burden of the base closing, but that with the cooperation of the Defense Department and other federal agencies the base now contains an industrial area with such high employment tenants as Levi Strauss and Bell Helicopter in addition to Texas State Technical Institute, a vocational training school designed to create new jobs, job opportunities and better wages.

LUNAR VEHICLE INSPECTED BY SPACE COMMITTEE

Rover, the lunar vehicle that carries astronauts on their tours of the moon, was shown to members of the House Space Committee. Price, ranking minority chairman of the Space Science and Application Subcommittee, is one of Congress' most staunch and determined supporters of this country's technical superiority and the utilization of this technical knowledge for day-to-day living. Price's theory, like that of Teddy Roosevelt, is to "speak softly and carry a big stick."

SUPPORT FOR POW AND MIA BRACELET SALES

Congressman Bob Price was on hand at Midwestern University in Wichita Falls to join Vets and Campus leaders in urging continued public interest in the purchase of metal bracelets honoring American prisoners of war and missing in action. Congressman Price, a Korean jet pilot, has long been a wearer of the POW bracelets as a constant reminder that five of his close friends who flew combat with the congressman in Korea continue to be prisoners of the North Vietnamese.

CATTLE CALLING CONGRESSMAN CONGENIAL CONTESTANT

The 24th annual National Cow Calling Contest held in Miami, Texas drew contestants and spectators from various parts of the southwest, including Congressman Bob Price. A rancher-farmer, Price congratulated the winners in both the men's and women's divisions. The contest is a part of the Pioneer Roundup weekend held annually in Miami. The weekend closed with the judging of the "Miss Miami" contest.

A TIME TO LISTEN—A TIME TO LEARN

When two cowboys get together you can count on a lot of swapping of tales; however, the one with the greatest years of experience generally has the last word . . . the younger listens and learns. Congressman Price practiced this "cowboy philosophy" when he first went to Washington; he listened and learned. Now, as a Congressman with experience, he has become a congressional leader on agriculture and defense matters. Bob Price is one of the very few congressmen with an actual working knowledge of agriculture and is one of only three congressmen qualified to fly and evaluate today's sophisticated aircraft. As a result of his years of experience Congressman Price has become an unofficial advisor to a number of federal agencies and administration officials.

PRICE KNOWS ABOUT WAR—HE HAS BEEN THERE

There's no substitute for experience. Price's determined position to maintain a strong military posture for this nation comes from his personal experience. As an F-86 Sabre jet pilot. he flew combat missions in Korea and daily ran the risk of being shot down over enemy territory. Surrendering to Hanoi is inconceivable to those who have family members as well as close friends behind North Vietnamese barbed wire.

AGRICULTURE SECRETARY EARL BUTZ AND CONGRESSMAN BOB PRICE CHECK WHEAT GRAIN

Secretary Butz and Congressman Price met in Galveston, Texas to examine the wheat being sent to the starving refugees in Bangladesh. Price, a practicing rancher, lends practical experience to the House Agriculture Committee and is one of only a few members of the Committee with any actual first-hand experience in agriculture.

HIGH ATTENDANCE RECORD YEAR AFTER YEAR EARNS PRAISE

Congressman Price during his entire career in Congress has earned one of the highest attendance records in Congress. In spite of losing several days while hospitalized with two major operations, Price has chalked up a 90.4% attendance record. Price also has been cited for his outstanding voting record by the National Associated Businessmen and the United States Chamber of Commerce.

Attendance record

	Percent
Price	90.4

Source: Congressional Quarterly 1967–71.

WASHINGTON REPORT FROM YOUR CONGRESSMAN BOB PRICE, AUGUST 7, 1972

BUSING VOTE

The House Rules Committee has voted to bring the proposed Constitutional Amendment, which prohibits forced busing, to the House floor for a vote.

I strongly support this amendment which is similar to one I have sponsored. I am opposed to busing of school children just for the sake of a numerical balance dreamed up by some statistician.

Quality education took a back seat on the bus under this program and it is now evident that such a program destroys the concept of the neighborhood school and parental support for that school.

It has also become evident that using the color of a person's skin to determine assignment to a particular school is in itself discrimination.

There are those who argue that it takes too long to get two-thirds of the Congress to approve such a measure . . . too long to get three-fourths of the States to ratify. However, I feel as other parents do, that an amendment is the *only* guarantee we have that the courts will not be running our schools.

This issue will come up for a vote within the next week . . . it is imperative that it pass.

FEDERAL BUREAUCRACY DECREASES

The number of persons on the Federal payroll is gradually decreasing under the Nixon administration. At a high of 2.6 million in 1969, the number of government employees now stands at 2.5 million.

This figure would decrease even more when the Nixon plan for reorganization to cut out duplication and overlapping is put into effect.

Thus far, however, the President has been stymied in this effort by an opposition-controlled Congress which continues to implement more federal agencies.

WASHINGTON REPORT FROM CONGRESSMAN BOB PRICE

TOXOPHENE

The Food and Drug Administration is currently investigating the chemical, toxophene, for possible elimination as a pesticide for spraying cotton and for use as a dip for cattle with scabies.

FDA is consulting with the Department of Agriculture and information has been sent to all state Veterinarians in the Southwest along with a request for an opinion.

This chemical is permeating the soil according to FDA reports and has residual qualities similar to those of DDT. Because of this quality, the ban would be especially important to the cotton industry. And for the dipping of cattle, only lime and sulphur would remain as an acceptable substitute.

RED RIVER BASIN

On September 25 I will be meeting in Wichita Falls with the District Engineer of the Corps of Engineers from Tulsa, for the purpose of establishing priorities in relation to the continuing efforts to improve our water supply.

We have been working with the Red River Authority to hasten this project and this past week Senator Tower and I have succeeded in getting the Department of the Army to make an official request for getting necessary funds released by the Office of Management and Budget so construction of Phase I can get underway.

Twenty one Northwest Texas counties are directly affected by this project.

PANHANDLE RECREATION AREA

I am working with the U.S. Forest Service to search for a way to return control of Lake Marvin in Hemphill County back into the hands of the local residents.

This recreation area has been neglected in recent years and the Commissioners of Hemphill county had attempted to buy it back from the government and restore it to a useful facility.

Because Lake Marvin is part of the Black Cattle National Grasslands, it cannot be purchased outright, but the Forest Service informs us that it feels a deal can be arranged to swap land with the County so that the Lake would be back under local control.

IF BENJAMIN FRANKLIN HAD INVENTED TELEVISION

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. JACOBS. Mr. Speaker, I place in the RECORD an address by Mr. Reuven Frank, president, NBC News. The address was delivered at the Conference on Electronic Journalism, Herbert Hoover Presidential Library Association in Warrenton, Va., on June 22 of this year.

As can easily be told by reading, it is excellent.

The address follows:

IF BENJAMIN FRANKLIN HAD INVENTED TELEVISION

(By Reuven Frank)

There is too much detailed discussion these days about the regulations which govern television reporting, and not enough general discussion about the principles which underlie them.

Thus we wonder how the Fairness Doctrine applies to letting this candidate speak so many times, and that one not so many. To which news programs does the legislated requirement of equal time apply, and how does a journalist on deadline pick his way among the distinctions? What is the proper role of the legislature in protecting the audience from news presentation which is not totally factual? How much must an audience be told about what went into a piece of news before it was put together, and about how it was put together?

There are all specific, recent considerations, governing the details of laws affecting how news is presented on television and how those laws are administered, and whether there are too many such laws or too few. The number of such areas of involvement in television reporting is approaching the dozens, and the individual instances of suggestions for new regulations is into the hundreds. And rising.

The least of these, were it applied to a newspaper, would be thrown out of any American court as a violation of the Constitution, as a direct contravention of the Bill of Rights.

I submit that as a simple fact.

Whether Section 315 of the Federal Communications Act—equal time—is being applied the way those who wrote it intended, whether the doctrine called Fairness requires presenting views no one seems to want to hear—no one even discusses such matters with respect to a newspaper. It is widely understood that the First Amendment forbids legislating changes, even improvements, in newspapers and how they do what they do.

The two media are governed differently because of the physical differences between them. That is the accepted wisdom. It is honestly believed by most people who concern themselves with such matters that the physical properties and conditions of broadcasting make regulation of them inescapable. The need for the orderly allocation of broadcasting frequencies is said to make regulation of their news presentation permissible, and even desirable.

First of all, there is a logical hole in that last sentence which you could drive a newspaper delivery truck through.

Second, and much more important, there is no reference in such discussion to what the First Amendment was intended to achieve. It is my understanding that the purpose of the First Amendment was not to achieve freedom to print; that was its method. Its purpose was to keep all government out of all news.

If I am right, then the purpose of the First Amendment, the first clause of the American Bill of Rights, is being violated thousands of times a day, including today. We who are employed in television justify and defend and explain what we do to people who either have no right to ask or ought to have no right to ask.

Matters have come so far that this simple position sounds like an extreme position. But is it?

Not very often, but sometimes, newspaper people are asked the sort of question we are asked. The essence of their answer tends to be None of your business. Their language may be politer than that, but that is what they mean. And it is indeed none of your business, if you are a judge, or an elected legislator, or an appointed official. The First Amendment says it is none of your business whether a newspaper is fair, or presents candidates equally, or displays bias. Nor does anyone assume that when a newspaperman tells a legislator or a judge these actions of his are none of their business that he is tacitly admitting unfairness or bias or inequality. On the contrary, he is seen as exercising his right, indeed his duty, under the First Amendment. As I put the proposition it sounds harsh because the First Amendment freedoms of newspapers are so widely taken for granted that I venture no one in this room has thought about them in this sense for years.

Ask yourself: When is the last time you read a newspaper report you thought unfair? Or an incident of which you had personal knowledge was described in a way you considered incomplete? Or biased? There must have been some such recent occasion. You may have written sharply to the editor, or thought about it for a moment or two. And given up the thought, because what's the use?

But, even for an instant, did it occur to you there ought to be a law? Or a hearing by a committee of Congress? After eighteen decades of life under the Constitution, the impulses and brain paths for such thoughts do not exist in the American mind. We do not challenge the rights of newspapers to be newspapers, even those newspapers we dislike or hold in contempt. Any such thoughts are unthinkable thoughts.

Think them. The Constitution is, after all, not an immutable document. It changes slowly but it changes. It has changed. It will change. You can change it. Wouldn't you like to change the First Amendment? Shouldn't newspapers be obliged to be fair? Shouldn't wise and impartial men, the public weal uppermost in their minds, set standards for such fairness? Standards we may all refer to, publishers and readers alike? Doesn't the American public deserve the fairest and best? Is there a lawyer in the house? Is there a Constitutional lawyer in the house? Is George III in the house?

I put it to you that you think I am making my point by reducing it to an absurdity, that your thought processes are so conditioned that a Constitutional amendment to allow regulating newspapers strikes you as absurd.

What makes it absurd?

It is not considered absurd in most of the countries of the world. It has not been thought absurd through most of history. It is not absurd in the United States, if it is news we are talking about rather than newspapers. At that time of our history when all news was printed news, all news was free of Government control, regulation and intrusion. Now that only a part of news is printed news, most news is subject to Government control, regulation and intrusion.

We discuss the doctrine of legislated fairness which is applied to television and whether it goes too far or not far enough. We do not discuss whether it is a violation of the purposes of the Bill of Rights and the almost religious belief of most Americans in those purposes that such a doctrine should exist at all.

There are, it is true, current discussions of the First Amendment as it applies to newspapers. It has over the years been extended far beyond keeping the Government out of publishing the news to keeping it out of the process of gathering the news. Now the Supreme Court is considering whether making a reporter enter a grand jury room violates the First Amendment. But I am not talking about these expansions of First Amendment rights. I am talking about its simplest, smallest original frame.

If the First Amendment does not apply to news on television in the same way that it applies to news in print this year in this country it does not apply to most news. That is a fact. It can be expressed in statistics. If you do not believe it ought to apply to news on television, you do not believe that it is an absolute need that news be free of Government regulation and intrusion. You merely think you do. You believe there is nothing wrong with Government intrusion in news if the news is not printed. That is not the way you express your belief, but that is what you believe.

This belief, to go back, is said to be based on the physical difference between print and broadcasting, between wood pulp and radio waves, not between what they carry. The rationalizations supporting this are a Tower of Babel ascending to the sky. But the First Amendment applies only to the products of pine trees. It is not a belief about free human beings at all. The airwaves belong to the people; the pine trees belong to somebody up in Canada.

The physical difference between two media is the only reason formally cited, in places like legislatures and courts of law, for withholding from television the full application of the First Amendment as it applies to newspapers. I find the reason unconvincing and I consider it unrealistic. People in broadcasting often counter in some manner like this: It is true broadcasting channels are a finite number, but it is a very large number, while print whose outlets are theoretically unlimited does not in present fact boast that many outlets. To me a fact rarely if ever brought up seems much more to the point: Print still exists. However finite is the number of broadcasting channels, they are additional to the theoretically infinite number of vehicles of access through print. Infinity plus seven thousand should be sufficient for anyone to speak out and try to make himself heard. It is not a condition of access that all access be identical, only that he seeking access be not stifled.

There are less formal arguments not only about the number of broadcasting channels, especially television channels, but about their impact. Being on television is so important, to a political candidate, say, that all other candidates must appear on the same television or be badly done by. And if the First Amendment applies to television, the branches of Government will not be able to assure this access. Or, you might say, television is too successful to fall within the Bill of Rights.

First of all, the branches of Government cannot make people listen equally, and eyes and ears are as important to access and the spread of ideas as are the various media. Second, there was never a time when some media did not have more impact than others, some organs did not reach more people than others. The same reasoning which denies the full meaning of the First Amendment to television could have been used in that recently past time when there were only newspapers to deny it to all newspapers with more than 50,000 circulation. By the same reasoning, had I the power to do so in Chicago in 1924, I should have let the Daily News print freely and made the Tribune adhere to a Fairness Doctrine. But the First Amendment is held to apply as much to newspapers and magazines which a great many people read as to those which very few people read.

If it applied only to newspapers and magazines very few people read, it would not be a right of citizens, but the right of an elite. No serious thought was given to denying the First Amendment to what was nobly called "the yellow press" even though most people read it. It makes no sense, therefore, to say or even secretly to think that because a television station or network reaches a great many people its news functions fall outside the First Amendment. It makes no sense, but it is said or secretly thought all the time, not only by petitioners who want to get on television, but by officials who see to it that they do get on.

So I am not convinced by the argument about the difference between media. I cannot see how anyone can be convinced by it. The biggest difference between newspapers and television which I can see is that newspapers existed at a time when adventurous men with faith in their fellow-citizens laid down principles for a new society to live by. Television exists in a frightened time when this faith is honored either by lip-service or by a frantic determination that freedom must be enforced. I think if Benjamin Franklin had invented television its informing functions would have been included in the First Amendment.

Too often I am oppressed by the feeling that there are those among us who regret that there were foolish men in the Eighteenth Century who forbade well-meaning officers from imposing rules of constructive and ethical behavior on publishers. And they dread lest the same mistake be made about television.

So far they have succeeded. Television news has been held not to fall within all the protections of the First Amendment. If this were not so, we should not be here today; there would be nothing for us to talk about. There could be no Fairness Doctrine within the First Amendment. As it is, representatives of all three branches of Government intrude into the news most Americans get, television news.

Congress shall make no law prohibiting the free exercise of some religions; or abridging the freedom of some speech, or of some of the press; or the right of some of the people peaceably to assemble, and to petition the Government for a redress of some grievances. Do we dare admit that is what we really believe?

I consider it so self-evident that the First Amendment deals with the Government and news and not with the Government and one news medium that I hesitate to support my position with reciting specific events. A principle is a principle. But one event so recent and so well-publicized that everyone in this room has heard about it can serve as a strong and useful illustration of what happens because television news is not free of Government intrusion. You may consider this in the light of simple, general principles of our law and what can happen if one of them is abandoned. Or, if you prefer, you might think of this incident in terms of your own private views of what the public wants and needs, in this case the voting public of one state and of the entire country.

In the middle of May, in the presence of television newsfilm cameras, Senator Humphrey challenged Senator McGovern to meet him on television to debate. At that time whatever information was available, and there was a lot—polls, the observations of reporters, and the off-the-record judgments of the staff members of these and other candidates—indicated that only these two men had a reasonable chance of winning the Democratic Party's presidential primary in California.

Now there is a lot of law about candidates appearing on television. Most of it hinges on Section 315 of the Federal Communications Act which used to mean that if a station sold or gave time for a political message to a candidate for elective office it might not refuse his opponent the same opportunity. It has since been interpreted and amended and it now means a great deal more than that. Among other things it means that no television station may present a debate between two candidates if it does not do about as much for other candidates running in the same election. In practical fact it means there can be no television debates. As in most such nice legal situations, one could postulate conditions where there might be debates, but for most of them one could not postulate why anyone should listen. People watch what they care about. If we had proved that the voters of California cared only about Humphrey and McGovern, it would have been absolutely beside the point. This would have been what is called in my business a news judgment and there are no news judgments without a First Amendment.

But the original Section 315 has been amended, to exempt regular news programs and regular interview programs. Each major network has such a regular interview program. So the three major networks invited Humphrey and McGovern to be interviewed on these programs, CBS nine days before the California primary election day, NBC seven days before, and ABC the preceding Sunday, June 4, two days before election day. I speak now only for NBC: our arrangements were made after the other two were announced; we dealt only with the candidates and their representatives; we did not deviate one iota from the established format of "Meet The Press." The candidates had no say in the questions, the format, or the participants.

It might be argued that a real debate

might have been of more use to the voters, but a real debate is against the law unless you satisfy the law with extra candidates or extra programs—not for the public, for the law. It might be argued that a true debate might be more interesting and exciting, so that more voters would watch it than some other things which are on television. But a true debate on that date would have made us vulnerable under the law. This law applied to newspapers would be unconstitutional. Those who hold the First Amendment does not cover television say among other things that they are promoting more political discussion for the benefit of more citizens. On at least that day, May 30, they did the opposite.

On the first of these pseudo-debates, the CBS one, May 28, the two men were allowed to contradict each other a little bit, which was a little different from the usual practice of that program—although I don't know how you make a United States Senator speak only when spoken to while on live television. But that may have triggered the ludicrous sequence which was to follow.

Two other candidates, Congresswoman Chisholm and Mayor Yorty, petitioned the Federal Communications Commission for equal access to the networks before the California primary June 6. The polls were showing Mrs. Chisholm at two per cent of the vote, and at that she was ahead of Mayor Yorty. Both had already been on television often and neither seriously claimed to be able to win. But that is the way a newspaper is allowed to think; not a television network. The FCC told the two petitioners the networks were acting legally under the amended Section 315. So Mrs. Chisholm went to Federal Court.

In an "interim" judgment the U.S. Circuit Court of Appeals ordered ABC to include her in its program and CBS to give her time to make up for her absence from its program. (She did not move against NBC because we had already scheduled her for Monday morning.) The court's decision came Friday evening, two days before the ABC program, four days before the primary election. The court ordered action by Monday.

On Sunday, the ABC program was hastily changed so three reporters could interview four candidates—Humphrey, McGovern, Chisholm and Yorty—and a representative of Governor Wallace, five people. CBS gave Mrs. Chisholm a half-hour to fill however she pleased, and she recruited three reporters to interview her. NBC presented Mrs. Chisholm speaking into the camera for 15 minutes and Mayor Yorty speaking into the camera for 15 minutes. (We were not under court order, but we thought we might prevent one.) Mrs. Chisholm and Yorty also appeared, separately, on the "Today" program Monday morning. Minutes after the "Today" program was shown in California, Yorty announced he was withdrawing from the race and asked his supporters to vote for Humphrey. Mrs. Chisholm got twice as many votes as the polls said she would, four per cent.

This has nothing to do with what I or anyone else in television thinks of the ideas or candidacy of any of the protagonists. Nor do I mean to imply criticism of Mrs. Chisholm in going to court. Anyone who fails to take advantage of a foolish law is himself foolish. But, after all, what was accomplished? Was the American voter, for whose benefit this charade was supposed to be taking place, enlightened? Is it hard to imagine that there were many California voters who were looking to that last program to help them decide between Humphrey and McGovern? Were they not in fact coerced into watching people they didn't care about?

Whenever we leave the Bill of Rights, for even the noblest motives, we embark upon the lexicography of coercion. On that very ABC program one of the reporters asked the two main candidates what they thought of the arrangement whereby five appeared where they had expected two. And Senator Humphrey spoke those words I have learned to dread, words I caution you against. Mrs. Chisholm, he said, had a right to be heard. There is no right to be heard. There is only a right to speak. If there is a right to be heard, it must by definition be a right to force someone to listen. But we say things like "right to be heard" because they sound as though they ought to mean something. They have that ring to them.

The FCC and the networks are now wondering whether to try to overturn the interim decision of the U.S. Circuit Court of Appeals. What happened on June 4 is of course now moot. But if it seems likely to happen again there will be an understandable reluctance to present candidates for office in a program form which merely seems sensible and valuable. To put it at its extreme, if the courts can order some political appearances, why not let them order all political appearances? There could be a special court. Whatever the deficiencies of such a plan, it is apparrently not prohibited by the First Amendment. And learned jurist in rolling periods could explain how this enhances freedom.

There is the argument that without the court-ordered arrangements of June 4 minority candidates would be stifled. I think I have answered that, but if my answer has been insufficient or too abstract, I beg leave to point out that Senator McGovern and his staff were making the same argument less than a year ago. The media were ignoring him and thereby ignoring their law-specified responsibilities. We heard that a lot.

The media were in fact reporting what our best though fallible judgments told us interested people. A few weeks before the New Hampshire primary our reporters said the McGovern campaign was more interesting to the voters than it had been—not more interesting than we had said it had been; more interesting than it had been. So we reported it more. Now there are those who say McGovern profited from that original lack of attention. There may even be somebody out there preparing to accuse us of ignoring him so he might succeed. All we do, in our simple-minded way, is try to proceed according to our news judgment, the judgment which needs protection by the First Amendment.

I am not a lawyer. Long ago I decided not to be a lawyer. I have never regretted that decision. To me the Fairness Doctrine, and equal time, and the right of reply, and the Commissioners and the judges, the good ones and bad ones, the sympathetic ones and hostile ones, the conservative ones and liberal ones, the Congressmen and their new bills, the executive assistants and their new schemes, are all one jump. They are the Government in news, the Government in my business. I began on a newspaper. There I learned the Government had no business in my business. I am still in the same business, but now it's O.K. for the Government to interfere. It is not easy to understand or to follow.

If the Government should not be in news, it should not be in television news. If for one reason or another now is a tactless time to bring this up, this is the best time to bring it up.

JOHN PENA

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. KEITH. Mr. Speaker, one of the greatest strengths of democracy is the willingness of our citizens to devote their time, energy, and interest to the good of the community. Not for money, or for personal gain, or for prestige, but because they care about their fellow man.

The town of Falmouth lost such a citizen last month. His name was John Pena, and I, along with hundreds of others who knew him, felt privileged to call him a friend. He was never on a public payroll, but his life was devoted to the public interest. In the course of that life, he managed to develop a knowledgeability and expertise in civic affairs that few could match.

In his private life, John was many things—a farmer, a landscaper, a bus driver. He retailed ice and fuel oil, he held the town's rubbish and garbage contract for a time. He made his living in a typical Cape Cod manner, accumulating small and varied enterprises as the need arose.

John's real love, however, was for his public pursuits and they were many and varied too. He was an energetic and loyal Democrat, though he never let that hamper his friendly relationship to his Republican Congressman. He was a zealous sportsman, leading several baseball organizations and spearheading a successful effort to build a new fieldhouse at the town football field.

He served for many years as town meeting member, and for the past several years as public works commissioner. It was in this post that his expertise became most developed, as the question arose of what kind of sewer treatment system was best for Falmouth.

John was convinced that a sea outfall system, while not perfect, was the most effective and economical way to dispose of the town's wastes. He immersed himself in information on the question, spending countless hours in research and discussion into the matter. The result was that he could match facts and figures with the most knowledgeable experts in the field, and he helped to educate the entire town in this complicated issue.

Town meeting in Falmouth this year will be very different, without the voice of John Pena on hand to bring rhetorical discussions down to earth. Others will succeed him, as spokesman for various public causes, but they will have to go quite a distance to bring to the public dialog the kind of knowledge, warmth, sincerity, and enthusiasm that John Pena had. He will be missed.

A pertinent newspaper article follows:

[From the Falmouth Enterprise, Aug. 29, 1972]

JOHN PENA

"Few of our citizens are more civic minded," this newspaper said at one point in John Pena's pursuit of public service. It is too bad he had to go before the present controversy over the sewer was resolved. The tenacity with which he held to his view and the intensity of conviction on the other side evoked extreme feelings. The other man was obscured. John Pena was a friendly and gentle man. His interests were wholesome and aimed at helping people and causes and institutions. It was a small town's way of life into which he grew naturally. Part of this way of life was a proprietary interest in the town government and all its doings, an interest of the sort more often reserved by businessmen for their businesses. We don't mean to say that he was alone in this or that he wasn't one of many. But in his universal, active interest in town affairs he was the sort of person who can make participatory self-government work.

LIST OF MASSACHUSETTS RESIDENTS OPPOSING U.S. INVOLVEMENT IN INDOCHINA

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. HARRINGTON. Mr. Speaker, on August 18, 1972 I submitted a list of names of 500 residents from Massachusetts who strongly oppose American involvement in Indochina. As a proud sponsor of the peace alert effort, a bipartisan organization with the support of 72 Members of Congress, I wish to insert an additional list of names of citizens who have voted to terminate all military operations in Southeast Asia.

These names are being inserted as a symbolic gesture. Many more Massachusetts residents share the same views toward the war in Indochina, joined by thousands of others across the Nation. I implore my colleagues not to ignore the opinions of these citizens who have expressed their heartfelt feelings about our misadventure in Southeastern Asia, and who urge Congress to cut off all funds which support the war.

The list of Massachusetts residents follows:

Melody Gagney, Chilmark.
Phyllis Marsey, St. Clair Shores.
Canren de Carlo, Springfield.
Alice Singer, Cambridge.
Albie Ferullo, Framingham.
Nancy Meadow, Longmeadow.
Emily Kinnel, Hadley.
Calvin Johnson, Cambridge.
Eleanor Pavia, Framingham.
Nancy Powell, Hayward.
Kennett Cohloon, Readville.
Karen Radford, Waltham.
Mrs. Karl Klanseen, Brookline.
Dr. Patricia Temple, Boston.
Paul Sullivan, Grafton.
Nancy Rickardoson, Cambridge.
Larry Bell, Yazoo City.
Margaret Robinson, Cambridge.
Gustly Wilson, Falmouth.
Jean Harper, Boston.
Dr. Edward Gordy, Newton.
Timouthy Lincoln, Ware.
Roger Matnley, Newton.
Sally Mc Garigal, Duxburg.
Elaine Remuano, W. Newton.
Hugh O' Brien, Nedway.
Mrs. George Bennett, Newton.
Chely Whidney, Plymouth.
Selma Greenberg, Cambridge.
Emma Gilbert, Cambridge.
Catherine Bushueff, Wellesley.
Sr. Kathleen Martin, Hingham
Dorlly Prence, Brookline.
Mrs. Ben Katzman, Exidouor.
Genevieve Winston, Cambridge
D. Hane, Sharon.
Victor Gazall, Springfield.
Carmen Forte, Cambridge.
Wanda Humphrey, Newton.
Jane Couaro, Jamaica Plains.
Max Chellton, Waltman.
Rev. Kevin Kerk, Springfield.
Paul Ahearn, Milton.
Susan Carmen, Lexington.
Steve Weiss, Allston.
Carlyn Colwell, Cambridge.
Frank Adriance, Dorchester.
Robert Smith, Weston.
Lillian Horvetz, Somerset.
Ben Kessler, Maldeno.
Vincent Piccolo, Worcester.
Tom Galt, Wellfleet.
Florella Galt, Wellfleet.
Nancy Segal, Wellesley.
Mrs. Edward Nathanson, Brookline.
Fena Kinsten, Brookline.
Burton Malvry, Boston.
Mrs. Beatrice Carlson, Winthrop.
Gail Sylvester, Edgartown.
Henry Sallagort, Newton.
Patricia Lamey, Jamaica Plain.
Edward Leonard, Holden.
Adele Shembari, Newton.
Mrs. Helen Adams, Chestnut Hill.
Joseph White, Chelsea.
Richard Burian, W. Newton.
Linda Burican, W. Newton.
Linda Kucera, Waban.
Carol Nadelson, M.D., Brookline.
Ellen A. Lewis, Brookline.
Martha O'Connor, Wellesley.
Carla Van Bennekom, Lynnfield.
Lavrel Hayeor, Concord.
Terry Helbeng, Boston.
C. S. Miller, Wellesley.
Mr. George Kalfield, Greenfield.
Louise Gobert, Wellesley.
Belle Haughton, Bernardston.
Jane Goffey, Greenfield.
Robert Hilbard, Hadley.
Jeffrey Sinclair, Bernardston.
Sam Judson, Amherst.
Helen Curtis, Amherst.
Rosen, Brookline.
Joseph Ballin, Boston.
Elfriede Kayser, Brookline.
Barbara de Zengotita, Columbia.
Roberta Carroll, Arlington.
Joyce Ellis, Brighton.
Mrs. Wendy Sweeney, Boston.
B. M. Milandey, Quincey.
Degorah Hoey, Melrose.
Roberta Rudermar, Brookline.
Rimit Bermain, Gloucester.
Connie Stubbs, Boston.
Margeny Sacks, Boston.
Donna Zoswityz, Brighton.
Sherry Ackland, Cambridge.
Mrs. Shirley Foster, Boston.
Linda Palari, Allston.
Maurene Tsimotos, So. Bellingham.
Maxine Garber, Springfield.
David Garber, Springfield.
Jay Frolick, E. Boston.
Naller Foster, Springfield.
Clara R. Stone, Newton Center.
Louis Segel, Newton.
Dave Natham, Boston.
Joy C. Quay, Duxbury.
Mrs. Dorothy Atkenson, So. Hadley.
Peter Stone, Newton.
Mr. A. Cromin, W. Roxbury.
Mrs. A. Cromin, W. Roxbury.
Robert Hoeh, Newton Highlands.
Pauline E. Swift, Cambridge.
James Petcoff, Duxbury.
Sessie Petcoff, Duxbury.
Mary C. Cadigan, Duxbury.
R. A. Rtiz, Brookline.
Theodore Juallo, Medford.
Stanley S. Treitman, Wellesley.
Wilfred V. Rownseville M. J., Newton Center.
Richard Gold, Newton.
Dorothy King, Boston.
Kent Rogers, Watertown.
Donna Rogers, Watertown.
Mrs. Lawrence Peterson, Wellesley.
Vicki Citorn, Newton Centre.
Charles Ellis, Jr., Lynn.
Mrs. Frederic Parker, Cambridge.
Frances Hobofram, Franklin.
Dorothy Losh, Concord.
Albert S. Vigna II, Brighton.
Sydna White, Vineyard Haven.
Phyllis Trigble, Waltham.
Judith Moors, Brookline.
Nancy Baldoni, Wore.
Lucy Harriman, Springfield.
John Bush, Brightwater.
L. Gardner, Sudbury.
Helen Caiffler, Cambridge.
Priscilla Hoeh, Newton Highlands.
Charles Barr, Waltham.
Jules Simmean S.S.S., Barre.
P. D. Woodbridge, Greenfield.
Mrs. Charles Kubik, So. Lincoln.
Guthchen Butcher, Cambridge.
Alan Morse, Cambridge.
Mr. Louis Elias, Lexington.
Mrs. Louis Elias, Lexington.
Samuel Kinstein, Brookline.
William Wallace Ford, Amherst.
Mrs. Ethel Ackley, Weston.
Anna Alden, Concord.
Dr. Thomas Wilson, Shelburne Falls.
Yvonne Rosseau, East Sandwich.
Harold V. Jenson, Buzzards Bay.
Mrs. F. A. Saunders, So. Hadley.
Kathleen O'Day, Leominster.
Francis Davis, Brookline.
Richard Talkowsky, Boston.
Alice Rome, Somerville.
Jerome Preston, Hingham.
Mrs. Rite M. Couming, Dorcester.
Paul Rogers, Amherst.
Mary Glickman, W. Newton.
Fred Raboin, Leominster.
Joseph Albano, Pittsfield.
Mrs. Ralph A. Stout, Longmeadow.
Francis Cloherty, Duxbury.
Mrs. Patricia Hay, Waltham.
Larry Laughlin, Leominster.
Daniel Hellerstein, W. Newton.
Porter Elliott, Fitchburg.
Mrs. Paul Palermino, Framingham.
Mrs. H. C. Janson, Buzzards Bay.
Earnest Weed, Boston.
Donald Miller, Winthrop.
J. L. Benson, Montague.
Leslie Lipkind, Pittsfield.
Linda Commer, Stockbridge.
Helen Dempsey, Waltham.
Stanley Paulson, Cambridge.
David Litwack, Boston.
Jane Steinberg, W. Newton.
John Sallo, Adams.
Mary Behn, Duxbury.
G. M. Travers, Natick.
Margery Geddes, Montague.
Dr. Lynwood Kenin, Norwood.
Alice Lee, Concord.
Michael Steinberg, W. Newton.
June Hamilton Leacock, Brookline.
Mrs. Lynwood Kenin, Norwood.
Mrs. William McKennan, Lincoln.
John O'Day, Leominster.
Howard P. Smith, Sudbury.
Mary Ellen Curtin, Chicopee.
Anna Mae Bissonnette, Boston.
Ed Curtin, Chicopee.
Mrs. H. P. Smith, Sudbury.
Mrs. J. Chryssakis, Winchester.
Bonnie Worhten, Woburn.
Marian Tarbox, Winchester.
Ann Hedison, Woburn.
Carol McCarthy, Woburn.
Vermigne Sharma, Winchester.
Barbara Dempsey, Boston.
Bob Sylvester, Somerville.
Tina Corsilia, Boston.
Mrs. Salvatore Datilo, Winchester.
Susan Thomashow, Waltham.
Helen Cappello, Berl.
Theresa Cincatta, Malden.
Sarah R. Cincotta, Winchester.
Carmen Colon, Winchester.
Harold Crisnell Jr., Arlington.
Kai-May Yuen, Cambridge.
Helen Ross, Framingham.

Dwight Caurall, Winchester.
Mrs. Enid Shapior, Belmont.
Barbara Epstein, Brighton.
Mr. Harrold Coriral, Boston.
Herbert R. Haber, Winchester.
Joseph Prince, Arlington.
James A. Kaop, Somerville.
Peter J. Toland, Arlington.
Ruth A. Kaup, Somerville.
Pamela L. Gast, Brookline.
Florence Connolly, Somerville.
Marjorie B. Swett, Cambridge.
Nancy L. Politzer, Arlington.
John N. Mongiello Jr., Winchester.
Michael D. Donovan, Somerville.
Peter A. Toland, Arlington.
Susan Willand, Worcester.
Kenneth P. Trevett, Winchester.
Wayne Miller, Wakefield.
Joseph DeCourcey, Arlington.
Charles P. Harris, Winchester.
Bonnie McClean, Holyoke.
Carol Lauedipe, Arlington.
James Klong, Winchester.
Mrs. Gerald H. Oganosky, Medford.
Jane A. Klorer, Winchester.
William H. Buchan, Saugus.
Mrs. Nancy Gauveia, Arlington.
Eva A. Medzorian, Winchester.
Dan Webse, Waltham.
Gordon Trevett, Winchester.
Virginia H. Nevrath, Winchester.
Leonard Lankin, Mattapan.
James Hillerman, Longmeadow.
Mitch Bornstein, Newton.
Thomas R. King, Pittsfield.
Mrs. James A. Silui, Mansfield.
Alexander Bock, Sharon.
Ernest Wisnor, Chestnut Hill.
Janis Ekarfield, Watertown.
Vincent J. Duquette, Duxbury.
G. Gibson, Gloucester.
Ethel L. Margulies, Sharon.
Stephen M. Weitzman, New Bedford.
Cathy Garry, Beverly.
Mrs. E. Winsor, Chestnut Hill.
Ann Troy, Dartmouth.
Phillip Barner, Dedham.
Norma Brown, Amherst.
Rev. E. William Mathews, Lunenberg.
Connie Griffith, So. Deerfield.
Alan Leland, Jr., Winchester.
Judith Marcy, Kingston.
Helene Harley, Duxbury.
Mrs. S. Bornstein, Newton.
Robert D. Feild, Cambridge.
Beth MacDonald, Needham.
Rev. Fred, Cartier, Woburn.
Wilfred Sheehan, Duxbury.
Norris Woodbury, Plymouth.
Erika Zeisel, Amhest.
Kenneth Gritter, Boston.
Helen M. Hillier, Watertown.
Marcus Rector, Newton.
James D. McNeely, Boston.
Edward Jardin, Georgetown.
Phil Loheed, Watertown.
Afnete Kalekar, Cambridge.
Mac Gregor Freeman, Hingham.
Charles Izzo, Charlestown.
Peter W. Nevrath, Winchester.
Mrs. Elaine R. Bova, Stoughton.
Nancy Stark, Cambridge.
Edith Wagner, Brookline.
Arline Morrison, Lexington.
Edna Lyons, Stoughton.
Elizabeth Tobin, Vineyard Haven.
Bruno V. D'Agostino, Cambridge.
Lorraine Rollo, Duxbury.
Harry Wagner, Brookline.
Eugene Jackson, Truro.
Rev. Ernst Klein, Cambridge.
Albert K. Rodman, Amherst.
Waldo Freeding, Newton.
Alice Levenson, Leverett.
Rex B. Jarrell Jr., Edgartown.
Hillary Wallis, Boston.
Ruth G. Richards, West Tisbury.
Susan Bolger Foerster, Brigton.
Maynard Mack, Jr., Cambridge.
Stephen J. Whitfield, Newton.
Ronald Dunlap, Somerville.
Barbara Rossmoore, Provincetown.
Debbie Guild, Lexington.
Janet Mindes, Cambridge.
Mary Lew Pauli, Brookline.
Harriet Hiram, Canton.
Carla Dunlap, Somerville.
Brent Brown, Gill.
Christine M. Annatuonio, Weymouth.
Richard J. Warye, Bridgewater.
Beatrice G. Jeraold, Sharon.
Janet Donohoe, Winchester.
Mavrie, Davidson, W. Roxbury.
Mathew Annantuonio, Weymouth.
Ruth Steele, Chicopee Falls.
Jay H. Gold, Brookline.
Jim Weader, Winchester.
Elma Gieordanetti, Amherst.
Robert W. Coxe, Newton.
Sarah Richards, W. Tisbury.
Mrs. Genevieve Tusinski, Greenfield.
Susan McCourt, Natick.
Mrs. J. H. Gold, Brookline.
Andrew Mountain, Winchester.
Dottie Leevitt, Natick.
Elspeth F. Milmore, Cambridge.
Kay Smith, Brookline.
Kenneth Warren, Barnstable.
Gail Breeze, Newton.
Patrick Fairbarn, Amherst.
H. W. Fairbairn, Watertown.
Virginia Nevrath, Winchester.
Dr. George Hauser, Auburndale.
Jack Curtis, Fitchburg.
Susan Curtis, Fitchburg.
Janet Albera, Marblehead.
Mrs. G. Breeze, Newton.
Mrs. George Hauser, Auburndale.
Walter Annelin, Worcester.
Laie Annelin, Oakdale.
Vennie Makie, Shrewsbury.
Judith Pippen, Everett.
Mrs. J. Aronowitz, Belmont.
Walter Bilbert, Cambridge.
Paul Makie, Grafton.
Linda Manning, West Boylston.
Ron Marstin, Somerville.
Elsie V. Mekie, Shreswbury.
R. Alexandrovich, Worcester.
Mary Vaughn Balke, Ashfield.
Mrs. D. J. O'Brien, Auburn.
Constance Hutton, Westfield.
Julianne Sheehen, Duxbury.
Ruth Pollard, Somerset.
Hope Pobst, Newton.
Ruth H. Churchill, Charlemont.
Hilred Reid, Plainville.
Rev. David Miller, Holden.
Wallace Jones, Greenfield.
Alden S. Foss, Cambridge.
James Meehan, Somerville.
John Isakson, Shrewsbury.
Carolyn Shaw, Holyoke.
Cecilia V. Zenaty, Longmeadow.
Susan Jo Harwitz, Allston.
J. H. Pratt, Wellesley.
Mrs. A. Cronin, W. Roxbury.
Calrie Montaigne, Mt. Hermon.
Mildred Grossner, Cambridge.
William Leonard, Somerville.
Paul Zenaty, Longmeadow.
Mr. A. Cronin, W. Roxbury.
William Hefner, Shellburne Falls.
Ms. Linda Robinson, Meridian.
V. A. Schrraga, Brewster.
Wassily Leontid, Cambridge.
E. B. McCue, Millers Falls.
Duane Estes, Mt. Hermon.
Mrs. W. Hefner, Shelburne Falls.
Joseph M. Carlin, Brookfield.
Forrest Briggs, Montague.
Margaret French Cresson, Stockbridge.
Patricia Spiller, Warwick.
Fritz Kaufhold, Gill.
Sidney McKee, Great Barrington.
Mrs. D. J. Estes, Mt. Hermon.
Mrs. J. M. Carlin, Brookfield.
Bernard Rierro, Vineyard Haven.
Teresa Chopourain, Watertown.
Fania Lurie, Brighton.
Flora Haas, Arlington.
Sara Posner, Marblehead.
Luarel Drake, Somerville.
Vladimir Zdrok, Chestnut Hill.
Isabel Wight, Wayland.
Jonathan Spencer, Cambridge.
Elliot Stone, Randolph.
P. R. Turnbull, Chelmsford.
Nancy Hall, Carlisle.
George O. Shaw, Marblehead.
Michael Denihan, Watertown.
A. C. Corry, Cambridge.
Phoebe Fine, Chestnut Hill.
Proctor Houghton, W. Newton.
Phyllis Simkins, Brighton.
Charles Stanton, Brookline.
Scott Sumner, Marblehead.
Libby Leyrer, Boston.
Anton Morton, Lexington.
Frank Ronan, Jr., Arlington.
Dr. Richard Frost, Brookline.
Mary Salisbury, Wellesley Hills.
Donald Maruska, Cambridge.
Mary Hone, Nantucket.
Mary Talbot, Everett.
Don Lawrence, Spencer.
Jean Murray, Cambridge.
Cathie McDonough, Boston.
Emery Lincoln Wallace, Ludlow.
Dr. H. B. Steller, Chelsea.
Midrea Sterin, Lexington.
Dorothy Knowthon, Worcester.
Ethel Sollogub, Newton.
Rev. William Leonard, S.J., Weston.
Robert Fisher, Revere.
Aida Blender, Brookline.
Stephan Trishram, Boston.
R. Kevin Dearney, Wakefield.
Dr. Jules Baum, W. Newton.
Ethel Halladay, Cambridge.
L. Golgurgh, Brookline.
Joseph Wetmore, Jr., Framingham.
Anna Judson, Amherst.
Mrs. James Hunler, Auburndale.
Mary Marsh, Stoneham.
Frances Nadeau, Marblehead.
Dr. L. Hartmann, Boston.
Jeremy Thorner, Brookline.
Janet Sharp, Vineyard Haven.
Mrs. Roger Putnam, Springfield.
Erlene Rosocosky, Needham.
Geoffrey Taylor, Cambridge.
Nancy S. Hamilton, Stow.
Roger Woodruff, Vineyard Haven.
Timothy Ashton, Brockton.
Constance Pantel, Marlboro.
Ralph Graham, Brookline.
Lloyd F. Schultz, Watertown.
Joseph P. Prieve, Maynard.
Howard Gorney, Acton.
Dr. Thomas Reiger, Billerica.
Frances Mesher, Arlington.
Mrs. R. E. Woodruff, Vineyard Haven.
Rosalind Schultz, Watertown.
Benedict Alper, Brookline.
Elena Tryar, Westboro.
Roy Pearson, Spokane.
Elizabeth Nale, Wayland.
Margaret Freydberg, Chilwark.
Mrs. Samuel Clint, Newton.
Roslele Marson, Chestnut Hill.
Robert Teudesman, Hadley.
Phillipe Villers, Cambridge.
Michael Billings, Vineyard Haven.
Amber Hollibaugh, Somerville.
Everett Swift, Falmouth.
Lynn Stuart, Cambridge.
Dr. E. M. Cole, Lincoln.
Janet Fish, Frowley.
William Bouri, Edgartown.
Dr. Allen Butler, Vineyard Haven.
Mrs. W. Everett Swift, Falmouth.
Nicholas Freydberg, Chilmark.
Mrs. William C. Bowle, Edgartown.
Mrs. Edwin Cole, Lincoln.
Rubin Russell, Brookline.
Rev. Lynn Illingworth, Needham.
Mrs. Greta Snider, Lincoln Center.
Benjamin Goldberg, Chestnut Hill.
Dr. A. C. Barger, Brookline.

Virginia Bate, Rockport.
Ardis Judson, Amherst.
Francis Remsay, Jr., Milton.
Mrs. E. S. Welch, Boston.
Northa Jean Bustin, Weston.
Beth Gamel, Leominster.
Mark Gordon Street, Stockbridge.
Philip Trapari, Somerville.

SUPPORT FOR THE HEALTH SECURITY ACT

HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mrs. GRIFFITHS. Mr. Speaker, I am pleased to include in the RECORD the text of the Labor Day radio speech of Mr. Lane Kirkland, secretary-treasurer of the AFL–CIO. Mr. Kirkland's speech is devoted entirely to the present health care crisis in the United States, and the only solution to that crisis now in sight—the enactment of the Health Security Act, H.R. 22, which I have introduced in the House of Representatives with 86 cosponsors.

The text of the speech follows:

SPEECH OF LANE KIRKLAND, SECRETARY-TREASURER OF AFL–CIO

It is a pleasure on this uniquely American holiday to extend the greetings of America's organized workers to their fellow citizens. It is a good day to look at the facts about our country and our lives, to measure what progress has been made and what remains to be done to build the free, just and democratic society America aims at.

In striving toward that goal over the years, the American labor movement has fought many legislative battles. Few of them were confined to issues that affected only workers. Most of them have involved the interests and welfare of all the American people. Time after time, at every legislative level, unions have fought to build and strengthen public education programs, to extend civil rights and civil liberties, to improve social services, to protect consumers and in general to make life in America more worth living.

On this Labor Day, I would like to discuss one of the battles we have been waging for a long time, and in which victory is now in sight. I mean the battle to establish—for the first time—a national Health Security program that will guarantee to every citizen, as a matter of right, the best health care available, at a price all can afford.

There is no doubt that America is facing a crisis in health care. Millions of Americans are deprived of the most basic health services. Health care is fragmented, disorganized, inadequate and, for too many Americans, completely out of reach.

The United States ranks 13th among the advanced, industrial nations of the world in infant mortality—and the death rate for nonwhite babies is double that of whites. America ranks seventh in the world in maternal death rates. In life expectancy, American men rank 17th on the list and American women 10th.

At the same time, the cost of health care is completely out of control. Since 1950 it has risen 600 percent. Until recently it has been rising twice as fast as all the other items in the Consumer Price Index.

Last year Americans spent $75 billion for health care—more than $350 per person for every man, woman and child in the United States—and they didn't get their money's worth.

Private insurance programs have failed completely to do the job. Those lucky enough to be covered by some kind of private health insurance—and that includes most union members—find, in many cases only a fraction of their bills covered. The rest just come—somehow—out of their pockets. Only a quarter of America's health-care bills are paid by insurance companies.

It is clear that action must be taken to prevent the health-care crisis from becoming a national disaster. There are several bills before Congress that promise remedies.

The trade-union movement is solidly united behind the National Health Security Bill introduced by Congresswoman Martha Griffiths and Senator Edward Kennedy.

It is the only bill that meets these tests:

It provides quality health care for all Americans as a right.

It provides cost controls.

It emphasizes preventive care to keep people well, instead of just treating them when they're sick.

It would transform the nation's health resources from an uncoordinated, wasteful "nonsystem" into a system that works for the benefit of all Americans.

It relies on proven ways of providing better care for more people, such as prepaid group practice plans.

It eliminates the expensive "middlemen," the profit-hungry insurance companies.

We in labor are very proud of this bill and of the way it is designed to meet the needs of all Americans, without any exceptions or exclusions, and without lowering standards, regimenting doctors or patients or damaging the legitimate interests of any citizen.

Congress has before it another bill, submitted by the present Administration but drafted by and for the commercial insurance industry.

The bill itself reads like an insurance policy. It's full of fine-print deductibles, exclusions, limitations, high-risk and low-risk schedules, co-insurance and so on. It sets up 30 categories of health benefits and requires elaborate means tests every six months to decide which category each patient would fit in. There would be 1,500 participating insurance companies, each with different forms, different programs, different coverage. The paper work alone would be a nightmare.

The insurance industry has drafted still another bill that is even worse than the Administration bill. It would allocate all the so-called "good risks" to private insurance—all the young, healthy, middle-class people. It would leave all the others—the poor, the old, minorities, the chronically sick—to the government. That is just the opposite of the way national health insurance should work. The element of risk should be spread as widely as possible to reduce risks.

Commercial insurance companies pay out only 80 cents of every premium dollar for health care. The rest goes for profit, overhead, advertising, salesmen's commissions and other things—all items that would be eliminated by national health security.

But beyond that, Congressional investigation of the way commercial insurance companies have mismanaged their part of the Medicare program, and overcharges they have made on government employees' insurance programs, show that the insurance companies are completely unfit to administer a national insurance program.

The Senate Antitrust and Monopoly subcommittee has uncovered fraud and deception, padded expenses and payrolls, overcharges, kickbacks and cost overruns that have cost American taxpayers millions of dollars. Investigations are still going on and more disclosures are expected.

But we know enough already to convince us that both the Administration's bill and the industry's bill should be rejected.

The American Medical Association is pushing a bill it calls "Medicredit." It would use income tax credits to offset part of the cost of premiums paid to insurance companies. Those who don't pay taxes would have their premiums paid in full.

The concept would provide no help whatever toward producing more and better health care. It would encourage higher costs. And it would open another tax loophole through which millionaires, who use other loopholes to avoid paying taxes, would be given federal money to buy insurance.

There are other bills involving so-called "catastrophic insurance," designed to help out with unusually expensive illnesses.

Catastrophic insurance is a rich man's program. First, there is a large deductible before it takes effect. Then the patient has to pay a large part—usually 20 percent—of the balance.

A $1,000 medical bill is not a catastrophe to an executive making $50,000 a year. It is a catastrophe to a worker struggling to support a family on $100 a week.

Many people with low incomes would get little benefit from such a program. But they would still have to pay for it through payroll deductions. In effect, poor people would be contributing to a system that would largely benefit people with larger incomes.

All of these are special-interest bills, designed to benefit some Americans at the expense of all the others. America cannot afford a special-interest approach to health. America needs the Health Security program.

Some critics charge that Health Security is a "monolith" that would take away the patient's right to choose his doctors and the doctor's right to decide how he wants to practice medicine.

Well, that is a lie. There is room under this program for every kind of health-care delivery system that exists—group practice, fee-for-service or anything else.

Health security wouldn't interfere with the rights of either doctors or patients. But it would eliminate the gravy train. It would, for the first time, give Americans full value for the $75 billion a year they spend for health care.

America should have adopted Health Security long ago. The AFL–CIO is going to do everything in its power to see that America has Health Security as soon as is humanely possible.

And that's labor's pledge to its fellow Americans on Labor Day 1972.

EDUCATING THE RETARDED AND HANDICAPPED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. VANIK. Mr. Speaker, millions of American children are excluded from our public schools, schools which receive Federal assistance from all taxpayers including the parents of children excluded from these schools. Over 4 million handicapped and retarded children are excluded from all facilities and do not receive any training at all. I have introduced legislation that would provide increased guarantees of the rights of handicapped children and their parents to participate in these federally assisted programs, including Federal education programs. It is vital that this legislation be considered in the 93d Congress.

The Internal Revenue Service has ruled that:

While ordinary education is not medical care, the cost of medical care includes the cost of attending a special school for a mentally or physically handicapped individual if his condition is such that the resources of the institution for alleviating such mental or physical handicap is a principal reason for his presence there. In such a case, the cost of attending such a special school will include the costs of meals and lodging, if supplied, and the cost of ordinary education furnished which is incidental to the special services furnished by the school.

While the Internal Revenue ruling is helpful, it still leaves out many legitimate and necessary expenses. For several years now, I have introduced legislation to allow a tax credit for such expenses. It was a great disappointment that the Tax Reform Act of 1969 did not incorporate this idea. I will continue my efforts to obtain these tax credits in the next Congress.

The President asking for information on existing programs for handicapped children, should contact the State Plan Officer for Ohio in the Department of Health, Education, and Welfare: Mr. Paul Thompson, Department of Health, Education, and Welfare, Seventh and D Streets SW.; R.O.B. Building, room 2015, Washington, D.C. 20202.

PAROLE, PROBATION, AND CLEMENCY ABUSES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. ASHBROOK. Mr. Speaker, in 1973 the FBI began its "Careers in Crime Program" under which is compiled the records of criminal repeaters released since 1963 from the Federal criminal justice system. In describing the program's findings, the late FBI Director, J. Edgar Hoover, stated in March 1971, before a House Appropriations Subcommittee, that 65 percent of those released from the Federal system in 1963 turned up rearrested by local, State or Federal authorities during the next 6 calendar years. As he had repeatedly pointed out year after year, the abuses of parole, probation and clemency were cited by Mr. Hoover as sharing part of the blame for the increased crime.

Apparently, the historic city of Philadelphia, Pa., is no exception to this new trend of leniency on the part of some judges, parole officers and others. In a recent issue of the Philadelphia Inquirer, Police Commissioner Joseph F. O'Neill shared his views on this issue with Inquirer readers via a letter to the editor. Here, as in other cases involving official judgments, the question of which will receive the higher priority, the individual right or the community welfare, again arose. Commissioner O'Neill, like all law enforcement officers has a wider view in that he deals with both the criminal and the victim. His view is more likely to be better balanced than that of some unrealistic judges and parole officials whose background experience should include the viewing of victims at the city morgue or the terror-stricken demeanor of an assault victim.

I insert at this point the knowledgeable views of Commissioner O'Neill as stated in his letter to the editor of the Philadelphia Inquirer recently, followed by an article entitled "The Ultimate Victim," by the late FBI Director, J. Edgar Hoover, from the FBI Law Enforcement Bulletin of January 1971.

The material follows:

JUDGES GAMBLE WITH PUBLIC SAFETY

(By Joseph F. O'Neill)

TO THE EDITOR:

In your editorial "Not to be treated lightly" concerning the rapist who was placed on probation, I was disturbed by some of the editorial comments. The editorial writer stated:

"We do not subscribe to the theory that lenient judges are responsible for the high crime rate. Nor do we believe it is often constructive to second guess judges on the basis of subsequent acts by defendants."

As police commissioner, I am daily faced with clear choices and options, I must decide quickly on what will produce the highest degree of crime protection and criminal apprehension for our city. My decisions are matters of public scrutiny.

A judge faces options too—an opportunity to apply rehabilitation measures to the defendant before him, or an opportunity to safeguard the total community against future crimes committed by that same individual. Too often they sentimentally gamble on the man. In my opinion, some of these gambles have little or no chance of success. The judge therefore is substituting the rights and safety of friends, neighbors, and fellow citizens for an "Impossible Dream."

Every morning I see this choice dramatically and emphatically illustrated. The criminal extracts of those who have been arrested for serious crime in the past 24 hours are placed on my desk for my information.

Today (Aug. 30), which is a routine one, the group of defendants included a young man who at 15 began his crime career with a criminal rape. In the intervening seven years he's been arrested 11 times ranging from larceny, threats, burglary, carrying concealed weapons, assault on a policeman, drunken driving, highway robbery and aggravated robbery. With five convictions and awaiting trial on two separate robbery offenses, I ask—who should be considered by the judge, the felon or the public on whom he preys?

Another young man received five days for disorderly conduct in 1965. Since then he's added nine more arrests—burglary, aggravated robbery, shoplifting and murder. With four convictions he's awaiting trial for three arrests—larceny by purse snatch, possession of narcotics, and aggravated robbery. Don't you think the public's safety should get priority when the judges try this man?

The third man was sent to Camp Hill for rehabilitation in 1963. He had been charged with robbery, larceny and aggravated assault and battery by cutting. In 1967 he received two years probation for burglary and resisting arrest.

In 1969 he was arrested for robbery but found not guilty. The next three years have produced eight arrests—one for larceny, one for assault with intent to kill and six for aggravated robbery. On the last three he used firearms. Our records indicate that each of the latter four times he committed crimes, he was awaiting trial. Indicted, this man was out on bail pointing loaded guns at citizens.

What option should judges use on this man—the individual welfare or the public welfare?

I believe the safety of the community must be paramount. Records like these are repeated many times over every day of the year. They reflect only the times the lawbreakers were arrested, without consideration of other crimes they perpetrated uncleared by apprehension. These are hard facts to be faced—not idealistic dreams to be coddled.

I, too, will lend my voice to the call for criminal justice reforms as stated in the editorial. I, too, want to see adequate penal, ideal parole, strong probation and outstanding correctional systems. But we don't have them now and they're not on the immediate horizon. We've got to work with the tools at hand.

The basic fact is that hardened, vicious recidivistic criminals are wating in the shadows of our streets to victimize our citizens. Many felons are on hard drugs which complicates and enlarges the problem of crime. While all segments of society make speeches, theorize, pen articles, talk, lament, create dreams, and complain about the police, our officers are daily risking their lives to apprehend these felons and they must do the job over and over again on the same defendants who magically reappear on our streets.

The least judges can do is to give fuller consideration to the public's safety when making decisions about hardened criminals.

JOSEPH F. O'NEILL,
Commissioner, Police Department.

[From the FBI Law Enforcement Bulletin, January 1971]

THE ULTIMATE VICTIM

(By J. Edgar Hoover)

"While subscribing wholeheartedly to the humanitarian principles of parole, probation, and related leniency, I suggest the possibility that you might be the next victim of someone's misguided and overindulgent leniency—their fatal mistake perhaps, but with you as the ultimate victim."

When we recall the horrifying scourge of the Black Plague of the 14th century, and then contemplate the wondrous scientific achievements of our own age in conquering crippling diseases, we are struck by the great advances civilization has made in protecting the physical well-being of man.

Tragically, however, progress in safeguarding the personal security of the individual citizen seems to be reversing itself, in some cases, back to the stone age where brute force reigned supreme. We have sunk into this morass through a distortion of human values. We have forgotten history's lesson that law, order, and justice exist only when personal liberty is balanced with individual responsibility. We have somehow lost a concept as old as the Magna Carta—that the public welfare must take precedence over private privilege.

In today's society, one of the most privileged of creatures is the unrehabilitated, repeating offender, prematurely released time and again, free to abuse parole, probation, and bail privileges while wreaking havoc upon law-abiding citizens. This offender is often the beneficiary of outlandish technical legal evasions and a misguided sense of charity. This even includes repeated examples in which dangerously mentally ill persons are released without adequate supervision.

A CASE IN POINT

After a recent gun battle, one suspect was arrested for two murders, a kidnaping, and the gunpoint robbery of his own mother. Citizens learned in disbelief that he had been freed from a mental hospital just a few months before, after six court-appointed psychiatrists had testified he had regained his sanity. In 1967 he had been found insane after the strangulation murder of a woman whose body was found with candles burning at her feet and head, with a Bible on her chest, while the man in question sat in a nearby chair strumming a guitar.

This is the kind of example that cries out for greater and more responsible safeguards in the handling of the severely emotionally disturbed so they are not in a position to do harm to themselves or others.

Equally startling is the judicial juggling by which convicted felons may be freed or given light sentences.

In a major metropolitan city in the spring of 1970, a man, recently released from a mental hospital, plunged a knife into a policeman's heart. This murderous response resulted from the officer's polite inquiry, "Can I help you, sir?"

In another instance, a man was arrested after an unsuccessful attempt to hijack a southern-bound airliner. Because he had a background of psychiatric problems and was ruled insane at the time the offense occurred (but sane at the time of the trial), he was awarded a directed verdict of not guilty and granted an immediate release from custody.

A young midwestern criminal who confessed beating to death a 75-year-old woman in a $5 street robbery was granted a 7- to 10-year term. Offered as an excuse for the light sentence was the advanced age of the victim, on the fanciful theory that, if the murdered woman had been younger, she might not have died from the brutal assault.

LIGHT SENTENCES

The same jurist who rendered the foregoing opinion also astounded fearful citizens not long ago with the proclamation that he would deliver light sentences to anyone claiming mistreatment by police. He thereupon bestowed his personal policy of benevolence on one young thug, previously convicted of aggravated assault, interstate transportation of a stolen motor vehicle, and assault with intent to rape a female minor under 16. The offender was captured by police after a gun battle which broke out as he fled from a jewelry store holdup and stole a police car to aid his flight. Although three police officers were treated for injuries received in the capture of this criminal, the judge accepted the defendant's claim that he had been beaten by the police, reduced the charge to assault with intent to rob while armed, and sentenced him to 2 years' probation conditional on his surrendering to Federal authorities for treatment as a drug addict. When the narcotics institution rejected the criminal on the grounds he could not be rehabilitated, he was given 3 years' probation by the sympathetic judge and promptly freed to again stalk the streets.

RECIDIVISM

The speed and ease with which many convicted felons return to the streets through faulty parole policies were demonstrated in an eastern metropolitan area in early 1970, when four men kidnaped a banker to facilitate robbing his bank and two of them later engaged in a gun battle with arresting FBI Agents. One of the four robbers had been paroled in 1966 after serving 3 years of two 20-year concurrent sentences for a pair of earlier gunpoint robberies. Another of his accomplices had been paroled less than 2 weeks before the latest offense after serving sentences of less than 2 years for housebreaking and burglary.

In the same locality in March 1970, another individual charged with a bank robbery was identified as having received a 10-year sentence in 1968, after a guilty plea—yet he secured release on parole in less than a year.

And, in the Southwest in the summer of 1969, a State trooper was approached from behind and shot in the head by a parolee who boasted a 15-year criminal record and had been paroled but 8 months before, after serving some 4 years of a 21-year sentence for another murder.

Our society rightly prides itself on giving an offender another chance. But the rights of innocent, law-abiding citizens were badly protected in the case of a young repeating offender in an eastern city who, despite six criminal convictions over a 17-year span, with accumulated sentences totaling almost 30 years' confinement, was released in June 1970 with a 5-year probationary sentence for second-degree burglary.

Gratitude for "another chance" was also mocked in a southern city in June 1969, when a man paroled just 6 months before, after serving only 26 months of a 10-year sentence for bank robbery, shot to death a police officer during an armed robbery spree.

The wisdom of judicial discretion was also questioned in the spring of 1969, when a man charged with four bank robberies the previous year appeared in a western court and pleaded guilty to two of the holdups. The other two charges were dismissed, and the confessed robber was given a term of 5 months and 5 days for one of the holdups, which was the exact time he had been incarcerated in jail, and was placed on 5 years' probation for the other bank robbery, thus resulting in his immediate release. It was not surprising that, 8 months later, a bank robbery demand note in a southern holdup was identified by the FBI Laboratory as having been written by this same man.

BAIL BOND ABUSE

The disgusting abuse of bail bonds is another festering social ill crying for a cure, as was highlighted in November 1969 in the brutal ambush killing of a southwestern police officer as he surprised a chronic criminal offender at a burglary scene. The officer's slayer, who had compiled a 14-year criminal record which had once featured a 99-year prison term, was at the time free on $10,000 bond on criminal charges placed against him just 2 months before.

And citizens of a western State were perplexed with the considerate treatment afforded a man with a 40-year criminal record who had been sentenced to prison as a habitual criminal for the rest of his natural life in 1959. Released after serving only 8 years, he was soon arrested for a hit-and-run accident and shoplifting and given a sentence of 30 days. A few months later, while free on a $15,000 appeal bond following an armed robbery charge, he was arrested for an armed robbery in which a police officer was killed. This hardened criminal's subsequent sentence was 20 years, notably less severe than the original sentence he had received in 1959.

No strangers to crime, or to the lax procedures which permitted them to commit yet another criminal depredation while awaiting trial on earlier offenses, were four armed youths who robbed a southern bank in June 1970. In this incident they kidnaped hostages, wounding one, and surrendered only after a highway roadblock ended a high-speed chase. Two of the robbers had escaped from a juvenile home, one of them having been arrested in February 1970 for a bank robbery in which he menacingly waved a shotgun. Set free without bond on this charge, he had been rearrested in less than a mouth for another holdup while armed with a shotgun. Thereafter he wasted little time, following his escape, in becoming involved in yet another violent escapade.

WARNINGS UNHEEDED

As bitter experience has shown, warnings presented before courts of possible habitual criminal tendencies are often ignored or completely disregarded. In one midwestern city, for example, one off-duty police officer was shot and killed and another seriously wounded in a gun battle with a suspected shoplifter. The gunman was later found to have been arrested 32 times previously and had been released on bond twice during the preceding month—one offense involving an armed robbery in which he had also reportedly shot it out with police.

The seizure of every imaginable legal technicality and evasion likewise makes a mockery of the legitimate aims of judicial leniency. Though such manipulations are increasingly common, their novelty is limitless. An alleged housebreaker in an eastern city was freed by an appeals court, which held that a lower court had erred in not telling the defendant that his trial could proceed without him. The defendant, whose record featured 20 convictions dating back 33 years, failed twice to show up for trial, after promising to attend. His only excuse was that he became depressed for personal reasons and got drunk.

MAUDLIN SYMPATHY

The maudlin sympathy lavished for technical reasons on another young thug further illustrates why law-abiding citizens fear to venture forth on the streets of many communities. In addition to a record of crimes of increasing severity, uncorrected by frequent return to his mother's control, this young hoodlum robbed and savagely raped a young office worker while threatening to kill her with a pistol. He also robbed, forced to disrobe, and threatened with death three of her fellow employees. Less than 2 weeks later he was captured while attempting another vicious gunpoint sex assault on another young office worker.

Although the charges against this dangerous predator included assault with a dangerous weapon, carrying a deadly weapon, and two counts of assaulting arresting police officers, and despite the fact he was 6 feet 2 inches tall and weighed 185 pounds, it was decided to try him as a juvenile since he was but 16 years old when the cited crimes occurred.

While hope for rehabilitation springs eternal, the criminal's suitability for this lenience appears highly questionable, considering his past record and the record of others of similar ilk. This is well illustrated in a comprehensive survey made by the FBI during a 6-year period of almost 19,000 offenders released from the Federal criminal justice system in 1963. Of these, 65 percent had been rearrested by the end of the 6th calendar year after release. Of those who had been acquitted or had their cases dismissed in 1963, 92 percent had been rearrested for new offenses. Of those released on probation, 57 percent repeated; 63 percent of those released on parole repeated; and of those given a mandatory release after serving prison time, 76 percent repeated.

Indicative of the type of offenders repeating during this period, 79 percent of the burglars were rearrested within 6 years, 76 percent of assault offenders, 66 percent of robbers and 72 percent of narcotic offenders who were frequent users.

HARD FACTS

Tragically, these hard facts document that the younger the age group the higher the repeating rate, confirming the urgent need for more realistic and meaningful rehabilitation procedures. Of significance in this regard is the record that, of offenders under 20 released in 1963, 74 percent were rearrested by 1969, while 72 percent of those 20 to 24 years old were rearrested, and 69 percent of the offenders 25 to 29 were again taken into custody on criminal charges.

It has been charged that an unduly harsh attitude is being manifested toward unreformed, repeating offenders. But even though the law officer, the individual citizen's personal representative of authority, is becoming increasingly the target of cowardly ambush assaults, it is still Mr. Law-Abiding Average Citizen who is being primarily victimized, personally and financially, by the horrifying upward spiral of lawlessness.

Whether it is your personal safety that is jeopardized, your tax dollars that are being diverted to fighting the crime blight, or the gnawing fear that robs you of the right of walking your neighborhood street in safety, you are a direct victim of this terror.

Commonsense alone demands a realistic approach to this crisis of our time. Unbiased consideration must be given to the time-proven crime deterrents of swift detection, prompt prosecution, and realistic sentencing.

While subscribing wholeheartedly to the humanitarian principles of parole, probation, and related leniency, I suggest the possibility that *you* might be the next victim of someone's misguided and overindulgent leniency—*their* fatal mistake perhaps, but with *you* as the ultimate victim.

THE BLUE RIDGE POWER PROJECT

HON. WILMER MIZELL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. MIZELL. Mr. Speaker, I rise at this time to introduce legislation to prohibit the Federal Power Commission or any other Federal agency from licensing the proposed Blue Ridge power project on the New River in North Carolina and Virginia.

The legislation states simply that:

> No federal agency shall license or otherwise give permission, either under the Federal Power Act or any other act of Congress, to the construction of any dam or reservoir on or directly affecting the New River from the headwaters of its South and North Forks to the town of Fries, Virginia.

The purpose of this legislation is to aid the conservation of natural water resources and protect the scenic New River, and to guard against setting a national precedent for accepting an unwise pollution abatement procedure that might eventually drown half of America.

This Blue Ridge project was first proposed 10 years ago, Mr. Speaker, and it has been surrounded by controversy and confusion almost from the outset.

The legislation I am introducing today, the strongest yet introduced on this subject, is designed to eliminate the controversy and the confusion—and the danger inherent in this project—by prohibiting construction of the project altogether.

My colleagues know that I have opposed this project since early 1969, when I first came to Congress, and have spoken and acted in opposition to the project on numerous occasions, in this Chamber, in testimony before the Federal Power Commission, in extensive negotiations with the Environmental Protection Agency, in discussions with affected residents, and in other ways.

The complexity of this case requires that I give my colleagues a rather extensive background of the case.

Two years ago, the Appalachian Power Co. of Roanoke, Va., filed an application with the Federal Power Commission for a license to construct what is known as the Blue Ridge power project, consisting of an 1,800-megawatt two-dam combination pumped storage and hydroelectric installation on the New River in Grayson County, Va., with impoundments extending into Ashe and Alleghany Counties in North Carolina.

The project originally called for the flooding of 18,600 acres of land to provide space for a 250,000 acre-foot reservoir, which would feed the hydroelectric installation and provide power for the northeast and midwest sections of the United States.

The original project, as proposed in 1962, would have cost an estimated $175 million.

The project as originally proposed did not raise great alarm or opposition among the people of Ashe and Alleghany Counties. But then, in 1968, the Department of the Interior stepped in, and radically altered the character of the project.

Four years ago, the Interior Department demanded that the Appalachian Power Co. double the size and the cost of the project, insisting that 40,000 acres of land in Ashe and Alleghany Counties be flooded for the purpose of storing water, not only for power, but also to flush away industrial pollution 250 miles downstream in Charleston, W. Va., where several chemical plants pump their waste into the Kanawha River, which flows from the New River.

Interior insisted on this pollution-dilution provision, despite the fact that "pollution dilution" had never been actually tested and was thus totally unproved, and despite the fact that not once had officials of the Interior Department consulted with the people of Ashe and Alleghany Counties about this demand for a greatly enlarged—and vastly more destructive—project.

The Interior Department seemed not to blink a bureaucratic eye at the prospect of disrupting a way of life for thousands of people and destroying the incredible scenic beauty of the New River Valley, one of the oldest and most beautiful valleys on the face of the earth.

Instead, Interior seemed intent on helping the chemical plants in West Virginia clean up their own pollution at the expense of a lot of innocent people 250 miles upstream. And the department was going to bat for these companies despite the widely held belief that these chemical companies were not doing very much at all in the way of at-source treatment.

So this was the situation at the beginning of 1969: thousands of acres of beautiful land were imperiled; no provision had been made for helping the people who lived on that land adjust to a new way of life—they had not been consulted at all; and the Department of Interior, which then served as the Government's top environmental protection unit, was insistent on letting a lot of West Virginia chemical plants continue to pollute the Kanawha River at the expense of a lot of good North Carolinians and Virginians.

The year 1969 was a significant year in the long history of the Blue Ridge controversy.

In February of that year, within weeks after I began my first term of service in the Congress, I testified in opposition to the Blue Ridge project before the Federal Power Commission. That testimony was the first by any public official to bring to light the deep dissatisfaction of the people affected by the project, and to call for extensive revisions in the proposed project.

Then in March, the Congress passed a National Environmental Policy Act, which declared that reclaiming and protecting our environment would be a matter of the highest national priority, and created an Environmental Potection Agency to oversee our accelerated pollution abatement efforts.

With this act, one of the first bills I voted for after being elected to Congress, we took away from the Department of Interior most of its environmental duties and gave them to the new independent agency with instructions that they be fairly but vigorously carried out.

I was confident that the Environmental Protection Agency would assume jurisdiction over the "pollution-dilution" provision demanded by the Interior Department, and decide whether the theory was a sound one or whether it should be scrapped.

The new agency was reluctant to tackle this case at first, stating that it had gone on so long that the Interior Department was far more well equipped to handle it, since Interior was so familiar with its history.

I was not satisfied with this initial response, and later took steps—which I will enumerate in a moment—to get EPA to play a more independent and aggressive role in the case.

In October of 1970, the Senate Public Works Committee announced it would hold hearings on matters related to the Blue Ridge case.

I announced immediately my intention to testify at those hearings, and to arrange for representatives of both Ashe and Alleghany Counties to testify as well.

The hearings were begun in late November 1970, and were to be held in two phases—the first involving witnesses who were official parties to the case, and the second involving interested public officials and local citizens.

This second phase of the hearings was never held.

Then in May of 1971, the Federal Power Commission reopened the Blue Ridge hearings, and the Environmental Protection Agency designated an official of the Department of Interior to serve as EPA's spokesman in the hearing procedure. This official was one of the chief proponents of the "pollution-dilution" theory, and I was not happy with that turn of events.

I wrote a letter to the Administrator of EPA, requesting the reasons behind the Agency's decision to allow the Interior Department to represent it in the FPC's Blue Ridge hearings.

With no reply forthcoming for over 6 weeks, I wrote the Administrator another letter, stating:

> Tens of thousands of acres are scheduled to be inundated in Ashe and Alleghany counties. To the detached observer, these are only so many acres, but to the people who live in those counties, they are homes and farms and stores and ways of life.
>
> These people and their property deserve a great deal more consideration than they have received thus far from your agency.
>
> Many experts in the ecology field have expressed grave concern over the environmental aspects of this proposed project and their reservations have not been satisfactorily set aside, not in their estimation and not in mine.
>
> If letting the Department of Interior fight your battles is the precedent to be followed

by your agency in other cases of complexity and controversy, then your agency's existence will be a very difficult thing to justify, especially to the people of Ashe and Alleghany counties.

In July, the EPA announced it would make an independent review of the case and asked the Federal Power Commission to give them time to prepare a brief on the environmental aspects of the case.

I was happy to see that EPA was now at least in the same ball park with us, so I immediately urged the agency to convene an interstate enforcement conference on water quality control, with the aim of requiring full compliance with existing environmental guidelines by each of the industries operating on the Kanawha.

A short time later, EPA, together with the Attorney General of West Virginia and several environmental groups, raised some serious environmental objections to the project, and asked the Federal Power Commission to give EPA responsibility for resolving those objections, especially those related to "pollution-dilution," before the project went forward.

To help matters along, I proposed an amendment to the House water pollution control bill, which would specifically require EPA approval for any hydroelectric power project involving "pollution-dilution" and would also set strict limitations on the amount of water that could be stored for this purpose in the event it was approved.

That amendment was included in the House version of the water pollution bill, and it is now being considered in the House-Senate conference committee.

My argument in this Blue Ridge case is not with the Appalachian Power Co. so much as it is with the way the people of Ashe and Alleghany counties have been ignored and maligned and, I think, needlessly endangered by proponents of this project.

As I told the Federal Power Commission in testimony last September, protecting the rights of the citizens of Ashe and Alleghany counties is my principal concern.

Their rights, as I have mentioned earlier, have been neglected by almost every party to this controversy, and their traditional and future ways of life have been endangered in the course of that neglect.

With only the most begrudging exceptions, none of these parties has shown any concern whatsoever for the welfare or the wishes of these good people who, it should be noted, will receive absolutely no benefit from this project at all.

They are being made to bear the brunt of a mammoth rearrangement of their homeland, and still they are subjected to callous disregard.

After 4 years of struggling with a massive and insensitive bureaucracy, I have concluded that the only real way to protect the people and property of Ashe and Alleghany counties is to flatly prohibit construction of the Blue Ridge project.

That is the purpose of the legislation I introduce today.

The Federal Power Commission is expected to issue its decision on licensing the Blue Ridge project within a very short time.

Thus it is imperative that all appropriate steps be taken immediately to avert a natural and personal disaster that, if allowed in this instance, may set a precedent of destruction and governmental disregard that could imperil the entire Nation.

I urge immediate consideration of this legislation in the appropriate committee, and strongly request a vote on this measure at the earliest possible date.

SENATE—*Wednesday, September 13, 1972*

(Legislative day of Tuesday, September 12, 1972)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, in the morning and every hour we acknowledge that Thou art the ruler of men and of nations. As here the statutes of the Nation are formed and sent forth, help us to keep ever before us the divine statutes—"Love the Lord your God with all your heart, soul, and mind. This is the first and greatest commandment. The second most important is similar: Love your neighbor as much as you love yourself. All the other commandments and all the demands of the prophets stem from these two laws and are fulfilled if you obey them. Keep these and you will find you are obeying all the others." Thus may we believe and thus may we labor as a country which proclaims "Blessed is the nation whose God is the Lord." Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 13, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, September 12, 1972, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services; the Committee on Commerce; the Committee on Interior and Insular Affairs; the Committee on Rules and Administration; the Subcommittee on Internal Security of the Committee on the Judiciary; the Subcommittee To Investigate Juvenile Delinquency of the Committee on the Judiciary; the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary; the Subcommittee on Compensation and Employment Benefits of the Committee on Post Office and Civil Service; the Subcommittee on Flood Control, Rivers and Harbors of the Committee on Public Works; and the Subcommittee on Labor of the Committee on Labor and Public Welfare may be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

H.R. 13915—THE EDUCATION BILL

Mr. MANSFIELD. Mr. President, I am delighted that, as always, the distinguished Senator from Alabama (Mr. ALLEN) is in the Chamber. Rather than have him ask questions this time, I think that I will make a report, tentative though it may be, as to what the joint leadership has been attempting to do insofar as the education bill, H.R. 13915, is concerned.

The joint leadership had a number of meetings on yesterday, seeking to arrive at some agreement or accommodation on both the interim agreement on offensive weapons, which is the pending business, and the education bill which was passed by the House several weeks ago, was held at the door, and is now on the calendar.

Unfortunately, we were not able to reach any solution on either of these two legislative matters, with the result that, with great reluctance, the joint leadership filed a cloture motion on the interim agreement in an attempt to bring this matter to a head.

Our only desire is to see that the interim agreement, which has been before the Senate for well over a month, is decided one way or the other and, in that manner, give the Senate a chance to work its will.

So far as the education bill is concerned, we not only met among ourselves but also with various members of the Committee on Labor and Public Welfare.

We intend to meet again today, and every day, to see whether we cannot arrive at some agreement or some accommodation.

I want to thank the distinguished assistant majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), for standing in for me on the past several evenings and answering questions. I want to commend him for the candor and the integrity with which he expressed the views of the majority leader when that matter was called up.

Thus, the purpose of making this statement at this time, may I say to the distinguished Senator from Alabama, is to report that we have been trying but, so far, we have not been able to achieve anything in the way of definitive progress.

Mr. ALLEN. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes, indeed.

Mr. ALLEN. I thank the distinguished majority leader for his statement, but the distinguished majority leader will recall that the junior Senator from Alabama has not questioned the leadership as to its intentions at this period preceding morning business——

Mr. MANSFIELD. Oh, no. That is understood.

Mr. ALLEN. It was at the close of the daily session when the junior Senator from Alabama observed that the custom is to inquire of the leadership as to the program. He does appreciate this report from the distinguished majority leader but he notes that there is nothing definite there and that, apparently, it is the plan of the leadership to call up from time to time a series of bills numbering some 10 or 12 for consideration by the Senate.

As the junior Senator from Alabama stated last evening, he is disappointed to find that the education bill is not on the list. I appreciate the majority leader's referring to the bill as the education bill because it is an education bill and provides an authorization of $500 million for educationally deprived schoolchildren, and it is very, very important. It also provides a method for the desegregation of the public schools in order that no child will be deprived of the equal protection of the laws guaranteed by the 14th amendment.

The junior Senator from Alabama is most anxious that the bill be scheduled for consideration. He appreciates very much the distinguished majority leader's conferring with various Senators in this regard. The junior Senator from Alabama is confident that the majority leader is seeking to work out some agreement for the consideration of these measures.

The junior Senator from Alabama would like to inquire, though, whether the distinguished majority leader contemplates obtaining a unanimous-consent agreement as to a time limit on the bill as a condition precedent to bringing the matter up for consideration by the Senate.

Mr. MANSFIELD. Well, first, let me answer a question which has not been raised except incidentally, as to why this was not in the list of legislative proposals to be considered by Congress before adjournment last evening.

The reason why it was not listed was that, even though it is on the calendar, we could not be as definitive about it as we could about the other items and because of the fact that the joint leadership was trying to see whether an agreement or an accommodation of some sort could not be achieved.

Now what was the question?

Mr. ALLEN. I asked whether it was going to be a condition precedent to the consideration of the bill that a unanimous-consent agreement would be reached.

Mr. MANSFIELD. That has not been reached as yet—well, I have raised the possibility of the matter being referred back to the committee and reported within a time certain. However, that, of course, would call for a unanimous-consent request. We have made no progress, or very little progress, in that regard.

Frankly, I feel that the joint leadership's hands are tied a little bit because of the difficult situation we find ourselves in as leaders. We are ready to do the best we can, and it is our intention to keep both sides informed of what progress we make, if any, as the days go on.

Mr. ALLEN. Mr. President, I thank the distinguished majority leader. Would the distinguished majority leader be willing to accommodate the junior Senator from Alabama in order to allow him to question the majority leader further in this regard?

Mr. MANSFIELD. Yes, indeed.

TRANSACTION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period for the conduct of morning business not to exceed 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE SITUATION ON THE EDUCATION BILL

Mr. ALLEN. Mr. President, I would like to suggest to the distinguished majority leader that this bill is so important that it is going to have a very definite effect, in the judgment of the junior Senator from Alabama, on the composition of the U.S. Senate for the 93d Congress.

The President has castigated Congress for not enacting the legislation which he has recommended to Congress. The House has passed a bill on equal educational opportunity, the educational bill referred to by the distinguished majority leader. The legislation which was passed as part of the Higher Education Act has, in effect, been nullified by the action of Supreme Court Justices, Mr. Justice Powell in an Augusta, Ga., case, and Mr. Justice Douglas in the Las Vegas case as reported in this morning's paper.

It is absolutely essential that this legislation be enacted or that the Senate have an opportunity to work its will on the bill. The failure of the Democratic controlled Senate to consider this matter prior to adjournment and prior to the general election, in the judgment of the junior Senator from Alabama, will have an adverse effect on the chances of several Democratic senatorial candidates in the next election.

The junior Senator from Alabama is most anxious for that reason, for he would like to see a Democratic Senate and a Democratic House during the next Congress. However, he thinks that unless this bill is considered by the Senate, there is a strong possibility that that will not be the case.

Mr. MANSFIELD. Mr. President, of course, as the Senator knows, in politics anything can happen. And it can happen to Republicans as well as Democrats. I only wish to assure the Senator that the joint leadership will continue to do everything in its power to bring about an agreement or accommodation so that the distinguished Senator from Alabama and those who are associated with him in this endeavor will be given every consideration.

I am, indeed, sorry not to be able to report progress. However, I did want the Senate to know that the joint leadership has been making all possible efforts, and will continue to try to do so, to bring this matter to a head.

Mr. ALLEN. Mr. President, I thank the distinguished majority leader. I think the distinguished majority leader has been most kind.

ORDER FOR RECOGNITION OF SENATOR BELLMON TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, following the recognition of the two leaders, the junior Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECESS TO 8:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 8:45 tomorrow morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day this order was changed to provide for the Senate to meet at 8:15 a.m. tomorrow.)

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following letters, which were referred as indicated:

PROPOSED OIL POLLUTION COMPENSATION ACT OF 1972

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage.

ORDER FOR JOINT REFERENCE OF A COMMUNICATION FROM THE STATE DEPARTMENT WITH REFERENCE TO THE INTERNATIONAL CONVENTIONS ON OIL POLLUTION

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that a communication from the State Department to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage be jointly referred to the Committee on Commerce and the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

REPORT ON FINAL DETERMINATION OF CLAIMS OF CERTAIN INDIANS

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination relating to Docket Nos. 282-A through L, the Eastern Band of Cherokee Indians, plaintiff, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

REPORT OF OVEROBLIGATION OF AN APPROPRIATION

A letter from the Secretary of Agriculture, reporting, pursuant to law, on the overobligation of an appropriation to the Forest Service; to the Committee on Appropriations.

MARITIME PROGRAMS AUTHORIZATIONS, 1973

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act to authorize appropriations for the fiscal year 1973 for certain maritime programs of the Department of Commerce (with accompanying papers); to the Committee on Commerce.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.R. 15577. An act to give the consent of Congress to the construction of certain international bridges, and for other purposes (Rept. No. 92–1112).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with an amendment:

H.J. Res. 1257. A joint resolution to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer (Rept. No. 92–1113).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

H.R. 11948. An act to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law (Rept. No. 92–1114);

H.J. Res. 984. Joint resolution to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property (Rept. No. 92–1115); and

H.J. Res. 1211. Joint resolution to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission (Rept. No. 92–1116).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 92. Concurrent resolution authorizing the printing of additional copies of the hearing before the Subcommittee on Children and Youth relating to the sudden infant death syndrome (Rept. No. 92–1117); and

S. Res. 359. Resolution relating to the printing and distribution, as a Senate document, of legislative proceedings with respect to the death of former Senator Hickenlooper (Rept. No. 92–1118).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 360. Resolution authorizing supplemental expenditures by the Committee on Veterans' Affairs for inquiries and investigations (Rept. No. 92–1119); and

H.R. 10243. An act to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes (Rept. No. 92–1123).

Mr. JORDAN of North Carolina. Mr. President, at its meeting on September 13, 1972, the Commitee on Rules and Administration unanimously approved H.R. 10243, the Technology Assessment Act of 1972. On behalf of the committee I am pleased to report this important act to the Senate. As reported, the measure is in the form of an amendment in the nature of a substitute. It is my hope that the Senate will have the opportunity to act on this important measure in time for approval by the House before adjournment. A brief summary of the salient features of the act is as follows:

The bill extends the congressional information-gathering function with an Office of Technology Assessment (OTA) in the legislative branch. The Office would be composed of a policymaking body called the Technology Assessment Board and an operational unit to be headed by a Director. The Board's functions would be limited to the formulation and promulgation of policy; the Director would be responsible for the day-to-day operations of the Office. In addition, there would be a Technology Assessment Advisory Council to advise the Board.

The basic responsibilities and duties of the Office would be to provide an early appraisal of the probable impacts, positive and negative, of the applications of technology and to develop other coordinate information which may assist the Congress in exercising its legislative tasks.

In carrying out these functions the Office would: (1) identify existing or probable impacts of technology or technological programs; (2) where possible establish cause-and-effect relationships; (3) identify alternative technological methods of implementing specific programs; (4) identify alternative programs for achieving requisite goals; (5) make estimates and comparisons of the impacts of alternative methods and programs; (6) present findings of completed analyses to the appropriate legislative authorities; (7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described, and (8) undertake such additional associated tasks as the appropriate authorities may direct.

It is emphasized that these are informational functions—not functions of control or recommendation. They are designed to supplement existing systems of acquiring information, such as the hearing system.

The Board would be comprised of 13 members, six from the House, six from the Senate, three majority members and three minority members, from each of the two Houses, with the OTA Director serving as a nonvoting member. The Proposed Modified Senate Committee Version being reported would establish a Technology Assessment Advisory Council composed of 12 members. Ten of these members would be private citizens appointed for fixed terms by the Board; the remaining two, the Director of the Congressional Research Service and the Comptroller General, would serve as ex officio members.

The usual powers and authorities of a functioning agency of Government are provided for the Office of Technology Assessment, including those of promulgating rules and regulations, making contracts, hiring personnel, and fixing compensation. The Office would also be authorized to sit and act wherever and whenever necessary. The Office would itself be prohibited from operating laboratories, pilot plants, or test facilities in the pursuit of its mission.

Assessments could be initiated by the chairman of any committee of the Congress, for himself or on request of the ranking minority member or a majority of committee members, by the Technology Assessment Board or by the Director, in consultation with the Board. All results would be freely available to the public except in cases involving national security, or where public information statutes would prohibit it.

The Congress has not provided itself with an adequate capability for the independent collection, correlation and analysis of information on the many complex issues which confront all of us every day. The establishment of an Office of Technology Assessment would provide this critically needed service to the Congress.

The need for such an Office is underscored by the rapid pace of scientific and technological developments and the increasingly critical environmental, social, and economic problems confronting our Nation.

In this regard, one of the most pressing needs for Congress under today's conditions is to be better informed concerning the vital issues for which we must create legislation and upon which we must make decisions.

The time is long past when we can afford to forego the benefits of modern techniques in the areas of information and policy analysis. If we are to be the handful of men to make vital decisions, we must have the advantage of the best data available. And I consider the establishment of the Office of Technology Assessment to be a significant step toward providing Congress with the best information that is available.

It is worth noting that the Office of Technology Assessment would be the first office the Congress has established for itself since the establishment of the GAO in 1921, and the first entirely new information organization since the establishment of the Legislative Reference Service of the Library of Congress in 1914.

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 353. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the O'Neill unit, Missouri River

Basin project, Nebraska, and for other purposes (Rept. No. 92-1121); and

S. 2350. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the North Loup division, Missouri River Basin project, Nebraska, and for other purposes (Rept. No. 92-1122).

By Mr. McCLELLAN (for Mr. Kennedy), from the Committee on the Judiciary, with amendments:

S. 33. A bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers (Rept. No. 92-1124).

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with an amendment:

S. 2318. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. HARTKE:

S. 3981. A bill to amend the Federal Aviation Act of 1958 in order to prevent aircraft piracy by requiring the use of detection devices to inspect all passengers and baggage boarding commercial aircraft within the United States. Referred to the Committee on Commerce.

By Mr. INOUYE:

S. 3982. A bill for the relief of Miss Yukie Suzuki. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARTKE:

S. 3981. A bill to amend the Federal Aviation Act of 1958 in order to prevent aircraft piracy by requiring the use of detection devices to inspect all passengers and baggage boarding commercial aircraft within the United States. Referred to the Committee on Commerce.

Mr. HARTKE. Mr. President, I am today introducing legislation which would require that all airlines boarding passengers in the United States make use of either X-ray or metal electronics sensing devices to detect concealed weapons carried by passengers or in luggage. My proposal requires that these devices be installed by December 31, 1972, and it imposes fines up to $25,000 per violation for any airline that fails to install them or fails to use them in scanning boarding passengers and luggage.

Already this year there have been 28 hijackings and four deaths as against 27 skyjackings and four deaths in the full 12 months of 1971. Only five of the 36 U.S. airlines have installed enough devices to cover all departures. In fact, six of the 11 largest airlines have installed no devices whatsoever as of August 1 of this year.

One reason for the delay by the airlines in the installation of surveillance equipment has been the hope that Congress will foot all or part of the bill for these devices which are estimated to cost $4 million for the relatively unsophisticated equipment now advocated by the Federal Aviation Administration. The type of equipment contemplated by the FAA, however, is inadequate. The legislation I am introducing today requires the airlines to install more sophisticated and sensitive equipment.

The device now in use—the magnetometer—is by no means adequate. Because of the way it operates, it is capable of detecting about 25 percent of the weapons now manufactured. There is more sophisticated equipment. Metal detectors and X-ray devices that would detect all such weapons and my bill requires that these be used in place of the magnetometer. The cost of the magnetometer is between $1,500 and $2,000 as against $2,500 to $3,000 for metal detectors for example. The cost of providing 2,000 metal detectors—the number required to protect the 2,800 gateways of the Nation's 530 airports is approximately $6 million. This breaks down to slightly more than 4 cents for each commercial passenger carried.

Mr. President, this is a cost we can afford. It is a cost we can ill-afford not to bear.

The people who use this Nation's airways have a right to protection. They have the right to be free from the fear of skyjacking. They have a right to expect that Congress will see that effective action is taken to assure that protection. The legislation which I have proposed today will accomplish that goal.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 3981

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that section 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1421) is amended by inserting at the end thereof the following new subsection:

"(e) Screening of passengers and baggage.

"(1) After December 31, 1972, no air carrier or foreign air carrier shall operate an aircraft in air transportation unless all passengers boarding that aircraft in the United States, and all such pasengers' baggage brought aboard the aircraft wherever stowed, shall have been inspected by means of a metal detection device capable of detecting all metal objects or by means of an X-ray device immediately prior to boarding and have not been found to carry or contain an unauthorized explosive device or weapon of any kind.

"(2) The Administrator shall, as soon as practicable, prescribe such rules and regulations as may be necessary and appropriate to implement the provisions of paragraph (1).

"(3) Notwithstanding any other provision of law, any person who—

"(A) violates the provisions of this subsection shall be subject to a civil penalty of not exceeding $25,000 for each violation thereof;

"(B) knowingly and willfully violates the provisions of this subsection shall, upon conviction, in addition to the penalty provided in subparagraph (A), be subject to a fine not exceeding $25,000 or to imprisonment not exceeding two years, or to both, for each violation thereof."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3846

At the request of Mr. Cook, the Senator from Nevada (Mr. Bible), the Senator from Tennessee (Mr. Brock), the Senator from New York (Mr. Buckley), the Senator from Utah (Mr. Moss), the Senator from Texas (Mr. Tower), and the Senator from Alaska (Mr. Stevens) were added as cosponsors of S. 3846, to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs.

S. 3880

At the request of Mr. Schweiker, the Senator from New Jersey (Mr. Williams) was added as a cosponsor of S. 3880, to amend the Public Health Service Act to provide for education with regard to and detection of diabetes mellitus.

S. 3971

At the request of Mr. Scott, the Senator from Pennsylvania (Mr. Schweiker) was added as a cosponsor of S. 3971, to amend the Internal Revenue Code of 1954 so as to exclude from gross income amounts of disaster relief loans canceled pursuant to laws of the United States.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS—AMENDMENTS

AMENDMENT NO. 1513

(Ordered to be printed and to lie on the table.)

Mr. FULBRIGHT (for himself, Mr. Mansfield, Mr. Church, Mr. Symington, Mr. Muskie, Mr. Cranston, Mr. Aiken, Mr. Case, Mr. Cooper, and Mr. Javits) submitted an amendment, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

AMENDMENT NO. 1514

(Ordered to be printed and to lie on the table.)

Mr. FULBRIGHT (for himself, Mr. Mansfield, Mr. Church, Mr. Symington, Mr. Muskie, Mr. Cranston, Mr. Aiken, Mr. Case, Mr. Cooper, and Mr. Javits) submitted an amendment, in the nature of a substitute, intended to be proposed by them, jointly, to amendment No. 1406, intended to be proposed by Mr. Jackson (for himself and other Senators) jointly, to Senate Joint Resolution 241, supra.

FREE ENTRY OF A CARILLON FOR MARQUETTE UNIVERSITY, MILWAUKEE, WIS.—AMENDMENT

AMENDMENT NO. 1515

(Ordered to be printed and to lie on the table.)

Mr. BENNETT submitted an amendment, intended to be proposed by him, to the bill (H.R. 3786) to provide for the free entry of a four-octave carillon for the use of Marquette University, Milwaukee, Wis.

LAND AND RESOURCES PLANNING ACT OF 1972—AMENDMENTS

AMENDMENT NO. 1519

(Ordered to be printed and to lie on the table.)

Mr. HANSEN (for himself, Mr. Jordan of Idaho, Mr. Fannin, Mr. Buckley, and Mr. Cooper) submitted an amendment, intended to be proposed by them, jointly, to the bill (S. 632) to amend the

Water Resources Planning Act (79 Stat. 244) to include provision for a national land-use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land-use planning.

AMENDMENT NO. 1520

(Ordered to be printed and to lie on the table.)

Mr. HANSEN (for himself, Mr. JORDAN of Idaho, Mr. FANNIN, and Mr. COOPER) submitted an amendment, intended to be proposed by them, jointly, to Senate bill 632, supra.

AMENDMENTS NOS. 1521, 1522, 1523, 1524 AND 1525

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE. Mr. President, I am submitting five amendments to S. 632, the Land Use Policy and Planning Assistance Act of 1972. These amendments are ones I believe necessary to address some of the concerns about S. 632 which I addressed in my floor statement of August 16.

My first amendment, which is cosponsored by the Senator from Delaware (Mr. BOGGS) and the Senator from California (Mr. TUNNEY) would shift responsibility for the program from the Interior Department to the Executive Office of the President.

Second. This amendment would make major changes in section 303.

First, the amendment would do away with the requirements that States assume "determinative State authority" over areas of critical environmental concern, key facilities, and other large scale developments. In its place, the amendment requires a finding that land use development of such facilities is not inconsistent with any State land use program. This shift in emphasis leaves considerably more authority at the local level and is designed to limit, somewhat, the absolute State authority which the phrase "determinative State authority" implies.

Second, the amendment would abolish the requirement in subsection (b) (1) (c) that a State assume authority to override any local restrictions on major developments.

Third, the amendment would assure that air and water pollution laws will not be violated by specifically preserving the requirements of the Clean Air Act and the Federal Water Pollution Control Act and requiring States to continue to pursue vigorous enforcement activities.

Fourth, States would be required, as part of their State land use program, to take action to prevent disruption of local tax base or, where disruption occurs, to assume responsibility for providing adequate local services and for other losses which may occur as a result of the State land use control activity.

Fifth, the amendment would remove support for the "maximum beneficial use" concept as relates to development of large scale subdivisions.

Sixth, the required methods of implementation for the State land-use program would be revised to give States the option of adopting any implementation alternatives necessary to achieve their objectives. As proposed S. 632 requires either direct State land-use planning or full powers of the State to approve or disapprove local action. This would require a huge bureaucracy and, at a minimum, State involvement in every local action relating to land use.

Third. This amendment would provide national land use policy guidelines to assure adequate State land-use programs.

Fourth. This amendment would add further assurance that local finance structures, services, and debt obligations will not be obstructed by any State land-use planning activity.

Fifth. This amendment is designed to assure that provisions of other Federal laws and Federal policies are not superceded by this act.

This latter amendment also will assure that State efforts to implement the standards, criteria, emission or effluent limitations, monitoring requirement or implementation plans required by the Clean Air Act, the Federal Water Pollution Control Act or other Federal laws, are not compromised or otherwise made less stringent by this act.

Finally, this amendment protects the right of any State or local government to adopt restrictive controls on land-use development regardless of any of the policies set in this act.

I ask unanimous consent that the amendments be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 1521

On page 62, line 17, strike "Secretary of the Interior" and insert in lieu thereof "President"

On page 63 strike lines 6, 7, and 8 and insert in lieu thereof:

"SEC. 201(a) The President may perform his responsibilities under this Act through the Office of Land Use Policy Administration established pursuant to this section.

"(b) There is hereby established in the Executive Office of the President the Office of Land Use Policy Administration (hereinafter referred to as the "Office")."

On page 63, line 9, strike "(b) and insert in lieu thereof "(c)".

On page 63, beginning at line 15 strike "Secretary of the Interior (hereinafter referred to as the "Secretary") and insert in lieu thereof "President."

On page 63, line 17, and at each place where it appears thereafter in the bill, strike "Secretary" and insert in lieu thereof "President" in those places where "Secretary" is intended to refer to the Secretary of the Interior.

On page 65, line 23, insert "Interior;" immediately following "Development;"

On page 66, beginning on line 18, strike "and the agency designated pursuant to section 502".

On page 82, between lines 22 and 23 insert the following:

"(6) the Department of the Interior;"

On page 82, beginning at line 23, and continuing to page 83, line 1, redesignate "(6)", "(7)", "(8)", and "(9)" as "(7)", "(8)", "(9)" and "(10)" respectively.

On page 83, line 15 strike "notify the President, who shall"

On page 83, lines 22 and 23 strike "after notification by the Secretary"

On page 84, lines 2 and 3 strike "after notification by the Secretary"

On page 95, strike lines 21 through 25 and insert in lieu thereof the following:

"(1) take any appropriate and necessary action to minimize such conflict; (2) work with the appropriate Federal agency"

On page 96, line 20, strike "President and the"

On page 101, strike lines 17 through 23 and insert in lieu thereof the following:

"SEC. 502(a) The President is authorized to issue guidelines to the Federal agencies to assist them in carrying out the requirements of this Act. He shall submit proposed guidelines to the heads of agencies represented on the Board, and shall consider their comments prior to formal issuance of such guidelines."

On page 102, lines 9 and 10, strike "President and the"

On page 106, line 10, strike "Secretary" and insert in lieu thereof "Executive Office of the President."

On page 106, line 15 strike "Secretary of the Interior" and insert in lieu thereof "Executive Office of the President."

On page 108, strike "Secretary of the Interior" and insert in lieu thereof "President."

On page 108, strike "Department of the Interior" and insert in lieu thereof "Executive Office of the President."

AMENDMENT No. 1522

On page 76, beginning at line 19, strike out all through line 16 on page 78 and insert in lieu thereof the following:

"(b) (1) methods of implementation for—

(A) assuring that the use and development of land in areas of critical environmental concern within the State is not inconsistent with the State land use program;

(B) assuring that the use of land in areas within the State which are or may be impacted by key facilities including the site location and the location of major improvement and major access features of key facilities is not inconsistent with the State land use program;

(C) assuring that any large-scale subdivisions and other proposed large-scale development within the State of more than local significance in its impact upon the environment is not inconsistent with the state land use program;

(D) assuring adoption and vigorous enforcement of standards, criteria, emission or effluent limitations, monitoring requirements or implementation plans which are no less stringent than the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by the Federal Water Pollution Control Act, the Clean Air Act or other Federal laws controlling pollution;

(E) preventing any decision made as a result of the State land use program from disrupting the tax base and levels of service of any local government in the state unless the state is able to pay adequate compensation for any losses or assume the costs of providing local services;

(F) periodically revising and updating the State land use program to meet changing conditions; and

(G) assuring dissemination of information to appropriate officials or representatives of local governments and members of the public and their participation in the development of and subsequent revisions in the State land use program and in the formulation of State guidelines, rules, and regulations for the development and administration of the program.

(2) The methods of implementation of clause (1) of this subsection (c) shall be determined by the State.

AMENDMENT No. 1523

On page 78, between lines 17 and 18 insert a new subsection as follows:

"(c) a process to assure that—

(1) no public or private development will be permitted unless, in the process of development, and in the completed project, the development will conform with the requirements of the Clean Air Act, as amended, and

the Federal Water Pollution Control Act, as amended, as determined by the Administrator of the Environmental Protection Agency;

(2) no industrial, residential, or commercial development shall occur on agricultural land of high productivity, as determined by the Secretary of Agriculture, unless specifically approved by the Governor as necessary to the public health and welfare or to provide adequate housing, that would otherwise be unavailable;

(3) no industrial, residential, or commercial development shall occur that would exceed the capacity of existing systems for power and water supply, waste water treatment and collection, solid waste disposal and resource recovery, or transportation unless such systems are planned for expansion and have financial support adequate to support operation and expansion as necessary to meet the demands of the new development;

(4) redevelopment and improvement of existing communities and other developed areas are favored over industrial, commercial or residential development which will utilize existing agricultural lands, wild areas, woodlands, and other undeveloped areas, and that development contrary to these principles shall be allowed only where it will provide significant and permanent jobs, housing and educational opportunities for low and middle income families;

(5) as determined by the appropriate Federal agencies to the extent possible, no development shall occur on water saturated lands such as marshlands, swamps, bogs, estuaries, saltmarshes, and other wetlands without replacement of the ecological values provided by such lands;

(6) except where no alternative exists, there shall be no further commercial, residential or industrial development of flood plains of the navigable waterways in the state;

(7) those responsible for making less permeable or impermeable any portion of the landscape will be required to hold or store runoff water or otherwise control runoff from such lands so that it does not reach natural waterways during storm conditions or times of snowmelt;

(8) to the extent possible, upland watersheds will be maintained for maximum natural water retention; and

(9) all private and public forest lands which are leased for timber cutting under compliance with existing statutes shall be harvested in such a way as to avoid any loss in productivity of site, including nutrient and water holding capacities of the site, and take all available precautions to protect the air, water, and soil, of the site and surrounding regions, apart from removal of timber itself.

Amendment No. 1524

On page 82, between lines 7 and 8, insert a new paragraph as follows:

(3) The President shall not make a grant pursuant to this Act until he has determined that the State has a program to prevent any decision made as a result of the State land use program from disrupting the tax base and levels of service of any local government in the State unless the State is able to pay adequate compensation for any losses, assume the cost of providing local services, and assure that any local government debt obligations are met.

Amendment No. 1525

On page 107, lines 10 and 11, strike "except as required to carry out the provisions of this Act".

On page 107, lines 17 and 18, strike "except as required to carry out the provisions of this Act".

On page 107, following line 25, insert the following new subsections:

"(d) to delay or otherwise limit the adoption and vigorous enforcement, by the State, of standards, criteria, emission or effluent limitations, monitoring requirements or implementation plans which are no less stringent than the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by the Federal Water Pollution Control Act, the Clean Air Act or other Federal laws controlling pollution.

"(e) to adopt any Federal policy or requirement which would prohibit or delay States or local governments from adopting or enforcing any law or regulation which results in prohibition or strict control of land use development in any area over which the State or local government exercises jurisdiction."

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1506

At the request of Mr. Brooke, the Senator from California (Mr. Cranston) and the Senator from New Hampshire (Mr. McIntyre) were added as cosponsors of amendment No. 1506 intended to be proposed to the bill (H.R. 16029) to amend the Foreign Assistance Act of 1961, and for other purposes.

ADDITIONAL STATEMENTS

REVENUE SHARING

Mr. HART. Mr. President, I voted for the revenue-sharing bill, but with some reluctance and principally because of the immediate financial crises facing many of the Nation's cities.

For example, Detroit, which has the highest income tax and real estate tax allowed by State law, needs $48 million in revenue-sharing funds to break even this year.

Similar crises face other cities, and those hard facts overcame my reluctance stemming from the mathematics, politics, and principle of revenue sharing.

The mathematics, and, indeed, the politics of revenue sharing, revolve around who gets how much.

Some communities which would receive more under the House-approved version claim to be hurt by the Senate formula, and vice versa.

One could argue, I think, that since the bill will provide new money, all communities gain and none are hurt regardless of the distribution formula agreed on.

But, of course, any politican at any level of government, can make the case that the needs of his particular constituents are great enough to justify the formula which most favors his jurisdiction.

One shudders a bit at the prospect of future election campaigns being waged on the basis of who promises the most for his voters in revenue sharing, and the crunch which will follow when attempts are made to deliver on such promises.

If, indeed, that is the can of worms we have opened, the real victim may be the effort to reorder national spending priorities to areas of greatest need.

Equally distressing is the possibility that this annual expenditure of $5.3 billion in Federal funds will do nothing more than finance the status quo in many communities.

There is no requirement, for example, that communities and States receiving revenue sharing funds improve their planning and administrative capabilities.

This is not to argue that there is no redtape in the Federal bureaucracy nor that all wisdom can or should come from Washington.

This is not to argue with the contention that the rigidity incorporated into too many Federal programs to guard against potential abuse has made these programs unworkable at the local level.

Certainly more flexibility is needed.

Certainly, local officials should have more discretion in deciding how best to spend money to improve the quality of life in their communities.

But to agree that some Federal programs have become so rigid as to be useless does not force one to agree that the pendulum should swing to the other extreme.

Unhappily, the law by physics which requires a pendulum to stop for an instant before changing directions does not apply automatically to the swings of political pendulums.

Again, despite these reservations, I supported revenue sharing because of the enormous financial crises facing our cities, cities which are forced to carry an unfair share of the burden of the problems of poverty.

Also, the program is authorized for a specific length of time—5 years. Hopefully, then, revenue sharing is viewed as an experiment and not as a basic untouchable ingredient of our federal system.

If my fears prove unwarranted and the experiment succeeds, it should be extended.

If not, Congress should face up to the difficult task of correcting a program which I am sure will enjoy the support of many who do not like the responsibility for raising taxes.

Turning to the bill itself, there are some disappointments about specific portions of the Senate version.

The limit placed on social services expenditures, which I opposed, will reduce the net amount going to many States under the Senate bill. The loss to Michigan may well run between $30 million and $50 million.

The Senate missed a sound opportunity to achieve limited but important tax reform when it rejected amendments closing more than $3 billion worth of income tax loopholes. I supported these amendments, not only in the interest of tax fairness but because, as now constituted, revenue sharing is being financed out of the Federal budget deficit.

And finally, and perhaps to underline my point about the politics of revenue sharing, I supported, unsuccessfully, amendments to change the Senate formula which would have brought Michigan's share more in line with the amount provided in the House bill.

THE 100TH ANNIVERSARY OF EPISCOPAL CHURCH OF THE HOLY INNOCENTS, HOBOKEN, N.J.

Mr. CASE. Mr. President, this year the Episcopal Church of the Holy Innocents in Hoboken, N.J., is celebrating its 100th anniversary. The church has a distinguished history, and I am glad to ask unanimous consent to have printed in the Record a letter from John J. Heaney, chairman of the centennial committee, describing some of the background surrounding this occasion.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Centennial Church of the
Holy Innocents,
Hoboken, N.J., September 1, 1972.
Hon. Clifford P. Case,
U.S. Senator,
The State House,
Trenton, N.J.

Dear Senator Case: This year our Episcopal Church of the Holy Innocents celebrates the 100th anniversary of founding. On such an occasion as this, we would be honored to have your presence at the Church and banquet to follow at Stevens Center, Stevens Institute of Technology, Hoboken, N.J. on October 22, 1972.

The Church of the Holy Innocents is a memorial to a little girl, Julia Augusta Stevens, daughter of Edwin Augustus and Martha Bayard Stevens, who died in Rome, Italy at the age of seven, on December 26, 1870. The Church was erected by her mother. Julia's father was the founder of Stevens Institute of Technology, Hoboken, N.J. It was in historic Castle Stevens, now Stevens Center, this little girl was born. What is now the campus of Stevens Institute at one time was the family private estate.

The Stevens family has the distinction of being one of the oldest families of New Jersey. Prior to the American Revolution, the first John Stevens to arrive in America in 1699, shortly after a stay in New York City, married a Perth Amboy girl, Ann Campbell. John Stevens (1) held many prominent positions in our state's earliest history.

The Honorable John Stevens, as he was known to all who knew him, was a son of John Stevens (1), and a man of great prominence in New Jersey, prior and during the American Revolution. He was Vice President of the New Jersey Council during the Revolutionary War. Honorable John Stevens married Elizabeth Alexander, whose father was James Alexander, defender of Peter Zenger in "Freedom of the Press." His son, William Alexander, also known as "Lord Stirling", was an Aide de Campe to General George Washington, and a vast owner of land in the Hunterdon County section of New Jersey.

Honorable John Stevens' son, Colonel John Stevens, who purchased the Island of Hoboken in 1784, was the State Treasurer of New Jersey during the American Revolution. Colonel Stevens married Rachel Cox, whose family at that time resided in the Trent House, Trenton, known then as "Bloomsbury Court." Colonel Stevens was not only a great patriot, but a great inventor. Many of his contributions are in use not only in New Jersey, but our entire country, such as our railroads.

Colonel John Stevens' son, Edwin Augustus Stevens, the father of Julia Augusta Stevens, to whose memory the Church of the Holy Innocents was built, was the founder of Stevens Institute of Technology, Hoboken, N.J. He married Martha Bayard Dod of Princeton, N.J. Miss Dod's father was Professor Albert B. Dod at Princeton University. Dod Hall at Princeton is named in his honor. This lady could well look with pride to her ancestral background such as the Bayards, Stuyvesants, Stocktons, Pintards and Boudinot families. As Mrs. Edwin A. Stevens, she was Lady of Castle Stevens for almost fifty years. After her death, her son, Colonel Edwin A. Stevens, bequeathed to Morvan, a bed belonging to Mrs. Stevens' great-grandmother Susanna Stockton, sister of Richard Stockton, the signer of the Declaration of Independence. Mrs. Stevens, in the 1860's, entertained the entire State Legislature of New Jersey at Castle Stevens. Members of the Stevens family through marriage, are related to many of the old families of American background, among the few the Washington, Lee and Lewis families of Virginia.

As we honor the Centennial of the Church of the Holy Innocents, so we honor this great heritage enshrined in the love of a mother for her little girl, and her love and duty to God and mankind.

Respectfully yours,
John J. Heaney,
General Chairman, Centennial Committee.

FOOD ADDITIVES

Mr. NELSON. Mr. President, we have been concerned for some time over the effect that widespread use of food additives has for the public health. Some 3,000 chemicals currently are used either directly in food or in food packaging, and the vast majority have never been scientifically tested for safety.

Two bills that I have introduced, S. 76 and S. 3163, deal with food additives: the current testing and regulatory mechanisms; the Delaney anticancer clause; the requirement that additives be approved for necessity as well as safety; nutritional standard setting for food; the "generally recognized as safe"—GRAS—list provision in the Food, Drug, and Cosmetic Act.

The Senate Select Committee on Nutrition and Health is holding hearings September 18, 19, and 20 on these bills and the general subject of food additives.

These issues should be addressed by the Congress, as new scientific information comes to light, revealing potential dangers of many long-used additives.

The food additives industry expects its current $500 million sales to reach $756 million by 1980. The expanding development of synthetic and convenience foods means a greater use of chemicals to preserve, color, flavor, stabilize, extend, tenderize, sweeten, and condition food products.

Currently, the American public is a testing ground for many of these substances. The public is beginning to ask questions about their safety and nutritive value.

A thoughtful article by Washington Post writer Colman McCarthy, published in the Saturday Review of September 2, 1972, describes an average American dinner, and demonstrates the far-reaching ramifications which the food additives issue has for all of us.

Mr. President, I ask unanimous consent that Mr. McCarthy's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Regular Family Meal (Aargh!)

(By Colman McCarthy)

Washington, D.C.—"It won't be anything fancy," Helen said, inviting me to dinner a few nights later. "Just a regular family meal. Do come." I said fine. Helen and her husband, Frank, are old friends, and I hadn't seen them for a while. Anyway, Helen is known as a fine and homey cook.

The meal Helen served was indeed a regular family meal. I wouldn't have noticed anything wrong about it if I hadn't been reading up on the American food industry and had learned about the dangers—and potential dangers—of the chemicals that are put into processed food. I had also heard that some of our food is filthy. And I knew it could be extremely expensive. Just how nutritious are the meals served in millions of American homes, I wasn't sure.

As it turned out, Helen's meal was not the worst I've had. None of her dishes was overt junk food, and all at least looked good. Still, I didn't eat much.

Helen led off with a bowl of soup—chicken noodle, make by Lipton in its Cup-a-Soup line. On the packet of dry mix the second ingredient listed after noodles is salt. Salt is listed even before the dehydrated chicken. (On a non-standardized food, manufacturers are required by the Food and Drug Administration to list ingredients in the order of weight.) Thus, Lipton's chicken noodle actually contains more salt than chicken—it really is noodle salt soup. Although the FDA keeps an eye on the ingredients, it doesn't regulate the names.

Excessive use of salt is a common tactic in food processing. In *Consumer Beware!* Beatrice Trum Hunter points out that salt is "extremely useful to the food industry. It acts as a preservative. It can mask the flavor of odorous foods. It can help inhibit the growth of molds and bacteria. It bleaches and 'improves food color. It can prevent discoloration. It is a processing aid in peeling, sorting, and floating. It is useful in drying and freezing foods. It whets the appetite to consume *more* processed foods and beverages. And, being one of the cheapest commodities, every ounce of salt used in place of food is a saving for the processors." Mrs. Hunter goes on to say that many Americans consume "astronomical proportions" of salt—up to twenty times what the body needs or can use. She also points out that "excessive salt intake is involved in many serious health conditions, including high blood pressure, obesity, heart disease, atherosclerosis, and tooth decay."

While my hosts were drowning their joys in salty soup, I had to look busy, so I went for the bread. There was a choice: Wonder bread or imported French bread. Both were puffy and airy, but the French bread must be better for you, right? Well, in a recent study called "The Staff of Life," Paul E. Araujo and Jean Mayer tell of an experiment examining forty-four breads from several different nations. They report that "this highly regarded French bread was last nutritionally."

Although to me mass-produced bread has always been tasteless, the Wonder bread began to look tempting. At least it contained some nutrition, since law requires enriched flour to be used. So I took a slice. I had no illusions, however; I remembered that in March 1971 the Federal Trade Commission moved against the Continental Baking Company, an ITT subsidiary, because of the advertising claim that Wonder bread "helps build strong bodies twelve ways." The FTC charged that Wonder bread is no different from other enriched breads. In October 1971 the company finally admitted that its product "will not provide a child, ages one to twelve, with all the nutrients, in recommended quantities, that are essential to healthy growth and development."

Rather than eat my Wonder bread dry, I applied some pimento spread. Its main ingredient was water. Pimento was the ninth of the sixteen ingredients listed on the cover. Also on the list were as many chemicals and additives as anyone could want: disodium phosphate duohydrate, cellulose gum, sodium hexametaphosphate, sodium citrate, sodium benzoate, potassium sorbate, and, fittingly, artificial coloring. All those sodium compounds—salt is a sodium compound—made me uneasy.

And what are all these additives anyway?

According to Michael F. Jacobson in *Eater's Digest*, we eat five pounds of them a year but know little about them. The Food and Drug Administration isn't much help; a number of the substances on its list of approved food additives have been proved to be dangerous. Monosodium glutamate was put into baby food until a few years ago, when a scientist discovered that it caused brain damage to infant mice when it was injected under the skin and caused eye damage when it was fed to them in massive doses. Well, what about all the chemicals in the pimento spread? I wasn't sure I wanted to take any chances. Anyway, the stuff had a gummy texture,, and when spread broke into particles, as though the watered chemicals couldn't stand to be parted. The Wonder bread couldn't take the strain. It ripped.

A large glass of ice water was before me. It looked good—but one could not be sure. In the last decade alone there were at least 128 known outbreaks of disease or poisoning attributed to drinking water. Daniel A. Okun, chief of environmental sciences at the University of North Carolina, has said that half of the population drinks water discharged "only hours before . . . from some industrial or municipal sewer." Passing up my glass of ice water, I swallowed the grim truth that the last Senate hearing on the purity of drinking water was in 1893, when Grover Cleveland was President.

The main course was beef liver, spinach soufflé, and crinkle-cut french fries. Helen, half-apologizing for the liver, said she was avoiding steak until the prices came down. Besides, she added, beef liver is good for your blood.

The soufflé came from a Stouffer's frozen twelve-ounce package, with a pretty picture on it. Pale and airy, it tasted to me like a seaweed sponge. The next day, when I phoned the Stouffer Company in Solon, Ohio, to ask how much spinach was in the twelve-ounce packages, the public-relations man did not know right off, but he told me that Stouffer's was a great and proud company that made delicious food. An hour later he called to say that spinach was 35 per cent of the total and skim milk was 16 per cent. How can that be? I asked. On the label skim milk is listed before spinach. "That's funny," said the Stouffer's man. "Let me check." Ten minutes later he called again with a revised count. Skim milk was 31.7 per cent and spinach was 30.2 per cent. Thus, Stouffer's, like Lipton's, has it backward: Spinach soufflé is really skim milk soufflé.

The french fries turned to mush on the first bite. There was no telling by the taste that they were potatoes, and no wonder. The vitamin C is largely lost in processing them into convenience foods. According to one nutrition study, "fresh french fries contain 21 milligrams of vitamin C per 100-gram portion while the frozen samples were found to range from 0.3 to 16.7 milligrams, depending on brand." Now, a pound of fresh potatoes at the market costs 16 cents; Helen's crinkle cuts cost 33 cents a pound. In the course of doubling the price, the manufacturers may have supplied half as much vitamin C.

Everything served so far, I began to think, had been through a factory, save the water, which might have come from a sewer. Last April, when investigators from the General Accounting Office ran their clean finger of curiosity through ninety-seven food plants, randomly chosen, they found only thirty clean enough to comply with federal law. The reports on the rest ranged from "significant unsanitary conditions" to "minor unsanitary conditions."

Meanwhile the FDA has published a list of the levels of contamination it allows the manufacturers to put into food. Fifty insect fragments—presumably such tidbits as fly wings, roach shells, and ant feelers—are okay for three-and-a-half ounces of peanut butter. Corn meal may have five rodent pellet fragments; three-and-a-half ounces of tomato juice may have ten fruit fly eggs or two larvae. Other items allowed—the FDA calls them "natural or unavoidable defects in food"—include bacteria, mold, and rot. The agency claims the filth permitted in our food presents "no hazard to health."

For some reason, I was still hungry.

Helen said, with a wifely smile, that she liked to serve liver to Frank because "he can be a health nut at times."

No doubt. But whether Frank will end up a healthy health nut is another question. For almost twenty years many cattlemen have been giving their livestock a hormone called diethylstilbestrol (DES), which causes the animals to reach market weight of 1,000 pounds thirty-five days early on 500 pounds less feed. Presumably, the DES is passed by the animal in its excrement. The problem is, DES is a known cause of cancer in lab animals. Until recently the FDA seemed only mildly alarmed. "DES is clearly a useful and effective product," said the FDA commissioner Charles C. Edwards, M.D. Of course, federal law—the Delaney Clause—forbids use of a proven cancer-causing chemical in animal feed when residues of it can be found in the meat. Disclosures by the Agriculture Department in June revealed that DES is being found by federal investigators and that since January, when new regulations were instituted, the levels have risen.

At first the FDA claimed it didn't have all the facts about the cancerous drug and that a public hearing had to be held. Then, early last month, the agency took action—of sorts. It ordered an immediate halt in the production of cattle feed with DES and gave the farmers until the end of the year to use up the feed on hand. However, the drug may still be used to fatten animals, for the Department of Agriculture and the FDA are now studying another way of using DES—implanting it in the animal's ear. Their theory is that less of the substance is released into the animal's system by this method—and, supposedly, there is a smaller residue.

Needless to say, I ate as little of the liver as possible.

For dessert Helen brought out a quart of Briggs chocolate ice cream and a bowl of topping. She said Briggs, a local brand, was her favorite because the company puts out a special container that is hand-packed. "It's hand-packed?" I asked. "Yes," Helen said. "They say so on the label." I had been to the Briggs Ice Cream Company and knew a little about the statement. Last year, when the plant manager was showing me through his operation, I asked him if he could show me the workers hand packing. Sorry, the manager said, just by chance they didn't happen to be in at that particular moment. I asked if he would describe how the hand packers go about their work. Sure, he said, by now friendly. A worker on the assembly line "just holds it [the container] under the filling machine. So there's a hand on the package as it is packed. We say hand-packed, not hand-dipped. That's pretty damned clever, isn't it?"

The only federal regulations for ice cream are requirements that it be at least 10 per cent butterfat and weigh at least 36 ounces for a half gallon, which means that about 50 per cent of the contents can be air. The ingredients need not be listed, and manufacturers have more than thirty-two additives to choose from, including sodium carboxymethylcellulose and tetrasodium pyrophosphate (there's that sodium again!).

Consumers, long conditioned to buying ice cream by volume and not by weight, rarely check a brand's heaviness in relation to the price. The ice cream freezer in the Giant supermarkets in Washington, for example, carries three brands in half gallons: Briggs, Heidi, and State House. The last two are distributed by Giant but made by another firm. It is easy to discover who that is. The nearly microscopic print on the containers reveal that the District of Columbia, Maryland, and Virginia food license numbers of Heidi and State House are identical with the number on the Briggs container. Thus, all three brands are made by the same manufacturer. A further comparison reveals that the weights are nearly identical: 42 ounces for a half gallon of Briggs and Heidi, 40 ounces for State House. But the prices are not identical: Briggs costs $1.19, Heidi 99 cents, and State House 69 cents. Because ice cream makers are not required to list the ingredients or butterfat content, the consumer selecting among the three brands has no way of knowing differences in quality or weight.

The difference between the mass-produced ice cream served by Helen and the kind I buy at a bakery is air. Those who remember licking the dashers of a hand-cranked home freezer know that air is introduced into ice cream according to how much the ice cream is beaten. My baker beats his ice cream for only twelve minutes, putting in just enough air to keep it from becoming soggy and gooey. Some factory-made brands are so aereated that no bite or chew is left.

The topping Helen served was Cool Whip, the nondairy dessert manufactured by General Foods. She put two blobs on Frank's dish. They sat like a pair of creamy breasts upon the tan body of luscious-looking ice cream. To me, the Cool Whip was the most revolting part of the meal. It is a "food" made almost entirely from additives and synthetics. After water, the main ingredients as listed are an all-star selection: hydrogenated coconut and palm kernel oils, sugar, vanilla, sodium caseinate, dextrose, polysorbate 60, sorbitan monostearate, carrageenan, guar gum, artificial color and flavor. Cool Whip, which won the 1970 award of the Institute of Food Technologists, was described by the institute as a "stable freeze-thaw emulsion resembling whipped cream in appearance, utility, and texture when eaten." I passed up the Cool Whip pleasure and wondered if my friends would ever invite me back again.

When I got home that night I looked up a chapter in *Consumer Beware!* in which the author answers the question, "What harm can chemical food additives do?" She writes: "Scientists are becoming aware of the need to study the untoward results [of chemical food additives on health]—those which are slight, unnoticed, delayed, and indirect. These are the subtle effects on the human system at the basic cellular level, resulting from hundreds, even thousands of substances biologically foreign to the body, consumed daily in common foodstuffs, over many years, or even during an entire lifetime." I ate an apple, organically grown, and went to bed.

NOTABLE ADDRESS BY DR. MARIO LAZO

Mr. THURMOND. Mr. President, as a student of U.S. policies in the strategic Caribbean danger zone, I long ago noted the failure of many important sections of our mass news media to report and editorialize objectively on crucial geopolitical events, such as the Communist takeover of Cuba in 1959–61, the Bay of Pigs disaster of 1961, the Cuban missile crisis of 1962, the attempted Communist takeover of the Dominican Republic in 1965, and the maneuvers by certain elements in the State Department, beginning in 1964, to have us give up our jurisdiction over the Panama Canal.

Fortunately, there are organizations in our Nation's capital city with memberships that well understand what is transpiring and which have the courage to expose the facts. One of them is the District of Columbia Chapter of the Military Order of the World Wars.

At its monthly meeting on May 11, 1972, the speaker was Dr. Mario Lazo, a distinguished Cuban lawyer who holds degrees from Cornell University and the University of Havana. Dr. Lazo founded and for many years headed one of the most respected and successful law firms in Latin America. The U.S. Government was one of his many clients.

At the time of the Bay of Pigs in 1961 Dr. Lazo was arrested and threatened with execution. His wife saved his life and also helped him escape to the United States. He then resolved to devote the rest of his life, if necessary, to finding out how and why Cuba had been surrendered to the Communist empire. The missile crisis, which came a year later, added to his task, to which he brought the investigative skills of a great lawyer and a reputation that permitted him to reach into the highest official circles in Washington. After almost 7 years of researching he wrote "American Policy Failures in Cuba," with the subtitle "Dagger in the Heart," published by Twin Circle Publishing Co., 86 Riverside Drive, New York, N.Y., 10024. This alarming and authoritative book has been acclaimed as the definitive account of the Castro era. Not one of its sensational disclosures has been challenged.

Previously, the September 1964 issue of the Reader's Digest had featured an article by Dr. Lazo titled "At Last—The Truth About the Bay of Pigs." The truth had been obscured for more than 3 years because word had gone out unofficially from the White House blaming the disaster on the Chiefs of Staff and the CIA. The Digest article placed the blame where it belonged.

Mr. President, since the address by Dr. Lazo to the Military Order of the World Wars on May 11, 1972, should be of the greatest interest to all Members of Congress and to the Nation at large, I ask unanimous consent that it be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

U.S. Policy Failures in Cuba

(Address by Dr. Mario Lazo before the Military Order of the World Wars, District of Columbia Chapter, May 11, 1972)

I appreciate very much being invited to be with you today.

It was while searching for the root causes of the Bay of Pigs debacle that I first became aware of the invisible, unrecognized struggle taking place in the United States between socialists or liberals on the one hand and conservatives on the other. This struggle, I have become convinced, permeates every sector of American society, the institutions, organizations of all kinds and the homes. On its outcome hinges the freedom of the Western World.

The Bay of Pigs was a struggle that took place in Washington. The action on the south coast of Cuba could have been cut by a few hours if the Cuban assault brigade had not fought so heroically. But the invasion was doomed by Washington decisions before the first blood had been spilled on the Cuban beaches.

It was a struggle between liberals-socialists and conservatives. In between the two groups was the new and youthful President, who had never been accused of lacking intelligence or courage. But he turned away from the professionals and sided with his political advisers, the "New Frontiersmen" who had breathlessly invaded Washington three months earlier.

The essential feature of the invasion plan was the use of air power. There were to be a minimum of 3 air strikes from Nicaragua with 16 bombers in each strike—that is, a minimum of 48 sorties. These would destroy Castro's 30 planes on the ground before the assault forces hit the beaches. The location of each Castro plane was under constant surveillance by U.S. reconnaissance. There was no way that Castro could hide a plane. Here is what happened.

The first strike was cut in half, on orders from the White House. Then the second strike was cancelled entirely, also on White House orders. Finally, when it was too late to call off the invasion, Kennedy also cancelled the third strike, under pressure from Adlai Stevenson, Dean Rusk and McGeorge Bundy. Thus the minimum of 48 sorties was reduced to 8. Yes, from 48 to 8! That last order sealed the doom of the invasion and marked it for certain disaster.

The Joint Chiefs and the CIA did everything humanly possible to induce the President to countermand these politically motivated and militarily incredible orders. But Kennedy remained adamant and the invasion fleet moved slowly toward catastrophy.

The first strike—really half a strike—destroyed most of Castro's small air force but he still had 2 jets, 3 fast Furies and a couple of B–26s and they commanded the skies. The Free Cubans lost half their planes and pilots the first day. Castro's jets sank 2 of the 5 troop and supply ships and the U.S. commander, from an LCI, ordered the others away. Although Kennedy knew that the Cuban brigade had been promised continuing supplies to the beaches, none were ever delivered. Without dramatizing the episode, this is the authentic account of the most humiliating defeat in the long, bright history of the United States.

Who were the men who advocated watering down the invasion plan? Here they are: McNamara, Stevenson, Fulbright, Robert Kennedy, McGeorge Bundy, Dean Rusk, Arthur Schlesinger, Walt Rostow, Richard Goodwin and Chester Bowles. Liberals or socialists all.

And who were the conservatives, on the side of the angels? Adm. Arleigh Burke, General Lemnitzer, General Cabell and Richard Bissell, Deputy Director of the CIA.

As the reports from the south coast of Cuba grew grimmer by the hour, these men made a final, fervent plea for the only thing that could still save the invasion—the use of American power just over the horizon. Admiral Burke asked that a detachment of Marines be permitted to go ashore. This was denied. He then asked Kennedy to permit the use of one destroyer, to lay down a barrage on the Castro tanks approaching the beachhead over two roads through swamps. The President asked, "What if Castro returns the fire and hits the destroyer?" Burke answered emphatically, "Then we'll knock hell out of them." But Kennedy said that then the US would be involved. (The involvement was supposed to be secret). Burke's answer was, "We *are* involved, Sir. God damn it, Mr. President, we can't let those boys be slaughtered there."

The traditional command structure of the United States, as you well know, has always been one under which the Commander-in-Chief sets the objectives and leaves it to the professionals to conduct the operations. In this case Kennedy kept a tight tactical control over the invasion. He rejected the advice of the military experts, assuming they could not accomplish a simple task for which a lifetime of experience had qualified them. His new political advisers were the ones who knocked out the invasion plan. That, in a nutshell, is the story of the Bay of Pigs.

Three days after the debacle Kennedy read a speech to a group of newspaper editors in the White House. Here is part of what he said:

"We must build a hemisphere where freedom can flourish; and where any free nation under outside attack of any kind can be assured that all our resources stand ready to respond to any request for assistance."

These words, my friends, were written in water.

Eighteen months later Kennedy delivered eight million of his Cuban neighbors into Communist enslavement. He gave the Soviets a pledge that the US would not invade Cuba or permit any other country to invade. This marked the death of the Monroe Doctrine after 138 years. It gave the Soviet Empire a guaranteed sanctuary inside the final defense periphery of the United States.

The Missile Crisis of October 1962 had developed in exactly the same way as had the Bay of Pigs. It was a struggle between liberals and socialists on the one hand and conservatives on the other. The conservatives pressed for a military strike, for decisive action. They felt the US had been afforded a God-given opportunity to wipe out the Communist beachhead at its door. The liberals-socialists advocated caution and accommodation.

Here the hawks were the few military men consulted, joined by Douglas Dillon and John McCone and, curiously, by Dean Acheson, who had learned very late that you had to be tough in dealing with the Communists.

The doves were McNamara, Stevenson, Robert Kennedy, Ted Sorensen, Bundy, Rusk and George Ball.

As the discussions proceeded, four courses of action were considered. One was to strike militarily. The second was a blockade. The third was to move diplomatically and the fourth was to do nothing at all.

Amazingly, the advocate, and the sole advocate of the do-nothing plan was the man heading the most powerful military establishment in world history. He argued that a missile is a missile and it makes no difference whether you get hit by a missile coming from the Soviet Union or from Cuba. The difference, of course, was in the warning time—either 15 minutes or 1 minute. McNamara eventually receded to the blockade, which was called a "quarantine," to give less offense to the Soviets.

But it was no blockade. During the 27 days that it lasted only one ship was boarded and 55 vessels were permitted to breach the arc, on orders from the White House in each individual case.

The reason the American people were led to believe the settlement was a great victory was because the accounts of Schlesinger and Sorensen, on which thousands of magazine and press articles were based, made no mention of the fact that in this power confrontation the military power of the U.S. was *overwhelmingly* superior to that of the Soviet Union, about 5 to 1.

Not only that, but Kennedy knew that he held all the trump cards The Soviets were not in a position to bluff. The U–2 had flown over the USSR for four years and had photographed every military installation. When Francis Gary Powers was shot down the U.S. reconnaissance satellites had continued photographing Russia. The U.S. had close to 200 ICBMs mounted and the Soviets were just beginning to mount theirs. The U.S. had 8 Polaris submarines at sea and the USSR had nothing in any way comparable. There was no reason to concede a single inch to the Soviets.

But the Kennedy administration was unable even to maintain the status quo ante. It gave the no-invasion pledge.

It agreed secretly to prevent Cuban Freedom Fighters from disturbing the Castro regime. Immediately following the settlement the Free Cubans were arrested and their arms and vessels were confiscated.

It secretly agreed to dismantle and remove its just-mounted land-based missiles from Turkey, Italy and England.

It agreed to high-level rather than on-site inspection of missiles in Cuba.

No, the Missile Crisis settlement was far from being the grandiose achievement that has been claimed for it. It was a defeat, the consequences of which cannot yet be measured. It may well have marked one of the great turning points in contemporary history.

In view of the versions leaked from the White House it was difficult enough to get at the truth of all this but my chief problem proved to be to determine why the liberals-socialists react the way they do. They are not Communists. They reject as slander and smear the statement that they are not patriots, although they seldom use the word except in referring scornfully to war veterans.

It is not easy to come up with a definition of liberalism. What we call a liberal is the opposite of what is known as a liberal in the Communist world. In Latin America we call them "reformistas." But the main reason it is difficult to define a liberal, I think, is because very few people are totally liberal or totally conservative. Each of us has liberal and conservative motivations. One may be a liberal with respect to domestic problems and conservative with respect to foreign affairs. . . .

It is very easy, however, to pinpoint the earmarks of the liberal or socialist.

One characteristic is that almost all liberals and socialists are pacifists or semi-pacifists. They do not understand the use of power.

Power is a normal, natural and essential ingredient of every human society. It always has been and it always will be. I refer to police power, to maintain order at home, and to the army, navy and air force to prevent aggression from abroad.

The liberals-socialists are against both war and warriors. They favor negotiation and compromise and they reject the use of force and coercion.

But human nature being what it is, there are occasionally clashes which cannot be settled by compromise. When these occur the liberals-socialists use force as a last resort and they use it haphazardly and sporadically, sometimes as a bluff. The classic example of this, of course, is the Bay of Pigs episode, when the US used exactly the right amount of power to get the worst possible result from every conceivable point of view. Instead of removing Castro, it entrenched him.

Another characteristic of the liberals-socialists is that they upgrade international concepts and downgrade national and patriotic concepts. They support the United Nations, trade with Russia and they search for areas of common agreement with the Communists.

There is no question but that liberalism and socialism has become less patriotic and more pacifist in recent years. Everybody knows this. It is shown publicly a thousand times every day.

It does not shock the average liberal-socialist that bearded young men say they will never fight for their country. He feels little thrill when the flag goes by and he finds pledges to the flag distasteful. It does not seem wrong to him that his nation's TV industry should, on a massive scale, present the scripts of those who hate his nation and seek its destruction.

Recently a survey was made of the history textbooks used in the public schools. A comparison was drawn between 14 of them used several decades back, and now retired, and 45 now widely used. Patrick Henry's "Give me liberty or give me death!" was cited in 12 of the 14 older books and in 2 of the 45 newer ones. Nathan Hale's reputed last words at the gallows, "I only regret that I have but one life to lose for my country," appeared in 11 of the 14 older books and in only 1 of the 45 newer. John Paul Jones' "I have not yet begun to fight" was in 9 of the 14 older histories and in none of the newer.

And then this. For every liberal-socialist—and there is no exception to this—the preferred enemy is always to the right, never to the left. Pas d'énamie à gauche. In fact, the liberals-socialists have the same enemies as the Communists:

The patriotic organizations—the American Legion and the DAR, which they ridicule.

The FBI.

The CIA.

The Committee on Un-American activities.

The Chambers of Commerce.

Big Business.

Colonialism.

Eddie Rickenbacker.

J. Edgar Hoover.

Listen to what they said of this American giant.

This is the Communist speaking, Gus Hall:

"Mr. Hoover was a servant of racism, reaction and repression. He was a political pervert whose masochistic passion drove him to savage assaults upon the principles of the Bill of Rights."

And here is the liberal, Dr. Benjamin Spock:

"Mr. Hoover's death was a great relief, especially if his replacement is a man who better understands democratic institutions and the American process."

And, of course, everyone knows that a common enemy of the liberals-socialists and of the Communists is the US military. The reason is that the soldier is the true patriot. He upgrades national and downgrades international concepts. He is professionally committed to place the safety and security of his country first and, if necessary, to sacrifice his life for his country.

The strongest tie that binds the US to its Latin American neighbors (230 million people) is the splendid relationship that exists between the military of our countries. Patriots understand and respect one another.

We have an example of that right here in your Commander, General Leigh Wade, and his wonderful wife. During my forty years of residence in Cuba I knew of no Americans who were more admired and loved by the Cubans.

And yet the Court historian, Arthur Schlesinger, Jr., who is slick with words and is a "closed" liberal-socialist, refers to the relationship of the military men in the Western Hemisphere as an "incestuous" relationship!

Yes, the liberals-socialists and the Communists have the same enemies, whether they be individuals or organizations, and they are always on the right.

For them the enemy is Chiang Kai Shek, not Mao.

It was Goldwater, not Khrushchev.

It is Franco of Spain, not Tito. Because Franco is a man of the right. Over a period of 15 years the US gave Tito, dictator of a country of 20 million people, more foreign aid than it gave to the 230 million people of Latin America. I am not advocating monetary aid to Latin America or to anyone else.

I wouldn't give away a single American dollar to anyone.

In Cuba the enemy of the liberals-socialists was Batista, not Castro. Because Batista was a man of the right. He gave the US the first missile tracking site on foreign soil. He gave the Pentagon every military facility and always voted with the US at the UN. He welcomed US business and industry. And he was certainly not the "predatory beast of the jungle" that Herbert Matthews called him in The New York Times. In fact, he was not a killer.

Castro, on the other hand, was known to be a radical and under Communist influence. He was also known to be a killer and strongly anti-American. But the liberals-socialists thought of him as being a man who was a little wild perhaps, with a few bad companions, but someone who expressed the aspirations of his people, someone to work with and to make plenty of allowances for. Because Castro was a man of the left. So the State Department instructed Ambassador Earl E. T. Smith to tell Batista to get out of his country and this opened the door for Castro, who never won a military victory.

The liberals-socialists have welcomed every revolution in this century that seemed to come from the left, including the Russian and Chinese revolutions. In the Spanish Civil War of 1936–39 they favored the anti-Franco, Communist-supported side.

You will never find a conservative favoring a U.S. giveaway program, whether it be the relinquishment of partial sovereignty over the Panama Canal or partial control of the Guantanamo Naval Base. The Canal is of incalculable value to the security of the U.S., and to the maritime commerce of the free world. The rights of the U.S. with respect to it were bought and paid for and the U.S. has no obligation to modify those rights in favor of a turbulent, leftwing Republic which has had 59 presidents in 69 years. The American people should be everlastingly grateful to Senator Strom Thurmond of South Carolina and Congressman Daniel J. Flood of Pennsylvania, one a Republican and the other a Democrat, for blocking the attempted sell-out of an American achievement which remains to this day one of the wonders of the world.

The Guantanamo Base is also of immense value to American security. It commands the sea approaches to Southeast United States and to the Canal. It permits, close to home, the constant training which is mandatory if the Fleet is to be kept ready. It is ideally located to permit the Navy to maintain its required expertise in engine-room and deck crews, pilots and squadrons and in task force operations as well.

Nevertheless Ambassador Philip W. Bonsal, who was assigned to Havana after Castro came to power, has written that it was his hope at the time that the status of Guantanamo might be modified to give Cuba a participation in its operation. Bonsal, no doubt, thinks of himself as being a liberal but most Cubans who have dealt with him characterize him politically as a socialist. The terms are often indistinguishable. The hope or thought of giving Cuba any operational control over Guantanamo is shocking to all true conservatives and I know of no patriotic Cuban who entertains it.

The ascendancy of liberalism-socialism in the United States rose markedly during the first Roosevelt administration and reached its peak under the Kennedy-Johnson government, when the liberals-socialists had greater influence than ever before in the history of the United States.

For all those who are not doctrinaire liberals-socialists (whose opinions derive from ideological fixations) it must be clear from what I have said that liberalism-socialism is unable to conduct a strong, continuous, intelligent fight against the left, against Communism. And it is for this reason that the fate of the Free World hinges on what I have called the invisible, unrecognized "struggle for survival."

Now, finally, whither Cuba?

Most people have forgotten that Cuba lived under the blight of Spanish colonial rule 76 years longer than any other country in Latin America. Yet, in the incredibly short span of half a century after freedom the living standard of its people was raised to the highest level of any tropical or semi-tropical country in the world and to one of the two or three highest in Latin America.

The main reason for this was that the Cubans are industrious and intelligent. But another reason was because of the contribution of American capital and know-how. There was no country in the world where Americans were more admired. During the last ten years that I lived in Cuba I got jobs for well over a thousand Cubans. In almost every instance they asked me to try to place them with an American company. Why? Because the Americans treated their employees fairly and generously. They paid their taxes and didn't cut corners. They adhered to the rigid labor and social laws.

According to the U.S. Department of Agriculture, when Castro came to power the Cubans were among the better-fed people of the world.

Castro destroyed all this. He tore the economic fabric of the country into shreds. He stole 2 billion in US property and 55 billion from his own people. And he killed more than 22,000 boys and men whose only crime was that they clung to their democratic ideals.

Today the Cuban farmer is fighting with his best weapon; he tries to produce no more than what he needs for his own family, and each month the flow of farm products to the towns and cities slows down. Today it is only a trickle. The current sugar crop is estimated to be no greater than what Cuba produced in 1919, 53 years ago.

Everything is rationed in Cuba except hate-America propaganda. Sugar and tobacco are rationed. The meat ration for an adult per week is what you eat in a single hamburger. The regime has entered a period of austerity which may well spell its ultimate collapse.

But now we hear that after the election an effort will be made to "normalize" relations with the Communist regime. Fulbright and Ted Kennedy have been in favor of this for a long time. Fulbright says that lifting the boycott against Cuba would be a "negative" act. The fact is that it would be a tremendously positive act. It would mean giving the Communist regime all the supplies, equipment, spare parts and other things that the Soviet Bloc has been unable to provide. It is the one thing that could keep Castro going a little longer. But it would not save him.

There are too many pockets of hatred for the man who has ruined his country and killed so many of his people. One day, perhaps in the noonday sun of a crowded plaza, Castro will meet a bomb or a knife or a bullet. Or perhaps the people will simply take to the streets, as in the case of Hungary. Then, within weeks Cuba will be liberated. And it will return to the family of western nations and become one of the most prosperous and conservative countries in our hemisphere.

This will be a great day for the United States because the mere survival of the Castro regime has been an element of incalculable importance in the world equation. The successful defiance of the United States from a stronghold at its own door has produced an image of Communist invincibility and American weakness which, in turn, encourages further anti-American campaigns, especially in Latin America.

There are many reasons to believe Cuba will be liberated but the basic reason is that the Cuban people love their country with a very profound love, a love of their good earth and their way of life. We, of course, give unending thanks to the American people for the hospitality we have found here. Here we have found open doors, open arms and open hearts. But no Cuban ever forgets that he is rooted to a stronghold of personal affection and no day passes that he does not long for home.

So I thank you again for having invited me to be with you. I think of this as a bright moment in our march toward freedom. When we get our country back you will be invited to visit us and you will meet with the warmest and most affectionate welcome imaginable. We know who our friends are. Every Cuban knows this.

Thank you.

U.S. PROSECUTORS CAN TRY CRIMINAL CASES WITHIN 60 DAYS

Mr. ERVIN. Mr. President, throughout the period that the Subcommittee on Constitutional Rights has been considering S. 895, a bill to provide speedy trials for criminal defendants, we have, of course, had to consider the danger that a 60-day trial limit would interfere with the ability of prosecutors to prepare adequately for trial.

Our work over the past 2 years on this legislation has convinced me that this fear is without foundation. Many witnesses have testified to the fact that the most important ingredient lacking in obtaining speedy trial is nothing more or less than willpower. Judges, defense counsel and prosecutors across the country who have dedicated themselves to speedy trial have found that it requires dedication and application much more than money or additional manpower. And they have found that speedy trial is not incompatible with justice. To the contrary, they find that defense and prosecution are better prepared, that trials are handled more fairly, that witnesses and evidence are fresh, and—in short—that justice is better achieved. The sixth amendment right to speedy trial is not incompatible with the interest of the defendant, or of the prosecution. The wisdom of the Founding Fathers is borne out by the more perfect justice achieved by a conscientious application of this constitutional right.

Today, I can offer to the Senate more evidence of this truth. On August 15, Whitney North Seymour, Jr., U.S. attorney for the southern district of New York, perhaps the busiest U.S. district in the country, in a speech before the ABA convention in San Francisco, summarized the success of his office in expediting criminal prosecutions.

His speech, which I wish to have printed in the RECORD immediately following my remarks, indicates that he has had no trouble complying with the speedy trial rules adopted by the United States Court of Appeals for the Second Circuit. Indeed, although the Second Circuit rules only require the U.S. attorney to be ready for trial by 180 days, his office is ready for trial within 60 days in all "short trial" cases—cases which can be tried within 3 court days—"the overwhelming bulk of cases."

Furthermore, Mr. Seymour has found that during the first full quarter after the second circuit rules the rate of disposition of cases was up to 20 percent, "all due to increased guilty pleas." As Mr. Seymour puts it, speedy trial is a prosecutor's "bonanza" for during the same period the conviction rate for his district increased from 90 percent to 95 percent.

I hope that Senators will read Mr. Seymour's excellent statement. Skeptics should listen carefully to a man who has the practical experience of day-to-day responsibility for law enforcement and who counts speedy trial as one of his most effective weapons against crime. His experience should put to rest any lingering worries, in the Justice Department or elsewhere, that the speedy trial legislation will "hurt the interests" of the prosecution.

I ask unanimous consent that Mr. Seymour's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SPEEDY TRIAL FROM THE STANDPOINT OF THE FEDERAL PROSECUTOR

Oliver Herford once defined a "liar" as one who tells "an unpleasant truth." At the risk of being branded with such a label, I assert the unpleasant truth that the current push for speedy criminal trials is primarily designed to overcome the well-deserved criticism of prosecutors and judges for dragging their feet. We engage in the polite hypocrisy of saying that defendants want speedy trials, but all of us know that this is not true in the overwhelming majority of cases where the defendant knows he probably will be convicted. Except in the rarest case, the last thing in the world a guilty defendant wants is a speedy trial. He will—and often does—do anything in his power to postpone the trial of the charges against him. The longer he can put off the day of trial, the better the chances that witnesses will become unavailable; that memories will dim; that the prosecution will lose its drive; and that the jury will become disenchanted with a violation that occurred some time in the distant past. No defense counsel in his right mind would ever push for a speedy trial if he knew that it increased the chances of his client being convicted. Practically the only circumstances under which defense counsel make speedy trial motions are when they think they have a chance of having the charge dismissed.

The real purposes behind the speedy trial rules is an effort to offset the public's loss of confidence in the administration of justice because in so many places it has become so slow and toothless. Speedy trials are essential to crime deterrence. Study after study has demonstrated that meaningful deterrence of crime can only be achieved when potential criminals believe that they will be arrested and brought to trial and punishment without delay.

The only way speedy trial objectives can be achieved is through the efforts of judges and prosecutors. Any system that depends on motions by defense counsel to eliminate trial delays is doomed to failure.

In the Federal courts, the drive for speedy trials began in the Second Circuit. A *coram nobus* proceeding was presented to the Court of Appeals on behalf of a state court prisoner who claimed that he had been deprived of his Federal Constitutional rights because of a pre-trial delay of approximately two years while he remained in custody. The Court of Appeals, under the leadership of then Chief Judge J. Edward Lumbard, decided to take a look at the situation in the Federal Courts before passing judgment on state court delays.

Almost simultaneously, new appointees as U.S. Attorneys in the Southern and Eastern Districts of New York had discovered the existence of a chronic backlog of over-age cases, some ten and twelve years old, and had already set about the task of trying to clear the backlog through the assignment of every available lawyer in both civil and criminal divisions to try the old cases and get them disposed of. Meanwhile, the U.S. District Court for the Southern District of New York did away with its master calendar and adopted an individual assignment system under which each District Judge was accountable for the cases assigned to him, thereby eliminating the motivation for "buck passing." The stage was set for a new approach.

With the full participation of all concerned—Circuit Judges, District Judges, United States Attorneys, and bar association and Legal Aid Society representatives—a new set of rules was promulgated by the Circuit Council of the Second Circuit on January 5, 1971, to become effective on July 5 of that same year. The essential provisions of the new rules were that charges against each defendant held in custody must be ready for trial within ninety days, and that charges against each defendant on bail must be ready for trial within six months. The sanction in the former case would be the release of the defendant from custody; in the latter case, it would be dismissal of the charges themselves.

The key element in the new rules was the requirement that the prosecution must be "ready for trial" within the prescribed period. Management of the actual trial schedule was still left in the hands of the individual trial judges. The Second Circuit rules included a number of exclusions in the computation of the ninety-day and six-month periods, including periods of time when pre-trial motions are pending; continuances requested by the defendant (and, in limited circumstances, by the prosecutor); the absence or unavailability of the defendant (or a co-defendant, in a case where severence is not appropriate); detention in another jurisdiction; and failure of the defendant to have counsel.

The rules also include a catch-all provision to include other periods of delay occasioned by "exceptional circumstances." Although these exclusions are plainly necessary to provide commonsense flexibility to the speedy trial rules, it would be disingenuous not to concede that they provide potential "loopholes" which could be abused if a prosecutor or judge did not intend to implement the spirit, as well as the letter, of the rules. But this would be true of any statute or rule governing speedy trials if the prosecutor or judge really set out to obstruct the speedy-trial objective. In the mocking words of Ogden Nash, "Why did the Lord give us so much quickness of movement unless it was to avoid responsibility?" The key ingredient, obviously, is the commitment by both prosecutor and trial judge to prompt disposition of cases.

An essential element in achieving speedy trials is the development of internal systems in the prosecutor's office to keep track of criminal cases, and make sure that they are kept on schedule. In the Southern District of New York, long before the Second Circuit Rules went into effect, a special "Case Control Section" was established, staffed by paraprofessionals drawn partly from bright housewives who were held down at home by small children, but who could work part-time at modest wages to provide the kind of intelligent inventorying that was necessary. Despite the claims of management and computer experts, no one has yet put into practice a reliable computer program (although theoretically possible) to achieve up-to-date, dependable control over pending cases in a situation which, like the processing of criminal cases, changes day by day. The Southern District of New York Case Control system depends on control cards filled out by hand—one card for each case—supplemented by regular interviews of Assistant U.S. Attorneys. Written summary reports are prepared and submitted to the court on a regular basis, bi-weekly for jail cases, and monthly for all cases.

Among the procedures developed to implement the speedy trial concept was a new form called a "Notice of Readiness" to minimize the risk of communication breakdowns in indicating the government's readiness for trial where because of the abolition of a master calendar, there was no opportunity to answer "ready" on the court record.

In the Southern District of New York the internal timetables within the U.S. Attorney's Office were structured on a much stricter schedule than those set by the Second Circuit. In the case of indictments, each Assistant U.S. Attorney is now required to obtain an indictment within ten days of arrest in jail cases; and within twenty days of arrest where the defendant is out on bail. In the overwhelming bulk of cases—those referred to as "short trial" cases, which can be tried within three court days—Assistants are required to be ready for trial within sixty days. The six-month limit is reserved solely for the more complex cases which are classified as "long trials." To minimize the risk of slip-up, the Criminal Clerks in the Office send out ticklers to Assistant U.S. Attorneys to remind them to serve their "Notice of Readiness" within forty-five days on "short trials" and four months on "long trials." Where an Assistant has not sent out his "Notice of Readiness" within the prescribed time limits, his name is called at the weekly Criminal Division meeting to explain the reason for the delay. All internal control procedures are personally supervised by the Chief of the Criminal Division. The whole approach and implementation has been structured on a fundamental doctrine once articulated by Henry Wadsworth Longfellow: "It takes less time to do a thing right, than to explain why you did it wrong."

The problem of adequate administrative control, however, is not limited to the prosecutor. Of equal importance is effective supervision of the District Judges in moving along the criminal cases assigned to them within a reasonable time after the government has indicated its readiness to go to trial.

Judges are, after all, human beings, and across the broad spectrum there are those few who do not work as quickly or efficiently as their colleagues. In some cases, senior judges, who have already put in a lifetime of hard work, are inclined to feel that the breakneck pace of speedy trials is for the younger men. In other cases, some judges, like lawyers, are better "law men" then "feet men" and are more attuned to writing opinions than trying jury cases.

Anticipating this problem, the Second Circuit Court of Appeals requires in its rules that the United States Attorney file bi-weekly reports listing all defendants held in jail and giving all of the salient facts concerning the proceedings against him. Of even greater significance, the Second Circuit rules require the preparation and filing of Monthly Case Reports which list every criminal case pending more than six months, and the reasons why it has not been reached for trial. The reporting forms developed by our office include not only the particulars of the case, but also the identification of the trial judge and the Assistant U.S. Attorney, so that both the prosecutor's office and the court administrators can know whose cases are not moving. Recently, the Circuit Council requested us to issue the monthly case reports arranged by individual judge, so that the caseload of each would be more readily apparent.

The principal unresolved problem today is how to deal with those few judges who have not kept up with their individual caseloads of criminal cases. Obviously, this is a problem that requires tact and effective handling, but it is something that can only be dealt with within the court itself. It would be extremely unfair to reassign cases from those judges who have fallen behind to those judges who have kept current. This would totally destroy the initiative for trying to keep up with criminal cases as they come along. A more promising solution would be to utilize the services of visiting judges from other districts to help dispose of the backlog criminal cases which cannot be moved along by administrative prodding.

The results of the new speedy trial procedures in the Second Circuit have been impressive. In the year since the rules went into effect, every one concerned has become adjusted to the quickened pace, including the investigative agencies. Formerly one of the problems in filing indictments was the delay while waiting for the agency's written report to insure that there were no contradictions between factual material in the report and in the indictment. Most of the agencies are now aware that these investigative reports must be submitted promptly and the indictment process has been speeded up accordingly.

Another important benefit that has resulted from the speedy trial rules has been increased quality of the indictment themselves. When a younger Assistant U.S. Attorney must face the fact that he will have to present his evidence to a trial jury in approximately sixty days, he is much more likely to take a jaundiced look at the evidence presented to him by the investigative agency, and to ask more hard questions at the threshold of the prosecution, rather than waiting until some far-off day of preparation for trial. He knows that he is preparing for trial from the start and that there will be no future opportunities to fill in the gaps in the proof if they exist.

The net effect of all of these changes has been to increase both the rates of disposition, and also the rate of convictions. In the Southern District of New York, although the intake of new cases has continued to climb, the over-all rate of disposition has actually exceeded the rate of new business, with the over-all effect of a steady cutting back of the criminal caseload. This disposition rate has been primarily explained because defendants now know that they will go to trial soon, and are therefore more inclined to enter guilty pleas than they were when they could count on a certain amount of attrition as cases languished in file cabinets. During the first full quarter after the new Second Circuit rules went into effect in the last part of 1971, the rate of disposition was up by 20%, all due to increased guilty pleas. From a prosecutor's point of view, the result was a bonanza—the conviction rate in cases which were disposed of on the merits climbed from 90% to 95%.

All of our experience in the Second Circuit has taught us that the key to speedy trials is not laws and rules alone, but rather the wholehearted cooperation of the investigative agencies, prosecutors, judges, and other personnel involved. To paraphrase Judge Learned Hand's famous quotation about Liberty:

"The speedy trial lies in the hearts of judges and prosecutors; when it dies there, no statute, no rule can save it; no statute, no rule can even do much to help it."

SENATOR ALLEN J. ELLENDER

Mr. YOUNG. Mr. President, the untimely passing of Senator Allen J. Ellender was a tragic loss, not only to his beloved family, but to his State, Nation, and internationally.

Senator Ellender was an unusual and remarkable person. He had a good and retentive mind. Few men I ever knew had as inquiring a mind. He was also one who had a great interest in people and their problems. His interest in legislation and every activity as a Senator had a wider range than almost any Senator I have ever been associated with. This, coupled with his boundless energy, capacity for hard work, his friendly personality, his integrity and good judgment, all made this man one of the most effective legislators I have ever been associated with.

No Senator during my time, or perhaps in the entire history of the U.S. Senate, made as great a contribution to the agriculture of this Nation. He either wrote or had a major part in writing practically all farm legislation from the beginning of his service in the Senate nearly 36 years ago.

He served longer than anyone in the history of the Senate on the Committee on Agriculture and Forestry almost 36 years. Of those years 18 were as its chairman, which is also a record.

Among the many other great interests and contributions of Senator Ellender were public works projects, especially civil functions. Literally hundreds of water projects, such as flood protective works, hydroelectric dams and navigation locks and dams, would not be in existence today if it had not been for this man's work and great influence in the Congress of the United States.

Senator Ellender always had a very keen interest in the welfare of people and extended his interests and work into many other areas, such as housing and national security. Invariably our friend was always found on the side of economy in government. He was quite a liberal, though, when human needs were involved, such as in meeting housing needs, food and nutrition needs and many others.

Through his effective and hard work he has left his imprint on almost every piece of legislation considered in the Congress during his long tenure here.

The interests of our late good friend extended even way beyond this Nation and his beloved State. In his extensive travels abroad, he did much to bring about a more friendly relationship between leaders of many nations of the world and the United States. Many of the things he advocated for years with respect to a better working relationship with other countries have come to fruition only in recent months.

Allen Ellender was one of my best and closest friends in the Senate. We had the same major committee assignments, those of Agriculture and Appropriations. We worked closely together on legislation handled by these committees. We made many trips together on committee assignments, not only in this country, but to many areas of the world. I perhaps came to know him better than most Members of the Senate.

Sometimes people, in listening to Senator Ellender interrogate a witness before one of his committees, would get the impression that he was very aggressive and even harsh. Not many understood that his only purpose of his sometimes tough questioning was to elicit the broadest possible information and facts.

While our committee assignments and work in the Senate found us working together most of the time day after day and year after year, we spent many happy hours together outside of the Senate. When I first took up golf—and this was not until quite some time after I had come to the Senate, we played together whenever we could find the time and that was until 4 or 5 years ago when he gave up golf.

Like many other Members of the Senate, I was often privileged to be his guest at his apartment and his hideaway Capitol office, where he found great enjoyment in cooking his creole dishes for his friends. In his cooking, like everything he undertook, he excelled.

I have lost a very close and dear friend, and the Senate has lost one of its truly fine Members. Mrs. Young and I extend our deepest sympathy to his wonderful family whom he loved so dearly.

GENOCIDE CONVENTION DOES NOT THREATEN AMERICAN JUDICIAL HERITAGE

Mr. PROXMIRE. Mr. President, many people have received the false impression that ratification of the United Nations Convention on Genocide by the United States would result in a loss of constitutional guarantees and would undermine the traditional liberties of our Nation. There are no grounds for such fears.

Indeed, it is the very intent of the Genocide Treaty to preserve the national heritage of our country and that of the 75 nations who have already ratified the convention. The purpose of the treaty is to insure that any effort to exterminate any racial, national, ethical, or religious group will not be tolerated.

Further, the section of individual rights and responsibilities of the American Bar Association studied the Genocide Convention and found that it is "consistent with the American tradition." The bar association concluded its study with the following statement:

> The Genocide Convention is now twenty years old, but it is a living and important document. Our friends are confused, our enemies delighted, at continued United States hesitation about the Convention. Adhering to the Convention now would be a real step in the advancement of America's national interest.

There is no danger that ratification of the treaty will in any way militate against the sustained presence of the Constitution as the highest law of the land. Nor will the rights of individual citizens under our Constitution be in any way impaired.

Mr. President, the time has come for Senate action on this important document. I urge the Senate to follow the lead of the Committee on Foreign Relations and the White House and ratify this treaty in the very near future.

IMPOUNDMENT OF HIGHWAY TRUST FUNDS HELD ILLEGAL

Mr. ERVIN. Mr. President, Chief Judge William H. Becker, of the U.S. District Court for the Western District of Missouri, Central Division, recently ruled that the executive branch has unlawfully impounded highway trust fund moneys that should be apportioned to the State of Missouri.

Judge Becker made the ruling in the case of State Highway Commission v. Volpe—Civil Action No. 1616—on June 19. He granted an injunction to restrain the withholding of highway trust funds from the State of Missouri issued a writ of mandamus requiring the Secretary of Transportation and Director of the Office of Management and Budget to end such withholding, and declared that the impoundment was unauthorized by law, illegal, in excess of lawful discretion, and in violation of the Federal-Aid Highway Act. The judgment has been stayed pending appeal of the case.

I believe that Judge Becker's ruling may well represent a breakthrough in efforts to reestablish the power and prerogatives of Congress over the Federal purse.

Impoundment of appropriated funds by the Executive is an important issue which has been explored thoroughly by the Judiciary Subcommittee on Separation of Powers, of which I am honored to serve as chairman. The subcommittee conducted extensive hearings on the practice in March of 1971 and as a result of the testimony and materials adduced at those hearings, I subsequently introduced S. 2581, the impoundment procedures bill which is pending in the Committee on Government Operations.

S. 2581 would provide for congressional approval as a prerequisite to Executive impoundment of funds beyond an initial 60-day period. It also would require the President to notify the Congress of each impoundment action, giving the amounts withheld, the programs affected, and the reasons for each impoundment.

Several lawsuits have been initiated against the executive branch as a result of widespread impounding of appropriated funds during the past several years, the total amount impounded having reached as much as $12.7 billion at one time. Judge Becker's ruling, to my knowledge, is the first decision which has been reached on the merits of the impoundment question.

The decision rendered by Judge Becker is based primarily upon paragraph (c) of 23 U.S.C. 101, which reads—

> (c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund.

Congress, Judge Becker held—

> Undertook to avoid such unauthorized action by making its intent clear and unambiguous in paragraph (c)". He also found that the impoundment of $80 million in Highway Trust Funds which should be apportioned to Missouri for Fiscal Year 1973 "has caused great and incalculable injury to Missouri because of continuing inflation of highway costs, and interruption of efficient

obligation of the funds apportioned to Missouri.

The Secretary of Transportation claimed that he has discretion to withhold authority from the States to obligate their unexpended apportionments of the highway trust fund. However, Judge Becker found that:

> The current, as well as the past and possible future, withholding of obligational authority for the reasons relied on by the Secretary has been, is and will be, unauthorized, and without the lawful discretion of the Secretary.

He went on to say that—

> The reasons advanced by the Secretary for the current and past withholding of obligational authority are foreign to the standards and purposes of the Act and the Fund. The reasons relied on are related to the prevention of inflation of wages and prices in the national economy. These reasons are impermissible reasons for action which frustrates the purposes and standards of the Act, including but not limited to those in Section 109, Title 23, U.S.C.A. Therefore it is not within the discretion of the Secretary to withhold obligational authority from Missouri, and judicial relief should be granted to Missouri.

Mr. President, the past two administrations have managed to impound a total of $5.7 billion in highway trust funds. As the Subcommittee on Separation of Powers learned at its hearings last year, many reasons and justifications—both legal and economic—have been stated by the Executive for this action. Judge Becker's decision indicates that these reasons are open to attack on legal grounds.

I hope that when finally resolved, this case will lead to a reassessment of the proper role of Congress in the appropriations process.

Mr. President, I ask unanimous consent that the opinion and orders of Judge William H. Becker in the case of State Highway Commission against Volpe be printed in the Record.

There being no objection, the opinion and orders were ordered to be printed in the Record, as follows:

[In the U.S. District Court for the western district of Missouri, central division, civil action No. 1616]

The State Highway Commission of Missouri v. John A. Volpe, Secretary of Transportation of the United States, and Caspar W. Weinberger, Director of the Office of Management and Budget of the United States

(Formal judgment confirming judgment for plaintiff orally rendered and entered June 19, 1972, issuing writ of mandamus, injunction and for declaratory judgment)

Now on this 19th day of June 1972, this civil action was called for trial on the amended complaint pursuant to notice and order setting the action for trial. The plaintiff appeared by its counsel, Robert L. Hyder, Esquire, and Michael McCabe, Esquire. The defendants appeared by their counsel, Stuart E. Schiffer, Esquire, and Kenneth Cranston, Esquire.

Counsel for the defendants suggested the succession of Casper W. Weinberger to the original defendant George Shultz as Director of the Office of Management and Budget of the United States. Thereupon on motion of counsel for defendants, it was ordered pursuant to Rule 25(d), F.R.Civ.P., that Casper W. Weinberger be, and he was, in his official capacity, substituted as party defendant for the original defendant George Shultz.

The second, third and fourth defenses of the answer of defendants were taken up, submitted and denied. In this connection it was concluded that (1) the plaintiff does not lack standing to maintain this action, (2) the Court does not lack jurisdiction over the subject matter of the action and (3) the complaint does not fail to state a claim upon which relief can be granted.

On the initiative of the Court the unnumbered last paragraph of the first defense of the answer was stricken as redundant, surplusage, and an impermissible form of qualified general denial in the context of the pleadings in this case.

With approval of the Court the parties stipulated that the record of the evidentiary hearing and arguments of June 24, 1971, in this cause be considered as part of the argument and evidence offered this day on the amended complaint without prejudice to any objection, motion, argument, legal contention and factual contention therein made, so that it should not be necessary for any party to reoffer at the trial any evidence offered on June 24, 1971.

Then this action was called for trial by the Court, without a jury. Plaintiff and defendants answered ready for trial. Opening statements were made by counsel for the plaintiff and defendants. Evidence in chief of the plaintiff was offered and received. The plaintiff rested. Then the defendants moved for dismissal under Rule 41(b) F.R.Civ.P., on the ground that on the facts and the law plaintiff is not entitled to relief, which motion was denied. The defendants offered evidence in chief and rested. The plaintiff rested without offering evidence in rebuttal. The issues were thereupon submitted by the parties for decision. Thereupon the following findings of fact and conclusions of law were made by the Court:

JURISDICTION

On the subject of jurisdiction it was found and concluded that the Court has jurisdiction to hear and determine the issues under each of the following statutes independently:

(1) Section 1361, Title 28, U.S.C.A., relating to actions in the nature of mandamus to compel an officer of the United States to perform a duty owed to the plaintiff.

(2) Chapter 7, Title 5, U.S.C.A., judicial review of administrative agencies, including Sections 702, 703, 704, 705, and 706.

VENUE

On the subject of venue it is found that venue of this action is properly laid in this district and that the defendants do not claim lack of venue.

REMEDIES AVAILABLE

The remedies available under Section 1361, Title 28, U.S.C.A., include mandamus, prohibitory injunction, mandatory injunction and declaratory judgment in the nature of mandamus.

The remedies available under Chapter 7, Title 5, U.S.C.A., include (1) holding unlawful and setting aside of agency action that is arbitrary, an abuse of discretion, or otherwise not in accordance with law or in excess of statutory jurisdiction, authority, limitations or short of statutory right (§ 706) and (2) any form of legal action including declaratory judgment and writs of prohibitory or mandatory injunction (§ 703). Cf. *Citizens to Preserve Overton Park* v. *Volpe,* 401 U.S. 402, 28 L.Ed. 2d 136, 91 S. Ct. 814.

On the question of finality of the agency action under review, and exhaustion of administrative remedies, it is found and concluded that the agency action under review is final and that no unexhausted administrative remedies exist. Cf. § 704, Title 5, U.S.C.A.

On the question of adequacy of other remedies at law, it is found and concluded that plaintiff has no remedies in court at law or otherwise except those available in this action.

STANDING TO MAINTAIN THIS ACTION

Under federal law, the Constitution of Missouri and the statutes of Missouri, the plaintiff has standing to maintain this action as the state agency invested with exclusive and plenary powers and duties on behalf of the State of Missouri to receive and administer all federal highway funds and apportionments. Sections 226.010 to 226.190 R.S. Mo. inclusive, particularly Sections 226.020, 226.150, 226.190 R.S. Mo.; Sections 29, (30(a) and 30(b), Article 4, Constitution of 1945; Section 101, Title 23, U.S.C.A., defining "State highway department."

DECISION ON THE MERITS

In order to accelerate the construction of the Federal-aid highway systems, including the National System of Interstate and Defense Highways ("Systems" hereinafter) and to provide for the prompt and early completion of the entire System simultaneously, the Congress of the United States enacted, and has from time to time amended, Title 23, United States Code, a comprehensive Federal-Aid Highway Act ("Act" hereinafter). Title 23, U.S.C.A.

To insure continuing adequate federal-aid moneys for completion of the System, Congress created the Highway Trust Fund ("Fund" hereinafter). Historical Note, § 120, Title 23, U.S.C.A. The defendant Secretary of Transportation of the United States ("Secretary" hereinafter) has been given the functions, powers and duties to administer the Fund in accordance with the Act, which provides a comprehensive plan and precise standards for apportioning the Fund annually, and for obligation of the Fund by state highway commissions in accordance with the Act. Sections 101 and 215 inclusive, Title 23, U.S.C.A.

Anticipating the possibility of executive or administrative impoundment or withholding of the apportioned Fund for legally impermissible reasons, Congress undertook to avoid such unauthorized action by making its intent clear and unambiguous in paragraph (c) of § 101, Title 23, U.S.C.A., which reads as follows:

"(c) It is the sense of Congress that under existing law no part of any sums authorized to be appropriated for expenditure upon any Federal-aid system which has been apportioned pursuant to the provisions of this title shall be impounded or withheld from obligation, for purposes and projects as provided in this title, by any officer or employee in the executive branch of the Federal Government, except such specific sums as may be determined by the Secretary of the Treasury, after consultation with the Secretary of Transportation, are necessary to be withheld from obligation for specific periods of time to assure that sufficient amounts will be available in the Highway Trust Fund to defray the expenditures which will be required to be made from such fund."

Paragraph (c) is now a part of the Act, Title 23, U.S.C.A., and is to be read and construed in the context of the comprehensive plan for administration of the Fund and the Act. Even if paragraph (c) were absent, the intent of the Act would be the same.

The record establishes without controversy that the Secretary with the approval of his co-defendant has from time to time by administrative action effectively withheld from the plaintiff, The State Highway Commission of Missouri ("Missouri" hereinafter), the obligation of sums lawfully apportioned to the State of Missouri from the Fund. Presently Missouri is forbidden by administrative action of the Secretary from obligating over $80,000,000 of the apportionment for the fiscal year 1973. (Apportioned funds for a coming fiscal year may be obligated in the preceding fiscal year under the Act.)

The practice of ordering the withholding of obligation of parts of the apportionments has continued for a number of years, without reference to any fixed period of time. Often the withholding was done on a quarterly basis. Presently the withholding is fixed on an annual basis.

The effect of this practice, and of the current withholding of obligation by Missouri of prior apportionments and a large part of its apportionment from the Fund for the fiscal year 1973, has caused great and incalculable injury to Missouri because of continuing inflation of highway costs, and interruption of efficient obligation of the funds apportioned to Missouri. Missouri has provided proof of this injury beyond the customary burden of proof by a preponderance of the evidence.

As a part of this proof, Missouri has established that it is and has been able, ready and willing, and desires and has desired, to obligate its apportionment from the Fund but is and has been prevented from doing so by the defendant Secretary, with the approval of his co-defendant Director. In this connection Missouri has proven that presently and in the past it has developed plans and projects which would be approved under the Act, and regulations made pursuant thereto, except for the withholding of the obligational authority by the Secretary. Therefore Missouri is entitled to relief if the action of the Secretary in withholding from obligation is unauthorized, without his discretion, arbitrary or otherwise illegal.

The Secretary claims that the law invests in him discretion to withhold from time to time authority for Missouri to obligate its unexpended apportionments. The Secretary concedes that the apportionments can readily be paid by the Fund from the ample moneys presently therein. If the Secretary lawfully possessed the discretion he claims Missouri should be given no relief. It has been concluded, however, that the current, as well as the past and possible future, withholding of obligational authority for the reasons relied on by the Secretary has been, is and will be, unauthorized, and without the lawful discretion of the Secretary.

The reasons advanced by the Secretary for the current and past withholding of obligational authority are foreign to the standards and purposes of the Act and the Fund. The reasons relied on are related to the prevention of inflation of wages and prices in the national economy. These reasons are impermissible reasons for action which frustrates the purposes and standards of the Act, including but not limited to those in Section 109, Title 23, U.S.C.A. Therefore it is not within the discretion of the Secretary to withhold obligational authority from Missouri, and judicial relief should be granted to Missouri. *Citizens to Preserve Overton Park* v. *Volpe*, 401 U.S. 402, 28 L.Ed. 2d 136, 91 S.Ct. 814, § 706, Title 5, U.S.C.A.

The appropriate relief to which Missouri is entitled includes prohibitory or mandatory injunction, and declaratory judgment. § 703, Title 5, U.S.C.A. It also includes mandamus. § 1361, Title 28, U.S.C.A. Missouri has no other adequate judicial or administrative remedy except this action. Therefore judgment will be entered granting an injunction, a writ of mandamus and a mandamus and a declaratory judgment.

JUDGMENT GRANTING INJUNCTION

It is therefore

Ordered and Adjudged that the defendants and each of them and their subordinates be, and they are hereby, enjoined and restrained now and in the future from withholding from Missouri, directly or indirectly, any authority to obligate its apportionment of Highway Trust Funds, for the fiscal year 1973 for any reason or reasons relating to the prevention or control of inflation in the national, regional or local economies, or in wages or prices in the nation, or any region or locality therein, or any combination of such reasons.

JUDGMENT GRANTING WRIT OF MANDAMUS

For the foregoing reasons, in addition and independently, it is hereby further

Ordered and Adjudged that the defendant John A. Volpe, and his subordinates, be and they are hereby, commanded to annul and revoke by official act in writing the current announcements, orders, directives, limitations, regulations and other official written and printed documents and evidences of withholding of authority of Missouri to obligate its apportionment from the Highway Trust Fund for the fiscal year 1973.

DECLARATORY JUDGMENT

For the foregoing reasons, it is hereby further

Declared and Adjudged that the currently effective, and past official actions of the Secretary of Transportation, and his subordinates, in withholding authority from Missouri to obligate any apportionment from the Highway Trust Fund for reasons related to the prevention or control of inflation in the national, regional or local economies, or in wages and prices in the nation, or any region or locality therein, is unauthorized by law, illegal, in excess of lawful discretion and in violation of the Federal-Aid Highway Act.

RETENTION OF JURISDICTION

It is further Ordered that this Court retain jurisdiction of this action for the purpose of making and entering such further orders and judgments and taking other judicial action necessary, or desirable, to implement and enforce the judgments herein, and any one or more of them.

ORDER ON COSTS

It is Ordered that each party bear its or his own costs in this Court.

William H. Becker, *Chief Judge.*

Kansas City, Missouri, August 7, 1972.

[In the United States District Court for the Western District of Missouri, Central Division, Civil Action No. 1616]

State Highway Commission of Missouri, Plaintiff, v. John A. Volpe, Secretary of Transportation, and Caspar W. Weinberger, Director, Office of Management and Budget, Defendants

ORDER

Defendants having orally moved for a stay of the judgment entered by this Court on pending appeal, and the Court having considered the entire record in this action, and it appearing to the Court that good cause exists for the granting of defendants' motion, it is, this 19th day of June, 1972, hereby

Ordered that defendants' motion for a stay of the judgment be and hereby is granted and the judgment of this Court is hereby stayed pending disposition of the appeal filed by defendants.

William H. Becker, *Chief Judge.*

DR. HOLLAND COMPLETES A MOST SUCCESSFUL ASSIGNMENT AS AMBASSADOR TO SWEDEN

Mr. BOGGS. Mr. President, recently Dr. Jerome Holland returned to the United States following a most successful 2-year term as our Ambassador to Sweden.

He is visiting Washington this week for a final discussion on his assignment with Secretary of State Rogers and other officials of the State Department.

My colleagues are well aware of some of the difficulties that strained the friendly relations between the United States and Sweden at the time Dr. Holland accepted this appointment. It was agreed by all that it would take no ordinary man to unravel those difficulties, and to open fresh channels of communication.

Brud Holland is no ordinary man, as even a brief glimpse of his distinguished career will show. Early in his life Brud Holland showed himself to be a man who settled for nothing short of excellence. His distinguished academic record at Cornell University speaks for itself. It was all the more impressive when one remembers that he was also an All-American end on the Cornell football team.

Dr. Holland subsequently returned to Cornell for a master's degree in 1941, then earned a Ph. D. in sociology from the University of Pennsylvania in 1950.

Mr. President, during service as Governor of Delaware, I had the great honor to work with Dr. Holland in his capacity as president of Delaware State College, located in Dover. I came to admire and respect his foresight, his dedication, and his ability as an educator. Delaware State made great progress during his too-short leadership.

Upon leaving Delaware State, Dr. Holland accepted the presidency of Hampton Institute in Virginia, where he compiled another distinguished record. Under his leadership, Hampton Institute undertook a successful centennial fundraising campaign, which raised endowment to over $32 million, a great achievement.

Mr. President, these achievements proved to be an excellent preparation for his assignment in Sweden, where Dr. Holland showed himself to be a tireless ambassador of good will. Twice every month, Ambassador Holland traveled through Sweden, meeting with local dignitaries and touring farms, factories, and museums, bringing his message of good will to the citizens of Sweden. His task was not an easy one. Frequently, he faced anti-American demonstrators and hecklers. Yet Ambassador Holland's calm, effective response served as an inspiration to the people of both Sweden and America.

Mr. President, Dr. Holland has shown himself to be a more than exceptional diplomat over these past 2 years. He has shown himself to be a selfless, tireless, and compassionate representative of all Americans. I know my colleagues will join me in commending him for a job well done, welcoming him home to the country he has served so well, and in extending our best wishes to Brud Holland in his further service to our Nation.

REVENUE SHARING WILL INCREASE DEFICIT SPENDING

Mr. GAMBRELL. Mr. President, last evening I cast a vote against the so-called revenue-sharing program. I reserved final judgment on this question until the last, hoping that some element of fiscal responsibility would be introduced into the program, or that some responsible authority would announce an acceptable means by which this enormous spending program would be financed.

In the absence of such a development,

I found it necessary to vote against the bill. On April 20 of last year, I had the occasion to address the Georgia Association of County Commissioners at their annual meeting for 1971 in Macon, Ga. At that time, I outlined my thinking on revenue sharing, and in particular established certain guidelines which I would use in making a legislative judgment on the subject.

Although revenue sharing was in its formative stage at that time, in looking back over my remarks made more than a year ago, I find them to be quite pertinent to the present situation, and can say, that, by and large, those principles still govern my thinking.

I ask unanimous consent that the text of that address be printed at the end of my remarks today.

The current revenue-sharing proposal will enormously increase Federal deficit spending. I see no justification for enacting a Federal spending program of this magnitude when no restrictions on Federal spending are planned, when no responsible leader will recognize the necessity for a tax increase, and when no priorities have been established among presently authorized spending programs.

This is not revenue sharing, but simply a means of sharing Federal borrowing power with State and local governments. It does not replace or reorganize existing Federal assistance programs under which nearly $30 billion is being spent each year. This is in addition to existing programs. What is even more alarming is that no restraints or incentives are contained in the program to encourage careful spending of these funds at the local level.

I have consistently supported the idea of sharing the Federal tax base in a way which would relieve the financial pressures on State and local governments, and would offer some relief to local property taxpayers. The revenue-sharing plan simply distributes borrowed money with no assurance of local tax relief.

If the administration, or the congressional leadership of either party had previously supported effective Federal spending limits, or had accepted the necessity of a tax increase and had identified the subjects of increased taxes, I would have been willing to support this program. As the matter stands, I cannot support a new program to spend more than $33 billion without an assurance of the means to finance it. To me, this would be the height of fiscal irresponsibility.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR DAVID H. GAMBRELL

I favor the principle of revenue sharing as proposed by the Nixon administration. This proposal follows a concept which has been under study by a number of foundations and research organizations for years. It recognizes that the federal govenment, though the power to tax incomes, has the most productive, the most efficient, and the least regressive tax levy now being assessed by governments at any level.

At the same time, it recognizes that the tax sources in use by state and local governments, primarily the sales and property taxes, have been stretched to the limit, and further are regressive in placing the burden of taxation most heavily upon those least able to pay.

The proposed revenue sharing plan encompasses what is described as general revenue sharing and special revenue sharing.

General revenue sharing covers a generally unrestricted appropriation of federal funds for use by state and local governments. The allocation is to be in accordance with a formula based primarily on population, but having certain adjustments which recognize "local tax effort", the extent to which the local government has recognized its own responsibilities for solving its own problems through taxation.

Special revenue sharing is proposed to replace some four hundred separate federal programs which presently provide the direct grants and federal cost sharing. At the present time, federal funds are available to state and local governments for many specific purposes such as rural and urban development, law enforcement, education, manpower training, and rapid transit through a variety of federal departments. Under special revenue sharing, existing programs would be "folded into" the special revenue sharing plan.

I will not undertake to more specifically describe the pending revenue sharing proposals, but will say that for fiscal year 1972, the program is to include approximately 16 billion dollars, 11 billion in special revenue sharing and 5 billion in general revenue sharing. Of this, one billion in special revenue sharing, and all five in general sharing will be "new money," that is, federal grants to local governments in excess of what has previously been granted.

It is also worthy of note that President Nixon's 1972 budget contemplates a deficit of more than 11 billion dollars, possibly as high as 35 billion depending upon revenue receipts. Thus, it may be accurately stated that all or substantially all of the federal revenue sharing money will come from deficit financing by the federal government in fiscal year 1972.

With this thought in mind, it might simply be said that if the Federal Government has no use of its own for the revenue sharing money, why should we not simply reduce Federal taxes and permit State and local governments to raise what money they need.

There are three considerations which may be validly set against this proposal;

(1) This argument could be made for a repeal of the present system of direct grants constituting approximately 30 billion dollars at the present time;

(2) Such a policy would deprive State and local governments of sharing in the Federal tax base as previously described; and

(3) There is some positive benefit in using the Federal taxing power, and the experience of Federal programs, to create an incentive for improvement of programs at a local level.

There is hardly a soul in Washington who does not recognize the needs of State and local governments for additional sources of financing, and I do not consider the delay in the enactment of some relief measure as suggesting a lack of sensitivity to these problems. In fact, there have been a number of suggestions whereby the process of working out the details of revenue sharing might be short-circuited so as to make relief more immediate.

One of these would be to enact general revenue sharing separate and distinct from special revenue sharing. Another would be to provide for the Federal Government to assume the entire burden of welfare from the State governments.

My own thinking on these subjects is that easy solutions should be approached with a degree of caution. As I will point out later, I have a deep concern about the wisdom of accepting "easy money." Furthermore, the proposal for Federal assumption of welfare responsibility, without any built-in limits and restraints, simply threatens an open-ended Federal welfare program with astronomical costs and increasing Federal involvement in local affairs.

When viewed as a continuing program of the Federal Government to share its tax base with State and local governments, revenue sharing could be a substantial adjustment in our own Federal system, a shifting of Government power and responsibility from the central government to the local level. If carefully thought out and implemented, it would represent a desirable re-emphasis on bringing government nearer to the people.

However, failure to carefully implement the plan could result in more, rather than less, Federal intervention in local affairs, and the creation of enormous political slush funds to be used by those greedy for control over governmental affairs.

Having thus stated my support for the principle of revenue sharing, but at the same time acknowledging the concerns I have about the plan, I will now briefly outline certain restrictions, or guidelines if you will, which I would like to see built into any plan which might ultimately be adopted.

First, I think the revenue sharing plan should be made a permanent part of our federal government system. It should be continually in effect from year to year in accordance with established principles, and at predictable funding levels which can be relied upon by state and local governments for the purpose of long-term planning.

A more cruel system for enslaving local governments could not be devised than one which would send them groveling each year to Washington for appropriations with which to commence and continue their basic programs. The delivery of funds should be either automatic at the federal level, or based upon requisitions from the local level, neither of which would require any federal bureaucratic review.

Second, none of these funds should be delivered to any local government where they are not needed or asked for, or where no adequate plan for their expenditure has been conceived. Incentives should be established to encourage area planning, rather than fragmenting the funds available among a multiplicity of smaller municipal jurisdictions.

Georgia, with its outstanding state planning department and its nineteen area planning commissions, as well as its local planning boards, should easily be able to comply with such a provision.

The formula for distribution should be equitable. After giving due consideration to the local funding effort, distribution among the states should be made primarily upon the basis of population. The states in turn should be encouraged to utilize advanced planning methods and the experience which other states have had in making intra-state distribution plans. Revenue sharing funds should not be allocated on a "cost of living" basis so as to subsidize areas of high cost and expense.

Special care and attention should be exercised to avoid undermining existing valid programs which are funded by the federal government. Local officials have expressed due concern about the diversion of direct grant resources away from existing programs such as vocational educational projects, regional development authorities, mass transit programs, the agricultural extension service, and the like.

Implementation of revenue sharing should guarantee that mature and beneficial programs which rely on federal support will not be dismantled, even if they must be continued outside of the revenue sharing plan.

Last, but not least, in my thinking, some effort should be made to assure that this new source of funds is not simply used to support the cost of general government. The increasing burden of cost and expense of local government has resulted primarily from a demand for new types of service not from a mere increase in the cost and extent of the traditional functions of government. It is my hope that any additional funds made available to local governments by the revenue sharing program will be applied toward the solution of modern problems, and the provision of new government services.

I think President Nixon and the present administration have performed a great service to the Nation by initiating a dialogue on the subject of revenue sharing. However, it is obvious that, if guidelines such as those which I have suggested, and any others which will be brought forward, are to be fairly evaluated, it may be a number of years before a permanent plan of revenue sharing is adopted.

But, it is desirable that there be such a dialogue. There are many ramifications of the plan which are not yet fully apparent, and we are learning more about them every day.

It seems unlikely to me that a total program of revenue sharing is likely to be adopted at this session of the Congress which will continue through the year of 1972.

However, it is possible, and I might say likely, that a modified and emergency plan may be adopted. In substance, the interim plan might provide for general revenue sharing for a limited period of time, to be funded by annual appropriations. The existing program of block and categorical grants for which special revenue sharing will be a substitute, might be continued in much its present form.

However, the adoption of such an interim plan of revenue financing should not deter us from the quest for a permanent plan.

It is my firm belief that local government, being closer to the people being governed, is the most responsible level of government for most purposes. This is particularly true where local government has the benefit of competent and progressive planning staffs to assist in the development of comprehensive programs.

A reassumption of governmental responsibility at the State and local levels, funded by unrestricted access to a portion of the Federal income tax base, will be, in my judgment, a desirable redistribution of governmental powers within our Federal system. In my opinion, this is a goal which we must actively seek to achieve.

PEACE AND SECURITY

Mr. ERVIN. Mr. President, the Journal and Sentinel, of Winston-Salem, N.C., for August 27, 1972, contains a thoughtful editorial entitled "Peace and Security" which commends in cogent and eloquent fashion Senator Jackson's amendment to the so-called Arms Limitation Agreement with Russia. As one of the cosponsors of that amendment, which I deem to be of crucial importance to our Nation's future security, I ask unanimous consent that the editorial be printed in the Record.

The PRESIDING OFFICER. There being no objection, the editorial was ordered to be printed in the Record, as follows:

Peace and Security

Our old adversaries in Moscow and Peking are now wafting an occasional smile in our direction, and as the political campaign unfolds, we will hear more and more about "a generation of peace."

We Americans are an optimistic lot, and we are only too eager to believe that peace, abiding peace, is on the way. But smiles do not change realities and today's campaign slogans are often tomorrow's heartbreak.

So before we are carried away by the smiles and the slogans, we had better be clear about the ugliest of the realities. It is simply stated:

1. The leaders of the Soviet Union now control what may well be the largest arsenal of the most destructive weapons in all of world history.

2. These leaders are subject to no controls or checks. They have no Congress to call them to account, no vigilant newspapers or broadcasters to warn the nation of what they are doing, no opposition parties to give the people an alternative. The winners take all. The losers pass into oblivion.

In brief, the awesome power to bully the rest of the world into submission is now in the hands of a small group of men subject to no internal restraints of a political, social, historical, religious or humanitarian nature.

Since the beginning of the nuclear age, however, there has been one external restraint on the Soviet leaders: American nuclear superiority.

In his speech to the American Legion last Thursday, President Nixon promised, in effect, to maintain that superiority. Our defense establishment, he assured the Legionnaires, will remain "second to none." And he went on:

"So long as I remain President, America will never become a second-rate power. We are today and will remain the strongest nation in the world."

Well and good. But Mr. Nixon uses the English language in strange ways, and as the "interim agreement" on offensive nuclear weapons that he signed in Moscow moves through the Senate, we cannot help wondering about his assurances.

Under the relentless questioning of Sen. Henry M. Jackson of Washington, the Senate has learned that the President agreed with the Russian leaders to set the following limits on offensive weapons:

Landbased ICBMs, U.S. 1,054; Soviet Union, 1,618.

Submarine-launched ballistic missiles, U.S. 710; Soviet Union, 950.

Missile-firing submarines, U.S. 44; Soviet Union, 84.

Heavy ICBM's (25–50 metagons), U.S., 0; Soviet Union, 313.

"The agreement," concluded Sen. Jackson, who is the Senate's leading expert on strategic weapons, "confers on the Soviets a 50 per cent advantage in numbers of land and sea-based launchers and a 400 per cent advantage in throw weight (payload)."

At the moment, conceded Sen. Jackson, the U.S. has an advantage in numbers of nuclear warheads because it has found ways to fix more than one warhead to a missile. But when the Soviets have developed this capability, they will also surpass us in numbers of warheads because of their "vastly superior throw weight".

But what does it matter? The U.S. has enough nuclear power to destroy the Soviet Union and all the rest of the world, too. A few missiles one way or the other shouldn't count.

The trouble is that the whole international system which has given most of the world a quarter of a century of peace and prosperity has depended on American nuclear superiority.

Our alliances, our trading partnerships, our international economic arrangements have all proceeded from that superiority.

Our NATO allies from Britain to Greece and Turkey, our trading partners from Canada to Japan have all assumed that so long as the U.S. is on top it will have the will to protect them from an aggressive, bullying Soviet Union.

But what happens when the U.S. is no longer on top? What happens when we concede nuclear superiority to the Soviets? Will we have the will to stand by our partners when the Soviets threaten them? These questions and doubts must inevitably arise—in London, Paris, Rome, Bonn, Athens, Ankara, Tokyo and elsewhere. And these questions and doubts threaten the whole international system—the Pax Americana—because they may impel each nation to strike out on its own and make the best deal it can with the Soviets.

In fairness to President Nixon, it must be said that his Democratic opponent, Sen. McGovern, would certainly be willing to give as much away to the Soviets and perhaps more. So where can Americans—Democrats and Republicans—turn?

They can turn to the Senate.

Sen. Jackson has introduced an amendment to the Moscow interim agreement, an agreement which runs for five years. This amendment makes clear that the U.S. will not accept on a permanent basis the inferiority in numbers and weight of nuclear weapons that Mr. Nixon conceded in Moscow. Any permanent agreement would have to be based on the principle of equality in offensive nuclear weapons.

This amendment seems to us to embody plain common sense. We hope that a majority of the Senate, including our own Senators Ervin and Jordan, will support it.

ATROCITIES BY COMMUNISTS IN VIETNAM

Mr. PERCY. Mr. President, in December 1967 I visited Dak Son in South Vietnam to help bring to public attention a most horrendous massacre of some 200 hill people in that quiet village a few nights before. The massacre was perpetrated on these defenseless people, almost all women and children by Viet Cong guerrillas who set fire to scores of thatched huts as the people were asleep within them.

I shall never forget the scene of devastation that I encountered in Dak Son, but it was brought back to me vividly by a recent report in Time magazine of August 21, 1972, which recounted additional atrocities by the Communist forces.

An excerpt from the Time report gives specifics on the extent of the murders committed by Communist units in South Vietnam. It is important that this appear in the Record for all to see.

I ask unanimous consent that it be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

An Excerpt

During the 1968 *Tet* offensive, for instance, the Communists executed more than 3,000 South Vietnamese in the former capital of Hué. Even though the brutality has been on a smaller scale during this year's Easter offensive, the Communists have murdered at least 200 people and imprisoned 6,000 in the Communist-controlled portion of Binh Dinh province. Allied intelligence officials believe that the number executed will surpass 500 before the whole of the province has been retaken by the South Vietnamese.

For the most part, the victims were local officials whom the enemy wanted to eliminate either because they were especially effective in their jobs, or because they were so unpopular that the Viet Cong could win favor by killing them. The primary motive for the show trials and the brutalities, reports Time Corespondent Rudolph Rauch, "appears to have been to wreck whatever allegiance the government might have built up, and there are few more effective ways of mitigating allegiance than to bury four dozen loyal men alive"—as happened in the town of Bong Son. Some examples:

In Hoai Nhon district, 300 townspeople

were herded together in front of a village school and designated a "people's court." They were invited to denounce the crimes of a man named Phung Sao, who had been in charge of the town's military affairs under the Saigon government. A few villagers accused Sac of using his position to assassinate a number of revolutionary cadres. The "president" of the court declared. "The people have decided that Sao will be executed for crimes against the people." In less than an hour, Sao's bullet-ridden body was turned over to his widow, who had been obliged to watch both the trial and the execution.

In the middle of a Binh Dinh tea plantation, a Viet Cong court declared that 20 defendants owed a "blood debt to the people." The result: at a midnight gathering in the local sports stadium, three of the prisoners were shot to death by a Viet Cong platoon leader. The other 17 were given prison sentences ranging from two to five years.

In Vinh Phung hamlet, 42 policemen were reportedly executed in a mass ceremony; another was beheaded, and his body was hung from a tree beside a police station. A hamlet chief was disemboweled in Kontum.

GROWING POSTAL PROBLEMS

Mr. CRANSTON. Mr. President, since the beginning of the 92d Congress, I have received a steadily rising flow of complaints from my constituents about the U.S. Postal Service. The complaints are twofold. How, Californians are asking me, can our mail service be deteriorating so rapidly while the cost of our postal system is going up and up?

It had been my belief that the recently created U.S. Postal Service needed a reasonable period of time for transition to its new status. We could not expect a brand new agency with the monumental task of delivering our Nation's mail to run perfectly smoothly at first. The Postal Service also had to modernize many antiquated procedures of its predecessor, the Post Office.

The Postal Service has been in the process of phasing in for nearly 2 years now—although the official takeover date was July 1, 1971. It seems to me that this has been ample time to show some improvement—not steady deterioration.

Californians tell me that their mail delivery becomes worse and worse. My office has seen a steady increase in complaints that—

More and more letters are going astray.

More and more packages arrive in damaged condition.

More and more mail arrives late.

Fewer and fewer deliveries are made.

Pickups are made with less and less frequency.

Individual home delivery has been reduced for new housing developments.

The historic use of the informative postmark has been virtually abandoned.

And the cost of mailing to each consumer and to each business goes up and up.

Under the Postal Reorganization Act, a Postal Rate Commission was established to study and to set postage rates. The Commission's initial recommendations were not quite as high as the Postal Service had asked, but were remarkably similar.

I was particularly distressed by the recommended hikes in second-class mail rates. Second-class mail carries most of the periodical literature which keeps us informed about events, interprets their significance, and spreads new, old, and dissenting ideas across the country. Since most small—and many large—publications simply cannot absorb the costs, the new rates could price these important vehicles of free speech right out of the market.

I do not believe Congress should stand by and watch this happen. For this reason, I was proud to join with the Senator from Wisconsin (Mr. NELSON) to cosponsor S. 3758. The bill has four sections which would:

Obligate the Postal Service Corporation to provide services at rates that encourage and support the widest possible dissemination of news, opinion, scientific, cultural, and educational matter.

Prohibit the Postal Service Corporation from imposing per-piece charges on second-class mail. Instead, publishers will be able to continue to pay by the pound.

Charge the first 250,000 copies of each issue to be mailed under second-class rates at the June 1, 1972, rate. Additional copies would pay the higher rate imposed on July 1, 1972. Revenue lost to the Postal Service would be underwritten by congressional appropriations.

Phase-rate increases for the editorial content of second-class publications in equal stages over a 10-year period.

I believe that the bill, which probably will not be acted on by Congress until 1973, will make a good start to correcting some of the shortcomings of the U.S. Postal Service.

I want to emphasize that this bill only makes a start. There is a great deal of question in my mind about the costs of the other classes of mail.

Replying to one letter I sent, the U.S. Postal Service said that it was "quite serious about identifying and remedying the deficiencies which prevent our customers from getting the service they deserve." Being "quite serious" is not good enough. The people of California and across the Nation and the men who represent them are running out of patience.

The Postal Service must improve its performance or Congress may have to consider seriously the possibility that its great experiment in independent postal service has been a failure. This may very well mean that we should abolish the Postal Service and replace it with a streamlined mail service run either by the Federal Government or by private enterprise to give the people and the taxpayers the service they deserve.

EMIGRATION OF JEWS FROM THE SOVIET UNION

Mr. MONDALE. Mr. President, the Soviet Government has raised official cynicism and inhumanity to new heights by requiring arbitrary and exorbitant fees as payment for permission to emigrate from the U.S.S.R. These vicious fees set a price on human liberty. And that price is far beyond the means of the tens of thousands of Soviet citizens who are desperately seeking to leave the U.S.S.R. for a happier life elsewhere.

No group is more tragicaly affected by this hateful policy than the Soviet Jews.

In recent months the distant longing of thousands of Jews to live in Israel has come closer to reality. Soviet policy seemed to waver. The Soviet prohibition against emigration relaxed. In a year's time, the number of Jews leaving the Soviet Union rose from 1,000 to almost 15,000. By the time of the President's visit less than 4 short months ago, it appeared that the number this year would reach at least 35,000—and the door might be left open for the 80,000 who have already applied to leave.

But just as the stream threatened to become a flood—just as the deepest longing of thousands of men and women seemed at the point of realization—the Soviet action struck.

The cynicism of this action, which makes the fees retroactive to all pending applications, is beyond belief. The Government claims that the fees are a form of repayment required from citizens who have been educated at Government expense. This claim is belied by the fact that the Government has long exacted repayment from its graduates in the form of years of Government service. It is also belied by the fact that there is no correlation between the Soviet estimate costs of education and the astronomical fees.

The Government is well aware that Soviet families cannot possibly afford the fees, which can run as high as $40,000 for a single individual. The total ransom could reach hundreds of millions of dollars. The Soviet Government knows that this money can only come from abroad.

The inhumanity of the Soviet Government surpasses even its cynicism. Human beings are being offered for sale as surely as they were 30 years ago, when Adolph Eichmann attempted to negotiate an exchange of Jews for the military trucks desperately needed by the Germans. Human beings are being held hostage as surely as they were last week in Munich, except that in the U.S.S.R. they are being held not by a band of outlaws, but by the Soviet Government.

The Soviet Government does not need machineguns and grenades to destroy men. Instead it has a policy—disguised in the form of bureaucratic procedure—that denies the most basic principles of humanity, murders hope, and leads to the destruction of the spirit.

The case of Alexander Solzhenitsyn, the Nobel Prize winning novelist who has been harassed and vilified beyond belief in his own country, has shown the world that despite their cynicism, Soviet leaders are not deaf to world opinion. I add my voice to the rising chorus of protest that cries out not merely against the artificial barriers to emigration raised by the Soviet Government, but against the brutal policy that denies the essential human dignity of thousands of men and women.

We will be heard.

BARBARIC TERRORISM SWEEPS THE WORLD

Mr. CRANSTON. Mr. President, Columnist David Broder wrote for last Sunday's Washington Post a most eloquent and compassionate plea for an end to the barbaric terrorism which is sweeping our world.

The tragedy of Munich, Mr. Broder says, should give the Nation "a glimpse of the ultimate evil of which humans are capable" and thus turn us away from a "continuation of the killing in the vain hopes of redeeming our blunder in Vietnam."

Mr. President, I hope that all Senators will give deep thought to what David Broder has said.

I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

MUNICH AND VIETNAM

(By David S. Broder)

Whenever we are confronted with a truly horrible event—the accidental death of someone we love, say, or the murder of a national leader—our natural human instinct is to find a larger meaning for the tragedy. Our minds rebel at expecting such a calamity as the product of blind chance or perverse circumstance. The cause, we feel, must be as enormous as the consequence, and we search for meaning in madness.

So it is with the slaughter of the Israeli athletes at the Munich Olympics. Not since the assassins' bullets cut down John and Robert Kennedy at moments of political triumph have we been shown so starkly how pomp and pageantry can be shattered by acts of violence.

The analogies that come to mind as you search for meaning in the emotional aftershock of such an event are, perhaps, more prone to error than the considered judgments of a calmer time. But ever since last Tuesday, I have been unable to shake the thought that there is a link between the tragedy of Munich and the tragedy of Vietnam—and perhaps a lesson.

The thought occurred that America had approached the Olympics very much as we approached Vietnam: as an arena of international competition, where our prestige and standing would be tested in the eyes of the world, as a test we must meet as a matter of obligation and of national pride.

As in Vietnam, so in Munich: The American performance was a tale of magnificent individual courage and endurance, marred by incredible bureaucratic blunders. In both Vietnam and Munich, the American forces were so top-heavy in upper-echelon incompetents that our logistic mobilization became a burden, not an aid, to the young men on the front line.

As Red Smith wrote in The New York Times, "The United States party included 168 coaches, trainers and other functionaries, which seems like enough to take care of 447 athletes. It wasn't enough, however, to get two world-record sprinters to the starting blocks for the 100-meter dash" or to warn Rick De Mont he risked disqualification if he used his asthma medicine.

A blunder is a blunder—whether we are talking about the coaches' slip-ups in Munich or the American intervention in Vietnam. No one can turn the clock back to salvage for De Mont and Hart and Robinson what human error cost them, or to salvage for America what was lost by the human misjudgment that sent us into Vietnam.

To talk about redeeming the national honor by prolonging the agony of either mistake is to deny reality.

But a blunder of either kind—personal or national—no matter how awful the consequences, is of a different order of moral fault than the deliberate use of violence, the dealing out of death, to achieve a political goal.

The Arab terrorists committed that outrage in Munich, and thereby reminded us how fragile is the fabric of international law and order. The Olympic ideal of fraternity in peaceful competition was shattered with ridiculous ease by the act of those dedicated fanatics; and our talk of detente, open doors and a generation of peace is mocked by the passions that exploded into violence in every portion of the globe from Ulster to Bangladesh.

In a world where we live closer to anarchy than to an ordered international society, the ultimate evil which any man or nation can commit is deliberately to inflict death or destruction on others in order to achieve a political goal.

Once Munich made that clear again, the question in one's mind was irresistible. Is not that what the United States is doing now in Indochina?

The terror is not one-sided in Vietnam, but the crimes of the North Vietnamese do not allow us—in this autumn of national decision—to avoid passing judgment on our own deliberate policies in the war.

Between January and June of this year, the tonnage of American bombs dropped on Laos, Cambodia, North and South Vietnam—with none of which we are at war—increased 100 per cent, from 56,000 tons to 112,000 tons.

We cannot comprehend what that means in human terms, what it would feel like if one were living under such an assault. We can only guess what the peasant or villager would think of our efforts to justify such deliberate destruction as a step to preserve a remote government in Saigon, now systematically denying even the vestiges of democratic freedom to its own people.

Most Americans cannot identify themselves with those on whom the Americans bombs are falling. But all of us could identify with the hostages of those terrorists in Munich, and feel the horror the Israeli athletes must have felt at the realization that those armed men, self-righteous in their own cause, were ready to kill them without a qualm.

Perhaps that glimpse of the ultimate evil of which humans are capable will steel us toward the harsh judgment we must, it seems, make as a nation in this election: Will we condone a continuation of the killing in the vain hopes of redeeming our blunder in Vietnam?

If the Munich tragedy does that for America and the world, there may be some measure of meaning in its madness. Otherwise, we must record it as just another mindless massacre in this darkened age.

CHICAGO COUNCIL OF LAWYERS ENDORSES CONSUMER PROTECTION AGENCY LEGISLATION

Mr. PERCY. Mr. President, I am exceedingly pleased to learn that so distinguished a group as the Board of Governors of the Chicago Council of Lawyers has endorsed legislation to create a governmental voice for the consumer, who for so long has gone unrepresented before Federal agencies and courts.

In view of the fact that both the Republican and Democratic Party platforms, just adopted, endorsed the concept of an independent consumer advocacy agency, and that the Senate Government Operations Committee recently voted 15 to 2 to report S. 3970 to the floor, I am hopeful that the leadership will act promptly to schedule this legislation for full consideration before the Senate.

The Consumer Protection Agency legislation is a precise and balanced measure which affords the authority and resources needed to assure effective advocacy for consumer interests. It is needed, because the regulatory agencies Congress has set up to protect the consumer have simply not been doing the job. The legislation also provides for a Council of Consumer Advisers which will advise the President on policy matters that critically affect the public and will guarantee that consumer interests are taken into account at the highest levels of Government.

Mr. President, the Chicago Council of Lawyers was founded in response to the need for a reform professional organization of lawyers in the Chicago area. Since its organization, council membership has grown to over 1,300 and it is now counted as a major general membership bar association in Chicago affiliated with the ABA.

I ask unanimous consent that the resolution adopted by the Chicago Council of Lawyers be printed in its entirety in the Record. The reference to S. 1177 in the resolution is a reference to the predecessor bill of S. 3970, which was modified somewhat in the course of 2 months consideration before the Government Operations Committee. The basic findings and conclusions of this resolution, however, continue to apply with the same force and effect as they did with respect to the original measure.

There being no objection, the statement was ordered to be printed in the Record, as follows:

STATEMENT OF THE CHICAGO COUNCIL OF LAWYERS

The Chicago Council of Lawyers' Board of Governors urges adoption of Senate Bill 1177 which authorizes creation of a Council of Consumer Advisers to the President and an independent Consumer Protection Agency. In recent years, it has become apparent that the interests of the American consumer of goods and services have not always been considered either by industry in product design and delivery or by government in regulatory policy-making. At present, the consumer's view is advocated only by a few dedicated citizens whose resources do not permit broad representation and who often are forced to expend those limited resources and energies merely to establish their right to be heard. Essentially, S.B. 1177 provides an integrated framework for developing over the long-term national consumer programs and priorities through a Council of Consumer Advisers (the "CCA"), and for meeting the need for a consumer spokesperson, through a Consumer Protection Agency (the "CPA"), with financing and authority to represent consumer interests full time on specific questions.

The CCA, to become a part of the executive department, is directed to report annually to the President on consumer programs, priorities and legislative goals; thus progress in meeting consumer needs will receive the national attention and concern they deserve. The CPA will have standing to be heard in federal administrative adjudicatory and rule-making proceedings. Though it will have no authority to impinge on the jurisdiction of other agencies, an active and aggressive CPA will force sometimes ineffective and industry-wedded agencies to consider the interests of the consumer. Another important feature of the CPA's role is the direction to conduct industry-wide surveys and investigations to analyze industry and business practices of concern to consumers. Included in this authorization is the important power to require business and industry to answer interrogatories. Until now, only understaffed and inadequately financed citizen groups have undertaken such studies. Other important consumer interest functions the CPA will exercise are to receive consumer complaints and direct them to the appropriate agency for action, to act as a clearinghouse for information of interest to consumers, and to publish a Federal Consumer Register of information useful to consumers.

Besides establishing a potentially strong advocate for consumer interests, S.B. 1177 contains safeguards against unnecessary and irresponsible harassment of business by the CPA. Specifically, section 208 requires the CPA to take all reasonable measures to assure the accuracy of all public disclosures, to avoid "surprise" disclosures, and to announce product comparisons only under controlled conditions. Perhaps most important to business is the role the CPA will take as advocate for industries and businesses forced to act contrary to consumer's interest because of existing laws or agency policies. For example, only two years ago the television industry, alerted to a potential fire hazard in color TVs, sent representatives to a Chicago meeting to discuss upgrading flammability standards at the risk of Justice Department intervention on antitrust grounds. The CPA would act to urge government approval of industry cooperation in similar matters.

Recognizing, too, the critical role citizen groups have played in making government and industry increasingly responsive to consumer interests the drafters of S.B. 1177, notably Senators Charles Percy and Abraham Ribicoff, have assured further responsible citizen initiative by providing for a CPA administered system of grants to help support citizen research and action groups. To the same end, section 405 orders all federal agencies to clarify, and relax where appropriate, procedural requirements for citizen participation in public hearings.

In sum, the Chicago Council of Lawyers believes S.B. 1177 is legislation that all interests—consumer, industry and government—can and should support.

LAOS: THE FURTIVE WAR

Mr. EAGLETON. Mr. President, the concern that congressional power is being usurped by the executive branch has been voiced many times by this body. The 68-to-16 vote for passage of the War Powers Act is a clear indication that an overwhelming majority of Senators feel it is time to reassert the constitutional prerogatives of Congress.

In the forefront of this fight to bring awareness to the Congress and to the American people is my distinguished senior colleague from Missouri (Mr. SYMINGTON). As a member of the Committees on Armed Services, Foreign Relations, and Joint Atomic Energy, Senator SYMINGTON has viewed with growing concern covert operations of the U.S. Government.

Senator SYMINGTON has now contributed a most perceptive article in World magazine entitled "Laos: The Furtive War," in which he expresses in a compelling manner his deep concern that the power of Congress to declare war has been eroded.

Senator SYMINGTON's strong feeling that the authority of Congress has been bypassed in the Laotian experience is reflected in the following passage from his article:

> The Constitution has been bypassed by a small group of men in various Departments of the Executive Branch who, under the direction of four Presidents, initiated and carried out policies without any real Congressional knowledge and thus any true Congressional authorization. Needless to say, these policies were also carried out without the knowledge and approval of the American people, on whose consent our government is supposed to rest.

This theme is reinforced in Senator SYMINGTON's article as he looks at the history of our involvement in Laos since the Presidency of Dwight Eisenhower. Senator SYMINGTON's analysis is both compelling and shocking. I commend it highly to the Senate.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From World magazine, Aug. 29, 1972]

LAOS: THE FURTIVE WAR

(By U.S. Senator STUART SYMINGTON)

(NOTE.—Stuart Symington, a Democrat, is the senior senator from Missouri, and the only sentator on the Armed Services, Foreign Relations and Joint Atomic Energy Committees. Born in Massachusetts, he has been in the Senate for twenty years.)

The United States has been involved for more than a decade in an undeclared and largely unnoticed war in northern Laos. From the beginning, and as of today, this war has been characterized by a degree of secrecy never before true of a major American involvement abroad in which many American lives have been lost and billions of American tax dollars spent.

A perversion of the processes of government has been going on, a perversion inimical to our democratic system and to the nation's future.

Who is responsible? The Constitution has been bypassed by a small group of men in various departments of the Executive Branch who, under the direction of four Presidents, initiated and carried out policies without any real Congressional knowledge and thus any true Congressional authorization. Needless to say, these policies were also carried out without the knowledge and approval of the American people, on whose consent our government is supposed to rest.

The war in northern Laos, in which the United States has been a principal party, has been pursued without a declaration of war by the Congress. Moreover, in the past few years, the U.S. government has financed Thai troops fighting in northern Laos despite a clear legislative prohibition against such activity.

It has been possible for successive administrations to ignore the normal processes of government because, until recently, the Executive Branch has succeeded in concealing from the people and the Congress the true facts of our involvement in this little country. As long as Congress and the people did not know what the United States was doing, as long as there was no public debate on the issues involved, Executive Branch policymakers were free to do as they pleased without having to explain or justify their actions. John Foster Dulles, Secretary of State under President Eisenhower and an arch proponent of the Domino Theory, considered Laos a key domino that then stood between China and North Vietnam on the Communist side and Thailand, Cambodia, and South Vietnam on the free world side.

By an exchange of diplomatic notes in July 1955, the U.S. and the Royal Government of Laos called for economic cooperation and the defense of the Kingdom of Laos. During the late Fifties, U.S. aid to Laos was running $40-million a year, and 80 per cent of that went to the support of the Royal Laotian Army.

To guide the Lao Army, the State Department organized an incognito American military mission with headquarters in Vientiane. This group was attached to the U.S. Operations Mission, or more popularly, the PEO. Its members were called technicians and wore civilian clothes. At its head was an equally disguised American general. When the general assumed command of this force his name was erased from the list of active American army officers.

Thus for many years this war was a well-kept secret. When John F. Kennedy became President in 1961, there were 700 American military personnel in Laos as well as 500 Soviet operatives whose mission was to provide logistic support to local Communist forces. These forces included at least 10,000 North Vietnamese.

Soon thereafter, the military position of Royal Lao government forces began to deteriorate whereupon President Kennedy and the Soviet and Chinese leaders entered into negotiations that led to a conference in Geneva. The Geneva Convention recessed when President Kennedy and Chairman Khrushchev met in Vienna and produced a joint statement on Laos in which both parties assured the neutrality and independence of Laos and "recognized the importance of an effective cease fire." In July, what became known as the Geneva agreements of 1962 were signed.

The Geneva Agreements prohibited Laos from joining any military alliances, including SEATO, banned the introduction of foreign military personnel and civilians performing quasi-military functions (with the exception of a small French training mission), and forbade the establishment of any foreign military installation in Laos.

After these agreements were signed, the United States and the Soviet Union withdrew their military personnel. The North Vietnamese, however, failed to withdraw most of their forces and advisers.

In the fall of 1962, because of the continuous presence of the North Vietnamese in Laos, the United States agreed to provide Souvanna Phouma, the Prime Minister and leader of the Neutralist faction in the tripartite government, with limited amounts of military equipment as permitted by the Geneva Agreements.

In 1962 the United States began, through the CIA, to suport a force of Lao irregulars on the theory that it would be possible to deny officially that the Geneva Agreements were being violated. The decision to use the CIA as the instrument for waging what became a full-scale war was, in my view, a clear perversion of that agency's intended role.

With the outbreak of serious hostilities in 1963, the United States secretly began to train Lao pilots and ground crews in Thailand. In June 1964, American tactical fighter bombers began, again secretly, to strike targets in northern Laos far from the Ho Chi Minh Trail area in the south.

When these strikes were reported by the press, the Executive Branch clung to the story even after it was no longer true, that the United States was flying reconnaissance missions at the request of the Lao government and that our planes were authorized to fire back if they were fired upon.

The United States also began to provide greater amounts of war material and other assistance and to transport Lao supplies and military personnel, using the airplanes and the services of Air America and Continental Air.

In 1965, as the war in South Vietnam intensified, American aircraft began to attack North Vietnamese supply routes in the southern panhandle region of Laos. These attacks were not officially acknowledged until 1970.

In 1966, about fifty U.S. Air Force officers and enlisted men, nominally asigned in the air attache's office, were stationed at Lao air force bases as advisers to the local command.

In 1967, about the same number of U.S. Army personnel were assigned to the Lao regional headquarters for similiar duty, and about twenty U.S. Air Force pilots stationed in Laos and others stationed in Thailand began to fly as forward air controllers directing tactical aircraft to their targets.

American air attacks on North Vietnam intensified in 1967 and 1968. Following the bombing halt in North Vietnam in 1968, a large part of the U.S. air effort there was redirected at Laos. During this period, the United States installed several navigational aid facilities in Laos, some manned by American Air Force personnel, and U.S. air strikes in Laos increased. By 1969, more than 100 sorties a day were being flown in northern Laos in addition to those being flown over the Ho Chi Minh Trail area in southern Laos, which was considered to be an adjunct of the battlefield in South Vietnam.

Since the Executive Branch, during the Kennedy, Johnson, and Nixon administrations, obviously intended not to give the Congress all the facts, it was necessary for the Legislative Branch to seek the information on its own. It determined to find out what the United States is doing now in northern Laos and which of its activities are still surrounded by secrecy. It did so by holding hearings and through staff reports of the United States Security Agreements and Commitments Abroad Subcommittee of the Committee on Foreign Relations.

As a result of these hearings and reports originally secret but subsequently made public after they had been sanitized by the Executive Branch, the American people now know that the United States, through Defense Department-funded military assistance, is training, arming, and feeding the Royal Lao Army and Air Force; that the United States, through the CIA, is training, advising, paying for, supporting, and organizing a 30,000-man Lao irregular force; and that the United States is also paying for, training, advising, and supporting a force of Thai troops in Laos, at a cost last year in the neighborhood of $100 million.

These Thai troops are currently being financed by the United States despite an Act of Congress, signed into law by the President, prohibiting U.S. funds from being used in Laos for other than the support of Lao government forces or "local forces" in Laos.

The Executive Branch maintains that the Thai troops are "volunteers" or "irregulars." The facts regarding the organization and command structure of these Thai forces, however, do not bear out the Executive Branch's contention.

When confronted with these findings, the Executive Branch refused to declassify all the relevant information. Even the argument that the Executive Branch relied upon to suppress these facts, which was that the Thai government did not wish to have such details known, revealed the true nature of the arrangement under which these Thai are in Laos. The fact of the matter is that they are in Laos as the result of an arrangement between the Lao and Thai governments, but the United States, as usual, is paying the bills.

In my view, this use of U.S. funds to pay foreign mercenaries in Laos is precisely what the law was intended to prohibit.

We now know also that since February 1970 we have been using B-52s in northern Laos on a regular basis, particularly during the dry seasons. Until the spring of 1971, that fact had been concealed.

In March 1970 the White House confirmed that there had been one B-52 mission in northern Laos. There had been no subsequent disclosure that B-52s were bombing northern Laos on a regular basis. In fact, the Foreign Relations Committee had not been informed, even in classified communications, that B-52 raids had been extended to northern Laos.

The staff of the Subcommittee on U.S. Security Agreements and Commitments Abroad, Messrs. James Lowenstein and Richard Moose, visited Laos in April 1971 and thereupon reported to the Committee on the B-52 operations in northern Laos. A few days later, when members of the Committee, on the basis of this report, asked the Under-Secretary of State at a hearing whether B-52s were bombing northern Laos on a regular basis, the fact was acknowledged for the first time on the public record.

We now also know other details of U.S. air operations in Laos. We know, for example, that in 1970 the United States flew 182,303 attack, combat air patrol, reconnaissance, and other sorties in Laos, not including the B-52 missions; that in 1971 the number rose to 186,564. We now know, too, that in 1971 there were 8,823 B-52 sorties in Laos—representing, incidentally, 65 per cent of all the 12,555 B-52 sorties flown in Indochina in that year.

We also know that in 1971 the United States flew about 66 per cent of all strike sorties in Laos, the Royal Lao Air Force 33 per cent, and the South Vietnamese 1 per cent.

Until 1971 not even the Congress, let alone the public, knew how much money we were spending for the war and other purposes in Laos. At that time, the only overall figure ever released by the Executive Branch for any category of current aid was the amount of economic assistance—some $52-million in fiscal year 1971. In fact, even had the American public been told the amounts appropriated by the Congress every year for military assistance, it still would not have known how much we were spending, because the amounts newly appropriated by the Congress each year did not correspond to the level of expenditures.

The Secretary of State finally admitted publicly last year that the United States was spending about $350-million a year in Laos, or about ten times the Lao national budget. At my suggestion, a ceiling was legislated that limited all security-related American expenditures to $350-million in fiscal year 1972.

The American involvement in Laos continues to grow. In the past few months, we have begun a program to support Thai who fly helicopter gunships in northern Laos. It is claimed by the Executive Branch that these gunships, now being flown for the first time in northern Laos, will be used only to support medical evacuations. The force of Thai irregulars in Laos will also be increased this year. There are preliminary indications that the Executive Branch will ask for more money for Thai and Lao irregulars and will insist that the $350-million ceiling be raised in the fiscal year 1973.

Certain aspects of the Thai irregulars' program in Laos are still kept secret by the Executive Branch. The size of the Thai force remains classified. The Lao Prime Minister, however, in an interview with a Voice of America reporter last January 14, put the limit at twenty-five or twenty-six battalions of volunteers. It has been more than half a year since he acknowledged that the battalion had arrived, and that the remainder were on the way.

The war in northern Laos is thus still secret in some respects, although far less secret than it has been in the past. Congress now examines the appropriation requests instead of blindly appropriating the money.

The Executive Branch is still reluctant, however, to place the question of U.S. involvement in Laos squarely before the Congress, and it continues to circumvent existing laws. Meanwhile the war continues, at a terrible cost in Lao lives and American money.

This war in northern Laos, furtive and secret, will perhaps teach us all a lesson about the dangers of creeping involvements, hidden from the Congress and the public, that make a mockery of our governmental processes. It is a lesson we cannot afford to be taught again.

YOUTH SUPPORT PRESIDENT NIXON

Mr. BROCK. Mr. President, I was delighted by the results of the most recent Gallup poll which showed that 61 percent of American youth support President Nixon.

As chairman of the Congressional Advisory Committee to the Young Voters for the President, I have long felt that young people should not be written off as a monolithic group who would summarily support the Democrat nominee. Many people, especially Democrats, scoffed the idea that any significant portion of young America would vote for the President. This assumption prevailed in the Democrat camp while Republicans actively sought youth and offered them the opportunity to participate in our party. We did so not by quotas, not by coersion, but by simply affording them a chance for involvement.

The response has been terrific. On and off campus young people have shown their willingness to work for the President. Republicans have not automatically relegated young party workers to drudge jobs that exist in every campaign as is so often done in Democrat campaign organizations. To be sure, young Nixon supporters will be putting on bumper stickers and ringing doorbells but also, they are and will be participating in more responsible positions throughout all facets of the campaign.

In the various State and regional Nixon youth campaign organizations, young people are designing and operating their own programs. Often, this includes fund raising activities to finance the cost of the operation. The parent campaigns outline the objectives and the young workers are called to use their own intuition and expertise to meet their goal.

We, who support the President, are not telling youth what to do or how to do it. We are asking for their help, listening to their ideas, and assisting them where we can.

Mr. President, the Democratic nominee has miscalculated the youth of America. Anyone who can tell young persons and workers who support Richard Nixon that they should have their heads examined demonstrates a total misunderstanding of what the youth of this country are seeking in their leaders. Youth will not be bought with idealistic rhetoric, will not be told what they want or what to do.

No one can assume the youth vote is theirs. The candidate who presents the most effective record, who can get the job done, who is consistent, and who is open to new ideas and challenges will win the support of youth.

President Nixon has demonstrated each of these qualities. The intelligence of American youth has perceived the candor, consistency, and capability of the President. I fully expect that a majority of young Americans voting in November will demonstrate their recognition of the President's accomplishments and vote for Richard Nixon. I believe that the President will enjoy the support of youth, and with it the next 4 years of his administration will see even greater gains in achieving the goals of all Americans.

Mr. President, I ask unanimous consent that the latest Gallup poll, published in Sunday's Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GALLUP POLL

(By George Gallup)

PRINCETON, N.J.—The latest nationwide survey, conducted immediately after the GOP convention shows a shift to President Nixon among voters under 30, who, with non-whites, have represented the core of Sen. George McGovern's support.

In the previous survey, Mr. Nixon trailed Senator McGovern 48 per cent to 41 per cent among voters under 30. Now, Mr. Nixon not only has gained the lead but holds a wide 61 per cent to 36 per cent margin over McGovern with this group.

Mr. Nixon's sizable gain among young voters has been one of the few factors in the President's gain nationwide. The latest national figures show Mr. Nixon leading Senator McGovern 64 per cent to 30 per cent, with 6 per cent undecided. The previous survey showed Mr. Nixon with a narrower margin, 57 per cent to 31 per cent, with 12 per cent undecided.

Until the latest survey, McGovern's losses had been due largely to a decline in support among older voters.

A review of survey findings shows that the race is still far from decided:

Sharp movement has occurred in presidential preferences since the primaries this year.

A residual base of support still remains for McGovern as revealed by the fact that, only four months ago, McGovern received only 10 percentage points less than Mr. Nixon, 49 per cent to 39 per cent, in trial heat measurements.

Recent survey evidence shows that 30 per cent of the vote for either candidate can be considered "soft"—that is, not socially committed to the candidate currently preferred. Approximately 3 voters in 10 currently favoring Mr. Nixon, for example, admit they might change their mind and vote for the other candidate.

The trend in trial heats nationwide since April:

[In percent]

	Nixon	McGovern	Undecided
Apr 21–24	53	34	13
Apr 27–May 1	49	39	12
May 24–29	53	34	13
June 16–19	54	27	9
Democratic Convention:			
July 14–17	56	37	7
Eagleton disclosures:			
Aug 3	57	32	11
Aug 5–12	57	31	12
GOP Convention: Aug 21–24	64	30	6

Analysis of the latest survey findings shows Mr. Nixon holding a wide lead with all major population groups with the exception of non-whites, where McGovern is currently preferred by a more than 5-to-1 ratio.

REGISTERED VOTERS

[In percent]

	Aug. 5–12	Latest
Under 30 years old:		
Nixon	41	61
McGovern	48	36
Undecided	11	3
Manual workers:		
Nixon	49	64
McGovern	35	24
Undecided	14	2
Catholics:		
Nixon	43	62
McGovern	42	29
Undecided	19	9
Labor union members:		
Nixon	52	61
McGovern	25	30
Undecided	13	9

The latest trial heat is based on personal interviews with a total of 1,203 registered voters out of a total sample of 1,534 adults interviewed August 25–28 in more than 300 localities across the nation.

This question was asked:

If the presential election were being held today, which candidate would you vote for—Nixon, the Republican or McGovern, the Democrat?

SURFACE MINING

Mr. MOSS. Mr. President, on September 11, I commented upon the fact that an executive session of the Committee on Interior and Insular Affairs had been called to discuss surface mining legislation, and that not one Republican came to that executive session. Secondly, that the minority had filed an objection to the committee meeting during morning. So our executive meeting, at which I hoped the committee would mark up and report the bill, collapsed.

All of this action took place subsequent to attacks by the President against the 92d Congress for delaying and a response to that charge delivered by Senator MANSFIELD on September 8.

Mr. President, I also stated on Monday that the work of the subcommittee on surface mining legislation could not have been accomplished without "the great and full support of the minority members of the subcommittee." The Senator from Idaho (Mr. JORDAN), the Senator from Wyoming (Mr. HANSEN), and the Senator from Oklahoma (Mr. BELLMON) were prime supporters of the subcommittee and worked tirelessly. I lauded their efforts during those sessions as chairman of the subcommittee, and I laud their efforts now.

It was because of their great and faithful dedication to the task of drafting the surface mining legislation that I was doubly shocked to find not one of them at the executive session and therefore expressed my dismay that their failure to attend might have political overtones.

Perhaps my frustration under extreme pressure and urgency induced me to speak more bitingly than I should have done. So if my criticism on Monday was unwarranted, I apologize.

I am most pleased that a full quorum was in attendance at the Interior Committee's executive session today and that we did, indeed, report a bill to regulate surface mining, subject to amendments to be proposed on the floor of the Senate.

SALT NEGOTIATORS THEMSELVES SEE PROBLEMS IN THE ACCORDS

Mr. BUCKLEY. Mr. President, I wish to invite the attention of the Senate to a detailed and thoughtful analysis of the SALT accords that appears in the September 1972 issue of Fortune. Its author, Mr. Charles Murphy, has delved into the problems of strategic arms limitation with energy and thoroughness, producing one of the most comprehensive and balanced press interpretations of SALT to date.

Mr. Murphy's article reinforces the testimony already on the record, that officials who played key roles in concluding the interim agreement—notably the chief negotiator, Ambassador Gerard Smith—consider that the present interim agreement is not acceptable as a permanent agreement.

In short, Mr. President, it is clear that the interim agreement does not provide the kind of strategic equality necessary for a stable, long-term, arms control agreement. This is the serious concern of the sponsors and supporters of the Jackson-Scott amendment. I commend Mr. Murphy's article to the Senate.

Mr. President, I ask unanimous consent that the article entitled "The SALT Negotiators Themselves Are Troubled By What We Gave Away in the Moscow Arms Agreements" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Fortune magazine, September 1972]

THE SALT NEGOTIATORS THEMSELVES ARE TROUBLED BY WHAT WE GAVE AWAY IN THE MOSCOW ARMS AGREEMENTS

(By Charles J. V. Murphy)

The agreements reached in the Strategic Arms Limitation Talks (SALT) have had a rather remarkable record in the U.S. Senate. The first of the two major agreements, the Antiballistic Missile Treaty, sailed through last month by a vote of 88 to 2. The ABM treaty binds us and the Russians to confine the defenses against each other's missiles to two fixed sites, at least 800 miles apart, each to have no more than 100 interceptor rockets—a token number. The other major SALT agreement, which put limits on offensive missiles, managed to generate a certain amount of controversy about the conditions that should be attached to it; but there was never the slightest possibility that the Senate would reject it. This "interim agreement" fixes future ceilings for the two nations on the number of strategic nuclear submarines each may have during the next five years, the total number of missiles these vessels may carry, and the number of land-based strategic missiles each nation may separately deploy.

What is remarkable about the Senate record is that virtually none of those who are responsible for the agreements are happy with them. Not President Nixon. Not Henry Kissinger, who with the President took part in the final horse trading in Moscow and composed a dazzling if not wholly convincing political rationale for the trade. Not Secretary of Defense Laird. Not the Joint Chiefs of Staff. Not even the principal negotiators.

One adviser to our negotiating team, William R. Van Cleave, observed sadly in testimony before the Senate Armed Services Committee that the agreements were "a light-year removed from the outcomes contemplated in the studies and planning for SALT . . . There has since the start of SALT been a constant erosion of U.S. SALT positions and expectations."

The private unhappiness with the agreements is focused on several problems. First, the interim agreement leaves the Soviet Union with a three-to-two lead over us in the number of land-based strategic-missile launchers—now the central element of military striking power; concedes them at the end of the five-year life of the agreement an equal superiority in strategic missile submarines, where we now have a three-to-two lead over them; and gives them a three-to-one advantage in the weight of the nuclear warheads that the ICBM's can deliver. Second, the agreement leaves the Russians in a position to make far more technological improvements in their strategic weapons than we can hope to make. The U.S. has frozen itself, says Dr. Edward Teller, the distinguished physicist and weapon expert, "in a position that is difficult and dangerous."

A SINGULAR OPPORTUNITY FOR THE RUSSIANS

If this is the practical outcome, what was Nixon after in the SALT exercise to begin with? The short answer is that he was trying to prevent an even worse outcome for the U.S. As Kissinger put the Nixon choice in Moscow, the value of the interim agreement is to be judged not by assessing "whether the freeze perpetuates a Soviet numerical superiority" but by what "this margin [would] have been without the freeze." The primary American objective was to brake the spectacular momentum the Soviet Union has lately acquired in the deployment of strategic ICBM's inside the Soviet Union and missile-launching submarines in both the Atlantic and Pacific Oceans. By Kissinger's figures, the Russians have been adding to their strategic strike forces at a rate of some 100 sea-launched and 200 land-launched missiles a year. The U.S. last added launchers to its strategic inventory in 1967.

The decision to hold down our numbers was reached back in the early 1960's by Defense Secretary Robert S. McNamara. The growth of the Minuteman force was to be halted when it reached 1,000 launchers, the Polaris force was to hold at its present level of forty-one hulls, and an advanced bomber proposed by the Air Force was rejected. In the wake of the Cuban missile crisis, it appears, the Kennedy men were determined to reduce the risk of another nuclear confrontation; they hoped that if we did not add to our nuclear advantage and let the Russians rise to parity, the arms race would slow down and the risk would in fact be reduced.

On the evidence, the Russians certainly made the most of this singular opportunity. As Kissinger pointed out in Moscow, the situation in which the U.S. found itself nine years later, particularly with regard to submarines, was hardly "the most brilliant bargaining position" for our negotiators. President Nixon has suggested that if the U.S. were to set out now to redress the balance, immediate additional investments in strategic systems on the order of $15 billion a year would be necessary. And Congress, given its present massive mistrust of just about any military investment, would certainly never yield up such funds. It has persistently skimped on the strategic programs and the R. and D. account through the past four years.

Thus our bargaining position in the SALT talks was a steadily weakening one. We had no ongoing weapon systems in development and deployment, while the Russians had at least three: a class of heavy multimegaton ICBM's, which we call the SS–9's; a class of light ICBM's called the SS–11's; and a class of strategic-range missile submarines called Y, for Yankee. In bargaining for a future ceiling on the Soviet strategic offensive force, we really had only one thing to put up for bid: the Safeguard ABM, a more promising property than is commonly appreciated. "On the offense side," says Dr. John S. Foster Jr., director of defense research and engineering, "our margin of advantage was melting fast. The Russians knew this and why. They were hardly likely to yield to the President what Congress would not give."

To the degree that the agreements brake somewhat the accumulation of city-destroying weapons, they are certainly all to the good. The destructive power of the weapons already piled up passes all rationality. And their costs now border on the lunatic. We have at least begun the effort to construct a system in which these costs will be less necessary; we have again demonstrated a willingness before the world to do what we can to stop the arms competition.

In other respects, though, the SALT agreements are undesirable. It is one thing, serious enough in itself, to slide into a situation in which the Russians gain an advantage in numbers of strategic weapons; it is quite another matter to regularize this advantage in a formal agreement. Furthermore, the agreement enables the Russians to raise the power of their strategic forces still further by technological improvement, and so make their advantage more threatening. In May, toward the climax of the negotiations, the U.S. delegation warned that if the next round of SALT talks failed to impose a real check on strategic power, "U.S. supreme interests could be jeopardized." The most serious defect of all is that the agreements on defensive and offensive weapons do not complement one another; indeed, they are inherently incompatible. Van Cleave complained: "We are comparing levels of ABM with levels of ABM and offensive levels with offensive levels, which is politically important and which *may* be strategically important, but which blurs the really significant offensive-defensive relationship and the need to match defense to offense and vice versa. If ABM is to be limited as stipulated by the treaty, the offensive capability permitted the Soviet Union is intolerable. If such offensive capability is to be permitted, higher levels of ABM are necessary . . ." On these same grounds, Dr. Donald G. Brennan of the Hudson Institute, another defense analyst of high repute, deplores the treaty. 'The ABM treaty," he argued recently, "does the wrong thing well, and the interim agreement on strategic weapons does the right thing badly."

ABANDONING THE SHELTER

There is no question that the ABM treaty has transformed our defense posture. Our Safeguard system was earlier supposed to consist of twelve antiballistic missile complexes across the land. Their function was to provide defense for our cities against a light attack—e.g., of the kind the Chinese might launch—and, more important, to ensure that even a massive attack on our land-based missiles and strategic bombers would not destroy all of them. Additionally, Safeguard was to shelter what the prevaling jargon describes as the National Command Authority (NCA)—meaning particularly the President and his staff, the high military command, and the members of Congress.

Now, under the ABM treaty, the concept of a country-wide ABM defense for the Minuteman and bomber forces, let alone for the cities, has been abandoned. We and the Russians have restricted ourselves to token deployments consisting of two antiballistic elements—a limited force in defense of a single ICBM complex in the field, and another limited force in defense of our respective capitals—the NCA role, that is. This was the outcome most ardently desired by the Kremlin. The Russians were not seriously interested in limiting strategic weapons. What they were adamant about, through the critical exploratory phases of SALT negotiations, was finishing off Safeguard. The Kremlin began the horse trading on offensive strategic weapons only after the ABM issue was settled pretty much to its satisfaction.

For many Americans, this Soviet attitude was entirely welcome They interpret the Soviet abandonment of antiballistic defenses as a tardy conversion to the "mutual assured destruction" theory of strategy promulgated by McNamara and the school of defense scientists and analysts to whom he looked for counsel. That proposition holds that where both sides are entirely vulnerable to nuclear attacks, neither side will dare to launch one—that nuclear war becomes possible only when there are defenses against the attacks. It was on this line of reasoning that so many in Congress and the academic community fiercely opposed the Safeguard system when Nixon announced it three and a half years ago.

THE TROUBLE WITH GALOSH

It is possible that the Soviet leaders now agree with these critics about the benefits of mutual assured destruction. But it seems more likely that the Russians, who are by tradition defense-minded, believe in ABM's—and that they opted for the ABM treaty only because their own defensive system was so far behind ours. As early as the mid-1960's they had begun to raise around Moscow an elaborate ballistic defense, which the West named Galosh. From satellite photographs and study of energy emissions, U.S. intelligence judged the system a mediorcre one. It depended upon clumsy mechanical scanning radars for aiming the interceptor missiles. These radars could track but a single missile at a time, or a cluster. The interceptor rockets were huge, and interception could take place only in outer space. Four years ago the Russians, realizing that they were on an unpromising path, tore down much of what they had built and started all over again, this time putting up two huge phased-array radars, each as long as two football fields, the costliest structures of their kind in the world. The radars are first class, but the revamped system still appears to be faltering because of the well-known Soviet lag in computers and other data-handling gear. The Russians may well have decided that a defense against the thousands of American warheads is at present beyond them.

Meanwhile, they might well have been alarmed by the superior showing of Safeguard. The Army over the past several years has put our ABM system through rigorous tests on the Pacific missile range, which extends from California to Kwajalein Atoll in the mid-Pacific, 4,200 miles away. Out of twenty-nine attempted interceptions, twenty-five were successful. These trials were all, to be sure, carefully orchestrated; none of the experts, not even Safeguard's stoutest champions, claim that the system can be made to provide anything approaching a leakproof defense against a severe nuclear attack. Nevertheless, the development of high-capacity computers (Sperry Rand), memory storage banks (Lockheed), and programming techniques (I.B.M.), in combination with phased-array radars (Raytheon and Bell Telephone Laboratories) and an integrated command system (Western Electric), has finally created the means for mastering the stupefying volume of data upon which the tracking-aiming-firing-intercepting sequence ultimately depends. "The theory," says Dr. Foster, "now rests on demonstrated principles. A workable ABM system can be put together."

M'NAMARA'S UNEASY SURMISE

It is now plain that the numerous skeptics about Safeguard were grossly wrong. Paul Nitze, when he was Deputy Secretary of Defense under Lyndon Johnson, made himself a lay expert of sorts in this strange new military science. In the SALT talks he was the advocate of the American position where technical points in the ABM matter were concerned. "As a defense for hardened silos," Nitze has concluded, "Safeguard can be made effective. It's expensive, but it's going to be more expensive to deploy an offensive missile capable of defeating it."

And so the Russians may have concluded that they faced the prospect of our having an effective ABM technology and their being without one. A U.S. defense analyst who had numerous conversations with his Soviet counterparts says, "Though they never came right out and said so, I got the feeling that they were afraid we Americans would be tempted to move on to still better radars, more interceptors; that we would go from a thin to a thick ABM cover, while having the advantage of the MIRV technology. They may have realized that the combination of the two would swing the strategic ascendancy back to us."

It should be noted that there is a much more pessimistic view of their reasons for wanting the ABM treaty. Teller, for one, believes that the Russians know more about the effects of high-yield nuclear explosions on warheads, structures, and command-and-control systems than we do. They are also said to know more than we do about the electromagnetic effects produced by nuclear explosions outside the earth's atmosphere. During the extensive nuclear tests that the Russians ran in 1961, American surveillance systems verified the stunning revelation, which the Kennedy Administration suppressed, that the Russians had staged several interceptions of missile warheads by exploding nuclear devices outside the atmosphere.

While the intelligence community is divided on the point, a strong body of opinion is increasingly suspicious that the Galosh complex may be only the tip of the real Soviet ABM iceberg. During the past fifteen years the Russians have assembled over their immense geography a surface-to-air missile defense, originally called the Tallinn system, which has no counterpart anywhere else. It includes at least 10,000 interceptor missiles and hundreds of radars. The system undoubtedly has an antibomber function. But Dr. Foster has steadily argued that with the inclusion of the huge surveillance radars that dot the Soviet landscape, the whole apparatus could be tied together fairly rapidly into a vast ABM system. This is only a surmise. The treaty itself explicitly prohibits any move toward a country-wide system. Nevertheless, there remains a brooding suspicion in our defense community that those radars may signify a Soviet intention to cheat. Years ago McNamara remarked to Foster, "They never would deploy so many missiles simply for an air defense, considering the thousands of winged interceptors they have. They must intend to make the system over into an ABM system."

A NEW SET OF PROBLEMS

In any case, and whatever their reasons, the Russians have most certainly induced Nixon to administer the coup de grace to Safeguard, his single contribution to U.S. strategic assets. The program now is a shambles. So far, $5 billion has been obligated for Safeguard, most of it for R. and D. If the Washington complex goes forward, the final cost of the two sites would be an estimated $8.5 billion. When the agreement came, a grudging Congress had authorized Defense Department construction of but four sites, and active construction was under way on only two.

At Nekoma, North Dakota, close to the Manitoba line, on the northernmost edge of the ninety-mile-long Minuteman field that starts at Grand Forks, the earth moving and structures are about 90 percent completed; however, it will take another two years before the radars, computers, power generators, and command-and-control mechanisms are installed and made operational. At Malmstrom Air Force Base in western Montana, 600 miles away, construction was about 10 percent advanced, work having been delayed by a long strike. At the two remaining complexes—one at Warren Air Force Base in Wyoming and the other at Whiteman Air Force Base in Missouri—the ground had not even been broken for the construction. Now the Grand Forks complex is to be finished, but Malmstrom is being dismantled, and work at the other sites has ceased.

Meanwhile, there is a large question about the NCA complex permitted for Washington. The defense authorization request for fiscal 1973 asks for $28 million with which to start work, and the Army hopes to shift there the radars and computers on order for Malmstrom and Whiteman. But Congress is now stone cold on the ABM proposition, and we may not even elect to build the NCA complex we are allowed under the treaty.

And so the ABM treaty leaves us with a good many problems. In February, 1970, in a message to Congress, Nixon deliberately raised the question whether it is a good thing for a President to be left with the single option, in a nuclear attack, of ordering a strike back at the adversary's cities, knowing that this would bring a mass slaughter of Americans. "Should the concept of assured destruction be [so] narrowly defined and should it be the only measure of our ability to deter the variety of threats we face?" Obviously, the President's answer then, in Washington, was no; but the treaty he signed in Moscow constitutes a yes answer. In the immediate future, cities and people will remain defenseless. As Brennan has observed, "We and the Russians have agreed not to defend ourselves, not only against each other, but, interestingly, against anybody else." Mutual assured destruction, he argues, is not so much a theory as "a fashion"—a nightmarish notion that "nuclear stability resides in high hostage levels."

Now the question arises: just how mutual is the mutuality of destruction likely to be? On this point, the arithmetic suggests that we shall end up a good deal less mutual than they.

COUNTING UP THE LAUNCHERS

U.S. satellite photography shows that the Soviet Union has deployed precisely 1,527 ICBM's of various character. Silos for ninety-one more, not yet emplaced, have been marked. The agreement on offensive weapons permits unfinished work to be carried forward to deployment, and no doubt these empty holes will be loaded, giving the Russians a total of 1,618 ICBM launchers. Inasmuch as the U.S. has no unfinished ICBM systems in the works, our inventory of launchers must remain at the level of the past five years. It consists of 1,000 Minutemen deployed in six fields and fifty-four Titan missiles.

Furthermore, the lead that the U.S. still retains in submarine-launched ballistic missiles (SLBM's) will soon be erased and here, too, we shall slide into an inferior numerical position. By our count, at the time the interim agreement was signed, the Russians had twenty-six to twenty-eight Yankee-class missile submarines at sea, and fifteen more building. These are nuclear-powered, and those at sea, each have tubes for sixteen ballistic missiles with a range of 2,000 miles. A new class has lately appeared, having only twelve tubes; these are being armed with a 3,000-mile missile. U.S. intelligence had credited the total Soviet submarine force, in being and in assembly, with an aggregate inventory of 710 SLBM's. The Russian negotiators startled our delegation with the disclosure that the true number was forty-eight submarines and 768 missiles.

The agreement allows both sides to enlarge and modernize their SLBM forces in exchange for cutbacks of older missiles. Here again the Russians, who had more obsolescent missiles and fewer modern submarines, will benefit most. They are permitted to move on to a fleet of sixty-two submarines having a total of 950 missiles in their tubes. To reach that level they are bound to retire 210 of their pre-1964 land-based ICBM's (liquid-fueled rockets in the SS-7 and SS-8 classes) as well as thirty fairly short-range ballistic missiles deployed at present on ten older nuclear H class submarines, also verging on obsolescence. The U.S., for its part, is allowed to add three submarines to its present fleet of forty-one sixteen-tube Polaris/Poseidons, and to raise its present inventory of 656 SLBM's to an eventual aggregate of 710. This gain in sea-based launchers would be at the expense of the fifty-four land-based Titans, the oldest and heaviest ICBM's in the U.S. strategic forces. At the end of the period covered by the Moscow agreement, then, the Russians could have 1,408 land-based launchers to our 1,054; and, since the three additional submarines allowed us are hardly likely to be built in the next five years, they could have 950 launchers at sea to our 656.

Considering the advantages that the Russians already had on the ICBM side of the strategic equation, the stubbornness with which they held out for a roughly equivalent advantage in numbers of SLBM's was disturbing to the American negotiators. "The submarine ratio," one of Kissinger's lieutenants says, "was the knottiest issue of all. There was no give on the other side." The ratio was finally settled directly between Nixon and Brezhnev in the Kremlin at high noon on the day of the signing, while the Soviet and U.S. negotiating teams were still deadlocked over numbers in Helsinki, 550 miles away, in an atmosphere that one observer has described as "frantic."

One justification advanced for this really extraordinary concession on our part is that the Russians, lacking forward bases similar to those the Polaris/Poseidon force uses at Holy Loch in Scotland, Rota in Spain, and in the Pacific, are able to keep their submarines on station only half as long as we are, and accordingly need a larger force in order to have an equal number of SLBM's in position at any given time. This argument is not altogether persuasive, however; some defense analysts have suggested that there are ways for the Russians to operate their submarines more efficiently. In any case, the 3,000-mile SLBM's with which the new Y class submarines are being armed should minimize their problems.

THE MEANING OF MIRV

Calculating the military value of the opposing missiles is trickier than just adding up launchers. The "throw-weight" of the missiles, i.e., the military payload carried, varies considerably from one launcher to another. The number of warheads and their accuracy, range, and explosive yields also bear on the potential value of the payload. Henry Kissinger has said that the U.S. has a two-to-one lead in numbers of warheads. Furthermore, Soviet warheads are not now as accurate as ours—on the average, their missiles will hit about three-tenths of a mile farther from target than the Minuteman will—but their greater yields offset their inaccuracy. The Soviet SS-9 missile, for example, weighs about 500,000 pounds. It lifts a 12,000- to 14,000-pound warhead having a twenty-five megaton yield. Other land-based Soviet missiles are smaller; still, aggregate throw-weight of all classes of Soviet ICBM's is estimated to be around three times the Minuteman's 2,400,000 pounds. (The Minuteman's gross weight is about 70,000 pounds. It can throw a single warhead with a yield of 1.5 megatons or three warheads with a total yield of 600 kilotons.)

Is our disadvantage in throw-weight a

crucial one? Defenders of the SALT agreement think not. They argue that bombers must be counted in the balance and that our Strategic Air Command is clearly superior to the Soviet bombers. More important, our development of MIRV (for multiple independently targeted re-entry vehicles, i.e., warheads) enables us to put more warheads on our launchers than the Russians have been able to fit on theirs—three on the Minuteman, as many as fourteen on the Poseidon. A number of targets, tens, even hundreds, of miles apart, can be attacked with extraordinary accuracy from a single launch.

But this technology, which is now an American monopoly, is almost certainly within the Russians' grasp. Defense Secretary Laird recently informed Congress that the first Soviet MIRV is expected to be tested this winter. If the test is successful, a thorough refitting of the Soviet missile forces is expected to be under way within two or three years.

A STRANGE PAUSE IN DEPLOYMENT

Once they have mastered the MIRV technique, it should not be excessively difficult for the Russians to fit a huge SS–9 warhead with from six to twenty separately steered warheads, all more powerful than those lifted by either the Minuteman or the Poseidon. The strange pause that settled over the vast SS–9 deployment program during the winter of 1970–71, after 288 missiles had been deployed and with some twenty-five silos still empty, is now believed to reflect a decision to replace the entire SS–9 force with a new generation of MIRV warheads. There are also signs that the SS–11 force is to be replaced methodically with a new MIRV'd class of relatively "light" ICBM's, and that some two score other silos in SS–11 fields, as yet unfilled, will get MIRV'd weapons too. Finally, the Russians have about a dozen new silos that are even wider than those in which the first-generation SS–9's are emplaced; and a huge new missile has been spotted on a Soviet test launcher. Its payload is estimated at between 24,000 and 28,000 pounds—it is at least double the size of the SS–9—and Senator Henry M. Jackson has said the missile may be armed with a fifty-megaton warhead.

What kind of threat does this emerging Soviet capability represent to the U.S.? No one can speak definitely to this question, but there are some fairly pessimistic answers around. Teller, for example, believes that a combination of improved SLBM's and improved SS–9's might conceivably give the Soviet Union a capability over the next several years to wipe out the U.S. Minuteman and strategic bomber forces on the ground. Actually, to destroy ICBM's in their silos, warheads are not needed in fantastic numbers. In the absence of ABM, it is easy enough, given data on accuracy and yield, to calculate the number of missiles needed to destroy just about all of an enemy's silos. If the Russians should finally begin to approach U.S. standards of accuracy, they should soon have enough SS–9's and SLBM's to annihilate our land-based strategic forces. They could use those two strike elements alone, holding the SS–11's in reserve to retaliate against our cities in the event that our sea-based forces struck at theirs.

There are all sorts of reasons for doubting that the Russians actually intend to launch any such first strike. Nevertheless, the fact that they had a first-strike *capability* would cast a long shadow over world events. And the fact—if it ever came to pass——could not be hidden. In an age of satellite cameras and computers, the adding up of opposing strengths can be done swiftly and accurately. Long before any crisis came to a boil, the behavior of our political leaders, and theirs, would be influenced heavily by that arithmetic. Confidence in Minuteman is a political factor of prime importance, for us and for our friends and foes.

During the five-year life of the interium agreement, it seems clear, the Russian strategic forces will benefit more than ours will from technological improvements. This is all the more reason, many of our defense analysts believe, for the U.S. to be investing heavily in the kinds of advanced technology that we *are* allowed under the agreement and that might make a difference toward the end of the decade, if the present agreement is not meanwhile replaced by one more favorable to us. The chairman of the Joint Chiefs of Staff, Admiral Thomas H. Moorer, a sailor of vast experience and uncommon sense, says, "The side which masters the technological openings should prevail. The chiefs and I understand this. We insisted, on that account, that the agreements shelter three rights: the right to modernize, the right to keep R. and D. alive, and to look and see."

Few question the need for surveillance—i.e., looking and seeing. But there is an extremely serious division in Congress and the scientific community over the Defense Department's desire to proceed forthwith with the development of a new strategic bomber (which we are free to develop anytime), and a new strategic submarine (which would not be operational for more than five years). Senator Proxmire of Wisconsin has served notice that the procurement programs are in for a hard time. Proxmire has been supported extensively by a broad coalition of antimilitary lobbies and "think tanks" that have become a powerful influence in shaping the behavior of Congress on defense spending. In the coalition are such bodies as the Federation of American Scientists, the Council for a Livable World, SANE, the Coalition on National Priorities and Military Spending, the Arms Control Association, and the Institute for Policy Studies.

These groups and their allies in Congress would hold investment in the strategic area to a level that would keep R. and D. barely alive. And they are strongly against any move into production—to the creation of new forces in being.

A CASE FOR THE TRIDENT

Both of the two new strategic systems that the Defense Department wants to develop have been before the country, in one form or another, for quite a few years. One, the Trident system, seeks to replace the Polaris/Poseidon submarine missile force in the 1980's with a more advanced combination of hull and missile. The other, the B–1, involves the large-scale production of a supersonic, swing-wing intercontinental bomber, to be ready for initial deployment in the late 1970's. At this point, the funding required to take the two systems further along in the R. and D. and prototype cycle comes to only about $1.3 billion in the current budget. In the production and deployment phases, the aggregate costs would of course be $25 billion at the least, and might even be twice that.

As a matter of fact, the Trident is in the process of being invented. All that is certain about it now is that the hull will have about twice the displacement of the Polaris submarines; the Trident will carry twenty-four missiles, versus sixteen, will be faster, quieter, and much more versatile, will take five years to build, and will cost at least $1.3 billion for each vessel (the figure includes R. and D. and missile costs). In simplest terms the Trident is being invented for the purpose of exploiting one available new technology, and to anticipate and evade another that is pregnant with menace, but which has not yet materialized.

The menace lies in the knowledge that if the Russians, with their fast and growing flotillas of attack submarines, should develop a means of detecting and tracking the Polaris force—and we and they both know the theoretical solutions to the problem—the elusiveness that has been the singular merit of the system would be lost. As Teller recently observed, "a single big discovery in oceanography—the detection of submarines—could wipe out our last deterrent." The available new technology would bring within the Navy's reach a 6,000-mile missile—Trident II—that can (like the Poseidon missile) be launched from a submerged vessel. The Poseidon missile now has a maximum range of about 3,000 miles. This means that when the vessel is on station it must linger fairly close to the Eurasian land mass if the missile is to reach worthwhile targets, and that requirement considerably narrows the ocean areas where the adversary has to look for it. A 4,000-mile missile, Trident I, is in development now and could presently replace some of the Poseidons. With the full-range missile, the Trident will have just about the whole expanse of the Atlantic and Pacific oceans in which to maneuver.

SECOND THOUGHTS IN CONGRESS

Unfortunately, the Trident costs a mint. The Navy contemplates an initial buy of ten vessels, as replacements for the first ten Polaris vessels (which will be twenty years old early in the next decade). That means a capital outlay of between $13 billion and $15 billion, as a starter. A total of $164 million has already been committed to R. and D. In fiscal 1973 the Defense Department has asked for a total of $977 million. Of this sum, $555 million is to extend the research looking to the eventual design of the hull, further improvement in the missile, and superior communications. Another $361 million is mostly for developing the reactor, a five-year task, and buying some hardware.

Until a year or so ago, even the leading congressional and other skeptics on defense favored moving on to an improved submarine missile force. A sea-based deterrent has long been attractive to many of these skeptics, because it promises to draw fire away from the homeland (and also because it requires no ABM to protect it). But the looming cost of the system, together with the now-familiar argument that another U.S. SLBM would only provoke the Soviet Union into developing another of its own, has brought a change of heart. A parade of defense analysts before the various congressional military committees has recommended that we stand pat with the Polaris/Poseidon force. In June the Trident seemed to be in big trouble in Congress; the Navy's request for immediate production money came within one vote of failing to win approval of the Senate Armed Services Committee.

In July, however, the mood of the Senate seemed to undergo a change. An amendment to restrict Trident funding to R. and D. was defeated, forty-seven to thirty-nine. Six days later, the Navy's entire request passed the Senate, as part of the $20.5-billion military-authorization bill.

A VERY EXPENSIVE BOMBER

The B–1 is the intercontinental bomber that the Strategic Air Command has longed to suit up for ever since McNamara virtually scrubbed the Advanced Manned Strategic Aircraft (AMSA) about ten years ago. The airframe for the first of three prototypes is to start through North American Rockwell's jigs in October. General Electric is running tests at its Evendale, Ohio, plant on the 30,000-pound-thrust engines. (They are designed to deliver twice the thrust of the engines used in the F–4.) In April, Boeing was awarded a contract for integrating the avionics system. By and large, the program is on schedule. The first test flight is scheduled for April, 1974, only a year and a half away.

If the machine eventually makes it through Congress, it should cut quite a figure in the air. Its gross weight of about 360,000 pounds will be about three-quarters that of the B–52, but will include a bomb load that will be twice as large. Furthermore, its top dash speed is better than mach 2—i.e., more than twice the speed of sound—but the real difficulty for an enemy will be the B–1's ability to maintain almost supersonic speeds over hundreds of miles at earth-hugging, rooftop level on the way to the target. The B–1, using the terrain-following radar successfully developed for the otherwise ill-starred F–111, will be able to arrow over hostile lands at speeds never before attained by machines moving so close to the earth.

The problem about the B–1, as about the Trident, is its staggering cost. So far, close to $700 million has been spent on development, and the Air Force asked for $445 million more this year. Carrying the program through the prototype will cost an estimated $2.6 billion. The Air Force is counting on a total buy of 241 machines, with spares. That would put the total cost of the program at about $11.1 billion, an average of $45,500,000 per plane. (The avionics alone will cost $5 million per plane). Given such costs, and the likelihood that they will soar further in the production and deployment phases, it is unlikely that Congress will give the Air Force anything like the numbers it wants. The penalty for excessive costs, in bombers as in submarines, is likely to be a loss in effective numbers—ever fewer machines for the mission. For the moment, however, the Air Force's progress to the prototype has been virtually assured by the Senate's all but unanimous approval of the entire B–1 package.

A year and a half ago, the Defense Department's Dr. Foster made public certain calculations regarding Soviet investment in the military technologies. The burden of his findings was that Soviet spending on R. and D. alone was exceeding U.S. spending by a margin of $3 billion to $4 billion a year. U.S. outlays for all military R. and D. was running around $7 billion to $8 billion a year the Soviets rate had risen to $10 billion to $11 billion. These estimates were based upon a close scrutiny by the various intelligence agencies of some five score Soviet military programs. Foster acknowledged that his estimates might be off by as much as 20 percent on the high side, but they could also err on the low side. His point was that an investment program like that on the Soviet scale, which appears to have acquired its present momentum in the 1968–69 period, is bound to produce technological surprises. "The development cycle," Foster noted, "runs from four to seven year. The satellite cameras can't see through a roof. But whatever has been in preparation in the plants should begin to come out into the open before long."

It is a mistake to believe that satellite reconnaissance, technically brilliant as it is, can keep us apprised of all the important military work that may be going on in the Soviet Union. A camera cannot see through a layer of cloud, and sizable stretches of the Soviet Union are hidden by cloud 80 percent of the time. We were a year or more discovering an ICBM field in a locality previously judged to have no military facilities. The Chinese Communists actually finished a whole new gaseous-diffusion plant under the all but everlasting Himalayan cloud cover before a clear, bright day exposed it to a camera in space.

We Americans have lived on the high side of the strategic equation for a quarter of a century. Living on the low side is certain to be a lot more dangerous. We might well have ended up on the low side in the years ahead even if there had been no SALT talks at all; but the outcome of the talks, by formalizing our inferior status, and limiting our options for changing it, have made our situation still more precarious.

The numerical inferiority we accepted in 1972 will become tolerable only if the Soviet Union is prepared to restore a more satisfactory balance in SALT II, which may begin soon. It would seem to be mandatory that, despite the considerable costs entailed, we exercise the options we have and look toward a time when we may end our strategic inferiority.

THE JAWS OF THE WHALE

Mr. WILLIAMS. Mr. President, at its annual meeting, recently held in London, the International Whaling Commission failed to adopt a recommendation by the United Nations Conference on the Environment at Stockholm for a moratorium on the killing of whales. The rejection of this proposal was a severe blow to conservationists and other concerned individuals all over the world who have long maintained that a moratorium on whaling is imperative in order to save many species, whose future survival is already in question.

Although, unfortunately, the moratorium was not adopted by the Commission, several important actions, including the setting of quotas for all major exploited species, were taken. While not all that we had hoped for, these efforts are nevertheless a step in the right direction.

Mr. Scott McVay, a member of the U.S. delegation to the International Whaling Commission and Chairman of the Committee on Whales, Environmental Defense Fund, whose efforts to save whales and other sea mammals are well known, has written an interesting and informative article outlining the actions of the Commission which appeared in the New York Times on Sunday, September 3, 1972. In his article entitled "The Jaws of the Whale," Mr. McVay notes that the Commission asked the United States to halt the killing of porpoises during commercial fishing operations. This serious problem is of great concern to conservationists and others who fear that the continued loss of 200,000 to 400,000 of their numbers each year is severely depleting the populations of this species of whale.

I was most gratified when the Senate adopted an amendment that I cosponsored to S. 2871, the Marine Mammal Protection Act, which establishes the goal of reducing the number of porpoises and dolphins killed during fishing operations to levels approaching a zero mortality and serious injury rate. I am hopeful that our actions in behalf of marine mammals during this session of Congress will serve as an example to other nations of our concern for these creatures of the sea and our commitment to their preservation, thus helping to bring about an agreement to halt the killing of whales at the next meeting of the International Whaling Commission.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE JAWS OF THE WHALE

(By Scott McWay)

PRINCETON, N.J.—Advocates of a moratorium to stop killing whales—which was urged by the United Nations' Conference on the Environment at Stockholm—were disappointed by results of the recent International Whaling Commission meeting at London. But the moral imperative of the Stockholm decision, persistently voiced by Russell E. Train, leader of the U.S. delegation, did contribute to a number of positive actions.

Intensive efforts the previous year had already achieved regional observer plans in the North Pacific (Japan, U.S. and U.S.S.R.), North Atlantic (Canada, Iceland and Norway), and South Atlantic (Australia and South Africa). The observer agreement for the Antarctic, involving Japan, Norway, and the U.S.S.R., was finally signed in London. The exchange of observers is a major, far-reaching accomplishment.

There were other affirmative notes.

The "blue whale unit" (one whale equalled two Fin or six Sei whales) was finally eliminated, and for the first time quotas were set for every major exploited species, including the Minke whale.

The Fin whale quota was reduced by about one-third in the North Pacific and Antarctic. (Even when a moratorium is achieved, however, the Fin will need 30 to 40 years to recover to a level of "maximum productivity.")

Quotas were set for the Sei whale at levels believed to be at "maximum sustainable yield" but they do not provide an adequate margin for safety if the estimates are wrong.

Quotas for male and female Sperm whales were set separately, as recommended (but, unfortunately, at levels higher than would have been the case with the combined quota).

The Commission asked the United States to halt, as the Norwegian commissioner put it, "the strangulation and drowning of porpoises in tuna nets" by which some 250,000 porpoises perish annually.

An Argentine resolution was approved asking the Secretary General of the United Nations to urge nations which are whaling outside the Whaling Convention to join the International Whaling Commission and abide by its rules.

The Mexican commissioner questioned the prevailing assumption that to know more about whales we must continue to kill them in vast numbers. She was appalled to learn "that to have a meaningful voice in the proceedings we have to kill what are probably the most amazing of nature's creatures, and to kill them for profit." Such an encrusted pattern of thinking contrasts sharply with President Luis Echeverria Alvarez's recent action to establish a haven for whales in the peninsula of Lower California.

A permanent secretariat of the commission will be established and its convention brought up to date. An international decade of cetacean research was declared, giving impetus to studies of the living whale.

Used whaling equipment will not be sold to nonmember nations.

The moratorium idea, which has taken hold in the West in the past two years, caught the Soviets by surprise. Not the Japanese. They were at Stockholm. They feel world opinion more strongly and may have to harken to it, especially when threatened by a boycott of Japanese cameras, cars and radios. Also, the Japanese people, including many gifted writers and scientists, are sick of whaling and no longer find whale meat very palatable. The problem is profit. While only 17 per cent of the fishing effort of one Japanese company is directed at whales, more than 50 per cent of its profits are from butchered whales.

In the Soviet Union, environmental concern has not yet gotten into public consciousness nor pricked the public conscience. The whale has not yet become the symbol of a world habitat ravaged by man—as seems to have happened at Stockholm. Yet those who celebrate the whale should remember that the Soviet Minister of Fisheries, Aleksandr Ishkov, who banned the killing of porpoises as "cousins to men" in 1966, displayed considerable faith in the whale family again in 1967 in Vancouver, British Columbia, when he put his head into the open jaws of a killer whale. One day we may earn the reciprocal faith of the whale.

THE ADMINISTRATION ACTS TO AID PENNSYLVANIA'S FLOOD VICTIMS

Mr. SCOTT. Mr. President, an article published in the September 9 Philadelphia Inquirer points out the extensive Federal effort being waged to aid Pennsylvania's hard-hit flood victims. As I believe the facts noted in the article speak for themselves, I ask unanimous consent that it be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD a report of the Honorable Frank Carlucci, Deputy Director of the Office of Management and Budget, the remarks of the President at Wilkes College, and a fact sheet on the extent of the tropical storm Agnes recovery effort.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

UNITED STATES OUTSPENDING STATE 10 TO 1 IN FLOOD RELIEF

HARRISBURG.—Both the Federal and state governments, after checking to see who's paying what for flood relief in Pennsylvania, have found the figure comes to $403 million, most of it coming from the Federal Treasury.

Put another way, the state has spent about a dime for every Federal dollar.

Gov. Milton Shapp, in a running feud with the Nixon administration about who should pay for what, has said on numerous occasions Washington isn't meeting its obligations to Pennsylvania, which tropical storm Agnes hit harder than any other state in late June. Damage in Pennsylvania was estimated at more than $2.5 billion.

Shapp blames flood-relief delays on a slow moving national bureaucracy that almost couldn't get started administering aid and he says it is still not moving fast enough.

Some of Shapp's cabinet members have caustically remarked that Pennsylvania would have fared better in getting relief if it had been the Saigon government.

"We are the U.S. government," one said, "yet we might have gotten quicker help if we could have gone to the United Nations."

Federal relief officials admitted to bureaucratic snags in the beginning. But Washington has been following a line of silence toward Shapp now—except for an occasional countercharge alleging political motivation on the part of Pennsylvania's governor. It seems to prefer to let the facts speak for themselves.

Here are figures, as of the end of August, supplied by the Federal and state governments.

The Federal government has spent or has under contract about $365 million for statewide flood relief. State government has spent $38.9 million. About 70 percent of the money has gone to the hard-hit Wyoming Valley in the northeastern part of the state.

The Federal government predicts spending another $1.2 billion in the future. State government has appropriated $150 million from its budget for flood relief but most of it is sitting idle in the various departments.

Another $1.75 million in state money, drawn from the general fund right after Agnes hit, went for flood relief. Shapp appropriated that $1.75 million under emergency powers granted the governor by the state Constitution.

All the $150 million in state money hasn't even been earmarked by departments. About $23.5 million is being held without designation in the general fund.

Additionally, a $100 million bond issue for flood relief that Shapp proposed is still hanging in the legislature. And there's been talk from his office of additional bond issues and the possibility of raising the state gasoline tax by 2 cents a gallon.

Morever, much of the money the state might spend will be reimbursed. Charles McIntosh, the state budget secretary, figures at least $50 million might be reimbursed—if certain funds are ever expended. He referred to a $50 million, short-term loan fund for businesses set up in the Commerce Department.

Only two loans totaling $6.5 million—$4 million to the Piper airplane firm at Lock Haven and $2.5 million to a Wilkes-Barre heating company—have been made from that fund. Commerce Secretary Walter Arader figures he might loan another $10 million by December.

The Commerce Department received $51.8 million of the $150 million state appropriation.

REPORT ON AGNES RECOVERY EFFORTS IN WYOMING VALLEY

(Memorandum for the President from Hon. Frank Carlucci, Deputy Director, Office of Management and Budget)

During our meeting before you sent me on August 12 to the flooded areas of Pennsylvania as your personal representative, you spelled out definitive instructions in four areas.

1. Work closely with the flood victims themselves. Meet with them. Visit their homes and businesses. Listen. Seek their ideas and criticisms as my guide to actions.

2. Combine all available talent, not only in Pennsylvania but in the entire Federal Government, into one effective, well-coordinated team geared to meet the immediate and long-term needs of the people.

3. Within the law, change or discard any rule if it will help even one family.

4. Steer clear of politics. Concentrate on results.

Now, about four weeks later, I report to you as your personal representative about our accomplishments and remaining goals, concentrating on Wyoming Valley, by far the hardest hit area. But also, Mr. President, I report to you as a native of the Valley who has seen childhood friends in despair, neighborhood landmarks crushed and former homes in Forty Fort and Kingston in a pile of rubbish.

I've walked across the square in Wilkes-Barre back to my office from a meeting three blocks away. It took 45 minutes. Friends of my family would stop me. Others would shake my hand and say "Tell the President he's doing great." Some would say thanks. Then, there were many who would ask for help.

Almost every day, as you instructed, I've walked through the streets where the worst damage occurred. I've also visited farms and smaller cities both downriver and upstream. Always, the people were very friendly. They needed resources, and these are now coming in. But in the square, on the streets, in their homes, in their stores and on their farms I have found something more important than resources. That is a firm determination to come back . . . better than ever.

Also on your instructions I have held open house at my office in Scanlon field each day from 4 to 5. Ombudsmen have been appointed from each agency. I have personally met with almost 600 persons and discussed their problems individually. Where complaints were justified, prompt corrective action was taken. While I was helping I was also able to listen, to learn and to chart new directions for Federal programs.

At first, there was a wide misunderstanding of what Federal programs were available, how they worked and who was eligible.

The people still feared that major portions of the Valley might subside into the depths of worked-out coal mines that honeycomb the subsurface. They feared that their levees had been penetrated and would burst again with the next heavy rainfall. Reassurance has been provided on these points.

But most of all, my former neighbors feared that the Federal Government—the only entity with the funds and people capable of doing the job—could not meet their needs and would abandon them. This anxiety had been feared all too often by those who have not verified the facts first.

To allay this fear, to answer their need and right to know, I started an "open information policy." Under this policy, all available information, unless it is detrimental to an individual's privacy, is released to the public as soon as it's available.

The main focus of this effort is my daily "Report to the People," a news conference to explain events taking place and to answer any questions from the press.

In addition, top representatives of many government agencies have come to Wilkes-Barre, taking part in the "Report to the People," to explain their programs and to answer questions.

These have included Secretary of Transportation John Volpe; Director of ACTION Joseph Blatchford; your Consumer Advisor Virginia Knauer; and Dr. Arthur Flemming, Special Consultant to the President on the Aging.

Others include John Veneman, Under Secretary of Health, Education, and Welfare; J. Phil Campbell, Under Secretary of Agriculture; Dr. Sidney Marland, Commissioner of Education; Lt. General Fred Clarke, Chief of Engineers; Robert Podesta, Assistant Secretary of Commerce; and Norman Watson, Assistant Secretary of Housing and Urban Development.

I can now report a greater confidence in the Federal Government and in its ability to deliver. Your personal interest has brought about results which the people can measure. Here are a few:

Resources are pouring in. Twice as much Federal money will be spent on the total Agnes recovery effort than on the Camille hurricane, the California earthquake, the Alaska earthquake, the West Virginia Buffalo Creek flood, and the Rapid City, South Dakota, flood combined. Here in Wyoming Valley over $225 million in Federal funds have already been obligated, most of it in SBA loans to individuals. Checking accounts have jumped indicating that economic stimulus is underway.

To date, more than 9,000 families have been housed in Wyoming Valley. Ths constitutes over 60 percent of those families eligible for housing assistance. HUD has provided an unprecedented array of housing assistance ranging from private rentals to temporary camper trailers to fully equipped mobile homes on individual and park sites. Some 30 mobile home parks are now either under construction or have been completed. These parks are designed to accommodate about 5,340 families. If the weather holds we will meet our schedule for housing every victim by the end of September.

Because of the high population of elderly persons in the flood affected area, I have given special attention to their problems. Approximately 25,000 elderly were uprooted by the flood. The first group site I dedicated was for the elderly. The first personal assistant I named was for the elderly. We have created our own President's Task Force on the Aging for Wyoming Valley with a special office, "life line" telephone service and outreach services. Through this effort, we have put the Luzerne County Bureau for the Aging back in operation by providing office space, equipment and additional staff. We have developed a coordinated community effort, utilizing the elderly as both staff members and young caseworkers, to meet the needs of the elderly.

There has been a major effort in removal of debris and I have observed a distinct improvement in the appearance of the Wyoming Valley since my arrival. Approximately $16,309,598 of Federal funds have been expended for this program and over 16 million cubic yards of debris have been removed from the communities in the Valley since the June flood.

An intensive effort is underway to meet

the everyday needs of the flood victims. I have established a task force to create a quality living environment in the trailer camps and flood affected areas. We intend to provide a full range of services, from site management to day care, health, transportation, law enforcement, community organization and many others. We are seeking the cooperation of the State of Pennsylvania in this effort.

Priority has been given to restoring the school system. Local school districts have received $12 million in Federal funds. This program should enable all schools to reopen by September 19.

Prompt action was taken to implement aid to private schools as proposed in your special message to Congress and incorporated in the approved legislation. Most private schools have been surveyed and checks are on the way. The same is true for institutions of higher learning.

Highways are being restored. Secretary Volpe has accelerated funding for a temporary North Street bridge. As a result this critical artery should be reconstructed by January. The Pennsylvania Department of Transportation is developing plans for a permanent bridge, and Secretary Volpe will move on them as soon as they are received.

For the first time concentrated efforts are being made to develop a viable mass transit system for the Wilkes-Barre area. This is a cooperative undertaking involving Federal, State and local participation. In the interim period the Office of Emergency Preparedness, using your disaster program authority, has assumed operating responsibility for the bus service. An action program is also underway to speed the traffic flow in Wilkes-Barre.

Extensive aid has been provided for the restoration of the health care delivery system. All hospitals are in full operation. Aid has been provided to doctors, dentists and pharmacists. To my knowledge, none has abandoned his community.

The Corps of Engineers has made a study of the Susquehanna River basin and the people of the Valley have been informed of the program for providing greater flood protection. The levees have already been restored to pre-flood condition. Further construction will take place in two stages. An immediate contract will be let to restore them to their authorized height, several feet above pre-flood conditions, providing protection against a 100 year flood. Then three more feet will be added. These improvements coupled with the acceleration of the Tioga Hammond and Cowanesque projects contained in your appropriation request approved by Congress should, upon completion, protect the Valley against another storm of the super proportions of Agnes.

The Bureau of Mines has studied the situation carefully and has assured me that subsidence has not increased as a result of the flood.

The Department of Agriculture is providing emergency feed for livestock at as low as half the market price. Conservation assistance is being given to rehabilitate the farmlands damaged by the flood. Emergency loans have been awarded to replace livestock and equipment. Grants and loans are available to restore and repair farm homes.

New and expanded initiatives have been taken in the following areas:

Expanded Legal Services are being made available to flood victims.

A multi-million dollar recreation program will provide a range of services and facilities to all communities.

Military personnel have been brought in to assist in handling maintenance problems on mobile homes.

A new Federal building has been announced for Wilkes-Barre.

The emergency home repair program has been expanded to enable more people to get back in their homes before winter.

The free food stamp program has been extended.

Consumer protection offices — including mobile FDA vans—have been opened.

The Internal Revenue Service has expanded its staff to deal with price gouging complaints.

A fraud prevention program employing the resources of Justice and the FBI has been started.

Strong emphasis has been given to long-range reconstruction. The key is to allocate the vast resources coming in so that the Valley is not just back where it was, but that it is a better place to live. This requires a total effort with the Federal, State and local governments working cooperatively with local citizens.

To facilitate the planning process the Federal Regional Council has reached agreement with the State and the local citizens Flood Recovery Task Force to work through the Economic Development Council of Northeastern Pennsylvania. The Council will coordinate all renewal and community development projects to make sure the resources are being used as efficiently as possible.

Some visitors to the area have compared the devastation to a battle.

I wish to assure the nation that there is a battle here. There's a battle against time, a battle to house and feed and clothe the victims of our worst natural disaster in history. There's a battle that must be won before the winter ice freezes the homeless and snow locks "the Valley with a Heart."

There's a battle to rekindle hope, community spirit and a determination to come back better than ever.

Mr. President, we have thousands of dedicated Federal employees, most of them local residents, many themselves flood victims, who are determined to help the citizens of Wyoming Valley win that battle. With your continued support and the sympathetic understanding of the rest of the nation we will do just that.

REMARKS OF THE PRESIDENT AT WILKES COLLEGE, WILKES-BARRE, PA.

Dr. Michelini, Mr. Carlucci, ladies and gentlemen:

I am very happy that the first opportunity to say anything in Wilkes-Barre is at this small college. If I can speak in personal terms, I took my law at Duke University, one of the larger universities in the country, and a very fine university. I took my undergraduate work at a small college, Whittier College, about the size of Wilkes College. Both were great experiences. Both the large universities and the smaller colleges serve a very, very important purpose in our educational system.

The point is that we need both. So often people think only of the large universities and they make contributions and the rest to the larger universities who naturally have lots more publicity and consequently attract much more funds.

I have found in studying the situation within the past four years that small colleges across this country are having an increasingly difficult time, apart from any floods, apart from anything else, because costs are going up and contributions many times are not coming in to the extent that they should. This action here, this check, I should make clear, is not from the President of the United States or Frank Carlucci; it is from all the people of the United States to this small college. But it indicates our feelings that the small college in America contributes something that is very much worth preserving, that we need. It contributes a spirit where the facility and the students work together to build a better institution and a better community.

So, we know the money will be well spent. The dollars that come to this small college will probably go further than the dollars that would go to a large university. You need it more. You know what it means. You are going to spend it well and the beneficiaries will be all these wonderful young people I have seen as I have traveled through the streets of Wilkes-Barre here today.

We wish you well. We wish your college well in all the years ahead and we will continue to do everything that we can to keep the interests of the small college up front as well as, of course, the interests of the large universities, both of which deserve our support.

THE WHITE HOUSE FACT SHEET: TROPICAL STORM AGNES RECOVERY EFFORT

Over the period June 18 to 24, Hurricane and Tropical Storm Agnes dropped an estimated 100 billion tons of water causing record flooding, with the heaviest damages occurring in Pennsylvania and Western New York. At least 225,000 people were driven from their homes and cared for in mass shelters; the families given aid by the Red Cross, over 63,000, is indicative of the number of families seriously affected.

The President declared major disasters for Florida, Virginia, Maryland, West Virginia, Pennsylvania, New York, and Ohio. Disaster loan declarations were made by the SBA and/or the Farmers Home Administration of the Department of Agriculture for affected counties in North Carolina, Delaware, the District of Columbia, and New Jersey making them eligible also for up to $5,000 forgiveness on loans and low-interest, long-term arrangements on the remainder.

The President's Office of Emergency Preparedness, coordinating the Federal disaster relief and recovery effort, opened 11 field offices and 73 individual assistance centers where disaster victims could receive information and make applications for Federal assistance. The Department of Housing and Urban Development, Small Business Administration, and the Corps of Engineers each opened a large number of field offices immediately. In early August, the President sent Mr. Frank Carlucci as his personal representative to Wilkes-Barre, the most severely damaged area.

The estimates of damage to public facilities and private non-profit schools and hospitals in the seven-State area, which will be repaired or replaced by expenditures from the President's Disaster Relief Fund, the Federal Highway Fund, DHEW for schools, and Corps of Engineer funds are attached.

These estimates include over $20 million for private, non-profit educational institutions authorized by recent legislation proposed by the President and $24 million for private, non-profit medical care facilities. In addition, the Department of Health, Education and Welfare will provide nearly $60 million for damage to public schools and colleges, while the Department of Transportation will provide over $100 million for repair of Federal-aid roads. The total estimated input of Federal funds for public assistance including temporary housing is three-quarters of a billion dollars. Repairs to public facilities and private schools and hospitals which are eligible are underway.

For immediate relief, nearly $8 million is being provided for disaster unemployment assistance from the President's Disaster Assistance Fund and $8.5 million for food stamps and commodity food distribution.

The voluntary agencies provided major, immediate assistance with the Red Cross expending approximately $23 million, operating 688 shelters, and giving 527,000 disaster victims some form of assistance.

Of the approximately 26,000 families requiring temporary housing, over 21,000 have now been housed by the efforts of HUD and the remainder are scheduled to be housed by the end of the month. Approximately 6,000 are in New York; 19,000 in Pennsylvania, of which 14,000 are in the Wilkes-Barre area; and 1,000 in the other Agnes

States. The temporary housing program will cost over $150 million from the President's Fund.

Of the approximately 26,000 families being provided temporary housing, less than a third need to be housed in trailer parks. The others are housed either in already-established communities or on their home sites through rentals, temporary home repairs and the placing of mobile homes beside the flood-damaged homes, where space is available.

Approximately 5,000 families are being housed "at home" through a temporary repair program and the temporary use of camper trailers while the homeowner repairs his home, both expedients being instituted for the first time to meet the extraordinary housing problems of Agnes.

In addition to the policy of emphasis on hiring local contractors and labor, the President's Relief Fund has provided unemployment assistance to over 40,000 persons, and special Department of Labor problems have given jobs to over 18,500.

The SBA and FHA have already accepted over 75,000 disaster loan home and business applications for approximately $500 million, and have already approved loans totaling $350 million. It is estimated the loan program may be as large as $1.2 billion. Along with helping homeowners go forward with home repair, these loans help businesses get back on their feet. The Dun and Bradstreet survey of the Agnes area estimate $600 million damage to business and industry including private utilities.

Cleanup and progress on repair is underway with over $30 million spent on debris removal (undoubtedly more than 10 million cubic yards) and another $30 million on water plants, sewage plants, repair of dikes, and other emergency actions with most of the work done by the Corps of Engineers. For example, over 650 damaged water and sewage plants have been put back into operation. Over 18,000 of approximately 23,500 surveys of damaged roads, bridges, sewage plants, etc., have been completed. This is necessary preliminary to provision of authorized Federal grants for repairs. Advance payments are already being made on these repair projects.

Reviews and approvals for both the loan programs and the public assistance programs are delegated to field offices, with few exceptions, in order to streamline administration and avoid delay.

Practically all the Agnes area is now out of the emergency period except for the Wilkes-Barre area, which will be through the emergency period shortly. The whole area is on the upward recovery road.

Estimates of expenditures for repair or replacements of facilities

From the President's disaster relief fund:	
Florida	$1,292,000
Virginia	18,376,600
West Virginia	1,838,300
Maryland	24,768,000
Pennsylvania	192,155,500
New York	146,552,000
Ohio	860,000
	385,842,400
From departmental or agency funds:	
Federal Highway Administration, DOT	$108,905,100
Corps of Engineers, DOD	16,034,000
Department of Health, Education, and Welfare	57,917,000

THE PRESIDENT'S "SECRET PLAN"

Mr. SCOTT. Mr. President, although I have often requested that material be printed in the RECORD for the edification of the Senate, it is not often that I direct such information to the attention of the news media as well. However, because I believe that a guest column printed in yesterday's New York Times merits the attention of President-watchers everywhere, I will break with precedent and do so at this time.

I ask unanimous consent that "The Secret of Mr. Nixon's 'Secret Plan'" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SECRET OF MR. NIXON'S "SECRET PLAN"

(By William Safire)

WASHINGTON.—The Old Guard dies, but never "surrenders." Those ringing words were supposed to have been said by Gen. Pierre Eitienne de Cambronne, commanding Napoleon's Imperial Guard at Waterloo, when called upon to surrender.

He never said it. A reporter named Rougemont invented the remark some time after the battle, and General de Cambronne went to his grave firmly denying he was the author of the famous phrase.

Could that happen in modern times? With tape recorders, press conferences, attributed quotations, microfilm records—is it still possible to invent and then perpetuate a quotation?

Consider this one: "I have a secret plan to end the war."

Who said it? Why, Richard Nixon of course. When? On March 5, 1968, in Nashua, N.H.. Or did he?

Everybody says he did, carefully using quotation marks to show the "secret plan" was right out of the 1968 candidate's mouth.

As George McGovern put it in 1971: "Three years ago, Richard Nixon campaigned on the pledge that he had a 'secret plan to end the war.' . . ." McGovern returned to the theme in his acceptance speech: "I have no 'secret plan.' . . ."

John Lofton, editor of the Republican National Committee's weekly publication, "Monday," has made a hobby of writing a polite query to everybody who quotes Richard Nixon directly as having used the words "secret plan." Once in a while he gets a reply.

The most forthright of these came from Anthony Lewis of The New York Times, who wrote in October 1969: "I think you have caught me in a mistake. The truth is I wrote that out of the same general impression that so many people seem to have. But I have now checked back through our files and agree with you that I cannot find the precise phrase 'a plan' in what Mr. Nixon said during 1968."

What Mr. Lewis did find, and what is most often cited as the basis for "secret plan," was this remark of Mr. Nixon's on March 5, 1968, in Nashua, N.H.: "And I pledge to you the new leadership will end the war and win the peace in the Pacific. . . ."

In late 1970, John B. Oakes, editor of the eitorial page of The New York Times, responded to a new query on another use of the "plan" by citing the same quotation and asking: "How could he make such a pledge if he didn't have a plan?" The Times editor argued: "It seems obvious that Mr. Nixon implied that he had a plan when he gave his pledge. But, as I say, it was doubtless an error to put the words in quotes and if that is what you want me to admit, I am glad to do so, and to state that it won"t appear that way in this context again." Nor did it—in The Times.

Not everyone was willing to stop using the phrase when its unreliability was pointed out. N.B.C.'s Edwin Newman replied: "When I spoke of a secret plan, I did not mean it as a quotation. It was shorthand, which is sometimes unavoidable, *for a plan that the President said he had* and the particulars of which he said he could not divulge without impairing the plan's chance of success." (Italics mine.)

Did Mr. Nixon ever say he had a "plan," secret of otherwise? He did not; nobody who has been challenged on the use of a direct quotation on this has ever come up with the citation of time or place. Mr. Nixon never said it; the use of quotation marks is inaccurate, unfair and misleading. But it continues, error feeding on error, as a myth becomes accepted as truth.

The question then becomes—if he did not actually say it, did he imply that he had a secret plan? His remarks on March 5, 1968, in Nashua, N.H., were a pledge "to end the war and win the peace." He continued he had no "push-button technique" in mind, but would "mobilize our economic and diplomatic and political leadership."

Not surprisingly, both press and political opponents came back with the question "How?" Newsmen pressed for details, and when no plan was set forth, its absence was noted. The first use of the word "plan" that I could find was in the March 11, 1968, New York Times subhead: "Nixon Withholds His Peace Ideas/Says to Tell Details of Plan Would Sap His Bargaining Strength If He's Elected." The Associated Press lead three days later added to the idea of a specific plan, necessarily cloaked in secrecy: "Richard M. Nixon says the reason he is not ready to spell out the details of his plan to end the war in Vietnam is because he is reserving his 'big guns' for use against President Johnson if he wins the Republican Presidential nomination."

In that A.P. story, Mr. Nixon stressed that he had "no magic formula, no gimmick. If I had a gimmick I would tell Lyndon Johnson." The furtherest he would be drawn into a discussion of a "plan" was this: "But I do have some specific ideas on how to end the war. They are primarily in the diplomatic area."

That's as much as the clips I have seen show about the "plan." Would a fairminded person say they constitute the basis for an inference that the candidate possessed a detailed, and necessarily secret, panacea for the conflict? I think not—no more than one would infer that Senator McGovern has a "secret plan" to fulfill his pledge to bring back the prisoners in ninety days.

Throughout the campaign and on into the years ahead, we can expect to hear some orators and commentators use a little inflection around "secret plan" that makes it sound like a quotation. The quotation thereof is no dark media conspiracy, just an example of how some writers and cartoonists, too lazy to check source materials, casually pick up and perpetuate an error. A small but hardy band of newsmen, with no constituency but objectivity, will wince when they see the non-quote quoted.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there any further morning business? If not, morning business is concluded.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business (S.J. Res. 241), which the clerk will report.

The second assistant legislative clerk read as follows:

Calendar 929 (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The ACTING PRESIDENT pro tempore. What is the will of the Senate?

CALL OF THE ROLL

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Arkansas not lose his right to the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 420 Leg.]

Allen
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Fulbright
Hughes
Jackson
Mansfield

The ACTING PRESIDENT pro tempore. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Burdick
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Gravel
Griffin
Gurney
Hansen
Harris
Hart
Hartke
Hatfield
Hollings
Hruska
Humphrey
Inouye
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Louisiana (Mrs. EDWARDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), and the Senator from Iowa (Mr. MILLER) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. GAMBRELL). A quorum is present.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, with respect to the cloture vote which will occur on tomorrow, I ask unanimous consent that all amendments at the desk at the time of the vote be considered as having been read in order to meet the reading requirement under rule XXII.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FULBRIGHT. Mr. President——

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. Mr. President, as we resume the discussion of the interim agreement, I wish to say that I am indeed very sorry that the leadership felt compelled to file a cloture motion.

For the record, I would like to state that, from the beginning, my position and the position, I believe, of those associated with me in the effort to approve, without qualification, the interim agreement that the Senate should proceed under the rules of the Senate in the regular manner and that any amendments to the resolution of approval should be presented and be subject to debate and amendment.

The sponsor of the proposed amendment which gives rise to this situation, the Senator from Washington (Mr. JACKSON), has taken the position that he is unwilling to submit his amendment to the resolution in the absence of what is called a package agreement, that is, an overall agreement to limit time on all amendments to his amendment and provide for a specific time for final action on amendments and the resolution itself. That has been the reason why we have not been able to proceed in the usual manner for the discussion of and action upon amendments to the Interim Agreement.

As I said before, I consider the Interim Agreement a most important measure. It, together with the ABM Treaty, is, I believe, a most significant step if we can succeed in carrying through with it and proceedings to phase II negotiations. This is the most significant step since World War II toward some kind of reconciliation between the Communist nations and the non-Communist countries of the world. If we take this first step we might look toward a period of détente and possibly even a period in which the United Nations might be infused with new strength and hope.

I would remind the Senate that this agreement was negotiated over a 3-year period between our officials and the Russians at both Helsinki and Vienna. Those negotiations led to agreement at a meetings. We approved it unanimously and President Nixon in Moscow.

The Committee on Foreign Relations approved this agreement after full hearings. We approved it unanimously and with no amendments. We specifically discussed the possibility of various amendments and decided that amendments of any kind would be inappropriate. Since the committee reported the resolution, of course, amendments have been offered specifically the Jackson amendment, compelling us to review this position, and I have done so with other Members. Therefore, we will offer amendments to the Jackson amendment; if the Jackson amendment, in any form is adopted, other amendments will be offered, which are at the desk.

The President and his spokesman stated categorically at the time we reported this matter that the interim agreement adequately provides for our security. Numerous quotations from the President's statement in Moscow and in Washington, and also his spokesman, Mr. Kissinger, support this position. The President stated that at a minimum the United States has overall equality in strategic weapons. In some categories, of course, we are fairly superior; that is, in such things as nuclear warheads, for example, we have more than the Russians. We have superiority as a result of MIRV and also as a result of the stationing of our nuclear weapons in Europe. We have some 14 operational aircraft carriers and two under construction, I believe, and we will thus have about 16 very large, very expensive, very powerful aircraft carriers which can, as we know, be maneuvered close to the Soviet Union or any place else. In heavy bombers we also have about an advantage of three or four to one, with over 500 heavy bombers, whereas the Russians have about 150. These are approximate numbers. We have bases overseas for our submarines, and we have been told by experts that because of this geographic advantage for the U.S. it is necessary for the Soviets to have about three submarines for every two of the United States to keep the same number on station. In other words, the overseas bases we have in Spain, Scotland, and the Pacific enable our submarines to stay on station without going back and forth across the ocean for refueling, supplies, and so on.

So overall I think it is clear we have at least equality in some cases superiority. The only area in which the Russians have numerically more weapons is in the intercontental ballistic missiles, which are roughly in the position of 1,618 to 1,054.

Here again there is some slight difference in those categories as to size and throw weight, but difference is of very minimal significance because from testimony we had both recently and at the time of the ABM debate, it was quite clear that each side has far more destructive capacity in these missiles than is necessary to inflict what is called unacceptable damage to the other.

Mr. President, you will recall at the time of the ABM debate Secretary of Defense McNamara and others were talking about the mutual capacity to kill 100 million Americans and 100 million Russians and destroy 75 percent of all industrial capacity in either country, and so forth. These figures were bandied about in those hearings, but the significance is that we both have what is generally considered to be overkill capacity; that is, both sides have the capacity in the absence of an effective defense to destroy effectively the industrial capacity and an enormous number of the inhabitants of each side. The ABM treaty, of course, recognized that neither side has an effective defense against a nuclear attack. If it could be assumed the ABM was an effective defense to the missiles then there would be a more complex situation, but now we have had almost unanimous approval of the ABM agreement. The effect is that both sides give up the idea of trying to create an effective ABM defense weapons system, effective against the intercontinental ballistic missile. That is a very significant agreement.

I am very glad the ABM Treaty has been approved. But accepting that at its true value, and I have no reason to believe either side does not intend to abide by it, then the question is how much overkill, how much surplusage of destructive power is needed when we both can inflict unacceptable damage on the other.

That gives us a very different picture. The argument about superiority of numbers on the one side as opposed to the other has become almost irrelevant. However, that the core of the argument now being used is that we still must have superiority.

Mr. President, much has been written to the effect that the President has lent the prestige of his office to support the amendment by the Senator from Washington (Mr. JACKSON), the amendment to the resolution authorizing the President to accept the Interim Agreement on Offensive Weapons, the agreement the President signed in Moscow, subject to congressional approval.

I am struck by the irony of the situation. The most prominent, vocal critic of the Moscow agreements, the Senator from Washington, has enlisted the support of the President in opposition to the principal agreement the President brought back from Moscow, an agreement the President himself hailed as tangible evidence that mankind need not live forever in the dark shadow of nuclear war.

An agreement which, said the President, will provide renewed hope that men and nations working together can succeed in building a lasting peace.

The President is supporting the principal critic of these agreements—the Senator who has characterized the Interim Agreement negotiated by the President as one which puts the United States in a position of subparity.

Here are the words on August 7 of the Senator from Washington, Mr. JACKSON:

> We have, in the few brief years since the Kennedy Administration, gone from strategic superiority to parity to sufficiency—whatever that means—to *interim* subparity.

Who got the United States into a position of interim subparity?

None other than the President of the United States, says Mr. JACKSON. The President signed the agreement which Mr. JACKSON describes as putting the United States in a position of interim subparity. Lest there be doubt, the Senator from Washington removes it in these words: "in the interim agreement before the Senate we have subparity."

The Senator from Washington was referring to the interim agreement signed by President Nixon in Moscow in late May—let me make that crystal clear.

I happen to agree with the Nixon who in late spring described the agreements to Members of the Congress and the American people as agreements in which "neither side won and neither side lost—if we were to look at it very, very fairly, both sides won, and the whole world won."

They were the words of President Nixon.

I find myself in agreement with the position which the President took in late May—but opposed to his position in midsummer.

The careful examination which members of the Committee on Foreign Relations gave the interim agreement supports the proposition that the interim agreement is a good and significant first step.

But a first step must be followed by a second, and a third, so that finally we may begin to move toward some control of man's ingenuity to destroy himself.

Now it appears that the President himself is beginning to have doubt about the wisdom of the first step he took in late May.

The officials who negotiated the agreement, Ambassador Gerard Smith and others, have been left dangling, not knowing what is going on. At a time when the White House needed people who could read the fine print in amendments such as that proposed by the Senator from Washington, the expertise was lacking.

What I find most disturbing about the waffling of the administration on the language of the Jackson amendment is that it does not seem to realize that this amendment not only condemns the agreement which this administration negotiated, but that it ties the hands of our negotiators when the next round of negotiations come up.

It was the President who announced many months ago that our nuclear arsenal should be determined by the concept of sufficiency. But the sponsor of the proposed amendment which he asks we adopt, refers to sufficiency as something he does not understand; sufficiency, whatever that is, said the Senator from Washington.

Sufficiency, to me, and I believe to the men who negotiated the accords, means that there is a limit to the need to have capacity to kill.

The chairman of the Armed Services Committee told us a few days ago that one U.S. nuclear submarine could destroy 25 percent of Soviet cities which have a significant industrial potential. Surely 20 or 30 times that amount is sufficiency.

But the thrust of the Jackson amendment—the thrust which the administration does not seem to comprehend, is that sufficiency is no longer to be the undergirding of our negotiating posture. The new word is superiority.

If we are to base our negotiations on the concept of superiority, we might as well save the time and effort of our negotiators because the other side will believe Mr. JACKSON, not the President, and will see us moving once again toward the concept of a first strike.

If the administration has not seen the writing on the wall, as it is revealed most skillfully in the Jackson amendment, surely they must see it in the rash of news stories in recent days which show our Military Establishment moving toward cruise missiles, not covered by the accords, and toward hardened war heads capable of a first strike designed to destroy retaliatory weapons in the hands of the Soviet Union.

The Senator from Massachusetts (Mr. BROOKE) has properly asked the President to tell the Senate what is up. I think he deserves an answer.

For months now we have been told how inferior the United States is in weapons of all kinds.

This is part of the annual rite by which the Department of Defense gets appropriations. We should be smart enough to realize that now.

We should also be wary that by approval of the language of the Jackson amendment we are not endorsing a Gulf of Tonkin resolution for renewal of the arms race.

I anticipate that if this amendment is approved, in the years to come we will be confronted, each year, with the statement, "Well, you already approved it." It will be argued that we will need more and more intercontinental ballistic missiles, and cruise missiles, and every other imaginable kind of weapons systems in order to comply with the interpretation of the language of the Jackson amendment.

I think the amendment of the Senator from Washington should be examined very carefully as to what it really means. I personally have no intention of voting for it, nor shall I vote for the resolution if it contains the Jackson amendment, even as amended—in other words, if it is not changed to become meaningless during this debate.

I think the administration should be absolutely clear on the meaning of every word. The President has himself, so far as I know, never given a definitive statement on his position on the Jackson amendment.

It was suggested by some committee members that it would help if the minority leader would get a letter signed by the President making his position quite clear. This was not done, and we were told it could not be done.

It is not enough to issue vague statements through a press secretary, as was done recently.

Are Members of this body to accept a statement from Mr. Ziegler that "We"—and I do not know who "we" is—"We endorse the Jackson amendment but we do not endorse the separate elaboration of the amendment."

This, I think is, at best, a very ambiguous or ambivalent statement.

WAFFLING ON THE JACKSON AMENDMENT

First. In early August, a version of the Jackson amendment was circulated and sponsors were invited to join it on the ground that it was endorsed by the White House. That was the amendment which stated that Congress would consider action on deployment by the Soviet

Union, having the effect of endangering the survivability of the strategic deterrent forces of the United States, whether or not such action or deployment was undertaken within the terms of the interim agreement referred to in section 2, to be contrary to the supreme national interests of the United States. This was an invitation to the Soviet Union to denounce the agreement.

Second. When the White House read this fine print, and received word that a number of Senators were appalled by this language, the White House found it necessary on August 7 to abandon this language and to approve some substitute language. On that date the White House stated in a press conference that "the Jackson amendment is consistent with the undertakings in Moscow."

Third. Two days later, on August 9, the White House found it necessary once again to clarify its attitude toward the Jackson amendment and Mr. Ziegler said:

> We endorse the Jackson amendment and feel that that is consistent with our position but we do not endorse separate elaborations of that amendment. We feel the amendment, as offered, speaks for itself.

Mr. President, I once again emphasize these are the words of Mr. Ziegler. The words which I have quoted in other parts of my statement indicating support for the agreement as negotiated were, in many instances, the words of the President of the United States. He stated directly that this was a good agreement, and that it was in our interest and that it was quite adequate for our safety. Also Dr. Kissinger at the White House in the presence of about 100 Members of Congress was introduced by the President who said, after he had made a statement of his own:

> I authorize Mr. Kissinger to speak on my behalf about this.

The President said:

> I have another engagement, but Mr. Kissinger will speak for me.

I consider these statements to be more significant than those made at a press conference by Mr. Zeigler.

In any case, in view of this controversy, I find it strange that the President has not seen fit to issue directly, over his own signature or in person, a definitive statement about the situation in the Senate with respect to this agreement.

Fourth. One must ask, "What goes on?".

Who interprets Mr. JACKSON's language—Mr. JACKSON, or the White House?

Confusion has been so rampant that it has been necessary for the Soviet Union to issue a clarifying statement.

Confusion about the meaning of the Jackson amendment led to stories in the press suggesting that the amendment by Mr. JACKSON had either been submitted to, or cleared by, the Russian Embassy. But the Soviet Embassy, in order to clarify the situation—this is rather unusual, I may say—issued the following statement, and circulated it to a number of Senators, I being one of them, although I know that others have received it as well.

It was a simple statement, on one page, which read as follows:

> In connection with the reports published in the American press to the effect that Soviet diplomats were consulted on Senator Jackson's resolution and allegedly gave "their acquiescence" to it the Embassy of the Soviet Union would like to state that there is no truth in these reports.

That is a rather unusual statement to be issued by any foreign embassy that I know of. I do not recall any precedent quite like it from the Soviet Union.

Mr. President, there have been some very good discussions about the significance of overkill, the significance of the development of the enormous capacity for destruction that exists in nuclear weapons, and the distinction which should be drawn between ordinary conventional weapons which we are accustomed to fighting with, such weapons as we had in World War II, for example, and nuclear weapons. So I shall address myself for a few minutes to this subject.

WHAT IS AT ISSUE

Over the weeks since Mr. Nixon visited Moscow to sign the strategic arms limitation agreements, the Senate has gone to great lengths to learn as much as possible about these agreements and their implications. Now the Senate must decide whether to support those agreements or not—and, if it chooses to support them—what the nature of that support will be. Will the Senate express unequivocal support for a limitation of the arms race Or will the Senate qualify its support by appending an ambiguous statement of philosophy heavy with suspicion and distrust? The Jackson amendment is an amendment with serious implications and it deserves therefore the serious consideration of every Senator. With the knowledge, born of experience, that such resolutions may well acquire even greater importance as time passes, the Senate should not now give voice to a statement of philosophy without first judging carefully its full implications.

The Jackson amendment hinges upon its contention that a stable strategic balance is difficult to preserve. The amendment implies that we must be ever vigilant, else the other side suddenly emerge one day with a power that renders us "inferior." Is this a possibility? If it is not, then the Jackson amendment should be rejected: for the assumption that we are threatened by inferiority leads inevitably to far-reaching conclusions. We are quickly led to believe that we must be satisfied in future arms agreements only with some kind of measurable equality. And we are quickly convinced that, in the meantime, we must continue to purchase every available weapons system not specifically limited by agreement. Those are weighty and expensive conclusions. If the assumption from which they are drawn is faulty or misconceived, then we will have erred seriously. So that assumption must be carefully examined: Could we become "inferior?"

BACKGROUND

Beginning back in the mid-1950's, after the Soviet Union had acquired a nuclear delivery capability, we began to realize that our ability to deter an attack upon us rested in our ability to convey to any opponent an absolute certainty that any attack, however massive, would be answered by an unacceptably devastating reprisal. We began to appreciate that if a combined bomber and missile strike against us could succeed in decimating our nuclear forces to the point of virtual uselessness, we would in fact have no deterrent. That realization had a revolutionary impact on the pattern of our strategic thinking. We began to reassess some of the assumptions underlying our defense posture and we decided that the American deterrent was in need of some drastic revisions. The ultimate outcome of this reassessment was the far-reaching decision to expand, disperse, and protect the American retaliatory force, a decision made during the latter years of the Eisenhower era and carried through under the aegis of the Kennedy administration.

By the midpoint of the 1960's, the attainment of an invulnerable deterrent posture by the Soviet Union had changed things a great deal. Despite the repeated political crises and conflicts which beset it, the Soviet-American relationship had come to assume a remarkable degree of stability at the strategic level. The mainspring of that stability was, and still is, the mechanism of mutual deterrence, created and maintained by the existence of credible second-strike nuclear forces in the strategic arsenals of each side. These forces, in the form of hardened land-based ICBM's and submarine-deployed medium-range missiles, gave both countries the assured ability to ride out a premeditated nuclear first strike with enough residual arms to guarantee a crippling reprisal against the attacker. The paradoxical result was that each country, though totally vulnerable as never before, now assumed an unprecedented degree of security from its opponent's certitude that starting a general nuclear war would be suicidal. As a consequence, nuclear weapons had become both self-negating and substantially devoid of political exploitability.

The recent advent of ABM and MIRV technology and the continued expansion of the Soviet ICBM force throughout the past half decade, however, have aroused widespread fears among some Americans that the Soviet Union is now somehow set on a course of acquiring something called strategic "superiority." In its more alarmist variations, this argument maintains that the Soviet Union is moving dangerously close to achieving a nuclear first-strike capability against the United States, that Moscow's apparently counciliatory conduct in the SALT talks has been only a ruse to lull us into a false sense of security, and that we are now in jeopardy of having our deterrent capacity compromised.

THE DURABILITY OF MUTUAL DETERRENCE

All of these apprehensions are built upon the assumption that there are certain inherent qualities in such weapons as MIRV's and ABM's which make them fundamentally different from existing weapons systems. The idea has emerged that, because MIRV's provide their possessors with at least a fourfold increase in deliverable warheads, either side might be able to almost completely disarm its opponent's land-based missile force by attacking it with a skillfully planned MIRV barrage. If the attacker also had an effective ABM system, according to this conception, it could blunt any small retaliatory strike that the attacked country might still be capable of. Thus the advent of ABM's and MIRV's have revived the specter of a first-strike possibility. If both sides, by deploying an appropriate ABM–MIRV combination, developed such a first-strike capability, then we would be returned to the "delicate balance of terror" which existed in the 1950's.

But the ABM–MIRV first-strike threat is deceptive. For the U.S. retaliatory capability consists of a good deal more than just land-based missiles. It includes also a sizable number of manned bombers on continuous, quick-reaction alert status and a fleet of 41 nuclear submarines, each of which carries 16 medium-range Polaris missiles over half of which remain constantly on operational patrol. Each of these additional force categories would complicate the Soviet Union's war-planning effort enormously. The B–52 bomber contingent has the capability of being launched on sufficiently short warning to stand a good chance of evading destruction on the ground by any incoming missile attack, and these aircraft still possess a respectable capability for penetrating Soviet air defenses and getting through to their assigned targets. The Polaris fleet, for its part, is virtually invulnerabel to attack and will remain so until the Soviets can acquire an antisubmarine capability, a development which, according to all testimony, lies far beyond any foreseeable technological horizon. Thus the Soviet Union's defense would have to depend solely upon ABM's to sustain the brunt of retaliation. And so the fear that either side might, through an ABM–MIRV combination, suddenly emerge wtih a first-strike capability is still ill-founded. Even if either side undertook to acquire that vastly expensive combination, it would still be vulnerable. It is ironic that the Senate has, by approving the ABM treaty, now removed even the assumptions behind this illusory ABM–MIRV first-strike possibility; but we are still left with the climate of fear engendered by the advent of MIRV and ABM technology.

Eventually, what all Americans must be brought by their leaders to recognize is that the United States and the Soviet Union have long since reached a plateau in their strategic relationsip. The terms "mutual deterrence" and "nuclear stalemate" both describe it appropriately. From a strategic nuclear perspective, both sides are now inexorably equal, regardless of the further numerical additions or qualitative improvements in either side's arsenal. This is a fundamental and critically important point: we are equal not because we have numerically equivalent arsenals; our equality arises from the fact that we are alike in being deterred. This equality is not subject to sudden change or gradual erosion in the foreseeable future. It cannot be altered by the deployment of additional weapons today, nor is there foreseeable technology that could alter it.

THE "SUPERIORITY" FALLACY

Somehow, the notion that the United States should maintain strategic "superiority" over the Soviet Union, or that we should live in anxiety about the possibility that they will attain "superiority," has for years enjoyed an almost mystical fixation in our thinking. Perhaps this fixation can be partly explained by the natural psychological and chauvinistic satisfaction that Americans traditionally have drawn from being "stronger than," "better than," or "ahead of" their Communist adversary. For the most part, however, it seems to have arisen from a genuine belief that "superiority" somehow would give us advantages—either political or military or of some other sort. Indeed, even some strategic analysts have been quick to assume that U.S. "superiority" has been the determining factor in various American foreign policy successes against the Soviet Union. Such an assumption demands closer examination.

It is widely agreed, of course, that nuclear weapons perform a deterrence function: They deter a premeditated attack directly upon one's homeland. This is a rather undemanding function; the weapons do not have to do anything but merely exist—in sufficient quantity to guarantee that we can retaliate against anyone else's first strike upon us. For this function, as has been discussed, relative numbers in the respective strategic arsenals are, by and large, unimportant. All one needs for deterrence is "enough" strength, even if that strength is less, in quantative terms, than that of the adversary.

But some people have adopted the belief that nuclear weapons can perform a second function: That, even without a first-strike capability, they can provide a sort of lever as we act in pursuit of our foreign policy objectives. In this view, we can get some extra utility out of our nuclear weapons, over and above their primary role of deterring an attack on our homeland, by making our adversaries fearful that, if they interfere with our global activities, they will subject themselves to the possibility of suffering incredible losses, either because we retaliate massively against their interference or because the confrontation could escalate out of control. Now, it is possible that this kind of function could have been performed by nuclear weapons during that period when the United States was the only nation to possess them. It was probably believable to other nations in the immediate postwar years—after we had shown ourselves willing to drop two atomic bombs on the cities of Japan—that we might use such weapons against those who confronted us around the world. But today is far different. Now that other nations possess these weapons, any threat—implied or otherwise—that we would resort to their use to support our objectives would certainly be met with incredulity, with utter disbelief. We have, to be sure, shown ourselves willing to wreak massive destruction upon a country which cannot strike back—as in Vietnam—but it is unlikely that anyone in the world believes we would do such things—in Vietnam or anywhere else—if there were any possibility at all that we would be attacked, even a small attack, with nuclear weapons.

Now, to be sure, there have been many occasions when the Soviet Union has backed away from crises when confronted with American diplomatic and military pressure. The question, however, is whether it was some kind of strategic "superiority" or really other factors which were the deciding elements in our favor. The Cuban missile crisis is the classic example often cited. In his famous nationwide television address, President Kennedy did indeed state that it would be our policy to regard any nuclear missile launched from Cuba against any nation in this hemisphere as an attack by the Soviet Union on the United States, requiring a full retaliatory response against the Soviet Union. Kennedy did not, however, promise or threaten the Soviets with a nuclear retaliation if they failed to remove their missiles from Cuba. On the contrary, he only threatened such retaliation in the event that the missiles were actually fired. His threat may or may not have been believable—perhaps it was. But the main point is that his threat concerning our retaliating was not directed toward the objective of getting the Soviet missiles physically removed from Cuba. If he had threatened a nuclear attack against the Soviet Union if they did not remove their missiles, they surely would not have believed him. However greater our nuclear forces may have been in terms of numerical quantity, they were not enough to perform a successful first strike. The Soviet Union even with far less numerical strength, still possessed a second strike capability, and everyone on both sides knew it.

Of course, it can be asked: why, then, did Khrushchev back down? And for the explanation, we must look to other factors—apart from so-called American nuclear superiority. First of all, the crisis took place virtually within an arm's reach of our own borders; we had a preponderance of conventional power in this area. From the Soviet point of view, once they saw that we were concerned about the missiles, there was no guarantee that we would not use this conventional capability to remove the missiles from Cuba forcibly. That would have been a serious humiliation to the Soviet Union, much worse than that which occurred when they removed the missiles on their own decision under the terms of an understanding.

A second factor was that we had the force of resolve on our side. The Soviet Union had created the problem by altering the status quo; we had responded by making it clear that we found that the presence of Soviet weaponry in the Western Hemisphere posed a direct threat to our interest. The burden of responsibility for ending this tension was thus placed upon the Soviet Union. And third, when we placed a naval quarantine around Cuba and threatened to launch an air strike against the missiles already there, we placed the onus of decision directly upon the Soviets: any Soviet ship attempting to run the blockade would have to face the possibility of being sunk by our naval forces. While Khrushchev may have wanted the missiles in Cuba to start with, he was certainly under no obligation to risk armed conflict of any kind to keep them there.

So it is in these more conventional, less apocalyptic factors that the explanation of that classic and often cited episode must be found. It was a case not where nuclear "superiority" triumphed, but where the United States was able, by threatening the Soviet Union with the prospect of conventional war, to make the Soviet Union change its plans. The whole episode would very probably have occurred in the same way even if nuclear weapons did not exist. Afterward, although there was a good deal of self-congratulation about how our nuclear superiority had scared the Soviets off, President Kennedy was more realistic about the outcome. He said that the Soviets had backed down, in the final analysis, simply because they were wrong and that, at some future time, if they thought they were in the right and had vital interests to protect, they might very well not back down. In other words, they might choose to fight, even with a so-called nuclear inferiority, if the circumstances were different. Kennedy, much to his credit, realized that we had been lucky in the Cuban crisis. Under other circumstances, he realized, with mutual deterrence preventing either side from employing nuclear weapons, the Soviets might have felt that they had conventional superiority and that the battle was worth fighting. I would say that that is probably true with respect to their exploits in Eastern Europe.

To underscore this point, we need only recall the success of the Soviet Union in occupying Hungary in 1956 and in building the Berlin Wall in 1961. In both cases, the United States had a so-called "superiority" in nuclear power, and it did not change a thing. The Soviets had the force of resolve and conventional superiority on their side, and we were unwilling to risk war in order to avert their plans. In none of these crises—Hungary, Berlin, Cuba, or, I might add, Czechoslovakia—did the strategic nuclear equation really play any significant role in shaping the outcome of events. Indeed, it is one of the greatest ironies of the nuclear age that while enthusiasts in both Washington and Moscow have often lauded "superiority" as a goal, neither side has ever behaved internationally as though it mattered. The meaning of this is profoundly important: unless a nation uniquely possesses a first-strike capability—something no longer a possibility—then nuclear weapons give no advantage. Our nuclear weapons serve only one real function—to deter any potential enemy from using his.

THE REAL REASONS FOR ARMS CONTROL

Now the question might be asked: If mutual deterrence is so durable and mere numerical superiority gives no advantage, then why have SALT agreements at all? That is a question worth considering carefully. The administration, of course, has to its credit the achievement of having negotiated these agreements. Regrettably, however, they have given a sort of distorted justification for having done so. According to the administration, we needed these agreements to keep the Soviet Union from rushing ahead and gaining "superiority"—as if that were something they could actually do. By giving credence to the idea that there is such a thing as "superiority," the administration has, indirectly, given support to those in our country who are unhappy about the agreements and suspicious of the Soviet Union. For now that the notions of superiority and inferiority are abroad in the land, many people are doing a lot of mathematics and coming to alarming conclusions. They are saying that, in negotiating these agreements, we lost. We are in danger, they say, because even with the agreements, the Soviet Union may be able to acquire "superiority." Of course, the administration has its reasons for wanting to keep the specter of superiority alive. In this way, they can frighten the Congress and the people into paying billions more for new weapons systems—the Trident, the B–1, and so on—as the only way, even with the agreements, of preventing the Soviet Union from acquiring "superiority."

So it is worthwhile to look carefully at the reasons for having and supporting a limitation on offensive weapons. This agreement should be supported not because it offers a technique of keeping the Soviet Union from acquiring a nuclear "superiority;" the possibility of "superiority" is an illusion. There are other reasons far more sound for supporting such agreements:

First. Rationality and economy. First, there is the very rational justification that the agreement provides each side with a systematic, fear-reducing method of cutting back its vast expenditures on new weapons. As it is, each time either side spends billions of dollars on a new weapons system, that expenditure proves to have no significance other than waste. We are on a treadmill. Each side has already gained from its nuclear weapons as much security as life in this age will allow. Thus the new weapons which each side continues to acquire, each in emulation of the other, provide no gain. Like Alice in Wonderland, it takes all the running we can do just to keep in the same place. If we stood still, we would get just so far. And if these new strategic weapons have nothing to offer, then it is patently wasteful to expend the gargantuan amounts of our national resources which are necessary to produce and maintain them. As everyone now knows, modern weapons systems are enormously costly to create, develop, and deploy. If we spend our moneys and our energy on them, then we cannot do other things. President Eisenhower understood this perfectly:

> Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. The world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. The cost of one modern bomber is this: a modern brick school in more than 30 cities. It is two electric powerplants, each serving a town of 60,000 population. It is two fine, fully equipped hospitals. . . . We pay for a single fighter plane with a half million bushels of wheat. We pay for a single destroyer with new homes that could have housed more than 8,000 people.

These astounding sacrifices of needed food, housing, and social services are now being made on both sides, so much so that there are probably no two countries in the world in greater need of a radical shift in economic priorities than the United States and the Soviet Union. A truly rational decision by either side would be to step off the nuclear arms treadmill unilaterally, for each side already has enough. But that kind of supreme rationality on either side is unlikely in the real world. This is why the SALT agreements are so valuable and so deserving of our unequivocal support: they offer both sides a calm, calculated method of stepping off the treadmill together.

Second. Nuclear proliferation. The second reason for supporting the offensive-weapons limitation has to do with the rest of the world. Today, as both the United States and the Soviet Union have apparently recognized, we live in a world that is not very easy to control. People everywhere are nationalistic; they care more about themselves and their own countries than about the ideologies of the two so-called powers. They are, as they should be, intractable—going their own way in the world. But it is a world in which nuclear weapons technology has become virtually a free-market commodity. And many of the countries on the threshold of acquiring a nuclear capability have made it abundantly clear that a precondition of their acceptance of nonproliferation must be a demonstrated willingness on the part of the superpowers to modulate their own nuclear arms race. When the United States and the Soviet Union signed the nonproliferation treaty, they acknowledged that precondition. Now we are obliged to follow through with substantive action. To do otherwise—preaching the virtues of nonproliferation while at the same time continuing on as we have—would be seen, and rightly, as a kind of double dealing. It could only serve to aggravate the probability that those nations with the scientific ability to develop nuclear weapons will do so.

Third. The value of dialog. A third cogent reason for supporting the SALT limitations is that these continuing negotiations, and the contact they provide, afford us an opportunity to get to know the Soviet Union better. And likewise for them to know us better. Not nearly enough attention has been paid, either by scholars or government officials, to the persistent mutual misperceptions and misunderstandings which have continually plagued Soviet-American relations. More often than not, these misperceptions and misunderstandings have been substantially due to distorted images generated by insufficient information. Much of this groping in the dark can be significantly reduced in the course of the continuing dialog we have now begun. While the subject matter will often be weapons interactions and strategy trade-offs, which are technical matters, we eventually in such discussions begin to learn a great deal about the fears, calculations, and motivations which move the two sides. These continuing talks give us the opportunity to learn from experience, in a way that no preaching or theorizing can teach us, what the other side is really like.

Fourth. Tension reduction. Finally, we should support the SALT agreements because our own country, and surely the Soviet Union as well, needs some psychic relief from the breathtaking pace and continuing tension of the nuclear arms race. Whether or not we have in recent years been secure in any objective sense, we have certainly not behaved like a nation which felt secure. Perceptions of security are, at bottom, rooted in obscure processes of the mind; surely they do not come from the logical deductive schemes of the strategic theoretician. The arms race, as it continues, may not alter the security of either side at all—objectively, it almost surely would not—but the race does tend to maximize each side's inner feeling of insecurity and to heighten the compulsions which we feel: to be "vigilant" and ever watchful of new danger, unseen but just around the corner. Arms control, as we begin slowly to perform it with these first agreements, can help us to begin to eliminate the sources of these perceived insecurities. And by doing that, arms control can reduce the tension, both within each of the two superpowers and between them.

CONCLUSION

Twice in the past 20 years, we have had to accommodate, in our thinking and planning, qualitative changes in our strategic nuclear position. The first came in the early 1950's, when the Soviet Union initially acquired an air-deliverable nuclear capability, and we were confronted for the first time with the realization that an unrestricted war could now mean unimaginable destruction to both sides. We had lost our nuclear monopoly.

The second change, described earlier, came in the later 1950's, as the Soviet Union attained a large enough strategic capability to place our vulnerable retaliatory forces in possible danger of being destroyed by a surprise first strike. We realized that such situation was unstable, and we moved to harden and disperse our strategic arsenal so as to provide a guaranteed nuclear second-strike capability. The Soviet Union followed suit shortly thereafter with a similar hardening and dispersal program of its own, and the nuclear era evolved from its second phase—a delicate balance of terror—into its third and present phase of stable mutual deterrence.

Somehow the heightened activity of recent American and Soviet weapons-development programs has led many Americans to fear that the East-West nuclear equation is once again on the verge of a qualitative shift. But, particularly in light of the open abandonment by each side of the attempt to shield itself with antiballistic missiles, there is simply no reasoned basis for this fear. The Soviet-American strategic relationship has become firmly immobilized—at least for any foreseeable future—by the durability of mutual deterrence; and while new weapons deployments by either or both superpowers may induce numerical fluctuations in the strategic balance, neither the stability of that balance nor the security it provides will be significantly affected in the process.

Viewed with this perspective, it becomes clear that the current Senatorial debate over the Jackson amendment represents a very fundamental choice. The argument is not between those who advocate American strength and those who think we can get by with weakness. The argument is not between those who trust the Soviets and those who do not. The argument is between those who still believe that security in the nuclear age depends upon the numerical measurement of destructive power and those who realize that we have entered an era in which such measurements no longer have any meaning. In sum, we can choose now between continuing to deploy newer and ever newer weaponry in a perpetual yet illusory pursuit of additional security and additional advantage or we can render firm and unequivocal support to a meaningful and productive arms-limitation dialog with the Soviets.

Much of the importance of the SALT agreements arises from their symbolism. They represent the realization by both sides that arms spending is inherently wasteful and that neither side, with all its astronomical spending, is achieving anything by it. The creation of that symbolism is actually the most important aspect of what has thus far been accomplished; for neither side has yet agreed to give up a great deal in substance. We have, however, made a beginning—which symbolizes a new way of thinking about weapons and represents an important first step in bringing them under control. But that symbolism is delicate. It could still be destroyed, and with it the spirit of trustful negotiation for mutual benefit which has now been born. Were the Senate to approve the Jackson amendment, it would not only jeopardize that spirit, it would compound our mistake by giving voice to outmoded notions of nuclear superiority that can only lead to the further purposeless waste of our resources, energy, and national spirit.

Mr. President, in connection with my earlier comments on the mutual sufficiency we and the Russians have to destroy each other, on September 7, there was an interesting report from the International Institute for Strategic Studies in London. I wish to read an article entitled "Nuclear Aggressor Doomed, Study Finds," published in the Washington Post on September 8, 1972 It reads as follows:

NUCLEAR AGGRESSOR DOOMED, STUDY FINDS

LONDON, September 7.—The International Institute for Strategic Studies said today that nuclear parity has made it impossible for the United States or the Soviet Union to launch a nuclear war without incurring "obliteration."

Neither superpower can disarm the other by a "first strike" and each has enough delivery vehicles and weapons "to destroy any conceivable combination in a second-strike targets within the other's territory," the institute said in a survey report entitled "The Military Balance 1972–73."

"Whatever detailed calculations may be constructed, neither superpower can consider itself to have any significant advantage over the other in terms of freedom to engage in nuclear war without incurring obliteration," it concluded.

The Institute said 1972 could be viewed as a "turning point" because of the SALT agreements between the United States and Russia.

The Institute, founded in 1958 as a research center on problems of defense, security and arms control, describes itself as independent of governments. It has an international council and staff.

Mr. President, I might add that that institution over the years has had a reputation for being extremely conservative in these matters. This report conforms with my earlier remarks about our nuclear deterrent.

Mr. President, there is another item that I wish to draw to the attention of the Senate.

The House of Delegates of the American Bar Association has passed a resolution firmly supporting the interim agreement between the Soviet Union and the United States on the limitation of strategic offensive arms.

The association urges that the Congress authorize approval by the President of the agreement and the associated protocol. The association also asks that—

> The Government of the United States . . . seek promptly to reach agreement with the Soviet Union on further measures limiting and reducing strategic offensive arms, and on general and complete disarmament, in accordance with the provisions of the preamble and Article XI of said treaty and of Article VII of said interim agreement.

I ask unanimous consent that the telegram from the Secretary of the American Bar Association be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

SAN FRANCISCO, CALIF.,
August 17, 1972.

Hon. J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, New Senate Building, Capitol Hill, D.C.:

On Wednesday afternoon, August 16, 1972, the House of Delegates of the American Bar Association adopted the following resolutions:

Whereas, the United States has undertaken by the terms of article VI of the nonproliferation treaty of 1968, to which it is a party, to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control", and expressed a similar intention in the preamble of the limited test ban treaty of 1963; and

Whereas, it has for some years been a major objective of the United States to reduce the risk of military confrontation with the Soviet Union, particularly if involving the use of strategic or nuclear weapons; and

Whereas, it has also been a major objective of the United States to slow down and arrest the escalation of armaments, in particular in the field of strategic weapons; and

Whereas, the needs of the people, in the United States and elsewhere, require the allocation of greater financial and other resources, some of which might not be available if increased military expenditures occur; and

Whereas, the United Nations and various of its committees have for many years urged strategic nuclear arms control and disarmament measures; and

Whereas, the United States and the Soviet Union have sought since 1967 to begin negotiations on agreements to limit strategic weapons, and began such negotiations in November 1969, and have reached certain agreements expressed in a proposed treaty and interim agreement, both signed in Moscow on May 26, 1972, by President Nixon and General Secretary Brezhnev; and

Whereas, the Senate, on August 3, 1972, advised and consented to the ratification of the said treaty; and

Whereas, negotiations on further agreements will be facilitated by approval by the Congress of the said interim agreement as well; and

Therefore, be it resolved, That the American Bar Association urges the Senate and House of Representatives to authorize approval by the President of the United States of the interim agreement on certain measures with respect to the limitation of strategic offensive arms, and the associated protocol, all of which were signed at Moscow on May 26, 1972 by President Nixon and General Secretary Brezhnev; and

Be it further resolved, That the President or his designee be authorized to appear before the appropriate committees of the Congress in support of such action; and

Be it further resolved, That the American Bar Association urges the Government of the United States to seek promptly to reach agreement with the Soviet Union on further measures limiting and reducing strategic offensive arms, and on general and complete disarmament, in accordance with the provisions of the preamble and article XI of said treaty and of article VII of said interim agreement.

KENNETH J. BURNS, Jr.,
Secretary of the American Bar Association.

Mr. FULBRIGHT. Mr. President, I have, of course, submitted an amendmen to the Jackson amendment on behalf of myself and, I believe, nine other cosponsors. As I said at the beginning of my remarks, the Foreign Relations Committee has long felt that this resolution approving the Interim Agreement should not have any amendments whatever to detract from its significance.

The House of Representatives, I understand, has passed a resolution in that form. I offer my amendment to the Jackson amendment regretfully because I would not have offered a clarifying amendment of any kind except for the doubts the Jackson amendment has created as to the serious intent of the President to negotiate further nuclear weapons limitations. I want to make that very clear.

If my amendment is agreed to, its effect would be to clarify the significance of the whole question. I believe that the Jackson amendment is ambiguous. It has been packaged and sold so that many people understand that its purpose is to provide guidelines for future negotiations requiring our negotiators to seek equality of strategic nuclear forces with the Soviet Union. This seems reasonable. Who could be against equality?

However, the implication is quite clear from the way it was phrased that the Interim Agreement is not based upon a one for one equality of strategic forces. The real meaning of the Jackson amendment calling for equality is not that there be overall strategic equality of nuclear force, but numerical equality and, one could say megatonnage equality, if he wishes. However, if there is required to be one for one specific numerical equality with respect to ICBM's, submarines, and other items which are covered in the language of the Jackson amendment's reference to "intercontinental strategic forces," then there is inequality or superiority on our part, because we are far ahead of the Russians when one takes into account MIRV weapons, geographical factors, war heads, et cetera.

But in any case I believe it is the overall equality in strategic nuclear weapons that the President had in mind as a basis for the agreement. In fact, I am convinced of that. The agreement was negotiated on that basis. It did not include such items as aircraft carriers and forward based nuclear attack weapons and bombers. At this stage, those factors were too difficult to reconcile. But this agreement is a first step, achieved with great difficulty.

It has been suggested by some of those supporting the Jackson amendment—suggested privately; I am not sure I heard it publicly—that after this long period of nearly 3 years of negotiations with no agreement having been achieved, the President, for his own purposes, this being an election year, was determined to get an agreement. It has been suggested by some in my presence that the President went to Moscow and accepted an improper, improvident, and unwise agreement, because of his anxiety to obtain an agreement now, so that it could become a foreign policy asset in his election this year. I have heard this suggested in the last 2 days.

This is the kind of statement or suggestion that I guess is intended to appeal to Democrats and persuade them to support the Jackson amendment. I reject that. Obviously I am not a greater supporter or confidant, politically speaking, of the President. I do not believe he went to Moscow, not having achieved an agreement in Helsinki or Vienna, and insisted on an agreement against the interests of the United States. After long and thorough study of the agreement I do not believe it is against the interest of the United States, and I do not think there is any real substance to the argument that we have an inferior position.

It is incredible to me that there are people in this body who on one occasion brag about the technical superiority of the United States, about the efficiency of our private enterprise system—people who state we are the most advanced country in the world in the field of industrialization, that we have done the most in the highly sophisticated realm of computers and guidance systems, and so forth, and they brag on it; and then, when we come to an argument like this, suddenly we become inferior, and suddenly, although we have spent far more money on weapons than the Russians, we become inferior. They cannot have it both ways.

Mr. President, one cannot in 1 day engage in self-adulation and brag about our superiority—as a matter of fact I subscribe to our superiority. If we had not wasted our resources on the war in Vietnam we would have outdistanced all countries. We still are the most industrialized Nation. But you cannot, on the one hand, say we are far ahead in our technological capacity to produce and then turn around and say that we are inferior by 3 to 2. We cannot say we have a far more sophisticated populous, people trained in the sciences and mathematics, and so forth, and far superior to the Russians, and then say we do not get our money's worth when we buy weapons.

Mr. President, these arguments do not pan out. We are either efficient or we are not. I believe we are. We have more and better weapons than any nation in the world, including Russia. I do not mean by that they do not have the capacity to build weapons; of course, they do. But we are told the implication of the Jackson amendment is that we are inferior and rapidly deteriorating.

We made deliberate choices in past years and I think they were correct. We made these choices when there was not an ulterior motive. We were told that a choice between the Minuteman and the Titan was a good choice; that it was efficient to make smaller weapons rather than larger weapons. Even small and large are not good descriptions because a small nuclear weapon is so large it can wreak havoc on any city in the world, and destroy tens of thousands of people if dropped in the middle of New York or Moscow. But we were told we made a deliberate choice to have small weapons. So far as I can see it is a good choice. Data supplied to the committee still substantiates that.

But what of the future? What is the motive for continuing the arms race? What could be the possible objective of sabotaging our effort to approve the first phase of the SALT talks? What can possibly be accomplished by raising doubt that the first agreement made in this area by the President of the United States is a dubious agreement and that it does not provide for the security of this country, and that in the future we have to resume the concept of superiority, phrased in the terminology of equality in certain areas? It can mean nothing else but that we are not content with overall equality, or parity, or sufficiency, such as the President stated, but that we are to return to negotiations based on the concept of superiority. We already have superiority. As I said, with respect to aircraft carriers and bombers, there is no prospect whatever that the Russians plan to build aircraft carriers, because they are very vulnerable. No other country in the world in recent years has built them. The British have stopped it.

But in any case this interim agreement is one of the most important matters we have to deal with this year. If we cannot make any progress in this area, I see no end to the arms race. This would be a most serious setback if at this late date, after all the attention given to this matter we should be qualified in our approval of this agreement.

As I said in my prepared remarks about symbolism, there are many implications. Many things indicate the reaction of the Russians. If we adopt the Jackson amendment, unamended, the Russians will take it to mean we are not serious about further negotiations on arms control. They would take it to mean that Congress is still determined to go forward to acquire new superiority or possibly even resumption of the concept of trying to acquire a first-strike capability.

That concern is strengthened by both the Jackson amendment and the recent discussion of further steps to create weapons to destroy hard-site missiles. However, the Senator from Massachusetts (Mr. BROOKE) has an amendment dealing with this subject.

I ask unanimous consent to have printed in the RECORD at this point an article from the New York Times of September 5, 1972, entitled "Soviet Says Pentagon Violates Arms Spirit."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET SAYS THE PENTAGON VIOLATES ARMS-PACT SPIRIT

MOSCOW, September 4.—The Soviet Union accused the Pentagon today of violating the spirit of Soviet-American agreements limiting their strategic arsenals and jeopardizing their effectiveness by pressing for accelerated development of new American offensive military systems.

Izvestia, the Government newspaper, pointed to the next round of negotiations this fall and said that possibilities for broadening the agreements "will be determined, in many respects, by the degree to which the sides observe not only the letter but also the spirit of the understanding reached."

Its primary criticism was directed at the position of Defense Secretary Melvin R. Laird that the Pentagon could not support the agreements signed in Moscow last May unless funds were voted by Congress for accelerated development of the new longer-range Trident underwater missile and the B–1 strategic bomber.

FIRST ATTACK ON POSITION

Although the commentary did not mention Mr. Laird by name, this was the first time that his position had been so forthrightly attacked in the Soviet press since President Nixon's visit here in May.

The lengthy Izvestia commentary also renewed earlier Soviet objections to Senator Henry M. Jackson's effort to attach conditions to a Congressional resolution approving the interim agreement to limit offensive nuclear arsenals.

It was seen as an effort by Moscow to discourage support for the Washington Democrat's maneuver when the resolution comes up for a vote in the Senate. The House has already overwhelmingly approved the resolution.

Senator Jackson is trying to attach a rider that would require future agreeemnts to be based on the principle of equality of forces because of his objections to certain numerical advantages granted to Moscow under the current formula.

Today's commentary was directed not only against such a move, which it dismissed as an unwarranted re-interpretation of the agreement, but also against the longer-term programs of the Pentagon although they do not abrogate any specific terms of the accords.

"Opposition to the Soviet-American agreements, mostly coming from the Pentagon and industrialists linked with it, stands in the way of limiting the arms race and general prospects for disarmament," Izvestia said.

The commentary told Soviet readers that expenditures sought by the Pentagon for the new bomber and the underwater missile were being justified not so much because of their desirability but on the contention that they were necessary "to force the U.S.S.R. to take further steps" to curb the arms race.

"It is evident," Izvestia asserted, "that without apparently formally violating the letter of the Moscow agreements, one can still fundamentally violate the general spirit of the agreement by unilateral acts, thus jeopardizing the effectiveness of the agreement itself."

Mr. FULBRIGHT. Mr. President, this is simply an indication of the first reaction, to my knowledge, on the part of the Soviets to both the enormous increase which we have just authorized in our new weapons systems, specifically the Trident and the B–1, and the Jackson amendment.

I wish to make this record as complete as I can, because I anticipate this will be the last primary discussion of this matter, and I ask unanimous consent to have printed in the RECORD an article by Chalmers Roberts in the Washington Post on the 16th of August, entitled "Promise of SALT: What's Happening?" which I think is an interesting observation.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BACKWARD OR FORWARD?—PROMISE OF SALT: WHAT'S HAPPENING?

(By Chalmers M. Roberts)

Less than three months ago Richard Nixon and Leonid Brezhnev signed their names to "basic principles of relations" between the two superpowers, a sort of codification of the President's pledge that the United States would move from "an era of confrontation" to an "era of negotiation." The Nixon-Brezhnev "principles" included a statement that "differences in ideology and in the social systems" are not a bar to normal relationships, that both nations "will always exercise restraint in their mutual relations" and that both recognize they should eschew "efforts to obtain unilateral advantage at the expense of the other, directly or indirectly."

Three days earlier the two leaders had signed the strategic arms limitation (SALT) agreements. In assessing the Soviet-American atmosphere at the end of the Moscow summitry Henry Kissinger remarked that "I think trust has developed but not the point that it could survive a major challenge that one side would put to the other that affects its own estimate of its vital interests."

It is against this background, it seems to me, that one should assess the Jackson amendment to one of the two SALT pacts, that limiting offensive weapons. The fate of the amendment is far less important that what the discussion of it disclosed about the post-summit attitudes in Washington. The same is true of the related new, more accurate and more powerful American missile warheads that the administration has requested. Like a summer lightning storm the discussion suddenly illuminated the landscape in this capital, both in the Senate and in the White House and elsewhere in the executive branch.

"Confrontation" and "negotiation" are not, of course, mutually exclusive and that is just as true in Moscow as in Washington. Mr. Nixon last July 27 said that "the decision with regard to the SALT agreements involved a fight between the hawks and doves" in his own administration. On July 15 Kissinger remarked at a congressional briefing that during the SALT negotiations "we were acutely conscious of the contradictory tendencies at work in Soviet policy"—in other words, the hawk-dove problem in the Kremlin.

In asking both for congressional approval of the two SALT pacts and for money for the Trident submarine and B–1 bomber programs the President said Brezhnev and his colleagues "made it absolutely clear that they are going forward with defense programs in the offensive area which are not limited by these agreements." Soviet sources in a position to know about those conversations, however, contend that Mr. Nixon's version stretched Brezhnev's remarks for his own purposes. But American sources, equally in the know, contend Brezhnev left no doubt about what Mr. Nixon said he said. Jackson commented that he was "disturbed by the report of the President" on Brezhnev's remarks.

What the Jackson amendment affair plus the revelation of the new missile warhead program demonstrates is the limited meaning being applied by the Nixon Administration to the Moscow "basic principles of revelations" and that we can expect to see a lot more "confrontation" along with future "negotiation." Indeed, the "trust" about which Kissinger spoke seems close to non-existent.

Jackson made his own motivation clear enough. He considered the offensive weapons agreement put the United States at a disadvantage and he used the amendment device to lock the administration into a SALT II posture of accepting nothing less than what he termed "a restoration of parity." The gloss he supplied on what constitutes "parity" made it clear he meant what those Americans who negotiated the agreements and many others consider old fashioned "superiority." What Jackson could not do by direction—defeat the agreement in the Senate—he sought to do by indirection—tie the administration's hands in the negotiations ahead that are designed to turn the five year agreement into a permanent treaty.

The Kremlin reaction to all this is unclear but not difficult to imagine. Quite probably the Moscow hawks have gained a point in their continuing suspicion of arms agreements with the United States. Whatever chance there was for both Washington and Moscow to exercise mutual restraint by not doing what they legally could do within terms of the SALT pacts has been diminished.

The history of the action-reaction phenomenon in the Soviet-American arms race clearly indicates that the dominant pressure in both capitals is to build those arms not forbidden by agreement out of fear that the other side will do so to its own advantage.

The tragedy is that the long history of the Cold War, of Soviet-American ideological differences on top of clashes of national interest, makes mutual restraint exceedingly difficult to achieve. As Jerome H. Kahan of the Brookings Institution put it to the Senate Foreign Relations Committee on June 28: "In theory, both nations ought to exercise unilateral restraint and pursue purely stabilizing strategic policies. But experience shows that neither nation has taken such initiatives."

The promise of SALT was more than just the important limitations for the first time on both offensive and defensive strategic weapons. The hope of Mr. Nixon's Moscow visit, in Kissinger's words, was that it would "mark the transformation from a period of rather rigid hostility to one in which, without any illusions about the differences in social systems, we would try to behave with restraint and with a maximum of creativity in bringing about a greater degree of stability and peace." Hence the language of the "basic principles" signed in Moscow. Hence Mr. Nixon's remark in his address to Congress that his Moscow and Peking trips had done away with "the kind of bondage" of which George Washington had said: "The nation which indulges toward another in habitual hatred is a slave to its own animosity."

In this larger context both the Jackson amendment and the new missile warhead program represent backward, not forward, steps.

Mr. FULBRIGHT. Mr. President, I also noticed in this morning's newspaper a significant article, which does not bear directly upon this agreement, but which revives memories of the period of Khrushchev. When Khrushchev visited the United States, he visited the Committee on Foreign Relations. The reason why he visited the Committee on Foreign Relations was that the House of Representatives had an antagonistic attitude toward him, and the Speaker of the House refused to have a joint session for the leader of one of the most powerful nations in the world, with whom our relations are so important. So as a result, as a sop to him, the Foreign Relations Committee was asked to receive Mr. Khrushchev. He went about this country, visited Iowa, and was shown the corn-growing operations there, and so on.

As I look back on that period—not only I, but many people, astute observers, in my opinion—feel the United States missed an opportunity at that time to take steps toward the improvement of our relations with the Soviet Union which could lead to a limitation of arms, to an increase in trade, and so forth. I believed—others shared that view; I have read that—that Khrushchev was making gestures, within the climate in his own country that would allow him to do so, suggesting better relations with us, and during his trip he made many statements which the record in our committee indicated were designed, in many cases, to show that he wanted to imitate the economic accomplishments of the United States.

On the whole, we rejected any such overtures. Our reaction and particularly the Cuban affair led to the removal of Khrushchev. His polities of rapprochement with the United States had proved to the Russians that he was ineffective and futile, and he was removed. I believe that was one of the principal reasons why he was removed.

This morning in the Washington Post there is an article by Mr. Victor Zorza, who, I believe, is admitted as being an expert on the Soviet Union, entitled "Storm Brewing for Brezhnev." His article is related to the point I have discussed.

I ask unanimous consent that that entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STORM BREWING FOR BREZHNEV

(By Victor Zorza)

The storm clouds gathering over the Kremlin could be the first intimation of a new conflict in the Soviet leadership.

This year's disastrous harvest is being blamed on the weather, while the expulsion of the Russians from Egypt is blamed on the undependable Arabs, but a good management team in Moscow might have averted both mishaps.

This at any rate, is what would be said by those who have been kept off the team by Leonid Brezhnev, the Soviet Communist Party's general secretary, and who believe that they could have done better, as unsuccessful aspirants to high office everywhere believe.

In the West, they would have an opportunity to trumpet their claims from the election hustings every four years or so. In the Soviet Union, they have usually had to wait for an accumulation of bad luck and political errors on the part of an incumbent leader to trip him up.

The first indications of leadership trouble are usually provided by the Moscow rumor mill, and by indications between the lines of the Soviet press that not all is well.

The U.S. embassy in Moscow has now picked up enough of the background noise to send Washington a dispatch detailing the reasons Brezhnev's position might be regarded as somewhat shaky. Both the harvest and the Middle East fiasco loom large in its assessment.

The United States has made use of Brezhnev's political need for foreign grain and other goods to force him into concessions. The bombing and mining of North Vietnam just before the May summit was the stick, and the possibility of large and prompt grain supplies to avert a domestic crisis was an important part of the carrot.

Secretary of Agriculture Earl L. Butz was sent to Moscow to explore the possibilities just before the summit. On his return, he said that the Russians "understand the language of naked power—the kind of language President Nixon is now speaking."

The Soviets virtually abandoned Hanoi, and pressed it so hard to make a deal with the United States as to cause the North Vietnamese press to hint at betrayal by Moscow. Soon after that American grain began to flow to the Soviet Union.

But this was before the full extent of the harvest failure became evident even to the Russians. Further indications of future food shortages have become available since then, and present sabotages are already being reported from such sensitive areas as the highly industrialized Gorky Province.

Brezhnev's need for foreign grain is likely to become greater, not less, and so is his vulnerability both to pressure from abroad, and to criticism at home.

The critics could blame him first for failing to put agriculture on its feet, which he promised to do when he overthrew Khrushchev, and then for making concessions to the United States in exchange for the grain he has failed to produce himself.

Khrushchev's own position was weakened considerably by his agricultural failures and his decision to pour Moscow's precious hoard of gold into capitalist coffers in exchange for grain.

Brezhnev's failure in Egypt is also linked with his dealings with the White House. Cairo claims that it ordered the expulsion of the Russians only after Brezhnev had committed himself at the Moscow summit to withhold the arms Egypt wanted. Brezhnev's domestic critics could thus argue that his concessions have greatly weakened the Soviet Union's position in the world.

Certainly just before the summit there were those in the Soviet leadership who were unalterably opposed to Brezhnev's intended concessions. But Ukrainian party chief Pyotr Shelest, who was dismissed on the very eve of Mr. Nixon's arrival in Moscow for precisely such opposition, is still a full voting member of the Kremlin Politburo.

The flurry of Soviet press articles after the summit to defend the Moscow accords against unidentified Communist critics made it clear that Shelest and his friends had not surrendered.

Even the agreements on strategic arms limitation are giving rise, between the lines, to a leadership debate which shows that Brezhnev's wisdom is being questioned.

Mr. FULBRIGHT. The article reads in part:

The storm clouds gathering over the Kremlin could be the first intimation of a new conflict in the Soviet leadership.

This year's disastrous harvest is being blamed on the weather, while the expulsion of the Russians from Egypt is blamed on the undependable Arabs, but a good management team in Moscow might have averted both mishaps.

Then it discusses various other matters, and the last paragraph reads:

The flurry of Soviet press articles after the summit to defend the Moscow accords against unidentified Communist critics made it clear that Shelest and his friends had not surrendered.

Even the agreements on strategic arms limitation are giving rise, between the lines, to a leadership debate which shows that Brezhnev's wisdom is being questioned.

So we have a picture in Moscow, in the Kremlin, in the Politoburo, in which Mr. Shelest, who is the Ukrainian party chief and one of the leading members, is playing a role which appears to be similar to that of the junior Senator from Washington. He is raising questions about Mr. Brezhnev and making the assertion that Brezhnev has made an agreement which is unsatisfactory to the Soviet Union. So we have a tit-for-tat operation. Obviously in a country like the Soviet Union, which is a big country, just as ours is, there are going to be differences in the Politburo and the Central Committee, which corresponds, in a vague sort of way, as nearly as it can, to the differences going on in the Congress and the Executive in this country.

What is so unfortunate and tragic is that these gentlemen on both sides of the world and in both nations do not believe in rapproachment; they believe in force; they have no confidence whatever in diplomacy or negotiation between great countries; they believe the only way they can preserve their safety is through more and more military power. This type of suspicious personality is coming to the fore in both countries. They are criticizing the men who reached this agreement. In the case of the United States, the proposal is before the Senate to qualify the agreement made by President Nixon. It is alleged that the agreement fixes an inferior status for us. In Moscow it is Mr. Shelest and his friends who are saying Mr. Brezhnev did not look out for the security of Moscow.

So we have a repetition of our inability to reach agreement with Russia years ago, and, in my opinion, it will be a great tragedy if, 10 years from now, we look back, after we have spent perhaps $500 billion on more sophisticated weapons, and then try again to reach some accommodation.

I think it is significant that they are now questioning Mr. Brezhnev, and I assume and I suspect, on much the same grounds that the Senator from Washington is questioning the agreement made by Mr. Nixon.

Of course, I hasten to add the Senator from Washington is not making a personal attack on the President, because he is on very good relations, so far as I know, with the President; but the effect of it is to question the President's handiwork, in much the same way as questions are being raised about Mr. Brezhnev.

Mr. President, I do have a related matter. It is not directly on this, but it is material which should be made available because it is an aspect of the cost of the war, because the arms race is a major part of the contributing causes of inflation and the distortion and disruption of our own economy.

It should be perfectly evident, I think, to anyone that the exorbitant amount of money, which is now in the neighborhood of $1,000 or $300 or $400 billion on military operations, hardware, and related costs since World War II, has undermined our economy and has created inflation which has made us noncompetitive in international trade. That is one aspect of the arms race.

I have prepared, also, some material more directly on the cost of the war in Vietnam, which I think fortifies the conclusion that we simply can no longer afford to carry on the policies we have of relying so exclusively on military force and on the exertion of our power abroad, as in Vietnam, and the preparation for military activities in the future, and the maintenance of bases abroad. I wish to put those into the RECORD.

TIME FOR AN ACCOUNTING—THE COST OF NIXON'S WAR

Mr. President, four and a half years ago Richard Nixon, launching his campaign for President, said:

> If in November this war is not over after all of this power has been at their disposal, then I say that the American people will be justified to elect new leadership and I pledge to you the new leadership will end the war and win the peace in the Pacific and that is what America wants.

Mr. President, I wish to reiterate that this is, to the best of my knowledge, an accurate quotation. I say that because in the New York Times, there were two articles questioning whether the President had campaigned on the basis of a secret plan for ending the war.

I have not, and no one that I know of has, seen a secret plan, but this is a major quotation which certainly indicates President Nixon's committment at that time to end the war, and on other occasions as well he pledged himself to end the war.

Mr. Nixon has had 3½ years to end the war. Yet the killing continues unabated, his pledge to end the war unfilled. In 1964 the voters of America elected a President who said he would keep them out of war. In 1968 they elected a man who said he would get them out of the war they did not want to get into. The voters were duped both times. And they will be deceived again unless they hold the President accountable for his failure.

Is there any wonder that the public is disillusioned with their political leaders, that they despair at their Government's failure to respond on so basic an issue as ending a senseless war? A recent Harris poll reported that 79 percent of the American people want "to bring all U.S. ground, naval, and air forces home from Vietnam." Yet, at the same time, 88 percent expected U.S. involvement to continue. In other words, they had given up hope that their Government would do what they wanted it to do. For Washington, as a commentator in the New Yorker magazine observed recently—

> . . . the war has become part of America's business as usual.

We are now in the 12th year of this unconstitutional, undeclared war, the longest war in our history, with the prospects for ending it more dim than on January 20, 1969. As of August 5, since Mr. Nixon became President, 19,898 Americans, 88,949 South Vietnamese, and 441,955 enemy soldiers have died in the conflict—more dead than the population of five of our States. And since his inauguration, 107,695 more American servicemen and 423,920 South Vietnamese soldiers have been wounded. Thus, American dead and wounded have added 127,593 names to the casualty lists under the Nixon war policy.

Administration officials have repeatedly paid lip service to the plight of American prisoners of war and those missing in action. But the rolls of the POW's and the MIA's lengthen each day American involvement continues. Seventy-six more Americans have been taken prisoner and 466 more are missing since this administration took office. According to press reports, 84 Americans have been lost over North Vietnam since last March; in all 175 fliers are missing, 72 have been killed, and 55 wounded. The President cannot bomb the North Vietnamese into releasing the prisoners and accounting for the missing; they will do this only if he carries out his tattered and faded pledge to end the war. To try to make the American people believe that somehow the prisoners may be released before the fighting stops is sheer demagoguery. Until the President carries out his 1968 pledge, the POW and MIA lists will continue to lengthen.

The toll of the suffering of the unfortunate people of Southeast Asia is incalculable. The few estimates available of civilian casualties, refugees created and homes destroyed do not begin to convey the horror that has been inflicted upon innocent civilians trapped in the middle. The bits and pieces we do know are horrible enough, but how does one measure in mathematical terms the destruction of a social structure or the delicate balance in the ecology of an entire region. The Senate Subcommittee on Refugees estimates that in South Vietnam alone the cumulative total of refugees is now about 8,000,000, nearly half of the country's population—more than four times the population of my State.

The Library of Congress reports that before 1969 an estimated 3 to 3½ million refugees, excluding Laos, had been generated by the war. In comparison, as many as 4½ million have been generated in the Nixon years. Before Nixon Cambodia was relatively free of the ravages of war. Now, as a consequence of the President's initiative, it, too, has become a battleground. In the last 2 years as much as 30 percent of Cambodia's population has fallen victim to the conflict he thrust upon them.

It is estimated that since 1965 there have been nearly 1,300,000 civilian war casualties in South Vietnam—including some 400,000 dead. An estimated 537,153 civilians have been killed or wounded in the Nixon war years. The bloodbath the President so readily conjures up is not some dim future possibility, it is happening every day to thousands of innocent people throughout Southeast Asia.

On August 29 the President announced that U.S. troop strength in Vietnam would be reduced to 27,000 by December 1, the smallest reduction rate announced to date. What the President did not say was that there are now 45,000 Americans in Thailand compared with 32,000 5 months ago; that the naval forces off Indochina have grown from 15,000 to 39,000; and that many thousands more American servicemen are engaged in the war from bases on Guam and other parts of the Pacific.

The President would like the American people to believe that only the 37,000 Americans in Vietnam are involved in the war. But in truth there are some 150,000 in the Far East involved, either directly or in support operations. According to the Defense Department, 148,200 members of the Armed Forces received hostile fire pay—combat pay—in June 1972. Although a small number may be on the list because of service on the DMZ in Korea, the total involved in direct action in Southeast Asia is far higher than the President wants the American people to know.

According to recent news reports, air units, which were moved earlier from Vietnam to Thailand to meet withdrawal targets, are actually operating out of the Danang, South Vietnam, air base on a commuter basis. For everything except official counting purposes they are still stationed in Vietnam. The deception typified by "protective reaction," "mobile maneuvering," and other artful Pentagonese continues to be the hallmark of the President's Vietnam policy.

Instead of keeping his commitment to end American involvement in the war, Mr. Nixon has only shifted the principal means of killing from the ground to the air. During the Nixon years 3,632,734 tons of air munitions—bombs, rockets, and bullets—have been used to devastate the people and landscape of Indochina, far more than was used in World War II and the Korean war combined; 767,826 tons above the total for the Johnson war years; and more than 180 pounds of destruction for every man, woman, and child of North and South Vietnam.

The stepup in the air war is also reflected in the number of sorties flown. As of June, 30 percent more fixed wing and helicopter sorties had been flown in South Vietnam during the Nixon war years than were flown in the Johnson years; 21,400,507 compared with 16,654,842. Air raids over North Vietnam are now being carried out at a level of intensity unequaled during the pre-Nixon period. A few months ago the captain of the aircraft carrier *Coral Sea* operating in the Tonkin Gulf, was quoted as saying:

> "This time we're not pulling our punches. We've told the world we're going to be the winner. . . . We've never done anything before on this scale in Asia."

It has been reported that 4,000 tons of bombs a day are being dropped over North Vietnam. If all were 500-pound laser-guided bombs, at an estimated cost of $3,324 each, the daily bomb load alone would cost the taxpayers $53,184,000, enough to build and equip three 300-bed hospitals. It would take the entire annual income of 5,318 average American families to pay the cost of a day's bombing with laser bombs. For each of the 3,000 pound television-guided bombs being dropped over North Vietnam, a low-cost, two-bedroom housing unit could be built.

During the Nixon years a total of 3,529 aircraft—fixed wing and helicopter—have been lost in Southeast Asia. Eighty-four aircraft have been lost over North Vietnam since the resumption of the bombing in April. And the cost of each F-4 shot down over North Vietnam would pay for an annual salary of $9,000 to 30 school teachers. Ten B-52 sorties would provide $2,000 scholarships to 210 needy students or build a 22-bed nursing home.

By the end of this fiscal year, using the executive branch's conservative criteria of "incremental" costs, the American taxpayers will have funneled more than $112 billion down the Indochina rathole, $147 billion if the full costs, the more realistic figure, is used. Using incremental costs, by the end of the current fiscal year the Nixon administration will have spent more than $54.5 billion on the war, only slightly less than the amount spent in the Johnson war years, or $260 for every man, woman, and child in the United States.

What would the $54.5 billion do here at home? It would:

Bring all of America's 25.5 million poor above the poverty line, $11.4 billion;

Eliminate hunger in the United States, $4 to $5 billion a year;

Pay for the construction of the Washington Metro subway system, $3 billion;

Construct 36,000 low-cost houses, $1 billion;

Finance all unfunded applications for HUD water and sewer grants, $4 billion;

Construct 500 high schools, $8 billion;

Meet the hospital needs of urban areas, $18 billion; and,

Expedite rebuilding of blighted urban areas. $3 billion.

This is only scratching the surface of needs here at home. Instead of using our resources to build a better society here, the Nixon administration has squandered the taxpayers' money on bombs and bullets to tear down ancient, established societies in primitive countries halfway around the world. Under the Nixon administration's concept of priorities billions of dollars more for a stepped-up bombing campaign in Indochina is sound and prudent spending. But it sees Congress action to expand education, health, and manpower training programs by $1.8 billion this year as reckless spending, justifying a Presidential veto of the appropriation bill.

President Eisenhower once said—

> Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed.

Every day this war continues, more than $16 million is being taken from the wallets and pocketbooks of Americans.

To add to the tragedy, much of the cost of the Nixon war will be paid for by the children and grandchildren of current taxpayers in the form of interest on the debt, veterans' benefits, and social consequences such as the drug addiction of veterans. There have been authoritative estimates that the overall costs will ultimately reach $350 billion or more. The Library of Congress calculates the budget deficit in the Nixon years due directly to the war at $36 billion and, when the current year is added, it will top $42 billion.

But probably the most devastating impact on the lives of everyday Americans has been from the inflation created and nurtured by the war. From January 1969 to June 1972 the Consumer Price Index rose 17.2 percent. Every housewife knows what has happened to the price of a pound of hamburger even though she may not point the finger of guilt where it belongs, at the war.

The pockets of all Americans have been picked by President Nixon's failure to keep his campaign pledge. When he came to office, the average American worker was earning $118.13 per week, measured in 1967 dollars. By June 1972 the Nixon war and economic policies had reduced workers' real weekly earnings to $108.31. The Nixon war policy has taken a $10 bill out of every worker's pay envelope.

In announcing the invasion of Cambodia 2 years ago, and expansion of the tragedy to yet another country, President Nixon said:

> During my campaign for the Presidency, I pledged to bring Americans home from Vietnam. They are coming home. I promised to end this war. I shall keep this promise. I promised to win a just peace. I shall keep that promise.

None of those promises have been kept. There are 150,000 American servicemen in Southeast Asia engaged in the war, although only 37,000 are officially listed in Vietnam. The announced policy is to keep a residual force in Vietnam indefinitely. Far from ending, the war has entered a new and bloodier phase. More Vietnamese, North and South, Cambodians, and Laotians have been killed during the Nixon years than were killed in the Johnson years. Where is the "just peace" he promised? Peace is more distant today than when Mr. Nixon took office.

The President is running on his record. This is as it should be. He was elected to end this war. He has not done so. On October 9, 1968, in bidding for election to the Presidency, he said:

> Those who have had a chance for four years and could not produce peace should not be given another chance.

I could not agree more. The American people should hold him to that standard.

I ask unanimous consent that certain accompanying data which I have accumulated be printed in the RECORD.

There being no objection, the data were ordered to be printed in the RECORD, as follows:

LIBRARY OF CONGRESS, CONGRESSIONAL RESEARCH SERVICE—CASUALTIES IN VIETNAM, 1961–72

	Jan. 1, 1961–Jan. 18, 1969	Jan. 18, 1969–Aug. 5, 1972
A. U.S. military personnel:		
Combat deaths [1]	30,991	14,852
Noncombat deaths [2]	5,200	5,046
Wounded in action [3]	195,601	107,695

	1964–68	1969–Aug. 5, 1972
A. U.S. military personal:		
Missing [4]	779	466
POWs	448	76

	1961–68	1969–Aug. 5, 1972
B. South Vietnamese military personnel:		
Combat deaths	85,410	88,949
Wounded in action [5]	185,386	[6] 423,920

	1966–68	1969–June 1972
B. South Vietnamese military personnel:		
Missing	8,083	16,367

	1964–68	1969–Aug. 5, 1972
C. Other allied forces (South Korea, Australia, New Zealand, Philippines, Nationalist China, Spain, and Thailand):		
Combat deaths	2,682	2,452
Wounded in action	6,045	[7] 5,624

	1966–68	1969–June 1972
C. Other allied forces (South Korea, Australia, New Zealand, Philippines, Nationalist China, Spain, and Thailand):		
Missing	27	27

	1961–68	1969–Aug. 5, 1972
D. Enemy forces (North Vietnamese and Vietcong):		
Combat deaths	430,864	441,955
Wounded in action	(8)	(8)
Missing	(8)	(8)

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[1] Killed in action, died of wounds in combat, and died while missing in action or captured.

[2] Died of illness, homicide, accident, aircraft accident, and other noncombat causes.

[3] Both hospitalized and nonhospitalized cases. Somewhat fewer than half of those wounded in action required hospitalization.

[4] Both "missing in action" and "missing not as a result of hostile action." Of the 1,245 listed as missing as of Aug. 5, 1972, 124 were in the latter category.

[5] Only those seriously wounded and hospitalized.

[6] Through May 1972.

[7] Through May 1972.

[8] No reliable estimates.

Source: DOD Public Affairs Office.

U.S. MILITARY PERSONNEL MISSING IN ACTION/PRISONERS OF WAR

	Missing [1]	POW's
1964	4	3
1965	54	74
1966	201	97
1967	226	179
1968	294	95
1969	176	13
1970	86	12
1971	79	11
1972 [2]	125	40

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[1] Both "missing in action" and "missing not as a result of hostile action."

[2] Through Aug. 5, 1972.

Source: DOD Public Affairs Office.

U.S. troop strengths in Southeast Asia

[Estimates as of Aug. 15, 1972]

South Vietnam	42,000
Offshore/Vietnam	39,000
Thailand	45,000
Laos (Jan. 1972)	1,200–1,300
Cambodia (Jan. 1972) U.S. Govt. personnel	less than 100
Okinawa	40,000
Guam	10,000
Taiwan	9,000
Philippines	18,000

For troop strengths at various times during the 1961–68 and 1969–71 periods, the most reliable and complete source is Charles H. Murphy. U.S. Military Personnel Strengths by Country of Location Since World War II, 1948–71. (CRS Multilith No. 72-59F) Washington, Library of Congress, Congressional Research Service, Feb. 29, 1972.

Total U.S. military personnel serving in Vietnam since December 1965: Approximately 2.5 million. (These figures are not available by specific time periods.)

Source: DOD Public Affairs Office.

Estimated number of refugees generated by the war

Prior to January 1969:

Vietnam: 3–3½ million.

Cambodia: Few, if any.

Since January 1969:

Vietnam: 2–2½ million.[1]

Cambodia 1–2 million.[2]

Laos: 700,000–800,000 (cannot be broken down into time periods.[3]

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[1] Information obtained by phone from Dr. J. U. Hoeber, Agency for International Development.

[2] There is no reliable information on Cambodian refugees. A report by the General Accounting Office in early 1972 indicated that more than two million people in Cambodia had been displaced by the war, but that figure is considered by many to be high. U.S. Congress. Senate. Committee on the Judiciary. Subcommittee to Investigate Problems Connected with Refugees and Escapees. War Victims in Indochina. 92d Cong. 2d sess., 1972: 84.

[3] U.S. Congress. Senate. Committee on Foreign Relations. Impact of the Vietnam War. 92d Cong., 1st sess. Committee print, U.S. Govt. Print. Off. 1971. 36 p.

AIR-DELIVERED MUNITIONS IN INDOCHINA[1]

Year	Tons	Year	Tons
1966	496, 319	1969	1, 387, 259
1967	932, 119	1970	977, 436
1968	1, 437, 370	1971	763, 160
		1972[2]	504, 879
Total	2, 865, 808		
		Total	3, 632, 734
Total for 1966–72 (January–June)			6, 498, 542

[1] Data are not broken out separately for South Vietnam, North Vietnam, Laos, and Cambodia.

[2] January through June 1972.

Source: DOD Public Affairs Office.

CIVILIAN CASUALTIES IN SOUTHEAST ASIA

	Prior to January 1969	Since January 1969
South Vietnam	725, 000	[1] 525, 000
Cambodia	Few	[2] 1, 500
Laos	8, 158	[3] 10, 653

[1] Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees, as reported in The Washington Post, June 16, 1972. State Department figures confirm only 133,226 civilian casualties hospitalized in South Vietnam in 1967–68, and 187,583 in 1969–72.

[2] 1,500 casualties were reported by the Washington Star on May 26, 1971. Other reports only indicate that casualties have been in the thousands. The State Department can provide no official figures.

[3] Information obtained by phone from Office of Laos and Thailand Affairs, Agency for International Development.

SORTIES IN SOUTH VIETNAM

	Fixed Wing	Helicopters
1965	7, 258	37, 651
1966	170, 780	2, 994, 537
1967	226, 156	5, 517, 625
1968	281, 686	7, 419, 149
Total—16,654,842	685, 880	15, 968, 962
1969	257, 209	8. 441. 509
1970	131, 464	7, 563, 826
1971	39, 457	4, 213, 835
1972[1]	54, 787	698, 420
Total—21,400,507	482, 917	20, 917, 590

[1] January through June 1972.

Note: Sorties in North Vietnam are available on a daily basis but are not tabulated on a monthly and yearly basis. A compilation would require a time-consuming study.

Source: DOD, OASD (Comptroller), Directorate for Information Operations. Statistics no Southeast Asia, table 6, 1966–7.2

FINANCIAL COST OF THE WAR

(All figures are in millions of dollars, except interest rate; by fiscal year]

	Total involvement costs[1]	Federal funds deficit[2]	Estimated deficit attributable to involvement in Vietnam[3]	Average annual interest rate on public debt (percent)	Estimated interest on debt attributable to involvement in Vietnam
1965	615	3, 864	615	0. 03678	23
1966	6, 631	5, 085	5, 085	. 03988	204
1967	18, 968	14, 944	14, 944	. 04039	611
1968	20, 537	28, 379	20, 537	. 04499	951
1969	21, 917	5, 490	5, 490	. 04891	315
1970	17, 877	13, 143	13, 143	0. 05557	748
1971	12, 076	29, 866	12, 076	. 05141	659
1972	[4] 7, 805	28, 933	[4] 7, 805	[5] . 05093	431
Total	106, 423	119, 704	79, 695		3, 942

[1] Includes funds for Economic Development, Food for Peace, Military Assistance and Incremental War Costs.

[2] The change in the national debt is closely associated with the surplus or deficit in the Federal funds budget which excludes trust funds.

[3] For years when involvement costs were less than the Federal funds deficit; the estimated deficit attributable to involvement in Vietnam equals involvement costs. For years when involvement costs exceeded Federal funds deficit; the estimated deficit attributable to involvement costs would be the same as the Federal funds deficit.

[4] Estimate.

[5] Figure is for June 1972; annual average not available at this time.

Sources: DOD, OASD (comptroller), July 18, 1971, Budget of the United States, various years U.S. Department of Treasury, Annual Report of the Secretary of the Treasury, fiscal year 1971 and the Treasury Bulletin, June 1972.

FUNDING OF U.S. PROGRAMS IN SUPPORT OF SOUTH VIETNAM, FISCAL YEAR 1953–72

Fiscal year	Economic assistance	Food for peace	Military assistance	Incremental war costs	Total
1953–61	$1, 469, 900, 000	$78, 300, 000	$508, 800, 000		$2, 057, 000, 000
1962	124, 100, 000	31, 900, 000	204, 200, 000		360, 200, 000
1963	143, 300, 000	52, 600, 000	258, 400, 000		454, 300, 000
1964	165, 700, 000	56, 700, 000	181, 800, 000		404, 200, 000
1965	225, 000, 000	51, 700, 000	234, 900, 000	$103, 000, 000	614, 600, 000
1966	593, 500, 000	143, 000, 000	94, 300, 000	5, 800, 000, 000	6, 630, 800, 000
1967	494, 400, 000	73, 700, 000		18, 400, 000, 000	18, 968, 100, 000
1968	$398, 200, 000	138, 500, 000		20, 000, 000, 000	20, 536, 700, 000
1969	314, 200, 000	$99, 300, 000		$21, 500, 000, 000	$21, 913, 500, 000
1970	365, 900, 000	110, 800, 000		17, 400, 000, 000	17, 876, 700, 000
1971	387, 700, 000	188, 000, 000		11, 500, 000, 000	12, 075, 700, 000
1972[1]	385, 000, 000	120, 420, 000		7, 300, 000, 000	7, 805, 420, 000
Total	5, 066, 900, 000	1, 144, 920, 000	$1, 482, 400, 000	102, 003, 000, 000	109, 697, 220, 000

[1] Estimate.

IMPACT OF INFLATION SINCE 1969 *

Since January, 1969 (to June, 1972) the consumer price index has risen 17.2 percent. (Bureau of Labor Statistics)

DECREASE IN REAL WAGES SINCE 1969 *

Average gross weekly earnings in 1967 dollars for January, 1969 were $118.13. For June, 1972 (preliminary figure), average gross weekly earnings in 1967 dollars were $108.31, a decrease of $9.82 (Bureau of Labor Statistics.) **

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*The trends reflected in figures above are due in part to the Vietnam War. The precise percentage is problematical.

**Bureau of Labor Statistics now uses 1967 dollars in all computations requiring constant dollars.

UNIT COSTS OF MAJOR WEAPONS AND MUNITIONS

B–52D—$6.5 million.

F–105D—$2.1 million.

F–4E—$2.8 million.

A–7—$3.48 million.

UH–1H medium helicopter—$315,000.

Artillery rounds (point detonating fuse): 105 mm howitzer—$25.79.

155 mm howitzer—$54.67 (white bag, charges 5–7).

8-inch howitzer—$94.54 (white bag, charges 5–7).

Anti-tank mine, M–15 (heavy)—$19.00 (estimated). Last buy 1953.

2.75-inch rocket, heavy warhead—$45.34 (FY 70 money).

NOTE.—All figures in FY 72 dollars except as noted.

SOURCE.—DOD Public Affairs for aircraft figures, Office of the Chief of Staff Army for the remainder.

ESTIMATED DAILY COST OF THE WAR

A frequent inquiry from Members of Congress concerning Vietnam involves the daily cost of the war. A rough estimation of the average daily cost of the Vietnam War can be made by dividing the incremental war costs for the fiscal year by the 365 days in the calendar year. Applying this formula to the estimated incremental war costs of $7.3 billion for fiscal year 1972 indicates a daily incremental cost of $20 million. Applying the same formula to the $21.5 billion spent in incremental war costs during fiscal year 1969 reveals that the war was then costing almost $59 million a day. During FY 1970 the daily cost was about $47 million and during FY 1971 about $31 million. In June 1972, the Defense Department estimated that the Defense budget for FY 1973 would have to be increased by $3.3 billion if the North Vietnamese offensive continued at its then current level through September 1972 and by an extra $5 billion if such conditions continued until the end of the year. These estimates reflected the costs of increased bombing and artillery support of the South Vietnamese forces, increased logistical operations, and replacement of military equipment.[1] Based on the Defense Department's July 18, 1972, estimate of incremental war costs for fiscal year 1973 as $5.8 billion, the daily cost during FY 1973 would be just under $16 million, a figure equal to the daily war cost in FY 1966. This estimate allows for measures being taken to counter the invasion of South Vietnam by North Vietnamese forces, which began in April of this year.

COST PER B-52 AND FIGHTER-BOMBER MISSION

On the basis of currently available information, it is not possible to determine the cost of the air war in Vietnam during the present offensive. With regard to the earlier air operations over North Vietnam in the 1965–1968 period, however, there are official data on the average costs per sorties by B-52s and fighter-bombers engaged in Indochina. According to testimony before the Defense Subcommittee of the House Committee on Appropriations in 1969, the cost of an average B-52 sortie was then more than $41,000, of which $22,500 was the cost of the average munitions drop of 27 tons. In other official sources the cost of an average fighter-bomber sortie in the 1965–1968 period was given as more than $8,000.

Most of the cost estimates which have appeared in the press in recent months are based on these official figures as reported in "The Air War in Indochina," a widely-circulated report compiled by the Air War Study Group at Cornell University last year and reprinted in a revised edition by Beacon Press in March 1972. Although these estimates may be valid for the air operations of the 1965–68 period, they are not entirely appropriate to the current phase of the air war. Since the numbers and types of aircraft and munitions being currently employed over North Vietnam are significantly different, the costs of the present campaign cannot be accurately calculated by extrapolating from figures pertaining to the earlier period. For example, there are indications that the present campaign against North Vietnam is characterized by a much greater reliance on fighter-bomber aircraft than on B-52s. Moreover, to the extent that the more accurate "smart" bombs are being used today, fewer planes and munitions are required, although the bombs themselves are much more expensive.

With regard to the current phase of the air war, only fragmentary cost data have been made public by the Defense Department. The Pentagon's Public Affairs Office has disclosed (1) that the average hourly operating cost of a B-52 is $1,300 while the average operating cost of an F-4 fighter-bomber is $800 per hour, and (2) that a sortie flown to Vietnam from Guam averages 13 hours, a sortie from Thailand takes about 4 hours, and missions out of Danang and from offshore carriers take an hour or less.

According to authoritative sources, the costs of the various types of "smart" bombs being used in Vietnam at present are as follows: (1) $3,324 for a laser-guided 500-lb bomb, (2) $4,900 for a laser-guided 3,000-lb bomb; and (3) $16,800 for a television-guided 3,000-lb bomb.[2] However, since the numbers and types of aircraft operating out of various bases have not been disclosed and there is no detailed information on the types and quantities of munitions delivered, it is not possible to derive cost estimates from these data comparable to those available for the earlier period.[3]

Cost of Rehabilitating Drug Addicts From the Vietnam War

1. General. Hard facts on this subject are scarce. A cohesive cost estimate therefore is not feasible. The following data may be of use.

2. Number of users. a. The Assistant Secretary of Defense advises that urinalysis tests are available only from mid-November 1971 through July 31, 1972. 436,540 tests were administered to men coming home from Vietnam, going on R & R or leave, being transferred, being treated under exemption programs and so on. The number of drug users (not necessarily addicts) identified was 14,283, or 3.3 percent. How many were returned to duty as "cured" and how many were discharged with varying degrees of dependency on drugs is not known.

b. Dr. Marc J. Musser, Chief Medical Director for the Veterans' Administration, estimates that some 50,000 to 75,000 veterans are drug addicted. This includes all veterans, not only Vietnam veterans.

c. According to Senator Alan Cranston (California), Chairman of the Senate Veterans' Affairs Subcommittee on Health and Hospitals, there are currently 100,000 or more addicted Vietnam veterans. Senator Cranston reported that only 5,600 of these veterans are currently undergoing treatment by the Veterans' Administration. (*Washington Post*, June 17, 1972)

3. Cost of treatment.

a. The cost of treating these addicted veterans depends, of course, on the kind of treatment program and the amount of time needed to achieve rehabilitation for each addict. In a report to the Ford Foundation, "Dealing With Drug Abuse," released this year, the following estimates are given for the cost of various types of treatment programs:

(1) Civil commitment programs—cost estimates are $10,000 to $12,000 per year per addict while the addict is in the institution.

(2) Therapeutic communities—costs range anywhere from $3,000 to $10,000 per year per resident.

(3) Methadone maintenance—the cost of the program is roughly between $500 and $2,500 per patient per year, dependent on a number of factors. Methadone itself can be procured for about $.05 per day per addict, but there are a great many variations which account for the wide cost estimate. At present, $500 per addict per year is about the minimum for a program that uses standardized dosages, out-patient induction, fairly cheap urinalysis, and no services except those supplied by the addicts themselves. A reasonable estimate for a program with individual doses, some inpatient ancillary services (such as group and individual therapy, job training and placement, family counseling, medical care and education) is $2,000. The cost for each patient who has finished the induction stage and is stabilized in the program is about $1,000 per year.

(4) a. Antagonists—the two basic antagonists currently in use for treatment of heroin addicts are cyclazocine and naloxone. So far, the costs have been high—$3,000 to $5,000 per addict per year—partly because of the need for inpatient care common to experimental programs and partly because of the scarcity and high prices of the drugs.

b. The Veterans' Administration fiscal 1972 budget for drug programs was $17.5 million. Since January of 1971, it has opened 32 clinics to treat drug addicted veterans. Another twelve clinics, costing an additional $10 million, are scheduled to open during this fiscal year.

c. During consideration of H.R. 12846, a bill to authorize treatment programs for drug-dependent servicemen, the House Armed Services Committee estimated that the costs for the drug programs would be about $67.4 million in fiscal 1972 and $90.5 million in fiscal 1973, with costs after that leveling off.

d. Two private laboratories have been awarded contracts worth more than $1 million for screening out GI drug users through urinalysis testing. These firms have already been paid over $1.6 million since the screening program began. (Washington Post, June 26, 1972)

4. Cost of crime. According to the Bureau of Narcotics and Dangerous Drugs, heroin users in Vietnam can support their habits for as little as $2 to $6 per day. Here in the United States, drugs are harder to get, considerably less potent, and far more expensive. BNDD estimates that the average heroin habit costs $30 per day in the United States. Few addicts, including veterans, have the means to pay for such an expensive habit, and many, therefore, stand a good chance of turning to crime, thus adding to the ever-rising crime rate here at home. According to a report of the House Select Committee on Crime, "Heroin and Heroin Paraphernalia," addicts who turn to crime must steal either cash or goods, and when they steal goods, they must steal goods worth five times the cost of their habit. According to the report of a special study mission of the House Foreign Affairs Committee ("The World Heroin Problem"), the current cost of crime committed by addicts to sustain their habits could be in excess of $8 billion per year. Some experts calculate that the actual social costs of addiction—the costs of crime and punishment and attempted rehabilitation—already surpass $25 billion a year.

5. Spread of addiction.

1. Director John Ingersoll of the Bureau of Narcotics and Dangerous Drugs has stated that the problems of heroin addiction are being spread to small cities and towns throughout the United States by returning Vietnam servicemen. (Washington Star, April 5, 1971)

2. Dr. Judianne Densen-Gerber, Executive Director of Odyssey House in New York City, has called heroin addiction a "communicable disease," which, she says, through a "natural ripple effect" will cause 75,000 new addicts from Vietnam to produce an additional 250,000 to 750,000 new addicts in the United States within a year. (New York Times, June 27, 1971)

Projected Costs of Veterans' Benefits for Vietnam Era

1. The Veterans' Administration has no estimate of projected costs for benefits authorized military personnel who served in the United States armed forces between 1961 and 1971, nor are its analysts willing to undertake any such project.

2. There are two reasons, primarily:

a. Costs constantly fluctuate.

b. There is no way to anticipate accurately how many Vietnam veterans will elect to take advantage of authorized benefits. Experience factors from earlier wars are unapplicable.

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[1] Washington Post June 6, 1972. pp. A1, A10.

[2] Aviation Week and Space Technology. May 22, 1972, pp. 16–17.

[3] According to a committee print issued on June 29, 1972, by the Senate Foreign Relations Committee, a total of 7,662 B-52 sorties had been flown in 1972 through May 27—4,833 in South Vietnam, 2,047 in Laos, 649 in Cambodia, and 83 in North Vietnam (all during April 1972). U.S. Senate. Committee on Foreign Relations. Vietnam: May 1972; A Staff Report Prepared for the Use of the Committee on Foreign Relations of the United States Senate, June 29, 1972. Washington, U.S. Govt. Print. Off., 1972, p. 12.

3. The following data may be of some use, but great care should be taken in applying these costs against raw strength figures reflecting total numbers of military personnel who served during the Vietnam Era.

a. Medical care: The average monthly cost of care in a VA hospital is $1323.70. A Vietnam Era veteran has an average hospital stay of 13.5 days.

b. Educational assistance: 5.885 million veterans of the Vietnam Era are eligible for educational assistance as of April 1972. Forty percent have already entered draining at a cost of $15.3 billion. The average yearly cost per trainee (as of April 1972) is $1,015. The average length of training is 6 months. The Senate passed educational amendments to the GI Bill, which would have a five year cost of $3.812 billion in direct benefits, not counting administration.

c. Compensation: The average monthly compensation payment to each Vietnam veteran is $122.50. As of June 1971, 244,567 veterans of the Vietnam Era were receiving compensation. Compensation was also being paid to 39,972 survivors of Vietnam veterans. The average payment monthly for survivors is $191.06.

d. Pension: Only 2,298 veterans of the Vietnam Era currently are collecting pension benefits. The average monthly payment is $128.28. However, 5,556 survivors also collect pensions with a monthly payment of $70.16.

NOTE.—Those who served after 1964 receive greater benefits than those served earlier; that fact further complicates estimation problems.

SOURCE.—Veterans' Administration.

Mr. FULBRIGHT. Mr. President, I am ready to yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. JACKSON. Mr. President, first, I ask unanimous consent that the following staff members be permitted to be present on the Senate floor during the consideration of the interim agreement and during votes relating thereto: Richard Perle, Dorothy Fosdick, and William Van Ness.

The PRESIDING OFFICER (Mr. CHILES). Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I would just like to make some very brief remarks at this time. I shall speak later, in more detail.

First, let me say that from the beginning I have urged early and expeditious action on both the ABM treaty and the interim agreement. I suggested the unanimous-consent agreement on the ABM treaty which was agreed to. I suggested a unanimous-consent agreement—in fact several of them, a long list—in connection with the pending interim agreement, and the various suggestions were not agreed to. Without going into all the details, let me simply say for the record that yesterday I did agree on three different occasions to a unanimous-consent agreement that would be limited only to my amendment and amendments thereto, but that was objected to.

From the outset, I made it clear that I would support cloture and that I would sign a motion for cloture in order to expedite the action of the Senate. I will say that I have signed the cloture motion, and I strongly support it, so that the Senate can work its will. I commend the distinguished majority leader and the distinguished minority leader for taking this action in the form of a cloture motion—an action of last resort—in order to dispose of the very important matter pending before the Senate.

Mr. President, I want to get at the heart of the amendment that I have offered. I think we all understand what we mean by equality of intercontinental strategic forces. I am referring, of course, to landbased ICBM's, seabased ballistic missiles, and intercontinental bombers.

Some are attempting to argue that I am advocating an expedition of the arms race. I would point out that under my amendment, with its 44 cosponsors, the Soviets could stop building modern nuclear submarines. The Soviets could halt their program at 41 boats, which would be a number equal to ours. They could dismantle a portion of their ICBM's, which now number 1,618 to our 1,054. We are in the process of dismantling our ABM site in Montana.

Our amendment offers a golden opportunity, Mr. President, for a U.S.-U.S.S.R. agreement by which we can reduce forces. This is what we mean by emphasizing equality in intercontinental strategic forces.

The interim agreement is not at issue in these discussions. The issue, Mr. President, is what our future policy will be, and what advice the Senate of the United States will give to the President and the executive branch of the Government in connection with the SALT II talks regarding the limitation of strategic arms.

I say that this amendment does give us an opportunity, a golden opportunity, to begin a process of reduction in strategic arms. This is the way we could save money on both sides.

We are talking about entirely different things when we talk about my amendment and when we talk about the interim agreement. The interim agreement is an effort to freeze both sides where they happened to be—or might be expected to be—at a given moment in time.

I know of no spokesman for the administration who has responsibility in this area of strategic arms, and who will be involved one way or another in the follow-on SALT talks, who is supporting the view that the disparities in numbers agreed to in the interim agreement are acceptable as a basis for a final treaty.

When one talks about the great expenditures, which I want to see cut back, one should also talk about the enormous expenditures of the Soviet Union which are involved in an unbelievable buildup of intercontinental strategic forces—far in excess, Mr. President, of anything that we have attempted. In fact, the United States has not moved on adding numbers of land-based missiles or submarines to our forces since 1965. So I want to zero in on the heart of the issue, which is the issue of equality in intercontinental strategic forces which all Americans understand.

The AFL–CIO Executive Council met in Chicago on August 28 of this year, and adopted a statement in support of the Jackson-Scott amendment, which speaks for itself. Let me just quote a part of it:

> The Moscow agreements limit defensive weapons by a permanent treaty and offensive strategic weapons by a five-year interim agreement. But while the treaty on defensive weapons is based on the principle of U.S.-Soviet equality (with each country having the same number of weapons and equal size limitations), the interim agreement on offensive weapons departs from this principle. We are concerned that the significant Soviet advantage—in numbers of strategic offensive launchers and their size—granted in the interim agreement for five years not become the basis for a follow-on treaty.

Under the terms of the interim agreement the Soviet Union is permitted 1,618 land-based ICBM's to 1,054 for the United States. At sea, the Soviets are permitted to build up to 62 modern nuclear submarines while the United States is frozen at 44. Moreover, the combined payload capability of the Soviet strategic offensive missile forces is four times that of the U.S. force. If these disparities were made the basis for a follow-on treaty in this period of rapidly developing technology, the United States would be placed in a position of strategic inferiority.

American labor is firmly opposed to a treaty on offensive weapons that would limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

That is the nub of the AFL–CIO statement endorsing the Jackson-Scott amendment. I ask unanimous consent that the entire statement be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON JACKSON-SCOTT AMENDMENT TO SALT AGREEMENT

The AFL–CIO Executive Council meeting in May called for a strategic arms agreement that would ". . . place simultaneously inviolable limits on the number, size and variety of both offensive and defensive strategic weapons."

The Moscow agreements limit defensive weapons by a permanent treaty and offensive strategic weapons by a five-year interim agreement. But while the treaty on defensive weapons is based on the principle of U.S.-Soviet equality (with each country having the same number of weapons and equal size limitations), the interim agreement on offensive weapons departs from this principle. We are concerned that the significant Soviet advantage—in numbers of strategic offensive launchers and their size—granted in the interim agreement for five years not become the basis for a follow-on treaty.

Under the terms of the interim agreement the Soviet Union is permitted 1,618 land-based ICBM's to 1,054 for the United States. At sea, the Soviets are permitted to build up to 62 modern nuclear submarines while the United States is frozen at 44. Moreover, the combined payload capability of the Soviet strategic offensive missile forces is four times that of the U.S. force. If these disparities were made the basis for a follow-on treaty in this period of rapidly developing technology, the United States would be placed in a position of strategic inferiority.

American labor is firmly opposed to a treaty on offensive weapons that would limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

The AFL–CIO supports the amendment offered, on a bipartisan basis, by Senators Jackson and Scott, to the resolution approving the interim agreement. The Jackson-Scott amendment serves notice that if the threat to the survivability of U.S. strategic forces is not limited by a follow-on agreement within five years, U.S. supreme national interests could be jeopardized.

The amendment calls upon the President to seek numerical equality in intercontinental weapons, in such a future treaty. We would hope the Soviets could be persuaded to reduce their forces to U.S. levels. The Jackson-Scott amendment also calls for vigorous research, development and force modernization.

By calling for an equal balance in intercontinental weapons the Jackson-Scott amendment seeks to protect those U.S. weapons based in Europe and dedicated to the defense of our democratic NATO allies from being compromised in the continuing SALT II negotiations. Soviet insistence on "compensation" in intercontinental strategic weapons for U.S. tactical forces in Europe under our alliance obligations is a device to divide and weaken the NATO alliance.

We must not submit to this Soviet demand. We believe that negotiations to achieve a European nuclear balance must take place in a manner that permits the full participation of our allies. These negotiations should deal with Soviet as well as comparable allied weapons.

We make these proposals in the interest of the security of our country. As we declared at our Ninth Constitutional Convention:

". . . our existence in freedom and as a free trade union movement depends on the strength and the determination of the American people to safeguard their national survival, protect their free way of life, and assure the maintenance of world peace. These vital aims and interests of our country's foreign policy are beyond bargaining or compromise."

Mr. JACKSON. Mr. President, there has been a lot of editorial comment relating to the SALT accords. It is rather interesting that the Russians, through their literary spokesmen, have made all sorts of comments against my amendment. It is rather unusual, is it not, that we are getting advice from the Soviet Union on amendments pending before the Senate? In fact, Soviet journalists and representatives have been rather active in this community, indicating their views of Senate amendments, which is a rather unusual precedent, I must say, for a country that does not permit any opportunity at all for our journalists or our representatives to visit the Supreme Soviet or meet with the Presidium or the Politburo.

Mr. President, I want to refer to and ask unanimous consent to have printed at this point in the Record a number of editorials that I think are representative of views around this country.

One is an editorial published in the Wall Street Journal of August 7, entitled "A Grain of SALT"; another is an editorial published in the Jacksonville, Fla., Times-Union of August 9, 1972, entitled "SALT: The Letter and the Spirit"; one is a commentary published in the Atlanta Journal of August 9, 1972, entitled "Limiting Missiles"; another is an editorial in the St. Louis Globe-Democrat of August 9, 1972, entitled "Intelligently Peppering SALT"; another is an editorial in the Seattle, Wash., Times of August 9, 1972, entitled "Arms-Pact Safeguard"; and so forth.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Aug. 7, 1972]

A GRAIN OF SALT

Thanks to the flare-up over the Strategic Arms agreement in the Senate last week, we apparently will after all have a debate commensurate with the seriousness of the steps being taken. In the end the agreements will be approved, but by then both the Senate and the nation ought to have a better understanding of what they are doing.

Just when the agreements appeared to be headed for rubber-stamp approval, Senator Jackson and Senator Scott proposed to attach a statement of congressional intent setting forth certain limiting principles. The Senate approved the treaty part of the agreements limiting antiballistic missile systems, but postponed action on the separate "interim agreement" on offensive weapons pending further consideration of the Jackson-Scott resolution.

The Jackson-Scott proposals would not be reservations changing the text of the treaty or agreements, but would put Congress on record on three points: That the United States is committed to the principle of numerical equality in the follow-on treaties the U.S. and Soviets have pledged to negotiate. That a strong research and development program is needed to strengthen the American position in these negotiations. And that if the Soviets deploy weapons that threaten to wipe out a major part of our deterrent forces, it would jeopardize our "supreme national interests" and, presumably, be grounds for abrogating the agreements.

These points neatly stress the seriousness of the potential strategic and political problems with the interim agreements. The United States has agreed to give the Soviets a 3–2 superiority in missile numbers, and their missiles are also much larger. For the moment we can more than offset these Soviet advantages because our lead in multiple warhead technology gives us more deliverable warheads. But the agreements preclude our matching the Soviet advantages in numbers or size. The agreements do not preclude the Soviets' matching or overtaking our lead in multiple warheads.

Deeply serious strategic problems could arise if the Soviets deployed multiple warheads large enough and accurate enough to attack our Minuteman missiles. For with their advantages in launcher numbers and size they could theoretically develop the capacity to destroy nearly all our landbased missiles, most of our bombers and at least a few of our missile submarines, all the while retaining enough missiles to wipe out American cities if we dared to retaliate with our remaining forces. One does not have to think the Russians are madmen lusting to push the button to see that this would be a portentous change in the nuclear balance.

Even if this worst possibility does not develop, there are serious political problems in an agreement giving the Soviets a numercial lead. It is one thing to argue, as the administration has, that we have no programs that could prevent them from gaining a lead in this particular time period. It is quite another thing to formalize this inequality and seem to give it a stamp of approval. If the world gets the idea that the United States is willing to accept an inferior position, political balances will tip in favor of the Soviet Union in any world trouble-spot.

Thus the agreements carry decided risks for the United States unless a satisfactory follow-on agreement is reached in SALT II. The administration recognized these risks when it declared during the negotiations that failure to reach further limitations would jeopardize supreme national interests and provide grounds for abrogating the otherwise permanent treaty when the interim agreements expire. Thus it is not surprising, except apparently to Senator Fulbright and other Senate doves, that the administration does not oppose the Jackson-Scott initiatives.

The risks will have been more than worth taking if SALT II does produce a comprehensive agreement reducing the level of strategic arms and, even more importantly, laying the basis for Soviet-American political understandings that would enhance the security of both sides. But while taking a calculated gamble on that outcome, we ought to remember that history warns that such hopes prove illusory more often than not.

Frankly, we doubt that the odds in this gamble justify as high a level of risk as the American negotiators have been willing to accept in these agreements. But at this point we cannot start over to seek a better agreement; it is too late in the game to turn back on the gamble. But at least the Senate can make it clear that it understands the risks, that while it is willing to take these agreements it takes them with a grain of salt.

[From the Jacksonville, Fla., Times Union, Aug. 9, 1972]

SALT: THE LETTER AND THE SPIRIT

It is difficult to see why the so-called "Jackson reservations" on the SALT pact—as the modified version now stands after conference with the White House—could arouse the opposition even of highly arousable J. W. Fulbright and his Senate Foreign Relations Committee.

For all the Jackson wording specifies, in effect, is simply that the spirit of the agreement, as well as the letter, is to be honored by the Soviet Union, as well as the U.S., during the five years of the interim agreement on offensive weapons.

In fact, according to United Press International reports from Washington, no serious objections have been raised by Soviet representatives when the matter was discussed with them by U.S. officials.

The exact wording of the (revised) Jackson amendment should be examined. The key phrase is "were the survivability of the strategic deterrent forces of the United States to be threatened . . . . this could jeopardize the supreme national interests of the United States" and hence would be cause for voiding the agreement.

This only means that if the Soviet Union were to uphold the letter of the agreement, yet work within this limitation to reach a "first strike" capacity, in utter contrast to the "balance" which is the key to the spirit of the treaty, then the U.S. would no longer be bound.

As a point of fact, there already is a similar "escape clause" in the agreement as originally drawn; the agreement could be abrogated at any time that new Soviet developments actually endanger U.S. security.

The only difference in the Jackson reservation and what's already "on paper" is that Sen. Jackson spells it out unmistakably, brings it into the open. The U.S.S.R. is simply told in no uncertain terms: This is an agreement for balance, not to be a "cover" for any Soviet effort to honor the letter, but not the spirit, of the treaty.

Such a reservation makes no change in the basic agreement. The White House deputy press secretary, Gerald Warren, stated in no uncertain terms that the spelled-out notice was entirely "consistent with our understanding in Moscow."

But, while such a reservation does not change, but only makes more specific the "parity" concept of the agreement, there is a very pragmatic reason for its point of emphasis.

The "balance" of the interim SALT agreement, which covers the next five years until a more permanent pact can be worked out, basically leaves the Soviet Union more missiles in almost every category, while the U.S. has more warheads due to its technological capability (which the Russians don't yet have) of clustering several independently targetable warheads in a single nose cone.

Doubtlessly, during the covered period, the U.S.S.R. will develop its own version of multiple warheads. No harm, as such. But if it were to employ this on all its missiles, it would have a sweeping superiority which was never intended by either the good faith agreement or spelled-out terms of the SALT pact.

Since "balance" is based on one side having more missiles and the other side having more warheads, any basic change in this condition—such as the mass use of multiple warheads on Soviet missiles—would obviously upset the balance.

What objection can be raised simply to stating, in plainer English, that the spirit as well as the letter of the treaty is to be observed?

[From the Atlanta Journal, Aug. 9, 1972]

LIMITING MISSILES

(By John Crown)

No rational person wants to see the United States and the Soviet Union embroiled in a military conflagration and no rational person wants a never-ending arms race between the two nations.

Thus it was that President Nixon's summit agreements in Moscow drew a sigh of relief from a great many people. And thus it was that Senate ratification last week of the limitation on defensive missiles brought on another sigh of relief.

But those sighs of relief have been far from unanimous. There is a sizable segment of the citizenry who view with grave doubts the agreements on arms limitations.

A realistic view of Russia's record of adhering (or of not adhering) to past treaties has been one cause for concern.

But the principal fear is that we have been outmaneuvered within the treaty provisions. This has been the one voiced the most often.

And it was to redress this to some degree that Sen. Henry M. "Scoop" Jackson, D-Wash., has initiated an additional provision in a treaty resolution, one that is expected to lead to heated controversy on the Senate floor.

How anyone could in good conscience take exception to Sen. Jackson's prudent provision defies all reason. And underscoring the noncontroversial aspect of the provision is that President Nixon, the man who came up with the original resolution, has endorsed the inclusion of Sen. Jackson's provision.

What we had last week was Senate ratification of a treaty between the United States and the Soviet Union limiting defensive missiles. This is well and good.

But limiting only defensive missiles without similar limitations on offensive missiles is ludicrous. To only limit defensive missiles and to permit the unrestricted and unrestrained development and deployment of offensive missiles serves no useful purpose at all.

The other way around would make more sense—limiting offensive missiles and placing no restrictions on defensive missiles.

So all we have done thus far is agree to limit defensive missiles.

In order to balance the thing out, before the Congress is a resolution dealing with limitations on offensive missiles. There is nothing permanent about this. It is of temporary nature only.

President Nixon worked out with the Russian leaders a temporary agreement which would limit offensive missiles while the two superpowers seek to arrive at a permanent arrangement. The temporary agreement is for a maximum of five years.

This is where Sen. Jackson's prudent provision enters the picture.

He proposes that should the temporary agreement run its course without the two nations establishing a permanent limitation on offensive missiles, that this would be grounds for abrogating the limitations on defensive missiles.

This is rational and logical and pragmatic.

It would be the height of folly for us—or them—to be bound by defensive missile limitations when there is no prospect of similar limitations on offensive missiles. The two go together, which is why President Nixon successfully sought the temporary agreement to accompany the permanent agreement on defensive missiles.

To limit defensive missiles and leave offensive missiles to chance is to invite a first strike.

But there are members of the Senate who fear that adding the provision would endanger the agreement. They fear Soviet capriciousness, that the Russians would seize on this as grounds for spurning what has been accomplished.

The Senate has more than its share of the fainthearted who think the way to deal with Communists is to crawl and beg.

Disregard the fact that the Russians have been sounded out and have no objection to Sen. Jackson's addition—which is the case.

Even if this were not true, Sen. Jackson's proposal makes sense. It is the prudent course for us to follow.

The key is a limitation on offensive missiles—or on none.

[From the St. Louis Globe-Democrat, Aug. 9, 1972]

INTELLIGENTLY PEPPERING SALT

Now that the euphoria over the United States-Soviet nuclear arms limitation agreements has subsided, it is time to take a careful second look at the proposed "interim agreement" on offensive weapons.

There was virtual unanimity on the first pact limiting defensive missile systems (anti-ballistic missiles). Only two opposition votes were cast.

But the interim agreement is a decidedly different matter. As proposed, it will give the Soviet Union a 3–2 superiority over the United States in offensive nuclear missiles during the time both sides try to negotiate limitations on these weapons during the next five years.

Sen. Henry M. Jackson of Washington now is wisely acting to amend the interim agreement so that it will include adequate safeguards against any Russian attempt to use the negotiating period to put the United States at a further disadvantage.

Senator Jackson points out that under the interim agreement the United States would not be adequately protected if the Russians chose to test and deploy MIRVs (multiple independently targeted warheads) on their very large 313 ICMs.

If they chose to press this advantage, our less numerous and less powerful land-based ICBM force could be threatened with total annihilation.

There is the distinct possibility that the Russians could develop a "first strike" capability that could knock out nearly all of our land-based ICBMs, virtually all of our strategic bombers and perhaps most of our submarines—and still have enough missiles to destroy our cities if the United States does not take the necessary precautions to protect itself against this potential threat.

Jackson and other Senators thus have concluded that the Senate must insist on an amendment that will do two things:

Warn the Russians that the United States will not allow the Soviets to take actions that threaten the "survivability of the United States deterrent" or jeopardize our national interest while the negotiations are in progress.

Put the Congress on record as opposing any eventual SALT treaty "in which the United States is limited to levels of intercontinental strategic forces inferior to the level accorded the Soviet Union."

When one considers the inherent dangers of any interim agreement that failed to incorporate these two points, it becomes obvious that they must be included to protect the national security.

This country simply cannot rely exclusively on the word of Russian leaders that they will negotiate at SALT II in good faith.

There must be an iron-clad, fully spelled-out escape clause that will allow the United States to end the agreement at any time it finds the Russians have used the negotiating period to put this country at a serious disadvantage in strategic nuclear weapons.

Anything less would be foolish. Without this protection, the Russians could, if they chose, greatly accelerate their missile development and the United States, under the present wording of the treaty, could not abrogate the pact until five years had gone by.

The Russians also should be put on notice that any final arms limitation agreement on offensive weapons will not be acceptable unless it provides equal strength to both sides.

This is just good common sense. It would be extremely dangerous to this country and for world peace to agree to an arrangement that gave the Russians a permanent superiority in intercontinental ballistic missiles.

The Senate should ratify the interim agreement promptly, but only after it has added the indispensable amendment proposed by Senator Jackson.

This is the only way to fully protect the nation's security while the new offensive arms limitations talks are in progress.

[From the Seattle (Wash.) Times, Aug. 9 1972]

THE TIMES' OPINION AND COMMENT: ARMS-PACT SAFEGUARD

The administration now has reached a meeting of the minds with Senator Jackson who had assumed the difficult and potentially unrewarding role of raising sticky questions about the widely hailed Strategic Arms Limitation Agreement between the United States and the Soviet Union.

With the Nixon administration and Jackson on the same track, the way ought to be clear for prompt congressional approval of the agreement setting ceilings on the number of offensive strategic weapons each nation may have.

The interim pact is widely and properly hailed as the capstone of past efforts and the cornerstone of future progress toward ending the superpower arms race.

In the euphoria induced by President Nixon's trip to Moscow, the public has been little inclined to listen to reservations such as that expressed by Jackson that:

"Simply put, the agreement gives the Soviets more of everything; more light intercontinental ballistic missiles, more heavy missiles, more submarine-launched missiles, more submarines, more payload, even more missile-defense radars. In no area covered by the agreement is the United States permitted to maintain parity with the Soviet Union."

Of course, the reason the administration felt safe in agreeing to allow the Russians "more of everything" is existing United States technical superiority in strategic weapons. Put crudely, the Russians have more weapons; we have better ones.

"But I am persuaded after careful review of this argument," Jackson said, "that we are moving into a period of rapidly changing technology in which the advantage we enjoy by virtue of our greater technical sophistication will be narrowed . . ."

Jackson noted that the treaty covering anti-ballistic-missile defense clearly established the principle of equal limits on both countries. His revised amendment calls for this principle of equality to be applied to offensive missiles, as well, in the next round of the arms-limitation talks.

This the administration has agreed to in return for Jackson's dropping a toughly worded provision that would have called for abrogation of the Moscow pact under certain circumstances.

Thus, the stage is set, not only for full congressional approval of the existing limitations on armaments, but for further progress on a basis less likely to permit either superpower undue advantage.

[From the Chicago Tribune, Aug. 9, 1972]

Compromise on Arms Limitation

The White House has agreed to a modified compromise proposed by Sen. Henry M. Jackson of Washington attaching congressional understandings to the interim arms limitation agreement with the Soviet Union. The agreement, reached by President Nixon and Soviet leaders in Moscow last May, freezes the number of offensive nuclear missiles at present levels for five years.

It is to be followed, in theory, by a treaty. The Nixon administration assented to Sen. Jackson's view that any such treaty be based on the principle of equality of nuclear forces. The senator has been worried because, he says, the interim agreement has placed us in a position of sub-parity.

In response to White House endorsement of his principle, Sen Jackson dropped a provision in his earlier resolution which would have called for abrogation of the five-year interim agreement at any time evidence supported the belief that the Soviet Union was taking steps to jeopardize United States deterrent missile forces.

Sen. Jackson and the administration agreed that if no treaty limiting offensive weapons was achieved by 1977 this would justify abrogation of the complementary treaty signed in Moscow restricting defensive antiballistic missiles to 200. Half of these could be emplaced around the national capitals of the two countries and half around offensive missile launching sites.

The Jackson compromise has been cleared with Soviet officials in Washington, who expressed no objection to it. The White House interpretation is that it does not legally affect the interim agreement on offensive weapons because it adds no reservations requiring Soviet acceptance.

Sen. John Stennis, chairman of the Armed Services Committee, and Sen. George D. Aiken, ranking Republican on the Foreign Relations Committee, welcomed the understanding reached between Sen. Jackson and the White House. Sen. Stennis said the resolution made it clear that the United States was accepting "a position of sub-parity now in order to get a position of parity in any future agreement."

The Jackson resolution requires approval of both Senate and House and probably will encounter opposition from some of the more fervent antiwar members. Nevertheless, the accord between the senator and the administration sets prudent sights for future negotiations on arms control and helps clear the air pending final action on the Moscow agreement. The treaty limiting defensive missile has already been approved 88 to 2.

[From the Sarasota (Fla.) Herald Tribune, Aug. 9, 1972]

Useful Jackson Resolution

It is difficult to understand why there should be the expectation of a floor fight both in the Senate and the House over the Jackson resolution concerning the SALT "interim agreement" which accompanies the Soviet-American treaty to restrict missile defenses over the next five years.

The treaty, which already has Senate approval (all it needs except the President's signature) accepts a position of mutual nuclear deterrence. Those striving for nuclear peace in a dangerous world regard it as the most significant arms control measure yet.

The interim agreement, which needs both Senate and House approval, limits the number of offensive missiles each nation can deploy during the life of the treaty.

Sen. Henry M. Jackson (D-Wash.) and others have been worried that this limitation was unfair to the United States and that the Soviet Union might take advantage of it.

His original resolution included a warning to the Soviets not to take actions (such as improving the quality or accuracy of weapons) prejudicial to American interests.

The revised Jackson resolution deletes the warning, which Sen. George D. Aiken (R-Vt.), for one, considered insulting to the Soviets, and states only that if no further treaty limiting offensive weapons (SALT II) has been reached by 1977, the expiration date of the agreement, then the agreement may be abrogated by this country. In the meanwhile, our negotiators should seek full strategic equality.

This version now has won the blessing of the Nixon administration. It will not have the effect of a legalistic restriction on either the treaty or the interim agreement but will convey congressional caution in the entire realm of nuclear accords, specifically focused on the ones now being considered.

It has taken years (since 1963) to reach the point the United States and the Soviet Union now occupy. The world still is gravely threatened by nuclear war. Each of the big powers has the capacity to wipe out the other several times over. Every step back to sanity and stability must be cherished and encouraged.

Which is why threats of floor fights on Senator Jackson's resolution or the interim agreement itself are so hard to comprehend.

But Sen. John Sherman Cooper (R-Ky.), one potential opponent, thinks that appending any clarifying language at all to the agreement is to imply that the United States has made a bad bargain and apparently believes no further "tag ends" should be put in the same barrel—certainly none that imply the United States really should maintain nuclear superiority rather than parity, for then, he says, "there will be no end to the arms race."

Senator Cooper, a member of the Foreign Relations Committee, is unquestionably one of the Senate's brighter luminaries, but this time we must beg to disagree with him. As it stands now, the Jackson resolution implies a certain unease in the presence of a momentous accord—and it is an unease not restricted to Capitol Hill but widely shared throughout the country.

If putting it in words helps in any way to get the substantive agreement through, it is probably a wise move.

We don't think it will perversely spur the arms race, particularly since the Soviets themselves have been consulted on the revised Jackson language and have no objections.

The point of President Nixon's mission to Moscow and all the subsequent effort to get the treaty and the interim agreement OK'd has been to move "with all deliberate speed" away from global incineration before it is too late. Quibbling over side-effects at this point is not moving in the right direction.

If Congress acts promptly, and minimizes irrelevant floor fights, the SALT II preparations can start in October. Most Americans, we believe, hope that they will.

This has become a scruffy old world, full of ills and aches, and perhaps not the prize planet in the universe we once thought it to be. But it is the only one we have.

[From the Denver, (Colo.) Post, Aug. 15, 1972]

Setting SALT for Phase II Adds to Arms Control Hope

Agreement by the United States and the Soviet Union to undertake the second round of the strategic arms limitation talks (SALT) in Geneva this fall provides encouragement for future disarmament progress by the two super powers.

The SALT 2 discussions will center on more permanent limitations on missiles than those developed in the SALT 1 accords, and will also consider limitations on bombers and forward base systems.

The historic first-phase agreements, worked out by President Nixon and Soviet leaders earlier this year, provided a foundation for still more comprehensive disarmament pacts.

The solidity of that foundation, however, depends in large measure on Congress.

The Senate has given solid support to the first part of the SALT 1 accords—a treaty establishing limits on defensive missile units.

It now remains for both the House and the Senate to approve an interim agreement setting restrictions on offensive nuclear arsenals.

Debate on the interim agreement has centered on an amendment offered by Sen. Henry M. Jackson of Washington, and supported by Colorado's Sen. Gordon Allott.

The proposed amendment would seek assurance at SALT 2 that the United States would be guaranteed parity with the Soviet Union on strategic weaponry.

Specifically, Jackson is concerned that U.S. superiority in multiple warhead systems may be wiped out by Soviet gains in this area which, coupled with Soviet advantages in other aspects of nuclear weaponry, might give them the capacity for a decisive first strike.

The Nixon administration has given its backing to the proposed Jackson amendment—at least in a version calling for general U.S.-Soviet parity on strategic arms.

The administration would prefer approval of the interim agreement without any amendments, but has accepted the amendment to calm fears about the Russians gaining a strategic advantage.

Passage of the Jackson amendment could conceivably be beneficial to SALT 2 if it leads to strong approval of the interim agreement in both houses of Congress.

[From the Savannah (Ga.) Evening Press, Aug. 17, 1972]

Nuclear Equality

For trying to compromise with reasonable critics of its Moscow arms agreement, the Nixon Administration has been severely attacked by Sen. Frank Church and Sen. J. William Fulbright. The position taken by the two Senators is difficult to understand.

Last week the focus of the Church and Fulbright attacks was an amendment Sen. Henry Jackson offered in an effort to assure that the Moscow pact would not jeopardize U.S. security.

Sen. Jackson has maintained that treaty should contain language calling for equality in nuclear arms when the United States and Russia negotiate a permanent deal to succeed this temporary agreement.

The Washington senator, an expert on defense, believes the five-year temporary pact, which gives Russia a sizable advantage in numbers of missile launchers, could be risky if the Soviets use the five years to develop new technology in the MRV (multiple reentry vehicle) field.

Should this happen, says Sen. Jackson Russia could end up with a 50 per cent advantage in numbers of missiles and a 40 per cent advantage in the permissible size of their warheads—as well as a superiority in numbers of warheads.

In a compromise with Sen. Jackson and other critics, the White House agreed to accept an amendment and even helped Sen. Jackson rewrite the amendment in order to satisfy him and at the same time express his goal in terms compatible with Administration goals.

Sen. Church and Sen. Fulbright leaped into the fray declaring they wouldn't accept any amendments of this type. "I for one do not want to be party to another Tonkin Gulf resolution," said Sen. Fulbright in a comparison that boggles the mind. The amendment had about as much to do with Tonkin Gulf type resolutions as National Cucumber Week has to do with welfare reform.

Sen. Church's criticism was even more interesting, if that's the word. "I suggest that this administration . . . is beginning the slow process of scuttling its own nuclear agreements with Moscow." Let's be reasonable. If the Administration didn't want the agreement, it didn't have to reach it in the first place. If it was so devious it wanted to pretend to reach the agreement, then have Congress defeat it, the Administration didn't have to do anything except not battle for the pact. And if it wanted to scuttle the agreement, it would have done a better job by accepting the first Jackson amendment instead of getting the Senator to rewrite it.

What was really being argued, and pursued, by Sen. Church and Sen. Fulbright was a theory that often draws the label of new isolationism. It is advocacy of nuclear inferiority. Their objection to the Jackson amendment was that it called for nuclear equality. It is a view that is quite dangerous.

[From the New York Daily News, Aug. 17, 1972]

SALT WILL PASS WITH A CAUTION ON PHASE II

(By Jerry Greene)

WASHINGTON, Aug. 16.—The fiddle-faddle in the United States Senate over approval of the interim agreement with Russia on limitation of strategic offensive weapons stems from a deep belief by some members that the Soviets suckered the Americans during the SALT talks.

What the opposing senators want in the campaign led by Sen. Henry (Scoop) Jackson (D-Wash.) is a little written warning, or assurance, that more of the same won't happen in SALT Phase 2, slated to begin this fall.

Jackson and most of his colleagues favor the SALT agreements—the interim offensive weapons five-year pact as well as the ABM treaty, already okayed, and there is no question the pending measure will be approved.

But Russia ran way out ahead of the U.S. in the number of key items during the three years SALT was under negotiation, producing more missiles while talking limitations, and it is this situation that senators would like to prevent next time, as if a few phrases would do it.

The senators heard some powerful supporting testimony during the SALT hearings. Adm. Elmo R. Zumwalt, Navy chief of staff, assured them that 'the objectives of SALT are inseparable from and fully consistent with, national security requirements. I believe that the deterrent capability of our strategic forces will not be impaired by the agreement so long as we vigorously press forward with necessary programs which are permitted under its terms."

But there was one witness who opposed the whole thing, whose views attracted scant attention. His testimony was worth noting, for he was an adviser to the U.S. SALT negotiating delegation. He was William R. Van Cleave, associate professor at the School of Politics and International Relations at the University of Southern California.

Van Cleave thinks we got jobbed during the negotiations, largely because our delegation proceeded on the assumption that the Russians operate on the same concepts and have the same objectives of a peaceful world as we.

His thoughts as expressed before the senators are worth consideration just in case the hopes and the prospects don't work out quite the way they should if there is to be any real success in restricting and perhaps eventually banishing weapons that could destroy the earth.

Van Cleave told the senators that the agreements, the ABM treaty and the interim offensive pact, "are in fact a light-year removed from the outcomes contemplated in the studies and planning for SALT in 1969. . . . These agreements do not resemble those deemed acceptable in 1969 or 1970."

The negotiators kept trying to get better agreements, the witness said, and the Soviets kept saying "nyet."

The Van Cleave contention was that the offensive weapons accord allows the Russians a distinct and dangerous superiority over the U.S.

His testimony, like Senate debate on the subject, was filled with numbers and sizes, yards and yards of statistics and comparative data with which almost anything can be proved.

A REMINDER ON PREDICTIONS

The witness had an unhappy reminder for his audience: "Our projections of Soviet objectives and future capabilities have been seriously in error many times, a fact that should make us a bit humble about current projections and expectations.

"In 1965, even after the Soviet ICBM buildup had begun, Secretary of Defense Robert McNamara publicly stated that the Soviets clearly had no intention of trying to close the gap in strategic forces or to compete quantitatively with the U.S."

He recalled that as late as 1970, Secretary of Defense Melvin R. Laird acknowledged that we had not responded to the Russian growth in intercontinental missiles because we believed all the Soviets had in mind was to achieve numerical parity with the U.S. Well, they got the numerical parity they wanted, and kept right on building. At last account—we promise these will be the only statistics we use—the U.S. had 1,054 ICBMs deployed, while Russia's land-based total was 1,550.

Van Cleave had a thought or two about reading the Russian mind.

"UNCERTAINTY REMAINS GREATER"

"Our uncertainty concerning Soviet strategic concepts remains greater than our knowledge, yet we continue to assume in our strategic and SALT planning that Soviet concepts and objectives are similar to our own. The weight of available evidence, I believe, strongly suggests the opposite.

"For some time in the U.S. it has been commonly believed that there are certain truths about strategic stability and the optimum strategic relationship which only need to be learned to be accepted. We have tried to read our truths into Soviet activities. Where they did not fit, it was a matter of Soviet error or misunderstanding, rather than a deliberate, considered or even final rejection of these truths."

What the witness, what Jackson and the questioning senators have been saying is that in their opinion, perhaps in haste to get some sort of an arms treaty on the books this election year, the U.S. has succeeded in outtrading itself. An extension of this situation for another five years—the life of the interim offensive limitation agreement—might well prove fatal.

[From the Tacoma (Wash.) News-Tribune, Aug. 21, 1972]

WATCHING THAT PACT

We thank the United States Senate and especially Sen. Henry M. Jackson for amendment to the strategic arms limitation treaty with the Soviet Union.

Apparently the Congress shares with many Americans some qualms about the treaty, and even President Nixon is said to have approved the Jackson amendment.

Apart from all the complexities and defense algebra of the treaty itself, with its limitations on missiles, there is in the minds of Americans a question as to whether we can trust the Soviet Union, which is known to pursue its self interest vigorously.

The answer of the Senate in the Jackson amendment is that we cannot; that we must be vigilant and continue to match Soviet development.

The Jackson amendment says in diplomatic language that if the Soviets take advantage of the arms agreement to seek overwhelming nuclear superiority, all bets are off.

[From the Winston-Salem (N.C.) Journal and Sentinel, Sept. 10, 1972]

THE RIGHT PRIORITY

There is a contradiction in the defense policy of the United States—an ominous contradiction—that sooner or later we must resolve.

On the one hand the nation continues to fight a war in Southeast Asia as if our national existence depended on the outcome.

On the other hand the agreements that President Nixon signed in Moscow concede to the Soviet Union a 50 per cent superiority over the United States in numbers of strategic nuclear weapons, which could put an end to our national existence.

Does this make sense? Is it reasonable to go on fighting year after year, to pour vast resources of air and sea power and money into a struggle against a feeble little Communist country which can do us no harm while giving a decisive advantage to a powerful Communist country that can indeed do us mortal harm?

Under the patient coaching of Sen. Henry M. Jackson, the U.S. Senate is gradually becoming aware of what President Nixon gave away in Moscow. The facts are clear.

Under the interim agreement on offensive weapons . . .

The U.S. may have 1,054 land-based intercontinental ballistic missiles, the Soviet Union 1,618.

The U.S. may have 710 submarine-launched ballistic missiles, the Soviets 950.

The U.S. may have 44 missile firing submarines, the Soviets 84.

The U.S. may have no heavy intercontinental missiles of 25-50 megatons or more, the Soviet Union 313.

We say, "The facts are clear," but that may be a misstatement. For these figures represent only what the U.S. government *understands* to be the agreement. What the Soviet Union understands may be a different matter.

For example, the agreement as our government understands it provides that the U.S. may have 1,054 land-based intercontinental missiles and the Soviets 1,618. That figure of 1,054 is an official U.S. government figure. But the figure of 1,618 for the Soviets is only a U.S. intelligence estimate of what the Soviets had last July 1. The Soviet government has never officially acknowledged it. Consequently, the Soviets are free to say in a year or two that they actually had 1,800 or 2,000 land-based missiles on July 1 and are therefore free to maintain that number.

Rather slipshod, isn't it?

But to go back to the contradiction in our defense policy. As we have argued for at least four years, we believe that the U.S. must reorder its priorities. It makes absolutely no sense to go on squandering our resources on a war in Vietnam that, no matter how it comes out, can have no effect on the strategic balance in the world.

What does make sense is to concentrate our resources where they *can* affect that strategic balance. In particular we must be sure that the Soviet Union does not surpass us in strategic weaponry.

We say this not because we are militarists or chauvinists or because we believe that the U.S. has always used its power wisely. We say it because we believe that some kind of external check must be maintained on the Soviet leaders, for they are subject to no internal checks of any kind.

We say it too because under the American nuclear umbrella most of the peoples of the world have made considerable progress during the past 25 years—progress in nationhood, progress in individual liberty, progress toward economic self-sufficiency. And we would hope that given the same kind of protection they might continue that progress for the rest of this century.

For these reasons we support Sen. Jackson's amendment to the interim agreement saying that the U.S. will not accept on a permanent basis the inferiority in numbers and weight of nuclear weapons that Mr. Nixon conceded in Moscow.

As Sen. Jackson has argued, the purpose of the amendment is not to give the U.S. an excuse to build up to the Soviet level but to give the Soviets a good reason to cut down to ours.

In that way, the amendment may help do what the Moscow agreement was actually supposed to do—put a brake on the arms race without endangering our national security.

Mr. JACKSON. On March 18, 1970 the Subcommittee on SALT of the Senate Armed Services Committee held a hearing at which the noted historian Richard Pipes gave important testimony on salient themes of Russian history that bear on her foreign and defense policy. Dr. Pipes is professor of history and director of the Russian Research Center at Harvard University.

Professor Pipes' testimony deals with issues bearing on past and future SALT negotiations. I believe the insights of this distinguished historian will be of great interest to Members of the Senate, in connection with our current discussions.

I ask unanimous consent that Professor Pipes' statement of March 18, 1970, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF DR. RICHARD PIPES, PROFESSOR OF HISTORY, DIRECTOR, RUSSIAN RESEARCH CENTER, HARVARD UNIVERSITY, WEDNESDAY, MARCH 18, 1970

(U.S. Senate, Subcommittee on Strategic Arms Limitation Talks of the Committee on Armed Services)

The desire to seek explanation of a country's conduct in its history is a natural and justifiable one, since clearly every nation's outlook and behavior are in some measure influenced by its past experience. But the procedure is always fraught with danger. It is all too easy to fashion an image of another people's national character, to assume that it is eternal and immutable, and from this assumption to draw completely false deductions. In reality, "national character" is an elusive and transient thing. In the seventeenth and eighteenth centuries, for example, the French were generally regarded as the most aggressive nation on the European continent, whereas the Germans were viewed as impractical dreamers, sovereigns of the "realm of clouds," as Voltaire called them. Then, in the second half of the nineteenth century the roles were neatly reversed, and the Germans, descending from their clouds, turned into a nation of Huns. The Japanese who were once thought to have inherited from their samurai ancestors an unquenchable thirst for blood, have recently become a nation of frenetic businessmen, at the same time that the Jews, whose unfitness for warfare had been proverbial, created in Israel a military machine of unsurpassed efficiency. Such examples could be multiplied many times over.

As every historian knows, that which is loosely called "national character" represents the spirit not of an entire nation, but only of that social group which at a given time happens to control the instruments of power and the organs of opinion, and manifests itself only as long as that group enjoys this control. The problem, therefore, is one of identifying the elite and ascertaining its particular experiences, interests, and expectations. Such knowledge is particularly useful in dealing with countries that have authoritative forms of government because there the ruling elite is relatively immune to public pressures.

In considering the elite which rules today's Russia and its possessions, four facts relevant to its conduct of foreign policy demand emphasis: its cultural background, the nature of its claim to authority, its class interests, and its colonial experience. Only when all four of these factors have been taken into account is it possible to understand something of that peculiar mixture of aggressiveness and caution which has distinguished Soviet foreign policy since 1917.

1. THE CULTURAL BACKGROUND OF THE SOVIET ELITE

The Soviet elite is not the same one that had ruled Russia in the imperial period, that is, from the accession of Peter the Great in 1689 to the Revolution. The imperial elite, composed largely of landed and service gentry, was thoroughly Westernized; it considered itself part of Europe and in its majority emulated European models. This class was overthrown in 1917, and replaced by a new elite formed of elements that had never been much exposed to Westernization: the lower bureaucracy, small tradesmen, provincial intelligentsia, clergy, skilled labor, and peasantry. The cultural roots of these groups lay not in the Westernized Russia of Peter and his successors, but in the pre-Petrine culture of old Moscow, and even beyond it, in Byzantium and the Turkic tribes of the Steppe.

In imperial Russia, the ancestors of the Soviet elite had been kept out of the chambers of power. They always viewed the Western culture of the St. Petersburg court and of its gentry with distaste and suspicion. Though not averse to borrowing Western technology, especially of a military nature, they rejected the spiritual foundations on which this technology had grown. Their whole attitude toward the external world was decisively influenced by the teachings of the Orthodox Church which more than any other Christian establishment resisted innovation and persecuted heresy. The xenophobia which this Orthodox Church inculcated in its flock impressed itself very deeply on the mind of the Russian lower classes; and so did the belief that the Orthodox alone are pure and fit for salvation. This faith, in a secularized form, has remained very much part of the outlook of the Soviet elite; for although this elite professes militant atheism it has no other culture to fall back on than the xenophobic, anti-Western culture of old Moscow.

The practical consequences of this fact are considerable. The group ruling the Soviet Union is not predisposed by its cultural background to regard itself as part of a broader international community; nor does it tend to think in terms of a stable world order which accords every nation a rightful place. Such an outlook is widespread in communities with a Protestant and a commercial culture, but it is rather rare elsewhere. The Soviet elite tends to think in terms of a perpetual conflict pitting right against wrong, from which only one side can emerge victorious. Needless to elaborate, Communist ideology with its stress on class warfare culminating in a vast revolutionary catacylsm neatly reinforces this inherited religiously-inspired outlook.

2. THE QUESTION OF LEGITIMACY

The elite which rules Soviet Russia lacks a legitimate claim to authority and this fact has critical bearing on its conduct of both domestic and foreign policy. Lenin, Trotsky, and their associates seized power by force, overthrowing an ineffective but democratic government. The government they founded derives from a violent act perpetrated by a tiny minority. Furthermore, this power seizure was carried out under false pretenses. The *coup d'etat* of October 1917 was accomplished not on behalf of the Bolshevik party but on behalf of the Soviets—a fact which survives today mainly in the name "Soviet Union." The Soviets were representative bodies of soldiers, workers, and peasants which, for all their structural looseness and lack of regular procedure, did in a fashion express the will of the people. But although the Bolsheviks claimed to overthrow the Provisional Government in order to transfer power to these Soviets, in reality they used them from the begininng as a facade behind which to consolidate their own authority, and the transfer was never accomplished. And, finally, the Soviet government has never dared to seek a mandate from its population. The one and only post-1917 election in which the Bolsheviks ran in competition with other parties—the election for the Constituent Assembly held in the winter of 1917–1918—gave them a quarter of the national vote, whereupon they ordered the assembly dissolved. No elections giving the voter a choice even from among Communist candidates have been held since that disagreeable experience.

Now it is sometimes said by friends of the Soviet Union abroad that one must not apply to its government standards of democracy derived from the West. And, indeed, it is perfectly possible to exercise authority without recourse to the Western idea of popular sovereignty or by twisting it out of all semblance as Hitler had done when he claimed that the will of eighty million Germans fused and became one with his own. But as a matter of record, the Soviet government makes no such claim on its own behalf: its constitution and legal system claim to rest on democratic principles indistinguishable from our own, and hence it cannot escape being judged by them. A government which came to power by force in the name of slogans which it did not and had no intention of honoring, and which has never dared to seek popular sanction, such a government cannot be said to be democratic no matter how broadly the term is defined. And herein lies its tragedy and insoluble inner contradiction. The yawning gap between constitutional promise and political reality stares in the eye of all but the most obtuse or cynical of Soviet citizens.

Legitimacy of some kind is essential to every political authority to justify the right of some men to order others about. The Soviet government is no exception. Unable to obtain a popular mandate, it seeks to obtain it in a variety of other ways, of which nationalism is the handiest. By appearing as the protector of Russian national interests from internal and external enemies, the regime can identify itself with the people. But to be able to do so, it must have enemies; and it conjures them up as the need arises. The atmosphere of a crisis is essential to the Soviet elite and can be counted on to remain an instrument of Soviet policy as long as the present elite remains in power. In the 1930's and 1940's it was often said that Soviet behavior is motivated by fear. This is correct as far as it goes: only the fear is not of other peoples but of its own, and for that reason it is incapable of being allayed by concessions. Fear breeds insecurity which in turn expresses itself, in nations as in individuals, in aggressive behavior.

(And it may be noted parenthetically that the one time the Soviet Union confronted a genuine menace rather than one of its own making, namely Nazi Germany, it reacted by appeasing; its most determined reactions have always been reserved for imaginary enemies.)

3. CLASS INTERESTS OF THE SOVIET ELITE

All elites have vested interests, or they would not be elites. But as a rule, the disparity between the interests of the elite and of the rest of the citizenry is wider in poor countries than in rich ones, and the dread of losing status is proportionately more acute. And Russia is still a desperately poor country, with a standard of living below that of some countries in the preindustrial stage of development. The bulk of the wealth created by Soviet industry since the inauguration of the first Five-Year-Plan in 1928 has gone into armaments and those branches of the economy of greatest direct benefit to the military. Agriculture has been ruined to pay for this most up-to-date military machine; and consumer industry has been forced to operate on a shoestring. This situation has not significantly changed since the death of Stalin, periodic promises of a vast outpouring of consumer goods notwithstanding—(for example, Khrushchev's confident boast that by 1970 the Soviet Union would exceed the United States in the production of meat and milk). The Soviet citizen today is poor not only in comparison with his counterpart in other European countries, but also in comparison with his own grandfather. In terms of essentials—food, clothing, and housing—the Soviet population as a whole is worse off than it was before the Revolution and in the 1920's. If one considers such intangibles as access to information and the right to travel as elements of the standard of living—as they should be—then, the Soviet citizenry is positively destitute.

This cannot be said of the Soviet elite which enjoys a fairly decent standard of life. The closer a member of this group stands to the inner sancta of the bureaucratic-military-police establishment, the readier his access to the country's very limited store of goods and services, to the sources of objective information, to a passport authorizing travel abroad. No wonder therefore that the Soviet elite vigorously protects its privileged position and the political system which makes it possible; that it dreads democracy which would inevitably sweep away its status and force it to share the indescribably drab life of the ordinary Soviet citizenry; that it supports the regime in its nationalism and crisis-mongering.

4. THE COLONIAL EXPERIENCE

The Moscow state, that is, the ancestor of the Imperial and Soviet states, emerged on the fringe of Asia. In order to create a national state, its founders had not only to impose their authority on rival Russian principalities, but also to repel, subdue, and integrate the Turco-Mongol and Finnic populations with which they were surrounded. As a consequence, in Russia, the process of nation-building took place concurrently with that of empire-building, rather than before. The two processes, so distinct in the history of western states, in the case of Russia, cannot be readily separated either chronologically or geographically. In the second half of the 16th century Moscow already administered a sizable colonial population of Tartars and Finns. To these were added in the 17th century the natives of Siberia and the Cossacks, in the 18th the nomads of Central Asia, the Crimean Tartars, the Ukrainians, Byelorussians, Poles, Jews, and Baltic peoples, and in the 19th, the Caucasians and Muslims of Turkestan.

As a result of these acquisitions, the Moscow government acquired early a great deal of expertise in handling foreigners; but this expertise it gained from administering subject peoples, western and Oriental, not from dealing on equal terms with other sovereign states. The Office of Ambassadors in Moscow knew less, comparatively speaking, about foreigners than did the various administrative offices charged with responsibility for administering immense territories inhabited by peoples of different races and religions. In some measure this also held true of the Imperial government and of the Soviet government; for techniques of administration tend to survive change of elites.

The implications are not far to seek. A country whose governing apparatus has learned how to deal wtih foreign peoples from what are essentially colonial practices is not predisposed to think in terms of a stable international community or of balance of power. Its natural instincts are to exert the maximum use of force, and to regard absorption as the only dependable way of settling relations with other states, especially those located along its own borders. There is little need here for theory, because the options are narrow, and concern tactics rather than objectives or strategy.

To anyone acquainted with the rich literature on the international relations of the Western powers it must come as a surprise to learn that there is no definitive or even comprehensive history of Russian foreign relations. The literature on the theory of Russian foreign policy is so meager that it may be said not to exist. That Russians have felt no need to compile the record of their external relations or to investigate its principles is in itself a significant fact, illustrative of their general attitude toward the outside world.

These four factors impel the elite which rules Soviet Russia to conduct a dynamic and inherently aggressive foreign policy, very different from that pursued by such predominantly commercial countries as the United States, whose principal aim is international stability. If the Soviet elite were not inhibited by other factors, which it is helpless to change, the Soviet Union very likely would conduct a policy of reckless external expansion such as Germany and Japan had pursued in the 1930's. But fortunately, such inhibiting factors do exist, and these must be taken into account to provide a rounded picture of Soviet foreign policy.

The most important of these is the spirit and mood of the ordinary people: not only the people of Great Russian stock but also those belonging to the numerous ethnic minorities inhabiting the Soviet Union.

The Russian people have no tradition of glorifying war, perhaps because they never had a feudal culture in the proper sense of the word. Its great medieval epic celebrates not the victory of Russian arms but their defeat. Neither in the folklore nor in the proverbs of Russia is there much trace of militarism. The common people have always viewed war as a desperate act to defend one's home; and Russian troops, so effective on their home soil, have never shown much skill on foreign campaigns. This general attitude deserves comment even in the case of a country which allows its citizenry no say in governmental affairs, because in the long run the quality of the human material has considerable bearing on a government's freedom of action.

Even more significant, however, is the fact that the people of the Soviet Union are utterly exhausted. The country had been mobilized in 1914 and except for brief respites has not been allowed since then to return to normal life. Having dropped out of the international war in 1917, Russia suffered for the next three years an even more devastating civil war followed by several years of epidemic and famine. It barely recovered from these disasters during the New Economic Policy era, when in 1928 it was reharnessed into state service to carry out the most ambitious program of industrialization ever attempted by a nation.

To make this program economically feasible, a whole counter-revolution was inaugurated in the countryside, in the course of which the government confiscated, in the face of the peasantry's desperate resistance, its land, livestock and implements. This tragedy was not even over when the regime launched a political massacre of actual, potential, or imaginary opponents of nightmarish dimensions. And then came World War II. The losses in human lives which the population of the Soviet Union has suffered between 1914–1945 exceed those of any other people in modern times except European Jewry. They can be estimated at two million casualties in World War I, 14 million during the Civil War and the famine, ten million during collectivization, 10 million during the purges and 20 million during World War II, for a total of 56 million human lives lost. The demographic pyramid of the Soviet population bears a visible scar from these stupendous losses showing a deep indentation in the age group between 35 and 70, especially on the male side.

After such exertions and bloodletting the inhabitants of the Soviet Union are simply incapable of being mobilized once again for any sustained national effort. Their fatigue is so profound that neither exhortations nor alarms can shake them from it. They require three things of which they have been deprived for the past half a century: peace, privacy, and prosperity, probably in this order. With a population in this state it is just not possible to launch ambitious drives of external expansion.

Consideration must also be given to the fact that approximately one-half of the population of the Soviet Union consists of peoples who are not of Russian nationality. This colonial population brought under Russian sovereignty by imperial and Soviet conquest, not only shares the exhaustion of the Russians proper, but experiences a sense of national frustration as well. Neither blandishments nor persecution have had much effect on the patriotic spirit among the ethnic minorities. They constitute a volatile and unreliable element.

Thus a kind of dilemma arises before the Soviet elite: one of the principal factors inducing it to maintain an aggressive posture, namely lack of confidence in its popular support and the need for crisis, also forces it to act cautiously. The Soviet government cannot risk a protracted war because such a war always makes the government dependent on its population. All the important concessions which the Imperial government had made before the revolution were the consequence of long wars: the Crimean War, which compelled it to free the serfs and institute local self-government; the Japanese War, which forced it to grant a constitution; and World War I, which caused it to abdicate. These historic lessons have not been lost on the Soviet government and in large measure account for the prudence which it has always shown in the face of firm resistance by other powers.

The same factor explains the haste with which the Soviet elite exploits any opportunity abroad where serious opposition seems unlikely. Guided more by the prospect of success than by any consideration of "national interest," Russian expansion follows no discernible pattern. The whole concept of "national interest" in the sense in which the term is used in the West, is altogether alien to the Russian mind. Most writings on the subject come from the pens of foreigners who seek to locate behind Russian foreign policy patterns of a kind they are familiar with in their own countries. In Russian literature, prerevolutionary and Soviet, hardly anything is said on the matter. As for Communist theory, it too provides no guidelines for the conduct of a rational foreign policy insofar as the whole assumption of Communism is that the forces of "progress" and of "reaction" are split along class lines, not national ones.

By and large, Russian expansion tends to focus on targets of opportunity. Historians have long noted what may be called the "pendulum" effect in nineteenth century Russian expansion, meaning rapid shifts from one area to another in response to encountered resistance. Thus, frustrated by its defeat in the Crimean War from subjugating the Ottoman Empire, the Imperial government promptly sent its forces into Central Asia which it conquered in a series of rapid expeditions. But as soon as the British, alarmed for the security of India, threatened to stop Russian advances in that region, St. Petersburg shifted its attention to the Far East. Defeated in Korea and Manchuria by Japan, it returned to the Balkans.

Such pendular swings can also be detected in Soviet foreign policy: For instance, the shift in 1948 from expansion in Europe where it was halted by determined U.S. resistance, to East Asia. This evidence suggests that Russian expansion is motivated less by needs than by opportunities, less by what its elite wants than by what it can get. For this reason it is impossible to determine control over which areas would satisfy the Soviet government and induce it to assume a cooperative international stance. Russia has all the territory and all the resources it needs; its external security is assured by its military power and by vast buffer zones separating it from potential enemies. If it nevertheless keeps on expanding it is precisely because its expansion is in large measure determined by internal rather than external factors, above all, by the tragic relationship of the government to its people.

Developments which have occurred in military technology since the end of World War II, and particularly the emergence of a strategy based on rocketry and nuclear weapons, have significantly affected the situation.

In some respects, the changes in warfare have had a positive effect on world peace. Scientific and technological warfare requires a large scientific and technical intelligentsia, whose outlook is bound to be very different from that of the traditional class of field or staff officers. That which has been learned of this intelligentsia through personal contacts during the past 15 years suggests that it differs indeed from the rest of the Soviet elite of which it is a member by virtue of its privileged status. Soviet scientists and technicians think of themselves not only as Russians but also as citizens of the world, for they are better aware than administrators of common human problems. They are more objective and less emotional. Their whole temper is more liberal than that of the rest of the Soviet elite. Their emergence is undoubtedly a healthy phenomenon, good for Russia and the rest of the world.

In other respects, the development of highly technical warfare has had a very deleterious effect on the prospects of peace. If it is true, as argued above, that the principal deterrent to a recklessly aggressive Soviet foreign policy is the unreliability of the Soviet population, then clearly any development which frees the regime from dependence on its population reduces the effectiveness of that deterrent. The more mechanized warfare becomes, the briefer and more devastating war tends to become, the less the Soviet elite needs to make allowances for the spirit of its population, the less it is afraid of war. The scientific-technical intelligentsia, of course, gains in status under these conditions; but its actual influence on government policy in Russia, as elsewhere, is questionable. It is a curious fact that the most liberal among American scientists, who have been so frustrated in their attempt to influence their own government on such issues as ABM, are most sanguine about the power of their Soviet counterparts. But if they tried and failed to exert political power in a country where it is possible to appeal over the head of the administration to the mass of citizens, how can the Soviet scientific elite succeed in a country where no such opportunities exist?

On balance, the development of modern military technology will probably intensify the expansionist tendencies of the Soviet elite. It is likely to increase its self-confidence and encourage it to pursue targets of opportunity wherever they present themselves with greater boldness than before.

Mr. JACKSON. Mr. President, I hope that cloture will be voted tomorrow so that the Senate can move to final consideration of the proposed amendments and final action on the Interim Agreement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I do not wish to speak any further about the merits of the agreement. I did not say anything about cloture. My position is that I shall vote against cloture. I still think that the proper procedure in a matter of this importance is to follow the regular procedure that we normally follow in the Senate, and that is that the resolution is open for amendment.

I had hoped that the Senator from Washington would offer his amendment and that we could debate it on the merits. I would hope that some Members of the Senate might be present and that it could be developed in the regular order.

Whatever happens to his amendment would be handled without a strict limitation of time, because I think it is a matter of sufficient importance to warrant thorough consideration.

I will not reiterate what I have said already about equality, other than the fact that I believe there is a misunderstanding on the part of many people in and out of the Senate as to what equality consists of. The amendment which is at the desk, offered by myself and some nine other cosponsors, simply undertakes to make clear what equality we are in favor of. The word "equality" is a word with many possible interpretations. I do not know of anybody who is not in favor of equality of strategic nuclear weapons as between the United States and the Soviet Union. The question in issue, of course, is the nature of that equality.

If I understand him correctly—and I believe I do—the amendment of the Senator from Washington restricts that to equality of intercontinental nuclear forces, and this is the crux of the matter; whereas, we believe—and I believe—that overall equality in all nuclear weapons is what is desirable and what the President's agreement intended to deal with, and not a specific kind of weapons system.

The matter as to what this amendment means is the very crux of the matter, and I hope it can be developed in a free and open debate in the Senate, without the restriction either of cloture or a unanimous-consent agreement. I hope that the Senate will not impose cloture on a matter of this kind.

The PRESIDING OFFICER (Mr. CHILES). The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, in view of the fact that there seems to be no desire on the part of any other Senator to speak on the pending business, I ask unanimous consent that it be laid aside temporarily so that the Senate may proceed to the consideration of other business on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. SENATE OFFICE BUILDING, LAND ACQUISITION, AND PARKING FACILITIES PLANNING ACT OF 1972

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 997, S. 3917.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 3917, to authorize the construction of the completion of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addition to the United States Capitol Grounds, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, with reference to S. 3917, that there be a time limitation thereon of 30 minutes, to be equally divided between the distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from Kentucky (Mr. COOPER); that time on the amendment to be offered by the distinguished Senator from Kentucky (Mr. COOPER) be limited to 30 minutes, to be equally divided between the Senator from Kentucky (Mr. COOPER) and the Senator from West Virginia (Mr. RANDOLPH); that time on any other amendment be limited to 20 minutes, to be equally divided between the mover of such and the Senator from West Virginia (Mr. RANDOLPH); and that time on any debatable motion or appeal be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

Mr. JAVITS. Mr. President, what bill is that?

Mr. ROBERT C. BYRD. The bill now before the Senate, S. 3917, to authorize the construction of the completion of the new Senate Office Building on the east half of square 725 in the District of Columbia.

Mr. JAVITS. I thank the Senator very much.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be charged against either side.

The PRESIDING OFFICER (Mr. CHURCH). Without objection, it is so ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

CLOTURE MOTION

Mr. SCOTT. Mr. President, at this time I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending joint resolution, S.J. Res. 241, the authorization of the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

1. Hugh Scott
2. Mike Mansfield
3. Robert Griffin
4. Charles McC. Mathias
5. Walter Mondale
6. John Tower
7. Clifford P. Hansen
8. Marlow W. Cook
9. James B. Pearson
10. Peter Dominick
11. Robert Dole
12. J. Glenn Beall
13. Robert Stafford
14. Richard S. Schweiker
15. Daniel K. Inouye
16. William Proxmire
17. Henry Jackson
18. Robert C. Byrd
19. Ted Stevens
20. Carl Curtis
21. Jennings Randolph

Mr. SCOTT. Mr. President, I ask unanimous consent that the cloture motion which I have just filed remain at the desk for the remainder of the day so that other Senators may have an opportunity to add their names to the cloture motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour of debate under rule XXII on tomorrow morning—having to do with the vote on the motion to invoke cloture on Senate Joint Resolution 241—be equally divided between and controlled by the distinguished Senator from Washington (Mr. JACKSON) and the distinguished Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. CHURCH) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

I herewith transmit the 1971 Annual Report of the St. Lawrence Seaway Development Corporation. This report has been prepared in accordance with Section 10 of Public Law 83–358 and covers the period January 1, 1971 through December 31, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *September 13, 1972.*

REPORTS OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION—MESSAGE FROM THE PRESIDENT

The message from the President is as follows:

To the Congress of the United States:

This Administration has serious and growing concerns about the tragic number of traffic accidents that each year exact a heavy toll in human life and suffering and economic loss in our society.

Nearly half of the 115,000 annual accidental deaths in America are due to transportation accidents, and regrettably most of the transportation accidents occur on our streets and highways.

To these 55,000 annual traffic deaths must be added the nearly four million injured each year in traffic accidents. Many of the injured suffer permanent disabilities.

The traffic death and injury toll is alarming enough. But when we add to this the $46 billion annual drain on our economy from lost wages, medical expenses, legal fees, insurance payments, home and family care, and other expenses, we realize that we must do more to cut our human and economic losses.

The Federal Government is providing leadership and some financial assistance to reduce the losses. And much has been done by States, communities, industry and private organizations. But we must all resolve to do even more to cut this tragic waste of human life and economic drain.

The Reports of the National Highway Traffic Safety Administration transmitted with this letter have been prepared in accordance with the Highway Safety Act of 1966, as amended, and with the National Traffic and Motor Vehicle Safety Act of 1966, as amended. They describe basic causes and effects of this problem and efforts of Federal, State and local governments to alleviate it.

Much progress has been made in recent years. For example, the rate of death per 100 million vehicle miles driven has declined from 5.5 in 1967 to 4.7 in 1971. This is an annual decrease of 3.85 percent and a 5-year decrease of 14.55 percent. Had the old rate continued, 65,000 persons would have died in traffic accidents in 1971, 10,000 more than the actual number. We can also take some comfort that traffic deaths have decreased in spite of the fact that we now have more cars, more drivers, more cyclists and more pedestrians on our roads.

But progress is no cause for complacency. We must work even harder to make our highways and cars safer, to educate drivers and pedestrians and to clear our roads of drunken drivers, who are the cause of approximately half the traffic deaths each year.

The three volumes of these reports taken together map our progress in this important area, and I hope they will be read closely by Members of the Congress. Your continued support will be required to back up our national commitment to make our highways and vehicles safer for all Americans.

RICHARD NIXON.

THE WHITE HOUSE, *September 13, 1972.*

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that a message at the desk, received from the President of the United States today on highway safety, be jointly referred to the Committee on Public Works and the Committee on Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 16188) to amend the Immigration and Nationality Act, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 698) directing the Secretary of the Senate to correct the title of the bill, S. 3442, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 7375. An act to amend the statutory ceiling on salaries payable to U.S. magistrates; and

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

The PRESIDENT pro tempore subsequently signed the enrolled bills.

HOUSE BILL REFERRED

The bill (H.R. 16188) to amend the Immigration and Nationality Act, and for other purposes, was read twice by its title and referred to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 698—DIRECTING THE SECRETARY OF THE SENATE TO CORRECT THE TITLE OF THE BILL, S. 3442

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 698.

The PRESIDING OFFICER (Mr. CHURCH) laid before the Senate House Concurrent Resolution 698, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (S. 3442) to amend the Public Health Service Act to extend the authorization for grants for communicable disease control and vaccination assistance and for other purposes, the Secretary of the Senate shall correct the title so as to read: "An Act to amend the Public Health Service Act to extend and revise the program of assistance under that Act for the control and prevention of communicable diseases."

The PRESIDING OFFICER. Without objection, the concurrent resolution (H. Con. Res. 698) is considered and agreed to.

AUTHORIZATION OF CONSTRUCTION OF A NEW SENATE OFFICE BUILDING

The Senate resumed the consideration of the bill (S. 3917) to authorize the construction of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addition to the United States Capitol Grounds, and for other purposes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time not be taken out of either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. RANDOLPH. Mr. President, at this time I yield to the able chairman of the Subcommittee on Buildings and Grounds of the Public Works Committee, the Senator from Alaska (Mr. GRAVEL).

Mr. GRAVEL. Mr. President, I yield myself as much time as I may require.

Mr. President, I thank the distinguished chairman of the committee for yielding to me. I was delayed because we have just completed a hearing. I had before me the distinguished chairman of the Appropriations Committee, followed by the distinguished chairman of the Finance Committee. I think the Senator can appreciate why I was tardy in getting here.

Mr. President, I do not think the pending matter is terribly complex. I think that every Senator is acquainted with the problem in question concerning the new Senate Office Building.

I do not feel it is a problem for the more senior members. However, I think that anyone who is a junior Member of the Senate certainly feels the terrible, terrible pinch of space. And I do not know of any intelligent, effective business in this community that would house its employees as shoddily as we in the Senate; house our employees and ourselves. Certainly anyone doing the public business is entitled to have space in which to do so, just as private business and the executive agencies in this country provide ample space for their employers. There is no reason why we should treat ourselves and our employees in the manner we do. Although Senators are insulated in their own particular offices from this problem, the matter is impeding our staffs because of the way we have had to house them under the conditions we have.

I could recite a litany of what I think are the atrocious physical surroundings that our staffs are subject to.

I think it impairs their effectiveness. I think it impairs the use of their time in the best interests of the Senators whom they serve and, of course, their constituencies.

The estimated project cost is in the area of $47 million, $47,935,000. This is an increase over what was projected for the cost when the item first came up, due to the rapidly escalating cost indices since that time. In 1967 the cost was projected to be $26 million. There is no question that if we delay the undertaking of this project, the cost will continue to increase.

I think that the cost of this measure is not as extensive as the cost we pay in terms of inefficiency, lack of service, and inability to do the best job possible for the people we represent, and of course the best job possible for the Members of the Congress in their role as a coequal branch in the triumvirate system of this Nation.

I think the balance of the issue is self-explanatory. If any Senator has a statement to make I would be happy to yield.

Mr. RANDOLPH. Mr. President, if it is agreeable at this point, and with the concurrence of the ranking minority member of the committee and the subcommittee, I would like to make a very brief comment on this matter and then go back to the conference on the clean water amendments. As the Senator from Kentucky knows, that conference is in progress. I know he has need to be there. I am offering an amendment in conference which may help reach agreement with respect to thermal pollution. So I will make a brief comment at this time, if that is agreeable to my colleague from Kentucky.

Mr. RANDOLPH. Mr. President, the Senator from Alaska (Mr. GRAVEL), has provided us with a detailed description of S. 3917 and has presented argument as to why this legislation should be enacted.

The need for additional facilities is valid. It has been 17 years since the New Senate Office Building was begun. Our country has grown considerably, and I believe the responsibilities of Members of the Senate have increased at a more rapid rate. The increasing magnitude and complexity of our duties has necessitated an increase in staff. The Senate has been unable to take advantage fully of equipment that is available to it in our highly advanced and technological age. This is so because, frankly, we have insufficient space to place this equipment. A walk through the Senate Office Buildings indicates the need. Members of the Senate have pleaded with our committee to provide more space for their offices. Meetings are held in hallways, toilets are converted into offices, and one Senator has his staff on a split-shift in an attempt to alleviate crowded working conditions.

The Senate should provide itself with adequate facilities to properly conduct its portion of our national affairs. The legislation before us would finish the job that was started in 1955 and complete the New Senate Office Building as originally planned.

The growth in personnel employed by the Senate has brought with it corresponding pressure for additional parking facilities. I hope that this pressure will be somewhat alleviated when the Washington subway system begins operations in a few years, but there exists today and will continue to exist, a demand for parking space that cannot be met. Requests for parking space already exceed by several times the number of spaces available.

The committee recognizes its obligation to help supply convenient, safe facilities for its employees. We recognize that a parking facility of the size needed must be properly planned and constructed so that it will not only serve its primary function, but also will fit harmoniously into the Capitol Hill neighborhood as a positive addition. Consequently, the bill before us authorizes only the acquisition of land not already owned by the Senate in the block immediately north of the new Senate Office Building. It also directs the conduct of studies to determine how we can best provide the needed parking facilities.

Recognizing that available land at reasonable cost is becoming increasingly scarce, this legislation also provides for the purchase of the site of the former Providence Hospital. For many years the Congress has considered construction of a building providing housing and school facilities for Senate and House pages. While funds for this structure have not yet been appropriated, it would be judicious to purchase the needed land while it is available and before the price increases.

Members of the Senate are aware of the inflationary trends that have influenced our legislative activities in recent years. The pattern has been for steadily increasing prices that make project cost estimates outdated before projects can be fully implemented. Given the recent history of development costs, I believe we should act now. We must have these facilities eventually, and it would seem wise to provide them. Prices will not come down.

Members of the committee were diligent in their attention to this legislation. Under the leadership of the chairman of our Subcommittee on Buildings and Grounds, Senator GRAVEL, the issues and implications of this legislation were thoroughly reviewed. The concern of the Senator from Texas (Mr. BENTSEN) helped us to focus on many diverse aspects of the severe space problem that impairs Senate operations.

Mr. President, this bill represents a carefully conceived approach to the next stage of development for Capitol Hill. We have had the benefit of advice from the Architect of the Capitol and other Government agencies with experience in this field. The committee believes it is a proper way to proceed and that the facilities authorized can be provided at reasonable cost.

That is all that I wish to say at this time except to express the hope that Members will follow the debate, listen to the arguments and consider the amendments very carefully. One amendment which will be offered by the Senator from Kentucky (Mr. COOPER) is very important for the Senate to judge and pass on.

Mr. President, with those remarks I yield the floor at this time.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, I thank the distinguished chairman of the full committee for the leadership he has provided in this area. I yield to the ranking minority member, the Senator from Kentucky (Mr. COOPER), if he wishes time at this time.

The PRESIDING OFFICER. The Senator from Kentucky is recognized. How much time does the Senator yield?

Mr. COOPER. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. ALLEN). The Senator is recognized.

Mr. COOPER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The amendment was read as follows:

> On page 2, on line 9 and on line 14, after the word "Commission" insert the following: "and by the Senate Committee on Public Works,"
>
> On page 3, after line 2 insert:
>
> "(c) During each fiscal year, the Senate Committee on Public Works shall examine the progress and costs of construction of such building and take such steps as are necessary to insure its economical contruction."
>
> On page 8, line 22, strike out "such amounts as may be necessary" and insert in lieu thereof "$53,500,000."

The PRESIDING OFFICER. The Senator is yielding time on his amendment rather than on the bill.

Mr. COOPER. Yes. I thank the Presiding Officer.

Mr. President, as has been explained, the bill before us would authorize the construction of the completion of the new Senate Office Building, the acquisition of certain real property, authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities, and it would authorize the acquisition of all publicly or privately owned property as an addition to the U.S. Capitol grounds.

I did vote against this authorization the last time it came before the Senate because I believed that considering the fiscal situation of our country there are many other matters which are more deserving than this one. I am not a member of the Public Buildings and Grounds Subcommittee but I am a member of the full committee and there I opposed construction of the building for several reasons.

I believe that great care should be taken to insure that plans for the addition to the New Senate Office Building, which in effect will be a third Senate Office Building, will incorporate an esthetic design.

Mr. President, I ask for the yeas and nays on my amendment. .

The yeas and nays were ordered.

Mr. COOPER. Mr. President, the Senator from Delaware (Mr. BOGGS) and I introduced a bill, S. 3575, to assure that there would be attention paid to the need for an esthetically and architecturally acceptable design in planning future Senate facilities.

I must say the Senator from Alaska has incorporated features of S. 3575 in this bill but not in connection with the extension of the office building. That was my first reason for raising a question regarding the construction of this building.

The second point was that, if it must be constructed, I thought, from a social viewpoint, it should be designed for the area in which it would be located. Behind this building there are areas which, while they are not slums, are not beautiful, and we should take some steps in the construction of the building, to make it more beautiful and to make it acceptable to the people who live around such a building.

The third reason why I raised the question was that, if it is necessary to construct this building, it should be constructed in an economical way.

I am not able to answer in detail or accurately the charges that have been made against construction of other buildings, but we know that it has been said no one is able to maintain any oversight or control to see that these buildings are being constructed economically.

Under the present bill, the responsibility is left with the Senate Office Buildings Commission, a commission which was established first in 1904, and which has had charge of the construction of buildings for the Senate since that time.

This commission has no authority to authorize funds or appropriate funds, and I say, with all due respect, although it is made up of very fine and distinguished Members of our body, I believe their function is chiefly that of recommendation or guidance. So I think it comes finally to the fact that the architect and his staff are actually in charge of the construction of these buildings.

I have offered the amendment to provide that, in addition to the function of the commission, the Senate Committee on Public Works shall also have jurisdiction. In another section, on page 3, my amendment inserts a new subsection which states:

> During each fiscal year, the Senate Committee on Public Works shall examine the progress and costs of construction of such building and take such steps as are necessary to insure its economical construction.

On page 8, in another section, it authorizes the amount of $53,500,000 for the purposes of the bill, rather than such sums as may be necessary. The only estimate of cost we have is that of $53,500,000.

I think we all know that the cost is going to be much more than that. By fixing the amount at least at this estimate, and by requiring that the Senate Committee on Public Works must examine the work on the building and the costs and take such steps as are necessary to insure economical construction and the authorization of additional funds or the elimination of funds, I think the Senate can remove some of the criticism made in the past about the construction of these buildings, and, beyond that, keep the cost of the building as low as possible.

Those are the points I raised: One, that if it is to be constructed, it should have some beauty and esthetic value; two, that it should be of some design that would elevate the area itself; and third, and most important, that oversight over the cost be exercised to insure its economic construction.

That is my amendment, and I hope very much it will be adopted.

Mr. BOGGS. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from Delaware.

Mr. BOGGS. I thank the Senator for yielding.

I would just briefly like to associate myself with the remarks of the distinguished Senator from Kentucky. I shall support the amendment. I think it is desirable and will be most helpful as we go along with this project.

As a member of the subcommittee, I, like the distinguished Senator from Kentucky, voted against approving this proposal at this time, on the question of priorities, although I fully recognize that such a building could be used and, one might say, will be needed sooner or later. In the full committee I joined the Senator from Kentucky in opposing it. Now, I wish to express my opposition to S. 3917 as reported by the Committee on Public Works. I believe that it is neither wise nor necessary for the Senate, at this time, to vote itself additional office space at a time when the Federal budget is deep in deficit.

Too many other public needs remain unmet to justify an expense, which the committee estimates at $53.5 million, to double the size of the present New Senate Office Building. While I might someday "benefit" from S. 3917, I believe that an extension of the present facilities lacks the necessary priority at this time.

The distinguished senior Senator from Kentucky (Mr. COOPER) and I introduced S. 3575 earlier this year. That bill authorized a national design competition to seek to better integrate the entire Senate complex into the surrounding neighborhood. It was our intention to reexamine what might be done to improve the compatibility of the design for an extension of the New Senate Office Building and other construction needs on the Senate side of Capitol Hill.

While section 4 of S. 3917 authorizes a design competition, which is commendable, the competition's scope is too limited. It would attract designs for a new garage complex in square 724, the block across C Street from the New Senate Office Building.

Such a competition, I believe, should have been expanded into an evaluation of the full Senate complex.

Mr. President, I would make one further point. The Senate, through amendments to the Clean Air Act, has mandated limitations, where necessary, on the flow of automobiles into major metropolitan areas. Such limitations, we recognize, may be inconvenient, yet necessary to relieve traffic congestion and lessen air pollution.

By contemplating the construction of a mammoth underground garage—at a cost-per-parking space of as much as $15,000—the Senate may be placing itself in a position of encouraging pollution control everywhere but on Capitol Hill.

I do not think that is our intent, so I recommend we weigh carefully any decision to build such a parking facility.

Mr. President, I wish to register my vote against passage of S. 3917.

Will the Senator yield to me for just another minute?

Mr. COOPER. I yield.

Mr. BOGGS. I want to commend the distinguished Senator from Alaska, chairman of the subcommittee, for his handling of this measure. We did go into it, we held hearings and tried to consider every aspect of it.

Finally, while I know there will be time later on, I cannot help but take this moment briefly to commend the distinguished Senator from Kentucky, who is retiring after this term, and to say what a great source of strength and wisdom he has been on our Public Works Committee. I am sure every member of the committee, on both sides, recognizes his great contributions to the work of this important committee, not only on the large measures, but on every measure, regardless of its size or its consequence. I know we are all going to miss him, and especially we are going to miss his valuable counsel and help on the committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. Mr. President, I yield myself 1 minute.

I must say the Senator from Delaware is the only working member on the minority side on this subcommittee, and we owe him a great deal. I appreciate his work and also that of the Senator from Alaska and the Senator from West Virginia.

I still doubt, to be honest, the necessity of the building at this time. I do not know just what the need is. I hope, if the building is constructed, it will be a monument and a great help to the Senate, but also that it will be constructed at a cost that will be correct, and that it will have not only some functional value but some esthetic value.

Mr. RANDOLPH. Mr. President, will the Senator yield to me so that I may ask a question of my able colleague from Kentucky?

Mr. GRAVEL. I yield.

Mr. RANDOLPH. Mr. President, the legislation, as the Senator from Kentucky knows, contemplates the completion of the building begun in 1955. There is an intention also, as was indicated in my earlier remarks, to take the first steps to provide needed parking facilities.

Does the Senator feel that we need additional parking facilities here to accommodate staff members? The reason for this question is that there are two parts of the bill, in essence, which are involved with the problem not only of working quarters for staff members, but also the actual building needs.

Mr. COOPER. Yes; I am familiar with that, and I do know that, particularly for members of the staff and for visitors, there is very little parking area, and this is a problem for them. As Members of the Senate, if we have cars, we have space for our cars; and I think it is right that these other people should have places to park their cars. I note a good many of them are beginning to ride bicycles now. I think that is probably healthy, but it does not answer the question.

Mr. RANDOLPH. I hope the Senator will not include motorcycles in that category.

Mr. COOPER. No; I agree with the Senator.

Mr. RANDOLPH. I think it is important to realize that this legislation does involve the problem of sites for parking, because, as my colleague from Kentucky well knows, in the Washington area, and perhaps particularly in the area of the Capitol, the costs of land acquisition continue to escalate, and I believe there is a need, before price increases spiral more than they already have, to move forward in this category; and I call that fact to the Senate's attention.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, I yield myself such time as I may require.

First of all, I accept the amendment, which I think is a very good amendment. I associate myself with the remarks of the Senator from Delaware (Mr. BOGGS), the ranking Republican member of the committee and the subcommittee, and with the remarks of the Senator from Kentucky (Mr. COOPER), for whom I have great respect, and commend him for his contribution to the work of this committee, as well as the Senator from West Virginia (Mr. RANDOLPH).

Let me say, however, since I do not agree with their colloquy in opposition to this legislation, while it has been of the highest caliber, that first of all, by way of comparison, between now and the end of the year, we have approved and will have approved, and the construction on the properties will be underway, for the executive department a sum of $450 million for such purposes. That is what the GSA will be spending on the executive branch between now and the end of the year, not speaking of what it has already spent this year or will be spending next year or the year after.

It strikes me as an unbelievable oddity that we can sit here and strangle ourselves for space, and let the executive go full force ahead with what it needs in the way of tools and space as it does its job while we strangle ourselves. Maybe the strangulation does not occur among the more senior Members of this body, but perhaps they should take a walk through the offices of some of the junior Members.

There are no committee rooms involved, as we see it, in this extension. What we are talking about is office space for Members. I suggest that our senior colleagues take a walk, for example, to the office of the Senator from California (Mr. TUNNEY), to my office, or the office of any Senator in the lower 25 percent echelon, and see how we are packing in personnel who are paid salaries of as much as $25,000 a year; 3 or 4 of them in a room, whereas, in the more senior committees and the offices of senior Senators, we have one person of that salary level occupying the same space that three or four or five people in our offices presently occupy.

Senators could be enlightened by taking a walk, for example, through Senator BENTSEN's offices. All you have to do is walk through them, and you realize that something is wrong, that something is not working right, and of course that is the extremely limited space allocation.

There is only one way to solve that problem, and that is to expand. It may be argued that Parkinson's law will probably apply, and that we will expand our staffs to fill the available space. There is no question but that Congress will continue to grow because as long as this Nation continues to grow there will be ever more work to be done, and we will need more expertise. Since expertise has to reside in individuals, they must of necessity occupy space to perform their jobs.

This building was expanded back in 1955. The expansion was truncated because of various exigencies at that particular time. But if it was felt then that we needed a full building, and additional space, certainly, in keeping with the growth of the executive agencies, I would hope that on the congressional side, we would seek to keep abreast, if not to control the executive branch activities at least to monitor them, and we need the space to do that.

I have no further comment. I accept the amendment. Certainly the amendment is an improvement to the bill. We have the yeas and nays ordered. If the Senator from Kentucky is prepared to yield back the remainder of his time, I am prepared to yield back the remainder of mine, and we can proceed to vote.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. COOPER. I yield back the remainder of my time.

Mr. GRAVEL. I yield back the remainder of my time.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield.

HIGHWAY CONSTRUCTION—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—with the approval of the distinguished senior Senator from West Virginia (Mr. Randolph), and it is my understanding that it will also meet with the approval of the distinguished senior Senator from Kentucky (Mr. Cooper)—that at such time as S. 3939, the highway bill, is laid before the Senate and made the pending business, there be a time limitation on an amendment jointly sponsored by the Senator from Kentucky (Mr. Cooper) and the Senator from Maine (Mr. Muskie) of 2 hours, to be equally divided between and controlled by the distinguished Senator from Kentucky (Mr. Cooper) and the distinguished manager of the bill (Mr. Randolph); that time on an amendment to be jointly offered by the Senator from Massachusetts (Mr. Kennedy) and the Senator from Connecticut (Mr. Weicker) be limited to 1 hour, to be equally divided between and controlled by the mover or movers of the amendment and the distinguished manager of the bill (Mr. Randolph);

That time on any other amendment be limited to 30 minutes, to be equally divided between and controlled—with respect to amendments in the first degree—by the mover of such and the manager of the bill (Mr. Randolph), and with respect to amendments in the second degree, by the mover of such and the mover of the amendment in the first degree, except in any instance in which the mover of the amendment in the first degree favors the amendment in the second degree, in which case the time in opposition be under the control of the manager of the bill (Mr. Randolph); that time on any debatable motion or appeal be limited to 20 minutes, to be equally divided between and controlled by the mover of such and the manager of the bill, except in instances in which the manager of the bill is in favor of such, in which case the time in opposition thereto be under the control of the distinguished majority leader or his designee.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

U.S. SENATE OFFICE BUILDING, LAND ACQUISITION, AND PARKING FACILITIES PLANNING ACT OF 1972

The Senate continued with the consideration of the bill (S. 3917) to authorize the construction of the completion of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addition to the U.S. Capitol Grounds, and for other purposes.

THE PRESIDING OFFICER (Mr. Allen). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Kentucky (Mr. Cooper). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Missouri (Mr. Eagleton), the Senator from Louisiana (Mrs. Edwards), the Senator from Arkansas (Mr. Fulbright), the Senator from Oklahoma (Mr. Harris), the Senator from South Carolina (Mr. Hollings), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Alabama (Mr. Sparkman), and the Senator from Virginia (Mr. Spong) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I also announce that the Senator from California (Mr. Tunney) is absent because of illness.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senator from Ohio (Mr. Saxbe), and the Senator from Michigan (Mr. Griffin) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

The result was announced—yeas 83, nays 0, as follows:

[No. 421 Leg.]

YEAS—83

Aiken
Allen
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Goldwater
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Scott
Smith
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NAYS—0

NOT VOTING—17

Allott
Baker
Eagleton
Edwards
Fulbright
Griffin
Harris
Hollings
Kennedy
McGee
McGovern
McIntyre
Mundt
Saxbe
Sparkman
Spong
Tunney

So Mr. Cooper's amendment was agreed to.

The PRESIDING OFFICER (Mr. Hart). The bill is open to further amendment.

Mr. GRAVEL. Mr. President, I call up my first amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 5, line 17, strike "General Services Administration and other" and insert "appropriate".

Mr. GRAVEL. Mr. President, this is a simple amendment. All it would do is make more general the specificity we already have in the bill. I do not believe there is any opposition to it. I am prepared to yield back the remainder of my time.

Mr. COOPER. Mr. President, I yield back my time.

Mr. GRAVEL. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. Gravel).

The amendment was agreed to.

Mr. GRAVEL. Mr. President, I call up my next amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 8, line 10, insert the following:
>
> "ACQUISITION OF SQUARE 757
>
> "Sec. 6. (a) The Architect of the Capitol is authorized to acquire on behalf of the United States, as an addition to the United States Capitol Grounds, by purchase, transfer, or otherwise, all publicly or privately owned property contained in square 757 in the District of Columbia, and all alleys or parts of alleys contained within the curblines sur-

rounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act.

"(b) For the purposes of this Act, square 757 shall be deemed to extend to the outer face of the curbs surrounding such square. Notwithstanding any other provision of law, any real property owned by the United States any public alleys or parts of alleys and streets contained within the curblines surrounding such square shall, upon request of the Architect of the Capitol, be transferred to the jurisdiction and control of the Architect of the Capitol without reimbursement or transfer of funds, any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to part III of Reorganization Plan Numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol.

"(c) Upon acquisition of such real property pursuant to this section, the Architect of the Capitol is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

"(d) The jurisdiction of the Capitol Police shall extend over such property, and such property acquired under this Act shall become a part of the United States Capitol Grounds and be subject to the provisions of sections 193a–193m, 212a, and 212b of title 40, United States Code."

On page 8, line 12, strike "6" and insert in lieu thereof "7".

On page 8, line 21, strike "7" and insert in lieu thereof "8".

Mr. GRAVEL. Mr. President, this amendment is also a simple one. All it would do is give authority to the Government to acquire square 757, which is a parcel of land in back of the new Senate Office Building as it adjoins it on Maryland Avenue, bordered by Maryland Avenue, Third Street, Second Street, and C Street. All it does is to give authority to it. There are no condemnation proceedings.

The reasoning is simple. It was not brought to our attention until after the bill came out of committee. That is why it is being offered now as an amendment.

The planning commission restricts activities that can take place on the property. Anyone who owns it cannot improve it. They cannot do anything with it. He is locked into this ownership position. Even if the Government gets the benefit of it, they do not allow anyone to do anything.

So it would seem only fair to give the Government the authority to acquire this land, and if and when people who own property on this block are willing to sell on a negotiated basis, we can acquire that property. To my mind this is really unfortunate for the property owners who live in that particular block, because I think it is in the best interest of the Government to acquire that property. And if these property owners desire to sell at a figure which will be agreed on for the sale thereof, that land ought to be acquired by the Government, because I think it is in the long-term best interests of the Capitol.

Mr. President, I have no further comments to make.

Mr. COOPER. Mr. President, since I am not a member of the Subcommittee on Public Buildings and Grounds, I do want to obtain what information I can as the ranking minority member of the full committee.

First, I ask the Senator if it is contemplated that the property to be acquired is necessary to the extension of the Senate Office Building.

Mr. GRAVEL. No, not at all. It is a contiguous block by itself.

Mr. COOPER. It is the property east of the property to be used for the subsequent addition of the New Senate Office Building.

Mr. GRAVEL. This is an authorization to acquire that whole block.

Mr. COOPER. Is the VFW in that block?

Mr. GRAVEL. The Senator is correct.

Mr. COOPER. Does the Senator know the property values? Has there been any estimate of the cost of acquiring this block?

Mr. GRAVEL. There has been no estimate. All we are granting is the authority to acquire if the people want to sell. There is no condemnation and there are no forced sales involved.

Mr. COOPER. Would the authorization that we have just included in the bill of $53.5 million be the source of funds for the acquisition of the property?

Mr. GRAVEL. No, not at all.

Mr. COOPER. What would be the source of the funds? Where does the authorization power reside with respect to the acquisition of these funds?

Mr. GRAVEL. The source would be the Congress of the United States. When and if parcels of property are acquired, they would have to go through the subcommittee and the normal process. There will be no acquisition until the matter actually comes before the Senate. All we are doing is giving them the authority to go ahead and do it.

Mr. COOPER. Mr. President, I have seen the amendment. It authorizes the Architect of the Capitol to acquire on behalf of the United States, by purchase, transfer, or otherwise, all of this property. We have to have some money to do that.

Mr. GRAVEL. No. It is not dissimilar to any other process here in the authorizing of buildings or projects. They would have to go to the Appropriations Committee to get the money. All we are doing is authorizing the project as we normally do. And when and if there is a desire to pony up the money to pay for the acquisition of this property, they will have to go through the normal procedure.

Mr. COOPER. This is an open authorization to the Architect of the Capitol to acquire the property.

Mr. GRAVEL. The Senator is correct.

Mr. COOPER. The measure provides the authorization.

Mr. GRAVEL. The Senator is correct.

Mr. COOPER. But the Senate just agreed to an amendment which would limit it to $53,500,000.

Mr. GRAVEL. That is for the construction of an extension of the New Senate Office Building. The two items are not related. They happen to be packaged in the same piece of legislation, which is something that is very ordinary in this body.

Mr. COOPER. Mr. President, as I said when I offered my amendment, I feel somewhat limited because of the fact that I am soon going to leave the Senate and will not be here after this year. I do not want to take any action which would affect the needs of the Senate. On the other hand, I am a member of the full Public Works Committee at the present time. And I have served on that committee for 18 years at different times. I have been in and out of service on that committee, I believe, on three occasions. It is a very important committee. I am proud that I have served on it. However, I must say that I do not like this practice of bringing up an amendment to authorize the purchase of property without any idea of what it will cost or what it is needed for and without any consideration by the committee.

I understand that it is desirable for Congress and for the Architect to acquire such property around the Capitol as may be needed, especially in view of the fact that at this time the costs of property are increasing. I also realize that individuals or corporations who own the property have very little market for it except through the U.S. Government. They are placed in a very bad situation. However, again I think I have my own responsibility in this matter, without being niggardly about it, that I intend to fulfill. I intend to ask for a rollcall vote on the amendment.

Mr. GRAVEL. Mr. President, before the Senator from Kentucky asks for a rollcall vote on the amendment I would like to enlighten him on one point.

This is a blanket authorization and is somewhat different from other authorizations. Usually we authorize and then the appropriations process takes place through the Appropriations Committee.

However, in this case this is an overall authorization of intent to acquire, when the money is available, this whole block of land. There will be individual authorizations that will have to come before our committee. Suppose that there is one lot in the block of land and the owner of that lot and the Architect of the Capitol have negotiated and agreed that we will buy the lot for $10,000. At that time, they must go back to the Public Works Committee and the Subcommittee on Buildings and Grounds for that authorization. We will then give them a specific authorization. They will then obviously have to go to the Appropriations Committee.

So, really nothing is impeded insofar as checks and balances are concerned. This is one additional step that does not normally exist in other legislation. A better way to put it is that this would be a directive to the Architect of the Capitol to go out and, if people want to sell, talk to them about acquiring the property. But the committee will rule on any specific authorization for a specific parcel. However, no responsibility or future power of the Congress is given up.

Mr. COOPER. The property may well be needed. However, I can see an extension of the practice where some Senator would come on the floor and make such a request. I certainly have nothing personal about the Senator. However, suppose that we need x block. Are we authorized to purchase that x block without any further authorization? That is what I mean.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. GRAVEL. I yield whatever time the Senator requires to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I would like to ask a question or two of the distinguished manager of this particular legislation. Does he contemplate purchasing all the property in the block? What if we have one obstinate owner who is located right in the center of this property? If we have bought all the other property around it and we do not have condemnation authority, we have spent a lot of money. What would we do with this property if some property owner refused to sell and was right in the middle of it?

This happened in New York a long time ago. This involved a very large building. There was a little bar on the corner and the owner of that bar would not sell. As a result, they had to go ahead and build the building, and they now have a big building surrounding a bar on the corner.

Mr. GRAVEL. Mr. President, of course there are examples not only in New York, but also in all parts of the country, where this has happened. In those cases we have to know beforehand what we want to do with the property, and design to conform with the situation caused by that intransigent person.

This is a different situation. We are talking about the Capital of the United States. We have no specific plans for this particular piece of property. We have acquired other parcels of land here, and we do not put anything on them except trees and grass. I cannot predict what the future need will be. However, I think we do a severe injustice to the people who own that property, because they cannot do anything with it in the meantime.

Mr. PASTORE. But as a former builder does not the Senator feel that the better way to handle this is to call upon the Architect of the Capitol to make a study and to enter into negotiations with the owners to find out if this property is up for sale, whether or not it can be purchased, what the approximate price will be, and then we come here and we get an authorization. If it becomes necessary to do it by condemnation, it can be done by condemnation. But it strikes me that it would be a reflection on this Congress if we spend millions of dollars to buy the surrounding property and there is one parcel in the middle where the owner will not sell.

What would the Senator do in that case? That is what is wrong with this, because we have so many parcels involved here. I realize the problem. The time has come when we must realize we have hundreds upon hundreds of visitors who come here every day and who cannot park their cars. We keep talking about parking space for Senators, we keep talking about parking space for staff members of Senators, and members of committees. We should start thinking about parking spaces for visitors who come here. It could be a profitable situation, or a self-supporting matter if it is not profitable. Perhaps we could have parking meters where the people could pay 50 cents or 25 cents to park their cars for an hour to visit the Capitol. We would be better off. I have had visitors from Rhode Island say, "I have been running around the block for a half hour and could not find a parking space." Of course, they could not find a parking space. If we could use this block for public parking with a nominal fee we would be making a good investment and make it a lot more convenient for many visitors to Washington. There must be a lot of visitors in the gallery who already have had the problem I am talking about.

[Applause in the galleries.]

Mr. COOPER. Mr. President, will the Senator yield so I may ask for the yeas and nays on the amendment?

Mr. GRAVEL. I yield.

Mr. COOPER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRAVEL. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 3 minutes remaining and the Senator from Kentucky has 5 minutes remaining.

Mr. GRAVEL. Mr. President, we have already done that in block 723, which is now a parking area. We acquired that for a parking area. We will not be able to open 757 to parking to satisfy the needs my colleague so ably describes if we do not take steps of acquisition. That is what we are talking about. It does not make sense to go to condemnation and force people to sell that property if we do not need the total property. Why not go in gracefully and say, "Here is the authority." About one-third are ready to sell at this time. They will negotiate what the price should be, they will come back to us for authorization, and then we will get money from the Committee on Appropriations.

All we are doing here is talking about directions to the Architect of the Capitol. Let us do something intelligent. If a person does not want to sell, I would not say we should impair his present lease or ownership until such time as he dies or something else serious happens.

Mr. PASTORE. The Senator has just said something he has not said before. The Senator said that one-third are already willing to sell. In other words, this has been going on. These negotiations have been going on before it was called to the attention of Congress. Am I correct?

Mr. GRAVEL. Unofficially, yes.

Mr. PASTORE. That is what I am talking about. I hope we get more.

Mr. GRAVEL. We will not be able to do that without sanctions.

Mr. PASTORE. How did we get the one-third?

Mr. GRAVEL. Unofficially.

Mr. PASTORE. Let us get the rest of them unofficially.

Mr. GRAVEL. They have contacted the Architect of the Capitol.

For some reason there is a misunderstanding, and I am not correcting it. We are not talking about giving anything away in the authorization power.

All we are trying to do is to give direction to the Architect of the Capitol to go out and formally begin negotiations. Then those people wil come back with a price and we can authorize. So we are not talking about anything more than saying, "Go out and get something started."

Mr. PASTORE. Well, we are going to appropriate the money and purchase those properties in blocks where it will be convenient to do something with it. I hope we do not buy one house on this corner, one house on that corner, and one house on this corner. I mean, we should buy it in blocks, either for parking, or things of that nature.

Mr. GRAVEL. No question.

Mr. PASTORE. I hope so.

Mr. GRAVEL. This is a determination that could be made at the time of the authorization and it need not be made at this time. The Senator from Rhode Island will have another opportunity when they come forward with specific purchases of land, and at that time he can say, "That is not contiguous, let us not buy it," and I might say, "Let us acquire it."

Mr. PASTORE. The way the Senator from Kentucky read it I think you are going to authorize now. The only thing remaining is the appropriation, if it comes up. I think you have all the authorization you want. You say that the Architect is hereby authorized to buy this whole block. I do not see why the Senator has to come back here piece by piece. All the Senator would have to do would be to go to the Committee on Appropriations to buy the piece.

Mr. GRAVEL. I think it is subject to interpretation at this point in time.

Mr. PASTORE. Yes.

Mr. GRAVEL. I am prepared to yield back the remainder of my time if the Senator from Kentucky is.

The PRESIDING OFFICER. The Senator from Kentucky has 3 minutes remaining.

Mr. COOPER. Mr. President, I am at a loss to argue this matter because there are no facts before us. That is why I am opposed to it.

It is probably true that this property will be needed, but there is no evidence before the Committee on Public Works, and there is no testimony before the Senate that it is needed. There were no hearings on it and there is no record of any kind. There is no evidence about what the cost will be. As the Senator from Rhode Island stated correctly, if it is necessary to acquire this property, and we secure all but one or two parcels, you have only the power of condemnation to acquire the remainder but this bill does not provide condemnation so the Senator would have to come back again.

The chief reason I oppose it is that there was never any testimony on this matter. I do not think it is the right practice. I do not think many committees of the Senate would follow such a practice. I think it is bad, particularly in view of the unfortunate event which is said to have occurred in connection with the purchase and construction of property around the Capitol.

Mr. GRAVEL. Mr. President, if the Senator will yield, I would be happy to clear up this matter by changing the amendment, so that rather than using the word "authorize," the Architect of the Capitol is hereby directed. That is certainly the attitude or approach I have.

Mr. PASTORE. That satisfies the Senator from Rhode Island.

Mr. COOPER. I will not object to the Senator's perfecting amendment. I still oppose it.

Mr. GRAVEL. Mr. President, I ask unanimous consent that I may perfect my amendment by changing the word "authorize" on the first line, just before the last word, to "is hereby directed".

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the modification is agreed to.

Mr. ANDERSON. Mr. President, I wish to associate myself with what the Senator from Kentucky has said. I am going to vote with him. I appreciate what the Senator from Rhode Island has said, but somebody has got to stop this sort of thing. We ought to know what we are buying.

Mr. PASTORE. Mr. President, if the Senator from New Mexico will yield to me, that is precisely what we are doing now. We are correcting it to be in conformity with the idea expressed by the Senator. All it does is direct the Architect of the Capitol to negotiate. Then we have to come back here to authorize and then appropriate. Is that not correct?

Mr. GRAVEL. That is correct.

Mr. PASTORE. In other words, all we are asking to do is to go out and find out. We are not bound in any way. We do not bind the Government. All we are saying is go out and find out. If we do not like it, we do not have to authorize it.

The PRESIDING OFFICER. All time on the amendment has been exhausted.

The question is on agreeing to the amendment, as modified, of the Senator from Alaska (Mr. GRAVEL). The yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from North Carolina (Mr. JORDAN), and the Senator from Montana (Mr. METCALF) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGEE) is absent on official business.

I also announce that the Senator from California (Mr. TUNNEY) is absent because of illness.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the Senator from Hawaii (Mr. FONG) is detained on official business.

The result was announced—yeas 28, nays 53, as follows:

[No. 422 Leg.]

YEAS—28

Bayh
Beall
Bentsen
Bible
Brock
Byrd, Robert C.
Cannon
Cranston
Eagleton
Gravel
Hart
Hartke
Hatfield
Humphrey
Inouye
Long
Magnuson
Mathias
Mondale
Montoya
Moss
Muskie
Pastore
Pell
Randolph
Ribicoff
Stevens
Stevenson

NAYS—53

Aiken
Allen
Anderson
Bellmon
Bennett
Boggs
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Case
Church
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fulbright
Gambrell
Goldwater
Gurney
Hansen
Hruska
Hughes
Jackson
Javits
Jordan, Idaho
Mansfield
McClellan
Miller
Nelson
Packwood
Pearson
Percy
Proxmire
Roth
Schweiker
Scott
Smith
Stafford
Stennis
Symington
Taft
Talmadge
Thurmond
Tower
Weicker
Williams
Young

NOT VOTING—19

Allott
Baker
Chiles
Edwards
Fong
Griffin
Harris
Hollings
Jordan, N.C.
Kennedy
McGee
McGovern
McIntyre
Metcalf
Mundt
Saxbe
Sparkman
Spong
Tunney

So Mr. GRAVEL's amendment, as modified, was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GRAVEL. Mr. President, I ask unanimous consent to have printed in the RECORD, a section-by-section analysis of the bill.

The PRESIDING OFFICER (Mr. BUCKLEY). Without objection, it is so ordered.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF BILL

Sec. 1 designates the title of the Bill.

EXTENSION TO NEW SENATE OFFICE BUILDING

Sec. 2 (a) authorizes the Architect of the Capitol, under the direction of the Senate Office Building Commission, to construct and equip a fireproof Extension to the New Senate Office Building on the east half of Square 725, including as part of the site the public alley that now separates the east and west halves of that Square, but excluding the National Womans Party Headquarters building located at the southeast corner of that Square.

This Section also authorizes structural and other changes in the existing New Senate Office Building necessitated by the Extension, together with approaches, connections with the Capitol Power Plant and public utilities, and architectural landscape treatment of the grounds.

This Section provides that the Extension shall contain office rooms and such other accommodations for the Senate as may be approved by the Senate Office Building Commission, and vests the Commission with authority to determine the plan to be adopted and followed in the construction of the Extension, subject to appropriation implementation.

When the New Senate Office Building was constructed in 1955–1958, it was designed in such a manner as to provide for construction of a future addition to the building by extension of the building to the East. The existing New Senate Office Building can be extended eastward in such a manner as to achieve a well-designed architectural composition.

The Government now owns all of the property in the East half of Square 725 except the Belmont House now occupied by the National Woman's Party as their headquarters building. Without disturbing that building, an Extension can be added to the New Senate Office Building, containing approximately the same amount of space as now provided in the existing New Senate Office Building.

Sec. 2(b) provides that, upon completion of the project, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of the Act of June 8, 1942 governing the operation and maintenance of the Senate Office Buildings and to the Capitol Grounds law of 1946, as amended, in a similar manner and to the same extent as the present Senate Office Buildings and the grounds and sidewalks surrounding the same.

ACQUISITION OF PROPERTY

Sec. 3(a) authorizes the Architect of the Capitol, under the direction of the Senate Office Building Commission, to acquire, as a site for garage facilities for the United States Senate, 10 privately-owned lots and 1 government-owned lot in Square 724. Acquisition of these lots, plus those heretofore authorized to be acquired by the Architect, will place in government ownership, under the jurisdiction of the Architect of the Capitol, Square 724 in its entirety.

Square 724 contains a total of 51 lots, having a total area of 190,300 square feet. 41 of these lots are now government-owned, 37 of which were acquired by the Architect of the Capitol in 1960, 2 by the Architect in 1970, 1 by the Architect in 1972, and 1 (lot 844) by the General Services Administration in 1960. This places in present government ownership 41 lots in Square 724, having a total area of 134,100 square feet, representing 71 percent of the total square. Sec. 3(a) provides for transfer of lot 844 from the jurisdiction of the General Services Administration to the Architect of the Capitol.

The 10 privately-owned lots in Square 724, authorized to be acquired under Sec. 3(a) contain a total area of 56,200 square feet, representing 29 perecnt of the total square.

The building on lot 844, now under the jurisdiction of the General Services Administration, is occupied, under lease arrangement, by the United States Immigration and Naturalization Service.

The 10 privately-owned lots contain the following improvements:

Lot 94, located on D Street, N.E., immediately east of the former Plaza Hotel properties is occupied by a 2-story structure. Formerly part of the structure was used as a tourist home and part as a restaurant. The building, as a whole, is now occupied by the Monocle restaurant.

Lot 86, at the corner of Second and D Streets, N.E., is occupied by the Spencer Apartments, a 3-story structure.

Lot 833, located adjacent to the Spencer Apartments on Second Street, N.E., is occupied by an apartment house—a 2-story brick structure which is also used as a tourist home.

Lot 839, located on Second Street, N.E., midway between C and D Streets, N.E., is occupied by a 2-story apartment house.

Lot 80, located adjacent to Lot 839, on Second Street, N.E., is occupied by a 3-story brick apartment known as the Tenney Apartments.

Lot 79, located on C Street, N.E., midway between First and Second Streets, N.E., is occupied by the Stanton Apartments, a 6-story structure.

Lots 805 and 806, located adjacent to Lot 79, on C Street, N.E., are each occupied by a 3-story residential building.

Lot 838, located adjacent to lot 806, on C Street, N.E., is occupied by the Senate Court Apartments, a 6-story structure.

Lot 840, located at the corner of First and C Streets, N.E., is occupied by the Capitol Hill Hotel (formerly known as the Carroll Arms Hotel), a 6-story structure.

Sec. 3 (a) also authorizes the Architect to acquire all alleys and parts of alleys in Square 724; also that part of the street which lies between the curbline and the property line.

Sec. 3 (a) provides that all properties acquired under the bill shall become a part of the Capitol Grounds and be under the jurisdiction of the Capitol Police.

Sec. 3(b) requires that, if any of the properties are acquired through condemnation, the condemnation proceedings shall be conducted in accordance with secs. 1351–1368 of Title 16 of the D.C. Code.

Sec. 3(c) provides that any real property, including alleys and parts of alleys and streets within curblines, owned by the United States, shall, upon request of the Architect, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect without reimbursement or transfer of funds. This section also requires that, upon request of the Architect with the approval of the Commission, any alleys or parts of alleys and streets within curblines shall be closed and vacated by the Commissioner of the District of Columbia.

Sec. 3(d) authorizes the Architect, under the direction of the Commission, to demolish and remove any structures on and constituting part of the lots acquired under Sec. 3 and, pending demolition, to use the property for government purposes or to lease any or all of the property for such periods and under such terms and conditions as the Architect deems most advantageous to the United States and to incur any necessary expenses in connection with such use and leasing.

GARAGE FACILITIES

Sec. 4(a) authorizes the Architect, under the direction of the Senate Office Building Commission, to provide for the construction and equipment of a semi-underground vehicle parking garage structure for the use of the United States Senate on Square 724, with roof top space for enclosed commercial installations; also for tunnel connections with the New Senate Office Building and connections with the Capitol Power Plant and public utilities, and for landscape treatment of the grounds above and surrounding the garage structure.

This section further provides that the garage structure and related improvements shall be constructed by the Arhitect in accordance with plans to be approved by the Senate Office Building Commission.

On April 21, 1971, at a hearing before the Senate Committee on Public Works, Subcommittee on Public Buildings and Grounds, at the request of the Subcommittee, the Architect of the Capitol submitted seven suggested proposals for garage facilities for the United States Senate, providing parking accommodations ranging from 865 to 2,400 automobiles. The Architect at that time expressed as his preference a proposal which would require the use of the entire area of Square 724 and provide parking accommodations for 1,725 automobiles, with individual parking by car owners. The parking spaces would be 10 feet x 20 feet in dimension. This proposal contemplated construction of a low-level garage similar to the House garage in Square 691 South of the Longworth Building, with two levels placed below grade and one above grade, and with suitable landscaping above. This original proposal did not include provision for commercial rental space above the 3 garage levels proposed. Section 4(a) of the Bill provides for the addition of such space.

The Bill adds, under Section 4(b), a feature also not considered when the Architect of the Capitol presented his proposals at the earlier hearings in April 1971.

Section 4(b) authorizes the Architect of the Capitol, in developing plans for that part of the garage structure on the upper level authorized under section 4(a) for commercial use and landscaping of the remaining roof area, to establish for the purpose of development of a basic concept therefor, a nationwide architectural design competition, in order to encourage the preparation of an imaginative design for such part of the garage structure and landscaping and to assure a pleasant transition to and mximum coordination with the surrounding residential and commercial community in that area of Northeast Washington within sight of or adjoining the Capitol Grounds.

Section 4(b) further provides that such design concept may consider and include existing and future land-use and structures in said surrounding community, and shall consider any existing model cities or other governmental planning for such Northeast area, including that of the National Capital Planning Commission. This subsection also provides that guidelines and criteria specifically defining the limits, scope, and all aspects of the competition shall be developed and promulgated by the Architect of the Capitol with the approval of the Senate Office Building Commission, and an award for the best design or designs shall be determined by a committee jointly designated for this purpose by the Architect of the Capitol and the Senate Office Building Commission, in such amount as they may deem to be appropriate.

Under Sec. 4(a) the Senate Office Building Commission is vested with authority to determine the plan to be adopted, subject to appropriation implementation. The Commission is not limited to considering proposals heretofore developed, but is free to consider any plans it deems appropriate for semi-underground vehicle parking garage structure, with roof-top space for enclosed commercial installations, authorized by the Bill.

Sec. 4(c) provides that, upon completion of the project, the garage structure and other facilities constructed under authority of Sec. 4(a), including landscaped areas, shall be subject to the provisions of the Act of June 8, 1942 governing the operation and maintenance of the Senate Office Buildings and to the Capitol Grounds law of 1946, as amended, in the same manner and to the same extent as the present Senate Office Buildings and grounds and sidewalks surrounding same.

This section also provides that, insofar as feasible, parking of automobiles on streets and roadways by Senate employees shall be discontinued after completion and occupancy of the garage structure.

Sec. 4(d) spells out that all areas of Square 724 now used for parking of automobiles by the Senate may continue to be so used until such time as those areas are required for construction purposes.

ACQUISITION OF PROPERTY—SQUARE 764

Section 5(a) authorizes the Architect of the Capitol to acquire on behalf of the United States, as an addition to the United States Capitol Grounds, all publicly or privately owned property contained in Square 764, in the District of Columbia, and all alleys or parts of alleys contained within the curblines surrounding such square.

Square 764 is bounded on the north by "D" Street, S.E., on the east by Third Street, S.E., on the west by Second Street, S.E., and on the South by "E" Street, S.E. This square is located within two blocks of the south limits of the Capitol Grounds on the House side.

This being a large vacant tract of land in the vicinity of the south side of the Capitol Grounds makes its acquisition by the Government at this time, prior to the erection of costly buildings thereon, highly desirable. At the direction of the House Office Building Commission, several efforts have been made in the past several years to acquire this property under authority of the "Additional House Office Building Act of 1955." Funds for such purpose have not, however, been approved by the House Appropriations Committee. Such acquisition is again proposed.

Sec. 5 (b) requires that, if any of the properties are acquired through condemnation, the condemnation proceedings shall be conducted in accordance with secs. 1351–1368 of the D.C. Code.

Sec. 5 (c) provides that any real property, including alleys and parts of alleys and streets within curblines, owned by the United States, shall, upon request of the Architect, made with concurrent approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect without reimbursement or transfer of funds. This Section also requires that, upon request of the Architect, and with concurrent approval of the Commission, any alleys or parts of alleys and streets within curblines shall be closed and vacated by the Commissioner of the District of Columbia.

Sec. 5 (d) authorizes the temporary use of Square 764 for temporary parking facilities for the United States Senate and House of Representatives, pending its development for permanent use as a park area or a site for additional facilities for the United States Senate and/or House of Representatives.

In this regard, the Committee is advised that the House Office Building Commission recommends the use of Square 764 as the site for the John W. McCormack Residential Page School. Section 492 of the Legislative Reorganization Act of 1970, Public Law 91-510, approved October 26, 1970, authorizes the construction of a fireproof building containing dormitory and classroom facilities, including necessary furnishings and equipment, for pages of the Senate, the House of Representatives and the Supreme Court of the United States, on a site to be jointly approved by the Senate Office Building Commission and the House Office Building Commission, in accordance with plans to be prepared by or under the direction of the Architect of the Capitol and jointly approved by said Commission. That Act also provides for acquisition of a site for a Page School, to be known as the John W. McCormack Residential Page School, by the Architect of the Capitol under the direction of these two Commissions. This matter is now pending before the Senate Office Building Commission. The language of Section 5 is broad enough to permit such use, if so desired by the Congress.

Sec. 5(e) provides that the jurisdiction of the Capitol Police shall extend over any real property acquired under Sec. 5 and that such property, when acquired, shall become a part of the United States Capitol Grounds and be subject to the provisions of law governing the Capitol Grounds.

CONTRACT AUTHORITY

Sec. 6 authorizes and directs the Architect, under the direction of the Senate Office Building Commission, to enter into contracts and incur other obligations and make expenditures necessary to carry out the provisions of Sections 2, 3, 4, and 5 of the Bill.

APPROPRIATIONS

Sec. 7 authorizes the appropriation of such amounts as may be necessary to carry out the provisions of the Bill and provides that any sums so appropriated shall remain available until expended.

Mr. GRAVEL. Mr. President, I wish to commend the distinguished Senator from Texas (Mr. BENTSEN) who organized the younger Members of this body to press for passage of this legislation, first by the committee and now on the Senate floor.

I commend him as well as other Members of this body who supported him in this effort. They realize that in order to function intelligently as Senators, it is to their best interests to have adequate office space.

Mr. President, I have no further amendments to call up. I am ready to vote on the bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. BENTSEN. Mr. President, I want to lend my strong support to the passage of S. 3917. It is a measure long overdue. It will affect the efficiency and the productivity of every Member of the Senate.

Mr. President, hearings were held as long ago as August 3, 1967, on the need for additional Senate office space. Since that time, the problems have been compounded. Indeed, the population of my own State has increased by roughly 22 percent since 1958, with heavy increases in each of the last 5 years.

It is no secret that the absence of sufficient office and parking space for Senate staff members has created intolerable conditions in the Senate offices. The detrimental effects on morale and efficiency are serious.

Upon my arrival in the U.S. Senate, I knew that I would be confronted with conditions that would not be tolerated in private business. I have evaluated my situation since that time by relying on standards prepared by the General Services Administration as guidelines for planning office space for new Federal buildings.

The average amount of floor space allocated for new Federal buildings by GSA is 150 square feet per person. The average space for each person on my Washington staff is 81.1 square feet. Neither figure includes allowances for storage space; therefore, the very cramped condition created by having my automatic typing section located in the basement of the Old Senate Office Building and the overcrowded storage locker in the attic were not included in this calculation. The comparison would be even worse if these areas were included.

Even so, based on these best of comparisons, my staff is working under conditions which fall 46 percent short of the GSA standards. Are not Senators' staffs just as important to the functions of Government as the executive branch's staff? I think so. Further, the GSA standards are based on broad, private industry concepts. In general, private business standards are far larger than that provided my staff.

People on my staff who have jobs which call for creative thinking, writing, and research are continually frustrated by the din of constantly ringing telephones, the voice of their fellow staff members dictating into recording machines, the clatter of typewriters, and other noisy interruptions too numerous to name. One of the most important functions my staff members perform is conferring with constituents. They also meet with others on legislative and administrative matters. Because desks in my office are located so close together, one discussion between a single member and another person immobilizes four other people in the same room. That is the worst kind of inefficiency.

As Members of the Senate we pay good money for staff members to do work which is as important as any in Washington. Yet two of my top legislative aides are crowded in an area smaller than would be allotted two clerk typists in most Federal agencies. It is simply false economy to provide salaries sufficient to attract talent and then not provide conditions which are conducive to efficient work.

During a visit to one of my colleague's offices, I was appalled to discover that one of his staff members worked at a small table in a dimly lit closet.

In another's office, the staff was so desperate for more space that the toilet and fixtures were torn out of a bathroom to make room for an automatic typewriter and typist.

Frequently, my own staff have to hold conferences in the hallway, including meetings with constituents.

In walking through the Old Senate Office Building, I am continually amazed by similar conferences being conducted in the hallways of other offices, so the problem is not unique to my office.

I would not tolerate such conditions in private business, because such conditions have proven to be detrimental to productivity and efficiency.

Before my arrival in Washington to begin my service, I knew, to a degree, that I would be facing a situation such as this. I had no concept of the magnitude of the problem, but I knew that space allowances were inadequate. Nevertheless, I wanted to operate my office efficiently; I felt, and still feel, I owed that to the people of my State.

On my own volition, I retained a private consulting firm to develop an organization chart, job descriptions, systems, and procedures for my office. This was accomplished at considerable personal expense. My staff and I continue to search for ways to maintain an efficient operation. It is difficult, indeed impossible, to operate at peak efficiency in coping with rising constituent and legislative demands, in view of the lack of office space.

In one attempt to ease the problem, I have placed one-fourth of my Washington staff on a 4-day, 40-hour workweek. I had other reasons for implementing this program, but some of the important factors that I considered relate to the problems being considered today. The commuting time and costs of those staff members participating have been reduced by 20 percent by the 4-day workweek. Another advantage is that for 2 days a week, overcrowding is reduced in a large section of my office. The participants also must fight for a parking spot only 4 days each week. In addition, through a change in working hours, these participants begin their workday at 8 o'clock and consequently, they have a better chance to obtain a parking space.

It is my understanding that the existing New Senate Office Building contains less space than was originally planned 24 years ago.

I know that it will never be popular to vote for additional facilities, but I believe we must provide the space needed to do a good job for our constituents. It is more costly not to provide efficient operating conditions.

PARKING SPACE

Mr. President, many Senators have probably been confronted with complaints by staff members about the inadequacy of parking facilities on the Senate side of Capitol Hill.

Excessive tardiness and nonproductive time can be attributed to deficiencies in the parking situation.

The high incidence of crime around the Senate Office Buildings is of far greater concern. According to the Sergeant at Arms, during the first 3 months of 1971, nine criminal assaults were committed against Senate staff members, 43 robbery holdups, 35 other incidents involving robbery by force or violence, 19 purse snatchings, and three sex offenses occurred, all within a few blocks of the Senate Office Buildings. The nature of conditions which exist is clearly indicated by these statistics. Not only are staff members jeopardized, but also constituents and others engaged in Senate business are also threatened.

Some 1,349 Senators and Senate employees have reserved parking spaces. There are 2,027 less fortunate employees who have permits for the abominable "bullpen" parking lot which contains only 405 spaces. In other words, more than five people are competing for each parking space in the "public" lot, which contains the only nonreserved spaces on the Senate parking grounds and which is usually filled by 8 o'clock each morning.

Our present conditions are intolerable. Worse, they are subject to correction.

Ultimately, the problem will not be resolved until we can authorize the construction of a modern parking facility which can accommodate the Senate's needs in this area.

I regret that the present bill offers no immediate solution to the parking difficulties we are encountering. However, the preliminary estimates submitted by the Architect of the Capitol, were excessive in cost.

Consequently, the committee was compelled to recommend a study by the Architect of the Capitol to explore alternatives for the construction of new and cost-effective parking facilities. Moreover, the Architect is directed to report his findings and recommendations to the Committee on Public Works.

It is my hope that the study will be carried out promptly and expeditiously and that Congress will have the opportunity to pass substantive legislation dealing with the parking problem. The present situation does not permit undue delay in acting, and it becomes more aggravated daily.

Mr. President, I am pleased to see this legislation reach the Senate floor.

With its passage, we will have taken a major step toward insuring more productive facilities to care for the needs of the citizens we represent.

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mr. GOLDWATER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

Mr. GRAVEL. I yield back the remainder of my time.

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from Louisiana, (Mrs. EDWARDS), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Alabama (Mr. SPARKMAN), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I also announce that the Senator from California (Mr. TUNNEY) is absent because of illness.

Mr. SCOTT. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Tennessee (Mr. BAKER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

The result was announced—yeas 65, nays 17, as follows:

[No. 423 Leg.]

YEAS—65

Aiken
Anderson
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Buckley
Burdick
Byrd, Robert C.
Cook
Cotton
Cranston
Dole
Dominick
Eagleton
Eastland
Ervin
Fannin
Fulbright
Gambrell
Gravel
Gurney
Hansen
Hart
Hartke
Hatfield
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Long
Magnuson
Mansfield
McClellan
Metcalf
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Randolph
Ribicoff
Schweiker
Scott
Smith
Stafford
Stennis
Stevens
Stevenson
Taft
Thurmond
Tower
Weicker
Williams
Young

NAYS—17

Allen
Boggs
Byrd, Harry F., Jr.
Cannon
Church
Cooper
Curtis
Goldwater
Hruska
Jordan, Idaho
Miller
Nelson
Proxmire
Roth
Spong
Symington
Talmadge

NOT VOTING—18

Allott
Baker
Case
Chiles
Edwards
Fong
Griffin
Harris
Hollings
Kennedy
Mathias
McGee
McGovern
McIntyre
Mundt
Saxbe
Sparkman
Tunney

So the bill (S. 3917) as amended, was passed, as follows:

S. 3917

An Act to authorize the construction of the completion of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addition to the United States Capitol Grounds, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States Senate Office Building, Land Acquisition, and Parking Facilities Planning Act of 1972".

CONSTRUCTION OF AN EXTENSION TO THE NEW SENATE OFFICE BUILDING

SEC. 2. (a) The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to provide for the construction and equipment of an extension to the New Senate Office Building in accordance with plans approved by such Commission and by the Senate Committee on Public Works, on the east half of square 725 including the public alley separating the east and west halves of such square, but excluding lot 885 in such square, containing office rooms and such other rooms and accommodations as may be approved by the Senate Office Building Commission and by the Senate Committee on Public Works, including structural and other changes in the existing New Senate Office Building necessitated by such construction, together with approaches, connections with the Capitol Power Plant and public utilities, and architectural landscape treatment of the grounds.

(b) Upon completion of the project, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of the Act of June 8, 1942 (40 U.S.C. 174 (c) and (d)), and the Act of July 31, 1946 (40 U.S.C. 193a–193m, 212a and 212b) in the same manner and to the same extent as the present Senate Office Buildings and the grounds and sidewalks surrounding the same.

(c) During each fiscal year, the Senate Committee on Public Works shall examine the progress and costs of construction of such building and take such steps as are necessary to insure its economical construction.

ACQUISITION OF PROPERTY IN SQUARE 724

SEC. 3. (a) In addition to the real property contained in square 724 in the District of Columbia heretofore acquired under Public Law 85–429, approved May 29, 1958 (72 Stat. 148–149), Public Law 91–382, approved August 18, 1970 (84 Stat. 819), and Public Law 92–184, approved December 15, 1971 (85 Stat. 637), the Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, as a site for parking facilities for the United States Senate, all publicly or privately owned real property contained in lots 79, 80, 86, 94, 805, 806, 833, 838, 839, 840, and 844 in square 724 in the District of Columbia, and all alleys or parts of alleys and streets contained within the curblines surrounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act: *Provided,* That for the purposes of this Act, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square: *Provided further,* That, upon acquisition of any real property under this Act, the jurisdiction of the Capitol Police shall extend over such property, and any property acquired under this Act shall become a part of the United States Capitol Grounds and be subject to the provisions of sections 193a–193m, 212a, and 212b of title 40, United States Code.

(b) Any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

(c) Notwithstanding any other provision of law, any real property owned by the United States and any public alleys or parts of alleys and streets contained within the curblines surrounding square 724 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol without reimbursement or transfer of funds, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to part III of Reorganization Plan Numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol with the approval of such Commission.

(d) Upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

(e) Nothing herein shall be construed to prohibit the continued use of areas in square 724, acquired under authority of the Acts of May 29, 1958, August 18, 1970, and December 15, 1971, cited in subsection (a) of this section, for the parking of automobiles, until such times as such areas may be required for construction purposes.

PLANS FOR GARAGE AND RELATED FACILITIES

SEC. 4. (a) The Architect of the Capitol is authorized to initiate and conduct a study, after consultation with the appropriate Federal agencies and individuals experienced in the design of vehicle parking structures, to explore design and cost alternatives for construction, on square 724, of a parking garage with limited commercial facilities, and report his preliminary findings and recommendations to the Senate Committee on Public Works.

(b) The Architect of the Capitol, concurrently with the study authorized in subsection (a), is authorized to establish, for the purpose of development of a basic concept therefor, an architectural design competition, in order to encourage the preparation of an imaginative design for the garage structure, including limited commercial facilities and landscaping and to assure a pleasant transition to and maximum coordination with the surrounding residential and commercial community in that area of Northeast Washington within sight of or adjoining the Capitol Grounds. Such design concept may consider and include existing and future land use and structures in said surrounding community, and shall consider any existing model cities or other governmental planning for such Northeast area, including that of the National Capital Planning Commission. Guidelines and criteria specifically defining the limits, scope, and all aspects of the competition shall be developed and promulgated by the Architect of the Capitol, with the approval of the Senate Office Building Commission, and an award for the best design or designs shall be determined by a committee jointly designated for this purpose by the Architect of the Capitol and the Senate Office Building Commission, in such amount as they may deem to be appropriate.

ACQUISITION OF SQUARE 764

SEC. 5. (a) The Architect of the Capitol is authorized to acquire on behalf of the United States, as an addition to the United States Capitol Grounds, by purchase, condemnation, transfer, or otherwise, all publicly or privately owned property contained in square 764 in the District of Columbia, and all alleys or parts of alleys contained within the curblines surrounding such square, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act.

(b) Any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

(c) For the purposes of this Act, square 764 shall be deemed to extend to the outer face of the curbs surrounding such square. Notwithstanding any other provision of law, any real property owned by the United States and any public alleys or parts of alleys and streets contained within the curblines surrounding such square shall, upon request of the Architect of the Capitol, be transferred to the jurisdiction and control of the Architect of the Capitol without reimbursement or transfer of funds, and any alleys or parts of alleys or streets contained within the curblines of said square shall be closed and vacated by the Commissioner of the District of Columbia, appointed pursuant to part III of Reorganization Plan Numbered 3 of 1967, in accordance with any request therefor made by the Architect of the Capitol.

(d) Upon acquisition of such real property pursuant to this section, the Architect of the Capitol is authorized to use such property as a green park area, pending its development for permanent use as the site of the John W. McCormack Residential Page School, subject to approval of the Senate Office Building Commission and the House Office Building Commission.

(e) The jurisdiction of the Capitol Police shall extend over any real property acquired under this section and such property shall become a part of the United States Capitol Grounds and be subject to the provisions of sections 193a–193m, 212a, and 212b of title 40, United States Code.

OBLIGATIONAL AND EXPENDITURE AUTHORITY

SEC. 6. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized and directed to enter into such contracts, incur such obligations, and make such expenditures, including expenditures for personal and other services, and expenditures authorized by Public Law 91–646 applicable to the Architect of the Capitol, as may be necessary to carry out the provisions of this Act.

APPROPRIATIONS

SEC. 7. There are hereby authorized to be appropriated $53,500,000 to carry out the provisions of this Act, and any sums so appropriated shall remain available until expended.

Mr. GRAVEL. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF LIFE OF THE COMMISSION ON CIVIL RIGHTS

Mr. ERVIN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 12652.

The PRESIDING OFFICER (Mr. BUCKLEY) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 12652) to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex, to authorize appropriations for the Commission, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ERVIN. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. MCCLELLAN, Mr. ERVIN, Mr. HART, Mr. HRUSKA, Mr. FONG, and Mr. SCOTT conferees on the part of the Senate.

MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT ACT OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 956, S. 3337, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER (Mr. BUCKLEY). The bill will be stated by title.

The assistant legislative clerk read as follows:

S. 3337, to amend the Small Business Investment Act of 1958, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing, and Urban Affairs with an amendment on page 1, line 4, after the word "of", strike out "1971" and insert "1972"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Minority Enterprise Small Business Investment Act of 1972".

SEC. 2. The Small Business Inevstment Act of 1958, as amended, is further amended as follows:

(a) Section 103 is amended

(1) by striking "and" from paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph:

"(8) the term 'minority enterprise small business investment company', hereinafter called MESBIC, means a small business investment company, the investment policy of which is that its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages."

(b) Title III of the Small Business Investment Act of 1958, as amended, is further amended by designating sections 301 through 316 thereof as "PART A.—SMALL BUSINESS INVESTMENT COMPANIES".

(c) Section 301 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding any other provision of this Act, a MESBIC may be organized and chartered under State nonprofit corporation statutes, and may be licensed by the Administration to operate under the provisions of this Act.".

(d) Section 302 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding subsection (b)(2) of this section, or any other provision of law shares of stock or other equity or debt securities issued by a MESBIC shall be eligible for purchase by banks and other financial institutions, subject to the 5 per centum limitation of subsection (b)(1) of this section. MESBIC's shall not be deemed ineligible for any assistance under this Act because of such purchases."

(e) Title III is further amended by adding thereto a new part B as follows:

"PART B. MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT COMPANIES

SEC. 317. To encourage the formation and growth of MESBIC's the Administration is authorized to purchase the securities of any such MESBIC, subject to the following conditions:

(a) Shares of nonvoting stock (or other securities having similar characteristics), provided—

(1) dividends are preferred and cumulative to the extent of 3 per centum of par value per annum;

(2) on liquidation or redemption, the Administration is entitled to the preferred payment of the par value of such securities and may require the preferred payment of the difference between dividends paid and cumulative dividends payable at a rate equal to the interest rate determined pursuant to section 303(b) for debentures with a term of fifteen years, without interest on such difference;

(3) the purchase price shall be par value and, in any one sale, $50,000 or more;

(4) the amount of such securities purchased and outstanding at any one time shall not exceed (A) from a MESBIC having combined private paid-in capital and paid-in surplus ("capital"), of less than $300,000 and licensed on or before October 13, 1971, the amount of capital invested after such date, nor (B) from any MESBIC having capital of $300,000 or more but less than $500,000, the amount of its capital in excess of $300,000, nor (C) from any MESBIC having capital of $500,000 or more, the amount of its capital.

(b) Debentures subordinated to any other debts and obligations of a MESBIC (other than securities purchased under subsection (a) of this section), provided—

(1) such debentures are issued for a term of not to exceed fifteen years;

(2) the interest rate is determined pursuant to sections 303(b) and 318;

(3) the amount of debentures purchased and outstanding at any one time from a MESBIC having capital of less than $500,000 shall not exceed 200 per centum of its capital less the amount of preferred securities outstanding under subsection (a) of this section, nor, from a MESBIC having capital of $500,000 or more, 300 per centum of its capital less the amount of such preferred securities.

(c) Debentures purchased and outstanding pursuant to section 303(b) or this section may be retired simultaneously with the issuance of preferred securities to meet the requirements of subsection (b)(3) of this section.

(d) The Administration may require, as a condition of the purchase of any securities from a MESBIC in excess of 200 per centum of its capital, that the MESBIC achieve and thereafter maintain a ratio of loans to venture capital (as defined in section 303) determined by the Administration to be reasonable and appropriate.

Sec. 318. Notwithstanding section 303(b), the effective rate of interest after October 13, 1971, during the first five years thereafter of the term of any debenture purchased by the Administration from a MESBIC shall be the greater of 3 per centum or 3 percentage points below the interest rate determined pursuant to section 303(b). The Administration is authorized to apply interest paid to it by such MESBIC for the period from October 13, 1971, to the effective date of this section, without interest thereon, to interest payable after such effective date. No MESBIC which has received the benefit of this section may make a distribution (other than to the Administration) unless it has first paid to the Administration an amount equal to the difference between the rate of interest payable to the Administration pursuant to this section, and the rate of interest which would have been payable pursuant to section 303(b).

Sec. 319. The provisions of part A shall apply in the administration of this part: *Provided, however,* That the provisions of section 303(b) shall not be applicable to this part except as specifically provided in this part.

Sec. 320. Section 18 of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–18), is further amended by amending subsection (k) to read as follows:

"(k) The provisions of subparagraphs (A) and (B) of paragraph (1) of this section shall not apply to investment companies operating under the Small Business Investment Act of 1958, and the provisions of paragraph (2) shall not apply to such companies so long as such class of senior security shall be privately held by the Small Business Administration and not intended to be publicly distributed.".

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Buckley). Without objection, it is so ordered.

Mr. TOWER. Mr. President, on August 1, the Committee on Banking, Housing and Urban Affairs reported without objection the administration's bill, S. 3337, which I was pleased to sponsor, to enlarge and improve the assistance program of the Small Business Administration to minority enterprise formation and operation. The need has long been recognized in our country for the formation of capital in disadvantaged minority communities, if the harsh cycle of poverty is to be broken and its victims are to have a chance to work their ways to decent standards of living and to the dignity that accompanies self-reliance and self-support. The Minority Enterprise Small Business Investment Act is one of the means recommended by the President to the Congress to facilitate capital formation in the minority community generally, and I think that this self-help approach to curing poverty and unemployment in the minority community is very deserving of support by the Congress.

The bill essentially provides statutorily that minority enterprise small business investment companies—MESBIC's—may be organized to receive SBA assistance and to channel financial and management assistance to minority enterprises. The bill:

First, specifies that MESBIC's may be organized under either business or nonprofit corporation statutes of the several States, in order to permit the organizers of the MESBIC the option of tapping the large assistance potential of charitable organizations, churches, foundations, and the like;

Second, authorizes SBA to acquire preferred stock in a MESBIC, within certain limits, in order to ease the debt and interest burden of the MESBIC so that it can raise more private capital;

Third, reduces the level of private capital required to qualify for third-dollar leverage from SBA, from $1 million to $500,000, so that more MESBIC's can be formed which can utilize favorable leverage provisions avaliable to SBIC's;

Fourth, provides an interest subsidy for borrowed government funds during the first 5 years of the loan; and

Fifth, permits federally regulated banks to own MESBIC's wholly or in part, within specified limits, in order to bring in the direct support of the banking community to this vital program.

Mr. President, this bill offers the minority individual who is trying to get into business an opportunity to get some of the capital and management assistance that he needs to get a successful operation going. This legislation does not propose to guarantee anybody a minimum income, or to give anybody something for nothing. This bill provides for seed money and assistance to be channeled into the potentially profitable minority business enterprise in order to get the business going. The ultimate goal is the development of a large number of self-sustaining, self-supporting minority business firms, which are owned by the minority communities, run by them, and which return the benefits of profits, jobs, and income to the presently disadvantaged minority communities. The principal ingredient of this whole capital formation process will be the particular individuals in the minority community with the ambition and the talent to run their own businesses—in a word, entrepreneurs. We merely seek here to provide a vehicle for the direction of supportive financial and management assistance to get these entrepreneurs into successful operation.

The ultimate beneficiaries of the process of successful capital formation in minority communities will be not only members of those communities themselves, but also all taxpayers and citizens of this country, who are throwing a great deal of good tax money down the seemingly insatiable sink-hole of welfare and other nonproduction oriented Federal programs. The MESBIC program is designed to help build a self-supporting capital structure under the minority community, which is the only long-term solution for the achievement of permanently decent living standards for this community, and will help provide them the dignity of self-support that everyone should have.

The SBA has been operating an administrative program for MESBIC's for some time now, under the auspices of the existing Small Business Investment Act. I ask unanimous consent that a copy of the testimony before our committee of Mr. Walter W. Durham, president of the MESBIC Financial Corp. of Dallas, be printed in the Record at this point, so that the Record will show an example of the progress of the program to date, even without the expanded assistance of the present legislation. It seems clear that with the expanded assistance of this legislation, we will see a substantial increase in the number of minority businesses created and in the successfulness of these businesses.

I therefore urge the passage of this legislation.

Mr. President, I urge the Senate to give its overwhelming support to this measure that is designed to get the blacks, the Mexican Americans, and other disadvantaged minority groups in this country into the mainstream of the free enterprise system.

I think the record of this administration is good with respect to this matter. Administratively they have been doing what we in the Congress do legislatively. I think that this should be a permanent program and should be approved by the Congress of the United States. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. GAMBRELL. Mr. President, the bill presently before the Senate, the Minority Enterprise Small Business Investment Act of 1972, was reported out of committee unanimously.

As the Senator from Texas has announced, the administration has given this legislation its support. In the absence of the chairman of the committee and the other members on the Democratic side, I have been asked to handle this matter.

This bill creates a new program by establishing the creation of minority small business investment companies, MESBIC's and authorizes the Small Business Administration to provide financial assistance for the purpose of providing equity capital and long-term loan funds to small business concerns owned by disadvantaged persons.

The bill provides that MESBIC's can be formed either under the business or nonprofit corporation statutes of the various States.

This bill, S. 3337: First, authorizes the Small Business Administration to purchased preferred stock within certain limits; second, reduces private capital requirements for MESBIC's from $1 million to $500,000 to qualify for third-dollar Government leverage; third, provides interest subsidies for the first 5 years of a MESBIC loan; and fourth, permits federally regulated banks to own MESBIC's within specified limits.

Mr. President, the purpose of this legislation is to provide minority business with a source of investment capital.

Economic opportunity must be created to assure minority groups and the disadvantaged a greater chance to participate directly in our free enterprise system, and this is the intent of this legislation.

Mr. President, at this time I send to the desk an amendment to S. 3337 which would augment and improve the provisions of the bill.

The PRESIDING OFFICER. The Clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with, as I plan to discuss it in the statement which I am about to make.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

1. On page 3, between lines 3 and 4, add the following subsection: (e) Section 303 of the Small Business Investment Act of 1958 is amended—

(1) by striking the figure "$7,500,000" in the last sentence of paragraph (1) of subsection (b) and inserting in lieu thereof the figure "$15,000,000", and

(2) by amending paragraph (2) of subsection (b) to read as follows:

"(2) The total amount of debentures which may be purchased or guaranteed and outstanding at any one time from a company which has investments or legally binding commitments of 65 percent or more of its total funds available for investment in small business concerns invested or committed in venture capital, shall not exceed (A) from a company having combined private paid-in capital and paid-in surplus ('Capital') of less than $500,000, 200 per centum of its Capital, and (B) from a company having Capital of $500,000 or more, 300 per centum of its Capital. In no event shall the debentures of any such company purchased or guaranteed and outstanding under this paragraph exceed $20,000,000. Such additional purchases or guarantees which the Administration makes under this paragraph shall contain conditions to insure appropriate maintenance by the company receiving such assistance of the described ratio during the period in which debentures under this paragraph are outstanding."

On page 3, line 4, strike out "(e)" and insert "(f)".

Mr. GAMBRELL. Mr. President, this amendment is offered on behalf of the chairman of the committee, the Senator from Alabama (Mr. Sparkman).

The amendment is a simple one which will place regular small business investment companies on a more equal footing with minority enterprise SBIC's. Under S. 3337, MESBIC's would be entitled to draw down venture capital leverage when the MESBIC has private capital of $500,000 or more. Under present law, all SBIC's must have at least $1 million in private capital before they are able to achieve this additional leverage. The first part of my amendment would equalize the treatment for all segments of the SBIC industry.

The second feature of my amendment would increase the total leverage available for any one SBIC. Under S. 3337, MESBIC's could qualify for unlimited amounts of leverage. Present law limits any SBIC to a ceiling of $10 million. My amendment would double this amount to $20 million if an SBIC qualifies as a venture capital specialist, or $15 million if it does not.

Mr. President, I believe these two amendments are fair and equitable and I believe they will give more incentive for SBIC's to invest ever greater numbers of dollars in our new and growing business enterprises.

Mr. TOWER. Mr. President, on behalf of the distinguished Senator from New Hampshire (Mr. McIntyre), who is the chairman of the subcommittee with whom I have discussed this matter, and on behalf of myself and the ranking minority member of the full committee, we are fully prepared to accept the amendment offered by the distinguished Senator from Georgia on behalf of the distinguished chairman of the committee (Mr. Sparkman), who is necessarily absent today.

I would urge the Senate to accept the amendment that has been offered by the Senator from Georgia.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I would like to ask a few questions about this matter. I am the ranking member of the Small Business Committee of the Senate and have served on the Banking and Currency Committee so I have some considerable interest in the situation which we are meeting today. Is it not a fact that the SBIC's, both in total number and individual capital are very much larger than the MESBIC's?

Mr. GAMBRELL. I think there is no doubt about that. The Senator is correct.

Mr. JAVITS. Mr. President, whereas we speak in terms of larger MESBIC's, I gather from our new minority counsel on the committee, Mr. Adams, in terms of a million dollars, we speak in terms of 10 times that for the SBIC. They have $10 million. The Senator stated that himself.

Mr. GAMBRELL. The Senator is correct.

Mr. JAVITS. And on the average, the SBIC is very considerably larger than an MESBIC. Is that correct?

Mr. GAMBRELL. I think that is typically true. The Senator is correct.

Mr. JAVITS. Mr. President, I gather that a case has been made out for the MESBIC's to aid minority enterprise by increasing the leverage. I gather that the leverage should be increased and that a good case has been made for it.

Mr. President, I would like to ask the Senator a question so as to spread the information on the Record, because I believe the SBIC's ought to be encouraged. I think it is very desirable to do so. I was on the Committee on Banking, Housing and Urban Affairs, I believe, when it first started. I believe in the stimulus of small business enterprises. I do not wish to be construed as opposing the amendment. However, I think it is appropriate to have an explanation on the Record where there is a case for the MESBIC's, and apparently the case has been proved.

What about the case for the SBIC's and their adequate backing of the proposition which the Senate is being asked to approve?

Mr. GAMBRELL. I think the question the Senator is asking is one that I had not anticipated being called upon to answer, but I think the basic thrust of the legislation is to increase the amount of leverage available to SBIC, and thereby to increase the amount of leverage available to MESBIC's at the same time. The entire bill, aside from this amendment, is intended to encourage the extension of more and more credit into the MESBIC area. It may be that some will find the thrust not sufficiently strong in this area. Certainly that would be worthy of further consideration, but the bill has the intention I have stated.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. GAMBRELL. I yield.

Mr. TOWER. If I may, I wish to make a little legislative history. The whole intent is to encourage minority enterprise. That is made adequately clear by the report and by what we say here. There is a desire not to statutorily give an advantage competitively to perhaps a nonminority enterprise small business; that may be equally meritorious. We do not want to statutorily discriminate.

Mr. JAVITS. Against the SBIC's?

Mr. TOWER. Yes; against the regular SBIC's.

Mr. JAVITS. I have great respect for the chairman of the committee and its ranking minority member. I do not oppose the amendment, but I hope that we can have and that there may be provided for the Record within the next few days a factual justification for the purpose, so that it may be a factor in conference. I understand this particular amendment will be in conference and there will be another opportunity for both Senators and Members of the House to give it consideration.

I think all of us would be helped if we had a detailed justification printed in the Record.

Mr. TOWER. I think I can give the Senator that assurance as far as the conference is concerned, and I can give assurance that by midweek there will be full justification in the Record.

Mr. BUCKLEY. Mr. President, I had contemplated introducing as an amendment to the bill a proposal I introduced 2 months ago which was designed to broaden our approach to provide minority enterprise with an opportunity to become financed. My basic approach would be to apply to the field of equity investment the kind of guarantee which the current legislation and other legislation applies to loans to such enterprises.

On consideration I decided not to introduce my concept as an amendment because I feel it should go through the normal procedure, the normal hearings, and have expertise applied by the committee, before it is offered to the Senate as a whole.

One of the defects as I see it, and at one time I was in the venture capital field, with respect to minority enterprise is to facilitate the borrowing of money, yet when an enterprise borrows money it incurs a cost which can throttle it. Also, bankers are not in the business of taking risks, yet a new enterprise is a risk-taking business. Finally, bankers are not in the position of offering a galaxy of advice of the sort minority enterprise's want most. People in equity financing are able to provide that kind of aid.

I would like to ask the Senator from Texas, as the ranking minority member, and also the distinguished Senator from Georgia, who is acting on behalf of the chairman, if I could get some kind of encouragement that hearings could be held at an early date in the next session of Congress.

Mr. JAVITS. Mr. President, will the Senator yield before the Senator from Georgia and the Senator from Texas reply?

Mr. BUCKLEY. I yield.

Mr. JAVITS. I am a cosponsor of the bill, and I join in everything the Senator said. I do not want to interrupt the flow of debate, but I would like to add to the Senator's request my own, as the cosponsor, for hearings and consideration.

Mr. TOWER. Mr. President, I have not discussed this with the chairman. Of course, the chairman and I both being up for reelection, any assurances we give are subject to the whims of the electorate. For my part, I can say that I will urge the chairman to give consideration to hearings early in the next session of Congress, and being a very broadminded and cooperative man, and one with whom I worked for years in a very profound way, I would assume that the chairman certainly would accept that proposal for hearings because I have never known him to foreclose anyone on an important matter who wanted hearings on a matter. I think I can give reasonable assurance. I have not spoken with the chairman and he is not here, but I would say the circumstances would be optimum for such hearings.

Mr. BUCKLEY. I thank the Senator for his encouragement.

Mr. GAMBRELL. Mr. President, I have not consulted on this subject with the chairman, but I understand the Senator's bill was introduced after the committee report was filed on this bill, so it was not possible to consider it in connection with this matter.

Mr. JAVITS. Mr. President, might we ask the Small Business Subcommittee if they would be able to develop, if they do not have it already, in connection with the hoped for hearings on Senator Buckley's bill, anything on the utilization of that section of the Small Business Act which allows, notwithstanding antitrust laws, small business to combine for purposes of research and development. As the Senator said, personally my instinct is that we have moved away from credit inaccessibility, and the main scourge of small business, to managerial inaccessibility, and the effort to allow them to utilize research and development was one of the main things we thought we had done in this area.

I think it would be helpful to Senator Buckley's bill if we had some idea as to how that had gone—my recollection is that it had not gone too well—and what were the reasons it had not gone well, and whether we could help it with this bill or what we might include in the bill.

I would like to recall to the committee an experience, with which quite a few committee members are familiar, and especially the Senator from Alabama (Mr. Sparkman), and that is the organization of a company now known around the world as the Adela concept, of which I had the honor to be the author, which combines capital, very small leverage capital, with technical assistance, and makes a very admirable package. We know of its tremendous success in Latin America and now it is being tried in Africa and Asia.

Mr. TOWER. Mr. President, the Small Business Administration for the last 2 or 3 years, and it started in the administration of Hilary Sandoval, who was the Small Business Administrator who preceded Mr. Kleppe. They started then to develop the facility within the SBA to provide technical and managerial assistance, the idea being not just to give them the money and say, "Do the best you can with it," but to follow it up with technical and managerial assistance to the extent that they can use the money wisely and well.

I am not in a position to comment on the success of the agency's efforts at this time, but I know they have been trying to do that administratively and that it has been a principal objectives with them. Certainly, I would say the Senator is absolutely correct in what he said about the inaccessibility of capital. That is not now the problem, because it is accessible, but technical and managerial assistance is not always available. However, under Mr. Kleppe as Chairman of the Small Business Administration, it is trying to correct this deficiency and trying to move toward managerial and technical assistance.

Mr. JAVITS. Perhaps my colleague from New York (Mr. Buckley) and I can consult with Mr. Kleppe, with the anticipation of the hoped for hearings on this bill, and ascertain what is the present state of affairs on the bill, if the committee would not have any objection, and then we could have the report for submission to the committee.

Mr. TOWER. I would say the committee would have no objection, because the committee has a vital interest in what happens to these funds once they are loaned. We do not want to finance failures. I am convinced of the Administrator's own desires in the matter, and I think he is a very conscientious man who wants to do the best job possible for making sure that when we fund these minority enterprises we also show them how, if necessary. Therefore, I think he would probably welcome such an inquiry, and I certainly see no reason why the committee would object to it.

Mr. BUCKLEY. I thank my distinguished colleague for commenting. I think the Adela concept is one which offers much opportunity to such enterprises. It has been successful in South America.

With the assurances I have received from the Senator from Texas and the Senator from Georgia, qualified though they had to be, I am satisfied that I can hope for early consideration of my bill by the committee when the new Congress convenes. I am also certain that the distinguished chairman and the distinguished minority member will be on hand to conduct those hearings.

Mr. TOWER. I thank my colleague for expressing confidence in the reelection of the chairman and myself. I want to say that should I return—and I have every hope and expectation of doing so—I will certainly press for early consideration of his bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (S. 3337) was read the third time, and passed, as follows:

S. 3337

An act to amend the Small Business Investment Act of 1958, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Minority Enterprise Small Business Investment Act of 1972".

Sec. 2. The Small Business Investment Act of 1958, as amended, is further amended as follows:

(a) Section 103 is amended

(1) by striking "and" from paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding the following new paragraph:

"(8) the term 'minority enterprise small business investment company', herinafter called MESBIC, means a small business investment company, the investment policy of which is that its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages."

(b) Title III of the Small Business Investment Act of 1958, as amended, is further amended by designating sections 301 through 316 thereof as "Part A.—Small Business Investment Companies".

(c) Section 301 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding any other provision of this Act, a MESBIC may be organized and chartered under State nonprofit corporation statutes, and may be licensed by the Administration to operate under the provisions of this Act.".

(d) Section 302 of the Small Business Investment Act of 1958 is amended by adding the following new subsection:

"(d) Notwithstanding subsection (b)(2) of this section, or any other provision of law, shares of stock or other equity or debt securities issued by a MESBIC shall be eligible for purchase by banks and other financial institutions, subject to the 5 per centum limitation of subsection (b)(1) of this section. MESBIC's shall not be deemed ineligible for any assistance under this Act because of such purchases."

(e) Section 303 of the Small Business Investment Act of 1958 is amended—

(1) by striking the figure "$7,500,000" in the last sentence of paragraph (1) of subsection (b) and inserting in lieu thereof the figure "$15,000,000", and

(2) by amending paragraph (2) of subsection (b) to read as follows:

"(2) The total amount of debentures which may be purchased or guaranteed and outstanding at any one time from a company which has investments or legally binding commitments of 65 percent or more of its total funds available for investment in small business concerns invested or committed in venture capital, shall not exceed (A) from a company having combined private paid-in capital and paid-in surplus ('Capital') of less than $500,000, 200 per centum of its capital, and (B) from a company having capital of $500,000 or more, 300 per centum of its capital. In no event shall the debentures of any such company purchased or guaranteed and outstanding under this paragraph exceed $20,000,000. Such additional purchases or guarantees which the Administration makes under this paragraph shall contain conditions to insure appropriate maintenance by the company receiving such assistance of the described ratio during the period in which debentures under this paragraph are outstanding."

(f) Title III is further amended by adding thereto a new part B as follows:

"PART B. MINORITY ENTERPRISE SMALL BUSINESS INVESTMENT COMPANIES

"SEC. 317. To encourage the formation and growth of MESBIC's the Administration is authorized to purchase the securities of any such MESBIC, subject to the following conditions:

"(a) Shares of nonvoting stock (or other securities having similiar characteristics), provided—

"(1) dividends are preferred and cumulative to the extent of 3 per centum of par value per annum;

"(2) on liquidation or redemption, the Administration is entitled to the preferred payment of the par value of such securities and may require the preferred payment of the difference between dividends paid and cumulative dividends payable at a rate equal to the interest rate determined pursuant to section 303(b) for debentures with a term of fifteen years, without interest on such difference;

"(3) the purchase price shall be par value and, in any one sale, $50,000 or more;

"(4) the amount of such securities purchased and outstanding at any one time shall not exceed (A) from a MESBIC having combined private paid-in capital and paid-in surplus ("capital"), of less than $300,000 and licensed on or before October 13, 1971, the amount of capital invested after such date, nor (B) from any MESBIC having capital of $300,000 or more but less than $500,000, the amount of its capital in excess of $300,000, nor (C) from any MESBIC having capital of $500,000 or more, the amount of its capital.

"(b) Debentures subordinated to any other debts and obligations of a MESBIC (other than securities purchased under subsection (a) of this section), provided—

"(1) such debentures are issued for a term of not to exceed fifteen years;

"(2) the interest rate is determined pursuant to sections 303(b) and 318;

"(3) the amount of debentures purchased and outstanding at any one time from a MESBIC having capital of less than $500,000 shall not exceed 200 per centum of its capital less the amount of preferred securities outstanding under subsection (a) of this section, nor, from a MESBIC having capital of $500,000 or more, 300 per centum of its capital less the amount of such preferred securities.

"(c) Debentures purchased and outstanding pursuant to section 303(b) or this section may be retired simultaneously with the issuance of preferred securities to meet the requirements of subsection (b)(3) of this section.

"(d) The Administration may require, as a condition of the purchase of any securities from a MESBIC in excess of 200 per centum of its capital, that the MESBIC achieve and thereafter maintain a ratio of loans to venture capital (as defined in section 303) determined by the Administration to be reasonable and appropriate.

"SEC. 318. Notwithstanding section 303(b) the effective rate of interest after October 13, 1971, during the first five years thereafter of the term of any debenture purchased by the Administration from a MESBIC shall be the greater of 3 per centum or 3 percentage points below the interest rate determined pursuant to section 303(b). The Administration is authorized to apply interest paid to it by such MESBIC for the period from October 13, 1971, to the effective date of this section, without interest thereon, to interest payable after such effective date. No MESBIC which has received the benefit of this section may make a distribution (other than to the Administration) unless it has first paid to the Administration an amount equal to the difference between the rate of interest payable to the Administration pursuant to this section, and the rate of interest which would have been payable pursuant to section 303(b).

"SEC. 319. The provisions of part A shall apply in the administration of this part: *Provided, however,* That the provision of section 303(b) shall not be applicable to this part except as specifically provided in this part."

SEC. 2. Section 18 of the Investment Company Act of 1940, as amended (15 U.S.C. 80a–18), is further amended by amending subsection (k) to read as follows:

"(k) The provisions of subparagraphs (A) and (B) of paragraph (1) of this section shall not apply to investment companies operating under the Small Business Investment Act of 1958, and the provisions of paragraph (2) shall not apply to such companies so long as such class of senior security shall be privately held by the Small Business Administration and not intended to be publicly distributed.".

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GAMBRELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GAMBRELL. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of the Senate amendments to S. 3337 and that the bill be printed as passed by the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAPT. CLAIRE E. BROU

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 936, H.R. 6503.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows: A bill (H.R. 6503) for the relief of Capt. Claire E. Brou.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. FANNIN. Mr. President, I am happy to support passage of H.R. 6503, which I believe is a just resolution of the case of Capt. Claire E. Brou. This is an unusual case. Ordinarily the disability retirement system for military personnel provides a sufficient resolution for claims of this nature. It is my hope that in the future by and large most cases of injuries arising in the course of military service can be handled within the administrative structure without the necessity of recourse to legislative relief by private bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that certain pertinent material out of the report and on the basis of communications with the Department of Defense be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AFFIDAVIT

I, Lieutenant Colonel Jorge R. Gutierrez, SSAN 139–36–177, MC, Assistant Chief, Department Radiology, Tripler General Hospital, Hawaii, do hereby make this statement and affidavit regarding the physical disability suffered by Captain Claire E. Brou (USAF, Retired) following radiological tests performed on 17 April 1968 at Walter Reed Army Medical Center, Washington, D.C.

I entered medical school in Cuba in 1951 where such training involved a seven year program. I completed medical school at the University of Valencia in Spain in 1958. In September 1960 I completed the requirements for and received my Educational Council for Foreign Medical Graduates Certificate, and commenced my internship in January of 1961 at Our Lady of Lourdes Hospital, Camden, New Jersey. In January of 1962 I began my residency in radiology at the same hospital. I remained at Our Lady of Lourdes until entering on active duty with the Army at Fort Campbell, Kentucky on July 3, 1963. At Fort Campbell I was assigned to the radiological service, where I served until December of 1965. In December 1965 I was transferred to Fitzsimmons General Hospital at Denver, Colorado, where I completed my residency in radiology on August 31, 1967. I then came to Walter Reed as the Fellow in Angiography and Special Procedures, a radiological sub-specialty.

I first saw Captain Claire E. Brou as a patient during her admission to Walter Reed General Hospital during December of 1967. This was prior to her receiving any special radiological examination. During that admission the patient underwent a right inferior patrescal sinogram performed by Dr. Harrall, the staff physician in charge of such procedures. During this procedure I acted as first assistant to Dr. Harrall. The patient suffered no complication whatsoever following this procedure which confirmed a diagnosis of a venous varix posterior to the right eye. Some weeks later I performed an identical procedure on another patient, whose name I recall as McCarthy, for an identical condition posterior to the left eye. I performed this procedure without Dr. Harrall's presence, with the normal attendance of a resident and the appropriate technicians.

During April of 1968 the patient was readmitted specifically for the performance of a left inferior petrosail sinogram. This procedure was essential to definitive therapy and was requested by the Neurosurgical Department at Walter Reed. I saw the patient prior to the performance of these procedures for pre-operative consultation, explained to her that the procedure would be identical to the one performed on her in December 1967 and that it had been requested by Colonel Kempe, Chief of Neurosurgery.

The sinogram was performed by me on April 17, 1968. I was assisted by the Chief Radiological technician, Clarence Lee, a resident in Radiology, Dr. Frank Yerussi, by a corpsman and a second technician. Clarence Lee is a seasoned technician and has been with Special Procedures since the formation of that section in 1957. Dr. Yarussi was a second or third year radiology resident. At the time of the procedure the patient had received the normal pre-operative medication, 10 mg of morphine and 50 mg of phenergan.

To properly accomplish the radiological studies requested, I catherized the left internal juglar vein and injected 1 cc of contrast medium (Ranagrafin—60), a test dose. After the appropriate lapse of time, I then advanced the catherer under fluoroscopic control and placed it into the inferior petrosal sinus where a second test injection of a small amount of contrast medium was made. At this point the patient had suffered no discomfort and had made no complaint. I then proceeded to inject approximately 10 cc of the contrast material to obtain the appropriate radiological films. At this point the patient was not experiencing more than normal discomfort.

All patients undergoing this type of procedure experience some degree of discomfort either a burning sensation or pain during the injection of the contrast medium. It is standard procedure to take at least two views in any examination of this kind, but due to a reflux into the jugular vein which I noted in the first study I decided to use less contract medium (5 cc's) during the second series of films. Such a reflux is not a contra-indication to continuing a sinogram. It was during the second injection of contrast medium that the patient complained for the first time of severe pain. Upon her complaint, I immediately stopped the procedure and examined the patient, pulled the catheter from the petrosal sinus into the jugular vein and reconnected the IV drip of 5% dextrose with heprin (an anti-coagulant). At no time did she swallow her tongue. On my own volition I then called Dr. Ferry, the neurosurgical resident directly in charge of the patient, who was near by and who arrived in a matter of seconds.

Following the patient's removal from special procedures and on the same day I visited her in her room at least twice. At one time she was sleeping, but I noted that on one such visit she was awake. At this time she was not my patient but was under the care of the Neurosurgery Department, so I did not examine her. At the time of the patient's sinogram we were not aware of any reported cases of such complications, and I am not aware of any other cases occurring since that time. This complication was not expected.

Lt. Col. JORGE R. GUITERREZ, M.C.

AFFIDAVIT

I. Colonel Ludwig Kempe, SSAN: 156–24–2696, MC, Chief of Neurosurgery, Walter Reed General Hospital, do hereby make this statement and affidavit regarding the physical disability suffered by Captain Claire E. Brou (USAF Retired) following radiological tests performed on 17 April 1968.

From December 1967 until the present I have held the rank of Colonel in the U.S. Army and have been assigned as Chief of Neurosurgery, Walter Reed General Hospital. As such, during December 1967 I performed a medical examination on Captain Claire E. Brou, and together with Dr. Ferry, a Walter Reed resident in Neurosurgery, made a tentative diagnosis of vascular malformation behind the right eye. To confirm this diagnosis I recommended Captain Brou undergo a radiological diagnostic procedure at Walter Reed Army Medical Center. Captain Brou was informed at the time that a bilateral evaluation, necessitating at least two radiological studies, would be essential to successful therapy. Without such a bilateral study, the only means by which normal venous drainage can be properly established, surgery on the suspected circulatory abnormality would have been medically improper to the extent of constituting malpractice. Captain Brou's case prior to the radiological study in December was presented to a routine neurological clinic; however, her case was neither intended nor prepared for publication.

Accordingly, angiographic tests were conducted on the right side of Captain Brou's head in December 1967, by the Walter Reed Army Medical Center, Radiological Special Procedures Section. Captain Brou was discharged shortly after these tests, and at that time her medical condition was the same as it had been before her admission. Prior to her discharge Captain Brou was again informed that the single right side test was not sufficient and that completion of the necessary bilateral series would require identical studies of the left side of her head prior to any surgical therapy. In that Captain Brou had specifically requested surgical therapy, she was contacted perhaps twice in February or March and informed that the necessary left side tests could be conducted at these times. She apparently was unable to complete the radiological series until April 1968, at which time she decided to come in for the appropriate studies.

The left side test series was scheduled to be performed April 17, 1968 by Dr. Guiterrez, the Fellow in Angiography and Special Procedures. Prior to these studies Dr. Ferry, Dr. Guiterrez and I all personally interviewed the patient and informed her of the expected risks. I personally knew, and was satisfied with the qualifications of Dr. Guiterrez as exhibited by his previous work which I had opportunity to observe, and as expressed by his superior, Dr. Harrall, Chief of Radiological Special Procedures.

As the medical records show, Captain Brou suffered a cerebral vascular accident (stroke) following the April tests. The cause of this tragic complication was not in any way attributable to any improper action or omission on the part of Dr. Gutierrez or any other medical personnel, but was probably due to latent vascular abnormality which could not have been determined prior to the tests.

I was visited by Captain Brou in June, 1969, and told her of my concern about what happened. We discussed rehabilitation in detail. During these conversations, I did not cast aspersions on Dr. Gutierrez' qualifications, experience or performance, nor could any comment made by me have been reasonably so construed. While a Radiologist would be better able to give an estimate of the frequency of complications such as that suffered by Captain Brou, I believe the incidence would be extremely small. Such a complication was not expected in Captain Brou's case. As in all surgical procedures, however, there is inherent risk which must be weighed against potential gain. As far as the radiological studies are concerned Captain Brou was not a particularly high risk patient, especially in view of the uneventful December test which eliminated the danger of unknown allergic reaction. Captain Brou suffered a skull fracture in 1951 which was considered medically significant in that the history showed that fracture was not on the side of the abnormality. Such a history increased the importance of bilateral evaluation prior to surgery.

Further, affiant sayeth not.

Col. LUDVIG KEMPE, M.C. USA,
Chief, Dept. of Neurosurgery.

AFFIDAVIT

I, Clarence Lee, Chief Radiology Technician of the Special Dianostic Procedures Section, Walter Reed Army Medical Center, Washington, D.C., do hereby make this statement and affidavit regarding the physical disability suffered by Captain Claire E. Brou (USAF, retired) following radiological tests performed on April 17, 1968:

I graduated from Carnegie High School, Baltimore, Maryland, in 1945, since that time I have accrued over three years academic years of college credit through evening classes at various accredited institutions. In 1950, I graduated from the radiology course given at the Army Medical Field Service School, Fort Sam Houston, Texas, and have been a radiology technician since that time. I have been at Walter Reed Medical Center as a radiology technician since 1954. Since 1957 I have been the Chief Technician, Special Diagnostic Procedures.

On April 17, 1968, a left inferior petrosal sinogram was performed on Captain Claire E. Brou by Major (now Lieutenant Colonel) Jorge R. Guiterrez, Medical Corps, I was in attendance at all times during those procedures supervising the work of a second radiology technician. I have been advised that the patient states that during these tests, I or my assistant told Doctor Guiterrez that he was going too fast in his preparations, to "slow down and not be in such a hurry". I have a positive recollection that such a statement was not made by me or any technician under my supervision. For any technician to make such a statement while a doctor was engaged in such delicate procedure as a sinogram would be unprofessional and dangerous.

During performance of the sinogram, the patient did not swallow her tongue, and to my knowledge did not lose consciousness. I do recall that the moment she complained of severe pain, the procedure was stopped and no attempt was made to restart. The patient was examined by Doctor Guiterrez as soon as the procedure was stopped, and Doctor Ferry, the resident in neurosurgery, directly in charge of her case, was summoned from the next room, and arrived within a minute.

Further, affidavit sayeth not.

CLARENCE LEE.

AFFIDAVIT

I, Lieutenant Colonel James E. Harrell, Chief, Diagnostic Service of the Radiology Department, Walter Reed General Hospital, make the following statement in regard to the qualifications of Doctor Jorge R. Guiterrez, the physician who performed a left inferior petrosal sinogram upon Captain Claire E. Brou on April 17, 1968:

For the successful performance of angiography and venography (the introduction of radiopaque contrast material into arterial or venous vessels) the physician must possess intimate knowledge of the detailed flow pattern of the vessels involved. All physicians are required to obtain a fundamental knowledge of anatomy during their basic medical schooling, but this skill must of necessity be greatly enhanced in the radiology specialist during his post-doctorate training. As of April 17, 1968, Doctor Guiterrez had completed more than six years of radiology residency and practice, concentrating particularly in angiography and venography. While at Walter Reed Army Medical Center alone, Doctor Guiterrez had personally performed, or had been directly responsible for the supervision of a resident performing, angiographic and venographic studies in approximately 500 cases. Nearly every case involved a situation which was considered life threatening, and approximately half of those cases could have been performed only by a doctor who had attained Doctor Guiterrez's level of technical ability. In addition to the many angiographic and venographic studies of the head and brain, Doctor Guiterrez had performed catherizations of the coronary arteries, a procedure demanding the greatest possible skill.

Prior to the time Doctor Guiterrez arrived at Walter Reed, he had been doing radiographic studies for over 5½ years. Doctor Guiterrez was specifically recruited for the Walter Reed Fellowship in Angiography and Venography by Colonel Hamilton, the former Chief of the Radiology Department at Walter Reed General Hospital. The position is a competitive one, and is available only to those who have demonstrated, as did Doctor Guiterrez, outstanding skill in the field of radiology. It should also be noted from September 1, 1966, to the present, there have been only two serious complications arising from radiographic studies performed at Walter Reed, Captain Brou's case, and one recent death. During the same period close to 7,000 procedures were performed.

It is my opinion that at the time of Captain Brou's most tragic experience, Doctor Guiterrez was highly qualified and deeply experienced in performing the type of study which she underwent, and, in fact, was the only truly qualified doctor available at Walter Reed General Hospital on the day of her sinogram.

Further, affiant says not.

Lt. Col. JAMES E. HARRELL, MC.

DEPARTMENT OF THE ARMY,
OFFICE OF THE GENERAL COUNCIL,
September 7, 1972.

CHARLES D. FERRIS, Esq.,
Staff Director and General Counsel,
Democratic Policy Committee,
U.S. Senate,
Washington, D.C.

DEAR MR. FERRIS: This letter is a further reply to your letter of August 16, 1972, concerning the Brou case.

I am enclosing a copy of the transcript of the hearing held by the House Judiciary Committee and also the affidavits of the Army medical personnel who participated in this case. Incidentally, when the Senate Judiciary Committee initially acted on this case, it did not have the rebuttal information contained in these affidavits and the evidence adduced at the House hearing.

I am taking the liberty of summarizing the Departmental position on the issues raised by your letter because of the profound and far-reaching implications of this bill.

You raised a question concerning the need for the tests. Dr. Kempe stated that it would have constituted malpractice to perform an operation to correct the disfiguring eye condition, of which Captain Brou complained, unless these diagnostic tests were performed (par. 1 of affidavit). In any event, she did not rely on Dr. Kempe's evaluation. It is clear from all of the evidence that Captain Brou made a voluntary decision, and she made it only after she consulted with her personal doctor. She testified on both of these matters at the House hearing. After narrating Dr. Kempe's call she testified as follows:

" 'I will consider it, Dr. Kempe.' Because I was still apprehensive of going back into the hospital, but I was still at the same time scared by what he had told me. At that time I told him I would reconsider and go back to the hospital."

"So I called up about a week later after I had thought it over and discussed it with my personal friend, who is a physician. She said, 'Well, maybe you beter go back in and let them do this.' " (p. 15 of hearing).

In considering the testimony, one should remember that Dr. Kempe has a distinguished reputation and is known for his concern and dedication to the interests of his patients. It is our opinion that the above testimony and all of the probative evidence does not support the allegations of improper influence and the exercise of military rank.

Dr. Kempe readily admits his reference to a tonsillectomy, and he fully discussed this remark and the risk factor during the hearing (p. 92 of transcript). He testified that any type of minor surgery, including tonsillectomies, can result in a complication or even death, and specifically warned Captain Brou and her doctor of the possibility of paralysis (p. 92 of hearing). These risks, however, are very small (p. 92). Even though 7,000 diagnostic tests, involving injections into arteries or veins, had been performed at Walter Reed General Hospital in three and one-half years, complications arose in only two cases and death in one case (par. 2, Dr. Harrell affidavit). Dr. Guiterrez, who performed the study, personally performed or supervised 500 such tests (par. 2, Dr. Harrell's affidavit). The element of risk within this context was discussed with Captain Brou and with her personal doctor on four occasions (p. 64–65 of hearing).

In order to place all of Captain Brou's statements in the proper perspective, it is necessary also to consider her allegations that a technician warned Dr. Guiterrez "not to go so fast"; that Dr. Guiterrez proceeded with the injection even though she complained of a reaction; and that it was necessary for her to dislodge her tongue (p. 14–17 of hearing). These highly unusual incidents were positively denied by the medical personnel involved (affidavits of Dr. Guiterrez and Mr. Lee).

After a thorough and sympathetic reevaluation of the entire case, the Department concluded in its report, dated April 28, 1970, that there was no evidence of negligence, fault, or legal liablity. Admittedly, the Congress could, and should, grant relief if there is a truly exceptional showing.

The Department of the Army and the other military departments are deeply concerned about the precedent effect of this bill if it is enacted into law. If relief is granted, it would have to be done solely on the basis of compassion. We have the most profound sympathy for Captain Brou, but if she is given preferential treatment, lump sum awards on compassionate grounds should be considered for literally hundreds of other service personnel,—including those who were killed or severely wounded in Vietnam and for whom the Congress has provided other compensation (death gratuity, physical disability, retired pay, etc.—)—for each such case engenders a feeling of great compassion.

All of these cases would present a serious and soul-searching dilemma to Congress, as well as The Executive Branch, if bills are introduced. Frankly, I would find it difficult as a matter of logic and good conscience to develop a future basis for denial of other claims if the Brou bill is enacted.

If you have any further questions, I would be happy to send a representative to discuss any of the matters with you in greater detail.

Sincerely,

ROBERT W. BERRY,
General Counsel.

THE RELIEF OF CAPT. CLARE E. BROU

(Hearings before the Committee on the Judiciary Sept. 17, 1970)

The Subcommittee met, pursuant to notice, at 10:10 a.m., in Room 2226, Rayburn House Office Building, Washington, D.C., Hon. Harold D. Donohue (Chairman of the Subcommittee) presiding.

Present: Representatives Donohue (presiding), Flowers, Mann, Waldie, Smith, Sandman, Railsback, and Coughlin.

Also present: William P. Shattuck, Counsel. Mr. DONOHUE. The meeting will please come to order.

The first matter of business before us this morning is the consideration of H.R. 14235 for the relief of Captain Claire E. Brou. We have for our witnesses here some very distinguished company, of course. The Chairman of the great Committee on Judiciary, Mr. Celler, and the Chairman of the Rules Committee, Mr. William Colmer.

We will be very pleased to hear from the Chairman of the Judiciary Committee on this bill. Mr. Celler.

STATEMENT OF HON. EMANUEL CELLER

Mr. CELLER. Mr. Chairman and Members of the Committee, I am very grateful to you for the opportunity to express my views on H.R. 14235.

Some moments ago our very distinguished colleague, the gentleman from Mississippi, Mr. Colmer, spoke to me about this case and told me of the general situation. I confess that it enlisted my deep sympathy. I told him that I thought that there might be some inherent difficulty with reference to passage of the bill, but I am sure that the Judiciary Committee, and particularly this Subcommittee, would exercise a degree of fairness and equity and justice and humanity and would give it earnest consideration and, I am quite sure, would give relief, if not the entire amount that was asked for at least a goodly portion thereof.

It would appear that the bill concerns a Captain of the Air Force, a very delightful young lady who entered the Navy originally and then was transferred to the Air Force and by dent of her assiduous attention to duty was advanced to the rank of Captain. It's not often that we have a lady who advances to Captain in the Air Force.

This young lady is one of intelligence and willingness to work and has a perspicacity that was recognized by the authorities, otherwise she would not have been advanced as she was.

For some reason or other, she had some difficulty and entered Walter Reed Hospital. There she was subject to certain diagnosis and treatment involving radium, with the result that she has been declared by the Veterans Administration as one-hundred per cent disabled.

Since she was in the Services and was treated under the rule that applies, she has no relief except that which is given to those who are disabled under special statutes.

She receives some $600-odd dollars a month, but that is hardly compensatory for the untold agonies and for the future—and I emphasize future—difficulties under which she shall labor.

I would say, gentlemen, as a lawyer, if I had this case in the New York State courts, since it involves that which is very much akin to malpractice—as undoubtedly will be unfolded to you—this case would yield a verdict probably of a half million dollars to three-quarters of a million dollars, if not more, considering all the circumstances.

Since it is cabined and confined to a member of the Air Force who must abide by certain rules and regulations and laws, she is limited to this $600-odd dollars a month which she practically expends now to be able to navigate and to be able to live properly. She has to have attendants. She has to go through certain exercises, and so forth.

I can't appeal to you on legal grounds. There are no legal grounds here, because of the statute. The only way an appeal can be addressed is to reflect on why a committee of the type that you represent has been selected. You don't always pass on legal questions. You often have to pass on questions involving morality, humanity and even mercy. If she had a legal remedy she would not be in this chamber. She has no legal remedy.

I appeal to you on the grounds of compassion and mercy and humanity. This woman, through no fault of her own—none whatsoever—becomes more or less a social outcast. Her youth is blocked out and she faces a dismal future. Aside from the excruciating suffering that she went through, she is deprived of the usual female amenities. The future holds very little attraction for her, naturally.

The evidence, I am quite sure, will indicate that one of the doctors at the Walter Reed Hospital—and I don't want to disparage the Walter Reed Hospital, which has a very fine reputation, but it's only human to err and I think they erred in this case—one of the doctors used a certain apparatus on her. He was asked whether he had had experience in the use of that apparatus and he said he had, when in truth and in fact he had not.

Because of the improper use of the apparatus—I cannot give you with exactitude the medical way this was done—as a result of the improper use of that apparatus, her brain was affected, with these dreadful results.

Certainly the Walter Reed Hospital should be much more careful than it was in the consideration of this case. I am quite sure, if I were in a civil court in New York, I could establish malpractice. I don't know what the situation will be here, whether the doctors are going to establish it or not, but there is sufficient evidence in any event to indicate that something was wrong and some grievous mistake was made, both in the diagnosis and in the treatment, because thereof these terrible things have happened.

She indicates some of her difficulties on page 7 of the Senate report. She says, "Unfortunately, I have not yet grown accustomed to the stares of children and curious adults. The embarrassment caused by stumbling, dropping, and breaking things, and even falling in public is not easy to overcome, especially when accused of being intoxicated.

"Before this 'accident,' I had won several medals for swimming and diving; I owned my own sailboat and campmobile, and I frequently participated in dancing, water and snow skiing, golf, bowling, tennis, and camping. I enjoyed doing many things, including gardening and cooking. I no longer can do any thing requiring physical coordination—in fact, it is very uncomfortable just to sit and read because of the difficulty of trying to hold a book, magazine, or newspaper and turn the pages with one hand, and to cope with double vision in my right eye. I am no longer able to perform the normal activities of daily living nor to maintain a household independently—and I feel I am a burden to my close friends in that I require much the same care as an invalid."

We cannot lend a deaf ear to a plea of that sort. We cannot be callous to infirmities and difficulties of that sort which were not brought upon by any act of her own but were brought about by a physician in the Walter Reed Hospital who made a mistake. Because thereof, I think morally and righteously the Government ought to be responsible.

The bill in the Senate which was offered involving a claim of $200 thousand was reduced, I understand, to $100 thousand. In any event, I leave this to the tender mercy of you gentlemen. I hope that you will respond as I am sure you will respond, knowing you all as men who understand the dignity of a young lady who was thus affected, who understands life and its perils and its hazards and how we must in some way compensate because of these dreadful situations.

Mr. DONOHUE. Thank you very much, Mr. Chairman, for that fine statement.

Mr. CELLER. Thank you very much.

Mr. DONOHUE. We will now hear from our distinguished colleague, Chairman Colmer.

STATEMENT OF HONORABLE WILLIAM M. COLMER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI

Mr. COLMER. Mr. Chairman, Members of the Committee, will you first permit me to express my deep and sincere appreciation to the Committee for meeting here this morning on this matter that is of utmost importance to the young lady involved.

I should also like to express my deep and sincere appreciation to the very able distinguished lawyer and Chairman of this Full Committee and the Dean of this House, the Honorable Emanuel Celler, for his very appealing statement in connection with this case. I believe this is a somewhat unusual procedure, if not a precedent, for the Chairman of the Full Committee to appear before a Subcommittee of this Committee to express his interest in the case.

As far as I am personally concerned, Mr. Chairman, I should like to leave the case right where it is—with this excellent and, I think, accurate as well as compassionate appeal of my friend from New York.

A lot of what I had intended to say has already been said by the Chairman of this Committee.

I do want to emphasize, lest I should forget, that the similar Committee in the other body has considered this matter and has made a favorable report. They have seen fit to cut the requested figure of $200 thousand in half—to $100 thousand. I certainly have no quarrel with that, any more than I would with any other decision made by this body—or the House itself.

If I may, I should point out my interest in this case stems from two directions. Number one, the young lady involved here is from my home county. She lives in the little resort town I did, in Ocean Springs, Mississippi, just fifteen miles from me. I have really actually known her all of her life. Her father and mother were early friends of mine. Before her father's passing, I saw them most frequently. I still see her mother frequently. I have seen her since she has been in and out of Washington as a Lieutenant in the Navy and as a Captain in the Air Force. She, as the Chairman has cited, is not just an ordinary young woman. She excelled in sports. She comes from a family that excelled in sports. Her mother, before her, was one of the outstanding swimmers of that Gulf area and received numbers of awards, as she herself has. She was really in every sense an outdoors person.

I hope I am not overdoing this, but I am reciting facts. I happen to know of my own personal knowledge that at the time this accident, or whatever it is, happened she owned in her own right a sailboat, a camping car that she went camping in. She was engaged in skiing and swimming and other sports.

We are somewhat handicapped here, I suppose, in that we don't have an array of legal talent or medical experts. That possibly could be attributed to me, because I have undertaken to guide this matter myself because she was not, I think it's obvious, in a position to employ counsel or expert testimony of people who are knowledgeable in the necessary expertise to maybe combat what the learned doctors and counsel from the Government might see fit to offer.

Mr. Chairman, if I may be pardoned, I might attribute my negligence, if it is such, to the fact that in my 38 years in this body this is the first time that I have appeared before your Committee or your predecessor's. When I first came here, I did have a private claim before the old Claims Committee back in about 1935 which was successful. I handled that.

I am not, as I say, too learned or knowledgeable in the things that possibly are necessary to present this case. I think we have a just case. The Senate Committee thought so. Mr. Chairman, I don't know how much time you would want me to take, or I should take. Most of this is in this report of the Committee. Briefly, for your convenience, although I have copies of the statements here, you of course will find in here the statement of the claimant, whom I hope you will see fit to hear here presently, the statement of her friend, the doctor whom she lived with, a woman general practitioner in Falls Church, and the legal presentation and argument of the Senate counsel.

I think we should get down just to that fact right here and now. I think we should just as well face it and be frank and honest about it.

As Chairman Celler pointed out, we have no legal recourse because of the statute that prevailed. She cannot go into court. She is barred by the fact that she was a member of the Armed Services at the time of this incident. She must come to this Committee. As the Senate Committee so well pointed out—and I might add that Chairman Celler has also accentuated and emphasized—she has come to the only court, the court of last resort, to present her claim.

On page 15 of the Senate report they deal with this subject, citing the United States versus Realty Company. I wish time permitted the reading of the whole part dealing with that which occupies several pages, but down in the middle of the paragraph, the court said, "To no other branch of the Government than Congress could any application be successfully made on the part of the owners of such claims or debts for the payment thereof. Their recognition depends solely upon Congress, and whether it will recognize claims thus founded must be left to the discretion of that body."

That is what we are appealing to you now. "Payments to individuals, not of right or of a merely legal claim, but payments in the nature of a gratuity, yet having some feature of moral obligation to support them, have been made by the Government by virtue of acts of Congress, appropriating the public money, ever since its foundation. Some of the acts were based upon considerations of pure charity. A long list of acts directing payments of the above general character is appended to the brief of one of the counsel for the defendants in error. The acts are referred to not for the purpose of asserting their validity in all cases, but as evidence of what has been the practice of Congress since the adoption of the Constitution."

We are not asking here, Mr. Chairman, for an act of charity. Here is a young woman in full bloom of womanhood with extraordinary virtues and talents who has been striken down and for whom the future is not a very bright one.

If, as has been pointed out, this were in a court of law—not only in New York as stated by the Chairman but in Mississippi or any of your States—they would possibly award from one-half a million dollars to a million dollars.

Here we have a case where we are not charging malfeasance. At least certainly I am not, for I am not familiar enough with the case to charge malfeasance. But something went wrong there. Somebody obviously was not on the job and the necessary care and attention apparently was not given her. That is a matter, of course, for this Committee to decide.

We appeal to you in the name of humanity, in the name of justice, in the name of her future for some relief in this case.

Mr. Chairman, I have no delusions about this matter. I know from past observation, if not experience, that once a bureau of this powerful Government of ours takes a position on a matter, that they follow it up and they have all the resources with which to do it. They follow it up to the very end, even to the White House. I am willing to take my chances on that and Miss Brou has to take her chances.

I could go on at some length. I wish that time would permit. I know your time is limited, as well as mine. Incidentally, I have an 11:30 appointment with my Subcommittee on Reorganization. We hope to wind that bill up today. It was set at that time to give me an opportunity to get back there.

If some member of the Committee wants to ask me any questions about this, I would be glad to attempt to answer. I have tried to be honest and frank with you in this statement. I hope you would hear the claimant.

Again we appeal to your exercising the right that you have as a Committee of the Congress to right what apparently was a wrong.

I am sure that we will hear, as I have heard in the past, that you are setting a precedent here. So what! Maybe you are. Maybe it would come up again in other cases. But I think we break precedents in Congress every day. I think one of the objectives of Congress is to break precedents. We do it all the time we write new legislation. Thank you, Mr. Chairman.

Mr. DONOHUE. Thank you very much for a very fine statement. Are there any questions that any member of the Committee desires to ask of our distinguished colleagues?

Mr. WALDIE. May I ask one? Mr. Chairman, I had no trouble following your presentation or Mr. Celler's, but there is one question that I was not aware of, and I haven't had a chance to read this. Why did the Senate reduce this to $100 thousand? It seems sort of an arbitrary act on their part.

Mr. COLMER. Mr. Waldie, I wish I could answer that. I cannot. They just saw fit in their wisdom to do it.

Mr. WALDIE. There was no explanation apparently in the report. Just skimming the report, I don't see any explanation.

Mr. COLMER. I haven't seen anything in there either.

Mr. WALDIE. Thank you, Mr. Chairman.

Mr. DONOHUE. Are there any other questions?

Mr. COLMER. Thank you. Mr. Chairman, I imagine it would be in order—maybe I have been a little out of order here myself—to hear from Captain Brou.

Mr. DONOHUE. We intend to do that, Mr. Colmer.

Mr. COLMER. I am sorry. I am not trying to anticipate.

Thank you again, gentlemen.

Mr. DONAHOE. We will now hear from Captain Claire E. Brou, the claimant in this matter before us.

STATEMENT OF CAPT. CLAIRE E. BROU, CLAIMANT

Captain BROU. Mr. Chairman and members of the Subcommittee, I have only one thing to add to the affidavit that I have here on pages 5, 6, and 7, which is a repetition of what Mr. Colmer and Chairman Celler have said.

The outlook for me is not very bright. The business that the Army makes in its statement is the business of a normal life expectancy, which I do not now have.

At this point that is the only thing I have to add to my statement, that any doctor who would examine me now would tell you that I no longer have the normal life expectancy and normal health of a woman of my age. Plus the fact that one thing that I omitted from my affidavit when it was made is that on page 6 I spoke of my subsequent visit with Dr. Kempe in June, 1969. This is sworn as an affidavit by me. Paragraph 2 on page 6 is the truth of what Dr. Kempe has told me.

The only thing that I neglected to include in that is that Dr. Kempe, at that time or on a subsequent visit, told me that in essence Walter Reed was not a rehabilitation center. But he said that there was some inequity in the rehabilitation treatment of me purely because I was a woman veteran. He said if I were a male veteran that I would have received very different treatment and the same treatment that the male veterans have.

The reason for this, as you can well understand, is the miniscule number of women paralyzed. I think it would probably be less than one-tenth of one percent of women paralyzed as compared with men paralyzed. When I was in Walter Reed I saw many, many young men who had been paralyzed due to accidents that were incurred in the line of duty in Vietnam and other places where they were fighting. I don't understand why there is any inequity due to sex. That is the only thing I have to add to my statement.

If I may backtrack for one moment, Mr. Chairman, I will state that in the Army's summary on page 3, they mention the December 1967 study that was done at Walter Reed General Hospital, where a retrograde right petrosal sinogram was performed. They did two studies on me at that time. They did not mention the fact that they did two.

I don't really know the technical terms of them, but they did a study in my venous system and one in my arterial system.

I was originally in the hospital for, supposedly, three days in December of 1967. They did the first study on me and they said that they wanted to do another one and they would not release me until they did the second study. They did a second study and everything went according to Hoyle. I was normal and I recuperated in a normal condition. I was released ten days later, on the 15th of December.

In the ensuing months, Dr. Kempe had notified me by telephone that I should come back for another test because what they had found on the first two tests indicated a venous malformation behind my right eye. I said, "Thank you, Dr. Kempe, but I have had two studies done and I don't want to have any more." That was sufficient for that time.

But he called me again—and I think three times. The third time is when I said, "I will consider it, Dr. Kempe." Because I was still apprehensive of going back into the hospital, but I was still at the same time scared by what he had told me. At that time I told him I would reconsider and go back to the hospital.

So I called up about a week later after I had thought it over and discussed it with my personal friend, who is a physician. She said, "Well, maybe you better go back in and let them do this."

I might add that during the first two studies that were done in 1967, Dr. Ferry, a neurosurgeon who was Dr. Kempe's assistant, asked me if I would sign papers to the effect that it was all right for them to write up my case in the American Medical Association Journal—as I recall, because it was a very unusual case. I said, "Sure. As long as what you find out about me may help someone else, go ahead and do it."

They later came to me and asked me if I would do the same thing for pictures and I said, "I have no objection to that either." In the picture business, they put a blood pressure cup around my neck and pumped it up and made this right eyeball extended. The man took pictures and, as I said, I signed releases for this.

I left the hospital in December of 1967—December 15 as I recall—and nothing further happened until I went back in April of 1968. I went in on the fifteenth of April, 1968. I went in in uniform and in perfect health. I undressed myself and hung my own uniform up. The next day I got the complete examination, which is normal. In anybody's hospitalization they check everything before they do any study or operation or anything on you. I had a test for physical coordination—which was perfect. I had an EEG, for your heart, whatever they do to test your heart. They did the blood work and lab work, and everything was fine.

That night, on the 16th of April, Dr. Gutierrez said that the test the next morning would be essentially the same as the previous two. Since I knew what to expect, we didn't go into any lengthy discourse about the tests. I said, "Okay, I will be ready."

So they took me down to the diagnostic room the next morning. When I entered the diagnostic room, I noticed that there were about half the people in attendance that there were on my first two tests in December of 1967. In particular I noticed the absence of the female chief technician who was, in my opinion, very competent on the first two tests—as well as the doctors. I don't know how to explain this to you, but I was fully conscious at the time of all three tests.

Naturally I made a comparison with the first two tests, which went all right. I didn't anticipate any trouble on the third test.

When I noticed the absence of about half the people in attendance, it struck me as being a little bit unusual.

As the technician prepared certain things that were to be done before Dr. Gutierrez took over, who I understand is a radiologist, he cautioned the doctor not to go so fast. At that time it occurred to me, why is this doctor in such a rush? Is he preoccupied? Is he rushing to get through to get some appointment, or what? This occurred to me.

At another time during the test I distinctly remember the technician saying, "Doctor, I have to do certain things before you can go ahead with your part of the diagnostic study." As I recall, the technician said, "Be patient", or words to that effect, cautioning him again not to go so fast.

Again I wondered. Everything was ready and the contrast material was injected into the catheter. Of course I experienced the same pain which I had in the first two tests, but momentarily I felt my right hand draw up like this (indicating).

Immediately I said, "Doctor, something has gone wrong. Something has gone wrong with the test." Nothing was done. So I asked the doctor to give me oxygen and to call Dr. Ferry, who was my doctor. The doctor seemed to be surprised, and everybody in the room seemed to be surprised, that I was reacting adversely, so to speak.

I again asked for oxygen and I said, "I am swallowing my tongue. Please do something." As I recall, nothing was done. At the time I recall that I blacked out. When I came to, Dr. Gutierrez said, "Are you ready to go on with the second part of the test?" I said, "No." At that time I took my left hand and dislodged my tongue, remembering my first aid. Then I said, "If you don't take all this stuff out of my neck"—which was right here (indicating)—"I will pull it out and you are not going to do anything else with me. Call Dr. Ferry."

So then it seemed as though the people in the room in attendance went into action immediately. Moments later, Dr. Ferry appeared on the scene and I was wheeled out.

After that, they took me, I think, back to the ward, or they took me to intensive care, and Dr. Ferry proceeded to do the spinal tap on me. Then they did a brain scan on me. After that, they took me back and proceeded to start their therapy. My friends and family were called. Dr. Lumpkin called to see if I was doing all right and Dr. Ferry talked to her and said, "No. Something went wrong on the tests. You better come out here." She came out to the hospital and she was very concerned. At the time she asked somebody where I was, and got no satisfaction. She found me down in the brain scan room undergoing a brain scan.

At that time the paralysis had spread and I had difficulty in talking to her. Later I found out that my family had been called and that night they were sitting at my bedside. Naturally it scared me. I asked Dr. Ferry at one time, "Am I going to pull through?" He said, "I don't know. We hope so."

After that I was in intensive care and treated, as they saw fit. I remained in the hospital for six weeks, at which time they told me that I had benefitted from the hospital treatment as much as I could, they needed the bed and that I would have to go and subsist elsewhere.

This is when my friend, Dr. Lumpkin, took me to her home. Prior to that I was living in my own home. I left the hospital in a wheelchair and was taken care of by Dr. Lumpkin until I got out of the wheelchair and received therapy as an outpatient until September of 1968, at which time I was discharged from the Air Force on 100 percent permanent medical disability.

There were no ifs, ands or buts or any questions by the Physical Evaluation Board. I was told at the time that normally, when a person gets 100 percent permanent disability, that it's something that goes back and forth, back and forth with a lot of discussion about the medical case and so forth. But mine was sent to the Physical Evaluation Board and came back immediately.

That is all I have to say. As I have said in my statement, I have pursued all possible treatment—therapy, physical therapy, occupational therapy, and last year the physical medicine doctor at Fairfax General Hospital said that I had stabilized, that I would not get any better. The neurologist out at the Veterans Hospital who saw me this year, a year after she saw me last year, told me the same thing, that there was little progress, but as far as any further improvement not to expect it.

Right now I am at the point that I try to accept it. It's not very easy. I will continue to pursue any form of treatment that anyone has that will give me any hope. But the prognosis for recovery is nil.

Mr. Donohue. Have you completed your statement?

Captain Brou. Yes, Mr. Chairman.

Mr. Donohue. Are you receiving any therapy now?

Captain Brou. I am receiving occupational therapy. That is on the upper extremity, on the arm.

Mr. Donohue. Where is that administered to you?

Captain Brou. It's administered at the place where I am staying, at the home of a friend of mine.

Mr. Donohue. Prior to your entering Walter Reed, you were enjoying good health?

Captain Brou. Perfect health. I did, as I said in my statement, have a slight problem with my vision, the blurring of my vision, but I think that that is something that could happen to anyone. It may have happened to some of you gentlemen. It did not interfere with any of my activities of daily living or any of my social or professional pursuits or recreational pursuits. If I could have lived 150 years with that condition, I don't think that it would have impaired me any.

Mr. Donohue. At the present time your condition is a paralysis of the right side, involving your arm and your leg?

Captain Brou. Yes, and all the internal organs.

Mr. Donohue. On your right side?

Captain Brou. On the right side.

Mr. Donohue. Along with suffering? Do you suffer from headaches?

Captain Brou. No. I just suffer from the excessive weight-bearing, a feeling of weight that I experience in the paralyzed portion of my body. It's as though I am carrying around a bucket of water in my right hand at all times.

Mr. Donohue. Are you still experiencing double vision?

Captain Brou. In the right area.

Mr. Donohue. You say you lack coordination?

Captain Brou. Yes, sir, I lack coordination. It is practically non-existent. I might add, too, that prior to my paralysis my right side was my dominant side, meaning I was right-handed.

Mr. Donohue. Questions?

Mr. Smith. Captain Brou, who administers the present occupational therapy?

Captain Brou. Fairfax County Home Health Service.

Mr. Smith. They come to your house and do it?

Captain Brou. Yes.

Mr. Smith. With your 100 percent disability, Captain, do you now receive benefits from the government?

Captain Brou. What kinds of benefits?

Mr. Smith. That will be my next question. Do you receive benefits from the government, monthly pay, disability benefits?

Captain Brou. I receive medical disability retirement pay.

Mr. Smith. Under what law or program is that?

Captain Brou. That I couldn't tell you. It is not paid to me by the Veterans Administration. It is paid to me by the Air Force.

Mr. Smith. How much do these benefits amount to on a monthly basis?

Captain Brou. It is over $600 a month. I don't recall what my last check was because it has just been increased by the cost of living. It is around $630 or $640 a month now.

Mr. Smith. Was that retroactive to the time of your condition in April of 1968, or at least at the time you were declared 100 percent permanently disabled?

Captain Brou. Let me say that my active duty pay as a captain on active duty in the Air Force terminated on one day in September and my physical disability retirement pay started the next day.

Mr. Smith. In 1968?

Captain Brou. 1968.

Mr. Smith. As to the occupational therapy, is that furnished to you or do you pay for that?

Captain Brou. It is paid for by the VA and it is $6.00 a visit, so it costs the VA $12 a week when I received it.

Mr. Smith. The VA pays for that?

Captain Brou. Yes, sir.

Mr. Smith. On your retired disability pay, Captain, is that subject to Federal income tax?

Captain Brou. No, it is not.

Mr. Smith. It is exempt?

Captain Brou. It is exempt from Federal income tax.

Mr. Smith. Can you at present do any work at all?

You do not feel that you can?

Captain Brou. No.

Mr. Smith. Are there any suggestions made by occupational therapy people or anybody else that you may some time in the future be able to ge gainfully employed?

Captain Brou. There is a difference of opinion. Some say yes and some say no.

Mr. Smith. There is always hope.

Captain Brou. There is always hope but on my last visit to the orthopedic surgeon at Andrews Air Force Base Hospital he said that my legs would get worse. It would get to the point where I couldn't get a shoe on and I would have to have an operation on my leg.

Mr. Smith. I have no further questions.

Mr. Donohue. Mr. Flowers?

Mr. Flowers. I have no questions.

Mr. Mann. No questions.

Mr. Waldie. I have no questions.

Mr. Sandman. I have no questions.

Mr. Coughlin. No questions.

Mr. Donohue. Thank you very much, Captain.

We will now hear from Mr. Philos, Chief, Legislative Relief Office.

STATEMENT OF CONRAD D. PHILOS, CHIEF, LEGISLATIVE RELIEF OFFICE, JAG, DEPARTMENT OF THE ARMY

Mr. Philos. Captain Allen Horsley, from my office, will be assisting me.

I have a brief opening statement and copies will be distributed to the members of the Committee.

As has been stated, the bill seeks an award of $200,000 for injuries suffered by Captain Brou while on active duty as a consequence of radiological studies performed at Walter Reed Army Medical Center in 1968.

The claimant contended before the Senate Committee on the Judiciary, which considered S. 3419, a bill identical to H.R. 14235, and essentially the same material was raised again today before this Committee to the effect that she was unduly influenced to undergo the radiological study during the course of which she suffered a stroke. It is contended, also, that the stroke was due to negligence on the part of the attending Department of the Army personnel.

These conclusions and the pertinent supporting facts were contained in affidavits of the claimant and her private doctor which were filed with the Senate after the Department of the Army had submitted its report to this Committee on April 28, 1970.

Accordingly, up until this time the Department did not have the opportunity to examine and rebut those statements.

At the outset I would like to say that Senate Report No. 1125 misconceives the position of this Department. The Department of the Army did not contend that the Feres case, or any other judicial decision, can limit the authority of the Congress to give legislative relief. Rather our position is that the Feres decision and the related decisions bar only judicial and administrative relief to servicemen.

That being the case, it is our opinion that legislative relief should be given only under the most extraordinary circumstances if the Congress is not to be overwhelmed by a flood of petitions for private relief. It is our further opinion that such a showing was not made in this case.

In an attempt to make such a showing, however, the claimant filed the affidavits to which we have heretofore referred, but they contain a factual version which is at complete variance with the facts disclosed by a careful investigation conducted jointly by the Offices of The Judge Advocate General and The Surgeon General before our report was filed.

During the course of these investigations affidavits were secured from Dr. Kempe, Dr. Guiterrez, and Mr. Lee, the technician who was present at the procedure. These affidavits will be distributed to the Committee with your permission, Mr. Chairman.

Very briefly, these affidavits from the Army personnel unequivocally state the following:

That the patient voluntarily undertook the procedures in order to cure the condition that she complained of. No attempts was made to influence her judgment. She was merely advised that the procedures were necessary before the therapy requested by her could be undertaken.

Secondly, it was not the first procedure of this kind undertaken by Dr. Gutierrez. He participated in the first procedure performed on the claimant in December of 1967 which resulted in no complications whatsoever. He performed at least one other identical procedure on another patient prior to the second test on the claimant in April of 1968 when the stroke occurred.

Neither the technician nor any other person in attendance at the procedure requested Dr. Gutierrez to "go slow, do not be in such a hurry," and, in any event, such a statement would have been unnecessary and improper because Dr. Gutierrez was proceeding in a proper professional manner compatible with the type of procedure being undertaken.

Next, when the complication occurred and she was in significant pain for the first time, the procedure was immediately terminated.

No attempt was made thereafter to reinitiate the procedure.

The patient did not swallow her tongue,

nor did anything because all necessary remedial actions were taken spontaneously and instantaneously by Dr. Gutierrez and his staff on their own volition.

It is our considered opinion that these affidavits correctly reflect the facts, but if the members of this Committee are of the opinion that a genuine issue of facts exists the Department recommends that the Congress refer this matter to the Court of Claims for findings of fact.

Off the record.

(Discussion held off the record.)

Mr. Philos. After listening to the presentation we concede that something went wrong, but we say that nothing went wrong that was due to any action, any negligent act or action, attributable, or omission attributable, to the Department of the Army Medical personnel. There was a physiological accident. Our experts have their opinions as to what went wrong, but as attested to in these procedures, it was not due to any action of our medical personnel.

Mr. Donohue. What was that last statement you made?

Mr. Philos. That a physiological accident did occur. This we know. A stroke occurred. We have expert opinions as to what could have gone wrong.

Mr. Donohue. What were those expert opinions?

Mr. Philos. I would defer to our experts. We have them here. They can give it in correct medical terminology. I would hesitate to do so. It could be due to a weakness, stating this in lay language, in one of the arteries and there was an aneurysm which occurred. That weakness, as commonly stated, caused a blowout.

Mr. Donohue. What caused the aneurysm?

Mr. Philos. May I defer to Captain Horsley who is our medically trained lawyer in the office? I think he is more acquainted with the medical aspects of this case.

Captain Horsley. While no definitive diagnosis has been made as to exactly what caused the stroke Captain Brou suffered, apparently the medical opinion is to the effect it was due to an abnormal, perhaps abnormal, circulatory structure in the brain.

As I understand it, the procedure was performed on the left frontal part of Captain Brou's head in front of her brain. The stroke occurred in the medullar, or the back portion. This controls certain bodily functions. There is apparently no normal connection between those two circulatory systems which would lead to a stroke of this sort.

This is the information given me by the radiologist in the case. For her to have had a stroke and suffered an accident during this procedure the most likely explanation is a congenital abnormality present in her circulatory system, which was in fact the cause of the condition for which she was admitted to Walter Reed in the beginning which was a circulatory problem posterior to her right eye which caused the eye to bulge. She was admitted to receive surgical therapy on that varicose vein cluster behind her right eye.

In order to receive therapy, surgical therapy, for this problem it was necessary for her to undergo the bilateral right and left side radiological tests.

Mr. Philos. Applying our——

Mr. Donohue. Were there any tests made prior to the radiological tests?

Captain Horsley. Yes, sir, she was submitted to a physical examination, the standard physical examination. I am not competent to give you those details.

Mr. Philos. In applying a legal rationale to this, to the medical evidence which we have secured and which is contained in the affidavits, it is our conclusion that this incident would have occurred even if the procedure had been handled in a perfect manner and in accordance with the highest standards of attention. We believe, based upon our entire re-evaluation of the case, that there was no act of professional negligence or any omission that would have caused the incident in question.

Mr. Waldie. I gather that your assumption now, at least, is that her initial complaint relative to her eye was due to a congenital defect in her venous system. Is that correct?

Mr. Philos. This refers to a portion of the facts with which I am acquainted. Yes, but that is our position. It is the only way that we can explain what happened.

Mr. Waldie. If you were then aware—not you but the doctors were aware—there was a congenital defect in her venous system which caused a protrusion of her eye, would that not have been a caution signal in performing this diagnostic technique?

Captain Horsley. Again speaking as an attorney and not a doctor, I understand there was no positive diagnosis what caused the eye to bulge prior to the radiological tests. These tests were taken to affirm a suspected diagnosis of a venous abnormality. Whether congenital or not I am not aware. We perhaps used a bad word.

Mr. Waldie. If the suspected diagnosis is a venous abnormality would you undertake a test of this nature which might threaten what in fact occurred?

Captain Horsley. It should be noted that the abnormality was on the right side of her head. The initial tests, first tests, a sinogram conducted on the right side in December, showed that the only significant risk in the initial test which was given thought to was the unknown risk of an allergic reaction. That reaction did not occur. Accordingly there was no medical reason for the doctors to suspect any untoward events occurring during the left side test conducted three months later.

Mr. Waldie. Was the abnormality which caused her eye to protrude in essence an aneurysm of the blood vein behind her eye?

Captain Horsley. No, sir. In essence the abnormality behind her right eye was analogous to a varicose vein a woman has in her leg. If therapy had been attempted on this varicosity behind her eye, surgical therapy, prior to a radiological test being performed to establish that the cause of that varicose vein was not an improper brain drainage, then surgical therapy could not have been tried until proper drainage had been established through the use of the radiological tests.

Mr. Waldie. Finally, if you have determined as near as you can that her present condition was the result of an aneurysm due to a venous abnormality—is that a fair statement?

Captain Horsley. This is my understanding.

Mr. Philos. May we consult with our expert on that? It is something which goes beyond our competence.

Mr. Waldie. While you are consulting, would it be possible, Mr. Chairman, for them to direct themselves to other probabilities? I presume they have discounted other probabilities and have centered on that.

Among the probabilities they have discounted—was there a discussion of a possible error in the procedures of this diagnostic test as being responsible for this? If that was discussed, explain, if you would, how this procedure could have brought about this result if it was improperly conducted.

Also, could this procedure if improperly conducted have brought about precisely the result and an aneurysm and other damage brought about?

Captain Horsley. We would like to call Lieutenant Colonel Harrell, the Chief Radiologist who is familiar with this case and these procedures.

STATEMENT OF LT. COL. JAMES E. HARRELL, CHIEF, DIAGNOSTIC SERVICE OF THE RADIOLOGY DEPARTMENT, WALTER REED GENERAL HOSPITAL

Colonel Harrell. Sir, I would be happy to answer any of the questions that you were raising.

First, let me state——

Mr. Philos. Please state your present position.

Colonel Harrell. At present I am chief of the Diagnostic Service of the Radiology Department, Walter Reed General Hospital. At the time this occurred I was chief of the Special Diagnostic Section, and Dr. Guiterrez was a member of the team of that section.

Would you like me to take up some of the questions you have raised?

Mr. Donohue. Perhaps you should state your background.

Colonel Harrell. I graduated from medical school in 1962, University of Arkansas. I interned at Fitzsimons General Hospital, Denver, Colorado.

I came here as a resident in 1963 in radiology. I finished this residency program in 1966.

In 1966 I began a fellowship in special diagnostic procedures. I concluded that in June of 1967.

Since that time, from 1967 to 1 September of 1970, I was chief of the Special Diagnostic Section, assistant chief, Department of Radiology, Diagnostic Section, and at present, as I said, I am Chief of the Diagnostic Section of Walter Reed General Hospital and Assistant Chief of the Department.

I am assistant clinical professor at Georgetown University. I am consultant to the Washington Hospital Center. I am consultant to the Washington Sanitarium. I am a diagnostic radiologist for the University of Maryland. I am Board-certified in radiology.

Mr. Donohue. What does the field of radiology encompass?

Colonel Harrell. Use of ionizing radiation, either natural or artificial, for treatment and diagnosis.

Mr. Donohue. Is that done mostly by X-ray?

Colonel Harrell. The specific X-ray we speak of in this case utilizes the production of X-ray from an X-ray generator and tube and exposure of radiographic film.

The term "radium" was introduced earlier. This term has no place in this discussion because radium has to do with a solid material which is used for treatment.

In this case it was purely diagnostic work that is involved.

Mr. Donohue. Is the use of radium usually done by a radiologist?

Colonel Harrell. Yes, sir, but it has to do with treatment of malignant conditions.

Mr. Donohue. It is not usually done by a neurologist?

Colonel Harrell. By a radiologist, sir. Radiation therapists use this in needles, implants, and so on.

Mr. Dononue. Is it also used by neurologists?

Colonel Harrell. I am sure neurologists perhaps have used it in the past but it is under the category of the radiology department. These radiation therapy specifically.

Mr. Donohue. You may proceed.

Mr. Waldie. Colonel, before I ask the questions again I want to establish something in my mind. You performed the first operation?

Colonel Harrell. The first two studies. I did her choroidic arterial petrosal sinus injection on the infected side which had the abnormality.

Mr. Waldie. The inferior petrosal sinogram on the right side?

Colonel Harrell. On the infected side, yes.

Mr. Waldie. It was the same operation that Dr. Guiterrez did on the left side?

Colonel Harrell. Yes.

Mr. Waldie. From which these consequences ensued?

Colonel Harrell. Yes, sir.

Mr. Waldie. Dr. Guiterrez assisted you?

Colonel Harrell. Yes.

Mr. Waldie. Was that the first time he had assisted in that type of operation?

Colonel Harrell. He assisted me in that operation and did another one with my assisting.

Let me hasten to add that in the course of some 720 this past year we have done of these procedures, it only matters where we place the catheter. We do many of these type studies each year. We have a busy service there.

Mr. WALDIE. Was this the first time Dr. Guiterrez assisted in an operation of this type?

Colonel HARRELL. On the first study. He had occasion to do a study himself on the second. Yes, that is correct.

Mr. WALDIE. Then between that first experience and his handling of the Captain he had one other experience where he was the primary person involved?

Colonel HARRELL. That is correct.

Mr. WALDIE. I have two questions essentially. I gather there was a diagnosis that the Captain's eye trouble was largely attributable to a congenital venous defect?

Colonel HARRELL. Sir, I do not know whether this is congenital or whether this had occurred following trauma somewhat later in life. The fact exists there was a vein behind the orbit, or on the orbit, of the right eye approximately the size of the distal two joints of your finger which with either some maneuver of the neck, or a val salve maneuver, holding one's breath, caused by visual disturbances.

Mr. WALDIE. Was there a conclusion that her venous system was in some way impaired?

Colonel HARRELL. Yes, it was.

Mr. WALDIE. That conclusion existed prior to your sinogram operation on her?

Colonel HARRELL. Tht is correct. We had done a choroidic arteriogram which showed some circulation behind this eye. However, the definition was poor. Obviously surgical intervention of this sort, the neurosurgeons feel they need as much information as they can possibly get.

We went to the direct study which would give us this, which was the first study which gave us a beautiful demonstration of the problem in detail.

Mr. WALDIE. Being aware that she had some venous abnormalities, is there anything in that awareness which would require you to conduct this right inferior petrosal sinogram or left inferior sinogram in any different manner than you would normally conduct it had there been no venous impairment?

Colonel HARRELL. In the field of cardiovascular radiology we deal frequently with congenital abnormalities. Therefore we try in every way possible to approach cases as carefully as we can realizing these variable possibilities. As such, the catheter was positioned in a vein and a small amount of contrast material was injected which initially we had films on. I do not know where the films are at the present time.

The reason the study was done was because there was an abnormality on one side. I am sure you will perhaps want to discuss the obvious risk of this sort of thing. It involves the cavernous structure. Through this structure and an opposite structure all the venous substance drains from the head. If in the course of surgery one side happened to be destroyed surgically it is imperative to know that blood can leave the head on the opposite side, or if, in the course of the surgery a thrombosis develops, and this is the mandatory part, if treatment was going to be instituted in this case, of knowing that the patient could drain blood from the other side.

But knowing that there was one abnormality here you cannot assume immediately that the other side is going to drain and go ahead and take a surgical risk without knowing that. I hope this answers your question in a round about way.

Mr. WALDIE. Perhaps it does but I cannot say that I understood it. That is not due to your deficiency, however.

Colonel HARRELL. I would like to explain it to you where you would understand it.

Mr. WALDIE. Perhaps if I phrase the question again. The fact that she had a venous deficiency of which you were aware, would that cause you to conduct this petrosal sinogram in any different manner than you would otherwise?

Colonel HARRELL. I don't know what I can say other than the fact that we approach all of these cases very carefully. The amount of pressure that was exerted was not one with an automatic machine. It was a very general injection by hand of some 55 cc of contrast material.

Mr. WALDIE. You are talking about the one Dr. Guiterrez conducted?

Colonel HARRELL. Yes. This is how I approached the case initially when I did it the first time.

Mr. WALDIE. I gather your conclusion is that Dr. Guiterrez conducted his petrosal sinogram in the same manner that you would have?

Colonel HARRELL. Yes, sir.

Mr. WALDIE. And that he was as aware as you were of the venous deficiency?

Colonel HARRELL. Yes, sir, he was.

Mr. WALDIE. Is there any way that by an improperly conducted petrosal sinogram it would bring about the reaction that the Captain has experienced? I gather you have ascribed that reaction to one cause. I would like to know if there is a possibility, whether it is equal or not I presume would be a decision of our Committee, could the same results she is now experiencing have occurred through mal-administration of the petrosal sinogram test that Dr. Guiterrez conducted?

Colonel HARRELL. Yes, sir, it certainly could have.

Mr. WALDIE. In what manner?

Colonel HARRELL. Primarily due to undue force in the actual ripping of vessels in such a manner——

Mr. WALDIE. What would cause that?

Colonel HARRELL. Undue injection force.

Mr. WALDIE. Too much pressure?

Colonel HARRELL. Too much pressure, correct.

Mr. WALDIE. Not the quantity that is injected but the speed with which it is injected?

Colonel HARRELL. He is primarily given a certain volume. It depends on the pressure and place. In a vein of a certain size. Too much pressure could rip the walls of a vessel that is necessary to supply the brain with blood. This is unequivocally true.

Mr. WALDIE. If too much pressure were applied in this instance would that in your view have been an improperly conducted test?

Colonel HARRELL. Yes, it would.

Mr. WALDIE. Can you exclude that as the cause?

Colonel HARRELL. Yes.

Mr. WALDIE. Why?

Colonel HARRELL. The films obtained in that series when the injection was made, the first injection, were reviewed by myself and Colonel Kempe. There was venous filling of all the structures in the area. There was no residual stain at the conclusion of filming which would indicate any rupture of any vein.

Mr. WALDIE. A vein did rupture, did it not?

Colonel HARRELL. I don't share that opinion. I don't know.

Let me state there are two possibilities. One is a ruptured vein which we saw no evidence of. The other is that a clot could have formed with a retrograde injection which would have produced the identical same thing.

I don't think there is any contest here of the fact that her disability resulted as a direct result of this procedure. We are not—you know, this is a foregone conclusion.

Mr. WALDIE. The contest is your conclusion that because of the venous abnormality.

Colonel HARRELL. I am not stating that and I have not stated that.

Mr. WALDIE. The lawyer stated that.

Colonel HARRELL. I do not know. I did not see any evidence of any venous abnormality on the films obtained with filling of these veins. The main thing I am contesting here, or the point I am trying to make, is that there was no evidence on those films of any undue pressure or any malpractice on the part of Dr. Guiterrez. Some allegations have been made previously.

Mr. WALDIE. And those films are missing?

Colonel HARRELL. Those films were signed out by Captain Brou, I presume, when she signed out the remainder of her films. We got some back of the initial studies. I do not have them in my possession. They are not in the X-ray Department at the present time.

Mr. WALDIE. I have nothing further.

Mr. MANN. You concede, because of the proximity in time and the improbability of coincidence, that the test did through some mechanism cause the disability she now has?

Colonel HARRELL. Yes, sir.

Mr. MANN. Your position is, however, that it was given in accordance with normal medical practice without any malfeasance or omission?

Colonel HARRELL. That is right.

Mr. SMITH. I have a question later.

Mr. COUGHLIN. It was said earlier that the effect created was the result of a disturbance on a different part of the brain than that which was affected by the procedure.

Colonel HARRELL. We have no proof of this. This was a statement by Captain Horsley. I personally have no proof of that. We have only the proof of the one abnormality. I am not making any claims that there is any other abnormality there.

However, this was a case which required us to study the other side because of possible surgical intervention.

If there is an abnormality in one area of the brain there is no reason to believe there may not be a similar abnormality somewhere else. It would perhaps affect the outcome of any future treatment.

Mr. COUGHLIN. The effect on the motor nerves, or whatever it is that creates the paralysis, may not be from a different part of the brain than that being operated on at the time?

Colonel HARRELL. The difficulty that she now experiences resulted from a study on the brain opposite the side of her known abnormality. As far as we know, there was no congenital abnormality in that area which we proved or that we found. We did show that she had a normal drainage from that side by the study.

Mr. COUGHLIN. You are still not getting my question. The paralysis, the failure she is experiencing, as I understand it these are not governed by that part of the brain which was being tested, or either side?

Colonel HARRELL. Yes, it does. I would like you to refer that question to Colonel Kempe. He is a neurosurgeon and understands this whole tie-up much better than I do. Obviously, where we were studying there was some connection with the brain and that part to the part which is affected, yes.

Mr. WALDIE. Mr. Smith?

Mr. SMITH. Did I understand you to say that you do not know whether this was caused by an aneurysm or a thrombosis which would be a clot?

Colonel HARRELL. That is right.

Mr. SMITH. You cannot say which?

Colonel HARRELL. From the films we had we showed no evidence of it. We use a contrast material. If a vessel would have been ruptured we would expect to see that extravasation in that area. This is out of the circulatory pattern and it will remain for some seconds after the normal circulation drains.

Reviewing these films I did not see this.

Of course, I was as concerned as everyone else is here about her condition. We did review those films immediately.

Mr. Smith. There were other areas of the brain which did not appear on the films. Is that right?

Colonel Harrell. But the contrast material was not seen in those areas. The normal site of extravasation or rupture would be very near the tip of the catheter. This is where we would expect a blowout and see extravasation if such had occurred. I will therefore have to presume that this happened at some distance from there, and in that event a clot is my own considered opinion as to what happened since we were injecting against the flow of blood.

Obviously in the venous system the blood is flowing down this way. The catheter was going up into a small vessel and the injection the other way. We were injecting against the flow of blood, which we usually do in venous studies.

Mr. Smith. This is a normal procedure?

Colonel Harrell. Yes. We had done many jugular venograms. The jugular vein is the origin of the procedure for direct puncture. We usually use this procedure to study tumors involving the apex of the bone inside the head which contains the ear or mastoid or tumors around that area. It is also used as a standard procedure to evaluate tumors involving the pituitary gland in the head because it outlines the venous structures above the pituitary gland and tumors which extend beyond that. It is an accepted standard procedure.

Mr. Waldie. Would the clot have caused all the consequences that happened to the patient?

Colonel Harrell. It could have.

Mr. Waldie. Is it your belief it did?

Colonel Harrell. The results of all this, I think I have answered the questions as far as actual performance of the procedure. I would defer any further damage problems to the expert in the field of neurosurgery who handles these.

Mr. Waldie. Would the X-rays or the films taken reveal the clot?

Colonel Harrell. Most likely not.

Mr. Waldie. Why is that?

Colonel Harrell. Because it perhaps happened some distance from where the contrast material was. The venous pattern in that area, in this particular case there were quite a few veins filling. The clot would be a negative filling defect and you would not know whether the contrast just didn't get there or whether there was a clot there.

Mr. Waldie. When you say "most likely" I suspect your answer is that the films did not reveal the clot?

Colonel Harrell. The films did not.

Mr. Waldie. At least in the portion of the brain they were examining?

Colonel Harrell. That is right.

Mr. Waldie. Captain Brou has testified that she experienced numbness almost immediately at the beginning of the insertion of the liquid which I presume is because of the sensitive procedure where excessive pressure can cause damage. Is that numbness reference to a conclusion excessive pressure was being utilized?

Colonel Harrell. I will also defer that question to the neurosurgeon if you do not mind, sir. My own considered opinion is that this was a result of denial of blood flow for some reason, either through spasm caused by contrast material, and this can occur, but somewhere there was absence or diminution of blood flow. I beg you to let people who deal with these complications answer these questions.

Mr. Waldie. Other questions of these gentlemen before we call Dr. Kempe?

(No response.)

Mr. Waldie. Dr. Kempe.

What in your opinion is the cause of Captain Brou's disability?

Colonel Kempe. If you limit me to that because I listened to this meeting for about an hour, and there are very pertinent things not even mentioned. I will have to bring these up to get you a little bit into what really happened, I think. May I do that?

Mr. Waldie. I have no objection.

Colonel Kempe. Captain Brou came to me in 1947 because her eye started to puff out, the right eye.

Mr. Smith. Excuse me, 1967?

Colonel Kempe. That is right, because her right eye would protrude when she bends over. If she strangled a little the right eye came out.

She came to me to find out what it is and what can be done about it.

One other thing we did not mention is that in the past history of Captain Brou she had suffered a skull fracture. The fracture of the skull was on the left side, the opposite side from where the eye protruded.

Now, we knew just from the clinical examination that if you in some way embarrass the blood flow coming from the head this eye would come out. The most likely possibility there, just from simple deduction, is that there is some sort of an obstruction on that side. But we never have to forget she had in her past history a fracture of the skull on her left side.

When I discussed the situation with Captain Brou and what I think she may have, and we may have to find out in certain ways what it is, and furthermore what can be done about it, she brought also her doctor friend, and I discussed the situation with him several times.

My idea at that time was that she had a varicosity, such as you can have in the leg, which starts bulging. We will not talk about the congenital abnormality here because she did not have it years before. A congenital abnormality certainly can make itself manifest many years after, by slow dilatation, but it is moot even to find out whether it is congenital or not. At least she has it.

To find out what it is, the circulation of the brain has to be studied. If we talk about studying the circulation of the brain we have to demonstrate the blood vessels that go to the brain and we have to demonstrate it especially in her condition, the blood vessels which leave the brain.

If I study the blood vessels that go to the brain, the arteries, I inject something which goes with the flow of the blood to the brain. If I study something, a vascular system of the draining veins from the head, I have to inject something to retrograde the flow, so I shoot something up against the stream of the flow, the natural flow. This entails a risk.

If I push something into the river against its stream I block that stream in some way. Therefore these tests are not without risks.

There have been no technical errors so far as I know. I leave this up to the radiologist who does this test. But these tests are not without risk. They are not without risk coming from Walter Reed down here in a cab. Therefore, we discuss with the patient before that the risks involved. We weigh what can be done about her cosmetic results from the protruding eye, and furthermore what can happen if you leave the situation alone.

The history of varicosities behind the eye in certain patients leads to thrombosis such as you have thrombosis in your leg and then obstructing the blood flow of the vessels to and from the eye and you become blind. That is the one thing that can happen if you do not even touch the patient.

You tell the patient—if you leave it alone that is one thing that may happen or it may not happen. The other thing is the angiographic studies. These are not without risk and we tell this to every patient. I told this about four times to the doctor friend of Captain Brou.

Captain Brou came for the diagnosis and she came to have something done about it and we did the study.

If my eye is here, the draining of these eyes is bilateral. For instance, the stream that comes, the vein that dries my eye and the orbit, it goes back into my head into one big stream, and then leaves from three other streams of the head so they come together.

Therefore, if we have to find out whether there is an abnormality in one eye we make a mistake not to check the other eye, so that the bilateral tests had to be done. That was clear from the beginning. We cannot just do one side without knowing the other side.

Anybody cannot strip a vein in a leg without knowing the circulation of the other veins. If you strip the varicose veins and do not know if the deep veins are patent, that leg is gone and it would be a catastrophe. Therefore we knew the bilateral test had to be done. That is why I bring this up.

We cannot forget, furthermore, that the patient had in the past a fracture of the left side of the skull, the good side. My deduction at that time was, therefore, that she had not a perfect flow from the left side, that everything was on the right side, and she needed this pathway on the right side, and we could not do anything for her if we do not know exactly all the pathways from the brain. Therefore the tests were done.

What happened? Now I come to your question.

Certainly we know that no blood vessel ruptured when the test was done, not only because we did not see blood vessels or stains of the little material but a lumbar puncture was done, as Captain Brou said herself, to see if a blood vessel ruptured.

How do you find out? Not only by the picture but you do a lumbar puncture because a brain is swimming in clear crystal fluid, as clear as water. If a blood vessel ruptured it would be immediately pink. This was not found. However, there is no denying that something happened. However, what happened?

We are talking about an area of the brain stem. This shows circulation way up in the brain stem, this test. The area can be embarrassed by this retrograde injection, and perhaps also by faulty circulation to begin with, you have a little thrombosis of vessels. I am talking about an area no bigger than the tip of my little finger. That is all that is needed to give a clinical picture of what Captain Brou has.

Through this little area go not only the motor part from the arm and leg and the face but also the sensory part which comes from the face up. Everything comes to a rather very small little bottleneck, and that is the circulation we tested. That is what happened, a thrombosis of this area. That is a permanent damage.

Mr. Waldie. What caused thrombosis?

Colonel Kempe. Two things. We have a retrograde injection with a risk. I inject something against the stream of the normal blood flow of the brain. You have to do that. That is part of the test. You cannot inject it any other way. Therefore if you do that a certain hesitation, a certain blockage of the flow is occurring at that time, a minimal one, so the risk is still there. Every test of this type has a certain risk, and we discussed this. You cannot do it without risk.

Mr. Waldie. Does that take great skill to administer.

Colonel Kempe. I think so, yes.

Mr. Waldie. Was great skill demonstrated with the man who assisted in one such test and had administered it himself one other time and then did it in this case? Is that sufficient for you to conclude the man had great skill in administering this diagnostic procedure?

Colonel Kempe. I do not know how many tests of this kind the doctor did, but I know him for——

Mr. Waldie. If he assisted in one other test and then administered the test, and that was the total practical experience he had with this test before he administered the test to this Captain, would you consider that sufficient to qualify him as a highly skilled individual in administering this?

Colonel KEMPE. He did many more tests. He did a test one day before. He did many more before that.

Mr. WALDIE. We will go into that in a moment. Under that hypothetical question would you consider that doctor to be a highly skilled man in administering this test?

Colonel KEMPE. Even so it is not completely applicable to this case. You mean as a general question. If this would be the first catheter study he had done I do not think that would be enough.

Mr. WALDIE. Let me read what Dr. Guiterrez says his experience has been.

"During that admission the patient underwent a right inferior petrosal sinogram performed by Dr. Harrell, the staff physician in charge of such procedures. During this procedure I acted as first assistant to Dr. Harrell. The patient suffered no complication. Some weeks later I performed an identical procedure on another patient, whose name I recall as McCarthy, for an identical condition posterior to the left eye. I performed this procedure without Dr. Harrell's presence, with the normal attendance of a resident, and the appropriate technicians."

Then in the summary of the affidavits by the Judge Advocate General's Office he states on page 2, sub-paragraph (b) "It was not the first procedure of this kind undertaken by Dr. Guiterrez. He participated in the first procedure performed on the claimant in December of 1967 which resulted in no complications whatever and performed at least one other identical procedure on another patient prior to the second test run on the claimant in April of 1968."

I assume from this that that is the experience of Dr. Guiterrez prior to administering the tests upon Captain Brou. I assume from what you have reponded to the hypothetical question that that is not sufficient experience for you to assume that, Doctor.

Colonel KEMPE. We will have to leave this to the chief who runs this section.

What is actually the technical——

Mr. WALDIE. I understand that. All I asked was your personal experience, Colonel, as a skilled man in this field. I gathered you said that if that is the extent of his experience.

Dr. KEMPE. This is not my field to begin with—the catheter studies. These skills are learned in a different department. That is why when we give it to these patients they are done in the department that teaches this and they do these tests.

Mr. WALDIE. Doctor, while this fluid is being injected, countered to the flow of the blood, if the patient experiences immediately a sensation and numbness and communicates that sensation, is that an indication to the doctor who is administering this fluid that something may be amiss?

Dr. KEMPE. No. In 90 percent, or even 99 percent of these injection studies if the patient experiences sensory phenomena, he has to because these tests always irritate the nerves.

Mr. WALDIE. Do they experience numbness 90 percent of the time?

Dr. KEMPE. Numbness lasting for about a couple of seconds. Numbness of the face or other areas, depending on which area you inject, numbness of pain.

Mr. WALDIE. If a thrombosis was the causative factor, would numbness be an immediate reaction of the patient?

Dr. KEMPE. Numbness too, yes.

Mr. WALDIE. Would that be the first indication to the patient that something is going wrong?

Dr. KEMPE. Many symptoms can happen, but numbness is a very dominant one not only in a successful study but also with a study that leads furthermore to thrombosis. The main symptoms are paralysis.

Mr. WALDIE. With the history of a fractured skull, which you emphasize, do you emphasize that—because in that patient's case, with the fractured skull on the side, this test was being administered—certain cautions are necessary, or certain difficulties in her reaction might otherwise occur than had she not had the fractured skull?

Dr. KEMPE. A fractured skull brings forth one thing, that we may have an impairment of the flow of the circulation on the healthy side, on the side where she does not have the bad eye. We still especially have to do the test on this side.

Mr. WALDIE. With the history of a fractured skull, with the knowledge that the test is dangerous, with the knowledge that numbness is an indication of a thrombosis, when the patient complains of a numbness, do you immediately stop injecting fluid at that point?

Dr. KEMPE. Correct.

Mr. WALDIE. Or do you continue on the basis that all patients complain of numbness?

Dr. KEMPE. It usually is right after the injection. It doesn't occur during the injection.

Mr. WALDIE. When it's occurring during the injection, it's unique, then?

Dr. KEMPE. No, I can't even say that it's unique.

Mr. WALDIE. If you were administering this test and the patient complained of numbness during the administration of the test, would you stop injecting?

Dr. KEMPE. No. You tell the patient before injecting, "You will feel a numbness and a numbness over your face, so do not move", for instance. We even tell the patient while he is laying on this table, "Don't move. You will feel a numbness. You will feel a flash or burning sensation." They tell the patient this because the patient, during this time the x-ray is taken, is not supposed to move so as to get a picture. So you check that.

Mr. WALDIE. But this is a patient who has had this test and has experienced all the phenomena that is usual. This is the second time the test is being given and the patient sees fit to complain on the basis that the phenomena she is now experiencing is different from that which she experienced in the first instance.

Dr. KEMPE. So he stopped.

Mr. WALDIE. Would that dictate that you would stop?

Dr. KEMPE. He did stop.

Mr. WALDIE. Upon her first complaint?

Dr. KEMPE. So far as I know, yes.

Mr. WALDIE. I have no further questions.

Mr. Mann?

Mr. MANN. No questions.

Mr. SMITH. No questions.

Mr. COUGHLIN. I have one question I want to clarify again. As I understand it, this goes back to Mr. Waldie's earlier question, that this particular procedure, if improperly performed, could have affected that portion of the brain which would cause the patient's present condition.

Dr. KEMPE. It can happen without being improperly done. It can happen if it's improperly done, but we have no evidence that it was improperly done.

Mr. COUGHLIN. But it could happen, if improperly done?

Dr. KEMPE. Yes. Many things could happen if improperly done.

Mr. COUGHLIN. I have no further questions.

Mr. WALDIE. Any further questions of any witness?

Mr. MANN. I have this question: Dr. Kempe, did you and Dr. Harrall testify before the Senate Committee?

Dr. KEMPE. Who?

Mr. SMITH. Did you appear before the Senate Committee and testify?

Dr. KEMPE. Never, no.

Mr. WALDIE. Any further questions of any witness or any member of the Committee?

May I call Captain Brou for another question or two?

Gentlemen, thank you very much.

Dr. KEMPE. Thank you very much.

Mr. PHILOS. These are the original affidavits which I will leave with the court reporter.

Mr. WALDIE. Captain, I want to get one point a little clearer in my mind. There seems to be some misunderstanding as to when you first registered a complaint to Dr. Gutierrez that you were having a reaction that you had not experienced in the previous test and whether at that point he stopped injecting fluid. Would you address yourself to that?

Captain BROU. Mr. Chairman, as I said before, I did not complain of numbness at the time his injection was made. I complained that this hand (indicating the right hand) was drawing up into this position (indicating).

I had already experienced a sensation in my head which Dr. Kempe explained to you as being a burning sensation, as a sensation of pressure. It's as if some vise or something is clamping your head. That is the sensation that I think is normally experienced by other people. I experienced it twice before. I experienced it on this third test. But I also experienced this clenching of my right hand, of my fist.

Mr. WALDIE. Was that a unique experience?

Captain BROU. Very unique. I had never experienced that before.

Mr. WALDIE. Did the doctor cease injecting fluid at that point upon that complaint?

Captain BROU. I cannot say whether he did or he did not because I feel he injected it all at one time and then that is what happened. But I have no way of knowing that, because you can't really see everything that is going on. You can see the catather going into your head, and so forth, and the injection of dye, on a television screen because they have you in such a position that your head is turned back. From watching the screen on the previous tests, I watched it again.

I saw the catheter finally get in place. I saw the dye when it spread out, as if one would drop a drop of ink into a glass of clear water, and then my hand drew up. I experienced a pain in my head and then my hand drew up in a clenched position.

Mr. COUGHLIN. I have one question, Captain. The report that we have from the Senate indicates that the amount provided in this bill would be in full settlement of all your claims against the United States. Does that mean it would be in lieu of the roughly $600 a month that you are now receiving in benefits?

Captain BROU. No, sir, it does not. It means it would be in addition to, as is stated in some report or some writeup of this case.

Mr. COUGHLIN. No further questions.

Mr. WALDIE. Are there any other questions?

Mr. Flowers?

Mr. FLOWERS. No, sir.

Mr. WALDIE. Thank you, Captain.

Captain BROU. If I may, Mr. Waldie, I would like to make one further statement that was not heretofore brought out due to the fact that five years hence I would have retired from the military on twenty years active service. At that time my retirement pay would have been more than my physical disability retirement pay and possibly I would have been promoted once or twice during that five years. At that time I could have drawn on my twenty years Naval and military experience, and I could have drawn on both my Bachelors and Masters Degrees to get a civilian job. It would in no way have affected my retirement pay from the military, which would have been considerably more even though it was subject to Federal income tax.

I could have gotten the same medical benefits being retired from the military, and I would have been entitled to all other benefits that I am presently entitled to now. The one big difference is that I would have had my health and I could have gone on and gotten another job, which I cannot do now.

Mr. WALDIE. Mr. Mann has a question.

Mr. MANN. Did I understand from your earlier statement and from your testimony that you were not aware of any unusual risk involved in this test?

Captain BROU. That is correct, Mr. Mann. As I recall, on my visit to Dr. Kempe, he stated to me that Walter Reed did 6,000 such diagnostic studies a year. There was a risk, but no more risk than a normal tonsillectomy or appendectomy. We all know that people undergo tons of appendectomies and tonsillectomies every day with little or no consequences. That is the only risk.

Mr. MANN. At the same time, there was some indication that you, in consultation with your medical friend, had some reluctance to engaging in further tests?

Captain BROU. I had reluctance because of my experience the first time in the hospital, getting in the hospital and not being able to get out, and having two tests instead of one test—which I submitted to, of course. But being in the military, you can't really say no sometimes in the medical field when you are in the hospital.

I had already signed one release stating that I would submit to this diagnostic study. Then they impressed upon me the fact that it was a most unusual case and they wanted the facts of this to be written up, to be photographed, and so forth. I said, "Sure. If it will help somebody else, go ahead."

With the third test, which was the bad test, I was apprehensive and I was scared. The tests are painful, as I said before, but certainly nothing that I would shy away from if it meant the difference between life and death. But it was never put to me that it was imperative to my living a normal life.

Mr. MANN. Weren't you made aware of the possibility of blindness as a result of your condition?

Captain BROU. No. No, sir, I was not.

Mr. MANN. Thank you.

Mr. WALDIE. Are there any questions?

Mr. SMITH. Captain, were you made aware of the possibility of blindness—a possibility, if you didn't do anything about your eye?

Captain BROU. No, sir.

Mr. PHILOS. Mr. Chairman, I believe this statement about the tonsillectomy is correct, but it should be placed in the proper context. I ask your permission to have Colonel Kempe cover that in just one or two statements, if he may.

Mr. WALDIE. Fine, Colonel. Please come back.

Dr. KEMPE. As I mentioned before in regard to complications, if these tests are made, the patient is informed that there are complications. We don't say, "Forget about it, it is without any danger." We see catastrophes. We see deaths from these incidents, but they are very small.

Certainly, as Captain Brou said, people under appendectomies all the time. But how many deaths do you have from appendectomies? It's not without risk. Even undergoing anesthesia alone causes a risk.

One of the risks in these studies, for instance, is to develop or have a sensitivity to the injection material. We knew from the one shot that we had given her that she did not have this hypersensitivity to it. So there was a little less risk on that side.

But we never intended that this procedure carries a risk and carries even death or paralysis. We inform the patient of that fact. There is no doubt about it. I informed the Captain about it. I informed her doctor friend about it.

Mr. WALDIE. Is your testimony, Colonel, that you informed the Captain that it could even involve death?

Dr. KEMPE. I don't think I told her it might be death. What I usually say it, "Anything, really, could happen."

Mr. WALDIE. Did you tell her it could involve paralysis?

Dr. KEMPE. Yes, I did that.

Mr. WALDIE. Did you tell her?

Dr. KEMPE. Yes, I did. And especially her doctor friend.

Mr. WALDIE. I have no further questions.

Mr. FLOWERS. No questions.

Mr. WALDIE. The Committee is in adjournment.

Thank you very much, Captain and gentlemen.

Captain BROU. Thank you.

Mr. FANNIN. Mr. President I am happy to support passage of H.R. 6503, which I believe is a just resolution of the case of Capt. Claire E. Brou. I hope this unusual case will not be considered a precedent. Ordinarily the disability retirement system for military personnel provides a sufficient resolution for claims of this nature. It is my hope that in the future by and large most cases of injuries arising in the course of military service can be handled within the administrative structure without the necessity of recourse to legislative relief by private bill.

Mr. MANSFIELD. Mr. President, may I say furthermore that, on the basis of the Senate's consideration of—and I assume assent to—this bill, this particular measure is not to be considered as a precedent for future disposal and decision.

The PRESIDING OFFICER. The bill is open to amendment.

If there be no amendment to be proposed, the question is on third reading.

The bill was ordered to a third reading, read the third time, and passed.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

AMENDMENTS NOS. 1516, 1517, AND 1518

Mr. JACKSON. Mr. President, I send to the desk an amendment which I intend to propose to Senate Joint Resolution 241 and ask that the amendment be printed, for the convenience of Senators.

This amendment is substantively the same as Amendment No. 1406, which I sent to the desk on August 7, 1972. My purpose in having this amendment printed for a second time is to reflect some technical changes which are required as a result of the Senate's adoption of the Mansfield amendment last Thursday. These changes relate to the placement of language in my amendment to Senate Joint Resolution 241 and the designation of a section number. Having the amendment printed a second time will also permit the names of new cosponsors to be listed.

Mr. President, I ask unanimous consent that the amendment be considered as having been read, in accordance with the requirements of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the amendment be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment reads as follows:

At the end of S.J. Res. 241 insert a new section as follows:

"SEC. —. The Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.".

Mr. JACKSON. Mr. President, I am aware that the distinguished majority whip has already made a unanimous-consent request which has been approved, but I did want to make the record clear on this point.

Mr. President, in anticipation of tomorrow's vote, and for the purpose of preserving my parliamentary position, I also send to the desk two other amendments which are substantively the same as the amendment I have just sent to the desk.

The first amendment is in the form of an amendment in the nature of a substitute to the amendment to be offered by the Senator from Arkansas (Mr. FULBRIGHT). The second is in the form of an amendment in the nature of a substitute to any pending amendment which meets the requirements of rule XXII.

I ask unanimous consent that the two amendments be considered as having been read in accordance with the requirement of rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the amendments be printed at this point in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

In lieu of the language proposed to be inserted, insert the following language:

"SEC. —. The Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United

States-Soviet Union equality reflected in the anti-ballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.".

In lieu of the language proposed to be inserted, insert the following language:

"Sec. —. The Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.".

FEDERAL-AID HIGHWAY ACT OF 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 1046, S. 3939, that it be laid before the Senate and made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows:

A bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Banking, Housing and Urban Affairs, with an amendment on page 76, after line 21, insert a new title, as follows:

TITLE III

URBAN MASS TRANSPORTATION ACT OF 1964

Sec. 301. (a) The Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "two-thirds" in the fifth sentence of section 4(a) and inserting in lieu thereof "90 per centum";

(2) by striking out "one-sixth" in the proviso to the second sentence of section 5 and inserting in lieu thereof "40 per centum"; and

(3) by striking out "two-thirds" in the last sentence of section 9 and inserting in lieu thereof "90 per centum".

(b)(1) Section 3 of such Act is amended—

(A) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(B) by adding at the end thereof of a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis. The amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant."

(2) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(3) Section 12(c) is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service."

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and section 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1973, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1974. Sums so appropriated shall remain available until expended."

(d) Section 4(c) of such Act is amended by striking out "$3,100,000,000" in the first and third sentences and inserting in lieu thereof "$6,100,000,000".

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

TITLE I

SHORT TITLE

Sec. 101. This title may be cited as the "Federal-Aid Highway Act of 1972".

REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

Sec. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of $4,000,000,000 for the fiscal year ending June 30, 1976." And inserting in lieu thereof the following: "the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1974, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1975, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1976, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1978, the additional sum of $3,250,000,000 for the fiscal year ending June 30, 1979, and the additional sum of $257,000,000 for the fiscal year ending June 30, 1980."

AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

Sec. 103. The Secretary of Transportation is authorized to make the apportionment for fiscal years 1974 and 1975 of the sums authorized to be appropriated for such years for expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, House Committee Print Numbered 92–29.

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

Sec. 104. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-four years" and by striking out "June 30, 1976" and inserting in lieu thereof "June 30, 1980".

(b)(1) The introductory phrase and the second and third sentences of section 104(b)(5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1980".

(2) Section 104(b)(5) is further amended by striking out the sentence preceding the last sentence and inserting in lieu thereof the following: "Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal years 1976 and 1977. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1976. Upon the approval by the Congress the Secretary shall use the Federal share of such approved estimate in making apportionments for fiscal years 1978 and 1979. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1978. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved esti-

mate in making apportionments for fiscal year 1980."

AUTHORIZATIONS

SEC. 105. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system including urban extensions out of the Highway Trust Fund, $950,000,000 for the fiscal year ending June 30, 1974, and $950,000,000 for the fiscal year, ending June 30, 1975: *Provided*, That at least $300 million of such funds for each of the fiscal years ending June 30, 1974 and June 30, 1975 shall be expended for carrying out the provisions of section 148 of title 23, United States Code, relating to the elimination of roadway dangers with emphasis on the elimination of railroad-highway grade crossings.

(2) For the Federal-aid secondary system including urban extensions out of the Highway Trust Fund, $500,000,000 for the fiscal year ending June 30, 1974, and $500,000,000 for the fiscal year ending June 30, 1975, of which at least $50,000,000 for each of the fiscal years ending June 30, 1974, and June 30, 1975, shall be expended exclusively for carrying out provisions of section 142, title 23, United States Code, relating to highway public transportation in rural areas.

(3) For the Federal-aid urban system, out of the Highway Trust Fund, $800,000,000 for the fiscal year ending June 30, 1974, and $800,000,000 for the fiscal year ending June 30, 1975: *Provided*, That at least $300,000,000 of such funds for each of the fiscal years ending June 30, 1974 and June 30, 1975, shall be expended exclusively for carrying out provisions of section 142, title 23, United States Code, relating to highway public transportation in urbanized areas.

(4) For the Federal-aid small urban system, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(5) For forest highways, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975.

(6) For public lands highways, out of the Highway Trust Fund, $25,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975.

(7) For forest development roads and trails, $170,000,000 for the fiscal year ending June 30, 1974, and $170,000,000 for the fiscal year ending June 30, 1975.

(8) For public lands development roads and trails, $20,000,000 for the fiscal year ending June 30, 1974, and $20,000,000 for the fiscal year ending June 30, 1975.

(9) For park roads and trails, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975.

(10) For parkways, out of the Highway Trust Fund, $75,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975.

(11) For Indian reservation roads and bridges, $75,000,000 for the fiscal year ending June 30, 1974, and $75,000,000 out of the General Fund of the Treasury and $25,000,000 out of the Highway Trust Fund for the fiscal year ending June 30, 1975.

(12) For carrying out section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), out of the Highway Trust Fund, $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975.

(13) For necessary administrative expenses in carrying out section 131, section 136 and section 319(b) of title 23, United States Code, $1,500,000 for the fiscal year ending June 30, 1974, and $1,500,000 for the fiscal year ending June 30, 1975.

(14) For carrying out section 215(a) of title 23, United States Code (relating to territorial highway development program), out of the sums in the Treasury not otherwise appropriated:

(A) for the Virgin Islands not to exceed $2,500,000 for the fiscal year ending June 30, 1974, and not to exceed $2,500,000 for the fiscal year ending June 30, 1975;

(B) for Guam not to exceed $2,000,000 for the fiscal year ending June 30, 1974, and not to exceed $2,000,000 for the fiscal year ending June 30, 1975; and

(C) for American Samoa not to exceed $500,000 for the fiscal year ending June 30, 1974, and not to exceed $500,000 for the fiscal year ending June 30, 1975.

(b) For each of the fiscal years 1974 and 1975, no State shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. Whenever such amounts made available for the Interstate System in any State exceed the cost of completing that State's portion of the Interstate System, the excess amount shall be transferred to and added to the amounts apportioned to such State under paragraphs (1), (2), (3), (6), and (7) of subsection (b) of section 104 of title 23, United States Code in the ratio which these respective amounts bear to each other in that State.

(c) For each of the fiscal years 1974 and 1975, no State shall receive less than one-half of 1 per centum of the total apportionment for the Federal-aid urban system and for the Federal-aid small urban system, under paragraphs (6) and (7), respectively, of subsection (b) of section 104 of title 23, United States Code.

DEFINITIONS

SEC. 106. (a) The definition of "construction" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing sites, acquisition and rehabilitaiton, relocation, and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas."

(b) The definition of "Indian reservation roads and bridges" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government on which Indians reside, or Indian and Alaska native villages, groups or communities in which Indians and Alaskan natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

(c) The definition of "urbanized area" in subsection (a) of section 101 of title 23, United States Code, is amended to read:

"The term 'urbanized area' means an area so designated by the Bureau of the Census, within boundaries to be fixed by the Secretary in cooperation with responsible State and local officials."

FEDERAL-AID SMALL URBAN SYSTEM

SEC. 107. (a) Subsection (a) of section 101 of title 23, United States Code, is amended as follows:

(1) After the definition of the term "Federal-aid urban system" add the following new paragraph:

"The term 'Federal-aid small urban system' means the Federal-aid highway system described in subsection (h) of section 103 of this title."

(2) After the definition of the term "urban area" and the following new paragraph:

"The term 'small urban area' means an area including and adjacent to a municipality or other urban place having a population of five thousand to fifty thousand, not within urbanized areas, as determined by the latest available Federal census, within boundaries to be fixed by the State after consultation with local officials and subject to the approval of the Secretary."

(b) Section 103 of title 23, United States Code, is amended by adding immediately after subsection (g) a new subsection (h):

"(h) The Federal-aid small urban system may be established in each urban area of five thousand to fifty thousand population at the request of local officials. The system shall consist of arterial and collector routes, exclusive of urban extensions of the Federal-aid primary and secondary systems, selected by responsible local officials in cooperation with the State highway department based upon anticipated functional usage for the year 1980. Each route of the system shall connect with another route on a Federal-aid system. At his discretion, the Secretary may delegate to any State highway department the authority to approve designation of the Federal-aid small urban system. The provisions of chapters 1, 3, and 5 of this title applicable to Federal-aid primary highways shall apply to the Federal-aid small urban system except as determined by the Secretary to be inconsistent with this subsection.

(c) Subsection (b) of section 104 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"(7) For the Federal-aid small urban system:

"In the ratio which the population in small urban areas, or parts thereof, in each State bears to the total population in such small urban areas, or parts thereof, in all the States as shown by the latest available Federal census."

(d) Subsection (a) of section 120 of title 23, United States Code, is amended by striking out "the Federal-aid secondary system, and the Federal-aid urban system," and inserting in lieu thereof the following: "the Federal-aid secondary system, the Federal-aid urban system, and the Federal-aid small urban system."

DECLARATION OF POLICY

SEC. 108. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paargraph:

"It is further declared to be in the national interest and to be the intent of Congress that in the administration of the Federal-aid highway program the Secretary shall carry out the program in such a manner as to give the highest priority in all instances, to highway safety and the saving of human lives."

FEDERAL-AID SYSTEM REALINEMENT

SEC. 109. (a) Section 103(b) of title 23, United States Code, is renumbered as section 103(b)(1) and a new section 103(b)(2) is added to read as follows:

"(b)(2) After June 30, 1975, the Federal-aid primary system shall provide an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas. The Federal-aid primary system shall be designated by each State and where appropriate, shall be in accordance with the planning process pursuant to section 134 of this title, subject to the approval of the Secretary as provided by subsection (f) of this section."

(b) Section 103(c) of title 23, United States Code, is renumbered as section 103(c)(1) and a new subsection 103(c)(2) is added to read as follows:

"(c)(2) After June 30, 1975, the Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by each State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section."

(c) Section 103(d) of title 23, United States Code, is renumbered as section 103(d)(1) and a new subsection 103(d)(2) is added to read as follows:

"(d)(2) After June 30, 1975, the Federal-aid urban system shall be located in urbanized areas and shall consist of arterial routes and collector routes, exclusive of urban extensions of Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, subject to the approval of the Secretary as provided in subsection (f) of this section, and shall be in accordance with the planning process required pursuant to the provisions of section 134 of this title."

(d) Federal-aid systems realignment shall be based upon anticipated functional usage in the year 1980.

FEDERAL-AID URBAN SYSTEM

SEC. 110. (a) Subsection (d)(1) of section 103 of title 23, United States Code, is amended by striking the second, third, fourth, and fifth sentences and inserting in lieu thereof the following:

"The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes. It shall be selected so as to serve the goals and objectives of the community as determined by the responsible local officials of such urbanized area in accordance with the planning process required pursuant to the provisions of section 134 of this title. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials or by area-wide councils of government or other appropriate metropolitan organizations established by law, after consultation with the State highway departments and in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section."

(b) Subsection (d) of section 105 of title 23, United States Code, is amended to read as follows:

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials after consultation with the State highway department and in accordance with the planning process required pursuant to section 134 of this title."

TRANSFER OF INTERSTATE SYSTEM MILEAGE WITHIN A STATE

SEC. 111. (a) The fourth sentence of subsection (e)(2) of section 103 of title 23, United States Code, is amended to read:

"The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph; such costs shall be that as of the date of the withdrawal."

(b) Paragraph (2) of subsection (e) of section 103 of title 23 of the United States Code is amended by adding at the end thereof the following:

"The authority granted by this paragraph shall expire on the date of enactment of the Federal-Aid Highway Act of 1972. However, the amendment contained in section 111(a) of the Federal-Aid Highway Act of 1972 shall be retroactive."

(c) Subsection (e) of title 23, United States Code, is amended by adding the following:

"(4) In addition to the mileage authorized by the first sentence of paragraph (1) of this subsection, there is hereby authorized additional mileage for the Interstate System to be used in making modifications or revisions in the Interstate System as provided in this paragraph. Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System (including urban routes necessary for metropolitan transportation) or will no longer be essential by reason of the application of this paragraph and will not be constructed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. After the Secretary has withdrawn his approval of any such route or portion thereof the mileage of such route or portion thereof and the additional mileage authorized by the first sentence of this paragraph shall be available for the designation of such interstate route or portions thereof within that State as provided in this subsection necessary to provide the essential connection of the Interstate System in such State in lieu of the route or portions thereof which were withdrawn. The provisions of this title applicable to the Interstate System shall apply to all mileage designated under the third sentence of this paragraph, except that the cost to the United States of the aggregate of all mileage designated in any State under the third sentence of this paragraph shall not exceed the cost to the United States of the mileage approval for which is withdrawn under the second sentence of this paragraph. Such costs shall be that as of the date of the withdrawal. Whenever the Secretary determines that such routes or portions thereof are not essential or whenever the amounts necessary for the completion of the substitute essential routes or portions thereof are less than the cost of the withdrawn route or portions thereof, the amounts remaining or the difference shall be transferred to and added to the amounts apportioned to such State under paragraph 6 of subsection (b) of section 104 of title 23, United States Code, for the account of the urbanized area from which the withdrawal of the routes or portions thereof was made in such urbanized areas. In considering routes or portions thereof to be added to the Interstate System under the second and third sentences of this paragraph, the Secretary shall, in consultation with the States and local governments concerned, assure (A) that such routes or portions thereof will provide a unified and connected Interstate System (including urban routes necessary for metropolitan transportation), and (B) the extension of routes which terminate within municipalities served by a single interstate route, so as to provide traffic service entirely through such municipalities. Any mileage from a route or portion thereof which is withdrawn under the second sentence of this paragraph and not replaced by a substitute essential route or portion thereof may be redesignated as part of the Interstate System by the Secretary in accordance with paragraph (1) of this subsection."

REMOVAL OF DESIGNATED SEGMENTS OF THE INTERSTATE SYSTEM

SEC. 112. Section 103(g) of title 23, United States Code, is amended to read as follows:

"(g) The Secretary, on July 1, 1973, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not necessary for continuity of traffic flows between cities. Nothing shall prohibit the consideration for substitution prior to July 1, 1974, of alternative segments of the Interstate System which will meet the requirements of this title. Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1974, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, shall be removed from designation as a part of the Interstate System. No segment of the Interstate System removed under the authority of the preceding sentence shall thereafter be designated as a part of the Interstate System except as the Secretary finds necessary in the interest of national defense or for other reasons of national interest. The application of all of the provisions of this subsection shall be deferred for one year with respect to routes added to the Interstate System after December 1, 1968."

METHOD OF APPORTIONMENT

SEC. 113. (a) Paragraphs (1) and (2) of subsection (b) of section 104 of title 23, United States Code, is amended by striking the words "star routes" each time they appear and inserting in lieu thereof "intercity mail routes where service is performed by motor vehicles.".

(b) Paragraph (3) of subsection (b) of section 104 of title 23, United States Code, is amended to read:

"(3) For extensions of the Federal-aid primary system and the Federal-aid secondary system within urban areas:

"In accordance with the needs for such extensions as determined by each State from funds apportioned to it under paragraphs (1) and (2) of this subsection."

APPORTIONMENT OF PLANNING FUNDS

SEC. 114. Section 104 of title 23, United States Code, is amended by adding at the end thereof a new subsection (g):

"(g) On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.

"(1) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

"(2) The funds apportioned to any State under paragraph (1) of this subsection shall be made available by the State to the areawide metropolitan transportation agencies established under section 135 of this title only for the purposes of carrying out the provisions of section 134 of this title. Pending the establishment of these agencies as defined in section 135 of this title, these planning funds shall be made available to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

"(3) The distribution within any State of the planning funds made available to the areawide agencies under paragraph (2) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs."

ADVANCE ACQUISITION

SEC. 115. (a) Section 108(a) of title 23, United States Code, is amended by striking out "seven years" in the last sentence and inserting in lieu thereof "ten years".

(b) Section 108 (c) (3) of title 23, United States Code, is amended by striking out "seven years" in the first sentence and inserting in lieu thereof "ten years".

STANDARDS

SEC. 116. (a) Subsection (i) of section 109 of title 23, United States Code, is amended by striking out "July 1, 1972" and inserting in lieu thereof "January 1, 1973".

(b) Subsection (j) of section 109 of title 23, United States Code, is amended by inserting (1) after (j) and adding a new paragraph (2) as follows:

"(2) After June 30, 1973, no highway program or project submitted to the Secretary in accordance with this title shall be approved by the Secretary unless it is in conformity with guidelines established by the Secretary under this subsection."

SIGNS ON PROJECT SITE

SEC. 117. Subsection (a) of section 114 of title 23, United States Code, is amended by striking out the last sentence thereof and inserting in lieu thereof the following:

"After October 31, 1972, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users, any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

PAYMENT TO STATES FOR BOND RETIREMENT

SEC. 118. The first sentence of section 122, title 23, United States Code, is amended by inserting the following after "maturity": "and in the case of the Interstate System principal and interest of such bonds,".

PUBLIC HEARINGS

SEC. 119. Subsection (a) of section 128 of title 23, United States Code, is amended by adding the following at the end thereof:

"The Secretary shall also require with the submission of plans for a Federal-aid project an assurance from the State highway department that it has taken all steps required pursuant to guidelines issued by the Secretary to insure and foster public participation in the development of such project before and after the public hearings required by this subsection."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 120. (a) After the second sentence of section 129(b) of title 23, United States Code, insert the following:

"When any such toll road which the Secretary has approved as a part of the Interstate System on or before June 30, 1968, is made a toll-free facility prior to July 1, 1976, Federal-aid highway funds apportioned under section 104(b)(5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

(b) Section 129 of title 23, United States Code, is amended by adding at the end thereof a new subsection (h) as follows:

"(h) Funds for the Interstate System shall be available for expenditure on Interstate projects, approaching any toll road on the Interstate System, requiring reconstruction where three or more Interstate routes (including loops, branches, or spurs), interchange or connect with such toll road, and improvements to such toll road have resulted in the serious impairment of the capacity of the interchange and Interstate routes."

CONTROL OF OUTDOOR ADVERTISING

SEC. 121. (a) Subsection (b) of section 131 of title 23, United States Code, is amended by inserting the following between the first and second sentences: "Federal-aid highway funds apportioned on or after January 1, 1973, or after the expiration of the next regular session of the State legislature, whichever is later, to any State which the Secretary determines has not made provision for effective control of the erection and maintenance along the Interstate System and the primary system of those additional outdoor advertising signs, displays, and devices which are more than six hundred and sixty feet off the nearest edge of the right of way, visible from the main traveled way of the system, and erected with the purpose of their message being read from such main traveled way shall be reduced by amounts equal to 10 per centum of the amounts which would otherwise be apportioned to such State under section 104 of this title, until such time as such State shall provide for such effective control."

(b) Subsection (c) of section 131 of title 23, United States Code, is amended to read as follows:

"(c) Effective control means that such signs, displays or devices after January 1, 1968, if located within six hundred and sixty feet of the right of way and on or after July 1, 1973, or after the expiration of the next regular session of the State legislature, whichever is later, if located beyond six hundred and sixty feet of the right of way be limited to (1) directional and other official signs and notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, which shall conform to national standards hereby authorized to be promulgated by the Secretary hereunder, which standards shall contain provisions concerning lighting, size, number, and spacing of signs, and such other requirements as may be appropriate to implement this section, (2) signs, displays, and devices advertising the sale or lease of property upon which they are located, and (3) signs, displays, and devices advertising activities conducted on the property on which they are located."

(c) Subsection (d) of section 131 of title 23, United States Code, is amended by striking out the first sentence thereof and inserting the following in lieu thereof:

"In order to promote the reasonable, orderly and effective display of outdoor advertising while remaining consistent with the purposes of this section, signs, displays, and devices whose size, lighting and spacing, consistent with customary use is to be determined by agreement between the several States and the Secretary, may be erected and maintained within areas adjacent to the Interstate and primary systems which are zoned industrial or commercial under authority of State law, or in unzoned commercial or industrial areas as may be determined by agreement between the several States and the Secretary."

(d) Subsection (e) of section 131 of title 23, United States Code, is amended to read as follows:

"(e) Any nonconforming sign under State law enacted to comply with this section shall be removed no later than the end of the fifth year after it becomes nonconforming, except as determined by the Secretary."

(e) Subsection (f) of section 131 of title 23, United States Code, is amended by inserting the following after the first sentence:

"The Secretary may also, in consultation with the States, provide within the rights-of-way of other roads on the Federal-aid highway system for areas in which signs, displays, and devices giving specific information in the interest of the traveling public may be erected and maintained."

(f) Subsection (g) of section 131 of title 23, United States Code, is amended by striking out the first sentence and inserting the following in lieu thereof:

"Just compensation shall be paid upon the removal under any law enacted to comply with this section, of any outdoor advertising sign, display, or device lawfully erected under State law prior to the date of enactment of the Federal-Aid Highway Act of 1972."

(g) Subsection (m) of section 131 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be apportioned to carry out the provisions of this section, out of any money in the Treasury not otherwise appropriated, not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $2,000,000 for the fiscal year 1970, not to exceed $27,000,000 for the fiscal year 1971, not to exceed $20,500,000 for the fiscal year 1972, and not to exceed $50,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, $50,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975. The provisions of this chapter relating to the obligation period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

(h) Section 131 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required by the Secretary to be removed until December 31, 1974, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first."

TRANSPORTATION PLANNING IN CERTAIN URBAN AREAS

SEC. 122. Subsection (a) of section 134, of title 23, United States Code, is amended by striking the next to the last sentence and inserting in lieu thereof the following:

"The Secretary shall not approve under section 105 of this title any program for projects in any urban area of more than fifty thousand population unless he finds (1) that such projects are in accordance with a continuing comprehensive transportation planning process carried on cooperatively by the State and local communities in conformance with the objectives stated in this section, and (2) that all reasonable measures to permit, encourage, and assist public participation in such continuing comprehensive transportation planning process have been taken. The Secretary, in cooperation with the States, shall develop and publish regulations specifying minimum guidelines for public participation in such processes, which shall include hearings, held at least annually at which there would be a review of the transportation planning process, plans and programs, and opportunity provided for the consideration of alternative modes of transportation."

AVAILABILITY OF URBAN SYSTEM FUNDS

SEC. 123. (a) Section 135 of title 23, United States Code, is amended to read as follows:

"§ 135. Availability of urban system funds

"(a) Funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title shall be allocated among the urbanized areas within any such State in the ratio that the population within any such urbanized area bears to the population of all urbanized areas within such State.

"(b) Funds allocated in accordance with subsection (a) of this section shall be available for expenditure within any such urbanized area for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(c) Funds allocated to any urbanized area under subsection (a) of this section shall be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas agree to such availability.

"(d) (1) Where the units of general purpose local government in any urbanized area shall combine together under State law to create a metropolitan transportation agency, or where the State shall create a metropolitan transportation agency, with sufficient authority to develop and implement a plan for expenditure of funds allocated to such urbanized area pursuant to this section, funds allocated under subsection (a) of this section shall be available to such metropolitan transportation agency for projects on the urban system, including those authorized by section 142 of this title, which shall be planned in accordance with the planning process required by section 134 of this title.

"(2) A metropolitan transportation agency shall be considered to exist when (A) an agency for the purposes of transportation planning has been created by the State or by the unit or units of general purpose local governments within any urbanized area which represent at least 75 per centum of the total population of such area and includes the largest city, and (B) such agency has adequate powers and is suitably equipped and organized to carry out projects on the urban system: *Provided*, That such projects may be implemented by the metropolitan transportation agency through delegation of authority for implementation of the participating local governments."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by striking

"135. Urban area traffic operations improvement programs."

and inserting in lieu thereof:

"135. Availability of urban system funds.".

CONTROL OF JUNKYARDS

SEC. 124. (a) Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully in existence at the effective date of State legislation enacted to comply with this section."

(b) Subsection (m) of section 136 of title 23, United States Code, is amended to read as follows:

"(m) There is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated not to exceed $20,000,000 for each of the fiscal years 1966 and 1967, not to exceed $3,000,000 for each of fiscal years 1970, 1971, and 1972, not to exceed $5,000,000 for the fiscal year ending June 30, 1973, and, out of the Highway Trust Fund, not to exceed $15,000,000 for the fiscal year ending June 30, 1974, and $15,000,000 for the fiscal year ending June 30, 1975. The provision of this chapter relating to the obligation, period of availability, and expenditure of Federal-aid primary highway funds shall apply to the funds authorized to be appropriated to carry out this section after June 30, 1967."

FRINGE AND CORRIDOR PARKING FACILITIES

SEC. 125. Subsection (a) of section 137 of title 23, United States Code, is amended by striking the period at the end of the first paragraph, inserting a comma in lieu thereof, and adding the following: "and liquidation of bonds or other obligations incurred in financing the local share of such facilities".

PRESERVATION OF PARKLANDS

SEC. 126. Section 138 of title 23, United States Code, is amended (1) by striking out "lands" in the first sentence and inserting in lieu thereof "areas (including water)", and (2) by striking out "lands" and "land" wherever thereafter appearing therein and inserting in lieu thereof "areas" and "area", respectively.

TRAINING PROGRAMS

SEC. 127. Subsection (b) of section 140 of title 23, United States Code, is amended by striking out in the second sentence "and 1973," and inserting in lieu thereof ", 1973, 1974, and 1975".

HIGHWAY PUBLIC TRANSPORTATION

SEC. 128. (a) Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Highway public transportation.

"(a) To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways, other than on rails, for the transportation of passengers (hereinafter in this section referred to as "buses") within urban areas and in such rural areas as may be designated by the State and approved by the Secretary on the basis of local transportation need, so as to increase the traffic capacity of the Federal-aid systems, sums apportioned in accordance with paragraphs (1), (2), (3), (5), (6), and (7) of subsection (b) of section 104 of this title shall be available to finance the Federal share of the costs of projects within their respective systems, for the construction of exclusive or preferential bus lanes, highway traffic control devices, passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and for the purchase of passenger equipment other than rolling stock for fixed rail.

"(b) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

"(c) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and, except in the case of the purchase of mass transportation passenger equipment other than fixed rail, for which the Federal share shall be 100 per centum, the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(d) No project authorized by this section shall be approved unless the Secretary of Transportation is satisfied that public mass transportation systems will have adequate capability to utilize fully the proposed project and to maintain and operate properly any equipment acquired under this section.

"(e) No equipment which is acquired with financial assistance provided by this section shall be available for use in charter, leased, sightseeing, or other service in any area other than the area for which it was acquired.

"(f) In the acquisition of equipment pursuant to subsection (a) of this section, the Secretary shall require that such equipment meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, as amended, and shall authorize, wherever practicable, that such equipment meet the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, as amended.

"(g) The Secretary shall assure that the provisions of subsection (a) of section 16 of the Urban Mass Transportation Act of 1964, as amended, relating to planning and design of mass transportation facilities to meet special needs of the elderly and the handicapped (as defined in subsection (d) thereof), shall apply in carrying out the provisions of this section."

"(h) Funds available for expenditure to carry out the purposes of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(i) The provisions of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out the provisions of this section dealing with the purchase of equipment and its use within urban areas, to the extent such provisions are not inconsistent with or in conflict with the provisions of chapters 1, 3, and 5 of this title."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by striking

"142. Urban highway public transportation."

and inserting in lieu thereof:

"142. Highway public transportation."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 129. (a) Section 143 of title 23, United States Code, is amended by striking "Federal-aid primary system" wherever appearing therein and inserting in lieu thereof "Federal-aid primary and secondary systems".

(b) Subsection (e) of section 143 of title 23, United States Code, is amended by striking "not to exceed an additional 20 per centum" and inserting in lieu thereof "not to exceed an additional 10 per centum."

(c) Subsection (g) of section 143 of title 23, United States Code, is amended by striking the following: "and not to exceed $50,000,000 for the fiscal year ending June 30, 1973." and inserting in lieu thereof ", not to exceed $50,000,000 for the fiscal year ending June 30, 1973, not to exceed $50,000,000 for the fiscal year ending June 30, 1974, and not to exceed $100,000,000 for the fiscal year ending June 30, 1975."

BICYCLE TRANSPORTATION, PEDESTRIAN WALKWAYS, AND EQUESTRIAN TRAILS

SEC. 130. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Bicycle transportation, pedestrian walkways, and equestrian trails

"(a) To encourage the development, improvement, and use of bicycle transportation on or in conjunction with highway rights-of-way for the transportation of persons so as to increase the traffic capacity of the Federal-aid systems, and to permit the development and improvement of pedestrian walkways and equestrian trails on or in conjunction with highway rights-of-way, the Secretary shall require that projects carried out with sums apportioned in accordance with subsection (b) of section 104 of this title shall to the extent practicable, suitable, and feasible include the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles, pedestrian walkways, and equestrian trails in conjunction or connection with Federal-aid highways. Projects authorized under this section shall be located and designed pursuant to an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such project shall be that provided in section 120 of this title.

"(c) In addition to projects carried out pursuant to subsection (a), there is hereby authorized to carry out projects for the construction of bicycle trails on or in conjunction with highway rights-of-way for the transportation of persons so as to increase the traffic capacity of the Federal-aid systems, and to permit development and improvement of pedestrian walkways and equestrian trails on or in conjunction with highway rights-of-way, $10,000,000 out of the Highway Trust Fund for each of the fiscal years 1974 and 1975 which shall be available, at the discretion of the Department subsection (b) of section 104 of this title, except that no State shall receive less than 1 per centum of sums apportioned under this section.

"(d) Funds authorized and appropriated for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be apportioned in accordance with paragraph (1) or charged with the administration of such funds, for the construction of bicycle and pedestrian routes in conjunction with such trails, roads, highways, and parkways.

"(e) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"145. Bicycle transportation, pedestrian walkways, and equestrian trails."

TOLL ROAD REIMBURSEMENT PROGRAM

SEC. 131. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 146. Toll road reimbursement program.

"(a) Whenever a State has received its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, the Secretary may permit, notwithstanding the provisions of subsection (b) of section 129 of this title, reimbursement of the Federal share of the actual cost of construction of new toll highways or improvements to existing toll highways, construction of which highways or improvement is begun after July 1, 1972, but not including the cost of toll collection and service facilities, on the same basis and in the same manner as in the construction of free highways under this chapter upon compliance with the conditions contained in this section.

"(b) The Secretary may permit reimbursement of the Federal share of the costs of construction as applicable to a project under section 120(a) of this title from funds apportioned to such State pursuant to paragraph (1) subsection (b) of section 104 of this title whenever the State enters into an agreement with the Secretary whereby it undertakes performance of the following obligations:

"(1) to provide for the construction of such highway in accordance with standards approved by the Secretary;

"(2) all tolls received from the operation of such highway, less the actual cost of such operation and maintenance, shall be applied by the State to the repayment of the actual costs of construction, except for an amount equal to the Federal share payable of such actual costs of a project; and

"(3) no tolls shall be charged for the use of such highway after the Federal share has been paid and the highway shall be maintained and operated as a free highway.

Such agreements may be entered into between the Secretary and a State upon enactment of this section. Reimbursements shall not be made until after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System.

"(c) When such highway becomes toll free in accordance with the aforementioned agreement, such highway shall become a part of the primary system notwithstanding the mileage limitations in subsection (b) of section 103 of this title.

"(d) The Federal share payable of such actual cost of the project shall be made in not more than fifteen equal annual installments, from the funds apportioned to the State pursuant to paragraph (1) of subsection (b) of section 104 of this title, with the first installment being made one year after the project agreement has been entered into between the Secretary and the State highway departments or one year after the State receives its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, whichever is last to occur. Such payment shall be applied against the outstanding obligations of the project."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"146. Toll road reimbursement program."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 132. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Special urban high density traffic program.

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund, $100,000,000 for the fiscal year ending June 30, 1974, and $100,000,000 for the fiscal year ending June 30, 1975, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"147. Special urban high density traffic program."

ALTERNATE FEDERAL-AID HIGHWAY PROCEDURES

SEC. 133. Title 23, United States Code, is amended by inserting the following new chapter 1–A at the end of chapter 1:

"CHAPTER 1–A ALTERNATIVE FEDERAL-AID HIGHWAY PROCEDURES

"Sec.
"171. Policy declarations.
"172. Applicability and certification.
"173. Assistance for States desiring to comply with this chapter.
"174. Master agreement.
"175. Rights of aggrieved parties.
"176. Applicability of other chapters.

"§ 171. Policy declaration

"The Congress hereby finds that—

"(a) the public interest requires an alternative procedure to the procedures otherwise provided in title 23 for processing Federal-aid highway projects to promote and facilitate the continued construction of the Federal-aid systems covered by this chapter and to provide the States and local governments according to their own priorities and problems with a maximum degree of flexibility and choice.

"(b) the alternative procedure provided by this chapter shall emphasize the development and utilization of State administrative processes for constructing Federal-aid highway projects which will insure their construction in harmony with the social, environmental and economic objectives of all applicable Federal laws and requirements.

"(c) the Federal-aid highway program as administered under this chapter shall continue to be a cooperative program between the States and the Federal Government. The primary Federal role shall be to require an integrated system of highways, consistent with local determinations and needs, which will be designed, developed and constructed in accordance with guidelines promulgated by the Secretary to effectuate national policies determined by the Congress. The authorization and appropriation of Federal funds or their availability for expenditure for construction or improvement shall in no way be deemed to infringe upon the rights of the States to determine which projects or improvements shall be financed under this chapter.

"(d) the requirements of this title are contract conditions and any State which avails itself of the procedures in this chapter is obliged to meet the requirements which it sets forth in its application for certification.

"§ 172. Applicability and certification

"(a) The provisions of this chapter shall be applicable to all Federal-aid systems except the National System of Interstate and Defense Highways.

"(b) Any State may submit to the Secretary for his approval and certification a comprehensive procedure for the construction of Federal-aid highway projects, setting forth the process by which such State proposes to carry out its Federal-aid highway construction responsibilities. The State procedure shall set forth the process by which goals, objectives, and priorities for carrying out its Federal-aid program shall be established and shall take into account and be in accord with the requirements of this title and other provisions of Federal law. The Secretary shall establish guidelines which shall describe the essential elements of a comprehensive State highway program. The State shall certify to the Secretary that its procedure will be administered by a State agency with adequate powers, suitably staffed, equipped and organized to comply with all applicable State and Federal laws, guidelines, regulations and directives, and that its administrative processes will result in compliance with State and Federal laws, guidelines, regulations and directives.

"(c) The Secretary shall within ninety days after receipt of a State request for certification review the comprehensive procedures of such State pursuant to the guidelines promulgated by the Secretary in accordance with subsection (b) of this section. In reviewing a State request for certification, the Secretary is authorized to conduct audits and physical inspections to determine the ability of the State to carry out its comprehensive procedure.

"(d) The Secretary shall approve the request of any State for certification unless he finds that State laws, guidelines, regulations, and directives will not result in the accomplishment of the social, environmental, and economic objectives of all applicable Federal laws and requirements or are not in compliance with the requirements of subsection (b) of this section.

"(e) In the event the Secretary does not approve a request of a State for certification, the State may appeal such decision to the United States Circuit Court of Appeals for the District of Columbia which shall have jurisdiction to affirm the determination of the Secretary or to set it aside in whole or in part. The Secretary's disapproval of a request by a State for certification shall not deprive such State of any of the benefits nor relieve it of any of the requirements of the other chapters of this title with respect to Federal-aid highway projects in such States.

"(f) Approval by the Secretary of a comprehensive procedure of any State for constructing Federal-aid highway projects shall be in effect for two years from the date of such approval and shall discharge his responsibility under title 23 with respect to individual project approvals as required in chapter 1 of this title, except that the Secretary may find at any time, based upon his continuous review and audit of a comprehensive procedure of such State or projects being executed pursuant thereto or other information, that it is not in compliance in whole or in part with the provisions of this chapter. In such event, the Secretary, after appropriate notice and opportunity for correction of non-compliance shall declare the master agreement or any part thereof provided for in section 174 of this chapter breached and withdraw his approval. Any failure of the State to comply with the appropriate provisions of title 23 shall be deemed a breach of the master agreement provided for in section 174 of this chapter. Nothing in this chapter shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Department of Transportation Act provision for the preservation of natural beauty (49 U.S.C. 1653(f)), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.), other than title 23, United States Code.

"(g) The guidelines, regulations, and other criteria to be applied by the Secretary in determining whether to approve the request of any State for certification, shall be developed in consultation with appropriate State and Federal officials and shall be promulgated not later than June 30, 1973. An opportunity to submit written data or comments for a period of not less than ninety days after publication shall be afforded to all interested persons. The initial approval of the comprehensive procedures of any State shall take effect no earlier than July 1, 1974.

"§ 173. Assistance for States desiring to comply with this chapter

"Any State, prior to submitting its request to the Secretary for certification, may make application to the Secretary for professional and technical assistance in developing comprehensive procedures which will comply with the provisions of this chapter. In providing Federal assistance, the Secretary may utilize the sums authorized in section 104(a) of title 23 to be deducted for administering the provisions of law to be financed from appropriations for the Federal-aid systems.

"§ 174. Master agreement

"(a) Approval by the Secretary of a request by a State for certification shall constitute a formal agreement with the State. The agreement shall apply to all Federal-aid projects to be constructed by the State pursuant to the comprehensive procedures for the biennial period of the agreement.

"(b) The Secretary may rely upon representations made by the State with respect to the arrangements or agreements made by the State and appropriate local officials where a part of a project is to be constructed at the expense of, or in cooperation with, political subdivisions of the State.

"(c) Approval by the Secretary shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution to all projects covered by the agreement. Following approval of an agreement by a State for certification, funds apportioned to a State pursuant to section 104 shall be available for obligation by the State under the State's comprehensive procedure without restriction, except that nothing in this section shall affect the power of the Secretary to restrict, or of any court to enjoin, the obligation or expenditure of such funds for failure to comply with applicable laws or requirements or for failure of the State to comply with its comprehensive procedure.

"(d) The State shall submit with its request for certification a list of projects to be covered by the agreement. The State may add, withdraw and substitute other projects during the period of the agreement with notice to the Secretary. The Secretary may disapprove such additional withdrawal or substitution within ninety days. However, in no event may a controversial project be withdrawn and another project substituted therefor for the purpose of avoiding compliance with applicable laws.

"§ 175. Rights of aggrieved parties

"(a) The Secretary shall provide in accordance wtih section 5 of the Administrative Procedures Act (section 554 of title 5, United States Code), an administrative hearing for alleged failure of a State to comply with its approved comprehensive procedure or any applicable State or Federal law. The Secretary's decision shall be based upon the record in such hearing, and his investigation and review of the State and Federal project records shall constitute part of the administrative record. The decision of the Secretary may be reviewed in accord with section 706 of title 5, United States Code.

"(b) The procedure set forth in subsection (a) shall be the exclusive procedure for suing, the Secretary or any of his delegates and designees for the failure of a State to comply with its comprehensive procedures.

"§ 176. Applicability of other chapters

"All of the provisions of title 23, United States Code shall be applicable to projects processed pursuant to the provisions of this chapter except where the Secretary determines that said provisions of law conflict or are inconsistent with the provisions of this chapter."

PUBLIC TRANSPORTATION IN NATIONAL FORESTS AND PARKS

SEC. 134. (a) Subsection (f) of section 204 of title 23, United States Code, is amended to read as follows:

"(f) Funds available for forest highways shall be available for adjacent vehicular parking areas, for sanitary, water, and fire control facilities, and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportation."

(b) Section 206 of title 23, United States Code, is amended by adding the following new subsection:

"(c) Funds available for park roads and trails shall be available for adjacent vehicular parking areas and for passenger loading areas and facilities and the purchase of buses to provide interpretive or shuttle transportation services as an alternative means of transportation."

PARKWAYS

SEC. 135. (a) Subsection (a) of section 207 of title 23, United States Code, is amended to read as follows:

"(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof, including the acquisition of rights-of-way and related scenic easements."

(b) Section 207 of title 23, United States Code, is further amended by adding the following subsections:

"(d) After December 31, 1972, parkways contracted under the authority of this section shall be deemed to be on the Federal-aid secondary system.

"(e) The provisions of section 106(a) of this title, relating to the obligation of funds, shall apply to funds available for parkways."

HIGHLAND SCENIC HIGHWAY

SEC. 136. (a) The Secretary of the Interior, in cooperation with the Secretary of Agriculture (acting through the Forest Service), is authorized to develop and construct as a parkway the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob.

(b) Such Secretaries are authorized to acquire rights-of-way, lands containing such rights-of-way, and interests in land, including scenic easements, necessary to carry out the purpose of a scenic highway.

(c) Upon construction of the Highland Scenic Highway, such road and all associated lands and rights-of-way shall be transferred to the Forest Service and managed as part of the Monongahela National Forest, solely for scenic and recreational use and passenger car travel.

CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 137. (a) Notwithstanding the definition of parkways in subsection (a) of section 101, funds available for parkways shall be available to finance the cost of reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park, including construction of a tunnel and the approaches thereto, so as to permit restoration of the Gap and provide adequate traffic capacity.

(b) Upon construction, such highway and tunnel and all associated lands and rights-of-way shall be transferred to the National Park Service and managed as part of the Cumberland Gap National Historical Park.

ALASKA HIGHWAY

SEC. 138. (a)(1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 217. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

"217. Alaska Highway."

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of $58,670,000 to be expended in accordance with the provisions of section 217 of title 23 of the United States Code.

RESEARCH AND PLANNING

SEC. 139. Subsection (c)(1) of section 307 of title 23, United States Code, is amended to read as follows:

"(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year prior to the fiscal year 1964 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and local public bus transportation systems and for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use."

BRIDGES ON FEDERAL DAMS

SEC. 140. (a) Subsection (d) of section 320 of title 23, United States Code, is amended by striking out "$16,761,000" and inserting in lieu thereof "$25,261,000."

(b) All sums appropriated under authority of the increased authorization of $8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered thirteen on the Arkansas River near Fort Smith, Arkansas, in the amount of $2,100,000 and in connection with the reconstruction of a bridge across Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of $6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project and the State of Tennessee for the Chattanooga project.

TECHNICAL AMENDMENTS

SEC. 141. Title 23, United States Code, is amended as follows:

(a) Section 101(a) is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Transportation".

(b) Section 109(g) is amended by striking out "Rct" and inserting in lieu thereof "Act".

(c) Section 126(a), and 310 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

(d) The heading of section 303 is amended to read:

"Administration organization."

(e) Sections 308(b), 312, and 314 are amended by striking out "Bureau of Public Roads" each place it appears and inserting in lieu thereof "Federal Highway Administration".

(f) Section 309 is amended by striking out "Bureau of Public Roads" and inserting in lieu thereof "Department of Transportation".

(g) Section 312 and 314 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

ALASKAN ASSISTANCE

SEC. 142. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking at the end of the last sentence "June 30, 1972 and June 30, 1973." and substituting "June 30, 1972, June 30, 1973, June 30, 1974 and June 30, 1975."

INCREASED FEDERAL SHARE—EFFECTIVE DATE

SEC. 143. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(b) The amendments made by subsection (a) of this section shall take effect with respect to all obligations incurred after June 30, 1973, except for projects on which Federal funds were obligated on or before that date."

HIGHWAY BEAUTIFICATION COMMISSION

SEC. 144. (a) Subsection (i) of section 123 of the Federal-Aid Highway Act of 1970 is amended by striking out the first sentence and inserting the following in lieu thereof:

"(i) The Commission shall not later than December 31, 1973, submit to the President and the Congress its final report."

(b) Subsection (n) of section 123 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(n) There are hereby authorized to be appropriated such sums, but not more than $450,000, as may be necessary to carry out the provisions of this section and such moneys as may be appropriated shall be available to the Commission until expended."

FEASIBILITY STUDIES

SEC. 145. The Secretary shall report to Congress by January 1, 1974, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following routes for the purpose of including such highways in the National System of Interstate and Defense Highways:

(a) A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville, Arkansas; and Springfield, Missouri.

(b) Extension of Interstate Highway 70 from Cove Fort, Utah, or its vicinity, in a westerly direction, so aligned to serve the intermediate locations of Ely and Carson City, Nevada, or their vicinities.

(c) A route from Amarillo, Texas, or its vicinity, to Las Cruces, New Mexico, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Hereford, Texas; Clovis, New Mexico; Portales, New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamagordo, New Mexico.

(d) A route from Kansas City, Missouri, or its vicinity, to Baton Rouge, Louisiana, or its vicinity, so alined to serve one or both of the following intermediate locations or vicinities thereof: Fayetteville, Fort Smith, and Texarkana, Arkansas; or Little Rock, Arkansas or any other route through the State of Arkansas determined feasible by such State and the Secretary.

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 146. The Secretary of Transportation is authorized and directed to undertake a full and complete, investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what actions can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than July 1, 1973, together with his recommendations for modifications or additions to existing laws, regulations, and policies as will achieve a uniform system of tolls and best serve the public interest.

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 147. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal aid project.

(b) The amount of all Federal aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal aid projects numbered U 244(7), U 244(10), UG 244(9), U 244(8), and U 244(11)), shall be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal Aid Highways (Trust Fund)". At the time of such repayment the Federal aid projects with respect to which funds have been repaid and any other Federal aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal Aid Highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the States, respectively. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

RAILROAD RELOCATION DEMONSTRATION

SEC. 148. (a) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebraska, for the relocation of railroad lines from the central area of the city in conformance with the methodology developed under proposal numbered DOT–FR–20037. The city shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class I railroads and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(b) Federal grants or payments for the purpose of this section shall cover 70 per centum of the costs involved.

(c) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to this section.

(d) There is authorized to be appropriated not to exceed $1,000,000 from the Highway Trust Fund, and not to exceed $2,000,000 from money in the Treasury not otherwise appropriated, for carrying out the provisions of this section.

TITLE II

SHORT TITLE

Sec. 201. This title may be cited as the "Highway Safety Act of 1972."

PLANNING, ADMINISTRATION, AND EVALUATION OF STATE PROGRAMS

Sec. 202. (a) The fifth sentence of subsection (a) of section 402 of title 23, United States Code, is amended by inserting immediately after "such standards shall include, but not be limited to, provisions for" the following: "planning, administration, and evaluation of the State program,".

(b) Subsection (b)(1) of section 402 of title 23, United States Code, is amended by deleting paragraph (E) and substituting in lieu thereof the following:

"(E) provide for planning, administration, and evaluation of the State program, including (i) identification of the State's highway safety problems, the solutions thereto, and the capability of the State for effecting the solution; (ii) formulation of objectives for achieving program goals; (iii) development of plans for allocation of resources and specification of steps to achieve objectives; (iv) evaluation of achievements; and (v) revision of the program as necessary to insure the accomplishment of the purposes of this section."

PENALTIES FOR DRIVING WHILE INTOXICATED

Sec. 203. Subsection (a) of section 402 of title 23 of the United States Code is amended by inserting after the fifth sentence the following: "Effective as soon as practicable after the date of enactment of the Highway Safety Act of 1972 such standards shall also include provisions requiring (1) laws prohibiting persons from operating motor vehicles while under the influence of intoxicating liquors or any narcotic or drug which impairs their ability to operate a motor vehicle properly and safely, (2) procedures for effective enforcement of such laws, (3) penalties for violation of such laws which provide a meaningful deterrent to their violation, and, where appropriate, adequate medical treatment for persons violating such laws who are in need of treatment.".

MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

Sec. 204. (a) The first sentence of subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after "approved in accordance with subsection (a)," the following: "including the development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom such funds."

PUBLIC ROAD MILEAGE

Sec. 205. Subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after the third sentence the following: "Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

COMPLIANCE WITH ALCOHOL SAFETY STANDARD

Sec. 206. (a) Subsection (c) of section 402 of title 23 of the United States Code is amended by inserting before the period at the end of the next to the last sentence thereof a comma and the following: "*Provided, however,* That the provisions of this sentence shall not apply in the case of any State which has not prior to July 1, 1974, properly implemented the Secretary's highway safety programs standard numbered 8 (relating to alcohol in relation to highway safety) or any modification or addition to such standard prior to such date.".

(b) Such subsection is further amended by adding immediately after the next to the last sentence thereof the following: "Whenever the Secretary suspends the application of the seventh sentence of this subsection, he shall report within ten days the reasons for such suspension and the period of such suspension to the Committees of the Senate and House of Representatives on Public Works, Commerce, and Interstate and Foreign Commerce, and shall publish such report in the Federal Register, and shall notify the State or States involved of such suspension, the reasons therefor and the period thereof, and warn them of the penalty involved.".

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY STANDARDS

MINIMUM APPORTIONMENT

Sec. 207. Subsection (c) of section 402 is amended by striking "one-third of 1 per centum" in the fifth sentence thereof as amended, and inserting "one-half of 1 per centum."

Sec. 208. Section 402 of title 23 of the United States Code is amended by adding a new subsection (i), as follows:

"(i)(1) The Secretary shall award, in addition to other grants pursuant to this section, $10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have attained above average results in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. The amount appropriated in each fiscal year for the purpose of carrying out this paragraph shall be apportioned among the States eligible for grants pursuant to this paragraph in the ratio which the total apportionments to each State pursuant to section 104(b) (1) and (2) for such year bears to the total such apportionments to all such eligible States for such year.

"(2) The Secretary may also award, in addition to other grants pursuant to this section, $10,000,000 in grants in each fiscal year to States which he determines, in accordance with criteria which he shall establish and publish, to have made the most significant improvements in carrying out and achieving the purposes of this chapter. Such grants shall be used by recipient States only to further the purposes of this chapter. No State shall receive in excess of $500,000 in any fiscal year pursuant to the provisions of this paragraph.".

HIGHWAY SAFETY ON INDIAN RESERVATIONS

Sec. 209. (a) Section 402 of title 23 of the United States Code is amended by adding a new subsection (j), as follows:

"(j) For the purpose of the application of this section on Indian reservations, 'State' and 'Governor of a State' includes the Secretary of the Interior and 'political subdivision of a State' includes an Indian tribe: *Provided,* That, notwithstanding the provisions of subparagraph (C) of subsection (b)(1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further,* That the provisions of subparagraph (E) of subsection (b)(1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable."

(b) Subsection (d) of section 402 of title 23, United States Code, is amended by inserting at the end of the first sentence thereof the following: ", and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary."

DRUG USE AND HIGHWAY SAFETY

Sec. 210. Section 403 of title 23 of the United States Code is amended by inserting "(a)" immediately before the first sentence thereof, and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other government and private agencies as may be necessary, is authorized to carry out safety research on the relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles. As soon as practicable, the Secretary shall promulgate a highway safety program standard with respect to drug use in relation to highway safety. The research authorized by this subsection may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals.

"(c) In addition to the research authorized by subsections (a) and (b) of this section, the Secretary is authorized either independently or in cooperation with other Federal departments or agencies, to conduct research into, and to make grants to or contracts with State or local agencies, institutions, and individuals for demonstration projects for, programs of administrative adjudication of traffic infractions. Such administrative adjudication programs shall be designed to improve highway safety by providing fair, efficient, and effective adjudication of traffic infractions, and by utilizing appropriate punishment, training, and rehabilitative measures for traffic law offenders. The Secretary shall report to Congress by July 1, 1974, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions."

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

Sec. 211. The second sentence of subsection (a) of section 403 of title 23, United States Code, is amended to read as follows: "In addition, the Secretary may use the funds appropriated to carry out this subsection, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education or highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which are deemed by the Secretary to be necessary to carry out the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel."

TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

Sec. 212. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section."

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Sec. 213. Subsection (a)(1) of section 404 of title 23, United States Code, is amended by inserting immediately after "Federal Highway Administrator," the following: "the National Highway Traffic Safety Administrator,".

DATE OF ANNUAL REPORT

Sec. 214. The first sentence of subsection (a) of section 202 of the Highway Safety Act of 1966 (80 Stat. 736) is amended by deleting "March 1" and substituting in lieu thereof the following: "July 1".

EMERGENCY MEDICAL CARE FOR VICTIMS OF HIGHWAY ACCIDENTS

Sec. 215. (a) Chapter 4 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 405. Assistance for emergency medical care for victims of highway accidents.

"(a) The Secretary is authorized to make grants to the States to assist in developing comprehensive plans for providing improved emergency medical care for victims of highway accidents. Such grants shall cover 70 per centum of the cost of developing such plans, except that no State shall receive in excess of a total of $100,000 pursuant to this section.

"(b) The Secretary is authorized to approve State plans submitted to him and to make grants to the States for the implementation of approved plans for improved emergency medical care for victims of highway accidents. Such grants shall cover 70 per centum of the cost of implementing such approved plans to the extent such cost exceeds the average amount spent by the State on provision of emergency medical care to victims of highway accidents in the three years preceding the enactment of this bill, as determined in accordance with regulations issued by the Secretary. Funds authorized to be appropriated for the purposes of carrying out the provisions of this section shall be apportioned to the States in the same manner as is provided in subsection (b)(2) of section 104 of this title.

"(c) The Secretary shall not approve such plan under this section which does not:

"(1) comply with highway safety program standards numbered 11 (relating to emergency medical services); and

"(2) comply with regulations established by the Secretary with respect to (A) the availability of necessary equipment (including, but not limited to ambulances and, where appropriate, helicopters), (B) the training of medical, paramedical, and other personnel, (C) the utilization to the maximum extent feasible of existing emergency medical care equipment which meets the standards and regulations the Secretary establishes, and (D) such other regulations as he deems necessary to assure that adequate medical care is available to victims of highway accidents throughout the State."

(b) The analysis of chapter 4 of title 23 of the United States Code is amended by adding at the end thereof the following:

"405. Assistance for emergency medical care for victims of highway accidents.".

ELIMINATION OF ROADWAY DANGERS

Sec. 216. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 148. Elimination of roadway dangers.

"(a) Funds apportioned pursuant to paragraphs (1), (2), (6), and (7) of subsection (b) of section 104 of this title shall be available to eliminate or reduce the hazards at specific locations or sections of highways and at railroad-highway grade crossings which have high accident experiences or high accident potentials.

"(b) In approving projects under this section, the Secretary shall approve those projects recommended by a State that involve hazards at specific locations or sections of highways and at railroad-highway grade crossings which have been determined, on a statewide basis to be the most hazardous and the elimination of which would result in the greatest increase in highway safety."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"148. Elimination of roadway dangers."

PAVEMENT-MARKING RESEARCH AND DEMONSTRATION PROGRAM

Sec. 217. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs with respect to the effectiveness of various types of pavement markings under inclement weather and nighttime conditions.

(b) There is authorized to be appropriated from the Highway Trust Fund to carry out this section by the Federal Highway Administration, for each of the fiscal years ending June 30, 1974, and June 30, 1975, the sum of $10,000,000, to be available until expended.

AUTHORIZATIONS

Sec. 218. There is authorized to be appropriated out of the Highway Trust Fund—

(a) $225,000,000 for the fiscal year ending June 30, 1974, and $250,000,000 for the fiscal year ending June 30, 1975, for carrying out section 402 of title 23 of the United States Code (relating to highway safety programs) by the National Highway Traffic Safety Administration, of which $10,000,000 in each such year shall be for the purposes of section 402(i)(1), and $10,000,000 for section 402(i)(2).

(b) $75,000,000 for the fiscal year ending June 30, 1974, and $50,000,000 for the fiscal year ending June 30, 1975, for carrying out such section 402 by the Federal Highway Administration, of which $25,000,000 for the fiscal year ending June 30, 1974 shall be exclusively available for the purchase of equipment for pavement marking.

(c) $100,000,000 for the fiscal year ending June 30, 1974 and $100,000,000 for the fiscal year ending June 30, 1975, for carrying out section 403 of such title (relating to highway safety research and development) by the National Highway Traffic Safety Administration.

(d) $25,000,000 for the fiscal year ending June 30, 1974, and $25,000,000 for the fiscal year ending June 30, 1975, for carrying out such section 403 by the Federal Highway Administration.

(e) $5,000,000 for the fiscal year ending June 30, 1974, for carrying out section 405(a) of title 23 of the United States Code (relating to emergency medical care), to remain available until expended and $25,000,000 for the fiscal year ending June 30, 1975, for carrying out section 405(b) of such title.

(f) $250,000,000 for the fiscal year ending June 30, 1974, and $250,000,000 for the fiscal year ending June 30, 1975, for carrying out section 144 of title 23 of the United States Code (relating to the special bridge replacement program).

TITLE III

URBAN MASS TRANSPORTATION ACT OF 1964

Sec. 301. (a) The Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "two-thirds" in the fifth sentence of section 4(a) and inserting in lieu thereof "90 per centum";

(2) by striking out "one-sixth" in the proviso to the second sentence of section 5 and inserting in lieu thereof "40 per centum"; and

(3) by striking out "two-thirds" in the last sentence of section 9 and inserting in lieu thereof "90 per centum".

(b)(1) Section 3 of such Act is amended—

(A) by striking out "No" in the fifth sentence of subsection (a) and inserting in lieu thereof "Except as provided in subsection (f), no"; and

(B) by adding at the end thereof a new subsection as follows:

"(f) The Secretary is also authorized, on such terms and conditions as he may prescribe, to make grants or loans to any State or local public body to enable it to assist any mass transportation system which maintains mass transportation service in an urban area to pay operating expenses incurred as a result of providing such service. No financial assistance shall be provided under this subsection unless (1) the Secretary determines that the mass transportation services provided by the system involved are needed to carry out a program referred to in section 4(a), and (2) the applicant State or public body has submitted to the Secretary a comprehensive mass transportation service improvement plan which is approved by him and which sets forth a program, meeting criteria established by the Secretary, for capital or service improvements to be undertaken for the purpose of providing more efficient, economical, and convenient mass transportation service in an urban area, and for placing the mass transportation operations of such system on a sound financial basis. The amount of any grant under this subsection to a State or local public body to enable it to assist any mass transportation system to pay operating expenses shall not exceed twice the amount of financial assistance provided from State or local sources for that purpose. The Secretary shall issue such regulations as he deems necessary to administer this subsection in an equitable manner. Such regulations shall include appropriate definitions of (A) operating expenses, and (B) the sources or types of State or local financial assistance which may be considered in computing the maximum allowable Federal grant."

(2) The fourth sentence of section 4(a) of such Act is amended by striking out "section 3" and inserting in lieu thereof "section 3 (other than subsection (f))".

(3) Section 12(c) is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; and";

(C) by adding after paragraph (5) a new paragraph as follows:

"(6) the term 'mass transportation system' means any private company or public authority or agency providing mass transportation service."

(c) Section 4(c) of such Act is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking out "sections 3, 7(b), and 9" and inserting in lieu thereof "section 3 (except subsection (f)), and section 7(b) and 9";

(3) by striking out "this subsection" wherever it appears and inserting in lieu thereof "this paragraph"; and

(4) by adding at the end thereof a new paragraph as follows:

"(2) To finance grants and loans under section 3(f) of this Act, the Secretary is authorized to incur obligations on behalf of the United States in the form of grant agreements or otherwise in amounts aggregating not to exceed $800,000,000. This amount shall become available for obligation upon the date of enactment of this paragraph and shall remain available until obligated. There are authorized to be appropriated for liquidation of the obligations incurred under this paragraph not to exceed $400,000,000 prior to July 1, 1973, which amount may be increased to not to exceed an aggregate of $800,000,000 prior to July 1, 1974. Sums so appropriated shall remain available until expended."

(d) Section 4(c) of such Act is amended by striking out "$3,100,000,000" in the first and third sentences and inserting in lieu thereof "$6,100,000,000".

Mr. MANSFIELD. Mr. President, it is my understanding that there will be one amendment, possibly two amendments, on which it is likely rollcall votes will be had this afternoon. We will not be able to complete action on this bill. It is of a rather large scope, but I think it would be a good idea to get started on this measure at this time. It is my understanding that the distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from Kentucky (Mr. COOPER) both will handle the bill.

If a break occurs later in the afternoon, I think the Senate should be on notice, if events make it desirable and necessary, that it should be prepared to turn to the possible consideration of Calendar No. 830, S. 632, the so-called Land Use Policy bill, on which there will be some discussion.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. TOWER. Is the Senator saying that that bill will be taken up after the consideration of S. 3939?

Mr. MANSFIELD. There is a possibility.

Mr. TOWER. Very well.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the request which I am about to make has been cleared with the distinguished senior Senator from Kentucky (Mr. COOPER); the distinguished senior Senator from West Virginia (Mr. RANDOLPH), the chairman of the Public Works Committee, is here. The request as I understand, has been cleared with all Senators who would be involved.

I ask unanimous consent that when all amendments to S. 3939 which are called up today are disposed of today, the bill then go over to a day next week to be selected by the majority leader, and that at such time as the bill is again before the Senate next week, no further amendment thereto be in order with the exception of an amendment, on which there is a time limitation of 2 hours, to be offered by the Senator from Kentucky (Mr. COOPER) and the Senator from Maine (Mr. MUSKIE), and an amendment, on which there is a time limitation of 1 hour, to be offered by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Connecticut (Mr. WEICKER), with amendments to those two named amendments, of course, in order.

The PRESIDING OFFICER (Mr. BUCKLEY). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. MOSS, Mr. STUCKEY, Mr. SPRINGER, and Mr. BROYHILL of North Carolina were appointed managers on the part of the House at the conference.

The message also announced that the House insisted upon its amendments to the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the United States share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. JARMAN, Mr. DINGELL, Mr. HARVEY, and Mr. KUYKENDALL were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 4383) to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes; asked for a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. HOLIFIELD, Mr. MONAGAN, Mr. FASCELL, Mr. STEIGER of Arizona, and Mr. BROWN of Michigan were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS of Arkansas, Mr. ULLMAN, Mr. BURKE of Massachusetts, Mrs. GRIFFITHS, Mr. BETTS, Mr. SCHNEEBELI, and Mr. BROYHILL of Virginia were appointed managers on the part of the House at the conference.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard anti-ballistic-missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

QUORUM CALL

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the proviso that the distinguished Senator from West Virginia (Mr. RANDOLPH) retain his right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL-AID HIGHWAY ACT OF 1972

The Senate continued with the consideration of the bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. RANDOLPH. Mr. President, I yield back my time on the committee amendment.

The PRESIDING OFFICER. Does the Senator from New Jersey yield back his time?

Mr. WILLIAMS. Yes, Mr. President.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that during the consideration of S. 3939, the following members of the staff of the Public Works

Committee be permitted the privilege of the floor:

Barry Meyer, Bailey Guard, Clark Norton, Kathy Cudlipp, Phil Cummings, Richard Herod, John Yago.

And from the staff of the Committee on Banking, Housing and Urban Affairs, Mr. Stephen Paradise.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. Mr. President, I ask unanimous consent that one of the members of my staff, Michael Helfer, be permitted access to the floor during the discussion and vote on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I yield myself such time as I may need at this point, during consideration of this legislation.

Mr. President, the Federal-Aid Highway Act of 1972 which we are considering is legislation which is intended to be passed in the interest of several purposes. It would continue the Federal-Aid Highway Program. That is the vehicle by which the Federal Government has participated in highway development in the United States of America for over 50 years. It does not, however, extend the program in a static fashion because we know that there are changes and refinements which are needed to improve the response of Congress to the general transportation needs of the country.

This legislation, as in other highway bills, initiates certain departures from tradition. It begins the transition, as my able colleague, the ranking minority member of the committee, the Senator from Kentucky (Mr. COOPER) well knows, to a post-interstate highway program.

I think that what we do here, in a sense, in this measure, will determine the direction of the highway program for perhaps the remainder of this century.

In the development of the bill, the committee and especially the Subcommittee on Roads drew heavily on many sources of information and experience; in addition, of course, to the cumulative knowledge of members of the subcommittee and the committee dealing with transportation matters, particularly highway considerations.

I would like to have the attention of my colleague, the Senator from Indiana (Mr. BAYH). I want to express appreciation on behalf of all members of the Public Works Committee for the work done by the Senator from Indiana (Mr. BAYH) in conducting, in his capacity as chairman of the Subcommittee on Roads, the lengthy hearings at which many, many knowledgeable witnesses appeared and expressed their viewpoints.

I regret in a sense, although I know that the Appropriations Committee is a very, very important committee of the Senate, that the Senator from Indiana has become a member of the Appropriations Committee. Having had that opportunity and not being permitted under the rules of the Senate to serve on two major committees, the Senator from Indiana transferred from the Public Works Committee to the Appropriations Committee. And we have not, as we consider this legislation today, the opportunity of having the excellent leadership of the Senator from Indiana (Mr. BAYH), frankly, standing in the place in which I now stand.

I was chairman of the Subcommittee on Roads for many years. Then, after becoming chairman of the Public Works Committee, I gave up that position. That post as chairman of that subcommittee has been very, very ably filled by the Senator from Indiana. The Senator from Indiana is present this afternoon, and, when the occasion demands, he is going to address himself to the subject matter. Why? He will do so because even though he is not a member of the committee as we consider this matter, he did conduct all of the hearings. And he gave of himself and his time and effort.

I know I speak for all members of the subcommittee and the full committee when I say thanks to the Senator from Indiana for a job well done and thanks also for his participation during this debate to clarify what was done, what the witnesses said, and what we as a subcommittee and full committee have attempted to do in moving forward in many directions to meet the general transportation needs of our people.

Mr. BAYH. I would like to express my gratitude to the distinguished Senator from West Virginia for his kind comments relative to the Senator from Indiana welding together the various bits and pieces which constitute the 1972 Federal Highway Act. I am looking forward to participating in the debate and expressing myself at the termination of the distinguished chairman's remarks. I will point out in my remarks that this bill has been the product of a divergence of views which I think of myself perhaps as the midwife at the birth of the bill, and I find myself in the center of a hurricane with the storm raging around the Senate on both sides in which some people feel we have gone too far and others feel we have not gone far enough, which in 18 years of public life indicates to me that we may be just about on target.

This bill is not without controversy. Perhaps it is not a perfect piece of legislation. I would be the first to say that, and perhaps we could change part of it. As I will bring out in my statement, I think it is a piece of legislation that will make a significant contribution to the transportation requirements of the people of this country.

Mr. RANDOLPH. Mr. President, I thank the able Senator.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. RANDOLPH. I yield.

Mr. COOPER. Mr. President, at some time before the debate on the bill is concluded and we vote, I will have some remarks to make. However, I do wish to join with the chairman of the committee, the distinguished Senator from West Virginia (Mr. RANDOLPH), in expressing our appreciation for the devoted service on the Senate Public Works Committee of the Senator from Indiana (Mr. BAYH).

Many times in the past the Senator from Indiana has developed important and constructive bills. I recall the Disaster Relief Act of 1970, which was a model bill of its kind. And this year he undertook the chairmanship of the Subcommittee on Roads. He held very comprehensive hearings, and I am glad to have been able to participate in them. He heard the witnesses carefully, patiently, and always in good humor. At the close of the hearings, his associates and the members of the staff all congratulated Senator BAYH for his leadership of those subcommittee hearings.

In the bill before us today, the Federal-Aid Highway Act of 1972, will be found many innovations initiated by the Senator from Indiana. It is a progressive bill which I believe is going to meet many transportation problems.

I know that the Senator from Indiana has moved to another committee. We are proud of his successes, and we know that he will be an invaluable member of the Appropriations Committee. However, those of us who remain on the Public Works Committee, and those who will remain longer than I, do appreciate the services of the Senator from Indiana.

Mr. BAYH. Mr. President, if the Senator from West Virginia would yield to me for a moment, so that I might respond to the Senator from Kentucky, I would appreciate it.

Mr. RANDOLPH. Mr. President, I yield to the Senator from Indiana.

Mr. BAYH. Mr. President, as I said in similar remarks to the chairman of the committee, I have had the privilege of participating in the consideration of this measure. I say to both of my colleagues, that having served on the Public Works Committee for almost 10 years, it was a rather dramatic decision for me to make to leave that committee and go to the Appropriations Committee. I know that the Senators from West Virginia and Kentucky appreciate the reasons that made me feel compelled to do so.

I do appreciate the opportunity to have served with the members of the Public Works Committee.

Mr. RANDOLPH. The Senator from Indiana spoke of the matters of importance in connection with this legislation and the varying viewpoints, and I had earlier discussed that, and we will discuss that matter further. But I do not believe there has been a highway bill in the Public Works Committee that has had the thorough discussion, hopefully the degree of understanding in the committee and the subcommittee that we have embodied in the measure now before the Senate. I know that there will be debate here on certain matters. That is as it should be. The viewpoints of the Senate membership certainly should be expressed. This is the way we need to proceed, with a thorough discussion of the matters before us. The very fact that this bill authorizes more than $14 billion in public works over a period of the next 2 years is a matter of extreme importance. The management of funds on this scale is not a matter to be considered lightly. The chairman expresses that thought, and I hope that the Members of the Senate will be searching in their inquiries and exhaustive in their evaluation of the provisions of S. 3939.

Not only does this measure deal with large sums of money, it directs the expenditure of these funds in ways that will greatly influence the development of transportation in the United States and, in turn, the patterns of life for millions of our citizens and the conduct of commerce throughout this country.

Since the end of World War II, the United States has invested heavily in its highway transportation system. This was necessary in a Nation committed to motor vehicles for the bulk of its transportation requirements. In the past 16 years, the development of the Interstate Highway System has been stressed, and that system is now 80 percent completed. While highway activity was taking place at an accelerated level, other forms of transportation were relatively neglected, particularly the movement of large numbers of people in urban areas; areas which were growing increasingly larger and more congested.

This imbalance is recognized, and Congress in recent years has moved to sharply increase the Federal funding available for urban mass transit activities. The Committee on Public Works and the Congress recognized the relationship that exists between the Federal-Aid Highway program and public transportation. We have authorized the development of such transit-related facilities as exclusive or preferential bus lanes, fringe parking, and passenger loading areas. The bill now before the Senate would strengthen this relationship even further by permitting the purchase of transit buses with highway funds.

During the committee's consideration of S. 3939, the most extensively debated provisions were those relating to public transportation. I expect that floor debate also will focus on these portions of the bill, and that amendments will be offered to utilize Highway Trust Fund revenues for other mass transit activities, particularly the construction of rail facilities. Similar proposals were rejected during committee consideration. This action was taken for a number of reasons. It was in no respect a repudiation by the committee of its conviction that highway funds can properly be spent for public transportation purposes. As I have mentioned, such use of highway funds is already authorized by law and their further use for transit purposes is proposed in the bill now before us. This legislation authorizes $800 million annually for the next 2 years for urban highway development. Of this amount, a minimum of $300 million would have to be spent each year for public transportation purposes. This legislation also addresses itself to the public transportation needs of rural areas with a similar requirement that at least $50 million of the annual authorization for secondary highways be spent for this purpose.

Congestion in many of our cities demands that public transportation be improved. Recently enacted air pollution control laws will require many cities to take drastic measures in the near future to curb emissions from motor vehicle exhausts. The implementation plans of 67 metropolitan areas, in fact, include provisions for the curtailment of auto traffic to reduce pollution. The resulting transportation loss will have to be replaced. The quickest way to expand and improve the transit systems of the cities is by buses, which are, in fact, the only forms of public transportation in the vast majority of American cities. In the relatively small number of urban areas where population concentrations and financing capability make rapid rail a feasible form of public transportation, buses also are needed to provide a completely connected system that will facilitate optimum utilization of rail facilities. Rail transit, in addition, also requires lengthy construction times. Even if undertaken immediately, such systems could not be completed in time to help meet the pollution control requirements that must be imposed very soon.

I know that the reliable resources of the highway trust fund are tempting for those who see the need to improve urban transportation. Careful analysis, however, shows that even the substantial funding provided by the highway trust fund would still be called upon to meet the highway-related transportation needs of our country. Furthermore, when highway funds are apportioned to all of the eligible urban areas, there would be relatively little available to any one of them for rail transit construction. This money, I believe, can be more effectively spent in improving urban bus operations. Such use of highway funds also alleviates some of the pressure on the urban mass transit program and could make greater proportions of this fund available for rail transit.

In its report on this legislation, the committee stressed that highway funds authorized for public transportation purposes are intended to supplement those of the urban mass transit program and are not to be used as an excuse for weakening that effort.

Mr. President, I hope these points will be kept in mind as the Senate considers the public transportation portions of S. 3939 and any relevant amendments that may be offered. I believe the Public Works Committee acted responsibly in these matters consistent with its assessment of the total transportation needs of this country.

In debating public transportation, I urge Members of the Senate not to overlook other features of S. 3939 that are of great importance to the continued operation of the Federal-aid highway program. For more than 50 years the Federal-aid program has undergone a process of continual refinement. Changes at every level of society bring with them different transportation requirements and the highway program must respond accordingly.

In 1956 we responded to a demonstrated need for a national system of high-speed highways by creating the Interstate System. Originally scheduled to be completed this year, construction of the Interstate System has been delayed first by the addition of 1,500 miles in 1968 and also by inflation, new laws and regulations governing highway development, and the administrative impoundment of highway funds. The most recent reports from the Department of Transportation indicate that final authorizations for the Interstate System can be made in 1980, with construction to be finished in 1982. Accordingly, this bill extends authorizations for the Interstate System for an additional 4 years ending with fiscal year 1980.

At the same time, the annual authorizations for the Interstate System are reduced from the present level of $4 billion to $3.25 billion through fiscal year 1979, and is established at $257 million for fiscal year 1980. This would bring the total cost of the Interstate System to $76.3 billion with a Federal share of $68,260,000,000. These totals are in line with the Department of Transportation's estimates for the cost of completing the entire 42,500-mile system.

The reduction in the annual authorization for the Interstate System is one aspect of a general revision of authorizations for the entire Federal-aid highway program. The Interstate System has reached a stage of completion that permits us to begin shifting highway funds to other programs that have been relatively neglected over the past 16 years. The noninterstate allocations also are indicative of the breakdown in highway needs between urban and rural areas, which are now estimated to be approximately equal. The bill authorizes $950 million for each of the next 2 fiscal years for the primary system and its urban extensions. Of this amount, $300 million is required to be spent for the elimination of roadway dangers with special emphasis on the elimination of railroad grade crossings. Secondary system spending is established at $500 million for each of the next 2 years, that includes a requirement that at least $50 million of the amount be spent each year for public transportation in rural areas, as I mentioned earlier.

The largest increase in authorizations takes place in the urban system. This system was created only 2 years ago and at that time was funded at an annual level of $100 million. The bill before us proposes an annual authorization of $800 million for the urban system, including that money required to be spent for public transportation.

The bill also proposes establishment of a small urban system to serve communities of 5,000 to 50,000 population. This new system would be funded at the level of $50 million in fiscal year 1974 and $100 million for fiscal year 1975.

This bill also contains general increases in authorizations for the Federal-domain road program, and for the first time, authorization of funds for parkways and Indian reservation roads and bridges would be provided from the highway trust fund.

The following table, which I ask unanimous consent to have printed in the RECORD, gives the authorization for these programs for the next 2 fiscal years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In millions]

	1974	1975
Forest highways	$50	$50
Public lands highways	25	25
Forest development roads and trails	170	170
Public lands development roads and trails	20	20
Park roads and trails	50	50
Parkways	75	100
Indian reservation roads and bridges	75	100

Mr. RANDOLPH. A total of $690 million and $710 million for the next 2 years respectively are authorized for highway safety programs.

Mr. President, I call attention to the safety authorizations which include $250 million per year for the special bridge replacement program which was established by the Federal-Aid Highway Act of 1970. It is essential that this program be given priority status because of the many thousands of bridges on the Federal-Aid Highway System that have been found to be in need of repair and/or replacement. The bridge replacement program was given an authorization of $250 million for its first 2 years. This is insufficient to maintain the program at the necessary level, particularly when we realize that the first-year funds were adequate only to replace about 50 bridges.

This bill also provides authorizations for a number of other smaller, but important, highway programs. Total authorizations on this bill are $7,041,920,000 for fiscal year 1974, and $7,141,500,000 for fiscal year 1975.

A major problem impeding development of the Interstate System in urban areas has been the controversy surrounding many of these projects. The nature of freeway construction in densely populated areas has helped bring about this controversy and as a result, many segments of the Interstate System in urban areas remain in doubt. Two years ago, the Congress established deadlines for determining which segments of the Interstate System would be built and what segments would not be built. The bill now before us contains proposals that would provide an additional assistance to States and cities in solving these most difficult problems. Provision is made for States with the consent of local governments to substitute alternate segments of interstate highways for those in controversy.

This procedure, for example, would permit the removal of an interstate freeway from a city and permit its construction elsewhere in that urban area, even though additional mileage might be required for the alternate segment. The only restriction would be that the alternate segment could not be more costly than the one it replaced. This procedure permits more flexibility, and the principal requirement is that a connected Interstate System result from the transfers. If no alternate segment is needed to assure a connected system, the funds allocated for the construction of the removed segment could be spent on urban highway projects within the same area. The same is true for any excess funds remaining, should the alternate interstate segment be less costly than the original segment.

To further respond to the need for flexibility in meeting urban transportation needs, S. 3939 proposes a major departure from past procedures by establishing a procedure for local jurisdictions to expend urban system funds. Urban system funds would be "passed through" to urban areas, in which local jurisdictions agree to create a metropolitan transportation agency. This agency would be required to have sufficient authority to develop and implement a plan for the expenditure of funds allocated to it. This committee believes this procedure would greatly expand flexibility in the use of urban system funds and is especially important in relationship to the expended use of highway funds for public transportation.

Mr. President, the Committee on Public Works believes that active participation by affected citizenry is essential to the proper operation of the Federal-aid highway program. This has been a guiding principle of our legislation activities in several years.

In previous highway acts, provisions have been included to expand public involvement in the planning and execution of highway projects. The two-hearing system and requirements that the State report on the outcome of these hearings are results of our concern in this area. While progress has been made in assuring public participation, I do not believe that the public voice is being adequately heard.

Consequently, this bill provides for further strengthening of the public's participation. It would require the Secretary of Transportation to develop guidelines for public participation in the urban transportation planning process. They would include a requirement for public hearings to review annually metropolitan area transportation plans and programs and to provide an opportunity for the consideration of alternative modes of transportation. Every urban area over 50,000 population would receive no Federal-aid project approval until the State assured the Secretary that it has taken all reasonable measures to permit, encourage, and assist public participation in the planning process.

One of the most significant features of the bill now before us is contained in section 133. This section would make it possible for the Federal Government to turn over to the States much of the responsibility for the day-to-day execution of their Federal-aid highway programs.

This alternative procedure is the result of several problems that have evolved over the years. The problem of redtape has become increasingly serious in recent years. New laws and new administrative regulations have accumulated and now impose a substantial burden upon highway officials at both the Federal and State levels. These laws and regulations are all intended to accomplish worthwhile objectives and indeed are in response to public demands for a highway program increasingly sensitive to its impact on the total society.

New developments in the techniques of road building themselves have created more complicated engineering and construction methods which also are time-consuming. There are so many requirements that today, highway projects regularly require 6 to 8 years to advance from the beginning of planning to the beginning of construction.

In addition, Members of the Senate are familiar with the handicap that has been placed on highway development by the administrative withholding of funds. Even though the Congress authorizes highway funds in advance, the State highway officials and construction industries cannot plan their programs with any certainty that these funds will be released to execute them. Approximately $1.8 billion in apportioned highway funds remain impounded in Washington, and the long-term outlook is for a continued growth in withheld money that should be spent on improving transportation and, indeed, will have to be spent sometime in the future.

The alternative procedure of section 133 also seeks to eliminate the withholding of highway funds. It provides that once funds are apportioned to the States, the States have the authority to use them.

To cut through the tangle of redtape, the Secretary of Transportation would be authorized by section 133 to develop guidelines for the States to execute the Federal-aid program. When a State demonstrates its competency under these guidelines to carry out a highway program, the Secretary could then grant it certain certification to do so for a 2-year period. This would eliminate the necessity for a step-by-step, project-by-project review and approval by the Federal Highway Administration. The Department, of course, would have a continuing oversight authority and at the end of each 2 years would review the State's performance before renewing its certification.

I emphasize that only activities authorized by the highway statutes woud be turned over to the States by this alternative procedure. Other laws, such as the National Environmental Policy Act the Civil Rights Act, and the Uniform Relocation and Real Property Acquisition Policy Act, which place specific responsibility on the Secretary of Transportation, would not be affected. The Secretary would continue to carry out his duties under these acts.

There is some contention that the States are not competent and cannot be trusted to carry out a highway program properly. The Federal-Aid Highway System, however, is now more than 50 years old, and there is substantial evidence demonstrating that because of this long experience, the States do, indeed, have adequate competency to properly plan, develop, and construct highways. In this context, it is important to remember that the Secretary would have the power to continuously examine and evaluate State activities and would have to review total State performance every 2 years.

This approach would be consistent with the new greater responsibility for governmental and technical decision-making can and should be vested in States and local communities. This belief has been reflected in the environmental and economic development legislation that the Senate Public Works Committee has developed in recent years, and it is in accord with accepted principles of good public administration. To the extent that authority and accountability can be delegated to lower echelons without endangering levels of performance, the effectiveness and efficiency of governmental programs, including Federal aid to highways, will be increased.

The Highway Beautification Act of 1965 was the beginning of an attempt to eliminate the unsightly conditions that detract from the pleasure of driving on far too many of our country's highways. Two years ago, we recognized that the existing statute was not achieving the results that the Congress has intended. The Commission on Highway Beautification was, therefore, established and directed to study and make recommendations concerning the implementation of the 1965 act. The Commission did not become operational until 9 months ago, and has been unable to complete its assigned responsibility in that time. Therefore, this bill extends the life and the mandate of the Commission on Highway Beautification until December 31, 1973, and provides additional funds for its operation.

An interim report by the Commission, however, recommends a number of amendments and the Committee on Public Works gave these careful consideration. As a result, this bill includes amendments which would eliminate the present 660-foot control zone for roadside billboards, and substitutes instead the area of visibility. It extends the deadline for the removal of signs in existence until September 1, 1975, provides a temporary moratorium, the removal of signs giving specific information to travelers, provides compensation for removal of the lawfully erected, nonconforming signs, and authorizes Federal participation in the relocation, removal or disposal of junkyards

Anyone who lives or works in the city of Washington knows of the increasing popularity of bicycles as a form of transportation. We also know that bicycle riding on streets with large numbers of motor vehicles can be extremely hazardous.

Nationally, bicycle riding has attracted more than 70 million participants in recent years.

I remember years and years ago, when I was in Denmark and I saw coming toward me what looked like an army of bicycles. I did not realize that bicycles were used so extensively in Europe. As I began to think about this situation, I remembered that experience, which we are now experiencing, at a later date, in this country.

While much of it is primarily recreational, many people use their bicycles as a form of transportation to work or shopping. Bicycle riding, therefore, becomes a factor in the highway program as an alternative means of transportation. The Public Works Committee believes that use of bicycles in addition to being a healthful activity, can help to increase the utilization of highways. Therefore, this bill includes authorization of $10 million specifically for the construction of separate or preferential bicycle lanes or paths, bicycle control devices, bicycle shelters or parking facilities, equestrian trails, and pedestrian walkways. These projects could be located on or in conjunction with Federal-aid highway rights-of-way in both urban and rural areas.

HIGHLAND SCENIC HIGHWAY

S. 3939 contains a provision which I offered in committee to authorize the construction as a parkway of the Highland Scenic Highway in West Virginia from State Route 39 on Cranberry Mountain to U.S. 250 near Barton Knob. This would allow the construction of this beautiful road as a parkway, restricted to scenic and recreational use and passenger car traffic.

The committee report states that the Highland Scenic Highway as originally planned would be a 160-mile, scenic roadway between State Route 39 in Pocahontas County, W. Va., and Gormania in Grant County, W. Va. Interested citizens of Richwood, W. Va., have brought to my attention, and correctly so, that the Highland Scenic Highway was originally planned to begin at the city of Richwood, which is truly the gateway to the Highland Scenic Highway.

I am proposing an amendment to section 136 of the bill which would make it clear that Richwood is the southern terminus of the Highland Scenic Highway. In addition, this language makes it clear that while only that portion of the highway north of the Cranberry Mountain Visitor Center is a parkway restricted to passenger car travel, Federal funds will be available to pay the costs of upgrading the appropriate portion of State Route 39 to scenic highway standards and providing adequate signs to bring tourists to this region.

It should be clear with this amendment that the Congress intends that the Highland Scenic Highway begin at Richwood, and that the lovely portion of State Route 39 which travels through the Monongahela National Forest from Richwood to the Cranberry Mountain Visitor Center be treated as an integral part of the scenic highway from the very beginning. In fact, the only difference in treatment between the State Route 39 and parkway portions of the scenic highway should be the all-weather maintenance and access to commercial traffic on the State Route 39 portion. The Forest Service and the State should be encouraged to enter into cooperative agreements to assure such similar treatment, to the extent practicable, in such matters as enforcement of traffic regulations and other police matters and refuse and roadside litter collection.

With the Interstate System moving toward completion, many States are turning their attention to newly developed or long-neglected needs for additional highways of the interstate type. High-speed, high-capacity highways, such as the interstates are expensive to construct and if built, as regular Federal-aid highways, would require many years to complete. Some States desire to build such roads as toll facilities so that they can be made available in a relatively short time. To aid in making such facilities available, S. 3939, contains provisions authorizing States to use future primary and secondary allocations to retire toll road bonds. Such practices would be available to a State only when it has completed its portion of the Interstate System. Furthemore, Federal-aid highway funds used to retire bonds would be equal to what would be the Federal share of constructing the highway. This practice would be optional to the States at their own request.

Mr. President, there are other features of this bill which I will not discuss in detail, but which are of great importance to the continued responsible operation of the Federal-aid highway program.

This legislation is wide in scope but also attentive to many of the relatively minor problems that concern highway builders.

Mr. President, I said earlier in my remarks that the Federal-Aid Highway Act of 1972 was the most thoroughly considered highway legislation that has come before the Committee on Public Works during my membership in the Senate. Members of the committee demonstrated their concern for the issues before us by their faithful attendance at committee meetings. Several of them focused our attention on specific issues and helped to resolve some very difficult questions.

Senators COOPER and MUSKIE demonstrated great concern over mass transit needs of our country. While the committee did not accept their proposals totally, they did stimulate extremely helpful discussions which led to our fuller understanding of this critical problem. The Senator from North Carolina (Mr. JORDAN) brought his accumulated experience to our deliberations. As usual the Senator from Missouri (Mr. EAGLETON) was a forceful advocate who helped to dilineate the issues. The experience of the Senator from New Mexico (Mr. MONTOYA) with the transportation needs of Indians, is reflected in the sections of the bill dealing with that problem. The highway needs of another unique section of our country were explained with clarity by the Senator from Alaska (Mr. GRAVEL).

Unique in its own way is our largest State, California, which reflects other large States and was well represented by Senator TUNNEY. The newest Member of the Senate, the Senator from Louisiana, contributed to our decisions. The Senator from Delaware (Mr. BOGGS) brought a reasoned approach to all of our discussions and the Senator from Tennessee (Mr. BAKER) contributed his ability to carefully analyze and offer alternatives to the problems before us. The recognition by the Senator from Kansas (Mr. DOLE) of the importance of the highway program to all Americans guided him in our deliberations. Another large State was represented by Senator BUCKLEY who also is concerned with the nationwide implications of highway legislation. The Senator from Vermont (Mr. STAFFORD) played an important role in helping us to resolve important questions in this legislation.

The nature of the highway program is such that it requires continual attention if we are to properly legislate. The committee could not carry out its responsibilities effectively without the support and hard work of its staff. Their contributions to this bill were many and they have provided supportive service and information that enabled the committee to develop this important legislation. Staff members who made contributions to this legislation include, M. Barry Meyer, chief clerk and chief counsel; Bailey Guard, minority clerk; Richard A. Hellman, minority counsel; Phillip T. Cummings, assistant counsel; John W. Yago, Clark Norton, Paul Chimes and Kathy Cudlipp of the professional and research staffs; Birdie Kyle, Polly Medlin, Margie Powell, Jan Fox, Veronica Holland, and Rose Chandless of the secretarial staff.

Mr. President, I yield the floor at this time.

Mr. BOGGS. Mr. President, I wish to express my strong support for this important legislation, which will continue our sound highway program.

I would like to list a number of what I believe are particularly important features of the bill.

Certainly the new urban program ranks high in any list of accomplishments in this bill. It will provide $800,000,000 yearly for programs to relieve urban highway congestion, a sharp increase over present spending levels. Out of that sum, a minimum of $300,000,000 must be spent by the States to improve bus-related mass transit systems.

These dollars—out of the highway trust fund—can be spent to buy commuter buses and to build commuter bus lanes, fringe parking lots, bus terminals, or other facilities meeting our urban transit needs. I consider this a major step toward making our highways more productive, thus helping commuters get to and from work more rapidly.

Another significant new feature of the highway legislation, which was added at my suggestion, is a guarantee that each State receives no less than one-half of 1 percent of the funds available for this urban program and for the highway safety effort.

In the past, many smaller States—including Delaware—have received insufficient funds to effectively meet our transportation needs. This bill will end that discrimination. Small States will receive an effective minimum of all programs.

The committee also voted approval of a provision I suggested to allow Federal financing for the reconstruction of the overburdened interchanges where a toll road interchanges with at least three differently numbered interstate routes, and where improvements to the toll road have overburdened the interchange.

While it is important to build to meet future transportation needs, our greatest need right now is to make our highways safer. This bill, for example, places new stress on safety programs related to drug abuse and bicycle safety. It sharply increases the safety program, and creates a special fund to reward states that have attained a high rating in implementing Federal highway safety standards.

I urge my colleagues to support this important bill, and I want to call the particular attention of my colleagues to a provision authorizing major support for the construction of bike paths and pedestrian trails.

By building separate trails or routes for bicyclists and pedestrians, it will make travel safer and more convenient for everyone.

Under this provision, $10,000,000 each year would be allocated out of the highway trust fund for use in building bicycle and pedestrian paths. This money will be appropriated among the States, with no State to receive less than 1 percent.

Everyone who drives a car, or has riden a bike or walked along the shoulder of a highway knows the potential for danger that exists when bicyclists, pedestrians, and cars use the same highway space. This proposal should create a permanent solution to that problem in many sections of the Nation.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT ON ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BUCKLEY) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

In accordance with Section 216 of the Economic Stabilization Act Amendments of 1971, I am transmitting with this the Cost of Living Council's third quarterly report on the Economic Stabilization Program covering the period April 1 through June 30, 1972.

The report reflects the significant progress which the country is continuing to make toward the joint goals of reducing the rate of inflation and restoring vigorous health to the economy:

1. In the battle against inflation, the annual rate of increase in consumer prices has been cut to 2.9 percent since I announced the New Economic Policy on August 15, 1971. During the same period, real spendable weekly earnings have increased at an annual rate of 3.8 percent.
2. The recovery which the economy is experiencing is evidenced by nearly all of the key economic indicators. Last quarter's real GNP grew at an annual rate of 9.4 percent, the greatest increase in seven years. Productivity increased at a 6 percent annual rate in the second quarter of 1972, with an accompanying decline in unit labor costs. Employment has increased by 2.6 million workers since the program began, and the rate of unemployment has declined moderately.

While this encouraging progress has resulted from the interaction of many economic factors, the temporary wage and price controls of the Economic Stabilization Program have played an important role in maintaining price stability during a period of rapid expansion. The disciplines of the controls program, together with responsible fiscal and monetary policies and the continued support and cooperation of the private sector, can enable us to move into a new era of unprecedented prosperity for all Americans.

RICHARD NIXON.

THE WHITE HOUSE, *September 13, 1972.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs; and that the House receded from its disagreement to the amendment of the Senate numbered 26 to the bill and concurred therein.

FEDERAL-AID HIGHWAY ACT OF 1972

The Senate continued with the consideration of the bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. PEARSON. Mr. President, is the bill open to amendment at this time?

The PRESIDING OFFICER. It is.

Mr. PEARSON. Mr. President, I call up my amendment at the desk and ask unanimous consent that my distinguished colleague (Mr. DOLE) may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. PEARSON. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 43, between lines 19 and 20, insert a new section as follows:

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON FEDERAL LAKES

SEC. 133. (a) Chapter 1 of title 23 of the United States Code is further amended by adding at the end thereof the following new section:

"§ 148. Access highways to public recreation areas on Federal lakes.

"(a) There is hereby authorized to be appropriated out of any monies in the Treasury not otherwise appropriated $15,000,000 for the fiscal year ending June 30, 1974, and

$15,000,000 for the fiscal year ending June 30, 1975, for the construction or reconstruction of access highways to public recreation areas on Federal lakes in order to accommodate present and future high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

"(1) Routes designated by the Secretary shall not extend beyond 20 miles from the recreation area.

"(2) Such routes shall connect with a highway in the Federal aid system.

"(3) The designation of routes under this section shall comply with section 138 of this title.

"(4) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 70 per centum of the cost of construction or reconstruction of such project.

"(c) Any highway not part of the Federal-aid system when constructed or reconstructed pursuant to this section shall thereafter be part of the Federal-aid secondary system except as otherwise provided pursuant to this section.

"(d) For the purpose of this section the term 'Federal Lake' means a lake constructed by the Corps of Engineers, Department of the Army, or the Tennessee Valley Authority, or the Bureau of Reclamation, Department of the Interior, or a multi-purpose lake constructed with the assistance of the Soil Conservation Service, Department of Agriculture."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"148. Access highways to public recreation areas on Federal lakes."

On page 43, line 21, redesignate "Sec. 133" as "Sec. 134" and redesignate the following sections of title I of the bill accordingly.

The **PRESIDING OFFICER**. The Chair understands that there is a limitation of one-half hour for amendments on the bill.

Who yields time?

Mr. PEARSON. Mr. President, I yield myself 5 minutes.

Mr. President, I speak today in support of my amendment to S. 3939. This amendment deals with the rapidly growing problem of highway safety, traffic congestion, and environmental conditions along access routes to lakes constructed by, or with the assistance of, Federal agencies.

This problem grows more intense each month, as more Americans take their campers, trailers, boats, and other mobile recreation equipment to the shores of the nearly 500 federally constructed lakes across the country. The U.S. Army Corps of Engineers, for instance, which operates some 340 lakes in every major river basin, estimates that in 1971 300 million visits of 1 day were made to recreation areas adjoining these lakes.

According to the corps, actual traffic counts show that each vehicle coming to these recreation areas carries an average of three and a half visitors. This means by conservative count, 85 million vehicle trips took place to corps lake projects in 1971. Statistics for the current year are incomplete, but recreation officials estimate the increase will be substantial over last year.

We can also estimate that 28 million vehicles visited the 35 Tennessee Valley Authority projects and about 1 million visited the 123 lakes constructed for conservation and recreation purposes with the assistance of the U.S. Soil Conservation Service. Thus, we have a picture of over 114 million vehicle trips to Federal lakes, which are scattered over 45 States.

These statistics show only the surface of the problem. In day-to-day terms, they mean an increasingly heavy flow of vehicles, traveling in a concentrated period of time, over country roads built before the lake construction took place. In all too many cases, these roads have remained unimproved because neither the county, State, nor local taxing authorities have been able to raise the necessary revenues to improve them—although many have tried.

For example, Osage County in my own State of Kansas is the site of two large Federal lakes, Pomona and Melvern, both constructed basically for flood control purposes on sources of the Marais des Cygnes River. This river has a long history of flooding and is itself part of the Arkansas River Basin which eventually feeds into the lower Mississippi.

Osage County is a rural county, thinly populated by only 13,000 people. Its tax base is small and already burdened by a countywide $1.5 million bond issue which has been passed to support construction of new bridges to replace old and unsafe bridges on county roads, many of which give access to the two lakes.

These roads have carried more than 7 million visitors to Pomona Lake since it was opened in 1963, and nearly a million of them this past year. When Melvern opens early next year, the county will be inundated as more and more visitors pour into it from nearby urban areas of Kansas City, Topeka, and Lawrence over the Interstate Highway System.

I recently visited several lake areas in my own State of Kansas to become more personally acquainted with the kinds of problems which the local authorities there face. Parenthetically, let me say it is most encouraging to see how these recreation lakes allow families to spend weekends together by the water—something which was almost impossible for most low- and middle-income families in that region 20 years ago.

At the same time, Mr. President, the very popularity of these lakes with the mass of Americans indicates the huge proportions of the problems such as access road improvements which we can expect to face in the future.

It is often stated that the benefits of lake construction accrue to the region where the lake is located over a period of 10 to 20 years. These benefits come primarily in the form of increased land values and employment created by recreation industries, in addition to the primary benefits attributed to the savings in property losses from floods. This may be the case, but too often the jobs created, the flood control benefits, and the other economic stimuli do not in fact accrue to the locale where the lake is actually constructed.

As too often happens, the unfortunate taxpayer is left holding the bag. Although property taxes have become so burdensome as to produce a veritable "taxpayers' revolt" in many regions of the country, the responsibility for funding not only road improvements but also police protection and environmental control in the areas giving access to Federal lakes has fallen upon local government. This is an impossible situation, and one which under our federal system should not be allowed to persist.

The problem of improving access roads leading to these Federal lakes "falls through the gap" between Federal and local authority. State highway plans too often fail to give adequate priority for these access roads, because they lie in remote areas which have little influence over the establishment of highway priorities—although many of the users are indeed residents of highly populated urban centers nearby.

The authority granted by Congress to Federal agencies, such as the U.S. Army Corps of Engineers and the Bureau of Reclamation, has been applied so as to allow only for the replacement of roads moved or inundated in the actual construction of a flood control lake. To illustrate this point, which I am confident will be a familiar one for my colleagues, I request that a letter from the corps on this matter be printed following my remarks.

It might be argued that the cost of improving these roads should be included in the estimated costs of the lake project itself. There are serious problems with this approach, however, not the least of which is that with rising interest discount rates and a budgetary squeeze on public works projects, many badly needed flood control projects now in the planning stage would be rendered feasible by the additional cost.

Mr. President, before drafting the amendment which I introduce today, I investigated the possible course of additional authority for the flood control agencies to assume the improvement of access roads to the projects which they construct. My colleagues will likely recall specific instances where they, too, have sought from the Corps of Engineers a solution of road improvement problems near Federal lakes. The corps' constant and unchanging reply has been that its authority does not extend beyond the limited responsibility outlined in the letter I mentioned.

The real problem, Mr. President, lies with the fact that the Army Corps of Engineers already has its hands full—and more—in constructing and operating the nationwide system of flood control reservoirs, channel improvements, and navigation routes which Congress has authorized. The Bureau of Reclamation to an even greater degree, is already saddled with heavy responsibilities in relation to its resources. After a series of discussions with representatives of county officials, the corps itself, and those responsible for Federal-aid highway legislation in the Senate, I determined the best course is the one which seeks a solution of this problem within the context of the Federal-aid highway program itself.

The solution I propose is an interim

one which would begin by authorizing a total of $30 million in additional Federal-aid highway funds to be distributed to the States under a 70 to 30 matching formula over a period of 2 years. The term "Federal lake" is defined as a lake constructed by the Corps of Engineers, the Tennessee Valley Authority, the Bureau of Reclamation, or a multipurpose lake constructed with the assistance of the Soil Conservation Service.

The Secretary of Transportation would be authorized to develop guidelines and standards for the allocation of these funds. Routes for which funds are provided under the bill shall not extend beyond 20 miles from a recreation area at a Federal lake.

The Secretary would also be authorized to designate the route as part of the Federal-aid system, in order to qualify them after construction or improvement for those benefits which accrue to roads within the system.

Routes improved under the bill are required to connect with a highway in the Federal-aid system. This proviso is necessary so that the funds authorized by this bill will serve to improve access roads which themselves can be reached by adequate highways.

The bill makes reference, Mr. President, to its intent "to accommodate present and future high density traffic" on access roads leading to Federal lakes. It should be stated that the phrase "high density" is used here in the sense of a high density of traffic on roads which are inadequate to bear such heavy use.

We do not use the term here in the same sense it would apply to traffic on the George Washington Bridge from New Jersey to New York, where daily commuter flows may add up to millions of cars a month. The problem, as outlined above, which is faced by local and State authorities with regard to these access roads is one of a grossly inadequate existing road network, over which is laid a Federal project which brings rapid and persistent increases in traffic. It is a case of applying Federal funds to do a job which otherwise simply is not being done.

As part of the Federal-aid highway system, the access road program which my amendment provides would include bridges, their construction or reconstruction, when these give access to recreation areas. As in the case of other routes within the Federal-aid system, State plans prepared in consultation with county officials and their engineers would be submitted for the distribution of these funds. This would bring to bear the existing expertise of our Nation's highway agencies and guarantee the highest quality work available in the design, planning, and construction of these roads.

Mr. President, I urge the Senate to adopt this amendment. It is offered not as a complete solution, but only as a step toward the solution of a recognized and growing problem. It is one which exists not only in rural but also in urban areas. It affects not only the overburdened taxpayers of the areas where Federal flood control lakes are becoming a daily burden on already depleted resources, but also the millions of urban Americans whose quality of life to an increasing degree depends on safe, clean and adequate access to recreation at lakes constructed with tax moneys provided by the Nation as a whole.

I think the amendment goes to a commanding need. The funds that we seek here today, I judge, Mr. President, would probably provide, in the next 2 years, a means of attacking approximately one-third of the problem that exists in this particular area.

I think it is a reasoned and prudent way to start doing something about a very serious problem. The counties in which many of these lakes are situated have had property removed from their property tax rolls, and do not have the means and the money to provide for these lake access facilities. Mr. President, I hope that this proposal, which I have indicated I think is a reasonable and proper address to this problem, will be acceptable to the chairman and the committee.

Mr. RANDOLPH. Mr. President, the Senator from Kansas (Mr. PEARSON) addresses himself to a subject which is one that not only he and his able colleague from Kansas (Mr. DOLE), who joins him in this effort, have brought to our attention, but Senator COOPER and I have discussed the subject matter of this amendment, and we have discussed it with other members of the committee. We think it is valid, and we are ready to accept it and take it to conference.

I want to add that in the State of West Virginia this is a very real problem at our lakes at Summersville, Sutton, and Bluestone, and at many other points. So I do recognize the problem. The Senator from Kentucky may wish to make further comment, but as far as I am concerned, we are ready to accept the amendment, realizing that it does have a proper place in this legislation, which is innovative in a degree. This would meet a recreational need, and we can properly carry it to conference.

Mr. COOPER. Mr. President, will the Senator yield me 30 seconds?

Mr. PEARSON. I yield.

Mr. COOPER. I concur with the statements of the chairman and of the Senator from Kansas (Mr. PEARSON). This is a practical problem. The Corps of Engineers, when it rebuilds or restores roads which have been changed or lost because of the construction of a lake, does so only to the capacity of the road prior to the construction of the lake. It does not appear to take into account the increased traffic and needs, nor does it have responsibility to build access roads leading to the recreation areas.

I believe this amendment is very much needed. I want to say this because, in preparing our record for the conference, I think we will need the material that the Senator from Kansas has presented and our own supporting statements on the floor of the Senate.

Mr. PEARSON. Mr. President, I thank the Senator from Kentucky.

I ask unanimous consent to have printed in the RECORD a letter from the Corps of Engineers in relation to the amendment.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 13, 1972.

Hon. JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: Road construction at flood control lake projects can be separated in two broad categories: Public roads that are improved or relocated because of the lake project and will remain public roads after the project is in operation; and roads constructed as part of the lake project that will be operated by the Corps of Engineers after the project is in operation. In the latter case, such roads consist of service roads, access roads not on public right-of-way, and recreation roads within public use areas. The Corps of Engineers can improve or relocate public roads as pertinent parts of flood control lake projects under three separate authorities discussed as follows:

a. *Access roads to the damsite.* The authority to utilize, improve, reconstruct, and maintain an existing public road(s) for access to the project during construction is contained in Section 207(a), Public Law 86–645, as amended by Section 208 of Public Law 87–874. If such improvement is considered justifiable, the Chief of Engineers may, by discretionary authority pursuant to the law, improve a public road with project funds, and maintain it during construction with project funds, with the stipulation that the owner will accept the road and assume maintenance upon completion of the Corps lake project construction activities. We have a contract with Jefferson County under which we improved about 1½ miles of county roads around the Perry damsite. These include the cost portion of the cost access road, a segment of road near and through Thompsonville, and a short segment of the overlook road. We are now returning these roads to Jefferson County for maintenance. When warmer weather permits completion of remedial work we will complete the turnover to the county.

b. *Access roads to public use areas.* Under the authority of Section 4 of the Act of 22 December 1944, as amended (58 Stat. 889, 16 U.S.C. 460d), the Corps may construct roads to provide access to recreation areas along the shores of reservoirs, but such authority has not been construed as a general authority for the Corps to go beyond the immediate project area to improve all roads adversely affected by project-generated traffic.

c. *Relocation of public roads.* In providing a reasonable substitute for an existing road network, costs to water resources projects must not exceed either of the two following limits:

(1) Section 207(b) of the Act of 14 July 1960, 74 Stat. 500, as amended by Section 208, 76 Stat. 1196 (33 U.S.C. 701R–1), states: . . . "For water resources projects to be constructed in the future, when the taking by the Federal Government of an existing public road necessitates replacement, the substitute provided will, as nearly as practicable, serve in the same manner and reasonably as well as the existing road." . . . The head of the agency concerned is authorized to construct such substitute roads to design standards comparable to those of the State, or where applicable State standards do not exist, those of the owning political division in which the road is located for roads of the same classification as the road being replaced. The traffic existing at the time of the taking shall be used in the determination of the classification.

(2) The cost of any road or highway relocation provided by the Government shall not exceed the alternate costs of acquiring the area and economic activity served.

In the Perry Lake project, three State highways were affected: K–4 and K–16 in and near Valley Falls, and K–92 at Ozawkie. Relocated routes for these highways were designed and constructed by the Kansas State Highway Commission under a cost reimbursable contract, using funds appropriated for the Perry Lake project. All the State highway work is essentially complete. In March 1965, we negotiated a relocation contract with Jefferson County providing for replacement of the road system. As the then current standards of the county did not provide for bituminous surfacing on the class of road being replaced for Roads A1, B, C, D, E, F, H, J, K, L, M, N, O, P, R, S, and T, they were provided with gravel surfacing. Road A, which combined two Federal Aid Secondary routes, was bituminous-surfaced under the contract as was Road G. Road G was later included into the State Highway contract as part of State Highway K–4. The portion of Road R within the Delaware Park public use area was bituminous-surfaced from recreational funds as a part of the interior park road network. The economic comparison outlined in subparagraph c(2) was applied where small remnant ownership tracts were left without public access. Construction is complete on all of the county road relocations.

In accordance with the public law quoted above, the substitute road network cannot include provisions of facilities for new traffic and population brought in by the lake project, except for the access roads for project construction and recreation access.

Under the 1970 Flood Control Act, the Corps of Engineers was authorized to provide bituminous surfacing on about 5 miles of the graveled segment of Road B. We are now preparing plans for that surfacing and it is scheduled to be completed during the summer of 1971.

Inclosed for your information is a map showing in various colors the roads constructed around the Perry Lake project by the Corps of Engineers.

Sincerely yours,

JAMES MILLER,
Colonel, Corps of Engineers, Assistant Director of Civil Works for Plains Division.

Mr. PEARSON. I thank the distinguished chairman for his courtesy in accepting the amendment.

I yield my distinguished colleague such time as he may require.

ACCESS ROADS TO PUBLIC RECREATION AREAS

Mr. DOLE. Mr. President, I am pleased to join my colleague from Kansas in introducing an amendment to authorize construction of hard-surface roads for access to public recreation areas associated with Federal lakes.

As many Senators know, the numerous water resources projects supported by the Federal Government throughout the country have provided significant and wide-ranging benefits. From eliminating the threat of floods, to providing reliable agricultural, residential, and industrial water supply facilities, to creating new recreational facilities with accompanying economic development—these projects have touched the lives of countless individuals.

Perhaps the most popular and best publicized benefit of these projects has been their recreational uses as fishermen, boaters, picnickers, and campers have flocked to take advantage of the waters and shorelines of these lakes. But perhaps no single aspect of these lakes has been of more concern to the users and to the local authorities than the roads which lead to recreational areas. Often they are two-lane gravel country roads which were never intended to carry a significant volume of traffic. Frequently they are subjected to colossal traffic loads which produce great congestion, much delay, and considerable hazard to the visitors and local residents who use them.

I am sure that many Senators have heard from their constituents of the desperate need to provide better and safer roads in the vicinity of their Federal dams and lakes. The problem has become widespread and critical as more lakes are built and more people use them. Unfortunately States and counties—though they try—cannot begin to meet the need through their strained highway budgets, so the time has come for the Federal Government to join their efforts and achieve a solution. In fact, it seems appropriate that the Federal Government play a role since the projects giving rise to these difficulties were constructed with Federal funds.

This amendment would authorize $30 million on a 70–30 matching basis over a 2-year period to provide for the paving of main access routes within 20 miles of public recreation areas at any lake constructed with Federal funds. It would cover projects of the Corps of Engineers and Bureau of Reclamation as well as those watershed projects which have opened for recreational uses. And it requires that these access routes connect with roads on the Federal-aid system, which includes most major county roads as well as major highways and the Interstate System.

I believe this amendment meets a very important need. It is a need of those who live in cities but enjoy water sports and outdoor activities at these Federal lakes and who expect and deserve safe, adequate routes to their recreational facilities. It is a need of the State and local authorities who recognize and are concerned with their responsibility to provide and maintain good roads and highways. And it is a need of those who live in the vicinity of these facilities and who find their local roads being clogged and destroyed by the great influx of recreational traffic.

So this amendment is not of narrow application or only of benefit to rural interests or urban interests. It is broad and it serves the public interest. So I would urge my colleagues to include this amendment in the Federal-Aid Highway Act, for it furthers the bill's goals of providing better and safer highway transportation for the American people.

Mr. PEARSON. Mr. President, I yield back the remainder of the time in support of the amendment.

Mr. RANDOLPH. I yield back my remaining time.

The PRESIDING OFFICER (Mr. BUCKLEY). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, I call up several technical amendments which are at the desk.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk proceeded to read the amendments.

Mr. RANDOLPH. I ask unanimous consent that further reading of these technical amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH's amendments are as follows:

Page 11, line 15, add the sentence "By March 30, 1973, the Secretary shall issue necessary guidelines for carrying out this section and related provisions of Federal law."

Page 4, line 19, strike the first comma—after the word "year".

Page 4, line 24, add "or improvement" after the word "elimination".

Page 27, line 15, strike "under any law enacted to comply with this section,".

Page 31, line 11; page 36, line 4; and page 43, line 17, strike "table of contents" and insert "analysis" in lieu thereof.

Page 38, line 5, insert a period after "title".

Page 50, line 16, strike "additional" and insert in lieu thereof "addition,".

Page 51, line 9, strike the comma.

Page 66, lines 18–19, strike both lines and insert same at the top of page 67.

Page 70, line 1, strike the last comma.

Mr. RANDOLPH. I assure my colleagues that the amendments are strictly technical in nature.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. RANDOLPH. Yes; I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered. Do Senators yield back their remaining time?

Mr. RANDOLPH. I do.

The PRESIDING OFFICER. Does the Senator from Kentucky yield back his time?

Mr. COOPER. I yield back my time.

The PRESIDING OFFICER (Mr. BUCKLEY). All remaining time having been yielded back, the question is on agreeing to the amendments of the Senator from West Virginia.

The amendments were agreed to.

Mr. McCLELLAN. Mr. President, I send to the desk a two-word amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

Mr. RANDOLPH. We will let him read that one.

The legislative clerk read as follows:

On page 60, line 2, after the word "Batesville", insert the words "or Jonesboro".

Mr. McCLELLAN. Mr. President, this amendment simply adds another city as being a part of a prospective loop of highway that is to be studied. I know of no objection to it anywhere.

Mr. ALLEN. Is it in Arkansas?

Mr. McCLELLAN. It is in Arkansas. I have spoken to the distinguished chairman of the committee with respect to it, and I do not think there is any objection.

At this time I would like to take occasion to commend the chairman of the committee and his entire committee for bringing out this bill. It is needed, progressive, and constructive legislation to help build our Nation, and I wholeheartedly support its objectives, and know of no provision now in it that I would oppose. I am glad that it has been laid before the Senate this afternoon, so that it might be enacted before we adjourn sine die. I thank the chairman of the committee for his cooperation.

Mr. RANDOLPH. Mr. President, the Senator from Kentucky (Mr. COOPER) and I, and other members of the committee, have discussed this amendment and agree that it does no harm whatsoever to the legislation. It simply adjusts the situation within the State of Arkansas, which is a good State, peopled by good men and women, and we want them to be able to move about in the proper way.

Mr. McCLELLAN. We want you to come see us.

Mr. RANDOLPH. We accept the amendment.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. McCLELLAN. I yield back the remainder of my time.

Mr. RANDOLPH. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Arkansas.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. ROTH. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> On page 5, line 13, delete all after "1975" and all of lines 14 through 17.

Mr. ROTH. Mr. President, I, too, have discussed my amendment with the distinguished chairman of the committee and the ranking minority member. What I propose to do is delete all the words in the provisos contained on page 5, lines 13 through 17.

Section 105(a)3 authorizes $800,000,000 in fiscal year 1974 and 1975 for urban systems, and mandates that at least $300,000,000 be spent on highway mass transit projects pursuant to section 142. The latter section is entirely permissive, opening up all of the urban system fund to highway mass transit use, if appropriate.

To place a minimum floor under mass transit expenditures appears to contradict the goal of greater planning and implementation flexibility. There may or may not be a legitimate need for $300,000,000 in highway oriented mass transit expenditures in fiscal year 1974, but if there is the permissive language of section 142 would allow DOT to spend $300,000,000 or more on the projects.

As we try to break away from categorical grants, it seems more prudent to allow DOT and State/local units greater freedom in planning for urban transportation systems. I have discussed this matter with the Secretary of Transportation, and he supports the objective of this amendment.

Mr. RANDOLPH. Mr. President, the amendment has been explained by the able Senator from Delaware. It has had the attention of Senator COOPER, and both of us in this instance believe that there was no desire with the $300 million to straightjacket this effort. We do know that there is a need for the program to move forward, and we do not want any so-called basement figure to become a problem in the use of this money. So if we were to place a minimum floor, as the Senator has said, it might be interpreted—it is not so meant in the legislation—to contradict the goal of what the Senator calls the greater planning and implementation.

There certainly should be flexibility, and the Department of Transportation has communicated with Senator COOPER and with me that they also believe that the object of this amendment is sound.

I am prepared to accept this amendment. I believe that Senator COOPER would join in that acceptance, and we would carry it to conference.

Mr. COOPER. Mr. President, I join the Senator from West Virginia in support of the amendment.

The PRESIDING OFFICER. Do Senators yield back the remainder of their time?

Mr. RANDOLPH. I yield back the remainder of my time.

Mr. ROTH. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment of the Senator from Delaware.

The amendment was agreed to.

Mr. RANDOLPH. Mr. President, I yield to the Senator from Alabama.

NATIONAL SCHOOL LUNCH ACT—CONFERENCE REPORT

Mr. ALLEN. Mr. President, I submit a report of the committee of conference on H.R. 14896, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BUCKLEY). The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14896) to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers and other purposes related to expanding and strengthening the child nutrition programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 11, 1972, at p. 29941.)

Mr. ALLEN. Mr. President, I wish to report that in conference the House agreed to 24 of the 27 amendments of the Senate, and to a revision of amendment No. 24 of the Senate regarding regulation of competitive food services; and the Senate receded from its amendment No. 5, which extended the special food service program to family day-care sites.

The conferees reported in disagreement on Senate amendment No. 26, which provides for a special food program for pregnant and lactating women and infant children, but in presenting the report to the House, amendment No. 26 was approved on a separate motion.

Mr. JAVITS. Mr. President, on the Child Nutrition Act, I would like to make a comment on an amendment H.R. 14896 to which I authored and which was accepted by the Senate but which was eliminated in the conference committee. The amendment to which I refer would have made "licensed nonprofit family day-care homes" eligible for participation in the special food service program—section 13 of the National School Lunch Act.

The Department of Agriculture has made available to me objections to this amendment which, I understand, were the basis for the conference committee's acting to strike this amendment.

First, USDA commented that—

> At this time, we do not know what a licensed family day care center is; how many states have such licensed centers; and in fact, whether the licensed centers in New York State can meet the nonprofit requirement.

Let me take these items one at a time. As to what constitutes a "licensed family day-care center," a publication entitled "Federal Interagency Day Care Requirements—published pursuant to section 522(d) of the Economic Opportunity Act and approved by the Departments of HEW, OEO, and Labor—dated 1968, clearly defines what a family day-care home must be in order to receive Federal funds under any legislation. These requirements carefully describe what type of facility is adequate, necessary safety and sanitation aspects of the facility, and what educational, nutritional, and health services must be available at the facility.

Next, as to how many States have such licensed centers, the "Abstracts of State Day Care Licensing Requirements Part I, Family Day Care Homes and Group Day Care Homes," published in 1971 by the Department of HEW indicates that there are currently 40 States which have such licensed homes. With regard to the USDA position that "we do not know whether the license centers in New York State can meet the nonprofit requirement," I would state that the USDA's own regulations for disbursement of funds under section 13 require that the recipient institution be a private, nonprofit or public institution. In New York State all licensed family day care homes are either publicly funded or licensed and operated by a certified nonprofit institution.

The second major point of the USDA position on my amendment is as follows: "Senator JAVITS indicated that the purpose was to make such centers eligible for breakfast assistance—apparently the State of New York finances lunch for the children in such licensed homes. But, the amendment will make such centers eligible for the full range of meals—breakfast, lunch, supper, or between meal supplements."

To this I would say that USDA regulations for section 13 state—in section 225.3(3)(d)—Code of Federal Regulations—in no event shall any service institution which participates in the special milk program be eligible for participation in the—special food service—program; so that regulations might be put in to preclude participation in section IV (a) of the Social Security Act and the special food service program. This would eliminate the fear of duplication of funding. In addition, as to the "full range of meals," these family day care homes may be eligible for the full range of meals under section 13, but they are precluded from applying for anything other than breakfast by USDA regulations.

The third major point of the USDA position is that—

> We do not know how this expansion of the Special Food Service Program would tie into the program operated by HEW under Section IA a of the Social Security Act.

To this I respond that in New York State, the State plan for title IV A moneys do not permit reimbursement for breakfast. Even if the State plan did permit this reimbursement, serious attempts are being made to put a ceiling on title IV A moneys, so the funding might not be available anyway. In fact, the revenue sharing bill just passed by the Senate does put a limit on this title IV A funding which presents a very serious problem for New York in that it cuts New York City's Federal funds under title IV A in half for fiscal year 1974. This will necessitate a drastic reduction in service in New York and obviously would not permit an expansion to cover breakfast for licensed family day care homes.

Finally with regard to the USDA concern that "having to provide food assistance money under two Federal programs—one USDA program and one HEW program—seems to be a complicated and expensive way to do the job," I would like to point out that if this breakfast funding were limited to publicly funded agencies, the duplication of funding—that is, paperwork, et cetera—is handled by the public agency administering the program.

With the facts that I have presented to the Members of the Senate, which I intend to present to the Department of Agriculture as well, I would hope that USDA might see fit to reconsider their regulations which prohibit licensed family day care homes from participating under section 13 in a breakfast program.

I would like to reiterate the comments which I made during Senate consideration of this amendment:

> The only source of funds for the day care breakfast program is Section 13 (Special Food Service Program) in the National School Lunch Act. Although the Act states Day Care, Head Start and other non-school programs shall be eligible for money appropriated for this program, the regulations promulgated under this ACT excluded licensed Family Day Care homes from participation.
>
> I intend to pursue this matter until the full legislative intent is reached to make these homes eligible.

Mr. HUMPHREY. Mr. President, I support the adoption of the conference report on H.R. 14896. I also wish to commend the House for its passage of this vitally important piece of legislation, including its separate favorable vote in support of the amendment I offered to this bill establishing a 2-year pilot program of grants to States to make available supplemental foods to pregnant or lactating women and to infants who are determined by competent professional authority to be at nutritional risk because of inadequate nutrition or income.

I am pleased to note that the other amendments that were offered to this bill also were retained by the conference.

These included my "grandfather clause" to protect certain children for this school year from being dropped from the free and reduced school lunch program due to the new maximum income eligibility standards embodied in this bill. It included my amendment to exempt especially needy schools from having to provide 25 percent matching funds in order to obtain Federal financial assistance to purchase equipment and other items needed to serve school lunches. And, as I indicated earlier, it included my amendment establishing a 2-year pilot program of grants to States to make available to pregnant or lactating women and infants supplemental foods needed by them to avoid the ill effects of malnutrition.

I should also like to call the Senate's attention to a statement I asked to be included in that report about the effective date of the funding provisions of this bill. It is the final sentence of the report. It states:

> The conferees wish to make clear that all funding authorized by this bill applicable to Fiscal 1973 shall become effective July 1, 1972, and apply to the entire Fiscal Year.

The reason for this language, Mr. President, is to let the administration know that Congress expects the new and higher reimbursement rates provided in this bill to be applied for the entire school year, not just beginning with the date this bill is signed into law.

While I believe this particular bill will result in a major strengthening of our objective to improve the nutrition of our Nation's schoolchildren and the very young, I must mention my disappointment with the provisions of the bill relating to the sale of competitive food items in schools.

As you know, Mr. President, I joined Senator CASE in cosponsoring an amendment on the Senate floor during consideration of this bill that deleted the Senate committee's amendment removing the Secretary of Agriculture's authority to regulate this matter. The Senator from New Jersey's amendment was amended on the Senate floor exempting senior high schools from such regulation as long as the proceeds from such sales inured to the benefit of the school lunch fund. Although I had some reservations about this change in Senator CASE's amendment I did support it because it did provide protection to elementary and secondary schools against possible "vendor" pressures to sell nonnutritious and empty calorie-type foods in such schools. Unfortunately, the language that was adopted in conference concerning this matter is the worst, in my judgment, that could have been accepted. The provisions adopted by the conference will make it possible for any type of food item to be offered in any school at any time with the proceeds from such sales inuring to the benefit of schools or student organizations approved by the school. The proponents of this amendment advocated the adoption of this amendment in order to shift the regulation of this matter from the Secretary of Agriculture to local school officials.

While I would support such a position concerning most matters, I do not believe that the action taken in this particular case is either warranted or appropriate. This particular conference amendment could result in a subversion of our total school feeding program. The amendment will now put local school officials under pressure of both vendors and students to permit the sale of food items that will directly compete with the school lunch and breakfast programs.

Vendors have an obvious motive in wanting to expand their sales in this particular market—profit. Students will now be provided with an incentive under this amendment to pressure their school officials to permit such sales so they—the students—can generate revenue for many of their student activities. The question here is, Can local school officials withstand or appropriately regulate this important matter against such dual pressures?

Another question which Congress should be considering is: Will this shift in regulating this matter likely result in the subversion of the national objective established by Congress to improve the nutrition of our Nation's schoolchildren?

The estimated Federal cost of our school feeding programs this school year is almost $1.5 billion. I happen to believe if Congress is going to be asked to appropriate this amount of money in the name of improving the nutrition of our Nation's schoolchildren, it is appropriate for them to insist that the sale of competitive food items in these schools be nutritious and do not result in subverting that objective.

Mr. President, although I am gravely concerned about this particular provision, I do not think Congress should hold up enactment of this bill because of it. There are too many other provisions in this bill that are needed, especially those establishing higher reimbursement rates to schools for general assistance.

I hope that Congress will examine this matter of competitive food sales in schools more carefully later. I am sure if this is done, that the provisions in this bill will soon be amended.

Mr. President, I also would like to express my hope that the appropriate committees of Congress will be asked to undertake a comprehensive review of all our child nutrition programs and legislation between now and the beginning of the school year in 1973. These programs have evolved over the years and we now have a patchwork of legislation which is making it increasingly difficult for Members of Congress, the Executive, and State and local school officials to understand and administer these programs. I believe the time has arrived when general oversight hearings should be held on these programs with the objective of streamlining and simplifying them to the benefit of all concerned.

There are a number of bills now pending before Congress to accomplish this objective ranging from the President's child nutrition legislative proposals to my Universal Child Nutrition and Nutrition Education Act proposal.

All of these proposals should be carefully examined during the coming year along with the administration of existing programs. I wish to indicate my willingness to participate in this effort and to work with all concerned to improve these vitally important programs.

Mr. President, I wish to commend the distinguished chairman of the Committee on Agriculture and Forestry (Mr. Talmadge) and the distinguished Senator from Alabama (Mr. Allen) for their leadership and efforts in getting this bill through committee and the Congress. They have been both patient and cooperative with me and other Senators who have worked with them on this bill.

It is also important that I once again remind both the administration and Congress that full funding for the provisions of this bill should be provided at the earliest possible date. I wish to serve notice now that I will be carefully following developments in that regard.

Mr. President, I urge the adoption of the conference report and urge the President to sign the bill at the earliest possible date. The school year already has begun, and school officials are awaiting enactment of this bill so they might proceed with their school year planning concerning these programs.

Mr. ALLEN. Mr. President, I move that the report be adopted.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

FEDERAL-AID HIGHWAY ACT OF 1972

The Senate resumed the consideration of the bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

Mr. STAFFORD. Mr. President, I call up an amendment I have at the desk, which I offer on behalf of myself and the Senator from Alaska (Mr. Stevens).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 8, line 15, insert the following: "Any state not having a designated urbanized area, may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary."

Mr. STAFFORD. Mr. President, my amendment is designed to guarantee that each of the 50 States will receive a share of the $800 million that is authorized in the bill for the Federal-aid urban system.

The language in section 105 of the bill clearly allocates a minimum of one-half of 1 percent of the $800 million to each State. And, I believe clearly that is the intention of the Committee on Public Works.

Yet, there seems to be a question in some places whether a State, like Vermont, that has no city with a population of 50,000 or more would be eligible to use the money it would be allocated.

For example, the General Counsel's Office of the Federal Highway Administration has interpreted the language of the bill to preclude three States—Vermont, Wyoming, and Alaska—from receiving any funds under section 105 because each of those three States does not have an urbanized area, using the criteria of a city with a population of at least 50,000.

The amendment I have introduced would clear up this question.

Stated simply, my amendment says that any State that does not have a city of at least 50,000 population would be able to designate its largest city to meet the requirement for an urbanized area—and, thus, be eligible for the minimum allocation of one-half of 1 percent of the $800 million authorized for the Federal-aid urban system.

I have been informed that identical language to my amendment is being included in the bill to be considered by the House of Representatives. And, the General Counsel's Office of the Federal Highway Administration has told me that this language will make clear the intention of the Public Works Committee and will guarantee that the three States—Vermont, Wyoming, and Alaska—will be treated as the committee intends they should.

Mr. President, I have conferred with the chairman of the committee, the distinguished Senator from West Virginia (Mr. Randolph), in connection with this amendment, and I hope that the chairman will be willing to accept the amendment.

Mr. RANDOLPH. Mr. President, I have had the privilege of discussing this amendment with the Senator from Vermont, who is a very valuable member of our committee, and I am sure that the distinguished Senator from Kentucky (Mr. Cooper) has also addressed himself to the amendment. I feel that we can accept it, if agreeable to the Senator from Kentucky, and we will take the amendment to conference.

Mr. STAFFORD. I appreciate that. Mr. President, I am prepared to yield back my time.

Mr. RANDOLPH. I yield back my time.

The PRESIDING OFFICER (Mr. Buckley). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Vermont (Mr. Stafford).

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. The Chair recognizes the Senator from Kentucky (Mr. Cooper).

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COOPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

> On page 28, beginning on line 11, strike out all through line 22.

Mr. COOPER. Mr. President, I offer this amendment on behalf of myself and the distinguished Senator from Utah (Mr. Moss).

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. COOPER. Five minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, this amendment deals with the subject of highway beautification. The Senate will recall that Congress has been struggling with this problem for many years—since 1958, I believe, although there was some legislation before that time. Legislation was enacted to provide for protection of our interstate highways, giving bonus payments to the States which enacted legislation to remove signs from the interstate highways. A long time after that, in 1965, the legislation was amended to provide for the removal of signs on primary highways, as well as interstate highways.

For years the 1965 Highway Beautification Act was ineffective because the States were slow to enact the necessary legislation and Congress, while passing legislation, failed to provide funds to the States for the payment of the just compensation required by that act and for the removal of the signs.

Thus, we have had two problems: One, the failure of the States to enact legislation or enter into agreements with the Secretary, and, two, the failure of the Federal Government to provide the necessary funds for billboard removal.

By 1970, it seemed that Congress was coming to grips with the problem and it began to provide significant sums to the States for billboard removal. Now, in the pending bill, we are authorizing the use of funds from the Highway Trust Fund—$50 million for the fiscal year ending June 30, 1974, and another $50 million for the fiscal year ending June 30, 1975.

Thus, the money is assured, at least from the Federal Treasury. The States, also, are now coming into compliance.

However, a provision was included in the committee bill, on page 28, beginning on the 14, which states:

> (o) No directional sign, display, or device lawfully in existence on June 1, 1972, giving specific information in the interest of the traveling public shall be required by the Secretary to be removed until December 31, 1974, . . .

The argument is made that certain "directional" signs, such as those which point out restaurants, hotels, and motels, service stations, and similar facilities are of interest to the traveling public.

I remind the Senate that these signs can now be placed—they are permanent signs—not only in areas which are zoned for industrial and commercial uses, but also in areas which are not so zoned but which are determined by States to be industrial or commercial in use.

There are ample areas now in which to place such signs. There may be some occasions of inconvenience, of course, but the Highway Act of 1970 established a Commission on Highway Beautification to study the whole program. The language which established the Commission stated specifically that it was not intended the study would in any way derogate the on-going work of highway beautification.

I think we should wait until the Commission's final report is available before altering the program.

The argument is also made that the proposed moratorium will help small roadside businesses, small tourist motels, and small gasoline stations. In my judgment, it will have exactly the opposite effect. It will work to the advantage of the largest businesses, franchised chains, oil companies, and the large sign companies which have great capital resources. It will help the conglomerate organizations which have established motels and gasoline stations all over the country.

The main point, Mr. President, is that after all these years—14 years—just as we are beginning to provide adequate funds for a meaningful beautification program, and just as we are on the way to accomplishing some highway beautification, we are now being asked to take this backward step. I earnestly hope that we will not do that.

Now is the time to go forward with the beautification program, not undercut it, as this provision would do.

Mr. MOSS. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I am very glad to yield to my cosponsor, the distinguished Senator from Utah (Mr. Moss), such time as he desires.

Mr. MOSS. Mr. President, I thank my colleague from Kentucky, and I wish to congratulate him for the action he has taken to remove this rather iniquitous moratorium provision which has crept into the bill.

PRESERVING OUR COMMITMENT TO THE HIGHWAY BEAUTIFICATION PROGRAM

Mr. President, after years of struggle, the highway beautification billboard removal program has finally gotten off the ground. As of January 1971, only 14 States had enacted legislation in compliance with the requirements of the Highway Beautification Act. Now, 49 States have enacted adequate programs. As these figures reveal, the past year has been one of significant progress providing the final breakthrough in the creation of State programs. I have in my hand a chart which shows the signs removed to date which indicates clearly that the removal program is just beginning to really pick up steam. New Jersey and New York, for example, took down more signs in June of 1972 than in any other month. In fact, almost one-third of their total sign removal occurred in that month. This indicates that they are just beginning to really gather momentum in the sign removal program. The same is true for many other States.

For the Federal Government to take action now that would slow down the removal program would be a serious breach of faith.

All States, except one, have enacted the necessary legislation and are now eligible for Federal funding for sign removal. They are now at a point where their investment in time and money is substantial, and virtually all States are ready to move ahead.

The moratorium on signs "giving specific information in the interest of the traveling public" will necessitate each State reevaluating their sign removal program and procedures to decide which signs fall under the moratorium and which signs do not. This involves literally hundreds of thousands of billboards.

A number of States are investigating the possibility of sign removal via the purchase of entire inventory of signs owned by companies and the removal of all signs along a given stretch of highway. Both of these highly effective methods of billboard removal could not be carried forward if there is a moratorium on the removal of part of the sign population.

The Federal Highway Administration has just completed what has been a long and arduous 2-year process to issue carefully structured regulations dealing with the actual process of sign removal. All their regulations and policy directives will have to be reconsidered and reissued in light of the moratorium, thus adding to the delay in implementing the program.

One of the major problems in convincing States to move ahead with this program has been its on-again, off-again nature. It was not until 1970 that funding was finally made available for billboard removal. Under the moratorium funding will now only be available for certain signs yet to be determined. The States may justifiably feel that they should not move ahead rapidly in an area where the Government's behavior is quite so eccentric.

In those States where the removal of signs not covered by the moratorium moves ahead prior to the moratorium expiration date, the State highway department will have to deal with sign companies twice. First, in negotiating removal of the signs which do not fall under the moratorium, and then several years hence in removing the remaining signs when the moratorium ends.

It seems fairly clear that the language of the moratorium will give rise to a number of law suits over the meaning of the phrase, "giving specific information in the interest of the traveling public," and whether it applies to a particular sign.

The State highway department will have to maintain almost daily vigilance to insure that the advertising content which places a sign under the moratorium is not changed to a message making it subject to the act. Clearly, sign companies cannot be relied upon to inform the States that their billboards are subject to removal.

It has been suggested that the moratorium provision is in the interest of the small store and motel owners, the so-called "mom and pop operations." In point of fact, precisely the opposite is true. The small businessman cannot afford to advertise along the interstate systems, and by placing a moratorium on the removal of the signs of his larger competitor, alternative means of advertising which he may perhaps be able to afford—such as traveler brochures and tourist information centers—will not be established. Clearly, this measure is directed toward helping big business.

Likewise, small billboard companies will find themselves forced out of business by larger corporations who are part of a conglomerate. Few financial institutions will be willing to extend a line of credit to businesses which must go out of business by January 1, 1975. Conglomerates, on the other hand, are fully able to make corporate funds available to their subsidiaries.

I know the committee did not intend to do harm to the billboard removal program. The effect of the moratorium would be more substantial than many people realize. For this reason, I urge the Senate to strike the moratorium from the bill.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. MOSS. I yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, as one leaves the State of Connecticut and goes into the State of Rhode Island on one of the main highways, the State has a sign that reads, "You are now entering the State of Rhode Island, vacationland of Presidents." Does this provision mean that sign would have to come down?

Mr. MOSS. No, but if the sign said, "Buy Wheaties. It will make your breakfast better," that would not be permitted.

Mr. PASTORE. Mr. President, in other words, if it is a commercial sign, it has to come down.

Mr. MOSS. The Senator is correct.

Mr. PASTORE. And what if it is a sign that is for the information of tourists?

Mr. MOSS. Again, it depends on whether or not it is a commercial sign.

Mr. PASTORE. After all, the State is trying to sell the State and its business.

Mr. MOSS. If a State is announcing that one is coming into the boundaries of that State, it can do that in any language it wants.

Mr. PASTORE. It goes further than that. In addition to telling tourists that they are coming into Rhode Island, it also tells them what a beautiful State it is.

Mr. MOSS. A little fluff does not harm. However, if it goes further and mentions that a tourist should stop at JOHN PASTORE's Camp and spend the night there, that would not be permissible.

Mr. PASTORE. That is a commercial sign. I am not talking about that.

Mr. MOSS. Other types of signs are not permitted.

Mr. PASTORE. The signs I have talked about are not included in the amendment.

Mr. MOSS. No. The moratorium is not necessary to protect it.

Mr. President, there is one other matter that I want to call attention to. This amendment was inserted as an amendment in the committee. And the day following that, Secretary Volpe of the Department of Transportation sent a message to the committee. And in this message he says among other things:

> The latest Committee Print includes a provision which would allow signs providing "specific information in the interest of the traveling public" to remain in place until December 31, 1974, or until the State certifies that the information displayed "may reasonably be available to the motorist by some other method." The very broad language of this provision would result in a two-year moratorium on the removal of this visual blight from our nation's highways. The program would be seriously disrupted, if not brought to a complete standstill. This provision would halt the significant progress since January, 1971, which has seen the number of States in compliance increase from 14 to 49. It is essential that this provision be deleted if the commitment of the Congress, the Administration, and the 49 complying States is not to be negated.

The PRESIDING OFFICER. All time of the Senator from Kentucky has expired.

Mr. MOSS. Mr. President, I strongly urge adoption of the amendment.

Mr. RANDOLPH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 15 minutes remaining.

Mr. RANDOLPH. Mr. President, I yield 5 minutes to the Senator from New York (Mr. BUCKLEY), a member of the committee.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. RANDOLPH. Mr. President, I respectfully ask that we have order in the Chamber.

The PRESIDING OFFICER. The Senate will be in order. The Senator from New York may proceed.

Mr. BUCKLEY. Mr. President, the amendment which specifies the provisions of the bill which would be deleted was introduced by the distinguished Senator from Tennessee (Mr. BAKER) and myself. Its purpose is not to delay progress on the removal of the signs, but rather to provide the time within which the Commission on Highway Beautification can complete its hearings and make a final report to the Congress to carry out the final policy on sign removal.

I might add that this provision which would be stricken by the amendment of the Senator from Kentucky was introduced at the specific recommendation of the Commission on Highway Beautification, of which I am a member, following some extensive hearings in which it was determined that to carry through on the removal of all signs which are addressed to tourists and travelers on our highways would be a disservice to those same travelers.

The fact is that these chaste little signs that say "Food, lodging, and gas" do not give the average motorist who happens to be in a strange area the kind of information which he requires. One does not know whether he is going to a hotdog stand or to a place where he can have a full dinner.

In the Finger Lakes area of New York, and in area after area of this country, we have primary highways which are the principal source of travel by tourists. And the kind of accommodations on which tourists depend have no way of communicating with the motorists except for a small sign which says "Take the next left to find this motel" or something of that sort.

As I say, the purpose of the amendment is to give the Commission instituted by the Congress for the purpose of making this final examination of the program and to make a final recommendation to Congress, time in which to complete its report and submit it to Congress. So, before all signs, whatever their nature, are eliminated, we should have the full benefit of these extensive hearings.

If we proceed now and do not provide this breathing space, then we will find in area after area that not only has the traveling tourist been inconvenienced, but also that small business after small business will be forced totally out of business because they do not have any effective alternative way in which to alert the motorists as to where they are located.

I would state further, Mr. President, that this moratorium, so called, does not in any way affect the ability of any State to proceed with its own policy with respect to signs. All it does is to stay the hand of the Secretary of Transportation in mandating the elimination of these signs.

Finally, I would note the fact that the guidelines of the Secretary of Transportation have given this kind of sign the lowest priority in removal.

Mr. RANDOLPH. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 11 minutes remaining.

Mr. RANDOLPH. Mr. President, I commend the Senator from New York (Mr. BUCKLEY) on stating the situation as it is.

The word "moratorium" would seem to have a connotation that we are throwing aside all we have been doing in connection with the beautification programs, the removal of certain types of billboards, and the situation as affects general beautification, the junkyards, and so forth. That is not true. Is that what the Senator is saying?

Mr. BUCKLEY. That is right; not moratorium, but something to stay the hand of the Secretary in decisions which might affect permanently the investment of hundreds and hundreds of small enterprises across the country while this study is being completed.

I assure the distinguished chairman that the members of this Commission are as much interested in doing away with the curse of indiscriminate signs as any Member of the Senate. They have that desire and intention, but they become more aware, perhaps, than any Member of the Senate of the specific problems that have to be coped with.

Mr. RANDOLPH. On the time I have allotted, I wish to ask the Senator if he is a member of the Highway Beautification Commission. Is that a fact?

Mr. BUCKLEY. Yes.

Mr. RANDOLPH. And the recommendation contained in this measure is that not the recommendation of the Highway Beautification Commission?

Mr. BUCKLEY. That is correct.

Mr. RANDOLPH. Then it was placed in this bill as it comes to the Senate by the Senator from New York and the Senator from Tennessee (Mr. BAKER). Is that correct?

Mr. BUCKLEY. Also correct.

Mr. RANDOLPH. There are over 800,000 signs to be removed. Is that correct?

Mr. BUCKLEY. Highly correct.

Mr. RANDOLPH. Yes. And only $50 million per year is available for removal of signs. Is that correct?

Mr. BUCKLEY. The chairman is very well informed.

Mr. RANDOLPH. The signs which I think help the travelers should be kept in preference, very frankly, to the general product signs. Do I have agreement on that point?

Mr. BUCKLEY. The Senator from New York totally agrees.

Mr. RANDOLPH. The language in the bill is not mandatory for the States. Is that correct?

Mr. BUCKLEY. No; any State is free to follow any policy it wants to during suspension of the enforcement.

Mr. RANDOLPH. What is the situation about the authority of the Secretary of Transportation?

Mr. BUCKLEY. It merely states that for a period certain the Secretary will not force the removal of this particular category of signs which is of great importance to the motorist, as it is to the enterprise which places that sign.

I would add, if I may, as I judge the preliminary deliberations of this Commission, in due course recommendations will come out, they will set up ground rules by which necessary information that motorists require will be made available to him in a manner which does not ruin the landscape.

Mr. RANDOLPH. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from West Virginia has 6 minutes remaining.

Mr. RANDOLPH. Mr. President, the chairman of our Subcommittee on Roads at the time the hearings were held on this measure, the Senator from Indiana (Mr. BAYH), is prepared to address himself to this subject. He went into it thoroughly with other members of the subcommittee. I yield to him for 5 minutes.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 5 minutes.

Mr. BAYH. Mr. President, I shall be

brief, and perhaps it will not take 5 minutes.

I read with a great deal of interest the other day an article in one of the local newspapers in which a well-intentioned reporter said that this provision was intended to gut the entire provision of highway beautification. We would be naive if we did not recognize that there are some who want to accomplish this purpose, but certainly the Senator from Indiana does not and I know of none of my colleagues who have this goal.

It is difficult to oppose my good friend from Kentucky on an issue like this, but the reason for the moratorium is in recognition of two basic facts. First of all, we have never been able to appropriate enough money to take down all the billboards that the States want to take down in any given year now, and we have not come close, and it is unreasonable for us to believe that Congress is going to suddenly ladle out millions of dollars next year, and the year after to increase the number to be taken down. That is not going to happen. We are going to have so many dollars. That is one point.

Point No. 2 was, given a limited amount of funds, do we not have the responsibility, as Members of Congress, to determine what priority of signs is in the best interest of the traveling public?

Frankly, it is the opinion of the Senator from Indiana as he traveled across the country that there is much more interest to find out where a lodging place might be than it is to find out what kind of cigarettes makes one feel younger, or what kind of beer happens to have a certain effect, or what kind of aspirin one should take when he has a headache. So what we have tried to do is to say that during the period of the moratorium we would use limited funds to take down those billboards that do not have a direct relationship to how the traveling public uses the highways; namely, directional signs. That is what we are trying to do. It is not intended to gut the billboard program.

If Congress should suddenly come up with three times or two times the annual appropriation to take down billboards, then I would be inclined to take the opposite position, but we have had to fight for every dollar we have gotten in connection with this matter and I do not think the pressures will be any less tomorrow than they are today. For that reason, I must reluctantly oppose the amendment of the Senator from Kentucky.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the Senator from Rhode Island.

Mr. PASTORE. I would like to ask this question. As one goes along the Connecticut Turnpike, the John F. Kennedy Thruway that runs through New Jersey, Delaware, and Maryland, or any other highway, they have signs that read "service station 2 miles ahead." Does that kind of sign come down?

Mr. BAYH. No.

Mr. PASTORE. Will that kind of sign ever come down?

Mr. BAYH. No, in my opinion. The kinds of signs that might come down are the signs that might say "John Jones filling station" or "Texaco filling station 2 miles ahead."

Those directional kinds of signs are the kinds of signs covered by the moratorium which would not be mandated to be taken down during the moratorium. The signs we are discussing have a greater interest to the public and would be more important to the public than private signs, such as the sign that says "Lawn Boy lawnmower."

Mr. PASTORE. I understood the Senator to say that if he had enough money he would take them all down. Certain signs would stay up if they are of assistance to the traveler.

Mr. BAYH. That is absolutely the point.

Mr. PASTORE. I hope so. I hope we do not lose all sense of reason. I am for highway beautification and I am for taking down ugly signs. As motorists go along now for miles they can see big, big poles with the Shell gasoline sign on it or an Esso sign on it. They are building them up to where one might think they are on a launching pad almost ready to be shot off to the moon.

They can be seen for 5 or 10 miles. I do not see how necessary that is.

Mr. BAYH. Those are permanent signs.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. RANDOLPH. Mr. President, I have a desire to accommodate my colleague from Kentucky. I ask unanimous consent that there be an additional 7 minutes on this amendment, equally divided between the Senator from Kentucky and the Senator from West Virginia.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COOPER. I thank the Senator.

Mr. President, the Senator from Utah wants to speak on this subject, and I will yield him most of the time.

I would like to say that the Secretary of Transportation strongly opposes the amendment which has been incorporated in the bill. On page 50 of the report of the Committee on Public Works, containing the administration views, Secretary Volpe said:

> The very broad language of this provision would result in a two-year moratorium on the removal of this visual blight from our nation's highways. The program would be seriously disrupted, if not brought to a complete standstill. This provision would halt the significant progress since January, 1971, which has seen the number of States in compliance increase from 14 to 49. It is essential that this provision be deleted if the commitment of the Congress, the Administration, and the 49 complying States is not to be negated.

I would like to say that this bill, in one section, provides that the jumbo signs, erected beyond the present limit of 660 feet, must be removed. The provision we are talking about, if it is retained, provides on the contrary that they may be retained for another 2 years.

It is said that we do not have the money to remove all the signs. That is correct. But for the first time we do have $50 million to move ahead. This provision could effectively stop the beautification program for 2 years.

Finally, who is going to determine what is in the public interest? It is possible that the jumbo signs will be determined to be "in the interest of the traveling public," while a sign for a small motel or a filling station would be removed because a product was advertised as part of the display. This section presents an obstacle to the orderly execution of the program. I hope the amendment to strike it will be agreed to.

I yield to the Senator from Utah.

Mr. MOSS. I thank the Senator. I will try to be brief.

Mr. COOPER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MOSS. Mr. President, I will try to be very brief——

Mr. RANDOLPH. Mr. President, may I inquire what the time situation is?

The PRESIDING OFFICER. The Senator from Kentucky has 1½ minutes remaining. The Senator from West Virginia has 3½ minutes remaining.

The Senator from Utah.

Mr. MOSS. Mr. President, I call attention to the fact that the Secretary of Transportation strongly opposes the moratorium and says it will disrupt the operation of the program.

I also want to call attention to what this does to the small sign owner by citing a case in my part of the country, where a small sign owner notified the State of Wyoming that it wished to divest itself of the signs and was ready to take them down. That request was turned down by the State of Wyoming, which said they were not interested in that right now, and then, a matter of 7 months later, the owner got a notice from the State of Wyoming that the paint was peeling and needed to be repaired—signs that were standing vacant because they are nonconforming.

So it can be seen what sort of delay we have gotten into as a result of the failure of the States to enforce the sign removal program, and the need for the power in the Secretary to require compliance in order to receive funding that is provided in the statute. This moratorium will, in effect, further stall the program and may cause failure of the beautification and sign removal program.

I strongly urge approval of the amendment of the Senator from Kentucky.

Mr. RANDOLPH. Mr. President, I think it is very, very important that Senators who are on the floor recognize that the Subcommittee on Roads and the full Committee on Public Works, all the members of which may not have been in agreement on this proposal, were in no wise constrained to weaken the provisions of the Highway Beautification Act. I know the Senator from Kentucky will agree with that, because I joined him in the passage of the Beautification Act as did other members of the committee. Also, the Senator from New York (Mr. BUCKLEY) is a member of the Highway Beautification Commission, and he is against the Cooper amendment. Certainly no one would attach to him a desire to weaken the provisions of the present law.

I was of the opinion that a substantial amount of information to the traveling public is offered in billboards and other commercial signs. The committee feels that the States have a responsibility for assuring that there is no breakdown or unnecessary letdown in the traveling public's information system because of the outdoor advertising control laws.

I yield back the remainder of my time, or, if I have any time, I yield for a question to the Senator from New York.

Mr. BUCKLEY. Mr. President, will the Senator yield 1 minute?

Mr. RANDOLPH. I yield whatever time I have.

Mr. BUCKLEY. Mr. President, for the benefit of recent arrivals to this Chamber, I would like to make one point, namely, that the whole problem of the dramatic inconvenience to the traveling public which would result from the removal of any kind of indication as to where they get meals or lodging, other than signs that merely give those three words, "gas, food, and lodging" has been studied by the Highway Beautification Commission, which has held extensive hearings on this matter, and which believes that there should be a policy which allows, under certain conditions, some sort of information to the traveling public as to how it finds these places. By the same token, the Commission feels that any precipitate action taken before a report gets submitted to Congress will not only inconvenience the traveling public but that many small enterprises that service that public will simply go out of business because nobody will be able to find them.

The PRESIDING OFFICER. All time on the amendment has expired.

The question is on agreeing to the amendment of the Senator from Kentucky. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Florida (Mr. CHILES), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I also announce that the Senator from California (Mr. TUNNEY) is absent because of illness.

Mr. SCOTT. I announce that the Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Tennessee (Mr. BAKER), the Senators from Maryland (Mr. BEALL and Mr. MATHIAS), the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Oregon (Mr. HATFIELD), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the Senator from Oklahoma (Mr. BELLMON) is detained on official business.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 31, nays 44, as follows:

[No. 424 Leg.]

YEAS—31

Aiken
Bentsen
Brooke
Case
Church
Cook
Cooper
Cranston
Fong
Fulbright
Hart
Javits
Magnuson
Miller
Moss
Muskie
Nelson
Packwood
Pell
Percy
Proxmire
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Taft

NAYS—44

Allen
Bayh
Bible
Boggs
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cotton
Curtis
Dole
Eagleton
Eastland
Ervin
Fannin
Gambrell
Gurney
Hansen
Hollings
Hruska
Hughes
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Mansfield
McClellan
Metcalf
Mondale
Montoya
Pastore
Pearson
Randolph
Spong
Stennis
Symington
Talmadge
Tower
Weicker
Williams

NOT VOTING—25

Allott
Anderson
Baker
Beall
Bellmon
Bennett
Chiles
Dominick
Edwards
Goldwater
Gravel
Griffin
Harris
Hartke
Hatfield
Kennedy
Mathias
McGee
McGovern
McIntyre
Mundt
Sparkman
Thurmond
Tunney
Young

So Mr. COOPER'S amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAYH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOSS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 28, line 22, insert the following: *Provided*, A state may not refuse to purchase and remove any directional sign, display, or device voluntarily offered to the state for removal by a sign owner if funds are available in the Department of Transportation.

Mr. MOSS. Mr. President, this amendment has to do with the right of a small sign company, if it wishes, to offer its signs to the State, and requires the State to accept them if the money is available in the Department of Transportation.

The intent of section 131(o) of this bill is to prevent a State from causing injury to advertisers whose signs serve to direct the public to their business establishments, but the section should not in any way alter the authority of the Secretary of Transportation to proceed with the purchase and removal of nonconforming signs where sign owners offer their nonconforming signs to the States for purchase and removal.

Many small sign owners have been adversely affected by the Highway Beautification Act. The act jeopardizes their ability to continue operation as banks have withdrawn support and employees sought refuge in a more certain and stable industry. These sign companies relied upon the 1965 Highway Beautification Act which promised them sign removal as of July 1, 1970 and just compensation for their nonconforming signs.

The amendment I now propose will not only guarantee the sign companies rights to voluntarily enter into a sale of their nonconforming signs to the States but will assure them of the expeditious administration of their claim. It is the intent of this amendment to prevent a State from waiting until a sign company can no longer maintain its signs and then acquire those signs at distressed prices because of their deteriorated condition. The refusal of a State administratively to process voluntary offers by sign owners or to seek funds for the purchase of such signs will be in noncompliance and subject to penalty.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter dated October 1, 1971, in which a sign company offered its signs and was rejected, and a notice dated June 22, 1972, in which the same sign owner was stated to be in noncompliance because his sign was in poor repair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OCTOBER 1, 1971.

Mr. W. G. LUCAS,
Superintendent and Chief Engineer,
Wyoming State Highway Commission,
Cheyenne, Wyo.

DEAR MR. LUCAS: Enclosed, herewith, is a comprehensive analysis made by Snarr Advertising, Inc. of all of Snarr Advertising's billboards within the State of Wyoming. This analysis includes the number of signs, the location of each sign, the sizes, types of construction, the types of illumination, and estimated value of each sign based upon the same procedures and figures used by the State of Utah and State of Colorado in the purchase of Snarr Advertising's signs in both highway construction projects and beautification projects.

I have also enclosed a takedown schedule, and you will note we can have our signs removed in Wyoming by the end of this year.

The purpose of this presentation is to put the State on notice that because of the Federal and State Compliance Laws, we are unable to continue to operate and maintain our signs in the State of Wyoming. We are protected by law and promised that we will be entitled to "just compensation" upon the removal of those signs. It is increasingly clear that as each day goes by, without us being allowed to take our signs down, the compensation will be less and, in fact, it is possible for a state to stall and delay implementation of the Beautification Program, forcing the sign companies to abandon their signs and then appraise the signs when they are in a run-down condition and maintain that there is no value there.

We would like to operate our signs, but we cannot guarantee our advertisers how long the signs will remain and, therefore, are unable to enter into three-, four-, or five-year contracts, which time is needed to amortize out the cost and realize a profit.

Since all of our signs are vacant in the State of Wyoming, we would like to take them down immediately. We recommend that the State of Wyoming does the same thing Utah did, as follows: Appraise our signs, agree upon a value, enter into a contract with our firm, apply for funds, allow us to take our own signs down, and pay us for the signs. We hope we can work this out in the next few weeks so that we can have this matter resolved before the end of the year.

Would you please advise us in writing as to what the State of Wyoming is going to do regarding our signs that we can no longer operate and maintain in the State of Wyoming because of the law.

Thank you.

Very cordially yours,
DOUGLAS T. SNARR,
President.

WYOMING STATE HIGHWAY COMMISSION,
Cheyenne, Wyo., June 22, 1972.
SNARR ADVERTISING,
Salt Lake City, Utah.

DEAR SIR: Our investigation reveals that you are the apparent owner of sign adjacent to Highway US 14, 16, 20 in Park County, Wyoming. In the approximate area of milepost number 34.2, this sign has been deemed unlawful by the Wyoming Highway Commission in accordance with the provisions of Chapter 250, Session Laws of Wyoming 1971.

The sign described above has been declared unlawful for the following reasons.

Poor State of Repair: Permit No. 5–0313—If the times listed below are repaired within 30 days, no action will be taken. Paint peeled, needs repainting.

If the corrective action is not taken as indicated above, it is the intent of said Commission to remove this sign. You are further notified that you may request a hearing by said Commission regarding removal by filing a request within 15 days after the date of this notice. If no action is taken by you, the sign will be removed by the Commission.

Inquiries concerning the violations should be directed to: A Schepp, Traffic Operations Engineer, P.O. Box 1708, Cheyenne, Wyoming, 82001.

Requests for a hearing should be directed to: Mr. Thomas Ralty, Commission Secretary, P. O. Box 1708, Cheyenne, Wyoming, 82001.

Very truly yours,
A. J. SCHEPP,
Traffic Operations Engineer.

NOTE: Please notify this office when repairs are completed.

Mr. MOSS. Mr. President, I believe that this amendment will achieve the purpose of permitting the small sign companies to conform with the act and at the same time preserve their ability to survive and not be subject to loss.

I reserve the remainder of my time.

Mr. RANDOLPH. Mr. President, I am ready to accept the amendment offered by the able Senator from Utah. I believe that the Senator from Kentucky, who understands this amendment as do I, knows that it retains the authority within the States to act in these matters; and if it is agreeable to the Senator from Kentucky, I will accept it.

Mr. COOPER. Mr. President, I welcome the amendment. It assures that the States will be able to remove billboards. I am glad it is being offered.

Mr. RANDOLPH. Mr. President, I yield back the remainder of my time.

Mr. MOSS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Utah.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. BUCKLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Beginning with line 9 on page 61 strike out all section 147 through line 11 on page 62.

On page 62, line 13, strike out "Sec. 148" and insert in lieu thereof "Sec. 147."

Mr. BUCKLEY. Mr. President, I yield myself 5 minutes.

Mr. RANDOLPH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. RANDOLPH. Mr. President, the Senate is not in order, and we cannot hear. I know that the matter to be brought before the Senate now is of extreme importance to the Senator from New York and to all Senators, and I ask the the Senate be in order during discussion of this amendment.

The PRESIDING OFFICER (Mr. HARTKE). The Senate will be in order. Discussions will be conducted outside the Senate Chamber.

The Senator from New York may proceed.

Mr. BUCKLEY. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. BUCKLEY. Mr. President, my amendment would strike section 147 of S. 3939, the proposed Federal-Aid Highway Act of 1972. That section is designed to overturn an order of the U.S. Court of Appeals for the Fifth Circuit enjoining the State of Texas from constructing a six-to-eight lane Federal-aid highway, the North Expressway, through the Brackenridge-Olmos Basin Parklands, in San Antonio, Tex. The basis for the court's decision was that the State and Federal Governments had not complied with important Federal environmental statutes: section 4(f) of the Department of Transportation Act; section 138 of the Federal-Aid Highway Act and the National Environmental Policy Act. By its terms, section 147 is limited to San Antonio and while on its face it may seem of limited and narrow application, I see underlying that section a real and immediate threat to the environmental and social safeguards which have been enacted by the Congress upon the expenditure of Federal-aid funds for highways and other large public works projects. Section 147 if passed would, I believe, be the first step in an unending process of undermining on a case-by-case basis the environmental protection statutes which we now recognize as essential to safeguard the country's environment. This section would be the first step in involving the Congress in an endless round of specific adjudications over whether this highway or that dam or this canal should be exempted from compliance with Federal environmental statutes. It would thrust the Congress into the realm of the courts into the adjudication of sharply contested specific disputes.

We would be faced, as we are here, with serious factual questions raised by the parties to the dispute but with no satisfactory means to resolve them. We would be asked not only to take on the function of the courts, but also that of the Department of Transportation and make judgment about where highways should or should not go.

I do not believe that we should take that first step. I believe it unwise as a general matter and unnecessary in this case. It would be the beginning of a whittling away of the strong and important safeguards incorporated into statutes such as NEPA. Given my general objection to special legislation of this nature, it is with some hesitation that I embark upon a discussion of the particular facts underlying the dispute over the construction of this highway in San Antonio. For I do not believe that the issue here is whether under the facts of this case Texas should or should not be permitted to proceed immediately with the construction of this highway in violation of Federal law. Rather the issue is much broader. It is whether the Congress should attempt to substitute its judgment for that of the Department of Transportation and the Federal courts in an individual case.

Nevertheless, in order to present fully my objections to section 147, it is necessary to review in at least a summary fashion the basic outline of the dispute. As I pointed out above, this dispute, like all hotly contested environmental issues, has raised a number of factual disputes among the interested parties. I have tried to avoid having to sort out the various contentions and facts, thus I rely primarily upon the court decision and a DOT report on the North Expressway for my information.

SAN ANTONIO FACTS

The construction of the North Expressway has been under consideration by the Texas Highway Department for over a decade. It was conceived of and planned throughout as a Federal-aid route. Although a bond issue was approved in 1961 for acquisition of right-of-way, final action to authorize construction was not to come for many, many years.

In May of 1968 the Texas Highway Department requested that then Secretary of Transportation Alan Boyd approve construction of the North Expressway. Boyd refused to approve the route unless four important design changes designed to minimize the environmental impact were incorporated into the plans. Texas refused to accept those conditions and negotiations with the Federal Government continued. Secretary Volpe replaced Secretary Boyd in January 1969 and, like Boyd, he too refused to approve the route proposed by Texas. He specifically said on December 23, 1969, that he "could not justify approval for construction of the North Expressway between Mulberry and Tuxedo Avenue." The section which he refused to approve, known as the middle segment of the expressway, was that portion which takes the most parkland.

In August 1970 the Texas Highway Department and Secretary Volpe reached agreement. Secretary Volpe approved two segments of this route at either end of the parks and the Texas Highway Department agreed that an independent consultant would study alternatives to the "middle segment" also approximately 2 miles long.

LITIGATION

Following Secretary Volpe's approval of the two end segments litigation ensued. The U.S. Court of Appeals for the Fifth Circuit, which had under consideration only the segments at either end of the highway since the Secretary was still studying alternatives to the middle segment, enjoined construction of the two end segments because it found, in a unanimous opinion, that there had been no compliance with the National Environmental Policy Act or with section 4(f) of the Department of Transportation Act or section 138 of the Federal-Aid Highway Act. The court said, in a comprehensive opinion written by Judge Homer Thornberry, a respected Texan himself and long a Member of the House of Representatives.

> Our task is simplified greatly to begin with because it is undisputed that the Secretary of Transportation complied with none of the above-quoted statutes [Section 4(f) of the Department of Transportation Act, Section 138 of the Federal-Aid Highway Act, and NEPA] in his approval of the two "end segments" of this expressway. No environmental study under NEPA has been made with respect to these two "end segments" and the Secretary has demonstrated no effort by anyone to examine the section 4(f) "feasible and prudent" alternatives to the route followed by these two "end segments," which come right up to, if not into, the Parklands from both the north and south. Thus, it requires no discussion to establish that there has been no compliance with any of the above-quoted statutes.

Following the decision of the court of appeals, the Department of Transportation report on the middle segment was published. The study, impressive in its detailed presentation of alternatives to the middle segment, recommended that the route proposed by Texas not be used but instead that an alternative set forth in that report be chosen in order to minimize the impact upon the park. As of yet, however, there has been no decision by the Secretary as to alternatives to the entire route, as the court said there should be.

CURRENT STATUS

Thus the status of this dispute at present is that construction of the North Expressway is enjoined by order of the court until the State and the Secretary make the required study.

It is important to underscore the current status of this project as it demonstrates even more vividly the inappropriateness of legislation at this point. Despite the requirements of the Department of Transportation Act, the Federal-Aid Highway Act and NEPA that alternatives to the use of parklands such as that involved here be thoroughly examined, the court found that there has been no such examination here. The court has not said that Texas cannot build the North Expressway nor has it even said that Texas cannot build it along the alinement it has so stubbornly put forth over the past 10 years. Instead the court has held that Texas may not proceed until it makes an analysis of alternatives to the use of the parkland. Rather than produce such a study Texas asks Congress to overturn the court decision and allow it to proceed.

It seems to me entirely inappropriate to overturn that decision without a thoroughgoing professional analysis of alternatives, particularly where two Secretaries of Transportation have refused to approve the route which Texas will use if this legislation is enacted and since the limited study of alternatives done by the Department of Transportation demonstrated beyond question that there are alternatives which would minimize the impact upon the parks. We are being asked to pass legislation which would permit construction before Texas has initialed any efforts whatsoever to comply with the Federal statutes.

Two of the most fundamental and important requirements of recent environmental legislation are the requirement that an analysis must be made of the impact of the environment from the construction of projects and that an analysis be made of available alternatives.

This is essential if those charged with making the important decisions on highways or related projects are to be alerted to the environmental damage that may be done and ways to avoid that harm. If a State or agency may proceed without making even a cursory examination of alternatives, the fundamental purpose of the statutes will be destroyed. Of course, compliance with these laws places some additional burden upon decision-making and construction of projects. In some cases it means a delay in time; in others it may mean both a delay in time and added expense. The price is cheap, however, for the added protection that these statutes have given our air, water, park, and recreation facilities and historic sites. Secretary Volpe, who is deeply concerned about the effects of transportation projects on the environment has said, "If environmental quality costs more, it is worth more" and "We think that protection of the environment is worth some delay." Thus, the fact that Texas may be delayed somewhat by a necessity to comply with these statutes is no occasion to afford them specific legislative relief. Some of these laws have been on the books since as early as 1966; yet, as late as August of 1971, the court found that there has been no consideration of alternatives. The enactment of new legislation undoubtedly creates a burden for ongoing projects, such as this, but where the State has failed over a 4-year period to consider alternatives clearly required by law I do not believe that we should come to their rescue.

As we move beyond the broader effect of legislation, narrow application of this legislation, to the broader consequences it becomes self-evident that this legislation, even though restricted in its terms for San Antonio, would have a nationwide impact and threaten the effectiveness of statutes such as NEPA. If relief is granted to Texas, we will have firmly established the precedent of intervening in specific highway disputes whenever a State highway department finds itself enjoined for failure to comply with the laws. If the Texas Highway Department is granted specific relief here, every other State highway department now under an injunction will demand similar legislation and I do not see on what basis we could refuse their request. Although Texas may argue that its situation is unique and therefore it should be entitled to some special treatment, I have serious reservations about that. Of course, every highway dispute is in some sense unique; perhaps, in the same sense that every individual is unique. However, many State highway departments would undoubtedly be able to present the same type of case as Texas for relief.

There are many other aspects of section 147 which deeply disturbed me. As this section is drafted it would permit Texas to repay the Federal aid it has received and proceed to construct this project with State funds. While in the ordinary case it might be reasonable to allow the State to withdraw from the Federal-aid project if it desired to do so, here it is obvious that the effort to withdraw is an effort to circumvent Federal environmental legislation. During the time this litigation was pending, Texas advised the court that it intended to withdraw and construct this expressway with its own funds and thus sought to avoid an injunction on that basis. The court, however, found that this effort by Texas was an attempt at "circumvention of an act of Congress" and refused to permit it. This was even made clearer by the fact that Texas conceded that in fact it would not be giving back the Federal aid it had received and was programed to receive for the North expressway. It would under those circumstances shift that Federal money to other highway projects within Texas and thus not sacrifice a dime of Federal aid. I do not believe that we should create a precedent of allowing a State through the shifting of bookkeeping entries to avoid Federal obligations that come with the expenditures of Federal funds.

We have in the recent past witnessed various attempts to carve out exceptions to the National Environmental Policy Act where its provisions have begun to have some effect. I may cite the granting to the Atomic Energy Commission of special interim licensing privileges in the face of emergency situations. These attempts related primarily to the authority of the Atomic Energy Commission to issue interim operating licenses for nuclear powerplants and the authority of the Environmental Protection Agency to issue water quality permits. Similar legislation was designed to expedite Government decisions with respect to major electric power facilities. Thus far, we have been successful in protecting NEPA against any piecemeal amendments which would undermine its protections. However, I fear that we now see another strategy for circumventing the requirements of NEPA and enumerating its requirements on a selective basis. Can one really doubt that if this amendment is passed to allow the Texas Highway Department to proceed with this route, we will not get similar requests from the Atomic Energy Commission for particular power projects or from the Army Corps of Engineers or from other State highway departments?

The effects of NEPA and other environmental statutes are now beginning to be felt, but only now. Of course, they make construction of projects somewhat more difficult, in that they require much broader analysis of the social consequences of these projects before they are undertaken. That should not, however, be viewed as an unfortunate consequence of the legislation. Indeed, the environmental protection laws were specifically designed to require that greater study, attention, and care be given in these large public works projects which have in the past often been responsible for serious and irreparable injury to the environment.

If this legislation is adopted, it will be a clear signal to the State highway departments as well as others, including the courts, that Congress has begun to turn its back on the environmental protections included in statutes such as NEPA and section 4(f). It will hold out hope to those who wish to avoid compliance with those laws that if they resist long enough they may be rescued by special legislation.

To be effective, the environmental protection laws must be followed not only to the letter but also interpreted in the spirit in which they were enacted. Enactment of these laws and their enforcement has not been easy. Yet they represent a great step forward in this Nation's effort to reverse a long trend of environmental degradation. It is vital that they be protected against collateral attack.

Mr. CASE. Mr. President, will the Senator from New York yield?

Mr. BUCKLEY. I yield.

Mr. CASE. I cannot refrain from expressing my deep appreciation to the distinguished Senator from New York (Mr. BUCKLEY) for the fine statement he has just made.

It is gratifying to have a man of his deep ability and deep concern for the public welfare, holding somewhat different views on many things with those of the Senator from New Jersey sometimes, on the same side of this environmental question as I am.

I should point out that this is not the first time he has taken this position. We are very much together on matters affecting our two States regarding the Delaware River and Tocks Island and I have been aware of the other situations in which his support of the Environmental Policy Act in our program has been noteworthy. It will pay off in the long run.

His position on this amendment is utterly sound.

Mr. BROCK. Mr. President, if the Senator from New York will yield, may I add that I, too, am persuaded by the eloquence of the Senator from New York.

I might point out to the Senator from New Jersey (Mr. CASE) that conservatism and conservation go hand in hand, in my opinion.

I very much appreciate the stand of the Senator from New York on this question.

Mr. CASE. I thank the Senator from Tennessee very much. If this is conservatism then I am a conservative, believe me.

Mr. BROCK. Bless you.

Mr. BUCKLEY. Mr. President, I reserve the remainder of my time.

Mr. TOWER. Mr. President, will the Senator from New York yield?

Mr. BUCKLEY. If the Senator wishes to use his time——

Mr. RANDOLPH. Mr. President, I ask the attention of my beloved friend, the Senator from New Jersey (Mr. CASE). He has just complimented, and rightly so, the Senator from New York (Mr. BUCKLEY) for his attention to this matter and has expressed his intention to stand with him, on this amendment. I only wish that he had stood with the able Senator from New York a few moments ago when we had a rollcall vote when he showed there his attention to the preciseness, and rightfully so, of the bill presented by the Beautification Committee, of which he is a member.

Mr. CASE. Mr. President, the Senator used my name. Will he yield?

Mr. RANDOLPH. Mr. President, I yield to the able Senator from New Jersey as much time as he requires.

Mr. CASE. Mr. President, the Senator was talking about the amendment of the Senator from Kentucky (Mr. COOPER)?

Mr. RANDOLPH. The Senator is correct, the amendment that was opposed by the Senator from New York (Mr. BUCKLEY).

Mr. CASE. It is a hard choice to make when one has to choose between such fine gentlemen.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from West Virginia has 13 minutes remaining. The Senator from New York has 6 minutes remaining.

Mr. RANDOLPH. Mr. President, do I understand that the Senator from New York is through at this point?

Mr. BUCKLEY. Mr. President, I have two requests for time. I know that the distinguished Senator from Texas would like to speak in the interest of San Antonio. I am frankly concerned about the time limitation in this case. This is a question with the deepest implications, not just for the highway bill under consideration, but also for the general environmental legislation.

I wonder if the Senator might entertain a unanimous-consent request to extend debate on the amendment by another 30 minutes to be equally divided.

Mr. President, I ask unanimous consent that the time be extended for an additional 30 minutes on this amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. RANDOLPH. Mr. President, I did not hear the unanimous-consent request.

Mr. BUCKLEY. Mr. President, I asked unanimous consent that the time limitation be extended for another 30 minutes to be equally divided.

Mr. RANDOLPH. Mr. President, I ask the Senator from Kentucky if he would want to do this. What is the opinion of the Senator from Kentucky on the matter?

Mr. COOPER. Mr. President, I would say that the Senator from New York feels very strongly about this; I would urge my colleagues to grant the Senator 30 minutes additional time.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. RANDOLPH. Mr. President, the chairman of the committee desires to be cooperative and he tries especially to cooperate with the ranking minority member of the committee. I am therefore going to agree to an extension of 30 minutes to the 30-minute limitation on amendments to the bill as it was brought to the floor. I am sure that we could settle the situation adequately in the time allotted as we have on other amendments. However, on this amendment I will not object.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from New York?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, will the Chair indulge me a minute?

Mr. President, will the Senator from New York kindly withhold the request until all the time on the amendment is used up? The matter can be explored at that time.

Mr. BUCKLEY. Certainly.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator

Mr. BUCKLEY. Mr. President, I withdraw my unanimous-consent request.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, I ask unanimous consent that Leon G. Billings of the staff of the Public Works Committee be granted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, I yield 10 minutes to the able Senator from Texas, a member of the Public Works Committee.

The PRESIDING OFFICER. The Senator from West Virginia only has 9 minutes remaining. He cannot yield 10 minutes.

Mr. RANDOLPH. Mr. President, I yield 9 minutes to the Senator from Texas, a member of the Public Works Committee.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I rise in opposition to the amendment of the Senator from New York to strike section 147 of the Federal Aid Highway Act.

The question is whether we are going to give equity to the people of San Antonio who have made a very major investment of their money in this project. They have some $15 million at stake. That is what the city has at stake and that is what the State has at stake in this project.

It has been said that this is an environmental issue. I really do not believe that is the case.

I am not against parks. On our committee I have worked for more parks and

I have worked to protect the wilderness areas. And I will continue to do that.

If I thought the amendment was that kind of an amendment, I would not have supported it in the committee. We are talking about Brackenridge Park in San Antonio, Tex. We have 323 acres involved. Originally San Antonio had asked for this road in 1959.

If the Department of Transportation had acted expeditiously and responsibly, this matter would have been concluded long before now. We are talking about a road that cuts across 4 acres of a golf course at the corner of Brackenridge Park. And across 5 acres that were already isolated on the golf course. The golf course has now been changed for 3 years. People have been playing on it.

The request was made by the State of Texas of the Secretary of Transportation for approval of the Federal Government on this project. And the agreement was made that they could proceed on the end sections, and if they could not arrive at an agreement on the middle section, then the State of Texas could withdraw and the city of San Antonio could withdraw. And that is what they have done. An agreement was made and relied upon by the people of San Antonio. They have sent the $1.8 million of Federal money back.

We are talking about a $20 million project, and only $1.8 million of it was Federal funds. San Antonio has asked to withdraw from the Federal project and the Federal financing.

We also have the question of a flood plain here. San Antonio has some 700 acres in the Olmos Flood Plain and approximately 100 acres of that flood plain will be utilized for the highway. But the people of San Antonio have the right to make the decision as to the most important use of this unimproved tract. They have made that decision.

Every elected official of whom I have knowledge in the city of San Antonio supports this project.

The people of San Antonio voted on a bond issue on this specific project by a vote of 2-to-1 that they thought this is where the freeway should be built. And Brackenridge Park is highly treasured in San Antonio; the people would not vote to see it destroyed.

There was a petition signed by 103,000 people in a city with a little over 600,000 people. And the people signed that petition in less than 6 months because they thought this project was necessary and they thought that we should proceed on it.

Mr. BUCKLEY. Mr. President, will the Senator yield?

Mr. BENTSEN. Mr. President, the Senator did not yield to our side on his time. I have very little time remaining. I would appreciate it if the Senator would let me proceed.

San Antonio had an agreement given by the Secretary of Transportation, by the Federal Government. In compliance with that agreement the State of Texas and the city of San Antonio went ahead and spent $7 million in buying the right-of-way and relocating the residents. Then they came along and spent $4 million on construction.

They now have $4.5 million worth of lawsuits against them due to construction being halted.

The Senator from New York says that they can have a little more delay. It has been since 1959 that they have asked for this project.

The Senator says that San Antonio can go back and follow the procedures again. Does the Senator know how long the estimates are for going through the procedures? That process can take another 5 years. Another 5 years, and they have been waiting since 1959.

Does anyone want to see a flow chart and what they have to do? This is what they would have to do—and I would be glad to have any Senator examine it—to try to get this project approved again. We have had enough of the Federal Government in this project.

The people of San Antonio in the State of Texas are ready to pay for it, and they want to proceed to construction. This inequity should be corrected.

What has happened here since this process started has been a change in the rules of the game. They are trying to make it retroactive. A self-appointed group, created in San Antonio, said they wanted it routed through a different area. Mr. President, do you know where they wanted it routed? They wanted it to go through 41 blocks of low-income homes and to disrupt those people and move them out of their homes. I think the environmental issue in this particular project is a phony issue.

Mr. President, let us talk about the question of precedent. I, too, was concerned about that. I went back and redrafted this amendment to be sure that it was localized and applied only to San Antonio. What is the uniqueness in it? The uniqueness is this is a highway solely in the city of San Antonio; it is not interstate like other highways. What is the further uniqueness of it? Secretary of Transportation Volpe said that the State and the city, if they could not come to an agreement on this middle section, could withdraw from the program and refund the money. That is what the people have done—they have exercised self-determination. That is another uniqueness of this particular project.

I do not think we are setting a precedent that will give us a problem down the line. Let me say again that construction only started on this project after two courts refused to stay construction, after two courts had spoken on it.

With regard to these other projects that concerned the Senator from New York, and also concerned me, these projects were begun subsequent to the enactment of 4(F). The San Antonio situation developed before 4(F) was enacted; it can be differentiated.

So let the people of San Antonio exercise their will. Let them pay their way. Let them use self-determination. They love their parks; they are concerned about the beauty of their city.

I do not know how many Senators have been down to the great city of San Antonio. Look at the San Antonio River and see what they have done for beautification down there. It is a progressive and forward-looking city, concerned about its environment. San Antonio has done more for the San Antonio River than we have done for the Potomac River.

I ask Senators to join me in defeating this amendment and finally bringing justice and equity to a project for the people of San Antonio.

Mr. BUCKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Texas as allocated by the chairman of the committee has expired. The Senator from New York has 6 minutes remaining.

Mr. BUCKLEY. Mr. President, I have been asked by my cosponsor, the Senator from Wisconsin (Mr. NELSON) for some time and I would like to yield to him for 3 minutes at this time.

I will say, Mr. President, that I shall ask unanimous consent to extend the time for this debate at the conclusion of his remarks.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. NELSON. Mr. President, my concern about the bill today is that it would certainly establish a precedent by which federally bid highway projects in the future may get exemptions from the provisions of the National Environmental Protection Act by the simple device of special legislation. I note that the circuit court of appeals, in making reference to the argument of the State, stated in footnote No. 29:

> We would point out to the State that it was neither this Court nor the Supreme Court, but rather the defendants, who made the decision to commit large sums of public money to a highly controversial project, *the legality of which was still in question and over which an appeal was still pending*. Finally, we now know from the *Overton Park* case that courts should not shrink from halting construction of projects such as the North Expressway which are being erected in clear violation of the law.

What concerns me is that there is an attempt by all kinds of agencies to avoid the requirements of the Environmental Protection Act. It seems to me that is what is being avoided here.

The State would receive upwards of $2 million as a federally aided project, and then has returned the money to the Federal Government, and I guess it is not clear at this point whether or not the Department of Transportation will then ultimately reroute that $2 million back to Texas in some other Federal project.

I would like to point out a colloquy in the RECORD in 1968 between the distinguished chairman of the committee and the then Senator from Texas (Mr. Yarborough):

> Mr. YARBOROUGH. I want to give an example of what happened in my own state, and this has been a matter of controversy for 5 years. Brackenridge Park is located along the San Antonio River in San Antonio. It was set out by a veteran of the War Between the States, and comprises 323 acres in the city of San Antonio. . . . It was the first great park in Texas. Texas has no State or National park like it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BUCKLEY. Mr. President, I yield the Senator 3 additional minutes.

Mr. NELSON. Mr. President, I ask unanimous consent that an excerpt from this colloquy which appeared in the Record may be printed in the Record at this point.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

Mr. Yarborough. Now a superhighway is projected to go through it from the north. This is a natural park along the river, and there is not enough open land left over for another park site. Yet, they want to put the highway right through the middle of the park. It has been fought for years. I have no doubt that the city council which has jurisdiction over this city park, is going to say the park has no historic significance. But do the Federal officials have authority to withhold the 90-percent Federal share for the highway?

I want to know if the Federal authorities have a right to protect this park.

Mr. Randolph. Yes; they could withhold funds.

Mr. Yarborough. . . . If you run a highway through a long, slender park of 323 acres you do not have to pay any tax money for right-of-way. Thus the city council, hard pressed for money, is seeking to run a highway right through the center of one of the best parks in the state.

Mr. Randolph. We are not going to allow that.

Mr. Yarborough. This bill will not permit that?

Mr. Randolph. The Senator is correct. 114 *Cong. Rec.* 24036–37 (1968).

Mr. TOWER. Mr. President, will the Senator yield?

Mr. NELSON. I do not have any time to yield.

Mr. TOWER. Would the Senator yield to me 30 seconds for a question?

Mr. NELSON. On the Senator's time.

Mr. TOWER. I do not have any time. Will the Senator yield for a question?

The PRESIDING OFFICER. There is no time left to the Senator. The time yielded to the Senator from Wisconsin is 1 minute.

Mr. NELSON. I yield 1 minute to the Senator from Texas.

Mr. TOWER. Is the Senator aware that Mr. Yarborough's viewpoint did not prevail with the majority of voters in Texas, nor with the majority of voters in San Antonio and that is why Senator Bentsen is here today?

Mr. NELSON. I thank the Senator from Texas.

Mr. President, I have a memorandum brief prepared by Mr. John Vardaman, representing the freeway opponents, and I ask unanimous consent that it may be printed in the Record at this point.

There being no objection, the brief was ordered to be printed in the Record, as follows:

Memo by John Vardaman, Attorney Representing the Freeway Opponents

Memorandum Re: Proposed Legislation To Overrule a Court Decision Prohibiting Construction of the North Expressway in San Antonio Pending Study of Alternatives That Would Avoid The Brackenridge Olmos Basin Parks.

There are bills (H.R. 15426 and S. 3751) presently pending in the House and the Senate which, although cast as general amendments to the Federal-Aid Highway Act, are designed to overturn a court order [1] that presently prohibits Texas from constructing a federal-aid highway through the Brackenridge-Olmos Basin parklands in San Antonio. We set forth below in detail our reasons for opposing those bills. Those reasons may be summarized as follows:

(1) The Brackenridge-Olmos Basic Parklands are invaluable urban parks located in San Antonio. Construction of the North Expressway on the state's alignment would require between 116 and 250 acres of those parks for right-of-way and excavation of another 130 acres.

(2) The issues involved in this controversy have been throughly litigated and the court of appeals for the fifth circuit, in a comprehensive opinion written by Judge Homer Thornberry, held that the state and federal governments have not complied with section 4(f) of the Department of Transportation Act nor with National Environmental Policy Act.

(3) The court of appeals enjoined construction until the state and federal officials considered alternative alignments that would avoid the parks or minimize the impact. The state has made no such study; instead it has continued to litigate and finding no relief in the courts it now seeks relief from Congress.

(4) There are alternatives to the route chosen by Texas, some of which would avoid the parks completely, others would drastically reduce the use of parkland. Many of those are set forth in a study of one segment of the route done for the Department of Transportation by Gruen Associates, an independent consulting firm.

(5) Since the decision of the court of appeals, those opposing the route through the parks have offered to discuss alternatives with the state. The state has refused such discussions.

(6) We believe it unwise for Congress to intervene in individual, specific highway disputes which are pending in the courts, particularly in order to assist a state that has refused to comply with important federal laws designed to protect the environment.

1. THE PARKS

The Brackenridge-Olmos Basin parks are unique urban parks and recreation areas situated at the headwaters of the San Antonio River. Within those areas are the San Antonio Zoo, San Jacinto Park, Olmos Basin picnic area, two golf courses, an open air theater, sunken gardens, Franklin Fields, the Alamo Stadium, playing fields, hiking trails and many acres of parklands. The Department of Housing and Urban Development said of this area:

". . . San Antonio is fortunate in possessing one of the finest in-town park areas of any of our cities. This park area, incorporating as it does a number of kinds of facilities and serving a variety of uses, represents the type of urban open space asset which we are trying to encourage."

These parks are used by nearly a million people a year.

In the Senate debate over section 4(f) of the Department of Transportation Act, 49 U.S.C. § 1653(f), Senator Yarborough of Texas discussed the threat to pave over Brackenridge Park and said: "It was the first great park in Texas. Texas has no state or national park like it." 114 *Cong. Rec.* 24037 (1968). He was assured by Senator Randolph, Chairman of the Public Works Committee, that section 4(f) would not permit use of this park for a highway. 114 *Cong. Rec.* 24037 (1968).[2]

2. THE HIGHWAY

The North Expressway, as proposed by Texas, would be a 9.6 mile elevated north-south highway of six-to-eight lanes which would connect at either end with interstate highways (I–10 and I–35). The route twists and turns so as to follow the path of the slender Brackenridge-Olmos Basin parks. The precise number of acres that would be used for right-of-way is disputed, but it is somewhere between 116 and 250. An additional 130 acres within the parks would be excavated in order to provide the "fill" on which to build the elevated portions of the highway.

3. THE EFFECT OF THE PARKS

The effects of this highway on the parks will be disastrous. The Gruen Report done for the Department of Transportation, which studied only one of three segments of the highway or a total of 2.7 of the entire 9.6 miles, gives some of the effects:

The construction will necessitate the closing of a small scenic road on the edge of the Brackenridge Park.

There will be substantial noise, air and dust pollution in the area of the outdoor theater.

The expressway will separate the Zoo from its future expansion site and will be visible from the Zoo.

In Olmos Basin the "Expressway will fragment and isolate various parts of Olmos Basin Park . . . The visual and sensual character of the park will no longer be the same."

The noise and air pollution impact, the visibility of passing vehicles and trucks, the diminution of afternoon sunlight on the Creek, and the difficult-to-maintain underside of the arches—all will contribute to the downgrading of one of the most significant and valued natural assets, the picnic-creek area in Olmos Basin Park."

During the construction phase of the Expressway, there is a strong possibility that the fragile and sensitive nature of the Creek might be entirely destroyed when bulldozers start to operate in the area.

The massive viaduct proposed to cross over the top of Olmos Dam will create a major visual and noise impact on the entire surrounding area.

The Expressway, with its wide embankment, will displace many beautiful groves of live oaks, pecan trees and elms at the picnic grounds and the area next to the Damm and Devine Road. The total wooded areas to be displaced will be approximately 29 acres. (Green Associates, San Antonio North Expressway Study (1971), pp. 38–43.)

4. PLANNING OF THE HIGHWAY AND LITIGATION

The idea of the North Expressway was born in the mid 1950's although no action was undertaken until the 1960's. The right-of-way cost was to be shared between the city, the state and the federal governments. From the beginning the North Expressway was planned as a federal-aid highway and the federal government was involved at every step.

In 1961 the state sought approval for right-of-way acquisition, which the Bureau of Public Roads granted. In 1963 the state held the public hearing required by the Federal-Aid Highway Act, 23 U.S.C. § 128. In April, 1964 the Bureau of Public Roads approved that hearing. Planning for the North Expressway continued and in 1967 those opposing the highway filed an action seeking to enjoin its construction through the parklands. The Department of Transportation advised the district court that there had been no final federal approval and requested that all proceedings be stayed until a final decision had been reached.

After former Secretary Boyd completed his review, he refused to approve the route unless four important design changes were incorporated. When the state refused to accept those conditions negotiations continued. Finally, in August, 1970, Secretary Volpe approved the two segments at either end of the 9.6 mile highway, generally referred to as "end segments," which approached and actually entered the parks from both the north and the south. The state and Volpe agreed that an independent consultant, Gruen Associates, would study alternative locations for the middle segment.[3] The state submitted plans, specifications, and estimates for the end segments which were approved by the Bureau of Public Roads. Under 23 U.S.C. § 106

Footnotes at end of article.

that approval constituted "a contractual obligation of the Federal Government for the payment of its proportional contribution" for the highway. Following the § 106 approval the state began construction of the end segments and the federal government paid the state $1,818,600 for its share of the construction costs. Subsequently the court of appeals enjoined construction and further reimbursement by the federal government.

The court of appeals resolved every issue in favor of those opposing the route. To reiterate, at issue in the court of appeals were only the "end segments," at the north and south ends of the parks. The "middle segment," which would require the taking of the most parkland, was still under review by Volpe because he had refused to approve the alignment proposed by Texas. With respect to the two end segments the court of appeals first observed that:

"No environmental study under N.E.P.A. has been made with respect to these two 'end segments,' and the Secretary has demonstrated no effort by anyone to examine the section 4(f) 'feasible and prudent' alternatives to the route followed by these two 'end segments,' which come right up to, if not in to, the Parklands from both the north and the south. Thus, it requires no discussion to establish that there has been no compliance with any of the above-quoted statutes."

The court then considered the Secretary's ploy of splitting this highway, which had heretofore always been considered one "project," into three "projects," and approving segments which led up to and within the park from both the north and the south With respect to this the court said:

"Patently, the construction of these two 'end segments' to the very border, if not into, the Parklands, will make destruction of further parklands inevitable, or, at least, will severely limit the number of 'feasible and prudent' alternatives to avoiding the Park. The Secretary's approach to his section 4(f) responsibilities thus makes a joke of the 'feasible and prudent alternatives' standard, and we not only decline to give such an approach our imprimatur, we specifically declare it unlawful."

In the court of appeals the state argued that even though it had planned the highway as a federal-aid route, and was seeking federal reimbursement for construction, it was nevertheless committed to construct the North Expressway with its own funds if the court should find that it was not eligible for federal-aid reimbursement. This contention was raised by the state only after the court of appeals had issued a preliminary injunction halting construction of the highway. It was nothing more than a last minute gambit to try to avoid federal jurisdiction. From the beginning, this highway had been planned as a federal aid route. As we set forth above, the whole planning process was conducted in coordination with the federal government. Furthermore, the state did not intend to forfeit any federal aid, it merely intended to shift the money allocated to the North Expressway to other projects within the state. Thus all that was contemplated was a shift in bookkeeping entries. During the argument before the court of appeals the state represented, incorrectly, that it had received no federal aid as of the time of the argument. Nevertheless, the court flatly rejected the state's argument that it could construct the highway with its own money in violation of federal law. The Court said:

"If we were to accept [the argument], we would be giving approval to the circumvention of an Act of Congress. The North Expressway is now a federal project, and it has been a federal project since the Secretary of Transportation authorized federal participation in the project on August 13, 1970. As such, the North Expressway is subject to the laws of Congress, and the State as a partner in the construction of the project is bound by those laws. The supremacy of federal law has been recognized as a fundamental principle of our Government since the birth of the Republic. United States Constitution, Art. VI, cl. 2. The State may not subvert that principle by a mere change in bookkeeping or by shifting funds from one project to another."

While one member of the panel, Judge Clark, dissented on this point, at a later point in the litigation after it was disclosed that the state had received nearly $2 million in federal reimbursement for construction, he agreed with the majority that the state could not proceed with its own money in violation of federal law. That issue was raised again in the district court, the court of appeals, and the Supreme Court and on each occasion the state's argument was rejected.

Thus, the state has had a full opportunity to present its case to three federal courts: the district court, the court of appeals, and the Supreme Court. The Congress is now being asked to change the law to overturn the court's judgment.

5. CURRENT STATUS

The court of appeals ordered that construction of the North Expressway cease until the state officials and the Secretary of Transportation had reviewed the entire North Expressway under the provisions of Section 4 (f) and the National Environmental Policy Act. The court of appeals did not say that Texas could not build the North Expressway. It did not say that Texas could not construct it on the present route. All it said was that the state and federal governments must consider alternatives to the entire route and must consider measures to minimize the harm to the park, as well as prepare an environmental impact statement.

The state government did not investigate alternatives. Instead it continued to litigate, first by a petition for rehearing in the court of appeals, then a motion to dismiss in the district court. Once that was denied they attempted to appeal the denial of that motion. The fifth circuit refused to allow the appeal and the Supreme Court denied review of that order. Thus one year after the court of appeals decision neither the state nor the federal government has begun the study of alternatives required by law. The only study which has been done is the study of the middle segment which was published shortly after the court of appeals decision. The court held that such a study was not a full consideration of alternatives since it did not consider alternatives to the *entire* route, but only to one segment.

It is obvious that there are alternatives which would miss the parks entirely or at least greatly minimize the impact of the highway. For instance the Gruen Report, which considered eight alternatives to just the middle segment of the highway, recommended adoption of an alternative which, it concluded, would minimally encroach upon the parklands and "can be virtually hidden from both the residents in the city of Olmos Park and the uses of Olmos Basin Park." (Gruen Report 119)

Once alternatives to the entire route are considered, we believe that even better alternatives can be found. At any rate, there simply is no question but that there exists alternatives which would comply with the law. Those opposing this highway have taken the position throughout that they are willing to discuss alternatives in an effort to break the impasse. The state has arrogantly refused even to discuss compromising its selected alignment.

It is clear that if the pending legislation passes, even the alternatives to the middle segment will be scrapped and Texas will proceed, in violation of the important federal legislation, to construct this highway along its chosen alignment and devastate the Brackenridge-Olmos Basin parkland. In the Gruen Report the authors concluded that in order to accomplish the best alternative "the various affected parties . . . must pull together in a bond of common interest." (Gruen Report p. 119.) Those opposing this highway have offered to do that. The state refused. The Congress should not condone their activities.[4]

6. GENERAL CONSIDERATIONS

We have set forth above why we believe it is inappropriate to overturn the decision of the court of appeals and permit Texas to construct this highway without compliance with federal law. We should also point out that if this legislation passes it will have ramifications far exceeding the San Antonio case. It might, for instance, overrule the decision in *La Raza Unida* v. *Volpe,* 337 F. Supp. 221 (N.D. Cal. 1971) in which a highway was enjoined for failure to comply with section 4(f) and the National Environmental Policy Act. There may be other court decisions which would also be affected by this legislation. In short, we believe it would create a giant loophole in the federal environmental safeguards.

The proponents of this legislation may argue that it is necessary to amend the Federal-Aid Highway Act to permit states to withdraw routes from the federal-aid system. We do not believe any such legislation is needed. Even if it were, it should only be enacted after hearings and consultation with DOT staff. And surely such legislation should not permit a state to withdraw a project *after* it has received federal aid and where the sole purpose is to avoid federal environmental protections.

Finally, if Congress establishes a precedent of intervening in individual highway disputes which are pending in the courts, we believe it unlikely that any state will attempt realistically to comply with federal environmental statutes.[5] They will proceed with the knowledge that if they are enjoined, they may turn to Congress for relief. If the precedent is established of exempting highways from federal legislation whenever that legislation appears effective in preventing the destruction of parklands or recreation areas by federal aid highways, then the effectiveness of statutes such as the National Environmental Policy Act and Section 4(f) will be destroyed.

FOOTNOTES

[1] See *Named Individual Members of the San Antonio Conservation Society* v. *Texas Highway Dept.* 446 F. 2d 1013 (5th Cir. 1971). A copy of the opinion is attached hereto. Also attached is a later order and concurring opinion of Judge Clark in which he expresses his agreement to part VII of the opinion. He had originally dissented from that part.

[2] The entire colloquy was as follows:

"Mr. YARBOROUGH. I want to give an example of what happened in my own state, and this has been a matter of controversy for 5 years. Brackenridge Park is located along the San Antonio River in San Antonio. It was set out by a veteran of the War Between the States, and comprises 323 acres in the city of San Antonio . . . . It was the first great park in Texas. Texas has no State or National park like it.

* * * * *

"Now a superhighway is projected to go through it from the north. This is a natural park along the river, and there is not enough open land left over for another park site. Yet, they want to put the highway right through the middle of the park. It has been fought for years. I have no doubt that the city council which has jurisdiction over this city park, is going to say the park has no historic significance. But do the Federal officials have authority to withhold the 90-percent Federal share for the highway?

"I want to know if the Federal authorities have a right to protect this park.

"Mr. RANDOLPH. Yes; they could withhold funds.

"Mr. YARBOROUGH. . . . If you run a highway through a long, slender park of 323 acres you do not have to pay any tax money for right-of-way. Thus the city council, hard pressed for money, is seeking to run a highway right through the center of one of the best parks in the state.

"Mr. Randolph. We are not going to allow that.

"Mr. Yarborough. This bill will not permit that?

"Mr. Randolph. The Senator is correct." 114 *Cong. Rec.* 24036–37 (1968).

[3] Once the Secretary reached a decision on the middle segment the state would have to concur or not only be ineligible for federal aid for the middle segment but also refund the amounts for the end segments.

[4] The state may argue that since it had already begun construction at the time the court of appeals issued its order, it would be a waste of public monies and a great inconvenience for it to abandon that construction in its chosen alignment. This contention was answered forcefully by the court of appeals in footnote 29 in which it said "we would point out to the State that it was neither this Court nor the Supreme Court, but rather the defendants, who made the decision to commit large sums of public money to a highly controversial project, the legality of which was still in question and over which an appeal was still pending. Finally, we now know from the *Overton Park* case that courts should not shrink from halting construction of projects such as the North Expressway which are being erected in clear violation of the law."

[5] The inappropriateness of this type of legislation is demonstrated vividly by the controversy over the District of Columbia highway legislation and the Three Sister's Bridge dispute.

Mr. NELSON. Mr. President, does the Senator from New York intend to ask for the yeas and nays?

Mr. BUCKLEY. We have not requested the yeas and nays. The Senator from New York does not know if he will request them. If the Senator from Wisconsin would like to request them that is his decision.

Mr. NELSON. If there is no objection on the part of the Senator from New York, I request the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendment has expired.

Mr. BUCKLEY. Mr. President, I ask unanimous consent that we have 30 minutes of additional time, to be equally divided between both sides.

The PRESIDING OFFICER. Is there objection?

Mr. EAGLETON. Mr. President, reserving the right to object, will the Senator yield me 30 seconds to file a report?

The PRESIDING OFFICER. Is there objection? If there be no objection to the additional 30 minutes that have been requested——

Mr. BENTSEN. Mr. President, reserving the right to object——

The PRESIDING OFFICER. Is there objection?

Mr. BENTSEN. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

The question is on the amendment. The yeas and nays have been ordered. There is no other time remaining for any other business of the Senate except on the amendment, the yeas and nays having been ordered.

Mr. BUCKLEY. Mr. President, I ask unanimous consent——

Mr. RANDOLPH. Mr. President, I know——

The PRESIDING OFFICER. There is no time.

Mr. RANDOLPH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. RANDOLPH. Mr. President, I know of the intense feeling of my colleague from Texas in reference to this matter. I know of the feeling expressed by the Members who have a different viewpoint. I am going to ask that unanimous consent be given for an additional 10 minutes, 5 minutes to a side.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. EAGLETON. Mr. President, I ask unanimous consent that I be allowed 30 seconds to file a report.

Mr. RANDOLPH. I yield to the Senator from Missouri.

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE A REPORT ON S. 2318 BY MIDNIGHT THURSDAY, SEPTEMBER 14, 1972

Mr. EAGLETON. Mr. President, the Committee on Labor and Public Welfare has ordered reported S. 2318, the Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972.

I ask unanimous consent to report the bill S. 2318 and request permission to file the report by midnight Thursday, September 14, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL-AID HIGHWAY ACT OF 1972

The Senate continued with the consideration of the bill (S. 3939) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. RANDOLPH. Mr. President, I yield myself such time as I may require.

I wish to direct attention to the comment just made by my able friend from Wisconsin. I recall the colloquy with Senator Yarborough. I want to make the very emphatic statement at this point that here we are not involved in a park as such. It is a flood plain situation. It is not a park or the cutting up of park areas that is involved.

Mr. NELSON. No parkland at all is involved?

Mr. RANDOLPH. I do not say there was not some parkland, but I said it was not a park situation such as it was at the time it was discussed with Senator Yarborough.

I thank my colleague.

The PRESIDING OFFICER. Who yields time?

Mr. BUCKLEY. Mr. President, I yield myself 3 minutes.

The junior Senator from Texas spoke with very great eloquence, and I wholeheartedly subscribe to his sentiments with respect to the right of a community to make its own decisions, but I point out that whenever a community reaches out for Federal funds, it becomes subject to Federal regulations.

I have total sympathy for the people of San Antonio wanting to determine their own destiny, but we are involved here in a legislative attempt to circumvent Fifth Circuit Court decision involved, because of the requirements of NEPA.

I am trying to find out, and certainly the junior Senator from Texas did not point out, why the situation in San Antonio is distinguishable from any other situation throughout the country where we have strips of highway and cloverleafs going through every city in the United States with Federal funds involved. Most of those projects probably were on the drawing board before the NEPA legislation was enacted. Yet decision after decision affected by NEPA legislation covers such projects, whether they be channelization or dams or highways.

I am concerned, because of the emotional appeal of the case of the two Senators from Texas, that we will have in fact a legislative situation and an exception, and that if we do so, every other place that is inconvenienced will merely repay the moneys for the Federal project while applying for more money for a new project. So it is not correct to say that it is being financed by the local government.

Mr. BENTSEN. Mr. President, I shall be glad to answer the comments of the Senator from New York. I understand his sincerity and his concern and that of the Senator from Wisconsin. The uniqueness of this project is the fact that all of the right-of-way was acquired and all of the people were relocated with State funds prior to the enactment of the law. The State of Texas is one of the few States that uses State funds—non-Federal funds—for the acquisition of the right-of-way. That was done in this particular instance.

The Senator from Wisconsin quoted from comments from the Congressional Record which, if I remember them correctly, stated that this was a 323-acre-long park with a freeway going through the center of it. That is an incorrect statement of the fact. I have a photograph of the park, and where this particular freeway crosses the corner of it. It intrudes on 9 acres only. As I said before, 4 acres of it were used for the golf course and the other 5 acres that were used were already separated by the golf course. If we have done anything, we have inconvenienced some golfers, but for 3 years they have played on new holes that were put there. That is accomplished.

Let us go to the Overton Park case which was referred to by the Senator from Wisconsin. The Overton case involves Interstate 40.

The PRESIDING OFFICER. The 3 minutes of the Senator from New York have expired.

Mr. BUCKLEY. I wonder if the Senator can proceed on his own time.

The PRESIDING OFFICER. The Senator from Texas has 2 minutes.

Mr. BENTSEN. I have intruded on the Senator's time. Does he want me to yield him some time?

Mr. BUCKLEY. Would the Senator

mind proceeding on his own time? We are interested in having for the Record how this in any way supports NEPA.

Mr. BENTSEN. The other case is the Arlington case, which affects Route 66—also an interstate.

Then we get to the LaRaza case in California. That is a situation where it was proposed to put a road through that particular area and the locality objected and it was withdrawn.

So these are the kinds of distinctions we run into in this situation.

Mr. BUCKLEY. Mr. President, I wonder if someone could ask the chairman of the committee if he could come on the floor, because I want to ask him a few questions on certain aspects of this matter.

I yield myself 2 minutes.

I would like to pose a question to the chairman of the committee. I know the chairman of the committee is desirous of protecting our environmental laws. Does he believe the situation in San Antonio is distinguishable from any other situation that might be brought before the Senate as it affects compliance with the NEPA legislation?

Mr. RANDOLPH. Mr. President, I appreciate the question of the Senator from New York. Had I not felt so, I would not have supported the proposal of our colleague from Texas in the committee. I gave, as did the Senator from New York and other members of the committee, very careful attention to this subject. I appreciate what the Senator has said. The chairman of the committee is interested in preserving the environmental protections—in fact, strengthening the quality of life. I feel that we in no way do violence to the environmental program of this country in reference to the project which is incorporated in this legislation, which was brought to our attention, and which has been discussed thoroughly by the Senator from Texas (Mr. Bentsen).

Mr. BUCKLEY. Would the distinguished chairman oppose any proposal for future legislation in a situation which involved the public works fund, whether for highways or for any other kind of projects, where the local community decided to reimburse the Federal Government rather than comply?

The PRESIDING OFFICER (Mr. Montoya). The time of the Senator from New York has expired. The Senator from West Virginia has 1 minute remaining.

Mr. RANDOLPH. Did the Senator complete his question?

Mr. BUCKLEY. Would it be the position of the distinguished chairman that he would oppose any attempt to avoid NEPA by a reimbursement of the Federal Government, for whatever reason which might be advanced at the local level?

Mr. RANDOLPH. Again I say to the able Senator from New York, I hope we would not have such a situation that has arisen. I would hope we could avoid it. But the Senator from West Virginia would make no promise as to the consideration of a future item. He would give to it when it arose the same consideration as he gave this project, as would the Senator from New York.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from New York (Mr. Buckley). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Mr. President, it seems to me that this matter can be disposed of with a voice vote, without a rollcall. Would it be in order to ask unanimous consent to vacate the order for the yeas and nays?

The PRESIDING OFFICER. Yes, that can be done.

Mr. TOWER. I ask unanimous consent that the order for the yeas and nays on the amendment be vacated.

The PRESIDING OFFICER. Is there objection?

Mr. BUCKLEY. Mr. President, reserving the right to object without necessarily objecting, I believe I will need to object unless the Senator from Wisconsin (Mr. Nelson), who asked for the yeas and nays, is on hand to make that decision.

The PRESIDING OFFICER. Is there objection?

Mr. RIBICOFF. Mr. President, on behalf of the Senator from Wisconsin, unless he returns to the floor, I object.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I withdraw my suggestion.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there objection to the request of the Senator from Texas?

Mr. NELSON. What is the unanimous consent request?

The PRESIDING OFFICER. To do away with the yeas and nays and have a voice vote on the amendment.

Mr. NELSON. I object.

The PRESIDING OFFICER (Mr. Montoya). Objection is heard. The question is on agreeing to the amendment of the Senator from New York (Mr. Buckley). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. Anderson), the Senator from Florida (Mr. Chiles), the Senator from Louisiana (Mrs. Edwards), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from Montana (Mr. Mansfield), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Rhode Island (Mr. Pastore), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I also announce that the Senator from California (Mr. Tunney) is absent because of illness.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. Pastore) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Allott), the Senator from Tennessee (Mr. Baker), the Senators from Maryland (Mr. Beall and Mr. Mathias), the Senators from Delaware (Mr. Boggs and Mr. Roth), the Senator from Utah (Mr. Bennett), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Oregon (Mr. Hatfield), the Senator from South Carolina (Mr. Thurmond), and the Senator from North Dakota (Mr. Young) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

On this vote, the Senator from Tennessee (Mr. Baker) is paired with the Senator from South Carolina (Mr. Thurmond).

If present and voting, the Senator from Tennessee would vote "yea" and the Senator from South Carolina would vote "nay."

I further announce that, if present and voting, the Senator from Oregon (Mr. Hatfield), and the Senator from Maryland (Mr. Mathias) would each vote "yea."

The result was announced—yeas 24, nays 49, as follows:

[No. 425 Leg.]

YEAS—24

Bayh
Bellmon
Brock
Brooke
Buckley
Case
Church
Cranston
Eagleton
Hart
Hughes
Javits
Metcalf
Mondale
Muskie
Nelson
Packwood
Pell
Proxmire
Ribicoff
Schweiker
Spong
Stevenson
Williams

NAYS—49

Aiken
Allen
Bentsen
Bible
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cook
Cooper
Cotton
Curtis
Dole
Dominick
Eastland
Ervin
Fannin
Fong
Gambrell
Gurney
Hansen
Hartke
Hollings
Hruska
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
Miller
Montoya
Moss
Pearson
Percy
Randolph
Saxbe
Scott
Smith
Stafford
Stennis
Stevens
Symington
Taft
Talmadge
Tower
Weicker

NOT VOTING—27

Allott
Anderson
Baker
Beall
Bennett
Boggs
Chiles
Edwards
Fulbright
Goldwater
Gravel
Griffin
Harris
Hatfield
Kennedy
Mansfield
Mathias
McGee
McGovern
McIntyre
Mundt
Pastore
Roth
Sparkman
Thurmond
Tunney
Young

So Mr. Buckley's amendment was rejected.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. I move to lay that motion on the table.

The motion was agreed to.

Mr. BIBLE. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BIBLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the Record.

The amendment is as follows:

On page 62, beginning with line 12, strike out through line 12 on page 63, and insert in lieu thereof the following:

RAILROAD RELOCATION DEMONSTRATIONS

Sec. 148. (a) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Lincoln, Nebraska, and Elko. Nevada, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the respective cities. The cities shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class 1 railroads in Lincoln, Nebraska, and the two class 1 railroads in Elko, Nevada, and multicivic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(b) Federal grants or payments for the purpose of this section shall cover 70 per centum of the costs involved.

(c) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to this section.

(d) There is authorized to be appropriated not to exceed $1,000,000 in the case of Lincoln, Nebraska, and $1,400,000 in the case of Elko, Nevada, from the Highway Trust Fund, and not to exceed $2,000,000 in the case of Lincoln, Nebraska, and $2,800,000 in the case of Elko, Nevada, from money in the Treasury not otherwise appropriated, for carrying out the provisions of this section.

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Nevada yield?

Mr. BIBLE. I yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. May we have order, Mr. President, please?

The PRESIDING OFFICER (Mr. Montoya). Will all Senators please take their seats so that we may expedite the business of the Senate.

The Senator from West Virginia may proceed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Nevada (Mr. Bible) will retain his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it is the intention of the leadership to remain in session today as long as Senators have amendments which they wish to call up to the pending business, the Federal-aid highway bill.

For the convenience of all Senators interested in this bill, I take the floor at this time to inquire as to how many such amendments there are which will be offered. My understanding is that the distinguished Senator from Kentucky (Mr. Cooper) has another amendment. Do I understand correctly?

Mr. COOPER. I will offer the amendment so that I can talk about it, but I do not intend to ask for a vote at this time.

Mr. ROBERT C. BYRD. Very well. Are there any other amendments? My understanding is that the yeas and nays will not be asked for by the distinguished Senator from Nevada (Mr. Bible) on the pending amendment.

Mr. BIBLE. Mr. President, I have no such intention. I have cleared this with both the chairman of the committee and the ranking minority member, and I do not think we will have any problems with the amendment.

Mr. ROBERT C. BYRD. Mr. President, we have just heard from the distinguished Senator from Kentucky (Mr. Cooper) that he will not ask for the yeas and nays on his amendment.

Mr. COOPER. It could be offered next week. Perhaps, after I have discussed it, I will ask for the yeas and nays. I believe I would rather just present my views now.

Mr. ROBERT C. BYRD. Mr. President, there is no indication that any additional amendments will be offered today on the bill which would require yeas and nays.

Therefore, there will be no more yea and nay votes today.

It will be the intention of the leadership, once all amendments that have been mentioned up to now are disposed of, to set the bill aside and move to take up the land use bill, but with no action thereon—just taking it up and establishing some kind of status for it, probably for consideration as a second track item at some point later on.

Thus, it will be well if the Senator from Nevada will allow me to proceed for another 30 seconds——

Mr. BIBLE. I am happy to yield, but will this be on my time or the Senator's time?

Mr. ROBERT C. BYRD. The Senator has been very patient.

Senators should be reminded that a vote will occur on the motion to invoke cloture on Senate Joint Resolution 241 tomorrow morning at about 10 or 15 minutes after 10 a.m.

Mr. President, I ask unanimous consent that the time I have just consumed not be charged against either side.

The PRESIDING OFFICER (Mr. Hollings). Without objection, it is so ordered.

Mr. NELSON. Mr. President, will the Senator from Nevada yield for a question?

Mr. BIBLE. I yield for that purpose.

Mr. NELSON. May I ask the distinguished Senator from West Virginia, did I understand correctly that there would be no vote on final passage on the pending legislation tonight?

Mr. ROBERT C. BYRD. Not tonight. There will be no more rollcall votes tonight.

Mr. NELSON. I thank the Senator very much.

Mr. BIBLE. Mr. President, the amendment which has just been stated is presented on behalf of myself and my distinguished colleague, Mr. Cannon.

Section 148 of the committee bill authorizes the Secretary of Transportation to enter into such arrangements as may be necessary to carry out a demonstration project in Lincoln, Nebr., for the relocation of railroad lines from the central area of that city and thereby remove serious hazards to highway traffic and to improve the safety of highway travel.

Our amendment broadens section 148 to authorize such a demonstration project for the city of Elko, Nev., as well.

Elko, Nev., had its beginning as a railhead for northeastern Nevada, connecting the booming mining industry with the commercial market of the West.

The Central Pacific Railroad built through Elko in 1869 rushing to meet the Union Pacific Railroad at famous Promontory Point, Utah, to complete the first transcontinental railroad in the United States.

Elko is one of the many Western cities which owes its existence to the railroads. In early days, the city grew and prospered due to the commercial enhancement of the railroad influence and the business and residential community was centered on the railroad.

The railroad also in its early days survived on the small Western towns along its route and depended upon the commercial and business community to provide the food and housing of its patrons.

However, times have now changed and the railroads and the communities find themselves less dependent directly on one another and the location of the railroad tracks and the numerous grade crossings are a detriment to both.

Plans to correct this problem must be developed in order for both to prosper.

Elko is divided by two operating railroads—the Southern Pacific Co. and the Western Pacific Railroad.

These two railroads combined operate some 40 trains daily directly through the heart of the community.

The downtown business district is suffering and deteriorating because of the direct adverse influence of the railroads. Residences have 16,000 horsepower diesel engines in their front yards.

The general public is continually annoyed and harassed by the hazards of 17 grade crossings in the city streets.

As in the case of the Nebraska project, this proposed demonstration project would show how the two separate railroad barriers can be consolidated into a single corridor. This will minimize the disruptive effects of rail operations on the economic and social life of the community, and which will also improve the efficiency of rail operations.

The project will demonstrate to other communities throughout the West how problems such as Elko's should be solved.

I have been advised by the Department of Highways of the State of Nevada that they support the efforts of the city of Elko to develop a demonstration project for the removal of the railroads in downtown Elko. The department feels the city's proposals for the project are warranted and feasible; that the plan they have prepared is well done and concise, and should be supported by the Department of Transportation.

As in the case of the Lincoln, Nebr. project, Federal grants and payments for the purpose of the Elko project would cover 70 percent of the costs involved.

Our amendment authorizes appropriations not to exceed $1,400,000 for the project from the highway trust fund, and not to exceed $2,800,000 from money in the Treasury not otherwise appropriated. A total of $4,200,000.

I submit, Mr. President, that this modest sum will be well spent on the Elko demonstration project. The project will pay national dividends in demonstrating the best means for the relocation of railroad hazards from our central cities.

I urge that the amendment be accepted.

Now, Mr. President, I yield 5 minutes to my very distinguished colleague (Mr. Cannon).

The PRESIDING OFFICER. The Senator from Nevada (Mr. Cannon) is recognized for 5 minutes.

Mr. CANNON. Mr. President, I thank my colleague for yielding to me.

Mr. President, I rise in support of the Bible-Cannon substitute amendment for section 148 of the bill now under consideration. Our amendment is a simple one which recognizes the urgent need for relocation of railroad lines in specific instances where intolerable conditions exist.

Such is the case in Elko, Nev., where the railroad literally divides the community in two and serves as a wall within the community that has stifled progress and worked great hardships on the community.

Elko is unique in that it has taken the initiative and made substantial expenditures of private funds and public enterprise in conceiving a plan. It would relocate a small portion of the railroad. This plan has the full support of the community and the State of Nevada. Our amendment recognizes that a similar demonstration project was approved for Greenville, S.C. and section 148(a) would authorize such a project for the central part of the United States at Lincoln, Nebr. Our amendment would simply establish a community in the West where this program could be demonstrated and I urge its approval.

Mr. BIBLE. Mr. President, I have previously discussed this amendment with the chairman of the committee. I have also discussed it with the ranking member of the committee, the distinguished Senator from Kentucky (Mr. Cooper). I hope the amendment will be accepted.

Mr. BENTSEN. Mr. President, acting for the chairman of the committee, the Senator from Texas finds this to be most meritorious amendment and in keeping with the kind of interest that the distinguished Senators from Nevada (Mr. Cannon and Mr. Bible) have shown support for, which will be in the long-term interests of the country.

Acting for the chairman of the committee, I now yield to the distinguished Senator from Kentucky (Mr. Cooper).

Mr. COOPER. Mr. President, this would be rather expensive if extended throughout the country. However, the committee gave this problem consideration, with particular respect to Lincoln, Neb. I am very happy to join with the Senator from West Virginia (Mr. Randolph) and the Senator from Texas (Mr. Bentsen) in supporting the amendment offered by the Senators from Nevada (Mr. Bible and Mr. Cannon).

Mr. BIBLE. Mr. President, I yield back the remainder of my time.

Mr. BENTSEN. Mr. President, I yield back the remainder of my time and move the adoption of the amendment.

The PRESIDING OFFICER (Mr. Hollings). All time has been yielded back. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment was agreed to.

Mr. COOPER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 43, beginning on line 20, strike out all through line 17 on page 51.

Mr. COOPER. Mr. President, I said a few moments ago, I would offer this amendment, but would not ask for a rollcall vote. If time were available, I would ask for a rollcall vote. Or if the matter could be postponed to next week so that there would be an opportunity to explain and debate it, I would ask for a rollcall vote.

I doubt very much, Mr. President, that we will be able to do this. However, I wanted to offer the amendment at this time to at least place in the Record the material, so that something will be available to the conferees when the House and Senate conferees meet.

I believe the section that my amendment would strike is very important. It is important in the sense that its effect and impact upon the Federal-aid highway program will be great, and, I believe, unfortunate.

This section is called "Alternative Federal-Aid Highway Procedures." It has the strong support of the chairman of our committee, the Senator from West Virginia (Mr. Randolph), who, together with the able members of the staff, had a great deal to do with developing the section. It is a long section, covering several pages.

Essentially, this section would accomplish two objectives:

First, it would provide that with respect to highway programs—particularly the primary system of highways—the State, after having been certified by the Secretary of Transportation as being competent to perform its duties, would be practically free from supervision by the Department of Transportation.

Mr. President, that would mean that the Department of Transportation would no longer supervise the initiation or the inspection of projects, to assure that each project was meeting all standards. The Department, instead, would rely upon the Secretary's prior certification. My objection is that the highway program, though with some delays, has been rather outstanding in the quality of construction and in its freedom from graft and corruption. And I think it is a forward-going program.

I feel that it may be a backward step to practically turn the construction of our primary system over to a State and limit the Department of Transportation's ability to supervise the construction of these roads, or to intervene until some audit after they have already been constructed.

Mr. President, a further provision in this section, to which I object, is the attempt to deny to the executive branch the authority to withhold funds. I know that is a subject of great controversy. We have voted in the Senate by an overwhelming majority that the Executive should not be allowed to withhold highway funds that have already been authorized and apportioned to the States.

It has been argued many times that this is a constitutional question. I think it is. And I doubt very much if we can solve it.

For myself, while I do not agree that large sums of money should be held by the executive branch, I think in times of economic crises and financial difficulty the Executive ought to have the power to withhold funds in order to support the economy of the country as a whole.

With regard to this particular program, I supported President Johnson when he withheld funds. And I have supported President Nixon when he withheld funds. If a President were required to spend all of the money that Congress authorizes and appropriates, we would be in a worse fiscal situation than we are.

The Department of Transportation opposes this section of the bill.

Mr. President, I ask unanimous consent to have printed in the Record the entire letter written by Secretary Volpe to the chairman of our committee, in which he outlines all of the objections to the bill and gives a great deal of attention to this section called "Alternative Federal-aid Highway Procedures. I also ask unanimous consent to have printed in the Record that portion of my own supplemental views which indicates the reasons why I opposed this section when the committee was making the final draft of the bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

AGENCY VIEWS

The Secretary of Transportation,
Washington, D.C., August 18, 1972.
Hon. Jennings Randolph,
Chairman, Committee on Public Works,
U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This will follow up our conversation today regarding the 1972 Federal-Air Highway bill ordered reported by your Committee on August 17. During your deliberations on this bill, I deeply appreciate the opportunity that you have provided the Department of Transportation to make our views known to the Committee. Now that you have completed deliberations and are preparing to report your bill to the Senate, I would like to provide you with my assessment of the bill.

The Committee bill contains several forward looking and progressive features. For the first time, your proposal would open the highway trust fund to the purchase of mass transit buses. While I would argue that the bill should go even further in broadening the use of the trust fund for rail transit, I do think that this provision represents a very important first step in providing State and local officials with additional flexibility in solving their urban transportation problems.

Also, the Committee bill would provide funds directly to Metropolitan Transportation Agencies. This recognizes the important role that local officials must have if the highway program is to be responsive to the needs of the local communities. Now for the first time the major urban centers of this nation will receive a direct source of Federal revenue, so sorely needed by them to undertake highway-related capital improvements.

With nearly 80 percent of the Interstate system now open to traffic, you have recognized the need to reduce the Interstate authorizations and provide flexibility to allow Interstate funds to be used for other urban transportation requirements where impasses exist.

Although these provisions of the bill are most progressive, there are still a number of serious reservations that I have on other provisions. The most serious of these are discussed below:

1. ALTERNATIVE FEDERAL-AID HIGHWAY PROCEDURES

The Committee bill would incorporate a new Chapter I–A in the current highway statutes. The stated purpose of this chapter is to provide State and local governments the maximum degree of flexibility while still insuring that highway projects are consistent with the social, environmental and economic objectives of the applicable Federal laws. It proposes to do this by establishing an alternative procedure whereby the DOT would certify and approve the *procedures* that a State adopts to implement its program. The Department then would be in the position of monitoring those procedures after the fact to insure compliance.

If adopted, this program would eliminate the ability of the Executive Branch to effectively establish program priorities and overall funding levels. This alone makes this Chapter unacceptable. Further, it would disrupt the cooperative Federal/State relationship that has existed for better than 50 years. And finally, from our reading of this provision, we are convinced that it would result in the proliferation of red tape and delays far in excess of anything that is now experienced. We feel very strongly that if the highway program is to stand as a prime example of a successful Federal/State cooperative venture, it is of the utmost importance that this chapter be deleted from the bill.

2. FUNDING PUBLIC TRANSPORTATION

While the step taken by the Committee of opening the Highway Trust Fund to highway related public transportation projects—including purchase of buses—is an important step toward broadening its use, this provision is still too restrictive. Although buses alone can help in many urban areas, in other areas there is the requirement for both bus and rail rapid transit to meet their critical transportation needs. I believe that it is most important that all modes providing urban passenger transportation be eligible for funding under this program—including the rail mode—if our nation's transportation problems are to be resolved.

3. BILLBOARD REMOVAL MORATORIUM

The latest Committee Print includes a provision which would allow signs providing "specific information in the interest of the traveling public" to remain in place until December 31, 1974, or until the State certifies that the information displayed "may reasonably be available to the motorist by some other method." The very broad language of this provision would result in a two-year moratorium on the removal of this visual blight from our nation's highways. The program would be seriously disrupted, if not brought to a complete standstill. This provision would halt the significant progress since January, 1971, which has seen the number of States in compliance increase from 14 to 49. It is essential that this provision be deleted if the commitment of the Congress, the Administration, and the 49 complying States is not to be negated.

4. 100 PERCENT FEDERAL FUNDING FOR BUSES

The Committee bill would continue the very sound practice of requiring States to financially participate with the Federal Government in highway projects. In most instances the Federal contributions would be 70 percent and the State share would be 30 percent. However, the Committee bill in the case of funding for buses, and in this one instance only, would have the Federal Government pay 100 percent of project costs. As currently drafted, the bill provides for 100 percent Federal financing of bus purchases out of the Highway Trust Fund. We object to this provision which favors one mode over another. It is our desire to provide State and local officials flexibility to solve their transportation problems, not to bias them in favor of one mode of transportation over another. We believe that the Federal share of the cost of bus purchases should be 70 percent.

5. CATEGORICAL GRANTS

One of this Administration's major objectives has been to reduce the number of categorical grant-in-aid programs. This bill would do just the reverse, and result in the proliferation of still more grant programs. In most instances, the purposes of these grant programs can be satisfied through the present highway programs. We do not favor establishing special purpose programs to satisfy objectives that can currently be met out of these existing programs.

6. FUNDING LEVEL

The overall funding level contained in this bill is far in excess of the level we recommend and well beyond the level which is fiscally responsible. Now, when we are finally reducing inflation, it is more important than ever to practice restraint in setting the funding levels on even our most important programs. The total funding level in this bill should be significantly reduced.

I would hope that before this bill is passed by the Senate, these views can be considered.

Sincerely,

JOHN VOLPE.

SUPPLEMENTAL VIEWS OF MR. COOPER

ALTERNATIVE PROCEDURES "CHAPTER 1–A"

Section 133 of the Committee bill proposes to add a new "Chapter 1–A" to Title 23, United States Code, providing an alternative Federal-aid highway procedure for all systems except the Interstate system, upon delegation by the Secretary to those States he determines to be competent. This provision represents a major departure, more fully discussed in the Committee report, and presents three issues. I opposed "Chapter 1–A" in Committee, and moved to strike the section. It is opposed by the Administration.

First, I consider that the Federal-aid highway program has proved itself over many years to be a singularly well-managed program, remarkably free of any charges of Federal incompetence, mismanagement, waste, or possibly corruption. It has assured high standards of construction, of safety, and adherence to environmental and equal employment standards. Given this acknowledged high level of performance and professionalism, which is also relied upon by the States, I believe we should take pains to maintain and build upon such a record of accomplishment. I prefer to approach with great caution any such fundamental change as delegating all procedures for the approval of programs and projects, except Interstate, to the State highway departments—granting the competence they have developed under the existing safeguards. While the Federal Highway Administration would retain the authority to audit and conduct "spot checks", I am concerned that difficulties and improper actions would only be exposed after the fact, instead of being maintained under continuous Federal supervision.

Second, it is argued that Federal "red tape" impedes highway construction and creates uncertainties and delays. I think it must be recognized that much of the so-called "red tape" arises from the increasing procedural complexity surrounding all projects, and every Federal-aid program, if not most other enterprises in recent years. Many of these requirements are imposed by other Acts of Congress, themselves necessary and desirable, such as the Uniform Relocation Assistance Act, the National Environmental Policy Act, the Equal Employment Opportunities Act, and others—which this alternative procedure could not avoid and in fact might make more difficult of properly insuring.

If enacted, I believe the States may find that the proposed alternative procedure will not reduce "red tape", for the comprehensive agreement which the State must carry out promises itself to impose formidable requirements upon State highway departments—assuring their performance under regulations issued by the Secretary of all the work they now do, and presumably much of that now being performed by the Federal Highway Administration.

The requirements for consideration of social, economic and environmental impacts in the planning and execution of highway projects, and for close coordination with other Federal programs, including statutory requirements recommended by our Committee, either would not be avoided by this alternative procedure—or if avoided, could result in undesired consequences. I consider that the proper remedy for unnecessary delays lies in improved administrative procedures within the present cooperative Federal-State relationship, and in more careful workmanship by the Congress within its various jurisdictions in designing statutory requirements, which too often have resulted in a confusing web of cross-checks and proliferating program requirements.

Third, the alternative procedure presents the issue of the ability of the Executive Branch to establish program priorities and maintain budgetary controls. It would do so by removing project approvals from the Federal Highway Administration, and by the specific language of new subsection 174(c). Chapter 1–A is strongly opposed by the Administration for this reason. And of course, the attempt to prohibit "highway cutbacks" and the administrative withholding of apportioned highway authorizations is the reason, in addition to the reduction of "red tape", stated by the majority in recommending the adoption of the provisions.

I point out that in any event the prohibition could apply only to those States to which the Secretary chose to delegate authority, and even in those States would not apply to the Interstate funding which is the largest part of the highway program. It therefore represents a half-measure, at most, and raises the possibility of different treatment among the States.

I also moved in Committee to strike the portion of new subsection 174(c) which purports to prohibit withholding. I do not know whether enactment of the section would clearly raise the Constitutional question between the executive and legislative branches, but my own position has been consistent. While I recognize that there may have been delays and postponements, I have maintained under both Administrations that the national economy and the national interest are more important than always maintaining highway construction at the level authorized by the Congress in some earlier year.

Mr. COOPER. Mr. President, I have offered the amendment in order to place in the RECORD the views of Secretary Volpe of the Department of Transportation, and my own views in opposing the amendment, with the hope that in the conference they will be stricken.

I now withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MILLER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 60, between lines 20 and 21, add the following:

"(e) A route from Interstate Highway 380 from Waterloo, Iowa, via Dubuque, Iowa, to Interstate Highway 90 at Rockford, Illinois; and an extension of Interstate Highway 74 from the Davenport, Iowa-Moline, Illinois, area through Dubuque, Iowa, to Interstate 90 at La Crosse, Wisconsin.

Mr. MILLER. Mr. President, starting on page 59 of the bill is a section entitled "Feasibility Studies." The purpose of my amendment is to include the minimum routes in the feasibility studies to be carried out by the Bureau of Public Roads.

Mr. President, I must apologize to my highway commission for not bringing these routes to the attention of the Committee on Public Works. They did not know that the feasibility studies would be included in the report. However, they have long felt very strongly about these.

Dubuque, Iowa, is being linked under the feasibility studies both with La Crosse, Wis., and what is called the quad-city area. Dubuque, Iowa, is one metropolitan city that is not on the Interstate System.

I know from my own personal experience that the volume of traffic between the cities mentioned here is very heavy. As a matter of fact, La Crosse, Wis., is already tied in with the Twin Cities of Minnesota by an interstate highway, and one of the routes that have been named would tie it in with that.

Mr. President, I have discussed this with the distinguished chairman of the committee and with the staff, and I would hope that since this is merely a feasibility study that the amendment would be agreed upon.

Mr. BENTSEN. Mr. President, the Senator from Texas, acting for the chairman, has studied the amendment and finds it compatible with the tenor of the legislation and does no violence to it. We are pleased to accept the amendment.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MILLER. I yield back my time.

Mr. BENTSEN. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. BENTSEN. Mr. President, the Senator from Texas proposes an amendment and sends it to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 53, beginning line 1, strike out all through line 15 and insert in lieu thereof the following:

"HIGHLAND SCENIC HIGHWAY

"SEC. 136. (a) The Secretary of the Interior, in cooperation with the Secretary of Agriculture (acting through the Forest Service), is authorized to develop and construct as a parkway the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob.

"(b) The route from Richwood, West Virginia, to U.S. 250 near Barton Knob, via West Virginia State Route 39 and the parkway authorized by subsection (a) of this section, shall be designated as the Highland Scenic Highway.

"(c) Such Secretaries are authorized to acquire rights-of-way, lands containing such rights-of-way, and interests in land, including scenic easements, necessary to carry out the purpose of a scenic highway.

"(d) Funds available for parkways shall be available for signs on Interstate highways, Appalachian Highways and other appropriate highways at natural points of access to such geographic area, indicating the direction and distance to the Highland Scenic Highway and to Richwood as 'Gateway to the Highland Scenic Highway.'

"(e) Funds available for parkways shall be available for upgrading that portion of West Virginia State route 39 designated as the Highland Scenic Highway to appropriate standards for a scenic and recreational highway, including the construction of vistas and other scenic improvements.

"(f) Upon construction of the Highland Scenic Highway as authorized by subsection (a) of this section, such road and all associated lands and rights-of-way shall be transferred to the Forest Service and managed as part of the Monongahela National Forest, solely for scenic and recreational use and passenger car travel.

"(g) Any parkway authorized in the future to proceed southward in such area shall begin in the immediate vicinity of Richwood, West Virginia."

Mr. BENTSEN. Mr. President, this is a series of perfecting amendments to the bill and they do not change the purpose of the bill. I offer them at the request of the Senator from West Virginia (Mr. RANDOLPH). The committee recommends they be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the pending measure is again called up before the Senate next week the distinguished Senator from Connecticut (Mr. WEICKER) may be recognized to call up an amendment to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, under the agreement previously entered, only two amendments in the first degree could be offered when action on the bill is resumed next week, but the Senator from Connecticut (Mr. WEICKER) misunderstood the request I was informed later. I think it only fair, therefore, that he be permitted to offer his amendment in view of the fact that he agreed to the unanimous consent request under a misunderstanding.

FEDERAL-AID HIGHWAY ACT OF 1972 TEMPORARILY LAID ASIDE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at this time the pending measure be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery, and

H.R. 10670. An act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit plan, and for other purposes.

LAND USE POLICY AND PLANNING ASSISTANCE ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 830, S. 632, with the understanding there will be no action thereon today.

The PRESIDING OFFICER. The bill will be stated by title.

The bill was read by title as follows:

A bill (S. 632) to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the 1 hour for debate on the motion to invoke cloture, under rule XXII, on Senate joint resolution 241 begin running tomorrow at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS TO 8:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until tomorrow at 8:15 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR SPONG AND SENATOR BAYH TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order tomorrow, the distinguished junior Senator from Virginia (Mr. SPONG) be recognized for not to exceed 15 minutes, and that he be followed by the distinguished Senator from Indiana (Mr. BAYH) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME LIMITATION ON S. 750, S. 33, H.R. 15883, AND H.R. 8389

Mr. ROBERT C. BYRD. Mr. President, having cleared the following requests with the distinguished Senator from Arkansas (Mr. McClellan) and the distinguished Senator from Nebraska (Mr. Hruska), I ask unanimous consent that there be a time limitation of 1 hour on each of the following bills at such time as they are called up and made the pending business before the Senate: S. 750, S. 33, H.R. 15883, and H.R. 8389.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, with respect to each of the bills I have just enumerated, there be a time limitation on any amendment in the first degree of 30 minutes, to be equally divided between the mover of such and the manager of the bill; that there be a time limitation on any amendment in the second degree, debatable motion, or appeal, of 20 minutes, to be equally divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill favors such, in which instance the time in opposition thereto be under the control of the distinguished majority leader or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I ask unanimous consent that the agreement just entered into with respect to time on S. 750 be negated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. There is already a time limitation on that bill to become effective at such time as it is called up.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL ADVISORY COMMITTEE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 4383.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 4383) to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. I move that the Senate insist upon its amendment and agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. Hollings) appointed Mr. Muskie, Mr. Humphrey, Mr. Chiles, Mr. Metcalf, Mr. Percy, Mr. Roth, and Mr. Brock conferees on the part of the Senate.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 8:15 a.m., following a recess. After the two leaders have been recognized under the standing order, the distinguished junior Senator from Virginia (Mr. Spong) will be recognized for not to exceed 15 minutes, after which the distinguished junior Senator from Indiana (Mr. Bayh) will be recognized for not to exceed 15 minutes, after which the distinguished junior Senator from Oklahoma (Mr. Bellmon) will be recognized for not to exceed 15 minutes.

At no later than the hour of 9 o'clock a.m. the Senate will resume consideration of Senate Joint Resolution 241, the Interim Agreement on Offensive Missiles. In accordance with rule XXII, a cloture motion having been presented on yesterday, and in accordance with the order entered earlier, the 1 hour of debate under the rule will begin running at 9 a.m., and at 10 a.m. the Chair will ask the clerk to proceed with the establishment of a quorum.

Upon the establishment of a quorum, about 10:15 a.m. or 10:20 a.m., the clerk will call the roll on the motion to invoke cloture. That will be a yea-and-nay vote as required by the rule.

If cloture is not invoked the Senate will continue tomorrow with the debate on Senate Joint Resolution 241 and amendments thereto, if such are called up.

If a hiatus is reached, it being the desire of the Chair to put the question, I assume that the majority leader would propose that the Senate go to other business during the day tomorrow, for example, perhaps, the land use bill. In view of the fact that another cloture motion is waiting in the wings, it would then be voted on the following day, Friday. However, if cloture is invoked tomorrow, rule XXII will be applied fairly strictly, and the unfinished business will remain the unfinished business to the exclusion of all other business until it is disposed of. That would mean there would be several yea-and-nay votes on amendments tomorrow, I would suspect, and there is a fairly good chance that Senate Joint Resolution 241 would be disposed of tomorrow. If it is not disposed of in that event tomorrow, then it would spill over into Friday, and votes on amendments thereto would continue.

The cloture rule is like a bear trap, and once it is invoked, its claws never let up. Each Senator is, of course, restricted to 1 hour in all on the unfinished business, amendments or motions affecting the same.

So there will be yea-and-nay votes tomorrow in any event. There will be yea-and-nay votes Friday in any event.

Mr. President, I would almost bet my shirt that there will be a session this Saturday, and if there is a session, there will be yea-and-nay votes Saturday. All Senators will be notified in ample time, however, if there is a change in the wager I have just made.

RECESS UNTIL 8:15 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in recess until 8:15 a.m. tomorrow.

The motion was agreed; and at 6:31 p.m. the Senate recessed until tomorrow, Thursday, September 14, 1972, at 8:15 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, September 13, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He looked for a city which hath foundations, whose builder and maker is God.—Hebrews 11: 10.

Almighty God, our Father, from whom comes all good gifts and whose mercy attends us all our days, move within the hearts of these representatives of our people that they may realize anew the strength of Thy spirit and the life of Thy love. In all the duties of this day keep them ever mindful of Thy presence, eager to serve our country and ready to be of help to our fellow men.

Bless this Nation we love with all our hearts. Save her from violence and discord, from pride and prejudice, and from every evil way. Mold her citizens into a people united in purpose, seeking the good of all, and making righteousness and good will realities in our time.

To our President, our Speaker, our Members of Congress grant the spirit of wisdom that they may lead our country in the paths of peace, along the lanes of liberty to that kingdom which has foundations whose builder and maker Thou art.

In the spirit of Christ we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4383. An act to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3822. An act authorizing the city of Clinton Bridge Commission to convey its bridge structures and other asets to the State of Iowa and to provide for the completition of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State highway commission of the State of Iowa.

The message also announced that the Vice President, pursuant to Public Law 90-206, appointed Mr. Joseph Meglen, of Montana, and Mr. Bernard G. Segal, of Pennsylvania, as members of the Commission on Executive, Legislative, and Judicial Salaries.

THE LATE HONORABLE ROBERT RAMSPECK

The SPEAKER. The Chair recognizes the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Speaker, I appreciate your giving me the opportunity to address the House on a matter of very profound regret which has come to my attention, and this involves the death of the Honorable Robert Ramspeck, one of Georgia's great Congressmen, on September 10 of this year.

Most of us in the House, including the Speaker and myself, arrived after the time of the service of Mr. Ramspeck, but nonetheless it was my great privilege to have known him. Shortly after I arrived here in Washington, I called his home, since Mr. Ramspeck was born in Decatur, Ga., which is the principal city in my district. When he served in Congress, his district included the area which I now represent.

I feel in a very real sense that Mr. Ramspeck was my predecessor in the Congress. He did me the great honor and the great courtesy to come by my office and visit with me. His gentlemanly instincts and his great courtesy were most impressive at the time and even though he and I were of different political parties, I found that we were of like mind in our desire to be of service to our country and to our areas.

Mr. Speaker, Robert Ramspeck devoted a long and faithful life to the service of his country and to his beloved State of Georgia. He was a gentleman in the true sense of the term and was a tremendous asset to the U.S. Congress during his long tenure in the House of Representatives which extended from October 2, 1929, to December 31, 1945.

He served as Democratic whip of the House from 1942 to 1945. Mr. Ramspeck was well known as the guardian of civil service employees and served as chairman of the House Civil Service Committee for 10 years. Legislative employees will remember him for the "Ramspeck Act." In 1951, President Truman named him to head the Civil Service Commission, which he served until 1952.

The Georgia State Society prospered under his outstanding leadership as president in 1934 and 1935. He is also well remembered for his active participation in the founding of the Washington Heart Association in which he held a number of official positions.

Following his resignation from Congress in 1945, he became president of the Air Transport Association. In January of 1953, he became a vice president of Eastern Airlines, a position he served in until January of 1961.

Mr. Speaker, I want to also extend my condolences to his two daughters and want them to know that I share their sorrow while at the same time express my gratitude that a man such as Robert Ramspeck was with us for many years. Robert Ramspeck was fortunate in that he was given a long span of years for an active existence and he exceeded that of many of his colleagues in the House of Representatives. Many of them are still alive today and I know the number of eulogies would be far greater and the depths of sincerity would be expressed by everyone having the honor of serving with him if they were still with us. His reputation as an outstanding citizen won him a fond place in the hearts of all Americans.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to my colleague, the gentleman from Georgia.

Mr. LANDRUM. Mr. Speaker, I want to express my gratitude to the distinguished gentleman from the Fourth Congressional District of Georgia for bringing this to the attention of the House.

Bob Ramspeck was a great Georgian and a great American. I suspect that people who devote their lives to working in government, career civil servants, have had no better friend than Bob Ramspeck.

Bob was knowledgeable, he was articulate, he was loyal, he was fair, he was courteous and he was one of the most delightful gentlemen it has ever been my pleasure to know.

He lived a long and very useful life. Those of us who survive him express our gratitude for the many constructive accomplishments in the Federal Government that Bob Ramspeck helped to achieve. We join his family and his friends in expressing our gratitude to them for helping him in this service and we express our sorrow at his passing.

Mr. BLACKBURN. I thank the gentleman from Georgia for his comments.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the minority leader.

Mr. GERALD R. FORD. Mr. Speaker, although I was never privileged to serve in the House of Representatives during the many years that Bob Ramspeck served here so effectively, I did have an opportunity even as a newcomer to the Congress to have an exposure to his talents, his integrity, and his desire to serve the people of this country at the highest level and most exceptionally.

I join the two gentlemen from Georgia in extending to his family our deepest condolences.

Mr. BLACKBURN. I thank the minority leader for his comments.

Mr. FLYNT. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Speaker, I too would like to join in the expression of my sorrow at the announcement made by my colleague (Mr. BLACKBURN) of the death of a great American, a former Member of this House, the Honorable Robert Ramspeck. It was my privilege to know Mr. Ramspeck since I was a small boy. He and my father were good friends. They served together in the General Assembly in Georgia in 1927.

Mr. Speaker, Bob Ramspeck had a distinguished career of public service, including his 16 years as a Member of this House. At the time of his voluntary withdrawal from the House of Representatives he was Democratic whip. He was effective as a part of the leadership of the House, as he was effective as a Representative of his district and our State. He left the House to become president of the Air Transport Association. Subsequently Mr. Speaker, he became Chairman of the Civil Service Commission in which he was, as he had previously been while a Member of this House and chairman of the Committee on Civil Service, a recognized authority on civil service.

Bob Ramspeck was an outstanding Member of this body. He was an outstanding Georgian and a great American. He was my good friend.

Mr. Ramspeck's devoted and charming wife predeceased him several years ago. They were a devoted couple and they were the parents of two lovely daughters. To the daughters of Mr. Ramspeck, Mrs. Thomas Webb, Jr., and Mrs. Jarrell Judson, Jr., Patty and I extend our condolences and our heartfelt sympathy.

Mr. BLACKBURN. Mr. Speaker, I appreciate those words from my colleague.

Mr. HÉBERT. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, Bob Ramspeck was a highly respected Member of this Congress when I came to this body 32 years ago. As a young freshman Member of the Congress I came to know Bob Ramspeck very well. I admired the man as a great American and a great patriot. I served under him when he was the Democratic whip. I join in all of the eulogies that have been made with respect to Bob Ramspeck. For me to say the same things would only be repetition, but I can say that Bob Ramspeck deserves the greatest respect from those of us from Louisiana. Incidentally, he died in Louisiana. We shall never see a man whose stature exceeds that of Mr. Ramspeck in this body. I extend my deepest sympathy to the Ramspeck family.

Mr. BLACKBURN. I appreciate the gentleman's expressions.

Mr. THOMPSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Speaker, when we leave this world, we take with us none of our worldly possessions, but we leave behind everything, including our reputation, our deeds, and thoughts of others. I wish I could say that I knew Robert Ramspeck. I feel as though I do. He was a friend of my father's.

He is, I would say, the first Congressman that I as a boy remember anyone talking about to any great degree. Since I have been in Congress, among the many acquaintances that I have acquired I have found a universal respect for Robert Ramspeck. This is true of all people, high and low. I dare say that this is a true measure of a man, a man who was greatly respected by all those with whom he came in contact, a man who has left his mark in this world, a man who worked for the benefit of the people of the State of Georgia and for this Nation.

I should like to extend my sympathy to his family.

Mr. FISHER. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Speaker, I, too, knew Robert Ramspeck and served with him for quite a number of years in this body.

I think it is fair to say that he was one of the most able, one of the most respected, and one of the most honorable men who served here in the last two or three decades. He was a man of unusual knowledge, alertness, and he was assistant floor leader for quite a period of time. He was one of the real experts on Capitol Hill on matters pertaining to civil service and all aspects of it.

He was a friend of mine; he was a friend of practically all who knew him. We just do not find more likeable, more respectable people, more honorable people, than the late and lamented Robert Ramspeck.

I extend to his survivors my deepest sympathy in their bereavement.

Mr. BLACKBURN. I thank the gentleman for those words.

Mr. ARENDS. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Speaker, when I came to Congress, one of the first and finest gentleman I was ever privileged to meet was Bob Ramspeck, then a Representative from Georgia. Over the years in his service here we developed a warm and close friendship which I shall never forget. All of the very fine statements that have been made here today about Bob Ramspeck are richly deserved. He was one who I would refer to as a genuine person, an individual whom I was very proud to call my friend. He was an outstanding legislator, and one whom I had the pleasure of associating myself with in many of his legislative efforts, because most of the time—almost all of the time—we were aware that Bob Ramspeck was thinking of what was good for the country and what was the best thing to do for all.

He was a deliberate, conscientious, sincere, and dedicated public servant. He indeed served his country ably and well.

I, too, extend to his wonderful family my most sincere and deep sympathy in this their time of grief.

Mr. BLACKBURN. I thank the gentleman.

Mr. BRINKLEY. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Georgia.

Mr. BRINKLEY. Mr. Speaker, at the last meeting of the Georgia State Society, one of our most esteemed members, Mrs. Leone Buchholz, took me by the arm and led me over to where Bob Ramspeck was standing. We had a conversation, Bob and I, and impressed upon me was the fact that he was a true friend of the Georgia State Society and of its members. His long suit was his interest in other people, his contribution to civil service, and to his fellow man.

I certainly should like to express today the gratitude which I feel for the example of his life, and the sympathy which I feel for his family.

On behalf of my wife, Lois, and myself, I wish to offer sincere condolences to the family of Mr. Ramspeck.

Mr. ABERNETHY. Mr. Speaker, will the gentleman yield?

Mr. BLACKBURN. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. I thank the gentleman for yielding.

Mr. Speaker, during my early service here I had the privilege of serving with Bob Ramspeck, whom I regard as one of the most able men who ever came to this body. For a long number of years Bob was the able and popular chairman of the Civil Service Committee. I had the pleasure of serving under him as a member of the committee. He was an unusually fair chairman, never cutting any one off and according all who appeared a full opportunity to be heard.

His general service as a member of this body was something extraordinary. Always knowledgeable and well informed of matters pending before the House, he wielded great influence over the Members. They respected his judgment and appreciated his fairness. He was my personal friend. In fact, he was the friend of many. His passing is a great loss to all of us and to the country. His family has my deepest sympathy.

Mr. BLACKBURN. I appreciate the gentleman's remarks.

Mr. STUCKEY. Mr. Speaker, on Sunday, September 10, I was saddened by the news of the death of former Representative Robert Ramspeck. I am sure that all of us who knew him and the things that he stood for share my grief. Representative Ramspeck provided the former Fifth District of Georgia with capable and dedicated service from 1929 to 1945. During his career, Representative Ramspeck served as chairman of the House Civil Service Committee, vice president of the Air Transport Association of America, and was appointed by President Truman to head the Civil Service Commission.

A native of Decatur, Ga., his achievements and devotion to the people he represented are an inspiration—and an example—to all of us who are charged with the enormous responsibility of representing the citizens of this Nation here in Washington.

This is an age when events flow rapidly, history is made and is soon forgotten. We are concerned only with the present, and yesterday is the past. Let us pause to remember Representative Ramspeck, for this great Nation has lost a son, and we have all lost something that is most difficult to replace, a dedicated loyal brother whose love of country was supreme.

Mr. COLMER. Mr. Speaker, I would like to associate myself with the many tributes to our beloved former colleague, the Honorable Robert Ramspeck. This distinguished son of Georgia served his district, State, and the Nation well for over 40 years.

In preparation for the outstanding contribution he made as chairman of the House Civil Service Committee, and later as Chairman of the U.S. Civil Service Commission, Bob Ramspeck worked as a congressional secretary, a publisher, and a State legislator.

It has not been many months ago that Bob came back to join us on the House floor for the annual "Alumni Day." As his many friends would have expected, he was sharp and looked good as usual.

I served with this outstanding Georgian for over a decade and, like his other colleagues, I learned to respect and admire this mild-mannered, learned, effective legislator from the Fifth District of Georgia.

In closing, Mr. Speaker, I want to send my best wishes to his surviving children and grandchildren and share in their pride for the life of this great public servant.

GENERAL LEAVE

Mr. BLACKBURN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD regarding the passing of this much-loved and much-respected former Member.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

APPOINTMENT OF CONFEREES ON S. 976, MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 976) to promote competition among motor vehicle manufacturers in the design and production of safe motor vehicles having greater resistance to damage, and for other purposes, with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, STUCKEY, SPRINGER, and BROYHILL of North Carolina.

APPOINTMENT OF CONFEREES ON S. 3755, AMENDING AIRPORT AND AIRWAY DEVELOPMENT ACT OF 1970 AND FEDERAL AVIATION ACT OF 1958

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3755) to amend the Airport and Airway Development Act of 1970, as amended, to increase the U.S. share of allowable project costs under such act; to amend the Federal Aviation Act of 1958, as amended, to prohibit certain State taxation of persons in air commerce, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, JARMAN, DINGELL, HARVEY, and KUYKENDALL.

APPOINTMENT OF CONFEREES ON H.R. 4383, FEDERAL ADVISORY COMMITTEE ACT

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4383) to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. HOLIFIELD, MONAGAN, FASCELL, STEIGER of Arizona, and BROWN of Michigan.

TALKS BETWEEN REPRESENTATIVES OF NORTH KOREA AND SOUTH KOREA

(Mr. HANNA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HANNA. Mr. Speaker, I should like to salute the success of the talks that have just been concluded between the Red Cross representatives for North Korea and South Korea.

While all of us in the Congress have for a long time held a very strong appreciation for that great little ally, South Korea, many have looked with some trepidation and concern at the discussions which have gone on between these two entities.

However, I should like to point out that one of the great things which has come out of these talks is the unleashing of great good will and feelings between the Korean people on both sides of the DMZ. Those of us in Government sometimes get very involved in the forms and expressions of Government and forget that we are about the people's business. What is happening reminds us that the people are still very important. There is a strong bond on that peninsula called Korea between the people of North and South Korea, to transcend differences that have come up between the governments of the two places, and that bond is giving great expression to bring together a people who have been together over 2,000 years.

We must never fail to take note of genuine expressions of deeply held feelings by the citizenry of any country. Such an outpouring of emotion was evident in Seoul yesterday. A delegation from North Korea crossed the DMZ and proceeded to Seoul. On their way the crowds of South Korean people grew from handfuls in the villages to an enthusiastic throng in the streets of the South Korean capital. The emotional display of the South Koreans should not be misinterpreted. They override the political differences between north and south and are a genuine expression of commonality of culture and of family ties that yearn for reuniting.

It is imperative that the United States acknowledge the legitimacy of the deep-seated cultural forces crying for reunification. There are political barriers to reunification, true enough, but let us be cautious that we are not the source of those barriers. We must not let our feet get stuck in the cement of a Korean status quo. The demands for reunification by the Korean people are too strong for us to ignore.

A BILL TO PROHIBIT ISSUANCE OF SOCIAL SECURITY NUMBERS TO ILLEGAL ALIENS AND TO PROHIBIT ANY FORM OF WELFARE FOR SUCH ALIENS

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. FISHER. Mr. Speaker, I have introduced a bill (H.R. 16575) which would amend title II of the Social Security Act to prevent the issuance of social security numbers to aliens who are illegally in the United States, and to prohibit the payment of aid or assistance under approved State public assistance plans, or the provision of assistance in any form under any other Federal or federally aided program, to such aliens.

It is reported the Secretary of Health, Education, and Welfare has under consideration a proposal to make welfare benefits for illegal aliens mandatory. My bill would express the will of Congress that such expenditures will not be tolerated. It is reported the Secretary is troubled by court decisions on this general subject.

As I see it, social security numbers should never be issued to people unlawfully in this country, and my bill would put a stop to that practice.

Mr. Speaker, since the bracero contract labor program with Mexico was abandoned several years ago there has been a steady acceleration of aliens crossing the Rio Grande contrary to the law. When the contract bracero program went out the no-contract wetback program came in. This influx of immigrants has created serious problems in the southwest. A way must be found to stop this inflow, and I believe the bill I have introduced will, if enacted, be useful in that respect. At least it would remove some incentives now enjoyed by illegal aliens.

1971 ANNUAL REPORT OF THE ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-354)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and ordered to be printed, with illustrations:

To the Congress of the United States:

I herewith transmit the 1971 Annual Report of the St. Lawrence Seaway Development Corporation. This report has been prepared in accordance with Section 10 of Public Law 83-358 and covers the period January 1, 1971 through December 31, 1971.

RICHARD NIXON.

THE WHITE HOUSE, *September 13, 1972.*

TRAFFIC ACCIDENTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92-355)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed, with illustrations:

To the Congress of the United States:

This Administration has serious and growing concerns about the tragic number of traffic accidents that each year exact a heavy toll in human life and suffering and economic loss in our society.

Nearly half of the 115,000 annual accidental deaths in America are due to transportation accidents, and regrettably most of the transportation accidents occur on our streets and highways.

To these 55,000 annual traffic deaths must be added the nearly four million injured each year in traffic accidents. Many of the injured suffer permanent disabilities.

The traffic death and injury toll is alarming enough. But when we add to this the $46-billion annual drain on our economy from lost wages, medical expenses, legal fees, insurance payments, home and family care, and other expenses, we realize that we must do more to cut our human and economic losses.

The Federal Government is providing

leadership and some financial assistance to reduce the losses. And much has been done by States, communities, industry and private organizations. But we must all resolve to do even more to cut this tragic waste of human life and economic drain.

The Reports of the National Highway Traffic Safety Administration transmitted with this letter have been prepared in accordance with the Highway Safety Act of 1966, as amended, and with the National Traffic and Motor Vehicle Safety Act of 1966, as amended. They describe basic causes and effects of this problem and efforts of Federal, State and local governments to alleviate it.

Much progress has been made in recent years. For example, the rate of death per 100 million vehicle miles driven has declined from 5.5 in 1967 to 4.7 in 1971. This is an annual decrease of 3.85 percent and a five-year decrease of 14.55 percent. Had the old rate continued, 65,000 persons would have died in traffic accidents in 1971, 10,000 more than the actual number. We can also take some comfort that traffic deaths have decreased in spite of the fact that we now have more cars, more drivers, more cyclists and more pedestrians on our roads.

But progress is no cause for complacency. We must work even harder to make our highways and cars safer, to educate drivers and pedestrians and to clear our roads of drunken drivers, who are the cause of approximately half the traffic deaths each year.

The three volumes of these reports taken together map our progress in this important area, and I hope they will be read closely by Members of the Congress. Your continued support will be required to back up our national commitment to make our highways and vehicles safer for all Americans.

RICHARD NIXON.

THE WHITE HOUSE, *September 13, 1972.*

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 15495, MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. COLMER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1115 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1115

Resolved, That immediately upon the adoption of this resolution, clause 2, rule XXVIII to the contrary notwithstanding, it shall be in order to consider the conference report on the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic-missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and all points of order against sections 605 and 608 of said conference report are hereby waived.

The SPEAKER. The gentleman from Mississippi is recognized for 1 hour.

Mr. COLMER. Mr. Speaker, I yield the usual 30 minutes for the minority to the very able and distinguished gentleman from Nebraska (Mr. MARTIN). Pending the use of that time, I yield myself such time as I may consume.

Mr. Speaker, I shall be very brief in the presentation of this resolution.

This is a rule making in order the consideration of the conference report and waiving points of order in three instances: One, the 3-day rule; and two instances where nongermane amendments have been added by the other body. Mr. Speaker, this bill as agreed upon in the conference report comes to a total of some $20½ billion, roughly. That is a lot of money. But, we are living in a time and an era when we have to have protection for our Government and our country and our institutions.

Mr. Speaker, I want to congratulate the able and distinguished chairman of the Armed Services Committee of the House, Mr. HÉBERT; the gentleman from Illinois, the majority ranking member, Mr. ARENDS, and other members of this valuable committee for the work that they have done.

Mr. Speaker, I wish to thank them particularly and to congratulate them for all the work they have done in eliminating this so-called end-the-war provision. I hope this is finally the end of this attaching of riders and other kinds of recommendations and fine sounding sentiments about ending the war. I think everybody is trying to end the war; those in authority, and if we could just have a cessation of these attacks upon what is trying to be done, I think we could get the war over with sooner.

In that connection, if we could also keep some of our visiting people, who are so welcome in Hanoi, at home, it would be helpful.

I should also like to extend my congratulations to the committee for the work that they have done in eliminating seven of the nine nongermane amendments that were put in by the other body.

Mr. Speaker, in that connection, as a few of my colleagues here may be aware, that is one thing some of us have been trying for years to do something about. Personally, I have been a Member of this body for a long time, and I have been trying for more than a quarter of a century to do something about stopping the other body from putting extraneous and unrelated and nongermane amendments upon House-passed bills that come back here, and the House has no opportunity to consider them. I hope that within the next few days we will be able to bring to you a resolution that would do something about that.

I do not have to remind this House that we have seen the sorry legislative spectacle of a private bill, not on one occasion, but on many occasions, or some other comparatively minor bill, passing this House and then having some major piece of legislation added to it that is completely unrelated as well as nongermane, coming back over here, and then we have to take it or kill the conference report.

So we hope, as I say, that is, the Committee on Rules, to bring in a resolution in the next few days that would stop that procedure. The very fact that we have been working on that is illustrated in the fact that the House conferees were able to get seven of these nongermane amendments out of this particular bill.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Mississippi has explained, House Resolution 1115 provides for waiving points of order in three instances. First, in regard to the 3-day rule on conference reports. The conferees completed their action last Friday. The conference report was filed on Monday. As a consequence it could not be brought up for consideration today unless the 3-day rule was waived.

The other two points of order were waived on sections 605 and 608.

In connection with section 605 this is relating to the continuation of submarine pay to operational command staffs. The House had unanimously passed this legislation in identical form on November 1, 1969, as H.R. 82 of the 91st Congress. Unfortunately, the Senate failed to act on the legislative proposal, and it died with the termination of the 91st Congress.

Briefly stated, at the present time the law requires that the staff personnel must accumulate 48 hours of underway time during each calendar month in order to retain eligibility for submarine incentive pay.

Under the provisions of this amendment, these personnel would be permitted to "bank" underway time and thus accumulate sufficient underway time so as to preclude the necessity for going to sea every month to retain eligibility for the continuation of this pay.

The second amendment relating to the sale of military equipment to the State of Israel (section 608) on which points of order have been waived, was originally enacted into law as a consequence of action taken in conference by the Armed Services Committee with the other body in 1970. That conference report, filed on September 26, 1970, provided authority for the sale of military equipment to the State of Israel until September 30, 1972—Public Law 91–441.

The action taken by the conference committee would simply extend this authority until December 31, 1973.

As a consequence, Mr. Speaker, you can see that the House has previously taken action on both of these sections on which the Committee on Rules has waived points of order.

Mr. Speaker, I support the rule and urge its adoption.

Mr. COLMER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McKINNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members and the Clerk will call the roll.

The question was taken; and there were—yeas 347, nays 23, not voting 61, as follows:

[Roll No. 360]

YEAS—347

Abbitt
Abernethy
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashley
Aspin
Badillo
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Biester
Blackburn
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dow
Downing
Dulski
Duncan
du Pont
Dwyer
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Keith
King
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Scott
Sebelius
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—23

Abzug
Ashbrook
Bingham
Clay
Dellums
Drinan
Edwards, Calif.
Gross
Hall
Hammerschmidt
Harrington
Hechler, W. Va.
Kastenmeier
Koch
Landgrebe
Nix
Rangel
Rees
Riegle
Rosenthal
Rousselot
Seiberling
Steiger, Wis.

NOT VOTING—61

Abourezk
Anderson, Tenn.
Aspinall
Baker
Baring
Bell
Bevill
Blanton
Blatnik
Boggs
Brotzman
Broyhill, N.C.
Camp
Carney
Cederberg
Chisholm
Collier
Conyers
Davis, Wis.
de la Garza
Delaney
Dingell
Dorn
Dowdy
Edmondson
Esch
Evins, Tenn.
Ford, William D.
Galifianakis
Gallagher
Hansen, Wash.
Hathaway
Hawkins
Jonas
Kemp
Lloyd
Long, La.
McDonald, Mich.
McEwen
McMillan
Macdonald, Mass.
Mikva
Miller, Calif.
Nelsen
Passman
Pelly
Pucinski
Reid
Rooney, N.Y.
Ryan
Schmitz
Schwengel
Shriver
Springer
Stokes
Thompson, Ga.
Ullman
Vander Jagt
Whalley
Wiggins
Wilson, Bob

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Cederberg.

Mr. Blatnik with Mr. Nelsen.

Mr. Boggs with Mr. Bob Wilson.

Mr. Bevill with Mr. Baker.

Mr. Macdonald of Massachusetts with Mr. Esch.

Mr. Mikva with Mr. Bell.

Mr. Delaney with Mr. McEwen.

Mr. Dingell with Mr. Brotzman.

Mr. Passman with Mr. Shriver.

Mr. Reid with Mr. Kemp.

Mr. William D. Ford with Mr. Collier.

Mr. Evins of Tennessee with Mr. Lloyd.

Mrs. Chisholm with Mr. Abourezk.

Mr. Dorn with Mr. Broyhill of North Carolina.

Mr. Ullman with Mr. Schwengel.

Mr. Stokes with Mr. Miller of California.

Mr. Conyers with Mr. Pucinski.

Mr. Blanton with Mr. Camp.

Mr. Anderson of Tennessee with Mr. Springer.

Mrs. Hansen of Washington with Mr. Vander Jagt.

Mr. Hawkins with Mr. Gallagher.

Mr. Hathaway with Mr. Davis of Wisconsin.

Mr. Ryan with Mr. Pelly.

Mr. Galifianakis with Mr. Whalley.

Mr. Carney with Mr. McDonald of Michigan.

Mr. Edmondson with Mr. Jonas.

Mr. de la Garza with Mr. Schmitz.

Mr. Aspinall with Mr. Thompson of Georgia.

Mr. Baring with Mr. Wiggins.

Mr. Long of Louisiana with Mr. McMillan.

Mr. DOW changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 14370. An act to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14370) entitled "An act to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTIS to be the conferees on the part of the Senate.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 14370, REVENUE SHARING

Mr. MILLS of Arkansas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 14370) to provide payments to localities for high-priority expenditures, to encourage the States to supplement their revenue sources, and to authorize Federal collection of State individual income taxes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. FRASER. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Minnesota reserves the right to object.

Mr. FRASER. Mr. Speaker, I reserve the right to object, but I shall not object. I do, however, want to take this opportunity to indicate my grave concern about the impact of the Senate social services amendments.

All of us, I think, recognize the need for a spending limitation on the social services authorized under the Social Security Act. But the Senate has not merely imposed controls. It has taken a meat ax to the entire program. It has completely abolished aid for the mentally retarded, counseling for drug addicts, homemaking services for the elderly, and other needed social service efforts in thousands of communities throughout the country.

Under the Senate bill, all that remains of social services after this year will be a narrowly defined program of family planning and day care aid for welfare families. The retarded, the elderly, and others with social needs will be left out in the cold.

The Senate action means that most States will lose needed Federal aid and some will lose more than they gain under revenue sharing. In my State, Minnesota, we will receive $133.5 million from the Senate bill beginning in fiscal 1974 but we will lose as much as $72 million in social service funds at the same time. The Senate bill means a net revenue gain of $61 million for us while the House bill, which does not get entangled with the social service issue, will bring us $114 million.

Even what little social service that remains in the bill, $600 million in fiscal year 1974, would not be very helpful because of administrative complications. Currently social service programs are operated mainly by State agencies. In some States, like my own, the counties also play an important role. But the Senate bill gives the social services money to all jurisdictions that now qualify for aid under the other provisions of the revenue sharing bill. This means that every eligible village and township will get a few extra dollars to set up programs that should be administered on a more centralized basis.

Mr. Speaker, Senate social services amendments will only succeed in disrupting needed community programs intensifying the financial crisis facing State and local governments. I hope the House conferees will make sure that we are protected from this potentially disastrous Senate action.

Mr. MILLS of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. FRASER. I will be glad to yield to the gentleman from Arkansas.

Mr. MILLS of Arkansas. Mr. Speaker, I will state to the gentleman from Minnesota that we will certainly bear in mind the gentleman's statement when we go to conference.

Mr. FRASER. Mr. Speaker, at this point I would like to insert in the RECORD a chart which indicates the cutback in fiscal year 1974 social service funding below the spending level currently projected by the States for fiscal year 1973. This loss will be partially offset by the allocation of $600 million for family planning and day care.

The chart follows:

Social Service Funding Loss Under Senate Revenue Sharing Bill

[In thousands]

Alabama	$135,000
Alaska	18,971
Arizona	6,304
Arkansas	8,750
California	273,007
Colorado	30,603
Connecticut	22,912
Delaware	26,361
District of Columbia	20,798
Florida	113,572
Georgia	206,475
Hawaii	2,588
Idaho	24,871
Illinois	211,603
Indiana	20,000
Iowa	13,500
Kansas	7,415
Kentucky	30,024
Louisiana	34,875
Maine	6,665
Maryland	415,721
Massachusetts	95,952
Michigan	108,912
Minnesota	72,375
Mississippi	269,393
Missouri	16,910
Montana	3,270
Nebraska	12,600
Nevada	1,980
New Hampshire	4,857
New Jersey	415,944
New Mexico	32,404
New York	854,850
North Carolina	50,904
North Dakota	3,957
Ohio	90,000
Oklahoma	48,496
Oregon	25,153
Pennsylvania	106,469
Rhode Island	15,800
South Carolina	176,224
South Dakota	2,929
Tennessee	227,625
Texas	179,468
Utah	5,250
Vermont	2,599
Virginia	32,136
Washington	90,571
West Virginia	14,771
Wisconsin	58,500
Wyoming	608
Total	4,590,000

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas, The Chair hears none, and appoints the following conferees: Messrs. MILLS of Arkansas, ULLMAN, BURKE of Massachusetts, Mrs. GRIFFITHS, Messrs. BETTS, SCHNEEBELI, and BROYHILL of Virginia.

MILITARY PROCUREMENT AUTHORIZATION, 1973

Mr. PRICE of Illinois. Mr. Speaker, I call up the conference report on the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 11, 1972.)

Mr. PRICE of Illinois (during the reading). Mr. Speaker, in view of the fact that the conference report has been printed, I ask unanimous consent to dispense with the further reading of the statement of the managers.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. PRICE).

Mr. PRICE of Illinois. Mr. Speaker, I rise in support of the conference report on H.R. 15495 and urge its approval by the House.

H.R. 15495 is the bill which provides the authorization for annual appropriations for the armed services for the procurement of weapons, R.D.T. & E., and active and reserve personnel strengths for fiscal year 1973.

The bill, with recommended amendments, as presented to the Congress by the Department of Defense included programs totaling $23,272,971,000;

The bill as passed by the House totaled $21,318,788,250;

The bill as passed by the Senate totaled $20,521,671,000;

The bill as agreed to in conference totals $20,943,847,000; and

The figure arrived at by the conferees is $2,329,124,000 less than the amount requested by the Department of Defense.

I will not attempt to make a line item review of the action taken by the conferees in resolving the differences between the two Houses. This is adequately taken care of in the conference report and the joint statement of managers which is available to the Members, House Report No. 92–1388, and was presented in the CONGRESSIONAL RECORD of September 11. However, I think it pertinent that I review some of the highlights of the conference committee action.

In respect to the money differences, the following actions were taken:

AV–8A Harrier aircraft: Approved House total of $133.1 million for the procurement of 30 aircraft for the Marine Corps, rejecting a Senate deletion.

A–7D, F–5B, and C–130 aircraft: Approved House version totaling $152 million to procure the minimum quantity necessary to keep production lines open, thus avoiding heavy startup costs resulting in a break in production.

C–5A aircraft: Approved the Senate total of $107.6 million reflecting a reduction of $100 million on the grounds that this additional amount would not be needed during fiscal year 1973.

Airborne command post: Approved $155.9 million for procurement and R. & D. for four aircraft recommended by the Senate rather than the six aircraft previously approved by the House.

Safeguard system: Approved a Senate total of $555.5 million for military procurement and research and development—a reduction of $245 million from the House approved bill.

In addition, the conferees agreed upon language restricting deployment authority to Grand Forks, N. Dak., only and prohibiting the initiation of work on a site in the vicinity of Washington, D.C., to protect the National Command Authorities.

ATS rescue and salvage ship: Approved $31 million for one ship rather than two contained in the original House bill.

R.D.T. & E.: Approved $8,516,547,000 which is $255,200,000 less than was requested by the Department of Defense.

The House receded from its position of a percentage cut across-the-board and with specific restrictions on the military sciences budget activities of the three services.

The Senate made reductions to specific programs which are identified in the conference report.

The conferees approved the Senate approach making certain adjustments to restore reductions in several programs. These are identified on pages 16, 17, and 18 of the conference report.

SALT-related adjustments: Approved $60 million of the $110 million requested by the Department of Defense, rejecting the House approval of $20 million for the improved reentry vehicles associated with our ballistic missile program; reduced the Navy submarine-launched cruise missile from $20 to $10 million; approved $40 million of the $60 million requested for the site defense program associated with the protection of Minuteman missiles; and approved the full amount of $10 million requested for improving our military communications, command, and control capabilities.

LANGUAGE DIFFERENCES

Again this year the House and Senate versions of the bill contained numerous language differences.

The Senate, in acting on H.R. 15495, struck all after the enacting clause and substituted new language in the form of an amendment. This new language reflects both committee action as well as a number of floor amendments, some of which apparently are in conflict with the House rule on germaneness.

Specifically, the Senate amendment included nine provisions which, in my opinion, are in violation of the spirit and intent of clause 3 of rule XX.

Your House conferees attempted to reject every one of these nine provisions pointing out that they constituted a violation of the House rules. The Senate capitulated on seven of these nine provisions, and the House found it necessary to accept two of these provisions in order to insure a successful conclusion of the conference.

The two provisions which are in the conference report and appear to be in conflict with the House Rules on germane amendments are section 605 of the Senate amendment relating to submarine duty pay (section 605 of the conference report). And the second is in section 608, section 608 of the conference report, a provision extending the existing statutory authority for the transfer of military equipment to the State of Israel.

In both instances, the House had previously acted favorably on the subject matter of these amendments.

In the case of the language relating to the continuation of submarine pay to operational command staffs, section 605, the House had unanimously passed this legislation in identical form on November 3, 1969, as H.R. 82 of the 91st Congress. Unfortunately, the Senate failed to act on the legislative proposal and it died with the termination of the 91st Congress.

Briefly stated, at the present time the law requires that these staff personnel must accumulate 48 hours of underway time during each calendar month in order to retain eligibility for submarine incentive pay.

Under the provisions of this amendment, these personnel would be permitted to "bank" underway time and thus accumulate sufficient underway time so as to preclude the necessity for going to sea every month to retain eligibility for the continuation of this pay.

The second amendment relating to the sale of military equipment to the State of Israel, section 608, was originally enacted into law as a consequence of action taken in conference by this committee with the Senate in 1970. That conference report, filed on September 26, 1970, provided authority for the sale of military equipment to the State of Israel until September 30, 1972, Public Law 91-441. The action taken by the conference committee would simply extend this authority until December 31, 1973.

Mr. Speaker, your conferees met 11 times in attempting to resolve the disagreements with the Senate. The result of these conferences is a very fair and equitable compromise. I urge approval of the conference report.

Mr. ARENDS. Mr. Speaker, the Armed Services Committee brings this conference report back after a very long and difficult—but very successful—conference.

The bill as approved by the conferees totals $20,943,847,000. This is a reduction of approximately $2.3 billion below the amount requested by the Department of Defense. However, it should be recognized that some $973.4 million of the request was submitted too late for consideration and was, in effect, passed over without prejudice by the conference.

As Members of the House know, we are faced annually with the problem of amendments adopted in the Senate, often as floor amendments without any committee study, which are not germane and are, therefore, in violation of the House rules. The Senate, as you know, has no rule of germaneness. As Peter Finley Dunne once said:

> The Senate is ruled by courtesy, like the longshoremen's unions.

In response to the clearly expressed desires of the House in the past, your conferees were very stalwart in their opposition to nongermane Senate amendments. There were nine in the Senate version of the bill. We managed to get seven of those struck out in conference. The two we retained were the amendments regarding crediting of sea-duty time for submarine pay, which was contained in a bill previously passed by the House and an amendment continuing the authority for credit sales to Israel. Neither of these items required any increase in the budget authorization.

I am particularly happy to note that we were successful, after a very extended discussion, in getting the Senate conferees to recede on the so-called Brooke amendment attached to their bill which contained yet another version of the call for immediate withdrawal of U.S. forces from Indochina. No single subject in the bill evoked as much discussion. In resisting this amendment, the House conferees were clearly responding to the wishes of the House which, on August 10 of this year, rejected a so-called "end-the-war amendment" with a specific withdrawal date similar to the Senate amendment. The House vote against that proposal was 228-178. House conferees pointed out that there was already embodied in permanent law legislative provisions passed last year which adequately reflect the objectives of the Congress concerning the termination of hostilities in Southeast Asia without tying the hands of the President in his efforts to terminate our military operations in Indochina at the earliest practical date.

Mr. Speaker, the gentleman from Illinois (Mr. PRICE) has explained the conference report and I will not take any further time of the House to repeat the details here. I believe we have an excellent bill that fully upholds the position of the House, and I urge immediate adoption of the conference report.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Speaker, I have received a letter from a constituent which includes a copy of an item in Parade magazine containing this question:

> Q. Lockhed Aircraft Corporation which the Government had to rescue from bankruptcy with a $250 million loan is one of the worst-managed corporations in America. Yet I understand, it has raised the pensions of its top executives from $40,000 to $65,000 per year. Can you verify or deny?
>
> A. The firm's stockholders recently voted to increase pensions for Lockheed Chairman Daniel J. Haughton and other company officials from $3,333.33 per month to $5,416.66 per month, retroactive to Christmas day, 1971.

Mr. Speaker, I understand there is money for the C-5A in this bill, is there not?

Mr. ARENDS. Yes.

Mr. YATES. I also read from a newspaper item which reported what the conference had done. One of the statements in this article, and I would like the gentleman to comment on this, says:

> The conferees agreed to a tax concession worth $4.4 million to the Lockheed Aircraft Corp. in its production of the controversial C-5A cargo plane "which can carry 85 percent of everything the Army uses."
>
> In addition to authorizing $107 million for completion of the C-5A contract, the bill allows Lockheed to claim up to $4.4 million in plant and equipment depreciation for income tax purposes. Up until now, such depreciation has been barred, Stennis said.

Will the gentleman explain what is meant by the Lockheed tax benefits that are granted under this conference report?

Mr. ARENDS. Mr. Speaker, I have in mind what the gentleman is talking about and I am somewhat knowledgeable about it, but I want to ask the gentleman from California (Mr. GUBSER) to reply to that question.

Mr. GUBSER. Mr. Speaker, I would say to the gentleman from Illinois that the term "tax concession" renders that entire article as any reader would interpret it to be a complete falsehood. Let me give the gentleman the history of this situation. The gentleman will recall that there were certain items in court and in controversy with respect to the C–5A and certain claims being made by Lockheed against the Government.

This was settled, and the claims were withdrawn. An agreement was reached between the Government and the Lockheed Corp. that Lockheed would be forced to absorb a fixed $200 million loss on the C–5, and that in the future all costs would be audited, proper costs would be allowed, and Lockheed would still have to take a $200 million loss.

This language of the Senate Bill to which the gentleman refers prevented any recovery of cost for independent research and development, for bid and proposal, for other technical effort, and for depreciation.

The first time the language was inserted in the Senate bill was when the controversy was still going on, and the court settlement or the agreement and the contract had not been promulgated. Unfortunately the language was continued in the next year. So Lockheed was singled out, and unlike any other contractor in the whole defense picture, was told that although depreciation and bid and proposal and independent research and development are allowable and legitimate costs for every business in the United States, that you, Lockheed, are going to have to be punished further, and you cannot recover these legitimate costs which are allowed to everyone else.

So in the next year, the last fiscal year, the one just completed, this amounted to the Government actually amending its contract with Lockheed unilaterally and instead of the $200 million fixed loss, as the parties agreed upon, Lockheed suffered a $211 million fixed loss.

This year the House did not put any such language in the bill. In fact, we never have, but the Senate added section 603 which again continued this punitive extra punishment, which was placing loss upon loss when the amount of the fixed loss had been agreed upon.

We argued this back and forth.

Some of us felt that bid and proposal, other technical effort, independent research and development, and particularly depreciation, ought to be allowed as a cost, just as it is to everyone.

I might point out that there are over $100 million in debentures which have been sold by the Lockheed Corp., for purchase of capital equipment which is peculiar only to the C–5A. The day the last C–5A rolls off of that production line, that $100 million is going to be $1 worth of junk. They have got to repay these debentures which they have sold in the market, and the only way they can repay them is through recovering part of it as depreciation. So it is not a concession to allow Lockheed to take off depreciation as a legitimate cost; it is only the right which is given to every facet of American industry, both in defense and out of defense.

Mr. YATES. Mr. Speaker, will be gentleman yield?

Mr. ARENDS. I yield to the gentleman from Illinois.

Mr. YATES. With respect to that point, is not the question of depreciation and the allowability of expense for production usually within the judgment of either GAO or of the Internal Revenue Service?

Mr. GUBSER. And it will be under the terms of the bill as it is now before you. They will have to come in and prove depreciation as an allowable cost. They will have to prove it, and if it is not provable, it will not be allowed.

Mr. YATES. The gentleman is saying that the statement that appears in the newspaper as to what the conferees agreed upon is not accurate in that it asserts that Lockheed received a tax concession?

Mr. GUBSER. Yes; if it is interpreted as being a concession, it is absolutely false. It is only allowing them what any other business has. It amounts to this: Are we going to sit here in Congress and abrogate and amend contracts which have been entered into by the Government, and then say for the future that depreciation is not an allowable cost?

That is exactly what we would be doing if we did not maintain the House position.

Mr. YATES. The gentleman is asserting, then, that the conferees did not allow the claim as such but, rather, gave Lockheed the opportunity to make the claim before appropriate Government agencies for deductibility?

Mr. GUBSER. That is exactly right. It allowed Lockheed to be treated the same as any other business so far as its relation with the Defense Department is concerned as it pertains to depreciation.

Mr. YATES. Can the gentleman answer my other point with respect to the Lockheed increase in pension benefits versus executives?

Mr. GUBSER. I am sorry; I cannot.

Mr. YATES. So far as the gentleman knows, the assertion of the newspaper is correct?

Mr. GUBSER. I do not know.

Mr. YATES. May I ask the gentleman whether there is money in the bill for continuation of the B–1 bomber development?

Mr. PRICE of Illinois. There is, yes. There is an authorization for appropriation for the B–1. That was not in disagreement.

Mr. YATES. Is there money in the bill for continuation of the construction of the LHA program?

Mr. PRICE of Illinois. There is no authorization for the LHA program. It was not in disagreement.

Mr. YATES. Is there any money in the bill for construction of an ABM site at Grand Forks, N. Dak.?

Mr. PRICE of Illinois. We receded on the Senate language on the ABM.

Mr. YATES. What would the effect of that be, to limit construction of the ABM to Grand Forks?

Mr. PRICE of Illinois. Yes. To that one site at Grand Forks, N. Dak.

Mr. YATES. One site?

Mr. PRICE of Illinois. Grand Forks only.

Mr. YATES. Then the District of Columbia proposed Washington, D.C., site has not been authorized?

Mr. PRICE of Illinois. That is correct.

Mr. YATES. Does this eliminate authorization for research on the Washington, D.C., site, as well?

Mr. PRICE of Illinois. That is right.

Mr. YATES. I thank the gentleman.

Can the gentleman tell the House how much money is in this bill for the continuation of the war in Southeast Asia?

Mr. PRICE of Illinois. There is nothing in here specifically for Southeast Asia.

Mr. YATES. Are there no funds to carry on the war?

Mr. PRICE of Illinois. This is a procurement authorization bill. It does not carry funds of that nature. There are no funds in here specifically for operations in Southeast Asia. That would be under the O. & M. portion of the appropriations which does not require prior authorization.

Mr. YATES. I thank the gentleman.

Mr. ARENDS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GUBSER).

Mr. GUBSER. Mr. Speaker, I know I reflect the feelings of the House conferees when I draw attention to the fact that our distinguished chairman, the gentleman from Louisiana (Mr. HÉBERT), was not able to be present at the conference and in his stead the gentleman from Illinois (Mr. PRICE) chaired the conference. I am sure I speak for all of my colleagues when I compliment him for the excellent job he did.

I thought the House fared very well in this conference, and a great share of the credit is due to the gentleman from Illinois.

Now let me deal briefly with another subject. My colleague from California, the Honorable BOB WILSON, and I are privileged to represent considerable numbers of military retirees. We believe that a grave injustice has been done to the many thousands who serve honorably with the promise of the right to recompute their retirement pay on the basis of current active duty pay. For this reason, we supported the Hartke amendment and were keenly disappointed that it was rejected by the conferees.

The amendment was faulty in its draftsmanship and the cost estimates varied from a low of $10 billion to $19 billion.

The conferees recognize that an injustice has been done and all would like to corerct that injustice but because the amendment had defects, because it was impossible to estimate the cost and because it was not germane to the House-passed bill, it was decided that the most sensible course was for each committee to hold immediate and extensive hearings on the subject. Chairman HÉBERT has already fulfilled a portion of this promise and has assigned the subject to a subcommittee. The chairman of that subcommittee, the gentleman from New York (Mr. Stratton), has already announced that hearings will commence within the next 2 weeks.

Mr. Wilson and I would like to have seen the matter settled by adoption of the Hartke amendment with perfecting amendments. But since this was not possible, we shall devote our efforts to presenting the best possible case for the restoration of recomputation during the forthcoming hearings.

We both commend Chairman Hébert for taking this action and we look forward to a permanent settlement of this most difficult and complex problem.

Mr. PRICE of Illinois. I thank my colleague from California for his kind remarks. Of course, I had support from both sides of the aisle in the conference.

Mr. FRENZEL. Mr. Speaker, I am pleased that the conference committee report is, in all respects, an improvement over the House bill previously passed.

Stricter costs and procurement constraints have been added for the Navy 214 aircraft; $20 million has been reduced from the Air Force ABRES program. The Safeguard ABM site for Washington has been stricken completely. ABM deployment is now limited only to one North Dakota location.

I am also very pleased to see in the conference report an extension of the Presidential authority to sell jets to Israel. These improvements make it easier for me to support the conference report on H.R. 15495, and I congratulate the conference committee on a job well done.

I note that the final authorization is about $2.3 billion under the budget request. This is a reduction of about 10 percent on the original $23-plus billion request, and is in marked contrast to the HEW appropriation—$1.8 billion over budget—and the Agriculture-EPA appropriation.

Mr. FRASER. Mr. Speaker, it was easier for me to vote against H.R. 15495 on June 27, when the House passed the fiscal 1973 military procurement authorization, than it is for me to vote today against the version of H.R. 15495 reported by the conferees.

The conferees have improved upon the House bill: Authorization of funding for the National Command Authorities—NCA—antiballistic missile site in the Washington area was eliminated, and use of prior-year funds for the NCA-ABM is precluded; section 501 of Public Law 91-441, authorizing the President "to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East" was extended from September 30, 1972, to December 31, 1973; the total authorization of $20.9 billion is $2.4 billion less than the $23.3 billion administration request, and is less than the House-passed bill authorized; and a $20 million authorization sought by President Nixon for the Air Force ABRES program for an improved reentry vehicle was eliminated.

But while this bill before us today is a better bill, the changes, except for the extension of section 501 of Public Law 91-441, are minor modifications of a basically unsound bill.

Strategic weapons programs are unwisely accelerated or continued without need. And the need to end our military involvement in Indochina remains unattended.

Mr. Speaker, I continue my support for adequate military aid to Israel so that she can defend herself. Congressional support for this policy is deep and independent of political ideology and party. My failure to vote for this bill in no way undermines Israel's security for the defeat of this bill would not herald the end of military aid for Israel.

But, my vote against this bill does protest other policies and programs which should meet a permanent end. First among these is our involvement in Indochina.

Mr. KOCH. Mr. Speaker, I intend to vote "no" on the conference report on the Defense Department appropriatons for fiscal year 1973. I voted against this same bill when it was first passed by the House. The objections I had then to the bill have not been met by the conference committee, and very important, it does not include the end-the-war amendment.

The conference committee did add a provision to the bill to extend for 2 years the President's authority to provide aircraft and equipment to Israel. The President's authority to undertake credit sales to Israel expires on September 30, 1972. The Senate provision which is now included in the conference report would extend the authority to December 31, 1973.

Mr. Speaker, those familiar with my record on Israel know that I not only support this provision, as I did when the foreign aid bill passed the House, but also believe that the United States should give grants to Israel for needed military purchases, instead of loans, as we do other allies.

We all know that this House and the Senate favor overwhelmingly providing these credits for Israel to enable it to buy arms and planes. If today's bill is defeated, the Senate will add this same extension of Presidential authority to its foreign aid bill which has already been passed by the House.

Mr. ANDERSON of California. Mr. Speaker, I rise to reluctantly vote for the adoption of the conference report on H.R. 15495. I do so with mixed emotions, as I realize the overall importance of this legislation, but I deeply regret the conference committee's action to delete the recomputation amendment.

Mr. Speaker, on August 1, the Senate adopted an amendment to H.R. 15495, which reestablished the principle of recomputation for retired military pay.

As the author of H.R. 4330, a bill to allow our retired military personnel to recompute their retired pay on the basis of today's active duty pay scales, I hailed the Senate move as a step toward providing equity for retired servicemen.

However, the conference committee, which was appointed to iron out the differences in the House and Senate versions of H.R. 15495, decided to delete the recomputation amendment.

The many retired military men who have served our country and who have given of their minds, bodies, and years—none of which can be replaced—certainly deserve no less than equity in their retired pay. Thus, I am deeply disappointed by the decision to delete recomputation.

Mr. Speaker, since 1958, when the retirement pay system was switched, a tremendous gap in retired pay has grown between the retirees of the same grade and years of service.

In short, it has created a marked inequality among peers—an inequality that will continue to widen unless Congress restores the traditional system of computing retired pay on the basis of current active duty rates.

But, there is a silver lining to this story. Hearings will be held in the very near future on proposals such as my bill, H.R. 4330. Hopefully, these hearings will result in legislation which, not only reestablishes the principle of recomputation, but, also increases benefits across-the-board for those who have given so much in the service of our country, and now wish to live out their remaining years in peace and dignity.

Mr. PRICE of Illinois. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 336, nays 43, answered "present" 1, not voting 51, as follows:

[Roll No. 361]

YEAS—336

Abbitt
Abernethy
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Biester
Blackburn
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Downing
Dulski
Duncan
du Pont
Dwyer
Edwards, Ala.

Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Heckler, Mass.
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Kee
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nichols
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Sebelius
Seiberling
Shipley
Shoup
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Wampler
Ware
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—43

Abzug
Aspin
Badillo
Bingham
Burton
Carey, N.Y.
Chisholm
Clay
Collins, Ill.
Conyers
Culver
Dellums
Denholm
Dow
Drinan
Eckhardt
Edwards, Calif.
Forsythe
Fraser
Green, Pa.
Harrington
Hechler, W. Va.
Helstoski
Kastenmeier
Koch
Metcalfe
Mitchell
Mosher
Moss
Nedzi
Nix
Obey
Pike
Rangel
Rees
Reuss
Rosenthal
Roybal
Thompson, N.J.
Waldie
Whalen
Wolff
Yates
Zwach

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—51

Abourezk
Aspinall
Baker
Bell
Bevill
Blanton
Blatnik
Boggs
Brotzman
Broyhill, N.C.
Camp
Carney
Collier
Curlin
Delaney
Dingell
Dorn
Dowdy
Edmondson
Esch
Evins, Tenn.
Galifianakis
Gallagher
Hansen, Wash.
Hathaway
Hawkins
Heinz
Jonas
Lloyd
McDonald, Mich.
McMillan
Macdonald, Mass.
Mallary
Mikva
Miller, Calif.
Nelsen
Passman
Pelly
Pucinski
Reid
Rooney, N.Y.
Ryan
Schmitz
Schwengel
Scott
Shriver
Springer
Stokes
Vander Jagt
Whalley
Wilson, Bob

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Bob Wilson.

Mr. Rooney of New York with Mr. Vander Jagt.

Mr. Blatnik with Mr. Camp.

Mr. Macdonald of Massachusetts with Mr. McDonald of Michigan.

Mr. Delaney with Mr. Nelsen.

Mr. Dingell with Mr. Shriver.

Mr. Evins of Tennessee with Mr. Baker.

Mr. Reid with Mr. Heinz.

Mr. Passman with Mr. Lloyd.

Mr. Gallagher with Mr. Hawkins.

Mr. Miller of California with Mr. Stokes.

Mr. Blanton with Mr. Bell.

Mr. Bevill with Mr. Broyhill of North Carolina.

Mrs. Hansen of Washington with Mr. Esch.

Mr. Dorn with Mr. Pelly.

Mr. Ryan with Mr. Springer.

Mr. Carney with Mr. Whalley.

Mr. Aspinall with Mr. Brotzman.

Mr. Mikva with Mr. Mallary.

Mr. Pucinski with Mr. Schwengel.

Mr. Hathaway with Mr. Scott.

Mr. Edmondson with Mr. Collier.

Mr. Abourezk with Mr. Jonas.

Mr. Galifianakis with Mr. Schmitz.

Mr. Curlin with Mr. McMillan.

Messrs. CULVER, WOLFF, and CAREY of New York changed their votes from "yea" to "nay."

Mr. LONG of Maryland changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONFERENCE REPORT ON H.R. 14896, CHILD NUTRITION

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 14896), to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 11, 1972.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The gentleman from Kentucky (Mr. PERKINS) is recognized for 30 minutes, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 30 minutes.

Mr. PERKINS. Mr. Speaker, the conference report before us will greatly improve and expand all child nutrition programs. Substantial progress has been made with child feeding programs, particularly in recent years. Throughout this period, however, programs have been hampered by uncertain funding levels, reimbursement rates, and eligibility standards. The thrust of the conference report is to eliminate administrative and funding problems this school year in the school lunch program, the school breakfast program, and the nonschool assistance program, and to stimulate expanded participation in each.

The progress in the past has been impressive. In 1967, $440,234,000 was provided for all child nutrition programs. This increased to $500,920,000 in 1968; $619,873,000 in 1969; $718,483,000 in 1970; $977,502,000 in 1971; $1,257,356,000 in 1972; and to a budgeted level of $1,426,747,000 in 1973.

Tragically, however, in the last year the school lunch program has stopped growing. Since last October the number of students being served on a daily basis has leveled off to about 22,800,000. We should not be satisfied with this. We should not be satisfied with the proposed levels for fiscal year 1973 that will serve only 23,100,000 students. At a minimum, we should be serving 25,000,000 of the 52,500,000 children in school.

Provisions of this legislation can assist in meeting this minimum goal.

One of the complications of the past with both the lunch and breakfast program is related to the formulas for distributing funds. Under the legislation before us, there is authorized beginning in fiscal year 1974 a direct and simple apportionment of funds in both programs. Funding under section 4 of the School Lunch Act and in the breakfast program will be on a performance basis; a uniform system is provided. Each State agency will receive an average payment for each breakfast served and each lunch served under the regular school lunch program.

A more realistic reimbursement rate is

established for section 4 of the National School Lunch Act. Rising food costs and increasing labor costs have made it impossible for lunches to be served at the present rate of reimbursement. Any increase in the cost of lunches will mean a decreased rate of participation. A minimum reimbursement rate of 8 cents per meal is established therefore, not only for this school year, but established on a permanent basis. In the past, schools have not known the level of reimbursement. With passage of this legislation, the program will be given the stability and continuity which is necessary for effective planning. This legislation requires the use of section 32 funds as may be necessary to provide States with a statewide average payment of 8 cents per lunch in section 4 payments during fiscal year 1973.

Dollar ceilings on the authorization for the special nonschool food program and the school breakfast program will be eliminated. In the past, these have hampered the growth of the program, the most recent example being this current fiscal year; $25,000,000 in section 32 funds were used for the special food program because the authorization of $32,000,000 was insufficient. So, too, in the school breakfast program, only $25,000,000 was authorized, and section 32 funds had to be used to bring up the programs to the budget level of $52,500,000. To add further to the stability of these programs, the legislation which we are now considering extends both through fiscal year 1975.

Other important and constructive changes will be made in the programs. Advanced payment for the school lunch and school breakfast programs is authorized. This amendment will end the unnecessary delays which schools have experienced in receiving the funds for these programs. To facilitate more timely and certain funding of the school lunch program, there is proposed that States be permitted to meet the program matching requirements on the basis of the preceding fiscal year.

As in the House bill, new guidelines are established for determining eligibility of children for free or reduced price lunches. There will be no curtailment in program participation because of the establishment of these new guidelines. The conference report contains a grandfather clause which will allow the use of higher income eligibility standards in fiscal year 1973 if such standards were established prior to July 1, 1972.

The conference report responds to the great and well documented need for equipment in schools which do not have food service programs; $40,000,000 is authorized each year through fiscal year 1975 with at least 50 percent of the funds to be directed to schools which have no facilities whatsoever.

Mr. Speaker, these are important and necessary changes which must be made in our school feeding programs. I have discussed the major features in the conference report with the exception of one provision, and I must express very serious concern over this. The conference report changes the authority of the Department of Agriculture to regulate the sale of food items which are in competition with programs authorized under the Child Nutrition Act of the National School Lunch Act. The conference report contains the following section:

> Such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools, or of organizations of students approved by the schools.

The original House bill provided that nutritious foods could be sold in participating schools through vending machines where the proceeds of such sales would inure to the benefit of schools or of organizations of students or parents approved by the schools and such sales will not substantially interfere with the programs so authorized.

The Senate amendment would have continued the Department of Agriculture's authority to regulate the sale of competitive food items in the lunchroom except in the case of senior high schools so long as the proceeds of such sales were deposited in the school lunch account.

My concern with the provision in the conference report is simply this—there is the possibility that if not carefully monitored, it may directly conflict with the nutritional objectives of the school lunch program. It is my strong hope that educators, school officials, and all organizations and individuals concerned with the nutrition and health of children will join together to minimize the offering and sale of competitive foods in the lunch program wherever it will interfere with the nutritional objectives and financial stability of individual school lunch programs.

With this reservation, I support and urge the approval of the conference report before us because it contains so many features that are essential to the effective operation of the school lunch program in the current fiscal year.

Finally, Mr. Speaker, our agreement includes a Senate amendment which would establish a 2-year supplemental feeding program to help pregnant and lacting women, and infants ranging from birth to age 4 who are determined medically to be a nutritional risk.

This amendment was authored by the distinguished Senator from Minnesota (Mr. HUMPHREY). May I take this opportunity to pay tribute to Senator HUMPHREY for having directed our attention to an area and a problem which has been left unattended for too long a period of time. In conference, his very eloquent and persuasive arguments convinced us of the importance, desirability and in fact necessity for agreeing to this new program.

The program will provide cash grants to State health departments to financially assist local health clinics serving low-income residents to combat malnutrition among infants. Eligibility for assistance under this amendment is determined, based upon whether the mother or infant is a nutritional risk. A fairly precise definition of "nutritional risk" is spelled out in the amendment. The same is true with respect to what supplemental foods may be purchased with the funds provided under this amendment to help combat nutritional deficiencies discovered through medical examination of the mother or infant. Funds authorized by the amendment for this program amount to $20 million for fiscal year 1973, and the same for fiscal year 1974. The Secretary is required to take these funds out of section 32 custom receipts which will later be restored through supplemental appropriation action by Congress.

The Congress over the past several decades has acted to improve the nutritional welfare for almost every group with the voice and the ability to speak for its own interests. But we have continued to ignore, regrettably, one group which cannot speak for itself and which is the most vulnerable to adverse effects of malnutrition, namely—our Nation's infants.

In part, our neglect in this regard has been based upon earlier reports that little could be done for infants and children through nutritional assistance to help them avoid certain physical and mental deficiencies. However, a great deal of medical and scientific evidence has been developed in the last few years that makes a strong and compelling case for the importance of adequate nutrition during these early and formative years of a child's development.

For instance, a study conducted by three Mexican researchers on this question demonstrated strong evidence that malnutrition among infants in their prenatal and postnatal periods of life may lead to permanent chromosome damage, that may, in turn, make these children prone to a particular form of malignancy.

In another study conducted on this subject by Dr. H. Peter Chase and Dr. Harold P. Martin, the following was found: When 19 children who had been hospitalized with malnutrition in the first year of life were compared with a control group 3 to 4 years later, the test group was found to be lower in mental quotient. Impairment of physical and mental development appeared to correlate with the duration of undernutrition in the first year of life. Nine children admitted to the hospital with undernutrition, but treated in the first 4 months of life, now have a mean developmental quotient of 95 which is similar to the mean of 99 for the control children. In 10 with undernutrition after 4 months of age low indexes for height, weight and head circumference were more frequent, and the mean developmental quotient was 70.

In yet another study published in June of this year in the American Journal of Public Health, Dr. Herbert G. Birch, M.D., reviewed numerous studies, experiments and investigations that have been made in recent years—throughout the world—pertaining to the relationships that exist between malnutrition and learning ability—and especially as it relates to prenatal and postnatal periods of a child's physical development.

Mr. Speaker, the purpose of this amendment is to carry out a 2-year pilot program of grants to States to make available certain needed supplemental foods to low-income mothers and infants not now provided under any other existing program. This pilot effort would be in addition to any current USDA programs now operating to assist these particular citizens. That is to say that it would be operated in conjunction with either the current commodity distribution and food stamp programs.

In view of the pilot nature of this program, eligibility would be determined simply on the basis of nutritional need, which as I have already indicated, is to be ascertained by competent professional authority.

Competent professional authority is defined in this amendment as meaning physicians, nutritionists, dieticians or State or local medically trained health authorities.

Mr. Speaker, the House conferees disagreed with the Senate on this particular amendment only on a technical basis. I believe I am correct in reporting that the House conferees are unanimously in support of this amendment and ask the House to recede to the Senate regarding its adoption.

Mr. QUIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have made enormous progress in our child-nutrition programs in the past few years, both in the levels of funding and in the numbers of children served. Since 1967 we have more than doubled our appropriations for child feeding services. Of particular importance, Federal support for free and reduced-price lunches for needy children has been increased from $2 million in fiscal year 1967 to $495 million in fiscal year 1972. Since fiscal year 1969, the number of children served free or reduced-price meals under the lunch program has increased from 2.8 million to an estimated 8.4 million in this fiscal year. Equally dramatic increases have been made in participation in the school breakfast and special service institution feeding programs.

H.R. 14896 will contribute to the progress we are making in these nutritional programs. The bill would—

First. Extend the special—nonschool—food assistance program for children through June 30, 1975, and increase the appropriation authorization from $32 million annually to "such sums as are necessary";

Second. Authorize the use of $25 million of section 32 funds during the period May 15 to September 15, 1972, for the special—nonschool—food assistance program for children;

Third. Extend the school breakfast program through June 30, 1975, and increase the appropriation authorization therefor to "such sums as are necessary";

Fourth. Require the use of section 32 funds in such amounts as may be necessary to carry out section 4 of the National School Lunch Act—the regular school lunch program—and provide an average reimbursement rate of not less than 8 cents per meal in each State in fiscal 1973;

Fifth. Require that free lunches be served to every child whose family income does not exceed a guideline fixed by the State educational agency, such guideline to be not less than 100 percent nor more than 125 percent of the income poverty guideline for each size family. If a school elected to serve reduced-price lunches, they would have to be served to every child within guidelines fixed by the State educational agency at not more than 150 percent of the applicable family size poverty guideline;

Sixth. Increase the nonfood assistance—equipment—appropriation authorization to $40 million for each of the fiscal years 1973, 1974, 1975, and $20 million for each succeeding fiscal year;

Seventh. Rescind the statutory authority of the USDA to regulate the sale of food items in competition with programs authorized under the Child Nutrition Act and the National School Lunch Act, leaving the decision on such matters to State and local authorities;

Eighth. Beginning with fiscal year 1974, provide for Federal performance funding for section 4 of the National School Lunch Act and for the school breakfast program;

Ninth. Provide for advance payments for the school lunch program as well as for the school breakfast program; and

Tenth. Authorize a special 2-year pilot program of assistance to State health agencies for special nutritional projects which would make available supplemental foods to pregnant and lactating women and to infants who are at nutritional risk.

While the special program for pregnant and lactating women and infants is reported in technical disagreement, the House conferees urge agreement with this Senate provision. It would permit the continuation of projects already started in the past few years by hospitals and other groups in various cities in the United States, and would also permit a number of other projects to be initiated. The existing projects include those at St. Jude's Hospital in Memphis, Tenn.; Johns Hopkins Hospital in Baltimore, Md.; the Ford Hospital in Detroit, Mich.; the Human Development Corp. in St. Louis, Mo.; and, by the department of social welfare in Montpelier, Vt. The results and findings of these projects again underscore both the need and success that can be obtained in combating malnutrition among low-income infants who are found in both the urban and rural areas of our Nation.

I understand that an estimated 400,000 infants in this Nation are in need of the type of assistance provided in this amendment. Although the funds provided under this amendment are not sufficient to meet the needs of all these infants, sufficient funds are provided to finance a sound pilot program in a few urban and rural localities. The amendment makes clear that these pilot efforts are to lead to an expansion of the program later if the medical evidence and experience of this program proves that such assistance does in fact help avert physical and mental damage caused to children due to malnutrition.

The amendment requires that adequate medical records be maintained in order to permit appropriate evaluation to be made by the Secretary of Agriculture and the General Accounting Office following the first year's completion of the pilot program. I further asked that language be included in the conference report on the bill requiring the Secretary of Agriculture and State health departments administering or involved in this pilot effort to consult with appropriate officials of the U.S. Department of Health, Education, and Welfare pertaining to any procedures, recordkeeping, and medical criteria that might be applied to the operation of this particular program. I believe these combined requirements will result in sufficient data and information for Congress to adequately evaluate the results obtained from this program when it is asked later to consider an extension or expansion of it.

The only other matter actually in controversy—that of permitting a competitive food service at the option of local schools—has already been discussed at some length. A version of this amendment was in both the House-passed and Senate-passed bills, and I believe that we have presented a reasonable compromise. The amendment simply prohibits the Secretary of Agriculture from making regulations which prohibit a local school from allowing the sale of competitive foods in food service areas during the time federally supported school lunches are being served, so long as the proceeds from the sale of such foods inure to the benefit of the school or student organizations approved by the school.

This leaves the whole matter up to the local school board, where it properly belongs. The House version of this amendment spoke of "the sale of nutritious food through vending machines". The conference version gives the local school board more latitude and under it a local school may choose to use vending machines and/or other methods of selling competitive foods. I much prefer this broader language.

Mr. Speaker, I am confident that this conference report represents a major improvement of our total child nutrition program. There are yet additional improvements to be made—such as placing the distribution of free and reduced cost lunch funds on a "performance basis" as requested by the Department of Agriculture—but we can take these less urgent things up next year. I urge adoption of the conference report.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, first let me compliment my distinguished colleague, the gentleman from Minnesota (Mr. QUIE) for all the untiring and outstanding work the gentleman did in connection with this legislation. As he has said there was considerable disagreement in connection with the so-called vending machine amendment. In the House bill the provision was limited to nutritious foods such as apples and other fruits. In conference the word "nutritious" was deleted. We further provided that all the benefits from the sale of foods would go to the schoolchildren in the House bill.

Mr. QUIE. That is not quite accurate. In the House we provided for school-approved student associations and parental organizations.

Mr. PERKINS. That is right; I stand corrected.

Mr. QUIE. In conference we dropped parental organizations.

Mr. PERKINS. But in other action we inserted the word "competitive" for "nutritions". So we have created a situation where if the local education agency should decide, there could be competition with the subsidized school lunch program through the sale of other foods in vending machines or otherwise.

Mr. QUIE. No; I think I should correct the chairman, and state that there could be no subsidization for the services in vending machines or those set out on a school table.

Mr. PERKINS. Let me ask my colleague, so we can make some legislative history here. Did we not contemplate that the Department of Agriculture in administering this program should hold to the sale of nutritious foods, and not go beyond that? Is that not what we contemplated?

Mr. QUIE. If we had wanted to do that I guess we would have left the word "nutritious" in the conference agreement, but the conferees felt that the schools ought to determine that. We used the term "competitive," and let the schools make that determination. I doubt that the schools are going to permit the distribution of food that would be nonnutritious. But I do not want the Department of Agriculture telling them what is or what is not a nutritious food because they just do not have that kind of competence. For instance, you could say that candy bars are not nutritious food, and there are candy bars that are not, but there are candy bars that are of a high protein value.

Mr. PERKINS. I fully agree that local educational agencies are perfectly competent to make decisions along this line. In the past vending machines have been prohibited because of regulations of the Department of Agriculture, and I believe these were reasonable restrictions. There resulted nutritious lunches for our young schoolchildren.

I think we share a responsibility to see that there is no service of items that are not nutritious. Nonnutritious foods must not replace wholesome lunches which have been and are now being provided.

Mr. QUIE. Mr. Speaker, I will say to the chairman, there is just no chance of that happening that I can see because we keep increasing the subsidization of the school lunch program. Any time foods are processed and dispensed through a vending machine this increases the cost. Such foods will have a hard time competing with the subsidized program. Also they have to go through the local school officials. But no doubt there will be organizations with vested interests who will make an effort. But I do not think that is going to happen. You can make that claim in the amendment in disagreement. It is the baby food manufacturers now who want to have an inside track to get some Federal money, some $20 million, to pay for baby food. I think this is thrown out to get away from the main thrust of the argument.

Mr. PERKINS. Mr. Speaker, will the gentleman yield further?

Mr. QUIE. I yield to the gentleman.

Mr. PERKINS. I think the gentleman will agree that it is the intent of the conference that the school lunch program does not get away from nutritious foods. Am I correct in that statement?

Mr. QUIE. Well, we thought—my own feeling is they ought to have nutritious food. I have said this many times before, but we cannot say that the Department of Agriculture has the responsibility to write regulations on what is nutritious food.

The decision is left to local school officials. I do not see how we can conscientiously say that the Federal Government has more intelligence than these people at the local level.

Mr. PERKINS. I have not said nor even implied that.

Mr. QUIE. All I can say from what I have observed is that local people have a lot more sense. I just wish they had a freer hand in many areas.

Mr. PERKINS. It is the intent of the Congress where school lunches are served that they serve nutritious foods; am I correct in that statement?

Mr. QUIE. Yes; that is correct. The local schools will determine that. They will determine to the extent they want these competitive foods to be used. They can say "No" and they will make the determination which ones are.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. RUTH) who is on the conference committee.

Mr. KAZEN. Mr. Speaker, will the gentleman yield to me so that I may ask a question and so that he may answer also?

Mr. QUIE. I yield to the gentleman.

Mr. KAZEN. The gentleman and the chairman have done a pretty good job in confusing me as to what is in this conference report.

Will the gentleman please explain to me what they are talking about when they talk of a vending machine program?

Mr. RUTH. If the gentleman will let me respond, you kind of beat me to the gun——

I want to explain that the first thing we realized about the conference report was that the words "vending machine" had no business there. Whether you are selling anything or not—you might sell it out of your pocket or at the book store or sell it out of a vending machine. We took the vending machine language out.

The second thing is, I think, the conferees are entitled to tell the Members of the House what is in the bill and not what you heard about what was in the bill.

I think the gentleman from Minnesota (Mr. QUIE) is well qualified to do that. I would be happy to and I would like to explain to the House Members exactly what the bill consists of, and not what you thought it might or might not have consisted of.

Would you like me to make a throw at that? That is not too difficult.

Mr. QUIE. I yield to the gentleman from North Carolina.

Mr. Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has consumed 10 minutes.

Mr. QUIE. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina.

Mr. RUTH. Mr. Speaker, frankly, it was decided that food could be dispersed in the schools. We eliminated the word "nutritious" and left it in the judgment of the school official, and also in the judgment of the school official as to how the funds could be used—or who would get the profit. It is just that simple. We did kick it around a good deal, but that is the final decision and that is what the House is entitled to know.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman has consumed 1 minute.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Speaker, I rise in support of the conference report on H.R. 14896. The effect of this legislation will be to provide needed stability and strength to the school lunch, school breakfast, and out-of-school feeding programs, and to provide assistance for school lunch equipment to many of the 18,000 schools in the Nation which are now unable to participate in the school feeding programs because of lack of food service equipment.

I heartily support the provisions of the bill which extend the breakfast program and the nonschool food assistance—including the summer feeding programs—through June 30, 1975, with funding which meets the actual needs throughout the Nation, the raise in the reimbursement rate to 8 cents per lunch, the establishment of reasonable eligibility guidelines for those children who are offered free and reduced price lunches, a guarantee for 1 additional year of eligibility to those who received free and reduced price lunches under previously established eligibility standards, the increase in equipment authorizations to $40 million for 1973, 1974, and 1975, and $20 million for each succeeding fiscal year, with a set-aside of 50 percent of the funds for no-program schools, and finally the changeover from the present cumbersome allocation formula funding to a simple performance funding. Under this new funding proposal, each State agency will receive a uniform payment for each lunch served of not less than 8 cents in a fiscal year. Within the statewide average payment, States could vary the per lunch rate of section 4 assistance to individual schools. Similarly, this new performance funding will be a feature of the breakfast program as well, beginning with fiscal year 1974. By this method, each State will be able to ascertain how much money will be provided in Federal assistance by multiplying the number of lunches served by the assistance factor—not less than 8 cents per lunch.

I feel very strongly that this new legislation will enable State and local school authorities to plan more intelligently in the future for the programs which they feel are essential for the needs of their children. They will know in advance how much they may expect in funds, and they will know in advance which of their children will be eligible for free and reduced price lunches, and breakfasts. And furthermore, they will know that the Congress is in support of their efforts to provide nutritious meals for all childrren.

There is one provision of the legislation, however, which I feel could be disastrous to the school feeding programs.

This provision reads as follows:

> Such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food under this Act or the National School Lunch Act if the proceeds from the sales of such foods will inure to the benefit of the schools, or of organizations of students approved by the schools.
>
> This provision goes considerably beyond what was contained in either the House or Senate bills on the subject of the sale of competitive food items in the lunchroom itself. The House bill provided that nutritious foods could be sold in participating schools through vending machines where the proceeds of such sales will inure to the benefit of schools or of organization of students or parents approved by the schools and such sales will not substantially interfere with the programs so authorized.
>
> The Senate amendment on this matter would have continued the Department of Agriculture's authority to regulate the sale of competitive food items in the lunchroom except in the case of senior high schools so long as the proceeds of such sales were deposited in the school lunch account.
>
> The effect of the new language on the sale of competitive foods as contained in the conference report is simply this:
>
> (a) The authority of the Department of Agriculture to regulate the sale of competitive foods in the school lunchroom itself is totally rescinded. I must remind the House that this specific authority was granted by the Congress to the Department of Agriculture only 2½ years ago in the passage of Public Law 91–248.
>
> (b) Any food or snack or beverage item, regardless of its nutritional value, may be sold in the lunchroom in direct competition with the complete nutritious lunch.
>
> (c) The financial stability of individual school lunch programs will be endangered. Children's lunch money will be often diverted to the purchase of less nutritious items with a consequent drop in the number of children purchasing the complete lunch. Again I should remind the House that one of the major purposes of this bill is to provide additional general support to the lunch program in order to avoid further increases in prices to the children for a complete lunch. Thus, by one action we are negating the purpose of the other.
>
> (d) School principals will be subjected to enormous pressures from a variety of sales agents to undertake sales of competitive food items in the lunchroom on the basis that such sales would constitute a new source of income for school activities other than the lunch program.
>
> (e) One of the major objectives of the school lunch program is to teach children the importance of good nutrition and its relationship to good health. If the child is taught in the classroom the importance of eating a well balanced nutritious lunch, what is he to think when he is offered in the lunchroom a choice of buying the complete lunch or selecting his lunch from a variety of individual items of less nutritional value.

All in all, this provision is in direct conflict with the nutritional objectives of the school lunch program. It is my strong hope that educators, school officials, and all organizations and individuals concerned with the nutrition and health of children will join together to minimize the offering and sale of competitive foods in the lunch program wherever it will interfere with the nutritional objectives and financial stability of individual school lunch programs.

With this reservation, I support and urge the approval of the conference report on H.R. 14896 because it contains so many features that are essential to the effective operation of the school lunch program in the current fiscal year.

Mr. ASHBROOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this conference report.

First of all I say to my colleagues I would agree with them that a cursory examination of the report would indicate that the House receded in far more areas than we were able to prevail upon the Senate to recede. Yet on close examination I think Members will find most of those areas in which we receded were not matters of substance but were areas which related to the fiscal years for the program and other minor matters. The Senate did take up the bill after the House had acted and they were able to make some changes in the light of what we had done. In fact, in most of the areas in which there was some substance, such as amendment No. 5, the House was able to prevail upon the Senate to recede.

On amendment No. 24 in particular I would disagree with my colleague, the gentleman from Washington (Mr. MEEDS) who has indicated he thought the conference took the worst of both provisions. I happen to think—not just because I was the author of the language the conferees adopted—that in principle it is correct to give as much autonomy to the local schools as possible. I favored that language because I think it has been misunderstood. On page No. 5 of the report, on amendment No. 24, quotation marks could have been put around the words because they are the exact language we agreed upon. I suggest the Members read the five lines beginning with the word "such" as follows:

> such regulations shall not prohibit the sale of competitive foods in food service facilities or areas during the time of service of food if the proceeds from the sales of such foods will inure to the benefit of the schools or of organizations of students approved by the schools.

The conferees agreed on that. I happen to think this is a good compromise, a good way to resolve the issue.

Some fears have been expressed that somehow or other the school lunch program might break down and we might see a decrease in the service of nutritious foods. I think that suggests a lack of confidence in the local administrators. I have been contacted by a number of administrators from my district in Ohio who have some question about this because they felt it would open up pressures upon the schools to turn over to the student organizations and student-approved groups these competitive food concessions in the cafeterias. I would say it was clearly the understanding of most of the conferees, and I know I can speak for them, that in 95 to 98 percent of the schools, proceeds from any competitive sales would go into the school lunch program coffers, and only in those areas where the school might deem it financially feasibly to allow an organization of students or a non-school-funded group to take care of this particular competitive food service facility do we allow them the option. Certainly it is not our intention to open up a flood gate of pressure on the local schools. We allow their sound judgment to be supreme and that is as it should be.

We believe that in most cases any competitive food sale proceeds will go to the school's own funds; in those few cases where they want to do otherwise, they should have this option. But again, in light of what I said previously, I am not going to worry about pressure being placed on local school districts to allow student groups to get these proceeds. I am sure they can handle themselves, just as I am sure they can in determining what is nutritious and can be sold in competitive supplement to the school lunch program.

I would say amendment No. 24 reflects the good judgment of the House in doing what so many times we talk about back home when we are campaigning but rarely do, and that is to give to the local school districts, give to the local people, some autonomy and some control over their own schools and over their own school lunch program.

Quite the opposite of the doubts that have been reflected here, I think this shows a confidence in our local schools and local school administration, and in no way do I think it will lead to non-nutritious foods being peddled, promoted, or served in conjunction with a school lunch program. I think quite the opposite. It will give options to our young people, options that they might want at some time and in some way to supplement their school lunch program with an apple, with an orange, or with whatever the local school district deems proper. So quite the opposite of casting fear in the minds of Members, I would say that the action of the conferees indicates the confidence we have in the local school system, the administrators of our local schools.

I heartily support the amendment, and I support the conference report and urge its adoption.

Mr. PERKINS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Speaker, I rise in support of the conference report on the national school lunch program. Hunger and malnutrition have no place in modern America. Especially among the young, we must act to eliminate completely the debilitating condition of hunger before we will be able to provide equal educational opportunity for all of our children.

Since 1946, when the National School Lunch Act was first enacted, the school lunch program has grown to be one of the most significant Federal contributions to the health and well-being of American youth. The enactment in 1969 of the national school lunch amendments made major improvements in child nutrition programs by providing an additional $45 million for meals for schoolchildren.

In 1970 and 1971, two of my amendments, the school breakfast program and the summer lunch program, defined new nutrition programs that would be eligible for Federal subsidies. During the last school year, over 25 million children participated daily in the programs, with 8 million of this total receiving their lunches either free of charge or for a token payment.

The 1972 amendments to the national school lunch program make further necessary improvements in the program.

Under these provisions, child care centers will be eligible for Federal nutrition subsidies. Also, approximately 600,000 more children in New York alone will be served by summer lunch programs. The conference report also removes the limitation on the amounts that can be appropriated to the school breakfast program and changes this program from its research and development status to the status of a fully funded and recognized program. The 1972 amendments increase the guaranteed Federal rate of contribution from 6 cents per meal to 8 cents per meal and also provide $20 million for nonfood assistance programs. These are significant and necessary improvements to the school lunch program and we must vote to implement them. However, even with these provisions, our job is not done.

The latest figures available to the Department of Agriculture show that approximately 20,000 schools, with an enrollment of over 6 million children, do not offer any type of food service. The tragedy of this situation is heightened by the substantial number of needy children—perhaps over 1 million—cannot receive free and reduced priced meals which they need and are eligible for, simply because they do not attend schools which participate in the program.

Hunger and malnutrition directly affect a child's ability to concentrate and learn in school. Hungry children are deprived not only of good health but also of equal educational opportunity.

The national school lunch program has an impressive record of achievement and expansion. But there is still urgent need for improvement. It is essential that we accept this conference report today in order to feed many hungry children and to reaffirm our commitment to eliminating hunger in America.

Mr. FISH. Mr. Speaker, I am most pleased that the House of Representatives has today taken final action on legislation to continue and expand the school lunch program. Unfortunately, this program, which passed the House back in June, was first delayed in the Senate and by a summer congressional recess. These delays have already disrupted the planning of local school budgets.

This measure passed today will provide $248 million for this fiscal year—1973—for the basic school lunch program, the school breakfast program, and the special food service program. It increases the minimum Federal contribution for every lunch served from 6 cents to 8 cents per lunch. Also, for the first time a "performance funding" concept is adopted. Under performance funding each State agency will receive a uniform payment for each lunch served in a fiscal year, with an additional payment for each free or each reduced-price lunch served to children eligible for such meals.

I am hopeful for quick Presidential action on the bill.

Mr. PERKINS. Mr. Speaker, there are no further requests for time on this side.

Mr. ASHBROOK. Mr. Speaker, we have no further requests for time.

Mr. PERKINS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. McFALL). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PERKINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 380, nays 0, not voting 51, as follows:

[Roll No. 362]

YEAS—380

Abbitt
Abernethy
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Badillo
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blackburn
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Celler
Chamberlain
Chappell
Chisholm
Clancy
Clark
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collins, Ill.
Collins, Tex.
Conable
Conover
Conte
Conyers
Corman
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Dow
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Keating
Keith
Kemp
King
Kluczynski
Koch
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mitchell
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nichols
Nix
Obey
O'Hara
O'Konski
O'Neill
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Reuss
Rhodes
Riegle
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Rousselot
Roy
Roybal
Runnels
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Ullman
Van Deerlin
Vanik
Veysey
Vigorito
Waggonner
Waldie
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—51

Abourezk
Aspinall
Baker
Bell
Bevill
Blanton
Blatnik
Boggs
Bolling
Brotzman
Camp
Carney
Collier
Colmer
Cotter
Delaney
Dingell
Dorn
Dowdy
Dwyer
Edmondson
Esch
Evins, Tenn.
Galifianakis
Gallagher
Hansen, Wash.
Hawkins
Jonas
Kee
McDonald, Mich.
McEwen
McMillan
Macdonald, Mass.
Mikva
Miller, Calif.
Nelsen
Passman
Pelly
Pucinski
Reid
Rooney, N.Y.
Ryan
Schmitz
Schwengel
Springer
Stanton, J. William
Stokes
Udall
Vander Jagt
Whalley
Wilson, Bob

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Bob Wilson.

Mr. Rooney of New York with Mr. Vander Jagt.

Mr. Delaney with Mr. McDonald of Michigan.

Mr. Dingell with Mr. Nelsen.

Mr. Evins of Tennessee with Mr. Baker.

Mr. Ryan with Mr. Bell.

Mr. Reid with Mr. Schwengel.

Mr. Passman with Mr. Springer.

Mr. Pucinski with Mr. Stokes.

Mr. Aspinall with Mr. Hawkins.

Mr. Blatnik with Mr. Brotzman.

Mr. Blanton with Mr. Collier.

Mr. Bevill with Mr. Schmitz.

Mrs. Hansen of Washington with Mrs. Dwyer.

Mr. Carney with Mr. Esch.

Mr. Kee with Mr. Whalley.

Mr. Macdonald of Massachusetts with Mr. Pelly.

Mr. Abourezk with Mr. Udall.

Mr. Cotter with Mr. McEwen.

Mr. Dorn with Mr. Jonas.

Mr. Edmondson with Mr. Camp.

Mr. Miller of California with Mr. McMillan.

Mr. Colmer with Mr. Gallagher.

Mr. Galifianakis with Mr. J. William Stanton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENT IN DISAGREEMENT

The SPEAKER. The Clerk will report the amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 25: On page 17, line 12, insert:

SEC. 9. The Child Nutrition Act of 1966 is further amended by adding at the end thereof a new section as follows:

"SPECIAL SUPPLEMENTAL FOOD PROGRAM

"SEC. 17. (a) During each of the fiscal years ending June 30, 1973, and June 30, 1974, the Secretary shall make cash grants to the health department or comparable agency of each State for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State serving local health or welfare needs to enable such agencies to carry out a program under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income. Such program shall be operated for a two-year period and may be carried out in any area of the United States without regard to whether a food stamp program or a direct food distribution program is in effect in such area.

"(b) In order to carry out the program provided for under subsection (a) of this section during the fiscal year ending June 30, 1973, the Secretary shall use $20,000,000 out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). In order to carry out such program during the fiscal year ending June 30, 1974, there is authorized to be appropriated the sum of $20,000,000, but in the event that such sum has not been appropriated for such purpose by August 1, 1973, the Secretary shall use $20,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and $20,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612(c)). Any funds expended from such section 32 to carry out the provisions of subsection (a) of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such subsection, and such reimbursements shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section.

"(c) Whenever any program is carried out by the Secretary under authority of this section through any State or local or nonprofit agency, he is authorized to pay administrative costs not to exceed 10 per centum of the Federal funds provided under the authority of this section.

"(d) The eligibility of persons to participate in the program provided for under subsection (a) of this section shall be determined by competent professional authority. Participants shall be residents of areas served by clinics or other health facilities determined to have significant numbers of infants and pregnant and lactating women at nutritional risk.

"(e) State or local agencies or groups carrying out any program under this section shall maintain adequate medical records on the participants assisted to enable the Secretary to determine and evaluate the benefits of the nutritional assistance provided under this section. The Secretary and Comptroller General of the United States shall submit preliminary evaluation reports to the Congress not later than October 1, 1973, and not later than March 30, 1974, submit reports containing an evaluation of the program provided under this section and making recommendations with regard to its continuation.

"(f) As used in this section—

"(1) 'Pregnant and lactating women' when used in connection with the term 'at nutritional risk' includes mothers from low-income populations who demonstrate one or more of the following characteristics: known inadequate nutritional patterns, unacceptably high incidence of anemia, high prematurity rates, or inadequate patterns of growth (underweight, obesity, or stunting). Such term (when used in connection with the term 'at nutritional risk') also includes low-income individuals who have a history of high-risk pregnancy as evidenced by abortion, premature birth, or severe anemia.

"(2) 'Infants' when used in connection with the term 'at nutritional risk' means children under four years of age who are in low-income populations which have shown a deficient pattern of growth, by minimally acceptable standards, as reflected by an excess number of children in the lower percentiles of height and weight. Such term, when used in connection with 'at nutritional risk', may also include (at the discretion of the Secretary) children under four years of age who (A) are in the parameter of nutritional anemia, or (B) are from low-income populations where nutritional studies have shown inadequate infant diets.

"(3) 'Supplemental foods' shall mean those foods containing nutrients known to be lacking in the diets of populations at nutritional risks and, in particular, those foods and food products containing high-quality protein, iron, calcium, vitamin A, and vitamin C. Such term may also include (at the discretion of the Secretary) any food product commercially formulated preparation specifically designed for infants.

"(4) 'Competent professional authority' includes physicians, nutritionists, registered nurses, dieticians, or State or local medically trained health officials, or persons designated by physicians or State or local medically trained health officials as being competent professionally to evaluate nutritional risk."

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky.

There was no objection.

MOTION OFFERED BY MR. PERKINS

Mr. PERKINS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. PERKINS moves that the House recede from its disagreement to Senate amendment No. 26 and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and on the motion was laid on the table.

GENERAL LEAVE

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 16593, DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1973

Mr. ANDERSON of Tennessee. Mr. Speaker, I call up House Resolution 1114 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1114

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 6 of rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, and all points of order against said bill except against section 743 are hereby waived.

Mr. ANDERSON of Tennessee. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1114 waives the 3-day rule for consideration of H.R. 16593, the Department of Defense appropriation bill, in order that it could be called up today. In addition, all points of order are waived against the bill except against section 743, which is controversial. The general waiver was granted due to the fact that authorizations have not been enacted into law.

Mr. Speaker, I urge the adoption of the rule.

Mr. SMITH of California. Mr. Speaker, I see no need for further comment. We just are taking up a rule to bring the bill before the House today. We have waived the 3-day rule and all points of order that have to do with this legislation on this bill, starting with page 30 and continuing on, with the exception of section 743, beginning on page 51, on which we did not waive points of order.

Mr. Speaker, I urge the adoption of the rule.

Mr. ANDERSON of Tennessee. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KASTENMEIER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll:

The question was taken; and there were—yeas 342, nays 34, not voting 55, as follows:

[Roll No. 363]

YEAS—342

Abbitt
Abernethy
Adams
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspin
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Biester
Blackburn
Boland
Brademas
Brasco
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byrnes, Wis.
Byron
Cabell
Caffery
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collins, Ill.
Collins, Tex.
Colmer
Conable
Conover
Conte
Conyers
Corman
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Donohue
Downing
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Grover
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Keating
Keith
Kemp
King
Kluczynski
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Long, La.
Long, Md.
Lujan
McClory
McCloskey
McClure
McCollister
McCormack
McCulloch
McDade
McEwen
McFall
McKay
McKevitt
McKinney
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Mosher
Murphy, Ill.
Myers
Natcher
Nedzi
Nichols
Nix
O'Hara
O'Konski
O'Neill
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Poage
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reuss
Rhodes
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
Sandman
Sarbanes
Satterfield
Saylor
Scherle
Scheuer
Schneebeli
Scott
Sebelius
Seiberling
Shipley
Shoup
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Terry
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Vanik
Veysey
Vigorito
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NAYS—34

Abzug
Anderson, Calif.
Badillo
Bingham
Burton
Chisholm
Clay
Dellums
Drinan
Edwards, Calif.
Fraser
Gross
Hall
Harrington
Hathaway
Hechler, W. Va.
Hull
Hungate
Kastenmeier
Koch
Mitchell
Moorhead
Moss
Obey
Podell
Rangel
Rees
Riegle
Rosenthal
Roybal
St Germain
Van Deerlin
Waldie
Yates

NOT VOTING—55

Abourezk
Aspinall
Baker
Bell
Bevill
Blanton
Blatnik
Boggs
Bolling
Bow
Brotzman
Camp
Carney
Celler
Clark
Collier
Cotter
Delaney
Dingell
Dorn
Dow
Dowdy
Dwyer
Edmondson
Esch
Evins, Tenn.
Galifianakis
Gallagher
Hansen, Wash.
Hawkins
Jonas
Kee
McDonald, Mich.
McMillan
Macdonald, Mass.
Metcalfe
Mikva
Miller, Calif.
Murphy, N.Y.
Nelsen
Passman
Pucinski
Reid
Rooney, N.Y.
Runnels
Ryan
Schmitz
Schwengel
Springer
Stokes
Vander Jagt
Waggonner
Whalley
Wilson, Bob
Wilson, Charles H.

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Boggs with Mr. Bob Wilson.
Mr. Rooney of New York with Mr. Vander Jagt.
Mr. Delaney with Mr. McDonald of Michigan.
Mr. Dingell with Mr. Nelsen.
Mr. Evins of Tennessee with Mr. Baker.
Mr. Ryan with Mr. Bell.
Mr. Reid with Mr. Schwengel.
Mr. Passman with Mr. Springer.
Mr. Pucinski with Mr. Stokes.
Mr. Aspinall with Mr. Hawkins.
Mr. Blatnik with Mr. Brotzman.
Mr. Blanton with Mr. Collier.
Mr. Bevill with Mr. Schmitz.
Mrs. Hansen of Washington with Mrs. Dwyer.
Mr. Carney with Mr. Esch.
Mr. Kee with Mr. Whalley.
Mr. Macdonald of Massachusetts with Mr. Bow.
Mr. Mikva with Mr. Galifianakis.
Mr. Abourezk with Mr. Gallagher.
Mr. Cotter with Mr. Celler.
Mr. Dorn with Mr. Jonas.
Mr. Edmondson with Mr. Camp.
Mr. Miller of California with Mr. Dow.
Mr. Murphy of New York with Mr. Metcalfe.
Mr. Waggonner with Mr. Charles H. Wilson.
Mr. Clark with Mr. Dowdy.
Mr. Runnels with Mr. McMillan.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE PRESIDENT

A further message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

THE COST OF LIVING COUNCIL'S THIRD QUARTERLY REPORT OF THE ECONOMIC STABILIZATION PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking and Currency:

To the Congress of the United States:

In accordance with Section 216 of the Economic Stabilization Act Amendments of 1971, I am transmitting with this the Cost of Living Council's third quarterly report on the Economic Stabilization Program covering the period April 1 through June 30, 1972.

The report reflects the significant progress which the country is continuing to make toward the joint goals of reducing the rate of inflation and restoring vigorous health to the economy:

1. In the battle against inflation, the annual rate of increase in consumer prices has been cut to 2.9 percent since I announced the New Economic Policy on August 15, 1971. During the same period, real spendable weekly earnings have increased at an annual rate of 3.8 percent.
2. The recovery which the economy is experiencing is evidenced by nearly all of the key economic indicators. Last quarter's real GNP grew at an annual rate of 9.4 percent, the greatest increase in seven years. Productivity increased at a 6 percent annual rate in the second quarter of 1972, with an accompanying decline in unit labor costs. Employment has increased by 2.6 million workers since the program began, and the rate of unemployment has declined moderately.

While this encouraging progress has resulted from the interaction of many economic factors, the temporary wage and price controls of the Economic Stabilization Program have played an important role in maintaining price stability during a period of rapid expansion. The disciplines of the controls program, together with responsible fiscal and monetary policies and the continued support and cooperation of the private sector, can enable us to move into a new era of unprecedented prosperity for all Americans.

RICHARD NIXON.

THE WHITE HOUSE, *September 13, 1972.*

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, before moving to go into the Committee of the Whole on the defense appropriation bill, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 3 hours, the time to be equally divided and controlled by the gentleman from Ohio (Mr. MINSHALL) and myself.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 16593, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Texas (Mr. MAHON) will be recognized for 1½ hours, and the gentleman from Ohio (Mr. MINSHALL) will be recognized for 1½ hours.

The Chair recognizes the gentleman from Texas.

Mr. MAHON. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman this is another historic moment in the House of Representatives. We are beginning consideration of the largest money bill that has ever been presented to any legislative body in the history of the world. So it is a very important measure, and of course it takes a big bite out of the tax dollar.

Of course, a bill of this magnitude and importance, having to do with the very life of the Nation and perhaps of the world, deserves very close scrutiny.

COMMITTEE REVIEW

There is evidence from time to time that a large segment of the American people are beginning to become disenchanted with the operations of our Government. Huge blunders in the management of defense dollars over a long period of years—dollars provided by the Congress for defense—have contributed to this unrest, unhappiness, and disenchantment.

It was with that in mind that the Committee on Appropriations devoted so many hours, weeks, and months to consideration of this defense appropriation bill.

I hope the actions by the Congress this year on this defense appropriation bill will strengthen the credibility of the Congress with the American public.

It will be readily apparent that we have given thorough scrutiny to the various requests for defense spending. The report, which is the most complete, perhaps, ever presented on an appropriation bill—and it should be—is full of facts. Members who want to know about the bill need not listen to me speak. They could probably better use their time reading and rereading the report. It is heavy reading, but it is very important.

REDUCTIONS RECOMMENDED

In this measure we reduce the requests for appropriations by the executive by $4.4 billion.

This is not remarkable. There is nothing new about this. Over the years, the Congress has reduced defense appropriations wherever this appeared to be logical and in the public interest.

There have been times in the past when we have increased appropriation bills above the request of the executive, and in this bill today we are increasing funds for certain purposes beyond the request of the executive branch of the Government.

For the fiscal year 1968, the congressional reduction in the defense appropriation bill was $2 billion; in 1969 it was $5.6 billion; in 1970 it was $5.7 billion; in 1971 it was $2.3 billion; and in 1972 it was $3.3 billion. So there is nothing antimilitary or antidefense in the fact that we have made reductions of considerable magnitude in the bill which is before us.

We had not recommended reductions without sharing with the Congress and with the press and with the Pentagon the reasons why the reductions were made. All that needs to be done is for the report to be read. And whether our reasons are sound or not is a matter for the citizens to decide, but we have given our views for the American people to consider.

FUNDS PROVIDED

This bill provides the Department of Defense for the fiscal year 1973, which ends June 30, 1973, with $75.2 billion. It is about $1.4 billion more than the funding available last year. It is notable that war costs allegedly are going down, but the defense budget is going up, and that is hard completely to rationalize, but I think a study of the situation will reveal that inflation is largely responsible for this and it is in the public interest to provide the funds which have been recommended in this bill.

As I said, this is a very large bill, the largest ever presented, but the total funds provided for the Department of Defense will be larger since next year we will provide probably in a supplemental about $1.5 billion in addition to this $75 billion for pay increases.

With respect to the magnitude of the defense appropriation bills, some of you may recall that during World War II Congress appropriated some $99 billion in 1942 and $80 billion in 1944. But those sums for those years were not provided in one bill. Rather, they were provided in a number of regular and supplemental bills.

The committee recommends reductions in new budget authority amounting to about $5 billion, but by applying certain unexpended funds that amount has been reduced by $650 million, making a total available of about $75.2 billion.

These funds, of course, are beyond one's capability fully to understand, but the purposes for which they are provided are very understandable.

AUTHORIZATION REDUCTIONS

The committee of conference on the defense authorization bill today presented to the House a recommendation for a reduction in the President's request of $2.3 billion. Of course, that is a part of the reduction that has been made by the Committee on Appropriations. It was not a matter for the determination of the Committee on Appropriations. The authorization bill treated with less than one-third of the dollar total of the bill before us today, because this bill includes almost all aspects of defense.

SOUTHEAST ASIA BUDGET AMENDMENT

The authorizing committees, however, did not consider the Southeast Asia budget amendment submitted by the President on June 30 of this year. The President, in view of the invasion by the North Vietnamese into South Vietnam, requested $2.2 billion in additional money because of the loss of aircraft and the huge expenditure of funds for weapons otherwise and for ammunition.

The Appropriations Committee considered that amendment, and with the concurrence of the Committee on Armed Services, which I would say is a fair statement, included most of the funds requested.

Most of the Southeast Asia budget amendment was considered to be justified because of the increased activity, and a large part of it, as indicated, was recommended for funding. This added funding caused us to be above the authorization in three procurement appropriations. When we consider authorizations of $2.3 billion on less than one-third of this bill, and the funding of most of the Southeast Asia budget amendment, the overall reduction of $4.4 billion in this bill does not loom as it otherwise might appear to be.

ADEQUACY OF FUNDS

We believe this bill provides adequate funds for the Defense Department. Of course, many things are involved in the defense of the country other than mere dollars and mere weapons. The $75.2 billion in this bill, together with unexpended balances of about $32 billion, will provide a total availability of over $107 billion for the Department of Defense during this fiscal year.

I must point out, of course, that the $24.8 billion of unexpended balances available to the Department is already obligated for the most part on legally binding contracts for weapons and long leadtime items.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I yield myself 10 additional minutes.

REASONS FOR REDUCTIONS

The reductions recommended do not cut into the bone and marrow of the Defense Establishment, in the opinion of the committee. They are recommended in those areas where savings, we feel, can be realized by better management of defense resources. They were recommended to eliminate obsolete or marginal programs. They were recommended to encourage a more cautious approach to production of military hardware where substantial development and testing has not been completed, in consonance with the "fly-before-you-buy" concept espoused by the Congress and by the Department of Defense.

They were recommended in recognition of shortfalls in military personnel strengths. In short, the reductions recommended to the House were considered to be fully justified. I trust that the Members can find the time to read the report on this bill to which reference has been made.

WAR IN SOUTHEAST ASIA

Mr. Chairman, I understand that there will be an "end-the-war" amendment offered to the bill. This is expected on many other major bills which are presented. I hope that we will not expend a great deal of time on this issue, because we have so thoroughly explored it, and we have each, I think, generally made up our minds as to what probably is the best course to follow.

This bill provides $2.5 billion for support of the South Vietnamese and other free world forces in Southeast Asia during the current fiscal year. The Department estimates another $3.3 billion will be required to support U.S. forces in the war effort. The committee did not recommend a reduction in the Southeast Asia request, because, under the present circumstances, the committee did not wish to tie the hands of the President in protecting the remaining U.S. forces in Vietnam as he continues our withdrawal from that conflict, and seeks to find a way to end the war that could be considered by reasonable men to be honorable.

POSSIBLE INCREASED FUNDING REQUESTS

I must warn that it is possible that additional funds may be required for Southeast Asia this fiscal year if the current intensity of that conflict continues beyond September 30. I mark my words when I say that the President's Southeast Asia budget amendment of June 30 of $2.2 billion is designed to support the Department only through that date at the sortie rates and munition consumption levels experienced at the time of the North Vietnamese incursion into South Vietnam.

The intensity of activity continues at a relatively high rate today, as we approach September 30. None of us, of course can predict how long the enemy will continue the present level of conflict.

FUNDS RECOMMENDED

You will note that in the table on pages 12 and 13 of the report, the committee recommended some $20.7 billion for the Army, about $24.6 billion for the Navy, approximately $23.7 billion for the Air Force, and more than $1.8 billion for Defense agencies and the Office of the Secretary of Defense. Pay for retired military personnel was funded at about $4.4 billion which is the full amount of the request.

CIVILIANIZATION OF KP

One of the most controversial reductions recommended by the committee was in the program to civilianize kitchen police, or KP, as we usually refer to it, and other work detail duties in the military services. The Department of Defense proposes during the current fiscal year to hire civilian contractors to provide such services as serving food, washing dishes, mowing lawns, cleaning barracks, and acting as guards at military installations. The department requested some $260 million for this fiscal year for this purpose. It is estimated that these contract services will cost nearly $500 million annually in future fiscal years; that is, to eliminate KP and other housekeeping responsibilities at military installations.

The question that was before the committee, and is before the House today, and will be before the House tomorrow on this issue, is: Will one-half billion dollars annually for these services contribute in any really substantial and significant way toward the success of an all-volunteer Army, and toward the strengthening of the defense posture of the United States? Will young men decide to choose a military career because they will be free from such duties during their earlier years of enlistment?

The majority of the committee did not believe so, and we recommended that the program be discontinued by April 30, 1973. Many contracts have been entered into already without action by the Congress, and in violation of the spirit of the continuing resolution. But I would warn you that all Government contracts of this nature are tentative, and they are subject to authorization and funding by the Congress.

ABM DEFENSE OF WASHINGTON, D.C.

As you know, the Washington, D.C., Safeguard site—and I am changing the subject abruptly in order to cover a little more territory—was not authorized, and the committee recommended a reduction of $250 million in the Safeguard program for the defense of Washington, D.C. I for one did not believe it was practical to try to initiate a program to protect Washington, D.C., which is a soft site—and I am using that not in an unfavorable light, but it is not like trying to protect hardened missiles and silos. The Washington, D.C., site was not authorized, so this is no problem to the committee to recommend a reduction of this amount of money.

OTHER REDUCTIONS

I could go on, and cite the many reductions in the bill recommended by the committee, but as I have indicated earlier, each recommendation is explained in the report.

We do not make any pretense of having been perfect. We have just done the best we could with a difficult job, and we hope that the Members will familiarize themselves with the reasons that motivated the committee on making the recommendations we have made.

For the convenience of the Members we have provided a table of contents in the report this year in order to facilitate the location of the many programs discussed in the report. I trust the Members will find this most convenient as they consider the many facets involved in this very large and complicated appropriations bill.

In summary, the committee feels it has done a thorough job in reviewing and addressing one of the most important appropriations bills the House will consider this session. The amount recommended for our national defense is large, and the dollar reductions recommended are likewise significant in total, but not unrealistic.

While we are encouraged by the SALT treaty and the strategic arms limitation agreement signed in Moscow by the President, we cannot move toward unilateral disarmament. We must maintain a strong national defense. It would be utter folly to make significant unilateral reductions in our defense posture.

The reductions recommended, therefore, are in keeping with our continued responsibility to the American public that only fully justifiable defense programs be funded.

We, in the committee, believe we have presented a good bill to the House, a defense bill that the majority of the Members can support.

Under permission granted, I include for the record the summary tables from the committee report:

SUMMARY OF BILL BY MAJOR CATEGORIES

Functional title	Appropriation, fiscal year 1972 (new obligational authority)	Budget estimate, fiscal year 1973 (new obligational authority)	Committee bill	Committee bill compared with—	
				Appropriation, fiscal year 1972	Budget estimate, fiscal year 1973
Title I—Military personnel	$22,964,100,000	$23,658,559,000	$23,081,821,000	+$117,721,000	−$576,738,000
Title II—Retired military personnel	3,921,446,000	4,358,684,000	4,358,684,000	+437,238,000	
Title III—Operation and maintenance	20,553,925,000	21,634,944,000	21,001,245,000	+447,320,000	−633,699,000
Transfer from other accounts			(200,000,000)	(+200,000,000)	(+200,000,000)
Title IV—Procurement	17,776,892,000	21,169,830,000	18,338,470,000	+561,578,000	−2,831,360,000
Transfer from other accounts	(843,700,000)		(389,500,000)	(−454,200,000)	(+389,500,000)
Title V—Research, development, test, and evaluation	7,519,062,000	8,768,767,000	7,793,928,000	+274,866,000	−974,839,000
Transfer from other accounts	(101,900,000)		(60,000,000)	(−41,900,000)	(+60,000,000)
Transfer authority	(50,000,000)	(50,000,000)		(−50,000,000)	(−50,000,000)
Title VI—Special foreign currency program	12,000,000	3,400,000	3,400,000	−8,600,000	
Title VII—General Provisions (Additional transfer authority, Sec 735)	(750,000,000)	(1,000,000,000)	(650,000,000)	(−100,000,000)	(−350,000,000)
Title VIII—Antiballistic missile construction	109,570,000			−109,570,000)	
Total, Department of Defense (NOA)	72,856,995,000	79,594,184,000	74,577,548,000	+1,720,553,000	−5,016,636,000
Transfer from other accounts	(945,600,000)		(649,500,000)	(−296,100,000)	(+649,500,000)
Total funding available	73,802,595,000	79,594,184,000	75,227,048,000	+1,424,453,000	−4,367,136,000
Transfer authority	(800,000,000)	(1,050,000,000)	(650,000,000)	(−150,000,000)	(−400,000,000)
Distribution by organizational component:					
Army	[1] 21,039,789,000	22,027,213,000	20,461,434,000	−578,355,000	−1,565,779,000
Transfer from other accounts	(351,900,000)		(283,600,000)	(−68,300,000)	(+283,600,000)
Navy	23,176,145,000	26,154,554,000	24,459,587,000	+1,283,442,000	−1,694,967,000
Transfer from other accounts	(260,000,000)		(125,000,000)	(−135,000,000)	(+125,000,000)
Air Force	22,882,597,000	25,043,601,000	23,451,342,000	+568,745,000	−1,592,259,000
Transfer from other accounts	(323,700,000)		(233,200,000)	(−90,500,000)	(+233,200,000)
Defense agencies/OSD	[2] 1,837,018,000	2,010,132,000	1,846,501,000	+9,483,000	−163,631,000
Transfer from other accounts	(10,000,000)		(7,700,000)	(−2,300,000)	(+7,700,000)
Retired military personnel	3,921,446,000	4,358,684,000	4,358,684,000	+437,238,000	
Total, Department of Defense (NOA)	72,856,995,000	79,594,184,000	74,577,548,000	+1,720,553,000	−5,016,636,000
Transfer from other accounts	(945,600,000)		(649,500,000)	(−296,100,000)	(+649,500,000)
Total funding available	73,802,595,000	79,594,184,000	75,227,048,000	+1,424,453,000	−4,367,136,000
Transfer authority	(800,000,000)	(1,050,000,000)	(650,000,000)	(−150,000,000)	(−400,000,000

[1] Includes $98,500,000 for military construction, Army, under title VIII—Antiballistic missile construction.

[2] Includes $11,070,000 for family housing, Defense, under title VIII—Antiballistic missile construction.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, as my good friend, the chairman of the Appropriations Committee has pointed out, we are again presenting the annual defense appropriations bill.

COMMITTEE REVIEW

I want to point out that the subcommittee has spent many, many long hours in sessions—closed sessions and some open sessions—but of necessity most of them were closed sessions, hearing hundreds of witnesses who came before us. I want to point out from the start that as able as we think we are in the subcommittee, none of us are experts, but over the years we have become knowledgeable about matters pertaining to the military. Some of us have specialties or fields in which we think we know a little bit more than others. This is as it should be, so we end up helping one another.

I want to point out that this subcommittee approaches matters pertaining to national defense on a strictly nonpartisan basis. I have never seen a vote cast in this Defense Subcommittee that had any earmarks or hint of a so-called party line vote. We do what we think is best for America, and best for the Nation's security.

Mr. Chairman, I support this bill. I believe the bill as reported is a good bill and should be reasonably satisfactory to all members and anyone else concerned.

I would be remiss, if I did not add to my remarks that I think service on the Subcommittee on the Department of Defense is both a privilege and a penance. There is no more satisfying work to be found than dealing on a day-to-day basis with the problems involved in providing for the military defense of our Nation. Providing for our national security and seeing to it that the President, whoever he might be is given the means to deal with other nations from a position of strength.

The Members can see the nine volumes of hearings that we have here on the desk and obtain some idea of the many hours of effort which must go into the preparation of this bill. I have here in my hand a report of more than 250 pages. I would like to point out that we have provided a table of contents to the report. The table of contents consists of nearly 7½ pages with nearly 500 items listed thereon.

These hearings that I pointed to a moment ago contain over 8,500 pages of testimony and data. If anybody has the time to read them, they are welcome to, but it is a time-consuming task to go through all these hearings. Much of the testimony and detailed data has been deleted for security reasons. So, in effect, the report of our hearings would be much, much larger had it not been necessary for security reasons to delete some data.

Our hearings started on January 25 of this year, immediately following submission of the fiscal year 1973 budget to the Congress. The last hearing was held on July 20. As all Members know the committee meets both morning and afternoon, week in and week out. The number of witnesses heard is both lengthy and impressive. What really takes the time is the evaluation of the testimony, discussing what we will actually put in the bill and finally arriving at recommendations which are brought before the full committee and the House. In a sense, we sit as a jury and arrive at a verdict with respect to the many programs and items included in the Department's budget. We considered requests in this bill totaling almost $80 billion. The recommendations of the committee are for the most part specific and precise.

REDUCTIONS

We have provided for the security of the Nation. We have eliminated funds whenever we found reductions could be made without jeopardizing our national defense and our national security. It is never easy to make reductions. We reduced the programs by $5 billion, offset by funding transfers of $650 million for a net reduction of $4.4 billion. All programs, all expenditures have their advocates, but we have made decisions and have made recommendations to the House and they are documented in the report that accompanies the bill.

The report itself, as I said, is over 250 pages with eight pages of index. I do commend, not the hearings, because that would be too time consuming, but the report to all Members for their reading. The report has been written with care and great thought and the reasons for the committee's action are clearly stated therein.

SECRETARY OF DEFENSE

Mr. Chairman, it is always difficult to criticize the Department of Defense. There are so many fine people, both military and civilian, associated with the Department. Our former colleague, Mel Laird, is a man who is tireless in his devotion to his country. He has done a superb job as Secretary of Defense and I, for one, am very sorry that he has made an announcement that he is going to leave this position sometime after the first of the year. I understand that 4 years is long enough for any man in the very difficult position of the Secretary of Defense, a position second only to the President of the United States in complexity and overall responsibility. I have said to Mel Laird on more than one occasion: "Mel, I do not envy your job one bit but I am very glad you are where you are." I think every Member of this Congress and every American should be thankful that we have had such a great Secretary of Defense.

CONGRESSIONAL CONTROL

Mr. Chairman, we have a fine Military Establishment in this country, one for which we all have great respect, but under our form of government we have civilian control of the military, and we in the Congress have to exercise that control primarily through the power of the purse. We listen to and evaluate the recommendations, but as I said we have the responsibility of making the final and ultimate decisions. We have a good record of making reductions. We have cut over $19 billion, as the following table shows, in the last 5 fiscal years:

COMPARISON OF DOD BUDGET REQUESTS WITH CONGRESSIONAL ACTION—BASIC BUDGETS

[In thousands]

	DOD request (1)	HAC action (2)	Difference cols. 1 and 2 (3)	House enacted (4)	Difference cols. 1 and 2 (5)	Congress enacted (6)	Difference cols. 1 and 6 (7)
Fiscal year:							
1968	76,174,811	74,586,042	−1,588,769	74,586,042	−1,588,769	74,152,312	−2,022,499
1969	79,945,200	74,551,768	−5,393,432	74,551,768	−5,393,432	74,322,846	−5,622,354
1970	78,390,285	72,969,862	−5,420,423	72,969,862	−5,420,423	72,667,882	−5,722,403
1971	71,582,847	69,304,325	−2,278,522	59,454,325	−2,128,522	69,243,701	−2,339,146
1972	76,182,986	73,443,845	−2,739,141	73,443,845	−2,739,141	72,856,995	−3,325,991

In an establishment as large as the Department of Defense which manages a budget in the area of $75 billion a year, even under the best and most responsible management there will always be mistakes. There is bound to be some waste and some extravagance. There will always be some programs which do not turn out just right. There will always be programs that are marginal in their usefulness. There will always be items that would be nice to have but which are not essential to our national defense. It is these items that this subcommittee has attempted to weed out. It is these items which the committee has recommended for deletion from the accompanying bill.

CHEYENNE HELICOPTER PROGRAM

The Cheyenne helicopter program is an example of a program which has not been well managed and I can think back on other programs which have been badly managed. I remember and also the gentleman from Pennsylvania (Mr. Flood) will remember back to the early sixties when we were successful in terminating the so-called BOMARC program. That program went its merry way until they had spent billions before deciding the missile would not work. This kind of waste and extravagance in the military is absolute nonsense. The same is true with the main battle tank program. It started in the early sixties. They finally gave up on that last year at the direction of the House Appropriations Committee.

The Cheyenne program started in the Army back in March of 1963, as an advanced aerial fire support system. The Cheyenne was to be a "fighter-chopper," a helicopter gunship, a helicopter which could defend transport helicopters from groundfire and which could attack enemy tanks and troop positions. Over the years the Army spent $417,600,000 directly on the Cheyenne. In addition, there were other indirect costs, such as the cost of military personnel involved in the administration and management of the program at all levels, and the cost of the utilization of test ranges and other facilities of the Defense Department. I think it would be a most conservative estimate to say that at least $450 million has been spent on this program.

The day before the committee met to mark up this bill, the Army announced the termination of the program. Nine years of effort and $450 million of the taxpayers' money went down the drain. The program had been in technical difficulty for some time. The Army had terminated the procurement part of the Cheyenne contract some years ago, and substantially revised the program. Apparently they just did not go far enough. The early wind tunnel tests and the flight tests should have convinced the Army that the Cheyenne was not practical.

Year after year the committee closely questioned Army witnesses about this program, and year after year we were always assured that the program was absolutely vital to the Army, and that it would turn out all right; that no reductions could be made; and the technical difficulties would be overcome.

Now we find out some 9 years later that this was just not the case, and the Cheyenne is added to the long list of programs, like the C-5A and the BOMARC and the main battle tank program, and others that I have mentioned earlier. This committee determination to get to the bottom of the close air support issue and the assignment of the General Accounting Office to review Army tests of the Cheyenne were instrumental in canceling the Cheyenne.

PERSONNEL TURBULENCE

In the opinion of the committee one of the reasons for the difficulties in these military systems acquisition programs is the military promotion system which requires that a man change jobs frequently in order to advance in rank. This is generally ridiculous and utterly so when applied to managers of complex weapons systems.

We get a manager into a complex program, and as soon as he understands the program—in the case of the Navy he wants to command a ship in order to be advanced in rank. This is what has happened to the managers of these major procurement programs. I think this turbulence of personnel is often responsible for the troubles that we have had with these programs.

Year after year, the committee has called on the military service to change their personnel policies and leave men on their jobs for longer periods of time so that they can become more efficient and acquainted with and adequately prepared to perform them.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. Yes, I will yield to the gentleman from Maryland.

Mr. LONG of Maryland. The gentleman pointed out that we have civilian control of the military. How does this relate to all the frustration we have had in trying to get the military to do what everybody realizes is the sensible thing to do? Year after year after year Congress tells them to do something, asks them to do it, pleads with them to do it, and we do not get anywhere. How can we call such inaction civilian control of the military?

Mr. MINSHALL. I think the gentleman already has the answer. He sits on the Military Construction Subcommittee and also sits on the parent Appropriations Committee. He has been involved in these matters.

Mr. LONG of Maryland. I must say I do not think we have civilian control of the military. It is my observation that the military does pretty much what they please, and we are to a very large extent a front for it.

Mr. MINSHALL. I believe that Mel Laird has control of the military. He takes a reasonable amount of advice from the military. Why should he not? They are experts in charge of these programs. Mel Laird, I believe, has done an outstanding job in this regard. He is the one who has advocated and promoted the fly-before-you-buy concept, rather than the total package procurement concept of previous years.

Mr. Chairman, a policy which has been embraced by the Appropriations Committee, as well as by the Secretary of Defense, as an answer to some of our difficulties in military procurement is the policy of fly-before-you-buy. Too often we have bought paper airplanes that existed on blueprints only that were said to be able to do remarkable things and which turned out to be both very expensive and unremarkable. A number of the actions taken by the committee fall in this area. We are trying to insist that procurement funds not be spent on new hardware before that hardware is thoroughly tested and evaluated and determined to be ready for procurement.

We deleted $101 million from the F–15 aircraft of the Air Force for this reason. We believe the F–15 program to be a good one and we believe that the Air Force will ultimately have an outstanding fighter as a result of this program, but we know and have ample documentation of the potential difficulties and slippages in the engine program for the F–15. We have the testimony of the Secretary of Defense and th Secretary of the Air Force to the fact that very little testing of the F–15 was scheduled to take place before the initiation of this major procurement. What we have done in the F–15 program is provide the funds for a minimum buy under the contract of 15 aircraft in fiscal year 1973 rather than the 30 aircraft requested in the budget. This will mean that we will have produced fewer aircraft with the difficulties inherent in any aircraft in the early stages of production. After sufficient testing has been under the contract, additional aircraft over the presently programed numbers can be undertaken in subsequent years if it is felt that such action is in the best interest.

Another program in which we are practicing fly before you buy is in the S–3A antisubmarine warfare aircraft of the Navy. The S–3A aircraft is a very complex aircraft with much electronic gear required for the detection of submarines. All of this gear has not been fully tested and we call for a reduction in procurement until further testing is performed.

Mr. YATES. Mr. Chairman, will the gentleman yield for one question?

Mr. MINSHALL. I yield to the gentleman for one question.

Mr. YATES. Will the gentleman tell the House why we need the largest appropriation bill in history if, in fact, we have just concluded the SALT agreement and the Department of Defense is being run so excellently under the administration of Secretary Laird?

Mr. MINSHALL. If the gentleman will be patient, we will bring out these points in the course of the debate and also tomorrow when we get into the amending process.

Mr. YATES. That is not really an answer.

Mr. MINSHALL. It is an answer. It is my answer for now. We will answer further in due course, but I do not want to get into that question right now.

There are hundreds of millions of dollars provided in this bill for things to make life better for our military personnel so that service life will be more attractive for our men so that they will reenlist and recruiting will be more successful. Yet, one of the major irritants in the life of a military man is too frequent moves from one location to another, from one job to another. This is an area in which there must be further improvement, in the view of the committee, without delay.

PERSONNEL COSTS

More and more of the funds appropriated to the Department of Defense are being taken up by personnel costs. If I might, this will get to the question the gentleman from Illinois asked me a moment ago, "Why is this bill so high?" It is primarily because of personnel costs. Depending upon how one computes it, we are spending from 52 to 63 percent of our total Defense budget on the pay and allowances and support of personnel.

When one looks for reductions in Defense spending, one must look at the personnel area for some of the reductions, since the lion's share of the money is in this area.

The committee has recommended in the bill now before us some personnel reductions. They are minimal and are not harmful to our Defense effort and are generally specific in their application.

We recommend reductions in the number of personnel in the various headquarters of the military services.

We recommend reduction in the funds requested for permanent change of station, travel.

We have deleted funds budgeted to pay transportation costs for bringing foreign purchased automobiles back to the United States by individual servicemen.

We have cut the funds in this bill requested for the recruiting of personnel. We feel that the services have gone overboard in requesting additional personnel for recruiting for an all-volunteer force.

The costs of military manpower have risen drastically in recent years. If the gentleman from Illinois will listen to these remarks, they will answer a part of his question.

Since 1964 the cost of military manpower, including basic pay and allowances and retirement pay and family housing costs, have risen from $14.7 billion to over $30 billion, an increase of 100 percent.

I might point out also that as recently as 1965 an E–1 in the military service was getting approximately $60 a month. Today an E–1 in the service gets a little over $260 a month, an increase of four times what he was getting about 7 years ago.

If we can go back to World War II, I remember full well from my own practical experience when I, and I know many others in this room, got only $21 a month.

Basic military pay alone has risen from $8.5 billion in fiscal year 1964 to $18.5 billion in fiscal year 1973.

Much of this increased cost is a result of pay raises which have been granted by this very Congress.

The CHAIRMAN. The time of the gentleman has expired.

UTILIZATION OF MILITARY PERSONNEL

Mr. MINSHALL. Mr. Chairman, I yield myself 5 additional minutes.

As I said, much of this increased cost is as a result of pay raises passed by Congress. Since all other costs were rising, it was necessary to provide pay increases for military personnel, but personnel costs have risen to such an extent that we must now carefully look at the utilization of military personnel.

All of you who have been in the military service know that there is very often a great waste of people. This is even less permissible now than it was in the past when the people costs were relatively low. Today people costs have risen sharply, and we must be sure that the military really needs the number of personnel requested, and we must see that they perform military duties and not civilian duties which could be performed more cheaply and probably more efficiently by civilian personnel.

We need to see, also, that the make-work jobs which serve no useful purposes are eliminated.

Because of the great rise in military costs future management improvements in the Department of Defense must be directed more toward the personnel area than ever before.

SUMMARY

Mr. Chairman, there are so many defense programs and so many actions have been taken by the committee with regard to various programs that I am not going to undertake to discuss them all at this time. I have tried only to highlight a few of the area.

I recommend this bill and urge that the House pass it.

In summary I would like to point out that the total reductions in this bill from the budget request are $5.016 billion. Of this reduction, $2.3 billion stems from the authorization action. Included within the $75.2 billion provided is $650 million of prior year balances made available to the Department of Defense to offset reductions in new appropriations.

In summarizing the bill as best I can, I can say that just to hold the budget at an absolutely even level from fiscal 1972 to fiscal 1973, including the hiring of exactly the same number of people and purchasing exactly the same amounts of goods and services, adding nothing—adding nothing, mind you—we would have to add $3.8 billion to this bill. We are in fact only adding $1.8 billion. This means in real terms that the defense budget is down $2 billion.

I commend this bill to the House and I urge its passage. I hope that the other body can act expeditiously so that we may resolve the differences in conference this month. The end of this month will mark the end of the first quarter of the Government's fiscal year. The Department of Defense as is true of the other departments and agencies of the Government, needs to know what their funding programs are to be for this fiscal year without additional delay. I am very pleased that we have this bill on the floor in the month of September rather than later as has been the case in the past few years. I would hope that next year we could bring a bill to the floor even earlier.

Mr. Chairman, this bill provides the essentials for our Nation's defense. This bill provides for the exercise of congressional control of the military through the power of the purse. This bill cuts fat where it has been found. It is a good bill.

Mr. SIKES. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, this very large and very detailed appropriation package is not an easy one to understand—not easy for the Members of the House to understand; not easy for the members of the committee to understand. There is no way for any one individual to fully grasp all that is contained and projected in a $74.6 billion bill. One point sticks in my mind. Most of the bills that have been reported by the Committee on Appropriations are at about the budget level or they are above the budget level. The pressure to cut always seems reserved for defense. I am not sure this is a healthy situation. I think the case for an increase in appropriations for defense is as good as that made for most of the other agencies. America needs real, not token, modernization. But in defense, instead of an increase, we have a cut which, including authorization and appropriation cuts, totals about 6 percent. There have been times when a 6-percent cut was not particularly alarming in the military budget. But I happen to know that military budgets now are much more tightly screened than in prior years.

Nevertheless, the bill before you is probably the best we can get under all the circumstances. And the cuts have been very carefully made. Obviously the committee must consider both the requirement for adequate defense and mounting costs of defense in this country. We live in a world which communism seeks to dominate by whatever means are required. In Indochina, and particularly in Vietnam, the Communists are seeking to establish control of more territory, regardless of where it is or what it is, so that they can go to the conference table after a cease-fire saying, "This is ours. Now we will negotiate for yours." In the Olympics, we have seen instance after instance where Communist judges voted blindly for Communist athletes—never mind whether they were right or wrong. In the SALT talks we yielded on many points just to get an agreement and hopefully to stop the military buildup. I support what was done because we need to reach understandings. Nevertheless, that is the way the Communists always operate and the one sure protection America has is military strength.

Yet the committee must recognize pressures for funds for domestic needs, must look at the sad state of the budget. There are some areas that permit a cut in expenditures—involvement in Southeast Asia, apparent improvement in world atmosphere, reduction in cost of the ABM system. This is helpful.

Members of the House can learn a great deal about the problems of a defense budget by studying the report. It comprises 254 pages and it is very probably the most detailed and complete one ever submitted on a defense appropriation bill. It explains every aspect of defense. It tells of the manner in which we are seeking to obtain modernization, but it does not spell out the contrast of numbers of weapons—many of them new and modern—between our forces and Communist forces. When someone tells you we have a tank as good as the Russian tank, he is not giving you the whole story unless he says the Russians have three times as many as we. Those are not very good odds to send American boys up against.

The budget estimate was $79.6 billion. The recommended appropriation is $74.6 billion, a $5 billion reduction. It is $1.8 billion higher than last year's bill. A very big part of cost increases in the Department of Defense is personnel. We have the most highly paid personnel, civilian and military, in the world. Over 60 percent of each defense dollar is for pay of people in the U.S. military. This is double the amount for the Soviets. Consequently they get more weapons, more modernization, and the scale is tilting rapidly in their favor in modernized weapons capability. In addition, by cutting force levels we are taking unilateral disarmament. This bill cuts force levels.

Cost of retired military personnel is up roughly one-half billion dollars. This will continue to increase. O. & M. is up one-half billion dollars. This is primarily personnel and it will be noted that the committee cut this item nearly two-thirds billion dollars below the budget. Procurement, which is new weapons and modernization, is up one-half billion dollars, but it is $2.8 billion below the budget. Research and development, which means new and improved weapons for tomorrow, is up one-third billion dollars, but it is $900 million below the budget. These are not optimistic figures. And, of course, most of the problem is the fact that manpower costs associated with all aspects of the U.S. defense program are going right through the ceiling and they will not get better.

I am told by defense officials that the committee has cut too deeply into personnel funds. The committee has made estimates of short falls in strength and has cut appropriations accordingly. The services insist the cuts are too severe and they will cause serious funding problems. The committee attitude seems to be to let the matter go to the Senate for adjustment. I do not think this is proper. The time is short for reconsideration but we should make certain of our facts and make corrections if they are needed.

Now, before I talk about specific items in the defense program, let me discuss the civilianization of kitchen police. This program has been in progress for several years in the Navy and in the Air Force. It was done without specific committee approval. The committee noted it but took no action to stop it. Quite obviously the soldiers want the same benefits that sailors and airmen have, so the Army has been under pressure to eliminate KP duties. The Army began the program of civilianization on a modest scale and now seeks to complete it. The committee has looked at the cost figures and proposes to require all the military services to return to KP duty. This truly would cause an uproar.

Kitchen police duty, as some people here know, is an onerous task. Nobody likes it. In the old days, enlisted men simply had to do it. Now we live in a different age. They object to such requirements and the Department of Defense feels that in today's more modern and more sophisticated military services, men should be permitted to specialize and to train rather than be required to do KP. The services feel so strongly that civilianization of KP is essential to a modern, all-volunteer force that they have even offered to take cuts in other activities in order to continue civilianization. In other words, they will take the cost out of their hides.

So I will offer an amendment to the defense appropriation bill to permit civilianization of KP duties. The amendment will not provide additional money for that purpose—repeat, will not provide additional money. The amendment will give the military service the alternative of submitting reprograming proposals to Congress. By this procedure, civilianization of KP can be carried forward if the services are willing to drop other activities of comparable cost. This the services have indicated to me they are willing to do. I do not think it be feasible to offer an amendment to provide additional funds to the bill in view of the present tight budget situation.

The amendment which I shall offer is as follows:

On page 48 of the bill, at line 9, in Sec. 735, delete "$650,000,000" and insert in lieu thereof "750,000,000", and at line 20 change the period to a colon (:) and insert the following:

"*Provided further*, That not less than $92,950,000 of the authority granted in this section shall be available only for the Civilianization of Kitchen Police program of the Department of Defense."

Section 735 of the bill gives transfer authority to the Secretary of Defense. Last year the amount of such authority was $750,000,000. This year the bill, as reported, would have reduced the amount of transfer authority to $650,000,000. By adding $100,000,000 of transfer authority, I restore the total amount to that carried in the bill last year and I provide more than enough for the $92,950,000 requested for civilianization of the KP program servicewide.

The second section of the amendment spells out specifically the authority for civilianization of KP to continue.

This procedure will insure civilianization if the services so desire, but at no additional cost to the taxpayer.

I think it well to bear in mind that the civilians who fill the jobs we will provide are from the lowest level of employment skills. They are the people in whose ranks are found the highest percentage of unemployed. Many of them were on welfare. In this program they can be given jobs, they can receive training, they can begin to build hopes for a better future. It has been stated that elimination of civilian KP would cause approximately 70 small business firms to go out of business. All of these are considerations which should not be disregarded. And it will cost less money to do KP by contract. Assuming, of course, that the number of military personnel is not greater than those needed for actual military duties.

Now let me talk about specific programs. We realize that all is not well in the Department of Defense. Programs such as the Cheyenne combat helicopter run up the cost of defense and hurt the credibility of the services. The decision to drop the Cheyenne after spending $450 million was not an easy one and while it is highly regrettable so much money was spent on a busted program, we must give credit for courage to face up to the problem rather than attempting to go through with it. The Cheyenne was designed for more effective utilization of battlefield airspace. The Army wanted a faster attack helicopter with more firepower than the Cobra. Unfortunately delays caused by technical problems and resultant cost escalations jumped the price of the Cheyenne to $4 million per copy. The Army simply decided it should seek a smaller, more agile, less costly helicopter to perform its firepower requirements. It wants to get started on the new program. It needs a chopper with capabilities beyond those of the Cobra, with built-in effectiveness against tanks and other point targets at ranges of up to 3,000 meters and with night vision.

Survival on the battlefield is the name of the game and we know that the Soviets do not spare the horses when it comes to developing weapons for more effective utilization of the battlefield. We have learned a lot about this in Indochina. I think we should have provided more money for advanced attack helicopters.

The committee is postponing its decision on the F–14. We are funding the program according to the budget request. I do not quarrel with this. A decision is going to have to be made on the F–14 problem but the problem is not really ours. The Department of Defense is the one to decide whether to hold Grumman to a contract which probably will bankrupt the company. We need the aircraft because we need modern planes. The F–4, the best we have, has been in inventory more than a decade. The Soviets have developed several advanced attack aircraft in that time period. I think we are doing the right thing in financing the F–14 buy. We need the advanced version of this aircraft even more than we need the initial version. If there are changes in the contract this point should be emphasized.

The committee may have made a mistake in withholding part of the funds for the F–15. Apparently this has been a virtually trouble free advanced aircraft. The Air Force is subjected to the same problems of lack of modernization which disturb the Navy. We know they are going to need the aircraft. The committee has decided to postpone a part of this year's buy without prejudice. If they must be bought anyway, there really is no point in postponing the buy except to make this year's budget look a little better.

One item which has been particularly disturbing to me through the years has been the lack of progress we have made in meeting the cruise missile threat. The Soviets developed the cruise missile capability more than a decade ago. We have seen its effectiveness capably demonstrated. We know it is a formidable weapon but the sad fact is we have done almost nothing about it. We have neither an effective defense nor an effective cruise missile of our own. This is one of the truly weak points in today's defense program.

We are continuing to build one ABM site under the SALT talks agreement. We could have two. The second, which is the National Capital site, has been rejected in the authorization process. I do not quarrel with that decision. I do not think it would be of great value. Nor do I think the one ABM site which is under construction will be of much value. It will give us the expertise and permit us to continue and program for possible improvement and expansion in the future and that is about all. The Soviets have developed an extensive ABM program for the protection of Moscow and its environment. They have an obsession for the protection of Moscow. This has been true throughout their history. This they have accomplished. If we were to start a similar protection for our National Capital, it would be at least 5 years in the making and of doubtful value because of the threat from ballistic-missile-firing submarines.

We are still playing games in tank development. After wasting 10 years and a lot of money trying to build a main battle tank in a joint program with the Germans we have scrapped that program and now we are trying to pick up the pieces and improve on what we already have. This is another area where the Department of Defense has definitely not distinguished itself.

I would like to stress, as I have done before, the need for both Congress and Government agencies to push weapons sales abroad. Many of our weapons are too expensive or too complex for the needs of other nations but not all of them. There is a rich and for us largely untapped market in these sales which other nations exploit for the betterment of their industries and their workmen. France has built a tremendous foreign weapons sales program largely in countries that sought to buy from us and for one reason or another were not able to do so. The opportunity remains but stumbling blocks imposed by Congress, the State Department, and even the Department of Defense will have to be removed.

We must begin to face up to the problem of maintaining strength levels particularly in Reserve components. The threat of draft calls sent many young men into Reserve components and into some in the active services. That pressure is off to a very great extent. The strength levels in the Reserves are dropping quite rapidly. It will be necessary to build more charisma into Reserve programs and very probably necessary to increase financial benefits. The time to face up to this problem is now. Next year will find many of the units at strength levels too low for effective training.

The fact that I have been critical should not be taken to mean that I am completely unhappy with the defense program and this bill. As I stated earlier, I think this is the best bill we could get in view of the attitude of Congress toward defense expenses and the pressure for increased spending for domestic programs. The services do have new weapons systems, many of them. They represent some very important improvements and these are essential for there is no other way to bridge the gap of Communist superiority of numbers in weapons and manpower. Both the Communists and ourselves are testing new weapons in Indochina. This has been an important proving ground for both. There are many very dedicated personnel both military and civilian who are striving to give America a better defense. They are not the ones whose names make the headlines. Headlines are usually reserved for those who stumble or make mistakes somewhere along the way. There should be appreciation for those who constantly work for and produce improvements in defense. This is an essential service. We are not out of the woods on national security even though the international atmosphere has improved a little. The Soviets are continuing to press for advantages all over the world and with them everything is a team effort. Merchant marine, Navy, diplomatic corps, businessmen, everything is coordinated for the advancement of the Communist dream. By contrast we have never quite been able to put it all together in this country except in an all-out war. Too often we pull each other apart instead of pulling together. This carries a dangerous portent for the future. In today's bill we seek to keep America's defense strong enough to insure the survival of our country but at minimum cost levels. Let us hope the cost levels are not too low.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. YATES. Has the committee ever gone into the question of comparative costs as between the Soviets and the United States for identical facilities? For example, the Soviets have missile destroyers. The United States is building the DD–963 which I assume is a comparable vessel. Has the committee gone into the question as to the difference in cost?

Mr. SIKES. Insofar as the committee can with the knowledge we have of the Soviet weapons systems—the characteristics of their weapons are not as well advertised as ours so it is not easy to know what they are building into their weapons systems—but insofar as we can we have contrasted the costs. As I said a few moments ago, by virtue of the fact that the Soviet's people costs are so much lower than ours, they are able to get about twice as much in new equipment for weapons dollars as we can get.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. Chairman, I congratulate the gentleman from Florida on his excellent analysis of this legislation. And I compliment him on his proposed amendment to permit civilianization of KP duties to continue if found to be fiscally a savings. The amendment would not provide additional money for that purpose, but would give the military services the alternative of submitting reprograming proposals to Congress if they would be dollar saving. By the procedure of dropping other activities of comparable cost the proposed Sikes amendment increases the amount of money that can be transferred under transfer authority in order to take care of this item, but does not increase the amount of money in the bill.

At a time when we are seeking to have our military men volunteer 100 percent or as near as possible to that degree, it is essential that we pursue every possible helpful course toward this end, providing the cost to the Government is not excessive. Since in this instance evidence indicates that the cost would actually be less, it makes good sense to allow the services to pursue that course, not only for cost savings, but also for increasing the attractiveness of the military service.

Studies indicate that experience has shown a saving where civilianization of KP programs has been undertaken. For instance, a study was made at Fort Hood, Tex., showing that to do the same work the cost of military KP's was $5,726,500, while to do the same work by civilians the figure reached was $2,288,000, bringing about a savings of $3,438,500 by using the civilian route.

Approximately 10,000 civilians, largely from low-income and minority group communities, have already been hired for these nonmilitary jobs and will lose their employment unless the program is continued.

The House Armed Services Committee Subcommittee on Recruiting and Retention has vigorously endorsed the civilianization effort with the following comment:

> The hiring of civilian personnel for such tasks as housekeeping, groundkeeping, and KP has improved the life of junior enlisted personnel who were previously required to perform these functions. The removal of this irritant has enabled the services to utilize the time saved for required military training. We have been assured that the services will not increase the numbers of civilians hired for these purposes to the extent that it creates a situation wherein military personnel will be unable or unwilling to perform these functions in the field.

Since civilianization of KP functions has been a strong positive factor in military morale, and has saved money for the Government, and provides employment for people who would have great difficulty in finding employment otherwise, I strongly hope that the Sikes amendment will be approved.

Mr. MINSHALL. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona (Mr. RHODES).

COST OF DEFENSE

Mr. RHODES. Mr. Chairman, this is the most important appropriation bill which we ever consider in any given year. This year is certainly no exception. It is an extremely important bill. As the chairman of the subcommittee and the full committee, the distinguished gentleman from Texas, said, "This is the largest single bill ever brought before this body."

However, I think it is fair to point out the fact that this is not the most money we have ever projected to spend for defense in any fiscal year. During World War II there were two separate bills voted on by the House and the Senate, one for each of the two departments then in existence. Therefore, the funds which were actually appropriated in World War II exceeded the magnitude of this bill, but the statement is certainly correct that this is the largest single bill.

Also, during the height of the Vietnam war, there were, of course, huge appropriation bills for the military, but there was a deliberate policy on the part of the Pentagon to underestimate the cost of the Southeast Asian war during those days, which resulted in the appropriation bill for Vietnam not being as large as this one is. However, when we consider the amounts of the funds which were later appropriated in those years as a result of supplemental bills, they, of course, were close to the amount of this bill.

The gentleman from Ohio, I think, did an outstanding job in pointing out several facts about this bill and the reason that it appears to be rather large. One of course is the high cost of hiring and keeping personnel. We are working toward an all-volunteer armed service and. when we do that, we naturally try to make the Armed Forces as attractive as we possibly can so the young men of this country will look upon the armed services as a worthy career and will enlist in the services and stay in them for the allotted time which would be required before they would be eligible for retirement. It is very expensive to do this. We have to offer higher pay, as has been mentioned by the other members of the committee. We have to have better living conditions, and have to give the serviceman an interesting job which presents a challenge to his intellect. And, yes, we have to have less "Mickey Mouse" involved as far as the individual soldier is concerned.

HOUSEKEEPING CHORES

However, I do not intend to support my good friend, the gentleman from Florida, in the amendment he will offer tomorrow. I choose not to support it for a number of reasons. One is the budget deficit, which is rather large.

To me, $300 million to go into a civilianized KP program at such a time really is not necessary nor desirable. Furthermore, I do not believe that serving on KP has ever hurt a soldier—at least none that I know of. It certainly did not hurt this former soldier when he was on active duty. Also, to me this is just not the time nor the place to do away with the necessity of the armed services to be self-supporting. Certainly the fact that we do not provide combat units with civilian KP's is interesting. It indicates there is a need in the combat unit for the skills which are required to operate the kitchens of such units, and the KP duties required to keep them clean.

I just wonder where we intend to train people to go into combat units for kitchen duty if we do not do it while they are in garrison duty.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Is there any particular reason why housekeeping chores, as they are called, whether KP or cleanup details, should be considered beneath the dignity of members of the Armed Forces?

Mr. RHODES. None that I can understand. As a matter of fact I certainly think these duties are not beneath their dignity. They were not considered so in the past.

Mr. WYMAN. If the gentleman will yield further, if a serviceman has these types of details assigned for 30 days during the year, then the detail would not involve more than 2 or 3 days a month, would it?

Mr. RHODES. Certainly it would not.

Mr. SIKES. Mr. Chairman, will the gentleman yield to me?

Mr. RHODES. I yield to the gentleman from Florida.

Mr. SIKES. I want to be sure that we have the facts on this matter of KP. It is a stated policy that the services will continue kitchen police requirements for basic trainees and for field assignments. You do not carry a contract crew around while you are out in the field. I am told that the requirements for KP duty are about 4 days a month, not 2 or 3.

Mr. RHODES. I thank the gentleman for his great contribution.

Mr. WYMAN. Mr. Chairman, would the gentleman yield to me further?

Mr. RHODES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. The gentleman has spoken, as did the gentleman from Ohio, about this large appropriation bill. In terms of dollars, is not the present appropriation bill the lowest level of constant dollar spending that has been proposed for defense since 1951?

Mr. RHODES. The gentleman is correct. The gentleman from Ohio pointed out the fact that if we were to buy just the same goods and services for fiscal 1973 that we had for fiscal 1972, we would have to increase the bill by $3.8 billion over the expenditures of fiscal 1972, so that actually this is a $2 billion cut. When you compare the constant dollars of this bill with the bill for 1964, which was the year before the huge increase for the Vietnam war, this is a smaller bill than that one. So this is not a large bill.

Mr. HICKS of Washington. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Washington.

Mr. HICKS of Washington. The gentleman was speaking about when he served and was doing KP. I was wondering what was his rate of pay at that time.

Mr. RHODES. My rate of pay at that time as an ROTC Cadet was so small, I do not think it is even worth mentioning. It would be de minimis.

Mr. HICKS of Washington. It would seem to me that maybe the pay that the gentleman was getting was about what it was worth to do that KP, but we are paying these fellows quite a bit more these days.

Mr. RHODES. Well, I think the gentleman from Washington would have to agree with me, however, that if we hire civilians to do this work, it is going to cost us more in comparable figures, because a civilian can only work 8 hours a day. It will cost about $13,000 a year to hire civilians to do the same amount of work that we can get a soldier to do for $5,500 a year.

Mr. HICKS of Washington. Is that what we are putting out on a cost basis?

Mr. RHODES. That is one of the factors that I think most people should consider. I think the taxpayers will consider it, and I hope the voters in your district and mine will consider it when they decide what to do with us in November.

Mr. HICKS of Washington. I would agree with the gentleman, but I have been led to believe that the cost ratio went the other way. Are the gentleman's figures as given accurate?

Mr. RHODES. The gentleman's figures are accurate.

Mr. HICKS of Washington. I thank the gentleman.

Mr. WYMAN. Mr. Chairman, will the gentleman yield to me?

Mr. RHODES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. The gentleman's question presupposes that those who are in the military are so busy and so preoccupied with their duties in a peacetime military posture that they absolutely cannot be taken from their military duties to perform KP. I submit that that is not a realistic position as it applies to peacetime military life.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Ohio.

Mr. MINSHALL. I should like to point out that if the gentleman from Washington (Mr. HICKS) would just look in the middle of page 28 of the committee's report the comparative costs of civilian vis-a-vis military personnel are summarized.

ALL VOLUNTEER FORCE

Mr. RHODES. I should like to go on, if I may, and suggest some of the difficulties in an all-volunteer armed service. I think probably we can with great patience and with the expenditure of great sums get enough people for an all-volunteer Army, Air Force, and Navy.

The main problem is going to be the procuring of professional help; doctors, dentists, and the like. I suggest to this committee that this problem has certainly not been solved as yet. I am told by the people who are most knowledgeable in the military that there is no solution yet in sight. So the beautiful Utopian idea of an all-volunteer armed service may not be possible of achievement in all categories of endeavor.

So far as the Navy is concerned, it is necessary, of course, for there to be some time provided for a man who serves on a ship to spend with his family. One of the reasons why it is expensive to get an all-volunteer Navy is because of the necessity of rotating their duty from time to time. One of the steps which has been taken, which I believe may bear some fruit, is providing home stations for Navy people overseas. This, we hope, will provide the Navy man with a means of spending more time with his family than he now can, therefore, to improve his morale and hopefully to improve his desire to stay in the Navy for a career.

The future of the armed services in peacetime I believe is rather important to contemplate. One of the more important things which Secretary Laird has done is to declare that the organized Reserves and the National Guard will be treated as actual members of the armed services. The old idea was that when we needed more manpower in the armed services, we drafted more people and brought them in as draftees. That is not the present idea in the Pentagon. The idea is that we will train the Reserve echelons as thoroughly as possible, will provide them with the best equipment we can get for them, and will bring them to the highest state of readiness in which we possibly can maintain them. If indeed it is necessary for us to augment any portion of the armed services at any time, the present plans are to do this by calling to active duty the members of the National Guard, the Air National Guard or of the Reserve echelons of the Army, Navy, and Air Force.

WORLDWIDE THREAT

Now let us consider the worldwide threat. What we are arming against, actually? Of course, I believe the first thing one thinks of is the threat in the Middle East.

Little Israel is doing its very best to maintain its position as a nation, and we are doing our very best to help Israel maintain that position. One of the reasons why she has been successful in maintaining that position, other than her own gallantry and the fact that we have been selling her war materiel is the presence of the 6th Fleet in the Mediterranean. This is a very powerful fighting force made up of at least two aircraft carriers and supporting ships for aircraft carrier flotillas.

Not too many months ago there were rumblings of a war in the Middle East. In fact, there were Syrian tanks which were heading toward the border of Jordan with the apparent purpose of crossing that border and possibly overturning the regime in Jordan and setting up the Palestinian refugee regime as the ruling power in Jordan. The mere fact that the 6th Fleet was there left no doubt in the mind of anybody that if it were necessary to do so, the 6th Fleet could transport Marines into Jordan to stabilize that situation. The airplanes of the 6th Fleet were ready, willing, and able to do whatever was necessary to maintain air superiority in that part of the world, and I believe that is one of the main reasons why Jordan has been able to remain viable, and we have been able to keep the eastern flank of Israel from being exposed.

So in the 6th Fleet area we certainly have in the future a very definite need for more and more support. I think it is important to note in this bill we provide one more nuclear aircraft carrier to go with the *Nimitz* and the *Eisenhower*, which hopefully will be sailing the seven seas of the world before too many more months have elapsed.

Also a part of the threat to this Nation comes from the Pacific area and Southeast Asia. I do not think I need to dwell on Southeast Asia other than to say that since we last considered this bill the winding down of our effort in Southeast Asia has kept on a pace. We are in the process now of removing the last of the ground troops in southeast Asia. Hopefully we will be able to look forward to some kind of a stable peace there before too long.

However, on the borders of China and Siberia we have another trouble spot brewing. It is not a new one, but it is being aggravated since the last time that we presented this bill. Those of you who read the papers recently are aware of the fact that three new mechanized Soviet divisions have been deployed on the border of China.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MINSHALL. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. RHODES. Nobody really knows what the outcome of the bellicose attitude of Soviet Russia toward China will be, but there is very little doubt that the decision as to whether to "go" or not will be made very soon by the U.S.S.R.

The aim of this Nation, of course, is to maintain stability in that part of the world. We certainly cannot maintain that type of stability if we cut the defense budgets any more than this one is cut. This budget is barely adequate, if it is adequate.

Certainly hearing people talk about cutting the defense budget $30 billion frightens me. If such cuts were to be made, we would not be able to fulfill the aims which we have for stability around the world. With such a cut in our Armed Forces, we would find ourselves in a position of isolation, because we could not fulfill our responsibilities abroad. We would not be able to defend ourselves in any way except to withdraw to what we call fortress America and hope that that fortress can be held. That would be the most foolish thing that this Congress can contemplate. I trust we will not, and the American people will continue to insist on armed forces which can deter or defeat any enemy.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. MINSHALL. I yield to the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, the committee had denied the funds requested to continue the development of the airframe for the Air Force's medium short takeoff and landing aircraft at this time.

Since the release of the Committee on Appropriations report on September 11, 1972, information has been made available to me which leads me to believe that there has been a lack of communications between the Air Force and the Appropriations Committee which has led to a misunderstanding of the Air Force's position on the program. Further, from its remarks found at page 225 I do not believe the committee has been aware of the indepth studies conducted by the Air Force over the past few months covering the specific issues the committee has cited in its report as reasons for denying the program.

The Air Force has advised me that in accordance with the instructions issued by the committee last year, the program is now structured so as to meet the true competitive interest of the Congress. There will be two airframe manufactures selected. Each will build two prototype aircraft.

Originally the Air Force testified that it needed a new engine for the AMST prototype. Upon completing the source selection, it was determined that existing engines would suffice for both the prototype and production airplanes. Therefore, according to the Air Force an immediate decision to proceed with a new engine need not be addressed for as long as 2 years after the start of the prototype program. This delay still provides sufficient time to develop a new engine for the production aircraft.

To preserve the new engine option, the Air Force will use existing engines on the prototypes which will directly simulate the thrust and by-pass ratios of proposed new engines. However, the largest technical unknowns of the program are associated with the performance of the STOL lifting concept, not the engine development. Since the prototype airframe can be tested with existing engines, I support the immediate initiation of airframe testing to address the true technical unknowns and defer the engine decision for a later time. Judging the immediate mood of this body I do not intend to offer an amendment to this end but I trust that should the other body, in its infinite wisdom, restore AMST funding when it later takes action on the Defense Appropriation bill, that this body will then concur in the action. It would well serve the defense of this Nation to do so.

Mr. MAHON. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I rise in general support of H.R. 16593 and to announce that I plan to offer an amendment to the bill to terminate the involvement of U.S. troops in Indochina within 4 months pending the release of American prisoners and an accounting for those missing in action.

I would like to commend the chairman of the Appropriations Committee (Mr. MAHON) and the members of the committee and the Defense Appropriations Subcommittee for their tireless work on this bill. The staff is also to be commended for doing a yeoman's job in preparing the detailed report of the committee and in their aid to the committee and often working against a handicap of 30 Pentagon advisers to one staff.

While I do not agree with all the decisions made with respect to military spending under this legislation, I can take satisfaction in knowing that our committee had adopted my amendment to cut $51 million from the antiballistic missile NCA program and that the committee has prepared a bill which contains some net reduction in proposed Department of Defense spending of more than $4.2 billion from the budget estimates for this Department.

Mr. Chairman, I am most interested in seeing that the Congress express itself in definite terms concerning the continuing role of our troops in Vietnam. For that reason I plan to offer an amendment to H.R. 16593 which would set a date for the complete withdrawal of our forces from Indochina.

My amendment would terminate U.S. troop involvement in Indochina within 4 months, conditioned upon the release of all American prisoners and a full accounting of the missing in action. The amendment is similar to one adopted by the other body as part of the military procurement bill.

When we debate the amendment, I urge every Member of the House to keep in mind the frustration and futility of our past actions in Vietnam and the balance of Indochina. I ask every Member of the House to rethink the Vietnam problem and consult his conscience. I ask every Member of the House to remember that it is the stated foreign policy of our country to end the Vietnam war as soon as possible. I ask every Member of the House to consider how we can explain to our constituents the continuation of this tragic war in the face of repeated promises by our Nation's leaders that the war would be ended long before this time.

I ask every Member of the House to consider the lateness of the hour in terms of lives lost and the opportunity for congressional action to end the war. We have voted on various so-called end-the-war amendments before. Some votes have been closer than others. Each year more and more Members vote to bring the conflict to an end. This may be the last chance for this Congress to speak out and take affirmative action. Promises have not ended the war. Party platform planks have not ended the war. Congress can do it by voting for my amendment to bring all troops home within 4 months if our prisoners are released and our missing in action fully accounted for.

I ask every Member of the House to consider the consequences if we fail to act. The loss of one more life—be it American or Vietnamese—cannot be justified. We have already served whatever purpose our presence in Vietnam was to accomplish. We have met whatever commitment was given. We have achieved whatever the policy of "Vietnamization" was to have achieved. We must now get our prisoners back and achieving that, there can be no logical, legal, selfish, moral or any other reason for staying in Indochina.

The testimony before our subcommittee as to the bombing and when the South Vietnamese would take over the air war was, anywhere from 1 to 5 years. More bombs have been dropped than in World War II and Korea combined.

Now we have smart bombs but it is as stupid and unending and uneffective in ending this war as before.

How can you hope to have a total volunteer army when they know they are to serve in an unending and unwanted war.

Progress in Vietnam now appears in reverse. Our position was to establish free elections. Now President Thieu takes away free elections in the provinces.

Mr. Chairman, my amendment would reestablish as national policy the termination of all U.S. military operations in Indochina at the earliest practicable date, and would allow the prompt withdrawal of our military forces at an orderly rate by a date certain, subject to the release of all American prisoners of war and a full accounting for Americans missing in action.

Passage of the amendment by the committee would provide the House of Representatives an opportunity to join with the Senate to provide congressional initiative to end the engagement and return our military forces and prisoners to their homes by early next year.

A date must be set by Congress to end the engagement and effect the withdrawal of U.S. forces from Indochina. Certainly, if those actions can be taken sooner we would all rejoice for even 1 month is too long a deadline. If no deadline is set by Congress, we have seen how long withdrawal can be protracted. I would hope, therefore, that all Members will support the amendment I shall offer.

Mr. Chairman my amendment reads as follows:

> On page 52, after line 8, insert a new section as follows:
>
> "SEC. 745. None of the funds in this Act for United States forces with respect to military actions in Indochina may be used except for the withdrawal within four months after the date of the enactment of this Act of all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia: Provided, That there is a release within the four-month period of all Americans held as prisoners of war by the Government of North Vietnam and all forces allied with that Government: Provided further, That such withdrawals shall not be completed until there has been an accounting for United States servicemen missing in action by the Government of North Vietnam or any government allied therewith."

Mr. RHODES. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I think that every member of this subcommittee feels that he does have one of the most challenging assignments that could come to any Member of this House. It is a challenge primarily because of the great responsibility that it does entail to attempt to pass judgment on the number of dollars that we need to spend for the defense of this country.

In many of the programs for which we make appropriations, we can look to other sources of assistance at other levels of government to help to implement them financially, but as we sit on this subcommittee, we know that this is the sole source of funding for the defense of this country. We know, too, that if we do not provide the funds for the defense of this country, there is no one else that is going to do so.

We know too that we could be considered as presumptuous to attempt to pass as experts on defense requirements, but in these lengthy deliberations which take place each year we do attempt to balance the demands which admittedly sometimes seem overwhelming on the part of those who present the requests of funds to us, and we need to balance that against the risk of failing to meet the legitimate requirements. If in many instances we do agree with what the Department of Defense experts tell us are the requirements, we are frequently accused of being rubber stamps for the Pentagon. If we disagree, if we do not provide the funds, then we find ourselves beseiged and beleaguered by those in and out of uniform from the Pentagon and from other people throughout the country who insist that we have gutted our national defense.

So it is a matter where men of judgment, men of concern for the defense of this country, men of concern for those who must provide this money, attempt to arrive at these decisions, and I submit that this bill, while I suspect that no one of the 11 Members agrees with everything in it, is a bill which meets the responsibility which has been given to this subcommittee.

This is a huge bill in terms of dollars. Our distinguished chairman told us that this is the largest defense bill in our history. But inflation has taken its toll in paying for our defense, as it has in paying for everything that the Government buys and everything that the individual buys. So it is a valid statement that has been made that in terms of constant dollars this has the least real purchasing power for the defense of this country of any in the past 20 years.

Those who are critical of the number of dollars involved need to keep in mind, too, that between 55 and 56 cents out of every dollar in this bill will go to pay personnel costs, and that of course means a proportionately less amount that is available for the actual hardware of defense.

So this is true. These personnel costs are so proportionately high, even though the number of bodies, the number of people in uniform and in civilian employment by the Defense Department is substantially less. Our report, if you will take the time to read it, points out that the average cost of keeping a man in uniform has more than doubled in the past few years.

We have all supported substantial increases in the pay, particularly of those in the lower pay grades, but including all levels and grades and pay rates in the armed services these past 4 years.

Now in the days of lower pay—and I listened to the colloquy that took place between the gentleman from Washington and my fellow committee colleague, the gentleman from Arizona—but during these days we, as a Congress, have pretty much closed our eyes to the fact that people were being promoted—more of them, and at a much more rapid rate. We sort of justified this on the grounds—well, their pay was so low in this lower grade that it was not too bad a thing if we let them be promoted rapidly so that they could be entitled to more pay. But now, there is no excuse for this. People in all pay grades have substantially increased pay, and so it is now, that our report does in some detail indicate what has happened in this area of what is generally referred to as the grade creep—not only at the enlisted level where we find the average pay rate or the average pay grade among the enlisted men to be constantly going up and up, with more of the men and women in the higher enlisted pay scales—and less and less in the lower ones.

But I think what we need to be concerned about too is that this grade creep does not only apply in the enlisted grades—it has been going on primarily through what I consider to be the abuse of the temporary promotion program among the higher ranking officers of the service as well.

This year, and for the past 2 years in our committee report we have attempted to insist that the Department of Defense itself come up with some kind of a program to assure us that the number of high ranking officers would not continue to go up and up while the total number of officers and the total personnel, officers and enlisted men, have continued to go down and down for the last several years.

I find it shocking to find more high ranking officers in the services today than we had at the height of World War II when we had about five times as many people in the uniformed services of this country.

I would call your attention to the additional views, which you will find near the end of this report, in which I express my support of what the committee report says. But I have indicated, too, that I could find no evidence that the Department of Defense in the past 2 years had paid one whit of attention to what our committee had said about this constant creep, particularly among the higher ranking officers of the services.

Oh, they attempt to justify it on the basis of the greater sophistication of the weapons and the necessity for more of these skills. But, I suggest, inasmuch as we substantially increased the pay, we have a right to expect a greater skill level in all officer ranks, and all enlisted men ranks, at all levels. We ought not be expected to deal with the problem of the greater group of these officers and these enlisted men at the higher level simply by giving them the privilege of being promoted or advanced that much more rapidly.

It was 19 years ago when this problem was apparent that I did succeed in having attached to the defense appropriation bill what was known as the Davis rider, which put some definite numerical limitations on the number of officers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MINSHALL. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DAVIS of Wisconsin. This applied only to officers of the rank of major or lieutenant commander and above. I remember at that time that we had as the public relations director over at the Pentagon a man who is now a columnist for one of our Washington newspapers, and he reported that there were men over in Korea that were turning their backs to the walls and dying because the Davis rider had prevented them from getting their just promotion.

It did not apply to any enlisted man. It did not apply to any officer of the lower ranks at all. So now again there appears to be this determination, by fair means or foul, to prevent Congress from exercising the kind of control in this matter that needs to be exercised. It had been my intention to offer as an amendment tomorrow specific numerical limitations on these higher ranking officers, but during the course of our meeting here today it has become apparent that there are going to be a great many other amendments that will be offered, so I have decided that perhaps there might be one more chance, perhaps they might listen to this language that appears in our committee report this year, and if the legislative history we are making here today lets them know that we do mean business in this area. I for one want to serve notice that if by the time of the markup of this Defense appropriation bill next year, there has not been either by the proper function of responsibility by the Armed Services Committee of this body or of the other body or if the Defense Department itself has not given us through definitive action assurance that this problem is being dealt with—it needs to be dealt with—then I shall no longer defer the bringing into the committee or onto the floor, if it is necessary, some definite limitation on the number of high ranking officers in the armed services. We cannot justify the number that we have at the present time in comparison to the lower ranking officers and in comparison to the total number of enlisted personnel.

Mr. MAHON. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. Yates).

Mr. YATES. Mr. Chairman, I want to pay my tribute to the chairman and to the members of this committee who are among the ablest in the House. Theirs is a most difficult task. Year after year they bring in a bill that reflects a great amount of work as they seek to fashion a good defense bill.

I want too, to pay my tribute to the four professional staff members of the House Committee on Appropriations, four outstanding individuals who face the best the Pentagon has to offer, four against hundreds who work on this $80 billion budget. I want their names to be emblazoned in the Congressional Record with pride because I think they do a remarkable job: Samuel R. Preston, Peter J. Murphy, Jr., John Garrity, and Derek J. Vander Schaaf, who have done a tremendous job in helping this committee formulate and draft this bill. There ought to be more such staff members. Their numbers should be greatly augmented because their task is so formidable.

I do not agree with many of the conclusions the members and the staff arrived at, but that is something we will take up when the bill is read for amendment.

Mr. Chairman, I want to state why I voted against the rule for consideration of this bill. When the bill was in the committee I offered an amendment to the motion that was being made by one of the Members to authorize the chairman to seek a rule. At that time I sought to limit the request for a rule only to one point of order, to the point of order that might be made in connection with the nonenactment of the authorizing bill. I thought this was the only waiver that would be justified in connection with the appropriation bill. I think the appropriation bills should stand on their own two feet and not contain legislation and therefore there is no need to obtain the rule that would permit the waiver of points of order. Inasmuch as the Rules Committee gave a rule waiving all points of order save one, I voted against the rule.

This bill has been described as the most expensive military appropriation bill in history. What a paradox that we have a bill of this magnitude when the administration has just negotiated the SALT agreement that was supposed to limit arms spending. I agree that personnel costs have gone up and have gone up substantially, as was so well pointed out by my colleague, the gentleman from Ohio (Mr. Minshall). Our Armed Forces are the best paid in the world but these are not the only costs. There are costs in this budget besides the personnel costs which can be deleted. It is amazing that the committee should have permitted itself to become bogged down in the F–14 program after threatening for several years to cancel it because of the mismanagement and cost overruns and because of the fact the contractor had not adhered to his requirements under the contract.

But the F–14 program goes on, the funds continue to be included in a program that, according to some, provides for the manufacture of a plane that is not greatly better than our present F–4.

In addition, there is the C–5A program. There is $100 million in this bill to continue procurement of the C–5A, and here, too, is an airplane that cannot possibly perform the job for which it was originally intended. In fact, on April 7, 1972, a report by the General Accounting Office indicated that of 15 typical C–5A's, there was an average of 251 major and minor deficiencies involving key components like wheels and the landing gear. Major structural weaknesses showed collapsing landing gears, and wings repeatedly failed fatigue tests.

I have wondered, Mr. Chairman, why it would not have been much simpler and much less expensive to shift over to a plane like the 747, a plane that costs $24 million in contrast to the C–5A which has a purchase price in the neighborhood of $61 million.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from New Hampshire.

Mr. WYMAN. The gentleman understands. The gentleman put that question to me earlier, and I went to the gentleman with a rather substantial documentation as to why the 747 is inadequate for the purposes of the C–5A.

Mr. YATES. The gentleman was kind enough to furnish me with a document that indicated that the C–5A had a task to do that the military thought could not be performed by the 747—the so-called roll-on and rolloff capacity of the C–5A, and it is understandable why that is possible when landing gears collapse. But the C–5A's duties can, for the most part, be handled by the 747, which is a much less expensive plane and can perform, as I understand it, approximately 75 or 80 percent of the tasks that the C–5A can perform.

In addition, Mr. Chairman, the bill before us provides for the B–1 bomber, provides for the LHA program, provides for the ABM at Grand Forks; I question very seriously whether this one installation will protect against an all-out saturation attack, if such attack were ever made, as we hope it will not be.

At any rate, there are hundreds of millions of dollars in this bill that could be deleted.

In addition to that, if the House, in its wisdom, accepted the amendment offered by the gentleman from New York (Mr. Addabbo) additional hundreds of millions of dollars could be saved.

Mr. Chairman, one last point: Tomorrow I will offer an amendment in connection with 713(c) of the bill in order to reestablish in the Congress the power that has been given by it to the President of the United States. I believe that if the President calls up Reserve Forces, as he may do if he declares a national emergency, he ought to be required to return to the Congress for its consent at the expiration of 60 days.

Mr. MINSHALL. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. Steiger).

Mr. STEIGER of Wisconsin. Mr. Chairman, I very much appreciate the distinguished gentleman from Ohio yielding me this time.

Mr. Chairman, tomorrow the House will vote on an amendment by the gentleman from Florida (Mr. Sikes)—the distinguished majority member of the defense appropriation's subcommittee—to continue the civilianization of nonmilitary duties. The amendment is necessitated by a committee action totally eliminating the item from the budget.

The amendment entails no additional cost to the committee bill, since it merely provides language allowing DOD to reprogram funds from other areas of the budget. Let me assess the impact of this amendment:

First. Forty-five thousand lower ranking enlisted men are currently engaged in these nonmilitary duties every day. The committee action will add thousands more to these nonessential details.

Second. The Air Force has already civilianized 99 percent of its KP function, the Navy 60 percent, and the Army 46 percent. Failure to go forward will result in severe discrimination among the services, and total elimination of civilianization will have a disastrous impact upon the morale of those junior enlisted men reassigned to these duties.

Third. Ten thousand civilians—largely from low income and minority group communities—have already been hired through this program, and will be thrown out of work unless the amendment is approved.

Fourth. Under the amendment, GI's will still perform KP in basic training and in the field, thereby gaining whatever benefit might be derived from the experience.

Fifth. The House Armed Services Committee, subcommittee on recruiting and retention has strongly endorsed the very item which the Appropriations Committee has chosen to delete:

> The hiring of civilian personnel for such tasks as housekeeping, groundskeeping, and KP has improved the life of junior enlisted personnel who were previously required to perform these functions. The removal of this irritant has enabled the services to utilize the time saved for required military training. We have been assured that the services will not increase the numbers of civilians hired for these purposes to the extent that it creates a situation wherein military personnel will be unable or unwilling to perform these functions in the field.

Mr. Chairman, I have tried to make a thorough review of the hearings before the Appropriations Committee, and consent has been given to include this material at the conclusion of my remarks.

In view of the compelling considerations supporting the program—and the unanimity of Army, Navy, Air Force, and Marine Corps witnesses—I expected the Appropriations Committee report to provide a substantial explanation for its disagreements with this important reform. Unfortunately, Mr. Chairman, the report is full of statements which are supported neither in the hearings nor in the public record.

After describing the expenditures thus far, the report declares:

> It appeared that performing KP duties was below the dignity of the individual enlisted man.

That statement is simply erroneous and reflected nowhere in the hearings. Defense Department officials and military witnesses continually emphasized that the purpose of the program was to return the soldier to his unit for training and performance. In fact, the services all declared their intention to continue KP in basic training, hardly an indication that anyone believed these chores were below the GI's dignity.

The report then stated:

> It is noteworthy that the program is being fully implemented without a review to determine its effectiveness in reducing AWOL's, desertions, disturbances in the services, or its overall effect on the "esprit de corps" in the service which could encourage reenlistments.

What is noteworthy, Mr. Chairman, is that the committee somehow chose to ignore an Army study of these very factors, which was printed this spring in House Armed Services Committee document 92–42. It is highly significant that this study—based upon last year's experience at VOLAR test posts—rated the civilianization of nonmilitary duties as the second most cost effective item in increasing potential for reenlistment.

The report states that the average cost of civilian KP's is $8,800. Yet testimony by Army witnesses—uncontroverted in the committee report—placed the estimated cost at $6,300.

Mr. Chairman, I share the committee's concern that no offsetting reductions were recommended in fiscal year 1973 military force levels—but what justification does this provide for eliminating the jobs of 10,000 civilians who have previously been hired? What reason can be found here for reinstating KP for the thousands of GI's who have been relieved of the chore in past years?

If the committee had seriously been concerned with the military/civilian tradeoff in fiscal year 1973, they could have made the funding contingent upon the development of a civilian substitution plan. The services would then have had to make the hard choice between military and strength and civilianization. This is the approach taken by the Sikes amendment. Unfortunately, the committee chose to ignore this logical and readily available step for controlling the civilianization program. In view of the alternatives to the total eliminaton of the program, the report's professed concern with force levels seems to be no more than a rationalization for a requirement that these duties be performed by GI's even after they complete basic training.

I am also baffled, Mr. Chairman, by the committee's contention that the Armed Forces violated the continuing resolution of July 1, 1972, by continuing the expansion of this program. Since the Air Force had already civilianized 99 percent, the

Navy 60 percent, and the Army 46 percent, the committee can hardly contend that this is a new program. While the report notes that the KP program was discussed specifically with Army officials during the testimony, a careful reading of the hearings will reveal nothing that meets the "strong criticism" test of the continuing resolution. Indeed, one of the most persistent "critics" during the hearings was the gentleman from Florida (Mr. SIKES), who will offer the motion to continue the civilianization program.

Mr. Chairman, I find it almost incredible that immediately following the report's denunciation of the civilianization of nonessential duties, is a section entitled "Civilianization: Converting Military Positions to Civilian Positions in the Department of Defense." This portion of the report, first, cites with approval DOD policy of using civilians where military incumbents are not required; second, comments upon a GAO report calling for improved implementation of this policy; and, third, states:

> The Committee found a number of areas where in its opinion significant military and civilian job conversions would be appropriate.
>
> * * * * *
>
> The Committee wants and expects to see military personnel out from behind desks and back in aircraft, ships, and troop units.

I wholeheartedly applaud the committee for its active support for the civilianization proposal which volunteer force advocates have been pushing for years. But what good will it do to get our soldiers out from behind desks only to put them in the garbage pile, behind the lawnmower, and over the potato peel? The committee's deletion of the bulk of the civilianization program will the adverse affect of increasing the number of soldiers on nonmilitary details. It would have been far preferable to have a position-by-position analysis of the civilianization potential, which would provide the most cost-effective approach.

Finally, Mr. Chairman, I should simply like to note the absence from the committee report of any reference to the tremendous support for the civilianization effort shown by our major installation commanders. These views—which represent the best opinions of those closest to the men—should be studied by every Member. I shall include them in the RECORD.

In recent years, I have become deeply interested in the effort to create an all-volunteer force. To gain first-hand knowledge of the issues, I have traveled to a variety of military installations. During these visits, I have had the opportunity for extended talks with enlisted men and officers of all ranks; I have sought spontaneous discussion as well as prepared briefings. Also, to benefit from the depth of knowledge possessed by committee members who have so ably studied these matters over the years, I have tried to make a thorough reading of the comprehensive hearings and reports compiled by the Armed Services and Defense Appropriations Committees. This memorandum incorporates the material presented in those documents along with my own observations.

WHY ACT NOW TO ELIMINATE KP?

It is a rare GI who has not complained of assignment to kitchen police, grass cutting, or similar "household" details. For years we have required such activities on the part of military personnel—why then, do we wish to eliminate them now?

The most obvious reason is the effort to attract and retain a high quality volunteer force. Yet even if we were to continue inductions, I am convinced—based upon intensive discussions with servicemen and my reading of this year's hearings—that is desirable to reduce the use of servicemen in this area.

During the appropriations hearings, Congressman FLYNT said:

> In my lmited experience in uniform, I became convinced that most soldiers, certainly most good soldiers, did not complain so much about KP as they did when they thought the program of KP was being unfairly administered and being used as punishment.

I too found some GI's who complained of disproportionate assignment to details. But with all respect to Mr. FLYNT—and recognizing his outstanding military record—I found that the majority of junior enlisted men expressed dissatisfaction simply over the fact of performing KP, rather than the "equities" involved.

Why does today's soldier so vigorously reject what was accepted by his predecessors?

When the Nation is fully mobilized and a majority of young men are in the military services, the use of the GI for "household" functions may make sense to the individual as part of a shared experience—he may not enjoy it, but it is a routine shared by nearly all his contemporaries. But when only one young man in four is needed to fulfill our military manpower requirements—and less than one in 20 is drafted—the experience is unique rather than shared.

Thus, for the young man who involuntarily enters the service in response to national security considerations—and who willingly answers the call of his country—it seems a cruel joke that he must devote time to washing dishes and mowing lawns, while the overwhelming majority of his peers never enter the service and remain free to pursue their civilian careers. If the Army is compelled to cut back its civilianization program—thus increasing time spent on these functions and decreasing time in training—it will be awfully hard to explain to these young men what it is their country is asking of them.

MEETING NATIONAL SECURITY REQUIREMENTS

Of course, the mere fact that today's soldier feels that he is being asked to do something different from his civilian peers would not be sufficient reason to eliminate KP. We must also look at the relationship of this question to the overriding consideration of sustaining our national defense capability.

When I visited Fort Hood last year, I had the opportunity to talk to some of the dynamic young field grade officers who are running the MASSTER program. I was most impressed with the new battlefield concepts they are developing, and the exciting new training programs they have designed. At Fort Gordon, I was likewise impressed by the ingenuity with which the Signal School was approaching the problems of educating and motivating the men in uniform: They were instituting new techniques in the classroom, utilizing "hands on" instruction, and developing individually paced programs. Stress was also being placed on opportunities for greater athletic participation, small unit competition, and supplementary education.

Company commanders, however, repeatedly told me that their efforts were often frustrated by less than full strength in their units. The problem was particularly acute at Hood: during my visit, on any given day, 1,709 men, out of a total enlisted population of 31,049 were on detail.

Secretary Laird addressed this problem in testimony earlier this year:

> We must continue to view some of our self-perpetuating practices with critical eyes. For example, Kitchen Police (KP) duty and janitorial duties contribute little to the individual's military skills; the time spent on these tasks could better be devoted to training and other primary duties.

The magnitude of the Army's problem was noted by General Westmoreland:

> Not only should our training be meaningful and challenging, but the training should be accomplished with full strength units. Every single day, approximately 45,000 soldiers are drawn away from their primary duties to perform administrative chores. This confronts the soldier with tasks not directly related to his readiness mission, and frustrates the efforts of his leaders to build teamwork and a sense of professional excellence in their units.

In an appearance before the House Armed Services Subcommittee on Recruiting and Retention, Lt. Gen. George I. Forsythe—who headed the important Combat Developments Command before becoming General Westmoreland's special assistant—gave a detailed analysis of the benefits to be gained from eliminating KP:

> I would like to return to Vince Lombardi and take up the charge of permissiveness sometimes associated with KP and purchasing grass-cutting machinery towed by a tractor driven by a $1.85 an hour civilian. We have set out to do these things not as an Army initiative—to remove irritants—although it does, in fact, remove some irritants. Soldiers don't like KP even though they will do it in the field. They don't like to take their bayonets or old hand sickles and go out and cut grass. They don't like to do these sorts of things, but that isn't why we did it. We did it to free soldiers from these kinds of duty and put them back under their sergeants, where those sergeants can be the Vince Lombardis of their squad. Every day when they turn out for training they have eight men and it is the same eight men—two are not off cutting grass and two are not doing something else. They are free to soldier. This has turned the sergeants on where it has been done. Every morning at drill call, the same soldiers are out there to follow a sensible training schedule.
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> * * * * *
>
> What we are really trying to do is to free the fewer soldiers we are going to have—and they are expensive, I need not tell the committee this. A soldier is an expensive guy. We intend to free those men to get them back under the sergeants and have the means to follow a hard, tough training program so that when it is over they will have

> developed the sense of confidence and competence that I mentioned earlier so they don't need to be told they are good, they will know they are good.

In the context of military professionalism, it should be emphasized that KP will be retained at basic training, so that our troops will be able to perform these functions in an emergency. As the House Armed Services Subcommittee on Recruiting and Retention declared in its report:

> The hiring of civilian personnel for such tasks as housekeeping, groundskeeping, and KP has improved the life of junior enlisted personnel who were previously required to perform these functions. The removal of this irritant has enabled the services to utilize the time saved for required military training. We have been assured that the services will not increase the numbers of civilians hired for these purposes to the extent that it creates a situation wherein military personnel will be unable or unwilling to perform these functions in the field.

It is also important to note the attitude of the Marines. The leathernecks have repeatedly stressed their commitment to toughten up training, and have resisted any more toward "permissiveness." Yet the Marines have asked for fiscal year 1973 funding to substitute civilian messmen for marines, and they plan to civilianize all mess-attendant functions at all Marine Corps facilities within the United States during the next 5 years.

THE CONSEQUENCES OF ELIMINATING KP

Members have expressed a concern about problems of discipline when soldiers are relieved from extra duties. As I have tried to show, for the most part they will not have "free time," but will be returned to their units for training. Secretary Froehlke testified that—

> If by relieving him of KP and menial duties, we are just giving him unchallenging work or just allowing him to loaf, then we are creating problems for ourselves. However, we have definite plans that will not create problems for ourselves. We have programs which we refer to as dynamic leadership. We are decentralizing training to allow the company commander, within limits, to determine what kind of training—adventure training is necessary—to keep the soldier interested, to keep him in good physical shape and mentally sharp, and prepared to perform his mission.

A similar view was expressed by General Kerwin, Army's DCSPER:

> One of the biggest cries we have today from the commander in the field is the lack of personnel during training time. This means at the level of the squad because a man may be going on KP or some other function. What we are attempting to do with respect to civilian help for KP is to release the soldier to the commander so he does have him available during training time to have more meaninful training.
>
> I do not think this will make more free time available to the individual in terms that he will have nothing to do. Rather, the main thrust is to make the individual available to the commander for training during the actual training day.

Moreover, since mess attendance is quite low on weekends, substantially fewer men are required to perform this function during these periods. At Hood, for example, most men pulled detail only 1 weekend out of 6 or 7. Frankly, while a number of senior NCO's and officers did express the attitude that KP should be kept "because we did it and it didn't hurt us," I do not recall anyone telling me that it kept GI's out of trouble. However, I distinctly recall quite a few enlisted men simply wandering around the base during duty hours. When I asked for an explanation, I was told that with such a large number of men on detail, away from their training units, it was next to impossible to keep track of every man on base. I am sure that the serious problems of crime and violence that existed at Hood at that time were related to this lack of mission-related personnel control. In any case, if a soldier is going to raise hell, there is plenty of time for him to do so after he gets off KP and during the 6 of 7 weekends when he is not on detail.

ATTITUDES TOWARD MILITARY SERVICE

Rather than provide a source of trouble, the elimination of housekeeping chores has been praised by most military commanders as a positive factor in enhancing the soldier's view of his role.

In an appearance before the Senate Armed Services Subcommittee on the Volunteer Force, the commanding general of Fort Benning stated that:

> I am convinced that the actions we have taken have caused significant and positive changes in attitudes toward the Army. We don't have all the answers but are certainly on the right road. These changes we have made have not been accompanied by losses in military discipline and order, or in reduced mission capability. I would like to add at this point that in 31 years of Army service I have served at every command level from platoon leader through division commander. I can state without qualification that the current state of discipline and morale in the 197th Infantry Brigade, because of the opportunity provided by the modern volunteer army experiment, is as good as any and better than most of all the units in which I have ever served or commanded. The statistical indicators on a.w.o.l. and reenlistments for present duty assignment . . . which reflect the soldier's morale, discipline, and enthusiasm are typical of the indicators of all kinds of the Volar success in this unit.

These views have been enthusiastically repeated by nearly every major commander in the Army.

RECRUITING AND RETENTION

General Westmoreland was quoted in the Army Times as saying:

> We will need money for civilian labor contracts so that our helicopter mechanics are not cutting grass and our radar technicians are not washing dishes.

This view goes beyond the need to have men in training or manning their equipment, to the question of obtaining the skilled manpower to perform the technical functions in today's Army. We hear so much these days that the problem facing the Armed Forces is not quantity, but quality. Standards have been raised, and a variety of proposals have been put forth to attract the bright young man who can operate modern mechanized military equipment.

If a young man is considering entering the Armed Forces, because of its opportunities for technical education, will he turn to other jobs which will not require him to spend his training time in housekeeping chores? The Air Force recognized this problem several years ago and responded by almost completely eliminating KP. As Assistant Secretary Borda told the House Armed Services Recruiting and Retention Subcommittee:

> We have made every attempt we possibly can to do away with menial make work assignments. Our efforts have been to analyze those jobs that are necessary to perform our mission, train our people to perform those jobs, and then get them in the job and get them working at it. Menial jobs, this we have attempted to eliimnate as best we can.

The Air Force's lead in attracting men with higher educational and mental abilities shows the wisdom of this policy.

The Army is already faced by this problem in today's low draft environment. Occupational motivation must be improved in the Army, regardless of the move to a volunteer force. Failure to do so can only adversely affect the job-skill match, for as Secretary Froehlke testified:

> Job satisfaction also comes when soldiers are permited to perform their primary duties without diversion to non-military chores or menial tasks. American youth has rated the Army the lowest in potential for job satisfaction and the least likely to provide interesting and challenging work—another deterrent to enlistment.

The first major survey of Volar test posts revealed that the elimination of details ranked No. 2 in effectiveness of 16 items funded. The commanding general of Fort Carson reported that:

> The utilization of civilian mess attendants versus Military KP's has been enthusiasti- isfaction and readily appreciate not having cally accepted by personnel concerned. Enlisted personnel interviewed expressed sat- to perform mess attendant functions. This is an incentive for personnel to continue on in military service.

The impact upon initial enlistments is just as great as the effect upon men who are already in the service. As the commanding general of Fort Benning told the Senate Armed Services Subcommittee on the Volunteer Force:

> Without question the biggest recruiting success by far were the young soldiers of the 197th themselves. They liked what they were doing. They listed the way they were being treated as men under Volar. They liked the challenge of their duties sufficiently well to talk their buddies and contemporaries into enlisting in large numbers. It was the enthusiasm shown by these young soldiers that resulted in 100 percent subscription to the combat arms vacancies in the 197th by December of last year.
>
> The 197th Infantry Brigade, with its all volunteer units, with its esprit de corps, and its performance, is today our clearest testimony to the success of the Volar program at Fort Benning.

Many recruiters have told me that their biggest problem is the dislike of Army life expressed by recently discharged servicemen to their contemporaries. It will be difficult for the recruiting force to overcome descriptions of drudgery, menial tasks, and "Mickey Mouse" if the Army is not given the tools to eliminate these unnecessary irritants.

Secretary Froehlke has testified on the importance of a continued effort in this area:

> We are not there yet and we cannot afford to be complacent. At this point, any significant change or discontinuation of favorably accepted MVA improvements could prove extremely counterproductive to the program, and that success which has been achieved could be seriously jeopardized. Continued success in reaching the goal demands that the momentum attained thus far can be maintained.

Former Secretary Chafee stressed the significance of sustaining these programs in terms of the vital issue of quality:

> Approved fiscal year 1972 and requested fiscal year 1972 zero draft funds will assist us in attracting and retaining quality personnel in sufficient numbers to meet our needs but they should be considered as a first step. Continued funding of programs designed to attract and retain Marines and Marine Reservists of high quality is absolutely essential to achieve an all-volunteer force.

IMPACT OF ANY CHANGES

The Air Force has civilianized approximately 99 percent of its KP functions, the Navy has done so for 60 percent, and the Army has civilianized 46 percent through fiscal year 1972. If the program does not go forward, serious morale problems may well arise where soldiers are asked to continue KP, knowing that the majority of those in other units and other services do not face the requirement. And to simply eliminate this important reform would seriously jeopardize the credibility of the modernization program, which so far has proven most successful in obtaining high quality enlistments and reenlistments.

Fort Carson's John Bennett was quoted in the Army Times as saying:

> I can't think of any major change to our program that would lower the spirit of the individual soldiers more than putting them back on KP at Fort Carson. By using civilian KPs, I am able to turn out the equivalent of an extra battalion for meaningful training each day.

Lt. Gen. John H. Hay, Jr., of Fort Bragg, declared that ending the civilianization program "would be a disaster since the soldier believes that civilian KP is an MVA promise that will be kept."

These views have been repeatedly offered by major installation commanders in both the United States and overseas. It is a reasonable conclusion that requiring large numbers of lower grade enlisted men to perform nonmilitary tasks will lead to a deterioration in morale and effective status, a risk that would outweigh possible advantages of retaining these duties.

INSTALLATION COMMANDERS COMMENTS ON THE ARMY KP PROGRAM

FORT HOOD, TEX.

Elimination of KP duties has been a great morale factor and has contributed greatly toward service attractiveness. The civilian KP contracts have released enlisted men for training and mission accomplishment. This is particularly noteworthy in that Fort Hood has many units requiring training as a crew or team. Weekends are not lost by last minute substitution of KP's due to unforeseen absenteeism and conflict in other requirements. Civilianization of KP's has provided for consistency in food service due to the permanent employees as compared to the daily changes resulting from roster-type duty personnel. Civilian KP's generally work with pride as cohesive team members of the dining facilities to which assigned. This program has opened employment opportunities in the local communities.

FORT POLK, LA.

Civilian KP contracts provide employment for those who would either be unemployed or receiving welfare. The work force includes minority groups and students—high school and college—on both a full-time and part-time basis. Curtailment of this program would result in a credibility gap and negate much of the effect of the modern volunteer Army program.

FORT BENJAMIN HARRISON, IND.

Civilianizing KP duty has had a positive effect on the morale of the individual soldier. Courses of instruction have been shortened, consistent with the average time required for this detail. Close supervision required of roster-type duty personnel is not required of contract KP personnel and supervisors are released to perform more essential food preparation tasks. The civilian KP program provides a continuous professional work force. This work force is more proficient in the care, operation, and maintenance of food service equipment. A noticeable decrease in breakage of dinnerware has been evident since inception of the program.

FORT SHERIDAN, ILL.

Prior to civilian KP contracts at this small installation, duty personnel were removed from staff offices such as finance, personnel, administration, medical, transportation and supply. Due to reductions in personnel strengths, eligible personnel were detailed more frequently and work backlogs were created in their primary activities. Alternative to loss of contracts would be the levying of the U.S. Army Veterinary School for students during the course of instruction.

FORT LEAVENWORTH, KANS.

The small troop population requires a civilian KP contract to release enlisted men to priority staff and faculty assignments. Alternative to loss of contract would be closing the student officers field ration mess.

FORT SILL, OKLA.

Civilianization of KP's rated third in a group of 39 modern volunteer Army programs in a recent survey by the commander of this installation. This program is one of the strongest points in the MVA program. Almost half of the civilian work force comes from minority groups, some of whom were on welfare prior to the inception of the civilian KP contracts.

FORT SAM HOUSTON, TEX.

Missed training has an adverse effect on academic achievement at the U.S. Army Medical Training Center. Since initiation of civilian KP contracts instructors do not spend excessive periods on makeup instruction and instruction has been enhanced. Less supervision is required of civilian KP's and food service personnel are able to devote more time to improving the quality of the food. Civilian KP's are more effective and efficient because they are completely familiar with their duties. They have provided a better atmosphere in the dining facilities, improved the service and the cleanliness.

FORT LEONARD WOOD, MO.

Supervision of KP's by mess personnel has been minimized. Cooks can devote more time and attention to the preparation and serving of meals. The quality of the finished product is improved with more satisfied diners. Civilian KP's provide continuity from day to day with pride and professionalism. The sanitation of the dining hall is considerably improved.

FORT BLISS, TEX.

Performance and efficiency of military mess personnel have improved. Food service personnel are freed from supervision of military KP's and have more time to devote to food preparation. Food quality and sanitation of mess facilities have improved. Military personnel have been relieved from KP duties and returned to full time training status. The use of dining facilities by eligible personnel has increased.

FORT BENNING, GA.

Surveys conducted by this installation show that the civilianization of KP's is the most favorable of all modern volunteer Army programs. The major selling factor for recruiting personnel under the unit of choice in the 197th Infantry Brigade and 931st Engineer Group has been this program.

FORT BRAGG, N.C.

Military personnel have been made available for full time participation in training and classroom instruction due to the civilianization of KP's, reflecting extremely high morale.

FORT CAMPBELL, KY.

This program is the most important modern volunteer Army program on this post. The loss of this program will seriously degrade the air and unit training at this installation. Reinstitution of KP duty would be counterproductive to the goal of achieving a modern, highly professional all-volunteer 101st Airborne Division—Airmobile. The loss of the civilian KP contracts would preclude the accomplishment of a very challenging training program soon to be initiated. A basic principle of this training program is that units train at 100 percent strength. This is absolutely necessary to provide realistic and meaningful training for combat units and leaders. The loss of this program would quickly destroy unit training integrity as well as preclude many soldiers from participating in on-duty educational and vocational classes.

FORT GORDON, GA.

A definite improvement in the attitude and morale of personnel interviewed for possible reenlistment has been observed. The men look upon civilization of KP's as a step toward allowing them to perform MOS oriented duties or attend school. Mess stewards prefer civilian KP's, because it provides them with a stable work force. Professionalism is required in the mess halls if we are to have an all-volunteer Army. The prime factor in improved morale is less student details during duty hours and more free time for those otherwise eligible for KP. If the enlisted men were required to resume KP duty after having been relieved, the image of the modern volunteer Army would suffer.

FORT JACKSON, S.C.

The operation of dining facilities becomes more efficient as civilian KP's become proficient in a relatively short period of time and require little, if any, supervision. This allows mess personnel to devote more time to the preparation of food. A noted improvement in morale has been made by reducing individual interruption of training and allowing the soldier more free time.

FORT M'CLELLAN, ALA.

Results of local surveys indicate that the civilian KP program is one of the most favorable aspects of the modern volunteer Army program.

FORT RUCKER, ALA.

The use of civilian KP's resulted in more efficient utilization of personnel in combat units and school support. The release from KP duties is one of the most significant contributions to improved morale among a number of related items. Stability of personnel performing KP services under contract has improved the care and utility of equipment, adding quality and quantity to services performed.

FORT STEWART, GA.

Civilian KP services has resulted in more efficient utilization of military personnel in their MOS in that this station has a shortage of military personnel. Stability of civilian personnel performing KP services has resulted in a marked improvement in the sanitation of dining facilities. The morale of the enlisted man has improved since the use of civilian KP's.

FORT DIX, N.J.

Civilianization of KP had the highest positive influence in motivating soldiers to reenlist.

CARLISLE BARRACKS, PA.

Carlisle Barracks has an unusually high ratio of NCO's to lower ranking enlisted men which caused the enlisted men to be detailed for KP a disproportionate number of times. Civilianization of KP's has eliminated this problem as well as releasing critically short enlisted medics back to their duties at the post hospital.

FORT EUSTIS, VA.

Soldiers have been released from KP duty to attend scheduled training and classes. The readiness posture of many units has improved, especially in the area of equipment maintenance.

FORT DEVENS, MASS.

KP civilianization is a big plus in decisions affecting reenlistment. The civilian KP contract was awarded to a minority group contractor and gainful employment has been provided civilians in the local area who might have not had the opportunity to work.

THE SCHOOL BRIGADE, FORT MONMOUTH, N.J.

The quality of instruction has increased significantly.

FORT MEADE, MD.

Since KP has been civilianized, enlisted men have been returned to duty, administrative punishment for "failure to repair" has decreased and courtesy and dress in mess facilities have improved.

FORT BELVOIR, VA.

Civilianization of KP's has resulted in a significantly favorable impact on troop morale and productivity within duty sections.

FORT KNOX, KY.

Enlisted men have been returned to their primary duties as a result of the KP civilianization program.

CAMP DRUM, N.Y.

Military mess personnel have more time to effect improvements in mess services due to civilian KP's not requiring close supervision.

FORT ORD, CALIF.

Prior to civilian KP contracts, makeup training was conducted to compensate for lost time due to performing KP duties. This duty seriously distracted from career attractiveness and impacted adversely on soldier morale.

FORT LEWIS, WASH.

The current recruiting objective for unit-of-choice recruiting would be jeopardized by not providing civilian KP's. Surveys revealed that the civilianization of KP's would improve attitudes toward the Army as a career and that KP was a major negative factor in the achievement of soldier job satisfaction. It is significant that among soldiers unwilling to reenlist, there was a belief that the Army might talk a lot about improving job satisfaction, but would actually accomplish very little. When a soldier pulls nonmission details, equipment stands idle, mission assignments fall behind and valuable training time is lost. If another operator is placed on the piece of equipment, the soldiers' pride in "his" equipment is lost. KP contracts would assist to alleviate the unemployment rate in the Tacoma, Wash., area. Failure on the part of the Army to provide civilian KP's will generate skepticism concerning the credibility of the Army and detract from Fort Lewis' ability to recruit, train, and retain young men.

PRESIDIO OF SAN FRANCISCO, CALIF.

Morale among enlisted personnel has improved immeasurably. Motivation and self-improvement are now a reality. More effective NCO/enlisted relationships are resulting in improved accomplishment of mission tasks.

FORT MAC ARTHUR, CALIF.

The civilian KP contracts have resulted in better service and less supervision, increased morale, reduced sick call, and has allowed the mess steward more time for planning and supervising the preparation of the meal.

FORT CARSON, COLO.

The elimination of military KP duty is very appealing to the modern volunteer soldier and has improved his effectiveness and morale.

I include the following:

Impact of Civilianization of KP Reduction

PURPOSE

To provide comments of Commanding General, Fort Carson, concerning the impact of possible reductions in the FY 1973 KP Civilianization Program.

FACTS

1. By CGCONARC message dated 230045Z August 1972, the comments of MG Bennett, C.G. Ft. Carson were transmitted to this Headquarters.

2. The following are extracts of the message:

(a) "This program has received more specific soldier attention than any other individual MVA project. It has come to be a dramatic and practical milestone in our efforts to create and maintain a Volunteer Army. At the lower enlisted level virtually every man is directly affected by this program. Using almost any yardstick, civilianization of KPs must be labeled a complete and distinct success. A curtailment or cutback now would place a severe strain on the credibility of the Army in the mind of the young soldier."

(b) "The results of our periodic evaluations of MVA projects show that it has ranked as either number 1 or number 2 in importance by our junior enlisted men among the 83 projects being evaluated. The appeal of this project is widespread and not limited to only those who pull the duty."

(c) "The alternative to KP civilianization, under current operating conditions, is to take over 500 troopers away from their jobs every day to perform a duty which detracts from their perception of the worth of their primary job and reduces, on a daily basis, their unit's training capabilities."

(d) "It has certain coincidental benefits in the surrounding communities. The employment of many people who might otherwise be on the welfare rolls or unemployed is a fact that cannot be ignored. Our KP contractor has provided gainful employment for local area residents, many of whom are not qualified to perform more complex duties. Cancellation of this contract will have unfortunate consequences on these people by returning them to the civilian community to seek employment elsewhere."

(e) "In summary, a cut-back or elimination of the KP Civilianization program would adversely effect the entire MVA program because of the symbolic nature of KP civilianization. Also, a lessening of Army credibility and a decrease of soldier job satisfaction could be expected, along with an appreciable impact on the local employment situation."

Summary of Appropriations Committee Consideration of the Civilization of Nonmilitary Details

Secretary of the Army Froehlke (Vol. 1, page 349): Concurrently with increasing the attractiveness of Army life, we must provide job satisfaction. Job satisfaction comes when units are well manned and equipped, when equipment is properly maintained, and when the people and the units have the time and money to train. Job satisfaction also comes when soldiers are permitted to perform their primary duties without diversion to non-military chores or menial tasks. American youth has rated the Army the lowest in potential for job satisfaction and the least likely to provide interesting and challenging work—another deterrent to enlistment.

The observations of our young people are, for the most part, accurate. With the FY 1973 budget we have taken steps to reduce irritants and to enhance job satisfaction. This budget emphasizes improved living conditions and services, and reduced diversions to non-military tasks. Finally, this budget emphasizes the need to modernize our military personnel procurement system.

Secretary of the Army Froehlke (Vol. 1, page 353): We emphasize five areas in FY 1973 that will reduce the main sources of frustration among our soldiers and will improve the chance that young Americans will join the Army team. These areas are:

Freeing soldiers to concentrate on their military duties through hiring civilians to perform administrative support tasks such as kitchen police. On the average, four civilians added to the payroll return five soldiers to their units.

Creating privacy in and accelerating the repair and modernization of inadequate barracks.

Construction of new barracks and family housing units.

Leasing houses in locations where sufficient family quarters are not available.

Increasing and improving recruiting efforts.

Table 3 (not printed) displays the funding for our soldier oriented programs.

Former Army Chief of Staff Westmoreland (Vol. 1, page 364): Of the three interrelated and mutually dependent objectives, the first is overriding. Achievement of the highest standards of professionalism is paramount. This requires equally high standards of discipline—all else is secondary. As I have said before, we are not condoning permissiveness, compromising standards, or engaging in a "giveaway" program.

Revitalization of Army training is one of our highest priority projects in improving professionalism. Last June, I established a decentralizing training program whereby the training management responsibility was given over largely to those commanders most intimately and directly involved in the day-to-day training of their troops—commanders of battalions and separate companies.

Not only should our training be meaningful and challenging, but the training should be accomplished with full strength units. Every single day, approximately 45,000 soldiers are drawn away from their primary duties to perform administrative chores. This confronts the soldier with tasks not directly related to his readiness mission, and frustrates efforts of his leaders to build teamwork and a sense of professional excellence to their units. Certain FY 73 budget items are designed to reduce diversions from unit strength by:

Completing the worldwide to hire civilian mess attendants.

Replacing soldiers performing base support functions with civilians.

Secretary Froehlke (Vol. 1, page 421):

"NONMILITARY" DUTIES

Mr. Sikes. Soldiers do not fight all the time and they do not train all the time. Traditionally, soldiers perform "nonmilitary" duties between combat assignments or training assignments. Such duties were considered necessary so that soldiers in the Army during peacetime could perform useful functions. It may not be sound policy to relieve soldiers from nonmilitary assignments. Excessive spare time often results in disciplinary problems. Now you are going to further lessen the requirements on the man in uniform. Is that really good? These things have helped to keep a man busy for a lot of years and that has always been considered important for a man in uniform when there is no combat duty to perform.

What is he going to do with the free time you are giving him? Isn't that going to lead to problems rather than to improve the attractiveness of the service?

Secretary Froehlke. I think it is good if we pick up the slack. I agree with you wholeheartedly. [If by relieving him of KP and menial duties, we are just giving him unchallenging work or just allowing him to loaf, then we are creating problems for ourselves. However, we have definite plans that will create problems for ourselves. We have programs which we refer to as dynamic leadership. We are decentralizing training to allow the company commander, within limits, to determine what kind of training—adventure training is necessary—to keep the soldier interested, to keep him in good physical shape and mentally sharp, and prepared to perform his mission.]

Secretary Froehlke (Vol. 1, page 422):

Secretary Froehlke. I think I will accept it will cost more money. We are not doing that for a dollars and cents reason. We are doing that in an effort to give the soldier more job satisfaction, and to return him to his squad leader for training. The soldiers we are trying to attract just are not turned on by doing menial work. As a result, we are doing these things even though it probably costs more money.

Mr. Addabbo. I fully agree with you to a certain extent. We were at a base in Europe recently, and one of the complaints we received from a serviceman is that he was called off an operating computer because we were coming into the camp and he had to go around picking up pieces of paper.

Secretary Froehlke. I have been told that same thing.

Secretary Froehlke (Vol. 1, page 426):

Mr. Sikes. There is one further question in connection with the program to make life easier for the soldiers. There is another side. Are you making the Army soft? Is the Army becoming too well fed, well paid, to retain the toughness essential to successful combat?

Secretary Froehlke. I would say that the objective, sir, is not to make the Army easier for the soldier. The objective is to make the Army more satisfying. I believe that is not one of the ingredients that go into a satisfying job.

I think interest and challenge are the ingredients that go into a satisfying job. The reason that I do not want our soldiers doing KP is not because I want to make it easier for them, but because I know, having served on KP that it is a boring job that did not further my mission one little bit. Yet I did it. But today the young people are not willing to do it. The reason we do it is not because it is easier. The reason we do it is because we want our soldiers to have satisfying, interesting, and challenging jobs. You also asked if we are paying too much money. I think there is a danger of that, and as I earlier indicated, I am not in favor of paying more money than a comparable job in civilian society. Today I do not think we are paying more. Today I think we are in the ball park, and I am satisfied with the present pay scale.

Mr. Sikes. I think that is a good answer.

Secretary Laird (Vol. 3, page 182):

We must continue to view some of our self-perpetuating practices with critical eyes. For example, Kitchen Police (KP) duty and janitorial duties contribute little to the individual's military skills; the time spent on these tasks could better be devoted to training and other primary duties. The Services have started contracting these services to civilian organizations to release military personnel for military duties. We intend to continue efforts in this area to obtain better utilization of personnel in their military skills and to improve morale.

Secretary Laird (Vol. 3, page 514):

Mr. Rhodes. There are also a number of civilians hired by the Department of Defense under personal services contracts. Included in this category are "housekeeping" personnel. It is anticipated that more such personnel will be hired to support the all-volunteer Army program. How many civilians under personal services contracts are supported in the fiscal year 1973 budget and how many are being supported in fiscal year 1972?

(The information requested follows:)

Contracts for personal services (such as for consultants and contractor technical representatives) are limited to those identifiable to a specific need, and have special qualification provisions regarding education or experience. There are relatively few contracts of this sort.

In the Department of Defense contracts for housekeeping personnel are not personal services contracts. We engage contractors to perform services, such as kitchen police, and stevedoring, rather than to furnish individuals whose particular talents are required. In a sense, we are not directly concerned with the number of people the contractors use; our concern is that the contractors accomplish the work. Therefore, we do not have available the number of civilians employed by contractors who provide commercial or industrial-type services.

Although the specific numbers are not available, the fiscal year 1973 budget does anticipate that more housekeeping personnel will be hired to support the all-volunteer Army. In the fiscal year 1973 O. & M. Army budget there is an increase of approximately $70.6 million over the fiscal year 1972 level of $28.4 million to "civilianize" kitchen police. There is also an increase of $32.7 million above the fiscal year 1972 level of $2.4 million to perform services previously accomplished by enlisted men on fatigue details. These housekeeping type contracts will help achieve our goal of an all-volunteer Army, but they do not reduce our military manpower requirements. They relieve the soldier of extra duty assignments that interfere with training or operational readiness or unreasonably lengthen his work week. It should be pointed out that the budget assumes that these services will be provided by contract because that is our best judgment at present. We intend to make the substitution from military detail to civilian in the most efficient and effective manner. There may be instances where the best method proves to be a direct hire basis rather than contract; if so, we will use direct hire. Some of the funds may be utilized for labor-saving devices.

General Sears, Assistant Director of Army Budget, O&M; General Kjellstrom, Director of Army Budget; General Montague, Dep. Special Assistant for the Modern Volunteer Army; (Vol. V, pages 221–225):

CIVILIANIZATION OF KITCHEN POLICE

Mr. Flynt. You mentioned civilianizing KP activities. I gather that the question of KP is still with us.

General Sears. Yes, sir.

Mr. Flynt. In my limited experience in uniform, I became convinced that most soldiers, certainly most good soldiers, did not complain so much about KP as they did when they thought the program of KP was being unfairly administered and being used as punishment. Would you comment on that observation?

General Kjellstrom. Mr. Chairman, the civilianization of kitchen police is an extremely important program. Our surveys have proven KP to be one of the most onerous tasks that an enlisted man of today performs.

I grant you that those of us with experience in World War II and the Korean days looked upon KP as a routine type of duty, and our people were always watching the duty roster to assure that they did not come up too often and that everyone else shared this task.

This is not the situation today. The Department of Defense has established a policy, which the Army is implementing belatedly, of civilianizing KP throughout the Army, with the exception of basic training. We are not going to keep our basic trainees off KP. In other words, they will appreciate the fact that they do not have to pull KP after they leave basic training.

This Department of Defense directive is some 3 years old, and the Army initiated the program in fiscal year 1972, and is completing the program in 1973. We are the last of the services, excluding the Marine Corps, to implement this program worldwide.

Mr. Flynt. If I may say so, I would respectfully suggest that you have the priority exactly backwards. I think in basic training the time ought to be devoted to training, even as compared with his later service. I think the reason KP is considered onerous is not that KP duty is considered onerous per se, but because many soldiers over the years have believed that it was unfairly administered. I am sure everyone in this room has known instances where KP was used as punishment, which should never be done.

It is the same old story of putting mechanics in the kitchen and cooks in the motor pool.

If those things could be eliminated, I think some Army problems might be solved a little bit better.

* * * * *

COST OF CIVILIAN KP PROGRAM

Mr. Flynt. In 1973, you expect to spend $99 million on the civilianization of kitchen police. This is an increase of $70.6 million over the estimate for this same project in 1972. Do you anticipate civilianizing all mess operations at all posts, camps, and stations throughout the world with these funds?

General Sears. No, sir. We intend to civilianize KP operations in all posts, camps, and stations throughout the world with the exception of those conducting basic combat training.

Mr. Flynt. How did you estimate a $99 million requirement for this program?

General Sears. Sir, last spring we went out to all the field commands of the Army and asked them for the numbers of people that were required on KP in any one average day. That number was estimated by all the major commands of the world to be approximately 10,400 people. We estimate that it will take 1.5 civilian personnel to replace 1 military KP because of the number of hours that a military KP works now in his daily tour. Thus, we will be required to have approximately 15,600 civilian KP's at an average cost, worldwide, of approximately $6,300 each, or a total cost of $99 million.

Mr. Flynt. Do you think you will be able to employ enough civilians to perform KP duty?

General Sears. Yes; we do, sir. In 1972, we requested $28.4 million and now intend to spend $33.9 million on civilization of KP. We have been able to accomplish it in Europe and in Korea and in the test stations in the United States.

In the United States it is done primarily by contract. We contract out the function of KP, rather than hire individual civilians working directly for the Army.

General Sears. We do think so.

Mr. Flynt. If they are going to be more efficient, I think your comparison of 12 to 8 and 1.5 to 1 may be a little inaccurate.

General Sears. General Montague is with us.

General Montague. I am Brigadier General Montague, Deputy Special Assistant for the Modern Volunteer Army.

We went into the KP project quite scientifically. We carried out a number of experiments, particularly at Fort Benning, Fort Carson, and Fort Ord. Here we found, through experience over the last 17 months, that we could generally get by with about three-quarters as many civilian KP's as soldiers on any particular shift. But, as General Sears pointed out, it was necessary to have two shifts, since the first workers come into the mess hall quite early in the morning preparatory to getting breakfast as early as 6:00 o'clock. The first shift works on through the noon meal, when you have the largest number of soldiers in the mess hall.

The second shift comes on just before that large noon meal and works on through the evening hours until the latest people coming in from training are fed and the mess hall is cleaned preparatory to starting operations again the next day.

Mr. Flynt. You are going to have two shifts of civilian KP workers?

General Montague. That is the way it is run, and it is run efficiently as far as the personel in the kitchen are concerned. They like it better.

Mr. Flynt. Why don't you carry that one step further and put civilians in the kitchen as cooks and mess sergeants?

General Montague. This, of course, is perhaps desirable in the long run.

Mr. Flynt. I did not say it was desirable, but following that line of reasoning, why don't you do it?

General Montague. At places like Fort Myer, we are doing it on a test basis today. This is particularly applicable to large, consolidated messes, headquarters-type operations. But there is a balance that you must strike, of course, and that is that we must have sufficient trained military cooks to support the Army in the field.

Mr. Flynt. I was going to ask you, who is going to do the cooking when you go into the field?

General Montague. We have to have a balance to take care of large headquarters installations in the United States with civilians.

Mr. Flynt. Who is going to do your KP when you go into the field?

General Montague. Obviously, sir, the soldiers. They do that today everyplace where we have civilian KP's in the mess hall. We can never civilianize KP in the field, of course.

Mr. Flynt. If you contract this service, do you expect to do it on the basis of competitive bids?

General Sears. Yes, sir, we have in the past.

General Montague. We have in the past done that in every case, sir.

REPLACEMENT OF ENLISTED MEN ON DETAILS

Mr. Flynt. You are requesting $35.1 million for a project to replace enlisted men on details. What type of details will the enlisted men be relieved of performing?

General Sears. These details are the normal housekeeping chores that exist on a post. They consist of maintenance of grounds, grass-cutting, post garbage collection, guarding post facilities, and other ancillary nonmilitary duties that do not require a soldier to perform them. As long as we have Army camps and installations, of course, we will have to have this administrative support.

It is our idea here to get the soldier back to soldiering and get him off the details of ash and trash and grass-cutting.

Mr. Flynt. What is your basis of estimating that this project will cost $35.1 million?

General Sears. Sir, we again went to the field with a survey to determine how many people are put on detail each day. We took this data from a worldwide survey and determined that there are approximately 45,000 soldiers on detail each day in the Army. This includes the 10,400 on KP and about 35,000 soldiers on other details.

This $35 million will enable us to hire approximately 6,000 civilian employees. We will really be replacing at this point in time probably about 16,000 of the 45,000 military who are on detail.

I believe the Chief of Staff in his opening statement to this committee also highlighted this 45,000 figure as the number of people on detail in the Army on any one day.

Mr. Flynt. Why is there a $32.7 million increase over fiscal year 1972?

General Sears. The purpose of this increase is to replace the soldiers who are on detail now and get them back to training and back to their unit. This is the first time we have put in a major effort to relieve our soldiers from details.

Mr. Flynt. Are you going to contract for these services or employ additional civilian personnel?

General Sears. Again, as far as possible, we will contract for these services, and we have been able to do this in the past.

Gen. Armstrong, Marine Corps, Assistant Chief of Staff, (Vol. 5, pages 725–26):

Civilian Employees

NEW EMPLOYEES FOR KITCHEN POLICE

Mr. Flynt. With regard to civilian employees, I note that you are requesting 1,184 new civilian employees. This will increase your civilian employee end strength from 15,617 to 16,801 at June 30, 1973. I see where 650 of these new positions are for the DOD uniform food services program. Is that the program for the civilianization of the kitchen police?

General Armstrong. Yes, sir

Mr. Flynt. Do you plan to do this by contract or do you plan to do it by direct hire of civilian employees?

General Armstrong. The present plan is to do it by competitive contract to the maximum extent possible. In other words, in areas where this can be done this is the preferable way. We are not sure as yet that this will be applicable in all of our areas, and we may have to go into local hire. We prefer not to.

Mr. Flynt. You are programing 650 of these new positions for uniform food service. What function will these people perform?

General Armstrong. Purely mess attendant functions. They will not be cooking. They will not be running our messes as such.

Mr. Flynt. I understood you to say that these personnel would be contract personnel rather than direct hire.

General Armstrong. We have one experience which we have had in Okinawa. Our messes in Okinawa operate so that a mess attendant is furnished by a contractor. He does not run the mess and do the cooking, et cetera—just provides the people to clean up the mess and do the police work.

Mr. Minshall. Where is that?

General Armstrong. Okinawa.

Mr. Flynt. Would you call those civilian employees if they are contractor employees? The point I am getting at is this—do you plan to hire 650 new civilian personnel in addition to the contract personnel who will perform the mess attendant functions?

General Armstrong. No, sir; I am hedging there a little bit because the manpower side of our headquarters is not yet sure whether or not they can contract for these. This is the first step in a 5-year program, and definitely we will contract to the maximum extent. This is an estimate really. Whatever contracts are done will be within this amount of money, and this would equate to 650 employees if we hired them.

Mr. Flynt. I would like you to review that. It occurs to me it would be very difficult to provide a mess attendant function with 650 people. I have an idea that these 650, instead of being mess attendants, may be supervisory personnel overall. I am not sure about that, but I would like you to supply the information for the record or respond now.

General Armstrong. I understand, sir. These will be civil service hired. They will be hired people and they will be the scullery washers and that sort of thing if we can hire them.

Mr. Flynt. If you cannot hire them they will be done by contract?

General Armstrong. Yes, sir. We are really hoping to get off on the right foot in 1973 and we don't know too much about the program.

Mr. Flynt. You say this is a 5-year program?

General Armstrong. That is right.

Mr. Flynt. Am I to believe from that that your total hire over 5 years will be 3,250 additional civilian employees, assuming that your request for this year is for a one-fifth increment?

General Armstrong. Yes, sir. I believe the total is just under 3,000 total for the 5-year program.

Mr. Flynt. How many thousand?

General Armstrong. Just under 3,000. I believe it is 2,900-plus.

Mr. Flynt. Which would be the total number of civilians associated with this program over the 5-year development?

General Armstrong. Yes, sir.

Mr. Flynt. Will this increase result in the civilianization of all Marine Corps mess facilities, wherever located? I understand that your cooks will still be primarily uniformed personnel.

General Armstrong. Yes, sir.

Mr. Flynt. Will this 3,000 increase over the 5-year period result in the civilianization of all mess attendant functions at all Marine Corps mess facilities?

General Armstrong. I do not believe it covers the entire gamut of the Marine Corps duties. There are certain locations where this would not be a feasible program, such as at some of our deployed locations.

I would say within the continental United States it will be.

Col. Carey, AF Directorate of Personnel Plans; Col. Posner, Directorate of Manpower and Organization (Vol. V, pages 906–07):

CUSTODIAL SERVICES COST

Mr. Flynt. Why does the Air Force have to increase its budget request by $10.2 million to obtain additional custodial services in order to relieve the airmen from menial and unproductive tasks?

Colonel Carey. This is a case where one of our main thrusts of Project Volunteer is to encourage the highly trained technical people to stay in the Air Force. We do not think this purpose is served by having them perform menial custodial work such as KP and cleaning up their area.

Mr. Flynt. Would you give us a breakdown of the projections of the components that make up the $10.2 million?

(The information follows:)

The $10.2 million in fiscal year 1973 funds will provide for approximately 20.8 million square feet of contract custodial services broken down into 11.7 million square feet for common use areas of airmen dormitories, and 9.1 million for squadron level and below administrative areas. Use of contract custodial services is designed to remove irritants to service life and it provides increased productivity for these technically trained personnel.

CIVILIANIZATION OF KP

Mr. Flynt. What programs are you initiating in order to keep the airmen fully occupied since they presumably will no longer be required to perform so-called menial and unproductive tasks?

Colonel Carey. Sir, we believe we can keep them fully occupied in their job specialty for which they have been procured and trained.

Mr. Flynt. How are you going to keep them occupied and for how many hours a day and how many days a week?

Colonel Posner. We have a 40-hour work week in the continental United States.

Mr. Flynt. Is the Air Force initiating a full scale civilianization program to relieve airmen from performing KP duties?

Colonel Carey. Sir, in the area of KP the Air Force has essentially eliminated KP in all except the basic training center at Lackland AFB.

Mr. Flynt. Have you already done that?

Colonel Carey. Yes, sir. KP has been essentially eliminated in the Air Force except at the basic training center at Lackland AFB.

Mr. Flynt. How much of this is being done by direct hire and how much by contract hire? I assume both.

Colonel Posner. Yes, sir. We have 5,200 civilian KP's at 256 installations, and there are contract KP's at 46 installations.

Mr. Flynt. Which has proved most effective, your direct hire or your contract hire?

Colonel Posner. I do not think I can respond directly to that, sir. It is a composite of situations at each installation, and the question of economy.

Mr. Flynt. I do not mean between now and this afternoon, but can you get some additional information on that and supply it for the record because we are concerned whether you are finding it more effective with direct hire or by contract?

(The information follows:)

Generally speaking our evaluation of effectiveness is made against compliance with established minimum standards of inservice or contract performance. On this basis we find that we get equal effectiveness from both direct hire and contract performance of KP.

To the extent standards of performance are not met, under the contract or inservice mode, normal management action is taken to obtain compliance.

General Kerwin, Army Deputy Chief of Staff for Personnel (Vol. VI, pages 76–77):

The Army has taken steps to release men to soldiering to the maximum extent possible by including funds within the budget for:

Civilianization of KP.

Reducing the maintenance backlog for troop barracks. This relieves the soldier to some extent from self-help projects.

Hiring civilians to perform maintenance of roads and grounds, refuse collection and janitorial work in post administrative and recreational facilities.

Exciting, meaningful training has been advanced by:

Revised basic and advanced individual training. It incorporates individualized, self-paced, hands-on instruction and performance-based assessment of specific skills of key points in the instructional process.

Decentralizing the management and conduct of training by relying on the judgement of the soldiers' leaders in attuning individual programs to the widely varying local circumstances.

Establishing a Combat Arms Training Board. It is tasked to develop new approaches to training and to provide meaningful assistance to small unit leaders. By evaluating alternative training techniques, conducting seminars in active and reserve component units worldwide, and publishing current information on new training developments, the board will give added support to the philosophy of reposing full responsibility in each small unit leader for the development of exciting, meaningful, and imaginative unit training.

Adventure training. The Army supports adventure training because of its value in building resourceful and self-reliant men. Rock climbing, boating, survival and endurance feats, and exploring are examples of the sorts of activities which contribute to developing self-reliance, morale and physical courage, and mutual confidence among the men in a unit.

A current educational project which is growing rapidly and will replace, where possible, the high school GED program by June 30, 1972, is the preparatory education program (PREP) sponsored by DA and funded by the Veterans' Administration. Dependent schools in USAREUR and Big Bend Community College offer instruction. The funds generated by implementation of PREP will be used for broader MOS programs and vocational-technical training.

General Kerwin (Vol. VI, page 91):

Definition of Soldier Oriented Programs. These soldier oriented programs are defined as "those activities supported by Army funds that are most evident to the soldier population, and which have a distinct beneficial impact on the majority." These programs reflect the Army's attempts to create an environment most conducive to improved soldier attitudes and to achieve an all-volunteer force. The entire Project Volunteer/Modern Volunteer Army Program is included within the soldier oriented programs.

Categories in Objective Terms. The soldier oriented programs are categorized in terms of objectives such as to enhance professionalism, to improve service life and to modernize the accession system.

To Strengthen Professionalism. To enhance professionalism, the Army has budgeted $33 million for FY 72 and $139 million for FY 73. Certain items are designed to improve training by reducing diversions from unit strength by completing the worldwide program to hire civilian mess attendants (FY 72 $28 million and FY 73 $99 million) and to replace soldiers performing base support functions with civilians (FY 72 $2 million and FY 73 $35 million). Closely allied to improved military training is the budget item for educational development of the noncommissioned officer (FY 72 $1 million and FY 73 $5 million).

General Kerwin (Vol. VI, pages 108–109):

FREE TIME RELIEVING SOLDIERS FROM EXTRA DUTIES

Mr. Flynt. The Army stresses that it is making every attempt to free the soldiers from extra duties such as KP, mowing lawns, washing windows, et cetera, in order that the soldier can receive more adequate training. However, realistic training, especially combat training, is very expensive in terms of ammo and gas-consumed equipment maintenance, et cetera. Are there extra funds in the O. & M. and procurement budgets to pay for this training?

General Kjellstrom. We have had adequate funds included in the O. & M. budget and the procurement accounts for support of the Army forces and to provide the necessary improvements in our training program.

Mr. Flynt. An often heard complaint about military life is that it is too boring—not enough to do. Won't the removal of special duties give the soldier more free time and in turn increase his boredom and lower his morale?

General Kerwin. Sir, one of the biggest cries we have today from the commander in the field is the lack of personnel during training time. This means at the level of the squad because a man may be going on KP or some other function. What we are attempting to do with respect to civilian help for KP is to release the soldier to the commander so he does have him available during training time to have more meaningful training.

I do not think this will make more free time available to the individual in terms that he will have nothing to do. Rather, the main thrust is to make the individual available to the commander for training during the actual training day.

Mr. Flynt. Is this going to mean that more passes and free time are going to be given to personnel in training without substantially increasing their effectiveness.

General Kerwin. I would not say this is going to make more free time available for passes. Obviously the man who is on KP that night would not be available for a pass. The main thrust of having the KP supplanted by civilians is to make the individual available to the commander during the training day so he has a larger percentage of his people at training.

If we can do that, then I think we can increase the job satisfaction and have more men available to the commander so we can improve the rapport between the leader and soldier.

(Discussion off the record.)

General Kerwin. The Army will provide details for the record on the KP problem.

(The information follows:)

On February 28, 1968, Department of Defense provided for the civilianization of the military services' food program and specified that civilians employed as KP's would be paid from appropriated funds as of June 30, 1970. The Army requested and was granted postponement of this date due to funding constraints with the understanding that Department of Army would request necessary funding in the fiscal year 1972 budget to implement total oversea conversion by July 1, 1971, with sufficient priority to reasonably assure approval of such funds.

When the Army launched the modern Volunteer Army program in October 1970, General Westmoreland laid out a powerful "plan of attack" to strengthen professionalism, improve Army life, and enhance the image of the Army. He stated positively that "we will not achieve our goal without the application of resources, and I mean money." Besides identifying resource requirements for better pay, additional housing, modern barracks, and maintenance of houses and barracks, he stated that "we will need money for civilian labor contracts so that our helicopter mechanics are not cutting grass and our radar technicians are not washing dishes." The Army developed the details of the modern Volunteer Army program based on General Westmoreland's guidance and on a "fly before you buy" concept. One of the major points of his guidance which received extensive test because of the long-term costs involved was replacing soldiers on KP with civilians in order to return soldiers to soldiering.

To provide for the financing of KP civilianization in oversea areas—Korea, Panama, Okinawa, Germany, Italy, and Belgium—$10.9 million and 6,730 spaces were placed in the fiscal year 1972 OMA budget. CONARC commanders have spent approximately $4 million annually on civilian KP's during recent years. An additional $10.9 million has been provided in fiscal year 1972 through Project VOLAR to CONARC installations for this purpose. Alaska and Hawaii will have spent about $2.6 million. It is estimated that the Army will spend a total of $28.4 million on KP civilianization in fiscal year 1972 as a result of these efforts.

A total conversion of all KP functions within the Army to civilians, except for those personnel in BCT units, is contemplated in fiscal year 1973 in all commands at an estimated cost of $99 million. It is estimated that some 9,200 soldiers will be returned to their primary military duty.

KP has traditionally been considered a major irritant to the soldier due to the menial tasks involved and the requirement to work long hours. It is hoped that the civilianization of the KP program will allow the Army to provide for its soldiers a more normal workweek schedule in consonance with the civilian environment and return the soldier to his unit for meaningful training. The Army in achieving an all-volunteer force must provide better working conditions including a reduction of the present 60 to 75 hour workweek which exists in most troop units.

Major commanders have periodically reported to General Westmoreland their personal evaluations on the modern Volunteer Army programs. They adamantly favor employing civilians instead of soldiers for KP. Gen. Ralph Haines, CGCONARC, considers "the institution of civilian KP to be the principal measure for increasing the professionalism, teamwork, pride, and fighting capability of our TOE units." Gen. Michael Davison, CINCUSAREUR, "totally support(s) the KP civilianization program and, in the area of service attractiveness place(s) it along with barracks improvement at the highest level of fiscal priority." He further states that "civilianization of KP's within USAREUR has returned 3,500 soldiers to their primary duty in the organization. This equates to more than four mechanized infantry battalions." Lt. Gen. John H. Hay, Jr., CG XVIII Airborne Corps, says that the 1,000 soldiers released each day is more than just a number. "These are trained soldiers working to achieve standards of professionalism of the Nation's primary reaction force." Maj. Gen. John C. Bennett, CG, 4th Infantry Division, Fort Carson, also indicates that he is "able to turn out the equivalent of an extra battalion for meaningful training each day." Other commanders are equally strong in their support of KP civilianization.

A multitude of reports and surveys have provided convincing data about the value of civilian KP. The independent research agencies contracted by the Army to evaluate the MVA program conclude that substituting civilian KPs for soldier KPs is generally the most important MVA innovation in terms of soldier satisfaction. These conclusions are fully substantiated by the Army installations' evaluation. Not only is the opportunity to perform his rightful job important to a person already in the Army; it is also of concern to young people outside the Army. Independent research organization findings show that half of enlistment candidates surveyed believe the Army offers interesting challenging work, and that the Army ranks lowest of all services in "best chance to use one's skills or abilities."

The field commanders' comments and the conclusions from evaluations of the modern volunteer Army program make clear the improvements in training, efficiency, and soldier morale that accrue from replacing soldiers on KP with civilians. By carrying out this program in fiscal year 1973, the Army will be able to catch up to the Air Force and the Navy, which have already largely adopted the civilian KP concept. It is the Army position that any retreat from the stated objective, now known Armywide, would seriously degrade the modern volunteer Army effort.

General Wheeler, Marine Corps Assistant Chief of Staff, Manpower and Personnel (Vol. VI, page 824):

Furthermore, in fiscal 1973 we are asking for funds to substitute some 650 civilian messmen for Marines, which will vastly improve our readiness as far as freeing Marines from mess duties is concerned.

In conclusion, sir, I would say that yes, from the management standpoint, we would welcome some flexibility along these lines. It would make our job easier.

Secondly, we are pursuing the need for civilianization but at the same time, within our relatively small force, I am afraid the process will necessarily be rather slow.

Mr. Davis. I suppose reticence at the installation is probably somewhat natural. I suspect that the local commander might feel that he has more effective control over the man in uniform then he does over the civilian who might be working for him.

General Wheeler. Yes, sir; and also he can send him off to war.

If the gentleman from Ohio will yield me additional time, I will be delighted to yield to the gentleman from New Hampshire.

Mr. MINSHALL. I yield the gentleman 1 additional minute.

Mr. WYMAN. Will the gentleman yield?

Mr. STEIGER of Wisconsin. Of course I will yield.

Mr. WYMAN. The gentleman says that he cannot understand the justification for the committee's action. I would simply like to observe a justification for that action is money. This budget is said to be high. It has actually been pointed out that the budget for the military is the lowest in actual constant dollars since 1951. As far as the gentleman's reference to cutting grass and doing dishes and other things is concerned, I can think of nothing that is more applicable to the average duties on a day-to-day basis in peacetime of these men than doing some of the unpleasant chores that we think ought to be done by them.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's comments, but I must say that if the argument is money, then clearly you ought to think of contracting these chores out, because in that way you will end up paying less money for contracting out the work rather than having military personnel do it.

Mr. WYMAN. If the gentleman will yield further?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. WYMAN. I submit the gentleman's statement is almost totally inaccurate and presupposes something referred to earlier, that is, that the military are completely consumed, except for their leave time, in military occupations in a peacetime establishment, which is not so.

Mr. SIKES. Will the gentleman yield?

Mr. STEIGER of Wisconsin. I will be happy to yield to the distinguished gentleman from Florida.

Mr. SIKES. I have listened to this discussion with a great deal of interest, for I shall offer the amendment referred to, but I would like for the members of the committee to take into consideration that reductions in Army strength are presupposed on the basis that they will be able to use contract personnel to do KP duty. If the military has to use armed services personnel to do this work, it is going to cost very substantially more money, about twice as much money, to do it as it would under contract.

Mr. STEIGER of Wisconsin. I agree with the gentleman, and I am grateful for his leadership in this effort.

AIM-7F SPARROW AIR-TO-AIR MISSILE

Mr. MAHON. Mr. Chairman, I yield such time as he may require to the distinguished Whip of the House, the gentleman from Massachusetts (Mr. O'Neill).

Mr. O'NEILL. Mr. Chairman, I thank the gentleman for yielding. I would like to direct a question to the gentleman from Texas:

I note that the Sparrow III missiles' latest version, the AIM-7F, is not put into production but that the prior model, the AIM-7E is continued for Navy and Air Force use for another year. Since the newer version will counter an expanded threat with greater cost effectiveness and, furthermore, provide significantly improved performance in range, reliability, guidance and countermeasures, I am concerned that we are not taking advantage of the development funds already expended by moving into production of the better, more cost effective AIM-7F instead of the older AIM-7E. Would you care to comment?

Mr. MAHON. The gentleman is talking about the AIM-7F Sparrow missile. The AIM refers to air intercept missile. The Navy requested $77 million to buy an initial production quantity of the AIM-7F missile, and the Air Force requested $19.5 million to add to the Navy buy of the AIM-7F.

The committee recommended that the $77 million not be appropriated for the Navy, and we provided $9,750,000 to the Air Force to buy AIM-7E missiles instead of the new AIM-7F version.

Now, if the Navy does reclama this reduction to the Senate, and I understand that this is proposed, then the House conferees, I can assure my friend from Massachusetts, will certainly reconsider the recommended reductions in this missile buy in the light of the most recent tests of the so-called AIM-7F missile.

We do not have the very latest official word with respect to the tests. I do understand unofficially that some of the more recent tests have been more favorable than previous tests. This whole matter will receive the very best attention of the Committee on Appropriations.

I am glad to note that the gentleman from Massachusetts has been inquiring into this matter and seeking to do whatever may be appropriate under the circumstances. The committee is glad to hear from him.

Mr. WYMAN. Would the chairman yield for an observation?

Mr. MAHON. I yield to the gentleman from New Hampshire.

Mr. WYMAN. The most recent tests which have been completed, apparently have been more successful than earlier tests. The suggestion has been made by the gentleman from Massachusetts, and he is well known for his knowledge, that had these most recent tests been completed at the time of our hearings perhaps the same committee recommendation would not have been made. If some restoration is made by the Senate, at the time of the conference, it will receive very careful consideration by the House conferees.

Mr. MAHON. I thank the gentleman.

Mr. BADILLO. Mr. Chairman, the legislation under consideration this afternoon does nothing more than perpetuate the seriously contorted national goals and priorities which we have endured for the past several years and continues programs and policies which are questionable at best and undermine some of the most basic foundations of our country at worst. While we must clearly have an adequate military capability and force to properly protect and defend the United States, there is simply no justification for the excessive spending and unnecessary weapons programs which this legislation funds. I find it inconceivable that, at a time when the war in Southeast Asia is supposed to be deescalated, when U.S. troops are supposed to be withdrawn, when some meaningful conversations have been held with Communist China and when an agreement on strategic arms limitations has been reached with the Soviet Union, that we should be acting on the largest peacetime defense money bill in the history of our Nation. The excuse that the size of the bill—including the $4.2 billion reduction—is due to higher prices and inflationary pressures is specious as it includes funds for weapons systems whose necessity is highly questionable, both fiscally and militarily. Even more repugnant is the fact that this measure will provide the wherewithal to enable the United States to continue its illegal, immoral, grossly expensive, and bloody military misadventure in Southeast Asia.

The bill contains numerous inconsistencies and countless examples of the basically unrealistic priorities assigned by the Appropriations Committee. For example, the committee refused to allow either the Army or the Air Force to expand their Project Transition programs and decreed that they should be held to the fiscal year 1972 levels. Thus, countless young men who are seeking some usable skills or trades to enable them to properly return to civilian life will be denied this training and guidance. I have received a large number of letters and have spoken with many veterans who are desperately searching for employment but have been hampered by lack of appropriate training and basic educations. While the Project Transition training is no guarantee that a serviceman will be able to locate employment when he returns to civilian life, it at least furnishes him with a headstart and some useful tools and training.

Although this essential educational and skill training will not be expanded, the committee has recommended that the ill-fated F-14 aircraft program be funded at the full amount requested, even though $2.5 billion has already been invested in its development and procurement of some production aircraft and the crashes of two F-14 test aircraft have raised some serious questions as to the plane's capabilities. The present acquisition costs for 313 aircraft are estimated to be approximately $16.7 million each. However, it is essential that we include the cost of helping to bail Grumman aircraft out of its financial difficulties, the expenses related to including advanced technology engines in a portion of the force and the large operating costs associated with the F-14 program. The realistic per plane figure then becomes $20 million and the 10-year F-14 systems expense is raised to a $60 million level.

These are just two isolated examples of the many ill-considered programs funded under this measure. Of equal importance is the fact that the vast sums appropriated by this legislation will not only plunge us ever deeper into debt but will also prohibit the long-overdue implementation of desperately required domestic programs. Certainly the greater portion of these defense moneys could be more wisely and effectively used in meeting our urban crises in providing increased and improved health-care programs, educational projects, housing and the myriad of other essential domestic needs. This is not neoisolationism but simply commonsense. Since 1946 the military has devoured more than $1 trillion of our resources and is currently operating at the rate of approximately $200 million daily. It has been aptly noted that our national priorities are weighted on the side of inhumanity and death. Clearly we must drastically curtail military spending to at least manageable and more reasonable proportions if we are to experience restoration of health and vitality to the Nation.

The Congress must take the initiative and we cannot be intimidated by Mr. Laird and his military cronies. We must take affirmative action to bring military spending into line and, especially, to bring a halt to this agonizing war in Southeast Asia. We will again be afforded the opportunity to exercise our constitutionally guaranteed prerogative and cease funding the military machine in Vietnam and elsewhere in that troubled area of the world. I urge our colleagues not to let this opportunity again slip from our hands. We must halt this irresponsible spending and take positive action to redirect the course of this Nation before we are allowed to plunge further into one military fiasco after another. Our Nation cannot tolerate any further division or any additional delays in resolving those many domestic problems which are tearing at the very fabric of the republic. Our only moral choice is to reject this legislation and work for a more just and rational structuring of our national objectives and priorities.

Mr. DOW. Mr. Chairman, speaking at a local college last week, I was challenged by students who insisted we needed a large military budget in order to provide jobs in the private sector.

Frankly, I was appalled that these students have been taken in by the myth that our chemists would rather be using their microscopes to invent new systems of death than uncovering the secrets of cancer. I am equally positive that factory workers would far prefer building desks for our Nation's classrooms than warheads for our rockets.

Rather than multiplying our powers of "over-kill," let us direct our great human and natural resources toward the truly noble adventures of mankind. Let us relieve the suffering from disease; banish forever the filth in our water and in our skies; obliterate the pain of hunger and destroy the fear created by ignorance.

Maybe then we will have the talent and resources available to pursue the more mundane problems such as an urban transportation system that works—or a postal system that delivers mail on time.

Yet we sit here today and talk about superweapons—such as the B-1 bomber—$444 million; the Trident submarine—$311 million—and the ABM system—$935.6 million. And the list of extraneous and wasteful systems of death and destruction goes on.

I am voting against this bill.

I am voting not because someday I hope to be part of a majority of the Members of this House who refuse to be caught up in the momentum of the defense bureaucracy, who refuse to pander to the military shibboleths which frighten us into buying more weapons than we need.

Of course our Nation must maintain a strong and steady military posture. Nevertheless, the amount and kind of war material contained in this bill is entirely beyond the realm of reason.

Our President says we are winding down the war and that we are moving toward peace with the Russian adversary. Why does he ask us to pass now the highest military appropriation since the height of World War II—and it is even $1.72 billion above the 1972 appropriation.

Mr. WALDIE. Mr. Chairman, because of a commitment in California that I am unable to cancel, I am unable to be present for the vote on the Military Appropriations bill. Had I been present, I would vote against the bill.

I oppose the measure for two basic reasons: One, my only opportunity to meaningfully express my opposition to the endless and tragic policy of our Nation in Indochina is to vote against the moneys that permit the President to implement that wrongful policy. Two: I am not content that sufficient economies in our defense program have been represented in this massive expenditure and I have no opportunity to obtain selective reduction in excessive expenditures because of the fact that proper programs and expenses are lumped together in this one massive bill with improper programs. As one example, but only one, I cite the ABM program which I believe to provide only very marginal security at enormous expense.

Mr. MINSHALL. Mr. Chairman, I have no further requests for time.

Mr. MAHON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1973, for military functions administered by the Department of Defense, and for other purposes, namely:

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to express appreciation for the fine cooperation which the committee has had from the Members of the House during the discussion this afternoon of the defense bill. I wish to applaud the members of our staff who have worked on the preparation of the report and who have worked with the Committee on Appropriations through many months of hearings.

I wish to state that all 11 members of the subcommitte, the 10 members in addition to myself, have worked diligently and attended the hearings regularly and participated extensively in seeking to bring to the House the very best defense appropriation bill that could be worked out after long months of hearings and discussion.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, had come to no resolution thereon.

GLADDING INTERNATIONAL SPORT FISHING MUSEUM

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANLEY. Mr. Speaker, I suppose there are as many "fish" stories as there are fishermen. But I have a fish story today which needs no embellishment to make it significant.

Fishing, whether it be to a youngster on a quiet summer pond or to an experienced deep sea fisherman, has a romantic and spellbinding appeal that is hard to put into words. Well, this Saturday, September 16, 1972, officials of the Gladding Corp. in South Otselic, N.Y., are going to do more than put fishing's appeal into words. They are going to open the first international sport fishing museum—a true three-dimensional tribute to the sport of fishing.

The Gladding International Sport Fishing Museum, Inc. at South Otselic, N.Y., will be publicly dedicated at 3 p.m. Saturday, September 16.

The Nation's first sport fishing museum was chartered as a nonprofit corporation to preserve, restore, and conserve the relics and historical objects of recreational and sport fishing and to promote the need for heightened conservation efforts.

The 156-year-old Gladding Corp., oldest manufacturer of sporting goods continuously in business since its 1816 Chenango County founding, is sponsoring the museum. Mr. J. Gerald Gladding, president, explained that:

> The museum will have no commercial connection with the corporation. However, Gladding employees share our pride and excitement in being able to sponsor it.

The museum building is a 142-year-old eight-sided mansion which has long been a South Otselic landmark. The building was restored and renovated by Gladding Corp. especially for the exhibits which were donated and collected over several years under the direction of Mrs. James W. Coleman of South Otselic, former vice president of Gladding.

The exhibits follow the entire circumference of the Octagon House. On the walls are original water colors of New York State fish on loan from the State Environmental Conservation Department; early steel engravings of famous fishing scenes and, in the Salt Water Room, hanging mounted fish and world-famous deep sea rods.

The tackle and equipment exhibits feature early creels, tailer and landing nets dating back to 1889; 1840 salmon rods; an 1884 Hardy's Gold Medal Fly Rod with pieces of ebony inlaid between can sections and a silver engraved handle.

Three items with particular historical significance are: an 1819 9-foot bamboo rod with inlaid handle taken from the cabin of Robert Fulton's steamboat *Clermont*; an unusual fly rod used by Col. Theodore Lyman—1833–97—first Massachusetts Commissioner of Fisheries; and a marble top table which belonged to Henry Clay around 1806.

Other cases show famous Thomas and Leonard fly rods and trail rods, all of can wound, cork and wood handles.

In the Salt Water Room, Lou Marron's huge rod on which he caught the world's record—1,182 pounds—broadbill swordfish is featured along with United States, British, and Russian equipment.

Hundreds of lures are displayed. One is a polished stone and handcrafted trolling rig used by Greenland Eskimos and predating similar modern lures by hundreds of years.

The library features rare editions of famous fishing books. Included are an edition of the 1496 A.D. "Fysshe and Fysshynge" written by a nun, Dame Julian Berners and three editions of Izaak Walton's "The Compleat Angler."

Sister Juliana describes how to tie 13 flies in her book, believed to be the first ever published on sport fishing. Several of those flies are still in use today, although made with different materials.

South Otselic was a natural choice for the museum. Governor Rockefeller officially named it "Fishing Line Capital of the World" in 1966 on Gladding's 150th birthday.

Mr. Speaker, I salute the Gladding Corp. on this public-minded endeavor. The company was founded 156 years ago as a ropemaker, by John Gladding of South Otselic. Eventually a fishing line business was added, and today the Gladding Corp. has expanded to an international leisure products giant with sales of $50 million annually.

LET US NOT DELAY IMPLEMENTATION OF 1975 AUTO EXHAUST STANDARDS

(Mr. REES asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. REES. Mr. Speaker, just this week the National Research Council issued a lengthy report linking the rise in lung cancer in the United States with air pollution. If air pollution were reduced in and around U.S. cities by 50 percent, the NRC concluded, the lung cancer rates might be reduced as much as 20 percent in the United States.

I note that a spokesman for our largest auto company indicates that once again a request will be made to the Environmental Protection Agency for a 1-year delay in the 1975 auto exhaust emission standards. And the same spokesman says the company will make a strong pitch for modification of the Clean Air Amendments of 1970 which mandate these standards. These statements are accompanied by the usual self-serving pleas of how much work and money has been put into research and how technically difficult it is to meet these standards.

Here in the Congress we have become accustomed to this song of woe over the past 3 years. In my own State of California, where we have been trying to persuade, cajole, and regulate the auto companies into abating their poisonous fumes since the early 1960's, we have been hearing it for a decade.

There is a difference this time, however.

As the Members of this body will recall, the Clean Air Act Amendments of 1970, enacted so overwhelmingly by both Houses of the Congress, gave the auto companies 5 years to reduce their emissions of carbon monoxide and unburned hydrocarbons 90 percent and 6 years to reduce their emissions of oxides of nitrogen 90 percent. These percentages were calculated as the reduction required to obtain the improvement in air quality required for the health and welfare of the citizens of this country.

However, recognizing the magnitude of the task, the legislation permitted the

Administrator of the Environmental Protection Agency to postpone full implementation of these standards for 1 year and to impose interim standards for that year.

However, in order to grant this 1-year suspension, the Administrator of the EPA was required to make four findings:

First, such suspension is essential to the public health and welfare;

Second, all good faith efforts have been made to meet the standards;

Third, the applicant for the suspension has established that effective control technology, operating methods or other technology is not available; and

Fourth, that a study by the National Academy of Sciences has not indicated that technology, processes, or other alternatives are available to meet the standards.

Let me emphasize that the Administrator had to make all four of these determinations before granting the suspension.

Predictably, the auto companies applied for the 1-year suspension of the 1975 hydrocarbon and carbon monoxide standards at almost the earliest date permitted under the law. The EPA held exhaustive hearings and took more than 2,000 pages of written and statistical testimony. Much of this testimony centered around a device called a catalytic converter, which the Administrator indicated at the close of the hearings, would be the key element in emission control systems to meet the 1975 standards.

After analysis of this testimony, the Administrator rendered a decision denying the application of the auto companies for the 1-year suspension. He said in his ruling that the auto companies had not proved that the technology does not exist or has not existed long enough for them to put it into use in 1975.

I quote from his written decision:

> Based on an analysis of the entire record, I conclude that the emission reduction required to meet the 1975 standards can probably be achieved in a number of current engines suitable for use in most popular varieties of automobiles. My best analysis of the available data indicates that maximum reductions can be achieved by modifications and improvements to the engine itself and by use of noble metal catalysts in the exhaust system.

Addressing the question of good faith, though not ruling on it, the Administrator said:

> Although nearly all automobile manufacturers have claimed that commitments to catalyst suppliers were required during the early months of 1972, only Ford has made financial arrangements with catalyst suppliers to enable them to commence plant construction.

On the question of timing, the Administrator had this to say:

> The record in the proceeding before me indicates that adequate lead time presently remains for automobile manufacturers to assure the availability of an adequate supply of catalytic converters for normal 1975 model year introduction dates. An adequate supply can be guaranteed if manufacturers make financial commitments to catalyst suppliers during the period May-July of this year.

At the press conference at which he announced his decision, the question of reapplication for the 1-year suspension was raised. The Administrator had this to say:

> They can contract with the catalyst manufacturers to make available by 1975, or the 1975-model automobiles, the catalytic systems. They can continue to test the components of the best system that they have and continue to test other potential components, and if at the end of this kind of good-faith effort they can come in and say, based on much more careful proof in a new application, we now believe that the technology is not available; as I read the statute, I have to take a look at that new application.

Mr. Speaker, only one auto company has made the kind of commitment to a catalyst supplier which the Administrator clearly believes to be an essential element of a "good faith" effort to meet the 1975 standard. But that is not the largest auto company, the one which says it is coming back to the Congress seeking to weaken the automotive provisions of the Clean Air Act Amendments of 1970 and is going to reapply to EPA for the 1-year suspension of the 1975 standards.

This is outrageous. Let us do away with euphemisms. General Motors is our largest auto company. Indeed, it is the largest industrial organization in the world. It may also be the most arrogant. From the days when it put detectives on Ralph Nader's trail and tried to entice him with hired women, it has been clear that this corporate giant would stop at nothing to avoid fulfilling its safety and environmental obligations to the American people.

We in southern California know it well—and to our sorrow. We have seen General Motors—and the auto industry in general, it must be said—progress from a position of claiming there was no air pollution problem in southern California, to claiming that there was an air pollution problem, but it was not their fault, to their present position of claiming, against all the evidence of the eyes and nose that the pollution problem is getting better. Throughout this changing litany, there has been one constant theme: Nothing more needs to be done other than what is already being done.

I say to General Motors and to the auto industry: Something needs to be done, something beyond what is already being done. To come before this Congress to weaken the Clean Air Act amendments while children cannot play out of doors because of automotive air pollution is foolish. This Congress should not listen.

To come before the EPA asking again for suspension of the 1975 standards while they have not made the commitment which the Administrator of EPA has clearly indicated is essential to demonstrating good faith is unsurpassed arrogance. The EPA should not listen.

THE NEED TO PROTECT PRISONERS' RIGHTS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. BADILLO) is recognized for 30 minutes.

Mr. BADILLO. Mr. Speaker, today marks the passing of the first year after the tragic and bloody disturbance at the Attica Prison in New York. Twelve months ago this morning 43 men—prisoners and guards, black and white—were cruelly gunned down. These men were not only the needless victims of unrestrained and savage police power but of an archaic, repressive, and unproductive penal system as well.

This morning we read accounts of the report issued by the distinguished panel, headed by New York University Law School Dean Robert McKay, which was appointed to investigate the Attica revolt. I am not at all surprised by the findings of the McKay Commission as they simply confirm what I and several other members of the Observers Committee have said over the past year about the basic factors underlying the uprising and the tragic events of those terrible 5 days. Among other determinations the commission found that conditions inside the Attica Prison which lead to the prisoners' revolt were dehumanizing, debasing, and volatile almost to the point of inevitable conflict.

As the McKay Commission so correctly observed, prisoners must have all the rights of other citizens except those which are specifically taken away by court order. Clearly the rights of the prisoners at Attica were ignored—prior to, during, and after the disturbances. Unfortunately, the denial of rights to prisoners is not confined to Attica or to other New York State facilities but exists in the majority of other State correctional institutions and Federal prisons.

The disturbance at Attica was not a race riot or an effort by prisoners to stage an escape. Rather, it represented a desperate attempt by some 1,209 men to achieve a decent standard of survival, to secure those basic rights of human dignity and just treatment. The 28 demands made by the Attica inmates—demands which were accepted but have yet to be implemented by New York State officials—sought to obtain a modicum of civil and humane treatment such as adequate food and water for all inmates, true religious freedom, the ability to correspond freely with family and friends, and other areas which affect the daily lives of the prisoners. The inmates felt, and properly so, that their rights were being violated. Only in a few instances would any of their demands necessitate the enactment of new laws or programs, some of which had already been proposed but had been stalled for one reason or another. Basically, what the Attica incident was all about was the crimes those prisoners felt were being committed and had been committed against them, in violation of their rights.

The 43 deaths and more than 80 serious woundings at Attica could and should have been avoided had affirmative action been taken by legislators and corrections officials on the myriad of proposals and recommendations which have been issued by countless commissions and panels—the Kerner Commission, the U.N. Congress on the Prevention of Crime and the Treatment of Criminal Offenders, the President's Commission on Law Enforcement and the Administration of Justice, among others. The incidents of that bloody Monday need never have occurred had elected and appointed officials accepted the sad fact that our prisons are punitive, not rehabilitative, and come to the full realization that the rights of prisoners must be observed and protected.

Serious and constructive attention must be given to prisoner grievances and responsible authorities—including Federal and State legislative bodies—must be fully responsive to prisoner efforts to seek redress in positive ways. If we do otherwise we will witness more, and perhaps bloodier, Atticas.

We can no longer afford to ignore the demands of and the variety of problems confronted by the approximately 400,000 persons now housed in the more than 4,000 jails throughout the country. We have an obligation to acknowledge the applicability of basic human and civil rights to prisoners and we must develop some type of bill of rights for the inhabitants of our jails and prisons. We must also establish a mechanism to assure the fair and equal application of those rights. As Milton Rector, executive director of the National Council on Crime and Delinquency, has so aptly observed:

> The entire community is better served by treating prisoners humanely than by ultimately releasing persons who are more embittered and callous than when they were committed.

The central core of any bill of rights for prison inmates is the right to the full protection of our laws and legal processes. Even though a man may be found guilty and sent to prison, he does not become a nonperson for whom the law and the legal process no longer apply. He still maintains certain basic rights which cannot be stripped from him and the prison inmate must be afforded the full protection of and access to our laws and legal system. Respect for the law can never be achieved if the law stops at the prison walls.

In protecting the rights of prisoners we must undertake meaningful efforts to insure that they are not degraded or treated like animals and are not abused in any way. Even though they are confined to a penal institution, a person must not be the victim of physical or verbal abuse; he has a right to be properly clothed and fed, afforded adequate and necessary medical care; and imprisoned in facilities which meet certain basic, minimum standards of human decency.

Mr. Speaker, in an effort to correct some of the gross inequities and unspeakable conditions which now exist in our penal institutions and to implement one of the basic recommendations of the McKay Commission, I am today introducing legislation which will provide certain basic principles for the treatment of prisoners in Federal correctional institutions. Although this measure—the Prisoner Rights Act—will apply to only those 22,000 persons confined to the 51 Federal correctional facilities, I am hopeful that it will serve as a model for the State legislatures. The Prisoner Rights Act is based on a draft proposal—a model act for the protection of rights of prisoners—of the National Council on Crime and Delinquency. It is ironic that New York State Corrections Commissioner Russell G. Oswald, who must bear a great share of the responsibility for the tragic events at Attica, serves on the NCCD's executive committee.

This legislation recognizes the rights of prisoners as persons and citizens and is aimed at halting a number of abuses against them. It affirms the fact that prisoners retain all of the rights and privileges of the ordinary citizen, except for those expressly withdrawn by law, and stipulates that this principle must underlie all rules, regulations, procedures and practices which relate to Federal prisoners. In addition to declaring that prisoners' rights include such things as the right to adequate meals, medical care, an acceptable level of sanitation, proper housing and protection against physical or psychological mistreatment, it also stipulates that Federal penal and corrections officials will be held responsible for maintaining these minimum standards and taking steps to prevent the inhumane treatment of inmates.

If a prisoner believes these or other rights are being denied to him, he is entitled to report a grievance directly to the Attorney General. A full investigation will then be conducted by independent investigators appointed by the Attorney General and a written report of the findings are to be made to the Bureau of Prisons and to the inmate. Another important feature of this bill is the provision that if anyone who makes proper application to visit an inmate is prevented from doing so—such as the prisoner's attorney, a relative, a friend or even a Member of Congress—a civil action can be instituted against the authority barring the visit.

The issues covered by this legislation have been the subject of numerous law suits and I believe this bill will help to clarify the courts' intent in many instances. Furthermore, my bill encourages the courts to reject a "hands off" policy and permit them to supervise prison administration in order to protect prisoners against abuse and to defend their basic rights.

Mr. Speaker, the bill I am introducing today is certainly no panacea. However, we must learn the tragic lessons of Attica and begin to take positive steps to remove the basic causes of unrest in our prisons, at all levels. My experiences at Attica last year, and in a similar capacity during the disturbances at the Queens House of Detention in 1970, have convinced me that the vast majority of prisoners fully realize their positions and obligations to society and that they will abide by the rules governing them if they are treated with respect, some degree of understanding and compassion and are permited to freely exercise those basic rights which must be guaranteed to them. The time of appointing further commissions and calling for additional studies is long past and we must now take affirmative action on this most pressing issue. While we in the Congress are only able to legislate as far as Federal facilities are concerned, I call upon our fellow legislators in the State capitols throughout the country to join with us in this important undertaking and to enact these urgently needed, long overdue reforms and affirmation of prisoners' rights.

The bill and related articles follow:

[From the Washington Post, Sept. 15, 1972]

ATTICA REPORT: WHOSE CREDIBILITY IS IN QUESTION?

(By Stephen D. Isaacs)

NEW YORK, September 12.—In an era when the government is so ready to castigate the press for supposed irresponsibility, for lacking credibility, for its effete intellectualism and for who knows what else, along comes the official New York State report on the Attica prison uprising, which leaves you wondering whose credibility, whose responsibility is in question.

That imposing document, called The Official Report of the New York State Special Commission on Attica, is being made public today—the anniversary of the bloody day one year ago when State Policemen liberated the hostages and the prison from the inmates.

Three days after the police attack on Attica, I heard that one of the guards who had been held hostage by the rebelling inmates had been hit with a "dumdum"—an expanding bullet considered so maiming that the 1906 Geneva Convention banned them from use in international warfare.

The guard, Michael Smith, had allegedly been hit in the abdomen. The bullet had expanded on entry, ripping out large portions of his lower intestine. The bullet had splintered "well," according to my source. So many fragments were in young Smith's body that only about half of them could be removed by surgeons, and the other half (about 30) were left in his body.

As reporters do in such cases, I proceeded to try to "check out" the report. It checked out.

I then called the office of Robert Fischer, the deputy attorney general of New York State, to get the "state's" side of the story. Gov. Nelson Rockefeller had assigned Fischer, the job of investigating any possible law violations in the whole Attica incident.

Fischer's press spokesman, Emerson Moran, said he doubted that what I told him was true, and demanded the source of my information. "I can't and won't tell you, but it is, in fact, true," I said. "The man is lying there in St. Jerome's Hospital with 30 shell fragments still in him."

Moran said he would check out the report and get back to me. Several hours later, he called and said:

"To our knowledge, it's about as erroneous as it can be. We are aware of the facts of the type of ammunition provided, the type of weapons used. To our knowledge, all used standard weaponry."

Moran read a statement from Fischer, saying, in effect, that all facts would be investigated in due time.

Moran also asked me not to report the story. The Washington Post, he said, would be "acting irresponsibly" to publish such unconfirmed, inflammatory material. He said he could not urge me strongly enough to quash the article—it just was not true.

The decision was put to The Post's national affairs editor, who decided to go ahead. The state's denials were included, as we say, "high up" in the story.

The New York Times, the following day, in a story on Attica carried a mention of the dumdum report "well down" in its story. In it, the state absolutely denied that its troopers fired any such bullets on Sept. 13.

End of incident. Dumdum report whitewashed.

Now comes The Official Report by the commission headed by New York University Law School Dean Robert B. McKay.

On pages 353–356, the McKay commission calmly reports that every trooper on those walls a year ago who was equipped with a .270 caliber rifle that day was firing expanding bullets—dumdums.

The type of ammunition used by the troopers, said the commission, was tipped "with the unprotected soft lead nose . . . and tends to expand greatly upon impact." The commission even quotes the advertising brochure for such bullets called Silvertips:

". . . Its special alloy jacket prevents premature expansion while the bullet penetrates through thick hide and tissue in deep and vital areas. Silvertip mushrooms perfectly and releases tremendous energy that stops them cold."

Moran, queried by this reporter yesterday, said he sat through the commission's hearing, and still isn't sure whether the bullets used were dumdums.

Smith, the injured guard, is. Reached at his home near Attica, where he has been for the last year, he said:

"They might say it was an expanding type bullet, but they don't want to call it a dumdum, and what the hell's the difference?"

Smith has undergone two operations so far, and hopes his last will be in December, when surgeons try to repair his lower intestines so the colostomy can be removed. Some bullet fragments will be left in permanently.

Moran still sticks to his impression that The Post ought not to have printed that story last September.

"On the basis of the information I had at the time," he says, "it did appear to be irresponsible . . . to reach back into that time and attempt to make judgments on a question like that now is difficult, especially when you consider the nature of the information which was available to those who sought it at the time, and I think you know the problems that existed there, at least on your part, on the outside."

From all of this, it perhaps is no small wonder that the press is somewhat skeptical when government questions the media's credibility.

The McKay commission, in other segments of its report, tells how state troopers encouraged other troopers to lie about what they had done, to cover up. One of my original sources on the Smith shooting confided then that state officials had ordered him to keep his mouth shut about the dumdum.

Critics far and wide have chastised the press for its initial reports out of Attica a year ago, for reporting erroneously that inmates had slashed guards' throats, that one guard had been castrated.

True, many of the press reports of that incident, including one paragraph in this newspaper, failed to attribute such statements to state officials. The missing attribution is hardly excusable.

But perhaps the press can go too far in self-flagellation. It was Russell G. Oswald, the state's corrections commissioner who—standing over a pool of blood where the main catwalks intersect inside Attica, at 4:30 p.m. last Sept. 13—slowly moving his head from side to side as if in mourning, and pointing to the prison yard below, told me that, yes, a hostage had been castrated "right down there," and that, yes, three of his own guards' throats had been slashed "from ear to ear" right where we were standing.

"Are you sure?" I asked.

"Absolutely," he said. "Absolutely."

The next day, when the truth came out about how the guards had died—at the hands of the state's own men—Oswald told the press according to the McKay commission:

"There may have been unauthorized reports of slashed throats. But you know I never told you that."

[From the Washington Post, Sept. 13, 1972]

ATTICA POLICE ACTION ASSAILED

(By Stephen Isaacs)

New York, September 12.—New York State's official investigation of the revolt at Attica prison has concluded that the state almost callously disregarded human life in its handling of the uprising.

The investigating commission, appointed at the request of Gov. Nelson Rockefeller two weeks after he had approved using state troopers' firepower to reclaim the prison—one year ago Wednesday—also criticized Rockefeller's role in the events.

The report's most chilling section is on the police action in reclaiming the prison from the rebellious inmates.

In 15 minutes of wild shooting, 39 persons were killed by the troopers, 10 of them state employees who had been held hostage by the inmates.

The report describes mass chaos in the attack, including no communication between squad leaders and commanders, no way to tell men to stop firing, and no clear directions on when to fire.

In the prison yard, says the commission's report, "troopers shot into tents, trenches, and barricades without looking first. In addition, even where the firing may have been justified . . . the use of shotguns loaded with buckshot in the heavily populated spaces of D Yard led to the killing and wounding of hostages and of inmates who were not engaged in any hostile activity."

The nine-member investigating commission which was headed by Dean Robert B. McKay of New York University Law School, said that "the major significance of this report may lie in the fact that it documents in considerable detail every aspect of the life and structure of a major prison, based upon more precise information than has ever before been assembled about any single institution. . . ."

The commission interviewed about 1,600 inmates, 400 prison guards, 270 state troopers, 200 National Guardsmen and hundreds of others involved.

It found that the inmates' grievances were legitimate, in the main, and that the inmates had tried to work within the system to correct them to no avail. It found pervasive institutional and personal racism within the prison.

"That the explosion occurred first at Attica," said the report, "was probably chance. But the elements for replication are all around us. Attica is every prison; and every prison is Attica."

Before its detailed description and analysis of what happened at Attica between Sept. 9 and 13, 1971, when a total of 43 persons lost their lives, the commission expressed despair with the entire American system of dealing with lawbreakers, saying:

"Prison is the end of the criminal justice line—for inmates, for supervisory personnel, and for members of the public who have conveniently forgotten the institutions to which they abandon their most difficult fellow citizens."

The commission found that:

Conditions inside Attica leading up to the inmates' takeover were dehumanizing, debasing and volatile almost to the point of inevitable warfare.

No plot or organized rebellion existed—the takeover was spontaneous, disorganized, badly managed by the inmates.

The negotiating procedure between the state and the inmates evolved haphazardly and was misunderstood by almost all the parties involved.

The retaking of the occupied prison yards was, as the commission vividly describes it, almost Kafka-esque in its disorganization and in its disregard for human life.

The assault involved about 300 troopers armed with shotguns and high-powered snipers' rifles, using ammunition that apparently helped increase loss of life, the report said.

OTHER FINDINGS

The report said:

" . . . There was no procedure established for instructing the individual troopers of the assault forces on the action and behavior expected of them during the assult.

"In a closed session before the commission, one trooper described the confusion during the first alert . . . when he was suddenly told, 'We are going now.' He testified that the troopers had no idea who their leaders were or what their objectives were to be. 'We were just going to storm the prison,' he said."

On the assault day, the report said, "some of the commanders did not even know who was in their details."

" . . . The police commanders expected their men to fire only at inmates engaged in overt, hostile acts against hostages and troopers. But there was no discussion or explanation of what constituted an overt, hostile act. That decision, too, was left to the individual trooper . . . "

ONE CLEAR ORDER

The report said that troopers did get one clear order: to avoid hand-to-hand combat. "The necessary implication of that order was that physical restraint short of firepower was not available," the commission said.

The commission tested the shotgun ammunition used by the troopers and found that "at distances of 40 and 50 yards . . . the actual pattern (of the spray of the pellets) spread at those distances is larger than 4 feet in diameter . . ." The high-powered rifle bullets fired by troopers on the roofs, said the commission, were expanding bullets that have been prohibited by international treaty from use in war.

In addition, the commission said, the state had failed to call in medical help in advance of the attack.

"The story of the medical treatment of the wounded inmates . . . is a study in total lack of planning and concern," says the report. "And if no additional lives were lost in spite of these circumstances, it is largely due to the efforts of unsung heroes—volunteer doctors and young National Guardsmen on weekend duty—who brought one of the few rays of humanity into that inhuman day."

FOUR HOURS AFTERWARD

The commission said the first surgery on a wounded inmate began four hours after the shooting stopped, and the first inmate evacuated to a hospital emergency room was taken there 7½ hours after he was shot. "Many operations for gunshot wounds were not performed until the next day," said the report.

And the next day, the commission said, troopers and guards beat and harassed inmates unmercifully.

The commission described buckpassing by various state officials about responsibility for the reprisals, and their virtual ignoring of it as it was going on.

This lack of control was evident during the attack, the report said, in that a number of correctional officers participated in the shooting, even though Governor Rockefeller and other state officials had specifically insisted that they be prohibited from doing so, lest they be too emotionally involved to control themselves.

The commission's criticism of Rockefeller lies in his refusal to come to the prison, despite implorings from an observers' committee to do so, and from his own Commissioner of Corrections, Russell G. Oswald.

REASON UNDERSTOOD

"The commission can readily understand why the governor was unwilling to go to Attica prior to Commissioner Oswald's request on Sunday evening," says the report.

"The governor's presence could have undermined Oswald's authority in dealing with the observers and inmates.

". . . In such circumstances, where state neglect was a major contributing factor to the uprising, the commission feels that the governor should not have committed the state's armed forces against the rebels without first appearing on the scene and satisfying himself that there was no other alternative and that all precautions against excessive force had been taken."

Perhaps the key portion of the report, in regard to the governor's and Oswald's decision to go in shooting, is:

"The decision was based upon the belief that basic principles—not just lives—were at stake in the uprising, from the outset the governor perceived the Attica uprising as more than a prison riot. The uprising constituted an insurrection against the very authority of the state, and to tolerate it was to concede a loss of sovereignty over the rebels . . .

STATE REASSERTION

"The decision to retake the prison was not a quixotic effort to rescue hostages in the midst of 1,200 inmates; it was a decisive reassertion of the state of its sovereignty and power. While all state officials were concerned about the safety of the hostages, they had finally reached the conclusion that, after four days of negotiations, the need to reassert the authority of the state over the rebels outweighed the risks of an assault.

"Many inmates still believed, when (the attack commenced), that the balance of power was controlled by hostages, not guns. They failed to realize that once the state decided that the rebellion was no longer tolerable, the lives of the hostages were expendable."

The commission said that when it last visited Attica—last month—improvements had begun. Some black and Spanish-speaking guards had been recruited, more liberal visiting rules instituted, restrictions on correspondence and literature eased, new uniforms had been distributed, nutrition had been improved—and two showers a week per inmate instead of one were now allowed.

RECOMMENDATIONS

But, it says, unless far more drastic steps are taken, Attica and other prisons like it are likely to explode again. It recommends seven principles of penology that ought to be followed if there is to be any hope of preventing further Atticas:

1. Prisoners must have all the rights of other citizens except those specifically taken away by court order.

2. Confinement should be the least that is administratively necessary.

3. Confinement should be directed at elevating and enhancing the dignity, worth and self-confidence of the inmates, not at debasing and dehumanizing them.

4. Community groups and outside professionals should be allowed and encouraged to participate regularly in the life of each correctional facility.

5. Correctional officers must be trained and must be persons motivated to help inmates.

6. Training programs should be conducted in accordance with the preceding principles.

7. Parole procedures must be measured by clear standards and prisoners told how to get it and, if they cannot be paroled, why not.

Gov. Rockefeller and Correction Commissioner Oswald both declined to comment directly on the report.

Rockefeller issued a three-paragraph statement thanking the commission for its work. He said an understanding of what happened at Attica was "essential to carrying out our programs for improving our system of criminal justice."

A spokesman said it was unlikely the governor would have further comment.

H.R. 16632

A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Prisoner Rights Act".

SEC. 2. Title 18 of the United States Code is amended by adding at the end of chapter 301 the following new sections:

"§ 4012. Inhumane treatment of prisoners.

"(a) The Congress declares that—

"(1) The central principle underlying all rules, regulations, procedures, and practices relating to persons imprisoned in accordance with Federal law is that such persons shall retain all rights of an ordinary citizen, except those expressly or by necessary implication taken by law.

"(2) Such rights include the rights to nutritious food in adequate quantities; medical care; an acceptable level of sanitation, ventilation, light, and a generally healthful environment; housing containing not less than fifty square feet of floor space in any confined sleeping area; reasonable opportunities for physical exercise and recreational activities; and protection against any physical or psychological abuse or unnecessary indignity.

"(3) Persons in control of Federal penal and correctional institutions shall be held responsible for maintaining minimum standards and shall use every resource available to them to prevent inhumane treatment of prisoners by any person.

"(b) The inhumane treatment of any person held under authority of any enactment of Congress is prohibited and whoever, being an officer or employee of the United States, shall knowingly and willfully engage in such treatment, or knowingly and willfully permit it, shall be immediately discharged from his office or employment.

"(c) For the purposes of this section, the term 'inhumane treatment' means—

"(1) striking, whipping, or otherwise imposing physical pain upon a prisoner as a measure of punishment;

"(2) any use of physical force by an employee except that which may be necessary for self defense, to prevent or stop assault by one prisoner upon another person, and for prevention of riot or escape;

"(3) sexual or other assaults;

"(4) any punitive or restrictive measures taken in retaliation for the assertion of rights;

"(5) any measure intended to degrade such person, including insults and verbal abuse; and

"(6) any invidiously discriminatory treatment based upon race, religion, nationality, or political beliefs.

"§ 4013. Minimum rules for the treatment of persons held under authority of any enactment of Congress.

"(a) No person held under authority of any enactment of Congress may be placed in solitary confinement (segregation in a special cell or room) unless—

"(1) such person receives daily during such confinement at least 2,500 calories of food in the normal diet of persons otherwise confined in that penal institution as prisoners;

"(2) the cell in which such person is so confined shall be at least as large as other cells in the institution, shall be adequately lighted during daylight hours, shall be provided with all the necessities of civilized existence, such as a toilet, bedding, and water for drinking and washing, and shall be maintained at normal room temperatures for comfortable living, except that any of these necessities may be removed temporarily for the sole purpose of preventing suicide or self-destructive acts, or damage to the cell and its equipment;

"(3) such person is allowed normal prison clothing except for that person's own protection, and in all cases is allowed body clothing and bedding adequate to protect that person's health;

"(4) such confinement is solely intended to protect such person under emergency conditions or to protect others, does not continue beyond the duration of such emergency, and does not interfere with such person's rights to communicate with his attorney or to avail himself of the grievance procedure established under subsection (b) of this section;

"(5) the highest ranking officer on duty at the time at the institution of such confinement approves, if such confinement continues more than one hour;

"(6) such confinement is terminated in any case within forty-eight hours, except as authorized by a medical doctor who has examined such person regularly during such confinement; and

"(7) such confinement is recorded in a log book maintained near the cell where it takes place along with all admissions and releases from such cell, visits to it, and other events except those of the most routine nature.

"(b) The Attorney General shall establish a grievance procedure to which all persons held under authority of any enactment of Congress shall have access. Each such person shall be entitled to report any grievance, whether or not a violation of the rules made under this section or section 4012 of this title, and to make such report by mail to the Attorney General. The grievance procedure established under this section shall provide for an investigation (aside from any investigation made by the penal institution involved or by the Director of Prisons or his delegate) of all alleged grievances by independent investigators appointed by the Attorney General, and for a written report of the findings of any such investigation to be submitted to the Bureau of Prisons and to such person.

"(c) The Director of the Bureau of Prisons shall establish rules permitting attorneys of record, relatives, and friends to visit and talk in private with any person held under authority of any enactment of Congress, at reasonable times and under reasonable limitations. Any penal institution or facility may be visited at any time by any Member of Congress or Delegate or Resident Commissioner to Congress. Any person having been prevented, upon making application to the appropriate authority, from making any visit permitted under this subsection shall have a civil action against such authority in which such authority shall be enjoined from further interference with such visit."

SEC. 3. The table of sections of chapter 301 of title 18 of the United States Code is amended by adding at the end thereof:

"4012. Inhumane treatment of prisoners.

"4013. Minimum rules for the treatment of persons held under authority of any enactment of Congress."

Mrs. ABZUG. Mr. Speaker, it has been exactly a year since the terrible events at Attica Prison roused the Nation to the unspeakable situation in our jails. The front page of this morning's New York Times includes three stories which tell us a great deal about the system of criminal justice in the United States of America.

The first of these items, of course, is the story on the McKay Commission's report on the Attica tragedy. Here are two examples of what that report had to say:

> In prison, inmates found the same deprivation that they found on the street: Meals were unappetizing and not up to nutritional standards. Clothing was old, ill-fitting, and inadequate.
>
> * * * * *
>
> Above all, for both inmates and officers, "correction" meant an atmosphere charged with racism.

The other two articles to which I refer are those on General Lavelle's statement that Gen. Creighton Abrams approved his raids in violation of Presidential orders and on the indictment of four New York area bakeries on price-fixing charges. General Lavelle has already received, instead of a court-martial, retirement with 70-percent disability pay, most of which is tax exempt; General Abrams has been nominated to be Chief of Staff of the Army. I await with much interest the outcome of these two cases, and I frankly doubt very much whether either the lawless generals or, if they are found guilty, the executives of the baking companies, will ever be sentenced to jail.

This is where any consideration of America's prison system must begin: by and large, this country's prisons are not for all criminals, but only for criminals who are poor, or criminals who are black, Chicano, or Puerto Rican. The conditions which spawned Attica and other uprisings like it are relatively unchanged from what they were 1 year ago. We have taken no meaningful steps to reform a "correctional" system which is based upon degrading and capricious treatment of those incarcerated.

The existing prison system represents cruel and unusual punishment, denial of due process of law, rampant racism, and the failure of our system of criminal justice to achieve its stated ends. In few prisons is even the pretense of "rehabilitative treatment" made. One-half of all inmates return, and 80 percent of serious crime in our Nation is committed by individuals who have spent time in prison. What kind of rehabilitation is that?

It is a common public attitude that convicts, no matter what their offenses, deserve whatever ill treatment they suffer in prison. It is a bit difficult to reconcile this attitude with the finding of the President's Crime Commission that 91 percent of all adult Americans "admitted that they had committed acts for which they might have received jail or prison sentences."

Does the alcoholic, imprisoned for being sick, deserve incarceration in filthy, overcrowded, rodent-infested conditions, with inadequate food and medical care, and without even a chance to attend religious services?

Should an individual awaiting trial for a crime he is presumed not to have committed be held in prison for over a year, in constant terror of beatings, knifings, and homosexual rape, and subject to the arbitrary discretion of guards to have him consigned to "the hole," a tiny, airless cubicle with only a bucket or a hole in the floor for a toilet?

Over 2 million people pass through our penal institutions each year. Many of these inmates have had only a minimal opportunity to exercise their rights prior to their sentencing and confinement. Furthermore, as I noted earlier, prosecution and punishment are grossly one-sided. As Ramsey Clark noted in his book, "Crime in America":

> One corporate price fixing conspiracy criminally converted more money each year it continued than all of the hundreds of thousands of burglaries, larcenies, or thefts in the entire nation during those same years.

Reported bank embezzlements cost 10 times as much as reported bank robberies. Nevertheless, "white collar" crimes rarely result in prison sentences. As Eugene O'Neill wrote in "The Emperor Jones":

> If you steals a dollar, you goes to jail; if you steals a million, they makes you emperor.

Prisoners are continually subjected to degradations and violence which destroy any self-pride they have and foster an extreme bitterness against "the system." It is difficult to deny that the real price they pay as convicts far outweighs, in most instances, any abstract "debt" they own to society.

It is our responsibility to make a beginning in prison reform if we are ever to solve the problem of crime in the United States. I congratulate my colleague, Mr. BADILLO, who was one of the negotiators at Attica, for taking this special order and for proposing the legislation he is introducing today. If enacted, this bill would lead to the alleviation of some of the serious faults that have long plagued our prisons. It recognizes prisoners' rights as American citizens to adequate provision of the necessities of life and provides protection from physical and psychological abuse. It establishes a rigid code governing the specifications and use of solitary confinement, and it authorizes grievance procedures by which those who are unjustly treated may obtain redress without being forced to resort to violent and destructive measures.

I think that the enactment of this bill, or legislation like it, is long overdue and would constitute a fitting memorial to all of those—inmates and guards—who died a year ago at Attica, and I hope that we can enact it at this session of Congress.

Mr. KOCH. Mr. Speaker, the facts concerning Attica have been discussed on a number of occasions on this floor and I will not use this time to restate them. The action by the State of New York in indiscriminately and unwarrantably shooting down hostages and prisoners when there were other possible means of ending the prison riot cannot be excused. The report of the McKay Commission is must reading for all. I am honored to be asked by that Commission to distribute a copy of "Attica: The Official Report of the New York State Commission" to each Member of the House and that will be done this week.

I would like to use this time to make special mention of a friend and an extraordinary individual, Arthur Liman, who was counsel to the Commission. I could not add to the profile of him which appeared in the New York Times today, which I would like to insert in the RECORD at this time. As a practicing lawyer for 22 years, I have met many attorneys. I have never met one who surpassed him in courage, integrity, and brilliance. I am proud to be his friend. The profile follows:

COUNSEL TO ATTICA STUDY GROUP: ARTHUR LAWRENCE LIMAN

(By Laurie Johnston)

For Arthur L. Liman, general counsel to the New York State Special Commission on Attica which released its report yesterday, the personal sense of a job well done is shadowed by a mood of doubt.

"This was to be the time our work was done, a time of relief if not of honors—no one can take honors out of Attica," he said. "Instead, here I am, reacting with the most emotion of my life and confronting myself with a troubling thought: Public service may not be a place for a man of conscience."

Mr. Liman has called it "an incredible betrayal" that the special state prosecutor preparing criminal cases stemming from the uprising has subpoenaed the records of 3,000 confidential interviews conducted by the commission.

"I have not slept well since the state proposed to use this commission as a Trojan horse, to get at 3,000 people to whom I'm responsible for giving the commission's word," he said yesterday in his law office 32 stories above Park Avenue.

CONFIDENCE IS WON

"I looked into the eyes of a lot of prisoners," he added, in his rather soft, light voice. "They are saying to the Establishment, 'How can you understand us? How can we trust you?' There is little for them to identify with in my background. But we won them over."

Now 39 years old, Mr. Liman is a partner in the law firm of Paul, Weiss, Rifkind, Wharton & Garrison, which he joined immediately after graduating magna cum laude from Yale Law School in 1957.

He is credited with being the individual most responsible for the research and the written report of the commission, which was headed by Robert B. McKay, dean of the New York University Law School.

A tall, trim man in a sober gray suit, Mr. Liman has a serious, generous-featured face that breaks up in a broad, warm but slightly diffident smile.

"I have a love affair with the law. The law is my life," he said. "The state, even beyond the commission, was my client and one can only operate on a basis of trust with a client."

Mr. Liman has reportedly said he would destroy the records of the confidential interviews, or even go to jail, before he would turn them over to anyone outside the commission. He declined to speculate on future legal developments, saying only, "I don't think it will come to the point where the state will require this commission to dishonor its reputation."

"He just might go all the way with it," said Amos Henix, a black member of the commission who is a former convict and now director of Reality House, a drug rehabilitation center in Harlem.

"He's a beautiful person—that's right up front when you know him," Mr. Henix said. "It hurt me that Governor Rockefeller, in his response to our questions, was disrespectful to Mr. Liman and his position as counsel."

Born Nov. 5, 1932, and brought up in Lawrence, L.I., Arthur Lawrence Liman was graduated magna cum laude from Harvard College, where he was elected to Phi Beta Kappa.

He and his wife, the former Ellen Fogelson, live with their two sons and a daughter, aged 7 to 11, at 135 Central Park West in a turn-of-the-century apartment house.

"I'm addicted to the architecture, the moldings—and the noise from the pipes that goes with it," he said.

Mrs. Liman, a Barnard College graduate and interior designer, is the author of "The Money-Saver's Guide to Decorating" (Macmillan) and is working under contract on two more books.

The long hours required for the commission's work, Mr. Liman said, have cut into his time for family bicycling, fishing and tennis, as well as opera and theater.

Describing the commission's staff as "remarkable young men and women," Mr. Liman said he hoped the report would not be "one of those that changes nothing."

"Besides the direct victims of crime, every person who feels himself a prisoner in his own apartment has a self-interest in changing the system," he said. "And not just the prison system—which is the end of the line and just a sample of these caught up in the cycle."

GENERAL LEAVE

Mr. BADILLO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

JUSTICE OR INJUSTICE IN TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF), is recognized for 60 minutes.

Mr. WOLFF. Mr. Speaker, for 10 weeks five men have languished in a Texas jail. These five men, all Irish-Americans, have not been formally charged with any crime, nor accused of any wrongdoing, yet they remain in bondage without recourse to bail. Taken from their families, kept from their livelihoods, denied their freedom, they suffer in a manner not unlike that of their countrymen in Northern Ireland jailed by the British.

I know something about those conditions in Northern Ireland. The conditions that prevail at Long Kesh, the British internment camp where hundreds of Irishmen are held without charge and without bail. I know about Long Kesh because I was there and saw firsthand what those conditions are. When I came back I reported to the Congress on my findings, I expressed my great concern for the continuing tragedy of that torn and divided land. I was saddened by what I saw, deeply moved by the people I spoke to, ultimately wiser for having gone, but uncertain as to what the future course of events will hold for the North and her people.

When I came home to America, Mr. Speaker, I discovered that one of my own constituents, along with four other men, was being held in the Tarrant County Jail in Fort Worth, Tex., under conditions similar to those in force in Northern Ireland: Which is to say, that not having been charged with any crime, they are held without bail, with no indication as to when, or if, freedom will come.

I sought then from the Justice Department an explanation as to why these men were being held? None was forthcoming. I knew, of course, they had been jailed under the Organized Crime Control Act of 1970 for declining to answer allegations concerning gun running to Northern Ireland, but I also know allegations do not constitute a crime. I asked the Justice Department to charge these men with something or let them go. They declined to do either.

At this point, I requested that Mr. A. William Olson, head of the Justice Department's Internal Security Division, meet with Members of Congress, to brief us on a background basis the reasons behind the 10-week internment of these five Irish-Americans. Mr. Olson reluctantly agreed and a meeting was set up in my office for last Thursday afternoon. Twelve minutes before that meeting was to take place, Mr. Olson's secretary called to say that he would not be able to attend. Eighteen Members of the House and Senate, representing both political parties, had firmly indicated their intentions to be present. Mr. Olson obviously did not feel that standing up Members of Congress constituted any serious breech of courtesy between the legislative and executive branches of the Government. Due to the last-minute nature of the cancellation, my office was unable to notify every Member that the meeting was off. Consequently, many of them came fully expecting to meet with Mr. Olson, to hear from him the Justice Department's explanation for the continued confinement of these five men. Those who came went away quite angry that a high official of the Justice Department could be so insensitive to Members of Congress, to our rights and responsibilities.

I immediately sent a telegram to Attorney General Richard Kleindienst, asking, in the light of Mr. Olson's action, to meet with us at his earliest possible convenience. To this moment the Attorney General of the United States has felt no apparent need to respond to my request.

This morning, 6 days after the fact, Mr. Olson called my office to say that he was quite willing to meet with me alone. I told Mr. Olson that I would only meet with him in the company of those other Members who, like me, want nothing more than to find out why five men can be held for 10 weeks without having been charged with violating one criminal act? I asked Mr. Olson why he canceled last Thursday's meeting? He answered by saying something "important came up and besides," he said, he understood only six Members were to be present. I told Mr. Olson I did not think it mattered if there were six or 60 who planned to be present, he should have been at that meeting, having agreed to it in the first place, if only one of us was to have been present.

I wish I could say in the wake of all that has happened, that Mr. Olson got the message, but I am not sure he has yet.

The intramural difficulties between the legislative and the executive departments that this matter represents are serious indeed, for they suggest on the part of the executive a most cavalier attitude toward those in the Congress. We have a right to represent our constituents, to protect them against the unwarranted intrusions of the State, but this cannot be done so long as we face a hostile executive branch. Not one Member involved in trying to ascertain whether the constitutional rights of these five men are being violated, would attempt in any way to impede the cause of justice, where that cause is clearly at stake.

But deprived as we now are of knowing the full facts, we can only judge that injustice, not justice, is being served; to say the constitutional rights of these men are being violated, that they are being denied due process, that the Justice Department is abusing the intent of the Congress as that intent relates to the Organized Crime Control Act of 1970. I supported that act and voted for it because I believed its intent would be followed. We gave them a tool to use against organized crime, but they obviously intend to use it as a club for other devices. The Justice Department now runs the additional risk of being accused of political witch hunting as long as they confine citizens without charge or explanation.

I am opposed to violence in any form. I equally oppose that violence which destroys the spirit of man in the name of the letter of the law. I do not know what information the Justice Department may or may not have regarding these five men, I only know that those responsible for their confinement have yet to bring forth one shred of public evidence against them. Are we asking for too much when we seek only to know what is the nature of the crime they are alleged to have committed? Have we gone so far in this country that we can lock men up, never bothering to file charges against them? Do we honor the law by violating the freedom of man?

Mr. Speaker, the plight of five men may seem to some like a small matter, indeed, but that view must not be allowed to gain acceptance, not if we really care about the structure of our freedom. When we permit the rights of one man to be trampled upon, our own rights as free men are placed in great jeopardy.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. DOW. Does the distinguished gentleman from New York in this case and others detect an inclination on the part of the Justice Department to focus its efforts considerably on political matters and that sort of activity and at the same time notice any diminution in the efforts to suppress crime?

Mr. WOLFF. Well, I think the facts speak for themselves. I think if you look at the crime records of this country over recent years you will see that crime has increased greatly despite the efforts of the Justice Department to halt its rise.

Mr. DOW. It does seem to me that the efforts of the Justice Department in the political sphere that might influence the thinking of citizens and even might cause them to withhold dissent detracts from the full attention that they ought to focus on the terrible and appalling crime situation in this country.

Would the gentleman allow me to make a statement at this point?

Mr. WOLFF. I yield to the gentleman.

Mr. DOW. Mr. Speaker, while walking to work today, I noticed how the summer is fading as the leaves commence their change to the magnificent autumn hues. I suppose most of us here will remember summer as a time when we gathered with our children or grandchildren around a backyard barbecue, at the beach or at a ballgame.

Yet I know five men who will have no pleasant memories of their families when they reflect upon the past summer—because they are squandering their days in jail in Fort Worth, Tex. All these men will know is the bitter taste of confinement and the heartache of loneliness.

Nearly 3 months ago five New Yorkers, Kenneth Tierney, Matthias Reilly, Paschal Morahan, Daniel Crawford, and Thomas Laffey were sent to prison on contempt of court charges when they refused to testify before a Federal grand jury investigation of alleged arms running to Northern Ireland. They were sent 1,500 miles by the Justice Department to participate in this probe. There is no legal preventative for holding them in jail for the term of the grand jury—a possible 18 months—unless the Supreme Court should decide for them on a pending appeal.

None of the men held at Fort Worth have criminal records. They are all good family men and responsible members of their respective communities. I have met some of their families. They are law-abiding working people.

The crime of the Fort Worth Five, like that of the martyr, Thomas More, is that they wish to remain silent. Surely, no justice-loving nation can take away a man's freedom for that.

Years ago, when the British sought to take a man from the Colonies to be brought before a court in England, Thomas Jefferson had this to say.

> Ah, the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to Parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the Act.

Upon learning the plight of the Fort Worth Five, I, and many of my colleagues from the New York delegation, worked with great vigor to gain the release for these men. We sent telegrams, wrote letters, held meetings and virtually begged the Justice Department, at its highest levels, to reconsider the case.

The Justice Department has repeatedly turned a deaf ear to our pleas. Even Attorney General Kleindienst has refused to answer our telegrams.

I do not think I am being overly harsh to say that the Justice Department is using the freedom of five men as a tool of political harassment. This is a technique we usually associate only with the most cruel and totalitarian governments.

I am offering a resolution that calls for Judiciary Committee hearings into the actions of the Justice Department in matters such as this, to examine grand jury practices of the type so forcefully exemplified by the fate of the Fort Worth Five. I do not want to offer false optimism, but I hope hearings will shed light on the unfortunate decisions of this Federal Department.

The course of action is clear. We as a Congress must move immediately to condemn a system that sentences men to indefinite prison terms—although none has been indicted, tried or offered bail. By constitutional right felons must be indicted, tried and offered bail. Evidently this right is not extended to witnesses who elect to stay silent.

Here is an outrage to morality, decency and justice.

Here is a fundamental question of civil rights.

I hope it is obvious that I am not judging the guilt or innocence of these men. I sincerely hope the charges of arms smuggling are throughly investigated, and, if such exists, the responsible persons should be tried in a court of law. Yet, I know of no evidence linking these men with crime. Unless, of course, we consider silence a crime.

Yes, the grand jury system must be reformed. Yes, the Justice Department must guide itself by law and not politics. Yes, laws which have been misinterpreted to place the innocent in jail must be revised.

But I am most concerned about five men who will not see their children next summer either, unless we can effect some change in the law or in the policies of the Justice Department.

Mr. WOLFF. I thank the gentleman for his comments.

Mr. ADDABBO. Will the gentleman yield?

Mr. WOLFF. I yield to the gentleman.

Mr. ADDABBO. Mr. Speaker, I wish to commend my colleague from New York, Congressman Wolff, for his endeavors on behalf of the five men being held in the Tarrant County jail, Tex.

It has been my privilege to have met with their wives and I can fully appreciate and understand the pathos and anxiety these families are suffering because of the unjust manner in which this case is being handled. One can readily understand the humiliation and frustration these families are undergoing.

Without going into the merits of the case it is difficult to understand in this day and age that men could be held so long uncharged without bail by our Government.

Further, it is difficult for me to believe that there are those within our Government who would refuse to meet with Members of Congress, to apprise us of the full details of the case.

I believe that the full impact of this case can best be described by a letter I received today from the men incarcerated in the Tarrant County jail. The contents of the letter follows:

Tarrant County Jail,
Fort Worth, Tex.

Congressman Joseph P. Addabbo.

Dear Congressman: We are grateful for all you have done for our case, while we are detained without charge, trial or bail, as the Department of Justice has just admitted to Senator Kennedy.

Studying Thomas Jefferson we are struck about how he too felt about people who were to experience our predictment by being torn from wives, children and friends.

Claude C. Bowers, in his book, "The Young Jefferson" pages 89 & 90 published by Houghton and Wifflin Co. tells, that Jefferson strongly opposed the English idea of moving people from their home area to be tried in another area (or questioned). This was a strong point he raised before the revolution.

When the English demanded that a man in Boston be tried in England before a Middlesex Jury, before whom witnesses were to be forced, Jefferson exploded in anger; although as he said the expenses were to be paid, who would feed the wives and children left behind?

Jefferson points out that the victims stripped of trial by his peers in his area, without counsel (we were denied ours here) without exculpatory proof and brought before Judges pre-determined to condemn (as Judge Brewster showed) "All the cowards would suffer. A man to be torn from the bowells of his society in order to be offered a sacrifice to Parlimentary tyranny would merit that everlasting infamy now fixed on the authors of the act."

There is no doubt that as other gallant Senators and Congressmen are doing, Thomas Jefferson too would do, on our behalf.

Yet what Thomas Jefferson condemned, is being bestowed by his successor, Richard Nixon on behalf of England, in our case we are torn from our wives, children, neighbors, peers and livelihoods to Texas and the strange ways of the Department of Justice, which finally admits it has no charges against us.

Mr. Olson cancels his appointment with Senators and Congressmen minutes before he was due to discuss our strange case with them.

The people of U.S. are being deprived of their freedom by the new Archie Bunkers in Washington.

Mr. Nixon refutes the principles of Presidents Jefferson, Lincoln, Eisenhower, Kennedy and Johnson.

Sincerely,

Paschal Morahan,
Thomas Laffey,
Matthias Reilly,
Kenneth Tierney,
Daniel Crawford.

Mr. WOLFF. Mr. Speaker, I certainly thank the gentleman for his kind words and for his concern with this problem.

I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Speaker, the Fort Worth Five are a group of Irish-American residents of New York City and its environs who were hailed before a grand jury in Forth Worth, Tex., a few months ago and slapped in jail without bail when they sought to assert their constitutional rights under the fifth amendment. It has apparently been alleged that these individuals were involved with, or known something about, the procurement of weapons for the Irish Republican Army. None of these five individuals has any prior criminal record. All are extremely well regarded in their home communities, and three are the fathers of families and own their own homes; they have ties in their home communities which make it most unlikely that they would ever jump bail in a case such as this one. The five men involved—Thomas Laffey, Matthias Reilly, Kenneth Tierney, Daniel Crawford, and Paschal Morahan—have presently been in jail for over 2 months, though each denies any knowledge of any gunrunnings operation of any kind. I recently received a copy of a very fine letter which Mr. Reilly's parish priest wrote to the President about his parishioner, and I am including it at the conclusion of my remarks so that all of my colleagues can read it.

The first question here is why this investigation is being carried on in Fort Worth, Tex., when the witnesses are from New York and the alleged gun traffic was to Northern Ireland. This venue, which is incompatible with the rights of witnesses and prospective defendants, was selected, according to the New York Times, "because of reports that some of the weapons supplied the IRA were purchased in north-central Texas and because of the high regard in which Attorney General Kleindienst holds the local U.S. attorney and district judge."

This latter rationale is certainly not a proper basis for locating a grand jury investigation, and it leads me to wonder whether the investigation is in fact just another administration use of the grand jury for political harassment. In order to rectify abuses such as this, I have introduced H.R. 16056, which would provide for the transfer of grand jury and special grand jury proceedings "for the convenience of parties or witnesses, where the interests of justice so require." I include the text of that bill in the Record at this point:

H.R. 16056

A bill to amend the Judicial Code to provide for the transfer of grand jury proceedings where the convenience or parties or witnesses and the interests of justice so require

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 215 of title 18, United States Code, is hereby amended by adding thereto the following new section:

"§ 3329. Change of venue

"(a) For the convenience of parties or witnesses, where the interests of justice so require, a district court shall transfer any grand jury proceeding or investigation to any other district where it might properly have been convened.

"(b) As used in this section, "district court" includes the United States District Court for the District of the Canal Zone; and "district" includes the territorial jurisdiction of that court."

Sec. 2. Chapter 216 of title 18, United States Code, is hereby amended by adding thereto the following new section:

"§ 3335. Change of venue

"(a) For the convenience of parties or witnesses, where the interests of justice so require, a district court shall transfer any special grand jury proceeding or investigation to any other district where it might properly have been convened.

"(b) As used in this section, "district court" includes the United States District Court for the District of the Canal Zone; and "district" includes the territorial jurisdiction of that court."

One further evidence that the venue of this investigation is improper is the fact that one Edward Agramonte, a New York gun dealer whose name has been mentioned in connection with the Fort Worth proceedings, was recently indicted in New York on a charge of selling guns to the Irish Republican Army. I think that the fact that this indictment was brought in New York conclusively proves that the Justice Department has not a scrap of evidence or justification for dragging these five men 1,400 miles from their homes, families, and jobs.

In addition to the obviously mislaid venue of this case, there are a number of other issues. The fifth amendment to the Constitution protects every citizen against being compelled to give testimony which will incriminate him. Congress has created an exception to this privilege in the form of grants of immunity from prosecution, under the theory that if the witness is no longer subject to prosecution for what he says, he has no need of the self-incrimination right. I have serious doubts about the whole business of immunity of this sort, but the courts have upheld its constitutionality and it is therefor a fact of life for the present. The courts have also held that a grant of immunity by the Federal Government also creates immunity from a State prosecution based upon the same testimony, on the theory that immunity is pretty useless with regard to the Federal authorities if they can simply hand one's testimony over to the State authorities for prosecution.

In this case, however, there arises a very different problem. The Fort Worth Five have been offered immunity under Federal law and, under the court decision noted above, this would also immunize them from State prosecution. However, it would not immunize them from prosecution by the authorities of a foreign government, and the U.S. Government could not grant such immunity even if it desired to. My point here is not that our courts must of necessity decide this issue in the Five's favor, though I think that their point is a good one, but that at the very least, they should not be required to choose between endangering themselves by testifying and languishing in jail during the time that this very complex and novel question is being decided by the courts.

A further question in this case which has also arisen recently in the Ellsberg case and the case of the Vietnam veterans is that of Government wiretapping and bugging of these men and their attorneys. A recent decision of the U.S. Supreme Court, Alderman against United States, required the Government to disclose to defendants and other opposing parties whether they had been the subject of wiretapping and, if so, the logs of the wiretaps. The Justice Department, after considerable hedging, has finally admitted that they did overhear a telephone conversation which included either one of these men or his attorney. However, they claim that it was unrelated to this case and that they therefore need not disclose the subject individual or the contents of the conversation overheard. Under the Alderman decision, it would appear that these men are entitled to this information and that it might well indicate illegal behavior on the part of the Justice Department.

We have, then, a number of issues in this case which have never been considered by the courts. Until they are fully considered by all of the courts involved, these men will not know exactly what their rights are. Keeping in mind the fact that they are not even accused of a crime, they should be released on their own recognizance or admitted to reasonable bail until the appeals of their cases have been decided. However, the district judge, the U.S. Court of Appeals for the Fifth Circuit, and Associate Justice Powell have all refused to grant bail; the district judge claims, though he has nothing but his own imagination to support it, that the men may either abscond or be killed by unnamed and unknown enemies if they are allowed to go free. The appeal is now pending before Mr. Justice Douglas.

I think that the Justice Department knows full well that these men have committed no crime and have no knowledge of the commission of any crime, and that they are being persecuted for their political beliefs. We have seen that kind of thing before in this country, but I had hoped that we were beyond it now. I should have realized that Richard Nixon would not hesitate to employ today the kind of tactics that first brought him prominence 25 years ago.

The Fort Worth Five should be freed until their case is decided, the Justice Department should be made to explain to Congress and the people this abuse of the grand jury, and legislation such as H.R. 16056, providing for change of venue in grand jury proceedings where the interests of justice so require, should be enacted at the earliest possible time.

I include two letters from these brave men at the conclusion of my remarks:

St. Catherine's Rectory,
Blauvelt, N.Y., August 31, 1972.

The President,
The White House,
Washington, D.C.

Sir: I am writing to you about a parishioner of mine, Matthias Reilly, presently a prisoner in Tarrant County Jail, Fort Worth, Texas. I am sure that you are familiar with the generalities of this case.

I wish to voice three thoughts.

First of all, I am sure that Mr. Reilly and the others of the "Fort Worth Five" were treated strictly according to law. What is disturbing to me and to other members of this basically politically conservative community is that Mr. Reilly may stay in jail until late 1973 without a trial. We have all heard charges in the media by people we considered "radicals" that the United States was turning into a police state, that people were being oppressed, etc., and usually said to ourselves "Well, they probably deserved it—served the weirdos right." But Mr. Reilly is not a weirdo, or a hippy, or a "fringe person." He is a hard working, middle-class husband and father, a responsible and respected neighbor, and an active member of his church; and when we buried his infant son a few months ago the whole community shared his grief. Mr. Reilly may very well be guilty of breaking the law—I don't know. If he broke our laws, he should be prosecuted for it. But when a man of Matt's reputation in the community is put in jail without trial or the prospect of it, when bail is denied, I, and I think others, begin to wonder if some of the "radicals" are really radical at all—maybe injustices are being done in this country, maybe everything isn't as fair as we have thought they were. Matt Reilly is not a dangerous criminal—he is a man with a family, and with roots in this country—he should be tried, or granted bail.

Secondly, Mr. Reilly was not allowed to have an attorney with him at the Grand Jury hearing. Once again, I suppose this is legal, or it would not have been done. But in a country where the commonest criminal is guaranteed counsel before questioning for the most heinous crimes, it doesn't seem quite right. The presiding Justice, Judge Brewster, is quoted as having said, "Only people in serious trouble would bring a battery of expensive lawyers from New York." He is quoted as having said, "You won't make an Angela Davis courtroom out of this," and, "You people are a bunch of obstructionists," and "I cannot give these men bail because either the terrorists group will kill them, or they will flee the country."

Mr. President, if the judge says that he did not say these things, all well and good—perhaps Mr. Reilly is a liar. But if he did make remarks like that—if he did say that the last person he denied bail to was a gang leader 11 years ago—then something is terribly wrong somewhere. This is not justice but prejudgment.

Finally, according to my parishioner, as of August 27th, they had seen a priest once, on July 19th. At that time, a guard was stationed within easy hearing distance. I know that you are familiar with the practice of Confession and the relationship between Catholics and priests, and realize that this is not proper. Since the priest's name was also Reilly, and presumably Irish, perhaps the officials felt there was a plot afoot. If, in fact, these men are not allowed the Sacraments of the Church—which I know Matt Reilly received weekly here in Blauvelt—I am sure you will agree these men being treated with undue harshness.

I am ashamed to say that this is only the second time I have ever written a real letter to my government; like most others, I've always been reasonably pleased with the way things are going. But my own personal knowledge of Mr. Reilly and his family, my own instincts as an American about justice, impel me to say that something is terribly wrong here.

Perhaps I have all the facts wrong, or have missed some important ones; in that case, I will be delighted and relieved to write back a sincere apology. But right now, I know that a man is in jail a thousand miles from his home, without a criminal charge against him, and I don't think this should be.

I would appreciate it if someone could answer my letter, for I am very disturbed.

Very respectfully yours,
Rev. John J. Keaveney.

Tarrant County Jail,
Fort Worth, Tex.

Congresswoman Bella Abzug: Dear Congresswoman, we the (Fort Worth Five), imprisoned political Irishmen, wish to thank you for having expressed concern on our fate here in the Confederate South. No doubt you are aware of the unscrupulous railroad job imposed upon us by the current U.S. administration on behalf of the government of Great Britain.

The allegations made against us are the most negative suppositions. We assure you that not one of us five have ever been to Texas before now, or have we had any contact in any way shape or form with anyone in this state, the police-state tactics used against us must cause grave concern to every U.S. citizen, should this trend be allowed to continue we shall have entered the 1934–35 era of Hitler's Germany.

The so-called Grand Jury meant to protect the individual's rights was in our case used as an instrument of intimidation.

The Grand Jury is merely the captive audience of four U.S. attorneys who play the role of Grand Inquisitors who between them have 80 to 100 years legal experience against the victim who is denied having his attorney by his side in that secret investigation. The judge showed his animosity and bias toward us from the very beginning.

All of us have flawless characters, but we are denied bail at any price. Separated from our wives, children, families and livelihoods, we are dependent upon the good-will of concerned people who have contributed to defense funds to insure their survival.

The nightmare which we have experienced clearly illustrates that the most un-American methods can be used to frame people by simply rail-roading them into an area where their ethnic background E.C.T. is considered unpopular and where no local pressure can be exercised against the government's actions. This was clearly illustrated when a small group of nurses picketed on our behalf. They were threatened by not only U.S. Marshals, but by Judge Brewster himself.

Having had the courage to persist, these fine women were dismissed from their jobs by the Harris Hospital administration which gave way to political pressure. They were even threatened with deportation. The local Civil Rights groups came to their rescue, and they now have jobs in Peter Smith Hospital here.

We know that you are a great humanitarian and the champion of human rights for all people. We thank you for your interest in our case. You can be sure that the Frish community will always remember your response, and it will be borne in mind for future reference.

Sincerely yours,
Danny Crawford,
Thomas Laffey,
Kenneth Tierney,
Matthias Reilly,
Paschal Morahan,

Tarrant County Jail,
Fort Worth, Tex., September 10, 1972.
Congresswoman Bella Abzug.

Dear Ms Abzug: Again we thank you for your persistent efforts on behalf of "The Fort Worth Five" here in Texas. Studying the great Thomas Jefferson we are struck about how he too felt about people who were to experience our predicament, by being torn from their wives, children, neighborhoods, and livelihoods.

Claude G. Bowens, in his book, "The Young Jefferson" pages 89–90 (published by Houghton, Mifflin Co.) tell us that Jefferson strongly opposed the English idea of moving people from their home area, to be tried, or questioned in another area. This was a point he raised before the revolution.

When the English demanded that a man in the city of Boston be tried in England, before a Middlesex jury, before whom witnesses were to * * * although, as he said, their expenses were to be paid, who would feed the wives and children left behind? Jefferson points out, that the victim, stripped of trial by his peers in his own area, without counsel, (we were denied ours in the grand jury room) without friends, without money (ours giving their services free) and without exculpatory proof, and brought before judges pre-determined to condemn (as Judge Brewster showed) "Ah! the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to Parliamentary tyranny, would merit that infamy now fixed on the authors of the act."

There is no doubt that as you and other gallant Congressmen and Senators are doing, Thomas Jefferson too, would do, on our behalf.

Yet what Thomas Jefferson condemned, is being restored by his successor Richard Nixon, and on behalf of England, in our case. We were torn from our wives, children, neighborhoods, peers and livelihoods to Texas, and the strange ways the Dept. of Justice admit they have no charges against us. Mr. Olson cancelled his appointment with Senators and Congressmen, 12 minutes before he was to discuss our case with them.

The people of the U.S. are being deprived of their freedoms by the New Archie Bunkers in Washington.

Mr. Nixon refutes the principles of Presidents Jefferson, Lincoln, Eisenhower, Kennedy and Johnson.

There is a song, "If I Had a Hammer I'd Ring Out a Warning"—"all over this land."

Very sincerely,
Thomas Laffey.
Matthias Reilly.
Daniel Crawford.
Paschal Morahan.
Kenneth Tierney.

Mr. WOLFF. I thank the gentlewoman from New York for her contribution. I know that she has been someone who has always stood in the forefront of civil liberties activity, and certainly this is a further indication of her dedication.

Mr. Speaker, I have stood in this well many times and deplored the discrimination that takes place in the Soviet Union against the Jewish people, and I have deplored the type of activity that has taken place in South Africa.

I am not an Irish American. I felt dutybound, and I feel that the Members of this body are dutybound to stand against discrimination wherever found. This is why I originally went to Ireland; why I originally went to Britain, to ask permission to visit the detention camp at Song Kesh.

This was not readily granted to me. I was told that I could visit this detention camp in Britain if a family gave me its visiting rights. Therefore, instead of doing it in that fashion, through contacts which I made I was able to get a family to get me into the prison camp under the cover of another name and without my identity as a U.S. Congressman, so that I could see for myself the conditions under which some of these people are being detained by Great Britain.

Mr. Speaker, I would like to read into the Record a letter that was sent to me, and to other Members who have been interested in this case:

Tarrant County Jail,
Fort Worth, Tex., September 10, 1972.

Dear Mr. Wolff: Although we wrote you a few days ago, we feel we should write again to let you know of our findings, from the words of Thomas Jefferson.

From studying this great man, we struck upon how he too felt about people who were to experience our predicament, by being torn from wives, children and livelihoods.

Thomas Laffey has three children, no other visible means of support, and a mortgage to pay, and he is paying that only through the charity that is being given to his family.

Claude G. Bowens, in his book, "The Young Jefferson," pages 89–90, (published by Houghton, Mifflin Co.), tells us that Jefferson strongly opposed the English idea of moving people from their home area, to be tried, or questioned in another area.

Is it that the Justice Department moved this trial to Texas because of the fact that there are so few Catholics in Texas? And that is my interpolation, and not the statement of Tom Laffey.

This was a point he raised before the resolution.

When the English demanded that a man in the city of Boston be tried in England, before a Middlesex jury, before whom witnesses were to be forced, Jefferson exploded in wrath, although, as he said, their expenses were to be paid, who would feed the wives and children left behind?

Who feeds the wives and families of these people who are being held in Fort Worth, Tex., now?

Jefferson points out, that the victim, stripped of trial by his peers in his own area, without counsel (in the grand jury room we were denied ours) without friends, without money (ours giving their services free) and without exculpatory proof, and brought before judges predetermined to condemn (as Judge Brewster showed) "Ah! the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to Parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act."

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gallant Congressmen and Senators are doing, Thomas Jefferson too, would do, on our behalf.

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The people of the U.S. are being deprived of their freedoms by the New Archie Bunkers in Washington.

Mr. Nixon refutes the principles of Presidents Jefferson, Lincoln, Eisenhower, Kennedy and Johnson. There is a song, "If I Had a Hammer I'd Ring out a Warning"—"All over this Land."

Sincerely,

THOMAS LAFFEY,
PASCHAL MORAHAN,
KENNETH TIERNEY,
MATTHIAS REILLY,
DANIEL CRAWFORD.

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I commend the gentleman from New York for taking this special order, and for bringing to the attention of this body this matter which is fully documented as to its validity. The gentleman from New York is one who has attempted to address the attention of America to these matters. The gentleman's concern clearly lights up the fact that we have seen over a period of years so much interest engendered on questions of various natures, presented by various groups in this country, groups that run the gamut of age, groups that run the gamut of economic status on questions that oftentimes have been less worthy than this.

And yet we have today in America a demonstration of an assault on something fundamental, that should arouse the curiosity and the ire of all Americans. Yet, we have five men in Fort Worth and they have been there for several months, with no prospect of release and they are treated in a worse fashion than hardened criminals—men who are fighting for a cause that is very much parallel to that of the early American Revolution.

What they have done really is to seek to assist their brethren in a foreign land. We have had cause after cause, and crusade after crusade, and drive after drive participated in by people across the board—and no one has been curious and no one has attacked. But simply because the emissaries or the voices of Great Britain feel the pinch, we find America responding as a lackey would. It is a position that America does not deserve and should not be put in and Americans should not tolerate.

The British have their own conscience to look at. They are talking in terms of Ireland—now Northern Ireland. The yoke of colonialism has been lifted from many countries throughout the world—British colonialism that is. Even the great Nation of India was finally freed after demonstrations and after famine and after the outcry of all of those people and others who shared in that desire for freedom. They were freed by the United Kingdom.

We have 14 colonies in the northern part of Ireland that seek similar action. You know, to speak about it from here is one thing—but go there and see it.

Mr. WOLFF. I know, I have been there.

Mr. BIAGGI. I know you have and you are to be commended for it.

I have been there time and time again. I have been there at points of confrontation. But imagining it is inconceivable. To know that the United Kingdom, the home of democracy so-called, still remains an oppressor and despite suggestion after suggestion that could serve as a perfect solution to the problem—a plebiscite for one—there is nothing strange about that—that simply calls for human beings in a country to make their own determination and they will stand or fall on the basis of that determination. But, no—that will not happen. They say, "We will give you the plebiscite, but in a certain area."

It resembles so much a type of reapportionment that we have in some portions of our country. You just cut it out the way you like it—with the outcome pretty much——

Mr. WOLFF. Predetermined.

Mr. BIAGGI. Predetermined—the gentleman is right.

Then you travel—and you visit the place. What are these people asking for? They are asking for justice in the truest sense—not a position better than their brothers—not something to compensate for the years of deprivation which would only burden those who are there now. They are willing to start fresh from now, for an opportunity to live, for an opportunity to work.

It has been clearly documented and the RECORD contains it in statement after statement that I have inserted on about 40 or 50 different occasions—the illustrations of injustices being heaped on a people. When you talk to those advocates who remain in power, you know you are talking to an extremist who would be run out of this country—despite the element of extremism that we have in this country.

Mr. WOLFF. I was told by Lord Woolsey who is second in command to Mr. Whitehall that the reason there is 47 percent unemployment in Bally Murphy is that the people do not want to work. It is inconceivable to me and I am sure to you that half of the people in that Catholic enclave just do not want to work.

Mr. BIAGGI. That is not a fact. What he stated, of course, as you and I agree is not a fact. I thought it was better than that. You say 47 percent. I was there in Bally Murphy—they live in hovels. But let us turn to the other side of the coin. I think in the shipyard, Halley Wolf, they have 9,000 employees and less than 200 are of the Catholic faith. That is a figure that tells its own story. The people who work in and who are employed in Bally Murphy are the ladies—when they can get employment, in the most menial type of jobs. They are not complaining—they are grateful for the employment. This is discrimination of the worst type because it appears subtly. There is no question about its existence, and how it has occurred over the years and has existed over the years.

Now, that is one thing. Ireland is one thing. I would suggest very strongly that members of the United Kingdom recognize once and for all the nature of the Irishman. If the British think they are going to still the spirit of freedom that has existed in the Irish boson for centuries either by oppression or by force or by other means, the British are greatly mistaken. It is this bad judgment that will continue the fight. It is this bad judgment that will prevent a solution.

They are not dealing with the fundamental concept of an individual. The Irishman fights for freedom. He is happy to die. The British do not realize that. They do not understand that. Any human being wants to live of course, but the Irishman is happy to die in this fight. There is a state of mind there that brings this about. They will keep dying but they will take other people with them.

The morality of the cause will continue. We as Americans should not be engaged in any skulduggery or any collusion with any other country, as we are in this instance in relation to the Fort Worth Five. Frankly I am disappointed that we are talking in terms of the five people who were never in Texas, who have not been charged, and who have been housed in a building which provides less accommodation than they would have given hardened criminals. It is just the most intolerably repugnant situation I have been confronted with in my time.

Somehow or other we have not been able to awaken the masses to the call for justice in this instance. I do not understand Americans. They respond to so many less worthy causes. Where are all the young civil righters? Where are all the civil rights throughout this country? I ask that question and I look about and I get no answer and I hear nothing. It is selective. It is not fashionable to fight for Irishmen. Perhaps it is figured the Irishmen can fight for themselves. Yes, they can, but they cannot fight alone. They have been doing that fight for centuries. Finally the Irishman himself has recognized that and he has held out his arms to his fellow man and said, "Please help me." That is where we are today.

All of us should be trying to help, regardless of origin. Someone has said to me: "You are not of Irish extraction." So what? We do not simply respond to that. There is an old Jewish rabbi, and this is related in the Torah about Rabbi Hillel, who said:

> What am I if I do not speak up for my people?

Do Members know why he said that? He said that because too many are reluctant to stand up and expose themselves to the possibility of criticism or of retaliation when something or somebody that concerns them is assaulted.

On the other side of that coin the rabbi went further and said:

> And if I speak only for my people or myself, then what am I?

That is why we speak. The gentleman from New York (Mr. WOLFF) is of the

Jewish faith and the gentleman from New York (Mr. BIAGGI) is of Italian origin and we speak up as well as many others. What are we if we do not speak up for our fellow man irrespective of race or religion or ethnic background? That is what we have been doing and what others have been doing.

I suggest very strongly that the administration, who I am confident are sympathetic, exercise a little persuasion on the United Kingdom. There should be pointed out to the United Kingdom the error of their ways because Ulster is not going away. The 13 counties will be there. Those Irishmen are fighting for their lives and their freedom. They will fight for eternity. They have done it for hundreds of years. Who is to anticipate that something will change the makeup of man or his mind or his heritage or his tradition?

We do it for everyone else. We get involved in other nations throughout the world where more material things are involved or where military strategy is involved, but not any more where morality is involved. Why not do it for those people in Northern Ireland? We have done it elsewhere. And in doing it for them we will be taking care of the Fort Worth Five.

Mr. Speaker, I join with my other colleagues here today in the hope that through our efforts we can focus some attention on and invoke a sense of national shame and outrage at the unjust interment of five Americans in Fort Worth, Tex.

Just today, I received a letter from the group, which I would like to read at this point. It gets to the guts of the problem in the most succinct way:

> TARRANT COUNTY GAOL,
> *Fort Worth, Tex., September 11, 1972.*
> Congressman MARIO BIAGGI.
>
> DEAR MARIO: Again, we thank you for your peristent efforts on behalf of the 'Fort Worth Five' here in Texas.
>
> Studying the great Thomas Jefferson, we are struck about how he too felt about people who were to experience our predicament, by being torn from our wives, children, and friends.
>
> Claude G. Bowers, in his book, "The Young Jefferson," Pages 89 & 90, (published by Houghton, Mifflin Co.) tells us that Jefferson strongly opposed the English idea of moving people from their home area, to be tried or questioned in another area. This was an important point he raised before the Revolution. When the English demanded that a man from Boston be tried in England, before a Middlesex jury, before whom witnesses were forced, Jefferson was wrathful. Although, as he said, their expenses were to be paid, who would feed the wives and children left behind?
>
> He goes on, that the victim, stripped of trial by his peers in his own area, without counsel, (we were denied ours in Grand Jury room) without friends, without money (our lawyers are free), and without exailpatory proof, and brought before judges predetermined to condemn, (as Judge Brewster showed). "Ah, the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to Parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act." There is no doubt that as you and other gallant Congressmen, Senators, are doing, Thomas Jefferson, too, would be on our behalf.
>
> Yet, what Thomas Jefferson condemned is being restored by his successor Richard Nixon and on behalf of England, in our case. We are torn from our wives, children, peers and livelihood to Texas, and the strange ways of the Department of Justice finally admit they have no charges against us. Mr. Olsen cancels his appointment with Congressmen and Senators, 12 minutes before he was to discuss our case with them.
>
> The people of the U.S. are being deprived of their freedom by the New Archie Bunkers in Washington. Mr. Nixon refutes the principles of Presidents Jefferson, Lincoln, Eisenhower, Kennedy and Johnson. There is a song says "If I had a hammer, I'd ring out a warning, all over this land."
>
> Very sincerely,
>
> KENNETH TIERNEY,
> MATTHEW REILLY,
> DANIEL CRAWFORD,
> THOMAS LAFFEY,
> PASCHAL MORAHAN.

Ah, the words of Thomas Jefferson, author of the Declaration of Independence and guardian of personal liberties in the early days of the Republic. Have the ideals of Jefferson and Washington and Hamilton tarnished so with the passage of time? How can we as Americans with a heritage of freedom and liberty allow the internment without trial of five citizens to go on month after month? How can we ignore the fact that an agency of the Federal Government—the Justice Department—slapped together a grand jury thousands of miles away from the homes of these five men in an apparent attempt to avoid public scrutiny of their actions? How can we, in a selfish sense, be so sure of our own freedoms if the Justice Department can violate the rights of these men with impunity?

I remember the words of the German who said:

> They came for the Jews, but I was not a Jew so I did not protest. And they came for the Catholics, but I was not a Catholic, so I did not protest. And they came for the clergy and the writers, but I was neither, so I did not protest. And then they came for me, but there was no one left to protest.

The Fort Worth five are examples of what will happen unless unbridled Government power to lock up citizens is not checked. There was no trial, no charges: and no bail has been set. Their refusal to testify before a grand jury on moral and ethical grounds is the "crime" they are accused of. No one should be forced to participate in a Justice Department fishing expedition and witchhunt. If they are guilty, let it be proven in a court of law. But until then, they should be free and considered innocent.

It is sad to think that an accused murderer or rapist or dope pusher would have more rights and protections than are being afforded these men. In New York City, they cannot return the criminals to the streets fast enough. Some even beat the policemen out of the courthouse; free on bail.

What we have here is another case of the executive branch rewriting the Constitution to suit its own political ends. Pressure from Great Britain has driven the Attorney General to trump up these charges and develop this non-case. Unless we here in Congress begin to exercise our moral and constitutional obligation to defend the law of the land, we may find our own institution taken away—and then who will protest?

Mr. Speaker, I ask my colleagues now to examine their conscience and consider the moral and legal questions raised by this bizarre care. I hope they will all conclude as I have that this rape of the constitutional rights of the five men in the Fort Worth jail must be brought to an end.

Mr. WOLFF. Mr. Speaker, I thank the gentleman from New York for his comments.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from New York for yielding to me because I join him on the floor at this time to, I suppose, extend the concepts that have been so eloquently expressed by the previous speaker, the gentleman from New York (Mr. BIAGGI).

I, too, am outraged that five men would be taken across the country to answer to a special grand jury and denied bail. I do not know what has happened to the writ of habeas corpus. I do not know why we should have legislation that would prevent a person from coming to a hearing certainly closer than it turned out in this case, for answers sought to questions to be asked by the grand jury.

But may I reflect on the gentleman from New York's (Mr. BIAGGI) remarks, because along with the Irish—and that is a struggle that is amazingly ignored in this country—we have one for which we are more responsible, and that is the Vietnamese. I raise that question because not only are Vietnamese being killed, but they are being killed by American bombs, American bullets, and mercenaries hired by our country. It seems to me that that inhumanity that spreads and poisons that part of the world is really coming back home to this country. We cannot escape it.

The apathy that we reflect toward the struggle in Europe is the result of the failure of the Government of the United States, and this Congress in particular, to act in a resolute manner toward ending the war of which we are the largest participants.

I think that this question that has been raised by the gentleman from New York (Mr. WOLFF) is an important consideration. These five men have come to the attention of an alert Congressman and a few other Members on both sides of the aisle, incidentally, who were willing to meet with representatives of the Justice Department. There are many Americans behind bars about to be brought to trial who are prosecuted in a very similar, unfair, unjust way.

I want to ask the gentleman from New York (Mr. WOLFF) is there not a legislative remedy that we who are concerned can effectively bring to bear to close the loophole in the Organized Crime Control Act, which has apparently permitted this very grave miscarriage of justice?

Mr. WOLFF. I think the distinguished gentleman from Michigan, who again has helped lead the fight for civil liberties for all people, for his contributions here. I say to him that, yes, I think there is a legislative remedy. I do believe that we have to accept, perhaps, the suggestion of the gentleman from New York (Mr. Dow) and call for hearings by the Judiciary Committee to amend this act so that it is not as onerous as it is today, and to amend the errors that have been made in the act and not to protect us from our sins.

Mr. CONYERS. I want to indicate that I, as a member of the Judiciary Committee, will support such hearings and will also join with those who will offer legislation to make this correction.

Might I point out to the gentleman from New York that his concern for civil rights for all Americans did not begin with this precise matter he has brought to the attention of the Congress. As freshman Members of the 89th Congress he worked with some 13 Members of Congress in this regard. I see another Member, the gentleman from New York (Mr. Dow) is now present, who joined with me in a rather historic trip to Selma, Ala., at the request of the late Dr. Martin Luther King.

It seems that out of these continuing concerns we are here again for five Irish-Americans.

The cause and the point of travel in 1965 and the reason for this special order in 1972 brings us all together again on the same question of justice for all Americans. This is an important matter. I only wish that all those who should receive the support of Members of Congress because of other transgressions of the law could have that help. But, because the gentleman brought this matter before us, I feel that I can do no less than join him here and offer the support of myself and those who are continually concerned with civil rights, to see that this matter has some final, fair conclusion.

Again, I compliment the gentleman for bringing this matter to the attention of this body.

Mr. WOLFF. I thank the gentleman for being in a leadership position, as he always has been, not only on the question of civil rights but also as to the workings of this House.

Mr. DOW. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. DOW. To respond to the suggestion of the distinguished champion of civil rights from Michigan (Mr. CONYERS) as to whether there are legislative remedies, I should like to offer for the record the text of a resolution I am about to introduce here in the House, which calls for the Judiciary Committee to conduct a full and complete investigation and study of the conduct and practice of the U.S. Department of Justice and the Federal Judiciary with respect to grand jury investigations.

Mr. Speaker, I ask unanimous consent that the text of this resolution be printed in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The matter referred to follows:

Resolved, That the Judiciary Committee, acting as a whole or by subcommittee, is authorized and directed to conduct a full and complete investigation and study of the conduct and practices of the United States Department of Justice and the Federal judiciary with respect to grand jury investigations. Such investigation and study shall be completed and reported to the House as soon as practicable, and shall include findings on the following matters:

(1) Whether there is reason for the Government to believe in all cases where witnesses are called before grand juries that each such witness has significant information on the subject of the investigation being made.

(2) Whether the questions asked of each such witness have a close nexus with the criminal activity under investigation.

(3) Whether the criteria employed by the Justice Department in selecting a site for each grand jury investigation are appropriate, especially in cases where such site is distant from the principal residences of a substantial number of prospective witnesses.

(4) The extent to which witnesses subpenaed are not asked any questions before the grand jury.

(5) The instances in which a grand jury was convened in order to investigate lawful demonstrations or other lawful political events, and the instances in which a grand jury was convened simultaneously with lawful events in which the witnesses were to participate.

(6) Whether the questioning of grand jury witnesses has been used, or is capable of being used, to gather personal information about such witnesses for the purpose of domestic intelligence.

(7) Whether the use of grand juries has been made by the Government, or can be made by the Government, to harass or intimidate persons who advocate controversial policies or disagree with the Administration.

(8) Whether there is sufficient assurance under present law that the compelled testimony of grand jury witnesses cannot subsequently be used to incriminate them.

(9) Whether grand jury witnesses should have the privilege of legal counsel during grand jury questioning.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. WOLFF. I yield to the gentleman from New York.

Mr. PEYSER. I should like to join with my other colleagues in thanking the gentleman for setting up this special order and for giving us the opportunity to talk very briefly on the problem of the five Irish-Americans who are now being held in Fort Worth.

I believe my colleague from New York (Mr. BIAGGI) well expressed my feelings so far as the situation in North Ireland is concerned. I would rather not direct my remarks to that area but, briefly, to the specifics I believe the gentleman called the special order for.

Two weeks ago I visited Fort Worth and spent approximately a little over 2 hours with the five prisoners who were being held down there: Ken Tierney, Tom Laffey, Matt Reilly, Paschal Morahan, and Dan Crawford.

I had the opportunity of talking with them individually, and I talked with them as a group.

My visit, incidentally, was arranged through the Justice Department, in cooperation with them. The men were brought to the Federal courthouse at Fort Worth where we had this meeting. I went down to this meeting to talk with these men, to get a firsthand impression from them. I had not known these men before, had never seen them before, and wanted to get as close a relationship as I could, to make some judgments of my own.

Mr. WOLFF. Did you see them at that time?

Mr. PEYSER. No, I did not, because they were there when I arrived in the courthouse. They were sitting in a room. They were sitting in an ordinary room like across the table.

Mr. WOLFF. You know they were brought in in handcuffs and manacled?

Mr. PEYSER. I did not see them arrive at the courthouse in that way. They had no equipment of that nature on when I saw them. I had a separate office that they came into, and they simply walked in and I met with them there.

After talking with these men and having done some research on this particular case I am personally convinced that these men have had absolutely nothing to do with any affair dealing with guns or have had any relationship with anyone in Texas or have been in communication with anyone in Texas or have ever been there.

As one of the men, Ken Tierney, indicated, the only time he wrote to anyone in Texas was to then President Johnson, to which he got a response. That is the only time he ever had any communication with anyone there.

I feel, in my opinion, that these men are being unjustly held. I believe they are caught in a sort of legal trap here between the Government and their own situation, trying to find a way in which they can get out of this trap. Frankly, they would like to get back home to their families.

I have talked to their families and talked with their friends, and based on the type of exposure I have had and conversations I have had, there is no question in my mind of the innocence of these men.

When I say "innocence," I mean they have been charged with nothing, so it is not a question of innocence. The sense I am using it in is, if they are being held there because of a presumed gun-running situation as between Texas and Ireland, I say these men have had nothing to do with it, in my opinion.

Mr. WOLFF. Has the gentleman at all interceded with the Department of Justice, which is one of the things I wanted to speak to them about, on the idea of transferring these people from Texas to some place near their home in a Federal facility? They are being held in a county jail under Federal charges or whatever it is, or Federal authority, and yet they are being held in a county jail. They have five men in three cells. They have exercise space of 6 by 16 feet for those five people. Criminals and convicted murderers in the United States have greater facilities afforded to them.

Mr. PEYSER. I agree with what the gentleman is saying. I wanted you to know, because of your interest and that of the other gentlemen here, that my aim in this is to get these men out and get them out either under bail, which as the situation presently stands is not a very possible situation, but perhaps a compromise might be reached. It is my feeling after talking with these men and their attorneys that there is grounds for a compromise situation that will return them to their homes. At this time I am trying to work within the administration and the Department of Justice to reach some sort of decision on this. Nothing would please me more than to have something positive to report, but I do not have it. Nor am I convinced that the issue is simply a dead issue and that they are there to be forgotten. I certainly am not going to forget them any more than you are. I think we can win the battle.

This type of meeting will perhaps help to highlight the situation existing for these men and for their families. I think these men have to come back home. I think these men are willing to testify in certain areas in court as to their own absolute lack of involvement in anything to do with the situation.

I think they want to be home. They are average men, bus drivers, a superintendent of an apartment building, and there is one carpenter and there is a real estate salesman and there is a registered nurse.

For goodness' sake, these are ordinary, normal people who have never committed a crime in their lives. I believe they are going to have to be returned home. I believe we can make the Government here see what is happening and can create the forces necessary to bring them home.

Mr. WOLFF. Tom Laffey, my constituent, is an ex-GI. I do not know whether any of the others are, but he served in the Armed Forces of this Nation.

I thank the gentleman for his contribution and for his comments.

Mr. Speaker, we are the Representatives of the people. The Justice Department is answerable to the people of this Nation, and the Justice Department is answerable to the Representatives of the people of this Nation.

Mr. BURKE of Massachusetts. Mr. Speaker, I am pleased to join with my distinguished colleagues from New York, two good friends and concerned men who whatever else they are, cannot be accused of being Irish Americans. Congressman JOHN G. DOW and Congressman LESTER L. WOLFF who have requested a special order this afternoon to bring to the attention of this House and hopefully the people of this country a situation which has so many disturbing implications, it is difficult to know where to begin.

Some weeks ago, five men of Irish American extraction were imprisoned in the Tarrant County jail in Fort Worth, Tex., after having been subpenaed through the curious device of blank subpenas in mid-June and told to be in Fort Worth, Tex., for a grand jury investigation within 5 days. It was alleged the five men knew something about a "gunrunning effort." After being questioned without the benefit of attorney, found guilty, and refused bail the men have literally been cut off from the outside world and become the subjects of such intense speculation that the situation has all the earmarks of international intrigue at its worst.

Now, it is not for a Member of Congress to get involved with passing judgment on the merits of a particular case pending before our courts. That is why we have courtrooms and judges. However, when five American citizens are hurried to a State far away from home for their first visit to testify before a grand jury there, far from their friends and relatives—and incidentally the Irish American community—denied bail, denied the presence of an attorney, whisked away to prison—then it seems to me that their friends and relatives have every right to contact their Congressman and ask them just what is going on.

And now, I come to the part which bothers me most about this whole situation. Apart from a disclaimer by the attorney general of Texas that he has any knowledge of the particulars of this case, even though it is taking place in his State, the Justice Department of the United States has refused to even so much as acknowledge any of my inquiries to date about this matter.

Yesterday, giving just 12 minutes' notice a functionary of the Justice Department canceled out a meeting with concerned Congressmen without any explanation. To date all attempts to gain an explanation for the mysterious behavior of the designated Justice Department officials, as well as the more important issue of just what is going on in Fort Worth have met with no success. I think that whatever the merits of the case before the grand jury in question, that the Constitution of this country is designed to guarantee basic freedoms. I think it is important for elected officials to focus all the attention they can muster on Government departments who violate or appear to violate these freedoms.

This is certainly the case in a situation such as this which is so heavily wrought with all kinds of political overtones and is naturally a matter of the most immediate concern to millions of Irish Americans who have already suffered enough agony over the fate of their ancestral homeland, during this tragedy that is Ulster. At a very minimum the Justice Department owes us a complete explanation. It would indeed be worse than irony if this country has to resort to the denial of basic civil liberties in order to discourage American involvement in the Ulster situation which has at its root the fundamental issue of the denial of civil liberties to the Catholic minority.

Mr. HELSTOSKI. Mr. Speaker, civil libertarians everywhere are disturbed over the case of the five Irish-Americans being held in prison in Fort Worth, Tex.

These men, subpenaed in New York, were asked to appear before a Federal grand jury in Fort Worth investigating possible gunrunning to Northern Ireland. The change of venue from New York to Texas was made on the specious grounds that calls were made from a New York group to Dallas and Fort Worth.

It is obvious that the grand jury was impaneled—and the presiding judge selected—in Fort Worth because it is an area totally unfamiliar to the cause of the Irish Americans.

Promised immunity, the five men rejected it, refused to answer questions and were held in contempt by U.S. District Judge Leo Brewster.

Mr. Speaker, these men have yet to be tried for any crime and they are being asked to place themselves in double jeopardy by abridging their constitutional safeguards against self-incrimination. If they agree to testify under the promised immunity, it is still possible that they can be tried again with self-incriminating evidence because of the flukes in the law, as well as prosecution by the British Government. Truly, no wise man would place himself in this situation.

The illegal incarceration of these men is reminiscent of the discredited internment policy being used by the British in Northern Ireland.

Not having been tried or convicted of any crime, these five men are being denied bail, which is most unusual and a violation of civil liberties.

When civil liberties are abridged in such a high-handed fashion by a State which seems to be saying that we are a Nation of men rather than of laws, freedom-loving Americans everywhere should be alarmed because John Locke stated in 1960 that wherever law ends, tyranny begins.

Certainly, the worst tyranny occurs whenever government officials themselves violate the laws they are committed to uphold. This is especially so when the laws are concerned with civil liberties and judicial procedures.

Mr. Speaker, this whole matter should be investigated by the Congress because there are serious questions raised in my mind concerning the denial of bail and the denial of a writ of habeas corpus ad subjiciendum, as well as other possible violations of the law.

If these men are guilty of a crime, let the Government so state its case. The Government cannot arbitrarily tear away a man from his wife and children, and the means with which to provide a livelihood without showing just cause for such capricious action.

Mr. PODELL. Mr. Speaker, I add my protest to that of my colleagues over the intolerable, inhuman, and probably illegal incarceration of five residents of New York in a prison in the State of Texas.

On June 19, almost 3 months ago, they were subpenaed to testify before a grand jury allegedly investigating the smuggling of small arms to insurgents in Ireland. When they refused to answer questions until the constitutional questions of immunity which they raised were resolved by the courts, the Fort Worth Five were cited with contempt and have been in prison since that time.

Though granted immunity by a grand jury in the United States, even American citizens can be extradited to England and tried for the same alleged crimes there. Extradition treaties between the two nations permit that.

And so, we have the Department of Justice using the immunity to testify given a witness as a big club, as an instrument of torture. The Justice Department took these five men, transported them some 1,800 miles from their homes in New York, put them in prison without ever charging them with a crime and could keep them there for as long as 18 months. Meanwhile, these men, all with young families and no means to support them while they are languishing in prison in Texas, are suffering the tortures of the damned simply because they exercised their constitutional rights.

Mr. Speaker, I say it is tantamount to suspending habeas corpus. That is a crime far worse in itself than anything these men might be charged with. And worse, the entire investigation seems more a diplomatic accommodation to England, hard pressed to settle its colonial problems with Ireland, than it is an attempt to settle any outrage against law and order in America.

It smacks of terror, a knock on the door in the dead of night. It was never the intent of Congress that any law be unreasonably applied.

I believe, in this case, the Department of Justice is misapplying the law. It is unreasonable for the Department of Justice to take a man half way across the country to testify before a grand jury.

It is unreasonable to ask a man to testify under a grant of immunity when the immunity granted him is not complete.

It is unreasonable for the Department of Justice to hold that man in prison, to deny him bail, to deny him access to friends and family, to deny him means for providing for his family while his appeal is being decided.

Justice is not justice when it is not reasonable, and fair and swift. Because that is true, I ask the Justice Department, and the courts to get on with it, to do the right thing and free these men and their families from the burden of imprisonment. I ask that they be charged or released.

It is time to do the decent thing.

Mr. ROSENTHAL. Mr. Speaker, five Irish Americans are being held in the Tarrant County Jail in Fort Worth, Tex., on orders of the Department of Justice. These men are not charged with any crime and have been refused bail.

Along with a number of my colleagues from both Houses, I planned to meet with A. William Olson of the Justice Department to discuss this case. Mr. Wilson unilaterally and totally without explanation canceled that meeting only 12 minutes before it was to begin. The Department simply refuses to discuss the matter with the Congress.

The five men are being held more than 1,400 miles from their homes in a locale with only the most remote connection to the case involved. The prisoners were subpenaed to testify in a Federal grand jury investigation of supposedly illegal arms shipments to Northern Ireland. All five are New Yorkers who had never been to Texas before they were subpenaed.

Their incarceration smacks of being an adjunct to the British interment policy **in Northern Ireland. The Nixon admin**istration is apparently willing to stop at nothing to please the British Government. Even if this means handing over the Fort Worth Five for extradition by the British.

Today I received a letter from the prisoners and am inserteing it in the RECORD at this point:

TARRANT COUNTY JAIL,
Fort Worth, Tex., September 10, 1970.
Congressman BENJAMIN S. ROSENTHAL,
Washington, D.C.

DEAR SIR: Again we thank you for your Presisent (sic) efforts on behalf of "the Fort Worth Five" here in Texas, studying the great Thomas Jefferson, we are struck about how he too felt about people who were to experience our Predicament by being torn from wives children & friends.

* Claude G. Bowers in his book "The Young Jefferson" Page 89 + 90 (Published by Houghton Mifflin Co) tells that Jefferson strongly opposed the English idea of moving People from their home area, to be tried or questioned in Another area, This was a Point (sic) he raised before the Revolution.

When the English demanded that a man in Boston be tried in England, before a middlesex Jury before whom witnesses were to be forced, Jefferson exploded in wrath, although, as he said there expenses (sic) were to be Paid (sic), who would feed the wives & children left behind? Jefferson Points out that the Victim, stripped of trial by his Peers in his own area, without counsel (we were denied ours) without exculpatory Proof & brought before Judges Pre-determined to condemn (as Judge Brewster showed) "Ah the cowards who would suffer a man to be torn from the bowels of his society in order to be offened (sic) a sacrifice to Parliamentary (sic) tyranny, would merit that everlasting infamy now fixed on the authors of the act.

There is no doubt that as you & other gallant Senators & Congressmen are doing Thomas Jefferson too, would do on our behalf.

Yet what Thomas Jefferson condemed (sic) is being restored by his successor Richard Nixon, on behalf of England, in our case, we are torn from our wives, children, neighbors, Peers & livelihoods, to Texas, and the strange ways of they Dept. (sic) of Justice finally admit they have no charges against us.

Mr Olson cancels his appointment with Senators & Congressmen 12 minutes before he was to discuss our case with them

The People of the U.S. are being deprived of their freedom, by the new Archie Bunkers in Washington

Mr Nixon refutes the Principals of Presidents, Jefferson, Lincoln, Eisenhower, Kennedy, Johnson,

There a song says "If I had a hammer, "Id ring out a warning" All over this land

Very sincerely

MATTHIAS REILLY,
THOMAS LAFFEY,
DANIEL CRAWFORD,
KENNETH TIERNEY,
PASCHAL MORAHAN.

Mr. DELANEY. Mr. Speaker, I am glad to join my colleagues in protesting the disdain shown to Members of Congress by high-ranking administration officials, in connection with our inquiries concerning the unusual imprisonment procedures imposed on five New York area Irish Americans now jailed in Texas.

I personally asked the Attorney General, Mr. Kleindienst, to furnish me all the background details on this situation over a month ago, and have received no reply.

My inquiry to the President along the same lines has been acknowledged, but no further information has been received as yet.

Last Thursday, like a number of other Members, I took time out to attend a meeting with Mr. A. William Olson, Chief of the Justice Department's Internal Security Division, which had been arranged by our colleague from New York (Mr. WOLFF), only to find the meeting had been canceled with virtually no notice as I was proceeding on my way to the meeting.

The high-handed manner in which this entire situation has been handled not only demeans Congress, but raises the frightening specter of totalitarianism that is revolting to our sense of justice.

The information available to me indicates that these New York area residents have been thrown into jail in Fort Worth, Tex., without bail, on suspicion of having been involved in furnishing arms to certain factions in Northern Ireland.

Surely, in the 10 weeks these men have been in jail, the Government has had time to make a case. If available evidence will not support an indictment, they should be freed immediately. If evidence is sufficient to hold them, they have a right to a reasonable amount of bail.

If the rights of these men cannot be protected, it will not be long before the rights of all may be in jeopardy.

We must do everything possible to redirect this course the Government now seems to be taking.

Mr. KOCH. Mr. Speaker, my concern for the Fort Worth Five is that they receive their constitutional rights and all due process. I am not in any way commenting on the merits of the matter in that I simply do not have the facts to do so. But I believe that the constitutional defenses which they have raised must ultimately be resolved by the Supreme Court and pending that resolution, I believe they are entitled to bail.

Mr. BINGHAM. Mr. Speaker, I want to commend my colleague from New York (Mr. WOLFF) for organizing this special order on the imprisonment of five Irish-Americans in Fort Worth, Tex., and I want to again express my concern over this situation, along with my other colleagues who are participating in this discussion.

Just today, Mr. Speaker, I happen to have received a handwritten letter from these imprisoned men—the second I have received in recent weeks. This letter is most interesting in that it comments on some recent efforts by Members of Congress, myself included, to learn more about this case, and it contains some historical perspective in the form of a description of Thomas Jefferson's views of the kind of outrageous procedures to which these five men have been subjected. I wish to include the text of the letter at this point in my statement:

DANIEL CRAWFORD,
Tarrant County Jail,
Fort Worth, Tex., September 10, 1972.
Congressman BINGHAM.

DEAR CONGRESSMAN: Again we thank you for your persistent efforts on behalf of the "Fort Worth Five", here in Texas. Studying the great Thomas Jefferson, we are struck about how he too felt about people who were to experience our predicament, by being torn from our wives, children and friends.

Claude G. Bowers, in his book, "The Young Jefferson," pages 89 & 90, published by Houghton, Mifflin Co., tells us that Jefferson strongly opposed the English idea of moving people from their home area, to be tried, or questioned in another area. This was a point he raised before the Revolution when the English demanded that a man (in the City of

Boston) be tried in England, before a Middlesex Jury, before whom witnesses were to be forced. Jefferson exploded in a wrath. Although, as he said, their expenses were to be paid, who would feed the wives and children left behind? Jefferson points out, that the victim, stripped of trial by his peers in his own area, without counsel (we were denied ours), without friends, without money (our counsel giving their services free) and without excalpatory proof and brought before judges pre-determined to condemn (as Judge Brewster showed): "Ah, the cowards who would suffer a man to be torn from the bowels of his society in order to be offered a sacrifice to parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the Act."

There is no doubt that as you and other gallant Senators and Congressmen are doing, Thomas Jefferson, too, would do on our behalf.

Yet, what Thomas Jefferson condemned is being restored by his successor Richard Nixon, and on behalf of England, in our case. We are torn from our wives, children, neighbors, peers, and livelihoods, to Texas, and the strange ways of the Department of Justice finally admit they have no charges against us. Mr. Olsen cancelled his appointment with Senators and Congressmen, 12 minutes before he was to discuss our case with them.

The people of the U.S. are being deprived of their freedom by the new Archie Bunkers in Washington. President Nixon refutes the principals of President Jefferson, Lincoln, Eisenhower, Kennedy and Johnston (sic).

There is a song says "If I had a hammer, I'd ring out a warning"—"All over the land."

Yours sincerely,

Danny Crawford,
Matthias Reilly,
Kenneth Tierney,
Paschal Morahan,
Thomas Laffey.

Mr. Speaker, I have said from the beginning that the treatment being given these men constitutes harassment by the administration which ought to be promptly ended by releasing them from prison and enabling them to return to their families. I strongly suspect that our government has been put up to this by Britain, which is only another example of what I have frequently called the "pussyfooting" with which our Government deals with the British on the matter of the future of Northern Ireland.

Mr. Speaker, I voted against the act of Congress under which these men have been forced to travel to a city they have never even visited and have been imprisoned without bail and without charges for an indefinite period. That law permits the Government to offer immunity from prosecution to witnesses before Federal grand juries, and to jail them for the life of the grand jury if they refuse, despite the offer of immunity, to testify. That is part of the 1970 Organized Crime Control Act. It was presented to the Congress as a tool for cracking down on organized crime. Instead, it is being used as a tool with which to stifle political views that may be unpopular or embarrassing to our own or friendly governments, and to harass political groups.

There is evidence that the use of this law for political harassment is not confined to the example of the case of the "Fort Worth Five." I noted in the September 2, 1972, issue of the New York Times an article by Alexander C. Hoffman, vice president of Doubleday publishers. In that article, Mr. Hoffman describes how the Federal Government has used the grand jury to harass and intimidate those associated with the circulation of the Pentagon papers, and I wish to include that article at this point in my statement:

[From the New York Times, Sept. 2, 1972]

Happy Birthday, Big Brother

(By Alexander C. Hoffman)

It is hard to believe that as we approach the 200th anniversary of this country's founding the F.B.I. and the Justice Department are compiling lists of contributors to a church and it is again necessary to worry about religious freedom, freedom of association and freedom of the press. However, when one considers the actions of the Justice Department against the Unitarian Church and its small book-publishing arm, The Beacon Press, one feels both dismay and outrage. Briefly, this is what has happened.

In June 1971, after excerpts from the Pentagon Papers appeared in The New York Times and other newspapers, Senator Mike Gravel of Alaska placed the complete papers in the public record before his Senate subcommittee and released copies to the press. In July 1971, Senator Gravel approached the Unitarian Universalist Association and its publishing arm, The Beacon Press, concerning their willingness to publish the papers in book form in order to make the complete record available to the public in schools and libraries. The same month Bantam Books published a single volume condensation.

In August, Beacon agreed to proceed with the project and announced their intention to publish. On Oct. 10, 1971, the Government published its own edited twelve-volume version. Finally, on Oct. 22, 1971, Beacon published its four-volume edition which was drawn entirely from the public record established and furnished by Senator Gravel. What followed is frightening.

On Oct. 27, F.B.I. agents appeared at the bank of the Unitarians and Beacon in Boston and demanded copies of all records of both organizations for the period June 1 to Oct. 1, including sources of contributions and income to the Unitarian Church and Beacon as well as disbursements. The bank did not comply until Federal marshalls presented a grand jury subpoena on Oct. 29, but then did so without notifying the church or Beacon of what was going on. They were notified by an official of the bank informally about a week later. Later, Gobin Stair, director of Beacon Press, and another Unitarian church official, were subpoenaed to appear before a Federal grand jury considering criminal charges against them.

On Nov. 5, 1971, with the help of Senator Gravel's attorneys, the Unitarians and Beacon were able to obtain a temporary court stay of the F.B.I.'s activities at the bank pending resolution of Senator Gravel's appeal to the Supreme Court that concerned both his Congressional immunity and the extension of this immunity to Beacon. The grand jury subpoenas were also withdrawn pending outcome of this case. On June 29, 1972, the Supreme Court ruled 5 to 4 against Senator Gravel, and on July 24, 1972, the last of the temporary injunctions ran out. The Justice Department is now free to resume its pursuit of the case, and it appears it intends to do so.

Two things are important to understand about this case. First, what is at stake here transcends party politics (I happen to be a lifelong Republican) and does not involve the difficult judgment concerning the propriety of the original release of the Pentagon Papers. For better or worse, the papers were in the public domain from the outset of Beacon's involvement in the project. They view putting this information in book form as a public service, and they will undoubtedly lose money on it.

Second, it follows that what the Government is doing in this case is using the grand jury process to harass, intimidate and thereby restrict the broader dissemination of information already in the public domain which the Government does not want to have broader circulation. There are already a number of indications it is succeeding:

Many inquiries from Unitarians who are aware of the situation as to whether one's name will appear on an F.B.I. list if he purchases the books;

Almost complete lack of coverage of this case in other media, particularly broadcast media, although it has been brought to their attention through the Association of American Publishers;

Reluctance of people to apply for jobs with the Unitarians and Beacon;

Potentially disastrous legal costs.

This case is a threat to the entire publishing industry because it provides a chilling example of how the Government can make any publisher, large or small but particularly small, hesitate to publish controversial material even after it is in the public domain if they can be subjected to the harassment and cost of grand-jury investigation and the sweeping stigma of "possible criminal activity." (In this case the Justice Department will apparently claim that Beacon was guilty of criminal activity in acquiring and not returning stolen Government documents, even though the entire contents of their books were already part of the public record—a line of reasoning that suggests either Lewis Carroll or Joseph Goebbels.)

I believe that we can ignore this as someone else's problem only at our own great peril. A precedent like this must not go unchallenged, and perhaps the best challenge is the strong expression of public opinion.

Mr. Speaker, I have recently joined with a number of other Members of the House in urging our colleague from New York, the distinguished dean of the House and chairman of the Judiciary Committee (Mr. Celler) to convene hearings at the earliest possible date to look into the use and apparent misuse of this statute as illustrated by the Fort Worth Five and other cases, and I shall continue to press for such hearings and revision of this ill-conceived law so as to prevent such outrageous action as has befallen Kenneth Tierney, Thomas Laffey, Matthias Reilly, Paschal Morahan, and Daniel Crawford. I have had an opportunity to meet the wives of a number of these men and to hear first-hand from them what their husbands are undergoing, and I join with them in a renewed appeal for the release and return of these men.

Mr. Speaker, political internment by the British is a reprehensible practice which should be promptly ended. Here, now the British Government has apparently prompted our own Government to engage in internment, and that should not and cannot be allowed to continue. As I stated in my original telegram to Attorney General Kleindienst upon learning of this matter on June 30, 1972:

> . . . wind up this apparently trumped up proceeding promptly and allow these witnesses to return to their homes and families.

When that is done, it is incumbent upon this Congress to revise the laws relating to immunity before grand juries to prevent any further use of this authority for such intimidation and stifling of political opinion.

FUTURE OF ALABAMA RECREATION CASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. DICKINSON) is recognized for 5 minutes.

Mr. DICKINSON. Mr. Speaker, my native State of Alabama is two-thirds woodlands—thousands upon thousands of acres of forests that abound with wildlife of all types and that are traversed by countless rivers and streams that largely have remained pure and unpolluted. We take great pride in these natural resources, Mr. Speaker, and we want to do everything we can to retain them for the enjoyment of all Alabamians in future years.

Among the valued resources in Alabama are four national forests—William B. Bankhead National Forest, Talladega National Forest—two divisions—Tuskegee National Forest and Conecuh National Forest. Conecuh National Forest is located in my congressional district, and it was my privilege recently to tour the forest and become familiar with some of the problems associated with it. By taking some time on the floor of the House today, I hope to call the attention of the Congress to some of these problems so, hopefully, steps can be taken to correct them.

Mr. Speaker, one of the major problems facing Conecuh National Forest is neglect. While the U.S. Forest Service personnel assigned to the forest are among the most dedicated and competent I have ever met, they need more money and more help if we are to bring Conecuh National Forest up to the standard it should be.

Specifically, Mr. Speaker, the Forest Service needs funds to complete development of the recreation area. Work was begun several years ago, and several thousands of dollars have already been spent under the accelerated public works for paving roads and preliminary work on preparing camp sites at the recreation area. However, the area is under utilized because it is not finished—it is false economy for us to refuse to spend money to add much-needed bathhouse and toilet facilities to benefit the people of south Alabama.

Of even more importance is the dire need for the Forest Service to fully implement its multiple-use concept which was adopted over 12 years ago. As originally conceived multiple-use practices include timber, wildlife, water, range, and recreation. However, I am informed that only one wildlife technician is employed by the Forest Service in the State of Alabama. Less than $20,000 is allotted for fish and wildlife purposes; yet, over four times as much money will be spent in the State for forestry practices than will be spent on all other multiple-use practices combined. This must be reversed, Mr. Speaker.

The U.S. Forest Service has advised me that a wildlife and fish habitat survey of Conecuh National Forest has recently been completed. That survey reveals that, to fully develop habitat potential, including full implementation of coordination opportunities during the course of timber, road building and other activities, $60,000 per year will be required for the next 10 years. That is a small sum, Mr. Speaker, to maintain one of our most precious assets in south Alabama—Conecuh National Forest and its wildlife—but it should be emphasized that a "single shot" amount will not suffice. If we are to have a meaningful program, it must be on a sustaining basis. Managers of the forest should know that funds will be forthcoming to keep the program going.

Mr. Speaker, I urge the Appropriations Committee to appropriate adequate funds for the U.S. Forest Service to fully implements its multiple-use concept. I also urge the Forest Service to take another look at the Conecuh National Forest and keep its commitment to the people of Alabama.

URBAN MASS TRANSIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 5 minutes.

Mr. FRENZEL. Mr. Speaker, today the Banking and Currency Committee, which has targeted September 14 as the date of passing an omnibus housing bill, took action on chapter VII which deals with urban mass transit. The chapter, as written, provides for an authorization of $400 million subsidy over the next 2 years, as well as an increase in the contract grant authority from $3 billion to $6.1 billion and an increase in the Federal grant share from 66⅔ to 80 percent.

The increase in grant authority and in the Federal share for capital grants is welcome news indeed. This conforms closely to the language of the Senate bill and bodes well for future transit development. I support this section of the bill enthusiastically.

However, the operating subsidy of $400 million is, in my judgment, a dreadful error.

In the first place Secretary Volpe opposes it very strongly as not being consistent with priorities established by his Department. Secretary Romney reaffirms that position. Secretary Romney quotes the Office of Management and Budget and the administration as holding similar feelings.

The Department of Transportation indicates that its primary priority is on capital grants. It sees its responsibility as extending new and improved transit services, routes, and equipment wherever it can do so. Its second priority is on research, development, and demonstration projects which will provide, or prove the new technologies that will make transit popular and provide alternate transportation options to the people of this country.

Personally, my top priority would be research, development, and demonstration, but I must agree that capital grants are terribly important also. The last priority, of course, would be direct funding of operating expenses.

DOT has attempted to help local governments in this respect by suggesting, first, a single transportation fund; second, a special transportation revenue sharing program; third, the use of the highway trust fund for transit purposes; and fourth, the possibility of a new transit trust fund. At this time none of these seem to be politically acceptable.

Under the $400 million expense for operating expenses, there will be no extension of services nor any new routes and no improvement of equipment. The only beneficiaries of this expense will be those people who are already riding existing transit systems. Those who are already riding transit systems clearly are bearing less of a burden than those who have no systems and need them badly, and who will profit most by the development of transit through capital grants.

The formula, based on ridership, favors the big urban centers, and in fact, more than one-third of the money in the House bill would go to New York City. Because the formula is based on ridership, those cities with large existing systems will always get the lion's share of the money, and our small urban centers and rural areas will be cut out.

In addition, the operating subsidies of $400 million subsidizes obsolete transit systems. If the money, on the contrary, is used for capital grants, it will be used to develop newer systems and modern systems far more attractive to new riders and which may lure American commuters from their second or third cars.

Since the Appropriations Committee has limited the total expenses of UMTA to $1 billion, any funding of operating subsidies must be deducted either from the overhead expenses of UMTA, its R.D. & T. program or its capital grants. Obviously the operating subsidy should have lowest priority and should not be accepted at this time.

When this bill appears before the House, it will be my intention to offer an amendment to strike the operating subsidy section from the bill.

SOCIAL SECURITY PASS-ALONG BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, Congress, on June 30, voted a 20-percent across-the-board increase in social security benefits. The principal beneficiaries of this increase, which is to be effective October 1, will be our older Americans.

In recent years, the cost of housing, food, and other consumer goods and services has risen dramatically. The 20-percent increase was intended simply to assure that social security benefits keep pace with inflation and the rapidly rising cost of living that continue to erode the fixed incomes on which many older Americans must live.

Mr. Speaker, as chairman of the Select Subcommittee on Education, which has jurisdiction over Older Americans Act programs and as sponsor of the comprehensive older services bill, which the House passed earlier this year, I am particularly concerned about the plight of many of our older citizens who are living at or near poverty level, and I was therefore greatly encouraged by the social security increase.

Mr. Speaker, I regret, however, that the full social security increase may not be realized by a large number of older

Americans. Many older, blind and disabled Americans will find, in fact, that, although social security benefits have been increased, other forms of public assistance for which they had qualified will be cut or withdrawn.

Among the hardest hit will be social security beneficiaries who also qualify for medicaid. A slight increase in social security benefits, for example, may cause an individual's income to exceed the minimum standards for medicaid eligibility and, thereby, disqualify him from any participation in the program.

Mr. Speaker, the impact for many of the recently enacted social security increases will, therefore, be a reduction in the total sum of benefits now received under related public assistance programs.

Mr. Speaker, Congress must act immediately to avoid the extreme hardship which will befall many of our older, blind, and disabled citizens. Congress must act to assure that the full increase be passed along to all social security beneficiaries and guarantee that the elderly, blind, and disabled continue to receive all the benefits under related public assistance programs for which they qualified prior to the implementation of the social security increase.

Mr. Speaker, the legislation which I am introducing today is intended to guarantee that the full benefits of the social security increase will be realized. I urge the Ways and Means Committee to give this bill the highest priority and expedite its consideration so that Congress can approve this measure before it adjourns this fall.

COMMUNITY DISASTER GRANTS PROGRAM NEEDS SOME IMPROVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylavnia (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, I am introducing today an amendment to the Disaster Relief Act of 1970 which is neither exceedingly lengthy nor particularly sweeping. It has merely been shown to be quite necessary. Section 241 of the Disaster Act of 1970 directs itself to providing grants to communities which lose property tax revenues as a result of a Presidentially declared disaster. Such grants are to be provided in an amount equal to the difference between a 3-year average of property taxes collected in that municipality and the disaster year collections.

Sounds good on paper, does it not? You have a disaster, you average your property taxes for 3 years, and you get a nice check from the Federal Government. Speaking from direct and indelible experience, it does not work. Plain and simple, it does not work. Da Vinci designed the helicopter in Renaissance days—good idea, but it did not work.

Briefly, the problem is this. Local services by local governments have never been in higher demand—you know the list, garbage, sewers, police, firemen, ad infinitum. Furthermore, with inflation and rising wages, these services cost more. The result is a constantly and sharply rising tax bill on the part of the local governments, and the experts tell us this will continue to be the case. A 3-year average of such a rising curve results in a deceptively low figure.

In the Wilkes-Barre disaster area not one single municipality was eligible for a grant under the program for more than a mere pittance. And I can virtually guarantee that should this happen again elsewhere—should there be a major disaster in your district—you will find the same case with each and every community in your district. Wilkes-Barre, Pa., is now a great laboratory—not by choice mind you, but nevertheless it is. The results of what is going on in that laboratory are pouring out faster than anyone can document; however, one of the first and most obvious and most painful realizations was that the community disaster grant program was basically unworkable.

That it is unworkable is no one's fault, for the intent of Congress is made absolutely clear; that is, to provide for the shoring up of local tax bases which have been seriously eroded as a result of a major disaster. The intent of the Congress was to provide short-term Federal aid to replace temporarily lost revenues which had been generated at the local level. The intent of my amendment is exactly the same thing—shore up the tax base, make short-term Federal aid a realistic expectation, and finally to make it possible for the local governments to "take a deep breath" and recover quickly.

One last point, I have included all locally generated revenues as part of my amendment to the Disaster Act community grant program. I have done this for two reasons. First, property taxation has become controversial and litigation is pending concerning its use for education funds from the county courts to the Supreme Court. It does not require any extraordinary powers of prophesy to foretell that the property tax may not be a viable source of income for local governments in the years to come. Second, and more importantly, the property tax is but a mere portion of taxes and other revenues collected and generated at the local level. The devastation which occurs in a major disaster does not discriminate between which portion of the tax base it erodes, nor does it strike at this revenue source here and miss that revenue source there—the erosion is complete. Parking meters and parking fines as sources of revenue become nonexistent because there is no downtown parking area. Sales taxes go to near zero, and any wage tax suffers from the extreme unemployment problems which follow any major disaster. Permit and license fees are drastically reduced to a point where anticipated collections become totally illusory. In short, all locally generated revenues are affected by such sweeping tragedies as this amendment would encompass.

Mr. Speaker, it is not often that the opportunity to correct a law is based on such immutable and irrefutable evidence as has been demonstrated with the community disaster grant program. This experience has been hard and the evidence won by that suffering cannot go ignored and unheeded. Passage of this amendment will seize such an opportunity.

A bill to amend the Disaster Relief Act of 1970 to provide that community disaster grants be based upon loss of budgeted revenue.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 241 of the Disaster Relief Act of 1970 (42 U.S.C. 4460) is amended to read as follows:

"COMMUNITY DISASTER GRANTS

"SEC. 241. (a) The President is authorized to make grants to any local government which, as the result of a major disaster, has suffered a substantial loss of revenue. Grants made under this section may be made for the tax year in which the disaster occurred and for each of the following two tax years. A grant under this section for the tax year in which the major disaster occurred shall not exceed the difference between the total revenue received by the local government for such year and the total revenue provided for in the budget of the local government which was in effect for such year. For each of the two tax years following the major disaster, a grant under this section shall not exceed the difference between the total revenue received by the local government for the tax year for which the grant is made and the total revenue provided for in the budget of the local government which was in effect for such year.

"In no case shall a grant for the tax year following a major disaster exceed the difference between the total. revenue received by the local government for the tax year for which the grant is made and an amount equal to 110 per centum of the total revenue provided for in the budget of the local government which was in effect for the tax year in which the major disaster occurred. In no case shall a grant for the second tax year following a major disaster exceed the difference between the total revenue received by the local governments for the tax year for which the grant is made and an amount equal to 120 per centum of the total revenue provided for in the budget of the local government which was in effect for the tax year in which the major disaster occurred.

"(b) For purposes of this section, the term 'revenue' includes revenue generated by the local government derived from property taxes (both real and personal) and other taxes, permits, licenses, fines and costs, departmental earnings, refunds, and reimbursements."

SEC. 2. The amendment made by the first section of this Act shall take effect with respect to grants to local governments for losses resulting from major disasters which occur after June 1, 1972.

MATSUNAGA PROPOSES AID TO REBUILD FLOOD-RAVAGED PHILIPPINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, at the same time hurricane Agnes was winding her destructive way up the eastern coast of the United States, the Republic of the Philippines was suffering from severe flooding of its own, brought on by 2 full months of steady rain.

Some villages in the flood areas, in the central part of Luzon, are still underwater. A fourth of the country's rice crop was wiped out. Four hundred lives were lost. The rains wreaked more destruction through steady, day-after-day showers, than had any typhoon or tidal wave in Philippine history.

Although the United States has already responded splendidly to humanitarian appeals for assistance to flood victims, much more needs to be done. The immediate effort was to distribute food and other disaster relief supplies to individuals and families victimized by the floods. Now, however, attention needs to be directed to repairing the damage done to the country's economic infrastructure.

That is why I am introducing today a bill which would authorize the appropriation of $30 million for the repair and replacement of roads, bridges, and buildings ravaged by the floods. These vital public facilities must be put into operation again if the Philippines are to recover anytime soon. The $30 million represents only a fraction of the total need, but it will help the Filipinos to get started on a massive task of reconstruction which confronts them.

Economists have estimated that the Philippine economy has been set back several years by the floods, and there unquestionably is an urgent need for immediate assistance. The United States and the Philippines have long had a special relationship with each other. In fact, we Americans helped to bring them into the world as a new nation. While American interests, as well as general humanitarian goals, would be served by the enactment of my proposed legislation, there is the deeper emotional tie akin to foster parent and child relationship. We have gone to the immediate assistance of peoples with lesser ties. We must not fail our dear friends and allies of long standing, the Philippines.

At this point I submit the text of my bill for the Record:

H.R. 16637

A bill to amend the Foreign Assistance Act of 1961 to provide for assistance to refugees and other flood victims in the Republic of the Philippines

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 9 of part I of the Foreign Assistance Act of 1961, relating to refugee relief assistance, is amended by adding at the end thereof the following new section:

"Sec. 492. Philippine Flood Relief Assistance.—There are authorized to be appropriated to the President for the fiscal year 1973, in addition to funds otherwise available for such purposes, not to exceed $30,000,000, to remain available until expended, for use by the President in providing assistance for rebuilding, repairing and replacing of public roads, bridges and buildings damaged or destroyed in the 1972 floods in the Republic of the Philippines."

LET US MAKE CITIZENSHIP SOMETHING TO RESPECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Podell) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, every citizen is guaranteed the constitutional right against self-incrimination. Every citizen is also protected from the unwarranted intrusion and snooping by governments into his personal life.

But if you are not a citizen and want to become one, these rights and protections do not apply. Indeed, in order to become an American citizen, you are called upon to incriminate yourself and to make public the full details of your personal life.

Current procedures for naturalization, which are sanctioned by law, are summarized in form N–400, "Application To File Petition for Naturalization." Form N–400 is a 4-page personal questionnaire which is used in open court for all to hear and question. The form asks, among other questions, whether you have ever been a drunkard, whether you have ever made a bet, whether you have ever even advocated the possibility of polygamy, whether you have ever committed any infraction of the law of any country you have lived in, including traffic violations or any violation of the repressive laws of Communist countries. You must list infractions of the law for which you were not arrested and you must also show that you have never acted in any way that could be questioned by almost anyone else's moral standards. You can be denied citizenship if you answer yes to these sort of questions or if you answer no, and are even slightly incorrect.

Mr. Speaker, the American people are not an immoral people, but I suspect that if all Americans had to apply for citizenship this way, there would be very few citizens—even among immigration officials.

This insulting and, perhaps, unconstitutional procedure for naturalization is the reason why nearly 4 million registered aliens live in the United States on a permanent basis, but do not apply for citizenship. They would like to become citizens—they surely pay taxes, contribute to America, and face the same everyday problems of Americans—but they will not submit to form N–400.

Form N–400, which is based upon section 101(f) of the Immigration and Nationality Act of 1952, is a throwback to an earlier self-righteous and discriminatory era. It must be changed.

I am, today, introducing legislation to amend section 101(f). The new 101(f) will provide just three grounds for questioning a person's moral character: A conviction of murder, trafficking in dangerous narcotics, and willful, knowing violation of the immigration laws. The new section 101(f) would provide ample protection for our country, without the present humiliating citizenship procedure.

This is not the first time I have made this issue public. A few weeks ago, when I brought form N–400 to the public's attention, great interest was shown in the newspapers, for example the New York Times, and the electronic media, like WCBS radio. I would hope my colleagues show as strong an interest in my legislation to correct this situation.

After all, citizenship hearings should be an event to look forward to, and remember with pleasure, not something reminiscent of the Inquisition.

PENTAGON AUDITORS QUESTION $44.5 MILLION PAYMENT TO LOCKHEED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the Navy is paying costs totaling $44.5 million for 13 antisub aircraft that the Defense Contract Audit Agency has "questioned" and, in part, considers "unsupported."

I am today publicly releasing the DCAA report which asserts that more than $44.5 million sought by Lockheed, the builder of the S–3A antisub jet, does not appear justified.

I am also calling upon Navy Secretary John Warner to publicly explain why Lockheed has been given an extra $40 million despite the Defense Contract Audit Agency's report. It appears that Lockheed is receiving a huge and unjustified gift for its work on a program that is already deeply in trouble.

My colleagues should know that Lockheed officials have already told the Navy informally that they hope to seek relief on the S–3A contract within the next several years. But, because it is an election year, Lockheed refuses to put anything in writing.

The DCAA, which is the Pentagon's Audit Agency, was checking on a Lockheed proposal to build 13 of the S–3A aircraft at a proposed cost of $244.5 million. The Navy has decided to pay $227.3 million for the planes, $44.5 million of which was questioned by DCAA. But the Agency found that Lockheed had no auditable data supporting the contractor's proposed target cost.

The DCAA also criticized Lockheed for denying DCAA access to all of Lockheed's books.

DCAA said:

> The contractor has consistently denied us access to budgets. It is the opinion of this office that this budgetary information is required to effectively discharge our audit mission . . . Accordingly, the results of this audit qualify to the extent that audit rates or findings would be altered if access to the budgets were granted.

I hope that the Lockheed Corp. will grant the Pentagon's audit agency complete access to books and records. The result of Lockheed's refusal is only to cast a serious shadow of doubt about legitimacy of their claims for costs on the S–3A aircraft.

Overall, the entire S–3A program of 199 aircraft is expected to cost $3.1 billion. Total cost overruns on the program are now estimated at $260 million.

AMERICAN LEGION'S 54TH ANNUAL NATIONAL CONVENTION

(Mr. ICHORD asked and was given permission to extend his remarks at this point in the Record and include extraneous matter.)

Mr. ICHORD. Mr. Speaker, a great civic-minded organization, whose very existence is looked on with pride and appreciation for the wonderful service done on behalf of every American, held its 54th annual National Convention in Chicago, Ill., August 22–24, 1972. I have reference to the American Legion which over the years has served admirably in its dedication to the preservation of our liberty and our cherished institutions of freedom.

At a period of time when it seems that

we are continually confronted with turmoil and strife from within our borders, it is indeed heartening to find an organization which is totally dedicated to our country and which holds true to the guiding principles upon which our Nation was founded. In keeping with the historic role of the American Legion, the National Convention announced its support of programs which assure an adequate defense for the Nation.

The Legion has traditionally made great efforts to inform its close to three million members as well as the Congress of all aspects of issues important to our national welfare. In its continuing goal to keep America forever free, several important resolutions were adopted by the Legion's National Convention within the sphere of interest of the House Committee on Internal Security. These include Resolution 171—Subversive Activities Control Board—which calls on the Senate to act favorably and promptly on H.R. 9669—reported out by the Committee on Internal Security and overwhelmingly passed by the House; Resolution 405—Support of the House Committee on Internal Security and the Senate Internal Security Subcommittee; and Resolution 499—Aid and Comfort to the Enemy—which is designed to cope with the activities in North Vietnam of individuals, such as Miss Jane Fonda. I am most appreciative of the Legion's commitment to the national security and its active support of the work of the Committee on Internal Security. I commend my colleagues' attention to the texts of these resolutions which follow:

RESOLUTION NO. 171—SUBVERSIVE ACTIVITIES CONTROL BOARD

Whereas, The Subversive Activities Control Board can be an effective force in combatting internal subversion within the United States; and

Whereas, The United States adopted an amendment of the Appropriations Bill cutting off all funds for the Subversive Activities Control Board; and

Whereas, the House of Representatives has overwhelmingly passed H.R. 9669, which grants legislative approval to the Executive Order enlarging the jurisdiction of the Subversive Activities Control Board to cover investigation of communist, fascist, totalitarian, subversive and violence-oriented groups; now, therefore, be it

Resolved, by the American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that The American Legion memorialize the Senate of the United States to act favorably and promptly on H.R. 9669; and, be it further

Resolved, that copies of this resolution be dispatched to the United States Senators and to the President of the United States.

RESOLUTION NO. 405—SUPPORT THE HOUSE COMMITTEE ON INTERNAL SECURITY AND THE SENATE INTERNAL SECURITY SUBCOMMITTEE

Whereas, The House Committee on Internal Security and the Senate Internal Security Subcommittee have clearly proved their worth to the Nation and its security by exposing, through their investigations, the working of the Communist conspiracy within the United States; and

Whereas, the current expansion of activities on the part of the Communist Party, USA, recent revelations by the Director of the FBI, and the decisions of the Supreme Court, which emasculated the internal security legislation of the United States, have made even more clear the necessity for continued action on the part of these Congressional Committees; now, therefore be it

Resolved, by the American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that The American Legion again express its confidence in the work of the House Committee on Internal Security and the Senate Internal Security Subcommittee as important instruments for the exposure and eradication of the Communist menace within our borders; and, be it further

Resolved, That this organization does urge the said committees to continue vigorously in the work which they have so well undertaken in the years past; and, be it further

Resolved, That the American Legion petition the Congress to appropriate sufficient funds to enable these committees to extend and expand their activities.

RESOLUTION NO. 409—AID AND COMFORT TO THE ENEMY

Whereas, These United States have been engaged in an armed conflict with the armies of North Vietnam for the purpose of preserving the right of the people of South Vietnam to govern themselves; and

Whereas, A substantial portion of our forces so engaged have now been withdrawn by the President, thus greatly increasing the vulnerability of the remaining forces to enemy action; and

Whereas, Certain individuals are reported to have been engaged in activities in North Vietnam that are detrimental to the safety of our remaining forces and to the interests of the United States; i.e., giving aid and encouragement to the forces of North Vietnam; and

Whereas, Such activity not only weakens the morale of our armed forces, but seeks to destroy their effectiveness as fighting or supporting units and causes a lengthening of the conflict; now, therefore, be it

Resolved, by The American Legion in National Convention assembled in Chicago, Illinois, August 22, 23, 24, 1972, that The American Legion call upon the President of the United States and the Department of Justice to make a complete and detailed investigation of such individual activities and, if the law of the land has been violated, to cause each indiivdual who has been so engaged to be prosecuted in accordance therewith.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. CELLER, for 1 hour, tomorrow, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. HANSEN of Idaho) to revise and extend their remarks and include extraneous material:)

Mr. DICKINSON, for 5 minutes, today.
Mr. FRENZEL, for 5 minutes, today.

(The following Members (at the request of Mr. MAZZOLI) to revise and extend their remarks and include extraneous material:)

Mr. BRADEMAS, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. FLOOD, for 10 minutes, today.
Mr. MATSUNAGA, for 10 minutes, today.
Mr. PODELL, for 10 minutes, today.
Mr. DENT, for 10 minutes, today.
Mr. ASPIN, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JACOBS, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $595.

Mr. FOUNTAIN, and to include extraneous matter, notwithstanding the fact that it is estimated to cost $425, his special order of September 12.

(The following Members (at the request of Mr. HANSEN of Idaho) and to include extraneous material:)

Mr. MCCLOSKEY.
Mr. FRENZEL.
Mr. ZWACH.
Mr. HOSMER in two instances.
Mr. KEATING in two instances.
Mrs. HECKLER of Massachusetts.
Mr. STEIGER of Wisconsin in two instances.
Mr. DERWINSKI.
Mr. VEYSEY.
Mr. WHITEHURST.
Mr. HALPERN in five instances.
Mr. MATHIAS of California.
Mr. GOLDWATER.

(The following Members (at the request of Mr. MAZZOLI) and to include extraneous matter:)

Mr. GIAIMO in two instances.
Mr. CORMAN.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. ECKHARDT.
Mr. FLOOD.
Mr. DRINAN.
Mr. DOWNING.
Mr. LEGGETT.
Mr. WILLIAM D. FORD.
Mr. ANNUNZIO in two instances.
Mr. FLYNT.
Mr. JACOBS.
Mr. VAN DEERLIN.
Mr. BOLLING in two instances.
Mr. LONG of Maryland.
Mr. MATSUNAGA.
Mr. BRASCO in two instances.
Mr. WALDIE.
Mr. WOLFF in two instances.
Mr. ASHLEY.
Mr. PICKLE in six instances.
Mr. HARRINGTON in two instances.
Mr. DANIELS of New Jersey.
Mr. KOCH in three instances.
Mr. HANNA in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3822. An act authorizing the City of Clinton Bridge Commission to convey its bridge structures and other assets to the State of Iowa and to provide for the completion of a partially constructed bridge across the Mississippi River at or near Clinton, Iowa, by the State highway commission of the State of Iowa, to the committee on public works.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that

that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 7375. An act to amend the statutory ceiling on salaries payable to U.S. magistrates;

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery;

H.R. 10670. An act to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes; and

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on September 12, 1972 present to the President, for his approval, bills of the House of the following titles:

H.R. 1860. An act for the relief of David Capps, formerly a corporal in the U.S. Marine Corps;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech; and

H.R. 10635. An act for the relief of William E. Baker.

ADJOURNMENT

Mr. MAZZOLI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 51 minutes p.m.), the House adjourned until Thursday, September 14, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2326. A letter from the Secretary of Agriculture, transmitting a report on a violation of section 3679 of the Revised Statutes, as amended, by an officer of the Forest Service, Department of Agriculture, pursuant to section 3679(1) (2); to the Committee on Appropriations.

2327. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing) transmitting notice of the location, nature, and estimated cost of a facilities project proposed to be undertaken for the Army National Guard, pursuant to 10 U.S.C. 2233(a) (1); to the Committee on Armed Services.

2328. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a semiannual report of third country transfers of U.S. origin defense articles granted under section 3(a) (2) of the Foreign Military Sales Act during the period January 1 through June 30, 1972; to the Committee on Foreign Affairs.

2329. A letter from the Comptroller, Defense Security Assistance Agency, transmitting a report covering the period April 14 through June 30, 1972, on excess defense articles to be furnished to foreign governments under the military assistance program, pursuant to section 8(d) of Public Law 91-672; to the Committee on Foreign Affairs.

2330. A letter from the Chairman, Indian Claims Commission, transmitting a report of the final determination of the Commission in dockets Nos. 282-A through 282-L, *The Eastern Band of Cherokee Indians, Plaintiff,* v. *The United States of America, Defendant,* pursuant to 25 U.S.C. 70(t); to the Committee on Interior and Insular Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

2331. A letter from the Acting Comptroller General of the United States, transmitting a report on the need for a national earthquake research program; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 4865. A bill to declare that certain federally owned land is held by the United States in trust for the Stockbridge-Munsee community, and to make such lands parts of the reservation involved; with an amendment (Rept. No. 92-1398). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLLING: Committee on Rules. House Resolution 1116. A resolution providing for the consideration of H.R. 15003. A bill to protect consumers against unreasonable product hazards. (Rept. No. 92-1399). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BADILLO:

H.R. 16632. A bill to amend title 18 of the United States Code to provide rules for the treatment of prisoners in Federal correctional institutions; to the Committee on the Judiciary.

By Mr. COLLIER:

H.R. 16633. A bill to amend title 5, United States Code, to provide for a job placement index in the Civil Service Commission; to the Committee on Post Office and Civil Service.

By Mr. FRASER (for himself, Mrs. Abzug, Mr. Addabbo, Mr. Alexander, Mr. Badillo, Mr. Begich, Mr. Bevill, Mr. Blanton, Mr. Boland, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Clark, Mr. Conyers, Mr. Daniels of New Jersey, Mr. Drinan, Mr. Esch, Mr. William D. Ford, Mr. Forsythe, Mr. Gallagher, Mr. Harrington, Mr. Helstoski, Mr. Hicks of Washington, Mr. Meeds, Mr. Mitchell, and Mr. Karth):

H.R. 16634. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally-assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. Moss, Mr. Nedzi, Mr. Rarick, Mr. Rees, Mr. Reid, Mr. Reuss, Mr. Rosenthal, Mr. Sikes, Mr. Thone, Mr. Waldie, Mr. Yates, Mr. Denholm, Mr. Gude, Mr. Myers. Mr. O'Neill, Mr. Charles H. Wilson, Mr. Sarbanes, and Mr. Roe):

H.R. 16635. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mrs. HICKS of Massachusetts:

H.R. 16636. A bill to protect the maintenance and operation of community schools, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 16637. A bill to amend the Foreign Assistance Act of 1961 to provide for assistance to refugees and other flood victims in the Republic of the Philippines; to the Committee on Foreign Affairs.

By Mr. MOORHEAD:

H.R. 16638. A bill to assure the free flow of information to the public; to the Committee on the Judiciary.

By Mr. PODELL:

H.R. 16639. A bill to amend the Immigration and Nationality Act of 1952; to the Committee on Judiciary.

By Mr. ROY:

H.R. 16640. A bill to provide for disciplined and responsible action in the consideration and execution of the Federal budget; to the Committee on Government Operations.

By Mr. SISK:

H.R. 16641. A bill to provide for the reimbursement of medical treatment facilities for emergency medical treatment given to aliens unlawfully in the United States; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 16642. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. BERGLAND:

H.R. 16643. A bill to amend the Occupational Safety and Health Act of 1970 to amend certain administrative provisions especially burdensome on small business; to the Committee on Education and Labor.

By Mr. GRAY (for himself, Mr. Horton, Mr. Erlenborn, Mr. Foley, Mr. Hammerschmidt, and Mr. Córdova):

H.R. 16644. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. GRAY (for himself, Mr. Blatnik, Mr. Kluczynski, Mr. Clark, Mr. Wright, Mr. Johnson of California, Mr. Dorn, Mr. Grover, Mr. Kee, Mr. Howard, Mr. Miller of Ohio, Mr. Mizell, Mrs. Abzug, Mr. Begich, Mr. Rangel, Mr. Rodino, Mr. Broyhill of Virginia, Mr. Bob Wilson, Mr. Young of Texas, Mr. Whalley, Mr. Anderson of Illinois, Mr. Rosenthal, Mr. Matsunaga, Mr. Quillen, and Mr. Vander Jagt):

H.R. 16645. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes; to the Committee on Public Works.

By Mr. KEMP:

H.R. 16646. A bill to amend the Internal Revenue Code of 1954 to provide an additional personal exemption for taxpayers who rent their principal residence, to provide a tax credit for real property taxes and mortgage interest on the taxpayer's principal residence; to the Committee on Ways and Means.

H.R. 16647. A bill to authorize a program for the improvement and restoration of the Buffalo River Basin, N.Y.; to the Committee on Public Works.

By Mr. McCLORY:

H.R. 16648. A bill to amend title 23 of the United States Code to authorize construction of exclusive or preferential bicycle lanes, and for other purposes; to the Committee on Public Works.

By Mr. MALLARY (for himself, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Baker, Mr. Bevill, Mr. Biester, Mr. Conover, Mr. Dent, Mr.

Derwinski, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frenzel, Mr. Gubser, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Keating, Mr. Jones of North Carolina, Mr. Kyros, Mr. McCloskey, Mr. Mikva, Mr. Reuss, Mr. Robinson of Virginia, Mr. Stokes, and Mr. Thone):

H.R. 16649. A bill to amend title 38 of the United States Code to provide that one-half of any social security benefit increases provided for by Public Law 92-336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

By Mr. MALLARY (for himself, Mr. Alexander, Mr. Anderson of Tennessee, Mr. Baker, Mr. Bevill, Mr. Biester, Mr. Brinkley, Mr. Conover, Mr. Dent, Mr. Derwinski, Mr. Forsythe, Mr. Frelinghuysen, Mr. Frenzel, Mr. Gubser, Mr. Harrington, Mrs. Hicks of Massachusetts, Mr. Hogan, Mr. Keating, Mr. Jones of North Carolina, Mr. Kyros, Mr. McCloskey, Mr. Mikva, Mr. Robinson of Virginia, Mr. Stokes, and Mr. Thone):

H.R. 16650. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits at least half of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. LUJAN:

H. Con. Res. 703. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding a ransom from educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

By Mr. WYDLER:

H. Res. 1117. Resolution expressing the support of the House of Representatives for the veto by the United States of the United Nations resolution on military operations in the Middle East; to the Committee on Foreign Affairs.

By Mr. DOW:

H. Res. 1118. Resolution to authorize the Judiciary Committee to conduct an investigation and study of Federal grand jury practices; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FISHER:

H.R. 16651. A bill for the relief of M. Sgt. Ronald J. Hodgkinson, U.S. Army (retired); to the Committee on the Judiciary.

By Mr. HICKS of Washington:

H.R. 16652. A bill for the relief of Rene Huhr Allen, Roger Huhr Allen, and Chong Suk Kim; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 16653. A bill for the relief of Samuel T. Ansley; to the Committee on the Judiciary.

By Mr. BRASCO:

H. Con. Res. 704. Concurrent resolution expressing the sense of the Congress that the Soviet Union should permit Gavriel Yakovievitch Shapiro to travel to the United States to be with his wife, the former Judith Beth Silver; to the Committee on Foreign Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII,

282. The SPEAKER presented a petition of the Military Order of the World Wars, Washington, D.C., relative to summer encampments for qualified Junior ROTC cadets, which was referred to the Committee on Armed Services.

EXTENSIONS OF REMARKS

REFUGEE PROBLEMS INTENSIFY IN CAMBODIA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 1972

Mr. FRASER. Mr. Speaker, the plight of refugees in Cambodia has concerned, a number of us in Congress for some time.

This concern has persisted despite efforts by executive branch officials, particularly in the Department of State, to play down the refugee situation in war-torn Cambodia and to disavow any responsibility on the part of the United States to assist directly Khmer war victims.

Reports on the situation have been developed by the Government Accounting Office, by the Senate Judiciary Subcommittee on Refugees and Escapees, and by investigators for the House Committee on Foreign Affairs. These reports portray a different picture of the Cambodian refugee situation than that described by U.S. officials.

These congressionally sponsored studies have indicated that large numbers of refugees in Cambodia are living in extremely undesirable circumstances and are suffering, because of inadequate nutrition, miserable living quarters, and insufficient medical attention.

Believing that the United States bears some responsibility for the plight of these war victims, I sponsored an amendment to the Foreign Assistance Act of 1972 earmarking $2 million for their assistance. The amendment was accepted by the committee and ultimately passed by the House. On the Senate side, Senator Kennedy was successful in having a similar amendment adopted as part of the Senate foreign aid measure which ultimately was defeated.

The necessity of aiding these refugees recently has been emphasized by the Cambodian Government itself after a long period of relative silence by them on the subject. Following these remarks I will insert several recent statements by the Cambodian Government on the subject.

The clear indication is that the situation of the refugees and other war victims in Cambodia has deteriorated considerably in recent weeks and that the need for assistance has intensified.

It is my hope that the U.S. Government, heeding the will of Congress, will provide direct aid to Cambodian refugees despite the delay in enacting the foreign aid bill with its $2 million fund for Cambodian refugees.

The items follow:

LON NOL DISCUSSES PROBLEMS OF WAR REFUGEES [EDITED]

At the Chamcarmon Republican City Hall at 1000 hours on 10 August, Marshal Lon Nol opened an important work session to discuss war refugee problems, land on which to construct refugees camps, and construction of a new road from Stung Meanchey to Prey Sor. Present were high-ranking ministers, government functionaries and officers from all departments. . . .

The president briefed the meeting on refugee problems, especially those concerning refugees from Svay Rieng town, whose evacuation to Phnom Penh will be immediately entrusted to Lt. Gen. Mao Sikhem. The president then drew the attention of the authorities in charge of the refugees and governors of each zone to the necessity for housing, feeding and clothing these brothers. The president also raised the issue of rice, a problem which he has taken necessary measures, including the founding of a committee to import rice.

Following the discussion, the president and all participants visited construction sites of refugees camps located west of Stung Meanchey. At the building sites, the president showed his colleagues the projects drawn on a map and explained various plans of the responsible authorities. A high-ranking engineering officer constructing the camps gave a detailed report on the materialization of the projects. . . .

DEPUTY HIGH COMMAND SPOKESMAN ON MILITARY SITUATION [EDITED]

Deputy High Command spokesman Maj. Chhang Song stated this morning that at 0230 hours this morning the Viet Cong-North Vietnamese attacked our position at Phnom Bakheng hill, northwest of Angkor Wat temple, where furious combat between our troops and the communist attackers took place. Communist pressure forced our forces to withdraw from the position at 0500 hours.

. . . Cambodian nationals forced to serve the enemy continued to rally our authorities. Recently three Khmer nationals were reported to have joined the national community in the Rumduol town of Svay Rieng Province, bringing with them a Chinese-made PM machinepistol. An increasing number of refugees has fled to Svay Rieng town to escape communist barbarism. On 9 August, several refugee families—six men, six women and 18 children—arrived in Svay Rieng town for help and protection from our authorities. On 27 July several families from Svay Donkeo town in Parsat Province staged a demonstration against the communists for kidnaping an abbot and forcing the inhabitants to fly the communist red flag.

CAMBODIAN GOVERNMENT ON REFUGEES, ENEMY USE OF TANKS [EDITED]

(Statement of the Government of the Khmer Republic)

The Government of the Khmer Republic would like to draw the attention of the governments of friendly countries and world public opinion to two serious developments in the current war imposed by North Vietnam on the Khmer Republic, an independent and peace-loving country.

Recently we have been faced with a growing number of refugees who have escaped from the enemy-controlled regions. At the same time, we have been witnessing the extensive use of sophisticated weapons and heavy tanks by the invading forces of North Vietnam in their aggression against our national defense forces. These two new developments in the flagrant war of aggression perpetrated by North Vietnam against the Khmer Republic are the reasons for this statement. The Cambodian Government believes it is imperative to inform world public opinion about a situation that is no longer tolerable.

The problem of refugees: The number of the refugees has been growing in the past few months since the start of the North Vietnamese offensive in South Vietnam. The regions most affected are located in the south and southeastern parts of Cambodia adjacent to the South Vietnamese frontier, that is, the provinces of Svay Rieng, Prey Veng, Kandal, Takeo and Kampot. In these regions, the North Vietnamese forces and their allies the Viet Cong have forced people from several villages to follow them and live in various forested zones. Their aim is to depopulate these regions and consolidate their rule over the captive population. The North Vietnamese forces intend to continue to use Cambodian territory for military purposes in their operations against South Vietnam. They have inhumanly recruited thousands of Cambodian citizens. Thousands of other citizens have succeeded in escaping from the invaders and thus have escaped oppression. This is the case especially in Svay Rieng Province, where the number of refugees since the beginning of the general offensive of the North Vietnamese forces has reached over 47,000. The offensive of the North Vietnamese is not confined only to South Vietnam but has also affected Svay Rieng Province and other neighboring provinces. At present the situation of the refugees in Svay Rieng has deteriorated dramatically, because Svay Rieng town is experiencing increasing supply difficulties following the cutting of a highway at a point where the invaders are launching heavy attacks.

In addition, the evacuation of these refugees by helicopter has become another grave problem, since the invaders do not hesitate to fire at these helicopters. On 8 August they shot down one of our helicopters. This new criminal act of war of the communist Vietnamese caused the death of 20 refugees, consisting mostly of women and children who are being evacuated to Neak Luong, as well as the loss of four crewmen.

It is not only in Svay Rieng Province that the number of refugees is growing every day. This problem is also reported in Phnom Penh and other towns. The refugees have left their property behind and fled from the invaders. This exodus of refugees has created more serious problems.

At the same time, it is clear that the war aggression of North Vietnam is being waged against the whole Cambodian people and is aimed at completely annihilating the Cambodian people. . . .

In conclusion, the Government of the Khmer Republic would like to inform the world, on the one hand, about the tragedy of the Cambodian refugees, who are direct victims of the war of aggression of North Vietnam and the general offensive of the Hanoi forces at present, and on the other hand, about the expansion of the war of aggression with the use of heavy tanks by North Vietnam against our national defense armed forces, who at present have no weapons that can match such tanks. Moreover, the Government of the Khmer Republic would like to humbly appeal to peace-loving international public opinion and to international cooperation to exert pressure on the Hanoi Government to halt the unreasonable expansionist aggression of North Vietnam against the Khmer Republic.

U.N., RED CROSS ACTION SAID NECESSARY IN CAMBODIA [EDITED]

On 13 August the Cambodian Government issued a statement calling on the governments of friendly countries and world public opinion to witness the expansion of this war that Hanoi has waged with the aim of swallowing up Cambodian territory. In the statement the Cambodian Government charged Hanoi with being the aggressor and pointed out that the offensive of the Hanoi forces following the general offensive in Vietnam has greatly endangered Svay Rieng, Prey Veng, Kandal, Takeo and Kampot provinces. This statement emphasized the growing number of refugees, citing the example of Svay Rieng town where the number of refugees has now passed 47,000 and where the supply and housing problems have been aggravated by the cutting of communications lines by the enemy and because of evacuation difficulties. The latter was pointed up when 20 refugees, mostly children and women, were killed on their way to Neak Luong when their helicopter was shot down by the enemy.

The Cambodian Government appealed to all international organizations to help ease the suffering and misery of the refugees whose number has grown daily since the war erupted 2 years ago. Refugees are not confined to Svay Rieng Province alone but are everywhere. It is high time for the International Red Cross to take action. Now that the enemy has kidnaped thousands of families and held them captive the International Red Cross should help to contact and rescue these victims who, according to reports gathered from refugees, are being massacred by the Hanoi forces together with prisoners of war—an act which is counter to international law.

GAVRIEL YAKOVIEVITCH SHAPIRO

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. BRASCO. Mr. Speaker, these are times in which no petty evil is too nasty for some regimes to inflict upon innocent people. These days, the title of chief persecutor must go to the Soviet Union.

Not content with roiling the waters wherever it profits her politically, Russia uses the full might of the state to crush those who will not conform to her demands.

Today, that unequal struggle continues to rage between 3½ million Russian Jews and the Soviet authorities. A significant number of these people, perhaps even a majority, seek to leave that country permanently. Most of them certainly wish to be allowed to practice their religion in peace. All such efforts, from printing prayer books and educating children to living as Jews and leaving Russia, are looked upon by the Soviet authorities as criminal acts against their oppressive despotism.

One such individual who wishes to leave is Gavriel Yakovievitch Shapiro. On June 8, 1972, he was married in a religious ceremony in Moscow to Judith Beth Silver. As religious ceremonies are not recognized in the Soviet Union, application was made for a civil ceremony at the Moscow Palace of Marriages. The date scheduled by Soviet authorities for this civil ceremony was August 30, 1972, after Miss Silver's visa would expire. Her efforts to obtain a new visa have been futile.

On June 29, 1972, Gavriel contracted a civil marriage with Miss Silver by proxy, in the District of Columbia. This marriage is recognized as valid here in the United States.

Yet the Soviet Government sees fit to prevent this man from leaving Russia in order to be reunited with his wife. I am pleased to sponsor a resolution on the part of the Congress, with 24 of my colleagues, to accomplish this end, which is long overdue.

These are the Jewish high holidays, already splattered with the newly shed blood of 11 innocent Israeli athletes at the Olympic games by Arab assassins. The Russians did not attend any of the memorial services. This is easy to understand. They are today's pharaohs.

Such happenings are not new in Jewish history. Such forced separations are familiar events in the chronicle of that people. What is new is that there are voices in the world that will speak out against such oppression.

It is my hope that for once, a modern despot will see fit to let go of his captive. Surely the Russians have little to lose and everything to gain by showing compassion to this one man, an emotion they have been so singularly lacking in in recent weeks.

HOIST WITH OUR OWN PETARD

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. DERWINSKI. Mr. Speaker, a necessarily hard-hitting editorial in the Chicago Tribune of Sunday, September 10, commented on some of the recent developments at the United Nations.

We should be especially alert to the determination of Communist and other misguided nations in the U.N. to abuse the United States on the subject of Puerto Rico, whereas our record in that regard is, in my judgment, excellent.

The editorial follows:

HOIST WITH OUR OWN PETARD

One thing in common between the United Nations and the United States is that they are not good at minding their own business. We have been dragged into a number of U.N. follies, such as ostracizing Rhodesia and South Africa and demanding that South Africa confer independence on the mandated territory of South West Africa, which was consigned to its trust by the old League of Nations half a century ago.

What concern such matters are to us is not readily apparent, but on the recent 25th anniversary of U.N. Charles W. Yost, the American delegate, gratuitously informed that body that South West Africa may expect no American financial aid as long as it remains under the tutelage of South Africa.

Now the U.N. Colonialism Committee has repaid Mr. Yost's expression of loyalty by voting 12 to 0, with 10 abstentions, that the former American territory of Puerto Rico, now a free commonwealth associated with the United States, is being repressed by American "colonialism."

The resolution recognized the "inalienable right of the people of Puerto Rico to self-determination and independence." It commissioned an inquiry into the status of the commonwealth, which has never shown any inclination to cut loose from the United States. In a referendum in 1967, Puerto Ricans strongly favored continuation of commonwealth status. The vote was: commonwealth, 425,081; statehood (with the United States), 273,315; independence, 4,205.

The least the U.N. could have done before going off half-cocked was to consult the Puerto Ricans themselves, but the lordly assumption that guides the busybodies in the glass crypt on the East River in New York is that everybody's business is their business.

Fortunately, Gov. Luis A. Ferre of Puerto Rico will have no part of this nonsense. He announced, "The vote of the Colonialism Committee doesn't mean a thing." Puerto Rico, he said, will "refuse to cooperate" with any U.N. committee poking its nose into Puerto Rico's affairs. Any attempt by the U.N. to hold hearings in Puerto Rico, he added, "would be completely out of place" and "we will refuse to have them."

So, if Mr. Yost has not much sense, Gov. Ferre has it in abundance. The U.N. attempt to meddle is a direct product of our own silliness in going along with its past meddling. South West Africa has been given a U.N. designation as "Namibia" and the U.N. has created a paper commission to run it.

The South Africans simply ignore the hollow U.N. command. South West Africa is principally a burden on them. It is composed of disparate tribes, 19 in number, with little in common except for the seven tribes of Ovambo. South Africa plows back any revenue the territory produces and its principal concern is to keep the lengthy coastal stretch from falling to a Soviet navy on the prowl in all waters. The Communists have agitated behind the scenes to get the Afro-Asian bloc in U.N. to press action for divestiture.

Our only interest in South West Africa is the annual importation of $11 million worth of frozen rock lobster. For such stakes as this are we to lower the boom on South Africa?

REMARKS OF THE HONORABLE JOHN W. BYRNES ON INTRODUCING THREE BILLS AMENDING CUSTOMS LAW

HON. JOHN W. BYRNES

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. BYRNES of Wisconsin. Mr. Speaker, I am today introducing three bills at the request of the administration which amend the customs laws in several respects. The bills incorporate administrative changes in our customs laws that the administration feels are desirable on the basis of experience and study.

In view of the limited time remaining in the 92d Congress, it is not expected that there will be time to formally consider these measures during the present session of Congress. However, I am introducing them on behalf of the administration so that interested members of the public will have them available for study and comment.

I am attaching to my remarks a brief description of each bill and where it will facilitate understanding, a more detailed analysis:

BRIEF DESCRIPTION OF H.R. 16600, TO AMEND THE TARIFF ACT OF 1930 TO PROVIDE AN EXEMPTION FROM THE RESTRICTIONS OF THE TRADEMARK LAWS, AND FOR OTHER PURPOSES

Under existing law, trade-mark owners may absolutely prohibit the importation of items bearing the trade-marks which they control. Many of the kinds of things which American tourists normally buy abroad, for example, perfumes, watches, and cameras, are subject to these restrictions by trade-mark owners. Customs is therefore required to interfere with thousands of returning American tourists annually. This provision serves little or no useful purpose, is expensive for Customs to administer, and is a constant source of irritation to tourists. The proposed legislation would remove these restrictions in the case of persons entering the United States with goods which they purchased abroad for personal purposes and not for resale. The types and quantities of such goods would be determined by the Secretary of the Treasury and published in the Federal Register. In all other instances, trade-mark owners will continue to have procedural remedies presently found in existing law.

ANALYSIS OF H.R. 16600, TO AMEND THE TARIFF ACT OF 1930 TO PROVIDE AN EXEMPTION FROM THE RESTRICTIONS OF THE TRADEMARK LAWS, AND FOR OTHER PURPOSES

Section 42 of the Act of July 1946 (15 U.S.C. 1124) hereinafter called "the 1946 Act", which reenacted without change the provisions of section 27 of the Act of February 20, 1905 (33 Stat. 730), prohibits the importation of merchandise that copies or simulates the name of any domestic manufacture, manufacturer or trader, or of any manufacturer or trader located in a foreign country which affords similar privileges to United States citizens, or which copies or simulates a trade-mark registered in accordance with the 1946 Act or which bears any mark or name calculated to induce belief that the merchandise is manufactured in the United States. Section 42 of the 1946 Act also authorizes a procedure pursuant to which manufacturers or traders may record their names and registered trade-marks with the Department of the Treasury and provide identifying facsimiles for its use as an aid to enforcement.

Section 526 of the Tariff Act of 1930, as amended (19 U.S.C. 1526), makes it unlawful to import any merchandise of foreign manufacture if such merchandise, or its label or wrapper, bears a trade-mark owned by a corporate or real citizen of the United States and registered in accordance with the 1946 Act, unless written consent of such owner to its importation is produced at the time of making customs entry of the marked merchandise. This section has been consistently interpreted by the Bureau of Customs for the past 20 years as excluding from protection foreign-produced merchandise bearing a genuine trade-mark created, owned, and registered by a citizen of the United States if the foreign producer has been authorized by the American trademark owner to produce and sell abroad goods bearing the recorded trade-mark. Protection is accorded under section 526 to trade-mark owners if an attempt is made to import such merchandise in violation of an agreement authorizing the foreign producers to sell only to the trade-mark owner. In addition, if merchandise bears a genuine trade-mark created outside the United States the rights to which have been assigned to and recorded by a United States citizen, protection is also granted. Section 526 also provides specific remedies to enforce compliance with its provisions.

The continued automatic exclusion under section 526 of most merchandise bearing a genuine trade-mark, without distinguishing between merchandise arriving in commercial quantities and merchandise accompanying a person arriving in the United States and intended for personal use, has generated substantial controversy in regard to the impact of this policy on Americans traveling abroad and purchasing, in good faith, articles bearing a genuine mark.

Frequent complaints are received from these persons when they find on their return to the United States that such articles are prohibited importation under the trade-mark laws unless the written consent of the trade-mark owner is obtained or the offending trade-mark is obliterated or removed from the articles. Although Customs expends a great deal of time, talent, and money to put the traveling public on notice as to these restrictions, experience has shown that the vast majority of violations occur because the returning traveler is unaware of the law. This situation creates a great deal of ill will not only for Customs but for the trade-mark owner as well.

The draft bill would grant a limited exemption from such trademark restrictions by permitting the Secretary of the Treasury to authorize the importation of limited quantities of trade-mark merchandise accompanying persons arriving in the United States, if such merchandise is intended for personal use and not for resale.

The first section of the bill would amend section 526 of the Tariff Act of 1930 by adding thereto a new subsection (d) dealing with the personal exemption, and adding language at the beginning of subsection (e) to except merchandise entered under new subsection (d) from the trade-mark restrictions of section 526.

New subsection (d) would establish an exemption for imported merchandise accompanying persons arriving in the United States, for their personal use, within limitations of type and quantity to be specified by the Secretary of the Treasury in regulations, provided that such an exemption has not been claimed by the same person within the preceding 30 days. If any article exempted under the subsection is sold within one year following its importation, the article or its value (to be recovered from the importer) is subject to forfeiture.

In establishing the quantitative limits, it is contemplated that the Secretary, through the Bureau of Customs, would conduct a survey to determine the quantities in which particular types of articles are usually purchased at retail for personal use. The inquiry would be directed to types of articles rather than individual trade-marks. For example, if the type of article were cameras, it is believed that a study would show that such articles, if for personal use, are usually purchased singly. Therefore, the Secretary would probably establish the quantitative limits for cameras at one. Also, it is contemplated that before any list of such types of articles is given effect, a list giving tentative determinations with respect to quantitative limits for each type of article would be published in the Federal Register and all interested persons given an opportunity to state their views in writing.

The draft bill would limit this privilege to articles accompanying persons arriving in the United States. This will eliminate a burdensome administrative problem and is in keeping with the practice at the present time since trade-mark owners granting consents to the importation of limited numbers of articles bearing their trade-marks generally do not extend such consent to include "articles to follow."

The provisions of the present law which require Customs to apply the restrictions on importation against articles for personal use acquired abroad by tourists and other travelers impose an inordinate administrative burden upon the Bureau of Customs.

Section 2 of the bill would amend section 42 of the Act of July 5, 1946, by adding at the beginning of that section language which excepts from the general trade-mark restrictions merchandise which falls within new subsection (d) of section 526 of the Tariff Act of 1930.

Section 3 of the draft bill would amend sections 4 and 7 of the Anti-Smuggling Act of 1935 (49 Stat. 519 and 520; 19 U.S.C. 1704 and 1707) to substitute the terms "appropriate customs officer" or "customs officer" for the terms "collector of customs" or "collector." This section would also amend section 401(b) of the Anti-Smuggling Act (49 Stat. 529; 19 U.S.C. 1709(b)) to redefine "officer of the customs" and "customs officer" to eliminate the reference to appointment by a collector. The Tariff Act of 1930 was similarly amended in Title III of Public Law 91-271, but through oversight the Anti-Smuggling Act was not included. This section would implement the authority granted to the Secretary of the Treasury under Reorganization Plan No. 1 (1965) and No. 26 (1950).

Section 4 of the draft bill would amend the Tariff Classification Act of 1962 (76 Stat. 72) to permit the Tariff Schedules of the United States to be cited as TSUS, which has become the standard reference to the tariff schedules.

Brief Description of H.R. 16601, To Modernize the Procedures for Licensing and Disciplining Customs Brokers, and for Other Purposes

The Customs Brokers' legislation would modernize procedures for licensing and disciplining customs brokers. The proposed bill is designed to (1) improve the quality of supervision exercised by the customs broker over his business; (2) to protect the importer by requiring the broker to post a performance bond; and (3) to provide the Bureau of Customs with greater supervisory control over the activities of customs brokers. The disciplinary hearing procedure would also be modernized by substituting an independent hearing examiner for the customs officer who now presides over such hearings.

Analysis of H.R. 16601, To Modernize the Procedures for Licensing and Disciplining Customs Brokers, and for Other Purposes

The proposed bill would amend section 641 of the Tariff Act of 1930, as amended (19 U.S.C. 1641), to modernize the procedures for the licensing and disciplining of customhouse brokers. The existing statute is substantially a reenactment of the original statute authorizing the licensing of customhouse brokers (Act of June 10, 1910, 36 Stat. 464), and continues the basic licensing and disciplinary scheme developed in that act with the addition of provisions to regulate the licensing of partnerships, corporations, and associations. Thus, for 60 years the law regulating customhouse brokers has been almost unchanged.

The same cannot be said for the Bureau of Customs or the customs brokerage business. Pursuant to Reorganization Plan No. 1 of 1965 (30 F.R. 7035), Reorganization Plan No. 26 of 1950 (3 CFR ch. III), section 1 of the Act of August 1, 1914, as amended, 38 Stat. 623 (19 U.S.C. 2), and Executive Order No. 10289, September 17, 1951 (3 CFR ch. III), the operational and administrative organization of the Bureau of Customs was modernized by abolishing customs-collection districts and by creating fewer and more manageable customs regions and districts. In 1968, the Secretary of the Treasury issued a revised Part 31 of the Customs Regulations (19 CFR Part 31) to reflect the changes made necessary by this reorganization, but the Department has found that many problems still exist in certain areas of customhouse brokers' activities. This is due in large part to the fact that the customs brokerage business has not remained static since 1910. From small one-man businesses operating exclusively at the customhouse, the average, modern customs brokerage firm is a corporation employing people to deal with customs at piers, container stations, warehouses, airports and truck terminals among other places, and frequently carrying on multi-district operations. The supervisory responsibility over many employees and the requirement that all customs transactions be accurately accounted for has become extremely difficult for the broker and for the Bureau of Customs which under existing law is responsible to the public for supervising and disciplining brokers who fail to perform their duties and responsibilities adequately.

Accordingly, a Bureau of Customs task force was established to make a comprehensive review of all activities, laws and regulations relating to licensed customhouse brokers, and to make such recommendations as might be appropriate for the revision of the existing statute and regulations. The recommendations of the task force are reflected in the proposed bill.

The proposed bill substitutes the term "customs broker" for the term "customhouse broker" wherever it appears in section 641. This amendment reflects the changing character of the industry; brokers no longer conduct business exclusively from offices at customhouses, but now deal with Customs wherever imported cargo is handled.

The first section revises the requirement for securing customs broker's licenses by corporations, associations or partnerships by reducing the number of licensed officers or members; limits to five years the period for which a license is valid without being renewed; and eliminates the requirement that a license be obtained by a customs broker for every district in which he wishes to transact business by substituting a simpler, more manageable system of permits.

As under existing law, licenses would be granted only where an applicant clearly demonstrates his knowledge of Customs and related laws, regulations and procedures, as well as an awareness of his obligation to perform his services for his clients in accordance with the standards of conduct imposed under applicable laws and regulations.

Under existing law, a customs broker's license cannot be granted to a corporation, association, or partnership unless individual licenses as customs brokers have been issued to at least two of the members of such partnership or two of the officers of such corporation or association. The proposed bill reduces to one the number of officers or members who must hold a customs broker's license for such purpose. To require two individually licensed officers deprives a small businessman of tax advantages which may be gained from incorporating his business. Existing law may also require some businesses to secure the services of a licensed broker solely to qualify the entity without the licensee ever assuming any real role of responsible supervision. In such cases the licensees serve only as figureheads in order that partnerships, corporations or associations can comply with existing law. Such a requirement is not meaningful in terms of assuring responsible supervision of the customs business of a corporation, association or partnership by a licensed officer or member.

The proposed bill further provides that a customs broker's license shall be valid for five years from the date of issuance and shall be automatically renewable upon application therefor in accordance with regulations prescribed by the Secretary of the Treasury. It is intended that the implementing regulations will provide that the renewal application may not be filed prior to the last six months of the license period, but may be filed within one year following the date of expiration of such license. However, no person shall be permitted to transact business as a customs broker without a valid license, unless a renewal application filed prior to the date of expiration is pending. These provisions would replace the provisions under the present law providing for the issuance of licenses without any expiration date. The present provision has resulted in a situation in which there are an unknown number of dormant licenses outstanding because brokers have died or gone out of business and the Bureau of Customs has not been advised of these facts. Consequently, it has not been possible to maintain an up-to-date roster of licensed brokers who are actively engaged in the custom brokerage business. This greatly increases the work necessary by the Bureau of Customs to supervise customs broker's activities.

Another major feature of the revised licensing procedures is the elimination of the requirement of present law and regulations that an individual, partnership, corporation or association seeking to transact business in more than one customs district obtain a separate license for each district. Instead, the proposed bill provides for the granting of a single national license together with a permit system in which a licensed customs broker wishing to operate a customs brokerage business within a particular customs district or districts would be required to obtain a separate permit to do business in each such district or districts.

Under existing regulations, a corporation, association, or partnership licensed to do business in a customs district is only required to have a "qualified" employee supervising the activities of the business in that district. Under the proposed bill the quality of the supervision exercised over the business transacted in a district would be improved by requiring a permitted broker to employ and assign to that district an individually licensed broker to exercise responsible supervision and control over all of the customs business transacted in that district. A three year delay provision is established, however, in order to allow brokers who are already established to bring themselves into compliance with this requirement.

Also included in the first section of the proposed bill is an amendment to the existing provision dealing with the revocation of a corporate, association or partnership customs broker's license by operation of law for failure for more than sixty days to have the required number of individually licensed officers or members associated with such business. The required number is reduced from two to one in conformity with the proposal to reduce the number of qualifying license holders for such corporate, association or partnership license.

A similar amendment is proposed in regard to the revocation by operation of law of a permit to operate a customs brokerage business in a particular customs district. The amendment provides that the permit for a district shall be deemed revoked if for any continuous period of more than sixty days after the issuance of such permit, an individually licensed broker is not employed within that district. A delay of three years in the effective date of this requirement is provided so that brokers may bring themselves into compliance with it. Such a provision is intended to insure that a customs business permitted to operate in a district will be properly supervised.

Section 2 amends subsection (b) of section 641 dealing with the procedures for revocation or suspension of a customs broker's license. The proposed bill substitutes an independent hearing examiner in place of the customs officer who now presides over suspension and revocation hearings; provides for decision by default in appropriate cases where the accused broker fails to appear in person or by counsel; and provides a summary procedure in which the appropriate officer of the customs may on written notice and decision suspend the broker's right to make entries for a period not to exceed thirty days with written appeal to the Secretary of the Treasury or his designee.

Under existing procedures the district director of customs is placed in the seemingly incompatible position of both complainant and hearing officer. The proposed bill substitutes an independent hearing examiner designated pursuant to section 3105 of title 5, United States Code, for the district director as the hearing officer in proceedings brought to suspend or revoke a broker's license.

In addition, the proposed bill would direct the hearing examiner to conclude the hearing at whatever point has been reached in the proceeding if the customs broker fails to appear in person or through legal counsel, thereby eliminating the time and expense necessitated when the Government is required to introduce unchallenged testimony and documentary evidence in support of charges against a broker. The Secretary of the Treasury is permitted, upon default, to accept the written charges as proven and revoke or suspend the broker's license, or, upon the showing of good and sufficient reasons for the default of the broker, to order that the hearing be reopened or a new hearing held.

A technical amendment included in the proposed bill permits the Secretary of the Treasury to revoke or suspend the license of a broker who has failed to comply with the rules and regulations governing customs brokers. While the present statute is worded in terms of a refusal to comply with such rules and regulations, there has been a long-continued administrative practice reflected in Part 31 of the Customs Regulations to consider failure to comply as a refusal. The amendment conforms the law and regulations by using the words "has failed or refused."

The proposed bill also includes a summary procedure without a hearing for the temporary suspension of a broker's right to make entries. Under existing practice, the appropriate customs officer may, for good and sufficient reasons, recommend to the Secretary of the Treasury either suspension or revocation of a customs broker's license after a hearing, or issue a written reprimand with the approval of the Commissioner of Customs. There is no provision for a situation where the broker's dereliction is not serious enough to justify the filing of charges looking to suspension or revocation of his license but is serious enough to warrant more than a reprimand. The bill provides that the appropriate customs officer may at any time order the broker to show cause why his right to make entries in a district should not be temporarily suspended for a period of not more than thirty days. The show cause order must be in writing and must include the allegations or complaints against the broker. It affords him the opportunity to respond to such charges in writing within five days. After considering the allegations or complaints and the response thereto, the customs officer shall issue a written decision. A summary suspension is appealable in writing to the Secretary of the Treasury or his designee and upon the receipt of such appeal the suspension shall be stayed until a decision upon the appeal is made.

Also, in order to provide more flexibility in penalizing the improper actions of brokers against whom formal charges have been brought a provision is included allowing the Secretary to suspend the right to make entry.

Section 3 repeals subsection (c) of section 641, Tariff Act of 1930, as amended (19 U.S.C. 1641(c)), and substitutes a new subsection (c). The existing subsection protects licenses in effect prior to August 26, 1935, the date when this provision was last revised. The proposed amendment protects licenses in effect on the date of enactment of this bill for a period of five years. Thereafter, licensees are subject to the renewal provisions provided for in this proposed bill. Licenses in effect on the date of enactment also serve as permits to operate a customs brokerage business for the same five-year period in all districts where the broker is licensed without requiring applications for permits or the employment of a licensed broker in each district where the license holder is permitted to operate. However, such licensees are still subject to the amended provisions dealing with suspension, revocation, renewal and the posting of a performance bond. A proviso is included in the proposed amendment stating that any proceeding instituted prior to the effective date of the subsection for revocation or suspension of a license shall be governed by the law in force at the time the proceeding was instituted.

Section 4 imposes a new requirement on customs brokers to post a performance bond for the protection of clients and the Government. No such performance bond is now required. If the broker misapplies or misuses funds belonging to his client, the client may have no recourse against the broker. By the time the defalcations are discovered, the broker is often bankrupt and the client may be unable to recover. The posting of performance bonds would alleviate this situation.

BRIEF DESCRIPTION OF H.R. 16602, TO AMEND THE TARIFF ACT OF 1930 TO GRANT ADDITIONAL ARREST AUTHORITY TO OFFICERS OF THE CUSTOMS SERVICE

This bill would grant additional arrest authority to customs officers. At present such officers may make arrests without warrant for violations of the narcotic drug or marihuana laws, and for violations of the Customs or navigation laws or any law respecting the revenue where the violation is committed in his presence or where he has reason to believe that the person to be arrested has committed or is committing such violation. Since Customs has become engaged in expanded Federal enforcement programs, this limited authority has proved to be inadequate. Because of the lack of arrest authority without warrant, Customs personnel have been sworn in as deputy United States marshals to function effectively in the U.S. Sky Marshal program. Also, special agents of the Customs Agency Service have been similarly deputized in order to protect Government employees and property. This need to obtain ad hoc arrest authority has proved to be cumbersome and inefficient. The Department of Justice, under whose law Customs officers have been designated United States Marshals, has requested this Department to seek expanded arrest authority for Customs officers to obviate the problem.

FARM PRODUCTION COSTS CONTINUE TO INCREASE

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. ZWACH. Mr. Speaker, while the economy of our country in general is on a steady increase, our farm economy still leaves much to be desired. This is not only my concern, it is the concern of editorial writers throughout our Minnesota Sixth Congressional District.

An example of the writing on this subject is the following from the Brainerd Daily Dispatch, which, I would like to insert into the CONGRESSIONAL RECORD, so it can be read by my colleagues and all the other readers of this publication:

FARM PRODUCTION COSTS CONTINUE TO INCREASE

Farm economists say that agricultural production costs still are outstripping farm income despite the high prices which consumers are paying for food.

For example, figures cited in a report by the Agriculture Department, show that farmers this summer had to pay $6.43 for a pair of overalls which a year ago cost them $6.02 and the cost of one combine has increased from $17,820 to $19,300 in one year.

Wheat, however, was bringing $1.32, two cents less than a year ago.

Cost of farm production has risen steadily for several years, according to the Agriculture Department, with farm operating expenses increasing 27 per cent in the last five years.

The disparity between farm prices and farm costs is even greater when figures before 1971 are considered.

Overalls in 1969, for example, cost $5.17 at a time when wheat sold for $1.22 per bushel. A comparable grain combine in 1969 averaged about $11,000.

Corn in June 1969 brought $1.18 per bushel, five cents more than in that month of this year. Cattle averaged $28 per 100 pounds in June 1969; about $28.50 last summer, then rose to a record $34.60 last month.

There are some hopes for improvement of the farmers' lot, though, the economists say. Higher prices for cattle and hogs this year have generated a trend of improvement with net farm income expected to rise about $2 billion this year over last year.

Meantime, while the farmers face a tightening squeeze between production costs and income, consumers face increasing food prices with the price boost in many cases far outstripping the rate of rise in personal income.

POW'S AND POLITICS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. RARICK. Mr. Speaker, in last night's gossip outlet which passes itself as a nonpartisan newspaper, we read the heartrending story of how a naval captain held as a U.S. POW in Vietnam had written his mother to give a $25 donation from his Navy pay to a campaign committee of the presidential candidate of my party.

As a former POW myself, I can certainly understand the mother's desire to carry out her son's wish. In fact, when I was a POW, I would probably have given my entire military salary for a year to defeat the then President Franklin Delano Roosevelt. I am glad that the POW's request is being given every consideration as well as publicity.

The only thing that worries me is how a Navy captain, a POW since last May, even knows that the Democratic Party candidate has a million-member club. Apparently, communications are good to North Vietnam.

As for myself, I am still waiting to hear why the Presidential candidates cannot get a U.S. POW out of the Fort Benning stockade; that is, Lt. William Calley.

The whole episode is but another indication of manipulated emotionalism that too often characterizes American politics.

A related news story follows:

[From the Washington Star and Daily News, Sept. 12, 1972]

A NEW CAMPAIGN CAPER!

(By Isabelle Shelton)

A $25 check, drawn on the U.S. Treasury, made its way into the McGovern-for-President campaign yesterday.

The familiar blue cardboard, recognizable to anyone who ever got a paycheck, tax rebate or Social Security benefit from Uncle Sam, raised a few eyebrows among the press who had come to watch McGovern's wife, Eleanor, formally accept it.

But it was all on the up and up. The check was a contribution from Navy Capt. Joseph Kernan, 26, who has been a prisoner of war in North Vietnam since last May 7 after his plane was shot down over Qhan Hoa.

Kernan wrote his mother, Mrs. Marion Kernan, of the District, asking her to take $25 from his savings, and give it to McGovern. She had to get a $25 check from the Navy Department—after showing them her son's letter—she explained, because "his money is tied up and is not available to me."

Yesterday, as she handed the check to Eleanor McGovern, she read a part of her son's letter.

"What I would ask, Mom, is that you take $25 of my money and join me in McGovern's Million Member Club. It isn't just for our own sake that we need McGovern to become President of the United States, but the country's. I'm sure I don't need to encourage all of you to really get out and work for the man. We need him."

Mrs. Kernan, mother of nine (Joseph is the oldest), said she did not know how her son had learned of the Million Member Club, a McGovern fund-raising device.

She has received just two letters from her son since his capture, the mother said, and "to the best of my knowledge he did not get my letters."

She assumes her son must have learned about the Million Member Club "from the news media," she added.

Thanking the mother, Eleanor McGovern said: "As you know, my husband has long been opposed to the Vietnam war. I know one of the first things he will do as President is end it."

She and her husband were "very proud" to add Kernan's name to the Million Member roll, she said, and "I hope that 90 days after next January I will have a chance to meet your son."

(McGovern has pledged he would pull all U.S. forces out of Vietnam 90 days after he took office, and that he is confident Hanoi then would release U.S. prisoners they are holding.)

Young Kernan is a 1968 graduate of Notre Dame University, who joined the Navy shortly thereafter. He went into the Navy in order to escape the draft, his mother said.

Did he want to go to war? a reporter asked.

"Does anyone want to go to war?" she responded.

While she was in the building, Mrs. McGovern toured the entire headquarters, asking endless questions of volunteers and staff members.

In the day nursery where volunteers deposit their small children, Mrs. McGovern squatted down so that she could address the tots eyeball-to-eyeball.

It was, she was told by some of the mothers taking their turn in the nursery, "the prettiest room in the building."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

THE APPALLING STATE OF PRODUCT SAFETY IN AMERICA

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. BRASCO. Mr. Speaker, the average American goes about his or her daily affairs confident that somewhere and somehow his or her Government is providing an umbrella of protection against certain elementary hazards.

I refer to bad foods, unsafe drugs, improperly tested items, and dangerous products that can be purchased in all innocence across the retail counters of America's stores.

Our average consumer feels that pure food and drug laws and product safety laws are right there on the statute books; insuring that before any shady operator places such items on any store shelf, the swift, steady hand of Federal protection will catch him before he can get away with such a shady deed. Such in fact is not the case. In fact, the very opposite is true.

It has been my surprised discovery to find that of all the fallacies we are prone to believe in, this is perhaps the most all-pervasive. Until very recently, when I began to delve into this area, I, too, placed significant credibility in that shadowy, amorphous "something" called Federal protection. Orange groves in Greenland are more certain than Federal product safety protection for the American consuming public.

I have already dealt with the American hotdog, which turns out to be a non-nutritious, chemical-loaded, fat-filled fraud with a lesser protein content than its depression-era predecessor.

I have also touched upon no enforcement by various Government agencies of perfectly sensible laws passed by this Congress. The Food and Drug Administration is a classic example of a consumer protection agency that is neither oriented toward consumer protection, or even toward protection, except for major industries.

The Poison Prevention Packaging Act, designed to insure that child deaths will be minimized through emplacement of childproof safety closures on containers holding hazardous substances is still not being actually enforced by FDA. There have been minimal efforts to place such closures onto aspirin containers as a result of FDA action, but even this small effort comes some 19 months after the law was signed.

The Commerce Department has not enforced the Flammable Fabrics Act. Nearly half a decade old already, this basically simple law is designed to insure that children's sleepwear is flameproofed. Several thousand small youngsters annually are turned into miniature funeral pyres because the textile industry has had the political clout to prevent high standards from being set and enforced. Only one major company today is carrying a line of flameproofed small children's sleepwear. If anyone does not believe this, just patronize a store, buy a child's nightdress and put a match close to it. Such is the kind of outrage we live with today, and it can strike any of our children or grandchildren at any time.

The Safe Toy Act is still another scandal, as the FDA finally is beginning to move slowly in the direction of eliminating thousands of dangerous toys from the shelves of literally thousands of stores. Yet our minimal progress to date has taken maximum outrage and pressure upon the Product Safety Division of the Food and Drug Administration.

Power lawnmowers extract a toll of approximately 1 million accidents per year, yet nothing has been done about setting safety standards these machines must conform to. Another failure by the Government.

We know of these situations. In some instances, we have even legislated in order to put an end to abuses. Yet, overall, there is either no Government legislative initiative or there is a lack of willingness on the part of Government agencies to enforce existing laws.

In sum, as far as product safety for the average citizen is concerned, his National Government is by and large as great a disaster as the products he is utilizing.

A classic instance is that of commercial glass. At least 250,000 needless accidents happen with glass doors every year in this country. Why? Because wherever possible, contractors utilize weak, easily breakable glass. In most States, no law requires that sturdy glass be used in glass doors in residential buildings. I refer to shower, patio, storm, and simple entry doors.

More than half of those victimized by such tragedies are children under age 15. Efforts are being made to get the States to pass a model law requiring use of one of several kinds of sturdy glass or plastic in such doors.

Opposition in the State legislatures, mainly from builders and hardware dealers, has been growing. Why? Simple. They would rather that the toll continue than make the better kind of materials available. And remember that such better materials cost money, and we would not want to have to spend any more money to save say, 175,000 of those 250,000 small children every year, would we?

So the home builders and the hardware merchants have fought off the challenge in one State legislature after another.

And because most State and local building codes do not require use of safety glass in glass doors in residential buildings, the carnage will continue. Only in commercial buildings are there found some requirements of this sort. Where are those mighty champions of the rights of the States to do their own thing? Here is their chance. Yet they do nothing.

No better illustration can be found of the desperate need for a new product safety law or act. An opportunity will shortly be given the House of Representatives to act on this and a score of other similar issues.

The other body has passed, by a vote of 63 to 10, an excellent Product Safety Act. Among other things, this measure would set up an independent Product

Safety Commission empowered to establish safety standards for consumer products.

This measure has been years in the making, being the distillation of staggering quantities of man-hours, investigations, testimony, and creative legislative thought. It is a strong measure, and one is desperately needed. Such a product safety commission as is envisioned in the Senate version could eventually set standards for glass doors that would in fact set a national requirement for safer doors. The same type of action could be taken in regard to literally dozens of kinds of products which annually take a dreadful toll from the consuming public in terms of crippling injuries and deaths.

This bill is based substantially upon recommendations made in 1970 by the National Product Safety Commission, which identified at least 16 hazardous products. Glass doors were one of the 16.

Mr. Speaker, we have reached a point where we either make a move towards the kind of protection the public must have or go backward in terms of the elementary protection of the average citizen. Immunity in some form to the worst dangers of life is what, in the end, the average citizen pays taxes for.

It is the elementary duty of any government to provide such protection. Now we are not offering it. When this measure comes before us, I hope this body will act accordingly.

PRIDE IN RETIREMENT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. LONG of Maryland. Mr. Speaker, I want to pay tribute to the members and founders of Pride in Retirement, Inc., an organization to bring retired people together for companionship and constructive activities.

Old age can be the loneliest time in a person's life because many of his friends have died, and his family may be too busy to spend much time with him. Pride in Retirement is an answer to the problem of loneliness.

At this point, I insert in the RECORD an article from the Dundalk Eagle describing the activities and goals of Pride in Retirement.

The article follows:

PRIDE IN RETIREMENT OPENING SEASON

Pride in Retirement, Inc. announces the opening of the 1972 fall season beginning next Friday, Sept. 8 at 10:30 a.m. A guest speaker from the Dundalk Community College will explain the new program for senior citizens at the college which will be offered free of charge.

Pride in Retirement has just concluded a successful summer recess during which the organization was given the privilege of appearing on the Betty Cox program "Better with Age" on WBAL–TV Sunday, Aug. 20, at 6:30 p.m. A display of many of the items made by the members was shown & a brief outline of the desires & purposes was quoted as follows:

Pride in Retirement, Inc. is a non-profit, tax exempt organization which was founded in 1965. This was prior to the time of local government's realization of the needs of older people of which many were being forced into retirement because of age and automation.

The format for Pride in Retirement senior center was based on the opinions & requests of retired persons from the southeastern area of Baltimore County. It was submitted in its entirety to Congressman Clarence D. Long for approval & assistance. Dr. Long was so impressed with the proposal that he read it into the Congressional Record in July, 1965. He guided the organization to a federal grant under the Maryland State Commission on Aging for a period of three years.

After two years & one month, the Officers of Pride in Retirement, Inc. withdrew from the federal grant & became a self-sustaining independent organization. Since that time, Pride in Retirement senior center has been marching steadily forward. Approximately 300 individuals are on the roll book of which approximately 80 are active participants.

The immediate goal of Pride in Retirement, Inc. is enjoyment of good health, companionship & social togetherness. The long range goal is a complete senior center which will embody elderly housing, convalescent—nursing home, medical center plus a complete activity complex to meet the needs of the greater Dundalk area.

In summation, Pride in Retirement, Inc. is planned to give to the elderly that fourth priority position so well defined in the Fourth Commandment, namely, "Honor thy father & thy mother".

SNAIL SERVICE MAIL SERVICE

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. PICKLE. Mr. Speaker, we are all aware, through daily experience, of a deterioration in our Nation's mail service.

Postal rates go up—and service gets slower.

Post offices are closed right and left—and service gets slower.

Fancy equipment is installed—and service gets slower.

Personnel is cut back—and service gets slower.

No one doubts that the Postal Service has a horrendous task ahead of it in trying to revamp our mail service to fit the modern world. But I think it is time we should be making some visible inroads in that direction.

An editorial in the September 4 edition of the Nation magazine sees attitude as the real touchstone.

"The key word, after all," it reads, "is 'service.'" Much has been said about the need for the U.S. mail to pay its way, but there is surely no more need for that than for the U.S. Army, or a police department, or school system, to pay its way. Such desiderata should be emphatically put aside in favor of the immediate need to bring the service to 20th century standards. "It is even possible," the editorial suggests, "that the financial problems would simultaneously yield to progress."

Certainly we would stand a better chance than we do the way things are headed now.

I insert that editorial in the RECORD at this point:

SNAIL SERVICE

Few New Yorkers would describe the trip across Manhattan, from the East River to the Hudson, as a pleasure trip. It seems it was ever thus: at the turn of the century, it was ruefully admited that, because of the traffic that choked the streets during business hours, the journey consumed eleven minutes. Today the trip can take something more than twice as long.

The blessings of modern methods have transformed many facets of our lives, but perhaps none so completely as the postal service. We have had occasion to advert to second-class mail, which is the method by which any periodical reaches its subscribers, and is thus of great importance to us at *The Nation*. Present proposals call for an increase in the next five years to second-class charges nearly two and a half times the present rates, which burden could be carried only by an appropriate increase in subscription rates for magazines and newspapers. But we would like for a moment to turn to first-class mail, from which also there is a lesson to be learned.

Many of us can remember the days when one stuck a two-cent stamp on a letter, and dropped it in the corner mailbox which was emptied five or six times every day, six days a week. Three times a day, on the average, the mailman would appear at the door with incoming mail. It was no cause for astonishment to receive letters mailed the day before in Boston or Washington, each more than 200 miles away.

Since then, the cost of a stamp has gone from two, to three, to four, to five, to six, and finally to eight cents, in accelerando tempo. But collection and delivery of first-class mail, far from accelerating, has been grievously retarded. Mail is picked up from most postboxes only once or twice a day—and in many cases, not at all on Saturdays. Deliveries, in most areas, have dropped from three to one a day. According to a survey made by *Reader's Digest*, the average letter takes five days and seven hours to be delivered; three years ago, it was in the recipient's hands in less than three days. Why, in a time of stunning and rapid technological advances, does it take almost twice as long to deliver a letter as it did in 1969?

One is tempted, in searching for an answer, mischievously to formulate a principle synthesizing Gresham's and Parkinson's Laws. It might be called the General Theory of Diminishing Returns. As bad money drives out good, currency is debased, and more buys less.

And as any given work will tend to absorb somewhat more than the available time, space and manpower, so successive increases in resources will result in less and less work being done. It's not the way it's supposed to be, but the way, it seems, it happens.

Postal deficits undeniably stem from geometrically increasing costs. To the extent that they are reflected in better wages, hours and working conditions for letter carriers and other postal employees, there can be no criticism. But we do not view labor's gains as the chief expense. The fact is that the Postal Service, in its rules and regulations, its table of organization and its business procedures, remains a 19th-century enterprise. The proliferation of highway vehicles and air routes and consequent decline of the railways, the rise of direct-mail merchandising and advertising, the explosion of personal credit, the appearance of giant conglomerate enterprises, multinational corporations, and other factors have placed demands on the system that patchwork and improvisation obviously cannot meet. The horrendous snarls which began about five years ago will continue to occur, and service will go on deteriorating, until the most sophisticated business methods and modern computer technology can be put to work. It was the intent of the Congress that this would happen when the corporate Postal Service was set up more than two years ago. It is to be sure an enormous task, and Postmaster Elmer Klassen estimates it will take at least another five years to accomplish. Such candor is praiseworthy, but can the country afford five more years of deteriorating mail service? We feel strongly that the delay is far too long, and that more immediate—and more Draconian—methods are called for.

The key word, after all, is "service." Since Benjamin Franklin's day the assumption has been that Americans were entitled to postal service as good as any in the world, at reasonable cost. Much has been said about the need for the U.S. mail to pay its way, but there is surely no more need for that than for the U.S. Army, or a police department or school system, to pay its way. Such desiderata should be emphatically put aside in favor of the immediate need to bring the service to 20th-century standards. It is even possible that the financial problems would simultaneously yield to progress.

THE ROAD TO CONTROLLED NUCLEAR FUSION

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. HOSMER. Mr. Speaker, time and again many distinguished Members of the Congress state that if only the Government would spend more money on fusion research, electricity from controlled thermonuclear sources could become a reality within a very short time.

There are those who take the results from the Seventh International Electronics Conference, which was held in Montreal during May of this year, and use them to indicate that fusion is essentially at hand. Scientists from the country which has invested the greatest amount of time and hard-to-come-by resources in this field of fusion—the Soviet Union—are not and have not been as optimistic as the politicians in the United States.

I would like to call attention to an article in the September 1, 1972, issue of Nature magazine by Soviet academician L. Artsimovich, in which he describes the status of controlled nuclear fusion research as he sees it. It should be understood that Professor Artsimovich is recognized throughout the world as one of the leading researchers in the field of magnetic confinement systems.

In concluding his article, Artsimovich states that while there has been some progress, it has been exceedingly slow in developing controlled fusion. He expects that technological feasibilty can be achieved within this decade. However, he feels that it would be a brave man indeed who would try to describe a thermonuclear reactor of the future. Not only must physical principles be proved out, but the scientists and engineers involved must proceed on these proved scientific principles and then decide how the reactor might be built which could convert thermonuclear energy to electricity.

I would like to point out that the Soviet Union Nobel Laureate, Professor Basov, who won the prize for his work on laser research, in a recent visit to this country did not predict the imminent advent of controlled thermonuclear energy sources initiated by lasers.

It is absolutely misleading and a great disservice to the American people to tell them that if the United States would only forgo the development effort on the breeder reactor, for which plans are underway to build a demonstration plant, we would have fusion tomorrow.

Regardless of what some Nobel laureates have said in comparing the development of controlled fusion to sending a man to the moon, there is no direct relationship. There were no mysteries about what size rockets we needed and what life support facilities we needed to send men to the surface of the moon; it was just a question of scale.

NAY VOTE ON MILITARY PROCUREMENT BILL

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. HARRINGTON. Mr. Speaker, today I will vote nay on the military procurement bill. I do so for reasons of deep conviction about the direction and size of our Defense Establishment.

Three months ago, I offered a series of amendments intended to alter this course, and after they were defeated, voted against this bill. Today I find no changes effected by the conference report that would cause me to change my mind. This bill still provides for a military force far larger than what is required to defend the United States. This bill does nothing to halt the extraordinary costs of such unnecessary, expensive and wasteful programs as the B–1 manned bomber and the Trident submarine.

This bill still appropriates another $2½ billion in aid to the South Vietnamese military. There is no justification for funding the Vietnamese as if they were a branch of the American war effort—particularly since the administration loudly proclaims the de-Americanization of the war.

The SALT agreements mark an important breakthrough in our foreign relations. However, the President's commendable achievement in Moscow has now been followed by an action which will retard the progress made at the summit conference.

The request by Secretary Laird for more funds to build up certain strategic arms systems as a consequence of the SALT, is in direct contradiction to the spirit of the arms limitation agreement.

While the conference committee has reduced the $110 million appropriation to $60 million, it has failed to come to grips with the real issue. The United States simply does not need the new hardware requested by the Defense Department.

There is no need for an expenditure of $40 million for site defense research and development to protect an ABM system limited to one city.

There is no need for an expenditure of $10 million for the Submarine Launched Cruise Missile System—abandoned years ago because of its inferiority to our Polaris/Poseidon System.

There is no need for an expenditure of $10 million for expanded command and control capabilities. While the SALT agreements are specifically aimed at lessening the danger of nuclear war and increasing our security, it seems ironic that at the same time we should be spending additional funds to improve our military communications system in case of nuclear attack.

It is true that the money appropriated represents just over half of the Defense Department's request. But it is clear that once we appropriate money to begin these programs, we will inevitably continue to appropriate money for these projects until they are concluded to the satisfaction of the Defense Department.

Therefore, after closely scrutinizing the defense budget as a member of the Armed Services Committee, I can only conclude that our tax dollars are being squandered by the Pentagon with the acquiescence of a majority in Congress.

This year, the administration apparently in cooperation with the pro-Pentagon congressional leadership deviated from House procedure by including an authorization for aircraft and equipment to Israel.

This was a cynical effort to use the legitimate defense needs of the State of Israel as a hostage to coerce anti-war Congressmen into voting for the bloated Pentagon budget. I have consistently supported military and economic aid to Israel since coming to Congress and I will continue to do so as long as I serve.

In January of this year, I voted for the Foreign Relations Authorization Act which included millions in assistance to Israel. Then last month, I was recorded in favor of the Foreign Assistance Act which also provided funds for Israel.

In addition, I have sponsored extensive legislation to help secure Israel's defenses, particularly House Resolution 665 on October 27, 1971, which called for shipment of Phantom F–4 aircraft to Israel.

But I cannot allow myself to be bludgeoned by this kind of manuever into approving the Pentagon's wasteful spending policies. The administration and the congressional leadership know very well that an overwhelming majority of Congressmen and Senators are prepared to vote aid to Israel as a separate bill, or as part of any relevant noncontroversial legislation. There was no need for them to attach this provision to the defense bill. They did it simply to aid the Pentagon, not to aid Israel.

And along with many other supporters of Israel who are critical of wasteful Pentagon spending, such as Representatives WOLFF, DRINAN, HALPERN, and KOCH, I voted against the measure because I will not give in to these kind of tactics. It is the administration which is endangering Israel's interests by this kind of shallow political maneuver and those of us who support Israel.

THEY SOMETIMES FIGHT FIRES

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. KEATING. Mr. Speaker, Joseph Galvin, a firefighter and chief of Battalion 12 in New York City, recently authored an article in the New York Times which graphically points out the horror of heroin addiction.

Mr. Galvin is a firefighter by profession; not a newspaper reporter employed by the New York Times, nor an expert on the drug addiction problem that is crippling our Nation. But his story is worth studying.

I have been fortunate to be able for the past year to hear firsthand testimony of the problems of drug addiction as a member of the House Select Committee on Crime when the committee conducted hearings on drug addiction in the Nation's schools.

I wish to share with my colleagues the experiences recorded by Chief Galvin:

THEY SOMETIMES FIGHT FIRES

(By Joseph Galvin)

Fire alarm box 1459 stands sentrylike, imbedded in concrete on the northwest corner of 123d street and Lexington Avenue in East Harlem. It is neither unique nor impressive.

Ostensibly, the pulling of the handle of 1459 is to summon us to a fire and/or an emergency. I've responded to 1459 many times and the jobs have run the gamut; stabbings, fatal automobile collisions, shootings, murders, drug overdoses, brawls, a poisoning, stuffed up toilets, massive evacuation of hundreds of subway passengers via the emergency exit with the temperature in the cars at over a hundred degrees, multiple illegal hydrant usage making the intersection resemble a lake, false alarms and of course some fires.

The activities going on at that intersection on a summer's day are the embodiment of human degradation. Junkies and winos stand zombie-like against the walls of the tenements and lean on automobiles. Empty wine bottles are strewn everywhere, and an odor of filth and misery pervades the air. Prostitutes glance at us, and I notice that some of them are almost in a trance. A young boy playfully kicks through a pile of empty beer cans at the curb in front of a bodega. Small groups of firefighters walk up and down the streets to determine the reason for the transmission of 1459. I get out of the battalion automobile, and as I do, glance into a tenement doorway on Lexington Avenue. The forms of two humans are visible on the floor and I go over to see what has happened.

Lying on the vestibule floor, unconscious, are two young women. They appear to be in their twenties, and one is lying partly atop the other. The one on the bottom has vomited, and in addition, her slacks are soaked from her own urine. An occupant comes down the stairs, glances at them impassively, curses and leaves. The battalion car, a station wagon, is quickly "setup," the resuscitator is readied and set on inhalate, the firefighters don their work gloves and the girls are carried over to the car and swiftly placed in the rear. Two oxygen facepieces are positioned and we take off for the hospital two blocks away. At times the wait for an ambulance in that area can be interminable so we do the job.

We carry the girls into the emergency room and put them onto the wheeled stretchers and back away as the nurses swiftly go to work. I glance at the arms of these young women and see the marks of innumerable shots of heroin. Oh God it is horrible.

About twenty years ago I envisioned my career as one involving death-defying aerial ladder rescues catching jumpers in nets, directing mighty jets of water into infernos and such nonsense. The nitty-gritty of the job is far removed from those youthful and naive flights of fancy and I'm just as glad. The name of the game now is service, and it takes many forms. To the aspiring firefighters, I say brace yourself.

"EDUCATIONAL FEE" FOR JEWS REALLY A RANSOM TO FILL SOVIET TREASURIES

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. FRENZEL. Mr. Speaker, recently, the Soviet Government instituted an "educational fee" for Jews who wish to emigrate to Israel. This fee is nothing more than a ransom to fill Soviet treasuries. It is nearly impossible in the Soviet Union for a person to save the kind of money needed to pay these educational fees.

One case of a person not being able to leave, because of these fees is that of Prof. Herman Branover from Riga, Latvia, now a province in the Soviet empire. Dr. Branover is a world renowned magnetic hydrodynamics specialist who is attempting to emigrate to Israel. On two different occasions, Mr. Herbert A. Kohn from the Minnesota Action Committee for Soviet Jewry talked with Dr. Branover on the telephone. I submit for the RECORD, Mr. Speaker, the transcript of these phone conversations which are further evidence of the abuses of the Soviet regime:

CONVERSATION IN ENGLISH WITH PROFESSOR BRANOVER AND HERBERT KOHN

(NOTE.—H.K.—Herbert Kohn and P.B.—Professor Branover.)

H.K. Professor Branover, can you hear me?

P.B. Yes, sir.

H.K. My name is Herb Kohn and I'm calling from Minneapolis, Minnesota.

P.B. Yes, sir. I understand, I think.

H.K. Do you understand?

P.B. Yes.

H.K. Good, how are you?

P.B. News of what I can tell you. You know now the most terrible thing is that we must pay for the visa today with hard money. You know about this?

H.K. Yes.

P.B. Now it is the most terrible thing today.

H.K. How much does it cost? Can you hear me?

(Some telephone interruption.)

P.B. Now I can hear you again.

H.K. You say you have to pay for the visa now?

P.B. Yes, I have not got the permission 'til now. But I shall get it. I don't know if I can go to Israel because the money is impossible to get such big money.

H.K. I see. How much does the visa cost?

P.B. In my case it's almost 35,000 to 33,000 rubles. It's about $40,000,00.

H.K. Why is it so much?

P.B. Because I have scientific degree, Doctor degree.

H.K. I see. Tell me have you been receiving any phone calls at all?

P.B. No.

H.K. I see. Nobody else has called you?

P.B. Not since last time no.

H.K. I see. Because we understood that some of the phone calls were not getting through; we were having trouble contacting you.

P.B. Yes, I know. I know it is very difficult to receive the call.

H.K. I see. Is there any other news you can tell me about what's going on in Riga?

P.B. No, I feel that now the greatest problem is about this money; because if earlier the problem was to receive the visa and now it's only about the money what we must pay in the case when they receive the visa.

H.K. I understand. Are any of the people able to leave at all?

P.B. Yes, yes. The people that have no diploma's and they don't know anything. They receive the visa in about 10–27 weeks to receive permission to go. For such people that have no diplomas it is not any change in the question. Such people received must pay about $1,000.00 for each man and then they can go.

H.K. But because you have scientific information, is it?

P.B. Yes, I have a Doctor degree, a Doctor of Science.

H.K. In what science?

P.B. I am a Hydrodynamics, but the most amusing thing is that I'm not active about 2 years in science. I was ill for a longer time and about 1½ years I receive a little pension, and I'm not working all this time.

H.K. So that's been for about 2 years?

P.B. Yes, yes.

H.K. I see. I will convey this message to my friends here, and I want to tell you that the community here is with you, and we are supporting you; if there's any way that we can help you, we'll be glad to.

P.B. Thank you very much to all. I want to send my best thanks & greetings to all the people that pay attention to our question.

H.K. We want you to know that the community here supports your brave efforts, and we are your friends and we wish to call you again; what's a good time to call you?

P.B. The best time here is in the evening. It means that the difference is about eight hours. It means if in New York City it is 2:00 then here it is about midnight. That is the best time for calling.

H.K. O.K. We will try to call you two weeks from today between 10 & 12 Moscow time. It was nice talking to you. Shabbot Shalom.

P.B. Shabbot Shalom—Goodbye.

CONVERSATION WITH HERMAN BRANOVER OF RIGA, RUSSIA, AND HERBERT KOHN OF MINNEAPOLIS, MINN., SEPTEMBER 3, 1972.

(NOTE.—H.K.—Herbert Kohn and P.B.—Professor Branover.)

H.K. Professor Branover?

P.B. Yes.

H.K. Shalom. Herb Kohn from Minneapolis, Minnesota calling.

P.B. Ah, you called me before two weeks, yes?

H.K. Yes, What is new in Riga?

P.B. What can I say? Each two weeks about twenty families receive permission for leaving for Israel, but at the same time there are refusals too. And amongst those people that receive the permission there are many of those that have diplomas and they don't know what to do because they must pay the large monies as the ransom.

H.K. I understand. Are you free to talk about it, Professor?

P.B. Yes.

H.K. Have any of them that paid the money been able to get out?

P.B. There are already, I think, about ten or fifteen families that paid this money. They get it from all the relatives and friends here and paid, but farther it will be harder, this question, because there remains not such people who can pay this money. You understand because from the personal monies it is impossible to pay such large sums of money, and then the authorities here, the local authorities say to these people that they must turn to their relatives abroad, and ask them to pay to the Holland (Dutch) embassy, in Moscow.

H.K. I see, Is it true that they only have thirty days to pay?

P.B. Yes, about two or three weeks.

H.K. And then what happens to their visas?

P.B. And then they take back the visas.

H.K. How do the people there feel about it? Do they feel that people outside the country should furnish the money?

P.B. I'm afraid that there are many people that are completely hopeless. They are in the listlessness of despair, and they don't know what to do. They hope that perhaps American Jewry will help.

H.K. I understand. We are trying to do all that we can. We are having demonstrations, we are having meetings about it, and we are trying to make arrangements and find a way to help as many people as we can; there are many articles in the newspaper about it.

P.B. I understand, I see.

H.K. Can you tell me, has the government published a list of the fees or anything, or do they just let the people know individually how much it will be.

P.B. Only individually. It was not published until now.

H.K. O.K. They are still asking $40,000 from you?

P.B. Yes, but I have not the permission, you understand, I have not got the permission now.

H.K. O.K. If you were to get the permission, that means you would only have two weeks to get the money.

P.B. Yes, about two or three weeks and during these weeks I must pay this ransom; and if not, they take back the permission.

H.K. I see, tell me about your family. How are they?

P.B. Thank you, now they are all right.

H.K. I see, you have one or two children.

P.B. I have one child, a son, eight years old.

H.K. Is there anything that you need? Anything that we could send you?

P.B. No, thank you. Thank you very much. But what can I tell the people that have now the permission, that received already the permission, and they sit and wait for help, they don't know what to do. What can I tell them?

H.K. Tell the people that the people in America, and the rest of the world, are trying to do everything they can, we are asking the American Government to talk to the Russian Government. We are asking individuals, congressmen, to speak up in congress, to tell everybody about this, to see if we cannot get or work out some kind of agreement.

P.B. Yes, yes, I hear.

H.K. Do you understand?

P.B. I understand, but you know that it is all very well. But if a man has only two or three weeks, he cannot wait so long if he has the permission.

H.K. How will we know if somebody has gotten the permission?

P.B. Perhaps you can give me your address and telephone number. I can tell these people and perhaps they can turn to you.

H.K. O.K. I will give you my telephone number, my name and address. Do you have a pencil handy?

P.B. Yes, yes.

H.K. My name is Herbert Kohn. My address is 2633 Monterey. The city is Minneapolis, Minnesota. 55416. My telephone number is 612-922-6392.

P.B. I repeat it—612-922-6392, yes?

H.K. That is correct. Now, are there people there now who have the O.K. on their visa? That do not have the money to get out?

P.B. Yes.

H.K. Can you write me their names?

P.B. I cannot do it this moment, I'm not ready to dit it; I think I can do it later, then it will be possible.

H.K. O.K.

P.B. And perhaps the best thing is if these people write to you, personally.

H.K. O.K. That's fine, or else, let them send a telegram.

P.B. A telegram, yes.

H.K. You understand?

P.B. I understand, but at the same address?

H.K. Yes.

P.B. Yes, because you understand that the struggle is one thing, but for those people that already received the necessary permission to go out. It is a pidyon sh'vuyim (Hebrew for redemption of captives) you understand?

H.K. Yes, I understand. Let me ask you some questions. You mentioned about your illness before. How are you feeling?

P.B. Now it is, thanks to God, a bit better.

H.K. What is your illness?

P.B. It is a complicated question, because I have several diseases. I got ill during my scientific work before several years, and now I am sick almost all the time. And in summer I was ill with the nerves which had to do with my struggle for leaving for Israel.

H.K. When were you let go of your work?

P.B. I don't work, I don't work about a year and a half.

H.K. Were you let go of your job?

P.B. I was gone from the job before I handed in the application. Because in another way it was impossible for me before I handed in the application.

H.K. I understand. One more question. When I called you two weeks ago, it took me three days to get through to your telephone.

P.B. I know, I know. It is not so much because of another people tell me that it takes sometimes more.

H.K. I see, but you were home during those three days. Is that correct?

P.B. Yes, yes.

H.K. Is it all right with you if we send letters to the government officials and to the American officials on your behalf?

P.B. O.K. I think it may be to help, maybe. But you must underline that I am an ill man. That I suffer from several diseases and I am a religious man, and my most, important reason why I want to go to Israel is for religious reasons. It is very important to underline this.

H.K. I want you to know that we hope you will have strength to go to Israel.

P.B. Thank you and I want to wish you and all of the American Jewry a very happy new year, and the best prosperity in the new year and much thanks for the support, and for the encouragement.

H.K. Yes, and to your family and to all of the Jews in Riga and in Russia.

P.B. Thank you.

H.K. And we want you to know that we are doing everything we can to help you.

P.B. Thank you.

H.K. I will say shalom.

P.B. Shalom, and will you call me another time?

H.K. Yes, I will call you again in one month. Four weeks.

P.B. Yes.

H.K. I will do that. Shalom.

P.B. Shalom.

THINKING THINGS OVER

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. BOLLING. Mr. Speaker, Vermont Royster in the column which follows depicts the agony of those who must make the most difficult of decisions, those that may mean life or death to the innocent. The column appeared in the Wall Street Journal of September 12 and is worth reading.

The article follows:

THINKING THINGS OVER: AGONY OF DECISION

(By Vermont Royster)

In Nicholas Monsarrat's story of man and war, "The Cruel Sea," there is a haunting scene about the agony of decision where good and evil meet confused and death hangs in the balance.

Perhaps you remember it. A German submarine has caught a World War II Allied convoy, sunk some ships and left the sea dotted with survivors. The little escort vessel has made sound contact with the submarine and is moving in to attack the attacker.

But then to his horror the captain of the corvette discovers that his attack path takes him through these swimming men, his friends, his compatriots, who think now rescue is at hand. For the sub skipper with diabolical cunning has placed himself just below them, so that there is no way for the English captain to kill the killer without killing his own.

Here then is his agony: If he drops his depth charges the men in the water, just as they are cheering in the hope of rescue, will be blown to bits. If he does not drop his depth charges, the submarine will go unscathed to sink again other ships and kill again other men.

Even that choice is not clear-cut. For if he drops those depth charges it is a certainty that his countrymen will die. Yet it is not certain that, even at this price, he will destroy the submarine. He could miss, and in that case the struggling swimmers would have died in vain.

The captain, wretched man, makes his choice. He kills his own, those there before his eyes, in the hopes that in doing so he has saved others of his countrymen unknown to him. But that is a hope only; he can never know what might have been if he had done otherwise. The only certainty is that men have died for what he did.

Monsarrat's story is a tale of war, and one might say that the evil here is war itself, which can kill men's souls as well as their bodies. But that only begs the agony. For too much of late we are being reminded that it is a parable for our times.

Consider that blood-bath at the Olympics. Here were men and women assembled from all over the world in the name of brotherhood, white, black, brown, yellow, Jews, gentiles, Aryan and Arab, political friends and political foes. It was a place where, for a brief moment, all the sentimental cliches about the common bonds of humanity were very nearly true.

Then a handful of men burst the bonds. In sheer cold blood they killed at once two men against whom they had no grievance save that they came from a different country. They bound and blindfolded others, demanding the right to take them away to a fate no one knew what, proclaiming that if they were denied they would kill all the hostages.

And there, once more, was the agony for good men. Those who had to decide could have let the assassins go, taking their hostages with them and leaving behind the innocent dead. Had they done so, no one knows what would have happened. Perhaps the others would not have died; perhaps they would have anyway in some far distant place.

On the other hand, one certainty would have been that two murders would have gone unanswered for, and the men who did them would be free to do them again. The certainty would have been also that other murderers of like mind would be emboldened, at what cost in the future to other innocents no one can know.

Those who had to decide decided otherwise. They chose to meet force with force, hoping with all their hearts to save the innocent but determined at least that evil should not pass unchallenged or unscathed.

The certainty from this is that some seventeen men have died and others lie wounded, the innocent with the rest. If we are to measure the good and evil of our deeds solely by the innocent dead, without any regard for the evil that went before and forced the agonizing choice upon good men, then the decision was wrong.

But the world allows us no such simple measure. It is no longer fashionable to speak of the struggle of good and evil, as theologians were wont to do. Yet the practicalities of the world confront us with it, whatever name we put upon it. We cannot escape the question, When some men burst forth in violence, what are good men to do about it?

On a small scale it confronts us daily. Some men rob a roadside store, shotgun an old man behind the counter, grab two customers as hostages. Or they shoot up a courtroom and kidnap a judge. Or they throw bombs in the street and barricade themselves in a rooming-house. What response can good men make when innocents are the pawns of fortune?

It is easy to buy peace from men of violence. The hijacker will not blow up your airplane if you give him what he wants. The pursued gunman will promise to shoot no more if you let him walk away in safety. Hitler would have given us peace in our time if only the world had yielded what he asked; indeed a British prime minister just that way bought it for a time—and at Munich.

So what happened last week in Munich is a parable of wide dimensions. It is perfectly true, as so many are saying, that we can now easily have peace in Vietnam and stop the slaughter of the innocents. Indeed, we could have had peace at any time these many years; the men of Hanoi have offered it time and time again. The people of South Vietnam need only to stop resisting, and we to stop helping them.

There could be peace too in the Middle East if only the Israelis would not meet force with force. Not only would there be no more war, there would be no more innocent Jews blown up in school buses nor innocent Arabs killed in counter-raids. There would be no spur to fanatics to murder at an Olympic village.

But always the question is, What of the price? Would it have been better to let Hitler have his Europe, better to let Hanoi have its conquest, to let Israel vanish, to let the gunmen of Munich have their peaceful exit, hostages and all? Should good men have paid it, and ransomed the innocent dead at Coventry, at Jerusalem, or in those paddy fields?

It has been a long time since I read "The Cruel Sea" and I still do not know how to judge that captain's decision. Nor can I judge now that decision in the night at Fuerstenfeldbruck airport.

All I am sure of is that so long as there are evil men who will demand such ransom of good men then there is no escaping the agony of choosing.

HAWAII'S CONTRIBUTION TO THE NINTH CCA; JUDGE HERBERT Y. C. CHOY

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. MATSUNAGA. Mr. Speaker, for many years before gaining statehood. Hawaii was the destination of what was then frequently called, not in the uncomplimentary sense, "mainland talent." These were men and women, generally specialists in certain fields of endeavor, who were sent to the Territory of Hawaii on assignments. Since becoming the 50th State of the Union, however, Hawaii, to the great credit of her citizens, has reversed the flow of talent. Many Hawaii citizens now serve in important positions not only in the continental United States, but also throughout the entire world.

A recent outstanding example of such talent flow reversal, from Hawaii to the mainland, was the appointment of prominent Honolulu Attorney Herbert Y. C. Choy to the Ninth Circuit Court of Appeals in San Francisco. Mr. Choy, who began his working life, quite significantly, in one of Hawaii's pineapple canneries, sits as one of 13 judges in a court just below the level of the U.S. Supreme Court. As the first Hawaii lawyer to be appointed to the Ninth Circuit Court, he also holds the highest Federal judicial post for any person of Asian descent.

The son of immigrants from Korea, Judge Choy epitomizes the child-rearing philosophy of many parents of Asian origin: Hard work and a good education.

I first became acquainted with Judge Choy at the University of Hawaii, where we belonged to the varsity debate team. He and I went on to Harvard Law School, where we earned our law degrees but at different times. Both in school and later in the practice of law, Judge Choy earned the respect and esteem of those who knew him. Indeed, today he is a fine example of "Island talent," Hawaii's contribution to the Federal judiciary.

Mr. Speaker, in order to bring the story of Judge Choy in greater depth to my colleagues and to others, I submit for inclusion in the CONGRESSIONAL RECORD Drew McKillips' Honolulu Advertiser story entitled "Day in the Life of a Judge."

The article follows:

DAY IN THE LIFE OF A JUDGE

(By Drew McKillips)

SAN FRANCISCO.—In 1930, when Herbert Young Cho Choy was only 14, he worked 10 hours a day in a pineapple processing plant in Honolulu. He was paid 12½ cents an hour and, as he recalled yesterday, "I was mighty glad to get it. There were people waiting in line behind me."

Today, the slim, 56-year-old, silver-gray haired Choy sits in a graceful, tastefully decorated office in San Francisco that comes complete with a fireplace and study. He earns $42,500 a year as one of the 13 judges of the Ninth Circuit Court of Appeals.

Choy has the distinction of holding the highest judicial post in American history for any person of Oriental descent.

He also holds the dubious distinction of traveling 5,000 miles round-trip in order to get to his job in San Francisco from his home in Honolulu. This is farther than any other judge in the United States has to go.

The Ninth Circuit Judges usually meet once a month for five days of hearings. Since being appointed by President Nixon in May 1971, Choy has made 14 trips to San Francisco for a total logging of 70,000 miles.

Choy, 56, of Korean descent, said he does not mind the extensive airplane travel.

"I kind of like the five-hour flights; it gives me time to relax and study my briefs," said Choy.

In his 15 months on the bench, Choy, who also is the first person ever appointed to the Ninth Circuit from Hawaii, said he has been leading an ever-increasingly busy life.

"The court holds hearings with any three of the 13 judges," Choy said. "This means we could actually meet simultaneously in four different locations to hear an appeal. The entire 13 judges would only sit together on a case of tremendous importance.

"We have a case load of about 2,000 cases a year—for all the judges. I've heard about 300 cases so far myself and have written the opinions in about 100 cases. On three occasions, I've written a dissenting opinion."

Choy said he usually hears appeals cases about two or three days a week in Los Angeles, with the remaining days in San Francisco. He does not own or rent a house or apartment in San Francisco, but lives in a hotel while the court is in session.

"Our case load is building up because of the decisions allowing indigents to get free attorneys and free transcripts to carry their cases on appeal," Choy said.

"The court reporters are unable to keep up with all the transcripts being demanded and the work is piling up."

Choy said he spends his time in Honolulu studying briefs and working on opinions.

"The time we spend actually hearing cases in court is the least part of our work," Choy said. "Most of our time is spent in research and studying."

Choy said he has been extremely well received by his fellow judges, but thinks it may still be a long time before a person of Oriental ancestry makes it to the U.S. Supreme Court.

"You have to remember that most of the Japanese, Chinese, and Korean lawyers and judges we have today are all first generation," Choy said. "I think it is strictly a mathematical thing. You can't expect a U.S. Supreme Court justice out of a first generation crop of lawyers."

Choy was born in the sugar plantation town of Makaweli, Kauai. His parents were both born in southern Korea and came to Hawaii as immigrant children.

He graduated from the University of Hawaii in 1938 and got his law degree from Harvard in 1941. He enlisted in the Army on Dec. 8, 1941. As a member of the ROTC, he entered the Army as a lieutenant and left as a captain, having served in both Korea and Japan. He is tri-lingual. He speaks Korean, Japanese, and English.

After Army service, Choy went into private practice with a firm that included Hiram Fong and Katsuro Miho. Fong is now a U.S. senator from Hawaii and Miho is still in private practice, although serving as a part-time federal judge on Wake Island.

Choy was in private practice from 1946 until 1957. He spent 1957 and 1958 as attorney general for the Territory of Hawaii, returning to private practice until he was named to the Ninth Circuit last year.

Choy is married to the former Helen Shular, whom he met during the war while attending the School of Military Government in Charlottesville, Va.

An avid surfer for 40 years, Choy gave the sport up a few years ago when he was seriously injured in a surfing accident off Waikiki.

"I've taken up tennis now," Choy said. "I might get tennis elbow but I won't drown."

FIRST OPTOMETRIST CHIEF OF CORPS RETIRES

HON. ROBERT L. LEGGETT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. LEGGETT. Mr. Speaker, this month the first optometry officer in the Armed Forces to reach the position of chief of a corps, retires after over 30 years of service to his country. Col. Floyd M. Morris, chief, Biomedical Sciences Corps, U.S. Air Force, as he retires, leaves a number of firsts behind him.

He was the first doctor of optometry to receive a commission in the U.S. Air Force as an optometry officer. Sixteen years later, he was the first to fill the position of associate chief for optometry in the Biomedical Sciences Corps. He was the first optometry officer to reach the rank of full colonel. He was the first optometry officer to be named deputy chief of a corps.

In February 1970, Colonel Morris received his next "first" when he was appointed as the chief of the Biomedical Sciences Corps, which is composed of optometrists, pharmacists, physical therapists, occupational therapists, clinical psychologists, health physicists, aerospace physiologists, and other allied health professionals.

In 1942, Colonel Morris enlisted in the then Army Air Corps and, a year later, was commissioned, receiving his navigator's wings.

Graduating from Northern Illinois College of Optometry, he was assigned as chief of Optometry Services at Wright-Patterson Air Force Base in Ohio. During his 10-years as chief of the Physical-Physiological Optics Section in the Ophthalmology Department of the Air Force School of Aerospace Medicine at Brooks Air Force Base, Tex., he earned his M.S. degree in physiological optics at Indiana University. In 1967, he was awarded the honorary degree of doctor of ocular science from Southern College of Optometry and in 1971, gave the convocation address at Illinois College of Optometry when he was awarded the honorary degree of doctor of science in optometry.

Before being assigned to the Capital, he was chief of the Optometry Service at U.S. Air Force Hospital in Wiesbaden, Germany, and consultant to the Surgeon of the U.S. Air Force in Europe.

Colonel Morris has been active in his national professional organizations, The Armed Forces Optometric Society and the American Optometric Association. He served on national committees on military affairs and visual problems in aeronautics and space.

Colonel Morris lives with his wife and children in Potomac, Md., and on retirement, will join the professional staff of the Group Health Association of America, headquartered in the District of Columbia.

I would like to join his many friends in wishing him well as he enters the civilian world and congratulate him for his years of dedicated service to his fellow servicemen.

WE NEED A NEW TANK

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. FLYNT. Mr. Speaker, the June issue of Army magazine featured a highly intelligent article entitled "We Need a New Tank' by Gen. James A. Polk, U.S. Army, retired. General Polk discusses the current concentration on defensive systems in our R. & D. effort at the expense of the infantry-armor team with its asociated combat vehicles and weapons. Basing his discussion on the principle of mobile defense, General Polk points out a very real need for a new tank design and outlines its basic requirements.

The implications of this article deserve our careful attention:

WE NEED A NEW TANK

As every military man knows, some of the most momentous struggles in which his profession engages are not necessarily confined to the battlefield. These are the tussles over a new weapon system or concept—bloodless in a liberal sense, but whose outcome is so vital that it can spell the difference between success and failure when troops take to the field.

Such an issue is the current debate over the future of the tank in the U.S. Army, a future which is becoming increasingly cloudy as exponents seek to move its development forward against such criticism as that it is too expensive to be cost-effective or that it represents an outdated system that cannot live on a modern battlefield.

And yet, no nation, corporation or research and development agency has ever invented a suitable substitute for the tank. In providing mobile, armor-protected firepower in any kind of weather, day or night, under any intensity of battlefield conditions, no other weapon system is its equal in all characteristics.

Moreover, unless we build a new tank to replace the tired, old second-rate M60 series there is no doubt that we will be in an inferior position among the world's armored forces. Today, both the West German Leopard and the British Chieftain tanks exceed our M60A1 in both gunnery and mobility; moreover, the U.S. tank presents the highest target silhouette on the modern battlefield.

It is clear that the lessons of history are going unheeded as we drift into a runner-up spot in the quality of our armor. In World War II, the German Panther and Tiger were far better than our Sherman in both hitting power and armor protection, and we paid for this inferiority with much American blood. When the Korean War broke out, the closest U.S. tanks were in Hawaii and, to our shame, the first battalion of infantry troops to make a stand in Korea was overrun by the old Russian T34.

The new Leopard II now in production will far exceed our M60A1, most of which have been returned to the U.S. Army tank plant at Mainz, Germany, for their second or third rebuild. In a belated effort to correct this situation, the Army now is engaged in a program to "modernize" the M60A1 fleet in Europe on the third or fourth rebuild cycle over a four-year span. When modernized, this reworked, "A3" version will not be the best tank on the European battlefield by any stretch of the imagination.

With all this, we continue to pour money down the hole represented by the M60A2 missile-firing tank. When that exercise is finished, we will field what is called a product improvement, some 540 tanks costing $450,000 each which the Army at this very moment is trying to decide how to both employ and maintain. In 1966 as assistant chief of staff for force development, I recommended that we cut our losses and drop this particular product but was overruled because the sunk costs were too high and, besides, the problems could be "fixed." We are still fixing them and the sunk costs have doubled.

The latest act in this tragedy of errors occurred in December, 1971, when the joint Senate-House committee killed the main battle tank program (MBT 70), despite a rather half-hearted reclama by the Army staff and the expenditure of about $400 million in research and development. The joint committee's recommendation, as approved in the Appropriation Act for 1972, allocated $20 million to terminate the program and another $20 million to begin all over again.

So died the greatest tank ever built—the one that met and exceeded Robert McNamara's directive to push the state of the art in every feature of performance.

Why did the project fail and why was the program terminated? First and foremost, it appears to have been a matter of per copy cost and some curious associated logic. While we are quite willing to pay staggering sums for aircraft or missiles or nuclear weapons to support the infantry-armor close-combat battalions, we are unwilling to arm them with the very best close-combat equipment, despite the cost. In the new fiscal 1973 DOD budget request, the Army has asked for $48.9 million to buy 166 M60A1 tanks (about $300,000 each). Also requested is $104.8 million to retrofit the M60A2 tanks so they can at last enter service, making the total procurement budget for tanks about $154 million. At the same time, the budget for Army missile procurement is $1.33 billion.

However, here is another interesting figure: The total procurement bill for military aircraft (Army, Navy, Air Force and Marines) in the FY 73 budget is about $5,400 billion. Or put another way, we are requesting 35 times as much money to spend on aircraft as we are on tanks, and most of these aircraft are scheduled for employment by general purpose forces, to be used in support of the ground-force battle. Apparently, in building the deterrent and war-fighting armed forces for the mid-1970s, we believe that aircraft are much more important than tanks on the outworn theory that if we win the air war, the enemy will surely capitulate. One more statistic: the Army is spending 13 times as much money on missiles as it is on tanks. One can only conclude that the close-combat forces are relatively not very important in the overall equation.

Another way to view the money and emphasis devoted to the new main battle tank and associated direct combat systems is to look at the 1973 Army R&D budget request. First, Army Materiel Command will continue to develop those major tank components from the XM803 (formerly the MBT 70) project that appear to be likely candidates for consideration in the new program, and requests $19.7 million for the task. Moreover, all major research and development that can be considered close-combat-oriented are requested as follows:

	Million
Bushmaster automatic cannon	$5.6
Prototype infantry combat vehicle	10.8
Armored scout vehicle	15.6
New tank components	19.7
Total	51.7

The total Army R&D request is $2,063.7 million, of which about 2.5 percent is devoted to the three combat vehicles as noted above. In contrast, the Army is requesting $132.6 million, or 6.4 percent, to develop three helicopter types that will be used in support of the three new fighting vehicles. These second-generation helicopters (attack, utility and heavy-lift) are to replace first-generation helios that were produced well after the older generation of ground combat vehicles entered the inventory but by the testimony of the chief of R&D, highest priority is nonetheless to be given to air mobility in the 1973 program.

Continuing on cost, one is struck by the attitude of our defense legislators and their reasoning that a competition between two new tank prototypes will bring costs of the final product down and "get us out of the doldrums" in the tank program. Surely they have set back the program from six to eight years and the new R&D costs will undoubtedly exceed the requirements of the old development program by from $100 million to $200 million. Any chance we may have enjoyed to build a modern, first-class tank for about $600,000 is gone, what with inflation and the cost of technological advance, unless we are willing to settle for another "catch-up" product. With a totally new requirements document due in the Pentagon by August, the whole dreary process begins anew, meaning that our armor-infantry team will continue to be second-best well into the late 1970s.

A realy vitriolic and detailed attack on the Army's armor program is included in "An Evaluation of the Austere MBT70/XM803 and an Analysis of the Overall Armored Vehicle Program," a report by the Surveys and Investigations Staff of the House Committee on Appropriations. It is published as an appendix to Part 5 of the DOD procurement hearings for 1972 and is a classic in incorrect data and poor logic, although it does give a clear insight into why Congress killed the new tank.

The report emphasizes the engine and transmission development controversy and the problem of excessive costs. With regard to the first, curiously enough, the Army had elected to continue development and test of the Tledyne engine and Allison transmission instead of the German Bentz and Renk combination. The latter choice seemed not only technically correct but wise in view of current gold flow and budget problems; yet the report is most critical of this "buy American" approach. The report quotes some unidentified experts who are obviously enemies of the program and are careless with their facts. At the same time, the report ignores the unbiased opinions of some very eminent civilian scientists who checked the program in detail as late as the summer of 1971. The opinion of these outside scientists was that the three items originally considered a technical risk (power pack, caseless ammunition and automatic loader) had been resolved and that what was now required was no longer a risk but rather an integration-and-test program.

Moving on to the question of survivability, a tank's quotient or score in this area is made up of a complex mix of mobility, silhouette, slope and quality of armor along with interior arrangement and stowage. For instance, the T54/55 series is smaller and lower than the M60 and about the same in mobility, but is extremely vulnerable because these Soviet models carry fuel in exterior containers and both fuel and ammo are stowed together inside the hull. For this reason, a penetrating hit on the right side of the frontal plate (beside the driver) is a guaranteed catastrophic kill.

From lessons of the Arab-Israeli Six-Day War, considerable thought and careful design were devoted to reducing vulnerabilities in the XM803 so that in mobility and silhouette it was far ahead of its competitors. The innovation of spaced armor, intelligent fuel storage with self-sealing tanks, bulkheads and fire doors as well as blowout vents for ammunition stowage areas were all incorporated—of course, at some considerable cost. This made the XM803 the safest tank in the Allied inventory as well as the most difficult to hit or kill.

By contrast, when considering cost effectiveness it is almost axiomatic that the most vulnerable, most costly and least survivable system on the modern battlefield today is the fighter-bomber. Considering the tremendous quantity and sophistication of Soviet air defenses, there is real doubt that our most modern fighter can accomplish the close-support mission in the traditional sense. To survive, it appears that the fighter must come in very low and very fast with poor target identification or it must attack in a standoff or fire-and-forget mode. To quote John Foster, director of defense research and engineering, the Air Force in the FY73 R&D budget is "spending large amounts of money to detect, identify, locate, confuse, deceive, suppress and destroy enemy ground-based air-defense systems." It appears that we will soon be in a position where the single fire-and-forget missile will cost more than the tank it destroys, or it will take five confusing and suppressing aircraft to support the one in the close-support sortie. The limited utility, low survivability and high cost of aircraft in this role brings into question its value in terms of other alternatives.

But to return to survivability, the tank is often cast in the role of moving down a road or crossing an open space where it stumbles onto an antitank crew in ambush and is destroyed. While there may be some doubt as to the winner in this encounter, there is no doubt as to what would happen if the roles were reversed and the TOW crew, however mounted, stumbled onto the tank. However, engagements are not fought as duels but rather as all-arms attacks, wherein the TOW and Dragon antitank crews, in the open or in foxholes, must face and survive an artillery preparation, followed by the direct and area fires of tank cannon and coaxial machine guns and finally the assaulting infantry while they in turn are engaging enemy tanks. And since these new AT weapons have a considerable firing signature [features of a weapon's fire—for example, muzzle flash—that make it vulnerable to detection by the enemy] and tanks attack generally in platoons or companies, any brave and unprotected AT crew can be sure that upon scoring a hit on the first tank, the remaining tanks will be hunting that crew like the hounds of hell. To destroy a tank requires a well-trained crew with a special-purpose weapon at the right place and at the right time, and even then the outcome is in some doubt and the ultimate survival of the AT crew is highly questionable.

In order to understand the relationship of the various battlefield weapon systems and their contribution to the overall combat results, one must understand both their limitations as well as their ideal utility. Put another way, under certain conditions of terrain, weather and situation, a particular system becomes dominant while a major change in these conditions may cause the same system to almost become a passive observer. To illustrate, in the battle of El Alamein (1942), the infantry and combat engineers spearheaded the attack and were critical to breaching the minefields; yet once the British attackers were clear of these defensive barriers, the tank forces were dominant and settled the issue. Obviously, each was essential to the success of the other at some phase of the operation.

In examining the TOW and Dragon antitank system and its contribution, one must agree that it obtains maximum utility in the defense when carefully emplaced, with good observation and long-range fields of fire. The system has a high firepower score, for it is extremely effective against moving and stationary tanks, even under marginal visibility conditions. Since the missiles are so expensive and are issued to crews only in limited numbers, these must be husbanded and used generally against tank targets only; that is, as a single-purpose weapon system. Moreover, the system's vulnerability score is poor, for the weapon has a strong signature and both crew and weapon can be destroyed readily by any battlefield weapon that engages it. Finally, the system is mobile in the sense that it can be readily lifted by helicopter, truck or jeep. However, it is difficult to man-carry and slow to set up for action and, of course, has no combat potential while in motion. Its value in an attack is virtually zero except in a very limited supporting and overwatching role. However, and most important, it gives the infantry battalion a strong defense against enemy tank attacks and thus corrects a serious weakness of many years' standing.

Of the new weapon systems, the attack helicopter is another that has aroused great interest and considerable controversy. And again, this system has a very high firepower score with its cannon, rockets and antitank missiles all capable of destroying almost anything in the battle arena; and unlike the TOW it has a multipurpose weapon capability. It is also highly mobile and agile and can fly in weather that grounds fixed-wing craft. These valuable characteristics are offset by extreme vulnerability to automatic weapons as well as to the regular antiaircraft and Redeye type of weapons as demonstrated in Vietnam. Thus, vulnerability determines the tactics and technique of employment, and the attack helicopter attains maximum utility in a war of movement when employed in an ambush type of action. Employing speed, mobility, surprise and an impressive array of weapons, it can harass, delay and inflict casualties among advancing enemy columns and armor thrusts while supporting the ground counterattack with firepower. The parallel is somewhat like the Minutemen at Lexington—but recall that the British never repeated that error. Since the system cannot attack or defend in the true sense of constant domination of the enemy and his position, it must be cast as a supporting system similar to tactical aircraft. In this supporting role, it adds new dimensions and possibilities to the commander and assists the infantry-armor team in a new and exciting dimension. Unfortunately, by itself it does not win battles.

In this vein, somehow in the past decade we have gone in very heavily for defensive systems in our R&D effort, in tune with the inherent defensive nature of our alliances but not actually in tune with the philosophy of flexible response. Thus mines, sensors, radars, antitank weapons and barriers get much attention while the infantry-armor team with its associated combat vehicles and weapons has been neglected. Despite this trend, any good defense—as countless historical examples have demonstrated—cannot be structured as a linear and rigid occupation of key terrain or position. Rather than to stand and die in place, the modern defense must consist of a light security force, a reasonably held defended area (not a static position area) and a sizable counterattack force ready to intervene at the point of enemy main effort. This principle, called the mobile defense and the very foundation of NATO's mission, is so basic as to seem ridiculous to restate, yet it needs reiteration and much more emphasis. The forward defensive strategy needs the counterattacking tank-infantry team to make it work, to blunt main efforts, to hit the flanks of breakthroughs and to clean up the spillovers around our strong points. If our defense is to succeed, we must maintain an impressive capacity to carry combat power to our adversary, to counterattack and to drive him and dominate him and destroy him. To do otherwise is to fail. At least one historian maintains that it was not corruption and dissipation that led to the fall of the Roman empire; rather, it was that the Roman army forgot how to counterattack.

A brief comparison of the Soviet T62 with our M60A1 may help shed some additional light on future requirements. First, the T62 is considered the best ballistically shaped modern tank and is exceeded in mobility only by the German Leopard. With an overall height of only 2.3 meters, the T62 is almost one meter lower than the silhouette of the M60A1 at 3.26 meters. While it is lighter, faster and lower than the U.S. combat tank and hence hard to hit, it is probably more fire-prone and more vulnerable to catastrophic kills because of exterior fuel tanks, inferior armorplate and a magnesium alloy engine housing.

The T62 mounts a 115-mm smooth-bore gun that fires fin-stabilized hollow charge as well as APDS (armor-piercing, discarding sabot) rounds, the latter at more than 5,000 feet a second. The gun is considered a very good performer out to about 1,500 meters, but at longer ranges develops severe inaccuracies. It has a stabilizer but no range finder, carries the T55 tank's infrared night-fighting equipment and mounts the standard coaxial machine gun. In the assault, Soviet platoons of three tanks each normally employ the short-halt technique and at extended ranges will fire by platoon at a single target.

The M60A1, with an excellent gun, ammunition, range finder and fire-control combination is unquestionably superior to the T62 in engagements at more than about 1,200 meters range. At shorter distances, the systems are about even and the first tank to fire is probably the first to hit and win. The U.S. infrared and white-light equipment is generally similar to Soviet equipment and suffers from the same limitations so that there appears to be no net advantage between the two in night fighting.

In general, one can conclude that the American M60A1 tank has a distinct advantage in clear weather at extended ranges, particularly in defense or ambush situations, but that the T62 is better in the attack or counterstroke role. In sum, it appears that in any large present-day tank-versus-tank battle, the U.S. tankers must cut the Soviets down to near equivalent numbers at long range and early in the engagement if they hope to win.

The real gut question now is to determine what direction the Army should take in drawing up the new requirements document and in building the subsequent prototypes. Presumably to satisfy Congress, the tank must be fairly cheap. should avoid complexity and excessive sophistication and yet handle the Soviet threat in all its aspects—a very large order indeed. There is also an implied Congressional requirement that the new prototype be significantly different from the rejected XM803. Unfortunately, in none of its deliberations did Congress say what sort of performance is desired in the new tank, yet this is surely the overriding determinant of the final product.

First, if we are forced to cut costs and reduce performance, the new tank can forego the missile and rely primarily on a high-velocity kinetic energy (KE) round as its primary tank-killer. Since the cross-over point of effectiveness between the KE round and the missile against moving targets in the XM803 system was somewhere between 1,500 and 2,000 meters, this decision means that we will not be able to hit moving targets beyond this point except by chance. To illustrate, with our current M60A1 system and despite much intensive practice and training, the gunner has great difficulty in hitting a target moving at a constant speed and a crossing track at 800 yards. The skill required is somewhat like that of a trap or skeet shooter and requires superb hand and eye coordination with sufficient practice to judge the lead from almost any angle of observation. By comparison, the skill required to hit with a missile is child's play.

The Soviets realize full well that their gun-ammunition-fire control combination is inferior to most Allied tanks out beyond 1,000 and 1,200 meters, primarily because their tanks are not equipped with a range finder and the gunner must estimate the range to the target. On the other hand, at 1,000 yards or closer the Soviet gunner can employ the simple telescope for direct laying and does not need to range as the trajectory drop of the projectile at that distance is not sufficient to cause a miss. Because of this, in both doctrine and in actual practice, to be certain of hitting they attempt to rush the objective and close the range as rapidly as possible. They are willing to pay the price in this somewhat desperate tactic, just as they did during World War II in the human sea attack. Thus, a decision to give up on an ability to kill moving tanks at extended ranges is a serious one, demanding careful study of the trade-offs involved.

Next, the new prototype tank can forgo the hydromatic variable suspension system and adopt a tube-over-bar substitute, a rather modest product improvement over the current torsion bar method.

In such a pure mechanical system, the variable silhouette is lost but, more important, far greater demands are placed on a gun stabilization system than did the more responsive hydromatic system. Obviously, the better the suspension system and the smoother the ride over varied terrain at speed, the less demanding is the performance required of the gun stabilizer. At some point in a degraded performance, the ability to fire the main gun accurately on the move is lost and the gunner is forced to adopt the "short halt" method.

The short halt has been used for some years as an accepted technique by the Warsaw Pact nations as well as by British tankers, and will be used by the Germans with their Leopard II. The Soviets teach that their rather gross order stabilizer permits the gunner to identify the target and to aim and hold the tank common in rather close alignment to it, thus enhancing survivability by maintaining motion. At the short halt, the gunner then refines his aim to a precise gun lay, fires, and the tank automatically moves out again—all in less than 15 seconds. Unlike our accepted technique, he does not wait to determine his success in order to fire an adjusted second round but goes through the short halt procedure again, as often as required for a sure hit. In addition, the stabilizer refines the accuracy of fire of the coaxial machine gun in the final phases of an assault. Obviously, a stabilizer with this kind of general accuracy is cheap, fairly simple and reliable and will be installed in the rebuilt M60A1 series, giving our old workhorse tank a capability at least equal to that of the T54/55.

Another way to simplify the design and save money is to eliminate the automatic loader and go back to the four-man crew, with one crewman manually loading, probably with some kind of mechanical help. Unfortunately, this solution requires a whole new tank design which is probably the case in any event. However, the automatic loader gives the combat tank two important attributes by insuring both a faster rate of fire and the ability to load and fire on the move. The former is important in short-range engagements where it is fairly easy to hit and speed of engagement becomes the critical factor. Put another way, when one side is outnumbered and to hit is to kill, the rate of hitting will determine the outcome; otherwise the large force will defeat the smaller at a geometric rate as comparable attrition widens the disparity between the forces. Secondly, and probably more important, the lack of an automatic loader will significantly reduce the ability to fire on the move and will require a return to the burst-on-target or the short-halt technique, discussed earlier. It simply is not possible for a strapped-in crewman in a highly mobile and lurching vehicle to be efficient in selecting the proper type of round and to load it, even when the round is within reach. Moreover, it should be clear at this point that the counterattacking tank, in order to fire accurately and quickly while advancing toward the enemy threat, requires a high order of agility, improved suspension, advanced stabilization and an automatic loader.

Although quite costly, we simply cannot afford to economize on the recently developed night viewing and sighting optics, as these give us a very real and important advantage over our potential adversaries that they can hardly afford to match.

These new developments give the tank commander excellent passive night vision and the gunner a laser illuminator sight for precision shooting. Not only are these refined devices a considerable improvement over the current infrared and white searchlight system; they lack the searchlight's vulnerability to detection and destruction. Interestingly enough, the Israeli forces have given up on the searchlight due to what they call its instant battlefield mortality.

Finally, it is indeed regrettable that the six second-generation XM803 prototypes were never built after the expenditure of so much R&D money. Any new or different features that may be incorporated or developed in the new tank cannot be measured against the XM803 except in the abstract.

We will never know the relative merits of the two systems. However, we do know that we have lost six to eight years; we will increase R&D costs by $100 million to $200 million; and we may hope to produce a tank that will be clearly superior to the projected Soviet tank of the late 1970s. That it will be cheaper than the XM803 is indeed doubtful; that it will be the best tank on the battlefield is by no means clear. But it must be.

I, for one, believe that the U.S. tanker deserves the best: a tank that can dominate the battlefield in the years ahead. Thus, it should have the expensive built-in survivability of the XM803, an impressive ability to fire and hit on the move and be able to kill moving targets out to extended ranges.

Furthermore, it requires the latest and best and admittedly expensive night viewing and sighting devices to give it the required 24-hour combat day. All these characteristics are attainable without technical risk, so if the price in maintainability and sophistication is high, we should be prepared to pay it. If the price in dollars is high, we can forgo or delay some other expensive system used in the supporting role. To do otherwise is false economy at its worst.

POSTAL SERVICE KEEPS RATES DOWN

HON. ROBERT B. (BOB) MATHIAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. MATHIAS of California. Mr. Speaker, our Postal Service has seldom been credited with anything new. It was, therefore, surprising to hear that Postmaster General E. T. Klassen told the recent Postal Forum that because of commendable economies he will not ask for the additional $450 million in postage rate increases originally budgeted for early 1973.

It is rare for any Federal agency to give up budgeted money. For the Postal Service, such action was unprecedented.

Postmaster General Klassen deserves credit for this astonishing and welcome development.

HOBOKEN KNIGHTS OF COLUMBUS BUILD CHAPEL FOR NATION'S 200TH BIRTHDAY

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, I am very proud to report to the Members of this House that a most unique observation of the 200th birthday of this Nation is being prepared by the members of Hoboken Council No. 159 of the Knights of Columbus. I would like to bring this fact to the attention of all Members of this House.

On Hudson Street, in Hoboken, N.J., is the nationally known Shrine of Our Lady of Fatima which each day attracts persons of all religious faiths who wish to pause for a moment of prayer and meditation. Those who have been in Hoboken will recall that the city council of Hoboken has renamed the area as Our Lady of Fatima Place.

The Hoboken Knights have decided to honor the patron saint of this Nation, Our Lady of the Immaculate Conception, and the 200th anniversary of the Declaration of Independence by building a chapel to be known as "Our Lady of Fatima Chapel."

Matthew A. Grimley and Fred Pescatore, both members of the Hoboken Council for more than two decades, are the cochairmen of the building committee.

Mr. Speaker, on August 15, 1972, at the feast of the assumption of the Blessed Virgin Mary, the following resolution was adopted by the Knights of Columbus Columbian Club:

> Whereas the 200th Anniversary of the Founding of the United States of America will be marked on July 4, 1976 with appropriate ceremonies throughout the Fifty States and the Territories, and
>
> Whereas the commission appointed by President Nixon to properly mark the occasion has suggested that in addition to the Major ceremonies at certain locations, each City, Town and Hamlet mark the 200th Anniversary by erecting a suitable monument or building of a lasting nature that will forever remind future generations of the greatness of these Fifty States so greatly Blessed by Almighty God, and
>
> Whereas the United States of America is dedicated to the Holy Mother of God under the title of "Our Lady of the Immaculate Conception" and has been ever mindful of her intercession, and
>
> Whereas the K–C Columbian Club of Hoboken, Inc. and Hoboken Council No. 159 of the Knights of Columbus (whose members are equal owners of the K–C Columbian Club of Hoboken, Inc.) have been blessed through the intercession of "Our Lady of Fatima" whose Statue and that of the Portuguese Children adorn the lawn at our Clubhouse, and
>
> Whereas the area fronting 712–714 and 716 Hudson Street, in the City of Hoboken, County of Hudson, State of New Jersey, United States of America, has been officially designated by the Council of the City of Hoboken as "Our Lady of Fatima Place", an honor unique to the Knights of Columbus, with a membership of over 1,000,000: Therefore be it
>
> *Resolved*, That to properly mark the 200th Anniversary of the Founding of the United States of America, there be erected directly behind the "Shrine of Our Lady of Fatima", a one story cinder block building to be known as "Our Lady of Fatima Chapel" in which the Ceremonial Memorials and other aspects of the Knights of Columbus would be properly presented, and be it further
>
> *Resolved*, That the general public be invited to join with us in honoring the Holy Mother of God under her title "Our Lady of Fatima."
>
> Presented on the Feast of the Assumption, August 15, 1972.

PENSION RIGHTS FOR THE NATION'S DEFENSE WORKERS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. GOLDWATER. Mr. Speaker, I have grown increasingly concerned over the loss of pensions for the employees of defense contractors. Thousands of loyal Americans have lost all pension rights during defense cutbacks these past 2 or 3 years.

These employees were planning on the pension as security when they become 65 years of age. Through no fault of their own, a contract may be reduced on eliminated, and they lose not only their jobs, but their pensions as well.

For this reason, I plan to offer an amendment to the Defense Appropriations bill on Thursday, which would direct the Secretary of Defense to insure that all employees working on a defense contract are covered by a vested retirement pension program. The amendment would give the Secretary the discretion to issue standards for these retirement plans. I firmly believe all pension plans should be vested within 5 years, and that an employee should be able to transfer his pension between contractors.

It is my hope that if this program becomes a reality, it will serve as a model for all private pension plans. I hope my colleagues will join with me tomorrow and support this proposal.

The amendment follows:

AMENDMENT TO H.R. 16593, PROPOSED BY MR. GOLDWATER

> On page 52, after line 8, insert the following:
>
> SEC. 745. No part of the funds appropriated under title IV or V of the Act shall be made available in regard to contracts awarded or negotiated after the enactment of this act unless the Secretary of Defense shall first find that all persons employed under such contract or subcontract thereunder, are covered by a vested retirement pension program approved under such standards as the Secretary of Defense shall prescribe.

CONGRESSMAN REUSS SPEAKS OUT

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. PICKLE. Mr. Speaker, a colleague whose judgment and expertise commands high regard in this Congress is the Honorable HENRY REUSS, of Wisconsin.

Especially in the difficult and complicated realm of finance, few steps are taken in this body without first sounding out the views of Mr. REUSS.

Now, in an interview in the September issue of the Government Executive, Mr. REUSS speaks his mind on problems of finance and on another issue of abiding importance to him and to the Nation—the environment.

The respect accorded him has been hard earned. He is known as a man who has applied his able talents to every detail. He does his homework, as we are fond of saying, and he knows his subject matter.

I would like to share this interview by placing it in the RECORD at this time:

IN ECONOMY AND ECOLOGY—WISCONSIN'S HENRY REUSS: WHERE WILL ALL THE DOLLARS GO?

(By Scot MacDonald)

HIGHLIGHTS

1. The next Chairman of the House Banking and Currency Committee will probably be Rep. Henry Reuss (D-Wisc.).
2. He believes a successful approach to industrial polluters is an effluent charge (or fine).
3. He strongly supports tax reform early next year.
4. "I would lift (wage-price) controls on all except the very major segments of the economy."
5. "We have to restore a sound domestic economy: full employment without inflation."
6. An international banking agency should be made "the main, if not exclusive, instrument of whatever development aid we give."
7. He suggests where the national budget should be cut and how the Banking and Currency Committee can be improved.

To have a Germanic-sounding name in Milwaukee is an asset for a politician. To be a liberal Democrat is another, particularly in the Fifth District with a 29 percent black population. To be shrewd without being shrill, sincere without recourse to shibboleths, are others.

But all these, and other attributes do not guarantee election, as Henry Reuss (pronounced Royce) found out in his first three attempts at public office—mayor, state's attorney general, and U.S. Senator. In 1964, he succeeded in the race for U.S. Representative, and has been returned to Congress each election without interruption. It takes no political pundit to predict that in the upcoming election, history will repeat itself. He is a power house at the polls, garnering 76 percent of the votes last general election.

Reuss' success formula is patience, empathy and knowledge—in about equal amounts. These are reflected in his two major interests in Congress, the environment and economics—with an understandable preference for the latter: he comes from a Milwaukee banking family.

For a number of years, he was chairman of the House Banking and Currency Committee's subcommittee on International Finance. "I simply got into it," he told *Government Executive*, "because nobody else really was doing it, and I thought it important that Congress have at least one person who studied up on these difficult matters."

These studies have been spectacularly successful. He has gained the reputation of being a man to be listened to in economic matters. Indeed, he frequently dines with Robert McNamara, president of the World Bank, and Pierre Paul Schweitzer of the International Monetary Fund. In response to a query, he explained, "hardly a day goes by that somebody from somewhere in the world—either the president of the Central Bank, or a Finance Minister, or a Member of Parliament concerned with these matters, or a private banker or industrialist will come in to see me." The explanation was given without boast, and qualified: "Of course, it's very helpful to me. I learn what they're thinking."

Among other things, "they" are thinking that Reuss, barring some unforeseen circumstance, will probably be the next chairman of the House Banking and Currency Committee—currently held by 79-year-old Wright Patman (D-Texas).

Despite his inconspicuousness in the eye of the general public, albeit he is a headline hunter, he has scored significant successes that should cause the public eye to be more discerning. Among them:

In 1970, he introduced a bill that would permit the President to impose a wage-price freeze, and successfully guided it through the Congress. A year went by before Nixon exercised that power—with reluctance and discernible effect.

In 1971, his subcommittee issued a report that recommended divorcing the dollar from gold, and within a fortnight the dollar was floating against other currencies.

"I don't do much talking about it at home (Milwaukee)," Reuss said, "other than before special groups—like financial people or trade people. It is very difficult for the average man in the street to see how his livelihood is affected by what happens in the international monetary matters. His livelihood is, in fact, affected, but it's complicated."

Of these same constituents: "You would be surprised at the number of people who you would not think would have the slightest interest in international monetary matters, who do give me their views or ask me for mine. But I would be misleading you if I said this was a great popular issue."

Reuss gave up his chairmanship of the International Finance subcommittee (he is still a member) to head the Government Operations subcommittee on Conservation and Natural Resources (which he set up in 1969). Conservation has been a lifelong enthusiasm; he is an ardent camper, fisherman and skier.

It was typical then, when Reuss tackled the Department of Interior last April, on its report on the state of the domestic mining and minerals industries. Joined by Rep. John D. Dingell (D-Mich.), chairman of the subcommittee on Fisheries and Wildlife Conservation, he charged, "the report reads as if it were written by the American Mining Congress, rather than a Federal agency with broad environmental responsibilities." He further described the report as "an industry-oriented cop-out."

But this heavy attack may have been largely political even though his personal concern for the environment is very real. Reuss' fiscal background has tempered natural concern with the world of reality.

"Just as surely as this (national) environmentalist movement got underway," he told *Government Executive*, "you could be sure there would be some kind of backlash against it. And that too has occurred, is occurring."

THE BACKLASH

The backlash, in his opinion, is both justified and unjustified.

"The justified part is, of course, the idea of no more economic growth. It doesn't make any sense if we're going to choke off all economic growth. How are we, for example, going to find the wherewithall to clean up our environment? How are we going to provide jobs for our citizens?"

It makes no sense, he said, to act as if the Nation did not need new and more important sources of electric power—"be it fossil fuel or nuclear."

When he cites the unjustified part of the backlash: "I have reference to industries that should have cleaned up and flown straight long ago," instead of "trying to string things out, trying to use every political and other pressure they can, to avoid doing what they should have done some time ago."

And he's tough. He does not believe the Government should bail out a company who could not find it economically feasible to adopt devices that would cut down the effluence to an acceptable level. "I would not be inclined to think that anything useful can be done by a subsidy to keep an obvious uneconomic company in being."

He believes a successful approach to industrial polluters would be levying of an effluent charge. "Impose a charge on industry," he said, to the extent that it uses public resources of water or air—and thus give it an incentive to avoid having to pay the effluent charge by developing new methods of pollution control." And this, he feels, stands a very good chance of becoming law, describing it as a dis-incentive to pollute.

"I think what is needed, actually," he amplified, "is a combination of the stick and carrot—the carrot being tax breaks—to enable industry to install the very costly anti-pollution equipment . . . sometimes a whole new plant; and the stick being an effluent charge—or if you want to use a less pleasant word, a fine—which is remitted once the polluting has been stopped. I think you probably need both."

Regulations, he firmly believes, should be Federal.

"We're talking about national interest in clean waters. I don't think it would be fair to the state of Washington, which has an aggravated problem of papermill pollution on Puget Sound (as well as an aerospace problem), to foot the entire bill. I think that should be a national expenditure."

His own state has environmental problems—in dairy, tanning and paper industries. "That's why I am as insistent about national standards as I am.

"What shall it profit the state of Wisconsin if it purifies its paper industry only to see if all move to states that advertise water is plentiful: 'Come and pollute our streams; we'll be delighted to have you.' That merely transfers the problem for a few years and ruins a few more bodies of water."

In the dairy industry: "Our creamery wastes consist largely of whey, which is poured into marshes. And the first time it rains, the rain water pushes the creamery waste down to the nearest lake. And there are lakes in Wisconsin that closely resemble cottage cheese, where the creamery waste has been poured."

In other countries, whey is a valuable dairy product, with a taste suggestive of sour cream. Dairies in this country have not found it profitable to market.

Animal excrement is another befouler of the environment, particularly since the invention of concentrated feedlots for cattle some 10 years ago. Previously manure was used to fertilize the following year's crop of alfalfa. "Well, I think we ought to consider whether we aren't flouting Mother Nature in an uneconomic way," Reuss observed.

SOCIAL SECURITY

"All I'm saying is that the two things I'm interested in—economics and ecology—have to be much more happily married than they are now."

Turning back to the economic scene, he emphasized need for tax reform.

"The first reason," he said, "is that the average taxpayer is fed up with the idea that a relatively small number of taxpayers, due to one loophole or another, are not paying their fair share of the tax burden. This means (the average taxpayer's) burden is increased, whether his burden is the local property tax, or the state sales tax, or the Federal payroll tax for Social Security, or his own income tax.

"If he's a wage earner making from $8,000 to $20,000 a year, the chances are that he pays a rather full tax on every penny of income he makes.

"On the other hand, if he is in a higher bracket, he probably has found out some way—through tax-exempt bonds, or oil depletion, or capital gains—to very substantially reduce, if not entirely eliminate, his tax burden.

"So, from the standpoint of equity, I think you have to do something."

He also cited revenue as a governing factor. "The fact is that we are now running budget deficits that are simply unconscionable. The current $35–40 billion deficit projected for fiscal 1973 is going to sow the seeds for another inflation if we continue."

Finally, he noted the need for "keeping our economy going and seeing that there's enough purchasing power to take the product off the market. That, after all, is the way business prospers, through having customers." Only if income is divided with some semblance of fairness "do we see that the average consumer has enough purchasing power to buy the goods and services that our factories and people are capable of producing."

Regardless of the immediate need, there will be no opportunity to pass a tax reform bill this year. Reuss wants it high on the agenda for next year.

In a somewhat related area, he believes many aspects of the Social Security System are bad.

"For one thing," he said, "the provision that prevents anyone from making more than $1,680 a year in outside employment. I see no reason why older people shouldn't be allowed to make a considerably larger sum." He would raise the ceiling to somewhere nearer $3,000. Paul Getty, who makes several hundred million on dividends and interest a year, he noted, also presumably gets a Social Security check.

Although Reuss set into motion the legislation that made it possible for the President to call a wage-price freeze, Reuss would now "enormously contract the scope of wage-price control, early next year.

"I would lift controls on all except the very major segments of the economy—steel, automobiles, rubber, heavy chemicals, aluminum."

THE INTERNATIONAL SCENE

Having removed controls on 60 percent of the country's economy, he would do much more than is now being done on the supply side. If there aren't enough medical men to bring health care to people at reasonable fees, he feels the country ought to increase the number of medical school slots.

"If oil for heating and transportation is in short supply and too expensive, we ought to relax oil import quotas and get more into this country.

"If Government agencies, such as the ICC in the transportation case, are actually contributing to higher prices, we ought to reform our Governmental agencies so they act as an influence for lower prices rather than higher. The ICC traditionally, and for many years—and it hasn't really changed yet—has, by its regulations, prevented railroads from entering competitive fields."

On the international scene, he feels that progress must begin at home. "We have to restore a sound domestic economy: full employment without inflation. Until you do that, foreigners aren't going to have much confidence in the dollar. When you do it, you're going to find tremendous amounts of foreign funds coming into this country, looking for what is obviously going to be a very profitable investment. That helps our balance of payments, makes jobs."

He would also move promptly toward reforming the international monetary system toward using special drawing rights as a substitute, and ultimately a substitute for gold in the dollar.

"We have to make exchange rates easier to change, increase flexibility, and we have to have some method of staunching the short term capital flow, such as produced problems for the sterling and the dollar in the last couple of months."

He is very high on the World Bank, the International Monetary Fund, the Inter-American Bank, and how they affect our position. "They apply to a much greater extent than we do in bilateral aid programs," Reuss said, "a fairly sound economic analysis to their loans. That doesn't mean that their loans are all perfect. But they use economic standards."

Another reason: "Because they're an international agency, they can get away with imposing conditions on the recipient country which the U.S. can't."

Finally, "and very importantly, when you deal through an international agency, you get others to bear a large share of the burden. In the Asian-Development Bank, Japan's contribution is even greater than our own—which is as it should be.

"For all these reasons, as far as I'm concerned, I would be ready to make them the main, if not the exclusive, instrument of whatever development aid we give."

His views are further cemented by some of his activities on the Joint Economics Committee, of which he is also a member.

The Administration's efforts to increase international trade have not been successful yet. "That, however," he observed, "is not necessarily an indictment of them, since it takes some time. The devaluation of last December, for instance, should take a year or two to produce a somewhat better trade picture than what we now have.

"I personally believe the Administration's trade ambitions are too ambitious. For example, we now have about a $4 billion trade deficit on an annual basis. They want to turn that around and have an $8 billion surplus. Well, that's a 12 billion turnaround, and that to me is too much. I think it's a little irrational to expect us to do that.

"And indeed, if we did do it, I think we'd make a lot of our trading partners mad, because we'd be profiteering at their expense.

"So, I would like to see us bring our payments into rough balance, which has to be done—not by putting all our eggs in the trade basket, but by a whole series of things, such as cutting down on military assistance programs, which frequently are a big spender of foreign exchange."

WHERE TO CUT THE BUDGET

To attempt to balance the budget without full employment is to invite another Depression.

As to Depression: "May God have mercy on us if we are so improvident as to run into another. No, I think we have learned some things since the Depression of 1929 and the Thirties. We've learned that it is absolutely unnecessary to sit still for a Depression, that the methods advocated by Lord John Maynard Keynes are of some effect. All the countries in Europe use them with good results."

On Regulation Q, governing allowable bank interests: "If I had my druthers, we would repeal Regulation Q and not have any ceiling on what banks and savings and loans and others may pay people who lend them money.

"Peculiarly, these controls on what financial institutions can pay people who lend them money affects matters throughout the economy, and it's a good thing to get rid of."

On budget cuts: "The defense budget could well be cut back from its present level by at least $10- to $15-billions. I can't quite see my friend George McGovern's $30 billion, but let's lop 15 billion off and see where we are. . . .

"The Department of Agriculture spends far too much on subsidizing large corporate farms, and also continues to give so-called services long after their need has expired. For example, the Soil Conservation Service, formerly an excellent outfit, now spends much of its time channelizing streams, and thus ruining them."

He is not prepared to put a dollar figure on space programs. "I think a major belt-tightening has already occurred. All I'm saying is that it should not now be increased."

And in HEW, he can see "plentiful opportunity for cutback—in the social programs."

Finally, he believes there are many things that need to be done by the Banking and Currency Committee.

"There needs to be a major study of the country's whole financial system," he said, "—banking, savings and loans, credit unions, mutual savings banks, insurance companies—any institution which gives credit." He recommends members of the Committee, the financial community, academic experts and representatives of the public sit down and do what has never been done in history: namely, block out a program of redoing the laws affecting our financial institutions in such a way that it would stand some chance of Congressional passage."

The recent recommendations of the President's Commission on Financial Institutions had no hope of Congressional attention because, Reuss said, there were no members of Congress on the commission and thus, legislative know-how was lacking.

"There would be one re-look at our Nation's financial laws, which hasn't been undertaken for half a century. And it's terribly important.

"The same approach applies to our housing laws, despite the fact that we're working on a housing bill which eliminates many of the abuses that have been uncovered.

"A third area: (the Banking and Currency Committee) does not now have any subcommittee or organization dedicated to the really central question of the economy—full employment without inflation. There just isn't anybody who is in charge of that store. Of course, it's the most important grocery store of all. The Banking and Currency, unlike Joint Economics, can legislate. And this is too good an opportunity to be missed."

NEWS BULLETIN OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. WHITEHURST. Mr. Speaker, I am inserting in the RECORD the September 11, 1972, edition of the news bulletin of the American Revolution Bicentennial Commission—ARBC. I take this action to help my colleagues be informed of the activities and plans being made across the country to help celebrate the Nation's 200th birthday in 1976. The bulletin is written and compiled by the ARBC communications committee staff. The bulletin follows:

BICENTENNIAL BULLETIN, SEPTEMBER 11, 1972

Chairman David Mahoney addressed Third Century, planners of Miami's participation in the Bicentennial, on August 22nd. The Chairman said he welcomed a congressional investigation into the Commission. "We're waiting to hear just exactly what Congress wants to do. I haven't found anything I would consider irregular with our organization."

At a presentation in the office of Lt. Governor T. Clark Hull at the State Capitol in Hartford on August 9, Connecticut received its grant check for $45,000 from new Commission Member Roy Lavon Brooks of Storrs. Also present was Eric Hatch, chairman of the Connecticut Commission. It was announced that the money will be used in the purchase of the 200-year old Viets Tavern adjacent to the Old NewGate Prison in East Granby.

The Idaho Bicentennial Commission will launch a large scale oral history project in cooperation with the Idaho Historical Society Auxiliary and others around the state who have already begun to gather tape recordings of old timers' reminiscences. The Commission will aid in the collection of the tapes and their transcription into print. J. Meredith Neil, Executive Director of the Commission, said, "This collection will be an irreplaceable source for future historians."

Gov. Edgar D. Whitcomb recently accepted the recommendations of the Indiana State Bicentennial Commission. Former Gov. Roger Branigin, Commission Chairman, said that Indiana would not have much official state pageantry, but cities and counties would be encouraged to hold their own celebrations. He emphasized the state's role in the celebration would be "nonpartisan and nonpolitical and appealing to everyone." Plans include the publication of a textbook for all high school students describing the exploits of Revolutionary War hero George Rogers Clark and an inventory of treasures of American history in Indiana museums.

The Wyoming State Bicentennial Commission has set up area meetings during the next four months in Sheridan, Thermopolis, Rock Springs and Cheyenne. Purpose, according to Mrs. Peggy Curry, Commission Chairman, is to collect "major ideas" on how Wyoming should observe the celebration in order to make proposals for funding to the State Legislature.

Items from *The Correspondent*, quarterly publication of the New York State ARBC: In New York City the National Shrines Association, in cooperation with the federal and state Bicentennial Commissions and the New York City Bicentennial Committee, sponsored Independence Day events at Fraunces Tavern, "The Commons" (now City Hall Park) and Van Cortlandt Manor in Croton-on-Hudson.

The ceremony at the Tavern emphasized French participation in the American Revolution and France's plans for cooperating in the Bicentennial.

The reading of the Declaration was heard at "The Commons" on the site where American troops first heard Jefferson's document.

Van Cortlandt Manor was the locale for the reenactment of the reading of the Declaration at White Plains July 11, 1776 by order of the New York Provincial Congress. The ceremony was conducted by 85 uniformed members of the Brigade of the American Revolution.

The Oyster Bay Bicentennial Commission chose July 4th to launch its Bicentennial Era and to honor the Centennial of the National Park Service. The activities were jointly sponsored by the Old Bethpage Village Restoration, the Nassau County Museum and National Park Service.

In Frankfort, Kentucky, the newly appointed Executive Director of the Kentucky Historical Events Celebration Commission, Charles Hellman, stated, "We are about to begin a continuing series of events that will embrace two great happenings. . . . Kentucky's 200th anniversary to be celebrated in 1974 and the nation's in 1976." Hellmann emphasized the cooperation between the state and national Bicentennial Commissions and noted Kentucky's enviable position of being "geared up and staffed up" two years prior to the national celebration because of this cooperation coupled with the liaison among the regional and county representatives on planning committees already at work. He expects to have his staff completed by October 1. Statewide advisory committees are being formed and include historians, educators and representatives in the fields of religion, sports and the cultural fields of art, drama, music and literature.

An international Bicentennial symposium, *Medicine and Surgery in America, the First 200 Years: Prologue 1976* will be held at the Boston Museum of Science, Morse Auditorium, Saturday, October 21, 1972. The symposium will be open to the general public. Outstanding and historic achievements in American medicine and surgery since 1900 will be emphasized and discussed. The symposium will feature an address by Senator Joseph C. DiCarlo, Chairman of the Massachusetts Revolutionary War Bicentennial Commission entitled, "Prologue, A Vision for America in Century III."

Archaeological excavations are underway at two important colonial Virginia plantation sites as a preliminary to the Bicentennial period. One dig is underway at Richard Henry Lee's Northern Neck plantation site of Chantilly in Westmoreland County. Further plans of the Westmoreland Bicentennial group include a celebration of the 200th anniversary of Richard Henry Lee's introduction of the Virginia Resolutions for Independence at the Continental Congress in Philadelphia on June 7, 1976. Excavations are also in progress at the site of the 17th and 18th century Kingsmill Plantation on the James River near Williamsburg under the direction of the Landmarks Commission. The work is financed by a grant from the Anheuser-Busch interests.

Mrs. Gene Riddle, Executive Director of the ARBC of Texas, reports that seven cities have appointed committees and established bicentennial goals, including new parks, museums and historical restorations—Temple, Belton, Wichita Falls, San Antonio, Lubbock, San Marcos and Seguin—and another 18 are committed to do so. Each city in Texas has been asked by the Commission to make "at least one permanent improvement which will benefit the community and be dedicated to the bicentennnial."

THE GOLD GAME

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. RARICK. Mr. Speaker, the latest public opinion balloon to be released is that the administration is considering selling the American people's gold. Not to American interests, of course, but to international banking cells operating as foreign governments and on foreign markets. The theory sought to justify the sale of American gold to foreigners is that it will depress the price of gold—which has now soared close to $70 an ounce—while our progressive "share the wealth" financial bureaucracy maintains our gold at a maximum price of $38 an ounce available to foreigners only.

The present administration gives lip service toward eventually permitting gold trading and ownership by American citizens; but, at this rate this will not occur until all U.S. gold has been sold abroad. Presumably the individual American, who is forbidden to own gold here in America, will consider going abroad to buy gold and bring it back to the United States. If enough Americans bring enough gold back home, then foreseeably under another administration, we could have another gold confiscation siege.

I insert related newsclippings:

[From the Washington Star & Daily News, Sept. 12, 1972]

UNITED STATES MAY PROPOSE TWO MOVES TO CUT MONETARY GOLD ROLE

(By Lee M. Cohn)

The Nixon administration may propose international action soon to sell government-held gold on foreign markets to depress the price, and favors eventually permitting gold trading by American citizens.

Both moves would be intended to reduce the role of gold in the monetary system and treat it as an ordinary commodity, Paul A. Volcker, undersecretary for monetary affairs, told Congress yesterday.

Testifying before the International Monetary subcommittee of the Joint Economic Committee, Volcker was more optimistic than previously about chances for negotiating a basic agreement on reforming the world's monetary system by late next summer.

Formal negotiations will start during the International Monetary Funds' annual meeting here beginning Sept. 25. Most authorities expect difficult bargaining, and some of them fear a deadlock.

Without necessarily waiting for completion of a reform package, Volcker said, it might be desirable to take interim action encouraging sales of gold on foreign markets by government central banks.

The existing two-price system bars government sales on gold markets. Governments maintain a fixed official price of $38 an ounce for transactions among themselves and let the market price fluctuate.

Because of strong industrial and speculative demand and limited supplies, the market price of gold has soared close to $70 an ounce. The wide gap between the official and market price has both reflected and aggravated monetary turbulence.

Volcker emphatically rejected proposals, mainly by France, to narrow the gap by raising the official price. Instead, he suggested, it might be a good idea to depress the market price by selling government gold.

American citizens now are prohibited by law from buying, selling and holding gold except under license for industrial, artistic and dental uses.

For psychological reasons, Volcker said, it would be a mistake to lift the prohibition during the monetary reform negotiations. Allowing Americans to trade gold during this interim might inject "further speculative elements into an already volatile and artificial gold market" by augmenting demand, he said.

But he indicated clearly that the administration favors eventual elimination of the gold trading ban.

If the reform negotiations produce a new monetary system "fully insulated from instability in private gold markets," he testified, removal of the gold trading restrictions should receive "sympathetic consideration."

[From the Evening Star and Daily News, (D.C.), Sept. 12, 1972]

COMMART NATIONS ACT ON CURRENCY

ROME.—Finance ministers of the 10 European Common Market countries announced agreement today to set up a European Monetary Fund, probable forerunner of a central bank that eventually might issue a common currency.

Meeting separately, foreign ministers of the 10 mapped token action against terrorism in a discussion spurred by last week's massacre of Israelis at the Munich Olympics and the shooting of an Israeli diplomat in Brussels yesterday.

The ministers agreed that terrorist operations should not be blamed on the government of any country, an Italian informant said. This was apparently designed to avoid provoking Arab retaliation against Western oil interests.

Instead they agreed to take a united stand when terrorism comes before the United Nations and to step up cooperation among their police forces and interior ministries, the Italian said.

The monetary fund agreement made it likely that a Common Market summit conference will convene as scheduled Oct. 19 in Paris. It is designed to give new directions to the market after Britain and Ireland—and perhaps Norway and Denmark—become members Jan. 1.

The summit meeting would officially create the fund, putting the Common Market further on the road to full economic and monetary unity. Up to now, it has been mainly a custom union with the beginnings of a joint farm policy.

The fund would have one main initial task—keeping the values of European currencies closer together than the currencies of the rest of the world—a 2¼ percent margin of fluctuation around fixed exchange rates instead of 4½ percent. To help do this the member countries would make about $1.5 billion available to one another on one-year credits.

DAVE SMITH: ASSET TO GREATER NEW HAVEN

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. GIAIMO. Mr. Speaker, Dave Smith serves in my district as president and general manager of the Greater New Haven Chamber of Commerce. During the years I have known him it has been a genuine pleasure for me to work with Dave, and I was delighted to see that the August 1 edition of the Connecticut Business Journal had run an article illustrating the qualities that have made Dave an asset to the entire Greater New Haven community.

I would like to insert this article, therefore, not only as a tribute to Dave Smith and his administration of the New Haven chamber, but to call attention to the chamber managers throughout the Nation whose goals, hard work and diligence make them all—and their Chambers of Commerce—such very important resources in our communities.

The article follows:

DAVE SMITH, NEW HAVEN CHAMBER OF COMMERCE PRESIDENT, SEES GREAT FUTURE IN FIELD OF CHAMBER MANAGEMENT

(By David E. Moore)

R. David Smith has been president and general manager of the Greater New Haven Chamber of Commerce for nearly three years. He's been in the chamber executive field just about six years, and entered it by accident.

"Few people see it as a career," he said the other day. "I guess everyone knows there is a chamber of commerce in their community. They all have an idea about what a chamber does but it's something they don't think about. This doesn't upset me."

"My advice to young people today would be to take a close look at chamber work," he continued. "Chamber management combines all the things I wanted to do and gave me the freedom to do it. In addition, I think chamber work is a green pasture—it could use young blood in many instances. It's packed with opportunities. And it's been kind to me."

Dave Smith paused, thought a moment, said, "I've moved so fast that I honestly think there's only one more move left in me." He attributes his fast rise in the field to what went on in his life before he stumbled into chamber work.

BACKGROUND

Dave Smith's father was killed in World War II and by the time Dave was nine years of age he was working full time as a washer in a bakery in his hometown of Brunswick, Maine, from 4 to 8 a.m. and after school. Dave graduated from Brunswick High in 1955 and though he was offered a number of athletic scholarships he couldn't afford to go to college. He was reconciled, he recalled, to joining the ranks of blue collar workers. He went to work for the Central Maine Power Co, right after high school.

After 5½ years he was promoted to first class lineman. "I thought I'd been rewarded for my work and I wondered what the next step would be. So I asked and quickly got the message—'bide your time, ability doesn't count, in a few years you'll be a foreman.' I wished I'd known that 5½ years before," he said.

"I gave notice. I was about 23 and still single but after I gave notice I was frightened." But not for long, evidently. Through a friend Mr. Smith soon found employment with an insurance company. He was sent to training school in Boston and soon found success in sales work. "But where do you go from there?" he asked. "Insurance management wasn't attractive to me."

Mr. Smith left to take a position with a franchising operation. He was put in charge of training development for salesmen, a job which had him on the road nine weeks out of 10. "By this time I'd met the girl who became my wife." So it was back to Maine for Mr. and Mrs. Smith—and the launching of the Kennebec Valley Shoppers Guide in Augusta. Along with selling advertising for his shoppers' guide, a pennysaver, Dave soon got involved with a company that makes maps for chambers of commerce and makes its profit by selling advertising on the maps. Dave thought he could combine this operation with his pennysaver.

He did—for a while. But when he visited the Rockland chamber office to get that office's blessing for selling space in the community, he fell into a discussion with the Rockland chamber executive. It turned out that he was about to retire and he told young Dave all about the pleasures and challenges of running a chamber.

"I liked what he told me, it sounded simple, yet interesting. I talked to the president and was hired," he recalled. "It was strictly by accident. Yet it uniquely represents what I want to do in business. My first lesson in business was that all businessmen are not fat cats."

TODAY

Mr. Smith's background was in selling intangibles (insurance and advertising) and in sales training. Today he feels he's added a few new skills. "We're both selling and managing people," he said. "In chamber work you try to take the real leadership of the community, dump ideas on the table, sift them, set priorities, come up with the funds to implement them and then make things happen.

"There's no right way or wrong way to run a chamber. Some operate well with a strong staff head. That's not the case here in New Haven. The business community is in the habit of making its own decisions. It wants to be involved. And so we support it with a good professional staff. I work with the chamber's executive committee and a board of 33. We meet frequently, two or three times a week.

"They set the overall policy but the administration is my responsibility. Administration is a new thing to me but I like it. Finance is new to me, too, and now I spend 35 to 40 percent of my time on it. Either the numbers add up or they don't. There are no mirrors with finance.

"We do things differently from some other chambers but what we do works. For example, we reevaluate our membership every year, ask for more money every year. This system seems to work better for us than asking for a big hike every five years.

"My wife says the first thing I do when I wake up in the morning is start to sell. I'm selling the chamber all the time—what it stands for. I can't divorce myself from what happens in this organization because it excites me and I believe in it."

Dave Smith described the chamber board as being composed of New Haven's top decision-makers. "My board watches me carefully, they analyze my decisions and keep score. I have a feedback network so I pick up the reaction. This way you sense how you're doing. This feedback wasn't started consciously, it just seemed to happen automatically."

THE CHAMBER

The Greater New Haven Chamber of Commerce, founded in 1794, is composed of some 1,500 members and operates on a budget of $750,000 a year. Now that it's taken over the region's National Alliance of Businessmen program, it's working with another $1 million a year. Altogether, the chamber has a staff of 30.

Dave Smith sees the chamber's first goal as paying attention to the needs of New Haven's business community. And so its research and development department is actively pursuing programs in aviation, harbor, industrial, environmental and transportation development of the New Haven region. Retail is a vital interest, too, along with trade development, public affairs, manufacturing and membership.

He spoke particularly of the chamber's services in the community development area. "I don't know of any chamber in the United States that's as involved in minority enterprises as we are," he said. "We have the only MESBIC in the country run by a chamber. We were licensed to operate the MESBIC in 1970 when there were only 14 others in the U.S." He explained that the MESBIC (Minority Enterprise Small Business Investment Company) was initially funded by $150,000 put up by Olin Corp. and Olin was licensed by the Small Business Administration to sponsor the company. Mr. Smith attributed the chamber's active involvement to the work of New Haven business leaders and the preceding chamber director.

He spoke of the chamber's small business loan committee which through the end of last year saw loan guarantees of nearly $1 million by the SBA. And then there's the small business management assistance committee, active in securing resource assistance for many businesses in areas such as accounting, bookkeeping, legal, production operations, financial and organizational management, marketing, feasibility studies and site locations. Mr. Smith said that the chamber expects to be funded as one of the first Business Resource Centers. Working through a consortium, the BRC will fill a vacuum in New Haven, providing full time management assistance for minority businessmen, he explained.

Mr. Smith spoke highly of the community's cooperation—from such organizations as the Service Core of Retired Executives, the Greater New Haven Business and Professional Men's Association, the Connecticut Society of Certified Public Accountants and the banks that have made over $1 million in loans to minority black businesses over the past five years. "This is a good chamber. Twenty-eight percent of New Haven's population is black. Less than two percent of the businesses are owned by blacks. This isn't healthy. Everybody has to have a piece of the action."

PERSONAL

Mr. Smith went on, "It's never a question of me getting bored on the job. It's a question of doing the job. I believe all of us have a limited bag of tricks and I assume a man knows when he's nearing the bottom of his bag. It takes a rare individual to work for a community like this for 10 years and still be at the same level of horsepower." But he cited one exception to his rule: Arthur J. Lumsden, who's been president of the Greater Hartford Chamber of Commerce since 1956. "I have the greatest respect for him," he said.

Dave used to be a golfer with a handicap of three. But after their first child Mrs. Smith asked him to cut down on his golf games. "Because I'm really competitive this took the edge off my game," he said. "I don't like to lose so I gave up golf." Now the Smiths have four daughters ranging in age from less than one month to eight years. Dave describes himself as "a family man" and he spends his free time at home in Madison, mowing the lawn and playing with his youngsters. He's immediate past president of Madison's Five Fields Homeowners Association.

He takes time out every year to attend the U.S. Chamber of Commerce institute for organization management. And he serves as vice president of the Connecticut Association of Chamber of Commerce Executives and on the board of directors and executive committee of the New England Association of Chamber of Commerce Executives. He's also on the board of directors of Business Ventures, Inc., Olin's MESBIC which is operated by the chamber.

HISTORIC CUSTOMHOUSE IN YORKTOWN, VA.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. DOWNING. Mr. Speaker, a picturesque 18th-century building, reputed to be the oldest customhouse in the Original Thirteen Colonies, was recently designated "historic" by U.S. Commissioner of Customs, Vernon D. Acree.

In a ceremony at the Yorktown, Va., customhouse, built in 1706, Commissioner Acree explained that the designation is part of the agency's contribution to the bicentennial era which culminates in 1976.

Emphasizing customs' financial role in the Nation's history, Commissioner Acree explained that customs duties were the mainstay of the early Republic and continued to provide the largest share of Federal funds until 1913.

During the ceremony, a proclamation and bronze plaque were presented to the Comte de Grasse chapter of the Daughters of the American Revolution, owners of the building. A tour of the building followed the ceremony.

The Yorktown customhouse which served continuously for almost 140 years, began life as Richard Ambler's "large brick storehouse." It is believed to have been used to collect revenue for the king after the owner was appointed collector for the York River district. At the time, the district covered the greater part of the east coast, including Philadelphia and New York.

From the standpoint of growth and prosperity, Yorktown reached its apex about 1750. The commercial life of the town continued, however, for another quarter of a century. But traces of decline appeared even before the outbreak of the Revolution.

The siege of Yorktown in 1781, ruined commercial and business activity in the Virginia village. Trade fell off and families moved away.

Nevertheless, the customhouse continued to collect revenue on incoming cargoes for nearly two centuries. Its doors were closed for Federal business on December 31, 1845.

I think my colleagues in the Congress will be interested in the remarks made by the U.S. Commissioner of Customs, Vernon D. Acree on that occasion.

The remarks follow:

REMARKS BY U.S. COMMISSIONER OF CUSTOMS VERNON D. ACREE AT THE CUSTOMHOUSE DEDICATION, YORKTOWN, VA., AUGUST 26, 1972

Ladies of the Daughters-of-the-American Revolution, friends of the Yorktown Customhouse, Pastor Barkley, distinguished guests, Regional Commissioner Paul Lawrence, District Director Singleton Garrett, and my fellow-Virginians.

First, may I say how pleased and honored I am to be here in historic Yorktown to participate with you in this ceremony. We are here to dedicate an ancient and famous structure as an historic United States customhouse.

If you will forgive a short aggression into the personal, I would also like to say that this ceremony has a deep personal meaning for me. For, in the immediate area, my forebearers first settled in this new land from traceable eight generations ago in the pre-Revolutionary War era. Indeed, just a few miles from here, at Old Providence Church in York County, rest my grandfather, my great-grandfather, and my great-great-grandfather. And I lived for a few years of my early childhood in nearby Gloucester.

If there is a single state which can be described as the cradle of American civilization, it must be Virginia. For it was in Virginia where the first English settlement was established . . . a Virginian named Richard Henry Lee introduced the motion for separation of the 13 colonies from England . . . Virginian Thomas Jefferson was the author of the Declaration of Independence . . . eight Presidents of the United States were Virginians . . . eight other states were formed from Virginia, "the mother of states."

One cannot stand on this hallowed ground without recalling some of the events two centuries ago, which shaped the destiny of our nation.

The town itself was established as a United States port of entry on August 7, 1789 by Congress assembled in the City of New York. A contemporary newspaper, an original copy of which I have in my possession, reports that "in the State of Virginia shall be twelve districts; to wit, Hampton as one port; Norfolk and Portsmouth as one port; Bermuda-Hundred and City Point as one port; Yorktown, Tappahannock, Yeocomico River, including Kinsale, Dumfries, including Newport, Alexandria, Folly-Landing, Cherry-Stone, South-Quay, and Louisville."

Then the story continues:

"To the District of Yorktown shall be annexed West Point and Cumberland, as ports of delivery only, and a Collector of the District shall be appointed, to reside at Yorktown, which shall be the sole port of entry."

The Yorktown Customhouse was the first in the thirteen colonies, and at various periods, it served as headquarters for Confederate General John B. Magruder, a store, a school, and a bank.

In the Spring of 1781, jurt when the fate of the American Revolution seemed darkest, General Washington received word that a French fleet was on its way to help him.

It was early September when Admiral Comte Francois de Grasse brought his fleet from the West Indies to the Chesapeake Bay. De Grasse's transport picked up Washington's troops at Elkton, Annapolis, and Baltimore and brought them here to the Yorktown Peninsula to join Lafayette. The result of the ensuing battle is history.

The furious cannonade shattered the British defenses, brought a surrender from Cornwallis and the end of the Revolutionary War. But ending the war did not bring an end to the financial troubles which plagued the new nation. Long years of war had left the country bankrupt.

On July 4, 1789, Congress passed the Tariff Act establishing the machinery for taxing imported merchandise. It was hailed by the press as the "second Declaration of Independence." Four weeks later on July 31, 1789, by the Second Act of the First Congress the United States Customs Service was formed.

When President George Washington looked for civil servants to staff his new Customs Service he didn't have to look beyond those who fought alongside him in the Battle of Yorktown.

Colonel John Lamb, whose Second Continental Artillery Regiment played an important role in the battle, became Collector of Customs in New York.

Others who served with him during the war and later accepted posts in the Customs Service were: General Benjamin Lincoln who became Collector of Customs in Boston, General Delaney in Philadelphia, and General Otho Williams in Baltimore.

One who acquitted himself brilliantly in a command during the Yorktown campaign was Lieutenant Colonel Alexander Hamilton, an aide-de-camp. In September of 1789 when the Treasury Department was created, Hamilton became the first Secretary of the Treasury. His appointment marked the end of an era of bankruptcy, and the beginning of a sound economy for the new republic.

From 1789 to 1791 Customs provided nearly all the Federal income. And in spite of internal taxes, Customs continued to produce the lion's share of Federal funds for almost 125 years—up until 1913 when the first personal income tax was voted.

Modern-day Customs is still vitally involved in the commercial and financial life of our nation. During the fiscal year which ended June 30, we collected $4.3 billion in revenue.

With international trade and travel reaching unprecedented heights, it is a challenge for Customs just to keep pace. Today our agency's responsibilities extend beyond collecting and protecting the revenue: over the years, our responsibilities have multiplied. In addition to controlling more than 90,000 miles of border and coastline, we are now concerned with new threats to our society.

Drug smuggling, skyjacking and cargo theft are some of the national problems we are fighting today. We are also deeply involved in world trade and tariff matters.

While we cope with change and the challenges of today's society, we also seek to preserve those timeless qualities and traditions of our service.

Last year President Nixon proclaimed the years 1971 through 1976 the Bicentennial Era for this nation and asked each Federal agency to undertake a program within their respective area of responsibility.

After reviewing all of its activities back through history, the Customs Service decided for its part upon the dedication of historic customhouses. This is in keeping with Federal government efforts to accelerate historic preservation programs by identifying landmarks, in anticipation of the Bicentennial observance of the American Revolution.

As President Nixon has expressed it, "the Bicentennial year will be one of the great opportunities for our nation to look back, to look around us, to look ahead—and join in both jubilation and resolve as we enter the third century."

By commemorating the customhouse—symbol of Federal authority for nearly two centuries—we hope to insure an opportunity for future generations to appreciate the contributions the U.S. Customs Service has made to our nation.

And we deeply appreciate your participation in this ceremony here this morning.

Thank you.

DEFENDS RIGHT TO OPINION

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. McCLOSKEY. Mr. Speaker, since America was founded, it has unfortunately been customary, during times or great controversy, that Americans bitterly criticize the patriotism of those of opposing views. This is unfortunate, because as time passes, people on both sides of controversial issues generally come to recognize, if not respect, the service to the Nation of those of their former opponents whose integrity is beyond question.

George Washington, Abraham Lincoln, and Woodrow Wilson were bitterly maligned in their own time by erstwhile "patriots." This alone should be lesson enough to suggest that neither SPIRO AGNEW nor Ramsey Clark are anything but patriotic Americans, and that the eyewitness accounts of persons of recognized integrity such as Jane Fonda and former Attorney General Clark are entitled to as much weight as say the Air Force's General Lavalle who until recently commanded the air war against North Vietnam and was disciplined for deliberately deceiving his superiors as to the nature and reasons for the bombing attacks he had ordered.

A great national controversy has arisen over the effects of history's most devastating aerial bombardment on the dikes which hold back the death by drowning of the bulk of the population of North Vietnam—and several hundred American prisoners of war as well. The Air Force contends damage is minor; a number of foreign visitors to North Vietnam contend that such damage has created great danger of flooding.

We have not been able to get the Air Force to release the best evidence of who is telling the truth—the photographs which are so laboriously and perilously taken and compiled.

For some reason the Defense Department refuses to release these immensely accurate and comprehensive aerial photographs of the dikes and villages now being struck by U.S. bombers.

Under these circumstances, it seems reasonable to consider the eyewitness accounts of individuals who have personally visited those dikes and villages. One such account, that of Jane Fonda, is appended for consideration:

WE HAVE NEVER BUILT SO MANY ROADS AND BRIDGES

(By Jane Fonda)

HANOI.—We live with the earth—in strict collaboration with the earth. It is because of this that we can withstand the bombing." I was listening to Nguyen Dinh Thi, renown author, poet, and playwright of North Vietnam. I had never experienced a people who cherish their earth, not only because it is their source of life, but because most of them can remember the days before the revolution when the land belonged to the French, and they were "coolies." Now it is theirs, and their clothes are stained with it, the walls of their houses are made from it. The rivers are colored red by it. Everywhere, people standing knee-deep in their land, backs bent, planting their tear-shaped rice.

The very existence of the land in the Red River Delta represents a victory of the people who wrested it from the sea thousands of years ago through the construction of an intricate network of earthen dikes. These dikes protect them from the waters raging down the mountains during the monsoon season and from the sea water, an annual threat to this region, which is below sea level.

The overwhelming sense one has of unity and collective spirit isn't a product only of the war of resistance, but results from the century-old struggle against water and drought. The early development of a Vietnamese state with a centralized administration was brought about by the need to mobilize the millions of people required in building the dikes. The dikes and the nation grew up together.

As we waited out an air raid in a bomb shelter in Hanoi one afternoon, Thi said, "We don't build big houses or palaces. Our Pagodas are beautiful, but none are very big. What is big in Vietnam are the dikes. They are our monuments."

These monuments, according to the Vice-Minister of Water Conservancy in North Vietnam, were bombed 18 times in April of this year; 46 times in May; 46 in June; and in the first 27 days of July they were bombed 63 times.

CORRESPONDENTS DESCRIBE AN ATTACK

At his July 28th press conference, President Nixon described reports of these bombings as "enemy inspired propaganda". Admitting to some bomb hits on the dikes, he told the news conference they were "accidental."

Outside Nam Dinh city, former textile capital of Vietnam which is now 60% rubble, I saw the Nghia Minh dike. On June 18th, 50 bombs had done extensive damage in three places, each 30 yards long, and caused many deep cracks in the surface. One portion was cut in two by one-thousand- and two-thousand-pound bombs.

In the town of Phu Ly, between Nam Dinh and Hanoi, I saw another bombed dike, and the entire hydraulic system destroyed. On July 12, I visited Nam Sach district 40 miles east of Hanoi, in Hai Hung Province. The whole district of Nam Sach is surrounded by two rivers, the Thai Binh and the Kinh Thai. Two vital points on these dikes had been bombed on July 9 and 11. One portion on the Kinh Thai River had been severed by 2,000-pounders.

While 20 foreign correspondents were in the process of examining the damage to the Thai Binh dike, they witnessed a second attack by a dozen Phantoms (F–4's) and A–7's which they said, "went into a dive and released several bombs and rockets against the dike on which we were standing." The Agence France Press correspondent reported on July 11 that they "all felt the attack was clearly against the dike system."

As I stood on the Thaill Binh dike the following day, the flat rice paddies stretched out into the distance. Here and there a cluster of hamlets could be seen. No major routes, no major communication lines, no industry and no military targets were visible. What were visible were the bomb craters that have accumulated on both sides of the dike.

Both dike segments in Nam Sach which have been bombed are the most strategic, for they hold back the waters of six rivers which converge at this vital point. If these dikes are broken, it will endanger the lives and crops of an immense region of the eastern part of the Delta.

As one French journalist told me, "From what Nixon is saying, one would have to assume that the North Vietnamese are blowing up their own flood control system in order to effect Western opinion."

INDIRECT BOMBING MOST DAMAGING

Examining dikes one realizes that the more serious damage is not necessarily caused by direct hits, but by the bombs falling on the sides of the dike. These bombs create shock waves that cause multiple cracks at the dike base, the most vulnerable part. Delayed-Reaction Perforation Bombs are being used, as well, which enter the dikes on a slant and lodge underneath their foundations, exploding later. This causes serious weaknesses which are difficult, sometimes impossible, to detect, and repair work becomes hazardous.

If these weakneses aren't discovered and repaired in time, the pressure of the torrential waters which reach their highest level towards the end of this month, may cause the entire section of the dike to be washed away.

On July 28, President Nixon said of the dikes, "We could take them out, the significant part of them, in a week." However, it will not be necessary to "take them out", hit them directly, in order to disastrous damage—damage which will not necessarily be visible on an aerial reconaisance photo.

Attacks against dike repair crews don't show up on aerial reconnaisance photos, either. I talked with To Minh Nguyet, a 22-year old journalism student. In a whisper she told me about being in a village ("It used to be beautiful, with many coconut trees") on the Ma River in Thanh Hoa Province. She was there on June 14, when the dikes were bombed three times.

"After the bombing, many student teachers and medical students came to mend the dikes," she said. "The planes came back and dropped anti-personnel bombs. Many people were killed, mostly woman and children."

BUILDING, REINFORCING, REPAIRING

The people here say that they have conquered the Red River, and there is basis for their pride. In the flood of 1945, two million people died of famine. During last summer's flood, the worst in the last century, only 600 people died and the Red River dike system held fast. They say, in fact, that last year's floods enabled them to see where the weaknesses in the dikes were, and to reinforce them.

I could see people everywhere carrying earth in baskets and carts, packing it in, building, reinforcing, repairing their dikes. According to the Water Conservancy Ministry, in the first six months of this year the people have moved 15 million cubic meters of earth, three times more than during the whole of 1971.

During the entire 12 years prior to 1970, the people are reported to have moved 120 million cubic meters of earth, which is more than in all the 80 years under French colonialism. "The Vietnamese are big movers of earth. And it is all done with no machinery. It is the people of every village who participate. It is part of our national origin," said Nguyen Dinh Thi, laughing, putting things into their social context, helping me comprehend the resistance.

NEW DIMENSION

The bombing of the dikes has given the war a new dimension. The danger lies not only in people drowning, but most terrible for a small agrarian society, the destruction of the land and the famine that would ensue. If the dikes are unable to withstand the water because of the bombing, it will be a tragedy for years to come.

It is not just a question of manpower, but of time, for it will take the earth, packed into place to form the new dikes, many years to be solid enough to hold.

The Vietnamese are wasting no time. Each family has a boat and are reinforcing their top floors and roofs. Much thought is being given to what kind of crops can be grown under water. They face what appears to be an attempt to obliterate their country with the same determinism and optimism with which they have faced everyhing else.

Professor Pham Huy Thong, of the Association of Science and History of North Vietnam, said to me, as the bombs shook my hotel in the center of Hanoi, "If the principal route is destroyed, we have to construct secondary routes. That way we are enriching our systems of roads. We have never built so many roads and bridges."

"Nixon forgets one thing," he continued, "that in destroying all this, especially the dikes, he is consolidating us because to rebuild the dikes we have to mobilize and unite tens of thousands of our people."

VOICE OF THE "500"—SID COLLINS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. JACOBS. Mr. Speaker, Hoosiers, of course, have much to be proud of. And we are much proud of Sid Collins who is both an institution and a legend in his own time.

The following is an article by Frederic A. Birmingham in the magazine which is an institution and a legend of many times, the Saturday Evening Post.

The article follows:

VOICE OF THE "500": SID COLLINS

(By Frederic A. Birmingham)

Once a year, deep down in Texas, comes greenup time and the blooming of the yellow rose. Also, once a year, a lady of some eighty summers mounts her pickup truck and drives out of the holler where she lives, making tracks for a hill some miles distant. That hill is not Pike's Peak nor is it Mt. McKinley or Mt. Marcy. But it will do. Because when she unfurls the fantastic sky-scratching aerial she has rigged up for her truck radio, she will hear the voice of a man in Indiana who will tell her what she wants to know. He will tell her about what is happening in a 500-mile race for horseless carriages. And she will listen, enthralled, for a full four and one-half hours.

Once a year, also, in Indiana, a crowd variously estimated at from 300,000 to 500,000 souls will congregate on a tract of 539 acres to witness the same race. They are probably more informed about automobiles as a group than any other. Husbands, wives, kids are there to witness the famed "500" which may well be the most exciting sports event in the world. They may have driven for many days to get there. Perhaps they have found only somebody's lawn to park on, because the city of Indianapolis, where the race is run, suddenly swells its population to a bursting point; and perhaps the family has had to sleep in their car and find meals where they could, so as to be on hand for the start. Well, they are there, right on the spot. And what do they do? Chances are that, as they watch the race from their coveted seats (the grandstands are sold out months in advance and even general admission tickets are regarded as prized possessions) they will not only have the advantage of seeing what is going on before their eyes in this big racing event, they may also be advised throughout by their immediate neighbors—who are bound to be racing buffs—and also by the loudspeaker system of the Speedway, keeping them informed on what is happening down there on the track. But the odds are that with all of this inside dope, they also will come equipped with transistor radios to hear the broadcast of the race, and to listen to the same voice which the little old lady in Texas is straining her ears to catch at the same time.

The voice is that of Sid Collins, the man who has for twenty-five years now—with a staff he calls "the greatest in the world"—broadcast the news of the race, over more than 1200 stations this year to over one hundred million listeners. And the plain fact is, whether you are two thousand miles away or just a few yards from the track, until you see the race through his eyes and hear him tell it like it is, you just ain't in on the big 500. Because something about this man, something in his knowledge of racing, in his love for the sport, in his insatiable search for the pertinent fact about driver, car, owner, mechanic, or parts engineer, has through the years convinced untold hordes of listeners that you can't experience this fantastic event without Sid, whether you're right there next to the checkered flag or half the globe removed from it.

Everywhere in the world where U.S. service personnel are deployed, Sid's voice will be heard describing the race as only he can. In South America and Central America, his broadcast will be translated into Spanish and Portuguese; in other areas, into French and Italian. In Canada, fifty stations will relay his words. The director of the network, an ex-race driver himself, Elmer George, arranges with AT&T for approximately 50,000 miles of telephone lines over which the race and the four time-trial broadcasts are carried. One of TV's highest-paid stars recently chortled that he had reached forty million viewers on a special broadcast, highly advertised and promoted with fantastic hoopla. Well, bully for him. Sid Collins can double it and still walk away with twenty million to the good. Because the 500 is his thing—what Ernie Pyle called "the most exciting event in terms of human suspense that I've ever known."

What has really happened here is that a uniquely engrossing sports event has found a man who is an artist in his own way at making it come alive to others who share the same deep-seated affection for the spectacle. It gets down to the right man at the right place at the right time, and now this has happened for twenty-five years running. And since Sid is a big, powerful man in his prime, and the sport of racing and the 500 in particular are booming like never before, we are witnessing in his performance the creation of an institution which seems to get better every year, and which everybody who has ever heard it devoutly hopes will go on into the infinite.

If you are one of those wretched wights who has never listened to Sid's broadcasts or watched the brave blur of the racing monsters streaking around the Speedway, you may still ponder the causes of it all and seek to know the answers to what they are. The country of America has so much to be proud of—its natural resources, the vision of its founding fathers, the flow of lifeblood from other nations into its strength—that it takes conquering for granted and wastes little emotion on it. It builds cities, conquers prairies, bridges rivers, even penetrates the universe without so much as a backward glance. Americans are usually divided in their loves as well as their opinions, but in all the clash of their personalities and beliefs, they have held unanimously and firmly to one fundamental love—they have been carrying on an affair with the automobile since the first puny little pretender puffed its smoky challenge to the horse, and their affection for the fuel-driven pony gets more intense by the year.

Oddly enough, the love affair is not necessarily a passion for speed in itself. Mr. Anton Hulman, known as Tony to everyone who knows him and to millions who do not, is the patrician owner of the Indianapolis Speedway, and even he has to wonder a bit what gives between the American and the automobile. He recalls with a laugh the year of 1945 when he bought the "brickyard" from Eddie Rickenbacker. "The war was over, aircraft were flying four and five hundred miles an hour, and people were saying that no one would bother to come and see cars running around a track at a hundred or so. They said that automobile racing was through. We weren't sure we were even going to sell a seat." He laughs with understandable relish as he says this. The 500 was more jammed in 1972 than ever before.

Why? . . . well, no one has told me, not even Tony Hulman, but I think that it is because racing an automobile has something to do with man's fate and the brief moment he can—or thinks he can—direct it here on earth. Sid Collins points out that driving a racing car is a solitary test of a man's heart, stamina, and "the fear that is sometimes known as courage." The driver has five hundred miles to go, against thirty-two opponents of highly refined abilities, men he will joust with at over 200 miles per hour in the straightaways, in traffic jams only a few inches away from the death whirling in the car's wheels, on turns lashed at by centrifugal force that shakes a pulverization of man and machine against the wall down to a matter of a slight pressure of the fingers on the steering wheel.

It is man's will and skill against fantastic odds, and the penalty of a mistake is often death or injury. Somehow or other, that test of the man alone has clung to racing while aircraft at their higher speeds, and the technical marvels of computers, even war itself as a sad science have become mere mechanical equations. Every kid yearns to tinker with a car engine and turn it into a masterpiece of screaming power that will skim his buggy faster across mother earth than that of his best friend and rival. On the other end of the scale, Sid Collins has an interesting observation to make: Almost all of the racing drivers would like to be astronauts. But almost all of the astronauts have come around to the track at some time or another. And the funny thing is that the astronauts, fascinated as they are by the cars, nearly all say the same thing—You couldn't get *me* into one of *those* . . . they're too dangerous."

That's part of it, then. The enduring love affair between Americans and the automobile.

It would not be wholly fair to say that the efforts of Sid Collins alone complete the picture at the Indianapolis Speedway, since there are hundreds of others involved who contribute to that enormous accomplishment. Yet he plays a key role, and it would be hard to talk about the 500—after these twenty-five years in which he has been its official voice all over the globe—and not say that Sid has played a real part in its development. For instance, he has become a celebrity in his own right and enjoyed some of the usual privileges accorded such public recognition: he is a Kentucky Colonel, a Sagamore of the Wabash, an Admiral of the Great Navy of the State of Nebraska, an Honorary Mayor of Helena, Montana, a Texas Ranger, *Variety's* "Man of the Year." And out in the farm country where they take such things as animal husbandry seriously, a champion hog is named after him (who it must be presumed will perpetuate the name through generations of piglets to come). He has had his picture taken with practically every famous racing driver since 1948, with Cyd Charisse among a bevy of other beauties, and there is always the chance that he may someday be kissed by Andy Kranatelli, the tough car builder who becomes ecstatic in victory. Sid wears these and a dozen more similar honors lightly, but there are a couple of other accolades which are perhaps more meaningful to him and to us here. In 1962, on Sid's fifteenth anniversary as the 500 "voice," he was surprised by a trophy which now rests in his study, donated by the thirty-three drivers starting in the race that year. Strictly a matter of spontaneously passing the hat from garage to garage, with 1960 winner Jim Rathmann doing the collecting. It is a handsome one indeed . . . but not more handsome than the inscription which says in part, "In appreciation for his valued service to the racing fraternity as the voice of the 500." Racing drivers don't usually take that kindly to specialists in another craft. This was the only time, before or since, that the drivers have so honored anybody. Sid also owns a similar award given by the National Car Owners Association, stimulated by his pal J. C. Agajanian, the veteran car owner. Sid too has received the Edenburn Trophy. A good five feet in height, it stands in the Speedway Museum, flanked by such marvels as the Marmon Wasp which won the 500 in 1911 and the big, wide-wheeled sinister powerhouses of later years. Sid's name was added in 1969 to a long list of racing greats including Tony Hulman, Raymond Firestone and Wilbur Shaw. Only one name is so honored annually.

Sportswriters as a breed are not much given to praise of others in the reporting game, whether vocal or otherwise. But Jim Murray, one of the best, whose syndicated column emanates from the *Los Angeles Times*, has this to say about Sid: "I guess the toughest athletic event . . . to call by radio or TV is the Indianapolis 500 . . . It is widely believed that more people know the Einstein Theory than were able to figure out who was leading the 500 for the last twenty laps this year (1966). In the first place (for the second year in the past three) the field had been shriveled by two-thirds. Even before the race was really started, the air was full of flying rivets, wheels, axles, and cars and drivers were scaling fences and heading for the Ohio border on the double. They even had a traffic jam in Victory Lane at the end. Two cars showed up to claim the win. One of the guys out of the 300,000 on hand who knew Graham Hill was a winner was a Speedway fixture, a man known as 'the voice of the 500' . . ." And Jim went on to praise Sid for a full column.

So it becomes pretty clear that our man has a lot more going for him than just being out there on his own in front of the biggest sports crowd gathered in any one year at one place. One thing may be his experience, of course. Sid is a well set-up guy who wears his middle years well. But just the same he started out with and survived many great names in announcing that were similarly connected with one particular sport—men like Bill Stern, Bill Corum, Clem McCarthy, Ted Husing—the Curt Gowdys and Chris Schenkels of another era. No other announcer's voice has been so integral to and identified with any one sport as Sid Collin's has with auto racing.

Some of Sid's assets hark back to those years. He talks with a kind of old-fashioned authority in his somewhat courtly manner, and it sits well today, when not everyone on the air has a comparable vocabulary, backed by a tendency to speak for himself when he wants to, or believes that the broadcast will gain by it.

One of the jokes Sid has to field as gracefully as he can several million times between races is that he has the softest job in the world since he works only one day a year. This is not precisely the case. Sid is the sports director of station WIBC in Indianapolis and has been for over two decades. He has broadcast over 9000 consecutive nightly sports programs on the station, including calling Big Ten football and basketball games and Olympic swimming and ice-skating trials, not to mention Indiana's high-school basketball tournament, where one misplaced word in that hoop-oriented Hoosier state could well earn him a ride out of town on a rail. He has shared the TV mike with people like Garry Moore and Steve Allen. Sid is also Director of Auto Racing for radio station KLAC in Los Angeles, hotbed of the sport. Besides this, Sid has served as anchor man for the nationally televised series of auto races on the 180-station TVS network in New York. He makes talks all over America and is much sought after as an MC and banquet toastmaster. What it all comes down to is that Collins is a freelance sports announcer with a number of clients, and his heart given completely to one of them, the 500.

Tony Hulman praises Sid not only for his accomplished delivery and poise but for the mass of information the announcer has stashed away somewhere in his mind. This is probably true, but Sid denies being a walking computer. "I really don't need to be, do I, when I can call on the greatest drivers and mechanics and track historians to help me out at a minute's notice , right there on the track?" Just the same, Sid comes to the track every 500 day with a two-suiter crammed with his homework—histories of all the drivers, mechanical breakdowns of the cars, dope on the mechanics, owners, the pit crews themselves, and anything else that experience has taught him might suddenly become the focus of his broadcast, in the swirl of events and accidents beyond his power to control or manipulate. "Happily" (Sid's word), he does not need to call on his stashaway library very often. To begin with, he has a team of experts right at his elbow. For the past fourteen years, it has included Freddie Agabashian—and currently Len Sutton—both racing drivers of yore. In addition, a young Englishman named Donald Davidson came all the way from London at his own expense to prove that he had memorized everything there was to know about the 500 since its inception. He had, too, to the astonishment of 500 regulars who are no slouches themselves at that game. So he stayed on as a member of Sid's team. John de Camp, Purdue engineering graduate, handles statistics.

Sid Collins can use a team, despite the fact that in the long four-and-one-half-hour broadcast he does about 80 percent of the talking himself. But what makes his accomplishment border virtually on the miraculous is that he cannot see all of the race himself (nor can anyone at the Speedway). If you are oriented to the sight of a football stadium holding say, 100,000 spectators and thinking of this as being something pretty big, the Indianapolis Speedway will set your sights agoggling. The stands hold 200,000, and the sections on the backstretch are merely a blur as seen from the finish line, more than a couple of miles away. The straightaways are each a mile long, and the turns at the ends each a quarter of a mile, which puts the action across two and a half miles, not a hundred yards. There are thirty-three racers out there at the start and it is not long, what with engine trouble, cars passing and or making pit stops, and possibly a tangle or two, before to the neophyte the track is just one long parade of snarling cars, with no recognizable leader and no tail runner.

Well, Sid stands high in the tower right above the finish line ("hanging on the clouds by my thumbs") but on this enormous oval even he cannot follow the full run of the cars. He can see perhaps seventy-five yards up the straightaway to his right—where the cars come slamming down towards the main stands—about 100 yards to his left as far as the first turn, and only about 15 percent of the pit action. Naturally he knows the track like the palm of his hand. In fact he drove me around it in solitary splendor in his Caddy, not trying for speed ("Yellow is my racing color," he says with a grin) but still putting across the sight and sense of the racing driver taking those banked (9 degrees and 12 minutes) turns and then heavy-footing it down the chute of the grandstands on the straightaways at better than 200 miles an hour. It is an eerie sensation and it cannot help but tighten up the stomach muscles a bit on the first time around, just at the very thought of what these men go through for 200 laps, *if* they make it to the finish. (They might as well, by the way, no matter how far back in the pack they are: the last man usually earns at least $10,000 in the above-a-million given out to the winner and those who are back there eating his exhaust.)

So what Sid must do is to orchestrate a barrage of reports from his team of spotters out there at various vantage points on the track. He has binoculars, but he needs their eyes more. Sid's stand-in eyes and ears out there are Mike Ahearn, turn one; Howdy Bel, turn two; Doug Zink, middle backstretch; Ron Carrell, turn three; Jim Shelton, turn four. He handles the start and finish straightaway himself. Chuck Marlowe patrols the north pit, Luke Walton the center pit, and Lou Palmer the south pit and Victory Lane the minute the winner comes in. Sid used to cover Victory Lane himself, but in 1950, when the race was stopped early at 345 miles by rain, he had to blast his way down there in a surprise dash. "Like a horse, there is a wrong side to a race car," he says, remembering that he approached winner Johnny Parsons from the side where the white-hot exhaust pipe was. The crowd forced him against it until his trousers smoked. He got out of that by bracing both feet against the side of the car and pushing back against the crowd with all he had.

Sid has a producer, Jack Morrow, but the orchestration on the broadcast is a duet of timing—including even when to slide in a commercial. He is not the one to permit a break in any action even for the sake of a paid announcement (a situation the sponsors respect and condone, by the way). Collins has a couple of runners constantly checking the thirty-three track "spotters" on the tower deck below, to make sure that the time and order of the race are known to him continuously. He also has two men just to keep an eye on the lead car, whatever that one is, as well as another standing by in the hospital area in case news takes a sudden shift down there. All in all, his team numbers thirty-five members, every last man dedicated to getting the right news to Sid as it happens. The decisions are entirely up to him. Even as he is broadcasting his topic of the moment—he cannot talk about the lead car for the entire four hours of the race, of course, and must take side excursions into interviews, racing anecdotes, personal sides of the drivers, and the like—he must keep flicking his eyes at communiques coming in from all of his field men: a tangle of cars here, an unexpected pit stop there, a quick change of places on the straightaway two and a half miles away from him across the Speedway, and much, much more.

All this makes tremendous demands on the stamina, brains, reflexes, and judgment of the man in the tower. (Old-timers still call it the "pagoda" after the Oriental-styled wooden tower erected by the first owner of the Speedway, Carl G. Fisher. The pagoda went down in 1958, the victim of old age, and Sid recalls that he expected to go down with it that year, in a losing race with its vast colony of termites.)

Sid is up to all this or he wouldn't be there year after year, getting better all the time. Not long out of Indiana University (where he graduated as an officer of his senior class in 1944 just in time to hop into a U.S. Army truck and go on to K.P. that evening at Fort Benjamin Harrison and the European theater somewhat later). Sid got his first chance at track announcing in 1948 when they set him to working the south turn, under Bill Slater in the pagoda. Sid's big break came in 1950, when Slater took ill and Sid moved into the top spot under emergency pressures. He didn't crack, and that's how the sorcerer's apprentice first got the magic wand in his land. Tony Hulman's faith in Sid has never wavered. Hulman shows a gentleman sportsman's reticence in comparing Sid to other race-track announcers, but his inner message is clear. Says he with a meaningful look: "I've heard announcers at tracks all over the world, and I would say that Sid is easily . . . er . . . one of the best." Freely translated: Sid is It.

Collins started out wanting to be a doctor, during his boyhood in Indianapolis. He hustled in his father's store, delivered newspapers, and attended college with that in view. But three years in the Army broke up the pre-med pattern of study, and he became a broadcaster in Kokomo, on then WKMO, now WIOJ. What makes Sid tick today in his specialty is a gift for dramatizing racing, which he loves wholeheartedly, without overdoing it. He sees the color of it all: the pageant of 50,000 parked cars in the infield under the banners of the fifty states and all the nations of the world, the huge democracy of the 500—millionaires and farmers, businessmen and carhops, straining their eyes and ears at the same spectacle—the drama of the race drivers, such as one who came to the track first as a dishwasher hoping to wind up in Victory Lane.

Sid talks to all these drivers and the crews. In the month preceding the big day, he strolls around the garages and workpits, passing a casual word here and there to a friend, making new contacts and learning his job from the inside. People take to Sid. He is free and easy, with no "side" to him at all. He has played golf with President Eisenhower, but he doesn't change his manner when he's swapping remarks with a lad who's a specialist at changing a left rear wheel, and learning how to buy seconds of time which could mean a race won or lost. That same manner gets into his broadcasting, and perhaps that may be his greatest strength. Many announcers pontificate to the world at large, or mumble away to themselves. But something about Sid's special delivery in that easy baritone, with just a touch of a soft down-home-in-Indiana accent, is one-to-one. The listener gets the idea that Sid is talking only to him, telling how it is over a beer or so. That's what glues GI's in North African stations to the radios in their tents when the temperature is 106 in the shade, and sailors on Bering Straits icebreakers to their earphones, when Sid is giving out with the 500 dope. One hundred million listeners. The postmarks of the mail received include one from a submerged submarine, and range to Dennis Hulme, a fan listening in Australia. And all in the palm of his hand.

Most of us can tell our entire life history in five minutes and the rest of what we know in about eight to ten minutes more. It's surprising how much you can say in sixty seconds, and how long just a twenty-minute spiel on any subject can be. But four and one-half hours of it! Perhaps Sid's greatest test came in 1964. To begin with, he had developed a temperature of 102 and a sore throat the day before the race. He lost his voice, in fact, and had to walk around with a card asking people not to make him talk. He managed to squeak out the first few minutes of the race. Which is in itself not easy. Sid confesses that every time Tony Hulman intones that heart-stirring command—"Gentlemen, start your engines!"—he is so greatly moved he has all he can do to announce the start and then quickly throw the switch to Ahearn on the first turn. "Then professionalism takes over," and he rolls through the rest of the race in stride.

1964 demanded his all, however. Sick and shaky already from his illness, and just hoping to get through the day. And then it happened. On the second lap there was a gigantic pile up coming out of the Number 4 turn. One by one the cars emerged to tool down the track. The cries went up in the grandstand: "There's Foyt!—There's Unser!—They're OK! They made it . . ."

But two were missing. Driver Eddie Sachs and Dave McDonald were fatally injured in the accident.

Now, Sid knew Eddie a long time as a friend, a man everyone loved, the so-called "clown prince of racing." The race was halted. After the announcement there was not a sound in the stands. Men took off their hats. People were weeping. Sid closed his eyes, picked up his mike, and spoke softly into it. This is what he ad libbed, in part.

"Some men try to conquer life in a number of ways. In these days of our outer-space attempts, some men try to conquer the universe. Race drivers are courageous men who try to conquer life and death. They calculate their risks and in our talking with them over the years. I think we know their inner thoughts. In regard to racing, they take it as a part of living.

"The race driver who leaves this earth mentally when he straps himself into the cockpit, to try for what is to him the biggest conquest he can make, is aware of the odds—and Eddie Sachs played the odds. He was serious and frivolous . . . he was fun . . . he was a wonderful gentleman. He took much needling and gave much needling and just as the astronauts do perhaps, these boys on the race track ask no quarter and they give none. If they succeed they're heroes, and if they fail, they have tried and it was Eddie's desire, I am sure, and his will to try with everything he had, which he always did.

"So the only healthy way perhaps we can approach the tragedy of the loss of a friend like Eddie Sachs is to know that he would have wanted us to face it as he did . . . as it has happened . . . not as we wish it would have happened . . . We're all speeding toward death at the rate of sixty minutes every hour—only difference is that we don't know how to speed and Eddie Sachs did. And so, since death has a thousand or more doors, Eddie Sachs exits this earth in a race car, and knowing Eddie, I assume that is the way he would have wanted it.

"Bryon said, 'Whom the Gods love die young' . . . Eddie was thirty-seven. To his widow Nancy and to his two children, we extend our extreme sympathy and regret. This boy won the pole in 1961 and 1962 . . . and was a proud race driver.

"Well, as we do at Indianapolis and in racing, the race continues . . . unfortunately today without Eddie Sachs."

After the race 30,000 letters poured in to Sid acclaiming his eulogy and/or asking for a copy. Some wondered how he had been able to find a minister so quickly to speak those words—they could hardly credit a broadcaster with such spiritual eloquence. One hardbitten curmudgeon accused Sid of having prepared thirty-three such eulogies in advance, one for each driver, to produce at such a moment! But Sid needs no preparation to speak from the heart. He does it all the time, on and off the track. That day he and his staff had to talk for six hours straight, two hours of improvisation with Agabashian over a race red-flagged to a hushed halt for the first time in the 500's history. After six hours of steady broadcasting, they wrapped up the marathon broadcast at last at 4:27. Sid had been on since 10:30. Psychologists please note: at 4:30, his sore throat was gone.

He smiles often and easily. One time the joke was on him (or perhaps not), having to do with his little habit of dreaming the winner of the 500 and placing the name in a sealed envelope before the race. He correctly dreamed Wallard in '51, Ward in '59, and Andretti in '69. Sid psyched the Andretti prediction a bit and broke his rule of secrecy by announcing at a dinner two weeks before the race that he had dreamed of Andretti as the winner. Mario himself was in the audience that evening. That gave Sid something of a name as a dreamboat. And so the next year he was beseiged by drivers asking him to divulge who it was he had dreamed about this time. Sid obliged, with his characteristic wide grin: "Raquel Welch."

Unlike other sportscasters, Sid always signs off quoting a serious thought or a bit of poetry, dedicating it to the Indianapolis 500 winner. Among many he has used over the years was this by Henry David Thoreau:

"If one advances confidently in the direction of his dreams and endeavors to live the life which he has imagined, he will meet with a success unexpected."

It would appear that those words can be applied to Sid Collins.

THE SOVIET OLYMPIC TEAM—A STUDY IN GENETICS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. RARICK. Mr. Speaker, while the final total gave the Soviets an Olympic victory in team points, the televised activities were most revealing.

The Communists repeatedly call themselves a Union of Socialist Republics, which supposedly comprise a wide range of races, tribes, and ethnic groups. But the Soviet champions seen on the world's TV screens were far more Nordic or Germanic than even a cross section of the population of the Northeast United States.

Missing in the Soviet team representation were individuals readily identified as Mongol Tatars, Kazaks, Kalmyks, Turkic Uzbeks, Kirghiz, Georgians, Armenians, Slavs, Koreans, Chinese, Lapps, and Ukrainians.

On the contrary, the blonde and brunette Soviet women participants more closely resembled the Scandanivian American girls one would expect to find at the University of Minnesota or the Scotch-Irish American belles of the University of Alabama.

This is not to say or even suggest that the parents of the young blonde and brunette athletes who represented the Soviet Union in the Olympics are in control of the Soviet Government—actually they have less voice and chance in Moscow politics than do their distant cousins in the U.S.A. here in Washington—but it does suggest that in individual competition they must distinguish themselves to the great disappointment of the Soviet egalitarians.

A genetic study of the classless, raceless Soviet Union in conjunction with the Soviet Olympic team must prove most embarrassing to the environmentalists.

I include a recent editorial by Mr. Ned Touchstone, editor of the Councilor, 1827 Texas Avenue, Shreveport, La., following my remarks along with a selected portion of a Senate Judiciary Committee print entitled "The Soviet Empire: A Study in Discrimination and Abuse of Power":

Olympics Betray Truth About Soviet Union and Race

Munich.—The Soviet Union and the Communist Party lead the world in claiming that racial distinctions are only skin deep.

But tens of millions of television viewers saw the hypocrisy of these claims as Soviet athletes performed in the Olympics. Members of the Red team failed to reflect the wide range of tribes and races which comprise the 230 million or so inhabitants of the USSR.

Take for instance the Soviet Union's gymnastic team which walked off with top honors. Russia is a land in which there are far more dark visaged people than blondes or brown-haired people. Yet the Soviet champions seen on TV screens around the world were far more Nordic or Germanic than a cross-section of the population of the Northeastern United States. The Soviet girls closely resembled the Scandinavian girls one might find at the University of Minnesota, or the Scots-Irish (Ulster) lassies of the University of Alabama.

The Soviet Union follows the lead of the USA in selection of astronauts, also. Virtually all of the Soviet astronauts have been of stock similar to USA astronauts.

The Nordic-Germanic people of the USSR do not control the Soviet government. They have even less voice in Moscow politics than do their distant cousins in the USA in Washington.

Part of the fair people of the USSR are descended from Germans who settled in the Volga Valley in the 18th century at the invitation of Catherine the Great.

Other groups in Russia include the commercially and politically talented Khazars; Mongol Tatars; Kazaks; Kalmyks; Turkic Uzbeks; Kirghiz; Georgians; Armenians; Byelorussians; Slavs; Koreans; Chinese; Lapps; and Ukrainians.

Red propagandists in the USA constantly press for intermarriage of races, but have a double standard on this subject in the USSR. Lenin entertained the "melting pot" idea when he came to power 50 years ago. But he abandoned the scheme when it became apparent that Red Russia would need all the vigor and cultural vitality that it could get—and mongrelized nations such as Egypt, Brazil and India have historically faded in direct relation to mongrelization.

(Editor's note.—When I was briefly held captive by the 29th Soviet Army in July, 1946 I noted that the privates were Asiatics, some of the non-coms were Slavics, the junior officers were Nordics and the political officers were Khazars. Their female camp followers looked like a cross between a Mack truck and an Eskimo.)

[89th Con., first Sess., committee print]

THE SOVIET EMPIRE: A STUDY IN DISCRIMINATION AND ABUSE OF POWER

(Prepared by the Legislative Reference Service, Library of Congress, at the request of the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, U.S. Senate)

APPENDIX C

NATIONALITY COMPOSITION OF THE POPULATION OF THE U.S.S.R., BY REPUBLIC, JAN. 15, 1959

[Population figures in thousands]

Republic and nationality	Population	Percent distribution
R.S.F.S.R	117,534	100.0
Russian	97,864	83.3
Tatar	4,075	3.5
Ukrainian	3,359	2.9
Chuvash	1,436	1.2
Mordvian	1,211	1.0
Bashki	954	.8
Jewish	875	.7
Byelorussian	844	.7
German	820	.7
Peoples of Dagestan	797	.7
Udmurt	616	.5
Mari	498	.4
Komi and Komi-Permyak	426	.4
Kazakh	382	.3
Armenian	256	.2
Buryat	252	.2
Osetin	248	.2
Yakut	236	.2
Karbardin	201	.2
Karelian	164	.1
Peoples of the North	126	.1
Polish	118	.1
Kalmyk	101	.1
Tuvinian	100	.1
Korean	91	.1
Adygey	79	.1
Gypsy	72	.1
Finnish	72	.1
Azerbaidzhan	71	.1
Moldavian	62	.1
Georgian	58	(1)
Khakas	56	(1)
Greek	47	(1)
Altay	45	(1)
Other	922	.8
Ukrainian S.S.R	41,869	100.0
Ukrainian	32,158	76.8
Russian	7,091	16.9
Jewish	840	2.0
Polish	363	.9
Byelorussian	291	.7
Moldavian	242	.6
Bulgarian	219	.5
Hungarian	149	.4
Greek	104	.2
Rumanian	101	.2
Other	311	.7
Byelorussian S.S.R	8,055	100.0
Byelorussian	6,532	81.1
Russian	659	8.2
Polish	539	6.7
Jewish	150	1.9
Ukrainian	133	1.7
Other	42	.5
Uzbek S.S.R	8,106	100.0
Uzbek	5,038	62.2
Russian	1,091	13.5
Tatar	445	5.5
Kazakh	335	4.1
Tadzhik	311	3.8
Karakalpak	168	2.1
Korean	138	1.7
Jewish	94	1.2
Kirgiz	93	1.1
Ukrainian	88	1.1
Turkmen	55	.7
Other	250	3.1
Kazakh S.S.R	9,310	100.0
Kazakh	2,795	30.0
Russian	3,974	42.7
Ukrainian	762	8.2
Tatar	192	2.1
Uzbek	137	1.5
Byelorussian	107	1.1
Korean	74	.8
Uygur	60	.6
Polish	53	.6
Dungan	10	.1
Other	1,146	12.3
Georgia S.S.R	4,044	100.0
Georgian	2,601	64.3
Osetin	141	3.5
Abkhaz	63	1.6
Armenian	443	11.0
Russian	408	10.1
Azerbaidzhan	154	3.8
Greek	73	1.8
Ukrainian	52	1.3
Jewish	52	1.3
Kurd	16	.4
Other	41	1.0
Azerbaidzhan S.S.R	3,698	100.0
Azerbaidzhan	2,494	67.4
Russian	501	13.5
Armenian	442	12.0
Lezgin	98	2.7
Other	163	4.4
Lithuanian S.S.R	2,711	100.0
Lithuanian	2,151	79.3
Russian	231	8.5
Polish	230	8.5
Byelorussian	30	1.1
Jewish	25	.9
Ukrainian	18	.7
Other	26	1.0
Moldavian S.S.R	2,885	100.0
Moldavian	1,887	65.4
Ukrainian	421	14.6
Russian	293	10.2
Gagauz	96	3.3
Jewish	95	3.3
Bulgarian	62	2.1
Other	31	1.1
Latvian S.S.R	2,093	100.0
Latvian	1,298	62.0
Russian	556	26.6
Byelorussian	62	3.0
Polish	60	2.9
Jewish	37	1.8
Lithuanian	32	1.5
Ukrainian	29	1.4
Other	19	.9
Kirgiz S.S.R	2,066	100.0
Kirgiz	837	40.5
Russian	624	30.2
Uzbek	219	10.6
Ukrainian	137	6.6
Tatar	56	2.7
Kazakh	20	1.0
Tadzhik	15	.7

[1] Less than 0.5 percent.

GOOD HEALTH AND WEIGHT WATCHING

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. KOCH. Mr. Speaker, one of the most pervasive needs throughout our country is for programs to assure the health and well-being of our people. Indeed, the fact that this country's "health bill" every year runs into the tens of billions of dollars offers ample evidence that ours is a health-conscious society.

As one who has long been concerned with efforts to improve health care, I am mindful of the relationship of obesity to both physical and mental health, I believe we should recognize programs designed to help the "overweight American."

An organization that has made a significant contribution in the weight control field is Weight Watchers International, Inc., which has helped millions of people the world over to conquer their weight problem.

Characteristic of its acknowledged leadership, Weight Watchers recently introduced a new weight reduction program, the result of the most advanced scientific information available on health, nutrition, and the causes of obesity.

Perhaps the most significant feature of the new program is that members of Weight Watchers now are permitted to eat, in moderation, such formerly "taboo" foods as spaghetti, macaroni, potatoes, and cereals.

However, because of Weight Watchers' efforts in reeducating members' eating habits, foods such as these can be handled intelligently, yet with the same determination to get rid of unwanted pounds.

Although this program was introduced a few months ago, I am told it already has met with success in many cases, and that people are turning in increasing numbers to Weight Watchers for help in getting rid of excess weight.

Jean Nidetch, founder and president of Weight Watchers; Albert Lippert, board chairman and chief executive officer and Mrs. Felice Lippert, secretary and director of food research, Dr. William H. Sebrell, Jr., medical adviser and Fay Burnett, nutritionist, merit special commendation for the role they have played in the development of this new program, and for their continuing efforts to enhance Weight Watchers' position in the weight control field.

WATER DESALINATION

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. RHODES. Mr. Speaker, I recently had the opportunity to read an editorial from the San Mateo Times and Daily News Leader.

The editorial comments on water resources and our efforts to research economically feasible desalting methods.

I urge my colleagues to give it their consideration.

WATER DESALTING METHODS NEED SPEEDING UP

Most of the United States is abundantly endowed with water resources. Only a few states and some of the larger metropolitan areas are greatly concerned about present supplies.

But what of the future, after the population has doubled and industrial water requirements have multiplied several times? A number of desalting operations are underway to tap the endless resources of the oceans, but none as yet operates efficiently enough to supply commercial water needs economically.

Starvation, abetted by arid land incapable of producing any living thing, is a serious problem in large parts of Asia and smaller sections of Europe, Africa and Latin America. Population growth, attempts to improve standards of living in undeveloped lands—and the geometric growth of food requirements caused by both—will falter on a lack of adequate water if a major breakthrough in desalting processes does not come soon.

All other problems concerned with bringing water to people who need it at low cost add up to little compared to the struggle to tap earth's mightiest reserves. A breakthrough in this area would be one of the richest scientific gifts of the century.

"MILLS MOVE" IS McGOVERN'S FIRST COUP

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. WOLFF. Mr. Speaker, few men are more celebrated in this body than the distinguished chairman of the Committee on Ways and Means, Mr. MILLS. His particular genius has served as the occasion for more than a few provocative essays. Eliot Janeway, one of America's leading economist, has just written for Newsday, the Long Island newspaper, one of the more interesting essays about Mr. MILLS and his magic. It is an essay I think well worth reading, for it honors Mr. MILLS, something that virtually all of us believe in doing.

The essay follows:

VIEWPOINTS: "MILLS MOVE" IS McGOVERN'S FIRST COUP

(By Eliot Janeway)

When George McGovern came to Wall Street this week, his campaign was limping. The burden of carrying his controversial economic program has become too heavy for any presidential candidate to explain and still stay on the right side of the well-known plausibility gap.

But by the time McGovern faced back towards Main Street later that afternoon, his campaign was off and running again. Hard evidence was reassuring his dismayed and demoralized followers that his amateurishly conceived and amateurishly presented campaign had belatedly hit bottom and was at last beginning to bounce back.

The reason surfaced with the headlines he made. To be sure, the net of his populist text left him free to reassure his academic economic advisers that he was still 1,000 per cent behind the package of proposals they had laced together for him. But he himself was quick to acknowledge that he could credit the big plus he scored not to any vague and theoretical new deal he had been proposing, but to a very specific and practical new deal he was advertising his intent to make.

The pragmatic test for his new political deal was what Franklin Delano Roosevelt, in his day, liked to describe as "iffy." Only *if* McGovern won would he have a chance to do anything about this new deal he was proposing; and then, only *if* he could persuade the able and powerful man to whom he was making the offer to go along with it. Meanwhile, however, the mere fact of his remaining general about his original proposals and getting specific about the most important negotiating relationship confronting him gave him his lift.

His promise to offer the secretaryship of the Treasury to Chairman Wilbur Mills of the House Ways and Means Committee did more than turn his half-farcical campaign serious. It turned the aimless, listless and pointless contest between the two candidates serious.

Many issues at many levels are plaguing the American people. At the rate at which the national mood is "tilting," as deputy President Henry Kissinger is given to saying, away from confidence in "what's right with America" and towards anxiety about "what's wrong with America." One issue is claiming priority over all the rest.

Where is the money coming from? is now the big question America is on trial to answer before she can dare move forward to her rendezvous with destiny, domestically or internationally. The more America now comes under pressure and the more America now feels inspired or obliged to do—morally, socially, educationally, economically, militarily and diplomatically—the more she will feel the need to do financially.

Wilbur Mills is universally recognized and respected as "Mr. Money"—and not just in the conventional sense of the fiscal responsibility he personifies. In the direction of America's humanitarian commitment, his responsibilities range from keeping the Social Security dollars coming to guaranteeing their integrity. In the direction of America's pursuit of enlightened self-interest, his responsibilities encompass the problem of trading her way back into competitiveness in the world and arranging for the world to trade itself on towards the peace and prosperity which only a revived international dollar can underwrite.

Of course, Sen. McGovern hardly discovered the wheel, so to speak, in converting the old liability represented by his theoretical economic package into the practical new asset personified by his "Mills move." The pressure on both candidates to continue making a "Mills move" is surely bipartisan. After all, the appropriate authority for anyone with a brain tumor to consult is a brain surgeon, not a chiropodist. A bankruptcy calls for a receiver. This is now the role that has been thrust on Mills by the bankruptcy Uncle Sam has thrust on himself.

Ever since the fiscal bankruptcy of government in America at all levels surfaced and began its cancerous compounding, I have been calling attention to this new role for Mills. I have been at pains particularly to explain that the dollar-holding powers now hold the U.S. Treasury in pawn by virtue of financing its out-of-hand deficits. I have also been reporting that they now look to Mills to take the lead in staving off the catastrophe of another world monetary crisis, before America's staggering rate of overseas borrowing breaks her foreign bankers too.

At the turn of the year, Newsday included me on the roster of "the nation's leading economists" to whom it put the question, "If I were President Nixon, I'd . . . " The answer I offered differed from the other recommendations by rising above the level of issues and coming to grips with the personalities behind them.

Where Galbraith, Okun, Samuelson, Friedman and the others still judged the crisis of fiscal bankruptcy and monetary instability controllable enough for programmatic recommendations to be relevant, my answer assumed that time was no longer working on the side of stability. "If I were President Nixon," I accordingly wrote, "I would call up Wilbur Mills personally and ask him if I could come over and have a drink with him.

If Nixon can't make his problems with Mills negotiable, he will never come to grips with the money problems blooming before him.

President Nixon has yet to try. In his capacity as the incumbent candidate, he is running very scared of the euphoria of his supporters. But in his capacity as chief executive, he is operating under a spell of comparable complacence. The first cost of his spiraling-out-of-hand deficit is already being levied by the inexorable upward creep of interest rates. The inescapability of higher tax rates, too, is depriving America of her choice of either horn of the inflationary dilemma. Both dire consequences await her once the season for campaign oratory is over.

The explosive issue of 1972's illegal and, indeed, unconstitutional overwithholding of payroll taxes by executive order is headed towards a 1973 day of reckoning. The anemic erosion of the stock market is flashing a historic signal that Nixon is still fiddling while the dollar is already burning.

McGovern's "Mills move" represents his first coup scored at Nixon's expense. As the baseball writers say of a hitter in a slump, "he was overdue for a hit." I spoke on the phone to chairman Mills after McGovern had hit the news stream with his indication that he had opened a hot line to Mills and with his promise to the country—and, indeed, to the outside world—that he wants to continue using it. By way of hello, I said "Not just one title, but two, came your way today. Mr. Third Force is the second one. And that's the important one. Now there are three top names in the national picture—Nixon's, McGovern's and yours."

My twin premise is that America's crisis of political leadership has already exploded into one of financial management and that time is now ticking away against the chances of avoiding world monetary collapse and domestic financial chaos. Accordingly, it is my judgment that the most urgent order of business pending for the debtor in White House residence, whether Nixon or McGovern, is to arrive at what the bankruptcy lawyers call a "composition" of obligations outstanding with receiver Mills. Without this, no new recommendations will be relevant, and all of them will add up either to self-serving partisanship or to self-indulgent daisy-picking.

Ironically, the points McGovern scored with his "Mills move" and the point-gap in the polls he will now begin to close as a result of it depends more on Mills remaining operative in his receivership on Capitol Hill than on Mills doing more than considering this effective new challenge McGovern has at last offered to Nixon.

MAJOR FEDERAL COLLEGE AID PROGRAMS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. VANIK. Mr. Speaker, during the past few weeks, my office has been deluged with calls and letters concerning the need for financial assistance for meeting the expenses of higher education. There has been a great deal of confusion as to the details and impact of the new 1972 Higher Education Amendments. Many families have found it very difficult to discover exactly what assistance is available to help meet their family's particular educational and training needs. It is my hope that the following information will provide valuable information to help clear up much of the existing confusion and assist in family education planning for the future.

The choice of a college or vocational school should not be based on cost alone but on career objectives. The future of this country and its productivity is dependent on the talent of our young people. A country that does not attempt to provide educational opportunity commensurate with talent or desire is doomed to die from within.

The information follows:

FOUR MAJOR FEDERAL EDUCATION AND TRAINING AID PROGRAMS PRESENTLY IN EFFECT

General information on Four Major Aid Programs:

(1) Eligibility for all student assistance programs is extended to half-time students.

(2) Accredited post-secondary vocational school and accredited public and private institutions are eligible for these programs.

(3) Students are required to sign affidavits stating that the funds will go for educational expenses.

Title 1: Direct loans (NDEA).

Eligibility: Based on need.

Assistance: Loans up to $2,500 total may be made during the first two years—$5,000 ceiling for four years. $10,000 aggregate for graduate students (including undergraduate loans).

Notes: Payment of principal plus 3% interest begins within one year of completion of studies.

Title 2: College Work Study.

Eligibility: Schools select students who demonstrate need.

Assistance: School decides the type of job and rate of pay.

Title 3: Guaranteed Student Loan.

Eligibility: A Student whose family's adjusted gross income is below $15,000; or a student with an adjusted gross income above $15,000 who can establish need.

Assistance: Loan limits are $500 per year, with total limits of $7,500.

Notes: In March of 1973, new regulations may be issued on this program, raising the family income and loan limitation.

Title 4: Educational Opportunity Grants.

Eligibility: Enrolled students in good standing and in such need that they could not continue their education without such a grant.

Assistance: Maximum grant $1,500, but no student could get more than $4,000 during 4 years (or $5,000 under special circumstances).

Notes: See your financial aid officer at your school.[1]

Basic Educational Opportunity Grants

Such sums as may be necessary are authorized through fiscal year 1975 for a new program of basic educational opportunity grants for all students, not just those of exceptional need. Such grants cannot exceed 50 percent of the actual cost of attendance at an institution and cannot be more than $1,400 per student per year minus the student's expected family contribution. Basic grants cannot exceed the difference between the family contribution and the actual cost of attendance at the institution. In the event appropriations are insufficient to meet full entitlement, then basic grants cannot exceed one-half the student's actual need, unless the appropriation amounts to 75 percent or more of full entitlement, in which case the grant cannot exceed 60 percent of the student's actual need. For less than full-time students, the basic educational opportunity grant is proportionately reduced.

MILITARY ASSISTANCE IN EDUCATION AND TRAINING

Title 1: Military academies: Army, Navy, Air Force.

Eligibility: Single males, 17 to 22, high school graduates, meeting various physical and qualifying test requirements.

Assistance: 4-year courses leading to B.S. with tuition, room, board, and salary supplied.

Notes: There is a 5-year service obligation. Although not military academies, the Coast Guard and Merchant Marine have similar institutions.

Title 2: Reserve Officers Training Corps: Army, Navy, Air Force, Marine.

Eligibility: Meet age, physical, and qualifying test requirements.

Eligibility: The student receives uniforms and textbook allowance for military courses. In the third and fourth year, he also receives $50 a month. A number of full scholarships are available especially for those interested in science.

Notes: During normal course of study student takes a number of military science courses during a 2-year or 4-year program, and attends 1 summer camp, and at graduation is commissioned a 2nd lieutenant or an ensign. Obligation is up to 6 years' service in Active and Reserve units.

Title 3: College-level education programs.

Eligibility: All military personnel on active duty.

Assistance: Most programs incude full pay and allowances for college expenses.

Notes: Programs are usually based on requirements in the various specialties and personnel so educated acquire obligated service for the time spent in school.

Title 4: Career Training.

Eligibility: All military personnel on active duty.

Assistance: At both the officer and enlisted level, the serviceman receives career schooling or on-the-job training to assist him with career progression in his military specialty.

Notes: Much of this training is civilian convertible in various technical and professional occupational areas. The training includes courses ranging from the elementary to the college level.

Title 5: General education programs.

Eligibility: All military personnel on active duty.

Assistance: All the services have programs to provide voluntary educational opportunities to all personnel, regardless of their assignment, through which they may raise their educational level and their value to the service.

Notes: These opportunities extend from elementary school to graduate degree programs and include a wide variety of schooling: group study classes on the military station, courses offered by local high schools and accredited colleges on station and in the civilian community, service, and U.S. Armed Forces Institute correspondence courses, and correspondence courses offered by almost 50 universities and colleges through the institute. Services also make their correspondence courses available to personnel on inactive duty.

Title 6: Armed Forces tuition assistance.

Eligibility: All military personnel on active duty.

Assistance: The services offer up to 75% of tuition assistance for off-duty study.

Notes: Personnel may use this program to advance themselves in areas not necessarily tied to their military specialty. Obligation: 2 years' further service for officers, none for enlisted personnel.

The Air Force, Army and Navy will award 6,300 new ROTC scholarships for the 1973–74 college year on the basis of applications in the weeks just ahead. In all, 19,000 students will receive financial aid, including renewals.

ROTC scholarships. The successful applicants will have their tuition, fees and costs of books paid to participating R.O.T.C. colleges they attend, and will receive $100 a month toward room and board. At an expensive university, a scholarship could be worth up to $16,000, over the four years to graduation.

Highlights on scholarships, by branch of service:

Army: About 2,200 new scholarships, including some for two and three years. Deadline for applications, December 31, 1972. Information and forms from Army ROTC on campus or from Army ROTC, Fort Monroe, Virginia, 23351.

Air Force: 2,100 new scholarships, including some for two and three years. Applications deadline, November 15, 1972. Information from campus professor of aerospace studies or Air Force ROTC, Maxwell Air Force Base, Alabama, 23112.

Navy: Approximately 2,000 new scholarships. Deadline for applications, November 1, 1972. Information and forms available from NROTC, Navy Recruiting Command, Department of the Navy, Washington, D.C., 20370.

In return, a student who accepts this scholarship assistance pledges to serve four years of active duty as an officer after graduation—longer if he enters flight training with the Air Force, Navy, or Marines.

MAJOR NON-FEDERAL UNDERGRADUATE SCHOLARSHIPS AND LOANS

Title: National Merit Scholarships.

Eligibility: Any high school student can be eligible by taking the NMSQT (National Merit Scholarship Qualifying Test) in March of his junior year.

Assistance: Merit Scholars receive stipends ranging from an honorary $100 to a maximum $1500 per year—after a student qualifies, the degree of need determines the stipend.

Notes: For further information contact: National Merit Corporation, 990 Grove Street, Evanston, Illinois 60201.

Title: National Honor Society Scholarships.

Eligibility: A student must be a member of the NHS in his school and must be selected as a semi-finalist on the basis of scores on the Preliminary Scholastic Aptitude Test.

Assistance: National Honor Society Scholarships range in value from $500 to $6000.

Notes: For further information contact high school counselor.

Title: United Student Aid Funds.

Eligibility: Undergraduates may borrow up to a maximum of $1000 per year—total amount of loans for one student may not exceed $6000.

Assistance: Student must have completed his freshman year, have need, be enrolled in one of 900 colleges—parent or guardian must approve application if the student is under 21.

Notes: For further information contact: United Student Aid Funds, 5259 North Tacoma Avenue, Indianapolis, Indiana 46220.

SILVER ANNIVERSARY CELEBRATION

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Arnold Greene Testing Laboratories, Inc., headquartered in Natick, Mass. with branches in Springfield, Everett, and Auburn, Mass., Warwick, R.I., and Puerto Rico, is one of the Nation's leading, independent, general testing companies for industry, as well as an active member of the American Council of Independent Laboratories.

It is currently celebrating a silver anniversary in the Commonwealth of Massachusetts with a year-long program and also recently received a "Faith in Massachusetts" Award from the Massachusetts Department of Commerce and Development.

In an era when the role of independent testing laboratories is so vital to consumers, the public interest and environmental betterment, I am very pleased to insert the text of a letter to Mr. Arnold Greene of Newton, Mass., president and founder of the firm, from Gov. Francis W. Sargent of Massachusetts, who very adequately expresses my own feelings.

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[1] In September of 1973 the new Basic Educational Opportunity Grants program is expected to be in effect. The following is a description of the newly-defined program *that is not yet in effect* but may be in effect in September 1973:

> THE COMMONWEALTH OF MASSACHUSETTS,
> *Boston, May 25, 1972.*
>
> ARNOLD GREENE,
> *President, The Arnold Greene Testing Laboratories, Inc., Natick, Mass.*
>
> DEAR MR. GREENE: I am pleased to convey the congratulations of the Commonwealth, as well as my own, upon the occasion of the Open House on May 25, which highlights the Silver Anniversary Celebration of the Arnold Greene Testing Laboratories, Inc.
>
> In sending my best wishes to those present for the events, I would particularly like to call attention to your important role in establishing the highest standards of practice for laboratories in New England. I am also most grateful for your confidence in the economy of Massachusetts, as reflected in your expansion in Springfield, Everett and Auburn.
>
> Sincerely,
> FRANCIS W. SARGENT,
> *Governor.*

COMPTROLLER GENERAL FINDS THAT CONTINUED SHIPMENT OF DES PREMIXES IS ILLEGAL

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. FOUNTAIN. Mr. Speaker, I have just received an opinion from the Comptroller General of the United States holding that the Commissioner of the Food and Drug Administration has acted without legal authority and contrary to the law in permitting a "phaseout" period for existing stocks of DES premixes used in livestock feeds.

On July 31, 1972, FDA issued an order withdrawing approval of the new animal drug applications of DES liquid and dry premixes for use in the feed of cattle and sheep. This order became effective on August 4, 1972, the date of its publication in the Federal Register. The order required the immediate cessation of the manufacture of DES premixes, but permitted the continued shipment and use of existing stocks of the premixes until January 1, 1973.

During the past year and a half, the Intergovernmental Relations Subcommittee of the Committee on Government Operations has thoroughly reviewed FDA's regulation of the new animal drug diethylstilbestrol—DES. This drug has been widely used as a growth stimulant in animal food production. It is a powerful synthetic estrogenic hormone which, unfortunately, is also an extremely potent cancer-promoting substance.

Despite new and more stringent controls instituted by FDA and USDA at the beginning of this year to prevent DES residues in edible animal tissue, such residues are being found in the livers of almost 2.5 percent of all cattle and sheep marketed.

The so-called Delaney Clause in the New Animal Drug Amendments of 1968 requires the banning of any new animal drug which is carcinogenic if drug residues are found in edible animal tissue.

A I reviewed the requirements of the Federal Food, Drug, and Cosmetic Act and the intent of Congress, it appeared clear to me that the DES premixes, and the animal feeds containing them, had become adulterated within the meaning of the law and, therefore, could not be shipped in interstate commerce as of the effective date of FDA's order withdrawing approval of the new animal drug applications for those premixes.

In addressing the House on August 7, 1972, I questioned the authority and discretion of the Commissioner to allow continued interstate shipment and use of animal drugs after approval of their new drug applications had been revoked. Subsequently, on August 15, 1972, the subcommittee which I chair held a public hearing on this matter.

In opening that hearing, I stated:

> As I understand it, the DES premixes are new animal drugs and until this month were covered by approved animal new drug applications, as required by law. They were legally on the market. But their status was completely changed with the publication of the July 31, 1972, order withdrawing the approval of these N.A.D.A.'s. It would appear that the premixes were converted by this order from legal new animal drugs to new animal drugs which must now be deemed to be unsafe and adulterated within the meaning of Section 501(a, (5).
>
> We will explore this more fully in questioning. If they are indeed adulterated in this way, it would further appear that their continued shipment in interstate commerce is expressly prohibited by Section 301(a), which makes it a punishable crime, and under some circumstances a felonious crime, to ship an adulterated drug in interstate commerce.
>
> I know of no circumstances under which the Secretary may set this prohibition aside for an adulterated new animal drug which is deemed to be unsafe, as the DES premixes now appear to be. If such authority exists under the Food, Drug and Cosmetic Act or elsewhere, I haven't been able to find it. I must, therefore, question FDA's legal authority for authorizing continued shipments of DES liquid and dry premixes.

At the hearing FDA witnesses contended that the agency's action allowing the continued shipment of DES premixes was legal, but no supporting legal documentation was provided. In view of this situation, I requested the Comptroller General to rule on the legality of the "phase-out" period for DES premixes permitted by the FDA order. The Comptroller General's opinion of September 11, 1972, fully supports my own conclusion that the FDA Commissioner has acted illegally.

I call the attention of my colleagues particularly to the Comptroller General's conclusion that the FDA Commissioner lacks authority for granting a "phase-out" period intended to permit the continued shipment and use of DES premixes until January 1, 1973. The Comptroller General states that:

> In the absence of approved new animal drug applications for DES premixes, such new animal drugs, and feeds containing them, are adulterated drugs; foods containing such drugs are adulterated foods; and all of the products are covered by the prohibitions, sanctions and remedies set forth in sections 301 through 304.

The Comptroller General continues:

> We believe it is equally manifest that the Commissioner has no legal authority to vitiate or modify the operation of these statutory provisions. The Commissioner's authority and discretion under section 512(e) (1) (B) is limited to the determination of whether or not a condition for withdrawal of approval specified therein is presented. If it is, the Commissioner "shall * * * issue an order withdrawing approval * * *." There is nothing in section 512, or in any other provision of the Act, expressly or implicitly authorizing the Commissioner to withdraw approval for some purposes but not for others; or to delimit which legal consequences of withdrawal shall take effect. On the contrary, the legal consequences of withdrawal specifically set forth in sections 512(a), 501 and 402 of the Act arise by operation of law. Thus the Commissioner has no function or authority, discretionary or otherwise, with respect to these effects.

To summarize—the Comptroller General, in responding to three specific questions I raised, concluded that:

First. The existing stocks of DES premixes are now deemed to be unsafe new animal drugs and therefore adulterated within the meaning of the act.

Second. Shipment of existing stocks would violate the prohibitions in chapter III of the Federal Food, Drug, and Cosmetic Act against the interstate shipment of an adulterated drug and against the use of any substance which would cause adulteration of a food or drug after it had been received in interstate commerce and while held for sale.

Third. FDA withdrawal of approval of a new drug application may not be partial so as to prohibit further manufacture of the drug while permitting its continued shipment and use.

The FDA Commissioner has explained his decision to allow a "phase-out" period for DES premixes by stating that:

> Because there is no evidence of a public health hazard, there is no justification for an abrupt disruption of the nation's meat supply.

The Comptroller General rightly disposes of this reasoning on two grounds:

> The existence of a public health hazard is not a necessary prerequisite to withdrawal of approval under section 512(e) (1) (B) . . ., and the practical consequences cited by the Commissioner, whether real or not, are, simply, immaterial under the statutory provisions governing withdrawals of approval and their legal effects.

While the health issue is in fact "immaterial" in this legal context, I want to caution my colleagues against the argument that there is no proof that the very small residues of DES found in livers have harmed humans. This is not a very reassuring statement. It is virtually impossible to prove in the time period DES has been used in livestock feed that small amounts of any carcinogen, no matter how potent, have harmed humans, because cancers in many may not become apparent until considerably more than a decade after exposure has taken place. Moreover, there is no available scientific method for demonstrating that a very widely used carcinogen, such as DES in livestock feed, is or is not the causative agent for any form of cancer which develops in humans.

What we do know is that DES, which has long been known to cause cancer in numerous species of experimental animals, was associated for the first time last year with human cancer. Medical scientists found that a very rare type of vaginal cancer had developed in a large number of young women whose mothers had been given DES during pregnancy in the 1950's to prevent miscarriage.

It is important to point out that leading experts in the causation of cancer agree that exposure to low levels of any carcinogen should not be permitted if the carcinogen is avoidable, since no one can say how much of a carcinogen or how long an exposure to it will produce cancer.

Mr. Speaker, this is not the first time that the FDA Commissioner has disregarded the law and the intent of Congress under the guise of "administrative discretion." Only last month, Judge William B. Bryant of the U.S. District Court for the District of Columbia—in American Public Health Association and National Council of Senior Citizens against Acting Secretary of HEW and Commissioner of FDA—criticized FDA for contravening the efficacy requirements of the Federal Food, Drug and Cosmetic Act. Judge Bryant said:

> When, as is the case here, the Congress has shown an awareness of a problem and has acted accordingly, it seems inappropriate for an agency to adopt procedures which extend the grace period far beyond that envisioned by the statute, and which effectively stay implementation of the Congressional mandate that drugs in the marketplace be both safe and effective.

Legislation is now pending before the Congress to provide an immediate ban on the use of DES in animal feed. I think it is a distortion of the legislative process for Congress to have to spend its time considering special bills which purport to force a regulatory agency to take an action already required of it under existing law. Congress, in my judgment, should use its powers for securing bureaucratic responsibility in the enforcement of the laws so that remedial legislation will not be required on a case-by-case basis. I have transmitted the Comptroller General's opinion to the FDA Commissioner and to the Secretary of Health, Education, and Welfare for their information, and for appropriate action.

The full text of the Comptroller General's opinion follows:

COMPTROLLER GENERAL,
Washington, D.C., September 11, 1972.

HON. L. H. FOUNTAIN,
Chairman, Intergovernmental Relations Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your letter of August 16, 1972, which reads, in part, as follows:

"The Federal Register of [August 4, 1972], contains an order of the Food and Drug Commissioner withdrawing approval of the New Animal Drug Applications of a number of premixes containing diethylstilbestrol (DES), which is a cancer-promoting drug. The other became effective on the date of its publication, but the Food and Drug Administration is permitting continued shipment and use of the premixes until January 1, 1973.

"I would appreciate an analysis of the effect of the order on the legal status of the premixes and your opinion as to whether existing stocks of these premixes are now deemed to be unsafe new animal drugs under 21 U.S.C. 360b, and, therefore, adulterated within the meaning of Section 351 (a) (5).

"I would also appreciate your opinion as to whether shipment of the existing stocks would violate 21 U.S.C. 331(a); and whether their use in feed would result in the adulteration of the feed within the meaning of 21 U.S.C. 351(a)(6); and whether such use in feed violates 21 U.S.C. 331(b) or (k)?

"Finally, I would appreciate your legal opinion as to whether the withdrawal of approval of an application may be partial so as to prohibit further manufacture of the drug while permitting its continued shipment and use."

The instant matter arises under the Federal Food, Drug, and Cosmetic Act (hereafter "the Act"), approved June 25, 1938, ch. 675, 52 Stat. 1040, as amended, 21 U.S.C. 301 *et seq.* The administration of the Act is vested generally in the Commissioner of Food and Drugs (hereafter "the Commissioner"). See 21 CFR § 2.120. There appears to be no question but that the premixes involved in the Commissioner's order of July 31, 1972, and published in the Federal Register on August 4, 1972, 37 F.R. 15747, are "new animal drugs" within the application of the Act. See section 201(w), as amended, 21 U.S.C. 321(w); see also S. Rept. No. 1308, 90th Cong., 2d sess., page 3. It also seems to be unquestioned that DES is a cancer-causing, or carcinogenic, drug.

Under section 512 of the Act, as amended, 21 U.S.C. 360b, new animal drugs must be cleared prior to marketing by the filing of a "new animal drug application" with the Commissioner pursuant to subsection (b), and the approval of the application in accordance with subsection (c). Subsection 512(d) specifically provides several grounds upon which the Commissioner shall refuse to approve a new animal drug application. Among these provisions is subsection 512(d)(1)(H)—the so-called "Delaney Amendment"—which requires disapproval if—

"such drug induces cancer when ingested by man or animal or, after tests which are appropriate for the evaluation of the safety of such drug, induces cancer in man or animal, except that the foregoing provisions of this subparagraph shall not apply with respect to such drug if the Secretary [Commissioner] finds that, under the conditions of use specified in proposed labeling and reasonably certain to be followed in practice (i) such drug will not adversely affect the animals for which it is intended, and (ii) no residue of such drug will be found (by methods of examination prescribed or approved by the Secretary by regulations, which regulations shall not be subject to subsections (c), (d), and (h)), in any edible portion of such animals after slaughter or in any food yielded by or delivered from the living animals * * *."

Section 512(e) of the Act provides for the subsequent withdrawal of approval for new animal drug applications; and reads, in part, as follows:

"(1) The Secretary [Commissioner] shall, after due notice and opportunity for hearing to the applicant, issue an order withdrawing approval of an application filed pursuant to subsection (b) with respect to any new animal drug if the Secretary finds—

* * * * *

"(B) that new evidence not contained in such application or not available to the Secretary until after such application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when such application was approved, evaluated together with the evidence available to the Secretary when the application was approved, shows that such drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved or that subparagraph (H) of paragraph (1) of subsection (d) [the Delaney Amendment] applies to such drug * * *."

The administrative action culminating in the order of July 31 was initiated with the publication on March 11, 1972, of a notice of opportunity for a hearing announcing that the Commissioner proposed to withdraw approval of new animal drug applications for DES liquid premixes used in the manufacture of feeds for cattle and sheep. 37 F.R. 5264. On June 21, 1972, a similar notice and announcement was published with respect to DES liquid and dry premixes and DES implants for cattle and sheep. 37 F.R. 12251. Objections and requests for a public hearing were submitted by a number of holders of the applications affected. However, a hearing was denied as to the liquid and dry premixes on the basis that "the objections fail to demonstrate the existence of a genuine and substantial issue of fact * * *." Discussion and order, *infra*, 37 F.R. 15749.

The Commissioner's actual order of July 31, 1972, 37 F.R. at page 15750, is as follows:

"* * * [P]ursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the requests for evidentiary hearings with respect to the above-listed new animal drug applications for DES liquid and dry premixes for cattle and sheep are denied and approval of the applications. including all amendments and supplements thereto, is hereby withdrawn. Manufacturing of such premixes shall stop immediately, and feeding of existing supplies of such premixes shall stop as soon as existing supplies are exhausted but in any event no later than January 1, 1973. The Commissioner defers a ruling on withdrawal of the above listed new animal drug applications for DES implants for cattle and sheep. This order shall be effective on its date of publication in the Federal Register (8–4–72)."

The discussion of this order at pages 15748–9 reads, in part, as follows:

"The effectiveness of DES as a growth promotant has not been and is not questioned. Until Friday, July 28, 1972, the Commissioner was unaware of the existence of any data indicating that use under the conditions contained in the approved label would result in detectable residues of DES in the edible portion of animals. Prior studies, using the most sensitive research tools available, showed no detectable residues in the animal liver after 48 hours and even in inedible waste after 132 hours. On December 8, 1971 (36 F.R. 23292), the withdrawal period was extended from 48 hours to 7 days as a prudent precautionary measure to provide an extra margin of safety.

"On Friday, July 28, 1972, the Commissioner was informed of the results of a research study undertaken by the U.S. Department of Agriculture in which it was found, using radioactive-tagged DES in six steers, that detectable residues occurred in the liver from a single 10 mg. oral dose of DES after withdrawal for 3, 5, and even 7 days. * * *

* * * * *

"From earlier data, it was thought that the half-life of DES in the animal was 12 hours. The new data show that, after 3 days, the elimination rate appears to decrease substantially. Because the experiment has not been carried out for longer than 7 days, it is impossible at this time to determine the rate of residue elimination beyond this period. It is hypothesized that, after 30 days withdrawal, the residue would be reduced to the practical equivalent of zero. There are, however, no data available to substantiate this hypothesis. The law requires that the holder of a new animal drug application submit all data necessary to show that it is possible to use the drug without any residue remaining in the edible portions of the animal. In the absence of such data, the new animal drug application must be withdrawn.

"Even if data were available to demonstrate a suitable withdrawal period, it is now questionable whether a sufficiently precise regulatory surveillance method is available to permit continued approval of the drug in animal feed. In view of the new USDA study, it now appears that the test results thought possibly to be false positives may indeed have been true positives. The Commissioner is unaware of any data which could reasonably be interpreted to show that a 30-day feed withdrawal period, which in any event can only be hypothesized as a suitable withdrawal period, would be reasonably certain to be followed in practice. Even if a 30-day withdrawal period were ordered, no regulatory surveillance method now available would be sufficiently sensitive to detect violations of this requirement. The imposition of new and more stringent restrictions on the use of DES in feed, such as an increased withdrawal period, measures to avoid cross-contamination, and similar requirements, is therefore no longer a controlling factor in view of the new USDA study showing that even proper use of the drug under existing restrictions may result in violative residues."

It was also noted that the results of the USDA study were considered equally applicable to sheep, but not necessarily applicable where DES was introduced into cattle and sheep by the use of implants. The discussion as to withdrawal of approval for the new animal drug applications concluded at page 15749 as follows:

"This action is required under the strict terms of sections 512(d) (1) (H) and 512(e) (1) (B) of the act. These provisions, which contain the so-called Delaney Clause, require that there be no detectable residue. The new USDA study clearly shows residues at levels that are in the range of current detection methodology; new detection methodology is being developed that would be significantly more sensitive. Thus, under the law there is no alternative but to withdraw approval of the drug, even though there is no known public health hazard resulting from its use.

"It should be emphasized that the Commissioner has no reason to believe that use of DES in animal feed represents a public health hazard. No human harm has been demonstrated in over 17 years of use. Under the law, however, this continued use of the drug may no longer be permitted.

"The Commissioner has concluded that withdrawal of approval of the new animal drug applications for the DES liquid and dry premixes should be effective immediately. This means that these premixes may not be manufactured effective as of the date of publication of this order in the Federal Register."

The Commissioner's approach of "phasing out" the effects of his order withdrawing approval was explained at page 15748 as follows:

"This matter is a regulatory, not a public health, problem. The animal feeding industry, the pharmaceutical industry, and the U.S. Department of Agriculture have been unable to come forward with restrictions and controls on the use of DES in ånimal feed that are reasonably certain to be followed in practice and that will result in the absence of detectable residues in the edible portions of the animals. Accordingly, the law requires that use of the drug must be discontinued.

"Because there is no evidence of a public health hazard, however, there is no justification for an abrupt disruption of the production of the nation's meat supply. An immediate ban on use of DES in feed could result in an unwarranted public concern and an unjustified increase in meat prices. It is estimated that there is about a 4-months supply of DES liquid and dry premixes already manufactured and at various stages in the chain of distribution. Accordingly, the Commissioner had determined that the manufacture of liquid and dry premixes will be discontinued effective immediately, Feeding of DES will be discontinued as soon as existing supplies are used up, but no later than January 1, 1973. This will permit both an orderly phaseout of the use of the drug in animal feed and an opportunity for the animal feeding industry to switch to DES implants and other implants have been shown to be approximately as effective for growth promotant purposes as DES in feed."

The above-quoted portions of the order and discussion of July 31 demonstrate that the Commissioner's actual withdrawal of approval for the DES liquid and dry premix new animal drug applications was unequivocal and unconditional. In fact, the Commissioner apparently considered that, under the circumstances discussed, such withdrawal was mandated by section 512(e) of the Act. What the Commissioner's disposition purports to condition by the "phaseout" approach is the legal effect of his withdrawal of approval. Accordingly, for purposes of responding to the questions presented in your letter, we treat the Commissioner's action as a withdrawal of approval under section 512(e), and address only its "phaseout" aspect. In view of this, we express no opinion concerning the substantive and procedural validity of the withdrawal itself.

Section 512(a) (1) (A) of the Act, as amended, 21 U.S.C. 360b(a) (1) (A), provides:

"A new animal drug shall, with respect to any particular use or intended use of such drug, be deemed unsafe for the purposes of section 501(a) (5) and section 402(a) (2) (D) unless—

"There is in effect an approval of an application filed pursuant to subsection (b) of this section with respect to such use or intended use of such drug * * *."

Section 501(a) (5), as amended, 21 U.S.C. 351(a) (5), provides the "[a] drug or device shall be deemed to be adulterated * * * if it is a new animal drug which is unsafe within the meaning of section 512 * * *." Section 402(a) (2) (D), as amended, 21 U.S.C. 342(a) (2) (D), provides that "[a] food shall be deemed to be adulterated * * * if it is, or it bears or contains, a new animal drug (or conversion product thereof) which is unsafe within the meaning of section 512 * * *."

Animal feeds are generally treated separately under the Act, see section 201(x) of the Act, as amended, 21 U.S.C. 321(x), and are subject to premarketing clearance procedures as set forth in section 512(m), as amended, 21 U.S.C. 360b(m). However, if an animal feed bears or contains a new animal drug for which an approved new animal drug application is not in effect, the feed is "unsafe" under section 512(a) (2) (A), as amended, 21 U.S.C. 360b(a) (2) (A), and is itself an "adulterated drug or device" under section 501(a) (6), as amended, 21 U.S.C. 351(a) (6).

Section 301 of the Act, as amended, 21 U.S.C. 331, prohibits, *inter alia,* the following acts and the causing thereof:

The introduction or delivery for introduction into interstate commerce of any adulterated food, drug or device [subsection (a)];

The adulteration of any food, drug or device in interstate commerce [subsection (b)];

The receipt in interstate commerce of any adulterated food, drug or device, and the delivery or proffered delivery thereof for pay or otherwise [subsection (c)];

The manufacture within any Territory of any adulterated food, drug or device [subsection (g)].

Violations of section 301 are subject to civil injunctive remedies under section 302, as amended, 21 U.S.C. 332, and to criminal penalties under section 303, as amended, 21 U.S.C. 333. In addition, section 304, as amended, 21 U.S.C. 334, makes adulterated foods, drugs and devices liable to seizure and condemnation under the conditions set forth therein.

Sections 301 through 304, 402, 501, and 512(a) of the Act constitute a comprehensive and precise statutory system for the treatment of new animal drugs not having in effect approved new animal drug applications. The operation of this statutory system is, in our judgment, manifest: such new animal drugs, and feeds containing them, are adulterated drugs; foods containing such drugs are adulterated foods; and all of these products are covered by the prohibitions, sanctions and remedies set forth in sections 301 through 304.

We believe it is equally manifest that the Commissioner has no legal authority to vitiate or modify the operation of these statutory provisions. The Commissioner's authority and discretion under section 512(e) (1) (B) is limited to the determination of whether or not a condition for withdrawal of approval specified therein is presented. If it is, the Commissioner "shall * * * issue an order withdrawing approval * * *." There is nothing in section 512, or in any other provision of the Act, expressly or implicitly authorizing the Commissioner to withdraw approval for some purposes but not for others; or to delimit which legal consequences of withdrawal shall take effect; or to specify when and how such legal consequences shall take effect. On the contrary, the legal consequences of withdrawal specifically set forth in sections 512 (a), 501 and 402 of the Act arise by operation of law. Thus the Commissioner has no function or authority, discretionary or otherwise, with respect to these effects.

We have no reason to question the Commissioner's sincerity in minimizing the significance of the DES problem from a health standpoint; and in seeking to ameliorate the practical difficulties which he apparently foresees as a result of withdrawal. However, the existence of a public health hazard is not a necessary prerequisite to withdrawal of approval under section 512(e) (1) (B) or to the operation of the legal consequences arising therefrom. Compare the last paragraph of section 512(e) (1). which does provide for suspension of approval and special procedures in cases of imminent hazard to the health of man or animals. Moreover, the practical consequences cited by the Commissioner, whether real or not, are simply, immaterial under the statutory provisions governing withdrawals of approval and their legal effects.

For the reasons stated herein, it is our opinion that your first two questions must be answered in the affirmative and your last question in the negative.

Sincerely yours,

R. F. KELLER,
Acting Comptroller General of the United States.

CARDINAL O'BOYLE APPEALS FOR AGRICULTURAL LABOR LEGISLATION

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. VEYSEY. Mr. Speaker, 2 days ago one of our colleagues reprinted the Labor Day statement of His Eminence, Patrick Cardinal O'Boyle, endorsing the lettuce boycott.

In speaking of the 2,500,000 migrant agricultural workers, Cardinal O'Boyle stated:

These workers, mainly Mexican-Americans, Filipinos, and migrant blacks, are truly the forgotten people of the United States. They are not covered—indeed they have been deliberately excluded from coverage—under most of the social legislation enacted during the past 40-odd years. Their wages and working conditions are pitifully below standard, and their housing, by and large, is totally inadequate. Moreover, until very recently, they have not been able to organize into a union of their own choosing.

I join the Cardinal in calling for these workers to have the right to organize into a union of their own choosing. There are at least 12 bills that have been introduced to accomplish precisely this purpose. All are now just languishing in the Farm Labor Subcommittee, which is chaired by the Member who reprinted Cardinal O'Boyle's statement.

What irony. If our colleague truly shares His Eminence's concern for agricultural workers, what better way to manifest that concern than by bringing one of these bills to the floor for a vote.

Let those who pick the crops pick their own unions.

THE TRUE ISSUE OF 1972 IS VIETNAM

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. DRINAN. Mr. Speaker, the New York Times' superb columnist, Tom Wicker, has written an article published September 12 entitled, "The True Issue of 1972 is Vietnam."

In this eloquent analysis Mr. Wicker states:

> The American people do not seem to realize that their air power is carrying out one of the most terrible mass exterminations in history, not only in the North but in the South Vietnam that it is supposed to be defending and over which the squalid Thieu has been given such dictatorial sway.

The text of this moving statement follows:

THE TRUE ISSUE OF 1972 IS VIETNAM

(By Tom Wicker)

President Nixon has taken American ground combat troops out of the war and therefore American casualties are down, but American war prisoners are nowhere near freedom, Vietnamization has never looked more dubious, the Thieu regime has never seemed a less attractive ally, and neither lethal bombing nor mining of its harbors has ended North Vietnam's ability to carry on and perhaps intensify the war.

Even Congress continues to pick at Nixon's Vietnam policy, despite his success in fending off end-the-war legislation. In supporting the biggest defense bill ($74.6 billion) since World War II, for instance, the House nevertheless cut $450 million from the $2.8 billion Nixon had requested for increased military operations. These cuts included trimming from 252 to 180 the number of helicopters to be sent to South Vietnam just one day after 70 of those they already have were destroyed or damaged at Bien Hoa, in the worst aircraft loss of the war.

Those with long memories will recall that it was the South Vietnamese army's inability to protect air bases that first brought American air power directly into the war; in February 1965 infiltrators blew up a number of American aircraft at Pleiku, and President Johnson sent the bombers north in retaliation. More than seven years later, the South Vietnamese still can't protect their aircraft which is one eloquent comment on the "success" of Vietnamization.

Another is the continuing display of North Vietnamese and Viet Cong military enterprise in South Vietnam despite the incredible weight of American bombing in North and South, and despite the mining of Hanoi's ports. American officers now are claiming that the North Vietnamese threat to Hue has been ended, but in the last week Saigon lost an important base camp in the central highlands and suffered setbacks at Tien Phuoc 35 miles south of the important city of Da Nang.

Together with vigorous North Vietnamese and Viet Cong activity in the Mekong Delta, all this suggests that neither Vietnamization nor Nixon's air power and mines have tipped the balance of fighting in favor of Saigon; indeed, without American planes and pilots, the Communist spring offensive might well have been a knockout punch.

Politically, the new Viet Cong peace proposal—"for a provisional government of national concord that shall be dominated by neither side"—may be pronounced by American analysts to be the same old stuff clad in new rhetoric. On paper, however, it appears fair enough and is so stated that it may prove hard for Nixon to ignore.

This is particularly so since the proposal appears to demand something less than what Nixon calls "the overthrow of the Saigon government." It would specifically permit participation by members of that government, excluding only President Thieu himself—and the evidence is mounting that this exclusion is a splendid idea.

Having already wrested from the Senate the right to govern by decree in the economy and finance, having intimidated and virtually silenced the opposition press by Draconian publication rules, having—since the spring offensive began—thrown into prison literally thousands of Vietnamese on nothing more than suspicion, Thieu has now abolished popular Democratic election of officials in his country's 10,775 hamlets.

These moves make it clear that as Americans have been withdrawn from Vietnam, while Nixon's commitment to the Thieu regime has been continued and perhaps solidified, Thieu himself has seized the opportunity to concentrate all power in his own hands. So much for all the talk by the Nixon administration and its predecessors about democracy and self-determination in South Vietnam.

To its credit, the Nixon administration has protested against attacks by Thieu's controlled radio and television network (financed by American money) on George McGovern as a "mad dog" and "mentally ill." The question is whether the nation that finances South Vietnam, and guarantees its existence with the most destructive air assault in history, has the power left even to stop this presumptuous behavior.

Sad to say, none of this seems to be costing Nixon any votes at home. The American people do not seem to realize that their air power is carrying out one of the most terrible mass exterminations in history, not only in the North but in the South Vietnam that it is supposed to be defending and over which the squalid Thieu has been given such dictatorial sway.

That is the message George McGovern ought to be carrying day by day and state by state to the American people. That is the theme that brought him the Democratic presidential nomination, and if it is not the true issue of 1972, then there is no issue.

POSTAL WORKERS DISENCHANTED WITH NEW POSTAL SERVICE

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. ALEXANDER. Mr. Speaker, unfortunately my daily mail more often than not seems to contain a letter complaining about the mail service itself. Mrs. Mae Bock Porter's letter which I wish to share with you today is typical of those I have been receiving. All express the frustrations of the slowness of the delivery of the mail, especially in smaller communities. The letter from Mrs. Porter included an article from the Memphis Commercial Appeal which was a bit untypical. The complaints and criticism aired in this article are not from the recipients of the mail, but from the postal workers themselves.

Here is that article along with excerpts from Mrs. Porter's correspondence:

WEST HELENA, ARK., *August 26, 1972.*

DEAR SIR: The U.S. Government mail worries me. I have two papers sent to me from Stuttgart, Ark. on Hiway 79 and they are from two to three days getting here. I am sure my mail is not the only one that is delayed. I am sure the holdup is in Memphis some place. I am enclosing a clipping from a Memphis paper. Why was this not ironed out before they offered so many their retirement? People like me are the loser.

Today, Saturday—I did not receive my Friday paper and won't until Monday or Tuesday. By that time the flys will be in them. I could walk to 79 and on to Stuttgart and back by that time and I am 70 years old.

If you ask me, which you did not—nor the P.O. Department, did not either, too many have been cut off. Too many routes have been combined. But still they raise our postage rates. It's not the fault of the service in Helena nor Stuttgart either.

The mail going from Helena to 79, namely town of Roe, is not much better. Last week a letter was mailed to me from Helena on Monday and I got the letter Thursday morning at Roe Post Office. It was not the fault of either Post Office. There was no other stamped (P.O.) on the letter saying that it had been missent.

Thanking you in advance for any help you can give us on the mail matter and I did not intend for this to be as thick as Sear's catalog.

Your friend,

MRS. MAE PORTER.

SERVICE SUFFERS WITH NEW POSTAL "STEPSONS"

(By Michael Lollar)

When the United States Postal Service was born last year, it adopted more than 750,000 men and women with the intention of turning them into an increasingly efficient self-supporting mail delivery machine.

A year has elapsed in the transformation and the results do not appear startling.

The mails do not move noticeably faster than last year, postal rates are climbing and a substantial number of the adopted postal workers feel "like a bunch of red-headed stepchildren," as one disenchanted clerk puts it.

A representative of the Postal Service's Southern Region admits, "We haven't been any great shakes this year, but we're on the road to improvement, especially over the old system."

Employee complaints are to be expected during any massive reorganization. In the Southern Region there are about 121,000 employes, many of whom echo similar complaints, including loss of morale, loss of working hours and ineffective union representation.

"I think it's a matter of wonderment in a way," says Memphis Postmaster James C. Curtis. "There may be a loss of morale in some areas, but, in any case, a reorganization will cause some people to wonder what's going to happen to them."

Many of the postal employes, particularly in small towns, have already found out. Their hours have been cut, even forcing them into retirement in some cases. Reductions nationwide have cut the force about 20,000.

"I had no choice but to get out," says one woman, slightly past middle age in a small Northern Mississippi town.

"I worked as a clerk for the old Post Office for more than 30 years. Then, these new people came in. They came down here and cut me from eight hours to four hours on Saturday. I had to quit. I liked my job, but I'm making $14 a month more retired than I could make working."

A high source in the American Postal Workers Union says, "It's like the new postal service has used a meat ax on its little people. It's really hurting them. Hourly workers are losing big chunks of salary and morale is going down everywhere."

It was never this bad under the old setup," claims a clerk at the Airport Mail Facility (AMF). They won't replace people when they retire, and they won't give us enough overtime to sort the mail."

At least three AMF workers claim that since the postal reorganization an eight-cent stamp will move a letter just as fast as an 11-cent airmail stamp.

Mr. Curtis claims Memphis area mail service has not been much affected by the reorganization. "We try to assure next-day delivery of local mail within a radius of 150 miles and of local airmail within a radius of 600 miles." He says the Post Office meets the deadline at least 95 per cent of the time.

"That's nice to say," says one AMF worker. "But, a lot of times we have stacks of airmail lying around for eight hours before it's even sorted. I've seen mail miss three flights in a row because we didn't have enough people to sort it. That kind of a thing means a 24-hour delay before an airmail letter ever gets off the ground."

However, T. D. Tittle, superintendent of the AMF, says the only times mail is allowed to miss a flight is when "it can be put on another flight and still be delivered the next morning. Say there are flights at 8 p.m. and 10 p.m. A batch of mail misses the 8 p.m. flight. Well, so what? It goes on the 10 p.m. flight, and is sorted and delivered in another city the next day."

The management personnel of the Postal Service make no attempt to disguise their almost strictly business attitude in the matter.

Officials in the Memphis headquarters of the Southern Region say cutbacks in employe hours are part of a nationwide postal economy drive begun March 29. On that day, United States Postmaster General E. T. Klassen announced a "temporary hiring freeze" which forbids the hiring of new employes except to fill "critical" positions.

"Personnel costs make up about 85 per cent of the region's budget," says Gustave Saul, a communications and public relations employe in the regional headquarters.

"Mainly by cutting down on our personnel, the Southern Region has planned a budget that projects a regional savings of about 100 million dollars next year. The savings would be our contribution to the nationwide goal, which is to save enough money to be able to avoid postal rate increases amounting to 450 million dollars next year."

"I think in the long run this is just good business," says Mr. Curtis, who is district manager of the 261 post offices scattered across West Tennessee, Northern Mississippi and Eastern Arkansas.

Mr. Curtis says he must give his approval to any cutbacks in his district, adding, "I have to live within a budget provided by the region. And, let's face it: Right now, we're just spending people's money unnecessarily."

He said his budget during the last fiscal year under the old Post Office system was 52 million dollars. His budget for the new Postal Service's 1973 fiscal year is 55 million dollars.

He says he has no specific figures to show how many employes have been cut back. But the small town employes are most affected, because "In some of those areas post offices are no more than two miles apart. That's a holdover from the old days. Today, we just don't need that many people in rural or small-town areas."

Of those employes, the hourly workers will be hardest hit. Called "substitutes" or "part-time flexibles," the hourly workers make up about 10 per cent of the region's work force (about 12,000 employes), Mr. Curtis says.

Some job classifications have more substitute workers than others. For instance, Mr. Saul says there are about 49,000 clerks in this region, about 30 per cent substitutes.

The postal employment freeze does not specifically allow the Post Office to fire regular employes, except for normal reasons such as poor attendance, insubordination or ineptitude.

But, like the now-retired Mississippi woman, all hourly workers are subject to a loss of work hours.

Charles M. Allmon, a retired postal employe who still serves as a consultant with the American Postal Workers Union, says the postal employe turnover rate is slightly less than 20 per cent a year in Memphis.

"With the cutbacks in hours we're getting and the loss of employes through attrition (retirement or resignation) during the freeze, the little people who are left have to carry a much heavier burden."

"They say they have no politics now, but, in fact, the politics are just of a different kind," Mr. Allmon says. "And, the union can't do anything about it."

Under the old Post Office, postal workers were covered by the Civil Service.

"We could complain to the Civil Service, and our complaints would be heard," says one worker. "But, the APWU is stymied. It can only do so much, and if we complain we're afraid of being fired."

One worker at first agreed to be quoted in this story, but, after checking with union officials, he refused. "They told me they can't protect me, and I might lose my job."

Another veteran Memphis postal clerk disagrees with the whole new setup. "The government sold the public on the idea the old postal system was just a bunch of political hacks, but I'd like to know just what's wrong with politics. That's what made this country great. If a person gets in that you don't like, you can just kick him out."

"The point is that the public is the loser," says one Memphis letter carrier. "Service is deteriorating."

Is it really? "For crying out loud, yes," a Mississippi mail clerk exhorts. "The postmaster up in (another Mississippi town) had mail stacked up as high as his head the other day. We just don't have enough hours to operate. And, God only knows, there isn't such a thing as overtime anymore."

The West Memphis City Council and Chamber of Commerce last week voted to draft resolutions to send their congressmen deploring "deteriorated postal service" there.

Postal clerks in three Northern Mississippi towns say they often volunteer to work overtime sorting mail at night. "I've known the people in this town for years," says one. "And I feel like I owe it to them. People who live on Social Security checks might go for two days with nothing to eat if those checks don't arrive on time."

Asked if he thought some postal employes might intentionally try to slow down postal operations because of their own dissatisfaction, Mr. Curtis said, "No. All in all, I think our people, at least in Memphis, have good morale. They've shown a complete willingness to buckle down and help us do the best we can do."

"If anybody in our service has a complaint, I just wish he would write it down, mark it personal and send it to me. I'll do the best I can to help him."

Meanwhile, some Memphis citizens complain that their mail is sometimes delayed as much as one or two hours from day to day. "That is sometimes the case when a large number of new families move into a particular area such as when a new apartment complex is opened," Mr. Curtis says. "And, too, when a new route carrier takes over, it takes him a while to learn his new route."

Delivery of mail to Memphis from other cities may also be late. For instance, the Commercial Appeal mailed 25 letters from Cincinnati to Memphis on Friday and Saturday, July 14 and July 15. Ironically, all letters mailed on Saturday arrived Monday, July 17, but four of the letters mailed Friday did not arrive until Tuesday, July 18.

And, one letter mailed to the newspaper from Holly Springs, Miss., arrived promptly 13 days after it was postmarked.

"There's a greater chance for mail to be late now," Mr. Curtis says. "We have more people and with them more letters every year, and, therefore, more chances for mistakes."

During the past year, the Southern Region handled about 14 billion pieces of mail, the regional figures show.

And, we can no longer rely on trains to help deliver our mail. There used to be more than 100 trains leaving Memphis every day. Airlines have been cutting out their night flights, so, more and more, we have to rely on over-the-road (trucks) delivery and air taxi service (small planes) which don't fly in inclement weather," Mr. Curtis says.

"And we do make mistakes. I don't begrudge the individual the right to gripe," he says, "but the Post Office is at least 96 per cent accurate. I mean, we could be 99 and 99–100 per cent accurate and still mishandle as many as eight million pieces of mail a year."

Some employes, particularly unionized workers, complain that new trends in automation are partly the cause of mistakes. Mr. Allmon claims a letter-sorting machine installed last year at DeSoto Station here has a rejection rate about 20 per cent higher than manual sorting.

Regional Postmaster General Carl C. Ulsaker sums up the past year very briefly: "Measurable progress has been made in service, productivity and customer relations, but we still have a long way to go to meet all of our goals and objectives of providing improved service to our customers.

"I am extremely proud of the performance of the employes in the Southern Region during this difficult transition period . . . We have had some uncertainty during the transition, but the aggressiveness and enthusiasm with which nearly everyone has approached the problems day to day have been instrumental in getting the region off to a good start."

SAVING FACE OR SAVING PROSPERITY IN THE WORLD MARKET

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. HANNA. Mr. Speaker, the time is rapidly approaching for the United States to grasp the opportunity of leadership in the field of international monetary reform. I refer to the September 25 meeting of the International Monetary Fund here in Washington. The executive directors of the IMF have laid out a summary of the alternative courses of action which the 121-member nations could follow. It is generally recognized—at least, outside the United States—that meaningful progress depends on a posture of farsighted leadership on the part of the United States.

I wish to present here what I think is, in terms of international trade and finance, the larger context in which this meeting takes place. That context, I submit, makes it imperative that we, in our own long-term interest, do just that—assume a leadership posture. To do this effectively, however, we will have to update and rationalize our own self-image and our assessment of our national interest. We cannot assume such a posture with the assumptions and policies we now hold and insist upon.

It is my conviction that the relatively weak leadership position of the United States stems from two factors, each of which could be overcome, given the appropriate application of statesmanship.

The first of these factors is the rigid posture we have maintained both in terms of our trade balance and in terms of the volume of the dollar reserve. The second factor is the fragmented approach of the IMF's Big Ten, non-EEC nations, in the face of a united EEC front.

Taking the second factor first, if the United States were to reach an agreement on IMF positions with Japan and the lower tier of 10, such an alliance could dominate the IMF bargaining. At first glance, this suggestion may seem utopian, but there are common interests among these nations. We have discussed on many occasions the future market potential of the developing nations of the world. These countries not only have need of an ally in the top tier of 10, but also, my experience tells me, they are prepared to find that ally in the United States.

The nations in the lower tier of 10 are justifiably frustrated by the seeming indifference of the leaders in the international monetary field. They need a spokesman in the top tier and we need their openness to American investment and export. We have, therefore, a golden opportunity to develop the economic ties we desperately need in order to improve our balance of trade and insure domestic full employment. I am afraid that the administration may let this opportunity slip through its fingers.

The other factor contributing to our weak bargaining position is, as I mentioned, the rigid and outdated policy held by the administration. Many of us have warned for years that our favorable trade balance could not last and that we should be planning for the day when the post-World War II industrialization powers reached maturity. Our warnings went unheeded and, as a result, we have seen a reversal in our trade balance in recent years. It is even more frustrating to find that the lessons of the past decade are still unlearned.

Instead of asking other countries to stop their export incentive policy, we should adopt our own export incentive policy. It is the height of U.S. arrogance to expect other countries to change their policies to benefit U.S. interest. A mature policy must accept the practical fact that all nations will establish and alter their policies in terms of their own national interest as they define it. It is self-defeating to assume or expect otherwise.

Our policy is also unrealistic to the extent that its objective is to restore the kind of long-term trade advantage we enjoyed in the 1950's and 1960's. We must realize that we cannot go back to the horse-and-buggy days in international economics. We are now and will be for some time to come living in an economic environment of increasing competitiveness. The policies and protestations of this administration are viewed abroad as both arrogant and immature.

We need to get our decisionmaking out of the fetters of control forged in the cold war period. The Export Control Board has by the throat the giant potential of our high-technology industry. They throttle our East-West trade potential while our so-called allies are taking our technology to the very markets our industries are denied. We need to free the fetters we are continually fastening to the Export-Import Bank and allow its credits to grow where our export potentials are the strongest. Technology, management, and food are our present best exports. As historically pragmatic people, we must realize the importance of aggressively and immediately maximizing the movement of these exports to all potential customers.

Our policies with respect to the balance of payments are equally out of touch with the realities of the modern world economy. Here again we are perceived abroad as a spoiled nation, afraid to compete on equal terms. We should adopt a posture which encourages currency flexibility as an alternative to the dollar as a world standard. Most of us have realized at long last that the leadership position of the U.S. dollar has been a dubious honor at best.

We should encourage the use of a collection of strong currencies as acceptable units of reserves and usable by the IMF as a means for convertability of the dollar. To the extent possible, we should begin to spread the burdens associated with the designation of a "key" currency. Currently, the German and Swiss marks, along with the Japanese yen, are likely candidates for such a role.

The United States has taken some constructive steps toward a redefined international monetary position. As we approach the next round of IMF talks, however, I fear that we are not going to take the next step. That next step may very well be in the direction of the Special Drawing Rights—SDR's—suggested by the IMF Executive Board. The stark lack of flexibility in the use of gold and dollars as reserves makes it apparent that some move of the sort suggested by the board is not only in our best interest but also in those of the other 120 IMF nations.

The primary barrier to a move toward SDR's seems to be the insistence of the United States on maintaining large dollar liabilities abroad. The reluctance of other nations to hold large amounts of dollar reserves is understandable from their viewpoints. Our reluctance to acknowledge their feelings only serves to damage our general economic relations with the very countries with which we should be seeking stronger economic ties.

I fear, Mr. Speaker, that our long-term economic best interests may be overlooked because of short-sighted national pride and monetary myopia. Our concern should be to save for the future a sound economic health for international trade. Many Europeans and some Americans seem to prefer to simply save face.

CONGRESSIONAL ACTION FUND DEFENSE REPORT

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. ASPIN. Mr. Speaker, I have been asked to insert into the Record a series of discussions of the defense budget prepared by the congressional action fund. This chapter on the defense budget is one of eight being prepared by the organization for use by congressional candidates.

In the section I am introducing today there is an excellent discussion of some specific differences between the administration's proposal, the Brookings Institution lower option proposal, and the McGovern proposal.

In succeeding days I will be introducing other sections of this excellent report.

I call it to the attention of my colleagues for their study:

COMPARISONS IN TERMS OF FORCE LEVELS (NUMBERS OF MAJOR UNITS)

In general, *the Administration* views the general purpose force structure planned for the end of fiscal 1973 as the baseline force to be maintained through the end of the decade. These force levels represent considerable reductions from those maintained at the Vietnam peak (1968), and are somewhat lower than those in 1964, the last peacetime year. Of course, the effectiveness of individual weapons systems have increased considerable in the interim, and so overall capabilities area unlikely to have diminished. Strategic force levels will be kept at the maximum permitted by the SALT agreements. Strategic bombers and air defense forces will probably remain near present levels until follow-on systems become available.

The McGovern proposal would reduce present force levels considerably. In the strategic area, major reductions would occur with regard to the bomber force (from 460 to 200 aircraft). Smaller reductions involve the elimination of the TITAN II missile force and some air defense units. Major cuts are contemplated in general purpose forces, including: active Army division (from 13 to 10), active Marine Corps division/air wings (from 3 to 2), Air Force tactical fighter wings (from 21 to 18), and Navy aircraft carriers and associated air wings, escort ships, and replenishment vessels (from 16 to 6 task-forces).[1]

The Brookings' "lower option" suggests the elimination of older weapons which, it is claimed, do not contribute to American security an amount proportional to their cost. In this proposal, the largest force level reductions occur in the strategic area: land-based missiles are cut to half their present number as older missiles are phased-out (Minuteman II and TITAN II); the bomber force is reduced from 460 to 255 (only newer model B-52s are retained); and major reductions occur in continental air defenses. Reductions in the general purpose force are more selective. The number of active Army and Marine Corps divisions is held constant, but one brigade within each of 6 divisions stationed in the U.S. is replaced by a reserve unit. The number of Air Force tactical fighter wings is unchanged. The move to a 12 carrier task force Navy, projected by 1980 in any case, is advanced to 1973.

COMPARISON IN TERMS OF MODERNIZATION PROGRAMS

Table 2 capsulizes the three modernization programs.

The *Administration program* advocates a vigorous modernization schedule for most types of weaponry. Particularly notable are the programs for modernizing U.S. strategic forces, estimated to account for two-thirds of the projected real increase in defense spending. Many of these programs—e.g., the new strategic submarine (Trident), the follow-on bomber (B-1), the airborne warning and control system (AWACS), and other air defense systems—are still under development and thus have not fully impacted on defense budget as yet. Others are already in the procurement state—e.g., short-range attack missile (SRAM), and the programs to deploy multiple warheads on strategic missiles (the Minuteman III and Poseidon MIRVs).

Additionally, the administration has initiated three major tactical aircraft development programs—the Navy's F-14 and the Air Force's F-15, both of which are designed to be aircraft capable of penetrating the enemy's air spacer and defeating his most advanced fighters, and a less sophisticated aircraft for close air support, the A-X. Finally, Navy shipbuilding programs have been accelerated in recent years and include nuclear-powered aircraft carriers, a new class of large destroyers, and nuclear-powered attack submarines. Future programs are likely to include additional carriers, a smaller escort ship (the "patrol frigate"), and a completely new type of vessel—the sea control ship.[2]

The *McGovern proposal* would terminate or slow down many of these major programs. The Poseidon, Minuteman III, and AWACS would be cancelled; research on the B-1 would be redirected toward improving existing bombers; the SRAM program would be completed; TRIDENT is continued, but would not move into the procurement stage for some time. In the general purpose force area: the naval shipbuilding program would be sharply reduced, the notable exception being submarines; both the F-14 and F-15 programs would be ended; work would continue on the A-X and would be initiated on a modified version of the present first-line fighter, the F-4.

While these major programs are prominent in the public eye, they actually constitute only a small portion of the overall U.S. R&D program. Senator McGovern asserts he would fund sufficient R&D to maintain America's technological superiority. His program calls for a total of $5.1 billion on R&D, as opposed to $7.2 billion in the Administration's fiscal 1973 request.

Table 2.—Major differences in the three modernization programs

ACQUISITION PROGRAMS PROPOSED IN THE ADMINISTRATION'S BUDGET REQUESTS AND ACTION RECOMMENDED

Strategic forces

Procedure 31 Poseidon Submarines: Brookings' lower option, continue; McGovern proposal, terminate.

Procure 550 Minuteman III Missiles: Brookings' lower option, continue; McGovern proposal, terminate.

Accelerated TRIDENT Submarine Development: Brookings' lower option, continue; McGovern proposal, slow-down.

B-1 bomber development: Brookings' lower option, continue; McGovern proposal, continue but re-direct.

Airborne Warning and Control System (AWACS, for air defense): Brookings' lower option, terminate; McGovern proposal, terminate.

SRAM/SCAD air-to-surface missiles: Brookings' lower option, continue; McGovern proposal, continue.

Two-site SAFEGUARD ABM: Brookings' lower option, continue; McGovern proposal, terminate.

General purpose forces

F-14 (Navy fighters): Brookings' lower option, terminate; McGovern proposal, terminate.

F-15 (Air Force fighter): Brookings' lower option, terminate; McGovern proposal, terminate.

A-X (Air Support Aircraft): Brookings' lower option, continue; McGovern proposal, continue.

S-3A (Anti-Submarine warfare aircraft, sea-based): Brookings' lower option, continue; McGovern proposal, terminate.

P-3C (Anti-submarine warfare aircraft, land-based): Brookings' lower option, continue; McGovern proposal, continue.

D-963 and PF escort ships: Brookings' lower option, continue; McGovern proposal, terminate.

Authorization for Nuclear-power aircraft carriers (3 projected by 1980): Brookings' lower option, 1 authorized; McGovern proposal, none.

Authorization for Attack Submarines (42 projected by 1980): Brookings' lower option, continue; McGovern proposal, continue.

Again, the *Brookings' "lower option"* falls between the other two. It would continue the full modernization program for strategic offensive forces at the administration's schedule (Poseidon, Minuteman III, SRAM, TRIDENT, B-1). The air defense program would be cut, however, and AWACS and other development program deleted. With regard to general purpose forces, the proposal would terminate the F-14 and F-15, but continue the A-X. Navy shipbuilding programs would be reduced, but not to the extent advocated by Senator McGovern. One, rather than three additional carriers would be authorized, and the escort ship program greatly reduced. Overall, Brookings' proposal retain R&D expenditures at the level proposed by the Administration ($7.2 billion).

COMPARISON IN TERMS OF MANPOWER ISSUES

It is becoming increasingly evident that the size of the defense budget is more dependent upon manpower-related matters than the widely publicized procurement decisions. In fiscal 1973, civilian and military pay and related expenses will account for 56% of the defense dollar, up from only 42% as recently as 1968.

The *Administration* proposes to maintain about 2.4 million uniformed men and women in the active armed force in fiscal '73, less than two-thirds the number in the force at the Vietnam peak, and close to the baseline force it desires for the future. Additionally, the Defense Department is placing increasing emphasis on reserve forces. This program is to be increased by $600 million this year, in order to improve the force's readiness: To increase its training and modernize its equipment. The number of people in the reserves (about 1 million) is to be held nearly constant, however. Secretary Laird, in his rebuttal to the McGovern proposal, has emphasized the importance he sees in retaining the reserves as a force prepared for conventional combat against modern military units.

The Administration proposed to maintain around 300,000 men in Europe, until mutual and balanced force reductions can be agreed upon with the Soviet Union. The disposition of this force and its organization have drawn considerable criticism in recent years. In particular, objections have been raised regarding the "teeth-to-tail" ratio—the number of men (or dollars) required to maintain each soldier with an actual combat mission on the front line. For example, an observer noted recently that it requires 42,000 U.S. troops to maintain a front-line force in Germany equivalent to that maintained by 18,000 Soviet troops.[3] The U.S. also maintains sizable ground and air forces in Korea, elsewhere in the Far East, and in Latin America.

Senator McGovern proposes to reduce active-duty military manpower to 1.7 million, a drop of more than 25 percent from present levels. The decrease would be distributed fairly even among the services, with the Air Force bearing the sharpest proportional cut. His proposal advocates a radical change in the role of the National Guard, reducing it in size and retraining it as a sort of domestic militia, primarily designed to handle civil disturbances, and national emergencies. He also suggests steps to improve the readiness of the other Reserve components, but does not foresee increased procurement costs for such measures. In all, Reserve forces would be reduced by 15 percent to about 850,000 men.

The Senator's proposal expresses concern with inefficiencies in the present organization of our military forces, particularly as expressed in the ratio of support-to-combat troops and in the ratio of officers-to-enlisted men. He urges adoption of the recommendations of the Blue Ribbon Defense Panel[4] in these areas and others, and estimates that this would save at least $1 billion per year. In general, his proposal specifies cuts in the support establishment proportional to those it espouses for combat forces. Some have claimed that such proportionality is not possible, and that support-to-combat ratios would rise if sizable cuts were made in the defense establishment.

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[1] While 16 carriers are presently maintained in the force, the age of existing vessels, the long lead-time necessary for their construction, and their great cost lead to the conclusion that the force will be reduced to 12 before the end of the decade, even under the Administration's program.

[2] The sea control ship would be a small carrier capable only of helicopter or vertical/short take-off and landing (VISTOL) aircraft operations.

[3] Steven L. Canby, *NATO Military Policy* (Unpublished paper presented at the Woodrow Wilson Conference on Military Strategy: Washington: 1972). Much of this disparity occurs because the U.S. has organized to fight a protracted war, while the Soviets envision a short campaign.

[4] The recommendations include: less frequent transfers of officers, reduced paperwork, greater consolidation of various functions now provided by each of the three services (data processing, recruiting medical), and reductions in headquarters staffs.

Finally, Senator McGovern advocates a major re-deployment of U.S. forces overseas. He would return more than half of the American troops in Europe, as well as the remaining division in Korea, and part of the tactical air forces deployed to the Far East. The sizable cuts advocated for naval forces would also cause a marked reduction in the U.S. naval presence in the Pacific, and probably in the Mediterranean as well.

The *Brookings option* would reduce active-duty military personnel to 2.0 million, a cut of 16%. It would not change the size of the reserve components, but advocates an increasingly important role for them in continental air defenses and, by urging the integration of 6 reserve brigades into active divisions, attempts to improve their readiness. The proposal would not adopt McGovern's domestic militia role for the National Guard.

The proposal would reduce the ratio of support-to-combat forces to that prevailing in 1968, through vast closures and changes in policies dealing with personnel assignment and training. It states that such measures could save $2.7 billion per year. The proposal takes no explicit position on the stationing of troops in Europe; elsewhere in the study, it is stated that this issue has little impact on the size of the defense budget.

IN CONCLUSION

Despite their considerable differences in the size and composition of the military establishment advocated, the three proposals have some notable similarities. For one, each assumes that military manpower will be provided by a voluntary system.

More importantly, each is based, fundamentally, on these assumptions:

(a) that the U.S. should maintain sufficient military forces to deter or counter foreseeable threats to our security, based on conservative planning assumptions;

(b) that the Soviet Union, and, to a much lesser extent, China, provide the major threats to U.S. interests, and that these threats could well be activated if those nations perceive themselves to be in a position of relative military advantage;

(c) that plans concerning strategic forces should be based on the requirements for the maintenance of a secure retaliatory capability, and moreover, that this is best supplied by the retention of a multiple-mode deterrent (land and sea-based missiles, and bombers);

(d) that the defense of Western Europe is vital to the security of the United States and, moreover, that the major requirements for general purpose forces are derived from postulated threats to the security of NATO.

The proposals differ, of course, in terms of their respective evaluation of the actual forces necessary to meet the requirements generated by these assumptions. Nonetheless, despite an adjusted variance of some $24 billion dollars, or 27%, between the highest and the lowest option, they share the same conceptual framework. The Administration's proposal is probably near the upper bound of the budget that could reasonably be recommended within this set of assumptions; the McGovern proposal is probably at or near the bottom limit. This suggests that none of the proposals should be considered radical, and that if one wished to reduce military spending beyond the levels suggested by Senator McGovern, it would probably be necessary to re-think the assumptions which have formed the basis of U.S. defense planning and foreign policy for more than 25 years.

"HANOI JANIE" AND HER FRIENDS

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. SCHMITZ. Mr. Speaker, on July 28, "Hanoi Janie" Fonda returned to the United States from the capital of the enemy who has killed and wounded over 350,000 Americans on the battlefields of Southeast Asia. While in Hanoi, she made many broadcasts which were monitored and transcribed by the Foreign Broadcast Information Service of the Federal Government. In one of them she said that she "was completely impressed by the Vietnamese people's solidarity and mutual sympathy and their determination to materialize President Ho Chi Minh's testament and bring the anti-U.S. aggression for national salvation to complete victory." Broadcasting to U.S. aircraft carriers July 17, she said:

> The men who are ordering you to use these weapons are war criminals . . . Why do you do this? Why do you follow orders telling you to destroy a hospital or bomb the schools?

On July 22, again broadcasting to pilots, she said:

> If they told you the truth you wouldn't fight, you wouldn't kill.

Of course, no one is giving American pilots orders to destroy hospitals or bomb schools. But these and other broadcasts by Jane Fonda seemed to me in clear violation of section 2387 of title 18 of the United States Code which provides that "whoever, with intent to interfere with, impair, or influence the morale, or discipline of the military or naval forces of the United States: First, advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny or refusal of duty" is breaking the law. On July 27 I wrote to the Attorney General of the United States asking why Jane Fonda was not being prosecuted for violation of this section of the United States Code. Over a month has passed without a reply. However, on my motion the House Internal Security Committee has requested the Justice Department to explain to the committee at its next meeting, September 14, what, if anything, it proposes to do about "Hanoi Janie."

Next came the spectacle of former Attorney General Ramsey Clark, who went to Hanoi via Moscow after receiving a high-level briefing in Vietnamese affairs from the U.S. State Department August 8. He was invited by two Soviet "peace" apparatuses—the World Peace Council and the Stockholm Conference on Vietnam International Liaison Committee—specifically to investigate U.S. "war crimes." Clark, having been Attorney General, knows full well that the World Peace Council, formed in 1949, played a major part in spreading the false "germ warfare" charges against us in the Korean war and that it included such well-known Communist personages as W. E. B. DuBois, Herbert Aptheker, Paul Robeson and Howard Fast.

A government cannot commit men to combat, risking and all too often experiencing death, wounds, and imprisonment, and not be asked with growing vehemence why the tormentors and detractors of these fighting men and those who play the enemy's game are allowed to run free and do exactly as they please. We are asking the Nixon administration this question; and we are getting no answer.

Millions of Americans watching the Republican National Convention saw and heard Senator BARRY GOLDWATER accuse Ramsey Clark of violating the Logan Act, which prohibits negotiations by private citizens with a foreign power, during his visit to Hanoi. Since Senator GOLDWATER said that his speech was made at the request and with the approval of President Nixon, why then has the President's own Justice Department not already asked for the indictment of Clark for the violation of law which Senator GOLDWATER rightly charged him with?

Now word has been received that at a secret court session August 14, all charges against a Soviet agent, arrested by the FBI while carrying classified documents on the Navy's new F–14A Tomcat fighter plane, were dropped following consultations between the State and Justice Departments. It would seem that the leadership of both presently major parties in this country no longer regards espionage, incitement to mutiny, and private dealings with enemy government in time of war, as crimes deserving punishment.

I just do not believe the American people see it that way.

AMERICAN WOMEN IN TELEVISION

HON. LIONEL VAN DEERLIN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. VAN DEERLIN. Mr. Speaker, on Tuesday evening of this week, the District of Columbia chapter, American Women in Television, met to install its new president. She is vivacious, attractive Sally Foreman, secretary to NBC Vice President Peter Kenney.

Mrs. Foreman, who is not only married to a lawyer but is studying law herself, is at 30 the youngest president the Washington chapter of AWRT has ever had. One of her first, and she says most pleasant duties as president was the presentation of awards from AWRT to Senator WARREN MAGNUSON and Congressman HARLEY STAGGERS. I would like to include in the RECORD the remarks by Mrs. Foreman on the presentation of these awards:

REMARKS OF MRS. FOREMAN

Certainly this evening is a highlight of my life. I am honored to be able to serve as your 1972–73 President. For this I am grateful to you, the membership. I am also honored that this evening can be shared by so many. I am very fortunate to work for a broadcasting company that is willing to share *me* with *you*, and through *you*, the community. Among the executives who have come down from New York to share this evening with *us*, may I introduce you to the two leaders of the National Broadcasting Company, Julian Goodman, President, and David Adams, Board Chairman.

Please meet a very *special* person—the man with whom I have worked most closely for the last six years and whose encouragement and expertise I deeply value, my boss, Peter-Kenney, Vice President of NBC in Washington.

There is a most important part of my life that revolves around a man whose moral support, soft shoulder and devotion bring it all together. I would like you to meet my husband, Edward Foreman. And I cannot overlook the youngest member of our household, our daughter, Michele.

Television will celebrate its 25th birthday this year. AWRT is celebrating its 21st year. It took many people to arrive at the prestigious position we both now hold, nationally and internationally. You are about to meet some of the ladies with whom I will be working this year to further the common interests and goals of our members and industry.

Our elected officers: Vice President—Jane Goodman, United Presbyterian Church; Treasurer, Mary Boyette, American Association of University Women; Recording Secretary, Kathleen Day, National Association of Broadcasters; Corresponding Secretary, Joan Worden, President of Worden & Company; Directors, Betty Dukert of NBC and Meet the Press; Dorese Bell, broadcast journalist, and Shirley Shannahan, Voice of America. These officers, plus our immediate past president, Bette Jerome, make up the Executive Board.

Our committee chairwoman, appointed by the Executive Board: Membership, Kay Fisher, WMAL; Projects, Cynthia Williams, Action; Educational Foundation, Ann Orleans, broadcaster; Publications, Marty Gable, American Association of School Administrators; Public Relations, Jean Nowak, HEW; and our Program Chairman, Eva Adams of Mutual of Omaha, who, along with the assistance of her staff, and especially Julie Bail, put this lovely evening together.

AWRT National is represented by its Secretary-Treasurer, Jane Cohen, of WPHL–TV, Philadelphia.

The Washington Chapter of AWRT is unique in that the people who help to run this country, and who regulate various aspects of our industry, are in essence "our next door neighbors." From this august body we have singled out two gentlemen who are most responsible for formulating the legislative guidelines which govern the broadcasting industry. We may not always see eye to eye. But we are mindful of the integrity, honesty and concerns of these two dedicated legislators. No offices of the Congress face a greater challenge than those of these two men in coping with the rapidly changing technology of the communications industry, ranging from our current broadcasting system and telephone communications, cable systems, satellites, and the problems of developing an effective and efficient system of domestic and world-wide communications for the years ahead. We are privileged to honor them this evening. Ladies and gentlemen, may I present the Honorable Warren G. Magnuson, from the State of Washington, Chairman of the Senate Committee on Commerce; and the Honorable Harley O. Staggers, from the State of West Virginia, Chairman of the House Committee on Interstate and Foreign Commerce.

Senator Magnuson ranks third in seniority in the U. S. Senate. He is frequently referred to as one of the most powerful men in the Senate because of his key leadership on two major committees, Commerce and Appropriations, and his willingness to devote tireless efforts to the enactment of legislation vital to the continued progress of our nation. He has been a great advocate of the consumer and authored the book, The Dark Side of the Market Place. He has served as Chairman of the Senate Committee on Commerce since 1956, was one of the principle authors of the Public Broadcasting Act and introduced legislation that resulted in the Communications Satellite Act of 1962. In a speech made by the Senator in 1967 he reflected on the most crucial element of our free broadcasting system by saying, "It is easy to believe in freedom of the press when things are going well. It is more difficult and far more important to believe in it when the going gets rough."

Senator, I am happy to present this award to you on behalf of the Washington D. C. Chapter of American Women in Radio and Television.

Serving under five presidents, Harley Staggers has compiled an outstanding record of achievement during his tenure in the U. S. House of Representatives. He is a man distinguished by his sincerity, decency, friendliness and great pride for his home state of West Virginia as well as his unstinting attention to the concerns and needs of his constituents. During his career he has been engaged in such diversified fields as teacher, county sheriff, football coach, and the U. S. Naval Air Corps. Chairman Staggers has served as chairman of the Committee on Interstate and Foreign Commerce since 1965 where he has become known as a leading proponent of licensee responsibility as the vital keystone of our free broadcasting system. It gives us great pleasure to present him with this plaque and to have with us his wife, Mary, and daughter, Susan.

Again, thank you all for being here.

REFLECTIONS ON EARLY INFANTILE AUTISM

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. HARRINGTON. Mr. Speaker, in my efforts to focus some light on the problem of mental illness and autism, I have included several articles on this critical subject in my Extension of Remarks. I wish to continue this, because it is my belief that too little is being done to combat the problems of childhood mental illness—particularly autism.

Unfortunately, little is understood about the causes of childhood autism, like other mental diseases. Up until the past decade, childhood mental illness was a neglected topic. Yet, the fact remains that there are nearly 4 million children under the age of 18 with behavioral disorders. 1.4 million are in acute need of psychiatric care.

These children are in desperate need for care and attention. We cannot ignore their problem any longer. Research programs must be continued and expanded. Federal appropriations must be increased before we can hope to gain any progress in discovering the causes of childhood mental illness and developing successful treatment programs.

Dr. J. Louise Despert has written an article entitled "Reflections on Early Infantile Autism," which appeared in the October issue of the Journal of Autism and Childhood Schizophrenia.

The article follows:

REFLECTIONS ON EARLY INFANTILE AUTISM

(By J. Louise Despert)

The First International Congress of Child Psychiatry took place in Paris in July, 1937. Prior to this date, only a few articles on the subject of childhood schizophrenia had been published. Three papers by Russian authors Ssucharewa (1932) and Grebelskaja-Albatz (1934, 1935) had appeared in a Swiss and a German journal, one by Potter (1933) in the *American Journal of Psychiatry,* and two by Jakob Lutz (1937) in a Swiss journal. At the aforementioned Congress, Lutz read excerpts of his paper and this author presented a report on 29 cases of childhood schizophrenia (Despert, 1938). Early infantile autism, first delineated 6 years later (Kanner, 1943), was, of course, unknown and not mentioned at the time. As it happened, the concept of childhood psychosis was challenged and criticized by some psychiatrists and psychologists. When one considers the topics comprising the four volumes of communications presented at that time (1. General Psychiatry, 2. School Psychiatry, 3. Forensic Psychiatry, 4. Discussions), it becomes rather evident that the emphasis was not on affective disorders in children nor on recognition of a syndrome which bore some analogy with one long observed in adults (Despert, 1968).

In contrast, nearly 35 years later, we are confronted with undue popularization. Two recent letters which I received within 2 months from two girls, an 18-year-old high school senior from Pennsylvania and a 14-year-old eighth grader at a junior high school in Long Island, may be mentioned in this connection. Both girls, unbeknownst to each other, professed an interest in "autism." Encouraged by their instructor and counselor, they sought my help, advice, and collaboration in the preparation of a "thesis on autism." One might gather from these letters that such popularization, almost vulgarization, reflects gains in knowledge about the disorder and the ensuing dissemination of such knowledge. Regretfully, however, they merely reflect the spreading confusion about a syndrome formulated in the not too distant past.

Leo Kanner, the originator of the concept of early infantile autism, has recently published a follow-up study of eleven autistic children originally examined and reported by him in 1943 (Kanner, 1971). In Kanner's own words:

"This 30-year follow-up study has not indicated too much concrete progress from the time of the original report, beyond the refinement of diagnostic criteria."

Nevertheless, one progress of considerable importance is the worldwide recognition of the syndrome. This is evidenced by the formation of societies (national and local) for autistic children in many parts of the world.

A study made in England in 1964 brought out interesting data on infantile (or early childhood) autism. A systematic survey of *all* children—normal, neurotic, autistic, and other 8-, 9-, and 10-year-old children who resided in Middlesex County—disclosed the proportion of autistic children in the population. This information is incorporated in an excellent book recently published by Lorna Wing (1971):

"It seems that, in this age group at any rate, between four and five children in every 10,000 will have autistic behavior."

A study completed in Denmark yielded similar results concerning incidence. The ratio of about three boys to one girl is another reported finding. Also, the fact that parents of autistic children are more intelligent and better educated than average parents of Middlesex, confirms the observation which Kanner made in 1943.

Although we cannot reliably compare the current incidence in any country with that of the past, we have at least some information about England on the basis of current figures. A recent survey by the National Society for Autistic Children estimates that the total population of autistic children in England is 6,000. There are reasons to believe that in the past *l'idiot du village* could have been a mentally retarded or an autistic child. How could one tell? Scrutiny of memoirs reflecting centuries of the past failed to yield specific data about what might have been early infantile autism (Despert, 1965). On the other hand, our modern society, with its large agglomerations, its industrialization, its family that tends more and more toward dislocation, and its increased tensions, does not offer optimal conditions for satisfactory emotional development. It can be assumed that early infantile autism and early childhood schizophrenia are on the increase. This interesting possibility appears to merit investigation.

Surveying the presently available studies of infantile autism, particularly the series of eleven children in Leo Kanner's follow-up (Kanner, 1971), one is inclined to give further consideration to two features almost uniformly present in these patients, in spite of the somewhat variegated symptomatology. Early in life, in some of them from birth, a failure to respond to tactile stimulation (cuddling, hugging, kissing, etc.) was noted. In some cases, this failure was translated into a strong defense (resistance) against such tactile stimulation from the mother or mother figure. This was often reported by parents as lack of interest, lack of response, apathy, or indifference. When later examined in the follow-up (patients now 32 to 40 years of age), aborted sexual development is in evidence: Case 1 (36 years old) is said by his mother to have "no interest in the opposite sex" (even the same sex would do). Case 6 (40 years old) "desires to keep to herself rather than to associate with other residents" (of a State Hospital). There is no mention of sexual adjustment or development in the other nine patients and it can be assumed that there was hardly anything worth reporting.

Observers of autistic children are aware of this and reports on sexual behavior are a rarity. Even masturbation, a natural phenomenon in normal preschool children, presents special characteristics in the children under consideration. The erotic element (often associated with a sense of guilt) present in the normally developing child is absent here. Masturbation by the autistic child is an activity devoid of erotic connotation, just as picking the nose or experimenting with fingers in the ears, biting fingers, etc. Lorna Wing sees their "interest in sex" as one tending to be on an "immature level." She speaks of their "innocence" when, for instance, they try to undress other children. The children's interest in sex seems, with years, to remain on an immature level and the sexual drive is not in evidence. This has been my experience with autistic children I have been able to follow. One example may suffice because I have known the patient consistently for 21 years, including tne actual therapy which lasted only 3 years (traveling distances were an obstacle):[1]

"He is now 26 years of age, living with his family out of town as in the past. The father was a successful businessman, rigid and obsessive. The mother was a teacher in several private schools. The patient, first seen at 5 years of age, is the oldest of two boys (difference in age is 4 years).

"He presented at 5 a typical picture of infantile autism, resisting tactile stimulation, banging his head against the walls or the floor, and possessing minimal speech. The child had two obsessions: music and figures. He knew hundreds of music records, had temper tantrums if they were not played in his prearranged order, recognized musical subtleties, and again had tantrums if the record did not play the specific melody by a specific composer of his choice. He had a prodigious memory for figures and there was also a great deal of echolalia. These characteristics were the basis for therapy."

One must recall that in the *I-Other* relationship (beginning with mother, father, siblings, peers, school group, etc.), the *Other* is nonexistent or rather nonfunctional in the autistic child. To begin with, a note on echolalia. Autistic children do not understand interpretations no matter how simple the language in which they are couched. They do not want to hear them anyway. I have found that repeating what they have said, like an echo of their own pronouncements (pitch, rhythm, and mimicry), seems to disturb them and interrupts their inner involvment. Possibly they are shaken in their isolation; this is the moment to introduce some simple thought which they can let in.

"This was the case with the now 26-year-old boy. After 3 years of intensive "therapy," he was seen after irregular, usually long intervals. The mother was cooperative and followed the child's progress closely. On his own, the boy initiated correspondence (3 to 4 letters a year). Throughout, the letters read like statistical reports, an enumeration of activities, not one overlooked. Reports from the several schools (some for emotionally disturbed children) which he attended repeatedly showed his difficulties with "comprehension." Abstract thinking is the stumbling block. The boy was doing well in mathematics and managed to graduate from high school. Against my advice, he went to a coeducational college where, after repeated warnings, it was finally suggested that he withdraw. During five or six summers he had been doing computer work (his father was able to arrange this). He is now earning his living as a conscientious, obsessively punctual, and meticulous accountant. His employers are satisfied with his work even though they find him "odd." He has no sexual experience, has never dated a girl, and masturbates infrequently. The *Other* seems to him hardly human. One example: His mother took him to an art exhibit. He knew the artist. As he entered the gallery, unaware of the *Other*, he asked in a loud voice, "How many invitations did you send out?" Not waiting for the answer, he proceeded to count the viewers. He wanted to establish a ratio."

Looking over the developmental history of these children, one wonders whether the early defective sensory phase might be related to the lack of sexual drive noted in later years. Is there not something lacking, some hormone perhaps, an ingredient which interferes with the early affective development by its very absence? The lack of affect or the stunted affect in early infantile autism is reiminiscent of the loss of affect found in early childhood schizophrenia after a normal period of development.

REFERENCES

Despert, J. L. Schizophrenia in children. *Psychiatric Quarterly,* 1938, 12, 366–371.

Despert, J. L. *The emotionally disturbed child.* New York: Brunner, 1965.

Despert, J. L. *Schizophrenia in children.* New York: Brunner, 1968.

Grebelskaja-Albatz, E. Zur Klinik der Schizophrenie des fruhen Kindersalters. *Archive für Neurologie und Psychiatrie,* 1934, 34, 244–253.

Grebelskaja-Albatz, E. Zur Klinik der Schizophrenie des fruhen Kindersalters. *Archive für Neurologie und Psychiatrie,* 1935, 35, 30–40.

Kanner, L. Autistic disturbances of affective contact. *Nervous Child,* 1943, 2, 217–250.

Kanner, L. Follow-up study of eleven autistic children. *Journal of Autism and Childhood Schizophrenia,* 1971, 1, 119–145.

Lutz, J. Uber die Schizophrenie im Kindesalter. *Schweizer Archiv für Neurologie und Psychiatrie,* 1937, 39, 335–372.

Lutz, J. Uber die Schizophenie im Kindesalter. *Schweizer Archiv für Neurologie und Psychiatrie,* 1937, 40, 141–163.

Potter, R. W. Schizophrenia in children. *American Journal of Psychiatry,* 1933, 89, 1253–1270.

Ssucharewa, G. E. Uber den Verlauf der Schizophrenien im Kindesalter. *Zeitschrift für die Gesamte Neurologie und Psychiatrie* 1932, 142, 309–321.

Wing, L. *Autistic children—a guide for parents.* London: Constable, 1971.

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[1] Only a few pertinent points are selected for the sake of brevity.

URBAN DECAY

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. ASHLEY. Mr. Speaker, George H. Deffet, President of Deffet Companies, a major regional real estate developer, examined the problems of urban decay in a recent speech before the Columbus, Ohio City Council. He took both city administrations and his fellow developers to task for contributing to the decay of our cities through such things as lax enforcement of housing codes and "slumlordism" and urged the developer-owners to form a partnership with city governments to help save our cities. I commend his remarks to the attention of my colleagues.

INNER CITY DECAY: A FOOTRACE TO THE SUBURBS?

Urban blight is the number one problem for most of America's major cities today. Our headquarters community, Columbus, Ohio, is no exception. It too has its ghettos, its dilapidated structures and dwellings, its blocks of abandoned buildings or substandard units.

One of the things that must be done to arrest urban decay is strict code enforcement, equally and without exception. The "slum lords" can hardly exist with a city government actively seeking to inspect and enforce existing codes. The requirement, in most cases, is not for new codes, rather, to enforce those already on the books.

If the "slum lord" will not comply with codes, refuses to make necessary repairs and keep building construction sound, then action must be taken, ie., he must be brought before the courts—"eminent domain" of the city or municipality must be exercised. And if compliance cannot be secured, the property should be demolished. The "slum lords" must be taken to task! And it goes without saying there must be continued legislative provisions for those who would be dislocated by demolition or renewal programs.

I believe the large developer-owner can be an active community force—he can urge self-policing policies be adopted and enforced by existing city housing and apartment associations. He can ask, or in other ways seek owner compliance with prevailing codes in various cities. The large, socially responsible owner-developer can speak out and expose those individuals who would perpetuate inner city problems.

And I must say that the spirit and purpose of the tenant unions is very important. It brings to light deplorable conditions in the core of deteriorating areas of cities throughout this country. It brings home a simple fact: there is improper code enforcement—that slum lords will continue to let their properties deteriorate while people live inside; the tenant unions were formed out of anguish and despair because no one seemed to listen or care. Out of the desperation came organization. And if I lived in a rat infested slum or building and had no heat in winter, I too would form a tenant union, I would organize and would make someone listen, make someone do something.

Tenant unions, or whatever one chooses to call them, exist only because of the continued injustices visited upon dwellers of substandard or inner city housing. They're asking for attention, they're asking for action. City governments cannot turn their heads or relax their enforcement procedures—to do so is at the expense of those people already living in deteriorated neighborhoods. Certainly such inaction on the part of any city government deserves the wrath of its citizenry, be they called tenant unions or whatever.

But there is no panacea or easy answer to the problems of inner city blight. A recent mayor's conference in New Orleans put the question to this nation. It was, quite simply, "Who will save our cities? Why will no one hear our pleas?"

We think the large developer-owner in the private sector has an equally simple message. The cities can be saved—but it takes the cooperation of the private and public sector to accomplish the task. At least, it is our message.

It requires strict code enforcement, land clearance, a crack-down on "slum lordism", innovative legislation, and experimental programs directed at important changes—The Housing and Urban Development experience comes to mind with their direct subsidy program experiment now functioning in Kansas City and similar programs will soon be implemented in Pittsburgh and other cities around the country. Further, it requires legislation that would make available below market interest rates for construction; the New Jersey Home Financing Authority is a good example. City Urban Renewal authorities should provide below market prices for sale of cleared land, and property tax subsidies would be most important in any redevelopment plan joining the private and public sector.

It will take dedicated men with vision, courage, technical know-how and solid entrepreneural instinct to halt a creeping urban deterioration that, if allowed to remain unchecked, will become a footrace to the suburbs. The factors that I have mentioned, code enforcement, land clearance, etc., must be implemented with visible leadership, public support and strong government.

We must not fall prey to the incredibly easy solution of writing off the urban areas of this nation's major cities—not applying our intellect to the problem—for that would leave an unanswerable and unacceptable question—what of the people? Will we write them off?

It is my hope that we can do more than talk of the problem. The time to act and to effect change is now.

SOCIAL SECURITY AND INCOME SUPPLEMENTATION SYSTEM INCREASES—MYTH OR REALITY?

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. KEATING. Mr. Speaker, today I have joined my colleague, Congressman MALLARY, in sponsoring legislation to pass along 50 percent of the recently passed 20-percent social security increase to those receiving aid to the aged, blind, and disabled; and a separate bill to pass along the same percentage to veteran's receiving pensions.

On June 30, the House overwhelmingly voted to increase social security benefits by 20 percent. Yet without these pass-along provisions, thousands of older and disabled citizens are unable to benefit from the intended increase.

Approximately 120,000 citizens receive aid to the aged, blind, and disabled, as well as social security benefits. Their AABD payments will be reduced dollar-for-dollar with their increase in social security.

An additional 20,000 veterans receiving pensions for other than service connected disabilities will lose their entire veterans' pensions without a pass-along provision.

Our failure to include this measure in the 20-year social security increase is inconsistent with past legislative action. Past social security increases have usually included, or been followed by, a pass-along to recipients of effected welfare and pension benefits for at least part of the increase. Thus, they receive at least a percentage of the increase in their total income.

This oversight is understandable, as the legislation was considered with great speed. Yet it must be corrected.

The two bills I have cosponsored would allow recipients of AABD or veterans' pensions as well as social security to retain one-half of their social security increase.

The urgent need for this legislation is emphasized by the plight of this Nation's more than 2 million people now receiving old age assistance. Sixty percent of these people also receive social security benefits.

None of these people will receive any net benefit from the recent 20-percent increase, as they will lose in their AABD, the amount of the increase in their social security checks.

Some veterans and veterans' widows may be in an even worse position. It is estimated that 20,000 now receiving pensions will be pushed over the $2,600 income limitation by the increase in social security, and will totally lose their VA checks.

The need for such legislation has been established, and the immediacy of this need is obvious. On October 1, the social security increase goes into effect. I urge my colleagues to act now, so that on this date the social security increase becomes a reality to its recipients, and not a myth.

SPEAK UP, MR. NIXON

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. WOLFF. Mr. Speaker, the opinion page of the New York Times contained two articles concerning what has come to be called the President's "secret plan" to end the war in Vietnam.

I am not going to join in what will probably become a growing debate on exactly what the President did say 4 years ago.

No matter what the President said or intimated, he did pledge to end the war and win the peace. We are still waiting to achieve that goal.

At this point in the RECORD, Mr. Speaker, I should like to include two statements which I made in the fall of 1968 here in this body on Mr. Nixon's position of the war. I say again that we must end this war now, not with promises but with action.

The statements follow:

SPEAK UP, MR. NIXON

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLFF. Mr. Speaker, several months ago the Republican presidential nominee said he had some secret plan certain to bring peace to Vietnam. Yes, Nixon's the one. He has repeated his promise time and again; he says he knows how to end the war promptly and honorably.

More than 4,000 American soldiers have died in Vietnam since June 1, and Mr. Nixon travels around the country claiming he knows how to end the American involvement in Vietnam. Well, Mr. Nixon, if you do know how to end the bloodshed, then you must carry the burden for the deaths of thousands of American servicemen.

I hope our Nation has not fallen to the point where the lives of American soldiers are exploited for political gain. Yet this appears to be the case.

If Mr. Nixon is telling the truth, if he has some secret path out of Vietnam, then let him speak up.

Otherwise let us dispense with idle, cruel promises.

SPEAK UP, MR. NIXON

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, I have here a casualty list from today's New York Times listing the names of the American servicemen from New York who have most recently been killed in action in Vietnam.

Such tragic lists appear daily in newspapers from coast to coast. They are a grim reminder that we are fighting a war on the other side of the world.

Much has been said about possible solutions to this war. Richard Nixon says he has a secret plan to end the war; it is not some cold political box, that plan would mean the end of lists such as the one I hold here today.

If Mr. Nixon has such a secret but certain peace plan, and if he continues to keep that plan to himself, then he is doing a tragic disservice to every American. Possible solutions to the war need not wait until after election; they must be used as soon as possible to limit the deaths of American servicemen.

I hope Mr. Nixon will read this list and the others like it throughout the Nation and break his silence on Vietnam. I do not imagine he wants more killing.

VIETNAM CASUALTIES

WASHINGTON, September 17.—The Defense Department today listed the names of the following servicemen from the New York area as having been killed in Vietnam:

ARMY

Abruzzesa, Michael J., Pfc., Valley Stream, N.Y.

Baldwin, Michael R., Sgt., Flemington, N.J.

Belcher, Fred A., Pfc., Lafayette, N.J.

Coulon, John G., Second Lieutenant, East Meadow, L.I.

Giannelli, Alan R., Sgt., Massapequa, L.I.

Marino, Ariel, Specialist 4, Manhattan.

NAVY

Welker, Thomas E. Hospitalman, Darien Center, N.Y.

MARINE CORPS

Feeley, Eugene J., Jr., Pvt., Irvington, N.J.

Wark, William E. 3d, Second Lieutenant, Longport, N.J.

SENATE—*Thursday, September 14, 1972*

(Legislative day of Tuesday, September 12, 1972)

The Senate met at 8:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

We come to Thee, O Lord, at the beginning of this day, with the high hope that Thou wilt show us the course we should take which befits a people who know Thee and desire to serve Thee. Grant to Thy servants here, through toilsome hours and tense times, the constant illumination of Thy spirit, that their minds may be sharp, their judgment sound and their vision clear. Save them from impatience and anxiety, from wasting time or forfeiting timely opportunities for progress. Through their dedicated labors create the program which enhances the Nation's welfare and advances Thy kingdom on earth.

In Thy holy name we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, September 13, 1972, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, so that it will be in the RECORD, I wish to announce that the Democratic Policy Committee—and I understand that the Republican conference also, at lunch on Tuesday last—considered and unanimously agreed that, except for a matter of extraordinary importance, no legislative measure reported by a standing committee after September 15 will be scheduled for Senate action during this session, other than those items that can be disposed of by unanimous consent.

I want to emphasize that if there is legislation of extraordinary importance, that fact will be taken into consideration by the joint leadership. I also want to point out that private bills and other noncontroversial matters will be reported out and acted on by the Senate on a Consent Calendar basis.

This is to serve notice of the joint action of the two parties on Tuesday last in this respect. This was a Republican initiative in which the Democratic Policy Committee joined.

Mr. GURNEY. Mr. President, if the distinguished majority leader would yield, I was at the conference and I heard the Republican leader make that announcement at that time.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Chair lay before the Senate Executive Calendar No. 31, Executive J, 92d Congress, second session.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider Executive J, 92d Congress, second session, the Protocol Amending the Single Convention on Narcotic Drugs, 1961, which was read the second time as follows:

PROTOCOL AMENDING THE SINGLE CONVENTION ON NARCOTIC DRUGS, 1961

PREAMBLE

The Parties to the present Protocol,

Considering the provisions of the Single Convention on Narcotic Drugs, 1961, done at New York on 30 March 1961 (hereinafter called the Single Convention),

Desiring to amend the Single Convention,

Have agreed as follows:

Article 1

Amendments to article 2, paragraphs 4, 6 and 7 of the Single Convention

Article 2, paragraphs 4, 6 and 7, of the Single Convention shall be amended to read as follows:

"4. Preparations in Schedule III are subject to the same measures of control as preparations containing drugs in Schedule II except that article 31, paragraphs 1(b) and *3 to 15 and, as regards their acquisition and retail distribution, article 34, paragraph (b)*, need not apply, and that for the purpose of estimates (article 19) and statistics (article 20) the information required shall be restricted to the quantities of drugs used in the manufacture of such preparations.

6. In addition to the measures of control applicable to all drugs in Schedule I, opium is subject to the provisions of *article 19, paragraph 1, sub-paragraph (f), and of articles 21 bis,* 23 and 24, the coca leaf to those of articles 26 and 27 and cannabis to those of article 28.

7. The opium poppy, the coca bush, the cannabis plant, poppy straw and cannabis leaves are subject to the control measures prescribed in *article 19, paragraph 1, sub-paragraph (e), article 20, paragraph 1, sub-paragraph (g), article 21 bis* and in articles 22 to 24; 22, 26 and 27; 22 and 28; 25; and 28, respectively."

Article 2

Amendments to the title of article 9 of the Single Convention and its paragraph 1 and insertion of new paragraphs 4 and 5

The title of article 9 of the Single Convention shall be amended to read as follows:

"Composition and Functions of the Board"

Article 9, paragraph 1, of the Single Convention shall be amended to read as follows:

"1. The Board shall consist of *thirteen* members to be elected by the Council as follows:

(a) Three members with medical, pharmacological or pharmaceutical experience from a list of at least five persons nominated by the World Health Organization; and

(b) *Ten* members from a list of persons nominated by the Members of the United Nations and by Parties which are not Members of the United Nations."

The following new paragraphs shall be inserted after paragraph 3 of article 9 of the Single Convention:

"4. The Board, in co-operation with Governments, and subject to the terms of this Convention, shall endeavour to limit the cultivation, production, manufacture and use of drugs to an adequate amount required for medical and scientific purposes, to ensure their availability for such purposes and to prevent illicit cultivation, production and manufacture of, and illicit trafficking in and use of, drugs.

5. All measures taken by the Board under this Convention shall be those most consistent with the intent to further the co-operation of Governments with the Board and to provide the mechanism for a continuing dialogue between Governments and the Board which will lend assistance to and facilitate effective national action to attain the aims of this Convention."

Article 3

Amendments to article 10, paragraphs 1 and 4, of the Single Convention

Article 10, paragraphs 1 and 4, of the Single Convention shall be amended to read as follows:

"1. The members of the Board shall serve for a period of *five* years, and *may be re-elected.*

4. The Council, on the recommendation of the Board, may dismiss a member of the Board who has ceased to fulfill the conditions required for membership by paragraph 2 of article 9. Such recommendation shall be made by an affirmative vote of *nine* members of the Board."

Article 4

Amendment to article 11, paragraph 3, of the Single Convention

Article 11, paragraph 3, of the Single Convention shall be amended to read as follows:

"3. The quorum necessary at meetings of the Board shall consist of *eight* members."

Article 5

Amendment to article 12, paragraph 5, of the Single Convention

Article 12, paragraph 5, of the Single Convention shall be amended to read as follows:

"5. The Board, *with a view to limiting the use and distribution of drugs to an adequate amount required for medical and scientific purposes and to ensuring their availability for such purposes,* shall as expeditiously as possible confirm the estimates, including supplementary estimates, or, with the consent of the Government concerned, may amend such estimates. *In case of a disagreement between the Government and the Board, the latter shall have the right to establish, communicate and publish its own estimates, including supplementary estimates."*

Article 6

Amendments to article 14, paragraphs 1 and 2, of the Single Convention

Article 14, paragraphs 1 and 2, of the Single Convention shall be amended to read as follows:

"1.(a) If, on the basis of its examination of information submitted by Governments to the Board under the provisions of this Convention, or of information communicated by United Nations organs *or by specialized agencies or, provided that they are approved by the Commission on the Board's recommendation, by either other intergovernmental organizations or international non-governmental organizations which have direct competence in the subject matter and which are in consultative status with the Economic and Social Council under Article 71 of the Charter of the United Nations or which enjoy a similar status by special agreement with the Council,* the Board has *objective reasons* to believe that the aims of this Convention are being seriously endangered by reason of the failure of any *Party,* country, or territory to carry out the provisions of this Convention, the Board shall have the right to *propose to the Government concerned the opening of consultations or to request it to furnish explanations. If, without any failure in implementing the provisions of the Convention, a Party or a country or territory has become, or if there exists evidence of a serious risk that it may become, an important centre of illicit cultivation, production or manufacture of, or traffic in or consumption of drugs the Board has the right to propose to the Government concerned the opening of consultations.* Subject to the right of the Board to call the attention of the Parties, the Council and the Commission to the matter referred to in subparagraph (*d*) below, *the Board* shall treat as confidential a request for information *and* an explanation by a Government *or a proposal for consultations and the consultations held with a Government* under this subparagraph.

(b) After taking action under sub-paragraph (a) above, the Board, if satisfied that it is necessary to do so, may call upon the Government concerned to adopt such remedial measures as shall seem under the circumstances to be necessary for the execution of the provisions of this Convention.

(c) *The Board may, if it thinks such action necessary for the purpose of assessing a matter referred to in sub-paragraph (a) of this paragraph, propose to the Government concerned that a study of the matter be carried out in its territory by such means as the Government deems appropriate. If the Government concerned decides to undertake this study, it may request the Board to make available the expertise and the services of one or more persons with the requisite competence to assist the officials of the Government in the proposed study. The person or persons whom the Board intends to make available shall be subject to the approval of the Government. The modalities of this study and the time-limit within which the study has to be completed shall be determined by consultation between the Government and the Board. The Government shall communicate to the Board the results of the study and shall indicate the remedial measures that it considers necessary to take.*

(*d*) If the Board finds that the Government concerned has failed to give satisfactory explanations when called upon to do so under subparagraph (a) above, or has failed to adopt any remedial measures which it has been called upon to take under sub-paragraph (b) above, *or that there is a serious situation that needs co-operative action at the international level with a view to remedying it,* it may call the attention of the Parties, the Council and the Commission to the matter. *The Board shall so act if the aims of this Convention are being seriously endangered and it has not been possible to resolve the matter satisfactorily in any other way. It shall also so act if it finds that there is a serious situation that needs co-operative action at the international level with a view to remedying it and that bringing such a situation to the notice of the Parties, the Council and the Commission is the most appropriate method of facilitating such co-operative action; after considering the reports of the Board, and of the Commission if available on the matter, the Council may draw the attention of the General Assembly to the matter.*

2. The Board, when calling the attention of the Parties, the Council and the Commission to a matter in accordance with paragraph 1 (*d*) above, may, if it is satisfied that such a course is necessary, recommend to Parties that they stop the import of drugs, the export of drugs, or both, from or to the country or territory concerned, either for a designated period or until the Board shall be satisfied as to the situation in that country or territory. The State concerned may bring the matter before the Council."

Article 7

New article 14 bis

The following new article shall be inserted after article 14 of the Single Convention:

"Article 14 bis

Technical and Financial Assistance

In cases which it considers appropriate and either in addition or as an alternative to measures set forth in article 14, paragraphs 1 and 2, the Board, with the agreement of the Government concerned, may recommend to the competent United Nations organs and to the specialized agencies that technical or financial assistance, or both, be provided to the Government in support of its efforts to carry out its obligation under this Convention, including those set out or referred to in articles 2, 35, 38 and 38 bis."

Article 8

Amendment to article 16 of the Single Convention

Article 16 of the Single Convention shall be amended to read as follows:

"The secretariat services of the Commission and the Board shall be furnished by the Secretary-General. *In particular, the Secretary of the Board shall be appointed by the Secretary-General in consultation with the Board."*

Article 9

Amendments to article 19, paragraphs 1, 2, and 5, of the Single Convention

Article 19, paragraphs 1, 2, and 5, of the Single Convention shall be amended to read as follows:

"1. The Parties shall furnish to the Board each year for each of their territories, in the manner and form prescribed by the Board, estimates on forms supplied by it in respect of the following matters:

(a) Quantities of drugs to be consumed for medical and scientific purposes;

(b) Quantities of drugs to be utilized for the manufacture of other drugs, of preparations in Schedule III, and of substances not covered by this Convention;

(c) Stocks of drugs to be held as at 31 December of the year to which the estimates relate;

(d) Quantities of drugs necessary for addition to special stocks;

(*e*) *The area (in hectares) and the geographical location of land to be used for the cultivation of the opium poppy;*

(*f*) *Approximate quantity of opium to be produced;*

(*g*) *The number of industrial establishments which will manufacture synthetic drugs; and*

(*h*) *The quantities of synthetic drugs to be manufactured by each of the establishments referred to in the preceding sub-paragraph.*

2. (a) Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory and each drug *except opium and synthetic drugs* shall consist of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1.

(*b*) *Subject to the deductions referred to in paragraph 3 of article 21 regarding imports and in paragraph 2 of article 21 bis, the total of the estimates for opium for each territory shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article; with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the amount specified under sub-paragraph (f) of paragraph 1 of this article, whichever is higher.*

(*c*) *Subject to the deductions referred to in paragraph 3 of article 21, the total of the estimates for each territory for each synthetic drug shall consist either of the sum of the amounts specified under sub-paragraphs (a), (b) and (d) of paragraph 1 of this article, with the addition of any amount required to bring the actual stocks on hand at 31 December of the preceding year to the level estimated as provided in sub-paragraph (c) of paragraph 1, or of the sum of the amounts specified under sub-paragraph (h) of paragraph 1 of this article, whichever is higher.*

(*d*) *The estimates furnished under the preceding sub-paragraphs of this paragraph shall be appropriately modified to take into account any quantity seized and thereafter released for licit use as well as any quantity taken from special stocks for the requirements of the civilian population.*

5. Subject to the deductions referred to in paragraph 3 of article 21, *and account being taken where appropriate of the provisions of article 21 bis,* the estimates shall not be exceeded.

Article 10

Amendments to article 20 of the Single Convention

Article 20 of the Single Convention shall be amended to read as follows:

"1. The Parties shall furnish to the Board for each of their territories, in the manner and form prescribed by the Board, statistical returns on forms supplied by it in respect of the following matters:

(a) Production or manufacture of drugs;

(b) Utilization of drugs for the manufacture of other drugs, of preparations in Schedule III and of substances not covered by this Convention, and utilization of poppy straw for the manufacture of drugs;

(c) Consumption of drugs;

(d) Imports and exports of drugs and poppy straw;

(e) Seizures of drugs and disposal thereof;

(f) Stocks of drugs as at 31 December of the year to which the returns relate; *and*

(*g*) *Ascertainable area of cultivation of the opium poppy.*

2. (a) The statistical returns in respect of the matters referred to in paragraph 1, except sub-paragraph (d), shall be prepared annually and shall be furnished to the Board not later than 30 June following the year to which they relate.

(b) The statistical returns in respect to the matters referred to in sub-paragraph (d) of paragraph 1 shall be prepared quarterly and shall be furnished to the Board within one month after the end of the quarter to which they relate.

3. The Parties are not required to furnish statistical returns respecting special stocks, but shall furnish separately returns respecting drugs imported into or procured within the country or territory for special purposes, as well as quantities of drugs withdrawn from special stocks to meet the requirements of the civilian population."

Article 11

New article 21 bis

The following new article shall be inserted after article 21 of the Single Convention:

"Article 21 bis

Limitation of Production of Opium

1. The production of opium by any country or territory shall be organized and controlled in such manner as to ensure that, as far as possible, the quantity produced in any one year shall not exceed the estimate of opium to be produced as established under paragraph 1(f) of article 19.

2. If the Board finds on the basis of information at its disposal in accordance with the provisions of this Convention that a Party which has submitted an estimate under paragraph 1(f) of article 19 has not limited opium produced within its borders to licit purposes in accordance with relevant estimates and that a signficant amount of opium produced, whether licitly or illicitly, within the borders of such a Party, has been introduced into the illicit traffic, it may, after studying the explanations of the Party concerned, which shall be submitted to it within one month after notification of the finding in question, decide to deduct all, or a portion, of such an amount from the quantity to be produced and from the total of the estimates as defined in paragraph 2(b) of article 19 for the next year in which such a deduction can be technically accomplished, taking into account the season of the year and contractual commitments to export opium. This decision shall take effect ninety days after the Party concerned is notified thereof.

3. After notifying the Party concerned of the decision it has taken under paragraph 2 above with regard to a deduction, the Board shall consult with that Party in order to resolve the situation satisfactorily.

4. If the situation is not satisfactorily resolved, the Board may utilize the provisions of article 14 where appropriate.

5. In taking its decision with regard to a deduction under paragraph 2 above, the Board shall take into account not only all relevant circumstances including those giving rise to the illicit traffic problem referred to in paragraph 2 above, but also any relevant new control measures which may have been adopted by the Party."

Article 12

Amendment to article 22 of the Single Convention

Article 22 of the Single Convention shall be amended to read as follows:

"1. Whenever the prevailing conditions in the country or a territory of a Party render the prohibition of the cultivation of the opium poppy, the coca bush or the cannabis plant the most suitable measure, in its opinion, for protecting the public health and welfare and preventing the diversion of drugs into the illicit traffic, the Party concerned shall prohibit cultivation.

2. A Party prohibiting cultivation of the opium poppy or the cannabis plant shall take appropriate measures to seize any plants illicitly cultivated and to destroy them, except for small quantities required by the Party for scientific or research purposes."

Article 13

Amendment to article 35 of the Single Convention

Article 35 of the Single Convention shall be amended to read as follows:

"Having due regard to their constitutional, legal and administrative systems, the Parties shall:

(a) Make arrangements at the national level for co-ordination of preventive and repressive action against the illicit traffic; to this end they may usefully designate an appropriate agency responsible for such co-ordination;

(b) Assist each other in the campaign against the illicit traffic in narcotic drugs;

(c) Co-operate closely with each other and with the competent international organizations of which they are members with a view to maintaining a co-ordinated campaign against the illicit traffic;

(d) Ensure that international co-operation between the appropriate agencies be conducted in an expeditious manner;

(e) Ensure that where legal papers are transmitted internationally for the purposes of a prosecution, the transmittal be effected in an expeditious manner to the bodies designated by the Parties; this requirement shall be without prejudice to the right of a Party to require that legal papers be sent to it through the diplomatic channel;

(f) Furnish, if they deem it appropriate, to the Board and the Commission through the Secretary-General, in addition to information required by article 18, information relating to illicit drug activity within their borders, including information on illicit cultivation, production, manufacture and use of, and on illicit trafficking in, drugs; and

(g) Furnish the information referred to in the preceding paragraph as far as possible in such manner and by such dates as the Board may request; if requested by a Party the Board may offer its advice to it in furnishing the information and in endeavoring to reduce the illicit drug activity within the borders of that Party."

Article 14

Amendments to article 36, paragraphs 1 and 2, of the Single Convention

Article 36, paragraphs 1 and 2, of the Single Convention shall be amended to read as follows:

"1. (*a*) Subject to its constitutional limitations, each Party shall adopt such measures as will ensure that cultivation, production, manufacture, extraction, preparation, possession, offering, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation and exportation of drugs contrary to the provisions of this Convention, and any other action which in the opinion of such Party may be contrary to the provisions of this Convention, shall be punishable offences when committed intentionally, and that serious offences shall be liable to adequate punishment particularly by imprisonment or other penalties of deprivation of liberty.

(*b*) *Notwithstanding the preceding supparagraph, when abusers of drugs have committed such offences, the Parties may provide, either as an alternative to conviction or punishment or in addition to conviction or punishment, that such abusers shall undergo measures of treatment, education, after care, rehabilitation and social reintegration in conformity with paragraph 1 of article 38.*

2. Subject to the constitutional limitations of a Party, its legal system and domestic law,

(a) (i) Each of the offences enumerated in paragraph 1, if committed in different countries, shall be considered as a distinct offence;

(ii) International participation in, conspiracy to commit and attempts to commit, any of such offences, and preparatory acts and financial operations in connexion with the offences referred to in this article, shall be punishable offences as provided in paragraph 1;

(iii) Foreign convictions for such offences shall be taken into account for the purposes of establishing recidivism; and

(iv) Serious offences heretofore referred to committed either by nationals or by foreigners shall be prosecuted by the Party in whose territory the offence was committed, or by the Party in whose territory the offender is found if extradition is not acceptable in conformity with the law of the Party to which application is made, and if such offender has not already been prosecuted and judgment given.

(*b*) (*i*) *Each of the offences enumerated in paragraphs 1 and 2(a) (ii) of this article shall be deemed to be included as an extraditable offence in any extradition treaty existing between Parties. Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.*

(ii) If a Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another Party with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences enumerated in paragraphs 1 and 2 (a) (ii) of this article. Extradition shall be subject to the other conditions provided by the law of the requested Party.

(iii) Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences enumerated in paragraphs 1 and 2(a) (ii) of this article as extraditable offences between themselves, subject to the conditions provided by the law of the requested Party.

(*iv*) Extradition shall be granted in conformity with the law of the Party to which application is made, and, *notwithstanding sub-paragraphs* (b) (*i*), (*ii*) *and* (*iii*) *of this paragraph*, the Party shall have the right to refuse to grant the extradition in cases where the competent authorities consider that the offence is not sufficiently serious."

Article 15

Amendments to article 38 of the Single Convention and its title

Article 38 of the Single Convention and its title shall be amended to read as follows:

"Measures against the Abuse of Drugs

1. The Parties shall give special attention to *and take all practicable measures for the prevention of abuse of drugs and for the early identification, treatment, education, after-care, rehabilitation and social reintegration of the persons involved and shall coordinate their efforts to these ends.*

2. The Parties shall as far as possible promote the training of personnel in the treatment, after-care, rehabilitation and social reintegration of abusers of drugs.

3. The Parties shall take all practicable measures to assist persons whose work so requires to gain an understanding of the problems of abuse of drugs and of its prevention, and shall also promote such understanding among the general public if there is a risk that abuse of drugs will become widespread."

Article 16

New article 38 bis

The following new article shall be inserted after article 38 of the Single Convention:

"Article 38 bis

Agreements on Regional Centres

If a Party considers it desirable as part of its action against the illicit traffic in drugs, *having due regard to its constitutional, legal and administrative systems, and, if it so desires, with the technical advice of the Board or the specialized agencies, it shall promote the establishment, in consultation with other interested Parties in the region, of agreements which contemplate the development of regional centres for scientific research and education to combat the problems resulting from the illicit use of and traffic in drugs."*

Article 17

Languages of the Protocol and procedure for signature, ratification and accession

1. This Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be open for signature until 31 December 1972 on behalf of any Party or signatory to the Single Convention.

2. This Protocol is subject to ratification by States which have signed it and have ratified or acceded to the Single Convention. The instruments of ratification shall be deposited with the Secretary-General.

3. This Protocol shall be open after 31 December 1972 for accession by any Party to the Single Convention which has not signed this Protocol. The instruments of accession shall be deposited with the Secretary-General.

Article 18

Entry into force

1. This Protocol, together with the amendments which it contains, shall come into force on the thirtieth day following the date on which the fortieth instrument of ratification or accession is deposited in accordance with article 17.

2. In respect of any other State depositing an instrument of ratification or accession after the date of deposit of the said fortieth instrument, this Protocol shall come into force on the thirtieth day after the deposit by that State o fits instrument of ratification of accession.

Article 19

Effect of entry into force

Any State which becomes a Party to the Single Convention after the entry into force of this Protocol pursuant to paragraph 1 of article 18 above shall, failing an expression of a different intention by that State:

(a) be considered as a Party to the Single Convention as amended; and

(b) be considered as a Party to the unamended Single Convention in relation to any Party to that Convention not bound by this Protocol.

Article 20

Transitional provisions

1. The functions of the International Narcotics Control Board provided for in the amendments contained in this Protocol shall, as from the date of the coming into force of this Protocol pursuant to paragraph 1 of article 18 above, be performed by the Board as constituted by the unamended Single Convention.

2. The Economic and Social Council shall fix the date on which the Board as constituted under the amendments contained in this Protocol shall enter upon its duties. As from that date the Board as so constituted shall, with respect to those Parties to the unamended Single Convention and to those Parties to the treaties enumerated in article 44 thereof which are not Parties to this Protocol, undertake the functions of the Board as constituted under the unamended Single Convention.

3. Of the members elected at the first election after the increase in the membership of the Board from eleven to thirteen members the terms of six members shall expire at the end of three years and the terms of the other seven members shall expire at the end of five years.

4. The members of the Board whose terms are to expire at the end of the abovementioned initial period of three years shall be chosen by lot to be drawn by the Secretary-General immediately after the first election has been completed.

Article 21

Reservations

1. Any State may, at the time of signature or ratification of or accession to this Protocol, make a reservation in respect of any amendment contained herein other than the amendments to article 2, paragraphs 6 and 7 (article 1 of this Protocol), article 9, paragraphs 1, 4 and 5 (article 2 of this Protocol), article 10, paragraphs 1 and 4 (article 3 of this Protocol), article 11 (article 4 of this Protocol), article 14 *bis* (article 7 of this Protocol), article 16 (article 8 of this Protocol), article 22 (article 12 of this Protocol), article 35 (article 13 of this Protocol), article 36, paragraph 1(b) (article 14 of this Protocol), article 38 (article 15 of this Protocol) and article 38 *bis* (article 16 of this Protocol).

2. A State which has made reservations may at any time by notification in writing withdraw all or part of its reservations.

Article 22

The Secretary-General shall transmit certified true copies of this Protocol to all the Parties and signatories to the Single Convention. When this Protocol has entered into force pursuant to paragraph 1 of article 18 above, the Secretary-General shall prepare a text of the Single Convention as amended by this Protocol, and shall transmit certified true copies of it to all States Parties or entitled to become Parties to the Convention as amended.

DONE at Geneva, this twenty-fifth day of March one thousand nine hundred and seventy-two, in a single copy, which shall be deposited in the archives of the United Nations.

In witness whereof the undersigned, duly authorized, have signed this Protocol on behalf of their respective Governments:

I hereby certify that the foregoing text is a true copy of the Protocol amending the Single Convention on Narcotic Drugs, 1961, done at Geneva on 25 March 1972, in the English, Spanish, French and Russian languages, the original of which is deposited with the Secretary-General of the United Nations.

For the Secretary-General
The Legal Counsel:
C. A. STAVROPOULOS
United Nations, New York
11 April 1972

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the distinguished Senator from Virginia (Mr. SPONG), who will speak on the subject pertaining to this protocol has concluded his remarks, the protocol be taken to its final reading, but that there be no further votes on it today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Virginia (Mr. SPONG) is recognized for not to exceed 15 minutes.

Mr. SPONG. Mr. President, I rise to support Senate advice and consent to ratification of the protocol amending the Single Convention on Narcotic Drugs.

Drug abuse is an insidious menace which threatens to blight half a generation of our youth and undermine many of our efforts to reduce crime in urban areas.

In many areas, drug abuse is approaching epidemic proportions. It is estimated that well over half a million Americans—many of them in their younger years—are addicted to hard drugs, such as heroin and cocaine. Many more are experimenting with such drugs or are tempted to do so—often unaware of the depth of tragedy and suffering which surrounds drug abuse.

Furthermore, drug abuse is contributing to increases in the crime rate in our Nation, particularly in our cities. In fact, a report issued earlier this year by the Virginia State Crime Commission named drug abuse as the No. 1 law enforcement problem in the State. A drug habit is an expensive habit—running as much as $50 to $100 a day at times. Either a person must be quite wealthy—or he must find other means of supporting his habit. All too often those other means are robbery and theft. Once the addict was thought to be docile, but, more and more, violent crimes are being found to be drug related.

An ironic component of the problem is that no poppies which are the source of heroin are grown in this Nation. Although much of the market is here, the source is not.

All of this suggests that drug abuse is a complex problem, with many interrelated elements. As such, it requires a multipronged attack: Additional research into the causes, cures and means of preventing drug abuse; education and information regarding the dangers of drug abuse; treatment and rehabilitation programs for those unfortunate enough to be addicted; stiff penalties for pushers and traffickers who make drugs available thereby contributing to their use, and increased efforts on the international level to combat the illegal narcotics trade.

The Protocol to the Single Convention on Narcotics and Dangerous Drugs which the Senate will vote upon soon represents an effort to combat the illegal drug traffic on the international level. It is a watermark in international cooperation to restrict the illegal drug trade. It is, hopefully, a foundation upon which to build new walls against the flow of narcotics from nation to nation.

I do not believe this is the panacea for all our drug problems—that it is the ultimate solution to drug abuse, but it provides a means for making inroads into one of the situations with which we must deal in our overall battle against drug abuse.

The Single Convention is the basic multilateral treaty governing international control of narcotic drugs, including opium, heroin, and cocaine. It was adopted in New York in 1961 to consolidate a number of earlier treaties governing narcotics, and entered into force for adhering nations in 1964. In 1967, after the Senate had given advice and consent to American accession, the United States became a party to this Convention; and to date, more than 90 other countries have also become parties.

During March of this year, at the instigation of the United States, a United Nations Conference was held in Geneva to consider amending the Single Convention in light of current international needs. In all, there were 97 participants at that conference, and the protocol now before us is the result of their work. The series of amendments contained in the protocol was approved by 71 of the conferees, with no dissenting votes, and will enter into force when the protocol has been ratified by 40 of the parties to the Single Convention. Already the protocol has been signed, subject to ratification, by more than 40 countries, including the United States.

The main purpose of the protocol is to strengthen the International Narcotics Control Board, a body of independent technical experts which was created by the original Convention. During the time since the Convention entered into force, the Board's authority has been generally limited to monitoring the licit production of narcotic drugs and trying to deter leakage from such production into illegal channels.

Now, under the terms of the new protocol, the Board will be explicitly directed to join the fight against the production and trafficking of illicit narcotics. Toward this end, the Board will be reorganized and enlarged, given access to a wider range of information sources, and endowed with additional powers. Among these new powers, the Board will now have a mandate to require a reduction of opium production in countries shown to be sources of illicit traffic. In so doing, the Board will be authorized to make formal recommendations to competent U.N. organs and specialized agencies that technical and financial assistance be provided to cooperating governments in support of their efforts to carry out their obligations under the Single Convention.

If the Board has reason to believe that the aims of the Single Convention are seriously endangered by the inability or failure of a country to carry out its obligations, the Board will act to assist that country in developing remedial measures. If a country fails to adopt remedial measures when requested to do so, the Board may call this to the attention of the parties to the Single Convention and also bring the matter before various organs and agencies of the United Nations, including the United Nations General Assembly.

In addition to strengthening the International Narcotics Control Board, the protocol also strengthens the extradition machinery for drug offenders in a manner similar to that employed with respect to airplane hijacking. In other words, narcotics offenses shall be deemed to be included in any extradition treaty existing between the parties to the Single Convention, and in cases where no extradition treaty exists, the parties may, at their option, consider the Single Convention as a legal basis for extradition.

Mr. President, I urge that the Senate consent to ratification of this protocol.

The PRESIDENT pro tempore. Without objection, Executive J., 92d Congress, second session, will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will read for the information of the Senate.

The assistant legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Protocol Amending the Single Convention on Narcotic Drugs, 1961, signed for the United States at Geneva on March 25, 1972 (Ex. J, 92-2).

(In accordance with the previous order, action on the protocol will be taken at a later time.)

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORITY TO ORDER YEAS AND NAYS ON EXECUTIVE J, 92D CONGRESS, SECOND SESSION; S. 750; S. 33; H.R. 15883 AND H.R. 8389

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at any time, even though these measures are not then before the Senate, to order the yeas and nays on the convention, Executive J, 92d Congress, second session, as in executive session; and on S. 750; S. 33; H.R. 15883 and H.R. 8389, en bloc, as in legislative session, and with one show of hands.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate return to the consideration of legislative business.

The motion was agreed to and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the previous order, the Senator from Indiana (Mr. BAYH) is recognized for 15 minutes.

The Senator from Indiana.

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. On whose time?

Mr. BAYH. On my time.

The PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

SOVIET UNION POLICY WITH REGARD TO EMIGRATION OF ITS JEWISH CITIZENS

Mr. BAYH. Mr. President, as my colleagues know, I have been among those in this body who have encouraged and welcomed improved relations with the Soviet Union. The easing of tensions between our two countries is a positive step in the direction of world peace. The SALT talks and the treaty signed by the President during his historic visit to Moscow are but the highlights of a series of agreements which have signaled a growing detente between the United States and the U.S.S.R.

My support for the steady normalization of our relations with the Soviet Union is based on the belief that as Russia is drawn further into the community of nations, its role in world affairs will reflect the moderating influences of international cooperation.

Unfortunately, we have had an alarming indication recently that the Soviet Union is tightening, rather than relaxing, certain domestic policies. This is last month's decision to impose exorbitant fees for exit visas for those Soviet citizens who wish to emigrate from Russia.

The ostensible purpose of these fees is to have those leaving the Soviet Union reimburse the state for the cost of their education. The fees are determined in a sliding scale based on the degree of education. The scale begins at the equivalent of $5,000 and runs—for one with a doctorate—to more than $25,000.

While the visa fees apply to all who want to emigrate from the Soviet Union, the obvious reality of this situation is that the group most directly affected are Soviet Jews seeking to emigrate to Israel. This group, after all, constitutes the largest bloc of potential emigres, and with good reason. The Soviet Government's unfair treatment of its Jewish citizens, and the attempt to eradicate the last vestiges of Judaism in Russia are as much the source of this desire to emigrate as is the lure of the Jewish homeland.

Mr. President, despite all the rhetoric in which the Soviet officials have sought to cloak this new exit visa fee schedule, it really is a very simple program, it is a sliding scale of ransom of Soviet Jews who, faced with religious persecution in their homeland, want desperately to emigrate to Israel.

It is, Mr. President, a remarkably overt form of international blackmail by which the Soviet Union has placed a price tag on the freedom of thousands of its citizens. It is a reprehensible form of bondage, an affront to international standards of human decency, and a sad reminder that the Soviet Union has never wavered from a national policy of denying religious freedom to its citizens.

The unreasonable emigration fees are not the result of a sudden change in Soviet policy, but represent a carefully constructed plan. For it forces Soviet Jews to take one of several unpleasant alternatives.

They can enlist the assistance of freedom-loving people around the world to pay the exit fees. This guarantees the Russians substantial foreign exchange since many well educated Soviet Jews are among those seeking to leave the U.S.S.R. In fact, it must be noted that among those at the forefront of the emigration movement are many outstanding Jewish scientists who feel they can no longer properly use their talents in the Soviet Union.

If the Soviet Jews are unable or unwilling to raise the extremely high exit fees, they may discourage their children from pursuing their education so that this next generation will not be confronted with the higher exit fees that accompany advanced education.

Should Soviet Jews reject the first two alternatives seeking outside help in raising emigration fees and limiting their education they are left with the choice of remaining in the Soviet Union with the depressing knowledge that they will be the victims of persecution if they attempt to pursue their religious traditions.

The fact that none of the three alternatives are acceptable to the world community, is glaring evidence of the abhorrent nature of this new Soviet policy. Those of us in the United States, with our two centuries of individual and religious freedom, cannot stand idly aside as the Soviets turn the screws of oppression on their Jewish population.

This is a particularly relevant time for all Americans to express their sense of moral outrage, Mr. President, for two reasons.

The first is that the official Soviet affirmation of this reprehensible new policy is scheduled to come within the week.

The second is that the U.S. Congress will soon be asked to vote for improved trade conditions for Soviet and Eastern European Nations. I am cosponsor of the legislation to provide those more favorable trading conditions because of my belief, expressed earlier, that we should seek more normal relations with the Soviet Union. In view of the recent Russian decision to further restrict the movement of Soviet Jews, however, I have grave doubts about approving eased trading conditions. Certainly, Mr. President, we would not want to take any action that might be viewed in Moscow as license for more religious persecution or for any more assaults on human dignity.

There have been many eloquent pleas from Soviet Jews and from distinguished members of the world community, including Jews and non-Jews, for a loud international outcry against the exorbitant emigration fees. I am proud to join that outcry and to note that several other Senators have already done so. Silence at a time when the international community is being blackmailed and Soviet Jews are being held for ransom is tantamount to concession. Certainly the forces for good in the world cannot allow that to happen.

Finally, Mr. President, it should be noted that the President's National Security Adviser, Henry Kissinger, is currently in Moscow. I hope and trust that Dr. Kissinger is using this visit to impress on the Soviet leadership the gravity with which the American people look upon the persecution of Soviet Jews and the exorbitant emigration fees. For if Dr. Kissinger fails to make this a subject of his talks with the Soviet leadership, it might well be seen in Moscow as evidence that this issue is not important to the United States. And, let the Kremlin make no mistake about it, the mistreatment of Soviet Jews is important to all Americans with our fundamental commitment to individual liberty and religious freedom.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BAYH. I am glad to yield to the majority leader.

Mr. MANSFIELD. Mr. President, the Senator has pinpointed a difficult situation which confronts this Nation today. May I say that I am in favor of a most favored nation treaty for all countries with which we maintain relations and some with which we do not have regular relations, such as the Peoples Republic of China. On the other hand, I do not and cannot condone the fact that a price is placed on the head of an individual who desires to emigrate to another country, in this case from the Soviet Union to Israel.

But I do think that the two matters are not related, and I would hope that they would not get mixed up in a discussion which has to do with the legitimate aspirations of the people who emigrate and who should be allowed that privilege without having to pay a price for it, and relations between governments which might bring about the establishment of a better trade relationship, which in turn might bring about a better possibility for more stable peace in the world and greater freedom of movement for all people. I make these remarks only to indicate that I am aware of both problems, but I recognize, at least I think I do, a difference between the two.

Mr. BAYH. I appreciate the majority leader's remarks. As I said earlier, the Senator from Indiana has been one of those who has consistently voted——

Mr. MANSFIELD. The Senator is correct.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAYH. Mr. President, I understand there is a special order for the Senator from Oklahoma. Since he is not here, could I ask unanimous consent to continue?

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Oklahoma, I yield 1 minute of his time to the Senator from Indiana.

Mr. BAYH. Is the Senator from Oklahoma present?

Mr. ROBERT C. BYRD. He is on his way.

The PRESIDING OFFICER. Without objection, the Senator from Oklahoma is recognized under the previous order, and 1 minute of his time is transferred to the Senator from Indiana.

Mr. BAYH. I shall yield the floor immediately upon his arrival. I just want to pursue this colloquy for a moment until he does arrive, to point out, as I did earlier, that the Senator from Indiana has supported every effort to lower the barriers. I have traveled to the Soviet Union on a number of occasions myself. I have been impressed with what I have seen, and feel there is an opportunity for better relations.

I feel, although I can see the argument for the consideration of these policies separately that the United States is very limited in its ability, and should be limited, really, in its ability to exert any influence on the domestic affairs of any other nation. And it is not so much this concern over our inability to exert influence on the domestic affairs of other nations, because I do not think that we want to, but I am concerned that we not, by what we do at this present moment in regard to improved trade relations, give added license to this deplorable policy of exit fees. Perhaps if enough Senators stand up and express their concern, the Soviet leaders will understand just what ramifications this policy could lead to in terms of U.S. cooperation.

I appreciate the majority leader's remarks and reiterate both my concern and outrage over the restrictions imposed on Soviet Jews.

Mr. MANSFIELD. Mr. President, if the Senator will yield, may I say it is a matter of real and deep concern, and I do hope something will be done to alleviate the situation of these people who have to pay a price to emigrate, which I think is most unfair, is certainly not called for, and does create a situation which causes a certain amount of disturbance in the minds of some Senators.

ORDER OF BUSINESS

The PRESIDING OFFICER. The Senator from Oklahoma may proceed.

(The remarks that Mr. Bellmon made when he submitted Senate Resolution 363 are printed in the Record in the morning business section of the Record under the appropriate heading.)

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The PRESIDING OFFICER (Mr. Burdick). Under the previous unanimous-consent agreement, and the hour of 9 a.m. having arrived, the Chair lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read as follows:

> A joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

The Senate resumed the consideration of the joint resolution.

The PRESIDING OFFICER. Under the previous order, the 1 hour of debate under rule XXII on the pending cloture motion will be equally divided and controlled by the distinguished Senator from Washington (Mr. Jackson) and the distinguished Senator from Arkansas (Mr. Fulbright).

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes and that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1052, 1053, 1054, and 1055. These have been cleared with the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

USE OF REAL PROPERTY FOR WILDLIFE CONSERVATION

The bill (H.R. 13025) to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes was considered, ordered to a third reading, read the third time, and passed.

INTERGOVERNMENTAL COOPERATION ACT OF 1972

The Senate proceeded to consider the bill (S. 3140) to improve the financial management of Federal assistance programs to facilitate the consolidation of such programs; to provide temporary authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation which had been reported from the Committee on Government Operations with amendments on page 2, line 1, after the word "AND", strike out "REPORTING OF" and insert "OTHER ADMINISTRATIVE REQUIREMENTS RELATED TO";

In line 8, after the word "AND", strike out "REPORTING OF" and insert "OTHER ADMINISTRATIVE REQUIREMENTS RELATED TO";

In line 14, after the word "financial", strike out "reporting" and insert "and other administrative";

In line 22, after the word "UNIFORM", strike out "FINANCIAL REPORTING" and insert "REQUIREMENTS";

On page 3, line 3, after the word "financial", strike out "reporting required" and insert "and other administrative requirements imposed by";

In line 4, after the word "agencies", strike out "of" and insert "on";

After line 6, strike out:

"SEC. 703. (a) The Office of Management and Budget or such other agency as the President may designate, in cooperation with the Comptroller General, is hereby authorized to develop and issue principles and standards of auditing for the guidance of Federal executive agencies and State and local governments, as well as independent public accountants, engaged in the review and audit of Federal assistance programs. Such principles and standards shall serve the purpose of providing technical guidance to the various audit organizations but shall not be construed as relieving such audit organizations of their responsibility for the effective administration of their audit programs.

"(b) The Comptroller General shall include in his audits of Federal assistance programs reviews of the extent of utilization made by the Federal departments and agencies of audits performed by State and local government auditors or outside auditors and of the implementation of the principles and standards issued pursuant to subsection (a) of this section. He shall include in his reports on such audits information on the extent of such utilization and implementation.

And, in lieu thereof, insert:

"SEC. 703. (a) The Comptroller General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop, issue, maintain, and interpret standards of auditing for the guidance of Federal agencies, State and local governments, and independent public accountants, engaged in the review and audit of Federal assistance programs. Such standards shall serve the purpose of providing guidance to the Federal Government and State and local governments but shall not be construed as relieving such governments of the responsibility for the effective administration of their audit programs.

"(b) The Comptroller General shall, in the course of carrying out his audit responsibilities, consider and report to the Congress on the utilization made by Federal agencies of the audits performed by State and local governments, or independent public accountants, and on the implementation of the standards issued pursuant to subsection (a) of his section.

On page 7, line 16, after the word "this", strike out "section." and insert "section including coordination in the field.";

In line 24, after "Sec. 201.", insert "(a)";

On page 8, line 13, after the word "improve", strike out "coordination;" and insert "coordination;";

On page 9, line 4, after the word "an", strike out "executive" and insert "Executive";

At the beginning of line 7, strike out "branch."; and insert "branch;";

In line 14, after the word "the", strike out "Federal";

In the same line, after the word "Government", insert "of the United States";

On page 10, line 17, after the word "single", strike out "Federal";

On page 11, line 2, after the word "being", strike out "consolidated." and insert "consolidated;";

After line 3, insert:

"(3) shall specify the date of expiration of the consolidation plan and all the Federal assistance programs which have been included, except that in selecting the expiration date the President shall not specify a date which is earlier than the earliest or later than the latest expiration date of any of the Federal assistance programs being consolidated and in no case shall the expiration date of the consolidation plan be any longer than 5 years from the date the consolidation plan becomes effective;

At the beginning of line 13, strike out "(3)" and insert "(4)";

In line 20, after "(c)", strike out "the" and insert "The";

On page 12, line 1, after the word "within", strike out "thirty" and insert "30";

In line 5, after the word "of,", strike out "(1) continuing any Federal assistance program or part thereof beyond the period authorized by law for its existence or beyond the time when it would have terminated if the consolidation plan did not take effect, (2)"; and insert "(1)";

In line 10, after the word "area,", strike out "(3)" and insert "(2)";

In line 14, after the word "plan,", strike out "(4)" and insert "(3)";

In line 17, after the word "or", strike out "(5)" and insert "(4)";

On page 13, at the beginning of line 3, strike out "April 4, 1973.", and insert "October 31, 1974.";

In line 9, after the word "this", strike out "section", and insert "section,";

In the same line, after the word "effective", strike out "at the end of" and insert "on the first day of the first month commencing after the expiration of";

In line 11, after the word "of", where it appears the second time, strike out "sixty" and insert "60";

In line 14, after the word "the", where it appears the third time, strike out "sixty day" and insert "60-day";

In line 19, after the word "sine", strike out "die, and" and insert "die; and";

In line 21, after the word "than", strike out "three" and insert "3";

In line 23, after the word "the", strike out "sixty-day" and insert "60-day";

On page 16, at the beginning of line 9, strike out "in the case of" and insert "with respect to consolidation plan";

In the same line, after the word "resolutions", insert "referred to";

In line 10, after "(b)", insert "of this section";

In the same line, after the word "and", strike out "its" and insert "it";

In line 18, after the word "sections", strike out "910 through 913" and insert "910–913";

On page 17, line 7, after "19", strike out "the.", and insert "The";

At the beginning of line 10, strike out "filled.'" and insert "filled.";

After line 10, insert

(b) The table of chapters of part I of title 5, United States Code, immediately preceding chapter 1, is amended by adding at the end thereof the following new item:

On page 18, line 16, after the word "Federal", strike out "department and";

In line 20, after the word "his", strike out "department or";

In line 21, after the word "necessary", strike out "department or" and insert "Federal";

In line 23, after the word "such", strike out "department or":

On page 19, line 1, after the word "his", strike out "department or";

In line 5, after "(2)", strike out "develop and";

In line 11, after the word "his", strike out "department or";

In line 16, after "(4)", strike out "establish" and insert "apply";

In line 18, after the word "his", strike out "department or";

On page 20, line 1, after "(6)", strike out "develop" and insert "promulgate";

In line 5, after the word "his", strike out "department or";

In line 9, after the word "Federal", strike out "department and";

In line 19, after the word "conflicting", strike out "departmental or";

In line 23, after the word "conflicting", strike out "departmental or";

On page 21, line 3, after the word "conflicting", strike out "departmental or";

In line 9, after the word "conflicting", strike out "departmental or";

In line 14, after the word "conflicting", strike out "departmental or";

In line 19, after the word "Federal", strike out "department and";

In line 22, after the word "his", strike out "department or";

On page 22, line 16, after the word "may", strike out "prescribe" and insert "promulgate";

On page 23, line 17, after the word "Federal", strike out "department or";

In line 20, after the word "his", strike out "department or";

On page 24, line 23, after the word "Federal", strike out "department or";

On page 25, line 3, after the word "section,"; strike out "the President shall have authority to exercise, with reference to interdepartmental demonstration joint projects, the same", and insert "those";

In line 6, after the word "Federal", strike out "departments and";

In line 8, after the word "section", strike out "802." and insert "802 shall be exercised by the President in the case of interdepartmental demonstration joint projects.";

In line 15, after the word "Federal", strike out "departments and";

At the beginning of line 16, strike out "departments and";

In line 17, after the word "of", strike out "programs" and insert "projects";

At the beginning of line 18, strike out "programs" and insert "projects";

In line 21, after the word "Federal", strike out "departments and";

In line 24, after the word "other", strike out "departments or";

On page 26, line 1, after the word "to", strike out "programs" and insert "projects";

At the beginning of line 2, strike out "programs" and insert "projects";

In line 11, after the word "Federal", strike out "department or";

At the beginning of line 15, strike out "departments and";

In line 17, after the word "those", strike out "departments and";

At the beginning of line 20, strike out "department or" ;

On page 27, line 4, after the word "Federal", strike out departments and";

After line 14, strike out:

"(f) This section shall expire three years after it becomes effective, but its expiration shall not affect the administration of joint projects previously approved.

On page 28, line 19, after the word "the", strike out "Federal" and insert "United States";

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Intergovernmental Cooperation Act of 1972".

TITLE I—ACCOUNTING, AUDITING, AND OTHER ADMINISTRATIVE REQUIREMENTS RELATED TO FEDERAL ASSISTANCE FUNDS

SEC. 101. The Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended by adding at the end thereof the following new title:

"TITLE VII—ACCOUNTING, AUDITING, AND OTHER ADMINISTRATION REQUIREMENTS RELATED TO FEDERAL ASSISTANCE FUNDS

"STATEMENT OF PURPOSE

"SEC. 701. It is the purpose of this title to encourage simplification and standardization and financial and other administrative requirements of Federal assistance programs, to promote among Federal agencies administering such programs, accounting and auditing policies that rely on State and local financial management control systems meeting certain standards, and to authorizing the issuance of principles and standards governing the auditing of Federal assistance programs.

"MORE UNIFORM REQUIREMENTS

"SEC. 702. Notwithstanding any other provision of law, the President shall, to the extent feasible, promulgate rules and regulations simplifying and making more uniform the financial and other administrative requirements imposed by Federal agencies on recipients under Federal assistance programs.

"STANDARDS OF AUDITING TO BE DEVELOPED

"SEC. 703. (a) The Comptroller General of the United States, in consultation with the Director of the Office of Management and Budget, shall develop, issue, maintain, and interpret standards of auditing for the guidance of Federal agencies, State and local governments, and independent public accountants, engaged in the review and audit of Federal assistance programs. Such standards shall serve the purpose of providing guidance to the Federal Government and State and local governments but shall not be construed as relieving such governments of the responsibility for the effective administration of their audit programs.

"(b) The Comptroller General shall, in the course of carrying out his audit responsibilities, consider and report to the Congress on the utilization made by Federal agencies of the audits performed by State and local governments, or independent public accountants, and on the implementation of the standards issued pursuant to subsection (a) of this section.

"(c) The Comptroller General shall from time to time make such recommendations to the Federal agencies administering Federal assistance programs as he determines desirable to assist such agencies in complying with the provisions of this title and any regulations or principles and standards of auditing prescribed pursuant thereto.

"FEDERAL AGENCIES' RELIANCE ON THE FINANCIAL MANAGEMENT CONTROL SYSTEMS OF STATES AND THEIR POLITICAL SUBDIVISIONS

"SEC. 704. (a) Federal agencies administering Federal assistance programs shall adopt accounting and auditing policies that, to the maximum extent feasible, rely on evaluation of internal or independent accounting and audits of such programs performed by or for States and units of local government without performing a duplicate audit unless deemed necessary.

"(b) Heads of such agencies shall determine the adequacy of the internal financial management control systems employed by recipient jurisdictions, including but not restricted to a determination of (1) whether reports are prepared in accordance with applicable requirements and are supported by accounting and other records; (2) whether audits are carried out with adequate coverage and in accordance with the auditing principles and standards issued pursuant to section 703(a); and (3) whether the auditing function is performed on a timely basis by a qualified staff which is sufficiently independent of program operations to permit a comprehensive and objective auditing performance.

"(c) Where such control systems are found to be acceptable, heads of such agencies shall, in the absence of substantial reasons to the contrary, authorize an evaluation of audits performed under such systems to determine their acceptability in lieu of audits which otherwise would be required to be performed by such agencies. Where the agency determines that audits performed under financial management control systems are acceptable, it will not perform duplicate audits. Where the agency does not accept audits performed under such systems in lieu of its audits, such agency shall make whatever audits are necessary to assure that the Federal funds are expended for the purpose of the Federal assistance program involved.

"(d) Periodic review and testing of the operations under such control systems shall be undertaken by such agencies to verify the continuing acceptability of the systems for the purposes of subsection (c) of this section.

"(e) Each Federal agency administering a Federal assistance program shall encourage greater cooperation with the personnel operating the internal financial management control systems of recipient jurisdictions by maintaining continuous liaison with such personnel, collaborating in accounting systems development and the interchange of audit standards and objectives and collaboration in the development of audit programs.

"(f) Each such agency administering more than one Federal assistance program shall, to the extent feasible and permitted by law, coordinate and make uniform the auditing requirements of individual programs.

"(g) Each Federal agency administering a Federal assistance program shall, to the extent feasible, establish cross-servicing arrangements with other Federal agencies administering Federal assistance programs under which one such agency would conduct the audits for another.

"(h) The Office of Management and Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section including coordination in the field.

"NO DIMINITION OF AUTHORITY OF COMPTROLLER GENERAL

"SEC. 705. Nothing in this title shall be construed to diminish the authorities and responsibilities of the Comptroller General of the United States under existing law."

TITLE II—CONSOLIDATION OF FEDERAL ASSISTANCE PROGRAMS

SEC. 201. (a) Title 5, United States Code, is amended by inserting the following immediately after chapter 9 of such title 5:

"Chapter 10—FEDERAL ASSISTANCE PROGRAM CONSOLIDATION

"Sec.
"1001. Purpose.
"1002. Definitions.
"1003. Federal assistance program consolidation plans.
"1004. Limitations on powers.
"1005. Effective date and publication of consolidated plans.
"1006. Effect on other laws and regulations.
"1007. Rules of Senate and House of Representatives on consolidation plans.

"§ 1001. Purpose.

"(a) The President shall from time to time examine the various Federal assistance programs provided by law and with respect to such programs shall determine what consolidations are necessary or desirable to accomplish one or more of the following purposes:

"(1) to promote better administration and more effective planning;

"(2) to improve coordination;

"(3) to eliminate overlapping and duplication; and

"(4) to promote economy and efficiency to the fullest extent consistent with the achievement of program goals.

"§ 1002. Definitions

"For the purpose of this chapter—

"(1) 'agency' means—

"(A) an Executive agency or part thereof; and

"(B) an office or officer in the executive branch;

"(2) 'officer' is not limited by section 2104 of this title;

"(3) 'Federal assistance' or 'Federal assistance program' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the Government of the United States), or technical assistance, whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons; and

"(4) 'consolidation plan' means any Federal assistance consolidation plan proposed under section 1003 of this title.

"§ 1003. Federal assistance program consolidation plans

"(a) When the President, after investigation, finds that a consolidation of Federal assistance programs is necessary or desirable to accomplish one or more of the purposes set forth in section 1001(a) of this title, he shall prepare a Federal assistance consolidation plan for the making of program consolidations, and shall transmit the plan (bearing an identification number) to the Congress, together with a declaration that, with respect to the consolidation included in the plan, he has found that the consolidation is necessary or desirable to accomplish one or more of the purposes set forth in section 1001(a) of this title and a declaration as to how each program included in the plan is functionally related.

"(b) Each such consolidation plan so transmitted—

"(1) shall place responsibility for administration of the consolidated program in a single agency;

"(2) shall specify in detail the terms and conditions under which the Federal assistance programs included in the plan shall be administered, including but not limited to matching, apportionment, and other formulas, interest rates, and planning, eligibility, and other requirements; except that the President shall, in selecting applicable terms and conditions, be limited by the range of terms and conditions already included in the Federal assistance programs being consolidated;

"(3) shall specify the date of expiration of the consolidation plan and all the Federal assistance programs which have been included, except that in selecting the expiration date the President shall not specify a date which is earlier than the earliest or later than the latest expiration date of any of the Federal assistance programs being consolidated and in no case shall the expiration date of the consolidation plan be any longer than 5 years from the date the consolidation plan becomes effective;

"(4) shall set forth the message transmitting the plan to the Congress the difference between the terms and conditions of the individual Federal assistance programs to be consolidated under the plan and those that will be applicable after the plan goes into effect, and shall also set forth the reasons for selecting such terms and conditions.

"(c) The President shall have a consolidation plan delivered to both Houses in the same day and to each House while it is in session, except that no consolidation plan may be delivered within 30 calendar days following the delivery of a previous plan in the same functional area.

"§ 1004. Limitations on powers

"(a) A consolidation plan may not provide for, and may not have the effect of, (1) consolidating any Federal assistance programs which are not in the same functional area, (2) providing any type of Federal assistance included in such a consolidation plan to any recipient who was not eligible for Federal assistance under any of the programs included in the consolidation plan, (3) excluding from eligibility under the consolidation plan any recipient who was eligible for Federal assistance under any of the programs included in the consolidation plan, or (4) transferring responsibility for the administration of the program or programs contained in a consolidation plan in an agency, office, or officer who was not responsible for the administration of one or more such programs prior to the taking effect of the consolidation plan.

"(b) Each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs.

"(c) A provision contained in a consideration plan may take effect only if the plan is transmitted to Congress before October 31, 1973. Section 905(b) of this title shall not limit any consolidation plan prepared under this chapter.

"§ 1005. Effective date and publication of consolidation plans

"(a) Except as otherwise provided in subsection (c) of this section, a consolidation plan shall become effective on the first day of the first month commencing after the expiration of the first period of 60 calendar days of continuous session of the Congress after the date on which the plan is transmitted to it unless, between the date of transmittal and the end of the 60-day period, either House passes a resolution stating in substance that the House does not favor the plan.

"(b) For the purposes of subsection (a) of this section—

"(1) continuity of session is broken only by adjournment of Congress sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain shall be excluded in the computation of the 60-day period.

"(c) Under provisions contained in a grant consolidation plan, a provision of the plan may become effective at a time later than the date on which such plan otherwise is effective.

"(d) A consolidation plan which becomes effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

"§ 1006. Effect on other laws and regulations

"(a) To the extent that any provision of a consolidation plan which becomes effective under this chapter is inconsistent with any provision of any statute enacted prior to the effective date of the plan, the provision of the consolidation plan shall control, to the extent that such plan specifies the provision of the statute to be superseded.

"(b) Any regulation, rule, order, policy, determination, directive, authorization, permit, privilege, requirement, or other action made, prescribed, issued, granted, or performed with respect to any matter affected by a consolidation plan which becomes effective under this chapter shall be deemed to be modified to the extent of any inconsistency thereof with the consolidation plan but shall otherwise continue in effect.

"(c) A suit, action, or other proceeding lawfully commenced by or against the head of any agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, does not abate by reason of the taking affect of a consolidation plan under this chapter. On motion or supplemental petition filed at any time within twelve months after the plan takes effect, showing a necessity for a survival of the suit, action, or other proceeding to obtain a settlement of the questions involved, the court may allow the suit, action, or other proceeding to be maintained by or against the successor of the head or officer under the consolidation plan or, if there is no successor, against such agency or officer as the President designates.

"(d) A consolidation plan may provide for transfers of appropriations or other budget authority in such manner that the aggregate amount of appropriations and other budget authority available for carrying out the Federal assistance programs involved in such plan shall be available for any or all such programs; and the aggregate amount of authorizations of appropriations or other budget authority for such programs shall be deemed an authorization of appropriations and other budget authority for any or all of such programs. The appropriations or portions of appropriations unexpended by reason of operation of this chapter may not be used for any purpose, but shall revert to the Treasury.

"§ 1007. Rules of Senate and House of Representatives on consolidation plans

"(a) This section is enacted by the Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followd in the House with respect to consolidation plan resolutions referred to in subsection (b) of this section; and it supersedes other rules to the extent that it is inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(b) The provisions of sections 910–913 of this title shall apply with respect to a consolidation plan and, for such purposes—

"(1) all references in such sections to a 'reorganization plan' shall be treated as referring to a 'Federal assistance program consolidation plan', and

"(2) all reference in such sections to 'resolution' shall be treated as referring to a resolution of either House of the Congress, the matter after the resolving clause which is as folllows: 'That the   does not favor the Federal assistance program consolidation plan numbered transmitted to the Congress by the President on   19 .' The first blank therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled."

(b) The table of chapters of part I of title 5, United States Code, immediately preceding chapter 1, is amended by adding at the end thereof the following new item:

"10. Federal Assistance Program Consolidation .... 1001".

TITLE III—JOINT FUNDING SIMPLIFICATION

SEC. 301. The Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is further amended by adding after title VII, as added by section 101 of this Act, the following new title:

"TITLE VIII—JOINT FUNDING SIMPLIFICATION

"STATEMENT OF PURPOSE

"SEC. 801. The purpose of this title is to enable States, local governments, and other public or private organizations to use Federal assistance programs more effectively and efficiently, to adapt such programs more readily to their particular needs through the wider use of joint projects drawing upon resources available from more than one Federal program, appropriation, or agency and to acquire experience which would lead to the development of legislative proposals respecting the consolidation, simplification, and coordination of Federal assistance programs. It is further the purpose of this title to facilitate the development of joint project and joint funding arrangements at the national level by giving primary emphasis to those arrangements involving intradepartmental actions and by placing interdepartmental joint projects and management funds on an experimental and limited demonstration basis.

"INTRADEPARTMENTAL JOINT PROJECTS

"SEC. 802. (a) The head of every Federal agency administering two or more Federal assistance programs is authorized to approve combined applications for joint projects requiring funding from two or more such programs administered by his agency.

"(b) To develop the necessary Federal agency capability to achieve the purposes of section 801, the head of such agency, among other actions shall—

"(1) identify related programs within his agency likely to be particularly suitable or appropriate for providing combined support for specific kinds of joint projects;

"(2) promulgate guidelines, model or illustrative joint projects, common application forms, and other materials of guidance to assist in the planning and development of joint projects drawing support from different Federal assistance programs;

"(3) review program requirements established administratively within his agency in order to determine which of those requirements may impede combined support of joint projects and the extent to which these may be appropriately modified and make modifications accordingly;

"(4) apply common technical or administrative rules among Federal assistance programs administered by his agency to assist in the support of specific joint projects or classes of joint projects;

"(5) create joint or common application processing and project supervision procedures or mechanisms including procedures for designating a lead office or unit to be responsible for processing of applications and supervising joint projects approved by him; and

"(6) promulgate common accounting, auditing, and financial reporting procedures that will facilitate establishment of fiscal and program accountability with respect to joint projects aided by Federal assistance programs administered by his agency.

"(c) Where appropriate to further the purposes of this title, and subject to the conditions prescribed under subsection (f) of this section, the head of every Federal agency administering two or more Federal assistance programs may adopt uniform provisions respecting—

"(1) inconsistent or conflicting departmental or agency requirements relating to financial administration, including accounting, auditing, and fiscal reporting, but only to the extent consistent with the provisions of clauses (2), (3), (4), and (5) of subsection (d) of this section;

"(2) inconsistent or conflicting agency requirements relating to the timing of Federal payments where a single or combined schedule is to be established for the joint projects as a whole;

"(3) inconsistent or conflicting agency requirements that assistance be extended in the form of a grant rather than a contract, or a contract rather than a grant;

"(4) inconsistent or conflicting agency requirements for merit personnel systems, but only to the extent that the joint project contemplated would cause those requirements to be applied to programs or projects administered by recipient agencies not otherwise subject to such requirements;

"(5) inconsistent or conflicting agency requirements relating to accountability for, or the disposition of, property or structures acquired or constructed with Federal assistance where common rules are to be established for the joint project as a whole; and

"(6) other inconsistent or conflicting agency requirements of an administrative or technical nature as defined in regulations authorized by subsection (f) of this section.

"(d) To further carry out the purposes of this title, the head of every Federal agency administering two or more Federal assistance programs—

"(1) may provide for review of combined applications for joint projects of his agency by a single panel, board, or committee in lieu of review by separate panels, boards, or committees when such review would otherwise be required by law;

"(2) may prescribe rules and regulations for the establishment of joint management funds with respect to joint projects approved by him so that the total amount approved by any such project may be accounted for through a joint management fund as if the funds had been derived from a single Federal assistance program or appropriation; and such rules and regulations shall provide that there will be advanced to the joint management fund from each affected appropriation its proportionate share of amounts needed for payment to the grantee and amounts remaining in the hands of the grantee at the completion of the joint project shall be returned to the joint management fund;

"(3) may promulgate rules and regulations governing the financial reporting of joint projects financed through joint management funds established pursuant to this section; and such reports shall, as a minimum, fully disclose the amount and disposition of Federal assistance received by recipient States and local governments, the total cost of the joint project in connection with which such Federal assistance was given or used, the amount of that portion of the cost of the joint project supplied by other sources, and such other records as will facilitate an effective joint project audit;

"(4) shall have access for the purpose of audit and examination to any books, documents, papers, and records of recipient States and local governments that are pertinent to the moneys received from joint management funds authorized by him; and

"(5) may establish a single non-Federal share for any joint project, authorized by him and covered in a joint management fund, according to the Federal share ratios applicable to the several Federal assistance programs involved and the proportion of funds transferred to the joint project account from each of those programs.

"(e) Subject to such regulations as may be established pursuant to subsection (f) of this section, the head of every Federal agency administering two or more Federal assistance programs may enter into agreements with States or appropriate State agencies to extend the benefits of this title to joint projects involving assistance from his agency and one or more State agencies. These agreements may include arrangements for the processing of requests for, or the administration of, assistance to such projects on a joint basis. They may also include provisions involving the establishment of uniform technical or administrative requirements, as authorized by this section. Such agreements ordinarily will focus on those program areas wherein Federal assistance is normally channeled through the States.

"(f) In order to provide for the more effective administration of funds drawn from more than one Federal assistance program or authorization in support of intradepartmental joint projects authorized under this section and to assure energetic and more uniform departmental and agency administration of the functions authorized by this section, the President may prescribe such rules and regulations as he deems necessary to achieve these purposes.

"INTERDEPARTMENTAL DEMONSTRATION JOINT PROJECTS

"Sec. 803. (a) In order to extend selectively the benefits of joint projects and joint management funding on a governmentwide basis and in recognition of the administrative difficulties involved in this undertaking, the President is authorized to approve on a demonstration basis combined applications for joint projects, requiring funding from two or more Federal assistance programs administered by more than one Federal agency.

"(b) In order to develop the necessary capability within the Executive Office of the President for achieving the purpose of this section, those responsibilities and authorities assigned to heads of Federal agencies with reference to intradepartmental joint projects under subsections (b), (c), (d), and (e) of section 802 shall be exercised by the President in the case of interdepartmental demonstration joint projects.

"(c) To facilitate the expeditious processing of applications for interdepartmental demonstration joint projects or their effective administration, the President is authorized to establish rules and regulations requiring the delegation by heads of Federal agencies to other such agencies of any powers relating to approval, under this section, of projects or classes of projects under an interdepartmental demonstration joint project, if such delegation will promote the purposes of such project. Such rules and regulations may also provide for the delegation to other Federal agencies of powers relating to the supervision of administration of Federal assistance, or stipulate other arrangements for other agencies to perform such activities with respect to projects or classes of projects subject to this section. Delegations authorized by such rules and regulations shall be made only on such conditions as may be appropriate to assure that the powers and functions delegated are exercised in full conformity with applicable statutory provisions or policies.

"(d) To facilitate the establishment of joint management funds on an interdepartmental basis, any account in a joint management fund involving money derived from two or more Federal assistance programs administered by more than one Federal agency shall be subject to such rules and regulations, not inconsistent with other applicable law, as the President may establish with respect to the discharge of the responsibilities of affected agencies. Such rules and regulations shall assure the availability of necessary information, including requisite accounting and auditing information, to those agencies, to the Congress, and to the Executive Office of the President. They shall also provide that the agency administering a joint management fund shall be responsible and accountable for the total amount provided for the purposes of each account established in the fund, and shall adhere to accounting and auditing policies consistent with title VII of this Act. They may include procedures for determining, from time to time, whether amounts in the account are in excess of the amounts required, for returning that excess to participating Federal agencies in accordance with a formula providing an equitable distribution; and for effecting returns accordingly to the applicable appropriations, subject to fiscal year limitations. Excess amounts applicable to expired appropriations will be lapsed from that fund.

"(e) During the seventh month after the end of each fiscal year, starting with the first full fiscal year after the effective date of this section, the President shall submit to the Congress an evaluation of progress in accomplishing the purposes of this title.

"FUNDING AND PERSONNEL AVAILABILITY

"Sec. 804. (a) Appropriations available to any Federal assistance program for technical assistance or the training of personnel may be made available for the provision of technical assistance and training in connection with projects approved for joint or common funding involving that program and any other Federal assistance program.

"(b) Personnel of any Federal agency may be detailed from time to time to other agencies as necessary or appropriate to facilitate the processing of applications under this title or the administration of approved projects.

"AUTHORITY OF THE COMPTROLLER GENERAL OF THE UNITED STATES

"Sec. 805. For the purpose of audit and examination, the Comptroller General of the

United States shall have access to any books, documents, papers, and records of recipients of interdepartmental and intradepartmental joint projects that are pertinent to the moneys received from joint management funds established for such projects.

"DEFINITIONS

"SEC. 806. As used in this title—

"(1) 'Federal assistance' or 'Federal assistance program' means any assistance provided by an agency in the form of grants, loans, loan guarantees, property, contracts (except those for the procurement of goods and services for the United States Government), or technical assistance, whether the recipients are a State or local government, their agencies, including school or other special districts created by or pursuant to State law, or public, quasi-public, or private institutions, associations, corporations, individuals, or other persons; and

"(2) 'joint project' means any undertaking which includes components proposed or approved for aid under more than one Federal assistance program or appropriation or one or more Federal assistance programs or appropriations in combination with one or more State or local programs, if each of those components contributes materially to the accomplishment of a single purpose or closely related purpose."

EFFECTIVE DATE

SEC. 302. Sections 802 and 803 of the Intergovernmental Cooperation Act of 1968, as added by section 301 of this Act, shall become effective one hundred and twenty days after the date of enactment of this Act.

TITLE IV—CONGRESSIONAL AND EXECUTIVE OVERSIGHT OF FEDERAL ASSISTANCE PROGRAMS

SEC. 401. Section 601 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended by adding at the end thereof the following new subsection:

"(c) If any law enacted on or after the date of the enactment of the Intergovernmental Cooperation Act of 1972 authorizes the making of grants-in-aid over a period of three or more years, then during the period beginning not later than the twelve months immediately preceding the date on which such authority is to expire, the committees of the House and Senate to which legislation extending such authority would be referred shall, separately or jointly, conduct studies of the program under which such grants-in-aid are made and advise their respective Houses of the results of their findings with special reference to the considerations cited in clauses (1), (2), (3), and (4) of subsection (a) of this section. Each such committee shall report the results of its investigation and study to its respective House not later than one hundred and twenty days before such authority is due to expire."

SEC. 402. Title VI of such Act is amended—

(1) by redesignating section 604 as section 606; and

(2) by inserting immediately after section 603 the following new sections:

"CONGRESSIONAL REVIEW SPECIALISTS

"SEC. 604. Each standing committee of the Senate and House of Representatives which is responsible for the review and study, on a continuing basis, of the application, operation, administration, and execution of two or more grant-in-aid programs is entitled to employ a review specialist as a member of the professional staff of such committee in addition to the number of such professional staff to which such committee otherwise is entitled. Such specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this title.

"REPORTS BY FEDERAL AGENCIES

"SEC. 605. (a) Heads of Federal agencies administering one or more Federal assistance programs shall make a report to the President and the Congress on the operations of such programs at the end of each fiscal year, beginning with the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1972. Such reports shall include—

"(1) the overall progress and effectiveness of administrative efforts to carry out each program's statutory goals;

"(2) the consultative procedures employed under each program to afford recipient jurisdictions an opportunity to review and comment on proposed new administrative regulations, and basic program changes;

"(3) intradepartmental and interdepartmental arrangements to assure proper coordination of headquarters and in the field with other related Federal assistance programs;

"(4) efforts and progress in simplifying and making more uniform (A) application forms and procedures, and (B) financial reporting and auditing requirements and procedures;

"(5) efforts and progress in relying on the internal or independent audits performed by or for States and political subdivisions;

"(6) the feasibility of consolidating individual Federal assistance programs with others in the same or closely related functional areas, where they exist;

"(7) the practicability of delegating more administrative discretion, including application approval authority, to field offices;

"(8) whether changes in the purpose, direction, or administration of such Federal assistance programs, or in procedures and requirements applicable thereto, should be made; and

"(9) the extent to which such programs are adequate to meet the growing and changing needs for which they were designed.

"(b) The President shall transmit to the Congress, no later than January 31 of each year, a summary report on Federal assistance activities of the preceding fiscal year. The first such report shall be transmitted not later than January 31 following the first full fiscal year following the date of enactment of the Intergovernmental Cooperation Act of 1972. Each report shall (1) summarize and analyze the findings of the department and agency reports provided in subsection (a) of this section; (2) set forth such recommendations as he may deem appropriate to convert the existing system of Federal assistance programs into a more effective vehicle for intergovernmental cooperation; and (3) such other matters that are considered pertinent."

TITLE V—MISCELLANEOUS

SEC. 501. Section 202 of the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098; 42 U.S.C. 4201) is amended to read as follows:

"SEC. 202. No grants-in-aid to a State or a political subdivision shall be required by Federal law or administrative regulation to be deposited in a separate bank account apart from other funds administered by the State or political subdivision. All Federal grant-in-aid funds made available to the States or to political subdivisions shall be properly accounted for as Federal funds in the accounts of the State or of the political subdivisions. In each case the agency of the State or of the political subdivisions concerned shall render regular authenticated reports to the appropriate Federal agency covering the status and the application of the funds, the liabilities and obligations on hand, and such other facts as may be required by said Federal agency. The head of the Federal agency and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, papers, and records that are pertinent to the grant-in-aid received by the States or by the political subdivisions."

SEC. 502. Section 203 of such Act is amended to read as follows:

"SEC. 203. Heads of Federal departments and agencies responsible for administering grant-in-aid programs shall schedule the transfer of grant-in-aid funds consistent with program purposes and applicable Treasury regulations, so as to minimize the time elapsing between the date of transfer of such funds from the United States Treasury and the date of disbursement thereof by a State or by a political subdivision; or between the date of disbursement by a State or by a political subdivision and the date of transfer by the United States Treasury. States and the political subdivisions shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–1109), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

S. 3140, the Intergovernmental Cooperation Act of 1972, is aimed at strengthening the management of our categorical grant-in-aid system. Since the early 1960's, categorical grants-in-aid have grown markedly in number, size, and complexity, and attendant administrative problems have also grown. S. 3140 provides the means to eliminate some of those problems.

The bill provides a necessary supplement to the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), which was the first major piece of legislation to improve administrative relationships between the Federal, State, and local levels of Government. This new measure would provide additional tools to those at the national level who are grappling with the difficult assignment of achieving more effective delivery of Federal assistance programs to recipients at the State and local levels.

S. 3140 is an omnibus bill. It contains four principal titles which deal with the following four problems which hamper grant-in-aid administration: (I) the complex and time-consuming auditing, accounting, fiscal reporting activities and other administrative requirements of grants-in-aid; (II) the difficult problem of excessive fragmentation of Federal resources into too many grant programs; (III) the difficulties which grant applicants have in developing a coherent and manageable project when faced by several separate and separately funded programs; and (IV) the need for more effective executive and legislative oversight with respect to these programs.

The four principal titles of the bill meet these problems as follows:

Title I authorizes the President to promulgate rules to simplify and unify financial reporting requirements—and other administrative requirements—of Federal assistance programs. It allows increased reliance on State and local audits which meet Federal criteria.

Title II provides for an expeditious method—using the Executive Reorganization Act approach—for congressional approval of grant consolidation. Grants must be closely related and in the same functional area. Neither the substance nor the recipients of the grants will be fundamentally altered by consolidation.

Title III provides authorization for simplifying the administrative and technical requirements of Federal assistance programs to permit joint management and joint funding of these programs on a departmental and, to a lesser extent, on an inter-departmental basis.

Title IV establishes a more comprehensive policy of congressional and executive review of the operation of grant programs. It provides for grant review specialists on substantive committees in the Congress.

BACKGROUND

S. 3140 builds on the foundation established by the Intergovernmental Cooperation Act of 1968 (Public Law 90-577) which was itself the product of studies begun in 1962 by the Subcommittee on Intergovernmental Relations at the direction of its chairman, Senator Edmund S. Muskie.

S. 3140, like the Intergovernmental Cooperation Act of 1968 and earlier related legislative proposals, is genuinely intergovernmental in its origin and development as shown by the board participation of individuals, agencies and organizations, both Federal and non-Federal.

Since it began to take shape, S. 3140 has been as bipartisan in spirit as its present sponsorship suggests. It was introduced on February 8, 1972, by Senator Muskie with Senator Gurney, the subcommittee's ranking minority member, as principal co-sponsor. The other co-sponsors of the legislation are Senators Humphrey, Javits, Mathias, Metcalf, Percy, and Roth.

The first three titles of the bill—which deal with simplification of administrative and financial reporting procedures, grant consolidation, and joint funding—were treated in a 1967 report by the Advisory Commission on Intergovernmental Relations titled, "Fiscal Balance and the American Federal System." Congressional oversight in the grant-in-aid area had been the subject of an earlier ACIR study.

In June 1969, Senator Muskie introduced a bill which addressed itself to these four subjects, S. 2479, the Intergovernmental Cooperation Act of 1969. This measure was considered by the subcommittee along with related legislation, notably S. 2035, a bill on grant consolidation introduced by Senator Mundt for the Administration. Senator Mundt's bill was based largely on experience in the Bureau of the Budget under Presidents Kennedy and Johnson as well as Nixon.

Hearings were held on S. 2479 and S. 2035 on September 9, 10, 12 and 17, 1969. Testimony was also heard on S. 60, a bill to "Create a Catalogue of Federal Assistance Programs," which had been introduced in the House by then Congressman Roth and introduced in the Senate by Senator Boggs.

The major change in S. 2479 in subcommittee was the substitution of the administration's bill on grant consolidation—S. 2035, introduced by Senator Mundt—for the grant consolidation title of S. 2479. The result of this substitution was that the Executive's power to consolidate programs was tailored more closely to the specific operational needs of OMB. This power was limited somewhat, however, by the addition in subcommittee of several new provisions. Most other changes in subcommittee in S. 2479 were minor and primarily technical.

S. 2479 was reported out of the subcommittee in the fall of 1969. Due to the press of other urgent business, the bill was never taken up by the full committee.

In the 92d Congress, on February 8, 1972, Senator Muskie reintroduced the measure in virtually the same form as it had been reported out of the subcommittee in 1969. The only changes were in title II on grant consolidation and these did not affect the bill's basic concepts. The changes consisted of the use of slightly more specific language in the introductory parts of the title—to more clearly define the boundaries of the power authorized for the Executive—and the addition of two new provisions which controlled to some degree the introduction of consolidation plans. One new clause specified that not more than one consolidation plan in a given functional area could be introduced per 30 days. The other specified that a consolidation plan could not provide for more than one consolidation of one or more programs. This ruled out proposals for multistage consolidations.

These changes were made because surrounding circumstances had been altered since the 1969 bill by President Nixon's proposal for "Special Revenue Sharing" slightly over a year earlier.

In January 1971, President Nixon called for "Special Revenue Sharing" legislation at the same time he proposed a General Revenue Sharing bill. Special Revenue Sharing, an entirely different concept from General Revenue Sharing, is a proposal for broad-gauge, bloc grant legislation. It would group together Federal assistance program funds into six general categories. These funds would be offered to State and local governments with some guidelines but without most of the traditional requirements of categorical grants and with minimal ongoing Federal-State or Federal-local interaction. There would be no requirement for matching funds, for example. Thus, the President's "Special Revenue Sharing" proposals offered the possibility to Congress of a clear philosophical departure from the categorical grant system which had grown up since the early 60s. Congress choice between these two alternatives has yet to be made.

Grant consolidation, as described by title II of S. 3140, is clearly different from the Special Revenue Sharing proposals. Grant consolidation would not change conceptually the categorical grant-in-aid system or fundamentally alter the substance of individual grants. Instead, it is intended to strengthen the grant-in-aid system by giving the President the means to reduce overlapping, duplication of effort, inefficiency and other problems which have arisen. The following excerpt from Senator Muskie's introductory remarks describes the intent behind the drafting and introduction of the legislation.

"* * * portion of this bill, particularly the grant consolidation title, touch on a fundamental question: How should responsibility be divided between the Federal Government on the one hand and State and local governments on the other?

"There are many areas with which State and local governments are best qualified to deal; there are others where it is necessary for the Federal Government to share responsibility. The National Government is best placed to have a broad view of national interest, to identify national priorities and to see that they are met. There are critical problems, national in scope, which must be attacked by the Federal Government because States and localities are unable to deal with them alone. It is to meet this national responsibility that the Federal Government distributes and administers funds in the form of categorical grant programs.

"Many of these grant programs created by the Congress to deal with specific problems during the past decade should be listed among the most significant legislation ever passed. Programs like model cities, the antipoverty program, title I of the Elementary and Secondary Education Act and the air and water pollution control program have made vital and significant contributions to the betterment of our Nation. They have provided opportunities for millions of our citizens who previously have had no chance to become productive members of society.

"During the past decade, however, these programs have multiplied. Between 1960 and 1970, the amount of Federal assistance allocated through categorical grant programs increased from $7 billion annually to $30 billion—20 percent of the total revenue of State and local governments. The number of Federal grant programs has risen as well—from 160 in 1962 to more than 530 by the end of the last Congress.

"It is understandable, with this rapid expansion of categorical grant programs that some overlapping, duplication of effort and lack of coordination has occurred. This bill is intended to remedy this situation. Inefficiency squanders resources which should go toward solving the problems for which the grants were authorized by Congress; confusion makes it hard for the Executive to administer programs to the maximum benefit of the intended recipients.

"It is the purpose of this bill, therefore, not to blunt or destroy the thrust of categorical grant programs, but to sharpen that thrust by eliminating overlapping and duplication, improving coordination and pronoting better administration, planning, economy, and efficiency.

"This bill differs fundamentally from the proposals for special revenue sharing under which the President would have the power to lump funds of a large number of categorical grants together and transfer these funds to State governments with only skeletal controls and no provision for Federal-State administrative cooperation.

"I want to underline that the legislation which I am introducing today is not intended to undercut either the concept of categorical grants-in-aid or individual grants. It is intended to strengthen grant-in-aid assistance by giving the President the means to make grants more effective and efficient."

HEARINGS

The Subcommittee on Intergovernmental Relations conducted hearings on S. 3140 on March 7 and April 17, 1972.

This brought to a total of 6 the number of days held on the substance of this measure, as extensive hearings had been held on a predecessor bill, S. 2479, on September 9, 10, 12 and 17, 1969. These earlier hearings showed a uniformity of support for the principles and major provisions of the 1969 bill and the same provisions have been incorporated virtually without change, into S. 3140.

The extensive testimony and agency reports on this 1969 bill highlighted several fundamental issues. Witnesses were invited for testimony on S. 3140 on the basis of the authority and expertise with which they could speak to these issues as well as to the technical aspects of the legislation.

Witnesses at these hearings unanimously urged passage of this measure as did written submissions by Federal agencies and other interested parties. Differences of opinion in testimony and written submissions were limited almost entirely to minor or technical points and not to the basic thrust or major legislative concepts of the measure.

Witnesses included the following: At the March 7th hearing: Dwight Ink, Assistant Director of Organization and Management, Office of Management and Budget; James L. Martin, Assistant Director, National Governors' Conference; Ralph L. Tabor, Director of Federal Affairs, accompanied by Legislative Aide Larry Naaka, National Association of Counties; and for the National League of Cities/U.S. Conference of Mayors, Frank Burke, Mayor of Louisville, Ky., Chairman of National League of Cities Intergovernmental Relations Committee and Richard Glaman, President of the Municipal Intergovernmental Coordinators of the National League of Cities/U.S. Conference of Mayors.

The witnesses at the April 17 hearing were: Elmer B. Staats, Comptroller General of the United States, accompanied by Donald Scantlebury, John Moore and Gregory Ahart; Ernest M. Allen, Deputy Assistant Secretary for Grant Administration, Department of Health, Education and Welfare, accompanied by Edward W. Stepnick, Director, Audit Agency, and David V. Dukes, Director, Division of Operations Analysis; and Robert E. Merriam, Chairman, Advisory Commission on Intergovernmental Relations accompanied by David B. Walker, Assistant Director, Governmental Structure and Functions.

EXPLANATION OF BILL

Title I allows greater reliance on State auditing procedures and encourages simpler financial reporting and other administrative requirements. It accomplishes this by authorizing the President to simplify and make uniform the financial reporting requirements—as well as other administrative requirements—of Federal assistance programs. It allows reliance on State and local audits when these meet Federal criteria.

The title calls for the development of auditing standards for State and local auditors. Responsibility for the development of these standards is given to the General Accounting Office. The committee judged GAO to be the organization which could most satisfactorily fill this role. Evidence indicates that auditing standards will have to be developed over a period of time, through experience. These standards may have to be rewritten several times, at least during an initial period. In the committee's view, GAO is best equipped among Federal organizations to maintain the constant contact with State and local auditing agencies which will be necessary in the process. (See correspondence in hearing record on this point.)

Title II gives the President the power to propose consolidation of categorical grant programs which are in the same "functional area." Congress must approve the President's consolidation plan under the 60-day Executive Reorganization Act procedure.

The title is intended to strengthen our categorical grant-in-aid assistance program by giving the President the means to make grants more efficient and effective. This intent is underscored by a number of limitations on the President's power which ensure that the substance of existing categorical grants will be preserved.

The basic limitation is the 60-day review by Congress required under the Reorganization Act practice which gives Congress sufficient time to decide whether a proposed consolidation plan meets the intent of Congress.

There are also a number of specific limitations in the title. For example, section 1003 (b) (2) requires that the President, in directing applicable terms and conditions for a consolidation plan, shall be limited by the "range of terms and conditions" of the Federal assistance programs being consolidated. Section 1004(a) states that (1) programs to be consolidated must be in the same functional area; (2) the consolidation plan cannot extend assistance to any recipient not eligible under one of the programs included in the consolidation; (3) the plan cannot exclude from eligibility any recipient under any program included in the consolidation; (4) responsibility for the administration of the plan cannot be transferred to any agency which was not responsible for at least one of the consolidated programs.

Among other limitations on the Executive are sections 1003(c) and 1004(b) of the title. Section 1003(c) states that only one consolidation plan in a given functional area may be delivered to Congress each 30 days. Section 1004(b) states that each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs. This section bars proposals for multi-stage consolidations spread over a period of time.

The termination of consolidated programs is controlled by section 1003(b)(3) which requires that the President choose the expiration date for the consolidated package from the range of expiration dates of the original, individual programs. A 5-year limitation is imposed, that is, the President may not choose an expiration date for the consolidation plan which is any more than 5 years from the date of introduction. When the bill was introduced, the provision controlling the termination dates of the consolidation plan stated that consolidation was "not to have the effect of continuing any assistance program beyond the period originally authorized." The new language was adopted after recommendation by the Advisory Commission on Inter-governmental Relations and others.

Title III deals with "Joint Funding Simplification." It allows the Executive to approve "combined" applications for "joint grant-in-aid projects" which require funding from two or more programs. Agency heads are given the authority to approve intradepartmental projects; the President must approve interdepartmental projects.

This title will simplify procedures considerably for grant applicants.

Interdepartmental joint projects are authorized specifically on a "demonstration basis," and the committee expects that the Executive will move slowly in this area. Consideration was given in committee to limiting the duration of the section authorizing interdepartmental joint projects (in the bill as introduced, this section expired in 3 years). GAO and others had stressed in testimony that projects involving two or more departments could bring unforeseen complications. The committee decided not to put an expiration date for several reasons. If the action expired, or if its continued life were uncertain which would almost certainly be the case, the benefits to grant applicants would be reduced. Moreover, the executive branch has in recent years built up a certain amount of experience in joint projects of a pilot or experimental nature (principally through OMB's FAR program), and the Office of Management and Budget expresses confidence that it can move into the area of interdepartmental joint project (in the bill basis. Consequently, the committee judged that an expiration date for the section was not necessary. However, the committee underscores its intent that joint projects involving more than one department be of a "demonstration" nature and notes its expectation that the executive branch will exercise prudence in this area.

The subcommittee addressed itself to the question of whether the authority given the Executive under title III might permit alteration of the substance of existing categorical grants-in-aid. The subcommittee concluded that this title is not susceptible to being used to materially affect the substance of grant programs. (See OMB's written opinion to this effect in hearing record.)

Title IV establishes a new procedure for congressional oversight of grant programs.

Reports by the responsible substantive committees of Congress are required—either separately or jointly—in the case of grant programs with a duration of three or more years. These reports must be made during the last year of each program's life, not later than 120 days before its expiration date. To meet this responsibility, the title authorizes establishing a review specialist position on each standing committee of the House or Senate responsible for review, study, or oversight of two or more assistance programs. This additional staff member will be selected and appointed by the chairman of the standing committee with prior approval of the ranking minority member.

Title IV also requires heads of Federal agencies to make annual reports on their Federal assistance programs to the President and to Congress. Heads of Federal agencies are required to submit responses to nine specific questions. In the interest of keeping needless paper to a minimum, the committee stresses that it is not its intention that the annual reports be either a litany of achievements or a self-justification, but an intelligent, concise assessment. Accordingly, they should be brief and specific.

Title V remedies an oversight in the Intergovernmental Cooperation Act of 1968, by extending to local governments two provisions of the 1968 act which at present cover only States. One new provision relieves local governments from any requirement to deposit grant-in-aid funds in a separate bank account. (In the present act only States are relieved.) The other relieves local governments from accountability for any interest earned on grant-in-aid funds. (The present act mentions only States.)

EXPLANATION OF AMENDMENTS

The committee adopted a number of amendments to the bill. Some were technical and clarifying; others were substantive. The substantive amendments are as follows:

1. The committee amended sections 701 and 702 to give the President the power to simplify and make more uniform not only financial reporting requirements of Federal assistance programs, but also other administrative requirements of those programs. This amendment was suggested by the Office of Management and Budget and supported by the General Accounting Office and the Advisory Commission on Intergovernmental Relations.

2. The committee amended section 703 to substitute the General Accounting Office for the Office of Management and Budget as the organization responsible for developing auditing standards for State and local auditors. The committee made this amendment on the recommendation of the GAO that it is the proper agency to draw up auditing standards called for in title I of S. 3140. The committee believes the General Accounting Office has made a convincing case that the auditing standards will have to be developed through experience. These standards, therefore, may have to be rewritten several times, at least for an initial period. GAO argued convincingly that it is better equipped than the OMB to maintain the constant contact with State and local auditing agencies which will be necessary in this process. The amendment also requires the Comptroller General to report to the Congress on implementation of the section.

3. The committee amended section 704(h) to allow the OMB or any other Federal agency designated by the President to prescribe such rules and regulations as are necessary for effective administration of section 704 of this bill, including coordination in the field. This amendment was suggested by the OMB and GAO.

4. The committee amended section 1003(b) by adding subsection (3) requiring that each grant consolidation plan transmitted to the Congress shall specify the date of expiration of the consolidation plan and all Federal assistance programs included in that plan provided that, in selecting the expiration date, the President shall not specify a date earlier than the earliest or later than the latest expiration date of any of the programs being consolidated and provided further that the expiration date of the plan be no longer than 5 years from the date the plan becomes effective. That amendment was adopted on the suggestion by the Advisory Commission on Intergovernmental Relations to set precisely the boundaries of the President's power to control categorical grant programs. It replaces section 1004(a)(1) of S. 3140, as introduced, which prohibited a consolidation plan from continuing any Federal assistance program or part thereof beyond the period authorized by law for its existence or beyond

the time when it would have terminated if the consolidation plan did not take effect.

5. The committee extended the expiration date for the grant consolidation title in section 1004(c) from April 1, 1973, to October 31, 1974.

6. The committee amended section 803 by deleting subsection (f), which makes the section of the bill controlling interdepartmental (as contrasted with intradepartmental) joint projects indefinite in duration. As introduced, S. 3140 provided that that section of the bill expired 3 years after enactment.

7. The committee changed the title of the bill to more closely reflect its contents.

ESTIMATED COST OF LEGISLATION

The legislation will involve no cost except for possible staff increases, and the committee does not anticipate that these will be numerous.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to improve the financial management of Federal assistance programs to facilitate the consolidation of such programs; to provide authority to expedite the processing of project applications drawing upon more than one Federal assistance program; to strengthen further congressional review of Federal grants-in-aid; and to extend and amend the law relating to intergovernmental cooperation."

Mr. GURNEY. Mr. President, I would like to comment on the Intergovernmental Cooperation Act of 1972 (S. 3140) which the Senate just passed this morning, and focus on this much needed bill the attention of our colleagues in the House of Representatives.

This is a rather technical bill with little glamour and press appeal—but it is one of great importance to State and local governments. It should not be neglected. It would greatly improve the management of the categorical grant-in-aid system and provide for increased efficiency and economy in the administration of those programs.

This legislation deals with the problems of: First, duplicative and unnecessary auditing, accounting and fiscal reporting activities; second, difficulties involved in "packaging" related grant applications for simpler application procedures; third, excessive fragmentation and over-specialization of specific grant programs; and fourth, increasing difficulties in carrying out the responsibilities of executive and legislative oversight of grant programs.

I urge our colleagues in the House of Representatives to give this bill their careful consideration and act quickly to alleviate the present tangle of redtape and bureaucracy which bogs down so many grant-in-aid programs. Without objection, I would like to insert in the Record at this point a summary of the bill which was prepared by the staff of the Senate Subcommittee on Intergovernmental Relations.

There being no objection, the summary was ordered to be printed in the Record, as follows:

S. 3140: Intergovernmental Cooperation Act of 1972

BRIEF EXPLANATION BY TITLE

Title I allows greater reliance on State auditing procedures and encourages simpler financial reporting and other administrative requirements. It accomplishes this by authorizing the President to simplify and make uniform the financial reporting requirements—as well as other administrative requirements—of Federal assistance programs. It allows reliance on State and local audits when these meet Federal criteria.

The Title calls for the development of auditing standards for State and local auditors. Responsibility for the development of these standards which both OMB and GAO want, is given to GAO. The Subcommittee staff believes GAO is the organization which can most satisfactorily fill this role.

Title II gives the President the power to propose consolidation of categorical grant programs which are in the same "functional area." Congress must approve the President's consolidation plan under the 60-day Executive Reorganization Act procedure.

The Title is intended to strengthen our categorical grant-in-aid assistance program by giving the President the means to make grants more efficient and effective. This intent is underscored by a number of limitations on the President's power which ensure that the substance of existing categorical grants will be preserved.

The basic limitation is the 60-day review by Congress required under the Reorganization Act practice which should give Congress sufficient time to decide whether a proposed consolidation plan meets the intent of Congress.

There are also a number of specific limitations in the Title. Section 1003(b)(2) requires that the President, in directing applicable terms and conditions for a consolidation plan, shall be limited by the "range of terms and conditions" of the Federal assistance programs being consolidated. Section 1004(a) states that (1) programs to be consolidated must be in the same functional area; (2) the consolidation plan cannot extend assistance to any recipient not eligible under one of the programs included in the consolidation; (3) the plan cannot exclude from eligibility any recipient under any program included in the consolidation; (4) responsibility for the administration of the plan cannot be transferred to any agency which was not responsible for at least one of the consolidated programs.

Other limitations: Section 1003(c) which states that only one consolidation plan in a given functional area may be delivered to Congress each thirty days; Section 1004(b) which states that each consolidation plan shall provide for only one consolidation of two or more Federal assistance programs. This section bars proposals for multi-stage consolidations spread over a period of time.

Termination of consolidated programs is controlled by Section 1003(b)(3) which requires that the President choose the expiration date for the consolidated package from the range of expiration date of the original, individual programs. A five-year limitation is imposed, i.e., the President may not choose an expiration date for the consolidation plan which is any more than five years from the date of introduction. When the bill was introduced, the provision controlling the termination dates of the consolidation plan stated that consolidation was "not to have the effect of continuing any assistance program beyond the period originally authorized." The new language was adopted after recommendation by the Advisory Commission on Intergovernmental Relations and others.

Title III deals with "Joint Funding Simplification." It allows the Executive to approve "combined" applications for "joint grant-in-aid projects" which require funding from two or more programs. Agency heads are given the authority to approve intradepartmental projects; the President must approve inter-departmental projects. This Title will simplify procedures considerably for grant applicants.

Inter-departmental joint projects are authorized specifically on a "demonstration basis," and the draft Committee report states that the Executive should move slowly in this area. Consideration was given in Subcommittee to limiting the duration of the Section authorizing inter-departmental joint projects since projects involving two or more departments could bring unforeseen complications (in the bill as introduced, this Section expired in three years). The expiration date was omitted because benefits to grant applicants would be reduced if the Act expired—or if its continued life were uncertain. The Executive Branch has in recent years built up a certain amount of experience in joint projects of a pilot nature (principally through OMB's FAR Program), and the Office of Management and Budget expresses confidence that it can move competently into the area of inter-departmental joint projects on a limited basis.

The Subcommittee staff examined the question of whether the authority given the Executive under Title III might permit the substance of existing categorical grants-in-aid to be changed and concluded that it does not. (There is an opinion to this effect by OMB in hearing record.)

Title IV establishes a new procedure for Congressional oversight of grant programs.

Reports by the responsible substantive committees of Congress are required—either separately or jointly—in the case of grant programs with a duration of three or more years. These reports must be made during the last year of each program's life, not later than 120 days before its expiration date. To meet this responsibility, the Title authorizes establishing a review specialist position on each Standing Committee of the House or Senate responsible for review, study or oversight of two or more assistance programs. This additional staff member will be selected and appointed by the Chairman of the Standing Committee with prior approval of the ranking minority member.

Title IV also requires heads of Federal agencies to make annual reports on their Federal assistance programs to the President and to Congress. Heads of Federal agencies are required to submit responses to nine specific questions. In the interest of keeping needless paper to a minimum, the Committee stresses in the draft report the annual reports should be brief and specific.

Tiitle V remedies an oversight in the Intergovernmental Cooperation Act of 1968, by extending to local governments two provisions of the 1968 Act which at present cover only States. One new provision relieves local governments from any requirement to deposit grant-in-aid funds in a separate bank account. (In the present Act, only States are relieved.) The other relieves local governments from accountability for any interest earned on grant-in-aid funds. (The present Act mentions only States.)

LONGER TERM LEASES OF INDIAN LANDS, NEW MEXICO

The bill (H.R. 7701) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 92–1110), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE OF BILL

The purpose of H.R. 7701 is to grant 99-year lease authority for trust or restricted

Indian land in New Mexico that is located outside the boundaries of reservations.

EXPLANATION

The act of August 9, 1955 (69 Stat. 539), authorizes the Indian owners of trust or restricted land to lease the land, with the approval of the Secretary of the Interior. The term of the lease normally may not exceed 25 years, with one option to renew for 25 years.

In the case of specified reservations, leases may be for as long as 99 years. This long-term lease authority has been granted by Congress on a selective basis after a need for the authority has been demonstrated, because a lease for 99 years effectively alienates the land during the lifetime of present owners.

The Navajo Reservation is one of the reservations where long-term lease authority has been granted. There are, however, about 4,000 Navajo allotments outside the reservation, mostly in New Mexico, and these allotments may not be leased for long term without the enactment of this bill. The bill will also apply to some Navajo tribal land located outside the reservation, and to some allotments to Indians who are not Navajos.

The long-term lease authority is needed to permit the full economic development of the lands.

COST

Enactment of H.R. 7701 will result in no expenditure of Federal funds.

COMMITTEE RECOMMENDATION

A majority of the members of the Committee who were present at the executive session on September 6, 1972, recommended that H.R. 7701 be ordered favorably reported to the Senate with Senator Allott requesting to be recorded as voting "No".

FORT BELKNAP INDIAN COMMUNITY

The bill (H.R. 10702) to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92-1111), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of H.R. 10702 is to convey to the Fort Belknap Indian Community in Montana the beneficial interest in 5 acres of federally owned land. The conveyance will be without consideration, but the value of the land is to be considered by the Indian Claims Commission for set-off purposes in any claims award made by the Commission.

EXPLANATION

The land consists of two tracts that were purchased by the United States in 1934 as the site for two Indian schools. The purchase price of both tracts was $50. They have a present value of $200. Although the land has some potential value for coal, oil, and gas, the Department of the Interior reports that this potential value is slight.

The Indian schools were closed in 1937 and the children were sent to other schools. The land is excess to the needs of the Department of the Interior, but is desired by the Fort Belknap Indian Community for use in conjunction with other tribal lands and for exchange purposes.

COSTS

Enactment of H.R. 10702 will require no Federal expenditure.

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommended in executive session on September 6, 1972, that H.R. 10702 be enacted.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING THE SESSION OF THE SENATE TODAY

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute and I ask that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce; the Committee on Interior and Insular Affairs; the Committee on Labor and Public Welfare; the Subcommittee on Internal Security of the Committee on the Judiciary; the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary; the Subcommittee on Flood Control, Rivers, and Harbors of the Committee on Public Works; the Subcommittee on Labor of the Committee on Labor and Public Welfare; the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs; and the Committee on Public Works may be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally charged against each side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator from Arkansas yield me half a minute?

Mr. FULBRIGHT. I yield.

COMMITTEE ON ARMED SERVICES MEETING DURING SENATE SESSION TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Armed Services may be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. I thank the Senator, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate resumed the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

I ask unanimous consent that any amendment by any Senator previously submitted, to be offered to the amendment of the Senator from Washington (Mr. JACKSON), be in order if cloture is invoked, even though it may have to be changed to be in proper form as an amendment to the Jackson amendment with regard to pagenation and lineation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FULBRIGHT. By way of explanation, there have been some revised amendments, revised only as to the place of insertion and pagenation, and so on. This is to take care of that. It is not intended that there be any sustantial or important substantive changes made in the amendments.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JACKSON. As I understand the purpose of the unanimous-consent request, it is to cover the amendments previously offered to my amendment, which I changed, not substantively, but simply to comply with the change that occurred in the bill as a result of the adoption of the Mansfield amendment. This unanimous consent, therefore, will not in any way alter the previous amendments that were presented to the bill itself, so that they could be offered as amendments to my amendment. Is that correct?

Mr. FULBRIGHT. That is correct. That is my understanding.

Mr. JACKSON. Yes.

Mr. FULBRIGHT. Mr. President, I suggest the absence of a quorum.

Mr. JACKSON. Mr. President, will the Senator withhold that?

Mr. FULBRIGHT. I withdraw the suggestion.

Mr. JACKSON. Mr. President, I yield 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. Is the Senator from Washington yielding all of his 10 minutes?

Mr. JACKSON. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. JACKSON. I yield 9 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I rise at this time to explain my position on the upcoming cloture vote. I had hoped that an agreement could be reached between the advocates of the divergent views with respect to the interim agreement, so that a vote could be had on the Jackson amendment and on the interim agreement, but I do not favor the choking off of debate by the cloture motion.

It is my understanding that the distinguished Senator from Washington (Mr. JACKSON) was among the 19 Senators who signed the cloture motion. That being the case, I anticipate that cloture will be invoked, and that we will proceed to a vote on the various amendments and on the resolution (S.J. Res. 241) itself. But the U.S. Senate is the only legislative body where free and unlimited debate is still permitted, and I would hate to see the Senate cut off debate, as a matter of principle, especially since I believe the Senators were on the verge of reaching an agreement at the time of the filing of the cloture motion.

The Senator from Alabama will vote against invoking cloture, as he has done each time the issue has come before the Senate. I support and, in fact, I am a cosponsor on the Jackson amendment, and I hope and believe the U.S. Senate will agree to the Jackson amendment. In supporting the amendment, however, I do not imply support of the interim agreement which freezes the United States into a position of nuclear inferiority with respect to that of the Union of Soviet Socialist Republics—U.S.S.R.

I oppose the agreement for the additional reasons that I find it morally repugnant, erroneously premised, technically deficient, unrealistic, flawed with vague, unenforceable, and contradictory provisions which are detrimental to the best interests of the United States.

Mr. President, let me briefly elaborate.

The justification of the interim agreement is derived from the treaty which limits development and deployment of nuclear defenses against nuclear attack. The effect is that the integrity of the deterrent of both the United States and the Soviet Union depends upon leaving civilian populations unprotected against nuclear attack and not on the number or on the sophistication of nuclear weapons which is the subject of the interim agreement. The idea of holding civilian populations hostage under threat of nuclear annihilation is as repugnant to me as it would be to threaten civilian populations with destruction by methods of germ warfare as a deterrent. It is said that both sides already have a sufficiency of offensive weapons to achieve maximum assured destruction. If this is true, the agreement is redundant.

In my judgment, both the treaty and the interim agreement are technically flawed in that both instruments are signed by President Nixon on behalf of our Nation, and by Leonid I. Brezhnev, in his capacity as General Secretary of the Central Committee of the Communist Party of the Soviet Union, on behalf of the Union of Soviet Socialist Republics. In other words, it is significant that the instruments are not signed by corresponding heads of state.

It can be pointed out, and accurately, that the Government of the U.S.S.R. is not an autonomous political entity. Instead, the Government of the U.S.S.R. is merely an instrument to carry out the will and policies established by the Communist Party of the Soviet Union. Accordingly it can be argued that since the Communist Party of the Soviet Union—CPSU—controls the Government of the U.S.S.R., that the Secretary of the Central Committee of the Party is the proper official to bind the government by treaties and agreements.

The point is that the Communist Party of the Soviet Union, is not equivalent to the Government of the U.S.S.R. Consequently, it is not surprising that innumerable studies over the years have indicated that agreements made with the Communist Party of the Soviet Union are not worth the paper they are written on. In 1958, the American Bar Association published a study conducted by its Special Committee on Communist Tactics, Strategy and Objectives which summarizes the record of Communist promises up to 1958. The following is an excerpt from that study:

> During the past 25 years, the United States has had 3,400 meetings with the Communists, including Teheran, Yalta, Potsdam, Panmunjom and Geneva. The negotiators spoke 106 million words (700 volumes). All this talk led to 52 major agreements, and Soviet Russia has broken 50 of them. The Communists have followed Lenin's dictum about treaties and agreements: "Promises are like pie crusts—made to be broken."

In this connection, it is worthy of note that shortly before the present SALT Accords were completed, the Senate Judiciary Committee released a report which updated the Soviet record on honoring summit agreements: 24 out of 25 additional summit agreements had been violated as of that date.

As I have previously pointed out, this record of broken agreements leads to the inescapable conclusion that as long as the United States continues to enter into unenforceable agreements with the Communist Party of the Soviet Union or the Government of the U.S.S.R. which is controlled by the CPSU, such agreements will be broken whenever it serves the interests of the Communist Party to break them.

In this connection, the leadership of the Central Committee of the Communist Party of the Soviet Union is highly volatile. The present General Secretary and existing power clique may be here today and gone tomorrow. Treaties and agreements entered into with one regime may go down the drain with the next.

Mr. President, it is obvious that with our populations left vulnerable to nuclear attack, the only thing that stands between us and nuclear blackmail is the faith in the promises of the Central Committee of the Communist Party of the Soviet Union. We have been promised by the CPSU that the Government of the U.S.S.R. will not deploy defensive systems against nuclear attack or stockpile offensive weapons which would destroy the credibility of our supposed deterrent. If that promise is broken, the United States and its allies will be at the mercy of its opponent.

Under such circumstances, it would seem to me that nothing would be more important than agreeing in ironclad procedures to guarantee foolproof methods of verification.

So, let us see what the agreement offers in the way of verification procedures. The agreement contains no provision for any type of verification that is not already available to gather military intelligence even without an agreement. These existing methods of intelligence gathering are referred to as "national technical means of verification." But are these means adequate? Are there deficiencies in the available technical means of verification? I suppose argument on this point could go on indefinitely were it not for the fact that the treaty and agreement seem to admit that existing methods of verification are inadequate. Otherwise, why is there provision in the agreement which calls on the United States and the U.S.S.R. "not to use deliberate concealment measures which impede verification by national technical means"? This clause is used both in article XII of the treaty and article V of the interim agreement. The obvious effect of these deficiencies in means of verification is to vest the security of the United States on the frail reed of a promise from the Communist Party of the Soviet Union not to conceal deployment of missile defense systems or offensive missile stockpiling.

Mr. President, I am not going to catalog the literally hundreds of ways in which the United States or the U.S.S.R. could conceal components of missile defense systems or offensive nuclear missiles. In my judgment, it is incredibly naive to think that concealment is not possible, and even more naive to think that the Government of the U.S.S.R. will not follow precisely the dictates of the Communist Party of the Soviet Union when it decides that it is in the best interest of the CPSU to violate the treaty and the interim agreement.

I would like to say with regard to the Jackson amendment that the effect of that amendment is to say that in subsequent talks on the limitation of nuclear offensive weapons, the United States should seek to achieve equality with the Soviet Union, and we do not have that now, because a position of inferiority is built in for the United States by the agreement which is sought to be approved in Senate Joint Resolution 241.

So the Jackson amendment should be adopted, because it calls on the United States to work for a position of equality with the Soviet Union on nuclear offensive weapons.

I shall vote against bringing this debate to a halt. In the event cloture is invoked, as I believe it will be, I shall vote for the Jackson amendment. Whether it is adopted or not, I will vote against Senate Joint Resolution 241.

The PRESIDING OFFICER. All time of the Senator has expired.

Who yields time?

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. There is not sufficient time remaining.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, with the time charged to the advocates of cloture.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. It will be a live quorum. I ask unanimous consent that the call fulfill the requirements for the establishment of a quorum under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 426 Leg.]

Aiken
Allen
Allott
Anderson
Baker
Beall
Bennett
Bible
Brock
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Cotton
Cranston
Eagleton
Eastland
Edwards
Ervin
Fulbright
Gurney
Harris
Hruska
Hughes
Inouye
Jackson
Jordan, Idaho
Magnuson
Mansfield
Metcalf
Moss
Muskie
Packwood
Pell
Ribicoff
Roth
Saxbe
Scott
Talmadge
Thurmond
Tunney
Williams

The PRESIDENT pro tempore. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Bayh
Bellmon
Bentsen
Boggs
Brooke
Cannon
Chiles
Church
Cook
Cooper
Dole
Dominick
Fannin
Fong
Gambrell
Goldwater
Hansen
Hart
Hartke
Hollings
Humphrey
Javits
Jordan, N.C.
Long
Mathias
McClellan
McGee
Miller
Mondale
Montoya
Nelson
Pastore
Pearson
Percy
Proxmire
Randolph
Schweiker
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Tower
Weicker
Young

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from New Hampshire (Mr. McINTYRE) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDENT pro tempore. A quorum is present.

CLOTURE MOTION

The PRESIDENT pro tempore. The clerk will read the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending joint resolution, S.J. Res. 241, the authorization of the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

1. Mike Mansfield
2. Hugh Scott
3. John O. Pastore
4. Robert C. Byrd
5. Norris Cotton
6. Philip A. Hart
7. Frank E. Moss
8. Lee Metcalf
9. Wallace Bennett
10. Robert Dole
11. Jennings Randolph
12. Clifford P. Case
13. Thomas F. Eagleton
14. Daniel Inouye
15. William Proxmire
16. Joseph M. Montoya
17. John Tower
18. Henry M. Jackson
19. Clinton Anderson
20. Robert P. Griffin
21. Marlow W. Cook

VOTE

The PRESIDENT pro tempore. The question before the Senate is: Is it the sense of the Senate that debate on the joint resolution (S.J. Res. 241), authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics, shall be brought to a close. On this question the yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GOLDWATER (when his name was called). Mr. President, on this vote I have a pair with the Senator from Nebraska (Mr. CURTIS) and the Senator from Michigan (Mr. GRIFFIN). If they were present and voting, they would vote "yea." If I were permitted to vote, I would vote "nay." I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), and the Senator from New Hampshire (Mr. McINTYRE) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McINTYRE), would vote "yea."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Oregon (Mr. HATFIELD), are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The pair of the Senator from Nebraska (Mr. CURTIS) and that of the Senator from Michigan (Mr. GRIFFIN) has been previously announced.

The yeas and nays resulted—yeas 76, nays 15, as follows:

[No. 427 Leg.]

YEAS—76

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Boggs
Brock
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Cook
Cooper
Cotton
Cranston
Dole
Dominick
Eagleton
Eastland
Edwards
Fannin
Fong
Gurney
Hansen
Hart
Hartke
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McGee
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stevens
Stevenson
Taft
Talmadge
Thurmond
Tower
Tunney
Weicker
Williams
Young

NAYS—15

Allen
Bible
Cannon
Church
Ervin
Fulbright
Gambrell
Harris
Hughes
Jordan, N.C.
McClellan
Nelson
Sparkman
Stennis
Symington

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Goldwater, against.

NOT VOTING—8

Curtis
Gravel
Griffin
Hatfield
Kennedy
McGovern
McIntyre
Mundt

The PRESIDENT pro tempore. On this vote, there are 76 yeas and 15 nays. Two-thirds of the Senators present and voting having voted in the affirmative, the cloture motion is agreed to.

Under rule XXII, each Senator is now entitled to 1 hour of debate in all—that is, those Senators who wish to be recognized.

Mr. JACKSON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. JACKSON. Does the time taken for the reading of an amendment come out of a Senator's time?

The PRESIDENT pro tempore. No. That is not debate. A Senator is entitled to 1 hour of debate.

AMENDMENT NO. 1516

Mr. JACKSON. Mr. President, I call up my amendment which is at the desk, amendment No. 1516, and ask that it be read.

The PRESIDENT pro tempore. The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the end of S.J. Res. 241 insert a new section as follows:

SEC. . The Government and the people of the United States ardently desire a stable international strategic balance that maintains peace and deters aggression. The Congress supports the stated policy of the United States that, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States; the Congress recognizes the difficulty of maintaining a stable strategic balance in a period of rapidly developing technology; the Congress recognizes the principle of United States-Soviet Union equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union; and the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.

Mr. FULBRIGHT. Mr. President, I offer as a substitute to the amendment just offered, amendment No. 1526, and ask that it be read.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

In lieu of the language proposed, substitute the following:

"The Congress supports continued negotiations to achieve further limitations on offensive nuclear weapons systems with the Union of Soviet Socialist Republics on the basis of overall equality, parity, and sufficiency, taking into account all relevant qualitative and quantitative factors pertaining to the strategic nuclear weapons systems of the Union of Soviet Socialist Republics and the United States of America."

Mr. FULBRIGHT. Mr. President, I yield myself 5 minutes.

The PRESIDENT pro tempore. The Senator is recognized for 5 minutes.

Mr. FULBRIGHT. Mr. President, this amendment which I have offered in the nature of a substitute to the Jackson amendment will lead to a vote, I hope in the very near future, on the main question before us—whether the concept of sufficiency or superiority will guide our negotiators in the future. This will be, I think, the critical vote on this whole matter.

This treaty and agreement signed in Moscow by the President recognized the doctrine of strategic sufficiency. President Nixon had set forth that doctrine as official U.S. policy on a number of occasions eariler. The President told Congress earlier this year that sufficiency means, in its narrow military sense, "enough force to inflict a level of damage on a potential aggressor sufficient to deter him from attacking."

That, I think, is the core of the difference between the substitute which I offered, with some nine cosponsors, and the amendment offered by the Senator from Washington.

Politically, the President said:

Sufficiency means the maintenance of forces adequate to prevent us and our allies from being coerced.

The shift from outdated concepts of "superiority" and "assured destruction" is an extremely important evolutionary step, and the Senate can usefully urge that limitations should be sought on the basis of sufficiency.

I am not going to repeat all of the arguments about the relative number of weapons we have. We have discussed that at great length. I think the critical question in this whole matter is the atmosphere, the attitude, which will prevail in the next round of the SALT talks. The first series of SALT, was quite useful and satisfactory, leading to a treaty and the interim agreement. The committee voted unanimously and without amendments or reservations to report both the interim agreement and the treaty. I understand that whatever comes out of SALT II will be submitted to the Senate for its approval as a treaty. The next agreement, if not in the form of a treaty, certainly will be similar to the one before us now. In either case, the Senate or Congress will have an opportunity to vote on it.

What I object to particularly in the Senator from Washington's amendment is that it undermines the atmosphere or attitude under which these negotiations would be conducted. The amendment raises the question whether or not we are trying in good faith to reach an agreement with the Russians for curtailment of the arms race.

Even this morning, reports in the newspapers about Mr. Kissinger's latest mission to Moscow include, very optimistic statements about the possibility of enlarging trade and other agreements with the Russians and of settling the lend-lease account, which goes back to World War II.

I believe that the relations have been moving in the right direction. I think it would be a great mistake to do anything which would raise serious doubts about our intentions of proceeding to fruitful future negotiations with Russia.

I think this is an extremely important matter. Nobody knows, and I certainly cannot guarantee, that the Russians will proceed, but all signs indicate that they have recognized the futility of the endless upward spiraling of the arms race and its enormous expense. Certainly, we recognize that. We need only take a look at our budget and the difficulty of obtaining moneys for all kinds of domestic programs.

I believe the atmosphere is very hopeful now for a fruitful second round of SALT, and I fear the real danger of the Senator from Washington's amendment is that it undermines that atmosphere. It means that we are to try to catch up with the Soviets in all areas in which we are now not numerically equal. The ICBM's are the critical issue here. It is true they have more ICBM's than we have, but we have, overall, more strategic weapons than they have. All the testimony indicates that, as of the present time, we have a greater deliverable destructive capacity than the Russians.

All my amendment says is simply that any new agreement should be on the basis of "overall equality, parity, and sufficiency, taking into account all relative qualitative and quantitative factors." We are saying that our policy is to seek in the future what we already have—an overall equality, or parity, or, as the President says, sufficiency. That is all my amendment says. I believe that is consistent with the attitude of the Russians and our own negotiators, and I recommend that the Senate adopt this substitute.

The PRESIDING OFFICER. The time of the Senator has expired.

The PRESIDENT pro tempore. How much time does the Senator yield himself?

Mr. JACKSON. I yield myself 5 minutes.

Mr. President, our amendment, sponsored by 44 Senators, has as its central provision a request to the President to seek a future SALT treaty that would involve equal limits on the intercontinental strategic forces of the United States and the Soviet Union.

The amendment is clear in its meaning of "equality," which is defined by reference to the already approved treaty on the ABM. The ABM treaty, at Soviet insistence, limited both countries to an equal number of sites, an equal number of interceptors, and an equal number of radars of equal size.

The amendment rejects the notion that we should accept numerical inferiority in a long-term treaty because we now, before the follow-on negotiations have even begun, have technological superiority. The amendment rejects the shortsighted notion that our temporary advantage in numbers of MIRV warheads can compensate in a SALT II treaty for permanent Soviet superiority in numbers and throw weight. We must not base our security on an ephemeral advantage, while the Soviets base theirs on permanent ones.

The Jackson-Scott amendment supports the integrity of the NATO alliance by insisting that U.S. forces dedicated to the defense of our European allies and our friends in the Middle East not be limited in a bilateral treaty in which our allies are not full participants.

The amendment could be a golden opportunity for the Soviets to stop their buildup at levels equal to our own. This would mean Moscow's stopping now in modern nuclear submarines and not building up to the 62 permitted under the agreement—we are allowed 44. It would also mean some dismantling of Soviet ICBM's—they have 1,618 to our 1,054—

but many of these are obsolete—and we have dismantled or discontinued our Safeguard sites in two locations and not exercised our rights under the treaty at a third.

The Fulbright amendment has the effect of nullifying the Jackson-Scott amendment. Its language is deceptively similar, but in fact it is quite opposite to my amendment. It relies for its effect on the use of vague terms whose often conflicting definitions lie hidden in the legislative history of the last several weeks debate on my amendment.

By calling for negotiations on the basis of "equality, partity and sufficiency," which, as the legislative history reveals, are defined by Mr. FULBRIGHT to include enormous disparities on the Soviet side, the Fulbright amendment would nullify the Jackson language calling for equality in a SALT II treaty.

The terms "equality, parity and sufficiency" are vague and ill-defined. In contrast, the Jackson language refers to the simple principle of numerical equality on which the already ratified ABM treaty is based.

The Fulbright amendment would undermine the current negotiating position of the U.S. Government by justifying on a permanent basis the numerical disparities in the Soviet Union's favor that the President has accepted only on an interim basis.

The Fulbright language refers to "overall" equality and deletes the word "intercontinental" from the Jackson amendment. The legislative history makes it clear that the term "overall," has been used here to mean the inclusion of our aircraft carriers and European air forces in a bilateral SALT agreement. These forces are vital to our conventional, nonnuclear defense capability in Europe and the Middle East. Moreover, adoption of this language would justify very substantial Soviet advantage in numbers of strategic weapons on the grounds that we are ahead in MIRV warheads. This is Senator FULBRIGHT's view of the matter. The administration has resisted this position in the SALT talks because the Soviets, under the interim agreement, retain the right to press ahead with MIRV warheads of their own. Thus Mr. FULBRIGHT would freeze the Soviet numerical advantage—numbers of strategic launchers—while inviting the Soviets to catch up and surpass us in the area in which we have a temporary advantage—MIRV warheads.

The reference to "qualitative" factors, and their inclusion in the agreement, would put the Senate on record in favor of negotiating for limits that we have no means of verifying. We have no way of knowing, for example, how many warheads are carried by a Soviet missile or how accurate or reliable a Soviet missile may be. Mutual limits in this area are not now possible. Moreover, always in the past we have found that the Soviets are capable of matching our technology when they choose to do so.

The use of the word "relevant" to describe the qualitative factors Mr. FULBRIGHT has in mind does not help. It is too vague to determine what would or would not be included.

The Jackson amendment calls for a treaty on the basis of equality. The Fulbright amendment, by contrast, merely refers to "equality" as a basis for negotiations. Even if the basis proposed by Mr. FULBRIGHT were adequate—and it is not—there is much to be said for the Senate advising the President as to its preferred outcome, a treaty, rather than addressing merely the "basis of continued negotiations."

If I may summarize, the Fulbright amendment would in effect nullify the Jackson-Scott amendment and would undermine the negotiating position of the United States in several respects. With respect to our allies, it has the same effect as the Symington amendment: it would compromise the forces dedicated to their defense as well as our own conventional defense capability by conceding the Soviet position on the inclusion of these forces in a bilateral treaty on strategic weapons. It employs terms that are vague and contradictory: "equality," "parity," and "sufficiency" are hardly synonymous yet all three are introduced as the criteria for the negotiating basis for SALT II. It would call for covering in SALT II such factors as missile accuracy which cannot be verified.

In short and in conclusion, Mr. President, the central issue here is whether or not, as we go forward starting next month or the month thereafter to negotiate a permanent treaty, we are going to seek equality in intercontinental strategic forces. I do not believe we should simply say "OK" to an interim agreement which provides inequality.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. JACKSON. I yield myself 1 additional minute.

We say that the Senate is exercising its constitutional authority to give advice and consent to the President of the United States by affirming that we want, in SALT II, in numbers of intercontinental strategic forces taking account of size or throw-weight.

It will be a tragedy if we do not move in that direction. The administration understood this, and has endorsed and supported the amendment.

I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

I would not rise in this debate were it not for one thing which is being omitted in the discussion, which I would like to call to the attention of the Senate, and that is the individual Member's commitment to the future. These are matters of the highest importance to the world and to our own survival, and it seems to me that one must examine Senator Jackson's amendment in terms of the personal commitment which the individual makes as a Senator. I shall be here at least until the end of 1974, and I am very hopeful that we will have a definitive sort of agreement at least within that time. I think we have the right to expect it.

So the question of adopting the Jackson amendment has never been a question related to the executive agreement we are called on to approve. It does not make or unmake it. But it does commit the individual to a policy for the United States, and this is quite in addition to what we are advising the President. I am not going to advise the President to do something I do not believe in, which is what I would be doing if I supported the amendment of the Senator from Washington, because he commits us to equality in a given weapon without any regard to even the march of technology, let alone the existing situation.

I am known here on the Senate floor to be very active in the affairs of Europe, and I believe, therefore, that they count very heavily, not only upon the American nuclear umbrella, but upon the measured response concept, and that everything does not just mean intercontinental ballistic missiles. As the Senator from Arkansas (Mr. FULBRIGHT) has pointed out, any other treaty that is proposed we will have to approve, but I do not want to be committed in my judgment, as I would be if I voted for this amendment. I do not wish to vote even for the doctrine of parity in respect to that particular weapon, the intercontinental ballistic missile. Rather, Mr. President, I want to, as Senator FULBRIGHT's substitute amendment provides, be sure of our sufficiency, equality, and parity, call it what you will, in any way that it seems to us in this country we have it. They have interior lines; we have exterior lines. We have seas; they have land. We have a naval tradition; they have a rail line and naval tradition. We have manned bombers highly sophisticated beyond any vessel. They are highly deficient in that respect.

It all depends on the game you are playing, Mr. President. I am a tennis player, and I know it is sure death if you play the other guy's game. But that is what is sought to do here, with reference to one particular weapons system.

I believe every Senator is free, and he should not limit himself. This has nothing to do with the agreement. We would simply be limiting ourselves, as well as the President.

One other point, which I hope will appeal even to Senator JACKSON as the author of the amendment.

I really find it very difficult to see why in lines 20 and 21, if I may have the Senator's attention, they continue to carry these words:

> Limited to a prudent strategic posture.

Do we not have that now? Is this an indictment? I must say for the life of me I have never been able to understand how the President, whom Senator JACKSON represents—and that has been borne out; I cannot quarrel with it—would support that statement. I hope very much, should the amendment be agreed to, that that will be changed, because it is not only invidious to him, it is even bad notice to Russians.

I just call this detail to the attention of the Senator from Washington now, because I shall be moving to it later if we get to that stage. But in substance and in conclusion, Mr. President, this is not only advice to the President, it is a commitment by each of us. And for me as one Senator from a great State with about 10 percent of the Nation's population, I cannot commit myself now that my policy for the next 5 years is going to be to seek parity in intercontinental strategic forces as to one particular weapon. I may wish to seek it in a lot of things. I may decide the Russian posture is such that I want superiority next year, that I am not satisfied with parity and I am not satisfied with sufficiency. I do not want to lock myself in by this declaration of policy.

Therefore, I believe it is prudent not to agree to this amendment.

Mr. MUSKIE. I yield myself 10 minutes.

Mr. President, as is apparent from the remarks that have been made this morning during the course of this debate on the interim agreement, much attention has been focused on the problem of measuring the balance of nuclear power between ourselves and the Soviet Union. Every Senator believes that any treaty should assure us equality or parity with the Soviets. But there are clear differences of opinion with regard to what constitutes equality or parity.

The operative clause of the Jackson amendment to the interim agreement—Senate Joint Resolution 241—reads as follows:

> The Congress recognizes the principle of United States-Soviet equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

As Senator JACKSON has explained, "levels of intercontinental strategic forces" refers to numbers of ICBM's, SLBM's, and intercontinental bombers, taking into account total missile throw-weight. While these are most certainly vital elements of the overall strategic balance, they are by no means the only factors that must be taken into account in measuring the relative strength of the United States and the Soviet Union.

There are many other vital factors, such as numbers of warheads, accuracy, megatonnage, survivability, penetrability, deployment, technical reliability, quality of command and control systems, geographic factors, and the overall quality of weapons systems, that must be considered in any measure of the nuclear balance of power.

While Senator JACKSON would acknowledge the existence of these other factors, he has made it clear that equality in ICBM's, SLBM's, intercontinental bombers, and missile throw-weight is a minimal condition of overall equality. He has specifically ruled out our forward base systems as a legitimate element in measuring the strategic balance. He dismisses many other factors as merely technological, arguing that technology always evens out in the long run. He has stated that:

> The present U.S. advantage in strategic weapons technology, which now offsets Soviet numerical superiority, cannot be assured in a long term treaty. What may be a tolerable basis for an interim agreement, therefore, would be intolerable as the basis for a treaty.

Senator JACKSON's restrictive definition of "intercontinental strategic forces" has provoked an interesting response from erstwhile supporters. The administration, whose motives in supporting the Jackson amendment remain unclear, has specifically withdrawn its endorsement of Senator JACKSON's own interpretation. White House Press Secretary, Ronald Ziegler, stated on August 9:

> Senator Jackson said that his amendment excludes a consideration of European nuclear forces in future SALT negotiations for achieving equality in intercontinental strategic systems. . . . The United States does not endorse that elaboration. . . . Any elaboration of the type I just referred to, we feel, is something that should be properly discussed and determined at the negotiating table as we proceed to SALT 2.

The distinguished chairman of the Armed Services Committee, Senator STENNIS, a cosponsor of the Jackson amendment, has also gone considerably beyond Senator JACKSON's restrictive definition. Speaking in the Senate on August 15, Senator STENNIS said:

> A permanent treaty . . . must . . . balance the level of strategic forces on both sides by considering the numbers of launchers, numbers of warheads, destructive power of weapons, and potential growth within the terms of the treaty. This, as I understand it, is the main aim of the second portion of the Jackson amendment.

But this understanding does not coincide with Senator JACKSON's own interpretation.

All this is to point out that the Jackson amendment, by focusing only on a fraction of the strategic balance, could possibly prevent the negotiation of a follow-on treaty based on overall strategic equality. The administration blundered by not determining at the outset what was meant by "intercontinental strategic forces." Many Senators have been confused by the administration's premature endorsement of the Jackson amendment.

Mr. President, I strongly believe that the objective of our policy in future arms control negotiations must be to stabilize the arms race on the basis of equality in the deterrent capabilities of the United States and the Soviet Union. It is only on such a basis that both powers will feel sufficiently secure to refrain from further strategic arms buildups. I cannot imagine a more important goal of U.S. policy than the achievement of this kind of equilibrium that preserves our security, guarantees the sufficiency of our defense, and frees us from the dangers and debilitating expense of a spiraling arms race.

If we are to advise the President on strategic arms negotiations, therefore, I believe we should advise him on the objective of such negotiations—the objective of stabilizing the arms race on the basis of overall equality and the preservation of U.S. sufficiency in strategic defense. I do not think it is wise for us to prejudge the negotiations and set minimal conditions with regard to reaching that objective. To believe in a congressional voice in foreign policy does not mean that the Senate should prescribe an exact technical form for a follow-on treaty. Strategic arms negotiations are extraordinarily complex, and agreements are reached only after numerous proposals and packages are put forth by both sides and their implications fully analyzed by technical experts. For us to deny our negotiators that flexibility will not further the prospects of a follow-on agreement.

Therefore, I urge the Senate to revise the Jackson amendment to stress the need to assure in a future treaty overall equality in United States-Soviet strategic nuclear strength rather than numerical equality in intercontinental strategic weapons systems alone. In supporting such a change, I do not wish to prejudge Senator JACKSON's own view that overall equality may at some future date require rough equality in ICBM's, SLBM's, intercontinental bombers, and missile throw-weight. My purpose is not to exclude the Jackson formula from consideration at SALT 2, but rather to broaden Senate advice to allow consideration of alternative proposals as well—proposals that would insure an overall equality and U.S. defense sufficiency. The strategic balance is not so sensitive as to require mathematical precision in any single component or set of components. Insistence on such precision means that the negotiations will fail, or that both sides will build to parity across the whole spectrum of nuclear weapons. The Jackson formula, as it now stands, is a prescription for an accelerated arms race.

Mr. President, I do not have a particular design in mind for a follow-on SALT treaty. As chairman of the Arms Control Subcommittee of the Foreign Relations Committee, I was privileged to be briefed by representatives of the administration several times during the past 2 years on progress at SALT 1. I am impressed by the complexity of the strategic issues, and how imaginative and resourceful our negotiators must be in identifying the best means of stabilizing the arms race. I do not have any binding recommendations to make to our negotiators with regard to the weight that should be given, for example, to our forward base systems, to geographic differences, and to differences in deployment modes. I do not know what technological factors can be controlled in a formal treaty—what technological breakthroughs there might be in national means of verification, or what political breakthroughs there might be in the area of on-site inspection. But I do not wish to limit the possibilities in advance.

It is for these reasons that I and many other Senators have urged that we emphasize the principle of overall equality rather than numerical equality in intercontinental strategic systems alone. I believe it is essential to free our negotiators from the narrowness of the Jackson amendment. I hope that the Senate will go on record supporting the principle of overall equality and the preservation of U.S. defense sufficiency. That will give our negotiators general advice without restrictive minimal conditions. This, I believe, is the best means of furthering prospects for the next round of negotiations.

Mr. CRANSTON. Mr. President, I yield myself 12 minutes.

The PRESIDING OFFICER (Mr. BENTSEN). The Senator from California is recognized for 12 minutes.

Mr. CRANSTON. Mr. President, I was in the Soviet Union last week and I should like to express some thoughts concerning my soundings and findings there as they relate to the Senate and to SALT. The people I met there were talking about the very issues we are discussing on the Senate floor.

I came back from the Soviet Union with my own convictions reinforced that an amendment like that offered by the Senator from Arkansas (Mr. FULBRIGHT) is a vital ingredient of success in carrying on continued successful negotiations with the Soviet Union and reinforced the convictions I took with me that it would be harmful to our future scaling down of the arms race to adopt the Jackson amendment.

The original purpose of my trip to Europe was to compete in track meets in London and Helsinki. But once it appeared that the SALT agreements were in danger of being stalled and encumbered by the Jackson amendment, and once the Senate had declared an extra week's recess after the Republican Convention, I decided to explore, on my own, and, incidentally, at my own expense, the situation inside the Soviet Union as it relates to the SALT situation. I went there in an unofficial capacity. I am certainly not setting myself up as an instant expert on Soviet affairs after spending a week there. I talked with only a limited number of people, most of them were American newsmen and American diplomatic officials. But with all of them SALT was clearly a pressing and distressing issue—yet one also of hope. Everyone I talked to who expressed an opinion on the subject reflected dismay, concern, and confusion over the effect of the Jackson amendment on the arms race.

They were dismayed that the SALT agreement, perhaps the most complex international agreement we have ever negotiated with another nation, should be subjected to 11th-hour improvisation on the floor of the U.S. Senate.

They were concerned that adoption of the amendment could jeopardize arms limitation and arms reduction talks in the future. They felt that the Soviets could never be sure, after an agreement was negotiated, that its import would not be suddenly changed in its import by Senate action. These people were confused by the prospect that the same administration which had painstakingly negotiated this agreement, after years of hard work, might be supporting last-minute legislative changes. The fact that the administration claims it supports the Jackson amendment but does not support what Senator JACKSON says his amendment means only adds to their confusion, as it has added to the confusion here.

Many arguments have been exchanged among us in the Senate recently on the SALT agreements and particularly on the pros and cons of the Jackson amendment. The issue of equality has been foremost in our minds as we debate the questions posed by that amendment.

Some of us are disturbed by the uncomfortable thought that beyond a certain point equality may lose its significance—due to the overkill factor—and really mean equality in death rather than life.

That is why SALT—with the hope that it will scale down the colossal dangers and incredible costs of the arms race—is so essential.

But in effect we all agree that the United States must have equality with the Soviet Union in nuclear strength and in military strength generally. We disagree only on how equality should be measured, calculated, counted.

Naturally, equality is very important to the leaders and the people of the Soviet Union as well.

They are proud of the progress made by their country and gratified that the agreements limiting strategic weaponry recognize their new and equal status.

To be part of an agreement with the United States negotiated on the basis of equality means a great deal to them.

So I think it is clear that everyone wants equality—the Soviet people, the Soviet Government, the Nixon administration, and every member of the Senate.

No one has a monopoly on representing the argument for equality.

The question is: How do we define equality? I have already spoken on the floor of the Senate in favor of the view that what counts is overall strategic parity—not merely megatonnage and numbers of launchers.

It is equality in this overall sense that the Soviet leadership is concerned about. I am sure that there are many Soviet military planners who are concerned about our numerical superiority in strategic bombers and aircraft carriers. But they have to consider all the factors, just as we do.

Almost exactly 10 years ago, the United States and the Soviet Union confronted each other over the Cuban missile crisis. Only a year later, in 1963, Moscow and Washington signed the nuclear test-ban treaty. Far from stunting the arms race, however, the test-ban treaty had the unfortunate effect of accelerating underground testing and speeding up the development of new weapons of destruction to offset the supposed concession represented by the treaty itself.

Now we face a parallel danger—that SALT may mean more weapons, not fewer weapons.

Thus, far, that has been the consequence of SALT.

During the long years of negotiation, we and the Soviets have rushed new programs along to beat any standstill agreements that might be signed.

And both of us have poured vast sums into new weapons systems for "bargaining chip" purposes—constructing them at great cost simply to be ready to give them up.

And no sooner had administration spokesmen hailed the agreements finally negotiated in Moscow as a step toward halting the arms race than they turned around and asked for newer, fancier, and more expensive weapons.

I think we should remind ourselves that the purpose of the whole idea of the SALT negotiations is arm's limitation and eventually arm's reduction, not escalation.

Plainly, the Soviet Union and the United States have entered a period of testing—testing each other's good faith, testing each other's promises, testing the possibilities for a world without overkill, even testing the possibilites for a world without any arms race at all.

This testing period is very delicate. Everyone I talked to in Russia who was informed on the subject stressed that one serious incident could set back progress for 10 years. Something comparable to the U-2 incident or the Czech invasion could crush our new hopes for peace.

I think the Senate should do everything in its power to prevent another disruptive crisis.

That means, among other things, we must make sure that civilians retain control over our huge Military Establishment.

The recent case of General Lavelle is a horrifying example of what can happen when misguided military men take top-level decisions into their own hands. We must make sure that nothing remotely similar jars our relations with the Soviet Union at this critical point in time.

And we should ratify the interim agreement without the Jackson amendment. The amendment, I am convinced, threatens the current effort to reduce tensions between our two powerful nations.

There are many in this country who say, "we just cannot trust the Russians." There are many in the Soviet Union who say, "we just cannot trust the Americans."

The interim agreement is not based upon trust. In fact, we need the SALT agreements precisely because we do not trust each other. These agreements allow both sides to carry out their own inspection via satellite, so that each will know if the other violates the agreement. Each side has pledged not to interfere with that freedom precisely because each side wants to retain the power of surveillance for its own use.

Halting and eventually reversing the arms race is in everyone's best interest.

That is why the Russian people welcomed the visit by President Nixon last May—not because they had shed the legacy of mistrust in one stroke, but because they knew that one step toward peace however small, is a step in the right direction. Memories of war are still very fresh in their minds.

At the time of the announced mining of Haiphong Harbor, there was a general fear that the Nixon visit to Moscow would be cancelled.

When that news threw American involvement in the Vietnam war right into Soviet laps, the leaders of the Kremlin had to weigh their friendship for North Vietnam and their own concerns for freedom of the seas against their desire to convince their people that they are really working for peace.

At the same time, the treaty on Berlin, and behind it the whole issue of relations between East and West Germany, were pending in the West German parliament. Soviet cancellation of the Nixon visit would almost surely have spelled the defeat of that treaty.

And as I have already mentioned, the principle of equality reflected in the SALT agreements was and is very important to Soviet citizens.

So for all these reasons—the desire to take concrete steps toward curbing the arms race, the Berlin treaty, and the issue of equality—the Nixon visit proceeded.

I congratulate the leaders of both countries for the progress achieved on that trip.

Soviet leaders cannot be totally blind to political considerations at home. Basically, of course.

The Soviet Union is still a repressive dictatorship.

The treatment meted out to gifted men like Alexander Solzhenitsyn and the Medvedev brothers is deplorable.

Talented, dissident intellectuals who have not yet captured western attention fare much worse.

And the treatment of Soviet Jews and other minority groups is shocking.

But there seems little doubt that, in terms of economics, life for the ordinary person inside the U.S.S.R. is better than it was either under the czars or under Stalin.

The repression of free speech is repugnant to me, and to all of us.

But Soviet leaders are, at any rate, groping toward a better life for the Russian consumer.

For example, the Soviet Government has pledged to increase the protein content of the Soviet diet by 25 percent within 5 years.

I saw many new housing developments.

And I was told that many frank and vigorous debates are permitted on ways of unsnarling local administration and overcoming the petty bureaucracy that stifles Soviet life.

So it appears that the Soviet Government is slowly moving toward a better life for its people at home and a more peaceful atmosphere abroad.

This is a critical time.

Gyorgy Arbatov, director of the U.S.A. Institute of the Soviet Academy of Sciences, was one of those who emphasized to me the need to shield this delicate testing period from international shocks.

I wholeheartedly agree.

The PRESIDING OFFICER. The Senator's 12 minutes have expired.

Mr. CRANSTON. Mr. President, I yield myself an additional 2 minutes.

The PRESIDING OFFICER. The Senator from California is recognized for an additional 2 minutes.

Mr. CRANSTON. Mr. President, in this context, it is plain that the Jackson amendment sours the atmosphere of detente.

Although the State Department denies that it intends to commit any violations of the spirit of the SALT agreements, the administration's "now-you-see-it-now-you-don't" species of support for the Jackson amendment can only heighten Soviet fears.

My distinguished colleague from Washington stated recently that a confident and secure Soviet Union is a dangerous Soviet Union.

I believe the opposite.

Fortunately, the question does not require an either-or-solution.

Ratification of the interim agreement is in the best interest of both countries.

Judging from what I learned on my trip, adopting the Jackson amendment could undermine the chances of further Soviet initiatives toward peace and hamper the success of American efforts as well.

Such action would sadly disappoint the hopes for a better world shared by Soviet and American citizens alike.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from California may not yield. His time has expired.

Mr. CRANSTON. Mr. President, I yield on the Senator's time.

Mr. FULBRIGHT. The Senator may yield on my time.

The PRESIDING OFFICER. The Senator may yield on the time of the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes for the purpose of asking questions of the Senator from California.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. FULBRIGHT. Mr. President, if I understood the Senator from California correctly, he returned recently from a trip to Russia.

Mr. CRANSTON. The Senator is correct. I was there last week.

Mr. FULBRIGHT. Last week?

Mr. CRANSTON. The Senator is correct.

Mr. FULBRIGHT. Mr. President, did the Senator from California detect any reaction to the effort to change the negotiating approach through the Jackson amendment? Was there any reaction while the Senator was there? I have read a newspaper referring to an article published in Izvestia, which said that the Russians thought that the Jackson amendment violated the spirit of the interim agreement.

Did the Senator have any discussion and observe any reaction concerning the Russian attitude toward the Jackson amendment?

Mr. CRANSTON. Mr. President, that was precisely the purpose of my visit to Moscow at this time. I wanted to explore precisely that matter. While there, I talked to American diplomats and American newsmen, as well as other people, including Soviet citizens. I also talked to one official with important responsibilities relating to our country.

Universally, those who had an opinion expressed grave concern over the effect of the Jackson amendment on future efforts to scale down the arms race. They felt that that amendment would be interpreted as a violation of the spirit of the SALT talks. They believe that unilaterally changing the most intricate agreement ever negotiated by the United States and the Soviet Union would severely threaten our hopes for a more peaceful world.

Mr. FULBRIGHT. It has been said in the cloakrooms, but not on the floor, that in his eagerness to get an agreement in Moscow, the President was sold a bill of goods. He went to Moscow, after his negotiators had failed to reach an agreement, with the intent of getting agreement, regardless of the consequences, whether it protected us or not.

Did the Senator from California hear anyone in Moscow suggest that the President had been sold a bill of goods because of his eagerness to get an agreement for political purposes?

Mr. CRANSTON. Mr. President, absolutely not. A universal opinion was expressed to me that a very careful and prudent process, culminating in the President's visit to Moscow, had produced a treaty and interim agreement that was a safe and fair bargain for both sides, and that both documents increased the prospects for peace.

Mr. FULBRIGHT. Mr. President, were any of the Americans the Senator spoke to in the embassy in Moscow apprehensive that this matter might cause difficulty in the next step at SALT?

Mr. CRANSTON. Those American officials and diplomats who expressed their opinion to me—and I use my language carefully because I do not want to get any individual in trouble—said that they hoped the Jackson amendment would be defeated because they thought it would damage chances for halting the arms race. They expressed the hope that if the Jackson amendment were agreed to, it would be modified by an amendment such as that offered by the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, the Senator mentioned Mr. Arbatov, the Director of the U.S.A. Institute of the Soviet Academy of Sciences, who has been one of the top students of our country and has been the head of this division.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. FULBRIGHT. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for an additional 3 minutes.

Mr. FULBRIGHT. Mr. President, Mr. Arbatov has been here and has visited our country, as the Senator knows quite well. I think he is most anxious for improved relations between Russia and our country. Did the Senator have any discussion with him?

Mr. CRANSTON. Mr. President, Mr. Arbatov expressed concern over the delay and expressed concern over the effect that the Jackson amendment would have on future efforts to negotiate down the present high scale of the arms race.

He also expressed concern that there had not been more recognition on the floor of the Senate of the statement of principles that was adopted at the time of the President's visit to Moscow. He apparently had not been aware that just before I went to the Soviet Union, the Senate did adopt the Mansfield amendment, which did exactly that to some degree. He felt that the statement adopted in Moscow sets forth clearly the hopes of both sides for steps toward peace and a reduction of the arms race, and he expresed the fear that the adoption of the Jackson amendment would be interpreted as a violation of that spirit.

Mr. FULBRIGHT. Did the Senator get the feeling that the Russians are very anxious to divert their resources to more destructive forces and to continue to build larger and larger and more and more intercontinental missiles?

Mr. CRANSTON. I think Soviet leaders are concerned about not being able to meet the economic demands of their people. Like us, they see no hope of doing that unless the arms race is reduced.

Mr. FULBRIGHT. Did the Senator see this morning a preliminary report in which Mr. Kissinger said he believed there had been agreement on the settlement of this Lend Lease Act for probably $500 million to be paid over 30 years? Guidelines for a large trade agreement are also apparently in the making.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. FULBRIGHT. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. FULBRIGHT. If that is so, is it not quite inconsistent with the assumption implicit in the Jackson amendment that the Russians are determined to go all out to get a first-strike capacity against the United States?

Mr. CRANSTON. I believe so. I come to the same conclusion on that point as the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator. I thank the Senator for his testimony and for his evidence based on his personal observations in Moscow, which have been very well elucidated and which should be taken into account by the Senate.

Mr. CRANSTON. I thank the Senator. Most of what I said was based on conversations with Americans rather than people who are officials of the Soviet Union; and I was interested in the beliefs of Americans on the scene, and with respect to what we are grappling with on the floor of the Senate.

Mr. President, the Senator from Idaho wished to speak at this time.

I suggest the absence of a quorum.

Mr. ALLOTT. Mr. President, on whose time is the request made?

The PRESIDING OFFICER. The quorum is not counted as part of the time.

Mr. ROBERT C. BOLD. Mr. President, will the Senator withhold his suggestion?

Mr. CRANSTON. Very well.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Colorado (Mr. ALLOTT), I ask unanimous consent that a member of this staff, Jim Sanderson, may be permitted the privilege of the floor today during consideration of the pending measure, except during rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged against me.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I ask that such part of my time be yielded to me as I may require for purposes of this colloquy with the Senator from California.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, let me say, first of all, that I listened with great interest to the remarks of the Senator from California. I think it is particularly important that he brings back to us a message from the Soviet Union obtained as recently as a week ago.

There is no question in my mind but what the reaction he found in the Soviet Union was a predictable one. A year ago last July, it was my privilege to participate at the Kremlin in an interview with the Soviet Premier, Mr. Kosygin, at which time I pressed a number of questions upon him concerning the possibilities of arms limitation. The SALT talks were then under way; it was an open question as to whether a first-step agreement could be entered into, and I was interested in trying to plumb the Premier, in order to ascertain just what view the Soviet Government took toward the talks at that time.

Again and again, Mr. Kosygin came back to equality as the governing principle, both for successfully completing the first round of the talks and for any talks thereafter. He emphasized that the Soviet Union had assembled a nuclear capability equal to that of the United States, a fact that would have to be acknowledged in any agreements that might be reached.

In this respect, the attitude of the Soviet Premier is no different than the attitude so often expressed on the floor of the Senate. We, too, insist on the principle of equality. As a matter of fact, I do not suppose that these negotiations could ever have succeeded, nor any agreement ever entered into by Mr. Nixon and Mr. Brezhnev, at the summit meeting in Moscow, if it had not been for the approximate equality in nuclear strength, existing between the two powers.

I never did understand that old formulation of Mr. Acheson that successful negotiations must proceed from a position of strength. It never made any sense. We never really analyzed it. We just accepted it as a maxim of faith.

Obviously, if one side has a preponderance of strength and the other side a debilitating weakness, either the side with the preponderance of strength can impose its will on the weaker side, in which case there is no need for negotiations, or the weaker side will refrain from negotiations, knowing it is not in a satisfactory bargaining position.

It was only because we had finally come to an approximate equality of position that made it possible for us to negotiate an agreement, and the same approach is going to be a prerequisite to any future agreement. That is their position, and that is our position, as the Senator from California has so well observed.

Now, my first question to the Senator relates to the amendment that the distinguished chairman of the Committee on Foreign Relations offered as a substitute to the Jackson amendment. I would like to read the language of the substitute amendment:

> "The Congress supports continued negotiations to achieve further limitations on offensive nuclear weapons systems with the Union of Soviet Socialist Republics on the basis of overall equality, parity, and sufficiency, taking into account all relevant qualitative and quantitative factors pertaining to the strategic nuclear weapons systems of the Union of Soviet Socialist Republics and the United States of America."

Can the Senator from California think of a more all-embracive way of expressing the principle of equality than that contained in the language of the substitute amendment?

Mr. CRANSTON. No, I cannot. I think that the substitute amendment is superbly drafted. It sets forth the basic purposes that should be the guidepost for the United States in its negotiations with the Soviet Union. Judging from my soundings in the Soviet Union, I am certain that they would recognize this amendment as acceptable, fair, and reasonable.

Mr. CHURCH. I agree completely with the Senator from California. For those Members of the Senate who constantly inveigh the principle of equality, here it is, stated as accurately and fully as it can be stated; if they really want equality, the way to get it is to vote for this substitute amendment.

Mr. CRANSTON. Absolutely.

Mr. CHURCH. The difficulty with the Jackson amendment is that it strives for inequality in the name of equality. If one were to apply, literally, the terms of the Jackson amendment and visualize it as an old-fashioned gold scale—I can use that simile because the Senator from California is very familiar with the gold scale, the way we used to balance bags of gold on one side against weights on the other that counterbalanced it, so that when the scales became even, one could be certain that the weight had been properly ascertained——

Mr. CRANSTON. I thank the Senator for bringing California into this debate.

Mr. CHURCH. The gold scale had such a prominent part in the birth of California that I thought it might be an appropriate way of describing the principle of equality, in relation to this discussion.

The Jackson amendment does not say that we should take all our nuclear weapons with which we could strike the Soviet Union and place all those weapons on our side of the scale, against which the Russians would place all of their nuclear weapons with which they could strike the United States on their side of the scale. If it did that, then I would have no objection to it, because then it would be calling for real equality.

Instead, the Jackson amendment says that we will put only certain of our weapons on the scale. We will put our intercontinental strategic nuclear weapons—that is to say, the intercontinental ballistic missile, the submarine launched missile, and the intercontinental bomber—but we will not place on the scale our other nuclear weapons with which we could strike the Soviet Union. We will not weigh in the balance our aircraft carriers, capable of launching hundreds of aircraft that can fly at supersonic speeds over the Soviet Union and drop nuclear weapons. We will not weigh in the balance our intermediate range missiles positioned in such forward bases that they can reach into the Soviet Union with nuclear warheads.

A literal interpretation of the Jackson amendment inevitably leads, not to a balanced scale at all, but one in which the title would definitely favor the United States, if all of our nuclear weapons were weighed against all of theirs. And yet this is being put forth in the name of equality. It is the kind of doublethink or doublespeak with which all of us are familiar who have read Mr. Orwell's "1984." And, if this becomes the guideline for future negotiations between the United States and the Soviet Union, it can only mean one thing: It can only mean the negotiations would fail.

Does the Senator think it would be literally possible to apply the provisions of the Jackson amendment in any successful future attempt to negotiate a limit to the nuclear arms race?

Mr. CRANSTON. I think it would be impossible if American negotiators had their hands tied so that anything not negotiated on that basis would be rejected by the Senate. They would be unable to enter into meaningful negotiations. Soviet negotiators, on the other hand, facing Americans who would say, "We cannot consider that factor," would say, "Well, if you cannot consider that factor, there is no way to negotiate." They will probably say, "All those factors must be put into the pot so that they can all be weighed if we are to move ahead." The Jackson amendment strikes me as a prescription for opening up the arms race all over again and for hampering negotiations to curtail it.

Mr. CHURCH. I thank the Senator. Does the Senator suppose that we in the Senate would even approve any future agreement, if the Russians were to insist upon a similar formula, working to their advantage?

Mr. CRANSTON. If Russian negotiators arrived at the negotiating table with instructions that they could only consider factors that would insure their superiority and our inferiority, we would leave the table. If we knew in advance what their position was, we would probably never go to the table at all.

Mr. CHURCH. Of course that follows, and I cannot help but suspect that there are those who support the Jackson amendment who would prefer no successful culmination of these talks.

Now, one final observation. It seems to me that the effort on our part to hold back weapons and not put them on the scales of equality, so we will have some extra weapons that presumably will give us some sort of advantage, is rendered absurd when one considers that, given the size of the nuclear arsenal on both sides of the Iron Curtain, there is no such thing as nuclear superiority any more. This is an illusion. As long as either side has sufficient weapons to guarantee it can retaliate against the other in the event of a nuclear strike upon it, and retaliate with sufficient force to destroy the other side, we have all that can be gotten to make deterrence work. The notion that some advantage accrues from having surplus warheads is really one of those illusions of our time.

So it seems to me this entire exercise is outside the realm of nuclear realities, and that nuclear superiority, even if it were the purpose of the Senate to try to preserve it for the United States in the future, is itself meaningless. Would not the Senator agree?

Mr. CRANSTON. Yes, I would. In terms of overkill, it seems to me that superiority, equality, inferiority, and sufficiency become meaningless terms. We can wipe out the other side at least 20 times over, and I believe that they can do the same to us. How many times can a man die? As matters stand, we can kill each other more than once. Beyond that point, as long as each side retains the power to apply devastating force toward the other side, we do not need much more.

So, I think we should be talking in terms of equal power for each side to deter the other. Beyond that point, I think equality is an illusion.

Mr. CHURCH. I agree with the Senator, and I commend him for the fine contribution he has made to this debate.

Mr. CRANSTON. I thank the Senator from Idaho for his typically excellent preparation, knowledge, and presentation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The question is on agreeing to the substitute amendment of the Senator from Arkansas (Mr. FULBRIGHT).

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. A short time ago, on the floor of the Senate, I made an inquiry when the absence of a quorum was suggested. The temporary ruling of the Chair at that time was that under the 100-hour rule, that is, 1 hour for each Senator, a quorum call is not charged to anyone, that it is straight time. I would like to inquire of the Chair what the ruling upon this question is.

The PRESIDING OFFICER (Mr. BENTSEN). It was not stated as a temporary ruling. That was the ruling of the Chair, that time would not be charged.

Mr. ALLOTT. I do ask the question at this time: In the event a request is made in the ordinary run of procedure, not by unanimous consent, for a quorum call, to whom is the time charged?

The PRESIDING OFFICER. For further clarification, the Chair will ask the clerk to read the following paragraph from the rule.

The second assistant legislative clerk read, as follows:

> Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be in order after the vote to bring the debate to a close, unless the same has been presented and read prior to that time. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

The PRESIDING OFFICER. The Chair will further state to the Senator from Colorado that the rule uses the word "speak" and under the prior customs and practices of the Senate, time for a quorum has never been charged to either side.

Mr. ALLOTT. I thank the Presiding Officer. I want to be sure that I understand the situation.

The PRESIDING OFFICER. Does the Senator understand that this time is being charged?

Mr. ALLOTT. This is a parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Is the Senator speaking to the parliamentary question?

Mr. ALLOTT. I am asking the question. I have done so before, and I shall continue.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time consumed by the Senator from Colorado be charged against me.

The PRESIDING OFFICER. Without objection, the time will be charged to the Senator from West Virginia.

Mr. ALLOTT. Mr. President, so there is no question about this, I do not want to get into a parliamentary situation here, but I shall later. If anyone, while cloture is invoked, speaks for 5 minutes, he could thereupon ask for a quorum call. Someone else could speak for 5 minutes, and ask for another quorum call, and force it to go live, so that what ordinarily be a maximum of 100 hours of debate could be extended into many, many hours of debate; it that correct?

The PRESIDING OFFICER. The Chair will say, for the benefit of the Senator from Colorado, that the Chair, under the cloture rule, has the authority to declare such actions dilatory.

Mr. ALLOTT. I thank the Chair.

The PRESIDING OFFICER. Who yields time? The question on agreeing to the substitute amendment.

Mr. JACKSON. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and ask that the time for the quorum call be charged against me.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENTSEN). Without objection, it is so ordered.

The question is on agreeing to the substitute amendment of the Senator from Arkansas (Mr. FULBRIGHT). On this question, the yeas and nays have been ordered.

Mr. FULBRIGHT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. FULBRIGHT. I was not informed previously, but I understand that the Senator from Kentucky (Mr. COOPER) wishes to say a few words. He is a cosponsor of the substitute amendment. I have just been told he would like to say a few words. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, the amendment before the Senate introduced by Senator FULBRIGHT and cosponsored by Senators MANSFIELD, CHURCH, AIKEN, SYMINGTON, CASE, JAVITS, and myself, is based upon the statements of the President and his chief spokesmen, the Secretary of State, Ambassador Smith, Secretary Laird, and the Joint Chiefs.

I should like to quote from some representative passages. Dr. Henry Kissinger, speaking for the President at the White House on June 15 describing the significance of the ABM Treaty and the interim agreement said:

> Who won?
>
> The President has already answered this question. He has stressed that it is inappropriate to pose the question in terms of victory or defeat. In an agreement of this kind, either both sides win or both sides lose. This will either be a serious attempt to turn the world away from time-worn practices of jockeying for power, or there will be endless, wasteful and purposeless competition in the acquisition of armaments.
>
> Does the agreement perpetuate a U.S. strategic disadvantage? We reject the premise of that question on two grounds. First, the present situation is on balancing advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist in fact and which could only have gotten worse without an agreement.
>
> Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.
>
> The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.
>
> Then there are such factors as deployment characteristics. For example, because of the difference in geography and basing, it has been estimated that the Soviet Union requires three submarines for two of ours to be able to keep an equal number on station.
>
> When the total picture is viewed, our strategic forces are seen to be completely sufficient.
>
> The Soviets have more missile launchers, but when other relevant systems such as bombers are counted there are roughly the same number of launchers on each side. We have a big advantage on warheads. The Soviets have an advantage on megatonnage.
>
> What is disadvantageous to us, though, is the trend of new weapons deployment by the Soviet Union and the projected imbalance five years hence based on that trend. The relevant question to ask, therefore, is what the freeze prevents; where would we be by 1977 without a freeze? Considering the current momentum by the Soviet Union, in both ICBM's and submarine launched ballistic missiles, the ceiling set in the Interim Agreement can only be interpreted as a sound arrangement that makes a major contribution to our national security.
>
> Does the agreement jeopardize our security in the future? The current arms race compounds numbers by technology. The Soviet Union has proved that it can best compete in sheer numbers. This is the area which is limited by the agreement. Thus the agreement confines the competition with the Soviets to the area of technology? And, heretofore, we had had a significant advantage.
>
> The follow-on negotiations will attempt to bring the technological race under control.

Secretary of State William Rogers, in testimony before the Foreign Relations Committee, stressed that numerical equality was a too narrow approach to the strategic balance. In support of the efforts made at SALT, he said:

> Looked at overall, our forces are clearly sufficient to protect our, and our allies', security interests. U.S. strategic forces are qualitatively superior and more effective than Soviet strategic forces. The USSR has more missile launchers. The U.S. has more missile warheads. We have many more strategic bombers. Moreover, numbers alone are not an illuminating or useful measure for judging the strategic balance.

Admiral Moorer, Chairman of the Joint Chiefs, representing the military told the Committee on Foreign Relations on June 21 that the basis of any rational consideration of the strategic balance would have to be as follows:

> As I have noted on several prior occasions, an objective evaluation of the overall strategic balance between the United States and the Soviet Union requires consideration of all the factors in the strategic equation—delivery vehicles, megatons and warheads—in an appropriate combination, together with Pre-launch survivability, reliability accuracy, range, and penetrability of enemy defense systems.

In essence, our amendment in legislative form affirms the view of the President and all his chief advisors and of our negotiators that all relevant qualitative and quantitative factors should be considered in reaching any further agreements or treaties on offensive nuclear weapons. It is virtually impossible that equality in numbers can be achieved, and because of the asymetries of the respective systems of the Soviet Union and the United States we have sought to give the administration maximum negotiating flexibiliy to reach the desired goals of a limitation and reduction of all nuclear weapons systems.

In contrast, Senator JACKSON's amendment deliberately excludes absolutely vital factors for successful negotiations stressed by the President and his chief advisors in SALT, that is, qualitative considerations such as MIRV, accuracy, range, penetratibility of enemy defenses, and forward basing to name a few. The administration has explicitly rejected the interpretation of the Senator from Washington's amendment. Further there is no evidence in the public record of any support for the interpretation given by Senator JACKSON of his amendment.

It was my purpose, as well as that of Senators FULBRIGHT, MANSFIELD, AIKEN, and others, to propose an amendment which more clearly and fully expresses the spirit, intent, and procedures that have characterized the SALT negotiations up to this point and which, we hope would reflect any future negotiations in SALT phase II.

The choice before the Senate is between Senator Jackson's position, which if followed would undercut the success already achieved at SALT and would severely limit the ability of our negotiators to achieve further limitations and reductions in SALT phase II, and the pending amendment, which more truly reflects the will of the Senate as expressed in the 86 to 1 approval of the ABM treaty and various resolutions and votes supporting arms control efforts over the past 5 years.

The advice contained in the Jackson amendment would impose a severe and crippling limitation upon our negotiators and should be rejected.

The inital success achieved at Moscow on May 26 deserves the affirmative support of the Senate. The agreements signed in May have uplifted the hope of men everywhere that the scourge of nuclear war can be brought under control. I hope that the Senate will support the pending amendment, as it openly and without equivocation urges the President to pursue every reasonable possibility to achieve limitations and reductions of nuclear weapons and lessen the chances of nuclear holocaust.

Mr. HUMPHREY. Mr. President, during recent weeks, I have listened with care to all sides of the debate concerning the interim agreement on strategic offensive weapons. I have listened, and evaluated, and weighed the facts—because to me there is no subject of more profound importance than arms control. I have felt this for years—I have remained a student of the subject—and from time to time during my public career, I have had the good fortune to be able to make some small contribution in this area. For a number of years, I served as chairman of the Disarmament Subcommittee of the Senate Committee on Foreign Relations; and later, while Vice President, I participated actively in the long preparatory stages which laid the groundwork for what have now come to be called the SALT talks. So I have a familiarity with this subject—I view it both as an idealist seeking a world of peace and good will among nations and as a pragmatic realist, possessing some understanding of the ruthless and barbaric behavior of which men and nations are sometimes capable. With this background and experience, I rise now to lend my support to the amendment put forward by the distinguished chairman of the Committee on Foreign Relations, an amendment behind which the entire Senate, I believe, can and should unite in strong and unqualified support.

This amendment, which would become a part of the Senate's formal approval of the interim offensive arms agreements achieved in Moscow, has—in my understanding—two major points of emphasis. First, it would place the Senate in public and formal support of "continued negotiations" with the Soviet Union. The interim agreement is, after all, just that—an interim agreement, designed to hold a lid on the arms race—to contain this futile and vastly wasteful spiral—so that active, substantive, and productive negotiations can continue in an atmosphere of reasonable stability and strategic calm. Both sides have agreed already to do this: to move forward—during the interim period—with energetic efforts to reach further, more comprehensive agreements. In the preamble of the ABM treaty, to which the Senate has already given its approval, there is a firm declaration of intention by both the United States and the Soviet Union to continue negotiation and "to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament." It is appropriate and right that the Senate lend its full support to the continued negotiations which can bring these goals to fulfillment.

These further negotiations will, in all likelihood, be prolonged and difficult, for the prominent issues which remain to be discussed are complicated. They involve forces and concepts that are hard to define and to isolate. The negotiators on both sides will be seeking mutually acceptable terms of limitation on forward-based systems, on bombers, on land-mobile ICBM's, on air defenses, on antisubmarine warfare forces, on intermediate range missiles. In addition, they will, in all probability, be seeking mutual force reductions in those strategic systems already limited. It is clear that these complex subjects will present great problems for the negotiators and that, even under the very best of circumstances, their negotiations will be terribly difficult. Thus I think that it is incumbent upon the Senate to do everything it can to create a climate in which the negotiators can move forward, in an energetic spirit of mutual benefit and mutual compromise, toward the noble goals to which both sides are now pledged. We should support these continued negotiations with a spirit of confidence, of trust, of dedication—and the amendment before us now would give clear voice to that full and earnest support.

The second thing this amendment would do is to set forth, in clear and unmistakable terms, congressional guidance for these continued negotiations. Further limitations on offensive nuclear weapons systems should be concluded, as the amendment (No. 1526) before us states, on the basis of "overall equality, parity, and sufficiency." This is useful and meaningful guidance, for these must be our goals—to seek and maintain an "overall equality," a sense of stable "parity"—which can arise only when each side has steady, unthreatened, and confident possession of nuclear "sufficiency." As these negotiations continue, one fundamental principle must be our guide—and that is that each side should seek to have its nuclear weapons fulfill one function—the single worthy function these weapons can fulfill—and that is to deter the other side from using or threatening to use its nuclear weapons. That is a sound basis for negotiation, for when both sides have "sufficiency" in this sense, they will have the only kind of nuclear equality that really counts. Both sides have, I think, begun already to operate from a recognition of this principle, and it is appropriate and right that the Senate reaffirm that concept. This amendment would provide that affirmation.

Now no one has argued that the limited agreements achieved thus far have removed the need for an ongoing defense program. The Soviet Union will undoubtedly continue many of the quantitative and qualitative strategic programs which the SALT agreements permit. And so will we. Mr. Brezhnev has said he is going ahead and so has Mr. Nixon. But let us support a prudent defense program, neither spending from fear at home nor negotiating from fear or weakness abroad. We simply can hold no reasonable fear that our strategic weapons are inadequate in number, or in quality. Already we possess an arsenal so powerful that its destructive capability is quite literally beyond our ability to comprehend it. Let us think of it for just a moment. Two—only two—of our Polaris-Poseidon submarines could destroy—total, blinding destruction—more than 100 of the largest cities in the Soviet Union—and still have missiles left over. Two Polaris submarines could do this—and we have a fleet of more than 40. Ten B-52 bombers—only 10—could destroy 40 percent of the industry in the Soviet Union—and we have a strategic bomber force 50 times that strong. The combined force of our nuclear submarines, bombers, and ICBM's carries a total of 5,700 warheads—five thousand, seven hundred. The very smallest of these warheads contains three times the destructive power of the bomb that destroyed Hiroshima; and the largest is hundreds of times that powerful. This power is not at the planning stage; it exists now, under our control, in our arsenal of deterrence. We have achieved, quite simply, all of the security that an accumulation of nuclear weapons can provide. Now it is time, calmly and rationally, to tame that power and—after a quarter of a century of subtle, worldwide terror—to lift from mankind the threat of nuclear war and mass incineration which hangs over all our lives.

So from this position of strength, we can move forward with confidence, continuing to negotiate, supporting what has been accomplished already, and demonstrating America's resolve that these negotiations shall continue.

This is the thrust of the Fulbright amendment. And it has been the thrust of my own view of national defense throughout my career in public service.

I want to commend Senator FULBRIGHT for crystalizing in his amendment the essence of what round two of the SALT talks should be about, and for providing the Congress with a vehicle for participation in these talks. After all, many of us here are well-schooled in the issues of arms control. We do have something to offer on this crucial question, and we should be called upon to do more than rubber stamp agreements which affect the security and well-being of this country. The Senate should be an active participant in these talks in order to enhance public understanding of the complexities and the stakes involved.

The debate on the interim agreement has demonstrated the depth of understanding which the Congress has on these matters. Any misunderstandings which have arisen are as much a cause of misinformation from the executive branch, or political directives from the White House as anything else.

People are speaking of an age of reform for America. They are yearning for it, and looking for the Congress to take the initiative. The Fulbright amendment is a creditable initiative, endorsing a principle for arms control negotiations which I have long supported. It is, therefore, a privilege, Mr. President, for me to lend my voice in support of this amendment and in support of the interim agreement now before us.

The PRESIDING OFFICER (Mr. BENTSEN). The question is on agreeing to the amendment (No. 1526) of the Senator from Arkansas (Mr. FULBRIGHT).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PASTORE (when his name was called). On this vote I have a pair with the Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. WEICKER (after having voted in the affirmative). On this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. INOUYE (after having voted in the negative). On this vote I have a pair with the Senator from South Dakota (Mr. MCGOVERN). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. ANDERSON), the Senator from North Carolina (Mr. JORDAN), and the Senator from

Louisiana (Mr. Long) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre) would vote "nay."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. Curtis), the Senator from Michigan (Mr. Griffin), and the Senator from Texas (Mr. Tower) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

I further announce that the Senator from Utah (Mr. Bennett) is detained on official business.

I further announce that, if present and voting, the Senator from Nebraska (Mr. Curtis) would vote "nay."

The pair of the Senator from Texas (Mr. Tower) has been previously announced.

The result was announced—yeas 38, nays 48, as follows:

[No. 428 Leg.]

YEAS—38

Aiken
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fong
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Mansfield
Mathias
Metcalf
Mondale
Moss
Muskie
Nelson
Pearson
Pell
Percy
Proxmire
Ribicoff
Saxbe
Schweiker
Stafford
Stevenson
Symington
Tunney
Williams

NAYS—48

Allen
Allott
Baker
Beall
Bellmon
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cotton
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, Idaho
Magnuson
McClellan
McGee
Miller
Montoya
Packwood
Randolph
Roth
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Taft
Talmadge
Thurmond
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Inouye, against.
Pastore, against.
Weicker, for.

NOT VOTING—11

Anderson
Bennett
Curtis
Griffin
Jordan, N.C.
Kennedy
Long
McGovern
McIntyre
Mundt
Tower

So Mr. Fulbright's amendment (No. 1526) was rejected.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. PASTORE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, on behalf of the Senator from Oregon (Mr. Packwood), that Mr. Stan Heisler, of his staff, be given the privilege of the floor except during rollcall votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SYMINGTON. Mr. President, I call up my amendment to the pending amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> On page 2, line 16, of the pending amendment, strike out the word "intercontinental".

Mr. SYMINGTON. Mr. President, for many weeks now I have followed the discussions—in the various committees as well as on the floor—with respect to the SALT agreements this administration reached last May with the Soviet Union.

In this connection, I would commend the able Senator from Washington for his capable questioning of witnesses at the time the treaty and the agreements came up before the Armed Services Committee. As a result of this questioning, and his pertinent observations, the Congress and the people are better informed on the subject.

I also support the Senator's position that the United States should obtain the best possible agreement in the next round of the SALT negotiations; but can not support his amendment interpreting how we should achieve such an agreement in SALT II. His rationale in support of that amendment would appear somewhat confusing, in fact contradictory.

As example, it is my understanding that one of the primary reasons the Senator from Washington has proposed his amendment results from his concern that the Soviets, in the agreements in question which the administration now recommends to the Congress, have achieved a numerical advantage over the United States, particularly with respect to land-based intercontinental ballistic missiles. He is also apprehensive about the fact that in the agreements the Soviets refused to include a specific number of land-based ICBM's actually now deployed or under construction.

Subsequent to the introduction of his amendment, the Senator has charged that the Soviet Union did not tell the truth about the number of submarines they have deployed or under construction; that U.S. "firm intelligence" says they have six less than they claim.

His position is perplexing in view of the fact that throughout the SALT hearings, the Senator from Washington hammered away at the fact the Soviets had not agreed, and would not agree, to a specific number of ICBM's in the treaty, as was the case with submarines; nor would they state how many they possessed.

The Soviets would only agree not to make any more new starts of ICBM's. United States intelligence stated they had 1,618 ICBM's, either deployed or under construction.

The Senator stated that was not satisfactory, and asserted the Soviets should tell us just how many ICBM's they have, including those under construction.

Now the Soviets have given us a definite figure on submarines, but the Senator claims that figure is not true. Accordingly, it would appear the Senator from Washington would have it both ways. Apparently he does accept U.S. intelligence figures for Soviet submarines, but does not accept U.S. intelligence figures for Soviet ICBM's.

There would also appear ambiguity in the Senator's rationale concerning the term "intercontinental"—the deletion of which is the purpose of this amendment—as contained in the following portion of his amendment:

> The Congress . . . urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

The Senator defines "intercontinental" as including land-based ICBM's, SLBM's, also our long-range strategic bombers. In passing, by any strict definition this language could be interpreted as only including land-based ICBM's. Regardless of this distinction, however, said language does not include the nuclear weapons in the forward-based nuclear systems which the United States now has, all over the world.

When speaking for the President on this subject last May, Dr. Kissinger stated:

> Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward based systems.

No objective person could deny the logic of the position expressed by Dr. Kissinger, namely, that our forward-based systems, along with our strategic bombers, should at least be considered when the question of equality is considered. Undoubtedly this matter will be a factor for consideration in the next round of the SALT talks.

Nor could anyone deny the logic of Soviet concern about our forward-based aircraft. The Soviets know as well as we do that, with one refueling, certainly no more, our fighters could be over Moscow with a nuclear destructive capacity many, many times more lethal than the bomb which destroyed Hiroshima.

There would be no need for any refueling if the Soviets handle their missions as we have considered the Soviets might handle missions against the United States with bombers.

The Senator from Washington argues that our nuclear capability in Europe is very limited so far as reaching the Soviet Union is concerned. The Congress and the American people, however, have always been told that these forward-based systems are an important part of our deterrent. Actually, they are the very core of our Air Force position abroad.

If what the Senator says is correct, these aircraft do not add to our nuclear deterrent capability; and if that is correct, why do we waste billions of dollars of the taxpayers' money in maintaining such nuclear forces all around the globe, located in some countries much closer to the borders of the Soviet Union than Cuba is to the United States.

On the other hand, if the nuclear weapons the United States has in many countries abroad are a part of our nuclear deterrent, is it not logical for them to be considered in any equation of relative United States-Soviet nuclear strength?

Further with respect to the Senator's argument that because he believes these United States forward based aircraft are vulnerable to attack by Soviet IRBM's and MRBM's they should not be "counted," is it not a fact that by agreeing to the limitation contained in the ABM Treaty, we are in turn agreeing to mutual vulnerability of both our own and Soviet land-based ICBM's to an all-out attack by either side?

Is the Senator from Washington suggesting that if our Minutemen are vulnerable to the SS–9, they should not be counted in the nuclear equation?

What is the considered criteria for what should, or should not, be counted in a determination of nuclear equality. It could not be megatonnage, because, although the precise figures are classified, it is generally known that a number of our nuclear weapons in NATO have a warhead yield many times that of a Poseidon MIRVed warhead.

In a colloquy with the Senator from Idaho, the Senator from Washington stated he would not include aircraft carriers with a nuclear capability as part of our strategic force. This position is difficult to understand in view of the fact that the United States has 14 first-line aircraft carriers with the potential of striking at the heartland of the Soviet Union from many points on the compass.

If the nuclear role of our carriers, particularly in the Mediterranean, is but a minor one, why are the aircraft on those carriers equipped with nuclear weapons?

If the Soviet Union had carriers with aircraft armed with nuclear weapons that could destroy cities in the United States, would the Senator include those weapons in the strategic balance? Of course he would.

The Senator states these thousands of nuclear weapons assigned primarily to the defense of NATO cannot be considered in any bilateral United States-Soviet agreement on arms limitation because our allies are involved. Even if he is correct in that asserted limitation, would it not be to the advantage of all NATO countries to have an overall limitation on nuclear weapons, particularly as those countries would be the ones "caught in the middle" should a nuclear holocaust break out?

The United States supplies these nuclear weapons, and has full and complete authority over their use.

Moreover, there is nothing which precludes consultation with our allies during the course of negotiations with the Soviet Union on matters affecting the security of the former.

The Senator calls for "a stable international strategic balance that maintains peace and deters aggression." At the same time, however, he is introducing an amendment which calls for parity between the United States and the Soviet Union in the narrow category of "intercontinental strategic forces"—a condition which clearly could jeopardize any hope of attaining a meaningful limitation on nuclear arms; and therefore this also jeopardizes any real prospect of permanent nuclear understanding.

It is now also clear that future negotiations on arms limitations must encompass all facets of the nuclear weapons arsenals of both super powers. Numbers alone cannot and do not tell the whole story. As an interesting example, a comparison of 10,000 U.S. nuclear warheads to some 4,000 Soviet nuclear warheads—a recent administration projection by 1977—actually means little in view of the lethal capacity of just one warhead, coordinated with the theory of overkill.

Given these considerations, why should the Senate itself consider promulgating such a narrow approach to arms control as proposed in this amendment? Should we not take steps to carefully weigh the strategic arsenals on each side, and then consider appropriate reductions in the broad spectrum?

Further negotiations on such a narrow and restrictive basis would mark a continuation of attitudes that have burdened us too often in the past. There has been too little meaningful discussion of our total arsenals and objectives as against the arsenals and objectives of the other super power.

In summary, the "intercontinental" restriction proposed by the Senator from Washington could well tie the hands of our negotiators in any future talks to the point where a meaningful agreement would be impossible.

As a member of the Armed Services Committee, the Joint Committee on Atomic Energy, and the Foreign Relations Committee, provided this amendment is carried out, it is my considered opinion if this word is not stricken from said amendment, there will be no chance, on any basis, of obtaining a meaningful arms control arrangement with the Soviet Union at any time in the foreseeable future. Why would the Soviet Union, knowing we have these superb planes in Europe, planes which can drop hundreds of kilotons, some of them 50 times the lethal effect of the bomb which was dropped on Hiroshima by the United States, make any agreement which dismissed them as of no consequence? Why would they consider meaningful arms control? They would say to the United States, "We agree with the statement of Dr. Kissinger. If you will not consider your forward base strategic aircraft, we will never reach any meaningful agreement."

Let us get straight what we mean when we talk about strategic and tactical planes, words that are bandied around. When the B–17, our largest bomber in Europe, supported General Patton in the Battle of the Bulge, that was a long-range strategic bomber performing a tactical mission. When the P–51, which could barely reach Japan, took off to attack south Japan from Iwo Jima, that was a strategic mission. So the type of plane is not important. What is important is the mission of the plane in question.

There has been far too much nuclear secrecy. Every American should realize that the fighters we have in many of our bases all over Europe and in the Far East, in countries not 1 inch from the Soviet border, can drop hundreds of kilotons on the Soviet Union. Again, therefore, why should the Soviets be willing to make any meaningful arms control agreement that does not include these forward-based nuclear weapons-carrying fighters, with their megaton potential.

Accordingly, I propose a perfecting amendment to strike the word "intercontinental" on page 2, line 16, of the pending amendment so that the pertinent clause will read as follows:

> The Congress . . . urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of strategic forces inferior to the limits provided for the Soviet Union . . .

Acceptance of this perfecting amendment would result in a more comprehensive and meaningful approach to offensive weapons, a subject which undoubtedly will be of primary interest in the upcoming SALT II talks.

For these reasons that I have presented to the Senate, let me urge the adoption of this amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able Senator from Arkansas.

Mr. FULBRIGHT. First, I want to congratulate the Senator. He is one of the best informed men in this field in the Senate. What he has said is extremely important. Just to emphasize the significance of striking the word "intercontinental" and the Senator's interpretation of that, in effect it means overall, all of the strategic forces, including aircraft carriers, forward base planes and weapons, and those in other countries under our control are to be considered in seeking parity or judging ourselves to have parity. Is that correct?

Mr. SYMINGTON. That is correct. That is what Dr. Kissinger emphasized as a main reason this deal was made in Moscow.

Mr. FULBRIGHT. I agree with the Senator. I think the same thing.

Mr. SYMINGTON. I might add that the President of the United States reported to the people of the United States and the world that he had told the people of the Soviet Union, on their public television, that this proposed treaty and agreements gave fair equality to both sides. My amendment is an effort to support the position taken by our President with his own people and with the Soviet people.

Mr. FULBRIGHT. When the President said equality, of course, he did not mean we had the same number of ICBM's as the Russians. He meant overall equality. He meant equality in all strategic forces, not intercontinental strategic forces alone. Is that correct?

Mr. SYMINGTON. Of course. He meant overall capacity for destruction.

Mr. FULBRIGHT. That is what I wish to emphasize. The effect of the Senator's striking the word "intercontinental" then makes the Senator from Washington's amendment mean overall equality, which takes into consideration all nuclear weapons.

Mr. SYMINGTON. Right.

Mr. FULBRIGHT. I hope Senators will understand that. However, there are only a few here. I wish every Senator could have heard the Senator's speech, because it was an excellent presentation.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the able Senator from Minnesota.

Mr. HUMPHREY. I support the amendment of the Senator from Missouri. I have talked to both the Senator from Washington and the Senator from Missouri on this very critical problem. I had always thought the Senator from Washington (Mr. JACKSON) with his amendment was trying to reaffirm once again the necessity for the Congress of the United States to have at least a meaningful hand in defining what should be the broad outlines and the parameters of our defense structure and of our arms control efforts.

In my earlier visits with the Senator from Washington I was concerned about the word "intercontinental." I felt it was both restrictive and constraining, making it exceedingly difficult for further arms control negotiations.

The Senator from Missouri has seen fit to get right at what I feel is a central point of difficulty in the Jackson amendment, and I believe that by asking the Senate to strike that one word he will accomplish, if the Senate will support him, the purpose that we have in mind; namely, being able to negotiate with the Soviet Union from a position of strength. I do not think we have to outline here any longer what the position of strength of this country is now and what it will be in the foreseeable future. I think we ought to make clear we do have an amazing technological and scientific capacity in this country. We have demonstrated it in the past, and I think we can demonstrate it in the future. But what is so important here, and what the Senator from Arkansas (Mr. FULBRIGHT) has just indicated, is for the Senate to understand that equality, or a sense of parity, includes a multiplicity of weapons systems, particularly in the nuclear field.

I cannot help but believe that a responsible man in the Presidency or in the Government of the United States or any responsible official in the Soviet Union is going to knowingly or willfully put his country in jeopardy in an arms control agreement. I cannot help but believe that our negotiators and the Soviet negotiators did not consider the total defense picture of their respective countries before concluding the interim agreement, and that they will continue to do so in the next phase of their arms control talks.

Mr. SYMINGTON. The Senator is right. I have been in a country where we have had such weapons, where the commanding officer has said:

> Every one of my pilots knows a city from the air in the land of the possible enemy better than you know your own hometown on the ground.

If we have this type and character of potential destruction of the Soviet Union, why would they be willing to make any form of arrangement that would eliminate this lethal capacity against them from any consideration? A few days ago we had a sad situation at Munich. All over the United States we are building nuclear plants to satisfy the increasing demand for electrical energy.

Every nuclear powerplant built today that uses nuclear energy for electric power creates plutonium. Plutonium plus knowledge and the textbook is all really needed, with some materials not scarce, to build a hydrogen bomb. The Senator from Minnesota could come on this Senate floor today with a bomb equivalent to the Hiroshima bomb in a suitcase.

With that premise, what do you think these Munich terrorists, willing to commit suicide because of their beliefs, would have used if such a bomb was available? Would they not have used every effective weapon they could get their hands on? They then would not have just a few people as hostages, rather a city, maybe more than one city.

So I think it vitally important we and the other superpower, get into the details of how to control this powerful new force as soon as possible. We talk about the nonproliferation treaty, a great idea. But the People's Republic of China is not interested. France also is not interested, another nuclear power. The one way I see we might make at least a start toward meaningful control of this new force, which could destroy us all, is through a meaningful arms control agreement with the Soviet Union.

It is my considered opinion, after the years I have spent studying atomic weapons and questions of armament, that if we leave in this word "intercontinental," we have no chance whatever of making any meaningful arms control arrangement with the other superpower, the Soviet Union.

Mr. HUMPHREY. Mr. President, just let me add these words: I, like other Senators, have had the privilege, within recent weeks, of being briefed by appropriate officers of the Government whom I trust. There is no doubt that the Soviet Union is doing a tremendous job in the field of technical development and scientific research. They are hardening silos. They are improving their missiles. They are moving to the digital type of control on their warheads. They are making many advances. I do not think we ought to kid ourselves: The Soviet Union is not roasting marshmallows, it is building an arsenal. And it has always, in any contest with us, sought to achieve parity. We have kept our eyes on them, and they have kept their eyes on us.

We are fully aware, as verified by our own reliable information source of the developments in the Soviet Union in the field of nuclear weapons, both in terms of the land-based missile systems and sea-based systems—the Polaris-type missile, the Poseidon sub missile, as well as the status of their MIRV warhead program. We know something about what they are doing. We also know what they are doing in heavy aircraft, long-range aircraft and medium-range aircraft.

I say these things because I believe we ought not to pretend we are unaware, the American public is unaware or any Member of this body is unaware, of the Soviet Union's nuclear capability, of their present nuclear power or their capacity to develop their nuclear power, all of which leads me to believe that unless you can put a halt to it, you just raise the level of danger, without providing any additional security.

Real arms control will come from an acceptance of the general principles of equality, parity, and sufficiency, taking into consideration all the strategic forces we have and all the strategic forces that the Soviet Union has, all of the mix, wherever those forces are based—real, effective, meaningful arms control is the best way that I know to give us any real security. I would not want anything to stand in the way of reaching an effective agreement.

It is going to be difficult enough to get any agreement out of the Soviet Union. They are hard bargainers. They are stubborn. They delay. They are going to get any advantage they can. We ought to have a pretty good idea by now how long it takes to get any kind of agreement with them.

I think we ought to remember that the Soviet Union did not enter into the limited nuclear test ban treaty until they thought they had made all the experiments they needed in the atmosphere with nuclear weaponry. Then they were willing to submit to a nuclear test ban treaty of limited application, that still permitted underground explosions.

We also have been doing a lot of underground exploding. In fact, our number of explosions has been about three times the number of the Soviet Union.

The Soviet Union is not going to enter into any kind of arms control agreement with us unless it feels its security is protected. And I cannot help but hope we are not so stupid in this country or in this body as to sacrifice our own security.

What is a good deal? An effort to get equality, sufficiency, and parity, not on the basis of one weapon or two weapons, but on the total mix of strategic nuclear forces.

The Senator from Missouri is unusually well qualified, in this body, as we all must realize. He is on the Joint Services Committee, the Armed Services Committee, and the Committee on Foreign Relations, and is a former Secretary of the Air Force who keeps in close touch with the minds of the military in this country.

So the Senator from Missouri has a keen knowledge of this subject, as does the Senator from Washington. It would be my hope that these two very able Senators, both of whom have only the well-being of this country and its security at heart, could come to some understanding and some agreement, because neither one wants to block arms control. All Senators, I would hope, want it. I surely commend the Senator from Missouri on a very sensible rationale and a moving speech, that I think has done a great deal to enrich this debate and to give us solid information.

Mr. SYMINGTON. Mr. President, I am very grateful for the remarks made by the able Senator from Minnesota. He was the first chairman, to the best of my recollection, of a Subcommittee on Arms Control more than 10 years ago. He knows the importance of this subject. He knows the importance of reaching some agreement on this vital development.

The subject was summed up as well as I have heard it by Mr. Chalmers Roberts, in an article last August 16, entitled "Promise of SALT: What's Happening?"

He closed that article by stating:

> The hope of Mr. Nixon's Moscow visit, in Kissinger's words, was that it would "mark the transformation from a period of rather rigid hostility to one in which, without any illusions about the difference in social systems we would try to behave with restraint and with a maximum of creativity in bringing about a greater degree of stability and peace." Hence the language of the "basic principles" signed in Moscow. Hence Mr. Nixon's remarks in his address to Congress that his Moscow and Peking trips had done away with "the kind of bondage" of which George Washington had said: "The nation which indulges toward another in habitual hatred is a slave to its own animosity."
>
> In this larger context both the Jackson amendment and the new missile warhead program represent backward, not forward, steps.

Again, if we do not strike the word "intercontinental," based on my knowledge—the Soviets have knowledge of our strength just as we have knowledge of theirs—I do not see how any meaningful arms control agreement on this vital subject can be possible.

Without any agreement, in the long run this would consign our country, and all countries, to oblivion.

Mr. MATHIAS. Mr. President, will the Senator yield for a question?

Mr. SYMINGTON. I am glad to yield to my able friend from Maryland.

Mr. MATHIAS. I think the distinguished Senator from Missouri has done us a great service in offering his amendment and giving us an opportunity to review very carefully the implications of the Jackson amendment. The distinguished chairman of the Committee on Foreign Relations has already asked some questions relative to the impact of the Senator's amendment on the strategic and tactical weapons which may be employed by the United States in various parts of the world. I should like to explore that further and carry it into the realm of the submarines, the submarine-launched missiles we have, which are a very important part of our defense posture. They are one of the most effective weapons in our arsenal. From time to time, the range and capacity of our submarine-launched missiles have changed. I am wondering whether the Senator would comment on the effect of his amendment with respect to these submarine-launched missiles.

Mr. SYMINGTON. The amendment would not affect submarines. We all agree a submarine-launched ballistic missile would, in effect, be an intercontinental weapon. I am sure the Senator from Washington agrees with that. You have a land ICBM; in effect, on the sea, you have a sea ICBM.

Of serious consideration, however, along with the problem of not considering forward-based aircraft, would be the nuclear weapons on our carriers. Are they, in effect, forward-based aircraft? In any case, the Senator from Washington defines "intercontinental" as including land-based ICBM's SLBM's, and long-range strategic bombers.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the able Senator from New York.

Mr. JAVITS. I yield 2 minutes from my time.

Mr. President, first, I strongly support the Senator's amendment. He proposed it in the Committee on Foreign Relations. He has been absolutely consistent all the way through. I deeply feel that he has served—and I join Senator MATHIAS in considering this a signal service to the country—to pinpoint exactly what is the difference.

What his amendment does even sharper—though I am honored to support Senator FULBRIGHT in the substitute—is in posing the issue, because those of us on this side often have been maligned: We do not want parity and do not want equality, and how could we possibly oppose parity and equality? That is precisely our point—that we do want parity and equality. We do not want to be in a straitjacket.

Is that the Senator's feeling? We are perfectly willing to undertake an absolute commitment to parity. I say to the Senator that, with another small amendment which I think Senator JACKSON will take—which deals with something that is invidious to the President rather than anything else—I would vote for the Jackson amendment, if Senator SYMINGTON's amendment is adopted.

May I, without being presumptuous, inquire how the Senator feels about it?

Mr. SYMINGTON. I would vote for the Jackson amendment if the word "intercontinental" was taken out.

It is clear, based on discussion with experts, that if the word "intercontinental" is left in, and we do not include these bases we have established all over the world at a cost of tens of billions of dollars. We are asking for nuclear superiority, not nuclear equality.

I would see no chance of the Soviet Union approving this Nixon suggested arrangement now or 5 years from now if this amendment is approved in its present form.

All this must have been discussed when Dr. Kissinger announced his position and when the President later told the American people that he told the Soviet people on their television that it was an agreement eminently fair to both countries.

What we are now doing, in effect, is trying to defeat the agreement referred to and originally agreed on by the Soviet Union and the United States.

Mr JAVITS. Mr. President, I hope the Chair will advise me when my time has expired. I yielded myself only 2 minutes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

From the Senator's great expertise in this field—he is a former Secretary of the Air Force, a member of the Committee on Armed Services, and a member of the Committee on Foreign Relations—are we already committed for the next 5 years so that it would be impossible for us, if we adopted the concept that there has to be parity in intercontinental strategic forces, to make any agreement, because we are already so far committed, with all other kinds of weaponry and the strategic concept and the longlead times involved, that we could not do it if we wanted to?

Mr. SYMINGTON. It is known that we have these nuclear weapons in many countries all over the world. I do not think anybody believes we have them except to reply to an attack from any country other than the Soviet Union. That may change, but is the situation today.

If we do not take out the word "intercontinental" from this amendment, as mentioned, we are scrapping our chance for arms control. That is wrong. It is more wrong than the average person understands, because the average person does not have the remotest idea of just how much lethal capacity is contained in these forward-based weapons. When we talk about a strategic bomber we are talking about an airplane no more effective, really, when it comes to delivering at relatively short range the most devastating weapons—infinitely greater than the Hiroshima bomb—than can be delivered by a fighter-bomber.

As the Senator from New York wisely pointed out, the Soviets would not begin to think of coming to an agreement that does not include what we have against them abroad, which they do not have against us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 1 additional minute.

For practical purposes, we are practically paralyzing the ability for another SALT agreement if the Executive really listens to us and says, "This is their attitude; that is what I have to do. I have to get parity in intercontinental strategic forces or I cannot have another agreement."

Mr. SYMINGTON. In his typical fashion, the Senator from New York hits the nail right on the head. If we do not take out the word "intercontinental," there is no chance whatever of a meaningful SALT II agreement.

Why should the Kremlin consider making any agreement that did not consider our capacity to destroy, from forward-bases all over the world, their cities, with bombs infinitely more lethal than those used to destroy the two towns in Japan in World War II.

Mr. JAVITS. I thank the distinguished Senator. I strongly support his amendment.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question? I yield myself 2 minutes.

The Senator raised the question of the number and the disposition of nuclear weapons outside the United States.

As I recall, the Senator has discussed this matter before. He said there are almost 10,000 American nuclear weapons in foreign countries. This does not include those in the United States itself or on U.S. Navy ships and submarines. I am speaking strictly of foreign countries. He said there are nearly 10,000 U.S. nuclear weapons already abroad.

Mr. SYMINGTON. The Senator is correct. Some of those weapons are strictly tactical, however; but ones that could be carried by airplanes, all over the world with our airplanes, are strategic.

Mr. FULBRIGHT. I wanted to emphasize that. The Senator mentioned it in the colloquy with the Senator from New York.

With that kind of situation, the Russians could not possibly be expected to say, "We will ignore all that." The Senator is entirely correct.

Mr. SYMINGTON. The Senator is right.

Mr. FULBRIGHT. I thank the Senator from Missouri.

Mr. JACKSON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. Chiles). The Senator from Washington is recognized for 3 minutes.

Mr. JACKSON. First, I regret to disagree with my able and distinguished friend from Missouri (Mr. Symington), but I must disagree, because the amendment he has offered, really, has much the same effect as the Fulbright amendment.

Adoption of the Symington amendment would undermine the position of the U.S. Government in the SALT talks. It is clear from the legislative history that deletion of the qualifying word "intercontinental" in my amendment would bring into a SALT II agreement those American forces in Europe and at sea which are dedicated to the defense of our European and worldwide interests.

Senator Symington argues that the United States ought to accept inferiority with the Soviet Union in ICBM's, submarine-launched missiles and long-range bombers, because we have "compensating" forces in forward bases. The fact is that the number of U.S. aircraft in Europe that are capable of surviving a Soviet strike and then hitting Russian targets is extremely small, perhaps a few tens.

While we have a substantial number of warheads abroad, most of these are nuclear mines, howitzer shells, air-defense weapons, 105- and 155-millimeter shells, and so forth. The number of weapons deliverable by aircraft is quite small and the number deliverable against Russian targets is trivial. Moreover, these weapons are located at some 40 bases—against which the Soviets could deliver an overwhelming preemptive strike.

To compromise these forces, which involve our allies, in a bilateral negotiation without the full participation of our allies, would gravely jeopardize the whole NATO alliance—at the very time when mutual balanced force reductions talks are likely to begin on a NATO-Warsaw Pact basis.

Oversea bases are inherently uncertain. An agreement that left us with inferior U.S.-based forces, because we possessed oversea bases could become extremely dangerous if we were to lose those bases. Just a short time ago we had bases in France, in Libya, in Okinawa. Today our bases in Iceland are threatened. No one welcomes our dependence on Greek bases. It is unwise to depend on these ephemeral factors as our experience has repeatedly shown.

There is no way to limit forward-based weapons and U.S. carriers in a SALT agreement without prejudicing severely our conventional, nonnuclear defense capability. The Soviets would like to see U.S. aircraft withdrawn from Europe on the grounds that they are "strategic" when in fact their primary mission is for conventional interdiction in tactical situations. Their removal would threaten the security of our troops in Europe and our nuclear installations there.

The Soviet position on our forward-based systems and carriers is part of a 20-year political effort to divide and weaken NATO and, more recently, to drive the United States from the Mediterranean by restricting our carrier forces there. Adoption of the Symington amendment would be a virtual endorsement of the Soviet position: It would indicate that the Senate agrees that these forces must be included in the bilateral SALT II talks.

The proper place for the negotiation of a treaty on our forward-based forces is a multilateral, NATO-Warsaw Pact forum in which we also examine comparable Soviet forces such as intermediate missiles, medium bombers, cruise missiles, and so forth. The balance presently favors the Soviets by an overwhelming margin.

Mr. President, I would hope that the Senate, therefore, will also vote down the pending amendment.

I reserve the remainder of my time.

Mr. SYMINGTON. Mr. President, I am not quite sure I heard correctly what the able Senator just said, something about trivial, as to forward base aircraft, bombs were trivial?

Mr. JACKSON. I said that the number of forward based aircraft that can deliver nuclear weapons against Soviet targets is trivial.

Mr. SYMINGTON. Mr. President, as mentioned, I have been on a base where there were many planes with each plane assigned to a particular town.

I was in England, as a representative of the U.S. Government, on May 10, 1941; an interesting day, because it was the day London endured the heaviest air raid in its history.

When the air raid was over, London was in bad shape. The raid was on a Saturday night. Monday I went to work at their Air Ministry and found everyone exhilarated; everyone seemed happy. I could not understand and asked why.

The answer was that the Air Ministry had extrapolated the fact if they shot down more than 5 percent of the bombers attacking London, they would stop, could not take that attrition.

How true that was, because that raid was the last organized raid on England until the buzz bombs came along.

Now, Mr. President, look what the difference would be today, a fact so many people do not realize. Today, if London got 99 percent of the bombers, they still would lose their city, because one fighter-bomber today will carry some 40 times as much lethal capacity as the Hiroshima bomb. The idea that anything could be trivial about the position of the great Air Force the United States has built up overseas, I cannot accept. I am as sure these planes and their pilots do count, and that the Soviet Union would consider that they count in any negotiations, as I am the sun will come up tomorrow.

I cannot understand why anyone would think, on any basis, that we could make an arrangement with the Soviet Union unless said arrangement considered the lethal capacity of the planes we have stationed all over the world.

Mr. FULBRIGHT. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. Chiles). The Senator from Arkansas is recognized for 3 minutes.

Mr. FULBRIGHT. Mr. President, I have some additional information to complete the Record and I believe it is appropriate to make it available at this time.

ALLIED NUCLEAR STRENGTH

Mr. President, when we talk of the strategic balance, we are too often prone to think exclusively in terms of the Soviet Union and the United States.

We would do well to realize—as does the Soviet Union—that two western European nations inclined toward the United States have small but significant strategic nuclear forces.

Both Great Britain and France have ballistic missile submarines and bombers capable of striking portions of the Soviet Union. In addition, France has a small, but growing, intermediate-range missile fleet.

Great Britain has already deployed, with U.S. assistance, four missile submarines of the Polaris type. France is in the process of deploying a fleet of five missile submarines.

The British have in addition eight medium-bomber squadrons and two light-bomber squadrons. France has 36 Mirage bombers in nine squadrons.

Britain is a very active member of the NATO alliance. Although France has formally withdrawn, the French maintain liaison with NATO and are with the western military.

By comparison, the Soviet Union has no allies with strategic nuclear arsenals. Although some delivery forces are in the hands of Russian allies, the Soviet Union maintains strict control of the nuclear warheads.

Although China is in the Communist sphere, it is obviously not in the Russian camp. Evidence of this is the continuing border confrontation, which is a drain on the resources of both Russia and China. It would seem proper, at least at this point in time, to consider China's developing nuclear arsenal to be committed to neither side. As China's relationship with the two superpowers evolves, it would be unwise to expect shifts in our disfavor.

Because of the bilateral ABM treaties, the effectiveness of the French and British nuclear forces will be assured much longer in their present form. The treaty guarantees that neither the United States nor the Soviet Union will have an effective ABM defense. Retaliatory missile warheads will assuredly be able to overcome weak ABM defenses and penetrate to their targets. Without the ABM limitation, the United States and the Soviet Union might have needed large quantities of sophisticated penetration devices and warheads, such as the multiple independently targeted reentry vehicles—MIRV's—that the United States is now installing on its missiles.

To date, the French and British have not needed to move to such sophisticated devices. Yet, without the ABM limitations, they might have felt such a requirement within a few years. The United States might well have been pressed to help with very expensive conversion of the French and British Polaris fleets to Poseidon, as is being done with U.S. submarines.

The ABM treaty should have the effect of easing such pressures on the United States and of lessening allied concerns over Soviet developments.

To be sure, neither France nor Great Britain could launch a successful unilateral attack against the Soviet Union, and it is undoubtedly better all around that they could not. But both nations have enough strategic nuclear strength to deter attack upon themselves. And, with the ABM treaty going into effect, that ability will be retained for years to come.

Moreover, in the event of conflict, all three Western missile arsenals could be available for a retaliatory strike that would compound the unacceptable damage to the Soviet Union.

The Russians have not overlooked the significance of the French and British submarine fleets. When the French building program is completed, the Western nations will have a total of 50 submarines of the Polaris-Poseidon type deployed. During the course of the talks, the Russians sought to have their ceiling of 62 submarines raised in compensation if the combined Western fleets exceeded the programed 50. The United States rejected that position.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. Mr. President, I yield myself one-half minute more.

Mr. President, to have accepted would have denied the United States the privilege granted to the Soviet Union of replacing older land-based missiles with new submarine-based missiles unless the Soviet Union were granted a higher ceiling. We did not wish that.

Of course, it would not have been either wise or proper in a bilateral agreement to reach agreements affecting third parties and their forces. As talks on arms control continue and are expanded to include other nations, the scope of possible agreements will be wider and more encompassing.

As we continue down that path, we can be reassured by the deterrence our western allies help us maintain.

Mr. President, I yield myself another half minute.

Mr. President, I think that the arguments of the Senator from Missouri are unanswerable. These weapons I have described are in place. They are deliverable and they are scattered among 11 foreign nations. It is inconceivable to me that the Russians could possibly have targeted on all these weapons with intermediate ballistic missiles that could take them out.

I do not believe there is any real basis for any argument that our weapons in 11 foreign countries are so vulnerable.

Mr. SCOTT. Mr. President, I am not given to lengthy speeches, but, for the present, I will state I support the Jackson amendment, and would oppose any crippling amendments. I rise also for the purpose of asking unanimous consent on a matter which, while not required, will clarify the record. Our motion for a cloture on the interim agreement tomorrow has been vitiated by the vote of this body, but I ask unanimous consent that that motion may be withdrawn.

The PRESIDING OFFICER. Without objection, the motion is withdrawn.

Mr. SCOTT. Mr. President, just one further matter, if I may, and that is on behalf of my constituents in Pennsylvania. Two of the Senators from this body have been up there recently.

The PRESIDING OFFICER. The Senator's additional 1 minute has expired.

Mr. SCOTT. I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. FULBRIGHT. The Senator can have an hour if he wants it.

Mr. SCOTT. I know, but the power goes to my head. I want to use it carefully.

Mr. President, I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, two of the Senators in this body have been in the Commonwealth of Pennsylvania as, I suppose, my temporary constituents. I am tempted to ask on their behalf whether or not it would be in order—I will not press it—to ask unanimous consent that they be permitted to vote on matters such as cloture and these amendments by telephoning in their votes, since we had 91 present on the last vote, and I would like everybody to be recorded. If it will be helpful to these two gentlemen who have been confined in my Commonwealth, while the two Senators from Pennsylvania have been attending to their duties on the floor and representing the people of that Commonwealth, we will see if there is some way in which they can just telephone in their votes from now on.

Mr. SYMINGTON. Mr. President, on my own time, I appreciate the solicitude the able Senator has not only for the Jackson amendment, but also for the Senators now in Pennsylvania. I am only sorry he takes a position on the floor which is directly opposite to the position President Nixon took when he talked to the people of the United States on television and reported to them what he had told on television the people of the Soviet Union. I am sorry he thinks it advisable to say at this time that Mr. Kissinger did not know what he was talking about when he explained to the American people and to the Soviet Union people just what type and character of arrangement President Nixon obtained, prior to the time he came back with his deal from Moscow.

Mr. SCOTT. Mr. President, may I yield myself 1 additional minute for the purpose of a gentle rejoinder?

I have no reason to comment on the suggestions of the distinguished Senator from Missouri except to note it was a self-serving declaration with which I disagree. I am sure the President disagrees with it, and I am sure Dr. Kissinger disagrees with it. We can all engage in an estimate of what we think somebody else means, but the only way we will know is by acting legislatively.

Mr. SYMINGTON. Mr. President, I appreciate the position of the Senator. He is always courteous in his rejoinders. I placed into the RECORD what the President and Dr. Kissinger said about the original agreement. I am sure, regardless of what the President thinks about it today, that the Soviet Union will not think this amendment to their interest. If it passes in its present form, the future SALT talks will be meaningless.

The PRESIDING OFFICER. Who yields time?

The question is on agreeing to the amendment of the Senator from Missouri. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. TAFT (when his name was called). On this vote I have a live pair with the Senator from Nebraska (Mr. CURTIS). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I withhold my vote.

Mr. WEICKER (after having voted in the affirmative). On this vote I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay." I have already voted "yea." I withdraw my vote.

Mr. INOUYE (after having voted in the negative). On this vote I have a live pair with the Senator from South Dakota (Mr. MCGOVERN). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from New Hampshire (Mr. MCINTYRE) are necessarily absent.

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

I further announce that the Senator from Ohio (Mr. SAXBE) is detained on official business.

The respective pairs of the Senator from Nebraska (Mr. CURTIS) and that of the Senator from Texas (Mr. TOWER) have been previously announced.

The result was announced—yeas 38, nays 51, as follows:

[No. 429 Leg.]

YEAS—38

Aiken
Bayh
Brooke
Burdick
Byrd, Robert C.
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke

Hatfield
Hughes
Humphrey
Javits
Mansfield
Mathias
Metcalf
Mondale
Moss
Muskie
Nelson
Pell
Percy
Proxmire
Randolph
Ribicoff
Roth
Schweiker
Stafford
Stevenson
Symington
Tunney
Williams

NAYS—51

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd,
Harry F., Jr.
Cannon
Chiles
Cook
Cotton
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McGee
Miller
Montoya
Packwood
Pastore
Pearson
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Talmadge
Thurmond
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—3

Taft, for
Weicker, for
Inouye, against

NOT VOTING—8

Curtis
Griffin
Kennedy
McGovern
McIntyre
Mundt
Saxbe
Tower

So Mr. SYMINGTON's amendment was rejected.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 6503. An act for the relief of Captain Claire E. Brou; and

H.R. 14896. An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs.

The enrolled bills were subsequently signed by the President pro tempore.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

AMENDMENT NO. 1486

Mr. JAVITS. Mr. President, I call up my amendment, in behalf of myself and the Senator from Maryland (Mr. MATHIAS) No. 1486, and ask that it be stated. I wish to point out to the reading clerk that, as reprinted, the line should be "21" instead of "18."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The second assistant legislative clerk read the amendment to the Jackson amendment as follows:

> On page 2, line 21, strike out the words "leading to" and insert "as required by".

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The sole purpose of this amendment is to correct an impression which was first detected when we first considered the matter in the Foreign Relations Committee, and I raised it there. Quite independently of me, the Senator from Maryland (Mr. MATHIAS) picked up the same thing and put in an amendment, but apparently the wording which I used seems to be preferential in order to straighten this matter out.

In any case, the impression was given that by the words "leading to a prudent nuclear posture" there was an implication that we did not have a prudent posture now in respect of nuclear defense. As I did not believe, and the Senator from Maryland does not believe, that there was any design, no matter how one felt about the Jackson amendment, to be invidious to the present or state of readiness at the present time, I suggested this to the Foreign Relations Committee. That is the amendment now before us, and it is agreeable to the Senator from Maryland, that instead of the words "leading to," which give that impression, I think perhaps unwittingly, the words should be "as required by a prudent strategic posture," without leaving any reaction as to where we are now.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. JACKSON. Mr. President, I am very pleased to accept the amendment offered by the able Senator from New York in behalf of himself and his colleague from Maryland (Mr. MATHIAS). I think it helps improve the language, which was never intended to be anything other than what he has indicated; namely, a program as required by a prudent strategic posture. I am very pleased to accept the amendment offered by the Senator.

Mr. JAVITS. I thank the Senator. I think the Senator from Maryland (Mr. MATHIAS) would like a word on it.

Mr. MATHIAS. Mr. President, I yield myself 3 minutes.

I want to express my thanks to the distinguished Senator from Washington for accepting the amendment and to my distinguished colleague from New York for stating the proposition. As he says, we independently have arrived at this conclusion, and I am glad to join forces with him on a project which I think is of some importance, both as to the substance of what we are doing here and as a matter of fairness.

When the President transmitted the ABM Treaty to Congress, he said:

> The defense capabilities of the United States are second to none in the world today. I am determined that they shall remain so. The terms of the ABM treaty and the Interim agreement will permit the United States to take the steps we deem necessary to maintain a strategic posture which protects our vital interests and guarantees our continued security.

In his testimony before the Foreign Relations Committee, Secretary Laird said:

> We have technology which is, I believe, from 18 to 24 months ahead of the Soviet Union. I believe that our friends and allies, as well as the Soviet Union and our adversaries in the world, recognize the fact that we will maintain this technological superiority during this period.

So it would have been unfortunate if the language of the amendment as originally offered had implied that we were not in a prudent strategic posture. I know the Senator from Washington did not mean any such implication, as he has proven by his acceptance of the amendment.

I think what we are doing now is recognizing that the Nixon administration has given us a highly successful and prudent strategic posture, without which the diplomatic successes at Moscow and Peking would not have been possible.

I think we now have language which reflects the current situation, which is that the Nixon administration has provided the Nation with a prudent strategic posture.

Mr. JAVITS. Mr. President, I yield myself one-half minute just to thank the Senator from Washington (Mr. JACKSON) for his statesmanship. Without regard to how Senators feel about his amendment, I hope they will agree to this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York, for himself and the Senator from Maryland, to the amendment by the Senator from Washington.

The amendment to the amendment was agreed to.

Mr. HUGHES. President Nixon went to Moscow to sign these historic agreements—and to reap the adulation of the American people and people all over the world for taking this step toward limiting doomsday armaments.

But in recent weeks, the White House signaled its support for a congressional statement of reservation that some would be happy to construe as the foundation for abrogating both agreements.

I, for one, do not understand these conflicting courses of action.

These reservations are necessary, we are told, to "strengthen our hand" in future SALT negotiations.

Mr. President, this is all the more puzzling. How do we strengthen our hand in the second half of the game by declaring that the first half did not count for much anyway?

That is what would be the declaration of the Jackson-Scott reservation: Do not ever sign another agreement that limits us to "levels of strategic forces inferior to the Soviet Union," as if to say that this first agreement did that. Do not let up a bit, do not demonstrate any restraint, when it comes to devising more efficient means of delivering the weapons that could wipe out humanity.

Mr. President, this reservation could

collapse all the hopes we have for mutual arms reduction.

We are being asked to warn the Soviet Union against deploying improved weapons for strategic use. But if we demand that the Soviets not deploy improved weapons, we know that they will demand as much of us.

If we declare that improved Soviet weapons would be contrary to the supreme national interest of the United States, we know that they would, in all likelihood, declare likewise.

Yet we have already set out on a course which would do for ourselves what we now are asked to demand that the Soviets not do.

Two weeks ago, the Senate approved procurement funds for the new Trident submarine.

The Trident is a strategic weapon. It is to be an improved strategic weapon—the missiles that will be designed for its enlarged launch tubes will be armed with the most improved and sophisticated strategic weapon currently within our technology. And by authorizing procurement of the submarine, we have given the go-ahead for deployment.

But let us not stop there. We have the B–1 in advanced development now, with a large installment of additional funds already approved by both the House and the Senate. This is an improved strategic weapon, too, and when development is complete, we will likely deploy it.

At this very moment, Mr. President, our conferees on the military procurement authorizations are considering a recommendation for funds to develop a submarine-launched cruise missile—an improved strategic weapon that will be deployed, I predict, when development is completed.

Then there is the advanced reentry vehicles for our existing Minutemen and Poseidon forces, also under consideration by the conference on military procurement.

In other words, Mr. President, we are entertaining Pentagon requests for, or have already acted to deploy, the very kind of improved strategic weapons which—if the Soviet Union acted to deploy them—we would regard as hazards to our supreme national interest and grounds for abrogating both the ABM treaty and the Interim Agreement on Offensive Weapons.

Mr. President, I opposed immediate acceleration of the strategic weapons development programs in the military procurement bill that the Senate passed 2 weeks ago. I oppose the weapons improvements pending in the conference on military procurement authorizations. We already have the most numerous and most capable nuclear weaponry on the globe, and the Soviet momentum for catching up with us has been restrained by the SALT agreements.

Moreover, I oppose them as a violation of the spirit, if not the letter, of the SALT agreements and as a threat to the trust which both nations must have in each other if the SALT agreements are to work.

Such mutual trust is imperative, and it must start at home, as Henry Kissinger, national security adviser to the President, put it:

> The deepest question we ask is not whether we can trust the Soviets but whether we can trust ourselves.

By approving new funds for Trident and the B–1, the House and the Senate have decided to risk the SALT agreements for the sake of some elusive unilateral advantage over the other party to the agreements.

Thus it is necessary for me to oppose the Jackson-Scott reservation which, in combination with the weapons improvements we insist on making, would be a second crushing blow to the survival of the SALT agreements.

All that would be required to destroy them completely would be for the Soviet Union to say that they will abrogate them because the United States' decision to deploy improved strategic weapons is "contrary to the supreme national interests" of the Soviet Union.

In short, Mr. President, by proceeding with these deployments we are inviting—perhaps even encouraging—the Soviet Union to break the agreements.

There are other implications of the Jackson-Scott reservation that are disturbing.

One provision urges the President to seek a future treaty that would not limit the United States to force levels that are inferior to those of the Soviet Union.

On its face, this provision seems reasonable. But it implies that the agreements of the first round of SALT are faulty because they give the Soviet Union superiority over us in nuclear armaments.

I reject this implication, Mr. President, and so does the President of the United States and his adviser, Henry Kissinger. These are the words of Dr. Kissinger, stated on behalf of the President on June 15, 1972:

> Does the agreement perpetuate a U.S. strategic disadvantage?
>
> We reject the premise of that question on two grounds. First, the present situation is on balance advantageous to the United States. Second, the Interim Agreement perpetuates nothing which did not already exist in fact and which could only have gotten worse without an agreement.
>
> Our present strategic military situation is sound. Much of the criticism has focused on the imbalance in number of missiles between the U.S. and the Soviet Union. But, this only examines one aspect of the problem. To assess the overall balance it is necessary to consider those forces not in the agreement; our bomber force which is substantially larger and more effective than the Soviet bomber force, and our forward base systems.
>
> The quality of the weapons must also be weighed. We are confident we have a major advantage in nuclear weapons technology and in warhead accuracy. Also, with our MIRV's we have a two-to-one lead today in numbers of warheads and this lead will be maintained during the period of the agreement, even if the Soviets develop and deploy MIRV's of their own.
>
> Then there are such factors as deployment characteristics. For example, because of the difference in geography and basing, it has been estimated that the Soviet Union requires three submarines for two of ours to be able to keep an equal number on station.
>
> When the total picture is viewed, our strategic forces are seen to be completely sufficient.

Does it puzzle you, Mr. President, that the sponsors of the Jackson-Scott reservations are saying here today that the same administration which made this sterling defense of American sufficiency in nuclear weapons is also supporting such criticism of the Interim Offensive Agreement as is strongly implied in these proposed reservations?

Mr. President, if the SALT agreements are faulty—as these reservations imply—it is not because they put the United States in a position of inferiority. It is because they do not more effectively limit the arms race and, in fact, are having the effect of triggering a new round of weapons developments that are not yet covered by the accords.

AMENDMENT NO. 1498

Mr. MUSKIE. Mr. President, I call up my amendment No. 1498 to the Jackson amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The second assistant legislative clerk read the amendment of Mr. Muskie, for himself and other Senators, to the Jackson amendment, as follows:

> On page 2, line 15, strike out the word "not" and language following up to and including the word "Union" on page 2, line 17, and insert in lieu thereof: "maintain an overall equality between the United States and the Soviet Union in nuclear strength and guarantee the sufficiency of United States defense".

Mr. MUSKIE. Mr. President, I yield myself 10 minutes on my amendment, and I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. MUSKIE. Mr. President, earlier today, in connection with the Fulbright amendment, I made a statement expressing my thoughts as to what our objectives ought to be in the follow-on SALT talks, which hopefully will begin before too long and after we have completed consideration of the instruments before us.

The purpose of my amendment is to put the Senate on record in support of overall equality between the United States and the Soviet Union in nuclear strength. It would put the Senate on record in support of U.S. sufficiency in defense. These two objectives, it seems to me, are objectives about which Senators are in agreement. So I ask Senators, what is wrong with supporting overall equality? What is wrong with supporting sufficiency? If Senators do not wish to support overall equality, what do they support—overall inequality? And if there is inequality, does that mean American superiority in nuclear arms? If that is our commitment, what conceivable hope can we have of persuading the Soviet Union to accept such a U.S. objective? How can we expect the Soviet Union to continue in SALT negotiations with the United States if our side goes on record supporting overall superiority over the Soviet Union?

As I have said previously in this debate, Mr. President, I strongly believe that the objective of our policy in future arms control negotiations must be to stabilize the arms race on the basis of equality in the deterrent capabilities of the United States and the Soviet Union. It is only on such a basis that both powers will feel sufficiently secure to refrain from further strategic arms build-ups. I emphasize that unless both powers feel secure in that respect, we cannot expect future agreements on nuclear arms.

I cannot imagine a more important goal of U.S. policy than the achievement of this kind of equilibrium that preserves our security, guarantees the sufficiency of our defense, and frees us from the dangers and debilitating expense of a spiraling arms race.

My amendment, Mr. President, would strike language in the operative clause of the Jackson amendment, which I read:

> The Congress recognizes the principle of United States-Soviet equality reflected in the antiballistic missile treaty, and urges and requests the President to seek a future treaty that, inter alia, would not limit the United States to levels of intercontinental strategic forces inferior to the limits provided for the Soviet Union.

Now, if what we mean is real equality in the deterrent capabilities of these two powers, we must recognize that equality must be established in the context of asymmetrical nuclear weapons systems on each side. We have not opted for the same kinds of weapons. We have not opted for the same kinds of strategic posture. And so we have different nuclear systems, and each power regards its own security interests as requiring a different kind of nuclear posture than does the other power.

With that difference in approach to what each power regards as its nuclear needs, obviously numerical equality with respect to any component cannot serve the purposes of further arms agreements. I think that must be clear.

The Jackson amendment, by focusing on only a fraction of the strategic balance, could, in my judgment, especially if it is regarded as binding upon our negotiators or determinative of the attitude of the Senate on any future treaty, prevent the negotiation of a follow-on treaty based on overall strategic equality. The administration, in my judgment, blundered by not determining at the outset what was meant by intercontinental strategic forces, and many Senators have been confused by the administration's premature endorsement of the Jackson amendment, an endorsement from which the administration later retreated in part.

If we are to advise the President on strategic arms negotiations, therefore, I believe we should advise him on the objective of such negotiations—the objective of stabilizing the arms race on the basis of overall equality and the preservation of U.S. sufficiency in strategic defense. I do not think it is wise for us to prejudge the negotiations and set minimal conditions with regard to reaching that objective. To believe in a congressional voice in foreign policy does not mean that the Senate should prescribe an exact technical form for a follow-on treaty. Strategic arms negotiations are extraordinarily complex, and agreements are reached only after numerous proposals and packages are put forth by both sides and their implications fully analyzed by technical experts. For us to deny our negotiators that flexibility will not further the prospects of a follow-on agreement.

Therefore, I urge the Senate to revise the Jackson amendment in accordance with my amendment to stress the need to assure in a future treaty overall equality in United States-Soviet strategic nuclear strength rather than numerical equality in intercontinental strategic weapons systems alone. In introducing this amendment, I do not wish to prejudge Senator JACKSON's own view that overall equality may at some future date require rough equality in ICBM's, SLBM's, intercontinental bombers, and missile throw-weight. The purpose of my amendment is not to exclude the Jackson formula from consideration at SALT II, but rather to broaden Senate advice to allow consideration of alternative proposals as well—proposals that would insure an overall equality and U.S. defense efficiency. The strategic balance is not so sensitive as to require mathematical precision in any single component or set of components. Insistence on such precision means that the negotiations will fail, or that both sides will build to parity across the whole spectrum of nuclear weapons, which is the road to an accelerated arms race.

In my judgment, the Senate today ought to make it clear whether it is really committed to the goal of a stabilized arms race, that will decrease the heavy burden of arms on the backs of our people. We can do it and insure our security needs by insisting on overall equality of deterrent capabilities and on sufficiency of defense, without so straitjacketing our negotiators as to minimize the prospects for follow-on agreements.

In 1970, Mr. President, the nations of this globe spent $202 billion on arms. I do not have the latest figures, but I know billions could be added to that figure. $200 billion on arms—arms that do not feed people, arms that have not brought security even to the world's most powerful nations, arms which have not eliminated quarrels between smaller nations, arms which have not brought peace to this globe but, rather, increased the prospects of shattering that peace.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MUSKIE. I yield myself 2 additional minutes.

I think we have a responsibility, as the world's most powerful nation, to indicate clearly that we are committed to a reduction of this burden and that we are willing to negotiate with the other great world power on the basis of true equality of deterrent capability.

Is there any Senator in this Chamber who believes that our interests will be served by our initiating a nuclear war? I think every Senator believes that our security interests are best served by a defense posture that deters the other side from engaging in that initiative and that our interests are best served if the other side is committed to a similar policy.

My amendment is aimed at that kind of equality of deterrence. There are no if's or and's about it. I am not asking for overall U.S. superiority or inferiority. I am not trying to straitjacket us in any kind of nuclear defense policy that prevents a stabilizing arms treaty. My amendment is committed to overall equality, which is the world's best hope that the Soviet Union and the United States will never at at each other's throat with nuclear weapons. That is my objection, Mr. President.

I understand that there already have been two votes, and I can count; so I have some idea of what will happen to this amendment. But my conscience would not permit me to withhold my argument on this amendment. It is too serious a matter. The implications for the future and for the peace of mankind are too important.

So I urge my colleagues to give consideration to this amendment. Let us think about phrasing our policy in such flexible, cooperative, and understanding terms that the policy we state here will be a reaching out to the other side in a plea to urge a rational approach to the security needs of the world's two greatest powers.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. MUSKIE. I yield.

Mr. FULBRIGHT. I cannot refrain from congratulating the Senator on his most powerful statement on this subject, especially the latter part. This is a serious matter, very serious.

The United States has been a powerful Nation, and I think it still is. However, the way to undermine its strength and cause it to cease being a powerful Nation, would be to continue to waste our resources on weapons systems which serve no useful purpose.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I yield whatever time I need from my remaining time, and I would like not to be interrupted.

I must say that I am moved by the Senator's speech. He pinpoints exactly what is involved. The strength of the United States is involved.

We have wasted much of our resources in this country. We have expended about $1,400 billion ourselves on military affairs since World War II, according to the best calculation last year of the Library of Congress. The amount is so enormous that nobody can understand it. If we continue to inspire the Russians and ourselves to an ever-escalating arms race, we will no longer be the strongest Nation in the world.

The only hope, as the Senator has eloquently stated, is for us to come to some agreement in which we and the Soviet Union—these very big countries, very dangerous and powerful countries—can stop the upward spiraling arms race.

I think the Senator has put it extremely well. If the Senate is insensitive to his arguments, then there is little we can do to prevent the waste of further spiraling arms spending.

One other comment: Our decisions today are, of course, not binding upon anybody. The votes are an expression of the views of the Senate, only reflecting, in my opinion, upon the judgment of the Senate. The President will do as he pleases. The real danger is that the Senate action will discourage the Russians from thinking we are serious about any further negotiations. That is the real danger which the Senator points out. Both parties must be serious to get an agreement. Without that we will end up with no further agreement, and both powerful nations will continue as they have during the past 10 or 20 years.

The Senator has described the situation extremely well, and I congratulate him on the very fine statement of what is involved in this argument.

Mr. MUSKIE. I thank the Senator from Arkansas.

I should like to make one further point, if I may do it on his time.

Mr. FULBRIGHT. Yes.

Mr. MUSKIE. The Jackson amendment is concerned with numerical equality. When we began this nuclear arms race following World War II, we believed that we could outspend anybody on arms. So we were not too discontent with the situation in which we kept piling arms on arms, spending more and more money. We felt that we had so much wealth that no other nation, however much it tried, could conceivably match us in the production of nuclear weapons.

Now we find ourselves, much to our surprise, facing a potential adversary who has caught up with us numerically in some categories of weapons and has surpassed us in others. That disturbs us. So we seek to do something we have not been able to do—as I read the Jackson amendment—since World War II. We have not been able to create a situation which would insure our superiority, and not even our great wealth now makes it possible for us to outbuild the Russians in nuclear weapons if they are convinced that we intend to continue to travel the road we have traveled for 20 years.

So now what are we trying to do? By an amendment of this kind, by an expression of Senate opinion of this kind, we are undertaking to do something we have not been able to do with all our spending on arms in a quarter of a century—to put a lid on the Soviet Union's ability to construct nuclear weapons, while not restricting ourselves.

Is it going to work? The only thing that is going to work with the Russians, who are as wise and perceptive and knowledgeable as we in this field, the only thing we can hope to achieve—if we can achieve that—is a mutual deterrent capability, considering an asymmetrical balance of nuclear weapons that will finally act as a deterrent not only with respect to attack by the other side but also with respect to a continuation of the arms race.

Mr. FULBRIGHT. The Senator is entirely correct.

Mr. JACKSON. I yield myself 1 minute.

Mr. President, I greatly respect the comments made by the able Senator from Maine. I think we all express many of the same concerns.

Under my pending amendment, joined in by 43 other Senators, I would look forward to a situation in which we would hopefully get the Soviets to cut back their forces—their intercontinental strategic forces—following the precedent we have set in cutting back our ABM's from four sites to two sites.

The Muskie amendments share the defects of the Fulbright amendment in that they substitute a vague reference to "overall equality" and "sufficiency" for the much more precise Jackson language calling for the principle of equality agreed to in the already approved ABM treaty. This principle is clear and simple in the Jackson amendment: both sides accepted the same, equal limits in the ABM treaty and both should accept the same, equal limits in a treaty on offensive weapons in SALT II.

The Muskie amendments would nullify the Jackson amendment. Like the Fulbright amendment they are deceptively similar to the Jackson language when they are, in fact, quite opposite. The Muskie amendments would also, in several important respects discussed below, undermine the American negotiating position.

The legislative history of the last several weeks makes it clear that the words "overall equality" and "sufficiency" have been used by their proposers to justify enormous Soviet advantages in ICBM's, submarine-launched missiles and long-range bombers in SALT II. This is so because it is claimed that our forward based weapons in Europe, our carriers at sea in the Mediterranean, and even the forces of our allies are adequate "compensation" for our numerical inferiority in the central, truly strategic forces.

The terms "overall equality" and "sufficiency" have also been used to suggest that we can accept numerical inferiority in SALT II—which is not yet even underway—because we have technological superiority in SALT I. But (a) this technological superiority on our side cannot be guaranteed by the treaty while the numerical superiority of the Soviets would be guaranteed by the treaty; and (b) in fact the Soviets have always been able to catch up with our technology when they have considered it important.

Both Muskie amendments, explicitly in the case of the longer version, would call for the inclusion in a follow-on SALT treaty of a number of factors that cannot possibly be verified. The notion that we can negotiate, for example, on the assumption that we can know and verify and prevent improvements in Soviet "technical reliability" is absurd. Moreover, the enumeration of factors to be included in the longer version are vague, confusing, and overlapping. How does one negotiate a treaty that freezes "overall quality of weapons systems" or "survivability?" What are "deliverable" as opposed to nondeliverable warheads? And does it refer to the number of "deliverable" warheads before or after a possible preemptive strike? One does not have to be an expert in strategic policy or arms control to recognize the confusion in this amendment and the impossibility of applying its terms in practice.

In substance there is little difference between the Muskie amendments and the Fulbright amendment. Because the Muskie proposal, like the Symington amendment, deletes the word "intercontinental," it would undermine our national policy on the issue of forward-based systems.

Mr. President, as the amendment of the Senator from Maine has the same basic purpose as the previous two amendments and shares the same defects, I hope the Senate will reject the amendment.

Mr. CASE. Mr. President, I yield myself such time as I may take. I do this for the purpose of asking the Senator from Washington to get down to the point. What is his objection to the word "overall"? It seems to me it makes a lot of sense. I had always thought, until someone raised the question—perhaps it was the Senator from Washington—that it referred to what he was talking about. What does the Senator mean, that we must have numerical equality in every weapon, in every method of delivery and in megatonnage, as well in every other category? Why does the Senator object to the use of the word "overall," if the Senator will answer on my time?

Mr. JACKSON. Mr. President, obviously we should retain freedom to mix the forces as we and the Soviets may desire. What I am objecting to is the suggestion that we should adopt language that would compromise the forces dedicated to the defense of our allies.

We should not simply count a total of weapons of all sorts and then equate those weapons that do not have intercontinental capability with intercontinental strategic forces. I am confining the forces to be balanced in a follow-on treaty to intercontinental strategic forces which means intercontinental bombers, land-based missiles, and sea-based missiles.

Mr. CASE. If the Senator will yield further, on my time, this does not answer the point of the amendment, of which I am a cosponsor. I supported this very view in committee and on the floor, and I must say that nothing else makes any sense than that we should regard the overall position of the two nations, considering all weapons. To do otherwise cannot lead to anything but the most extraordinary acceleration of the arms race, as the distinguished Senator from Maine (Mr. MUSKIE) has suggested.

Mr. MUSKIE. Mr. President, will the Senator from New Jersey yield?

Mr. CASE. I yield, on my time.

Mr. MUSKIE. This will be useful for the RECORD, referring to the second amendment which I had introduced, No. 1499. In my judgment, amendment No. 1498 and amendment No. 1499 are equivalents. Amendment No. 1499 is useful, from my point of view, in identifying what I regard as the factors which should be taken into account in measuring the overall nuclear balance between us and the Soviet Union.

Let me read from amendment No. 1499:

> "* * * maintain an overall equality between the United States and the Soviet Union in nuclear strength, taking into account such components as numbers of delivery vehicles, numbers of deliverable warheads, accuracy, throw-weight, gross and equivalent megatonnage, technical reliability, geography, deployment, survivability, overall quality of weapons systems, and other factors recognizing that inequalities in individual components of the nuclear balance are acceptable providing that the overall balance of nuclear power is preserved."

The distinguished Senator from Washington (Mr. JACKSON), I regret to say, is not in the Chamber at this moment—he was here when I began these comments—but apparently he would exclude some of those factors.

I would concede that those factors change in terms of their significance, their weight, and so forth, on the overall balance; but to try to strike that balance now and repeal the future over the next 2 or 3 years during which the talks would take place, is a disservice to the objective of arms negotiations.

Mr. CASE. Mr. President, I thank the Senator and, Mr. President, I reserve the remainder of my time.

Mr. ERVIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER (Mr. STAFFORD). The Senator from North Carolina is recognized for 5 minutes.

Mr. ERVIN. Mr. President, the word "equality" in and of itself means absolutely nothing, as the Senator from Washington has so well stated. What the United States needs for a certain deterrent or a defense in the precarious world in which we live, are weapons which we can use on an intercontinental basis.

There are only three kinds of these weapons. One consists of intercontinental ballistic missiles. The second consists of nuclear powered submarines, and the third consists of the big bombers, the planes that carry the bombs to drop on the other continents.

The interim or temporary arms limitation agreement accepted inferiority on the part of the United States in two of those fields. We agreed that the Russians might have 62 nuclear-powered submarines and we would have only 44 during the 5-year period covered by the agreement. We agreed that Russia could have a vast number of missile launchers additional to the ones we could have during the 5 years.

All that the Jackson amendment says is that we do not want, in the next SALT talks, negotiators who will accept permanent inferiority on the part of the United States in any of the three intercontinental deterrents or offensive weapons.

That is what the amendment says. To my mind, talking about counting everything is like counting cap pistols against cannon.

Who would be willing to say that we should make an agreement with Russia on a permanent basis similar to that which is made on a temporary basis in the arms limitation agreement? Who would be willing to say that the United States should accept inferiority on the seas by letting the Russians have far more nuclear-powered submarines than we could have?

The Jackson amendment does not mean that we have to have absolute numerical equality in intercontinental strategic weapons, but it does mean that we ought to have the right to have equality in respect to such weapons if we want it. The Jackson amendment merely gives our negotiators to the next SALT talks the good advice that our national security is dependent on the three intercontinental deterrents, long range bombers, nuclear submarines, and intercontinental ballistic missiles, and that they should not make any agreement with Russia which deprives us of the right to have these intercontinental strategic weapons on an equality with Russia.

Mr. PASTORE. Mr. President, will the Senator from North Carolina yield, on my time?

Mr. ERVIN. I have plenty of time I will not use and the Senator may use my time if he wishes. I am glad to yield to him.

Mr. PASTORE. It was clear to me, when we attended the briefings at the White House, that one of the factors determining why we agreed on the exchange of 62 as against 44 of our own, was the argument that the Russians already had the facilities and that if we did not reach an agreement in 5 years, they would go on to 99 or to 100.

That is the reason why the Joint Chiefs of Staff thought that they would be amenable to this agreement at this time because it would bring a halt to the Russian submarines at 62. That is the reason why we limited ours to 44.

Now the distinguished Senator from North Carolina (Mr. ERVIN) makes a logical argument. The name of the game is deterrence. Where is our deterrence? The deterrence is not so much on those bases that we have in Europe. The deterrence is, as we well know, in the intercontinental ballistic missiles and the power and the thrust that they can bear.

I want to say at this point that it does not make any difference who can destroy whom. The fact is, once it gets started, we will all be destroyed.

What we are trying to do here is to maintain the power and the posture that will give notice to the other side that they dare not make the first move because we do not intend to do so. That is exactly why we signed that temporary agreement.

The telling thing here is that the very people who negotiated the agreement are for the Jackson amendment.

The PRESIDING OFFICER (Mr. STAFFORD). The time of the Senator has expired.

Mr. ERVIN. Mr. President, I yield myself 5 minutes.

Mr. PASTORE. Mr. President, I yield myself 2 additional minutes.

On the interim agreement, we picked up the short end of the stick. I am perfectly willing to go along with it, but we were told time and time again that we needed the Trident. All those who are for the Muskie amendment voted against the Trident. We were told, point blank, at the White House, that unless we got ourselves into the Trident, unless we got ourselves in the B–1, in 5 years we would be placed at a disadvantage.

That is the reason why this administration has taken the position that they are backing the Jackson amendment. The answer has been given here, "Well, but they do it for a different reason." I will tell the Senator why they are doing it "for a different reason." It is because they do not want to admit publicly that they picked up the short end of the sitck. That is the reason why they are disagreeing. But they want the substance of the amendment.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I do not know who has the floor.

Mr. PASTORE. Mr. President, I have said all I want to say on the subject.

Mr. ERVIN. Mr. President, the Senator from Rhode Island has said in far more eloquent terms than I could exactly what I wanted to say.

From the testimony I heard before the Senate Armed Services Committee on the subject, I am satisfied that virtually every man who had any part in the negotiation of this interim agreement and the ABM treaty is in favor of the Jackson amendment, all of those who testified said that they would be unwilling for the United States to accept any limitation on the United States similar to those in the interim agreement as a basis for a permanent treaty and a permanent settlement.

We certainly cannot protect the security of the United States by giving Russia permanently a superiority in launchers and in nuclear submarines similar to that which the interim agreement provides for one 5-year period. That is what the Jackson amendment is trying to make plain to those who participate in future SALT talks.

Mr. PASTORE. Mr. President, we had our negotiator, Gerry Smith, come before the Joint Committee on Atomic Energy some months before this interim agreement was ever heard of. We were told pointblank that an agreement with the Russians was difficult. We began talking about two installations, one in North Dakota and the other in Montana. Then they compromised by saying, "We will only take one in defense of your missiles and one around Washington" which was unacceptable to us at the time.

Earlier we had testimony before the Joint Committee on Atomic Energy they needed four. At that time we said that we were not interested in building an ABM ring around Washington. We would not buy that idea. Then when we went to the White House, we were told that when this proposal was put to the Joint Chiefs of Staff they went along with it.

I am talking about something that happened only a matter of weeks before the deal was consummated. And Mr. Nixon went to Moscow and came back with the agreement.

One might say, "Mr. PASTORE, why are you going to support it?" I am supporting it because I supported the Trident. I supported the B–1. I am going to support it because I voted for the Jackson amendment.

I am surprised at the fact that we are trying to tell our negotiators that they did not make a mistake and did not pick up the short end of the stick when, in fact, that is the reason they back the Jackson amendment, both the White House and the State Department.

And I challenge anyone to dispute that.

Mr. MUSKIE. First of all, I say in response to what the Senator from Rhode Island said, my message to the negotiators is not anything like his description. My message to the negotiators is this: We have two objectives, to achieve equality of deterrent capabilities, which the Senator himself articulated eloquently a few moments ago, and we are to negotiate it in a way that preserves the sufficiency of our defense. That is my message to these negotiators and I refuse to say that there is one option they are not to consider. We are not writing the next SALT agreement here on the floor. We cannot write it here on the floor.

If the policy represented by the Jackson amendment, as interpreted by Senator JACKSON, had been our policy in the SALT negotiations, we would have no agreement today. If that is right——

Mr. PASTORE. Well——

Mr. MUSKIE. If the Senator will let me proceed.

Mr. PASTORE. All right.

Mr. MUSKIE. If that is correct, then the supporters of the Jackson amendment logically will oppose this agreement and not try to write the next one.

Now, with respect to the Trident, my vote on Trident had nothing to do with this agreement.

May I say to the Senator, I am just not persuaded that the present Trident design is the one best designed to serve our defense needs. I am opposed to the greatly accelerated Trident program which locks us into a fixed concept.

Mr. PASTORE. Will the Senator yield?

Mr. MUSKIE. I will in my due course.

Mr. PASTORE. I will use my turn.

Mr. MUSKIE. I would like to finish my thought, just as the Senator wished to finish his thought a few minutes ago. I am not persuaded that now is the time to commit ourselves to a particular Trident design which the accelerated program will do.

I am a firm believer in the nuclear submarine deterrent as being the most credible, the most survivable, and most meaningful in the long run. And so I am for that.

I just do not buy an accelerated Trident at this time for reasons that are unrelated to this agreement.

Now, let me say this: The Senator was not on the floor this morning or this afternoon when I made my speech. I made the same one twice. So, it might be helpful to the Senator if I would repeat something I said this morning. In offering my amendment, I do not wish to prejudge Senator JACKSON's own view that overall equality may, at some future date, require rough equality in ICBM's, SLBM's, intercontinental bombers, and missile throw-weights. My purpose is not to exclude the Jackson formula from consideration in SALT II, but rather to broaden Senate advice to allow consideration of alternative proposals as well to assure an overall equality and the maintenance of U.S. defense sufficiency. And the strategic balance is not so sensitive as to require mathematical precision in any single component or set of components.

Mr. President, the Senator from Rhode Island made one other point that I think requires response.

I have heard it on the floor several times. That refers to the administration's support of the Jackson amendment. I am interested in knowing what it does support. The White House Press Secretary, Ronald Ziegler, stated this on August 9:

> Senator Jackson said that his amendment excludes a consideration of European nuclear forces in future SALT negotiations for achieving equality in intercontinental strategic systems. . . . The United States does not endorse that elaboration. . . . Any elaboration of the type I just referred to, we feel, is something that should be properly discussed and determined at the negotiating table as we proceed to SALT 2.

The last part of that statement is on all fours with what I have been saying this morning and this afternoon.

I now yield to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I do not question at all the quotes that the Senator from Maine has just recited. I think he has misunderstood the thrust of my rationale. The point I am making is this. At the time, and at the same time, we are being asked to endorse this interim agreement, we are being told categorically that unless we have these other things we are going to be placed at a disadvantage.

Now, when we get to these other things—and I am not criticizing the Senator from Maine because he did not vote for the Trident—all I am saying is this——

Mr. MUSKIE. Mr. President, I did not base my vote on Trident on considerations that relate to the merits of this agreement.

Mr. PASTORE. All I am saying is that I voted for it because it was made clear to us that in the process of accepting this temporary agreement we have to accept the fact that we need the Trident. That is what they said to us at the White House.

Mr. MUSKIE. They say a lot of things to us at the White House that I do not buy.

Mr. PASTORE. I know the Senator is not buying it. I am not buying all of it myself. All I am saying is that that makes the Senator from Rhode Island a little suspicious, because here we are, we are boasting about this agreement, which I am willing to accept as a temporary agreement, and at the same time we are saying we need a sub that can shoot a missile about 6,000 miles. What does that mean to me? It comes right into the fold of the amendment of the Senator from Washington. We are talking about a missile that will go about 6,000 miles, and we need it 5 years from now. That is what they said to us.

Mr. MUSKIE. Would the Senator from Rhode Island like my explanation?

Mr. PASTORE. Yes, in just a minute.

Mr. MUSKIE. This is my time, I say to the Senator.

Mr. PASTORE. Now, Mr. MUSKIE. In just a moment. The Senator told me not to interrupt him.

Mr. MUSKIE. May I ask the Chair on whose time this is?

The PRESIDING OFFICER. The Chair will say that the time is being charged to the Senator from Rhode Island.

Mr. MUSKIE. We are now on the time of the Senator from Rhode Island?

The PRESIDING OFFICER. That is correct.

Mr. PASTORE. I yield to the Senator from Maine.

Mr. MUSKIE. I will tell the Senator my explanation of this dichotomy in the White House. It is political. In order to sell this arms agreement to the right wing of his party, the President took a hawkish stand on his defense budget and said, "Sure, we are going to sign this, but spend no less on arms as a result of this agreement," but more than he had in his budget this year. That is my explanation. But that is irrelevant.

Mr. PASTORE. That may be the Senator's explanation, but from where I sit, and from what I heard, and from what they told me week after week when they explained how far we had gone at the strategic SALT talks, we were told the picture was bleak; then all of a sudden the President decides to go to Moscow and suddenly the picture begins to blossom and the light is beginning to shine again. They come back with this agreement and we get a little doubletalk here and a little doubletalk there.

Finally we are told by those who negotiated the agreement, "We need the Jackson amendment to do us any good."

That is why I am not buying this doubletalk.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. MUSKIE. As chairman of the Arms Control Subcommittee of the Committee on Foreign Relations I have had briefings from Mr. Smith and others. My picture of what we heard was that a very hard negotiation was going on, as one would expect; yet continuing through all those briefings, Mr. Smith expressed optimism that we were going to get an agreement. So it is not a question of blackness before the storm turning to brightness at dawn. I understand hard negotiations finally yielded an agreement. Now, what we are trying to do on the floor of the Senate is to write the next agreement. If the Jackson amendment is to be binding, and I do not believe it is, the prospects of a follow-on agreement are diminished by that much.

Without the Jackson amendment, as I said over and over again, all of our options are open, including the option of not agreeing to any follow-on agreement at all; including the option of not extending this agreement, if no other agreement is negotiated; including the option of escalating the arms race, if we wish, and if our people desire.

All the Jackson amendment does is to close the options, if it is binding. If it is not, it is meaningless and only playing a mischievous role in this serious business of stabilizing the arms race.

Mr. PASTORE. I respect the Senator's point of view but I do not get the picture exactly that way. All we are saying is, "When you write the next agreement make sure you insist on those things that count for the security of this country and the deterrence of nuclear or thermonuclear war."

Mr. FULBRIGHT. Mr. President, I join in support of the Senator from Maine's comments. All this Jackson amendment does is to play a mischievous role. As the Senator so eloquently said, all the options are present. The President of the United States directs and controls our negotiators. They are his men. He can do as he pleases. That is what the committee unanimously said and the Senator from Maine said.

One of the great flaws in the argument of the Senator from Rhode Island (Mr. PASTORE) is this assumption that there is something very significant about numbers of missiles beyond a certain minimum. When we agreed to the ABM Treaty we signed it in good faith, in my opinion. We all accepted it as an agreement that no defense could protect either side from an all out nuclear attack. The Senator from Rhode Island continues to say the name of the game is deterrence. But deterrence is not 1,600 missiles, it is not even 1,000.

The best testimony we had time and again before this particular matter came up was that somewhere around 300, 400, or 500 ICBM's is ample to destroy the other country, assuming there is no effective defense. It was then thought by some that an ABM might give effective defense.

In 1968, the then Secretary of Defense, Robert S. McNamara, discussed before Congress the power necessary to deter. He said:

> In the case of the Soviet Union, I would judge that a capability on our part to destroy, say, one-fifth to one-fourth of her population and one-half of her industrial capacity would serve as an effective deterrent. Such a level of destruction would certainly represent intolerable punishment to any 20th Century industrial nation.

Mr. McNamara then went on to say that this destruction could be accomplished by a force of the equivalent of from 200 to 400 megatons. Such a force when delivered would be capable, he said of destroying from 52 to 74 million Soviet people and from 72 to 76 percent of Soviet industrial capacity.

At the same time, the Secretary assessed the destructive potential of greater amounts. A fourfold increase from the equivalent of 400 megatons delivered to the equivalent of 1,600 would yield fatalities only about half again as great. And the industrial capacity destroyed would increase only 1 percent, to 77. This demonstrates the modest gains that sizable increases in destructive power yields. Yet both arsenals will go well beyond the 400 or 1,600 equivalent megatons mentioned to a total of around 4,000. This should leave few doubts about the abilities for mutual destruction.

It is clear then even small parts of our arsenal or that of the Soviet Union should be more than enough. Even if a single U.S. deterrent force were destroyed in a first strike, or even if both our bomber and our missile fleets were heavily damaged, we would have enough to deter. Small parts of our forces can do a great deal.

The Senator from Mississippi (Mr. STENNIS) told the Senate in June:

> The missiles from one Poseidon submarine—this is from the whole submarine, now detonating on target, could destroy about one-quarter of the industry of the Soviet Union. The missiles from ten such submarines could destroy nearly three-quarters of the Soviet Union's industry.
>
> These are not figures picked out of the thin air; this is not just a guess.
>
> Ten B-52 bombers—about 2 percent of our bomber force—could destroy about 40 percent of Soviet industry.
>
> Fifty Minuteman missiles could destroy nearly half of Soviet industry.

Honestly, it is an absurdity to be talking about deterrents, and to be arguing we have to catch up with the Russian 1,618 missiles from our 1,054 missiles, when there is no effective defense against these missiles, and nobody alleges there is. We have so many intercontinental ballistic missiles, to say nothing of the Polaris and Poseidon submarines and the bombers. The Senator from Mississippi says that missiles from 10 submarines can destroy nearly three-fourths of Soviet industry. We have not 10, but 41, submarines now, and we could have 44.

What is the deterrent? If each country has 400 megaton equivalents, that is all they need to destroy the other country. They could wreak unacceptable damage. That is the word, unacceptable—unacceptable damage which is so terrible they are not going to tempt the other country to engage in an exchange. This is what we forget. There is no defense. When we played with the idea of the ABM, we conceived almost anything could have been possible.

There was always the possibility you could shoot them down, and therefore you have to have more and more. The Senate accepted almost unanimously the proposition we are not going to have any effective deterrent. Congressional committees have already refused that ABM around Washington, for which I congratulate them. They are very wise in rejecting that second ABM.

We are finally admitting that it was a big, stupid mistake to spend $10 million on a big ABM that would serve no useful purpose.

What is deterrence? It is about 400 delivered metagons or the equivalent, if one likes to put it in that way. According to the Senator from Mississippi, 10 Poseidon submarines should be enough to deter. It will destroy 75 percent of the industry of Russia.

What earthly motive or cause could make Russia wish to destroy 75 percent of its industry when she is struggling now to buy a little wheat from us? This is a dream world. It has nothing to do with reality.

I think the proposal of the Senator from Maine is unanswerable. The numbers game has absolutely no relevance to the current problem that faces both countries. To quarrel or argue here that we have got to make up the difference is pointless. We have 2½ times the deliverable warheads now, to say nothing about bombers, submarines, forward-based aircraft, aircraft carriers, and so on.

In this argument everybody has completely forgotten about our aircraft carriers, of which we have 14, each with 45 to 90 airplanes. many of which can deliver a nuclear weapon to Russia. That is completely ignored in the equation. The Senator from North Carolina did not mention aircraft carriers. He mentioned only the intercontinental ballistic missiles, the ICBM's, and the submarines, but aircraft carriers are a very significant weapon system, and the Russians do not have one single aircraft carrier.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I will yield on his time.

Mr. ERVIN. I have the time.

Mr. FULBRIGHT. Surely, I yield.

Mr. ERVIN. The Senator from North Carolina may not have mentioned aircraft carriers, but, in listening to the Senator from Arkansas, the Senator from North Carolina very vividly recalled that the day before Pearl Harbor the United States had the greatest Navy on earth, but that the day after Pearl Harbor we had virtually no Navy at all. The Senator from Arkansas talks about weapons we already have, but he ignores the fact a substantial part of those weapons can be destroyed in a surprise attack just as the major portion of our Navy was destroyed at Pearl Harbor. The possession of warheads of low yield in Europe by the NATO forces means nothing to the Senator from North Carolina as far as giving the United States a viable deterrent is concerned. We need at least an equality with Russia in intercontinental strategic weapons.

Mr. FULBRIGHT. The Senator from North Carolina has a vivid imagination. I have never heard any responsible person suggest that 40 submarines could be destroyed in a surprise attack, or even 10. Relating what happened at Pearl Harbor to conditions today is really going beyond credibility. It has nothing to do with the problem today.

Mr. ERVIN. I cannot understand why the Senator from Arkansas says there is no relevancy. The fact is that the day before Pearl Harbor we had the greatest Navy on earth and the day after Pearl Harbor we had practically no Navy.

Mr. FULBRIGHT. I do not know what that has to do with nuclear submarines or aircraft carriers. The Senator seems to suggest that the Russians could, by a surprise attack, wipe out all aircraft carriers, situated all over the world, and submarines under the ocean, when they do not even know where the submarines are, and even to knock out our ICBM's, many of them in hardened sites. Anyway, in this kind of argument, one can always imagine fantastic possibilities and imagine every type of situation. That was done with regard to the ABM. They imagined we could develop the fantastic capacity to shoot down all incoming missiles and then they decided to go ahead with it. Thank God they have given that up as an impossibility.

Mr. PASTORE. Mr. Presiedent, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. That is exactly the point I am making. The ABM has never proved its operability. Yet we were told that if we had not had the ABM, we would not have had the agreement. That is what we were told. We were told by Henry Kissinger that if it had not been for the ABM that we voted for, we would not have had the SALT agreement.

If the ABM is such a useless weapon—and maybe it is—and if the House voted against it because it is a useless weapon—and maybe it is—the fact remains that that is the crutch of the administration. They have said that if we had not approved the ABM, we would not have had this agreement at all. Apparently they are trying to tell us that it was the ABM that scared Russia into signing the agreement.

That raises a certain amount of suspicion in this Senator's mind. First we were told this and then we were told that.

Mr. FULBRIGHT. I agree with the Senator. We were told this and we were told that. The function of the Senate, if the Senate has any function left under the Constitution, is not to act solely on the basis of what we are told by members of the executive branch. We are supposed to make up our own minds based on our own experience and information.

Going back some years ago, what we were told about the ABM was a falsehood. Obviously it was not the whole truth. We have been misled time and time again. I do not deny that at all. But the administration having gone all out to persuade us to put $8 billion to $10 billion in a weapons system that was no good and has been proved to be no good, had to have something to salvage their position. So they said, "Well, the ABM plans served a good purpose. Although it is not a good system, as a bargaining chip it gave us this agreement."

They got the agreement which in May was good. But now they tell us that the agreement was no good and they must have the Jackson amendment because it negates the agreement the administration signed in May. This is the ambivalence we have in this administration. They tell us anything they want to when it comes to wanting to win votes.

We are not trying to pass here on which administration statement to believe. We are trying to decide for ourselves, not simply on the basis of what Dr. Kissinger says. Dr. Kissinger many times tells us what he is told to tell us, because that is characteristic of that kind of job. But the Senator from Rhode Island does not have to tell us what somebody tells him to tell us. We all should make up our own minds, no matter what they tell us. Administration statements on this subject have been so ambivalent I have gotten to the point where I do not care what they tell us.

I shall not bore the Senate with quotations, but in the former discussions of the ABM the evidence was very clear, without regard to this agreement, that this kind of deterrence Senator Jackson wants was not necessary. If we removed the ABM, it was not a question of constantly escalating and unlimited numbers. "Sufficiency" was the word. I used to think that meant that sufficiency, regardless of what the weapons were, was all we should aspire to. That is what I am talking about.

Mr. PASTORE. The Senator is being somewhat inconsistent. He says he does not think we should accept what is said by the Nixon administration——

Mr. FULBRIGHT. Not everything.

Mr. PASTORE. Well, not everything said, and at the same time he is willing to accept a temporary agreement without changing a word in it.

Mr. FULBRIGHT. Yes.

Mr. PASTORE. That is what the committee did. If the Senator relies on the administration that much, why does he say to me I do not have the authority to vote for some changes?

Mr. FULBRIGHT. I did not say the Senator did not have the authority. The Senator from Rhode Island does as he pleases on every occasion.

Mr. PASTORE. Of course I do, but I am being told here that we become the handmaidens of the administration because the administration wants the Jackson amendment.

Mr. FULBRIGHT. No.

Mr. PASTORE. I think the Foreign Relations Committee is the handmaiden of the administration, because they took that agreement as it was sent up here—every "i" and "t" and period that was in it, without changing a word.

Mr. FULBRIGHT. That was my position, and it was the position of the committee, and it was the position of the House of Representatives by a vote of 328 to 7. I think they were very wise in their decision.

In any case, I would say the Senator is not obligated to do anything. He is one of the most independent-minded and one of the strongest-minded men in or out of the Senate, and he expresses himself with equal vigor.

I am not giving my support to the treaty and interim agreement on the ground that we were told this or that in connection with this particular agreement. The information I have based my judgment on, which I assure the Senator is official, was obtained under other circumstances, and was not designed for the particular purpose of passing or not passing the resolution on this agreement. I think, in that sense, it can be a little more reliable than it might have been if obtained under other circumstances.

As to the power or danger of nuclear weapons, very few people can imagine the power of nuclear weapons. When we get beyond a certain number, there is no sense in having an endless number of them. A certain number has been called sufficient for deterrence.

That is why the ABM Agreement was so significant. It has removed the doubts that arose over the possible effectiveness of an ABM system. Now a "sufficiency" really is the most appropriate word, I think, for what we should aspire to, a sufficiency for deterrence. This is certainly less than any 1,618, or other high numbers. Those numbers are meaningless, if the equivalent of about 400 megatons is enough to maintain a deterrent effect.

This Senate action is not binding on the President. The danger is not that it is going to bind the President of the United States. He will do as he pleases. The danger is that it evidences a doubt and suspicion on our part. It signifies that we do not believe in this whole process, that we are still committed to the arms race, that the so-called military-industrial complex is all-powerful, that no matter what this administration or anyone may say, we are not going to stop the arms race, because there are too many jobs and to much money involved.

The effect is on the minds of the Russians. Are they going to be willing to proceed to a fruitful second stage? That is where the danger is. Mr. Nixon is not going to say, "My hands are tied," but he is liable to reach a point when the Russians will say: "There is no point in our negotiating; look at what you have done. You are now deciding to change the rules from overall equality to superiority. You want all your aircraft carriers, all your other weapons around the world, and in addition, you want the same number of intercontinental missiles. We can only interpret that to mean that you think you want to have first-strike capability." If this is the result, nothing will happen in the next step.

The PRESIDING OFFICER (Mr. Stafford). The question is on agreeing to the amendment of the Senator from Maine (Mr. Muskie). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. INOUYE (when his name was called). Mr. President, on this vote I have a pair with the Senator from South Dakota (Mr. McGovern). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. WEICKER (after having voted in the affirmative). Mr. President, on this vote I have a pair with the distinguished Senator from Texas (Mr. Tower). If he were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), and the Senator from Connecticut (Mr. Ribicoff), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. Ribicoff) would vote "yea."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. Curtis), the Senator from Michigan (Mr. Griffin), and the Senator from Texas (Mr. Tower) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Mundt) is absent because of illness.

I further announce that, if present and voting, the Senator from Nebraska (Mr. Curtis) would vote "nay."

The pair of the Senator from Texas (Mr. Tower) has been previously announced.

The result was announced—yeas 35, nays 55, as follows:

[No. 430 Leg.]

YEAS—35

Aiken
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Mansfield
Mathias
Metcalf
Mondale
Moss
Muskie
Nelson
Pell
Percy
Proxmire
Saxbe
Schweiker
Stafford
Stevenson
Symington
Tunney
Williams

NAYS—55

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cotton
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McGee
Miller
Montoya
Packwood
Pastore
Pearson
Randolph
Roth
Scott
Smith
Sparkman
Spong
Stennis
Stevens
Taft
Talmadge
Thurmond
Young

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Inouye, against.
Weicker, for.

NOT VOTING—8

Curtis
Griffin
Kennedy
McGovern
McIntyre
Mundt
Ribicoff
Tower

So Mr. Muskie's amendment was rejected.

Mr. ERVIN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. I move to lay that motion on the table.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on all rollcall votes from now on, because they seem to be grouping together, there be a limitation of 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1438

Mr. CRANSTON. Mr. President, I call up amendment No. 1438, offered by myself and the distinguished Senator from Ohio (Mr. Taft), and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> On page 2, line 17, after the word "maintenance," insert: "under present world conditions".

Mr. CRANSTON. Mr. President, under the previous circumstances, this amendment applied to page 2, line 17. Did the unanimous-consent agreement affecting all amendments offered to the Jackson amendment, taking into account the new version now before the Senate, correct that, or must we amend this to read "page 2, line 20"?

The PRESIDING OFFICER (Mr. Stafford). Under the unanimous-consent agreement, the Chair is advised that the Senator from California can modify his amendment in conjunction with the Jackson amendment.

Mr. CRANSTON. I thank the Chair. I so modify the amendment. I will be very brief in regard to the amendment. It simply takes the last clause of the Jackson amendment which reads:

> And the Congress considers that the success of these agreements and the attainment of more permanent and comprehensive agreements are dependent upon the maintenance of a vigorous research and development and modernization program leading to a prudent strategic posture.

And inserts the words, "under present world conditions" after the word "maintenance."

The purpose of the distinguished Senator from Ohio (Mr. Taft) and myself in offering the amendment is merely to register the point and to indicate the hope, which I am certain we all share in the Senate, that while we know we must be prepared for any circumstances, at present in this anarchic and brutal world in which we live, we hope the time will come when we need not devote so much of our resources, time, talent, and money to the arms race.

The words "under present world conditions," after the word "maintenance" would make plain that hope, that while I think all of us recognize the need for research, development, and modernization under present world conditions, we hope that some day we will be able to relax somewhat.

Mr. JACKSON. Mr. President, will the Senator from California yield?

Mr. CRANSTON. I am delighted to yield to the Senator from Washington.

Mr. JACKSON. I share the hope of the distinguished Senator from California. I am pleased to accept the amendment which is, as I understand it, that on line 20 of my amendment No. 1516, after the word "maintenance" the Senator would insert the words "under present world conditions."

I believe that anything we can do to express the hope of mankind for a more peaceful world should certainly be done. I join in that hope—a fervent hope, I may say—that we can achieve it.

Mr. CRANSTON. I thank the Senator from Washington very much. I think his action is most helpful.

Mr. JACKSON. Mr. President, I make these comments on behalf of the distinguished Senator from Ohio (Mr. Taft) and the distinguished Senator from California (Mr. Cranston).

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California (No. 1438).

The amendment was agreed to.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JACKSON. I ask unanimous consent that the Senator from New Hampshire (Mr. McIntyre) be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HANSEN. Mr. President, I rise to support the Jackson-Scott amendment. This amendment represents the commonsense understanding of what our behavior should be when going into arms limitation negotiation with the Soviet Union. It deserves our support. It has the support of the White House and the Secretary of State. I am a cosponsor.

The amendment as I understand it, would provide the President with an effective tool when dealing with the Soviet Union in the second round of the SALT exercise. By recognizing failure of the United States and Soviet Union to reach an equitable permanent agreement within the 5-year life of the interim agreement could jeopardize the "supreme national interests of the United States," we would merely be recognizing the widely understood impact of technology on the arms race. If the United States were to continue the existing interim arrangement for more than 5 years, it is likely the Soviet Union already would have taken advantage of opportunities in the interim agreement in terms of both the number of ballistic missiles and their payload capacity or "throw weight."

There is no one close to multiple warhead technology who does not believe the Soviet Union is able, should the effort be made, to deploy multiple warheads aboard intercontinental and submarine launched ballistic missiles within 5 years.

This is of particular significance. Terms of the SALT accords appear disadvantageous to the United States in the long run in terms of numbers of missiles and "throw weight." The Soviet Union enjoys a 4-to-1 or 5-to-1 advantage in "throw weight." This measure is the best long-term measure of the capability of a strategic force to accept multiple warheads. The United States was able to enter into this agreement because we possess a temporary superiority in warhead design technology. This technology has permitted the United States to have a 2-to-1 advantage in the number of warheads today. This is an advantage which would not withstand the onslaught advancing of Soviet technology.

If no sound and equitable permanent agreement is reached within the 5-year life of the interim agreement, the superiority of the U.S. land-based deterrent force to survive would be questionable. For more than a decade, our security has rested on the contention we should not allow any one or two elements of our strategic forces to bear the entire burden of deterrence. The risks of another nation's breakthrough that may threaten any element's ability to perform its mission could upset international stability. If our entire deterrent posture were dependent upon the ability of submarines to provide the deterrent, it is possible a breakthrough we did not forsee, could, overnight, jeopardize the existence of our entire submarine force. For this reason, the United States cannot allow a threat to develop to the effectiveness of its land-based force. By the same reasoning, the deterrent ability of each of our defense elements must be maintained.

A second element of the Jackson-Scott amendment expresses the commonsense factor that with regard to the focus of agreement, whether it be number of missiles or their "throw weight," there should be equality agreed to on each side. This simply carries out what was established as precedent on the ABM treaty approved by this body 88 to 2, where equal limitations were imposed on each side. This is the only formulation that the ordinary citizen or nonspecialist readily considers. In the long run, acceptance of unequal limitations would only serve to undermine the purpose of the agreement to provide a framework for international stability.

The final element of the Jackson-Scott amendment would assure the President the Congress stands firm in its determination to provide necessary research, development, and procurement support to assure a prudent strategic posture in the future. A strong research and development base has been the strongest card we have in providing a hedge against technological surprise and Soviet evasion. Only through a vigorous R. & D. program can the U.S. scientific and technical community maintain the necessary understanding of the latest advances in scientific phenomena which may have military application. It would be tragic indeed, if, as a consequence of these agreements, the United States reduced its effort in the very area which permitted the President to come to proffer an agreement to the Soviet Union. A technological lead, once lost, is extremely difficult to recapture. If we are to maintain a posture which permits a U.S. President to have confidence in his strategic force, we must maintain the R. & D. effort to provide that confidence.

The security of the Nation will be enhanced by the expression of congressional resolve in the form of the Jackson-Scott amendment. I urge its adoption.

Mr. DOLE. Mr. President, I support the Jackson-Scott amendment. The amendment is in harmony with both the substance and spirit of the interim SALT agreement which is now before us. It perfects the agreement by clarifying it, giving the leaders of the Soviet Union a clear picture of the threshold of American tolerance to their ongoing expansion of offensive strategic weapons. The amendment would also convey to the leadership of the Soviet Union the determination of this body to aid the President in his quest for further and more far-reaching SALT agreements. It would achieve this end by serving notice on the Soviet leaders of our recognition of the very temporary nature of the interim SALT agreement before us.

Mr. President, we know from past experience that arms limitations agreements must soon be bolstered by disarmament or else they will lead to political divergence and the resumption of arms races. Our hope for SALT finds but a slender beginning in this agreement. To make the most of this beginning, this body should attach to the language of the agreement precisely what our expectations for it are, and to what extent Russian strategic arms expansion will be tolerated by our own national interests. Toward this end, the pending amendment notes the importance of the principle of strategic equality, such as is the case with the Anti-Ballistic Missile Treaty, which has been approved by this body. This amendment also affirms the importance that we attach to the credibility of our deterrent forces and to the survival of our own strategic forces under all foreseeable circumstances.

HISTORY OFFERS US LESSONS IN WHAT TO AVOID

In 1930, the principal nations of the world gathered together to discuss curbs on the proliferating strategic weapons systems of the day—capital naval vessels. The principal powers at the London Conference were Britain, the United States, and Japan. The delegates of these nations evolved formulas for limiting their respective naval strength according to carefully defined ratios of ships. These ratios were developed on the basis of the powers' relative national interests on the principal oceans of the world, the principal considerations being the United States and Britain in the Atlantic, and the United States and Japan in the Pacific.

The conference produced an agreement in 1930 because the politics of the several participants favored compromise and reflected what were then carefully defined areas of influence. The process was abetted by economic considerations in the hard-pressed Western nations, and an equally beleaguered Japan.

The agreements of 1930 achieved a temporary halt in the naval arms race, largely because they had a basis in political concensus and what then passed for mutuality. However, there evolved from this agreement a false sense of security which held serious consequences for the United States and Britain.

Japan acquiesced to the 1930 formulas due to economic pressure and because she believed that the United States, Britain, and the other powers would otherwise act to contain her interests in the Pacific. The rise to power of a militarist government in Japan in 1932, with its successful and unopposed expansionist policies in Manchuria and China, together with the subsequent powerlessness of the League of Nations, led Japan to realize that the limitations she endured from the 1930 London Naval Agreements were not based on mutual interests. They were in fact recognized by Japan as one-sided efforts by Britain and the United States to contain Japanese ambition.

From 1932 on, Japan did not adhere to the London Naval Agreements and prior to the convening of the Second London Naval Conference in 1935, she announced her intention to abrogate. By 1935, the Japanese were convinced that neither the United States nor Britain would interfere with her expansionist policies in the Pacific, or her military operations on the Chinese mainland. They, therefore, saw no value to adhering to the London Naval Agreements, and after substituting a formula of their own in the 1935 conference which was based on complete equality with the United States and Britain, the Japanese withdrew from the 1935 conference, having been predictably refused.

The failure of the London Agreements for Naval Arms Limitation can be laid at the feet of those who believed that arms limitation agreements can survive as simple or even complex technical formulas or "numbers games." The national interests of Japan were permitted to outgrow her interests in the arms agreements. The lack of American or British opposition to Japanese use of brutal force against China confirmed Japan's belief that the agreements were without political credibility. By 1932, the abrogation of the London Naval Agreement of 1930 was inevitable. This experience holds important lessons for us here today.

THESE LESSONS WOULD BE HEEDED BY THE PENDING AMENDMENT

The failure of the London Conferences of 1930 and 1935 should have taught us several important lessons. Most important of these is the role of political credibility as a concomitant of arms control. The unwillingness of the United States and Britain to backup their national interests and resist Japanese expansion in the Pacific and incursions in China during the early 1930's were cases in point. The mutuality which led to the agreements of 1930 arose from a perception of a "balance of power" in the Pacific, a perception which had disappeared by 1933. Japan enjoyed too many opportunities to change the balance in the Pacific to permit the agreements to suit her national interests. Mutuality no longer existed.

It would appear from this experience that arms control agreements are no more than the frail flowers of international political concensus, arising from the mutuality of national interests. Technical or quantitive restrictions do not survive without the equally important survival of political mutuality. Arms control agreements must therefore be conceived to provide on-going political adjustment if they are to be expected to survive. Both sides of such an agreement must understand that they share an interest in arms control, or its obverse, an arms race. For, if one party to an arms control agreement should choose to reduce the scope of its international interests or its determination to remain equal, then the mutuality of an arms limitation agreement is destroyed and cheating or abrogation become imminent. This is the lesson of history for us here today.

The lessons of history have led the Senator from Kansas to the conclusion that we must sustain our will to remain strong and that we must arrive at arms control agreements from a position of political purpose. The pending amendment gives our adversaries clear notice of our determination to preserve mutuality. It is a declaration of the national interest of the United States and an affirmation of the principle of strategic equality. As such, the pending amendment can only strengthen the prospects for continued success at SALT, disarmament based upon continuing strategic equality and political mutuality.

THE JOINT RESOLUTION, IF AMENDED, WOULD BE A MAJOR CONTRIBUTION FROM THE CONGRESS TO THE CONDUCT OF FOREIGN POLICY

In the past 2 years, the Senator from Kansas has heard much said about the responsibility of Congress for the conduct of our foreign affairs. Today, we are offered an opportunity to contribute substantively to this policy, and in a manner which would be both responsible and far-reaching. By attaching the proposed amendment, we will be insuring the effective continuity of SALT. We will be giving the Russian leadership notice that we are not a rubberstamp operation and that we believe in a strong, responsible United States, which will look out for its national security and international interests.

The amendment will notably strengthen the position of the American negotiators in the next round of SALT by enabling them to point to Congress as the watchdog of American national interests and not as a patsy for a short-term deal.

Mr. President, strategic equality and political mutuality must lie at the heart of any solution to the nuclear arms race between the United States and the U.S.S.R. The pending amendment would insure that the joint resolution achieves both of these aims. The agreement, as it would be amended here, would be a great step forward from the failures of the past. It would remind the leaders of the Soviet Union of the responsibility of Congress to the national interests of the United States. It would insure against Russian perceptions of American acquiescence in the arms race. It would insure the existence of continued mutuality in future SALT agreements.

THE AMERICAN WILL TO REMAIN STRONG LIES AT THE HEART OF ARMS CONTROL

So long as the United States retains the will to remain strong on behalf of its national and international interests, I believe that we will be safe from a renewal of the costly and futile arms race, a race which the pending agreement will only check temporarily. Inseparable from this or any arms control agreements is the importance of American will to continue as a great power. We must never again permit another nation to engage in wars of conquest against friendly nations, as was the case with Japan against China in the 1930's. We must likewise never again permit ourselves to become involved with our manpower in an Asian war if other alternatives are available. Such has been the lesson of Vietnam. The Nixon doctrine may seem somewhat remote from SALT, but it is not. Its implementation lies at the heart of our international credibility. And the existence of such credibility will extend across the linkages to SALT and to our foreign relations at all levels.

The pending agreement must be recognized as a transitory first step and must not be permitted to deter us from continuing to protect ourselves with new arms in the eventuality of unacceptable behavior by the Soviets. We must accordingly enter into the next round of SALT talks with strong research and development programs which will serve as evidence of our commitment to a strong United States and continued mutuality, for we know that the Russians have continuously expanded their own R. & D. efforts.

Mr. President, the Senator from Kansas strongly supports the pending Jackson-Scott amendment to the joint resolution. He believes that this amendment does nothing to change the substance of the executive agreement, and that in fact, it considerably clarifies it. Strategic arms agreements must be based upon the principle of political mutuality and strategic equality. The pending amendment serves notice to the leadership of the Soviet Union that we will not tolerate a position of inferiority. It is a commitment to a just American national interest. It is a firm indication of our threshold of tolerance for continued Soviet expansion of their offensive strategic armaments.

Mr. President, the agreement sent to us by the executive branch is important as a first step on the way to generations of peace. But as an agreement it gives the Soviets considerable latitude for the expansion of their offensive weapons capability. The pending amendment is indispensable, because it lets the Russians know how far we will let them go.

I strongly urge Senators to adopt the Jackson-Scott amendment.

Mr. PERCY. Mr. President, since the announcement of the SALT accords in Moscow, I have done my best to support and sustain these important initiatives because I believe that they are important steps toward effective control of strategic nuclear weapons. While the arms race is far from over, the SALT accords represent a clear recognition by the two superpowers that it is in their mutual interest to place restraints on the arms race.

The interim agreement on the limitation of strategic offensive arms, which we consider today, is the first real measure of control over offensive nuclear weapons and provides a basis for moving toward a more comprehensive restriction on such weapons. It is a good first step, and President Nixon deserves commendation for his success in achieving this agreement.

What has held up Senate approval of the agreement is the concern of many Senators about future negotiations in SALT II. They have sought, in effect, to instruct our negotiating team, to tell our negotiators that certain guidelines must be followed in achieving new offensive arms agreements. This is their right, and they certainly should express their feelings about these important matters. Their vehicle has been the Jackson amendment.

Because I have had great confidence in the thorough and painstaking approach of the American negotiating team headed by Ambassador Gerald Smith, and in the guidance given this team by President Nixon, Secretary Rogers, and Dr. Kissinger, and because the substantive agreements reached were landmarks in controlling the nuclear arms race, I have been reluctant to add language to our approval of the agreement. I believe the agreement speaks for itself and requires no elaboration. I believe our negotiators have shown a dedication to our national security interests which gives us no reason to question their performance past or future. I believe that we have every reason to expect that our negotiators, and indeed our President, the National Security Council, the Department of State, and the Department of Defense will continue to safeguard our security interests in SALT II.

Therefore, I have voted for the amendments today which would improve the Jackson amendment by removing the subtle insinuations that somehow the SALT accords have diminished or harmed our national security posture vis-a-vis the Soviet Union. I was especially pleased that the Javits amendment was accepted, since it removes one such insinuation. The original language had implied that President Nixon has not maintained a prudent strategic posture, and the Javits language strikes that implication.

While I strongly prefer that the basic authorization not be encumbered with ambiguous and controversial amendments, I think it is important to note that the President has no objections to the amendment and has so stated through his press secretary, Mr. Ziegler, who has said that the amendment is consistent with U.S. policy, Mr. Ziegler also made clear that the interpretations of the amendment, as promulgated by some of the sponsors, are not those of the White House. He said that Senators can make their own interpretations.

The major remaining stumbling block between the sponsors and opponents of the amendment concerns the question of equality in strategic forces. While some of the sponsors insist that it is their intention to establish the principle that future agreements should require equality in terms of numbers and throw weight, the actual language is less specific. Other Senators believe that there should be overall equality in strategic nuclear weaponry and, therefore, even though I would have preferred to have language precisely indicating overall equality, I find the language as it now stands sufficiently subject to interpretation on this point that I can support it.

In view of the need of the administration to get on with preparations for renewal of the SALT talks, and since the President finds the Jackson amendment acceptable and consistent with his negotiating policy, I suggest that we accept it and get on with the business of authorizing the agreement.

Mr. CHILES. Mr. President, I have followed the Senate's discussion of the Jackson-Scott amendment with great interest. This is the first opportunity we in the Senate have had to explore the issues and questions raised by the strategic arms limitation agreements. This is all to the good. The SALT accords are not an end in themselves. They do not resolve all the dilemmas posed by the existence of strategic nuclear weapons. But they are, as the President described them, an important first step in that direction.

Mr. President, I welcome the opportunity the Jackson-Scott amendment has provided for serious consideration of America's future strategic policies. With the signature of the SALT accords, we have reached an important turning point. Both the Soviet Union and the United

States have demonstrated a willingness to bring their strategic armaments under some sort of control.

As has been pointed out many times on the floor of the Senate, no one can know for certain the intentions of Soviet leaders under this interim agreement. The leadership of the Soviet Union is not subject to the same kinds of political pressures that we know in the West. The Soviet leaders need not respond to the great popular desire for the diversion of funds from military to civil purposes.

But, Mr. President, we in the United States can indicate which road ought to be taken in the immediate future in the follow-on SALT negotiations. And we in the Senate can offer our advice with a note of hope if the Soviets do indeed wish to turn toward strategic stability, or with a note of caution should the Soviets choose to seek strategic dominance.

This, in my mind, is the meaning of the Jackson-Scott proposal.

Mr. President, the history of the U.S. strategic program shows that we are prepared to accept equality in intercontinental strategic forces as an acceptable basis for strategic stability. We have not deployed any new strategic missile launchers since the late 1960's. Some U.S. officials have predicted that once Soviet forces reached levels roughly equivalent to our own, we could proceed with arms control negotiations with some prospect of success in reaching long-term stabilizing agreements. Those negotiations are only partly completed, and it remains to be seen whether those earlier official U.S. prophecies were accurate. I certainly hope that SALT II proves that they were correct.

But, Mr. President, the Senate would be engaging in an abdication of responsibility if it failed to seize the opportunity now before it. The Jackson-Scott proposal makes it plain that strategic inferiority is an unacceptable basis for a permanent strategic relationship between ourselves and the Soviets. A Senate endorsement of the Jackson-Scott amendment will remove all ambiguity as to whether this Nation is prepared to live with a strategic posture that is permanently inferior to that of any other nation.

Mr. President, the Jackson-Scott amendment also asks the Senate to affirm a basic requirement for long-term strategic stability—the survivability of strategic forces. Certainly, there can be no stability if a potential adversary believes that he can acquire the ability to execute a disarming first strike against us. I emphasize the words "can acquire" since, over the long term, we must be concerned less with what that adversary may do today and more concerned with what we think he may be able to do sometime in the future.

If, Mr. President, we were to give any indication that we were less than totally committed to survivable strategic forces, it might be interpreted by some, not as an indication of good faith, but as an open invitation to do the very things which might call the survivability of our deterrent into question. Perhaps the Soviets would be able to resist such a temptation, but I would be loath to trust the security of the United States to their self-restraint.

That is why, Mr. President, it is important for the Senate to reaffirm the stated policy of the United States—and let me quote from the amendment—

> That, were a more complete strategic offensive arms agreement not achieved within the five years of the interim agreement, and were the survivability of the strategic deterrent forces of the United States to be threatened as a result of such failure, this could jeopardize the supreme national interests of the United States.

I supported the treaty on anti-ballistic-missile systems because its terms were unambiguous and its obligations were equal and mutual. The Jackson-Scott amendment asks us to approach a permanent arrangement on offensive strategic arms within the framework of strategic equality. If any future arrangement is to be a long-term one, if it is to be an arrangement which promotes future stability, it must provide for equal limitations on the offensive strategic arsenals of both nations.

Mr. President, the Jackson-Scott amendment embodies crucial policy recommendations vital to reducing the dangers of nuclear war. I urge its adoption by this Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Washington (Mr. JACKSON), No. 1516, as amended.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. INOUYE (after having voted in the affirmative). On this vote I have a pair with the distinguished Senator from South Dakota (Mr. MCGOVERN). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Connecticut (Mr. RIBICOFF) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF) would vote "nay."

On this vote, the Senator from New Hampshire (Mr. MCINTYRE) is paired with the Senator from Massachusetts (Mr. KENNEDY). If present and voting, the Senator from New Hampshire would vote "yea" and the Senator from Massachusetts would vote "nay."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. MUNDT), is absent because of illness.

I further announce that, if present and voting, the Senator from Nebraska (Mr. CURTIS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 56, nays 35, as follows:

[No. 431 Leg.]

YEAS—56

Allen
Allott
Anderson
Baker
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Buckley
Byrd,
 Harry F., Jr.
Byrd, Robert C.
Cannon
Chiles
Cook
Cotton
Dole
Dominick
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Goldwater
Gurney
Hansen
Hollings
Hruska
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
McClellan
McGee
Miller
Montoya
Packwood
Pastore
Pearson
Percy
Randolph
Roth
Saxbe
Scott
Sparkman
Spong
Stennis
Stevens
Taft
Talmadge
Thurmond
Young

NAYS—35

Aiken
Bayh
Brooke
Burdick
Case
Church
Cooper
Cranston
Eagleton
Fulbright
Gravel
Harris
Hart
Hartke
Hatfield
Hughes
Humphrey
Javits
Mansfield
Mathias
Metcalf
Mondale
Moss
Muskie
Nelson
Pell
Proxmire
Schweiker
Smith
Stafford
Stevenson
Symington
Tunney
Weicker
Williams

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Inouye, for

NOT VOTING—8

Curtis
Griffin
Kennedy
McGovern
McIntyre
Mundt
Ribicoff
Tower

So Mr. JACKSON'S amendment (No. 1516) as amended, was agreed to.

Mr. ERVIN. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SAXBE. Mr. President, rather than call up my amendment to the SALT interim agreements, I decided to give the President a free hand in future negotiations with the Soviet Union by supporting the language offered by Senator FULBRIGHT. My distinguished colleague is of the opinion, and I agree, that the Jackson amendment is a premature commitment to a policy which can potentially harm future negotiation. We must not get locked into equality of any particular weapons system. Senator JACKSON commits us to equality with Russia in intercontinental strategic weapons without regard to our posture with tactical or forward based systems.

In future SALT agreements, which the Senate will have the opportunity to lend its advise and consent, we must have the benefit of free and fair negotiation of all weapons. We cannot impose a diplomatic Gulf of Tonkin resolution on bilateral disarmament when there is a great possibility that we are standing on the threshold of world peace. A hope which was largely brought about by the diligent efforts of our President, President Nixon.

Senator FULBRIGHT'S language provides overall equality and I support his approach. I compliment Senator JACK-

SON on his position that neither side seek superiority in upcoming arms negotiation, but I strongly favor applying this standard to all weapons.

This debate has continued long enough, so I will not take time to underline this statement with pointed statistics. I think it is sufficient to say that we must not prematurely commit the Senate and the President to a policy that would jeopardize future disarmament. Rather the Senate should, at the time the new agreement is accomplished, review its effect on our military posture in a balanced world situation.

Further, we must pursue a prudent research, development, and modernization program geared to producing an adequate, or in the words of the President, a sufficient deterrent. In that mode, the Senate must also proceed with caution as it attempts to preset future negotiation.

However, I have been assured by representatives of the White House that the Jackson amendment would not materially affect their efforts in future negotiation. Therefore, I reluctantly voted for Senator JACKSON's amendment so we can move this important agreement and other Senate business.

AMENDMENT NO. 1432

Mr. CRANSTON. Mr. President, I call up amendment No. 1432, offered on behalf of the Senator from Ohio (Mr. TAFT) and myself, and ask that it be read.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> At the appropriate place insert:
>
> SEC.—. The Congress hereby commends the President for having successfully concluded agreements with the Soviet Union limiting the production and deployment of antiballistic missiles and certain strategic offensive armaments, and it supports the announced intention of the President to seek further limits on the production and deployment of strategic armaments at future Strategic Arms Limitation Talks. At the same time, the Senate takes cognizance of the fact that agreements to limit the further escalation of the arms race are only preliminary steps, however important, toward the attainment of world stability and national security. The Congress therefore urges the President to seek at the earliest practicable moment Strategic Arms Reduction Talks (SART) with the Soviet Union, the People's Republic of China, and other countries, and simultaneously to work toward reductions in conventional armaments, in order to bring about agreements for mutual decreases in the production and development of weapons of mass destruction so as to eliminate the threat of large-scale devastation and the ever-mounting costs of arms production and weapons modernization, thereby freeing world resources for constructive, peaceful use.

Mr. CRANSTON. Mr. President, this is a very brief amendment and follows other amendments already adopted. I do not propose to take any time. I do not myself request a rollcall vote. The chairman of the committee, the Senator from Arkansas (Mr. FULBRIGHT) said it was acceptable to him. If there are no objections, we can proceed to a voice vote. It was offered on behalf of the Senator from Ohio (Mr. TAFT) and myself. It follows other amendments, and it would read as follows:

> At the appropriate place insert:
>
> SEC. —. The Congress hereby commends the President for having successfully concluded agreements with the Soviet Union limiting the production and deployment of anti-ballistic missiles and certain strategic offensive armaments, and it supports the announced intention of the President to seek further limits on the production and deployment of strategic armaments at future Strategic Arms Limitation Talks. At the same time, the Senate takes cognizance of the fact that agreements to limit the further escalation of the arms race are only preliminary steps, however important, toward the attainment of world stability and national security. The Congress therefore urges the President to seek at the earliest practicable moment Strategic Arms Reduction Talks (SART) with the Soviet Union, the People's Republic of China, and other countries, and simultaneously to work toward reductions in conventional armaments, in order to bring about agreements for mutual decreases in the production and development of weapons of mass destruction so as to eliminate the threat of large-scale devastation and the ever-mounting costs of arms production and weapons modernization, thereby freeing world resources for constructive peaceful use.

It is self-explanatory.

Mr. President, together with my distinguished friend and colleague, Senator TAFT, I am offering an amendment designed to emphasize that the SALT agreements are only a first step toward the actual reduction of armaments. Our amendment would attach a section to Senate Joint Resolution 241 commending the President for his progress thus far and urging him to pursue talks leading to a genuine reversal of the arms race. We think that the Senate's discussion of the interim agreement is an appropriate occasion for expressing the importance of this goal.

The distinguished Senator from Washington has pointed out the risks accompanying the interim agreement. We are all aware that there are risks in any arms agreement between nations. But while he has stressed the risks, we want to stress the hopes. We think that the interim agreement opens a long-sought opportunity. Our amendment is designed to highlight this opportunity.

Mr. President, I have often encountered the saying that Americans know the price of everything and the value of nothing. As representatives of tax-paying Americans, we must know the price and the value. The SALT agreements do bear a price tag. That price tag says, "these agreements carry the risk that the Soviets may possibly take advantage of our goodwill to achieve strategic superiority and to threaten our survival as a nation." But the value of the SALT agreements is that we may eventually be able to reduce or even eliminate the horrendous material and psychological costs of the arms race. Our amendment underscores that value.

Mr. President, many Members of this Chamber have devoted considerable time and energy to criticizing or defending various aspects of the SALT agreements. Much controversy remains. But many people seem to have forgotten the basic and overriding goal of arms talks. That goal is not arms limitation, but arms reduction.

Today we have before us an agreement which would help slow down the costly and disastrous arms race. I fully support that agreement. Arms limitation is clearly better than nothing at all. But meanwhile, both sides have made it plain that they are going to push ahead with new weapons programs. Both sides are willing to divert valuable resources away from social programs and other domestic needs. But sides are willing to pour staggering amounts of money into weapons capable of destroying life as we know it many times over.

As I look ahead, I see what looks like endless series of escalators broken only by occasional landings which lead in turn to other escalators. A partial limitation will be followed by a new build-up, which may in turn be limited by a new freeze and superseded by new and sophisticated forms of escalation. And so it will go.

Fortunately, it is the declared policy of the superpowers to prevent the arms race from going much further up the stairs. The preamble of the ABM Treaty, for example, states the intention of the two countries "to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament."

What we would like to know is, what is the "earliest possible date"? Worldwide expenditures on armaments already exceed $200 billion a year. How much longer must we wait? Does anyone really believe that feeding the arms race will insure anyone's national security?

Administration spokesmen have consistently linked the SALT talks with further moves toward arms reduction. In his testimony before the Armed Services Committee on June 6, Secretary Laird stated:

> We have . . . laid a solid foundation for further arms limitation and potential arms reductions in the future.

At a congressional briefing on June 15, in reply to a question from Congressman HARRINGTON, Mr. Kissinger stated:

> It is our intention and conviction that as these talks proceed into other areas that we will be able to bring about a substantial reduction in defense expenditures . . .

And in reply to my able colleague from Illinois, Senator PERCY, Ambassador Smith asserted in Foreign Relations Committee hearings that—

> It is possible that we will be able to work out some reductions or rollbacks in the next phase of SALT. The U.S. position for this next phase is now under consideration.

Mr. President, it was not until 1959 that general and complete disarmament became a unanimously adopted goal of all members of the United Nations. Every year since has seen lip-service paid to this shining vision. But 10 years later, just before the General Assembly proclaimed that the 1970's would be named the "Disarmament Decade," Secretary General U Thant warned the world that progress toward disarmament had virtually come to a standstill. The guidelines drawn up by Soviet and American negotiators in 1962, calling for a balanced reduction of all arms and armed forces under strict and effective international control, have borne very limited fruit.

Meanwhile, costs have continued to race upward. A modern fighter-bomber, for example, costs 10 times the aircraft of a decade ago. Today's sophisticated interceptor aircraft could cost more than $10 million, compared with $150,000 for the corresponding aircraft of World War II. Research and development, which now constitute about 10 percent of the world's expenditures on armaments, lead to one costly weapon after the other. A new weapon leads to a counter-weapon, which in turn inspires a counter-counter weapon. And four-fifths of these expenses are borne by only six countries—the United States, the Soviet Union, France, Great Britain, China, and West Germany.

Speaking to a joint session of Congress on June 1, President Nixon said:

> Three fifths of all the people alive in the world today have spent their whole lifetimes under the shadow of a nuclear war which could be touched off by the arms race among the great powers. Last Friday in Moscow we witnessed the beginning of the end of that era which began in 1945. We took the first step toward a new era of mutually agreed restraint and arms limitations between the two principal nuclear powers. With this step we have enhanced the security of both nations. We have begun to check the dangerous and wasteful spiral of nuclear arms . . .

Mr. President, we should record ourselves as a body in favor of strategic arms reduction talks, or SART. The present arms race serves no one's security. Its demise will free billions of dollars for the building of a just and abundant society for all.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the distinguished Senator from Montana.

Mr. MANSFIELD. Mr. President, it is the understanding of the distinguished acting Republican member of the committee and the Senator from Montana that this is satisfactory to the committee, and the chairman so stated.

Mr. AIKEN. I have heard no objection to this from members of the committee.

Mr. MANSFIELD. Mr. President, if there is no objection, the committee is prepared to accept the Taft-Cranston proposal.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS was recognized.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to me?

Mr. HOLLINGS. I am glad to yield to the Senator from West Virginia.

Mr. ROBERT C. BYRD. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

ORDER FOR YEAS AND NAYS ON S. 750, S. 33, H.R. 15883 AND H.R. 8389

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on S. 750, S. 33, H.R. 15883, and H.R. 8389.

The yeas and nays were ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. HOLLINGS. Mr. President, I do not have an amendment. I have been waiting to talk, and I have tried to be considerate in allowing all amendments to be dispensed with and to get third reading, but apparently they are going to move us along and we have other commitments this evening. I would like to make my statement at this time against the interim agreement.

I voted for the Jackson amendment. I wish the Jackson amendment had the full force and effect of law. But it is only advisory. I realize the interim agreement will be sanctioned by the Senate. I will vote for the Jackson amendment in the hopes of making the best of a bad bargain and putting us on record as demanding a better agreement in future dealings with the Soviet leaders. But I shall vote against the agreement in the final vote. What we are doing now, the Senate having agreed to the Jackson amendment, is to agree that the agreement is a bum agreement. That is what we have said. We have said that we have a bad agreement.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HOLLINGS. We have said that we have a bad agreement. We have said that it encompasses inferiority on the part of the United States compared to the U.S.S.R. The administration has gone along with the Jackson amendment, thereby admitting that the agreement is a bad one. The Joint Chiefs of Staff were not consulted on the particular evening that the agreement was entered into and firmed up. The President's advisers did not see this agreement in time. They were told to go ahead and support the agreement and in turn the administration would support all of their requests. This, in turn, instead of stopping the arms race, continued the arms race. That is what happens, Mr. President, when you get a bad agreement. The President made a bad agreement. But he is so popular, it is like the king who wore no clothes. You want to be known as the President who made the breakthrough, and not many are willing to tell you the reality of the situation, that the breakthrough is no breakthrough at all. In a situation of this kind, instead of being advisory, we should be clear, lucid, and aboveboard, and lay everything on the table, as we did in connection with the ABM agreement.

In antiballistic weaponry we agreed to a 200 missile limitation for the Soviets and 200 ABM's for the United States; 2 sites for the Soviets and 2 sites for the United States, and therein we had an element of equality. That was a good agreement, which would carry forward with it continuing and sustaining validity. Each side was treated alike.

But in the Interim Agreement, we have inequality. Instead of stopping the arms race it accelerates the arms race; instead of promoting trust it promotes distrust.

Any freshman law student could look at it and tell you, Mr. President, that it is unequal; any freshman law student seeking approval of this agreement would be called down by the court under the parole evidence rule.

We hear discussions about controls over ICBM's, submarines, and SLBM's. But I ask, what about superiority in technology and superiority in warheads? Well, they are not controlled in this agreement. We may be sure the Soviets will move forward in all these uncontrolled areas. They told our President so. I quote President Nixon on this—

> Mr. Brezhnev made it very clear that he intended to go forward in those categories that were not limited.

So there is no doubt about Soviet intentions—none at all.

Of course, on these judgments and prognostications by the Pentagon that we have superiority and that it can be maintained—that is what they told us about the atom bomb; that is what they told us about the hydrogen bomb; that is what they told us about sputnik; and their ICBM; and their nuclear sub; and their ABM. And each time we looked around and we found they had not only met us, but they had surpassed us.

Let us proceed on the basis of equality in our agreements. With respect to ICBM's, let us put those in the agreement and have equality in and of itself contained in the agreement. Then when we get to warheads, technology, and other items of armament, they should similarly be agreed to on the basis of equality, because therein is the way we build trust rather than distrust; therein do we begin to disarm rather than arm.

I voted to ratify the ABM Treaty on the basis of equality. But support it had had an element of inequality in it. I am sure we would have had three bills in here from the administration to start building ABM's. The American public would have demanded it. But instead we had equality, and we agreed to the Treaty and confirmed it.

I voted for the President on the Treaty, but I will vote against him on this agreement because careful study has convinced me that this pact accords military superiority, perhaps irreversible military superiority, to the Soviets. I cannot be a party to approving Soviet military superiority over the United States.

It is very difficult to narrow the debate to the fundamentals. Let me try to clear the air by saying what I agree with. I commend the President for going to Moscow.

I commend his sincerity and dedication in trying to achieve an arms reduction agreement. I commend the dedication and hard work of our SALT team.

I visited in Helsinki. I have been in the presence of our SALT team with the distinguished majority leader, and I can go into colloquy about what the discussions were about and what they say and do not say. One of the things that concerned us all was: Do not do anything with respect to the defense of the United States at home in Washington on the basis of hoping to better an agreement or to bring about SALT talks or anything else. Rather, when it comes to national defense, consider that solely on its own merits. Do not use it as a pawn or chip in bargaining agreements. The Soviets approach national security in that vein, and that is how we should. We should never say we should have an ABM or not have. That is not the way to approach it. I was very much impressed about that, because I heard the majority of Senators say we had to vote against the ABM or there would never be a SALT treaty.

Mr. President, I do not hate the Russians. They were our allies in World War II, and there is no reason why we cannot live at peace with one another. But I do not trust them, and I know that they do not trust us. Perhaps we will someday move down the road to the spirit of cooperation that we had during World War II, but that day has not yet arrived.

The President's mission to Moscow to obtain an arms agreement was fraught with many problems. First was the problem of obtaining an agreement for any kind of limitation with the Soviets. Fundamental to an agreement was the desire to stop the arms race. And then there was the problem of posture—the United States having built and developed, was idling its defense engine while the Soviets were willingly gearing up their defense motor for all it was worth.

No agreement, no pact, no treaty, can long endure unless it is in the interests of both sides to make it endure. In formulating an agreement, mutuality of advantage must be inherent and apparent to both parties. In the limitation of arms, any lasting agreement has to be based foursquare on the principles of parity and rough equality—not on signing away that very parity without which there can be no permanence. The ABM Treaty, as I have said, conforms to these principles.

But the Interim Agreement on Offensive Arms is a horse of another color. The President walked out on sound negotiating principles, and the result is an unequal agreement that could guarantee inferiority in 5 years and a permanent second-place status for our country thereafter. There is no use in either side relying on an unfair agreement. Fairness must go to every facet—not just numbers, but to deployment, deliverability, and a particular nation's overall arsenal. Fundamental to an arms agreement is knowing where we are before we set out on a new and potentially dangerous course. And in finding out where we are, the disposition, demeanor, intent, and endeavor of the two nations is even more important than weapons inventory.

The intent of the Soviets is obvious. They are going for superiority. No equality or parity for them. While many Senators speak in hushed and embarrassed tones about not offending the Soviets by insisting on equality or parity, the Soviets build as fast as they can toward strategic superiority. The interim agreement represents for them a milestone on the way to first place among the nations of the world. Ten years ago, the Soviets probably never dreamed they would be in the position they find themselves today. Most likely they would have jumped at the chance to achieve equality with the United States. But in the intervening years, we plodded slowly along—while the Russians spurted ahead as fast as they could possibly move. Not only did the opportunity to achieve equality come to pass, but now the way looks open for the Soviets to go for outright superiority.

Apparent on the face of Soviet leadership, then, is the intent to be No. 1, while apparent on the face of the United States is fatigue and disenchantment—a determination "not to study war no more"—an emphasis on laying down their arms as if this would cause others to lay down their arms. This cutting back would be salutary if it were mutual—were it not for the Soviets' relentless digging of silos, launching of submarines, and beefing up of their missiles. Our fatigue and disenchantment are understandable after all we have been through in the past 30 years—understandable, but also unacceptable. While it is true that communism conflicts with communism in the Far East, the dominant force is still communism. Our rivals still seek influencee in the Middle East, the Indian Ocean, Africa, and Latin America. There is still the attempt to use Cuba as a central base for Communist aggression throughout the Western Hemisphere. I wonder, Mr. President, if we would still be able to compel the Russians to pull missiles out of Cuba, as President Kennedy compelled Mr. Khrushchev 10 years ago, given the new power relationships between the United States and the Soviet Union. I am afraid that we would find our clout already much diminished—not to mention the situation which would grow out of the interim agreement.

Let us look for a moment at the President's agreement. This is what it does:

	United States	*U.S.S.R.*
ICBM's	1,054	1,618
Ballistic missile submarines	44	62
SLBM launch tubes	710	950
Heavy ICBM's	0	313

In ICBM's, the United States is stuck with the same number—1,054—that we have had for the past half-decade. While we have not been adding to our deployment of ICBM's, the Soviets have been building up their arsenal at the rate of 250 per annum. On and beneath the seas, we are similarly outclassed. Here is one area—nuclear-powered, missile-carrying submarines—where the United States had all the advantages not so many years ago. We had a monopoly. This, too, we are now frittering away. It is not because the Soviets can out-produce us. It is not a question of productivity—it is a question of priority and of will. While the Soviets go ahead with eight to 10 submarines a year—we add none. And when we come to the so-called "heavy" ICBM's, we deny ourselves and promise not to develop them, while at the same time we sanction the Soviets having up to 313 of these monster weapons. As a result of all these disparities, the Soviet Union is being accorded a 400-percent advantage in "throw-weight"—the weight of weaponry a missile can fire—its payload.

In short, what this agreement does is confer the mantle of military superiority on the Soviet Union.

I have heard the arguments to the contrary. I have heard, for instance, that because the United States is ahead in MIRV technology, we have nothing to fear from the 4-to-1 advantage in throw-weight held by the Soviets. But if the Soviets can master MIRV, they will be able to fit many times the number of warheads on each of their missiles than we can on each of ours, because theirs are larger. The Soviet Union is making rapid strides in MIRV technology. In all probability, they are more advanced than our experts believe. The Soviet scientists and technicians have confounded our guesses before as I noted earlier. We never anticipated how quickly they could move, from their first atom bomb to their latest ICBM. In 1965, Secretary McNamara assured us that the Soviets had no intention of trying to compete on a quantitative basis with the United States in strategic arms. But the Soviet buildup continued. Then it was said that maybe they would go for parity on ICBM's after all, but surely not on submarine-launched missiles. In light of all these wrong guesses, I am a little reluctant to stake our future on Pentagon estimates of enemy intentions. The Pentagon track record leaves much to be desired.

Soviet technology will respect no piece of paper, no Presidential signature, no instrument of congressional approval. We are handing the Soviets 5 years and daring them to make the most of that time. Based on past performance, I am sure they will.

I have heard the other arguments, too. We have the edge in bombers and "forward-based systems," it is said. Therefore, even though we are giving up equality in strategic missiles, we still have overall parity when we consider the totality of the American striking force. This is perhaps the most dangerous argument of all. An agreement is supposed to cover what is agreed upon—no more, no less. If we are making a treaty on ABM's, let us talk ABM's. When we talk strategic missiles, let us talk stra tegic missilies. When we talk bombers, let us talk bombers. We did this on the ABM Treaty. But when we approached offensive weaponry, we tried to balance off the obvious missile advantage accorded the Soviets with items not covered in the agreement. And when some of us exclaimed at the obvious disadvantage to the United States in the numbers of missiles and submarines allowed us under the Interim Agreement, the administration told us not to worry—we have MIRV, we have more warheads, we have bombers, we have forward-based systems. But these superiorities are not a part of the contract. They are not frozen. They are not guaranteed. All the Soviets need do is equal or excel us in these other categories, and any temporary advantage of the Intereim Agreement becomes the permanent disadvantage.

The Soviets—again I emphasize to some of my colleagues—will move forward on all these fronts. They have told the President so.

The attempt to recoup parity by a comparison of things not covered in the agreement is fatal.

This is a time to ask, at this particular point, what is going to happen when we go to negotiate an agreement on what is not covered, on what is left out. Let us assume that you and I headed up the SALT team, and we had to make the next agreement. We are going to have to insist on the advantage in items not covered by the agreement. We would have to say, "Oh, no, we have got to have the superiority there, because you had a superiority in the Interim Agreement that was agreed upon, or else we will have to breach the original agreement, to eliminate the disadvantage."

That freshman law student I spoke of earlier would know better. He would know that if he attempted to prove his contract by things not covered in the contract, any judge would immediately stop the introduction of such evidence. If he attempted to provide valuable consideration for the contract not included in the terms of the contract, the judge would also bar this. Now is the time for the Senate to call the administration on this.

With regard to our weapons in Europe, I would also point out that although they are not covered in the interim agreement, neither are Soviet medium-range bombers—some 700 of them—capable of being used against our European installations and even, in certain contingencies, against the home soil of the United States. And I also mention, Mr. President, that our forward-based systems in Europe are there largely as a response to Soviet intermediate-range ballistic missiles. Our forward-based systems may be exempt from the agreement—but so are all those Soviet weapons.

Another argument making the rounds is, "Well, yes, the Russians are allowed more nuclear submarines under this pact, but because of differences in geography and basing, they require three submarines for every two of ours in order to keep an equal number on station." This argument is as ludicrous as the others. What is there to keep the Soviets from changing their system of submarine support? Why could they not supply them from ocean-going tenders, thereby eliminating the need for long voyages back to remote Soviet ports?

I wish those people who make this argument would come to my hometown of Charleston, and go out in the harbor, and look at the Soviet fishing fleet. That fishing fleet is supported by ocean-going tenders. If the Soviets can do that for their fishing fleet, they can do it for their most important weaponry, I am sure.

In addition, we might ponder the possibility of further attempts to use Cuba or some new Western Hemisphere bastion as a base for operations against the United States.

Mr. President, there is one other element that must go into the computer of disarmament negotiations. That is the possibility of a first strike against the United States. On December 6, 1941, the United States had the most powerful navy in the world. But by the afternoon of December 7, most of that Navy had been wiped out by surprise attack. At Pearl Harbor, the United States had naval and airpower superiority over the Japanese who made the attack; anyone would have agreed to that. But the lesser and weaker force in quality and quantity prevailed—due to the element of surprise, of first strike.

We have to consider that. People say, "That is fanciful." Mr. President, it is not fanciful. Pearl Harbor was a problem in our history. It always invited attack, as we all know now. We must not be caught again.

We get, then, to the element of the intermediate-range missiles. The fact that we have 7,000 nuclear warheads in Europe sounds impressive—until we stop to realize that they could all be wiped out by a fraction of that number of enemy missiles in a surprise attack. Similarly, we can crow about our warhead superiority with the Poseidon. But while we have 16 missiles on one nuclear-powered submarine, with, say, 10 warheads each, the Soviets do not count that as 160 targets—they count it as one target. We must face the future realizing that what is important is not the number of warheads we have now. That is the regrettable illogic of those who shout "overkill." The theorists of overkill argue that we have many times the number of warheads needed to kill every man, woman, and child in the world. But the only way that theory would hold water would be if the United States struck first. Because after an enemy attack on us, the overkill will no longer exist. What is vital is not the number we have now, but the number we expect to survive and have available for retaliatory purposes. We should not base any agreement on the simple trust that the other side will never launch a surprise attack. History should have taught us that lesson.

Mr. President, the negotiating posture of the United States has changed completely over the past 3 years. The administration has abandoned the initial strategy with which it entered into the talks. When SALT was about to begin in 1969, the idea was to stabilize force levels as they then existed. That would have meant an advantage for the United States. But the administration changed signals the following year. With its August 4, 1970, proposal, it shifted to a posture of asking equality in offensive force levels. And when the ink dried in Moscow in May of this year, we found that the administration had abandoned that strategy, too, and settled for inferiority in strategic offensive missiles. So the final result bears no resemblance to what was originally sought. In the zeal to get an agreement, we abandoned prudent strategy. We have been duped by an overanxiousness to agree. I remember James F. Byrnes talking about this years ago. He warned that there is too much of a propensity for free world negotiators to give weight to the fact that an agreement—any agreement—is reached. Regardless of terms, Byrnes said, these negotiators have the feeling that, when you agree with the Soviets, this in and of itself is an accomplishment.

This does not mean it is impossible ever to agree with the Soviets. Nor does it say, as some have said, that we are a nation harboring toward the Soviet Union an habitual hatred which has made us the slaves of our own animosity. Simply put, we do not hate anyone. We have just learned that there is no education in the second kick of a mule. We do not hate the mule—we just do not want to be caught prancing around its rear end. Yet, that is exactly what we are doing if we vote to confirm the interim agreement.

The unequal approach of the interim agreement assumes Soviet incapability and it assumes Soviet lack of desire to develop technologically. These assumptions fly in the teeth of fact. The fact is that at the present time, on all fronts, the Soviets are pushing ahead with maximum effort. Rather than limit development, they are racing forward with every development imaginable.

While our shipyards stand idle, the submarines continue to pour out of Soviet yards.

While the United States palavers over the utility of aircraft carriers, the Soviets continue on with the construction of theirs.

While we hold the number of missiles in our silos to the present deployment, the Soviets work overtime to triple their deployment of sophisticated missiles in spanking-new silos.

While the United States fusses and fumes between choosing to build an airplane or a helicopter or a tank, the Soviets lurch ahead on all these fronts.

While we twiddle our thumbs over lasers and research and development, the Soviets invest many times more effort in military-related research.

And while we debate the so-called arms race here in this country, it is really the race of the tortoise and the hare—with the Soviet tortoise moving relentlessly ahead.

We need to do more. We must forge ahead with Trident, and update the Navy. We must build new flexibility and strength into our Armed Forces. We must invest more in research and development. In the one area where America was always ahead and always proud—innovation and invention—we have fallen behind. The fact is that while we expend 20 percent of our defense budget on research and development, the Soviets expend 60 percent of theirs. And each of their R. & D. dollars goes farther in materials and hardware, because of the lower labor costs borne by the Soviet dictators. It is clear to me, Mr. President, that we must go forward with a program of military preparedness that will make us second to none.

Instead, in the rush of debate, we say, "Forget about what the other side does. Forget about it. With this, our security is bought and paid for."

I have never been one of those who says "Give the Pentagon everything it asks for." There is waste and mismanagement aplenty in our military programs. I know that as well as anybody knows it. There are many places where we can cut the fat out of the military budget. I have supported some of the Fulbright amendments to curb waste and extravagance. But let us not cut the muscle out, too.

If we could forget about the volunteer Army, we could save billions of dollars. And we could better live up to the maxim of John F. Kennedy, "Ask not what your country can do for you. Ask what you can do for your country."

I am for putting an end to spending millions of dollars producing a dozen different films for servicemen on how to brush their teeth. BARRY GOLDWATER, JR., brought this to light. Much more importantly, I am for cutting back that hostage army we keep stationed in Europe when there is no longer need for it. How long is it going to take us to realize the wisdom of General Eisenhower's advice, and the late Richard Russell's, that one division in Europe can show the American flag and prove the American commitment as well as can 535,000 American citizens. We could be channeling the overwhelming portion of that $19 billion extravagance into activities which would produce real security for the Nation.

And how much we could have saved had the war in Vietnam been fought like a war—had we fought like we meant it in the first place, won the battle, and then come home. Instead, for 10 years we have been pouring in blood and treasure with little positive result—and we continue doing so even today.

In many ways, then, we can make economies which allow us to go forward on the really important fronts. We can put our defense dollars where they will do the maximum good and give the maximum return. It will still be costly. It will still be difficult. But who ever said that liberty came cheap? The great Calhoun said it on the Senate floor:

> Those who would enjoy the blessings of liberty must undergo the hardships of sustaining it.

Mr. President, the agreement before us falls dismally short on every count. That it would issue from a President who throughout his career has emphasized the necessity to negotiate from strength rather than weakness is nothing short of amazing to me. For years, President Nixon warned against dissipating our advantages, against relinquishing our superiority, and charged that even parity would be damaging to the United States. Here is Mr. Nixon, speaking in the campaign of 1968:

> If we allow our superior strength to become second best—if we let those who threaten world peace outpace us—in time we will generate tensions which could lead to war, first, by our display of physical weakness and flabby will, and second, by tempting an aggressor to take risks that would compel us to respond.
>
> I stress that point, because soon after our Eisenhower team left office, the new Administration reached a grave misjudgment. The idea was, if America kept up her numerical superiority, if we also stayed ahead in new weapons, we would provoke the communist leaders, and this would dash our hopes for friendly relations and peace.
>
> Apparently these planners had persuaded themselves they could quickly reconcile their differences with the communist world. The Soviets, they reasoned, had tired of trouble abroad; they had troubles at home; they had lost their expansionist fervor; they had become defensiveminded.
>
> It was concluded that, by marking time in our own defense program, we could induce the communists to follow our example, slacken their own effort, and then we would have peace in our time.
>
> Such were the dreams that crimped our national defense program. Out of it all evolved a peculiar, unprecedented doctrine called 'parity.' This meant America would no longer try to be first. We would only stay even.
>
> This concept has done us incalculable damage.

Now, the President comes before us, foregoing not only superiority—but parity, too—and asks us to settle instead for inferiority.

Mr. President, I find an agreement deficient when the very delegation charged with the responsibility for negotiating it warns—as the SALT delegation warned on May 9—that if "an agreement providing for more complete strategic offensive arms limitations were not achieved within 5 years, U.S. supreme interests could be jeopardized" and that the United States would then have to withdraw from the agreements. I do not care to play that kind of jeopardy for 5 years, only to find that we have by then fallen permanently behind.

The Secretary of Defense has warned too that unless we go forward and build, then the agreement could jeopardize national security.

That is no way to do business. That is no way to build trust. That is no way to stop an arms race. That is the way to start one, in my opinion.

I find an agreement concerning our military posture deficient when our best military advice is ignored during the negotiating process. The Joint Chiefs of Staff were not even shown the agreement prior to the President's agreeing to it. Their dismay at the terms of the agreement is obvious. In fact, their public position is one of disapproval unless we increase our strategic power to equal that of the Soviets. I repeat, Mr. President, that instead of stopping the arms race—as was originally intended—this one-sided agreement with the Soviets triggers an arms race.

Mr. President, I shall vote to reject the agreement. It brings no equality. It offers no guarantees of a more secure world. It brings us not an inch closer to the meaningful reduction in armaments that Americans sincerely desire. Instead, it offers inequality, inferiority, and instability. It is the wrong agreement for all the wrong reasons. We will best serve the cause of peace today by withholding approval of the interim agreement—and then by going forward with a policy and a program which can bring the day of meaningful arms limitations closer to reality.

AMENDMENT NO. 1435

Mr. BROOKE. Mr. President, I call up my amendment No. 1435; and I ask to modify it so that the first line, instead of reading "At the end of the amendment, add the following," will read, "At the end of the bill, add the following."

The PRESIDING OFFICER. The amendment is so modified.

The amendment will be stated, as modified.

The second assistant legislative clerk proceeded to read the amendment, as modified.

Mr. BROOKE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment, as modified, will be printed in the RECORD.

The amendment, as modified, is as follows:

> At the end of the bill, add the following: "Pursuant to paragraph six of the Declaration of Principles of Nixon and Brezhnev on May 29, 1972, which states that the United States and the Union of Soviet Socialist Republics: 'will continue to make special efforts to limit strategic armaments. Whenever possible, they will conclude concrete agreements aimed at achieving these purposes'; Congress considers that the success of the interim agreement and the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first strike potential."

Mr. BROOKE. Mr. President, I ask unanimous consent that the name of the distinguished Senator from New Hampshire (Mr. MCINTYRE), the chairman of the Subcommittee on Research and Development of the Committee on Armed Services, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, this is a very simple amendment which merely would add what the President of the United States has said time and time again, that we, the United States, are not seeking a first-strike capability. This amendment would call upon not only the United States of America, but the Soviet Union as well not to seek a first-strike capability.

The whole future of the SALT talks—of the agreements—is based upon mutual deterrence; and if either the United States or the Soviet Union were to seek a first-strike capability, then of course there would not be mutual deterrence, and we could not get on with the successful SALT talks and bring about any agreement.

That is the simple amendment. I have a long speech on it, but that is what it would do, and I present it to the distinguished chairman of the Committee on Foreign Relations for possible acceptance by him.

Mr. FULBRIGHT. Mr. President, I, personally, am in favor of the amendment. I think it is consistent with the President's policy, and it is consistent with the declaration of principle. I am prepared to accept this amendment and take it to conference. I think it would be accepted there.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. I yield myself such time as I may use.

Mr. President, I have carefully considered and studied the amendment of the distinguished Senator from Massachusetts, and I also have discussed it with many persons.

Even though the chairman of the Committee on Foreign Relations has said that he sees no objection to accepting this amendment, I believe that the amendment could wreak havoc upon the position of the United States. I must say that I do not ascribe any such motivation to the Senator from Massachusetts, because I know that he offers this amendment in the best of faith, believing that he is offering an improvement to the bill. But I believe several points should be made about the amendment.

The only real modification in the amendment is, first, to make it conform to the present situation and, second, changing in line 1 the word "amendment" to the word "bill." Otherwise, the effect of the amendment is the same.

The real gist of the difficulty in this amendment, as it occurs to me, lies on page 2 of the amendment. The amendment reads:

> . . . nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first-strike potential.

The question here comes: What does the word "construed" mean? By whom is it going to be construed? Does this mean that the Soviet Union can construe it as a counterforce weapon with a first-strike potential and we would thus be limited?

The fact is, the construction of this term leaves the whole situation wide open. Does the United States Senate unilaterally construe it this way? Does the House of Representatives unilaterally construe it this way? Does either Armed Services Committee of the House and Senate construe it that way? Does it put the section into effect if the United Nations, in its present haphazard and often incomprehensible orientation, decides that some development of ours constitutes a counterforce weapon with a first-strike potential? Does that bring the amendment into effect?

I think that the first part of the amendment, with its well expressed intentions, expresses all the aims, that we would like to see disarmament in the world. We would like to see both these countries make special efforts to limit strategic armaments, but it seems to me that this amendment as it is now constituted is too vague, really, to be capably interpreted by anyone.

Second, I should like to make this point, that if the counterforce potential of a United States weapons development program is to be construed by the Soviets—and there is nothing in here which says that the Soviets shall not so construe it—this would, in effect, give the Soviet Union a veto power over United States weapons development programs.

Now I do not think that any of us can believe that the weapons systems of this country are going to remain absolutely static. It is taken as an assumption, and a correct one, I hope, that we will improve, each of our particular weapons systems. But it is clearly unacceptable to take an amendment whose construction, as this amendment does, is open to the Soviet Union as well as to the United States or even to the Warsaw Pact.

The third point I should like to make with respect to this question is on what weapons we choose to develop.

I note the word "developing" used in the amendment. It should not be decided by an amendment of this nature without consideration of the whole machinery of government. It should be, first of all, considered at the executive level no matter who the President is. Then whether it is included in the budget is one facet of the question.

Then, second, of course, it should be studied and a decision made in the Department of Defense. It should then be made by the appropriate Armed Services Committees of the two Houses and then, finally, of course, it would come through the appropriations process where it would be again considered as to whether it was appropriate to develop a particular system or a particular weapon, or to refine a particular system or to refine a particular weapon.

The amendment appears to relate especially to a deleted budget request for $20 million for warhead development. There is an existing process for making such procurement decisions, to which I have already referred. It is that process which I cannot believe this Congress, this Senate, at this late date, at this late hour, would seek to circumvent in any way, such as this amendment really would do. The amendment is so vague it might, for example, be considered to limit any economies or cost-saving improvements to existing U.S. weapons systems, especially since the word "construed" is as wide open to interpretation as it is in this amendment.

We might decide, for example, to develop a force of smaller but more accurate weapons and to have fewer of them. This would certainly be a step in the direction I am sure the distinguished Senator from Massachusetts would approve of, yet it might easily be said by some, especially with the construction of this language, that such a move by the United States—which should be more economical and which would save the taxpayers money and could even probably result in fewer missile systems—could be construed as developing a counterforce, as having a first-strike potential, because it had high accuracy.

Mr. JACKSON. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. JACKSON. I want to associate myself with the remarks of the able Senator from Colorado. I must say that my concern is similar to that expressed by my good friend from Colorado.

I respect completely what the distinguished Senator from Massachusetts (Mr. BROOKE) is trying to to, but I do not think we can do it this way. The problem, of course, rests largely in what constitutes counterforce weapons. This is very difficult to define. If we are going to adopt the term, it could be construed as saying that the Soviet Union now has, and has had for quite some time, counterforce weapons. After all they have 313 SS–9's, with 288 of them having a potential yield of 25 megatons and the remainder having a potential yield of 50 megatons.

I would hope that the amendment in its present form would not be agreed to.

Mr. President, I reserve the remainder of my time.

Mr. ALLOTT. I thank the Senator very much, but I would like to say to him it seems to me the same concept applies to the interpretation of the term first strike. Any intercontinental missile could be a first strike weapon and there is no way of avoiding it. How are we to know whether this is a first strike weapon or not?

Mr. BROOKE. Mr. President, does that mean any intercontinental missile has a first strike potential? He did not mean that, did he? Certainly he does not mean that, does he?

Mr. ALLOTT. The Senator is asking me a question and I should like to respond. I mean just exactly that. Any intercontinental missile of the sort possessed by the United States and the U.S.S.R., if possessed in great quantities, could be considered a first strike force.

Mr. BROOKE. Any intercontinental missile, even though it does not have the power to knock out the——

Mr. ALLOTT. I did not say an individual missile.

I am talking about a missile system that we have in existence both in this country and in Russia today.

Mr. BROOKE. Mr. President, we have a first-strike force? I had never heard that before. If we do, we are in very serious trouble. That just is not a fact.

Mr. ALLOTT. Mr. President I stand by my position.

Mr. BROOKE. Where does the Senator see a first-strike capability?

Mr. ALLOTT. The Senator asked me

a question. Let me answer the question. I do not want to be misinterpreted. I have not said that one Minuteman Missile, for example, constitutes a first-strike force. Neither do I believe that one Soviet SS–9 or one SS–11, constitutes a first-strike force. But certainly any group of missiles, if there are enough of them, could be considered as a first-strike force.

Mr. BROOKE. Then I misunderstand a first-strike force.

Mr. ALLOTT. It is a question of numbers and a question of accuracy.

Mr. BROOKE. It does not matter how many numbers there are. If we do not have the capability of knocking out the enemy's capability to retaliate, then it is not a first-strike capability. It is a not first-strike weapon. That is how I understand and how I have always understood it to be.

Mr. ALLOTT. Mr. President, would the Senator consider the SS–11 to have a first-strike capability?

Mr. BROOKE. Mr. President, if it can knock out our Minuteman forces in the silos so that those missiles could not fire in retaliation, it is a first-strike force. Yes, I think it would have a first-strike capability. That is the scientific and technological definition of first-strike capability. I cannot believe that we are going to argue that we have a first-strike capability. The President has been telling us that we do not have it, if we do.

All the time we are calling upon the Soviet Union not to seek a first-strike capability. The whole success of the SALT talks is dependent upon a nuclear deterrent. If we have a first-strike capability and the Soviet Union has a first-strike capability, I cannot understand why the Senator can object to this amendment. That is exactly what all of this has been all about. That is what we have been saying all the time.

If the Senator thinks the word "construed" gives him problems, I would be perfectly willing to change the word "construed" so as to have it read, "* * * by developing counterforce weapons which might have a first-strike capability."

I am not hung up on the word "construed" as to who is going to construe it and who is not going to construe it. I do not see any problem in that. The Soviet Union would construe it and the United States would construe it.

Mr. ALLOTT. Mr. President, is the Senator talking on his own time?

The PRESIDING OFFICER. The time is charged to the Senator from Colorado.

Mr. ALLOTT. Mr. President, let us have a fine, mutual understanding that when we talk after this we talk on our own time.

The whole thing depends, I think, upon the weapons and numbers and their accuracy and yield. However, changing the word "construed" to "have" does not lessen the impact of the amendment, because someone has still to determine what counterforce weapons are. We would have an argument on what counterforce weapons are and what first-strike potential is. And even if the Senator puts the word "have" in there instead of the word "construed" we will still leave it in the end wide open as to who will make the decision.

Mr. BROOKE. Mr. President, may I ask a question of the distinguished Senator?

Mr. ALLOTT. On the Senator's time.

Mr. BROOKE. On my time. The United States would make the decision as to whether the Soviet Union was developing counterforce weapons which might have a first-strike capability. The Soviet Union would make a determination as to whether the United States was developing counterforce weapons which might have a first-strike capability.

That is exactly what we are talking about in the agreement.

Mr. ALLOTT. Does the Senator believe that the SS–9 is a first-strike weapon?

Mr. BROOKE. It would depend. The SS–9——

Mr. ALLOTT. I mean, if utilized.

Mr. BROOKE. As of now, I do not believe the SS–9 has a first-strike capability, no.

Mr. ALLOTT. The Senator says no?

Mr. BROOKE. The Senator is correct. I do not believe it has.

Mr. ALLOTT. If the SS–9 is developed about lines that we believe they are developing, would he then believe that it had a first-strike capability?

Mr. BROOKE. If it is developed. I think the SS–9 is probably capable of being developed into a first-strike capability.

I think we have weapons that could be developed into first-strike capability. That is what we are trying to do. We are trying to avoid either side developing their weapons into a first-strike capability.

Mr. ALLOTT. Would 10,000 of them constitute a first-strike capability?

Mr. BROOKE. I do not think it goes to numbers. I do not think we should play a numbers game. We are back on the other amendment now. What this amendment would do would be to keep either side from developing first-strike capability.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. PASTORE. Mr. President, I agree with the spirit of the amendment. And I think I know what the Senator from Massachusetts is trying to achieve, and I congratulate him for it, because as I have said here time and time again, the name of the game is deterrence. And in the event of nuclear war or thermonuclear war, neither side is going to win and we stand the possibility of annihilating all of civilization.

I was wondering if we should not confine ourselves to a matter of principle. I am merely thinking out loud. Would the Senator consider modifying the second part of his amendment to provide:

> . . . United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing a first-strike capability.

Why does the Senator not phrase it that way rather than getting into counterforce weapons? Anyone involved will have to make his own construction of that.

What the Senator is trying to say is to let either side get mad at each other and they will develop a first-strike capability, which would mean that we are all going to die.

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ALLOTT. Mr. President, I yield to the Senator for a question. However, I will yield time to the Senator from Washington.

Mr. PASTORE. Mr. President, I could yield on my own time.

If we begin to talk about SS–9's and the Trident and a lot of these things, I think we will get lost in a maze on the quality of weapons which I think is wrong.

Mr. BROOKE. Mr. President, I quite agree with my distinguished colleague.

Mr. PASTORE. Does the Senator mind using the words I have suggested? "* * * by developing counterforce weapons" is something that I do not know the meaning of. And I do not think that anyone knows what that means.

Mr. BROOKE. May I ask a question as to counterforce weapons?

Mr. PASTORE. Yes.

Mr. BROOKE. There has been not only some talks, but there has also been some money voted by the House for the development of a counterforce weapon which has the potential of a first-strike capability. And that money has been deleted from the conference, according to my understanding. So there is no money for the development of this counterforce weapon. And when it was in there, I observed that we might be spending money to develop a counterforce weapon which the Russians could construe and understand as having a first-strike capability and jeopardize the SALT talks.

Mr. PASTORE. The idea is that neither the United States nor the Soviet Union shall seek unilateral advantage.

Mr. JACKSON. Mr. President, will the Senator yield on my time?

Mr. ALLOTT. I yield to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. ALLOTT. I yielded to the Senator for a question.

Mr. JACKSON. I was merely responding to the Senator's question.

The PRESIDING OFFICER. The Senator from Massachusetts was yielding on his own time.

Mr. JACKSON. Mr. President, I ask unanimous consent that I may proceed for a couple of minutes on my time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Massachusetts is recognized.

ORDER FOR LIMITATION OF DEBATE ON S. 632, THE LAND-USE BILL

Mr. ROBERT C. BYRD. Mr. President, will the Senator from Massachusetts yield on my time without losing his right to the floor?

Mr. BROOKE. I yield.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 2 minutes.

I ask unanimous consent that at such time as S. 632, the so-called land-use bill, is called up and made the pending business there be a limitation of 1 hour, to be equally divided between the Senator from Washington (Mr. JACKSON) and the Senator from Colorado (Mr. ALLOTT), of his designee; and that time on any amendment thereto be limited to 30 minutes, to be divided between the mover of such amendment and the Senator from Washington (Mr. JACKSON); and that the time on any amendment to an amendment, or an amendment in the second degree, be limited to 20 minutes, to be equally divided between the mover of the amendment in the second degree and the mover of the amendment in the first degree, or if the mover of the amendment in the first degree favors such, the time in opposition thereto be under the control of the majority leader or his designee; and that the time on any debatable motion or appeal be limited to 20 minutes, to be under the control of the mover of such and the manager of the bill, provided that if the manager of the bill is in favor of such the time in opposition thereto be under the control of the majority leader or his designee.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS ON SATURDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Saturday, after the two leaders have been recognized under the standing order, and following the conclusion of morning business, the following bills be considered in the order stated:

S. 750, S. 33, H.R. 15883, and H.R. 8389.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS

The Senate continued with the consideration of the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

Mr. JACKSON. I would hope the Senator from Massachusetts would take the suggested amendment to his amendment. The problem is what is meant by the term "counterforce." Obviously, a weapon by itself has no counterforce capability until the number of them reaches a certain level.

It seems to me that the amendment suggested by the Senator from Rhode Island is one that we can accept.

I want to compliment the Senator from Massachusetts for his deep interest in this question and to commend the Senator from Rhode Island for coming into the breach with what I think is a sensible recommendation for a solution. I would hope that the Senator from Masachusetts would accept it.

Mr. ALLOTT. Mr. President, will the Senator from Massachusetts yield for a question on my time?

Mr. BROOKE. I yield.

Mr. ALLOTT. I wonder what the Senator's reaction is. It occurs to me that the Senator from Rhode Island has offered a valid suggestion. In my opinion, it constitutes what the Senator from Massachusetts is striving for in his amendment. I think we would resolve in just a few minutes a difficult question which otherwise we could argue for hours. May I ask the Senator from Massachusetts if he would be willing to do this?

Mr. BROOKE. I certainly want to get at it. I think it is most important. I think that the Senator from Colorado would agree that the success of the SALT talks is paramount. We are moving in the right direction. I cannot see how we can possibly be fearful of saying that both sides—not only the United States, but both sides—that neither side should be seeking a first-strike capability. To me, that is most important when we are trying to build a climate for negotiation. That is what I had in mind by seeking to prevent the development of a counterforce weapon which might be construed as having a first strike capability.

Mr. PASTORE. Does not the word "potential" do exactly that? In other words, if the Senator accepted my suggestion and did not use the words "first strike capability," but "first strike potential"——

Mr. BROOKE. And not use "counterforce"——

Mr. PASTORE. No. On line 3:

> Long standing United States policy that neither the Soviet Union nor the United States shall seek unilateral advantage and by developing a first strike potential.

Mr. ALLOTT. And by developing——

Mr. PASTORE. I could leave out the word "and."

Mr. BROOKE. "By developing"——

Mr. PASTORE. In other words, I do not want a unilateral advantage, and I do not want a first-strike potential. I want to give the Senator the benefit of both of them. That is why I used both words.

Mr. ALLOTT. Why not make it double-riveted?

Mr. PASTORE. "And/or"—or leave both of them out. I do not care about that.

Mr. BROOKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I ask unanimous consent to modify my amendment No. 1435, on page 2, line 5, by deleting the following words: "counterforce weapons which might be construed as having" so that the amendment would read, starting on line 1 of page 2: "the attainment of more permanent and comprehensive agreements are dependent upon the preservation of longstanding United States policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing a first strike potential."

The PRESIDING OFFICER. Is there objection?

Mr. ALLOTT. Mr. President, reserving the right to object, the Senator has a right to modify his amendment, because the yeas and nays were not ordered. Is that correct?

The PRESIDING OFFICER. The Chair is informed that it would require unanimous consent.

Mr. ALLOTT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, the yeas and nays have not been ordered on the amendment, have they?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the yeas and nays on the Brooke amendment be vacated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BROOKE. Mr. President, one of the most difficult axioms for many of us to accept is that "more and better weapons" do not necessarily mean "more and better security."

No less an authority than Dr. Herbert York, former Director of the Office of Research and Engineering in the Department of Defense, has said that as a nation we are less secure now than we were 10 or 20 or 30 years ago.

The cause of this paradox is not difficult to find: As we have developed more complex and terrible weapons, we have had to face the reality that there is no secure defense against them.

It is too late to turn back the clock. We possess a technology which has come close to achieving its own momentum.

But we can impose controls over that momentum. We can provide limits which guarantee mutual deterrence and, therefore, some degree of mutual defense and mutual security.

This was the intent and purpose of the agreements signed in Moscow in May of this year.

For the first time in history, the leaders of the two most powerful nations in the world agreed, voluntarily, to limit production and deployment of their most dangerous weapons.

In the words of the joint communique signed by President Nixon and Communist Party chief Brezhnev:

> In the nuclear age there is no alternative to conducting mutual relations on the basis of peaceful coexistence.

Such peaceful coexistence, both sides concluded, is based on the twin pillars of avoiding confrontation and limiting the development and deployment of armaments.

As a first step in achieving these goals, the United States and Soviet Union signed a treaty limiting each nation to two defensive missile sites, each with a maximum of 100 ABM's. Since both sides possess comparable anti-ballistic-missile technology, and are at roughly the same stage in the deployment of that technology, it was possible to devise a treaty based on absolute equality. Both sides now have the option of proceeding, or not proceeding, with the permissible second site. And, by accepting a limit which numerically cannot possibly counter the other side's offensive weapons, both sides have effectively codified into international law the principle of mutual deterrence.

The ABM agreement has been ratified by the Senate, by a clear and convincing margin of 88 to 2. This margin indicates strong Senate—and popular—support for a weapons agreement with the Soviet Union.

But the encouraging signal which was sent last month with our ratification of the treaty, is in danger of being obscured by subsequent developments. First, an amendment was offered in this body, with tacit administration support, calling for numerical equality with the Soviet Union in offensive weaponry. Second, it was revealed that the budget request of the Department of Defense contained a sum for research and development of a "hard target" warhead. Such a warhead is allegedly intended for use only after a nuclear attack, to deny the enemy the opportunity of striking a second time with a further destructive payload. But it would have the capability of hitting offensive missiles while still in their underground silos. Thus, depending only on the time of launch, it could give us a first strike capability. This, clearly, is the antithesis of principle of mutual deterrence accepted at SALT.

In 1969, and again in 1970, I sought assurances from the administration that this country was not seeking to develop a hard target, or first strike, capability.

The destabilizing potential of this new round of technology was clearly perceived at that time by President Nixon and Secretary Laird. In a letter to me of December 29, 1969, the President restated his "fundamental position that the purpose of our strategic program is to maintain our deterrent, not to threaten any nation with a first strike."

Similarly, in a letter to me of November 5, 1970, Secretary of Defense Melvin Laird declared:

> We have not developed and are not seeking to develop a weapon system having or which could reasonably be construed as having a first strike potential.

This understanding certainly underlies the Soviet willingness to enter into an interim agreement with the United States. Why else would they be willing to decelerate drastically their own rate of deployment of nuclear missiles, designed to protect them against an adversary possessing clear technological superiority?

The amendment which I have proposed to the interim agreement is designed to make absolutely clear that the United States has not, and will not, develop a first-strike capability. And it requires both sides to observe the ban on development or deployment of destabilizing weaponry. Such a ban, on our part, would be binding only for so long as the Soviet Union exercised comparable restraint, or for the duration of the interim agreement.

Since I proposed my amendment on August 11, I am pleased to note that the conferees on the military procurement bill deleted the funds for research and development of the hard-target warhead. Funds for this project were deferred, pending a Senate Armed Services Committee hearing on the justifications for, and advisability of, these new and potentially destabilizing technological efforts.

I have also received a response from Defense Secretary Melvin Laird, assuring me that all programs proposed by the Department "are consistent with the defense policies which the President and I have enunciated" in the past. The letter further promised that no decisions would be taken which would involve "either superfluous or provocative programs." The Secretary's letter, taken in conjunction with the Armed Services Committee action, offers an assurance that this program will be reviewed within the full scope of our defense and foreign policy commitments.

In order to make our policy unmistakeably clear, however, and to protect the integrity of the interim agreement, I believe it is essential that the full Congress put itself on record as opposing development and deployment of destabilizing technology.

In my letter to the President of August 8, I said:

> We have left no doubt that if the Soviets devise a hard target MIRV capability threatening our Minuteman force, we would consider that inimical to the principles of mutual deterrence incorporated in the initial SALT agreements. Similarly, should the United States seem to be qualifying its stand against perfecting hard target MIRV, the Soviet Union might well interpret that development as an attempt to gain a disarming capability against the largest component of their strategic forces. Seeking in good faith to build mutual security on an agreed basis of strategic restraint, we could hardly undertake to do what we are pressing the Soviet Union not to do.

Mr. President, herein lies the crux of the problem. If either or both sides insist on nuclear superiority, the ABM treaty and the interim agreement alike will be rendered void. If either or both sides proceed with weapons programs which give the appearance of seeking superiority, the agreement, can likewise be rendered void.

I, for one, would not argue that the agreement as presently conceived is necessarily the fairest formula that could be devised for signatories. But it does represent a beginning. The conclusion of a more equitable and lasting agreement is now dependent upon the degree of restraint and good faith demonstrated by both the United States and the Soviet Union. A clear statement of our intent not to proceed with a first-strike capability seems to me to be a sine qua non for a permanent treaty. I, therefore, urge the adoption of my amendment.

Mr. HUGHES. Mr. President, I am pleased to join my distinguished colleague from Massachusetts (Mr. BROOKE) in offering this amendment to the pending amendment 1434. I hope and expect that this measure will be approved easily, because it merely restates a longstanding policy of the United States and reaffirms a determination made last year when the Senate overwhelmingly rejected proposals to authorize research for advanced reentry vehicles with a hard-target capability.

The simplicity of this amendment is not a measure of its importance, however, for it deals with the very chance of success of both the pending interim agreement and future agreements.

Recent announcements that we are proceeding with the development of a reentry vehicle with a hard-target capability, as well as the admission that at least since 1965 Air Force manuals required the planning for a first-strike option, have raised serious doubts that the declared policy of the President against such a first-strike capability is being followed.

And if the amendment offered by the distinguished Senator from Washington (Mr. JACKSON) is adopted, it might well be viewed as a blank check for a new, costly confrontation in weapons technology.

Our amendment would make clear that the success of SALT depends upon the preservation of our longstanding policy that neither the Soviet Union nor the United States should seek unilateral advantage by developing counterforce weapons which might be construed as having a first-strike potential.

That this is the policy of the United States is unquestioned. Senator BROOKE has in previous years secured unambiguous statements from the President and the Secretary of Defense on this point, and I shall not repeat those quotations.

As late as last February, Secretary Laird and Admiral Moorer assured the Congress that the Defense Department had not changed this longstanding policy.

Admiral Moorer told the Senate Armed Services Committee on February 15:

> Our ICBM's have not been designed to give them a hard-target kill capability.

And Secretary Laird told the House Armed Services Committee 2 days later:

> None of our existing ICBM's, including approved programmed improvements, has the characteristics which lead one to categorize them as "hard target" weapons. We currently have the technical ability to substantially increase the yield of several of our missile systems but have not done so.

These statements, Mr. President, show a consistent policy of refusing to pursue programs which might undermine overall strategic stability.

Now we are at a new stage in arms control. By the ABM treaty, both nations have conceded the mutual vulnerability of their territories and their land-based missiles. By the interim agreement, we have bought 5 years of stability—5 years in which to turn these understandings into a rock-hard foundation for peace.

Let us not now pollute the atmosphere of trust created by these agreements by raising doubts and suspicions about our determination to abide by the spirit as well as the letter of SALT.

At Moscow, the two leaders declared

that they "will always exercise restraint in their mutual relations." They also recognized "that efforts to obtain unilateral advantage at the expense of the other, directly or indirectly, are inconsistent with these objectives."

Now more than ever is the time for mutual restraint in our weapons development. If we proceed blindly to do whatever is not specifically prohibited, we will encourage—if not force—the Soviet Union to do likewise.

Henry Kissinger, speaking to selected members of Congress, said:

> We advocate these agreements not on the basis of trust, but on the basis of the enlightened self-interests of both sides. This self-interest is reinforced by the carefully drafted verification provisions in the agreement. Beyond the legal obligations, both sides have a stake in all of the agreements that have been signed, and a large stake in the broad process of improvement in relations that has begun. The Soviet leaders are serious men, and we are confident that they will not lightly abandon the course that has led to the summit meeting and to these initial agreements. For our own part, we will not abandon this course without major provocation, because it is in the interest of this country and in the interest of mankind to pursue it.

Since that statement was made, however, the administration has taken a step which jeopardizes the understandings which culminated in this interim agreement. By proposing new funds to speed work on the submarine launched cruise missile—SLCM—the side defense of minuteman—SDM—and an advanced reentry vehicle, the administration has rushed to exploit every loophole in the agreements.

What would we think, Mr. President, if only a few days after the Moscow summit, the Soviet Union announced similar plans? I am sure that we would have strong doubts about the Russians' good faith and sincerity in future negotiations.

I hope that the Senate will have an opportunity to consider each of these requests on its merits, but the current situation is that these items are under consideration in the conference committee on the military procurement bill because they were approved by the House of Representatives, although not yet by the Senate.

Although all of these programs raise questions about American intentions to abide by the spirit as well as the letter of SALT, one in particular—the advanced reentry vehicle—would, if approved, overturn the longstanding U.S. policy against pursuing a first-strike capability. I trust that if the Senate approves this amendment, we will be able to avoid such a quiet, backroom reversal of strategic policy.

Although the precise details of the reentry vehicle program cannot be discussed in open session, the Defense Department this week said that this program involved research on improved accuracies and improved ratios on yield-to-weight which would enhance our ability to hit hard targets.

Such a development would give the United States the basis for a first-strike capability. As the distinguished chairman of the Armed Services Committee (Mr. STENNIS) said in last year's debate on one of several amendments authorizing hard-target research:

> We do not need this type of improvements in payload and guidance now, the type of improvements that are proposed, in order to have the option of attacking military targets other than cities. Our accuracy is already sufficiently good to enable us to attack any kind of target we want, and to avoid collateral damage to cities. The only reason to undertake the type of program the amendment suggests (Poseidon upgrade) is to be able to destroy enemy missiles in their silos before they are launched. This means a U.S. first strike, unless the adversary should be so stupid as to partially attack us, and leave many of his ICBM's in their silos for us to attack in a second strike.

The Defense Department's answer, of course, is that the current program is only for research and development, not deployment. But we all know that development involves testing, and that testing would be seen by other nations as an irreversible step toward full deployment.

Having a little counterforce capability, Mr. President, is like being a little bit pregnant. Other nations will expect that capability to grow into a fully deployed system.

Unless and until we have a mutual agreement prohibiting such developments and an assured means of verification, I doubt that any nation would want to base its planning on the risky assumption that development will stop short of deployment.

Moreover, Secretary Laird's assurance in 1970, which provided the basis for this amendment, specifically ruled out not only deployment, but even development. He said:

> We have not developed, and are not seeking to develop, a weapon system having, or which could reasonably be construed as having, a first-strike potential.

Although the administration has reaffirmed this policy by words, it has not yet done so by deeds. If funds for this program are not deleted in conference, I intend to see to it that the Senate has an opportunity to express its will on this vital matter.

In the meantime, I believe that we have an opportunity to reaffirm our policy to both our own planners and to the Soviet Union.

The administration says that it hopes to talk about mutual restrictions in the next round of SALT. This amendment should strengthen our hand in those negotiations in our search for mutual restraints. Otherwise, both sides might continue to improve their systems to the point where probability becomes certainty and fear smothers trust.

When one nation fears that a major part of its deterrent force can be easily destroyed in an attack by highly accurate, large-yield warheads, it understandably fears that an adversary might use that advantage to strike first. This upsets the delicate balance of terror by giving the edge to that nation which attacks first, whether out of aggressive design or in fear of an imminent attack by its enemy.

For the foreseeable future, both the United States and the Soviet Union will have an invulnerable deterrent force in their respective nuclear submarines. But since both nations have invested considerable resources in land-based missiles, they are rightly concerned that these forces might be substantially threatened by new programs giving greater yield and accuracy.

Already the United States has developed MIRV technology to the point where we have high confidence—but not certainty—that we can move very close to Soviet silos and render most missiles inoperative.

As Senator STENNIS told the Senate last year:

> We have amazing accuracy already. We have had amazing achievements in that field. The exact information is classified, but we can come well within a half-mile of targets now. Our accuracy on the targets is well within a half-mile. I state that because I am told it is a fact. So certainly we are not neglecting this field.

The Soviet Union is understandably developing its own MIRV capabilities. Thus, it is now urgent for both nations to agree to halt our headlong rush into a new confrontation. This amendment should contribute to such an agreement.

Some may argue that we need to develop counterforce capability as a hedge against the failure of SALT II. Mr. Friedheim said as much last week.

I do not believe, Mr. President, that we should bet on failure, especially not when that bet would raise the ante for both sides. Instead we can call upon the Rusians—and on ourselves—to show the mutual restraint necessary to preserve the climate of understanding which has given us these agreements so far.

Now is the time to build on these understandings. We have accepted our mutual vulnerability in case nuclear war should ever occur. We have renounced the impossible and dangerous search for superiority and have instead accepted 5 years of parity in overall strategic strength. Let us not try to resurrect these outmoded ideas. As Benjamin S. Lambeth of the Institute for Defense Analyses wrote in the journal, World Politics, last January:

> The preeminent questions of contemporary American strategic life is whether we shall seek the "new and higher synthesis" of accommodation to nuclear parity and acceptance of arms control—perhaps taking on some small but necessary risks in the process—or whether we shall fall back on the "primitive ideas" of security through nuclear superiority and thus submit to the arms race which would inevitably result.

Mr. President, while we must not assume that SALT has brought the millennium, neither must we act as if it merely codified the status quo. We are further along the road to peace, but we must not stray from the path of mutual restraint. As Dr. Kissinger himself said:

> The deepest question we ask is not whether we can trust the Soviets, but whether we can trust ourselves.

If the Senate adopts this amendment today, I believe that we will keep that trust. And we will be able to look to future talks on arms limitations with greater confidence.

Mr. ALLOTT. Mr. President, I am ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, as modified (putting the question).

Mr. BROOKE. Mr. President, I am very pleased that the Armed Services Committee, particularly the Senate conferees, were able to delete the funds for counterforce weapons which gave rise to the filing of this particular amendment, because it created some fear in my mind that if the money were voted and counterforce weapons were developed which either would have had a first strike capability or the appearance of a first strike capability, the success of the SALT talks could have been seriously damaged.

Therefore, I want to thank the distinguished chairman of the Armed Services Committee and the conferees who were able to have that deleted from the House-Senate conference.

Second, I want to thank the distinguished chairman of the Foreign Relations Committee for his understanding of this amendment and his willingness to accept it, and my distinguished colleague from Rhode Island (Mr. PASTORE) for his contribution to this amendment.

I ask that the amendment be voted upon.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

Mr. MUSKIE. Mr. President, I will vote for Senate Joint Resolution 241, the interim agreement on offensive weapons, even though I strongly oppose the Jackson amendment which is now part of the resolution.

I believe the interim agreement can be a useful step toward control of the arms race. I hope that the House-Senate conferees will agree to the version which has already passed the House without encumbering amendments.

I regret that the Senate did not go on record in support of overall equality in the nuclear balance with the Soviet Union and in support of sufficiency in U.S. strategic defense. I do not believe it is advisable for the Senate, which must advise and consent to any subsequent SALT treaty, to urge restrictive minimal conditions upon our negotiators for the next round of negotiations.

But I do not believe the Senate passed the Jackson amendment with a view to making Senator JACKSON's interpretation of his language binding upon the administration. The White House has already made it clear that it does not support Senator JACKSON's elaborations and interpretations. I trust that our negotiators will feel free to interpret the Senate's action in the spirit which is best expressed by Senate approval of the Mansfield amendment to Senate Joint Resolution 241, with only one dissenting vote.

For these reasons I will vote for the interim agreement on offensive weapons.

Mr. DOMINICK. Mr. President, the SALT agreements signed by the United States and Soviet Governments in May 1972 represent a political event of major significance. When the strategic arms limitation talks began, the Soviet Union was in the midest of a major offensive weapons building program. During the 2½ years of negotiations, this building program in land- and sea-based missiles did not abate. The prospect existed that, if allowed to continue, the Soviet Union would achieve a strategic arsenal far in excess of that required for any reasonable parity with the United States. Opinions varied as to future Soviet intentions. Did the Soviet Union intend to strive for strategic superiority, or would they be content with rough equality?

It is in this environment that the SALT agreements must be evaluated. While no conclusive evidence exists as to future Soviet intentions, an agreement covering both defensive and offensive weapons systems has been signed and should be considered as only the first step of more definitive limitations agreements in the future.

On August 3, 1972, the Senate overwhelmingly voted to ratify the ABM Treaty with the Soviet Union which limits each country to two ABM sites. There are many important features of this treaty which have been thoroughly discussed, so there is no need for me to cover features of the Treaty in detail. I would, however, like to make the point that the ABM Treaty precludes the building of nationwide or heavy ABM defenses. Such defenses were perceived by both Governments as potentially destabilizing to the strategic balance because if ABM deployments were not curbed, new and larger strategic offensive programs were in prospect on both sides in response to ABM expansion. And further, Mr. President, parity has been reached in ABM systems in that each side is limited to the same number of sites and interceptors.

Thus, Mr. President, in my opinion, the ABM treaty was an essential first step if agreement was to be reached limiting offensive forces. That brings us to the business at hand, the approval of the interim agreement which freezes the number of offensive missiles on both sides approximately at levels currently operational or under construction.

Mr. President, of critical importance to U.S. security interests is the leveling off of the Soviet arms building programs which will be required under the Interim Agreement. For example, the Soviet Union could have built additional submarines during the 5-year period of the agreement without this freeze. Further, to build up to the full number of SLBM's permitted for the Soviet Union; that is, 950—the Soviets will have to retire some older ICBM's. Through this agreement, the United States has at least slowed the current momentum of the Soviet offensive building program.

Further, the Soviet Union has agreed to limit the number of heavy land-based ICBM's, known as the SS–9. This is particularly important to the United States since it is this Soviet missile which could most directly threaten the survivability of the U.S. Minuteman force. Although the number of SS–9's authorized the Soviets under the 5-year interim agreement—approximately 313—is a formidable number, the Soviets unchecked could possibly have had twice that number by 1977. Add to this the potential of the Soviet Union placing three to 10 multiple independently targeted reentry vehicles—MIRV's—each of between 1 and 5 megatons and presumably with improved guidance systems on each SS–9, and it can be seen the position of the United States becomes highly untenable.

In short, the only area of concern would be an increase in the Soviets' counterforce threat. This must be watched very closely while we are negotiating what I hope will be a very comprehensive strategic arms limitation agreement.

I believe Ambassador Smith made this clear to the Soviet delegation when, on May 9, 1972, he stated, in part:

> The U.S. Delegation believes that an objective of the follow-on negotiations should be to constrain and reduce on a long term basis threats to the survivability of our respective strategic retaliatory forces. The U.S.S.R. delegation has also indicated that the objectives of SALT would remain unfulfilled without the achievement of an agreement providing for more complete limitations on strategic offensive arms.

Ambassador Smith further stated:

> If an agreement providing for more complete strategic arms limitations were not achieved within 5 years, U.S. supreme interests could be jeopardized.

Now, Mr. President, that is a pretty clear statement of how the United States views this interim agreement. It is clear the United States is sincere about reaching a further agreement on strategic offensive systems as we move to SALT II.

Mr. President, the acceptance of the interim agreement to limit strategic offensive systems is in the best interest of both the United States and the Soviet Union. It is, for that matter, in the best interest of all mankind.

I urge the Senate to support this resolution, as I will, authorizing the President to approve the interim agreement between the United States and the Union of Soviet Socialist Republics limiting strategic offensive systems. As President Nixon indicated, these two agreements in combination effectively serve one of this Nation's most cherished purposes—a more secure and peaceful world in which America's security is fully protected.

Mr. SPONG. Mr. President, as a member of the Foreign Relations Committee, I have participated in a number of the hearings which were held on the SALT agreements—the treaty to limit the deployment of antiballistic-missile—ABM—systems and the interim agreement to limit strategic offensive weapons. I have followed the debate over these proposals in some detail and have questioned Secretary of State Rogers, Secretary of Defense Laird and Chairman Moorer of the Joint Chiefs of Staff regarding these measures.

The President's initiatives in the field of arms control are impressive. An arms race, in addition to costing our Nation a huge amount of money which could well be spent on domestic needs, structures the forces which threaten the existence of us all.

On August 3, the Senate, by an 88-to-2 vote, approved the treaty to limit the antiballistic missile systems. Under that agreement, each side is restricted to two limited antiballistic missile sites—one to protect the capital and one to protect a major intercontinental ballistic missile base. In the case of the United States, those sites would be Washington, D.C., which also holds the National Command Center, and Grand Forks Air Force Base, N. Dak., where deployment is underway. The United States would dismantle the construction beginnings which it has made at Malmstrom Air Force Base in Montana.

For the Soviet Union, the sites would be Moscow, where an ABM system is already under construction, and a site some 1,300 kilometers from the Soviet capital. I supported adoption of this treaty.

Now pending before the Senate is the 5-year interim agreement limiting deployment of strategic offensive weapons. It is this interim agreement which has aroused controversy and over which honest differences of opinion exist.

There is no question but that the interim agreement provides the Soviet Union with a numerical superiority in a number of areas, including land-based intercontinental ballistic missiles and launchers, submarines, and submarine-launched ballistic missiles. Furthermore, certain Soviet missiles are known to be more powerful than ours, to have greater thrust than U.S. missiles.

The United States is, however, considered to have superior technology and numbers of warheads. During hearings before the Senate Foreign Relations Committee, I questioned Secretary of Defense Melvin Laird regarding this:

> Senator SPONG. Mr. Secretary, yesterday in the Armed Services Committee hearing—and here this morning—you said that the United States retained a technical superiority under the treaty and under the agreements. In response to Senator Cooper you have compared submarine weaponry capabilities. Would you further elaborate on what you consider technical superiority?
>
> Secretary LAIRD. Well, I believe that the disadvantage that shows up in the numbers in the offensive agreement is offset by the 18 to 24 month lead that we have because of our technology in the MIRV area—M-I-R-V area. That is perhaps the best example of what I am talking about.
>
> Senator SPONG. Do you expect the Soviets to reach a MIRV capability within the next two years?
>
> Secretary LAIRD. I do. In the defense report and statement which Admiral Moorer and I submitted to this Congress in February, we projected that such a capability could be acquired and deployed but not for 18 to 24 months, and I stand behind those reports. I think that that generally has complete and total agreement within our government.
>
> Senator SPONG. Then your assessment of technical superiority may not go beyond 18 to 24 months in the future?
>
> Secretary LAIRD. If we were to stand still and not support the programs that are in the 1973 budget, I think that assessment that you make is correct.

To my knowledge, no one has questioned this evaluation of the situation insofar as actual capability is concerned, although some persons have questioned the meaning of the capability and the usefulness of it in event of nuclear war. As long as both sides are capable of destroying each other, "overall", that is possessing enough weaponry to destroy a nation or area many times over, does, indeed, seem useless. On the other hand, should superiority in numbers and thrust negate the power of one side to respond adequately to an attack by the other, then one power would become superior and one inferior with the result that the superior side might be encouraged to risk a confrontation.

Such a situation is considered by some possibility, although not a definite one, under the interim agreement. It is conceivable that under the agreement the Soviet Union could develop missiles in number and payload to threaten the United States.

Regardless of our desire for an arms agreement, regardless of the benefits which might accrue financially from a restriction on the deployment of strategic weaponry, our first concern must be our Nation's security. We must always maintain the deterrent strength to convince any nation that it would be contrary to its own interests to launch a first strike against the United States.

The treaty covering the ABM and the interim agreement on offensive weaponry does not, at this time, pose a threat to U.S. security. In fact, they contribute to it by curtailing the current Soviet deployment momentum and increasing the likelihood of further agreement. As was noted in hearings, there are really no winners and no losers under these agreements as they now stand. The United States agreed to limit its ABM activities and the Soviet Union agreed to slow the deployment of certain weapons, to curb a construction program which was moving apace while the United States had no similar program. For two principal reasons, then—that they represent no threat to U.S. security, and indeed a hope for better security, and that they represent concessions and gains by both sides—I support the SALT agreements.

There are, however, several situations which disturb me. One, to which I have already referred, involves the situation which could conceivably arise, should the Soviet Union undertake all the development and deployment opportunities which are permitted under the agreements.

My concerns are further increased by the situation which surrounded the negotiation of the SALT agreements. I know that our negotiators worked long and hard for a period of years. It is also clear, however, that several features of the agreements were worked out only in the hours preceeding their announcement, leaving the impression that either they had not been fully evaluated or that they represented serious concessions by one of the parties.

For these reasons, I believe the reservations proposed by the distinguished Senator from Washington (Mr. JACKSON) should be adopted. First, they are representative of a continuing effort on the part of Congress to participate in our foreign policy debates and to express the sentiment of the House and Senate and the views of the people in the various States as perceived by their elected officials.

Second, they present no threat to the agreements which have already been negotiated. With or without them, the SALT agreements are likely to be ratified.

Third, they provide an understanding over which there should be no question: that the United States will tolerate no threat to the survivability of its strategic deterrent force. I am aware that there is a provision in the interim agreement for the withdrawal of either party should it determine that its security interests are threatened. I read the reservation as a restatement of this provision and as an indication to the Soviet Union that the United States will provide for its own security, especially if the Soviet Union undertakes large-scale development and deployment.

Fourth, it urges the President to seek equality in SALT II. As I have previously noted, should the Soviets proceed as they could under the agreement, numbers could become significant. Soviet development of a MIRV capability coupled with increased deployment of the more powerful missiles could make numbers all important. We should be alerted to this and prepared to act. On the other hand, numbers do not always reflect the true picture and do not necessarily mean what they suggest. Should there be circumstances which suggest that numerical equality is unnecessary, I believe the Senate would be willing to evaluate those circumstances and proceed as they dictated. Thus, the reservation does not require the President to seek such equality. It only urges him to do so, premised on the concern that the Soviets may act in a certain manner and on the behalf that the United States should be prepared to react. It is a Senate statement regarding what the United States should do under certain circumstances and a notification to the Soviet Union that any future agreement which does not provide for a type of equality is likely to meet obstacles in gaining Senate approval. If other, more promising circumstances develop, I have no doubt that the Senate would give them adequate consideration.

Fifth, I approve the reservation language which states that the United States should pursue a program of research, development, and modernization, to the extent that that statement applies to our need to retain a credible deterrent capability. Senator JACKSON, the principal sponsor of the amendment providing reservations to the agreement, on August 11 noted:

> I wish to emphasize that adoption of this language is not intended to bear upon the wisdom of any particular procurement item. Decisions on procurement ought to be taken on a case-by-case basis.

I support this portion of the reservation, as interpreted by Senator JACKSON. This is the policy that I have been following in supporting funds for the fourth nuclear-powered carrier, but opposing the funds which were requested to accelerate development of the Trident. I intend to review each specific procurement proposal which arises in the future on its own merit as I have the two referred to above.

Sixth, I accept Senator JACKSON's interpretation of his amendment to mean that our forward-based systems are not intercontinental and should not be included in the calculation of equality in SALT II. I am aware of the fact that we have forward-based bombers capable of reaching Moscow. These are, however, basically in response to the medium-range ballistic missiles focused on Western Europe and part of our NATO commitments, rather than our intercontinental strategic forces. Furthermore, it is my understanding that exclusion of these systems from SALT is the policy of the administration. During hearings before the Senate Foreign Relations Committee, I asked Secretary of State Rogers about our forward-based bombers and he replied as follows:

> We felt in the beginning we were not in a position to talk about forward basing and we stated that to our allies, we inisisted on it, and Ambassador Smith made two statements to that effect in May, we are not in a position to negotiate on that basis.

It is my understanding that the Administration believes, as I do, that any agreement on forward basing should be part of an agreement rising out of an East-West Security Conference on mutual and balanced force reductions and not a part of any SALT agreement.

As I have stated before, I support the idea of arms control. I have supported the ABM treaty and will support the interim agreement.

There are pressing domestic needs here at home to which money saved from arms limitations could be applied. There are positive benefits to be derived from a reduction in arms in general as a means of deterring war. Yet, I believe any agreement or treaty must be a balanced one—that realistically it must contain benefits—and protections—for each side, just as both sides enjoy benefits and protection now. Thus, while favoring a balanced limitation, I believe both sides must be permitted a credible deterrent, which they currently have, not only to discourage aggression against each other, but possible aggression by some third power. The treaty and interim agreement represent, at the moment, a balance of benefits and disadvantages for each side. The future does not, however, appear so certain. There are possibilities of vast and significant changes—in Soviet development of MIRV, of the replacement of lighter missiles with heavier ones—which could render the current agreements ineffective in protecting the strategic interests of the United States. The reserva*tions proposed,* it seems to me, alert U.S. negotiators, our allies abroad, and those with whom we seek to negotiate a further agreement that the United States is not prepared to abdicate its position or responsibilities in the world, that we will maintain a credible defense and that we will take those steps which are made necessary in order to maintain United States security and protect legitimate United States interests.

I hope that a balanced and fair SALT II will be forthcoming—an agreement that will benefit not only our Nation but the entire world. I do not believe the acceptance of the proposed reservations will deter negotiation of such an agreement, unless the Soviet Union never intended to pursue a further strategic arms limitation. In fact, by clarifying the position of the United States, I believe the adoption of the reservations would be a positive step toward a balanced agreement in SALT II in the best interests of our Nation.

OPERATIONAL PRINCIPLES OF SOVIET FOREIGN POLICY

Mr. JACKSON. Mr. President, as part of a study on international negotiation conducted by the Subcommittee on National Security Operations, Dr. Richard Pipes contributed a paper in January of this year analyzing basic operational principles of Soviet foreign policy.

Dr. Pipes is professor of history and director of the Russian Research Center at Harvard University. His analysis is particularly timely in the light of our deliberations on the SALT accords. Dr. Pipes reminds us of the enduring toughmindness of the Soviet approach to world affairs—even as we carry on negotiations with the Kremlin leaders.

I recommend Professor Pipes' analysis to my colleagues for their thoughtful reading, and I ask unanimous consent that key excerpts from the paper be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM "SOME OPERATIONAL PRINCIPLES OF SOVIET FOREIGN POLICY"

(By Richard Pipes, professor of history and director of the Russian Research Center at Harvard University, Jan. 10, 1972)

* * * * *

One way to describe what we will be talking about is to borrow terms from the vocabulary of military science. The language of Soviet politics is permeated with militarisms: even the most pacific spheres of government activity become "fronts" which have to be "stormed," all-out "offensives" are launched to conquer internal difficulties, and even peace itself becomes the object of a "struggle." The martial language is appropriate, for, as will be noted shortly, Soviet theory does not distinguish sharply between military and political forms of activity, regarding both as variant ways of waging conflict which it regards as the essence of history. "Strategy" and "tactics" are useful in this connection, and have been employed. But even more accurate is a third term from the vocabulary of Soviet military theory, "the art of operations" (*operativnoe isskustvo*). Its origin apparently goes back to the 1890's, but it acquired special relevance in the 1920's, when Soviet experts, analyzing the record of World War I and of the Russian Civil War, concluded that neither "strategy" nor "tactics" adequately described warfare waged with mass armies under industrial conditions. They then created the concept "art of operations" to bridge the two. Since that time this concept has occupied an honored place in Soviet military thinking, and, indeed, some Soviet authorities credit Russian victories in World War II to its systematic application. If tactics describes the employment of troops on the battlefield, and strategy the overall disposition of all of one's forces, the "art of operations" denotes the fluid and dynamic element in military planning by virtue of which individual tactical moves are coordinated over a period of time to promote the ultimate strategic objective, defeat of the enemy.

According to Soviet theorists, under conditions of prolonged modern warfare, victory requires a succession of interdependent operations, based on solid logistic support and synchronized to produce on the enemy mounting pressure which, attaining unbearable levels, eventually causes him to collapse. In the literature on the subject, there are just enough hints to indicate that the "art of operations" is derived mainly from analysis of the campaigns waged in World War I by General Ludendorff, whose masterful conduct of "total" war seems to have exercised a greater influence on Communist political practices than the writings of Karl Marx and Friedrich Engels combined. "The purpose of operations is the destruction, the complete annihilation of the vital forces of the enemy," states a recent Soviet handbook on the subject, paraphrasing an authority of the 1920's, "its method is the uninterrupted attack; its means, prolonged operational pursuit, which avoids pauses and stops, and is attained by a succession of consecutive operations, each of which serves as the transitional link toward the ultimate goal, accomplished in the final, closing operations."[1] The whole concept, with its stress on coordinated, uninterrupted assault intended to bring mounting pressure on the enemy, admirably describes what is probably the most characteristic feature of Soviet foreign policy.

The subject is of great importance and deserves the kind of careful study given to Soviet military practices. Soviet foreign policy involves a great deal more than diplomacy: diplomacy is one of its minor instrumentalities and Soviet diplomats resemble more the bearers of white flags sent to cross combat lines than the staff officers or the combatants. But it is also more than mere military bluster. One cannot isolate from the total arsenal of Soviet foreign policy any one weapon and by neutralizing its sting hope to halt its thrust. To understand this policy one must understand its mode of operations. The purpose of this paper is to shed some light on this remarkably ignored subject.

THE ART OF OPERATIONS

In an essay on creativity, Arthur Koestler observed that seminal ideas are born from bringing two premises belonging to two different mental fields to bear upon each other.[2] Using this approach, Marxism may be said to owe its influence to a successful fusion of sociology with economics, and Freudianism to the grafting of medicine onto psychology. With this definition in mind, we may ascribe the significance of Leninism as an ideological force in the twentieth century to an innovative linking of politics with warfare—in other words, to the militarization of politics which Lenin was the first statesman to accomplish.

For psychological reasons which need not be gone into here, Lenin was most attracted in the writings of Marx and Engels not by the liberal and democratic spirit strongly in evidence there, but by the idea of class war. Peter Struve, who knew him well in his early political career, says that Lenin took to Marx's theory mainly because he found in it "the doctrine of class war, relentless and thoroughgoing, aiming at the final destruction and extermination of the enemy."[3] Class war, of course, was and remains the common property of all socialist and anarchist movements of modern times. But to Lenin, more than to any other prominent radical of his period, it was a real, tangible thing; a daily, hourly struggle pitting the exploited against

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the exploiters and (after November 1917) what he defined as the "camp of socialism" against that of "capitalism" or "imperialism." What to Marx and Engels was a means, became for him an end. His preoccupation as theorist was always with the methods of waging political warfare: anything that did not in some way bear on that subject, he regarded as harmful, or at best, as useless. All his thinking was militant. He was the first public figure to view politics entirely in terms of warfare, and to pursue this conception to its inexorable conclusion. Lenin read Clausewitz rather late in life (1915), but he immediately found him a most congenial writer. He referred to him often, praising him as a thinker whose ideas, as he once put it, have become "the indispensable acquisition of every thinking man." [4] As one might expect, he especially admired Clausewitz's insistence that war and politics were not antithetical means of conducting relations among states but alternatives, chosen according to what the situation required. On one occasion, Lenin told a friend that "political tactics and military tactics represent that which the Germans call *Grenzgebeit* [adjoining areas], and urged Communist party workers to study Clausewitz to learn the applications of this principle.[5]

These historical and biographical facts require mention because the Soviet leadership in power since November 1917 has been thoroughly imbued with the spirit of Leninist politics. The reason lies not in the innate force of Lenin's ideas or the ability of any idea to be bequeathed intact from one generation to another. It lies in the fact that the Soviet leadership of today finds itself in a situation in all essential respects identical with the one Lenin had left on his death, that is, devoid of a popular mandate or any other kind of legitimacy to justify its monopoly of political power except the alleged exigencies of class war. The regime is locked in; and even if it wanted to extricate itself from its predicament by democratizing it could not do so because of the staunch opposition of the bureaucratic establishment to genuine political reform. The closed character of Russia's ruling elite, its insulation from the inflow of fresh human types and ideas by means of the principle of co-optation assures a high degree of ideological and psychological continuity. In this respect, the Soviet elite resembles a self-perpetuating religious order rather than what one ordinarily thinks of as a governing class. The growth of productivity, the rise in living standards, the spread of education, and the sundry other factors which some Western observers count on in time to liberalize the Soviet system have no bearing either on the internal position of the ruling elite or on its political outlook. Only a major upheaval—such as a prolonged and unsuccessful war, or a prolonged and unresolved feud among the leaders—could alter the situation.

The Soviet government conducts a "total" foreign policy which draws no principal distinction between diplomatic, economic, psychological, or military means of operation. It also does not differentiate in any fundamental respect between domestic and foreign relations. This accounts for the virtual absence in the Soviet Union of a literature devoted to the theory of foreign relations. Every policy decision, after all, is made in the Politburo of the party. As a rule, the Soviet Minister of Foreign Affairs (the incumbent, Andrei Gromyko, included) is not a member of the Politburo—a fact which suggests what importance attaches to his office. The Soviet Union maintains a Ministry of Foreign Affairs with its diplomatic corps because other countries with which it deals happens to do so. It does not, however, charge the Ministry with the formulation of foreign policy.

All important foreign policy decisions are made in the Politburo and often even carried out by its own departments. The role of the Ministry is further whittled down by the practice increasingly to entrust foreign policy matters to organs of the police and intelligence. The KGB, through its "Foreign Directorate" (First Main Administration), and with the assistance of organs of military intelligence (GRU), may well have a greater voice in Soviet foreign policy, especially as it concerns the so-called Third World, than the Ministry of Foreign Affairs. Alexander Kaznacheev, a one-time Soviet diplomat stationed in Rangoon, states that among his hundred or more colleagues in the embassy, fewer than one-fifth actually worked for the Ministry and were responsible to the Ambassador; the remainder was employed by other agencies, mostly engaged in intelligence activities and reporting directly to Moscow.[6] In contending with a foreign policy of such an unorthodox kind, the United States has had to charge its own Central Intelligence Agency with a variety of responsibilities exceeding its formal mandate. These activities have recently been restrained, to the visible relief of the KGB and other operational intelligence agencies of the Soviet Union which prefer to have this particular field all to themselves. The steady shift of the epicenter of US foreign policy management from the Department of State to the White House is probably part of the same process which earlier had led to the broadening of the CIA's functions, namely the need somehow to counter "total" Soviet policy with a "total" policy of one's own.

THE CORRELATION OF FORCES

When we say that Soviet policy is inherently militant we do not mean to imply it is necessarily belligerent. In the context of an ideology which regards armed conflict as only one of several instruments at the politician's disposal, militancy can assume a great variety of expressions. If those who take a "soft" line in regard to Soviet Russia tend to err in their estimate of Soviet motives and aims by making them appear more reasonable than they in fact are, the "hard" liners err only a little less seriously in their judgment of Soviet procedures, overestimating the role of warfare and neglecting other means of waging battle which Russia employs. In the decade that followed the end of World War II, American policy toward the Soviet Union, anchored as it was in the "hard" position, concentrated so exclusively on the Soviet military threat that when in 1954–1955 Russian strategy changed and "peaceful coexistence" replaced the head-on assault attempted under Stalin, American policy was thrown into a confusion from which it still has to recover.

Militancy rather means maintaining one's citizenry in the state of constant war-like mobilization, and exerting relentless pressure outside Russia's borders. The means used differ, depending on the circumstances.

One of the basic ingredients in the formulation of Soviet foreign policy is what Russian theoreticians call the "correlation of forces" (*sootnoshenie sil*). By this term is meant the actual capability of the contending parties to inflict harm on each other, knowledge of which allows one to decide in any given situation whether to act more aggressively or less, and which of the various means available to employ. The concept is used in the analysis of the internal conditions of a foreign country in which Russia has an interest, (in which case it refers to the power relationship of social classes) as well as to international affairs where the parties are sovereign states or multinational blocs. Analyses of the "correlation of forces" are by no means an academic exercise. Under Khrushchev, when rivalry with the United States assumed new and dangerous forms, Soviet publications were filled with learned inquiries into the power balance between the Western and Eastern blocs, and there is every reason to believe that then, as now, such studies seriously influence policy. "Force", of course is a vague and relative concept, and Russian analysts almost always overestimate quantity (e.g., land, population, and productivity figures) at the expense of quality (e.g., fighting spirit, cultural factors, or the caliber of leadership). Still, mindful of the Russian proverb: "If you don't know the ford, don't step into the river," they do not plunge into contests blindly; they rarely gamble, unless they feel the odds are overwhelmingly in their favor.

Russian leaders regard military force as a weapon to be used only in extreme contingencies when there is no alternative and the risks involved appear minimal. There are many reasons to account for this caution, the main one probably being lack of confidence in their own troops, especially when engaged outside Soviet borders. They much prefer to use military force as a means of blackmail. The reluctance to commit their military forces abroad distinguishes Soviet expansionism from the German, and it would be a mistake to hope to contain it by excessive reliance on methods which might indeed have stopped Hitler in the 1930's.

The militancy of Soviet foreign policy rests on the unspoken assumption that the Soviet Union can assail the enemy at a time and a place, and in a manner of its own choosing. It is so strongly permeated with the offensive spirit that contingency plans in the event of failure and enemy counter-attack seem rarely to be drawn up, if only because even to contemplate retreat opens one to accusation of defeatism. The Russians are quite prepared to pull back when resistance on any one sector of the enemy front turns out to be stronger than anticipated: there are always other sectors which are less staunchly defended and where one's force can be applied to better advantage. But when the opponent chooses to strike back, they are surprisingly vulnerable. The inability of the Russians, in the summer of 1941, to stop Hitler from penetrating deep into their country was in no small measure due to a failure to prepare for defensive war. In the Cuban missile imbroglio of 1962, the response in Moscow to decisive American counter-measures was panic. (How embarrassing to the Soviet government may be judged from the fact that Khrushchev's famous cable of October 26 to President Kennedy still has not been released. Considering that much more embarrassing revelations concerning the U.S. government have been made public in recent years, such solicitude for Russian feelings seems out of place.) Nor did the Soviet leadership seem to have anticipated the outbreak of the Israeli-Arab war of 1967 which its own actions had done a great deal to provoke. If, so far, the government of Soviet Russia has not been required to pay a heavier price for the failure to anticipate blows, it is only because their opponents usually have been content with a reversion to the *status quo ante* and did not press their advantage.

Militancy is so deeply entrenched in the mentality of the Soviet elite, it follows so naturally from the character of its personnel and its relationship to the population at large, that it is doubtful whether the best way to ease East-West tensions is by attempting a piecemeal resolution of specific disagreements. Those who urge so in the name of pragmatism are in fact motivated by impatience. In the case of East-West tension, specific disagreements are not the cause but the consequence. The Second World War, too, after all, was not fought over Danzig.

THE USES OF THREAT

On February 23, 1942, on the occasion of the twenty-fifth anniversary of the founding of the Red Army, Stalin issued an Order of the Day in which he listed five "constant

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principles" that win wars. They were, in order of importance, first and foremost "stability of the home front," followed by second, morale of the armed forces, third, the quantity and quality of the divisions, fourth, military equipment, and fifth, ability of the commanders.[7] That Stalin should have attached such significance to morale, and in particular to the morale of the civilian population, is not surprising considering that the Bolsheviks came to power in Russia because the "home front", unable to withstand the strains of war, had collapsed. Given his admiration for Hitler, Stalin might even have come to believe that German defeat in World War I, too, had been caused by the failure of the civilian population to support the front-line troops. In this pronouncement, we have a valuable clue to that element in military and political operations which the maker of Soviet Russia and his heirs regard as crucial.

It has long been an axiom of military theory that the ideal battle is won before a single shot has been fired, by the victor depriving the enemy of the will to resist. Demoralization has been practiced with particular success by Napoleon, and German military theorists, following the example he has set, have striven with great determination to duplicate his feats. For all their admiration for the German military and willingness to learn from them, the Russians, however, have been slow to apply this particular principle to politics. The foreign policy of the Soviet Union in the first quarter of a century of its existence was ponderous and unimaginative. Soviet leaders seem first to have learned how to unnerve the opponent without actually fighting (or as a prelude to fighting) from observing the brazen manner in which Hitler, alternating threats with inducements, had managed to paralyze England and France. The effect on colonial peoples of Axis victories has often been noted; but it was probably no smaller on Soviet Russia which shared with the colonial nations a sense of awe toward the great powers of the West. Stalin has expressed on a number of occasions respect for Nazi methods, but always with one reservation: Hitler was overconfident, he underestimated the enemy, he did not know when to stop. The Cold War which he himself launched in 1946 represented, in effect, a replay of Hitler's game but with careful attention to the "correlation of powers".

The quality common to Nazi and post-1946 Soviet methods of waging political warfare is the practice of making limited, piecemeal encroachments on Western positions to the accompaniment of threats entirely out of proportion to the losses the West is asked to bear. The threats are coupled with all kinds of inducements which make non-acquiescence even more absurd. The Soviet Juridical Dictionary, in its definition of threat as a criminal offense, inadvertently provides a useful description of its uses as a political weapon: Threat (*ugroza*), it says, is a "distinct type of psychic influence on the victim for the purpose of compelling him to commit one action or another, or to refrain from committing them, in the interest of the threatener. . . . Such threats . . . can serve to paralyze the victim's will . . .".[8] In the case of international politics, the primary target of threats is public opinion. Their function is to disorient it to the point where it refuses to follow the national leadership and by passive or active resistance forces the government to make one concession after another.

Threats can be of a direct and an indirect kind. Khrushchev specialized in the former, cultivating the public stance of a violent and unpredictable man whom it would be unwise to provoke—a ploy of which Hitler was the first to make masterful use. Sometimes Khrushchev liked to drop hints what Russia would do if thwarted—hints so vaguely worded as to be open to differing interpretations. At other times he spelled out his threats with brutal frankness, as for example, when he spoke of "country-busting". The present Soviet administration, though not immodest in making its capacity at punishing adversaries clear, prefers to appear as a mature world power, aware what awesome responsibility possession of nuclear weapons imposes on it. But it is not averse to taking advantage of the "irresponsibility" ploy by shifting blame on its friends and allies, which it occasionally depicts as wildly emotional, hoping, by this device, to enlist Western support for its policies. This gambit has been used repeatedly in recent years in the Middle East. A recent dispatch from London by United Press International, for example (and it is one of many), credits anonymous East European diplomatic sources with the intelligence that the Soviet Union fears Egypt could involve it in a Middle Eastern war against its wishes. Russia—so the dispatch continues—is, of course, doing all it can to restrain President Sadat, but since its own prestige is at stake "precipitate Egyptian war action could drag Moscow into hostilities despite Russian intentions."[9] The implied conclusion is that the United States in order to avoid general war in which it might have to confront the Soviet Union, should compel Israel to comply with Egyptian terms. Such "leaks", reported by the Western press as if they were news, have for Soviet Russia the same value as direct threats but they cost it even less, allowing it to blackmail in the name of third parties.

Until it had the bomb and the means of delivering it across continents, the Soviet Union was unable credibly to threaten military action as Hitler had done in 1933–1939 and therefore could not wage global Cold War in an effective manner. Stalin had ordered the manufacture of atomic and hydrogen bombs but without having a clear understanding of their uses: he probably thought he had to have them to be able to face the United States as an equal. His attempts at paralyzing the West into submission were ultimately a failure because his threats carried no conviction. The benefits to be derived from nuclear blackmail were first grasped by Khrushchev and the military who had helped him unseat the more cautious Malenkov. Almost immediately upon coming to power, Khrushchev instigated a major deception intended to convince the United States that he had at his disposal more nuclear weapons and better means of delivering them than in fact was the case. First came Aviation Day of July 1955 when small units of Bisons, apparently flying in circles over Moscow, suggested to Western observers that Russia already had a respectable fleet of strategic bombers. Two years later came the Sputnik, and an even more incredible deception concerning the number of Soviet ICBM's.[10] These strategems helped undermine the traditional sense of invulnerability to external attack of the United States and persuade it that the only viable alternative to mutual nuclear destruction was accommodation with the Soviet Union. This proposition was not explicitly stated but hinted at. It was President Eisenhower and his advisors who first spelled out the principles that there was "no alternative to peace", that "war had become unthinkable" and that, therefore, negotiation was the only feasible way of settling all disagreements with the Soviet Union. The Geneva Conference of 1955 and the Camp David meeting of 1959 formalized this understanding. Since, as will be pointed out, the Soviet Union enjoys great advantages in negotiations with Western powers, the acceptance by the West of these principles represented a considerable Russian victory. It set the rules for the conduct of operations against the West in a fashion favorable to the Soviet side.

In one sense, the policy of threats initiated by Khrushchev has not worked: even nuclear blackmail has not made the United States and its allies give up their principal positions, such as NATO and West Germany's membership in it. But the policy has had considerable effect on Western public opinion. Ever since the Soviet Union has acquired the ability to inflict heavy punishment on Western countries a paralysis of the will has set in. The leadership stands firm but it can no longer wholly depend on the citizenry, and this condition sooner or later must reflect itself in national policies. While encouraging these tendencies toward isolationism and *embourgeoisement* in the West, the Soviet leadership in its internal policies seeks to steel the Soviet population and by depriving it of the good things of life to keep it lean, hungry, and alert[11] . . .

SOVIET ESTIMATE OF THE AMERICAN PSYCHE

In dealing with the United States in particular, the Russians have worked out over the past thirty years an interesting set of approaches based on certain assumptions about American ways of thinking and feeling.

In dealing with relations between America and Russia, one cannot emphasize strongly enough the effect which their disparate economic traditions have had on their political conduct. A country like the United States whose preoccupation is commercial is inherently predisposed toward compromise: each trading transaction, after all, must hold some profit for both parties; negotiation is over the division of profits, not over the principle of mutual benefit. On the other hand, a country which makes its living primarily from the production and consumption of goods—never mind whether agricultural, extractive, or industrial—is equally predisposed toward exclusive possession and the denial of the principle of compromise.

This factor has had immense influence on the conduct of international relations of the two countries. When the United States makes a proposal to the Soviet Union, it invariably includes in it provisions designed to make it palatable to the other party; in other words, it makes concessions in advance of actual negotiations, assuming the other party will do likewise. But where the other party is a country like the Soviet Union, without a great commercial tradition and furthermore impelled by ideology toward intransigence, this assumption does not hold. The Russian position always represents the actual expectations of the Soviet government, weighted down with additional unrealistic demands to be given up in exchange for the other side's concessions. In this sense, the Russians always enjoy an immense advantage in negotiating with a country like the United States. Any compromise works in their favor insofar as the American preliminary position already includes some concessions which need not be fought for at all. Occasionally, in diplomatic talks, Russian negotiators work out with their opposite numbers from the West a compromise formula which is then sent to Moscow as representing the Western position. Clearly, when Moscow sends back its counterproposals, the Russians come out the winners. This technique of "splitting the half" theoretically gives the Russians three-quarters of the gain in any compromise solution.

Equally important though more difficult to define is the Russian play on certain elements in the American psyche. A strong residue of Protestant ethics, causes Americans to regard all hostility to them as being at least in some measure brought about by

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Footnotes at end of article.

their own faults. That one can be hated for what one is rather than for what one does (to use Mr. George Kennan's formula) is difficult to reconcile with the liberal Protestant ethic which still dominates American culture. It is quite possible to exploit this tendency to self-accusation by setting into motion a steady barrage of hostile actions accompanied by expressions of hatred. The natural reaction of the victims, if they are Americans, can be and often is bewilderment, followed by guilt. Thus is created an atmosphere conducive to concessions whose purpose it is to propitiate the allegedly injured party. The roots of English appeasement of the 1930's probably lay in these psychological factors; and the Russians, imitating the Nazis, have had much success in exploiting similar methods. One need only recall the uses made of so-called American "intervention" in the Russian Civil War, as a counterpart of the Versailles *Diktat*, to see the parallel. . . .

FOOTNOTES

[1] *Voprosy strategii i operativnogo isskustva v sovetskikh voennykh trudakh, 1917–1940 gg.* (Moscow, 1965). 13.

[2] *Insight and Outlook* (New York, 1949), especially Chapter xviii, "The Eureka Process."

[3] Cited in my book, *Struve, Liberal on the Left, 1870–1905* (Cambridge, Mass., 1970), 134.

[4] V. I. Lenin, *Sochineniia*, 3rd ed., (Moscow, 1926–1937), xxx, 333. Admiration for Clausewitz is something the Bolsheviks and the Nazis have in common.

[5] V. Sorin, "Marksizm, taktika, Lenin," *Pravda*, No. 1 (January 3, 1923), 5. On another occasion, Lenin wrote: "To have an overwhelming superiority of forces at a decisive moment in a decisive place—this 'law' of military success is also the law of political success . . ." Lenin, *Sochineniia*, xxiv, 635. Lenin's copious notes on Clausewitz are reprinted in *Leninskii sbornik*, xii (1931), 387–452.

[6] Cited in Sir William Hayter, *Russia and the World* (London, 1970), 18, 19.

[7] Cited in J. M. Mackintosh, *The Strategy and Tactics of Soviet Foreign Policy* (London, 1962), 90, 91.

[8] P. I. Kudriavtsev, ed., *Iuridicheskii slovar'*, 2nd ed., II (Moscow, 1956), 550.

[9] *The Boston Evening Globe*, November 10, 1971, 15.

[10] This fascinating story is described by Arnold L. Horelick and Myron Rush, *Strategic Power and Soviet Foreign Policy* (Chicago, 1966). I owe these two authors the reference cited above in Note 8.

[11] It is interesting to observe that whereas in the era of "peaceful coexistence" with the West, the Soviet government goes out of its way to maintain in Russia the spirit of ideological militancy toward the West, during the period of amity with Nazi Germany (1939–1941) it was equally anxious in its internal propaganda to give no offense to the government of Hitler.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of House Joint Resolution 1227, approval and authorization for the President of the United States to accept an interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read the joint resolution (H.J. Res. 1227) as follows:

Approval and authorization for the President of the United States to accept an interim agreement between the United States of America and the Union of Soviet Socialist Republics on certain measures with respect to the limitation of strategic offensive arms.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas?

There being no objection, the Senate proceeded to consider House Joint Resolution 1227.

Mr. FULBRIGHT. Mr. President, I move to strike out all after the resolving clause and insert in lieu thereof the language of Senate Joint Resolution 241, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas.

The motion was agreed to.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. As I understood the motion, the effect of it would be to strike out all after the resolving clause and to insert the language of Senate Joint Resolution 241, as amended. This does not strike the language or the action previously taken by the Senate today.

The PRESIDING OFFICER. No, it does not.

Mr. ALLOTT. I thank the Chair.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the joint resolution.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution (H.J. Res. 227) was read the third time.

Mr. JACKSON. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass?

Mr. HARRY F. BYRD, JR. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. HARRY F. BYRD, JR. Mr. President, I commend the distinguished Senator from Washington (Mr. Jackson) for the very important role he has played in focusing the attention of the Senate on the interim agreement signed by Chairman Brezhnev and the President of the United States. I think had it not been for his diligence, his perseverence, and his detailed knowledge of the subject, the Senate would not have had the full-scale debate in which it has engaged over a period of time.

I commend, too, the amendment which the Senator from Washington sponsored, and which the Senate approved today by a vote of 55 to 35.

I think it is very important that in the subsequent negotiations with the Soviet Union, the United States negotiators seek levels of international strategic forces equal to those of the Soviet Union. Hopefully, it will mean a reduction in the intercontinental strategic forces of Russia.

Had not the amendment offered by the Senator from Washington been approved by the Senate, I have some doubt as to whether I could have supported the interim agreement. With this amendment, however, and with the Senate on record as firmly agreeing with the position enunciated by the amendment offered by the Senator from Washington, I shall support the agreement.

The PRESIDING OFFICER. The question is on final passage of the joint resolution.

Mr. ROBERT C. BYRD. Mr. President, I yield myself 30 seconds.

This will be the last roll call for today.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GOLDWATER (when his name was called). Mr. President, on this vote I have a pair with the Senator from Michigan (Mr. Griffin). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), and the Senator from Connecticut (Mr. Ribicoff) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Nebraska (Mr. Curtis), the Senator from Michigan (Mr. Griffin), and the Senator from Texas (Mr. Tower) are necessarily absent.

I also announce that the Senator from South Dakota (Mr. Mundt), is absent because of illness.

I further announce that the Senator from New Hampshire (Mr. Cotton), and the Senator from Ohio (Mr. Saxbe) are detained on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), and the Senator from Texas (Mr. Tower) would each vote "yea."

The pair of the Senator from Michigan (Mr. Griffin) has been previously announced.

The result was announced—yeas 88, nays 2, as follows:

[No. 432 Leg.]

YEAS—88

Aiken
Allott
Anderson
Baker
Bayh
Beall
Bellmon
Bennett
Bentsen
Bible
Boggs
Brock
Brooke
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Dominick
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Fulbright
Gambrell
Gravel
Gurney
Hansen
Harris
Hart
Hartke
Hatfield

Hruska
Hughes
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
McGee
McIntyre
Metcalf
Miller
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Randolph
Roth
Schweiker
Scott
Smith
Sparkman
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—2

Allen
Hollings

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Goldwater, against.

NOT VOTING—9

Cotton
Curtis
Griffin
Kennedy
McGovern
Mundt
Ribicoff
Saxbe
Tower

So the joint resolution (H.J. Res. 1227) was passed.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendment and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. STAFFORD) appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. CHURCH, Mr. SYMINGTON, Mr. AIKEN, Mr. CASE, and Mr. COOPER conferees on the part of the Senate.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Senate Joint Resolution 241 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PERCY AND SENATOR HRUSKA TOMORROW; CONSIDERATION OF DEFENSE PROCUREMENT BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the two leaders under the standing order, the distinguished Senator from Illinois (Mr. PERCY) be recognized for not to exceed 15 minutes, to be followed by the distinguished Senator from Nebraska (Mr. HRUSKA), for not to exceed 15 minutes, at the conclusion of which the Chair proceed to the consideration of the conference report on the defense procurement authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of measures on the Calendar 1056 and the succeeding measures in sequence, through and including Calendar No. 1067.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERNATIONAL BRIDGE ACT OF 1972

The bill (H.R. 15577) to give the consent of Congress to the construction of certain international bridges, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

SUPPORT OF THE INTERNATIONAL AGENCY FOR RESEARCH ON CANCER

The Senate proceeded to consider the joint resolution (H.J. Res. 1257) to authorize an appropriation for the annual contributions by the United States for the support of the International Agency for Research on Cancer which had been reported from the Committee on Foreign Relations with an amendment on page 1, line 8, after the word "on", strike out "Cancer." and insert "Cancer, except that in no event shall that payment for any year exceed 16 per centum of all contributions assessed Participating Members of the Agency for that year."

The amendment was agreed to.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

UNIFICATION OF PRIVATE INTERNATIONAL LAW

The Senate proceeded to consider the bill (H.R. 11948) to amend the joint resolution authorizing appropriations for participation by the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law which has been reported from the Committee on Foreign Relations with amendments on page 1, line 6, after the word "be", strike out "necessary, not to exceed $50,000 annually," and insert "necessary"; and, on page 2, line 1, after the word "Private", strike out "Law.'" and insert "Law, except that in no event shall any payment of the United States to the Conference or the Institute for any year exceed 7 per centum of all expenses apportioned among members of the Conference or the Institute, as the case may be, for that year."

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

U.S. PARTICIPATION IN THE INTERNATIONAL BUREAU FOR THE PROTECTION OF INDUSTRIAL PROPERTY

The Senate proceeded to consider the joint resolution (H.J. Res. 984) to amend the joint resolution providing for U.S. participation in the International Bureau for the Protection of Industrial Property which had been reported from the Committee on Foreign Relations with amendments on page 1, line 3, after the word "the", strike out "Act" and insert "joint resolution"; in line 4, after the word "the", strike out "Act" and insert "joint resolution"; and, on page 2, line 3, after the word "as", strike out "revised." and insert "revised, except that in no event shall the payment for any year exceed 4 per centum of all expenses of the bureau apportioned among countries for that year."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

U.S. MEMBERSHIP AND PARTICIPATION IN THE SOUTH PACIFIC COMMISSION

The Senate proceeded to consider the joint resolution (H.J. Res. 1211) to amend the joint resolution providing for membership and participation by the United States in the South Pacific Commission, which had been reported from the Committee on Foreign Relations with amendments on page 1, line 3, after the word "That", insert "section 3(a) of"; at the beginning of line 5, insert "(1)"; in the same line, after the word "out", insert "not to exceed"; in the same line, after "$250,000", insert "per fiscal year"; and, in line 6, after the word "and", strike out "inserting in lieu thereof "$400,000", in section 3(a)." and insert "(2) by inserting before the period at the end thereof the following: 'except that in no event shall that payment for any fiscal year of the Commission exceed 20 per centum of all expenses apportioned among participating governments of the Commission for that year'."

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

SENATE DOCUMENT OF LEGISLATIVE PROCEEDINGS WITH RESPECT TO SENATOR HICKENLOOPER

The resolution (S. Res. 359) relating to the printing and distribution, as a Senate document, of legislative proceedings with respect to the death of former Senator Hickenlooper was considered and agreed to, as follows:

Resolved, That the legislative proceedings of the Congress relating to the death of the former Senator from Iowa, Mr. Hickenlooper, be printed as a Senate document. That document shall be prepared, printed, bound, and distributed, except to the extent otherwise provided by the Joint Committee on Printing under chapter 1 of title 44, United States Code, in the same manner and under the same conditions as memorial addresses, on behalf of Members of Congress dying in office, are printed under sections 723 and 724 of such title.

AUTHORIZATION FOR SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

The Senate proceeded to consider resolution (S. Res. 360) authorizing supplemental expenditures by the Committee on Veterans' Affairs for inquiries and investigations which had been reported from the Committee on Rules and Administration with an amendment on page 2, line 14, after the word "February", strike out "29" and insert "28"; so as to make the resolution read:

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Veterans' Affairs, or any subcommittee thereof, is authorized from the date this resolution is agreed to through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $50,000, of which amount not to exceed $10,000 shall be available for the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February *28*, 1973.

SEC. 4.—Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

The amendment was agreed to.

The resolution, as amended, was agreed to.

AUTHORIZATION FOR PRINTING ADDITIONAL COPIES OF HEARING RELATING TO SUDDEN INFANT DEATH SYNDROME

The concurrent resolution (S. Con. Res. 92) authorizing the printing of additional copies of the hearing before the Subcommittee on Children and Youth relating to the sudden infant death syndrome was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed two thousand additional copies of part 1 of the hearing before the Subcommittee on Children and Youth of the Senate Committee on Labor and Public Welfare entitled "Rights of Children, 1972 (Examination of the Sudden Infant Death Syndrome)", dated January 25, 1972. Such additional copies shall be for the use of the Senate Committee on Labor and Public Welfare.

O'NEILL UNIT, MISSOURI RIVER BASIN PROJECT, NEBRASKA

The Senate proceeded to consider the bill (S. 353) to authorize the Secretary of the Interior to construct, operate, and maintain the O'Neill unit, Missouri River Basin project, Nebraska, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 3, after the word "heretofore," strike out "outhorized" and insert "authorized"; in line 6, after the word "of," strike out "that project" and insert "Pick-Sloan Missouri Basin program"; on page 2, and after line 12, insert:

To protect the quality of the environment including the existing fishery, the Secretary shall, in consultation with other Federal agencies and the State of Nebraska, develop operating criteria which will assure a full water supply for the irrigation needs of the unit and provide for releases at Norden Dam, including reservoir seepage to maintain flows of one hundred cubic feet per second of time, or more, of water in the Niobrara River immediately downstream from Norden Dam: *Provided*, That prior to construction of the unit the State of Nebraska shall furnish assurances satisfactory to the Secretary of the Interior that releases of water, so identified, at Norden Dam to the Niobrara River will be available as necessary for the conservation and development of the fish and wildlife resources and for protection of the environment.

On page 3, after line 7, insert a new section, as follows:

SEC. 4. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

At the beginning of line 17, change the section number from "4" to "5"; and, on page 4, after line 3, strike out:

SEC. 5. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

And, in lieu thereof, insert:

SEC. 6. There is hereby authorized to be appropriated for construction of the O'Neill unit the sum of $104,400,000 (based upon October 1970 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indices applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the O'Neill unit, heretofore authorized as an integral part of the Missouri River Basin project by the Act of August 21, 1954 (68 Stat. 757), is hereby reauthorized as a unit of Pick-Sloan Missouri Basin program for the purposes of providing irrigation water for seventy-seven thousand acres of land, flood control, fish and wildlife conservation and development, public outdoor recreation, and for other purposes. The construction, operation, and maintenance of the O'Neill unit shall be subject to the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto). The principal features of the unit shall include Norden Dam and Reservoir, related canals, a pumping plant, distribution systems, and other necessary works needed to effect the aforesaid purposes.

SEC. 2. The conservation and development of the fish and wildlife resources and the enhancement of recreation opportunities in connection with the O'Neill unit shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

To protect the quality of the environment including the existing fishery, the Secretary shall, in consultation with other Federal agencies and the State of Nebraska, develop operating criteria which will assure a full water supply for the irrigation needs of the unit and provide for releases at Norden Dam, including reservoir seepage to maintain flows of one hundred cubic feet per second of time, or more, of water in the Niobrara River immediately downstream from Norden Dam: *Provided*, That prior to construction of the unit the State of Nebraska shall furnish assurances satisfactory to the Secretary of the Interior that releases of water, so identified, at Norden Dam to the Niobrara River will be available as necessary for the conservation and development of the fish and wildlife resources and for protection of the environment.

SEC. 3. The O'Neill unit shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

SEC. 4. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable to the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

SEC. 5. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

SEC. 6. There is hereby authorized to be appropriated for construction of the O'Neill unit the sum of $104,400,000 (based upon October 1970 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indices applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the unit.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to construct, operate, and maintain the O'Neill unit, Pick-Sloan Missouri Basin program, Nebraska, and for other purposes."

NORTH LOUP DIVISION, MISSOURI RIVER BASIN PROJECT, NEBRASKA

The Senate proceeded to consider the bill (S. 2350) to authorize the Secretary of the Interior to construct, operate, and maintain the North Loup division, Missouri River Basin project, Nebraska, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized to construct, operate, and maintain the North Loup division of the Pick-Sloan Missouri Basin program for the purposes of providing irrigation water for fifty-three thousand acres of land, enhancement of outdoor recreation opportunities, conservation and development of fish and wildlife resources, and for other purposes. The principal features of the North Loup division shall include Calamus and Davis Creek Dams and Reservoirs, Kent Diversion Works; irrigation canals; pumping facilities; associated irrigation distribution and drainage works; facilities for public outdoor recreation and fish and wildlife developments; and other necessary works and facilities to effect its purposes.

Sec. 2. The conservation and development of the fish and wildlife resources and the enhancement of outdoor recreation opportunities in connection with the North Loup division shall be in accordance with provisions of the Federal Water Project Recreation Act (79 Stat. 213).

Sec. 3. The North Loup division shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented.

Sec. 4. The interest rate used for purposes of computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest-bearing features of the project shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due nor callable for redemption for fifteen years from date of issue.

Sec. 5. The North Loup division shall be so constructed and operated that no water shall be diverted from either the Calamus or the North Loup Rivers for any use by the division during the months of July and August each year; and no water shall be diverted from said rivers during the month of September each year whenever during said month there is sufficient water available in the division storage reservoirs to deliver the design capacity of the canals receiving water from said reservoirs.

Sec. 6. For a period of ten years from the date of enactment of this Act, no water from the unit authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply, as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

Sec. 7. There is hereby authorized to be appropriated for construction of the North Loup division as authorized in this Act the sum of $73,400,000 (based upon October 1970 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering costs indexes applicable to the types of construction involved herein. There are also authorized to be appropriated such additional sums as may be required for operation and maintenance of the division.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to construct, operate, and maintain the North Loup division, Pick-Sloan Missouri Basin program, Nebraska, and for other purposes."

OFFICE OF TECHNOLOGY ASSESSMENT

The Senate proceeded to consider the bill (H.R. 10243) to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes, which had been reported from the Committee on Rules and Administration with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as the "Technology Assessment Act of 1972".

FINDINGS AND DECLARATION OF PURPOSE

Sec. 12. The Congress hereby finds and declares that:

(a) As technology continues to change and expand rapidly, its applications are—

(1) large and growing in scale; and

(2) increasingly extensive, pervasive, and critical in their impact, beneficial and adverse, on the natural and social environment.

(b) Therefore, it is essential that, to the fullest extent possible, the consequences of technological applications be anticipated, understood, and considered in determination of public policy on existing and emerging national problems.

(c) The Congress further finds that:

(1) the Federal agencies presently responsible directly to the Congress are not designed to provide the legislative branch with adequate and timely information, independently developed, relating to the potential impact of technological applications, and

(2) the present mechanisms of the Congress do not and are not designed to provide the legislative branch with such information.

(d) Accordingly, it is necessary for the Congress to—

(1) equip itself with new and effective means for securing competent, unbiased information concerning the physical, biological, economic, social, and political effects of such applications; and

(2) utilize this information, whenever appropriate, as one factor in the legislative assessment of matters pending before the Congress, particularly in those instances where the Federal Government may be called upon to consider support for, or management or regulation of, technological applications.

ESTABLISHMENT OF THE OFFICE OF TECHNOLOGY ASSESSMENT

Sec. 3. (a) In accordance with the findings and declaration of purpose in section 2, there is hereby created the Office of Technology Assessment (hereinafter referred to as the "Office") which shall be within and responsible to the legislative branch of the Government.

(b) The Office shall consist of a Technology Assessment Board (hereinafter referred to as the "Board") which shall formulate and promulgate the policies of the Office, and a Director who shall carry out such policies and administer the operations of the Office.

(c) The basic function of the Office shall be to provide early indications of the probable beneficial and adverse impacts of the applications of technology and to develop other coordinate information which may assist the Congress. In carrying out such function, the Office shall:

(1) identify existing or probable impacts of technology or technological programs;

(2) where possible, ascertain cause-and-effect relationships;

(3) identify alternative technological methods of implementing specific programs;

(4) identify alternative programs for achieving requisite goals;

(5) make estimates and comparisons of the impacts of alternative methods and programs;

(6) present findings of completed analyses to the appropriate legislative authorities;

(7) identify areas where additional research or data collection is required to provide adequate support for the assessments and estimates described in paragraph (1) through (5) of this subsection; and

(8) undertake such additional associated activities as the appropriate authorities specified under subsection (d) may direct.

(d) Assessment activities undertaken by the Office may be initiated upon the request of:

(1) the chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

(2) the Board; or

(3) the Director, in consultation with the Board.

(e) Assessments made by the Office, including information, surveys, studies, reports, and findings related thereto, shall be made available to the initiating committee or other appropriate committees of the Congress. In addition, any such information, surveys, studies, reports, and findings produced by the Office may be made available to the public except where—

(1) to do so would violate security statutes; or

(2) the Board considers it necessary or advisable to withhold such information in accordance with one or more of the numbered paragraphs in section 552(b) of title 5, United States Code.

TECHNOLOGY ASSESSMENT BOARD

Sec. 4. (a) The Board shall consist of thirteen members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and three from the minority party;

(2) six Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and three from the minority party; and

(3) the Director, who shall not be a voting member.

(b) Vacancies in the membership of the Board shall not affect the power of the remaining members to execute the functions of the Board and shall be filled in the same manner as in the case of the original appointment.

(c) The Board shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Board from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

(d) The Board is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress and upon a vote of a majority of its members, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Board may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Board unless a majority of the Board assent. Subpenas may be issued over the signature of the chairman of the Board or of any member designated by him or by the Board, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Board or any member thereof may administer oaths or affirmations to witnesses.

DIRECTOR AND DEPUTY DIRECTOR

SEC. 5. (a) The Director of the Office of Technology Assessment shall be appointed by the Board and shall serve for a term of six years unless sooner removed by the Board. He shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(b) In addition to the powers and duties vested in him by this Act, the Director shall exercise such powers and duties as may be delegated to him by the Board.

(c) The Director may appoint with the approval of the Board, a Deputy Director who shall perform such functions as the Director may prescribe and who shall be Acting Director during the absence or incapacity of the Director or in the event of a vacancy in the office of Director. The Deputy Director shall receive basic pay at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(d) Neither the Director nor the Deputy Director shall engage in any other business, vocation, or employment than that of serving as such Director or Deputy Director, as the case may be; nor shall the Director or Deputy Director, except with the approval of the Board, hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this Act.

AUTHORITY OF THE OFFICE

SEC. 6. (a) The Office shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this Act, including, but without being limited to, the authority to—

(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 5);

(3) make advance, progress, and other payments which relate to technology assessment without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529);

(4) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Office and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation;

(5) acquire by purchase, lease, loan, or gift, and hold and dispose of by sale, lease, or loan, real and personal property of all kinds necessary for or resulting from the exercise of authority granted by this Act; and

(6) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Office.

(b) Contractors and other parties entering into contracts and other arrangements under this section which involve costs to the Government shall maintain such books and related records as will facilitate an effective audit in such detail and in such manner as shall be prescribed by the Office, and such books and records (and related documents and papers) shall be available to the Office and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination.

(c) The Office, in carrying out the provisions of this Act, shall not, itself, operate any laboratories, pilot plants, or test facilities.

(d) The Office is authorized to secure directly from any executive department or agency information, suggestions, estimates, statistics, and technical assistance for the purpose of carrying out its functions under this Act. Each such executive department or agency shall furnish the information, suggestions, estimates, statistics, and technical assistance directly to the Office upon its request.

(e) On request of the Office, the head of any executive department or agency may detail, with or without reimbursement, any of its personnel to assist the Office in carrying out its functions under this Act.

(f) The Director shall, in accordance with such policies as the Board shall prescribe, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act.

ESTABLISHMENT OF THE TECHNOLOGY ASSESSMENT ADVISORY COUNCIL

SEC. 7. (a) The Office shall establish a Technology Assessment Advisory Council (hereinafter referred to as the "Council"). The Council shall be composed of the following twelve members:

(1) ten members from the public, to be appointed by the Board, who shall be persons eminent in one or more fields of the physical, biological, or social sciences or engineering or experienced in the administration of technological activities, or who may be judged qualified on the basis of contributions made to educational or public activities;

(2) the Comptroller General; and

(3) the Director of the Congressional Research Service of the Library of Congress.

(b) The Council, upon request by the Board, shall—

(1) review and make recommendations to the Board on activities undertaken by the Office or on the initiation thereof in accordance with section 3(d); and

(2) review and make recommendations to the Board on the findings of any assessment made by or for the Office.

(c) The Council, by majority vote, shall elect from its members appointed under subsection (a) (1) of this section a Chairman and a Vice Chairman, who shall serve for such time and under such conditions as the Council may prescribe. In the absence of the Chairman, or in the event of his incapacity, the Vice Chairman shall act as Chairman.

(d) The term of office of each member of the Council appointed under subsection (a) (1) shall be four years, except that any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term. No person shall be appointed a member of the Council under subsection (a)(1) more than twice. Terms of the members appointed under subsection (a)(1) shall be staggered so as to establish a rotating membership according to such method as the Board may devise.

(e)(1) The members of the Council other than those appointed under subsection (a) (1) shall receive no pay for their services as members of the Council, but shall be allowed necessary travel expenses (or, in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence at not to exceed the rate prescribed in sections 5702 and 5704 of title 5, United States Code), and other necessary expenses incurred by them in the performance of duties vested in the Council, without regard to the provisions of subchapter 1 of chapter 57 and section 5731 of title 5, United States Code, and regulations promulgated thereunder.

(2) The members of the Council appointed under subsection (a)(1) shall receive compensation for each day engaged in the actual performance of duties vested in the Council at rates of pay not in excess of the daily equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses in the manner provided for other members of the Council under paragraph (1) of this subsection.

UTILIZATION OF THE LIBRARY OF CONGRESS

SEC. 8. (a) To carry out the objectives of this Act, the Librarian of Congress is authorized to make available to the Office such services and assistance of the Congressional Research Service as may be appropriate and feasible.

(b) Such services and assistance made available to the Office shall include, but not be limited to, all of the services and assistance which the Congressional Research Service is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the Congressional Research Service under law performs for or on behalf of the Congress. The Librarian is, however, authorized to establish within the Congressional Research Service such additional divisions, groups, or other organizational entities as may be necessary to carry out the purpose of this Act.

(d) Services and assistance made available to the Office by the Congressional Research Service in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Librarian of Congress.

UTILIZATION OF THE GENERAL ACCOUNTING OFFICE

SEC. 9. (a) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) and such other services as may be appropriate shall be provided the Office by the General Accounting Office.

(b) Such services and assistance to the Office shall include, but not be limited to, all of the services and assistance which the General Accounting Office is otherwise authorized to provide to the Congress.

(c) Nothing in this section shall alter or modify any services or responsibilities, other than those performed for the Office, which the General Accounting Office under law performs for or on behalf of the Congress. The Comptroller General is, however, authorized to establish within the General Accounting Office such additional divisions, groups, or other organizational entities as may be necessary to carry out the objectives of this Act.

(d) Services and assistance made available to the Office by the General Accounting Office in accordance with this section may be provided with or without reimbursement from funds of the Office, as agreed upon by the Board and the Comptroller General.

COORDINATION WITH THE NATIONAL SCIENCE FOUNDATION

SEC. 10. (a) The Office shall maintain a continuing liaison with the National Science Foundation with respect to—

(1) grants and contracts formulated or activated by the Foundation which are for purposes of technology assessment; and

(2) the promotion of coordination in areas of technology assessment, and the avoidance of unnecessary duplication or overlapping of research activities in the development of technology assessment techniques and programs.

(b) Section 3(b) of the National Science Foundation Act of 1950, as amended (42

U.S.C. 1862(b)), is amended to read as follows:

"(b) The Foundation is authorized to initiate and support specific scientific activities in connection with matters relating to international cooperation, national security, and the effects of scientific applications upon society by making contracts or other arrangements (including grants, loans, and other forms of assistance) for the conduct of such activities. When initiated or supported pursuant to requests made by any other Federal department or agency, including the Office of Technology Assessment, such activities shall be financed whenever feasible from funds transferred to the Foundation by the requesting official as provided in section 14(g), and any such activities shall be unclassified and shall be identified by the Foundation as being undertaken at the request of the appropriate official."

ANNUAL REPORT

SEC. 11. The Office shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas requiring future analysis. Such report shall be submitted not later than March 15 of each year.

APPROPRIATIONS

SEC. 12. (a) To enable the Office to carry out its powers and duties, there is hereby authorized to be appropriated to the Office, out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000 in the aggregate for the two fiscal years ending June 30, 1973, and June 30, 1974, and thereafter such sums as may be necessary.

(b) Appropriations made pursuant to the authority provided in subsection (a) shall remain available for obligation, for expenditure, or for obligation and expenditure for such period or periods as may be specified in the Act making such appropriations.

EFFECTIVE DATE

SEC. 13. This Act sahll become effective, and the members of the Board shall be appointed by the presiding officers of the Senate and House of Representatives as provided in section 4, not later than sixty days following the date of enactment of this Act.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

AMENDMENT OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT

The Senate proceeded to consider the bill (S. 2318) to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with an amendment, to strike out all after the enactment clause and insert:

That this Act may be cited as the "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1972".

COVERAGE

SEC. 2. (a) Section 2(3) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 902) is amended to read as follows:

"(3) The term 'employee' means any person engaged in maritime employment, including any longshoreman or other person engaged in longshoring operations, and any harborworker including a ship repairman, shipbuilder, and shipbreaker, but such term does not include a master or member of a crew of any vessel, or any person engaged by the master to load or unload or repair any small vessel under eighteen tons net."

(b) Section 2(4) of such Act is amended by striking out "(including any dry dock)" and inserting in lieu thereof "(including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer ing any adjoining pier, wharf, dry dock, building a vessel)".

(c) Section 3(a) of such Act is amended by striking out "(including any dry dock), and if recovery for the disability or death through workmen's compensation proceedings may not validly be provided by State law," and inserting in lieu thereof "(including any adjoining pier, wharf, dry dock, terminal, building way, marine railway, or other adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel)".

STUDENT BENEFITS

SEC. 3. (a) Section 2 of the Longshoremen's and Harbor Workers' Compensation Act is amended by redesignating paragraph (19) as paragraph (20) and adding a new paragraph (19) as follows:

"(19) The term 'student' means a person regularly pursuing a full-time course of study or training at an institution which is—

"(A) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof,

"(B) a school or college or university which has been accredited by a State or by a State recognized or nationally recognized accrediting agency or body,

"(C) a school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

"(D) an additional type of educational or training institution as defined by the Secretary,

but not after he reaches the age of twenty-three or has completed four years of education beyond the high school level, except that, where his twenty-third birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the Secretary that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration during which, in the judgment of the Secretary, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States."

(b) The last sentence of section 2(14) of such Act is amended to read as follows: "'Child', 'grandchild', 'brother', and 'sister' includes only a person who is under eighteen years of age, who, though eighteen years of age or over, is (1) wholly dependent upon the employee and incapable of self-support by reason of mental or physical disability, or (2) a student as defined in paragraph (19) of this section."

TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 4. Section 6(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended by striking out "more than twenty-eight days" and inserting in lieu thereof "more than fourteen days".

MAXIMUM AND MINIMUM LIMITS OF DISABILITY COMPENSATION AND ALLOWANCE

SEC. 5. (a) Section 6 of the Longshoremen's and Harbor Workers' Compensation Act is amended by striking out subsection (b) and inserting in lieu thereof the following new subsections:

"(b)(1) Except as provided in subsection (c), compensation for disability shall not exceed the following percentages of the applicable national average weekly wage as determined by the Secretary under paragraph (3):

"(A) 125 per centum or $167, whichever is greater during the period ending September 30, 1973.

"(B) 150 per centum during the period beginning October 1, 1973, and ending September 30, 1974.

"(C) 175 per centum during the period beginning October 1, 1974, and ending September 30, 1975.

"(D) 200 per centum beginning October 1, 1975.

"(2) Compensation for total disability shall not be less than 50 per centum of the applicable national average weekly wage determined by the Secretary under paragraph (3), except that if the employee's average weekly wages as computed under section 10 are less than 50 per centum of such national average weekly wage, he shall receive his average weekly wages as compensation for total disability.

"(3) As soon as practicable after June 30 of each year, and in any event prior to October 1 of such year, the Secretary shall determine the national average weekly wage for the most recent three consecutive calendar quarters ending June 30. Such determination shall be the applicable national average weekly wage for the period beginning with October 1 of that year and ending with September 30 of the next year. The initial determination under this paragraph shall be made as soon as practicable after the enactment of this subsection.

"(c) The maximum rate of compensation for a nonappropriated fund instrumentality employee shall be equal to 66⅔ per centum of the maximum rate of basic pay established for a Federal employee in grade GS–12 by section 5332 of title 5, United States Code, and the minimum rate of compensation for such an employee shall be equal to 66⅔ per centum of the minimum rate of basic pay established for a Federal employee in grade GS–2 by such section.

"(d) Determinations under this subsection with respect to a period shall apply to employees or survivors currently receiving compensation for permanent total disability or death benefits during such period, as well as those newly awarded compensation during such period."

(b) Section 2 of such Act as amended by this Act is further amended by redesignating paragraph 20 thereof as paragraph 21 and by inserting immediately after paragraph 19 the following:

"(20) The term 'national average weekly wage' means the national average weekly earnings of production or nonsupervisory workers on private nonagricultural payrolls."

(c) Section 8(d) of such Act is amended to read as follows:

"(d)(1) If an employee is receiving compensation for permanent partial disability pursuant to section 8(c)(1)–(20) and thereafter dies from causes other than the injury, the total amount of the award unpaid at the time of death shall be payable to or for the benefit of his survivors, as follows·

"(A) if the employee is survived only by a widow or widower, such unpaid amount of the award shall be payable to such widow or widower,

"(B) if the employee is survived only by a child or children, such unpaid amount of the award shall be paid to such child or children in equal shares, "(C) if the employee is survived by a widow or widower and a child or children, such unpaid amount of the award shall be payable to such survivors in equal shares,

"(D) if there be no widow or widower and no surviving child or children, and the benefits payable individually to other survivors, as determined in each case by multiplying such unpaid amount of the award by the appropriate percentage specified in section 9, aggregate less than such unpaid amount of the award, then such unpaid amount of the award shall be paid to such other survivors, divided so that each survivor receives the same proportion of such unpaid amount of the award as his benefits payable bear to the aggregate of benefits payable.

"(2) Notwithstanding any other limitation in section 9, the total amount of any award for permanent partial disability pursuant to section 8(c) (1)–(20) unpaid at time of death shall be payable in full in the appropriate distribution.

"(3) If an employee is receiving compensation for permanent partial disability pursuant to section 8(c–21) and thereafter dies from causes unrelated to the injury, survivors shall receive death benefits as provided in section 9(b)–(g), except that the percentage figures therein shall be applied to the weekly compensation payable to the employee at the time of his death multiplied by 1.5, rather than to his average weekly wages.

"(4) An award for disability may be made after the death of the injured employee. Except where compensation is payable under 8(c–21), if there be no survivors as prescribed in this section, then the compensation payable under this subsection shall be paid to the special fund established under section 44(a) of this Act."

"(d) The first phrase of section 9 of such Act, preceding the first colon, is amended to read as follows:

"If the injury causes death, or if the employee who sustains permanent total disability due to the injury thereafter dies from causes other than the injury, the compensation shall be known as a death benefit and shall be payable in the amount and to or for the benefit of the persons following:"

(e) Section 14 of such Act is amended by striking out subsection (m).

MEDICAL SERVICES

Sec. 6. (a) Section 7 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

MEDICAL SERVICES AND SUPPLIES

"Sec. 7. (a) The employer shall furnish such medical, surgical, and other attendance or treatment, nurse and hospital service, medicine, crutches, and apparatus, for such period as the nature of the injury or the process of recovery may require.

"(b) The employee shall have the right to choose an attending physician authorized by the Secretary to provide medical care under this Act as hereinafter provided. If, due to the nature of the injury, the employee is unable to select his physician and the nature of the injury requires immediate medical treatment and care, the employer shall select a physician for him. The Secretary shall actively supervise the medical care rendered to injured employees, shall require periodic reports as to the medical care being rendered to injured employees, shall have authority to determine the necessity, character, and sufficiency of any medical aid furnished or to be furnished, and may, on his own initiative or at the request of the employer, order a change of physicians or hospitals when in his judgment such change is desirable or necessary in the interest of the employee. Change of physicians at the request of employees shall be permitted in accordance with regulations of the Secretary.

"(c) The Secretary may designate authorized physicians who are to render medical care under the Act. The names of physicians so designated in the community shall be made available to employees through posting or in such other form as the Secretary may prescribe.

"(d) The employee shall not be entitled to recover any amount expended by him for medical treatment or services unless he shall have requested the employer to furnish such services or to authorize provision of such services by the physician selected by the employee and the employer shall have refused or neglected to do so, or unless the nature of the injury required such treatment and services and the employer or his superintendent or foreman having knowledge of such injury shall have neglected to provide or authorize the same; nor shall any claim for medical or surgical treatment be valid and enforceable, as against such employer, unless within ten days following the first treatment the physician giving such treatment furnish to the employer and the Secretary a report of such injury and treatment, on a form prescribed by the Secretary. The Secretary may, however, excuse the failure to furnish such report within ten days when he finds it to be in the interest of justice to do so, and he may, upon application by a party in interest, make an award for the reasonable value of such medical or surgical treatment so obtained by the employee. If at any time the employee unreasonably refuses to submit to medical or surgical treatment, or to an examination by a physician selected by the employer, the Secretary may, by order, suspend the payment of further compensation during such time as such refusal continues, and no compensation shall be paid at any time during the period of such suspension, unless the circumstances justified the refusal.

"(e) In the event that medical questions are raised in any case, the Secretary shall have the power to cause the employee to be examined by a physician employed or selected by the Secretary and to obtain from such physician a report containing his estimate of the employee's physical impairment and such other information as may be appropriate. Any party who is dissatisfied with such report may request a review or reexamination of the employee by one or more different physicians employed or selected by the Secretary. The Secretary shall order such review or reexamination unless he finds that it is clearly unwarranted. Such review or reexamination shall be completed within two weeks from the date ordered unless the Secretary finds that because of extraordinary circumstances a longer period is required. The Secretary shall have the power in his discretion to charge the cost of examination or review under this subsection to the employer, if he is a self-insurer, or to the insurance company which is carrying the risk, in appropriate cases, or to special fund in Sec. 44.

"(f) An employee shall submit to such physical examination at such place as the Secretary may require. The place, or places, shall be designated by the Secretary and shall be reasonably convenient for the employee. No physician selected by the employer, carrier, or employee shall be present at or participate in any manner in such examination, nor shall conclusions of such physicians as to the nature or extent of impairment or the cause of impairment be available to the examining physician unless otherwise ordered, for good cause, by the Secretary. Such employer or carrier shall, upon request, be entitled to have the employee examined immediately thereafter and upon the same premises by a qualified physician or physicians in the presence of such physician as the employee may select, if any. Proceedings shall be suspended and no compensation shall be payable for any period during which the employee may refuse to submit to examination.

"(g) All fees and other charges for medical examinations, treatment, or service shall be limited to such charges as prevail in the community for such treatment, and shall be subject to regulation by the Secretary. The Secretary shall issue regulations limiting the nature and extent of medical expenses chargeable against the employer without authorization by the employer or the Secretary.

"(h) The liability of an employer for medical treatment as herein provided shall not be affected by the fact that his employee was injured through the fault or negligence of a third party not in the same employ, or that suit has been brought against such third party. The employer shall, however, have a cause of action against such third party to recover any amounts paid by him for such medical treatment in like manner as provided in section 33(b) of this Act.

"(i) Unless the parties to the claim agree, the Secretary shall not employ or select any physician for the purpose of making examinations or reviews under subsection (e) of this section who, during such employment, or during the period of two years prior to such employment, has been employed by, or accepted or participated in any fee relating to a workmen's compensation claim from any insurance carrier or any self-insurer."

DISFIGUREMENTS

Sec. 7. Section 8(c) (20) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(20) Disfigurement: Proper and equitable compensation not to exceed $3,500 shall be awarded for serious disfigurement: (A) of the face, head, or neck; or (B) of other normally exposed areas likely to handicap the employee in securing or maintaining employment."

SPECIAL FUND

Sec. 8. (a) Section 44(a) of the Longshoremen's and Harbor Workers' compensation Act is amended by adding a period after the word "fund" in the first sentence thereof and deleting the remainder of the sentence.

(b) Section 44(c) of such Act is amended to read as follows:

"(c) Payments into such fund shall be made as follows:

"(1) Whenever the Secretary determines that there is no person entitled under this Act to compensation for the death of an employee which would otherwise be compensable under this Act, each appropriate employer shall pay $5,000 as compensation for the death of such an employee.

"(2) At the beginning of each calendar year the Secretary shall estimate the probable expenses of the fund during that calendar year and each carrier or self-insurer shall make payments into the fund on a prorated assessment by the Secretary in the proportion that the total compensation and medical payments made on risks covered by this Act by each carrier and self-insurer bears to the total of such payments made by all carriers and self-insurers under the Act in the prior calendar year in accordance with a formula and schedule to be determined from time to time by the Secretary of Labor to maintain adequate reserves in the fund.

"(3) All amounts collected as fines and penalties under the provisions of this Act shall be paid into such fund.

"(4) (A) For the purpose of making rules, regulations, and determinations under this section under and for providing enforcement thereof, the Secretary may investigate and gather appropriate data from each carrier and self-insurer. For that purpose, the Secretary may enter and inspect such places and records (and make such transcriptions thereof), question such employees, and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate.

"(B) Each carrier and self-insurer shall make, keep, and preserve such records, and make such reports and provide such additional information, as prescribed by regulation or order of the Secretary, as the Secretary deems necessary or appropriate to carry out his responsibilities under this section.

"(C) For the purpose of any hearing or investigation related to determinations or the enforcement of the provisions of this section, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1941, as amended (U.S.C., title 15, secs. 49 and 50), are hereby made applicable to the jurisdiction, powers, and duties of the Secretary of Labor."

(c) Section 44 of such Act is further amended by adding the following new subsection (d), and renumbering the subsequent subsections:

"(d) There is hereby authorized to be appropriated to the Secretary the sum of $2,000,000 which the Secretary shall immediately deposit into the fund. Upon deposit in the fund such monies shall be treated as the property of such fund. This sum without additional payments for interest shall be repaid from the money or property belonging to the fund on a schedule of repayment set by the Secretary, provided that full repayment must be made no later than five years from the date of deposit into the fund. Each such repayment, as made, shall be covered into the Treasury of the United States as miscellaneous receipts."

(d) Section 44 of such Act is further amended by adding the following new subsections (i) and (j):

"(i) The proceeds of this fund shall be available for payments:

"(1) Pursuant to section 10 and 11 with respect to initial and subsequent annual adjustments in compensation for total permanent disability or death which occurred prior to the effective date of this subsection.

"(2) Under section 8 (f) and (g), under section 18(b), and under section 39(c).

"(3) To repay the sums deposited in the fund pursuant to subsection (d).

"(4) To defray the expense of making examinations as provided in section 7.

"(j) At the close of each fiscal year the Secretary of Labor shall submit to the Congress a complete audit of the fund."

INJURY FOLLOWING PREVIOUS IMPAIRMENT

SEC. 9. (a) Section 8(f)(1) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows: "(1) In any case in which an employee having an existing permanent partial disability suffers injury, the employer shall provide compensation for such disability as is found to be attributable to that injury based upon the average weekly wages of the employee at the time of the injury. If following an injury falling within the provisions of section 8(c) (1)–(20), the employee is totally and permanently disabled, and the disability is found not to be due solely to that injury, the employer shall provide compensation for the applicable prescribed period of weeks provided for in that section for the subsequent injury, or for one hundred and four weeks, whichever is the greater. In all other cases of total permanent disability or of death, found not to be due solely to that injury, of an employee having an existing permanent partial disability, the employer shall provide in addition to compensation under paragraphs (b) and (e) of this section, compensation payments or death benefits for one hundred and four weeks only. If following an injury falling within the provisions of 8(c) (1)–(20), the employee has a permanent partial disability and the disability is found not to be due solely to that injury, and such disability is materially and substantially greater than that which would have resulted from the subsequent injury alone, the employer shall provide compensation for the applicable period of weeks provided for in that section for the subsequent injury, or for one hundred and four weeks, whichever is the greater.

"In all other cases which the employee has a permanent partial disability, found not to be due solely to that injury, and such disability is materially and substantially greater than that which would have resulted from the subsequent injury alone, the employer shall provide in addition to compensation under paragraphs (b) and (e) of this section, compensation for one hundred and four weeks only. After cessation of the payments for the period of weeks provided for herein, the employee or his survivor entitled to benefits shall be paid the remainder of the compensation that would be due out of the special fund established in section 44."

(b) Section 8(f) of such Act is further amended by striking out paragraph (2).

DEATH BENEFITS

SEC. 10. (a) Section 9(a) of the Act is amended by striking out "$400" and inserting in lieu thereof "$1,000".

(b) Sections 9(b) and (c) of such Act are amended by striking "35" and "15" wherever they appear, and substituting "50" and "16⅔" respectively.

(c) The first sentence of section 9(d) of such Act is amended to read as follows: "If there be no surviving wife or husband or child, or if the amount payable to a surviving wife or husband and to children shall be less in the aggregate than 66⅔ per centum of the average wages of the deceased; then for the support of grandchildren or brothers and sisters, if dependent upon the deceased at the time of the injury, and any other persons who satisfy the definition of the term 'dependent' in section 152 of title 26 of the United States Code, but are not otherwise eligible under this section, 20 per centum of such wages for the support of each such person during such dependency and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the injury, 25 per centum of such wages during such dependency.

(d) Section 9(e) of such Act is amended to read as follows:

"(e) In computing death benefits the average weekly wages of the deceased shall be considered to have been not less than the applicable national average weekly wage as prescribed in section 6(b) but the total weekly benefits shall not exceed the average weekly wages of the deceased."

DETERMINATION OF PAY

SEC. 11. Section 10 of the Act is amended by adding the following new subsections:

"(f) Effective October 1 of each year, the compensation or death benefits payable for permanent total disability or death arising out of injuries sustained after the date of enactment of this subsection shall be increased by a percentage equal to the percentage (if any) by which the applicable national weekly wage for the period beginning on such October 1, as determined under section 6(b), exceeds the applicable national average weekly wage, as so determined, for the period beginning with the preceding October 1.

"(g) The weekly compensation after adjustment under subsection (f) shall be fixed at the nearest dollar. No adjustment of less than $1 shall be made, but in no event shall compensation or death benefits be reduced.

"(h)(1) Not later than ninety days after the date of enactment of this subsection, the compensation to which an employee or his survivor is entitled due to total permanent disability or death which commenced or occurred prior to enactment of this subsection shall be adjusted. The amount of such adjustment shall be determined in accordance with regulations of the Secretary by designating as the employee's average weekly wage the national average weekly wage and (A) computing the compensation to which such employee or survivor would be entitled if the disabling injury or death had occurred on the day following such enactment date and (B) subtracting therefrom the compensation to which such employee or survivor was entitled on such enactment date; except that no such employee or survivor shall receive total compensation amounting to less than that to which he was entitled on such enactment date. Notwithstanding the foregoing sentence, where such an employee or his survivor was awarded compensation as the result of death or permanent total disability at less than the maximum rate that was provided in this Act at the time of the injury which resulted in the death or disability, then his average weekly wage shall be determined by increasing his average weekly wage at the time of such injury by the percentage which the national average weekly wage has increased between the year in which the injury occurred and the first day of the first month following the enactment of this section. Where such injury occurred prior to 1947, the Secretary shall determine, on the basis of such economic data as he deems relevant, the amount by which the employee's average weekly wage shall be increased for the pre-1947 period.

"(2) Fifty per centum of any additional compensation or death benefit paid as a result of the adjustment required by paragraphs (1) and (3) of this subsection shall be paid out of the special fund established under section 44 of such Act, and 50 per centum shall be paid from appropriations.

"(3) For the purposes of subsections (f) and (g) an injury which resulted in permanent total disability or death which occurred prior to the date of enactment of this subsection shall be considered to have occurred on the day following such enactment date."

TIME FOR NOTICE AND CLAIMS

SEC. 12. (a) Section 12(a) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"SEC. 12. (a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within thirty days after the date of such injury or death, or thirty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury occurred, and (2) to the employer."

(b) Section 13(a) of such Act is amended to read as follows:

"SEC. 13. (a) Except as otherwise provided in this section, the right to compensation for disability or death under this Act shall be barred unless a claim therefor is filed within one year after the injury or death. If payment of compensation has been made without an award on account on such injury or death, a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment."

FEES FOR SERVICES

SEC. 13. Section 28 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(a) If the employer or carrier declines to pay any compensation on or before the thirtieth day after receiving written notice of a claim for compensation having been filed from the deputy commissioner, on the ground that there is no ability for compensation within the provisions of this Act, and the person seeking benefits shall thereafter have utilized the services of an attorney at law in the successful prosecution of his claim, there shall be awarded, in addition to the award of compensation, in a compensation order, a reasonable attorney's fee against the employer or carrier in an amount approved by the deputy commissioner, Board, or court, as the case may be, which shall be paid directly by the employer or carrier to the attorney for the claimant in a lump sum after the compensation order becomes final.

"(b) If the employer or carrier pays or tenders payment of compensation without an award pursuant to section 14 (a) and (b) of this Act, and thereafter a controversy develops over the amount of additional compensation, if any, to which the employee may be entitled, the deputy commissioner shall set the matter for an informal conference and following such conference the deputy commissioner shall recommend in writing a disposition of the controversy. If the employer or carrier refuse to accept such written recommendation, within fourteen days after its receipt by them, they shall pay or tender to the employee in writing the additional compensation, if any, to which they believe the employee is entitled. If the employee refuses to accept such payment or tender of compensation, and thereafter utilizes the services of an attorney at law, and if the compensation thereafter awarded is greater than the amount paid or tendered by the employer or carrier, a reasonable attorney's fee based solely upon the difference between the amount awarded and the amount tendered or paid shall be awarded in addition to the amount of compensation. The foregoing sentence shall not apply if the controversy relates to degree or length of disability, and if the employer or carrier offers to submit the case for evaluation by physicians employed or selected by the Secretary, as authorized in section 7(e) and offers to tender an amount of compensation based upon the degree or length of disability found by the independent medical report at such time as an evaluation of disability can be made. If the claimant is successful in review proceedings before the Board or court in any such case an award may be made in favor of the claimant and against the employer or carrier for a reasonable attorney's fee for claimant's counsel in accord with the above provisions. In all other cases any claim for legal services shall not be assessed against the employer or carrier.

"(c) In all cases fees for attorneys representing the claimant shall be approved in the manner herein provided. If any proceedings are had before the Board or any court for review of any action, award, order or decision, the Board or court may approve an attorney's fee for the work done before it by the attorney for the claimant. An approved attorney's fee, in cases in which the obligation to pay the fee is upon the claimant, may be made a lien upon the compensation due under an award; and the deputy commissioner, Board or court shall fix in the award approving the fee, such lien and manner of payment.

"(d) In cases where an attorney's fee is awarded against an employer or carrier there may be further assessed against such employer or carrier as costs, fees and mileage for necessary witnesses attending the hearing at the instance of claimant. Both the necessity for the witness and the reasonableness of the fees of expert witnesses must be approved by the hearing officer, the Board or court, as the case may be. The amounts awarded against an employer or carrier as attorney's fees, costs, fees and mileage for witnesses shall not in any respect affect or diminish the compensation payable under this Act.

"(e) Any person who receives any fees, other consideration, or any gratuity on account of services rendered as a representative of claimant, unless such consideration or gratuity is approved by the deputy commissioner, Board, or court, or who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall upon conviction thereof, for each offense be punished by a fine of not more than ($1,000) or by imprisonment for not more than (one year), or by both such fine and imprisonment."

HEARING PROCEDURE

SEC. 14. Section 19(d) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(d) Notwithstanding any other provisions of this Act, any hearing held under this Act shall be conducted in accordance with the provisions of section 554 et seq. of title 5 of the United States Code. Any such hearing shall be conducted by a hearing examiner qualified under section 3105 of that title. All powers, duties, and responsibilities now vested by this Act in the deputy commissioners with respect to such hearings shall be vested in such duly appointed hearing examiners.

REVIEW BOARD

SEC. 15. (a) Section 21(b) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(b)(1) There is hereby established a Benefits Review Board which shall be composed of three members appointed by the Secretary from among individuals who are especially qualified to serve on such Board. The Secretary shall designate one of the members of the Board to serve as chairman."

"(2) For the purpose of carrying out its functions under this Act, two members of the Board shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

"(3) The Board shall be authorized to hear and determine appeals raising a substantial question of law or fact taken by any party in interest from decisions with respect to claims of employees under this Act and the extensions thereof. The Board's orders shall be based upon the hearing record. The findings of fact in the decision under review by the Board shall be conclusive if supported by substantial evidence in the record considered as a whole. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless ordered by the Board. No stay shall be issued unless irreparable injury would otherwise ensue to the employer or carrier.

"(4) The Board may, on its own motion or at the request of the Secretary, remand a case to the hearing examiner for further appropriate action. The consent of the parties in interest shall not be a prerequisite to a remand by the Board.

"(c) Any person adversely affected or aggrieved by a final order of the Board may obtain a review of that order in the United States Court of Appeals for the circuit in which the injury occurred, by filing in such court within sixty days following the issuance of such Board order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court, to the Board, and to the other parties, and thereupon the Board shall file in the court the record in the proceedings as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and shall have the power to give a decree affirming, modifying, or setting aside, in whole or in part, the order of the Board and enforcing same to the extent that such order is affirmed or modified. The orders, writs, and processes of the court in such proceedings may run, be served, and be returnable anywhere in the United States. The payment of the amounts required by an award shall not be stayed pending final decision in any such proceeding unless ordered by the court. No stay shall be issued unless irreparable injury would otherwise ensue to the employer or carrier. The order of the court allowing any stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference thereto, that irreparable damage would result to the employer, and specifying the nature of the damage."

(b) Redesignate subsections (c) and (d) of such Act as (d) and (e), respectively.

(c) Section 2 of such Act as amended by this Act is further amended by redesignating paragraph 21 as paragraph 22 and inserting after paragraph 20 the following new paragraph:

"(21) The term 'Board' shall mean the Benefits Review Board."

(d) Section 14(f) of such Act is amended by striking everything after the words "section 21" and adding in lieu thereof the following: "and an order staying payment has been issued by, the board or court."

(e) Sections 23 and 27 of such Act are each amended by adding "or Board" after every reference to "deputy commissioner".

(f) Section 28(b) of such Act is amended by adding the term "or Board" after the words "deputy commissioner".

(g) Section 33(b) of such Act is amended by adding the term "or Board" after the term "deputy commissioner".

(h) Section 33(e)(1)(A) of such Act is amended by adding the words "or Board" after the term "deputy commissioner".

(i) Section 33(g) of such Act is amended to read as follows:

"(g) If compromise with such third person is made by the person entitled to compensation or such representative of an amount less than the compensation to which such person or representative would be entitled to under this Act, the employer shall be liable for compensation as determined in subdivision (f) only if the written approval of such compromise is obtained from the employer and its insurance carrier by the person entitled to compensation or such representative at the time of or prior to such compromise on a form provided by the Secretary and filed in the office of the deputy commissioner having jurisdiction of such injury or death within thirty days after such compromise is made."

(j) Section 35 of such Act is amended by adding the words "the Board" after the words "deputy commissioner".

(k) Section 40(f) of such Act is amended by adding the words "or Board member" before the words "deputy commissioner," whenever they occur.

(l) Section 44(c)(1) of such Act is amended by adding the words "or Board" after the words "deputy commissioner".

APPEARANCE FOR SECRETARY OF LABOR

SEC. 16. Section 21(a) of the Act is amended to read as follows:

"SEC. 21a. Attorneys appointed by the Secretary shall represent the Secretary, the deputy commissioner, or the Board in any court proceedings under section 21 or other provisions of the Longshoremen's and Harbor Workers' Compensation Act except for proceedings in the Supreme Court."

CLAIMANT ASSISTANCE

SEC. 17. (a) Section 39(c) of the Longshoremen's and Harbor Workers' Compensation Act is amended by redesignating subsection (c) as paragraph (2) of such subsection and by inserting after subsection (b) thereof the following paragraph:

"(1)(c) The Secretary shall, upon request, provide persons covered by this Act with information and assistance relating to the Act's coverage and compensation and the procedures for obtaining such compensation including assistance in processing a claim. The Secretary may, upon request, provide persons covered by this Act with legal assistance in processing a claim. The Secretary shall also provide employees receiving compensation information on medical, manpower, and vocational rehabilitation services and assist such employees in obtaining the best such services available."

THIRD-PARTY LIABILITY

SEC. 18. (a) Section 5 of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

EXCLUSIVENESS OF REMEDY AND THIRD-PARTY LIABILITY

"SEC. 5. (a) The liability of an employer prescribed in section 4 shall be exclusive and in place of all other liability of such employer to the employee, his legal representative, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this Act, an injured employee, or his legal representative in case death results from the injury, may elect to claim compensation under the Act, or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by the negligence of a fellow servant, nor that the employee assumed the risk of his employment, nor that the injury was due to the contributory negligence of the employee.

"(b) In the event of injury to a person covered under this Act caused by the negligence of a vessel, then such person, or anyone otherwise entitled to recover damages by reason thereof, may bring an action against such vessel as a third party in accordance with the provisions of section 33 of this Act, and the employer shall not be liable to the vessel for such damages directly or indirectly and any agreements or warranties to the contrary shall be void. If such person was employed by the vessel to provide stevedoring services, no such action shall be permitted if the injury was caused by the negligence of persons engaged in providing stevedoring services to the vessel. If such person was employed by the vessel to provide ship building or repair services, no such action shall be permitted if the injury was caused by the negligence of persons engaged in providing ship building or repair services to the vessel. The liability of the vessel under this subsection shall not be based upon the warranty of seaworthiness or a breach thereof at the time the injury occurred. The remedy provided in this subsection shall be exclusive of all other remedies against the vessel except remedies available under this Act."

(b) Section 2 of such Act as amended by this Act is further amended by redesignating paragraph 22 as paragraph 23 and inserting after paragraph 21 the following new paragraph:

"(22) The term 'vessel' means any vessel upon which or in connection with which any person entitled to benefits under this Act suffers injury or death arising out of or in the course of his employment, and said vessel's owner, owner pro hac vice, agent, operator, charter or bare boat charterer, master, officer, or crew member."

PROHIBITION AGAINST CERTAIN DISCRIMINATION AGAINST EMPLOYEES

SEC. 19. The Longshoremen's and Harbor Workers' Compensation Act is further amended by redesignating sections 49 and 50 as sections 50 and 51, respectively, and by inserting immediately after section 48 the following new section:

"DISCRIMINATION AGAINST EMPLOYEES WHO BRING PROCEEDINGS

"SEC. 49. It shall be unlawful for any employer or his duly authorized agent to discharge or in any other manner discriminate against an employee as to his employment because such employee has claimed or attempted to claim compensation from such employer, or because he has testified or is about to testify in a proceeding under this Act. Any employer who violates this section shall be liable to a penalty of not less than $100 or more than $1,000, as may be determined by the deputy commissioner. All such penalties shall be paid to the deputy commissioner for deposit in the special fund as described in section 44, and if not paid may be recovered in a civil action brought in the appropriate United States district court. Any employee so discriminated against shall be restored to his employment and shall be compensated by his employer for any loss of wages arising out of such discrimination: *Provided*, That if such employee shall cease to be qualified to perform the duties of his employment, he shall not be entitled to such restoration and compensation. The employer alone and not his carrier shall be liable for such penalties and payments. Any provision in an insurance policy undertaking to relieve the employer from the liability for such penalties and payments shall be void."

MISCELLANEOUS PROVISIONS

SEC. 20. (a) Section 8(i) of the Longshoremen's and Harbor Workers' Compensation Act is amended to read as follows:

"(i) (A) Whenever the Deputy Commissioner determines that it is for the best interests of an injured employee entitled to compensation, he may approve agreed settlements of the interested parties, discharging the liability of the employer for such compensation, notwithstanding the provisions of section 15(b) and section 16 of this Act: *Provided*, That if the employee should die from causes other than the injury after the Deputy Commissioner has approved an agreed settlement as provided for herein, the sum so approved shall be payable, in the manner prescribed in this subsection, to and for the benefit of the persons enumerated in subdivision (d) of this section;

"(B) Whenever the Secretary determines that it is for the best interests of the injured employee entitled to medical benefits, he may approve agreed settlements of the interested parties, discharging the liability of the employer for such medical benefits, notwithstanding the provisions of section 16 of this Act: *Provided*, That if the employee should die from causes other than the injury after the Secretary has approved an agreed settlement as provided for herein, the sum so approved shall be payable, in the manner prescribed in this subdivision, to and for the benefit of the persons enumerated in subdivision (d) of this section."

(b) Section 17 of such Act is amended by inserting "(a)" immediately after the section designation and by adding at the end thereof the following new subsection:

"(b) Where a trust fund which complies with section 302(c) of the Labor-Management Relations Act of 1947 (29 U.S.C. 186 (c)) established pursuant to a collective bargaining agreement in effect between an employer and an employee entitled to compensation under this Act has paid disability benefits to an employee which the employee is legally obligated to repay by reason of his entitlement to compensation under this Act, the Secretary may authorize a lien on such compensation in favor of the trust fund for the amount of such payments."

(c) Section 2 of the Longshoremen's and Harbor Workers' Compensation Act as amended by this Act is further amended by striking out subsections (16) and (17) and inserting in lieu thereof the following new subsection (16) and by redesignating subsections 2 (18), (19), (20), (21), (22), and (23) as 2 (17), (18), (19), (20), (21), and (22), respectively.

"(16) The term 'widow or widowers' includes only the decedent's wife or husband living with or dependent for support upon him or her at the time of his or her death; or living apart for justifiable cause or by reason of his or her desertion at such time."

(d) Sections 8 and 9 of the Longshoremen's and Harbor Workers' Compensation Act, as amended by this Act, further amended by striking the phrase "surviving wife or dependent husband" each time it appears and insert in lieu thereof the phrase "widow or widower".

TECHNICAL AMENDMENT

SEC. 21. Section 3(a) (1) of the Longshoremen's and Harbor Workers' Compensation Act is amended by striking out the word "nor" and inserting in lieu thereof the word "or".

EFFECTIVE DATE

SEC. 22. The amendments made by this Act shall become effective thirty days after the date of enactment of this Act.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

Report of Director of Selective Service

A letter from the Acting Director, Selective Service, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

Report on Facilities Project Proposed To Be Undertaken for the Army National Guard

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on a facilities project proposed to be undertaken for the Army National Guard; to the Committee on Armed Services.

Reports of Comptroller General

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Need to Improve Accuracy of Air Force Requirements System for Reparable Parts." Department of the Air Force, dated September 13, 1972 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Lack of Authority Limits Consumer Protection: Problems in Identifying and Removing From the Market Products Which Violate the Law", Food and Drug Administration, Department of Health, Education, and Welfare, dated September 14, 1972 (with an accompanying report); to the Committee on Government Operations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution adopted by the Military Order of the World Wars, Washington, D.C., supporting the space shuttle program; to the Committee on Aeronautical and Space Sciences.

Four resolutions adopted by the Military Order of the World Wars, Washington, D.C., in support of strong and ready reserve forces, and so forth; to the Committee on Armed Services.

A resolution adopted by the Military Order of the World Wars, Washington, D.C., in support of the interim agreement on certain measures with respect to the limitation of strategic offensive arms between the United States of America and the Union of Soviet Socialist Republics; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BELLMON, from the Committee on Interior and Insular Affairs, with amendments:

H.R. 14267. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Delaware Tribe of Indians in Indian Claims Commission Docket Numbered 298, and the Absentee Delaware Tribe of Western Oklahoma, and others, in Indian Claims Commission Docket Numbered 72, and for other purposes (Rept. No. 92-1126).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

H.R. 15927. An act to amend the Railroad Retirement Act of 1937 to provide a temporary 20 per centum increase in annuities, and for other purposes (Rept. No. 92-1127).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

George Bush, of Texas; Christopher H. Phillips, of New York; and Jewel Lafontant, of Illinois, to be Representatives of the United States of America to the 27th session of the General Assembly of the United Nations; and

W. Tapley Bennett, Jr., of Georgia; Julia Rivera de Vincenti, of Puerto Rico; Gordon H. Scherer, of Ohio; Bernard Zagorin, of Virginia; and Robert Carroll Tyson, of New York, to be Alternate Representatives of the United States of America to the 27th session of the General Assembly of the United Nations.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore today, September 14, 1972, signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery; and

H.R. 10670. An act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. TOWER:

S. 3983. A bill to amend the Securities Act of 1933 to provide for the regulation of pyramid sales schemes, to further define the term "security," and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. BROCK:

S. 3984. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes. Referred to the Committee on Government Operations.

By Mr. MONDALE:

S. 3985. A bill for the relief of Miss Nenita Corpuz. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 3986. A bill to authorize the burial of the remains of Marie E. Newman in Arlington National Cemetery, Va. Referred to the Committee on Veterans' Affairs.

By Mr. RANDOLPH (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. WILLIAMS, Mr. JAVITS, Mr. TAFT, Mr. BEALL, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, and Mr. STEVENSON):

S. 3987. A bill to replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational and comprehensive rehabilitation services, to authorize supplementary funds for vocational and comprehensive rehabilitation services to severely handicapped individuals, to expand special Federal responsibilities and research and training with respect to handicapped individuals, to establish an Office for the Handicapped within the Department of Health, Education, and Welfare, and for other purposes. Referred to the Committee on Labor and Public Welfare.

By Mr. MONDALE:

S. 3988. A bill to establish a temporary commission to conduct a comprehensive study of certain matters relating to the national security of the United States. Referred to the Committee on Armed Services.

By Mr. BENTSEN (for himself and Mr. HUMPHREY):

S.J. Res. 267. A joint resolution providing for a special deficiency payment to certain wheat farmers. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TOWER:

S. 3983. A bill to amend the Securities Act of 1933 to provide for the regulation of pyramid sales schemes, to further define the term "security," and for other purposes. Referred to the Committee on Banking, Housing, and Urban Affairs.

PYRAMID SALES VENTURES

Mr. TOWER. Mr. President, in recent years there has been a development in the financial and investment field that comes under the heading of "pyramid sales ventures," which are now absorbing hundreds of millions of dollars of Americans' savings, promising riches in return, and yielding very little return in actuality. The schemes that are promoted in this area are essentially "chain-letter" investments, where the investor pays the seller of a franchise of some nature for an equity interest, and thereafter has to subdivide and sell the franchising interest to other investors in order to make any money. The substantive business with which the franchise is supposed to be involved is not really important to the original promoter or to the unsuspecting investors, who are persuaded that great profits are to be made in merely being an intermediary in the further distribution of the franchise.

This factor, the distribution of transferable interests, automatically strikes a chord with lawyers and those familiar with the securities industry. This practice is nothing less than the sale and distribution of securities, which brings these practices and these franchises under the scope of the securities laws. The securities laws are designed to obtain the full disclosure of information relevant to the investment merits of securities issues and to require the regulation of the individuals and firms involved in the securities distribution and transfer process. The ultimate purpose of these laws is to assure the American investor, by means of information about securities and by means of the policing of activities of securities industry operatives, that his investment in securities is made with adequate knowledge and through reputable and honest intermediaries. These laws are not, of course, intended to guarantee that an investor will make money on an investment, or that it is riskless. They simply seek to give him a fair chance to evaluate his investment and to know that the intermediaries involved are not acting against his interests.

In the case of pyramid sales schemes, the investor is investing essentially in a security, and may be in some cases acting as an unwitting underwriter under the securities laws. The SEC has approached the promoters of these schemes to obtain voluntary compliance with the securities laws, and has not received a great deal of cooperation. They are now beginning court action to compel compliance in certain cases and thereby to establish case law authority which will presumably bring other offenders into compliance.

However, there are so many ramifications of these types of schemes that case law coverage of them will be a long time in being fully developed. Therefore, I am today introducing a bill to clarify the statutory coverage of these types of securities, so that court action can hopefully be prosecuted more expeditiously and with less contention about what is and what is not a security. Too many people are losing money now because they do not understand what they are getting in these sales ventures, and this amendment should help curtail this problem at the earliest possible time, if Congress can act on it this year.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3983

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. Section 2(1) of the Securities Act of 1933 (15 U.S.C. § 77b(1)) is amended by adding at the end thereof the following: "As used in this paragraph the term 'investment contract' shall include, without limitation, any program, contract, or other arrangement in which persons invest in a common enterprise the returns of which depend upon inducing other persons to participate or invest in the enterprise."

SEC. 2. This Act shall become effective on the date of its enactment.

By Mr. BROCK:

S. 3984. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes. Referred to the Committee on Government Operations.

Mr. BROCK. Mr. President, I am today introducing legislation to provide Congress with a mechanism to establish national priorities and control Federal expenditures.

Our Nation is faced with a national crisis brought about by uncontrolled and misdirected spending.

This fiscal crisis affects every American:

In the past 10 years, the average family's share of our national budget will have risen by 82 percent from $2,022 to a projected level of $3,681. Over 10 percent of the family's taxes go down the drain to pay for the annual interest on the national debt—a debt which is approaching one-half trillion dollars.

Excessive spending continues to push the cost of food so high that even meat is almost out of reach of the average family.

The cost of housing has escalated to the point that the average family finds it virtually impossible to own its own home without public subsidy.

And now we are faced with a new kind of inflation. Just starting to take hold are fresh pressures that push up living costs. They center on the expense of cleaning up air and water, fostering consumerism, and meeting other social goals. Social programs account for about half the proposed spending for the 1973 fiscal year which starts July 1. Costs of such programs in the areas of education, manpower, health, income security, housing, civil rights, and crime reduction are estimated at $122 billion in the coming year out of total projected outlays of $246 billion.

The problem of Federal spending is compounded by the diversity of roles the Federal Government is being asked to play in the Nation's economy. Setting priorities no longer involves simply a determination of how much of the Nation's resources should be devoted to a particular purpose; it also requires a human audit about how each purpose can best be accomplished.

At present, however, Congress lacks procedures for determining spending goals and priorities. As a first step to remedy this, Congress should:

First. Project all major Federal expenditures over a 5-year period;

Second. Evaluate all major Federal programs at least once every 3 years—zero based budgeting;

Third. Pilot test every proposed major Federal program;

Fourth. Designate a joint congressional committee to evaluate the Federal budget in terms of priorities; and

Fifth. Subject Federal programs financed through trust funds to the annual appropriation process just as other tax-supported programs.

WHY IS THE FEDERAL BUDGET OUT OF CONTROL?—PRESENT CONGRESSIONAL BUDGETARY PROCESS

The present congressional budgetary process is totally incapable of responding cohesively to either the Nation's fiscal problems or the obvious need to establish responsive national priorities. It is amazing that the Federal Government's legislative branch, with the biggest budget in the world, has such poor control over its fiscal process.

Even though the first day of the current fiscal year was July 1, it may be months before some agencies or departments will know how much they can spend. The "continuing resolution" is used as a crutch to permit agencies to carry on while Congress catches up with what it should have done in the previous year. For example, one bill for fiscal year 1971 was not passed until March 8, almost 9 months after the beginning of the 1972 fiscal year.

Under present budgetary procedure, the administration submits a detailed budget in January, but no single committee chairman or congressional committee ever considers the Federal budget in its entirety. Congress will vote on expenditures in more than a dozen separate appropriation bills this year.

This year, Congress has passed or considered benefits for coal miners, ex-servicemen, retired military personnel, pensioners, and local school districts. Each of these items was considered in separate legislative actions without any coordination. The Congress treats the entire budget as if it were a mass of unrelated items.

Added to this, over $128 billion for open ended programs and fixed costs will be expended through the permanent appropriation process this year. No appropriation bills are necessary.

A recent example of this practice is a 1967 law to set up a Federal matching grant program for social services. One dollar of State money could get $3 of Federal money. Without any congressional scrutiny, the $1.5 billion expended in this program last year has jumped to applications for over $4.7 billion in the current fiscal year. Their funding is automatic, whether they are valid or not. Congress should avoid setting up such permanent and uncontrollable mechanisms. All expenditures should come under the normal appropriation process.

Congress refuses to consider the Federal budget as an important instrument of economic policy. It merely sets up programs without any meaningful legislative review. We need a systematic budgeting process to coordinate Federal expenditures.

DOMESTIC ASSISTANCE PROGRAMS

The Federal Government today has lost its sense of direction and purpose in developing governmental programs. New programs are set up with little or no regard to programs already in existence.

There are today over 1,050 Federal domestic assistance programs in existence, and it is possible for some families to be eligible for and to receive assistance under as many as 16 different categories. This type of duplication makes it almost impossible to determine the number of persons actually receiving aid, and the amount of aid received by each. Predictably, it leads to a great deal of waste and inefficiency in administration at all levels of government. Worse, some who do not deserve aid obtain it while others who do deserve it do not—increasing alienation and frustration.

Moreover, results of programs generally are not evaluated in any meaningful way. For example, a welfare program is not evaluated in terms of its success in rehabilitating individuals and reducing welfare roles. Instead, results are measured by the number of persons on welfare. Incredibly, success is associated with more recipients, rather than less.

We must understand that not all problems can or will be solved by either public or private activities. But it is equally important to insist that whenever government at any level gets involved in handling a problem, it should be solution-oriented in its approach, and people-oriented in its implementation. This simply is not the case today in program after program.

Federal agencies should be required to present reports demonstrating whatever substantive progress they have made in solving problems before they are granted further public support. Billions of dollars spent with no results are evidence of either ineptitude on the part of administrators or programs that miss the target. In either case the Congress has failed in its oversight responsibility. It is evident that some changes must be made. Programs should be solution-oriented and self-liquidating.

EXCESS GOVERNMENT EXPENDITURES

Total expenditures by government at all levels in the United States will exceed $370 billion this year. The Federal Government alone will spend over $250 billion of this amount. In the past quarter of a century, total government expenditures—Federal, State, and local—have gone from about 18 percent of the gross national product to over 33 percent of the gross national product. What this means is that the governmental sector of the American economy is growing more than twice as fast as the private sector.

Today, government expenditures have become an important factor during periods of inflation. When it is necessary to reduce inflationary pressures on the economy, some lawmakers try to place the entire burden on the private sector by calling for tax increases. Instead, reducing the size, number, or scope of public programs of questionable value or marginal value would have a far greater effect.

THE EFFECTS OF THE GROWTH OF GOVERNMENT EXPENDITURES

The question is: What is the consequence of this growth of uncontrolled government expenditures?

First, as government commands an ever-increasing portion of total economic resources, the private sector is deprived of access to these funds. The increased proportion of funds diverted from private to public use deprives the private sector of important discretionary income, which is needed to create new jobs, improve productive capacity, and promote technological progress. The end result is excessive unemployment, or underemployment, a slower rate of growth, and a generally lower standard of living for society. And slower growth produces less tax revenue to finance essential government programs; thus, the disease is self-perpetuating.

A second result of the increased growth of government expenditures is inflation in the private economy. Government decisions are generally not based upon the economic return that will result from a given expenditure. Therefore, the price that government will pay has no limit. The more inroads government makes into the economy, the greater the competition becomes, forcing prices up.

The third result of higher expenditures ultimately is higher taxes. This causes an immediate reduction in the income of some—or all—segments of society.

As taxes increase, people are seldom content to cut back on their personal consumption. Then, the pressure becomes more intense for increases in wages, salaries, and dividends, merely to maintain previous levels of real income. Therefore, in this case, every increase in taxes becomes a stimulant to inflation.

While some Members of Congress believe the answer to uncontrollable government expenditures is higher taxes, I am of the firm conviction the answer lies in better control over the budgetary process.

Proponents of increased government expenditures are quick to point out that government spending and taxes are lower as a proportion of the gross national product in the United States than in some other western countries. What a phoney argument. Must we continue to export jobs until our standard of living is as low as our competitors? Must stagnation, or worse, be the price of following the path trod by others?

Too, such a comparison implies that there is still room for more expansion of the government sector without hindering the economy. Such reasoning conveniently overlooks the fact that these countries generally have an even worse case of inflation than we are encountering—and lower real income. It fails to recognize that had it not been for vast amounts of foreign aid and American investment, these nations probably would never have experienced the type of growth they have enjoyed during the past quarter of a century. No, we must chart our own course.

The last consequence of uncontrolled expenditures is the failure of essential governmental services. We, the Congress, and the voters must realize that the Federal Government just cannot throw more money at a problem to make it go away. It is essential that the old ideas hidden in wornout programs give way to a new process.

Some of the framers of the so-called Great Society, in a recent report issued by the Brookings Institution, disavowed that social experiment. They called for the Federal Government to change its emphasis from providing goods and services and other complex schemes for aiding the poor to "increasing equality of opportunity, improving the quality of public services, and rescuing the environment." If the framers of the Great Society are able to acknowledge the failure of its methodology, perhaps it is time that we, the Members of Congress who appropriate the funds for these programs, also take another look at them.

It is quite apparent that we have reached a crisis stage because of the growth of Government expenditures. It is time to try a new approach. We must subject all governmental programs to a reexamination. A sound budgetary process is the prime requisite to provide essential social needs within an expanding economy.

A BILL TO CONTROL THE FEDERAL BUDGET

I receive letters regularly asking me to do something about putting controls into the congressional budgeting process. People just cannot comprehend how the Federal Government can spend so much money with so few tangible results. Nor can I.

Because of this pressure to do something positive to control Federal expenditures, I am introducing the "Federal Act To Control Expenditures and Upgrade Priorities."

The provisions of this bill to restrain Federal spending include adoption of a congressional budgeting system which facilitates establishment of national goals and priorities and the development of a method of reviewing existing programs to insure their effectiveness for achieving the objectives for which they were created.

JOINT COMMITTEE AND A LEGISLATIVE BUDGET

Titles I and VI of this bill amend the House and Senate rules to create a Joint Committee on the Budget. This joint committee would develop a legislative budget of a guideline nature to discourage uncontrolled Federal spending and foster proper implementation of national goals and priorities.

Such a joint committee is essential because no congressional committee today considers the relationship of Federal receipts and expenditures in the budgetary process.

A joint congressional committee and a legislative budget is not a new idea. The Legislative Reorganization Act of 1946 enacted both concepts. But the joint committee under the 1946 act proved unworkable. The 102-member committee was too large and understaffed, and its legislative budget proved unworkable because of inadequate time for its formulation.

The joint committee or the legislative budget provided for in this legislation remedies earlier defects in attempts to reform the congressional budgetary system. Title I provides for a standing joint committee with adequate time to formulate a legislative budget. The joint committee is streamlined to be composed of 18 members represented by three members from the Senate Appropriations and Finance Committees; three members from the House Appropriations and Ways and Means Committees; and three members at large from the House and Senate.

Furthermore, the joint committee will be a permanent part of the budgetary process and adequately staffed.

The legislative budget provided for in this bill is a viable mechanism because it establishes budgetary guidelines without formal enactment. The legislative budget is to be submitted to Congress not later than May 31 of each year. Legislative and appropriations committee work will not be hindered, but a systematic analysis of the Federal budget will be made before any expenditure is authorized or appropriated.

The legislative budget is to include—but is not limited to—the estimated receipts and proposed expenditures for the forthcoming fiscal year; the maximum amount of proposed expenditures for each major category of expenditures; 5-year projections of estimated receipts and expenditures in the aggregate and in program detail for each major category of expenditures; and, a recommendation for a reduction in taxes or in the public debt if estimated receipts exceed expenditures in any fiscal year.

Neither the House nor the Senate is to consider any bill reported out by a committee of Congress unless a statement from that committee accompanies the bill as to whether an authorization or appropriation is within the Legislative Budget limits.

FIVE-YEAR BUDGET PROJECTIONS

Title II requires 5-year budget projections in program detail for every major functional category of Federal spending. Full recognition of the long-range costs of expenditure programs will provide a better basis for decisionmaking on the part of the administration and Congress.

Because of the ballooning costs of Federal programs in years following their enactment, it is no longer acceptable to evaluate and plan expenditures on a 1-year horizon.

This title repeals an existing section of the Legislative Reorganization Act of 1970 which only superficially attempts to overcome this problem. In its place, title II provides that the executive budget and bills involving spending reported out by committees of Congress—except the Committees on Appropriations of each house—must contain a statement of the 5-year projected costs; a comparison of projected costs with estimates by any Federal agency, and a list of existing or proposed programs with similar objectives.

The idea of comprehensive 5-year budget projections has broad support. The recent House Ways and Means Committee Report No. 92-1128 which accompanied H.R. 14390 expressed a deep concern with increasing expenditure levels and recommended that budget and program expenditures should be projected on a 5-year basis. The Brookings Institution study of the 1973 budget also endorses this idea of detailed 5-year budget projections.

THREE-YEAR LIMITATION ON AUTHORIZATIONS FOR APPROPRIATIONS AND CONGRESSIONAL REVIEW OF MAJOR FEDERAL PROGRAMS

Title III requires that all authorizations for any major Federal expenditure programs—except those funded by user taxes—must expire no less than once every 3 years—this is zero-based budgeting. The trend today is to add on to old existing programs without the objective of terminating outmoded and useless programs. We must force program administrators to justify their existence.

This title requires a detailed evaluation of each program before further authorizations can be made. In the last fiscal year of a program, the committee with jurisdiction in the Senate and House is to hold public hearings to conduct a review of that program.

The committee report is to contain an evaluation of the overall success or failure of the program. This report is to include—but is not limited to—a cost-benefit analysis of the program; a determination of whether the program objectives are still relevant and whether the program has adhered to its intended purpose and achieved its objectives in solving the problem; whether the program has impinged on the functions and freedoms of the private sector of the economy; the feasibility of alternative ways of dealing with the problem; the program's relationship with similar programs and an examination of related pending and proposed legislation and private efforts; and whether the program will help or hinder any private efforts to solve the problem.

PILOT TESTING

Title IV requires consideration of at least 2-year pilot testing of every proposed major program. This will provide a better estimate of costs and would permit a complete evaluation before national implementation.

Today, many Federal programs are no longer forecast in thousands, but rather in billions of dollars. Authorizations and appropriations run for many years.

Congress must introduce objectivity in determining which projects are best served through Federal tax money.

Pilot testing is to be conducted under conditions similar to those if the program were enacted. Multiple pilot testing is encouraged and the testing is to be monitored by the Comptroller General of the United States.

Each committee in both Houses, after holding public hearings with a thorough evaluation, is to submit a report on the results of the pilot test. The report shall include—but is not limited to—the suitability of implementing the program on a national scale; a cost-benefit analysis; and in the event the program would change a current method of dealing with a specific problem, a comparison of the current method and the method used in the test to carry out the program.

REQUIREMENT OF ANNUAL APPROPRIATIONS

Title V provides that all Federal expenditures—including those made by the trust funds—must be appropriated annually by Congress. Currently there are over 800 Federal trust funds with a permanent budgeting authority that do not come under a thorough annual appropriations review.

Payment of interest on the national debt and refund overpayments of taxes are exempted. Appropriation acts may stipulate that funds made available for a fiscal year can remain available until expended.

Mr. President, the five points contained in this bill that I am introducing today will bring about long-needed reform in the budgetary process. This bill permits congressional control over Federal expenditures and at the same time permits a reordering of national priorities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Federal Act to Control Expenditures and Upgrade Priorities".

(b) The Congress declares that because it is imperative to establish national goals and priorities for the maximum allocation of Federal expenditures, and because it is imperative to regain effective control over the budgetary process so Congress may determine those priorities, therefore it is deemed necessary—

(1) to establish a congressional budgeting system which facilitates establishment of national goals and priorities to meet the needs of a modern society and economy,

(2) to create a joint committee with responsibility to oversee and establish fiscal guidelines for the proper implementation of national goals and priorities, and

(3) to develop a means for a constant and systematic review of existing programs to be certain that they are achieving the National objectives for which they were created.

TITLE I—LEGISLATIVE BUDGET

SEC. 101. (a) There is established a joint committee of the Congress which shall be known as the Joint Committee on the Budget (hereinafter referred to as the "joint committee"). The joint committee shall be composed of eighteen members as follows—

(1) nine members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, three of whom shall be members of the Committee on Ways and Means and three of whom shall be members of the Committee on Appropriations; and

(2) nine members of the Senate, to be appointed by the President of the Senate, three of whom shall be members of the Committee on Finance and three of whom shall be members of the Committee on Appropriations.

Of the members appointed from each House, five shall be from the majority party and four from the minority party.

(b) The joint committee shall select a chairman and vice chairman each year from among its members. In each odd-numbered year the chairman shall be a Member of the House of Representatives and the vice chairman shall be a Member of the Senate. In each even-numbered year the chairman shall be a Member of the Senate and the vice chairman shall be a Member of the House of Representatives.

(c) A quorum of the joint committee shall consist of five Members of the Senate and five Members of the House of Representatives.

(d) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee and shall be filled in the same manner as in the case of the original appointment.

(e) The joint committee, or any subcommittee thereof, is authorized, in its discretion (1) to make expenditures, (2) to employ personnel, (3) to adopt rules respecting its organization and procedures, (4) to hold hearings, (5) to sit and act at any time or place, (6) to subpena witnesses and documents, (7) with the prior consent of the agency concerned, to use on a reimbursable basis the services of personnel and facilities of any such agency, (8) to procure printing and binding, (9) to procure the temporary services (for periods not in excess of one year) or intermittent services of individual consultants, or organizations thereof, and to provide assistance for the training of its professional staff, in the same manner and under the same conditions as a standing committee of the Senate may procure such services and provide such assistance under subsections (i) and (j), respectively, of section 202 of the Legislative Reorganization Act of 1946, and (10) to take depositions and other testimony. No rule shall be adopted by the joint committee under clause (3) providing that a finding, statement, recommendation, or report may be made by other than a majority of the members of the joint committee then holding office.

(f) Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or the joint committee, and may be served by such person as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses. The provisions of sections 102–104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(g) With the consent of any standing, select, or special committee of the House or Senate, or any subcommittee thereof, the joint committee may utilize the services of any staff member of such House or Senate committee or subcommittee whenever the chairman of the joint committee determines that such services are necessary and appropriate.

(h) The head of each department and agency of the executive branch (including the Office of Management and Budget) shall furnish to the joint committee such information and data as the joint committee may request.

(i) The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee, upon vouchers signed by the chairman of the joint committee or by any member of the joint committee authorized by the chairman.

(j) Members of the joint committee, and its personnel, experts, and consultants, while traveling on official business for the joint committee within or outside the United States, may receive either the per diem allowance authorized to be paid to Members of the Congress or its employees, or their actual and necessary expenses if an itemized statement of such expenses is attached to the voucher.

SEC. 102. (a) Upon the submission of the Budget of the United States Government by the President for each fiscal year (beginning with the fiscal year ending June 30, 1974), the joint committee shall promptly review the Budget for the purpose of formulating and submitting to the Senate and the House of Representatives a Legislative Budget for that fiscal year. The Legislative Budget for each fiscal year shall be in such detail as the joint committee may prescribe, but shall include—

(1) the total estimated receipts of the Government during the fiscal year, the total proposed expenditures by the Government during the fiscal year, and the total proposed appropriations for the fiscal year,

(2) the maximum amount of proposed expenditures in each major category during the fiscal year and the maximum amount of proposed appropriations for each major category for the fiscal year.

(3) estimated receipts of the Government and proposed expenditures and appropriations, in the aggregate and in program detail for each major category, for the fiscal year

and the four fiscal years immediately following the fiscal year, and

(4) if total estimated receipts in the general fund of the Treasury exceed the proposed expenditures out of the general fund during the fiscal year, recommendations for reductions in taxes or in the public debt (including a reduction in the public debt limit), or a combination thereof.

(b) The joint committee shall, as soon as practicable each year but not later than May 31, submit to the Senate and the House of Representatives the legislative budget for the ensuing fiscal year together with a report thereon.

SEC. 103. (a) It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution making appropriations for any fiscal year (beginning with the fiscal year ending June 30, 1974) or any bill or joint resolution authorizing appropriations for any such fiscal year, until the joint committee has submitted the legislative budget for that fiscal year.

(b) The committee report accompanying any bill or joint resolution making appropriations or authorizing appropriations for any fiscal year (beginning with the fiscal year ending June 30, 1974) shall contain a comparison of the amounts appropriated or authorized therein, in the aggregate and in each major category, with the amounts set forth in the legislative budget for that fiscal year. If any such amount appropriated or authorized exceeds the amount set forth in the Legislative Budget, such report shall contain an explanation of the excess. It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution unless the committee report accompanying it complies with the requirements of this subsection.

SEC. 104. For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the joint committee, or as chairman of the joint committee, shall not be taken into account.

TITLE II—FIVE-YEAR BUDGET PROJECTIONS

SEC. 201. (a) Section 201(a) of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended—

(1) by inserting after "ensuing fiscal year" in paragraph (5) "and the four fiscal years immediately following the ensuing fiscal year";

(2) by striking out "such year" in paragraph (5) and inserting in lieu thereof "such years";

(3) by inserting after "ensuing fiscal year" in paragraph (6) "and the four fiscal years immediately following the ensuing fiscal year".

(b) Section 201 of such Act is amended by adding at the end thereof the following new subsections:

"(d) The Budget shall include (1) an examination of proposed expenditures and appropriations and estimated receipts within a comprehensive framework of existing and proposed programs and (2) the bases used for the proposed expenditures and appropriations and estimated receipts.

"(e) The President shall transmit to Congress during the first fifteen days of each regular session, in addition to the budget required under subsection (a), alternative budgets taking into account contingency plans in the event of either major national disasters or economic or strategic dislocations."

(c) The amendments made by this section shall apply with respect to the fiscal year ending June 30, 1974, and each fiscal year thereafter.

SEC. 202. (a) The committee report accompanying each bill or joint resolution of a public character reported by any committee of the Senate or the House of Representatives (except the Committee on Appropriations of each House) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is to become effective and in each of the four fiscal years following such fiscal year, together with the basis for each such estimate;

(2) a comparison of the estimate of costs described in paragraph (1) made by such committee with any estimate of costs made by any Federal agency; and

(3) a list of existing and proposed Federal programs which provide or would provide financial assistance for the objectives of the program or programs authorized by the bill or joint resolution.

(b) It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution if such bill or joint resolution was reported in the Senate or House, as the case may be, after the date of the enactment of this Act and the committee report accompanying such bill or joint resolution does not comply with the provisions of subsection (a) of this section.

(c) Section 252 of the Legislative Reorganization Act of 1970 is repealed.

TITLE III—THREE-YEAR LIMITATION ON AUTHORIZATIONS FOR APPROPRIATIONS; CONGRESSIONAL REVIEW OF MAJOR EXPENDITURE PROGRAMS

SEC. 301. (a) All provisions of law in effect on the date of the enactment of this Act which authorize appropriations for any major expenditure program for a period of more than three fiscal years, beginning with the first fiscal year which commences after such date, shall cease to be effective at the end of the third fiscal year commencing after such date.

(b) Subsection (a) shall not apply to any major program funded in whole or major part by user taxes.

SEC. 302. (a)(1) During the period prescribed in subsection (b), each committee of the Senate and the House of Representatives which has jurisdiction to report legislation authorizing appropriations for a major expenditure program shall conduct a comprehensive review and study of such program and shall submit a report thereon to the Senate or the House, as the case may be. In conducting such review and study, the committee shall receive testimony and evidence in hearings open to the public.

(2) Prior to the beginning of the period during which any committee of the Senate or the House of Representatives is to conduct a comprehensive review and study of a major expenditure program, the head of the department or agency of the Government which administers the program (or any part thereof) shall submit to the committee a cost-benefit analysis of the program.

(b) The period referred to in subsection (a) for the review and study of a major expenditure program is the last fiscal year for which appropriations are authorized for such program.

(c) Insofar as possible, the committees of the Senate and the House of Representatives which have jurisdiction over a major expenditure program shall conduct the review and study required by subsection (a) at the same time. Such committees may conduct the open hearings required by such subsection jointly.

(d) The report of a committee on a review and study of a major expenditure program shall contain a cost-benefit analysis of the program and the committee's evaluation of the overall success or failure of the program, and shall include (but not be limited to) the following matters—

(1) Whether the program objectives are still relevant.

(2) Whether the program has adhered to the original and intended purpose.

(3) Whether the program has had any substantial impact on solving the problems and objectives dealt with in the program.

(4) The impact of the program on the functions and freedom of the private sector of the economy.

(5) The feasibility of alternative programs and methods for dealing with the problems dealt with in the program and their cost effectiveness.

(6) The relation of all government and private programs dealing with the problems dealt with in the program.

(7) An examination of proposed legislation pending in either House dealing with the problems being dealt with in the program, including an examination of each proposed legislation in the context of—

(A) existing laws,

(B) other proposed legislation,

(C) private efforts, and

(D) whether public efforts will hinder or help private efforts.

SEC. 303. It shall not be in order in either the Senate or the House of Representatives to consider—

(1) any bill or joint resolution which authorizes appropriations for any major expenditure program for any fiscal year beginning after the period within which the committee of that House which has jurisdiction over the program is required to submit a report with respect to the program under section 302 until that committee has submitted such report, or

(2) any bill or joint resolution which authorizes appropriations for any major expenditure program for more than three fiscal years.

TITLE IV—PILOT TESTING OF NEW MAJOR EXPENDITURE PROGRAMS

SEC. 401. (a) Except as provided in subsection (b), it shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution—

(1) which establishes a new major expenditure program unless such bill or joint resolution provides (or a prior law has provided) for a pilot test of such program which meets the requirements of this title, or

(2) which authorizes appropriations to implement any major expenditure program established by law passed by the Congress after the date of the enactment of this Act (other than appropriations to carry out a pilot test of such program which meets the requirements of this title) until the appropriate committee of the Senate or the House, as the case may be, has submitted to that House a report on the pilot test of the program pursuant to section 403 (a) and a report to the Joint Committee on the Budget pursuant to section 403(c).

(b) Subsection (a) shall not apply to a bill or joint resolution if the committee report accompanying it contains a statement, together with an explanation, that the committee has given full consideration to pilot testing and, in its judgment, pilot testing would not be feasible or desirable for the program established, or for which appropriations are authorized, by the bill or joint resolution.

SEC. 402. (a) In order to meet the requirements of this title, a pilot test of a major expenditure program must—

(1) entail a test of the program which consists of a replica, as nearly as possible, of the conditions that would exist if the program were implemented on a permanent basis,

(2) be conducted for at least two complete fiscal or calendar years (excluding any period for planning and preparation),

(3) be conducted by a department or agency of the Government or a public or private organization specified in the law providing for the pilot test, and

(4) require the department, agency, or organization which conducts the test, and the Comptroller General of the United States, to report the results of the test, as soon as practicable after its conclusion, to the committees of the Senate and the House of Representatives which have jurisdiction to report legislation authorizing appropriations to implement the program.

(b) Nothing contained in this title shall preclude simultaneous multiple pilot tests of a major expenditure program to determine the most feasible alternative before national implementation.

(c) The Comptroller General of the United States shall have full authority to monitor any pilot test conducted pursuant to the requirements of this title.

SEC. 403. (a) Upon receipt of the reports of a pilot test of a major expenditure program, each committee to which the reports are submitted shall conduct a comprehensive study to evaluate the results of the pilot test and shall, as soon as practicable, submit a report thereon to the Senate or the House of Representatives, as the case may be. In conducting such study, the committee shall receive testimony and evidence in hearings open to the public. The committees of the two Houses may conduct such hearings jointly.

(b) The report of a committee on the evaluation of a pilot test of a major expenditure program shall include (but not be limited to) the following matters:

(1) Suitability of the Federal Government to implement such a program on a national scale.

(2) A cost-benefit analysis of the program in relation to other alternative measures.

(3) In the event the program would change a current method of dealing with a specific problem, a comparison of the current method used and the method used in the test, and an analysis in terms of relative effectiveness.

(c) In addition to the report required by subsection (a), the committee shall submit to the Joint Committee on the Budget a separate report containing a detailed cost-benefit analysis.

TITLE V—REQUIREMENT OF ANNUAL APPROPRIATIONS

SEC. 501. (a) Except as provided in subsection (b), effective July 1, 1973—

(1) all provision of law permanently appropriating moneys out of the Treasury (including Trust Funds) shall have no force nor effect, and

(2) moneys may be paid out of the Treasury (including Trust Funds) to defray expenditures incurred in any fiscal year only pursuant to appropriation Acts enacted for that fiscal year.

(b) Subsection (a) shall not apply to provisions of law which permanently appropriate moneys—

(1) to pay interest on obligations constituting a part of the public debt of the United States, or

(2) to refund overpayments of taxes made to the United States.

Subsection (a) shall not preclude the appropriation of funds for a fiscal year with the stipulation that such funds remain available until expended.

SEC. 502. It shall not be in order in either the Senate or the House of Representatives to consider any bill or joint resolution, or any amendment thereto, which appropriates moneys out of the Treasury (including Trust Funds) for a period of more than one fiscal year, except that funds may be appropriated for a fiscal year with the stipulation that they remain available until expended.

TITLE VI—EXERCISE OF RULE-MAKING POWER

SEC. 601. (a) Sections 103, 104, 202, 302 (except subsection (a)(2), 303, 401, 402 (except subsection (c)), 403, and 502 of this Act are enacted by the Congress—

(1) as an exercise of the rule-making powers of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(b) For purposes of such sections, the members of the Joint Committee on Atomic Energy who are Members of the House of Representatives shall be deemed to be a committee of the House and the members of such Joint Committee who are Members of the Senate shall be deemed to be a committee of the Senate.

By Mr. RANDOLPH (for himself, Mr. CRANSTON, Mr. STAFFORD, Mr. WILLIAMS, Mr. JAVITS, Mr. TAFT, Mr. BEALL, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, and Mr. STEVENSON):

S. 3987. A bill to replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational and comprehensive rehabilitation services, to authorize supplementary funds for vocational and comprehensive rehabilitation services to severely handicapped individuals, to expand special Federal responsibilities and research and training with respect to handicapped individuals, to establish an Office for the Handicapped within the Department of Health, Education, and Welfare, and for other purposes. Referred to the Committee on Labor and Public Welfare.

THE REHABILITATION ACT OF 1972

Mr. RANDOLPH. Mr. President, I am gratified to introduce S. 3987, the Rehabilitation Act of 1972. This is no ordinary bill, if any measure introduced by a Member of Congress can be called ordinary, and it is not the product of my labors alone. I introduce this legislation as chairman of the Subcommittee on the Handicapped of the Committee on Labor and Public Welfare with the recognition that many other Senators and their staffs have given much time in the shaping of the measure.

Mr. President, I make special mention of the work of the ranking majority member of the subcommittee, Senator ALAN CRANSTON. At my request, he acted as chairman of the subcommittee during the 5 days of thorough hearings on revision of the Vocational Rehabilitation Act. His careful preparation, obvious deep interest, and penetrating questions aided immeasurably in the development of a hearing record which formed the solid foundation for this legislation.

Although he represents what is perhaps the most heavily populated State, with the duties and responsibilities that a Senator from such a State must accept, the senior Senator from California gave the time and exerted the effort to explore the field of vocational rehabilitation in great depth. Without the ability and leadership of Senator CRANSTON, this measure could not have been introduced.

The bill I am introducing, Mr. President, is a measure which has been agreed to in both substance and form by the Subcommittee on the Handicapped. The subcommittee acted favorably on these provisions on Wednesday, September 13. It is my hope that the measure can be ordered reported by the Committee on Labor and Public Welfare without an excessive number of changes. It is, in my opinion, an excellent measure, and it is one which will bring new hope and dignity to many thousands of handicapped Americans.

The number of handicapped individuals in the United States who could be aided by vocational rehabilitation services is not precisely known. It is estimated by those who are experts in the field that between 7 and 12 million people could be helped by a vocational rehabilitation program. Neither authorization levels, appropriations, nor the Federal-State program as presently constituted can do much more than make a dent in this vast problem.

Many persons who are handicapped are on the welfare roles for the sole reason that they have not been rehabilitated to engage in gainful employment. Many more have become handicapped through automobile accidents or disabling diseases which have left these people and their families destitute. The result of these tragic cases is unnecessary poverty to those involved, and a tremendous drain on the Federal, State, and local governments because of lost tax revenue and increased welfare expenditures.

Aside from the obvious need to exercise compassion and understanding for our fellow man, we must help the handicapped to break out of the monstrous circle which binds them to lives of frustration and dependency.

The legislation I introduce today will provide a bright, new beginning on the road to meeting the goal of self-sufficiency, hope, and dignity for millions of handicapped Americans.

S. 3987, in a fashion similar to that proposed in the measure adopted by the House of Representatives, H.R. 8395, provides special emphasis and separate identifiable fund for services to severely handicapped individuals. Persons with the most severe handicaps have, in the past, generally been denied vocational rehabilitation services because services to these individuals, by the very reason of the severity of their handicaps, are more costly and of greater duration than services provided to the average vocational rehabilitation recipient. In order to stretch the limited funds available and to make the most productive use of scarce dollars, States in many instances try to serve the easier cases.

The incentive to serve the easier cases to the exclusion of those who need more services has been eliminated in this bill. The incentive will be to emphasize services to severely handicapped including availability of funds for providing comprehensive rehabilitation services to individuals without a vocational goal, but whose ability to live independently and function normally within family and community can be improved.

The measure is a long and complex one. In order to acquaint my colleagues with the flavor and thrust of the bill, I briefly indicate its composition.

Title I of S. 3987 contains the core of the legislation. It includes State plan requirements for providing vocational and comprehensive rehabilitation services to handicapped and severely handicapped individuals, describes the services to be provided, authorizes funds, and specifies the formulas for allotment of funds to the States. It also authorizes innovation and expansion grants.

Title II proposes a number of special Federal responsibilities, including some categorical programs in areas which have not in the past received adequate attention. Provision is made for construction of rehabilitation facilities, training grants for handicapped individuals, loan guarantees and annual interest grants, and special project and demonstration grants. The categorical programs include centers for spinal cord injuries, a center for deaf-blind individuals, centers and other assistance for deaf individuals, services for victims of end-stage renal disease, and services to older blind individuals. The title also establishes a National Advisory Council on Rehabilitation of the Handicapped, and authorizes State advisory councils.

Title III provides authorizations for research and training, which programs under existing law are dispersed among several provisions. The title specifically authorizes the establishment of rehabilitation research and training centers, rehabilitation engineering research centers, research in spinal cord injury, and a program of international exchange of experts, studies, and data in the field of rehabilitation.

Title IV of the bill provides administrative and project evaluation guidelines, including studies and reports. The title also requires a study of sheltered workshops, including a study of wage payments.

Title V establishes an Office for the Handicapped within the office of the Secretary of Health, Education, and Welfare, whose function will be to gather and disseminate information on, to, and about handicapped individuals, and to coordinate the programs within the Department which relate to such individuals.

Title VI contains miscellaneous provisions, including repeal of, and transition from, the Vocational Rehabilitation Act, and establishment of a Federal Interagency Committee on Handicapped Employees and an Architectural and Transportation Barriers Compliance Board. The title also requires Government contractors to take affirmative action to employ qualified handicapped individuals, and prohibits any kind of discrimination against handicapped individuals with respect to any program receiving Federal financial assistance.

Title VII amends the Randolph-Sheppard Act for the Blind to make a number of improvements and modernizations in that law.

The Rehabilitation Act of 1972 also provides a statutory basis for the Rehabilitation Services Administration and requires its Commissioner to administer and supervise the provisions of titles I, II, and III.

This is a measure which will have far-reaching and beneficial implications for that substantial segment of our population who are handicapped. It deserves the support of all who are interested in bringing dignity and full citizenship to handicapped individuals.

Mr. CRANSTON. Mr. President, I am pleased to join with the chairman of the Subcommittee on the Handicapped, the distinguished Senator from West Virginia, Mr. RANDOLPH, in introducing S. 3987, the proposed "Rehabilitation Act of 1972." I was privileged to act as the chairman of the subcommittee for the purpose of holding hearings on this most significant piece of legislation. I wish to thank Senator RANDOLPH for the opportunity that he gave me to do this.

As acting chairman, I conducted 5 days of extensive hearings. The subcommittee heard testimony from the Department of Health, Education, and Welfare, and from all groups having an interest in vocational rehabilitation requesting to be heard, as well as from individual experts in all fields of rehabilitation, including medicine, training, and research. It was the committee's intent to ascertain from those who truly know the needs within the program just what should be done. We learned a great deal during these long and substantive hearings and have applied this knowledge to the development of S. 3987. I believe we have developed an excellent bill which has as its major premise to do the very best for the individuals that the system serves.

The legislation we are introducing today represents the bipartisan efforts of six Senators who gave of their time and staffs most generously in order to develop this most comprehensive bill. I refer specifically, in addition to Senator RANDOLPH, to the distinguished ranking minority member of the subcommittee (Mr. STAFFORD), the chairman of the full Labor and Public Welfare Committee (Mr. WILLIAMS) and its ranking minority member (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT), who introduced the administration bill—S. 3368.

This bill is a milestone in legislation for Americans who suffer from a mental or physical handicap. The program which is authorized by this legislation will provide the most comprehensive range of services and a true opportunity for these individuals to enter or reenter society on a competitive basis with their fellow Americans who have not suffered the same misfortune. It is also the first time, in the almost 50 years of this program, that services will be provided to those whose handicap prevents them from competing in the labor market to achieve a status of more independent living. Part of the benefit of this new provision is that other members of the family on whom such severely handicapped individuals may have had to depend in the past, may be able now to return to jobs with the result that additional tax revenues will be available. Most important, the standard of living of the entire family may then be raised.

The Rehabilitation Act of 1972 will repeal and replace all of the present Vocational Rehabilitation Act which became law in 1965. It authorizes, for 3 years, a program of service to the people in America who have a substantial handicap to employment. I would like to note, Mr. President, that this is the only federally funded program that provides for the vocational rehabilitation of these individuals. Estimates of their numbers vary greatly from 6 to 12 million. The Rehabilitation Services Administration in HEW indicates that the present vocational rehabilitation program is reaching only 1 million of those who need services. We have attempted to tailor the program in this bill so that more people can be reached, first, by increasing the authorization levels substantially. Second, we have also done our utmost to assure by statute that severely handicapped individuals will be reached and served.

My colleagues and I who have cosponsored this measure realize, Mr. President, that we are barely going to scratch the surface of the vast need for services. We will only begin to recognize the needs, and provide satisfaction for those needs, through the services provided.

But we have, I believe, begun.

We have begun to move toward more comprehensive and especially compassionate programs. I hope that in the years to come this direction will be sustained and we will be more and more concerned with handicapped individuals who have suffered so long in silence, and so long with only token acknowledgement of the tremendous problems that confront them.

I for one, Mr. President, feel that they have been underserved long enough. I am sure my colleagues who lent their able assistance to the formulation of this measure, and those who join in cosponsorship, agree fully.

I sincerely hope, Mr. President, that what we are showing the people of America who have the misfortune to be handicapped, that we are here to serve them along with the rest of the American people. That we will serve them, not out of pity, but with the dignity and compassion that they deserve.

Mr. President, at this time I ask unanimous consent that a summary and explanation of the basic provisions of S. 3987 be set forth in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION AND SUMMARY OF SENATE BILL S. 3987: REHABILITATION ACT OF 1972

I. PURPOSE

The basic purpose of the Senate Bill is to continue and expand rehabilitation services to handicapped individuals by providing an expansion of authorization and changes in legislative authority which will ensure full services to handicapped individuals, and will better enable this program to serve more severely handicapped individuals. Recognizing that the final goal of all rehabilitation services must be to better the lives of the individuals served, this bill places particular emphasis on a method of providing services which will be responsive to individual needs, and will ensure that no individual will be excluded from the program merely because his handicap is too severe. The Senate Bill follows House intent to provide an emphasis on services to severely handicapped individuals, by expanding the range of services that may be provided and by earmarking funds out of the basic program so that the States will be better able to provide the services severely handicapped individuals will need. Included in the expansion of services are comprehensive rehabilitation services which include services which will enable severely handicapped individuals to achieve either a vocational goal or to prepare them to live more independently. However, the Senate Bill, recognizing that a productive and financially independent life is of primary importance, insures that no individual may be excluded from vocational training, counseling and related rehabilitation services aimed at a vocational goal without thorough and detailed evaluation of his rehabilitation potential, and an explicit statement by the rehabilitation counselor encompassing the reasons why he has concluded beyond a reasonable doubt that a vocational goal is not appropriate.

In addition, the Senate Bill places greater emphasis on research and on the development of innovative rehabilitation techniques, equipment and devices which will ameliorate the effects of handicapping conditions and make employment more feasible for a severely handicapped individual. By increasing funding and authority available for these purposes, and giving statutory responsibility to the Commissioner of Rehabilitation Services for all vocational rehabilitation services, research, and training in connection with services to handicapped individuals, the Committee substitute seeks to place greater emphasis on expanding and improving services to handicapped individuals, with particular emphasis on the needs of more severely handicapped individuals.

The Senate Bill also responds to the need for services within certain target populations (including spinal cord injured individuals, those suffering from end-stage renal disease, severely handicapped deaf, deaf-blind and older blind individuals and handicapped migrants) for whom services are presently inadequate, by providing special Federal categorical programs to serve these persons. The Senate Bill also deals with problems such as discrimination in Federal employment and Federal grants, architectural barriers, and the coordination and improvement of programming for handicapped individuals, which because of their complex nature and wide-ranging effects cannot be dealt with only by the Rehabilitation Services Administration but have a profound effect on the delivery of relevant and effective services to handicapped individuals, by establishing a number of agency-wide and Executive Branch-wide special programs to meet the needs of handicapped individuals.

II. BACKGROUND

House bill

The House Committee in reviewing this legislation earlier this year attempted to deal with the problems mentioned above. Their bill, therefore, includes a special section for grants for supplementary services to severely handicapped individuals, and emphasis on the severely handicapped individual under the basic program. The House bill provides a statutory basis for the Rehabilitation Services Administration, and the Committee report directs that administration to be responsible for research and training authorized under the Vocational Rehabilitation Act. Finally, the House bill included a number of new target programs such as: Centers for the low-achieving deaf, a Commission on Transportation and Housing, Centers for Spinal Cord Injury, and grants for services for end-stage renal disease.

III. BRIEF SUMMARY

1. Services to the severely handicapped

a. Rather than set up a separate authorization and supplementary services for the severely handicapped as was done by the House, the Senate bill earmarks 15% of the authorization under the basic vocational rehabilitation program (part B) to be used as supplementary funds (part C) for vocational and comprehensive rehabilitation services. Vocational services are those services which are aimed at employment; comprehensive services include all vocational services and other services which may be necessary to enable severely handicapped individuals to achieve a vocational goal or live more independently and self-sufficiently.

b. In order to ensure that emphasis is put on developing vocational goals for severely handicapped individuals, a 10% limitation is put on the expenditure of funds under part B and part C for severely handicapped individuals who do not have a vocational goal.

c. Supplementary funds under part C can be used only after the agency has exceeded twice the average cost in providing services to an individual. This provision was included to try to insure that agencies have the additional funds needed to provide full services to severely handicapped individuals, thus providing an incentive to these agencies to undertake to serve them. At the same time it is required that the basic costs for services (vocational or comprehensive rehabilitation) will be paid from part B funds.

d. Provisions have been included in the State plan requirements to ensure that planning for severely handicapped individuals is undertaken, and to require a special emphasis on serving these individuals.

e. An important procedural provision has been included in the Senate bill requiring an individualized written rehabilitation program be drawn up for every handicapped individual served, and to be drawn up in consultation with that individual. The counselor is required to explore every means for establishing a vocational or job-oriented goal for each individual, and to specify fully in the written program the reasons why this was impossible if he finds beyond a reasonable doubt that the individual does not have a vocational goal.

2. Research and training

a. The Senate bill provides a statutory basis for the Rehabilitation Services Administration, and provides to the Commissioner of RSA all authority for the carrying out of functions under the Act. In addition, the bill sets up within RSA a Division of Research, Training and Evaluation, and within that Division a Center for Technology Assessment and Evaluation; the Division is assigned 10 personnel positions to carry out purposes related to research, training and evaluation.

b. The bill places a great deal of emphasis on applied research and the development of technology and devices to aid in solving rehabilitation problems of handicapped individuals. Besides the general research authority, the bill directs RSA to establish and operate Rehabilitation Engineering and Research Centers in order to aid in the development of this technology. In addition, for the first time, telecommunication, sensory, and other technological devices are specified as services under the basic vocational rehabilitation program (part B, state plan).

c. A program of International Research and Exchange of personnel and technical assistance is also included so that the United States may more fully make use of the many developments that have been made overseas.

3. Other provisions

a. The Senate bill includes special programs for spinal cord injury, end-stage renal disease, severely handicapped deaf individuals, deaf-blind, and older blind individuals, and an earmarking of money under special projects for migratory agricultural workers.

b. The Senate bill creates a Federal Interagency Committee on Handicapped Employees (and directs it to undertake an affirmative action program for hiring in each Federal agency, an Architectural and Transportation Barriers Compliance Board, requires affirmative action in employment of handicapped individuals in employment under Federal contracts, and prohibits discrimination against the handicapped under Federal grants.

c. The Senate bill includes in title VII certain provisions amending the Randolph-Sheppard Act with regard to vending machines in Federal facilities, which have already been ordered reported from the Subcommittee on the Handicapped.

DETAILED EXPLANATION

Sections 1–8

1. Provides statutory basis for the Rehabilitation Services Administration and, unlike the House bill, creates within such Administration a new Division of Research, Training and Evaluation, and within such Division, a new Center for Technology Assessment and Application; and provides that the Commissioner of the Rehabilitation Services Administration shall administer all programs for which authority is provided to the Secretary under titles I through III of the bill.

2. Specifies new definitions, not contained in the House bill or existing law, for the Act which may be summarized as follows: defines "handicapped individual" to mean any individual who has a substantal mental or physical handicap to employment and who can be expected to benefit from vocational or comprehensive rehabilitation services; defines "comprehensive rehabilitation services" as vocational rehabilitation services and any other goods or services which will make a substantial contribution in helping a severely handicapped individual to improve his ability to live independently or function normally with his family and community; and defines "severely handicapped individual" as any handicapped individual whose ability to engage in employment or to function normally is so limited by the severity of his disability that services appreciably more costly and of greater duration are required to improve his ability to engage in employment or live independently or function normally in his community or family.

TITLE I: VOCATIONAL AND COMPREHENSIVE REHABILITATION SERVICE

Part A—General provisions

1. Requires the State in the state plan to include a description of the method to be used to expand services to the severely handicapped, and to provide that an order of selection be included if services cannot be provided to all eligible handicapped individuals, but differs from the House bill by specifying, that this order must place special emphasis on severely handicapped individuals; requires the State plan to contain policy, plans and methods to be followed in delivering comprehensive rehabilitation services to severely handicapped individuals; in a change from existing law, redefines serv-

ices to be provided free to all handicapped individuals as evaluation of rehabilitation potential for up to 18 months duration, counseling, guidance, referral, placement and client advocacy services, vocational and other training services and family services where necessary to the adjustment or rehabilitation of a handicapped individual, physical and mental restoration services, and maintenance payments during the process of rehabilitation; and expands from existing law and the House bill the scope of vocational and comprehensive services to include as a discretionary service the provision of telecommunication sensory and other aids and devices; requires the vocational rehabilitation counselor or coordinator to develop for each individual and individualized rehabilitation written program which will be reviewed on an annual basis by the counselor and the client (or where appropriate, his parent or guardian), and will contain a statement of long-range rehabilitation goals and intermediate objectives for the individual. Primary emphasis in the development of this program must be the determination and achievement of a vocational rehabilitation goal. The decision that this goal is not possible can only be made in full consultation with the individual (or his parent or guardian) that such a goal is not then possible for the individual.

2. Increases the authorization for basic vocational and comprehensive rehabilitation services (see separate chart on authorization levels), and earmarks 15% of all appropriations as supplementary funds for the provision of vocational and comprehensive rehabilitation services for a severely handicapped individual which may be used for that individual only after the cost of purchase and provision of such services (including counseling) exceeds 200% of the average cost per individual of the purchase and provision of such services for all handicapped individuals rehabilitated in the State in the preceding fiscal year. In addition, a 10% limitation is placed on funding under the basic program from supplementary funds for the provision of services to individuals who do not have a vocational goal. This is a major change from the House bill which provides a separate title for services to the severely handicapped, and emphasized through report language a priority for the severely handicapped under the basic program.

3. Contains a new provision of law not contained in the House bill which would limit the amount of money under this Act spent for alcohol and drug abuse disabilities by ensuring that either reimbursement was available for such services, or that first-dollar funding was provided by programs which are designed specifically to provide for treatment and rehabilitation, prevention or control of alcoholism, drug addiction, or alcohol or drug abuse disability; the intent of this provision is not to exclude individuals suffering from such disabilities from services, but rather to tap resources from specific programs which are responsible for providing such services. The Senate bill also differs from the House bill by consolidating the provision of evaluation of rehabilitation potential for handicapped individuals contained in section 15 of existing law (title II of the House bill) as a mandatory basic service under title I, and eliminates the provision of such services for disadvantaged individuals who do not fit the basic definition of handicapped individuals as contained in the same section. Similar to the House bill, the Senate bill consolidates grants on a population/PCI formula basis to the States for innovation and expansion of services to classes of individuals with particularly difficult problems, 50% of such funding to be available for State purposes, and 50% to be used to carry out programs of Federal priority.

4. Established a new mandatory program of client advocacy systems within each State which will provide ombudsman to seek to resolve complaints of clients and client applicants, and authorize the Secretary to carry out experimental client appeal and review systems. Neither provision is contained in existing law or in the House bill.

5. The Senate bill proposes to change the State allotment formula for the basic program (Part B) by distributing all funds up to the guaranteed FY 1972 level according to the existing Hill-Burton formula which magnifies the weight of per capita income and distributing the remainder of the appropriations on a new formula which weights more heavily population. This formula would provide a protection to States with a low per capita income by guaranteeing them at least the amount they received in FY 1972, but would more equitably distribute appropriations above the FY 1972 level in order to provide greatly needed funds to larger, more populous States for expansion of programs and services. This change is not contained in the House bill.

Title II—Special Federal responsibilities

Establishes new authority, similar to the House bill, for annual interest grants for rehabilitation facilities, for Rehabilitation Centers for severely handicapped deaf individuals, funds for the establishment and operation of centers for Spinal Cord Injury, and grants for services for individuals suffering from end-stage renal disease; for services to older blind individuals; and provides for the establishment of State Advisory Councils on Rehabilitation of the Handicapped, a provision not contained in the House bill; provides for an expanded program of grants for special projects and demonstrations including an expansion of the special grant program for rehabilitation services for handicapped migratory or agricultural workers and their families, a provision similar to the House provision; continues authority from existing law for grants for construction of rehabilitation facilities, construction and operation of the National Center for Deaf-Blind Youths and Adults, grants for vocational training for handicapped individuals (including weekly allowances for maintenance); expands the size and broadens the authority of the National Advisory Council on Rehabilitation of the Handicapped.

Title III—Research and training

1. Consolidates all research and training authority (to be exercised by the Commissioner of Rehabilitation Services Administration through a Division of Research and Training) in present law in one title similar to the House bill; follows the intent of the House bill to provide greater emphasis on research and training relating directly to the rehabilitation of handicapped individuals by providing that all such activities shall be carried out and administered by the Commissioner of Rehabilitation Services Administration; and further identifies priorities for research by providing for the establishment and support of new Rehabilitation Research and Training Centers, the establishment and support of Rehabilitation Engineering Research Centers, grants for spinal cord injury research, and grants for international rehabilitation research and exchange of personnel and technical assistance.

Title IV—Program and project evaluation

Expands upon similar provisions in the House bill to provide a Federal program of program and project evaluation of the impact and effectiveness of all programs authorized under the Act, and to determine priorities for research, demonstration and related activities; and upon the House provision under which the Secretary would undertake a comprehensive study of the role of sheltered workshops, including a study of wage payments.

Title V—Office for the handicapped

Establishes an Office for the Handicapped in the Office of the Secretary to develop a Federal five-year plan for delivery of services to handicapped individuals and to coordinate, evaluate and review existing Federal programs for handicapped individuals; and incorporates in this Office the function of the National Information and Resource Center for the Handicapped contained in the House bill to evaluate existing data and information systems and to develop a coordinated system of information and data retrieval and dissemination relating to services, programs and information for handicapped individuals.

Title VI—Miscellaneous

Provides for agency-wide programs, not contained in the House bill, of action and focus on problems of the handicapped, including the establishment of an Interagency Committee on Handicapped Employees to ensure the adequacy of hiring, placement and advance practices in the Federal government in relation to handicapped employees and applicants, including the requirement of an affirmative action program to employ qualified handicapped employees by all Federal contractors and of non-discrimination by all Federal grantees.

Title VII—Amendments to Randolph Sheppard Act

Contains amendments to the Randolph Sheppard Act for the Blind, which were ordered reported to the full Committee by the Subcommittee on the Handicapped in S. 3507 earlier this year (not part of the Rehabilitation Act).

By Mr. MONDALE:

S. 3988. A bill to establish a temporary commission to conduct a comprehensive study of certain matters relating to the national security of the United States. Referred to the Committee on Armed Services.

A COMMISSION ON NATIONAL SECURITY

Mr. MONDALE. Mr. President, today, I am introducing legislation to establish a Commission on National Security. This Commission would be charged, over a period of 2 years, with studying all matters it deems relevant to the present and future national defense of the United States; examining the long-term implications of all decisions related to the national defense; and advising both the President and the Congress on these matters.

The American people want a strong national defense. But they do not want—and they should not have to pay for—waste and needless escalation in the military budget.

Beyond this basic consensus, disagreements inevitably arise both over the nature of the national security and over the best means of insuring it. Recent congressional debates on such basic questions as appropriate U.S. troop levels in Europe and on a variety of weapons systems—ranging from the ABM to the Trident program—have dramatized these differences. Regardless of one's views on the merits of each of these issues, I think most of us can agree that the assumptions and objectives underlying the defense budget and defense planning have often been obscured.

I think we can also agree with former

Budget Director Charles Shultz, who once observed that:

> The benefits and costs of proposed military programs cannot be viewed in isolation. They must be related to and measured against those other national priorities which, in the context of limited resources, their adoption must necessarily sacrifice.

As Mr. Shultz suggests, the national defense is a major aspect of our national welfare, and military programs must be evaluated in that perspective. It has been observed that our national security interests are best served by efficiency in the forces we buy; inefficiency will require us to spend more than is necessary and will inevitably detract from our commitments to our children, our cities and towns, our farms and our natural environment.

For a significant change in public attitudes toward our national priorities has occurred over the past decade. This phenomenon is described and discussed in detail in the excellent report recently published by the Brookings Institution, "Setting National Priorities." Into the early sixties, according to this study, government programs were relatively uncomplicated activities; and it is only over the past 10 years that Americans have reached a widespread consensus, transcending party lines, that certain goals—improving the quality of public services, increasing equality of opportunity, rescuing the environment, for example—are properly the concern of the Federal Government.

This revolution in attitude toward the role of government has had a major impact on the Federal budget. Indeed, if we survey the pattern of Federal expenditures over the past 10 years, we find a shift in emphasis away from defense and toward domestic needs. Overall, the budget has increased approximately 130 percent in the 1963–73 period. This figure obscures the fact, however, that defense spending increased approximately 50 percent, while spending on domestic programs more than tripled.

The rise in Federal expenditures, and the heavy emphasis on spending for purely domestic purposes, are both trends unlikely to be reversed. They occur in conjunction with a third trend—a relatively slower rate of increase in Federal revenues, the consequence of the tax policies of the past decade.

Taken together, the tendency of Federal expenditures to out pace revenues and the growing emphasis on spending for domestic purposes, have profound implications for our defense and national security policies.

For now, more than ever before, we must be efficient in the forces we buy. Spending for national defense—as well as spending to meet urgent domestic needs—must be carefully scrutinized and justified.

In addition to this increasing demand on limited Federal resources, issues involving national defense are today more complex and difficult as a result of recent developments of major significance—such as the successful negotiations of a first round of arms limitations and the reassessments of our policies toward both the Soviet Union and the People's Republic of China.

Yet despite the urgent necessity of avoiding costly errors of judgment, and despite the increasing complexity of the problems facing us, the debate on national security issues is regrettably clouded with confusion and uncertainty. In particular, Congress is too often in the position of making crucial decisions on the basis of inadequate information—without careful examination of the implications of the decision for future defense and budgetary policies, without adequate investigation of alternative proposals, and in isolation from relevant diplomatic considerations.

It may be tempting in such circumstances for the Congress automatically to approve or oppose whatever a particular administration is seeking in the name of national security. In doing so, however, we abdicate our constitutional responsibility to provide for the common defense.

It is for this reason, Mr. President, that I urge the creation of a Commission on National Security. I am not the first to make this proposal; it was put forth by James Killian, the former president of Massachusetts Institute of Technology, at a hearing of the Senate Foreign Relations Committee in 1969, and again last year by Francis O. Wilcox, dean of the Johns Hopkins SAIS, in his book entitled "Congress, the Executive and Foreign Policy." I believe the recent SALT agreements have given new strength to the arguments for the commission.

The bill I am introducing establishes a commission with 15 members—five appointed by the President, five by the majority leader of the Senate, and five by the Speaker of the House.

The bill requires that all those appointed to the commission must be qualified on the basis of their experience in matters relating to military planning, budget management and analysis, foreign affairs, and arms control and disarmament. It is anticipated that this commission will consist of seasoned and experienced individuals from a variety of backgrounds in the private and public sectors—persons who, in the course of their careers, have dealt with problems involving our national security.

Such individuals, of course, will come to this commission with divergent views on the critical issues of national defense. But, hopefully, those appointed to the commission will be persons with a recognized reputation for fairness, integrity, balance, and openmindedness—qualities which will enable them to make their final judgments and recommendations on the basis of all the evidence before the commission. I believe that the reports submitted by a commission composed of such individuals will help make the debate over national security more reasoned and more dispassionate.

This Commission would have full access to classified documents, with the authority necessary to carry out its responsibilities, including the power of subpena. The Commission's existence is limited to 2 years, and it would be required to submit an official report within that time. An interim report is required within the first year of the Commission's existence.

The Commission's mandate is a broad one. The bill states that the Commission's duty shall be:

> To conduct a comprehensive study and investigation of any and all matters it deems relevant to the present and future national defense of the United States.

In conducting this study and investigation, the Commission will be required to consider, among other questions—

The nature and magnitude of external threats to the national security of the United States and the adequacy of present and projected military forces to meet such threats;

The alternative uses of manpower, including the respective uses of military and civilian personnel in the Department of Defense, the relationship of combat to support forces, and the role of reserves in national security planning;

The nature and mission of the strategic and tactical weapon systems employed, and of those planned to be employed, by the United States;

The relationship of defense expenditures and programs to arms limitation agreements;

The relationship of the military capabilities of U.S. allies to the structure of U.S. forces;

The relationship of foreign military assistance, including sales, to the national security of the United States;

The reform of the national security and defense planning process to provide a longer-range perspective than that imposed by the annual authorization and appropriations processes; and

Such other relevant questions of policy and practice related to the defense posture of the United States and the national security as the Commission deems appropriate.

Given this mandate, the Commission will certainly evaluate those weapons systems presently the subject of intense controversy, such as the Trident, the attack carrier, and the B–1 bomber. Behind each of these systems, however, lies a complex network of assumptions concerning basic security and defense requirements, which would also require careful study. In the case of strategic offensive planning, for example, the Commission inquiry would not be limited to the Trident or the B–1, or even to possible alternatives to these two systems; the Commission should deal with all aspects of the tripartite deterrent, including the future of and potential alternatives to the triad.

The Commission, of course, will have to do more than simply examine the merits of particular weapons systems. It is now clear that major proposals for new defense expenditures must also be evaluated in light of existing and future arms limitation agreements.

Decisions on specific military expenditures may well have a decisive impact on the success or failure of future arms limitations talks. Therefore, it will be extremely important for this Commission to evaluate such expenditures not just in terms of their military utility—but also in terms of their potential diplomatic impact.

I believe, as President Nixon believes, that meaningful arms limitations agreements are a crucial aspect of national security. I also believe that there is always the danger of producing and developing weapons at the expense of future arms limitation agreements—a course which in the long run will mean less rather than more security.

Another important area for the Commission's consideration will involve manpower questions. Manpower costs today are the single most important factor in the defense budget, having increased sharply over the past 5 years. In this period, average military pay has doubled and average civilian employees' pay has increased approximately 50 percent. Payroll and other personnel costs have thus risen by $10 billion, while total military and civilian manpower has declined by almost 1.5 million.

We are now committed to replacing the draft with an all-volunteer army, and this fact has cost and other implications which are not yet clear. Comparability legislation insures that Government salaries will keep pace with pay in the private sector, which will rise at a modest rate even in the absence of inflation. As yet, we have no assurance that even today's better military pay scales will enable us to meet the projected 2.3 million force level; we may therefore find that incentive pay increases are unavoidable.

This Commission should therefore monitor the initial experience with an all-volunteer army and report on its implications. In addition, it should investigate the critical problems of achieving force levels and structure that will offer maximum efficiency in the use of manpower and that will lead to the most advantageous balance of manpower and weapons systems.

The Commission should also study ways to provide a longer-range perspective on defense planning than that imposed by the annual authorization and appropriations process. Both the executive branch and the congressional committees with jurisdiction over national security issues must operate under the constraints of determining annual budgets and disposing of a crowded legislative calendar. It is particularly difficult for the Congress to undertake the broader and longer-range studies that lie outside the scope of pressing legislative responsibilities. The recent Brookings study, Setting National Priorities, observed:

> While every new budget affords at least some room for the administration and the Congress to indicate their changing priorities, only a perspective that covers a number of years can illuminate the really large changes taking place in the scope and emphasis of federal activities.

This is certainly true of defense planning, where the perspective of the annual budget may obscure or distort long term, fundamental trends. Hopefully, this Commission will recommend ways to broaden that perspective.

At the same time, it should be emphasized that the Commission would in no sense determine national security and defense policies. Its recommendations would not be binding, nor would a commission report end the debate over a variety of national security and defense questions. Differences of opinion will certainly persist, but I believe the Commission can perform the invaluable service of helping to sharpen the focus of the debate. Its work would thus provide a framework for making defense policies.

No set of issues that we face is more important to our constituents, yet more obscured than the questions of how to defend our country.

National defense is not a partisan issue. No one in the Congress or the Executive Branch would willfully weaken this country or wantonly underestimate the dangers abroad in a harsh world. Most of us are from generations that have seen the awful price of unpreparedness, from Pearl Harbor to the bloody retreat to Pusan.

However, too often, in the name of national defense, bureaucratic infighting causes waste and a misalloaction of limited resources, weakening rather than strengthening the vitality of our Nation's security. It is because I believe in a strong and unassailable national defense that I—along with many of my colleagues—have criticized certain aspects of the military budget in the past.

Defending this country is not the issue. The issue is the foresight and efficiency that a government of imperfect men bring to a task where the cost of imperfection is so high.

We can do nothing less than apply to the national security—our Nation's most important business—the same standards of good planning and effective management that stock holders demand of any corporation.

We can demand no less care and honesty and objectivity in the making of our military budget than each of us applies to our family budgets.

In national defense, unlike so many issues that face us, there is no one special interest, no one region or group to be served. Our constituency is all America, and at stake is the future of our children and the peace of the world.

That is why I think Senators and Congressmen of both parties should be able to agree that we need a dispassionate and fresh look at where we are going in national defense. And that is why I think the next administration, whatever its composition, should welcome an independent and fair analysis of the fateful choices before it.

Mr. President, I am asking that we put aside partisanship where the stakes are too high for anything but the freest judgment that free men can make.

I therefore propose the creation of this Commission on National Security as one means of helping us make decisions on defense policy issues which will best serve the needs of this Nation.

Mr. President, I ask unanimous consent that the text of this bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, *as follows:*

S. 3988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF COMMISSION

SECTION 1. There is hereby established a temporary commission to be known as the Commission on National Security (hereinafter referred to as the "Commission").

MEMBERSHIP OF COMMISSION

SECTION 2. (a) The Commission shall be composed of fifteen members appointed as follows—

(1) five to be appointed by the President;

(2) five to be appointed by the Speaker of the House of Representatives, not more than two of whom may be from the House of Representatives and not more than three of whom may be members of the same political party; and

(3) five to be appointed by the Majority Leader of the Senate, not more than two of whom may be from the Senate and not more than three of whom may be members of the same political party.

Persons shall be appointed to the Commission who are qualified for appointment by reason of their experience in matters relating to military planning, budget management and analysis, foreign affairs, and arms control and disarmament.

(b) The Commission shall elect a chairman and vice chairman from among its members.

(c) Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

DUTIES OF THE COMMISSION

SEC. 3. (a) It shall be the duty of the Commission to conduct a comprehensive study and investigation of any and all matters it deems relevant to the present and future national defense of the United States. In conducting such study and investigation the Commission shall consider—

(1) the nature and magnitude of external threats to the national security of the United States and the adequacy of present and projected military forces to meet such threats;

(2) the alternative uses of manpower, including the respective uses of military and civilian personnel in the Department of Defense, the relationship of combat to support forces, and the role of reserves in national security planning;

(3) the nature and mission of the strategic and tactical weapon systems employed, and of those planned to be employed, by the United States;

(4) the relationship of defense expenditures and programs to arms limitation agreements;

(5) the relationship of the military capabilities of U.S. allies to the structure of U.S. forces;

(6) the relationship of foreign military assistance, including sales, to the national security of the United States;

(7) the reform of the national security and defense planning process to provide a longer-range perspective than that imposed by the annual authorization and appropriations processes; and

(8) such other relevant questions of policy and practice related to the defense posture of the United States and the national security as the Commission deems appropriate.

(b) The Commission shall submit to the President and the Congress a detailed report of the results of the study and investigation conducted by it under this Act not later than two years after the date of enactment of this Act, together with such recommendations as it deems appropriate. The Commission shall submit an interim report to the President and the Congress on the results of its study and investigation not more than one year after the date of enactment of this Act.

POWERS OF THE COMMISSION

SEC. 4. (a) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as the Commission or such subcommittee or member may deem advisable. Subpoenas may be issued under the signature of the chairman of the Commission, of any such subcommittee, or any designated member, and may be served by any person designated by such chairman or member. The provisions of sections 102 through 104 of the Revised Statutes (2 U.S.C. 192–194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(b) The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality information, suggestions, estimates, and statistics for the purposes of this Act. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman or vice chairman.

(c) The Commission shall establish appropriate measures to insure the safeguarding of all classified information submitted to or inspected by it in carrying out its duties under this Act.

COMPENSATION OF COMMISSION

SEC. 5. Each member of the Commission who is not otherwise employed by the United States Government shall receive an amount equal to the daily rate paid a GS–18 under the General Schedule contained in section 5332 of title 5, United States Code, (including travel time) during which he is engaged in the actual performance of his duties as a member of the Commission. A member of the Commission who is an officer or employee of the United States Government shall serve without additional compensation. All members of the Commission shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

STAFF OF THE COMMISSION

SEC. 6. (a) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at GS–18.

EXPIRATION OF COMMISSION

SEC. 7. Ninety days after the submission of its final report to the President and the Congress the Commission shall cease to exist.

EXPENSES OF THE COMMISSION

SEC. 8. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

By Mr. BENTSEN (for himself and Mr. HUMPHREY):

S.J. Res. 267. A joint resolution providing for a special deficiency payment to certain wheat farmers. Referred to the Committee on Agriculture and Forestry.

Mr. BENTSEN. Mr. President, today the distinguished Senator from Minnesota (Mr. HUMPHREY) and I introduce a joint resolution to provide special deficiency payments to wheat producers who will receive less than parity on the domestic production of their wheat as a result of the recent large wheat sales to the Soviet Union.

Congressman GRAHAM PURCELL, chairman of the House Agricultural Subcommittee on Livestock and Grains is introducing an identical resolution in the House to make this a joint effort. The House subcommittee began hearings today on the impact of these recent sales on farmers and others; however, some injury is already apparent.

Producers who sold their wheat prior to any knowledge of the sale to the Soviet Union were handicapped in making marketing decisions. Since the first wheat in the Nation is harvested beginning as early as May and continuing into July, a great deal of production was harvested before the sale to the Soviet Union was announced on July 8. Traditionally, most of this early wheat crop is sold at time of harvest.

The Agricultural Act of 1970, at the urging of the Nixon administration, provided that the wheat certificate paid to farmers on their share of domestic consumption would be calculated to reflect the difference between the average market price for the first 5 months of the marketing year, July 1–November 30, and the parity price as of July 1—$3.02 per bushel.

The sale of wheat to the Soviet Union has resulted in increases in the market price. Everything being equal, such an increase is good for wheat producers. However, since the increase in wheat market prices will reduce the amount of the certificate paid to farmers on the domestic portion of their wheat, only those farmers who sold at or above the 5 months' average market price will receive the parity price of $3.02 per bushel. Those farmers who sold below the 5 months' average market price will receive less than the parity price by whatever amount their sale price was below the 5 months' average market price. Farmers in Texas, New Mexico, Arizona, Colorado, Kansas, Missouri, and other States in the early wheat harvest area sold wheat at prices below the anticipated 5 months' average market price and they will not be able to get parity price for their production.

The evidence is clear that there was heavy early selling in these and other wheat-producing areas. As of July 31, only 59.4 million bushels of wheat were under loan for support price purposes as against 77.1 million bushels on July 31, 1971. In Kansas, for example, where the harvest was completed by July 31, 36.8 million bushels were under loans as compared to 51.9 million on the same date in 1971.

Let me cite an example of how farmers who sold wheat before the market prices advanced in response to Soviet Union wheat sales will lose unless the current provision of law is changed, as provided in the resolution I introduced today. The average market price in July was $1.32; in August $1.51. It is anticipated that there will be further market price increases in September, October, and November which could result in an average market price during those months of $1.75. Averaging the prices for the 5-months brings the market average for wheat to $1.62 per bushel.

This $1.62 per bushel price under the 1970 Agricultural Act is the point at which the USDA begins to calculate the amount of wheat certificate. Since the parity price was $3.02 on July 1, the wheat certificate paid to producers on their domestic production will amount to $1.42 per bushel.

But, it can be clearly seen that these farmers who sold below the estimated 5 months; average market price of $1.62 per bushel, would lose the difference between their sales price and the 5 months' average market price. Let us take the specific case of a Texas farmer who sold his wheat at $1.32 per bushel. Since this sales price is below the average market price of $1.62, he would lose 30 cents per bushel. Instead of receiving the parity price of $3.02 per bushel, he would receive only $2.72 per bushel.

Mr. President, the inequity in this situation is apparent. My position simply is to bring equity in the payment by the Government to producers who are eligible for wheat certificates. No farmer in this Nation should be penalized in the amount of the wheat certificate he receives by his geographic location in the Nation.

In summary, the resolution, would authorize the Secretary of Agriculture to make special deficiency payments to wheat producers who sold all or any portion of his 1972 crop of wheat for less than the average price for the first 5 months of the marketing year—July 1–November 30, 1972. The deficiency payment would be calculated as I have indicated above—the difference between the average 5 months' market price and the price the producer received in the sale of his 1972 crop of wheat.

The effect of the bill would be to assure that no producer receives less than the parity price of $3.02 because he was not unaware of the pending Soviet wheat agreement which would increase the market price.

When major U.S. exporters were caught in a somewhat similar bind in August of this year a special export subsidy payment was administratively approved. If administrative action can be taken to avoid undue loss by the exporting companies in a surging market surely America's wheat growers should receive similar relief.

ADDITIONAL COSPONSOR OF A BILL

S. 3827

At the request of Mr. GURNEY, the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 3827, a bill to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such Act, and for other purposes.

SENATE RESOLUTION 363—SUBMISSION OF A RESOLUTION TO COMMEND THE ADMINISTRATION AND AMERICAN AGRICULTURE

(Referred to the Committee on Agriculture and Forestry.)

Mr. BELLMON. Mr. President, during the recent weekend I was in Oklahoma and spent considerable time with Oklahoma wheat growers. I was greatly impressed and pleased by the good spirits and optimism which this group now exhibits in light of the healthy improvement in wheat prices.

Mr. President, as a wheat grower I know from first hand experience of the disastrous cost-price squeeze which the American wheat growers have faced through the last decade. In my own farming operation the income from wheat has not been sufficient to meet costs of production for many years. Therefore, the improvement in wheat prices which has occurred since the signing of the wheat agreement with Russia on July 8 is vitally important to getting this basic industry, which provides much of the food for our Nation and the world, into a profitable position.

At the local elevator where I do business, last Saturday the price for hard red winter wheat was $1.85 per bushel. This is up roughly 50 cents since the day in June when I sold my wheat for $1.37. This healthy increase in price still leaves the price of wheat well below the parity price of $3.03. However, the increase may lift wheat growers incomes into the black when combined with the certificate payments.

Mr. President, Members of the Senate have long bemoaned the plight of American agriculture. We have on many occasions undertaken to legislate a solution to the farm problem. The present farm bill, which was passed in 1969, is in my view the best farm legislation Congress has ever passed, but even, that law had not been able to improve farm income sufficiently until the consummation of the Russian grain arrangements. There are many additional benefits which are likely to come from this trade between these two nations, and I believe those who successfully concluded these difficult and delicate negotiations deserve the commendation of Congress.

For that reason, I am today submitting the resolution of commendation. In this I have been joined by the distinguished Senator from Oregon (Mr. HATFIELD), the distinguished Senator from Wyoming (Mr. HANSEN), the distinguished Senator from Nebraska (Mr. HRUSKA), the distinguished Senator from Idaho (Mr. JORDAN), the distinguished Senators from Kansas (Mr. PEARSON and Mr. DOLE), the distinguished Senator from North Dakota (Mr. YOUNG), and the distinguished Senator from Colorado (Mr. DOMINICK).

Mr. President, the resolution states:

S. RES. 363

Whereas, this nation has long been troubled by surpluses of farm commodities and Congress and past administrations have repeatedly made unsuccessful efforts to bring supply and demand into balance; and

Whereas, the existence of these agricultural surpluses had seriously depressed farm income and their management has proved costly to American taxpayers; and

Whereas, the recent sale of large quantities of wheat, corn and soybeans to Russia has had the immediate impact of dramatically reducing these agricultural surpluses and improving farm prices; and

Whereas, this sale was possible only through the skillful and tenacious efforts of leaders in the Administration and in the agricultural community: Now, therefore, be it

Resolved, That the Senate of the United States hereby commends the Administration and American agriculture for the successful consummation on July 8, 1972 of arrangements which make possible these transactions which hold great hope for permanent improvement of income to American farmers, substantial savings to the U.S. Treasury, significant reductions in the imbalance of payments, creation of thousands of new jobs for American workers and normalization of peaceful relations between the United States and the USSR.

Mr. President, in light of the popularity and importance of the Russian grain sales with farmers, I am greatly surprised and somewhat confused by the attitude being expressed by the Democratic Presidential nominee. His critical statements and unfounded charges cannot help but make future sales more difficult. Also, they raise the question: Does Senator McGOVERN want the sale canceled? Does he want wheat, feed grain, and soy bean prices to fall back to the pre-Russian sales levels? Is he telling consumers that in the unlikely event of a McGovern victory there would be no large exports of unneeded surplus American farm commodities? I believe Mr. McGOVERN needs to make clear his position to both farmers and consumers. Does he favor export sales which increase U.S. farm income, decrease the U.S. imbalance of payments, provide thousands of jobs for U.S. workers and decrease the cost of the farm program to the U.S. Treasury?

Mr. President, in making his wild and unfounded charges, the Democratic Presidential nominee has demonstrated abysmal ignorance of international grain trading. Also, he has shown a total lack of understanding of the conditions which led up to this particular sale. To help set the record straight, I ask unanimous consent that a letter from Secretary Butz, an article from Feedstuffs magazine dated September 4, and a memo from Glenn A. Weir, Acting Administrator of the Agricultural Stabilization and Conservation Service be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BELLMON. Mr. President, I would like to highlight this information for the Senate. In his letter, Secretary Butz sets out the conditions which led up to the Russian grain sales. He cites three major factors:

1. A warming of friendly relationships between the two nations with a mutual expression of interest in cooperating in cultural and scientific exchanges, and in greater economic trade to the benefit of both nations. This was greatly accelerated by President Nixon's visit to Russia in May.

2. A commitment on the part of the Soviet government to increase the protein component of the diet of its people by 25 percent during the current five-year plan. In order to achieve that goal, the Soviet government has indicated that it would import food and feed grains from the United States.

3. A severe winter with limited snow cover led to heavy winterkill of fall-planted grains in Russia. The Soviets planted more spring grains to compensate, but these spring-planted grains ran into a hot, dry summer. No one, including the Russians, could assess the effect on their grain production until the summer weather unfolded day-by-day.

The Secretary goes on to say:

If we had had a choice, we would have much preferred to have reached a trade agreement in Moscow in early April during my visit. This would have made the terms available to all U.S. farmers before any of the wheat harvest had started. However, the only way that that could have been achieved would have been for the United States to make concessions to the Soviet government that it is not making to other nations that have been long-time customers for our wheat and feed grain. We did not want to do that and held firm.

The next move was entirely up to the Soviet government. They decided to agree to our terms on their own time schedule, which became more urgent for them, and no doubt moved up their time-table of agreement, when they began to assess the damage to their grain from the unusually hot and dry summer weather.

As the severity of their weather damage began to unfold, the Soviets came to this country in late June and early July to negotiate further. At this time, they agreed to our regular CCC terms of credit. As soon as this agreement was reached, and was signed on Saturday, July 8, the terms were announced to the world in a press statement by President Nixon from the Western White House and then at a joint press conference on the same day by myself and Secretary of Commerce Peter G. Peterson at the White House in Washington, D.C.

We held the signings and made the announcements on a Saturday because we believed that there should be no delay in making the information available to farmers, to the trade, to the nation's citizens, and to the world.

The Secretary further states:

The Department of Agriculture only knows how much the Russians are booking for credit when the transaction is completed and the commercial paper comes to the Department for credit. The purchases for cash which the Soviets make do not clear through the Department of Agriculture until the private trader applies for subsidy.

It is accurate to say that the size of the Soviet purchases caught everyone by surprise, including the Russians themselves. Soviet grain purchasers were in this country dealing with the private export trade in July and went home. Unexpectedly, they came back in a few days—apparently after getting a further assessment of the damage that had been done to their wheat crop by the hot, dry weather.

It is unfortunate that some U.S. farmers sold their wheat before the full extent of the upward influence on price was known. But it should be clear that the Department of Agriculture did all it could to make the terms of trade available to farmers promptly. This is something that the Department insisted upon in making the agreement with the Soviets.

On the other hand, the Russians didn't want to pay more than they had to for grain, so they weren't broadcasting to all what their requirements would be. And in mid-stream, they had to hike their requirements—which is something that they, no doubt, would have preferred not to do. At the same time, private traders who had made commitments of sale to Russia didn't want to pay more than they had to for the grain, so they weren't broadcasting the size of their purchases.

We all recognize that these are the usual conditions of trade. At no time are private traders required to report currently to the Department of Agriculture on what they are selling.

Mr. President, the importance of and the popularity of this transaction with wheat farmers and to producers of soybeans and feed grains cannot be denied. Graingrowers, for the first time in over a decade, are optimistic and are looking to the future with hope and confidence. Major credit for this new attitude must be given to the President and officials of the Nixon administration. Their diplomacy and skillful negotiating has succeeded in bringing a new day to American agriculture.

Mr. President, the charges that insiders benefited by advance knowledge of this wheat sale are plainly discredited by a review of the grain market. I ask unanimous consent that a table, showing wheat, corn, and soybean prices before and in the week following the announcement of this sale on July 8 be printed at this point in the RECORD:

There being no objection, the table was ordered to be printed in the RECORD, as follows:

	Wheat
July 7 (Chicago)	1.50¾
July 10	1.49½
July 11	1.54
July 12	1.49½
July 13	1.49⅝
July 14	1.48¾
July 17	1.48¼
July 18	1.52
July 19	1.54½

	Corn	*Soybeans*
July 7	1.23¾	3.52¾
July 10	1.23¾	3.50½
July 11	1.25¼	3.49⅝
July 12	1.24½	3.51⅝
July 13	1.25	3.47⅛
July 14	1.24⅙	3.52
July 17	1.24⅛	3.49¾
July 18	1.24	3.50¾
July 19	1.24½	3.49¾

Mr. BELLMON. Mr. President, this table plainly shows that the commodity markets were relatively stable during this period, so that even if an individual had advance knowledge there would have been no way for him to have profited by this information.

The dramatic improvement in the grain prices shown by the present markets occurred long after the public announcement of this sale on July 8.

Mr. President, I note in the morning newspaper that apparently mainland China is now about to conclude a sizable purchase of American wheat with this country. The article says:

> According to the Southwestern Miller Report, a grain trade journal in Kansas City, which reported today the imminent opening of grain sales to China, the initial sale is 400,000 to 500,000 tons, or 14.5 million to 18 million bushels.

Thus, it appears that the initiatives taken by the administration in opening negotiations which led to sizable grain sales to Russia are now going to produce important sales to China and again result in sizable improvement in the prices received by producers of American grains.

Mr. President, I ask unanimous consent to have an excerpt from the article printed in the RECORD.

There being no objection, the excerpt from the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 14, 1972]

MAINLAND CHINA REPORTED BUYING FIRST U.S. WHEAT

(By E. W. Kenworthy)

WASHINGTON, September 13.—Secretary of Agriculture Earl L. Butz is expected to announce tomorrow the first sale of American wheat to China.

Representative Graham Purcell, Democrat of Texas, said that he would not be surprised if Mr. Butz announced the sale at the opening of hearings tomorrow by the House Agriculture Subcommittee on Livestock and Grains into possible windfall profits by exporters from the Soviet-American wheat deal.

ONLY "TOKEN SALE NOW"

According to The Southwestern Miller Report, a grain trade journal in Kansas City, which reported today the imminent opening of grain sales to China, the initial sale is 400,000 to 500,000 tons, or 14.5 million to 18 million bushels.

Mr. BELLMON. Mr. President, I believe that the resolution which I have today submitted calls attention properly to the successful efforts of the administration and to the negotiating skill of those who have made this transaction possible. I hope that the Senate will act promptly and approve the resolution.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
Washington, D.C., September 6, 1972.

Hon. HENRY BELLMON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BELLMON: This is in response to your request for information relating to the timing and significance of the purchase of grain by the Soviet Union.

As you know, a marketing team from the Department of Agriculture accompanied me on a trip to Russia in April to negotiate terms of trade for the possible sale of grain to the Soviet Union.

This meeting was a follow-up to the grain sale that had been made to Russia last fall, and it followed an indication of interest in further trade by the Soviet Minister of Agriculture, Vladimir Matskevich, when he visited this country last December.

President Nixon, when he visited Russia in May, further enhanced the prospect for trade between the two countries as a result of the Summit Conference.

There are three major factors involved in the sharply increased grain trade with the Soviet Union:

1. A warming of friendly relationships between the two nations with a mutual expression of interest in cooperating in cultural and scientific exchanges, and in greater economic trade to the benefit of both nations. This was greatly accelerated by President Nixon's visit to Russia in May.

2. A commitment on the part of the Soviet government to increase the protein component of the diet of its people by 25 percent during the current five-year plan. In order to achieve that goal, the Soviet government has indicated that it would import food and feed grains from the United States.

3. A severe winter with limited snow cover led to heavy winterkill of fall-planted grains in Russia. The Soviets planted more spring grains to compensate, but these spring-planted grains ran into a hot, dry summer. No one, including the Russians, could assess the effect on their grain production until the summer weather unfolded day-by-day.

That was the setting for the grain negotiations between the two countries. In April, the Russians did not appear interested in our regular terms of CCC trade, including three-year credit and going interest rates. They wished to negotiate for better terms.

If we had had a choice, we would have much preferred to have reached a trade agreement in Moscow in early April during my visit. This would have made the terms available to all U.S. farmers before any of the wheat harvest had started. However, the only way that could have been achieved would have been for the United States to make concessions to the Soviet government that it is not making to other nations that have been long-time customers for our wheat and feed grain. We did not want to do that and held firm.

The next move was entirely up to the Soviet government. They decided to agree to our terms on their own time schedule, which became more urgent for them, and no doubt moved up their time-table of agreement, when they began to assess the damage to their grain from the unusually hot and dry summer weather.

As the severity of their weather damage began to unfold, the Soviets came to this country in late June and early July to negotiate further. At this time, they agreed to our regular CCC terms of credit. As soon as this agreement was reached, and was signed on Saturday, July 8, the terms were announced to the world in a press statement by President Nixon from the Western White House and then at a joint press conference on the same day by myself and Secretary of Commerce Peter G. Peterson at the White House in Washington, D.C.

We held the signings and made the announcements on a Saturday because we believed that there should be no delay in making the information available to farmers, to the trade, to the nation's citizens, and to the world.

When the three-year agreement was signed on July 8, the Soviets agreed to purchase no less than $200 million of grain during the first year. United States farmers, and traders, knew then that Soviet purchases would equal at least that amount. What nobody knew then, including the Russians, was how much more they might buy in the first year, and of which grains.

At the time the agreement was signed, the Russians were already actively making commitments with private United States traders to cover their requirements. I emphasize that nobody knew then—neither the Department of Agriculture nor the trade—just how much the Russians would buy. The export traders were not telling each other how much the Soviets were booking with them. The exporters did not tell the Department of Agriculture. Nor were the Russians talking.

The Department of Agriculture only knows how much the Russians are booking for credit when the transaction is completed and the commercial paper comes to the Department for credit. The purchases for cash which the Soviets make do not clear through the Department of Agriculture until the private trader applies for subsidy.

It is accurate to say that the size of the Soviet purchases caught everyone by surprise, including the Russians themselves. Soviet grain purchasers were in this country dealing with the private export trade in July and went home. Unexpectedly, they came back in a few days—apparently after getting a further assessment of the damage that had been done to their wheat crop by the hot, dry weather.

It is unfortunate that some U.S. farmers sold their wheat before the full extent of the upward influence on price was known. But it should be clear that the Department of Agriculture did all it could to make the terms of trade available to farmers promptly. This is something that the Department insisted upon in making the agreement with the Soviets.

On the other hand, the Russians didn't want to pay more than they had to for grain, so they weren't broadcasting to all what their requirements would be. And in midstream, they had to hike their requirements—which is something that they, no doubt, would have prefered not to do. At the same time, private traders who had made commitments of sale to Russia didn't want to pay more than they had to for the grain, so they weren't broadcasting the size of their purchases.

We all recognize that these are the usual conditions of trade. At no time are private traders required to report currently to the Department of Agriculture on what they are selling.

There are many pluses to this trade with the Soviet Union:

1. Many farmers have already benefitted from higher prices for their grain this year; and they will continue to benefit in the months ahead from the buoyancy that the sale has brought to the market.

Farmers carried over 415 million bushels of old crop wheat into the new marketing year on July 1. This, added to the expected 1972 harvest of 1.543 billion bushels gives total supplies of 1.958 billion bushels. Of this amount, it is estimated that farmers sold 330 million bushels prior to July 15. On July 15, farmers still retained 83 percent of the new crop and old-crop carryover. The increased market value of this amount of wheat can be estimated in excess of $400 million for farmers.

There also has been a substantial boost to corn prices well in advance of the harvest of the crop. Since late June, cash corn has moved up 15 cents per bushel. Soybean futures prices for November, which in the middle of June were at $3.18 per bushel are now $3.42. These increased prices for wheat, corn, grain sorghum, barley, oats and soybeans will add significantly to farmers' net income.

2. The wheat futures market has moved up sharply, making it possible for farmers to either contract with their elevators now at favorable prices for selling next year's crop, or they can use the futures market themselves.

3. We have announced a wheat program for next year that gives farmers added flexibility in their planting, management and marketing.

4. We have demonstrated to the Soviet government that we do have the supplies and the capability to provide them with grain on a long-term basis and in whatever quantities they might require.

5. We have increased the amount of money that United States grain growers get from the market, which is in their best long-term interests.

6. We have drawn down the size of the surplus supplies of grain in government hands which over time have a tendency to depress farmers' prices. More of the future grain supply will be in farmers' hands and under their marketing control.

7. We have enhanced the value of the grain that was in government-held stocks, which has reduced the cost to taxpayers of our government farm programs. Rather than U.S. taxpayers subsidizing the sale to Russia, the subsidy cost of wheat exports to Russia has been offset almost four to one in reduced treasury costs for this year and next year as a result of the sale to the Soviet Union.

Sincerely,

EARL L. BUTZ, *Secretary*.

[From Feedstuffs, Sept. 4, 1972]

BRUNTHAVER: USDA LEAKED NO INFORMATION ON WHEAT SALES

(By Jack Kiesner)

WASHINGTON.—Assistant Secretary of Agriculture Dr. Carroll G. Brunthaver labeled as "absolutely not true" assertions by National Farmers Union that large U.S. grain exporters had advance information concerning the extent of government subsidy and credit arrangements on recent export sales of wheat to the USSR. NFU said the exporters were able to purchase wheat before prices went up and to speculate in the wheat futures market on the basis of advance information they had.

Brunthaver told Feedstuffs that the exact details of the USSR grain agreement were made public within an hour of the time the deal was signed on July 8. Prior to that time, no information had been made available to any representatives of grain export firms, he said. Brunthaver explained that there were no "side agreements" as part of the July 8 pact in which the Russians agreed to buy $750 million in grains over a three year period, and the U.S. agreed to extend up to $500 million credit at any one time for Russian grain sales. Since that time, about $1 billion in grain sales have been made to the Russians for delivery during the year ending next June 30.

"It's possible the USSR may have contacted some individual firms before the July 8 agreement," Brunthaver said.

On another point, he said the export wheat subsidy program has remained unchanged since 1955, and open to any buyer. For the last two years, wheat for export has been available for $1.65 bu. at the gulf. This arrangement was changed in no way to accommodate the Russian sales, he contended. It is known that several of the exporting companies asked the U.S. Department of Agriculture if it were to be changed. Brunthaver said they were not given advance information. On Aug. 25, USDA announced that it was changing its wheat export program to meet the wheat supply and price situation created by the sales of 400 million bushels of wheat to the USSR in the 1972–73 marketing year. USDA said it may no longer be able to hold U.S. export prices at world market levels that have prevailed so far in the marketing year if domestic prices increase further.

Brunthaver said the U.S. taxpayer was not subsidizing the USSR food bill, as had been alleged. The Russians were given no preference, he said. "For every $1 we put out in an export subsidy, we get back $2–$3 in tax savings." He said the value of commodity credit corp. stocks is enhanced by export sales. The 50¢ runup in domestic wheat prices also allowed CCC to sell 100 million bushels of wheat in recent weeks. Brunthaver said virtually all of the CCC stocks of 300 million bushels will be sold.

He added that for every 1 cent the farmer's market price is increased, the government saves $5.3 million in certificate costs.

USDA indicated that wheat supplies are ample to meet all needs during the present marketing year and to provide an adequate carryover next year. The supply available for the year is estimated at 2.4 billion bushels. Domestic disappearance of around 800 million bushels would leave 1.6 billion bushels for exports and carryover. Even if exports reach the now-projected 1 billion bushels, carryover next June 30 would be about 600 million bushels, equivalent to a one year's domestic food use. Largely as a result of the recent large export sales, the value of the 1972 wheat crop is now estimated at about $2.2 billion, up from $1.9 billion in 1968, a year when the crop was almost identical in size.

If the USSR buys $1 billion in U.S. farm products in the current fiscal year, total farm exports should approach the President's goal of $10 billion a year.

Another consideration is that as the market prices escalate, farmers will be inclined to participate less in the 1973 wheat program. ASCS estimates it will spend $200 million less than originally anticipated because of lower participation in the 1973 wheat program.

USDA will not adjust the 1973 wheat program to provide for higher production, Brunthaver said. The USDA official feels farmers will respond in their production planning to the higher prices. Some will drop out of the program completely, or perhaps participate only to the minimum requirements.

Feed grain program options for 1973 will not be announced by USDA until October. It is likely some changes will be made to encourage more soybean production perhaps on feed grain set-aside. Observers consider it unlikely that the department will increase the 1973 soybean support from the present 42.25 bu. ($2.25 bu.).

MEMO FROM THE ADMINISTRATOR—THE GRAIN EXPORT SITUATION

August 20, 1972.

To State Committeemen, State Executive Directors.

From Glen A. Weir, Acting Administrator.

The purpose of this Memorandum is to transmit background information on the sale of U.S. grain to the Soviet Union and explain the changes in the wheat export payment program announced by USDA on August 25.

A. GENERAL BACKGROUND INFORMATION—ACTIONS LEADING TO SALES OF GRAIN TO RUSSIA

a. In the fall of 1971 President Nixon rescinded a directive requiring 50 percent use of U.S. flag vessels in exporting grain to the USSR. This action led to purchases by the Soviet Union of approximately $150 million in U.S. corn, barley and oats, which was shipped to Russia in late 1971 and early 1972.

b. In April, 1972 Secretary Butz led a team of USDA officials on a trade development trip to Moscow. The Soviets were seeking favorable credit terms and assurance of substantial future supplies of feed ingredients.

c. On July 8, 1972 President Nixon announced an agreement between the two governments. The Soviets agreed to buy not less than $750 million worth of U.S. grain (wheat, corn, barley, grain sorghum, rye and oats) during the period ending July 31, 1975, and to purchase at least $200 million of U.S. grain during the first year of the agreement. The United States, in turn, agreed to make credit available under the CCC Export Credit Sales Program up to a maximum of $750 million, of which not more than $500 million was to be outstanding at any one time.

HOW THE SALES WERE MADE

The actions summarized above set the stage for private negotiations between the buyers and the sellers. While the trade agreement was made between the two governments, government-to-government sales are not involved. All sales are being made by U.S. firms directly to Exportkhleb, the Soviet international trading agency. Under the CCC Export Credit Sales Program, the U.S. Government provides credit to foreign buyers at going interest rates.

After the U.S.-Soviet Union grain purchase agreement was announced, a Russian purchasing mission, already in the United States, began buying grain in substantial quantities. On the basis of registrations under the CCC

Credit Program, early sales amounted to at least 3 million tons. The Russians had been expected to buy chiefly feed grains; however, well over half the early purchases were wheat.

In late July the Russian buying mission returned to Moscow, but was back in the United States in direct contact with the trade early in August. It soon became apparent because of climbing wheat prices and because suppliers began booking export payments in record volume, that the Soviet mission was placing additional large orders for wheat with the U.S. trade.

From July 1 through August 24, exporters booked export payments for nearly 400 million bushels of wheat—almost equal to U.S. commercial wheat exports and about two-thirds of total wheat exports in FY 1972. Much of this presumably represented sales made or expected to be made to the USSR. The greater part of the wheat booked was of the class Hard Red Winter.

SALES MADE BY CCC

With wheat prices rising, CCC has been selling wheat in substantial quantities in order to maintain ample supplies of wheat stocks in the free market. From July 1 to August 18, CCC sales of wheat totalled 76 million bushels, chiefly wheat in terminal position and readily available for export or domestic use.

CCC has a substantial inventory of wheat remaining and will continue to offer it for sale. Government stocks on hand August 18 totalled 275 million bushels, consisting almost entirely of Hard Red Winter and Spring Wheat at terminal and country warehouse positions. In addition, nearly 320 million bushels of wheat remain under government loan on farms or in warehouses, and still further, individually-owned and commercially-owned stocks are on hand.

Present indications are that wheat supplies are ample to meet all needs during the present marketing year and provide an adequate carryover next year. The supply available for the year is estimated at 2.4 billion bushels. Domestic disappearance of around 800 million bushels would leave 1.6 billion bushels for exports and carryover. Even if exports reach an all-time high of a billion bushels—which now seems likely—we should end the year with a June 1973 carryover of 600 million bushels of wheat, which has long been considered a substantial carryover, and is equivalent to one year's domestic food use.

PROSPECTS FOR INCREASED TRADE

While the great bulk of sales to Russia to date has been wheat, the increasing demands of the Russian population for livestock and poultry products indicate that Russia may be a growing customer for feed grains. The Russians are also recognizing the importance of soybean meal in boosting production efficiency and extending grain supplies. One U.S. firm has already publicly announced the sale to Russia of a substantial quantity of soybeans, which are not eligible for credit and were not included in the bilateral agreement.

Prospects for increased trade in feed ingredients are also good with other East European Nations, notably Poland, Yugoslavia and Rumania. All are believed on the verge of breakthroughs in livestock production. This means these nations will need to import increased quantities of feed grains and protein supplements.

WHAT THE SALES MEAN TO FARMERS AND THE ECONOMY

The Russian sale is a boon to American farmers, offering an unexpected market opportunity. The rise in wheat prices at harveset time means substantial additional farm income, and the higher market prices resulting from increases in exports are enabling farmers to secure a larger portion of their income from the market. The value of the 1972 wheat crop is now estimated at about $2.2 billion, compared with $1.9 billion in 1968—a year when the crop was almost identical in size.

Realized net farm income for this year is estimated at slightly above $18 billion, which would be an all-time record and approximately $2 billion higher than last year.

The new export business with Russia is reducing the U.S. grain stocks. Further, grain that might otherwise become part of the government inventory under provisions of the Federal farm programs is now moving directly into export market channels. This will result in substantial savings in storage, interest and handling costs.

In addition to these direct savings, the Russian sale will add a substantial plus to the U.S. trade balance. Last year our favorable balance in agricultural trade was over $2 billion. This year, it should be still higher. For the month of July, agricultural exports set a new record of $682 million—up 18 percent from the previous record in July last year.

If the USSR buys $1 billion in U.S. farm products in FY 1973, our total farm exports should approach the President's goal of $10 billion a year.

STATEMENT ON WHEAT SALES

Mr. HRUSKA. Mr. President, at a time when the American farmer was faced with record wheat surpluses and continued low prices, it is inconceivable to me that fault can be found with the recent and historic wheat sales to Russia.

In early July there was a wheat carryover of 900 million bushels. This will be supplemented by the estimated 1,450 million bushels the current crop is expected to bring.

With sales totaling 400 million bushels, surpluses necessarily will diminish.

The increase of price from 25 to over 40 cents a bushel speaks for itself.

Wheat sales at these quantities and prices will benefit not only the farmer but all other facets of the American economy as well.

Accusations of deals and inside information are absolutely unfounded and carry political overtones of the worst sort. These accusations result in nothing more than political and economic sabotage and could well jeopardize any future grain export negotiations. Failure of such future negotiations would hurt everybody, but no one worse than the American farmer.

The agreements to sell this wheat are good for the American farmer, good for our balance of trade, for our maritime workers, for the public and the taxpayer. They have enhanced the value of the farmers crops by nearly $1 billion. That is good now. Its thrust will be into the future by enhancing the prospects for stronger prices for 1973 and future years.

The alternatives are not to engage in such sales which would mean less income to the farmer, larger surpluses, lower farm prices, tighter controls on farmers, higher Government costs at the expense of the taxpayer, and no progress in the reduction of deficit in our foreign trade balance.

In fairness, hasty, intemperate critics should follow their sniping by frankly approving or rejecting such alternatives.

The facts are that the general and lasting benefits of the sales are a credit to those who worked diligently and with foresight to gain them for America.

Mr. BROCK. Mr. President, in May of this year, prior to President Nixon's Moscow trip, I spoke before this body in support of Soviet-American trade. For too long we have been locked in a struggle which led to the polarization and division of much of the world. As I said then, a degree of understanding is in our grasp through trade and economic development between the world's leading industrial powers.

President Nixon actively sought this understanding and has laid the foundation. On July 8 he successfully completed negotiations with the Soviet Union for the purchase of at least $750 million of U.S. grain over the next 3 years. He secured Russia's agreement to our credit terms and paved the way for purchase agreements between U.S. firms and the Soviet international trading agency—Exportkhleb.

The economic benefits are clear to all who will take the time to look.

The sales have increased the value of farmers' crops by nearly $1 billion.

Government-held stocks have been reduced. This enhances the prospect of stronger grain prices for farmers next year.

The sale to Russia has reduced the cost to U.S. taxpayers; the export subsidy payments which equalize high-priced U.S. wheat in competitive world markets with lower cost wheat from other exporting nations is now offset by dollar savings.

Efforts to discount the value of this agreement are totally irresponsible. Although the agreement was signed after some farmers had already sold their 1972 wheat crop, estimates indicate that by July 15, farmers had sold only 330 million bushels of wheat out of a total supply of 1,958 million bushels under farmers' control.

The whole world should rejoice over this historic grain sale. The key to the future peace and political stability rests with economic interdependency. By developing peaceful but binding trade links with the Soviet Union, the United States can accomplish through economic means that which we cannot accomplish with force at the present—a reduction of tension and an increase in understanding. Even more important, if we have the courage to pursue this process in a manner consistent with the principles and values of America, we can achieve our most fundamental objective—the extension of freedom.

Mr. HANSEN. Mr. President, I am pleased to join as a cosponsor of Senator BELLMON's resolution commending the administration and America's farmers for their ability to negotiate recent large sales of American wheat, corn, and soybeans to the Soviet Union, thereby improving the economic situation for this country's farmers.

In recent years as we have witnessed the decline in numbers of family farms and increasingly difficult circumstances for agricultural producers, politicians have become adept at giving lipservice to rural problems, but devoting their energies to matters of impact in more urban areas where there are more people. The recent negotiations for the sale of agricultural products to the Soviet Union represent a concrete and important action to improve the lot of agricultural producers in this country.

The Russian sale is a boon to American farmers. Higher market prices resulting from greatly increased exports have given farmers a definite market advantage. The value of the 1972 wheat crop is now estimated at about $2.2 billion, compared with $1.9 billion in 1968—a year when the crop was almost identical in size.

Any reduction in the pressure on domestic supplies tends to strengthen prices of wheat in the U.S. markets. Domestic prices have moved up for wheat more than 40 cents.

I cannot conceive of these negotiations as anything but a plus for American agriculture, and I think it is most unfortunate that some have attempted to detract from this important and valuable transaction by making unfounded charges in a distinctly sour-grapes fashion.

INTERIM AGREEMENT ON LIMITATION OF STRATEGIC OFFENSIVE WEAPONS—AMENDMENTS

AMENDMENT NO. 1526

(Ordered to be printed and to lie on the table.)

Mr. FULBRIGHT (for himself, Mr. MANSFIELD, Mr. CHURCH, Mr. SYMINGTON, Mr. MUSKIE, Mr. CRANSTON, Mr. AIKEN, Mr. CASE, Mr. COOPER, and Mr. JAVITS) submitted an amendment, intended to be proposed by them, jointly, to the joint resolution (S.J. Res. 241) authorizing the President to approve an interim agreement between the United States and the Union of Soviet Socialist Republics.

AMENDMENTS NO. 1527 AND 1528

(Ordered to be printed and to lie on the table.)

Mr. MUSKIE (for himself, Mr. CRANSTON, Mr. HART, Mr. STEVENSON, and Mr. SYMINGTON) submitted two amendments, intended to be proposed by them, jointly, to any pending amendment to Senate Joint Resolution 241, supra.

AMENDMENT NO. 1529

(Ordered to be printed and to lie on the table.)

Mr. SYMINGTON submitted an amendment, in the nature of an amendment perfecting any pending amendment, intended to be proposed to Senate Joint Resolution 241, supra.

LAND AND RESOURCES PLANNING ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1530 THROUGH 1532

(Ordered to be printed and to lie on the table.)

Mr. JORDAN of Idaho (by request) submitted three amendments, intended to be proposed by him, to the bill (S. 632) to amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning.

AMENDMENT NO. 1535

(Ordered to be printed and to lie on the table.)

AMENDMENTS TO S. 632 JOINTLY AGREED TO BETWEEN THE CHAIRMEN OF THE PUBLIC WORKS AND INTERIOR COMMITTEES

Mr. JACKSON. Mr. President, the amendments I am sending to the desk to be printed are the product of 2 years of consultations between the staff of the Public Works Committee and the Interior Committee. The Senator from West Virginia (Mr. RANDOLPH) and Chairman of the Public Works Committee joins with me in endorsing these amendments.

The first amendment would effect a major change in the sanction provisions subsections (b) through (e) of section 307—of S. 632 the National Land Use Policy and Planning Assistance Act of 1972. No longer would the airport and airway development program, the primary and secondary Federal-aid highway programs, and the land and water conservation fund program be selected out and identified as the only programs to which the sanction—a phased withholding over a period of 3 years of a portion of each program's funds—would apply.

The concept of a phased withholding of funds from certain programs was first included in the original measure (S. 3354) which I introduced in the 91st Congress, and was subsequently dropped by the Interior Committee when it reported the measure in December 1970, and was again revived with the administration's amendment to its land-use policy bill (S. 992), introduced early this year.

Although less severe, the problems, first identified by the Interior Committee in the 91st Congress, with a sanction which proposes phased withholding of funds for other programs pertain as well to the sanction now contained in S. 632. First, there exists the jurisdictional problem of specifically identifying programs under the aegis of committees other than the Interior Committee and of departments other than the Interior Department. Second, there remains the question of singling out these specific three programs. The selection is reasonable—the two developmental programs, of all Federal programs, have the greatest potential impact upon land use patterns and the environmental program ensures that a balance of interests will work for S. 632's success. However, there are numerous programs not subject to the sanction which seriously affect land use patterns. It can be said that too great an onus is placed on the three programs identified for the sanction. Finally, there remains the difficult task of insuring that funds needed for health and safety purposes are not affected by the sanction. The administration assured us the 21-percent ceiling on withholding would not lower the funding level for airport development and primary and secondary highway work sufficiently to impede any project the primary purpose of which is safety or health. However, even if these withholding levels have been carefully selected with public health and safety in mind, the mix between safety projects and developmental projects could shift. And such a shift might make the ceiling restrictive enough to interfere with safety projects.

The sanction now proposed by me and endorsed by the chairman of the Public Works Committee is similar to the one contained in S. 3354, as reported in the last Congress, and in S. 632 as introduced. The new sanction would provide for a freeze on all new Federal actions, federally supported State-administered actions, and Federal loans and loan guarantees which might have a substantial adverse environmental impact or which would significantly affect land use. The sanction would apply after 5 fiscal years to a State which has not been found eligible for S. 632's grants. This freeze would be lifted for any project which is necessary for the public health, safety, or welfare upon request to the President from the Governor of the State or the head of a relevant agency.

This new sanction avoids the three problems of the old sanctions: Jurisdictional disputes would be mitigated as no specific program is identified and as the Executive Office of the President, not the Department of the Interior, is the final arbiter; the sanction applies equitably to all programs that have major land use impacts and thus no programs are singled out for special onus; and a special procedure for releasing all safety and health projects from the sanction is provided.

The second amendment agreed to between the chairman of the Public Works Committee and myself would remove identification of specific public projects from the definition of key facilities. Identified were such projects as airports, Interstate Highway System interchanges and frontage access highways, and major recreational facilities. This change is in the spirit of the act. S. 632 is written so as to allow the States to identify the specific land uses which are of distinctly more than local concern and are most troublesome. For one highly-urbanized State, highways may be such a use; for another State blessed with valuable scenic beauty, recreational facilities may be critical; and for another State, yet another set of public facilities may be of more than local concern. The States must undertake the task of identifying the key facilities; this amendment will insure that they will do so.

Two more amendments simply substitute the Advisory Commission on Intergovernmental Relations in place of the Secretary of the Interior as the party responsible for conducting the 2-year study of interstate coordination of land use policies and decisionmaking. These are particularly good amendments in that: First, they avoid the jurisdictional problems of having the Secretary of the Interior study interstate entities which participate in other Federal departments' programs; and second, the Commission has already proven its ability and expertise in this field with its recently released report on interstate entities, entitled "Multistate Regionalism."

A fifth amendment specifically identifies flood-plain zoning plans prepared pursuant to the Flood Control Act of 1960, as amended, among the plans and programs with which the State landuse planning agency must coordinate its activities.

A sixth amendment adds advisory members from State and local governments and interstate and intrastate regional bodies to the National Advisory Board on Land Use Policy.

The seventh and most important amendment concerns the relationship of the air and water quality and other environmental laws with S. 632. The chairman of the Public Works Committee and I are agreed that S. 632 should not interfere with the effectiveness of those laws. I have assured the chairman that this measure would in no way adversely affect those laws, rather it would strengthen them. The chairman of the Council on Environmental Quality gave strong endorsement to this view in his letter to me of August 1, 1972. I quote Mr. Train:

> In no way do we view S. 632 as conflicting with existing air or water quality legislation or the goals of other environmental legislation. On the contrary, it is fully consistent with and supports them, and I am informed that the Environmental Protection Agency concurs in these views.

Specifically, S. 632 as reported gives preeminence to the air and water quality and other environmental laws over S. 632 and the land use programs prepared pursuant to it. Clause (E) on page 77 and clause (4) on page 75 accomplish this.

However, the chairman of the Public Works Committee and I have agreed to an amendment which will leave no doubt that the air and water laws and other environmental measures shall in no way be altered by this legislation and that, instead, an important purpose of S. 632 is to lend support to those laws. The amendment states that the Secretary of the Interior shall make no grant to a State after 5 years if that State's land use program: First, is not in compliance with the goals of the Federal Water Pollution Control Act, the Clean Air Act, and other Federal laws controlling pollution, or second, would, during the next annual review period, not be in compliance with the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by those laws. The determination of compliance or lack of compliance rests not with the Secretary but with the Administrator of the Environmental Protection Agency.

This amendment, stronger than S. 632's language and much stronger than the Public Works Committee's amendments to the other major land use bill already passed by the Senate—the Magnuson Coastal Zone Management Act—will insure that S. 632 will reinforce all other environmental laws.

These seven amendments jointly supported by the chairmen of the Public Works and Interior Committees do strengthen S. 632. I commend them to my colleagues.

Mr. President, I ask unanimous consent that the amendments be printed at this point in the RECORD for the information and convenience of the Members of the Senate.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

AMENDMENT NO. 1535

(1) On page 68, between lines 3 and 4, insert a new subsection (e) as follows:

"(e) The Board shall have as advisory members two representatives each from State governments and local governments, and one representative each from regional interstate and intrastate entities which have land use planning and management responsibilities. Such advisory members shall be selected by a majority vote of the Board and shall each serve for a two year period."

(2) On page 69, line 7, strike "Secretary" and insert in lieu thereof the "Advisory Commission on Intergovernmental Relations".

(3) On page 69, line 14, strike "Secretary" and insert in lieu thereof "Advisory Commission".

(4) On page 75, line 23, after "agencies;" and before "the" insert "flood plain zoning plans approved by the Secretary of the Army pursuant to the Flood Control Act of 1960, as amended;".

(5) On page 81, between lines 20 and 21, insert a new clause (2), as follows:

"(2) The Secretary shall not make a grant pursuant to this Act until he has ascertained that the Administrator of the Environmental Protection Agency is satisfied that the State's land use program is in compliance with the goals of the Federal Water Pollution Control Act, the Clean Air Act and other Federal laws controlling pollution which fall within the jurisdiction of the Administrator, and that those portions of the land use program which will effect any change in land use within the next annual review period are in compliance with the standards, criteria, emission or effluent limitations, monitoring requirements, or implementation plans required by such laws. The Administrator shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days of submission of the State land use program to him by the Secretary."

(6) On page 87, line 23 through page 91, line 9, strike subsections (b) (c) (d) and (e) of section 307 and insert in lieu thereof a new subsection (b), as follows:

"(b) (1). After five fiscal years from the date of enactment of this Act, no Federal department or agency shall, except with respect to Federal lands, propose or undertake any new action, financially support any new State-administered action, or approve any loan or loan guarantee which might have a substantial adverse environmental impact or which would significantly affect land use in any State which has not been found eligible for grants pursuant to this Act. Such actions shall be designated in the guidelines promulgated pursuant to section 502 of this Act.

"(2) Upon application by the Governor of the State or head of the Federal department or agency concerned, the President may temporarily suspend the operation of paragraph (1) of this subsection with respect to any particular action, if he deems such suspension necessary for the public health, safety or welfare: *Provided*, That no such suspension shall be granted unless the State concerned submits a schedule, acceptable to the Secretary, for meeting the requirements for eligibility for grants pursuant to this Act: *And provided further*, That no subsequent suspension shall be granted unless the State concerned has exercised good faith efforts to comply with the terms of such schedule."

(7) On page 100, lines 6 through 22, strike subsection (f) of section 501 and insert in lieu thereof a new subsection (f), as follows:

"(f) The term 'key facilities' means public facilities on non-Federal lands which tend to induce development and urbanization of more than local impact and major facilities on non-Federal lands for the development, generation, and transmission of energy."

AMENDMENTS NOS. 1536 AND 1537

(Ordered to be printed and to lie on the table.)

THE ROLE OF LOCAL GOVERNMENTS IN S. 632 AND AMENDMENTS JOINTLY AGREED TO BY THE CHAIRMEN OF THE BANKING, HOUSING AND URBAN AFFAIRS AND INTERIOR COMMITTEES AND ENDORSED BY THE LEAGUE OF CITIES AND CONFERENCE OF MAYORS

Mr. JACKSON. Mr. President, S. 642, the National Land Use Policy and Planning Act in no way abrogates the traditional authority of units of local government to zone their land. The State land-use program to be developed pursuant to sections 303 and 304 of this act will affect local land-use decisions and controls only to a very limited extent. The Interior Committee believes that the greatest possibilities for effective State land use decisionmaking are in the "opportunity areas" of rural or lightly developed lands on or beyond the urban periphery. Furthermore, the State land-use program in no way concentrates land-use decisionmaking in the State. The State's program is specifically limited to five categories of critical areas and uses of distinctly greater than local concern. The great preponderance of land-use decisions made by local authorities are of only local concern and have no impact beyond the jurisdictions of those authorities. The reporters of the American Law Institute who developed the Model Land Development Code and the critical areas and uses concept have estimated that only 10 percent of public land-use decisions are of more than local concern. Thus even should State legislatures give generous definitions to those critical areas and uses to be subject to the State land-use program, easily 90 percent of all local land-use decisions and controls would remain untouched.

However, even the 10 percent of decisions—that is the potential substance of the State land-use program and the statewide land-use process which precedes it—is not regarded by the committee as solely the province or responsibility of the State but rather a shared responsibility between State and local governments. S. 632, as reported, contains specific provisions in sections 302, 303, and 304 for participation by and cooperation of local governments in all stages of the development of the process and the program.

In addition, Mr. President, the role of local governments is strengthened further in two sets of amendments: One agreed to between the chairman of the Banking, Housing, and Urban Affairs Committee and me and one I have decided to offer following discussions with representatives of the League of Cities and the Conference of Mayors.

Mr. President, I ask unanimous consent that a letter of August 22, 1972, to me from the League of Cities and Conference of Mayors endorsing those amendments be printed in the Record at the conclusion of my statements and amendments together with pertinent letters from the President, heads of Federal agencies, other Senators, Conference of Mayors, AFL–CIO, and conservation groups, and with editorials from several newspapers and magazines.

The major amendments endorsed by the League of Cities and Conference of Mayors would do the following:

First, they would provide for an advisory body to each State planning agency composed entirely of the chief elected officials of local government. This advisory body would have a significant voice in the development of the statewide land use process and State land-use program. In addition, in section 306, cities making applications for Federal assistance would file independent views as to the consistency of the activities to be financed with the State land-use program. This insures that the Federal agencies will not make determinations of the consistency of federally assisted activities with State land-use programs solely on the basis of State views on the matter.

Most important however, subsection (b)(2) of section 303 has been rewritten and a new subsection added to give statutory expression to the committee's intent that land-use planning and management by local governments is to be encouraged.

These subsections deal with the techniques of implementation of the State land-use program. Two alternative but not mutually exclusive techniques are given: Local implementation pursuant to State guidelines and direct State planning. However, the amendments add a specific directive that local government controls are to be encouraged. This gives clear indication of the committee's preference for the local implementation alternative.

The more innovative State land-use laws of recent years support this local governments-State government partnership. The authority of local governments—the level of government closest to the people—to conduct land-use planning and management is, in fact, bolstered in these laws. The localities are encouraged to employ fully their land-use State administrative review is provided only in accordance with State guidelines relating only to those decisions on areas and uses that are ndeed of more than local concern.

A strong role for local government is important as it is at the city and county level that many other federally assisted programs are initiated and implemented, and where such federally funded planning programs as the HUD 701 planning program and DOT 134 "3C" urban transportation planning process are focused. It is essential that local governments maintain their land use expertise and responsibilities so as to coordinate the Federal planning and functional programs which affect them. The approach favored in S. 632 would, indeed, strengthen the land-use decisionmaking of localities while protecting the wider constituency represented by the State.

Finally, consistency with the State's criteria and standards for land uses of statewide concern would be assured through an administrative review process which would be added to S. 632 by the amendments. Such administrative review would include the authority to disapprove local implementation plans or actions subject to the recommended administrative appeals mechanism. It is certainly not expected that disapproval would mean preemption, but rather that local governments would be informed as to the reasons for a finding of inconsistency and given an opportunity to comply with the State's criteria and standards. This type of procedure is already embodied in the laws of some 40 States concerning wetlands, coastal zones, flood plains, powerplant siting, et cetera.

The committee does not intend that S. 632 would preclude direct State implementation through State land-use planning and regulation. Hawaii and Vermont have already enacted legislation which in part calls for such direct State implementation. Other States are directly engaged in land-use planning for unincorporated areas. However, it is expected that direct State implementation, preempting local land-use planning and controls in certain respects should continue to be the exception rather than become the rule.

Where necessary, the State would also be required to include in its implementation methods the authority to prohibit, under State police power, land uses inconsistent with the requirements for areas and uses of the State land that has been identified as within areas or for uses designated in sections 302 and 402.

In addition to the amendments supported by the League of Cities and Conference of Mayors, local governments will benefit from several amendments agreed to between the chairman of the Banking, Housing and Urban Affairs Committee (Mr. Sparkman) and myself.

In briefest form, these amendments clarify both the Interior Committee's and the administration's intent that guidelines for the act be promulgated through an interagency process with the principal duties of formulating those guidelines going to the Executive Office of the President. This will insure that the Interior Department will be limited to program administration, not policy formation, duties. In addition, the amendments would strengthen the review authority of the Secretary of Housing and Urban Affairs. He would be required to indicate that the statewide land-use planning process or State land-use program, first, has been coordinated with relevant comprehensive planning assisted under 701 of the Housing Act of 1954 including the provision related to functional plans, and housing, public facilities, and other growth and development objectives, and, second, meets the requirements of S. 632 for large-scale development, development of regional benefit, large-scale subdivisions, and the urban development of lands impacted by key facilities.

All of the amendments developed through joint staff efforts of the Banking, Housing and Urban Affairs and Interior Committees and through discussions with the League of Cities and Conference of Mayors strengthen the role of local governments in the land-use decisionmaking encouraged by S. 632. I commend these amendments to my colleagues.

Mr. President, I ask unanimous consent that the two amendments be printed at this point in the Record for the information and convenience of the Members of the Senate.

There being no objection, the amendments and material were ordered to be printed in the Record, as follows:

Amendment No. 1536

(1) On page 66, lines 18 and 199, strike "agency designated pursuant to section 502" and insert in lieu thereof "Executive Office of the President."

(2) On page 80, line 15, after "participating" and before "in" insert "on its own behalf".

(3) On page 81, strike lines 6 and 7 and insert in lieu thereof "the enactment of this Act, the Secretary, before making a State land use".

(4) On page 81, line 20, strike "; and" and insert in lieu thereof a period ".".

On page 81, line 21 through page 82, line 7, strike clause 2 of subsection 305(b).

(5) On page 82, between lines 7 and 8 insert a new subsection (c) as follows:

"(c) The Secretary shall not make any grant pursuant to this Act unless he has been informed by the Secretary of Housing and Urban Development that he is satisfied that the statewide land use planning process or State land use program with respect to which the grant is to be made (1) has been coordinated with relevant comprehensive planning assisted under section 701 of the Housing Act of 1954 including the provisions related to functional plans, and housing, public facilities and other growth and development objectives, and (2) meets the requirements of this Act insofar as they pertain to large scale development, development of regional benefit, large scale subdivisions and the urban development of lands impacted by key facilities. The Secretary of Housing and Urban Development shall be deemed to be satisfied if he does not communicate his views to the Secretary within sixty days after the statewide land use planning process or State land use program has been submitted to him by the Secretary."

(6) On page 82, line 8 strike "(c)" and insert in lieu thereof "(d)".

(7) On page 82, line 13, strike "(d)" and insert in lieu thereof "(e)".

(8) On page 83, line 2, strike "(e)" and insert in lieu thereof "(f)".

(9) On page 83, line 11, strike "(f)" and insert in lieu thereof "(g)".

(10) On page 101 strike lines 17 and 18 and insert in lieu thereof:

"Sec. 502. (a) The Executive Office of the President shall issue guidelines to the Federal".

On page 101, line 20, strike "Such agency or agencies" and insert in lieu thereof "The Executive Office".

Amendment No. 1537

(1) On page 76, line 7, strike "and".

(2) On page 76, line 10, strike the period "." and insert in lieu thereof "; and".

(3) On page 76, between lines 10 and 11, insert a new clause (7), as follows:

"(7) be advised by any advisory council which shall be composed of chief elected officials of local governments in urban and nonurban areas. The Governor shall appoint a Chairman from among the members. The term of service of each member shall be two years. The advisory council shall, among other things, comment on all State guidelines, rules, and regulations to be promulgated pursuant to this Act, participate in the development of the statewide land use process and State land use program and make formal comments on annual reports which the agency shall prepare and submit to it, which reports shall detail all activities within the State conducted by the State government and local governments pursuant to or in conformity with this Act."

(4) On page 78, strike lines 3 through 16, and insert in lieu thereof the following:

(2) (A) Selection of methods of implementation of clause (1) of this subsection (b) shall be made so as to encourage the employment of land use controls by local governments.

(B) The methods of implementation of clause (1) of this subsection (b) shall include either one or a combination of the two following general techniques—

(i) implementation by local governments pursuant to criteria and standards established by the State, such implementation to be subject to State administrative review with State authority to disapprove such implementation wherever it fails to meet such criteria and guidelines; and

(ii) direct State land use planning and regulation.

(C) Any method of implementation employed by the State shall include, where necessary, the State's authority to prohibit, under State police powers, the use of land within areas which, under the State land use program, have been identified as areas of critical environmental concern or designated for key facilities, development and land use of regional benefit, large-scale development, or large-scale subdivisions, which use is inconsistent with the requirements of the State land use program as they pertain to areas of critical environmental concern, key facilities, development and land use of regional benefit, large-scale development, and large-scale subdivisions.

(D) Any method of implementation employed by the State shall include an administrative appeal procedure for the resolution of, among other matters, conflicts over any decision or action of a local government for any area or use under the State land use program and over any decision or action by the Governor or State land use planning agency in the development of, or pursuant to, the State land use program. Such procedure shall include representation on the appeals body of, among others, the aggrieved party of interest and the local government or the State government responsible for the decision or action which is the subject of the appeal.

(5) On page 86, line 3, strike "Secretary" and insert in lieu thereof "Office of Management and Budget".

(6) On page 86, line 8, strike "Secretary" and insert in lieu thereof "Office of Management and Budget".

(7) On page 86, lines 13 through 25; page 87, lines 1 through 8, strike subsection (b) and insert a new subsection (b), as follows:

(b) (1) Any State or local government submitting an application for Federal assistance for any activity having significant land use implications in an area or for a use subject to a State land use program in a State found eligible for grants pursuant to this Act shall transmit to the relevant Federal agency the views of the State land use planning agency and/or the Governor and, in the case of an application of a local government, the views of such local government and the relevant areawide planning agency designated pursuant to section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 and/or Title IV of the Intergovernmental Cooperation Act of 1968, as to the consistency of such activity with the program: *Provided*, That, if a local government certifies that a plan or description of an activity for which application is made by the local government has lain before the State land use planning agency and/or the Governor for a period of sixty days without indication of the views of the land use planning agency and/or the Governor, the application need not be accompanied by such views.

(2) The relevant Federal agency shall, pursuant to subsections (a) and (b) (1) of this section, determine, in writing, whether the proposed activity is consistent or inconsistent with the State land use program.

(3) No Federal agency shall approve any proposed activity which it determines to be inconsistent with a State land use program in a State found eligible for grants pursuant to this Act.

ANNAPOLIS, MD.,
August 10, 1972.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SCOOP: I am writing to you as Chairman of the National Governors' Conference on behalf of all the Governors. At our June meeting, the Governors unanimously called for the enactment of a national program for land use management.

It is my belief that the land use policy adopted by the National Governors' Conference is substantially reflected in S. 632, and that this bill represents the best interests of the Administration, the Senate Interior Committee, the Governors, local officials, and the people all of us serve. Unfortunately, I understand that the legislation is currently being held up due to a Senate procedural question concerning committee jurisdiction.

The Governors, in cooperation with Mayors and County Officials, are ready to carry out the policies set forth in the land use bill now pending your decision. I hope this legislation can become a reality this year, and I urge your support for its passage.

Sincerely,

MARVIN MANDEL,
Chairman, National Governors' Conference.

SEPTEMBER 5, 1972.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: The Senate will soon consider S. 632, the Land Use Policy and Planning Assistance Act of 1972. This measure, the product of three years of extensive hearings and careful consideration by the Senate Interior Committee, is of critical importance to the maintenance of both a healthy environment and a healthy economy.

The lack of wise, democratic, and truly effective land use decisionmaking and procedures has resulted not only in a diminution of the quality of our environment, but also, through delays in the siting of important public and private developments, a waste of valuable economic and human resources. Better land use planning and management can and should reconcile competing environmental, economic, and social goals and requirements.

The AFL–CIO believes that S. 632 will lead to the development of State and local land use programs that will meet the ever increasing demands being placed upon the country's limited land resources. S. 632 will enable the communities and states of this Nation to plan and design a future which will provide a quality life in a quality environment for all Americans.

The AFL–CIO endorses S. 632 and urges its early enactment.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

THE WHITE HOUSE,
Washington, D.C., April 24, 1972.

Hon. HENRY M. JACKSON,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: There are three legislative proposals pending before your Committee I consider particularly important in this Nation's comprehensive effort to protect our environment. They are: the National Land Use Policy Act (S. 992), the Mined Area Protection Act (S. 993), and the National Resource Lands Management Act (S. 2401).

The first two proposals were among those which I set out in my environment message to the Congress of February 8, 1971; the National Resource Lands Management Act was submitted by the Interior Department later in 1971. In my environment message in February of this year, I proposed amendments to strengthen the National Land Use Policy Act. I am encouraged by the facts that hearings have been held by your Committee on all three bills and that all three have received strong public support. I am also pleased to note that the Committee has held several executive sessions on the Land Use Bill. However, none of these bills has yet been reported out of the Committee.

Over the past several years your Committee has consistently played an important role in this country's environmental awakening. I know, therefore, that you share my sense of the significance of this legislation.

As a Nation we have taken our land resources for granted too long. We have allowed ill-planned or unwise development practices to destroy the beauty and productivity of our American earth. Priceless and irreplaceable natural resources have been squandered. These three proposed laws are aimed at changing all this. Their common objective is to place decisions regarding land use in the broader perspective of environmental protection, and to assure maximum foresight and comprehensive planning in the utilization of our physical resources.

The proposed National Land Use Policy Act would restructure the institutions which govern land use in this country to better reflect regional considerations in those land use decisions—the great majority—whose impact spills over local jurisdictional boundaries. It would require States to control large scale development; to control development in areas of critical environmental concern and in areas impacted by such key growth-inducing facilities as highways, airports, and major recreation facilities; to guide the siting of highways and airports; and to insure that development of regional benefit is not unfairly excluded by local regulation.

The proposed Mined Area Protection Act would make land reclamation and environmental protection an integral part of all mining operations. States would be required to establish a permit program based on approval of a mining and reclamation plan in advance of operations.

The proposed National Resource Lands Management Act would establish a comprehensive policy, based on multiple use and environmental protection, for the management of 450 million acres of public land by the Bureau of Land Management in the Department of the Interior. It would give the Secretary of the Interior broad authority to implement the policy.

The country needs these bills urgently. And as you well know the time for action by the 92nd Congress is growing short. I urge your Committee to move ahead rapidly on this important legislation. The staff of the Department of the Interior and the Council on Environmental Quality will continue to cooperate with your Committee in every way possible.

I am taking the liberty of forwarding a copy of this letter to Senator Allott.

Sincerely,

Richard Nixon.

Executive Office of the President,
Washington, D.C., August 1, 1792.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: You have requested in your recent letter the Council's comment on S. 632, the Land Use Policy and Planning Assistance Act of 1972, particularly with respect to its consistency with other environmental legislation and the Administration's proposals in the environmental area.

As you know, S. 632 incorporates the basic principles of the Administration's proposals for land use legislation announced in the President's Environment Messages last year and this year. This is extremely important legislation on which the Congress should act now. As you know, the Administration has worked closely with you and Senator Allott and other members of the Committee to arrive at a satisfactory land use bill. Although S. 632 in large part now conforms to the Administration's proposal, there are still some parts of the bill to which we will urge amendments, for example:

1. *The Planning Process.* The explicit requirements of S. 632 that the States prepare a complete inventory of their resources, compile extensive data and make projections of land needs, etc., within three years appears to conflict with the Administration's position that the States need not prepare a complete plan but instead simply have a *method* for carrying out a comprehensive planning process.

2. *Sanctions.* We are pleased that your Committee adopted the Administration's recommendations for a graduated reduction of funds from the Federal Highway, Airport, and Land and Water Conservation Funds for States without adequate land use programs. However, we would recommend deleting the "ad hoc hearing board," and also providing imposition of the sanctions after three instead of five years.

3. *Funding.* While adequate funding is necessary, we feel that the $100 million authorization is far in excess of what is reasonably needed. We recommend that the authorization be set at $40 million annually for the first two years on the basis of a two-thirds Federal share and $30 million annually for the next three years on the basis of a one-half Federal share.

The Administration will be furnishing you and Senator Allott promptly the language of the specific amendments to the bill.

However, despite the above changes to the bill which we consider highly desirable, I wish to reemphasize that your Committee has made great progress in reporting out this important legislation. In no way do we view S. 632 as conflicting with existing air or water quality legislation or the goals of other environmental legislation. On the contrary, it is fully consistent with and supports them, and I am informed that the Environmental Protection Agency concurs in these views.

Sincerely yours,

Russell E. Train,
Chairman.

Washington, D.C.,
August 21, 1972.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: Thank you for your letter of July 31 asking for our comments on certain questions pertaining to S. 632, the proposed Land Use Policy and Planning Assistance Act of 1972.

I believe that S. 632 is basically consistent with the President's land use policy recommendations, although for more detailed comments on the bill as a whole I would defer to the Council on Environmental Quality and the Department of the Interior.

With respect to this Department's role and programs, I was most pleased to see that provisions were retained in the bill which would allow HUD to review and approve certain major elements of a State land use program. I note that the provision does not extend to the "key facilities" element of the program, as proposed in S. 992, and that it is technically operative only after five years have elapsed and States have developed their land use programs. In practice, however, we would expect to have a voice in review of State program development efforts in advance of the time our approval is formally required. Of course, at all stages of review it is important that Federal emphasis be placed on assuring existence of an equitable process for land use planning and to avoid placing in the Federal Government the responsibility for specific planning, zoning and variance decisions which are appropriately matters of local concern.

S. 632 includes provisions relating to a State "land use planning process" that did not appear in S. 992. Some of these suggest activities which should be closely coordinated with State and local planning carried on with HUD assistance under section 701 of the Housing Act of 1954. If this is effectively done I see no special problems arising under S. 632 that would adversely affect our program responsibilities.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

George Romney.

Washington, D.C.,
August 11, 1972.

Hon. Henry M. Jackson,
Chairman, Committee on Interior and Insular Affairs, U.S. Senate, Washington, D.C.

Dear Scoop: I have your letter of August 9, 1972 with reference to our agreement on an amendment to S. 632 which will remove my principal objections to the bill.

As I informed you earlier, Members of our Subcommittee believe that the major considerations of land use planning involve urban development and they would have preferred that the Secretary of HUD have the principal administrative responsibility under the legislation. However, in view of the President's decision to place that responsibility under the Secretary of Interior, I have agreed to support the bill only if HUD's specific area of jurisdiction in land use planning involving community development and related urban matters is properly protected. I am satisfied that the amendments referred to in your letter of August 9 meet this objective.

This is extremely significant legislation and I commend you for your efforts in bringing the bill to the Senate.

I wish you well in your continuing efforts toward developing a national land use policy for our nation.

With best wishes and kind regards, I am,

Sincerely,

John Sparkman.

Washington, D.C.,
August 10, 1972.

Hon. Henry M. Jackson,
U.S. Senate,
Washington, D.C.

Dear Scoop: Thank you for your letter of August 7, in which you review the agreements reached at a meeting of our staffs.

I am satisfied that the agreements reached at the meeting between the staffs, as represented in a draft amendment which I have been furnished will avoid my concerns with S. 632, the Land Use Policy and Planning Assistance Act of 1972.

With esteem and kind regards, I am,

Truly,

Jennings Randolph,
U.S. Senator.

August 22, 1972.

Hon. Henry M. Jackson,
Chairman, Senate Committee on Interior and Insular Affairs, Washington, D.C.

Dear Senator Jackson: The major concern of the National League of Cities and the U.S. Conference of Mayors throughout the development of S. 632, the Land Use Policy and Planning Assistance Act of 1972, has been the relationship of cities to the State land use planning process and program elements of S. 632. A continuing and productive dialogue has taken place between our respective staff members concerning the most effective way to build up the strengths of local government to initiate and implement local land use plans and, at the same time, to develop and improve upon the capacity and institutional capability of State, regional and local government to initiate and implement cooperatively a land use planning process and program for matters which are of more than local significance. We understand that it is the Committee's intent, as stated in the Committee Report, that purely "local decisions should remain within the exclusive province of local public officials and local citizens" and, in terms of our concerns, the important role of local government in the planning process contemplated by S. 632 has not been at issue.

It is our view that the inclusion of amendments in S. 632, as reported, which were recommended in our June 7, 1971 testimony before the Committee on this measure, together with the adoption of some amendments we have discussed in recent weeks will assure that local government will be fully involved in the planning for land uses of Statewide concern. With the adoption of these amendments, S. 632 will be a more effective tool for coordinating State and local land use activities affecting interests of more than local concern. At the same time, the primary responsibility for local land use decisions would continue to be placed in the hands of elected local officials at the level of government closest to the people.

The National League of Cities and the U.S. Conference of Mayors wish to express our appreciation to you for your leadership and cooperation in seeking a positive approach to the many complex issues involved in land use planning. We hope that this close relationship will be continued in the future on other matters of mutual interest and concern.

Sincerely,

Allen E. Pritchard, Jr.,
Executive Vice President, National League of Cities.

John J. Gunther,
Executive Director, U.S. Conference of Mayors.

August 4, 1972.

Dear Senator: At our 50th Anniversary Convention in Chicago, Illinois, July 19–22, 1972 delegates of the Izaak Walton League of America addressed themselves to the urgent matter of a National Land Use Policy.

Because of the imminence of Senate consideration of such legislation, I am enclosing for your information the text of the Convention's Resolution. We trust it will be helpful to you.

Land Use Policy and Planning Assistance

"The Izaak Walton League of America assembled in Convention at Chicago, Illinois, July 19–22, 1972 enthusiastically endorses and commends the efforts of the U.S. Congress and the Administration to provide assistance and guidelines to the States for sound environmental planning of land uses. The League particularly supports Senate bill 632 providing for such a program under the Department of the Interior and urges the Department, upon enactment of this legislation, to administer the program in a multidisciplinary and multi-agency direction. As a needed complement to S. 632, the League also urges prompt enactment of S. 921, the Public Domain Lands Organic Act giving the Bureau of Land Management basic statutory authority to manage 'national resource lands' under multiple-use principles.

"The Izaak Walton League notes that these concepts have been embodied in House bill 7211 but regrets that it must strongly oppose enactment of this version known as the National Land Policy Planning Act. Despite many commendable features, the League finds the public land provisions, specifically Title IV of H.R. 7211, prejudicial to the public interest and creating potential for set-backs in the management of the National Parks, National Forests, National Monuments and National Wildlife Refuges. In lieu thereof, the League urges the U.S. House of Representatives to adopt the Senate approach as expressed in S. 632 and S. 921."

Respectfully yours,
RAYMOND C. HUBLEY,
Executive Director.

AUGUST 4, 1972.

DEAR SENATOR: In response to widespread public concern over the protection of our natural resources, Congress has enacted far reaching legislation affecting nearly every aspect of the environment—water and air pollution, fisheries and wildlife protection, noise, toxic substances, and many others. Yet our most important and basic resource, the land itself, has gone virtualy unprotected in the face of uncontrolled abuse. For three years now, the Senate has heard overwhelming testimony documenting the critical need for prompt development of a *National Land Use Policy.*

In this respect, we are delighted that next week the Senate will finally consider S. 632, the Land Use Policy and Planning Assistance Act reported by the Interior Committee and pending on the calendar since June 1972.

The importance of enactment of this legislation by the Senate in this session of Congress cannot be over-stressed. S. 632 is the product of weeks of hearings involving the broadest range of environmental, economic, social and governmental interests in the Nation; of 12 different Committee prints; and of years of consensus building in support of the concept that the Federal government must exercise leadership and provide assistance to the States in land use planning. Consideration by the Senate now will allow for strengthening amendments, but delay of this essential measure will be a major set-back. In the words of Chairman Russell Train of the Council on Environmental Quality "It is a matter of urgency that we develop more effective nationwide land use policies and regulations . . . and that in no way do we (the Council) view S. 632 as conflicting with existing air and water quality legislation."

We view this bill as an essential supplement to the effective implementation of environmental legislation already enacted by Congress and we commend and urge your continued efforts to bring the Land Use Policy and Planning Assistance Act to the Senate for its prompt consideration. The following organizations have advised the Citizens Committee that they are in wholehearted agreement with this position:

The Sierra Club.
The Sport Fishing Institute.
Wilderness Society.
National Audubon Society.
Izaak Walton League of America.
National Wildlife Federation.
National Recreation and Park Association.
Friends of the Earth.
Wildlife Management Institute.
Environmental Policy Center.
Nature Conservancy.

Sincerely yours,
SPENCER M. SMITH, Jr.,
Executive Secretary.

JULY 26, 1972.

DEAR SENATOR: The Public Lands Conservation Coalition representing every major conservation organization has assigned number one priority to passage of S. 632, the Land Use Policy and Planning Assistance Act of 1972. This bill, reported by the Committee on Interior and Insular Affairs, has been pending on the Senate calendar for 45 days. We urgently request your personal support in bringing this bill to the floor within the next week.

Sincerely,
——— ———,
Public Lands Conservation Coalition.

(The Public Lands Conservation Coalition represents the views of these organizations: American Forestry Association, Citizens Committee on Natural Resources, Environmental Policy Center, Friends of the Earth, Izaak Walton League of America, National Audubon Society, National Parks and Conservation Association, National Wildlife Federation, Nature Conservancy, Sierra Club, Sport Fishing Institute, Trout Unlimited, the Wilderness Society, and Wildlife Management Institute.)

[From the New York Times, Aug. 15, 1972]

ENVIRONMENTAL PRIORITY

Rivalry between two leading Senate Democrats threatens to kill for the current session a major piece of environmental legislation supported by the Administration, the National Governors' Conference, environmentalists and a probable majority of Senators from both parties.

Senator Jackson of Washington, its prime sponsor, calls the imperiled measure—the Land Use Policy and Planning Assistance Act of 1972—"the most important and far-reaching environmental bill ever to be considered by the United States Congress." It provides Federal grants-in-aid and technical assistance to the states to help them develop land use programs for non-Federal lands. Some such revision of existing land use policies, based on haphazard local and private decisions, is essential to avert environmental chaos in the next three decades when the nation is expected to build as many new homes, schools, hospitals and other structures as have been built in the last three centuries.

The Jackson bill, the result of two-and-one-half-years of study and hearings by the Senate Interior Committee, was favorably reported on June 15 for the second time in two years. It is finally due to come to the floor this week but its fate is uncertain because of an expected move by Senator Muskie of Maine, a rival environmental champion, to seek the measure's referral to his Public Works Subcommittee on pollution. Mr. Muskie has indicated he fears the Jackson measure may adversely affect air and water quality legislation he has sponsored. But Russell E. Train, chairman of the President's Council on Environmental Quality, says the pending bill "in no way" conflicts with air and water quality laws now on the books. "On the contrary," Mr. Train insists, "it is fully consistent with and supports them."

No excuse justifies further delay in enacting this sound legislation, urgently needed to safeguard a growing nation's rapidly diminishing land resources.

[From the Boston Globe, July 3, 1972]

LAWS FOR THE LAND WE LOVE

In Maine it was the threat of a 202,000-barrels-a-day oil refinery on the fir-clad shores of Penobscot Bay. In Vermont it was the threat of a 20,000-acre vacation home development. In Massachuetts it was the near loss of an $80 million shellfish industry and the danger of falling inland water tables.

In each case the message was clear—that protection of the land itself is as vital to the health and happiness of the nation as clean air and clean water. And it was clear that, in a nation whose population is expected to increase by 100 million people in 30 years, local zoning boards are inadequate to protect the land and plan for its use in the regional and national interest.

As of this moment some 25 states have enacted legislation that gives them some form of control over land management within their boundaries above and beyond the municipal zoning function.

Statewide comprehensive plans are called for under laws passed in Hawaii in 1961 and in Vermont in 1970. More recently Maine, Colorado and Florida authorized the establishment of state guidelines to govern local planning and zoning. A more flexible approach is being tried by 18 states which control land use in areas of critical environmental concern such as flood plains and coastal wetlands. Critical uses of land for such functions as waste disposal, strip mining, scenic easements, mobile home siting and the siting of power plants and transmission lines are under state control elsewhere. And in Massachusetts, under the 1969 Zoning Appeals Law, the state is technically empowered to overrule local regulations on the distribution of low and moderate income housing.

But this is not enough. At best these regulations cover only half of the states and, where they do exist, they vary widely in range and approach. Constitutional questions have been raised by the wide scope of the Maine legislation. A 10-acre provision in the Vermont law fosters development by outsiders and encourages scattered housing. The Massachusetts law, now three years old, has yet to be implemented. Thus the need remains for a broad national policy to include non-federal lands. Two such proposals will be before Congress sometime this month.

Far and away the better of the two bills is S. 632, an intelligent meld of proposals made by Senator Henry M. Jackson of Washington in January 1970 with proposals made by the Council on Environment Quality (CEQ) on behalf of the Administration in February 1971. This bill, in contrast to the bill in the House, has the support of leading environmental groups.

Approved June 5 by a vote of 13 to 3 in the Senate Interior Committee, S. 632 authorizes state grants totaling $100 million each year for land use planning, with an "incentive" provision that such grants may be terminated at any time and that major highway, airport and conservation funds can be held in escrow after five years for failure to comply.

To ensure a balance of goals and values, the states are required to have comprehensive data on social, economic, environmental and recreational needs by the end of three years. Then, under broad guidelines to be set by an executive agency (probably the CEQ), the states shall establish the machinery for state jurisdiction in four areas of critical concern. These are the environment, key facilities such as highways and airports, large scale development (to be defined by the states), and development of regional benefit.

The state grants would be issued by a new Office of Land Use Policy Administration within the Department of the Interior, and an interagency advisory board, also under Interior, would be set up to further safeguard against the intervention of special interests and to minimize conflict and duplication by coordinating all existing federal land programs.

A major difference between the Senate and House bills is the proposed treatment of federally-held public lands which account for about one-third of all U.S. land and up to 90 percent of the lands in some Western states.

The House bill, sponsored by Rep. Wayne N. Aspinall of Colorado, (a charter member, incidentally, of Friends of Earth's "Dirty Dozen,") would review all such federal lands. This could seriously endanger existing national parks, forests, monuments and wildlife refugees and undo the recent land withholdings in Alaska. In contrast, the Jackson bill before the Senate calls for coordination of federal planning for existing federal lands with state and local planning for adjacent non-federal lands to ensure compatible use pending a review of public land laws later.

The state grant basis of the Senate land use legislation supports positive action already underway. The approach based on critical areas, taken from the Administration proposals, gives maximum scope and flexibility, recognizing the need for continued economic development as well as environmental protection.

As such, this first effort at an overall national land use policy contains the real ingredients for the salvation of the land—a fixed resource that is under dire threat from the conflicting demands for more power plants, more pure water, more housing, more open space, more billboards and more trees.

Land can no longer be treated as a commodity. It is a trust. And the whole nation shares a responsibility for its planning and preservation. Some states have already recognized this responsibility. Now it is high time the federal government did its share.

[From the Wall Street Journal, Aug. 15, 1972]

Coping With the Hassles

One of the characteristics of the 1970s is the increasing amount of strife that swirls around questions of land use—where to put power plants, airports, housing developments, parks and the like.

A sensible-sounding bill that would encourage better state and local level planning—and hopefully reduce the chances for monumental hassles—is awaiting congressional action. It would seem tc be a worthy thing if the Congress would overcome some procedural problems and make a special effort to pass the bill before it adjourns this year so that states can proceed towards a more orderly and uniform handling of land use problems.

The proposed legislation, Senate Bill 632, has had surprisingly little substantive opposition considering the amount of controversy this subject usually generates. It was shepherded through the Senate Interior and Insular Affairs Committee by Senator Jackson (D., Wash.) but also has the backing of a Republican administration. It appears to have the support of most environmentalists as well as industry groups such as the National Association of Manufacturers and the National Association of Electric Companies.

This bi-partisan backing from politicians and lobbies that often are at each others' throats suggests that there is a growing weariness among such interests with protracted hassles over the siting of vital services. Such delays are costly to the companies involved, particularly if they are blocked from using a facility after they have already invested heavily.

And sometimes the public suffers as well. Objections from environmentalists have for 10 years blocked the Storm King pumped storage hydroelectric plant that New York's Consolidated Edison Co. proposed to build on a bank of the Hudson River. The delay in adding new peak load capacity has contributed to New York's power shortage.

Moreover, environmentalists sometimes have won battles and lost the war. Such groups, for example, managed to block construction of a hydroelectric plant in the Grand Canyon only to see the power needs met by the Four Corners power plant near Farmington, N.M., which uses coal and spews out fly ash over the scenic landscape of that area.

The Jackson bill would bring under federal and state planning authority any private lands that are to be used for activities of more than local concern. It would direct states to establish comprehensive planning in four categories involving regions of environmental concern, large-scale developments, key facilities such as utilities and airports and developments of regional benefit. An "Office of Land Use Policy Administration" in the Interior Department would administer the program and a "National Advisory Board on Land Use Policy" would coordinate the program's activities with those of other departments of government.

Stephen P. Quarles, a counsel for Senator Jackson's Interior and Insular Affairs Committee, believes that the main benefit of the Jackson bill would be to set planning guidelines and give siting questions a public airing before projects actually get underway. Once approved, the project presumably would have controversy largely resolved and the state'e legal power behind it.

Mr. Quarles also estimates that the bill would not interfere unnecessarily with the zoning and planning powers of local governments, although it will necessarily do that to some degree. He estimates that some 90% of planning decisions will remain within the jurisdiction of local governments under the bill.

Another aim of the bill is to provide a means for heading off a lot of special purpose land use laws so that rational planning would not be blocked by new legal restrictions. It is estimated that there are some 200 land use bills of various types in various stages of deliberation in Congress and most of them are aimed at specific objectives, such as reserving certain lands for special purposes. The Jackson bill would hope to promote guidelines that would enable states to consider all factors, environment, aesthetics, economic need, etc., in land use planning with as little prior restriction as possible.

No one should assume that the Jackson bill is going to solve the nation's land use problems. As population expands and crowds into urban clusters these problems will no doubt be severe. But a start towards more rational planning should begin as soon as possible.

The Jackson bill faces a jurisdictional dispute in the Senate as a result of efforts by Sen. Muskie to put it through his Public Works Committee before it reaches the Senate floor. It faces trouble in the House from Rep. Aspinal (D., Colo.) who wants to piggyback a highly controversial public lands bill on whatever version of the Jackson bill comes out of the House.

If the Jackson bill fails to make it through this Congress it may be two years from now, in the second session of the new Congress, before it will have much chance. And since it will take the states some five years to work out their planning procedures under the bill, final implementation would be seven days away. Judging from the planning hassles that already are taking place around the country, that could prove to be too long to wait.

[From the Christian Science Monitor, July 31, 1972]

For a Federal Land-Use Law

Congress finds itself at a crucial fork in the road as it considers how the United States should take its first historic step toward the rational use of land. How it votes on three bills now before it in both houses could make a vast difference in the shape of America tomorrow.

There are those who believe the federal government should not take that first step at all. These are the traditionalists who hew to the old pioneer ethic that a man should be free to use his land in any way he pleases. That viewpoint may have been excusable in an era when the vastness of virgin lands to the West seemed inexhaustible. Today, when environmental degradation and urban sprawl have become a nationally recognized threat, and when current population projections show the need to duplicate in the next 30 years all the homes, schools, and hospitals that America has built in the last 300, such shortsightedness is inexcusable.

Therefore the importance of the current legislation now before Congress. The three bills are S. 632, sponsored by Senator Henry Jackson; S 2401, sponsored by Senators Jackson and Gordon Allott; and HR 7211, sponsored by Rep. Wayne Aspinall, who is chairman of the House Interior and Insular Affairs Committee. S 632 and 22401 treat nonfederal and federal lands independently and are offered for separate consideration. The omnibus Aspinall bill lumps together both federal and nonfederal lands.

There is no great difference between the Jackson and the Aspinall bills as concerns regulation of nonfederal (that is, state and municipally owned lands). But there are vital differences between the two versions affecting federal lands. The Aspinall bill opens the door to federal disposal of lands without prior requirement to consider environmental, management and public objectives—a stipulation specifically made in the Jackson-Allott bill. Further, and even less acceptable, the Aspinall bill would limit the ability of the executive to withdraw public lands from mineral and other resource exploitation to 25,000 acres. This means that of the 55 million acres of federally owned land, only a pitiful fraction would be forever preserved from the threat of economic exploitation. With the growing pressure on the country's national resources, the wheeling and dealing to gain resource rights to these public lands would not only be a constant environmental threat, but also a source of potential corruption to public officials.

We reject the thrust of the Aspinall bill, based as it is on the precepts put forth in the 1970 report of the Public Land Law Review Commission, "One Third of the Nation's Lands." That report unabashedly threw its weight behind the interests of commercial miners, farmers, and timbermen who eye the vast public land depositary as a pork barrel for personal profit. The report also rejected the principle, accepted as sound land-use policy by most environmental and conservation groups, of multiple use, rather than dominant use"—which would sacrifice values such as soil, water, wildlife, and aesthetics to commercial exploitation.

In our view, the Congress should deal separately with the nonfederal and the federal land portions of this proposed legislation. And in so doing, it should weigh the words of Senator Jackson, whose bills are favored by the Nixon administration: "We must treat land not as a commodity to be consumed or expended, but as a valuable finite resource to be husbanded."

[From Business Week, Aug. 26, 1972]

When the Land Runs Out

After 300 years of footloose expansion across the continent, the U.S. reluctantly is beginning to realize that it suffers from a land shortage. There still is plenty of room out where the deer and the antelope play, but in the areas surrounding the major cities, there simply is not enough standing room to accommodate all the people and the facilities people need to live and work effectively (page 40).

For years, developers of both residential and commercial properties have solved the problem by liquidating more and more of the natural features of the landscape. They have taken over the wetlands, filled in the ponds, planed down the hills, put the streams in pipes. Now the nation is beginning to realize that this strategy not only has converted the cities into mile on mile of squalid brick and asphalt but also has wiped out the plant and animal life that keeps the natural air and water processes in balance. The city dweller literally does not have enough room to breathe.

The only answer is the obvious one. The U.S. must develop effective controls on land use, and it must begin planning on a regional basis, not town by town or even county by county. Good planning will provide for wetlands and greenspace. It will also provide for supermarkets and shopping centers to serve the need of area residents, for industrial sites to generate jobs, and for unwelcome but essential facilities such as power plants and refuse dumps. It will deal with the region as an economic and ecological organism, not as bits and pieces.

The nation is a painfully long way from this sort of planning. But it has no time to lose getting started. A first step would be for Congress to adopt Senator Henry M. Jackson's land use bill, now before the Senate. The Jackson bill would put federal money and influence behind state programs for developing comprehensive land-use planning and enforcement. It would be a good way to make a beginning.

[From the Washington Evening Star,
June 28, 1972]

PLANS FOR THE LAND

The public, soon to be engrossed in a presidential campaign, may not be easily excited by Congress's upcoming debate over land-use legislation. But this is by no means as dull a subject as it sounds. It has to do with saving the remaining open lands from wreckage or misuse, and hence goes to the heart of the whole environmental issue.

Moreover, the alternatives that have emerged lately on the Hill are fuel for a real fracas, which probably will break out soon after the national party conventions. As is often the case, the good and the objectionable proposals threaten to cancel each other out in an impasse, but we hope Congress will be able to rise above that.

The measure which deserves to be enacted is sponsored principally by Senator Henry M. Jackson of Washington, and recently was approved 14 to 2 by the Senate Interior Committee. Titled the Land Use Policy and Planning Assistance Act, it would have a momentous impact on the national landscape in the years ahead. For it would, in Jackson's words, "force the states to overcome the near-anarchy of present land-use decision-making policy."

This present disarray stems from local autonomy that is uncoordinated, often ineffective and in many cases totally inactive in this vital field. About 80,000 units of local government now go their separate ways in land-use planning and regulation. In the process, much of the land is being butchered in crazy-quilt patterns as the tide of development rolls on. The situation is made to order for quick-buck land exploiters with no view of the future, or the quality of living in the present, for that matter.

Jackson's bill would require every state to create and implement a statewide land-use plan, with special emphasis on environmental concerns. Federal funds would be available on a 9-to-1 matching basis, and the enforcement provisions are formidable. There is no doubt that within a few years much of the land-botching, for both commercial and governmental purposes, would cease, and more orderly development would be the rule.

Over in the House, Representative Wayne N. Aspinall of Colorado is guiding similar legislation toward a vote, but his version is weaker and in some respects retrogressive. He has lumped a national land-use measure together with public lands legislation, and in the latter category his ideas are anathema to environmentalists. Quite rightly, too, because the bill would permit the sale of federally owned lands on a scale that could be sizable. There will, we trust, be much objection to auctioning off the federal domain to industrial and other interests.

This could be quite a collision, since Jackson and Aspinall chair the Interior committees in their respective houses, and have their committees behind them. We hope that Jackson will stand fast for his commendable product, and the House will be bold enough to deny the powerful Aspinall all he wants in this case.

[From the St. Louis Post-Dispatch, June 14,
1972]

A BILL TO END ANARCHY IN LAND USE

A bill which could have a monumental impact on the quality of American life and on the appearance of the landscape has been approved 14 to 2 by the Senate Interior Committee. Sponsored principally by Senator Henry M. Jackson of Washington, the proposed Land Use Policy and Planning Assistance Act of 1972 seeks to transform the far-reaching decisions on land use from the present chaos and anarchy of conflicting local governmental and individual initiatives to a more rational process.

Recognizing that the haphazard development of such facilities as airports and highways, electric power plants and mass transit, housing subdivisions and industrial parks can have a devastating effect on the environment, the Jackson bill would set up in the Interior Department a National Advisory Board on Land Use Policy to co-ordinate federal and federally assisted programs that have a significant impact on land use. The Secretary of the Interior would also be empowered to establish *ad hoc* advisory committees to help resolve state-federal land use conflicts.

The environmental thrust of the bill, however, would be exerted through its requirement that the states devise complete and comprehensive plans for land use which not only provide for the orderly development of building projects but also for parks and for the preservation in their undisturbed state of areas for recreation such as rivers, beaches and woodlands.

The development of state land use programs would be aided with federal funds, on a nine to one matching basis, for a period of eight years at the rate of $100,000,000 a year. States which failed to comply with the terms of the act within five years would be subject to a cutoff of federal planning funds and the withholding of federal highway, airport and land and water conservation funds, which would be administered by a new Office of Land Use Policy Administration within the Interior Department.

Although the bipartisan Jackson bill has a good chance of passing the Senate in six weeks, the prospect for final enactment of effective land use legislation is dimmed by the anticipated emergence from the House Interior Committee of a weaker bill which is being shaped by Chairman Wayne N. Aspinall, who is not noted for his sympathy for environmental goals. Without strong pressure on the states applied through federal standards and funds, the 80,000 units of local government which now make most of the decisions on land use planning and management are likely to continue the present trend of profligate waste and destruction of land resources.

Land, which like other ingredients of the American economy, is often treated as a throwaway commodity, has become too precious a resource to be left to what the Senate committee calls the decisions of "selfish, short-term and private" interests. A basic restructuring of traditional legal and administrative arrangements for land use planning and management is necessary both to preserve a viable environment and to implement social policies providing equal opportunities for housing and education.

[From the Minneapolis Star, June 10, 1972]

TOWARD RATIONAL LAND USE

The lack of experience which this nation and its states have in large-scale land use planning makes it difficult to size up in advance the effect of the land use policy bill reported out of the U.S. Senate Interior Committee earlier this week. But it appears to have the chance of introducing a measure of rationality into a haphazard and often destructive way of doing business.

Between now and the end of the century, the Washington Post noted last year, "We will build a second America . . . Every 10 years new homes and apartment houses, schools and hospitals, factories and offices, roads and railroads, shops and parking lots, gas stations and whatever will cover some 5 million acres, an area the size of New Jersey." Even if recent birth rate figures promise smaller total population than we have been expecting, the assault on the land will continue.

The Senate committee's bill, a reasonable combination of proposals from the Nixon administration and Sen. Henry R. Jackson, D-Wash., would provide $100 million annually to the states on a 90-10 matching basis to finance development of state land use programs. The programs would be designed "to exercise control" over areas of critical environmental concern, such as wetlands, marshes, beaches, shorelands, flood plains, forests and scenic or historic areas; over "key facilities," which includes airports, major highway interchanges and big recreational areas; over "development and land use of more than local impact," and over large-scale private developments such as massive housing subdivisions or industrial parks.

The bill is not, its backers claim, another invitation to produce more color-coded maps. Its real bite is that it requires the states to move towards implementation of the programs and threatens withholding of various federal funds as an inducement. We think it's worth a try.

AIRPORT AND AIRWAY DEVELOPMENT ACT—AMENDMENT

AMENDMENT NO. 1538

(Ordered to be printed and to lie on the table.)

Mr. CANNON. Mr. President, the purpose of this amendment is to make clear that Federal financial assistance made available to the States under the Airport and Airway Development Act is not affected by this sanction. The amendment is necessary because one of the major purposes of the Airport Development Act is to provide safe and properly instrumented airports. Imposition of the sanction could have the effect of delaying or even preventing necessary work on airports so as to meet present safety and navigational standards.

SOCIAL SECURITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1533

(Ordered to be printed and referred to the Committee on Finance.)

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 1) to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families, and for other purposes.

CONSUMER PROTECTION ORGANIZATION ACT—AMENDMENT

AMENDMENT NO. 1534

(Ordered to be printed and to lie on the table.)

Mr. ALLEN. Mr. President, this amendment makes explicit one of the many implicitly covered substantial interests of consumers of real property that should be protected by the Consumer Protection Agency in Federal, State, and local agencies and courts.

It concerns the purchase or renting of a residence.

The amendment merely adds another example of the "interests of consumers" to the many now listed in section 401 (11) which attempts to define this term.

It makes clear that one of the substantial interests of consumers of real property for residential use is the availability of nearby school facilities for the use of their children and the protection of such children from the delays and dangers of forced busing to schools outside their neighborhood.

If there is any doubt about the fact that this is a substantial interest and concern to purchasers or renters of residences, one need only ask any real estate agency about the matter.

Among the first questions, after price, asked by potential residence purchasers are: "Will our children be bused, and, if so, to where and how long will it take?"

There is no doubt—as even the most avid proponents of this bill know—that this is a substantial concern of consumers, and therefore should most certainly be covered by the bill.

This amendment is needed—and I say this for legislative history—to show that busing is a priority concern of consumers who are in need of priority protection by forceful advocates in the confused deliberations of Government at all levels, and to make it clear that these consumers can organize nonprofit antibusing groups that would be eligible for Federal funding under title III of S. 3970.

Let me add that several Members of the Senate have advised me of their deep interest in this amendment, and they have indicated a strong willingness to debate the amendment at great length in order to help gain its adoption to S. 3970.

CRIME CONTROL ACT OF 1972—AMENDMENT

AMENDMENT NO. 1539

(Ordered to be printed and to lie on the table.)

Mr. TUNNEY submitted an amendment intended to be proposed by him to the bill (H.R. 8389) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the development and operation of treatment programs for certain drug abusers who are confined to or released from correctional institutions and facilities.

ADDITIONAL STATEMENTS

CONTEMPTIBLE MESSAGE OF PRESIDENT IDI AMIN, OF UGANDA

Mr. PERCY. Mr. President, the fabric of civilized relations among nations requires much careful attention, and is easily torn by violence. The community of man is rendered practically helpless before the onslaughts of hate-filled renegades. Witness last week's disastrous events in Munich, when 11 Israeli hostages were slain by their Arab guerrilla captors—five of whom died in the violence they touched off.

In the reaction that followed, most nations around the world condemned the guerrilla's action. Even among some nations known to support the guerrillas, the response was muted. That is why it is especially distressing when a chief of state sets out to deliberately fan the flames of hatred.

I am referring, Mr. President, to a message of pure hatred and bigotry that was sent by the President of Uganda, Gen. Idi Amin, to U.N. Secretary General Kurt Waldheim and Israeli Premier Golda Meir. Amin not only praises Hitler for the slaughter of 6 million Jews, but suggests that the State of Israel be wiped out, and all Israelis be shipped to Great Britain.

Mr. President, I am astounded and shocked at the blatantly anti-Semitic statements of this man. At a time when leaders of the world should be striving to improve relations among peoples, he contrives the most vicious attack upon the Jewish people since the holocaust perpetrated by Hitler.

It may be inconceivable that any national leader outside the Arab bloc could make such statements, but Amin has made them. He merits a hostile reaction from responsible persons throughout the world. His remarks are disgusting and contemptible.

ROLE OF UNITED NATIONS IN ARRESTING CAUSES OF VIOLENCE

Mr. MATHIAS. Mr. President, writing in the New York Times on September 13, James Reston asks some very pointed questions about the causes of violence and the role of the United Nations in arresting these causes in the interest of world peace. I highly recommend the article, entitled "Is There a United Nations"? to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IS THERE A UNITED NATIONS?

(By James Reston)

UNITED NATIONS, N.Y., September 12.—Beginning next week, the representatives of most of the nations of the world will convene here for the 27th General Assembly of the United Nations. Nobody is paying much attention to the event, but somebody has to pay attention to the present violence and anarchy in the world, and maybe the United Nations is the place to do it.

The new Secretary General of the U.N., Kurt Waldheim of Austria, made the main point to the delegates who are now packing their bags for New York. "The United Nations," he said, "cannot be a mute spectator of the increasing terrorism in the world. . . . It is up to the General Assembly to find a solution to this problem and to take the necessary decisions."

His observations were almost totally ignored. The United Nations organization has never been weaker than it is now. It is bankrupt. The permanent members of its Security Council—the United States, the U.S.S.R., China, Britain and France—are all ignoring it or using it for their own nationalistic purposes. Yet it has a role to play, and much depends on how Kurt Waldheim uses the powers of the Secretary General to insist that the poverty, violence and anarchy of the world be recognized and debated, even if they cannot be solved.

Maybe it is unfair to put this burden on the Secretary General. He cannot defend the principles of the United Nations without seeming to criticize the major powers, who are constantly violating the U.N.'s principles, but who also pay most of the U.N.'s bills.

Even so, the Secretary General is authorized under the Charter of the world organization (Article 99) to call to the attention of its members "any matter which in his opinion may threaten the maintenance of peace and security."

The "increasing terrorism" and anarchy in the world are only a generalization of these matters. Specifically, there is the Arab "terrorism" at the Olympic Games and the anarchy of the skyjacking on the airlines of the world, to mention the obvious.

More important, there is the increasing gap between the rich and the poor nations of the world, the conflict between the uncontrolled population and limited resources of the world, the growing division between the races and between the northern industrial societies and southern agricultural societies, and the tragedy of the refugees in Palestine and Southeast Asia.

These are really the "matters" which may be and are threatening "the maintenance of peace and security," and they cannot be left to the leaders of sovereign nations. For each nation opposes the use of violence in principle, except when it wants to use violence in its own national interests, as Moscow did in Czechoslovakia, the United States does in Vietnam, India did in Bangladesh, the Arab "Black September" movement did at the Olympic Games and Israel in its military counterattacks did against Syria and Lebanon.

If you look at all this violence and murder from any particular capital, it can be made by the arts of propaganda to look reasonable and even honorable. Moscow tried to make its invasion of Prague seem like a necessary rebuke to willful and misguided children. President Nixon explains the most devastating bombing of North and South Vietnam—the worst of this century—as a regrettable necessity.

But sometimes, somewhere, somebody has to ask whether all this violence and killing is justified, and even if it really achieves its objectives, and that is clearly the responsibility of the United Nations, and probably of its Secretary General, since nobody else will state the plain facts.

Obviously, the representatives of the world won't "take the necessary decisions," as Secretary General Waldheim suggests, to deal with the anarchy, terrorism and dangerous poverty of the majority of the human family when they meet here in the coming weeks.

But he can, as he is authorized to do by the United Nations Charter, at least identify and define the larger problem of violence and terrorism in the world. The prime and foreign ministers who are coming here, and pretending to support the principles of the United Nations, will not like it, and may even withdraw their financial support from the world organization.

Still, somebody who is not running for reelection and considering the narrow interests and prejudices of local and national constituencies, has to raise the causes of violence and anarchy, and talk about the underlying reasons for war. And if the Secretary General of the United Nations won't do it, and bring the principles of the Charter to bear on the larger questions of world poverty and anarchy—even if he has no chance to find a solution—it is hard to imagine who will.

RESOLUTIONS OF KIWANIS INTERNATIONAL

Mr. HRUSKA. Mr. President, it is my honor to be a member of that outstanding voluntary service organization, Kiwanis International.

Earlier this month in Atlantic City, the members of Kiwanis International, through their delegate body, approved an outstanding set of resolutions to guide their actions during the 1972–73 Kiwanis year.

I am proud to note that the chairman of the resolutions committee of Kiwanis International is from my home State of Nebraska, a distinguished jurist, Judge Harry Spencer of Lincoln. Judge Spencer is a dedicated Kiwanian and a past governor of the Nebraska-Iowa Kiwanis District.

I am equally proud that another Nebraska-Iowa Kiwanian, Wes H. Bartlett of Algona, Iowa, is president of Kiwanis International this year and presided at the convention during which these resolutions were adopted.

Mr. President, I ask unanimous consent that the resolutions of Kiwanis International be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS AS ADOPTED BY THE DELEGATES TO THE 79TH ANNUAL CONVENTION OF KIWANIS INTERNATIONAL IN ATLANTIC CITY, NEW JERSEY, JUNE 21, 1972

SPIRITUAL RESPONSIBILITY

The sharing of life is a celebration of the spirit. Man does not live alone. He is a steward of all that has been entrusted to him. However, there are forces at work seeking to undermine spiritual strength by ridiculing religious belief and practice, and by placing temporal things above spiritual values.

Therefore be it resolved: That as stewards of God's precious gifts, we pledge ourselves to overcome these forces by placing God first in our lives, by obeying His laws and by sharing through our respective religious institutions our resources of finance, time and talent.

PERSONAL SERVICE

Doing for others as we would have others do for us demands the sharing of our time, our talents, our experience, our love and our funds.

The raising and direct distribution of money, although essential, is increasingly becoming the predominant approach to problem-solving in our society. This can lead to impersonal and detached service, rather than to that mutual understanding, respect and love among all peoples which results from actually sharing our lives.

Therefore be it resolved: 1. That Kiwanis International place major emphasis in its 1972–73 programs on projects and activities which offer every Kiwanian the opportunity to share his time, his talents and his experience with those whom he serves through Kiwanis.

2. That Kiwanis clubs continue to place emphasis on ways and means by which every Kiwanian can experience more frequent and more purposeful involvement with the members of Circle K and Key Clubs.

3. That every Kiwanis club promote the principle of life-sharing among all youth and adults of the community.

DRUGS AND ENVIRONMENT

Kiwanis is dedicated to the idea that to build means to grow.

To meet new challenges, we must continuously expand our horizons while promoting the activities and programs which have been the measure of our growth.

While we have made excellent progress with Operation Drug Alert and a good beginning on Project Environment, the need for and importance of these programs continue.

Therefore be it resolved: That we re-endorse the sponsorship of Operation Drug Alert and Project Environment, urging all Kiwanians to increase their efforts to implement these programs.

Be it further resolved: That we oppose the legalization of the manufacture, distribution, or use of marijuana and hashish, except for scientific or medical purposes.

And further, in the absence of self-imposed controls by the legitimate drug manufacturers, we support legislation at federal, state, provincial and municipal levels, aimed at controlling the production, importation, exportation and distribution of amphetamines and barbiturates except to meet the realistic requirements of the medical profession.

And in keeping with our concern for our youth,

Be it further resolved: That a youthful first offender who is only involved in possession of, or use of less than one ounce of marijuana, be charged with a misdemeanor offense according to state or provincial law.

Be it further resolved: That a second offender, a grower, a transporter or a proven pusher or seller shall be filed upon as a felony and be held under the felony laws of each respective state or province.

ADULT AND YOUTH: PARTNERS IN SHARING

By long tradition, Kiwanis clubs have been working in projects together with youth and young adults, especially members of the Circle K and Key Clubs. True partnership demands joint commitment so that skills, manpower and energies are focused on providing for human needs and the fostering of personal sociological growth.

Therefore be it resolved: 1. That each Kiwanis club move from discussion to action in sharing with youth and young adults in the selection, planning and implementation of community projects.

2. That each Kiwanis club expand the scope of its programming to include all worthy efforts of youth and young adults to meet the challenges of our society, especially in the area of cooperation with Circle K and Key Clubs.

SHARING OUR LIVES WITH AGING CITIZENS

Better medical care, nutrition, sanitation and housing are responsible for increased longevity to the point where ten percent of our population is 65 years of age or older, and many are retiring before reaching that age.

These citizens possess an abundance of leisure time, experience and talent. They are in need of greater association with other people and a continued life of activity. They represent a great source of strength to our nations and to their fellow men.

Kiwanis recognizes both the needs and the potential of our aging citizens.

Therefore be it resolved: 1. That Kiwanis clubs enrich the lives of our aging citizens by sharing with them increased opportunities for association, recreation and spiritual fulfillment.

2. That Kiwanis clubs utilize the talents and experience of our aging citizens through programs and projects which involve them in community life.

3. That Kiwanis clubs stimulate community action to provide adequate residential facilities for aging citizens.

CITIZENSHIP RESPONSIBILITY—RESPECT FOR LAW

Without order there is no real freedom. The cornerstone of a lawful and just society is the individual's willingness to respect and be governed by the rule of law.

Therefore be it resolved: 1. That Kiwanians as responsible citizens, reaffirm support for the rule of law.

2. That Kiwanis clubs cooperate with local law enforcement agencies to reduce crime.

3. That Kiwanis clubs implement action programs to dispel general apathy and make the public more knowledgeable of the inherent dangers of crime to our people, to the economy and to the future progress of our nations.

ALCOHOLISM

Statistical evidence indicates that the disease of alcoholism is a widespread problem and that the number of chronic alcoholics is increasing.

Therefore be it resolved: 1. That Kiwanis clubs cooperate with public and private agencies in educational programs directed toward the prevention of alcoholism and the rehabilitation of alcoholics to useful lives.

2. That Kiwanis clubs institute programs which convey to the public the causes, dimensions and characteristics of the problem of alcoholism.

TRAFFIC SAFETY

There is an unnecessary loss of life, plus an appalling amount of disability and suffering resulting from the improper and unlawful operation of motor vehicles by careless drivers and those under the influence of alcohol or drugs.

Therefore be it resolved: 1. That Kiwanis clubs intensify participation in local traffic safety programs and work more earnestly to maintain an aggressive accident prevention program.

2. That Kiwanis clubs survey and bring to the attention of appropriate authorities the traffic hazards and high accident locations within their communities.

3. That Kiwanians urge the strengthening and enforcement of laws that prohibit driving while under the influence of alcohol or drugs.

VENEREAL DISEASE

The alarming spread of venereal disease throughout our society has become a serious threat to the quality of life and to life itself.

Therefore be it resolved: That Kiwanis clubs and Kiwanians actively support and cooperate with health authorities and organizations interested in health problems in order to eradicate venereal disease.

UNDERSTANDING THROUGH EDUCATION

An educated and responsive citizenry at all levels of society offers the best hope for maintaining and strengthening a government of the people, by the people, and for the people.

Lack of education and the consequent lack of understanding breed strife, yet men cannot brawl their way to either economic security or mutual respect. The economic and social well-being of man is essential to a productive and satisfying role in society.

We are cognizant of the fact that technology—developing so rapidly that ultimately each generation lives in a society vastly different from that into which it was born—places constantly increasing demands upon educational systems.

While education has become increasingly expensive, once properly understood, supported and energized, it remains the best guarantee for the development of worthy ideals, preparation for satisfying and remunerative occupations, the prevention of crime, the fulfillment of civic responsibilities and the opportunity for a full and productive life.

Therefore be it resolved: That Kiwanis clubs give increased emphasis to education at every level so that youth and adults may come to possess the career training, skills and civic understanding essential not only to their economic security but also to their roles as responsible citizens.

INTERNATIONAL RELATIONS

Good will, understanding and the hope for permanent peace rest upon person-to-person attitudes. With the expansion of Kiwanis throughout the world, Kiwanis clubs and Kiwanians through their contacts with people have distinctive opportunities for manifesting that love of mankind which undergirds these essentials of good international relations.

Therefore be it resolved: 1. That Kiwanis clubs provide maximum opportunities for continuing social and cultural contacts between people of all ages from all countries through locally sponsored international exchange and visitation programs.

2. That each Kiwanian serve as a Kiwanis Ambassador of Good Will, sharing his enthusiasm for peace and understanding in all of his contacts with people from other countries.

HUMAN RIGHTS IN RANSOM

Mr. HUMPHREY. Mr. President, I wish to protest the latest Soviet actions in an attempt to block the emigration of Jews. Not only are these policies a direct violation of the U.N. Declaration of Human Rights, but they flout the underlying precepts of respectability in a government's relationship with its citizenry, and with other member nations of the international community.

I am speaking, Mr. President, of the Soviet discriminatory decision of placing an educational tax on any application for emigration. The intent of this policy is clear. It is a form of ransom. The pawns of this scheme are principally the Soviet Jews who are desirous of emigrating to Israel, and other minority populations who have expressed a desire to emigrate as a result of the persecution they suffer at home.

While I am not shocked to discover this kind of callousness still operating in the highest circles of Soviet leadership, I am, nevertheless, disillusioned by it all. It is hard to conceive what kind of internal threat the Jewish population presents to the Soviet Union which would cause it to react with such draconian measures as the ones it has recently implemented. It is equally difficult to comprehend how the Soviet Union can attest to its faith in the U.N. Charter, which is a testament to human rights and dignity, and yet contravene the very principles set out in the preamble of that Charter. In May of this year the Soviet Union joined with the United States in expressing its dedication to the fulfillment of the U.N. Charter. Then in August we learn about an education tax, which can be anywhere in the range of $5,000 to $25,000, an exorbitant exit fee for any individual and certainly for someone from the Soviet Union, where savings of this scale are virtually impossible. The contradiction is striking. It is disillusioning and the United States must do what it can to convince Soviet leaders of the negative effect this kind of policy can have on United States-Soviet relations.

Several Senators, including myself, urged President Nixon to raise the entire issue of Soviet Jewry during his visit to the Soviet Union and to inform Members of Congress and the American public about what he accomplished in this regard. Dr. Kissinger said in a press conference in Vienna that the status and rights of Soviet Jews would be raised during the Moscow talks and that is the last we heard of it. We have heard plenty about upcoming wheat deals with the Soviet Union and the prospects of even larger trade deals but we have not heard so much as a rumor of any accomplishments in this all-important area—the field of human rights. Admittedly, the issue is a complex one for the President to present but not so complex as to be abandoned.

Not having heard of any positive results during the Moscow talks concerning Soviet Jewry, and now learning about this latest head tax, I have once more called upon the President, urging him to direct Dr. Kissinger to impress upon Soviet leaders American concern, and serious distress at this flagrant disregard for the basic human right to emigrate.

Mr. President, I ask unanimous consent that my letter to the President be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 8, 1972.

THE PRESIDENT,
The White House,
Washington.

DEAR MR. PRESIDENT: Because of the forthcoming visit of Dr. Kissinger to Moscow, I am prompted to write you at this time and urge that your emissary bring up the question of Soviet Jewry which is plaguing the consciences of all of us who are concerned with their welfare, their freedom and their right to emigrate.

The Soviet Union has established a schedule of exit fees based on an applicant for emigration's education which is nothing short of ransom. Prime Minister Meir of Israel has declared the Soviet Union's exit fee policy as a "cruel and shameful decree . . . anti-Jewish in spirit and inhuman in content."

I cannot help but concur with the Prime Minister's remarks, and in so doing, impress upon you the impact that Dr. Kissinger's visit can have on Soviet leaders, conveying to them the extent and seriousness of the concern of American leaders and public opinion over the plight of Soviet Jews, as well as other minority groups living within the Soviet Union.

It is my hope that Dr. Kissinger will press this matter during his visit and that he will inform members of Congress of his discussions upon his return.

Sincerely,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, while I have not yet received a reply from the President, I think time is of the essence in this case. Dr. Kissinger is scheduled to return today from his trip to Moscow, and hopefully, he and his Russian counterparts addressed themselves to this crucial matter. It would, therefore, seem incumbent upon the President, Dr. Kissinger, or an informed Government official to discuss with Members of Congress what the United States has done to represent American public concern over the fate of Soviet Jewry. Furthermore, it is important for us in Congress to know what action our Government is contemplating should the exit fees, which are subject to ratification in the Soviet Union on the 19th of September, remain in effect.

The United Nations is a prefect forum for this issue to be discussed, and yet our Government has failed to take recourse either in the General Assembly or the Security Council. Diplomatic exchanges occur every day between American and Russian officials. Surely we can use this channel to press for a change in Soviet policies. There are other international forums where action can be taken, and unilateral action by our own Government such as Senator RIBICOFF suggests should be given serious consideration.

Finally, the President can have a considerable impact if he so chooses, and I urge him to convey to Soviet leaders the profound concern which exists in this country and throughout the world over their policies toward Soviet Jews. I urge him to join with Congress in this endeavor.

FLIM FLAMMING

Mr. BROCK. Mr. President, according to Webster's, amnesia is an affliction caused by brain injury, shock, or repression.

Whatever the reason, amnesia is nearing epidemic proportions among far too many election year polls. The tragedy of the confused and often confusing pronouncements of such individuals is a wider malaise which it creates among the American public. Many Americans are fed up with the inconsistent and mendacious bantering of those who seek to demean the record achieved by President Nixon.

These individuals are barely tolerable as third-rate tragedians, but unfortunately they frequently appear as heroic figures in the journals of our enemy. Perhaps there is no best way to counteract their indiscretion; yet, on balance, a normal dose of cynicism will protect one's sensibilities.

On a recent morning I took my antidote for Shriver, Salinger, and Clark by reading a column by Morrie Ryskind, who reminds this trio of the transparancy of their flim flam.

Mr. President, I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

A Day With the Enemy

(By Morrie Ryskind)

I am, heaven knows, more Walter Mitty than James Bond. One agonizing day recently I thought myself inside the enemy lines, and wondered if I'd ever get out. Yet all I was doing was listening to the TV news, which focused on the statements of our foremost doves.

I reached two conclusions: (1) Despite the vaunted supremacy of our Madison Avenue salesmen, they are amateurs vis-a-vis the hucksters of Hanoi, who get their message across in our prime time without paying a cent for their commercials. And (2) Amnesia is pandemic among liberals, who cannot remember that it was North Vietnam that invaded the South, and not vice versa.

Sargent Shriver made the airwaves by suddenly remembering—after four years—that in October 1968 Hanoi had offered to end the war, but that Nixon spurned that golden opportunity. But Nixon was only a candidate then—why hadn't Sarge told LBJ, who was still commander-in-chief and would have given his eyeteeth to retire with such a feather in his cap? Clearly, Sarge had forgotten the Constitution, and he'd better bone up on it—it might come in handy were he to be elected.

Amnesia, as all movie fans know, is sometimes cured by a sudden blow on the head. To Sarge the blow came when he became McGovern's runningmate. A shock like that could make a fellow remember many things, including those that never happened.

Dean Rusk, then secretary of state, denies any such move by Hanoi—so maybe he's the amnesiac. Still, Hanoi, once Sarge mentioned it, recalled the incident vividly and agreed Nixon was to blame.

Then, too, I heard the testimony of Ramsey Clark to the effect that we were deliberately bombing dikes and killing civilians. To a Senate committee, he exhibited a dead bomb which the mayor of Hanoi had assured him was dropped by our airmen on civilians. Confronted by Pentagon photos showing Hanoi weaponry mounted on the dikes, Clark conceded that such arms might have been removed in preparation for his "inspection,"—but he had seen none. And, between the Pentagon and Hanoi, it was clear whom he credited.

Clark holds a law degree—but apparently has forgotten that self-serving hearsay is not admitted as evidence.

Also on that day's TV menu was the Salinger caper of secretly meeting with the Hanoi team at Paris. When that news first broke, McGovern vigorously—1000 per cent—denied he knew anything about it. But, an hour later, suddenly recalled asking Salinger to confer with the Reds. With him, amnesia comes and goes just like that.

Well, that was the way things went that day. And for relief, after the 11 o'clock news, I turned to Johnny Carson, hoping for some chuckles. But on came Pete Seeger, the eminent folk-balladeer, who is an ecology buff and is almost rabid in his denunciation of the way we pollute our streams. But he, too, has his lapses: as when he was arrested by the New York police for emptying refuse from his houseboat into the Hudson.

But if he forgot which side he was on at the time, he knows where he stands on the war—with his brothers in North Vietnam. And to prove it he sang a ballad about war criminals, which said in so many words that Nixon and Agnew and Thieu should be tried at Nuremberg, just like the Hitler crew.

The worst of it was that, after listening to the four notable amnesiacs, I couldn't sleep—and still suffer from insomnia. Maybe amnesia isn't so bad—I'd like to try just a spoonful to forget I ever heard them.

MANIPULATION OF PRICE OF POTATO FUTURES ON CHICAGO MERCANTILE EXCHANGE

Mr. MUSKIE. Mr. President, earlier this week the Commodity Exchange Authority issued a complaint against 17 individuals and companies, charging them with manipulating the price of potato futures on the Chicago Mercantile Exchange. These charges, if true as alleged, provide the strongest possible testimony on behalf of my bill, S. 1947, to impose an immediate ban on the trading of potato futures on commodity exchanges.

For many years, the great majority of Maine's potato farmers have opposed futures trading because of its effect on prices. They have claimed, in part, that the mechanics of futures trading enables a handful of speculators—who are interested in a quick profit rather than in the maintenance of a stable and healthy farm economy—to manipulate the price of the potato crop. The alleged action of the 17 individuals and companies to depress the price of potato futures confirms the worst suspicions of the farmers. It is powerful evidence that a prohibition of further trading should be enacted as soon as possible.

A companion measure to S. 1947 has been favorably reported out of the House Agriculture Committee, but has not yet been acted upon by the Rules Committee. I am hopeful that this unfortunate episode will encourage both the House and the Senate Agriculture Committee to give immediate attention to this measure.

Mr. President, I ask unanimous consent that an article entitled "Farm Agency Charges Groups Tried to Rig Potato Futures Prices," published in the Wall Street Journal of September 12, be printed in the Record. The article describes in detail the serious violations of law which are charged in the Commodity Exchange Authority's complaint.

There being no objection, the article was ordered to be printed in the Record, as follows:

Farm Agency Charges Groups Tried To Rig Potato Futures Prices

Washington.—The Commodity Exchange Authority charged 17 individuals and companies with having participated in opposing "power plays" to rig the price of potato futures on the Chicago Mercantile Exchange.

Among those named in a complaint issued by the Agriculture Department agency were Modie J. Spiegel, retired chairman of the Chicago-based Spiegel Inc., mail order concern, and Jack R. Simplot, of Boise, Idaho, owner of one of the nation's largest potato-processing operations.

According to the charges, Mr. Spiegel was part of a "combination, conspiracy, agreement, arrangement or understanding" to push up the price of the May 1971 Idaho potato future. Mr. Simplot, on the other hand, "was acting with the intent of depressing or preventing a rise" in the market price of the same contract, the complaint says.

The CEA complaint doesn't represent a finding by the Agriculture Department that the charges are true. Nevertheless, the case, one of the largest of its type in recent years, could jar loose a pending House bill that would do away with potato futures trading altogether. The legislation cleared the House Agriculture Committee earlier this year, but has been held up by the Rules Committee. During hearings on the bill, producer witnesses testifying for the ban cited alleged past manipulation of potato futures markets as one way such trading hurts farmers.

J. R. Simplot Co., Boise, and Simplot Eastern Idaho Produce Co., Blackfoot, Idaho, both owned by Mr. Simplot, were the only other respondents charged in the complaint with having attempted to depress the potato futures price or prevent it from rising.

"SPECULATIVE TRADING"

In identifying Mr. Spiegel, the complaint said that he had "engaged in speculative trading . . . for his own account." Spiegel Inc. isn't named as a defendant nor is there any allegation of wrong-doing by the mail order company, a unit of Beneficial Corp., Wilmington, Del.

Neither Mr. Spiegel nor Mr. Simplot could be reached for comment. In Boise, a spokesman for Simplot Co. declined comment, as the company hasn't yet seen either press reports or the complaint.

Others charged in the complaint were:

Edward Spiegel of Pasco, Wash., and Universal Land-Snake River, a potato-growing enterprise in which Edward Spiegel is a partner and for which he directs potato futures trading on the Chicago Mercantile Exchange. Edward Spiegel is the son of Modie Spiegel.

Peter J. Taggars, Othello, Wash., and two of his companies, P. J. Taggares Co. and Chef-Reddy Foods.

Kenneth L. Ramm, a potato producer in the Othello area as well as a potato futures "speculator" for his own account.

Idaho Potato Packers Corp., Bronx, N.Y., and an affiliated concern, Idaho Potato Packers of Idaho Inc., Blackfoot, Idaho, and their two owners, Robert H. Abend and Harold Abend, his brother.

James Minor, San Jacinto, Calif., and two companies owned by him, San Jacinto Packing Co. and Agri-Empire Inc., both also located in San Jacinto.

As described by the complaint, Messrs. Taggares, Ramm, Minor, the two Spiegels and the two Abends, "entered into a combination, conspiracy, agreement, arrangement or understanding among themselves" to purchase "a substantial amount" of long contracts of the May 1971 Idaho potato future. They also agreed to "establish, maintain and keep open increasingly large long positions . . . sufficient to enable them to cause an arbitrary and artificial rise in the price of such future," the complaint states.

In commodity trading, a "long" contract is a commitment to buy the commodity in question, usually with the expectation that the price will rise from the transaction price. A "short" contract is a commtiment to sell, usually in anticipation that the price will fall.

In addition to their own purchases, the respondents were "to solicit or influence various other individuals" to join them in buying long on the May 1971 potato contract and to increase such positions at later dates, the complaint alleges.

On May 10, 1971, expiration date of the May 1971 Idaho potato contract, the open interest on the Chicago Mercantile Exchange amounted to 2,034 contracts, each representing 50,000 pounds of Idaho Russet Burbank potatoes. Of the total, the "long respondents held, controlled or influenced" 1,820 contracts, or approximately 90% of the total open interest, the complaint says. Open interest refers to contracts that aren't closed.

GRADUAL INCREASE

Modie Spiegel, for example, beginning April 21, 1971, gradually increased his long position to 150 open contracts, the maximum permissible speculative limit, by May 4, according to the complaint. Acting together, it says, Modie Spiegel and Edward Spiegel further "solicited or influenced at least three other individuals" to take an aggregate position of approximately 112 open contracts by the May 10 close of trading.

In addition to the buying plan, the "longs" allegedly "induced many of the short traders" not to pack and ship actual carlots of potatoes to satisfy their short commitments. They managed this, the complaint says, by "offering the 'shorts' actual carlots of potatoes that were to be 'retendered,' or redelivered to the long respondents in settlement" of the shorts' commitments. Subsequently, however, the offer was withdrawn by the respondents "despite the short traders' reliance thereon," the complaint states.

According to the complaint, Mr. Simplot's alleged role didn't begin until May 5, 1971, when he began to increase the short position of Simplot Eastern Idaho Produce Co. from the existing level of approximately 260 "sell" contracts. By May 7, the Simplot position amounted to 783 open "sell" contracts and remained at that level through the May 10 close of trading.

In a letter to Sen. Frank Church (D. Idaho) earlier this year, Alex Caldwell, CEA administrator, described the potato actions as "an attempted power play on both sides of the market." Mr. Caldwell also credited the Chicago Mercantile Exchange with having taken "all possible steps to remedy the situation at the time."

James Minor, owner of San Jacinto Packing Co. and Agri-Empire Inc., was the only one of those named who could be reached for comment. He said: "The charges have no foundation as far as we're concerned. The record is quite clear. When we were investigated by the commodity exchange, we showed them all of our records and it showed we were well within the limits at all times."

Mr. Minor maintained that he and his two companies are "absolutely innocent" of the charges. "We intend to fight the case," he added.

PROSPECT HALL, FREDERICK, MD.—EXPERIMENT IN INTERDENOMINATIONAL SCHOOLING

Mr. MATHIAS. Mr. President, Prospect Hall is an experiment in interdenominational schooling. It is an experiment which reflects the aspirations of parents, teachers, and civic leaders in my hometown of Frederick, Md. On Thursday, September 7, the Frederick Maryland Post published an article which gives a fuller picture of this exciting experiment. I commend the article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PROSPECT HALL OPENS AS INDEPENDENT SCHOOL

Prospect Hall began it's first year as in independent interdenominational private day school when students reported to classes Wednesday at 9 a.m.

Greeting the students was the new administrator, Dr. Caledonio Ramirez, who promised the students an exciting academic and personal experience.

In the opening address to the student body, Dr. Ramirez reminded the young men and women that only a select few had the privilledge of participating in the founding of a new school. Noting that the class had an advantage in the fact that it was not tied down by having to follow tradition, Dr. Ramirez said that it would be up to the students to create traditions and lay the groundwork upon which those who shall succeed you must build.

The new students will attend the school for half a day this week and begin full time schedules starting Monday.

Dr. Ramirez will be joined in his teaching duties by 13 teachers including the Rev. Thomas Phillips, who is chaplain, and the Rev. Kenneth Powell, assistant chaplain.

TEXT OF DR. RAMIREZ' REMARKS

"In all acts man is already towards being. He is the shepard of Being." Martin Heidegger.

Welcome to Prospect Hall, and to an exciting Academic and personal experience. You are a very privileged group of young men and women. Only very few individuals and only on counted occasions, have had the privilege to participate in the founding of a school. Like them you also begin to share in the enormous task of giving birth to a center of learning that we hope will endure for countless years. The future that will emerge from what we do at present will be determined in a large measure by the ambition, the enthusiasm and the stature of those present here. I am sincerely confident that this group before me has the stature, the ambition, the courage and the strength to make Prospect Hall a true legacy for the future.

There are definite advantages in coming to a school that already has defined traditions, set ways, a reputation to keep. There are, however, greater advantages in belonging to the founding class of a school. You are not held down by traditions whose meaning have become sedimented and irrelevant. Rather it is within your power to create traditions and to lay down the groundwork upon which those who shall succeed you must build. As it is a divine quality to create, in establishing traditions you participate in the divine and become the examplars through whom everything is measured henceforth.

Understandably some of you may be sceptical of these creative prerogatives of which I speak. Allow me simply to point a few areas in which this is indeed a reality:

1. The student body at large is invited to choose the school colors and an alma mater which you believe genuinely represents the objectives of this school.

2. The students, particularly those involved with the Newspaper, the Year Book, The Literary Journal, the Basketball team, and the Baseball team are likewise invited to select names, mottos, mascots, etc.

3. When I look at you I choose to see in all of you responsible individuals who desire to challenge themselves to achieve the limit of your potentialities.

For this reason I believe likewise, that all of you deserve the opportunity to express your freedom and demonstrate your ability to make responsible use of it. With this in mind we are not obliging you to take every course offered just to fill your schedule or to remain in your classroom even though you have no class. Rather we are offering you the opportunity during certain periods to elect to take a course or not. If you decide not to take a course during a given period you are further allowed to spend this period in the library or in the Cafeteria.

The above are only a few tokens of the spirit in which we see the role of the student. Help us then to create together something beautiful and enduring.

In addition to your ability to create traditions you will also be exposed to a very exciting academic and activities program conducted by a vigorous and enthusiastic faculty. Not only have we put at your disposal a large number of elective courses but also we have arranged them in such manner that they may contribute to the education of the whole person, and especially to your orientation.

I believe that the fundamental goal of education is to orientate man to find his bearings. A man lost in the sea or in the woods is lost because he lacks a frame of reference a beacon by which he can guide himself As we are not born already in full knowledge of our destiny but must instead learn it in life it is the task of education to provide the orienting frames of reference.

Every man by nature desires to know where he comes from, where he is going, who he is, why is he existing. These questions are of ultimate concern to each and every man because they refer to the totality of his life and they seek after the beacon, the framework, or the causes through which a man may orientate his whole life. It is our purpose not to answer these questions for you but rather to help you answer them for yourselves, so that they may pose new questions and these in turn greater challenges. Man is indeed the shepherd of being because unlike all other animals he raises these questions, and in seeking their answer he becomes progressively more cognizant of his own being.

You shall be exposed to man's relentless questioning and at the same time you shall be guided that you may not be lost in its many labyrinths. The Ardiadne thread as you pass from math to Science, to Languages, to arts to social studies shall be the unified unfolding of your own persons. If as you progress through the years at Prospect Hall you find yourself more responsive to life to other people to the arts, to profound ideas, and great concepts you may consider this as a sign that in your being itself is taking place the greatest change of all—you are becoming actualized—you are approaching each moment the plentitude of men.

Naturally neither you nor I will be here looking into the future and dreaming of what shall be if it were not for the Board of Directors and a group of educated parents that throughout their whole summer has given of themselves to make this possible.

Prospect Hall is a work of love—the love of parents for their children—a love so intense as to cause them to give up their comfort and to work innumerable hours to make this possible. There are many tokens of their devotion and dedication. To me their spirit has been perhaps the most inspiring human experience in my life.

Tell the parents that have worked to make this possible that they are great men and women and that we shall have succeeded with our education if we can produce concerned citizens like themselves.

CYCLAMATE INDEMNIFICATION BILL

Mr. RIBICOFF. Mr. President, pending in the Committee on the Judiciary is H.R. 13366, a bill to compensate persons who were harmed economically by HEW's banning of cyclamates in October 1969. The bill raises issues of vital importance in our efforts to achieve a better system of food and drug regulation. Because of the concerted campaign being conducted on behalf of the bill by Abbott Labs, the large drug company which would be the primary beneficiary, and others who would profit directly by its passage, I believe it is necessary to raise a number of questions about the very serious consequences that could follow from its passage.

In 1971, the Subcommittee on Executive Reorganization and Government Research held hearings on Federal regulation of food additives at which the history of the cyclamate ban was discussed in some detail. Since that time, I have been active in numerous areas to improve the Food and Drug Administration's regulatory performance. The past several years have seen a marked change in the public's attitude toward food and drug regulation and a steadily growing public demand that potentially dangerous substances be kept out of the food supply. At the same time, the number of food additives has grown exponentially, and the job of the FDA in regulating these additives has become far more difficult. At the present time, there are scores of substances in the food supply which are under attack as potentially dangerous by substantial and responsible segments of the scientific community: DES in beef livers, nitrosamines formed from nitrites in smoked meat and fish, food color additives Red No. 2 and Violet No. 2 in many foods. These are only a few examples.

The FDA is being called upon to make very difficult decisions. In many instances, the agency is only now beginning to give proper scientific scrutiny to drugs and food additives which were allowed on the market in previous years, before there was wide public awareness of the potential danger of chemical adulteration.

The FDA's job is hard enough already. This bill would make it harder. No agency can protect the public health effectively if each of its regulatory decisions has to be weighed against the possibility of billions of dollars in claims against the U.S. Treasury. Should the FDA have to ask, in every case, whether the U.S. Government can financially afford a decision it knows is medically and scientifically right? Should the saving of lives through proper regulatory decisions have to be balanced against the saving of dollars through the avoidance of vigorous regulation? Should the Secretary of the Treasury become a necessary participant in every major regulatory decision involving the safety of food and drugs?

These are only some of the major public health issues raised by this legislation. There are other issues as well—issues of proper economic and business policy. How far are we willing to have Government go in removing the risks of doing business by bankrolling private industry? How open-ended is the unfortunate precedent of the Lockheed loan which its sponsors then said was a unique case? How much will the principle of this bill ultimately cost the Government, and who would benefit most?

These questions cannot be answered easily. At the very least, legislation such as this should not be adopted until all committees whose jurisdiction is affected have given the most full and searching consideration to all its consequences. Certainly it would be highly unfortunate for legislation with such far-reaching effect on public health to be rushed through any committee—much less the entire Senate—in a few days at the end of the session without receiving the benefit of full and careful deliberation.

If and when the bill comes to the floor of the Senate, there will, of course, be long and extensive debate. There is no reason why this debate should take place at a time when the press of business is such that the bill cannot possibly receive the searching examination it needs.

No amount of floor debate, however, can substitute for a thorough examination of all the issues by the appropriate committee or committees whose jurisdictions are affected by it. I would urge the members of those committees to look closely at the consequences of the bill before reporting it to the Senate or quickly adopting any compromise solution which might, in the end, compromise only the interests of all Americans in having an effective protector of the public health.

For myself, I believe that the health consequences of the bill represent too high a price for the American people to pay and that the bill ought to be rejected.

Mr. President, I ask unanimous consent that an article written by Morton Mintz concerning the bill and published in today's Washington Post, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BAIL-OUT BILLS ARE BURGEONING

(By Morton Mintz)

The philosophic differences between most "conservatives" and "liberals" often seem to vanish when powerful economic interests seek protection on Capitol Hill from the risks of loss supposedly inherent in capitalist enterprises.

Without such political harmony the government would not have guaranteed the $250 million Lockheed loan, imposed import quotas on inexpensive foreign oil, granted so many subsidies or exempted the separate ownerships of jointly operated newspapers from the antitrust laws.

Currently, Congress is being all but engulfed by a new wave of bail-out proposals. If pesticides are to be judged imminent hazards to health and banned, their producers contend the taxpayers should indemnify them. If factories are to be closed as unsafe for workers, the owners argue that the government should reimburse them. And a resolution passed at the recent Stockholm Conference on the Environment would have the U.S. Treasury indemnify a foreign country if U.S. health standards block it from selling certain raw materials to U.S. businesses.

Lawyer Anita Johnson of Ralph Nader's Health Research Group cited such proposals last week when she appeared before Sen. Edward M. Kennedy (D-Mass.) to oppose the most imminent bail-out legislation: A bill that would cost the taxpayers an estimated $100 million to $500 million, that the House already has passed (177 to 170) and that the Senate Judiciary Committee is expected to act upon shortly.

Starting as far back as 1951 there were increasingly ominous public warnings that cyclamate, in laboratory animals, had caused not only cancer but also birth defects, gene mutations and other adverse effects.

Yet annual consumption, in the six years before the ban, increased from 5 million to 17 million pounds. Those companies that promoted cyclamate thus were on notice, exercised bad judgment and ought to take the consequences, say such opponents as Rep. Emanuel Celler (D-N.Y.), chairman of the House Judiciary Committee.

Supporters contend the government's ban came without warning, catching them with large inventories of cyclamate-sweetened products. They say they had placed "good-faith reliance" on the inclusion of the chemical in the Food and Drug Administration's GRAS (Generally Regarded As Safe) list of food additives.

President Nixon, a self-proclaimed "conservative," doesn't dispute them. Indeed, the Agriculture and Commerce Departments endorse the bill. HEW and Justice had wanted to oppose it, Senate sources say, but became non-resistant under White House pressure.

The chief cyclamate supplier, Abbott Laboratories, estimated by Miss Johnson to have made "at least $8 million in clear profits" from the chemical, told Kennedy's Judiciary subcommittee that the bail-out bill would net it $3.2 million after taxes. Soft-drink spokesmen estimated they would get $30 million, a figure also cited by the Commerce Department. But in 1969 a Pepsi-Cola executive used the figure of $400 million.

Large firms with high stakes in the bill tend to keep a low profile. Abbott, for example, testified not voluntarily, but at the Senate subcommittee's request. Meanwhile, supporters of the bill emphasize the losses suffered by farmers.

Would the bill "dampen the vigor" of regulatory officials? Kennedy wondered "Yes," said lawyer Johnson: Such officials would "take into account the indemnity cost" to the government. Kennedy also wondered if the bill would encourage business "to resolve product safety doubts . . . in favor of profits." Such doubts existed, well before the ban, at Campbell Soups. It resolved them in favor of the consumer. It, of course, would not benefit from the bill.

If the other companies are bailed out by the government, warns Rep. Leonor Sullivan (D-Mo.), it will be "inviting every industry . . . to come in and ask to open the same cash box for them, too."

THE NATION'S FIRST SECRETARY

Mr. PERCY. Mr. President, the Chicago Tribune recently ran an excellent article about Rose Mary Woods, entitled "The Nation's First Secretary."

Many of us have been privileged to know Rose Mary Woods through the years, in victory and defeat. I can well remember the time I called on her after the Republican defeat in 1960. Vice President Nixon's offices had been moved to the basement, in preparation for Lyndon Johnson's move to the principal offices. All payrolls and office supply allowances were coming to a dead halt within 24 hours, and Rose Mary Woods was faced with the job of seeing to it that thousands of letters were answered while no Government allowance was available to cover any of the costs. She should have been in tears, but, characteristically, she was carrying on in the best of spirits.

Many of us in public life are deeply indebted to the competent members of our staffs. In my own case, I have been blessed with the same executive secretary, Mrs. Nadine Jacobson, in business and public life for the past decade and a half. Without her untiring, efficient and devoted approach to problems and her undaunted, charming personality, life would be much harder and not nearly so productive and pleasant for the Percy family, staff, and myself.

So I say, great tribute is due to "The Nation's First Secretary" and to all such distinguished executive secretaries whose accomplishments are too infrequently heralded, but without whose competence, judgment, and limitless patience, the Nation's work would not be so well done.

I ask unanimous consent that the Chicago Tribune article of September 10, written by Mary Daniels, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the Record, as follows:

Rose Mary Woods: The Nation's First Secretary

(By Mary Daniels)

The whole world may be wondering who is going to be the next President, but Rose Mary Woods has a very personal interest. If Richard Nixon goes, so does she.

As his personal secretary, she is as close to the nation's heartbeat as any woman; consequently, she has probably one of the most exciting jobs going.

A crispy-neat blonde in her early fifties, gentle, unassuming Rose Mary sits at her desk in a small, sunny room in the White House. She smilingly agrees, "I don't think I'll ever get over feeling I am sitting in the middle of the world."

Every one must know by now how the dedicated and loyal Miss Woods got to the White House. She met Richard Nixon when she was a secretary on the staff of the Foreign Service Education Foundation in Washington, D.C., and he was a freshman congressman from California on one of its committees.

After he was elected to the Senate, "He asked Christian Herter [head of the committee which was drafting the Marshall Plan] if his recollection was right that I was a good secretary. I was impressed because he didn't ask if I were Republican or Democrat, Catholic or Protestant," she remembers.

Tho she has known him for a long time, was she awed by him when he became President?

"I wouldn't say awed. I've always had great respect for him.

"He's so kind, so thoughtful of his family and other people working in the White House.

"He's so pleasant when he's walking from the residence to the office. He says, 'How are you doing today? Is it warm enough for you?' I think it's a real thrill for everyone."

How is President Nixon as a boss? Obviously, she thinks he's terrific. . . .

"Oh, he is. I wouldn't still be here if he weren't," she smiles. "He's very considerate. If something has gone wrong, he never takes on a staff member. He doesn't waste time worrying about things he can't do anything about. The President is the most disciplined individual I've ever known," says his secretary.

What exactly are her duties?

Actually, she is more an executive secretary with her own three secretaries, who have an office adjacent to hers and between hers and the President's.

These three secretaries perform much of the same function between her and would-be visitors as Rose Mary does between the President and the public. I called for more than a week hoping to get an appointment before an interview finally came thru.

"Personal secretary is sort of an odd title," Rose Mary explained. "I do look at all the letters and all those things that need his signature."

[I could not help noticing a letter that read: "Mr. President, Look out! Watch your Ps and Qs," and was signed "Duke." Rose Mary laughs and says it is attached to a telegram from the American Party to John Wayne asking him to be its candidate for President.]

"I get a lot of mail. It's amazing how many people think they'll get to the President faster by writing me."

Her schedule would send any other woman's blood sugar plummeting to coma levels. She says she's "here at 7:30 every morning, and I leave approximately at 7. The telephones are quiet before 9, and I accomplish a lot more in that period. . . . I think I've been secretary to a senator, a vice priesident, a candidate for governor, a New York lawyer, as well as to the President of the United States. Has it been like starting anew each time?

Over the years she's had a variety of jobs, altho she's always had the same boss. She's been secretary to a senator, a vice president, a candidate for governor, a New York lawyer, as well as to the President of the United States. Has it been like starting anew each time?

"No, it's never really starting over, but each time it's different."

Are her duties any different in a campaign year? This is her third campaign and, she says, "It's different from anything else we've ever done. There's a lot of typing. As Vice President he had 15 people on his staff. We used to work long hours. But now, for the first time, we have enough people. And we have a campaign committee, so I'm removed."

In the first presidential campaign she says, Nixon had only "a group of five or six," and "for a long time I was the only employee he had. We did a little bit of everything then. It's never been dull," she remembers.

How does she feel about spending four more years in the White House?

"I think it's great. I don't think it's important that I spend them here, but I do think it's terribly important that he does."

Rose Mary is often referred to here as "a Chicago girl," since she is the sister of Joseph Woods, former Cook County sheriff. She used to visit here quite often, but "I haven't been to Joe's house now for more than a year." [She has two sisters and another brother who live in Ohio and aren't active at all in politics.]

In fact, she doesn't go much of anywhere since she's been secretary to a President.

With such a hectic pace, she's "organized in the work I have to do, but in my own personal life I get behind on things."

Her tailored, smart Irish green dress, to match her ethnic roots, she says "was bought by a friend who luckily does a lot of shopping for me. I'm hardly ever in stores. I certainly save money that way," she laughs at this strange fringe benefit of her job.

Despite pressures that sometimes take their toll on her constitution, [she's had pneumonia three times in campaign years, and more recently got a salmonella infection in California, eating the same things everyone else did], she loves her job. She says she thinks the reason she can work so hard and long is that she feels she is contributing to history. "I couldn't do it on a dull job."

She says she never planned for a career. "I probably would have been the type to stay home. I certainly never thought of having a career like this. When I first came to Washington, I cried most of the way here."

How she got there was an accident. In fact, Rose Mary came close to not going anywhere at all ever. When she was graduated from high school in Sebring, Ohio, where she was born, "I weighed 82 pounds. It was a growth. It may well have been cancer. Nobody knows. They X-rayed it, and it disappeared. I wasn't able to work when I first got out. I wasn't able to go to school."

While she was convalescing, her parents sent her on a family mission of mercy. "I had a sister here who had a very tragic personal problem, and I was the only one who could come. She's long since been back there," she laughs, "and here I am." Now, she says, "I love Washington. It's a thrill to be back."

Altho she's often referred to as "the Nixons' personal secretary," Rose Mary says she doesn't really do any work for Mrs. Nixon. "Mostly it's the other way around. She helps us. In New York, she sat back in a corner of the little office I had and would file, draft letters, type, anything to help."

What does Rose Mary feel has been her greatest asset in her demanding job?

"I think what really helps most in any job is a feeling of security. I thank my parents for the sense of security that existed in my home."

What does she plan to do when she retires, after existing on a high scale of drama?

She sighs. "I'm always saying what I'd like to do is something very simple, like run a hot dog stand on the beach."

She plans to write no books. "I've seen books which came out after other administrations that I think were a discredit. I'd be glad to help someone else trying to write a book. . . . I might even want to review books other people write."

Looking back at her career, Rose Mary doesn't cotton much to the current women's lib notion that puts down being a secretary.

"I think it's a great mistake to downgrade the job. I think it's the best way to break into any field," says Miss Woods, who never went to college, yet nonetheless was named one of the 10 women of the year by the Los Angeles Times in 1961 and one of the 75 most important women in America by the Ladies Home Journal.

"I think starting out as a secretary is a good way to learn anything and to learn about the people you're working with.

"I know a lot of women's lib people, and I doubt if any of them has a job half as interesting and important as mine.

"I think they put too much emphasis on title."

This Rose by any other name would still have a job that's sweet.

DEATH TOLL FROM HUMAN EXPERIMENTATION

Mr. HUMPHREY. Mr. President, an article in the September 12 issue of the Washington Post reports the harsh statistics of death and crippled lives resulting from untreated syphilis in the Tuskegee human experimentation project conducted by the U.S. Public Health Service since 1932.

At least 28 Alabama black men died from this dread disease—a far higher death toll than originally reported by PHS. But even this revised figure may be only the tip of the iceberg, for it has been reported that at least 431 of the participants in the Tuskegee study were never treated for syphilis. And, this leaves open the question of how many participants suffer the terrible effects of syphilis.

On August 24, Dr. Merlin K. DuVal, HEW Assistant Secretary for Health and Scientific Affairs, announced the appointment of a nine-member Tuskegee Syphilis Study Ad Hoc Advisory Panel, to be headed by Dr. Broadus N. Butler, president of Dillard University, in New Orleans. Composed of professional persons in the fields of medicine, law, religion, labor, education, health administration, and public affairs, and of whom five are black, this panel is to determine whether this study was justified and should be continued, and whether existing policies in health research conducted or supported by the Department of Health, Education, and Welfare are adequate and effective or what policy improvements should be recommended.

While this panel is to submit its report to the Assistant Secretary within 90 days, I intend to give close attention to its required earlier report, within 30 days, on whether the Tuskegee study should be continued or how it should be terminated in a way consistent with the rights and health needs of its remaining participants.

Although the appointment of this panel is a welcome response to serious public concern, I believe it is an action that is long overdue and that cannot begin to address the extensive and complex issues of health experimentation conducted or assisted under the auspices of a number of Federal departments and agencies.

It was to meet this immediate and critical need for national guidelines on all human experimentation that I recently introduced the National Human Experimentation Standards Board Act, S. 3951. I believe this legislation represents the only method by which this profound national problem can be addressed effectively, and I would urge that Senate committee and floor action on this measure be achieved as soon as possible.

The National Human Experimentation Standards Board Act calls for the establishment of an independent agency with professional expertise in clinical investigations. The Board would have subpena powers and the right to hold hearings, and would have authority to obtain court-ordered injunctions, thereby assuring that every human experimentation project financed by Federal funds is subject to a determination at the highest level of Government on whether it is in compliance with national standards or should be immediately terminated.

This is also the only way that demonstrated limitations in any procedure for determining a participant's voluntary consent to an experiment can be overcome. Nor is it sufficient any longer to leave the determination of human experimentation standards and oversight to the respective organization or Federal agency directly involved in the allocation of Federal assistance for that experiment. These facts are driven home sharply in an article on the Tuskegee study, appearing in the New York Times of September 13, which reveals a shocking system of rewards and punishments to induce participants to continue in the study, and which suggests clearly that the objectives of this 40-year project had already been achieved by 1936. A further article in the September 12 issue of the Evening Star and Daily News, published in Washington, D.C., describes the rewards of a social club, a ride in a Government car, free medicine, and burial cost assistance, all designed to play directly upon the abject poverty of participants as inducements to remain in the study.

I call upon Congress to take informed and decisive action on this basic issue of human life, which the Tuskegee study has brought so sharply to public attention. Mr. President, I ask unanimous consent that the articles cited in my remarks, and published in the Washington Post of September 12, the New York Times of September 13, and the Washington Evening Star and Daily News of September 12, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 2, 1972]

Toll in Tuskegee Study of Syphilis Put Higher

Reports written by doctors in charge of a federal syphilis experiment show that at least 28 of the Alabama black men used in the study died as a direct result of untreated syphilis.

And it's possible the figure could be close to 100 men. Officials of the U.S. Public Health Service, which conducted the experiment called the Tuskegee Study, said previously that seven men died as a result of untreated syphilis.

In the 40-year Tuskegee Study, at least 431 Macon County, Ala., black men were denied treatment for syphilis so that PHS doctors could determine through eventual autopsy what damage the untreated disease had done to their bodies.

After one group of autopsies, PHS doctors reported, "In 28 (30.4 percent) of the 92 syphilitic patients examined at autopsy, syphilitic involvement of the cardiovascular or the central nervous system was established as the primary cause of death."

That toll could be much higher than 28. Of some 431 untreated syphilitics—and that figure probably is higher since some early participants in the study dropped from sight and were replaced—74 survived, meaning at least 357 have died.

If the 30.4 percent syphilis-caused death rate found for the first 92 men autopsied held true for the entire deceased portion of study population, the toll of men who died of untreated syphilis would be 107.

In addition to the high death rate, the reports detail a grim series of side effects suffered by participants in the Tuskegee Study, which began in 1932 and continues to this day. From a 1946 report:

"Examination . . . did reveal evidence of arteriosclerosis (hardening of the arteries) more frequently in the syphilitic than in the control (nonsyphilitic) group.

"A significantly greater percentage of the syphilitic cases than of the controls gave evidence of abnormal conditions of the lymph nodes . . .

The syphilitics exhibited more loss of vision at all ages than did the controls. . .

"It is clear that in the the absence of treatment the person infected with syphilis, even though he may escape the late crippling manifestations which lead directly to death, still runs a considerable risk of having his life span shortened by other fatal conditions. In addition, he can expect to experience more manifestations of ill health of all kinds than do uninfected persons."

[From the New York Times, Sept. 13, 1972]

Syphilis Study Continued After Its Apparent Success

WASHINGTON, Sept. 12 (AP)—After only four years of a 40-year Federal syphilis experiment in Alabama, doctors had apparently gained the specific knowledge they initially sought.

But instead of ending the study and treating the participants, the doctors continued the experiment, presumably with the knowledge that some of the human subjects would suffer potentially fatal diseases.

The experiment, called the Tuskegee Study, began in 1932 and eventually involved more than 430 syphilitic black men from the Tuskegee, Ala., area who were given no treatment for their diseases. Also included in the early years of the study were 275 syphilitics who did receive treatment and 201 non-syphilitics. During the experiment, run by the United States Public Health Service, at least 28 men died as a direct result of untreated syphilis.

Dozens of others suffered such potentially fatal side effects as heart and central nervous system deterioration. Others had glandular and vision damage.

"Morbidity [physical degeneration] in male Negroes with untreated spyhilis far exceeds that in a comparable, presumably nonsyphilitic group," Health Service doctors said in a 1936 report on the Tuskegee Study, the first report on the four-year-old experiment.

The same report said that the study had been undertaken to determine the effectiveness of available syphilis treatment, which then consisted of injections of metals and arsenic. The doctors said they wanted to find out if the syphilitics given treatment fared better than those not receiving it.

But the same 1936 report that posed that question also seemingly answered it.

"Among 68 individuals who were adequately treated during the first two years of their infection, not a single one returned with any of the manifestations of late syphilis," the report said.

"The fact that none of these patients returned up to the 15th year of observation with a late syphilitic manifestation indicates that effective treatment has definite preventive value against the crippling manifestations of late syphilis," the report continued.

Doctors were able to observe men in their 15th year of syphilis, although the Tuskegee Study was only four years old, because some of the subjects had suffered from the disease for as long as 11 years when the study began.

MEMBERS OF A CLUB

Some of the black men who participated were led to believe they had joined a popular type of social club.

Reports written by doctors in charge of the experiment describe clearly the doctors' feelings that the men were so ignorant that they had to be rewarded and punished like children to get them and keep them in the program.

Among the rewards in the program was the opportunity for the men to ride in a big chauffeured car with a government seal on it for all their friends to see. Among the punishments was a threat to withdraw a promise of government-sponsored free burial.

Generally, the reports say, the men did what they were asked.

Those in the program joined what was called Miss Rivers' Lodge, a combination social club and burial society, which met once a year when the "government doctor" came to town with his free medicine.

[From the Evening Star and Daily News, Sept. 12, 1972]

Promised Free Burial: Syphilis Study Called Friendly "Social Club"

(By Jean Heller)

Over the years of a federal syphilis study in Alabama, some of the black men who participated were led to believe they had joined a popular type of social club.

Reports written during the past 40 years by U.S. public health service doctors in charge of the experiment, called the Tuskegee Study, describe clearly the doctors' feelings that the men were so ignorant that they had to be rewarded and punished like children to get them into, and keep them in, a program in which the men weren't treated for syphilis, but were used as a study group.

Of the first 92 autopsies performed on the untreated syphilitics in the experiment, PHS doctors said they found 28 had died as a direct result of the untreated disease. And dozens of others suffered crippling side effects.

Among the rewards in the program was the opportunity for the men to ride in a big chauffeured car with a government seal on it for all their friends to see. Among the punishments was a threat to withdraw a promise of free burial.

Generally, the reports say, the men did what they were asked.

JOINED IN "LODGE"

Those in the program joined what was called Miss Rivers' Lodge, a combination social club and burial society, which met once a year when the "government doctor" came to town with his free medicine.

Such lodges were popular in the South at the time among poor, rural blacks. In most lodges a member contributed a few cents a month which was saved until his death to help his family defray costs of a funeral and burial. Until that day, the lodge could be the focal point of the member's social life.

Miss Rivers' Lodge was named for Eunice Rivers, a Public Health Service nurse responsible for keeping track of the men in the Tuskegee Study.

There were no money dues in that lodge. The members paid by submitting to an annual physical examination for PHS doctors. A PHS report from 1953 describes the ritual.

MEETING OF FRIENDS

"The patients congregated in groups at churches and at crossroads to meet the nurse's car in the morning. As the newness of the project wore off and fears of being hurt were relieved, the gatherings became more social. The examination became an opportunity for men from different and often isolated parts of the country to meet and exchange news.

"Later, the nurse's small car was replaced with a large, new government station wagon. The ride to and from the hospital in this vehicle, with the government emblem on the front door, chauffeured by the nurse, was a mark of distinction for many of the men who enjoyed waving to their neighbors as they drove by.

"Because of the low educational status of the majority of the patients, it was impossible to appeal to them from a purely scientific approach. Therefore, various methods were used to maintain and stimulate their interest.

"Free medicines, burial assistance or insurance, the project being referred to as Miss Rivers' Lodge, free hot meals on the days of examinations, transportation to and from the hospital, and an opportunity to stop in town on the return trip to shop or visit with their friends on the streets all helped."

INTEREST WANED

Nonetheless, the report continued, there were times when the interest of some of the participants waned, an attitude which "sometimes appeared to the examining physician as rank ingratitude."

When Miss Rivers detected a patient losing interest, "she appealed to him from an unselfish standpoint. What the burial assistance would mean to his family, to pay funeral expenses or to purchase clothes for his orphaned children," the report said.

And, the report added, "The excellent care given these patients was important in creating in the family a favorable attitude which eventually would lead to permission to perform an autopsy."

INTERGOVERNMENTAL COOPERATION ACT OF 1972 IS NEEDED TO IMPROVE THE ADMINISTRATION OF FEDERAL GRANTS-IN-AID

Mr. ROTH. Mr. President, I wish to speak on a topic upon which I have expended much time and many words during the last several years. I refer to improvements in the delivery of our frightfully complex system of Federal domestic assistance. The operation of this apparatus of intergovernmental assistance has made it ever more clear that the accomplishment of the social goals of public programs is greatly dependent upon the way in which we administer these programs day to day.

My support for S. 3140, the Intergovernmental Cooperation Act of 1972, introduced by the distinguished junior Senator from Maine (Mr. MUSKIE) and cosponsored by myself and other Senators is rooted in several studies I have conducted since my election to Congress in 1966. These studies include the compilation of the first comprehensive catalog of domestic assistance programs in 1969; a survey of the degree to which Federal agencies evaluate the success of their grant programs; and a review of the extent to which program requirements can and have been made more uniform.

S. 3140, as reported by the Government Operations Committee, would provide for the rationalization of Federal grants-in-aid through the following provisions:

First. Permission to Federal agencies to place greater reliance on State and local audits which meet Federal standards.

Second. Semilegislative powers to the President, with adequate safeguards, to consolidate overlapping programs.

Third. Authority for agencies to set up common application, management, and funding procedures for appropriate programs.

Fourth. Direction to the committees of Congress to periodically review grant programs falling within each committee's jurisdiction. To assist in this task a new staff position of program review specialist is authorized. There is no doubt that legislation of this sort is long overdue. The Advisory Committee on Intergovernmental Relations, the Nixon administration, House and Senate Intergovernmental Relations Subcommittees and their staffs, and individual Members of both Chambers have supported and contributed to this measure. The number of grant programs we have—over 1,000—the number of agencies involved in administering them; and the complexity of the requirements applied to grantees, all contribute to an aid system that is both hard for potential State and local beneficiaries to use and almost impossible to administer and coordinate at the national level.

Even if all the President's generally constructive plans for special revenue sharing and executive reorganization were put into effect, we would still need this legislation. Currently there are something like 172 housing programs, considering the multiple use of programs, handled by 16 agencies and 32 subagencies. Special revenue sharing and reorganization would likely reduce these figures to 155 programs, 13 major agencies, nine newly created administrators and 20 subagencies.

The Intergovernmental Cooperation Act of 1972 would be one step in the direction of making Federal grants-in-aid more positive contributors to our Federal system. I highly commend S. 3140 to the Senate and urge its passage.

ELECTION YEAR DEFENSE SPENDING

Mr. PROXMIRE. Mr. President, figures released by the Department of Defense show that defense contract awards increased in fiscal year 1972 over 1971 from $34.5 billion to $38.3 billion, a rise of $3.8 billion, or 11 percent.

In the first 6 months of the current calendar year, Defense purchases of goods and services increased from an annual rate of $71.9 billion to $78.6 billion, a rise of $6.7 billion, or 9.3 percent.

These figures reverse a 4-year trend of defense reductions and are evidence that the administration is pursuing inflationary big-spending policies with regard to the military sector.

What is most disturbing is the way defense contracts are being steered in the direction of the giant aerospace corporations.

The largest increases in contract awards went for aircraft, missiles, and space systems, electronics and communication equipment, and research and development. It is in these areas that the giant aerospace firms are dominant and often extract excessive profits despite poor performance and inefficiency.

Competitive contract awards, defined as those made after formal advertising and lowest price bids, dropped to only 10.3 percent of the total, the lowest level of competition in defense contracting in more than 20 years.

Sole-source procurements, awarded on the basis of negotiations between the Pentagon and a single firm, increased to 58.6 percent. Pentagon studies have shown that sole-source contracts cost 25 percent more than competitively bid contracts.

In my judgment, by its decisions to increase defense contracts and to all but eliminate competition, the Pentagon has made election year gifts to the aerospace industry worth billions of taxpayers' dollars.

HEROISM OF TWO KENTUCKY CITIZENS

Mr. COOK. Mr. President, I am privileged to invite the attention of Senators to the heroic act of two citizens of my State and the recognition accorded them.

On April 15, 1972, Mr. Leo M. Benson of St. Charles, Ky., and Mr. R. E. Pleasent of Dawson Springs, Ky., risked their own lives to save the life of a fellow being.

These two gentlemen, who are employees of the Louisville & Nashville Railroad, saw that the oncoming train of their company was about to demolish an automobile that was stalled on the crossing while the father and two older children were attempting to push the car off the track. In the car was a 3-year-old daughter of Mr. Edward Sydnor, the driver of the car. When the front of the engine was about 20 feet from the car, Mr. Benson and Mr. Pleasent acted swiftly enough and at great risk to their own lives, to snatch the girl from the car before it was totally demolished.

This heroic act on the part of Mr. Benson and Mr. Pleasent has been brought to the attention of the President of the United States, and his response was to award each of them a Presidential citation and a letter of transmittal which reads in part—

> Your willingness to help others, even at great personal risk and your bravery in the face of danger merit the admiration and appreciation of all our fellow Americans. In recognition of your outstanding efforts, I want you to have the enclosed certificate which comes to you with my congratulations and very best wishes for the future.

Mr. President, I am proud that this heroic act has been noted by the President and that these two young Kentuckians have demonstrated such unselfish courage—in an age where we have seen so much crime and terrorism—that stands as an inspiration for all Americans. I understand that these gentlemen are also to be nominated for the Carnegie Medal for Heroism, and I heartily endorse that nomination.

TRIBUTE TO THOMAS STEICHEN AND ARTHUR SMABY—TWO GIANTS IN FARM COOPERATIVE WORK

Mr. MONDALE. Mr. President, I wish to pay tribute to two of my dear friends, Thomas H. Steichen and Arthur J. Smaby. These two men, who selflessly served the farmers and rural residents of Minnesota, have recently passed away. We mourn them and we honor their long and energetic efforts to build two small farm cooperatives into modern regional co-ops noted for service to members.

Tom Steichen, who was president and general manager of Farmers Union Central Exchange, suffered a heart attack and died August 30. Art Smaby, who served as general manager of Midland Cooperatives, Inc., for more than 20 years, suffered a stroke and died earlier this week.

I have had the privilege of working closely with each of them on the problems and needs of rural Americans while I was attorney general of Minnesota and throughout my career in the Senate. Both Minnesota and the Nation will sorely miss their guidance and leadership in the cooperative movement.

Tom Steichen began his career in cooperatives in 1935 as manager of the Farmers Union Oil Co. of New Richmond, Wis. The next year he accepted a post in the credit department of the Central Exchange. He advanced rapidly within the cooperative, becoming assistant manager in 1938, credit manager in 1951, assistant general manager in 1955, and general manager in 1957.

Tom Steichen was born and raised on a 100-acre farm near Watertown, S. Dak. He was educated in the Watertown school system, including its business college.

Thoroughly dedicated to the principles of cooperative business, he was a leading exponent of farmer ownership of farm supply sources. During his tenure, Central Exchange increased its product line to more than 23,000 different items and enabled farmers to become owners of a fully integrated source of supply for fertilizer and petroleum commodities.

In addition to his duties as president of Central Exchange, Mr. Steichen served on the boards of many cooperative organizations and was a director of the National Council of Farmer Cooperatives in Washington, D.C. Active in Twin Cities organizations, he was also a member of the St. Paul Athletic Club, Knights of Columbus, the South St. Paul Rotary Club, and the Southeast Metro Chamber of Commerce.

Mr. Steichen is survived by his wife, Virginia; two sons, John T., Fridley, Minn., and Nicholas, South St. Paul; three daughters, Mrs. Kenneth—Margaret—Pederson, Naperville, Ill., and Mrs. Michael—Lynne—Lofthus and Mary Jean Steichen, both of South St. Paul; and nine grandchildren.

Art Smaby started out as manager of the Tri-County Cooperative Oil Association at Rushford, Minn., in 1932. In 1936 he went to work in the credit department of Midland Cooperative Wholesale, which later became Midland Cooperatives, Inc.

In 1936 he went to work in the credit department of Midland Cooperative Wholesale, which later became Midland Cooperatives, Inc. He served as Midland's credit manager for 2 years and then became assistant general manager. In 1941, he was appointed general manager at age 32—the youngest chief executive of any regional cooperative in the United States.

Midland's sales when he became manager were $6,229,000; by 1971 sales had grown to $125.7 million and it ranked 647th in the Fortune magazine directory of the top 1,000 U.S. industrial firms.

In the late 1930's, Mr. Smaby was the originator, with Hans Lahti of Cooperative Auditing Service, of the "Smaby-Lahti" measuring rod for financial and operating statements. The system, which set up a simplified formula for determining the financial progress and welfare of a cooperative attracted nationwide attention in cooperative accounting circles.

During his career he served in many civic and business positions. He served as a director of the Farm Credit Board of St. Paul from 1953 to 1965 and as the Secretary of Agriculture's representative on the Federal Farm Credit Board from 1965 to 1969. Mr. Smaby served as a director and as chairman of the board of the Cooperative League of the U.S.A., a director of the Fund for International Cooperative Development, a trustee of the American Institute of Cooperation, and a member of the central committee of the International Cooperative Alliance.

He was a leader in adopting and advocating modern business management methods for cooperatives and always insisted that cooperatives work hard to live up to their reputation as people-minded organizations.

Mr. Smaby is survived by his widow Alpha, Minneapolis; three daughters, Marit—Mrs. Forrest Nowlin, Jr.—of St. Paul; Karlin and Jan, both of Minneapolis, and a granddaughter.

The passing of these two giants in cooperative development is a tremendous loss to Minnesota and to farmers throughout the Upper Midwest and Northwest region of our Nation. Through their leadership, two fledgling regional cooperatives were able to grow and prosper in efforts to serve the needs of family farmers through local cooperatives. Tom Steichen and Art Smaby were considered two of the ablest cooperative administrators in the Nation by farmers, farm leaders and officials of other farm cooperatives. They were highly respected by businessmen and public officials across the Nation. I am deeply saddened that suddenly they are both gone.

Both were great men and both were Minnesota giants; both were blessed with lovely and supporting families, and I shall feel forever blessed that I could call both of them friends.

In behalf of all Minnesotans, I rise to honor their memory, to express our profound regrets to their families, and to express our deepest gratitude for their remarkable and lasting contribution to our State and Nation.

I shall never forget them.

AMERICAN AGRICULTURE LOSES TWO OF ITS FINEST LEADERS

Mr. HUMPHREY. Mr. President, I wish to join my Senate colleague from Minnesota (Mr. MONDALE) in paying tribute to Messrs. Thomas H. Steichen and Arthur J. Smaby who recently passed away. The death of these two great cooperative leaders will be deeply felt throughout American agriculture. These two men were not only close and dear friends of mine, but men on whom I relied heavily for advice and counsel over my many years of public service. Arthur Smaby, who was named general manager of Midland Cooperative, Inc. in 1941, and served as that organization's chief executive officer continuously since that time, helped build the sales of that cooperative from $6 million to almost $126 million in 1971. He was a pillar of strength and a fountain of inspiration to the cooperative movement.

Art Smaby made many contributions throughout his lifetime to advance the cause of farm cooperatives, farm credit, farm programs, and international cooperation among world farm producers. In addition to his many public and industry contributions, he also was a devoted husband, father and grandfather and a good personal friend of mine.

Tom Steichen, who began his career in 1935 in cooperatives, worked his way up through the ranks of the Farmers Union Central Exchange until he became its general manager in 1957. Tom and I shared our early beginning in life in the open countryside of South Dakota. Like his colleague, Art Smaby, Tom Steichen dedicated his life and work to further the cause of American agriculture and farm cooperatives. He served on the boards of many cooperative organizations, including director of the National Council of Farmer Cooperatives in Washington, D.C. These activities were all in addition to his duties and responsibilities as president of Central Exchange. His devotion to his work, his community, and to his wife and lovely family were all living examples of the best in man.

My sincerest sympathy and condolences go out to the wives and families of these two fine and able men. We honor their memory and mourn their passing. We are deeply saddened by this sudden and tremendous loss to American agriculture and the farm cooperative movement. They both set high standards and goals for all of us to pursue, and the inspiration they have left behind should serve us well in achieving those ends.

I ask unanimous consent to have printed in the RECORD brief biographical résumés of these outstanding citizens—one prepared by the Midland Cooperatives concerning the life and work of Arthur Smaby. The other the Farmers Union Herald, reviewing the career of Thomas H. Steichen.

There being no objection, the résumés

were ordered to be printed in the RECORD, as follows:

ARTHUR J. SMABY, MIDLAND COOPERATIVES PRESIDENT, DIES

Arthur J. Smaby, who was named Midland's general manager in 1941 and since has served continuously as its chief executive officer, died at Eitel Hospital, Minneapolis, Sept. 11. He was 64.

He had undergone apparently successful open-heart surgery Aug. 1 to replace a defective heart valve, and was convalescing at his home. He was hospitalized Sept. 9 after a stroke and died two days later.

Mr. Smaby had relinquished the position of general manager in July, planning to continue as Midland president until Jan. 1, 1972, then to serve as an adviser until his retirement, planned for May 1973.

Born at Peterson, Minn., in Fillmore County, in 1908, Mr. Smaby attended public schools in Peterson; Dunwoody Institute, Minneapolis and Luther College, Decorah, Iowa.

He began his business career in 1932 as manager of the Tri-County Cooperative Oil Association, Rushford, Minn. He was hired in 1936 to work in the credit department of Midland Cooperative Wholesale, which later became Midland Cooperatives, Incorporated.

He became Midland's credit manager in 1937 and was named assistant general manager in 1939. He was appointed acting general manager in 1940 following the retirement of E. G. Cort, who had led in the cooperative's organization and was its first general manager.

When Mr. Smaby was named general manager on Jan. 1, 1941, at 32, he became the youngest chief executive of a regional cooperative wholesale in America.

Midland's sales that year were $6,229,000; by 1971 sales had grown to $125.7 million and it ranked 647th in the Fortune Magazine directory of the top 1,000 U.S. industrial firms.

In the late 1930s, Mr. Smaby was the originator, with Hans Lahti of Cooperative Auditing Service, of the "Smaby-Lahti" measuring rod for financial and operating statements. The system, which set up a simplified formula for determining the financial progress and welfare of a cooperative attracted nationwide attention in cooperative accounting circles.

During his career he served in many civic and business positions. He served as a director of the Farm Credit Board of St. Paul from 1953 to 1965 and as the Secretary of Agriculture's representative on the Federal Farm Credit Board from 1965 to 1969.

Mr. Smaby served as a director and as chairman of the board of the Cooperative League of the USA, a director of the Fund for International Cooperative Development, a trustee of the American Institute of Cooperation, and a member of the central committee of the International Cooperative Alliance.

In November 1961 he was the only delegate from a midwestern cooperative to attend the first inter-American conference of cooperatives held at Bogota, Colombia. Out of that conference grew proposals for organizing and expanding cooperatives in Latin America to help people in those countries improve their living standards and resist the advances of communism.

A tall man—he was 6 feet 4 inches—with a ready smile and a sincere approach, Mr. Smaby was known nationally and internationally as an able spokesman for cooperatives.

He was a leader in adopting and advocating modern business management methods for cooperatives. He also insisted that cooperatives work hard to live up to their reputation as people-minded organizations.

He held that society as a whole, not the government, gave cooperatives the license to operate under the free enterprise system and he said that cooperatives' actions, more than anything else, would determine society's continued approval and support.

"Our strength cannot rest on good merchandising and good cost control. As a cooperative, our strength must come from living right, showing service and integrity that gain public respect as truly serving the public interest," he explained.

He enjoyed sports of all kinds, especially football, basketball and track, and he found relaxation in fishing.

A long-time member of the Shakespeare Club, he could recite passages from Shakespeare or Ibsen or the Greek classic playrights with the same ease with which he analyzed balance sheet figures.

He once said that his favorite character was Falstaff, the comic-tragic figure in Shakespearean literature. Not Hamlet, with his introspection and irresolution, but Falstaff, gregarious friend of the human race, who spices wisdom with wit and carries the world's burdens with a bit of humor.

Felix F. Rondeau, retired president of Mutual Service Insurance Companies, St. Paul, and president of Service Leasing Corporation, Minneapolis, knew Mr. Smaby for 38 years and was one of his very closest friends.

Rondeau described Mr. Smaby as a "builder of cooperatives" on all levels—local, regional, national and international.

"If there is one hallmark of his beliefs and dedication, it is the cooperative idea and its value of constant growth to embrace more and more cooperation among cooperatives," Rondeau said of his friend.

"The greatest tribute to Art Smaby we could possibly make would be to advance that kind of concept. The kind of concept that means working for something that is bigger than ourselves, bigger than any one of our institutions."

In keeping with Mr. Smaby's beliefs in developing cooperatives, memorials are preferred to the Cooperative League Fund—Scholarship Fund. Checks may be sent to the fund at 1828 L St. N.W., Suite 1100, Washington, D.C. 20036.

Mr. Smaby is survived by his widow Alpha; three daughters Marit (Mrs. Forrest Nowlin, Jr.) of St. Paul, Karlin and Jan, both of Minneapolis, and a granddaughter, Margaret Nowlin.

A memorial service was held at Hope Lutheran Church, 601 13th Ave. S.E., Minneapolis, at 2 p.m., Wednesday, Sept. 13.

The firm Mr. Smaby headed, Midland Cooperatives, Incorporated, is a broadly diversified manufacturing and supply cooperative serving local cooperatives in Minnesota, Wisconsin, Upper Michigan, North Dakota, South Dakota and Iowa.

THOMAS H. STEICHEN

Thomas H. Steichen, president and general manager of the Farmers Union Central Exchange, Inc., died following a heart attack Wednesday evening, August 30, at Divine Redeemer Hospital in South St. Paul. Stricken suddenly, he died shortly after being rushed to the hospital. He was 60 years old.

For the past 15 years, Mr. Steichen served as the chief executive officer of one of the nation's largest regional supply cooperatives. He was considered one of the ablest cooperative administrators in the land.

Under his leadership Central Exchange sales volume grew steadily from $75,790,000 in 1957 to more than $203 million last year. Central Exchange is currently ranked 460th among the 500 largest industrial corporations in the United States by Fortune magazine and is the third largest industrial company headquartered in St. Paul.

Mr. Steichen began his career in cooperatives in 1935 when he was appointed manager of the Farmers Union Cooperative Oil Company of New Richmond, Wisconsin. The following year he became a Central Exchange employe upon accepting a post in the company's credit department. At that time, Central Exchange was but a fledgling cooperative, only four years old.

He advanced rapidly within the company, becoming assistant credit manager in 1938, credit manager in 1951, assistant general manager in 1955 and general manager in 1957. In 1971, the title of the office was changed to president for consistency with most other businesses.

Mr. Steichen was born and raised on a 100 acre farm near Watertown, South Dakota. He was educated in the Watertown school system, including its business college.

Thoroughly dedicated to the principles of cooperative business, he was a leading exponent of farmer ownership of farm supply sources. During his tenure, Central Exchange increased its product line to more than 23,000 different items and enabled farmers to become owners of a fully integrated source of supply for fertilizer and petroleum commodities.

Central Exchange serves a ten-state area, stretching across the top of the nation from Wisconsin to the West Coast. It is owned by the more than 1,000 local cooperatives it serves and their customers.

In addition to his duties as president of Central Exchange, Mr. Steichen served on the boards of many cooperative organizations and was a director of the National Council of Farmer Cooperatives in Washington, D.C. Active in Twin Cities organizations, he was also a member of the St. Paul Athletic Club, Knights of Columbus, the South St. Paul Rotary Club and the Southeast Metro Chamber of Commerce.

Mr. Steichen is survived by his wife Virginia; two sons, John T. Fridley, Minnesota, and Nicholas, South St. Paul; three daughters, Mrs. Kenneth (Margaret) Pederson, Naperville, Illinois, and Mrs. Michael (Lynne) Lofthus and Mary Jean Steichen, both of South St. Paul; and nine grandchildren.

Funeral services were held Saturday at St. John Vianney Church in South St. Paul. Interment was in Oak Hill Cemetery.

MOBIL OIL CORP. URGES RETURN TO BALANCE IN TRANSPORTATION PLANNING

Mr. WEICKER. Mr. President, once again, a former member of the highway lobby, the Mobil Oil Corp., has exhibited the kind of candor and flexibility that today's conditions require. In an advertisement published in the New York Times today, Mobil urges a return to balance in our transportation planning. They recognize that so long as we spend 70 percent of our transportation budget on highways and only 5 percent on mass transit, we must continue to ram highways down the throats of cities which do not need them and, on the other hand, are desperate for better mass transit.

I wholeheartedly commend Mobil for its enlightened attitude. I am only sorry that as we approach debate on the Kennedy-Weicker and Cooper-Muskie amendments to the 1972 highway bill, the other members of the highway lobby—the construction companies, construction unions, State highway officials, oil companies, and particularly the American Automobile Association—are still insistent on lining their own pockets with taxpayers' money while continuing to ignore the desperate transportation needs of 200 million Americans.

Mr. President, I ask unanimous consent that the text of the Mobil advertisement be printed in the Record.

There being no objection, the advertisement was ordered to be printed in the Record, as follows:

LET'S END THE HIGHWAY TRUST FUND

While America has developed a superb highway system through Highway Trust Fund revenues, our mass transit has slipped sadly. We're moving people better by car, but people who try to get from one place to another by train, bus, or subway are fighting a losing battle. This, in turn, forces more people into their cars and onto the highways. And this puts added pressure on even to the best of our highways, not to mention city streets.

For this and other reasons, we've been urging publicly that Congress get moving with a national program to improve mass transit, and re-examine the desirability of the Highway Trust Fund. We doubt whether such special earmarked funds represent sound public policy. Experts in public finance have historically opposed trust-fund financing because this mechanism mandates decisionmaking and priority-setting by a bureaucracy with its own direction and momentum, without the proper annual review of proposed expenditures.

Some people suggest greater diversion of Highway Trust Fund revenues for mass-transit projects. But the cost of truly comprehensive improvements in all forms of mass transit will far exceed the revenues available from the Fund. Robbing Peter to pay Paul by diverting revenues from the Fund will give us the worst of both worlds—poor highways and poor mass transit. We cannot afford either.

Look at the sorry record of recent years. Only in 1970 did Congress appropriate mass-transit funds on a scale even remotely recognizing the need: $3.1 billion spread over five years, or an average of $620 million a year. From 1964 through 1969, a total of only $1 billion was spent for mass transit. The Highway Trust Fund, meanwhile, generates revenues of about $5.7 billion a year—or five times what was actually spent for mass transit over a six-year period.

Thus the problem, largely one of imbalance, is that highway-building has dominated federal transportation policy.

One reason for this is the formula under which the federal government shares revenues with the states for transportation. States now pay only 10% of the cost of highways under the Interstate Highway System. But the states have to pay from a third to a half of the cost of mass-transit programs to which the federal government contributes. From the states' viewpoint, it's just plain cheaper to ignore mass transit and simply build highways.

But the need for improved mass transit and the need for better roads and highways often coincide: Construction of special express lanes for buses can ease commutation problems and unclog other highway lanes for faster movement of passenger cars and trucks.

It shouldn't be an either/or situation. What's needed is substantially increased spending by federal, state, and local governments for construction of needed transportation facilities of all kinds. If the Highway Trust Fund is phased out, Congress can make appropriations at the federal level for an adequate, integrated transportation system.

Even so, we don't want just blindly to build more of what we have had for the past 50 years. We must innovate, and we must look ahead as far as advanced technology can take us in meeting both present and future transportation needs.

We are convinced that this can be achieved only through a National Master Transportation Program, financed both by existing gasoline taxes that would go into the general coffers and by annual appropriations large enough to do the job. A sound first step would be to end the Highway Trust Fund.

THE GENOCIDE CONVENTION AND EXTRADITION

Mr. PROXMIRE. Mr. President, one of the criticisms repeatedly advanced against the Genocide Convention is that it would subject American citizens to extradition outside the United States for trial on charges against acts committed within the United States. I have received numerous letters from persons opposed to the treaty who hold the extreme position that this treaty would result in individuals being extradited to Moscow for trial and sentenced to forced labor in Siberia.

Mr. President, such concerns are grounded upon absolutely no factual basis. Article VII of the convention which deals with extradition does not constitute an extradition treaty in itself. Rather, it obligates the contracting parties to grant extradition in accordance with their already existing laws and treaties. No U.S. law and no extradition treaty in force covers genocide at this time.

The charge that the Genocide Convention could result in extradition of American citizens for trial in foreign courts without the protection of U.S. constitutional guarantees is equally groundless. Ratification of the Genocide Convention merely opens the way for adding one more crime—genocide—to the list of crimes for which Americans may be extradited under existing treaties. Such treaties are carefully worded to be as explicit as possible about the definition of all crimes included and the procedure for extradition. No general sweeping accusation is sufficient.

At the present time genocide trials must take place in the "territory in which the act was committed"—subject to extradition treaties—simply because an international penal tribunal does not exist. The World Court is not empowered to decide guilt or innocence in genocide cases; its power is strictly limited to questions of interpretation only. Any implication to the contrary is obviously a distortion of the actual provisions of the genocide.

Mr. President, the second session of the 92d Congress is drawing to a close. I urge Senate ratification of this important document before the end of the current session.

STAMPING OUT POOR MAIL SERVICE

Mr. PERCY. Mr. President, I ask unanimous consent that an article entitled "Stamping Out Poor Mail Service," published in the Chicago Sun-Times of September 10, 1972, be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

STAMPING OUT POOR MAIL SERVICE

(By Cary Schneider)

After 13 months in operation, the United States Postal Service effort to erase the old Post Office Department's pony express image and institute corporate management techniques is showing promising results.

Faced with public opposition to further rate increases and the growing popularity of private mail businesses, the fledgling agency has begun a campaign to cut costs, increase the productivity of its workers, and ultimately improve its service.

Last week Postmaster General E. T. Klassen announced that the effectiveness of the Postal Service's cost control measures had prevented an anticipated one cent an ounce increase in first class mail rates next year.

The most visible aspect of the agency's austerity program has been its freeze on hiring of new employes. The Chicago Post Office, the nation's largest, has reduced its working staff from 28,000 in 1969 to 22,000 this year.

Despite the cuts, the post office continues to handle its normal rate of 11 million pieces a day.

The Postal Service has set goals guaranteeing first-day delivery of letters air mailed before 4 p.m. in special white-topped airmail boxes to major cities within 600 miles of Chicago, and second-day delivery to all other major cities.

Post office tests in Chicago have shown a 95 per cent level of success in meeting these standards.

However, a test sampling of this service by Chicago today showed mixed results.

Of eight letters air mailed according to Postal Service standards to cities within 600 miles of Chicago, only two were received at the one-day delivery goal.

One letter to Milwaukee, only 90 miles away, took two days for delivery, and another crept to Detroit in three days.

Deliveries to cities outside the 600 mile range were successful with eight of nine letters delivered by the second day. In fact, one letter to Salt Lake City, 1,664 miles from Chicago, was delivered one day earlier. Only a letter to Denver was late.

Generally, poor service can be attributed to inadequate postal facilities at airports, traffic congestion within a particular city, and a lack of automated equipment within post offices.

Greatly aiding the mails have been the use of automatic canceling and sorting devices. Optical character readers, which speedily process bulk business mail, have been added to post offices in many cities including Chicago.

Perhaps the greatest single device aiding mail service for both business and individuals has been the Zip Code. The sorting system whose code tells a postal worker exactly how to route a letter is esesntial for use with new postal equipment. Unfortunately 28 per cent of all private letters and 7.8 billion pieces of business mail do not carry the Zip Code.

The telephone book contains a Zip Code guide for Chicago and many cities in Illinois and Indiana. Other Zip Code information can be obtained from the post office.

Mail within Chicago and adjacent areas runs at below or just at 95 per cent for next day deliveries, postal officials said.

A few years ago the delivery rate in the city had hovered around the 90 per cent, said R. C. King, a postal supervisor at the central post office.

"The primary change has been the major emphasis on service, tightening up schedules and setting production guidelines," King said.

Machines such as the automatic sorters have been around for a few years, King said, but only now are they being used efficiently.

"Our goal is 3,600 pieces per hour," proclaimed a sign over the automatic sorter. It is manned by a large number of deaf mutes, whose digital dexterity and compatibility with the noise of the floor makes them excellent workers.

As more machines replaced the old hand sorting technique, still used in peak mailing hours, the post office had taken on a more oppressive factory atmosphere.

Unlike other unionized assembly line workers grievances over safety conditions, poor lighting, unavailability of food, inadequate heating, and lack of air conditioning could not be easily settled in the old Post Office Department.

Now freed from some of the constrictions of the civil service and obligated by a contract with postal unions, steps are being taken to make post office jobs more attractive.

"We've gotten down to some of the fundamentals," said Carl Carlson, employee-relations manager, who joined the Postal Service a year ago after working for Dow Chemical and General Motors. "Conditions have markedly improved. We're adopting a private sector attitude."

Absenteeism once running at 14 per cent has been cut in half.

Floor supervisors who in the past were aloof from their workers, are now required to visit with the employes to discuss problems.

Besides better working conditions the depressed economy has given a post office job the gray glamor of stability. An employee knows he cannot be laid off and that the Postal Service will not disappear.

These factors have certainly been prominent in the increase in production which has risen from handling 850 weighted pieces of mail per hour in 1971 to almost a thousand this year.

Consumer services also are being improved. Many post office lobbies are having their mausoleum motif replaced by a cheerier decor. Counter service, which used to be divided into specialties, such as stamps, parcel post, and money orders, will have shared functions so lines can move smoothly.

Corner mailboxes which do not produce enough mail are being eliminated and replaced by mailing areas in shopping centers, most of which contain stamp vending machines.

Other services which accelerate delivery times include two new devices both geared toward businesses which supply 85 per cent of the daily mail load.

Mailgram was developed with Western Union. A message can be sent over the Western Union wire to a post office from 18 cities. After being received, the letter, which resembles a telegram, is delivered by a postman, usually the next day.

The Postal Service also offers an Express Mail Service which includes a money back guarantee if next day delivery is not made. The service operates between businesses, post offices and airports in 34 cities.

The Postal Service also offers a security device called Controlpak for mailers of credit cards and other valuable items. Items are sorted and sealed into a plastic container which is delivered to a local postmaster or supervisor who opens the packet and checks the contents.

An experimental facsimile mail service has been instituted between New York and Washington. Transmission over telephone wires of letters, charts, drawings, and blueprints will provide reproductions at the receiving end which can be delivered within four hours by letter carrier.

Businesses like the Independent Postal Service of America, United Parcel Service, the various air freight operations have taken away work from the government, and the Postal Service appears determined to retrieve it.

"I think it's important that all of us understand that we're playing for keeps, that we do have competition, and that our jobs and careers are at stake," Klassen told his managers.

"All of us must understand that the survival of the U.S. Postal Service depends upon everyone giving service," he said. "Service is the only thing we have to sell."

Mr. PERCY. Mr. President, the promising results being achieved by the Post Office under the direction of Postmaster General E. T. Klassen are to be commended. Many problems remain, but Postmaster Klassen's motto, "Service is the only thing we have to sell" is gradually reaching the hundreds of thousands of postal employees. New machinery is replacing old handsorting techniques and better working conditions are being achieved. Employee-management relationships are hopefully improving, as well.

I commend the Postal Service on its achievements which have resulted in cancellation of the request for an increase in first-class postage. I urge that every effort be made to take similar action with respect to scheduled second class mail rate increase proposals which would be even more damaging if the present projected rates are put into effect. We have already lost several outstanding weekly magazines, Look and the Saturday Evening Post to mention only two, as a result of skyrocketing costs, and the demise of other periodicals, upon which we are so dependent to maintain an enlightened citizenry, could be disastrous. I commend the Postal Service on its accomplishments, and particularly Post master General Klassen, on the battles won to date. The war against inefficiency, rising costs, and ever-increasing postal rates can and must be won.

EXPORT-IMPORT STUDY STANDS ON OWN FEET

Mr. PROXMIRE. Mr. President, as chairman of the Joint Economic Committee I released a volume of studies analizing certain international subsidies on June 11, 1972, including a study by Prof. Douglas Bohi entitled "Export Credit Subsidies and U.S. Exports: An Analysis of the U.S. Eximbank." This volume is part of a series of about 40 background studies done in an effort to improve the committee's and Congress understanding of the effectiveness of Federal subsidies.

As chairman of the committee, I have been pleased at the favorable response the series has received from Members of Congress, the press, and the general public. With Federal subsidies now costing over $63 billion a year, many of which have been in existence but unreviewed for years, most interested parties have been delighted that someone has finally decided to study the many ways that the Government can alter private market incentives. The enthusiasm of many has no doubt been stimulated because Uncle Sam is going broke with $30 billion plus annual deficits.

Today, however, I want to respond to some criticism from the distinguished Senator from Alabama (Mr. SPARKMAN). With reference to Professor Bohi's study of the Eximbank, Senator SPARKMAN made the following statement on September 5 in the RECORD:

> I was greatly disturbed when I learned that the report presumed to represent the thinking of the full committee.

In fact, no committee report was issued and the analysis done by Professor Bohi did not presume to speak for the committee. Instead, as chairman of the committee, I released a volume of study papers analyzing various international subsidies, including Professor Bohi's analysis of the Eximbank. Furthermore, both the letter of transmittal conveying the study to the members of the committee, and the press release of the study to the public, contained the following caveat:

> The views expressed in these papers do not necessarily represent the views of the members of the committee or the committee staff.

The Joint Economic Committee has, to my knowledge, never released a committee report that was not fully coordinated with the members of the committee or the appropriate subcommittee. The chairman of the JEC does, from time to time, release studies that hopefully shed light on many of the policy issues the committee members must consider. The Bohi analysis was such a study. Its release did not violate committee procedure.

As to the substantive issue of the quality of Professor Bohi's study, it is a useful analysis that takes a hard look at what the Eximbank accomplishes. Employing economic and statistical analysis, it systematically examines the objectives and effects of Eximbank subsidies to see if they accomplish anything that serves the public interest. For years I have attempted to get the Eximbank to do the same kind of study, but have met with no success. Rather than do an analysis, the Eximbank has simply cited the enthusiasm for the subsidies of those subsidized as evidence of accomplishment.

I am therefore pleased to see that the Bohi study has motivated the Eximbank to commission Dr. Howard S. Piquet to also analyze what the Eximbank accomplishes. I will carefully review Dr. Piquet's work to determine what it contributes to our understanding of the effectiveness of the Eximbank.

Given the fact that Dr. Bohi's evaluation of the effectiveness of the Eximbank is quite unenthusiastic, while Dr. Piquet's is a glowing reaffirmation that Eximbank is doing a great job, I will also do what I can as chairman of the committee to develop additional analyses of the Bank.

I ask unanimous consent that my letter to Senator SPARKMAN explaining these matters and the press release of the study be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JOINT ECONOMIC COMMITTEE,
Washington, D.C., September 13, 1972.

Hon. JOHN SPARKMAN,
U.S. Senate,
Washington, D.C.

DEAR JOHN: I want to clear up any misunderstanding about the circumstances under which the Joint Economic Committee recently released a study by Professor Douglas E. Bohi entitled "Export Credit Subsidies and U.S. Exports." In a September 5 statement for the Record, you said, "I was greatly disturbed when I learned that the report presumed to represent the thinking of the full Committee."

In fact, no Committee report was issued and the analysis done by Professor Bohi did not presume to speak for the Committee. Instead, as Chairman of the Committee, I released a volume of study papers analyzing various international subsidies, including Professor Bohi's analysis of the Eximbank. Moreover, both the letter of transmittal conveying the study to the members of the Committee, and the press release of the study to the public, contained the following caveat: "The views expressed in these papers do not necessarily represent the views of the members of the Committee or the Committee staff."

On the substantive issue of the quality of Professor Bohi's study, I would only say that it is a useful analysis that takes a hard look at what the Eximbank accomplishes. Employing economic and statistical analysis, it systematically examines the objectives and effects of Eximbank subsidies to see if they accomplish anything that serves the public interest. For years I have attempted to get the Eximbank to do the same kind of study but have met with no success. Rather than do an analysis, the Eximbank has simply cited the enthusiasms of those subsidized as evidence of accomplishment.

I am therefore quite pleased to see that the Bohi study has motivated the Eximbank to commission Dr. Howard Piquet to also analyze what the Eximbank accomplishes. I will carefully review Dr. Piquet's work to determine what it contributes to our understanding of the effectiveness of the Eximbank. I will also do what I can, as Chairman of the Joint Economic Committee, to continue to develop other analyses that certainly evaluate the true economic benefits and costs of this and other Federal subsidy programs.

With best wishes,

Sincerely,

WILLIAM PROXMIRE,
Chairman.

LEGISLATIVE PROGRESS

Mr. SCOTT. Mr. President, earlier the distinguished majority leader said President Nixon and members of his staff were wrong in faulting Congress for failure to pass priority legislation proposed by the administration.

Mr. President, some critics would have you believe that it is the administration rather than Congress which has failed to bring about legislative action in a number of key areas. Recognizing the President's very limited responsibility for what happens on Capitol Hill, it might be instructive to review the progress of the six major items which the President asked the Congress to vote on in his 1971 state of the Union message.

The first of the six items was a full employment economy. Here, Congress has its best and its worst showing. Congress can legitimately claim credit for having provided standby wage/price control authority which I notice Senator MCGOVERN wants to eliminate—and it acted promptly on the President's 1971 tax reform recommendations to stimulate the economy. On the other hand, the record of Congress in increasing spending $4 billion over that requested by the administration may well have contributed to the inflationary problems which the country has experienced.

The second item was welfare reform. Here the Nation has been waiting at least since 1969 when the President initially made his welfare reform proposals. The House has made a credible record in this area by passing a welfare reform bill twice. But the Senate has not taken final action on welfare, although the chairman of the Finance Committee has striven hard for solutions.

Revenue sharing as an idea has been around since the mid-1960's and we have just voted on this important bill in the Senate. Something the President has been trying to get us to do since 1969.

Improving our health-care system in a comprehensive manner along the lines discussed by the President and others has yet to be considered in other than the most fragmentary fashion.

With respect to the environment, Senator MANSFIELD's assertions do not alter the fact that the Congress has received 31 environmental bills from the President and has only brought six of these to a final vote.

Finally, none of the proposals for streamlining the Federal bureaucracy have yet to emerge from congressional committees for a final vote.

This is a record of which Congress can hardly be proud.

THE RIGHT TO VOTE IN SOUTH VIETNAM

Mr. STEVENSON. Mr. President, on August 11, 1972, President Thieu told an audience in Quinhon, South Vietnam, that—

> (O)ur Government has allowed us to enjoy too much democracy too soon.

Eleven days later, the Saigon regime addressed itself to the problem of "too much democracy" by issuing an executive decree abolishing popular election of officials in South Vietnam's 10,775 hamlets. Henceforth those officials will be appointed by province chiefs who in turn are appointed by General Thieu.

The man whose claim to the presidency of South Vietnam rests on a rigged, one-man election has extended the tentacles of totalitarian rule into every corner of his beleaguered land.

What justification has been forward for this brazen move to strip the South Vietnamese people of their right to vote? The Saigon regime has apparently offered none. Instead, the Department of State undertook to explain away the decree as a temporary expedient occasioned by the North Vietnamese offensive. This was the position taken by State Department spokesman Charles Bray on behalf of the United States in a September 7, 1972, new conference.

Mr. President, every tyrant invokes the doctrine of necessity to justify his repressive actions. I do not think the State Department is so naive as to believe the decree is temporary—particularly in the light of published reports that it received intelligence dispatches indicating that prior to the North Vietnamese offensive Thieu planned to abolish hamlet elections.

Mr. President, the abolition of hamlet elections coupled with other recent events including Thieu's efforts to emasculate the National Assembly and rule by decree, Thieu's arrest and persecution of his non-Communist opponents, and Thieu's muzzling of the press, present us with a clear and stark choice: will we help the people of South Vietnam achieve a measure of freedom and self-determination, or will we aid and abet a military dictator in his efforts to demolish even the rudiments of self-government?

The administration has again chosen to back its client in direct contravention of our stated policy and its only justification for the war: self-determination for the people of South Vietnam. When we thus aline ourselves with the petty tyrants of the world, we subvert our own purposes—and our own best ideals. We deflate the hopes of hundreds of millions of human beings who yearn to be free and live in peace.

We cannot sit idly by while a regime we put in power destroys the liberties we say we are trying to safeguard. For that reason, I and 11 of my colleagues have today written the President to express our concern and urge that the United States use all available leverage to rescind the decree of August 22. I ask unanimous consent that a copy of our letter, a portion of the transcript of Mr. Bray's news conference, and several news stories be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 1972.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We write to express our concern about the Executive Decree issued by the Saigon regime on August 22, 1972. That Decree abolishes popular elections of local officials in South Vietnam's 10,775 hamlets and provides that henceforth such officials shall be appointed by province chiefs who are in turn appointed by President Thieu.

The Decree represents yet another illicit step toward consolidation of power in complete disregard of the popular will. The abolition of hamlet elections, coupled with other recent Thieu actions such as the rigged Presidential election of 1971, press censorship, political arrests and rule by decree, make it clear that the longer we fight to preserve the difference between a "free" South Vietnam and a "totalitarian" North Vietnam, the less of a difference there is to preserve. In its repression of peaceful dissent, its aversion to popular self-government, its expansion of military influences into all aspects of civilian life, the Thieu regime continues to obstruct the legitimate aspirations of the South Vietnamese people.

We reject the position of the Department of State, as expressed by Mr. Bray on September 7, 1972, that the abolition of hamlet elections is an internal matter for which the United States bears no responsibility. The stated purpose of our involvement in South Vietnam is to protect the right of self-determination for the people of that nation. Because Mr. Thieu's Decree frustrates that purpose, it is not an "internal matter" which the United States can ignore.

Rather than denouncing Mr. Thieu's flagrant usurpation of individual liberties, the Department of State has attempted to explain away the Decree as a temporary expedient occasioned by the North Vietnamese offensive. By thus acting as an apologist for the repressive acts of a totalitarian regime, the United States turns its back on its own ideals and further degrades itself in the eyes of world opinion.

U.S. support for the totalitarian actions of the Thieu regime points up the tragic irony of our Vietnam policy: both the Hanoi regime and the Saigon government are acting in derogation of the South Vietnamese people's right to govern themselves, yet we bomb the one and subsidize the other.

For all of these reasons we urge you to issue a public statement disapproving the Decree abolishing hamlet elections and to use all available leverage to rescind the Decree.

With best wishes,

Sincerely,

Adlai E. Stevenson III, Birch Bayh, Daniel K. Inouye, Frank Church, Philip A. Hart, Harold E. Hughes, Alan Cranston, John V. Tunney, Edmund S. Muskie, Stuart Symington, Claiborne Pell, Frank E. Moss.

EXCERPT FROM NEWS CONFERENCE OF CHARLES BRAY, DEPARTMENT OF STATE, SEPTEMBER 7, 1972

Q. Charles, there's a report in the Times this morning from Saigon which states that the South Vietnamese Government has dispensed entirely with the process of elections at the hamlet level in a general elimination of elections in the South Vietnamese system. Does this accord with the United States viewpoint concerning the development of self-determination in South Vietnam?

A. Well, this decision was taken entirely by the Vietnamese Government. As I understand it, hamlet elections are not specifically provided for in the Constitution, although those at the village level and province level are and, as I understand it, are not affected here.

I suppose one must assume that the North Vietnamese offensive was a major factor in the decision taken. The North Vietnamese are using not only what I suppose you would call conventional military forces but the whole range of unconventional warfare, as the story itself noted. And I assume that, in view of this present danger, the South Vietnamese have felt constrained to do what they could to provide stability at the extreme local level in the country.

It may be, as we hope it would, that when the situation is somewhat more normal than it has been in recent months the restrictions adopted in this emergency could be relaxed.

I don't know what more I can say, Murrey.

Q. You could say one more thing if you care to. Did this Government have advance notice of this?

A. No, we were not consulted.

Q. Informed?

A. I don't think so, but I can't tell you off the top of my head, Tad.

Q. Well, I believe you said that there was no change in the elections at the village and province level. I believe the story does say there was a change in the election procedures at the village level, that the order also has eliminated many of the elected officials at the village level which the United States often has taken pride in as an element of democracy in South Vietnamese life.

A. I don't know that we can flog this usefully, Murrey. As I said, "as I understand it at this time," and that's as I understand it. I think it has to be acknowledged that South Vietnamese society has been under extreme pressure in recent months.

Q. Well, there is one question which remains, at least in my mind. Ambassador Porter in Paris today, I understand, informed the North Vietnamese that they have already lost the offensive. If this is the case, why, in your judgment——

A. Oh, I'm sorry, I'm not going to parse that one.

Q. But, Charlie, if you are explaining it in terms of this extreme pressure, how do you reconcile the official judgments that come out, such as Tad just alluded to today, suggesting that the communist offensive has sort of sputtered out.

A. It has not been successful. That is not to say that there do not remain extreme pressures within South Viet-Nam on the social, political, military infrastructure. I think that the judgment that Ambassador Porter was making in Paris was that the North Vietnamese objective has not been reached. I think that is a matter of fact.

Q. In what way does the abandonment of hamlet elections help to achieve the American objectives?

A. I am just not going to parse this any further.

Q. Another subject?

A. Yes, sir.

Q. Excuse me, before we go on to the other subject, you said, Charlie, that this decision was taken entirely by the South Vietnamese Government. Are we to deduce from that, then, that there is no American influence being exerted in terms of what has happened or what is likely to happen in terms of internal politics in South Vietnam?

A. No comment, Ted. I must say, you know, that I get a bit impatient with the focus of criticism on the South for measures they are taking in the wake of this offensive and the absence of any comparative analysis of institutions in the North. That's all I have to say about it.

Q. We are not supporting the North, are we? Is there any effort by the Ambassador in Saigon to obtain a clarification from that Government?

A. I've just said all I am going to say on the subject, Ted.

Q. Charles, just to clarify a question, Murrey's question was whether this step was in accord with the U.S. viewpoint. Now, you have given what you understand to be the rationale.

A. And I said at the close of that that we obviously hoped that when the situation stabilized itself, etc.

Q. So that the steps are not as permanent a thing in accord with the U.S. aims? I'm trying to clarify it.

A. Yes. I'll go on with the next subject.

[From the New York Times, Sept. 7, 1972]

SAIGON DECREES END OF ELECTIONS ON HAMLET LEVEL

(By Craig R. Whitney)

SAIGON, SOUTH VIETNAM, Sept. 6.—The South Vietnamese Government, by executive decree, has abolished popular democratic election of officials at the most basic level—in the country's 10,775 hamlets.

Under the new system, which is going into effect now and will be complete within two months, nearly all the country's administrative officials—from the province chiefs down to the hamlet level—will be appointed.

The decree ends six years of popular election at the grassroots level of the hamlets. It was issued, without publicity, on Aug. 22 by Premier Tran Thien Khiem. It orders the 44 province chiefs, who are military men appointed by President Nguyen Van Thieu, to reorganize local government and appoint all hamlet officials and finish the job in two months.

AIDES TO BE APPOINTED

The new system calls for either two or three officials in each hamlet, depending on its population. They are the average Vietnamese citizens' closest contact with his government—the men he complains to, goes to when he needs help, or hears from when the Government wants to enforce its laws.

At the next highest level, the village—villages in Vietnam are administrative groupings of hamlets, not villages in the American or European sense of the word—village chiefs and their staffs have been elected by provision of the South Vietnamese Constitution. But now, according to the Premier's decree, their deputies and staffs will no longer be elected. They, too, will be appointed by the province chiefs.

In the space of a few months—since President Thieu began rulings by decree in June—he has centralized power in his hands and through men appointed by him to a degree unknown in Vietnam since the Americans came here in strength in the nineteen-sixties and gave South Vietnam the forms of democratic government and popular elections.

Since 1967, the country has been governed by an elected President and a two-chamber legislature. President Thieu, who ran alone last Oct. 3 and won 94.3 per cent of the vote for his second term, controls a majority of the legislators in both houses but has been ruling by decree since June 27. On that night he wrested from the Senate authority to govern by fiat for six months in the fields of security, defense, economy and finance.

But it is clear, from this latest decree as well as from earlier ones by President Thieu that placed restrictions on the South Vietnamese press and stiffened the penalties for common crimes and for dereliction of duty, that the forms of democratic government, are being weakened at a time when the United States is pulling troops out and, correspondingly, losing influence here.

SPEECHES NOT TRANSLATED

President Thieu has been saying as much in recent speeches, which his Government has not been translating into English or disseminating to the foreign press.

For example, on Aug. 11, in a speech in Quinhon, capital of Binhdinh Province which the United States Government monitored and then translated into English he said:

"I have never denied independence and democracy. As President of South Vietnam I have always observed democracy. However, if I [may speak as] a citizen, I must complain that our Government has allowed us to enjoy too much democracy too soon. This is like—if you will excuse me for my comparison—a small baby that is given an overdose of medicine or like a weak person who takes up physical exercise so that his health cannot endure.

"I have always respected the people's democratic rights and freedoms as basically outlined in our Constitution. However, these rights and freedoms must be properly practiced, such as simultaneously respecting the Constitution and responding to the demands of our nation."

"WE ARE TOO COMPLACENT"

"The Communists try to infiltrate our anti-Communist political parties, which are strong and which they cannot topple," Mr. Thieu said. "The Communists try to infiltrate our anti-Communist religions and our political parties. The Communists are now spending money buying newsmen, publishing newspapers and taking advantage of the disorderly and broad democracy and freedom in the south. When an election is held, the Communists try to benefit from it."

In a key passage he told his audience "Our political parties are still in small number and are not united; second, we are too complacent and are often disunited, and third, the most important is our disorderly democracy. Our democracy presents many gaps."

Mr. Thieu has often cited the extraordinary situation created by the Communist offensive, which began at the end of last March, as justification for restrictive measures. But the move to abolish election of hamlet officials and centralize local administration under the appointed province chiefs was in preparation even before the offensive.

An American Government interpretation of the Premier's decree says, for example, "These changes have been in the wind for the past several months" and were noted by the Americans in reports of Feb. 28 and March 7.

It says, of the effect of the decree on the only local officials who will continue to be elected, "The village chief, though still elected, will be in a much less commanding position since the officials who work under him will now be appointed by the province chief."

The province chiefs appointed by the President are military men—usually colonels—who owe their jobs to Mr. Thieu's patronage and are personally loyal to him. Often they do not even come from the provinces they serve. Last year Mr. Thieu said he intended to gradually put into effect the popular election of province chiefs beginning in 1972 but this has not happened.

"GUIDELINES" ALSO ISSUED

Along with the decree, Premier Khiem also issued to the country's province chiefs "general guidelines for the explanation and implementation" of it. It says, in the American Government's translation, "In sum, the administration in villages and hamlets is advanced but not quite adequate, and it does not satisfy the needs of the nation in the present phase of the struggle against the Communists."

"You must use your authority as fixed in Articles 3 and 6 of the new decree to screen the ranks of village and hamlet officials including hamlet chiefs because now they will be appointed by you. You must release those who are unqualified, negative, or who have bad behavior."

ELECTION OF OFFICIALS AT THE HAMLET LEVEL

"In choosing which village officials and hamlet chiefs to keep," the Premier's explanation says, "you have to consider his anti-Communist achievements, services and training courses in national or local training centers.

"Especially to cope with the present situation if localities don't have enough personnel and there are no civilian candidates after the screening, I will approve the use of popular forces, regional forces (militia) including lieutenant officers, in the village and hamlet administration."

The changes in the village administrations—there are 2,130 villages in South Vietnam—limit the number of officials per village to a maximum of eight, including the elected village chief.

The decree also provides that, where there is a police station in a village, the police chief will assume the function of the formerly elected deputy village chief for security, an important post because it includes such powers as determining who in the village may be a Communist sympathizer or a member of the Vietcong.

The Premier drew on Article 70 of the Constitution for his authority to issue the new decree. It provide that "the organization and regulation of local administration shall be prescribed by law."

Premier Khiem's explanation to his province chiefs says that, since the promulgation of such a law was still pending, a draft having been sent to the National Assembly, he was now issuing a decree superseding the one in 1966, which established the election of hamlet and village officers.

The Premier's measure goes beyond instructions that President Thieu issued to the province chiefs a few weeks ago. Then he told them that they could replace elected village and hamlet chiefs at their discretion.

The reason, according to American officials, was the discovery during the offensive this year that many locally elected hamlet chiefs were in fact Communists, who voluntarily provided valuable assistance to enemy forces.

[From the Washington Post, Sept. 8, 1972]

UNITED STATES ADMITS END OF VIET HAMLET VOTE

(By Stanley Karnow)

The Nixon administration has confirmed with apparent embarrassment that South Vietnamese President Nguyen Van Thieu has abolished the electoral process in his country's more than 10,000 rural hamlets.

Reacting to the Thieu decision, which effectively ends six years of democratic activity in South Vietnam's lowest administrative levels, U.S. Department spokesman Charles W. Bray III said yesterday that the United States was not consulted in advance about the move. He added that the U.S. government is "not responsible for the internal affairs" of foreign states.

But another U.S. official, who declined to be identified, described the degree as "a step backward in terms of representative institutions" in South Vietnam.

The Saigon government's decision, which was issued without publicity by Premier Tran Thien Khiem on Aug. 22 and revealed yesterday by The New York Times, seemed to rebut assertions by Thieu that he has "always observed democracy."

The move also dealt a blow to contentions that the Thieu regime is encouraging "self-determination" while the Communist threaten totalitarian rule.

Bray speculated at his press briefing yesterday that the North Vietnamese offensive against the south was "a major factor in prompting Thieu to put an end to hamlet elections."

"The North Vietnamese are using a whole range of unconventional warfare," Bray said. "I assume that in view of this present danger, the South Vietnamese felt constrained to do what they could to provide stability at the extreme local level of the country."

Bray expressed the hope that "the restrictions adopted in this emergency could be relaxed" when the situation in South Vietnam is "somewhat more normal."

Other U.S. sources voiced the belief that Thieu may have made his move because he anticipates the possibility of a cease-fire and is "trying to put himself in a better position."

While acknowledging that the decree would tarnish Thieu's public image internationally, one of these sources suggested that conditions on the ground inside Vietnam would probably not change.

The source explained that hamlet chiefs in areas under Saigon government control have tended to be elected if they enjoy the favor of senior province officials rather than on the basis of popular choice.

Under the new system which is going into effect, nearly all of South Vietnam's administrative officials will be appointed. The decree orders the country's 44 province chiefs, all of whom are officers responsible directly to Thieu, to reorganize local government and appoint hamlet officials.

Elections will no longer take place in villages, which are groupings of hamlets. Village chiefs were formerly elected but, like their counterparts at the hamlet level, they will henceforth be appointed by province chiefs.

Thieu, who won re-election in October in an uncontested election, has been ruling by decree since June 27. Within recent months, he has been tightening restrictions on press freedoms.

During the past few weeks, while denying that he is seeking to stiffen his rule, Thieu has explained that South Vietnam cannot afford an excess of democracy. In a speech delivered on Aug. 11 in the Binhdinh province capital of Quinhon, for example, he said:

"I must complain that our government has allowed us to enjoy too much democracy too soon. This is like . . . a small baby that is given an overdose of medicine or like a weak person who takes up physical exercise so that his health cannot endure."

Thieu went on to argue that the Communists were infiltrating South Vietnamese political parties, religious groups and newspapers. "When an election is held," he added, "the Communists try to benefit from it."

[From the New York Times, Sept. 8, 1972]

VIETNAMIZING DEMOCRACY

The abolition of popular elections in South Vietnam's 10,775 hamlets by the stroke of an executive order from Saigon once again underscores the futility of the war and the fatuousness—in today's context—of professed American war aims. The blood of hundreds of thousands of Vietnamese and American soldiers and the suffering of millions of civilians has been rationalized by lofty commitments to assure for the South Vietnamese people the right to democratic self-government. In explaining his war policy, President Nixon has insisted that when the United States leaves Vietnam, it must be "in a way that gives the South Vietnamese a reasonable chance to survive as a free people."

The immediate result of the new decree is that President Thieu will determine who is to be in charge of local government, from province chiefs to the officials of the smallest village. The extraordinary lesson in democracy thus continues. President Thieu, having demonstrated that it takes only one candidate to stage a democratic election, has more recently indicated through stringent rules controlling the press that in his version of democracy the right to know is as unnecessary as free political choice—in Saigon no less than in Hanoi.

If the experiment in popular government without the ballot works out to Mr. Thieu's satisfaction in the local communities, he will undoubtedly "recommend" it for the national level as well, further emulating the democracy to the North. The fact that the abolition of local elections in the South is to be accompanied within two months indicates that Vietnamization is working more smoothly in politics than in defense.

WOMAN'S SUFFRAGE

Mr. GURNEY. Mr. President, on August 26, the National Woman's Party held a special celebration in the Capitol to honor Woman's Suffrage Day. The ceremony included memorial tributes to Susan B. Anthony, Lucretta Mott, and Elizabeth Cady Stanton.

In addition to commemorating ratification of the 19th amendment, this ceremony had special significance in view of this year's congressional passage of the equal rights amendment. In 1923, 3 years after ratification of the 19th amendment, the equal rights amendment was first introduced in Congress. Now—nearly 50 years later—we are finally on the road to guaranteeing American women full and equal enjoyment of all rights and privileges conferred by our laws and the Constitution.

As a strong supporter of the equal rights movement, I am glad to see that 20 States have already ratified this important amendment. By virtue of their own constitutional requirements, some State legislatures must delay action until a new session is convened. I sincerely hope, Mr. President, that we will gain the 18 needed votes for ratification at the earliest possible date.

I ask unanimous consent to have printed in the RECORD some of the statements made at the Woman's Suffrage Day ceremonies. I commend the National Woman's Party for sponsoring this event.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

TRIBUTE TO THREE WOMEN

(By Elizabeth L. Chittick)

It seems fitting that we should celebrate Woman's Suffrage Day in this Crypt of the

United States Capitol, this day of August 26th, by the monument of the three great leaders, Susan B. Anthony. Lucretia Mott, and Elizabeth Cady Stanton, who are responsible for its birth. The 19th Amendment, the Woman's Suffrage Amendment, was certified 52 years ago today by the signature of the then Secretary of State, Bainbridge Colby, at eight in the morning, and this signing took place in his home, without any ceremony. The best information we have is that the secrecy of the signing was necessary as the opponents of the Amendment had threatened to bring legal action to keep him from certifying this Amendment. Factually, nothing happened. That evening a celebration was held at Ford's Theatre. A truly big celebration.

The certifying of this Amendment ended a long struggle which started in 1878, the year the Amendment was first introduced in Congress. This simple pragmatic statement does not reveal some of the interesting history leading to this great event for women. To refresh our memories of some of this interesting history seems most appropriate at this time.

Women first began to organize in 1848 at the Seneca Falls Convention. They passed the Declaration of Sentiments. These Sentiments—if read today—would sound as if they were written today. This listed all the rights denied women, and some of these rights are still denied women today. Two of these great women, Lucretia Mott, a Quaker and an eloquent speaker, and Elizabeth Cady Stanton, were the leaders of this Convention. Elizabeth Cady Stanton had studied law and she wrote the Resolutions read at this Convention, asking for Suffrage for Women.

About this time Susan B. Anthony joined Lucretia Mott and Elizabeth Cady Stanton in the great crusade for VOTES FOR WOMEN. All three leaders during their entire life stood fast in their determination to achieve the vote for women.

The 15th Amendment was adopted in 1870 after the Civil War, giving the vote to negroes. Miss Anthony and her co-workers urged that this Amendment should give nationwide voting rights to women as well as to the Negro, but the women were pushed aside and told to wait—that this was "the negro's hour". And WAIT they did. This failure to have women included in the 15th Amendment only made Miss Anthony and her fellow crusaders turn back to the 14th Amendment, adopted in 1868, which read in part:

"No state shall . . . deny to any person within its jurisdiction the equal protection of the laws."

The question of the right of women to vote under the 14th Amendment was then carried to the Supreme Court of the United States, in a famous case, Miner vs. Happersett. The Court held that the 14th Amendment did not give the women the right to vote.

This fired Susan B. Anthony and Elizabeth Cady Stanton to proceed and have introduced in Congress a new Amendment of their own, one that would give women the right to vote.

Until her death in 1906, Susan B. Anthony went each year, personally, with her bill to Congress to have it introduced.

We have Susan B. Anthony to thank for breaking the first taboo against women by daring to speak at a convention of the New York State Teachers Association. She was allowed to speak by a vote of men, by a majority of one.

Lucretia Mott was a Quaker minister, loved and reverenced by all, and a leader in the Abolition Movement. She was a bold thinker and never feared to speak her convictions. They were founded on the principle, "Truth for Authority—not Authority for Truth."

Elizabeth Cady Stanton stated "Lifting women into her proper place in the scale of being, is the mightiest revolution this world has yet known." All of these women devoted their lives to work for the cause of women, to work for human freedom, and equal rights for women.

Shortly before her death in 1906 Susan B. Anthony was acclaimed at an international convention of women "Susan B. Anthony of the World". These are her own words taken from a letter signed by Susan B. Anthony to a dear friend on February 15, 1900:

"Perfect Equality of Rights for Women—Civil and Political—Moral and Social—Industrial and Educational—is the end of my effort. Sincerely"

Her slogan was: "Principle, not policy; justice, not favor; men, their rights and nothing more; women, their rights and nothing less."

Forty years after the death of Lucretia Mott; 18 years after the death of Elizabeth Cady Stanton, and 14 years after the death of Susan B. Anthony, the Women's Suffrage Amendment to the Constitution was adopted, on August 26, 1920. But from 1913 on many other events transpired.

Miss Alice Paul, a Quaker, joined the Suffrage crusade, and she and her followers went to jail here in the United States for their dauntless determination to bring the vote to women. Miss Paul spent the longest period of time in jail and led the women in a hunger strike. These were not violent women or rioters. They simply wanted to attract the attention of the President and the world to their demands to give the women the right to vote.

Miss Alice Paul had also gone to jail in England for suffrage, as she had joined the work of Mrs. Pankhurst in England. Upon her return to the United States she became Chairman of the National American Woman's Suffrage Association's Congressional Committee, which was known as the Congressional Union.

In 1916 the Congressional Union merged with the National Woman's Party. Miss Paul, the leader and founder of the National Woman's Party, has given a lifetime of dedication and contribution of herself to the cause of the Suffrage Movement. She directed all the demonstrations but they were quiet and peaceful, conducted in a colorful manner, with dignity, a great display of showmanship, and great beauty. In her time she, too, must be honored, as it was during her time and her efforts that the Vote for Women came to reality.

It is interesting to note that after the passage of the Suffrage Amendment in 1920, the National Woman's Party held a meeting in 1921 and decided then to work toward an additional Amendment to remove the inequalities which women still had under law and to complete the Suffrage Amendment which did not give equality for women in civil rights, legal rights, and economic rights. A nephew of Susan B. Anthony, Congressman Dan Anthony, Republican of Kansas, introduced the Equal Rights Amendment in the House in 1923, and Senator Charles Curtis, Republican of Kansas, later Vice President of the United States, introduced it in the Senate. The outlook was dim; one sponsor in the House, one sponsor in the Senate, and only one women's organization behind it—the National Woman's Party. The National Woman's Party has had the Equal Rights Amendment introduced in both Houses of Congress ever since 1923.

Obviously, the Equal Rights Amendment could not be a "Lib" Amendment as the Liberation movements started sometime in 1960 and other organizations (the more aggressive ones) later—about 1968.

We have come a long way since 1923, and we have every right to believe that next year this long struggle for equal rights will be completed.

This beautiful monument in the Crypt of the Capitol was made by a woman, Adelaide Johnson, sculptress, and was presented to Congress by the National Woman's Party on Susan B. Anthony's Birthday Anniversary on February 15, 1921, one year after the Suffrage Victory. It was formally received on behalf of Congress by the Speaker of the House of Representatives. Throughout the whole world, this is the only monument of women, to women, sculptured by a woman, presented by women, standing in any National Capitol.

We feel humble in paying this Memorial Tribute to these three great women—Susan B. Anthony, Lucretia Mott, and Elizabeth Cady Stanton, and in the memory of their greatness and I believe, their joy in our accomplishments in finishing the work they so courageously started, let us pay a Joyful Memorial Tribute to these three great women. I feel sure that if they were here today, even though they do not look like shouting women, I believe they would shout with joy with us for all women!

In joyful tribute I will call on each organization to come forward, speak a word or two, and place a carnation in the wreath.

Women's Rights Day

(by Virginia R. Allan)

We come to our Capitol today at the invitation of the National Woman's Party. We are grateful to its founder, the indomitable Alice Paul, Chairperson Elizabeth Chittick, and their crusading members who have shown a constancy of purpose and who will be portrayed by historians as women of vision, women of conviction, and women of courage.

We come to our Capitol today to proclaim August 26 a historic date to be remembered as Women's Rights Day.

We come to our Capitol today to honor Susan B. Anthony, Lucretia Mott, and Elizabeth Cady Stanton who dedicated their lives, striving to make the Constitution a document for all the people. Their "Declaration of Sentiments" was a consciousness-raising proclamation of major significance. It propelled the Women's movement for over 70 years and resulted in the ratification of the 19th Amendment. Some of the "Sentiments" have a very familiar ring in our own time.

"He has monopolized nearly all the profitable employments, and from those she is permitted to follow, she receives but a scanty remuneration. He closes against her all the avenues to wealth and distinction which he considers most honorable to himself. As a teacher of theology, medicine, or law, she is not known.

"He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.

"He has endeavored, in every way that he could, to destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life."

Indeed with the rebirth of feminism in the '60's, we find we still are working on many of the objectives set forth on July 20, 1848—124 years ago.

We come to our Capitol today to keep faith with these great women and to acknowledge our obligation to fulfill the mission of the movement they envisioned. We pause just long enough in this sanctuary of democracy to demonstrate our appreciation to our benefactors and to pledge our determination to stand together as one in our continuing pursuit of unalienable rights for 53 percent of our population.

The number one priority of the women's movement today is "equality of rights under the law." We are convinced that the healthy development of civilization is dependent upon first-class citizenship. Our government which derives its just powers from the consent of the governed is entrusted with securing the "blessings of liberty for ourselves and for posterity," not just for some but for all the people it serves. Equal rights for all is emerging as an accepted concept wherever its true import is understood.

The most meaningful gift we could give our country for its bicentennial would be the *full implementation* of the equal rights amendment to the Constitution of the United States. In order to make our "We The People" present become a reality, we must educate for ratification now.

Twenty* state legislatures have approved the amendment—one more than half the total of the 38 states needed. However, we need to recognize the fact that there are forces working against the ratification—formidable forces with money and visibility and they are packaging their message with an emotional appeal and half truths. It is incumbent upon all of us to have the facts and to be ready and willing to undertake a massive educational campaign.

President Nixon said in his Foreign Policy Statement for the 1970's: "The source of America's historic greatness is to see what has to be done and then to do it." You can count on the American people to take fair, just, honest action once they understand the issue.

We all know that the proponents of the Equal Rights Amendment are not advocating the overthrow of the Government, abolishing the family, forcing all women into employment and all young women into combat; however, the public needs our answers to these serious charges. The truth is found in the legislative history.

It objectively verifies that we are seeking through the ERA to bring women under the protection of the Constitution, to strengthen family life through partnership, to accept the responsibility of citizenship.

Susan B. Anthony, in the last speech she ever gave on suffrage, concluded with the words "failure is impossible." Let us remind ourselves that it was 14 years after her death that the 19th Amendment was finally passed.

Failure is impossible for us too, but our nation for its well-being needs to utilize the potential of all citizens. To keep our momentum going, we should remind ourselves of another Anthony statement: "There shall never be another season of silence until women have the same rights men have on this green earth."

We must speak out for ratification of the Equal Rights Amendment. We already have talked about a Golden Jubilee in 1973 in celebration of the fiftieth anniversary of its introduction into Congress. There is, I believe, an additional rationale for completion of this task next year, December 10, 1973 will mark the 25th anniversary of the Universal Declaration of Human Rights, a statement of principles adopted by the United Nations as a standard of achievement for all people and all nations.

Two articles of the Declaration of Human Rights are particularly pertinent to the cause we espouse:

"Article 6: Everyone has the right to recognition everywhere as a person before the law.

"Article 7: All are equal before the law and are entitled without any discrimination to equal protection of the law."

As we read the first "whereas" of the Preamble, we realize that it expresses eloquently the quest of the women's movement.

"Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world."

We come to our Capitol on this August 26, 1972 to salute the women responsible for the ratification of the 19th Amendment and to accept the challenge of leadership to enact through ratification "equality of rights under the law" as the 27th Amendment to the Constitution.

May Helen Keller's words guide us as we gird ourselves to resume the responsibilities necessary for ratification in the next eighteen states.

"It is for us to pray not for tasks equal to our powers but for powers equal to our tasks." God's truth is marching on. We shall prevail.

LAND USE LEGISLATION

Mr. BELLMON. Mr. President, the enactment of land use legislation is one of the most urgent needs of this Nation.

We need not look far to find abundant justification for the enactment of the National Land Use Planning and Assistance Act. The Metropolitan Washington area is a living monument to poor land use planning; and every person who must fight traffic each morning to get from his home to an office, and reverse the procedure to get home each evening, can bear witness to the shortsighted approach we have too often used in laying out the great urban centers of the Nation.

Any plan that clusters all the jobs in a single area, far removed from the areas where the people live, is actually worse than no plan at all. Inevitably, government is called upon to spend billions of dollars to find a way and to provide the means for moving those people from the places where they live to the places where they work. We are doing that very thing in Washington today.

Yet, even today, with full knowledge of past mistakes, we continue to cluster more office buildings and more jobs in the metropolitan area, aggravating existing problems still further, and committing the same mistakes all over again.

While the inadequacy of land planning and utilization is most apparent in dense urban centers, the problem is by no means restricted to those areas. Land use conflicts and demands are now evident in all parts of the country.

In my own State of Oklahoma, we continue to invade the flood plains of streams and rivers with housing and commercial developments—with much of the construction financed by Federal funds and the mortgages guaranteed by the Federal Government. Periodically, these areas are inundated by floods, which one might reasonably anticipate within the flood plain of a stream. The Federal Government is then expected to put up the money to pay for property losses and build dams, levies, or other flood control structures to protect the property built in a place where it never should have been put.

Another glaring example of poor land use planning exists in Midwest City, a city which has built up around Tinker Air Force Base. With the aid of the Federal Government, a contractor not so many years ago developed a large housing addition and the city built a school directly beneath the runway approach to the airforce base. Since that time, two planes have crashed in the residential area—one narrowly missing the school—and now officials are demanding that the Federal Government spend millions of dollars to move the houses and the school away from the approach.

These are but isolated examples of the wasteful and abusive misuse we have made of the limited land resources available in this Nation.

Our land is our greatest single resource. Whether it be in forests, mountains, plains, farmland, or desert, it has sustained life and enabled this to become the greatest Nation the world has ever known. It helped form much of the tradition and spirit which is America—and it produced a strong and pioneering people.

In just a few decades, the population of the Nation will likely double—and so will the demands placed upon the land to support that population. If we are to meet our responsibilities in preparing for the future, the time is now to embrace the concept that wise land use does not occur by accident.

The concentration of job opportunities in urban centers attracts more and more people from rural areas and small towns, further intensifying the problems of the urban center and leaving rural areas dying and devoid of population, even though the quality of life is usually much better in the rural areas. The Congress has moved to correct this problem through the recent passage of the rural development bill. However orderly development will be enhanced through land use planning.

Mr. President, to halt the abuses of our limited land resources, and to assure that the land will continue to sustain our population and afford a quality of life to which every American is entitled, it is clearly in the national interest for the Federal Government to adopt a National Land Use Policy and to foster adequate planning and sound land utilization through assistance and guidance to State and local governments. The bill we have under consideration will serve those purposes well.

Our need for comprehensive, areawide land use planing, followed by effective implementation of those plans, is critical. Passage of the Land Use Planning and Assistance Act will assure adequate planning and utilization of land and water resources. This is essential if we are to avoid the disastrous errors of the past and insure reasonable, controlled, and balanced growth patterns for the future.

Mr. President, I invite the attention of the Senate to an article written by Secretary of the Interior Rogers Morton, and published in the August issue of Park Maintenance magazine, in which the Secretary makes a strong plea for the enactment of land use legislation.

I ask unanimous consent that a portion of Secertary Morton's article be printed in the Record.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

[From Park Maintenance, August, 1972]

A Department of Natural Resources and a National Land Use Policy

(By Rogers C. B. Morton)

Each year the United States moves closer to an all-urban existence. That fact alone brings us to the brink of deciding what to do about today's helter-skelter growth policy.

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*Alaska, Colorado, Delaware, Hawaii, Idaho, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Nebraska, New Hampshire, New Jersey, New York, Rhode Island, Tennessee, Texas, West Virginia, and Wisconsin.

Land was the foundation of America's great past and just as surely is the bulwark of its future. Land use planning today is archaic, to say the least. Use of our land has been structured around a growth ethic. We need now to build on a conservation or environmental ethic.

President Nixon set a new national goal when he asked Congress for a National Land Use Policy Act. The next time you fly over this country, look carefully and you'll see how badly that policy is needed.

Once, when our resources seemed limitless, America thought it had to conquer nature. Consequently, our resources were needlessly wasted. We know now, to improve the quality of life, our lands and resources must be managed carefully. A national land use policy is our best hope to save our natural environment.

If effective land use planning is not begun, the next generation will live in a virtually unmanageable system. We cannot continue to grow like Topsy. Planning and zoning controls must be regarded as guarantees—not infringements—of property rights.

FEDERAL AVIATION ACT—UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar No. 961, S. 2280, is called up and made the pending business before the Senate, there be a 1-hour limitation thereon, the time to be equally divided between the distinguished Senator from Washington (Mr. MAGNUSON) and the distinguished minority leader or his designee; that on any amendment thereto, time be limited to one-half hour, to be equally divided between the mover of such and the distinguished manager of the bill; that time on any amendment to an amendment or an amendment in the second degree be limited to 20 minutes, to be equally divided between the mover of such and the offerer of the amendment in the first degree, except in any instance in which the mover of the basic amendment favors such, in which instance the time in opposition thereto be under the control of the distinguished majority leader or his designee; that time on any debatable motion or appeal be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill, except in any instance in which the manager of the bill favors such, in which instance the time in opposition thereto be under the control of the distinguished majority leader or his designee; and that the agreement be printed in the usual form.

Mr. JAVITS. Mr. President, may we know what the Senator is doing about the rule of germaneness in this unanimous-consent request?

Mr. ROBERT C. BYRD. The distinguished Senator will be pleased to know that the way I worded that request, it would be very satisfactory to him. Now that he has raised the question, it might be that some Senator would want to object.

The PRESIDING OFFICER. Is there objection to the agreement being in the usual form, which provides for germaneness to amendments? The Chair hears none, and it is so ordered.

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 982, S. 3531. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreation facilities, in connection with the 1976 Winter Olympic Games.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 7, after the word "in", where it appears the second time, strike out "1976" and insert "1976, as a part of the American Revolution Bicentennial Celebration,": on page 2, after line 2, strike out:

SEC. 2. There is authorized to be appropriated to the Secretary of the Interior a sum not to exceed $———— to be advanced as he deems appropriate, to cities or counties, or both, in the State of Colorado to be used to plan, design, and construct necessary facilities in connection with the XII International Winter Olympic Games, such funds to remain available until expended.

And, in lieu thereof, insert:

SEC. 2. There is authorized to be appropriated to the Secretary of the Interior a sum not to exceed $15,500,000 (December 1971 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to advance and pay as he deems appropriate, to cities or counties, or both, in the State of Colorado to be used to plan, design, and construct necessary facilities in connection with XII Winter Olympic Games, such funds to remain available until expended: *Provided, however,* That none of the funds appropriated pursuant to this section shall be expended upon the adoption of an initiated amendment to the constitution of the State of Colorado at the November 7, 1972 election, the purpose of which is to prohibit appropriating or loaning State funds for the purpose of aiding or furthering the 1976 Winter Olympic Games.

On page 3, line 1, after the word "to", strike out "advancing" and insert "paying"; in line 5, after the word "and", strike out "benefit." and insert "benefit consistent with the primary purpose of the bill which is to secure the construction at reasonable cost of necessary facilities for the XII International Winter Olympic Games."; and, in line 10, after the word "Interior", strike out "a sum not to exceed $————" and insert "such sums as may be necessary"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress has declared it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources; and declares that the XII International Winter Olympic Games which are to be held in the United States in *1976, as a part of the American Revolution Bicentennial Celebration,* are in furtherance of stimulating an awareness of outdoor recreation activities.

SEC. 2. There is authorized to be appropriated to the Secretary of the Interior a sum not to exceed $15,500,000 (December 1971 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to advance and pay as he deems appropriate, to cities or counties, or both, in the State of Colorado to be used to plan, design, and construct necessary facilities in connection with XII Winter Olympic Games, such funds to remain available until expended: *Provided, however,* That none of the funds appropriated pursuant to this section shall be expended upon the adoption of an initiated amendment to the constitution of the State of Colorado at the November 7, 1972 election, the purpose of which is to prohibit appropriating or loaning State funds for the purpose of aiding or furthering the 1976 Winter Olympic Games.

SEC. 3. Prior to paying any funds authorized under section 2 of this Act, the Secretary of the Interior shall be satisfied that the facilities will be designed and constructed in a manner which will assure maximum continued public use and benefit consistent with the primary purpose of the bill which is to secure the construction at reasonable cost of necessary facilities for the XII International Winter Olympic Games.

SEC. 4. There is also authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for administration of this Act, such funds to remain available until expended.

THE EDUCATION BILL

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. ALLEN. The Senator from Alabama has noticed that in approximately 5 minutes the Senate has passed 10 bills; and the whip notice brought over from yesterday shows some 15 bills that the leadership plans from time to time to call up for consideration by the Senate. He is not going to prolong the discussion this evening but he would inquire of the distinguished majority leader whether any progress has been made with regard to the possibility of bringing up for consideration by the Senate H.R. 13915.

Mr. MANSFIELD. The distinguished Senator from Alabama will recall that the Senator from Montana on yesterday said he would notify the Senator from Alabama if any progress of any note was made. I think we made some progress. I am not too happy or too sanguine about it. I would like to work on the matter further with the distinguished minority leader, with whom I met yesterday—not today, because we have been too busy—and with members of the Committee on Labor and Public Welfare.

Mr. ALLEN. I thank the distinguished majority leader for this report and for his efforts toward bringing up the bill for consideration.

Mr. MANSFIELD. I thank the distinguished Senator from Alabama.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the agreement with reference to S. 750, S. 33, H.R. 15883 and H.R. 8389 be printed in the usual form.

The PRESIDING OFFICER (Mr. Spong). Without objection, it is so ordered.

WELFARE REFORM

Mr. HARRY F. BYRD, JR. Mr. President, Representative Wilbur Mills, in an interview today, as published in the Washington Evening Star, says that he is giving up the fight to have Congress enact the welfare portions of H.R. 1. He, of course, is chairman of the Ways and Means Committee. He expressed the view today that H.R. 1 is "as dead as a doornail."

Mr. President, this proposal has twice passed the House of Representatives. It has been under consideration by the Senate Finance Committee for 2 years.

Personally, I am glad to note the statement by Representative Mills. He says further that he might not be able to pass it again in the House, that support is dropping off. He implies that the votes probably will not be forthcoming to enact it again.

I might say that that conforms to statements made to me by prominent Members of the House of Representatives who had voted for the legislation but who informed me that if the Senate killed it, they would not vote for it another time.

Mr. President, the welfare program which has been pressed by Secretary of Health, Education, and Welfare, Richardson, has been billed in the public press as being welfare reform. It is not welfare reform. It is welfare expansion.

During the long deliberations and considerations of this measure by the Senate Finance Committee, I reached the conclusion that I could not support this legislation, for these reasons:

One, because it is lacking in work incentives.

Two, because the additional cost would be $5 billion a year.

Three, because it would write into law the principle of a guaranteed annual income.

Four, because it would require 80,000 new Federal employees to administer.

Five, and the most important reason of all, I cannot support this legislation because it would double the number of persons drawing public assistance.

That is going in the wrong direction.

What we need to do in this country is to provide jobs—to make job opportunities available to the people.

We want to take people off welfare and put them into jobs.

H.R. 1, as it passed the House of Representatives, would not accomplish that purpose.

It is welcome that Chairman Mills now says he will not press the issue. In my judgment, the people of this country would not support it, anyway. Certainly they would not favor it if they were aware of all the details in it.

Secretary of Health, Education, and Welfare Richardson was offered an opportunity 2 years ago to try out the program. Such a suggestion was first proposed by the distinguished Senator from Connecticut (Mr. Ribicoff), himself a former Secretary of Health, Education, and Welfare. He suggested that instead of Congress' passing this gigantic new program, it first be piloted out.

The members of the Finance Committee, I think, unanimously, offered to support whatever appropriation might be necessary for such pilot projects, to try them out and then have HEW come back to the committee and let the committee know what parts or features of the proposed legislation had proved desirable as a result of the pilot projects, and which had proved unworkable.

The officials of HEW refused that opportunity. They wanted all or nothing. So it would appear that they will get nothing.

Mr. President, the Finance Committee has saved the Ameircan people from a very bad piece of legislation. Certainly it has saved them from a costly piece of legislation. It has saved them from a piece of legislation which would have doubled the number of welfare recipients.

What the Finance Committee plans to do is to report to the Senate not a new welfare bill but a new workfare bill. The chairman of the committee, the distinguished Senator from Louisiana (Mr. Long), has taken the leadership in this matter and has done an excellent job in working out a package to present to the Senate for its consideration, namely a workfare program to guarantee jobs.

I approve the concept of a workfare program but I shall withhold final judgment until I get better cost estimates and until I can consider the cost of the proposed program. It will not be greater than HEW's suggestion. However, it still may be more costly than I am inclined to support at the moment. Nevertheless, the Senate will have an opportunity to consider this measure and work its will.

I think it is very significant that Chairman Mills, the distinguished and able chairman of the Ways and Means Committee of the House of Representatives, has declared in a public interview that H.R. 1, as passed by the House of Representatives, is dead as a doornail.

I think it is important that there be a reappraisal of the present welfare program. However, I think also that in making any changes in the program and in substituting another program for it, we want to be sure we are getting something better, rather than merely an expanded program which would really be worse than the one our country is operating under at the present time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SOVIET "RANSOM" POLICY ON JEWISH EMIGRATION

Mr. JAVITS. Mr. President, I reacted with sadness this morning when I read in the New York Times that the Soviet Union has told the Soviet people about its new ransom policies concerning its own citizens—its exploitative emigration taxes on persons who wish to leave the Soviet Union.

As the press report points out, the Soviet citizens who will be affected primarily by these punitive emigration taxes are people of the Jewish faith.

Mr. President, we have no right to deal with Russian citizens and the law of their land unless it reflects in some interest of ours or of the world and which the Soviet Union actions contravene.

There is a vital interest in this regard in the Charter of the Human Rights of the United Nations to which the Soviet Union is a party and to which we are party in international law and international morality.

Mr. President, this development has been rumored and referred to in the press as if it were so. However, it has not actually been mentioned until the story about it this morning.

Mr. President, I ask unanimous consent that the news report entitled "Soviet Tells Public of Emigration Tax," published in this morning's New York Times, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

Soviet Tells Public of Emigration Tax

Moscow, Sept. 13.—The Soviet Union told its people tonight, for the first time, about its new high emigration taxes, publishing the rules in the controlled domestic press.

Publication of information about the taxes, ostensibly intended to compensate the Soviet Union for free higher education given to people who want to emigrate, was taken as an indication that Moscow did not plan to back down in the face of pressure from western public opinion.

Although the education taxes, decreed Aug. 3, apply to all Soviet citizens seeking emigration to the West, they now primarily affect Jews, who are the most highly educated ethnic group in the Soviet Union and who now account for most of the relatively small emigration.

Western diplomats had speculated in recent weeks that by not going on the public record with the new levels, ranging from $5,000 to as much as $30,000, the authorities were leaving themselves a possible choice of abrogating the regulations.

This prospect now appears to have been ruled out by publication of a defense of the new rules in the magazine New Times an authoritative foreign affairs weekly, which is published in several languages, including English, and often reflects thinking at high levels in the Kremlin.

Mr. JAVITS. Mr. President, this development comes as an ironic blow at this time since the major news of the same day also concerns the substantial progress that has been made in working out a massive trade deal with the Soviet

Union which would normalize our trade and commercial relations with the Soviet Union. I would welcome such news under different circumstances.

I think we must now view such important and good news against the background of international morality and violations of international law and of the United Nations Charter posed by the Soviet action in relation to its citizens who wish to emigrate.

I also note that there have been statements indicating that the Soviet Union views its emigration policy as an economic question and I take the U.S.S.R. at its word.

It is my hope that the highest political leadership of the Soviet Union has not yet made a definitive decision to go forward with this emigration tax, and that some lower level bureaucratic bungling such as periodically afflicts all complex societies—including our own—may have resulted in this publication about the new emigration rules at the very time when the White House was announcing the possibility of a major new trade agreement between the United States and the Soviet Union.

But if this publication does reflect the political will of the Soviet leadership, it is my deep feeling that the individual elements of such a trade agreement could be heading for trouble. Congressional action will be required to implement many phases of the agreement and the President and the Congress, I am sure, will want to review other aspects of Soviet economic policy when they are called upon to pass judgement on trade agreement legislation.

Mr. President, a number of distinguished Senators, such as the Senator from Connecticut, the two Senators from Minnesota, and the Senator from Missouri, the Senator from Indiana, and perhaps other Senators have already spoken out on this question.

I hope very much that the Soviet leadership will listen and that it will open its mind and its ears and its heart to what is being said since it does address itself to a basic feeling for inalienable human rights.

It is one thing to swallow one's feelings when it comes to limiting armaments. No one has raised a word about this issue with respect to this agreement approved today with respect to the limitation of arms. However, it is a very different thing when economic matters are before the Congress since man does not live by bread alone.

So, I hope very much for the best. And I wish to indicate that at a moment when it might count, I must express my deep unhappiness and the appalling feeling that I had when I read this seeming news of a confirmation of what has been dreaded as Soviet policy movement regarding emigration timed to be read throughout the world the very same day as the announcement of what would have been otherwise an optimistic development, namely, the expansion of trade between our two great countries.

Mr. HARRY F. BYRD, JR. Mr. President, I associate myself with the remarks of the distinguished Senator from New York. I am outraged by the way the Soviet Jews have been treated. The Senator raises a valid point. I am glad to associate myself with the remarks of the Senator from New York.

Mr. JAVITS. Mr. President, the Senator from New York is highly honored that such a great Senator as the Senator from Virginia should find his remarks worthy of the comments he has made.

QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, it has already been stated that the business tomorrow will be the conference report on the military procurement bill.

Following that, it is the intention to take up Calendar No. 982, S. 3531, a bill to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 winter Olympic games.

It is quite possible, also, that the treaty which was considered up to final reading today may be voted on tomorrow. So we will have a heavy schedule.

There will be some votes tomorrow, and there will be votes on Saturday as well, because we have a heavy schedule for that day, too.

RECESS UNTIL 9 A.M.

Mr. HARRY F. BYRD, JR. Mr. President, I now move that the Senate stand in recess until 9 a.m. tomorrow.

The motion was agreed; and at 5:20 p.m. the Senate recessed until tomorrow, Friday, September 15, 1972, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, September 14, 1972*

The House met at 12 o'clock noon.

Rabbi Baruch Schectman, Congregation Ner Tamid, Springfield, Pa., offered the following prayer:

The Lord by wisdom founded earth, by understanding He established the heavens.—Proverbs.

Wisdom and understanding are the foundations of the universe. O Heavenly Father, in these Halls, where an abundance of these qualities is required every day, where the deliberations conducted and the decisions made so greatly affect the fate of all Your children, may Your blessings of wisdom and understanding, along with compassion and strength be granted continually to the representatives of the people of these United States; wisdom to investigate the needs of their people, understanding to find the solutions to their problems, compassion to consider the opinions of those who disagree and oppose, and strength to carry out what these qualities teach them they must do.

For this blessing may we be ever grateful. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 6503. An act for the relief of Capt. Claire E. Brou;

H.R. 7701. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands located outside the boundaries of Indian reservations in New Mexico;

H.R. 10702. An act to declare that certain federally owned land is held by the United States in trust for the Fort Belknap Indian Community;

H.R. 13025. An act to amend the act of May 19, 1948, with respect to the use of real property for wildlife conservation purposes; and

H. Con. Res. 698. Concurrent resolution directing the Secretary of the Senate to correct the title of the bill, S. 3442.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14896) entitled "An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs."

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4383) entitled "An act to authorize the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Muskie, Mr. Humphrey, Mr. Chiles, Mr. Metcalf, Mr. Percy, Mr. Roth, and Mr. Brock to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 12652) entitled "An act to extend the life of the Commission on Civil Rights, to expand the jurisdiction of the Commission to include discrimination because of sex to authorize appropriations for the Commission, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. Eastland, Mr. McClellan, Mr. Ervin, Mr. Hart, Mr. Hruska, Mr. Fong, and Mr. Scott to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 3337. An act to amend the Small Business Investment Act of 1958, and for other purposes; and

S. 3917. An act to authorize the construction of the completion of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addition to the U.S. Capitol Grounds, and for other purposes.

TRIBUTE TO RABBI BARUCH SCHECTMAN

Mr. WILLIAMS. Mr. Speaker, the gentleman who gave our opening prayer this morning is from my own hometown, Springfield, Pa. He is Rabbi Baruch Schectman of the Delaware County Jewish Community Center.

Many years ago, long before I came to Congress, I was very happy to see the construction start on the Delaware County Jewish Community Center. Delaware County presently has a population of 604,000. Back in those days it was probably about 300,000. He did a tremendous job of building a building, not only to service a synagogue, but also as a recreation area for the young people of the community.

Rabbi Schectman has been doing a tremendously outstanding job of enlarging his congregation and actually taking care of problem children, going out of his way.

On at least two occasions that I know of, he has taken problem children into his home with the consent of the parents for a period of 2 weeks to a month and has overcome their problems.

I want to thank him for coming down here today, and I want to urge him to continue the fine work that he has started.

SOVIET POLICY ON EXIT FEES FOR JEWISH EMIGRANTS

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, I would like to remind my colleagues that a bipartisan group of Members will be participating in a special order today to explore the impact of the Soviet policy on exit fees for Jewish emigrants on the proposed expansion of Soviet-American trade.

On September 19, the Supreme Soviet will meet to ratify a schedule of fees, ranging from $5,000 to $37,000, for each Jewish person with a higher education who wants to go to Israel. I feel it is very important for the Soviet Union to know that their restrictive emigration policy will cause this Congress to extensively scrutinize any proposed Soviet-American trade pacts.

I urge all my colleagues to participate in this demonstration of the Congress concern.

THE HONORABLE CARL VINSON

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, my distinguished colleagues in the House will be happy to know that one of the alltime great Members of Congress, the Honorable Carl Vinson of Georgia, is visiting with us and he is holding court in the Armed Services Committee rooms in true "Admiral" Vinson style. He is outstanding in every sense of the word—we are all proud of him—we all love him and I know we are happy that he is back to spend a little time with his beloved former colleagues at the scene of so many personal triumphs and so many contributions to our Nation's defense.

HAPPY BIRTHDAY DR. DURWARD G. HALL

(Mr. GROSS asked and was given permission to address the House for 1 minute.)

Mr. GROSS. Mr. Speaker, 62 years ago there floated on the air above the Ozark hills the familiar sounds of an infant making his way into the world of the living.

This infant of those many years ago, destined to become known as Durward Gorham Hall, a nationally known physician and surgeon who backslid into politics, sits among us today as one of the most highly respected Members of the House of Representatives.

This will be the last birthday that my close friend and personal physician will observe as a Member of the House for he is voluntarily retiring at the end of this session. He seems to feel that at the age of 62 he has reached the point of no return—quite overlooking the words of wisdom of old that—

King Solomon and King David led merry,
merry lives,
They each had many concubines and many,
many wives.
Until old age came creeping in, then with
many, many qualms
Solomon wrote the proverbs and David
wrote the psalms.

In conclusion, Mr. Speaker, let me say that with so many of our colleagues I wish Durward Gorham Hall a happy birthday and both him and his good wife, Bettie, many years of good health and enjoyment in the years of their retirement that lie ahead.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am delighted to yield to my friend, the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, I, too, would like to wish our distinguished friend, Dr. Hall, a happy birthday.

One is brought into the world with a spanking by a physician and makes noise immediately. In the 62 years, up until today, it is my deep conviction that "Doc" Hall has not yet ceased making noise. I know I will miss him on a personal basis—I am not sure I will miss the virtually innumerable walks.

May I ask the gentleman from Iowa, I understand that on occasion he goes fishing with Dr. Hall?

Mr. GROSS. Yes; whenever possible.

Mr. THOMPSON of New Jersey. Would the gentleman describe to us what happens when one or the other of you is lucky enough to catch a fish?

Mr. GROSS. Then the bugle blows to summon the charge for the capture of another fish. However, the noise usually drives the fish to deeper and more distant waters.

Mr. THOMPSON of New Jersey. I see. In order that he can continue being noisy, would you present this bugle on behalf of those who have responded virtually innumerable times to his bugle calls here. I would like the Record to show, Mr. Speaker, that that bugle was not purchased with counterpart funds. Thanks to "Doc" Hall's generosity, I was able to save enough of my own funds to invest in this musical instrument for my beloved friend, Dr. Hall.

Mr. GROSS. I cannot thank the gentleman enough for his gift. Hereafter, our mutual friend shall be known as the bulger of the Ozarks.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the distinguished Speaker of the House.

Mr. ALBERT. Mr. Speaker, I hesitate to pit my talents against the inimitable gentleman from Iowa (Mr. Gross) in trying to describe our pill peddler from the Ozarks, who is really a man of unique qualification as a legislator and a physician. He has played a role in this House that few would undertake but is sorely needed.

Dr. Hall was born 62 years ago today. I already knew how to talk at that time, but I must confess he has caught up with me long since. He has filled pages in the Record all in an effort to see that our work was done properly and in the people's interest. We will miss him. We join in wishing him a happy birthday today and many more in the years to come.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Speaker, the gentleman from Missouri has many talents, and among his talents, at the very top of the list is that of an M.D. He is also a person who gave much as a military man during World War II and has served with experience for many years in the House of Representatives.

I do not know whether he has a talent musically, but he will have the time to perfect that ability during his retirement. We will miss him while he is practicing and hope that he returns often whether he is a proficient bugler or not.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I am delighted to yield to the distinguished majority leader.

Mr. BOGGS. Mr. Speaker, I join in the very complimentary remarks made by the gentleman in the well and our leader with respect to our dear friend Dr. HALL.

As the majority leader and one who has been in a position of leadership in this House, I am just interested in knowing who the gentleman's new ally might be. My situation during this Congress has been that I have had to confer with Leader GROSS and if I got concurrence then I had to confer with Leader HALL, or the other way around at times. Sometimes I have thought there was a degree of connivance which could have existed.

Happy birthday, Doc.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, I would hope the gentleman would ask unanimous consent that all Members may revise and extend their remarks. I am not sure everyone who is going to say something is necessarily going to be truthful and they ought to have at least time to examine their consciences.

The SPEAKER. The Chair advises the gentleman that this is the first time, I believe, since the present occupant has sat in the chair, that he has stretched the 1-minute rule except for memorial occasions. The fact that this is happening now is only a coincidence.

Mr. HUNT. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from New Jersey.

Mr. HUNT. Mr. Speaker, I thank the gentleman for yielding.

When I first came to the House of Representatives a few years ago it was my distinct pleasure on the first day I arrived to meet the very eminent DURWARD HALL. Later I found out I was living in the same apartment house with him. He took me under his wing and advised me that it was a pleasure to have somebody from New Jersey who wore shoes. He has made some other facetious remarks in my respect, but I want to tell the Members one thing, that when Dr. HALL was born the good Lord broke the mold, because he is the only man I have ever run across from the Ozarks who has the audacity to sound the clarion call in the apartment house where we live every morning to get everybody out of bed. I shall miss him I am sure not only on the House floor but also in the mornings when he would be blowing that horn. I am hopeful someone will give him one that has a different chime to it so he can get a different call.

Happy birthday, Doc.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. DEVINE. I thank the gentleman from Iowa for yielding.

Mr. Speaker, I too join my colleagues in paying tribute to the "Bugler of the Ozarks." I recall when I came to Congress the gentleman in the well was the junior Member of a two-man party with Clare Hoffman of Michigan, who has gone to meet his Maker; and now the gentleman in the well is being abandoned by the now junior member of his two-man party. I am looking forward to whomever the gentleman may select to replace the gentleman from Missouri, although that would be a very difficult job. I will say to the gentleman in the well that Dr. HALL well filled the boots of Clare Hoffman. I think the gentleman from Missouri has rendered a tremendous service to his country in the watchdog capacity he has assumed here as a member of the two-man party. He will be missed.

I will say to the good doctor, he being a general practitioner, when he leaves I hope he will return and make House calls.

Mr. GROSS. It seems to be the fate in life of the gentleman in the well to be abandoned.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, I will say to the gentleman from Iowa I do not believe he is really going to be abandoned. It seemed to me that the insistfulness in the majority leader's voice, when he asked the question as to the successor of the gentleman from Missouri, seemed to be suggesting to the gentleman from Iowa to consider him to replace Dr. HALL as the junior member of this famous two-man party. This should be very carefully considered.

Certainly we are going to miss the distinguished doctor from the Ozarks. He came to the House as a specialist in curing in the disease of profligacy. He is a person who is dedicated to the idea that the disease can be treated and stamped out of this particular Chamber. I think he has done a very fine job of treating the disease, but as yet I have not been able to notice any great upswing in the incidence of the serum which the gentleman from Missouri has always proposed, known as parsimony. There is no doubt but what the good Doctor's career has been a very great success. He has been a true watchdog of the Treasury. Also, he is a fine gentleman, we all wish him the very best of everything, including many happy returns of the day.

Mr. WILLIAMS. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Pennsylvania.

Mr. WILLIAMS. I thank the gentleman for yielding. I certainly wish to pay tribute to our distinguished colleague, Congressman Dr. HALL, on his birthday. I had the pleasure of living in the same building with Dr. HALL for a number of years. It must have been before he got his bugle. I regret that I have not had the chance to hear him sound off on that bugle.

There is no question that he has performed a very valuable service during his time in the House, and we all owe him a debt of gratitude. We know he is going to leave at the end of this year, and we hope he has a long, prosperous, and very happy retirement.

Mr. GARMATZ. I, too, wish to join my colleagues in wishing Dr. HALL a very happy birthday today. I hope that he enjoys many, many more, and I hope also that he enjoys the best of everything.

GENERAL LEAVE

Mr. GROSS. Mr. Speaker, I ask unanimous consent that all Members caring to do so may extend their remarks on the life, works, and bugling of the gentleman from the Ozarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

CALL OF THE HOUSE

Mr. MONTGOMERY. Mr. Speaker, in honor of Dr. DURWARD HALL, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 364]

Abourezk
Ashley
Baker
Baring
Bell
Bevill
Blanton
Blatnik
Bolling
Brotzman
Byrnes, Wis.
Caffery
Carey, N.Y.
Carney
Celler
Clark
Clay
Colmer
Curlin
Delaney
Dellenback
Dowdy
Dwyer
Eckhardt
Edmondson
Erlenborn
Evans, Colo.
Evins, Tenn.
Fulton
Gallagher
Goldwater
Griffiths
Hagan
Hansen, Wash.
Hawkins
Hillis
Keith
Koch
McDonald, Mich.
McMillan
Macdonald, Mass.
Mayne
Meeds
Melcher
Mills, Ark.
Nichols
Pelly
Pickle
Purcell
Quie
Rarick
Rees
Reid
Robison, N.Y.
Rooney, N.Y.
Rosenthal
Runnels
Ryan
Scherle
Scheuer
Skubitz
Springer
Talcott
Teague, Calif.
Thompson, N.J.
Tiernan
Vander Jagt
Waldie
Wampler
Wilson, Bob
Yatron

The SPEAKER. On this rollcall 360 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. FLOOD, from the Committee on Appropriations, reported the bill (H.R. 16654), making appropriations for the Departments of Labor, Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92-1400), which was read a first and second time and, with the accompanying papers, referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. MICHEL reserved all points of order on the bill.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the defense appropriations bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 16593, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through line 7 on page 1 of the bill.

If there be no amendments to be proposed, the Clerk will read.

The Clerk read as follows:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere); $7,488,461,000.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am told by defense officials across the board that the committee has cut too deeply into personnel funds. The committee has made estimates of short falls in strength and has cut appropriations accordingly. The services insist the cuts are too severe and they will cause serious funding problems. The committee attitude seems to be to let the matter go to the Senate for adjustment. I do not think this proper. The time is short for reconsideration but we should make certain of our facts and make corrections if they are needed.

Each of the services disagree sharply with the reductions saying they will have significant adverse impact on force manning, training programs and service capability.

The Air Force requests that 5,246 of the man-year cut be restored. This would require a funding restoration of $51,956,000.

The Navy wants $108,720,000 to restore 8,832 man-years.

The Army requests the restoration of $21.2 million in funds and 2,642 man-years for personnel. This is less than half of the cuts in short fall personnel imposed by the committee.

The committee has acted in good faith in making reductions but the committee is not infallible. A half billion dollar cut in personnel has been made. It appears that it may be too severe.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Arizona.

Mr. RHODES. The gentleman has set forth the problem I believe very clearly and succinctly. The problem is simply that we, apparently, in the computations have made an error in the number of personnel and the grades of personnel who may be in the military during this next fiscal year. I believe also we may not have realized or not taken into consideration the fact that much of the fiscal year is already gone and more of the fiscal year will have elapsed before the bill is in its final form and the Department of Defense will know exactly the pattern it will have to set fiscally in military personnel for the next year.

The figures I have, which I am sure the gentleman from Florida will agree with, are that the Air Force has been shorted some 5,246 man-years, and in a total amount of $51,956,000; the Army has been shorted some 2,642 man-years, and that total is $21.2 million; and the Navy has been shorted, 8,832 man-years, with a total in financial involvement of $108,720,000; which adds up to a total of somewhere near $190 million.

I might state also that the total cut in this bill in military personnel is something near $576 million under the budget, so if the $190 million were restored there would still be a cut in spending for military personnel of some $386 million below the budget.

Mr. SIKES. Mr. Chairman, my question to the distinguished chairman is simply this: If the services are able to provide conclusive evidence of hardship in numbers of personnel under the proposed committee cuts, can it now be stated that the committee is prepared to make reasonable restorations in conference to insure a satisfactory force level for personnel within the services?

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the chairman of the committee.

Mr. MAHON. I would respond by saying to my distinguished colleague and friend that I assume, as in former years, that the Defense Department will appeal practically all of the reductions made by the committee. The Defense Department wants the figures as set forth in the budget.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(By unanimous consent, Mr. SIKES was allowed to proceed for 2 additional minutes.)

Mr. MAHON. I certainly believe that the House conferees should, and will consider sympathetically any requests which may come to the conferees of the House, and will do whatever is reasonable and appropriate under the circumstances.

I am not concerned that the Subcommittee on Defense of the Committee on Appropriations will knowingly do an injustice to the services. We have provided in the bill $23.1 billion for personnel. If we have cut too deeply in some areas, I think the committee must and will consider taking any action that is reasonably necessary under the circumstances to prevent cutting the muscle of the Defense Department.

Mr. SIKES. I appreciate the gentleman's response.

I now yield to the distinguished gentleman from Louisiana, the chairman of the Committee on Armed Services.

Mr. HÉBERT. I thank the gentleman for yielding.

I want one thing clearly understood, because it is rather fuzzy in my mind at this moment.

The authorizing legislative committee is charged with the responsibility for fixing the authorized strength of the various services. In discharging its responsibility there it cut back the strength this year to *x* number. Does this appropriation cut that strength back further?

Mr. MAHON. Will the gentleman yield?

Mr. SIKES. I yield to the gentleman.

Mr. MAHON. As I understand it, the authorizing committee headed by the distinguished gentleman from Louisiana reduced the personnel end strength to a degree that their total would be 43,000 less than had been budgeted for.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. SIKES was allowed to proceed for 2 additional minutes.)

Mr. SIKES. I yield further to the gentleman from Texas.

Mr. MAHON. The Committee on Appropriations recommends in this bill a reduction of some 12,000 additional personnel, not from the combat forces but from headquarters personnel and other such areas. These things are treated in the committee report.

I think it would be impractical at this point to try to make any substantial change in the bill. I would hope that any action that may be necessary can be taken in a conference with the other body or in consideration of the supplemental bill to come up early next year in connection with military personnel.

Mr. HÉBERT. If the gentleman will yield further, I say to the distinguished gentleman from Texas he has not definitely answered the question I asked. He has sort of, in a roundabout way, indicated if an injustice has been done in a further reduction, he will do something about it, but my question was the action of the Committee on Appropriations does cut down further the authorized strength, does it not?

Mr. MAHON. It does cut further the authorized strength.

Mr. HÉBERT. That is the point I want to make.

Certainly the authorizing legislative committee in this instance felt it had cut to the bone and it feels such action as this cuts deeper into the muscle instead of cutting away fat.

If the gentleman from Texas, in response to the gentleman from Florida, will give his assurance that it shall be given sympathetic consideration in the conference, that will satisfy me at this time, because I understand the gentleman's position. I can sympathize with him and support him in trying to legislate on the floor.

Mr. MAHON. I appreciate the gentleman's statement. Of course, the matter will have the most sympathetic and careful attention.

Let me say further, if the gentleman will yield further, that the services themselves have agreed to a lower average strength figure than the authorizing committees which dealt with end strength would enable the military services to obtain.

Mr. SIKES. The services have protested the cuts but they have agreed to accept about half of the cut made by the committee.

Mr. MAHON. Yes. They have agreed to a figure below the authorized figure.

The CHAIRMAN. The time of the gentleman has again expired.

(By unanimous consent, at the request of Mr. MAHON, Mr. SIKES was allowed to proceed for 2 additional minutes.)

Mr. SIKES. I yield further to the distinguished gentleman from Louisiana.

Mr. HÉBERT. In that connection, while the gentleman from Texas says that the services have agreed, yet within the last 48 hours the Chief of Naval Operations has not agreed as far as I am concerned, because he has complained to me about the cuts and he says it will cut 25,000 bodies.

Mr. MAHON. Will the gentleman yield further?

Mr. SIKES. Yes. I yield.

Mr. MAHON. The Chief of Naval Operations has not agreed to the action by the House, but he agreed to a figure below the figure in the authorizing bill.

Mr. HÉBERT. But did he agree to a figure as low as the figure fixed by the Committee on Appropriations?

Mr. MAHON. He opposes the additional reduction contained in the appropriation.

Mr. HÉBERT. That is what I want to get understood. He does not agree to the figure set by the Committee on Appropriations. However, if the gentleman from Texas says he will give some sympathetic consideration in the conference to it, of course, I have no objection.

Mr. SIKES. It is my understanding from personal conversations with the heads of the services that they have agreed that while they will not be happy about it—they will attempt to live with about half of the cut that is required under the action of the Committee on Appropriations.

Now, to achieve that balance, to get half of the military personnel back, who will have to be dropped as the result of the action of the Committee on Appropriations, it will be necessary either to adopt an amendment at this time or to adjust the matter with the Senate in conference.

Mr. RHODES. Mr. Chairman, I have amendments prepared to assure these funds, but I think that in view of the colloquy with the chairman of the full committee and other members of the committee and the distinguished chairman of the Armed Services Committee, it would be better to let the matter go to the other body.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the distinguished gentleman from Michigan, the minority leader.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. GERALD R. FORD. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Florida be extended 5 additional minutes.

The CHAIRMAN. The gentleman from Florida has 5 additional minutes.

Mr. SIKES. I yield to the distinguished minority leader.

Mr. GERALD R. FORD. Mr. Chairman, I am grateful that the gentleman from Florida has yielded to me.

I have listened to the colloquy; I have read the committee report; I have talked with various individuals from the Department, and it seems to me that one must come to the conclusion that the figure for personnel in the bill before us is too low. I personally would not hesitate to seek remedial action on the floor of the House, but I will defer to the judgment of those who are on the subcommittee. I know them all, because I have served with most of them for a number of years on the subcommittee.

But, you cannot maintain the yearend strength that has been projected with the kind of money that is in this bill. It is just impossible. Therefore, I strongly hope and trust that the other body will take action to correct what was done by the Committee on Appropriations in this area and to the degree that I can, I shall urge those in the other body to take this kind of action to correct a mistake that has been made.

Mr. SIKES. I thank the gentleman for his comments.

I yield to the distinguished gentleman from Ohio, the ranking member of the Subcommittee on Defense Appropriations.

Mr. MINSHALL. Mr. Chairman, in view of the colloquy that has transpired I think it is very wise that the committee wait until we get into conference and try to work it out with the Senate. We will have more facts at our disposal and be able to act much more intelligently than we can on it at this time. I assure you that on this matter, we will give it every consideration.

Mr. SIKES. Mr. Chairman, I yield to the gentleman from Utah.

Mr. McKAY. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, I would like to commend the Appropriations Committee and its talented chairman, Congressman GEORGE MAHON, for displaying great wisdom in its consideration of the defense appropriations bill. It has taken something similar to the wisdom of Solomon to trim the fat from the budget request while not affecting the muscle.

The American taxpayers, already hard hit by some unnecessary Government spending, have been saved $4.3 billion as a result of the committee's action. At the same time our Nation can be assured of continuing military strength, because the committee has approved the highest military budget since World War II—$1.8 billion above last year's budget.

There are some who will criticize the committee for not approving everything the President requested. However, the Appropriations Committee must evaluate proposed spending programs in light of the serious budgetary deficits with which the Nation is faced. It appears that the 1972 actual deficit will be $28.9 billion and the President's own 1973 deficit projection is $36.8 billion. The committee must stand firm and call for a ceiling on Federal spending. At the same time, only unessential requests which will not hinder our national defense have been trimmed. For example, $92 million was requested to hire civilians to perform KP duties. The committee felt this was an unnecessary request and disallowed it.

On the other hand, some will be critical of the committee's action feeling that more should have been cut from the President's request. To those I suggest that Congress is given specific responsibilities to provide for the common defense of our Nation. While reasonable men may disagree on the merits of various weapons systems, the committee has attempted to exercise prudent economy in defense spending. The sums recommended for appropriations are sufficient to maintain adequate military strength. The administration has frequently criticized Congress for adding some budget items and for cutting others. However, this is the precise constitutional function of Congress. What other body in America is more representative of the American people and thus has more of a right to reorder our priorities than the House of Representatives?

I encourage my colleagues to support the committee bill. We have spent many long weeks in very technical discussions in preparing it.

I also hope that my colleagues will not create undue delay through floor attempts to place a terminal date certain on the war. There are at least three reasons why I hope the action will not occur. First, the administration has reduced troops to a minimal low level at the present time and is concurrently engaged in intense delicate negotiations.

Any congressional interference, at this point, would be unwise. Second, a prolonged floor fight on such an amendment at the present time would seriously jeopardize the appropriations bill itself. Finally, this House has already defeated similar motions so many times this term that a further attempt would be an exercise in futility. It would serve no useful purpose and might seriously delay passage of the bill.

Mr. Chairman, at a time when voices from both sides of the political spectrum are urging either unreasonable defense cuts or unnecessary defense spending, I encourage prompt floor support for the reasonable and perfectly adequate defense appropriations legislation.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to intercede at this time, but yesterday it was pointed out that this was an excellent and extensive report, and I concur that it is.

I have read it in detail. I have served along with the Chairman BOB MOLLOHAN, of the Special Investigating Subcommittee of the Legislative Committee on Armed Services on the problem of our defense communications for the past two Congresses. We recognize that currently our greatest single national defense need is secure voice communications.

Mr. Chairman, I would call the committee's attention, and especially the members of the parent committee on appropriations handling the bill today, to pages 123 and 124 of their report, entitled, the Defense Communications Agency, the very object of our legislative inquiry for the past 2 years.

I am particularly upset with the findings concerning the System Engineering Facility, known as the SEF over in Reston, Va., which will allow the defense communications system to complete its mission and carry out its problems and challenges in the next few years. But my particular concern or first priority concerning this report, is that portion that deals with the new computerized test-bed and/or simulation center in the SEF, and the statement that it shoull be terminated. I take exception to this because I am now convinced it is essential to our plan of the future DCA, and its mission.

The report continues that the installation of an Autodin or Autovon switch would be used as GFE—Government furnished equipment—this is of no value because it provides no capability for analyzing anything except the old systems which we have in being.

Now, I agree thoroughly that in the beginning of our investigation I too was lerry of the project and, indeed, asked the question of why this could not be done in Bell's simulation or test facilities on a contract basis. The difference, I will say to the Members, between test-bed facilities and simulation in a Systems Engineering Facility for Communications is that test facilities can test what we have in hand, and simulation facilities enables us—with the use of computers—to forecast what we can do with new oncoming or following-on systems or suggestions—including needed technical breakthroughs.

It has been agreed by everyone from the Commander in Chief himself including the Secretary of Defense, on down, that our greatest lack at the present time is in secure voice communications to carry the function and decision of command, to the troops in the field, or the seamen, airmen, marines, et cetera.

It is intolerable to think that we should terminate this system, as illegitimate as it might have been in concept, as erroneous as they may have been in certain points of acquisition, after we have gone over these plans and under the guidance of the legislative committee have assembled albeit slowly the best possible qualified people—including the Bell system—for simulation facilities we know we need. We ought not to tear it down at this particular time.

And I would ask the Members of the Committee, in the same spirit that they have just discussed personnel requirements, and expected service reclamas, if they are not prepared to reread the legislative record of that report at least to the point where we can continue this vital and essential defense work, if we are to get the function of command to the voice of our troops or users?

I yield to my friend, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I thank my good friend, the gentleman from Missouri (Mr. HALL) for yielding. Certainly the gentleman from Missouri has made a very important statement.

The matter appears at pages 123 to 124 of the committee report, and in the last paragraph dealing with this subject, on page 124, these words are stated:

> The Committee directs that the Government-owned equipment planned for installation in the SEF be installed, and if that equipment is not installed the operation of the facility be terminated.

I have discussed that wording with members of the staff and with other members of the committee, and what our committee meant to say was that it was not our belief that at the present time new equipment should be bought. The whole idea of the SEF was sold to the subcommittee of which I am a member, on the basis that there was equipment on hand which could be used for this particular purpose. If that is not the situation, then certainly the Department of Defense should come to the subcommittee and explain to us why they need new equipment, and what new equipment they need.

You will also note on page 124 that there were funds used which were earmarked for personnel and there was no request for reprograming. We think there should have been.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(Mr. HALL, at the request of Mr. RHODES, was granted 4 additional minutes.)

Mr. RHODES. The committee disagreed with the Department of Defense on the propriety and necessity in this instance of not asking permission to reprogram these funds. We felt the original representation, under which the committee agreed, somewhat reluctantly, to the establishment of the systems engineering facility was not honored. Instead of using regular equipment which was on hand, and which had been promised, they departed from that procedure and intend to purchase equipment which is far beyond anything that we had contemplated. All we do here is ask them to please play square with the committee, tell us where they are going and how much money it is going to cost.

Mr. HALL. I appreciate the gentleman's statement.

As I said at the beginning, there may have been some errors, honestly, so far as coordination by the executive branch and DCA specifically to the operating (appropriations) committee; or on the part of the legislative committee, possibly made because we went to see, changed our minds, became enthused and although issuing a second and more complete report—forgot to coordinate.

Our committee, chaired by Congressman MOLLOHAN of West Virginia, has spent a lot of time even interviewing personnel, and their records; and the difference is, if we use this old Government-furnished equipment, we will have a test bed and that will only test what we already have on hand.

A decision was made, and I say again perhaps it was not coordinated properly, to put equipment into the simulation facility other than the Autodin or Autovon switches which the Committee on Appropriations herewith orders to be used, except as explained as to intent by the gentleman from Arizona.

Then there is a second priority, Mr. Chairman, the reduction of $696,000 in the $2.7 million SEF budget is directed, in the bill and according to the report of the committee.

If possible, I think this amount should be restored. I am certainly not known as a "big spender" in Congress. The reason I think this so important is because, if not, the DCA should be allowed to apportion the reduction throughout the agency.

A cut of this magnitude in SEF alone would drastically affect their performance. A competent system engineering facility is necessary in order for the future defense communications system to meet the vital command and control requirement.

I want to say with every fervor of energy in my body or with all the Shakespearean drama that my friend from Pennsylvania could muster, if he were in the well; that it is intolerable and completely nonunderstandable to claim that the greatest defect of our armed services, the greatest cause of ambush in South Vietnam has been the lack of secure voice control communications on the one hand, and then to eliminate a communications system simulation facility on the other.

I hope all of you will agree this can and will be restored in any manner whatsoever. We will continue careful guidance. We will share all of our information and, indeed, there is a second report which is in script already in the Committee on Armed Services which will be very valuable to the Committee on Appropriations. This, I consider our legislative duty.

Mr. Chairman, I repeat for emphasis portions of my observations.

The language of the report will severely impact on the ability of the Defense Communications Agency to improve our defense command, control, and communications.

As many of you know, Mr. MOLLOHAN and I, together with the members of the Subcommittee to Investigate Communications, have examined very critically the whole area of defense communications during the past 2½ years and will publish our second comprehensive report on this field in the near future. We have participated in extensive hearings, visited field activities, and explored in-depth problems of the defense community.

Mr. Chairman, 2 years ago before undertaking this extensive investigation I would have agreed with some of the language included in the present report of the House Committee on Appropriations. Today, based on our extensive activities, I must conclude the guidance included therein is counterproductive and will severely arrest effort to improve defense command, control, and communications which we so badly need.

As I pointed out in the fiscal year 1972 budget hearings before the House Armed Services Committee, Subcommittee No. 1, the Director of the Defense Communications Agency has made a believer out of the subcommittee as to the necessity of having a test-bed facility and a system engineering operation. In addition, we feel that this type of activity is essential in order to develop an operable secure voice and data transmission system. As you know this is one of the critical problems of our national defense. I reiterated my position in March of 1972 before the same committee:

Mr. HALL. Mr. Chairman, in all fairness, I must say this test-bed facility out there, although we looked askance at it originally, and thought we were delaying it, has reached such proportion that our communications priority needs have gotten so high that the Subcommittee on Communications has in its last report reversed itself and concurred in the need for such a facility other than those available in civilian or commercial life, and we are just as anxious for the success of this facility as the general or the Defense Department is at this time."

I am convinced that the new computer simulation center at the system engineering facility—SEF—should be installed because it is essential to the planning of the future defense communications system. Installation of an Autodin or Autovon switch would be of no value because it provides no capability for analyzing new and proposed system concepts. This type of facility is not available in any commercial or Government laboratory. To carry out the direction indicated in the House Appropriations Committee report would be wasteful in money and counterproductive to the purposes of the System Engineering Facility. The alternative proposal to close the SEF is inexplicable and intolerable. Without talented system engineering, we can never have an operable defense communication system.

In addition, a reduction of $696,000 in the $2.7 million SEF budget is directed. On page 230, reference is made to HASC action suggested. In fact in our final report we do not recommend a reduction. If possible, this amount should be restored. If not, DCA should be allowed to apportion the reduction throughout the Agency. A cut of this magnitude in the SEF would drastically affect their performance. A competent system engineering facility is necessary in order for future DCS to meet vital command and control requirements.

The Defense Communications Agency has created a systems engineering facility of outstandingly competent scientific personnel whose efforts are directed toward the future design of the defense communications system. Their education profile matches that of Bell Laboratories. They require a modern computer simulation facility to do their work. An appropriate computer has been purchased based on competitive bids, and will be installed in November. The activities of the Defense Communications Agency to create this systems engineering facility with its attendant hybrid simulation computer must be permitted to proceed.

In a second and important aspect the report restricts the growth of the joint technical support activity, a key element in the Worldwide Military Command and Control System ADP program. This element must be effective if the benefits of the program in terms of effectiveness and dollar costs are to be achieved. Accordingly, the modest increase in civilian personnel for that activity should be permitted.

Finally, and directly related to improve the effectiveness of our command and control system is the matter of direct expenditure for software conversion programs for the new ADP system. The $1.9 million reduction proposed by the Appropriations Committee will increase the Defense Communications Agency overall software conversion cost over the next 2 years by $1.1 million. This is not economy, but rather waste and we should not permit it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Procurement of Aircraft and Missles, Navy

For construction, procurement, production, modification, and modernization of aircraft missiles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; $3,682,140,000, and in addition, $40,000,000 which shall be derived by transfer from "Procurement of Aircraft and Missiles, Navy, 1971/1973", to remain available for obligation until June 30, 1975.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to direct some inquiries to the distinguished chairman of the Subcommittee on the Department of Defense particularly with reference to the procurement by the Navy of LC–130 Operation Deepfreeze airlift aircraft. On page 166 of the report I note the committee recommends that the request of $31.5 million to procure LC–130 aircraft in support of the general United States effort in Antarctica be denied.

As the distinguished chairman, the gentleman from Texas knows, the National Science Foundation was given responsibility for coordinating the Antarctic program, Operation Deepfreeze. Last year the budgetary responsibility for the annual logistic operating costs in Antarctica were transferred from the Department of Defense to the National Science Foundation. At that time the President decided, for several reasons, that the Department of Defense should continue to budget for major capital equipment, and specifically the procurement of airlift aircraft.

The President has now recommended that five new aircraft be procured in the 1973 Defense budget for this program. I think all of us in this Congress recognize the importance of the Antarctic program. Antarctica dominates one-fifth of the area of the world, including all the southern oceans. This continent has a major influence on world weather and climate. It is the world's largest area in protein production. It contains potentially valuable mineral and petroleum products. At the present time it is a neutral continent.

The President of the United States has promulgated four vital policy objectives with reference to Antarctica. These objectives are to maintain the viability of the present Antarctic treaty, to foster extension of cooperative scientific research, to insure peaceful and equitable use of the natural resources, and to protect the U.S. rights in the area.

The Department of Defense has a role and a responsibility in support of our general national effort and presence in this vast neutral area.

The scientific and political leadership of the United States stems from the singular ability of the United States personnel to move about and concentrate resources at will, a capability which offsets the influence of strategically located Soviet stations. This United States capability is totally dependent on the availability of long-range ski-equipped aircraft.

There are now only (3) aircraft available to support the Antarctic program. This is down from nine as late as 1967. They are more than 10 years old, and you may draw your own conclusions for their continuing adequacy and safety in the Antarctic environment. Even if this Congress were to approve the purchase of new aircraft in this bill, the scientists and the airport personnel would still have to rely on those three old aircraft for at least 2 more years.

I hope when this bill is considered by the other body and action is taken to insert the $31.5 million, that there can be some agreement by the House with reference to this particular item.

I might say, Mr. Chairman, that the impact of the failure to procure replacement aircraft will severely curtail the level of the U.S. effort in Antarctica.

It could place in jeopardy the lives and the safety of the personnel who are operating in that area, and those who man the stations. There will also be a dramatic change in the U.S. posture in Antarctica, including abandonment of inland stations at the South Pole and Byrd if aircraft support is not provided.

The National Science Foundation has agreed to fund the operation and maintenance of logistic support for our general national effort. This has previously been provided by the Department of Defense. By directive of the President of the United States, the Department of Defense still must procure the airlift aircraft necessary in that operation. The National Science Foundation has no capability in that area.

I might say, Mr. Chairman, and I again direct my remarks to the chairman of the subcommittee, there is a very direct national defense aspect included in this program, for these airlift aircraft are operated for a period of 7 months in Antarctica by Navy personnel in support of our general national effort.

During the other 5 months of the year the aircraft are used by the Department of the Navy for other military purposes. So there is a national priority with reference to national defense that is much broader than the responsibility of the National Science Foundation.

I take this time for the purpose of recommending that this committee again look at this item when they go to conference. I hope that the other body will insert funds for these aircraft into the procurement program of the Navy, and that it will be agreed to in conference. These aircraft are essential for the operational safety of the Navy support, and to prevent a severe curtailment in the level of the U.S. effort in Antarctica.

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in response to the remark by the gentleman from Massachusetts, I would say that during our hearings we discussed this matter with the Navy. I think we all recognize that these planes are needed for the work of the National Science Foundation. We asked Navy witnesses from which appropriation these planes should be financed. Admiral Weisner, when asked about whether this program should be financed by the National Science Foundation or the Navy, stated:

> I would, I suppose in all candor, have to say that I would rather not have things not directly related to our objectives and our Navy requirements come out of the Navy budget.

But we do agree that this program must be financed, and I feel that a way can be found to finance it.

Mr. BOLAND. I appreciate the response of the distinguished chairman.

Mr. BINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, members of the committee: In past years I have proposed amendments to strike the procurement funds for the F–14 aircraft. I must say that the report of the committee before us today, pages 22 and 23, makes clear that we are in what might be described as a pretty serious mess as far as the F–14 program is concerned. I might venture to say that I think we would be in less of a mess today if my amendments had been adopted last year or the year before to cut off the program then.

I think Grumman Aircraft would also be better off. Grumman Aircraft is in terrible difficulty today, and I think Grumman Aircraft, which is a major industry in my State, would have been in better shape if the F–14 had been canceled 2 or 3 years ago.

This bill contains $570 million of funds for procurement of that aircraft. I am not proposing an amendment at this time to strike that amount for two reasons. First of all, as I understand it, the availability of that money is needed if the United States is to hold Grumman to its contract. Otherwise, the Government would be in violation of the contract, and not Grumman.

The second reason that I do not propose the amendment this year is that I think it is clear that the sum of $570 million is not going to be spent, as a matter of fact. I do not see how it can be spent under the conditions laid down by the Congress in the authorization bill.

At the time the report on the bill before us was drafted, the final language of the conference report was not available. Yesterday, however, we adopted the conference report, and the conference report makes perfectly clear that the amount for the F–14 is authorized only pursuant to the contract, and if the contract price is met. If that cannot be done, then the Secretary has to come back to the Congress with recommendations, but it is clear he cannot go ahead and renegotiate the contract and pay a higher price for these planes than the $16.8 million per unit that is, in effect, the contract price.

We certainly are in a most unusual if not unique situation. The $570 million that is included in this bill is to be available, the committee says, only in accordance with law—and, of course, that must be so.

The conference report which we adopted yesterday makes very clear what the law is.

Grumman says it is impossible for them them to go ahead under the present contract. Grumman says it has already incurred a large loss—$65 million—on the F–14. The figures are there for the Members to read on page 22 of the committee report.

Some of the experts predict that the Navy is going to give in to Grumman and come back to ask the Congress to approve a higher price. Certainly that action should be opposed, if it happens.

The committee has said clearly in its reports that the existing price of $16.8 million is too much for this aircraft, that it is not worth it. Certainly we would not want to see a higher price authorized.

What is the alternative, then? I will say, so far as my own position is concerned, I would hope the Navy and Grumman would work to negotiate a termination of this contract on some fair basis which would reimburse Grumman for such losses on the aircraft as are necessary to eliminate the risk that Grumman might go bankrupt as a result of this situation which has been allowed to develop.

If the Secretary of Defense comes back here and asks for an authorization for a new contract which would provide for the termination of the F–14 program and reimbursement for Grumman for the losses it has incurred to date, I would be for it.

In many respects, Mr. Chairman, Grumman deserves to be in its present difficult situation and hardly deserves to be reimbursed for its losses. I believe the company and the Navy have deceived the public and the Congress—and perhaps even themselves—about this airplane. Grumman shaved its bid on the contract for the airplane to an unrealistically low level, fully expecting, in my judgment, to be able to squeeze more money out of the Congress for the airplane later on. It exaggerated the capabilities and distorted the figures on the airplane in order to make its capabilities look greater and make it look like something more than the warmed-over F–111 which it is.

Despite all this, I see no reason to make the many thousands of employees of the Grumman Co. suffer for the mistakes and misrepresentations of company officials with regard to the F–14. Reimbursement of Grumman for its losses to date on the F–14 should put the company back on a sufficiently even keel long enough to seek other contracts and hopefully to stay in business.

Mr. Chairman, I sincerely hope that the action of the House today in approving $570 million for procurement of 48 more F–14's in order to remain in compliance with the Navy's contract with Grumman is the beginning of the final chapter on the F–14. The sooner we terminate this aircraft the sooner we can get on to the business of developing and procuring a tactical fighter than can meet the real threat that our tactical air force faces and will face in the latter 1970's and 1980's; namely, the Soviet Foxbat. At its best, the F–14 would not have that capability and, in fact, the F–14 is not sufficiently greater in capability than the F–4 to justify its price tag, which is more than five times that of the F–4.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $3,080,940,000, to remain available for obligation until June 30, 1974.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 28, line 6, strike out "$3,080,940,000" and insert in lieu thereof "$3,070,940,000".

Mr. YATES. Mr. Chairman, this amendment seeks to strike out $10 million which has been placed in this bill by the committee for the so-called ABRES program. ABRES is another word for advanced ballistic reentry systems program. It is a program that does violence to the SALT agreement by proposing to develop a hardened warhead, a so-called silo killer. It is a program that was under active consideration in the authorization bills, both in the House and in the Senate, and it was decided by the conferees on the part of both the House and the Senate that no funds be allocated for the ABRES program.

However, the Appropriations Committee put $10 million into this bill for the program. If a rule had not been granted on this bill, it is my opinion that the appropriation for this item would have been subject to a point of order, because there is no authorization for this program.

The SALT program intended to provide for an equality of deterrence between the Soviet Union and the United States.

It was a carefully worked out formula. Neither side was supposed to have or develop a first-strike capability. It was upon that theory the agreement was signed by both nations.

Yet here is the first effort to get around that purpose and thrust of that agreement by moving to find a way of overcoming the ABM installations authorized under the SALT agreement.

Certainly if we start this kind of a race, it is only natural to expect that the Soviets will do the same thing. What value is there in coming to an agreement for a limitation of weapons when almost immediately steps are taken to violate it?

Mr. RHODES. Will the gentleman yield?

Mr. YATES. I am glad to yield to the gentleman.

Mr. RHODES. I am sure the gentleman is well aware of the fact that the SALT talks dealt with the deployment of weapons and not with research and development. I am sure he is aware of the fact, also, the upgrading of existing weapons systems is not unauthorized under the SALT agreement. This is not a violation of the SALT agreement clause.

Mr. YATES. I can tell the gentleman that the Senate Armed Services Committee debated this issue, and they came to the conclusion that it may very well constitute a violation of the SALT agreement.

I agree with the gentleman there are certain limitations imposed on the weapons systems themselves, but this is a move to break down the first-strike capability agreement entered into between the parties.

For that reason I urge the support of my amendment.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the authorization for research and development is at a certain level or amount for each of the services. We are below the authorization figure in every instance, and therefore the committee is not out of order in providing funds for the advanced ballistic reentry systems program.

We have not instructed or mandated in the report or in the bill any specific warhead development. This is a research and development program. What may come out of it we do not know. Certainly there is no intention on the part of anyone to violate the SALT agreement or to take any step not in keeping with the policy of our Government.

Mr. SIKES. Will the gentleman yield?

Mr. MAHON. I yield to the distinguished gentleman from Florida.

Mr. SIKES. May I add, also, the fact that the research and development programs in this bill have been cut very decidedly below the budget level; so much so that the military services are quite concerned about their ability to carry on a proper research and development program.

A research and development program is very definitely one of our most important weapons. We depend upon research and development to bridge the gap between the weapons we have today and the weapons we must have on tomorrow. We are always short in numbers of weapons because they cost so much in this country. Therefore, we must stress R. & D. programs in an effort to continue the development of weapons that we will require on tomorrow to stay reasonably modern.

There is also the fact to be kept in mind the Soviets are pushing R. & D. very vigorously. They do not fail to take advantage of any breaks available. It would be a serious mistake to make any further cuts in that program.

Mr. YATES. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. YATES. Does not the gentleman believe it is most unusual when the signatures on the SALT agreement are hardly dry that we take the first steps to violate that agreement?

Mr. MAHON. I do not propose that we should violate our agreements. There is nothing in the report or in the language that violates that agreement.

Mr. Chairman, I ask for a vote.

Mr. MINSHALL. Mr. Chairman, I rise in opposition to the amendment.

In response to my good friend from Illinois' statement, I would say this in no way violates the SALT agreement. My good friend from Florida pointed out that this is a research and development item.

We have already taken out of the research and development budget of the Defense Department in this bill, nearly $1 billion from their research request, that is a substantial cut. To take $10 million more out of the program at this time, I think would be very unsound and ill-advised.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

At the outset, Mr. Chairman, I wish to agree with the gentleman from Texas, the gentleman from Arizona, and the gentleman from Ohio in opposing the Yates amendment. But, I wish to object more broadly concerning the R.D.T. & E. funding as well as make some observations and comments about the bill as a whole.

I am pleased with the decision in the bill, the recommendation of the subcommittee that they have in retaining the funds for the Trident and for the B-1. I think they have done a reasonably good job in Navy modernization. In general, they have made recommendations that coincide with the President's budget for the maintenance of our current military capability.

But, I take strong exception to the decision of the committee in reference to R.D.T. & E. As I read the committee report, the committee cut $974,839,000 out of the research, development, test and evaluation program. I think that cut is too substantial. I have read the committee report. It indicates, and I read from the report on page 202, that this is an approximate increase of more than 4 percent above the sum provided in the previous fiscal year.

That is about a cost of living increase in the last 12 months. The figure for R.D.T. & E. was to small last year, and I regret very much that the committee has not made available sufficient funds in the research, development, test, and evaluation field for fiscal year 1973. I think this cut is abnormally large. I hope the other body will restore it, and I trust that in conference the error, as I see it, in this program will be remedied.

Mr. FLOOD. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. Mr. Chairman, I might say concerning the gentleman from Michigan, he has served on this subcommittee for many, many years, at which time he left to assume the present position which he now has. He was the ranking minority member, so he knows whereof he speaks.

Mr. GERALD R. FORD. Mr. Chairman, I thank the gentleman from Pennsylvania.

I know that during the height of the war in Vietnam, the services were called upon to curtail or reduce many of their research, development, test and evaluation programs. That was understandable, but now as we are winding down that conflict, it is my judgment that if we are to maintain the kind of military capability that is essential in a strategic or tactical way in the decades ahead, the investments which we make now in this area are essential. I just do not understand how this committee, and particularly this subcommittee—and I have the greatest respect for that group since I served with them 12 years—how they could take such unwise action in this essential area.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentlewoman from New York.

Mrs. ABZUG. Mr. Chairman, I find the gentleman's remarks quite interesting, because I assume that he is very knowledgeable about what is happening. He said that we are winding down the war. He should give us some evidence of that. We have not yet had any evidence of that. On the contrary, there has been an increase in the bombings. I say the remarks——

Mr. GERALD R. FORD. Mr. Chairman, let me answer my dear friend, the gentlewoman from New York—and, Mr. Chairman, I would ask for regular order, and I refuse to yield further.

The CHAIRMAN. The Chair will state that the gentleman from Michigan has control of the time.

Mr. GERALD R. FORD. Mr. Chairman, I want to answer the question the gentlewoman from New York asked without the gentlewoman making a speech. On the evidence—if I can speak to my dear friend, the gentlewoman from New York, the evidence is that at the present time there are less than 40,000 U.S. military personnel in South Vietnam. There are no combat troops in South Vietnam. The commitment of the United States is quite in contrast now between what it was when this administration took over, and I am proud of the fact that we have gone from over 540,000 U.S. military personnel with a heavy combat commitment down to the point where we are at the present time.

The gentlewoman from New York ought to also be proud of the fact that there are less U.S. military personnel in Vietnam than there were before, instead of being critical.

Mrs. ABZUG. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. Let me go on with my own observations and comments in further reference to this appropriation bill.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mrs. ABZUG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we find ourselves in a very interesting situation. While the gentleman from Michigan has stated that there is not enough research money provided for in these appropriations, I have also been reading a great deal about the fact that the President of our country is talking about taking initiatives to settle many issues between the nations in conflict peacefully. I also note, in reading very carefully the committee report, that the appropriations we are being asked to act upon today is in support of the largest defense bill in history, and that includes research and development increases for research and development for more weapons of destruction. These facts would seem to be in conflict with the policies enunciated by administration claims that it seeks to calm international tensions and to find a way in which we can settle disputes peacefully.

It is not true, in addressing the statements made by the gentleman from Michigan, that we only have 40,000 men in arms in Indochina because we have 150,000. If you take into consideration the kind of military activity that we are conducting in Indochina, we are in fact intensifying our effort in Vietnam. Our Armed Forces in Indochina, if we include the members of our naval and air forces, are 150,000 men at this particular moment in history, and instead of winding down, as the gentleman has indicated we are doing, we are increasing our bombing and our military activity in Indochina.

It is quite clear that there is a serious conflict in the statements and the deeds that we do.

The administration on the one hand claims it is winding down the war, and on the other hand its representatives are coming in here requesting support for the largest defense bill in the history of this country.

Despite this, the spokesman of this administration is asking for more research and development, for more deadly weapons systems, instead of asking for more support for housing, health care, child care, and for public service jobs and all the social programs that we need.

If the gentleman from Michigan would like to respond to my statements I would be glad to yield to him. Evidently the gentleman does not desire to do so. I see that he is busy doing other things.

Mr. Chairman, I would like to point out again that this defense appropriation is the largest in history. The statement that we are winding down the war is untrue. There are provisions in this bill of a very significant nature for the war in Vietnam. The administration has asked, as a matter of fact, for an increase in its funds in Vietnam so it can continue the war, and accelerate the bombing, all of which will bring about the further destruction of the people and land in Indochina and seriously injure the American people further.

To request more funds for research and development is merely another way of saying that we seek even more weapons to destroy the Indochinese people which in the end, as I have said, will lead to the further disruption of the American people and their social needs in this country.

Mr. WYMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. AZBUG. I yield to the gentleman.

Mr. WYMAN. Mr. Chairman, I heard the gentlewoman say three times that this is the largest defense budget in the history of this country. For the gentlewoman's information, in terms of constant dollars this is the lowest defense budget since the year 1951. There should be no question about this as we deliberate on this bill today.

Mr. MIKVA. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. Mr. Chairman, if I may return to the amendment under consideration which was to strike out $10 million for the development of a hard-nosed warhead, I will read from the Washington Post, of August 29, 1972, an article entitled "Of Senators and 'Silo-killers.' "

The article says:

> There has been a proper commotion over reports that the Defense Department wants to develop a new type of counterforce technology. By enabling U.S. missiles to destroy hardened targets, including missile silos.

Which is what this proposes.

The article continues:

> The modernized re-entry vehicle (RV) planned by the Department would significantly erode mutual deterrence on which the strategic arms agreements rest. The program would directly contradict this country's assurances that it did not intend to develop capabilities which the Soviet Union could construe as having first-strike potential. To launch so provocative an endeavor at the very moment Congress was considering the Moscow agreements seemed a reckless departure from the prudence and restraint which has marked the administration's approach to strategic matters.
>
> Now comes the good news that Senate-House conferees on the defense procurement bill have declined to authorize funds for development of a hard-target RV. How this occurred is a tale worth relating. It affords some encouraging glimpses of legislative scrutiny of military programs, and it suggests some important ways in which members of Congress can help the President control dubious bureaucratic impulses.

Now in spite of the fact that the Senate and the House conferees on the authorization bill refused to make the money available to develop the hard-nosed missile, this Appropriations Committee is now asking the House to continue the development of the missile. Let us save some money and let us sustain our pledged agreement.

My amendment would strike that out and continue to uphold the validity of the SALT agreement. I urge support of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was rejected.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. YATES: On page 28, line 6, strike out "$3,080,940,000" and insert "$2,636,440,000".

Mr. YATES. Mr. Chairman, my amendment would strike the amount of $444,500,000 which the committee has placed in research and development for the B-1 bomber program.

This is one of the new cost overrun programs.

The cost of building the three B-1 prototypes has risen from an original estimate of $450 million to $875 million each—it has doubled—and despite this large cost increase, the Department of Defense claims that production costs per plane will be held to $35 million. I do not believe it. That estimate is too low, and this, of course, does not include the cost of missiles and it does not include the cost of the warhead.

Second, Mr. Chairman, the B-1's advantages do not greatly outweigh those of the B-52 which is now the bulwark of our bomber fleet. The United States presently outnumbers the Soviet Union by a ratio of 4 to 1 in bomber strength. The B-1 is definitely not needed to maintain superiority because the B-52 is more than adequate.

Let me cite these figures from the report by the Brookings Institution:

> In the case of the late model B-52's, each of approximately 100 planes on alert at any given time, when newly equipped, will be capable of carrying 20 nuclear tipped air to surface missiles as well as high yield gravity bombs. This adds up to a payload of 600 megatons. Assuming that only one-third of these weapons are delivered, this part of the alert bomber force alone would have the capability of destroying more than 20 percent of the Soviet population and 70 percent of Soviet industry.

This is a quotation from the Brookings Institution report. It shows the B-52 is still a most adequate member of the triad. The B-1 capability is not very much greater. Even if a follow-on to the B-52 program were necessary, it is extremely doubtful whether the B-1 is the correct aircraft. It has an inferior range as compared to the B-52 and it has few advantages over the FB-111 and the modernized B-52.

For these reasons Mr. Chairman, I hope that the amendment is approved.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the agreement which the President made with the Soviet Union we agreed to an inferior position from the standpoint of the numbers of intercontinental ballistic missiles and submarine-launched ballistic missiles. In other words we agreed that the Soviet Union could have about 800 more intercontinental ballistic missiles or ship-launched missiles than we in this country have or will have.

This concession on our part has given some concern, but there was no agreement as to bombers, and we are superior to the Soviet Union in bombers.

The B-52 is being extensively used in training and in war. It is an old plane and is of course getting older by the day. We need to work toward having a replacement for the B-52 some time in the future.

We are proceeding very cautiously with the weapons system. The Defense Department is following a true fly-before-you-buy policy with respect to the plane. It seems to me it would be a great mistake and would place us at a serious disadvantage in our negotiations with the Soviet Union with respect to slowing down the arms if we should alter the B-1 program.

As the Members know, the "triad" of our strategic offensive power through the years has been the following: The ICBM, the intercontinental ballistic missile, and we have about 600 fewer land-based ICBM's than the Soviet Union; the second item is the submarine-launched missile; and third, the intercontinental bomber. We do not want to remove from this bill one of these three sources of military strength and deterrence to war.

So I believe the House will readily concur that this amendment should be voted down. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The amendment was rejected.

Mr. MIKVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was prepared to offer an amendment today which would have prohibited the military from spying and collecting dossiers on American citizens and public officials. However, the gentleman from Texas, the distinguished chairman of the committee, has advised me that the committee would oppose such amendment. I would hope when I am through with my remarks that he might explain his reasons for that. I think they would be of interest to the House. Even though I might not individually agree with that position, I think the committee and indeed the whole House ought to know that this problem has not gone away.

Mr. Chairman, it has been nearly 2 years since the Army spying activities were first exposed. Members will recall when allegations were first made in 1970 that the Army intelligence operation was keeping dossiers on millions of Americans, including a large number of public officials, the Department of Defense initially denied they were engaged in any such activities, and then when the evidence became overwhelming they promised not to do it any more. I regret to say that their second assurance was just about as valid as their first.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Illinois (Mr. YATES).

Mr. YATES. I raised this point in the Appropriations Committee when I had a discussion with the distinguished chairman of the committee, the gentleman from Texas. I read to the committee an article that appeared by James J. Kilpatrick, certainly not a liberal columnist, in the Star on September 7. It is entitled: "Senate Report on Army Spying a Chilling Orwellian Document." It is a most appropriate title.

In various part of the column are assertions that really reflect upon the Army. I quote from one section of the column. He said this about the report of the committee:

> The report covers some familiar ground, already traversed in hearings before Senator Ervin's subcommittee, but it contains much that is new. It transpired through the hearings last year that over a period of decades, going back at least to the time of Franklin Delano Roosevelt, the Army had been systematically gathering intelligence on civilians who might cause trouble. In the ensuing uproar, thousands of files and dossiers were destroyed, or so it was said, and orders went out to halt the surveillance.
>
> Were the dossiers in fact destroyed? Has the surveillance ceased?

These are the questions unresolved, and we will not know the answer to them.

The point I am making is, if the gentleman will yield further, is that I suggested to the chairman that I thought that the subject should receive a very thorough investigation by the staff of the Appropriations Committee. Chairman MAHON at that time stated that such an investigation would be made by the staff of the Appropriations Committee. His agreement is timely. In fact, I think it is long overdue that we find out actually what the Army, in fact, all of the armed services which have been guilty of the surveillance of civilians, have been doing with their files. Have they, in fact, been destroyed? Is this practice still going on? What are the services doing in this field. We ought to know the answers to these questions.

I know the gentleman from Illinois in the well was one of those who was the subject of Army surveillance. I know that the distinguished junior Senator from Illinois was one of those under Army surveillance, too. I wonder how many Members of Congress are under Army surveillance, or how many Senators are under Army surveillance.

Is not that something we ought to know?

Yes, the matter ought to be investigated. I am grateful for the assurance by the distinguished chairman of the Appropriations Committee that his staff will conduct a thoroughgoing investigation of this subject in order to make sure that these abuses do not continue.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I have an interest in this because one of the depositories of this information, Fort Holabird, is in my congressional district.

I should like to ask the gentleman in the well or the gentleman from Illinois what kind of assurance we can get that the files have been destroyed? What sort of evidence could we ask for that would give us the kind of assurance that we want?

Mr. YATES. I think that the evidence we can get can only come through the investigation of a good staff, and there is no better staff in the Congress than the staff of the Defense Subcommittee on Appropriations. I believe that that staff should be authorized to look into this question thoroughly to find out the answers to those questions.

What has the Army done? What is it doing now? Does it have these files? Are they being destroyed? We ought to know the answers to those questions.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I will yield to the distinguished chairman.

Mr. MAHON. Mr. Chairman, the Committee on Appropriations has been concerned about this matter for quite some time. The committee abhors any thought that the Army would conduct surveillance of civilians, and the information which we have received is to the effect that the process has been discontinued, and that all of the files have been destroyed except certain files that will be needed in pending court cases.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. MAHON, and by unanimous consent, Mr. MIKVA was allowed to proceed for 2 additional minutes.)

Mr. MAHON. When this matter was brought up before the Committee on Appropriations, I advised that we would have an investigation to determine, insofar as it is possible, whether or not the files have actually been destroyed, and what files are being retained for court cases. I also stated that we would determine whether there has been any change in the program since we held a rather extensive hearing with regard to the subject some time ago.

The article by the columnist that has been read relates to things that happened in the past. The gentleman from Illinois, of course, is concerned about what is happening now and what may happen in the future. I certainly concur with him fully that this practice should never have been started and must not continue.

Mr. MIKVA. May I say to the distinguished chairman that the gentleman in the other body who conducted hearings on this very subject determined that in fact the various discontinuance dates the Army had given not only to me but also to the chairman of the committee and to many other Members of the House were not valid dates.

At one point a witness from the Army was questioned. I believe this involved the Fort Holabird installation, in fact. The question was asked, "Were all records destroyed?" He said, "Oh, yes." He said, "Oh, yes" five times, and the sixth time he said, "We did keep one printout."

One does not have to be an expert on computers to know that if one keeps one printout, he has not destroyed the file.

The legislation I would have liked to have seen in this appropriation bill, and which I still hope the other body will put in, is a flat prohibition which says that no funds shall be spent for spying on civilians or public officials.

If they did not do it in the first place, and it now appears they did; and if they stopped when they said they did, and it now appears they did not; and if they stop now—it seems to me no harm could be done, and a great deal of good, if the Congress should declare as a firm public policy that money should not be spent for this purpose.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. MIKVA was allowed to proceed for 1 additional minute.)

Mr. MIKVA. I am glad to yield further to the distinguished chairman of the committee.

Mr. MAHON. I believe the thing to do now is to conduct an investigation, and then we will be in a better position to give complete and absolute assurance as to what the situation is, and then we can determine whether or not we need the kind of proviso the gentleman proposes incorporated in an appropriation bill.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I am glad to yield to the gentleman from Illinois.

Mr. YATES. I take it, from the chairman's remarks and his head nodding, that the staff of the subcommittee is going to conduct an investigation of this matter. The answer is "yes".

Mr. MIKVA. I am glad to be assured on that.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Indiana.

Mr. MYERS. I was informed a few weeks ago by a friend of mine that a particular item on me was in a dossier of the Democratic Study Group. Could it be possible that those files might have been turned over?

Mr. MIKVA. If the gentleman from Indiana wants to see any dossier on him, I will use my good offices with the Democratic Study Group to help him along. I am sure that any reference to him would be flattering. I am also sure no such "dossier" exists.

It has been nearly 2 years since the Army's spying activities were first exposed.

In the early months of 1971, Senator SAM ERVIN's Subcommittee on Constitutional Rights held historic hearings in an effort to explore the history and the extent of military surveillance. That effort was hampered by the unwillingness of the Army to produce witnesses and documents which would cast light on the policies and practices involved.

In spite of those obstacles, Senator ERVIN's subcommittee has recently published a staff report analyzing the documents which were made available. The resulting story is one which should serve as a shocking warning to all Americans who value their freedom.

The staff report on Army surveillance reaches three essential conclusions. First, that the scope of the military's surveillance activities was considerably more extensive than anticipated. Second, the lack of civilian control over surveillance activities was matched by a total lack of central military control as well. And third, the enormous amount of data collected on private citizens and organizations was utterly useless even to the military organizations which collected it. "They were the most worthless damn (files) I had ever seen in my life," said the General Counsel of the Army. "It was a waste of paper." Nevertheless, the subcommittee was unable to assure that these useless, potentially injurious files had been destroyed in accordance with instructions from the Department of Defense.

For those of my colleagues who have not had a chance to read the staff report, let me summarize what the subcommittee found when it looked into the scope of Army surveillance in America.

Nine separate data banks were uncovered, each of which maintained detailed information on citizens and organizations whose primary common traits were their involvement in constitutionally protected political activities.

First, Fort Holabird "Mug Books. The mug books consist of six volumes of photographs and personal data, classified "confidential" and entitled "Individuals Active in Civil Disturbances". They were compiled by intelligence analysts at Fort Holabird and published by the Intelligence Command in May and October 1968. More than 1,000 individuals are profiled in these volumes—people from all walks of life and from all parts of the Nation. An example of the absurd but dangerous character of these profiles can be seen on page 7 of the staff report, where the profile of one nationally known civil rights leader is displayed. He is described as "a sex pervert" with a "subversive Communist background"—charges which are demonstrably false and utterly irrelevant to any legitimate informational needs of the Army in connection with its limited civil disturbance function.

During the Senate hearings in 1971, the Army General Counsel conceded that these mug books were not necessary to the Army's proper mission and promised that they would be destroyed. But the Senate staff found that there was no supervision or reliable documentation of the promised destruction, and that "it is unlikely that 46 percent of the volumes actually want into the incinerators."—at page 8.

Second, the CIAB compendium. This is a two-volume set of yellow, vinyl-covered looseleaf binders known as "The Compendium." Classified secret, the volumes are entitled "Civil Disturbances and Dissidence"—volume 1 is subtitled "Cities and Organizations of Interests" and volume 2 is subtitled "Personalities of Interest." The first volume lists 13 political organizations, 49 "racial" organizations, 16 antiwar organizations, and 27 international organizations which the Army watched for subversive activity. Included are the NAACP and the Urban League. The descriptions of the organizations are loaded with unsubstantiated insinuations and undocumented conclusions.

Volume 2 contains biographical sketches on 435 personalities of interest. The author appears to have been especially interested in people who participate in demonstrations—in accordance with their first amendment rights. The Senate staff report quotes Secretary Froehlke as saying that "The destruction of all copies (of the Compendium) has not yet been assured"—at page 20.

Third, files of the Army Intelligence Command. The most extensive files maintained by the Army on civilian political activity were kept by the U.S. Army Intelligence Command—USAINTC—at Fort Holabird, Md. The central core of the Intelligence Command's files is the investigative records repository which contains approximately 8 million security clearance, criminal, and counterintelligence dossiers. A number of files have been developed specifically to keep track of civilian political activities unrelated or only indirectly related to the investigation of persons being considered for security clearances.

The order to destroy these files went out in late June 1970. Throughout the summer and fall numerous inspections were conducted to encourage compliance. Yet one of the witnesses who testified before the Constitutional Rights Subcommittee described how an officer in his unit concealed many of the reports in the bottom of security containers, and advised subordinates in other offices how they could circumvent the destruction order. The Senate staff concluded that:

> Despite the efforts of the Army's higher officials, the complete destruction of the regional and local files of the Intelligence Command cannot be assured.—At page 43.

Fourth, files of the Continental Army Command. Like the Intelligence Command, the Continental Army Command—CONARC—maintained a nationwide network of computerized and noncomputerized files on civilians unassociated with the Armed Forces.

The basic noncomputerized file at CONARC's headquarters at Fort Monroe, Va., was similar to the subversives file at Fort Holabird. Its primary purpose was to check on the loyalty of organizations and individuals and to monitor "disaffection" within stateside Army units.

Persons described in the computerized data bank range from members of clearly peaceful "establishment" groups such as the Unitarian-Universalists, Quakers, American Friends Service Committee, the Society for Ethical Culture, and SANE, to individuals alleged to be connected with the Communist Party, and personnel from Isvestia and the KGB—Soviet Intelligence. Convicted Soviet spies join Nobel Prize winners and entries from "Who's Who." Activities described vary from peaceful expressions of views to espionage. In most cases, however, the individuals were included solely because they chose to exercise constitutionally guaranteed freedoms of speech, assembly, and petition. Some are cited for handing out pamphlets, making speeches, attending rallies, subscribing to periodicals, signing political advertisements, advocating voter registration, calling for the reform of the Uniform Code of Military Justice, signing an election petition, and speaking unfavorably of the Army, an officer, or the President. Others are included for opposing the war in Vietnam, participating in sit ins, sleep ins, and demonstrations, picketing—in one case of a shoeshop—and writing letters of support to Hanoi.

Fifth, files of the CONUS Armies. Each of the continental U.S. Armies conducted its own largely redundant but unsupervised intelligence operation, containing files on dissident and subversive activity. At least one subordinate unit, III Corps at Fort Hood, went so far as to computerize its files on national and local dissenters. Compared to the national data banks maintained by the Intelligence Command and CONARC, the Fort Hood operation was found by the Senate staff to be modest. Nonetheless, the independent development of this data bank—particularly in light of the huge files already existing at Fourth Army headquarters—demonstrates how easy it was for domestic intelligence activities to be initiated without authority from the Department of the Army and without consideration for efficiency or economy.

As with the Fort Holabird files, Army civilians had difficulty assuring the destruction of the Fort Hood data bank, according to the Senate staff report—at page 80.

Sixth, files of the Counterintelligence Analysis Branch, OACST. The mission of the Counterintelligence Analysis Branch of the Office of the Assistant Chief of Staff for Intelligence was to analyze the mountains of data collected and stored by the major collection agencies—CONARC and ASAINTC. According to one witness before Senator ERVIN's subcommittee, the major part of the information which flooded into CIAB related to totally civilian political activities in which the Army had no legitimate interest. Examples include black groups devoted solely to securing better housing, vigil groups in New England which met regularly to light candles and pray for peace, and student organizations interested in increasing the relevancy of their education. Financial information, sexual activities—especially illicit or unconventional—personal beliefs and associations were all reported in great detail, according to the testimony of former Army intelligence agent Ralph Stein.

Seventh, U.S. Strike Command computer. The U.S. Strike Command—USSTRICOM—was established in 1961 to furnish rapidly deployable, combat-ready forces in an emergency situation anywhere within the United States or overseas. During the late 1960's this mission included stepped-up efforts to assure rapid deployment of riot trained soldiers in times of civil disorder. To facilitate this effort and to insure military security, USSTRICOM's Director of Intelligence undertook to develop his own computerized files on civilian political activity.

As was the case at Fort Hood, Fort Monroe, and Fort Holabird, the MacDill computer operation was undertaken in late 1967 and early 1968 without civilian authorization of any kind.

Eighth, computerized files of the directorate for Civil Disturbance Planning and Operations. The Directorate for Civil Disturbance Planning and Operations—DCDPO—was created in April 1968 when the Army anticipated that it might have to deploy 10,000 troops in each of 25 cities simultaneously. Accordingly, a 180-man unit was created to command Army operations on the homefront. To relieve overcrowding in the Army operations center, a new headquarters was carved out of a basement storeroom under the Pentagon's north mall. Completed in July 1969 at a cost of $2.7 million, this domestic war room was equipped with extensive teletype networks to MI group emergency operations centers throughout the country, situation maps, closed-circuit television, hot lines, an illuminated switchboard, and a computerized data processing center. DCDPO published a computerized survey of recent and expected political protests. As the sample printouts in the Senate staff report show, no demonstration was too peaceful or legal to be included. No evidence of the destruction of DCDPO's files was received by the staff investigators.

THE NEED FOR CONGRESSIONAL ACTION

After discussing the incredible extensiveness and uselessness of Army surveillance as documented in its report, the Senate staff investigators conclude with the question which brings us full circle: how can Congress and the American people reassert control?

It is unlikely that we will ever know the full story of Army surveillance or to what extent it has been cut back. Already numerous measures have been taken to tighten security on counterintelligence operations. Short-term agents have been replaced with career personnel who are less likely to come forward and tell what they know. Others have been threatened with prosecution if they talked.

Perhaps the most realistic way to protect against a resurgence of Army spying is to increase the cost of getting caught by strengthening the laws prohibiting such invasions of constitutional rights by the military. Appropriations limitations can be useful in this regard, and ultimately Congress will have to meet the issue head on by enacting legislation specifically prohibiting military surveillance of private citizens and public officials. Without such controls written into law, there is little to separate us from totalitarian military states other than our good intentions. A nation which values liberty requires a firmer foundation than that. I am hopeful that the Senate will take the first step by writing into the bill before us a provision prohibiting these funds from being used to finance the network of military surveillance operations uncovered by Senator ERVIN's subcommittee.

Mr. SMITH of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, from the item under title V entitled "Research, Development, Test, Evaluation—Air Force" on page 28 of the bill, the committee has stricken $35,800,000; requested to continue the development of the airframe for a future advanced medium STOL—short takeoff and landing—transport aircraft but has requested the appropriation of $16,000,000 for the development of a new engine for this aircraft. I believe that this was a mistake and arose from a misunderstanding by the committee. The committee apparently was under the impression that the airframe development would require a new engine and that the engine was 3 years behind the airframe in development schedule:

Yesterday the Air Force stated:

> The Air Force will seek to explain more fully to clear up any misunderstanding that may exist as to its plan relative to the AMST transport. The prototype aircraft program is not dependent on engine development. It will use existing engines. The engine development program is a separate technology program which, if successful, might later provide an option to improve the prototype if a decision should be made at some future time to go into production.

I contemplated introducing an amendment which would restore the funds to continue the development of the airframe of this medium STOL transport but then I decided not to do so because I think that the committee should have more opportunity to have the Air Force explain any misunderstanding that has taken place. Accordingly, I hope that the other body may be able to return these funds to the bill and that the conferees from the House will have had time by then to clear up a misunderstanding that apparently exists with the Air Force in regard to this program.

There are many reasons that this program is most important. It is a program which requires no long-range commitments and no great outlay of funds.

In order to appreciate the need to demonstrate applicable new technology in this area, it is, of course, essential to understand the contribution of tactical airlift to our national security. Fundamentally, we know from past experience that the ability to respond promptly to threats against our national interest or that of our allies can serve to deter aggression, or prevent small conflicts from expanding into larger ones. In this connection the design goals for the AMST prototype have been influenced in a major way by the needs of both the Army and the Air Force, and reflect much of the experience gained by these services during the conflict in Southeast Asia. With these realistic design goals, it is expected that an aircraft such as the AMST could eventually improve our rapid reaction capability by augmenting our strategic airlift forces during an initial deployment, and by permitting a much more rapid buildup of tactical airlift capability in the contingency area itself. Moreover, the AMST could enable the United States to minimize the reliance on U.S. ground forces when and where appropriate by providing for improved support of indigenous ground forces and both United States and allied air forces.

The Air Force and the National Aeronautics and Space Administration are working together to exchange short takeoff and landing—STOL—data; this coordination between the Air Force and NASA should produce accelerated progress in STOL technology. The AMST prototype aircraft will demonstrate numerous major improvements such as the capability to operate from shorter fields, greater payload capability, lower cost to accomplish tactical airlift workloads, and increased survivability against ground fire because of the ability to fly steeper approaches and departures. These numerous major improvements in STOL technology will stand this country in good stead as our civilian airplane manufacturers look more and more to this field in an effort to contain our constantly burgeoning massive commercial jetport development, jetport development that is being fought by local residences wherever such massive jetports of the future are being planned.

I trust that when and if the Appropriations Committee and the House of Representatives shall again have an opportunity of approving this prototype medium STOL transport development program, they still restore these funds so that we may get on with the job. At least five aircraft manufacturers have made proposals for this project. One of them is Bell Aerospace Co. which is located in my district. If the program were restored and Bell's proposal should be accepted, it would do wonders for a serious unemployment situation existing in western New York.

Mr. KEMP. Will the gentleman yield?

Mr. SMITH of New York. I am happy to yield to the gentleman.

Mr. KEMP. I thank my distinguished friend for yielding and I would like to commend him for his remarks. I rise in support of his very articulate position and say also that I appreciate the leadership that he has shown on this issue.

Mr. Chairman, the capability to provide responsive, flexible tactical airlift within a theater of operations is an integral element of our military posture which enables us to reinforce deterrence. In this regard, I firmly believe that it is essential that we support the advanced medium STOL transport—AMST—prototype program—an advanced development program which is part of a long-term effort to modernize our tactical airlift forces. The cost to support this important STOL—short takeoff and landing—development program is relatively modest, but the potential payoff is quite high.

Today, the bulk of the tactical airlift requirement is fulfilled by the respected, but dated, C–130. The C–130 is based upon the technology of the early 1950's. Although it has been continuously modified and improved over the years, the C–130 simply will not be able to respond as effectively to future contingencies as could an AMST based upon modern technology, as I will elaborate upon subsequently. This is an important consideration when we determine the development programs we should support, and when we look ahead to the future of our tactical airlift forces.

The objectives of the AMST prototype program relate in an indispensable way to these considerations I have mentioned. First, the AMST program will demonstrate applicable new technology which, after additional engineering development, could provide a medium-sized—that is, a C–130 class—jet STOL transport. Next, the program will provide a low-cost development option for modernization of the tactical airlift force. Third, the program is designed to yield increased visibility on costs associated with short-field performance. Also, the program will define STOL operational rules, safety margins, and related design criteria. All of these objectives have direct, essential applicability to the long-term effort to modernize our tactical airlift capability. In addition, successful achievement of program objectives could well benefit to some degree—as you will recognize—broad aviation developments in the United States and this country's future position in world aviation technology.

The potential value of the AMST prototype program can be illustrated in part by some examples of the improved capabilities which would be made possible by the program.

The AMST will be the first tactical airlift transport to incorporate the wide-bodied concept now used in virtually all new commerical transport aircraft. This feature will permit highly efficient use of cargo compartment space. Although both the C–130 and the AMST will be able to carry cargo and wheeled vehicles, the AMST also will accommodate troops seated alongside the cargo. Moreover, the AMST would have the capability to carry many items of military equipment—such as self-propelled artillery, mobile shops vans, and components for ground-to-air and ground-to-ground missile systems—which are too heavy and/or too large to be carried in the C–130.

Because of its short takeoff and landing capability, the AMST could operate into many airfields not useable by the C–130, and therefore provide much more flexible and responsive tactical airlift. To illustrate, there are more than 650 runways in the European area alone which are unsuitable for the C–130 but which are useable by the AMST. This becomes particularly important when considering factors such as the potential denial of many runways due to hostile action, and the effect of adverse weather which is common in Europe. Further, the AMST would be capable of providing logistics support of operations at dispersed airfields which may be used, for example, by the Army's helicopters and the Air Force's A–X close air support aircraft.

Not only could the AMST improve our tactical airlift capability, it also could do this in a highly cost-effective manner. The AMST prototype program will emphasize a low production-cost aircraft which is simple, reliable, rugged, and easy to maintain. Moreover, extensive analyses have shown that most tactical airlift workloads can be accomplished at a lower cost through the use of the wide-bodied concept to be employed in the AMST, than through the use of the current narrow-bodied designs.

For the past couple of years, the Air Force has actively pursued a broad spectrum of study and research efforts intended to provide a cornerstone on which to base a confident program for a new STOL transport. It is evident that the potential for building a successful STOL transport is now in hand. Also, the basic design goals for the aircraft will permit a prudent design approach well within the state of the art.

Now I would like to make another observation which I feel is particularly pertinent to our deliberations. Contrary to some misconceptions, the prototype aircraft will be based on the use of existing turbofan engines. Indeed, not only the prototype aircraft, but also any eventual production version of the AMST, could use currently available engines. The Air Force does have a separate advanced-technology engine development program underway which could eventually result in a high performance engine suitable for use on a future version of the AMST—but the AMST prototype is not dependent on this new engine. I wish to repeat—the AMST prototype will be designed to use currently available engines.

Also of importance is the fact that the Air Force is maintaining close coordination with the National Aeronautics and Space Administration—NASA—with respect to STOL technology developments. This close coordination should prove of considerable benefit to the Air Force, NASA, and industry, and provide an across-the-board boost to our progress in this field.

In sum, Mr. Chairman, the AMST prototype program is a well-conceived, soundly based element of the long-range effort to modernize our tactical airlift forces. The program is moderate in cost, and will permit the Air Force to examine multiple technological options designed to provide the means to improve our tactical airlift capabilities in a cost-effective manner. Moreover, the program contains no commitment to a production decision. In consideration of these factors, and in consideration of the importance of effective, efficient tactical airlift to our deterrent posture, I strongly urge you to support this program.

Mr. Chairman, at this point I include quotes from the Senate and House Armed Services Committee reports on the AMST prototypes which I feel are critical to the discussion here today. I feel it is important to establish a favorable legislative history for this program in the House, notwithstanding the committee's decision to delay the program. I feel quite sure the Senate will have time to clear up the misunderstanding and when the conference report comes before us, we can all vote with confidence for the restoration of funds for this program. I want to take this opportunity to commend my distinguished colleague and neighbor from New York, HENRY SMITH for his leadership role in educating the House on the importance of this program and I am sure he will take this cause to the Senate where he has enlisted the active support of our distinguished colleagues in the Senate, Senators JAVITS and BUCKLEY.

The Senate and House reports follow:

Senate Report on Authorizing Appropriations for Fiscal Year 1973 for Military Procurement, Research and Development, Construction Authorization for the Safeguard ABM, and Active Duty and Selected Reserve Strength, and for Other Purposes

ADVANCED MEDIUM SHORT TAKEOFF AND LANDING TRANSPORT

Committee recommendations

The committee recommends approval of the $51.8 million requested. The objective of this program is to design, fabricate and evaluate a prototype transport which will demonstrate new technology which, after additional engineering development, will provide a low cost development for the modernization of the tactical airlift force. It will also provide data and costs associated with short field performance and define short takeoff and landing operational rules and related design criteria. Design and performance goals rather than rigid specification requirements have been established and include the takeoff and landing capability required to conduct safe, routine operations in and out of 2,000-foot airstrips with a 15-ton payload and at least one-half internal fuel on board, normal turbojet or turbofan power transport aircraft cruise speeds, and sufficient internal fuel for a 500 NM radius of action. The program also includes as a separate effort the competitive development and test of an advanced turbofan demonstrator engine for specific application to this aircraft.

Committee considerations

There is a major deficiency in the funding identified with this program. The request includes $35.8 million for the aircraft but the Air Force has stated that an additional $34.2 million is required in fiscal year 1973 to support a competition to satisfy the direction of the House Appropriations Committee (Report No. 92–666 on the FY 1972 appropriations) on November 11, 1971, that this be a competitive effort. There was sufficient time before the budget was submitted to the Congress to have permitted inclusion of the requirement for these added funds in the budget, but this was not done. The Air Force states that if the program is approved, reprogramming will be employed to provide the $34.2 million if needed. An examination of contractors' proposals will determine if more than one technical approach should be pursued.

The committee supports this advanced development prototype program. The committee strongly urges a program which considers a potential application of this development to commercial transport use. In this regard, the tendency in the military departments to establish performance goals which are unique but not essential to a military application should be avoided. The Department of Defense should coordinate its efforts with those of the National Aeronautics and Space Administration, which is developing a smaller 50,000-pound STOL transport for civilian use. If successfully developed, the Department of Defense Medium STOL Transport could make a significant contribution to commercial aviation and could improve the position of the United States in the international commercial transport market.

House of Representatives Report on Authorizing Appropriations, Fiscal Year 1973, for Military Procurement, Research and Development, Certain Construction for the Safeguard Antiballistic Missile System, Active Duty and Reserve Strength, and for Other Purposes

The conceptual and preliminary design of the Advanced STOL prototypes will be completed. These efforts, through future flight tests, will lessen the technological risks and provide decisionmakers with possible production options based on demonstrated hardware. Also included are developments involving airframes, avionics, ECM (EF–111A), power plants and other aircraft related equipment.

Mr. Chairman, I mentioned earlier the misunderstanding on the AMST program. In the September 13 and 14 issues of the Aerospace Daily, this subject was discussed. Since I am very hopeful these funds will be restored in conference, and I will do all I can to clear up the misunderstanding, I feel it is appropriate to the debate to include the two aforementioned articles at this point:

AMST Cut Is "Abuse of Prototype Concept," Industry Officials Say

Cut of funds for continued development of the Air Force's Advanced Medium STOL Transport (AMST) from the Pentagon's fiscal year 1973 budget by the House Appropriations Committee "amounts to abuse of the prototype concept," industry sources close to the program said yesterday.

The sources, stressing that AMST is "an ideal prototype" program, were miffed by the cut and said it seriously hampers U.S. chances of getting an economically viable fleet of military and civil STOL transports to replace aging aircraft now in use.

They said commercial STOL "is unlikely to occur before military STOL," and that "there is a genuine need for (new) military STOL aircraft" to replace the Lockheed C–130 fleet. The committee members, by cutting the Air Force's requested $35.8 million to proceed with AMST, "are denying themselves this development," The Daily was told.

"We should go with" the program, the sources said. The committee's action "amounts to abuse of the prototype concept," initiated by former deputy defense secretary David Packard.

The sources said several aerospace companies "had perfectly satisfactory solutions" to the AMST requirement "and then the committee abruptly shuts it off." The companies met "Department of Defense and, by implication, congressional desires on what kind of aircraft it should be," The Daily was told.

Air Force Seeks To Clear Up Hill's "Misunderstanding" on AMST

The Air Force said yesterday it will go back to Capitol Hill to "clear up any misunderstanding" on its Advanced Medium STOL Transport (AMST) aircraft program. On Monday, the House Appropriations Committee released its report on the Pentagon's fiscal year 1973 budget, in which it cut the AMST proposal by $35.8 million (Daily, Sept. 12).

Companies participating in the program objected to the committee's action, indicating it was confused on several issues, including the engine. The action, sources said, amounted to "abuse of the prototype concept," initiated by former Deputy Defense Secretary David Packard (Daily, Sept. 13).

The Air Force apparently agrees. Yesterday, it issued the following statement:

"The Air Force will seek to explain more fully to clear up any misunderstanding that may exist as to its plan relative to the AMST transport. The prototype aircraft program is not dependent on engine development. It will use existing engines. The engine development program is a separate technology program which, if successful, might later provide an option to improve the prototype if a decision should be made at some future time to go into production."

The Air Force did have some difficulty conveying its ideas on the program to the House Appropriations Committee when it testified March 22. On one occasion, a reading of the testimony reveals, Lt. Gen. Otto J. Glasser, deputy chief of staff for research and development, asked if he could "start over" in his description of the program. "I think we have gotten way off the track . . .," he said. On another ocassion, Air Force Assistant Secretary for R&D Grant L. Hansen said, "Somehow or other, I have not been able adequately to portray to you the picture that this (new) engine is on option for improvement in the prototype, and not a part of the prototype program itself . . ."

The committee's decision to cut the airframe portion of the program but to retain funds for work on an advanced engine is reprinted as it appeared in its report on page 69 of this issue of The Daily.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I am glad to yield to the gentleman.

Mr. HOSMER. I would also like to associate myself with the gentleman in his remarks with regard to the STOL aircraft.

Mr. SMITH of New York. I thank the gentleman.

Mr. MINSHALL. Will the gentleman yield?

Mr. SMITH of New York. I will be glad to yield to the gentleman from Ohio.

Mr. MINSHALL. I would like to point out to the committee that this matter is discussed in some detail, the STOL aircraft, on page 225 of our report. I will not take the time now to read the section.

Mr. PRICE of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am disturbed by the committee action on the advanced medium STOL prototype. Over the past few years, we have been giving special attention to the efforts of the Department of Defense to make improvements in the process whereby weapons systems are developed and acquired. With the special encouragement of former Secretary of Defense Packard, the DOD initiated a number of actions in this regard—one of the most important being that of "prototyping." In brief the prototype approach is designed to avoid many of the problems experienced in the past which resulted both from excessive reliance on paper studies and from concurrency between development and production of weapons systems. Hardware prototypes developed under this new approach will confirm technical feasibility and permit evaluation of the utility of a design against requirements before any further steps are taken in the program. This appears to be a laudable approach to development—one we should encourage whenever possible.

In this connection, the Air Force currently is conducting prototype programs for two aircraft—the lightweight fighter and the advanced medium STOL transport—AMST. Both of these programs are designed to yield important technical and cost information early in the development process. And both of these programs would be laying the groundwork for possible important improvements in our defense capabilities at some time in the future—although I wish to emphasize that neither program now involves a production decision or commitment.

I wish at this time to focus my remarks on one of these two programs—the advanced medium STOL transport—AMST—prototype program. Some questions have been raised concerning the AMST prototype program, and I believe it is in the best interest of our review of the defense bill to fully understand the need to support this program. Of course, it is evident that one reason we should lend our support is to demonstrate our continuing encouragement of improved DOD management processes, as characterized by the prototype approach. In addition, there is another very important reason for support, and that is to provide a sound basis for any eventual modernization of our aging tactical airlift forces.

With respect to this latter point, I wish to note that the current workhorse of our tactical airlift forces—the C–130—has been in production since the early 1950's. Its record has been an admirable one and we certainly can expect it to remain an essential element of our tactical airlift capability for some time to come.

Nevertheless, the C–130 cannot last forever, and it is inevitable that at some time in the not-too-distant future, the Air Force will have to begin replacing its C–130s. Furthermore, technological progress over the past two decades, and also technological process which is imminent, will permit us to develop a new tactical airlift transport with capabilities noticeably superior to those of the C–130. The AMST is being specifically designed to take advantage of these new technologies, to yield the superior performance which is now achieveable, and to provide technological options which could permit timely and cost-effective modernization of our tactical airlift capability.

Of course, as I inferred earlier, support of the AMST prototype program does not entail any commitment to production. This is a key aspect of the prototyping procedure. We can provide a firm basis for any eventual modernization of the tactical airlift forces without undertaking undue risks, either in terms of technical uncertainties or in terms of unknown cost factors.

At this point, a few words are in order about the type of aircraft which can be expected to be developed in the AMST prototype program. Briefly, the AMST will have a gross weight of about 150,000 pounds, which means the AMST aircraft will be in the C–130 class.

It will be designed to use currently available jet engines—and will not be dependent on the development of new engines, as some have thought. The AMST will be able to carry considerable payload; in fact, it will be able to carry many items of military equipment which cannot be carried by the C–130 because the items are too heavy or too large. Also, the AMST will have short field performance, which means that it will be able to use a much greater number of airfields than are now usable by the C–130. And it will have a wide-bodied design—similar to that of modern commercial transports—thereby increasing airlift efficiency, particularly when transporting mixed loads of cargo and troops. These and other features in combination would permit the AMST aircraft to increase the overall effectiveness and efficiency of tactical airlift movements. In this regard, I understand that the AMST is expected to have low operational costs, as well as low unit-production costs.

In summary, I believe it is essential for us to encourage the improved management processes now being used by the DOD, and to lay the groundwork essential for any eventual modernization of the tactical airlift forces. Taken together, these factors lead me to one conclusion—that we should support the AMST prototype program. Accordingly, I ask you to give this important program your favorable consideration and support.

Mr. DULSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think my colleague from New York (Mr. SMITH) has explained the circumstances regarding the short takeoff and landing aircraft adequately.

I think there was a misconception in the report, because, as was brought out in the colloquy with Mr. SMITH, the report being proposed by the Armed Forces is being supported by this group.

I hope that the other body at least gives thought to this STOL program.

Mr. Chairman, I rise to attempt to clarify what appears to have been a misunderstanding in testimony before the subcommittee on the advanced medium STOL transport—AMST—prototype aircraft.

As a result of the misunderstanding, the committee has deleted funds for the project and has referred critically to the program in the committee report.

The advanced medium STOL transport program calls for a prototype aircraft.

The project is properly authorized and is supported by the Air Force. In fact, the Air Force currently is considering proposals from industry to carry out this developmental program.

During subcommittee hearings, questions were raised about the powerplant for the aircraft. This area apparently is the center of the misunderstanding because it was not made clear why the development of the aircraft should proceed before the decision was made on the required engine.

As a result, the committee has recommended funds to continue development of the engine but has deleted the funds required for the development of the prototype aircraft.

The Air Force is emphatic that the prototype aircraft program is not dependent upon engine development because the Air Force already has an engine available that can be used during the prototype stage.

ENGINE DEVELOPMENT SEPARATE

At the same time, the Air Force believes the engine development program should proceed as a separate technological program which may well provide an option later for improving the capability of the prototype aircraft when and if it is cleared for production.

Mr. Chairman, I had considered offering an amendment to the pending bill to restore these funds for the prototype aircraft but have decided, instead, to offer this brief explanation as part of the legislative history in the House debate and to make an appeal for restoration of funds to the Senate Committee where the misunderstanding may be clarified with expert testimony.

It would be unfortunate if the decision of the House Committee on delaying the advanced medium STOL transport program were to prevail because of the unfortunate misunderstanding about the details of the development of the aircraft as related to a potential future improved powerplant.

While there is a potential future relation between the AMST and the new engine, that should not delay development of the AMST because the engine development is running at a slower pace.

In fact, the Air Force tells me that it is entirely likely that the AMST would go into production with engines that are currently available.

This background is provided in an attempt to respond to the statement in the committee report which says:

> The Committee does not believe that it would be useful to build and test the air frame without the required new engine.

INTEGRAL TO LONG TERM

The Air Force is convinced of the need and Congress has approved the development of the AMST as part of a long-term effort to modernize the tactical airlift forces of the Air Force.

The committee refers to the possible extended utilization of the C–130 aircraft. The C–130 is based upon the technology of 20 years ago and, despite modification and improvements over the years, the aircraft will not be capable of providing for future contingencies for which the AMST is designed.

The C–130 has limitations on cargo space which cannot be overcome but for which the AMST is being designed specifically.

Mr. Chairman, in summary, I express my regret that the committee has seen fit to delete the funding for the AMST prototype program at this time.

It is particularly unfortunate since the rationalization obviously was based upon a misunderstanding of the capability of an existing aircraft and the Air Force program for development of a new powerplant for use in future aircraft.

Before this appropriation bill completes its journey through the Congress, I hope sincerely that the AMST item will be restored and the program will be allowed to go forward in the interest of national defense.

Mr. HALL. Mr. Chairman, I move to strike the requisite number of words.

There has been a great deal of discussion in the Congress and in the press as to the characteristics which our fighter aircraft of the future should possess. We are all aware of the continuing repartee between advocates of multipurpose fighter aircraft and those in favor of aircraft designed, developed, and procured to perform certain tasks exceptionally well. I do not wish to add to this rather technical discussion, but rather comment upon the basic reasoning which forms the foundation of our need for an air superiority fighter—specifically our need for the F–15.

To have a better understanding of this need, we must first recognize that the tactical air forces are an essential element of the general purpose forces which the United States maintains in support of its collective security commitments with its allies throughout the world. Further, we must realize that the success of all other tactical air missions depends upon first attaining and maintaining air superiority—that is, eliminating effective interference by the opposing air forces. Theaterwide, or even local control of the air, permits better use of friendly tactical air forces, while denying the enemy the opportunity to use his air forces effectively.

It is an accepted fact that prospective adversaries in many parts of the world are likely to be equipped with Soviet-designed, first-line tactical aircraft. Success in any combat which may occur with these adversaries will, therefore, be dependent upon the superiority of our aircraft as compared to those produced by the Soviets. In this respect, current fighter aircraft of the Soviets, and those which we know are in development, continue to emphasize maneuverability. Analyses of simulations and combat experience have shown that the performance of our best current fighter, the multipurpose, proved and venerable F–4E, is marginal against the best current Soviet fighters. Soviet fighters Mig–23 Foxbats on the line and later designs now in development or testing would have a decided advantage in maneuver capability over the F–4E.

Combat experience in Southeast Asia has shown that encounters between fighters capable of high altitude and supersonic flight, normally take place at subsonic speeds at medium to low altitudes. One reason is that positive identification, when required, can often be achieved only at visual ranges. Another reason is that the turning radius is so large at high altitude and sustained supersonic speed that multiple-pass, visual combat—that is, dogfighting—is impossible.

The energy loss associated with sharp turns at high altitude and/or high speed inevitably drives the combat to lower altitudes and reduced speeds. Thus, actual combat experience has demonstrated that agility in the air at medium and low altitudes is a prime requisite to success.

To provide this agility an aircraft must have a low ratio of aircraft weight to wing area, a high ratio of engine thrust to aircraft weight, good visibility, excellent flying qualities, and endurance in the combat arena. These are the qualities which provide good acceleration and climb, short turning radius, and the stability needed to bring the airplane's armament to bear on the opposing aircraft. Accordingly, these are the qualities being designed into the F–15. It is here, on time, on cost, and on target.

A planned orderly production flow of this aircraft is needed to assure us air superiority in the 1975 time frame. The Air Force and McDonnell Douglas, Inc., have judiciously worked toward that end, and in my opinion, arrived at one of the best production schedules I have seen. To disrupt that plan as the committee has suggested will be both costly and drastically effect the operational availability of this much needed aircraft.

Gentlemen, from these comments, it becomes apparent that we have a very substantial need for the F–15 as conceived and designed—to provide us with the ability to attain and maintain air superiority in the post-1975 time period. We must plan and act presently for now-needed as well as future "follow-ons" are concerned, in the defense of our Nation and freedom everywhere.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 713. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty subject to existing laws beyond the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(d) The Secretary of Defense shall immediately advise Congress of the exercise of any authority granted in this section, and shall report monthly on the estimated obligations incurred pursuant to subsections (b) and (c).

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 38, line 5, strike out the comma and insert the following: "for a period of 60 days."

And on line 7, strike out the period and insert the following: "and there shall be no further expenditures for said purpose beyond said period without first obtaining the approval of the Congress" and reinsert the period.

Mr. YATES. Mr. Chairman, section 713 is a very interesting section. I think it could be called, "The Congressional Surrender Section," because under the provisions of that section the Congress surrenders to the President acting as Commander in Chief, the authority which rightfully belongs to the Congress under the Constitution.

Under section 713–C the President is given the power in calling up members of the Armed Forces to do so without having to come to the Congress for appropriations to pay for those called up. In other words, the President may call up thousands of members of the Reserve and keep them on active duty for as long as he wills, without asking the Congress for money. Payment for the troop's salary is automatic under the operation of this section. What happens to Congress' control over the pursestrings?

Last year after I offered a similar amendment the Senate placed a proviso into section 713(b) limiting its applicability to limits that were established under the Selective Service Act. Under the Selective Service Act there are limits to the numbers of personnel who can be called up in the Army, the Navy, and the Air Force. These limits cannot be broken by the President. But he can control the Reserves. Under the law the President now has the authority, after he declares a national emergency, to call up as many as 1 million members of the Reserves. If he does so all that happens under this bill is that the Secretary of Defense drops a note to the Congress a few months after the President has issued his proclamation, telling the Congress that the President has acted in this way. What my amendment does is to restore to the Congress the power that is rightfully in the Congress, and says, "Mr. President, you may have the power in a national emergency to call up the Reserves, but at the expiration of 60 days you are to come back to the Congress and let the Congress review your action by reviewing your request for funds to continue those reservists on active duty."

This restores to the Congress its rightful position as the keeper of the taxpayers' purse.

My amendment would review the President's awesome power to call up the Reserves. It would give the Congress the power to determine whether or not the money of the people of this country should be used to continue the reservists on active duty and to pay them. Obviously, if the Congress thought not, the Congress at that point could refuse to make the money available, in which case the reservists would be deactivated.

Mr. Chairman, I urge support of my amendment.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that my distinguished and able friend, the gentleman from Illinois (Mr. YATES) is unduly concerned about the language in section 713.

This provision has been in the law since 1961. It certainly has never been abused. It has been used only once, and that by President Kennedy. I think we should consider what the provision does not do. It does not provide any authority to increase active duty strength beyond that that is authorized by other law. The annual provision in other acts which place a firm ceiling on active duty personnel is not repealed or otherwise affected by this language.

The President cannot exceed the ceiling by increasing the draft, or by accepting increased enlistments.

What does this provision accomplish? Why should it remain in the bill? Why should the amendment be defeated? Because the provision simply makes possible and provides that money will be available for paying the costs of those additional reservists whom the President may call to active duty in some emergency pursuant to existing law.

The call to active duty of the reservists inevitably results in personal hardship and financial dislocation to the individual reservist. In fairness and equity I believe that the Congress is obligated to assure that the reservists who are called to active duty will receive their justly deserved pay and allowances and other entitlements.

That is all that this section does, and it should not be tampered with. I ask that the amendment be defeated.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from Illinois.

Mr. YATES. Under section 713(c) as it presently exists the problem is that Congress surrenders by this section its constitutional power to oversee expenditures. My amendment limits that delegation of power to the President: The President may hold the reservists on active duty for an indefinite period under this section without congressional approval of any kind. This gives excessive authority to the President. Congress has a proper role to play in this Government, too. Congress should be given the right to review the President's action 60 days after the President acts.

Mr. SIKES. We do not know what the future may hold. We do not know what emergency may develop. This section has never been abused. It should stay in the bill. I ask that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and on a division (demanded by Mr. YATES), there were—ayes 14, noes 54.

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 715. No part of the appropriations in this Act shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more. When any rated member is assigned to duties, the performance of which does not require the maintenance of basic flying skills, all such members, while so assigned, except those of the rank of colonel or equivalent or above (0–6) in noncombat assignments, are entitled to flight pay prescribed under section 301 of title 37, United States Code, if otherwise entitled to flight pay at the time of such assignment.

Mr. LEGGETT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to commend the committee on what I think is an excellent bill in many respects.

I have a few objections which I intend to raise at a later point.

On this particular question that we are on right now, section 715. I think it is a very important issue. We are trying to save money, of course, which is the purpose of defense oversight.

FLYING PAY FOR COLONELS AND GENERALS

The committee has said that paying flight pay to senior officers where there is little likelihood of their ever returning to a position which requires operational flying is not justified. The bill as proposed strikes much deeper than that statement indicates. It establishes a dangerous precedent by denying flying pay to rated officers serving in noncombat rated positions.

Included among those affected are nearly all colonels and generals in air staff, and appropriate admiral counterparts and members of the joint staff, research and development, and other noncombat positions. Promotions for most lieutenant colonels and assignment to staff duties requiring flying experience would result in a reduction in pay. I suggest that this bill ignores the affect such action would have on our junior rated officers—and at a time when we are taking other actions to make a military career more attractive.

The bill as written will directly affect the colonels and generals, admirals and commanders most likely to return to operational flying, most likely to be combat commanders, and most likely to be assigned to the air staff or high Navy positions.

Experience shows that most colonels who become combat wing commanders were assigned to essential staff and support duties prior to assumption of command. Of the 52 colonels in Southeast Asia flying combat today, 37 were in nonflying duties prior to their assignment to combat. Under this bill each would have been identified as not likely to return to operational flying.

They would not have gotten preference pay and they would not have been flight efficient.

A total of 1,150 colonels and 62 generals, removed from active flying by the Air Force prior to the Vietnam conflict because they were over 45 years old and had more than 22 years rated service, were returned to operational flying in support of Air Force combat activities in Vietnam.

Had these fliers not been available, replacements would have taken 12 to 18 months to train at a cost of $98 million, which is more than enough to pay all of their flight pay for 30 years. The immediate savings are more than offset by the value of a reserve of trained experienced pilots, available, ready and willing to serve.

I am not offering an amendment on this section. We have passed the money stage and we are just at the limitation stage so clearly an amendment on just the limitation would not be practical. But I would hope the committee would further review this particular question with the Senate and that the Senate would re-review this issue and perhaps not just have a blanket categorical limitation for all people in high positions, but would use perhaps a little more discretion and allow a little more flexibility such that we can keep highly technical qualified people with some kind of hand on the stick or controls of the aircraft. These will be the people making the decisions in the navy and in our air force in the future and I think that many of these leaders should remain flight proficient.

Mr. PETTIS. Mr. Chairman, the committee report states:

> A morale problem has been created among nonrated personnel who receive less pay for doing the same jobs than the rated personnel receive.

The services have no evidence a morale problem exists among nonrated officers as a result of flying pay for rated officers. Conversely, the morale of flying officers will suffer seriously if flight pay is denied solely on the basis of rank and assigned duties. All officers were aware when they chose a military career that aviators were receiving and would continue to receive flight pay so long as they remained qualified.

This bill will reduce the attractiveness of a rated career. It will affect the incentive for a young officer to strive for promotion to the rank of colonel since a promotion will result in a loss of pay. The bill will penalize our rated people for accepting responsible jobs in planning, research, and other critical staff positions. A young officer who is considering the rewards for voluntarily continuing a flying career with expected family separations, long hours of alert and combat flying, and hours of practice and study to maintain his flying skill, cannot help but note his probable reward for success is a promotion to colonel accompanied by a loss in pay. The Air Force has a survey which shows that 82 percent of the young flying officers would change their career plans if they were to lose flying pay when serving in staff positions at later stages of their careers. When we consider the cost of training a replacement versus the cost of an individual's flight pay, our required course of action is crystal clear.

Section 715 of this bill is not a cure for real or imagined morale problems among nonrated officers. It is a breach of faith with the flying officer who has voluntarily accepted the sacrifices and hazards attendant with flying and expects to continue to receive flight pay when assigned to noncombat duties.

This bill, if passed, may result in a situation similar to that of the submariners where large bonuses are needed to obtain sufficient volunteers. The money saved by denying flight pay to colonels and generals does not warrant the risk of demoralizing the rated force and jeopardizing the services' capability to recruit and retain volunteers for a flying career.

I do not support the provisions denying flight pay to colonels and generals on the basis of present duties. These provisions should be removed from the bill.

Mr. WHITE. Mr. Chairman, the committee report asserts that flying pay is generally justified for three specific reasons: Namely, to retain younger rated officers; to induce rated officers to continue with a career in the service; and to reward for flying when you were a younger officer. I have reviewed the discussions the committee had with the service witnesses during hearings. The specific reasons asserted by the committee are there but they do not address the basic reason for flight pay.

Since 1913, the Congress has recognized the need for flight pay to recruit and retain qualified volunteers for flying duty. In the Career Compensation Act of 1949 we established flight pay as an incentive for individuals to enter and remain in a flying career.

Annually since 1954 we, the Congress, have authorized the services to pay flight pay to certain members not required to participate in flying. By our repeated actions—actions which the services did not request—we established an implied contract with each rated officer in the military services. If we deny flight pay to colonels and generals, we will void the implied contract we have with thousands of career officers, as well as create chaos with the morale and retention of the rated force. I believe the bill before us, which would break faith with career flying officers, is an affront to the career flying officers.

This action could deter some from seeking promotion to colonel if such promotion will mean an economic bind.

I would like to remind you the services predicted in the late fifties that such action would come to pass and proposed legislation to reduce flight pay for flying officers during the latter phase of their careers. The Congress chose not to enact the proposed legislation—rather we gave the services a broader authority to pay flight pay to rated officers not required to participate in aerial flight.

Obviously, some of my colleagues feel flight pay needs to be reevaluated. I will agree to a reevaluation but also believe a precipitous action will do serious harm to all military fliers.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 734. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of $50,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

Mr. SEIBERLING. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may I would like to ask the chairman in charge of the bill a question with respect to a couple of statements in the committee report concerning the B-1 bomber. I realize that the amendment to strike the funds for the B-1 bomber was defeated, which I think is regrettable, but nevertheless, there is an additional question raised by the language of this report which I believe ought to be resolved.

I take it one of the factors in the defeat of the amendment is indicated in the statement on page 42 of the committee report that—

No decision has been made on production of the B-1.

In other words we are merely voting funds to build a prototype, or rather three prototypes.

But then, Mr. Chairman, going over to page 228, the statement is made in the second paragraph that "the B-1 long-range strategic bomber is to replace the present aging B-52 aircraft." I would appreciate it if the chairman would indicate whether or not this is intended to constitute some sort of a verbal indication that we will eventually go to production on this aircraft.

Mr. MAHON. Mr. Chairman, if the gentleman will yield, the future course of the arms race is unpredictable at this time. We are all hopeful that ways can be found to slow down the arms race rather sharply and safely in the coming years.

We are providing hundreds of millions of dollars for the development, for the research and development funds for the B-1 bomber. It is the expectation that the prototype bomber will be flown at least a year as an experimental vehicle before decisions will be made as to whether or not it actually shall be placed into the operational force.

So there is no decision on production. We have not burned the bridges behind us. There is no decision on the production of the B-1 bomber and that decision will have to come later and will have to be made in the light of the facts at that time as to whether it is an acceptable weapon and whether or not it will be needed at that time.

So I think there is a meeting of minds as to what is contemplated here. I agree that the statement read last by the gentleman might tend toward a different view, but that is not intended.

Mr. SEIBERLING. I thank the chairman. In other words, it is not intended by this language on page 228 to indicate any kind of commitment to go into production on this plane beyond the prototypes.

Mr. MAHON. The gentleman is correct.

Mr. SEIBERLING. Thank you Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 735. During the current fiscal year upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $650,000,000 of the appropriations or funds available to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority: *Provided further*, That not less than $25,000,000 of the authority granted in this section shall be available only for a program to substitute civilian personnel for military personnel.

AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SIKES: On page 48 of the bill, at line 9, in Sec. 735, delete "$650,000,000" and insert in lieu thereof "$750,000,000", and at line 20 change the period to a colon (:) and insert the following: "*Provided further*, That not less than $92,950,000 of the authority granted in this section shall be available only for the civilianization of kitchen police program of the Department of Defense."

Mr. SIKES. Mr. Chairman, the amendment which I have proposed will permit civilianization of kitchen police duties in the military services to continue. If the amendment is not adopted, the Army will not be allowed to continue the civilianization program that it has begun, and the other services will have to drop contract KP which already has been accomplished.

Let me make it clear, also, that kitchen police duties for military personel will continue for basic trainees and for troops on field assignments. This will be true whether or not the amendment is adopted.

The amendment will not add to the cost of the Defense program. It provides no additional money in this bill. The services have stated that they want civilianization enough to give up other programs in order to obtain it. My amendment gives them authority to come back to Congress for reprograming. Thus, Congress retains control.

Now let us talk about costs. Figures which were quoted yesterday in opposition to this amendment are not accurate. I am sure my good friends on the committee have no desire to mislead the House. Let us say they just do not know any better. On yesterday, you were told it would cost $250 million a year to carry on this program and that eventual costs would be a half billion dollars.

That is not true. The $250 million cost includes all types of civilianization. My amendment refers only to KP duties, and the actual cost given to me by the Department of Defense is about $125 million. The half billion dollar figure quoted yesterday apparently came out of thin air. I find no basis for it. In any event, we are not talking about additional money. The services will take this cost out of their hides.

I have specific cost figures for the Army, and they are comparable for the other services. The Army states that the average cost per year to the Government of an enlisted man at the grade levels which perform KP is $8,327 per person, and it is estimated that 12,000 man-years of KP duty are performed. The armywide average for soldiers who pull KP is 4 days per month; 1.1 civilians are required to replace each soldier for KP duty. The average annual cost for contract personnel, including both contract and direct hire, is $4,962. It is estimated that the total cost of a civilianization program for all the services will be $123.2 millon per year. To use military manpower will cost twice as much, Mr. Chairman, twice as much.

The bill which is before us contemplates the use of civilians for KP. The services already have taken cuts in military personnel preparatory to using contract KP. If my amendment does not prevail, it will be necessary to add additional military personnel for KP duties at very much greater cost, or to cut back on military training programs. Full use of the military personnel for training and military duties have been projected without KP duties.

In the old days, an enlisted man did his KP duties because he could not help himself, but he did not like it. We live in a different age. This is an important morale factor. We are trying to have an all-volunteer force. Onerous duties like KP are resented and this helps to keep people out of the services. Kitchen police duty interferes with training. Any good platoon leader or company grade officer will tell you that one of his big problems is absences caused by KP assignments.

Please remember that the Navy and the Air Force already have substantially accomplished civilianization of KP. The Army has embarked on the program. The bill, without my amendment, would reverse the entire process and require KP duties in all the services.

It is well to bear in mind that the contract KP jobs are from the lowest level of employment skills. They are the people in whose ranks are found the highest percentage of unemployment. Many of them are on welfare. Those that are taken off welfare represent a double saving to the Government. In this program, they can be given jobs, they can receive training, they can begin to build hopes for the future. It has been stated that the elimination of civilianization of KP would cause approximately 70 small business firms to go out of existence—small business firms. These are considerations which should not be disregarded and this amendment should be approved.

Mr. PIRNIE. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I yield to the gentleman from New York.

Mr. PIRNIE. I thank the gentleman for yielding. I rise in support of this amendment, and I wish to underscore his emphasis upon the approach of the volunteer army. Failure to adopt this amendment would cause a retrogression in that program. It is very essential that this be supported.

Mr. Chairman, under consideration is the withdrawal of service funds and language that would require military personnel to resume all KP and custodial duties. I rise to strongly protest this action that seeks to return our young military men and women to dishwasher and janitor duties.

All services, particularly the Air Force, have made huge strides in doing away with major irritants of military life. Since KP and custodial duties ranked at the top, they have received priority consideration for elimination. Without these menial and extra jobs, service life is more attractive and people feel they are doing the job for which recruited and trained.

Without a draft—we ask the services to compete with business and Government service for their recruits. In deleting KP and custodial funds, we are saying that peeling potatoes and sweeping floors are "wholesome and character building duties" that will help attract and keep an all-volunteer force. I am sure my colleagues will agree that the "opportunity" to scrub floors or latrines does not make enlistment more appealing.

Besides turning away many young people considering voluntary service, those now on board will protest loudly and reconsider their career plans. For example, already, over 250 airmen from one base have written the Air Force voicing very strong opposition to such action.

I join the military services and their members in their opposition. There is no reasonable basis to put our military people back at KP and custodial jobs and cripple the services' diligent efforts to reach an all-volunteer force. I urge my colleagues to join me in restoring KP and custodial funds to this bill.

Mr. LONG of Maryland. Mr. Chairman, I move to strike the last word.

I would guess that in my congressional district about 98 percent of my taxpayers do more than four days a month of menial chores. They mow their own lawns. They help their wives hang out the clothes. They help do the dishes. They help sweep the floors. They do all kinds of things they would love to have somebody else do for them, but they cannot afford to hire it done, so they do it.

They do not like to do it. They feel it is demeaning, no doubt, but they do it, and this includes the Congressman from that district himself.

Now we are asking the taxpayers not only to do all those menial chores but also to pay taxes so that the enlisted men will not have to.

I cannot go back and tell my taxpayers, since most of them have served in the military in one capacity or another, that the average fighting man in the military is so busy he cannot find 4 days a month to do this kind of work.

We are trying to tell the taxpayers that these men are so terribly busy that this is taking them away from work that would really be a part of professional duty. They are not going to believe it, and I am not going to try to tell them that.

I feel very strongly that the amendment should be defeated.

Mr. MINSHALL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, my good friend from Florida made a statement that those who opposed civilian KP for the military services did not know what we were talking about yesterday. Let us look at the facts. What is in the record?

In this budget today there is $99 million just for the Army civilianization of KP. There is $22 million in here for the Navy. There is $1.3 million here for the Marine Corps, and that was just a rough estimate, and it will go up to $5 or $6 million. For the Air Force it is $76 million. That is a total of nearly $200 million in this budget alone. How can we say that this program is going to cost only $120 million a year?

Furthermore, it is only about 80 percent implemented. We have put this $200 million in this program so that they can close the program down and fulfill existing contracts.

However, looking down the road, this program, if fully implemented—and the facts are there—will cost $250 million to $300 million to the taxpayers of this country.

I have had the privilege of visiting various military installations over the past year, and just as recently as 2 weeks ago I sat down in a messhall with some GI's in the 2d Division in Korea and talked with many of them. I said, "Fellows, how would you feel about it if you had to go back on KP?" They have civilian KP's there. I think they are paying for it themselves. But they said, "If we have to, we would naturally not like it, but we would not object; we would do our jobs." That is the way the average GI feels about it in today's Army.

The next thing you know we will have to give them breakfast in bed.

This is an undue burden on the taxpayers of the United States, using $300 million, a sum which I think the taxpayers of this country should have back in the General Treasury. We can put some of this money back if this amendment is defeated.

Mr. WYMAN. Mr. Chairman, I rise in opposition to the amendment.

It seems to me that, with all due respect to the learned and undeniable dedication of the gentleman from Florida, what is proposed by this amendment is wrong in several respects.

First. It seeks to do something that ought not to be done as a matter of basic policy; namely, to remove from the spectrum of military service a little drudgery, a little unpleasant duty, a small measure of the realities of daily life. I think it is good for people to have a cleanup detail once in a while, whether they are 4-star generals or buck privates and whether they are expert pilots or apprentice mechanics. KP duty is something, as a matter of basic military policy, we ought to require, not escape. It is essentially limited in practice to the three lower grades.

Second. No matter the fancy talk, there is no blinking the fact that what is involved in the amendment before us is approval by this Congress of civilian contract funding for KP that will approach in cost nearly half-a-billion dollars by the end of fiscal 1973. I do not believe the people of our separate constituencies want us to appropriate hundreds of millions of dollars to hire somebody to do the military's kitchen details, particularly when the services have no such thing as an 8-hour day, and the argument that KP detail detracts from military specialties is contrary to the realities of military life in peacetime.

Third. The amendment suggests that no money cost is involved because the services may come back to the Defense Subcommittee requesting reprograming. This means that they would ask to take money from other appropriated funds and use it for civilianization of KP. The short answer to this is that such reprograming will require subcommittee approval and the subcommittee is already strongly opposed. It also would suggest that there are funds appropriated to the military that are not really needed and I would expect that the funds sought to be so reprogramed should be returned to the general treasury funds and that the committee will so recommend.

Fourth. Last and perhaps not least in the consideration of this amendment is the compelled conclusion that if a man will not come into the Armed Forces because he might have to give 1 or 2 days out of the month to KP he ought not to be taken in the first place.

Mr. Chairman, what on earth are we coming to in the proposal implicit in this amendment? There is not a single, valid reason why the taxpayers of America should pay hundreds of millions of dollars to hire civilians to do KP duty for the military in any service. As indicated in the report which is presently before this House, the Committee on Appropriations has recommended the termination of all such civilian KP at the end of April next year.

I earnestly recommend to my colleagues that, in the public interest and in their own political interest, they manifest a firm determination that the Congress declines to hire housekeeping details for the U.S. military services, particularly at a time when the country is operating at a huge and continuing deficit.

I urge the defeat of the amendment.

The argument that there are fiscal advantages in civilianization of KP because it costs less to hire a civilian are inapplicable, because the military is not on an 8-hour day or a 5-day week. It is a matter of detail and assignment. If they are assigned to KP or cleanup detail as the gentleman from Ohio has correctly said, of course, they will undertake the obligation. It is an obligation which is inherent in the service. We ought not to go so far soft with our military as to approve the amendment offered by the gentleman from Florida.

Mr. MAHON. Will the gentleman yield for a clarification with respect to the cost?

Mr. WYMAN. I yield to the chairman of the committee.

Mr. MAHON. KP is one thing; housekeeping details are another thing. The services are moving toward eliminating KP and also the housekeeping detail work at posts, camps, and stations. If we completely civilianize KP, it will cost, as the gentleman said, about $275 million annually. But if we civilianize the housekeeping business of maintaining the camp, post, and station, that will cost, if it is done fully, about $210 million annually, according to the figures given. So, in round figures, the total amount of money we are talking about here is a cool approximately $400 million or $500 million.

Mr. WYMAN. As the chairman says, the annual cost is almost a half billion dollars, and it was, of course, that round figure to which I made reference in the colloquy in general debate yesterday.

I urge defeat of the pending amendment.

Mr. CONTE. Will the gentleman yield?

Mr. MAHON. I yield.

Mr. CONTE. Mr. Chairman, I rise in wholehearted support of the amendment offered by my distinguished colleague from Florida. The irresponsible attempt to force the Defense Department to terminate the assumption of military KP duties by civilians must not be endorsed by the House.

At a time when our armed services are embarking upon a commendable program to attract and retain high quality volunteer personnel, we cannot frustrate this goal by directing them to wash dishes and cut grass in the name of the national interest. To do so would make a mockery of the new recruitment campaign of the "new action army."

Aside from the serious problems of morale, KP duties have through the years, frustrated training objectives. As General Westmoreland has so aptly stated:

> Every single day, approximately 45,000 soldiers are drawn away from their primary duties to perform administrative chores. This confronts the soldier with tasks not directly related to his readiness mission, and frustrates the efforts of his leaders to build teamwork and a sense of professional excellence in their units.

As a partial justification for its action, the committee in its report implies that it is cheaper to use military, rather than civilian, personnel for KP duties. It lists the cost of employing a lower-grade enlisted man for KP duties at $5,500 a year.

This figure ignores, however, the cost of commissioned and noncommissioned officer time in training that man and coordinating his activities. It also ignores travel time costs, payroll costs, and medical expenses, among many others. Indeed the actual cost of a productive enlisted man-year is closer to $20,000 than $5,500. This compares with the civilian employment cost, as quoted in the committee report, of $13,200.

Moreover, studies have indicated that, because of management efficiency achieved through specialization, fewer civilians than military personnel are required for KP duties. Thus, in the long run, the civilian takeover of this program will produce significant savings for the Department of Defense.

Important too in our consideration of this issue is the fact that many thousands of poverty level individuals have been hired and trained under the new program to perform KP duties. We are acutely aware of the need of providing all who are willing to work the means of earning a livelihood. To terminate this program would rob many individuals of their dignity and condemn them to the welfare rolls.

Moreover, forcing the Defense Department to phase out the civilian takeover of these duties would result in almost 70 small business firms losing their entire market and going out of business.

To conclude, the committee's action would jeopardize the establishment of an all-volunteer army, raise serious morale problems, frustrate training objectives, waste the taxpayer's money and throw needy persons out of work. Thus for compelling human and economic reasons, we must reject this move to thwart the very practical and sensible policy that has been instituted by the armed services. We can do so by endorsing this amendment which will not involve any extra appropriation of funds. I urge my colleagues in the House to adopt it.

Thank you.

Mr. CORMAN. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of Mr. SIKES' amendment to the defense appropriations bill to permit civilianization of KP duties to continue.

Under authority contained in section 8a of the Small Business Act the SBA becomes the prime contractor on Federal contracts and, in turn, subcontracts to small firms owned by minorites and other disadvantaged firms. Should Mr. SIKES' amendment not be adopted 30 black contractors and 10,000 employees working under 8a contracts would be unemployed. And, approximately 70 small business firms would lose their entire market and go out of business. If action taken by the House Appropriations Committee stands, the disadvantaged of our country will be severely affected. Tens of thousands of people who have taken jobs and been trained under this program would be unemployed. These people have some moral right to reasonable continuity of policy by Government and their hopes should not be destroyed.

Additionally, there is the concept of professionalism among members of our armed services. The "new" Army has placed advertisements all over the country for young men to join and learn a trade that will benefit them in civilian life. It is a waste of time for our servicemen to perform KP and janitorial services while they could be learning skills essential to the military service while on active duty and useful to them upon termination of their service career. Members of the armed services can contribute far more to our Nation by doing their best at the job they joined to do.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, the thing that intrigues me is what are we going to do with all these potato peelers and floor sweepers when our armed forces get into combat situation? Are we supposed to bring those potato peelers and floor sweepers onto the battlefield?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. DANIEL of Virginia. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida (Mr. SIKES).

During the past year it was my privilege to serve as chairman of the Special Subcommittee on Recruiting and Retention of Military Personnel. As a major portion of our inquiry, we visited numerous military bases for the express purpose of determining those factors which influence young men to enlist or reenlist in the Armed Forces. In addition, we held formal hearings wherein enlisted personnel representatives of each of the services were encouraged to give us the benefit of their views on factors which attracted and held men in the service. We talked with literally hundreds of servicemen—from raw recruits to seasoned command sergeants major.

We also conducted a review of the surveys and studies on the attitudes of young people toward military service over the past several years.

As we completed this endeavor one point became quite clear—if we expect young men of high caliber to enlist and remain in the Armed Forces, we are going to have to treat them in a more professional way. If we are to retain men with the capability to operate and maintain sophisticated machinery and weaponry, we are going to have to present a continuing challenge to these men.

Mr. Chairman, I am not against the principle of hard work. I am not against a man's getting his hands dirty in physical labor. I am not advocating a white-collar Army. But I see no reason to require military personnel to perform tasks which bear absolutely no relationship to their primary function, which is to become as proficient as possible at their trade.

An Appropriations Committee staff member was quoted in the press the other day as saying that some Congressmen still wash dishes and cut the grass, and do not like shelling out half a billion dollars so GI's do not have to do the same. I contend this is not a valid comparison. No Congressman is required to wash dishes or cut grass as a condition of his basic employment. His wife may require him to do so.

There can be no doubt as to the adverse impact this bill can have on military morale if this amendment is defeated. It will make the all-volunteer force recommended by the administration more difficult.

It may very well be that some Members do not feel that an all-volunteer force is feasible or desirable. If that be the case, let us abandon the objective, because it is not realistic to enact expensive programs to make service careers more attractive on the one hand, and then on the other negate that action by adopting a policy which runs counter to the objective.

Concern has been voiced about the coddling of servicemen by removing these duties. I share the concern about coddling. I would suggest however, Mr. Chairman, that coddling is taking place at the policymaking level, rather than at the kitchen level.

Another major factor seems to have been overlooked in this bill. As I understand it, the bill calls for termination of all civilian employment in KP by the end of next April.

Promises have been made—and inferred—that these duties would be removed. To reinstate these duties and thereby break these promises to potential recruits and present servicemen alike will have a decidedly adverse effect on the credibility of programs which have been initiated under the all-volunteer movement.

There is one final point related to cost. The figures which we have been furnished are conflicting. However, unless we attract a sufficient number of qualified men to meet our commitments and deter aggression, cost becomes academic.

My colleague from Maryland (Mr. Mitchell) will explore yet another problem which will be created by removing the civilianization programs from the Department of Defense. He is gravely concerned about the impact on a number of small businesses, predominantly minority owned and staffed. His points are well made, and I share his concern.

Mr. Chairman, I strongly urge my colleagues to support the amendment.

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. DANIEL of Virginia. I yield to the gentleman.

Mr. WYMAN. I just want to ask the gentleman a question. Did the gentleman say they will not join the all-volunteer force if they have to do KP? Does the gentleman have any figures—concrete figures—to support that statement?

Mr. HICKS of Washington. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Florida which enables the services to continue the practice of hiring civilians to perform KP functions.

During yesterday's debate, I was informed by members of the Appropriations Committee that the cost of hiring a civilian to perform these functions is almost double that of using military personnel. I was referred to the committee's report which served as a basis for the arguments the gentleman offered.

Mr. Chairman, I take issue with those cost estimates and I do so on the basis of information provided to me by the Department of the Army. The committee claims that the cost of one soldier for 1 year is $5,500. According to the information provided to me, the cost of one soldier in the grade of E–3 is at least $5,911, and this figure—and I want to emphasize this—includes only the soldier's base pay and allowances, and possible incentive pay. A more realistic estimate of the cost of one soldier for 1 year is $8,328; this figure includes the cost of PCS travel, training, support, social security payments, and educational benefits, but it omits such additional costs as health care and, where applicable, the $1,500 combat arms enlistment bonus.

But cost is not the main issue. I raise it only to place in perspective the argument presented during yesterday's debate.

What we are really talking about is whether or not the promises that we have made to lower ranking military personnel will be fulfilled. In addition we must consider the impact on morale and thus on enlistment and reenlistment, and thus on the feasibility of an all-volunteer force if we were to reinstate what military personnel themselves consider the No. 2 irritant.

Mr. Chairman, I know of no other area of employment, Federal or private, which utilizes the concept of performance of extra duties above and beyond those for which the employee is hired. For instance, I do not believe General Motors will hire and train a man as an automotive mechanic and then use him as a dishwasher after hours. I do not believe IBM would train a computer programer and use him as a potato peeler, and I do not believe the civil service would approve of utilizing a statistician for slinging hash. In each of these cases and in every other area of public and private employment, except the military, personnel are hired for specific functions and not required to perform additional duties of the sort we are talking about today.

Mr. Chairman, I commend the gentleman from Florida for this amendment. He has accomplished an unusual feat. By this amendment the services can remove a serious negative morale factor at no additional cost above the Appropriations Committee has recommended. I commend him and urge my colleagues to support him.

Mr. GALIFIANAKIS. Mr. Chairman, I rise to support the amendment offered by my distinguished colleague from Florida (Mr. Sikes). The committee report on the KP civilianization program states that this program should be terminated because it is too costly. Mr. Speaker, this simply is not the case.

I submit to my fellow Members of the House that this program is actually cheaper than it would be to have military personnel perform this work. I base this statement on figures compiled by Maj. Gen. John A. Kjellstrom, Director of the Army Budget, who has been kind enough to release a fact sheet on the KP civilianization program. According to the committee, and I quote.

> The average man-year cost for a lower ranking personnel who performs KP duties is about $5,500. The civilian man-year cost is about $8,800.

But, listen to the figures on Major General Kjellstrom's fact sheet. Again, I quote:

> What is the total cost per year of enlisted men performing KP? Answer: Total cost is $8,328. What is the average annual cost of contract personnel? Answer $5,313.

If you multiply the $3,000-plus difference by the 10,000 people currently employed under this program, you will quickly see that the continuation of this program would mean a savings of more than $30 million a year.

But, this $30 million represents only the surface savings to the Federal Government if the civilian contracts are retained. In my State of North Carolina, at Fort Bragg, approximately 1,000 civilians are employed to perform the KP work there. In a letter written by Charles A. Burgess, Jr., manager of the Fayetteville, N.C., office of the Employment Security Commission of North Carolina, to my distinguished chairman and friend, George Mahon, Mr. Burgess states the following:

> All of the initial hiring [for the Fort Bragg KP Civilianization Program] was done through this office, with the majority of individuals hired falling into the disadvantaged category. Additional recruitment has also been maintained through this office. Salaries paid have been competitive in the area and have contributed significantly to a rise in the standard of living of many of our disadvantaged applicants. [The contractors] have completely met all requirements of an Equal Opportunity Employer.

> Their management practices have been excellent. This area has been fortunate in not having suffered a significant overall rise in our unemployment rate, and there is no doubt that this organization has contributed to the high employment rate existing. The cessation of the present contract would have an adverse effect on the economy.

Now, if this contract is canceled, what do you think is going to happen to these 1,000 people from the Fayetteville area, as well as those from the Goldsboro, N.C., area where Seymour Johnson Air Force base is located, as well as the other thousands of individuals employed by this service across the country? Most of these people will qualify for welfare relief or some other federally subsidized program. Consequently, there would be a further savings to the Federal Government of approximately $1,000 to $2,000 per person, or a total of $10 to $20 million per year.

The committee report also states that the program was rejected by the committee because there were no studies carried out on the effect of these duties on military discipline. Mr. Speaker, in all fairness, this program has not had a chance to be tested. It only came into effect last year. In fact, the Marine Corps has not even instituted its program yet. This program was planned to be carried out over a 3-year test period.

Mr. Chairman, I am in complete agreement with those in favor of cutting unnecessary Federal spending. And that is precisely why I am voting for the Sikes amendment and urge my colleagues to do the same as a fiscally responsible action.

Mr. PEYSER. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, I have been listening to some of the statements dealing with the question of KP. I assume that many of you men at one time or another have served in the armed services as an enlisted man as I have. I served for a good many years in that capacity in the infantry before I became an officer.

I can tell you, in my opinion, after the basic training which this legislation in no way affects, because individuals will continue to do KP during basic training—that after that period the job of KP is an absolute minus so far as the advancement of military training is concerned. It has for years been one of major problems affecting morale among the troops who have finished basic training and who are developing skills in the service.

When I hear someone say that the average GI does not really care whether he does KP or not—I do not know what has happened to the average GI because I can tell you, it has been and in my opinion still is one of the most hated and resented activities.

So far as I am concerned, we are not trying to build an Army whose capabilities to fight and to defend this country rest on his capabilities of cleaning the grease traps and scraping frying pans and waiting on serving lines.

This, to me, does not make sense. We have worked to try to develop a Volunteer Army, and I support this concept. But, you are not going to develop a volunteer army if you follow a course of action that requires a trained and skilled fighting man to spend 4 days a month getting up at 4:30 in the morning to go to work in the kitchen.

Now no one is talking about active duty overseas or in combat areas, our men will have to serve KP there. They will know how to take care of themselves by their work in basic training. This is a vote against the volunteer army. It is saying—Let us keep the draft because you are going to find the resentment is tremendous on this issue. I want the draft to end. This speaks nothing to the fact that 50,000 civilian jobs will now be sacrificed, if this legislation goes through, and these are 50,000 people with low skills or with semi-skills who are going to go right down the drain and I think we will end up paying for them and pay far more for them, in terms of welfare and other support programs than we are paying for them in the jobs that they presently have.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Chairman, I just wonder where the gentleman gets his economic analysis on which he bases the idea that the only way the people on welfare can get jobs is by having them do KP for the troops. Are there not any other ways in which the people on welfare can go to work?

Mr. PEYSER. I did not say that. I said there are 50,000 men and women who are working in these programs who will be thrown out of work.

Mr. LONG of Maryland. Does the gentleman not think they will get any other kinds of jobs?

Mr. PEYSER. With the unemployment we have now, to throw out of employment 50,000 more people who now have jobs of cleaning grease traps and pots—those jobs do not require a great many skills, and these people may not find any other jobs.

Mr. LONG of Maryland. Does the gentleman not think we can put them to work cleaning up the streams, picking up tires, and other kinds of trash from vacant lots?

Mr. WYMAN. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from New Hampshire.

Mr. WYMAN. Mr. Chairman, I notice on page 28 of the report it says:

> Another fact considered by the Committee was that, although planning to implement the civilianization of KP worldwide, the services did not, nor do they intend to, reduce their military personnel strengths.

Is the gentleman aware of that fact?

Mr. PEYSER. I think the point is the civilians who are in this program now are going to be terminated, because obviously if there is no money and no allocation they will be out of work.

I believe the main thing I am saying is that the men who are being trained to defend this country should not be working in the kitchen as a method for furthering their career or defending this country.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. PEYSER. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, the gentleman has made a very able statement. Let me endorse the fact that the program before us phases out military personnel for KP duty. It is planned to use civilians, which cost the Government less money.

Mr. MITCHELL. Mr. Chairman, I rise in support of the amendment and I move to strike the requisite number of words.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Florida (Mr. SIKES).

I believe that there are four principal reasons why the amendment offered by the gentleman from Florida should be adopted.

First, the adoption of this amendment will not increase the Pentagon's budget by one dime. Instead it will give the military services the opportunity to continue the civilianization of KP duty. If the military services are really serious about instituting this program, then they will have the option to continue. If not, they can stop the entire program.

Second, the continuation of the civilianization of KP would permit more time for training of men to be soldiers and sailors. The reason that we have an Army is to train men to fight, not to be kitchen boys. More than 45,000 military personnel waste time every day involved in these kinds of nonmilitary duties. The civilianization of KP will help us restore the importance of training for combat roles, rather than secondary duties.

Third, if this amendment is not accepted, more than 10,000 employees, currently working as civilians under contract doing KP duty, would lose their jobs. Most of these individuals are marginally employable and many members are of minority groups. Unemployment is too high for this House to throw an additional 10,000 workers out of work.

In addition, more than 30 black-owned firms, who currently have KP contracts, would be put out of business if the committee's recommendation on the civilianization of KP is adopted.

Fourth, I believe that this House should adopt the amendment offered by the gentleman from Florida in order to make Army life more attractive. Many of us have doubts about going to an all-volunteer Army. But there is little doubt that it now will occur. As a result, we must take those steps necessary to make Army life attractive and maintain the high retention rates needed to develop an effective all-volunteer force.

I urge my colleagues to adopt this amendment and give the military services the opportunity to continue the civilianization of KP.

Mr. MITCHELL. Mr. Chairman, when the cause is just, some very strange coalitions are made. Even though those coalitions may be on a temporary basis, nevertheless they are made when the cause is just. Today, I am acting in a true spirit of bipartisanship. I left my eyeglasses at home and I borrowed a pair from the Republican staff member on the Banking and Currency Committee. So not only do we have a coalition—temporarily—but we have a true bipartisan approach insofar as I am concerned.

Mr. Chairman, I circulated a "Dear Colleague" letter on this amendment because, for me, it is terribly important that the amendment be passed. I have heard the Members on the floor of this House and in private conversation lament the astronomical rates of unemployment. We should indeed lament those astronomical rates. I have spoken on this floor about the black rate of unemployment which, on the national average, is twice as high as the white rate of unemployment. That average does not reflect the true rate of unemployment in the black communities. Many who are unemployed are not even counted because they have stopped looking for jobs. So many people have simply given up hope and do not even register for jobs because they know the jobs are not there.

If the committee action is permitted to stand, what we shall do is add to the rolls of unemployed. For the benefit of my colleagues who are talking about finding jobs elsewhere, I would submit that in the city of Baltimore, as well as in your cities, I am sure you have literally thousands of people who are seeking employment but the jobs are not there because through our genius we have automated and "cybernated" many people out of jobs.

Let us consider other aspects of this amendment. When we last voted on the HEW bill, I well remember the acrimonious debate directed against those who are on welfare. I remember all of the cruel and unkind remarks that were made about "the parasites on welfare," about "those who do not want to work." Now here we have people who do want to work. They do want to work as evidenced by the fact that they are working. If the action voted by the committee is allowed to stand, what are we saying to those people? We really are saying to them: "Even though you want to work, we will take the cuts in this particular budget in such a manner as to force you out of work and force you onto welfare." I do not think this House wants to do that. Continuing in a true bipartisan spirit today—motivated in part because of the borrowed eyeglasses—the administration has put out many statements about its interest in black entrepreneurship. Many members of the administration have indicated that in this area the most glowing achievements have been made. I am not at all sure that is true, but some efforts have been made. It has been indicated that 70 small businesses will go out of business if the action of the committee is allowed to stand.

May I add that of those 70, 30 are black businesses. Thus, in effect, what we will be doing is stymying the effort that the White House is so very proud of—spurring black entrepreneurship.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I would like to applaud the gentleman for expressing an articulate statement. I should like to associate myself with his remarks and urge my colleagues to support the amendment.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I, too, applaud the gentleman in the well. I rise in support of the Sikes amendment.

Mr. MITCHELL. Mr. Chairman, I will conclude by saying hopefully if the House takes the right action on this, then maybe there is a possibility of some new coalitions being formed in the future again, when the cause is just.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I would gladly yield to the gentleman from Hawaii.

Mr. MATSUNAGA. Mr. Chairman, I rise in strong support of the amendment offered by the distinguished gentleman from Florida (Mr. SIKES), and I wish to commend him for his leadership in this matter. I also commend the gentleman from Maryland for his persuasive argument in support of the amendment.

As most House Members know, I have been working toward an all-volunteer armed force for many years. Certainly, one of the most important reasons for continuing the program of civilianizing KP duties is that it enhances considerably the prospect of an easy transition to a completely voluntary force. Members have heard the comments from base commanders across the United States praising the effects of civilianizing KP on the morale of the low-ranking enlisted men.

Even those with reservations about the all-volunteer concept should be able to support the KP civilianization program. For one thing, it will save the taxpayers money. Reductions in active duty strength can be made where civilians are used, in increasing numbers, for KP and similar nonmilitary duties. If the military is forced to use active duty personnel to perform these tasks, our military size will be forced upward, at substantially higher cost. The higher expenses involved in using uniformed personnel are recognized universally. Furthermore, the principle purpose of the civilianization program to free the serviceman to return to his unit for training and performance would be served—so would the most cost-effective way to use military personnel.

It should be noted, Mr. Chairman, that the program which the pending amendment would continue does not eliminate KP duty by low-ranking servicemen altogether. Such details would still continue in basic training, and during periods of fields training.

A further consideration which the amendment raises is the matter of jobs. As a number of my colleagues have pointed out, the elimination of the civilian KP program would put 10,000 people out of work. These people are primarily unskilled, drawn from poor and minority groups. To eliminate their jobs would not only force them back into dependency on public assistance, it would also deprive the local economy of their salaries. In Hawaii, for instance, two separate contractors employ 141 individuals in the performance of KP contracts, and the contracts themselves mean about $1.5 million to Hawaii's economy. Are these 141 people and the others among the 10,000 now employed in this program to be ignored as they stop paying taxes and slip back onto welfare?

Finally, Mr. Chairman, it deserves mention that the pending amendment would not increase the Defense budget by a single dollar. It merely permits the reprograming of other funds by the Secretary of Defense to meet the costs of this project. In effect, Congress would be saying to the Pentagon, if you really want to continue this program, then put it high on your own list of priorities.

The reasons for supporting the Sikes amendment are numerous and compelling, and I urge the House to adopt it overwhelmingly today.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I would like to commend the gentleman. I rise in support of the Sikes amendment.

I strongly support the Sikes amendment to civilianize nonmilitary duties now performed by military personnel. It will make the hoped-for all volunteer military more attractive. In the long run it will make our military more effective and economical. It can, and should, result in reductions in total active duty forces.

The gentleman from Maryland (Mr. MITCHELL) has ably pointed out a subsidary benefit of this amendment. Black contractors will be prominent among those providing these nonmilitary services.

I urge the adoption of the Sikes amendment.

Mr. WHITTEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, throughout history we have seen that defense, as assential as it is, is economically a drain on the general economy. Whether we like it or not, I do not believe that the economy of any nation ever has stood over a long period of time spending over 50 percent of its total income on defense without ruinous inflation. That is what we are threatened with here in the United States today. Whatever our feelings, the American people are tired of war, and if they are tired of war and we see evidence of that every day, we are going to find it awfully hard to get sufficient money through the Congress for necessary defense.

President Eisenhower was right when he said one of the most dangerous things we have is the industrial-military complex we have built up. Too many groups, too many companies are making profit out of national defense, for us to get an objective analysis. Just as here, there is great pressure from the contractors. We have let too many military people retire, and go to work for military contractors. Too many military leaders have gotten to where when they think of defense, they think of the fringe benefits, of personal comfort. We have reached the point and where some of our ships have one less gun than the Russians have, so that our captains and admirals can carry aboard their cars in order to have them to drive around in when they dock.

We started the move presented here some years ago. We hired caterers to serve Bolling Field and some other places around here. We stopped the military from doing their own clothes cleaning and shoe repairing so private enterprise could get their cut. I asked then what would happen when our troops got beyond the delivery limit of the local bakery. None of these contracts we deal with here provide for supplying this service in the forward or battle areas.

We have a limited amount of money and I think are going to have even less for defense in the years ahead. The effect on the economy, the feeling of the people are going to force it. Now we have inflation at a rate of about 10 percent per year. We are running $30 or $40 billion behind in our tax collections against expenditures. With this situation should we not put our money in real defense, weapons and essentials instead of spending these billions with catering contractors. Do we have enough money really for ships, planes and guns.

A general called me on this issue, and in an hour he spent 55 minutes talking about the necessity for keeping this money in the bill so we can have somebody to serve them, and 5 minutes talking about the need for the Cheyenne helicopter which would need to defend us in time of real need.

My friends, we are going to be battling with the military from now on trying to get them to use the money that we can afford to provide for defense, because they are always going to be here supporting the fringe benefits, the come-on area. I say to you before we add $94 million here, let us realize that as of now—and I am giving you the rough figures; it is in the report—we have $42 billion in the hands of the military unexpended.

We have in excess of $8 million unobligated. Of course, if we tell them to pay these contractors for KP or catering services if they use their own money, they can do it, but every time they use it they will be using money that could be and should be used for real defense which this country, unfortunately, may need in the future.

My friends, let us start now to tell the military about American public sentiment; about the American economy; about the inflation that faces us, that we must insist them to do first things first; that they are going to face cuts in the money available and should help us to keep the money we can get to do the things that need to be done, not only the money they have on hand but also the money they get, for real defense. We would be the stronger if this were done.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I do not want to emphasize the personal pronoun, but I enlisted in the volunteer military service in 1916, and I peeled my share of potatoes, onions, and carrots, and I washed my share of pots and pans. I even made my share of the coffee, with plenty of saltpeter in it.

I do not know what the shooting is all about here today, but I am afraid there are too many former military officers in the House. I enlisted as a buck private in the rear rank, and I did not particularly care for these jobs such as kitchen police, and that was an incentive to me to strive to obtain the rating of a corporal so that I could get away from them.

However, to serve my turn on the kitchen police force did me no harm, so far as I know.

I have also been a valet to a horse and as a so-called dog robber. I have shined officers' boots. I have been through these things and never did I feel that I was the scum of the earth. I had a job to do and I tried to do it.

Apparently it was a different Army in 1916, 1917, and 1918. Is it now proposed to put housemaids on destroyers and other warships to take care of the job of peeling potatoes and other such duties? What is proposed to be done?

What is wrong with a private or an apprentice seaman peeling a few potatoes and onions and performing some of these other tasks if it will save—as I know it will—the taxpayers millions of dollars? I repeat that it is a good incentive for these servicemen, starting at the bottom, to seek to be something other than privates and first-class privates or whatever they are called these days.

Mr. MINSHALL. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Ohio.

Mr. MINSHALL. The gentleman was in the service some good many years ago. I am sure he has not been in a modern day mess hall. I have done my share of peeling potatoes, too. The modern day mess hall has dishwashers, has potato peelers, has electric mixers. There is really not much to do except to have a cleanup detail today so far as KP is concerned. There is nothing wrong with that.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Will the gentleman agree that if we ever got into a shooting war with Russia whereby we could throw our fringe benefits at their fringe benefits, we would win the war hands down?

Mr. GROSS. I do not know what would happen in another war. I simply say that if we can save the poor, overburdened taxpayers of today a substantial amount of money by letting these newcomers to the service do a few of these jobs, that is not going to hurt them. On the contrary, it will be good for them. If the servicemen of today and the future are to be wet-nursed—if there must be civilians hired to blow their noses and tuck them in bed—then this country is going to have an organized mob and not a military force worthy of the name.

This amendment ought to be defeated.

Mr. GUBSER. Mr. Chairman, I rise in support of the Sikes amendment.

Mr. Chairman, as we consider the Sikes amendment today I cannot help but look further down the legislative road to a very major decision we must make next year, and that is whether we extend the draft or depend upon an all-volunteer military service.

I do not think there is any person in this room who really, truly, deeply wants the draft to be continued. So as a nation we are doing our very best to achieve a volunteer army.

There are several incentives for a man to make a career of military services. One of them is pay. We have done very well in this respect.

Four years ago there were 1 million less men in the armed services of the United States than there are today. Today, 4 years later, the cost for personnel is $10 billion higher than it was 4 years ago. Obviously we have done very well by the military man, and I do not think he need cite inadequate pay as a reason for not wanting to make a career of military service.

There is something else, though, besides pay that we have to consider. The gentleman from Iowa made a very fine statement which I enjoyed tremendously. However, I think the significant point of the gentleman's statement is that though he willingly and proudly peeled potatoes and onions, he did not stay in the U.S. Army.

He became a radio announcer and later one of the most valuable Members of this House of Representatives. He did not make a career of service in the U.S. Army.

We do not have the same kind of a personnel requirement today as we had in World War I or in World War II or in the Korean conflict or even in the present conflict.

Today's military unit is mechanized; it is a highly skilled type of individual that we must have to operate these highly complicated weapons systems. We need a more highly skilled type of personnel than ever before.

So the second thing beyond pay that a man must have if he is going to make a career of anything, is a sense of pride, a sense of professional dignity, and the feeling within himself that he commands the respect of other people because of the job he holds and the job he does.

I served on a subcommittee several years ago when the gentleman from Connecticut, our former colleague, Congressman Kowalski, made the charge that the U.S. military was making a bunch of servants out of its enlisted men. We held extensive hearings on that subject and found even then that the feeling was very, very deep.

Ask a GI today the main reason why he does not want to make a career in the military, and he will say in all frankness, "I am sick of that damned Mickey Mouse."

Mr. WHITE. Will the gentleman yield?

Mr. GUBSER. I cannot yield. I am sorry.

That is what he will say to you most every time. "I am sick of that damned Mickey Mouse." And KP is a part of it. He wants to feel dignified and that he is doing a job which commands the respect of his fellowman.

Every hearing that we ever had in the Armed Services Committee shows KP and the indignity of the work enforced on these people is very definitely an impediment to making a career of military service. It will very definitely be an impediment to an all-volunteer service, and it may very well put us in a position next year that none of us want to be in. It may put us in a position next year, if we are to follow a course of responsibility, where we will be forced to give the President standby draft authority which will encourage enough volunteers so that we can achieve an all-volunteer service.

I do not want to be in that position. I say let us dignify the armed services and make it a true profession. Let us adopt the Sikes amendment and get rid of this Mickey Mouse.

Mr. LONG of Maryland. Will the gentleman yield?

Mr. GUBSER. I yield to the gentleman.

Mr. LONG of Maryland. It sounds good to say that this will release enlisted men for more professionalized training. I have heard that we have a lot of enlisted men with so much time on their hands that a drug problem is developing of major proportions. Does the gentleman want to give them more time to engage in this?

Mr. GUBSER. I do not believe the gentleman by any stretch of logic can associate the drug problem with leisure time. I suggest we take the leisure time and give them a little better training and more training. That is what makes the armed services click—training and lots of it—not peeling potatoes.

Mr. RHODES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think that most of us would be in favor of this amendment if we could make it retroactive to about 30 years ago. It would then eliminate a lot of KP duty which many of us did.

I think that we need to keep things in perspective. Just what members of the armed services are affected by having to be on KP? Well, actually the only ones who are affected are the younger ones who are in the lowest three grades. By the time a man has been in the armed services long enough to have progressed to a career status, he will no longer serve on KP, because he will have a rank above the third grade. That is the kind of man you are trying to keep in the armed services and he will not be doing KP. So let us bury the ghost once and for all, putting men on KP for the first years of their military training, it will hurt the armed services.

You are not really doing anything like that.

Now, it has been said that for some reason doing KP causes a man to feel he is not respected. We certainly have won a lot of wars with people who did not have self-respect if that is true, because members of our Armed Forces have always pulled KP. You do not equate respect with doing this kind of duty. You do equate respect with whether a man feels he is in a unit of which he is proud; an Army of which he is proud; a citizen of a country of which he is proud, and is doing a job of which he is proud. Even if part of that job consists of doing KP, there is nothing about this which should cause him to be less proud.

There has been disagreement, as to the total cost of the program. I do not intend to say whether it is $250 million or $300 million, but I do think it is important to look at how much the cost for one man year of KP is, comparing the civilian with the military. These figures came to our subcommittee staff, from the Armed Services. These are not figures that I dreamed up or that the staff dreamed up. These came from the Pentagon.

The Army says that in order to hire a civilian for KP, it will cost them $6,300 a year; the Navy says it will cost $7,000 a year; the Marine Corps says it will cost $7,700 a year. The Air Force originally said it would cost $11,000 for every person they hire to do KP on a civilian basis. We did not believe that that was really true, and we were not able to get a better figure out of them, so we assumed it might be as high as $10,000. This makes the average of all three services something like $7,750 for one man year of KP on a civilian basis. But that is not all. There are benefits involved which are equivalent to fringe benefits of other employees, such as insurance and the like. This adds $1,050 so that the actual total for a civilian man year of KP is $8,800. But that is not the whole story, because while the enlisted man works a full day of about 12 hours on KP, the civilian works 8 hours. So, if you pay the civilian overtime, you have a cost which is half again as large. So, you have a figure of $13,000 for every man year of KP. As against this, it costs only $5,500 for a man year, employing an enlisted man of the three lowest grades.

So, that is what we are really talking about as far as cost is concerned. Now, if it were really important in getting an all-volunteer armed services, I suppose I would agree that it would be worth the cost to do away with KP. But it is not that important. The thing that is important, as I mentioned before, is whether or not a person has the job which was promised to him, for which he is trained, which he feels is a job which is worthwhile. KP can be a part of such a job.

Now, I am very much interested in the fact that there are those who feel that to deprive certain civilians of this type of job is a terrible thing.

I thought that in this country we were interested in retraining people, particularly the people in the lowest areas of capability, the hard-core unemployed, so they can hold good jobs. So just answer me this: If KP is such a terrible job that an enlisted man should not be allowed to do it, because it is demeaning for him to do it, because it tears down his self-respect to do it, then why is it a proper job for anybody else? I cannot see that type of reasoning.

So, Mr. Chairman, in my opinion the idea of spending $300 million for this purpose, in a year in which we will have a budget deficit of vast but unknown proportions, in which we have inflation still with us, is just not commensurate with good sense.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I presume many Members in this Congress did, I did KP duty for $21 a month in World War II. I had been a practicing lawyer for about 10 years, and I had a doctor's degree in law. I did not find this duty something onerous to me.

However, we are not faced with the same situation today in 1972 that faced us back in the 1940's. Today we are faced with the situation of trying to get a smaller cadre type army, or a cadre type military service. We are going to have to have very ably trained individuals and able persons capable of being trained. We are going to have to appeal to them to enlist mostly on a volunteer basis. The problem that we are now confronted with is how to get people who are highly technically trained to voluntarily do this type of work when they can attain more useful employment in the private sector.

It is going to save money to do this KP work by civilians in my opinion. The amendment offered by the gentleman from Florida (Mr. SIKES) is aimed not at adding dollars to the bill, but aimed instead at adding to the ability to transfer funds. It is not going to add a penny to the bill. It will let the services, if they feel like it is a wise thing to do, to spend money in this particular field.

Mr. RHODES. Mr. Chairman, will the gentleman yield at that point?

Mr. BENNETT. I will yield to the gentleman from Arizona later if I have the time, but I would like to finish what I wish to say.

In World War II, when I first realized there was no adequate cadre in the platoon in which I was, I also realized the difficulty they then had. Many of these people had been highly skilled in civilian life, but had no military skills. So I, a lawyer who had been practicing law for 10 years with no adequate military background at all, still had to take over that platoon. I had to train my own platoon in basic training, in addition to doing KP. That was all right. That was fine for the early 1940's, but not fine for the 1970's when the skills required are much more complex.

In 1972 we are confronted with the fact of trying to get able people to enter the service who will know all about these various new weapons, or who can be trained to know how to handle them, and who will be career service people from the beginning, not just people who may enter the service for some casual purpose and then go on to something else.

The fact is that the requirements for the entering private, and as to his potential attainments as a specialist, are vastly higher than they were in World War I or World War II. The fact is also that, when we are going to a minimum, cadre-sized military establishment, that such smaller and voluntary establishment must be highly capable and the volunteers must have a high potential. Capable young men will not volunteer for military duty when large portions of their working time is to be occupied with duties that do not require them to do a work which challenges their trained and educated abilities. That is just a fact of life.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Chairman, the gentleman from Florida is making a very helpful statement, and I am impressed by it. I have asked him to yield because there are so many cost figures floating around from so many sources and there has to be confusion. I have figures that were provided to me on yesterday by the Department of Defense. I had them double-checked and was assured that they are accurate figures.

The present average annual cost for an enlisted man now performing KP is $8,328 per year. The average cost for civilians on contract KP is $4,962. It takes 1.1 civilians to do the job of a GI. Even though the GI may work longer hours, the contractor uses more modern and efficient equipment to accomplish his work and the personnel requirements are about the same. The savings per individual is $2,870 in favor of the contract personnel. The advantage to the taxpayer from contract KP is obvious.

If we must have military KP rather than contract KP—we will have a requirement for more military personnel. The number was reduced on the assumption that we would have contract KP.

Each of the additional military personnel in the bill, will cost $2,870 more than his counterpart on contract KP.

The Government will save significantly on contract KP. I repeat it. I have said it time and again, there are no reliable figures which would refute this fact.

Mr. BENNETT. I agree with the gentleman and I will say to the gentleman from Florida, that apparently no consideration has been given in the committee's figures to veterans' pensions and widows' pensions and disability service-connected compensation and that sort of thing; and if you average those things in as a cost of military personnel, those figures might be rather considerable.

Mr. WHITE. The fact is also that the figures that the gentleman from Florida (Mr. SIKES) gave—you should take into consideration the cost of training these men—the amount of training that goes into training men for MOS is going to be delayed before he finishes his KP.

So you are going to lose more money that way.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman.

Mr. RHODES. I think the figure of eight thousand and some odd dollars that the gentleman from Florida mentioned for military personnel was for all grades of military personnel. We should bear in mind that only the first three grades have KP, so it would not be fair to use that figure.

Mr. MAHON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think this question has been rather well discussed and I think I sense that the House is growing a little weary of the discussion.

Mr. Chairman, I rise in opposition to the amendment. What the services are proposing is to civilianize what they call kitchen police and civilianize the housekeeping chores on military bases.

When this program is completed, if we permit them to complete it, it will cost a total of approximately a half billion dollars annually—about $257 million for the KP program and about $210 million for the other programs.

People have been to see me and have urged me to help the contractors who are involved—and I have had a few telephone calls and I know the attitude of the Pentagon.

We must take into consideration the welfare of country. If we should pose the issue to the American public today—do you want to raise taxes by the sum of a half billion dollars to eliminate KP and a bit of work around military bases—they would respond in my judgment with a resounding "no" to the question.

Army officials told us they did not reduce the size of the Army in seeking funds this fiscal year for the civilization of KP duties.

So, I have to disagree with the gentleman from Florida (Mr. SIKES) with respect to his statement to that effect. There is nothing in the testimony that will bear out that contention. As a matter of fact, the Secretary of the Army indicated he did not wish to make a corresponding reduction, or any reduction, in Army military strength as a condition for the congressional approval of this program.

No; you know we have a tough enemy in the world—lean and tough. If he concludes that we have, instead of a correspondingly strong military force, a welfare organization, he will say, "I told you so—they are fat and incompetent and we will eventually take them over."

The Secretary of the Army came to me, and I admire him—and said he wanted to make a plea for the elimination of menial tasks in the Army. I said, "Mr. Secretary, you have already said too much—stop right there. There are no menial tasks if work needs to be done. This country cannot survive if we lose respect for necessary honest labor. That is the way we are moving and we are moving that way rather fast."

I have grown weary of those misguided people who constantly talk of avoiding menial tasks. We probably do not need people in the Army who want to avoid the facts of life and avoid doing the things that the average citizen has to do. I believe in the American work ethic and in the dignity of labor and I would like to see the American people trample under foot the idea that necessary work is demeaning.

Shall the Government foster the idea that essential toil is demeaning or dishonest? I say—no. Let us vote down this amendment.

I would like to ask the Members if you would want an Army made up of people who have been taught that it is demeaning to soil their hands—or protect their environment? I believe that soldiers want to be challenged.

I believe they want to be tough and self-reliant and not dependent upon somebody being imported onto the base to take care of the facilities provided them by the American people. They want to be treated like men and not like children. I suspect the gentleman from Iowa (Mr. GROSS) is here today because of some of the experiences he had in the military service. He is tough and he learned early. I suspect most of the people in this hall today are here because they have been tough and strong and self-reliant from the days of their youth. That is what I would guess.

Mr. Chairman, should the services undertake to wean servicemen from the harsh realities of life and put them into a country club atmosphere? If we have that kind of Army, we have lost the contest with those who oppose us. Our opponents in the world are lean and tough. Shall we have an Armed Force which has as a watchword dependence and not self-reliance?

There is an important ingredient in life called pride. Shall we take steps toward building up the pride of our fighting men so they will have that priceless ingredient? Will we do it by trying to pamper them when they really want to develop self-reliance and responsibility?

I was just wondering this morning, when I contemplated the debate which would take place today, just how long it might be before the Pentagon in efforts to entice people into the services would ask us to provide our stalwart and able-bodied military men with golf carts to convey them from the barracks to the mess halls in order to insure an all-volunteer army.

Did the armies of the past succeed because they were tough and self-reliant or did they succeed because they were soft?

Mr. Chairman, I might point out we do not call upon our military men to perform tasks which the average citizen does not perform. The average citizen cleans house and mows his lawn and looks after his environment. The average housewife, although she may have a college degree and is well trained, does KP every day. I wonder how many of the Members asked their wives how they should vote on this measure today?

Have our people forgotten that involvement in the environment is everybody's job? This applies to our military installations. I hope we will take into consideration what the people of the Nation want and deserve. They want a strong and reliable and dependable military force.

Mr. ANNUNZIO. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Chairman, I commend the gentleman for his statement.

I wonder if the House has taken into consideration the statement the gentleman from Florida (Mr. SIKES) just made, that these men are drawing $4,000 in wages, which is probably less than the minimum wage. From time to time we are faced with bills where the railroad workers go on strike and then we are compelled to vote on compulsory arbitration matters to put these people back to work. I wonder if the committee gave consideration to the minimum wage and the time-and-a-half provisions for overtime and the double time for working on Sundays? All these union people who will be working to serve this magnificent all-volunteer Army might some day decide to go on strike and then we will have a bill before us and we will be compelled to vote to send them back to work, and then we will be compelled to vote for compulsory arbitration. Did the committee take into consideration those matters.

Mr. MAHON. I would say the committee did not take into consideration all the matters the gentleman discussed. The committee took into consideration the matter of having a strong, lean, tough military force, a military organization that would be able to defend its country and portray a posture that will help maintain the peace of the world.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the amendment and I move to strike the necessary number of words.

Mr. MAHON. During my discussion of KP, the gentleman from Illinois (Mr. ANNUNZIO) asked me to yield for a question. At the time, I was not clear as to the import of the question. I would point out that if organized groups should be hired to serve our forces on military bases and should decide to go on strike, an intolerable situation would arise. Do not Members think we ought to have our military forces more self-reliant and independent and, therefore, in a much better position to serve the public interests in time of emergency? The gentleman from Illinois makes a good point.

Mr. BUCHANAN. I would say to the distinguished chairman I would suppose, then, there are also many other civilian employees who ought also to be replaced by soldiers.

I would say also if there is an additional cost, we have something significant being accomplished here, and if there are Members who feel that this is something so important to the taxpayers that we ought to do it, then may I say we have a House restaurant; we have a chairman of the Committee on House Administration who is trying to save money in the House Restaurant.

Mr. CAREY of New York. Mr. Chairman, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentleman from New York.

Mr. CAREY of New York. Mr. Chairman, I did not succeed to the rank of the distinguished chairman of the committee, the gentleman from Texas (Mr. MAHON), but I did rise to the rank of colonel, and most of my time in duty in those 14 years was occupied in training soldiers for combat duty. I want to say one of the most difficult things to do is to try to set up a training schedule and get people into combat situations when they are constantly required for menial tasks. It is a waste of training time.

I wish to associate myself with the remarks of the gentleman. I say that our job in the infantry and armed services is to get men ready to defend our country. KP does not do anything like that. I want to say that as a former serviceman I was only able to achieve a rating of marksman, and I can tell you from experience that dishpan hands are bad for the trigger finger.

Mr. BUCHANAN. The gentleman's point is well taken, and I thank him for his contribution. Serving on KP accomplishes no military purpose, and can, indeed, detract therefrom, as he indicates, in my judgment. If this is such a valuable idea, then I would say let us in the House of Representatives also volunteer for KP and save the taxpayers some more money right here.

Mr. Chairman, what we would not ask of ourselves, let us not ask of our military men, and for their sakes, for the sake of the minority enterprises involved, for the sake of the low-income people now being utilized in the program, I urge your support of the Sikes amendment.

Mr. MAHON. Mr. Chairman, I would like to see if we could arrange some time limitation at this moment. I ask unanimous consent that all debate on this amendment and all amendments conclude in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Under the unanimous-consent agreement, each Member will be recognized for 1 minute.

(By unanimous consent, Mr. SIKES yielded his time to Mr. HENDERSON.)

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, as one Member among very many here who served in the Armed Forces, I heartily support this KP amendment, and I advocate that it be expanded to include chauffeuring services, valet services, and liquor-serving at parties and the like. If we did expand it, perhaps there would be a few more lieutenants and captains, and even light colonels, driving their own cars instead of being chauffeured around by GI's, serving drinks themselves, and collecting the dirty glasses at party's end. I doubt that the national defense capability would be diminished one iota.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, once a marine always a marine. I take pride in the fact that the branch of service in which I served, until they were apparently dragged kicking and screaming into this idea, stood up strong against it.

I can only say, "Chesty Puller, where are you now that we need you?"

I was a little boy when World War II started, and I remember a song which came over the radio. It went like this:

This is the Army, Mr. Green.
We like our barracks nice and clean.
You had a housemaid to clean your floor,
But she won't help you out any more.

I really do not believe the Congress, considering the deficit this Federal Government is facing, really wants to put profit into KP. This could become the decline and fall of the American civilization amendment.

I may amend the amendment I am going to offer in a few minutes, so that the limousines I want to eliminate for some of the higher officers in the armed services might be made available to privates.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, the thing to remember in this debate is that what the action of the committee, without the Sikes amendment, would be doing would be to prevent a projected improvement in the military forces that has been underway for some time.

A few years ago we had a colleague in this body from Connecticut, Frank Kowalski, who pointed out that a lot of military people were being drafted to walk dogs around the park and to mix martinis for generals. The public was aroused by these charges, and the services took steps to eliminate menial duties of this kind that had no bearing on the proper performance of a complicated and challenging military assignment.

Then 5 years ago, a House subcommittee found on a trip to Korea that an Army private, who had $8 or $9, could get a Korean to do KP for him, but the fellow who did not have that money available had to perform the KP. I remember objecting strongly to the Defense Department over this discrimination and they eventually came back and promised to eliminate Army KP over the next 5 years.

Six months ago the Army announced that KP would be eliminated by next year. Now the committee's action would reverse this very valuable step away from Mickey Mouse assignments in the Army.

If we want a volunteer Army to really function, then we need to get people into it who are really interested in their jobs. Our Subcommittee on NATO visited U.S. Army installations in Germany last winter and we found troops who were bored, discouraged, and dissatisfied. Why? Because they were being used in ways that did not really call on their talents or abilities. They were not challenged. They were just killing time.

On the other hand, we later visited a remote Air Force installation in Turkey. It was a dreary, deserted, cold section. Yet the morale of the men there was sky high. Why? Because they were being used in a job they knew was valuable and necessary and exciting.

The way to get a voluntary force is to keep the men interested, working on military specialties, not menial servant tasks. I support the Sikes amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I should like to ask

the gentleman from Florida (Mr. SIKES) for whom I have the greatest affection, a question. Do these people have a right to strike?

Mr. SIKES. Yes they have a right to strike, but in 7 years of contract operations I am told not one day has been lost through strikes.

Mr. KING. Mr. SIKES, I understand from other people that they do have a right to organize and to strike. If you come back from a hike and you find that these people have gone on strike—then what do you do to feed your men. I oppose the amendment. This is not a welfare program.

Mr. SIKES. In that case, which appears very unlikely, the GI would fall back on his basic training and his field training experience and do the job himself.

The CHAIRMAN. The Chair recognizes the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, if I thought the adoption of this amendment would make the difference between a volunteer Army and not having one, I would certainly support the amendment, but I cannot buy the argument that this is going to save money.

In my opinion, Mr. Chairman, this is going to cost us $94 million which we do not have, and I do not believe a nation with a debt of $450 billion already can afford to spend $94 million for this purpose.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I think this debate has been helpful but very confusing. It is obvious we do not know what it costs for a military man to perform kitchen police. We do not know what it costs for a civilian employee to do the job. I would refer to the committee's report on page 32 and commend them with regard to the civilianization program generally.

I have been saying for years, as the chairman of the Manpower and Civil Service Subcommittee of the Committee on Post Office and Civil Service, that we ought to be doing more work with cheaper civilians where it could be done. There are certain jobs that obviously must be military in nature. There are others that may be done by civilian employees or contract employees.

With regard to KP as in the Sikes amendment, one-fourth of the cost or $25 million of it must be used for inhouse civilian employees. They do not have the right to strike, and it can be done cheaper by them than it can be by the draftees.

I believe because of the studies that we have done, that kitchen police, in the limited respects that the Sikes amendment proposes, can be done cheaper in that way.

From all the figures I have heard today, I would ask the Members to make their decision on one basis; namely, Do you believe you can get people to stand in a KP line and dish out the food, cook it and peel potatoes cheaper than at these salaries we have been talking about? You can in my district. You can do this work for less than $6,000 per man-year. We have people who want to work, need the work, and at less than the cost figures used here today.

I would remind you that the gentleman from North Carolina (Mr. GALIFIANAKIS) talked about 1,000 people at Fort Bragg, performing the KP control, which is not in my district, but this committee and the Congress ought to know whether that procedure used by the Army at Fort Bragg is cheaper. It has been in operation for some time, and we ought to know. From my observations, I believe it is cheaper.

For that reason I support the Sikes amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

(By unanimous consent, Mr. CONTE yielded his time to Mr. STEIGER of Wisconsin.)

Mr. STEIGER of Wisconsin. Mr. Chairman, yesterday I spoke at length on the importance of the program to civilianize nonmilitary duties in the Army. Today, I again rise in support of the Sikes amendment, and I shall make my remarks brief.

I was intrigued, Mr. Chairman, by the committee's glowing praise for the virtues of nonmilitary duties:

> The Committee is of the opinion that such duties do not detract from the serviceman's image. As a matter of fact, the Committee believes that these are wholesome and character building duties which enhance a serviceman's pride in the services and facilities made available to him by the American people.

Frankly, Mr. Chairman, I have been concerned for quite some time whether all Members of Congress, and our staffs, have been taking sufficient pride in the services and facilities made available to us by the American people. It might be useful for the committee to look into the possibility of requiring each of us to report once a week at 5 a.m. for 14 character building hours of mopping the House kitchen, cutting the west front lawn, or cleaning the latrines in the Longworth Building.

Of course, the people who are presently holding these jobs would not be too pleased with being thrown out of work, but I am sure they can be persuaded to accept their sacrifice as essential to sustaining the wholesome quality of the House. Furthermore, the taxpayers will welcome the reduction in expenditures for House administration, since one 14-hour-a-day Congressman—already on the payroll—will be able to replace two civilians.

Naturally, there will be some problems in arranging for Members to perform these duties on Mondays and Fridays—but with the enhanced image of the House created through this program, Members will easily be able to spend a greater proportion of their time in Washington.

On balance, I think the Sikes amendment is a necessity if we are to achieve a volunteer Army. I urge its support.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Chairman, this measure is an attempt to get a volunteer Army at any price—to take the responsibility of defending our country off the shoulders of the upper middle class, the college kids, for whom this country has done the most, and to put it on the shoulders of the gung ho kid and trying to sweeten it up by taking KP duty away.

With all our national debt and our annual deficits, caused in large part by our tremendous military expenditures, I have made a vow: I am going to vote only for those things you can throw at the enemy and to vote against anything else.

I am intrigued in looking at the very liberal antiwar Members who usually vote against the military, and now seeing them in league with the hawks on the ground that this measure will take people off welfare. It looks as if we have to broaden the term, "military-industrial" complex to include the "military-industrial-welfare" complex.

Mr. FLOOD. How can you possibly keep your mouth shut with this going on? Can you imagine me for 3 hours saying nothing?

You cannot train combat troops, hanh? You cannot train soldiers if they are on KP, hanh? You cannot train airmen or sailors if they have to do KP, hanh? You cannot teach pride of service, hanh? Tell that to the Marines; tell that to the Marines. Semper Fidelis.

This unholy alliance of these shadowy doves over here to starboard locking arms with the chief hawk, the gentleman from Florida (Mr. SIKES) smells to high heaven. Does that need a KP washout?

Tell it to the Marines. Knock this thing down. It is nonsense.

Mr. MINSHALL. Mr. Chairman, there has been considerable smoke in the form of a screen of potato peels and garbage that has been thrown at us this afternoon. All of this has been supplied by the Government Contractors Association who have a very vested interest in the outcome of this amendment.

But in this day of the modern army where you have garbage disposals, potato peelers, where you have diswashers, all of this talk about KP taking away or destroying the training program of the GI's in the service is so much hogwash.

There is one basic issue in this whole debate this afternoon, and that is it is going to save the taxpayers $300 million, and those who are saying that this defense bill is already too high, just keep in mind that $300 million-plus figure when this amendment comes to a vote.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. MAHON).

Mr. MAHON. Mr. Chairman, we need a self-sufficient and self-reliant military force that cannot be hobbled by some labor dispute on military bases. We need to be responsible at this time, and we need to remember that it would be damaging, at this strategic moment, to put our stamp of approval on a program that will cost, when fully implemented, about $500 million annually and which would not promote military strength.

Let us have a self-sufficient army; let us vote down the Sikes amendment.

Mr. GUDE. Mr. Chairman, I strongly urge the House to approve the amendment offered by Mr. Sikes to the Department of Defense Appropriations bill.

To discontinue the Armed Forces program turning KP over to civilian employees, would be to undermine the volunteer army concept by removing one of the most attractive incentives of the "new army."

The Sikes amendment, which has the support of both the House Armed Services Committee and the administration, would allow the Department of Defense to continue to civilianize these nonmilitary duties.

This past August, I visited a unit of the 6th Fleet in the tense eastern Mediterranean and spoke with many of the young men serving there, including a good number from my district. I was most impressed by the complicated and sophisticated jobs that these men were performing. I visited with naval and marine personnel but it is well known that today's Army also relies on highly trained and skilled men.

It is hard for me to comprehend how we can expect the Armed Forces to retain men of this caliber unless their total environment is brought up to the level of their peers in civilian life.

Currently the military has 10,000 civilian employees under contract. The majority of these are poor people and members of minority groups. Forty-five thousand military personnel are engaged in these nonmilitary duties at the present time and as the civilianization program proceeds that number will be substantially reduced.

The Army has so far civilianized only 46 percent of its KP functions. I believe that it would be very harmful to the morale of our GI's if we were to go back on our promise to end KP. In addition, I believe it would be taken as an indication that the all-volunteer army is not going to get the full support of Congress and this would be most unfortunate indeed.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. Sikes).

The question was taken; and the chairman announced that the noes appeared to have it.

TELLER VOTE WITH CLERKS

Mr. SIKES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. SIKES. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the chairman appointed as tellers Messrs. Sikes, Minshall, Pirnie, and Long of Maryland.

The Committee divided, and the tellers reported that there were—ayes 265, noes 116, not voting 51, as follows:

[Roll No. 365]

[Recorded Teller Vote]

AYES—265

Abourezk
Abzug
Addabbo
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Arends
Aspin
Badillo
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burton
Camp
Carey, N.Y.
Carter
Cederberg
Chamberlain
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Collier
Collins, Ill.
Conable
Conover
Conte
Conyers
Corman
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Dellenback
Dellums
Dent
Derwinski
Dickinson
Dingell
Donohue
Dorn
Dow
Downing
Drinan
Duncan
du Pont
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Fascell
Findley
Fish
Fisher
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fuqua
Galifianakis
Gettys
Gibbons
Goldwater
Gonzalez
Grasso
Gray
Green, Pa.
Gubser
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Harrington
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Holifield
Horton
Hosmer
Howard
Hungate
Hunt
Johnson, Calif.
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kastenmeier
Kazen
Keating
Keith
Kemp
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lennon
Lent
Link
Lloyd
Lujan
McClory
McCloskey
McDonald, Mich.
McFall
McKevitt
Madden
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mazzoli
Melcher
Metcalfe
Miller, Ohio
Mills, Md.
Minish
Mink
Mitchell
Moorhead
Mosher
Moss
Myers
Natcher
Nelsen
Nix
O'Hara
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pirnie
Poage
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Reid
Reuss
Riegle
Rodino
Roe
Rogers
Roncalio
Rosenthal
Rousselot
Roy
Ruppe
St Germain
Sarbanes
Saylor
Scheuer
Schwengel
Scott
Sebelius
Seiberling
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Taylor
Thompson, Ga.
Thompson, N.J.
Udall
Van Deerlin
Vanik
Veysey
Waggonner
Wampler
Whalen
Whalley
White
Whitehurst
Widnall
Wilson, Charles H.
Winn
Wolff
Wright
Wydler
Wylie
Young, Fla.
Young, Tex.
Zablocki
Zion
Zwach

NOES—116

Abbitt
Abernethy
Anderson, Calif.
Annunzio
Archer
Ashbrook
Ashley
Aspinall
Brooks
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Carlson
Casey, Tex.
Celler
Clawson, Del
Cleveland
Collins, Tex.
Colmer
Cotter
Coughlin
Davis, Wis.
de la Garza
Dennis
Devine
Dulski
Eckhardt
Evans, Colo.
Flood
Flowers
Flynt
Garmatz
Gaydos
Giaimo
Goodling
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Hall
Hanna
Harsha
Hathaway
Hays
Hébert
Hogan
Hull
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Karth
King
Kyl
Landgrebe
Long, Md.
McCollister
McCormack
McCulloch
McDade
McKay
McKinney
Macdonald, Mass.
Mahon
Mayne
Michel
Mills, Ark.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Nedzi
Obey
O'Konski
Pelly
Pickle
Pike
Podell
Price, Tex.
Rhodes
Roberts
Robinson, Va.
Rooney, Pa.
Rostenkowski
Roush
Roybal
Ruth
Sandman
Satterfield
Schmitz
Schneebeli
Skubitz
Smith, Calif.
Sullivan
Symington
Teague, Calif.
Teague, Tex.
Thomson, Wis.
Thone
Ullman
Ware
Whitten
Wiggins
Williams
Wyatt
Wyman
Yates

NOT VOTING—51

Adams
Baker
Bell
Bevill
Blackburn
Blanton
Brotzman
Byrnes, Wis.
Caffery
Carney
Clancy
Delaney
Denholm
Diggs
Dowdy
Dwyer
Edmondson
Evins, Tenn.
Fulton
Gallagher
Hansen, Wash.
Hawkins
Kee
Long, La.
McClure
McEwen
McMillan
Meeds
Mikva
Miller, Calif.
Murphy, N.Y.
Nichols
O'Neill
Pucinski
Rees
Robison, N.Y.
Rooney, N.Y.
Runnels
Ryan
Scherle
Shoup
Springer
Talcott
Terry
Tiernan
Vander Jagt
Vigorito
Waldie
Wilson, Bob
Yatron

So the amendment was agreed to.

Mr. SYMINGTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I did have an amendment to offer at this point but I have decided not to do so. I did this partly out of deference to the desire of Members to terminate this debate and partly because my amendment was subject to a point of order. But I did want to take the opportunity to briefly discuss its contents in the hope that I could plant some seed here for future growth in the minds and determinations of those of us who are interested in seeing our military perform useful tasks.

We have just heard the wisdom of the House with respect to operations that the military normally conducted and which now seem to be fit for civilians to do and less fit for the military.

My amendment was directed to something that the military is very well equipped to do and civilians not so well equipped to do. It would have provided that $25 million, roughly 1/3,000 of the moneys herein appropriated for the Department of Defense, be used to help cities and towns handle emergency medical situations. We lose every year on the highways about 50,000 people. Frequently a person dies in his wrecked automobile, because of rush hour traffic conditions and the inability of squad cars or ambulances to get there in time.

The Defense Department is already experimenting in some five locations like Fort Riley and Fort Carson with the idea of providing helicopter ambulance service to an emergency. It should be encouraged to expand its efforts.

We have some 390 major military installations in this country; that is, those which employ more than 500 persons—to provide this kind of service to the communities around them, and what community would not be grateful for it?

Mr. Chairman, as I mentioned, more than 50,000 Americans die each year on the highways, and 1 million Americans die every year of heart attacks. It is estimated in the testimony we have had before the Public Health Subcommittee that one-half of those 1 million could have lived had help been provided in time.

We have seen the military very efficiently perform rescue operations in the jungles of Indochina. We have seen hundreds and indeed thousands of men lifted to base hospitals from the sites of their wounds. Why can we not do that for Americans back here at home?

Why could this not be made a part of the mission of the military—not the main mission, but a part of the mission of this huge Military Establishment, which is so capable, so dedicated, and so anxious to earn the gratitude and support of the American people? This would be a way to do it. We preach "civil action" programs to countries which receive our military assistance. Why not practice what we preach?

It is my earnest hope that in the next Congress authorizations for emergency medical service assistance and military assistance for safety and traffic will receive the support of this House. As we wind down the war, let us wind up the peacetime usefulness of the military back here at home.

Mr. DENNIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support this bill. I believe in a strong national defense, and particularly I believe in the importance and necessity of expenditures for research and development, test and evaluation.

Moreover, I recognize the force of what has been said about the size of this appropriation when it is expressed in terms of constant dollars. Nevertheless, we have a very serious financial situation in this Government. Expressed in any terms, this is a very large bill.

Our current budgetary deficit is estimated at some $25 to $35 billion. We are faced with a situation in this country where the Executive insists, chiefly, as I believe, in necessary response to international realities, on very substantial appropriations for national defense, while the Congress insists on ever-increasing and ever-proliferating expenditures for an expanding variety of social programs. The result is an ever-increasing gap between income and outgo and an ever-growing and inflationary budgetary deficit.

This, Mr. Chairman and my colleagues, is a dangerous situation to which, in my judgment, neither this Congress nor the Executive has really addressed itself nor has either branch as yet indicated any serious disposition to do so.

The answers are not easy, but I believe that as we prepare to pass this largest single appropriation bill in all of our history it is at least an appropriate time to pause, to reflect, and to note that our general financial irresponsibility is a vital problem which we will continue to neglect only at our national peril.

Mr. HUNGATE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find it incredible that after the strategic limitation SALT agreements President Nixon made with Russia and after President Nixon's cordial visit with Communist Chinese leaders that the defense budget request is $6.1 billion higher than requested last year. I commend the Appropriations Committee for its action in removing $4.3 billion from that history-making budget request. Nevertheless, the proposed appropriation for military outlays remain the largest since World War II, nearly $1.8 billion above last year's expenditures. The effectiveness and efficiency of these expenditures I think are best illustrated by our continued unsuccessful involvement in Southeast Asia. We can invent "smart bombs," but we cannot overcome half of a half-starved, tiny Asian nation armed with punji sticks. I call now, as I have called before, for a complete overhaul of the Joint Chiefs of Staff of the Armed Services. If 18 years, over 56,000 dead, 303,000 wounded, 539 prisoners of war, and 1,128 missing in action; and approximately $109.7 billion spent—since 1953—plus Mylai and secret bombing missions—if all of this has been insufficient to pacify the 20 million people in North Vietnam, is not it time to install new management? If we must continue losing, cannot we at least have some new faces in command?

About $74.6 billion. The largest annual military outlay since World War II. With half that money, Adolf Hitler would have taken Milwaukee.

I notice several other items of concern. The committee has added $50 million for Grumman to build extra aircraft to cover "actual and anticipated" Vietnam losses. Also added was $65 million for LTV for 24 more attack planes, built in Texas, to replace "actual and anticipated" war losses.

I do not agree with these important features in this bill. It is crystal clear that errors could be corrected, and our national defense more effectively and efficiently handled. Therefore, I shall vote against this measure and urge the Committee to bring us another bill treating enlisted men with more dignity and the top brass with less deference. It is not hard to spend money in this field. Let us seek to do so more wisely.

All of us are equally concerned about our POW's and MIA's. I submit the way to help them is not by creating more of them.

Since President Nixon resumed the bombing of North Vietnam last April, we have lost 93 planes and 100 pilots as POW's or MIA's—at this rate of continuation of the Nixon Vietnam policy promises is the loss of some 180 planes and 200 pilots a year.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 743. Of the funds made available in this Act for the alteration, overhaul, and repair of naval vessels, at least 35 per centum thereof must be made available for such work in privately owned shipyards: *Provided,* That if determined by the Secretary of Defense to be inconsistent with the public interest based on urgency of requirement to have such vessels altered, overhauled, or repaired as required, such work may be done in Navy or private shipyards as he may direct.

POINT OF ORDER

Mr. WYMAN. Mr. Chairman, I rise on a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WYMAN. My point of order is that section 743 as presently worded is contrary to the rules of the House in that it is legislation upon an appropriation bill in violation of rule XXI, subsection 2. The section contains the positive amendment in line 25, page 51, that a certain amount of work must be made available, and on page 52, lines 3 and 4, there is a specific direction to the Secretary of Defense.

Paragraph 842 of the House Rules Manual, pursuant to rule XXI, subsection 2, provides: "Propositions to establish affirmative directions for executive officers, even in cases where they may have discretion under the law so to do,"—"are subject to the point of order," as are positive requirements in such legislation constituting legislation upon an appropriations bill.

Mr. Chairman, I urge that the section be ruled out of order.

Mr. MAHON. Mr. Chairman, the point of order is conceded.

The CHAIRMAN (Mr. ROSTENKOWSKI). The point of order is conceded. The Chair sustains the point of order.

AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. DAVIS of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Wisconsin: Page 51, line 21, insert a new section 743 as follows:

"Of the funds made available by this Act for the alteration, overhaul, and repair of naval vessels, not more than $646,704,000 shall be available for the performance of such works in Navy shipyards."

POINT OF ORDER

Mr. WYMAN. Mr. Chairman, I reserve the point of order on the language of the proposed amendment offered by the gentleman from Wisconsin.

The CHAIRMAN (Mr. ROSTENKOWSKI). Does the gentleman reserve his point of order?

Mr. WYMAN. Mr. Chairman, I am simply trying to protect my rights on grounds the gentleman from Wisconsin——

Mr. DAVIS of Wisconsin. Mr. Chairman, if the gentleman wishes to argue, I wish he would argue it and not take up my time.

The CHAIRMAN. Does the gentleman wish to state his point of order?

Mr. WYMAN. I make the point of order that the amendment proposed by the gentleman from Wisconsin in the form in which it is presently worded does not constitute a limitation, but is rather legislation upon an appropriations bill contrary to the rules of the House.

The CHAIRMAN (Mr. ROSTENKOWSKI). Does the gentleman from Wisconsin care to be heard on the point of order?

Mr. DAVIS of Wisconsin. I do, Mr. Chairman. I submit to the Chair that this is definitely a limitation on the amount of money which may be spent for a specific purpose. I would suggest to the Chair that it is clearly within the rules of the House as a limitation on an appropriations bill.

The CHAIRMAN (Mr. ROSTENKOW-

SKI). The Chair has examined the amendment and feels that it is a valid limitation on the funds made available in the bill and overrules the point of order.

Mr. DAVIS of Wisconsin. Mr. Chairman, this is language which seeks to do within the rules what the amendment would have done that was approved by the subcommittee and approved by the full committee of this House and that is to establish the mandate that not more than 65 percent of the funds for alteration, overhaul, and repair of naval vessels be done in Government yards.

This is to deal with a problem which we have seen developing not only in the shipyards, but in ammunition facilities and in other defense procurements of the Defense Department where more and more of the money is being spent in Government-owned and operated facilities.

I have offered this amendment to accomplish two objectives. One is to get more alteration, overhaul, and repair done for the funds that are included in this bill and, second, to preserve a vital defense capability throughout this country.

I think the record is clear, and we had some outstanding testimony before our subcommittee, that we can get more for our money by putting it into private yards, where there is an obvious capability to perform it, than we can through the concentration of this effort in the Government-owned and Government-operated yards.

We had the testimony of Admiral Rickover, a Navy man, in which he pointed out to us—and I use his exact words—that poor productivity exists and has existed for a long time, in referring to the operation of the naval shipyards.

We had a distinguished firm of accountants who appeared before us and made it, in my opinion, incontrovertible that we can get this work done more cheaply, more efficiently, and with better returns for the taxpayers of this country if it is done in private yards.

Mr. BYRNE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. May I just continue, and then I will yield a little bit later if I have the time.

Mr. Chairman, unless we do what the language of this amendment would require, we are going to see, as we have seen for a number of years now, a smaller and smaller percentage of this vital navy work done in the private shipyards of this country, and a larger and larger percentage of it done in the Government yards.

I think these defense facilities are worth keeping, for if we are to have this concentrated into the Government yards we are going to lose the capability of these expandable and capable private alteration, overhaul, and repair facilities.

We cannot afford to have this base destroyed, and that is what is going to happen if we permit these yards to wither on the vine and finally become extinct.

Then the question is going to arise where are we going to go when we need this expanded capability?

So I suggest to you this is a vital part of the industrial base of this country which is so necessary for the defense of this country, and specifically for this vital work that we need to have in time of a national emergency.

Mr. WYATT. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman.

Mr. WYATT. Mr. Chairman, I ask the gentleman whether or not his amendment makes the bill substantially the same as the bill reported out by our full Appropriations Committee without any dissenting views.

Mr. DAVIS of Wisconsin. There were no dissenting views expressed in the full committee, as I understand it, although I happened to be away and could not be there. It is my further understanding that the motion was made for the chairman to seek a rule, because a rule was necessary in connection with this bill and only when the appearance was made before the Committee on Rules was the concession made with respect to section 743.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. DAVIS of Wisconsin. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

Mr. LEGGETT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. LEGGETT. Mr. Chairman, I withdraw the objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin (Mr. DAVIS) is recognized.

Mr. DAVIS of Wisconsin. Mr. Chairman, only when the appearance before the Rules Committee was made, as I understand it, was the deletion of this particular amendment made from the general authority of a rule relating to this legislation.

Now I would have preferred the legislation as it did come from the subcommittee and from the full committee, because there was a measure of flexibility which was provided for the Secretary of Defense. But since the gentleman from New Hampshire made the point of striking this out on a point of order, which in my opinion was against his own interests as an advocate for the public—or Government shipyards. This language had to be substituted, because it clearly is within the rules as a limitation.

Mr. WYATT. Mr. Chairman, will the gentleman yield further?

Mr. DAVIS of Wisconsin. I yield to the gentleman.

Mr. WYATT. Then do I understand that the gentleman's amendment leaves the bill substantially the way it was as reported out by the full committee?

Mr. DAVIS of Wisconsin. Precisely, with respect to the 35 percent figure.

Mr. WYATT. That is what I mean.

Mr. DAVIS of Wisconsin. That is as it was reported from the full committee.

Mr. BYRNE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Wisconsin. I yield to the gentleman.

Mr. BYRNE of Pennsylvania. You made the statement that you can get the work done cheaper in the private yards.

Mr. DAVIS of Wisconsin. That was the clear testimony before our subcommittee.

Mr. BYRNE of Pennsylvania. I do not agree with the testimony nor with your statement.

There was a ship called the *Kitty Hawk* that was built at the New York Shipyard, across the river from Philadelphia Navy Yard. It was towed into the Philadelphia Navy Yard and it cost the taxpayers $3½ million to straighten out what they did not do to it. In fact, they overdid—they built a bulkhead and behind the bulkhead was a machine shop that they did not even know was there.

When I hear these remarks that you can get work done cheaper in the private yards, it is not so.

Mr. DAVIS of Wisconsin. I am referring to the testimony that came before our subcommittee and I think there was no way of taking away from or damaging that testimony.

AMENDMENT OFFERED BY MR. WYMAN TO THE AMENDMENT OFFERED BY MR. DAVIS OF WISCONSIN

Mr. WYMAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

> Amendment offered by Mr. WYMAN to the amendment offered by Mr. DAVIS of Wisconsin: Amend the amendment after line 4 thereof by inserting immediately prior to the word "vessels" the word "surface".

Mr. WYMAN. Mr. Chairman, I do not expect to take the 5 minutes.

Mr. Chairman, the language of the amendment of the gentleman from Wisconsin, similar to the language in the original section 743, failed to reflect the testimony and consensus before the Defense Subcommittee that the limitation which is now proposed should apply to surface vessels only.

At the time the matter was discussed in subcommittee the word "conversion" was removed because there was never any intention to have the requirement apply to submarines.

I have offered this amendment simply to reflect that fact. Submarines are not subject to this formula—and should not be. There was not testimony before us in support of having them subject to it.

Therefore, I have offered this clarifying amendment and I hope the gentleman from Wisconsin will accept it because it reflects what was done in the Appropriations Subcommittee of which he is a member. I remain opposed to the gentleman's amendment whether or not my clarifying amendment is adopted, and I urge the defeat of the Davis amendment as a limitation on the discretion of the Secretary of the Navy that is against the best interests of the national security.

Mr. LEGGETT. Mr. Chairman, I rise in opposition to both amendments.

Mr. Chairman, this is not here today—the classic 65–35 issue we have had in the past. It is a rigged up program to really have the private yards gut the navy shipyards of the United States. It is rather simplified language that has been presented to the committee and would have the effect of helping out a few of the larger private shipyards—would not help out the smaller private shipyards—would close one naval shipyard on the west coast and close one naval shipyard on the east coast. If you look for just a minute at the statements that have been made and refer to the charts I have here that perhaps some of the Members of the House can see—the statement have been made by the proponent of the amendment that we have to keep our private yards and that the naval shipyards are hogging all the business—that we have to keep this viable capability that has grown up and it would cost more money to repair and construct ships in naval shipyards.

I do not want to get into a fight between the public and the private yards as to where we have done our best jobs and where we have done our worst jobs. We all know of some of the problems of the private yards in the country. We all know about the *Kitty Hawk* and the *Guiterro* and the mistakes they have made. We know of some of the 100-percent overruns that have been made in some of our private shipyards.

But look at the chart. This is a chart of all the naval ship work that has been apportioned to public and private yards over the past 20 years. As we can see, naval ship employment, according to the red line, in 1953 was at 130,000 employees. In 1961 it was at 98,000 employees in the naval shipyards. Today we have 65,000 employees in the naval shipyards.

The effect of this amendment is strongly opposed by the Navy Department. They say this amendment, which would purport to transfer $110 million worth of work from the naval shipyards, or the remnants of the naval shipyards to the private yards would not work, because the private yards have a capacity for only $32 million of that $110 to $112 million worth of work. The effect of the amendment would be to lay off 10,000 to 12,000 employees in our naval shipyards.

We might be able to do it by cutting 1,500 men out of every shipyard: By cutting 1,500 out of Boston, by cutting 1,500 out of Portsmouth, by cutting 1,500 out of Norfolk, by cutting 1,500 out of Charleston, and by cutting 1,500 out of Pearl, and we could get down to the numbers. That would have the effect of having 30,000 people changing jobs, because that is what veterans' preference means when you take 12,000 people out of a program under our civil service system with a very simplified amendment like this.

The original committee section 743 amendment as we had it before it was struck on a point of order provided a safeguard, provided that the Navy could except certain provisions and certain requirements in emergencies, but that was legislation on an appropriation bill. Legislation is handled by the House Committee on Armed Services. The House Committee on Armed Services is going in just exactly the opposite direction from this proposed amendment, because we on the House Armed Service Committee are concerned that we are putting our naval shipyards out of business. The fact that we have only some 65,000 people left in our naval shipyards would substantiate the fact that we are more probably right than the allegations that have been made heretofore.

If the Members will look at the chart further, I suggest they look at the large black line. They will see in 1953 there was $1 billion worth of Navy work. The blue line, which represents the Navy, indicates the navy yards were doing at that time three-quarters of all the work and the private yards were doing one-quarter of all the work. Then we see how the lines have changed since that time. This year the Navy is spending $4.5 billion for new construction, alterations, repairs, and conversions. The amount of money which is going to the private yards, which it has been alleged are going out of business, is right here, $3.5 billion worth of work. More money is going to the private yards this year than has ever gone to the private yards in the history of our naval shipbuilding. They are getting 73 percent of all the naval shipbuilding dollars. So here are the navy yards with 65,000 employees. There seems to be a desire to persecute them further and run them down to 50,000 employees. The Navy is trying to survive.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. LEGGETT was allowed to proceed for 5 additional minutes.)

Mr. LEGGETT. Mr. Chairman, the naval shipyards are down here trying to survive on about $700 or $800 million worth of work. They have told us actually this 65,000 figure is too low. If we want to operate 10 naval shipyards, which really constitutes five garages for our naval capability on each coast, we really should have 72,000 employees and not 65,000 employees.

And if we take the total down to 50,000 employees, believe me, Boston is going to close, or Hunter's Point is going to close, and we are really going to have the fat in the fire. There is a massive amount of misinformation which seems to be permeating congressional desks.

I received a letter today from my very good friend, Ed Hood, of the Shipbuilders Council. He said:

> DEAR CONGRESSMAN: From 1966 to 1971 the volume of Navy alteration, overhaul, and repair work placed with private yards dropped from slightly more than 40 percent to about 16.5 percent. The remainder has been assigned to the government-owned and operated naval shipyards.

Undoubtedly, it is confusion like this that has moved my colleague from Wisconsin to make the statement he has made, because if you look at the statistics that I put in the RECORD under date of May 1 at page 15053, the figures show that there was 16.4 percent of alterations and repairs at one time performed by the private yards, but that was not this year in this budget. That was last year. It was 3 years ago, back in 1971. Since that time the private yards last year just finished 19.1 percent of the alterations and repairs. This year in this budget they get 24.2 percent of the alterations and repairs, not the figures that have been sent to Members of Congress allegedly by a firm that has got expertise in this area.

The private yards are going to get $222 million worth of alterations and repairs alone this year, which is the fifth largest allocation that has ever been made to private yards in this category in the history of the private yards and the U.S. Navy. They are also going to get 50 percent of the conversions, which the amendment author very cleverly kept out of this amendment. The private yards are going to get $302 million in conversions, and that figure has only been exceeded one time in naval history.

So the private yards in the complete history of all Navy alterations, repairs, and conversions, will receive this year 34.6 percent, the second largest percentage ever. Over the past 10 years, since the Appropriations Committee became concerned about this, the private yards received better than 36 percent of the total of alterations, repairs, and conversions, so the 35–65 request has been respected. If you average new construction—and recognize that the naval shipyards have not lain a keel or had a contract in better than 6 years—we find that the private yards are this year getting, I said, $3.5 billion, they are actually getting $3.66 billion, the highest amount ever awarded to the private shipyards in the United States—72.9 percent of the work.

I would say, "Do not take my word for this." Of course, I argue for naval shipyards as a practical matter. It so happens that the Navy tells me that my particular Naval Yard of Mare Island is not jeopardized by this amendment. The cuts are going to come from some place else. What they say in their analysis of the amendment is that the Department of the Navy requests the elimination of the proposed section 743.

The Navy in the past has found it extremely difficult to comply with this type of statutory provision.

In 1963 the Navy had to transfer from the west coast to the east coast a whole squadron of destroyers in order to comply. In fiscal year 1973 the private repair work approximates 25 percent. When conversions are added, the privates get almost 35 percent. When they add new construction, they get 73 percent. The Navy confirms that. Then they say that the effect of the amendment would be to transfer $110 million worth of shipwork, and they say that a review of the 1973 overhaul schedule, with the objective of determining the feasibility of assignment of additional work to the private sector, reveals a maximum of $31 million, for which private yard capability definitely exists, which means that $79 million worth of work for repairs and alterations, would not be done at all, according to the word that was received yesterday by my office from the Department of the Navy.

They confirmed that better than 10,000 employees would have to be laid off, which I do not think the President would like to have happen before election time.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. HOSMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment.

I believe to understand what is before us here, we have to understand the semantics of the naval shipyard work. The Davis amendment applies to "repairs, alterations, and overhauls," which, except for new construction, amount to about two-thirds of shipyard work, the other one-third is conversion work.

The total amount of money in this appropriation bill for these two categories is about $1.5 billion, of which, in accordance with the consistent policy, 35 percent of the dollars go to private yards.

In this bill as it is, unamended, of the repairs, alterations, and overhauls category, 24 percent goes to private yards, and of the conversions category, 50 percent goes to private yards. Together these amount to 35 percent of the ship-money dollars going to private yards.

What the Davis amendment would do is to assign an additional $49,176,000 to private yards of the money assigned to navy yards for repairs, alterations, and overhauls. Now, that would be all right except for the exact reason that this money has to come out of the naval shipyard money. In short, converison money cannot be used to compensate for such a switch because ships under conversion are already in the private yards, they are dead ships, they cannot be transferred back to navy yards because they are dead ships, unmanned, and in drydock. One simply cannot pull them back to comply with this rider Mr. Davis wants to put on the bill.

As a consequence, as the gentleman from California (Mr. Leggett), pointed out, this would cause the discharge of a large number of employees of the naval shipyards. It would cause a tremendous perturbation in the Navy's work and scheduling.

As a matter of fact, the shipyards would have to respond, if the amendment is agreed to, possibly by the closure of a couple of yards.

That is not the kind of thing that ought to be done by a rider on an appropriation bill.

The private shipyards are already getting over $2 billion worth of new construction money here. If this switch in allocating work should be done, it should be done in an orderly fashion, by the Armed Services Committee, and not by a sudden rider here on the floor. I suggest that is the proper way to go about it.

The reason why the problem came up is that most of these conversions are being done on the east coast of the United States. That is where the 50 percent of the conversion dollars mostly go to the private yards. That makes it a little tough for private yards in the Great Lakes area and on the west coast. They are short on conversion business and would like to get some additional repair and alteration money. They do have a problem, and it should be met, but it should not be met with a hammer such as this amendment today amounts to. It would shatter this bill and shatter the naval shipyard structure.

We have to depend on these naval shipyards to home port our Navy people. That is why we have the repair and alteration done at the navy shipyards, to as large an extent as we can, because when we bring the men back from overseas, we want to bring them back to their families. Ships under repair, alteration, or overhaul generally still have their crews aboard. At a navy yard the men can be where their families live and wait for their return. We should not elect, if possible, to send them to private yards where the men's families are not. Many times, the old sailors around here know, such yards usually are way out in the boondocks. The men would have to come back from Vietnam, or come home from the Mediterranean, and if their ship is not sent to its home port and home yard they still will not be home. They will be traveling on a train, airplanes, and automobiles and when they finally get to see their families, they have to start back to the ship the next morning before they have a decent opportunity to look at them.

That is not the thing we want to do. We want an all volunteer service. We need naval complexes where men and families can be together when not overseas. Ships being converted are usually unmanned, so sending them to private yards for this purpose is not a morale impairing factor.

The thing which the Davis amendment would impose, just to help out some private shipyard to the sum of $49 million, is the kind of thing that would be tremendously costly in the end.

I urgently ask that this amendment be defeated and that the matter be taken up in orderly fashion by the Armed Services Committee at an appropriate time.

Mr. MAHON. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Williams).

Mr. WILLIAMS. Mr. Chairman, one thing has not been mentioned here today. Incidentally, I am speaking in opposition to both amendments. This country has a fine group of naval shipyards which we must have in order to maintain our defenses properly in time of national emergency.

Long before most of us came to the Congress the Congress invested billions of dollars in these naval shipyards, billions of dollars of the taxpayers' money. We must utilize these naval shipyards to their best ability.

I know all about the Ernst & Ernst report and their questions, and I know that the naval shipyards have had to correct the work of private shipyards on numerous occasions.

I say to you, I cannot say to my constituents that we should close down the Philadelphia Naval Shipyard, even though the naval shipyard is not located in my congressional district, and we have invested billions of dollars in that facility.

Therefore, I urge the defeat of both amendments.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. Green).

Mr. GREEN of Pennsylvania. Mr. Chairman, I rise in opposition to both amendments.

(By unanimous consent, Mr. Green of Pennsylvania yielded his time to Mr. Leggett.)

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. Green).

Mrs. GREEN of Oregon. Mr. Chairman, I rise in support of the Davis amendment for two main reasons.

The testimony over a period of years has been overwhelming that the work can be done cheaper in the private yards.

Second, in a time of national emergency this Government calls upon the private yards to do the work and depends on them. If we do not give them a fair share of the repair and conversion work during other years, they will not have the capability of doing the work in time of emergency.

I call your attention to the chart that the gentleman from California (Mr. Leggett) submitted. It is very confusing. It includes construction and repair; we are talking about repair. One of the lines has to do with the number of employees and the other lines with the dollar amounts. But the gentleman has admitted that in 1971 the private yards were doing only 16 percent of the work. If you follow that green line and look at the other years, you can see it must have been a much lower percentage that was done in other years.

In terms of the national interest, I hope that the Davis amendment will be approved.

The CHAIRMAN. The Chair recognizes the gentleman from Oregon (Mr. Wyatt).

Mr. WYATT. Mr. Chairman, I would like to point out in the first place that there is a great difference here that has not been recognized by all the speakers between new ship construction and alteration, overhaul, and repair work. What we are tallking about in the Davis amendment is alteration, overhaul, and repair work.

The reason why the bulk of the new ship construction has been in private yards is for the simple reason that it is cheaper to do it there. Our private yards are starving for alteration, overhaul, and repair work.

It is very clear from a very careful CPA study which has been done and other testimony before the subcommittee that the alteration, overhaul, and repair work can be done cheaper by the private yards.

We must maintain this capacity or it will dry up and you will have the yards closing.

This is an economy measure, and I urge my colleagues to pass the Davis amendment and reject the amendment offered by the gentleman from New Hampshire.

Mr. HICKS of Washington. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from California (Mr. LEGGETT), and the gentleman from California (Mr. HOSMER). I wish to say that I concur that this legislation should come out of the Armed Services Committee. Definitely, the Committee on Appropriations tried to legislate when it added section 743 which was subject to a point of order.

When I first came here in 1965, this subject, 35–65, was before the House, and the late Mendel Rivers submitted and succeeded in getting enacted Public Law 89–37, section 303, which says:

> SEC. 303. The assignment of naval ship conversion, alteration, and repair projects shall be made on the basis of economic and military considerations and shall not be restricted by requirements that certain portions of such naval shipwork be assigned to particular types of shipyards or to particular geographical areas or by similar requirements.

That is the law right now. It ought to remain the law and to go back again, to again establish limitations of 35–65 which the Davis amendment in effect would do, would be disastrous for naval shipyards.

The Navy has found it extremely difficult to comply with the type of limitations required by the proposed Davis amendment. To attain the objective of the amendment would require extensive rescheduling of shipyard assignments to place an additional $110 million in private shipyards during fiscal year 1973. Considering that we are 2½ months into this fiscal year and the advance planning leadtime required before an availability can be started in a private shipyard—it is believed that it would be January 1, 1973, before additional work presently assigned to naval shipyards could be shifted to private yards, such reassignments will have a serious impact on fleet operating schedules due to location, start date, and duration of overhaul. There will also be the impact on naval shipyard workload requiring additional rescheduling of fleet work.

The naval shipyards have suffered a drop in employment of 24,700—27 percent—since June 1968, and are now operating under the low efficient employment level for the navy shipyard complex. The result of a shift of the additional $110 million of ship overhauls to private shipyards would be a loss of approximately 5,500 man-years in the naval shipyard workload.

Since this loss of workload would be for the last 6 months of the fiscal year, it would require that approximately 10,000 employees be reduced in force. Reduction in force notices would have to be issued in October and November 1972 to start separation of employers in January 1973, when the workload will have been reduced. Based on past experience it is estimated that RIF notices would have to go to 20,000 to 30,000 employees in order to remove 10,000 employees from the rolls. This would have a devastating effect upon naval shipyard employees.

Due to the complexity of most ships required to the reassigned to achieve the 35-percent split, the majority of the work would be necessarily assigned to a few private shipyards who had or could develop the capacity to do the work. Thus, the assignments would not have the effect of increasing the workload of the smaller ship repair yards which is apparently the aim of the Davis amendment. There exists the question as to whether the private sector could develop the required capacity in sufficient time to accomplish these overhauls as currently scheduled. If not, there would result in an adverse impact on Fleet readiness and deployment schedules.

One other negative result would be the serious impacts on recruiting and retention for the proposed all-volunteer Navy of having these ships overhauled in out-of-homeport areas. In summary, all matters considered, defeat of the Davis amendment is necessary to prevent the production of a chaotic condition in naval shipyards.

Mr. DAVIS of South Carolina. Mr. Chairman, I rise in opposition to the amendment proposed by Mr. DAVIS of Wisconsin. I would like to point out two instances: No. 1, the private yards have been handling conversions which go in as unmanned ships. However, the overhaul and alternations of manned ships which we have, what are we going to do with the military personnel on board? Will the facilities be available for them?

Second, civilian personnel comes to 10,000 or 12,000 employees. In case of national emergency, they are not available. We have seen enough loss of jobs. This country cannot stand higher underemployment or unemployment. Therefore, I urge the defeat of this amendment.

Mr. ABBITT. Mr. Chairman, I rise in opposition to the amendment. I feel it will be a threat definitely to the Navy. The naval shipyards are doing a splendid job of repair work. They have been cut tremendously as pointed out by previous speakers. I hope very much that the amendment will be defeated.

Section 743 of this bill will cost approximately 10,000 to 12,000 people their jobs. It will decrease the capabilities of our naval shipyards to maintain the present stature of our fleet—which presently is second to none. The naval shipyards presently have the skilled labor and capability to work on our naval vessels. We cannot expect to lose this skill and expect it to be immediately absorbed by the private sector. We do not want to lose track of the fact that the naval shipyards have been the primary repair facilities for our fleet. It is impossible to expect private yards who normally handle commercial vessels to be geared to accommodate military vessels. It should also be pointed out that it is imperative to maintain and improve our present status for the well-being of the sailors; because most of the naval yards are adjacent to the naval bases by design so that the men can be with their families while the ships are undergoing repairs. Private yards handle most of the conversion work which does not require the men's presence on board ship. I believe we must consider the well-being of our men and their families, and it is our obligation to fulfill this commitment to them.

In my estimation, section 743 is advocating the elimination of some naval shipyards which is sheer folly at a time when we must maintain our defense stature. I would advocate increasing the manpower and facilities in the naval yards so that they can undertake new construction. Approximately 90 percent of all new construction today is contracted to private yards. This construction could be done as economically in the navy yards if we would assign the work to them. It goes without saying that this work would reduce our unemployment which would spur the economy and improve our defense stature. It was originally thought that new construction could be done cheaper in private yards than in naval yards. However, recently we have seen where large cost overruns and unexpected costs have greatly increased the costs of new construction far in excess of its original estimates. A few facts:

We have seen naval yard employment reduced from 95,000 in 1963 to approximately 68,000 today. Section 743 of this bill would cause an additional immediate reduction of approximately 10,000 to 12,000. Simultaneous to this period of navy yard reduction, the private yards were increasing significantly from approximately 115,000 in 1963 to approximately 130,000 in 1971. Last year alone a shipyard in my district because of reduction in force lost approximately 612 employees.

It should be pointed out to the Members that this section of the appropriations bill 743 in effect is telling the Navy how they must spend their money. You and I know that this is the job of the Armed Services Committee. I should not have to point out the folly of having people unfamiliar with the problems trying to find solutions. This will only create chaos which can so easily be avoided by leaving the usage question up to the Armed Services Committee who are the experts in the field.

In conclusion while we are presently proceeding on the course that will eventually eliminate naval shipyards which section 743 will assist in doing, I feel we must stop and reassess our position before we have gone too far and remember that many shipyards are presently staffed below the efficiency level making them unable to perform even their main function which is to provide emergency care of naval vessels and to provide a strong base for expansion in time of war. I would advocate a program to provide a continuing flow of work to assist our shipyards to modernize and retain a continuing program of training skilled craftsmen while maintaining an efficient level of employment.

Mr. LEGGETT. Mr. Chairman, in closing I say that we should vote against both of these amendments. It is said we are putting private yards out of business.

In this year alone, we have cut employees from naval shipyards—Portsmouth, 458 jobs; 540 out of Boston; 500 out of every single major shipyard in the United States including 1,000 from Long Beach.

If you look at the private shipyards, in 1962 threre were 114,000; 115,000 in 1963; 116,000 in 1964. This month they have 135,800 employees according to Ed Head's figures sent to my office this morning. These larger private yard figures have only been higher for 2 Vietnam years in post-World War II history. Of course, additionally if you look at the private work under the merchant marine legislation passed by this Congress, there were 21 ships in the first half of this year awarded alone. That is more ships than we have awarded in any 3 previous years of the past 20 years.

Mrs. MINK. Mr. Chairman, I want to associate myself with the remarks of the gentleman from California and rise in opposition to both amendments.

Mr. HUNT. Mr. Chairman, I wish to associate myself with the gentleman from California. Although I do not have a navy yard in my district per se, this amendment would be the ruination of Philadelphia and all the other naval shipyards.

It is about time that we began to put some of the work in naval shipyards with those people who have the expertise of doing the work. I am not opposed to private shipyards in any way, but we have a very fine shipyard which is getting down to a very low level.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. Gerald R. Ford).

Mr. GERALD R. FORD. Mr. Chairman, this amendment and this debate brings back memories of comparable amendments in similar debates beginning about 1958, and running through 1964. At that time we had a substantial decline in our shipbuilding program and a decline in the funding for repair, rehabilitation and overhaul. Comparable amendments were approved on the Defense appropriation bills in those years.

I think we need both the private shipyards as well as the Navy shipyards. It seemed to us in those days, as it seems to the committee at the present time, that this allocation of 65 and 35 in this area is a fair division of this work.

It is interesting to see how substantially we have increased through the Congress at the request of the President the new shipbuilding construction program. I am told that in the bill for fiscal 1973 we have $600 million more for new construction than 2 years ago. This ought to help both the Navy yards and the private yards when you combine it with the formula recommended by the committee for repair, rehabilitation and overhaul.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. Davis).

Mr. DAVIS of Wisconsin. Mr. Chairman, I hope that no one here now is going to be confused by this chart over here which, as you will note, includes ship construction and repair, and also includes conversion. We are not talking about those matters here in this amendment; the construction and the conversion are a separate part of these funds, and are not related to this at all. We are talking about a limited subject.

So as I say I hope that no one will be confused by that chart.

We have been told here that so many jobs would be lost here and so many jobs would be lost there. I submit that in the net, only to the extent that we can find greater efficiency per man-hour in the private shipyards is there going to be any net reduction in employment. I suggest that we ought to be a little more concerned about expanding the job capabilities in the private sector of this country than we ought to be in saving those jobs which are entirely at Government expense.

I am concerned—and I do not have a shipyard in my district, and I do not have one anywhere near my district—but as a member of this committee my concern is that we get more for the defense dollars that we are spending. In the current atmosphere in this country those defense dollars are getting to be harder and harder to come by.

I think we have a responsibility here to get the most that we can for the dollars that we will be spending. Since this does not reduce the number of total dollars available for alteration, overhaul and repair, it means that we can get more done for the dollars that we spend.

Mr. DELLENBACK. Mr. Chairman, I rise to speak in favor of the amendment offered by my colleague from Wisconsin (Mr. Davis).

Let us make no mistake about the issue that is at stake here. The purpose of this amendment is to maintain a balance between the work loads in the naval repair yards as well as those of the private shipyards. With a shrinking workload of all Navy work it is inherently unfair and seriously destructive in the long run to put a disproportionate share of this shrinkage into the private yards. To keep the majority of the private share of this work restricted to conversion work unnecessarily rewards some yards and unnecessarily harms others.

I sympathize with the need of the Navy to keep work for its own people. But such a shortsighted approach can do nothing but harm our Nation's overall shipbuilding and ship repairing capabilities. We cannot secape from the fact that a 35/65 ratio of Navy work given to private yards and to Navy yards is meaningless as long as the kind of work that is open for bid effectively restricts numerous firms from bidding—whether by geographical location or by the type of work offered.

The naval strength of this Nation has rested on the close working relationship between the Navy and private shipbuilding and repairing yards. I am fearful that a temporary advantage of giving as full as possible workloads to naval yards and only selected prviate yards produces a long-term detrimental effect on the ship repair industry as a whole. Without work on navy ships many private repair yards would not be able to continue functioning. This policy could result in greatly limiting private ship repair services and thereby kill the capability for an expansion of repair facilities in the future—an expansion dependent on the private repair yards. We all hope and pray that such an emergency expansion will never be necessary, but we would be foolish if we consciously eliminated this capability.

My own personal involvement goes back over the last years during which time I have met with the past Secretary of the Navy, Mr. Chafee, and have carried on extensive correspondence with the Department. With this background I am absolutely convinced of the need to include this amendment in its present form, and I urge my colleagues to support passage of the amendment and to defeat any move which would alter its language.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. Mahon) to close the debate.

Mr. MAHON. Mr. Chairman, the Committee on Appropriations approved the so-called Davis amendment. It was stricken out on a point of order.

Mr. Chairman, I support the revised Davis amendment, and ask for an affirmative vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. Wyman) to the amendment offered by the gentleman from Wisconsin (Mr. Davis).

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. Davis).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. DAVIS of Wisconsin. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Sec. 744. None of the funds available to the Department of Defense shall be utilized for the conversion of heating plants from coal to oil at defense facilities in Europe.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Addabbo: On page 52, after line 8, insert a new section as follows:

"Sec. 745. None of the funds in this Act for United States forces with respect to military actions in Indochina may be used except for the withdrawal within four months after the date of the enactment of this Act of all United States ground, naval, and air forces from Vietnam, Laos, and Cambodia: *Provided*, That there is a release within the four-month period of all Americans held as prisoners of war by the Government of North Vietnam and all forces allied with that Government: *Provided further*, That such withdrawals shall not be completed until there has been an accounting for United States servicemen missing in action by the Government of North Vietnam or any government allied therewith."

Mr. ADDABBO. Mr. Chairman, I rise to offer an amendment which would end within 4 months our Nation's military involvement in Vietnam. It is a straightforward amendment. I would doubt a single member sits here today who is unfamiliar with what it is intended to do.

I would hope a majority of Members

could see fit to support the amendment, for I believe there is no more serious business to be considered in this Chamber than the matter of war, which is really just a nice way of discussing death and destruction.

For too long now, we have had in this country serious and lingering struggles over the subject of Vietnam. And, from the beginning, through administrations of both parties, the Congress has let the Presidents have their way with Vietnam.

Possibly, the Congress was correct in doing so, but I, for my part, believe we would have alleviated much suffering had we acted years ago to interpose the will of the people on the prosecution of this sorry episode. Must we forever offer our sons as sacrifices to international upheaval? Is there no other way our Nation can compete for the minds of allegiance of other nations but with weaponry and destruction?

We have stayed too long, and paid too great a price. We have wanted to play doctor to the world, and have instead suffered infection. It is time, I believe, to come home and heal our own wounds.

It is also time to stop being hypocritical. Nothing is solved in squabbling over who was right and who was wrong. All of us, at one point or another, were wrong about Vietnam, and we are all the worse for it.

If there is anything wrong about this amendment, it is the timing of it. In a few weeks, our Nation will be choosing a President, and politics has always been closely intertwined with the agony of Vietnam. On both sides of the aisle, there are those who would use this issue for partisan gain, and that is as much of what is wrong with Vietnam as is the killing and destruction.

My own attitude is this: I believe that if the war could be stopped tomorrow, a deadline a month off would be grossly too much. If we do not set a deadline of whatever date, we have seen how protracted withdrawal can be. If President Nixon can impose a cease-fire tomorrow, he will have my enthusiastic support, and I feel confident, the support of all Americans.

But we have seen two Presidents in a row try to impose their own views on the combatants in Vietnam, and we have seen each fail, at least to date. We have all heard the debates in this House about similar amendments, of varying deadlines; we have read the polls, talked to the people of our districts; we have seen the demonstrations, watched social programs disappear for lack of funds—all of this for a futile goal of bringing democracy to a nation whose leaders now appear not to want it. Why do we not act?

Mr. Chairman, I offer this amendment not to withdraw America into an isolated shell, not to leave the South Vietnamese unprotected against the savagery of their northern brothers. If those who have a stake in the future of South Vietnam are willing to fight for it, I am willing to offer them the necessary arms to do battle.

But I am unwilling to continue to let America be her brother's killer: I am unwilling to let her sons be swallowed up in the name of international one upmanship.

We have poured so much in lives and dollars and prestige into Vietnam. It is time for Congress to say: "This is enough. We have done more than enough, and now we are done with it."

My amendment would give the administration 4 months to fold up our tents, bury our dead, collect our prisoners of war, console the maimed and wounded, and return to our home shores for some sober reflection. It will take years, perhaps generations, before the stench of Vietnam leaves our nostrils. Let us begin to cleanse ourselves now by passage of this amendment.

Mr. MAHON. Mr. Chairman, earlier in the day permission was granted for all Members to revise and extend their remarks, so everyone has permission to revise and extend his remarks in the RECORD in connection with the amendment which is now pending.

This is an end-the-war amendment. We have voted on this subject many, many times. It was not too long ago, on the foreign aid bill, that we voted a similar amendment down. We acted again yesterday, when the gentleman from Louisiana brought before the House in the conference report on the fiscal year 1973 Defense Authorized bill." Insofar as I know, not one voice was raised in the House in opposition to the fact that an end-the-war amendment which had been added in the other body was deleted in the conference. It seems to me everybody's position is well known. It would be most ill-advised to adopt this amendment. Everyone's is on record on this matter. Mr. Chairman, I ask that the amendment be soundly defeated.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the chairman of the Armed Services Committee, the gentleman from Louisiana.

Mr. HÉBERT. Mr. Chairman, I thank the gentleman from Texas for yielding to me. I merely want to emphasize and reemphasize what the gentleman from Texas said. This has been debated again and again. It has been debated and it has been over-debated and it has been underdebated and it has been redebated and it has been outdebated and it has been indebated and it has been rebated—and here we are back again where we started.

As of yesterday we voted on the amendment. Not a single voice was raised to adopt it in the conference report during the general debate.

So Mr. Chairman, I certainly subscribe to what the chairman of the Appropriations Committee, the gentleman from Texas, has said. As chairman of the House Armed Services Committee I would urge that we expeditiously settle this matter. Oh, I know it would not be settled once and for all, but at least I urge we dispose of it for today.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York which would end U.S. military operations in Indochina within 4 months of enactment of this bill.

Mr. Chairman, the time is long overdue for Congress to take the initiative in ending this war. Despite the stated intention of the present administration to "wind down" the war, casualties continue to mount and the air war has been intensified to an unprecedented level. If we do not act to stop the war today we will almost assuredly be here again next year debating the same old arguments—only next year even more men, women, and children will have died, more of our men will be prisoners of war or missing in action, and more of our financial resources will have been squandered on a war which cannot be justified.

What are the prospects for ending this war by continuing our present policies? According to an article which appeared in yesterday's New York Times, September 13, 1972, intelligence reports by the CIA and Defense Intelligence Agency indicate that the bombing wihch the President began last April has not been able to slow the flow of men and material to South Vietnam from the north. According to the article, the North Vietnamese can sustain their present rate of fighting for the next 2 years. The bombing of North Vietnam was a failure under the last administration and it is a failure now. Have not we yet grown skeptical of the absurdly optimistic predictions of officials who continue to see an end to this war "just around the corner?" On May 9 of this year, Presidential Adviser Henry Kissinger said in a news conference that we would be able to see the effects of the President's renewed bombing within a few weeks. Weeks and months have gone by. What does Mr. Kissinger say now?

Despite the contention that our role in this war is coming to an end, the facts indicate that we are still overly involved in this conflict. Since January of 1969, 91 U.S. servicemen have become prisoners of war and 467 have been classified as missing in action. Almost 15,000 U.S. soldiers have been killed in action since this present administration took office. And this has happened despite the administration's stated intention of bringing this war to an end. U.S. ground troops for the most part have been withdrawn from Southeast Asia. Yet at the same time, the air war has been intensified—a course of action which will almost certainly not lead to peace. The futility of our present bombing policy is obvious if it is intended to bomb the North Vietnamese to the conference table.

It is estimated that this year we will spend about $5.8 billion on the war in Southeast Asia. In this bill alone there is $2.5 billion for military operations in Southeast Asia. The resources of our Nation are not inexhaustible, yet we continue to neglect urgent domestic problems for which this money could better be spent. The war continues to drain our wealth and deplete our energy. It is up to Congress to bring this war to an end and we have that opportunity today.

Mr. Chairman, congressional action at this point will not damage our negotiating position. The North Vietnamese already know it is already our intention to end our role in this war, setting a firm date for our withdrawal cannot make much difference, for the leaders of North Vietnam are not likely to substantially change their negotiating position. The fact is that our interests are not threatened by what happens in Vietnam and the cost of this war, both in human and financial terms, has been far beyond anything that could ever have been gained.

If our actions cannot be justified in terms of our security, they most certainly cannot be rationalized as protecting freedom or self-determination. The Saigon regime continues to imprison its legitimate political opponents and seems to be infected with corruption at the highest level. Democracy was certainly not enhanced last week by the report that the South Vietnamese Government has abolished all popular elections in the country's 10,775 hamlets. Now nearly all of the country's administrative officials from the province chiefs down to the hamlet level will be appointed by President Thieu. It is ironic, to say the least, that we should seek to prop up this regime in the name of democracy.

Mr. Chairman, Congress has both the right and obligation to legislate this war to a close. We have failed to exercise this responsibility. We now have a public mandate to end a war that has never been adequately justified in terms of our security and a war which has brought incredible misery to millions of people. We must take action now.

Mrs. ABZUG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I beg the indulgence of the House. I presume an amendment is something we should debate. I have risen in support of this amendment and I want to compliment the gentleman from New York (Mr. ADDABBO), who is a member of the Appropriations Committee, for his excellent presentation.

Mr. Chairman, we are confronted here today with a cold, hard fact. We are confronted here with the Defense appropriation which makes significant provision for continuing the war in Vietnam. As a matter of fact, the budget for the war in Vietnam is based upon an increase requested by the White House because of the increase in the bombing we have been conducting in Vietnam.

Many of the Members have been very cynical about debating this amendment, saying that we should please revise and extend our remarks in the RECORD. I sympathize with that. The hour is late. It is 5:30. But the hour is much later for this country when we see that in 1972 we are being asked to appropriate funds for a war that the President is telling the American people he has stopped and has wound down. There is something very hypocritical and very wrong and very vicious we are doing to the American people if we pass a defense bill without this amendment, because we are participating in a giant fraud on the American people and a great travesty in world history.

This war is going on and this war is not being wound down. The bombing in Indochina is greater today than ever in the history of this war, and we owe it to the people of this country and the people of Indochina and the people of the world to say to the President of this country, whomever he may be—now and after November—that it is the intention of this body, reflecting the will of the majority of the people, that this war should be ended within 4 months of enactment of this bill and that any moneys herein contained are subject to that war being ended within 4 months. Otherwise not one Member of this House, it seems to me, has the right, whether or not he revises and extends his remarks, to vote for this defense bill.

How in the conscience of the Members of this House, as you are all running for re-election by the people of this country—the people of this country who have begged and pleaded to end this war—can we pass the biggest defense bill in history without saying that this war must be ended within 4 months after enactment, and that no money in this bill can or should in any way be used to continue the killing of the people of Indochina and the killing of the hopes and aspirations of the people in this country?

I ask you all to vote for this amendment.

Mr. SEIBERLING. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I would like to commend the gentlewoman from New York for having the courage to state once more the case for the end-of-the-war amendment. I do not think that any of our words are going to change any of the actions of any Members of this House. This has been debated, as the Chairman has said, from one end to the other. Nevertheless, it is the principal issue facing this country at this time.

The people of this country bought a pig in a poke. They were fraudulently led to believe in 1968 that the President had a secret plan to end the war. As we all know, it is still secret. They are now being given the false impression that the escalation and bombing and mining is going to end the war, and I am sorry to say that if we go ahead and buy that, they will again have been misled, and I think it is right that the gentlewoman from New York and the sponsor of this bill have so stated.

The CHAIRMAN. The time of the gentlewoman from New York has expired.

(On request of Mr. YATES, and by unanimous consent, Mrs. ABZUG was allowed to proceed for 1 additional minute.)

Mr. YATES. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, with reference to the remark of the gentlewoman on the war being wound down, I am sure she saw in the papers yesterday and today the statement by our Air Force general to the effect that even with the bombing it was likely the war would go on for another 2 or 3 years.

Mrs. ABZUG. I thank the gentleman from Illinois.

When I first came to Congress, I vowed that I would not vote for any military funds so long as this Nation was involved in making war in Indochina. Although there are supposedly no more of our ground combat troops in Vietnam, we are still wreaking death and destruction upon the North and the South from the air and sea. A Vietnamese man, woman, or child is just as dead, or just as maimed, whether the deed is done by bullets fired by a foot soldier or by napalm dropped from a plane. Those who say that Mr. Nixon has kept his promise somehow manage to overlook this simple and tragic fact.

Yesterday's newspapers did indeed report a new administration study that indicates that even with the present high level of U.S. bombing activity, North Vietnam can hold out for 2 more years. They are no longer even claiming that they can see the light at the end of the tunnel, but admit that it is a good 2 years away. Is Mr. Nixon—if he is returned to office—planning to continue or perhaps even increase the terrible bombing of Vietnam? Maybe he is, and that is even more reason to vote down this bill.

Our continuing involvement in Indochina, then, is sufficient to compel me to vote against this bill. Were Vietnam no longer an issue, I would still have to vote "nay" on the ground that our defense budget is much too large and contains much money that should be in various domestic and social programs. This bill would appropriate the sum of just over $75 billion, most of it destined for the purchase, maintenance, and operation of weapons designed to kill human beings and to destroy whatever in this world they have created. In a year when our supposed "winding down" of the Vietnam war should be reflected in the defense appropriation, this bill provides $1.4 billion more than last year's.

Just 1 month ago, President Nixon vetoed the Labor-HEW appropriations bill for 1973, a measure which provided for critical domestic programs such as education, health, and social services an amount equal to 40 percent of what is contained in the bill before us. The President vetoed that bill because it exceeded his budget request by just under $2 billion and was therefore "a perfect example of that kind of reckless Federal spending that just cannot be done without more taxes or more inflation."

The question here, as with the Labor-HEW bill, is not one of spending per se but one of priorities. The proof that Mr. Nixon knows that as well as I do is found in the fact that he did not cut military spending by that $1.8 billion in order to balance off the additional amount appropriated for Labor and HEW. The President and most of the Republicans in Congress opposed the Labor-HEW conference report. I assure you that they will flip-flop completely when it comes to this one. The fact is, to put it as plainly and as directly as possible, that they believe that the Walleye II glide bomb, the Shrike missile, and some new A-6 fighter planes are more important than health services planning and development, education for the handicapped, and social services for the disadvantaged.

We are today so warped and backward

that we argue in favor of increased production of weapons because it will create jobs, when there is no reason why we cannot create as many jobs for the construction of housing, or the construction and operation of child care facilities, or the building of new and better mass transit systems.

This $75 billion is being voted, we are told, so that our national security can be assured. I say that what is endangering our national security is not a lack of weapons, but a lack of jobs, a lack of decent housing, a lack of sufficient food, a lack of good health care, and a lack of proper educational facilities. That is what is jeopardizing this Nation, and that is where we really should be spending most of this $75 billion.

I cannot support this bill, and I urge its defeat.

The CHAIRMAN. The time of the gentlewoman from New York has expired again.

Mr. SCHEUER. Mr. Chairman, will the gentlewoman yield?

Mrs. ABZUG. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, it is true, as the chairman of the Appropriations Committee said, this matter has been dealt with in this precise language several times before in this Congress, and I am convinced that the day will come when the Congress will catch up with the American people. An act to bring down the curtain on this ghastly, wasteful, and futile war. A war that has produced nothing but bloodshed and tragedy abroad, alienation and bitterness at home, and which has confounded and disillusioned our friends around the world.

(Mr. BOLAND asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BOLAND. Mr. Chairman, I rise in support of the amendment offered by Mr. ADDABBO, my distinguished colleague from New York. The amendment calls for an end to all American military activities in Indochina within 4 months, explicitly prohibiting the use of any money raised in this bill for any mission in that tormented land save withdrawal. The provisions of the amendment, of course, are contingent upon the releases of all American POW's and an accounting for all American MIA's within the same 4-month period.

For some of us—indeed, for most of us—the debate over this amendment is a wearing process: year after year, month after month, we have skirmished in this Chamber over what are now routinely termed "end the war amendments." Still, Mr. Chairman, the horror in Southeast Asia wholly warrants this renewed effort today. Pursuing a cause long since proved futile, Americans are still shedding their blood on Vietnam's battlefields and falling captive to our adversaries there. The wholesale destruction of Vietnam itself continues unslackened, terrorizing its people and pummeling its terrain beyond recognition.

I will be brief today, Mr. Chairman, and to the point.

All the statistics have already been marshaled, all the arguments drawn, all the protests uttered.

We know that military escalation—each new step, the Pentagon had assured us, would beat North Vietnam into humble capitulation—has merely steeled the enemy's resolve to fight on. We know that the Paris peace talks, little more than a show of mummery and mockery ever since they opened, have yielded virtually nothing in the way of a political settlement. We know that the administration, loftily aloof to the Congress and to the American people at large, continues to press for something akin to "victory"—a goal as illusory now as it was a decade ago.

Our young men are still dying, meanwhile, and our resources are still being scattered to the wind.

I say it is long past the time to get out—time to end the bloodshed.

Long shunned by the executive branch the Congress must reassert its legitimate constitutional role in shaping this country's war policies.

I urge—just as strongly as I can—the adoption of this amendment.

Mr. MIKVA. Mr. Chairman, I rise in support of the Addabbo amendment which would cut off further funding for the war in Southeast Asia 4 months after enactment of the bill, conditioned on the release of all prisoners of war and an accounting of all men missing in action.

The words have all been spoken before. The horror, the futility, and the inhumanity of continuing to destroy lives and property halfway across the world in order to prop up a corrupt undemocratic regime—it has all been laid before this House time and time again.

The White House and the Department of Defense continue to wage war vigorously in Southeast Asia, and the most recent intelligence estimates admit that no end is in sight for at least 2 years more. But the war cannot continue without congressional complicity. Congress appropriates the funds to buy the planes and the bombs and pay the pilots. Members of Congress vote those funds. The buck stops here. I urge the amendment offered by the gentleman from New York (Mr. ADDABBO) be adopted. We must end the war now.

TELLER VOTE WITH CLERKS

Mr. ADDABBO. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. ADDABBO. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. ADDABBO, MINSHALL, YATES, and HÉBERT.

The Committee divided, and the tellers reported that there were—ayes 160, noes 208, not voting 64, as follows:

[Roll No. 366]

[Recorded Teller Vote]

AYES—160

Abourezk
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Tenn.
Annunzio
Ashley
Aspin
Badillo
Barrett
Begich
Bergland
Biester
Bingham
Blatnik
Boland
Brademas
Brasco
Burke, Mass.
Burlison, Mo.
Burton
Carey, N.Y.
Celler
Chisholm
Clay
Collins, Ill.
Conte
Conyers
Corman
Cotter
Coughlin
Culver
Curlin
Daniels, N.J.
Danielson
Dellums
Denholm
Dent
Diggs
Dingell
Donohue
Dow
Drinan
Dulski
Dwyer
Edwards, Calif.
Eilberg
Esch
Evans, Colo.
Fascell
Fraser
Frenzel
Gaydos
Giaimo
Gibbons
Gonzalez
Grasso
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanna
Harrington
Harvey
Hathaway
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Hicks, Mass.
Hicks, Wash.
Howard
Hungate
Jacobs
Karth
Kastenmeier
Kazen
Kluczynski
Koch
Kyros
Leggett
Long, Md.
McCloskey
McCormack
McDade
McKinney
Macdonald, Mass.
Madden
Matsunaga
Mazzoli
Melcher
Metcalfe
Miller, Ohio
Mills, Ark.
Minish
Mink
Mitchell
Moorhead
Morgan
Mosher
Moss
Murphy, Ill.
Natcher
Nedzi
Nix
Obey
O'Hara
Patten
Pepper
Perkins
Pickle
Podell
Preyer, N.C.
Pryor, Ark.
Rangel
Reid
Reuss
Riegle
Rodino
Roe
Rooney, Pa.
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Ruppe
St Germain
Sarbanes
Scheuer
Schwengel
Seiberling
Shipley
Sisk
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Staggers
Stanton, James V.
Steele
Stokes
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman
Van Deerlin
Vanik
Whalen
White
Widnall
Wolff
Yates

NOES—208

Abbitt
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Archer
Arends
Ashbrook
Aspinall
Belcher
Bennett
Betts
Boggs
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burleson, Tex.
Byrne, Pa.
Byron
Cabell
Camp
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Crane
Daniel, Va.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dennis
Derwinski
Devine
Dickinson
Dorn
Downing
Duncan
du Pont
Edwards, Ala.
Erlenborn
Eshleman
Findley
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Frey
Fuqua
Garmatz
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Gubser
Hagan
Haley
Hall
Hanley
Hansen, Idaho
Harsha
Hastings
Hays
Hébert
Henderson
Hillis
Hogan
Holifield
Horton
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Keating
Kee
Keith
Kemp
King
Kyl
Landgrebe
Landrum
Latta
Lennon
Lent
Lloyd
Lujan
McClory
McCollister
McCulloch
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Mayne
Michel
Mills, Md.
Minshall
Mizell
Monagan
Montgomery
Myers
Nelsen
O'Konski
Passman
Patman
Pelly
Peyser
Pike
Pirnie
Powell
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Ruth
Sandman
Satterfield
Saylor
Schneebeli
Scott
Sebelius
Shriver
Sikes
Skubitz
Smith, Calif.
Spence
Stanton, J. William
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton

Stubblefield
Stuckey
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Veysey
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Wiggins
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—64

Abernethy
Baker
Baring
Bell
Bevill
Biaggi
Blackburn
Blanton
Brotzman
Byrnes, Wis.
Caffery
Carney
Clancy
Clark
Delaney
Dowdy
Eckhardt
Edmondson
Evins, Tenn.
Ford, William D.
Forsythe
Fulton
Galifianakis
Gallagher
Hammerschmidt
Hansen, Wash.
Hawkins
Kuykendall
Link
Long, La.
McClure
McMillan
Meeds
Mikva
Miller, Calif.
Mollohan
Murphy, N.Y.
Nichols
O'Neill
Pettis
Poage
Pucinski
Rees
Robison, N.Y.
Roncalio
Rooney, N.Y.
Rousselot
Runnels
Ryan
Scherle
Schmitz
Shoup
Springer
Talcott
Teague, Tex.
Terry
Vander Jagt
Vigorito
Waldie
Williams
Wilson, Bob
Yatron
Zwach

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GOLDWATER

Mr. GOLDWATER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOLDWATER: On page 52, after line 8, inserted the following:

"Sec. 745. No part of the funds appropriated under title IV or V of the Act shall be made available in regard to contracts awarded or negotiated after the enactment of this act unless the Secretary of Defense shall first find that all persons employed under such contract or subcontract thereunder, are covered by a vested retirement pension program approved under such standards as the Secretary of Defense shall prescribe."

Mr. YATES. Mr. Chairman, I make a point of order on the amendment offered by the gentleman from California (Mr. GOLDWATER) that it is legislation on an appropriation bill in that it requires additional duties on the part of the Secretary.

The CHAIRMAN. Does the gentleman from California desire to be heard on the point of order?

Mr. GOLDWATER. Mr. Chairman, I would ask the gentleman from Illinois if he would reserve his point of order.

Mr. YATES. I said that the amendment itself requires the Secretary of Defense to proclaim additional standards.

Mr. GOLDWATER. Mr. Chairman, I would ask if the gentleman from Illinois would reserve his point of order.

Mr. YATES. I will reserve my point of order.

The CHAIRMAN. The gentleman from Illinois reserves his point of order on the amendment offered by the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, I rise to offer an amendment to the defense appropriations bill, which would direct the Secretary of Defense to insure that all employees working on a defense contract are covered by a vested retirement pension program.

This amendment would give the Secretary the discretion to issue standards for these retirement plans. I strongly believe that all pension plans should be vested within 5 years, and that an employee should be able to transfer his pension between contractors.

To illustrate the necessity for this amendment, I would like to introduce my colleagues to a "composite defense worker" from my 27th Congressional District in California; he does not actually exist, but represents a cross-section of many defense workers in my district. He is 54 years old; married, and the father of three children, two of whom are still at home. He has held seven jobs in the defense field in the last 16 years. He is a skilled technician, with an excellent work record; he was laid off from six jobs due to defense cutbacks, through no fault of his own. Now his present job is in jeopardy. He has looked for more permanent employment for almost a year, but no one will hire him.

He is not old enough for social security, and since he did not work at any one defense contractor's for more than a few years, he has no pension plan to help him. Six months ago, his wife took a job as saleswoman to supplement the family income. Then too, there is no one home when his two young daughters arrive home from school.

This may sound like a likely plot for a soap opera, but I assure you that I receive mail every day that reflects this problem.

With an adequate, equitable pension plan, these loyal Americans would not have their lives shattered during what should be the very best time of life for them. A pension plan is not a cure-all for financial ills, but it certainly would be a healthy step in the right direction. Some will contend that this is only a part of the solution—I agree and add it is also a beginning. The Federal Government can prescribe how and under what conditions Federal moneys can be spent. And it is not unreasonable for the Department of Defense to take a leadership role in correcting a great injustice and its work may very well serve as a model for greater effort in protecting the pension expectation of many workers in this country.

I urge you to support this amendment, which would give our defense workers some measure of security that is rightfully due them, and personal dignity as well.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Illinois (Mr. YATES) insist on the point of order?

Mr. YATES. Mr. Chairman, I insist. I think this matter should go to the legislative committee.

The CHAIRMAN. Does the gentleman from California (Mr. GOLDWATER) desire to be heard on the point of order?

Mr. GOLDWATER. No, Mr. Chairman.

The CHAIRMAN. The Chair has examined the language of the amendment. The language does place additional duties on the Secretary and, therefore, holds that the amendment is legislation and sustains the point of order.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 52, after line 8, insert:

"SEC. 745. No part of the funds appropriated by this Act shall be used to furnish Government-purchased or -leased limousines or luxury sedans or civilian chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312."

Mr. JACOBS. Mr. Chairman, those described in the citation just mentioned are Cabinet members. And, Mr. Chairman, I might point out when I offered this amendment a few weeks ago to the appropriation bill which included the Executive Office of the President, the amendment clearly excluded the Executive Office of the President.

Nonetheless, when the teller vote was taken, I am sure with good intentions various Members who arrived on the floor were told that this amendment I had offered was to take the limousines away from the President. That, the record will show, was untrue.

I say that merely to point out in the case of this amendment to eliminate the luxury sedans and the limousines from this appropriation, it does not cover military personnel who may drive officers in other than luxury sedans or in other than limousines.

I would like that to be clearly understood.

The chairman of the committee during his remarks regarding the KP controversy of 1972, suggested that the time might come when golf carts would be supplied to privates to ride between the barracks and the mess hall. I am suggesting that to use luxury sedans and to use limousines for anyone other than Cabinet members or for the President to the extent that he might require such automobiles in his own judgment—or the Vice President or the Speaker of the House—makes excessive demands upon the hard-pressed taxpayers of this country.

Mr. Chairman, although I regard this as a very serious subject beyond merely the dollars involved—the millions of dollars involved—across the whole of the Federal Establishment, I would like to point out a cartoon that was sent to me a few weeks ago.

Mr. Chairman, may I have order. This is a joke and I think I am entitled to attention when I tell a joke.

The cartoon showed a big shining limousine going by with a big sign on it, and the sign read, "Not in politics—just rich."

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. JACOBS), there were—ayes 40, noes 90.

Mr. JACOBS. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. RIEGLE

Mr. RIEGLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIEGLE: On page 52, between lines 8 and 9, insert the following:

"SEC. 745. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973, only to the extent that the expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond ninety-five percent of the total aggregate net expenditures estimated therefor in the budget for 1973 as adjusted by budget amendment."

Mr. RIEGLE. Mr. Chairman, I am very much indebted to the gentleman from Ohio (Mr. Bow) for this amendment, because historically, as most people here know, this amendment has been known as the Bow expenditure limitation amendment. This amendment has a very special quality to it in that it applies directly to the actual spending contemplated by the Department of Defense for this fiscal year and as such in a significant way goes beyond the amount of money contained in the appropriation bill which is before the committee today.

The Members will be interested to know, for example, that nearly $20 billion of new obligational authority in this appropriation bill that is before us represents funds which will not be spent this year and in fact will be spent in some future year.

Mr. Chairman, what I am concerned about and what this specific amendment goes to is the actual amount of the dollars spent by the Defense Department in this fiscal year. The revised budget estimate at this time is approximately $79.5 billion of spending that will occur within the fiscal year 1973, with some $50 billion of that representing new money in this appropriation bill and the remaining $29 billion or so being carryover funds from previous years' appropriations. This amendment would require the Department of Defense to restrict its actual spending this year to 95 percent of the $79.5 billion that it anticipates spending in fiscal year 1973, which means it would have to absorb across the board in a way of its own choosing that kind of expenditure reduction, 5 percent, but it would create a substantial dollar saving, a dollar saving in an amount of some $4 billion

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. RIEGLE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, how much money will that make available to the Defense Department? What is 95 percent of the $79 billion; does the gentleman have that figure?

Mr. RIEGLE. I do, but let me get to it later in my presentation, if I may.

Mr. Chairman, I think this is a significant dollar saving that we can ask the Defense Department to absorb in this fiscal year.

Since 1964, including planned expenditures for this year, we will have spent on defense in this country almost $700 billion. Think about that. Almost $700 billion. Anyone who wants to suggest we have been stingy with the Department of Defense should look at that. The facts just do not bear that out.

Some object to the Bow amendment because they say it does not cut the budget line item by line item. I must say I would prefer line item cuts, but as a practical matter we do not get that job done. The Members know as well as I do, whether it is in the subcommittee or in the full committee or on this floor, we just are not able to make the kinds of specific cuts that I think perhaps the majority of us would like to make if we were in better possession of the facts and were able to do so, but when we are dealing with $79 billion in an appropriation bill it is virtually impossible with the way we do business in the Congress today.

So, in the bill before us which comes from the Appropriations Committee, it plans to reduce the expenditures by about $2 billion in terms of dollar impact in this fiscal year.

This amendment which I am offering would incorporate that $2 billion reduction and add to it another $2 billion reduction. In other words we would be saving actually $4 billion in this fiscal year.

Take the fiscal situation. Last year the budget deficit was $29 billion. The best estimate for this year is something like $40 billion. If we are going to talk about saving any money in terms of the actual budget deficit, we have to turn to an amendment of this kind. I would say from my experience outside of the Congress in private industry that there is not an organization in America that cannot absorb a 5-percent cut.

Mr. Chairman, if I may refer the members of the committee to page 52 of the report, you will find that if we approve this appropriation today without this amendment, at the end of this fiscal year the Defense Department will have $42 billion unexpended. Just think about that. It is going up by almost $8 billion this year, based on this appropriation. That is $42 billion that nobody is ready to spend.

I think we can ask the Defense Department to absorb a 5-percent reduction at this time, and it is not the kind of cut that is going to wreak havoc on the Defense Department.

Mr. Chairman, I would ask support for this amendment. I think it is reasonable, and I think in light of the fiscal crisis facing our country it is the least we can do.

Mr. MAHON. Mr. Chairman, the gentleman has explained the amendment in a very clear way. Let me explain the situation further. The estimate of the President is that the Defense Department this year will spend $77.7 billion. In this bill we have cut in appropriations, not spending, $4.3 billion. That will result in a cut in expenditures, as pointed out by the gentleman from Michigan, of about $2 billion from the $77.7 billion budget estimate.

The gentleman proposes to cut spending by an additional $2 billion. In other words, he would double the expenditure reduction made in the bill. The cuts made in the bill have been pinpointed and applied where it was thought they could best be applied. This amendment would be a meat ax reduction in expenditures for the fiscal year 1973.

We have been up this road and down this road before.

I oppose the amendment.

Mr. JONAS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from North Carolina.

Mr. JONAS. I thank the gentleman for yielding.

The reason I asked the gentleman from Michigan to yield was that the gentleman from Michigan predicated his amendment on what he said was the Bow amendment. I want to set the record clear that the gentleman from Ohio (Mr. Bow), who is inadvertently off the floor now, but I think that the record will show that he never offered such an amendment on a defense appropriation bill.

Mr. MAHON. I can confirm what the gentleman said.

Mr. RIEGLE. Mr. Chairman, if the gentleman will yield, I will agree with the gentleman. In fact Mr. Bow, to my knowledge, never did offer that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. RIEGLE).

TELLER VOTE WITH CLERKS

Mr. RIEGLE. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. RIEGLE. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. RIEGLE, JONAS, SIKES, and ROUSH.

The Committee divided, and the tellers reported that there were—ayes 98, noes 256, not voting 78, as follows:

[Roll No. 367]

[Recorded Teller Vote]

AYES—98

Abourezk
Abzug
Adams
Addabbo
Anderson, Calif.
Ashbrook
Ashley
Aspin
Badillo
Begich
Bergland
Biester
Bingham
Brademas
Burke, Fla.
Burton
Chisholm
Clay
Collins, Ill.
Conyers
Corman
Culver
Danielson
Dellenback
Dellums
Denholm
Diggs
Donohue
Dow
Drinan
du Pont
Edwards, Calif.
Eilberg
Esch
Fraser
Frenzel
Gaydos
Green, Oreg.
Green, Pa.
Griffiths
Gross
Halpern
Hamilton
Hanley
Hanna
Harrington
Hathaway
Hechler, W. Va.
Heinz
Helstoski
Hungate
Jacobs
Kastenmeier
Kemp
Koch
Kyros
Leggett
McClory
McCloskey
McCormack
McKinney
Macdonald, Mass.
Madden
Melcher
Minish
Mink
Mitchell
Moorhead
Mosher
Moss
Obey
O'Konski
Podell
Pryor, Ark.
Railsback
Reid
Reuss
Riegle
Rodino
Roe
Rooney, Pa.
Rosenthal
Roush
Roybal
Sarbanes
Scheuer
Seiberling
Skubitz
Stokes
Thompson, N.J.
Tiernan
Udall
Van Deerlin
Vanik
Wampler
Whalen
Wolff
Yates

NOES—256

Abbitt
Alexander
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Aspinall
Baring
Barrett
Belcher
Bennett
Betts
Boggs
Boland
Bolling
Bow
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer

Conable
Conover
Conte
Cotter
Coughlin
Crane
Curlin
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Dorn
Downing
Dulski
Duncan
Dwyer
Edwards, Ala.
Erlenborn
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Fountain
Frelinghuysen
Fuqua
Garmatz
Gettys
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Griffin
Grover
Gubser
Gude
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hays
Hébert
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
King
Kuykendall
Kyl
Landgrebe
Landrum
Latta
Lennon
Lloyd
Long, Md.
McCollister
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nix
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Purcell
Quie
Quillen
Randall
Rarick
Rhodes
Roberts
Robinson, Va.
Rogers
Rostenkowski
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Thone
Ullman
Veysey
Waggonner
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NOT VOTING—78

Abernethy
Baker
Bell
Bevill
Biaggi
Blackburn
Blanton
Blatnik
Brasco
Brotzman
Byrnes, Wis.
Caffery
Carney
Celler
Clancy
Clark
Delaney
Dowdy
Eckhardt
Edmondson
Evins, Tenn.
Findley
Ford, William D.
Forsythe
Frey
Fulton
Galifianakis
Gallagher
Giaimo
Hansen, Wash.
Hawkins
Heckler, Mass.
Ichord
Jones, Ala.
Karth
Kluczynski
Lent
Link
Long, La.
Lujan
McClure
McCulloch
McMillan
Meeds
Metcalfe
Mikva
Miller, Calif.
Murphy, N.Y.
Nichols
O'Hara
O'Neill
Poage
Pucinski
Rangel
Rees
Robison, N.Y.
Roncalio
Rooney, N.Y.
Runnels
Ryan
Scherle
Schmitz
Sebelius
Shoup
Springer
Symington
Talcott
Teague, Tex.
Terry
Vander Jagt
Vigorito
Waldie
White
Williams
Wilson, Bob
Yatron
Zwach

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. FINDLEY. Mr. Chairman, this is the 11th regular appropriation bill considered so far by this body for fiscal 1973. While it is under the budget request for the Department of Defense, it nevertheless contains a considerable amount of red ink.

This is so because the aggregate budget requests for fiscal 1973 for the Federal Government exceed revenue forecasts by $25 billion.

The budget request for this appropriation was $79,594,184,000. The committee recommendation was $75,227,048,000. This was a cut of 5.5 percent or $4,367,136,000.

To bring the appropriation bill in line with anticipated revenue for fiscal 1973 would have required a 14-percent cut below the budget request, or a cut of $11,143,185,760. Making adjustment for the 5.5-percent cut actually made by the Appropriations Committee, the red ink still in the bill amounts to 8.5 percent or $6,776,049,760.

Assuming that the House eventually approves this bill without amendment, the House will have approved spending for the fiscal year 1973 in the amount of $163,134,223,714. The budget request for the same purposes totaled $166,994,584,504.

The amounts I have referred to are summarized in a table which I would like to insert in the RECORD at this point under permission which will be granted when the committee rises.

The matter referred to is as follows:

Appropriation bill	Budget request	Balanced budget, 14 percent cut	Amount approved by House	"Red ink" approved by House
Legislative	$433, 627, 004	$372, 919, 224	$427, 604, 764	$54, 685, 540
State, Justice, Commerce, judiciary, related agencies	4, 687, 988, 600	4, 031, 670, 196	4, 587, 104, 350	555, 434, 154
HUD, Space, Science, Veterans, independent agencies	20, 173, 185, 000	17, 348, 939, 100	19, 718, 490, 000	2, 369, 550, 900
Transportation and related agencies	8, 426, 792, 000	7, 247, 041, 120	8, 316, 950, 000	1, 069, 908, 880
District of Columbia	343, 306, 000	295, 243, 160	332, 306, 000	37, 062, 840
Interior and related agencies	2, 520, 340, 000	2, 167, 492, 400	2, 529, 558, 200	362, 065, 800
Labor, HEW, and related agencies	27, 327, 323, 500	23, 501, 498, 210	28, 603, 179, 500	5, 101, 681, 290
Treasury, Postal Service, and general government	5, 066, 603, 000	4, 357, 278, 580	5, 057, 145, 000	699, 866, 420
Public Works and Atomic Energy Commission	5, 489, 058, 000	4, 720, 589, 880	5, 437, 727, 000	717, 137, 120
Agriculture, Environmental and Consumer Protection	12, 952, 177, 400	11, 138, 872, 564	12, 897, 010, 900	1, 758, 138, 336
Total	87, 400, 400, 504		87, 907, 175, 714	12, 725, 531, 280
Defense	79, 594, 184, 000	68, 450, 998, 240	[1] 75, 227, 048, 000	[2] 6, 776, 049, 760
Total	166, 994, 584, 504		163, 134, 223, 714	19, 501, 581, 040

[1] Recommended by committee.

[2] If committee recommendation approved.

Mr. ABOUREZK. Mr. Chairman, ever since Pearl Harbor, Americans have been nervous about being caught militarily unprepared. Since 1946, we have spent more than a trillion dollars on the military, at the expense of many neglected needs at home.

Everyone wants America to be strong. But in the debate over national priorities—that is, how much money should be spent on domestic programs versus the military—the point has not always been made that more money for the military does not necessarily mean more strength.

Budget fat in the military, like budget fat everywhere else, does not buy added benefits; it buys added inefficiency. An expensive weapons system which does not work does not help our boys if it backfires on the battlefield.

Today we are discussing the largest peacetime defense budget in our history. I know that the Appropriations Committee has worked hard on this bill and I would commend them for their efforts which resulted in a reduction of $5 billion from the administration's budget request. Nonetheless, the fact remains that we are looking at a figure of nearly $74.6 billion, up $1.7 billion from last year.

There are many aspects of this bill which I support. I certainly believe in pay raises and other benefits which will help us move in the direction of a voluntary army. I believe in funds to harden our missile silos. Certainly we must do more to help our retired military personnel just as we must do more to help all of our citizens on retirement income who have been so cruelly harmed by inflation. Inflation, incidentally, which is caused in no small part by spending such as that found in this budget.

Despite these aspects, I feel that I must oppose this bill unless it can be cut further. It is up to Congress and the people to decide the priorities, to police waste and inefficiency and to decide how many dollars are best spent on the military stance and how many on making America strong from within by building houses, hospitals, roads, schools, and the health of the populace.

We live in a time when American troop levels are being reduced as our Vietnam involvement, all too slowly, winds down. We live in a time when world tensions show promise of being reduced as the SALT agreements make a step in holding the line on the spiraling military arms race. Yet, despite this, the military budget is still going up. As military manpower levels drop below the 3 million mark, we still have as many or more generals and admirals as we had during World War II when force levels were closer to 12 million men.

We simply must find a way to put a handle on military spending or South Dakota and all our other States will not be able to achieve that quality of life which should be the American dream. Schools, hospitals, roads, homes—all these are part of our national strength, too.

Patriotism has many parts. One of them is to be willing to risk political attack by questioning "conventional wisdom." We have a duty to keep our country strong. But an overblown, wasteful Defense budget is not the best road to strength.

Mr. PRICE of Illinois. Mr. Chairman, during debate we heard some wise and penetrating commentary on this year's authorization and appropriations request for expenditures by the Department of Defense. These comments, some favorable and some critical of Defense programs, have focused on the appropriateness of particular weapon systems as well as the total level of the Defense budget. I would like to expand on one element of that dialog—specifically, a discussion of the development process of the Air Force's F–15 air superiority fighter—and to urge your support to include the full amount of funds requested to continue the planned development of the F–15. I will limit my discussion to what I consider to be the pertinent aspects of this program in the context of the total Defense budget for the coming fiscal year.

First, the need for the F–15 must be related to our national commitments and our ability to maintain adequate forces to support those commitments. The United States has adopted a policy of collective security, in conjunction with its allies throughout the world. Tactical air forces are an essential element of the general-purpose forces which the United States maintains in support of these collective security commitments.

Attaining and maintaining air superiority—that is, eliminating effective interference by opposing air forces—is fundamental to the success of all tactical air missions. Without air superiority, friendly forces—ground, sea, and air—and their logistic support, would be subject to severe attrition by hostile air forces, while engaged enemy forces could operate without such attrition, and would be assured of timely reinforcements and support. Without air superiority, our efforts to prevent such circumstances through effective close air support to friendly ground forces and interdiction of enemy logistics and reinforcements would be frustrated further through heavy attrition of our own air resources engaged in combat air support operations. Prevention of hostile air attacks on U.S. and friendly forces, installations, and lines of communications is basic to success in conflict by our combined arms.

Thus, attainment of air superiority is critical to the missions of tactical air warfare and the operations which it supports. Theaterwide or even local control of the air permits better use of U.S. and friendly tactical air forces, while denying the enemy the opportunity to use his air forces effectively.

In its report on the defense appropriation bill, the Committee on Appropriations expressed support for the F–15 program. At the same time, the committee recommended a reduction of $101,000,000 for fiscal year 1973—not because of any lack of confidence in the F–15 program, but out of an abundance of caution based on experience with other military hardware programs. The committee also reported, in error, that the 15 production F–15 aircraft deleted from the fiscal year 1973 budget can be added to the fiscal year 1974 procurement program without any appreciable increase in the overall cost of the F–15 program.

I must emphasize that the committee based its decision to delete 15 F–15 aircraft in fiscal year 1973 on an overabundance of caution and on inaccurate information. For example, a reduction of $101.0 million and 15 aircraft in fiscal year 1973 will have a severe cost and schedule impact on the F–15 program. Execution of the lower contract options with McDonnell Douglas and Pratt-Whitney will result in a $75 million total program cost increase. Research and development costs will also increase because the prime and subcontractors will use higher overhead rates due to the lower business base in fiscal year 1973. Other programs, now contracted with McDonnell Douglas and Pratt-Whitney, would be impacted by the reduced business base as well. Adding the 15 aircraft to the fiscal year 1974 buy of 77 aircraft would result in a less than optimum production rate buildup through fiscal year 1974.

In addition to these cost considerations, the committee also expressed caution about the overall F–15 development program. However, the development process of the F–15 has been thorough and there is high confidence in its success.

Test data indicates static thrust of the F–15's series 2 engine is actually higher than required by the contract specifications. Moreover, even though the current weight of the engine is only slightly higher than the specification, the engine currently has an 8.2 to 1 thrust-to-weight ratio, which is a major improvement over current engines. Further, a weight reduction program is being pursued to obtain an 8.6 to 1 ratio.

The structure of the F–15 program is such that the program must be reviewed at the Secretary of Defense level in February 1973 prior to release of full procurement funds for the first production aircraft. If it is apparent at that program decision point that the F–15 system cannot achieve its performance requirements, the decision to produce the aircraft will be held in abeyance until further testing provides assurance that the F–15 will meet its performance goals.

I think these comments serve to illustrate that the committee's decision to delete $101,000,000 and 15 aircraft from the fiscal year 1973 F–15 program is based on an unnecessarily overcautious estimate of the F–15 development process and on an inaccurate analysis of the fiscal impact of such a reduction in funding. Moreover, this reduction in fiscal year 1973 funding will delay the overall development of the F–15—and perhaps jeopardize our capability to provide air superiority in the late 1970's and 1980's.

Accordingly, I urge your support for the continued orderly progress of the F–15 development program—specifically for the restoration of the $101,000,000 and 15 aircraft in the fiscal year 1973 request.

Mr. NICHOLS. Mr. Chairman, I rise in support of the amendment offered by our colleague, Mr. SIKES.

As a member of the Armed Services Committee I have had innumerable opportunities to talk with military personnel, both at the lowest and highest levels. I can state categorically that they feel that utilization of military personnel as kitchen police is one of the most serious irritants within the present military system.

Lower ranking personnel are irritated because, in their words, they did not join the Army to wash dishes. More senior sergeants are irritated because, in their opinion, the civilian replacements hired specifically for food preparation and dishwashing do a better job than enlisted men who do not want to be there. And senior officers are irritated because they see so many man-hours being wasted at these menial tasks at the expense of invaluable training time.

This is not a new irritant. Many of us can remember KP from our service days. Others can remember Bill Mauldin's cartoons depicting the drudgery of peeling potatoes and washing dishes. And a case can be made that such activities are character building.

But I contend that these are very different times and present-day soldiers are in a very different situation.

In those days it was believed that the best way to make a young man a soldier was to break him down, decivilianize him, and then build a fighting man from scratch. Today, the idea seems to be to start with the young man as he is and build from there. There is no longer any need or desire to break him first. And, in this regard, there seems to be no need for menial tasks that are unrelated to his professional advancement.

In addition, the young men of this day are not interested in joining the Army to become dishwashers and spud peelers. They want to be electronic technicians, mechanics, ordnancemen, and so forth—technical skill areas requiring long, hard hours of study. KP does not assist them in achieving this goal. In fact, both in mental attitude and physical demands, it hinders their ability to concentrate on their primary functions.

Mr. Chairman, the amendment makes it possible for the services to make their own judgments as to the value of this civilianization of the kitchen police force. It does not increase the cost of this bill. It merely authorizes the Department of Defense to utilize its discretion and reprogram funds from other areas which, in the services' opinions, are of a lower priority than this morale factor.

Finally, I want to add this thought. While I personally believe that it is still too early to tell whether or not the all-volunteer force can or should become a reality, Presidential statements to the contrary notwithstanding, I do believe that the premeditated action of the Appropriations Committee in continuing a long-standing irritant will greatly degrade the validity of the present all-volunteer force trial period.

I strongly urge the adoption of this amendment.

Mr. METCALFE. Mr. Chairman, today, we are asked to consider a bill appropriating funds for fiscal year 1973 for the Defense Department. We are being asked to approve the largest defense budget since World War II, this, at a time when our President has stated that he wants to stop excessive governmental spending in all areas.

We are asked to approve the appropriation of funds which will enable the Defense Department to continue its military commitments at home and abroad. We are being asked, for example, to commit $299 million to start a third *Nimitz*-class aircraft carrier which will cost over one billion dollars when it is finished. This, at a time when some military men question the utility of an aircraft carrier. Another interesting item is the request by the Marine Corps Reserve for increased funding so that it could send its 10 Reserve generals on 100 tours instead of 15. The committee, noting that the tours were used for the accumulation of retirement points, did not see the need for any additional tours and, yet, granted money to raise the number of tours to 50. This is an added cost of some $37,856. At the same time, the administration has vetoed the Labor-Health, Education, and Welfare appropriation and at that time stated that we did not have the resources, for example, to put $2 million into the physician shortage area scholarship program. There are some 140 counties in this country without doctors.

We are also being asked to approve the purchase of 23 S–3A antisubmarine warfare patrol aircraft. The cost for this minimum purchase is $378.8 million; this is so that the contract will not be broken. According to the committee report, 92–1389—

> The Department of Defense has already displayed a great deal of skepticism over this program when it refused to permit the Navy to exercise the Lot III (FY 1972) production option on April 1, 1972. These funds were later released on April 28, 1972, after three . . . meetings on the program.

The report also states that the Navy estimates that it would cost "between $75 to $125 million" to terminate the contract. The committee sees—

> The storm warning of experiencing cost increases significantly in excess of those amounts.

The committee further states that—

> It is questionable, therefore, whether or not the S–3A can even be justified at its tremendous cost.

Why, pray tell, would one want to continue such a program, then?

We are also being asked to buy 60 A–37 attack aircraft to help sustain the losses suffered by the South Vietnamese Air Force: This is an appropriation of $32 million. We are also being asked to give the South Vietnamese 180 UH–1H helicopters, $53.3 million. This last part is somewhat curious because, according to reports, the South Vietnamese cannot protect some helicopters on the ground. Seventy were recently reported to have been lost on the ground.

Today, we are asked to approve expenditures of some $75 billion to take care of our Armed Forces while we have venereal disease at an epidemic level, a health manpower shortage, a doubling in the number of our children, ages 10 to 14, in our State mental hospitals during the past decade and no room for the thousands more needing care, an extremely high rate of alcohol abuse, too few job training centers for the unskilled and unemployed, no nutrition programs for the elderly. These latter conditions exist because the President vetoed the Labor-Health, Education, and Welfare bill which would have remedied, or set up remedies, for these societal ills. Instead, the executive branch is asking us to buy planes that are, at best, unsound; a vessel, the use of which is questionable; and more nuclear warheads so that our overkill ratio can climb.

We need doctors and nurses, not touring reservist generals, nor do we need a National Board for the Promotion of Rifle Practice. We need more hospitals and job training centers, not B–1 bombers, S–3A aircraft, and CVN–70 carriers. I ask this body to act with reason, not ideological rhetoric. The President's veto of the Labor-Health, Education, and Welfare bill (H.R. 15417) and his support of this piece of legislation are inconsistent. With reason we can have both bills, this one with less money than requested, and be much better off for it. It is such a sad time when the people, those who give us the confidence and spirit to function as a government, should be placed so far down on the list of national priorities. How much longer must we suffer?

We must reorder our priorities. And this is an appropriate place to start. This administration has vetoed the Labor-Health, Education, and Welfare bill because money in that bill was in excess of what this administration thought should be spent to meet the human needs of our citizens and to improve the quality of life for all. And then it has the audacity to request approval of a budget for the Department of Defense which would be the highest since the end of World War II. I suppose there is logic here somewhere, but if so, it is only comprehensible to the executive branch.

For the reasons I have just enumerated, I intend to vote against this bill.

Mrs. HICKS of Massachusetts. Mr. Chairman, I rise in support of the amendment to eliminate section 743 of the defense appropriation bill. Section 743 of the bill could have the effect of practically mandating the closure of two naval shipyards over the next year and jeopardizes every single naval shipyard in the country. It has been estimated that section 743 would this fiscal year strip almost $110 million away from the navy yards. It also would cause layoff of no fewer than 10,000 skilled navy yard employees if layoffs started immediately, and as many as 12,000 men if they do not start until January 1. The result would be either existing navy yards operating at grossly inefficient personnel levels or two of them closed on a crash basis. By arbitrarily requiring 35 percent of ship repairs, alterations, and overhaul to private shipyards irrespective of the dollar value of the item, and ship conversion to private shipyards notwithstanding the fact that private yards get almost all of new Navy construction dollars, section 743 will cause dire economical consequences.

Mr. GOODLING. Mr. Chairman, the hour is growing late, but I ask for this time to read one paragraph from a letter written by a serviceman, a constituent of mine, who is stationed in Saigon. The dateline was August 31, 1972.

The letter follows:

EXCERPT FROM LETTER OF SERVICEMAN IN SAIGON, VIETNAM

> We have gone through some bad times here in Vietnam the last few months, and face some more bleak months. But the South Vietnamese, if bloodied, are unbowed. I wish to express my appreciation of your support of the President's policy in Viet Nam, because it coincides with the interests of the people of Viet Nam as well as of the U.S. We're going to win (we have no choice), and history will justify what the U.S. has done here.
>
> Yours,
>
> ——— ———.

Mr. VANIK. Mr. Chairman, I must oppose the passage of the Department of Defense appropriations bill because it provides further moneys for the tragic and senseless war in Southeast Asia.

Indeed, several U.S. courts have now ruled that congressional support of these Department of Defense appropriations bills is, in fact, the equivalent of a declaration of war by the Congress. As one Member of Congress, I do not want to declare or validate this undeclared war; I want to declare peace.

I will support amendments to this bill to set a specific date for the termination of our involvement in Indochina. Only if such an amendment is accepted, can I support the bill.

We entered the Vietnam conflict with ideals of helping and even "saving" the South Vietnamese—but we are destroying them. Over the last year and a half our level of casualties has dropped dramatically. This is good—though the casualty reports still come in as more and more of our airmen are killed or captured. Yet the move to Vietnamization—the reduction of the American role to air and artillery support raises the deepest moral questions. Vietnamization has meant the limitation of Vietnamese civilians through the intensified bombardment of Indochina.

From the estimates available, it appears that more South Vietnamese civilians have been killed and wounded in the first half of 1972 than in either 1971 or 1970. The cost of the Vietnam war to people of Indochina has been stated many times. The death, the pain, the suffering created by this war is so huge as to really be beyond human understanding—yet the war continues—as if it had not only killed so many of our men but has also killed our sensitivities and brutalized our minds.

Several studies, such as the Senate Subcommittee on Refugees, have estimated the cost of the war to civilians as of August 1971.

THE ONGOING CIVILIAN TOLL (AS OF AUGUST 1971)

	South Vietnam	Laos	Cambodia	Total
Killed	335,000	100,000	[1]	450,000+
Wounded	740,000	250,000	[1]	1,000,000+
Refugees	5,695,300	1,000,000	1,600,000	8,295,300
Total	6,770,300	1,350,000	1,600,000+	9,755,300+

[1] Tens of thousands.

These figures do not include estimates for North Vietnam or for military personnel. Total U.S. deaths in the war from hostile action were, as of September 2, 1972, 45,856. An additional 10,265 Americans died in Indochina from causes other than hostile action—mostly in airplane crashes. Some 180,450 South Vietnamese forces have been killed while 5,172 other Allies have been killed. The Defense Department states that some 885,380 of the enemy have been killed—though it is hard to say how many of these dead were actually innocent civilians.

Indochina is a small area of the world—much too small to survive the continued loss of life, this much economic destruction. The figures show all too clearly that we are not saving South Vietnam—we are only assisting in its destruction.

The termination of our commitment in Indochina, which is not vital to the security of the United States, is clearly in the national interest of the United States. Our resources are needed elsewhere; our dollars and defense posture should be more wisely committed. But most of all, it has become our moral duty to end this bloodshed and achieve a political peace in Southeast Asia—a peace that can help ease tensions all over the world.

Not only do I oppose this bill because it continues the Vietnam war, but I oppose the unnecessary expenditure of billions of dollars on unnecessary and, in some cases, already obsolete military weapons systems.

While the Appropriations Committee is to be commended for reducing the administration's request from $79.6 billion to $74.6 billion, the fact remains that there are still a number of questionable programs being funded—and that as we profess to winddown the Vietnam war, the Department of Defense budget—which this year is larger than last year's—continues to "windup."

I also find it ironic that during the past several years attempts to cut certain weapons systems or to delay their acquisition until technical problems could be resolved were always opposed on the grounds that a reduction would hurt our bargaining position with the Soviets during the SALT talks. But now that the first phase of the SALT talks are completed and a dramatic arms limitation agreement reached, we are asked to provide even more money. We are told by many that if these increased expenditures are not made, then we should withdraw from the SALT agreements. While the President comes before the Congress urging us to act on these great peace initiatives, the Secretary of Defense comes before us asking for new weapons of war. The two propositions are irreconcilable. If we are to really have peace, these new weapons systems cannot be justified.

Some say that these weapons are needed for superiority. Yet it is uncontested that the United States has the capability of destroying the Soviet Union many times over—and the Soviet Union can do the same to us. There are no new weapons systems on the immediate horizon that can change this balance of terror. If the Soviets begin new weapons activity, we will be able to determine that through satellite reconnaissance and act accordingly. The fact remains that we and the Soviets are, as President Kennedy once said, two scorpions in a bottle—poised to sting each other. It is time that we acted to get along with each other—not to destroy each other.

I would like to take a few more minutes to briefly mention several of the weapons systems which I do not feel that I can support.

A classic case of mismanaged weapons procurement involves the F-14 jet fighter program. This bill includes $732 million for the development and procurement of additional F-14's. Yet time delays, possibly unresolved safety questions, and escalating costs are the hallmark of this contract. Last year, a single F-14 was estimated to cost $16.8 million. That cost may now rise to $18.2 million or $18.6 million per plane. In addition, the Department of Defense entered into this program to obtain a few F-14A's and a large number of F-14B's—planes which were planned to have engines with 30 percent better performance. Yet because of problems with the F-14B engine, the Department is settling on a much larger number of F-14A's; in fact, the entire contract may settle on this model of aircraft—thus providing the Department with much less than was planned for. The fantastic cost of each one of these planes limits the number which can be procured. The military result is that, in a major conflict, these sophisticated aircraft could be overwhelmed by large numbers of much simpler aircraft which have been developed by the Soviets. It is time that we developed an efficient, dependable aircraft that can be produced in quantity—rather than a few flying Cadillacs which may in fact be flying Edsels.

Other staggeringly expensive weapons systems which are funded by this bill include the B-1 advanced manned strategic aircraft bomber. In an age of increasing missile accuracy, the development of this manned bomber—at a cost of billions of dollars—is highly questionable. It may not be able to survive a first strike by enemy forces on our country and it is questionable whether it could penetrate the air defenses of a major foreign power.

This bill also includes nearly $300 million for further work on a new nuclear aircraft carrier—a type of ship which is increasingly vulnerable to missiles now in place on Soviet submarines. Again, we seem to be spending enormous sums of money to build the weapons which worked in the last war, but which would probably be useless in a major war in the decades ahead.

For these reasons, Mr. Chairman, I feel I must oppose this legislation.

Mr. FRENZEL. Mr. Chairman, the total Defense appropriation recommended by the committee is a post World War II record expense of over $74 billion, but it is $5 billion—more than 6 percent—under the budget request. On balance, the committee has done a conscientious job of expense reduction, because much of the increase is expense over last year occurs in personnel cost areas—payroll, pensions, and so forth.

I would still prefer military spending at a lower level and will support amendments to reduce spending to last year's amount or less. Many times I have stated that I feel we have too many active duty military personnel. Personnel expense now accounts for more than half of our total military spending.

We need up-to-date weapons. Our new systems have been held back long enough by excess spending in Indochina and for more personnel than is needed to maintain the Nixon Guam doctrine and provide for national security.

Our enormous deficits, our urgent domestic needs, our persistent inflation, and our difficulty in expanding sales abroad, are all persuasive arguments for reduced military spending. I do not advocate deep cuts which might imperil our security. I do not pretend to know all about all defense systems. I do feel strongly that we have too many men-at-arms now, and I suggest that defense expenditures can, and should be held to last year's figures of just under $73 billion. I will support the so-called "Bow Amendment" to reduce this bill. Nevertheless, I again congratulate the committee for its work in expense reduction and will support this bill even if the amendments I favor fail.

Finally, we will again face the "end-the-war" amendment. I have regularly supported set-the-date proposals, contingent on POW-MIA release, and expect to do so today.

Mr. SYMINGTON. Mr. Chairman, the defense appropriations bill reported by the House Appropriations Committee for our consideration contains what I believe is an unfortunate assessment. At a time when the Air Force is about to acquire its first air superiority aircraft in 15 years, the Appropriations Committee is recommending that we approve only half of the 30 aircraft which the Air Force had requested for fiscal year 1973.

Although this may appear to be sound economics, it is not. It is unsound. The committee report states in part that the 15 aircraft which had been deleted can be added to the fiscal year 1974 procurement program without "any appreciable increase" in the overall cost of the F-15 program. But when I checked with the Air Force on what the cost increase might be I was informed that even though the present contract would remain in effect, a repricing clause would come into effect which will add over $75 million to the overall program, an increase of over $100,000 per aircraft for the entire projected budget. How can this be said not to be an "appreciable increase"? Seventy-five million dollars is an appreciable sum.

The committee report also hinted at the possibility of excessive concurrency in the F-15 program. But the record shows that the entire F-15 development and procurement program has been one of utmost conservatism. Even before contract award, the Air Force required the most extensive wind tunnel tests ever conducted for this type aircraft. Similarly, the engine contract was awarded only after actual test engines from two competing contractors were tested and evaluated. The radar program was subcontracted to a single contractor only after a competitive flyoff with equipment from two competing contractors. Considering that the sophistication of this type of aircraft makes the cost of flying competitive prototypes impractical, it would seem that the fly-before-buy concept was followed to the fullest extent.

Let us also remember that although we are talking about aircraft funding now—the Air Force will not make a production commitment until February 1973, that is 5 months from now, and then only after the Department of Defense thoroughly reviews the status of the program and agrees that release of production funds is proper. Now what will happen over those 5 months? One aircraft is flying now and in the past 6 weeks has already had over 40 flights. By the end of February four aircraft will be flying, accumulating a total of 20 aircraft-months of flying experience. In addition, the low rate of planned production of the 30 aircraft requested by the Air Force—only three per month—minimizes concurrency and efficiently uses the tooling already procured. Should any problem show up during the flight test program, corrections can be made to the production line before a significant number of aircraft are produced.

To me, the F–15 is as much a fly-before-buy program as is possible with this type of aircraft—and there is little doubt in my mind that the development program was one of unprecedented thoroughness.

Finally, I would like to address the situation of the engine for the F–15. This engine is being manufactured by one of the most reliable and experienced jet engine companies in the entire world. Any of you who have ridden in a Boeing 707, Douglas DC–8, or Boeing 747 are trusting your lives to Pratt & Whitney engines. I believe in advertising it is called "A Name You Can Trust." There is no doubt that Pratt & Whitney is advancing the state of the art in developing this engine for the F–15. Current jet engines provide a thrust to weight ratio of about 5 to 1. This new engine in its developmental stage is right now giving 8.2 to 1—and as the test program refines the product even further, the company expects to provide a phenomenal 8.6 to 1.

It is true that the currently flying F–15 is flying with an early prototype engine which is not up to final performance specifications in all areas. However, this was not unexpected, and using this engine allowed testing of the airframe in those areas where maximum performance is not required. The fully rated engine will be delivered in November 1972, flying in December 1972 and complete military qualification testing in February 1973. This is before a final decision is made on the production option and 21 months before delivery of the first production aircraft. I cannot see where there is a great degree of risk anywhere in this program.

The point at issue here is not whether we want the F–15. That is a foregone conclusion. The House Armed Services Committee supports it overwhelmingly. Our colleagues in the Senate have also given full support. The Appropriations Committee has also acknowledged the importance of this program but took this action, and I quote, "out of an abundance of caution."

Gentlemen, I believe this cut to be out of an overabundance of caution. McDonnell Douglas, the prime contractor, has kept the program on schedule. Why do we not? I suggest that we do our part to keep the program on schedule as it has been, and give our pilots the world's finest fighter with the least delay and at the least cost to the American public. As the report states:

> The Committee is pleased with the progress made thus far in this important program and supports this new fighter for the Air Force.

I hope and trust the House will have further opportunity to underscore this observation by restoring the cut funds.

Mr. MIKVA. Mr. Chairman, for the fourth consecutive year I rise in opposition to the Department of Defense Appropriations bill. For the fourth consecutive year, the Pentagon's oversized budget is characterized by waste and war, and a complete distortion of what should be our spending priorities in a time of serious domestic needs.

The Defense Establishment has produced another record high defense appropriations bill totaling $74.6 billion—the highest price tag for national defense since World War II. This is nothing short of outrageous in light of the winding down of our ground troop commitment in Southeast Asia, the recent arms limitation agreement with the Soviet Union, and the promises from the administration about conversion to a peacetime economy.

The amount of wasted spending in this bill is less than the Pentagon would like, due in part to the refusal of the House to authorize several programs requested by the Defense Department in legislation passed earlier this year. But H.R. 16593 would still pour millions down the drain for the discredited F–14 aircraft, the Trident submarine, the ABM system, the virtually obsolete B–1 manned bomber, and the C–5 transport which was recently the subject of a scathing audit by the General Accounting Office.

I share the Pentagon's concern for our national security, but America's defense capabilities are hardly advanced by the military's childlike fetish for extravagant hardware which is of dubious military or cost effectiveness.

Only last month President Nixon, in a display of unparalleled cynicism, vetoed the HEW appropriations bill which was half the size of the bill before the House today and called it "a big-spending measure that impairs the Nation's economic health—a perfect example of that kind of reckless Federal spending that just cannot be done without more taxes or more inflation." Where is the White House today, when the House is asked to appropriate nearly $75 billion for weapons of death and destruction? What kind of national leadership finds it prudent to spend billions for bombs but reckless to spend half that amount for schools and hospitals?

Mr. Chairman, I would be prepared to countenance the waste and distorted priorities this bill represents if the House added an amendment offered by my colleague from New York (Mr. ADDABBO) cutting off funds for continuation of the war in Southeast Asia. But without such an amendment, H.R. 16593 includes nearly $2.25 billion for the war. Those of us in Congress who are opposed to U.S. involvement in Southeast Asia cannot vote for these funds without sharing the responsibility for the continued loss of civilian lives and the mounting toll of American pilots missing in action and captured. I will not vote to continue to pour the taxpayers' money down the sinkhole of Southeast Asia. I must oppose H.R. 16593 and urge its defeat.

Mr. BINGHAM. Mr. Chairman, I rise once more to speak in favor of an end-the-war amendment. I compliment my colleague from New York (Mr. ADDABBO) for putting forward this amendment, both in committee and on this floor.

Other speakers have stressed the horrible and wasteful cost of this continuing war in Southeast Asia, as I have done in the past. I will not take the time of the House to go over this ground again, especially as I feel all Members have already made up their minds how they are going to vote on this amendment.

What I do want to stress is the same point I made the last time I spoke on this floor on the subject of Vietnam, and that is the increasingly clear conclusion that what separates the President and his followers from those who really want to bring this war to an end is this issue: Do we or do we not want to continue American involvement in this war, with all that it costs us in human and material terms, and in terms of our own self-respect and our reputation in the world, in order to preserve in power the Thieu regime in Saigon?

The issue is stated this way: Nixon insists that the Communists' price for peace is an interim government that would install the Communists in power in Saigon; the other side says no, all we ask is that there be a tripartite coalition government, consisting of people friendly to the present regime, people friendly to the Vietcong, and those who are against the war but are independent of both factions.

You can argue all night about the significance of these differences, but both sides would have to admit that in the end either course would mean the departure of Thieu and his cronies and the possibility that ultimately this might lead to a pro-Communist government assuming power. By his formula Nixon cannot guarantee against that, and certainly neither can his opponents.

What Nixon is trying to do, it seems clear to me, is to frame the issue in such a way that the American people react against the idea of turning over South Vietnam to the Communists and in framing his terms for settlement in such a way that he knows the other side cannot accept them. This rigamarole is followed because he thinks the overthrow of Thieu would be regarded as a defeat for the United States, and wants at all costs to avoid being responsible as President for such a defeat.

The latest piece of evidence that the survival of the Thieu regime is a must so far as Nixon's thinking is concerned—at least the apparent survival—comes from the President's daughter, Julie Eisenhower. She was quoted today in an AP dispatch from Columbia as saying, in answer to a direct question, "yes," she would be willing to die for the survival of the Thieu regime.

One must respect the young lady's courage, even though one feels that courage to be seriously misguided. So far as I know no polls have been taken on this precise question, but I would venture an opinion that the overwhelming majority of the American people would not be willing to die for the Thieu regime.

But the most interesting point is this: Where did Julie get the notion that saving the Thieu regime was so important? She has proven many times that she is a loyal and ardent supporter of her father. She would surely not knowingly express a point of view different from his. And indeed the fact is that President Nixon regards the preservation of the Thieu regime as worth the loss of American lives, even if he has not said that he would be willing to give his own.

Mr. PICKLE. Mr. Chairman, this Congress, and I think the people of my district know of my past strong support of this Nation's military efforts in Southeast Asia. I am still convinced that we were not wrong to come to the aid of South Vietnam. It was necessary because this country must meet its treaty obligations and must be ready to stop aggression.

We have, however, deeply involved ourselves in Vietnam for over a decade. We have made our commitments and I believe we have carried them out. We have paid dearly in the lives of many thousands and in terms of billions of dollars in cost. We have made this sacrifice because we felt that as leader of the free world, we must do our part to help bring peace in the world.

After a decade of conflict, I think the American people have fulfilled their obligation and I believe the American people want the war to end, our POW's to come home, and our MIA's accounted for. Conditioned on these factors, I think we can support a vote now to "end the war." We are not deserting Vietnam. I believe Vietnam is ready and prepared to handle the job from now on.

I would like to make it plain, however, that I do not like the use of the word "Indochina" in the pending Addabbo amendment. The term "Indochina" is too broad, too indefinite. We should limit the resolution to Vietnam alone. I do not think we should tie the President's hands, for the President alone knows best where our troops should be sent in case of emergencies, and when.

There may be good and necessary reasons why we should have troops or forces in Laos or Thailand or naval forces off the shores of Southeast Asia countries or the "Indochina" area as a whole.

This administration has made a valiant effort to give us full peace in Southeast Asia, as did President Johnson in his adminstration. We have given this administration 4 full years and they promised to bring the conflict to a halt. I think they have tried. I have supported them for 4 years. I believe the time has now arrived, however, to turn the active fighting and administration of government over to South Vietnam. We must and should continue to help South Vietnam but our combat forces could be removed 4 months from now if we have the guarantee of the return of our POW's and our MIA's.

Mrs. MINK. Mr. Chairman, I oppose the Davis amendment limiting the operations of our naval shipyards by favoring the private companies in ship repairs, alterations, and overhauls.

I opposed section 743 of H.R. 16593 as reported by the committee and am pleased it was ruled out of order as legislation on an appropriation bill, in violation of the rules of the House of Representatives.

The Davis amendment will have the effect of drastically curtailing employment in our 10 navy shipyards, either by shutting down two of the shipyards or reducing employment at each by a significant amount. At a time when our civilian naval shipyard workforce is already experiencing cutbacks and other difficulties, it is not justified that a further loss be sustained.

Under present directions from the Congress, the Navy Department allocates a total of 35 percent of all its ship repair, ship alteration and overhaul, and ship conversion work already to private yards. Most of the private work is in conversions because of high navy shipyard competence in the other categories. In addition, shifting a high proportion of ship conversion work to private yards permits Navy personnel to be near their families.

The ships remain manned while repair, alteration and overhaul work is conducted at Navy shipyards, but they are unmanned during conversion work.

Since virtually all of the Navy's new ship construction funds are spent at private yards, the proportion of other types of work going to these yards under the existing congressional mandate seems reasonable under existing employment conditions. The Davis amendment would require that no matter how much conversion work is done by the private yards, 35 percent of ship repair, alteration, and overhaul work would have to go to them as well.

The result of the Davis amendment is estimated to be that the private yards will still get only 35 percent of the total work, but it might be distributed differently since the various yards have differing capabilities. It would be quite harmful to tamper with the morale of our service members just to favor one private shipyard over another. During extended repairs and overhauls, personnel would have to stay with the ships at the private yards and away from their home ports and home Navy yards where their families are.

I have received numerous inquiries from employees at Pearl Harbor Naval Shipyard, Honolulu, Hawaii, about the Davis amendment and agree that it is harmful. It must be defeated. I ask the House to vote it down.

Mr. RONCALIO. Mr. Chairman, I have remained on hand to cast my vote on the Sikes amendment, because I believe it is a significant improvement in this bill. Beyond that, while I am not completely pleased with the measure, believing in general that $75 billion and more is too much of a Defense Department budget, I appreciate the work done by the committee in reviewing the Executive's requests and paring the expenditures provided for in this legislation. Were I able to remain, I would cast my vote in favor of the bill. However, I have important business pending at home with regard to the future of the proposed Polecat Bench reclamation project—an item of great importance to my constituency. So rather than remain in Washington to add one more vote to the hundreds which I know will be cast in favor of this bill later tonight, Mr. Chairman, I am returning to my district.

Mr. RYAN. Mr. Chairman, the time has long since passed for this House to see the President's policy in Indochina for what it is, and to bring American involvement in that ghastly conflict to an immediate end.

Behind the facade of such terms as "Vietnamization" and "protective reaction" the facts of Vietnam remain as cold, brutal, and ugly as ever. The President's much vaunted Vietnamization program has not only been a failure; it has been a fraud. While the administration has attempted to reassure the American people with a scene of a war dwindling away, the tragic truth is that the President is engaged in a massive escalation of the conflict. The war is not winding down, it is raining down—raining down ton after ton of devastation dropped from American war planes. No amount of Presidential rhetoric can mask the fact that this policy is not one of peace but of continued death and destruction.

We have not prevented a bloodbath in Southeast Asia; we have created one.

This dreadful war has drained our resources and stained our conscience. It has taken the lives of tens of thousands of our most precious possession—our young men. Countless others will bear the scars of this immoral conflict for the remainder of their lives.

This dreadful war has warped our priorities. It has brought the twin plagues of inflation and unemployment to our economy. It has brought alienation, division, bitterness, and despair to our people.

Yet, as each day goes by, the war drags on.

As we meet here today, American bombers are ravaging the Vietnamese countryside.

The people of this Nation have made their position clear; they have demonstrated their steadfast opposition to this war in the public opinion polls, in the voting booth, and in the streets. They want peace, And they want it now.

Yet the President—as deaf as his so-called majority is silent—continues to fuel the fires of war, involving us ever deeper in the devastation of Vietnam, Laos, and Cambodia.

Such callous disregard for the will of the people, and, indeed, the law of the land, cannot be countenanced.

As I have pointed out time and time again since I stood on this floor and cast my vote against the very first appropriation bill to support American military intervention in Indochina in May 1965, it is the Congress—and only the Congress—which has the constitutional responsibility over war and peace. And the Congress must exercise that responsibility—now.

This House cannot close its eyes to the desires of the American people any longer.

This House cannot turn its back on the horrors of war any longer.

This House cannot shirk its responsibilities any longer.

Today we can begin to live up to our obligations to our people, to our Nation, to ourselves. We can do it by passing the amendment offered by my distinguished colleague from New York (Mr. ADDABBO). Not only can we do it, we must do it. And finally give peace a chance.

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment which would permit continuation of the program which is now civilianizing nonmilitary jobs within the Armed Forces.

When we, the Congress, gave our assent to the concept of an all-volunteer military, we emphasized that the primary way to achieve our goal was by creating incentives which would make a career in the Armed Forces attractive to young American men and women. One incentive is higher pay—pay more in line with that offered by civilian employers—and we have provided that. A second incentive is more challenging jobs—and the military is currently developing them.

These two inducements are tremendously important if we are to make our Armed Forces all-volunteer. Even together, though, they cannot bring success if we do not also try to insure that working conditions within the military are improved. This is especially important with regard to our lowest-ranking enlisted men, for whom, to be candid, we cannot always provide challenging types of work.

In its present form, H.R. 16593 would terminate civilianization of some of the nonmilitary jobs—such as kitchen police—which in the past have been performed by members of the Armed Forces. If we were to enact the bill with this provision, we would, in effect, be telling those young men and women who are thinking about careers as noncommissioned officers that if they joined the military, they would be required to do many menial, unpleasant jobs which would have no connection whatsoever with their role as military personnel. We would be going far to destroy the positive inducements toward creating an all-volunteer force which have already been established.

Mr. Chairman, I urge that the Congress remain firm to its commitment to an all-volunteer military and adopt the Sikes amendment, which would strike this provision from the bill.

Mr. MONAGAN. Mr. Chairman, I shall vote for this appropriations bill.

This bill represents a reduction of $4.3 billion of the amounts requested by the President. I wish that the reduction might have been greater and I still believe that this area provides fruitful ground for further investigation to obtain meaningful reductions. When the authorization bill was before us I voted for some of these reductions, but it is not easy to isolate these items.

We have taken a marked step forward with the SALT talks and with the interim agreement which we passed in the House and which I supported. At the moment we must keep our defenses adequate even though the same dollar today pays less in salaries and buys less in materiel.

It is with the hope that the next phase of the SALT talks will bring us to a reduction of armaments rather than a continuation of the status quo that I vote in favor of this appropriation today.

Mr. DAVIS of Georgia. Mr. Chairman, first I would like to compliment the members of the committee for the splendid job they have done in preparing this measure. It is obvious that this is a defense budget which combines strong programs for national security with a commendable desire for cautious frugality.

There is, however, one section of the bill which has given me some cause for concern as regards both our national security and our continued advances in science and technology.

Under "Procurement of aircraft and missiles, Navy," on page 21, line 15 of the bill, the committee deleted all funds for the procurement of five LC–130 aircraft to be used in support of the National Science Foundation's Project Deep Freeze in Antarctica.

According to the committee report—

> The Committee considers the funding of these aircraft in the Navy budget on a non-reimbursable basis, aircraft that are not directly related to Navy objectives and requirements at a time when the Navy claims it cannot afford the appropriate numbers of combat aircraft it requires, to be inconsistent with national defense priorities.

I believe this omission to be most serious. It is one which will adversely affect both the international posture of the United States and American scientific efforts.

I would like to refer my colleagues to the Office of Management and Budget circular A–51, which implemented a national security decision memorandum promulgated in July 1970. That circular directed the National Science Foundation to assume funding for the annual logistic cost of the Antarctic program—which was formerly borne by the Department of Defense—but also specifically directed by the Department of Defense to:

> (1) Plan and carry out logistic support requested by the National Science Foundation, and such other programs and functions as may be requested by the Foundation or the Antarctic Policy Group, and in this connection assure the continuing availability, on a mutually acceptable reimbursement or non-reimbursement basis, of essential logistic support components.
>
> (2) Fund and procure all aircraft required to provide the logistic support or perform other programs or functions requested pursuant to paragraph c.(1).
>
> (3) Procure other essential logistic support components for the U.S. program for Antarctica, on a mutually acceptable reimbursement or non-reimbursement basis, as requested by the National Science Foundation."

The five LC–130 ski-equipped aircraft requested in the Navy budget were pursuant to this order. In placing them in the Navy budget, the Secretary of Defense was carrying out a DOD responsibility in the national interest. It was not intended that these planes should compete for scarce Navy funds needed for combat aircraft procurement. They were intended to be an "add-on" pursuant to the OMB's instructions and those of a national security decision memorandum.

These aircraft are considered vital to this Nation's continued presence in Antarctica. They were requested by the Department of Defense to replace three aircraft which have been lost, and three that, because of their heavy use and advancing age, have been or will be removed from Antarctic service.

HISTORY OF ANTARCTIC AIRCRAFT INVENTORY 1966–72

Season 1966–67—nine total: 2, C–121 J; 1, LC–47; 2, LC–117D; 4, LC–130F.

Season 1967–68—seven total: 2, C–121J; 1, LC–117D; 4, LC–130F.

Season 1968–69—seven total: 2, C–121J; 4, LC–130F; 1, LC–130R.

Season 1969–70—seven total: 2, C–121J; 4, LC–130F; 1, LC–130R.

Season 1970–71—seven total: 2, C–121J; 4, LC–130F; 1, LC–130R.

Season 1971–72—four total: 3, LC–130F; 1, LC–130R.

Season 1972–73—three total: 2, LC–130F*; 1, LC–130R.

The impact of failure to procure the replacement aircraft requested by DOD will mean a drastic curtailment in the level of our effort in Antarctica and a dramatic change in this country's posture on the continent including abandonment of inland stations at South Pole and Siple.

For example, without replacement aircraft, the loss of an additional LC–130 will mean: First, deferral of construction at South Pole and Siple stations for an indefinite period; second, the diversion of remaining aircraft to replenishment of life support systems at inland stations; third, limiting capability for the emergency recovery of scientific field parties; fourth, closing and evacuation of historic Byrd Camp; and fifth, the beginnings of evacuation of service and construction workers.

In other words, the failure to procure additional aircraft for the support of Project Deep Freeze will be the beginnings of a diminished American presence in a most strategic quarter of the world. This could only lead to speculation in the international community regarding American intentions in that sector. Other exploratory powers will have to adjust to a new situation in which the United States has yielded its position of dominance in the Antarctic to the Soviet Union. This would, in all likelihood, and presumably over a short period of time, render the current Antarctic Treaty obsolete in the eyes of the Soviets, with the resultant renewal of political rivalry and competition to the detriment of scientific cooperation and peaceful research, and eventual dissolution of the Antarctic Treaty.

---

*10 years old—more hours on airframes than any C–130's ever built.

Mr. Chairman, American political and scientific leadership in the Antarctic stems from our unique mobility on the continent which offsets the influence of strategically located Soviet stations. This capability is totally dependent on the availability of long-range, ski-equipped transport aircraft.

The President of the United States has promulgated the following U.S. policy objectives for Antarctica:

First. To maintain the viability of the Antarctic Treaty.

Second. To foster extension of cooperative scientific research.

Third. To insure wise and equitable use of Antarctic resources.

Fourth. To protect American rights in the area.

Mr. Chairman, it is clear in my mind that those objectives cannot be maintained without adequate logistical support for Project Deep Freeze in the nature of long-range, ski-equipped transport aircraft. I also know that there is an understandable desire for the House Appropriations Committee to take this bill to conference with the Senate having as lean and demonstrably functional a defense budget as possible. However, I understand that considerable sentiment is building in the Senate at this moment to restore these vital aircraft to the defense appropriation for fiscal year 1973. I cannot stress strongly enough how crucial I feel these few aircraft are to the future of American scientific efforts and our national security. In the instance that the Senate sees fit to include these five aircraft in the defense appropriation, I would hope that the House conferees would deem it in the national interest to recede on this point.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to H.R. 16593 which would appropriate funds for the Defense Department for the next fiscal year.

This bill is yet another attempt to saddle the American taxpayer with unneeded armaments and war machines which would boost our overkill potential to astronomical proportions. The administration in one breath tells us that we are on the way to a detente with Russia and China and that our involvement in Vietnam is on the wane. But in the next it asks us to vote approval of a defense budget which is $1.72 billion above last year's already exorbitant expenditure.

This bill contains $444 million for the development of the B-1 bomber, $311 million for the Trident submarine, and $935.6 million for the ABM. All of these programs represent an escalation in the arms race at a time when the President assures us that we are on the threshold of a new era of peace. In each of these programs Congress is being asked to appropriate millions of dollars for programs which have not been fully tested or researched and which are likely to result in substantial cost overruns.

This bill also appropriates $2.5 billion for the Vietnam war. We are told that this represents only a part of the amount that will be expended for the war. At this late date—after America has already wasted so many American lives and money—it is time for Congress to tell the President that we will not supply further funds to prop up the corrupt Thieu regime. A dictatorship which has abolished all popular elections in the 10,775 hamlets that make up the country. We should not reward that country's leaders by now passing a bill which will finance further U.S. involvement in the war.

Mr. MAHON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BOGGS) having assumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill, as amended, do pass.

Mr. MAHON. Mr. Speaker, I move the previous question on the bill and the amendment thereto to final passage.

The previous question was ordered.

The **SPEAKER** pro tempore. The question is on the amendment.

The amendment was agreed to.

The **SPEAKER** pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The **SPEAKER** pro tempore. The question is on the passage of the bill.

Mr. MAHON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 322, nays 41, answered "present" 1, not voting 67, as follows:

[Roll No. 368]

YEAS—322

Abbitt
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Anderson, Tenn.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Archer
Arends
Ashbrook
Ashley
Aspinall
Baring
Barrett
Begich
Belcher
Bennett
Bergland
Betts
Biester
Boggs
Boland
Bolling
Bow
Brademas
Bray
Brinkley
Brooks
Broomfield
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Byrne, Pa.
Byron
Cabell
Camp
Carey, N.Y.
Carlson
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins, Tex.
Colmer
Conable
Conover
Conte
Corman
Cotter
Coughlin
Crane
Culver
Curlin
Daniel, Va.
Daniels, N.J.
Danielson
Davis, Ga.
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Denholm
Dennis
Dent
Derwinski
Devine
Dickinson
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
du Pont
Dwyer
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Fascell
Fish
Fisher
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Frenzel
Fuqua
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Grasso
Gray
Green, Oreg.
Griffin
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harsha
Harvey
Hastings
Hathaway
Hays
Hébert
Heckler, Mass.
Heinz
Henderson
Hicks, Mass.
Hicks, Wash.
Hillis
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Kazen
Keating
Kee
Keith
Kemp
King
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Latta
Leggett
Lennon
Lent
Lloyd
Long, Md.
McClory
McCloskey
McCollister
McCormack
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKay
McKevitt
McKinney
Macdonald, Mass.
Madden
Mahon
Mailliard
Mallary
Mann
Martin
Mathias, Calif.
Mathis, Ga.
Matsunaga
Mayne
Mazzoli
Melcher
Michel
Miller, Ohio
Mills, Ark.
Mills, Md.
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Murphy, Ill.
Myers
Natcher
Nelsen
Nix
O'Konski
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pirnie
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Quie
Quillen
Railsback
Randall
Rarick
Reid
Rhodes
Roberts
Robinson, Va.
Rodino
Roe
Rogers
Rooney, Pa.
Rostenkowski
Roush
Rousselot
Roy
Ruppe
Ruth
St Germain
Sandman
Sarbanes
Satterfield
Saylor
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steele
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Thone
Tiernan
Udall
Ullman
Van Deerlin
Veysey
Waggonner
Wampler
Ware
Whalley
Whitehurst
Whitten
Widnall
Wiggins
Wilson, Charles H.
Winn
Wright
Wyatt
Wydler
Wylie
Wyman
Young, Fla.
Young, Tex.
Zablocki
Zion

NAYS—41

Abourezk
Abzug
Aspin
Badillo
Bingham
Blatnik
Burton
Chisholm
Clay
Conyers
Dellums
Diggs
Dow
Drinan
Edwards, Calif.
Fraser
Green, Pa.
Harrington
Hechler, W. Va.
Helstoski
Hungate
Karth
Kastenmeier
Koch
Mitchell
Mosher
Moss
Nedzi
Obey
Podell
Reuss
Rosenthal
Roybal
Scheuer
Seiberling
Stokes
Thompson, N.J.
Vanik
Whalen
Wolff
Yates

ANSWERED "PRESENT"—1

Riegle

NOT VOTING—67

Abernethy
Baker
Bell
Bevill
Biaggi
Blackburn
Blanton
Brasco
Brotzman
Byrnes, Wis.
Caffery
Carney
Celler
Clancy
Clark
Collins, Ill.
Delaney
Dowdy
Eckhardt
Edmondson
Evins, Tenn.
Findley
Forsythe
Frey
Fulton
Galifianakis
Gallagher
Hansen, Wash.
Hawkins
Kluczynski
Link
Long, La.
Lujan
McClure
McMillan
Meeds
Metcalfe
Mikva
Miller, Calif.
Murphy, N.Y.
Nichols
O'Hara
O'Neill
Poage
Pucinski
Rangel
Rees
Robison, N.Y.
Roncalio
Rooney, N.Y.
Runnels
Ryan
Scherle
Schmitz
Sebelius
Shoup
Springer
Talcott
Terry
Vander Jagt
Vigorito
Waldie
White
Williams
Wilson, Bob
Yatron
Zwach

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill for, with Mr. Hawkins against.

Mr. Biaggi for, with Mr. Waldie against.

Mr. Meeds for, with Mr. Ryan against.

Mr. Clark for, with Mr. Mikva against.

Mr. Carney for, with Mr. Metcalfe against.

Mr. White for, with Mr. Rees against.

Mr. Kluczynski for, with Mr. Rangel against.

Mr. Delaney for, with Mr. Collins of Illinois against.

Until further notice:

Mr. Evins of Tennessee with Mr. Baker.

Mr. Rooney of New York with Mr. Robison of New York.

Mr. Murphy of New York with Mr. Terry.

Mr. Brasco with Mr. Springer.

Mr. Celler with Mr. Forsythe.

Mr. O'Hara with Mr. Vander Jagt.

Mr. Eckhardt with Mr. McClure.

Mr. Roncalio with Mr. Lujan.

Mr. Bevill with Mr. Blackburn.

Mrs. Hansen of Washington with Mr. Zwach.

Mr. Nichols with Mr. Frey.

Mr. Runnels with Mr. Byrnes of Wisconsin.

Mr. Fulton with Mr. Schmitz.

Mr. Caffery with Mr. Sebelius.

Mr. Blanton with Mr. Shoup.

Mr. Edmondson with Mr. Bob Wilson.

Mr. Link with Mr. Scherle.

Mr. Yatron with Mr. Williams.

Mr. Vigorito with Mr. Bell.

Mr. Miller of California with Mr. Talcott.

Mr. Pucinski with Mr. Clancy.

Mr. Gallagher with Mr. Brotzman.

Mr. Abernethy with Mr. Galifinakis.

Mr. McMillan with Mr. Long of Louisiana.

Mr. McCORMACK changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished whip on the majority side, the gentleman from California (Mr. McFALL), the program for the remainder of the week, if any, and the schedule for next week.

Mr. McFALL. Mr. Speaker, will the gentleman from Michigan yield?

Mr. GERALD R. FORD. I yield to the gentleman from California.

Mr. McFALL. The business of the week is concluded today.

At the conclusion of my listing of the program for next week, I will ask unanimous consent to go over until Monday.

On Monday there is scheduled the call of the Consent Calendar, but that will be all of the business for Monday. There will be no bills considered under suspensions because of the religious holiday.

For Tuesday and the balance of the week there will be the following:

Tuesday will be the call of the Private Calendar.

Thereafter there will be consideration of:

H.R. 16654, the Labor-HEW appropriation bill for fiscal year 1973:

H.R. 15003, the consumer product safety bill under an open rule with 2 hours of debate;

The move to go to conference on H.R. 7130, the Fair Labor Standards Act amendments. This will be brought up on Wednesday.

H.R. 10295, cargo security, subject to a rule being granted;

H.R. 15859, emergency medical services, also subject to a rule being granted;

The foreign assistance appropriation bill for fiscal year 1973, subject to a rule being granted; and, lastly;

H.R. 16645, the Eisenhower Memorial Bicentennial Civic Center, subject to a rule being granted.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, in looking over this program, particularly with no business except the call of the Consent Calendar on Monday, it would appear there is a high likelihood of a session on Friday. Is that a fair observation?

Mr. McFALL. I would reply to the distinguished minority leader that this is a matter on which we will have to see what happens. As the former Speaker, Mr. McCormack, would say, "We will play this one by ear."

It is entirely possible we may be able to do the program very rapidly. In fact, as the gentleman knows, the program is announced in this way so that it is possible we might bring up the foreign assistance legislation on Wednesday, if that is possible, so that on Thursday there would not be much business and the Members might be able to get out earlier and go about whatever they might have to do on the weekend.

ADJOURNMENT OVER TO MONDAY, SEPTEMBER 18, 1972

Mr. McFALL. Mr. Speaker, I ask unanimous consent that, when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER pro tempore (Mr. BOGGS). Is there objection to the request of the gentleman from California?

Mr. GROSS. Mr. Speaker, reserving the right to object, I wonder if my friend from California could, on behalf of the majority leadership give us any indication as to when this session of Congress might be expected to end, either by adjournment sine die or by virtue of a recess or something of that nature.

Mr. McFALL. Will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. McFALL. I can give the gentleman from Iowa such information as I have. At the whip meeting today the Speaker indicated that we might adjourn October 14. Earlier last week he thought that we might finish our business by October 6. As you know, the majority leader of the Senate, Mr. MANSFIELD, is aiming for an October 1 deadline. That is the only information I have available to me at this time.

The gentleman from Iowa has been here many, many years longer than I, and he knows this is perhaps an educated guess. The leadership hopes that we get out of here as soon as we can.

Mr. GROSS. Well, could that be classified as an educated guess: "Get out of here as soon as we can"?

Mr. McFALL. The educated guess referred to was the date of October 14.

Mr. GROSS. And the gentleman thinks we will be out as late as October 14?

Mr. McFALL. I would certainly hope we would be able to get out of here by October 6. I think the leadership on the majority side also hopes that this is possible. I think the leadership on the minority side would also like to get out sooner than October 14. Perhaps the gentleman from Michigan (Mr. GERALD R. FORD) might have some comment on that.

Mr. GROSS. Of course, if there are rules required on four of these bills and no rules are granted on those bills, then, according to this schedule, we have only one bill or two bills certain to be considered next week, that is, the Labor-HEW bill and the consumer product safety bill.

Mr. McFALL. Also we have the sending of the minimum wage bill to conference.

Mr. GROSS. Of course, that would require a minimum of 2 or 3 minutes, I assume.

Mr. McFALL. I would hope that the gentleman is correct.

Mr. GROSS. Well, I hope and trust that the majority leader of the other body—I hope and trust that his schedule for getting out of here October 1 will prevail.

Mr. McFALL. I would agree with the gentleman. I hope that, too.

Mr. GROSS. I would hope that the House would not provide any deterrent if the other body is that ambitious and willing to get out of Washington. I would hope that the House would provide no impediment to that, because it seems to me at this stage we are well ahead of the other body in the consideration of legislation.

Mr. McFALL. Well, I would agree with the gentleman from Iowa. I think we both have the same high expectations, and I hope they are not dashed by future events.

Mr. GROSS. It just seems to me it is incredible that the House would even entertain the idea in a presidential election year and with every Member of the House subject to election this fall—it is incredible that it would even entertain the idea of adjourning this House on October 14. This to me is utterly incredible.

I thank the gentleman for what information he has given us.

Mr. HALL. Will the gentleman yield?

Mr. GROSS. I shall be glad to yield to my friend from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding. I just simply rise to a point of information.

I notice that we are going to have the Consent Calendar on Monday, but no suspensions or other bills, because it is a religious holiday. I fancy myself to be a most religious man, and I respect the planning, but what is so irreligious about the Consent Calendar that does not carry over and pervade to the other bill? This defeats me as chairman of the Consent Calendar for the minority side.

Mr. McFALL. As the gentleman knows, this is Yom Kippur coming on Monday. I am advised by the Speaker that it is the tradition that we not have votes on Jewish holidays. We have not met on Christmas; we have not met on Good Friday; so that we observe the tradition of not having votes on Monday. Ordinarily, the Consent Calendar, there are no votes. It is handled efficiently by the gentleman from Missouri Mr. HALL, and the other Members on the Consent Calendar Committee so that there are no votes. For this reason, the Consent Calendar was left on for Monday.

Mr. HALL. As great a respect as I have for Yom Kippur and the feelings of my colleagues, if possibly they care to make preparations more heartily than I do, they might be prepared for a surprise as we call the Consent Calendar on that day.

Mr. GROSS. Mr. Speaker, I withdraw my reservations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. McFALL. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ON RECOMPUTATION OF MILITARY RETIRED PAY

(Mr. DAVIS of South Carolina asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. DAVIS of South Carolina. Mr. Speaker, I deeply regret that the military procurement authorization bill which passed the House yesterday did not include the so-called Hartke amendment on military retired pay. Admittedly a compromise measure, that amendment at least offered an opportunity for the Congress to restore a portion of the pension plan which military personnel have long been led to expect. Indeed, for most of the present retirees, it would have returned to them a major part of the retirement system which was in effect for most of their military careers. Until 1958 all increases in active duty military pay scales brought about the automatic adjustment—recomputation—of retired pay scales.

While I regret that it was not possible to pass that amendment, I can appreciate the reasons for such a decision. I compliment the House conferees for not yielding to the incredible pressures which must have been brought to bear and for maintaining the position that, without full and accurate knowledge of the costs associated with a particular measure, that measure should not be enacted. This is basic fiscal responsibility and deserves commendation.

I also want to express my sincere delight to learn that the recomputation principle is alive and well in the 92d Congress. The chairman of the House Armed Services Committee, the Honorable F. EDWARD HÉBERT, has announced that a special Subcommittee on Retired Pay Revisions has been appointed and will hold hearings in the very near future—before the end of this Congress.

Here, at last, is the opportunity to give this subject the in-depth study it deserves. And, provided that ways can be found to fund it, restitution of the recomputation principle may become a reality in the next session of Congress. It will not be an easy victory, however. No matter which cost estimates one accepts, and there are many versions, recomputation is a very expensive proposition. Nonetheless it is essential, in my view, that the Congress recognize the inequities which the 1958 Military Pay Act created for retired military personnel.

I look forward to the hearings on military retired pay revisions and, if granted the opportunity, I intend to appear as a witness at these hearings to present to the committee the views of the many military retirees who reside in my district.

SOVIET JEWRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 60 minutes.

Mr. PODELL. Mr. Speaker, in the absence of the gentleman from New York (Mr. CELLER), who was suddenly called back to New York, I have taken this time to address the House on a subject which has startled many of us in recent weeks.

I want to thank my colleagues for coming here this afternoon, or this evening, rather, to participate in this special order. In addition to the colleagues who are here, I have some 50 statements of Members of this House who have joined with us in supporting our position, which is critical of the Soviet Union for its recent position on the charging of exit visas, ransom visas, for Soviet Jewry.

I want to thank my colleagues for coming here to explore today Soviet-American trade relations in terms of the problem of Soviet Jewry.

Mr. BOGGS. Mr. Speaker will the gentleman yield?

Mr. PODELL. I yield to the distinguished majority leader, the gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I would like to say to the gentleman that I have asked for a special order on the same subject, and my remarks will be in the RECORD along with the gentleman's remarks.

I would like to express to the gentleman the grave concern that I share along with I think the other Members of this body on the action, or the contemplated action of the Soviet Government in imposing a confiscatory head tax upon the members of the Jewish faith for leaving the Soviet Union. I think this is a disgraceful act. I have been very closely associated with the efforts of promoting of Soviet Union trade, and in my judgment this action very seriously jeopardizes the amity which is required to bring that about.

Mr. Speaker, I commend the gentleman on making his statement.

Mr. PODELL. I thank the distinguished majority leader for his remarks, and am happy in the expression of support from the distinguished majority leader.

Mr. GOLDWATER. Mr. Speaker will the gentleman yield?

Mr. PODELL. I yield to the gentleman from California.

Mr. GOLDWATER. Mr. Speaker, I commend the gentleman from New York for taking this special order to call attention to the plight of those who are seeking freedom.

Mr. Speaker, I rise today to join my colleagues in appealing for suspension of U.S. trade with the Soviet Union until the question of the treatment of Soviet Jews is resolved.

I want to pause in this discussion to present the case of one Soviet Jew who next week faces final action on his appeal to avoid being sentenced to a concentration camp in Russia. This was brought to my attention by Mark Katz, a young community leader in the 27th Congressional District of California.

It all began for Vladimir Markman when he presented papers for exit visas to Israel in 1971. For almost a year and a half he was fighting with Soviet officials for his rights and the rights of other persons for free departure. On April 29, 1972, he was arrested. He was tried in a courthouse and found guilty of anti-Soviet activity and slander of the Soviet state. On August 9, 1972, he was sentenced to 3 years in the notorious Potma Labor camps. During his trial, he was unable to secure an attorney and the only evidence submitted was a satirical book on life in the Soviet Union which was written in 1929.

Markman is now being held in a cell in Sverdlovsk. If his appeal is denied and he goes to the Potma Labor camp—he will never survive. He has a very bad respiratory disease and is severely crippled.

I have made urgent pleas to both Secretary of State William P. Rogers and

Ambassador Anatoly F. Dobrynin to do everything they can to make sure this man is given every possible consideration by the Soviet Government.

I urge my colleagues to join me in this appeal.

Mr. PODELL. Mr. Speaker, I thank the gentleman from California for his remarks.

GENERAL LEAVE

Mr. PODELL. Mr. Speaker, at this time I would ask unanimous consent that all Members may have 5 legislative days in which to submit their remarks in the RECORD on the subject of my special order today.

The SPEAKER pro tempore (Mr. VANIK). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PODELL. Mr. Speaker, the persecution of Soviet Jews by Moscow is well known and well documented to all of us. Recent reports make it clear that the situation is even more grave than anyone thought. Following on the heels of the ransoms are mass arrests and show trials. Telephones are disconnected and radios are jammed.

Jews in the Soviet Union connect these pressures and new harassments directly with President Nixon's efforts to push detent.

They say that the Soviet Government apparently thinks that the U.S. Government will ignore even severe repression and outrageous ransoms all in the cause of detente.

I stand here today, as a Congressman, and as an American, and as a Jew, to say that the United States cannot afford to ignore Russian antisemitism. We must not trade Jews for trucks or computers or technology or gas with these modern Nazis.

I, for one, will vote against any trade concessions for the Russians until they let the Jews go—without huge ransom fees.

I urge the Ways and Means Committee not to pass any legislation to give the Soviets the most favored nation status they want so much until the Russians rescind the exit fee schedule and let the Jews go.

I urge the Appropriations Committee to scrutinize all appropriations legislation for research grants and credits to the Soviet Union and as a condition of any such funding the removal of the exit fees.

I urge the Banking and Currency Committee, in their deliberation on foreign investment and trade to carefully consider whether their actions would encourage Russian persecution of Jews. I urge them to condition expansion of American-Russian trade on the rescinding of the exit fees.

I urge the Agriculture Committee to consider the plight of Russian Jews and this latest barbaric fee schedule when they look into the wheat deal and into the favors our country is granting the Soviet Union.

Most of all, I urge the Russian Government to heed the warnings delivered in this Chamber today by more than 50 Members of the House of Representatives.

The Congress of the United States will carefully consider new trade initiatives in conjunction with the situation of Soviet Jews.

The day has past when the world and the United States averts its attention when Jews are persecuted. It is Washington 1972, not Munich 1938.

Mr. CELLER. Mr. Speaker, shall we be silent when the Soviet Union boldly and without shame demands a ransom for each person of the Jewish faith who wishes to emigrate to Israel? A schedule of fees is placed upon a human life ranging anywhere from $5,000 to $37,000. Next Tuesday the Supreme Soviet meets to ratify the schedule of fees. The transparent excuse is given that the fees are based upon the educational cost. Yet we know that the educated Jew is not permitted to put his talents to use. Should he attempt to adhere to Jewish religious and cultural life, he is faced with the loss of his job, forced enlistment in the army, and forms of harassment designed to compel Jews to deny their heritage.

So coldblooded is this schedule of fees that it is arrived at with a precision of a measuring cup. For example: 4,500 rubles for a teacher's degree; 5,400 rubles for high school graduates; 5,500 rubles for a holder of a BA degree; postdoctoral science degree, 12,200 rubles.

Keep in mind that these fees are to be culminative. Thus each educational attainment carries with it an additional fee in accordance with the schedule set for each advanced degree.

Are we helpless in the face of such inhumanity? Cannot the Congress assert itself by demanding through its trade or other treaties with the Communist countries that the international community recognizes a basic principle of what we term civilized behavior and that is, that human freedom is not for sale.

There are those here tonight on the floor of the House who wish to be heard. The rising voice of the United States Congress will let the Soviet Union know that its official bigotry and tyranny are not "internal" matters.

Mr. PODELL. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I want to commend the gentleman from New York (Mr. CELLER) and Mr. PODELL for arranging this most significant and urgently needed special order.

I think we all should know that on next Tuesday, September 19, the Supreme Legislative Body of the U.S.S.R. wil give final ratification to these outrageous fees that are to be charged to Soviet Jews who desire to go to Israel.

I was in Israel 2 months ago and I met with dozens, even hundreds of Jews who have left the Soviet Union, but I think, Mr. Speaker, that the essential thing for us to say tonight and proclaim it to the entire world is that the new fees to be ratified, and hopefully not on next Tuesday—these new fees are designed to bring millions of dollars in foreign currency to the Russian nation—as much as a half-billion dollars will come in according to some estimates.

We must be very blunt and say that the Soviets are now contriving to finance their international trade agreements with the export of educated Jews.

I agree thoroughly with Congressman PODELL and with the more than 50 Members of this House who will participate in this special order, and I urge every committee and every Member of Congress not to give the grant of the most-favored-nation trading status that is desired by the Soviet Union until Soviet Jews are allowed to go to Israel.

I will vote against any extension of Commodity Credit Corporation loans necessary to complete the wheat deal until Soviet Jews are allowed to go to Israel.

I will vote against any extension of Export-Import Bank credits and modifications by overseas private investment corporation regulations.

I will not in good conscience support—and I am sure that many of the people in this House, and hopefully most of the people in this House, will not support the new Soviet-American trade initiatives until and unless the current Soviet visa fee schedule policy is reversed.

Mr. Speaker, with a bipartisan group of our colleagues, I have sought this special order to indicate the utter seriousness of our concern about recent Soviet policy developments toward Soviet Jews, and to demonstrate that our concern has deep implications with respect to Soviet-American trade relations.

So far this year approximately 20,000 Soviet Jews have received permission to emigrate from the Soviet Union, and until recently it was estimated that 30,000 or more—more than twice the figure for 1971—would leave Russia during 1972. In the month of June alone nearly 3,100 Soviet Jews left for Israel.

In a desperate attempt to halt this long overdue emigration of Soviet Jews to Israel, on August 3 the Supreme Soviet of the Soviet Union adopted a series of regulations governing emigration procedures and establishing new exit fees. On August 14 these new fees were put into effect, to the astonishment and dismay of Soviet Jews and concerned individuals throughout the world.

Prior to enactment of these new laws, every Soviet citizen wishing to emigrate had been forced to pay fees amounting to 900 rubles, or approximately $1,080. The old laws were unjust and repressive in their own right. But the required payment of 900 rubles is dwarfed by the savage and utterly outrageous new laws. These laws, which allegedly require prospective emigrants to "reimburse" the Soviet state for the cost of their education, have resulted in an astonishing escalation of the costs of emigration, an escalation that singles out educated Jews, and in effect commits them to a modern form of slavery.

This is really slavery upon slavery, since Soviet policy regarding emigration of Jews has for years been in literal violation of the Universal Declaration of Human Rights, to which the Soviet Union is a party. That international agreement guarantees the right of every citizen to emigrate.

According to the schedule of fees established, the cost of emigration can range from 5,500 rubles—$6,600—for those who have only finished high school, to 31,000 rubles—$37,000—for those who hold a doctor of science degree. The fees are incremental. Thus, a holder of the initial Soviet higher education degree, equivalent to the American baccalaureate, is assessed a fee of 5,500 rubles in addition to the 5,500 rubles for his high school education. A graduate of Moscow University who held the equivalent of the American Ph. D. would be required to pay 12,000 rubles—$14,200—in addition to the 11,000 rubles—$12,800—required for his earlier education. Other fees are imposed to frustrate emigration, including a 40-percent penalty on those who pay in foreign currency—as all must, since fees invariably exceed savings and average 5 to 8 years' total earnings.

There is no doubt that these oppressive new laws are specifically directed against Soviet Jews, and particularly against educated Jews. Jews constitute the largest group wishing to emigrate from the Soviet Union. They are the most highly educated of the ethnic minorities in Russia. Eighty-five percent of adult Jews in the Soviet Union have received at least a high school education, and current official figures show that 3.15 percent of the Jewish population are university students compared with 1.82 percent of the total population.

What is more, even Soviet officials admit that few, if any, of the Jewish individuals and families wishing to emigrate will be able to pay these fees. According to one published report, 65 Jewish familes were stranded in the Soviet Union during the first 6 days in which the new laws were in effect. The total amount of exit fees owed by these families alone—the ransom for their release—is approximately one-half million dollars. To expect that these Russian families could raise this sum from their own savings is ludicrous: the average monthly income in the Soviet Union is approximately $153, and although professionals and scientists are somewhat better paid, their average monthly income is only $240. Moreover, Soviet officials have made it clear that only cash is accepted, not personal property.

But unless these 65 families, only the initial group to suffer this great injustice, are able to pay their ransom they will be left in a hellish no-man's land—stranded in Moscow with no money, no homes, no places to go, no papers, and no prospects.

Soviet officials have advised American Jews that they can pay the costs imposed on their Russian brethren. All that is necessary, Soviet officials have told American Jews, is to "transfer through your American bank the necessary amount, and they—the Soviet Jews—will leave."

In essence the Soviet Union is attempting to blackmail the world Jewish community into paying the ransom of each educated Jew. The action of the Soviet Union is simply extortion, for the lamest of reasons and the flimsiest of pretenses.

The Soviet Union claims that these fees are justified because of the State's investment in the education of each of the emigrants, an investment which, we are told, is wholly in forfeit if the educated person leaves. The truth is different. In a letter to the New York Times of September 11, Zev Katz, of the MIT Center for International Studies, thoroughly refuted these Soviet claims. He noted that according to Soviet sources the cost of education for a full-time university graduate is 1,000 rubles for 4 years of precollege education, plus 4,500 rubles for an average of 4½ years of higher education, a total of 5,500 rubles. However, the Soviet exit fees require a university graduate to pay 12,500 rubles—more than twice as much as his education cost. "There is obviously no correlation between the actual costs of education and the payments sought," concluded Mr. Katz.

The Soviet claim that their action is to end a "brain drain" is also transparently false. Time and time again, even before the harsh new fees, Soviet scientists and other highly educated persons have been fired, demoted, and silenced simply for making an application to emigrate. Dramatic evidence of this repression was recently supplied by Prof. Benjamin Levich, an eminent Soviet Jewish physicist, and a member of the prestigious Soviet Academy of the Sciences, who has applied to emigrate. In a letter to the International Biophysical Congress, Professor Levich told of what happens to those scientists who wish to emigrate:

> The scientists who apply to the authorities for the permission to leave for Israel are magically transformed into outcasts who are deprived of any right of continuing a scientific activity: publications forbidden, even being cited forbidden.
>
> A person is immediately expelled from any kind of scientific council, editorial boards, demoted and often fully discharged.
>
> A person is constantly living under the conditions of permanent pressure and anguish for the fate of his family and himself.

Given conditions such as these, the Soviet claim that high exit fees will stop a "brain drain" is clearly a sham, for the actions routinely taken against Jewish scientists deprive the Soviet Union of the talents of any Jewish scientist who indicates a desire to emigrate to Israel.

Under such circumstances, the work of all Soviet Jews is hindered by fear—all consideration of emigration aside. In his letter Professor Levich made the following profound observation:

> The violation of the civil rights of scientists as compared to other people and the transformation of scientists into the property of the Government is a dangerous precedent.
>
> Today it is the fate of perhaps a small group of scientists at a certain place of the world. Tomorrow it may happen to anybody and anywhere. The brains as well as the hands of any human being are his personal property. I believe as well that the persecution of scientists and the prohibition of their scientific activity as a punishment for their moral and conscience convictions is inhuman, immoral and disgraceful.

Soviet law already requires that every Soviet citizen who has received a higher education is obliged to spend 3 years in service of the government at an assigned ministry or educational post. Thus, required "reimbursement" payments for exit visas constitute a form of double jeopardy in violation of the United Nations Universal Declaration of Human Rights—article 13(1).

In view of these facts, the true motives of the Soviet Union are clear. The new fees are yet another example of the Soviet Union's official policy of harassing Jewish citizens—a policy that has long been demonstrated and which is surely not in the process of decline, as some might have us believe.

These new fees divide and panic the Soviet Jewish community. Educated Jews are divided from their uneducated brethren through the discrimination of the education fees. Jews who wish to remain in the Soviet Union become resentful of those who desire to leave, fearing that the troubles of the latter group will reflect on the already victimized Jews who plan to continue their lives in the Soviet Union. Finally, these fees force a cruel choice upon younger Soviet Jews. They can either choose to continue their education, knowing that as a result they may never be able to leave the country, or they can forgo their education, still without any assurance that they will be able to leave should they wish to. It should be noted that young Soviet Jews who do not go on to universities are obligated to spend at least 2 years in the military service—and for those 2 years, and 5 years thereafter, neither they nor their family are allowed to leave the Soviet Union.

In my view, there is something even more foul than antisemitism implicit in these exit fees. The Soviet need for foreign currency is well known, and this need is especally critical now, in view of the recently negotiated foreign trade agreements, particularly the $900 million wheat deal with the United States, with the prospect of multibillion dollar agreements in the near future.

It has been estimated that 150,000 emigration requests have been received from Soviet Jewish families. Thus, as many as 400,000 Soviet Jews wish to leave Russia, and recent trends indicate that an increasing percentage of those desiring to leave will be those Jews with the higher education that these new fees penalize. Jewish spokesmen have indicated that 40 percent of those Soviet Jews living in Moscow, and one-quarter of all Jews throughout the Soviet Union, will be affected. Even if emigration were to remain at the current rate of 30,000 per year, these new fees are designed to bring in millions of dollars in foreign currency—as much as one-half billion dollars, according to some estimates. In this light the reasoning behind the Soviet Union's decision to apply a 40-percent surcharge is revealed as another cruel device to extort more hard currency—currency that could be used to pay for American wheat, for example. Thus the Soviets contrive to finance their international trade agreements with the export of a most unusual quantity—educated Jews.

The lessening of tensions between the United States and the Soviet Union is a vitally important goal, and of course I applaud all actions which seek to promote international understanding and harmony. But the desire of our country for international peace must not blind us to injustice where it exists and should not inhibit us from acting to eliminate this injustice. We must remember that there can be no real peace when nations flout international agreements—the Universal Declaration of Human Rights in this case—or when nations barter the freedom of human beings in return for some perceived economic advantage.

It is my belief that the continuation of the Soviet Union's exit visa fees policies depends to a measurable degree on whether the United States takes firm action to demonstrate its outrage. Soviet trade policy has historically been intimately connected with political considerations that depart from the actual substance of the agreements enacted. It is a moral imperative that the United States make its condemnation of the education visa fees known to the Soviet Union in the strongest possible way.

Therefore it is appropriate for the Government of the United States to make it absolutely clear to the Soviet Union that the successful conclusion of the recently negotiated trade agreements, and other upcoming Soviet-American trade developments, is dependent on whether the Soviet Union acts to repeal these education exit visa fees.

There are a number of issues that Congress can deal with which directly affect American economic relations with the Soviet Union. Among these are the granting of the most-favored-nation trading status desired by the Soviet Union, the extension of the Commodity Credit Corporation loans necessary to complete the wheat deal, extension of Export-Import Bank credits and modifications in the Overseas Private Investment Corporation—OPIC—regulations which would permit insured American private investment in the Soviet Union.

I cannot in good conscience support new Soviet-American trade initiatives until and unless the current Soviet visa fee schedule policy is reversed.

Mr. PODELL. Mr. Speaker, I thank the gentleman from Massachusetts for his excellent statement and his wonderful support.

I yield now to the gentleman from Alabama (Mr. BUCHANAN).

Mr. BUCHANAN. Mr. Speaker, I thank the distinguished gentleman for yielding.

Mr. Speaker, the repression of Jews within the Soviet Union appears to be growing still. Repeatedly, we in the United States have expressed our great concern over the actions by the Soviet Government against its Jewish citizens.

Recently, we were deeply shocked by an even greater harassment in the form of higher fees for those seeking to emigrate.

Shortly after these new fees were initiated, my colleague from New York (Mr. Dow) and I met with an official of the Soviet Embassy here in Washington to express our concern and that of many other Members of the Congress over the treatment of Soviet Jews.

We carried with us a letter from nearly 100 Members of this body to Communist Party leader Brezshnev expressing our concern that relations between the United States and the U.S.S.R. might be hampered by the Soviet Union's policy toward its Jewish citizens.

We were told at that time that the problems of Jewish citizens of the Soviet Union were an internal problem and of no concern to the people of the United States. Our response at that time, and it is the same today, is that Americans are concerned about human rights everywhere.

In my judgment, it would be totally unrealistic for the Soviet Government to think these actions will not be an issue as we in the Congress and in the Nation are confronted with Soviet desires for trade arrangements with and concessions from the United States.

The repressions of which I speak, Mr. Speaker, are manifold. They include prohibitions against the practice of religion and the banning of books in Hebrew. They include job discrimination, discrimination in educational opportunities, and, of course, discrimination in emigration policies.

But they also include harassment and arrests of those who seek to leave the Soviet Union or to acknowledge their Jewishness, induction into the military, job loss, intensive questioning, disconnection of phone lines, and travel restrictions.

These higher fees represent a further attempt to stifle the individual freedoms and human rights of a large group of Soviet citizens.

Because these actions are so repugnant to our American concept of the inalienable rights of man and the limited rights of government and to our way of life in this free society, they cannot be ignored by the American people and will not be ignored by the Congress as it considers the role of future relations with the Soviet Union.

This treatment of Soviet Jews also gives rise to a great question of credibility on the part of the Soviet Government. The Soviet Union has signed the United Nations Declaration of Human Rights, but refuses to live up to that declaration. At the same time that government expects the United States to believe that it will live up to any agreements signed between the two governments.

To the leaders of the Soviet Union, I would say, we in the United States are waiting for an answer, just as thousands of Jews within the Soviet Union are waiting for freedom and an end to the Soviet policy of ethnic and religious repression which hangs as a cloud over better relations between the United States and the U.S.S.R.

Mr. PODELL. Mr. Speaker, I thank the gentleman from Alabama for his comments.

Mr. VANIK. Mr. Speaker, will the gentleman yield?

Mr. PODELL. I yield to the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Speaker, with the President's recent trip to Moscow—a trip hailed as both necessary and welcome—the United States has entered a new period of detente with the Soviet Union. But while America is busy selling grain to the Soviets, the Soviets are busy selling bodies. What should have produced a new high in human relations has seemingly contributed directly to further destroying the rights of millions of Jews living in the Soviet Union.

Before the President's arrival in Moscow, the situation of Soviet Jews was bad—emigration from the U.S.S.R. was a long and difficult process; Jews were unable to study their history; practice their religion; or read their Hebrew books. The Soviet state was continuing its longstanding efforts to destroy Jewish culture. Many of us here tonight wrote the President and later telegraphed him in Moscow urging that he raise the question of human rights—both of Soviet Jews and Lithuanian Catholics—with the Soviet leadership. But after the President's visit, the situation further deteriorated.

As early as the fall of 1970 reports indicated that a new and heavy tax would be imposed on those Soviets wishing to emigrate and that the amount of tax would vary in accordance with the amount of education that person had received. After the President's visit, and after major trade agreements were signed, the "ransom" would range from 2,000 rubles to 25,000 rubles or even as high as 87,000 rubles and would be further computed according to the country to which an individual—a Jewish individual—desired to go. There is no guarantee that these ransom rates will not rise even higher.

With an average income of 140 rubles per month, it would take most Soviet citizens 10 years or so to be able to save the necessary funds. The Soviet Government says that this "exit fee" is repayment for the education received from the Soviet Government.

For many people who had been expecting to leave—for many who have gone through the entire, complicated exit permit process and were simply waiting for their appointed departure date to arrive and upon whom this new tax was imposed—hope turned to desperation. In some cases, raising this amount of money may violate economic laws selectively enforced by the Soviet Government. Students have begun withdrawing from the universities or not enrolling at all—because the more education one has received, the higher the ransom. But young males not continuing a course in higher learning are subject to Soviet military service and upon completing military service are prevented from leaving the Soviet Union for a period of up to 5 years—and many of the families of these servicemen also come under this restriction. Scientists and those with highly sensitive or security jobs may be prevented from leaving under any circumstances.

Not only are Jews being prevented from leaving the Soviet Union, but they are also being systematically prevented from living any kind of "normal" life within the Soviet Union. Just prior to the President's visit, and still in effect at the present time, all radio communication from foreign countries was cut off. Soviet "citizens" were not allowed to enter the American Embassy for information they desired. Telephone service to important Jewish leaders was cut off. Jewish people have been subject to widespread interrogation by the KGB. During the President's visit, Jews were not only subject to house or city arrests, but Jewish leaders in Moscow were actually incarcerated and thrown in jails several miles from Moscow—where there would be no chance of their presenting a protest petition to our President. Upon being released, the prisoners were told outright that their arrests were because of the President's visit.

Since the President's trip, arrests have been accelerated—especially under "Article 70," a catch-all subversion clause that would indict anyone wanting to leave the country.

These anti-Semitic actions have not been committed only against Soviet Jews—which is outrageous enough—but against foreigners as well. Americans were shocked at learning that car windshields were broken and tires were slashed on cars belonging to American officials in our Embassy, but few people were aware of the fact that these officials all happened to be Jewish.

The United States must act now to stop this harassment and enslavement of Soviet Jews. I was pleased to join with a large number of my colleagues earlier this week in sponsoring the following resolution:

Whereas the Soviet Union has refused to permit Jewish citizens to emigrate from a land where they are forced to live with bigotry and repression to Israel, which is offering them a home; and

Whereas the Soviet Union has been confiscating almost all of the possessions of those Jews who are permitted to go to Israel; and

Whereas the Soviet Union has begun demanding a ransom of up to $25,000 for Jews who have an advanced education: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Government and leaders of the Soviet Union should be condemned for creating a class of slaves in the twentieth century by forcing thousands of people to live and work in a country which they want to leave, because they do not have the money to ransom themselves into freedom.

But resolutions and verbal condemnations are not enough in this situation. It appears that the Soviets have waited to take this action until certain trade agreements with the United States had been completed. It is obvious that the Soviet economy is desperately in a need of a larger quantity of consumer and industrial goods. It is even more obvious that the Soviets face a constant problem with the agricultural sector of their economy. Over the years, they have had repeated shortages and they have been unable to develop the feed grain supplies they need to increase their meat consumption.

Therefore, it is time that we act to limit these trade agreements—until the Soviets agree to religious freedom and to the freedom of emigration of all citizens.

As a member of the House Ways and Means Committee, which has jurisdiction over most trade matters, I have been active in trade legislation. It has been my hope over the years that trade could help the American economy and contribute to a lessening of world tensions. As a result, in the past, I have sponsored legislation to provide for increased East-West trade and to extend most-favored-nation trading status to some Eastern bloc countries.

A nation which demands ransom for human beings must not be rewarded with a favored nation or preferred trading status.

I would like to announce here and now, that, though I am cosponsor of this type of legislation, I will oppose it in the Ways and Means Committee and on the floor of the Congress unless the Soviets cease this harassment and eliminate this ransom requirement—a requirement that is reminiscent of the Egyptian pharaohs' edicts of 3,500 years ago, or—more recently—Hitler's plan of trading human beings for trucks. Basic human rights transcend any economic considerations.

It is time now, as trade breakthroughs are announced with the Soviet Union, that we draw the line. As a member of the Ways and Means Committee, I shall introduce legislation next week to preclude any further consummation of trade agreements unless and until the Soviet Union ceases the harassment of its Jewish citizens and recognizes the full meaning of its own constitution on freedom of emigration and expression. This ransom must stop and our trade advances must be suspended until this goal is achieved.

In addition, Mr. Speaker, I will oppose legislation to extend credit and trade and investment insurance to the Soviets until this harassment is terminated.

The Soviets have recently completed the purchase of some 800 million bushels of wheat—the most massive wheat purchases ever made. They may still be purchasing additional supplies at this time. I have previously criticized these sales on a number of grounds. There is the strong possibility that there was "insider" trading information between certain Department of Agriculture officials and the major wheat exporting companies. But, principally, this wheat sale, is the equivalent of a "Russian bread tax" on the American consumer. When one counts all the costs to the American taxpayer of supporting the wheat subsidy and export programs and higher prices which made this sale possible, it appears that the cost of this wheat sale to the American public will exceed $1.5 billion. Now that the price of wheat has risen 50 cents a bushel and there are shortages in our remaining wheat reserves, I believe that we should limit any further sales of wheat. In particular, we should prohibit the shipment of any more wheat to the Soviet Union which is, in part, purchasing this wheat with the ransom currency extorted from its own citizens. It is incredible, but it appears that the Soviet Union is expecting compassionate Americans to pay the ransoms for their captive families and friends in the Soviet Union to generate cash to purchase American wheat. This is not trade—it is extortion.

I would like to remind the House that the Export Control Act provides that the Secretary of Commerce can limit the export of commodities if it effects the welfare of the domestic economy.

The act states that it is the policy of the United States to use export controls to the extent necessary to protect the domestic economy from the excessive drain of scarce materials and to reduce the serious inflationary impact of abnormal foreign demand.

It is time that the Secretary of Commerce exercise this authority. If he does not, then we should legislate export controls for wheat immediately—to prevent a Soviet bread tax on Americans—to prevent trade with an extortionist nation.

It is our moral duty to use all the power at our command to influence the Soviet Government to stop this policy of harassment and persecution. We must always remember that all men and women are members of the same family—and that the denial of liberty of any person is a danger to us all.

At this time, these moral considerations of freedom and human rights of the Jews and others living in the Soviet Union have particular importance as we approach the highest of the holy days—Yom Kippur. The hatred and contempt represented by these actions of the Soviet Union against its own citizens must be decried, vigorously opposed, and halted if our beliefs in these basic freedoms for all mankind are to be realized. We cannot, in good conscience, allow economic consideration to override these basic human rights. It is time for the United States to draw the line.

Mr. PODELL. Mr. Speaker, I thank the gentleman from Ohio (Mr. VANIK) and congratulate him on his excellent statement.

Mr. Speaker, I had intended to yield to BELLA ABZUG, my colleague from New York, at this time. However, Mrs. ABZUG's aged mother fell last night and broke her hip, a very serious matter for an elderly individual, and the gentlewoman left for New York as soon as she cast her vote on the defense appropriations bill.

Congresswoman ABZUG had prepared a statement for this special order, and I hand it in for inclusion in the RECORD at this point.

STATEMENT BY CONGRESSWOMAN ABZUG

Mrs. ABZUG. Mr. Speaker, I would like to take this opportunity to commend the distinguished dean of the House and chairman of the New York delegation, Mr. Celler, for taking this special order.

As we celebrate the new Jewish year of 5733 we must again reflect on the conditions of Jews in the Soviet Union. We have recently learned that the Soviet Union is going to require all those who wish to emigrate to pay retroactively for the cost of their education. At an estimated cost of between $5,000 and $25,000, this is nothing more or less than ransom.

The right to emigrate is one of the basic freedoms guaranteed by the United Nations Declaration of Human Rights. The Soviet Constitution, as well, provides for a free education for all of its citizens.

I have written to the United Nations Human Rights Commission to protest this new attack on basic human freedoms. The issue of Soviet Jewry has been raised in the court of world opinion and we must do all that we can to keep it before that body.

There is a considerable amount of economic intercourse going on between the Soviet Union and the United States these days, and the Russian government is obviously anxious to increase it even more. I would have serious reservations about granting them special trade treatment and providing the $5 billion in investment guarantees that American corporations are seeking through the Overseas Private Investment Corporation for investment in the Soviet Union if they are going to attempt to extort money from Jews who desire to emigrate. I very much favor increased trade with the Soviet Union. I think that it is an important way of increasing our understanding of one another, but such antics as seeking to ransom Jews give me pause. I do hope that the Soviet government will reconsider this ill-advised policy and agree to abide by the guarantees of the U.N. Declaration of Human Rights and the Soviet Constitution by permitting emigration by those who desire to leave.

We must remember that in addition to those Jews who wish to emigrate there are many who wish to identify as Jews but remain in the Soviet Union. However, free access to Jewish language, cultural, religious and educational institutions and publications, which flourished during the early years of the Soviet government, barely exist today.

The practice of religious freedom is supposedly allowed under Soviet law, but in actuality, unlike other recognized religious groups, Judiasm is not permitted any central or coordinating structure in the USSR, and publication of prayer books is severely limited.

As we approach the highest Jewish Holy Day, Yom Kippur, I urge all people, Jew and non-Jew alike, to make the plight of Soviet Jewry part of their prayers.

Mr. PODELL. Mr. Speaker, I yield now to the gentleman from New York (Mr. Dow).

(Mr. DOW asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. DOW. First I should like to commend the gentlemen from New York (Mr. Celler and Mr. Podell) my colleagues from New York, for arranging time so that we may express ourselves on the great problem of the treatment of the Soviet Jews by a tyrannical Russian Government.

Often when we discuss the persecution of our fellow man we can only relate to unfortunate events from newspaper articles or third-person accounts. When stories of repression and persecution come to us through the printed word or from a reporter on television, it is difficult to gain a sense of empathy—which, of course, is essential if we are to feel compassion for the suffering of others.

Tuesday the pain of religious persecution in the Soviet Union was brought right into my office. I had a 7-minute conversation with a woman in Moscow who has seen unending harassment since she, her husband and her two daughters applied for visas for Israel. It required 37 calls before the authorities finally put the call through.

Mrs. Lydia Korenfeld was an interpreter. Her husband was a mechanical engineer. They had a car and a nice apartment. Yet when they asked the Soviet Government if they could leave, the answer was an emphatic "No." Furthermore, both Mr. and Mrs. Korenfeld subsequently lost their jobs. Neither has worked for a year.

I would like to submit a transcript of my conversation with Mrs. Korenfeld. She must be a very courageous woman, since she may suffer further reprisals after speaking to a U.S. Congressman. I would not have called her, but that her friends in the United States urged me to do so.

Her story is probably not far different from those of hundreds of thousands of Soviet Jews who have risked all their material possessions—and even arrest—in the hope of gaining their freedom.

The transcript of our phone conversation follows below:

Transcript of Conversation Between Representative John G. Dow and Lydia Korenfeld in USSR

JGD: Is this Mrs. Korenfeld?

LK: Yes.

JGD: Congressman John Dow from Washington.

LK: Oh! Hello. So nice to talk to you.

JGD: This is the first time I'm glad to talk to you. Now, tell me, how did you celebrate the Rosh Ha-shanah holiday?

LK: Well, the Rosh Ha-shanah holiday was not very merry here. Mostly because we could not go to the synagogue.

JGD: You couldn't go to the synagogue.

LK: No. The street was cleared of everybody starting at seven o'clock in the evening and everybody who went to the street to go to the synagogue was thrown away. There was a lot of police. They didn't permit people to go to the street.

JGD: The policemen turned you away?

LK: What?

JGD: I say the policemen turned you away?

LK: Yes they did.

JGD: That's to bad.

LK: I explained to them that it's a religious holiday and everybody is entitled to go to their church. They said . . . "No, you won't."

JGD: I'm sorry to hear that.

LK: It was very bad.

JGD: How are you living now? Do you have any money to live on?

LK: Well, I don't work for a year and a half and my husband doesn't work for more than a year. We can't find any kind of work anywhere, nobody . . .

JGD: Well, then how do you get along?

LK: Another person in my family is working—my daughter, Ludmilla. She was thrown out of college when she applied for a visa for Israel. Now she is working as a typist.

JGD: Your daughter is working?

LK: Yes. She's the only one in the family working. She is working as a typist. She supports her father, mother and sister.

JGD: She must be your daughter Ludmilla—she's working.

LK: Yes.

JGD: She was studying electronics. Is that it?

LK: I see you know about all our family. It's very good.

JGD: Yes, I heard about your family. Well, I hope you have better luck. Now, do you have any message to tell me?

LK: Well, you know our position. You know our new financial decrease and you understand that.

JGD: Yes I do.

LK: It puts us in a very difficult position.

JGD: Pardon?

LK: I say that all these new events puts us in a very difficult position . . . with our lives.

JGD: Well, there are many people in America that are concerned about you. And about other Jewish people that are having difficulty and being persecuted. We think of you and we don't know exactly what we can do, but many of the Congressmen are concerned about it.

LK: It's very nice that ordinary people are concerned and even more nice than congressmen who are politicians. It's very important that you think about us.

JGD: What would you want the congressmen to do to help you?

LK: I'm definitely sure you know much better what to do. I just want to tell you and all your friends that you're friends of ours . . . families here in Moscow . . .

JGD: Well you tell your friends that I called.

LK: Yes I shall and please tell your friends that we hope they will work hard. And Do something to help us! Otherwise our situation is very desperate.

JGD: Yes, well, don't lose your spirit.

LK: We try not to.

JGD: Don't do that, because I think the Russian government does listen to the views that are expressed around the world.

LK: We hope so because now the attitude of the authorities over Jews who want to go to Israel is very severe.

JGD: Perhaps I better say good-bye to you and I'll call again sometime.

LK: Good. Very good.

JGD: You know they were going to arrange for me to call you tomorrow, but apparently they got the call sooner so if you get word that I'm going to call tomorrow, you tell them that I did call today and that I'll call some other day.

LK: O.K.

JGD: Well, give my respects to Mr. Korenfeld and to your two daughters.

LK: Thank you very much and my respects to your family.

JGD: I will do that. I hope we can talk again sometime.

LK: I hope so.

JGD: Yes. Well, good fortune.

LK: Thank you. Good luck.

JGD: Shalom.

LK: Shalom.

JGD: Bye.

Mr. Speaker, I yield back the remainder of my time.

Mr. PODELL. Mr. Speaker, I thank the gentleman from New York and thank him for his excellent statement. I should like to state at this time that during a recent visit I had made to the Soviet Union, during the dead of night I met with Mrs. Korenfeld and heard her story firsthand in the same manner as the gentleman from New York (Mr. Dow) heard it when he spoke with Mrs. Korenfeld by telephone. It is truly a tragic situation.

Mr. Speaker, I now yield to the gentleman from Florida (Mr. Fascell).

Mr. FASCELL. Mr. Speaker, I thank the gentleman from New York for yielding and for taking the time to give the Members of this body the opportunity to express themselves on several matters of serious concern: Moral, economic, personal, and otherwise.

Mr. Speaker, I seriously question whether the agreement for grain and other commodities with the Soviet Government should be consummated as long as the ransom for Jews is being demanded. The ransom which the Soviet Union is demanding will, in my judgment, be used to pay for a good portion of the grain which the Soviets will be buying from the United States.

The grain agreement announced July 8 calls for the United States to sell $750 million of grain to the Soviet Union.

With serious wheat shortages there this year, that amount could go as high as $900 million or even $1 billion.

Since the ruble is not an international currency, the grain will have to be paid for with dollars or some other hard currency.

On August 3, the Soviet Union imposed an "education tax" ranging from $5,000 to $37,000 on each Jew granted a visa to leave that country. The "tax" is based on the degree of education attained by the individual. In addition, there is a 40-percent surcharge for paying the "tax" in foreign currency. Since it is virtually impossible for a Soviet citizen to save such large amounts of money, the "tax" or ransom, as it is in reality, will have to be paid by outside sources.

Prior to August 3, the Soviet Union maintained a $1,000 fee for emigration permits for Jews wishing to leave the Soviet Union.

The vast majority of the ransom which will be paid for the release of the Soviet Jews will probably come from Americans. Estimates as to how much money this will entail range from $85 to $340 million.

Thus, nearly half of the grain purchased by the Soviets could be purchased with money provided to the Russians by Americans. This, in effect, puts Americans in the position of buying the grain for the Soviets.

This may have been a good financial move on the part of the Soviets, but one that is unconscionable for the United States to be a part of.

I have written to the President urging him to take positive action in protest of the Soviet demands for ransom for Jews who wish to emigrate. Specifically, I urged him to instruct the Secretary of State to issue a formal protest to the Soviet Government expressing the deep concern of the American people and urging that the "tax" be rescinded immediately, and to instruct our permanent Representative to the United Nations to bring this situation before the Commission on Human Rights and the General Assembly.

I feel strongly that the United States should seek the elimination of the ransom on Soviet Jews prior to beginning deliveries of wheat and other commodities to the Soviet Union.

Mr. PODELL. I thank the gentleman from Florida for his excellent statement. I should like to add that I share his views, and certainly appreciate the wonderful statement he has made.

I now yield, Mr. Speaker, to each of the individuals who has requested time here.

I should like to state this further thought, that the Soviet Union must be made aware. These statements were gathered within the past 48 hours. The individuals who spoke here did so within 48 hours. More than 50 Members of the Congress have expressed their thinking here today.

We would like the Soviet Union to know if they expect to continue free and open trade with this country they are going to have to let the Jews leave without trying to sell their bodies, because otherwise this country is not going to trade with them.

Mr. RODINO. Mr. Speaker, the terrorist activities of last week have shaken the conscience of the entire world. Lives were unjustly taken, families were severed, and great suffering has taken place. Yet, we all recognize that terrorism can show its face in many different forms. Existence can be stifled, families can be unfairly separated, and men can live in fear and anguish without the direct use of an assassin's bullet.

The recent educational ransom which has been demanded of Soviet Jews wishing to immigrate to Israel represents the most cruel and most oppressive form of persecution yet to be inflicted upon these innocent people. In a discussion early this morning on this crucial situation with Mr. Leonard M. Schroeter, the principal legal assistant to Israel's attorney general, attention was focused on the scope as well as the deep psychological effect of this horrid "brain tax."

To begin, 150,000 visa applications have been sent out to Soviet Jewish families, implying that approximately 400,000 individuals are presently involved in some area of the immigration process. Judging by the educational level of those who have already immigrated to Israel, about 40 percent of those applying from Moscow, about 35 percent of those from Leningrad and in general about 25 percent of all those who have made visa applications will be subject to this ransom fee. Thus the sum demanded by the Soviet Government is an amount exceeding $0.5 billion.

Second, a university graduate earns approximately 128 rubles per month. By an average estimate, 15,000 rubles are now needed to complete the requirements of this exit fee. It would involve an individual's gross income of between 10 and 12 years to achieve this end, and in a country where every penny must be used toward food and other vital necessities, this demand is virtually impossible to answer. An individual is placed in a complete state of helplessness. As a result, families may panic and try to sell their belongings through the black market—an act which constitutes an economic crime in the Soviet Union and which will lead to immediate arrest. Jewish youth have responded by withdrawing from the universities. However, withdrawal implies immediate induction into the army or navy. A Jew is therefore forced to fight and to swear by an oath which places him on the other side of the Suez, making him a direct enemy of his own people. In addition, after a 2- or 3-year term of service, one must remain in Russia for an additional 5 years, thereby freezing one's possibilities of immigrating for 8 full years.

It must be stated again and again that we in the United States do not accept the idea of human bodies for sale. Under no circumstances should money be raised to pay this ransom fee. The Soviet appetite will only increase to levy additional fees from those who have graduated from secondary and from technical school as well, and who knows what other demands will be formulated. Just as we cannot give in to the demands of terrorist assassins we cannot give in to the demands imposed at this time.

As Chairman of the House Subcommittee on Immigration and Nationality, I have introduced a bill calling on the President to take all possible steps to help persuade the Soviet Union to rescind the recent discriminatory schedule of exit fees. Although the decree applies to anyone emigrating from the Soviet Union to a non-Communist country, obviously it is geared specifically toward further harassment of Soviet Jews. I stressed in this bill:

> The United States has traditionally upheld the free movement of all peoples as a basic human right, and the imposition of this brain tax is in effect an outright case of criminal blackmail. It is unconscionable to keep men, women and children in a country against their will by this sinister device, and Russia must be made aware that civilized nations throughout the world will not allow this blackmail attempt to go unchallenged.

On previous occasions, I have urged the President to aid Soviet Jewry, speaking in the name of all humanity. On May 9, the State Department reported that the United States would make $2 million available to assist Soviet Jews who desired to immigrate to Israel. This announcement came only 3 weeks after I had called on the President to take such action.

In the present session of this Congress, I urged the Attorney General to permit certain defined refugee groups to enter the United States and on August 1971, responding to my continued efforts. Attorney General Mitchell used his authority to parole all Soviet Jews who were able to leave the Soviet Union and who desired entry into the United States.

This year, I had the honor of being elected chairman of the Intergovernmental Committee on European Migration—an organization which has, since the close of World War II, assisted in reuniting dispersed and separated families and in giving them the strength and the hope to rebuild their lives.

I am, therefore, acutely aware of the needs and rights which have been so unjustly taken away from Soviet Jews. It is my fervent hope that this horrid tax will soon be lifted and that the Soviet Union will realize that such action, severely condemned by all those in this Chamber tonight, simply cannot continue.

Mr. CAREY of New York. Mr. Speaker, I wish to add my voice in condemnation of the Soviet Union for its establishment of a schedule of exorbitant visa fees for educated Jews who wish to emigrate. This policy can only be called a reprehensible form of extortion.

For those Soviet Jews who have been engaged in a constant and continual struggle to emigrate to Israel, sustained for such long periods only by the hope that the visas would be granted, this new policy means the end of hope.

The ransoming of human beings is one policy all decent men must absolutely refuse to accept. Indeed, the response of the Jewish leadership in the Soviet Union has been that under no circumstances is the ransom to be paid. In their view, according to Mr. Leonard W. Schroeter who just returned from visiting Soviet Jewish leaders:

> The Soviet appetite with respect to this matter is unlimited, and if ransom is paid it will only encourage further imposition (already threatened) with respect to technical schools and even secondary schools.

Another distressing feature of this policy is that it may have been instituted at this time in order to obtain much-needed hard currency with which to purchase Western goods. The Soviets may be acting on the premise that the world Jewish community will pay the ransom fee to help its brethren emigrate to Israel.

If economic gain is indeed one motive for the further Soviet harassment of Jews, then it is appropriate that the United States link the moral issues involved with United States-Soviet trade relations.

Congress has the constitutional responsibility for the establishment of trade relations with other nations. Most-favored nation and other forms of tariff treatment, Ex-Im Bank credits, and OPIC guarantees are all legislative matters which the Congress will consider.

The Soviets have already made it known that they are seeking MFN treatment as an important priority in any future negotiations. Legislation granting such authority must be approved by the House Ways and Means Committee, of which I am a member.

I hope that my colleagues will join me in putting the Soviet Government on notice that if it persists in this ransom declaration, we may take appropriate action to revise our trade arrangements with the Soviet Union.

Mr. Speaker, the prospect of a denial of the trade terms which the Soviet Union desires would demonstrate far more clearly than any political pronouncement that the imposition of extortionist visa fees can prove to be economically counterproductive for the Soviet economy.

Mr. Speaker, I urge my colleagues to join the efforts to insure that the spiritual and cultural—and now economic—rights of Soviet Jews are not extinguished and that those who wish to emigrate are given a chance to do so.

Mr. SCHEUER. Mr. Speaker, Presidential Adviser Henry Kissinger will leave Moscow tomorrow after the completion of talks which have accomplished significant Soviet-American trade agreements. Three days after his departure, the Supreme Soviet will meet to ratify the schedule of fees which are to be imposed on educated Soviet Jews who are seeking to emigrate from the Soviet Union. I thoroughly condemn these extortionist Soviet visa fees and I believe that it is essential that we link the issue of increased trade with the imposition of these oppressive ransoms.

In Moscow alone, 40 percent of the applicants for visas will be affected by the new tax requirement. The average amount per application is estimated at 15,000 rubles, a sum that is roughly equivalent to 10 years of gross income. The aggregate amount over the next year or two would be 675 million rubles, or upwards of three-quarters of a billion dollars.

The Soviet Union's placing of price tags on state-supplied education is a reprehensible form of extortion. The transparency of the Soviet argument that they are trying to recoup educational expenses is evident: All Soviet citizens produce far more than they consume. The argument that the Russian Government is acting to end the brain drain is equally fallacious, because once a Soviet citizen announces his determination to emigrate to Israel, he is fired from his job and must find menial tasks to earn his livelihood. Many distinguished Soviet scientists, including members of the Soviet Academy of Science, have been forced into unemployment or have only been permitted to work at menial jobs simply as a result of their having applied for an exit permit.

There can be no justification for the posting of a price list on human beings. If this is an attempt to limit the number of Soviet Jews who seek higher education, it is indefensibly repressive. If this reflects despair on the part of Soviet officials that their efforts to intimidate the Jews have not worked, then it is an obscene and inhumane desperation. If this is an attempt to obtain much needed foreign currency by blackmailing the world Jewish community into ransoming its brethren, then Soviet officials have made the unforgivable decision to ransom Soviet citizens for foreign exchange.

We cannot allow ourselves at this critical juncture to commence a "business as usual" approach in the granting of trade concessions to the Soviet Union in the face of its blatant disregard for human decency. We must absolutely refuse to accept the Russian's repression by extortion.

Our Government must bring all possible pressure to bear on the Soviet Government for an immediate cessation of its unjust and immoral strictures against Soviet Jews. We cannot be a party to a trade of lives for profits.

Mr. Speaker, on August 14, the free world was shocked and dismayed to learn of the Soviet Union's enactment of legislation requiring huge and unrealistic sums of money to be paid in order for Jews to receive permission to emigrate to freedom.

Yesterday our colleague, Mr. RIBICOFF, urged us to condemn this "extortionist Soviet visa fees."

Mr. Speaker, this coming Sunday morning at 11 a.m. there will be a large demonstration protesting this Soviet blackmail held on the Ellipse. U.S. Ambassador to the United Nations, George Bush; Mr. Sargent Shriver; and Mrs. Charlotte Jacobson, Director of the American Section of the World Zionist Organization will participate in the program. I would like to take this opportunity to encourage every Member of Congress to join in this protest against this most recent and vicious Soviet anti-Jewish attack.

Mr. YATES. Mr. Speaker, on September 19, it is expected that the Soviet Union will officially ratify its outrageous and inhuman policy of charging exit fees to those wishing to emigrate from the Soviet Union. The amount of the fee will depend on the education of those leaving and these fees may range from $2,000 to $5,000. This policy is clearly aimed at Soviet Jews who have found it necessary to flee their country in order to freely practice their religion.

This is just one more obstacle in a series of barriers which have been raised against Soviet Jews wishing to leave their country. They have been fired from their jobs, drafted into the army, and even committed to mental institutions. Now they are being even further harassed simply because they desperately want the right to be Jews.

The Government of the Soviet Union, of course, claims that all Soviet citizens are affected equally by the exit fees and that these fees are consistent with the policy of paying the government back for an education which the Soviet people financed. This is an obvious shame.

Mr. Speaker, there are no other religions or national minorities except the Jews in the Soviet Union which have been applying in great numbers for exit visas. In practice, and clearly in its intent, this policy is aimed at Soviet Jewry. Regarding the cost of receiving a public education, all Soviet citizens are already required to repay the Government by working for an appropriate ministry or by serving in a Government-sponsored agency for up to 3 years. This policy was seen as adequate by Soviet officialdom until a growing number of Soviet Jews realized that only by leaving their country could they find religious freedom.

Soviet Jews have been courageous in their opposition to these repressive measures. More than 70,000 affadavits have been sent from Israel to Soviet Jews seeking exit permits—and the number of Soviet Jews who are willing to risk confrontation with the Soviet Government is growing steadily.

Mr. Speaker, the cause of Soviet Jewry is the cause of humanity. Soviet Jews have received the support of people of all religions—Protestant, Jewish, and Catholic, and it is now a most favorable moment for this administration to show its support for the cause of Soviet Jewry. The Soviet Union wants something from the United States. At this time the Soviet Government wants trade advantages from us. They are urgently in need of trade concessions for the importation of agricultural commodities, computers, and other products which they can now only buy in this country. This is a most appropriate time, to review thoroughly our pending trade agreements with the Soviet Union to make sure our Nation shows its support of basic human rights. The Soviet Union is violating its pledged word in the Covenant on Human Rights, and its own Constitution, for that matter. Both these instruments proclaim the right of the citizens of the Soviet Union to freedom of emigration to another land.

The use of international trade agreements for eliciting concessions from a trading partner is not new. The administration has already made it clear that the granting of most-favored-nation status to the Soviet Union is contingent upon their repayment of the lend-lease loans which were made during the Second World War. To require other concessions, particularly when they involve basic human rights, is entirely appropriate and should be fully explored.

The Soviet Government is looking forward to the lowering of tariff barriers and the extension of credit so that trade between our countries may be increased. While I certainly welcome increased trade in the hope that it will lend to the relaxation of international tension, I do not think that we should grant any trade concessions until the Soviet Government complies with the United Nations Universal Declaration of Human Rights and the Soviet Constitution itself. I think that it is entirely appropriate to use our leverage in the pending trade agreements to encourage the Soviet Government to end its official discrimination against religious minorities.

In the debate on the extension of the Export Control Act a few weeks ago, I stated to the House there was precedent, ample precedent for considering human rights in connection with trade relations with another nation. That consideration makes perfectly appropriate and discussion in the pending trade negotiations the inhuman and discriminatory treatment of its Jewish citizens by the Soviet Union.

Mr. MURPHY of Illinois. Mr. Speaker, just when a degree of normalcy was returning to the lives of Jews in the Soviet Union, the latest move to strip them of all freedom was announced. A nation of the world has joined the ranks of kidnapers and terrorists currently demanding ransoms for the safety of hostages. Soviet citizens desiring to emigrate to Israel must now pay a fee of many thousands of dollars before permission to leave can be granted.

The Soviet Government knows these fees, ranging from $5,000 to almost $40,000, are beyond the means of those desiring to leave. And the Government, not wanting any Jew to escape, made this policy retroactive to include those whose exit visas are already under consideration.

The more educated you are, the more you pay. The Soviet explanation is that the money must be exacted in payment for the years of schooling. The world will not accept this thinly veiled excuse from the Soviets nor will it fail to react to the insidiousness of it all.

The Soviets know where the sympathies of so many Americans lie. Rather than watch friends and relatives languish in a country not of their choosing, Americans would pay the price for the freedom of those being held. But I for one do not want the United States to become a party to this international auction of human flesh to the highest bidder.

In the past I have joined my colleagues in the House in appealing to the Soviets to permit Jews to emigrate freely. Letters and congressional resolutions have in large part been ignored. Perhaps it is time to exercise economic leverage in our trade arrangements with the Soviets rather than continue to waste our words and our energies.

Time is fast running out for the Soviet Jews. Each day of harassment and abuse further erodes their hope. The point is daily driven home to them that the countries of the world would rather stand by helplessly than risk any sort of confrontation. We must assure them that America is willing to risk reprisals rather than condone by silence such inhuman treatment.

Mr. STEELE. Mr. Speaker, as a nation we have strongly supported the right of all persons to emigrate from any country and are committed to the Universal Declaration of Human Rights of the United Nations. Repeatedly during this Congress we have protested the barriers against the emigration of Soviet Jews maintained and now worsened by the Soviet Government.

Now, at a time when it appeared the Soviet prohibition against emigration had begun to relax, the Soviet Union has imposed exorbitant and arbitrary fees on those seeking to emigrate from the U.S.S.R.—fees that cannot possibly be met.

This new policy which will shortly be ratified by the Supreme Soviet must receive our strongest condemnation. Moreover, we should make it clear to the Soviet Union that Congress' attitude toward further improvements in our relations with the U.S.S.R. will be strongly influenced by continued Soviet violations of the Universal Declaration of Human Rights.

Mr. JAMES V. STANTON. Mr. Speaker, I would like to join my colleagues here in condemnation of the incredible policy of the Soviet Union which puts a price tag on human beings. There is a situation that is wrapped in historical irony. A couple of generations back, a strong-willed group of men in Russia, who claimed to be idealists, started a revolution proclaiming they would create a paradise on earth. Today, Mr. Speaker, we can see what has happened. Their paradise has become a prison. Jewish citizens of that nation are trying to get out, but they are trapped. Now we hear that many of them might be able to get a parole, so to speak, but if they want it, they will have to buy it. I cannot say too much in abhorrence of public policy of that type. I would hope that the President of the United States would use whatever influence he might have, in an attempt to induce the Soviet leaders to treat their citizens, whatever their religion and nationality background, not as chattel, but as human beings.

Mrs. GRASSO. Mr. Speaker, I wish to join my colleagues in vigorously protesting the action taken last month by the Soviet Union against all potential emigrants. The imposition of a head tax based on education has created a de facto class of slaves—people who must scrape up an enormous ransom to leave a country which they do not want and which does not want them.

Despite its application to all citizens, this latest Russian ukase is directed almost exclusively against Soviet Jews—a portion of the Soviet populace that has consistently tried to exercise the right of emigration. This unending harrassment of Soviet Jews must be opposed by all people who deplore man's inhumanity to his fellow man. For years Soviet Jews have pleaded for their basic rights of religion and culture. For years these rights, so eloquently guaranteed by the Soviet Constitution, have been subverted and denied.

The Soviet leaders know that citizens cannot afford the $5,000 to $30,000 exit fee demanded by the new decree, and that the funds must come from outside the Soviet Union. Consequently, this latest decree is nothing less than a disgraceful attempt by the Soviet Government to accumulate foreign currency through blackmailing Jewish people around the world. We have not seen such attempts at international extortion since Adolph Hitler.

Mr. Speaker, this restrictive emigration policy could not have been promulgated at a worse time for the Soviet leaders. It proves again the Janus-faced intentions of the Russian leaders. On the one hand, they indicate a desire to ease tensions and improve relations with the United States. On the other hand, they have created a situation which is inimical to our basic values of freedom and personal liberty.

The Soviet Union must be made to understand that decisions affecting economic and commercial credits will be in jeopardy if this cruel and inhumane policy is continued. The determined voice of Congress and the Executive must insist that this immoral and inhumane blackmail is repugnant to everyone who respects the dignity of man and the value of the individual.

At this season throughout the world, Jews are observing the high holy days. It is a fitting time, indeed, to ponder in depth whether a policy of trading in human lives should be rewarded by desired concessions.

Mr. COTTER. Mr. Speaker, I join with my distinguished colleagues in vociferously objecting to the inhumane and degrading practice of charging exorbitant emigration fees of Soviet Jews who wish to emigrate to Israel.

It has been reported that the Soviet Union requires a ransom of from $5,000 to $37,000 for each Jewish person who wishes to emigrate to Israel. This ransom is piled upon the other indignities Jewish people in the Soviet Union must suffer.

On September 19, the Supreme Soviet meets to ratify a schedule of fees for emigration. The reason for this special order is to demonstrate, forcefully, to the Soviet Union that the Congress of the United States will not sit idly by while this inhumane practice continues.

The Soviet Union is now seeking wider trade relations with the United States. The Congress plays a role in this new international trade question.

To give the Soviet Union the "most favored nation" status it would require an amendment to the Trade Expansion Act of 1962. Further, if the Soviets need credit from the Commodity Credit Corporation or Export-Import Bank credits, these, too, would require affirmative congressional action.

Thus, the purpose of this colloquy is not simply an expressional of congressional support for Jewish persons wishing to emigrate to Israel from the Soviet Union, but a warning to the Soviet Union that unless this inhumane practice ends, the

Congress will be unwilling to legislate trade legislation that will help the Soviet Union gain access to U.S. goods.

In conclusion, Mr. Speaker, I am hopeful that the Soviet Union will reconsider this ill-advised practice and that people from all over the world will be able to emigrate freely to countries that welcome them.

Mrs. DWYER. Mr. Speaker, once again it is my duty to rise in protest of Soviet repression of minority peoples—be they Jews, Ukranians, citizens of the Captive Nations on the Baltic Coast, or any of the other similarly oppressed ethnic groups in Soviet Union.

Today, I think it is entirely proper that we here in Congress bring the attention of the Nation and the world to the Soviet policy of forbidding Jews desirous of emigrating to Israel that right until a fee, in effect a ransom, is paid to the Soviet authorities.

The idea of depriving human beings of the right to leave one nation for another—leaving one they have come to hate for one that welcomes them with open arms—is especially distasteful to me. However, the idea of depriving these individuals of this right pending the payment of a ransom, which I understand can approach $37,000 per person depending on educational achievement, is outlandish, barbaric, and inhuman.

There are an estimated 400,000 Jews wishing to leave the Soviet Union, and the collective ransoms for their exits could come to over $.5 billion. This system of personal freedom for a payment or fee is morally indefensible, and we here in Congress must explore every possible means of persuading the Soviets to change their policy. I, for one, pledge to devote my efforts to that objective.

Mr. KYROS. Mr. Speaker, it is with a deep sense of concern and personal outrage that I join my colleagues today in strong protest of the Soviet Government's recently announced policy demanding a ransom from each Jewish person with a higher education wishing to leave the country for Israel. This ransom, ranging from $5,000 to $37,000 depending on level of education attained, will, if approved by the Supreme Soviet, be in addition to the now "usual" fee of $1,000 for emigration permits—not to mention the loss of jobs, forced enlistment in the Army, and even imprisonment of Jews wishing to emigrate, which have become common practices of harrassment in recent months.

Mr. Speaker, I strongly feel that the persecution of Russian Jewry by the Soviet Government—culminating in their restrictive emigration policy with outrageous ransom demands—cannot help but have an adverse effect on important policy decisions facing the U.S. Congress vis-a-vis the Soviet Union. While all of us desire improved relations with our Soviet neighbors, we in the Congress, as representatives of the American people, will hardly give our favorable consideration to such proposals as the granting of most favored nation status, Commodity Credit Corporation loans, and Export-Import Bank credits to a country whose practices are in such flagrant violation not only of their own constitution, but of any moral code of civilized men.

Mr. Speaker, I sincerely hope that the Supreme Soviet, at its meeting on September 19, will reconsider this immoral and inhumane ransom proposal, and withhold its ratification. Such ratification could only, in my opinion, do serious harm to Soviet-American relations and the cause of peace and harmony throughout the world.

Mr. KARTH. Mr. Speaker, I proudly join our colleagues in this bipartisan expression of our protest of the inhumane ransom of human beings conducted by the Soviet Union. The placing of ransoms ranging from $5,000 to $37,000 on Jewish citizens wishing to emigrate to Israel defies the common humanity of man.

The Soviet Union must be made fully aware of the fact that these deplorable actions threaten the trade favors they are seeking. There is little doubt in my mind that this Congress will hardly look with good will toward legislation that would give the Soviet Union the status of a most-favored nation, or to extend to the Soviet Union the credits from the Commodity Credit Corporation that they seek. I hope that these protests in the House today will be read and reasoned over by the Soviet leaders responsible for these actions, and that the ransom demands placed upon emigrating Soviet Jews are removed.

Mr. CARNEY. Mr. Speaker, Soviet authorities have instituted a new system of heavy exit fees ranging from $5,000 to $25,000 for educated Jews who wish to emigrate. Technically, the regulation applies to anyone seeking to emigrate to a non-Communist country—Armenians trying to get to America, Ukrainians wishing to go to Canada, ethnic Germans seeking to reach West Germany. But in practice, by far the largest group to be affected are Soviet Jews.

The new, steeply graduated fees represent a drastic increase from the old general fee of about $1,000 per emigrant. The greater the level of education, the higher the fee: $5,400 for a graduate of a teacher's institute; $10,800 for an applied arts degree; $13,200 for a university degree; up to $26,400 for the Soviet equivalent of a Ph. D. In some cases the new fees are applied ex post facto. At least 20 families who had already been granted exit visas were told by officials to produce large sums to "pay back the working class" for their State-financed education.

Not only is this newly instituted system unfair and disingenuous in itself; its effects are far more important than a mere restriction of the emigration process.

Whether or not he pays, by the mere act of asking permission to leave the Soviet Union, the Russian Jew signs his own political and economic death warrant.

Every Jew who asks to go is immediately fired from his job. He is blamed and ostracized by his colleagues at meetings called especially for this purpose.

The system is remarkably cruel. The Soviets are trying to keep the Jews from emigrating and yet the Jews are persecuted for remaining. Theoretically they have the right to leave the country, but the authorities are actively suppressing this movement.

By demanding this dishonorable ransom, the Soviet Union accepts the right of the Jew to emigrate. The Soviet authorities do not tell him that he cannot go, but his position is, in practice, that of a prisoner because these conditions cannot be met.

In mid-19th century pre-Soviet Russia, the buying and selling of human beings was a normal phenomenon. Like slaves, the serfs were considered commodities, the property of their owners. Now this practice is being revived and Soviet citizens are once again serfs whose liberty can be—in theory at least—bought for prices that rise with the educational attainments of the individuals involved.

For years the Soviet Union indignantly denounced "lying bourgeois propagandists" who depicted Soviet citizens as slaves of the state. Now the Kremlin itself has confirmed what it used to denounce as slander.

These ruthless measures have shocked free people the world over. This venture into the slave trade harms not only the objects of its persecution. It also is a great hindrance to Moscow's attempt to achieve a more favored place in international life—in trade and diplomacy—that the Soviet Government seems to have been actively seeking in recent months.

I would like to take this occasion to ask my colleagues and the American people to condemn the barbarous actions of the Soviet Government toward the Soviet Jewish minority. World opinion is a powerful instrument of change. We must do all in our power to right this miserable situation.

Mr. CHARLES H. WILSON. Mr. Speaker, I wish to join my colleagues in condemning the heinous discrimination by the Soviet Union of educated Jews wishing to emigrate to Israel. The proposal of a king's ransom of from $5,000 to $37,000 in addition to the considerable costs—the $1,000 fee, renunciation of citizenship, loss of job—already extracted by the U.S.S.R. from these maligned people, is another black chapter in the continuing persecution of the Soviet Jews. Already schools, synagogues, and cultural centers are closed to them; if prevented from returning to their homeland, they will be denied yet another basic human right.

The Soviets' defense for their actions is purportedly to prevent a "brain drain" and to compensate the Government for their education. Why then are educated Jews applying for visas summarily dismissed or demoted from their jobs? Why this reasoning when the Soviet Union has already received repayment from its graduates in the form of required Government service? Certainly, the Government knows that families cannot possibly afford these outsize fees—which, at a minimum, total at least double one's annual salary—without help from abroad. Thus, this policy is completely cynical and calculated.

In the wake of the Munich massacre and in the midst of the Jewish high holy days, the plight of the Russian Jewry is evermore poignant and deplorable. For in this case thousands of people, longing for the milk and honey promise of life in Israel, are hostages of an inhuman bureaucratic policy which is incompatible with the principles of human decency.

I know that the Soviet Union is not insensitive to world opinion; and, with their Government anxious to receive favored trade status from the United States, it is the responsibility of Congress to raise its voice at full volume in repudiating the Soviet emigration policies. We must remind Russia that if such prejudicial actions are implemented, they will not be forgotten when it is time for Congress to consider those trade policies in which the Soviet Union has a vital stake.

Mr. BADILLO. Mr. Speaker, few issues could be more timely than the subject of today's special order. We meet here today at a time when the systematic persecution of Soviet Jews reaches new levels of barbarism and ironically, at a time when our own Government appears on the brink of concluding a massive new trade agreement with the Soviets.

We are all familiar with the policy of cultural genocide which has characterized the Kremlin's attitude toward Soviet Jews for decades. In the past year or so, we believed that indications of an end to that particular barbarism were appearing with greater frequency, perhaps as part of the overall mood of conciliation between the United States and the Soviet Union. But this latest assault on basic human freedom leaves no doubt that the basic inhuman, cynical policy regarding Soviet Jewry remains unchanged.

How tragic it is that just as the dreams of thousands seemed about to be realized—just as the mere trickle of immigrants to Israel was about to become a flood—the Soviet leaders began to demand arbitrary, exorbitant fees for permission to leave.

These ransoms—no other term would be adequate—range from $5,000 to $37,000 for each Jew with a higher education. That is in addition to the usual $1,000 fee for emigration permits.

According to expert sources within the Soviet Union, there are presently about 150,000 Jews seeking to emigrate. Across the country, some 25 percent of them are affected by the educational ransoms and the percentages in the cities run even higher, with 40 percent of the would-be emigrants in Moscow affected. If these ransoms were to be collected in full, they would total about half a billion dollars.

We now have a situation in the Soviet Union comparable to conditions in Nazi Germany during the late 1930's and early 1940's, when human beings were offered for sale or for exchange for military hardware. Thousands of Soviet Jews are being held hostage just as surely as were those Israeli athletes in Munich last week. The fact that the captor now is a government, instead of a band of outlaws, is perhaps more frightening and deplorable.

The United States simply cannot turn away from this denial of essential human dignity. We cannot adopt a "business as usual" attitude toward the Soviet Union, however desirable the goal of easing tensions and establishing new avenues of communication and commerce.

I have never felt that the United States should base its foreign policy on short-term political goals, but this is not the case here. Freedom for the Soviet Jews must be a continuing, major, long-term goal of our foreign policy, and any proposed trade or cultural agreement should be weighed in the light of recent actions against the Jewish population.

Ideally, this should be a matter for diplomatic representations between the two countries, and I have repeatedly urged the administration to take greater initiatives in behalf of the Soviet Jews. Significantly, it appears that the educational ransom policy went into effect in the wake of President Nixon's trip to the Soviet Union—a development which deserves investigation to determine whether this was mere coincidence or whether some cause and effect was involved.

But if the administration continues to treat the plight of Soviet Jews as a low-priority item, Congress can and must take the initiative. We must, for example, vote on legislation giving the Soviet Union most-favored-nation status by amending the Trade Expansion Act of 1962. The Soviets also need credits from the Commodity Credit Corporation, as well as from the Export-Import Bank.

I am all for building bridges between our Nation and the Soviet Union. Our hopes for peace depend largely on easing tensions between East and West and dealing in terms of those goals we hold in common, rather than in terms of our differences. But the lives and hopes of the Soviet Jews simply are not negotiable. I trust the administration realizes this and that after today's discussion, the Soviet leaders will appreciate the depth of congressional concern.

Mr. BRASCO. Mr. Speaker, Russia has Jews for sale, if anyone wants to buy them. Garden-variety Jews with minimal educations go for $5,000. Advanced educations, up to and including doctorates, will cost the purchaser up to $37,000. Such fees are being charged for those seeking the chance to emigrate to Israel, in addition to the usual $1,000 fee for emigration permits and renunciation of citizenship.

All this is, of course, in addition to loss of employment, forced military service, imprisonment, and a variety of other forms of harassment, which often includes overt violence and surveillance.

On September 19, the Supreme Soviet meets to ratify this fee schedule. Now the fate of Russia's Jews is sealed. No schools, synagogues, cultural life, or opportunity to emigrate to free land of their choice.

Officially, the Soviet regime says these exorbitant fees are being charged to prevent a drain of trained talent. Yet it is true that any educated Jew seeking a visa is automatically dismissed from his job.

Simultaneously, Russia seeks from us most-favored-nation status. They need Commodity Credit Corporation loans, Export-Import Bank credits, and change in Overseas Private Investment Corporation legislation to allow Russian credits. Without such favorable trade concessions, the Soviets will be hard pressed to follow through on the massive grain deal they have just consummated with the United States, much less follow through with additional ventures.

This Jews-for-sale syndrome is not a new or unique idea. In 1944, when Nazi Germany saw the handwriting on the wall, Adolph Eichmann arranged a secret series of meetings with Joel Brand, an official of a major Jewish agency. At these meetings he put forward an astonishing proposal. He was willing to sell imprisoned Jews, all slated for the extermination camps, for trucks. Such vehicles, he promised, would not be used against the western allies. Rather, they would be employed solely on the eastern front against the Russians. The price was 1,000 trucks for 100,000 Jews. A total of 1 million Jews were available for trade.

It was a bargain. Brand, convinced of the Nazi's willingness to go through with the arrangement, frantically sought to close the deal, only to be thwarted by the British, who did not want to offend their Russian allies. They kidnaped Brand and held him in Cairo for 3 months, meanwhile refusing to bomb the steadily working gas chambers at Auschwitz for "technical reasons." So the million Jews also perished.

Today, however, the Russians, of all people, are setting up shop at the old stand once occupied by Eichmann. If the Nazis could peddle Jews for trucks, why can not the Russians sell Jews for good, old, hard currency.

In 1944 and 1945, as the world began to understand what was being done to the innocent, helpless Jews of Europe, their dilemma was the same as it is today. Jewish leaders raced frantically from one world capital to another, begging a variety of leaders to do something, anything to save even a small portion of their brethren. The world deplored, shrugged and did nothing. And the hideous work of the extermination camps went forward without a hitch.

Today, the principle is the same, as are the actors. Only the setting differs. If there were Arabs for sale somewhere and oil was involved, no doubt a good number of governments would be eager to do something.

Where are the men of good will? Where is the United Nations, which is so expert at deploring while doing nothing? Where is the conscience of man, while still another generation of these tormented human beings seeks to unbend the will of yet another unyielding pharaoh to let them go in peace?

The world turns its eyes away in shame, because it will do nothing. Here in this Chamber we have the power to do something. Here is the only chance anywhere in the world for a group of people to do the right thing by putting a clamp on the Soviet economic windpipe.

To grant the Soviet Union most-favored-nation status would require an amendment to section 231 of the Trade Expansion Act of 1962 denying MFN treatment to Communist nations.

It is in our power to show the Russians

and the world that before we will do business, we will take a stand against this treatment of these helpless people. Just for once, would not it be an act of God's justice and mercy for this body to see to it that just one time, at least, a generation of Jews was spared the agony reserved for them by an oppressor?

Mr. COUGHLIN. Mr. Speaker, in a time of outrages against humanity, I cannot condemn too strongly the action of the Soviet Government in proposing to establish an official ransom schedule for fees to apply to its Jewish citizens who want to emigrate.

I understand that the Supreme Soviet plans to meet on September 19 to ratify these fees which, in essence, are ransom costs of Jews who want to leave Russia. The list of ransom fees, from $5,000 to $37,000 for each Jew with a higher education who wants to go to Israel, is an inhumane and reprehensible blow to the Jewish people who have been persecuted down through the ages.

While the sentiment of distressed officials and citizens throughout the world should be sounded against this grave wrong, I fear that the Soviet Government is immune to appeals for justice. Moscow pursues a cynical course in which the American Government's efforts at a detente are used while the Soviet Government continues its cruel machinations to resolve its "Jewish problem."

The accelerated pace of Russia's official actions comes after a major wheat deal with the United States and talk of a significant trade agreement. It comes during the midst of an American presidential election campaign.

The Soviet strategy is apparent.

I think it is vital, in the name of humanity and Soviet Jews, that we in the U.S. Congress let the Soviet Government know—in no uncertain terms—that we are prepared to deal with them on the only basis they recognize. We will not accept their repugnant policy of "linkage" without subjecting them to "linkage" of our own.

The Congress must let the Soviets know that we do have a role to play in any detente involving trade and commerce, and we fully intend to exercise it. We must meticulously scrutinize trade relations with the Soviet Government, especially where the Congress can exert its rightful role, to call Moscow to account for its latest evil perpetrated against the Jewish people.

Mr. FISH. Mr. Speaker, I am grateful for this opportunity to register my protest over the outrageous educational ransom now being imposed by the Soviet Union on Jews who want to emigrate from that country. These levies amount to the worst form of human and economic crime—extortion, using human beings as the pawns.

In May of this year, I was privileged to attend the 41st special session of the Intergovernmental Committee on European Migration as the representative of the U.S. Congress. At that time, I was greatly encouraged at the high rate of exodus of Soviet Jews from the Soviet Union—approximately 2,500 per month. A corner, it appeared, had been turned.

Then on August 15, it was reported that the Soviet Union had placed a price on the head of every educated Russian Jew who wants to migrate to Israel. On that day it was first reported that in addition to the now normal $1,000 fee for emigration permits, the loss of jobs, the threats of forced enlistment in the army, or imprisonment and general harassment that the Russian Government is now demanding a ransom for each Jewish person with a higher education, who wishes to leave the Soviet Union and go to Israel. These persons must pay between $5,000 and $25,000, depending on the level of education attained.

These extreme ransoms, it is reported, are being required by the Soviet Government, on the basis that they are necessary fees to repay the Government for the cost of state-financed educations. What the imposition of such staggering fees means is that thousands of Jews will be forced to remain in a country they wish to leave and in which they are deprived of ordinary civil rights, because they do not have the fortune to pay their own ransom. What it also means to these courageous people is the end of hope.

Every one of us who believes in freedom must protest this action by the Soviet Government. Their action is a clear violation of the United Nations Declaration on Human Rights which recognizes the basic right of emigration from one's own country. Their tactics, in fact, are in contravention of article 121 of the Soviet Constitution, which grants the right of free education to all Soviet citizens.

But more than protests are necessary—mere protests are not enough. It is clear that this educational levy is part of a conscious Soviet effort to increase the systematized harassment of its Jewish citizens. Consequently, I urge that the U.S. Congress make clear our strong opposition to any trade legislation granting the Soviet Union better trade terms as long as the ransom decree is in effect. Most-favored-nation treatment, Eximbank credits, and OPIC guarantees are all legislative matters within the province of the Congress.

While I personally have been a strong supporter of the President in his efforts to ease tensions and gain détente with the U.S.S.R., I feel that we still must make it clear that we do not accept that idea that human beings are for sale. If strong economic reprisals are the only means to change this inhumane and unconscionable ransom, then they must be used.

Mr. THOMPSON of Georgia. Mr. Speaker, blackmail, ransom, kidnaping are techniques that have been used throughout the ages by unscrupulous people in trying to extort money from others.

The action of the Soviet Union in demanding a ransom of from $5,000 to $37,000 for each Jewish person desiring to leave Russia must be condemned in the strongest possible terms. I do not question the fact that the Jews who desire to emigrate from Russia are highly educated for many Americans who emigrated from Russia have contributed greatly to this country. It is understandable that the Soviet Union would desire to retain in their country people with the intelligence and background such as the Jews who desire to leave Russia. However, to enslave its citizens of Jewish heritage and place a ransom on their head must be condemned by all civilized countries.

I am personally convinced that world Jewry is not anti-Russian and were the Soviet Union to allow their citizens of Jewish heritage to be treated in a nondiscriminatory manner, then there would not be the "brain drain" confronting the Soviet Union due to the desire of the Jewish people to emigrate.

The Soviets in their own Constitution, prohibit what they are doing to the Jews in Russia. Yet the Jews are unable to avail themselves to Soviet courts for redress of their grievances.

There are many personal and family tragedies caused by the official policies of the Soviet Union relating to Jews.

For us to simply decry the action of the Soviet Union is not sufficient. What must be done is that our Government, through the United Nations, exercise every possible avenue in attempting to get the Soviet Union to cease its blackmail and adopt a policy of no discrimination against people of Jewish heritage within the Soviet Union.

Mr. MAZZOLI. Mr. Speaker, I wish to briefly add my personal sentiments today to those of my distinguished colleagues on the question of the repressive financial penalties being imposed upon Jews wishing to emigrate from the Soviet Union.

We are all, quite naturally, anxious to achieve a lessening of cold war tensions, but we cannot turn our backs on our profound moral responsibility to take a stand in the interest of human justice.

Congressional resolutions of condemnation are most certainly appropriate in the face of the Soviet ransom policy, but they are not enough.

Accordingly, I applaud the sponsors of today's special order for directing the attention of Congress and of the Nation toward more concrete actions which might be taken to influence the Soviet Union to rescind their onerous and unjust restrictions against the emigration of Jews.

Once before, the free world hesitated too long before facing up to a similar policy of bigotry. In 1972, the world is a much smaller place. We cannot and must not turn our backs on our own consciences.

Mr. CLANCY. Mr. Speaker, I rise again to protest the policies of the Union of Soviet Socialist Republics which further detain humans in violation of a universal declaration of their rights.

I refer, of course, to the imposition of so-called fees on persons of the Jewish faith who desire to leave Russia. The fees are so high that the Russian Jews are unable to depart the country. They range from $5,000 to $37,000, far in excess of the earnings and savings of almost all residents in Russia. Because they cannot pay the high cost of emigration, they, in effect, are being held prisoner.

Considering the hue and cry which has gone out this last year—I add proudly that this Congress has added measurably to those complaints—the imposition of these fees is tantamount to Russian demanding a ransom for Jews desiring to emigrate. This is strictly contrary to article 13 of the United Nation's Declaration of Human Rights which Russia has agreed to and which would allow people to move to nations of their choice.

There is no wonder that Jews wish to leave Russia because they have been persecuted for years. They have no schools. Their synagogues were closed. They are allowed no cultural life, and now they are forced to stay within the boundaries of the country which imposed these limitations upon them and their beliefs.

We Members of Congress in this land of free men must continue to oppose this oppression. We here can do more than speak out. Our votes can affect trade relations with Russia. They would like to have most favored nation status which would grant preferential tariff rates to Russian goods. We can deny those preferential rates by denying passage to an amendment to the Trade Expansion Act of 1962.

The Soviets also need credits from the Commodity Credit Corporation to finance wheat imports. They want credits with the Export-Import Bank. And, they would like large investment guarantees from the Overseas Private Investment Corporation.

The U.S. Congress can and should influence disapproval in these areas. These can be blows for the rights of a people to live where they want and for a culture to survive.

I think it is particularly interesting to note that the new Soviet fee policies are designed to imprison the most educated, the intelligentsia, of the Jewish communities. The more education which a Soviet Jew has, the bigger is the fee which he must pay to get out of the country. It is as if the Soviet Government is selecting and designing a superior race; it is trying to extinguish the Jewish culture but at the same time, it is trying to retain the smartest and most highly trained of the Jews in Russia. Yet, those educated Jews who persist in trying to leave the country are demoted or fired, and their education and training are denied to the Soviet Government—at least for the time being.

No matter how you approach the problem, the American Congress is justified in taking a position arm-in-arm with the Soviet Jews. They are being oppressed. The are being held for ransom. Their culture is being extinguished. Their rights to living as a people are being suffocated.

Mr. **HELSTOSKI**. Mr. Speaker, I rise in support of the efforts of my colleagues in condemning the Soviet Union policy of charging exorbitant fees to Soviet Jews who wish to emigrate.

This policy is repugnant to all who believe in civil liberties and human dignity. The Soviet Union is itself in violation of the Universal Declaration of Human Rights to which it is a party, and which guarantees the right of every citizen to emigrate freely.

A Soviet Jew who wishes to emigrate is harassed on his job and shunned by his friends. He is demoted and finally fired. If he is unable to obtain employment, he is considered a parasite on society and subject to arrest and imprisonment. This Orwellian policy is unconscionable and should be condemned for what it really is—blackmail and 20th century slavery.

The Soviet Union is well aware that no Soviet citizen earns enough money to be able to emigrate. If a Soviet Jew were to come up with enough money on his own to be able to emigrate, he would undoubtedly be considered a black marketeer and subject to imprisonment because it would take virtually a lifetime to pay the ransom the Soviets demand for exit visas.

Therefore, the burden of paying this blackmail falls heaviest on the rest of the world Jewish community.

Mr. Speaker, this administration has concluded a trade deal with the Soviets which runs into the billions of dollars. They believe, obviously, that the United States is so anxious to get this trade that they will be accorded most-favored-nation status with accompanying credits at any cost.

If we acquiesce on this trade pact without a protest regarding the Soviet Jews, what is to prevent the Soviet officials from raising the blackmail ante?

Mr. Speaker, the Congress should serve notice on the Soviet Union that we are not so anxious to trade if it is at the expense of comprising our belief in the rights of Soviet Jews and their brethren to emigrate if they so wish. If we start abridging our belief in civil liberties, it will not be long before the rights of mankind everywhere become abridged. The eternal hope for freedom, liberty and human dignity for the oppressed and persecuted will consequently die.

Mr. **BROOMFIELD**. Mr. Speaker, I rise to join with my distinguished colleagues to express my outrage and shock at the latest attempt by the Soviet Union to deny her Jewish citizens their basic human rights. The sliding scale of exit fees ranging in price from $5,000 to $37,000 apiece which have been imposed on Jewish emigration permits are nothing less than unconscionable ransom fees.

As such they represent just one more in a series of insults and repressive actions aimed at the Jewish minority within the Soviet Union. It deserves a clear and immediate response by all free men.

Coming on the heels of the Munich tragedy and with the spectacle of the Leningrad show trials still fresh in the memory of world public opinion, this latest form of discrimination is ever more disheartening.

However, Mr. Speaker, we have every reason to believe that a strong show of support by the United States for the plight of the Soviet Jewry will result in a removal of these exorbitant fees. We should put the U.S.S.R. on notice that many of the favorable trade and credit policies that she seeks from this country will be impossible so long as this practice continues.

I feel confident that in the face of pressure from world public opinion and in the face of financial pressure from the United States the day will come when all Soviet Jews who wish to emigrate may do so freely.

Those of us who have long shared a concern for the welfare of the Soviet Jewry will recall that at this time last year we witnessed a marked increase in the number of exit permits granted to Jewish citizens. It was generally agreed that this was due mostly to the overwhelming pressure of world public opinion which the Leningrad show trials generated.

At that time, I noted the improvements but stated my suspicions that once the focus of world opinion was removed we might expect even greater reprisals against this religious minority. Unfortunately, the events of the past few months have only proven those suspicions to be well founded.

Therefore, it is time once again for America and the rest of the free world to come to the defense of the Soviet Jewry. While it would be impossible for us to compensate the Soviet Jewry for the years of oppression and penalties that they have suffered at the hands of their government, it is nevertheless our duty and obligation to insure that it does not occur in the future.

Mr. **BIESTER**. Mr. Speaker, the persecution of the Jewish people and the Jewish nation continues, sometimes subtle and sometimes tragically blatant, but always designed to break the will of a heroic people.

The deranged attack on the Israeli Olympic team at Munich by radical terrorists hit home with all too obvious clarity that Jews are not safe, whomever they are and wherever they be.

The Jewish people have been confronted by another kind of harassment, unlike the brutality of Munich but carefully designed to obstruct them in their realization of a centuries' old goal.

While freedom and civil rights as we know them are only qualified concepts to the Soviet citizens, they are virtually unknown to the Soviet Jew. Culturally and religiously, he is restricted from expressing his heritage and practicing his beliefs. As a discriminated against and captive part of society, his abilities are used by the Russian government for the furtherance of the state. Should he wish to emigrate to Israel, the political as well as financial price to be paid is such that few are able to leave. Now, the Soviet Government wants to increase the ransom required, making it virtually impossible to emigrate. By discouraging even the application for a visa, the Russians can maintain their exploitation of Soviet Jews. If a visa is requested, the applicant is banned, for all practical purposes, from further participation in Russian society. With options so structured, the blackmail is complete and the Soviet Jew is a prisoner in a land he does not consider home.

In a few days, the Supreme Soviet will meet to confirm a new schedule of emigration fees, a schedule which is clearly meant to prevent Jews from leaving the country. The outrageous fees demanded are tied to educational attainment which, from a legal standpoint, are in violation of Soviet law and, quite possibly, the United Nations Declaration of Human Rights. Legal provisions such as these, as we have come to learn, can be overlooked by the Soviet Government as circumstances require.

This attempt at further repression of Soviet Jews is a moral outrage, and I join with my other colleagues in fervently urging the Soviet Union to reconsider its proposed actions.

Mr. RYAN. Mr. Speaker, the harsh plight of all minority groups in the Soviet Union is well known. Yet, the mistreatment of Soviet Jews is particularly severe because they are discriminated against both because of their religion and their cultural heritage. Judaism is not permitted any central or coordinating structure, unlike the other 10 recognized religions in the Soviet Union, and publication of religious literature and the manufacture of religious articles are prohibited. Synagogues have been closed in almost systematic fashion as a result of both direct and indirect governmental action—in 1956, there were 450 synagogues, in April of 1963, 100, and today the figure has dwindled to less than 60. And unlike most other nationalities, the distinctive language, activities and community institutions of Jews have been severely restricted.

This intolerable situation is even more tragic because Soviet Jews are not allowed to emigrate to countries where religious and cultural diversity are tolerated. They are not permitted to exercise their religion and sustain their cultural identity in the Soviet Union, and, at the same time, they are being denied the right to leave the very society that is stifling them.

On April 17 of this year, the House passed a bill, House Concurrent Resolution 461, which was designed to bring to bear the influence of the United States on behalf of the persecuted Jewish minority in the Soviet Union. Specifically, the resolution called on the President to request of the Soviet Government that it allow its citizens the right to emigrate to the countries of their choice, as affirmed by the United Nations Declaration of Human Rights.

Yet, what has been the response of the Soviet Union to this congressional action? The imposition of exit fees which, in effect, prohibit most Soviet Jews who wish to emigrate from doing so. The schedule of fees is nothing less than exhorbitant, for the range is from $5,000 to $37,000, depending on the prospective emigrant's level of education. In addition, the fees are incremental, and a holder of several degrees would be obliged to pay a sum of money for each degree. The severity of this situation becomes even more apparent when we look at the average monthly income in the Soviet Union—the equivalent of $153.

Clearly, Congress must speak out against this deliberate action directed at a group of people who are asking nothing more than to be accorded the basic rights to which all men are entitled. We must make it clear to the Soviets that our concern for freedom and justice does not stop at our borders but extends to people all over the world. And we must make the point that the imposition of these exit fees will negatively affect congressional action on issues which are of vital concern to the Soviet Union—the Soviets' desire for most-favored-nation status, Commodity Credit Corporation loans, Export-Import Bank credits, and change in Overseas Private Investment Corporation legislation to allow Soviet credits.

Mr. METCALFE. Mr. Speaker, it was with a great deal of sadness that I learned of the new Soviet move to intimidate and persecute some of its Jewish citizens. The headtax on education for Jews trying to immigrate to Israel is a flagrant and malicious violation of the United Nations Declaration of Human Rights. Further, it is an uncivilized attack upon the basic human principles which maintain this tenuous international order. Each nation depends upon the others to conduct itself in such a manner that does not violate or circumvent the primary rules of international behavior. Such a rule is the general understanding that the world will not tolerate another systematic discrimination and persecution of a people because of their religion. Indeed, it is time for the Soviet Union, once and for all to set a policy which allows those Jews who wish to stay in their homeland to be free from intimidation and discrimination and a policy of free and uninhibited exit for those who desire to leave.

Surely the Soviet Union does not expect the rest of the world to accept this sham that it is only trying to recover its expenses for the Jews education. One of the primary functions of any government is to provide an education for all its citizens who shall desire it. Indeed, this is a basic right and one of the guiding principles of the United Nations Declaration of Human Rights.

Furthermore, individual worth cannot be measured by the quantity of rubles or dollars that have been expended to educate any given person. Or is the Soviet Union now saying that a scientist is superior to the layman? If so, this must be the most fundamental break with Socialist principles to date. However, we all know this is not the case. What we are witnessing is anti-Semitism in its most cynical form. Also it is an attempt to extort sorely needed capital from the rest of the world to balance its trade deficit with the United States and the rest of the world.

The United States is not embarking on these trade talks with the Soviets under the pressure of an imbalance of trade. It would be my hope that we are pursuing these talks with the objective of a freer more peaceful world. Hence, it would be very difficult for me to support a further relaxation of trade if I thought the Soviet Union was not also moving in this direction. I am not advocating the interference in internal Russian affairs. However, it is plain enough, that the Jewish education trick is an attempt to extort money from Jews and their supporters from around the world.

This caper must surely fail, for it is without a viable purpose. In purely economic terms the most optimal receipts could not propel the Soviet economy beyond its current stage. In terms of ruining the Israeli economy and thus making it unable to defend itself would only precipitate an international crisis with the United States on one side and the Soviet Union on the other. The only way Soviet interests can be advanced in the Middle East is by the peaceful route. Another war will not serve the best interests of anyone. Too, it is foolhardy for the Russians to believe that there will be any dimunition of the Israeli nationalistic spirit. The victory in the 6-day war imparted new awareness and courage into the Jewish people and their supporters. It is only natural that they desire to leave a system that continually oppresses them. I would strongly recommend to the Soviet Union that it rescind its recent imposition of an education tax upon Jews wanting to immigrate to Israel.

Mr. ADDABBO. Mr. Speaker, the people of the world who are concerned with basic human liberties are deeply concerned over the actions of the Soviet Government with respect to their Jewish residents. The most recent illustration of the oppression of Soviet Jews is the demand that Soviet Jews who wish to go to Israel pay a ransom ranging from $5,000 to $37,000 over and above the present fee of $1,000 for immigration permits.

It is important that we in the Congress express our shock and concern over this kind of treatment so that the Soviet officials may not escape the focus of world opinion. The continued harassment and oppression of Soviet Jews is intolerable under principle of international law for it violates basic international rights of unrestricted travel. The ransom demanded by the Soviets is based upon the educational achievement of its citizens and not on income or ability to pay. It represents religious blackmail and must be condemned by the world community.

We, in the House of Representatives, will be called upon to consider legislation beneficial to the Soviet Union in the field of trade, including the granting of most-favored nation status to Russia, Commodity Credit Corporation loans, Export-Import Bank credits, change in Overseas Private Investment Corporation legislation to allow Soviet credits. I will certainly support efforts to impose the condition on any such legislation that ransoms for prospective emigrants be abolished. It is my hope that the Supreme Soviet which meets next week will abolish these practices voluntary and in response to protests from around the world.

The Congress must do more to convince other nations that we will not grant favored legislative treatment to them and then turn our backs on conduct which violates basic international principles. Another example of that kind of conduct is the deliberate failure of some nations to cooperate in cases of international terrorism. The recent killing of innocent Israel Olympic team members by Arab terrorists in Munich, Germany, is the kind of international violence which must be stopped through firm and tough rules of international cooperation. Those nations which decline to cooperate must be punished by the withholding of beneficial treatment in other areas such as world trade or economic assistance.

It is time to make it clear to those nations of the world, particularly those in the Middle East, that decent people in all parts of the world will no longer tolerate the vicious, destructive acts of international madmen, blackmailers, or skyjackers.

That is why I am asking the Chairman of the House Committee on Appropriations on which I serve to order an immediate review of all U.S. assistance to nations in the Middle East which harbor or give help of any kind to terrorists. Such a review could lead to legislation requiring that all U.S. economic or military assistance to such nations be terminated immediately upon a determination by the President that a foreign country has failed to cooperate in international efforts to prevent terrorist activities of the type which occurred in Munich.

I hope that by taking this action, we will shock the Arab nations into reality and cause them to enter direct negotiations with Israel to bring about a just and lasting settlement of the Middle East crisis.

The Congress has a moral obligation to speak out against international blackmail or international violence. The ransom demands of the Soviets falls into the category of international blackmail and must be deplored by poeple who believe in individual freedom.

Mr. Speaker, as the people of Jewish faith soon celebrate their holiday of Yon Kippur, I join with them in their prayers for all oppressed, for peace and for the deceased of the massacre at Munich and their families.

Mr. THONE. Mr. Speaker, once again I wish to join with my colleagues here in the House of Representatives to speak out against the injustices of the Soviet Union against her Jewish citizens.

Once again the plight of the Soviet Jews is front page news all across the country. Once again we feel compelled to meet here in the House to bring to light the support of the Congress for efforts to allow the Soviet Jews to elect to leave that country and its oppression behind and seek freedom in a new land.

The Soviet Union has created a system, based on visa fees, conscription and imprisonment, that denies the Soviet Jews any freedom of choice. They are, by the very nature of the actions of the government of the Soviet Union, prisoners.

Our country is seeking to reach new levels of understanding with the Soviet Union. This effort should be applauded.

But it is the responsibility of freedom-loving people around the world to speak out against these injustices and let it be known that we support the efforts of the Soviet Jews to free themselves from bondage.

Mr. Speaker, I offer my support for the efforts of my colleagues in the Congress who continue to bring to light the tyrannical actions of the Soviet Union and the efforts being made by the Jewish leadership around the world to help the people who cannot help themselves and must bear this heavy burden.

Mr. KEMP. Mr. Speaker, I commend my colleague from New York for his leadership. I believe I reflect the majority of my colleagues and the people we represent when I say we welcome the moves to ease the tensions between our country and the Soviet Union.

The SALT treaty we have approved, the pending proposals for Export-Import Bank credits and trade agreements, the cultural exchanges and the healthy competition between the athletes of our two nations, dramatized during the Olympics, are encouraging signs for continued peace and better understanding in our time and in generations to come.

Still, we in the Congress and others in America are being constantly reminded that the Soviet Government is behaving contrary to the spirit of detente and civilized behavior.

The Soviet policy toward the Jews, manifest in daily reports from the Soviet Union to this country, is uncomfortably reminiscent of the Nazi era.

In addition to the $1,000 which the Soviets impose for an emigration permit, they have recently begun the practice of extorting what can only be described as "ransom," ranging from $5,000 to $37,000 in exchange for an exit permit for each Jew with a higher education.

Along with the practices of denying employment to those seeking emigration, forcing them into military service, imprisonment, the denial of Jewish religious and cultural education, and other harassment, the Soviet Government's latest retrogressive step is so extreme as to connote an attitude of official despair of previous efforts to intimidate the oppressed Jewish minority.

Mr. Speaker, the right of individuals to emigrate from a country is among one of the oldest and most important human rights known to Man. This right is founded on natural law. The Magna Carta incorporated this right in the year 1215. The International Convention on the Elimination of all Forms of Racial Discrimination, ratified by 46 nations, including the Soviet Union, guarantees the right of everyone to leave any country, including his own, and to return to his country.

In short, authoritative world opinion and international law clearly define the rights to leave and return as fundamental rights binding on all governments.

In the face of such opinion and law, the Soviet Government is clearly using members of the Jewish minority as pawns in a sinister game even as that government seeks concessions from the United States.

I believe, that in return for these requested concessions, that we must seek freedom for our fellow human beings from Soviet bondage and oppression.

I believe that the Congress of the United States must put the Soviet Government on notice that if it persists with its uncivilized and oppressive policies, that we must take a new look at their government's requests to enter into favored nation trade agreements.

While we are discussing this cause of human justice, I also believe, Mr. Speaker, that we might consider linking a North Vietnamese response to our request for the release of our prisoners and the identification of our missing to any pending consideration of Soviet requests.

Earlier this year, Mr. Thomas W. Teddy Gleason, the president of the International Longshoremen's Association, AFL–CIO, informed the administration that American longshoremen will "gladly" work Soviet ships "if for every ship we work, they will release three prisoners of war."

Mr. Gleason said:

> We are not going to work those Communist ships unless we can buy something for our people.

Mr. Speaker, Mr. Gleason represents the kind of standup Americans which we in Congress must applaud and support in attempts to win something for our people.

I also support the ILU's effort to win an agreement to ship surplus commodities overseas on a 50–50 basis, that is 50 percent of the cargo that we ship overseas should be on ships carrying the American flag.

We, as free men, in a democracy which puts a cherished value on human freedom—freedom for the oppressed and suffering Soviet Jews who bravely strive for their God-given freedom, and freedom for our brave servicemen who languish in enemy prison camps—must make our outrage clear to the Soviets and the other nations of the world.

Mr. KEATING. Mr. Speaker, I am joining this bipartisan group to express my deep and sincere opposition to this intolerable policy that has been instituted by the Soviet Union.

In the American history text by Samuel Eliot Morison and Henry Steele Commager they tell of the indented servants who sought a better life in the new world by selling themselves to eventual freedom.

> These were the main source of labor in the Chesapeake colonies throughout this pioneer period, and an important source in other colonies. Indented servants were mostly lads and lasses in their late teens or early twenties * * * who were looking for a better chance than the overcrowded trades of the old country.

This type of human bondage was not unique to America. In his book, "A Journey From St. Petersburg to Moscow," Aleksandr Radixhchev, wrote of the selling of Russian serfs.

> There are always a lot of customers for a bargain. The day and hour of the auction have come. Prospective buyers are gathering. In the hall where it is to take place, those who are condemned to be sold stand immovable.

We all thought this was something from past history; but now the Soviet Government has instituted a new form of indented servitude with fantastically high fees imposed on prospective emigrants. The schedule of fees ranges from $5,000 to $35,000. These rates far exceed the total worth of the potential emigrant's property and equal total of earnings over a period of 5 to 8 years. The average monthly income in Russia is approximately $153 U.S. dollars.

The Congress in the past has protested the persecution of Soviet citizens. For the Soviet Jew this is but another in a long chain of acts to take away his religious identity. The Soviet Government has stopped Jewish schools, closed synagogues, barred cultural events, and now they are not being allowed to leave the country which has singled them out for special persecution.

The news of Dr. Kissinger's trip to Moscow indicates that the Congress may well be considering new trade agreements in the near future. We must explore the bearing of the restrictive emigration policy along with the other problems that will be included in the debate. Past history tells us that the only position the Soviets understand is one of strength. We, in the Congress, must let them know that we do not expect to have our new policies be like the old where the Russians all too often break their promises.

Mr. Speaker, I have cosponsored House Concurrent Resolution 694 which resolves:

> That the Government and leaders of the Soviet Union should be condemned for creating a class of slaves in the twentieth century by forcing thousands of people to live and work in a country which they want to leave, because they do not have the money to ransom themselves into freedom.

Let us pass this resolution and let us make sure that we carefully study any trade agreement with the Soviet Union. The Trade Agreements Extension Act of 1951 removed the Soviet Union and all Communist countries from the status of most favored nation. If we are to reexamine our positions on this issue, it should be a long, thoughtful debate and not a rubberstamp decision.

Mr. McKEVITT. Mr. Speaker, the plight of Jews in the Soviet Union reminds one of Nazi Germany. Only today one of my staff members told me of reports he had received of how Jews are beaten on the streets in Soviet cities, of how many Soviet Jews have lost all hope and live in constant fear. The report is reliable. It came from a young man who just returned from the Soviet Union and told the story with tears in his eyes. It seems as though history may be on the verge of repeating itself, and once again the Jewish people are the victims.

Also shocking and absolutely despicable is that the U.S.S.R. is demanding a ransom—that is what it is, ransom—of from $5,000 to $37,000 for each Jewish person who wants to go to Israel. This is in addition to the now usual ransom fee of $1,000 for emigration permits, renunciation of citizenship, loss of job, forced enlistment in the army, imprisonment and other forms of harassment.

The Supreme Soviet meets on September 19th to ratify these ransom fees. Does anyone doubt what the action of the Supreme Soviet will be? This will draw the rope around the necks of Soviet Jews even tighter. They have no schools; their synagogues are closed and they have no cultural life. Now they have no opportunity to emigrate to Israel.

The fantastic ransom demands of the Soviet Union—I refuse to call them "fees"—by far exceed the total worth of each Jew's property and total earnings over a period of 5 to 8 years. The average monthly income in the Soviet Union is equivalent to about $153.

The ransom is also based on one's education. A Soviet Jew with a high school education must pay about $6,000 to leave the Soviet Union. One with a doctorate must pay thousands of dollars more. I might note here that for the Soviet Jew fortunate enough to have the required ransom funds sent to him by someone outside Russia, a 40 percent surcharge is placed on that money.

Mr. Speaker, every American should be made aware of what is transpiring in the Soviet Union and the oppression of Soviet Jewry. I am fearful that history may be on the verge of repeating itself.

Mr. DERWINSKI. Mr. Speaker, it is essential that Members of the House continue to voice their concern over the policies of the Soviet Union which are aimed at interfering with the ability of Russian Jews to emigrate. It is especially necessary that we develop a proper record so that our diplomats can demonstrate to the Soviet Government the strong views of the Congress which must be taken into account if there is to be any legislative action required as the Soviets seek to expand trade and economic contacts with the United States.

At this point, Mr. Speaker, I wish to insert into the RECORD as part of my remarks on this subject the language of House Concurrent Resolution 699, which I introduced on September 12, 1972 and cosponsored by two of my Illinois neighbors, Representatives CRANE and COLLIER:

> Whereas, the Soviet Union has refused to permit Jewish citizens to emigrate from a land where they have suffered bigotry and repression to Israel, where they would be welcomed
>
> Whereas, the Soviet Union has been confiscating almost all of the possessions of those Jews who are permitted to go to Israel; and
>
> Whereas, the Soviet Union has begun demanding exorbitant payments from Jews who have special skills and professions; now, therefore, be it
>
> *Resolved by the House of Representatives (the Senate concurring)*, That the government and leaders of the Soviet Union should be condemned for interfering with the desire of Jews to migrate to Israel and for imposing the new financial conditions, which are intended to restrict migration and impose an intolerable burden on Jews throughout the U.S.S.R."

The Government of the Soviet Union has been shown to be sensitive to sustained pressure generated by public opinion outside the Red empire, especially in periods when they are trying to cloak all their actions with respectability. The purpose of this special order, in which so many Members are participating, will not be lost upon Soviet observers.

Mr. ROSENTHAL. Mr. Speaker, on April 17, this body voted 360 to 2 to ask the President to take specific steps to aid Soviet Jews and to allow their free emigration. That measure, House Concurrent Resolution 471, which I introduced, was passed with the President's pending Soviet visit in mind.

Since that time, the Soviet Union has put a ransom of from $5,000 to $37,000 on the head of each educated Jew who wants to emigrate to Israel. This is over and above the previous $1,000 visa fee, renunciation of citizenship, loss of employment, forced conscription in the military, imprisonment, and other forms of harassment.

The Supreme Soviet meets next week to ratify the ransom plan. It is vital that this Congress once again show its strong and determined support of Soviet Jews before that date.

As chairman of the Foreign Affairs Subcommittee on Europe, I held extensive hearings on the denial of human rights to Jews in the Soviet Union. These hearings resulted in House Concurrent Resolution 471.

Jews have no schools, their synagogues are closed, they are allowed no cultural life, they have no opportunity to emigrate and be reunited with their families in their homeland.

My resolution calls on the President to:

First. Urge the Soviet Government to permit free expression of ideas and religious exercises by all its citizens;

Second. Use "formal and informal contacts with Soviet officials to help end religious discrimination in the Soviet Union;

Third. Request the Soviet Government that it permit its citizens the right to emigrate;

Fourth. "Raise in the U.N. General Assembly the question of Soviet human rights violations against Jews and other minorities.

It is imperative that the Soviets know the sentiments of the U.S. Congress and the American people and that they understand that restrictive anti-Jewish policies will cause the Congress to extensively scrutinize new trade relations and will be a part of any debate on change in our present policy.

The Soviets' restrictive emigration policy and ransom cannot but have a bearing on issues the Congress will be dealing with—including the Soviets' wish for most-favored-nation status, Commodity Credit Corporation loans, Export-Import Bank credits, and change in Overseas Private Investment Corporation legislation to allow Soviet credits.

It is time to remind the Soviets, and others who may have forgotten, that human lives and human freedoms cannot be bartered for trade or political convenience. Not only is such barter immoral and rightfully repugnant to our country's best traditions but no arrangement—whether economic or political—has any lasting value when so purchased.

The Soviet Union must be brought to realize that our country will not long tolerate such expediency. Congress, as the spokesman of the people, must make that conviction clear before we adjourn for our reelection campaign.

Mr. LENT. Mr. Speaker, I was distressed to read in the New York Times of September 14 that the Soviet Union for the first time told its people about the new, high emigration taxes for all of its educated citizens who wish to emigrate to the West. These taxes, ostensibly aimed at all educated Soviet citizens, primarily affect Soviet Jews, who are the most highly educated ethnic group in the Soviet Union, and who account for most of that nation's emigration. This Soviet policy of levying "emigration taxes" on Jews wishing to emigrate to Israel is despicable, a flagrant violation of human civil rights, and I will do all I can to have our Government press this issue in an effort to have this persecution halted immediately.

The American Jewish Community is rightly angered, as the Soviets have also increased their use of sudden callups to military duty to discourage young, trained Jews from leaving the country. Older Jews seeking to leave Russia are facing various forms of harassment, including the "head tax," demotions and discharges at their place of employment, and removal of telephone and police surveillance.

On September 11, I was pleased to join a number of my colleagues in cosponsoring House Concurrent Resolution 694, condemning the Soviet Union for forcing thousands of people to live and work in a country which they want to leave, because they do not have the money to ransom themselves into freedom.

I think it is imperative we join together to make it clear that free peoples of the world will not tolerate this 20th century slavery.

Mr. FRENZEL. Mr. Speaker, I rise today to deplore the recent "education fee" placed on those who wish to emigrate from the Soviet Union. The real intent of these fees is not to reimburse the Soviet Government for the cost of education, for the Government can tax for that purpose, but rather it is a ransom for those who somehow can get enough money to pay for their release, and worse, it is a deterrent for those who cannot ever raise the $5,000 to $40,000 it would take to leave the Soviet Union. To me, it is purely and simply, a case of selling bodies.

There are several tragic cases where the Soviet Government has refused citizens the right to emigrate. Yesterday, I inserted into the RECORD the transcript of two telephone conversations between Prof. Herman Branover, a world renowned magnetic hydrodynamics specialist from Riga, Latvia and Mr. Herbert Kohn, member of the Minnesota Action Committee for Soviet Jewry. In these conversations it was revealed that the Soviet kidnapers are holding Dr. Branover, against his will, in the Soviet Union until he can raise $40,000. Dr. Branover has been in bad health for many years and he cannot possibly raise that sum of money.

Unfortunately, the Soviet's treatment of Dr. Branover is becoming the rule rather than the exception. I have personally talked to a person in the Soviet Union who has carefully detailed to me the cases of many who have been denied the right to emigrate. Each is a personal tragedy. It has been brought to my attention that a young theoretical physicist, Victor Yachot, has been a victim of the abuses of the Soviet Government. After Mr. Yachot applied for an exit visa, he lost his job. After going on a hunger strike and attempting to get permission to organize a protest demonstration, he was thrown into a mental hospital for supposed antisocial behavior. Understandably, Victor Yachot was not content in the mental hospital and escaped, only to be discovered and drafted into the Soviet Army.

If Mr. Yachot was put into a mental hospital for supposed deficiencies, how could possibly he be mentally competent to serve in the Army? However, this is what the Soviet Government did.

Over the past few months, hope rose when more people were allowed to emigrate from the Soviet Union. It has been speculated that President Nixon had reached some sort of arrangement with the Soviet authorities on this matter. Although I deplore the setting of a quota on the number of people allowed to leave, it is imperative that an understanding be reached so that all citizens, Jews and non-Jews, be allowed the basic right to live in whatever country they choose to live in. After our hopes were raised so high because of apparent relaxing of emigration requirements during the first half of this year, and speculation over the results of the Moscow summit, it is indeed a tragic turn of events to find that it is now next to impossible to emigrate from the Soviet Union. This includes those people who hold dual American-Soviet citizenship.

The United States must not allow this sort of human tragedy to continue. Action must be taken at the diplomatic level and, if that fails, it is imperative that we use other means, including restrictions on trade, to force the Soviet Government to allow free emigration; both in numbers and in monetary terms. I applaud the recent agreements reached by President Nixon with the Soviet Government and the anticipated settlement of lend-lease agreements made during World War II. However, I still deplore the abuses of the Soviet Government and I question if we can go further toward liberalizing trade, travel, and other forms of cooperation while the Soviet Government continues to hold people, including U.S. citizens, against their will.

Mr. Speaker, I wish to insert into the RECORD a letter from Dina Podoskaya which gives details about the case of Victor Yachot. This is but one more example of the abuses of the Soviet Government. It should be a top-priority item of the United States to see to it that cases like this become a thing of the past.

The letter follows:

JUNE 1, 1972.

I, Dina Podolskaya, age 19, Jewess, on May 18, 1972, came together with my parents to Israel to establish permanent residence here (before that I lived in Moscow, U.S.S.R.). In Russia I was a 2nd year student at the Art Faculty of the Moscow Polygraphic Institute.

I'm turning to you for help and hope that you will use your influence. The matter is as follows:

The Soviet authorities are not issuing him an emigration permit for Israel for the last 9 months. The Moscow OVIR refuses to give a motive for this behaviour, referring to the fact, that the petition of Victor Yachot is being studied and no decision has yet been made.

Victor Yachot is a theoretical physicist, age 28: he graduated from the Moscow Physics-Engineering Institute; after his graduation he worked with success at the Atomic Physics Institute of the Academy of Science. He published a number of scientific works in the Soviet Union as well as in other countries. At work he never had access to any secret materials, therefore there is no basis for such a prolonged and painful decision of this question. Apparently that is why OVIR does not give any sensible answer.

Long before Victor Yachot submitted his petition papers to OVIR, he was relieved of his job. By the same token right from the beginning they started to break the law. With great difficulty he managed to get a character resume from his place of work, without which the OVIR does not accept any petitions and documents, that are necessary for an emigration permit.

Victor Yachot has turned to a great many highly placed Soviet organizations with the plea to let him emigrate—but there was no answer. He then turned to the KGB, the offices of the CK (Central Committee) but the endless requests did not bring any answers. To symbolize a protest Victor Yachot announced a hunger-strike and addressed an open letter to the CK—again no answer was forthcoming.

In March 1972 Victor Yachot, together with M. Kliatchkin, L. Tsypin and A. Slepak, submitted a petition to the Minister of the Interior Shchelokov and to the president of the MOSSOVIET Promyslov for a permit to hold a protest demonstration on the Soviet Plaza on May 25, from 10:00 A.M. to 6:00 P.M. The aim of the demonstration—to achieve permission to emigrate to Israel. When they were received at the office of the vice-president of the MOSSOVIET, they did not get an answer, that made sense. As further developments showed, the Soviet authorities decided to apply policies of threats and repressions.

From the end of the month of April the police started to come to the apartment of Victor Yachot with threats and orders to behave quietly and not to disturb the social order. In what connection and for what reason were such seemingly innocent requests made? But all this was only the beginning of an earlier planned campaign. Psychological pressure, scare tactics, persistent provoking telephone-calls, threats, notices to appear at the police-station. Furthermore, they attempted to charge Victor Yachot with "living as a parasite," even though it was well known, that Yachot gave private lessons in Physics at his home; a fact that was anticipated by the Soviet Legislature and was clearly legalized in the financial Soviet organs. All this time there was also the continual shadowing by the GB workers and constant threats. Accordingly Victor Yachot notified the Presidium of the Supreme Soviet that he decided to give up his Soviet citizenship, at the same time protesting against the arbitrariness and lawlessness. In the first part of May there came a forced drive, that committed him to a psychiatric hospital; again an attempt with methods, forgotten since the Inquisition, to convince the public, that Victor Yachot is an irresponsible individual, that he is a mentally deficient person. A clear case of a polcy of venomous threats, provocations and repressions. Victor Yachot managed to leave the mental hospital without a passport. But a person living in the Soviet Union without a passport is a person without rights, without defense.

All this happened only because he actively fought for his rights to emigrate to the State of Israel, where he has close relatives. Does this lawful right of every citizen constitute the breaking of international standards?

The Soviet authorities decided to isolate Victor Yachot. On May 12, 1972, in the apartment of engineer Slepak he was arrested by the GB and sent under guard to the military camp in Volsk, district of Saratov. What served as the basis of Victor Yachot's draft into the military service with the aim "to raise his military qualifications"—a person who was suspected of mental deficiency, accused of living as a parasite and disturbing Soviet law and social order? Where is the elementary logic to all that?

In the official statements for Soviet government servants it is stressed, that only persons, who are exposed to government secrets are not allowed now to get permission to go to Israel. How can the actions of the Soviet authorities be explained in this case? Isn't this the most blatant breaking of Soviet Laws, which the authorities are attempting themselves to guard?

My address: Israel, Jerusalem, Mevasseret Zion, Merkaz Klita 60-A. Tel.: 528444, 528910.

DINA PODOLSKAYA.

Mr. REID. Mr. Speaker, I rise to join my colleagues in an expression of dismay over newly revealed incidents of blatant persecution of Jews in the Soviet Union.

In recent months the Soviet Union has expanded its persecution of Soviet Jewry by demanding what are, in effect, "ransoms" of between $5,000 and $37,000 for each Jew with a higher education desiring to go to Israel. These incredibly fantastic fees represent another escalation in the continual harassment of Russian Jews desiring to leave the Soviet Union.

In the past, Jews applying to emigrate have lost their jobs, been forced to enlist in the Soviet army, and have even been imprisoned.

This latest form of persecution dashes the hopes of the Soviet Jews who have been systematically cut off from their heritage. Their synagogues have been closed, religious articles and even matzos have been taken from them, they are deprived of a cultural life, and now they are being denied an opportunity to be reunited with their families and to emigrate to their homeland.

The Soviet Union has tried to justify these exorbitant fees by claiming that the fees were instituted to prevent a "brain drain." But this claim is clearly fallacious. Educated Jews who apply to emigrate are either demoted or fired, and thus their talents are clearly not being used.

Already the effects of this harsh policy can be seen. These excessive fees far exceed the earnings of most of those who seek to emigrate. In the first 6 days that this law was in effect, beginning in August, at least 65 Soviet Jewish families, ready to emigrate, were stranded. Six Jewish families were stopped at the Moscow Airport and are now totally stranded, without either money or a home.

The Soviet Union's actions must not go on unheeded. Not only must all nations of the world who concern themselves with human justice and rights for individuals cry out at this policy of discrimination, but in addition, both nations and individuals must consider concrete actions. This may well be the time for the U.S. Congress to explore our trade policy with the Soviet Union, and perhaps to reevaluate it in terms of these unreasonable harassments and ransom demands, should they continue.

As a Member of Congress and a concerned citizen I must thoroughly condemn this unconscionable treatment of Russian Jewry, and only hope that on September 19 the Supreme Soviet will vote not to continue this reprehensible practice of massive exit fees, but rather will vote to uphold what should be the right of all humans, regardless of their religion, to live their life where they want and in a manner consistent with their beliefs.

Mr. PICKLE. Mr. Speaker, I want to commend my colleagues for bringing the attention of Congress to the persecution of Soviet Jews.

The Soviet Union today is an example of dictatorship by a bureaucracy. Such dictatorships often have little regard for human dignity and personal liberties when such freedoms interfere with the supposed goals of the State.

These recent increases in fees for Jews with higher education to leave the Soviet Union for Israel is an example of political repression in its lowest form. This latest action is another chapter in the tragic history of repression against Jews.

Can we as a nation condone this action of holding back Soviet Jewry from emigrating to Israel? I think not. My colleagues have noted that these exit fees may also violate the United Nations Universal Declaration of Human Rights by imposing double jeopardy on Soviet Jews trying to go to Israel.

The parallels between this situation and those which gave birth to religious freedom in this Nation are obvious.

This is one great moral reason why we cannot allow the persecution of Soviet Jewry to go unchallenged. Too often we are immune to man's inhumanity to man. Let us not be in this case of obvious harassment of Soviet Jews.

Mr. ANDERSON of California. Mr. Speaker, on September 19, the Supreme Soviet will meet to ratify a decision to place a tax on Jews wishing to leave the Soviet Union.

This tax ranges from $5,000 to $37,000, depending on the prospective emigrant's level of education.

Since the average yearly income of a worker in the Soviet Union is $1,836, this ransom, in effect, denies the Soviet Jew the right to emigrate to a country of his choosing. A Soviet Jew with a high school degree would have to save 100 percent of his earnings for nearly 3 years before he could buy his way out of slavery.

Mr. Speaker, clearly the tax wholly precludes any type of emigration for most of those Soviet Jews with a high school education or above.

While a few Russian Jews could possibly amass this relative fortune, the Jewish leadership in the Soviet Union has taken the position that under no circumstances should the ransom be paid. In their view, the Soviet appetite is unlimited, and if ransom is paid, it will only encourage further taxes.

Mr. Speaker, what can we do? Do we stand by passively while the Russian Government creates a class of slaves? Or do we act in a manner which will convince the Soviet Government that we despise this immoral and unjust practice?

I suggest, in the strongest language, that we choose the latter course of action—that we bring such force to bear that the Soviet Government will yield to our pressure and let the Soviet Jews emigrate to the country of their choosing.

Currently, the Soviet Union needs wheat. They also need credits from the Commodity Credit Corporation to finance the wheat imports.

Mr. Speaker, we have the wheat, and I feel that it is our "bargaining chip" to put the pressure on the Soviet Government to refrain from ransoming Soviet Jews.

Even beyond the moral implications of their actions, we must act to show the Supreme Soviet that it is in their best interests to allow the free emigration of Soviet Jews to Israel. For the Soviet Government to do otherwise would not only seal the vicious circle of persecution of Russian Jews, but would also deny the Russian masses the bread they need to produce.

I would like to commend Chairman CELLER and Congressman PEYSER for their leadership in this battle, and for bringing this problem to our attention. I endorse their efforts, and would like to associate myself with their eloquent and timely remarks in behalf of Soviet Jews.

Mr. BARRETT. Mr. Speaker, I am most pleased to join with my colleagues and protest and deplore the present attitude of the Soviet Government regarding the emigration of Soviet Jewry. The imposition of a tax for exit visas from Russia, ranging from $5,000 to $37,000, is reminiscent of the early days of Hitler, who also at one time offered to trade German Jews for gold or trucks or other items.

The action of the Soviet Government is in effect a requirement of ransom or extortion, actions which are deplored by civilized people. There can be no doubt on this score for a recent article in a Washington paper disclosed that the deputy chief of the visa branch of the Interior Ministry in Moscow told Dr. David Korn, Chairman of the Soviet Jewry Committee, in a transatlantic telephone conversation that:

> If you want your relatives to leave, transfer through your American bank the necessary amount, and they will leave.

Such action, if it is not now so considered, should be in the same category as that of ransom and hijacking of airplanes, which should be rated an international crime. The Soviet's actions however are more heinous in that it involves human beings—human lives.

Mr. Speaker, early in August there were reports that the President had discussed the matter of emigration by Soviet Jews during his Moscow visit and an agreement had been reached with the Soviet Government. I would doubt that the President would have envisioned or agreed to anything that smacked of ransom or extortion.

I believe that it would be well, Mr. Speaker, for the Soviet Government to recognize that approval of this action by the Supreme Soviet will be looked upon with more than extreme disfavor by our Government and this Congress. The Congress has much to say about the relationship between our Government and the Soviet Government; we have a voice in the trade relations between the two countries; and we have a voice among the peoples of the world. Let the Soviets be aware that we will not still our voice on this matter.

Mr. Speaker, I raise my voice here today not only for myself but for the people of my district. I believe that I also raise my voice for all the decent and civilized peoples of the world.

Mr. EVANS of Colorado. Mr. Speaker, I deplore the fact that the Government of the Soviet Union has begun to demand large financial payments from its Jewish citizens who are trying to emigrate to Israel.

That demand can best be described as ransom. Such arbitrary, unreasonable demands by any government are not to be condoned. That such a policy is instituted by one of the world's most influential nations makes it all the more despicable.

While I believe the recent U.S. rapprochement toward the Soviet Union is a wise and necessary step, I believe our administration ought at the same time to make it perfectly clear to the Soviet leaders that this Nation believes their action toward the Jews is an action that free men find abhorrent.

Mr. BURKE of Massachusetts. Mr. Speaker, I can only rise in strongest protest over recent developments in the Soviet Union's continued harassment of Soviet Jews. It is incumbent upon this Congress, the administration and the American public to convey their sense of outrage to the Soviet Union at what can only be described as holding to ransom each Jewish person with a higher education desiring to emigrate to Israel. At a time when we are being asked to effect trade relations with the Soviet Union in the form of most favored nations status, it is time to convey our feelings over this latest restrictive policy loudly and clearly. On September 19, the Supreme Soviet will meet to ratify this "head tax" on Soviet Jews. It is vital, therefore, that we join in a unanimous denunciation of this policy before that time; that we go on record as notifying the Soviet Union that their repression of Soviet Jews will indeed have an effect on any consideration of trade relations and change in foreign policy. We cannot afford to sit idly by while human beings are being put up for sale, and all accounts verify this is what is happening. The Soviets' own constitution states in article 21 that each citizen shall have the right to a free education in all of the schools. The Soviet's latest position is clearly contradictory to remarks made in the influential journal of the Young Communist League which just 1 year ago stated that the official position of the Soviet Union was that the repayment of expenses involved in education was being satisfied in full in the form of 3 years required service in some branch of the Government. If one examines the actual sums that are demanded by the Soviet Union by Jews who wish to emigrate, it is beyond a doubt that they are far beyond their capabilities. The "head tax" ranges from $5,000 to $37,000 depending upon the level of education completed. It is self evident that no one earns a salary anywhere near that sum, no matter how highly professional. As a matter of fact it would take from 5 to 8 years of saving all of one's earnings in order to be able to make the staggering payment. In the Soviet Union the average monthly income is estimated at $153. How then does one manage to come up with this astronomical fee?

Most assuredly we have entered a new and welcomed era of negotiations with the Soviet Union—one which I applaud. But we cannot afford as a nation to gloss over the illegal and immoral treatment of Soviet Jews, to sacrifice the dignity and worth of these people, in our efforts to seek rapprochement. I urge my colleagues in this House to join with me in expressing our strong protest over this latest repressive treatment of Soviet Jews.

Mr. BURTON. Mr. Speaker, I join with my distinguished colleagues in this special order today on the persecution of Soviet Jewry, as I have joined in this debate in the past when this issue was before the House, because I firmly believe that the persecution of any people is and must be the concern of men of conscience everywhere.

The persecution of Soviet Jews has long been apparent to the world and I need not catalog the events of the past several years. The latest demands for unusual exit fees, ranging from $5,000 to $37,000, for each Jewish person with a higher education who wishes to go to Israel is a gross violation of human rights which cannot be silently tolerated.

This Member, Mr. Speaker, will weigh this issue heavily when determining how he will vote on the variety of issues, including liberalization of credits and other economic policies which will come before the House and which affect U.S.-Soviet relations.

I sincerely hope that the September 19 meeting of the Supreme Soviet will not result in the ratification of the fee schedule and the imposition of a further burden on the Jewish citizens of the Soviet Union.

Mr. PEYSER. Mr. Speaker, on September 19, the Supreme Soviet will meet to ratify a schedule of fees, ranging from $5,000 to $37,000, for each Jewish person with a higher education who wants to go to Israel. I feel it is very important that the Congress of the United States show its strong and determined support of Soviet Jews before that date.

I want the Soviet Union to know that their restrictive emigration policy will cause this Congress to extensively scrutinize any proposed Soviet-American trade pacts. I want the leader of the Soviet Union to know that the Congress must amend the Trade Expansion Act of 1962 and take other substantial legislative steps before expanded Soviet-American trade can take place.

If the Soviet Union wishes to trade with the United States, I believe it is appropriate for the U.S. Congress to demand that Soviets honor the United Nations Universal Declaration of Human Rights and permit the free unhindered emigration of Soviet Jewish citizens.

Mr. STRATTON. Mr. Speaker, I rise to express my abhorrence and condemnation of the recently announced Communist policy of placing a huge ransom on the emigration from the Soviet Union of Jews with higher education.

While I have been cautiously pleased with the recent easing of tensions between the United States and Russia, I have also warned against the danger of forgetting the atrocities against human rights that continue to be committed by the Soviet leadership.

This latest outrage serves to point up once again the total disrespect by the Soviets toward the dignity of individual human beings. In short, this is discrimination and prejudice in its crassest form.

The Communists, of course, have always tried to prevent the emigration of Jews from the Soviet Union through intimidation and harassment. But the courageousness of Soviet Jewry was vastly underestimated by the Soviets as the number of Jews who have braved these reprisals by applying for emigration permits has increased by vast numbers. In an attempt to halt this new flood the Soviets have now instituted this policy which amounts to human bondage reminiscent of the days of Nazi Germany.

We are told by Soviet propagandists that those exorbitant exit fees, ranging from $5,000 for a bachelor's degree to $37,000 for a doctorate, are in payment for the education provided by the state and to prevent a "brain drain."

But the real motives of the anti-Semitic dictators are threefold: First, they hope to halt the outflow of Jews who wish to migrate to the land of their people. Second, the policy is aimed at intimidating young Jews who wish to further themselves through higher education. In other words, it is an attempt to relegate Jewish citizens to the lower economic and educational status. And, third, and perhaps most appalling, is this new Soviet plan of making money off this modern slave trade. The low wages paid to Russian workers means that any ransoms paid for the freedom of Russian Jews will come from foreigners—chiefly from American citizens of the Jewish faith.

The Israeli Knesset has adopted a resolution appealing to all nations to condemn this Soviet act of human degradation. Surely the United States, with its long heritage of freedom, should be the first nation to take positive action.

I, for one, Mr. Speaker, would be very reluctant to support any type of trade policy that benefits a nation which profits from dealing in human exports. Any concession to the Soviet Union while it continues its barbaric anti-Semitic policies are clearly contrary to American ideals and interests.

Mr. PEPPER. Mr. Speaker, I thank the able gentleman in the well for yielding to me.

I wish to voice the strongest possible dissent against the United States granting any trade concessions or other benefits to the Soviet Union as long as the Soviet Union pursues the unconscionable policy of levying blackmail and ransom upon the Jews of Russia who desire to emigrate to Israel.

It is shocking that any nation which claims to be a civilized nation would associate itself with such a barbarous practice. It is exacting tribute in the most unconscionable way from people who seek to realize an age-old dream of being reunited in their ancient homeland with their own people, where they can enjoy freedom and live in dignity.

I hope our Government will not sacrifice the principle of denouncing and attempting to forbid such a practice by the Soviet Union in exchange for some profitable trade transaction with the Soviet Union. It is contrary to the character and the history of our country for us to ignore such unconscionable practices on the part of those with whom we establish intimate relations which are advantageous to such powers.

I hope the message will go forward from this Congress that the Congress denounces this vicious practice and will agree to no concessions or favored-nation trade agreements with the Soviet Union until the Soviet Union stops levying such foul tribute and accords to the Jewish people the free right to return to their ancient home.

Mr. BINGHAM. Mr. Speaker, the ransom policy announced by the Soviet Government to apply to every Jewish person who wishes to emigrate is an intolerable injustice. It is a violation of commonly accepted standards of human rights and dignity as expressed in the United Nations Universal Declaration of Human Rights. It cannot be justified on any terms, and Soviet officials must be put on notice that, particularly when added to the harassment and imprisonment to which Soviet Jews are so frequently subjected, it is a policy which is as much anathema to the United States and other nations and peoples of the world as, for example, the policy of apartheid in Africa.

In the wake of this deplorable action by the Soviet Government, Mr. Speaker, we see newspaper reports of "major breakthroughs" in negotiations between the Nixon administration and Soviet leaders on billions of dollars worth of prospective trade deals. The major breakthrough has apparently been on the matter of the Soviet Union's World War II debts, which the United States set as a precondition for successful negotiations.

It is outrageous, Mr. Speaker, that our Government should be engaging in trade negotiations in which a financial matter like war debts is a precondition, while no mention or consideration whatsoever is made on the matter of human rights and human decency at issue in the new Soviet policy toward Jews who seek to exercise their right to emigrate.

It is incumbent upon the administration, Mr. Speaker, immediately to set repeal of the Soviet ransom policy as a precondition for further negotiation on trade, and no further trade negotiations should be conducted until this issue has been confronted. That the administration should stress financial preconditions and ignore this attack upon human rights is an indication of the desperate lengths to which it will go to obtain what it undoubtedly regards as a political popular set of agreements with the Soviet Union.

In order for any of these trade deals to be carried out, action by Congress will be required to extend most-favored-nation status to the Soviet Union. I certainly do not think that the Congress should extend such status so long as the Soviet Union continues to impose ransoms on Jews, and I feel the Congress must and will insist that this ill-conceived and unjust ransom plan be rescinded before any serious consideration is given to enactment of legislation giving most-favored-nation status to the Soviet Union.

Mr. JACOBS. Mr. Speaker, I compliment the gentleman for the special order on Soviet Jews.

The Berlin Wall has been moved to Moscow. And the world is the poorer for it.

As President Kennedy might have said, whatever our shortcomings as a nation, we do not have to build a wall of bricks or taxes—to keep our people in.

Mr. BIAGGI. Mr. Speaker, I am pleased to join with my colleagues today to protest the Soviet Union's demand for a ransom for Soviet Jews who wish to emigrate from that country.

The Soviet Union's whole attitude and actions in dealing with its Jewish citizens have been despicable. The right to emigrate is basic and is clearly set forth in the United Nations Universal Declaration of Human Rights. Yet they have continued their policy of harrassment and abuse and now ransom against those Jews who seek to exercise their rights.

Now the Soviet Union has come to us with hat in hand and asked for favorable trading arrangements. They are seeking trade credits and most-favored-nation status. No deals should be made or discussed until the issue of the Soviet Jews is settled.

The Jews in the Soviet Union are being persecuted. Let us make no bones about it. They are systematically being exterminated as a viable religious body by a totalitarian state. It may not be the mass slaughters and concentration camps of the Hitler regime in World War II, but the goal of extermination of a group of people is the same.

Can it be that we have forgotten what Hitler did just a scant 30 years ago? Can it be that we as Americans have forgotten that to preserve our own human rights and freedoms, we must fight for the rights and freedoms of peoples the world over.

Hillel, the rabbi and teacher of great people, said:

> If I am not for myself—who will be for me? If I am only for myself—what am I?

It appears that too many Americans are only for themselves.

The cause of Soviet Jewry is a just one. The right to emigrate is an international and humanitarian right that transgressed once against one group of people is a transgression multifold against all the people of the world. No ransom, no harassment, no intimidation should be permitted to snuff out this right.

We here in America cannot stand idly by while the Soviet Union makes criminals of the Jews in their country and then puts a price on their head. The only crime the Soviet Jews are guilty of is that they desire to live in accordance with their heritage. They are guilty of daring to speak and write in their own languages. They are guilty of attempting to transmit their culture to their children. They are guilty of demanding the right to live with dignity as Jews.

Mr. Speaker, if they are guilty of these crimes then we are all guilty as well.

What has happened to the great government of the United States? In 1903 the highest government officials spoke out against the infamous Kishinev pogroms. And again in 1940, this Nation went to war to protect human rights and freedoms. Why the silence today? Has America abandoned its national tradition to fight for freedom everywhere in the world?

I hope, Mr. Speaker, that our efforts here today will put the Soviet Union on notice that Members in this body will not stand idly by while they persecute the Jews in their country. If they expect to receive better treatment in the family of nations then they must start first by treating their own citizens in a dignified and just manner. Let them let the people go.

Mr. BOLAND. Mr. Speaker, I join my colleagues in protesting the ransoms exacted from Soviet Jews seeking emigration to Israel. These extortionate exit fees—ranging from $5,000 to $37,000, fortunes all but unheard of in the Soviet Union—are demanded of each Jew with a higher education who wants to quit Russia for Israel. On September 19, Mr. Speaker, the Supreme Soviet is scheduled to meet to ratify these ransoms, to cloak them in "legality."

I want to point out that such a step will mean that the U.S. Congress will examine more closely—much more closely—our developing trade agreements with the Soviet Union.

Jews in the Soviet Union already endure discrimination in virtually every way conceivable. All but institutionalized, the Soviet Government's bigotry strikes out at Jews in jobs, housing, education, travel, cultural activities of every kind.

More than 2,300,000 Jews now live under the Kremlin's yoke. Yet no newspaper—indeed, virtually no publication whatever—is published in Yiddish. No school teaches in the Jews' tradition or tongue. No theater celebrates their cultural heritage. No central organization binds them together in common purpose. Even food, the kosher dishes Jews have savored in a tradition still surviving after thousands of years, is denied them. Few shops, if any, carry these foods or their principal ingredients.

Soviet Jews endure persecution almost reminiscent of the 18th century czarist pogroms that left hundreds of thousands hanged and pilloried throughout Russia.

It is hardly surprising, Mr. Speaker, that many Soviet Jews want to emigrate to Israel. But the Kremlin grants few exit visas—perhaps 10 percent of those sought, and even these slowly and grudgingly. Their cost is nothing short of extortionate: $1,000 until recently, and now as high as $37,000.

After years of groping through the redtape strewn in their path by Soviet officialdom, Jews granted visas face still more vexing obstacles. Their departures are delayed—often for months, sometimes for years. And, since they must explicitly renounce Soviet citizenship to become eligible for visas in the first place, they are suspended in a kind of eerie political limbo—without jobs, without permanent living quarters, without official status of any kind. They become, as the newspapers whimsically say, "nonpersons."

We in the Congress must continue to make their plight known to the world. We must continue to make speeches. We must continue to sponsor resolutions. We must continue to plead with worldwide organizations like the United Nations.

Even the Soviet Union, no matter how glacially aloof to the world community, cannot ignore public outrage.

Mr. MINISH. Mr. Speaker, I rise in strong support of this discussion of the serious obstacles raised to Soviet-American trade expansion by the vicious and unrelenting persecution of Russian Jewry. The latest ransom demands are still another of the special restrictions upon Jewish citizens which run counter to the U.S. Declaration of Human Rights.

This Congress had repeatedly voiced its concern for the plight of Soviet Jewry. It is well that we do so. As Rabbi Zev Segal, chairman of the Essex County, New Jersey Conference on Soviet Jewry stated at the hearings held by the Foreign Affairs Subcommittee on Europe last November:

> I think it is fair to say that the new, vigorous, outspokenness of Russian Jewry has been, at least in part, fanned and encouraged by demonstrations of support and concern voice by a myriad of groups and individuals, large and small, throughout the civilized world. It would be a disaster, ladies and gentlemen, if the worldwide outcries in which we have been participating were to diminish or regress.
>
> Its inevitable result would be to isolate and make most vulnerable those Russian Jews who are now demanding their human rights.

Those human rights include free emigration, but emigration from the Soviet Union has entailed many complications and frustrations to which has now been added a ransom of from $5,000 to $37,000 for each Jewish person with a higher education who wants to go to Israel.

This new schedule of fees awaits ratification by the Supreme Soviet on September 19. It is right and proper that the Congress should protest this affront against human freedom which is a universal cause.

Mr. Speaker, all Americans would welcome an amelioration of tensions, but Russia's efforts to win economic advantages cannot be considered in a vacuum. The Soviet ransom demands against helpless human beings cannot be ignored in any discussion of economic agreements. As a member of the Banking and Currency Committee, which has jurisdiction over Export-Import Bank legislation and related matters, I for one will have to view any pertinent proposals in the light of the condemnation to living death of the Jewish community in Russia. The victims of Soviet inhumanity cannot be forgotten in any forging of economic agreements.

Mr. PEPPER. Mr. Speaker, I join my colleagues here and millions of outraged Americans across this land to protest the barbaric practice that has been adopted by the Soviet Union to prevent Jews from emigrating to the State of Israel.

In czarist Russia, the buying and selling of human beings was a normal phenomenon. Like slaves, the Russian serfs were considered as chattel, the possessions of their owners. The price fluctuated depending on the serf's abilities, skills, and education.

This form of human measurement is being revived. The Soviet Union has announced that its citizens—especially Jewish Russian—can buy their exit visas—and their liberty—for prices that rise with the educational attainment of the individuals involved. A Soviet serf with a doctoral degree is purchasable for $37,500; a basic college graduate costs $15,000; the trade school graduate can be had for under $5,000.

Soviet Jews seeking emigration to Israel are the group most affected by the new laws and price scale. Few persons except the official elite in the Soviet Union having savings of this order. The practical effect is to bar emigration and presents Soviet Jews, in particular, with a situation of intolerable blackmail.

In imposing fees on professional emigrants, the Russians argue that the state should be reimbursed for the cost of the higher education these individuals received free of charge in the Soviet Union. Not only are the new fees exorbitant. Even if applicants are not allowed to leave the country, the mere act of applying for exit visas is considered enough cause for them to be stripped of their degrees and dismissed from their jobs.

I believe the American people expect us to do everything we can to express our abhorrence for this new Russian serfdom. I believe they expect us to make it clear that the Soviet Union can anticipate no meaningful expansion of trade between our two countries.

I cannot support the extension of credits or the consideration of most favored-nation treatment for Soviet exports as long as the Soviet Union treats people as "serfs" to be bought and sold.

There can be no extensive trade with the Soviet Union as long as the Soviet regime demands ransom for Jews seeking to emigrate to Israel. We cannot abandon our obligation as people who love freedom. We must withhold the economic cooperation the Soviet Union seeks until it respects civilized practice with respect of the rights of emigration.

Mr. KOCH. Mr. Speaker, the Soviet Government is continuing its harassment of its Jewish population. The latest form of discrimination is to impose exorbitant visa fees based on the level of the person's education. These fees range from $5,000 to $25,000—much more money, of course, then the Soviet Government has paid for the individuals' education. In fact, the norm in Russia is for the average citizen's work production to be about twice that which he even earns, a fact which emphasizes that the Russian Government does not lose money on its citizens. Whatever the reasons are for this latest form of discrimination, it is obvious that the Russians are desperately seeking to end emigration of the educated Jews.

The question which must now be asked is what we, as Members of Congress can do to stop this barbaric ransom of humans? The answer, as I see it, was stated very well by a Mr. Leonard W. Schroeter—an American attorney who is also principal legal assistant to the Attorney General of Israel—who recently met with the top Jewish leaders in the Russian community. Mr. Schroeter states that, according to these leaders:

> The only hope of rescinding the tax is if—massive political and economic pressure can be mounted in the West.

These Soviet Jews have no intention of paying the ransom. They feel that if the initial money is paid, there will be no limit to the further demands made on these Jews before they can obtain their visas.

I agree with Mr. Schroeter and the Russian Jews he spoke with when they say that there must be economic reprisals against the Soviet Union. We must make it clear to the Russians that they will receive credits and new trade deals only if these new visa restrictions are removed. I will not vote for any new trade concessions for the Soviet Union, and I do not see how any Members of Congress can, in good conscience, do so either, as long as these high fees are imposed on persons wishing to emigrate.

If the Russians will not bow to world public opinion, perhaps they will submit to economic pressure. Congress has the power and special constitutional responsibilities in this area. Legislatively we have authority to deal with Eximbank credits, most-favored-nation treatment, and overseas private investment corporations. Perhaps more important, the House and Senate have already passed a measure, Public Law 92–412, entitled the Equal Export Opportunity Act and International Economic Policy Act of 1972, which places some restrictions on our trade with foreign countries. For example, title II establishes the Council on International Economic Policy and states that international economic policy should be developed with a view toward, among other things, "achieving freedom of movement of people." This has already become law, and we can use it visa-à-vis the Russians.

The Soviet action has already had an effect on the Russian Jewish community. Young people have begun withdrawing from universities and are refusing to even begin their studies. For the men, this means army duty which amounts to and 8-year obligation. This, of course, means that there is no chance to emigrate elsewhere for that 8-year period. Also, parents whose children have served are frequently prevented from emigrating.

The United States Government must take steps to prove to the Russians that economically it will be counterproductive to continue to impose this levy. And, we must assure the Russian Jews that we are more interested in protecting their lives than we are in selling material commodities to the country holding them hostage.

Mr. WIDNALL. Mr. Speaker, I join my colleagues in denouncing the Soviet Union's latest move toward repressing its Jewish people.

In his visit last May, President Nixon was able to extract promises from the Soviet leaders to increase the level of emigrants to Israel to 2,500 a month. So far this year, about 20,000 Jews are reported to have received clearance to emigrate from the Soviet Union, which is double the rate of 1971.

Even with the rate increase, the Jewish desire to abandon the Soviet Union far exceeds the allotted emigrations.

The Soviet leaders were faced with extreme embarrassment by this outrush of citizens, and were faced with a potential demand by other groups to leave under the same policy. So the Soviets unearthed an illogical and illegal tool to stem the flight of Soviet Jews.

As of August 3, a person must pay off his public education at a rate set by the Soviet Union, before emigration is allowed.

Needless to say, the rate exceeds every bodys' ability to pay. And the order violates the United Nations Declaration of Human Rights which the Russians have agreed to. The fee effectively blocks emigration.

In the past, congressional protests has evidently had some positive effect on the policy of the Soviet Government toward its Jewish citizens. It is hoped that our voice today will stop ratification of this onerous exit fee when the Supreme Soviet meets on September 19.

Mr. WOLFF. Mr. Speaker, the sad plight of the Jews in the Soviet Union is by no means unknown to the Members of this body, or to the citizens of this country who can almost daily read of new harassment inflicted by the Soviet Government in relentless and vicious persecution of this religious and ethnic minority.

We have watched in unbelieving horror as Russian Jews have been deprived of their jobs, their rightful property and their freedom, as they have been separated from their families without any prior warning and thrown into prison to languish for weeks and more often for months, without any charges leveled against them. These are the tactics one can read about in the bizzare fiction of Kafka, yet they are also the macabre reality of life in the Soviet Union for those Jewish citizens who have expressed their desire to emigrate to Israel or some other country. Upon application for an exit visa, a Soviet Jew can expect to be fired from his job, or at least demoted to menial work, especially if he is a professional, with an accompanying cut in wages, without regard for his education or professional skills. At best, he can expect to be evicted from his home and deprived of his personal property, and if he is lucky, avoid the labor camps or prison cell. As a second-class citizen already, his request for permission to escape the source of his persecution singles him out as an object of even greater persecution and misery, and what is worse, more often than not, the visa is never granted.

The tragic irony is that the Soviet Government will not let its Jewish citizens live in peace as productive citizens in their country, yet at the same time, it refuses to permit these tormented people to find peace in other countries which have indicated their willingness to accept them as immigrants.

In previous months, international sentiment, especially strong pressure from the United States has succeeded in calling world attention to the plight of Soviet Jews and resulted in some temporary easing of the harrassment and an apparent liberalization of the emigration quotas.

Now that the Soviets have been forced to yield to world pressure and permit some Jews to leave, they have decided to capitalize on the situation by putting an exhorbitant price on the head of each person who applies for emigration, based on the education and training of that individual. Thus, an engineer, a doctor, or a technical specialist must pay as much as $25,000 in addition to the standard cost for an exit visa to buy his way out of the country, while a teacher or lawyer would pay a lesser "ransom."

Mr. Speaker, let us look at the realities of Soviet life for these people, and the limitations on their income. First of all, under the best of circumstances, a Russian citizen earns on the average the equivalent of only $2,000 a year. With the confiscation of property, and loss of job that inevitably follows application for an exit visa, the chances of most Soviet Jews for raising the required "ransom" are obviously minute. And for those few Jews who are fortunate to either have some personal means or can obtain assistance from friends in other countries, the resulting oppression of these people's friends and family remaining behind is intensified.

Such treatment is clearly beyond the realm of human dignity and compassion and we must condemn the latest actions by the Soviet Government that require exhorbitant and unreasonable exit fees as one more intolerable and inhumane act in its efforts to dominate and destroy this innocent segment of its population and religious life generally.

Mr. Speaker, we saw all too vividly what happens when a nation is allowed to carry forth its policies of hate and destruction against one group of people. The tragedy of Germany's ovens and gas chambers is too immediate to us all that we can accommodate the Soviet Union's actions or tolerate them any longer.

Surely we have learned the harsh lesson of complacence, and have seen the results of a nation's disregard for human values. Therefore, I would condemn in the harshest terms the Soviet Union's new "ransom" policies and join with my colleagues in calling upon that government to respond to the dictates of the honest evidence of compassion and human decency and permit those Jews who wish to leave the Soviet Union to do so.

Mr. EILBERG. Mr. Speaker, last week I introduced a resolution condemning the Government and leaders of the Soviet Union for creating a class of slaves in the 20th century by forcing thousands of people to live and work in a country which they want to leave, because they do not have the money to ransom themselves into freedom.

This policy of putting a price on the head of every person with an advanced education, who wants to emigrate from the Soviet Union is aimed solely at the thousands of Russian Jews, who are trying to go to Israel.

This decision to ransom Russian Jews is a barbarism which can only be compared to Hitler's offers to trade Jews for trucks.

Now we learn that these same Russian leaders are asking for economic concessions to make trade with the United States easier and more profitable.

It is time that our Government started using our economic power to help oppressed peoples such as the Russian Jews.

If the leaders of the Soviet Union want special favors from the United States let them start acting like civilized men in their treatment of people.

It is my feeling that Congress should not approve any legislation giving the Soviet Union favorable credit terms for purchases in this country, low tariff privileges to Russian products entering the United States, or which establishes investment guarantees for American companies operating in Russia.

The resolution I introduced condemning the Russian leaders has been cosigned by some 95 Members of the House. I urge everyone of them to affirm this condemnation by taking a stand against granting the Soviet Union special economic favors until this demand for ransom of the Russian Jews is eliminated.

Mr. HALPERN. Mr. Speaker, this time of year is most solemn for the Jewish people. It is the beginning of a new year and we pray for peace and good health throughout the coming months. However this Rosh Hashona is marked with sadness as well as solemnity because of the massacre in Munich 2 weeks ago and the Soviet decree of August 15. This decree has already resulted in untold human suffering and has sent new waves of fear for Russian Jews who wish to emigrate to Israel. Russia's brand of 20th century human bondage is a most dispicable act and should be condemned by men of good conscience everywhere.

It is unconscionable for any society to place price tags on human freedoms. The new Soviet policy which charges exorbitant exit fees for educated Jews ranging from $4,300 to $37,400 is just another example of how human freedoms, rights and values are reduced in the U.S.S.R. Slavery has been abolished more than 100 years ago and yet new forms of Soviet slavery are apparent today.

In the past few years, the easing of tensions between the Soviet Union and the United States has become more apparent. The recent SALT agreements as well as the President's timely trip to the U.S.S.R. has indeed demonstrated that the United States and Russia can find common ground on which to build a lasting peace. But it is distressing to note that while there are such hopeful signs there is a cloud of despair of future progress. Unless the Soviet Union rescinds its policy of harassment and persecution of Soviet Jews a serious road block to future trade and economy agreements lies ahead.

To many Americans the latest Soviet

reaction is reminiscent of the Nazi era where the same type of extortion and repression were practiced against German Jews who sought freedom.

It is ludicrous to except the Russian contention that these fees are necessary to reimburse the State for expenditures made toward educational purposes. Everyone knows that under the Soviet system people are paid low wages despite the fact that they produce a great deal. Actually what the state "gives" in benefits it takes in taxes.

Mr. Speaker, the evidence is quite clear. In Moscow, for example, it has been estimated that of 400 applications for visas almost 60 percent would be subject to this high exit tax. The average amount per application was estimated at 15,000 rubles. According to many sources there are more than 150,000 applications for visas in the Soviet Union and we estimate that there are about 45,000 applicants who would be assessed an average of 15,000 rubles each.

There is no doubt that the whole idea of putting a price on freedom will damper the hopes of those who seek religious and spiritual freedom. This Mr. Speaker, is an intolerable situation.

Last April, I returned from a study mission on the subject of the immigration of Russian Jews with our fine and capable colleague from New York (Mr. Bingham). We observed firsthand the arrival of hundreds of Jews from the Soviet Union in Vienna en route to the State of Israel. We saw them as they arrived. We met with them, talked with them, and witnessed their reactions as they stepped off planes and trains and touched for the first time, land other than their native Russian soil. We saw the look in their eyes and could sense the joy in their hearts. But we could also sense their apprehension. Nevertheless, their determination to face the challenges of their new life was most apparent. It was without doubt the most moving experience in my life.

The day after these emigrants arrived, we visited them at a temporary shelter where we sat in groups, and through interpreters, talked informally about their plights in the Soviet Union. If ever anyone had doubt of the suppression of freedoms in the Soviet Union, I only wish they could have listened to these refugees. Among them were doctors, engineers, teachers, journalists, tailors, shoemakers, farmers, housewives, elderly men and women, children and young couples. They all came with but one goal: to find new life within the concepts of their spiritual and moral beliefs and to be free of repression and fear.

We also visited an absorption center in Israel where highly sophisticated programs were planned for the constructive readjustment of Israel's newest citizens. We saw typical housing units for Russian refugees and we spoke to many of the residents. Not all were newcomers, some had lived there for months; others for years.

Later on in our mission we were privileged to be on hand at the airport in Tel Aviv to meet the plane which carried the same groups we met at the train station and at the airport in Vienna and at their temporary residence there before they embarked for Israel.

Several of the refugees recognized us as they stepped off the plane with their bright eyes and broad smiles—surely more outgoing than when they arrived in Europe—more confident and more determined. We exchanged hearty "shaloms" and warm handshakes. This was a touching scene, one that I wish every Member of this House could have experienced.

Our hearts were enlightened by what we saw, what we learned, and what we experienced. This experience evidenced the great hope ahead for people who wish to be free.

The Russian Jews we met were the fortunate ones, for their applications were approved by Soviet officials based on supporting affidavits from relatives in Israel. There have been an average of 2,000 such emigrants a month coming to Israel since the beginning of this year.

But out of 3 million Jews in the Soviet Union this number is small indeed, yet it is a good beginning and points to the effectiveness of responsible action. The consensus of all of those to whom we spoke is that responsible U.S. attitudes and world opinion has helped motivate the Soviet Union to relax its policy toward an effort to allow these numbers to migrate. But now we know that not to be completely true.

Let us make a commitment not to rest until all of those who seek religious and cultural freedom are able to achieve it.

We know that life for Jewish people in the Soviet Union is getting more difficult. Radio communications have been cut off. Radio Liberty has not been heard in Russia for more than 4 months and I am also told that the Voice of America and the British Broadcasting Co. have been jammed. There are now confirmed reports that during the President's trip to Russia the KKB and the police prohibited Jews who lived in Moscow to leave the city and also illegally arrested many prominent Russian Jewish leaders.

We in the Congress must make it abundantly clear that we abhor this unconscionable tax and we must do all that is in our power to see that, for the sake of human dignity, it is rescinded.

As soon as I learned of this newest discrimination tactic I asked the acting U.S. Representative to the United Nations to bring this matter before the United Nations Human Rights Commission.

Legal scholars have agreed that this new policy of charging unreasonably high exit fees is a clear violation of article XIII of the United Nations Declaration of Human Rights.

I have also been in contact with our distinguished Ambassador to the United Nations, George Bush, and he has assured me that he is pursuing every available avenue to help remedy this injustice.

But now we as a legislative body must pursue the channels open to us.

I want to make certain that the Soviet Union knows how damaging their actions are to future detentes between our Government and theirs and that as a Member of Congress I will have serious reservations of giving my approval for future trade and economic concessions while this slavery exists in Russia.

The Congress has the undisputed power to deny a most-favored-nation status to Russia by not amending section 231 of the Trade Expansion Act of 1972. Clearly Congress also has the power to pass on Soviet applications for future credits from the Commodity Credit Corporation as well as the Export-Import Bank.

I for one, Mr. Speaker, will carefully examine future trade agreements with the Soviet Union with the repressive action of its government clearly in mind. I appeal to men of good will to raise their voices in strong protest to this latest form of Soviet injustice.

Mr. DONOHUE. Mr. Speaker, I am indeed impelled to join with Mr. Podell and my other distinguished colleagues here in appealing today for a suspension of U.S. trade with the Soviet Union until the question of the inhumane treatment of Soviet Jews is equitably resolved.

Mr. Speaker, I was appalled upon learning of the latest move by the Soviet Union to impose an emigration head tax in the amount of thousands of dollars upon Russian Jews desiring to emigrate to Israel. This inexcusable outrage reflects a complete disregard and contempt of basic fundamental human rights and it arouses the fullest public condemnation of all decent and freedom-loving people.

Because of the barbarous treatment of Soviet Jews, I was very pleased to join with Representative Eilberg and other concerned colleagues in sponsoring House Concurrent Resolution 706 designed to express the sense of the Congress that the Government and leaders of the Soviet Union should be formally and severely censured.

The grave injustice of past Soviet infringements upon the Jewish people, including the levying of a $1,000 fee for emigration permits, the loss of jobs, threats of forced enlistment in the army or possible imprisonment and general harassment, is now multiplied many times over through the almost unbelievable demand that a ransom of from $5,000 to $25,000 be paid for each Jewish person with a higher education who wants to emigrate to Israel.

Mr. Speaker, this action violates the spirit and letter of the United National Declaration of Human Rights by blatantly disregarding the universally recognized right to emigrate from one's country and it further violates the values and hopes of the world community at large. In joining with my colleagues in condemning the Government and leaders of the Soviet Union for perpetrating this inhuman and discriminatory outrage on thousands and thousands of Jews living in the Soviet Union, it remains my most earnest hope that the innocent victims of this continuing persecution may soon be granted a full redress of grievances and permission to exercise their individual rights as human beings and toward these objectives I will continue to express my convictions and exert my efforts.

Mr. DANIELS of New Jersey. Mr. Speaker, I rise to join with my many colleagues from constituencies all across this Nation to protest with all the vigor at my command the demand of the Soviet Union for a ransom for each Jewish person with developed skills who wish to emigrate to Israel.

On September 19, 1972, the Supreme Soviet, the highest legislative body in the Soviet Union, meets to ratify a schedule of ransom payments of from $5,000 to $37,000 for persons in specified categories who wish to go to Israel. I would like to point out to the Soviet Government that I shall look with a jaundiced eye upon a liberalization of trade with the Soviet Union while the policy is continued. To put it as bluntly as I can, I shall simply oppose any regularization of trade relations with the Soviets while this policy exists.

Mr. Speaker, this latest act is simply a continuation of a long standing policy of persecution of the Jewish people by the Soviets. Jews in Soviet Russia are deprived, are forced to endure all sorts of hardships because of their religious faith. Jewish schools have been closed; only a few synagogues remain open and Jews who practice the faith of their fathers openly are subject to all sorts of implied and direct reprisals.

For the record, the schedule of ransom payments is as follows:

Graduates of Moscow University: 12,200 rubles.

Graduates of other universities: 6,000 rubles, although all universities are theoretically equal. The state invests considerably more in terms of eminent faculty, library and laboratory.

Facilities and living quarters for the education of Moscow University students than elsewhere.

Diploma holders of high technological institutions: 7,700 rubles.

Agricultural and forestry specialists: 5,600 rubles.

Physicians and pharmacists: 8,300 rubles.

Teachers who have graduated from pedagogical institutes: 4,500 rubles.

Graduates of Institutes for Foreign Languages: 6,800 rubles.

Graduates of musical conservatories, theater, and motion picture schools: 9,600 rubles.

Three categories of persons are required to pay the following fees:

Those who completed graduate studies but have not received a graduate degree: 1,700 rubles.

Holders of the degree "Candidate of Science," roughly equivalent to an American Ph. D.: 5,400 rubles.

Doctors of science: 7,200 rubles.

Accordingly, the maximum possible payment for emigration for a doctor of science who is also a graduate of Moscow University would be 20,300 rubles.

Mr. Speaker, this policy has to be reversed and I call upon our Government to use all its good offices to see that Soviet Jewry has this burden lifted.

Mr. DELLUMS. Mr. Speaker, I am both appalled and outraged that the Soviet Union places a fee on human life. Not only are the Jewish people of Russia being prevented from emigrating, but they are also being prevented from living a "normal" life, because they can no longer consider education to be a free learning experience.

The Russian Government's specious and transparent excuse for the fees—educational costs—commits educated Jews to modern barbaric slavery. Such action clearly violates the Universal Declaration of Human Rights—to which the Soviet Union is a party—an international agreement which guarantees the right of every citizen to emigrate.

I believe these actions are official bigotry and tyranny and not, as the Soviet Government suggests, an "internal matter." With respect to a person's chosen domicile, I find this unconscionable action inconsistent with 20th century values. Therefore, Congress should carefully examine continuing trade with Russia as long as such callous and ruthless behavior persists.

RESULTS OF 1972 OPINION POLL

The SPEAKER pro tempore (Mr. VANIK). Under a previous order to the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, like so many of my colleagues our office has always benefited from the annual opinion poll which we conduct each year among our constituents in Missouri's Fourth Congressional District. When these polls are returned, participants frequently send along added comments that help keep me abreast of the thinking of the citizens I have the honor to represent.

These results of our 1972 opinion poll have now been carefully tabulated. The reason I enter these results in the CONGRESSIONAL RECORD is to share with my colleagues the viewpoints expressed by what I believe are the straight-thinking people of America's heartland—west central Missouri. I have always admired their forthright expressions. I respect the good judgment of the recommendations they make for coping with the problems we all must face.

Let me emphasize the totals in this poll have been arrived at by careful reading and then counting the answers on every single ballot. We have noted and recorded the many handwritten comments. This tabulation is not a "sampling" or just a rough estimate of results. Rather, it is an actual and exact count of all the responses we received which was compiled this summer by a student intern and then rechecked by the regular staff.

Your attention is directed to the following highlights from the tabulation of responses:

Fifty-five percent of those who participated consider that President Nixon's trip to Peking and Moscow was an effective contribution to world peace. Fifty-two percent believe NATO troop levels should be reduced only after agreement for mutual balanced force reductions. On the current subject of amnesty, only 3 percent favor total amnesty as opposed to 53 percent against amnesty and 37 percent favoring amnesty upon agreement to serve in some nonmilitary capacity.

There should be no question about our constituents' views on busing. Fifty-eight percent favor attending schools nearest their homes with 32 percent supporting "freedom of choice assignment." And 42 percent support a constitutional amendment to prohibit busing.

Forty-two percent consider wage-price controls are worth continuing, but 36 percent do not think they have been fairly administered. The administration continues to have the support of the Fourth Missouri District on Vietnam policy. During our 1970 opinion poll, 58 percent supported the Vietnamization policy. In 1972 the percentage has risen to 61 percent who favor the continuation of the present troop withdrawal. Our constituency continues to prefer stiffer penalties for crimes involving firearms rather than legislation to prohibit the sale and possession of firearms. Eighty-four percent voted in favor of increasing such penalties and 62 percent opposed legislation prohibiting the sale and possession of handguns.

Our constituents' opinion about spending priorities proved most interesting. Seventy-nine percent favored spending to control crime and narcotics; 64 percent favored increased aid to the elderly; 49 percent supported increased Federal aid to education and 55 percent believe more money should be spent on environmental protection. The space program was most often singled out as the agency that should be reduced, with 53 percent voting for less money for that agency.

Other interesting highlights were the opposition expressed to the diversion of highway use taxes for mass transit and to the proposed value-added tax. On the other hand, our people favor a national health program and also a national primary for the selection of a presidential candidate. A resounding 91 percent insisted upon work requirements for all able-bodied welfare recipients under the age 65.

The complete results of my 1972 opinion poll are as follows:

RESULTS OF 1972 OPINION POLL

1. Was President Nixon's trip to Peking:

55.25% An effective contribution to world peace.

13.62% Unproductive.

26.83% Undecided.

4.30% No response or unascertainable.

2. Was President Nixon's trip to Moscow:

55.09% An effective contribution to world peace.

13.43% Unproductive.

26.81% Undecided.

4.67% No response or unascertainable.

3. NATO troop levels. The U.S. should:

18.39% Unilaterally reduce number of our troops.

52.33% Reduce our troop strength only after agreement for mutual balanced force reductions.

16.83% Maintain present levels.

10.09% No response.

2.36% Other.

4. If you believe we should either reduce our forces or recall them—do you think we should continue to provide military equipment to our NATO allies?

32.85% Yes.

19.91% No.

45.85% No response.

1.39% Other.

5. What do you think our policy should

be towards those young men who fled this country to avoid possible military service?

3.66% Guarantee total amnesty.

53.99% No amnesty.

37.55% Amnesty conditioned upon agreement to serve the country in some non-military capacity for such length of time as Congress may determine.

3.19% No response.

1.61% Other.

6. On the subject of busing do you favor:

1.82% Assignment of pupils to schools to achieve racial balance.

58.8% Assignment of children only to those schools nearest their homes.

32.28% "Freedom of choice assignment" of pupils, recognizing the existence of some de facto segregation, but with the objective to achieve equally high quality schools for all students.

4.00% No response.

1.61% Other.

7. In the event you may have preferred choice (b) above (Assignment of children only to those schools nearest their homes) which of the following anti-busing measures would you favor to guarantee attendance at neighborhood schools:

15.94% Congressional moratorium on busing.

42.73% Constitutional Amendment to prohibit busing.

38.69% No response.

2.64% Other.

8. On the subject of wage-price controls, do you believe these measures:

42.90% Have controlled inflation and thus are worth continuing.

28.20% Have been ineffective, and should be discontinued.

26.95% No response.

1.95% Other.

9. Do you think the wage-price controls have been fairly administered?

22.46% Yes.

36.23% No.

40.20% No response.

1.11% Other.

10. Which of the following best expresses your feeling about Vietnam:

61.22% Continue present troop withdrawal and Vietnamization policy.

6.91% Commit additional United States ground combat troops in sufficient numbers to halt the current invasion.

20.91% Immediate and total withdrawal of all United States troops.

4.66% Other.

6.30% No response.

11. We have now had about 18 months' experience under the Agricultural Act of 1970, which many thought to be inadequate for meeting farm needs; in your opinion, under this present farm legislation, are farm earnings:

18.33% Better.

11.13% Poorer.

41.72% About the same.

28.19% No response.

.63% Other.

12. Do you favor a federal law prohibiting the sale and possession of all handguns?

13.90% Yes.

62.21% No.

23.89% No response.

13. Do you favor new and stringent restrictions on the sale and possession of handguns, including registration?

48.68% Yes.

30.13% No.

21.19% No response.

14. Should penalties for crimes involving firearms be increased?

84.41% Yes.

3.28% No.

12.31% No response.

15. Should all present gun control laws be eliminated?

13.74% Yes.

55.99% No.

30.27% No response.

FEDERAL SPENDING

Federal expenditures come from tax dollars paid by each constituent in all the Congressional districts. In an effort to pinpoint possible savings, would you give us your best judgment whether we should spend more, less, or about the same on the following:

[In percent]

	More	Less	Same	No response
Defense (other than Vietnam)	17.48	30.97	43.08	8.47
Education (increased Federal aid to help reduce pressure of State and local taxes)	49.20	15.32	27.17	8.31
Continued space exploration	8.00	53.63	30.37	8.00
Aid to the poor (poverty program)	19.55	38.36	31.36	10.73
Mass transit projects	31.02	29.57	21.65	17.76
Increased aid to the elderly	64.20	3.58	24.56	7.66
Crime and narcotics control	79.76	1.48	12.20	6.56
Environmental protection, water and air pollution control	55.38	8.94	27.18	8.50
Rehabilitation of inner cities (urban renewal)	14.84	38.15	32.13	14.88
Rural revitalization program	31.50	19.26	32.54	16.70

NEEDS OF THE ELDERLY

Respondents were asked to list, in order of priority, four interest areas. In scoring this section, priority points were assigned to each response according to each respondent's answer. Four points were given to each answer which listed a certain interest area first, three points to each which listed an area as second in priority, etc. At the conclusion of this exercise, the total priority points assigned were added up, and the percentage of the total assigned to each interest area is given below. This procedure insures a result which indicates *relative priorities*, which is what the question was intended to determine.

31.67% Health Programs.

22.71% Housing.

32.28% Income Maintenance.

13.34% Transportation.

GENERAL QUESTIONS

Finally, your opinion please on the following undecided but vital issues proposed or pending before Congress:

1. Diversion of highway use taxes to finance mass transit systems.

Yes, 20.34%.

No, 55.98%.

Undecided, 15.94%.

No response, 7.74%.

2. Federal regulation of private pension plans to guarantee portability and vesting in order that workers, when laid off or changing jobs, receive the full benefits which they have earned.

Yes, 64.55%.

No, 16.91%.

Undecided, 11.26%.

No response, 7.28%.

3. Without regard to the relative merits of various proposals, do you feel we need a system of national health insurance?

Yes, 46.15%.

No, 33.82%.

Undecided, 12.60%.

No response, 7.43%.

4. Constitutional Amendment limiting the President to one six-year term.

Yes, 28.23%.

No, 54.00%.

Undecided, 11.36%.

No response, 6.41%.

5. The Administration's proposed plan for VAT (Value-added tax or national sales tax).

Yes, 13.42%.

No, 61.50%.

Undecided, 17.10%.

No response, 7.98%.

6. Selection of Presidential candidates through a national primary rather than through the present individual state primaries or state convention method.

Yes, 67.22%.

No, 15.94%.

Undecided, 11.11%.

No response, 5.73%.

7. A requirement in the law that every able-bodied welfare recipient under 65 register for a job, and then either take job training, or go to work at a job when offered on penalty of loss of all welfare benefits.

Yes, 91.70%.

No, 2.97%.

Undecided, 2.47%.

No response, 2.86%.

THE PROBLEM OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. SCHWENGEL) is recognized for 15 minutes.

Mr. SCHWENGEL. Mr. Speaker, this morning, along withot her Members of Congress. I received a "Special Bulletin to the Congress" from the American Revolution Bicentennial Commission. Mr. Speaker, this indicates that the Commission has in small part recognized some of the criticisms of the Commission today and have attempted to make some slight improvement and for this I am glad.

However, Mr. Speaker, as I note the highlights of the American Revolution Bicentennial Commission's action to date, I cannot help but note from their own report how inadequate the Commission has been to date. Also, it seems to me that they are making certain claims that may not be the whole truth, and also from their own report, they apparently are involved in many programs which are incidental and make no real contribution to the objective of the bicentennial.

The most glaring shortcoming of the report is evidenced now in writing that they have not enlisted nor sought the cooperation of the historical societies and associations nor have they shown an interest in and a cooperation with institutions like the Library of Congress and the history and archives program.

The greatest tragedy of all is the fact that the prestigious American Association of State and Local History, under the magnificent leadership of William Alderson, has not been sought and used. Mr. Speaker, this organization is very important because it has over 5,000 local and State historical associations and societies that are part of its membership and its program. This organization could be invaluable in every program that would enhance, involve, and promote history at the grassroots level.

Mr. Speaker, I have repeatedly said, and I repeat today, that the great shortcoming of the present Commission is not its membership, but its leadership. The way the present Commission is structured, it has its basic loyalty to the executive department of Government where I am sure there is a sincere desire but where there is also a great lack of experience and certainly a lack of time to give to this kind of promotion, and so, Mr. Speaker, there is something basic wrong with the present organization.

We ought to follow the example of, and learn from, the experience of previous centennial commissions. With that in mind, I pursued a study of some very important commissions that have made significant contributions and were very successful. In the future I will be placing in the Record a summary of other commissions, but today I want especially to call attention to the U.S. George Washington Bicentennial Commission, the U.S. Sesquicentennial of American Independence and the Thomas Jefferson Centennial Commission of the United States, and the U.S. Civil War Centennial Commission. In each of the commissions, as in others that will be noted later, the act provided that the Commission elect their own chairman and vice chairman. This is a great and important difference. It creates a situation where the chairman and vice chairman are more responsive to the wishes of the Commission—a sound arrangement. Here will be noted a brief summary of each, including their statutory authority, their appropriations, and their principal activities. The principal source in each case that I am presenting was the final reports of the Commission.

Mr. Speaker, the report and summary follows:

REPORT OF CENTENNIAL COMMISSIONS

GEORGE WASHINGTON BICENTENNIAL COMMISSION

The U.S. George Washington Bicentennial Commission was established by authority of Public Resolution No. 38 (43 Stat. 671–672), approved December 2, 1924 (copy enclosed). The resolution provided that the commission consist of 19 commissioners (the President of the U.S., presiding officer of the Senate, Speaker of the House Ex officio; eight persons appointed by the President; four Senators appointed by the President pro tem of the Senate; and four Representatives appointed by the Speaker of the House). The resolution specified that the commissioners would serve without compensation (except for travel and hotel expenses), and that they would select a chairman and vice chairman from among their members.

At the first meeting of the Bicentennial Commission, held at the White House on February 16, 1925, the President was authorized to appoint a secretary pro tempore, and he so designated Rep. John Q. Tilson of Connecticut. An executive committee of the Commission was authorized to look after the budget, secure headquarters for the Commission, and in general to act for the Commission between full meetings. It is unclear from the Commission's final report who appointed the executive committee, but it does state (on p. 602): "Pursuant to the authority of the commission at its meeting February 16, 1925, the following members were appointed to constitute the executive committee of the commission . . ." [the four Senatorial members, the four Representatives, and three of the presidential appointees].

The executive committee met on February 27, 1925, and elected President Coolidge as chairman of the Commission, Senator Simeon D. Fess of Ohio as vice chairman, and Representative John Tilson as secretary-treasurer. In subsequent years of the Commission's life, both Presidents Hoover and Roosevelt also served as chairmen of the Commission. The Commission's activities apparently came to a close at the end of 1933, although it had originally been authorized to continue in existence until December 31, 1934.

Total appropriations to the Bicentennial Commission, 1925–1932, were $1,270,716. Profit to the Federal Government from the sale of the twelve Bicentennial commemorative stamps (which came largely from collectors who either did not use the stamps at all or put more stamps than necessary on an envelope) with estimated at $1,000,000. And profit from the sale of the Definitive Writings series (explained below) was estimated at $71,170. Thus, the final report of the Bicentennial Commission estimated that the actual cost of the Commission amounted to $199,545.

The guiding rationale of the Bicentennial Commission was that it should not be a "world's fair' kind of thing, with industrial exhibits, entertainment, and the like. Rather that "a new form of Celebration was to be launched; that it was to be a serious appeal to the hearts and minds of men, women and children; that it was to be entirely devoid of the carnival spirit, and was to be essentially educational . . . [that it was to be a] new form of Celebration, which took the Celebration to the people rather than bringing the people to the Celebration. . . ." (p. 2 of their report).

One of the major projects of the Bicentennial Commission was to put together an accurate life history of George Washington, and this three-volume "Literature Series" was distributed free to the libraries of the country. Another major effort of the Commission was to prepare and distribute educational materials to school children, to organize school contests in essay and oratory, and to assist young people's organizations in every state.

Another important project of the Commission was the compilation and publication of the "Definitive Writings of George Washington." Authorized by a special act of Congress, it was to be published in approximately 25-volume sets and sold by the Superintendent of Documents. The series included all the available important and interesting documents written by George Washington, with the exception of his diaries which had already been published.

A suggestion that a Memorial Highway, to connect the home of George Washington at Mt. Vernon with the Arlington Memorial Bridge, received strong support from members of the Bicentennial Commission and was considered a project of the Commission. The road was authorized by Congress and constructed, and of course we know it today as the George Washington Memorial Parkway.

Other projects of the Commission included support for the reconstruction of the Washington ancestral estate at Wakefield, Virginia; the publication of the George Washington Atlas (maps made by or for him and maps concerning his activities) which is included in Volume 1 of the Literature Series; and the George Washington Bicentennial Historical Loan Exhibition in the District of Columbia (pictures of George Washington and his contemporaries along with other Washingtonia loaned by various people).

And, of course, the Bicentennial Commission sponsored or assisted in sponsoring a number of ceremonial events commemorating George Washington during the bicentennial year, 1932.

A brief summary of the organization of the Bicentennial Commission will give some idea of the scope of its activities. We are also including a copy of the table of contents of the final volume, because it outlines in considerable detail the activities of the Commission.

At the height of the Commission's activities in the early part of 1932, about 175 people were employed by the Commission; the staff was directed by Representative Sol Bloom of New York. The Commission staff was divided into major departments as follows: Publicity; Women's Activities; States, Cities, and Towns (to secure cooperation from local groups for bicentennial activities); Education (educational programs for school children); Historical (which served all departments of the Commission); Special Activities (including commemorative stamps, medals, and participation of foreign countries); and Pageants and Music.

SESQUICENTENNIAL OF AMERICAN INDEPENDENCE AND THE THOMAS JEFFERSON CENTENNIAL COMMISSION OF THE UNITED STATES

This commission was established on a considerably more modest scale than the George Washington Bicentennial Commission. It was authorized by Public Resolution No. 20 (44 Stat. 327–328), approved April 26, 1926 (copy enclosed). Like the Bicentennial Commission, the Sesquicentennial Commission was to consist of 19 members, appointed in almost the same fashion (the President, Vice President, Speaker of the House ex officio; eight persons appointed by the President, four Senators appointed by the Vice President; four Representatives appointed by the Speaker). The resolution also provided that the commissioners should serve without compensation (no specific provision was made for travel or hotel expenses), and that no appropriation should be made by the Congress to carry out the purposes of the act.

The moving force behind the Sesquicentennial Commission was the Thomas Jefferson Memorial Foundation, which had been incorporated in 1923 for the purpose of establishing Monticello as a memorial to Thomas Jefferson, the author of the Declaration of Independence. Indeed, in the resolution creating the Commission, it was directed "to prepare a plan or plans for a program in cooperation with the officers and board of governors of the Thomas Jefferson Memorial Foundation. . . ." At the first meeting of the Commission, called by President Coolidge and held at the White House on May 13, 1926, the President was elected honorary chairman and Dr. Edwin Alderman, president of the University of Virginia, was elected honorary vice chairman. Stuart G. Gibboney, president of the Thomas Jefferson Memorial Foundation, was elected chairmen of the Commission, and Charles Francis Adams was elected vice chairman.

Also at the first meeting, President Coolidge asked for suggestions from the Thomas Jefferson Memorial Foundation, and reports were received from the National Jefferson Centennial Committee and the National Educational Committee of the Foundation. The Centennial Committee suggested a five-part program for the celebration of the American Sesquicentennial and the Jefferson Centennial as follows: (1) Jefferson's big pilgrimage (automobile parties to escort Jefferson's one-horse carriage, in which he had ridden to the Continental Congress, from Monticello to Philadelphia where the international sesquicentennial exposition was being held); (2) observance of American independence week; (3) commemoration of Jefferson memorial day, July 4, the centennial of Jefferson's death; (4) celebration of the sesquicentennial of the Declaration of Independence on July 5; (5) United States birthday party tour to Europe (private tour arranged and sponsored by the Thomas Jefferson Memorial Foundation). The educational committee of the Foundation laid out a rather detailed program for celebration of American Independence Week from June 28 to July 5, 1926. The program for American Independence Week was unanimously adopted by the Sesquicentennial Commission.

Other actions taken by the Commission at its first meeting were: authorization of the chairman to send letters to civic officials and patriotic organizations throughout the country to urge observances of American Independence Week; provision for the printing of official stationery for the Commission (whose cost would be borne by the Foundation); the election of an executive committee; and the creation of a subcommittee to prepare an address relating the reason for the establishment of the Commission so that it might be promulgated to the American people.

On May 31, 1926, President Coolidge addressed the American people "calling upon them to renew their fidelity to the fundamental principles of the Declaration of Independence, while according to Thomas Jefferson, its author, the recognition due him by virtue of his services enumerated by the President in his address" (p. 2 of the Commission's report).

The celebration of American Independence Week was carried out as planned, beginning with the ringing of bells throughout the country at 11 a.m. on June 28 as the "Echo of the Liberty Bell" and concluding with national exercises held at the University of Virginia and Monticello.

Finally, the Commission submitted four recommendations to the Congress for consideration: (1) that April 13 of each year be celebrated as Thomas Jefferson's birthday; (2) that the Commission continue to support the nationwide effort to raise funds for the preservation of Monticello; (3) that an appropriate shrine be established and dedicated as a memorial to Thomas Jefferson in the City of Washington; and (4) that the Commission be continued in office to follow through on these recommendations.

The Commission apparently expired with the submission of its final report to the Congress on February 1, 1928.

CIVIL WAR CENTENNIAL COMMISSION

The Civil War Centennial Commission was established by authority of Public Law 85-305 (71 Stat. 626–628), approved September 7, 1957 (copy of law enclosed). The Commission was to consist of 25 members (the President, Vice President, and Speaker of the House as ex officio members; four Members of the Senate appointed by the President of the Senate; four Members of the House appointed by the Speaker of the House; 12 members appointed by the President (2 of whom would be from the Department of Defense); one member from the Department of the Interior; and one member from the Library of Congress). The law provided that members would not be compensated, except for travel and per diem expenses.

This body was similar to the George Washington Bicentennial Commission, for it, too, continued in existence for a number of years (1957–1966), and the celebration itself stretched over the whole four-year period of the centennial of the Civil War (1961–1965).

The law creating the Commission provided that the Director of the National Park Service (the Interior member) should call the first meeting for the purpose of electing a chairman. This meeting was held on December 20, 1957; General U. S. Grant, 3d, was elected chairman, and Representative William Tuck of Virginia was elected vice chairman. General Grant resigned from the Commission in 1961 for reasons of health, and President Kennedy appointed Dr. Allan Nevins to Commission membership in October of 1961; he was elected chairman of the Commission at a December meeting. Representative Tuck had also resigned during the summer of 1961, and Representative Schwengel, an original Congressional member, was elected vice chairman. Mr. Schwengel also served as executive director from September through December, 1961, because executive director Karl S. Betts resigned shortly after a controversy developed concerning the holding of the Fourth National Assembly in Charleston, South Carolina (explained below). Historian Dr. James I. Robertson of the University of Iowa was elected executive director by the Commission in December, 1961, and he remained in office through June 1965. Assistant executive director, Edmund C. Gass, acted in that capacity until 1966 in order to wrap up the activities of the Commission.

According to an audit report of the General Accounting Office issued July 18, 1957 (U.S. General Accounting Office. Report to the Congress of the United States; audit of Civil War Centennial Commission for the period September 7, 1957, through May 1, 1966. Washington, July, 1967. 17 p. [E641.U586]), total appropriations received by the Commission from 1958 through 1965 amounted to $840,750; other receipts (sale of booklets, royalties from commemorative medals, donated funds) totaled $24,909. Total expenditures and unliquidated obligations came to $775,741, leaving an unobligated balance of $89,918. We are enclosing a copy of the complete GAO report for your information.

The first task of the Centennial Commission was to formulate goals and programs for the centennial celebration; many ideas came from the First National Assembly it sponsored in early 1958, which was attended largely by representatives of State Centennial Commissions, city and county committees, and patriotic societies. The First Assembly recommended that it be reconvened the following year; and National Assemblies were held each subsequent year in various cities through 1965. They played a large part in planning centennial activities. The final, Eighth National Assembly was held in Springfield, Illinois, and was the largest one of all. According to the Commission's report (p. 29) it was "a moving blend of drama, music, poetry, art, friendly badinage and serious discussion . . ." and can be regarded "as a culmination of the commemoration, for it reflected the Centennial's variety of expressions in ceremony, pageantry, discourse and scholarhip."

One of the principal aims of the Commission was to awaken the country to the centennial and to insure widespread public participation. A series of commemorative stamps was issued by the Post Office Department, and an awards committee was established to recognize unique contributions to the centennial celebration effort. At the same time, it was acknowledged by the Commission that racial feelings in the nation were running high during the early 1960's, and they did not want to undertake anything in commemoration of the Civil War that would in fact exacerbate the existing situation. One problem did arise in connection with the Fourth National Assembly in Charleston, April 11–12, 1961, when it was discovered that several officers of the national Commission had committed themselves to using a segregated hotel as their headquarters in Charleston. Strong protests were made, accompanied apparently by considerable publicity, and President Kennedy then intervened to suggest that the headquarters be changed to a U.S. naval base on the outskirts of Charleston. Following this incident, there was some change in the Commission's makeup, as noted above.

There was also some change in the direction and emphasis of the Commission following the appointment of Dr. Nevins to the Commission. He said:

"We shall use our energies and influence to help make the national commemoration of the Civil War both instructive and constructive. To this end we shall discourage observances that are cheap and tawdry, or that are divisive in temper . . . We shall encourage observances which will assist the American people to understand the mingled tragedy and exaltation of the war, and to draw from it lessons both practical and moral commensurate with its importance . . ." (p. 13 of report)

In this connection the Commission felt that while some commemorations of the Civil War would be military in nature, at least equal attention had to be given the great political, social, economic, and cultural developments of the war years. Some sham battles were reenacted, but these were solely the productions of State and local centennial organizations.

A number of booklets about various aspects of the Civil War years were issued by the Centennial Commission and were widely distributed throughout the country. Beginning in 1962, the Commission increasingly concentrated its energies upon four major undertakings in the area of scholarship. Two of these projects involved the collection, editing, and publication of the papers of Ulysses S. Grant and Jefferson Davis. Representatives of three of the State Centennial Commissions (Ohio, Illinois, and New York) established the nonprofit Ulysses S. Grant Association and contributed initial funds for planning and organization. Ultimately headquarters were offered to the Association by Southern Illinois University. The national Centennial Commission assisted by publicizing the work of the Association and helping to make working arrangements with the National Archives and the National Historical Publications Commission. A similar kind of arrangement was made for the Jefferson Davis papers, and a Jefferson Davis Association was formed with headquarters at Rice University.

A third scholarly enterprise was one for which the Commission itself assumed primary responsibility: an annotated bibliography, consisting of some 5,000 titles, of the most useful and utilized books about the Civil War. The fourth major project, the "Impact Series," consisted of 15 detailed studies tracing and analyzing the impact of the Civil War on as many nonmilitary aspects of American life.

Two special programs were sponsored by the national Centennial Commission: the commemoration of the 100th anniversary of the issuance of the Preliminary Emanicipation Proclamation at the Lincoln Memorial in September, 1962, and a symposium on the Gettysburg Address held in Washington in January, 1964. Other agencies of the Federal Government also held commemorative events during the centennial period, and innumerable activities were held in cities and towns throughout the country, which were sponsored by State and local centennial organizations. In all, 45 States and the District of Columbia established officially sanctioned commissions. A number of State centennial committees as well as one local committee were recipients of the national Commission's highest award, the Centennial Medallion, for their contributions to the centennial commemoration.

STATEMENT BY AMBASSADOR GEORGE BUSH ON THE MIDDLE EAST SITUATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. Peyser) is recognized for 5 minutes.

Mr. PEYSER. Mr. Speaker, I have requested this time in order that I might support the action taken by our Ambassador to the United Nations, George Bush, on the Middle East situation. There is no question of my interest and dedication to see a lasting peace in the Middle East. I agree with Ambassador Bush when he said that the resolution he vetoed was one-sided and certainly not in the best interests of peace. The loss suffered by Israel in the Munich massacre cannot be overlooked. I am submitting the Ambassador's full statement as a matter of record:

STATEMENT BY AMBASSADOR GEORGE BUSH, U.S. REPRESENTATIVE TO THE UNITED NATIONS

MR. PRESIDENT: The Council is meeting today on a complaint by the Syrian government. The Middle East has again been the scene of violence, as it has so often in the past. The Council is again seized of a problem with which it has repeatedly failed in the past to come to grips in an equitable way.

We should all recall that until a few days ago the world had again dared to hope because a climate of reasonableness and realism seemed to be developing in the area. There were grounds to hope that new opportunities for progress towards peace in the Middle East were opening up before us. Then came "Munich"— the senseless act of terrorism there which cast a pall over these hopes. Yet we are now meeting on a complaint by Syria—a complaint that stands out for its unreality. It makes no reference to the tragic events at Munich. It gives no salve to the wounded conscience of an agonized world.

There is an obvious connection between the actions of which the Syrian government now complains and the tragic events which took place in Munich this past Tuesday. Did the Syrian government join in complaint or expressions of outrage when terrorists invaded the Olympic Village, in violation not only of law but of the spirit of Olympic brotherhood, and murdered innocent athletes? Did we hear even a word of condemnation from the government of Syria for this despicable act? No, quite the contrary. The Syrian government continues to harbor and to give aid and encouragement to terrorist organizations which openly champion such acts.

And the Syrian government is not alone in its encouragement of terrorism. Certain other governments in the area—whether by word and deed, or by silent acquiescence and failure to disassociate themselves from the acts of a minority that preaches and practices lawlessness and violence—cannot be absolved of responsibility for the cycle of violence and counterviolence we have again witnessed this past week.

Mr. President, the ultimate root of the problem is, of course, the absence of peace in the Middle East. My government has labored long and hard in this cause; in the effort to achieve a just and durable peace the United States has been and will continue to be second to none.

We shall continue to work toward the goal of peace, but the absence of peace cannot be exploited as a pretext for violence on any side. Those who preach violence and employ it as a matter of policy always begets violence. The crimes that were carried out at Lod and at Munich cannot but breed tragedy for their perpetrators and for those who befriend them. States which harbor and give succor to terrorists cannot then claim sanctuary for themselves. The greatest tragedy of all is that when violence is employed, innocent people, on all sides, are almost inevitably made to suffer. Slain Olympic athletes in Munich—or heartbroken mothers searching for dead under rubble in Rafid—these are some of the immediate victims of terror. But indeed the whole civilized world is the real victim of terror. Mr. President, we deplore the loss of lives on both sides.

Today the United States is engaged in a major effort along with other members of the international community, to make our airways, our sports fields and our other gathering places safe from terrorism and violence. A beginning has been made, in various international conventions dealing with aircraft hijacking and related problems, to establish a strong framework of law in these matters among the nations of our interdependent world. Secretary Rogers has urged rapid and meaningful action in the Sub-Committee of ICAO now meeting in Washington. He has urged rapid action in ratifying existing conventions by governments that have not yet done so. But recent events make clear that the problem is much broader and more pernicious in nature. My government urges that the issue of terrorism in all its aspects receive the highest priority when the General Assembly convenes later this month. The commendable initiative of the Secretary General in placing this question on the Assembly's agenda ensures that the world can no longer close its eyes to this pressing matter.

Mr. President, the United States will continue to work for a just and lasting peace in the Middle East. But one-sided resolutions of the type which this Council has so frequently adopted in recent times, do not contribute to the goal for peace; indeed, they create an atmosphere in no way conducive to peace by encouraging perpetrators and supporters of acts of terrorism to believe they can escape the world's censure.

Let us not put our heads in the sand and perpetrate the notion of "unreality" that is often assigned to the United Nations.

Munich was so horrible, so vicious, so brutal, so detrimental to order in the world and to peace in the Middle East that we simply must not act here as if it did not exist.

We believe each member of the Council, indeed of the entire international community, should make it unmistakably clear that acts of terror and violence practiced against innocent people as a matter of policy are unacceptable in a civilized world. Each of us has a responsibility to make clear that those who practice such acts, or aid and abet them in any way, are the ones deserving of censure and condemnation. Only then will we begin to eliminate this scourge from the earth, and with it the acts of counterviolence to which history inevitably proves it gives rise.

Mr. President, in closing, I would like to read out the text of a resolution which could be helpful to address itself to the thrust of our remarks here and which we would now like to introduce.

"The Security Council,

"Gravely concerned at the renewal of terrorist attacks on innocent persons.

"Deploring the loss of innocent lives on both sides and the outbreak of renewed violence in the Middle East.

"Convinced that acts of terrorism, and any encouragement and support for such acts, are totally unacceptable in a civilized society and are inimical to the maintenance of the ceasefire in the Middle East.

"1. Condemns the senseless and unprovoked terrorist attack in Munich on September 5 by terrorists of the so-called Black September Organization which resulted in the loss of life of numerous innocent victims.

"2. Calls upon those states harboring and supporting such terrorists and their activities to cease their encouragement and support of terrorists, and to take all necessary measures to bring about the immediate end of such senseless acts."

SUPREME COURT DECISIONS ON AID TO CHURCH-RELATED SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 30 minutes.

Mr. ASHBROOK. Mr. Speaker, we are currently considering a variety of proposals which would attempt to legalize Federal aid, whether direct, indirect or through tax credits to private and parochial schools. Those who favor this approach seem bent on passing legislation which may not pass a constitutional test. Others would seek to amend the constitution to make such aid constitutionally permissible. I believe that the latter route is proper. Let the people decide but do not endeavor to hold out the false illusion of proffers of assistance which cannot be constitutionally implemented.

Not every issue breaks down into a simple pro and con position. I have always been opposed to the concept of public funds going to private or parochial schools. In 12 years on the Education Committee, however, I have come to the conclusion that there is a decided public good to be served by giving the parent some option in the matter of the education of his children. The public education lobby has become so big and so powerful that the only check we can now place on it—I do not see any here in Congress—is the simple and fundamental option that a parent be accorded in choosing public or private education. I believe there is a national purpose to providing this choice. It is obvious that this choice will be meaningless if private schools close and this segment of our total educational picture dries up because of financial reasons. I have always thought a national voucher plan would work. In this program, the parents would be entitled to choose the school their child would attend and the Federal funds available would be credited, as in a voucher, to that school. If $250 dollars is available to that parent, this money would go to the public school or to the private school of their choice. This portability of funds would make the parent, not the school system supreme. It would operate as a check and balance on the monolithic educational system we seem to be building. The individual, not the Government, would be in the driver's seat for a change.

Under any proposal, the voucher plan included, there are serious constitutional issues which cannot be brushed aside, even by those who are politically inclined in an election year to make promises. There are many cases to be considered and in particular some of the recent Supreme Court decisions would seem to present some pattern. In researching these cases, the pitfalls of aid to private and parochial schools would seem to mandate a clear-cut necessity of amending the constitution if any aid of this type is to even be considered.

Mr. Speaker, on June 28, 1971, the Supreme Court decided two cases involving State statutes providing assistance for private and parochial elementary and secondary education—Lemon against Kurtzman; Robinson against DiCenso—and the Federal Higher Education Facilities Act of 1963 which assists colleges and universities—including Church-related institutions—in the construction of academic and related facilities—Tilton against Richardson. The two State cases were combined in a single opinion—Lemon against Kurtzman—holding the statutes in Pennsylvania and Rhode Island unconstitutional under the first amendment. A separate opinion in Tilton affirmed the constitutionality of the Federal statute, except with respect to a provision permitting, after 20 years, unrestricting use of a facility.

The division against the two State statutes was 8 to 1—except that Justice Marshall abstained in the Pennsylvania case, making it 7 to 1—and the constitutionality of the Federal statute was narrowly upheld by 5 to 4. The Court was so divided in its opinions in the cases that it could best be characterized as fragmented. Only Justice White would have sustained the constitutionality of all three statutes. In Lemon Justices Douglas and Black joined in the majority opinion but also issued a strongly-worded concurring opinion in which Justice Marshall joined in part—Justice White dissenting; Justice Brennan delivered a separate opinion concurring in Lemon and dissenting in Tilton. In Tilton Justice Douglas delivered a fierce dissent which was joined in by Black and Marshall.

These divisions within the Court make it more hazardous than ordinarily to apply what the Court has said in these cases to other existing legislation or proposed legislation and predict what might be held.

I. PROVISIONS OF THE STATUTES

Pennsylvania's Nonpublic Elementary and Secondary Education Act—1968—and Rhode Island's Salary Supplement Act—1969—both involve State subsidies for teachers of secular subjects in nonprofit, private schools. In Rhode Island the payment of a 15-percent salary supplement, for teachers in nonpublic schools in which the average per pupil expenditure for secular subjects is below that of the public schools, is made directly to the teacher. Eligible teachers must teach only courses offered in the public schools, using only materials used in the public schools, and must agree not to teach courses in religion.

In Pennsylvania, the State superintendent of public instruction is authorized to purchase certain secular educational services from nonpublic schools, and to directly reimburse such schools for their expenditures for teachers salaries, textbooks, and instructional materials for courses in mathematics, modern foreign languages, physical science, and physical education. Textbooks and instructional materials must be approved by the State, the instruction must be devoid of religious content, and the schools must keep books subject to State audit which identify the separate cost of the supported secular subjects.

The Federal statute provides assistance in the form of grants and loans for qualified public and nonprofit private institutions of higher education for the construction of academic and related facilities, which for a period of 20 years may not be utilized for religious worship or instruction. The U.S. Commissioner of Education enforces the limitations on use by onsite inspections.

II. BASIS FOR THE DECISIONS

A. (LEMON V. KURTZMAN)

The two State statutes were considered together and the opinion of the Court was delivered by Chief Justice Burger.

The opinion abandons earlier and somewhat threadbare references of the Court to an absolute wall of separation between church and state and openly acknowledges that judicial caveats against entanglement must recognize that the line of separation, far from being a "wall" is a blurred, indistinct and variable barrier depending on all the circumstances of a particular relationship. At the same time, the Court reaffirmed that the establishment clause rules out sponsorship, financial support, and active involvement of the sovereign in religious activity.

The Court summarized the cumulative criteria developed by the Court over many years for judging constitutionality of statutes in this area, as follows:

> First, the statute must have a secular legislative purpose; second, its principle or primary effect must be one that neither advances nor inhibits religion, *Board of Education* v. *Allen*, 392 U.S. 236, 243 (1968); finally, the statute must not foster "an excessive government entanglement with religion.

The third criteria, drawn from a 1970 case—*Walz* v. *Tax Commission*, 397 U.S. 664—challenging preferential tax treatment for church properties, is new to the school cases under the first amendment and is the one principally relied upon to decide these cases. It seems to me that the Court obviously was unhappy with attempts to rationalize such aids as bus transportation—*Everson*, 1947—on the grounds that their main purpose is secular or designed to serve all children equally, and accordingly sought an additional standard to tighten the distinction. Indeed in these two cases the Court conceded that the statutes had a secular legislative purpose; it did not even decide whether the statutes were successful in avoiding the prohibition against advancing a religion, because it found that the very mechanics of attempting to avoid advancing religion led to the entanglement prohibited by the *Walz* criteria. Vital as this entanglement criteria is to the outcome of all three cases, it must be considered together with other and equally basic views enunciated in the opinions.

For example, the Court quoted with approval the finding of the U.S. District Court in the Rhode Island case that the parochial schools constitute an integral part of the religious mission of the Catholic Church and that the characteristics of the schools make them a powerful vehicle for transmitting the Catholic faith to the next generation. The Court also observed that this process of inculcating religious doctrine is—enhanced by the impressionable age of the pupils—and concluded that parochial schools involve substantial religious activity and purpose.

Having made this strong finding as to the religious character of parochial schools, the Court proceeded to argue that the State legislatures had themselves recognized this "considerable religious activity of the schools" and in attempting to guard against it had to provide for careful governmental controls and surveillance by State authorities in order to insure that State aid supports only secular education. The Court concluded that it did not have to decide whether the legislature had been successful in this effort, because even if the State were successful in separating the secular instruction from the religious, the accounting, surveillance, and other controls would create an intimate and continuing relationship between church and state which constitutes an impermissible degree of entanglement. This led Justice White in his dissent to observe that the standard was one where the legislature could not win: If there were no controls the law would be void for fostering religion and if there were controls it would be void for excessive entanglement. It is very important to note here the stress that the Court laid on the form of the aid provided.

The opinion states that decisions from Everson, 1947; Allen, 1968, have permitted the States to provide church-related schools with secular, neutral, or nonideological services, facilities, or materials—and—bus transportation, school lunches, public health services, and secular textbooks supplied in common were not thought to offend the Establishment Clause. However, in Lemon and DiCenso the Court found two key differences in the form of the aid. First, both State statutes involved aid for teachers' salaries and the Court noted that teachers have a substantially different ideological character than books—a textbook's content is ascertainable, but a teacher's handling of a subject is not. The Court said it did not assume that teachers in parochial schools will be guilty of bad faith but that it simply recognized the great difficulty of a dedicated religious person, teaching in a school affiliated with his or her faith, remaining religiously neutral. Second, in the case of Pennsylvania, the Court noted that the statute "has the further defect of providing State financial aid directly to the church-related school and declared that this factor distinguishes both Everson and Allen, for in both cases the Court was careful to point out that State aid was provided to the student and his parents—not to the church-related school. The Court again quoted Walz, citing dicta to the effect that:

> A direct money subsidy would be a relationship pregnant with involvement and, as with most governmental grant programs, could encompass sustained and detailed administrative relationships for enforcement of statutory or administrative standards.

Finally, the Court took note of a different kind of entanglement: That of the political controversy surrounding aid to parochial schools. It stated that the pressure for the State to increase its aid as costs mount and the need for continuing annual appropriations would aggravate the potential for political divisiveness and declared that political division along religious lines was one of the principal evils against which the First amendment was intended to protect. The Court also observed that we have no long history of aid to church-related education as we do of tax exemptions for churches and indicated an unwillingness to further increase the momentum in constitutional theory toward support of religious enterprises.

B. TILTON AGAINST RICHARDSON

In view of the foregoing discussion I think it is fair to say that the Court was hard-pressed in applying its own standards to uphold Federal construction grants to church-related colleges and universities. Nevertheless, it managed to do so—in an opinion by the Chief Justice joined by only three others.

The Court distinguished construction aid to church-related colleges from the support for parochial elementary and secondary schools on the following grounds: First, college students are less susceptible to religious indoctrination and religious indoctrination is not a substantial purpose or activity of the colleges, which reduces the likelihood that Government aid will in fact serve to support religious activity and correspondingly diminishes the necessity for intensive Government surveillance; second, entanglement between church and State is also lessened by the nonideological character of the aid—that is, a building; and third, the one-time, single-purpose construction grant creates no continuing financial relationships or dependencies requiring governmental analysis of the institution's expenditures on secular as distinguished from religious activities. The Court stressed that no one of these factors was controlling, but that cumulatively all of them shape a narrow and limited relationship with Government which involves fewer and less significant contacts than the two State schemes before us in Lemon and DiCenso. The Court felt also that cumulatively these factors substantially lessened the potential for political controversey along religious lines.

For anyone who finds these distinctions difficult, it is comforting to note that a majority of the Court rejected them: one Justice — White — spurned them and contended that all three statutes are constitutional while four others—Douglas, Black, Marshall, and Brennan—rejected them and argued that all three statutes are equally unconstitutional.

As previously noted, the Court did strike down that part of the Federal act which places a restriction on the use of the buildings for a religious purpose for a period only of 20 years, saying that the restriction should apply for so long as the buildings have substantial value, because otherwise the structure might be used to promote religious interests. The opinion provides no guidelines as to precisely how long such restrictions would have to apply to satisfy constitutional requirements.

III. IMPLICATIONS FOR FEDERAL EDUCATION LEGISLATION

The Court in Tilton reiterates the hazards of attempting to apply the principles of one case to fact situations which might be presented by other cases. It says that "there are always risks in treating criteria discussed by the Court from time to time as 'tests' in any limited sense of that word" and that "the standards should rather be viewed as guidelines with which to identify instances in which the objectives of the Religion Clauses have been impaired." Indeed, as Chief Justice Stone wrote some 25 years ago in Federation of Labor against McAdory:

> It has long been [the Court's] considered practice not . . . to formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied . . . , or to decide any constitutional question except with reference to the particular facts to which it is to be applied." (325 U.S. 450).

Accordingly, my views are offered cautiously and it might be the better course to approach all questions of the applicability of these rulings with equal caution. Nevertheless, Members of this body have on independent responsibility to assess the constitutionality of every proposed piece of Federal legislation and this memorandum is intended to assist you in carrying out that responsibility, so I shall have to engage in a degree of speculation.

First. In my judgment, direct financial aid to church-related elementary and secondary schools clearly is ruled out by these opinions as an impermissible aid to religion, and some proposals which have the appearance of being indirect aids might fall on the grounds of doing by indirection what cannot be directly accomplished.

Second. I feel that a serious question is raised with respect to direct aid to church-related colleges and universities which goes beyond construction grants.

At the same time, it is my view that all existing Federal programs—or at any rate the major ones with which our committee is most concerned—fall within constitutionally-sanctioned limits. It is important to remember that the court in Lemon specifically reaffirmed to validity of such aids as bus transportation, school lunches, public health services, and secular textbooks supplied in common to all students. I think it is also reasonably safe, arguing from obvious analogies and applying the entanglement doctrine of these cases, to conclude that benefits to pupils such as shared arrangements with the public schools for instruction in secular subjects—which often is found in ESEA title I programs—and the loan of instructional equipment—analagous to the loan of textbooks and library materials upheld in Board of Education v. Allen, and which would have been authorized by the House-passed version of H.R. 514 in the 91st Congress—are valid. I feel that the name standards would support programs such as institutes and fellowships for teachers under the Education Professions Development Act which treat all teachers equally and do not involve a relationship between the Government and the church-related school.

Moving beyond these programs the ground becomes a bit more speculative. For example, I see little in these cases which would apply to assistance for preschool programs for needy children which might—as in many Headstart programs—be conducted by churches—provided that the programs are open to all children who fit the criteria without regard to their religion and provided that there is, in fact, no religious instruction or worship conducted. There might be problems here in two respects:

First, governmental surveillance of the church budget with respect to these programs could present a problem, and second any substantial residual benefit to the church in its religious activities which might accrue from extensive remodeling of facilities, and so forth, would be a concern. However, I would think that the fact that the church did not run preschool programs of the type supported as a part of its religious mission would tip the scales to the side of constitutionality.

Still more speculative—at least in my judgment—are some proposals to indirectly aid church schools. Perhaps this is not a fair description of the so-called "voucher plan" which is in the early experimental stage, but to the extent that it might be so regarded the proposal is endangered. As Justice Douglas forcefully pointed out in his dissent in Lemon, a long line of cases have held unconstitutional State grants to students where the result was to assist private, racially segregated academies and thus act as tools of the forbidden discrimination. It certainly is conceivable that a voucher plan of grants to students which had the effect of substantially aiding church-related elementary and secondary schools would be treated similarly. However, the lack of governmental entanglement in such a plan might weight the constitutional balance in its favor. In any event, the voucher plan is cast in a constitutional "gray area."

Another possibility not absolutely foreclosed by Lemon would be the employment of public school teachers, under public control and direction, to teach certain secular subjects in private, nonprofit schools—perhaps in schools enrolling without regard to religious affiliation a certain percentage of pupils from low-income families. While I personally feel that such an arrangement would be ruled out as a direct aid to religion, there is a tenable line of argument that it would involve neither religious control of teachers nor the type of accounting between religious and secular expenditures which the Court found entangling in Lemon. Certainly, neither this kind of provision nor educational vouchers would be so patently unconstitutional as to put them beyond congressional consideration.

One result of all these doubts may be to revive widespread interest in various plans for tax relief to parents on account of educational costs—a proposal which falls well within all existing constitutional guidelines.

Mr. Speaker, at the higher education level I think these decisions also leave existing Federal programs intact. Certainly little question would be raised about student assistance, including fellowship assistance for faculty members engaged in secular studies. Yet, while the opinion in Tilton goes far to distinguish between degrees of church relatedness at the higher as opposed to lower levels of education, it also asserts limitations on governmental assistance. One must keep in mind that one provision in the Federal Construction Act was stricken because it opened the possibility of religious use of a facility after 20 years. Accordingly, I feel that any scheme of general institutional grants at that level must be approached very carefully. Such a plan could well end up on the horns of the dilemma posed in Lemon where the absence of any accounting constitutes an aid to religion and the presence of accounting constitutes an unconstitutional entanglement. It would appear that those who favor such assistance would tie it as closely as possible to student aid in some form or another—with the view that the closer the tie the safer the measure would be constitutionally.

IV. CONCLUSION

The foregoing is not intended as a complete analysis of these decisions, but rather as a brief guide to the main holdings and some thoughts as to their implications for existing and proposed Federal programs in education. As such, I hope it is useful to you in answering correspondence and in considering legislation currently before our committee. For the reasons given in the opinions in these cases, I would advise you not to reach any hasty conclusions about what is or is not constitutionally permissible in the wake of these cases. Whether one is pleased or not with their outcome, I think that we are left with a better idea of where the lines are to be drawn in what the Court itself described as this extraordinarily sensitive area of constitutional law. Drawing the lines will keep a good many lawyers fully employed for a good many years to come.

BETTER DISABILITY PROTECTION NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, today I have introduced two bills to extend social security and Federal employee disability coverage to workers who due to inadequacies of the law have no disability protection. There are some unforgiveable gaps in our present disability coverage laws. People who have been employed for 30 years without missing a day of work can end up with absolutely no disability coverage.

Take the case of a man employed for 20 years on a social security-covered job. He then worked for the Federal Government for 10 years. After that he returned to private industry under social security. Two years later he had an accident which permanently disabled him. He had no disability coverage whatever. For Federal disability benefits a person must still be working for the Government. For social security benefits he has to have worked for 5 out of the last 10 years under social security. The coverage he had earlier at both jobs has vanished. This is unfair. The system is at fault. Anyone who has worked that long deserves better.

The present law is also unfair to women who work before they marry and then return to work later in life. Suppose a woman works for 10 years, then she marries and raises children for 10 years. If at that time she is widowed and takes a job, she has no disability coverage for the next 5 years. The 10 years of social security covered work earlier in her life are completely disregarded. She is no better off than the 18-year-old going to work for the first time. That is not right. The law should be changed.

The person who works for the Federal Government for most of his life has to take a big risk to leave his Government job. For the first 5 years in private industry he will have no disability coverage at a time in his life when a disabling illness is more likely than ever before. People should not be locked into Government jobs that way.

Through no fault of their own, hardworking men and women can suffer the harsh consequences of our inadequate disability laws.

My legislation would correct this situation. It requires only that the worker have contributed to social security for 5 years at some time in his life. Thus the housewife returning to work would be covered immediately, as long as she had worked for 5 years before becoming a full-time mother.

In order to cover the individual who leaves Government employment, my legislation would extend Federal disability coverage, once that has been earned, for 5 years after termination of Federal employment. At the end of that time social security coverage would take over.

These amendments are vitally necessary to give workers and their families the continuous protection I feel they have earned.

THE POWER CRISIS: PUBLIC OWNERSHIP OF UTILITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. ABZUG) is recognized for 10 minutes.

Mrs. ABZUG. Mr. Speaker, the New York State Public Service Commission is currently holding hearings on Consolidated Edison's latest application for a rate increase. Con Ed is presently seeking an average boost of 16.1 percent, for a total of $181 million per annum; in addition, they seek an immediate increase of 10.6 percent.

I have had the opportunity to present my views to the PSC, and am including my full statement in the RECORD at the conclusion of these remarks. Briefly, in addition to opposing the requested increases, I call for an immediate and permanent moratorium on Con Ed construction for power production, a restructuring of the PSC to include consumer representatives as at least half of its total membership, a revamping of Con Ed's "inverted" rate systems under which homeowners and small businesses pay far higher electric rates than big businesses, and a return to bimonthly billing of customers. Finally, I state that "the time has come to provide for public ownership of electric power in this State."

The full text of my statement before the PSC follows:

TESTIMONY BEFORE THE NEW YORK PUBLIC SERVICE COMMISSION

I welcome the opportunity to present my views to the commission with regard to Consolidated Edison's request for a rate increase averaging 16.1 percent and totaling $181 million to be paid for by New York's beleaguered consumers. I urge you to reject this request as well as the company's bid for a temporary increase of 10.6 percent before the end of the year.

The company does not deserve it. The people of New York City cannot afford it. The cost of living in our city is already the highest in the nation. Despite our so-called rational economic stabilization policy, New York's rent control machinery has been declared exempt from national guidelines and tenants in both controlled and uncontrolled apartments are being hit by rent increases of 15 percent and up. And although utilities payments are a substantial and recurring part of the monthly budget, the Price Commission declares it has no jurisdiction over rate cases pending before certificated agencies such as the PSC and will not intervene.

It therefore rests with the PSC to scrutinize with the utmost care Con Edison's request and to consider the plight of the consumer who is expected to pay more and more for poorer service and inefficient management.

My office files are filled with letters from constituents complaining of overbilling by Con Edison. In 9 out of 10 complaints which come to our office we have found the consumer to be right and utility at fault. In one recent case this amounted to $1,500 in overbilling for a small businessman in my district, who was able to get a refund only after we intervened.

I hope the testimony developed at this hearing will lay to rest the myth that Con Edison is New York's largest taxpayer. That is totally untrue. Con Edison pays no taxes at all. Since its money accrues from the sale of electricity, gas and steam, it passes along to its consumers all its operating costs, including taxes.

Con Edison claims that between 18 and 25 percent of electricity costs are paid for operating taxes. The PSC should determine whether appointing Con Edison a city tax collector is an efficient way of collecting city taxes. If Con Ed's rate of return is based partially on sums collected for city taxes, then clearly the consumer would enjoy considerably lower electrical rates if the city became its own tax collector. And the taxes might be more equitably distributed on that basis.

Although the payroll accounts for only 17 percent of the company's total costs, high labor costs are cited as one reason for needing a rate increase. This is certainly true of at least one segment of Con Ed's employees—its executive staff. In 1969 three Con Ed executives were paid at least $120,000, which is more than the chief executive of the United States earns. Charles Luce, chairman and chief executive, was paid $150,000 plus 50,000 in deferred compensation. Con Ed says it "fights to reduce costs" and we may well ask why it does not bring that fight with its executive staff.

Another Con Edison practice that does not benefit the consumer is the recently instituted monthly billing. Indeed, it may well contribute to the high cost we pay for electricity since it is both wasteful and inefficient. Billing 12 times a year rather than six times requires a 100 percent increase in computer printouts, envelops, postage and labor. It requires an unnecessary 100 percent increase in the load of the postal delivery system. Estimating the alternate month consumption often produces unreasonably high estimates and customers have complained that no reduction is shown on the following month's bill. I propose an immediate return to semi-monthly billings. And proper billings, including the overcharges which I referred to earlier, result from computer and human errors. By cutting billing in half management should release enough personnel so that a system of dealing adequately with improper billing can be established.

Con Edison's inverted rate structure under which large users pay less per KWH than small users is outmoded and should be abolished. It was instituted at a time when utilities were eager to increase power consumption. That is no longer the case and for too long the residential consumer in New York and Westchester has been asked to subsidize the low rates paid by industrial and commercial consumers.

When a commercial or industrial group can purchase power at "bulk" rates, it has no incentive to conserve power to cut costs. If rates were higher for industry, they'd still use the same amount of electricity because presumably they need it for production of goods and services.

The PSC study currently being prepared will doubtless make recomendations for drastic changes in the outdated inverted rate structure, which mandates that the poor subsidize industrial electrical power, is not only unfair, but also illegal. Such a rate structure discriminates against a whole class of people—those living in the inner city. In New York more poor people, and especially blacks and Puerto Ricans, live in the center city. It's the older part of town where the pipelines and wires have already been laid and have been working for years. The real cost to utilities lies in stretching these lines to the growing suburbs or to new office and industrial buildings. But the rates of Con Ed are calculated on total costs in the whole area. This means that city rates on the Lower East Side and Harlem are the same as in outlying districts.

In 1969, Mr. Luce reported that in Westchester County all new building will be for high voltage transmission lines underground and that this is a "very costly business". Are people in New York City now subsidizing underground construction in Westchester? The PSC must study this question and make changes in the rate structure to compensate for it.

Not only has Con Ed refused to consider the gross inequities in its present inverted rate structure, but it seeks to perpetuate and increase these inequities through an inverted rate increase. In its present request for grossly increasing rates, Con Ed has called for a 16 per-cent increase for residential users, while proposing a sliding scale of 11.6 percent to 23.7 percent for commercial and industrial users.

Who are the "favored" industrial consumers whose increase will amount to 11.6 percent? And who are those expected to pay as much as 23.7 percent?

Con Edison insists it needs $3 billion for construction. In 1969 the FCC recommended that Con Edison purchase power from the Niagara Authority rather than continue to produce its own power at a cost per m. that is considerably higher than the national average.

Even without the 1969 FCC recommendation, Con Ed's track record on power production does not warrant its continuation in that field. Costs for power production at Indian Point (a Con Ed nuclear installation) are among the highest in the nation, running nearly 400 percent of "normal" production costs.

The PSC should call for an immediate and permanent moratorium on Con Ed construction for power production, and order the company to enter negotiations with Niagara, State Power and smaller producing companies for the purchase of power to meet increased future needs and for present needs now being supplied by inefficient worn out production in the city.

In his 7-page statement setting forth his reasons for the rate increase request Chairman Charles Luce says the additional money is needed to improve service and meet increasing demands for electrical power. These, incidentally, were the same reasons set forth when they requested a 16 percent increase in 1969, just three years ago.

However, in his latest statement, Mr. Luce has added one more reason to his outlandish demands. He says: "The same financial squeeze has affected Con Edison stockholders ... the company has not increased common stock dividends since 1965 and current share earnings are less than in 1965."

PSC should question Mr. Luce under oath to determine whether he and the Con Ed board intend to use some of the proposed rate increase to increase dividends for common stock holders. Are the poor and middle income people of New York, already paying some of the highest electrical rates in the nation, now being asked to pay up to 16 percent more so that Con Ed can increase dividends to its preferred stock holders, many of whom are already among the wealthiest men in the nation?

I note that Mr. Luce carefully confined his statement to "common stock dividends," but failed to mention preferred stock. In 1969 earnings before dividends on preferred stock rose to nearly $97 million and preferred dividends amount to over $25½ million. Is Mr. Luce less than candid in his report on the sad plight of stockholders when he confines his report to only common stock holders?

I believe there are good and sufficient reasons why immediate and drastic changes must be made in the rate structure, management and even the ownership of Con Ed, which Fortune Magazine dubbed in 1966 "the company you love to hate".

Fortune said of Con Edison in 1966: "Much of its plant is old, its rates are high, its profits low, its growth is meager and its customers are furious. But at Con Edison the aging management assumes the mantle of martyrdom and trusts that everything will then turn out all right."

There has been new and more expensive management at Con Ed since that Fortune article was written, but its plants have gotten older, its rates have risen higher and its customers are growing more angry by the day.

Instead of rewarding mismanagement with an unjustifiable rate increase, the PSC should move into a full scale inquiry into the entire Con Edison rate structure and the relationship of this privately owned utility to the public which it is supposed to serve.

The present Con Edison board of directors is made up of big business and financial representatives. As an intermediate step, it should be required to restructure its board so that at least 50 percent of its members represent consumers.

But this is only an interim step. I think the time has come to provide for public ownership of electric power in this state. New Yorkers cannot exist without electricity. It is as necessary to them as the air they breath, the water they consume, and subways and other mass transportation. To continue to produce and distribute a necessary commodity to 8 million New Yorkers at a profit—and those profits run over $100 million a year—can no longer be tolerated.

I propose that the city and state and PSC undertake a joint study of this question of public ownership and present a public report within no more than a year's time for action by the necessary city and state agencies and the voters.

In the interim I call on Governor Rockefeller to institute changes in the composition of the Public Service Commission. At least one-half of the present PSC members should be replaced with representatives from the consumer sector of the public in order that the needs of New Yorkers be given effective attention. PSC exists to protect the interests of the consumers and only with adequate representation in that body can consumer interests be guarded.

New Yorkers must no longer be left to the mercy of a group of greedy Con Edison stockholders who have profited from their monopoly position over the years and made consumers pay for it with "brown-outs" and increasingly higher rates. The basic answer to the power crisis in New York is public ownership with guarantees of strong consumer control and representation in the public agency.

NEW CHARGES ON LOCKHEED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. Aspin) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, I am publicly releasing today a new series of documents detailing charges that Lockheed Aircraft discarded tons of metal worth thousands of dollars intended to build the C–5A and C–130 jet transport planes in direct violation of Air Force regulations. The new charges of waste and gross mismanagement are being leveled by Mr. Henry Durham, a former Lockheed employee who has previously attacked Lockheed's performance on the C–5A aircraft in congressional testimony before the Joint Economic Committee chaired by the distinguished Senator from Wisconsin (Mr. Proxmire).

This latest set of allegations is just one more chapter in what must be called the worst and most blatant robbery of the taxpayer's dollars by a giant defense contractor. Apparently Lockheed violated Air Force regulations by not reporting that it was scrapping tons of metal that had been multilated by Lockheed workers and intended for use on Air Force planes. If Mr. Durham's allegations are true, then Lockheed is covering-up a multimillion dollar program of mismanagement on the C–5A and other programs.

According to Mr. Durham and the documents which he has produced, both Lockheed and Air Force regulations were violated when Lockheed employees did not file discrepancy reports when stock was multilated. Instead Lockheed employees just acquired new material without notifying the Quality Control Division of Lockheed of the loss of the material.

The result is that apparently millions of dollars have been wasted, but may never be traced. It is important to note that some replacement metal may not have been heat treated to improve its strength as required by Air Force specifications was still installed on the C-5A. If this allegation is true, then Lockheed is responsible for building an aircraft that is not only deficient but downright dangerous.

I am requesting that the General Accounting Office thoroughly investigate the charges outlined by Mr. Durham. I understand that the GAO is now investigating charges similar to Durham's new accusations and hope that they will investigate the specific allegations contained in the material I am forwarding to them.

This scrapping of tons of metals is undoubtedly a significant part of the approximate $2 billion cost overrun on the C-5A. According to sources at the GAO it is "reasonable" to assume that 40 percent of the C-5A cost overruns are the result of material cost increases such as those associated with scrapping expensive metals.

Mr. Speaker, with Lockheed's secretly scrapping tons of metals it is no surprise that the price of the C-5A skyrocketed.

INTRODUCTION OF A BILL TO AMEND EMERGENCY UNEMPLOYMENT COMPENSATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, we all know too well the gravity of the unemployment problem in this country and the compelling need to stimulate noninflationary economic growth so that we can get many of our unemployed back to work. While we are striving to improve our troubled economy, however, we cannot neglect those who have found themselves jobless and searching for a way to keep their families clothed and fed. This is why Congress instituted a measure like the Emergency Unemployment Compensation Act of 1971—Public Law 92-224—and why the House recently voted to extend the provisions of this law for an additional 6-month period. This program, providing an additional 13 weeks of 100 percent, federally funded unemployment compensation, goes into effect if a State's insured unemployment averages 6.5 percent for 13 consecutive weeks. If the rate falls below 6.5 percent, the program is cut off.

Unfortunately, although this program was created with the right intentions, it contains a very serious shortcoming. Generally, labor statistics are compiled on a regional basis; yet, under the provisions of Public Law 92-224, benefits are granted on the basis of a State unemployment rate. Thus, while the State unemployment figure may fall below the qualifying 6.5 percent, thereby terminating the Federal emergency compensation program, the unemployment rate in areas within the State may well have risen far above the 6.5-percent level, and yet the unemployed in these areas will still be ineligible to obtain relief from the Federal Government. Let me illustrate this tragic defect with an example from my own district in New York State. In July the jobless in New York State received their last unemployment compensation check under the Federal emergency compensation program, because the State unemployment figure had dropped below 6.5 percent. However, in Nassau and Suffolk Counties in my district, the unemployment rate hovered well above 6.5 percent and is still continuing to rise. In July, when the emergency compensation program ended in New York State, the jobless rate in Nassau was 6.7 percent and in Suffolk a frightening 7.9 percent.

Mr. Speaker, I know that this incongruous situation exists in many other areas around the country. I cannot emphasize too strongly that we must provide relief for those pockets of severe unemployment where help is most needed and where jobs are hardest to find. Today, I am introducing legislation to correct the inequity in the Emergency Unemployment Compensation Act which prevents those areas with severe unemployment from receiving Federal assistance. My bill would provide that if the emergency unemployment compensation program has been in effect in a State, the program will continue to be in effect in those areas within the State which have unemployment rates about 6.5 percent, even if the State figure has fallen below that level. The main purpose of this legislation is to insure that those counties with aggravated unemployment problems will continue to receive assistance for as long as they need it. In addition, my bill would extend the emergency unemployment compensation program for 1 year. The present program is scheduled to terminate this coming December; a 1-year extension of the program will serve further to insure that, until we can alleviate this Nation's unemployment problem, the jobless in our country will not go unprotected.

Mr. Speaker, I know that our main effort must be to stimulate and encourage employment, and I hope that the Congress will take it upon itself to restore to this country a healthy and expanding economy. But until we do see a significant improvement in this Nation's economy and a significant reduction in our unemployment rate, the Congress must also look to the needs of the thousands who are suffering as a result of our present economic ills.

SALE OF WHEAT TO THE SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PURCELL) is recognized for 10 minutes.

Mr. PURCELL. Mr. Speaker, the House Agriculture Subcommittee on Livestock and Grains, is conducting hearings to study the impact on farmers and others who may be affected by the recent large sale of wheat to the Soviet Union.

One aspect of the grain sale that has come to my attention involves those producers who sold their wheat prior to any knowledge of the sale to the Soviet Union and therefore were handicapped in making marketing decisions. Since the first wheat in the Nation is harvested in Texas beginning as early as May and continuing into July, virtually all of Texas production was harvested before the sale to the Soviet Union was announced on July 8. Traditionally, most of this early wheat crop is sold at time of harvest.

The Agricultural Act of 1970, at the urging of the Nixon administration, provided that the wheat certificate paid to farmers on their share of domestic consumption would be calculated to reflect the difference between the average market price for the first 5 months of the marketing year, July 1-November 30, and the parity price as of July 1—$3.02 per bushel.

The sale of wheat to the Soviet Union has resulted in increases in the market price. Everything being equal, such an increase is good for wheat producers. However, since the increase in wheat market prices will reduce the amount of the certificate paid to farmers on the domestic portion of their wheat, only those farmers who sold at or above the 5 months' average market price will receive the parity price of $3.02 per bushel. Those farmers who sold below the 5 months' average market price will receive less than the parity price by whatever amount their sale price was below the 5 months' average market price. Farmers in Texas, New Mexico, Arizona, Colorado, Kansas, Missouri, and other States in the early wheat harvest area sold wheat at prices below the anticipated 5 months' average market price and they will not be able to get parity price for their production.

The evidence is clear that there was heavy early selling in these and other wheat-producing areas. As of July 31, only 59.4 million bushels of wheat were under loan for support price purposes as against 77.1 million bushels on July 31, 1971. In Kansas, for example, where the harvest was completed by July 31, 36.8 million bushels were under loan as compared to 51.9 million on the same date in 1971.

Let me cite an example of how farmers who sold wheat before the market prices advanced in response to Soviet Union wheat sales will lose unless the current provision of law is changed, as provided in a resolution I will introduce today. The average market price in July was $1.32; in August $1.51. It is anticipated that there will be further market price increases in September, October, and November which could result in an average market price during those months of $1.75. Averaging the prices for the 5 months brings market average for wheat to $1.62 per bushel.

This $1.62 per bushel price under the 1970 Agricultural Act is the point at which the USDA begins to calculate the amount of wheat certificate. Since the parity price was $3.02 on July 1, the wheat certificate paid to producers on their domestic production will amount to $1.42 per bushel.

But, it can be clearly seen that these farmers who sold below the estimated 5 months' average market price of $1.62 per bushel, would lose the difference between their sales price and the 5 months' average market price. Let us take the specific case of a Texas farmer who sold his wheat at $1.32 per bushel. Since this sales price is below the average market price of $1.62, he would lose 30 cents per bushel. Instead of receiving the parity price of $3.02 per bushel, he would receive only $2.72 per bushel.

I hope the fair-minded Members of this House will see the inequity in this situation. My position simply is to bring equity in the payment by the Government to producers who are eligible for wheat certificates. No farmer in this Nation should be penalized in the amount of the wheat certificate he receives by his geographic location in the Nation.

The producers in early wheat harvest areas were further disadvantaged by the cloak of secrecy surrounding the sale of wheat to the Soviet Union. I intend to explore fully the missing links in the events connected with the sale in the course of hearings of my Subcommittee on Livestock and Grains.

To do justice by wheat producers who stand to lose income under conditions connected with the sale of wheat to the Soviet Union, I am today introducing a joint resolution to provide for the special deficiency payments to wheat producers who will receive less than parity on the domestic production of their wheat under the present procedure of figuring the amount of wheat certificates.

Senator LLOYD BENTSEN is introducing an identical resolution in the other body today to make this a joint effort in the Senate and House.

In brief summary, the resolution, if enacted, would authorize the Secretary of Agriculture to make special deficiency payments to wheat producers who sold all or any portion of his 1972 crop of wheat for less than the average price for the first 5 months of the marketing year—July 1–November 30, 1972. The deficiency payment would be calculated as I have indicated above—the difference between the average 5 months' market price and the price the producer received in the sale of his 1972 crop of wheat, to make up the difference between the producer's actual sales price and the average actual market price for the 5 months of the marketing year July–November 1972.

The effect of the bill would be to assure that no producer receives less than the parity price of $3.02, because he did not have the market intelligence to be aware of the increase in market price due to the sale of wheat to the Soviet Union.

I hope that Members of the House will take the time to review in detail the inequities that have been created in the early wheat harvest areas of the Nation. I hope that you will agree with me that action is needed to bring equity where inequity now exists.

Mr. Speaker, I intend to further develop the case for the legislation I am introducing throughout the hearings of the Subcommittee on Livestock and Grains.

EAST-WEST TRADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. BOGGS) is recognized for 10 minutes.

Mr. BOGGS. Mr. Speaker, I have a long standing interest in foreign trade. As chairman of the Joint Economic Subcommittee on Foreign Economic Policy, I have worked over the years toward improving economic relations between the United States and the nations with whom we trade.

The matter of East-West trade has interested me particularly, because it is a fact of history that bilateral trade can be instrumental in bringing about improved political relations between countries.

With this in mind, I was encouraged when the United States and the Soviet Union agreed to the formation of a commercial commission for the discussion of ways to improve economic relations between our countries. I am still hopeful that the conditions for trade relations between our countries will be improved as a result of the work of this commission and others working toward that end.

Now we are reminded by distinguished Members of this House and of the other body that the Soviet Union is embarked upon an insulting and self-defeating "head tax" on Soviet Jews seeking to emigrate to Israel. The imposition of such a tax—ranging up to $25,000—is, as Senator RIBICOFF has said, "a totally reprehensible form of extortion."

My distinguished colleagues have urged that trade concessions, such as most-favored-nation treatment and other benefits, be denied to the Soviet Union as long as this tawdry levy is imposed. We are urged to reject legislation favoring the U.S.S.R. until this visa fee policy is lifted.

I agree that this visa tax is reprehensible. And it is deplorable that a nation seeking improved trade relations would so crudely seek to discourage the movement of people to places they seek to make their home.

I hope the Soviet Union will discard this vindictive and demeaning tax, and I want to associate myself with those who oppose extending trade benefits to the Soviet Union so long as such a policy is in effect.

THE GREAT RIVER ROAD—A SCENIC HIGHWAY FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, I introduce today, for appropriate reference, a bill to provide for significant Federal participation in the up-coming national celebration of the Mississippi Tricentennial—the 300th anniversary of the discovery of the Mississippi River by Marquette and Joliet.

The legislation I introduce today would, for the first time, provide Federal assistance, to the 10 States concerned to help in the building and beautification of the Great River Road—the scenic highways that America will build along the shores of the Mississippi—scenic roads stretching from Canada, through Minnesota, Iowa, Wisconsin, Illinois, Missouri, Arkansas, Kentucky, Tennessee, Mississippi, and Louisiana.

Mr. Speaker, the concept of the Great River Road has been discussed since the 1930's. Originally it was hoped that a great National Parkway would be located on the banks of the Mississippi. After all, it is the most significant north-south scenic corridor in the Nation, and is within easy driving distance of millions and millions of American families. There is no need for me to rhapsodize on the beauty and diversity of the Mississippi River Valley—it is a combination of the swift Colorado, the tropical and delta Niles, the bluff-shadowed Rhine, the Blue Danube triumphant—and all beginning in the lake country of Minnesota as a clear, fresh, north-country stream.

Over 8 years ago the President's Council on Recreation and Natural Beauty recommended the establishment of a system of scenic and recreational highways and parkways. The Council recommended a $4 billion, 10-year program to provide the American people with the kind of roads they deserve, if they are really going to be able to enjoy the scenic and recreational values of this vast and beautiful expanse of America and its people.

Mr. Speaker, no type of recreation in this country is as popular as pleasure driving. Americans drive more than 300 billion miles a year for pleasure—that is nearly 11,000 trips down the entire length of the Great River Road—from Lake Itasca to the Gulf of Mexico.

A study of outdoor recreation in Iowa, suggests that the demand for decent, safe, and attractive scenic roads is far outpacing the roads we are providing.

Like the rest of the country, in Iowa, pleasure driving is the most popular outdoor recreation activity—78.7 percent of all Iowans average 18 days of such driving—or a total of more than 28.1 million user-days a year.

Driving was then followed by other activities closely associated with and available along the Great River Road—77 percent picnicking; 59 percent sightseeing; 58 percent hiking and walking; 40 percent fishing; and 35 percent boating.

Clearly the demand for the access and the recreational facilities that would be provided by roads such as the Great River Road is overwhelming and is increasing almost geometrically.

Mr. Speaker, the day may very well come when we will see stretching along the banks of the Mississippi the parkway that Americans deserve. Clearly the need is there. But today, in consonance with recommendations of the Federal Highway Administration and the National Park Service, we must necessarily tailor our plans to the financial realities we face. It is for that reason that I introduce a bill that embodies the philosophy and hopes of the two distinguished chairmen of the Public Works Committees of the Congress, Congressman BLATNIK and Senator RANDOLPH and yet pays heed to the economic realities of the day.

Today, I am introducing a bill that will provide a beginning of this system of scenic highways we all recognize as so necessary. The bill I introduce would provide $30 million for each of 2 fiscal years. It would help States begin acquisition of properties and easements necessary to protect the environmental and esthetic values on the Mississippi banks.

It would also provide some beginning help in constructing and reconstructing the road surfaces themselves and the attendant scenic viewing points and roadside parks necessary for proper enjoyment of the vistas the Mississippi affords.

Mr. Speaker, we must begin somewhere. I sincerely hope that the Great River Road will serve as a worthy prototype of the national system of scenic highways we will eventually enjoy. I can think of no more worthy place to begin nor a more auspicious date on which to begin this undertaking. The Mississippi is an integral scenic corridor—we celebrate the 300th anniversary of its discovery this coming year—the need is recognized—modest funds are requested—congressional awareness and support are promising.

It is my hope that the Congress will take this opportunity to provide all Americans with this beginning—a beginning too long delayed; but a beginning whose time has come.

There is a phrase very much in evidence today: "Let's make driving a good thing again!" Mr. Speaker, let we in the Congress provide a place for that to happen—along the beautiful, scenic, and historic banks of the great Mississippi River.

Mr. Speaker, in closing, I wish to thank the very distinguished chairman of the House Public Works Committee for sponsoring this bill with me. His guidance and encouragement has been the critical force in holding out hope to us all that this long delayed dream will be realized.

Mr. Speaker, I include the text of the bill (H.R. 16687) at the conclusion of my remarks in the RECORD:

H.R. 16687

A bill to amend title 23 of the United States Code, to provide for the Federal funding of land and easement acquisitions and the construction and improvement of necessary roads and scenic viewing facilities in order to develop a national scenic and recreational highway program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 145. Development of a prototype of a national highway program.

"(a)(1) The Congress finds—

"(A) that there are significant esthetic and recreational values to be derived from making places of scenic and natural beauty and historical, archeological, or scientific interest accessible to the public;

"(B) that there is a deficiency in the number and quality of scenic roads, parkways, and highways available to the motoring public;

"(C) that with increase population, greater leisure time and higher percentage of privately owned automotive vehicles, more families than ever are seeking suitable areas in which to drive for pleasure and recreation;

"(D) that the growth of cities and large metropolitan centers has decreased the quantity of open-space and recreational areas available to the general public, especially urban dwellers; and

"(E) that substantial economic, social, cultural, educational, and psychological benefits could be gained from a nationwide system of attractive roadways making possible widespread enjoyment of natural and recreational resources.

"(2) It is therefore the purpose of this section to provide assistance to the States and to other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to develop highways throughout the Nation to satisfy such needs and to prove the actual national feasibility of such a system through direct Federal participation in the improvement and construction of the Great River Road and attendant facilities and to further provide for Federal participation in the celebration Mississippi River.

"(b) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River in order to carry out the purpose of this section. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131(c) of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(c) For the purpose of this section the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities determined by the Secretary for the purpose of this section.

"(d) Highways constructed or reconstructed pursuant to this section (except subsection (g)) shall be maintained by the appropriate state or local jurisdiction and shall remain within their present highway system designation except with respect to such provisions of this title as the Secretary determines are not consistent with this section.

"(e) Funds authorized for each fiscal year pursuant to subsection (h)(1) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out the purpose of this section.

"(f) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be 80 per centum of such cost.

"(g) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out the purpose of this section. To the extent applicable criteria applicable to highways constructed or reconstructed by the States pursuant to this section shall be applicable to highways constructed or reconstructed pursuant to this subsection. Funds authorized pursuant to subsection (h)(2) shall be used to pay the entire cost of construction or reconstruction pursuant to this subsection.

"(h) There is authorized to be appropriated out of the Highway Trust Fund (1) not to exceed $20,000,000 for each of the fiscal years ending June 30, 1974, and 1975, for allocations to the States pursuant to this section, and (2) not to exceed $10,000,000 for each of the fiscal years ending June 30, 1974, and 1975, to carry out the provisions of subsection (g)."

SEC. 2. The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"145. Development of a prototype of a national scenic and recreational highway program.".

ENVIRONMENTAL EDUCATION EMPHASIS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BRADEMAS) is recognized for 5 minutes.

Mr. BRADEMAS. Mr. Speaker, I rise to draw to the attention of Members of the House a significant event which the National Park Service, of the Department of the Interior, is initiating next week to increase the environmental awareness of our citizenry.

I refer to the designation, by George B. Hartzog, Jr., Director of the National Park Service, of the week of September 17 through the 23d as the Environmental Education Emphasis Week—EEE Week.

It is, I think, Mr. Speaker, particularly appropriate that next week be recognized by the National Park Service as Environmental Education Emphasis Week.

For this is the centennial year of the creation of our first national park, Yellowstone, which was established in 1862, and which initiated a broad-based concern with conservation and the preservation of America's priceless natural resources.

Moreover, Mr. Speaker, the Second World Conference on National Parks will also be in session next week at Yellowstone and Grand Teton National Parks, and will bring together representatives of more than 100 nations to discuss the common goals and challenges of their national parks and reserves.

I can think of no more fitting manner of drawing to the public's attention the centennial of our first national park than the designation of the week of September 17 as Environmental Education Emphasis Week.

During this week, Mr. Speaker, the regional offices of the National Park Service will emphasize the three major environmental education programs which the Service conducts on an on-going basis:

National environmental education development—NEED—through which instructional materials are prepared for use by educators who wish to incorporate environmental learning into their curriculums.

National environmental study areas—NESA—under which sites are provided, within our park system, for use by schools as "outdoor classrooms."

National environmental education landmarks—NEEL—which are recognized by the Secretary of the Interior as superior environmental study areas.

Hopefully, the public will be made more aware of these environmental education programs through such activities as "show me" tours, poster and essay contests, environmental awareness talks, and workshops for teachers and group leaders.

Mr. Speaker, the Select Education Subcommittee, which I have the honor to chair, has jurisdiction over the Environmental Education Act. This measure, of which I was sponsor in the House, authorized the establishment, within the Office of Education, of an environmental education office, as well as a wide variety of educational activities including the development, the training of school teachers in environmental studies, and the planning of outdoor ecological study centers.

Mr. Speaker, I do not think that champions of clean air, and land, and water, would disagree that if we are to make even minimal progress toward solving the ecological crisis, we need a citizenry educated and informed about the whole spectrum of matters we call environmental. We are going to require as well, changes in our basic attitudes toward the environment and man's place in it.

THE ENVIRONMENTAL EDUCATION ACT

Mr. Speaker, it was this belief that ran through 13 days of hearings which our subcommittee held on the Environmental Education Act, as witness after witness declared that we needed basic changes in our environmental values, and that education could play a significant role in bringing about that change.

Unfortunately, Mr. Speaker, the administration of President Nixon, which originally opposed passage of the Environmental Education Act, and subsequently opposed appropriations for it, has still shown no evidence of a long-term commitment to adequate financial support of environmental education.

Let me hasten to point out that I make this comment more in sorrow than in anger, for Congress demonstrated by its bipartisan sponsorship of this measure, as well as by the broad bipartisan support the measure received on the House and Senate floors, that both Democrats and Republicans in Congress felt environmental education deserved a higher priority in our list of national needs.

Indeed, evidence of the overwhelming bipartisan support which the Environmental Education Act enjoins in Congress is the vote by which it was approved, 228 to 28 in the House of Representatives, on August 3, 1970; and in the Senate, by 68 to 0, on September 9, 1970.

Mr. Speaker, in light of the inadequate financial support which this administration has seen fit to give to the Environmental Education Act of 1970, and in light of the great need to inform our citizens of the dangers from continued environmental deterioration, I am delighted to see any agency of the Government supplementing the environmental education programs of the Office of Education.

So it is with great pleasure that I commend the National Park Service for its effort to enlighten the public on ecological matters by designating the week of September 17 Environmental Education Emphasis Week.

We can hope, Mr. Speaker, that efforts such as this can help impress upon each of us—to use the words of Joseph Sittler, a distinguished theologian from the University of Chicago—that—

> When man so uses nature as to deny her integrity, defiles her cleanliness, disrupt her order, or ignore her needs—the reprisals of insulted nature often take a slow but terribly certain form. Nature's protest against defilement is ecological reprisal.

ROSE MATZKIN, PRESIDENT OF HADASSAH

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, a constituent of mine, Rose Matzkin, of Waterbury, Conn., has recently been elected as national president of Hadassah, the largest women's organization in the United States. Her designation is an honor for our city and we are indeed proud of this recognition which has come to our fellow citizen. At the same time, anyone who knows Rose Matzkin knows that her designation is not an empty honor, but has been made because of her long, devoted, and fruitful service to Hadassah and the cause which it serves. From the point of view of the organization her designation is not simply honorary because its members are well aware of the magnificent service which Mrs. Matzkin has rendered for many years.

I note Mrs. Matzkin's official elevation here as a matter of national interest and as a fitting tribute I include hereafter an editorial which appeared in the Waterbury American on August 24, 1972:

Mrs. Matzkin Elected

> Waterbury has been honored by the election of Mrs. Rose Matzkin as national president of Hadassah, the largest women's organization in America. It has 325,000 members.
>
> Mrs. Matzkin has been prominent in Hadassah activities on the national and international levels for a number of years. She has made numerous trips to Israel in connection with the organization and has been a prominent speaker.
>
> She has been a member of the national group for more than 35 years. She is a past national vice-president and was previously president of the Waterbury Chapter and of this region. She is the first Connecticut woman ever to lead the group.
>
> The election of Mrs. Matzkin is the third in a series in which women from this area have been named to lead major national and international groups. The first was Mrs. Jeanette Healey, who was elected president of the International Quota Club. Then Mrs. Zabelle Kazanjian was elected and reelected president of the Girls Clubs of America.
>
> These women have set an example of service on behalf of the public. The city is honored by their success.
>
> We wish Mrs. Matzkin a most successful term as president of a distinguished organization.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Talcott (at the request of Mr. Gerald R. Ford), for September 14 through September 18, on account of official business.

Mr. Aspinall, from noon Monday, September 18, 1972, until noon Wednesday, September 20, 1972, on account of official business.

Mr. Skubitz (at the request of Mr. Gerald R. Ford) for the week of September 18 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 30 minutes, today.

Mr. Podell, for 1 hour, today, immediately following the special order by Mr. Celler, to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. du Pont) to revise and extend their remarks and include extraneous material:)

Mr. Schwengel, for 15 minutes, today.

Mr. McKevitt, for 5 minutes, today.

Mr. Peyser, for 5 minutes, today.

Mr. Halpern, for 10 minutes, today.

Mr. Ashbrook, for 30 minutes, today.

(The following Members (at the request of Mr. Mathis of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. St Germain, for 10 minutes, today.

Mrs. Abzug, for 10 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Aspin, for 10 minutes, today.

Mr. Wolff, for 5 minutes, today.

Mr. Purcell, for 15 minutes, today.

Mr. Boggs, for 10 minutes, today.

Mr. Culver, for 5 minutes, today.

Mr. Brademas, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Dow, and to include extraneous material, notwithstanding the fact that it is estimated by the Public Printer to cost $552.50.

Mr. Hall to follow Mr. Dulski in the Committee of the Whole today, with regard to F-15.

Mr. Hicks of Washington, immediately following the remarks of Mr. Daniel of Virginia on the Sikes amendment in the Committee of the Whole today.

Mr. Gude prior to the vote on the Sikes amendment on H.R. 16593.

(The following Members (at the request of Mr. du Pont) and to include extraneous matter:)

Mr. Schwengel in two instances.

Mr. Heinz.

Mrs. Dwyer in four instances.

Mr. Minshall.

Mr. Anderson of Illinois in two instances.

Mr. Wyman in two instances.

Mr. Johnson of Pennsylvania.

Mr. Schmitz in six instances.

Mr. Horton.

Mr. Kemp.

Mr. Findley.

Mr. Sandman.

Mr. Shoup in two instances.

Mr. Lent.

Mr. ASHBROOK in two instances.

Mr. KEATING in two instances.

Mr. HOSMER in two instances.

Mr. MAYNE.

(The following Members (at the request of Mr. MATHIS of Georgia), and to include extraneous matter:)

Mr. CORMAN.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. ST GERMAIN.

Mr. EDWARDS of California in two instances.

Mr. WOLFF.

Mr. CLAY in six instances.

Mr. ANNUNZIO in two instances.

Mr. STOKES.

Mr. EILBERG in 10 instances.

Mr. REID.

Mr. DOWNING.

Mr. JACOBS in two instances.

Mr. WILLIAM D. FORD.

Mr. FLYNT.

Mr. CAREY of New York.

Mr. MAZZOLI.

Mr. MURPHY of New York.

Mr. ROSENTHAL.

Mr. BROOKS.

Mr. PATTEN.

Mrs. SULLIVAN.

Mr. SARBANES in five instances.

Mr. ROGERS in five instances.

Mr. DANIELS of New Jersey in two instances.

Mr. ZABLOCKI in three instances.

Mr. MATHIS of Georgia in five instances.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3337. An act to amend the Small Business Investment Act of 1958, and for other purposes; to the Committee on Banking and Currency.

S. 3917. An act to authorize the construction of the completion of the New Senate Office Building on the east half of square 725 in the District of Columbia, to authorize the acquisition of certain real property in square 724 in the District of Columbia, to authorize the Architect of the Capitol to initiate and conduct a study of alternate designs for a vehicle parking garage with limited commercial facilities to be constructed on square 724 and an architectural design competition to be conducted in connection therewith, and to authorize the acquisition of all publicly or privately owned property contained in square 764 in the District of Columbia as an addition to the United States Capitol Grounds, and for other purposes; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6503. An act for the relief of Capt. Claire E. Brou, and

H.R. 14896. An act to amend the National School Lunch Act, as amended, to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On September 13, 1972:

H.R. 7375. An act to amend the statutory ceiling on salaries payable to U.S. magistrates; and

H.R. 12638. An act for the relief of Sgt. Gary L. Rivers, U.S. Marine Corps, retired.

On September 14, 1972:

H.R. 6503. An act for the relief of Capt. Claire E. Brou;

H.R. 9222. An act to correct deficiencies in the law relating to the crimes of counterfeiting and forgery;

H.R. 10670. An act to amend chapter 73 of title 10, United States Code, to establish a survivor benefit plan, and for other purposes; and

H.R. 14896. An act to amend the National School Lunch Act, as amended to assure that adequate funds are available for the conduct of summer food service programs for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and for other purposes related to expanding and strengthening the child nutrition programs.

ADJOURNMENT

Mr. PODELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Monday, September 18, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2332. A letter from the Acting Comptroller General of the United States, transmitting a report on the need to improve the accuracy of the Air Force requirements system for reparable parts; to the Committee on Government Operations.

2333. A letter from the Acting Comptroller General of the United States, transmitting a report on problems in identifying and removing from the market products which violate the law, Food and Drug Administration, Department of Health, Education, and Welfare; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FLOOD: Committee on Appropriations. H.R. 16654. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–1400). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLOOD:

H.R. 16654. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. BEGICH:

H.R. 16655. A bill to provide for the establishment of the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BLATNIK (for himsef, Mr. HARSHA, Mr. JONES, of Alabama, Mr. GROVER, Mr. KLUCZYNSKI, Mr. CLEVELAND, Mr. WRIGHT, Mr. DON H. CLAUSEN, Mr. GRAY, Mr. SCHWENGEL, Mr. CLARK, Mr. SNYDER, Mr. EDMONDSON, Mr. ZION, Mr. JOHNSON of California, Mr. MCDONALD of Michigan, Mr. DORN, Mr. HAMMERSCHMIDT, Mr. HENDERSON, Mr. MILLER of Ohio, Mr. ROBERTS, Mr. MIZELL, Mr. KEE, Mr. TERRY, and Mr. HOWARD):

H.R. 16656. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. BLATNIK (for himself, Mr. THONE, Mr. BAKER, Mr. ROE, Mr. COLLINS of Illinois, Mr. RONCALIO, Mr. BEGICH, and Mr. JAMES V. STANTON):

H.R. 16657. A bill to authorize appropriations for construction of certain highways in accordance with title 23 of the United States Code and for other purposes; to the Committee on Public Works.

By Mr. BRADEMAS:

H.R. 16658. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. CABELL (for himself and Mr. BROYHILL of Virginia):

H.R. 16659. A bill to provide for acquisition by the Washington Metropolitan Area Transit Authority of the mass transit bus systems engaged in scheduled regular route operations in the National Capital area, and for other purposes; to the Committee on the District of Columbia.

By Mr. CAMP:

H.R. 16660. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. BUCHANAN, Mr. CARNEY, Mrs. CHISHOLM, Mr. KOCH, Mr. LEGGETT, Mr. MCDADE, Mr. RANDALL, and Mr. MOORHEAD):

H.R. 16661. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

By Mr. HATHAWAY:

H.R. 16662. A bill to promote development and expansion of community schools throughout the United States; to the Committee on Education and Labor.

H.R. 16663. A bill to create a Cabinet-level Department of Environment and Technology Assessment; to the Committee on Government Operations.

By Mr. HECHLER of West Virginia:

H.R. 16664. A bill to further the purposes of the Wilderness Act of 1964 by designating certain lands for inclusion in the national wilderness preservation system, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HELSTOSKI:

H.R. 16665. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes; to the Committee on Public Works.

By Mr. HORTON:

H.R. 16666. A bill to amend title 38 of the United States Code to provide that any social security benefit increases provided for by Public Law 92–336 be disregarded in determining eligibility for pension or compensation under such title; to the Committee on Veterans' Affairs.

H.R. 16667. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. MILLS of Maryland:

H.R. 16668. A bill to authorize pilot field-research programs for the suppression of agricultural and forest pests by integrated control methods; to the Committee on Agriculture.

By Mr. MORGAN:

H.R. 16669. A bill to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage; to the Committee on Foreign Affairs.

By Mr. MURPHY of New York (for himself, Mr. Hastings, Mr. Hechler of West Virginia, Mr. Hansen of Idaho, Mr. Broyhill of North Carolina, Mr. Howard, Mr. J. William Stanton, Mr. Pepper, Mr. Nix, Mr. Alexander, Mr. Boland, Mr. Gude, Mr. Mollohan, Mr. Roybal, Mr. Hungate, Mrs. Heckler of Massachusetts, Mr. Hogan, Mr. Scheuer, Mr. Gonzalez, Mr. Corman, Mr. Matsunaga, Mr. Pike, Mr. Yatron, Mr. Fish, and Mr. Byrne of Pennsylvania):

H.R. 16670. A bill to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself Mr. Hastings, Mr. Rees, Mr. Clark, Mr. Metcalfe, Mr. Leggett, Mr. Sarbanes, Mr. Rooney of Pennsylvania, Mr. Vanik, and Mr. Biester):

H.R. 16671. A bill to provide for the humane care, treatment, habilitation and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 16672. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 16673. A bill to amend the Internal Revenue Code of 1954 to provide interest on certain amounts withheld from wages and certain estimated payments of tax for purposes of the Federal income tax; to the Committee on Ways and Means.

H.R. 16674. A bill to provide that the Secretary of the Treasury shall make a study of the overwithholding from wages of the Federal income tax and report, with legislative recommendations, to the Congress; to the Committee on Ways and Means.

By Mr. ROGERS (for himself, Mr. Satterfield, Mr. Kyros, Mr. Preyer of North Carolina, Mr. Symington, Mr. Roy, Mr. Nelsen, Mr. Carter, and Mr. Hastings):

H.R. 16675. A bill to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 to extend for 1 year the program of grants for State and local prevention, treatment, and rehabilitation programs for alcohol abuse and alcoholism; to the Committee on Interstate and Foreign Commerce.

H.R. 16676. A bill to amend the Community Mental Health Centers Act to extend for 1 year the programs of assistance for community mental health centers, alcoholism facilities, drug-abuse facilities, and facities for the mental health of children; to the Committee on Interstate and Foreign Commerce.

By Mr. ROYBAL:

H.R. 16677. A bill to amend the Federal Insurance Contributions Act to provide a method for assuring that social security taxes deducted from an employee's wages are actually forwarded to the Treasury and credited to such employee's account; to the Committee on Ways and Means.

By Mr. RUNNELS:

H.R. 16678. A bill to require States to disregard certain social security benefits in determining the need for certain public assistance; to the Committee on Ways and Means.

By Mr. ST GERMAIN:

H.R. 16679. A bill to amend title 5, United States Code, to extend disability retirement benefits to employees separated from the service with entitlement to deferred annuity who incur disabilities within 5 years after separation and before the annuity commencing date; to the Committee on Post Office and Civil Service.

H.R. 16680. A bill to amend title II of the Social Security Act to provide that any individual may qualify for disability insurance benefits and the disability freeze if he has 20 quarters of coverage, regardless of when such quarters were earned (and regardless of whether he is fully insured); to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 16681. A bill to provide that if an emergency unemployment compensation program has been in effect in a State, such program will continue in any region within that State which has a rate of unemployment above 6.5 percent even though the State rate has dropped below that level, and to extend the emergency unemployment compensation program for 1 year; to the Committee on Ways and Means.

By Mr. ANDERSON of California (for himself. Mr. Koch, Mr. Coughlin, Mr. Gude, Mr. Ashley, Mrs. Abzug, Mr. Addabbo, Mr. Badillo, Mr. Barrett, Mr. Biaggi, Mr. Biester, Mr. Burton, Mrs. Chisholm, Mr. Clay, Mr. Danielson, Mr. Delaney, Mr. Dellums, Mr. Fish, Mr. Forsythe, Mr. Fraser, Mr. Frelinghuysen, Mr. Green of Pennsylvania, Mr. Halpern, Mr. Hanna, and Mr. Hastings):

H.R. 16682. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes; to the Committee on Public Works.

By Mr. ANDERSON of California (for himself, Mr. Koch, Mr. Coughlin, Mr. Gude, Mr. Hawkins, Mrs. Heckler of Massachusetts, Mr. Helstoski, Mrs. Hicks of Massachusetts, Mr. Kyros, Mr. Mailliard, Mr. McCloskey, Mr. McKinney, Mr. Mitchell, Mr. Moorhead, Mr. Podell, Mr. Rees, Mr. Sarbanes, Mr. Van Deerlin, Mr. Waldie, Mr. Whalley, Mr. Charles H. Wilson, and Mr. Yatron):

H.R. 16683. A bill to improve the efficiency of the Nation's highway system, allow States and localities more flexibility in utilizing highway funds, and for other purposes; to the Committee on Public Works.

By Mr. BIAGGI:

H.R. 16684. A bill to provide financial assistance to the States for improved educational services for handicapped children; to the Committee on Education and Labor.

By Mr. CLEVELAND (for himself and Mr. Wyman):

H.R. 16685. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein adjacent to the exterior boundaries of the White Mountain National Forest in the State of New Hampshire for addition to the national forest system, and for other purposes; to the Committee on Agriculture.

H.R. 16686. A bill to require States to pass along to public assistance recipients who are entitled to social security benefits the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. CULVER (for himself and Mr. Blatnik):

H.R. 16687. A bill to amend title 23 of the United States Code, to provide for the Federal funding of land and easement acquisitions and the construction and improvement of necessary roads and scenic viewing facilities in order to develop a national scenic and recreational highway program; to the Committee on Public Works.

By Mr. CULVER:

H.R. 16688. A bill to provide increased funding for accelerated planning purposes with respect to the creation of scenic highways along the banks of the Mississippi River; to the Committee on Public Works.

H.R. 16689. A bill to direct the Secretary of Transportation to make an investigation and study with respect to the feasibility of establishing a national system of a scenic highways, and for other purposes; to the Committee on Public Works.

By Mr. HARRINGTON (for himself, Mr. Burke of Massachusetts, Mr. Conte, Mr. Kyros, Mr. Drinan, Mr. Schneebeli, Mr. Brasco, Mr. Reuss, Mr. Staggers, Mr. Nix, Mr. Goodling, Mr. Hathaway, Mr. Boland, Mrs. Hicks of Massachusetts, Mrs. Abzug, Mr. Roe, Mr. St Germain, Mr. Cotter, Mr. McKinney, Mr. Murphy of New York, and Mr. Macdonald of Massachusetts):

H.R. 16690. A bill to amend the Trade Expansion Act to provide assistance to firms and workers which suffer serious economic injury as a result of the elimination of export controls on agricultural commodities by the United States; to the Committee on Ways and Means.

By Mr. HARRINGTON (for himself, Mr. Conte, Mr. Burke of Massachusetts, Mr. Kyros, Mr. Daniel of Virginia, Mr. Keith, Mr. Aspin, Mrs. Grasso, Mr. Mitchell, Mr. Rees, Mr. Johnson of Pennsylvania, Mr. O'Neill, Mr. Anderson of Tennessee, Mr. Rodino, Mr. Donohue, Mrs. Heckler of Massachusetts, Mr. Cleveland, Mr. Wyman, and Mr. Tiernan):

H.R. 16691. A bill to amend the Trade Expansion Act to provide assistance to firms and workers which suffer serious economic injury as a result of the elimination of export controls on agricultural commodities by the United States; to the Committee on Ways and Means.

By Mr. HECHLER of West Virginia:

H.R. 16692. A bill to prevent construction of a dam on New River; to the Committee on Interstate and Foreign Commerce.

By Mr. LUJAN:

H.R. 16693. A bill to require States to disregard certain social security benefits in determining the need for certain public assistance; to the Committee on Ways and Means.

By Mr. MOORHEAD (for himself and Mr. Alexander):

H.R. 16694. A bill to amend section 231 of the Trade Expansion Act of 1972 to permit the extension of trade agreement concessions on a selective and a reciprocal basis to products of the Union of Soviet Socialist Republics; to the Committee on Ways and Means.

By Mr. RARICK (for himself, Mr. Hébert, Mr. Boggs, Mr. Passman, Mr. Waggonner, Mr. Long of Louisiana, and Mr. Caffrey):

H.R. 16695. A bill to amend section 98 of title 28 of the United States Code to place Tangipahoa Parish in the middle district of Louisiana; to the Committee on Judiciary.

By Mr. REID (for himself, Mr. Danielson, and Mr. Ware):

H.R. 16696. A bill to prevent aircraft piracy by requiring the use of metal-detection devices to inspect all passengers and baggage boarding commercial aircraft in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. REID:

H.R. 16697. A bill to reduce street crime in the United States by substantially increasing police manpower and by providing emergency narcotics treatment in areas designated as high narcotics-related crime areas; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 16698. A bill to prevent aircraft piracy by requiring the use of metal-detection devices to inspect all passengers and baggage boarding commercial aircraft in the United States; to the Committee on Interstate and Foreign Commerce.

H.R. 16699. A bill to amend the Immigration and Nationality Act with respect to the waiver of certain grounds for exclusion and deportation; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 16700. A bill to provide Federal loan guarantee assistance for certain common carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. PURCELL:

H.J. Res. 1300. Joint resolution providing for a special deficiency payment to certain wheat farmers; to the Committee on Agriculture.

By Mr. BLATNIK:

H. Con. Res. 705. Concurrent resolution providing for the printing of a booklet entitled "The Committee on Public Works of the House of Representatives"; to the Committee on House Administration.

By Mr. EILBERG (for himself, Mrs. Grasso, Mr. Carney, and Mr. Donohue):

H. Con. Res. 706. Concurrent resolution expressing the sense of the Congress that the Soviet Union should be condemned for its policy of demanding ransom for educated Jews who want to emigrate to Israel; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. MINK presented a bill (H.R. 16701) for the relief of Zacarias Gonzales Tagamolila, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE NEW "DEFENSE" POSTURE

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 1972

Mr. RARICK. Mr. Speaker, the absurdity of our "defense" posture is evident from the fact that our Government continues to send American fighting men to Germany, presumably to contain communism, yet in actuality, our soldiers go to school to learn how to get along with each other.

At the same time, this country allows two Soviet reconnaissance planes to fly within 50 or 60 miles of the U.S. mainland and Soviet vessels to call in our east coast ports.

It would appear more reasonable, Mr. Speaker, for us to bring our men home from Germany and let them learn to get along with each other in their natural environment. Furthermore, they might be of some use containing communism here in America.

The Soviets maintain a "peace and progress" embassy here in Washington and both varieties of Communists—Soviet and Red Chinese—are within 150 miles of the U.S. border.

In Haiphong, North Vietnam, we mined the harbor to keep the Russian weapons of war out, while at Norfolk, Va., and Baltimore, Md., we welcome Soviet vessels to load U.S. grain to feed the Russian people who make those weapons.

What role are the U.S. military men playing in Germany, anyway?

I include related news articles:

[From the Washington Post, Sept. 12, 1972]

ARMY OPENS SCHOOL IN RACE RELATIONS

OBERAMMERGAU, WEST GERMANY, Sept. 11.—The United States Army in Europe today opened the first class of a race relations school here designed to correct "an unhealthy situation" between black and white U.S. servicemen.

Maj. Gen. Harold I. Hayward told an opening ceremony: "Equal opportunity for all in USAREUR (U.S. Army in Europe) does not exist at this time. . . ."

[From the Evening Star and Daily News, Sept. 13, 1972]

TWO SOVIET PLANES SPEND 12 HOURS OFF U.S. COAST

The Pentagon said two Soviet TU95 Bear reconnaissance planes spent about 12 hours Monday flying along the Atlantic Coast of the United States, approaching as close as 50 or 60 miles to the mainland.

The Pentagon said two U.S. planes from the aircraft carrier Forrestal were sent up to track the Soviet aircraft, which were also monitored by radar both from land and from the carrier. The Soviet planes later returned to Havana.

While TU95s have made nine visits to Cuba in the past few years, this was the first time any of them had flown missions along the U.S. coast using Havana as a return base.

[From the Washington Post, Sept. 12, 1972]

EASTERN BLOC SHIPS UNDER HARBOR BAN

NORFOLK, VA., Sept. 11.—Eastern bloc vessels are being barred from the Hampton Roads harbor because the harbor "poses a serious security problem," says White House aide Peter M. Flanigan.

Flanigan, in a recent letter to U.S. Sen. William B. Spong Jr. (D-Va.), said "the Navy is currently conducting a detailed survey of the area to learn the true nature and extent of our vulnerability to shipborne intelligence collection."

Spong had asked why Polish vessels had been barred from Hampton Roads.

The ban was imposed July 12. About two weeks later, the Navy said an electronic emissions survey of the harbor had been completed and that the ban would be lifted "shortly."

The survey was apparently triggered by an influx of Polish and Russian trawlers into the harbor. About 30 entered between January and July and the Navy suspected that at least several of them were equipped for electronic surveillance.

Flanigan, assistant to the president for international economic policy, wrote Spong that "Hampton Roads commercial maritime interests will be a most important consideration in our decision" regarding the harbor.

There are two large grain companies in Hampton Roads, each with its own pier and elevators, that had expected to participate in a $750 million deal to send grain to Russia.

Their participation seemed ended with the ban on Eastern-bloc vessels, but the Hampton Roads Maritime Association reported Friday that two Norwegian ships had loaded grain for Russia in the harbor last week.

Flanigan wrote Spong that "with regard to the formula for the carriage of grain by national flag ships, the shipping agreement currently being negotiated with the U.S.S.R. would cover all maritime trade between the two countries.

"In all our discussions with the Soviets it has been recognized that there would be a balancing of American and Soviet ships, i.e., whatever is carried in Soviet-flag ships, a like amount will be carried in American-flag ships."

[From the Washington Post, Tues., Sept. 12, 1972]

Soviet Ship

Baltimore.—There were tearful girls at dockside, bidding farewell as the square-rigged sailing ship headed out to sea.

In a scene from the past, clusters of teenage girls gathered at Pier 2 Sunday to see the Soviet training ship Tovarishch set sail from Baltimore after a nine-day visit.

"Some of them stand for hours at a stretch," said a Maryland Naval Militia cadet on guard duty at the ship.

"See that one over there in the red? She's been over there for four hours at least. It's amazing."

The 150 Soviet cadets, for their part, waved across police lines and got in a final bit of girl-watching before ending their ceremonial visit to Baltimore.

Their schedule since arriving last week had been filled with touring and ceremonies marking the 175th anniversary of the U.S. Frigate Constellation, a floating museum anchored next to the Soviet ship.

ETHNIC VOTE PATTERNS IN PRESIDENTIAL ELECTION

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. DERWINSKI. Mr. Speaker, there has been a great deal of commentary in the press over the voting pattern that seems to be developing in the presidential campaign. Of special interest to many reporters in all forms of the media is the ethnic vote which has suddenly been rediscovered.

A commentary by the distinguished international correspondent for the Copley Press, Dumitru Danielopol, in the Aurora, Ill., Beacon-News of August 31, expresses a point of view well worth analyzing.

The article follows:

Ethnics Say It Is Happening in the United States

(By Dumitru Danielopol)

Washington.—When the Republicans gathered in Miami Beach in 1968 to nominate Richard Nixon, House GOP Leader Gerald Ford said their mission was to save the Republican party.

As they were gathered there again in 1972 to re-nominate the President, Ford said their task was "to save our country."

Convention rhetoric?

Not at all. If anything, Ford understated the problem.

If Sen. McGovern should win in November the future of the whole free world would be in jeopardy—not because he is an evil man, but because his pulpit view of the affairs of nations simply does not jibe with reality.

This is not an ordinary election. The Democrat party, as the Republican platform puts it, "has been seized by a radical clique which scorns our nation's past and would blight her future."

Many of them make no bones about it—they want to destroy the free enterprise system and bring about drastic share-the-wealth socialism.

Many of the ethnic leaders of European descent who I met at the Republican convention are extremely worried. They do not take a complacent "it can't happen here" attitude. On the contrary, they say it is happening right now.

Some ethnics compare the Democratic party take-over by a ruthless, determined, revolutionary minority to the take over of Russia by Lenin with his Bolsheviks in 1917. Lenin surrounded the Duma, (the House of Parliament) with the revolutionary troops, arrested the opposition and voted himself into power. Alexander Kerensky, the premier president, a well-meaning moderate socialist, fled into exile.

The ethnics also remember when a ruthless minority led by Adolph Hitler took over Germany in 1933.

A McGovern victory, my ethnic friends say, would be a triumph for radicalism. In many parts of the world it would be a signal for revolutionary forces, "national liberation movements" to overthrow legitimate regimes.

The misgivings of ethnic Americans also are shared by Nobel Prize winner Alexander Solzhenitzin. In a document recently released, the maverick writer said:

"As seen from the outside, the amplitude of the convulsions of Western society is approaching a point the system becomes unstable and must fall."

McGovern's positions on many issues are suspect. His military budget slashes, his promises to withdraw support from the Saigon and Greek governments, his promise to "normalize" relations with the illegitimate Castro regime are nothing but invitations to aggression, and continued subversion.

Even if he tries to amend his stands it is doubtful that his supporters would let him.

McGovern is not their "final answer," only a stepping stone towards a United States that would be a far cry from the nation we have known.

McGovern could become the American Alexander Kerensky.

What is most disturbing to many an ethnic leader is the fact that so many people including many in the news media are taking the 1972 elections for granted and are now discussing who is going to run for President in 1976. It is true that President Nixon has a considerable lead over McGovern at this time, but they fear complacency and apathy.

"If we don't win in 1972," said one, "forget about 1976."

BANKING COMMITTEE APPROVES A DIRECT HOUSING LOAN PROGRAM FOR AVERAGE INCOME FAMILIES

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mrs. SULLIVAN. Mr. Speaker, as many of the Members know from the article this morning in the Washington Post, the consumer took a beating yesterday in the House Committee on Banking and Currency on proposals to reform settlement practices in the closing of residential real estate transactions. The vote was 26 to 10, and it was one of the worst defeats I have suffered on a consumer issue in all of the years I have served on that committee.

Today, however, the committee redeemed itself somewhat by agreeing 14 to 13—with 13 Democrats and one Republican voting in favor—to an amendment of mine adding to the omnibus housing bill a program for direct home loans for average income families unable to obtain mortgages in the regular market "at reasonable rates of interest."

I have been advocating such a program since the tight money situation of 1969–70, when millions of average-income families were priced out of the housing market by soaring interest rates. They just could not afford the monthly cost of an 8½-percent or 9-percent mortgage.

Under the provision agreed to this morning, such families—if they are credit worthy and earning no more than $13,000 a year—could go directly to the Federal Government to borrow mortgage money at no more than 6½-percent annual interest. The rate could, of course, be less, depending upon market conditions. Maximum loans would vary geographically from about $22,000 to $28,000, depending upon average building costs.

Mr. Speaker, I submit herewith as part of my remarks a press release I issued today explaining the new section of the omnibus housing bill which contains the proposed Home Owners Mortgage Loan Corporation Act.

I urge the Members to familiarize themselves with this issue because it will certainly be one of the major controversies in the House when we take up the housing bill. This is a provision to aid the solid, substantial citizens in this country who make up the foundation of our economy, who do the hard work of the country and pay their own way and are not subsidized by anyone, but who are left out in the cold when interest rates go up and they cannot afford the mortgage on a decent home.

REMEMBER THE HOLC OF THE THIRTIES

Just remember, Mr. Speaker, that we now spend hundreds of millions of dollars a year subsidizing home ownership for the poor. The new HOMLC is a program to provide the opportunity for good housing for working families which do not need a subsidy and cannot qualify for a subsidy, but who cannot afford 8½- and 9-percent mortgages during tight money situations.

During the Depression of the 1930's, Congress created the HOLC—the Home Owners Loan Corporation—to save the homes of moderate income families from foreclosure. It saved millions of homes for their owners, and ended up making a profit for the Government when the loans were repaid with interest, as nearly all of them were repaid. The HOMLC can enable the moderate income family to obtain a home, and this agency, like the old HOLC, would make a profit for the Government, too.

Mr. Speaker, the press release referred to is as follows:

Banking Committee Approves Sullivan Direct Loan Housing Proposal

The House Committee on Banking and Currency today approved, 14 to 13, a proposal to establish a pilot program of direct loans from the Federal government to "credit-worthy" moderate income families which cannot obtain loans in the regular mortgage market "at reasonable rates of interest."

Offered by Congresswoman Leonor K. Sullivan, Democrat, of St. Louis, Missouri, the proposed Home Owners Mortgage Loan Corporation Act was added to the omnibus housing bill now in the final stages of committee consideration following many weeks of markup sessions.

The maximum interest rate on the direct loans authorized in the bill would be 6½%, but could be less. Loans could be extended to families with incomes up to $13,000 a year, to purchase homes costing, in some areas of the country, up to about $28,000. The maximum mortgage amounts would vary geographically under the same formula approved by the Committee for subsidized mortgages for low-income families under the Section 235 home ownership program, from about $22,000 to $28,000.

However, Mrs. Sullivan stressed that there would be no subsidy involved for the average income family qualifying for a direct loan, since the rate would reflect the government's own costs of borrowing money.

The St. Louis Congresswoman has been advocating a direct loan program for moderate income families—"the mailman, the policeman, the teacher, the bus driver, average income families which are priced out of the mortgage market when money is tight and rates go up"—ever since the tight money situation of 1969–70. As originally introduced, her bill would have established a $10 billion revolving fund built by five annual apropriations of $2 billion a year. After losing on this proposal in the Housing Subcommittee earlier this year, she scaled the initial cost down today to a pilot operation of $10 million to get the program started.

An independent board consisting of the FHA commissioner and eight public members appointed by the President and confirmed by the Senate would set policies for the new direct lending program. Actual loan operations under the program would be handled by the Federal Housing Administration.

Under a revised provision suggested by Chairman Wright Patman of the Banking Committee to Mrs. Sullivan's proposal, the Government could also use this program to make direct loans to families qualifying for Section 235 subsidized loans, thus reducing the cost of the subsidized loans to the Treasury. Under present law, the family purchasing a subsidized home pays as little as 1% interest on the mortgage and FHA pays the rest. In 1969, when rates on FHA-insured mortgages reached 8½%, the Government was paying 7½% interest on these insured loans for low-income home buyers.

"Eventually, under this new program, we could phase out the subsidized insured loans and replace them with direct loans at substantial savings to the Government," Mrs. Sullivan explained.

"But primarily, this is a program to come to the rescue of the family which gets no subsidies, which pays taxes and pays its own way, but which is unable to afford a home when interest rates soar, as they did in 1969 and 1970," Mrs. Sullivan said. "We have for many years had a direct mortgage loan program in operation for farm and rural families, and it has worked successfully. This would bring the same benefits to city folks when they can't get mortgages in the private market at reasonable rates."

The Congresswoman said she would do her best to hold the new direct loan program in the bill when it goes through the House and through Conference with the Senate.

"Now is the time for all good consumers to come to the aid of themselves by letting their Congressmen and Senators know they support such a non-subsidy housing assistance program for the average income family," Mrs. Sullivan declared.

In the showdown vote in the Banking and Currency Committee this morning, one Republican, Congresswoman Margaret M. Heckler (R.-Mass.) joined 13 Democrats in providing the winning margin of one vote. Three Democrats joined 10 Republicans in voting against the Sullivan direct loan program.

REGULATING TELEVISION PRIME TIME RERUNS

HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. CORMAN. Mr. Speaker, in June of this year I was joined by several of my California State colleagues in urging the Federal Communications Commission to adopt a proposed regulation of television prime time reruns. The glut of reruns in recent years has often amounted to more than half of the network shows during prime time. Repetitious programing does not serve the growth of superior viewing content for the 63 million Americans who rely on television as a major source of their entertainment.

Following is an article by Art Arthur, executive coordinator of STOP—Save Television Original Programing—of the Film and Television Coordinating Committee which is composed of entertainment industry guilds and unions. Also included in these remarks is a press release by STOP concerning their recent survey of television reruns across the country:

[From Screen Actor, July 1972]

FIFTY MILLION REASONS CANNOT BE WRONG

(By Art Arthur)

There's nothing happier in campaigning than when a private interest and the public interest coincide. That's the utlimate in any drive by any private interest for public support.

And that's the situation we are finding in circulating the petitions to amass signatures calling on the FCC to act against excessive reruns. The film and television unemployed skills and talents have a vital personal stake in stimulating much more original programming by a cutback in rerun prime time pollution. But the Great American Public has its own very good separate reasons for wanting action against reruns—reasons such as boredom, tedium, disgust, frustration and anger at what, for so many, is their major form of entertainment.

Members who started out with the first petitions at shopping centers and supermarkets reported that people practically snatched the papers out of their hands in their eagerness to sign. They were uncovering an enormous and unsuspected public fury and resentment of the rerun glut—far beyond what anyone had realized. And it's the Great American Public that will finally put an end to the rerun rabies. What we've learned is that they don't need any convincing—they just want to know where to register how they already feel. The latter is the service we are all very ready, willing and able to provide.

This sense of strong public support is also recognized by the many formidable allies who are giving the "S.T.O.P." campaign their important backing—the Los Angeles City Council, which passed a hard-hitting resolution without a dissenting vote; similar action in the State Senate through Senate Majority Leader George Moscone; the Executive Council, California Labor Federation, AFL-CIO, as well as the Los Angeles County Federation of Labor—a swelling roster.

There's a final irony in all this—we are doing the networks a favor for which they aren't likely ever to thank us but from which they will benefit far more than any of the rest of us. The public response makes it clear that the public has just about had it with overdone reruns—and that this network shortcut to super-profits is also a shortcut to viewer oblivion—in turn, a shortcut to network suicide.

Network accountants can't be blamed if the dollar signs perpetually before their eyes produce a kind of Midas myopia. But must the rest of us go over the cliff with them—because all that golden glitter makes it impossible for them to see ten feet past their noses? The answer, of course, is hell, no.

In our own interest and in the public interest, we'll do our best to save the networks from themselves. There may still be time . . .

NEW FIGURES DISCLOSE APPALLING NATIONWIDE JUMPS IN RERUN RATIOS BY NETWORKS SAYS FTCC—SURVEY REVEALS PRIME TIME RERUN INCREASES FAR HIGHER THAN FIRST SUSPECTED IN STOP FIGHT

In some parts of the nation, reruns occupy as high as seventy-five percent of network prime time viewing hours.

In no area of the country, including major cities such as New York and Los Angeles, is the average of reruns in network prime time less than fifty percent of network total prime time programing.

And the general nationwide average of network prime time reruns is much closer to sixty percent than to fifty percent.

These are among the findings disclosed today following a nationwide statistical study of the hours devoted to reruns in network prime time, carried out under the auspices of the Film and Television Coordinating Committee, composed of entertainment industry guilds and unions which have banded together to wage the "S.T.O.P." campaign aimed at curbing excessive network prime time reruns. ("S.T.O.P." is an acronym for "Save Television Original Programming.")

The statistics revealing network prime time hours to be "virtually overrun with reruns," also brought forth a new phrase to describe the network retrogression from original programing into ever-increasing repeat showings. Previously described by a California legislator as "Titans of Entertainment who had allowed themselves to become Titans of Tedium—mere merchants of monotony," the network rerun policy makers were labelled by an FTCC spokesman today as "barren Barons of Boredom."

The blue-covered FTCC study, compiled into sixty-seven pages for presentation to the Federal Communications Commission, was undertaken on a nationwide basis and covered seven separate sections of the country—grouped into Southwest Area, Midwest Area, Northwest Area, Southeast area, Northeast Area, Southern Area and Central Area.

"These figures convince us more strongly than ever that the Federal Communications Commission should place a twenty-five percent ceiling on all reruns in prime time hours on the networks. The abuse is far more flagrant than anyone has suspected and constitutes a dreadful breakdown in network program responsibility to the American people. Fresh new programming clearly is in an ever-increasing decline. It's a shocking dereliction of their FCC-licensed obligation to serve 'the public interest, convenience and necessity,'" declared Keith R. Williams, co-chairman of the "S.T.O.P." campaign and President of Musicians union Local 47, American Federation of Musicians. "There is more justification than ever for the description of this network illness as "rerun rabies.'"

The new figures are expected to put redoubled vigor behind the drive in support of a petition filed with the FCC by film editor Bernard Balmuth urging a 25 per cent network prime time rerun limitation, and strongly backed by member-organizations of the Film and Television Coordinating Committee—including Writers Guild of America, West, Composers and Lyricists Guild, Musicians Union, Screen Actors Guild and the Hollywood AFL Film Council. Already on record in support of the petition are the

California State Senate, the Los Angeles City Council and other major public bodies—as well as hundreds of thousands of private citizens who have placed their signatures on support petitions being circulated all over the country.

In one sample week, deliberately chosen because it was typical rather than exceptional, the FTCC figures showed such contrasts as only 74 regular programs vs 337 regular program reruns on a single network in the northeast region of the country—for a ratio exceeding 80 per cent. Another network, in the same week in the southwest region of the country, showed only 63 regular programs in its prime time periods in contrast to 238 reruns. A third network offered 297 reruns in prime time in the same week while presenting 110 regular programs.

By regions, the FTCC survey revealed that the highest number of network prime time reruns occur in the northeast area, which included cities like Washington, Baltimore, Pittsburgh, Philadelphia and New York, as well as much of New England, New York State, New Jersey, Maryland and Virginia. Closest rivals in rerun abuse within network station prime time were the Southern region, taking in much of Texas, Alabama, Arkansas, Mississippi and Louisiana—and the Southeast area, including Florida, the Carolinas, Tennessee and Georgia. Least afflicted by excessive reruns was the Central area, including Missouri and Oklahoma.

"But the difference in rerun abuse between one section of the country and another is hardly enough to alter the fact that all of it is a disgrace," declared Williams.

The FTCC spokesman expressed doubt that even the networks themselves realized the extent to which they had receded from original programs to repetitious rerunning.

"Our study reveals that it's an insidious creeping process which evolved so gradually that awareness of what has been happening and of how bad it really is still comes as a startling realization," said Williams. "It startled us, it will certainly startle the Federal Communications Commission—and my guess is that it will startle the networks, too, when they fully realize how much they have slipped backwards. These figures leave no doubt that it's high time they took a hard look at where they've been—but especially at where they are going!

"Perhaps the saddest aspect of all this is in what it reveals of how far the networks have retrogressed from the standards of fresh new entertainment that made them America's greatest entrepreneurs and impresarios for the millions. Recently, a California legislative leader, in pledging support for a twenty-five per cent network rerun ceiling, commented that the networks, which once were our Titans of Entertainment have let themselves become Titans of Tedium—mere merchants of monotony.

"This study clearly establishes that we must agree. Once they were America's supreme showmen—proud, respected and admired. What pride can there possibly be for them in reducing themselves, by this sterile policy of repeat after repeat, into barren Barons of Boredom.

"They've become like the man in their own commercials who can't believe he 'ate the whole thing.' But it's the viewing public who are the victims of the indigestion."

The general average of around sixty per cent shown in the FTCC study sharply raised the figure of 43½ per cent which was the basis for the original petition to the Federal Communications Commission protesting excessive reruns, filed by Balmuth.

"When we first began to challenge this network rerun glut," said Williams, "we were under the impression that 43½ per cent of network prime time annually was devoted entirely to reruns. And that was bad enough! Now we find, through a much more detailed survey than Mr. Balmuth was able to make as an individual, that we had considerably underestimated the odious extent of this ever-growing paralysis in the public's nationwide viewing pleasure—this withering of new programming in favor of rerun after rerun after rerun—to the detriment of everybody concerned, above all the public.

"If we thought we and the public were being short-changed before, you can imagine how much more strongly we feel after looking at these appalling new statistics. It's worse than any of us ever believed. No wonder our employment, which depends so heavily upon original programming, has been devastated."

The voluminous FTCC study was carried out under the direction of Mrs. Paulyne Golden, comptroller of the Screen Actors Guild and past president of the San Fernando Valley chapter of the National Association of Accountants. She was loaned to the Film and Television Coordinating Committee by SAG to act as the FTCC's Statistical Coordinator. Working with her was a staff which included others with equivalent financial and rerun policing duties in the Writers Guild of America and other member-organizations of the FTCC.

Basis for the statistical study was television logs published in each of the seven regions blanketing the country, cross-checked with individual rerun records of the member-organizations. Representative weeks were chosen and balanced to provide an objective fact-finding approaching between network summer rerun maximums (on some evenings as high as one hundred per cent) and mid-winter rerun minimums. In order to assure a very conservative statistical approach, allowance was made for an error ratio of at least five per cent.

Each half hour of network prime time within the survey periods was individually recorded in one of three classifications—"movie," "regular" and "special"—and each program within the classifications was identified in terms of whether it was original programming or a rerun. Even in the supposedly minimal month of February, the number of network prime time reruns was surprisingly high, in contrast to original programming, said Williams.

Each of the three networks was studied separately as well as being part of the combined totalling of percentages. FTCC officials stated that they would not identify "at this time" which of the three networks was the greatest rerun offender. "All three are in the 'flagrant' category," was the comment. "A twenty-five per cent ceiling on network prime time reruns, such as has been proposed to the FCC, would be equally healthy and constructive for all three."

U.S.S.R. INVADES POLAND—SEPTEMBER 17, 1939

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ANNUNZIO. Mr. Speaker, September 17 marks the 33d anniversary of the brutal and unprovoked invasion of Poland by the Soviet Union. It was on this day in 1939 that Poland was forced to begin a sad era of history under the cynical tyranny of communism. Though the Polish forces fought with incredible bravery, independent Poland was overcome in a matter of days by the Soviet armies on the eastern front and the armies of Hitler in the west. The gallantry of the Poles was of no avail against the inhuman terror unleashed by the invaders.

The Polish people suffered horribly in that war. The nation lost close to one quarter of her population and the romantically beautiful city of Warsaw, the Polish capital, was leveled to the ground. Poland's brief, but brilliant, experiment in independence and self-determination was ended by stark terror and foreign occupation. To this day, the Polish people have not known a government which is answerable to their wishes and which respects their will for democracy.

The entire world was awed and inspired by the almost superhuman courage displayed by the Polish people during those tragic wartime years. It is this steadfast spirit and energetic drive for freedom during the subsequent darkness of Communist misrule that have earned for the Polish people a special heroism in the age-old struggle of the human race for dignity and justice. The mindlessness and random brutality of the commissar will never conquer the Polish soul.

As we again observe this anniversary in the House of Representatives, I am honored to join the Polish Americans of Chicago in their hopes and prayers for the reentry of Poland into the community of free nations. Freedom-loving people the world over are watching and the Communists must never be allowed to forget this or to ignore the yearning for liberty in the hearts of the Polish people.

FIGURES PROVE VIETNAM MISTAKE

HON. JOHN G. DOW

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. DOW. Mr. Speaker, the following study, compiled by the Congressional Action Fund, concerns the war in Vietnam. The study addresses itself first to the cost of the war, in terms of loss of human lives, damage to the Vietnam environment, possible genetic damage, and a shattered culture. Consideration is given likewise to the financial costs of the war, both in direct monetary and military support, and the effect of this war on our own economy.

The study goes on to discuss the key issues in negotiations for ending the war, dealing with the issue of a coalition government, American prisoners of war, and the blood-bath theory.

The information contained here is more evidence that American policies in South Vietnam have no real rationale. There is little justification for our continued involvement in a part of the world that is hardly a security threat to us, and in a conflict that is essentially a civil war. The figures given here tell in very concrete terms the appalling cost of a monstrous mistake that we would evidently rather perpetuate—at more cost—than admit. I commend this study to the attention of my colleagues:

COST OF THE WAR TO THE VIETNAMESE

1. KILLED AND WOUNDED (MILITARY PERSONNEL)

	South Vietnamese deaths	Enemy deaths	South Vietnamese wounded
1960	2,223	5,669	2,788
1961	4,004	12,133	5,449
1962	4,457	21,158	7,195
1963	5,665	20,575	11,488
1964	7,457	16,785	17,017
1965	11,243	35,436	23,118
1966	11,953	55,524	20,974
1967	12,716	88,104	29,448
1968	27,915	181,149	70,696
1969	21,833	156,954	65,276
1970	23,346	103,638	71,852
1971	22,069	98,094	59,823
1972 [1]	14,325	54,310	40,449
1960–72	169,206	849,529	425,574

[1] Through May 31.

2. KILLED AND WOUNDED (CIVILIANS ONLY)

	Deaths	Wounded	Total
1965	25,000	75,000	100,000
1966	50,000	100,000	150,000
1967	60,000	115,000	175,000
1968	100,000	200,000	300,000
1969	60,000	140,000	200,000
1970	30,000	95,000	125,000
1971	25,000	75,000	100,000
1972 [1]	50,000	100,000	150,000
1965–72	400,000	900,000	1,300,000

[1] Through June 30.

3. REFUGEES GENERATED IN SOUTHEAST ASIA

	South Vietnam	Cambodia	Laos
1964–66	2,400,000		
1967	435,000		
1968	1,410,000		
1969	590,000		
1970	400,000	+2,000,000	(1)
1971	150,000		(1)
1972 (to July 31)	1,000,000		
1964–72	[2] 6,385,000	+2,000,000	1,000,000

[1] Recent rates: 200,000 to 300,000 per year.

[2] From USAID statistics. Figure does not include subcommittee estimate of 2,000,000 refugees not officially registered in urban areas. Senator Kennedy on Aug. 3, 1971 reported over 8,000,000 refugees generated in Vietnam.

4. MUNITIONS EXPENDED IN INDOCHINA (IN TONS)

	Air	Ground	Sea	Total
1965	315,000			315,000
1966	512,000	590,177	5,000	1,107,177
1967	932,763	1,203,530	30,000	2,166,293
1968	1,431,654	1,484,403	50,500	2,966,557
1969	1,387,237	1,405,823	30,000	2,823,060
1970	977,446	1,181,534	13,000	2,171,980
1971	763,160	832,968	(1)	1,596,128
1972	[2] 504,879	[3] 308,842	(1)	812,721
1965–72	6,824,139	7,007,227	128,500	13,959,916

[1] Figures not available since Jan. 1, 1971.

[2] Through June 30.

[3] Through May 31.

5. ENVIRONMENTAL DESTRUCTION—CRATERS

U.S. bombing has created over 20 million bomb craters in Indochina (Washington Post 12/28/71) and over 10 million in South Vietnam. The craters are caused by standard 500 pound bombs dropped by B–52s; they are 20 to 50 feet wide and 5 to 20 feet deep. The crater holes together would cover a combined area of 325,000 acres. In addition to the interruption of agriculture, these craters collect water which become breeding pools for malaria and other diseases. Many experts believe that cultivated areas which have been heavily hit by bombing "will be very difficult, if not impossible, to recultivate."

6. ENVIRONMENTAL DESTRUCTION—HERBICIDES

In addition to bombs, the United States has sprayed fifty thousand tons of herbicides on Indochina. In all, about one-fifth of the forests and one-eighth of the entire land area of Vietnam have been sprayed. 35% of South Vietnam's 14 million dense forest acres have been sprayed. Six million board feet of lumber have been destroyed in South Vietnam, equivalent to thirty years of lumber for the country and $500 million in tax revenues.

7. ENVIRONMENTAL DESTRUCTION—LAND CLEARING

Land clearing is accomplished with herbicides (see above) and with 20-ton Caterpillar tractors with 2.5 ton, 11-foot wide "Rome Plow" blades and 14 tons of armor. The tractors have levelled over 750,000 acres so far and continue at the rate of 1,000 acres per day. According to one scientist (Arthur H. Westing in *Environment*, 11/71) "This is the most intense land-clearing program known to history."

8. GENETIC DAMAGE

According to a report prepared by the Committee of Concerned Asian Scholars: "Herbicides can cause genetic damage. Within the last two years, there have been numerous reports of increasing birth abnormalities throughout South Vietnam, and photographs of grotesquely deformed babies have begun to appear in Vietnamese newspapers."

9. CULTURAL DAMAGE

Dramatic as the physical destruction is, it may be less important in the long run than the effect of the war on Vietnamese culture. In his introduction to a study of the impact of the war by a Library of Congress research team, Senator J. William Fulbright wrote: "the war statistics merely hint at the vast destruction of Indochina wrought as a consequence of this tragic war." He goes on to say that "there is no way of measuring the true cost of a shattered social structure, lost opportunities for development, persistent inflation, black marketing, corruption, and prostitution."

COST OF THE WAR TO THE AMERICANS

1. KILLED AND WOUNDED IN INDOCHINA (DEFENSE DEPARTMENT FIGURES)

	Deaths from hostile action	Deaths from nonhostile action	Wounded in hostile action
1961–62	42	23	81
1963	78	36	411
1964	147	48	1,039
1965	1,369	359	6,114
1966	5,008	1,045	30,093
1967	9,387	1,680	62,025
1968	14,592	1,919	92,820
1969	9,414	2,113	70,216
1970	4,221	1,844	30,643
1971	1,380	968	8,997
1972 [1]	199	205	866
1961–72	45,828	10,240	303,305

[1] Through July 22, 1972.

2. PRISONERS OF WAR. MEN MISSING IN ACTION (DEFENSE DEPARTMENT FIGURES)

	POW's	MIA's
1964	3	4
1965	74	54
1966	97	204
1967	179	226
1968	95	294
1969	13	176
1970	12	86
1971	11	79
1972 [1]	29	121
1964–72	513	1,244

[1] Through July 1.

3. OVERALL COSTS OF THE WAR IN VIETNAM

Fiscal year	Budgeted	Incremental
1965	$100	$100
1966	5,800	6,000
1967	20,100	18,000
1968	26,500	23,000
1969	28,800	22,000
1970	23,050	17,000
1971	15,300	12,000
1972 [1]	13,000	10,000
1965–72	132,650	108,100

[1] Estimate by Cornell University Air War Study Group.

Note: Cost estimates for fiscal year 1973 range from $8,000,000,000 to $10,000,000,000 or $22,000,000 to $28,000,000 per day. The air war costs approximately $15,000,000 to $20,000,000 per day. Incremental costs exclude the expenses of ships and aircraft which the DOD says it would need and have to pay for even if there were no fighting.

4. PER-DAY COSTS OF THE AIR WAR

	Operating costs (daily)	Cost per sortie
Fighter bombers	$10,200,000	$12,300
B–52 bombers	3,400,000	45,200
Helicopters	1,600,000	
Aid to VNAP and RLAF	1,200,000	
Total costs	16,600,000	

Note: These costs do not include costs of damage to aircraft. In a recent 18-day period, repair costs per day averaged $500,000. Data is based on Cornell cost estimates.

5. ECONOMIC COSTS

According to Louis B. Lundborg, chairman of the board of Bank of America:

"The escalation of the war in Vietnam has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed to overcome serious domestic problems facing our country, and has dampened the rate of growth in profits in both a before and after tax basis." (April 15, 1970)

In addition to accelerating inflation, the war has added two billion dollars to the balance of trade deficit forcing, in combination with other factors, a devaluation of the dollar.

6. FOREIGN POLICY COSTS

There is no doubt that the war has eroded the prestige of the United States abroad. While the response of foreign governments has been muted, public opinion in most countries is opposed to American involvement. As long ago as 1967 a Gallup Poll showed that a majority of people in Western Europe, India, and Brazil favored an American withdrawal from Indochina.

Public attitudes are evidently having some impact on governments where American influence is not predominant. Norway and Denmark have recently followed Sweden's example in recognizing the government of North Vietnam. India has done so as well. The conference of non-aligned nations recently accepted the NLF as the official government of South Vietnam. Significantly, several Asian governments including Burma, Ceylon, and India have announced their opposition to American intervention.

7. VIETNAM VETERANS

The returning veteran faces, according to the Senate Committee on Veterans' Affairs, a 15% unemployment rate and an increasing likelihood that he will be addicted to hard drugs. The unemployment rate, almost three times that of the nation as a whole, may have something to do with the high incidence of drug addiction. From 1968 to 1971 the incidence of drug discharges increased seven-fold; the Veterans Administration estimates that there are a minimum of 10,000 veteran addicts in New York City alone. As of June 30, 1972 the VA was treating only 585 of that number.

8. CREDIBILITY IN GOVERNMENT

The issues raised by disclosure of the Pentagon Papers, the Kissinger Papers, and other secret documents remain unresolved. For example, when American POWs were returned in January to the U.S., "the army forbade newsmen to speak with them because some spoke well of their captors." (Washington Post January 16.) This has cost the American people their faith in government; it has cost the U.S. diplomatic credibility in international negotiations.

9. MORALE IN ARMED FORCES

According to an article in Armed Forces Magazine (June, 1971) "the morale, discipline and battleworthiness of the U.S. Armed Forces are, with a few salient exceptions, lower and worse than at any time in this century and possibly in the history of the United States." The author, an official spokesman for the Department of Defense, attributed much of this decline to the Vietnam War.

Key Issues in the Negotiations

(By Edward F. Snyder)

There is much speculation in the press that an end to the fighting in Indochina may be in sight especially in view of the approaching U.S. presidential elections. What are the chances? Has the U.S. bombing been so ferocious and the blockade so effective that North Vietnam has been brought to its knees? Has the Nixon administration succeeded in isolating Hanoi from its allies in the USSR and China? What is the meaning of the Kissinger, Podgorny, and Le Duc Tho visits to various capitals? Will there be a new bombing halt?

There appears to be emerging the possibility that there may be the appearance of peace in Indochina in the coming months, perhaps through some sort of bombing halt or temporary ceasefire, but that the chances for real peace in Indochina in the near future are very dim, given the present policies of the Nixon administration and those of Hanoi and the PRG, and given Congressional failure to cut off the funds to carry on the war.

Why this pessimistic view when there is optimistic talk at the moment? Basically, because there is no visible readiness on the part of the Nixon administration to accept some sort of coalition government in Saigon and no visible readiness on the part of Hanoi and the PRG to abandon that goal.

President Nixon is seeking to rally public support behind the formula proposed in his May 8, 1972, speech when the mining of Haiphong and other harbors was announced. That formula* was hailed as new and generous by many commentators and Congressmen.

How new was the proposal? Just about a year before, on May 31, 1971, the Administration had made a very similar proposal to the DRVN and PRG. Then in secret Paris talks the U.S. proposed to withdraw all U.S. and allied forces within six months in exchange for an Indochina ceasefire and the release of all prisoners. The North Vietnamese rejected this May 31 offer four weeks later on June 26.

There are only two real differences between the May 31, 1971, proposal and the May 8, 1972, offer. On the plus side, the 6-month period for a troop withdrawal offered in 1971 was shortened to four months. However, the 1971 proposal had left open the possibility that troop withdrawal and POW release could be simultaneous; the 1972 proposal hardened the U.S. position by requiring a POW release *before* a complete U.S. troop withdrawal.

Is the President's latest proposal likely to be accepted when a similar proposal was previously rejected? It is always possible, but this would require a turnabout in North Vietnamese policy of major proportions, influenced greatly by the destruction of their country by U.S. bombs. There seem to be two primary reasons why the U.S. proposal is not acceptable to the DRVN in the present situation.

First, *there is not sufficient faith in U.S. motives* by the DRVN and PRG. The latest U.S. proposal asks the DRVN to give up their only real bargaining chip, the U.S. POWs, *before* all U.S. troops are out of South Vietnam and while the U.S. is still sending huge amounts of military and supporting assistance to South Vietnam, Cambodia, and Laos (currently this amounts to some $3.4 billion a year). While many Americans can see no reason why the DRVN and its allies should not accept such a proposal, and past record of U.S. relations with the DRVN, the massive U.S. bombing of the North now going on, the enigmatic affair of Gen. Lavelle, and many other factors are not conducive to a readiness on the part of North Vietnam to trust U.S. motives and policies. Turning the matter around, would the Administration be ready to accept a complete withdrawal of all U.S. forces from Vietnam before U.S. POWs were released by the North Vietnamese?

Second, *the inclusion of the requirement for an "internationally supervised cease-fire" brings in by the back door all the political questions this war is being fought over*. But there is no hint the administration is ready for a political compromise in the direction of a coalition government. Indeed, since the Thieu government would be among the negotiators of the ceasefire, that possibility is excluded for all practical purposes.

Negotiation of an effective ceasefire would need to settle such difficult questions as these:

If the fighting stops, how does one determine who is in political control of an area?

Does each side keep its weapons in place, ready to use? Can the United States continue to supply replacement parts, gasoline, etc., to ARVN forces? Can the USSR and China continue to do the same for DRVN/PRG forces?

Would the ceasefire permit the National United Front of Cambodia to organize a government in areas of Cambodia not controlled by the Phnom Penh government? Would it recognize the areas currently administered by the Pathet Lao in Laos?

Who supervises the ceasefire? What countries are represented? What authority do they have to travel freely throughout the country and to report violations?

What convincing assurance could be given to the PRG that the South Vietnamese Government would not continue its programs of identification, interrogation, and assassination, as in Operation Phoenix, in the name of law and order? Would political prisoners be released or would more opponents of the government be arrested?

After these questions and many others were finally agreed upon and the ceasefire had begun, the U.S. would still have up to four months to withdraw all its troops. This lengthy and complex process requiring agreement among hostile parties in a climate of mistrust is the major reason many believe *an Indochina-wide ceasefire requirement before U.S. troop withdrawal is a formula to continue the war, not end it.*

SEPARATING WHEAT FROM CHAFF

How can the average citizen tell whether peace is really coming in Indochina? How can he distinguish between proposals which "wind it down" and those which really end it? How can he evaluate various peace initiatives and bombing halts which may give the *appearance* that the war has ended, but which in fact give only a temporary respite before the war flares up again?

We suggest these five critical questions to be posed regarding any peace proposal made by candidates for the Presidency or for Congress:

1. Will *all* U.S. and allied combat and support forces be withdrawn?
2. Will *all* U.S. air and naval bombing and blockading be ended permanently?
3. Will *all* military aid and supporting assistance to South Vietnam, Cambodia, Laos, and Thailand cease?
4. Will there be an Indochina-wide settlement which includes Cambodia and Laos as well as South Vietnam?
5. Will the settlement establish governments in Indochina which have a nonaligned foreign policy, which join no military pacts, and which receive no outside military aid?

POLITICAL SETTLEMENT IN SOUTH VIETNAM

Why can't the United States and North Vietnamese negotiators in Paris agree on a political settlement for South Vietnam?

1. The American position, one which seems to be sacred to the Nixon administration, is that we should not abandon President Thieu as the political leader of South Vietnam. On August 11, Flora Lewis reported in the New York Times that "both American and South Vietnamese officials made clear that Mr. Thieu retains a veto on any political agreement that might be reached."

2. U.S. commitment to Thieu has locked us into a policy of indefinite continuation of the war. In a speech August 1, Thieu declared "We must destroy the enemy at the source. The Communists must be attacked so that the economy of the North will collapse and Communism will be destroyed."

3. Even in the event that President Nixon gave up his commitment to retaining Thieu in power, it might be difficult for him to obtain a settlement of the war. North Vietnamese Premier Phom Van Dong recently explained to columnist Joseph Kraft why the DRV hesitated to make an arrangement similar to that made with the French in 1954: "We had many disagreements with Mendes-France (the chief French negotiator). But when he said something was black, it was black. When he said somethig was white, it was white. We trusted him. We don't trust Nixon."

4. The North Vietnamese position remains as intractable as the American: "The U.S. Government must really respect the South Viet Nam people's right to self-determination, put an end to its interference in the internal affairs of South Viet Nam, cease to support the bellicose group headed by Nguyen Van Thieu now in office in Saigon, and stop all maneuvers, including tricks on elections, aimed at maintaining the puppet Nguyen Van Thieu."

PRISONERS OF WAR

Isn't Communist treatment of our downed pilots cruel and inhumane? What will happen to our POW's if we withdraw from Indochina?

* * * * *

1. Our remaining in Vietnam is not likely to be beneficial to our POW's. The resumption of bombing over North Vietnam is only likely to generate more POW's.

2. There has been no indication that North Vietnam has attempted to use POW's as "hostages" in actual battlefield operations, as the Cambodians have done with the Vietnamese. Further, there is no indication that our military activities have been limited by concern for POW's.

3. It is normal in wartime to hold prisoners. Reports actually indicate that American POW's are treated rather well, given the shortages of medical supplies and food, both on the battlefield and in the DRV as a whole.

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* "Once prisoners of war are released, once the internationally supervised ceasefire has begun, we will stop all acts of force throughout Indochina, and at that time we will proceed with a complete withdrawal of all American forces from Vietnam within four months."

4. Exchange of prisoners usually takes place after a war. After the Korean War, for example, all American POW's who wished to return to this country were repatriated. The same is true for the French prisoners of the Vietminh after 1954, despite claims by the Nixon administration to the contrary. According to the First Secretary of the French embassy in Washington, "the last French prisoners (were) returned by the North Vietnamese less than three months after the Geneva Agreements in 1954." There is no reason to believe that this will not happen again when the U.S. pulls out of Southeast Asia. The POW's will thus be helped by the withdrawal of U.S. forces.

5. All American indignation over our POW's must be tempered with a realization of how we treat Vietcong POW's. Most are given to the South Vietnamese, and we wash our hands of responsibility for them. We have also created refugee camps as part of our pacification program in which inmates are treated as virtual prisoners.

THE BLOODBATH ARGUMENT

Wouldn't hundreds of thousands of South Vietnamese, especially Catholics, be slaughtered by the Communists if we withdrew and let them take over?

* * * * *

There is no compeling reason to believe that such a thing would happen, and a number of good reasons for thinking that it would not:

1. The Communists took over North Vietnam in 1954. In the next two years only nineteen complaints about political reprisals were filed with the International Control Commission for all of North Vietnam. (*Ten times as many* were filed in the South.) When a land-reform program got out of hand in the North during 1955–56, as many as ten to fifteen thousands people may have been killed. But Ho Chi Minh removed the official responsible and publicly apologized. Moreover, these were *not* political reprisals for collaboration with the French as is sometimes alleged.

2. As far as Catholics in Vietnam are concerned, it should be remembered that there still are around 800,000 Catholics living in North Vietnam. They have not been massacred. Many others moved to the South after 1954, but this was probably due to the pro-Catholics sympathies of the Diem regime.

Evidence provided by the International Control Commission (established to enforce the Geneva Accords) and by French journalists who were in North Vietnam in 1954 supports these conclusions. In fact, the ICC report of 1956 pointed out that most of the difficulties in enforcing the Agreements arose not in North but in South Vietnam.

3. Events in Hue during the 1968 Tet offensive are also cited by those who fear a bloodbath, but one important point should be noted: Hue was locked in a savage military battle at the time. Moreover, the number of deliberate "executions' was probably between two and three hundred, most of the victims being members of regular and secret police forces widely despised by the people. There is growing evidence that many of the political murders in Hue were actually performed by *South Vietnamese* and later blamed on the Communists.

A recent Rand Corporation study, commissioned by the Defense Department, supports the conclusion that "Normally, Communist behavior toward the mass of the population is irreproachable and the use of terror is highly selective."

Thousands of innocent civilians also died in Hue, but many of them were killed in the massive attacks launched against the city by the Allies.

4. Vietnamese who fear reprisals after the American withdrawal can be given asylum in the U.S., just as hundreds of thousands of Cubans have been.

5. The NLF has guaranteed, for its part, "to prohibit all acts of terror, reprisals and discrimination against people having collaborated with either side, and who are now in the country or abroad, as provided for in the 1954 Geneva Agreements on Vietnam." And although it would be naive to take such a guarantee at face value, is it not reasonable to suppose that the NFL wil genuinely seek reconciliation and try to win support of all segments of the population? If so, it is hard to believe they would indulge in mass reprisals.

6. Finally, let no one forget that there is a bloodbath going on in Vietnam right now.

ARTICLE BY ALAN STANG ON BREMER—PART II

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ASHBROOK. Mr. Speaker, our distinguished colleague, the gentleman from California(Mr. SCHMITZ) held a press conference today in which he presented a former police undercover agent who revealed that he had attended meetings of the Students for a Democratic Society—SDS—with Arthur Bremer who attempted to assassinate George Wallace. This information and additional background are contained in an article in the current issue of American Opinion by Alan Stang.

Without drawing any conclusions about this subject, I would like to reiterate what Mr. SCHMITZ told the press conference today:

You are certainly leaving this room with more information than when you came in.

While I have not documented Mr. Stang's allegations, I believe that this article should be read and studied closely by all who are interested in the radical left.

I insert at this point part II of the Stang article on Arthur Bremer:

ARTICLE BY ALAN STANG ON ARTHUR BREMER—PART II

THE AFTERMATH

On May 15, 1972, "lone fanatic" Arthur Herman Bremer stepped from a crowd in Laurel, Maryland, and ended Wallace's political career, at least temporarily. Early wire-service reports said flatly that more than one suspect was involved, and that Maryland and Pennsylvania State Police had issued an all-points bulletin for a 1971 light blue Cadillac, driven by a white male with light blond hair, about 6'2", wearing striped trousers, a light blue shirt, and a yellow tie. The suspect was seen near Savage, Maryland, across the Patuxent from Laurel, changing Georgia for Maryland plates on the car. There was no conspiracy, of course. It is important to keep that in mind.

Immediately after the atrocity, as you will recall, various experts in the press discovered an amazing paradox: The attempted assassin wore a Wallace button. For there to have been no paradox, Bremer presumably would have had to step up to Wallace wearing a neon Communist Party card dangling on an electric eel from his nose, and would have had to say: "Good afternoon, Governor Wallace. I am a Communist assassin, here to assassinate you. That is why I am holding *this .38! Please s*tand still."

What else would you expect an assassin to wear at a political rally, but a button backing the candidate he is there to kill?

And there is the matter of Bremer's sanity. As usual, we are told that it does not exist, and therefore that there was no conspiracy. The idea seems to be that insanity and conspiracy are mutually exclusive. But psychotics and psychopaths are capable of elaborate plots, and participate in them all the time. Indeed, their insanity may well be the reason for their participation, and doesn't necessarily excuse it. In fact, their insanity may well be essential to their participation. Hitler, who murdered millions, was obviously deranged. So is Mao Tse-tung, who has murdered tens of millions. No sane man would do such a thing. The fact that they conspired to enslave and murder millions is proof of their derangement, which, once again, doesn't excuse them.

Yes, Arthur Bremer had an unhappy childhood. His mother hit him. His toilet training would no doubt be disapproved by Dr. Spock. There is no doubt that he is mentally disturbed. What other sort of person would the conspiracy pick for such a job? What other sort of person could they find? It is because Bremer is mentally disturbed that he was willing to do it. Instead, we are offered the theory that for a conspiracy to be possible, an assassin must be president of his local chamber of commerce and mental health chapter, who attends church every Sunday with his wife and no more than two children, subject of course to the wish of the Supreme Court.

Indeed, there is evidence that Bremer is not as crazy as we are told. For instance, Dr. Paul Purtell, the court psychiatrist who examined him after his arrest for carrying a gun, on November 18, 1971, found that Bremer, in his opinion, was sane. Needless to say, television interviewers in Milwaukee later browbeat the doctor for it. But Timothy Burns says Bremer was definitely "not weird." Mrs. Pemrich says he is "definitely not crazy." The world-famous incident in which Bremer shaved his head, she passes off as his attempt, typical of the juvenile he was, to prove he was crushed when her daughter told him not to call again. "Art loved to play games," says Mrs. Pemrich.

It is also interesting to note that according to intelligence tests Bremer was above average. He got some A's in high school, and was graduated in the upper half of his class. Mechanic Jerry Stone says, "He could be brilliant if he wanted. Bremer was definitely a leader, not a follower." Burns calls him "steady" and "competent." In almost eighteen months at Story School he missed only two days of work. "He could do whatever he set his mind to," says Burns. For instance, he spent hours reading in the Story School library during work—exactly as Cullen had told him to. As we have seen, he told you only what he wanted you to know. He was calculating.

Indeed, there is reason to believe that the manufacture of his reputation as crazy was a calculated part of the plan. Burns recalls Bremer telling him after his arrest on the gun charge that he "put the cops on." There was a knife on the table when Bremer was being fingerprinted, and he asked the policemen present, "Aren't you afraid I'll slash my wrists?"

And there is the curious tale of Mrs. Sharon Sampson, who is a woman of thirty. She relates that she and another woman were hitchhiking in downtown Milwaukee on April 19, 1972, and that Arthur Bremer picked them up. He also picked up two teenage girls and a young man with long hair. There were so many hitchhikers in the car there was almost no room for Arthur. The car was a mess, says Mrs. Sampson. There was no internal door handle on the passenger side. Arthur had to open the passenger door from outside. It was scary. There was a "peace symbol" inked on his right hand. And he talked funny. "What do you think is stopping us from reaching the age of Aquarius?" he asked. He answered his own question: "Yes, it's fear and doubt." As you will recall, those were the same words Mike Cullen used, when he and Bremer were together reading the Communist press and damning Wallace in the Midget Tavern.

After ten minutes, all five hitchhikers managed to get out. "It was a short ride but long enough for us to know that he was disturbed," said Mrs. Sampson. "We all walked away and agreed that this was the Oswald type."

What amazing foresight and talent for diagnosis! Her story appeared in the *Milwaukee Sentinel* of May 25, 1972. She knew how to arrange that, because her husband James (who, like Arthur, attended the Milwaukee Area Technical College) is a district sales manager for the *Sentinel's* sister paper, the *Milwaukee Journal*. So in only ten minutes' work, Arthur had arranged for five "hitchhikers" to believe him to be crazy.

The jury, as you know, did not believe it. Could it be that the diary read them to prove his insanity had been manufactured by Arthur Bremer and others for that purpose? Could it be that Arthur Bremer really went to Ottawa to trail Richard Nixon in order to compare Secret Service techniques?

THE MYSTERY MAN

What you have read so far has been unavoidably incredible. But the reader is hereby warned that what is coming now dwarfs it.

Mr. Earl S. Nunnery is boss of the Milwaukee station of the Chesapeake & Ohio ferry which crosses Lake Michigan. Every day when he comes home from work he finds his wife watching soap operas on the television set in the kitchen. And every day, in an understandable demonstration of male chauvinism, the first thing he does is turn off the set. But on May 15, 1972, he hesitated. On the screen was a familiar face, the face of a young man who had been at his ferry station the month before. Later, Nunnery learned that it belonged to Arthur Bremer, who, as you will recall, used the ferry three times in his travels. Earl Nunnery went with the facts to the authorities.

It seems that on April 5, 6 or 7, 1972—Nunnery remembers the date because it was either on his daughter's birthday, April sixth, or the day before or the day after—Bremer came into the station waiting room. With him was an older man over six feet tall, in the neighborhood of 225 pounds, with thick black hair and a wide, bushy moustache. He appeared to be Greek, or of some other Mediterranean type. He spoke with what Nunnery calls "a Joisey brogue." He was well dressed. And he seemed to be the boss of whatever he and Bremer were involved in.

The mystery man talked volubly of some grandiose political campaign. Many people were to be moved from Wisconsin to Michigan, some across the lake on the ferry. The mystery man inquired of Nunnery about reservations. But when they got down to cases it turned out that only Bremer was to go, which he did, once again, on April 9, 1972, after flying to New York and back. Nunnery characterizes the mystery man as "a former athlete and political science teacher, who flopped at both."

Bremer, the "crazy, lone fanatic," was perfectly self-assured, Nunnery recalls. He was perfectly aware of what was going on. Indeed, he was noticeably annoyed with the mystery man. "I *told* you I know what to do," he said shortly, after Nunnery gave them the necessary information. His attitude, says Nunnery, was that of somebody who must "humor the boss."

During all the talk about politics, neither Bremer nor the mystery man had ever mentioned their candidate, so when they left Nunnery looked out the window to see whether there was a bumper sticker on their car. There wasn't, but in the car Nunnery saw the back and shoulders of a slightly built, long-haired person who could have been of either sex. And the car was a two-tone American Motors product, white on the bottom and dark on the top. There was a rust streak on it, which Nunnery says is characteristic of the product, and is one of the reasons he is not an American Motors fan.

In other words, the car the three were using was not Bremer's *blue* Rambler.

American Opinion set out to find the mystery man. Undercover agents gave us several names of persons matching his description. For days we drove back and forth across Milwaukee.

Then somebody remembered the name of Dennis Kushmann. This was the Weatherman described only as "Dennis" in the previously mentioned Milwaukee Police Department undercover agent's notes on the S.D.S. meeting of November, 1969, which Dennis and Cullen both attended—at which the agent spotted Arthur Bremer. Dennis is a man of murky background and connections. Apparently he provides security for the revolutionary movement, among other things. Undercover agents report he has always been able to deliver big money when needed. He also uses the names "Cousins" and "Cuzman." He has attended most of the meetings of both S.D.S. factions. He went to Cuba as a member of the Venceremos Brigade. An F.B.I. agent reports he is a member of the Communist Progressive Labor Party, and that his job has been to recruit trainees from the New Left. His job in S.D.S. was to weed out the "kicksters" from the real Marxist-Leninists. On January 12, 1972, he was spotted at Mitchell Field, in Milwaukee, buying a ticket on North Central Airlines for New York. This time, he used the name "Cossini," and in contrast to his accustomed proletarian garb was well dressed. On the next day, as you will recall, Bremer bought a .38.

And Dennis Kushmann-Cuzman-Cousins-Cossini perfectly matches Nunnery's description of the "boss" man with whom Bremer met in the station of the C.&O. ferry.

American Opinion began asking questions. Hour after hour, day after day, we laboriously tried to find a picture of the suspected mystery man. The F.B.I. had some, but these of course were unavailable. At last, however, our painful page-turning was rewarded. In early November of 1969, there had been a typical, revolutionary demonstration on the campus at Marquette, in front of Joan of Arc chapel. The *Milwaukee Journal* was there and took a picture, which appeared on the first page of the second section on November 5, 1969. And in it was Dennis Kushmann-Cuzman-Cousins-Cossini, the Communist operative. The case was now in the hands of Mr. Nunnery.

THE HIT

Whether or not the two things are related, we don't know, but on July 6, 1972, less than two weeks after we began asking about him, Communist operative Dennis Salvatore Cossini—apparently his real name—was found by police in a parked car in Toronto, and he was very, very dead. The cause of death was an overdose of heroin, the interesting thing about which is that undercover agents emphatically assure us that Cossini was no junkie, and in fact did not use the stuff at all. In other words, Communist operative Dennis Cossini had been murdered.

"Somebody gave him a hot shot," says an agent.

It is interesting to note that his body was picked up by three Americans, who according to the agent may be from the Central Intelligence Agency, which is so super-secret that even Congressmen can find out nothing about it. And so Communist-riddled is it that, for instance, when Colonel Michael Goleniewski, who defected from the Polish secret police, went there to expose the Communists in our government, one of the C.I.A. men who came in to debrief him was among the Communist agents he was there to expose.

Some interesting things were found on Comrade Cossini's body. There was a draft card for each of his names. There was a phony Wisconsin driver's license. There was a hypodermic needle. There was a .45-caliber automatic. And there was a list of five telephone numbers without area codes.

Extensive tracing shows that (916) 487–2703 is listed to a John J. McCleary in Sacramento, California, who works at V & T International, an export-import company in that city which Cossini telephoned a lot. V & T is run by Robert Lee Van Keuren, of 7810 Lorin Avenue in Sacramento, who is also employed as a tote-bin operator by Procter & Gamble. Mr. Van Keuren is said to be exporting water purification equipment to Australia. What all this means, if anything at all, we don't yet know.

Then there is (212) 988–4834, which is listed to a John J. Dugan, of 500 East 77th Street, in New York City. According to an F.B.I. agent, Cossini had a contact named Dugan, who is said to be a straight, "public relations type," who recently moved from Milwaukee to New York. It may mean nothing.

In Dallas at (214) 426–6004, there is a prostitute named Viola Edwards, known professionally as Tina, who lives in Apartment 205 at 3005 South Boulevard. She has been reported by intelligence sources to associate with the Communist Black Panthers and to arrange disappearances for the Communist Party, and was another of Cossini's contacts. We called Tina in her professional capacity and she told us to come right over.

There was (414) 342–9549, which is listed to our old friend Mike McHale, at 2001 West Michigan in Milwaukee. Mike, as you will recall, is an S.D.S. enforcer.

And there was (201) 248–3167, which is listed to a gentleman named Leibel Bergman (sometimes spelled Bergmann), who lives in Apartment 2E at 55 Osborne Terrace, in Newark, New Jersey. Bergman, fifty-seven, has been a Communist for years. On July 13, 1960, he invoked the Fifth Amendment rather than answer questions put to him by the House Committee on Un-American Activities. He has lived in Communist China. He is a suspected espionage agent. And he was a founder, in California, of the Revolutionary Union, a Maoist-Communist terror gang, which specializes in firearms, explosives—and assassination. Bergman's job is to organize R.U. collectives across the country. You will remember that Cossini flew to New York on January 12, 1972. Was it Leibel Bergman he went to see? On the next day, Arthur Bremer bought a gun. And on April 7, 1972, as you will remember, he, too, flew to New York. Did he, too, see Leibel Bergman?

Law enforcement authorities in Milwaukee have been asking about the whereabouts of Paris Richard Baldacci on the day of Communist operative Cossini's murder. Baldacci, about thirty, comes from Scranton, Pennsylvania, and now lives in Apartment 18 at 1333 North Franklin Place, in Milwaukee, where his telephone number is (414) 276–3672. At one time he lived two doors away from Mike Cullen's Casa Maria. He is a member of R.Y.M. II, one of the factions of S.D.S. He is one of a group of white people close to James Groppi. An undercover agent recalls that he once bought a "clean" shotgun for transmission to the Black Panthers. He, too, has called the number listed to McCleary in Sacramento. And he was very close to Cossini.

Baldacci is a graduate student and lecturer in the Department of Theology at Marquette. His faculty advisor is Quentin Quesnell, S.J., who is Chairman of the Department and campus advisor of S.D.S.

Exactly what it means, we don't yet know, but an S.D.S. member tells us that two of Groppi's N.A.A.C.P. Commandos have recently been staying very close to Baldacci, conceivably either to watch or to protect him.

During the last year or so, Baldecci has spent much time with Cullen, McHale, and John Dolphin. Mr. Dolphin is said to be a "head" sympathetic to S.D.S. and lives on the fourth floor at 2445 West Wisconsin, which is a block away from Bremer's apartment and is a building he used to visit. On the same floor for a time lived a gentleman named Mark Simos, who answers the description of a friend who helped Bremer change tires.

On July 26, 1972, we knocked at the door of Earl Nunnery's home. He opened it, listened, and shut the door in our face—the same thing he sensibly had done to the *New York Times*. We went to a telephone, called him and told him who we were, and that we had a picture we wanted him to look at. Later, he explained that the press had given the purser on one of his boats "the works." The Associated Press had sent its "henchmen" around, from the *Journal* and the *Sentinel*. The press had put words in his mouth.

"I don't want to put words in your mouth," I said.

"You won't."

Mr. Nunnery is a man of strong opinion, who makes up his own mind and sticks to it. The reader may well imagine the tension with which we flanked him at his kitchen table, as we presented the photograph we had worked so hard to get for his verdict. His judgment could well have made irrelevant the last few pages you have read. He leaned forward slightly and studied the picture.

"There is a tremendous, striking resemblance," said Nunnery. "This picture is by far the closest to the mystery man of any I've been shown." Indeed, Nunnery covered the highlights on Cossini's collar with his forefingers to study the face further, and found the resemblance to be even closer.

So there it is. Communist operative Cossini, who was at the S.D.S. meeting Bremer attended in November of 1969, was the man who appeared with him at the C. & O. ferry station in April of 1972—and three months later was found murdered in Canada.

Is it possible that all of this is a coincidence? Yes, it is possible. And if you believe it, please get in touch with me. I can get you a good deal on the Brooklyn Bridge.

Once again, the facts indicate that there was a conspiracy to assassinate George Wallace; that it was a *Communist* conspiracy—and that in some way it may involve Communist China and the Central Intelligence Agency.

THE MOTIVE

Why would the Conspiracy decide to liquidate George Wallace? Obviously because he does not fit the script they have written for the elections of 1972. In 1968, Wallace said that there wasn't "a dime's worth of difference between the two major parties." Today, after four years of Nixon's inflation, there is less than two cents' worth. This year, as usual, Socialist Party A confronts Socialist Party B, a fact of which more and more of the taxpayers who work in, and vote for, those parties are becoming aware. Wallace would have rewritten the script by giving the voters a real choice, which of course is something the conspirators who are trying to enslave us are afraid to permit. And the results of the various Democrat primaries made it realistic to speculate that Wallace might have won. So somebody, somewhere, in some smoke-filled back room, gave the order.

Some observers have said that Bremer's attempt was amateurish, and that a professional would have used a high-powered, sniperscope rifle. But, as we have seen, it was professional enough to prevent the Governor from running in 1972, and has provided fuel for the latest attempt to ban handguns. It is important to remember that every Communist Party act is designed to serve more than one purpose.

It is interesting to take note of the official response to the shooting. For instance, the Special Assignment Squad of the Milwaukee Police Department began looking for possible subversive ties to Bremer, but the investigation was stopped by higher-ups. A Milwaukee Police Department intelligence officer says that the Alcohol, Tobacco and Firearms Division of the Treasury Department sealed the Squad's files and took them away. The Squad was told to concentrate instead on possible subversion stemming from Milwaukee at the forthcoming national conventions in Miami Beach.

Earl Nunnery reports that the F.B.I. told him they didn't believe him—that he was lying—and that they also disbelieved two others who claimed to have seen Cossini. The F.B.I. went to Nunnery's neighbors, he says, and tried to create the impression that he and his wife are "drunks, who have illusions."

Then there is Mary Beth Carlson, a secretary at Marquette, whose address and apartment number were found on a piece of paper in Arthur Bremer's apartment. Miss Carlson has no idea how this happened, but offered to look at the note in an attempt to identify the handwriting. The Bureau nevertheless refused to show it to her.

And there are *Chicago Tribune* reporters Ronald Koziol and John O'Brien, who went to Bremer's apartment in search of clues, and according to an editorial of May 25, 1972, "found that Federal Bureau of Investigation agents had come and gone, leaving the place unguarded.

"As a consequence, the apartment resembled a circus. Newsmen, neighbors, curiosity-seekers, and college students fresh from a nearby beer party had been rummaging thru the place, overturning furniture, pawing thru clothes, pocketing bullets and other souvenirs and generally tracking up the entire scene with their fingerprints and footprints. Bremer's notebook, which might have provided some immediate and vital leads in the case, was taken away by a wire service reporter . . .

"The FBI agent returned a few hours later, and only then began putting evidence into boxes. At no time did they attempt to seal off the apartment and there was no indication that they ever made an effort to dust the place for fingerprints.

"Had this been the fault of the local police authorities, it would have been bad enough, but for so professional an organization as the FBI to have been so negligent is doubly inexcusable . . ."

The consensus seems to be that the F.B.I. is composed of some very courteous gentlemen, but that in this case for some reason they had been told not to find the facts.

And it is interesting to note that the agent who remembers seeing Bremer at that S.D.S. meeting in November of 1969, has recently been fired by the Bureau of Narcotics and Dangerous Drugs. Apparently his revelation was not in the script either.

It will be interesting to see what happens now. And bear in mind that your intrepid correspondent has no immediate plans to leap in front of a truck or from a window, or to have a fatal "heart attack" or a lobotomy.

HON. CHARLES SANDMAN'S LATEST QUESTIONNAIRE RESULTS

HON. CHARLES W. SANDMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. SANDMAN. Mr. Speaker, I am pleased once again to release the results of my annual opinion survey of my constituents in New Jersey's Second Congressional District.

Just before this past summer, I sent my poll to every residence in my six-county district of Atlantic, Cape May, Cumberland, Salem, and portions of Ocean and Burlington Counties.

Our final tabulation by county this week showed that 22,275 persons answered the 10 questions I posed this year. Responding were 4,755 people in Atlantic, 3,635 in Cape May, 5,300 in Cumberland, 3,535 in Salem, and 5,150 in Ocean and Burlington combined.

It is interesting to note that the differences between counties is miniscule: the people of south Jersey seem to have very consistent overall opinions on these issues.

Another noteworthy aspect, Mr. Speaker, is that the results of this districtwide poll answered mostly by adults are almost identical to the views expressed in an earlier poll of 2,500 newly enfranchised and registered 18- to 21-year-olds.

The tabulations show, for example, that 95 percent opposed forced busing of schoolchildren to achieve a racial balance; 91 percent favor enactment of a constitutional amendment to allow voluntary prayer in public schools; 86 perment say the United States should claim jurisdiction over fishing to a limit of 100 miles from its shores; and 82 percent think 18- to 20-year-olds should be legally treated as adults.

The widest disparity of opinion between the counties is on my legislation that would have the Federal Government intervene in professional sports to solve problems like blackouts and strikes.

Fifty-seven percent of those responding say America's exploration program should concentrate on inner space—the oceans—rather than outer space.

In my other poll in the spring, Mr. Speaker, 60 percent of the young people responding said they felt President Nixon's trip to Red China was worth while. That opinion is now mirrored in the results of my district-wide poll: 62 percent feel it was worthwhile.

It is interesting that about 88 percent

of my constituents feel the death penalty for murder should be retained despite the recent U.S. Supreme Court decision that it should not be.

Finally, Mr. Speaker, I asked: "Would you favor a voluntary option under Social Security where a person could purchase double benefits by paying double premiums?" Of those responding 50 percent said "yes" while 33 percent said "no" and the rest were undecided.

These evidences of opinion are very valuable to me. They have a great bearing on my votes in the House and on the legislation I concentrate my energies on. Those who participated have my appreciation for having taken the time to give me and the entire Congress the benefits of their views.

The results by county and young voter poll results follows:

1972 OPINION SURVEY—ATLANTIC COUNTY, N.J., PERCENTAGES

	Yes	No	Not sure		Yes	No	Not sure
1. Do you favor forced busing of children away from their neighborhood schools to achieve a racial balance?	3	94	3	6. Should Congress intervene in professional sports to solve problems like blackouts and strikes?	23	60	17
2. Now that they have the right to vote, should 18- to 20-year olds be legally treated as adults?	80	15	5	7. Should the United States claim jurisdiction over fishing to a limit of 100 miles from its shores?	84	7	7
3. Would you favor a constitutional amendment to allow voluntary prayer in public schools?	90	7	3	8. Would you favor a voluntary option under social security where a person could purchase double benefits by paying double premiums?	52	33	15
4. Do you feel the United Nations is an effective peace-keeping organization?	19	59	22	9. Should America's exploration program concentrate on inner space (the oceans) rather than outer space?	57	15	28
5. Do you feel President Nixon's recent China trip was worthwhile?	62	15	23	10. Should the death penalty for murder be retained?	90	6	4

1972 OPINION SURVEY—CAPE MAY COUNTY, N.J., PERCENTAGES

	Yes	No	Not sure		Yes	No	Not sure
1. Do you favor forced busing of children away from their neighborhood schools to achieve a racial balance?	3	96	1	6. Should Congress intervene in professional sports to solve problems like blackouts and strikes?	27	59	14
2. Now that they have the right to vote, should 18- to 20-year-olds be legally treated as adults?	81	14	5	7. Should the United States claim jurisdiction over fishing to a limit of 100 miles from its shores?	88	5	7
3. Would you favor a constitutional amendment to allow voluntary prayer in public schools?	92	6	2	8. Would you favor a voluntary option under social security where a person could purchase double benefits by paying double premiums?	47	40	13
4. Do you feel the United Nations is an effective peace-keeping organization?	20	59	21	9. Should America's exploration program concentrate on inner space (the oceans) rather than outer space?	65	16	19
5. Do you feel President Nixon's recent China trip was worthwhile?	68	15	17	10. Should the death penalty for murder be retained?	85	9	6

1972 OPINION SURVEY—CUMBERLAND COUNTY, N.J., PERCENTAGES

	Yes	No	Not sure		Yes	No	Not sure
1. Do you favor forced busing of children away from their neighborhood schools to achieve a racial balance?	3	94	2	6. Should Congress intervene in professional sports to solve problems like blackouts and strikes?	60	26	14
2. Now that they have the right to vote, should 18- to 20-year olds be legally treated as adults?	80	16	4	7. Should the United States claim jurisdiction over fishing to a limit of 100 miles from its shores?	82	7	11
3. Would you favor a constitutional amendment to allow voluntary prayer in public schools?	88	9	3	8. Would you favor a voluntary option under social security where a person could purchase double benefits by paying double premiums?	49	36	15
4. Do you feel the United Nations is an effective peace-keeping organization?	22	55	23	9. Should America's exploration program concentrate on inner space (the oceans) rather than outer space?	61	17	22
5. Do you feel President Nixon's recent China trip was worthwhile?	65	18	17	10. Should the death penalty for murder be retained?	83	10	7

1972 OPINION SURVEY—OCEAN COUNTY, N.J., PERCENTAGES (INCLUDING PORTIONS OF BURLINGTON COUNTY)

	Yes	No	Not sure		Yes	No	Not sure
1. Do you favor forced busing of children away from their neighborhood schools to achieve a racial balance?	3	96	1	6. Should Congress intervene in professional sports to solve problems like blackouts and strikes?	29	58	13
2. Now that they have the right to vote, should 18- to 20-year-olds be legally treated as adults?	80	15	5	7. Should the United States claim jurisdiction over fishing to a limit of 100 miles from its shores?	92	3	5
3. Would you favor a constitutional amendment to allow voluntary prayer in public schools?	92	6	2	8. Would you favor a voluntary option under social security where a person could purchase double benefits by paying double premiums?	50	37	13
4. Do you feel the United Nations is an effective peace-keeping organization?	20	64	16	9. Should America's exploration program concentrate on inner space (the oceans) rather than outer space	65	16	19
5. Do you feel President Nixon's recent China trip was worthwhile?	73	23	4	10. Should the death penalty for murder be retained?	87	8	5

1972 OPINION SURVEY—SALEM COUNTY, N.J., PERCENTAGES

	Yes	No	Not sure		Yes	No	Not sure
1. Do you favor forced busing of children away from their neighborhood schools to achieve a racial balance?	3	96	1	6. Should Congress intervene in professional sports to solve problems like blackouts and strikes?	24	64	12
2. Now that they have the right to vote, should 18 to 20 year olds be legally treated as adults?	96	3	1	7. Should the United States claim jurisdiction over fishing to a limit of 100 miles from its shores?	81	8	11
3. Would you favor a constitutional amendment to allow voluntary prayer in public schools?	92	5	3	8. Would you favor a voluntary option under social security where a person could purchase double benefits by paying double premiums?	49	35	16
4. Do you feel the United Nations is an effective peace-keeping organization?	22	54	24	9. Should America's exploration program concentrate on inner space (the oceans) rather than outer space?	59	19	22
5. Do you feel President Nixon's recent China trip was worthwhile?	62	15	23	10. Should the death penalty for murder be retained?	88	7	5

RESULTS OF THE 1972 YOUNG VOTER POLL

1972 YOUNG VOTER OPINION SURVEY—TABULATION OF RESULTS

[Conducted by U.S. Representative Charles W. Sandman, Jr., 2d District: Atlantic, Cape May, Cumberland, and Salem Counties, N.J.]

[In percent]

	Yes	No	Not sure
1. Do you favor forced busing of children away from their neighborhood schools to achieve a racial balance?	6	88	6
2. Now that they have the right to vote, should 18- to 20-year-olds be legally treated as adults for the purposes of contracts, law enforcement, etc.?	86	5	9
3. Would you favor a constitutional amendment to allow voluntary prayer in public schools?	76	17	7
4. Should the Federal Government be allowed to spend more than it takes in from taxation?	17	66	17
5. Do you feel the United Nations is an effective peace-keeping organization?	30	50	20
6. Would you be willing to pay more for products and utilities if they were virtually pollution-free?	72	16	12
7. Do you feel President Nixon's recent China trip was worthwhile?	60	18	22
8. Do you think foreign aid should be drastically reduced?	61	23	16

	Yes	No	Not sure
9. To express your views, have you ever written to:			
(a) Your mayor or other local official?	12	88	
(b) Your county freeholders?	8	92	
(c) Your State senator or assemblyman?	20	80	
(d) Your Congressman or Senator?	24	76	

10. If you have formed an opinion already, how would you rate the performance of:	Great	Good	Poor	NA[1]
(a) President Nixon?	12	56	6	6
(b) Vice President Agnew?	8	32	47	13
(c) U.S. Senator Williams?	6	46	12	36
(d) U.S. Senator Case?	8	46	14	32
(e) Congressman Sandman?	17	53	11	19

[1] Na—No opinion given.

REVENUE SHARING BILL A DISAPPOINTMENT

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. KEATING. Mr. Speaker, the revenue sharing bill that has been passed by the Senate comes as a great disappointment to some Members of the House who have been working for an effective revenue sharing bill.

The House bill takes the criteria of population, urbanization, and relative per capita income and treats each as a part of the whole. The Senate formula, for unexplained reasons multiplies factors and creates an inequitable distribution of funds.

The Senate bill dropped the urbanization factor and multiplied relative per capita income times tax effort times population. By multiplying the three factors together, the Senate formula causes great distortion. If a community has one low factor, its distributive share is decreased; if a community has two low factors the reduction in the distributive share becomes very significant.

For instance, in Hamilton County, Ohio, Forest Park Village under the House version of the revenue sharing bill would receive $306,881. Under the Senate version it would receive $45,577. The city of Loveland under the House version receives $112,562. Under the Senate version Loveland receives $21,507. I choose these two municipalities as examples of the tremendous difference between the House and Senate versions.

The Senate bill gives the impression of equity by including an additional $1 billion for social services. The social service funds are part of the traditional funding under the Social Security Act. In 1962, Congress created open ended funding of these programs to the blind, elderly, disabled and dependent children on a matching basis.

In reality these social security moneys are not new funds for revenue sharing but already existing moneys which create an illusion of equity in the Senate bill.

In 1972 these programs cost $1.5 billion. In fiscal 1973 it is estimated that they will run over $4 billion. The $1 billion Senate figure would cause substantial reduction, not enlargement of these programs. By sending this money to the cities rather than the States and counties it will make the problem of coordination more difficult since most of these programs are administered by the State.

There is a need to put a spending limitation on social services programs but the limitation should not be below 1971 levels.

By examining the following figures a disturbing pattern seems to occur with some States receiving very substantial gains over a fair House formula. The smaller, less urban States gain at the expense of the States where the fiscal crisis is most acute.

I urge the House conferees to work out a conference bill that closely resembles the House version in that it clearly is the revenue sharing bill that is needed by our Nation's States and cities.

I am adding a chart showing the additions and reductions in revenue sharing funds made by the Senate bill.

State	House total	Senate total	Part of total in Social Services	Actual Senate figure
Ohio	227.4	240.5	55.1	185.4
Alabama	80.2	138.2	10.6	136.6
New York	649.6	625.1	118.0	507.1
Louisiana	83.2	138.9	14.1	124.8
California	610.8	644.4	134.0	520.4
Utah	29.0	40.6	6.1	34.5

Note: Chairman Long is from Louisiana and Ranking Republican Bennett is from Utah.

REPORT FROM WASHINGTON

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ROYBAL. Mr. Speaker, I am pleased to include in the CONGRESSIONAL RECORD my September 1972 report from Washington to the residents of California's 30th District. The report highlights some of the major legislative and national issues being considered by the 92d Congress.

The report follows:

JOBS AND A HEALTHY ECONOMY

There has been a great deal of rhetoric and deceptive arithmetic to hide the depth of our unemployment crisis. One top Federal official jokingly dismissed the issue as only "the hole in the doughnut".

However, for some 5 million unemployed across the country who will not receive a paycheck this month, unemployment is very much a tragedy in their lives. Counted among the jobless are 600,000 in California and 4,000 in East Los Angeles.

The impact of this Administration's new economics, which offers billions of dollars in tax breaks to large corporations, has spelled disaster for the residents of East Los Angeles. Government figures (Federal and City) show that during the period from 1970 to 1971, unemployment in this area jumped from an already staggering 7.5% to 11.3%, with little relief this year under existing programs.

To end this large scale unemployment, the Government must adopt a massive public employment strategy particularly for those groups suffering the highest unemployment. This action would renew our commitment made 25 years ago to promote full employment in this country.

In working toward this goal last year, I supported a $2 billion Accelerated Public Works Program, designed to create jobs by financing much needed public works projects in our communities. The President vetoed this legislation in favor of his now discredited tax-break plan for large corporations.

This year I pushed for a well financed attack to end high unemployment and transform the jobless into consumers. First I sponsored legislation, now pending in the House Labor Committee, to provide public employment for more than 1.15 million unemployed workers. Under this program, one quarter of the funds is earmarked to build self-sufficient economies in areas with 6% or above unemployment, including such low income areas as East Los Angeles.

I also proposed an expanded Public Works Impact Program which recently won House approval and now awaits Senate action. The bill approves a ceiling of $1 billion for immediate job-creating public projects in very high unemployment areas and would bring additional jobs to East Los Angeles.

President Nixon must be persuaded not to veto this vital legislation as he did the recent Labor-HEW Appropriations bill and the Economic Opportunity Amendments. Such a veto would result in the unemployed continuing to be barred from our country's prosperity and denied the right to a productive life.

Equal Education

One of the crucial problems for parents and children of East Los Angeles is the lack of adequate educational opportunities. All too often our children have been programmed for failure under the present school system and financing method. It is estimated that in East Los Angeles three out of four drop out of high school. The alarming trend will continue unless schools receive Federal and state aid to tailor the basic skills, namely reading and math, to the background and culture of the student.

Two programs of particular importance to my District are Title I, ESEA funding and bilingual education. Title I programs are designed to assist school districts in meeting the special educational needs of low income children. Last April when local officials attempted to drop several of our schools from the program under a new funding formula, I joined with parents and community educators to reverse this action. The affected schools included Soto Street, Griffin, Cortez, 10th, and Norwood—all were recently refunded.

For bilingual education, Congress approved a $25 million increase as a result of pressure applied by several key Senators and myself. This boost provides for 110 new projects and assistance to 90,000 more children. The program, however, suffered a temporary setback when the President vetoed the Labor-HEW budget package which included the increase. The House Appropriations Committee, of which I am a member, must now fashion another budget which can withstand the threat of a veto.

Civil Rights Hearings

Earlier this year I testified before the House Civil Rights Oversight Committee to discuss job discrimination against the Spanish speaking by the Federal Government. The data that I presented gave evidence of a pattern of exclusion, of an occupational caste system within the Government.

The equal employment laws of 1964, 1969 and 1970 have failed to end job discrimination in the Government. Although comprising 6% of the total U.S. population, the Spanish speaking only represent 2.9% of the Federal work force, with virtual exclusion from executive jobs.

The period from 1966 through 1971 testifies to the fact that the Spanish speaking have been under-represented by over 50% with no significant improvement this year.

While I do not believe that population parity should be used as the only yardstick in evaluating Federal performance, it does provide an excellent guide to whether or not job equality has been achieved. Given present rates of increase in Federal employment, the Spanish speaking must wait well over half a century before achieving job parity with all other groups.

In California the Spanish speaking make up 16% of the population but hold only 5.6% of local Federal jobs. In Los Angeles county, they comprise 18% of the population but only 6.2% of the Federal work force.

COURT ACTION

The failure of the Government to immediately end this exclusion prompted various community groups to file civil suits against both Federal and local governments. It was for this reason that I joined with the national League of United Latin American Citizens and the American G.I. Forum in suing the Federal Government. The suit, filed in late 1971 and now under appeals, seeks an order requiring the Government to develop and execute an employment plan that would end job discrimination against the Spanish speaking.

Similarly, the Los Angeles City Employees Chicano Association proposed and won City approval for an advisory affirmative action committee to advance equal employment in the City's work force.

These actions are positive efforts to open up opportunities to groups traditionally excluded from government jobs while, at the same time, maintaining our civil service and merit system.

The representation of the Spanish speaking in our government cannot be overstressed. It is an important key to gaining a deeper commitment to the problems and priorities of the more than 12 million Spanish speaking Americans.

Aid to District

Our District has received a number of important Federal grants or contracts for various programs. Included among these are:

YOUTH TRAINING

A $250,000 Department of Labor contract to the East Los Angeles United Community Efforts, Inc., for basic education and skill training programs for youth.

EARLY EDUCATION

A $1.2 million grant from the Office of Economic Opportunity to the Los Angeles Unified School District to administer a Follow Through Program. The grant funds an early education program for former Head Start and other preschool children from low income areas.

MARAVILLA HOUSING

A $10 million contract from the Department of Housing and Urban Development to the Los Angeles County Housing Authority to modernize and rehabilitate the Maravilla Housing Project. Also, a $50,000 OEO grant to the East Los Angeles Community Union, Inc., to develop, among other community projects, a relocation program for Maravilla Project residents displaced temporarily during its redevelopment.

FAMILY HEALTH

A $630,000 contract from the Department of Health, Education and Welfare to the East Los Angeles Health Task Force for a family health center to serve the residents of East Los Angeles and Montebello. The program would offer a prepaid family health plan and would eventually enroll over 10,000 members.

HIGHER EDUCATION

A $105,000 Office of Education grant to Cal State, Los Angeles for special services to disadvantaged students, and $78,000 to Centro Joaquin Murieta de Aztlan, Inc., for a Talent Search program.

OUTLAW THE CRIMINAL INSTEAD OF FIREARMS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. KEMP. Mr. Speaker, in recent weeks I have received hundreds of letters in my office relating to gun control legislation. There is a recurring theme in most of them, and it was most succinctly expressed by my friend and constituent, Otto Neubrand, when he said:

> Outlawing firearms will not stop crime; only swift prosecution and appropriate punishment will have any effect on the criminal.

Legislation which I have introduced would strengthen penalties for crimes committed with a firearm by prohibiting the suspension of sentences and probationary sentences and by providing for consecutive rather than concurrent terms of imprisonment for criminals convicted of using a firearm in the commission of a felony.

Following the attempted assassination of Gov. George Wallace, Congress once again is rushing to strengthen gun control laws. If stricter gun laws would mean that guns would effectively be kept out of the hands of criminals and would constitute a meaningful deterrent to the hideous crimes that have been committed recently, I feel certain that such legislation would have the support of every Member of the Congress. Regrettably, past experience shows that this has not been the case with restrictive gun legislation.

New York City has the strictest gun laws in the country. For over 50 years they have had the famous Sullivan Act. Guns are illegal if they are not registered or if they are not registered and a permit or license is not issued to own or carry them. In recent years, registration and licensing requirements have been broadened to cover the entire State. Yet in this city where registration and a permit are required, only 20,000 permits for handguns have been issued out of an estimated 500,000 guns. Some estimates are much higher, and the New York Times puts the figure at 1 million illegal guns in the city of New York.

Not only have the antigun laws failed with respect to registration and permits, but statistics show that States which have enacted restrictive laws have experienced an increase in homicide rates. In New York the rate has been steadily increasing—from 3.7 per 100,000 in 1960, to 6.5 in 1968. The homicide rate for New York City is nearly 2½ times the national average.

This month's National Review magazine carries an article by Miss M. F. Harvey which supports the contention that only certain knowledge of strong and swift punishment will effectively deter an individual intent upon a crime. The article, "They Have Gun Controls in England," follows:

Letter From London—They Have Gun Controls in England

(By M. F. Harvey)

The attempted assassination of George Wallace has put the issue of "gun control" back on page one—coincidentally, at a time when capital punishment is widely believed to be on the way out. The experience of Britain, which has no capital punishment and lots of gun control, is instructive in this double context. In 1957, when the British revised their traditional, and very stern, homicide laws, the murderer who killed with a gun was still liable to be hanged; but the murderer who used less direct methods was more likely than before to be guilty of "non capital" murder (meaning there'd be no death penalty for him) or he might even be let off with a short prison term for manslaughter. So what happened? The number of murders with guns declined, but there was a marked increase in the number of killings by beating, kicking and other means.

Obviously, it is not necessary to have a gun to commit murder. But political crackpots, as well as common criminals, find that guns are handier and more efficient than other weapons. Indeed, the possession of a firearm can be so valuable to a criminal that he will go to great lengths to obtain one. How, then, is the robber or would-be killer "deterred" from getting his hands on such a weapon, and from using it?

For many years, the British thought they had the answer. Unless you were a farmer, a sportsman, a soldier or a policeman on special duty, it was illegal to possess firearms. Since no law will make all citizens law-abiding all of the time there were always, each year, a certain number of "firearms offenses" in Britain. The interesting development in recent years, however, is that firearms have become virtually uncontrollable in Britain, despite the fact that gun-control laws have become more sophisticated and penalties for violations are far more severe.

For example, in 1940–44 only eight hundred persons were "proceeded against" for firearms violations in England and Wales, on a yearly average. More than a decade later, in 1956, the figure was still under nine hundred. Throughout this period, the penalties imposed by the old Firearms Act of 1937 were relatively light—mostly fines or a few months' imprisonment. But during the early 1960s firearms offenses increasd so markedly that the 1937 Act was revised and, in 1965, heavier fines were supplemented by up to ten years' imprisonment if guns were used in the course of a serious crime or to resist arrest. By 1965 the number of persons proceeded against for firearms offenses had increased to 2,880; the figure had climbed to an unprecedented 5,275 by 1970.

The failure of the 1965 Firearms Act to control the illegal possession and use of guns in Britain became apparent during a period when all serious crimes in England—including homicides—were increasing at a staggering rate. When did this increase start, and why?

Let us first note that there was relatively little change from 1946 to 1956. The average total of all indictable offenses remained only slightly above 470,000 for those years. But by 1960, only three years after passage of the 1957 Homicide Act, indictable offenses were up to 743,713—and homicides (excluding vehicular homicides) had increased from a per capita rate of 1.8 convictions per million to 2.9 per million. By 1965, there was no doubt that Britain was experiencing the most shocking crime wave in her history—indictable offenses were up to 1,333,882 for that year alone.

But statistics did not prevent the "humanists" and the doctrinaire left-wingers in Britain's Labor Party from voting the complete abolition of capital punishment. They argued that non-application of the death penalty (as modified in 1957) really had nothing to do either with the new increases in firearms offenses or with the remarkable increase in crime generally. Apparently, the Labor Party hoped the more severe penalties in the 1965 Firearms Act would help prevent murder by gun, just as they hoped murder wouldn't increase once the death penalty—already weakened by the 1957 law—was no longer on the books.

WHAT REALLY HAPPENED?

In 1965 the homicide rate in Britain (combining convictions for both murder and nonvehicular manslaughter) had increased to 3.95 per million and it increased again to at least 5.8 (possibly higher) in 1970. Now it is hard for anyone to argue that a murder has occurred—in Britain or anywhere else—simply because the penalty for murder has been lessened. Not even the wisest judge or jury, or the cleverest defense lawyer or prosecuting attorney, can know *exactly* what has gone on in the mind of the murderer. If he claims that his crime was unpremediated, perhaps he's talked himself into believing this even if the judge and jury decide that the evidence is all against him. It is extremely difficult, however, to argue that armed robberies—whether or not they end in murder—are unpremeditated.

In every armed robbery, there is a certain amount of planning on what sort of weapon to obtain and how to use it. How, then, would most people judge the evidence if it could be shown that, with every step toward the weakening and eventual abolition of the death penalty in Britain, armed robberies increased along with homicides?

In the October 1971 issue of the British Police Federation's monthly magazine, *Police,* Chief Inspector Colin Greenwood, a firearms expert from Yorkshire, published such a study. He showed that, in the metropolitan area of London, armed robberies from the end of World War II up until 1956 were relatively few (between 130 and 138 per year). But following the 1957 Homicide Act, the incidence of armed robberies in London increased as did homicides generally in England. By 1965, when the Labor government decided to abolish completely the death penalty for murder, armed robberies in London numbered 702; by 1969, the last year of Greenwood's study, they had jumped to nine hundred fifty. The use of firearms in these robberies—rather than other weapons such as iron coshes or knives, increased from nineteen cases in 1956 to 272 cases by 1969. And a report just released shows an appalling increase of 42 per cent in murders in 1971 over the year before—177 murders in 1971 as against 106 in 1970.

There is no way to explain why conviction figures both for murder and manslaughter increased so steeply after 1957—along with armed robberies, firearms offenses, and annual figures for all indictable offenses known to the police—without noticing that, until 1957 the killing of another human being, whether in cold blood, in a robbery or in the heat of a personal passion, always meant a "murder" trial and, except in cases of insanity, a strong probability that the killer would hang. After passage of the 1957 Homicide Act, criminals stayed away from guns—and kicked or bludgeoned or knifed their victim to death—only until it became clear that even to kill someone with a gun in Britain no longer meant that you would have to hang for murder. Your lawyer might now plead manslaughter: If he failed, there was now always an appeal. And it is still that way in Britain, for even with the death penalty completely removed from the books, you can appeal to have your penalty completely removed from the books, you can appeal to have your murder conviction changed to "attempted murder" or "wounding with intent"—even though the victims are all dead—and be out of prison again in two or three years.

The failure of gun controls in Britain is probably the best evidence available anywhere in the world to demonstrate that it is only capital punishment—the criminal's fear of "judicial homicide"—which deters the predators in human society from taking the lives of innocent victims if they are strong enough, are armed with firearms, and know they won't die for the murder they have committed. These British figures are relatively unknown in the U.S. They would have had relevance in the congressional debate on gun control that followed in the wake of the Wallace assassination attempt.

A TRIBUTE TO BRIGADIER WILLIAM BENTON

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. KEATING. Mr. Speaker, today I would like to pay a special tribute to an outstanding citizen, a native of Cincinnati, Ohio, a gentleman who has contributed his skills and dedicated his life to the Salvation Army.

The following editorial by radio station WLW in Cincinnati describes Brigadier William Benton's distinguished record of service:

WLW EDITORIAL

Dr. Albert Schweitzer once said, "Seek always to do some good somewhere. Every man has to seek in his own way to make his own self more noble and to realize his own true worth." This philosophy has been a way of life for Brigadier William Benton, Director of the Men's Social Service Center in Norwood.

Brigadier Benton's a native of Cincinnati, and he has spent the 60 years since his birth in a Salvation Army home helping his fellow man.

After decades of devoted service through the Salvation Army in various parts of the Midwest, Brigadier Benton returned to Cincinnati in 1971 to head the vast service center in Norwood . . . and now the Army has called him again. He leaves the Queen City this week to become Secretary of the Men's Social Service Centers of the Eastern Division, a responsibility that covers 42 centers in 12 states.

Cincinnati will miss Brigadier Benton . . . a soldier for God who fights for the homeless, the sick and the misguided.

OCCUPATIONAL SAFETY AND HEALTH ACT MUST BE AMENDED

HON. WILEY MAYNE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. MAYNE. Mr. Speaker, on September 13, I testified before the House Education and Labor Committee's Subcommittee on Select Labor in support of substantial amendments to the Occupational Safety and Health Act. I am pleased to insert in the RECORD at this time the text of my statement before the Select Labor Subcommittee:

STATEMENT OF CONGRESSMAN WILEY MAYNE BEFORE THE SELECT LABOR SUBCOMMITTEE

Mr. Chairman, Members of the Select Labor Subcommittee, I appreciate your affording me this opportunity to appear before you in support of amending the Occupational Safety and Health Act in order to make its provisions reasonable and its objectives feasible, to enable the Occupational Safety and Health Administration to target enforcement through a rifle rather than shotgun approach, to exempt small farmers and small businesses from an Act and from standards and regulations designed to counter safety and health hazards and patterns in big industries, and to enable those responsible for enforcement of the Act to negotiate consent agreements in order to obtain reasonable compliance with the objective of the Act rather than impose automatic mandatory penalties.

I support strongly the objective of obtaining improved conditions of safety and health for all Americans—but common sense and perspective are necessary to accomplish these commendable goals.

It is not common sense to expect a small farmer or small business to be able to undertake the same type of record-keeping, supervision of employees, installation of modern safety devices, etc. as could be reasonably expected of giant industry. Certainly the circumstances which might require such measures in giant industry do not necessarily apply to the small firm where each employee is aware of the layout and possible dangers and can be expected to avoid them through his own efforts.

When the Occupational Safety and Health Act was before the House, I supported adoption of the substitute bill and was pleased that the House adopted that substitute. The substitute was far more reasonable than the version reported to the House, and had it become law in that form, I am sure that many of the problems rising daily under the Occupational Safety and Health Act would have been avoided. I regret that in the late hours of that Congress, the Conference reported a version that accepted many of the Senate amendments, and that that version became law. It is not too late to correct that mistake, and to enact remedial amendments.

It has become abundantly clear that regulations being applied under the Williams-Steiger OSHA Act of 1970 are more far reaching than was the intent of the Congress. Many Congressmen who supported the act, as I did, believed it was principally aimed at the larger employers where, in total, the hazards to the safety and health of employees was greatest; where correction of even a single hazard would result in maximum benefits at a cost the employer could afford.

I find however that the law, as implemented, is equally applicable to an employer whether he has one or thousands of employees or regardless of whether the work site is permanent or one that changes with the completion of each project.

The regulations as drawn are grossly arbitrary. Many are highly impractical, if not totally impossible to comply with.

In principle I wholeheartedly support safe and healthful working conditions. However, I believe there is a vast difference in the relationship between employer and employee depending on whether the number of employees is few or many. Ordinarily there is a more personal relationship between employer and employee in small manufacturing and farming operations.

Often this relationship is so personal that names and even ages of members of each others families are well known to both. Not only the safety and health but the entire welfare of each family is a real concern to the other.

Furthermore this type of operation does not experience the turnover in employees inherent in large operations. Consequently the employee is more often working in familiar surroundings where injury incidence is less. Very often with the employer at his side, subject to the same working conditions. This is particularly true of those engaged in farming.

Farmers themselves have made real strides in guarding against safety and health hazards peculiar to their occupation even before the enactment of this law. Farm equipment manufacturers have done an enviable job in providing safer equipment. Farm organizations and the extension service have had extensive and effective educational programs to reduce farm accidents. It is highly questionable whether this act with its maze of record keeping and impractical requirements can do better. It may well antagonize small employers to the point where ears may be closed even to reasonable safety requirements.

The cost of complying with OSHA regulations is prohibitive for many small businesses and manufacturing plants. Some have told me that they will be forced to discontinue their enterprises rather than comply. Older operators are more apt to sell out than comply, usually at a loss since if the business is to continue the new owners have already discounted the purchase price by the amount of the cost of updating facilities to meet safety regulations. By far the majority of these people can point to years of doing business without as much as a minor accident. Most say they would be willing to spend the money if they were convinced that they were actually buying safety. They view many of the rules as being ridiculous. Let me point out a few.

The equipment repairman reporting to a farm for a 2½ hour repair job must before starting the job ascertain if toilet facilities are within 200 feet of the work site, gather information on telephone numbers of the nearest fire station, hospital, and ambulance service. If he has a crew of men, no work can begin until this is done. But the time of these men is valuable and must be paid for. Naturally, the customer pays. Now let's suppose this repair job is being done to feeding equipment in a feed lot with a few hundred cattle in the lots. From a health stand point is it reasonable to expect that with tons of animal wastes already present that a little additional human waste is going to create a health hazard? In this frame, the requirement for toilet facilities to be placed directly at the work site to accommodate the workmen is highly unreasonable. This kind of arbitrary requirement is a real hardship on the livestock producers in my district and for the people that service their equipment. In such circumstances a worker who wishes to use toilet facilities should not be unwilling to go to the farmhouses even though it may be more than 200 feet away. Under the rules any repair job over 7 ft. above the floor or ground requires the erection of scaffolding. Even if only one board or panel is to be replaced. It likely takes a half hour to erect the scaffold and ten minutes to make the repairs.

Replacement of blower pipe on a silo requires either a net or a complex system of ropes secured every five feet. Yet the same requirement is not made for linemen climbing utility poles. A safety belt should and does provide an ample margin of safety in both cases.

Wire mesh is required over sky lights, without regard to whether the light is made of glass or other transparent materials which would present no hazard at all should it break.

Some requirements are so restrictive as to render the machine or equipment to which they apply inoperative.

If complied with the rule that an air gun for cleaning purposes be limited to 30 pounds per square inch (30 PSI) renders this tool useless as a cleaner. The restriction that limits main line air pressure to 100 PSI makes most air powered tools inoperative.

Some modification of the air pressure rules is rumored but repair shop operators in my area tell me that it is difficult to get rule changes in writing. It seems that we have been successful in altering the small operators in my district to the new regulations. We should be equally effective in notifying them of any changes.

These are only a few of the reasons I am co-sponsoring a bill that will exempt farmers, small businesses and manufacturers with 15 or less employees from an Act which is neither necessary nor appropriate for such small operators. Compliance as well as administrative effort and cost are completely out of reason for these small employers. Permit me to suggest that an insurance company insuring the employer for employee liability is a most effective persuader in getting employers to eliminate safety and health hazards.

Among the bills before you are H.R. 13090, H.R. 13872, and H.R. 14408 which I sponsored or cosponsored. I strongly urge the incorporation of these bills into whatever Occupational Safety and Health Amendments legislation the Committee may report. They include the following provisions, 1. the exemption of small businesses and farms with 15 or less employees from the Act, 2. the exclusion of business with 100 or less employees for one year, 3. enabling the employer to establish a safety committee, 4. authorizing the Secretary to exclude classes of employers from application of standards he determines are unreasonable to apply to those classes, 5. modification of standards where compliance is not feasible, 6. authorizing the Secretary of Labor to require physical examinations of employees where appropriate, 7. the availability of certain affirmative defenses which I believe are fully justified, 8. authorizing the Secretary to negotiate compliance agreements in lieu of automatic imposition of penalties for violations, 9. excluding from coverage exchanges of help without monetary compensation, such as neighborly farmer exchanges of help.

I also strongly favor allowing a penalty free abatement period for those employers found to be in violation of the act upon determination of deficiencies. A consent order including a time table for correction, should be agreed to by both parties. Only when the consent order is violated should a penalty be assessed.

This would seem to be more in keeping with the American system. In addition, inspectors should be permitted to be called in for consultation by employers without fear of having penalties invoked should the inspectors find violations. (As the law stands now inspectors cannot be used as consultants. If they enter upon the premises of an employer they must make a thorough inspection. If they are investigating a complaint they must only look into the complaint only). It is unreasonable to expect that regulations as new and far reaching as those being implemented under this act will meet with instant compliance. The best way to eliminate safety and health standards is for industry, business, labor and government to work together in informing, educating and then being reasonable in enforcing standards.

I was pleased to support amendment of the Labor-HEW Appropriations bill to exempt small businesses and farms from enforcement of the Act, and intend to support similar amendments to the Appropriations bill when it is again reported to the House if the Occupational Safety and Health Act has not been amended in the meantime. I am also pleased that the Occupational Safety and Health Administration apparently will soon put into effect the proposed regulation exempting firms with 8 or less employees from recordkeeping requirements under OSHA, and that the Solicitor of the Department of Labor issued a letter opinion to the effect that farm help exchanges without compensation are not to be considered as covered. However, these do not provide the permanent changes in the language of the statute which I believe must be made if this Act is to be enforced.

THE NEW DIPLOMACY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. RARICK. Mr. Speaker, latest reports about the State Department's actions in the United Nations raise serious question about the effectiveness of "new" diplomacy and the ability of our diplomats to retain old friends.

But, then under the new alinement of powers, State may feel that we do not need the friendship of England and

France when we are said to have bought the friendship of Russia and Red China.

I include a related newsclipping following my remarks at this point:

[From the Washington Star and Daily News, Sept. 13, 1972]

UNITED STATES ATTACKS ANGLO-FRENCH VOTES IN U.N.

(By Kenneth J. Freed)

High-ranking State Department officials called the British and French votes during the latest United Nations Security Council debate on Mideast violence "an outrage."

The United States vetoed a Security Council resolution, aimed at Israeli raids on Lebanon and Syria, because it did not include condemnation of Arab terrorist acts which provoked the retaliatory attacks.

"It was unconscionable for the Western European allies to support that resolution," a top-level department official said.

The belated denunciation of Great Britain and France—the veto came Sunday night—is acknowledged by administration officials as part of a diplomatic arm-twisting aimed at toughening international efforts against air piracy and other terrorist acts.

FAILURE WITH FRANCE

The officials claimed some success for this blunt method, but they conceded failure in other cases, particularly with France.

The mixed results are seen in the current sessions in Washington of a legal subcommittee of the International Civil Aviation Organization. The group was convened a week and a half ago to draft proposals for enforcing existing agreements against airplane hijacking and sabotage.

The France delegation has refused to go along with American demands for sanctions, including denying landing rights for any nation not acting against air pirates.

In admitted retaliation, the United States this week canceled a meeting with the French on extending American landing rights for airlines operating from France.

BRITISH MOVE CLOSER

The British have come under generally less public criticism for their stand at the ICAO meeting, but administration officials point to American pressure as resulting in a compromise stand by London—closer to the U.S. view.

Sources attribute the British position to public pressure arising from the Munich Olympics incident as well as to the American government's expressions of dissatisfaction.

However, the French have not been moved at all by the cancellation of the meeting on landing-rights. Gilbert Guillaume, chairman of the French delegation at the ICAO meetings, says his government won't give in to threats.

The Nixon administration focusing attention now on air piracy because the ICAO meeting is still in session. But officials say this is just part of an over-all effort to end such terrorist acts as the Arab commando attack on the Israeli Olympic team.

MOST TERRIBLE EVENT IN OLYMPIC HISTORY

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. MURPHY of New York. Mr. Speaker, I add my voice in indignation and horror to the chorus of anguish which has risen from my colleagues and the people of my district concerning the recent shadow of death which fell on Munich. Violence has always bred violence. And today, in confirmation, we can only look back in disbelief at the most terrible event in Olympic history. The team of Israel arrived in Munich with dreams of fair play, hard fought individual and team competition, and—perhaps for a few—gold and silver medals, honor, and respect for themselves and their country.

The Israeli's tried. But they soon found themselves involved as hostages of the Black September movement in an act of unnecessary violence that dishonored the entire Arab cause. Eleven Israeli's, five Arab commandos, and one German policeman died as the midnight darkness at the Munich Airport exploded into small-arms fire and detonating hand grenades. The tactics employed by the Black Septemberists dishonored the millions of Arabs the commandos so falsely represented.

I strongly support the U.S. veto of Secretary Bush and personally condemn every Arab country that harbors criminals and groups that promote international violence.

MRS. EMMIE LEWIS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. STOKES. Mr. Speaker, I was deeply grieved on Friday, September 8, 1972, to learn that Mrs. John H. Lewis had passed away. Her absence will be felt in Cleveland and throughout this Nation for many, many years to come.

Mrs. Lewis, or Emmie, as she was known by her friends, is survived by three children whose own accomplishments are living testimony to Mrs. Lewis' deep dedication to the Cleveland community.

Surviving are Mrs. Anita Lewis Polk, deputy director of the Cleveland Urban League; Dr. John H. Lewis, a pediatrician; and Mr. F. Wesley Lewis of the Cleveland Electric Illuminating Co.

Emmie Garlington was born in Athens, Ga. Until she and her late husband, John H. "Boss" Lewis, moved to Cleveland, she was active in the field of education in the South. She served as a teacher and later as a principal. She was responsible for developing several programs for the Jefferson County school system in Alabama. While in the South, she was a member of the Monarch's Social Club auxiliary, and the American Teachers Association. She founded the Progressive Thirteen Club, which will soon celebrate its 50th anniversary.

In Cleveland she taught at the Quincy and Anton Gardina elementary schools. She organized the Cleveland chapter of Tots and Teens, and established offices along the eastern seaboard, in Washington, D.C., and Baltimore, and in Alabama.

Among her other activities was the founding of the Novelettes and the Anthropos. She was also a member of the Leisure Hour Ladies, Sigma Gamma Rho Sorority, the Cleveland Urban League, the American Red Cross, and the Fairfax Foundation.

Mrs. Lewis was a charter member and past president of the Phi Delta Kappa teachers' sorority. And, just prior to her death, she had completed purchase of life memberships in the NAACP for herself and her late husband.

Mr. Speaker, the death of Mrs. Emmie Lewis means the loss of one of Cleveland's greatest educators and most active civic leaders. I join with the Lewis family in mourning her passing and I consider it an everlasting privilege to have known and loved her.

MARVIN JOHNSON WINS BRONZE MEDAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. JACOBS. Mr. Speaker, on September 5 I indulged personal pride in placing in the RECORD mention of 18-year-old Marvin Johnson—along with his coach and trainer, Mr. Colin "Champ" Chaney, both of Indianapolis, Ind.

Despite the tragedy and the grave tone on which the international Olympic games ended—and despite the fact that Marvin Johnson earned, for himself and this country, the bronze instead of the gold medal in middleweight boxing competition—my own pride, and that of everyone in Indianapolis, remains undiminished.

So in gratitude to this young man—for his achievement, his mature and sportsmanlike conduct, and those thrilling moments he gave us all—I insert here the words of Thomas R. Keating's column in last Monday's Indianapolis Star:

MARV'S COME LONG, LONG WAY

(By Thomas R. Keating)

In a small house at 1606 North New Jersey Street yesterday afternoon, a family gathered to watch on television as one of their own received the only medal won by an Indianapolis resident in the 20th Olympiad.

When teen-age boxer Marvin Johnson stepped to the platform to receive his bronze medal for third place in the middleweight division, someone in the room commented that it was a long, long way from 16th and New Jersey to Munich, Germany.

The distance is even more amazing when you consider that it was only three years ago that Marvin, unsure and awkward, appeared at the St. Rita PAL Club boxing gym and asked Colin (Champ) Chaney to teach him how to fight.

Now, although defeated by a Russian boxer at Munich, Marvin has proven himself one of the best amateurs in the world—and he's still only 18 years old.

Two years ago, when he was being interviewed for his first newspaper story, he had wondered "if in 10 years when I look back on this story you're going to write, I'll think that was the best time of my life or just the beginning."

According to Marvin's father, R. L. Johnson, a tall, 50-year-old construction worker, it is only the beginning. There's lots more to come.

"I can tell you this for sure," said the elder

Johnson. "Marvin's amateur days are over. He'll turn pro this fall along with my older son Henry (a 156-pound national AAU champ himself) and they are both going to be world champs some day.

"You wouldn't believe the offers I've listened to in the last year." Johnson continued. "Why, two men from Fort Worth, Tex., sat right here in my living room six months ago and offered to put $50,000 in the bank in my name if I would sign a contract for Marvin. But, I didn't because Marvin wanted to fight in the Olympics.

"Both my sons were born and raised right here in Indianapolis and I want them to stay right here and fight," he added. "There's a group of local businessmen and doctors who want to form a corporation and back Marvin like the groups that backed Cassius Clay and Joe Frazier. That's probably what will happen."

"There's only one thing that Marvin insists on in any contract he signs. He says that as long as he ever fights, Champ Chaney is going to be in his corner. Marvin wouldn't take a million-dollar offer unless Champ was a part of it."

Like all mothers, Ruth Johnson sees things from a little different angle. Right now, she mainly wants to see the fifth of her nine children get home safely from Germany.

"I haven't seen Marvin now for three months," she explained. "And while he may be a real good fighter, he's still only 18 and with all that trouble over there at the Olympics, I'll breathe a sigh of relief when I can see him home being fed and treated right.

"Of course I was very sad when he lost," she said, "because it meant so much to him to win, but I have to admit I was glad when the referee stopped the fight because Marvin was getting hit far too many times and I didn't want him hurt.

"If I had my way, I'd rather see Marvin try college for awhile and then if he wanted to pursue his boxing career, all right. I want him to have something to fall back on. But, Marvin is well-known now and I guess boxing is something he has to do.

Outside the Johnson home, little brother Fenton, a 13-year-old who has ripped off eight straight wins in the ring as a 112-pounder was basking in his brother's glory and dreaming his own dreams.

Down the street about half a block, two stringy youngsters about seven years old, were squared off and throwing harmless punches at each other, drawing air on most of their swings.

"I'm Marvin," drawled one of the boys. "You're Cassius Clay."

"I am not," the other boy replied. "You was Marvin yesterday and I ain't going to box with you no more if you keep cheating. You is Clay."

"OK," the first boy said reluctantly. "But only for awhile."

COMMEMORATING MEXICO'S DAY OF INDEPENDENCE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. EDWARDS of California. Mr. Speaker, I would like to join my fellow Americans who this week are commemorating the 162d anniversary of the birth of the free and independent Republic of Mexico. Hundreds of thousands of Americans of Mexican descent are proudly recalling the day of Septemebr 16, 1810, when the Mexican patriot, Father Miguel Hidalgo y Costilla, proclaimed to the world in his "Grito de Delores" that no longer would the yoke of colonialism be tolerated by the people of Mexico.

The American people should justly join the Mexican people in celebrating Mexico's Day of independence. Of the many things our peoples have in common, none is so pronounced as the ideals of freedom, liberty, and justice under which our two nations were founded.

Many are the fine groups that proudly help celebrate the Fiestas Patrias. I would like to commend one in particular. Since its inception in 1921 in the city of Los Angeles, Calif., by Mr. Eduardo Ruiz, the Comision Honorifica Mexicana has been actively promoting cultural and civic participation. In my own congressional district, La Comision Honorifica Mexicana de San Jose has been a source of civic pride for the second largest "Colonia Mexicana" in the state of California since 1937.

I salute the "Semana Mexicana's" cultural events in recalling the great contribution of the Mexican people to the American culture. I am proud of the civic participation of the commission and join with its leadership and my fellow Americans in saying "viva Mexico".

TRANSPORTATION QUESTIONNAIRE RESULTS

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. SHOUP. Mr. Speaker, about a month ago I sent a questionnaire to the businessmen in the First District of Montana. It dealt with modes of transport utilized by local small businesses. The following analysis indicates the questionnaire results and does not represent any particular views I may have. It also is a limited sample with 184 responding out of the 1,140 that were surveyed.

The questionnaire included two types of inquiries. First, the businessmen were asked what type of carriers they used and then the extent to which each was utilized.

As one would guess, very few western district businessmen rely solely on any one type of carrier to conduct their business. Only 11 percent of those persons responding said that they used any one type of carrier for their sole means of transportation of goods. Some 93 percent of the respondents said they never use barges, which is to be expected since Montana's rivers are rarely used in such commerce.

Unfortunately, several businessmen did not specify what type of carrier they meant when they marked our "other" classification. Those that did, however, mentioned: First, United Parcel Service, second, a shipping association operating in their area; or third, indicated their business had its own transportation facilities.

About 85 percent stated that they seldom or never use freight forwarders. Railway Express received a similar number of replies with 86 percent indicating "seldom" or "never" used. Air service received a 63 percent rating indicating seldom or never in their response; 51 percent of the businessmen said they seldom or never use railroad services. Finally, 53 percent of the respondents stated that they seldom or never use buses in their businesses.

The last category is that of the "frequently" or "solely" used carriers. Those in this division were trucks with 80 percent and the Postal Service with 88 percent.

On rating transport quality provided by the carriers, only one of the categories received a substantial number of replies indicating that it provided excellent service. This was the bus industry which received an excellent rating from 31 percent of the respondents. The others receiving excellent were air service, 15 percent; postal service, 13 percent; and trucks 10 percent. On the other extreme, 30 percent of those who commented about the service provided by freight forwarders stated that the service was unsatisfactory. REA came in a close second wtih 28 percent, and the railroads were third in complaints with 17 percent.

By combining "good" and "excellent" ratings buses received a vote of 92 percent of those replying, airways received a vote of 90 percent, the Postal Service received a vote of 59 percent, and the railroads received a vote of 53 percent.

In summation, it would seem that the railroads, trucks, buses, and Postal Service are the services which are most heavily used. Of these services, trucks and buses are well liked for the services they provide. Air service is also well viewed but is little used. The other services are used less and are less well liked as to the quality which they provide.

PROGRAMS OF PEACEFUL COMMUNICATIONS, 1972

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ZABLOCKI. Mr. Speaker, 3 years ago the Congress approved a new provision in the foreign aid bill entitled "Programs of Peaceful Communications," section 220.

The provision resulted from hearings by the Subcommittee on National Security Policy and Scientific Developments into the use of modern communications technology for developmental purposes.

Those hearings pointed up the need for a focal point within the Agency for International Development—AID—for programs which would use modern communication methods for educational, health, agricultural, and community development purposes in less developed countries.

For the past 3 years, section 220 has provided the mechanism whereby funds could be directed to that objective. Each year I have asked AID to provide me with a report on the implementation of the section and each year the Agency has complied with a detailed summary of activities.

The current report is cumulative through fiscal year 1972. It shows that since April 1970 the number of projects designed to implement section 220 has risen from 14, representing a commitment of $4.5 million, to 38 projects with a cumulative commitment of $23.7 million.

During this period of growth the Agency's policy has been one of caution and experimentation because relatively little is yet known about the most successful ways in which these modern technologies can be harnessed to develop tasks.

There has, however, been measurable progress in the field, much of which can be credited to section 220 programs, and the future should see even greater advances.

Because of the significant potential of the programs funded under section 220, I am taking this opportunity to acquaint my colleagues with them by including in the record at this point a letter from AID's director of congressional liaison and the summary of the larger, 29-page report which has been submitted to me by the Agency.

The items follow:

Department of State, Agency
for International Development,
Washington, D.C., August 5, 1972.

Hon. Clement J. Zablocki,
Chairman, Subcommittee on National Security Policy and Scientific Developments, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

Dear Mr. Chairman: Enclosed is a progress report, cumulative through FY 1972, on implementation by this Agency of Section 220 of the Foreign Assistance Act.

The highlights of our activity are contained in the Summary, comprising the first three pages of the report. We believe that gratifying progress has been made in both the number and quality of projects which seek to develop and utilize communications technology for development.

As indicated in the report, since April 1970, the number of projects designed to implement Section 220 has risen from 14, representing a commitment of $4.5 million, to 38 projects with a cumulative commitment of $23.7 million through FY 1972. These activities now involve direct funding of nine major American institutions and six developing countries.

The number of developing countries assisted indirectly is much larger through the outreach of the U.S. institutions and through A.I.D. support to Regional Centers for educational technology, such as the Center for Educational Technology and Innovation in East Asia.

We would stress, however, that in spite of its great potential, communications technology for development remains in an experimental state. We are therefore concentrating on field trials and research in such areas as learning effectiveness, reaching out-of-school populations, higher quality software, management and costs. We expect to be able to report on full scale applications in a few countries in the reasonably near future.

The continuing support of your Subcommittee has been of great encouragement and assistance to us in implementation of programs for peaceful communications.

Sincerely yours,
Matthew J. Harvey,
Director, Congressional Liaison Staff.

Agency for International Development

REPORT OF PROGRESS IN IMPLEMENTING SECTION 220, FOREIGN ASSISTANCE ACT—AUTHORIZING PROGRAMS FOR PEACEFUL COMMUNICATIONS FOR DEVELOPMENT

Summary

Section 220 of the Foreign Assistance Act (FAA) authorized funds for programs of peaceful communications which make use of television and related technologies, including satellite transmissions, for educational, health, agricultural, and community development purposes in the less developed countries.

The report of the House Foreign Affairs Committee of November 6, 1969 elaborated upon this section, pointing out that, while the United States has pioneered in technology, it has done little in the important area of applying the technology to meet development needs of the LDCs. AID was directed to emphasize the "software" non-technical aspects of communications systems.

Over the three years since Section 220 was added to the Act, AID has made considerable progress in enhancing the U.S. capability and in assisting the less developed countries in the use of communications technologies for development purposes. Whereas in April 1970 we reported 14 projects in this field totalling $4.5 million, the Appendix to this report lists 38 projects totalling $23.7 million cumulative through fiscal year 1972.

The numbers of projects and the dollar expenditures in these reports are not entirely comparable. Though there have been substantial additional investments in communications for development, we have also made more refined studies of projects in education, agriculture, health, population and community development which have important communications components as vehicles for achieving the primary objectives of these projects.

Progress toward fulfilling the aims of Section 220 cannot, however, be measured entirely in terms of numbers. The true measure of the capability must be made in qualitative terms. Over the three year period AID has strengthened its understanding of the potential of communications technology. At the same time we have gained new insights into the problems related to its use in developing countries.

The application of technical knowledge and systems to human problems of development will require sustained, coordinated efforts by both the developing countries and the assistance agencies for at least a decade. Institutions supported by AID—including the Academy for Educational Development, Florida State University; the East-West Center at the University of Hawaii; U.C.L.A., and the University of Chicago—are working with the LDCs to explore the potential application of communications technology in education, population and agriculture. Actual testing of the possibilities has, however, thus far been limited to pilot educational projects in such countries as El Salvador, Korea, Brazil and Ivory Coast. Work in the field to date has convinced us that while widespread application of the technology must come, it cannot and should not be undertaken in a vacuum. A television in every village school will accomplish little without accompanying reforms in curriculum, teacher training and educational administration.

The potential uses of communications media to spread knowledge in education, agriculture, nutrition, family planning, and health are enormous. However, effective use outside the schoolroom, as well as in the formal school system, requires commitment by developing country leaders to a broad concept of education for development. This comprehension and determination exists today in only a few developing countries.

AID has recently completed a comprehensive review of its programs and objectives. The new directions resulting from this review are described in the introduction to the FY 1973 Development and Humanitarian Assistance Congressional Presentation. To an increasing extent, AID will concentrate its resources in an attempt to solve a select group of priority development problems. The prime objective will be to spread the benefits of development to greater numbers of people. Implicit throughout this restructuring of the AID program is the conviction that bold new departures must be made if both the fruits of the Green Revolution and education relevant to the needs of a developing society are to be brought to the majority of people of the developing world at tolerable costs.

In an effort to achieve this breakthrough, we intend to place greater emphasis upon communication in the planning and implementation of our programs. In education this will mean more experimentation with modern communications technology for use in schools and in non-formal education programs. In population, it will mean research and testing of new ways to communicate positive attitudes toward family planning as well as necessary information. Since lack of knowledge rather than lack of food is often the cause of malnutrition in LDCs, we will experiment with various ways to spread information to improve nutrition. Similar efforts will be undertaken to teach farmers how to capitalize on the revolutionary new developments in agriculture.

The absolute economic necessity of bringing useful education and information to more people at a lower cost is now a fundamental tenet of the AID program. With AID assistance, systems analysis is being applied in a number of countries to determine the most economical allocation of scarce resources. For the present, much more needs to be learned about the economies of scale related to communications technology. Nevertheless, it is already clear that modern communications techniques will play an increasingly important role in many aspects of our programing for the future.

JERSEY CITY SEEKS TO DEVELOP WATERFRONT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, Jersey City's most important natural resource is its location on the Hudson River opposite the city of New York. Unfortunately, for too many years the port facilities have been disintegrating and very little has been done to revitalize the waterfront.

A most interesting article was published in the Hudson Dispatch on September 13, 1972, describing Jersey City's efforts to effect a renaissance on the waterfront. Because the Congressional Record is read by some of the most important policymakers in the United States I wish to bring this fact to public attention.

Mr. Speaker, at the conclusion of my remarks I include this article so that all Members of this House as well as the other body and concerned Americans everywhere will learn that Jersey City is on the move.

The article follows:

REBUILDING OF WATERFRONT—JERSEY CITY VENTURE

"As the Hudson River flows into New York Bay, the landscape adjoining the river is marked by extreme contrast," according to a report describing Jersey City's proposed $2 billion waterfront development plan.

"On the eastern shore is the powerful skyline of lower Manhattan's office buildings; to the west, the remains of a once thriving industrial area now characterized by rotted piers, half submerged barges and abandoned rail lines and obsolete loft buildings."

To resurrect the waterfront, once the lifehood of Jersey City, the city is about to embark on an ambitious venture which planners say will bring thousands of new jobs to this city, millions of dollars in new tax revenue and possibly as many as 60,000 new residents.

Planning Director Abraham Wallach said the proposed development will be done in three phases over the period of a decade.

"This is the biggest thing that has happened to Jersey City since the first railroad cut was made here to allow the railroad to come through Jersey City to New York," Wallach said.

Wallach, his predecessors and their staffs have been working on plans to revive the waterfront for more than eight years.

And Mayor Paul T. Jordan, since he took office last November, has given his encouragement to the plan, hoping the proposed waterfront renewal will be the shot in the arm this city of 260,000 people needs.

"This represents a crowning achievement for this administration," Jordan said this month when he signed a contract which will result in a $750,000 master study for the waterfront. The city will only pay about $50,000 of the study's costs, while the two developers will pay the bulk of the difference.

The two firms signing the agreement with the city, National Kinney Corp. and United Housing Foundation Inc., both of New York City, both have proven records in urban development, according to Jordan.

If the master study is adopted, Kinney will develop some 1,100 acres for industry and may also erect residential units on the riverfront site.

United Housing Foundation plans to build 20,000 middle and high income housing units on the remainder of the 2,200-acre site, which presently is owned by Jersey City, the federal government and several commercial interest.

GUIDING PRINCIPLES FOR RESPONSIBLE PACKAGING AND LABELING BOOKLET

HON. RICHARD G. SHOUP

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. SHOUP. Mr. Speaker, recently I received a copy of the booklet, "Guiding Principles for Responsible Packaging and Labeling" from the Secretary of Commerce, Peter Peterson. I circulated this publication throughout my office and asked each of my staff members to comment on its contents. This is what they had to say:

Jan Brooks, age 21, said:

It's about time the consumers knew exactly what they are buying.

Mrs. Pam Walters, age 25, commented:

Of course it's a sound idea, but I wonder how easily it will be for the manufacturer to follow through, and will they?

Roy Julian, age 34, expressed concern about the value of such an extensive effort and wondered whether the added costs will be worth it for the consumers.

Richard Deane, age 19, said:

Everything in this booklet I agree with, however, there are some points that I can't see that they are trying to get across. Overall this is a very meaningful booklet.

Sandy Thompson and Peggy Barta, both age 24, felt greater emphasis should be placed on the nutritional value of the foods. Both commented that our population is overweight and undernourished. Sandy recommended that nutritional tables should be included on more products, written in terms the average shopper can understand. She added that caloric values should be clearly indicated. She felt the current information is too incomplete and technical.

Rudy Honkala, age 52, also felt some of the language was too technical and said he felt there is a lot of material for the shopper to digest on a package.

Jim Redmond, age 26, said:

Let the buyer beware.

He feels it is the buyer's responsibility to insure they get a good deal.

Mike Kilroy, age 24, said:

It is a good idea but listed two things to watch out for: 1. All information put down must be done in such a manner that it can be understood. 2. Shouldn't have so much stuff that shoppers won't bother reading.

Pam DeGroot, age 24, said emphasis should be placed on nutritive value and that it should be easily understood by the consumer. She said:

Then it should be enforced.

As you can see, this packaging and labeling issue is met with differing reactions, even by my staff. I recommend that the Department of Commerce carefully consider the comments of my staff.

IRANIAN ARMY FIGHTS IGNORANCE

HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. SIKES. Mr. Speaker, some years ago in Iran I was strongly impressed by the obvious efforts to improve living and working conditions of the people of that country. The Shah's program obviously is one which is intended to help the populace as a whole. One of the programs in which I was most impressed is that of education. Iran recognizes the fact that it has far to go toward improvements in education and the elimination of illiteracy and is working hard for these goals.

I have noted in the September 1972 VFW magazine a very interesting article on this subject. It is entitled "Iranian Army Fights Ignorance." The article, by Stella Margold, a U.N. correspondent, spells out the manner in which the military services are contributing toward bringing knowledge to the ignorant and enriching the lives of millions, particularly at the village level. It is well worth reprinting in the RECORD:

IRANIAN ARMY FIGHTS IGNORANCE

(By Stella Margold)

Iran's increasingly important role in free world defense actuated by Britain's withdrawal from "east of Suez" and her vast oil reserves have focused international attention on that Middle Eastern nation.

Indicative of Iran's heightened prestige was President Nixon's visit last spring to Tehran, the capital of what once was called Persia, after signing the arms limitation treaty in Moscow.

And last year Iran captured world attention when Shah Mohammed Reza Pahlavi presided over the 2,500th anniversary of the foundation of the Persian empire.

A veteran of the World War II Persian Gulf Command, which handled the shipment of lend-lease supplies through Iran to Russia, would be hard-pressed to recognize the new Tehran, with its Western-style traffic jams and the modern buildings built in the past few years.

But even more striking is the emphasis on education and the elimination of illiteracy that has gripped Iran for the past 10 years, ever since the Iranian army and ministry of education at the Shah's behest moved to bring learning to every corner of the country.

Iran's experience is solid evidence that a nation's armed forces can be used to good peaceful effect by benefiting the state they are pledged to defend through attacking some of its most pressing social problems.

Under Iran's "war on illiteracy," army training is combined with a program of combatting ignorance by providing Iranian peasants with knowledge of economics, politics, health, civic activities and worthwhile recreation.

Draftees who were 21 and high school graduates made up the first "literacy corps" personnel, but five years later in 1968 women of the same age and educational background were asked to volunteer for the service to expand it. Minimum age is now 18.

Besides enabling the draftees to help their less fortunate fellow citizens, the literacy corps gives them a chance to enter the teaching field fulltime after they leave the army and to further their own education.

When the program was begun after a national referendum, only 24% of the rural children went to school at all, even though 70% of Iran's 28 million population lived in 50,000 villages. Of the 24% only a fifth were girls. Rampant illiteracy in the past decade has been cut to 20%.

Only a fourth of Iranian teachers were assigned to rural areas after completing no more than the sixth grade, although the countryside accounts for 30% of the nation's production.

If any world leaders were aware of the problem and the need to bring their country into the 20th century, it was the Shah and his sister, Princess Ashraf, who have become internationally known for their advocacy of literacy and their cooperation with UNESCO in furthering education.

When the program began, army trainees were given military and education courses for four months before spending the next 14 working in the field. In May, 1963, the first 200 literacy corpsmen went off to the villages. In 1965 the training period was extended to six months and the service period to 18 months.

An innovation introduced in 1965 was the drafting and later commissioning of college graduates as school inspectors in villages. Before that inspectors were chosen from among top ranking high school graduates. Their enlisted grade depended on their school records and performance in training. The top 5% became first sergeants, for example.

The six months' basic training for the men consists of 711 hours of military subjects and 345 for educational and professional work in the villages, but the women receive only 144 hours of military training and 792 for their work with the peasants.

Besides teaching elementary subjects to the village children, corpsmen now work as agricultural extension agents, marketing program aides and advisors to farm co-ops. Then there are Boy Scout troops, with camping, handicrafts, education and recreation activities.

Both men and women in the corps set up small libraries, organize recreation for the townspeople, teach games, conduct physical education contests and lecture on health and sanitation.

Formerly the young men were sent to villages near their homes. Now they usually go to remote areas, and the girls are assigned to villages near cities and if possible, close to home. Girls also receive appointments in urban areas, especially where coeducation has been instituted. In the rural areas primary and secondary schools are coeducational.

So far 1,208 corpsmen and 3,808 corpswomen have been trained. Some 316 professors instruct them for the education program. At least 5,000 who have served in the corps are about to be placed in teaching jobs or will continue their education.

A program of advanced teacher training for outstanding corpsmen also was begun in 1965. Their year of study in the teachers' college at Karaj improves the quality of their rural education and means more money and a higher status. On Jan. 21, 1965, two hundred of the best corpsmen who completed their village service began the course at Karaj. Twenty nearby villages were selected as areas for practical field work. Students research specific problems and discuss them with village authorities to improve techniques in their handling. Results are passed on to field workers in the education corps. A 4,000-volume library at the school is stocked with texts on community development, rural sociology and education, all the result of this research.

After completion of the course, graduates become field supervisors in the education corps organization. The top 60 are selected for further study in rural primary education and may go on to study for doctorates in education in major universities abroad.

Another program is university study leading to a bachelor's degree. Each year 20 of the best corpsmen and corpswomen, after completion of service, are admitted to the university without taking the competitive entrance examinations required of high school graduates. They receive a stipend for maintenance and tuition while in school. Those who don't make this program or the one-year course at Karaj may take a university correspondence course. If their marks are good enough, they too may receive the bachelor's degree and a corresponding teaching promotion. In one respect, they are at an advantage because they can continue teaching while studying.

When schools are closed for the summer and the farmers and their children busy with harvesting, corpsmen usually go to an army center for additional military training.

Young men are so anxious to enter this army program that most of them volunteer before being drafted. In 1972 when only 200 were appointed there were a thousand applications. The total number of corpswomen in training this year is 1,200.

To keep records of the accomplishments of corpsmen and corpswomen, tests are given at the end of their training period. Results kept in the files of the research and evaluation section of the Ministry of Education are supplemented by the rating scales for evaluation of education and social effectiveness of the corpsmen and corpswomen. They are completed at every three- or four-month interval during their service. A final rating is arrived at when their service is concluded.

An annual allocation of $20,000 is given to the corpsmen and corpswomen who perform best in adult education, literacy training and rural development.

At first 80% of the corpsmen stayed on as teachers, but in recent years it has dropped to about 50%. All young women remain in education.

The literacy and social programs of the corpsmen and corpswomen have been a boon to the villages. In addition, thousands of formerly unemployed high school graduates who created political disturbances and engaged in destruction now take pride in contributing to one of the world's most constructive programs—one that has brought knowledge to the ignorant and enriched the lives of millions.

OBITUARY: THE NEWARK NEWS

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. HELSTOSKI. Mr. Speaker, it is always a time for reflection and sadness when we note the death of a great newspaper.

Such a newspaper was the Newark News, which closed its doors recently for the last time.

It takes a very talented and dedicated journalist to capture the essence of the demise of a once-great newspaper.

Such a journalist is Mr. Guy Savino, who recently wrote the obituary of the Newark News for the News Leader of Rutherford.

For more than 40 years Mr. Savino worked for the Newark News. During this time he became known as one of the most respected newspapermen in the New Jersey-New York area. His competentness, his thoroughness, his fairness and his completeness in reporting and writing are widely known and acclaimed.

Only a man like Mr. Savino, who had such love and dedication for his newspaper and his profession, could write such a poignant story on the Newark News, and I would like to share his story with my colleagues.

Mr. Speaker, the excellent article by Mr. Savino follows:

[From the Rutherford (N.J.) News Leader, Sept. 7, 1972]

OBITUARY: THE NEWARK NEWS

(By Guy Savino)

(NOTE.—Guy Savino, Lyndhurst newspaperman, joined the editorial staff of The Newark News on July 5, 1929. He spent the last 15 years as New York correspondent of the newspaper. On his vacation when the paper suspended publication August 31, Mr. Savino went directly to his New York office, cleaned out the accumulation of the years and wrote the following brief memoir for The Leader newspapers.)

On this finite planet everything has an end. Even newspapers. When The Newark News (an effort to dub it the Evening News never was successful) printed for the last time on August 31 I had been associated with it nearly half its 88 years, about two thirds of my own life.

I am not among those who bewail the passing of newspapers. They are, after all, but articles of commerce. Because of their nature they have a tendency to attract certain mythical qualities. Like mothers they appear to have an invulnerability and indestructibility in which children invest the only security they will ever know. Like mothers they are anything but invulnerable and indestructible.

In any event I am experienced in sopping up inky tears. It had been my duty to record the deaths of the Brooklyn Eagle, the Daily Mirror, the New York American, the World Telegram & Sun, the New York Journal and the New York Herald Tribune. Thus a newspaper in the death throes was no novelty.

What was shocking, however, was how little newspapermen themselves learned from the catastrophic flaws of their profession. In the past I had heard with great frequency: "The Groths would never let the Brooklyn Eagle die," "The Scripps Howard people would never let the World Telegram die," "The Hearsts would never give up their New York flagships, the Mirror, Journal and American," "Jock Whitney would never allow the Herald Tribune to go." And, of course, they did die.

Any wonder that I began to tremble when I listened to confident colleagues of mine on The Newark News say, "Media General and the Scudders will never let a newspaper as valuable as this newspaper pass."

The Newark News, like all the other journalistic ghosts that people the skies of the metropolitan area, had ceased to make money—a cardinal business sin. Yet the newspapermen who make their living by sounding alarums for others could not understand that they were challenging the most implacable and cruelest of all monsters when they tilted with a business running red ink.

Newspapermen disputing over a few dollars in salary is an exercise in direct futility. It is today one of the worst paid of professions. Even in New York where they have all but decimated the number of newspapers the reporters are not yet much above the scales of sanitationmen, policemen and firemen. Schoolteachers, of course, are on a scale far above the average newshawk. As for fringe benefits and job security—well, you have the example of the Newark News!

If a reporter does not have the dream of public service he is no reporter at all. For the more than 40 years I worked for the Newark News I was happy in the knowledge that I was indeed in the public service. I never expected to become rich: there had to be other returns. At The Newark News I found them.

This in largest measure was due to the type of operation developed and maintained by the Scudder family during the years of creation and greatness of the newspaper.

I loved The Newark News because it gave me free rein to work in my own way in what I considered the public interest. We uncovered scandals, the newspaper and I, with an unrestrained joy, convinced that somehow we were drafting in the course of life a path a little straighter, a little better for the public. We pursued the villains and commended the heroes. That all too often the heroes turned out to be villains was a hazard we joyfully risked. We realized without question the safest and surest edict in government is, "Turn the rascals out." This we succeeded in doing on innumerable occasions, even if the public weal never seemed the better for it.

I remember my first day at the News. I was a junior in college eagerly grasping the opportunity to hold a fulltime job with the newspaper. John H. Shields of North Arlington, then West Hudson and South Bergen editor, gave me a guided tour of the huge editorial floor and then of the mechanical department where the machines that converted the poetry of the writers into leaded plates for the presses were strewn about.

It seemed huge and it seemed permanent.

Far away and strange those days now seem. Yet The Newark News in my mind never grew smaller.

Splendid days flowed by without number. Murders, marriages, suicides, crime investigations, political campaigns on every level, theatrical personages, visiting potentates, the beginnings and demolitions of great public facilities, innovative planners, riots, the sampling of exotic foods and becoming privy to the secrets of great chefs—they made life a salad exciting moments.

It had to end, of course. Either the News or I would someday expire. The News died first.

But why this great newspaper had to die so soon is a riddle over which newspapermen will argue for years to come. That this vastly prestigious newspaper could be vanquished by the economic wars in just two years seems incredible.

A daily newspaper is like no other commercial product. Its life is an open book since it reports to the public day by day.

In the case of The Newark News history shows pretty clearly what happened. When Richard B. Scudder, publisher of the newspaper and one of the two sons of Edward W. Scudder who had inherited the News, was seized by the dream of recycling newsprint the first faint threat to the newspaper may have been sounded.

Dick Scudder, whose friendship I treasure and for whose courage, imagination and humaneness I have enormous respect, devoted a full two decades to making his dream come true. Today in Garfield stands the Garden State Paper Co., one of the most remarkable operations in American industry. In that plant Dick Scudder proved that it is possible to take old newsprint, scald it, rinse it, reconstitute it and make it re-useable on the high speed presses on which modern newspapers are printed.

Like the alchemists of old, Dick Scudder sought to convert dross into gold. But where the Merlins of the past failed, Dick Scudder succeeded.

Yet the genius which Dick Scudder poured into the newspaper mill was borrowed from The Newark News. Left to itself, the great newspaper glided slowly toward the brink.

The mechanical unions, taking advantage of the family feeling that was inherent in the entire Newark News structure cruelly battered the newspaper with uneconomic practices.

The news room did not do much better.

One man recalls telephoning the news room for the magazine editor.

"Oh," was the airy response, "he is in the South Pacific doing an article on the World War II battlefronts."

"Let me speak to the assistant editor," persisted the caller.

"Oh," the answer was, "he is in Antarctica doing a special story."

The amount of wasted effort and money on inconsequentials when the newspaper should have been fighting for its life was difficult to believe.

At one time there was an effort to do some belt tightening. The editorial staff, then at 200, was considered far and above what was ample, particularly since the rival Star Ledger operated with a quarter of that number. "No more," went out the order.

Yet when next a check was made 23 new reporters had been added.

It was common gossip that the Newark News mailroom had more employees than the rival Star Ledger allowed on its printing floor.

The Scudders' sale of the newspaper and the Garden State Paper Co. to Media General, a Richmond, Va., communications conglomerate, should have been a signal for caution and hope.

Caution that the conglomerate would be zealous in its pursuit of profit and loss figures but hope that new management could do the pruning and the tightening up that the old, comfortable, friendly owners could not.

What the future would have been had the Newspaper Guild not organized and struck the newspaper no one can say. Certainly the old days could not be recalled. The deterioration of Newark, once the hub of the state, was a tragic blow. The disappearance of the railroads, once the main source of suburban support for the News, was another blow. The growth of the great shopping centers and their reliance upon the small, suburban newspapers for advertising coverage provided more sharp competition.

Inflation, the most insidious of economic enemies, is a destructive disease in any business: for a loosely run ship it is deadly. It proved so at the Newark News.

Then, too, Newark was saddled with two competitive newspapers. New York, far bigger, far richer, is barely supporting three—and if by next week there were only two it would surprise no newspaperman.

The position of The Newark News was perilous in the extreme. Yet anybody could be forgiven for believing the product was imperishable.

An unforgettable vignette should be described to help complete this little piece.

I was at my desk one morning early in my career at the News when above me sounded a small, chirpy voice, like a squirrel chewing through a nut. Looking sidewise I saw a baggy, unpressed pair of trousers, alongside of which leaned an umbrella.

Looking up I peered into one of the kindest, finest, most remarkable faces I have ever witnessed. It was a pouchy face, lined and full of the greatest good will any face could vousache. There were a pair of dancing eyes, curious and joyous and above them a shock of white-gray hair.

I knew without ever having seen him before that it was Howard R. Garis, creator of the Uncle Wiggily stories and hundreds of children's books.

"I'm coming back, Arthur," Howard Garis was saying to Arthur Sinnott, editor of the Newark News. "I'm never going away again."

Like so many others Howard Garis's fortune had been swept away by the Wall Street crash. He was returning to the work-a-day world. But it was without a whimper.

And Arthur Sinnott understandingly clapped Howard Garis on the shoulder.

"There will always be a home for you here, Howard," he said confidently.

But, of course, Howard Garis, who best epitomized the magnificient spirit and decency of The Newark News, did go away again.

And Arthur Sinnott and many, many fine newspapermen who wrote their hearts and their souls into the fibers of the newspaper and into the bone and sinew of New Jersey have gone away.

And now The Newark News has gone away.

TRANSCRIPT OF HEARINGS ON JUNIOR VILLAGE AVAILABLE

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. JACOBS. Mr. Speaker, I wish to inform my colleagues that a complete transcript of the ad hoc hearings on Junior Village, held in January 1971, is in my office for anyone to consult.

In considering how to make this available to the Congress and the public, I requested an estimate of the cost to taxpayers of placing this transcript in the CONGRESSIONAL RECORD. And the Government Printing Office estimates such cost to be as much as $8,500.

Hence, my mention here, and a sincere invitation to anyone interested in perusing this information which bears importance for those children directly involved—and, perhaps, the Nation, in its struggle with the problems of raising "a new generation of Americans."

ED'S 59,000 BOYS

HON. JOHN J. FLYNT, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. FLYNT. Mr. Speaker, on August 31, 1972, my dear friend, Mr. Ed Jensen, retired from the Georgia State Department of Veterans Services after 25 years of dedicated and effective service. Over the past quarter of a century, Mr. Jensen has given unselfishly and untiringly of himself in behalf of Georgia veterans and their dependents.

The September 5 edition of the Macon News carried an article by editor Joseph Parham which ably expresses the feelings of all of those who have been associated with Ed over the years. This fine tribute to Mr. Jensen and to his valuable service follows:

ED'S 59,000 BOYS

(By Joseph Parham)

His eyes smiled at the memory. "Sure, nine years ago it was this September. Jimmy Powers was national commander of the American Legion and we had all gone to Miami Beach for his convention."

The tall, skinny man slapped his knee. "That Fountainebleau Hotel was something else, wasn't it?" I had been there, too, covering the convention, so we reminisced. That's where I first got to know Ed Jensen.

Ed retired last Thursday, 27 years to the day since he went to work for the State Veterans Service Department on Sept. 1, 1945. I had asked him by my office to talk about what the job had meant to him.

For one thing, it meant feeling like a big and powerful sergeant when he was able to do something to help his veterans, but also feeling low as the newest recruit when, as sometimes happened, a veteran had a problem and Ed Jensen couldn't solve it.

Jensen, who served in the Navy in World War II himself, had a lot of veterans to look after. As manager of the Macon office, he had 11 Middle Georgia counties—Bibb, Houston, Peach, Monroe, Crawford, Lamar, Jones, Wilkinson, Twiggs, Pulaski and Bleckley—under his supervision. In that area are about 59,000 veterans. They come from a variety of wars: WW I, WW II, Korea, Vietnam. But the last Spanish American War veteran, Macon businessman Bill Hunt's father, died this year.

AN EPILEPSY PROBLEM

Nothing was too much trouble for Ed. File claims for disability compensations or for non-service connected disability pensions, death claims for widows and children, VA insurance problems, state hospital forms, jobs for vets, lost discharge papers or other forms, education for ex-GIs, files to change undesirable discharge status so a veteran can get a job (Ed's particularly proud that he was successful there 58 per cent of the time). Jensen took them all in stride.

An Eagle Scout when he was a boy, Jensen took to the military. He knew the Morse Code and how to read the stars at night, so the Navy was his dish. But a 1944 service accident caused brain injury and gave him an epilepsy problem. He feels, however, that anyone with epilepsy can find something to do.

He ran the Forsyth office of the State Veterans Service until the early sixties. When Powers was elected Bibb County tax commissioner Jensen took over the Macon office. But he still lived in Forsyth where he had raised a son and daughter of his own and two foster children.

NOT ENOUGH JOBS

About 1,500 veterans of the Vietnam War are now in various colleges in this area, but Jensen feels they aren't getting enough help from Uncle Sam while they try to complete their schooling. $175 a month for a single man. $205 if one dependent. $230 for two dependents and $13 for each additional child. "Not enough," says Ed. "They can't make it so they go to school awhile and then have to work awhile."

Finding jobs for his boys was Jensen's biggest headache. "Employment for Vietnam veterans is a real problem," he says. "We can't find enough jobs for them around here so we have to send a lot to Atlanta to work there." He found vocational training very helpful and at one time had 1,684 men in Bibb Tech.

What's the problem? They don't have the proper training or education. Most of these boys went right out of high school and served two or four years in the Army. Ed Jensen shakes his head sadly. "They don't know how to do anything but kill an enemy efficiently."

WHAT HATH MAN WROUGHT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. MAZZOLI. Mr. Speaker, I think it appropriate that we all read—and meditate upon—the following editorial written 27 years ago by the distinguished journalist, David Lawrence.

Last month, U.S. News & World Report reprinted this provocative editorial with a brief, updating postscript by Lawrence. It appears under the headline, "What Hath Man Wrought!" Lamentably, Mr. Speaker, in view of the continued warfare in Southeast Asia, we must today—27 years after Hiroshima—ask ourselves again, "What Hath Man Wrought."

I insert this important message in the RECORD:

WHAT HATH MAN WROUGHT!

(By David Lawrence)

NOTE.—Twenty-seven years ago—on August 6, 1945—the first atomic bomb was dropped on Japan. This editorial was written a few days afterwards and appeared in the issue of August 17, 1945.

Man has at last brought forth a weapon that reduces war to an absurdity.

Man has discovered that a means of destroying whole nations is available out of the minerals of the earth and that no people can hope to remain secure against the atomic bombs of another people no matter how distant one country may be from the other.

A single airplane riding high in the stratosphere, unobserved and undetected because of its great speed, propelled by this new energy, can appear suddenly over London or Washington or Detroit or Pittsburgh or any city in a peaceful area and destroy human lives by the hundreds of thousands in just a few seconds.

No longer are armies and navies or even air forces by themselves an adequate defense.

Peoples throughout the world feel an unprecedented urge to find ways and means of avoiding war. We have been brought face to face with stark reality—that wars cannot hereafter be tolerated and that peoples must never again allow one-man governments to exploit them and drive them into war.

Greater than the atomic bomb itself is the challenge to man to rise above this new means of world suicide and to implant throughout the human race an understanding of the futility of combat and the need for removal of the basic causes of international friction.

IS THIS "CIVILIZATION"?

God did not provide this new weapon of terror. Man made it himself with the God-given brains and skill of the scientist. Previously other weapons like the submarine and the airplane had been introduced. We were permitted to defy the laws of gravity and fly through the air and we were permitted to move men and supplies under water. But man turned those inventions into methods of carrying on warfare more intensive and more terrible than ever.

A few decades ago man did not think it fair or sportsmanlike to attack noncombatants. War was reserved for armies and navies. Civilians behind the lines were immune. At the beginning of World War II we were horrified to see the German air forces murdering civilians in Warsaw and later at Rotterdam.

Then came reprisals. The single action of a German maniac—who, by skillful propaganda appealing to those in economic distress, had seized possession of the minds and energies of a whole people and had directed them along the paths of revenge and brutality—caused other nations to follow suit and bomb cities.

We—the great, idealistic, humane democracies, on the so-called civilized side—began bombing men, women and children in Germany. Last week we reached the climax—we destroyed tens of thousands of civilians in two Japanese cities with the new atomic bomb.

A DANGEROUS PRECEDENT

Perhaps these many thousands of Japanese men, women and children who were blown to bits by the atomic bombs may not have died in vain. Perhaps somewhere on this earth a scientific experiment of the magnitude we have just witnessed had to be tried and the reaction of all mankind had to be invoked to impress everybody with the indescribable horror of man's latest achievement.

Yet we had already been winning the war against Japan. Our highest officials have known for some time that Russia was planning to enter the war in the Far East as soon after V-E Day as she could deploy her troops and supplies over the long stretches of the Trans-Siberian Railroad.

The surrender of Japan has been inevitable for weeks. It has come now as anticipated. We can rejoice that hostilities are to cease at last. But we shall not soon purge ourselves of the feeling of guilt which prevails among us. Military necessity will be our constant cry in answer to criticism, but it will never erase from our minds the simple truth that we, of all civilized nations, though hesitating to use poison gas, did not hesitate to employ the most destructive weapon of all times indiscriminately against men, women and children. What a precedent for the future we have furnished to other nations even less concerned than we with scruples or ideals!

Our guilt is also the guilt of all mankind which failed to find a way to prevent war. The dispatches say Germany was working feverishly along the same scientific road and that Hitler would not have hesitated to use such a weapon against Britain. But Hitler has been killed and Germany has been beaten. Could an announcement of the tests of the atomic bomb made in New Mexico recently have been used as a dramatic means of persuading the Japanese militarists to release their people and surrender?

Surely we cannot be proud of what we have done. If we state our inner thoughts honestly, we are ashamed of it. We can justify the bombing as a means of saving precious American lives and shortening the war. Yet we cannot suppress the wish that, since we lately had been warning the people of Japan against air attack on certain cities, we might have warned them against staying in the specific area where we first wished to demonstrate the destruction that could ensue from the continued use of the atomic bomb.

All the world knows that the secrets of the atomic bomb cannot long be withheld from the scientists of nations large and small. The tiniest nation with a laboratory and certain raw materials will have a weapon that can be used to destroy its neighbors.

All nations thus will in time become equal in potential strength. The weak will stand alongside the strong demanding new respect and new consideration.

The Charter of the United Nations furnishes now an even more timely means of collaboration by all nations, large and small. New responsibility has been imposed on the larger nations which at the moment can so readily manufacture atomic bombs.

But we shall miss the entire significance of the new discoveries if we do not apply a spiritual interpretation. It is man and not God who must assume responsibility for this devilish weapon. Perhaps He is reminding all of us that man-made weapons can, if their use is unrestrained, destroy civilization, and that man still has the chance to choose between the destructive and constructive use of the findings of science.

A CHALLENGE TO MANKIND

What will man say to this? Will he foolishly toy with the new weapon, build huge factories, and husband supplies of atomic energy against potential enemies? Or will man see that at last there must be the greatest surrender that has been known from the beginning of time—a surrender to reason and the processes of tolerance and forbearance, a surrender to unselfishness and self-restraint, a surrender to conscience and the will of God as the only way to survive in this world?

Will man see at last how he has been exploited by the seekers of so-called glory, the power-mad militarists and domineering egotists who get possession of the reins of government, sometimes by constitutional and sometimes by unconstitutional means, while craven, submissive persons sit by and follow a course of what they deem to be individual safety?

The challenge of the atomic bomb, therefore, is plain. Since individual security can vanish in an instant, peoples everywhere must organize their national life so that no ruler anywhere, by using specious pretexts, by suppressing or intimidating the press or the radio, can seize military control of a government.

Peoples must be alert to maintain peace. Peoples must exercise the power that belongs inherently to them and must reason with each other through free governments and God-controlled statesmen.

A WORLD OF LAW AND MORALS

The adjudication of all disputes and controversies must hereafter be submitted to tribunals and courts of justice. Man must see that only in the philosophy of Moses and Jesus, Mohammed and Confucius, who have sought in their time to teach billions of persons a universal goodness, can there be an elevation of man from the nadir of his brutality to the lofty heights that so long have been the goal of a righteous civilization.

The world of tomorrow must be a world of law and morals. Centuries of exhortation have in vain sought the same result. The world has intermittently listened. Now the world must listen incessantly or be destroyed.

There must be peace on earth and good will between factions inside nations as well as between nations themselves. Conflicts between religious sects and races must end so that our spiritual energies can be concentrated on a common purpose—the achievement of a real brotherhood of man.

For at last it has been demonstrated to all of us that only by following His guidance in our daily conduct as individuals and as nations can we hope to fulfill our true mission as the children of God on earth. It is the only road left now—the road of mutual forbearance. It is the way to survival and human happiness.

REPORT TO CONSTITUENCY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. CLAY. Mr. Speaker, it is common House practice for Members to report to their constituents. As the 92d Congress draws to a close, I am referring to constituents of the First District, this summary of positions I have taken on the major issues which have come before the 92d Congress.

During this term of office, I have corresponded with many First District constituents assisting in problems involving agencies of the Federal Government and responding to their questions and comments relating to national affairs.

Mr. Speaker, I have strived always to make my stand on the issues clear and to articulate them at the national level and to report to my constituency on a regular basis.

I hope that the following summary touches on some of the matters which are of primary importance and interest to my constituency:

SUMMARY

ECONOMY

Any talk about an economic recovery must be weighed against the economic disaster which finally and belatedly provoked the President to use the wage-price control authority given him by Congress four years ago. It was not until inflation was compounded by a severe recession that the Administration acknowledged any real problem in the economy.

The controversy over the new "game plan" related to the application of those controls over the past two years. I have opposed the policy whereby the working man who suffered the most severe damage in 1969–70 was forced to "sacrifice" even more in 1971–72. At the same time, the new policy brought a bonanza for big business and corporate interests who were rewarded by federal giveaways. It is senseless to give vested monied interests more money while telling the average citizens he has no choice but to tighten his belt. Under this policy, the rich have gotten richer and the poor have gotten poorer in the true sense of the word.

The problems of this economy were not inherited. We need only look back at an inflation which was "uncomfortable" and compare it to the inflation which became "unbearable"—an inflation and a recession simultaneously.

Food costs and prices

What the consumer could buy in 1968 for $104.00 now costs him $125.00 in 1972. The consumer price index is up 20 points from the 1968 average.

I cannot comply with the request for optimism towards the economy when food costs in July, 1972 (latest figures available at this writing) are 13% higher than they were in July, 1971. I don't believe things are going to get better just because we "think and talk" about things getting better. If relief is coming, it hasn't shown its face to the American housewife who is trying to feed her family "frozen wages."

Unemployment

If the working man has anything to be thankful for, it is that he has a job. I have taken strong issue with a policy which took a 20 year low-unemployment rate of 3.3 percent and raised it to 6.2 percent. In July, 1972, the unemployment rate stood at 5.5%.

These figures don't reflect the real tragedy of jobless Americans. The figures, themselves, do not take into account the people who have given up looking for jobs. The loss of hope for the families who have suffered unemployment cannot be measured in numbers and the veterans' bitterness toward a government which returned him to a nation where he could not find employment, cannot be told in statistics. The country suffers deeply whenever any American cannot sustain his family or contribute to the productivity of our society.

I maintain that a government which finds high unemployment "tolerable or acceptable" does not represent or serve the people. The callousness of this Administration toward the human tragedy of unemployment is unconscionable.

I have supported legislation for public service employment of the jobless and other emergency relief measures to combat the problem. These efforts—in comprehensive forms—were defeated by Administration opposition.

Taxes

Middle income Americans have continued to suffer along with the poor. Since January, 1971, property taxes have risen 14.3 percent as of May, 1972. The tax Reform Act of 1969 was opposed by this Administration and the result was a watered down version of what might have been with Executive cooperation and support. Nevertheless, it did bring tax relief to working Americans—if only temporary.

During the 92nd Congress, the President asked and received approval of his recommended Revenue Act of 1971 which was a part of his total economic reform package. This law gave corporations the largest tax cut in history, a 20% reduction which cost the taxpayers $8 billion. This giveaway was financed by postponing welfare reform and revenue sharing. The tax break was accompanied by other investment "incentives" for big business.

This measure is largely responsible for the increase in corporate profits and we are told that they will someday "trickle down" into the pockets of the working man. It is my view that the pockets of the working man will be ridden with holes before we realize any such benefits and that an effort to stimulate the economy at its broad base would have been more expedient, more equitable and more humane.

I have, therefore, advocated and supported legislation to equalize the tax burden by closing the loopholes which enable the prosperous to continue to prosper in these very bad times. By eliminating special tax advantages, federal tax revenues could be increased by an estimated $77 billion—and the uses for that savings are limitless. But tax reform during the 92nd Congress again took the back seat to "tax breaks and tax incentives for the tax-evaders."

DEFENSE

The Congress has scored some success through its increased scrutiny of the defense budget. The cuts we have made are modest compared to total defense spending which still reaps more than half the money over which Congress has annual appropriation authority. Cost overruns for the Department of Defense are infamous and the production of virtually useless and obsolete arms and weaponry continues.

Vietnam

Our involvement in the tragic conflict in S.E. Asia is immoral, illegal and insane. Before this President finishes his term of office, he will have been "winding down the war" for longer than it took us to fight WW II. Vietnamization was a sham and the corrupt government of the Thieu-Ky regime has shamed the honor of all Americans. There is no position of honor for this country until every American, including our POW's, are out of SE Asia. I have supported all legislation to curtail funding and to set a withdrawal date for American involvement.

THE FUNCTIONING OF GOVERNMENT

Secrecy, scandal, and truth

We have learned over the past two years, it is not enough to "expect" truth from government. The Pentagon papers, the ITT affair, the CBS expose on the Pentagon, and the war in Vietnam are some of the subjects which have provoked an outrage from the White House threatening "freedom of the press." The people are justifiably outraged by the facts which have been made public by the press. The White House penchant for secrecy and surprise is not consistent with the concept or practice of a free government for a free people. The government must not be given an opportunity to censor the news or to hide the truth about American policy from the American public. The electorate has the right to know and is right in insisting upon it. Those who inform the public of the truth should not be punished in a free society. This is a real threat to our security, an insult to our intelligence and a challenge we must not overlook.

Balance of power

The traditional separation and balance of power has been an issue during the 92nd Congress. The Executive branch, though it is the highest office of the land, must respond to and abide by those powers and responsibilities delegated to the legislative and judicial branches.

Instead, the White House has taken unprecedented issue with the Supreme Court by proclaiming that court rulings are not binding which say that busing may or must be used to desegregate the schools of the Nation. As a result, the persistent efforts of elements in the Congress traditionally opposed to integration have found support from the Chief Executive sufficient to set civil rights back by fifty years.

Veto and impoundment

The President found an effective way to circumvent the Congress on the priorities issue. When the President decides not to drop an outright "veto" on congressional appropriations, he can "impound" the funds. By revamping the President's Office of the Budget, there is now an Office of Management and Budget which passes judgment on every penny actually spent by the federal government.

This Administration impounded more than $1 billion funds last year rather than to spend this amount which the Congress had appropriated for domestic programs to benefit the country. Since the Congress does consist of members who were elected to represent and to legislate for the general welfare of the people, and I count myself among those who insist that monies appropriated to finance programs of public policy be spent accordingly.

ON THE HOME FRONT

Social security

There are 20 million Americans over 65 years old or 10% of the population whose needs and rights have been sadly neglected by public policy. Approximately one out of every four aged couples has income below $3,000 or less than $60 per week. Aged women living alone have a median income of only $1,888 annually. These people have every reason to feel they are not receiving a fair share from an economy they worked years to support.

The individual cases of hardship among the elderly are cruel and they are brought to my attention every day of the week. I am gratified that these citizens are now organizing for representation in this society. We need a whole separate "bill of rights" for aged Americans to declare that they are, indeed, an integral and essential part of this society.

Efforts to include specific tax relief for the elderly in the President's Revenue Act of 1971 failed due to Administration opposition. The President also opposd the 20% increase in Social Security benefits and he signed the bill into the law against his wishes—probably because it was attached to the legislation granting him an increase in the public debt ceiling.

Social Security is not enough. I favor implementation of the recommendations made by the Conference on Aging which would address the employment, social, health and economic needs for the elderly.

Health care

I have advocated and support a program of national health care and services which will offer every American, regardless of his ability to pay, comprehensive services. When American families must sacrifice their way of life on the altar of medical bills, something is desperately wrong.

In this country, we not only can't afford to get sick—often we cannot even get the care and treatment required. There are too many sicknesses for which we have found no treatment—and the funds for finding the answers we need are totally inadequate. The United States trails 12 nations in infant mortality rates, six in maternal mortality rates, 17 in life expectancy for males and 10 in life expectancy for females. This unnecessary and steadily deteriorating condition of health care in the United States cannot be tolerated by a "developed" nation which takes pride in its ventures to the moon.

We have not even "begun to fight" this situation. We do not have the health manpower we need nor the facilities, nor are we able to deliver health services to the people in need. We still have a situation whereby the medical profession is dominated by people of wealth. Middle income students cannot afford to study medicine. The private insurer is obsolete in terms of giving Americans any sense of health security.

This is a system which must be drastically changed. It requires that we change the very structure and organization of the prevailing network of health care and facilities.

Penal reform

It is our responsibility to remove criminal elements from the society. It is not our responsibility to assume that every person convicted of crime is incorrigible. At the present time, we do not rehabilitate the criminal, we just exile him in an environment which can only generate or reinforce a pattern of behavior which deviates from the norm. There is no better testimony to the failure of our penal system than our ability to predict with accuracy that (60%)—check this figure—of the prisoners released will return to the cells of confinement.

It costs us far more to "keep" a prisoner than to practice rehabilitative efforts which have been advocated. These are people—not animals—and while they must pay a debt to society, that society must exercise humanity in administering justice. The present penal system not only defies criminal justice, but moral justice and human decency.

MICHAEL J. NORTON

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. WYMAN. Mr. Speaker, it was gratifying to me to note the recent announcement from the Acting Administrator of the General Services Administration that Michael J. Norton has been named Administrator of GSA's region 8 with headquarters in Denver. I have had numerous occasions to call upon "Mike" while he served as Director of Congressional Affairs for the agency and, more recently, as special assistant to the Deputy Administrator. He is an exceptionally responsible individual and I say to my colleagues from the States of Colorado, Wyoming, Utah, Montana, North Dakota, and South Dakota that they will benefit from having this able young man, who has performed in an exemplary manner in Washington for the past 4 years, assigned to the responsibility of operating as smoothly as possible this major governmental agency in their area. While I am sorry to see Mike leave the Nation's Capital, and I know that many of the Members join with me in this, I wish him well with his new responsibilities and I know that his fine service to both the House of Representatives and the Senate will reflect well upon his administrative duties in Denver.

Mr. Speaker, for those of my colleagues who have not already seen the GSA announcement, I am inserting a copy of the press release in the appendix of the RECORD for their consideration:

NORTON NAMED GSA REGIONAL ADMINISTRATOR

Michael J. Norton, 33, a high-level staff officer of the General Services Administration in Washington for more than three years, today was named Administrator of GSA's Region 8 with headquarters in Denver.

Arthur F. Sampson, national head of GSA, announced the appointment of Norton to direct the agency's activities in the six-state region that includes Montana, North and South Dakota, Wyoming, Utah and Colorado.

"Mike Norton has been a valuable asset, assisting in the development and implementation of agency policy, and in the area of Congressional relations," said Sampson. "I am confident he will perform well in this important regional responsibility."

Norton, who most recently was Special Assistant to the Deputy Administrator, has held several high-level positions with the agency, including Director of Congressional Affairs and Executive Assistant to the Assistant Administrator. Prior to joining GSA in April 1969, he was Legislative Officer in the Department of Agriculture.

Norton has a bachelor of arts degree in economics from Colgate University in Hamilton, New York, and a law degree from American University in Washington, D.C. He is affiliated with the Virginia State Bar Association and the American Bar Association.

A native of the region he will head, Norton was born in Brookings, South Dakota. He and his wife, Sharon, have two children. The family will move to Denver from Vienna, Virginia.

POLITICAL TRIALS IN CZECHOSLOVAKIA

HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. PATTEN. Mr. Speaker, I recently had brought to my attention an editorial from Americke Listy, a Czechoslovakian weekly, dealing with the political trials going on in Czechoslovakia at this time. Though we sometimes tend to take our system of justice for granted, it would do us well to reflect on the sad plight of those behind the Iron Curtain who are striving to live as free men. While we have a judicial system that is designed to protect us, these people are forced to exist under a system which considers the assertion of constitutional rights a crime.

I commend this editorial to my colleagues.

THE COURT IS IN SESSION

In the middle of summer Czechoslovak courts began to deal with several groups of reformists. The trials did not come exactly as a surprise; everybody was expecting them, but it seems that the ultraconservative Communist system lacks the manpower to prepare legal action against the "deviationists and rightist opportunists" fast and efficiently.

The old patterns dating back to the fifties cannot be followed exactly, for fear of antagonizing the Communist parties in the West, and so the political trials must be orchestrated at a lower key, without the spectacle of mass executions. There are, however, more ways to skin a cat. Psychological pressure and harassment can destroy a man just as effectively as the noose or long imprisonment, and that is the method applied against the defendants in the current trials in Prague.

Most of them are no strangers to Communist prisons. For example, Jiri Mueller, a student leader, was arrested for the first time during a demonstration in late 1967, during the twilight of Novotny's regime. Rudolf Battek, a sociologist and a former member of the Parliament, was in and out of the prison ever since the invasion. Prof. Ladislav Hejdanek, a philosopher, was arrested late last year together with his wife. She was later released on bail, but charges against her were not dropped and both she and her husband are subjected to grave psychological pressures, as is the family of Rev. Jaromir Dus, a Presbyterian minister—who is very ill and whose wife and two small children are without any support.

The "crime" of all these defendants consisted of their stressing the constitutional rights of Czechoslovak citizens before the elections in November last year. They said or wrote that every citizen has a right, but not a duty to vote; and furthermore, that a voter may support or oppose any candidate. This could be done by crossing out certain names on the list of candidates. However, under Husak's rule, it is a crime to repeat the words of the constitution and to advise citizens of their rights.

Such a crime is punishable, in the case of these defendants, by arbitrary sentences from a suspended sentence of 18 months to seven years at hard labor.

Another facet of the current trials is the exclusion of the public and of foreign press. Only the closest relatives and reporters from certain selected Czechoslovak Communist newspapers are admitted into the courtroom (this offers a comparison with the trials of Angela Davis or Daniel Ellsberg, both widely publicized and criticized in Czechoslovakia). The reason for this kind of secrecy is the lack of due process and particularly the lack of legal knowledge of the justices who are no match for the highly educated, intelligent and eloquent defendants, among whom are many members of the Communist Party, such as former ideologists and high Party officials, experts on Marx-Leninism, etc., brief individuals well prepared to argue their case—and to confuse with facts the dim-witted ultraconservative judges.

Four such trials are on the docket of Prague courts during July and August and more will follow as soon as the prosecution prepares its flimsy case against the reformists. The sentences are already prepared; as a matter of fact, they were ready to be delivered the day when the Soviet troops abruptly ended the Czechoslovak Spring.

RETIREMENT OF CHIEF HENRY GOUDY

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. WILLIAM D. FORD. Mr. Speaker, today I would like to pay tribute to Chief Henry "Hank" Goudy, who retired from his position as chief of the Wayne, Mich. Fire Department on July 1, 1972.

Chief Goudy's retirement marked the end of a distinguished and exemplary career of public service which spanned nearly half a century.

It began in 1926 when Henry Goudy, then only 15 years of age, served as a volunteer. Three years later, in 1929, he became a full-time fire fighter after his graduation from the Wayne Memorial High School.

He was appointed chief of the Wayne Fire Department in 1938 following the death of his father who served as Wayne's first fire chief, and he continued in that position for 34 consecutive years until his retirement on July 1.

Mr. Speaker, during his career, Chief Goudy witnessed and supervised the growth of the Wayne Fire Department from a two-man rural operation to a 19-man force complete with the most modern fire-fighting equipment available.

The citizens of the city of Wayne will always be indebted to Chief Goudy for his long years of dedicated public service. Earlier this year he was honored by the Michigan Legislature which passed a resolution in testimony of the high regard for him held by that legislative body.

Today I would like to extend my personal appreciation to Chief Henry Goudy, and I would like to thank him publicly on behalf of all the citizens of Wayne, for an honorable and most distinguished career of public service.

HONOR DUE A HERO

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. EILBERG. Mr. Speaker, on October 11 we will celebrate the great contribution made to freedom in America by Casimir Pulaski, who died fighting in the Revolutionary War.

Recently there has been a great upsurge in the recognition of the contributions by "ethnic" Americans to our Nation's history and culture.

However, in Philadelphia we have been aware of the debt our Nation owes to these people who have worked and fought to make America great. Our recognition of Pulaski's contributions dates back to 1897. Traditionally the festivities honoring this great freedom fighter are held on the first Sunday in October so this year it will be on October 1.

At this time I enter into the RECORD a chronicle of the Philadelphia Polish community's activities in honor of Pulaski. It was written by the Honorable Joseph S. Wnukowski, commissioner of the Philadelphia Department of Public Welfare, and it was published in "Gwiazda," Polish Star, on September 7:

HONOR DUE A HERO

(By Joseph Wnukowski)

Some years ago I did some research on the Pulaski Day Observances here in Philadelphia. It ended in a manuscript, which was never submitted for publication. Now that I need it, I cannot locate the manuscript, nor the notes of my research. And, wouldn't you know it, I need that material now.

For now is the moment to make an appeal to Polonia for participation in this year's Pulaski Day Parade—to make this year's observance of Pulaski Day the greatest ever, a day to add still brighter luster to our Polish image and cause.

Permit me, please, to trust to memory in my presentation of the facts.

FIRST PULASKI OBSERVANCE

Somewhere, I recall, I found a brief reference to a Pulaski Day Observance in 1897. There was no detail as to when, where or who was involved. Perhaps someone's archives or somebody's attic holds the history of that time. It would be a pity if this invaluable information were lost to posterity.

Records are silent as to follow up of such observances until the first years of the new twentieth century, and silent again until after World War I. In the intervening years between the two horrendous holocausts, there appears to have been local observances in the way of parades and the traditional Polish "Akademja" in our local Polish parishes. The largest of these, seemingly, in the Richmond area under the aegis of St. Adalbert's Parish in conjunction with area fraternal and patriotic groups. The route of such parades was faithfully chronicled in early issues of "Gwiazda", together with participants and speakers on the program. On one such occasion, festivities were conducted on Pulaski Pier, although, if memory serves me, this site was dedicated to Pulaski somewhat later, perhaps after modernization had been done.

It appears that in our own incomparable way of bickering, the growing unity of purpose in the Richmond area's observance and parade was emasculated by local petty jealousies. And then came World War II.

PULASKI PARADE MOVES TO CENTER CITY

Seemingly the Pulaski Day Observance was resurrected in the Richmond area again in 1945, although the records would seem to indicate a difference of opinion among the sponsors and supporters.

It was in 1946—again I wish I had my research notes in hand—that the first Pulaski Day Parade sponsored by Polish American Congress moved down the streets of Center City to Independence Hall. Casimir Przybylowski was the new parade's first Grand Marshal.

The 1973 parade, then, would be the 27th consecutive year of observance of Pulaski Day by Polonia under the aegis of Polish American Congress.

In that time, too, there appears to have been an interesting history of ups and downs. Through the late forties and early fifties, the observance hit its peak with the Pulaski Ball held after the parade and other official ceremonies at Independence Hall, growing in stature to the ultimate of Polonia's social function of the year. With time, the tail began to wag the dog. The parade came to lose its enthusiasm and excitement in the late fifties and early sixties. Bickering again reared its ugly head, and hair-dos and grooming for the Ball became more important than parade participation.

Somewhere in the mid-sixties, under the guts and guidance of Henry Wyszynski, there came a renascence—a resurrection, if you will, of the purpose and goals of the Pulaski Day Observance. The parade was returned to its prominence and through Wyszynski's efforts and fatigue even to a position of prestige, so that only a few years later Mayor Tate could say of it: "The greatest ethnic parade of all."

NEW PARADE IMAGE

Wyszynski was not alone. There were many in Polonia—too numerous to mention here—who gave of their time, talent and substance to make the parade into the beautiful spectacle it is.

In this way are traditions built, and culture is based on beautiful traditions. We, of Philadelphia's Polonia, have a beautiful thing going for us in the Pulaski Day Parade and the attendant ceremonies both at his statue behind the Art Museum and at Independence Hall. Many luminaries have graced our podium to add luster to our efforts. This year's guest, Major General Joseph E. Pieklik, Commanding General, U. S. Tank-Automotive Command, Warren, Mich., is no exception.

For the second year, our eminent architect, Joe Nowicki, is serving as Chairman of the Pulaski Day Observances. His indefatigable enthusiasm is both edification and inspiration to the men and women serving on the Pulaski Parade Committee. His hard work and the hard work of his committee people augurs to make this year's observance the most memorable ever.

I am honored to serve as Grand Marshal.

I call on all Polonia to join us in this our Polish cause. Support the parade. Participate in all the observances. Pulaski died for our freedom. Let's use the allowance of this freedom to honor him on Sunday, October 1st.

THE RUSSIAN GRAIN SALE HAS IMPROVED FARMERS PRICES

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. FINDLEY. Mr. Speaker, when all the political chaff over the Russian grain sale blows away, what remains is the hard vital fact that corn, wheat, and soybean prices are up.

Senator McGOVERN obviously is short on issues and is fishing furiously trying to come up with something smelly out of the Soviet grain purchases. He is doing so in mighty shallow waters, as absolutely no evidence of wrongdoing or impropriety has come to light.

Most farmers are astute businessmen and knowledgeable about trade matters. They recognize the billion-dollar business with the Soviet Union as a historic development that has had already immediate benefit to them, no matter when they sold their 1972 crop.

Wheat prices are up about 50 cents, corn is up about 25 cents, and soybeans are up about 25 to 30 cents over a year ago.

The grain sale to Russia is obviously moving our farmers substantially in the direction of getting their income in the marketplace, and away from such heavy dependence on Government payments.

Because sales of American grain abroad benefit all our Nation's farmers and the entire country, the wild and irresponsible charges of Senator McGOVERN and others should be retracted.

ARTHUR BREMER, THE COMMUNIST PLOT TO KILL GEORGE WALLACE

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. SCHMITZ. Mr. Speaker, today I held a press conference dealing with some outstanding investigative reporting done by Alan Stang of American Opinion magazine. As the article written by Mr. Stang deals with some facts not before made public on the matter of the attempted assassination of Gov. George Wallace, I wish to share the contents not only with my colleagues but with the American public. Mr. Stang is a former business editor for Prentice-Hall, a television writer, producer, and consultant. He has done extensive writing in the past for Mike Wallace's TV program as well as others. Mr. Stang is the author of two books, has a masters degree from Columbia University, and lectures widely in the field of education. The first half of the article is presented here. My esteemed colleague, JOHN ASHBROOK, of Ohio has kindly consented to insert the other half of Mr. Stang's article, titled, "Arthur Bremer, The Communist Plot To Kill George Wallace."

The article follows:

ARTHUR BREMER: THE COMMUNIST PLOT TO KILL GEORGE WALLACE

Assassination is becoming as American as apple pie, to paraphrase H. Rap Brown. Every four years we have a Presidential election, and at almost the same intervals the assassins burst from the crowds and do their work. In 1963, President John F. Kennedy was murdered. In 1968, the victims were his brother Bobby and Martin Luther King. In 1972, an assassin has come within a spinal cord of killing Governor George C. Wallace, and appears to have ended his political career, at least for a time. Indeed, assassination is becoming so routine that as the quadrennial national insanity approaches, one wonders who will be murdered.

And, as we have seen, the events that follow every assassination have been as formalized as Japanese theatre. Before the echo of the shots has completely died away, before anything whatever is known about the assassin, the "Liberal" press is screeching that he was a "lone fanatic." Somebody "in the know" says he was involved in "no conspiracy." A social worker reveals that he comes from a "broken home." And a psychiatrist explains that he may very well be schizoid, and that he did what he did because he is a failure with girls.

The attempt on the life of Governor Wallace followed the usual script. As usual, "there was no conspiracy." There never is. Arthur Herman Bremer was a "lone fanatic." His mother gave him an inferiority complex. He did what he did to become a Hollywood star. And as usual there is a psychiatrist, in this case Dr. David Abrahamsen, who has never met Arthur Bremer, but compares him as follows with the earlier assassins on the front page of the *New York Times* soon after the attempt: "There is a fantastic similarity. This man Bremer seems to have had much the same background. Looking broadly at the political assassin in our history, we see that he has always been a personal failure, an isolated human being, incapable of exhibiting genuine human relationships and possessing extraordinary ambitions that were out of proportion to his intellectual and emotional assets."

In other words: He's all mixed up.

Your correspondent has since gone into the underground for the facts, with a special AMERICAN OPINION investigating team, and the facts point inescapably to the following conclusions: The attempt to kill Governor George Wallace *was* a conspiracy. It was a *Communist* conspiracy. It could well involve agents of Communist China. And the Central Intelligence Agency might have had something to do with it. Here are the facts. Judge for yourself.

THE BACKGROUND

Arthur Herman Bremer was born in Milwaukee on August 21, 1950. He attended Kagel Elementary School, Walker Junior High, and on January 28, 1969, was graduated from South Division High School. That fall he took photography courses at Milwaukee Area Technical College, but dropped out. For a time, he worked as a *Milwaukee Journal* newsboy. On December 23, 1969, he went to work as a busboy at the Pieces of Eight restaurant. A few weeks later, he did not show up. Beginning in March of 1969, he worked Sunday mornings, off and on, also as a busboy, at the Milwaukee Athletic Club. And on September 1, 1970, he went to work at Story School as a part-time janitor's helper.

What does Arthur Bremer think? His boss at Story School was maintenance engineer Timothy Burns, with whom Bremer would talk from time to time. Bremer wanted all property divided equally, Burns recalls. Nobody should be allowed to have more than anyone else, Bremer said. "That's Socialism!" Burns remembers telling him. Indeed, in his living room some weeks after the shooting, Burns told us of Bremer: "He was some kind of Communist."

Then there is Paul V. Peterson, who taught Bremer in high school, and recalls that he was strongly in favor of Socialism. Indeed, says Peterson, the only time Bremer showed emotion was in defending Socialism. In March of 1972, Bremer wrote to Congressman Henry Reuss, asking him to cut the "goddamned military spending" and "get rid of the generals." In April of 1972, he paid $10 to join the American Civil Liberties Union, founded by the Communists for the original purpose of protecting revolutionaries who fell afoul of the law. On May 16, 1972, the day after the assassination attempt, an Associated Press reporter filed a dispatch which read in part: "A source close to the investigation said F.B.I. agents found evidence in Bremer's apartment that he was allied with 'left wing causes.' The evidence was mostly in handwritten notes scrawled on scraps of paper, the source said." And investigators found an issue of the *Black Panther* in Bremer's apartment. The *Black Panther* is published by the openly Communist Black Panther Party, and for years has recommended the murder of policemen.

Where did Bremer get these ideas? Conceivably during "Operation Jailbreak," when the Communist gang known as Students for a Democratic Society invaded Milwaukee high schools to propagandize and recruit. It is true, of course, that hundreds of thousands of other students share Bremer's beliefs, and yet have not participated in any conspiracy. Unfortunately, however, there is much more.

THE UNDERGROUND

One day in late 1968, in a street outside Marquette University, in Milwaukee, a young man who unfortunately must remain nameless, stood watching one of the endless Communist demonstrations that plague the area. Suddenly, he was hit hard in the head, by whom or by what he still does not know, and knocked to the ground. An automobile door opened. A man picked him up, pulled him in and patched him up. The man was from the Milwaukee Police Department and asked him to attend a Black Panther meeting, to report on the other people who were there. The young man did. He was asked to attend other Communist meetings for the same purpose, and did so. Then he began getting envelopes, containing money, in the mail. He had become a professional undercover agent for the Milwaukee Police Department. Later, he did the same work for the Federal Bureau of Narcotics and Dangerous Drugs.

Among his assignments for the Milwaukee Police Department was infiltration of the openly Communist S.D.S. He attended innumerable S.D.S. meetings as a member. And at "three or four" of them he saw a young gentleman he did not know at that time, but whom he now identifies as Arthur Herman Bremer. The undercover agent, a professional police observer, is "positive" of this. There is no doubt whatsoever in his mind. Indeed, on Page 7 you see a reproduction of his original intelligence notes on one such meeting, held in November of 1969, in which Bremer is Number 15 among the participants described.

Among the others, as you see, there were such luminaries as Mike McHale, who was responsible for security at the meeting. McHale has been a student at Marquette and secretary of the Revolutionary Youth Movement II, an S.D.S. faction, and lived until recently at 2001 West Michigan. His telephone number is 342-9549.

There was Art Heitzer, a well-known local revolutionary who runs the Red bookstore called "Rhubarb." There was Peggy Anderson, president of the M.U. campus chapter of S.D.S. There was a gentleman identified only as Dennis, from the University of Wisconsin-Milwaukee chapter of Weatherman, the other S.D.S. faction. There was Dismas Becker, a revolutionary Roman Catholic priest.

And there was a gentleman named Mike Cullen. Michael D. Cullen is no doubt the best known of them all, since he was one of the "Milwaukee 14" convicted of publicly burning draft records in that city. He was born in Ireland, and has been fighting deportation for years. He runs an indoctrination center known as the Casa Maria, also in the general Marquette University area. And he has powerful Communist Party contacts. In a recently published book (*A Time to Dance: The Mike Cullen Story*, Messenger Press), Mike explains as follows: "In our times, I see people like the Father Berrigans and the Father Groppis as real people who are making history, who are shaping destiny." Berrigan, of course, is a revolutionary priest. So is Groppi, who lives in Milwaukee, and who, for instance, attended the 1968 Communist Tri-Continental Congress in Montreal where he entertained girl friends.

Cullen explains that his own radicalization began when he went to Mass at St. Boniface Church, and heard Groppi "rap about injustice . . . the poverty of the city and the racism in the schools." Groppi and his pals apparently inspired Cullen to take the lead in the "Milwaukee 14" plot.

Observe that at the time the undercover agent did not know who Bremer was. There was no reason why he should. As you see, he wondered whether the new boy was a reporter from the *Marquette Tribune*, or whether he was a "PCI"—a potential criminal informant. By the next day, Thursday, as you see, he is writing that "if unknown male is PCI," he is "being covered" by McHale. And by Saturday, he is writing that the "new kid not *MU Trib*. McHale still on trial. . . ."

So Arthur Bremer, the future "lone fanatic"—who never knew anybody nor attended anything—was already getting the attention we are told he so craved.

Notice also on the same page of the notes that someone seems to be making explosives with gas, kerosene, and Duz detergent, and that the undercover agent writes as follows: "200 to be sent ahead with Crazy Dave to Chicago."

And along these lines it is interesting to note that this same undercover agent, along with some Communist Party members and Mike Cullen, attended an S.D.S. meeting late one night at which the participants were taught how to make anti-personnel fire bombs, the chemical content of which was designed to stick to the skin of police officers to ensure third-degree burns.

Now let's move ahead to an evening in July of 1971, when a federal agent, who also must remain unidentified, followed this same Mike Cullen from Casa Maria to the Midget Tavern on West Wells. The agent later filed a four-page intelligence report. You see that report reproduced on Page 11. As you see, Cullen entered the tavern and immediately joined someone else, who was already seated at the bar drinking beer. The other man "was approximately 21 years of age, stood 5'7'', 150 lbs., blond, and wearing dark framed glasses, a white short-sleeve pullover shirt and dark blue cotton wash pants . . . ." Cullen addressed him, using as a code name "The Don" or "The Dawn." The other addressed Cullen as "Mister Cullen." They began discussing the newspaper Cullen had brought from Casa Maria. Mike Cullen referred to himself in discussing it. After about an hour, a uniformed Milwaukee police officer entered the bar, and Cullen and his young friend went to the men's room in the rear, leaving the newspaper they had been discussing on a bar stool. The police officer left, and the federal agent took a look at the newspaper. It was a copy of the *Daily World*—official newspaper of the Communist Party—dated September 10, 1968.

So professional revolutionary Mike Cullen and his young friend were reading a Communist newspaper almost three years old!

You see the front page of that newspaper reproduced on Page 11. As you see, there is a picture of the "Milwaukee 14," the most prominent convict among whom is the ubiquitous Mike Cullen. And there is a headline: "George Wallace—The Tell-Tale Record." Indeed, the issue is filled with horror stories about Wallace.

Cullen and his young friend came back from the men's room and continued to talk. Cullen explained that "the Fascists are succeeding at their campaign to breed fear and doubt and distrust among the people," and that "Fascist war-mongers and hate-mongers like Humphrey and Wallace have plans for political prisoner camps for the black people." At this the younger man apparently became excited and said very loudly, "These pigs force the laborers to work for pennies," and force young people to choose between "murdering the third world people in their racist war" or going to prison. Cullen replied that "if I must go to prison it will be for trying to destroy Fascism in this country." He explained that "*being arrested is nothing to fear* but allowing Fascism to destroy the black and brown is something I fear greatly."

So Cullen was bragging about his own arrest record, in order to convince the younger man that he should not worry about being arrested.

Apparently, they went on for about another hour, discussing the usual Marxist jingoisms and, specifically . . . George C. Wallace. The younger man said he had been reading a great deal but was discouraged, because he wanted "to lead in the action, not just read about it." Cullen replied that the Panthers are very active in the revolution, but they also know the importance of study and reading.

So, what Cullen was doing, as we have seen, was to test his young companion's ideology, to instruct him—and to prepare him psychologically for some unknown "great deed."

And the young man he was preparing was Arthur Herman Bremer. Notice that Bremer was already using a code name, standard operating procedure in the Communist underground.

Intelligence collection is strange work. Things arrive in the mail with no return address, and there is no way of knowing who sent them. The telephone rings and someone whispers information, but you don't know who he is—and you don't ask. An agent posing as a revolutionary reports on another revolutionary for years, and then discovers that he, too, is an agent—and that they have been reporting each other. No one knows anyone else's real name. An agent works with another for years, but doesn't know for which agency he works. Meetings are arranged at night in dark places.

Late one night in July of 1972, we drove slowly into Whitnall Park, which serves Milwaukee. It was dark. It was quiet. Parked automobiles stood silently here and there on the road shoulders.

We passed a parked automobile familiar to my guide. He told us to stop. He got out and walked back along the shoulder to the waiting federal agent who had seen Bremer with Cullen. It was a scene straight from *The Godfather*. Footsteps returned, the doors opened and two men got in. So dark was it that although the federal agent sat next to me I could not identify him now. But I could see that he wore long hair and a head band, and appeared to be a typical "freak." All of this—his appearance and the circumstances of our meeting—was necessary in order to protect his cover.

How a man keeps going in his line of work, I don't know. He expressed disgust for his "style." He had just come from a "pot party" and would have to return soon. He spends all his time in the underground, and said he longs for the day he can quit. He maintains his surveillances and files his reports—about the revolutionaries who are trying to destroy our country—and the reports are filed again and forgotten. In city after city, and especially in Washington, D.C., padlocked cabinets sag with the weight of such files. But, as we all know, nothing much is done. One wonders why such agents are still asked to risk their lives.

He explained that immediately after the attempt to kill Wallace he had realized that Cullen's disciple at the Midget Tavern had been Bremer.

"How sure of that are you?" I asked.

"Quite sure," he said.

I played defense attorney and tried to shake him, but could not. Maybe F. Lee Bailey can. But I doubt it.

"Could somebody have put the idea in your mind?" I asked.

He chuckled. "I've been at this business a long time," he said.

"How sure are you that the other man was Cullen?"

The federal agent chuckled again and replied: "One hundred percent!"

"What did they talk about?" I asked.

"Wallace," he said. "Fascism, oppression—all that Leftwings * * *."

The expletive was incongruous, coming as it did from a "freak."

THE PREPARATION

In January of 1971, Bremer bought a .38-caliber revolver. On September 14, 1971, soon after his meeting with Cullen at the Midget Tavern, he bought a blue, two-door, 1967 Rambler. Jerry Stone, a mechanic at a service station Bremer patronized, recalls that Arthur Bremer's tires were "always bald." Bremer came in twice to change them, and was accompanied by a man Stone estimates as age twenty-four, standing 5'8'' and weighing about 150, wearing a brown leather jacket, a pony tail, and "looking like a freak." On one occasion a girl was with them. Bremer's friend had a green, 1960 Rambler, says Stone, which matches the description of a car Bremer's mother says she saw following him around. The car contained more than three young people, the mother says.

So Arthur Bremer, a certified "loner," apparently spent time with so many people he had little chance to be alone.

On October 15, 1971, Bremer rented Apartment 9 at 2433 West Michigan, within walking distance of the Midget Tavern. On November 18, 1971, Officer John Sworske of the Fox Point Police Department saw Bremer sitting in his car, parked in a No Parking zone on a street in Fox Point, at 9:45 p.m. Officer Sworske investigated and saw two boxes of bullets on the front seat, so he asked Bremer whether he had a gun. Bremer said he had, and that it was in his coat pocket; Sworske frisked him and found the .38 revolver. Bremer said he had been *target practicing*. Sworske arrested him on a charge of carrying a concealed weapon, the charge was reduced to disorderly conduct, and on December 8, 1971, Arthur Bremer was convicted. The police kept his gun.

Fox Point is a wealthy, northern suburb of Milwaukee, a long drive from Bremer's apartment. Why was he simply sitting there, with two boxes of bullets in view? Timothy Burns, Bremer's boss at Story School, told us that Bremer was very calculating. "He told you only what he wanted you to know." And Mrs. Alfred Pemrich, the mother of a girl Bremer dated, says the same thing in almost the same words. So we can be reasonably sure that the presence of two boxes of bullets in open view on Bremer's front seat (in a No Parking zone) was no accident; that for some reason he meant them to be in open view.

An undercover agent tells us that the incident may well have been a test—to determine whether Bremer was willing to be arrested.

On January 13, 1972, George Wallace announced his candidacy for the Democrat nomination for President of the United States. On the same day, Arthur Bremer bought another .38. On February 1, 1972, he didn't show up for work at Story School or at the Milwaukee Athletic Club.

In early April of 1972, Maurice Sarfaty, a Milwaukee automobile worker, and the president of a local gun club, was practicing as usual at the firing range in the basement of Flintrop's, a gun and sporting-goods store. It had to be a Tuesday night, because that is the night Mr. Sarfaty goes there. On that particular Tuesday night he was using lane one. His partner, William Brandt, was using lane five. Sarfaty noticed an unknown young man watching him. He said Sarfaty shot very well. The unknown young man was holding a box of the sort a pistol comes in when you buy it. He also was holding the pistol itself. It appeared to have a short barrel. With the young man's hand around it, Sarfaty could not tell exactly what type of handgun it was. He asked the young man how well he shot, and the reply was, "Not so good." Mr. Sarfaty told him that the reason might be the shortness of his barrel, and recommended that he trade in his pistol for one better suited to target shooting. The young man said he would "hang on to it."

Sarfaty says he was uneasy, because the unknown young man watched him so intently. Brandt says the young man had an "unusual, blank expression."

After the attempted assassination of Governor Wallace, Maurice Sarfaty realized that the unknown young man was Arthur Herman Bremer.

So Bremer, the "typically impulsive, lone fanatic," had already been practicing with his pistol for at least five months; at least since his arrest on November 18, 1971. By this time, he had also bought a nine-millimeter, fourteen-shot, semi-automatic Browning pistol at Flintrop's.

He also began to attend political rallies and to take extended trips. On March 1, 1972, he was at a Wallace organizational meeting at Milwaukee's Pfister Hotel. On March 23, 1972, he was at a $25 a plate dinner at the Downtowner, and at a Wallace Rally at the Milwaukee Auditorium. On April 3, 1972, he was at a Humphrey Rally at the Capitol Court shopping center in Milwaukee. On the next day, he was at a Wallace victory party in the ballroom of the Holiday Inn-Midtown.

On April 7 and 8, 1972, Bremer was registered at the Waldorf-Astoria Hotel in New York. On April 13 and 14, 1972, he was at the Lord Elgin Hotel in Ottawa. On the next three days, he was at the Sheraton Motor Inn in New Carrollton, Maryland. On May 10, 1972, he was at a Wallace Rally in Cadillac, Michigan. On the next day, wrote G. C. Thelen, Jr. and Dick Barnes of the Associated Press (May 19, 1972)), he was reportedly at a Wallace Rally in Landover, Maryland. On May 12 and 13, 1972, he was at the Reid Hotel in Kalamazoo, Michigan, for another Wallace Rally.

The *New York Times* reports (May 29, 1972) that at the Rally in Cadillac, Bremer "sat with a neatly dressed man of about 40. Newsmen familiar with Cadillac said that they did not recognize the man."

In Kalamazoo, Bremer waited all day in his car next to the armory where the Rally would take place. A policeman questioned him, but Bremer explained that he was waiting for a good seat. This time, there were no telltale boxes of bullets in view. When the doors opened, Bremer pushed his way in first, and took the aisle seat on the left in the front row of the unreserved seats—where Wallace would have to pass if he walked out the front doors of the armory. Dr. and Mrs. John A. Bleeker couldn't help noticing him. especially since Bremer wore a red, white, and blue striped shirt, open at the neck, with a red, white, and blue tie, knotted to the Adam's Apple. On Bremer's face was his usual, silly grin. Dr. Bleeker recalls that Bremer applauded only during the musical warm-up, and not at all during Governor Wallace's remarks.

There were fifty to seventy-five hecklers at the rally, banging chairs and shouting obscenities. One of them, a girl who was distributing leaflets, was the only person Bremer spoke to at the Rally. They talked cozily for several minutes. Dr. Bleeker went to them to see what she was handing out. It read in part: "George Wallace is the cutting-edge of the drive to turn America into a permanent military state. . . . Wallace pitches his appeal to phony patriotism and racism as well as 'against taxes' and the 'establishment.' Confederate flags with Nazi swastikas are his trademark. His friends include the Ku Klux Klan and the John Birch Society." *Et cetera* and so on.

The leaflet explained that for further information the reader should write to the Young Workers' Liberation League, in Grand Rapids. That one is the latest version of the Young Communist League, and is under the direct control of the Communist Party. Its head is Jarvis Tyner, the Party's Vice Presidential candidate this year.

"Do you believe this stuff?" Dr. Bleeker asked the girl.

"You bet I do," she said.

"Are you a Communist?"

"Yes, I am."

Her name turns out to be Laurie McNally, she is indeed a Y.W.L.L. Communist, and at last word she was in Florida, hunted by the F.B.I. Once again, she is the only person at the Kalamazoo Rally to whom Bremer talked, which makes 37,695 coincides in a row.

Because of the hecklers, security officials took Wallace out the back door. If they had not, it is possible that Bremer would have tried to kill him in Kalamazoo.

Because of all this traveling, the matter of Bremer's income and expenses becomes crucial. In all of 1971, Arthur Bremer earned $3,016.44 at his two part-time jobs. By way of withholding, the federal government takes $349.85 in income and F.I.C.A. taxes on that sum, which would have left him a total of $2,666.59. In 1972, as you will recall, he worked for only four weeks. He earned $315, or thereabout, and the federal government would have left him in the neighborhood of $287.22. Which means that from January 1, 1971, until his arrest almost eighteen months later, his entire spendable income was $2,953.81.

Let us compare that figure with what we know he spent in that time, and then make some educated guesses.

For instance, Arthur Bremer's rent on his apartment was $138.50 per month, plus $5.00 for the use of the parking lot in the rear, or $143.50. He rented it for seven months, so it cost him $1,004.50. His automobile cost him $795, and he paid for it in cash. The automatic cost him $114.50. Two .38s, at $80 each, comes to $160 even. The fine for his disorderly conduct conviction was $38.50. Avin Domnitz, his attorney in the matter, says that the amount of his legal fee is privileged information, but he does agree that Bremer paid a fee. Timothy Burns, Bremer's boss at Story School, says Bremer told him after his arrest that legal feels would cost him from $200 to $250, and there is no reason in this case to believe that Bremer was lying. Indeed, Burns expressed surprise when told what Bremer's rent was, because Bremer had told him he would never pay more than $80. So let us compromise and assume his legal fee was $225.

In addition, Bremer made three trips on the C. & O. ferry across Lake Michigan, on at least one of which trips he rented a room—which cost altogether in the neighborhood of $40. He flew to New York and back, which cost $120. He stayed for two nights at the Waldorf-Astoria, where the cheapest room is $28, which therefore cost him at least $56. At the Lord Elgin Hotel in Ottawa, the cheapest room is $15, so his two-day stay there cost him another $30. Let's assume that his three-day stay at the Sheraton in New Carrollton, Maryland, cost in the neighborhood of another $45. His two-day stay at the Reid Hotel in Kalamazoo probably cost another $20 or so. He paid $10 to join the American Civil Liberties Union. (It turned out to be wasted, because after his arrest the A.C.L.U. refused his request to defend him.) He paid another $50 or so, when his car stalled last winter. He paid at least $15 for bullets, and about the same in electric bills.

During the period we are examining, Bremer also bought a tape recorder, a portable radio with a police band, a pair of high-powered binoculars, and an unknown number of expensive cameras. (As I pressed my ear to her securely locked front door, his mother shouted to me through it that Arthur has those cameras in jail.) Let us assume conservatively that this technical hardware cost $150. Remember too that he had his own apartment for seven months or twenty-eight weeks: Let's assume, very conservatively as always, that he spent $10 a week for food or $280, which will probably cause you housewives to guffaw. Adding all this up produces a sum of expenditures of $3,168.50. And, as you will recall, he had but $2,953.81 available to spend.

From January 1, 1971, to October 15, 1971, Arthur Bremer had no car and lived at home with his parents. Let's assume they fed him free, and therefore that his only expenses during this period were for clothing, film, carfare to and from both his part-time jobs—and entertainment such as his beer-drinking party with Mike Cullen. Which means that he paid for all this, and, from October 15, 1971, to May 15, 1972, *seven months,* paid for clothing, beer, film, a date with Joan Pemrich, pornographic magazines—and the gasoline and oil necessary to drive his car thousands of miles throughout the East and to Canada—when he had already spent $214.69 more than he had.

Let me be the first to suggest that when Arthur Bremer is paroled, in fifteen years and nine months, he immediately be appointed Secretary of the Treasury. In fact, we can't wait that long. There is nothing in the Constitution to prevent his appointment now.*

Whom are the *New York Times* and its satellites trying to kid? The facts of Bremer's finances are good enough reason alone to assume that there was a conspiracy to assassinate George Wallace.

RESPONSE TO QUESTIONNAIRE

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mrs. GRASSO. Mr. Speaker, the responses of Sixth District residents to my second annual questionnaire reflect the deep interest and concern of the people of the district in national affairs.

In many instances, letters were included which provided additional insight in the dialogue on important issues before the Congress. I am grateful for the responses. They have been helpful to me in my service to the district. I am including in the RECORD a compilation of the views expressed for the benefit of my colleagues.

Over 11,000 questionnaires were returned by adults and high school students from throughout the district. Replies were received from 9,906 adults. The number of high school seniors responding to the poll totaled 1,104. The results of each poll were tabulated separately. Several questions were presented for each of seven major issues of concern to district residents. Answers were solicited in a "yes" or "no" format on such topics as Vietnam, wage/price controls, public school financing, amnesty, jobs, pensions, environment, busing, and equal educational opportunity.

On many questions both district adults and area high school seniors returned similar responses within a few percentage points. However, on several questions, differing views of young people and adults are evident.

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*As I write, he still must be tried on federal charges.

The complete results as tabulated follow:

[In percent]

	Adults		Youth	
	Yes	No	Yes	No
Wage/price contro's—Do you favor:				
1. Indefinite extension of phase II economic program	59	41	46	54
2. Immediate removal of wage and price controls	14	86	28	72
3. Stricter Government control of prices	73	27	70	30
4. Controls on profits to keep prices down	68	32	83	17
Vietnam—Do you favor:				
1. Latest Government policy in Vietnam including mining of North Vietnam ports	67	33	49	51
2. Small U.S. force remaining in Vietnam to assist South Vietnamese for indefinite period	38	62	30	70
3. Military and economic assistance to South Vietnam following U.S. troop withdrawal	56	44	48	52
Public school financing—Do you favor:				
1. Continued public school financing through property taxes	32	68	52	48
2. Switching burden of public school support from local to State financing	61	39	60	40
3. Substantial increase in Federal public school financing	65	35	69	31
4. Tax credit for parents of children in private schools	41	59	54	46
Amnesty—Do you favor:				
1. Blanket amnesty for draft evaders following end of war in Vietnam	16	84	59	41
2. Amnesty for draft evaders on condition alternative service is completed	51	49	51	49
3. Immediate amnesty for draft evaders	14	86	38	62
4. Review of each case by an amnesty board with provisions for appeal of decision	35	65	56	44
Jobs—Do you favor:				
1. Increased Federal funding for public service jobs in high unemployment areas	67	33	77	23
2. Lengthened duration of present Federal assistance for unemployment compensation	41	59	52	48
3. Substantial increase in federally funded public works projects to ease unemployment	72	28	81	19
Pensions—Do you favor:				
1. Minimum Federal standards for pension plans	75	25	56	44
2. Federal Insurance to protect private pension plans	71	29	71	29
3. Allowing workers to change jobs without losing pension credit in private plans	86	14	79	21
Environment—Do you favor:				
1. Taxing individuals and corporations who pollute our water and air	87	13	84	16
2. Environmental protection program regardless of cost	45	55	68	32
3. Environmental protection plan contingent on financial, social cost of antipollution program	71	29	68	32
4. Stricter Federal enforcement of laws requiring antipollution devices on automobiles	80	20	79	21
Busing and equal educational opportunity—Do you favor:				
1. Busing for the sole purpose of achieving racial balance within a school district	14	86	23	77
2. A moratorium on busing to achieve racial balance	55	45	36	64
3. Substantial increase in Federal funding to help provide equal educational opportunities for all students	76	24	87	13

A continuing dialog with the people of the Sixth District is a most important part of my job. Communication between constituent and Congressman is the key to good representation in Washington. This questionnaire has served its purpose well and I am grateful to those who shared with me their views on these important issues.

WHO ARE IRISH AMERICANS' REAL FRIENDS?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. WOLFF. Mr. Speaker, yesterday, here in the House, many Members participated in a 1-hour special order concerning five men who have spent 10 weeks in a Texas jail.

The plight of these five men has aroused the conscience of a great many Americans, concerned with the rights and liberties of individuals. As was said here yesterday, these men are not hardened criminals, they have no record of violating the law, they have never been charged with offenses against the State, yet they languish in prison.

I think this case represents a gross injustice and I intend to continue my efforts, along with those of other concerned Members of the House and the Senate, men and women of both parties, to free these five Irish-Americans.

In accord with that effort, Mr. Speaker, I insert in the RECORD a column from Wednesday's Newsday written by Jimmy Breslin. I commend its reading to every Member of the Congress:

WHO ARE IRISH AMERICANS' REAL FRIENDS?

(By Jimmy Breslin)

On June 28, Thomas Laffey left his wife, three children and home in Williston Park and flew to Fort Worth, Tex., for a second appearance before a federal grand jury investigating gun-running to Northern Ireland. With Laffey were four others from the New York area, Matthew Reilly, Kenneth Tierney, Daniel Crawford and Paschal Morahan.

None of the five ever had been to Texas before the grand jury began its hearings. The only connection any of them ever had with Texas was a letter Kenneth Tierney sent to Lyndon Johnson protesting the bombing of North Vietnam. Further, the idea of any authority in Texas, from town sheriff to federal government, even discussing the questions of guns seemed ludicrous. But Justice Department people at Fort Worth openly said they were acting after they had received a request in Washington by British authorities asking for help against the IRA. The Nixon government consistently sides with English requests. This is based on the sound theory that the Irish in America are too preoccupied, primarily with blacks, to care. Texas was chosen as the location for the inquiry because perhaps the last Catholic seen alive in the state was John Kennedy.

On the first day in court, defense attorney Frank Durkan became concerned when he found reporters from British newspapers already admitted to the hearing. There had been no official notification that the grand jury hearing concerned Northern Ireland. Government investigators then swore under oath that no illegal wiretapping had been done in the case. Later, in a brief, the U.S. attorney admitted an "overhear" of one of the defense lawyers. The government said, of course, this in no way prejudiced their case. After that, the government took the position that the "overhear" was an accepted aspect of the case and had nothing to do with current events.

Durkan then inquired about guarantees that the five New Yorkers could not be extradited to England on any possible charges coming out of the investigation. Tierney and Laffey are U.S. citizens, Laffey an Army veteran, and the three others all have filed declaration of intent to become citizens.

The government would take no position on the chances of any of the five being whisked out of the court and onto a plane for Belfast. Durkan wondered if the British newsmen actually were newsmen. The judge, a man named Brewster, became irritated. Mr. Durkan is of the Paul O'Dwyer law firm in Manhattan. The firm which defended the Berrigans. The judge referred to "lawyers of the type who would be sought by persons in serious trouble." The judge also said: "We are not going to make an Angela Davis fiasco out of it." Durkan advised his clients to take the Fifth Amendment in front of the grand jury. All were cited for contempt. Durkan requested bail. Brewster denied bail. He mentions the possibility of terrorists killing the five men. The judge had the five taken to a county jail, where they sat through the summer.

Tierney has a child in the hospital and Eileen Laffey took their oldest son, Phillip, 6, to school for the first time the other day. But before doing so she had to sit the boy down and tell him of the oldest and saddest and most common plight of the real Irish, a man in prison because of a government.

In Williston Park and in the neighborhoods the four others come from, nearly everybody with an Irish name is extremely cautious about any word or deed which might offend constituted authority. They have an irrational dislike for anyone who dares defy authority even by the slightest expressions.

But for months now, Eileen Laffey has been attending meetings of Irish-Americans and screaming about the government of the United States. Her complaints have caused discussion in Irish clubs for the first time about civil liberties and government oppression. Many Irishmen now see the Berrigans in a different light. Paul O'Dwyer says: "It took a loss of liberty by those we know to arouse many Irish. Now they see the most scandalous Justice Department since Harding."

Eileen Laffey says: "Sen. Kennedy and my congressman, Lester Wolff, and 20 congressmen had a meeting scheduled with somebody from the Justice Department and the man called up and canceled the meeting and my husband stays in jail. The Justice Department does whatever it pleases. People in the government steal millions. The Justice Department never catches anybody. All they can do is keep people with no money in jail. Like my husband."

And in Rockland County, the Rev. John J. Keaveney of St. Catherine's Roman Catholic Church wrote a letter to President Nixon which read:

"I'm writing to you about Matthew Reilly, a parishioner being held in jail in Fort Worth. What is disturbing about this to our politically conservative people is that we all heard charges in the media by people we consider 'radicals' that the United States is turning into a police state. We said: 'Well, they deserved it—it served the weirdos right.'

"But Matthew Reilly is no weirdo or 'fringe' person. He is a hard-working husband and father and church-going man. When we buried his infant son the whole community shared his grief.

"He may be found guilty of breaking laws. For which he should be punished. But when a man of his reputation is in jail without trial or prospect of trial and bail is denied, I and others wonder if the 'radicals' are really radicals at all—maybe injustices are being committed. Maybe everything in this country is not as fair as we thought."

The Supreme Court justice overseeing the Fort Worth district is Lewis Powell, a southerner and a Nixon appointee. Durkan's appeal for bail for his clients had to go through Powell, who turned it down, before Durkan could take it where he wanted to go in the first place, to Justice William O. Douglas. Ted Kennedy filed an *amicus curiae* (friend of the court brief) with Justice Douglas, who will examine the case this week.

"God, but we're learning who our friends are," Eileen Laffey said yesterday.

BUSING IN PRINCE GEORGES COUNTY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. HOGAN. Mr. Speaker, the Prince Georges County schools in my district have been involved in busing litigation since August 1971, when HEW initiated its administrative proceedings against the board of education. More recently, action in the U.S. District Court was initiated by litigants supported by the National Association for the Advancement of Colored People and the American Civil Liberties Union. Both the Department of Health, Education, and Welfare and the district court actions are pending at the present time.

The Prince Georges County school system is the 10th largest in the Nation. The governing body is the board of education which was headed for most of the period of litigation by A. James Golato. We who are involved in school matters hold Mr. Golato in high regard. However, the Washington Post in its editorial of August 23, 1972, infers that the school governing body is "a weak and indecisive board" and that "the vociferous Mr. Golato" offers their followers "profoundly misleading explanations" of busing litigation.

I think it only fair that others have the opportunity of reading Mr. Golato's remarks and determining for themselves whether the Post's statement is accurate.

The remarks of Mr. Golato follow:

STATEMENT IN OPPOSITION TO BUSING FOR RACIAL BALANCE BY A. JAMES GOLATO

I am opposed—and always have been opposed—to deliberate official segregation and discrimination on account of race, creed, or color.

My conscience therefore requires that I be consistent with those moral positions on segregation and discrimination by voting against any scheme to deliberately and officially assign students to any particular school solely because of race, creed, or color.

I do not wish to revive what civil rights leaders sought so long to abolish; Pupil assignment on a racial basis, often by racial busing, and the forced uprooting of students out of their neighborhoods.

In other words, we must not again turn to the misguided and futile pursuit of the school bus as a panacea for solving social problems. And, we've got to stop turning neighborhoods topsy-turvy by forcibly uprooting students or constantly threatening to do so. Children need that sense of "belonging" to an identified and stable entity, with mutual social, cultural, recreational, and educational activities that doctors say is required for emotional and mental health—especially in these insecure and mobile times. Neighborhood schools, as well as the family unit, serve ideally as this entity.

And I believe, as the *Washington Evening Star* and *News* stated recently, "proximity of school to home ought to be the first top priority basis of school assignments."

To close the doors of a neighborhood school to a neighborhood child soley because of the color of his skin, is no less abhorrent today than it was in the past.

Some may say we are now under court order to "do something" and therefore we have no choice. Our present position, in my view, is little different than it was all of last year when HEW made its unsuccessful and ambiguous "do something" demand on us without proving its case.

We have not yet had our "equal justice under law" right exercised through "our day in court" for initial judicial decision based on evidence presented during a full public trial. A majority of us do not believe that the whole Prince George's County School System is "de jure" or deliberately and officially segregated. What racial concentration exists is generally a result of housing patterns.

This issue that so badly divides us—and the nation—cries out for a clearer decision by no less than the U.S. Supreme Court on the use of forced busing and its limitations, when the objective is not merely to end officially established racial segregation, but to achieve a racial balance or quota.

We also know that the other two branches of the Federal government—the Executive and Legislative—are actively considering outlawing busing and school assignments solely for racial balancing purposes. What a horrible irony it would be if we prematurely bind ourselves to such a disruptive, polarizing and costly scheme just before it clearly becomes no longer legally required. To do so would make us appear to be deciding in a vacuum, disinterested in these pending events in the three branches of our Federal government, and deliberate oppressors of the majority of the people of our county.

Even with the legalities aside, the selling of a forced busing scheme, and the destruction of our neighborhood school policy, in the name of better education—and in the face of research conclusions to the contrary—is a crass exploitation of the involved parents' anxieties. It may excite impatient expectations that cannot be fulfilled and even lead to convulsive explosions of frustrated passions.

Finally, moral, legal, educational, financial, and political arguments and evidence to the contrary notwithstanding, a few relentless and well-meaning people still believe that racial busing and the destruction of neighborhood schools is "good for us." To these few people—who have much more than a one-man, one-vote weighted representation on this Board of Education, I want to repeat the melancholy advice given by Solon thousands of years ago—and often quoted by the wise and just Thomas Jefferson—that "no more good must be attempted than the people can bear."

I shall therefore vote against any resolution that proposes to destroy our neighborhood school concept by student assignments and busing solely on **the basis of a person's** race, creed, or color—**and I urge my associates** to do likewise.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

JOHN HEINZ REPORTS

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. HEINZ. Mr. Speaker, since coming to Congress last November, I have sent regular newsletters to citizens of the 18th District of Pennsylvania and I am now inserting in the RECORD at this point a copy of the September 1972 newsletter:

JOHN HEINZ REPORTS

SEPTEMBER, 1972.

DEAR FRIEND: Property tax relief through revenue sharing, which I strongly favor, appears to be on the way, with the House-passed bill now moving in the Senate. In addition, there is another major bill aimed at reducing local tax burdens, the Water Pollution Control Amendments of 1972, which is also in the Senate.

As passed by the House with my support, this legislation would provide $20 billion over the next three years to help local governments finance sewer lines and sewage treatment facilities as well as provide more effective anti-pollution regulations. If passed by the Senate, this bill would help reduce further the financial difficulties of hard-pressed local communities and taxpayers.

I have met with President Nixon, as shown in the photograph on this page, to discuss local tax-saving measures, including revenue sharing, and am pleased with the progress of these bills.

My mail indicates some confusion in peoples' minds between the Water Pollution Control Bill, which passed with my wholehearted support on March 29, and a superficially similar bill, H.R. 13853, which I opposed. This latter bill had no provision to help communities faced with financing sewage treatment plants and had totally inadequate pollution safeguards. It was quite properly defeated by a bi-partisan vote on July 19.

If you care as much as I do about providing relief to the individual property owner, I urge you to contact your senators from Pennsylvania and urge their support of Revenue Sharing and the Water Pollution Control bills.

"AGNES" PROVES NEED FOR PREPAREDNESS

The devastation suffered by many citizens of Pittsburgh and elsewhere in Pennsylvania in the wake of Hurricane Agnes pointed out the vital need for a tested and workable state **preparedness plan in order to minimize such losses in the future.**

I made on-site inspection tours of McKees Rocks, the upper Allegheny Valley, parts of the North Side, and in other downriver areas such as Glenfield, to see first-hand the damage suffered by many of you. It became apparent, by talking with flood victims and through observation, that the lack of a public warning system had contributed greatly to the damage.

As many of you already know, I was very concerned at the time of the storm June 23 because I felt our Weather Bureau personnel in Pittsburgh had neither adequate information, time nor resources to spread the word that the flood crest posed a major threat to homes and businesses along our rivers.

For this reason, my Government Activities

Subcommittee investigated the conditions that had produced a potentially critical situation. Our hearings to date indicate that although the Weather Bureau staff in Pittsburgh performed heroically under the circumstances, the fact is that there is no adequate disaster warning system in our area.

On August 10, I introduced the Safe States Act of 1972, requiring that states develop and test disaster plans, including warning systems, or risk losing Federal disaster relief aid.

In the last 10 years, 46 of our 50 states have been declared disaster areas, yet as of right now, only 14 states have even taken the first steps to develop disaster plans. It just isn't fair to ask the taxpayer to help those who make no effort to help themselves. I think my bill, if enacted, will be a fair and reasonable solution.

As an item of special interest to residents of my district affected by the flood, the Agnes Disaster Relief Bill passed both the House and Senate and was signed into law by President Nixon on August 16. This act provides low (1%) interest loans with up to 30 years to repay, and $5,000 forgiveness. This compares with old legislation that authorized a $5\frac{1}{8}\%$ interest rate and only $2,500 forgiveness. This latter improvement will be especially helpful to those hard-hit people on fixed incomes.

Might I suggest that if you are a victim of Hurricane Agnes, that you contact the Small Business Administration Office in the Federal Building, Downtown, to take advantage of this available relief.

The Agnes act is already helping many in our area get back on their feet. For example, a group of homeowners in Creighton in East Deer Twp. experienced serious damage to their homes and property when loosened earth caused a massive mudslide behind their houses on Route 28.

After visting the site with East Deer Commissioner Paul R. Ajak, and talking to residents, including Henry Ostroski of 185 Freeport Road, I worked with Federal agencies to find a quick and effective solution.

Work is now underway to restore the hillside and repair the homes. I was pleased to be able to bring this to the attention of the Office of Emergency Preparedness and the Army Corps of Engineers.

KEEPING GOVERNMENT SPENDING IN LINE

I believe we must keep government spending within reasonable limits and direct our resources to the areas of greatest need.

In this regard, I have voted to cut unnecessary or wasteful government programs in many areas. Your letters and answers to my questionnaire make me believe you agree with this approach.

I recently voted to trim military procurement costs by withholding funds for several weapons systems of doubtful effectiveness when the Defense Procurement Bill came before the House.

The recent controversy over the F-14 is a good example of the kind of bad program and wasteful spending we can become involved in without a proper determination of final cost effectiveness of such systems.

While I oppose drastic wholesale cutting of the Defense budget and weakening our national defense, I personally feel that there is additional room for further trimming in military expenditures. There are at this time over 2,300,000 men under arms, and I feel we should tailor our military manpower to balance our defense commitments and by so doing, cut costs accordingly.

GUN CONTROL

We are beginning to get returns on a questionnaire I am now sending asking specific questions about the need for gun control legislation.

The results are running two to one in favor of regulations on short-barrelled hand guns (commonly referred to as "Saturday night specials"), and for repeal of the .22 caliber ammunition registration requirements.

The questionnaire has been sent to over 200 police chiefs, law enforcement officials, gun clubs and sportsmen's groups in the 18th District, and I am hopeful these replies will be helpful in guiding me when we consider the Senate-passed gun control legislation later this year.

SELECT COMPANY

I was fortunate enough recently to join a select group of politicians and statesmen who have received hand-carved gavels from William Gaul.

The World War I veteran from Springdale has for years carved and presented these magnificent pieces of art to presidents, mayors, and diplomats and I am pleased and grateful to now be among those who display one of these gifts in my office.

It was a pleasure just to meet the delightful Mr. Gaul, as the photo at right shows.

MORE JOBS FOR WESTERN PENNSYLVANIA

We often read about large Federal contracts going to big corporations. Yet over half of this work is sub-contracted to small, independent businessmen in the United States.

Unfortunately, although Pennsylvanians pay 6.1% of all Federal taxes, Pennsylvania businessmen get only 3.6% of these contracts. In effect, we are paying our fair share of the bills, but only getting back a half of what should be our share of jobs and benefits.

With this in mind, I co-sponsored a Federal Procurement Conference at the Holiday Inn in Greentree on August 15 which was attended by more than 150 smaller manufacturers and businessmen from the metropolitan Pittsburgh area.

The government buys everything from paper clips to nuclear reactors and many of our manufacturers in Allegheny County should be on the receiving end of more of these contracts.

I hope that this conference, which brought together the buyer and seller, will prove to be an important step in creating new jobs and improving the general economic conditions of our area.

HELPING TO GET RICKY HOME

One of the most satisfying aspects of government service is when you have the opportunity to do just that—serve. All too often, human needs and frustrations can be overlooked in government as the Congress and its members work diligently on national and international affairs.

I was fortunate enough to be involved in a situation recently which included both human needs and international activity.

Capt. and Mrs. Robert Verona, who live in Bridgeville, had tried for several months to overcome considerable difficulties posed by Korean officials in order to finalize the adoption of a little Korean boy, named Ricky, and have him returned here to live. Our intervention with Korean Embassy personnel in Washington paved the way for a heartwarming reunion one recent Saturday morning between the Veronas and their new son, and I had the pleasure to participate in the happy moment.

WE'RE HERE TO HELP

Don't hesitate to write or call me or my staff to help with any question, be it about your Social Security benefits, a consumer complaint, or a relative in the armed forces. If you have a problem, or need information about a government program, our numbers are (202) 225-2135 in Washington, and 562-0533 in Pittsburgh.

Let me again emphasize that I have been elected to serve all of you in the 18th District and that my work on committees and my votes in the Congress will always be with your best interests in mind. Your letters are helpful in that they give me the benefit of your thinking on the issues that are important to you. My door is always open

Sincerely,

H. JOHN HEINZ III,
Your Congressman.

H. R. GROSS: CONSCIENCE IN THE HOUSE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. CRANE. Mr. Speaker, a great deal of criticism is often made of legislators who are less than conscientious in pursuing the people's business, who are less than frugal in dispensing the people's money, and who are less than responsive in putting into concrete actions the people's deepest concerns.

It is only just and proper that such criticism should be voiced. It is equally proper, however, that those who do pursue the people's business with honesty, integrity, and perseverence be honored for their work.

One such outstanding legislator is our colleague, H. R. GROSS of Iowa. The front room of his office contains a sign which states:

> Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody.

Recently Representative GROSS was honored by an article, "H. R. Gross: Conscience in the House," in the August 1971 issue of the Washington Monthly, which was reprinted in the August 1972 issue of the Reader's Digest.

The author, Jacques Leslie, points out that—

> Gross is the only Congressman who makes a concerted effort to read the entire contents of every bill that reaches the House Floor. He is constantly on the lookout for wasteful appropriations, self-serving arrangements among members and ambiguous legislation. When he is unclear about some bill, he asks a question and the response is then a matter of record . . . He is well prepared, a good debater, and expert parliamentarian.

In 1968, to cite one example of his important contribution to good government, what appeared to be a noncontroversial bill boosting State Department retirement benefits actually contained a hidden provision calling for a 33-percent increase in congressional retirement benefits. Only when Representative GROSS exposed the retirement boondoggle, was it killed.

Pulitzer Prize-winning journalist Clark Mollenhoff has said this of the distinguished Congressman from Iowa:

> No House member in the last 20 years has exposed more waste and corruption in government than H.R. Gross. Time and again his mere presence on the floor has caused others to stand firm.

I wish to share with my colleagues the article, "H. R. Gross: Conscience in the House," as it appears in the August 1972 issue of the Reader's Digest. The article follows:

H. R. GROSS: CONSCIENCE IN THE HOUSE

(By Jacques Leslie)

The front room of his office gives fair warning of what lies within. One sign on the wall says, "Nothing is easier than the expenditure of public money. It does not appear to belong to anybody. The temptation is overwhelming to bestow it on somebody." Another says, "There is always free cheese in a mousetrap."

Called by some the "watchdog of the federal treasury" and by others the "abominable no-man of the House," Harold Royce (H.R.) Gross, Republican Congressman from Iowa, has built his reputation on uncompromising integrity, a rough-hewn sense of humor and an unquestioning belief in the wisdom of a balanced budget. Estimates of the amount Gross has pared from the federal budget and has therefore "saved" taxpayers during his 23 years as Congressman range from millions to billions of dollars.

Gross cultivates the idea that he is a principled loner, an exception among men who have taken to heart Sam Rayburn's maxim, "To get along, go along." In the 91st Congress, for example, he voted against President Nixon more often than all other Congressmen serving a full two-year term, opposing him on 58 percent of roll-call votes. (The average House member opposed the President 29 percent of the time.) "If I'm convinced that a bill is bad, or enough of it is bad to overbalance the good in it, why I'll vote against it," Gross says. "It doesn't bother me to be in the minority."

Among the programs Gross has unsuccessfully opposed are foreign aid, Peace Corps, all salary increases for Congressmen from the time they received $12,500 a year (they now get $42,500) and the United Nations. Occasionally, when he loses, Gross resorts to sarcasm. When a bill passed to reimburse New York City for its expenses during Khrushchev's 1960 visit to the U.N., Gross said on the floor, "I swear I think that what we ought to do is pass a bill to remove the torch from the hand of the Statue of Liberty and insert a tin cup."

Gross is a slight man with a booming voice. Born on a farm in Arispe, Iowa, in 1899, he never finished high school. After serving in the Army at the Mexican border and in France in World War I, he studied at the University of Missouri School of Journalism but did not receive a degree. For the next 15 years he worked as a reporter and editor, then as a newscaster for radio station WHO in Des Moines. Known as the "fastest tongue in radio," he could speak 200 words a minute in a clear, solid tone.

Gross first ran unsuccessfully in the Republican primary for governor in 1940, then in 1948 was elected to Congress from Iowa's Third District. He has been there ever since.

Some observers think of Gross as a clown, who "has exploited and profited from every rigid prejudice in Iowa." A look at the newsletter he sends out weekly to 9000 Iowa subscribers does not dispel that notion. In it, the United States is referred to as "Uncle Sap," "Uncle Sucker" and "Uncle Handout"; the Pentagon is "Fort Fumble." After mentioning a news account about President Johnson tossing beer cans out of his car as he sped around his Texas ranch, Gross suggested that "Home on the Range," be changed to "Foam on the Range."

Gross himself is the frequent object of barbs from other Congressmen. Observing that he has not left the United States since World War I and is opposed to Congressional junkets, Reps. John Ashbrook (R., Ohio) and Frank Thompson (D., N.J.) sponsored a resolution in 1970 to create a committee, consisting only of Gross, with the task of inspecting U.S. economic and military-aid expenditures throughout the world. Junketing Congressmen often send Gross postcards from the countries they visit. "Paris is great! Wish you were here!" Yet for all the kidding he receives, Gross is praised by a large number of Congressmen on both sides of the aisle.

The conventional wisdom among Representatives is that it is important to have one person like Gross in Congress, but that if Grosses filled the House, it would be unworkable. He introduces few bills and does not play an active role in the shaping of legislation. Instead, his function is essentially negative.

Gross is the only Congressman who makes a concerted effort to read the entire contents of every bill that reaches the House floor. (This is no mean feat; in the 91st Congress, for example, 1415 bills, many several hundred pages long, were reported to the floor.) He is constantly on the lookout for wasteful appropriations, self-serving arrangements among members and ambiguous legislation. When he is unclear about some bill, he asks a question, and the response is then a matter of record. If the answer does not satisfy him, he may turn to procedural gimmicks to delay or prevent the bill's passage. He is well prepared, a good debater and expert parliamentarian.

The most famous of Gross's techniques is the quorum call—it takes half an hour to read the list of Representatives' names. Gross believes that a Congressman's first responsibility is to be on the floor when the House is in session, and he may well have called for quorum more often than any other Congressman in history. Once, Rep. Tom Rees (D., Calif.), angered by two calls (one by Gross), made a speech on the House floor against "capricious and senseless use of quorum calls which have little or no relationship to the important matters which this Congress has at hand." As soon as Rees finished, Gross made a point of order that a quorum was not present.

Another weapon is objecting to unanimous-consent requests. The House handles much of its business by this means, and the objection of one member is enough to defeat a unanimous-consent motion. Gross employs this technique to combat the "Tuesday-Thursday Club"—Congressmen who arrange to have unimportant business scheduled on Friday and Monday so that they can go home four days at a stretch.

Gross has made himself an expert on House procedure, which is codified in four sources: the Constitution, the House rules, Thomas Jefferson's *Manual* and the 11 volumes of *Precedents of the House of Representatives*. "Some Congressmen who've been here for several terms don't even know the working rules of the House," he says. "Some of these people are pitiful. Nobody can tell me that the country wouldn't be better served if more of them knew what the hell was going on."

Because of his willingness to use all the parliamentary procedures at his disposal, many committee chairmen try to iron out possible differences with Gross by notifying him of their intentions in advance. Some Congressmen have changed legislation in committee to anticipate Gross's objections on the floor. Thus, though Gross rarely has the votes to back up his convictions, he does have a veto power over some aspects of legislation.

The basic article of Gross's faith is summed up in his bill, H.R. 144 (a gross equals 12 dozen), which he has introduced annually for more than a decade. It calls for a balanced budget and the gradual retirement of the national debt. (The bill is invariably assigned to the Ways and Means Committee and never heard from again.) Not only is deficit spending responsible for the nation's present economic difficulties, Gross says, but also, "We're plastering the generations to come with mortgages that will never be paid off. And this is having its effect on the moral fiber of the country. The main reason why we will go into a crisis will be financial."

Certainly some of Gross's proposed economies are reasonable. One example is a bill he introduced last year to prohibit junkets by lame-duck Congressmen. In the past such trips have been authorized as a kind of farewell present to non-returning Congressmen. In 1969, Gross blocked a unanimous-consent request to skip a House session on the day of the Apollo 11 launching so that Congressmen could accept free government transportation to Cape Kennedy. Gross said he was "unable to find any reason at all why a substantial amount of money should be spent" to transport Congressmen and their families to Florida. Consequently, the House was forced to meet on the day of the launching.

Gross is also concerned with bigger sums. In 1971, he voted against the appropriation bills for the Departments of Commerce, Housing and Urban Development, Interior, Justice, Labor, Post Office, State, Transportation, Treasury, and Health, Education and Welfare. He voted against appropriations for the Office of Education, foreign aid, the National Foundation on the Arts and Humanities, and the Smithsonian Institution. But he did vote in favor of the largest appropriation bill of all, $71 billion for the Department of Defense. "In this business," he said, "I would prefer to make an error on the side of what I conceive to be national security."

Gross gives the impression of a gruff, hard-bitten, no-nonsense curmudgeon, but this is to some extent a self-protective device. He is known among friends as a gentle, gracious man. By Washington standards he leads a spartan existence. While he labors on Capitol Hill, his wife is at home reading and underlining. By the time he returns home, she has put the material she thinks he should read next to his easy chair. At the end of the evening, if there is time, the couple plays a game of cribbage, then goes to bed. Gross has boasted that he does not own a tuxedo, nor his wife an evening gown.

Rep. Otto Passman, one of Gross's admirers, accurately describes the thrust of Gross's efforts in Congress: "I came out of the free-enterprise system," he says, "but it seems that now we are on the road to socialism. Gross has slowed down the trend to socialism from a run to a walk."

With his constant attendance on the House floor, his careful consideration of every bill, and his desire to truly debate legislation on the floor, Gross probably comes closer to embodying the grade-school textbook's concept of a Congressman than any other member. A literalist, Gross believes he is doing what the framers of the Constitution had in mind. We have gone wrong, he thinks, in allowing an all-encompassing federal bureaucracy to control our lives and diminish our freedoms.

GROSS AT HIS GRANDEST

While much of H. R. Gross's fame comes from his role as Congressional gadfly, his record is replete with solid legislative accomplishments.

Last October, for instance, Democrats were confident they had the votes to override a White House plan to delay for six months a $2.6-billion government pay hike. But Gross forced the vote on a day when large numbers of Democrats were junketing in Europe. The result was a narrow but crucial victory for the President's new economic program.

In 1968, what appeared to be a non-controversial bill boosting State Department retirement benefits actually contained a hidden provision calling for a 33-percent increase in Congressional retirement benefits. Only when Gross exposed the retirement boondoggle was it killed.

During the debate over the elevation of

Associate Justice Abe Fortas to Chief Justice, Gross detailed examples on the House floor of the jurist's alleged conflicts of interest. Even after the Fortas nomination was withdrawn, Gross kept up his attack and threatened impeachment proceedings. Finally, Fortas resigned rather than face the Congressional inquiry.

For years the late Rep. Mike Kirwan (D., Ohio), chairman of the pork-barreling Public Works Appropriations Subcommittee, sought $10 million for a huge aquarium in the nation's capital. Despite Kirwan's political clout, it was never built—thanks to constant ridicule by Gross.

Asserts Pulitzer Prize-winning journalist Clark Mollenhoff: "No House member in the last 20 years has exposed more waste and corruption in government than H. R. Gross. Time and again his mere presence on the floor has caused others to stand firm."—THE EDITORS.

POLICE CODE OF MORALITY ASSAULTED

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. RARICK. Mr. Speaker, the traditional American concept of the policeman is of a man unquestioned honesty, integrity, and high sense of responsibility to society.

As such, the police departments across the Nation have, generally speaking, established some type of criteria for their recruits. After all, a man's record over a span of years usually gives a good indication of his basic character.

These regulations governing the record of police recruits are often tempered with some degree of mercy. After all, a man may make one mistake; but if he continues to presevere in his ways, reason leads average men to conclude that he has a flaw in his character which renders him unsuitable for the type of work required of a policeman, the guardian of society.

The District of Columbia Metropolitan Police Department here in Washington seems to have gone out of its way to set reasonable standards of conduct, tempered with mercy and understanding, for their police recruits. One such regulation is that they will not hire a man who has fathered more than one illegitimate child. Certainly by any standards imaginable this would be considered reasonable. Most Americans would consider it too destructive of general police morality.

Unfortunately, the head of the District of Columbia Office of Human Rights considers this regulation too discriminatory because, according to a news story in this morning's paper, "in the District a higher percentage of black children than white children are born out of wedlock."

Civilized society is constructed on a moral code of conduct generally considered satisfactory for the good of the people as a whole. For the guardians of society, the policemen, to abandon this code of conduct would be disastrous. People live and learn by example. If a man has no more sense of responsibility than to continue to father children out of wedlock, how can he be expected to have a sense of responsibility to the society he is charged to protect? After all, the child born out of wedlock too often becomes the responsibility of that very society.

I include a related news clipping following my remarks.

The article follows:

[From the Washington Post, Sept. 14, 1972]

POLICE ASKED TO EASE RULES

James W. Baldwin, head of the D.C. office of human rights, has asked the city's police department to drop a regulation that bars the hiring of a prospective policeman who has fathered more than one illegitimate child.

Baldwin, in a letter to Police Chief Jerry V. Wilson, said the regulation is discriminatory because in the District a higher percentage of black children than white children are born out of wedlock.

According to Baldwin, about 25 prospective officers—most of them black—were rejected last year by the department because of the regulation.

ECOLOGY WALK BY IOWA YOUTH

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. SCHWENGEL. Mr. Speaker, on numerous occasions in the past, I have called the attention of the House to the serious environmental crisis besetting America. In this Chamber and in extensive hearings of the Public Works Committee here at the Capitol and throughout this Nation, I have proposed and argued on behalf of stringent legislation to restore and maintain the quality of the Nation's waters, to construct waste treatment facilities, to develop comprehensive watershed programs, to conserve large areas of land along the Mississippi River for an upper Mississippi River national recreation area, to prohibit noise pollution by supersonic transports, and to provide for the establishment of a Joint Committee on the Environment.

Always, my efforts in this vital legislative area have been inspired by the fundamental objective of developing an environmental consciousness on the part of our citizens, and the shaping of a concerted national environmental policy. In recognition of at least partial fulfillment of these objectives, I wish to pay tribute today to a large group of young Iowa citizens in Lee County of Iowa's First Congressional District, who, on August 19, 1972, demonstrated their concern for the preservation of Iowa's natural beauty.

On that hot Saturday evening, between the hours of 5 and 8 p.m., they walked 9 miles between the cities of Fort Madison and West Point, Iowa, in a cleanup campaign that resulted in the collection of three truckloads of trash. Such an undertaking was unprecedented in Iowa's history. After having walked the last mile and a half with these young adults, I can proudly testify to the enthusiasm and uncommon zeal they brought to this endeavor. The people whose names I should like to read into the RECORD are among the finest America has produced and exemplify well, the redoubtable position that the youth of the First District of Iowa have taken on behalf of a greater ecological awareness. Certainly, the actions of these young Americans illustrate, again, the fulfillment of Iowa's motto that "In all that is good Iowa affords the best."

Those participating in the ecology walk were:

Patty Rashid, Pat and Pam Bever, Julie Winkel, Nancy Bye, Karen LaValle, Janet Quisner, Renee Long, Scott Azinger, Greg Pickard, Danene Reeder, Julie Burton, Carol Miller, Ann Langenbach, Rich, Gene and Steve Rathbun, Mark Bowman, Kim Chapin, John Peitz, Janet Stein, Steve Stigall, Rachel Stewart, David and Marcia Pulaski, Sue Morris, Charles LaFrenz, Greg Schmidt, from Fort Madison.

Ann Schierbrock and Patty Harmeyer from West Point.

Carla Kappmeyer from Iowa City.

Ed and Dev Kiedaisch, Bonnie Barnes, Sherry Neff, Mimi Kiedaisch, Howie Sutlive, Mike Walrath, Ben Marion, Katherine and David Marion, Laura McCormick, and Judy Timbers, of Keokuk.

BUSINESS FOOTS THE BILL FOR PROGRESS

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. PRICE of Texas. Mr. Speaker, there are those who say that business is a boogeyman, that business is interested in profits and is therefore evil.

To paint business enterprise as the ogre of society is to take leave of reality, for it is our system of the free and open marketplace which has allowed Americans to build and create the greatest civilization with the highest standard of living for its people in the history of the world. Sadly, Americans are so blase about the luxuries that surround them that efforts to remind them of their enviable and unique position are dismissed with so much "ho-hum, what-else-is-new." The fact that Americans who comprise only 6 percent of the world's population possess nearly half the world's wealth escapes far too many of our citizens. They are so busy watching their color TV's, driving around in their two-to-a-family cars, or shopping in their ultramodern shopping centers crammed to the walls with every product and gadget dedicated to their enjoyment and convenience, that they forget that over half the world's people are concerned today about where tomorrow's next meal will come from.

Mr. Speaker, our multitudinous blessings are no accident; they are the product of generations of hard work, enthusiasm, and high aspiration. At the base of our progress and prosperity has been our system of free enterprise. Regardless of the urgings and exhortations of the disciples of socialism and "antiestablishmentism," we owe our economic preeminence to business. I wish to include in the RECORD at this point a most cogent and thoughtful article appearing in the

August 28 Washington Report of the Chamber of Commerce of the United States which offers food for thought as we consider the future goals and prospects of our Nation:

CHAMBER AT CONVENTION REMINDS GOP BUSINESS FOOTS THE BILL FOR PROGRESS

This country must never lose sight of the fact that the source of progress is America's private economy which pays the bills for public progress and private progress alike.

That central thought punctuated the statement of the National Chamber, presented by Arch Booth to the Republican Platform Committee.

Returning to Miami Beach to present the viewpoint of the national business federation to convention delegates, officials and news media in a repeat performance was the same five-man team that was present for the Democratic convention in July.

The way to "cure joblessness and poverty is to cure what ails the source of jobs and wealth"—the private economy, Mr. Booth reminded the Republican platform writers.

Growth of the private economy from 1969 to 1971 helped nearly 15 million persons climb out of poverty, Mr. Booth declared. This result was achieved by that growth and not through "some magic governmental formula for the redistribution of wealth."

To provide the proper incentives to stimulate the private economy, Mr. Booth said these four things must be accomplished:

1. We must control inflation.

2. We must have a fair, equitable tax system.

3. We must re-establish a fair balance of power between labor and management.

4. We must make our products more competitive in world markets.

Success in the effort to control inflation, he said, "is basic to the resolution of virtually every other problem facing the nation. . . .

"Obviously there is only one way to curb it: Spend less and restrain the expansion of the money supply . . ."

The relentless rise in government spending must be halted and a ceiling imposed on such spending by Congress and the Administration, he said, advancing the five-part program developed by the Chamber:

1. Project all major spending over a five-year period.

2. Re-evaluate all spending at least once every three years.

3. Pilot test every proposed major program before it is put into operation nationwide.

4. Require a joint Congressional committee to evaluate the budget as a whole.

5. Subject trust fund programs to the same spending controls as other tax-supported programs.

On foreign trade, Mr. Booth said we may continue to work for freer trade, and enjoy the greatest possible variety of goods and services at the lowest possible prices.

"Or, in a misguided attempt to subsidize a few companies and a few unions," he cautioned, "we may enact something like the Burke-Hartke bill; admit to the world that we are afraid of competition."

HOLDING THE LINE ON INTERNATIONAL POSTAL RATES

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. JOHNSON of Pennsylvania. Mr. Speaker, a little noticed news item at the recent Postal Forum VI will be of special interest to many of my constituents, as well as to many others over the country.

It was an announcement by Postal Service officials that there will not be any international postage rate increases in the near future.

These rates have risen considerably in recent years, along with domestic postage rates.

This will be particularly good news for many families which have considerable correspondence overseas, as well as for business firms which do a lot of international mailing.

The decision by Postmaster General E. T. Klassen to forgo any new domestic postage rate increases was quite well publicized—and deservedly so. However, this encouraging development regarding international mail rates was not so prominently mentioned in the media and it may not have been noticed by many persons.

I congratulate the Postmaster General for holding the line on international postage rates as well as domestic rates.

OLYMPIC COMPETITION DATES BACK TO 776 B.C.

HON. DAWSON MATHIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. MATHIS of Georgia. Mr. Speaker, the proud history of Olympic competition dates back to the 8th century before the birth of Christ. The first recorded Olympic race took place in Elis, Greece in the year 776 B.C. Some historians argue that these games had been held for several hundred years before they were first recorded. As time passed all the Greek city-states gradually joined the Eleans in the Olympic games. One of the outstanding features characterizing even the earliest games was the oaths taken by the officials that all the events would be judged fairly and impartially as well as the oaths taken by the contestants that they would uphold the highest standards of sportsmanship.

After the collapse of most of the Greek city-states in the 4th century B.C. other countries began to enter their athletes in the competition of the Olympics. As time progressed, the original purpose of honoring and recognizing the individual athletes for their skills and abilities in the various games was lost. The games had so deteriorated by the year 60 A.D. that the Emperor Nero, a notoriously poor athlete, entered the games making a mockery of their purpose. The games had become so political and so devoid of their original meaning by the year 394 A.D. that the Christian Emperor Theodosius abolished them altogether.

It was 1,502 years later before the first modern Olympic games were held in Athens, Greece in 1896. In 1896, nine nations participated in the Olympic games in Athens. In the 1972 games just completed September 11, 123 nations entered some 10,500 contestants in the Olympic competition.

As you know, Mr. Speaker, nations do not officially compete against nations in Olympic events but the finest athletes from around the world are to be given the opportunity to compete against each other. Strict standards of conduct are required of the athletes and specific rules forbidding professional athletes from competing against amateurs have been officially established. A few of America's best loved athletes of past years, Jim Thorpe for example, have been deprived of their medals when it was learned that they had accepted a few dollars for semiprofessional sporting events. The athletes entering the Olympic games are to compete for the honor of their country and the glory of their sports in the spirit of friendship, peace, and sportsmanship.

In a special order Tuesday, I announced that I was drawing a resolution to establish a special commisison to investigate the 1972 Olympiad and report its findings to the Congress and the American people. I feel that unless drastic changes are made in the framework and guidelines of the Olympics, they are destined to become, once again, a mockery of their intended purpose.

PROJECT ZAP: AN EXAMPLE FOR THE NATION

HON. FERNAND J. ST GERMAIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ST GERMAIN. Mr. Speaker, water pollution has been a matter of special concern to Rhode Islanders ever since Samuel Slater built the Nation's first cotton mill on the banks of the Blackstone River in 1793 and started America's industrial revolution.

Today the Blackstone runs through the heart of one of the most heavily industrialized areas in the country. Efforts to keep the river clean have been frustrated by thoughtless citizens who used the river and its banks as a dump.

Angered by the endless flow of trash, Rhode Islanders took things into their own hands last Saturday. Nearly 10,000 volunteers who live in the First Congressional District gathered on the banks of the Blackstone to show their neighbors and government leaders that concern about pollution is more than just talk in Rhode Island.

Among the volunteers were people of every age and occupation, from first graders to grandmothers, construction workers to government officials. With fingers, rakes, and heavy construction equipment they picked up over 10,000 tons of auto tires, papers, and other trash that had littered the banks and waters of the river for decades. The cleanup stretched for more than 10 miles between Providence and Woonsocket. The project also created four river bank miniparks to encourage people to enjoy the river and keep it clean.

But the most significant accomplishment of this effort was the simple fact that anyone who has spent a backbreaking day picking up someone else's trash will think twice before dumping anything in the Blackstone—or any other river—

again. Project ZAP will give the people a new respect for the river, and give the river a dignity it did not have before.

Project ZAP is already being called one of the most ambitious and dramatic environmental cleanup efforts in New England. It was a major battle in the war to clean up the Nation's waterways, and I am confident that Rhode Island's example will be a pilot project for America. Plans are already underway to create a documentary film for the Federal Environmental Protection Agency to help other communities interested in organizing similar cleanup projects.

The project took its name from the old Buck Rogers comic strip in which the hero used a "ZAP" gun to make villains disappear. Project ZAP was started by the Providence Journal in an effort to make debris along the Blackstone disappear just as quickly.

Although ZAP was a 1-day demonstration, it is obvious that cleaning up our rivers cannot be a one-short effort. If Saturday's cleanup encourages people to stop dumping, then we have accomplished something important. Project ZAP has already created the kind of concern that will bring this country one step closer to the day when the Blackstone and other rivers will be clean enough to swim in. When boats will once again sail its waters, fish will splash in the river and the fishermen who catch them can take them home to eat.

Here is an account of Project ZAP from Sunday's Providence Journal:

Earnest Volunteers Agree Job Was Long Overdue First Step

(By Joel H. Sekeres)

Perspiration dripped from Norman Beauvais' face like rain as he guided his small rowboat against the bank of the Blackstone River behind the Old Slater Mill in Pawtucket yesterday.

He jumped ashore, his blue jeans and T-shirt splattered black with river muck, and, with weary grunts, began unloading his boat's slimy cargo of small tree limbs, a discarded auto tire, a large piece of plywood and a car's axle assembly with a tire and wheel attached.

"People are fed up with pollution," he muttered, "Government hasn't been tough enough and the people just had to take things into their own hands to help make the river clean. It's everybody's job."

And it seemed yesterday that everybody took the job seriously. Mr. Beauvais, a 34-year-old self-employed contractor of 72 New York Ave., Cumberland, was one of thousands of volunteers who toiled beneath leaden skies and intermittent rain for Project ZAP.

He was part of an unlikely mixture of construction workers, students, housewives, music teachers, secretaries, engineers, Boy Scouts, factory workers, truck drivers and a multitude of others who labored and sweated together, united in a common fight against pollution.

RIVERBANKS LINED

From Woonsocket to Providence, knots of humanity lined the riverbanks, using hoes, rakes, shovels and gloved hands to remove tons of paper, dead tree limbs, cans, boxes, worn tires and other junk that had been so casually discarded there.

Men and women in rowboats, canoes and rubber rafts hauled up any debris they could get a grip on.

And a team of volunteer scuba divers, often unable to see more than six inches in front of their faces, went beneath the surface of the murky waters to pry engine blocks, refrigerators, bed springs, pipes and auto doors from the mud below.

If there was a consensus among the volunteers, it was that Project ZAP was an overdue first step in what should become a continuing statewide effort to clean up all of Rhode Island's polluted rivers. Every one of nearly two dozen volunteers interviewed yesterday emphasized that one day of involvement is not enough, that sanitizing riverbanks is helpful but still not enough and that industries and institutions must be stopped from dumping waste into the rivers if marine life is to be saved.

TEACHER WIELDS RAKE

Miss Donna Jeffrey, 21, of 84 Littlefield St., Pawtucket, a piano teacher in a private music school, paused while raking debris from the Blackstone bank and declared:

"This is definitely good. But it's like cleaning the rim of a toilet bowl and not flushing the dirty water."

She said that unless industries "stop dumping pollution into the river, there is no use cleaning it up. The river will still smell and support no marine life."

John Mihalic, 31, of 12 Lewis St., Pawtucket, a carpenter who spent yesterday in a rowboat behind Pawtucket City Hall and the Old Slater Mill hauling junk from the river, said:

"The idea of cleaning up all this filth convinced me to give up my Saturday day off to work here. I'd like to be able to bring my boy and girl to the river without having to hold my nose. If they do this again, I'll be part of it. This makes you feel good and proud."

"THEY'RE REALLY SINCERE"

Mr. Mihalic swept his hand in an arc, gesturing toward the other volunteers working purposefully on both sides of the river. "These people aren't here because they're screwy or kooky," he said. "They are really sincere about cleaning up the Blackstone River. I hope the politicians take notice that we mean business."

Mrs. Dorothy Riley of 95 Roger Williams Ave., East Providence, an inspector at the Fram Corp. in that city, stooped to pick up some rusted cans lying on the riverbank. Printed on the back of the powder blue sweatshirt she wore were the words "No Sweat." But when she stood up and turned around, it was obvious that the words did not apply to her.

She smiled, wiped the perspiration from her forehead and said: "I just wanted to do my bit for the environment. I want to see clean rivers again. ZAP is wonderful and very necessary. It gets the community working together."

At the Central Falls ZAP headquarters, Neil MacDonald, 29, of 12 Gale Court, Coventry, a computer programmer, emerged in black scuba gear from the river's turbid waters. He had just helped remove an automobile engine block, bed springs and metal pipes that had settled in the mire beneath the surface.

SAYS RIVERS POLLUTE BAY

"I like to dive for sport in Narragansett Bay," he said. "These rivers run into the bay and contribute to polluting it. By helping to clean up the Blackstone River, I'm also helping to clean up Narragansett Bay."

Mr. MacDonald declared that ZAP "is a fantastic thing."

"But it's got to be more than a one-day project," he said. "You've got to keep the people involved to maintain their interest. One day does something, but not enough. ZAP should be extended to all the state's rivers on a continuing basis."

Typifying the attitude of the volunteers were comments by Serge Beaudoin, 28, of 77 Tremont St., Central Falls, associate director of admissions at Roger Williams College.

"You've got to start someplace," he said. "It's too easy to stay home and moan about pollution. You have to commit yourself to do something about it. Hopefully, this will be a precedent for future projects. Now that the people are doing their part, it's up to industry to find a way to avoid dumping waste into the river. And it's up to the taxpayers to see that responsible people enforce antipollution laws."

ADDRESS BY ROY D. HUDSON, PRESIDENT OF HAMPTON INSTITUTE, VA.

HON. THOMAS N. DOWNING

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. DOWNING. Mr. Speaker, I am honored to introduce into the CONGRESSIONAL RECORD an address to the freshman students of Hampton Institute in Hampton, Va., by the president of the college, Dr. Roy D. Hudson.

This distinguished college is entering its second century of providing a fine education to our Nation's young people, and as my colleagues in the Congress will witness as they read this speech, Hampton Institute considers higher education as a total learning environment. I think my colleagues will benefit from the guidance offered by the president.

I have read his speech carefully, and I can sense through the words the deep feeling of respect and compassion which Dr. Hudson holds for these students now entrusted to him. He presents a philosophy to the students as an alternative and a challenge.

The address follows:

Address to Freshmen, New Students, and Parents by Roy D. Hudson, President of Hampton Institute, Hampton, Va.

Platform colleagues, parents, student leaders, members of the faculty, friends, new students and members of the freshman class of 1972.

Welcome to our "home by the sea". By entering Hampton Institute, you have become a part of a very special and privileged group of 8.5 million students in higher education in this country. To narrow it down still further, you are part of a group of approximately 500,000 Black students in college today, approximately 250,000 of which are on the campuses of the predominantly Black colleges of this Nation.

Annually there are thousands of deserving students who are denied the opportunity of college matriculation.

Why are you here? This is a question which each of you needs to ask yourself. We like to think that you are here to obtain an education and we are sure that this is the objective for most of you.

However, we also must realize that there are other reasons for the presence of some of you, such as:

(1) Parental influence, as well as transporting you here;

(2) The proper place to meet a life's mate;

(3) The prestigious thing to do;

(4) Perhaps the question of the draft, although I am told that it is only the ROTC student who is exempt from the present draft procedures;

(5) Easier than going to work. For those of you here with this idea, you will soon be

very much disillusioned. For college is no longer a serene retreat or interlude which one takes prior to entering into real life—it *is* real life.

Regardless of your reasons for being here, we welcome you and shall work with you on the assumption that you are desirous of an education. However, we are also continually mindful of the many students who could profit from the experience of a college education and, therefore, look with disfavor upon the willful waste of time and opportunity.

You are now in college. Society will expect proportionately more of you as a thinking person, as an interested citizen, and as a potential leader. Only you can answer the question of whether you will assume your responsibilities as a positive contributor to this community.

In my home there is a bulletin board where each member of the family can place items of interest which he or she wishes to bring to the attention of the other members of the family. Not so long ago, I found the following article from Ann Landers' column which I would like to read:

"Always we hear the plaintive cry of the teenagers: 'What can we do? Where can we go?'

"I can make some suggestions. Go home. Remove the storm windows. Paint the woodwork. Rake the leaves. Mow the lawn. Learn to cook. Scrub the floors. Build something. Clean up a park. Read to a blind person. Tutor a handicapped child.

"Offer your services to your pastor, the Red Cross, the Salvation Army. Assist the poor. Study your lessons. And when you're through if you aren't too tired—read a good book.

"Your parents do not owe you entertainment. The world does not owe you a living. Your village does not owe you recreation facilities. You owe the world something. You owe it your time and energy, and your talents, so that no one will be at war or in poverty, or sick or lonely, ever again.

"In plain words: Grow up; quit being a cry baby; get out of your dream world and develop a backbone, not a wishbone. Start acting like a man or a woman.

"I'm a parent. I'm tired of nursing, chauffeuring, protecting, pleading and begging, making excuses for your laziness and trying to accommodate to your endless demands. I am also tired of being told, 'It's your fault I'm like this. You spoiled me.' If you don't like yourself, be something better."—Mrs. Omaha.

As you go about your years here at Hampton, think about this letter—think about your reasons for being here. In this process—think for yourself—not as the "merchants of discontent," which you will meet here, would have you think. You cannot afford to aimlessly nor thoughtlessly follow just any ideology.

A French naturalist once performed an experiment with insects called "processionary caterpillars." He led them onto the rim of a large flowerpot, so that the leader found itself nose-to-tail with the last caterpillar in the procession. Through force of instinct, the ring of insects circled the rim seven days and nights. They all died of exhaustion and starvation in spite of a visible supply of food nearby. Thoughtlessly following the beaten path can prove disastrous for people, too.

If you have not already started, begin now to learn where to place your values and do not fall victim to those things of momentary satisfaction. Do not allow yourselves to be misled by demagogues who are only interested in disruption, destruction, and the ultimate tragic waste of your time and opportunity. It will take courage to resist the forces that would push you toward mediocrity and conformity. However, your future greatly depends upon your ability to resist these pressures. You cannot afford to deal on a retail basis with yourselves and your school. By doing so, you will be cheating your parents, your community, and your nation of the type of citizen you should be. The time is now, and the place is here, to set up your markets for wholesale dealing—"wholesale dealing in quality"—putting your whole selves into the process of making Hampton Institute and yourselves *the best.*

This year you will have the opportunity to participate in many ways in the improvement of this institution and yourselves simultaneously. We trust that you will take advantage of each chance.

During the past year the constituents of the Hampton Institute community have worked diligently to reorganize the program of the college. A great deal of our concern in this reorganization was taken up with the anticipation of your arrival, the freshman class of 1972.

Although much emphasis has been placed upon a planning for you, our concern was expanded to include the entire student body as a focal point. It is our intention to make Hampton Institute a model teaching . . . learning . . . living *center* that will give top priority to good teaching and place the learner at the center of its planning, while devoting study and research to the potential, needs, and learning experiences of students, as well as to the disciplines to be studied.

We look upon the primary purpose of an undergraduate education as the motivation and stimulation of intellectual and personal development. It is the goal of this institution to establish an environment in which these processes are inseparable, in which the advancement of one fosters the growth of the other. The reorganization concerns itself, therefore, not only with the academic dimension of the student, but equally with the student's personal development—his self-realization.

You will remember the Biblical story of the sower who sowed seed.

"Some fell by the wayside and the fowls came and devoured them up. Some fell upon stoney places where they had not much earth and forthwith they sprung up because they had no deepness of earth, and when the sun was up they were scorched, and because they had no root, they withered away; and some fell among thorns and the thorns sprung up and choked them; but others fell into good ground and brought forth fruit, some a hundredfold, some sixtyfold, some thirtyfold."

Each of you is important in the realization of the success of the college as it ventures upon a new year with a new program. What will be the productivity level of the "seeds" that fall upon you—only you can answer that question.

I would like to share with you one of my favorite readings. I have read it many times in this community and probably will read it many more times. Its meaning never seems outdated.

WORDS TO LIVE BY

(By Max Ehrmann)

Go placidly amid the noise and the haste, and remember what peace there may be in silence. As far as possible without surrender be on good terms with all persons. Speak your truth quietly and clearly; and listen to others, even the dull and ignorant; they too have their story. Avoid loud and aggressive persons, they are vexatious to the spirit. If you compare yourself with others you may become vain or bitter; for always there will be greater and lesser persons than yourself. Enjoy your achievements as well as your plans.

"Keep interested in your own career, however humble; it is a real possession in the changing fortunes of time. Exercise caution in your business affairs; for the world is full of trickery. But let this not blind you to what virtue there is; many persons strive for high ideals; and everywhere life is full of heroism. Be yourself. Especially do not feign affection. Neither be cynical about love; for in the face of all aridity and disenchantment it is as perennial as the grass. Take kindly the counsel of years, gracefully surrendering the things of youth. Nurture strength of spirit to shield you in sudden misfortune.

"But do not distress your self imaginings. Many fears are born of fatigue and loneliness. Beyond a wholesome discipline, be gentle with yourself. You are a child of the universe no less than the trees and the stars; you have a right to be here. And whether or not it is clear to you, no doubt the universe is unfolding as it should. Therefore be at peace with God, whatever you conceive Him to be. And whatever your labors and aspirations, in the noisy confusion of life, keep peace with your soul. With all its sham, drudgery and broken dreams, it is still a beautiful world. Be cheerful. Strive to be happy."

Before closing, I would like to briefly call your attention to the information sheets which were passed out to you as you entered this hall. It is our objective to make you as knowledgeable of the operation of this institution as we possibly can.

There will be a question-and-answer session to follow for parents. We invite you to remain and participate in this exchange.

To those parents who are still with us, we wish to express our appreciation to you for your presence at Hampton Institute today. We are pleased that you and your sons and daughters have chosen our college for the furtherance of their education. We recognize this decision on your part as an expression of confidence in our capabilities. We shall endeavor, with our total capacity, to fulfill that confidence.

If you have any questions during the year, please do not hesitate to bring these to our attention; if you are displeased or pleased by something, do not hesitate to bring these to our attention also. Our sole purpose for being here is to serve you, your sons and daughters, in the fulfillment of dream—the acquisition of a college education.

Finally, to the parents, relatives, and friends, we wish a safe and pleasant journey home, and to the class of 1976 and to our new students—you have our good wishes for a successful, productive, and joyous year—here at Hampton Institute.

ADDRESS TO FRESHMEN, NEW STUDENTS AND PARENTS

I. Recognition

Platform colleagues, parents, student leaders, members of the faculty, friends, new students, and members of the freshman class of 1972.

II. Welcome

To our "home by the sea". By entering Hampton Institute, you have become a part of a very special and privileged group of 8.5 million students in higher education in this country. To narrow it down still further, you are part of a group of approximately 500,000 Black students in college today, approximately 250,000 of which are on the campuses of the predominantly Black colleges of this nation.

Annually there are thousands of deserving students who are denied the opportunity of college matriculation.

III. Why are you here?

This is a question which each of you needs to ask yourself. We like to think that you are here to obtain an education and we are sure that this is the objective for most of you.

AIDS TO EDUCATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. VANIK. Mr. Speaker, during the last several months, the largest number of inquiries and "casework" letters which my office has received relate to the problems of financing post-high school education.

After a great number of inquiries by my office to relevant Federal agencies and public information offices, I have found that there is a real lack of concise information on the type of educational aids which are available. Therefore, I would like to enter into the RECORD at this point, for the use of my constituents and others throughout the Nation, three tables that list education aid programs:

VETERANS ASSISTANCE FOR EDUCATION

Title: (1) VA orphans, wives, and widows education, including POW-MIA wives.

Eligibility: Sons and daughters 18 to 26, and wives and widows of service-connected deceased veterans or 100% disabled veterans.

Assistance: $175 per month for full-time study—128 for ¾ study—$81 for ½ time study.

Notes: Pending legislation will increase assistance from $175/month to somewhere between $200 and $250—the exact figure will be determined soon.

Title: (2) Veterans Readjustment Act of 1972.

Eligibility: (a) Anyone serving more than 180 days active duty, part or all after Jan. 31, 1955, discharged on conditions other than dishonorable, or

(b) Released from active duty after Jan. 31, 1955, for service-connected disability, or

(c) Any person in the service two years and continuing on active duty.

Assistance: 1½ months of assistance for each month of service on active duty after Jan. 31, 1955, but not more than 36 months assistance—however, a period of 18 months of such active duty will qualify a veteran for the full 36 months. Allowance: $200 for a full-time student with no dependents—$234 with one dependent—$262 with two dependents.

Notes: This legislation is still pending. The benefits increases are conservatively and will probably be higher in the final version of the law.

HEALTH EDUCATION ASSISTANCE

Title: Nursing Student Scholarship.

Eligibility: A student in good standing at a participating school of professional nursing.

Assistance: Depends on the general availability of student aid funds in this program. No scholarship may exceed $2,000.

Notes: For a list of participating schools and further information write: Division of Nursing, Bureau of Health Manpower Education, National Institute of Health, 9000 Rockville Pike, Bethesda, Maryland 20014.

Title: Allied Health Professions Traineeships for Advanced Training.

Eligibility: For those who have completed the basic professional training.

Assistance: Traineeships provide for stipends, tuition, and fees. Applications should be made through the school.

Notes: Request information from the same address as above.

Title: Health Professions Scholarship Program.

Eligibility: Available from participating schools of medicine, dentistry osteopathy, optometry, pharmacy, podiatry and veterinary medicine. Exceptional need must be shown.

Assistance: No scholarship may exceed $3500 for any academic year.

Notes: Request information from the same address as above.

Title: Professional Nurse Traineeship Program.

Eligibility: Available at participating schools to help registered nurses prepare for positions as teachers, administrators or clinical specialists.

Assistance: May receive assistance for up to 23 months—Traineeships provide a living stipend and tuition and fees as set by the participating institution.

Notes: For more information contact the same address as above.

Title: Nurse Scientist Graduate Training Grant Program.

Eligibility: A graduate nurse who desires to be a research scientist.

Assistance: None.

Notes: For more information contact the same address as above.

Title: Public Health Traineeship.

Eligibility: Must have completed their basic professional education.

Assistance: Stipend tuition and fees.

Notes: Same as above.

Title: Military Medical and Veterinary Education Assistance.

Eligibility: Senior medical and Veterinary students.

Assistance: 2d Lieutenant pay and allowances while in school.

Notes: Student incurs 3 years' military obligation after graduation military medical program soon to be expanded.

Title: Military nursing programs and assistance to dieticians and occupational and physical therapists.

Eligibility: Students of nursing and other specialized health profession schools.

Assistance: Various levels of assistance.

Notes: Student incurs 1 to 4 years' military obligation after graduation.

SPECIAL OHIO PROGRAMS

Title: State Educational benefits for children of veterans.

Eligibility: 16 to 20 years of age; resident of Ohio for 1 year; veteran parent—including veterans of Ohio National Guard—died in war or service or for any service-connected causes; or certain other forms of veteran-type assistance.

Assistance: Free tuition and fees at state-supported colleges, up to 4 years' study.

Notes: For details write to: J. D. Millett, Secretary; War Orphans Scholarship Board; Ohio Board of Regents; 88 East Broad Street; Columbus, Ohio 43215.

Title: Special program for children of Ohio residents who are POWs or MIAs.

Eligibility: None.

Assistance: Exemptions from fees and reasonable and necessary expenses for room and board, books, laboratory fees for a maximum of four years.

Notes: Contact: Director of financial aid at the college or university selected by the student.

Title: Ohio Instructional Grants.

Eligibility: Ohio residents with exceptional financial need as undergradutes in an eligible Ohio institution of higher education.

Assistance: Grants determined by school fee, family income and number of dependent children in family. $50–$900.

Notes: For more information, contact high school counselor or institution one plans to attend.

COOLEY'S ANEMIA

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ANNUNZIO. Mr. Speaker, I want to take this opportunity to thank all of the Members of the House of Representatives who supported passage of the National Cooley's Anemia Control Act—Public Law 92-414.

I would like to call to the attention of my colleagues an article which appeared in the September 1 edition of the Chicago PNYX, an independent semimonthly newspaper whose objective is to interpret national Hellenic thought. The article states that the Order of Ahepa—the American Hellenic Educational Progressive Association—which is one of the largest Greek-American fraternal and civic organizations, has announced as its No. 1 national project an educational campaign on Cooleys' anemia. AHEPA will very shortly appoint members to a special committee in order to carry out this objective.

The article from the Chicago PNYX follows:

ANNUNZIO ANNOUNCES PASSAGE OF COOLEY'S ANEMIA CONTROL ACT—IT ALSO BECOMES AHEPA'S NO. 1 PROJECT

Illinois Congressman Frank Annunzio, last month, released a statement on the passage by the House of Representatives of the National Cooley's Anemia Control Act.

Following Annunzio's announcement, the Order of Ahepa at its 50th Anniversary Supreme Convention held in Atlanta adopted a resolution presented by its National Projects Committee headed by Lowell, Mass. attorney Charles P. Tsaffaras: "That the Suppreme President of the Order of Ahepa appoint a committee of members of the medical profession within the ranks of the Order of Ahepa for the purpose of studying and recommending the dissemination of information conceiving Cooley's Anemia and making other pertinent recommendations to the Supreme Lodge related to assistance that may be rendered by the Order of Ahepa in educating Hellenes in regard to Cooley's Anemia; and for the further purpose of studying other medical proposals and projects referred to the Order of Ahepa for consideration."

Immediately following Ahepa's convention and during the first meeting of the Order's supreme lodge meeting chaired by its newly elected supreme president Dr. Michael N. Spirtos of Van Nuys, Calif., it was announced that Ahepa's No. 1 National Project will be an educational campaign on Cooley's Anemia, and the supreme president was authorized to appoint a pertinent committee for this purpose whose members will be announced at the supreme lodge meeting to be held in Washington, D.C., on September 22, 23, and 24.

Congressman Annunzio (D-Ill) in his statement during a House Floor debate on the bill (H.R. 15474) declared that: "The tragic consequences of this disease have been neglected far too long. Strong support by the House for the Cooley's anemia legislation will show that our country has the ability and the concern to fight against this killer disease. Most victims of Cooley's anemia", he explained, "are descended from natives of countries surrounding the Mediterranean Sea—Italy, Greece, Turkey, France, Israel, and others. As a result of generations of intermarriage, it is also found among Americans of many other racial strains," concluded the eight-term Congressman.

The purpose of the bill is to establish a national program of research for the prevention and treatment of Cooley's anemia. The bill also authorizes support of screening, treatment, and counselling programs.

Congressman Annunzio, who has long supported medical research programs, stated that an estimated 100,000 Americans are affected by the disease, the majority of whom are children.

Cooley's anemia is a disorder of the blood and is transmitted genetically. It is inherited when both parents carry the disease trait. Those afflicted with the disease rarely live more than 20 years and must have regular blood transfusions to replace red blood cells.

Annunzio was among the myriad of congressmen who recently lauded the Order of Ahepa on its 50th anniversary. In a letter to the editor of the Chicago PNYX, at that time, Annunzio wrote: "All of us recognize the great debt the world owes to the Greece of old as well as to the sons and daughters of Greece and their descendants who, by their energy, enterprise and integrity, have contributed so much to the culture and prosperity of America."

Although the National Cooley's Anemia Control Act was signed into law on August 29, 1972, at this time no appropriations have been made to implement this law. Consequently, I have today written to Mr. Frank C. Carlucci, Deputy Director of the Office of Management and Budget, urging that the Office of Management and Budget immediately submit a budget request to the House Appropriations Committee in order that this committee may proceed to prepare legislation allocating the funds necessary for implementation of the National Cooley's Anemia Control Act. My letter to Mr. Carlucci follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C. September 14, 1972.

Mr. FRANK CARLUCCI,
Deputy Director, Office of Management and Budget, Executive Office of the President, Washington, D.C.

DEAR FRANK: As you know, the National Cooley's Anemia Control Act was signed into law by the President on August 29, 1972 and it is now known as Public Law 92–414.

The House Appropriations Committee has informed me that to date it has taken no action in formulating legislation to allocate the necessary appropriations to implement the National Cooley's Anemia Control Act because the Committee has not yet received a budget request from the Office of Management and Budget.

Consequently, I am writing to you today in order to urge that you forward as promptly as possible to the House Appropriations Committee the necessary budget request in order that further action may be taken toward securing the necessary appropriations to implement the Act prior to the expiration of the 92nd Congress.

Many thanks for your interest and cooperation.

With every best wish, I am
Sincerely,

FRANK ANNUNZIO,
Member of Congress.

I want to assure all of the officers, leaders, members and friends of AHEPA of my continuing support and my vigorous efforts toward securing the necessary funds as soon as possible for implementation of this act.

MAYOR ANTHONY M. DeFINO, OF WEST NEW YORK, N.J., SEEKS PENN CENTRAL LAND FOR TOWN IMPROVEMENT

HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. DANIELS of New Jersey. Mr. Speaker, on September 13, 1972, the Hudson Dispatch, a leading newspaper in Hudson County, N.J., published a series of articles dealing with industrial development in the north Hudson cities and towns. I think all Members of the House would be interested in reading about what is going on in the town of West New York, one of the most densely populated communities in America. The town government is eagerly pursuing the land presently controlled by the receivers of the bankrupt Penn Central Railroad. Town officials are not merely sitting on their hands. They are seeking to upgrade housing in West New York in order that it may be a better place in which to live and to work.

The article follows:

MOST VALUABLE PROPERTY: WEST NEW YORK EYES PENN CENTRAL LAND

West New York has "the most valuable piece of real estate in the country" at the community's doorstep, according to Mayor Anthony M. DeFino, and there's little the town can do about it.

While developments—commercial or residential—are kept to a minimum by a scarcity of space in the heavily urbanized and populated community of over 40,000 town officials are eyeing anxiously more than 160 acres of waterfront property owned by Penn Central Railroad, presently bankrupt and in the hands of a receivership.

"That is truly our 'last frontier'," says DeFino of the property, now in virtual disuse. "And the ironic part about the thing is that we are reduced to virtual on-lookers while outside agencies determine property development," DeFino said.

"You could say our last resource is the waterfront," said Commissioner James Langan, director of revenue and finance, "We cannot build anyplace but out—toward the Hudson River."

SPACE PROBLEM

Langan said the shortage of space has forced the community to concentrate on upkeeping and maintaining present dwellings and abandon urban renewal projects such as Overlook Terrace in favor of smaller, neighborhood-oriented urban renewal projects.

The plan now being adopted by the town is called the Neighborhood Development Program. It provides low-cost home improvement loans guaranteed by the federal government at a nominal interest charge. Slated to start sometime next year, the program operates "block by block" within the community to insure completed work.

The upgrading of "what is," in the community, said Langan, "will make it a lot easier to accept what is to be, mainly the outcome of the town't last frontier'."

In a move to prod the bankrupt railroad into action, the town attorney was authorized by the board of commissioners last week to initiate a suit against the corporation to gain 11.4 acres at the foot of the Palisades. The land is to be used for a terraced park.

THE HOUSE SHOULD HAVE A VOICE IN APPROVING A PERMANENT SALT AGREEMENT

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ZABLOCKI. Mr. Speaker, the current prolonged debate in the other body over approval of the interim agreement on strategic offensive weapons signed in Moscow last May invites comparison with the efficient and expeditious manner in which the House expressed its approval of the agreement.

It must be recalled that the President asked the Congress to work its will on the SALT pacts before September 1 in order that the second round of talks with the Soviets might begin in October.

Acting to meet that deadline, the Committee on Foreign Affairs, under the able leadership of its chairman, the Honorable THOMAS E. MORGAN, held hearings, gave full consideration and reported the bill to the House in time for it to be acted on before the August recess began.

In the other body, however, a series of amendments and conflicting interests have combined to stall final action on the approval.

The resulting situation casts no credit on the Congress and tends to degrade the importance of the Moscow agreements.

These events have reinforced my belief that the House of Representatives should have a voice in approving any permanent agreement on offensive strategic weapons which may be reached during SALT II.

If such an agreement were submitted as a treaty, of course, it would go only to the other body and the House would have no direct voice. If, on the other hand, the President should sent such a pact to the Congress in the form of an executive agreement for which the approval and authorization of both bodies was required, then the House would have an opportunity to work its will.

I believe the President should submit any permanent agreement to both Houses.

Section 33 of the Arms Control and Disarmament Act requires that arms limitation actions must be approved by Congress, either through the treaty power or "by further affirmative legislation by the Congress of the United States."

Thus, it would appear that the act gives the President a choice of submitting an agreement on arms control either to the Senate as a treaty, or to both Houses for approval.

When the President chose to send the interim agreement on offensive weapons to both Houses, be set a precedent of seeking authorization from this body.

That procedure should be maintained in the future, even if a follow-on agreement is of a "permanent" rather than of an "interim" nature.

Having given its approval to the interim agreement, the House has incurred a responsibility to be sure that a final SALT agreement is in the national interest.

The only way in which that responsibility can be effectively discharged is through a House vote on any final arms pact.

Numerous precedents exist for concluding important international accords through executive agreements which subsequently are submitted to a majority vote of both Houses. The Foreign Affairs Division. Congressional Research Service, at my request, has compiled a list of some precedents, which I insert into the RECORD at this point:

LIST OF PRECEDENTS

S.J. Res. 131, 73rd Congress, Providing for membership of the United States in the International Labor Organization. 48 Stat. 1182, June 19, 1934.

H.J. Res. 192, 78th Congress, To enable the United States to participate in the work of the United Nations relief and rehabilitation organization.

H.J. Res. 145, 79th Congress, Providing for membership of the United States in the Food and Agriculture Organization of the United Nations. 59 Stat. 529, July 31, 1945.

H.R. 3314, 79th Congress, To provide for the participation of the United States in the International Monetary Fund and the International Bank for Reconstruction and Development. 59 Stat. 512, July 31, 1945.

H.J. Res. 305, 79th Congress, Providing for membership and participation by the United States in the United Nations Educational, Scientific, and Cultural Organization, and authorizing an appropriation therefor. 60 Stat. 712, July 30, 1946.

S.J. Res. 77, 80th Congress, Providing for membership and participation by the United States in the International Refugee Organization and authorizing an appropriation therefor. 61 Stat. 214, July 1, 1947.

H.J. Res. 233, 80th Congress, Authorizing the President to approve the trusteeship agreement for the Territory of the Pacific Islands. 61 Stat. 397, July 18, 1947.

S.J. Res. 144, 80th Congress, Authorizing the President to bring into effect an agreement between the United States and the United Nations for the purpose of establishing the permanent headquarters of the United Nations in the United States and authorizing the taking of measures necessary to facilitate compliance with the provisions of such agreement, and for other purposes. 61 Stat. 756, August 4, 1947.

H.J. Res. 232, 80th Congress. Providing for membership and participation by the United States in the South Pacific Commission and authorizing an appropriation therefor. 62 Stat. 15, January 28, 1948.

H.J. Res. 231, 80th Congress, Providing for membership and participation by the United States in the Caribbean Commission and authorizing an appropriation therefor. 62. Stat. 65, March 4, 1948.

S.J. Res. 98, 80th Congress, Providing for membership and participation by the United States in the World Health Organization and authorizing an appropriation therefor. 62 Stat. 441, June 14, 1948.

S.J. Res. 117, 80th Congress, Providing for acceptance by the United States of America of the Constitution of the International Labor Organization Instrument of Amendment, and further authorizing an appropriation for payment of the United States share of the expenses of membership and for expenses of participation by the United States. 62 Stat. 1151, June 30, 1948.

S.J. Res. 212, 80th Congress, To authorize the President, following appropriation of the necessary funds by the Congress, to bring into effect on the party of the United States the loan agreement of the United States of America and the United Nations signed at Lake Success, New York, March 23, 1948. 62 Stat. 1286, August 11, 1948.

H.R. 5013, 82nd Congress, To authorize the President to proclaim regulations for preventing collisions at sea. 65 Stat. 406, October 11, 1951.

S. 1928, 86th Congress, To provide for the participation of the United States in the Inter-American Development Bank. 73 Stat. 299, August 7, 1959.

H.R. 11001, 86th Congress, To provide for the participation of the United States in the International Development Association. 74 Stat. 293, June 30, 1960.

H.J. Res. 384, 87th Congress, Providing for acceptance by the United States of America of the Agreement for the Establishment of the Caribbean Organization signed by the Governments of the Republic of France, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. 75 Stat. 194, June 30, 1961.

H.J. Res. 778, 88th Congress, To provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor. 77 Stat. 775, December 30, 1963.

H.R. 6012, 88th Congress, To authorize the President to proclaim regulations for preventing collisions at sea. 77 Stat. 194, September 24, 1963.

H.R. 12563, 89th Congress, To provide for the participation of the United States in the Asian Development Bank. 80 Stat. 71, March 16, 1966.

EAST LOS ANGELES HEALTH TASK FORCE DAY

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ROYBAL. Mr. Speaker, since its inception in 1969, I have enjoyed a close working relationship with the East Los Angeles Health Task Force, a community-based health organization assisting barrio residents in obtaining needed health and social services.

The task force began its career with distinction—being the first Chicano organization of its kind in the county of Los Angeles. And in the 3 short years of its operation, the task force has proved itself more than equal to that distinction and most worthy of the original faith and trust placed in its expressed commitment to the community.

Aside from its competency in the delivery of general health care services, the task force has been instrumental in creating the Community Health Foundation of East Los Angeles, recruiting Chicano students into nursing and allied health careers, organizing neighborhood health councils, as well as obtaining funds for both an alcoholism training program and a mental health center.

The extent of their accomplishments is too lengthy and diverse to fully describe here. However, their activities are well known to the people of Los Angeles and, as an expression of thanks, a day of commemoration will be observed throughout the country. I have been asked to insert into the RECORD the following resolution adopted by the Los Angeles County Board of Supervisors in recognition and appreciation of the East Los Angeles Health Task Force and proclaiming Friday, September 15, "East Los Angeles Health Task Force Day:"

The resolution follows:

RESOLUTION

Whereas: The East Los Angeles Health Task Force was organized February 1, 1969, in the Community for the Community and by the Community, out of concern for the Health problems of the East/Northeast Health Districts within the County of Los Angeles, and

Whereas: The East Los Angeles Health Task Force was the first Chicano Community based health oriented organization within the County of Los Angeles, and

Whereas: The East Los Angeles Health Task Force was the first organization involved in recruiting Chicano students into Nursing and Allied Health Careers, and

Whereas: The East Los Angeles Health Task Force, since its inception, has rendered assistance to Barrio persons in pursuit of health and social services thereby remaining relevant, and

Whereas: The East Los Angeles Health Task Force has established credibility within the health establishment at the local as well as state and federal levels, and

Whereas: The East Los Angeles Health Task Force has been instrumental in securing meaningful positions for Chicanos in the health establishment from the local level all the way to the office of Health and Scientific Affairs, HEW, and

Whereas: The East Los Angeles Health Task Force has through its Community Outreach Component organized nine (9) Neighborhood Health Councils within its target area as a vehicle for meaningful grassroots participation, and

Whereas: The East Los Angeles Health Task Force has been the catalyst in organizing and promoting Community Health Fairs and encouraging Neighborhood Health Councils to follow suit, and

Whereas: The East Los Angeles Health Task Force has been instrumental in obtaining Office of Economic Opportunity funding, and creating the Community Health Foundation of East Los Angeles whose prime charge is the development of Primary Care Centers, and

Whereas: The East Los Angeles Health Task Force was the lead agency and instrumental in securing a Health Service and Mental Health Administration, HEW contract to develop the East Los Angeles Health System, Inc., and

Whereas: The East Los Angeles Health Task Force has been instrumental in securing funding for a Family Health Center Project to provide health care for the citizens of East Los Angeles, and

Whereas: The East Los Angeles Health Task Force has been instrumental in securing funding for an Alcoholism Training and Service Program, and

Whereas: The East Los Angeles Health Task Force has been instrumental in securing funding for a Mental Health Center Initiation and Development grant, and

Whereas: The East Los Angeles Health Task Force has established and maintained positive working relationship with the different governmental entities charged with responsibility in health, i.e., Los Angeles County Department of Hospitals, Public Health and Mental Health Departments, and

Whereas: The East Los Angeles Health Task Force has successfully worked within the system in achieving recognition and success while maintaining its firm commitment to the Community, as its advocate in health,

Therefore, be it resolved, that this legislative body charged with the governance of the County of Los Angeles, through its elected representatives, the County Board of Supervisors, officially acknowledges and acclaims the East Los Angeles Health Task Force for the excellence with which it has performed and the spirit it has exemplified and may it further be

Resolved that in recognition and appreciation of the East Los Angeles Health Task Force for its noble endeavors the County Board of Supervisors officially proclaims Friday, September 15, 1972 as "the East Los Angeles Health Task Force Day" to be observed throughout the County of Los Angeles.

THE NEW PATRIOTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. RARICK. Mr. Speaker, news has now reached us that the five terrorist guerrillas slain by German police following the Olympic kidnapping and murder of Israel athletes have been given a heroes' funeral in Libya.

We are reminded of a similar heroes' treatment given the American Communist Angela Davis on her exhibition tour of Moscow and East Germany.

Apparently the definition of hero and patriot, like that of peace, differs in Communist public opinion from the common understanding of those terms in the United States. We can only wonder how the term murder is interpreted in the Communist vernacular.

I ask that related news clippings follow:

[From the Evening Star and Daily News, Sept. 13, 1972]

LIBYA GIVES FIVE GUERRILLAS HEROES' FUNERAL IN TRIPOLI

BEIRUT.—Libya has given a heroes' funeral to five Palestinian guerillas killed by Munich police after they had slain 11 Israelis at the Olympic games.

The Middle East News Agency, in a dispatch from Tripoli, said yesterday's funeral was a "majestic spectacle."

The guerrillas were killed in a shootout at a military airfield near Munich on Sept. 6 as they were trying to escape with Israeli hostages.

Three other guerrillas were captured and are in separate German jails.

Large numbers of mourners marched behind a funeral cortege led by members of the ruling Libyan Revolution Command Council. The agency did not say whether Col. Mummar Kadafy, the council's chairman, took part.

Palestinian guerrillas and members of the Libyan "Popular Resistance" also took part in the procession, the agency said. It marched to "Martyrs' Square," where prayers were offered, the agency said.

The five bodies were flown in from Munich on Monday.

[From the Washington Post, Sept. 11, 1972]

EAST GERMANY GIVES ANGELA BIG WELCOME

BERLIN, September 11—Angela Davis, fresh from a two-week stay in the Soviet Union, was greeted by 50,000 youths when she arrived at East Berlin's Schoevefeld airport yesterday, the East German news agency ADN reported.

The U.S. Communist—acquitted in June of murder, kidnaping and conspiracy charges which stemmed from a California courthouse shootout—will remain in East Germany five days. While in the Soviet Union, she was the guest of the Soviet Women's Committee and toured several cities in a visit widely publicized by Soviet media.

[From the Christian Beacon, Sept. 7, 1972]

ANGELA DAVIS TOURS COMMUNIST COUNTRIES

Angela Davis, under the protection of American citizenship and a U.S.-issued visa, who has repeatedly declared herself "an avowed Communist," has now become a literal propaganda messenger for Communist Soviet Russia.

Wildly welcomed recently on her arrival in Moscow by a cheering throng headed by Valentina Tereshkova, the Communist woman astronaut, who greeted her with "to everyone in our country, you have become very close and very dear," the American Communist answered, "I bring solidarity from the black people of the United States." In further comment, she said that this "is rapidly achieving the consciousness which will eventually allow us in the U.S. to join the Soviet people in the ranks of socialism."

Soon after declaring that "it is an expressibly wonderful feeling to be here on the soil of the Soviet Union," the atheistic, anti-American advocate was given a Lenin Jubilee Medal. Receiving it from Yadgar Nasriddinova, chairman of the House of Nationalities of the Supreme Soviet which is the USSR's supreme legislative body, Communist Angela replied, "The USSR carries the banner of socialism all over the world. It shows an example to the countries of Asia and Africa fighting for their independence and socialism. We American Communists are struggling against the aggressive policy of U.S. imperialism."

After this declaration, the Soviet Embassy announced the following day that the American Communist woman would travel to the Communist countries of Cuba and Chile. Enroute to these countries, the embassy officials said that she would carry her Communistic views to East Berlin, Sofia, Bulgaria, and Prague in Czechoslovakia, before returning to the U.S. The Soviet embassy also quoted her as saying she had to be back in New York on October 1 so she could take part in the final weeks of the U.S. election campaign's Communist goals.

With the growing denouncement of Communist Davis' statements and actions against the United States as well as strong criticism of the State Department for issuing a passport to a person for such anti-American tactics in foreign countries, charges of "traitor," "treason," and "she should be arrested at her re-entry port and jailed" are being sounded.

SENATE—*Friday, September 15, 1972*

(Legislative day of Tuesday, September 12, 1972)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and our God, we thank Thee for the vitality and strength of the Nation and for the durability of its institutions. We thank Thee for this body, for the rules which regulate its daily life, for the leadership which guides its processes, and for its achievements on behalf of the people. Undergird all who serve here giving them wisdom, strength, and courage to provide for the Nation's needs and to secure peace and justice for all mankind. In the end give them a good conscience, the satisfaction of work well done, and the gratitude of their fellow citizens.

We pray in the name of the one who is the truth and the way. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, September 14, 1972, be approved.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Commerce; the Committee on Armed Services; the Committee on Public Works; the Subcommittee on Internal Security of the Committee on the Judiciary; the Subcommittee on Flood Control, Rivers and Harbors of the Committee on Public Works; the Committee on Labor and Public Welfare; and the Committee on Interior and Insular Affairs may be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

UNITED NATIONS REPRESENTATIVES

The second assistant legislative clerk proceeded to read sundry nominations in United Nations Representatives.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I want to reiterate a statement I made yesterday as it applies to future legislation being reported from committees.

For the information of the Senate, so that it will be in the RECORD again, I wish to announce that the Democratic Policy Committee—and I understand that the Republican Conference also, at lunch on Tuesday last—considered and unanimously agreed that, except for a matter of extraordinary importance, no legislative measure reported by a standing committee after September 15 will be scheduled for Senate action during this session, other than those items that can be disposed of by unanimous consent.

I want to emphasize that if there is legislation of extraordinary or significant importance, that fact will be taken into consideration by the joint leadership.

I also want to point out that private bills and other noncontroversial matters will be reported and acted on by the Senate on a Consent Calendar basis.

This is to serve notice of the joint action of the two parties on Tuesday last in this respect.

This was a Republican initiative in which the Democratic Policy Committee joined.

Mr. SCOTT. Mr. President, the necessity for disposing of such "must" legislation as had been agreed on originally by the majority compels the minority leader to conclude that if this "must" legislation is to be passed, there must be a point where we no longer report legislation from committees. This is not to say that we do not regret all the measures that we are not able to take up, or that we would not have wished to take up a great many more, but if a certain list is agreed on, obviously measures such as defense authorization, foreign aid, and other such measures are not going to be disposed of if all sorts of miscellaneous and perhaps less important legislation continues to be ground out by the committees.

Thus, since we are, I suppose, nearing the end of the legislative session, it would seem that this would be the proper thing to do, in accordance with what we have done in previous sessions of Congress.

There is a lot of legislation I would like to see acted on. I would like to see action on the welfare bill, Government reorganization, health bills, and pension bills. There is so much to be done; but some Senators are not here, some of the most vocal Senators are not here, and we do not have the benefit of their wisdom. Those who are here are working very hard to do their very best to dispose of this legislation.

Mr. MANSFIELD. One of the items that we hope will be reported by the Finance Committee and taken up in the Senate is H.R. 1, the Welfare Reform Act.

I believe that we owe the President that courtesy and that the Senate should have the opportunity to dispose of this measure one way or the other.

Mr. SCOTT. I agree. I should like to see it passed.

Mr. ALLEN. Mr. President, will the distinguished Republican leader yield?

Mr. SCOTT. I am glad to yield to the Senator from Alabama.

Mr. ALLEN. I know that the entire Senate is glad to get this report from the two leaders with respect to bills still in committee and with respect to their not getting on the calendar.

The Senator from Alabama is wondering whether any progress has been made by the two leaders with respect to reaching an agreement for bringing up for consideration in the Senate a bill which has been on the calendar for some days. I refer to H.R. 13915, on which we have had colloquies here for the past 8 days, I believe, this being the ninth day.

The distinguished Republican leader, to use an expression, has been getting off scot free with regard to these colloquies. So the Senator from Alabama is wondering whether the distinguished Republican leader might shed some light on the attitude of the lesser among equals of the joint leadership on this matter.

Mr. SCOTT. I am sure that the distinguished Senator from Alabama, who is an expert on the rules and customs of the Senate, is aware of the fact that the placing of legislation on the calendar is a function of the majority—a function in which the minority usually works very hard to coordinate and cooperate.

I believe such decisions are made by the majority caucus. I have no criticism of that whatever and no suggestions to make beyond whatever in the wisdom of the majority they feel it may be necessary to do.

However, we do have some very important legislation and I would not want the majority to bear the entire onus for not bringing up any particular bill. We have a great deal of important legislation to consider, as the Senator from Alabama well knows. What the Senator is referring to is also important, and there should be consideration given to it, but the order in which bills are taken up is not the function of the minority. Inasmuch as the Senator from Alabama has directed his question to me, I must say that the minority does not control the direction as to how bills come up for consideration. I would think that the majority would agree it is desirable this bill be given a hearing, and to that extent I am very glad to respond.

Mr. ALLEN. Mr. President, I thank the distinguished Senator. The position of the Senator then is that he has no objection, as Republican leader, to seeing a bill called up for consideration if that is the wish of the majority leadership.

Mr. SCOTT. If it is the wish and the decision of the majority that this legislation be brought up, that is a decision with which I would cooperate, because, in fairness, bills on the calendar ought to be brought up if we can do so. The timing is not the function of the minority leader except to say, in all fairness to the majority, that we do not want to jeopardize certain legislation and it might be wise not to insist on a given time at this time, although I am even now interfering with the function of the majority in saying that.

Mr. ALLEN. Mr. President, the Senator from Alabama notes that the unfinished business this morning is a bill having to do with the 1976 Winter Olympics. The suggestion has been made on the Senate floor that we not even hold the 1976 Olympics. This bill concerns further the adoption of a constitutional amendment in Colorado. If that measure passes, Colorado is not to contribute anything to the Olympics and this authorization becomes ineffective.

I was wondering why that bill was placed ahead of the antischool busing legislation which affects children this very morning, not in 1976.

Mr. SCOTT. Mr. President, I cannot speak as an expert on the calendaring of legislation because that has never been my responsibility. We have long been the minority here. We are permitted to ventures hopes, but it may be that someday that may change.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, with all due respect to the Senator, and I know he will understand my saying this, I ask for the regular order. The Senator from Illinois is to be recognized at this time.

I know that the Senator from Alabama will understand. Perhaps the Senator from Illinois would be willing to yield for a moment to the Senator from Alabama.

Mr. PERCY. Mr. President, I would be very happy to do so. I have a very brief question that I would like to ask the majority leader.

ORDER OF BUSINESS

The PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senator from Illinois is recognized for not to exceed 15 minutes.

Mr. PERCY. Mr. President, I would be happy to yield if my distinguished colleague, the Senator from Nebraska (Mr. HRUSKA) who has an order immediately following me would be willing to do so. We could yield up to 3 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, the Senator from Alabama is thankful for the information that he has gleaned thus far with respect to this bill, and he will inquire further about the matter.

At this time I yield the floor.

THE PROSPECTS FOR PASSAGE OF THE PRESIDENT'S WELFARE REFORM LEGISLATION

Mr. PERCY. Mr. President, I would like to be recognized at this time for the purpose of addressing an inquiry to the majority leader.

Do I understand that if the Senate Finance Committee is able to report H.R. 1—that is, the welfare reform legislation—that legislation would then be placed on the calendar for consideration before we adjourn?

Mr. MANSFIELD. Yes, indeed. And I made that statement on the basis of the fact that the President has been requesting this legislation for the past 3½ years. The House has passed it twice. I believe that as a matter of courtesy, if for no other reason, if and when it is reported by the committee, it should be taken up on the Senate floor for whatever disposition the Senate wants to make of it.

Mr. PERCY. This is a very urgent matter. I commend the leadership for this decision. I trust, now that the revenue-sharing legislation is off the calendar, as far as the members of the Finance Committee are concerned, the welfare reform legislation can be handled.

I am particularly interested in emergency welfare relief involving more than half a billion dollars retroactive to July 1, 1971, that the administration said could be attached to H.R. 1. For 22 Governors, this money is urgently needed because of the fiscal crisis existing in many of these States.

This is a matter of great urgency, and I commend the leadership and thank the majority leader.

THE URGENT NEED FOR ENFORCEMENT OF LEGAL REGISTRATION AND VOTING

Mr. PERCY. Mr. President, I am honored indeed to be joined by my colleague, the ranking Republican member of the Judiciary Committee, the Senator from Nebraska (Mr. HRUSKA). I think it is also most opportune and fortunate that the President pro tempore of the Senate and the chairman of the Judiciary Committee, the Senator from Mississippi (Mr. EASTLAND), is presiding in the Senate this morning and that the majority leader and the assistant majority leader are in the Chamber.

Mr. President, the U.S. Constitution begins, "We the People." We the people form the basis of our representative form of government. We the people select those citizens who will speak for us in the councils of our Government. We the people exercise our powers through the most basic and fundamental of all our rights, the right to cast an effective ballot.

In Federalist No. 22, Hamilton said:

> The fabric of American empire ought to rest on the solid basis of the consent of the people. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority.

Put in another way, this Government of ours is like a house built of bricks. The sturdiness of the house as a whole depends on the strength and durability of each brick. In this country, every vote of every citizen is a brick which provides the foundation for the Government to stand firm and unwavering. When any of those bricks are weakened, the entire structure suffers. If too much weakness develops, the entire structure falls apart. If the votes of our citizens are weakened, then our Government faces a grave crisis.

It is my sad duty this morning to report to the Senate that the right to vote has been seriously undermined in my own State of Illinois. For some time, there has been a saying in Chicago: "Vote early and vote often." The humor of this disappears before the fact that this is indeed what has been happening in Chicago for some years. In a series of articles in the Chicago Tribune, reporter William Mullen has disclosed how he was hired as a clerk in the office of the Chicago Board of Election Commissioners following the March primary. For 3 months, Mr. Mullen gathered and compiled evidence of massive fraud from public records. In these articles, case after case is documented where the power and the right of every citizen to cast an effective ballot has been callously disregarded.

Mr. President, I ask unanimous consent that the text of these revealing articles be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, as a result of these articles the office of the U.S. attorney in Chicago has expanded its investigations of voting irregularities, and on the basis of the facts which have already come to light, indictments are inevitable. It is vitally necessary that these investigations continue, for there is no crime more repugnant to the sacredness of the Constitution than one involving voter fraud. Should these allegations be proven, those responsible should bear the full brunt of the law. The Supreme Court in *Reynolds* v. *Sims*, 377 U.S. 533 (1964) said that—

> To the extent that a citizen's right to vote is debased, he is that much less a citizen.

The actions which election officials are charged with threaten to debase the citizenship of every citizen in Chicago, every citizen in Illinois, and indeed, every citizen in this Nation.

The Federal laws which deal with preserving and protecting the right to vote focus essentially on different problems than those which are presented by voter fraud. They were written with an eye toward preventing unlawful discrimination and in preventing fraud by partisans. So, though the law is clear that a person cannot be denied access to the polls because of his race or that it is illegal for votes to be bought, the law is less specific when it comes to situations where voter applications have been left blank and then later forged, where dead and sick people are recorded as voting, where blocks of people are listed as voting when no such block exists, where voting judges who are supposed to protect the interest of one party are actually members of the other party, and take part in acts of malfeasance.

It appears from these articles that much of the blame for this situation being allowed to persist is the fact that the Illinois State law is completely inadequate in providing checks against such malfeasance. The attorney general of Illinois has no standing to go into State court to remedy these acts of voter fraud. I compliment Governor Ogilvie's initiative in promising that this will be an issue of the highest priority in the next legislative session. The fact that the Illinois State government is virtually powerless to get at the roots of this problem is a failure of the State legislature.

However, there is concurrent jurisdiction over this matter which is shared by the State and the Federal Government. In *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), the Supreme Court held that Congress does have a role in the electoral process. Certainly that role should include insuring that every citizen is allowed to cast an effective and undiluted ballot. As the Court said in *Gray* v. *Sanders*, 372 U.S. 368 (1963):

> The concept of political equality from the Declaration of Independence, to Lincoln's Gettysburg address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can only mean one thing—one person, one vote.

Yet today we see evidence that the "right of all of the State's citizens to cast an effective and adequately weighted vote" has been denied—see Reynolds against Sims, supra.

Every Member of this body takes a solemn oath to support and defend the Constitution of the United States. Certainly, there is no more basic right in the Constitution than that of the right of the citizen to vote. It is inherent in every section of that great document. As Members who have thus pledged to protect that right, we should immediately begin the task of investigating this matter ourselves. In particular, the Constitutional Rights Subcommittee, chaired by one of the most honored and esteemed Members of this body, the Senator from North Carolina (Mr. ERVIN) could profitably study the allegations and determine what action on the part of the Congress would be appropriate. At the outset, I would suggest that Congress should endeavor to articulate some basic standards regarding the manner in which our citizens are allowed to exercise their franchise. These might include the right of every citizen to have access to all records of election machinery so that private citizens themselves can determine if irregularities are present, instead of having to have reporters secretly infiltrate the places where these records are kept.

Congress should guarantee that every citizen's vote is entitled to its integrity and that that vote will be protected from diminution or dilution.

Congress should guarantee that every citizen has access to the polls and that no subterfuge should be employed which would result in preventing such access.

In addition, there should be multiple responsibility for the enforcement of these rights so that no one person or bureau would have the dual responsibility of both administering and enforcing these guarantees. Simply stated, the principle of checks and balances should apply to the protection of the right to vote.

All of these standards should be just that, standards. It should be up to the States to pass and enforce effective laws which would effectively prevent anything like what has been charged in the Tribune. But the Congress should consider going on record as to what it believes should be the minimum standards necessary to protect this right.

For the information of my colleagues, I ask unanimous consent to have inserted in the RECORD at the conclusion of my remarks, an article which describes some 19th century legislation which dealt with the types of problems which we are discussing today.

The article describes how the Congress acted in a very forceful fashion in response to the vote fraud that the Tweed ring produced in New York in 1868 and 1871, the Congress passed a law which provided that Federal supervisors and deputy marshals would watch over Federal elections to make sure that vote fraud did not occur. This law was repealed in 1894 when it seemed that the necessity for it had faded with the years. I call it to the attention of my colleagues so that they might have some historical perspective as we look into these latest instances of vote fraud.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. PERCY. So that there is no implication that this is a partisan comment of any kind, I would like to say it is very common knowledge that certain sections of downstate Illinois should not report their election returns too early, because the implication is made that they have to determine the extent of vote fraud in Chicago, how much has been stolen, so that they might do likewise for the other party downstate.

When we call for studies and investigations, I do not mean of any one party or region of the State; it should be so wide that these practices should be stamped out wherever they are, and people, regardless of party affiliation, should be prosecuted if they are guilty, wherever they exist.

I certainly want to encourage my colleagues who are members of that subcommittee, and especially the Senator from Nebraska (Mr. HRUSKA), the ranking minority member of that subcommittee, to hold hearings at the appropriate time so that this matter can be fully explored. Whenever I have had the distinct honor of appearing before the Subcommittee on Constitutional Rights and its distinguished chairman, I have always been impressed by their solicitous concern for the rights guaranteed by the Constitution to all citizens and their practical insight as to how to effectively insure that these rights are not diluted, forgotten, or abrogated.

However, any direction which would be forthcoming from this subcommittee and the Congress would be only prospective in its application. We are still faced with the very serious fact that a pattern of fraud has existed for years in Chicago elections. In the past, corruption and fraud have come to light but little has been done.

For instance, on election day in 1966, poll watchers were arrested and prevented from performing their function when they asked to see the counting on the voting machines. In that instance, I tried to do what I could to insure fair and impartial voting procedures, but at every turn, fraud and mismanagement stood in the way, in 1966, just as it does today. Who can tell how many years one would have to go back before a truly fair election was held in Chicago?

I have been observing elections in Chicago and in Cook County for many, many years. I can well remember my own shock, and the almost cynical attitude I have adopted since then, when I ran for Governor in 1964 and went into the 24th Ward of Chicago. I was shocked by flagrant abuses. I saw people being advised by precinct captains that they would lose all of their welfare payments unless they voted the straight Democratic ticket. Not only that, but they had to insure that when they went in they certified they could neither read nor write, whether they could or not. Dozens of people in a row went in and did so, because when they so certified the precinct judges would permit assistance for the voter in the polling booth. There is supposed to be one judge from each party. But one judge will often declare his loyalty to his party by declaring himself to be a member of the opposing party. The result is that two members of the same party can then go in that booth to make sure that the lever is pulled for the straight party vote.

Indeed, the Tribune has not been the only paper which has exposed this type of electoral abuse. As early as the 1940's the Chicago Sun Times ran pictures of election fraud. In the 1960's the Chicago Daily News also carried articles which documented cases of abuse at the polls. Yet, still, little has been done.

Because of the serious charges that have been made and due to the documented evidence which supports these charges, there appears to be a definite possibility that thousands of the citizens of my State will be deprived of their right to cast an effective ballot in the next election. Consequently, there is a need for immediate action on the part of the Federal Government to insure that every voter's right to cast an effective ballot this November be protected.

I have, therefore, written to Attorney General Kleindienst, setting forth the history of these occurrences in Chicago and I have requested that he direct the Federal Bureau of Investigation to take the appropriate action for the November election in Chicago to insure that fair and honest conditions are maintained and that the right of every voter is protected. I ask unanimous consent that this letter be printed in the RECORD at this point.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. PERCY. Mr. President, asking the Attorney General to direct the FBI to investigate these charges and, if necessary, act to prevent voting fraud from occurring at the polling places in Chicago is a very drastic measure. However, as one who has sworn to uphold the Constitution and defend it, I cannot sit idly by while basic political rights guaranteed by the Constitution are eaten away through corruption.

In the past, Federal courts have acted to try to insure that elections are not debased through fraud and misrepresentation. At this point, I ask unanimous consent to have inserted in the RECORD a copy of a court order dated March 20, 1972, from the northern district of Illinois which illustrates how Federal courts have been forced to act in the recent past.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. PERCY. The evidence which we see today though, indicates that these court orders have had limited effect and may have been completely ignored. What is needed is an active participation on the part of the Federal Government to see to it that these coming elections are carried out properly. Unless these immediate actions are taken, I feel that all of our rhetoric and all of the future action by Congress and the Illinois State Legislature will be too late. The immediate concern is to preserve the purity of the electoral process this November.

Mr. President, I have been heartened by the response that has been forthcoming as a result of these Tribune articles. Officials of both parties have vowed to take appropriate action to clean up this mess. This is only proper, because this is not a partisan issue at all. What is involved here is not one party pitted against the other. Rather, it is a small group of people who are so insensitive to the rights of their fellow citizens that they have attempted to bastardize the electoral process. I hope that the public and responsible officials of both parties will continue to insist on effective reform and will join me in this request to the Attorney General to have the Federal Government take an active part in seeing to it that no citizen will be deprived of his right to vote.

Let me again state the sorrow that I feel that this despicable situation should come to light in my own State. It is however, a disservice to infer that this type of action is representative of the citizens of Chicago or of the citizens of Illinois. It is not. And that is why immediate and effective action must be taken to rid Illinois of this festering sore on the electoral process.

EXHIBIT 1

[From the Chicago Tribune, Sept. 11, 1972]

TRIBUNE DISCLOSURES HAILED

(By Ronald Yates and William Muller)

United States Attorney James R. Thompson said yesterday his office will widen its investigation of voting irregularities to include all wards and precincts where evidence compiled by The Chicago Tribune indicates fraud.

Thompson vowed to end the widespread vote fraud as revealed in the Tribune's investigation of the Chicago Board of Election Commissioners.

WOULD BE ASHAMED

"Evidence revealed in the Tribune is an indictment of the way elections are held in Cook County—if I ran my office the way [Stanley T.] Kusper runs his." Thompson said in a press conference, "I would be ashamed to hold office."

Documents and other evidence compiled by Tribune Task Force investigators after a four-month fraud investigation have been turned over to Thompson for presentation to a federal grand jury.

Thompson praised the Tribune's investigation of election fraud.

CAST ASIDE APATHY

"Bold investigation and reporting such as this are in the highest traditions of a free, zealous, and crusading press," he said.

"I hope the Tribune's disclosures will spur the citizens of Chicago to cast aside their traditional apathy to vote fraud and corruption," he continued.

"I hope Chicago's citizens will also demand that the election officials of this city redeem the constitutional right of all citizens not only to have their votes validly cast and counted, but to insure that their honest votes are not diluted by those false and fraudulent votes to which no candidate, Republican or Democratic, is entitled."

Thompson said that the Tribune's Task Force reporting team has been working closely with his office since a reporter was placed in the Election Board's office to work undercover.

"The Chicago Tribune, its investigative Task Force headed by George Bliss, and investigative reporter William Mullen are to be congratulated for the journalistic enterprise displayed in the examination and reporting of how the Chicago Board of Election Commissioners conducted the March, 1972, primary election," he said.

The Rev. Jesse Jackson, director of Operation PUSH, said yesterday his organization supports a widened federal investigation of the election commission.

KNOWN FOR LONG TIME

"We have known for a long time the inequities of the electoral system in Chicago," the Rev. Mr. Jackson said, "but The Tribune has provided us with documented proof of what is going on and has made the public aware."

He said the widened investigation should include seizing all records in the Election Board's office for close examination and the suspension of all board commissioners pending the investigation.

"Since the board is a creature of the court, we recommend that the entire board be put into some sort of receivership so that all records are impounded," he said.

SUGGESTS TEMPORARY BOARD

"We further recommend that a temporary board be established to better reflect the population of the city."

The Rev. Mr. Jackson said his group, which has been conducting voter registration drives in the city's predominantly black wards, also has compiled evidence of irregularities in the board's offices. He said he would reveal the evidence at a press conference soon.

EFFECT OF CROOKED ELECTIONS

Bernard Carey, Republican candidate for state's attorney in the November election, said The Tribune revelations illustrate how crooked elections affect not just Chicago, but the rest of the county and state.

"The [Tribune] series is recommended reading for suburbanites," Carey said. "You may feel that vote fraud in Chicago where there have always been scandals but never any reform is no concern to you. But you must realize that your vote in a county race is diluted by those stolen in Chicago where the motto is: 'Vote early and often,' and the Democratic Party has their votes counted before the polls open."

He said the polls in Chicago are officially open from 6 a.m. to 6 p.m. on election day," but the heaviest voting is from 4 a.m. to 6 a.m. when the machine's people vote."

[From the Chicago Tribune, Sept. 10, 1972]

REVEAL HUGE VOTE FRAUD

(By George Bliss and William Mullen)

Evidence of more than 1,000 cases of election fraud in the March 21 primary election has been discovered by a Tribune Task Force reporter who worked undercover for three months in the Chicago Board of Election Commissioner's City Hall offices.

This newspaper's investigation showed the election commission's staff has ignored wholesale evidence in its own record files of ballot forgeries, inflated vote tallies, phony election judges, ghost voters, and violations of state and federal election codes.

Information gathered by The Tribune has been turned over to the United States Atty. James R. Thompson, who has been conducting a grand jury investigation on vote frauds. Thompson assigned a team of three prosecutors to carry out the investigation. They are John Simon, chief of the civil division; Richard J. Ciecka, deputy chief of the special investigations division; and Tyrone Fahner, assigned to special investigations.

The evidence compiled during the unprecedented behind-the-scenes look at the city's Democratic-controlled election machinery shows that only a token effort is made to stop systematic theft of votes.

A PERFUNCTORY CHECK

The commission's considerable staff of investigators and clerks, headed by its chairman, Stanley T. Kusper Jr., spent thousands of man-hours after the primary election going thru a perfunctory examination of election records. The net result was the removal of a few dozen election judges who voted for candidates in the opposite party for which they worked.

At the same time, the lone reporter, examining the records of only a fraction of the city's 3,205 precincts while performing other duties as a $20-a-day clerk, found documented evidence of the following:

Forged ballot applications, often so crudely executed that they were impossible not to spot even under the most superficial examination. The forged applications were used in the primary election to ring up votes of dead, critically ill, unregistered, and nonexistent persons and of voters who had not gone near a polling place on March 21.

Blank ballot applications which had been used by crooked election judges to cast hundreds of votes for Democratic candidates.

Phony Republican judges who cast their votes twice, once as a Republican and once as a Democrat.

Democratic election judges who rang up multiple votes, either by simply voting more than once under their own name or by voting for members of their families who did not come to the polls on election day.

Bogus Republican judges who tried to hide their true party affiliation, either by altering official voting records or by not keeping records of their own votes.

Precinct polling places where Democrats took over all five election judge vacancies on election day, leaving nobody in the polling places to challenge the operation of the polls.

Democratic precinct captains who took uncontested control of their polling places, ordering judges about at will. The same Democratic ward bosses, in direct contradiction to all laws and regulations, appointed hundreds of Republican election judges.

The list of infractions, violations, and crimes discovered in the official records and through extensive interviewing of judges and voters covers virtually every state and federal election law on the books.

Precinct 5, Ward 24

One of the worst examples of Democratic-controlled precincts uncovered was the 5th Precinct of the 24th Ward.

During the March primary, the regular Democratic candidate for state's attorney, Raymond Berg, received 304 votes in this precinct, while the two independent candidates, Edward V. Hanrahan and Donald Page Moore, received five and six votes.

Among the ballot applications used to cast votes in this race, the undercover reporter found 63 blanks. They had no voter's name or signature on them, but they were used to ring up votes on Berg's behalf.

In addition, scores of ballot applications which had been filled out contained obvious forgeries of voters' names. After handwriting experts from the International Graphoanalysis Society of Chicago confirmed the forgeries, reporters interviewed numerous voters whose names had been forged.

"That's not even my name there," Mrs. Rosie Hanspard said when she saw her name misspelled on an application used to cast a vote in her name.

Mrs. Hanspard, 3619 W. Grenshaw Av., said she was at work during the day and became ill. She went to the doctor and never had the time to vote.

Fred Tims, 606 W. Grenshaw Av., said he has not been able to vote for two or three years because a severe heart ailment keeps him home. He said he was surprised to see his name on a ballot application.

Sheila Jones, 3715 W. Grenshaw Av., and her neighbor, Victoria Matthews, 3713 W. Grenshaw Av., also confirmed that they had not voted and that the signatures on ballots using their names were not theirs.

GHOSTS SHOW UP

Reporters also turned up numerous ghost voters in the precinct. One of the forged ballot applications bore the name of Eme Stryn, 3611 W. Grenshaw Av., but when reporters tried to find her, they found that there was no such address and that neighbors had never heard the name.

In other cases, reporters found on ballot applications names of people who had never lived in the precinct or had moved from it long ago.

Some of the "ghosts" included Dorothy Childs, 3613 W. Grenshaw Av.; Aaron Wade, 3601 W. Grenshaw Av.; Rosa Lotts, 3718 W. Grenshaw Av.; Jesse Stiff, 3713 W. Grenshaw Av.; and Irene Humphrey and Spencer Kirk, both at 3701 W. Grenshaw Av.

Such extensive use of ghost voters indicates that the precinct canvassers, who also serve as election judges, have failed to do their jobs. Before the election, the canvassers are supposed to go thru the precinct with the official poll lists and remove the names of voters who no longer live within their jurisdiction.

ONE JUDGE WAS NONRESIDENT

One of the Republican judges in this precinct whose sworn duty is to protect the Republican Party from such abuses, was herself a nonresident with a Democratic voting history a circumstance which should have barred her from serving.

She is Linda Alcorn, who listed her address as 3719 W. Grenshaw Av., even the residents in the building said she moved from the neighborhood several years ago.

Miss Alcorn not only served illegally but also voted illegally, voting both as a Republican and a Democrat, filling out ballot applications for both parties.

Miss Alcorn could not be contacted, but two other judges in the precinct, Delores and Mozell Shavers, used to share their apartment with her and continue to live there at 3719 W. Grenshaw Av.

The Shavers are sisters, Delores serving as a Democratic judge and Mozell as a Republican.

Reporters located Delores, who said she knew nothing about the fraudulent ballot applications filled out during the election.

"It was so crowded there," she said of the polling place, "that people got mixed up and started to vote without signing the forms."

She arranged an interview with her sister, Mozell, for later in the day, but when reporters returned to the apartment, they met Delores with a phone in her hand and her attorney on the other end of the line.

The attorney is Chester Blair, 431 S. Dearborn St., a former Democratic powerhouse in the 24th Ward. He instructed the Shavers sisters not to answer any questions.

Precinct 55, Ward 37

Republicans suffered a similar fate in the 55th Precinct of the 37th Ward, where all three Republican judges turned out to be Democrats. Again, reporters confirmed numerous ballot application forgeries and found several blank ballot applications.

Two of the Republican judges, Mrs. Anna L. Cannon, 431 N. Central Av., and Mrs. Juanita Thompson, 4816 W. Harrison St., said they had been recruited to work as Republicans by the Democratic precinct captain, William Peppers.

Mrs. Thompson, whose sister was working as a Democratic judge in the same precinct, voted twice, once as a Republican and once as a Democrat.

She insisted that she had filled out and signed her Democratic ballot application "inadvertently" and that Peppers told her not to destroy it.

APPLICATION NOT VOIDED

"Mr. Peppers told me it would be confusing," she said. "I thought he canceled the ballot on the back." Records show that the ballot application had not been voided.

The third Republican judge, Alex Williams, 47 N. Central Av., said he signed up to be a judge thru a program at Malcolm X College conducted by a voter reform organization.

Williams claimed he did not vote that day, but when reporters produced a photographic copy of the Democratic ballot application he had signed, he admitted he had filled out the application.

"Oh, yeah," he said. "I did make that out, but the precinct captain said that I had better not vote because I was working as a Republican. So I never did use the application to vote, and I never had time after that to vote at all."

He said that Peppers took the ballot applications and told him that he would have another judge take care of it and void it.

HIS NAME ON ALL FORGERIES

Williams' signature appeared on all the forged and blank ballot applications used in the precinct, but he said he didn't know anything about them.

He recalled that he had signed ballot applications as the witnessing judge far in advance so voters wouldn't have to stand in line waiting for him. He said a poll watcher, whom he could not name came up to him and claimed he had been signing the applications incorrectly, so he put the applications aside.

"A little while later, the guy came back and picked up the applications and took them away," Williams said. "I don't know what happened to them after that."

Apparently the ballot applications were used to forge names of voters. A handwriting expert who examined applications from the precinct said the forgeries were made by one person and had been done badly.

"How the hell did they get my name and address?" asked Leo Jones, 61 N. Central Av., when he saw his name had been forged. "That ain't my signature. That ain't even my printing."

"Who'd I vote for?" asked Philip Washington, 5501 W. Washington Blvd., when he was told that his name had been forged on a Democratic ballot application. "As long as they vote Democrat, I don't mind."

He confirmed that the signature on the forged ballot application was not his, but said two votes must have been cast using his name because he had voted that day himself.

Earl Thomas, 39 N. Central Av., confirmed that he had not voted that day and that the signature on the ballot application was not his. Another ballot application contained the name and forged signature of Michael Thomas at the same address.

Earl Thomas said that he had rented the apartment last December after a Michael Thomas had moved out.

Two other applications contained the names of Otis Ashley, 123 N. Central Av., and Melvin Jones, 129 N. Central Av. According to the managers at both buildings, there is no record that Ashley or Jones ever lived at those addresses.

Precinct 7, Ward 24

Republican as well as Democratic ballot application forgeries turned up in the 7th Precinct of the 24th Ward.

Handwriting expert Donald Doud noted that the same person committed the forgeries on the Republican applications, apparently copying the names, as they appear in registration records—last name first.

One of the forgery victims, Mrs. Evelyn Madison, 1917 S. Hamlin Av., was used twice, once as a Democrat, the second time as a Republican. She said that she didn't vote on election day because she could not find a baby sitter.

Willie Madison of the same address said he voted Democratic in the primary, but his name, too, was used to cast a phony Republican vote.

NAMES MANGLED

Other forged applications contained badly misspelled names, such as Corrine spelled as Curold, Louden as Lucinden, Toliver as Tolver, and Hazel as Hazell.

Two forged applications contained the names of L. B. Williams, 1940 S. Ridgeway Av., and Lillie Jones, 1941 S. Hamlin Av. Both Mrs. Jones and Williams were in hospitals on election day after suffering strokes.

The forgeries on the Republican applications appeared to have been scrawled with broad-nibbed, felt-tipped pens.

"My handwriting isn't very good," said Mrs. Tanzy Watson, 4903 W. Ohio St., when she saw her forged signature, "but it's not that bad."

Nettie, Addie, and Melvin Dabbs, of 1907 S. Hamlin Av., all showed up on voting records as having voted on election day, tho none of them went to the polls.

GHOSTS HERE, TOO

Several ghosts apparently slipped into this precinct also. Those confirmed by reporters were S. L. Smith and Mourounce Polk, both of 1949 S. Hamlin Av., and a badly scribbled name which appeared to be Jerome Duell, at 1941 S. Hamlin Av.

Among the Republican judges protecting G.O.P. interests at the polls was Mrs. Gracie Curry, 1907 S. Springfield Av., who holds a Democratic patronage job as a records clerk in the traffic violations bureau of the office of the clerk of the Circuit Court.

Mrs. Curry said she did not want to discuss the irregularities.

Precinct 11, Ward 24

Mrs. Berdella Washington of 1542 S. Kedvale Av. is a tiny, feisty woman who, for the first time in 30 years, did not work as an election judge this year.

When she and her husband, Paul, went to the polling place for the 11th Precinct of the 24th Ward on election day, she knew something was wrong when the judges tried to get her to vote without signing ballot applications.

"I told them I had been a judge for 30 years," Mrs. Washington recalled. "I know what's going on here. The judge in charge of the binders said signing wasn't necessary, but I just grabbed them [applications] and said to my husband, 'Here Daddy, you sign this,' and we both signed them."

The reason no one wanted the Washingtons to sign the application was that their names had apparently been forged on other applications earlier in the day. The name of Mary H. Washington, the Washington's daughter, also had been forged.

WHOLE BLOCS FORGED

The forger's mistakes apparently came in trying to forge whole blocs of names off registration records, taking a series of names starting with "W" and "M."

A Tribune investigator found forgeries of such names as Wallace, Ware, Weston, Williams, and Wilton; and Marble, Mitchell, and Moore. Handwriting experts said the forgeries were all made by the same person.

Mrs. Rozetta Williams, 1505 S. Tripp Av., said neither she nor her husband was able to vote on election day because he was out of town and she could not get out of the house.

"I'm not surprised," she said when she saw the forged signatures on Democratic ballot applications.

"Somebody came by the house about a half hour before the polls closed and asked if I was going to vote."

She said the precinct worker seemed satisfied with her explanation of why neither she or her husband would be voting and left.

Leroy Williams, 4302 W. 16th St., was surprised to see his name on a Democratic ballot, and misspelled at that. He couldn't vote because he was under care in a Veterans Administration hospital on election day.

Among the ghost voters in this precinct were Johnnie Williams, 1551 S. Kildare Av. [a nonexistent address]; Altonia Wallace, 1521 S. Kildare Av.; Ernest and Henrene Mitchell, 1508 S. Kildare Av.; Wade Moore Jr., 1507 S. Keeler Av., and Annie L. Carter, 1513 S. Keeler Av.

Precinct 26, Ward 14

"How could do that?" asked an angry and incredulous Mrs. Delores Coluzzi when reporters showed how her name and the names of her husband, William, and their son, Richard, were forged in the 26th Precinct of the 14th Ward.

Mr. and Mrs. Coluzzi, 5211 S. Green St., were not amused at the way in which their last name had been misspelled on the three ballot applcations, variously written as Calozzi, Colgy, and Coluzzio.

Neither she nor her husband voted in the primary election, Mrs. Coluzzi said, and her son's signature was a forgery.

The Coluzzis were not the only family in the precinct who fell victim to forgeries.

AFRAID TO VOTE

"I think it's terrible," said Mrs. Walter Gruenholz, 857 W. 53d St., when she saw the forged signatures of her and her husband. She said they had not voted because they were afraid to go to the polling place on election day.

Cecil Wood, 822 W. 53d Pl., couldn't get to the polls because he is severely paralyzed as a result of a stroke.

"What the hell," he told reporters, "I can't even get to the polling place. I couldn't get there unless someone carried me down the steps."

Nevertheless, his name and the name of his wife, Edith, and his daughter, Diane, neither of whom voted, were used on the Democratic ballot applications.

The forger used the names of four persons in one family that no longer lives in the precinct. Alice, Marianne, Mary, and Adrian Hajkowski moved from 5306 S. Emerald Av. two years ago.

The forger misspelled the last name on three of the Hajkowski applications, writing it as Majkowski, then tried to repair the damage by penciling in correct spellings over the signature.

Mrs. Lillie Martin, 5219 S. Emerald Av., was the only Republican judge working in the precinct, and she voted Democratic. She said she thought she was going to work as a Democratic judge, but when she arrived at the polling place, all the Democratic judge badges were being worn.

So, she said, the Democratic precinct captain told her to work as a Republican judge.

Mrs. Martin said she knew nothing about the forged applications. So did Mrs. Marie Simpson, 5206 S. Green St., a Democratic judge who was the witnessing judge on many of the forged documents.

Mrs. Simpson maintained to reporters that every person who signed a ballot was a bona fide voter who showed up on election day.

"I only did what I was told to do," she said, and denied knowledge of any wrongdoing.

Precinct 9, Ward 29

Mrs. Lurena Jones, 4128 W. Gladys Av., died of cancer March 22, 1972, in County Hospital after she had been admitted to the hospital's intensive care ward on March 19.

The fact that she was on her deathbed did not deter someone in the 9th Precinct of the 29th Ward from using Mrs. Jones' name for a Democratic vote on election day.

Handwriting experts told The Tribune that Mrs. Jones' forged signature was written by the same person who signed at least four other ballot applications in the precinct.

The four other applications contained the names of Republican judges Mrs. Karole Jones, 4136 W. Jackson Blvd., and Mrs. Darlene Stewart, 4154 W. Van Buren St., and those of their husbands.

Mrs. Karole Jones has since moved from the precinct and could not be located for comment, but Mrs. Stewart admitted that she had signed the ballot application for her husband.

She denied knowledge of the ballot containing the name of Lurena Jones, however, and of the other signatures the handwriting experts say were forged.

Precinct 11, Ward 1

Oscar Schwartz and his sons, Sidney and Aaron, live on the far North Side, but their Democratic votes ended up in the 11th Precinct of the 1st Ward on the South Side.

Copies of three ballot applications bearing the Schwartz's names were shown to Sidney Schwartz, 6100 N. Caldwell Av., who insisted that the signatures were valid and that all three had voted in the 1st Ward.

Schwartz, who lives with his father, Oscar, said his father owns the building at 1308 S. Wabash Av., the address used on the ballot applications. The Schwartz family lived in the building several years ago, he said.

BROTHER DENIES SIGNATURE

Aaron Schwartz, who lives at 5860 N. Keating Av., told reporters he didn't vote in the March primary, the signature on the application using his name is not his, and he is registed to vote in the 73d Precinct of the 39th Ward.

"I haven't voted in the 1st Ward since 1966," he said.

Joyce Williams and Brenda Jarrell, both of 1517 S. Michigan Av., and Elaine Nesbitt, 1258 S. Michigan Av., three of the judges who worked in the precinct during the election, denied any knowledge of how the Schwartz votes had turned up.

Brenda Jarrell, the witnessing judge on Oscar Schwartz's ballot application, said she could not understand how the name could have been forged.

"If I knew they'd done it, I would tell you," she said. "I didn't want to do anything that was wrong. I don't believe in that."

[From the Chicago Tribune, Sept. 10, 1972]

ELECTION BOARD INFILTRATED BY TRIBUNE'S REPORTER

(By William Mullen)

Stanley T. Kusper, Jr. gathered his loyal staff of payrollers around him one day last May in the rear of the Board of Election Commissioners office and reminded them where their loyalties lay.

"Come November," he told them with rising anger in his voice, "there aren't going to be any cracks in the wall of this office. Nobody has cracked this office from the outside."

Kuper had spoken a bit prematurely, however, because I was standing only about 15 feet from him. In fact, I had already spent a month working undercover in his office and would spend two more months.

And, not being one of his loyal payrollers, I had to agree he certainly had reason to fear a stranger's "cracking" his office.

"HOTTEST SEAT IN THE CITY"

"This is the hottest seat in the city," Kusper went on to say at that meeting, occasionally slamming an emphatic fist on the table at which he was seated.

"The hottest in Cook County—in the country, for that matter. You had better believe there is a man in Washington right now who has got his eye on this office. You had better believe there are a lot of people who would like to tear this office apart from the inside out."

Kusper kept his people late that night because he wanted to impress upon them that there are people who would like to snoop and pry thru his office.

That's the last thing in the world he wants. He likes things the way they are now, thank you.

The way things are now is that he has a staff of 200 persons, 196 of them Democratic patronage workers. That means the City's electoral machinery—the registration of voters, the appointment of election judges, the records of past elections—are in the hands of Democrats.

DOESN'T WANT INSPECTION

Kusper does not want an outsider to see how his Democratic staff is handling this machinery.

He doesn't want anybody to see how many thousands of nonexistent voters are registered in his files—nonexistent voters who come from nowhere on election days to ring up Democratic votes and victories.

He doesn't want anybody to see how loyal Democrats are appointed as Republican judges of election year after year.

In short, he doesn't want anybody from the outside to see how vote fraud is fostered and protected in his office, Room 308 of City Hall.

But I saw it.

I saw it and worked with it from the inside for three months.

HAD KUCHARSKI BACKING

I was able to get on the inside thru Edmund J. Kucharski, chairman of the Cook County Republican Central Committee. Kucharski seized the opportunity of a vacancy for a Republican clerk in Kusper's office last April and sent me in with a letter of recommendation.

In applying for the job, I used my real name and address, educational and work history, failing only to mention my present employment. The application asked only for my past employment.

I was hired as a $20-a-day clerk over Kusper's objections and went to work in a department handling judges of election. At the time, only two of my editors, my coworkers on this paper's Task Force reporting team, and Kucharski knew what I was doing.

Any new employe in Kusper's office is regarded with suspicion at first, but I soon found out how closely a new Republican employee is watched.

VIEWED WITH SUSPICION

"When I first saw you around here," one payroller told me during a coffee break on my second day on the job, "I thought you were one of those bastards from the B. G. A. [Better Government Association] or the I. V. I. [Independent Voters of Illinois].

"But then I found out you are even worse. You are a Republican."

He was laughing, but he was serious. He liked to call me the "guy from the I. V. I." after that. And he and others liked to sidle up next to me as I took notes on my work, "just to see what you're doing."

In hindsight, I would guess now that I must have looked rather strange taking all those notes. I took so many notes that it got to be a crisis each night to discreetly stuff them into my pockets and steal them out of the office.

When I left work at night, I found myself being followed by Kusper's cronies. They followed me to Tribune Tower several times, I discovered later, but Kusper decided I was going to meet a girl friend.

"DATE" WAS TYPEWRITER

If only that had been the case. The only date I had each night, tho, was another eight to 10 hours of work transcribing my notes of fraud cases into readable form for my newspaper colleagues to work with.

The fraud cases I found came directly off the records handled day in and day out by Kusper's own staff. They were incredibly simple to find, considering I knew nothing about the office's filing system, yet I found them while Kusper's staff didn't seem to look.

The most graphic example I encountered of Kusper's staff skipping over obvious fraud cases came when I began examining ballot applications from the March 21 primary.

When I started looking thru the applications, Kusper's people had been thru them only a few days before.

WHAT'S REALLY BEHIND IT

They were stacked according to precinct in a storeroom. I pulled out several stacks of applications one day and seated myself next to the mound of cartons containing public relations pamphlets entitled "What's Behind Your Vote."

As I began to thumb thru the ballot applications, I began to see what is behind the vote in Chicago.

I came across hundreds of ballot applications that contained such obvious forgeries they almst jumped up and knocked me off my chair. I found scores of applications that had been left blank, but had been used to ring up Democratic votes anyhow.

It would have been impossible for anybody to miss seeing the fraud, but Kusper's people either missed them or saw them and never said a word.

AND DO NO MORE

In defense of the people who work for Kusper, I found many of them hardworking and conscientious as far as their jobs would allow them to be. The rule of the office, however, seems to be "Do what you are specifically told to do, and do no more."

"It's hard work," a woman in the office told me one day, "because it's so exacting. It's easy to make mistakes, but you can't make anybody understand that when all those newspapers start writing fraud stories about us."

Indeed, it was easy to find mistakes. But when I went thru the office files, I found patterns of such massive fraud and chicanery that they could not be passed off as mere clerical errors.

You can't pass off the Democratic voting records of hundreds of Republican election judges as simple oversight.

You can't dismiss the scores of altered voting records as the slip of somebody's pen.

You can't ignore the thousands of ghost voters who remain in registration files by calling it sloppy filing.

CHECKED ONLY A FRACTION

Those are some of the things I found, and I found them by looking in only a small fraction of the files in spare moments from my regular duties.

That fact is what scared me.

Looking thru a relatively small amount of records, I found more than 1,000 cases of fraud.

And when I left Kusper's office for the last time, I was not so much impressed with the numbers I found as with the numbers I must have left behind. The experience left me feeling I had grasped only a tip of an iceberg.

[From the Chicago Tribune, Sept. 11, 1972]

FORGERY RAMPANT IN SEVENTH PRECINCT, 24TH WARD

The numerous forgeries found in the 7th Precinct of the 24 Ward were so crudely done that in many cases names were misspelled on the ballot applications. Donald Doud, a handwriting expert, identified 17 ballot applications in this precinct as being executed by the same writer.

"It will be noted that all of the signatures in the last group described (7th Precinct 24th Ward) are written in reverse, with the second name first," said Doud. "This constitutes strong evidence that the names in question were copied from some polling list or other documents containing an alphabetical listing of the surnames."

Election experts said that it was evident that the forged names were copied from the election binders in the polling place, which list the voters with their last names first. Tribune investigators confirmed 15 forgeries among the many others in the 7th Precinct. The following are some of them:

The signature samples are not printed in the RECORD.

[From the Chicago Tribune, Sept. 11, 1972]

PROBE SHOWS PLIGHT OF GOP POLL JUDGES

(By George Bliss and William Currie)

No one denies there are more Democrats than Republicans on Chicago's South and West Sides, but that is not the only reason bona fide G.O.P. judges are hard to find there on election days.

The Tribune Task Force's investigation of election records in the March primary election has uncovered other reasons why many precinct election boards are manned only by Democrats.

Historically, Democratic officials have countered similar revelations by saying that Republican officials fail to provide the Board of Election Commissioners with enough G.O.P. judge applicants.

TWENTY-TWO REPORTERS ON LIST

This year, however, 22 Tribune reporters and Better Government Association investigators were among 528 applicants submitted by Republican Party bosses to serve as at-large judges in the South and West Side wards.

The applications were submitted to Edmund J. Kucharski, chairman of the county Republican Central Committee, who approved them and turned them over to Mrs. Barbara Watson, a secretary in his organization.

Mrs. Watson recalls taking all the applications personally to the office of the Election Board in City Hall where she handed them to a clerk.

But on March 3, Stanley Kusper, the board's chairman, said he had the names of the Republican applicants but no such applications. He disqualified 457 Republican applicants who the Republican Central Committee had hoped would be working the Democratic-controlled wards. These included The Tribune reporters and B.G.A. investigators.

Kucharski and several candidates tried to appeal Kusper's decision in all levels of the court system but failed.

CERTIFY THE MISSING

However, within two weeks of the election, Kucharski revealed that the Election Board had been certifying some of those judges whose applications were among the missing. Six Tribune reporters received certification cards in the mail. Most of the assignments were for the places that Republicans had asked to put them.

One of those reporters, Dan Egler, was assigned to the 23d Precinct of the 34th Ward as a certified Republican election judge. When he presented his credentials to the other judges they wouldn't believe him. Nor would they listen to downtown Election Board employes who said over the telephone that Egler was certified.

"I don't believe it," said one of the Democratic judges, Mrs. Annette Bitoy, 10512 S. Peoria St. "Too bad for you. You'll have to leave."

Egler was allowed to remain in the polling place as a poll watcher. He had the legal right to remain there after the poll closed to watch the vote count, but he was kicked out at 6:05 p.m.

BEEN NICE, GET OUT

"It's been nice working with you," said Grant E. Jackson, a local precinct captain. "Now get the hell out of here."

Records in the Election Board's offices show that two of the judges serving in that precinct had been swear-in judges, tho Egler saw no one sworn in that morning.

Since the March election, Tribune reporters have interviewed others who were barred from serving that day as certified Republican judges.

Douglas Tibble, 19, of 2103 N. Seminary Av., presented his certified credentials to the other judges in the 23d precinct of the 16th Ward and was immediately told to leave.

"I called the Election Board, but they said that I wasn't on the list and there was nothing to be done," Tibble said. "I didn't see anybody else sworn in, and it appeared to me that they just went to work without such formalities."

One of those Republican swear-in judges turned out to be the son of a Democratic judge and local party stalwart. The other G.O.P. swear-in told The Tribune later that she is a "Democrat by heart."

VOLUNTEERS TO BE WATCHER

Lee Rankin, 22, 3027 Sunnyside Av., Brookfield, was one of those whose application to be a judge had been lost. So he volunteered as a poll watcher in the 14th precinct of the 24th Ward.

Rankin said that for his civic efforts two men pulled him outside the polling place and started punching him. "Anything wrong?" the poll policeman asked. But the pair sped away in their Cadillac before anything was done about the incident.

Mrs. Colletta Randle, of 4030 W. Congress Pkwy., was turned away by the five other judges in the 10th Precinct of the 29th Ward. Apparently six judges had been certified to serve in that polling place.

RECRUITED BY DEMOCRAT

Meanwhile, in the 5th Precinct of the 29th Ward where Mrs. Randle lives, three judges had to be sworn in that morning—two of them Republicans and all recruited by the Democratic precinct captain.

Fabian Rice, 19, of 8026 S. Merrill Av., was one of the many Republican judges certified by the Board of Election but never assigned to a precinct.

"I'm walking around with a little card in my pocket that shows I was an election judge," Rice said. "But I never got the chance to serve and I'll never know why."

TWO-PARTY SYSTEM PARALYZED BY POLITICAL MACHINATIONS

(By George Bliss and William Mullen)

Democratic Party bosses have seized control over the appointments of Republican election judges in hundreds of key precincts and have destroyed the bipartisan election system in large areas of Chicago, a Tribune Task Force investigation has disclosed.

A one-party system has been created in at least 21 of the city's 50 wards with the laws covering the assignment of election judges being violated or bypassed in a systematic precinct-by-precinct effort.

The four-month investigation found 838 violations of the laws and regulations covering the assignment of election judges alone.

FRAUD CONTROL IMPOSSIBLE

Evidence of more than 1,000 fraud cases and election law violations in these precincts were amassed by a single Tribune reporter who worked undercover as a clerk in the offices of the Chicago Election Commissioners.

The Democratic Party stalwarts, without the slightest interference from the Board of Election Commissioners, have made fraud control in the polling places an impossibility. They have placed loyal Democratic followers in the key posts of official Republican election judges.

Legally appointed Republican judges have been locked out of their election day posts by intimidation, fear, "lost" applications, and other tricks. Without their presence in the polling places, frauds of almost every description have been committed without opposition.

VOTE ONE-SIDED

The Democratic machine has rolled up massive majorities for favored candidates in these precincts. In some of the precincts, Republican candidates haven't received a single vote, not even that of one of the Republican judges.

There are precincts in which pseudo-Republican judges are assigned where the vote count has produced such Democratic pluralities as 209 to 1, as 370 to 2, and 253 to 0.

In many of these solidly Democratic controlled precinct election boards, Tribune investigators discovered, numerous forgeries and other frauds were committed. Votes were cast and counted for people dying in hospitals, dead people, cripples who were unable to leave their homes, voters who had moved out of the state years ago, and in some cases voters registered from nonexistent addresses.

ONLY A SAMPLING

Each precinct is entitled to five election judges. In even-numbered precincts, there are to be three Democratic judges and two Republican judges. In odd-numbered precincts, the Republicans are to have three judges.

The extent of corruption in the precinct election boards is highlighted by the fact that The Tribune investigated 572 of the city's 3,205 precincts and found 833 violations of the laws and regulations governing appointment of judges.

In interviews, 83 per cent of the so-called Republican judges from sample precincts readily admitted they were recruited and appointed by Democratic ward bosses. More than 60 per cent said they were Democrats, and many others refused to comment on their party affiliation though they had solid Democratic voting histories.

JUDGES HOLD FULL POWER

Some of the judges said they had never voted Republican in their lives and had worked hard to get votes for Democratic candidates.

Democratic ward bosses interviewed by reporters boasted that they and they alone were responsible for naming the Republican judges while they knew they were violating the law by doing so.

The judges of election are in full power in their respective precinct polling places and are responsible for the proper conduct of the election and for detecting any fraud. The judges are, on election day, officers of the Circuit Court of Cook County and are liable in a proceeding for contempt for any misbehavior in office.

Judges usually are selected from lists of names submitted by either the Republican or Democratic County Central Committee. Over the years, the Democratic-controlled election board has complained that it never receives enough names of prospective judges from the Republicans. The Republicans contend that one of the reasons many of their "legitimate" judges are never able to serve is because the election board "loses" their applications.

The following are case histories of just a few of the precincts in which The Tribune found corruption.

Precinct 5, Ward 29

Mrs. Phyllis Mason of 3112 W. Jackson Blvd., who lives in the 32d Precinct of the 27th Ward, admitted to Tribune investigators she is a Democrat and voted Democratic. She said she was recruited to be a Republican judge in the 5th Precinct of the 29th Ward by William Davis of 4007 W. Adams St., who is her stepfather and the Democratic precinct captain.

"Of course I voted Democratic," she said. "I'm a good Democrat."

Mrs. Mason was proud of the fact that Davis did an "outstanding job" in taking charge of the polling place while she helped supervise and count ballots. She said she was unaware that it is a violation of regulations to allow anyone but a judge to count and handle ballots.

HE NAMES JUDGES

Davis was exceptionally candid about the role he plays in personally naming the election judges, both Republican and Democrat.

"No, I never have any trouble getting my Republican judges," he said. "I've been appointing them for more years than I can remember. I need but one Republican judge for the big November election."

Davis replied that it was "no problem whatsoever" when he was questioned about the legality of selecting Republican judges. He then revealed that Lola Quince, one of the Democratic judges in his precinct, is his wife and that Carolyn Quince, Republican judge, is his stepdaughter.

Precinct 13, Ward 22

All three Republican judges in this precinct voted Democratic in the primary election, and two admitted they were recruited by the Democratic precinct captain.

Jessie Wilson, 4103 W. 16th St., who voted Democratic in 1972, '71, '70, '68, '67, and '66, said she signed up to be a certified Democratic judge long before the primary and went to judges' school.

"I only served because they asked me to serve," she said when asked how it came about that she served as a Republican judge after being certified to work as a Democrat.

SWITCHES PARTY LABEL

Cora Fair of 1636 S. Karlov Av. with a four-year Democratic voting history, said she became a Republican swear-in judge several days before the election after she was called by the Democratic precinct captain. Patricia Jenkins, 1655 S. Karlov Av., who also voted Democratic, could not be reached to find out how she became a Republican judge.

Miss Jenkins' name, however, appeared as the witnessing judge on ballot applications which had been forged in this precinct. The forgeries were identified by Donald Doud, internationally known handwriting expert.

Among the names used on the forged applications were those of Sell Jones' and his daughter, Cardie Jones, 1609 S. Karlov Av., and of Ollie Jones, 1851 S. Komensky Av.

Sell Jones said neither he nor his daughter had voted in the primary and the signatures were forgeries. The owner of the building at 1851 S. Komensky Av. said she had never heard of an Ollie Jones in the 18 years she had lived in the building.

At 1843 S. Komensky Av., a resident said her mother's name was Ollie Jones, but she had died in 1957. The precinct's poll list shows a Mrs. Ollie Jones living at 1851 S. Komensky Av., but Mrs. James moved to 1850 S. Karlov Av., many years ago. Mrs. James said she did not vote in the primary.

Precinct 43, Ward 27

Joseph Romano, 71, of 1633 W. Madison St., said he "suddenly became a Republican" after 50 years as a loyal and avid Democrat. He said shortly before the election, a Mr. Costa, the Democratic precinct captain, "told me I had to work as a Republican election judge.

"Whatever Mr. Costa says I should do, I'll do," said Romano, who lives in a Chicago Housing Authority high rise for the elderly.

Romano, with the credentials of a certified Democratic judge, said he was notified by the election commissioner's office after the election that he had been removed from the list of eligible judges "for voting the wrong way."

"But Costa told me not to worry, he would see to it that I can go back as a judge," Romano said. "Costa said he's going to square it for me at the City Hall, and he can do it."

Precinct 17, Ward 7

In some instances, The Tribune found, Republican judges recruited by the Democrats travel as much as 40 miles to serve.

Mrs. Zoila Lugo, of 4229 W. Potomac Av., on the far West Side of the city, said she worked in the 17th Precinct of the 7th Ward, which is at the southeast end of Chicago. She said she worked as a Republican judge at the request of her aunt, Mrs. Shirley Melendez, of 8939 S. Commercial Av., who, she said, is the "senior judge," a Democratic judge in the precinct.

Mrs. Lugo said she filled out a Republican judge application at the Board of Election Commissioners' office, where her voting record is on file and reflects she voted Democratic in the 1971 primary.

Precinct 45, Ward 16

Antoinette Baynes, of 6748 S. May St., was quick to admit that she is a Democrat and had served as a Republican judge in the primary because she was told to do so by Ozzie Thomas, her Democratic precinct captain in the 45th Precinct of the 16th Ward.

She said she knew so little about her job as a judge that Marilyn Freeman, another judge, had to show her how to vote.

"Miss Freeman took a Democratic ballot and had me sign it and took me to the voting machines," she recalled. "She pulled all the levers for me."

Miss Baynes said she knew she had already voted once as a Republican and decided to vote for the second time anyway after she informed Miss Freeman of her first vote.

Miss Freeman of 6752 S. Aberdeen St., an admitted Democrat, also named Ozzie Thomas as the man who appointed her a Republican judge.

"I wanted to ask Thomas how it was possible to be a Republican judge when I'm a Democrat," she said. "That didn't seem fair. I feel kind of funny about it, because I'm always a Democrat, even now."

She said her father, Coy Freeman, is an assistant Democratic precinct captain. Miss Freeman verified her signature on the two ballot applications cast by Miss Baynes, but insisted she didn't know that Miss Baynes had voted twice.

James White, 6756 S. Elizabeth St., said he had been working as a Democratic poll watcher for Ozzie Thomas when a judge failed to show up and Thomas "appointed me a Republican." He said he voted Democratic in the primary and five other elections.

Precinct 15, Ward 28

Eddie Hopkins, 3534 W. Lexington St., voted Democratic in 1971 and before, but nevertheless served as a Republican judge in the 15th Precinct of the 28th Ward.

"My father said he needed a Republican judge, so that's what I was," Hopkins said.

Hopkins said his father is Charles Hopkins of 3528 W. Flournoy St., a Democratic precinct captain, and his mother, Mrs. Fannie Hopkins, is a Democratic judge.

The other two Republican judges in this precinct are also admitted Democrats. Their voting histories, which should have made them ineligible to serve as Republican judges, are recorded at the election commissioners' office. The Republican alternate judge in the precinct also has a long Democratic history.

Geraldine Luckies, 3500 W. Flournoy St., said she became a Democratic judge in 1971 and a Republican judge this year at the direction of her precinct captain, Hopkins.

"I'm a Democrat," she concluded.

Mrs. Wessi Hawthorne, 3532 W. Lexington St., a certified Republican judge who voted Democratic in the primary election, said she had never received a letter from the board disqualifying her because of the vote. She said she is a Democrat.

Precinct 44, Ward 34

Wilhelmina House, 11404 S. Elizabeth St., has an exceptionally impressive Democratic voting history in the records at the election commissioners' office in City Hall. The same records were available at the polling place on election day when she served as a Republican judge in the 44th Precinct, of the 34th Ward. She voted Democratic in 1972, '71, '68, '67, '66, '64, '63, and '62.

"Of course I'm a Democrat," she said in explaining how she became a Republican judge.

She said that Emil Jones, executive secretary to Democratic Ald. Wilson Frost, asked her to be a Republican judge six weeks to two months before the primary election because "they would have a vacancy for me." Jones was once her precinct captain, and she worked for the Democratic ward organization for years, she added.

Precinct 17, Ward 5

Judge Harry G. Comerford, presiding judge of the county division of Circuit Court, has instructed election judges that the precinct board must fill the vacancy of a judge if it occurs on election day. He also has ruled that a substitute must be of the same political party affiliation as the absent member.

But it was six weeks before the March 21 primary when Maury Kolinsky, the Democratic precinct captain in the 17th Precinct of the 5th Ward, told Mrs. Etta Robinson of 5210 S. Woodlawn Av. that she would be a last-minute, swear-in Republican judge.

Mrs. Robinson claims she voted Republican, but records state she didn't vote at all. She said she has been a faithful Democrat of long standing.

Julian Williams of 5338 S. Woodlawn Av. said he, too, is a Democrat and became a swear-in Republican judge thru the grace of Kolinsky the day before election. He said Kolinsky advised him that "it wouldn't make any difference" if he voted Democratic while serving as a Republican judge.

Another admitted Democrat in the precinct who worked as a Republican judge was Frances Woolridge, of 9258 S. Burnside Av. She said she became a judge thru her job as a laboratory technician at the University of Chicago.

Precinct 61, Ward 7

Jerome Posy, the Democratic precinct captain of the 61st Precinct of the 7th Ward, with an eye to the future began rounding up Republican election judges at least four months before the March 21 primary election. This was long before the County Republican Central Committee had selected its Republican judges for the election.

Alberta Gilliam of 2671 E. 78th St., who said she was recruited by Posy to be a certified Republican judge, claims she is an independent who frequently splits her tickets.

Mrs. Alice Wilson of 7806 S. Kingston Av., who said she was signed up by Posy, was surprised to hear that she is listed as a G. O. P. swear-in at the election commissioners' office. She voted Democratic in 1972, '71, and '68.

"You're kidding," she said. "I worked as a Democratic judge, and I was asked by Posy to fill a vacancy the night before election."

State Sets Probe of Vote Fraud

(By George Bliss)

A special Illinois legislative committee was named yesterday to probe disclosures of widespread vote fraud in Chicago and to introduce sweeping new legislation aimed at curbing "the massive vote stealing here."

House Speaker W. Robert Blair (R., Park Forest) said he has ordered an investigation by the House Election committee into the Chicago Tribune Task Force disclosures of vote fraud in the March primary election.

Blair appointed Rep. Philip Collins (R., Calumet City) chairman of the House Election committee, to head the special investigative subcommittee. Collins said the first hearing of the subcommittee will be held Friday in the State of Illinois Building, 160 N. LaSalle St.

"IT'S HIGH TIME"

"It's high time Chicago rid itself of one of the worst reputations in the nation for ballot juggling," Blair said. "The disclosures by The Tribune Task Force demand a full public airing and prompt legislative action in the next session of the General Assembly to prevent such abuses in the future."

At the same time Blair indicated the possibility of a federally supervised election in certain Chicago wards in the November Presidential election. He said such an election will be needed unless there are quick steps taken to clean-up the present Chicago election processes.

Mayor Daley, questioned briefly in an impromptu press conference, said, "No one is in favor of vote fraud."

He told reporters he continues to have confidence in Stanley T. Kusper, Jr., chairman of the Board of Election Commissioners, and Kusper's conduct of his office.

"We always have these charges about this time of year," he said. "There's a lot of difference between proof and accusation. If anyone is guilty, they should be punished."

THIRTY-ONE WITNESSES CALLED

Collins said he is sending telegrams to 34 people named in the Tribune Task Force to appear as witnesses at the hearings. He said if they do not respond to the telegrams they could be subpenaed to appear. Collins added that he will "invite" Stanley T. Kusper Jr., chairman of the Chicago Board of Election commissioners, to testify.

The aim of the committee, Blair and Collins said, is to pass legislation creating a strong and bi-partisan State Board of Elections, which could closely supervise local election boards where there are no checks and balances and only perfunctory attempts by political prosecutors to halt election frauds.

Collins said several measures, in the legislature because of the "stubborn refusal of support by the Chicago Democratic machine," also will be introduced when the General Assembly convenes in November. He said among the bills systematically beaten back by the Democrats over the past three sessions of the General Assembly are:

Registration files open to public inspection.

Restriction of methods of assistance to voters in the voting booth.

Prevention of the arbitrary replacement of election judges by election authorities.

A state election board, Collins said, would place election processes under one body and not broken up thruout the state. If there are accusations of corruption in a local office, the state board would be able to step in and conduct a bipartisan probe and take any action necessary, he added.

Suit Seeks U.S. Court Control of Election Board

(By William Currie)

Directors of Operation Leap, an independent election watchdog group, yesterday sued in United States District Court seeking fedederal court control of the Chicago Board of Election Commissioners.

The suit seeks an injunction barring Stanley T. Kusper, Jr., board chairman, and board members from continuing "unlawful and pernicious practices which have helped to give elections in the City of Chicago a nationwide, if not worldwide, reputation for fraud, chicanery, and unfairness."

At a press conference later in the Dirksen Building, Forbes Shepherd, director of Leap, called for the ouster of Kusper, who, he said, runs the commission as "an agency for the Democratic machine rather than as a government agency."

Shepherd said it is "necessary for the federal courts to take over the election to the extent of having at least one honest election judge in every precinct."

The 14-page brief, scheduled to be heard tomorrow by Judge Hubert Will, comes in the midst of the current Tribune Task Force series revealing thousands of election rules violations overlooked in Kusper's office and documenting scores of uninvestigated cases of vote fraud.

LEAP EVIDENCE

The suit is based on similar evidence gathered by several hundred LEAP volunteer election judges and poll watchers who have worked in polls during the last year.

Commenting on the current series, Sheldon Gardner, chairman of LEAP said, "this Tribune information acts to collaborate what we already knew."

Once the election is over, Gardner said, "like a thief in the night," evidence of election fraud disappears, locked up in the office of the city election board.

"No one goes in to see what happened, that is what is so important about the Tribune articles," he said.

ALLEGATIONS LISTED

Charges alleged in the suit include "discriminatory administration of elections" that permit unlawful voters; persons voting more than once; unlawful assistance; electioneering near or at the polls: intimidation and harassment of voters, legal watchers and challengers; and vote buying.

The brief also accuses Kusper and the board of permitting all of the election judges to be controlled by the Democratic Party, and permitting Democratic party officials to dominate election judges in the polling places or to perform the duties of the judges on election day.

Other plaintiffs in the suit are Donald Page Moore, defeated independent candidate for state's attorney in the March primary, and Donald L. Shakman, chairman of the Independent Voters of Illinois.

Oust 175 Fake Poll Judges, GOP Urges

(By Pamela Zekman)

The Cook County Republican Party Committee asked the Chicago Board of Election Commissioners to prevent 175 allegedly fake G.O.P. election judges who served in the March primary from serving again in November.

A G.O.P. spokesman said he had been assured the judges' names would not be submitted for certification.

Meanwhile a federal grand jury investigation of vote fraud disclosed by The Tribune continued under the direction of U.S. Attorney James R. Thompson. Ten witnesses testified yesterday and indictments are expected this week.

FOLLOWS TRIBUNE REPORTS

The announcement of action by the Republican Committee follows Tribune Task Force reports that scores of judges with long Democratic voting records, many of whom were recruited by Democratic precinct captains, served in the March primary as republican representatives. They served in precincts where reporters uncovered dozens of cases of voting irregularities, including forged ballot applications.

* * * security, said the judges to be removed served in the primary by "special appointment" of the Chicago Board of Election Commissioners without court certification. They filled vacancies in 175 precincts in 17 city wards.

"They were among the people who worked in precincts where our files showed many irregularities in the primary. On that basis we want them removed," Kinkade said.

ASSURED BY CLERK

Kinkade said he received assurance from the board's chief clerk, Dennis Galvin, that the names of these judges would not be presented for court certification as previously planned. He said he has submitted a new list of 75 substitutes and that the party will need an additional 100 legitimate Republican volunteers to fill the remaining vacancies.

"We want desperately to fill them with people we are sure of," he said. "Our objective is to get at least one judge of ours in each of these precincts so we have assurances that our interests in an honest election will be safeguarded."

The judges to be removed were among some 400 would-be Republicans who were appointed by the board after the mysterious disappearance of 457 applications for judges submitted by the Republican Party to serve in the primary. Because of the 11th hour nature of their appointment, they were not court certified before the primary.

Kinkade's action was taken to abort board plans to have these 175 judges court certified as planned on Sept. 29.

The Office Is Cracked

Chicagoans have long looked upon the cheating, corruption, and crookedness of the city's election machinery with a cynical tolerance. The time for that tolerance is at an end.

When John F. Kennedy won Illinois, and consequently the Presidency, with votes mysteriously produced in Chicago's river wards, little was said or done because little could be proved. The same is true of Republican Bernard Carey's narrow and mysterious loss to the Democrats in 1970 sheriff's race.

The same has been true of every election in which West Side precincts regularly turned in Democratic votes in ratios approaching 300 to 0.

Now there is evidence. William Mullen, a reporter for The Tribune Task Force, spent three months working as a clerk in the Democratic machine-controlled Chicago Board of Election Commissioners. He uncovered enough evidence of wholesale vote fraud to sicken the most cynical and startle the most apathetic—more than 1,000 cases of ballot forgeries, inflated vote tallies, phony election judges, ghost voters, and flagrant violations of just about every state and federal election law on the books. The files were crammed full of this evidence. No employe of the election board—least of all its chairman, Stanley T. Kusper—could honestly pretend not to know about it.

United States Atty. James Thompson has promised swift and sweeping action, and we may expect many of those who perpetrated the fraud and committed the forgeries to be indicted and stand trial.

While there is no evidence that Mr. Kusper or his lieutenants committed any crime or broke any law, there is plenty of evidence that they were negligent in their duties. They failed to enforce the law and they failed to protect the honest voter. Mr. Kusper has lost what public confidence he had, and therefore can no longer perform his job satisfactorily. He has even lost the confidence of his political masters. As his predecessor, the late Sidney Holzman would have said, he committed the worst possible crime. He got caught—and after one assuring his patronage workers that "nobody has cracked this office from the outside."

But all the indictments and ousters in the world must be changed, immediately and thoroly. The election board can no longer serve the political purposes of Mayor Daley's Democratic machine or of any party.

This will require legislative action. The new state constitution requires that a state Board of Elections, dominated by neither major party, be established to supervise the administration of all federal and state election laws in Illinois. The legislature has the discretionary power to make this a very strong board, with total authority over the Chicago Board of Election Commissioners and every local election board in the state, or a weak one, with little authority at all.

We propose that legislation be introduced providing for a board with the strongest possible powers. Every lawmaker who knows what is good for him should commit himself to the passage of this legislation. Every citizen who values his right to vote should demand this of those who would seek his support in November.

When election reform measures have been proposed before, Democratic attempts to kill them have been accompanied by charges that there is vote fraud in downstate Republican counties, too. That may be [and it should be eliminated], but it is no excuse. There is no longer any excuse for delay.

POLL JUDGE VIOLATIONS CONDONED IN ELECTION OFFICE

(By William Mullen and George Bliss)

Flagrant violations of a key regulation governing the appointment of election judges has allowed hundreds of Democratic-sponsored election judges to absorb the jobs of Republican judges at polling places thruout the city, a Tribune Task Force investigation has disclosed.

Abuses of the regulation are committed or condoned inside the Chicago Board of Election Commissioners' City Hall offices. They are carried out in the precinct polling places where solidly partisan boards of Democratic election judges swing thousands of votes at the direction of ward bosses.

The result is that bipartisan elections have been virtually destroyed in hundreds of precincts in nearly half of the city's 50 wards.

PROOF IN FILES

Thousands of records reflecting the partisanship and vote histories of phony Republican election judges are neatly filed in the commission office.

It takes only moments to determine whether a Republican judge applicant has voted in the opposite party for 23 months. If he has, he cannot legally be appointed.

But a Tribune investigation of voting irregularities uncovered scores of persons who served in the March primary election as certified Republican judges tho they had solidly Democratic voting histories.

For example, three persons were certified by the commission earlier this year to work as Republican judges in the 21st Precinct of the 27th Ward.

VOTING RECORDS IGNORED

In certifying them to protect Republican interests in the precinct on election day, the commission completely ignored their voting habits.

The judges and their voting histories were:

Olivia Brown, 2051 W. Lake St., who voted Democratic in 1971, '70, '67, '66, '64, and '63.

Elizabeth Essex, 2029 W. Lake St., who voted Democratic in 1971, '70, '67, '64, and '63.

Lonnie Jones, 2029 W. Lake St., who voted Democratic in 1971.

None of the three had a record of voting Republican even once in their lives before serving as Republican judges, yet the commission, which is responsible for maintaining such records, okayed their appointments.

Mrs. Essex told the Tribune she couldn't remember what kind of a judge she was, only that a ward worker had asked her to serve and had given her an application to fill out.

"I think I was a Democratic judge," she said. "Anyway, I'm a Democrat, and that's what I always vote as."

Precinct 39, Ward 24

The 23-month ruling is circumvented in a number of ways.

In the 39th Precinct of the 24th Ward, the three Republican judges all voted as Democrats in the primary election, but altered their official voting records to make it look as if they had voted Republican.

These records are maintained in large loose-leaf notebooks called "binders" which contain the registration records for each voter in every one of the city's 3,205 precincts. On the back of each voter's registration record are printed boxes to record how he declares himself in primary elections.

According to the binder in the 39th Precinct, all three Republican judges voted Republican in this year's primary thus making themselves eligible to serve as Republican judges again this November.

FINDS DIFFERENT STORY

However, a Tribune reporter who worked undercover in the election commission offices for three months earlier this year examined the ballot applications used in this precinct during the March election. He found the Republican judges actually had voted Democratic.

One of the judges, Josephine Jackson of 1509 S. Komensky Av., admitted she had voted Democratic in 1972, '71, and '70. She said she wanted to be a Democratic judge, but her precinct captain told her "some of us would have to be Republicans."

"It was all so confusing," she said. "I was afraid I was going to jail.'

Regina Hardman, 1525 S. Komensky Av., also said she was a Democrat who had ended up serving as a Republican judge. She insisted that she had voted Republican until she was shown a copy of her Democratic ballot application.

"I made a mistake," she said. "I might have goofed up, but Ray, our precinct captain, was there giving us instructions."

Linda Davis of 1516 S. Komensky Av., the third Republican judge, insisted she had never been told it was a violation for her to vote Democratic while serving as a Republican.

Precinct 24, Ward 20

Judges also try to avoid declaring their true partisanship by simply leaving their voting record blank on their registration cards, to make it appear as tho they have not voted at all.

Such was the case in the 24th Precinct of the 20th Ward, where Mrs. Marie Horton, 6126 S. Woodlawn Av., and Mrs. Thelma Riperton, 6124 S. Woodlawn Av., worked as Republican judges.

The undercover reporter found, thru ballot applications, that both had voted—as Democrats.

"I'm not going to tell no lie," Mrs. Horton said. "I'm a Democrat. I worked the Republican Party because they didn't have enough judges."

Precinct 48, Ward 5

A third way judges attempt to hide their party affiliation is by placing an "X" on their voting record for primary elections, rather than declaring themselves, as required by law.

This is the way the two Republican judges took in the 48th Precinct of the 5th Ward, and the reporter found their Democratic ballot applications.

Mrs. Willie A. Hayes, 1419 E. 62d St., said nobody had told her she could not vote Democratic, even tho she was a Republican judge.

"I thought you could pick your parties," she said.

Mrs. Dora Jones, 1417 E. 63d St., was vehement in insisting that she could vote any way she wanted to, despite the fact she had served as a Republican judge.

"People can cast their vote whichever way they want to," she said.

Apparently she likes to cast her vote in one direction only. She has no record of ever having voted Republican.

Precinct 43, Ward 7

While phony Republican judges with falsified voting records remain on election boards year after year, legitimate Republicans trying to serve as judges often cannot get the jobs.

Mrs. Maxine Morrison, 8739 S. Manistee Av., wanted to serve as a Republican this year in the 43d Precinct of the 7th Ward, and she has a legitimate Republican background.

She made out an application to become a Republican judge, but the election commission never sent her the proper credentials.

Shortly before the primary election, her Republican ward committeeman, hearing Mrs. Morrison hadn't received her credentials, asked her to work in another precinct as a last-minute, swear-in judge.

Mrs. Morrison said she showed up at the other precinct, but the door was slammed in her face because she had no credentials.

"They looked at me like I was crazy," she said.

Meanwhile, in the precinct where she had wanted to serve in the first place, her vacancy was being filled by Mrs. Elida Q. Jiminez of 8843 S. Exchange Av., a certified Democratic judge.

Mrs. Jiminez, who voted Democratic in 1972, '71, '70, '63, and '64, said she knew it was wrong for her to serve as a Republican.

"I told them at the polling place it was against the rules," she said, "but they said they were short of help. So what could I do?"

The precinct had a second last-minute swear-in, Mrs. Alice M. Soltysinski of 8757 S. Muskegon Ave., who showed up at the polling place on election day to be a Democratic poll watcher.

Mrs. Soltysinski, whose voting history is identical to Mrs. Jiminez's, said that she was told by the Democratic precinct captain it would be all right for her to work as a Republican.

Precinct 21, Ward 42

Geneva Hull, 941 N. Cambridge Ave., was also certified to work as a Democratic judge, but ended up working as a Republican in the 21st Precinct of the 42d Ward.

"I'm a Democrat," she said, "but Norman [the Democratic precinct captain] told me I was supposed to be a Republican."

Mrs. Hull took the place of a Republican judge who hadn't shown up to work on election day. That judge was Mrs. Theresa Potts of 940 N. Mohawk St., who was certified to serve as a Republican by the election commission, even tho she had voted Democratic in 1971, '70, '68, '66, and '63.

Precinct 1, Ward 22

Mrs. Phyllis Brown, 2357 S. Kenneth Ave., was yet another certified Democratic judge who worked as a Republican. She voted Democratic.

She worked in the 1st Precinct of the 22d Ward, where three Republican judges should have been working, but only two turned up on election day.

The second Republican judge was William Easley of 4343 W. Cermak Rd.

Easley was sworn in as a judge at the last minute, in 1971, '68, '67, '64, and '63.

Working as a judge, he voted twice, once as a Republican to satisfy the law, and a second time as a Democrat.

Two persons had been certified to work

as Republicans in this precinct, but did not show up on election day. They also had solid Democratic voting records.

Precinct 24, Ward 34

Even when judges with proper credentials show up at the polls, they sometimes have trouble getting inside to serve.

Peter Lisicich, a 19-year-old college student who lives at 7349 W. Higgins Rd., drove almost 25 miles to work as a Republican judge in the far South Side 24th Precinct, 34th Ward polling place.

When he arrived at 5:40 a.m., he and an official Republican poll watcher were locked out of the polling place by other election judges.

They did not get inside until election officials at City Hall ordered the other judges to let them in.

BAFFLED BY HOSTILITY

Once inside, Lisicich said, he was surprised to receive the most hostility from a fellow Republican judge, Mrs. Linda C. Bradberry of 1081 W. 108th St.

He didn't know it at the time, but Mrs. Bradberry was serving the Republican Party in name only. She holds a Democratic sponsored patronage job as court bailiff. Furthermore, since the primary election, she has become the Democratic precinct captain of an adjoining precinct.

Lisicich charged that Mrs. Bradberry was so hostile that at one point she pulled a pearl-handled revolver and threatened a poll watcher.

She denied the incident and said there had been some trouble during the election, but insisted she had only had a watcher removed by a policeman.

Mrs. Bradberry was suspended from her bailiff's job several weeks after the election because of another incident involving her and a gun.

In that incident, a woman complained to the sheriff's department, Mrs. Bradberry pulled a gun and threatened her after a minor traffic accident at Stony Island Avenue and Marquette Road on June 28.

SUSPENDED FOR MONTH

She was suspended for a month for failing to make an official report about the incident.

What the trouble was in the polling place on election day is not clear, but Mrs. Bradberry's initials appear on several blank ballot applications used to cast Democratic votes illegally.

Lisicich said that the blank applications could have been slipped in as votes while he was locked out of the polling place.

Mrs. Bradberry admitted the applications had her initials on them as a witnessing judge, but said she remembers several ballots were spoiled and voided. An examination of the blanks showed they had not been voided, as required by law.

[From the Chicago Tribune, Sept. 13, 1972]

Loose Controls Permit Vote Judges To Switch Parties

(By William Mullen)

Control of Chicago election judges has been so loose in past elections that the judges take turns switching parties for each election, an investigation by The Tribune Task Force has disclosed.

Additional evidence of election fraud and complete Democratic control of precinct election boards has been compiled by The Tribune since its revelations of election irregularities began last weekend.

The new disclosures add to the mounting evidence of the destruction of the bipartisan election system by systematic vote stealing in nearly half the city's 50 wards.

SWITCH BACK AND FORTH

Conduct of elections is monitored by the Chicago Board of Election Commissioners that reporters found dozens of judges of election who said they switched back and forth between Republicans and Democrats from election to election.

In one precinct, the 35th of the 24th Ward, reporters found a mother-daughter "switch-hitting" team.

Miss Beverly Reeves, 1219 S. Lawndale Av., said she served as a Democratic judge in this year's primary election while her mother, Mrs. Alla Reeves, served as a Republican. Last year, she said, they served in reverse roles.

Though Mrs. Reeves served as a Republican judge this year, her voting record shows she not only voted Democratic in the primary election, but she also voted Democratic in 1971, '70 and '67.

"We're both Democrats," her daughter said, adding they were both recruited by their Democratic precinct captain, Moses Brown.

Precinct 25, Ward 2

Agnes Hartman, 533 E. 33d Pl., made a similar switch this year to work as a Republican judge in the 25th Precinct of the 2d Ward after working as a Democratic judge in other precincts for several years.

Mrs. Hartman said she was not aware, despite her years of experience as a judge, that it was illegal to vote as a Democrat while serving as a Republican judge. That is what she did in the primary.

All three Republican judges in the precinct came from other precincts, a direct violation of the state election code.

It is possible under the law to appoint judges of election in precincts other than their own when there are insufficient applicants within the precinct. Only one from each party may be appointed from outside the precinct in each precinct. [On Being a Judge of Election in 1972–73, published by Chicago Board of Election Commissioners.]

COMES FROM 25TH

Mrs. Hartman came from the adjoining 25th Precinct of the 2d Ward.

The other two Republican judges were Delores W. Dade, 2727n S. Indiana Av., from the 20th precinct, 2d Ward, who voted Democratic in 1970, '68, and '62, and Herman Wallace, 7428 S. Chappel Av., from the 40th precinct of the 7th Ward, who voted Democratic in 1972.

In its investigation, The Tribune found 54 precincts with similar violations.

Precinct 23, Ward 16

Douglas C. Tibble, 19, of 2103 N. Seminary Av., was a legitimate Republican judge who traveled out of his home precinct only to have his right to work turned down.

Tibble was certified by the Election Board to work in the 23d Precinct of the 16th Ward on the South Side as a Republican.

When he arrived at the polling place well before 6 a.m. on election day, however, he was told he was not on the judges' list and could not work, altho he showed his credentials to the other judges.

BOARD REBUFFS QUESTION

"I called the Election Board," Tibble said, "but they said I wasn't on the list and there was nothing they could do about it. I didn't see anybody else sworn in and it appeared that they just went to work without such a formality."

Tibble never served, the Election Commission records show two Republican judges were paid as last minute swear-ins.

One of them was Ronald J. Denson, 7037 S. Laflin Av., the son of Mrs. Willa Mae Brady, a Democratic judge in the precinct.

Mrs. Brady was described by another Republican judge, Mrs. Gertie Johnson, 7040 S. Justine Av., as the "boss" at the polls, who used Democratic precinct workers to help direct the polls and tally votes.

SERVES AT LAST MINUTE

A third Republican judge, Juanita Rivers, 6937 S. Laflin Av. said she found herself working as a last-minute swear-in tho she has worked the last 25 years as a Democratic judge.

"I'm a Democrat at heart," she said, "but I vote Republican when I'm a Republican judge."

Under the law the county chairman of each political party certifies the names of those to be appointed as judges of election. [On Being a Judge of Election in 1972–73, published by the Chicago Board of Election Commissioners.]

Precinct 11, Ward 28

Rose Lee Sloan, 3148 W. Huron St. told The Tribune she got her start as a judge of elections working for John D'Arco when he was alderman and Democratic committeeman in the 1st Ward.

She always had served as a Democratic judge since then, she said, even after she moved to the 11th Precinct of the 28th Ward.

This year, she said, she was informed by her precinct captain, Carl Griffith, that she would be working as a Republican.

"I served as a Republican because the precinct captain said there weren't enough Republicans," she said.

One of her fellow Republican judges, Eliza Burton, 718 N. Sawyer Av., found herself in the same predicament altho she said she, too, is a Democrat.

SHE IS UNHAPPY

Mrs. Burton minced no words expressing her displeasure with the way things are run in her precinct, tho she serves the Democratic machine faithfully.

"The only time we see the city people is right before the election," she said, complaining bitterly of littered streets and dimly-lighted alleys.

The third Republican judge in the precinct, Miss Rebecca Taylor, listed her address as 724 N. Spaulding Av., which turned out to be the precinct captain's address.

Griffith's wife explained that Miss Taylor is her sister and that she had moved from the precinct after the primary. Miss Taylor's voting history indicates she has voted only Democratic in past elections.

Precinct 43, Ward 11

The influence of Democratic precinct captains on selection of Republican judges was illustrated dramatically in the 43d Precinct of Mayor Daley's home ward, the 11th.

Mrs. Elizabeth Alyinovich, 2901 S. Parnell Av., said she recently moved into the precinct when she found out appointments of judges, including Republicans, do not go thru until cleared by the Democratic precinct captain.

"I was asked by Rose Bonomo [another Republican judge] if I wanted to serve as a judge," she said.

Mrs. Bonomo instructed her to call the precinct captain, she said, and when she did, she was told she would have to serve as a Republican.

"I don't like to call myself anything," Mrs. Alyinovich said, in explaining her acceptance of the Republican judgeship despite her Democratic voting record which made it illegal for her to serve. She had voted as Democrat in 1971, '70, '68, '67, and '66.

Precinct 38, Ward 16

Harriet Knowles' story of how she and her sister became Republican swear-in judges in the 38th Precinct of the 16th Ward shows the danger of letting Democratic ward bosses handpick judges from both parties.

Miss Knowles, 19, of 6353 S. Parnell Av., told reporters she and her sister, Carol, 22, were asked to work as Republican judges by James Taylor, the Democratic ward committeeman.

Their mother, Josephine, a patronage employe of the Englewood Urban Progress Center, worked as a Democratic judge.

Miss Knowles said that when the polls closed, Walter Jefferson, the assistant Democratic precinct captain, began counting the ballots, altho election laws specifically state that only judges can handle election materials and tally votes.

Precinct 20, Ward 29

The same thing happened in the 20th Precinct of the 29th Ward, where Rebby Patton, 3849 W. Flournoy Av., worked as a Republican swear-in judge.

Mrs. Patton said she was recruited to work by Leonard Gibbs, the Democratic precinct captain, who handpicked the judges.

Gibbs' judges, Mrs. Patton said, allowed Gibbs to read off the vote tallies from the back of the voting machine at the end of election day in order to record the results in the tally sheets.

In earlier stories, The Tribune outlined what can happen in precincts where such election judges work.

Two of the worst precincts were the 5th and 11th Precincts in the 24th Ward, which were rife with forged ballots, ghost voters, and inflated vote tallies because of questionable judging.

Since irregularities in these precincts were documented by stories earlier in this newspaper, reporters have returned to both precincts and found more confirmed forgeries of ballot applications.

In the 5th Precinct, Democratic votes were cast by use of fictitious names and names of persons who long since had moved from the neighborhood.

A vote was cast in the name of E. L. Brown, 3708 W. Grenshaw Av., tho no such name appears in the precinct's list of registered voters.

A Brown family lives at that address, but they are Chester Brown and his wife Annabelle.

LIVES THERE 15 YEARS

Brown said he has lived in the two-flat building for 15 years and never has heard of an E. L. Brown living there. He said the signature on the ballot application using that names does not resemble his or his wife's.

Another ballot application used the name of Delores Johnson, 1117 S. Independence Blvd.

The owner and resident of the home at that address, Mrs. Omelia Young, said she has lived in the house for four years and never has heard of Delores Johnson, tho the name remains on poll lists maintained by the election board.

FORGERY SURPRISES HER

A third ballot in the precinct used the name of Rutha Collins, of 3713 W. Grenshaw Av., but Mrs. Collins told The Tribune she had not voted in the primary election and the signature on the ballot application was not hers.

In the 11th Precinct, Mrs. Bonnie Winfrey, 1516 S. Kedvale Av., was surprised to see her name forged on a Democratic ballot application because she had not voted on election day. The signature on the application definitely was not hers, she said.

Jerome J. Wardlow, 1511 S. Keeler, said the same thing when he saw his name on another Democratic ballot application.

He said he had not received his registration card in time to vote in the primary.

"My handwriting is better than that," he sniffed.

TWENTY THOUSAND TO PETITION UNITED STATES TO SUPERVISE ELECTION

(By George Bliss and William Currie)

The signatures of 20,000 Chicago voters demanding federal marshals for the city's polling places will be presented at the White House Friday, leaders of a West Side coalition group announced yesterday at a press conference.

Despite a pressure campaign against independent volunteers, they said, petitions were spread thru black wards calling for a bipartisan election in the precincts.

Wesley Spraggins, spokesman for Power, which represents 21 community groups, charged that the workers were "threatened, beaten, harassed, and intimidated," by "organized groups in the community, some of which may be political."

The conference in Power headquarters, 802 S. Pulaski Rd., came in the midst of a Tribune Task Force series documenting the demise of bipartisan elections in Chicago's black wards, and presenting evidence of blatant vote fraud.

"The Tribune has a fantastic amount of evidence," Spraggins said. "We can attest to this because we are in the black community.

"Vote fraud is a way of life on the West Side. I'm sure that every black person in Chicago has had money offered for his vote at one time."

Leaders of other politically independent organizations in Chicago expressed similar hopes for some sort of federal support during the November Presidential election. The organizations are:

Independent Voters of Illinois: Michael Shakman, state chairman of the voters' group said, "if we can't get adequate protection thru prosecutions or thru court suits, we'll have to try and get a federally supervised election. It's worth the effort if we have to."

Operation Push: Thomas Todd, executive vice president said, "If a federally supervised election will do the job, then we should have that. We should have federal watchers and administrators to watch the election day activities."

Chicago Urban League: James W. Compton, president, said, "I would say that based on the apparent evidence, there is a basis to have federal supervision of the upcoming election. I think it would be greatly helpful because of one of the most often noted reasons for apathy we find among unregistered voters is that votes are so often miscounted or uncounted."

NAACP: Andrew Barett, executive director, said, "The fraud that has been exposed is almost frightening. We always knew it happened, but I never knew the extent of it was so great. I think the only way to get a fair and honest election is with federal supervision."

Better Government Association: J. Terrence Brunner, executive director, said, "we think it would be a fine thing [federal intervention in the election], but we don't know how it can be done under existing law. We need an election code which would allow such action to be taken, at least by a state board."

Spraggins, and Dorothy Baker, a Power leader, said that the original 60 volunteers gathering signatures in the black community had dwindled to 15 in the last year after all had been threatened and pressured while working in the community.

She said she received several threatening phone calls yesterday morning suggesting that the group stop its efforts in the wards.

In another development, Forbes Shepherd, director of Project LEAP [Legal Elections in All Precincts], blamed shortages of precinct judges in yesterday's 7th Ward aldermanic runoff election on the "entirely political system" of the Chicago Board of Election Commissioners.

The official of the watchdog group charged some precinct polling places opened late because no judges were on hand at the outset, a number had fewer than the normal complement of five judges, and some operated into the afternoon with no Republican judges.

Seeking election were Robert S. Wilinski, 57, who has Democratic organization backing, and the Rev. Richard A. Lawrence, 35, an independent and pastor at Woodlawn Methodist Church.

KUSPER PROBERS "BLIND" TO FRAUD

The Chicago Board of Election Commissioners pays $84,000 a year for eight full-time investigators who apparently do nothing much more than administrative work.

The board offices in the City Hall are an investigator's dream, as revealed by Tribune Reporter William Mullen, who worked under cover there for three months and by himself discovered more than a thousand election irregularities.

Mullen found that the evidence is obvious to anyone with access to the records.

TOO MANY FILES

But Stanley T. Kusper, chairman of the board, told The Tribune in a recent interview that there are too many files.

"It would be an impossible job," he said, because his investigative team, as well as the rest of the office, is undermanned.

Kusper said his investigators are kept busy checking city demolition lists with the poll sheets, serving notices, and notifying recently-convicted criminals that they no longer will be able to vote.

"They have to check the names to make sure the person convicted is the same one on the poll sheet," he said.

NO ROUTINE QUIZZES

The investigators have been working recently on the charges leveled in the special aldermanic election in the 7th and 2d Wards. But that is because someone leveled charges. There is no time to make a routine investigation, Kusper said.

Another commissioner put it another way: "If one of our investigators should make the mistake of showing any initiative and develop a fraud case on his own, he would get knocked down so fast that he wouldn't know what happened.

"Our approach to an investigation is first to assure the accused, 'We don't believe you did anything wrong—not intentionally, anyway.' "

Kusper brushed aside allegations that some judges and poll watchers had been mistreated during election day.

WHAT DOES IT MEAN?

"Mistreated?," Kusper said. "I don't know what that means. We don't make an investigation just because someone says, 'Hey you son of a b . . .' "

On May 16, Kusper released a six-page statement detailing "any and all charges of voting irregularities" in the March 21 primary. He concluded that the election was exceptionally clean and free of fraud.

Kusper also lectured that it was difficult "to avoid suggesting that unjustified charges inevitably add to disrespect for election laws," and reasoned that LEAP representatives and other certified judges were ousted on election day because they failed to appear on time. LEAP, which stands for Legal Elections in All Precincts, is a watchdog group.

NO ONE CHECKED

The rejected judges, including some Tribune reporters, claim they were there on time, and assert no investigator from the Election Board ever asked their side of the story.

Kusper admitted that before he made the statement he did not make sure his investigators had interviewed the judges who were summarily dismissed.

"Do we go out and root to find it? [election violations]" Kusper asked. "No, we do not."

VOTING LAW REFORM URGED BY OGILVIE

(By John Elmer)

SPRINGFIELD, ILL., September 12.—Gov. Ogilvie today renewed his demand for full scale election law reform, including a state board of elections to supervise local boards and prevent vote fraud.

Ogilvie also called for "prosecution to be leveled on a broad front against all persons responsible" for widespread vote fraud in Chicago which has been documented by the Chicago Tribune's Task Force.

The Republican governor criticized Democratic legislators for holding up major election reform bills, including his own, during the last session. He urged voters to remember when they go to the polls on Nov. 7 to elect senators and representatives that election reform will be a major subject of the 1973 legislative session.

APPLAUDS BLAIR'S ACTION

Ogilvie pledged that he will make election reform a "must" part of his legislative program for next year if reelected in November.

The governor applauded House Speaker W. Robert Blair [R. Park Forest] for naming a special legislative committee to probe vote fraud, saying its hearings will lay the groundwork for corrective legislation.

Since the fall legislative session is expected to be a brief one and will not convene until after the November election, little legislation is expected on the election reform issue until next year.

Ogilvie challenged Democrats to join him in a "top to bottom restructuring of the state's election laws."

PRESSES FOR OWN PROPOSAL

He called for passage of his own election reform plan which was introduced in the legislature almost a year ago.

That proposal would implement the 1970 Illinois constitution's mandate that a state board of elections be established to supervise administration of the state's registration and election laws. The legislature has yet to act on that constitutional provision, altho it has been on the books since July 1, 1971.

Ogilvie's plan calls for a state elections board consisting of the governor, secretary of state, attorney general, treasurer, and Republican and Democratic party state chairmen. If that alignment gave one party a majority, the governor would appoint enough members from names suggested by the minority party to balance the board.

To prevent a political deadlock and assure representation for independents, the governor then would appoint an additional member—someone who had not voted in a party primary for the preceding six years.

Because a new board has not yet been established, the state electoral board established under the old constitution is still functioning as the official agency on election issues. Because some members of that group are candidates themselves, the validity of that board's decisions are being challenged in court.

Several other proposals to establish a state elections board still are pending, including a compromise Senate measure which would also streamline the state's election code.

Ogilvie praised the vote fraud probe conducted by The Tribune Task Force, saying it was "a public service, not only to Illinois politicians, but to the voters whose votes have been cancelled by vote stealing.

KUSPER BARS PRESS FROM VOTER FILES

(By Pamela Zekman)

Stanley T. Kusper Jr., chairman of the Chicago Election Board, who previously boasted that his office records always are open to press and public scrutiny, shut the door yesterday on reporters' requests to examine office documents.

It was his first face-to-face confrontation with William Mullen, Tribune Task Force reporter, who worked undercover in Kusper's office for three months obtaining evidence used in an investigation of voting irregularities in the March primary.

"Hello, Mr. Mullen," Kusper said in a rather surprised greeting.

ASKS ABOUT FATHER

"How is your father?" he asked with a smile. He was referring to the ruse used by Mullen when he departed from the board's employment as a $20-a-day office clerk, claiming his father had fallen ill.

Board employes lingered at the door of Kusper's private office gawking at the confrontation between their boss and two reporters who explained they were there to pick up public information they previously had been promised.

In a letter, Aug. 2, to the editor of The Tribune after Kusper's discovery of Mullen's true identity, Kusper said:

"It is my opinion, and I have continually so conducted myself, that reasonable access to material information or documentation, except as to that specifically excluded by law, is available to members of the press and the communications media in the proper exercise of their professional responsibilities to the public."

SUPPORTER OF RIGHTS

He described himself in the letter as a "staunch supporter" of the constitutional right of freedom of the press, and claimed it was unnecessary to work under cover in his office to obtain information.

"The public has the right to know, and in this I fully concur," he wrote.

Yesterday, he was telling a different story. He referred to detailed disclosures of vote fraud running in The Tribune since Sunday, and said he was being "bludgeoned from behind."

The reporters went to the office after they were promised lists of election judges and tally sheets for the 7th and 2d Wards, and asked to also examine ballot applications in a precinct reportedly containing voter forgeries.

WE'RE USING RECORDS

"Those records are being used by this office now to prepare a response to charges in your articles," Kusper said. The requested information concerned precincts which have not been mentioned in the articles.

"After our office has completed its investigation, you may have them, but only those things that are of public record," the reporters were told.

Kusper repeated his refrain that he would answer no qeustions until he holds a press conference in response to charges in The Tribune.

He ignored proof printed in the newspaper that his office repeatedly had violated its own rules in appointing election judges, and passed over evidence of fraud contained in its own files.

[From the Chicago Tribune, Sept. 14, 1972]

SEVENTH WARD VOTE FRAUD CHARGED

The special runoff election in which Robert Wilinski, 57, defeated the Rev. Richard Lawrence, 35, for 7th Ward alderman "was a usual election for Chicago but it probably would have drawn wild charges of fraud in any other jurisdiction," Forbes Shepherd, director of LEAP [Legal Elections in All Precincts] said yesterday.

Shepherd said the violations of election laws observed by Lawrence poll watchers included electioneering at the doors of several polling places, vote buying by a Democratic precinct captain, and the aiding of inebriated voters in the voting booth by Democratic precinct captains.

REPORT IS PROMISED

Shepherd said the violations observed would be reported to the Board of Election Commissioners.

The board met yesterday to conduct the official canvass of election results. The unofficial tally in Tuesday's special runoff gave Wilinski 9,072 votes to 5,800 for Lawrence. The results of the official canvass are to be announced today.

Sherwin Swartz, a staff member of Independent Voters of Illinois and Lawrence supporter who attended the canvass, said, "The official figures for each precinct were exactly the same as ours."

Swartz said his figures showed 9,117 for Wilinski and 5,804 for Lawrence. "But we might have made a mistake in the confusion of election night when we added the precinct totals," he said.

LOSER FLAYS OPPONENT

Following the election, Lawrence, a program officer for Cummins Engine Foundation and pastor of the Woodlawn United Methodist Church, lashed out at his opponent, saying, "He won by dredging up fears of racial differences."

Lawrence, refusing to congratulate Wilinski, the Democratic organization candidate, said, "He stole it by getting the people to forget about the qualifications of the candidates."

The runoff in the racially changing ward was made necessary when no one of the 14 candidates in the Aug. 15 special election received a majority. The election was called to fill the seat of Nicholas Bohling, who resigned as alderman last December to become a Circuit Court judge.

Lawrence, a black, garnered a host of liberal endorsements in his race against Wilinski, a white Democrat precinct captain of Polish extraction.

THREE ARE INDICTED IN VOTE FRAUD

(By George Bliss and Pamela Zekman)

A 46th Ward Democratic precinct captain, his wife, and his assistant precinct captain were indicted by the county grand jury yesterday for voting from a precinct where they did not live during the March primary.

Disclosure of the illegal votes cast by the three were first made by The Tribune on March 29 as part of the Task Force investigation of the vote fraud. The 3 were among 16 persons falsely registered to vote from an apartment building at 4707 09 N. Beacon St. in the 42d Precinct of the 46th Ward.

LIVED OUTSIDE PRECINCT

Those indicted were Jesse English, captain of the 42d Precinct, and his wife Barbara, now residing at the Beacon St. address, and Lois F. Green, wife of assistant captain Thomas T. Green, now residing at 4722 N. Malden St.

At the time of the election, all three lived outside the precinct. The Englishes lived at 1535 W. Barry Av., and the Greens lived at 3230 N. Wilton Av.

If convicted of the felony charges, the three could be sentenced to a maximum of three years in prison or fined $1,000. English was fired as a garbage collection trainee for the Department of Streets and Sanitation after the March disclosures. Green is an operating engineer for the Department of Water and Sewers.

The Tribune had reported earlier that the three were apparently part of a scheme in which more than a dozen persons were to cast illegal votes from the Beacon Street address. Before the final registration day, a pile of registration applications was accepted from a mailman by the building owner, a former city employe, in behalf of persons who did not live there. As a result, their names appeared on the final precinct registry.

TWENTY-ONE HAVE BEEN INDICTED

State's Atty. Edward V. Hanrahan said the action means 21 persons have been indicted since Aug. 30 in connection with his continuing investigation of vote fraud. He said his investigation has been conducted with the cooperation of the Chicago Board of Election Commissioners, which has assisted in finding records and developing evidence.

In Federal District Court, attorneys for a voter watchdog group, Project LEAP, and the Independent Voters of Illinois, promised yesterday to deliver to city election officials today specific details of voting irregularities witnessed by their watchers and judges in more than 600 precincts during the March primary. The promise was made in an effort to expedite trial on their suit against the Election Board so that hearings on the complaint can be held before the November election.

INJUNCTION IS SOUGHT

The complaint seeks an injunction ordering the board to cease permitting vote fraud and other irregularities which allegedly favor Democratic Party candidates. Federal Judge Hubert L. Will critized the complaint for failure to contain detailed information of the alleged violations.

Judge Will said he would not consider setting the case for trial before the election, as attorney Robert Plotkin requested, until the board was given the information and adequate time to prepare its defense. He said he favored accelerating pretrial preparation of the case, but would not allow the matter to be handled hastily.

Democratic Call for "Meaningful" Vote Reforms

(By John Elmer)

SPRINGFIELD, ILL., September 13.—The Democratic State Convention today approved a 1972 platform calling for meaningful reform in Illinois election laws, including a bipartisan state board of elections to supervise election and voter registration laws thruout the state.

Altho election reform was a major plank in the platform, Chicago's Mayor Daley and other Democratic leaders on hand for the meeting made little mention of widespread vote fraud in Chicago recently uncovered by the Chicago Tribune's Task Force.

PLEA FOR UNIFORMITY

The Democrats' election reform plank also called for:

Mandatory reregistration of all Illinois voters.

Voting machines in all Illinois counties, with state financial help to provide them if necessary.

Uniform state registration and election laws and "increased opportunity for registration without arbitrary local requirements."

Standard registration forms and records statewide to simplify transfers of registration for voters who move within the state.

Consolidation of elections [so that local elections are held at the same time as state and national balloting] to "save millions of dollars each year for the property tax payers and to promote participation in all elections by all people."

GOP CALLED HURDLE

In the document, Democrats blamed Republicans for blocking legislative action this year on creation of a new state board of elections.

Yesterday, Gov. Ogilvie accused Democrats of preventing passage of such legislation.

In a speech to about 500 delegates and alternates attending the convention, Daley predicted a sweeping victory for Democrats on Nov. 7.

"We don't have to worry about the newspapers, television, and radio," Daley said. "If the people are with us, I'm confident we will have a tremendous victory for all Democrats."

Walker, who had attacked Daley's political machine before his March primary win over Lt. Paul Simon, noted that a recent magazine article stated that Ogilvie spent only 19 per cent of his time on management of state government.

MAYOR A MODEL

"Nobody ever would say that Mayor Daley spent only 19 per cent of his time managing the city of Chicago," Walker said. "And Neil Hartigan [Walker's running mate] and I will work just as hard for a great Illinois as Mayor Daley has worked for the city of Chicago."

The platform, entitled "Priorities for People," called for:

Action by Congress to prohibit ownership and possession of handguns, except by police, and mandatory jail sentences for any crime committed with a gun. It did not mention Walker's stand for repeal of Illinois' stop and frisk law.

Elimination of the sales tax on food and medicine and repeal of the constitutional provision which locked in the present state income tax ratio on individuals and corporations.

State aid to private and parochial schools and elimination of the property tax as a base for funding of public schools.

State subsidies for mass transportation.

Limits on campaign contributions and spending, but no mention of campaign fund disclosure.

Ratification of the equal rights for women amendment.

The convention also approved a slate of 26 Presidential and Vice Presidential electors.

In a speech to the convention, Rep. Clyde Choate [Anna], House minority leader, referred to The Tribune as "a Republican paper" and asserted that its vote fraud documentation was "just something that comes along every two years."

Vote Fraud Product of Patronage

(By William Mullen and William Currie)

It is not just loyalty to the Democratic Party which has spawned partisan election boards in many of Chicago's wards.

More often than not, it is a matter of survival for the local Democratic precinct captains and patronage employees.

The Tribune Task Force uncovered hundreds of election judges who violated election rules. Many did so out of ignorance; others, in order to survive in the competitive patronage system.

In many cases their reasons may have been a combination of both. Two of the election judges in the 39th Precinct of the 28th Ward—one certified as a Republican, the other as a Democrat—were illegal judges.

MOVES TO SUBURBS

One of them, Mrs. Vera M. Rawlinson, had moved to suburban Hoffman Estates years ago, but was registered in the precinct on Chicago's West Side where she once lived.

Mrs. Rawlinson works in the Democratic controlled office of State's Atty. Edward V. Hanrahan where employees recently charged that patronage controls their jobs.

Mrs. Rawlinson admits that her husband and children live at 106 Auburn St., Hoffman Estates. And her Illinois driver's license was changed in 1970 to show that address.

In an interview, Mrs. Rawlinson insisted that she still was registered during the March election at 643 N. Harding Ave. because she had been living there "part time" while caring for her ailing mother.

If Mrs. Rawlinson worked illegally as a judge last March because she was worried about her position in the state's attorney's office, she has good reason to worry.

Reuben Robinson, the new Democratic precinct captain in her old neighborhood, wants her job or at least one like it.

Robinson moved to North Avers Avenue when fellow blacks began moving there and whites were moving out.

He had been a precinct captain in the 42d Ward and for his loyalty was rewarded with a job in the Bureau of Streets and Sanitation.

Robinson lost that job after he moved to the West Side, and nobody has offered him another patronage job which he wants.

"They want me to mop floors," he said. "I'm not going to take a job like that."

HE IS BITTER

Robinson is bitter about persons like Mrs. Rawlinson.

"They put me in here to front for the white precinct workers who used to be here," he said. "I do the work and they get all the jobs."

Like so many Democratic precinct captains on the South and West Sides, Robinson looked to home when he needed help in the March primary. He arranged for his sister, Edna Bourn, to work with Mrs. Rawlinson as a Republican judge. In fact, he took her the proper Republican forms to fill out.

Mrs. Bourn, 49, of 644 N. Avers Av., has been a Democrat most of her life, but for her brother, the princinct captain, she vowed allegiance to the Republican Party.

Mrs. Bourn said she was confused in the polling place on election day—so confused that she voted twice, once as a Democrat and once as a Republican.

"They told me I could vote both ways," she said, refering to Robinson, Mrs. Rawlinson, and the other judges in the polling place.

Later, she said that she thought her Republican ballot application had been voided. The records show, however, that it had not been voided and she could not explain why a Republican judge would want her Republican ballot application voided in favor of a Democratic one.

Robinson defended her confusion:

"We knew it was a mistake, Edna didn't know. This happened because of ignorance."

Precinct 24, Ward 4

The Tribune investigation found at least one precinct captain who believed he had such complete control of his polling place that he summarily "fired" one of the election judges who would not follow his orders on election day.

Mrs. Hazel Smith, 7421 S. Ellis Av., worked as a Republican judge in the 24th Precinct of the 4th Ward in the primary.

Several weeks afterwards, she called the Board of Election Commissioners to complain that she had not received her check for working.

Mrs. Smith told a clerk in the commission offices that she had exchanged angry words with the Democratic precinct captain, Joseph Hart, while working the polls. In retaliation, Hart crossed off her name from a pay voucher that each judge signs after his work at the polls is done.

REFUSES TO OBEY

"I told Hart that I wasn't going to do what he ordered because the other judges should have been doing their own work," she said.

"They [the other judges] were sitting around doing nothing. Two of them were so old they couldn't read, and were misplacing things. The other two were doing something they had no business doing; they were drinking and causing confusion in the polling place."

After doing some checking, the clerk in the commission office found out Hart had, indeed, crossed off Mrs. Smith's name from the voucher.

Mrs. Smith received her $30 belatedly.

Precinct 61, Ward 18

Even when the Republican Central Committee rejects persons it does not want to serve for them as election judges, the same persons often show up working for the G. O. P. on election day.

Mrs. Annie Mae Shaw, 8213 S. Green St., applied to become a Republican judge but was turned down by the Republicans because she had voted Democrat in 1971.

Mrs. Shaw said that a precinct worker for the Democratic precinct captain told her not to worry, that if a vacancy on the board turned up on election day she would have the job.

"Somebody on the board couldn't make it," she said, "so I was called in as a swear-in

Republican at the last minute. I was a Democrat before, but I switched parties."

Precinct 34, Ward 29

Mrs. Sophie E. Corvino, 1140 S. Mayfield Av., said she was surprised when she heard from a Tribune reporter that she was a certified Republican judge despite her long Democratic voting record.

Her records in the election commission offices show that she voted Democratic in 1972, '71, '70, '68, '67, '66, '63, and '62.

She said she had wanted to become a Democratic judge and filled out judge applications forms, but was unable to serve because of illness on election day.

"I voted Democratic," she said. "But I had been asked by the Democratic precinct captain to be a Democratic judge, and I can't figure out how I'm now on the list for Republican judges.

Precinct 9, Ward 2

Coretta B. Greer, 4020 S. Calumet Av., said she knew why she became a Republican judge despite her Democratic voting history.

Her Democratic precinct captain, Mrs. Lorraine Crawford, told her to be a Republican, she said.

"I never voted Republican before in my life," Mrs. Greer said. "I've never been a Republican in my life until the precinct captain said I was a Republican judge."

Precinct 39, Ward 17

The same thing happened to Mrs. Marie Ferdinand, 227 E. 60th St., who said she had served as a Democratic judge in the previous two elections but was told to be a Republican by Democratic precinct captain Neal Stevens this year.

"It seemed unfair," Mrs. Ferdinand said of her Republican service in the 39th Precinct in the 17th Ward.

"I don't feel right," she said. "I figured I was a Democrat, and it didn't seem right."

EXHIBIT 2

FEDERAL REGULATION OF CONGRESSIONAL ELECTIONS IN NORTHERN CITIES, 1871–94

(By Albie Burke) *

I

On February 28, 1871, President Grant signed into law a measure that made possible the appointment of federal supervisors and deputy marshals at the polls at which congressional elections were being held.[1] In effect for a total of eleven congressional elections before being repealed in 1894 under Cleveland, the Federal Elections Law represents the most major undertaking of election regulations the national government has assumed to date.

The law was unique in a number of respects. First of all, it applied only to cities—specifically those having a population of 20,000 or more. Secondly, except for New Orleans and St. Louis, it was hardly used at all in the South. Throughout the twenty-three years that the law was in effect, the use of federal supervisors was concentrated in eight northern cities: Boston, New York, Brooklyn, Jersey City, Baltimore, Philadelphia, Chicago and San Francisco.[2] The undertaking was not trivial. In 1890, the number of federal officers at the polls in New York City alone was over 10,000, nearly half the number of federal troops remaining in the South when reconstruction ended in 1877.[3]

Thirdly, the law was not a civil rights measure. Perversion, not suppression, of the ballot was the focus. Instead of correcting those conditions where persons were prevented from voting, the concern was over situations where persons voted too often, where they voted when they were ineligible to vote or where votes were cast in the names of persons who did not exist. Thus, the Federal Elections Law was distinguishable from other legislation passed by Congress on the subject of elections—the Enforcement Act of 1870 and the Ku Klux Klan Act of 1871—directed toward safeguarding the privilege of voting itself and preventing the denial of the Negro vote. Those acts, which relied upon a broad reading of the Fourteenth and Fifteenth Amendments for their validity, were declared unconstitutional by the Supreme Court following the close of reconstruction.[4] The Federal Elections Law, however, was upheld as constitutional under the elections clause of Article One.[5]

Finally, the law was unusual in the way it was administered. Instead of a branch of the national executive, responsibility for executing the law was placed with the nine federal circuit courts scattered across the country. Their authority was not complete, however, for the decision on whether to use supervisors in the first place lay with the residents in the area concerned. If no request for supervisors were made, none could be appointed.

The shift to centralism in this instance occurred because a default of responsibility at the state level had taken place. State and local election laws were inadequate and those which were in effect were inadequately enforced. Admittedly the difficulties were overwhelming. Determining who were eligible voters in a newly enlarged electorate under conditions of high immigration and rapid population movement to an open frontier called for sophisticated registration and ballot laws. They were not there. Such basic prerequisites to a fair count as the presence of bipartisan election judges were not provided in many cities until the mid-eighties. The Federal Elections Law was a partial response to the crisis that was resulting from this deficiency. It was in effect an urban reform measure instituted on a national level. The fact of this law having existed at all has been completely overlooked by historians. That has been unfortunate. As a result an important aspect of post Civil War urban politics as well as constitutional history has been neglected.

II

Bringing the law into operation was simple once the decision to use federal officers had been reached. All that was needed was a petition signed by two or more persons alleging a fear that fraud would occur in either registration or at the polls in a forthcoming congressional election. A challenge to the reasonableness of the apprehension expressed or to the reality of the threat present was out of order. The court was bound, under the law, upon receiving such a petition, to appoint two supervisors for each polling place—one a Democrat, the other a Republican. The margin of discretion that the court had was small. It was free to reject those applicants for federal service it deemed unfit and it could also decide whether the entire city or just an individual ward would be covered. If the distance was considered too great, the court could delegate the function of hearing the original petition for supervisors and of selecting those who were to serve to the district court located near the city requesting the application of the federal law.

If conditions warranted it, the United States Marshal under the statute, with or without the benefit of local citizens so petitioning him, could appoint any number of deputy marshals he deemed necessary to ensure that supervisors would be able to carry out their functions unhampered. The marshal was not required to appoint deputy marshals, if a request were made for them, unless in his professional judgment he concluded they were essential. In addition, he was not obligated to seek a bipartisan balance in selecting his deputies to watch the polls—a weakness in the law which proved to be a great source of conflict as deputies were used over the years. Compensation at a rate of five dollars a day was provided for supervisors and deputy marshals alike up to a maximum of ten days' service. Once the ballots had been counted, the federal appointments expired and the election process reverted to the hands of the state.

Federal officers, it should be noted, did not take command of election machinery nor assume the initiative in scheduling elections. That remained as before with state and local officials. Although the responsibility for conducting elections resided with state officials, the authority of federal officers was paramount in every way. Supervisors were empowered to examine registration lists before election day, check the qualification of voters at the polls, scrutinize the count and participate in making up the returns for the precinct involved. To that end, supervisors were given the power of arrest and had the backing of deputy marshals appointed by the United States Marshal. All violations detected, whether violations of state or federal election law, were regarded as federal offenses and were under the jurisdiction of the federal courts.

Under the statute each circuit court was authorized to appoint as chief supervisor a United States Commissioner of its own choosing for every judicial district. This was the only permanent year-round office created and it was this supervisor who proved to be the real administrator of the Federal Elections Law. He received all applications for the position of supervisor and designated to the court those whom he deemed qualified. Once appointed, the supervisors were thereafter completely under his command and direction.

The chief supervisor and the United States Marshal were the two men responsible for the administration of the law in a given district. Each was accountable to superiors in different branches of the national government: the chief supervisor to the district or circuit court; the marshal, as a result of the Department of Justice Act of 1870,[6] to the United States Attorney General. Nothing in the statute provided for a coordinated effort on the part of these two men. That lay at their discretion. In New York they worked together; in other cities they were at odds. The lines of authority were blurred by a further factor. The marshal was the budget officer for the judicial district to which he was attached. In that capacity, he passed on all requisitions from the district including requisitions for supervisors' fees.[7]

The character of federal regulation was determined and given shape by the chief supervisor. Depending on the temperament and the motivations of the man involved, the way in which the law operated could vary greatly from city to city. In Boston, as in most cities, it was used primarily to provide an orderly election process and secure an honest count of the vote cast. Only a cursory examination of the accuracy of the registration list was made. Discrepancies found were turned over to local authorities before election day to do with as they wished. Persons whose registration was suspect were permitted to vote. Although their ballots were marked for future challenge, no follow-up action was taken. The appointments of supervisors and deputy marshals expired after the count was completed and the staff facilities of local United States Attorneys' offices usually did not permit extensive investigation of the leads established. Deference to local authorities was complete. Supervisors were essentially peace officers and poll watchers.

In New York, federal regulation had an entirely different face. There, in addition to the purpose to which it was put elsewhere, the elections law was used to construct an independent registry in which were listed all the qualified voters of the city. Accordingly the guide followed on election day on the question of who were eligible to vote was

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Footnotes at end of article.

the "federal registry" and not the city's. Those not on the registry were denied the opportunity of voting and were arrested if they tried. The names of persons found to have defective registrations were entered in the press before election with the advice to either correct the defect or stay away from the polls. Deference to local officials was nonexistent.[8]

Thus it was clear that, if the chief supervisor were sympathetic, the Federal Elections Law could be used to aid a minority party in issuing a challenge to an entrenched organization—no mean accomplishment if the local administration was a corrupt one. Therein lay the real force of the federal law. Therein lay, as well, the source of its enactment.

The event that led to the passage of the Federal Elections Law was the record vote fraud the Tweed Ring produced in the New York election of 1868. Under its auspices more than 50,000 ineligible aliens acquired suffrage status through highly improper judicial proceedings and brazen under-the-counter distribution in the months preceding election. The Ring's effort had made a difference. When the presidential returns were in, New York state had gone Democratic by ten thousand votes. Grant had won well and the Republicans had not needed New York for victory, but the fraud effort had placed a Democrat, John T. Hoffman, in the state house illegally and shocked the nation at large.

Naturalization is a judicial proceeding conducted on an individual basis and is therefore a slow process. The average number of persons who were naturalized each year in all the New York municipal courts in the twelve preceding years was 9200. Court records from 1688, however, revealed that more than 41,000 persons had gone through naturalization—in one court at a rate of 1800 to 2100 daily. Countless other people had been given papers without a hearing of any kind.[9]

As the stunned city tried to piece together what had happened, outraged Grant supporters, led by the Union League Club of New York, demanded action on a national level. Congress was receptive and responded by appointing a special committee to investigate.

The Lawrence Committee, as it was called, immediately went to New York. It held hearings in the city and throughout the state during December and January, rushing through a lengthy report for publication in February 1869. In this undertaking, the committee received extensive assistance from the Union League Club which had launched its own private investigation when news of the fraud broke. The evidence produced at the hearings—witnesses, records and documents—was in reality a presentation of the case the League had worked up and prepared against Tammany Hall. In this respect the hearings took on the character of an *ex parte* proceeding with the League acting for the prosecution. Tammany officials made no reply to the committee and cooperated as little as possible. Access to certain records was refused and witnesses scheduled to go before the committee were sometimes arrested on phoney charges and removed from circulation. Instead, it appointed a grand jury of its own to investigate, headed by Judge Barnard, the very judge whose court it developed had violated judicial propriety the most where naturalization was concerned. Like the committee, the grand jury produced its findings in February 1869 as well. Characteristically, it found no wrong doing in the election of 1868.

The fact that an unprecedented fraud had taken place was fully established, but opinion on the number of persons who had acquired papers either illegally or inappropriately varied. The committee set the figure at 68,000. The *Nation* regarded this as an exaggeration and placed it at 50,000. Of all estimates, theirs was the most objective and probably the most accurate.[10]

At the conclusion of its report, the Lawrence Committee recommended the naturalization laws be reformed and that the New York municipal courts be disqualified from issuing certificates of citizenship to aliens. No proposal to man the nation's elections was made, however.

Although the nation had been aroused by the facts made public, Congress did not move immediately toward enacting an elections law. Indeed, its initial steps in that direction were quite tentative. More than a year passed before any action was taken and when it took place it occurred more as an afterthought than as a product of deliberate design.

Legislation came in two stages: When the Enforcement Act of 1870 was before the Senate, two sections, introduced by John Sherman of Ohio, were added making certain abuses associated with the ballot—such as multiple voting, voter impersonation and ballot box stuffing—federal offenses.[11] The amendment was out of character with the rest of the bill, for the Enforcement Act dealt largely with enforcing those provisions of the Fourteenth and Fifteenth Amendments that applied to the Negro, not with electoral reform in general. Sherman prevailed, however, over the protests waged.

Several months later in July, when Congress was revising the laws governing naturalization, an amendment was added—again in the Senate under the sponsorship of Roscoe Conkling—giving the United States Circuit Courts and the United States marshals authority to appoint supervisors and deputy marshals in congressional elections if a request were made for them.[12] When pulled out and placed together, the amendments to both bills comprised the sketch of an elections law—the forerunner to the 1871 Act. The 1870 version was sorely inadequate, however, for supervisors were in reality, under this law, poll watchers. They lacked the power of arrest and had no clearly defined role or authority. In addition they were ineligible for compensation for none had been provided.

New Yorkers were not put off by its imperfections, however. Fearing a repeat of the 1868 performance (Tweed did not begin to fall from power until July 1871), the Republican party, under the leadership of the Union League, petitioned the Second Circuit Court for supervisors to cover the fall elections. The action had the full approval of President Grant, who, in order that there might be reliable men to serve as the Republican contingent of the federal supervisors (Tammany Hall provided the Democratic quota), granted ten-day leaves of absence at the end of October to all federal employees in the New York area. Grant also placed military weapons from a nearby armory at the disposal of the deputy marshals who had been appointed to assist the supervisors.[13]

Upon learning federal officers would be attending the polls, Tammany Hall enlarged the city's police force and ran daily notices in the press advising the public to come armed to the polls in order to assure themselves the opportunity of voting. Bloodshed seemed imminent and, as a precaution, Grant ordered 1200 troops to the outskirts of the city. For a time he even considered, but in the end rejected, the suggestion that he nationalize the state militia unit in order to keep it from being used by state authorities. Violence was narrowly averted, however, just hours before the polls were to open. At the behest of Grant's personal emissary, Caleb Cushing, both sides agreed to let the other perform its duties uninterrupted.

The election proved to be another victory for the Democrats, but great satisfaction was taken in the fact that despite an increase of population and a larger turnout, the 1870 return counted was considerably less than that of 1868. In addition two Tammany lieutenants, as a result of the surveillance, had been arrested and convicted for violating the state registration laws and given the maximum sentence.

The appropriateness of national legislation had been demonstrated, but the law, to be effective for regular and permanent use, was in need of drastic revision. Another day might not find a president so generous with national resources. The authority and power of supervisors had to be increased and more clearly defined. Above all compensation had to be available to those who served. Accordingly, when Congress convened in December of 1870, it had before it a bill, introduced by Representative John C. Churchill of New York, designed to strengthen and make more effective national supervision of congressional elections.[14] Churchill's measure spelled out in detail and made real what the 1870 law had merely suggested. No changes were made in its provisions and the bill passed both houses—the Republicans so confident of success they made little effort to defend its provisions. The bill was signed into law on February 28, 1871.[15]

Thus began the longest run to date of national supervision of elections. Federal officers were requested for the election of 1872 and used thereafter on a regular basis in New York, Brooklyn, Jersey City, Baltimore, Philadelphia and San Francisco. Chicago and Boston joined the group in 1876. More than four and one-half million dollars was appropriated to pay the fees of federal elections officers for this period. One-half of this amount went to New York state alone, where, like Massachusetts, nearly every town meeting the population minimum of 20,000 used supervisors on a regular basis.[16]

As the years passed a curious development took place. The use of supervisors and deputy marshals increased from one election to another, reaching a high point in 1892. At the same time, however, the principle of national regulation as a permanent program fell into disfavor. The New York practice, while lauded at first, gradually was looked upon with disapproval. The use of supervisors in the nation's emerging cities was dubbed "Davenportism"—a derogatory reference to the chief supervisor in charge of the New York operation. Moreover, in the appointment of special deputies, marshals were revealed to be heavily partisan in their selection. The provision for bipartisan officers in choosing supervisors—a progressive feature of the law, for at this time most cities did not provide bipartisan election judges—was never extended to deputy marshals. In the long run the political questions proved insurmountable. The constitutional problems inherent in the law, though complicated, were relatively simple to resolve.

IV

In the two decades that followed the close of the Civil War, the United States Supreme Court was confronted by new and difficult problems as it was called upon to decide the constitutionality of the Civil Rights Acts of 1866 and 1875, the Enforcement Acts of 1870–71, and the meaning of the Fourteenth and Fifteenth Amendments in general. In the opinion of many, the Court did not rise to the challenge of advancing human rights. Beginning with the Slaughter-House case in 1873 and ending with the Civil Rights and Harris cases ten years later, the Supreme Court made short work, one by one, of the new legislation and the new amendments.[16] By 1883 the constitutional revolution that had been put through in the years 1866–70, particularly as it applied to civil rights, was at a standstill.

Footnotes at end of article.

TABLE 1.[1]—ANNUAL COST OF THE FEDERAL ELECTIONS LAW

Year	Chief supervisors	Supervisors	Deputy marshals	Estimate total
1871	$835. 45	$2, 575. 00	$4, 440. 70	$7, 851. 23
1872	29, 853. 31	91, 660. 00	100, 830. 00	222, 343. 31
1873	1, 409, 75			1, 409. 75
1874	33, 327. 28	105, 628. 00	50, 850. 00	189, 805. 28
1875		5, 195. 00	2, 230. 00	7, 425. 00
1876	59, 610. 77	117, 454. 00	114, 397. 00	291, 461. 77
1877				
1878	49, 981. 34	106, 870. 00	70, 078. 01	226, 929. 35
1879		15, 705. 00	7, 545. 00	23, 250. 00
1880	79, 517. 29	158, 122. 61	100, 942. 25	338, 582. 15
1881	6, 381. 14	11, 615. 00	2, 250. 00	20, 246. 14
1882	68, 309. 88	148, 914. 00	76, 865. 00	294, 088. 88
1883				
1884	$64, 340. 58	$180, 970. 00	$121, 987. 00	$367, 297. 58
1885				
1886	[2] 50, 000. 00	131, 271. 75	65, 190. 00	246, 461. 75
1887				
1888	[2] 100, 000. 00	258, 365. 88	148, 860. 00	407, 225. 88
1889				
1890	[2] 100, 000. 00	143, 927. 65	190, 470. 00	434, 397. 65
1891				
1892	127, 185. 23	80, 587. 10	282, 995. 50	490, 767. 83
1893		431, 260. 76		431, 260. 76
1894		14, 786. 79		14, 786. 79
Total	[2] 770, 752. 02	2, 506, 000. 52	1, 339, 930. 46	4, 616, 683. 00

[1] Figures given in odd years should be read as recording costs incurred in the previous even year. There were some off-year elections supervised, but not many Payments are recorded late due to fiscal year book-keeping. Data for chief supervisors, supervisors, and deputy marshals for the years 1871–84 are given in: U.S. Congress, House of Representatives, Expenditures for Supervisors and Deputy Marshals at Elections, 1870–84, 48th Cong., 2d Ex., Doc. 247 Data for chief supervisors for the years 1886–90 are estimated; for 1892: U.S. Congressiona. Record, 53d Cong., 2d sess., XXVI, pt. 2, 1870. Da ta for supervisors for 1886: Letter from the First Comptroller to Attorney General Garland, June 4, 1888, Letters Received, Box 257; for 1888; from Annual Report of the Attorney General for 18 89 (Washington: U.S. Government Printing Office, 1884), p. 184; for 1890–92: from U.S. Congressi onal Record, 53d Cong., 1st sess.; XXV, 2024. Data for deputy marshals for the years 1886–92: ibid. , p 1901.

[2] Estimated .

The elections law did not have to run the same legal gauntlet. And that was because a constitutional development of a different and far more significant kind was taking place. As states were relieved of the anxiety of having their powers curbed by the Fourteenth and Fifteenth Amendments, the Court at the same time was providing the basis for larger claims of national power by the national government from a different direction—the original Constitution. The extension of federal jurisdiction under the Judiciary Act of 1875 and the use of its power to regulate interstate commerce in making land grants to railroads, setting up the Interstate Commerce Commission and administering the Sherman Act are examples. For the first time since the Washington Administration, the national government laid claim to the powers under the 1787 Constitution which the Marshall Court had repeatedly said that it had. The growth of national power from this source proved to be far more significant in terms of state and federal relations than did the adding of the Civil War amendments to the Constitution. The Elections Law was an expression of this new nationalism.

The Federal Elections Law came before the Court for the first time in the 1879–80 term, when it decided the cases of *Ex parte Clarke and Ex parte Siebold*.[17] In both cases the defendants were state election officials appealing federal convictions for violating state law. The specific offenses cited had been committed during the fall elections of 1878. Clarke, an election judge working in one of the wards of Cincinnati, was charged with failure to deliver the sealed ballot box to the clerk of the county court in accordance with Ohio law. Siebold, also an election judge functioning in the fifteenth ward of Baltimore, was charged with violating the 1871 act by resisting the interference of federal supervisors who attempted to prevent him from stuffing a ballot box—a violation of the Maryland elections laws. In each instance the essential issue was the same: the relevance of state law to federal judicial power.

Two questions were raised in their appeal. One: Did the elections clause permit the appointment of federal officers to attend the polls at which congressional elections were held? Two: If it did, could Congress, in drafting the rules the officers were to enforce, commandeer all existing state law governing the security of the ballot and make it, by a simple declaration, a part of the federal law as well? Could that appropriation be so complete that all future law passed by the states (the Maryland law applicable in the *Siebold* case had been passed in 1874 and 1876) would automatically become a part of the federal law too? If so, the result was somewhat curious. Since election laws varied from one state to another, it meant that Congress was providing a different federal election law for every state in the union. A law, moreover, that could differ from year to year as new state laws were passed.

The Court found no difficulty in giving affirmative replies to all questions. Speaking for the majority, Justice Bradley said the language of section 4 in article 1 of the Constitution was unique in that the states' power to control congressional elections was concurrent with the national government's except that the latter's power was primary.

"The State may make regulations on the subject: Congress may make regulations on the same subject, or may alter or add to those already made. The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no farther. There is no such conflict between them as to prevent their forming a harmonious system perfectly capable of being administered and carried out as such."[18]

On the question of Congress adopting state law as its own, the court said:

"The state laws which Congress sees no occasion to alter, but which it allows to stand, are in effect adopted by Congress. It simply demands their fulfilment. Content to leave the laws as they are, it is not content with the means provided for their enforcement. It provides additional means for that purpose; and we think it is entirely within its constitutional power to do so."[19]

A state election officer then owed a duty to two sovereigns and "either may call him to account." The question of whether punishment by the court of one sovereign (a federal court) would be a bar to punishment for the same offense by the court of the other sovereign (a state court), the Court said, "need not now be decided." It hinted, however, that it would not.

The deciding factor for the Court was that there was nothing in the Constitution to forbid the cooperative effort which had been established. Justice Field was not so easily persuaded. Writing for himself and Justice Clifford, Field vigorously dissented from the holding in the cases. Under no circumstances could federal jurisdiction be extended to offenses that were violations of state law. Such an assertion, he said, was a contradiction in terms. For one, it made the national government dependent on the states—the principal defect of the confederation period which the framers had tried to avoid when they met in Philadelphia. Using Marshall's words from the *McCulloch* case, he said "no trace is to be found in the Constitution of an intention to create a dependence of the federal government on the governments of the states for the execution of the great powers assigned to it."[20] Moreover, it created consolidation and destroyed the interdependence of the states. The states have a right to control their own officers and enforce their own law, he said. The convictions should be set aside.

In saying this Field was not giving a brief for states' rights. In his view federal authority on the matter of congressional elections went far enough to place supervisors at the polls and a complete code on election regulation for them to follow as well. To that end there was nothing to prevent Congress from copying the terms of a state law (drawing on the wisdom of state legislators) and writing them into the federal statutes. However, a "cooperative scheme . . . by which the general government may create one condition and the states another, and each make up for and supplement the defects in legislation of the other, touching the same subject, with its separate penalties for the same offense, and thus produce a harmonious mosaic of Statutory regulation . . . [has not been] a feature of our system of government."[21] Congress must do the whole job itself (spelling out in detail in the federal statute books the offenses that federal courts could hear) or not do it at all. As it stood, the elections law did not regulate the manner of conducting elections—Congress was still, despite its legislation, relying on the states to do that. Federal supervisors did not introduce (when they came to supervise a precinct) a new set of procedures in place of the state's regulations already in existence. What they did was ensure that state election procedures were followed and that the few federal rules governing congressional elections were not violated.

The rulings in *Siebold* and *Clarke* meant that an old doctrine set down in 1842 in *Prigg* v. *Pennsylvania*[22] was being set aside. In that case, which involved a matter of capturing a runaway slave, the question had been what the duties of state officers were under the 1793 Fugitive Slave Law. Were they charged with an obligation to assist federal officers enforcing the federal statute? The Court held that they were not. Federal officers alone were responsible for the task of enforcing national laws. Here was Field's strongest point. Relying on what had been stated in *Prigg*, Field asked: if state officers cannot be charged with enforcing federal law, how can the federal government come in and impose a duty upon a state officer to enforce state law and make it a federal offense if he fails to do?

The Court was prepared to depart from its rule in *Prigg* primarily because it did not read the elections clause in article I as being subject to a federal principle. "If the two governments had an entire equality of jurisdiction, there might be an intrinsic difficulty in such cooperation. . . . But no such equality exists."[23]

The propriety of Congress adopting state law for its own purpose had therefore been settled.[24] A sticky question on federalism remained, however. It was agreed that Congress might scrutinize the method by which ballots were cast in the election of its own members, but what of the ballots cast the

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Footnotes at end of article.

same day for the election of state and local government officials? Was it not necessary, in charging persons with misconduct, to show that the offense related solely to congressional ballots and to those ballots cast for state officers? For that matter, could supervisors concern themselves at all unless it was clear that a congressional ballot was involved? If no distinction were made was not Congress exercising a power it did not have under the elections clause of article 1; a power which would require a defense of the Federal Elections Law on constitutional grounds other than those used, such as the authority to protect, through legislation, those civil rights associated with the franchise as guaranteed in the Fourteenth and Fifteenth Amendments, for example?

The difficulties in establishing such a distinction would be considerable, and if enforced it would limit the authority of supervisors and reduce appreciably the effectiveness of the law. The Supreme Court said it was not necessary, however, when it decided the case of *In re Coy* in 1888.[25]

Simon Coy and others had conspired to induce Indiana election judges to permit them access to the poll lists of voters and the certification of the tally papers before the returns were delivered to the Board of Canvassers for a count. Under the Indiana statute election judges were charged with a duty of safekeeping of these papers, a duty which Coy had obviously failed to perform. The Court held the prosecution need not show that the defendant intended to influence the election of congressmen as well as state officials. The mere danger of falsification as a possibility was sufficient to justify action and give the federal court jurisdiction.

"The authority of Congress to protect the poll books which contain the vote for a member of congress, from the danger which might arise from the exposure of these papers to the chance of falsification or other tampering, is beyond question, and this danger is not removed because the purpose of the conspirators was to falsify the returns as to state officers found in the same poll books and certificates, and not those of the member of Congress." [26]

Field again dissented, repeating substantially the position he had taken in *Siebold*.

Field's view that the federal government and the aggregate states should occupy separate and exclusive spheres of power was one that gained favor after the Civil War.[27] The idea was not new. It had been inherent in the Judiciary Act of 1889 where state courts were given concurrent jurisdiction with federal courts. The post-war period, however, saw a bloom of what has been described as "dual federalism" with the reciprocal tax immunity cases and the increased use of the intrastate principle as a prohibition against the development of a broad definition of national powers to regulate interstate commerce. Field's dissents were in accordance with this development. On numerous issues he had the satisfaction of seeing his dissents grow in acceptance and become the views of the majority of the Court. It did not prove true with the Elections Law. In all instances the federal courts—lower and higher—read the statute broadly in favor of the national government and its officers. Supervisors were presumed to be an integral part of the election machinery vested with authority to act and assured of being upheld against interference by agents of a state.[28]

V

With these three cases the Elections Law was given full scope. The only time its provisions came before the Court again was with respect to the construction of its terms, not its constitutionality.

Despite the complete endorsement by the Court, the life of the Federal Elections Law had by 1890 run out. What had once appeared as a crisis in democracy now seemed a remote threat. The Australian ballot system was sweeping the country, having been introduced for the first time in Louisville, Kentucky, and in Massachusetts in 1889. Tweed had long been disposed of, and the Democratic Party in New York had undergone thorough reform under Tilden and Cleveland. Stirrings of a nation-wide urban reform movement offered the promise of new and better election procedures. The need for a federal law seemed no longer there.

In addition, the Elections Law had serious defects. Placing the administration of the law in the courts had merged an executive with a judicial function and thereby thrust the judiciary unnecessarily into the political life of the nation. The noticeable presence of partisanship in the selection of deputy marshals was another complaint.[29]

The one remaining reason for retaining national authority in the area of elections—to prevent the disfranchisement of the black man in the South—was being abandoned. The Lodge force bill of 1890, intended to counter this very threat, contemplated an extension of the 1871 law to all congressional districts in full force. If passed, it surely would have been upheld as constitutional, for it did not apply to state elections and hence could be supported on the elections clause alone.[30] Efforts to aid the Negro were by then out of fashion, however.

When the Lodge bill failed, the principle of federal regulation stood repudiated. The response of the nation to repeal, curiously, was one of relief.[31]

The Federal Elections Law constitutes a unique event in the history of American federalism. For one, it is important to realize that federal control over elections has not always been associated with reconstruction. For another, its history can offer assurance to those who look with concern in the growth of centralism which has taken place in recent years. Much of that has come about because state governments have defaulted on their responsibility. They have not chosen to recognize the needs in education, housing and transportation nor have they heeded the calls for social justice. As a result, the service of these needs has been assumed by the national government.

In 1871 there was a default by the state in producting adequate election laws. The national government responded with one of its own. When the defect had been remedied, however, the nation saw fit to remove it.

FOOTNOTES

*Assistant Professor of History, California State College at Long Beach. The author wishes to express thanks to Professor John Hope Franklin, Chairman of the Department of History, The University of Chicago, who supervised a dissertation on the subject on which this article is based.

[1] 16 stat., 433–440.

[2] In 1870 there were sixty-eight cities in the United States which had a population of 20,000 or more—fifty-eight in the North and ten in the South. The ten southern cities were New Orleans, Louisville, Richmond, Charleston, Memphis, St. Louis, Mobile, Nashville, Covington, and Savannah. See *Congressional Globe*, 41st Cong., 3rd Sess., 1871, 125, for a copy of a census report specially prepared and entered in the *Globe* during the debates on the bill.

[3] National Archives, Record Group 60, Department of Justice, Attorney General Papers, *Letters Received from the Southern District, New York*, Box 69, U.S. Marshal J. Jacobus to Attorney General W. Miller, January 21, 1893.

[4] *United States* v. *Reese*, 92 U.S. 214 (1876); *United States* v. *Harris*, 106 U.S. 629 (1883).

[5] *Ex parte*, Clarke, 100 U.S. 399 (1880); *Ex parte Siebold*, 100 U.S. 871 (1880); *In re Coy*, 127 U.S. 731 (1888); The language of the elections clause reads as follows: "The times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such regulations, except as to the Places of choosing Senators." (U.S. Const. art. I, sec. 4, cl. 1.) Before the passage of the 1871 law, the authority created in this clause had been used by Congress to set the dates on which presidential and vice-presidential electors were appointed, and to define congressional districts. There is today a large body of law, most of it passed within the past seventy-five years, referred to as corrupt practice legislation, governing the conduct and expenditures in national campaigns based on this section of the Constitution. See Earl R. Sikes, *State and Federal Corrupt Practice Legislation* (Durham, 1928).

[6] Homer Cummings and Carl McFarland, *Federal Justice* (New York, 1937), p. 225.

[7] Efforts were made by the Hayes, Cleveland and Harrison Administrations to limit the use of supervisors and deputy marshals by restricting the length of service for which compensation could be received to five days. Since the Statute permitted compensation for a maximum of ten days service, the legality of this action was highly questionable. It was accordingly criticized severely in Congress and challenged in the federal courts. The practice was finally discontinued in 1890 under Harrison. *Berry v. United States*, 35 *Fed. Rep.* 260 (1887): *Stockdale v. United States*, 39 *Fed. Rep.* 62 (1889); *Williams v. United States*, 34 *Fed. Rep.* 25 (1888), Albie Burke, "Federal Regulation of Congressional Elections in Northern Cities, 1871–94" (unpublished Ph.D. dissortation, The University of Chicago, 1968), pp. 108–125.

[8] Burke, *op. cit, supra* note 7, at pp. 167-204.

[9] U.S. Congress, House of Representatives, Select Committee on Alleged New York Election Frauds, *Alleged New York Election Frauds*, Report No. 31, 40th Coug., 3d Sess., 1869, pp. 7-12.

[10] *Nation*, November 12, 1868. The Lawrence Committee report constitutes the most complete study that was ever made of the Tweed election frauds of 1868. Because of its partiality, however, the Committee's conclusions leave much to be desired. The frauds of 1868 were never in themselves a subject of a judicial hearing. Therefore, there exists no official legal judgment which states that a given number of certificates issued in 1868 were illegal. Accordingly, the various allegations that were made were never subjected to cross examination nor was the testimony put to the test of the common law rules of evidence. While the Democrats denied the fraud charges in 1868, in later years they did not; and the Lawrence report came to be regarded by both parties as the official statement on the subject. The Cox Committee (Democratic) investigation (1876) of the use of the Federal Elections Law in northern cities, for example, cited the Lawrence report as representative of conditions in New York City in 1868. It did not dispute the estimates of illegal certificates that the Lawrence Committee said the Tweed Ring had issued. See U.S. Congress, House of Representatives, *Elections in Northern Cities*, Report No. 218, 44th Cong., 2d Sess., 1877, pp. 5–7. In addition, the New York State Assembly used the findings of the Lawrence report in settling a disputed election in 1878. Official notice was taken that a number of naturalization papers issued in 1868 were bogus and on that conclusion it declared invalid the majority vote which one of the contestants had received. See U.S. Congress, Senate, *Alleged Frauds in the Late Elections*, Report No. 916, 46th Cong., 3d Sess., 1880, p. 692.

[11] 16 Stat., 144–145; *Globe*, 41st Cong., 2d Sess., 3663–5.

[12] 16 Stat. 254–56; *Globe*, 41st Cong., 2d Sess. 43366–68.

[13] National Archives, Record Group 60,

Department of Justice, Attorney General Papers, *Instructions to United States Attorneys and Marshalls,* Book A Attorney General Amos T. Akerman to U.S. Marshall George Sharpe, October 19 and 20, 1870.

[14] House Bill No. 2634, 41st Cong., 3rd Sess. (1870).

[15] A year later, in June 1872, the Federal Elections Law was extended to rural congressional districts as well, but the extension proved illusory. For example, instead of having two citizens make the petition to the courts for supervisors, ten citizens were required. Supervisors received no pay, had no power of arrest and in order to qualify for appointment had to be qualified voters in the precinct where they were to serve. They were reduced to being observers, with authority only "to be in the immediate presence of the officers holding the elections, and to witness all their proceedings, including the counting of the votes and the making of the return thereof." This was even less than what had been given in the July act of 1870 where supervisors had the right to challenge voters and affix their signatures to the register for subsequent investigation. The requirement that federal officers must come from the district in which they would serve severely compromised the application of the national elections laws. A political party that is so dominant at the polls that it provokes a request for federal intervention is usually strong enough to resist the intercession of all persons coming from within the district, even though they wear the temporary label of a federal officer. 17 *Stat.,* 348–349.

[16] It was in New York City where the elections law was used most aggressively. Under the leadership of John I. Davenport serving as chief supervisor, the law was used to impose a check so thorough that in 1874, Tammany Hall purchased for its own use a copy of the Federal Registry of voters that had been compiled. Over the years Davenport also succeeded through questionable legal means in confiscating over 12,000 of the bogus certificates of naturalization which had been issued out of court by the Tweed organization in 1868. U.S. Congress, House, Committee on the Judiciary, *Charges Against John I. Davenport,* 45th Cong., 3rd Sess., 1879 Report No. 135, p. 237.

[17] *Ex parte Siebold,* 100 U.S. 371 1880), *Ex parte Clark,* 100 U.S. 399 (1880). In each instance, appellants were seeking a writ of *habeas corpus.* Their allegation said in effect that since the actions complained of were violations of state law, the charges made, if any, ought to be brought not by federal authorities in federal courts, but by state authorities in a state court. If granted, their request would result in extinguishing the federal indictment against them. Supposedly, an indictment could be reinstated against Siebold since he was charged with resisting a federal supervisor as well—an offense specifically prohibited in the 1871 statute.

[18] *Ex parte Siebold,* 100 U.S. 371, 386 (1880).

[19] *Ex parte Siebold,* 100 U.S. 371, 388 (1880).

[20] *Ex parte Clarke,* 100 U.S. 399, 413 (1880).

[21] *Ex parte Clarke,* 100 U.S. 399, 413 (1880).

[22] *Prigg v. Pennsylvania,* 10 Peters 539 (1842).

[23] *Ex parte Siebold,* 100 U.S. 371, 392 (1880).

[24] The same principle was applied in the Webb-Kenyon Act of 1913 and in the "Hot Oil" Section of the National Industrial Recovery Act of 1933. In both instances Congress was, in exercising its power to regulate interstate commerce, accommodating state efforts to regulate intrastate matters. Such cooperative arrangements have not always been accepted. In 1836, a bill was introduced in the Senate which would have forbade federal postal officers from distributing certain items of mail—in this case abolitionist literature—in those states where the distribution of such mail was prohibited. It was voted down on the grounds that it would make federal law dependent on state law. Alfred H. Kelly and Winfred A. Harbison, *The American Constitution* (New York, 1963), pp. 356–7.

[25] *In re Coy,* 127 U.S. 731 (1888).

[26] *In re Coy,* 127 U.S. 731 (1888).

[27] Edward Corwin, "The Passing of Dual Federalism." 36 *Va. L. Rev.* 1 (1950).

[28] Thus it was held that supervision of registration of voters was included in the 1871 act: *In re appointment of Supervisors of Elections in the State of Delaware,* 1 Fed. 1 (1880); that prohibitions against registering under fictitious names included registering in the name of a real person—*United States v. O'Connor,* 31 Fed. Rep. 449 (1887); that when the count was made, supervisors could hold the ballot in their hands—*United States v. Clark,* 22 Fed. Rep. 387 (1884); that federal deputy marshals had higher authority than did the local police if a conflict between them ensued—*United States v. Conway,* 6 Fed. Rep. 49 (1881); that abusive language could constitute unlawful interference with federal election officers—*Ex parte Geisler* 4 Fed. Rep. 118 (1888); and that a grand jury indictment was necessary for a prosecution under the elections law to be constitutional—*United States* v. *Macklin,* 117 U.S. 909 (1885).

[29] The office of United States Marshal was a patronage position belonging to the party winning the presidency. In most years therefore the party that had the advantage where deputy marshals were concerned was the Republican party. Bipartisan support for national control never developed during the twenty-three years that the elections law was in force. The law remained wholly a Republican undertaking. Cummings and McFarland, *op. cit. supra* note 6, at p. 230.

[30] Lodge's bill ran over eighty pages. In all of its particulars it constituted a stronger 1871 law. The optional feature of permitting local residents the final decision on whether supervision would be applied was retained. Administration was placed with the United States Treasury Office, however, and a canvassing board could be appointed by the circuit court to prepare the return if one was requested. U.S. *Congressional Record* 81st Cong., 1st Sess., p. 855.

[31] 10 Stat., 321. For comment on the repeal see *Nation,* February 9, 1804 and *New York Times,* February 9, 1804.

EXHIBIT 3

U. S. SENATE,
Washington, D.C., September 14, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: This letter concerns the very serious allegations which have been reported in the *Chicago Tribune* and other Chicago newspapers. In these reports evidence has been presented which indicates that wide-spread and insidious vote fraud has occurred throughout the Chicago area. These reports show that thousands of Chicago citizens have been systematically deprived of their right to cast an effective ballot.

I am enclosing copies of these articles which allege, among other things, that dead people have been listed as voting, non-existent addresses have been used, and signatures have been forged on ballot applications. I have personally witnessed through the years flagrant and wide-spread voting fraud in our elections in Illinois. We all know it exists. We all know it must be stopped if we are to restore faith in the democratic process.

The right to vote is the most fundamental right which any citizen can possess. Without it, the institutions of our government are mere shams. If a citizen's vote is diluted because of actions such as those which have been reported, that vote has been rendered useless, and that voter has been denied a most basic right. The facts which have come to light through the *Tribune's* investigations present convincing evidence that such flagrant depriviations have occurred regularly in the past and are likely to continue in the future unless something is done. It would seem to me that the thorough and careful investigation that has already been made should provide enough hard evidence for indictments to be laid down in the immediate future.

I can think of no greater deterent to local election judges who have enjoyed such a close relationship with the Board of Elections and the local courts than for them to recognize that vote fraud in a general election is a federal crime punishable by a fine and/or a prison term, and also that election judges have already been indicted by the Federal government prior to the coming election.

I will be calling upon the Congress to investigate this entire sordid matter with a view to developing corrective legislation. However, any action that the Congress takes could not take effect in time to protect the rights of the thousands of voters who will go to the polls in Chicago in November. In order that the rights of these voters are fully protected, I believe that Federal intervention will be necessary.

I am therefore requesting that, pursuant to Section 533 of Title 28 of the United States Code, you direct the Federal Bureau of Investigation to take the appropriate action to ensure that the right of every voter to cast an effective ballot will be safeguarded and preserved in the upcoming federal election.

The evidence which has come to light so far has indicated that violations of the federal code may occur, specifically violations of 18 USC 594 and 18 USC 595. Thus, prompt action is necessary in order to prevent these and other violations which would result in irreparable harm not only to the rights of the individual voters, but also to the rights of every citizen to have a representative form of government.

Because of the wide-spread character of this problem in Chicago, you may want to consider working with the Illinois state police and members of the bar so that sufficient personnel will be available to ensure that the right of every citizen to vote is protected.

I will be happy to render any help to you or the Department that you feel would be appropriate.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

EXHIBIT 4

[In the U.S. District Court for the Northern District of Illinois, Eastern Division, No. 72 C 704]

ELLIOTT EPSTEIN, PLAINTIFF v. STANLEY T. KUSPER, JR., MARIE H. SUTHERS AND FRANCIS P. CANARY, AS THE CHICAGO BOARD OF ELECTION COMMISSIONERS, DEFENDANTS.

INJUNCTION WRIT

The President of the United States of America,

To: Stanley T. Kusper, Jr., Marie H. Suthers, Francis P. Canary as the Chicago Board of Election Commissioners, and to all agents, employees, attorneys and all judges of election under the jurisdiction of the Chicago Board of Election Commisioners

Greetings:

Whereas, at the March, 1972 term of said Court, held at Chicago, in said District and Division, to wit, on March 20, 1972, the Court entered its judgment in the above-entitled cause directing among other things that you and each of you be enjoined and restrained as prayed for in the Complaint filed in said cause against you.

Now this is to command that you, your agents, employees, associates, servants and those in active concert and participation with you and each of you do absolutely desist and refrain from

1. Acting in accordance with the letter of instructions in blue print from the Chicago Board of Election Commissioners to the Judges of Election dated March 21, 1972, relating in substantial part to challengers and watchers and containing among other matters six rules, each of which is introduced "DO NOT" by:

(a) Refusing after challenge to allow any challenger to examine applications for ballot, precinct binders or other forms which he desires to examine for the purpose of determining the question of the exercise of the right to vote.

(b) Refusing after challenge to allow any challenger to compare the signatures on the application for ballot and the binder cards for the purpose of determining the question of the exercise of the right to vote.

2. Acting in any manner inconsistent with Section 7-34 of the Election Code (Ill. Rev. Stat., Ch. 46, § 7-34) which provides:

"§ 7-34. The candidate or candidates of each party may appoint, in writing over his or their signature, two party agents or representatives who shall act as challengers or watchers for such respective candidate or candidates in each precinct.

"The challengers or watchers shall be protected in the discharge of their duties by the primary judges and peace officers and shall be permitted to remain within the polling place in such position as will enable them to see each person as he offers his vote, and the challengers or watchers may remain within the polling place throughout the canvass of the vote in such position as will enable them to see the canvass and until the returns are signed. All challengers shall be qualified primary electors within their respective precincts or wards and shall have the same powers as challengers at general elections. Watchers may serve in any precinct or ward in the county in which they reside and shall have the same powers as watchers at general elections; provided however that where any candidate has two watchers one of the watchers shall reside in the precinct or ward.

It is further ordered that this injunction writ is binding upon the defendants to this action and their officers, agents, servants, employees and attorneys, and upon all judges of election and other persons in active concert or participation with the defendants or said judges of election who receive actual notice of the order by personal service or

It is further ordered that the defendants shall deliver forthwith a copy of this writ of injunction to the judges of election at each of the polling places under the jurisdiction of the Chicago Board of Election Commissioners.

It is further ordered that attorneys for plaintiff may cause this writ to be served by other persons, including watchers and challengers in any precinct.

The PRESIDENT pro tempore. Under the previous order, the Senator from Nebraska (Mr. HRUSKA) is recognized for not to exceed 15 minutes.

Mr. HRUSKA. Mr. President, the Senator from Illinois (Mr. PERCY) deserves high praise for bringing to the attention of the Senate the series of articles from the Chicago Tribune regarding election fraud. And, in turn, the Tribune and its staff should be commended for the innovation and initiative that were used in compiling the evidence of massive voting irregularities that occurred in Chicago during the March 21 primary election.

It is because of fraud such as has been brought to our attention this morning that responsible election officials have always maintained that there had to be sufficient safeguards in effect at polling places to insure that each man who was entitled to vote was given that opportunity and that those who were not eligible were denied access to the ballot. This is the ultimate expression of the principle of one man, one vote. If some of our citizens are denied the chance to vote while others are voting twice or more times, we make a mockery of our pledge to guarantee suffrage equally for all citizens.

Recently the Senate had before it for consideration a bill to provide for a system of Federal voter registration by postcard. When word of this bill was received in my State of Nebraka, I heard from a number of election officials concerning the possible abuses that would flow therefrom. And I was also given detailed information concerning the very stringent voter safeguards that are in effect in Nebraska; I have every reason to believe that siimilar provisions exist in most other American jurisdictions. In Nebraska not only does the prospective voter have to prove to the satisfaction of the registration officials that he meets the requirements for voting—such as residence and age—but he must do so in person so that the official can identify him and the veracity of his statements physically. Similar procedures are utilized at the time he presents himself to vote.

There were a number of reasons why the postcard registration bill was defeated, but one of the major ones was the increased opportunity it provided for voting fraud. The catalog of abuses brought to our attention by Senator PERCY reaffirms the Senate's wisdom in defeating that proposal.

In 1970 the Voting Rights Act of 1965 came up for renewal. At that time the President proposed a complex and comprehensive bill to extend the benefits of the 1965 act to all the States of the Union. One of the provisions of that proposal was to grant the Attorney General nationwide authority to enforce the voting rights of citizens either through the use of voting registrars and examiners or by way of Federal voting rights lawsuits. Unfortunately, the Congress did not adopt the President's suggestions and instead extended the 1965 act, as originally approved, for an additional 5 years. I regret that the authority sought by the Attorney General was not approved for I feel that it would have provided numerous additional safeguards which might have been useful in preventing the type of incidents which took place in Cook County last March.

All people who have been in public life for some time are familiar with colorful yet depressing tales of voting fraud. Most recently, I recall our colleague from North Carolina detailing an incident he had heard about. I believe he said:

> I had a man tell me on one occasion many years ago that he was in the city of Chicago in destitute circumstances. He said that on election day he went to a party headquarters in a certain section of the city of Chicago to seek a little economic sustenance so that he might keep body and soul together a few more days. They made him a proposition that they would give him a dollar for each vote that he cast in the election.
>
> That man gave me his solemn assurance that he was taken to 17 different precincts and voted 17 different times under 17 different names and that he received $17 for so doing.

This Senator recalls hearing of incidents in some of our other large cities which bear a similar flavor. I also recall that in the 1950's an investigation was undertaken, again in Chicago, of the techniques used by political bosses to insure that his position and his candidates prevailed at the polls. Investigative newspapers alert the public to these practices by running pictures showing vacant lots, warehouses, docks, and other nonresidential areas with the caption: "You cannot see it but 155 people live here according to the voting rolls" or "You may not know it but 105 voters listed this empty lot as their residence." And we all know of the many miraculous resurrections which take place every election day to permit so many deceased citizens to cast one—or two—last ballots for favored candidates.

Some of these incidents, Mr. President, appear in the abstract to be somehow amusing. But, they are not. Instead, they are tragic because they represent a failure of our system to keep faith with the people on one of the most fundamental rights of our citizens: the right of everyone to be able to vote in a fair election in which the result is an accurate reflection of the will of the people.

Again, I indicate our debt to Senator PERCY for bringing this matter once more to our attention. If officials and citizens alike are continually aware of the opportunities for and the occurences of election fraud, they will be more vigilant in their efforts to prevent them.

Let us hope that the election which will take place in every precinct in this country on November 7 will be the most honest in our history; that every citizen who is entitled under the law will be given the opportunity to vote and that he will do so; and that no one will have a chance to perpetrate voting irregularities on the electoral process. I know that our allegiance to this principle will not be 100 percent, but let us try to make it as close to that mark as possible.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. PERCY. I very much appreciate my distinguished colleague's being on the floor this morning. There is no Senator from outside our State who has more respect in the Chicago community and Illinois than he, not only because of the long, affectionate relationship between our late colleague Senator DIRKSEN and Senator HRUSKA, but also because the distinguished Senator from Nebraska has been in Chicago many, many times. I repeat that it is going to mean a great deal to our people that whatever influence and power he has will be brought to bear in this matter.

I previously mentioned running for Governor. I was rather shocked when in November 1964 I woke up and, on the front page of the Chicago Today newspaper was a statement by a former Chairman of the Chicago Board of Election Commissioners—he is now deceased—in which he said:

> Any precinct captain who doesn't buy votes isn't worth his salt. I know. I was one myself once.

That was an open invitation, on the day of election—a charge, really—that this was the policy that should be followed by the thousands of precinct captains. That is just an example of the callous disregard exercised and expressed by a former chairman of the election board that had the responsibility for supervising and insuring the integrity of an election.

How hypocritical it is that we in this country presumed that we would go to South Vietnam to supervise the elections there. I had to remind my distinguished colleague, the junior Senator from Illinois, when he proposed such a solution, that it was a rather daring thing for a politician from Cook County to propose that we would be able to give advice on how to run a fair and honest election. Why not rebuild and remake our own institutions here at home and see that those institutions then are preserved and protected?

That is why, in my letter to the Attorney General yesterday, I said I felt there could be no greater deterrent to our local election judges engaging in vote fraud and participating in it and planning it and plotting it and conspiring in it for the next Federal election than if we took the body of evidence which we now have, which is quite substantial, and indicted those judges who, in the judgment of the available evidence, appear to be guilty of fraud, so that those election judges, who have enjoyed such a close relationship with the board of elections, and really with the local courts, would recognize now that the Federal Government will say that the integrity of a Federal election must be preserved, because, after all, the names of candidates for the office of the United States President are on the ballot.

Candidates for Federal office have their names on the ballot also. This is not just a job of harmless hanky-panky that has been standard in Cook County and possibly other places in Illinois under the control of whichever party may have the majority. Certainly the action we are proposing be taken is prudent and wise and goes to the very heart of protecting our institutions in this country.

I thank my colleague.

Mr. HRUSKA. Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). At this time the Chair recognizes the Senator from Mississippi.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on H.R. 15495, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 11, 1972, at pp. H8180–8188.)

Mr. STENNIS. Mr. President, let me say, in brief summary that, with respect to this conference report, on all the direct military items, certainly, the Senate's position was well sustained. The points were met, by compromise and otherwise, but the major points with reference to the military part of the bill made by the Senate were sustained in the conference.

There are two amendments, however, voted by the Senate that were not maintained. One was the Cranston-Brooke amendment, the so-called end-the-war amendment, that had been voted by the Senate by an appreciable margin. Although a real effort was made on the part of the conferees of the Senate to sustain that, we were not able to get the Senate's language adopted. The position of the House was supported by the fact that part of the amendment was covered by recent law. As a practical matter, they were also standing on the vote they had, a 50-vote margin, in favor of rejecting such an amendment. By the way, since this conference report has been filed, that vote was repeated, by substantially the same majority, in the House yesterday, I believe.

I point out, Mr. President, that this report is signed by all the conferees of the House of Representatives and the Senate, which indicates that the conferees were satisfied that the purposes were carried out as much as could be.

The conference report together with the joint statement of the managers is House Document No. 92–1388 and has been available since being printed in the CONGRESSIONAL RECORD on September 11, 1972. The decisions resulting from the conference have been known for a number of days on various aspects of this legislation. The joint statement of the managers contains an explanation of the adjustment of differences. The House agreed to the conference report on September 13. The pending Senate action is, therefore, the final step before Presidential signature.

I would hope that the Senate would move expeditiously in agreeing to this report. This legislation has been under consideration in some form since February; all issues have been exhaustively debated. Moreover, the passage of this bill is necessary in order that the Congress can move on with the Defense appropriations bill.

Mr. President, the conference report and the statement of the managers sets forth in detail the differences and the resulting adjustments on this legislation. I shall at this point, however, summarize the major results of the conference and be prepared to answer any questions on this entire legislation.

FUNDING DIFFERENCES—PROCUREMENT

In summary, the total funds which the conferees recommend for authorization is $20.9 billion. This is $2.3 billion less than the amended administration request of $23.2 billion.

The various differences have been discussed from time to time and I will not dwell on them further at this point but will be glad to answer any questions. I would, however, like to note several of the principal funding adjustments in procurement.

SAFEGUARD

With respect to Safeguard, the House receded to the Senate which resulted in total funding of $555.5 million as recommended by the Senate which was $245.0 million below the total of $800.5 million as approved by the House.

AIRBORNE COMMAND POST

With respect to the Airborne Command Post, the House receded to the Senate position under which we recommended only four of these aircraft as contrasted with six recommended by the House. The final figure agreed upon is $127 million as compared to $224.8 million recommended by the House.

HARRIER

Another example of a funding difference was the Marine Corps close air support aircraft, the Harrier, which had been deleted altogether by the Senate. We receded to the House and restored these 30 aircraft at a cost of $133.1 million.

There are other differences which I shall be glad to discuss at the request of any Member.

FUNDING DIFFERENCES—R. & D.

In summary, Mr. President, with respect to the R. & D. funds, the House receded on all of the across-the-board percentage reductions approved by the House. They also agreed to most of the line item cuts made by the Senate. The final R. & D. authorization is $8.5 billion which is $255 million less than the budget request, representing a reduction of 2.9 percent below the administration request.

I would like to speak to several items of special interest with regard to the R. & D. funds.

ATTACK HELICOPTER PROGRAM

With respect to this program, it may be recalled that the Senate deleted all funds for the Cheyenne helicopter which were contained in the House version. During the period of the conference, the Department of the Army advised the conferees that the Cheyenne program was being terminated and recommended that funds in the amount of $40 million be authorized for a new attack helicopter program and to pay for termination costs for the Cheyenne.

The conferees agreed to the sum of $33.5 million in order to initiate this program.

R. & D. ADD-ONS

Another group of R. & D. items which has been a matter of special interest, Mr. President, relates to the so-called SALT-related R. & D. add-ons. In summary, there was a total of $110 million covering four programs: First, $60 million for the site defense program; second, $20 million for development effort on the submarine launched cruise missile; third, $20 million for ABRES program related to an improved reentry vehicle; and fourth, $10 million for communications, command and control capabilities. These items were received too late from Defense to be considered by the committee prior to final Senate action on the bill. For that reason the items were deleted by the Senate without prejudice.

Our committee conducted an exhaustive review of these items which served as the basis for discussion in conference with the House. The House had included the entire $110 million in their bill but as a result of the hearings conducted by the Senate, the conferees agreed to deny the $20 million requested for the new reentry vehicle, and approved $60 million for the remaining items as follows: $40 million for the site defense program; $10 million for the Navy's submarine launched cruise missile program; and $10 million for improving military communications, command and control capabilities.

LANGUAGE ADJUSTMENTS

Mr. President, there were 22 language differences between the House and the Senate. There was no attempt to evenly divide these differences, however, the end result was that the Senate prevailed 11 times and the House prevailed 11 times.

F–14

Mr. President, it will be recalled that the Senate committee felt very strongly that the integrity of the present F–14 contract should be maintained as a matter of law and language to this effect was adopted as a condition precedent to obligating the funds.

Language to this effect has been retained with the exception that the exercising of the Lot V option may be on any date prior to December 31, 1972, rather than at any time before October 1, 1972, as contained in the Senate version. This modification was adopted in order to permit the Navy more flexibility in meeting the current situation.

SAFEGUARD

The Senate language on Safeguard limiting the use of the funds for this program to the one site at Grand Forks, N. Dak., was not revised by the conferees and will become law.

ADVANCED AIRBORNE NATIONAL COMMAND POST

There was extensive discussion on the matter of the authority for the National Command Authority site which was permitted under the House version. I think it was made clear that if the administration again recommends National Command Authority for the next budget, it will receive appropriate consideration. However, for the current fiscal year 1973 program, the matter was deleted although it is fair to say it was deleted without prejudice.

C–5A

The Senate for the last 3 years has adopted language regarding the C–5 which restricts the use of these funds to the direct cost of completing the C–5A program. There are four elements to these restrictions: First, direct costs of any other contract or activity of the prime contractor; second, profit on inter-company transfers of materials, supplies, or services; third, bid and proposal costs, independent R. & D. costs, and similar unsponsored technical effort; and fourth, depreciation and amortization costs in property, plant, or equipment.

The House receded on the first three of these items and these will remain blanket restrictions on the use of these funds.

With respect to the fourth item, however, regarding depreciation, the House would not agree to a disallowance of this element. After extensive discussion the Senate reluctantly receded to permit not more than $4.4 million as an element of cost out of the fiscal year 1973 funds for this purpose.

Mr. President, the various other language matters relating to procurement are fully explained in the statement.

PERSONNEL

Mr. President, the Senate did agree to the House recommended change that the annual authorizations be based on end strength rather than average strength which was the law heretofore.

Moreover, I should note that there was a compromise in terms of the total number of authorized personnel under which the conferees agreed to the revised budget end strength figure for the Department of Defense with the added stipulation that the Secretary of Defense should allocate a further total cut of 16,000 from the Army, Navy, and Air Force in such a manner as he might determine.

LAOS

The Senate language adopting a $360 million expenditure ceiling on U.S. efforts in Laos was adopted with the change that the ceiling was increased to $375 million and furthermore, combat air operations by the South Vietnamese Air Force were excluded along with U.S. air combat operations which had also been excluded in the Senate version.

I might add that the overall authorization for Southeast Asia was agreed to at $2.5 billion as passed by the House rather than $2.1 billion as passed by the Senate.

WITHDRAWAL OF U.S. FORCES FROM INDOCHINA

Mr. President, I now turn to the conference item relating to the withdrawal of U.S. forces from Indochina which is known as the Brooke amendment. As the Senate may recall, this language provides for the withdrawal of all U.S. forces from Vietnam, Laos, and Cambodia within 4 months of enactment of the provision provided that American prisoners of war were released within that time and an accounting for U.S. servicemen missing in action had been provided by the Government of North Vietnam or any government allied therewith.

The House version contained no such provision.

Let me emphasize that this provision along with possible compromises were discussed at great length by the conferees. Full discussion of this is contained on pages 26, 27, and 28 of the joint statement of the managers. Both Senator CRANSTON and Senator BROOKE appeared in person before the conference and argued in a most admirable way for the Senate position. I can also say that all Senate conferees representing the Senate made every effort to seek to have the House agree to either the Brooke amendment or some other meaningful provision along the same lines.

Our efforts were unsuccessful. The House basically stood on three grounds. First, the amendment procedurially would have been nongermane which meant the House would have had to seek approval from the Rules Committee of any new language that might be accepted. Second, the House, as a body, on August 10, 1972, rejected a so-called end-the-war amendment by a vote of 228 to 178. Third, it was pointed out that there is already in the form of permanent law two provisions relating to termination of hostilities in Indochina.

One of these provisions is contained in the Selective Service Act enacted last year which set forth a sense of the Congress resolution and the other was set forth as title VI of the procurement authorization of last year which made it the policy of the United States to terminate operations at a date certain following the release of all prisoners and the negotiation of the cease-fire by all parties to the hostilities. This entire provision is set forth on page 27 of the conference report.

Mr. President, I regret that the conferees were not able to bring back to the Senate a meaningful amendment along these lines but legislation is the art of the practical. The House was adamant in its position and in the interest of sending this bill forward, there was no alternative but to reluctantly recede on the part of the Senate.

ONE-TIME RECOMPUTATION PROVISION

Mr. President, I now turn to the Hartke recomputation amendment which, as we know, was adopted on the Senate floor by an overwhelming vote. This amendment provided for one-time recomputation in that those retired prior to January 1, 1972, could recompute at age 60 their retired pay based on the January 1, 1972 pay scales which are the current ones. In addition, those retired for at least 30 percent disability could have their retired pay recomputed immediately regardless of age.

All the Senate conferees fought hard to sustain the Senate position and achieve adoption of this provision especially in view of the overwhelming Senate vote. After much discussion, however, the Senate was compelled to recede.

Let me emphasize that the House conferees made no attempt to reject this amendment in the sense of making a judgment on its merits.

The House pointed out no hearings were held in either body on the measure. Moreover, the total lifetime cost carried from $10 to $19 billion. Also, there were certain ambiguities and drafting questions.

It was also agreed that this entire recomputation matter as well as the entire matter of retirement reform must be addressed and let me say that Chairman HÉBERT has not only promised hearings, he has announced the appointment of a special subcommittee to be chaired by Congressman STRATTON.

During floor discussion in the House on the conference report, it was indicated that the House subcommittee will commence hearings within the next 2 weeks.

I can also say, Mr. President, that it is my intention that the Senate Armed Services Committee will also address this question as well as the other complex problems now facing the military retirement system including cost, early retirement, and various other issues. I do not want to imply that legislation will be reported during this session of Congress, however, we do intend to make a start with background hearings so that we can proceed as expeditiously as possible next year with respect to overall legislation on this matter.

Mr. President, there are a number of other minor provisions I have made no attempt to discuss.

I see that the Senator from California (Mr. CRANSTON) is in the Chamber. He is the author of one of the amendments we did not get accepted. I want to assure him again that we did everything we could. That provision was ably espoused by the conferees, as he knows, since he was there a part of the time, and we are glad that he was.

I ask unanimous consent that I may yield to the Senator from California without losing the floor, if he wishes to respond.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, I thank the distinguished chairman of the committee for yielding to me. I also thank him for the strong effort he made on behalf of the end-the-war amendment. I know that was not an easy assignment for him, because he did not support that amendment when it was before the Senate.

The will of the Senate was established in a recordmaking series of 12 rollcalls. The Senator from Mississippi and the conferees, I know, made a real effort to persuade the House conferees to accept something along the lines of the Senate position. I regret very much that they were unsuccessful. I regret that they finally felt it necessary to yield.

I recognized, however, that their position was not very strong. The amendment prevailed by a rather slim margin on this side, and a similar move to cut off the funds for the war was deleted by at least 50 votes in the House of Representatives.

I note that just yesterday another effort along those lines was defeated in the House, and I know that this made the position of the Senate conferees rather difficult.

I was originally dismayed, and I am still somewhat disappointed, that the conferees did not reflect the policy position adopted by the Democratic conference earlier this year. That position urged that on major issues the conferees be appointed, insofar as it was possible, to reflect the Senate's will. I discussed this matter with the distinguished chairman of the committee. However, I discussed it with him when it was too late, after he had chosen the conferees. That was my fault; I was so deeply involved in the Senate floor battle that I simply neglected to bring up that matter as early as I should have.

The distinguished chairman of the committee made an effort to make some adjustments, when that proved difficult, he then invited Senator BROOKE and me to attend the conference, and I deeply appreciate that.

I do hope that that Democratic policy conference recommendation will be followed more closely in the future, not only by this committee but by other committees. And if we once again get into this sort of situation over the Vietnam war, I hope that at that time the conferees can be appointed with a greater eye to the Senate's will on this subject, that was really the principal issue that held up this bill for some time on the Senate floor, and for a long time that has also been a burning issue in the Senate and the House of Representatives and in the country as well.

I have considered opposing the conference report because it does not contain any provision representing an effort to oppose the Vietnam war or to cut off funds. However, I recognize the weakness of the Senate position in view of both the close vote in the Senate and the House position. I recognize also that the issue of dealing with Vietnam is passing for the moment from the congressional arena to the arena of presidential politics. The choice between the two principal contenders for the Presidency made by the electorate of our country will go a long way toward determining what will transpire in terms of the Indochina war. Were a strong effort made to force a position by Congress on this matter now, it could not take effect until after the election is over. For that reason I shall not oppose the conference report.

I do want to say that I am deeply disturbed by the present situation in Indochina. When President Nixon announced the mining of the harbors in May, he stated that he had undertaken "decisive" military action to end the war.

But this so-called decisive action was accompanied by a bankrupt policy—more bombing. As David Broder wrote recently in the Washington Post:

> Between January and June of this year, the tonnage of American bombs dropped on Laos, Cambodia, North and South Vietnam—with none of which we are at war—increased 100 per cent from 56,000 tons to 112,000 tons.
>
> We cannot comprehend what that means in human terms, what it would feel like if one were living under such an assault. We can only guess what the peasant or villager would think of our efforts to justify such deliberate destruction as a step to preserve a remote government in Saigon, now systematically denying even the vestiges of democratic freedom to its own people.

We now see that that policy is not ending the war. The current reports from Vietnam are deeply disturbing. Recently, an article in the New York Times, published on the first day of this month, quoted high-ranking American officials in Saigon as now:

> Talking privately not of a breakthrough in the peace talks, but, rather of the possibility of unending the war.

More recently, a report appearing in the same newspaper on the 13th of this month, just 2 days ago, quotes the country's two principal intelligence agencies as having submitted to the White House reports that Hanoi can sustain the fighting in South Vietnam "at the present rate" for the next 2 years, despite the heavy bombing of North Vietnam.

We have heard these reports that maybe the end will come within 2 years so often before. The fact is that the end is not really in sight in any way, shape, or manner, at the present time.

If GEORGE MCGOVERN is elected President of the United States, I believe that American involvement in this war will end within 90 days. I hope, believe, and trust that he will be elected, despite present indications that his campaign faces an uphill fight. I believe the tide is turning.

If, on the other hand—and I am conceding nothing on this subject—President Nixon should be elected, I think that is a prescription for an everlasting war. I say this because his policies are not succeeding in winding down the war. To be sure, he has reduced American ground strength in Vietnam, and he has substantially cut down the number of American casualties. All of us applaud those steps. But the fact is that we have more airmen and more seamen involved in the war now than we had at the beginning of this year. I am especially disturbed at a recent report attributed to high-level U.S. Air Force officials suggesting that American bombing of North Vietnam—which is a prescription for more Asian deaths, more American deaths, more POW's captured, and more Americans missing in action—may go on for 2 or 3 more years at the present rate.

We have heard this before. In the past we have been told to wait just a little longer, and yet the bombing goes on and on and on.

At a press conference on August 29, the President branded as "quite ridiculous" the possibility of extending American bombing for 2 or 3 more years. Nobody managed to ask him why, in his judgment, it was "quite ridiculous." I ask that now: Why is it "quite ridiculous" that the bombing might go on for 2 or 3 more years? American officials have recently been widely quoted that Hanoi can sustain the fighting in South Vietnam at the present rate for at least 2 years. The President has not come up with any new evidence that he can totally wind down that war and end our involvement. Why, then, is it "quite ridiculous"? What evidence is there that American Air Force officials are being ridiculous when they make these statements?

Mr. President, if the unfortunate result of this election is that President Nixon is reelected, I believe the war will still be going on when this same bill is before us again next year. If that is so, and if the Senate position remains the same, I and others will be determined to see that that position is sustained in Congress. If after the election the responsibility is passed from the people back to us, then we must measure up to that responsibility.

Let me close by emphasizing that I hope and believe that will not need be the case. By the time next year's bill comes to us, I believe that President GEORGE MCGOVERN will have ended the war.

I thank the distinguished chairman for yielding to me. I thank him once again for what he has done.

Mr. STENNIS. Mr. President, I am grateful to the Senator from California for the remarks he has made. I appreciate very much the sincerity of his position and his efforts.

Mr. HARTKE. Mr. President, will the Senator yield? I should like to comment upon the matter about which the Senator from California has been speaking.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. STENNIS. Yes; I yield briefly.

Does the Senator wish to comment on the amendment?

Mr. HARTKE. Yes. I should like to comment upon the end-the-war amendment.

Mr. STENNIS. I yield to the Senator for a comment.

Mr. HARTKE. I thank the distinguished Senator from Mississippi. I know that he is pressed for time. The point is that the American people are pressed for an end to this war.

One of the remarkable situations in this country today is that every poll—if polls can be believed—indicates that the American people want this war over. The President says he wants this war over. The Senate has voted a number of times that it wants this war over. Yet, the war does not come to an end.

The tragedy of Vietnam is not just a question of the war itself, but the way it is cauterizing the minds of the American people. For generations, we are going to be faced with the fact that the moral condition of this country has been brought to its knees by the fact that we are in Vietnam. It has taken from us the type of moral leadership which is expected from a nation which bases itself upon a Judeo-Christian philosophy.

We are the most powerful nation in the world, and the real question, I suppose, for the American people is how we are going to use that power. At the present time we are using that power in a method which indicates that we believe in the old theory that might makes right. Everyone has to agree that if somebody else is mightier than we are, they would prevail. What we have been saying is that might means might and power means power. The real question is how you are going to use power.

I hope the United States someday can again return to the idea that we are the great apostles of peace, that we really believe in peace. As long as we hold ourselves out verbally, in favor of peace, and continue to wage war, no one is going to believe us. Our children are not going to believe us. And the hope of this Nation is that somehow we can give them some inspiration.

The conference report on military procurement dashes the hopes of most of our young people. When we see violence in America, let us remember that we have sown those seeds in Vietnam.

The Senator from California, who is on the Veterans' Affairs Committee with me, knows that we are bringing thousands of American soldiers home every year. We do not give them just benefits. Most of all, we give them no hope, no inspiration, and we leave this Nation prostrate.

One thing can be said: If anything destroys America, it will be the war in Vietnam. These people who are looking for answers to our social ills at home have to look to this conference report as contributing, unfortunately, in my opinion, to the possible destruction of America as we know it today.

I have seven children myself. I do not look upon this very lightly. The tragedy of the young today, no matter what they do, is that they may be feeling the sins of their parents visited upon them.

It is a rather severe indictment of every man and woman in the Senate and in the House, and it is a severe indictment of this President and the one who preceded him and the one who preceded him and the one who preceded him. I am tired of hearing about how many Presidents have put their stamp of approval upon dashing the hopes of so many Americans.

Mr. CRANSTON. That is a beautiful expression of the hopes and dreams and dismay of many millions of American citizens.

Mr. STENNIS. Mr. President, continuing our discussion of the conference report as a whole, I refer now to the amendment offered by the distinguished Senator from Indiana, the so-called one-time recomputation provision. I have discussed it and explained the situation with respect to the conference on it, in the remarks I have already made for the RECORD.

Mr. President, the House Members were not out of sympathy with the amendment at all. They could not agree to it, from their position. They stood fast but they did agree to appoint a subcommittee of their committee to proceed immediately, we might say, to active consideration of this matter.

Representative HÉBERT, chairman of the House Armed Services Committee, already has appointed that subcommittee, to be chaired by Representative SAMUEL S. STRATTON, of New York. Serving with him will be Representative BYRNE of Pennsylvania, Representative LENNON of North Carolina, Representative O'KONSKI of Wisconsin, and Representative PIRNIE of New York. I have here a copy of Representative HÉBERT's announcement, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

HÉBERT ANNOUNCES SPECIAL SUBCOMMITTEE TO STUDY MILITARY RETIRED-PAY RECOMPUTATION

House Armed Services Committee Chairman F. Edward Hébert today announced the appointment of a special subcommittee to study recomputation of military retired pay.

Chairman of the subcommittee will be Rep. Samuel S. Stratton (D-N.Y.). Serving with him will be Democrats James A. Byrne (Pa.) and Alton Lennon (N.C.) and Republicans Alvin E. O'Konski (Wis.) and Alexander Pirnie (N.Y.).

Officially titled the "Subcommittee on Retired-Pay Revisions," the group will have authority to recommend other changes in retirement laws in addition to reviewing recomputation proposals.

In appointing the subcommittee, Hébert was fulfilling a pledge he made to retired groups earlier in the year to give recomputation to a study in depth.

Recomputation—that is, letting military retirees recompute their retired pay on the latest active-duty pay scales—has been the subject of numerous bills introduced in the House.

Hébert said the subcommittee will review all of the various recomputation bills introduced.

Mr. STENNIS. Mr. President, on September 13, Representative GUBSER of California spoke on the floor of the House of Representatives with reference to the fact that Representative STRATTON, as chairman of the subcommittee, has already announced that hearings will commence within 2 weeks. So there is no question that a committal has been made in good faith and is being carried out. I have already announced on the floor that we will also have a subcommittee and will proceed with hearings. But I have pointed out that the matter is so deeply complex—so much has to be developed—that we could not, with reality, suggest that this all could be done in this calendar year. It would be started and would be considered, I hope and expect, early in 1973.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the pending conference report occur today at 12:30 p.m.; that at 12:20 p.m. the conference report again be laid before the Senate if it has been set aside prior to that time, and that there be a 10-minute limitation on further debate on the conference report, the time to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Massachusetts (Mr. BROOKE), with the vote to occur at 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Post Office and Civil Service.

(The nominations received today are printed at the end of Senate proceedings.)

UNANIMOUS-CONSENT AGREEMENT ON OMNIBUS CRIME CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, notwithstanding the order on H.R. 8389, that it be in order for the distinguished majority leader and the distinguished Senator from Arkansas (Mr. McCLELLAN) to offer a multiple-parts amendment dealing with crime and crime victims.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on H.R. 15495, to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard anti-ballistic-missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the distinguished Senator from Mississippi wishes to set the conference report aside, the Senate then proceed to the consideration of S. 3531, the 1976 Winter Olympic games bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. I yield now to the Senator from Indiana, who has worked diligently and effectively on this amendment.

RECOMPUTATION OF RETIREMENT PAY OF RETIRED MILITARY PERSONNEL IS LONG OVERDUE

Mr. HARTKE. Mr. President, the Hartke amendment, passed by the Senate by a vote of 82 to 4 is a strong indication that the Senate recognizes the need for recomputation. The Hartke recomputation amendment would have taken a big step toward correcting the long-standing inequity in the treatment of retired military personnel. Thousands upon thousands of retired officers and enlisted men made sacrifices to enter their country's service. In return for lower pay and the frequent disruption of careers, the military services promised a "recomputation" system of retirement pay.

For 100 years, retired military pay depended solely upon rank and years of service. Upon retirement, the officer or enlisted man received a certain percentage of his base pay as a retirement benefit. When base pay was increased for the active duty military, the retired military personnel could compute their retirement pay using the new base rates. The system of recomputation was a basic recognition that you treat retired military personnel as human beings and not as antiquated tanks.

Recomputation was rudely suspended in 1958. In 1963, the Senate permitted a one-time recomputation using 1958 base rates of pay. At the same time, the Senate substituted a cost-of-livng adjustment factor for the recomputation provision. As a result thousands of retired military men and women were left with the bitter taste of forgotten promises.

The Hartke amendment broke a logjam that has kept the issue of recomputation from reaching the Senate floor. Under the Hartke plan, retired military personnel would be allowed a one-time recomputation of their benefits using January 1, 1972, base rates. Disabled retirees and retirees 60 years of age or older, could recompute their pay at once. All other retirees could recompute their benefits upon reaching age 60. The Hartke plan would retain the cost-of-living feature to assure the retiree of future increases along with the expected rise in the cost of providing food, shelter, and clothing.

It is well recognized that the Hartke plan does not fulfill all the broken promises, but at least it was a step in the right direction.

The fact is, we had a campaign pledge from President Nixon that he would restore recomputation. He made that pledge in 1968 in a telegram sent to Maj. Gen. Preston Corderman, president of the Retired Officers Association, on September 13, 1968, in which he said:

> Because of the concern of your organization with the issue of equalization of retired military pay I want to take this opportunity to share with you my views on this important subject.
>
> For the past several years, our retired military personnel have been unjustly treated because of the failure of the administration and the Democratic-controlled Congress to remedy the growing disparity between active duty and retired military pay. This unfair discrimination is wholly contrary to the long established principle of equalizing retired pay with existing active duty pay for the same grade or rank. It is a breach of faith for those hundreds of thousands of American patriots, who have devoted a career of service to their country and who, when they entered the service, relied upon the laws insuring equal retirement benefits.
>
> The retired pay of some of our older retirees has slipped more than 30-percent behind that of their younger comrades. In a period of skyrocketing cost of living increases, it is an intolerable and unfair burden for our retired military.
>
> I intend to urge the Congress to remedy this injustice at the earliest possible time by passing legislation along the lines of that introduced by Senator Tower of Texas, chairman of my Key Issues Committee. General Eisenhower and I worked vigorously to seek legislative relief in 1960. Now, after prolonged inaction by an administration of which Vice President Humphrey has been a part, the time is at hand to do simple justice and to recognize the great contribution to our Nation by those who have served their country with honor and distinction.

Mr. President, the statement of the President is certainly one which would indicate that the President is going to move forward immediately to deal with this matter. However, no such measure was ever presented to the Senate. And never was there an indication from the White House that the measure introduced by the Senator from Texas (Mr. TOWER), of which I am a cosponsor, should be adopted by Congress.

In spite of the fact that the telegram was sent and in spite of the fact that we had almost overwhelming support on both sides of the aisle, there was a hesitancy to bring the measure to the floor. Despite the assurances of the chairman of the Senate Armed Services Committee that there would be timely hearings, the Senate voted 83 to 4 in support of the amendment. Yet we dropped this measure in conference, a measure that would affect hundreds and thousands of military retirees.

Justice, equity, and fairplay demand that we restore the promised benefits to men and women who have served their country so faithfully. By breaking the recomputation system, retirement pay no longer depends solely on rank and years of service. The manipulation of favorable retirement dates will surely become a sad but necessary part of a military career.

The assurances that the House and Senate Armed Services Committees will vote on the military recomputation measure in the near future is certainly a welcome change from past inactivity.

I wish that some legislation could yet be passed before adjournment. No one can honestly expect that now, however.

Mr. President, I think it takes no expert in military affairs to know that these retired military personnel cannot eat hearings, conference reports, and broken promises. It is frequently said that man cannot live on bread alone. Yet, it is certainly true that man cannot live without bread. For many retired military individuals, the failure to restore the promised right of recomputation means that they will not have the wherewithal to keep going.

One of the Members of this body who has toiled with me to restore the recomputation system is my distinguished friend, the distinguished Senator from South Carolina (Mr. THURMOND).

His support of the activity in this field on behalf of these retired military personnel should certainly receive support and commendation. His work in this respect was outstanding. Typically his concern was for these individuals. It was for that reason that he took a position, which under normal circumstances he would prefer not to have taken. I refer to his opposing the chairman of the committee on which he serves, the Armed Services Committee. I congratulate him for having done so and for his work on behalf of retired military personnel.

I should like to ask the chairman of the Armed Services Committee, what is it that we can expect on the Senate side in regard to the ultimate reporting of a bill. Will it be in line with the recommendations of the President, the recommendations of the distinguished Senator from **Texas (Mr. TOWER)**, the Hartke position or will this bill take some other form? What I am asking is that the Senate be given a clear understanding as to when the issue will have an opportunity to be considered on the Senate floor?

Mr. STENNIS. With a chance to be on the Senate floor?

Mr. HARTKE. Yes. I am certain that if we can get any kind of fair bill on the Senate floor, we can pass it here. After all, the Senator knows that we do not vote in the other Chamber and we cannot guarantee what they will do, but at least we should be able now to have some definite understanding as to what can happen in the Senate.

Mr. STENNIS. Here is what I have already promised in earlier debate on this subject, and what I have in mind now. I am now in the process of arranging for someone to be chairman of an Armed Services Subcommittee which will hold hearings on this matter. The staff is already working on the subject. I expect to appoint that subcommittee within the next 2 weeks at most. It does take some time to make arrangements. The staff will continue to work. The matter will rest in the control of the subcommittee.

My recommendation would be, if it is at all reasonably possible, to begin hearings during this calendar year. If not, then hold them when Congress is reorganized in January. The Senator knows all this. Assuming continuity, the hearings will be pushed with dispatch and recommendations will be made to the full committee as soon as practicable. I can assure the Senator that, as chairman—if I am the chairman then—I will push for the consideration of this measure. It will be reported by the full committee in some form and to the Senate floor. When it goes on the calendar, of course, it will be in the hands of the leadership. I would favor taking it up.

Mr. HARTKE. Can the Senator from Mississippi give me any kind of time reference whatsoever—can we anticipate such a bill coming to the Senate floor by March 1, 1973?

Mr. STENNIS. In view of the fact that the month of January is usually largely consumed with inaugural matters, I would think perhaps the first of March would be a little premature. I would say 30 days after that—April 1—that would be a reasonable time—in that neighborhood.

Mr. HARTKE. I appreciate that information. At least before taxpaying time, April 15.

Mr. STENNIS. That is a very reasonable modification. We would try to make that our goal, to get the bill reported——

Mr. HARTKE. By April 1.

Mr. STENNIS. April 1 to 15—let us put it that way.

Mr. HARTKE. I appreciate that information very much, because I believe that this is a measure which the Senate would want to act on favorably and the House as well. I know that the Senator is well aware of the telegram by President Nixon, which was severely critical of a previous, Democratically controlled Congress. I must say, however, that to me the President made little or no effort to carry out his own pledge.

I hope that whoever the person is in the White House in 1973, he will give us more than telegrams and would give us support on the Senate floor and on the House floor toward solving this most important problem.

Mr. STENNIS. Mr. President, I appreciate the remarks of the distinguished Senator. In keeping with the arguments—the sentiments expressed and the debate in the conference—when these hearings start, on either side there will doubtless be other matters with reference to the retirement plans that will be brought up and brought into the hearings.

This is no promise concerning this bill. I cannot make promises about the content of the bill anyway. But this subject matter is related to retirement and inevitably questions will come up that will have to be decided.

Also with reference to what I said about a bill coming to the floor, the committee itself will have to take action in saying whether or not the bill will come to the floor. But that will be on the merits. And we trust the committees, I am sure.

Mr. HARTKE. Mr. President, I am fully appreciative of the fact that the Senator from Mississippi cannot at this time give us a statement on the contents of the bill. However, we have assurances that the hearings will be commenced as early as possible and that the subcommittee will be appointed within the next 2 weeks and that, following the appointment of a subcommittee, the chairman will urge them to consider this matter and report a bill not later than April 15. That is now the intention of the chairman.

Mr. STENNIS. I will certainly advise him of the matter, and that is my intention.

Mr. HARTKE. Mr. President, I yield at this time to my distinguished friend, the Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, I thank my friend, the distinguished Senator from Indiana.

Mr. President, I rise in support of the conference report accompanying H.R. 15495, the 1973 fiscal year military authorization bill.

As the membership knows, the Senate conferees began work on the Senate- and House-passed military authorization bills August 8 and continued meeting almost daily until adjournment for the Republican National Convention. The conference then resumed in early September and was completed September 11.

Mr. President, the length of the conference amply demonstrates the efforts expended by the Senate conferees in behalf of the provisions in our bill. However, for any conference to succeed, it is necessary for both sides to give and take.

As one of the conferees, it was especially disappointing to me that the recomputation amendment approved in the Senate by an 82-to-4 vote was dropped. I deeply regret the conference did not accept this amendment, but feel encouraged by the agreement between the respective committee chairmen to hold hearings this year and next on recomputation.

Mr. President, I predict that next year there will be a recomputation bill passed. It is my intention to follow through on the efforts begun this year to bring the recomputation issue to a just conclusion. Military retired pay inequities must be corrected.

Mr. President, I urge my colleagues to give their approval to this important bill which is designed to provide for our Nation's national security.

Mr. HARTKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, what is the pending business?

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 OLYMPIC GAMES

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate S. 3531, which the clerk will read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 winter Olympic games.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will report the first committee amendment.

The assistant legislative clerk read as follows:

On page 1, line 7, after the word "in," where it appears the second time, strike out "1976" and insert "1976, as a part of the American Revolution Bicentennial Celebration.":

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, first of all, I ask unanimous consent that during the session of the Senate today I be permitted to have my legislative assistant, Mr. Jim Sanderson, present in the Chamber at all times except during rollcalls.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, we are all deeply saddened by the recent tragedy in Munich. I think I can say personally I have literally been made ill. This monstrous crime was an act of barbarism and a crime against humanity itself. While we grieve the loss of life, we must also grieve the effect this act has had on one of the world's finest examples of competitive cooperation. The spirit of the Olympians has been broken and the enthusiasm of the world has changed to despair, frustration, and in some places hatred.

Though the Olympics have continued, the ideal has been marred.

The ideal of the Olympics has been aptly described by my colleagues in their statements of late regarding the tragic sequence of events in Munich.

The distinguished senior Senator from Pennsylvania (Mr. Scott), in his remarks which were joined by the distinguished Senator from Montana (Mr. Mansfield), said that the "Olympics present an opportunity for nations to put their differences aside and bring us closer to lasting peace."

My distinguished colleagues from Connecticut and New York (Mr. Ribicoff and Mr. Javits), spoke of the concept of brotherhood which characterizes the Olympic games.

The senior Senator from Delaware (Mr. Boggs) described the Olympics as "one of man's greatest cooperative ventures."

The distinguished Senator from Maryland (Mr. Beall) commended the Olympics for "the contribution they have made to increasing international understanding and the cause of world peace."

The distinguished Senator from Massachusetts (Mr. Brooke) also praised the games as a "symbol of peace and cooperation among nations," and the distinguished Senator from Oregon (Mr. Packwood) called the World Olympics the "finest amateur athletic competition in the world" and noted the "new spirit which has been sweeping the globe" as a result of the games.

Other distinguished Senators who expressed their enthusiasm for the Olympic ideal include: Mr. Percy, Mr. Roth, Mr. Robert C. Byrd, and Mr. Talmadge. And, finally, the distinguished Senator from Virginia (Mr. Spong) described the effect of this tragic event when he said:

> The act is a blemish upon an ideal that is a symbol to the world—an ideal of nations coming together every four years to compete in fairness and good sportsmanship. The proud history of the Olympic Games has been tarnished by a monstrous act against all those who compete and all those who observe.

Mr. President, it is our opportunity in the United States to renew the spirit and ideals of the Olympics when the Olympiad next meets in 1976 in Colorado. With the passage of S. 3531, the United States has the opportunity to host the athletes of all nations. As Mr. Avery Brundage, the outgoing president of the International Olympic Committee, said:

> We cannot allow a handful of terrorists to destroy this nucleus of international cooperation and goodwill we have in the Olympic movement.

And West German President Gustav Heinemann, in a similar vein, avowed:

> The Olympic idea is not destroyed. We are duty bound to preserve this idea more than ever before.

An editorial appearing in the September 7 edition of the Christian Science Monitor I believe aptly places the Olympic games in context, and I ask unanimous consent that this editorial be printed in the Record at this point.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

The Games Should Go On

Of course the games should go on; at Munich now, and in other places in other years. The fact that the Olympic truce has been violated by bigotry and violence is no reason to give up one of the few things in this world that keep alive the ideal of a better world in which narrow and selfish nationalisms are put aside and all men come together in peace and in trust.

The brutal and stupid violence which interrupted the current games in Munich this week actually underlines the importance of such institutions. The Hague Court, the United Nations, and the Olympic Games are the most important though not the only international institutions which provide in our times what the original games did among the Greek city states of classic antiquity. They pull mankind together and counteract to some extent the baser motives and urges which drive them apart. More than ever, we need the games.

Mr. ALLOTT. Coming in the wake of the recent tragic events at Munich, it is my hope that the 1976 winter Olympics can help rekindle the flame of brotherhood between nations and that the celebration of the birth of our Nation can also symbolize the rebirth of friendly competition between athletes of all races, creeds, and colors and further, that the spirit can be restored to one of the world's greatest symbols of peace and understanding—the Olympics.

Mr. President, S. 3531 is a simple bill. It authorizes Federal participation in the 1976 winter Olympics which are scheduled to be held in the host city of Denver, Colo. It authorizes a Federal grant to cities or counties of $15.5 million to be administered by the Department of Interior to be utilized for the construction of necessary facilities to be used in connection with the games. These permanent facilities will then be dedicated for public use thereafter, thus enhancing the Nation's legacy of winter parks.

On February 3, 1970, by Public Law 91–191, the U.S. Government asked the International Olympic Committee to hold the games in the United States in 1976, the year of our bicentennial. The winter games have been designated as an official bicentennial event by the American Revolution Bicentennial Commission. And, most recently, on January 31, 1972, the Senate and the House of Representatives by resolution affirmed their support for the continuing designation of Denver as the host city for the XII winter Olympic games, by Senate Resolution 246 and House Resolution 787.

S. 3531, which has the support of the administration, authorizes an expenditure commensurate with previous expenditures for international events. Mr. President, I ask unanimous consent that a table which I have prepared be printed in the Record at this point.

There being no objection, the table was ordered to be printed in the Record, as follows:

Summary of Federal participation funds, international events

Year, event, and total Federal funds:

1876	Philadelphia Centennial	$2,044,350
1884	Cotton Centennial, New Orleans	635,000
1884	Cincinnati Industrial	10,000
1884	Southern Exposition (Louisville)	10,000
1888	Ohio Valley Centennial	147,000
1893	Chicago World's Fair	4,788,339
1895	Cotton States (Atlanta)	200,000
1897	Tennessee Centennial	130,000
1898	Trans-Mississippi (Omaha)	240,000
1899	Philadelphia Exposition	350,000
1901	Pan American Exposition (Buffalo)	1,015,000
1902	South Carolina Interstate	250,000
1903	Ohio Centennial and Northwest Territory Exposition (Toledo)	500,000
1904	Louisiana Purchase Exposition (St. Louis)	1,486,609
1905	Lewis & Clark Centennial (Portland)	475,000
1907	Jamestown Tercentennial	1,650,000
1909	Alaska - Yukon - Pacific Exposition (Seattle)	637,500
1914	Exposition of Forest Products (Chicago and New York)	10,000
1915	Panama Pacific International Exposition (San Francisco)	1,374,004
1915	50th Anniversary Emancipation (Richmond)	55,000
1917	Mississippi Centennial (Gulfport)	73,000
1925	International Trade Exhibition (New Orleans)	150,000
1926	Philadelphia Sesquicentennial	2,186,500
1930	International Petroleum Exposition (Tulsa)	
1933	Century of Progress (Chicago)	1,175,000
1935	Arkansas Centennial Celebration (Little Rock, Ark.)	75,000
1935	California Pacific International Exposition (San Diego)	425,000
1935	Texas Centennial	3,011,500
1936	Great Lakes Exposition (Cleveland)	450,000
1937	Pan American and Texas Exposition	
1937–38	Northwest Territory Sesquicentennial celebration	$115,000
1939	Pan American Exposition (Tampa)	100,000
1939	Golden Gate International Exposition	1,700,000
1940	American Negro Exposition	75,000
1940	Galipolis, Ohio Sesquicentennial Celebration	10,000
1959	Hudson-Champlain Celebration	75,000
1960	Squaw Valley Winter Olympics	3,500,000
1962	Century-21 Exhibition (Seattle)	9,900,000
1962	West Virginia Centennial	10,000
1964–65	New York World's Fair	17,000,000
1967	Alaska Purchase Centennial	4,600,000
1967	Montreal Expo	9,000,000
1968	HemisFair '68 (San Antonio)	6,750,000
1968	Miami Interama	6,030,000

Mr. ALLOTT. Mr. President, if you review the table, one sees that since 1960, we have supported seven events of an international scope ranging in a financial commitment from $3.5 million to $17 million; thus, in this recent light, the $15.5 million authorized by this bill is most appropriate.

Mr. President, 1976 has a special significance for those of us from Colorado; 1976 is the centennial of our Statehood as well as the bicentennial of our Nation. The winter Olympics are planned to be held in February of 1976; they will be the first major event of the bicentennial year and promise a festive kick-off for our bicentennial celebration.

In the President's July 4, 1972, remarks concerning America's bicentennial era he spoke of a major bicentennial program known as "Festival U.S.A.," he said:

> Let America be known throughout the world as the "land of the open door." In the near future, I will be sending, in the name of all the people of the United States, formal and official invitations to the government of nations around the globe, extending a welcome to the people of those nations to visit the United States . . . during the Bicentennial era—and especially during the year 1976.

The President's policy of the "open door" promises to start a reversal of our current "international tourism gap."

Mr. President, I ask unanimous consent that a letter signed by the Acting Assistant Secretary for Tourism be inserted in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

THE ASSISTANT SECRETARY
OF COMMERCE,
Washington, D.C., June 8, 1972.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: It is our belief that the Denver Winter Olympics represents one of the key factors in increasing foreign travel to the U.S. in 1976.

As we are all aware, the U.S. is suffering from a heavy deficit in the balance of payments ledger and the travel account has represented over 50% of that imbalance in all but three of the last ten years.

In terms of background data, in 1971, for the second year in a row, our travel-dollar deficit equaled a record high of $2.5 billion. This figure is more than double the 1960 travel deficit of $1.282 billion. In addition, since 1960 the "gap" in our travel account has grown at an average annual rate of almost 7%.

The international travel market represents a $20 billion industry, of which last year the United States contributed 27.9% in the form of American expenditures abroad (estimated at $5.5 billion) but received only 15.4% in the form of foreign visitor receipts (estimated at $3.0 billion). In addition, while we supplied 13.0% of the 181 million international trips taken in 1971, we captured only 7.6% of the world travelers. Thus, we not only have a dollar deficit but a "traveler" deficit of 9.7 million visitors.

The potential, however, for increased travel to this country is tremendous—estimated to range between 70 million and 80 million people—and such events as the Winter Olympics in Denver make this country increasingly promotable abroad in that we would have a comparative advantage over other countries' promotions for 1976.

C. Langhorne Washburn, in his statement before the Senate Appropriations Subcommittee in April of this year indicated the following:

"We can look forward to having in 1976 the American Revolution Bicentennial Celebration, the Winter Olympics in Denver, and the Summer Olympics in Montreal, just across the border. Anyone of these events, if properly promoted, would produce a substantial influx of foreign visitors."

According to the Denver Winter Olympics Committee, foreign visitor attendance at the Olympics in 1976 is estimated at a minimum of 8,000. Based on our dollar receipt data, this means that between $1.6 million and $3.0 million could be generated by these 8,000 foreign visitors. If 10,000 foreign visitors actually attended, the dollars generated could range between $2.0 million and $4.0 million.

By way of comparison, Japan indicates that approximately 4,500 foreign visitors attended the 1970 Winter Olympics in Sapporo and spent about $1.4 million. Unofficial estimates by the Japanese Embassy indicated that total spectators at the games reached 900,000 with ticket sales alone equaling $2.6 million.

Another indication of the potential of such events as the Denver Winter Olympics as dollar earners may be seen in the impact that the 1967 Canadian Exposition had on the Canadian economy. Not only did travel receipts increase tremendously, up 57% over the previous year, totaling $1.3 billion, but also expenditures by Canadians traveling abroad, actually declined by over $11 million.

With respect to Americans alone, more than 1 million Americans visited EXPO '67, spending over $2 million. In that year, American travelers spent more than $1 billion in Canada—representing a 58% increase over 1966, increasing our travel deficit with Canada to $495 million—more than five times the 1966 U.S./Canadian deficit of $92 million.

Hence, such attractions help a country's travel deficit in two ways: (1) by increasing the dollars earned from foreign tourists and (2) by decreasing the flow of dollars spent abroad by the residents of the country.

In addition it is our feeling that the Winter Olympics in Denver will help "establish" the Colorado ski area as one of the finest in the world. Last year, in conjunction with United Air Lines and Pan American Airways, USTS sponsored a Colorado Ski Seminar which brought together executives of the U.S. and foreign travel industries in Colorado to discuss methods for marketing its various ski areas abroad.

Programs such as these in conjunction with the Olympics will have lasting favorable effects generating economic benefits to Colorado long after the Olympics are over. This was the case in both Shapiro and Montreal and we have every reason to believe it will also be true for Denver.

There is no doubt in my mind that the Denver Olympics represents a major U.S. "tourist attraction", one which gives this country a comparative advantage over other countries in 1976, one which can be heavily promoted abroad and one which can help the U.S. increase its share of the vast and growing $20 million international travel market.

I hope this information is helpful to you. Please let us know if we can be of further assistance.

Cordially,
JAMES L. HAMILTON III,
Acting Assistant Secretary for Tourism.

Mr. ALLOTT. Mr. President, having an event such as the winter Olympics early in 1976 will attract the attention of the world and provide greater impetus for citizens of other nations to travel to the United States.

The organization charged with staging the games is the Denver Olympic Organizing Committee—DOOC. The progress they have made thus far appears to have been more than adequate. The General Accounting Office has made an indepth study of the organization and operations of the DOOC, and the results of this study are available in a report dated August 18, 1972, entitled "Plans for Staging the 1976 Winter Olympic Games in Colorado." An audit of the Committee's expenditures reveals that the DOOC has incurred expenses which appear reasonable and proper upon examination. In addition, a review of the GAO report convinces me that the cost estimates prepared by the DOOC are as accurate as they can be at this point in time. Through membership on the DOOC's planning board, the Regional Administrator of the Environmental Protection Agency has advised me that a minimum of 14 environmental impact statements will be required in connection with the staging of the winter games to assure the protection of the environment. I ask unanimous consent that a letter from the Deputy Regional Administrator be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Denver, Colo., June 8, 1972.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: This is in response to your request for our comments on steps which have been taken by the Environmental Protection Agency to assure that environmental considerations are taken into account in the preparation for the 1976 Winter Olympic Games.

The Environmental Protection Agency, Region VIII, has monitored the progress of the Olympic Games planning process through frequent contact with the Denver Organizing Committee. We were appointed as ad hoc member to DOC's Planning Board in March 1972, and since that date we have participated on a regular basis in Planning Board meetings. We have also offered our full cooperation to Governor Love to assist the State in environmental protection programs. Further, we are planning our internal activities for future years to provide maximum assistance in connection with the Olympics.

We foresee our future role with respect to the Olympics as involving a number of activities. First, we shall continue our liaison with, and assistance to, the DOC, the State of Colorado, the City of Denver, and the many other agencies and institutions involved with the Olympics. Second, we shall participate in planning studies to ensure that necessary environmental protection factors are built into the Olympic program. Our concerns in this area include protection of air and water quality, ensuring proper solid waste management, providing high quality water supplies, and related matters both during the conduct of the Olympics and following the Olympics. Third, we expect that a minimum of fourteen Environmental Impact Statements under the National Environmental Policy Act will be generated in connection with the Olympics program. We shall lend assistance in preparing these statements and will perform a thorough review of the draft and final statements. Fourth, we shall assist to the extent possible with demonstration and construction projects for waste management facilities to be used in conjunction with the Olympics. We feel that it is of utmost importance that waste management and other facilities be located and constructed in accordance with sound environmental plans which take into account both short-term and long-term impacts. We also feel that the occasion of the Winter Olympics and the special setting of the games affords a unique opportunity to demonstrate new and advanced methods of waste management and treatment.

In summary, we are giving priority attention to the 1976 Winter Olympic Program and will do all we can within legislative and resource constraints to be of assistance in this endeavor. The scope and unique nature of the Olympics will pose problems of applying our traditional program authorities while carrying out our ongoing activities. We shall, however, direct our programs to the full extent possible toward the end of preventing and minimizing any environmental problems posed by the Olympic program.

Sincerely yours,
DONALD P. DUBOIS,
Deputy Regional Administrator.

Mr. ALLOTT. Finally, there is a provision in the committee bill that I do want to touch upon. The staging of the Olympic games in Colorado has been subject to some controversy, locally, and the question of continued use of State funds in support of the games has been placed on the ballot for the November election. The Senate Interior and Insular Affairs Committee accepted my amendment which would make any Federal support for the Olympics contingent upon the favorable outcome of this November vote. The committee believed that if the State constitutional amendment were adopted, thereby prohibiting any further expenditure of State funds in support of the winter Olympics, the Federal Government should not participate. This, I believe, is the situation at this time.

I had contemplated asking the committee to delay its consideration of the bill until after the November vote; however, this would not have been a wise course to follow. In order for the facilities to be completed in time for the staging of the games, construction must begin in the very near future. To delay congressional consideration of this authorization measure until next year would make it impossible to complete the facilities in time for the games. Under the committee bill, valuable needed time will not have been lost if continued State support is approved by the Colorado voters. At this point, I should like to note that proponents of the Olympics anticipate that the Olympics will be approved. The most recent analysis of public opinion done by Bickert, Brown, Coddington & Associates, Inc., reveals that the proponents of the games are in the majority in Colorado by a margin of 60 percent to 40 percent.

The committee has taken a prudent course of action. I urge the Senate to adopt this measure.

Mr. President, to say that there has not been a difference of opinion in Colorado would not be expressing the truth. At the hearings we held in the Senate Committee on Interior and Insular Affairs, the hearings were advertised widely in Colorado; and there are two—particularly two—young legislators, at least younger than I am, who have taken a very active part in opposition to the Olympics in Colorado. They were very active in circulating the petitions which placed the constitutional amendment on the ballot for the November 7 election which would forbid the expenditure of any State funds for the 1976 Olympics. In order that these people not be overlooked, I simply want to invite attention to the fact that I wrote personal letters to several of these people; and two of them, the two chiefly in opposition in the State legislature, did accept my invitation to appear. They testified against the Olympics and also expressed their appreciation at having been invited especially to attend the committee hearing.

Finally, it seems to me that what we are doing here is simply deciding whether we want the winter Olympics as a part of the bicentennial in the United States. A further delay in this matter into next year probably would make it almost impossible to do the construction that needs to be done and to put the Olympics on in a way which would be a creditable part of the bicentennial celebration. Such a delay, I believe, would be very unfortunate; and I sincerely hope that the Senate will pass S. 3531.

Mr. HARRIS. Mr. President, will the Senator yield for a question?

Mr. ALLOTT. I am happy to yield for a question.

Mr. HARRIS. Has a bill like this one been passed by the House of Representatives?

Mr. ALLOTT. The answer is "no."

Mr. HARRIS. If the Senator will yield further, does the Senator feel, with regard to the time element he discussed, that it is possible in this session to get an authorization bill passed by the House of Representatives and an appropriation made?

Mr. ALLOTT. I would have serious doubts about appropriations. It depends upon the kind of schedule, when the Senate and the House adjourn. We usually pass a first supplemental at the very end of our sessions here. Whether or not the portion that would be necessary immediately would be put in the first supplemental, I do not know. The second supplemental is usually sent up when we reconvene in January; and, depending upon the situation, it is usually 2 or 3 months, sometimes 4 months, before that is passed.

Mr. HARRIS. Does the Senator feel that it is realistic to hope the House of Representatives might pass this bill or a similar bill in this session?

Mr. ALLOTT. I am not quite sure about that. I know that Representative ASPINALL, chairman of the Interior Committee in the House, made an announcement some little time ago in Denver that he was asking the Subcommittee on Parks and Recreation to hold hearings on this immediately after we returned in session. I do not know what his exact intentions are. I have not attempted to poll the committee. The way I feel about it, the Olympics are not the private property of any one person. Certainly if the people of the United States, including Congress, do not want the Olympics in Colorado or in the United States—and that is where it will be, in Colorado, if anywhere in the United States—they would have the opportunity to say so.

Mr. HARRIS. Neither the bill nor the committee report details by time the purposes of the expenditures to be authorized in the amount of $15.5 million. I wonder whether the Senator could, for the RECORD, and for the benefit of other Senators, give the items that make up the full authorization.

Mr. ALLOTT. First of all, I ask unanimous consent that the papers I hold in my hand be printed in the RECORD.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

Estimated expenditures under S. 3531

Enclosed speed skating rink	$6,800,000
Refrigerated luge course (bobsled, not approved by committee)	3,000,000
Ski jumping complex	2,600,000
Nordic skiing	800,000
Biathlon	200,000
Environmental studies and project review	300,000
Land acquisition for arena (construction costs of the arena to be borne by the city of Denver)	1,400,000
Lighting for color TV in the coliseum	75,000
New coliseum ice floor	360,000
Total of above items	15,535,000

Compilation of Olympic and Olympic-related costs

[In millions]

Federal (construction of specific facilities)	$15.5
State (for planning)	6.1
City and county of Denver (for administrative and other related expenditures)	1.0
Steamboat Springs college housing (normal HUD loan program)	2.2
Denver housing plans (normal HUD programs)[1]	15.5
Currigan Convention Center (modifications) (from revenue—TV rights)	1.2
Sports arena (city bond issue)	10.0
Improvements to Mile-Hi Stadium (city appropriations and bond issue)	7.5
Concert hall-cultural center:	
Bond issue	6.0
Private donations	5.0
Operations—fiscal years 1973 to 1976	[2] 15.0

Mr. ALLOTT. Mr. President, what I hold in my hand, I say to the Senator from Oklahoma, is my own estimate of the expenditures based on the figures of the DOOC. Some of them are slightly modified and, of course, until we get to the time when we are assured that the Olympics will actually go forward, we cannot get the final engineering figures and estimates.

Item 1 is the enclosed speed skating course, $6.8 million.

The refrigerated luge course, $3 million.

The ski-jumping complex, $2.6 million.

Nordic skiing, $800,000.

The biathlon, $200,000.

The environmental studies and project review, $300,000.

Land acquisition——

Mr. HARRIS. Would the Senator back up? The Nordic skiing was $800,000?

Mr. ALLOTT. Yes, sir.

Mr. HARRIS. Then after that—will the Senator proceed again?

Mr. ALLOTT. The biathlon——

Mr. HARRIS. Yes, sir—how much?

Mr. ALLOTT. $200,000.

Mr. HARRIS. Yes.

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[1] So-called press housing (Urban renewal—normal housing assistance allocations).

[2] Revenue of $10.3 million; State funds, $4.7 million.

Mr. ALLOTT. Environmental studies and project review, $300,000. Land acquisition for the arena, $1,400,000.

Construction costs of the arena, by the way, are to be borne by the city of Denver.

I might add here that on Tuesday of this week, there was a primary election in Colorado, at which time there were eight bond issues on the ballot in the city and county of Denver. One of the items was a bond issue for a sports arena and that is the item I just referred to, for a city bond issue of $10 million. It carried in Denver by a vote of 55,000 to 46,000.

The next item is lighting for color television in the coliseum, $75,000.

The final item, new coliseum ice floor, $360,000. Making a total of $15,535,000.

Mr. HARRIS. What was the figure for lighting for color television?

Mr. ALLOTT. $75,000.

Mr. HARRIS. If I understood the Senator correctly, he said that these estimates he has just read are his personal estimates. Are there no official estimates of cost other than the Senator's personal estimates that he is now giving to the Senate?

Mr. ALLOTT. Let me make it clear that I have made no personal estimates of the cost myself——

Mr. HARRIS. I thought that is what the Senator said.

Mr. ALLOTT. There is a fine distinction. I want to make it clear that these are my figures based on the testimony produced in the hearings. I might say that they follow closely the DOOC testimony also.

Mr. HARRIS. Could the Senator give us the source of those estimates that he has related to the Senate?

Mr. ALLOTT. I will get it for you. It is in the hearings.

The testimony at the hearing was for $17,900,000, but the bobsled has been taken out and the temporary buildings at the mountain sites have been taken out.

May I call the Senator's attention particularly to page 3 of the report, if he has it available there.

Page 3, under the subhead "Sports Facilities and Support," states:

> This bill authorizes the appropriation of funds to plan, design, and construct facilities and sites for winter Olympic events such as speed skating, figure skating, hockey, ski jumping, cross-country skiing, and luge; in addition, funds would also be provided for modification of existing facilities to Olympic standards as well as for land acquisition costs for an Olympic arena, the construction costs of which are to be borne by the city and county of Denver.
>
> The testimony indicated a need of up to $19.9 million. The committee has reduced this amount to $15.5 million because of information to the effect that the bobsled event will be held at Lake Placid, N.Y., thus eliminating the need for the construction of the bobsled run.

That event has been eliminated from the Olympics so that that particular sentence is not applicable now.

Continuing reading:

> The committee believes that with this saving, plus the foregoing of planned winterization of Denver's Mile-High Stadium, coupled with other economy measures, the $15.5 million will allow for sufficient funding to construct the necessary facilities.

Thus, based on the testimony, I reconstructed these figures which are modified slightly, but in substance they are the same as the DOOC testimony, but reduced to these figures.

I might say that the original figure that was mentioned here at the hearings, if the Senator wishes, I will read into the RECORD the actual request of the DOC.

A closed speed skating rink, $6.8 million; combined bobsled luge, $4,000,000; ski jumps, $2.7 million; Nordic skiing, $800,000; and $200,000 for biathlon.

I am rounding off these figures.

Environmental studies and project, $314,000; temporary building at the mountainside, $605,000; land acquisition, $1.5 million; lighting for color television, $75,000; $360,000 for skating floor in coliseum; and $500,000 for Mile-High Stadium.

The total of the figures as testified to in the committee hearings is $17,934,965, plus an escalation of $2 million to take care of possible inflation.

Mr. HARRIS. Mr. President, if the Senator will yield further, I have before me the report of the General Accounting Office under date of August 18, 1972. They undertook to look into this matter, as I understand it, and make some computations of the costs. Appended to the GAO report was cost estimates which apparently conformed to the request of the Denver Olympic Committee and to the figures that the committee had under consideration.

It showed the bobsled-luge——

Mr. ALLOTT. Mr. President, will the Senator tell me where he is reading from?

Mr. HARRIS. The GAO report, appendix 2, dated August 18, 1972.

Mr. ALLOTT. I have it.

Mr. HARRIS. Mr. President, those figures seem at variance with the Senator's figures. For example, the cost of the bobsled-luge run is estimated at $4 million. I understand your estimate was $3 million.

Mr. ALLOTT. I would like to go back to that item. The committee itself did not approve the bobsled, and it was not contemplated in the authorization of the committee.

Mr. HARRIS. I believe the Senator speaks of the four-man bobsled contest.

Mr. ALLOTT. That is the four-man bobsled.

Mr. HARRIS. The two-man bobsled luge is still in it, I believe.

Mr. ALLOTT. I am also informed that the two-man bobsled combined was not approved by the committee, either.

Mr. HARRIS. If the Senator is correct, then the total figure in the bill ought to be reduced by $3 million, I would think, because the luge, for example, is listed on page 3 of the report. And it is my understanding from the committee report—and that is all we have to go by here—that only the four-man bobsled luge was eliminated from the bill, either because it might be that contest could be held at Lake Placid or that the event might be dropped altogether by the Olympic Committee for the winter games in 1976.

It is my understanding from the bill that the committee approved funds for the bobsled-luge. And I believe that that is just what the Senator said a moment ago.

The second item the Senator read was the bobsled-luge run, $3 million. Is that correct?

Mr. ALLOTT. No; the figures I read had only the luge in it. What I read was luge, $3 million.

Mr. HARRIS. Even though the bobsled may be dropped altogether, we would still need $3 million for the luge runs alone?

Mr. ALLOTT. The Senator is correct. The main difference of cost is the length of the course.

Mr. HARRIS. Is the luge not a two-man bobsled?

Mr. ALLOTT. No. It is not. The luge alone would be $3 million. The luge is a sled, but it is a one-man sled. And it is not a bobsled, neither two-man nor four-man bobsled.

Mr. HARRIS. That comes to $3 million. Is there any afteruse for that? Do a lot of people normally do that?

Mr. ALLOTT. It has a conceivable afteruse. The use of a luge does not constitute a sport that has been participated in actively in this country among winter sportsmen. It constitutes one sled, and a very short one, in fact. However, the sport is very popular in Europe. And the luge is used very widely in Europe during the winter.

The Senator asked if there were an afteruse. I cannot possibly in my own mind try to project what would appeal to American sportsmen. I would say there is a great possibility of an afteruse. After all, it is a very thrilling sport for sportsmen. And in the investment that has to be made, we want to confine the facilities to the point where we will allow people to participate in many of our winter sports. It is a relatively cheap sport to participate in for the individual.

Mr. HARRIS. Mr. President, let me ask the Senator a further question concerning the report. In GAO report costs for temporary facilities were estimated at $1 million. I believe that the Senator's figures raise that to $1,400,000.

Mr. ALLOTT. Which item is that?

Mr. HARRIS. I believe it is the sixth item the Senator read today—$1,400,000 for temporary facilities. What is the difference and why is there a variance between the Senator's figure and the estimated cost by GAO?

Mr. ALLOTT. Would the Senator mind if I give him a copy of this so that he would actually have my figures before him.

Mr. HARRIS. All right. I jotted them down as the Senator read them.

The Senator said that the cost of the land acquisition for the arena would be $1,400,000. As I understand it, when that bond issue passed for the construction of the arena, the city of Denver, the bond issue was sold to the people on the basis of getting a national hockey team and, also, I believe, a national basketball team. Is that not so?

Mr. ALLOTT. Mr. President, let me preface my remarks by saying first of all that everything in there has been designed for a public afteruse. And the DOC started to do this from the very first. I was not aware that any particular selling job was done. It may be that people did say this. I know that there is a considerable interest in Denver. There, of course, has been a basketball team, as the Senator well knows—professional basketball.

There is also a very great interest in Denver in procuring, if possible, an ice hockey franchise in the National Hockey League. As the Senator knows we have had two schools in Colorado that especially have been very active in ice hockey for many, many years, Denver University and Colorado College. Although I do not minimize the participation of other colleges, these two schools have been participating in ice hockey and there is a great deal of interest in ice hockey in Colorado.

Mr. HARRIS. Can the Senator explain why in the figures that GAO was given, there was a request for $1 million for temporary facilities? That does not appear to be in the Senator's present figures today.

Mr. ALLOTT. I am informed by Mr. Sanderson, who has worked on this matter for a long time on behalf of the staff that the $1 million which I have located in appendix 2 for temporary facilities is not in the figures I gave the Senator because this was, in effect, a rental proposition for a temporary building, and it was my feeling, as well as the feeling of others, that this rental and use of these buildings could be obtained by donation. Therefore, it was eliminated.

Mr. HARRIS. The Senator today estimates that $360,000 is the cost for a new coliseum. In August that was estimated to be $400,000. The Senator estimated $1.4 million today for land acquisition for an arena; back in August that was $1.5 million. On whose authority are these estimates being changed?

Mr. ALLOTT. The Senator has the GAO report before him.

Mr. HARRIS. As I understand it, those are the figures.

Mr. ALLOTT. If the Senator will let me answer the question, I believe the $1.4 million is the figure referred to by GAO.

Mr. HARRIS. GAO reports that land for purposes of an arena will cost $1.5 million, but the Senator's figures reduced that by $100,000. Is that just to round things off, or does the Senator have information not available in August that would indicate the land is cheaper?

Mr. ALLOTT. I would like to read from page 15 of the GAO report:

> LAND ACQUISITION FOR PROPOSED ARENA ($1.5 MILLION)
>
> The city of Denver proposed to construct an all-purpose arena to be used as the primary site for ice hockey and skating events other than speed skating during the games. (See p. 19 for proposed arena construction funding.) The city requested Federal funds needed to acquire approximately 23 acres of land as the site for the arena which would be located adjacent to Mile High Stadium in Denver.
>
> The funding request showed the land for the arena as a minimum essential item, although it classified the arena not as minimum essential but as highly desirable. The administrative assistant to the mayor told us that the land for the arena was considered a minimum essential item because, if the land were made available through Federal funds, the proposed city bond issue for financing construction of the arena was almost certain to be accepted by the voters.
>
> We found that the $1,500,000 requested for the land was overstated by $100,000 because of an error when land prices were taken from the city's feasibility study for the arena. We brought this matter to the attention of city of Denver officials who agreed that the funds requested for land acquisition should be reduced to $1,400,000.

Therefore, that is the figure that appears in appendix 2 of the GAO report.

Mr. HARRIS. I thank the Senator for that clarification.

I wish to ask about the $75,000 that is being asked for lighting for color television. I understand that lighting would not be required for the game themselves, but that it is required for color television. Is that correct?

Mr. ALLOTT. The lighting is not sufficient in the stadium for television. It would not be particularly sufficient for color television. The Senator's surmise is exactly correct.

Mr. HARRIS. Does the network or the television outlet that plans to televise games in that coliseum intend to do so commercially for profit?

Mr. ALLOTT. I might say I am sure they do, but it is also the intention of Denver officials to grant these rights for profit and to get some of it back. The responsibility for the provision of the lighting, however, is deemed to be that of the committee for if it is not provided there would be no television rights to sell to any broadcaster for television.

Mr. HARRIS. My understanding is that television revenues are estimated to be a total for the winter games of between $5 million and $8 million, and that color television will be commercially sponsored for profit.

Therefore, does it not seem strange to ask the taxpayers, rather than the television people, to pay the extra costs for color television?

Mr. ALLOTT. I do not think this is actually how it occurs. For lighting in this particular facility it would be necessary to have a greater amount of lighting and different kinds of lighting than presently exists. The city of Denver or any other city would have to provide basic facilities.

The Senator is also correct that no matter what broadcasting or television system would broadcast the games, they would do it for a profit. They could not afford the winter Olympics otherwise. The Olympics that were broadcast from Munich sold time to help reimburse costs, which are quite considerable. In turn, it sort of comes out of the same pocket because the city would be negotiating with the various TV systems to try to get the highest amount of revenue to help lower the net cost of the winter Olympics. So it really comes out one way or the other, but the basic responsibility of any city, whether it is Grenoble, France, Denver, or Squaw Valley, or any other place, would be to provide lighting for television facilities.

Mr. HARRIS. Mr. President, if the Senator will yield further, as I understand it, and I ask the Senator if this is correct, GAO says there is no way to evaluate these cost estimates at this time. Further architectural and engineering studies have to be done. Is that correct?

Mr. ALLOTT. Well, in part. I do not know the statement the Senator is referring to. What page is the Senator referring to?

Mr. HARRIS. I call the attention of the Senator to the suggestion which the General Accounting Office made to the committee. This is chapter 8, page 35, that the committee restrict and limit its initial authorization to an amount for financing,

> (1) the architectural and engineering services necessary to reasonably determine the estimated costs of the proposed facilities,
>
> (2) the studies needed to determine more specifically the environmental impact of these facilities.

Then it says in that report:

> DOC has referred to some of the estimates as preliminary and to others as conceptual. DOC stated that better cost estimates were not available because of the lack of funds for A&E . . .

Why did the committee go ahead and decide to authorize expenditures on figures which were preliminary and others that were conceptual and reject the GAO suggestion for providing initial funds only until we knew more about what we were doing?

Mr. ALLOTT. Well, there are two or three answers to that.

Mr. HARRIS. Is it not true that the report I have just quoted was done for the House committee, and was prepared before the Senate committee acted?

Mr. ALLOTT. In detail, that is correct.

Mr. HARRIS. Let me ask the Senator——

Mr. ALLOTT. Let me answer one question at a time. We did not have this report because, at a meeting of the entire Colorado delegation, it was decided to ask the GAO to take a survey of this entire situation, and that request was made by the senior member of the Colorado delegation, Mr. ASPINALL, chairman of the Interior and Insular Affairs Committee in the House.

As the Senator well knows, while a report of the GAO has to be made available to any Member of Congress who asks for it, the report, as a matter of courtesy, always goes first to the Member of Congress who requested it, and Mr. ASPINALL requested it. We did not have this report at the time of the hearing. We had personally—my staff and the Denver people—discussed it informally. We understood that the report was in general favorable, but we had no details of the report at the time the committee had acted. But I want to add further that we felt it was very important to move ahead because time is of the essence, and the time is now to decide whether or not the United States is going to continue to hold up its end in the support of amateur athletics or not.

Second, the $15.5 million, I might say to the Senator from Oklahoma, was placed in the bill after numerous—and I do mean several—consultations with the Office of Management and Budget, and after numerous meetings with members of the Department of the Interior, including the Secretary and Assistant Secretary Larson, whom Secretary Morton designated as being primarily responsible for this matter.

After discussion with the OMB, the Department of the Interior was selected because of the financial and fiscal controls they felt the Department had available to it, and it was at the suggestion of the OMB—and I do say suggestion, not mandate—that we put the whole cost in an authorization bill.

Not all these funds will be needed this year or next year, but rather than go back for an authorization and appropriation each year, we have put the whole authorization in one bill and leave the supervision of the appropriation subsequent to that up to the Appropriations Committee, which is headed, by the way, by the distinguished Senator from Nevada (Mr. BIBLE).

Mr. HARRIS. Does the Senator know at this time what the costs would be of the architectural and engineering studies the GAO suggests are necessary to make proper cost estimates?

Mr. ALLOTT. I will get that for the Senator in a moment. I have them here, but I will get them for him.

Mr. HARRIS. We will come back to that. I want to ask the Senator another question.

The original cost estimates included $2 million for inflation, and, as I understand it, the committee decided not to put that limit of $2 million in the authorization, but, instead, it just added a phrase "plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes as applicable to the types of construction involved herein."

Is that not correct? The original figure had a limit of what we would be eligible for—"we" being the taxpayers—for inflation. That limit has been taken off in the bill reported by the committee. Is that correct?

Mr. ALLOTT. That is entirely correct, the reason being that in the consideration of this matter before the committee, the Interior and Insular Affairs Committee for several years now, with respect to construction costs for parks, such as accrue in the Senator's State, and other States, and other projects of like manner, has put a stock clause in all those bills similar to this language. I believe it is the same language. We attempted to take the same language and put it in this bill, which provides for an escalation due to inflation. That is the reason why the $2 million limit was taken out and the standard clause was put in.

This is the same thing we would do, for example, in an engineering project in the Senator's State, or in a reclamation project, or in a park or any kind of recreational area, a national monument, or anything of that sort. That is the policy the committee has adopted and now uses.

Mr. HARRIS. Is it not correct that the committee was unable to determine what the costs of administration under this authorization would be on the part of the Department of the Interior, and that, even without those costs, the committee rather reluctantly went ahead and made it an open-ended authorization?

Mr. ALLOTT. The Senator will also notice that we put some very admonishing words in the report as to administration. There is absolutely no way I know of or that the committee could determine—and the chairman (Mr. BIBLE) was very frank in this, too—what the administrative costs would be. We do not anticipate that they are going to be very significant, but they are doing something they have not done before, and there was just no way of determining what the actual costs would be. The Secretary of the Interior was unable to supply us with any accurate costs. The only thing we could do in such a situation was to take a good guess at it.

Mr. HARRIS. Is it correct that it is not possible at this time—or at least it has not been done—to make a detailed assessment and evaluation of the afteruse benefits, if any, that will accrue as a result of this authorization?

Mr. ALLOTT. Well, as I have stated before, it has been the ideal and the goal that everything that is constructed under this Federal money will have a public afteruse. Not a private afteruse, a public afteruse.

Mr. HARRIS. Has any assessment been made of what kind of afteruse there would be with respect to each of these facilities to be constructed with public funds, what numbers of people would make use of them? Is there some detailed report on that?

Mr. ALLOTT. I do not know that there is a detailed report on it. I have in my hand, for example—we have already discussed the consideration of the legislation, and I think I have been frank and honest about this, because we do not know exactly.

Mr. DeTemple, the President of the DOC, testified, as shown on pages 79 and 80:

> The luge course will have a viable afteruse in the United States. It is the only one in North America. It will be approximately like the ones in Germany now that have extended use of over 150 days per year. The cost to the participant is minimal.
>
> It involves a sled which is something around $100 which can be purchased for $100 or rented. Held near metropolitan areas such as Denver, we can have a viable exciting program for the youngsters in years to come in this particular event.

As far as estimating is concerned, I do not know that it is necessary. I do not know how you can estimate in dollars the value of participation in winter sports to the public at large, but when we see 40,000 and more participating on weekends in the Vail area generally and throughout the Aspen area, it is not hard to see that the value of the public is immense, because it is not exactly a cheap thing to buy ski clothes, ski boots, ski poles, et cetera.

Mr. HARRIS. If the Senator will yield further, could the Senator say what other Federal funds will be used in connection with these winter games?

For example, I understand that housing funds have been approved, eventually to be used for low-income and moderate-income housing, but designed in such a way as first to be used in connection with these games. Could the Senator tell us what that is, and how much money is involved, separate from this bill?

Mr. ALLOTT. First of all, I would like to make it clear that the housing plans do not require any special legislation. They are under existing legislation and existing appropriations. It involves $15.5 million from the normal HUD urban renewal programs and housing assistance allocations to the Colorado region.

Mr. HARRIS. Where will that housing be built?

Mr. ALLOTT. Well, I cannot put a map in the RECORD.

Mr. HARRIS. Is it within the city limits of Denver?

Mr. ALLOTT. There are two contemplated areas.

To try to do the next best thing to putting a map in the RECORD, one area is on the southwest side of Cherry Creek and south of Colfax, in a predominantly Mexican-American, Spanish-American area. The other is north of 20th Avenue at 23d Avenue and Washington Street, and just about splits that area in half. This is a predominently black area in Denver.

Mr. HARRIS. Is it correct that this housing is being built, first, for use for the press in connection with the games, and then, later on, will become, after they are through with it, low-income housing?

Mr. ALLOTT. This is in essence true. It is anticipated that the press would occupy it temporarily, but I understand that they would have to pay a rental to the housing authority, and then it would become immediately available to low-income families.

I might say that as far as I know, this has the support of the Spanish-name people and organizations in Denver as well as the black people, because they realize how important this low-income housing will be. We have used the Olympics as a catalyst for it, and I hope we will be able to go through with it.

Mr. HARRIS. Some information has been given me to the contrary. I ask the Senator, specifically, is it not correct that the Housing Relocation Subcommittee of the Community Advisory Group which was required to be set up under these HUD programs, recently voted 7 to 1 against approving the plans for low-income housing?

Mr. ALLOTT. I did not understand the Senator's question, but I would like to complete my answer on the other one. Of the 932 housing units, there will be a little more than 200 which will be conventionally financed, and a net gain of 900 housing units for Denver, low-cost housing units.

Mr. President, I yield temporarily to the distinguished chairman of the committee, the Senator from Nevada (Mr. BIBLE).

Mr. BIBLE. Mr. President, I thank the Senator from Colorado for yielding. I am delighted to have up for Senate consideration this bill, reported unanimously by the Committee on Interior and Insular Affairs, on the 1976 Denver winter Olympics. I sense there are some problems with it, which I should like to discuss a little further later in the day, but I rise now, not for the purpose of speaking on the 1976 Denver winter Olympics, but on another matter.

ESTABLISHMENT OF THE FOSSIL BUTTE NATIONAL MONUMENT, WYO.

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 141.

The PRESIDING OFFICER (Mr. Ribicoff) laid before the Senate the amendment of the House of Representatives to the bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, which was to strike out all after the enacting clause, and insert:

That, in order to preserve for the benefit and enjoyment of present and future generations outstanding paleontological sites and related geological phenomena, and to provide for the display and interpretation of scientific specimens, the Fossil Butte National Monument (hereinafter referred to as the "monument") is hereby established, to consist of lands, waters, and interests therein within the boundaries as generally depicted on the drawing entitled "A Proposed Fossil Butte National Monument, Wyoming," Numbered FBNM-7200, dated April 1963, revised July 1964, and totaling approximately eight thousand one hundred and eighty acres. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the monument from time to time by publication of a notice to that effect in the Federal Register, except that at no time shall the boundaries encompass more than eight thousand two hundred acres.

Sec. 2. The Secretary shall administer the monument pursuant to the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

Sec. 3. Within the boundaries of the monument the Secretary may acquire lands and interests in lands by donation, purchase or exchange, except that lands or interests therein owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation.

Sec. 4. (a) During the period ending ten years from the effective date of this Act, the Secretary shall permit the continuation of existing uses of Federal lands and waters within the monument for grazing, and stock watering, at such periods and places where such uses will not conflict with public use, interpretation, or administration of the monument: Provided, That the use of lands within the monument for stock driveways shall continue in perpetuity at such places where this use will not conflict with administration of the monument.

(b) Upon termination of the uses set forth in subsection (a) of this section, the Secretary of the Interior is authorized to provide for the disposition of water surplus to the needs of the monument, to a point or points outside the boundaries of the monument for the purpose of watering stock.

Sec. 5. There are hereby authorized to be appropriated $378,000 for land acquisition and not to exceed $4,469,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Mr. BIBLE. Mr. President, I move that the Senate disagree to the House amendment and ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. Jackson, Mr. Bible, and Mr. Hansen conferees on the part of the Senate.

REMOVAL OF INJUNCTION OF SECRECY FROM THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal, September 23, 1971—Executive T., 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the convention with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER (Mr. Allen). Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on September 23, 1971. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

The problem of sabotage, armed terrorist attacks, and other criminal acts against aircraft and air travelers poses an increasingly grave threat to civil aviation around the world. Events have shown that no country or area is exempt from the human tragedy and immense costs which result from such criminal acts.

At the International Conference on Air Law at The Hague in December of 1970, the Hijacking Convention was adopted. It contains provisions to ensure that all hijackers, wherever found, would be subject to severe punishment. The United States and 39 other countries have now ratified that Convention. It is hoped that all States will join in this major step to deter the peril of air piracy.

The work of applying similar provisions to other acts directed against the safety of civil aviation was completed by the Diplomatic Conference at Montreal in September 1971. The Convention which that Conference produced and which I am transmitting today covers sabotage and other criminal acts. Like the Hijacking Convention, it requires States to extradite offenders or prosecute them where they are found. It is designed to ensure the prosecution of saboteurs and other terrorists who attack aircraft, and it can help serve to quell this increasingly serious problem for civil aviation worldwide.

This Convention and the Hijacking Convention are vitally important to achieve safe and orderly air transportation for all people of the world. I hope all States will become Parties to these Conventions, and that they will be applied universally. I recommend, therefore, that the Senate give early and favorable consideration to this Convention.

Richard Nixon.

The White House, *September 15, 1972.*

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

The Senate continued with the consideration of the bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreation facilities, in connection with the 1976 winter Olympic games.

Mr. HARRIS. If the Senator will yield further, the question I just asked is this: It is my understanding—and I should like to know if this is the Senator's understanding—that the Housing and Relocation Subcommittee of the Community Advisory Council, set up by HUD in this instance, recently voted 7 to 1 against approving the plans for low-income housing.

Mr. ALLOTT. I am not able to state whether or not this is true. It has not been communicated to me.

Mr. HARRIS. I think there is some question about the plans for the housing and the involvement of the community; $15.5 million in addition to this bill is involved in the housing we have discussed. Is it not also a fact that the Department of Defense will have to make expenditures in connection with these winter games—outside this bill's authorization and in addition to it?

Mr. ALLOTT. It is not required by the bill.

Mr. HARRIS. I understand that; but is it not true that the Department of Defense will be expected to provide military personnel to help with the games, costing approximately $4.6 million?

Mr. ALLOTT. That would be entirely up to the Armed Services Committee.

Mr. HARRIS. I invite the Senator's attention to the GAO report——

Mr. ALLOTT. I will read what the GAO said about it on page 31:

> Although DOC had not yet requested the services of military personnel from the Department of Defense, the latter had included the 1976 winter Olympic games in its planning of military personnel needs for the American Revolution Bicentennial celebration. DOC estimated that about 155,000 man-days of military personnel would be needed during the games. At a standard cost of $30 a day, which the Department of Defense estimates would apply to military personnel in fiscal year 1976, the value of these services at the games would be about $4.6 million. No estimates were available for equipment costs.

Mr. HARRIS. So, my statement is correct. And is it not correct, as the Senator just said in the closing part of his statement, that the Department of Defense will be requested to provide equipment and that no cost estimates are now available for that?

Mr. ALLOTT. No request has been made of the Armed Services Committee.

I might say to the Senator from Oklahoma that I do not know of any national event that has been put on in which the Department of Defense, particularly the Corps of Engineers, has not participated. It is an active part of their training program. They would be, in effect, breaking rocks if they were not engaged in a positive and productive effort. This has been true with respect to the New York fair, the Seattle fair, the Houston fair. It has been true in every fair or exposition that has been put on in this country. I might say, also, that it was quite true in the Squaw Valley winter Olympics.

Mr. HARRIS. So, we could expect those additional costs for military equipment as stated in the GAO report.

The report also points out, does it not, that the Department of Agriculture will incur costs in regard to this event, over and above what is authorized by this bill?

Mr. ALLOTT. I did not understand the first part of the Senator's question.

Mr. HARRIS. Is it not correct that the GAO report, on page 3, says that the Department of Agriculture would incur costs of about $140,000 to issue and administer special use permits for the private development of Forest Service land on which certain skiing events would be held, and that those costs are over and above what is authorized in this bill?

Mr. ALLOTT. May I say to the Senator that this really is not applicable to this situation. They say that the Department of Agriculture would incur costs of $144,000; but those costs would be incurred and will occur whether or not the Olympics are held in Colorado because it is related to the extension of present ski facilities of the Vail Associates, and the Department of Agriculture will have to incur these costs under any consideration.

Mr. HARRIS. For the private gain of Vail Associates?

Mr. ALLOTT. Not for the private gain of Vail Associates. For the termination of the propriety interests and the issuance of use permits to Vail Associates in Colorado.

This, incidentally, is one of those things people do not stop to think about; but every time you have a use permit in the forest areas, it does involve a cost to the Forest Service for investigation along environmental lines, feasibility lines, and everything else, and sometimes it puts a considerable strain upon the personnel of the Forest Service and the RECORD should reflect that the Forest Service will receive a percentage of receipts at the ski area, thus yielding a net profit to the taxpayer.

Mr. HARRIS. Does the Senator not have the information I asked for earlier in regard to architectural and engineering costs that will be necessary to arrive at firm cost estimates?

Mr. ALLOTT. For the speed skating rink, the environmental inventory and impact statement would be $50,000. Planning maps, architecture and engineering, $175,612.

On the luge, the environmental inventory and impact statement would be $50,000. Planning, maps, design, layout model, architecture and engineering, $250,000.

Biathlon, environmental inventory, and so forth, $20,000. Planning, maps, profiles, and so forth, $6,600.

That is it.

Mr. HARRIS. Could the Senator give me a total, if he has it?

Mr. ALLOTT. I have not added it.

Mr. HARRIS. We will add it in a moment, if the Senator will let me have his figures.

Mr. ALLOTT. I will have them added for the Senator in a moment. They approximate $1.1 million.

Mr. HARRIS. Last, in regard to outside costs, it is my understanding that the General Accounting Office says that there will be special highway costs and airport costs to improve the highways and the airport facilities in connection with the games, but that that will not require additional money to be appropriated for the Department of Transportation. Is that correct?

Mr. ALLOTT. Let me look at the statement. I know this area very well.

Mr. HARRIS. It is on page 3, under "Other Possible Federal Assistance."

Mr. ALLOTT. On page 32, they say:

> The Rocky Mountain Region Planning Officer of the Federal Aviation Administration told us that the Administration had not identified any funding demands because of the Olympics. He said, however, that the games might cause an adjustment of priorities within the region, although improvements to the Steamboat Springs and Vail airports were already considered high-priority needs.

Above that, under "Federal Highway Administration," I had better read that:

> The Chief Engineer, Colorado State Highway Department, informed us that a new bridge, estimated to cost about $100,000, might be needed across the Eagle River between Interstate 70 and U.S. Highway 6 in Eagle County to provide better access to the alpine ski site. He said that this bridge, if made part of the State highway system, would be eligible for about $56,000 in Federal funding. We were advised by the Chief Engineer, Colorado Division of the Federal Highway Administration, that the games would not result in increased Federal funding demands and that Colorado would merely restructure its highway construction priorities.

So as a matter of personal knowledge, it is a matter of time until that bridge has to go in, anyway.

Mr. HARRIS. The GAO says that these costs, extra costs necessary to complete improvements in highway and airport facilities for the games would be financed by rearranging priorities. That means that some communities in Colorado and in other States would have to wait longer for their facilities so these projects could go to the head of the list. Is that correct?

Mr. ALLOTT. That would have nothing to do with the other States at all. It involves only Colorado.

Mr. HARRIS. So, that is incorrect, then, in respect of Colorado, is it?

Mr. ALLOTT. I do not know how the State government will rearrange its priorities. Certainly, if they put that at the top of the list, it would be a rearranging of priorities in Colorado, which is done constantly and continually in the highway department.

Mr. HARRIS. GAO specifically recommended language requiring the regular auditing of the Denver Olympic Committee—which is now responsible only to the city of Denver, as the GAO points out—by both the Secretary of the Interior and the Comptroller General. They suggested that proper authority be added to the legislation so that the Interior Department and the GAO would regularly examine and audit. Why did the committee decide not to accede to that suggestion?

Mr. ALLOTT. Because we did not have the report at that time. There is no trouble at all as the Senator would suggest. We will be happy to put it in the bill, if it will make the Senator any happier.

Mr. HARRIS. I think it would make the taxpayers a little happier. Would not the Senator agree?

Mr. ALLOTT. I do not know. I know that this is one reason the matter was placed in the Department of the Interior because they do have the facilities in the Department for auditing and handling this. They do it routinely in the Bureau of Outdoor Recreation. This particular suggestion of the GAO which of course, as the Senator knows, was not available to us until after the bill was referred, certainly causes the Senator from Colorado no trouble. The last thing I want to see are any funds wasted or mismanaged either in this or any other project.

Mr. HARRIS. I thank the Senator. Would the Senator be similarly agreeable to adding a provision to this bill, as we have done in others, requiring compliance with the environmental laws, in accordance with the suggestion by the Department of the Interior, a suggestion which was available to the committee but which, for some reason, was rejected?

Mr. ALLOTT. I do not know of any suggestion of the Secretary of the Interior relating to the environment. We have as you know Public Law 91–190, the National Environmental Policy Act. The senior Senator from Colorado is a cosponsor of that bill which created the Council on Environmental Quality. In NEPA, section 102, subparagraph 2(c) which requires environmental impact statements, that is the law and I know of no way to avoid it, even if there were a desire to do so. I have already, in my chief statement, commented at length about the 14 environmental impact statements which will have to be filed.

Mr. HARRIS. That suggestion was in the Department's letter to the committee and is printed in the committee report. I thank the Senator. I have no further questions at this time.

The PRESIDING OFFICER (Mr. RIBICOFF). The question is on agreeing to the first committee amendment.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the amendments may be considered en bloc.

Mr. HARRIS. Mr. President, reserving the right to object. I would not object if it were added to the request that the bill then be considered as original text subject to further amendment as such.

Mr. ALLOTT. That is perfectly all right.

The PRESIDING OFFICER. The objection comes too late.

Mr. ALLOTT. I withdraw my objection. Let us proceed in the regular manner.

I withdraw my request. Let us proceed in the regular manner.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. HARRIS. Mr. President, I should like to be heard generally on the bill, as was its principal proponent, the distinguished Senator from Colorado.

Mr. President, this bill is premature, as I think has been clearly revealed by the colloquy which earlier occurred between myself and the author of the bill.

First of all, as was just pointed out, the Senate Interior Committee did not even have available to it the lengthy and detailed report and recommendations of the General Accounting Office in regard to the bill at the time it acted. There is no reason why the Senate should compound that error in hasty consideration of this bill, because it is unlikely, based on the statements made here and the knowledge that Senators have on the lateness of this session.

If this bill is going to be passed by Congress during this session—and I think even the distinguished Senator from Colorado pretty well admits that if it were to pass—it is not overwhelmingly likely that appropriations could be made in this session under the authorization.

So, we have plenty of time here and we ought to go into greater detail, and so should the committee, during the next session of Congress concerning the serious matter of the costs involved.

First of all, it is highly unusual, to say the least, that the Senate should be asked to authorize appropriations for specific items despite the fact that it is put squarely on notice today that the money expenditures are projected purely on preliminary estimates, as the General Accounting Office says, and that some are simply conceptual, whatever that means. The Senator from Colorado agrees that is the fact. We do not know what any of the actual costs are going to be, and the details involve a considerable series of items and expenses in which architectural and engineering studies will first be necessary and on which environmental impact studies will be necessary before we, or anyone else can have any real idea of what the actual costs will be.

That is a matter of genuine concern, it seems to me, for all of us, given what has been the situation in the past in regard to the Olympic games that have been held.

The hearings record of the committee in regard to this provision on page 55 has an exhibit A entitled "Cost Underestimates of Previous Olympics."

In the Squaw Valley, Calif., Olympics in 1960, the original estimate was $1 million. The actual cost, according to the Rocky Mountain News of April 5, 1971, was more than 13 times that original estimate—$13.5 million.

In Grenoble, France, in 1968, the original estimate was $50 million. The final cost, according to the New York Times of October 13, 1968, was five times the original estimate—$250 million.

In the Sapporo, Japan Olympics in 1972, the original estimate is not known. However, the final cost, according to official publication 14 of the Sapporo Olympic Committee, was $1.3 billion. I underline the billion. That is not million, but $1.3 billion.

For the Munich, West Germany Olympics of 1972, this year, the original cost estimate was $136 million. The actual cost, according to Business Week of September 11, 1971, was $600 million—or more than three times the original estimate.

It seems to me to be folly in the extreme for the Senate, representing the taxpayers of the country to authorize appropriations on estimates which everyone agrees are totally preliminary and many of which are conceptual in nature. We do not know what the eventual costs will be. As we all know from past experience and from the facts I have stated, the costs will continue to go up and up and up.

We have heard something about overruns in the Defense Department. Yet, we are asked to send good money after bad.

I propose that we not get into the kind of mess that we have gotten into so many times and concerning which so many Senators are sick and tired. There is plenty of time. At the very least, the committee should come back to us with a suggestion that, if we are going to spend any money at all on the winter games in Colorado, the figure should be limited. We could act in accordance with one of the avenues of approach suggested by the General Accounting Office in regard to the architectural and engineering costs and environmental study costs. And only then would we know what we might eventually be asked to pay.

We are not just talking about $15.5 million. That is what is authorized by the bill. The people of Colorado and Denver are being asked to pay a lot of additional money. And they are going to vote on it in Colorado, as to whether Colorado will put up any money. They will vote this November 1972.

Since we are not in a hurry, there is no reason why the Senate of the United States should not wait until we find out what people of Denver have to say about this matter.

I want to call the Senate's attention to that. The distinguished Senator from Colorado has sent around to all Senators a letter in which he cites the results of a poll taken by a private firm. I do not know for whom the poll was taken. The Senator's letter does not reflect that. As far as I can tell, someone authorized a poll to be taken by a private firm in Denver. And the Senator's letter said that this firm found the proponents of the games were in the majority in Colorado, by a margin of 60 to 40 percent.

Information conveyed to me is directly at variance with that. Representative JAMES MCKEVITT, U.S. Representative from Colorado, whose district is the First District, Denver, announced that 54.2 percent of the 35,000 respondents who answered to his questionnaire answered "No" when asked the question, "Will the 1976 Winter Olympics be good for Denver?"

Further, Mr. President, a poll conducted by State Representative John Carroll in his district showed, as he announced, that 80.5 percent of his 154 respondents were against Olympic spending. And the poll in the Rocky Mountain News, a major Denver newspaper, showed that 62.4 percent of the 14,606 respondents opposed holding the 1976 winter Olympics in Denver.

As I say, there is some disagreement in opinion about what Colorado wants.

I am persuaded by the evidence I have just cited. But the Senate does not have to take anyone's word for this, as there will be a vote by the people of Colorado. Interested citizens gathered enough signatures to put this matter on the ballot, and the people of Colorado will vote on the question of whether State money should be spent for this purpose. They will vote in November.

It is true that the bill says that our money, the Federal money, will be contingent upon their putting up their money. However, why should we not wait and see? Why should we get involved? That is the same old game that so many, and particularly conservative Senators in this Senate, have complained about and opposed for a long time. That is the old carrot approach of subsidization and grant-in-aid programs.

So many conservative Senators and I think, with a great deal of reason, have said that, when the Federal Government passes these grant-in-aid programs, saying to the States and communities, "If you put up some money, we will put up some money," we thereby distort what the States or local governments might otherwise do. They might want to put money in a hospital. They may want to put money in schools. They might want to put money in law enforcement or in transportation, or something else. However, if they can get a better deal out of their funds through Federal grant-in-aid, that sometimes causes a State or local government to distort or change their plans, to do something they might otherwise not do. A counter-argument for this bill, as of this time, is certainly liable to.

There is no reason why this bill ought to come up at all in the Senate or in the Congress before the vote of the people of Colorado. We can decide, afterwards, whether to put in Federal money. There are other very serious questions about this bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—CONFERENCE REPORT

The PRESIDING OFFICER. The hour of 12:30 p.m. having arrived, under the previous order the pending business will be temporarily laid aside and the Senate will proceed to the further consideration of the conference report on H.R. 15495, the military procurement authorization bill, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Debate on the report is limited to 10 minutes, to be equally divided between the Senator from Mississippi (Mr. STENNIS) and the Senator from Massachusetts (Mr. BROOKE).

Who yields time?

Mr. BROOKE. Mr. President, in rising to speak on the conference report on H.R. 15495, the Military Procurement Authorization bill, I wish to address myself primarily to two items which are no longer contained in the bill.

First is an item which was the subject of some discussion in the Senate yesterday: funding for a hard target warhead. As passed by the House, the military procurement authorization contained funds for research and development of an improved accuracy MIRV warhead, a warhead which would have the capability of striking a hardened silo and thus destroying an enemy missile in the ground. Such a warhead could give the United States the potential for launching a preemptive first strike. And this potential could undermine the climate for negotiation which has been generated at the SALT talks, leading us not forward into a new generation of peace, but backward into a continuing and ever more terrible arms race.

The amendment which I introduced to Senate Joint Resolution 241, and which the Senate adopted yesterday, reinforces previously stated administration policy that this country is not seeking, and will not seek, a first strike capability.

But even prior to the Senate's action yesterday, I am pleased to say, the conferees for the Senate had succeeded in having funds for this dangerous program deleted from the military procurement bill. What is more, it is my understanding that full hearings will be held on this program in the committee, with the overwhelming burden of proof resting with the Department of Defense to demonstrate any need for this advanced technology. I wish to commend the distinguished and able chairman of the committee (Mr. STENNIS) and the chairman of the Research and Development Subcommittee (Mr. MCINTYRE)—who was a cosponsor of my amendment yesterday—for their prompt and effective action on this point.

Second, Mr. President, I wish to comment on my Vietnam amendment, which was contained in the bill as it passed the Senate, but which was deleted in conference after the most full and lengthy consideration. This amendment, as my colleagues know, provided for the complete withdrawal of all American forces from Indochina within four months of the date of enactment, conditional only upon the release of our prisoners of war and an accounting of our missing in action.

Mr. President, only one of the Senate conferees on the military procurement bill voted in favor of this amendment when it passed the Senate by a vote of 49 to 47. But, Mr. President, no sponsor of an amendment could have asked for fuller and fairer consideration than was given to the amendment by the chairman of the committee and the other conferees. Contrary to all precedent, the distinguished Senator from California (Mr. CRANSTON) and I were invited to present our views before the conference committee. The conferees weighed our considerations with the utmost care, to the extent that it is my understanding that this was the last measure to be resolved.

I wish to express my sincere gratitude to the chairman of the committee for the consideration which he extended in this regard. And I wish to assure my colleagues in the Senate that though the amendment may have been deleted from this bill, it has not thereby been deleted from further Senate consideration.

I have reintroduced my amendment as an amendment to H.R. 16029, the new Foreign Military Aid bill now under consideration by the Foreign Relations Committee. And I have received assurances from the chairman of that committee (Mr. FULBRIGHT) that he would support a move to include the amendment in the foreign aid bill.

Mr. President, in view of the chances for passage of my amendment in the future, and in view of the commendable committee action on the hard target warhead, I intend to support the conference report.

Mr. STENNIS. Mr. President, I yield myself such amount of the 5 minutes as I may use. I want to, first, especially thank the Senator from Massachusetts for his very generous words about the Senate conferees in discussing his efforts to get his amendment, or at least some substantial part of his ideas, adopted in this bill. It was our duty, and anything less than that would have been neglectful, but we appreciate his commendation of our efforts. We thank him for coming before the conference and in his usual forceful way explaining the amendment and the purposes to the conference. There was an impression made that was favorable, but for reasons that were outlined this morning, the amendment was rejected by the House conferees.

Mr. President, I note with interest the Senator's remarks about the reentry vehicle. I recall his long years of interest and effort, and fight, one might say, in connection with that type of weaponry; and no one knows better than I the contribution he has made, and I think it is a contribution in that field.

The Senator is correct that the matter was deferred and that it requires in-depth consideration. It would take in-depth consideration on the matter. How it might come out is a matter of judgment for individual Senators.

I thank him again for his attitude about his amendment, which is another evidence of his broad understanding, not only of the subject matter, but the problems and complications which they were legislating.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, this bill now contains what I think is a very balanced program—if I may now revert to the remainder of the conference report—in weaponry and research and development for the fiscal year. In my opinion no essential items are left out; no essential items in our weaponry, present and future, are left out of the bill. This has been, I believe, one of the most thoroughly considered military procurement bills that has ever come before the Senate. We have had longer debates, but we did have considerable debate this time, and participation, I believe, by more Senators and more capable staff members, and Representatives, than any other bill I know about. This conference report does not represent everything that every conferee favored, but it was unanimously brought before the two bodies and it is here today with a unanimous report of the Senate conferees. I hope it will receive overwhelming support here at our hands.

I thank everyone who contributed to moving this bill along. As a consequence, we were able to announce the money figures in this conference report to our Appropriations Committees before the recess.

They were given time to mark up the bill's appropriations, as evidenced by the fact that the House appropriations bill is already before the House and the Appropriations Committee of this body has almost completed its consideration of its bill. That is a major point with me, and with all our committees, and with every Member of the Senate.

I yield the floor.

Mr. HUMPHREY. Mr. President, while I intend to vote for the conference report on Military Procurement Authorization, I want, nevertheless, to make known my strong objection to the deletion of the anti-Vietnam amendment which the Senate version of the procurement bill contained. I joined in the debate of this amendment, and made every effort to secure its passage because I thought it provided a constructive guideline for American withdrawal, while emphasizing the critical concern of American public opinion over present policies of this administration in Indochina.

There are other sections of this report which are not entirely satisfactory, particularly with respect to individual weapons systems which may in fact serve to fuel the arms race. I am speaking of the stepped-up funding of the Trident submarine, and the authorization of funds for an additional nuclear aircraft carrier.

Balanced against these negative aspects are several positive points in the report. I would, at this time, like to single out one very important one, although in monetary terms it would appear to be relatively insignificant. A $20 million item for a hard-target warhead which was originally rejected by the Senate Armed Services Committee almost was slipped into this bill, but through the efforts of the Senate conferees and pressure from individual Senators, this item was deleted. When it appeared that the Senate deletion of funds were endangered in conference, I wrote to the chairman of the Senate Armed Services Committee, Senator Stennis, expressing my concern and urging him to impress upon all conferees to support the Senate position. I know that he did so, and want to express my appreciation for his efforts.

Mr. President, I ask unanimous consent that my letter to the chairman, and an article in the Washington Post on this crucial question be inserted at this point in the Record.

There being no objection, the letter and article were ordered to be printed in the Record, as follows:

August 10, 1972.

The Honorable John C. Stennis,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: The Senate Armed Services Committee has in the past supported and helped to structure a defense program in keeping with our traditional second-strike nuclear strategy. The Committee seemed to have scrupulously avoided a counterforce capability when it denied R&D funds for modest accuracy improvement programs in earlier budget requests. This year I noted that the Committee deleted $20 million requested for the ABRES program on the basis that the request had been submitted too late for the Committee's consideration. As a result, this item was never brought up for discussion during the debate on the Military Procurement bill.

Since the Senate vote, a number of reports have been circulating which raise doubts as to the purposes of this particular line item in terms of our overall strategic posture. This, in turn, raises another set of questions as to the impact that a new, more accurate and powerful warhead would have on future arms control talks.

I am aware that Senator Brooke, who played a key role during the initial debate on ABRES, and Senator Proxmire have expressed their concern publicly on this matter. I would like to join them in this effort, and impress upon you the importance of deleting the funds in conference for the ABRES program as approved in the Senate version of H.R. 15495 and as approved by your own distinguished Committee.

If we are to approve of the ABRES option, the Senate must have a chance to explore its full significance. A study must be undertaken of the strategic implications, as well as the exact nature of the program itself. Surely, something along this scale can only be undertaken in Committee hearings.

I, therefore, urge you to press in conference for the retention of the Senate deletion of the ABRES program, and to schedule at the earliest possible data hearings on this question in the context of a review United States nuclear strategy, both present and future.

Your assistance in this regard will be most appreciated.

Sincerely,

Hubert H. Humphrey.

[From the Washington Post, Aug. 29, 1972]

Half-Told Tale—Of Senators and "Silo-Killers"

(By Alton Frye)

There has been a proper commotion over reports that the Defense Department wants to develop a new type of counterforce technology. By enabling U.S. missiles to destroy hardened targets, including missile silos, the modernized re-entry vehicle (RV) planned by the Department would significantly erode mutual deterrence on which the strategic arms agreements rest. The program would directly contradict this country's assurances that it did develop capabilities which the Soviet Union could construe as having first-strike potential. To launch so provocative an endeavor at the very moment Congress was considering the Moscow agreements seemed a reckless departure from the prudence and restraint which has marked the administration's approach to strategic matters.

Now comes the good news that Senate-House conferees on the defense procurement bill have declined to authorize funds for development of a hard-target RV. How this occurred is a tale worth relating. It affords some encouraging glimpses of legislative scrutiny of military programs, and it suggests some important ways in which members of Congress can help the president control dubious bureaucratic impulses.

The origins of this particular plan to develop a hard-target capability are obscure. It appears that in executive deliberations on the SALT agreements, the President agreed to support some expanded research and development activity. One infers that Mr. Nixon's guidance to the Pentagon was quite general, consisting principally of a willingness to endorse hedges against a possible failure to reach permanent limits on offensive forces. There is no evidence that he decided to reverse the guidelines against pursuing counterforce weapons which would jeopardize Moscow's deterrent.

In consulting its wish list, the department found relatively little to add to the $8 billion R & D program already moving through Congress. Beyond accelerating the Trident submarine and B–1 bomber, it recommended another $110 million for several technologies; $20 million was intended to start development of the hard-target killer. In the haste with which these proposals advanced, the President probably did not realize that the technology violated his own prohibitions against destabilizing counterforce systems. A few days after Mr. Nixon's return from the Kremlin, the Department sent its proposals to Congress. House and Senate Armed Services Committees were completing the fiscal 1973 DOD budget authorization, and the House approved the SALT "add-ons" with little study.

In the Senate, however, the hard-target program and other elements of the SALT package aroused concern in the subcommittee R & D Chairman Thomas McIntyre, a shrewd and conscientious legislator, was skeptical. The New Hampshire Democrat has grown increasingly wary of the ill-considered department rationalies. To Dr. John Foster, director of Defense Research and Engineering, the chairman expressed his doubts that the department had made the case for the additional programs.

McIntyre's doubts gained strength from inquiries by staff assistant Hyman Fine. A quarter century of service in the executive and legislative branches has given Fine a sophisticated insight into bureaucratic operations. He well understood that bureaucratic, rather than strategic, considerations could be decisive in spurring the hard-target system. Departmental officials would later acknowledge that the salient reason for proposing the effort was the fact that, unlike previous years, there was currently no large-scale project to occupy those with relevant skills.

The hard-target proposal troubled Fine and Larry Smith, McIntyre's administrative assistant who had played a crucial role in Senate debates on the ABM. They recognized that development of the system contravened not only executive but legislative declarations. Two years ago the Armed Services Committee cut funding of missile re-entry systems, specifically linking the reduction to "any future hard-target kill capability." A committee report noted U.S. commitment to an exclusively second-strike posture. It emphasized that the objective of maintaining ample retaliatory forces to insure deterrence "can be met with substantially less accuracy and more modest yields than needed for the counterforce mission." Now the Pentagon proposed to abandon that standard.

McIntyre and his associates were perplexed that such an undertaking would be suggested after agreements governing both defensive and offensive deployments had ratified the basic principles of mutual deterrence. Though pressed to add the funds to the authorization then reported to the Senate in early July, the R & D subcommittee thought the issues warranted close analysis and deferred action on them. By early August McIntyre had examined the hard-target proposal in detail and concluded that no adequate rationale had been offered to justify so drastic a shift in U.S. policy.

As it emerged in DOD comment to the press, the purported justification for the re-entry vehicle was the possibility that the Soviet air defenses might become effective against missiles. Officials did not explain why they urged such a program against this hypothetical and improbable contingency when they had not done so against the former and more substantial danger of an ABM deployment. The truth is that the proposed RV has little value for the stated contingency; if the Soviets improve their defenses in violation of the treaty, the new payload would itself be vulnerable.

On other points the Department's protestations were unconvincing. It described the system not as a silo-killer but as an optional capability against command centers and weapon storage facilities. Yet no one, American or Soviet, could believe that in the event of war the United States would expend hard-target weapons against stored warheads that could not threaten this country for hours or days, instead of against ready missiles able to destroy American cities in minutes.

The Department contended that it planned only to develop, not to deploy, the system. But it is obvious that perfecting a payload for missiles already deployed invites the presumption that existing launchers will be fitted out with them. If the Soviet Union tests a hard-target system on the giant SS–9 missile, American planners will thereafter credit the entire SS–9 force with that payload. To develop such systems is to deny diplomacy a chance to erect workable barriers against their deployment. It would be ludicrous for the United States to warn the Soviets against threatening our deterrent, as the administration has done, and simultaneously to move toward a capability to threaten theirs.

The press disclosures prompted Senator Edward Brooke to seek a presidential restatement of the ban on hard-target weapons and to urge the Armed Services Committee to disapprove the "ambiguous technology" contemplated by DOD. To Chairman John Stennis, Brooke pointed out the ominous implications of any "suggestion that the United States had won a ceiling on the Soviet missile force only to simplify the task of attacking it by some evolving hard-target capability." Stennis, whose innovations and constructive leadership have energized the Committee, assured Brooke that there would be no precipitate action. In the conference between House and Senate, Stennis joined McIntyre in a successful effort to omit the funds for the program.

For the present at least, the alert efforts of these senators have saved the President and the country from the folly of this badly-conceived and counterproductive technology. It is clear that any attempt to press the proposal will face formidable obstacles in Congress. The proponents of silo-killers will have to produce far more persuasive arguments than any heard to date. And they will have to disprove the sensible axiom voiced some years ago by a congressman from Wisconsin who said: "Obviously, if the only capability we are serious about is a second strike capability there seems to be no logical research for spending vast sums of money for first strike weapons." His name was Melvin Laird.

Mr. SCHWEIKER. Mr. President, the prospects for a successful and smooth transition to an all-volunteer military force look excellent. President Nixon has reaffirmed his strong commitment to end the draft. Furthermore, on August 28, he announced that he would not ask for standby authority, thereby returning to the Congress an important measure of control over American military and foreign policy.

This should make extremely clear to all concerned with implementation of the volunteer military force that there is no excuse left for failure to achieve the President's stated goal.

We in Congress, however, cannot expect a successful volunteer program if we continue to tie the hands of the Department of Defense by preventing them from recruiting the best people possible. Last year's Defense Appropriations conference report contained a hidden provision which did just that, by prohibiting the Army from purchasing broadcast advertising time for recruiting purposes.

This provision was not in the appropriation bill of either the House or the Sen-report language of the conference. It was report language of the conference. It was not advocated by either body but was put in by report writers and has had the effect of law. It was a most unusual procedure hidden in the wording of the report itself.

Not only does such a prohibition unfairly discriminate against an important sector of the media, but it precludes entirely the use of the most effective recruiting medium, since it has been repeatedly made clear that public service time is not sufficiently available and cannot be intelligently managed to meet recruiting needs. The case for the use of purchased broadcast advertising time has been made repeatedly and thoroughly. The weight of the evidence is overwhelming.

This conference report language prohibition prompted me to introduce an amendment to the Defense Procurement bill which was unanimously agreed to by the Senate Armed Services Committee and supported on the floor by a number of other Senators. I ask unanimous consent that the text of my amendment, section 604 of the Senate bill, be included in the Record at this point in my remarks.

This measure was adamantly opposed by the House conferees and its deletion was reluctantly agreed to by the Senate conferees.

Although I will vote for the conference bill, I am very disappointed with such unwise action, which does nothing but hinder the executive branch in its commendable pursuit of an all-volunteer army.

There being no objection, the amendment was ordered to be printed in the Record, as follows:

Proposed Committee Amendment to H.R. 3108 by Mr. Schweiker

Sec. 604. In order that all appropriate means may be available to the Department of Defense in furthering its efforts to achieve an all volunteer military force at the earliest practicable date, nothing in this or any other Act shall be construed as prohibiting any branch of the Armed Forces of the United States from expending funds for the purchase of advertising in any type of news media if the purpose of such advertising is to attract eligible persons to enlist or accept commissions in such Armed Forces and the funds used to pay for such advertising were appropriated for recruiting or advertising purposes.

The PRESIDING OFFICER. All time on the conference report has expired. The question is on agreeing to the report of the committee of conference. The yeas and nays have been ordered.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the report of the committee of conference. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. McIntyre) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Dominick), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Oklahoma (Mr. Bellmon), the Senator from Delaware (Mr. Boggs), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. Dominick), the Senator from Iowa (Mr. Miller), the Senator from Nebraska (Mr. Curtis), and the Senator from Texas (Mr. Tower) would each vote "yea."

On this vote, the Senator from Delaware (Mr. Boggs) is paired with the Senator from Oregon (Mr. Hatfield). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 73, nays 5, as follows:

[No. 433 Leg.]

YEAS—73

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Eagleton
Eastland
Edwards
Ervin
Fannin
Fong
Gambrell
Gurney
Hart
Hartke
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
Metcalf
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Ribicoff
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Williams
Young

NAYS—5

Fulbright
Gravel
Harris
Hughes
Mansfield

NOT VOTING—22

Baker
Bellmon
Boggs
Brock
Cotton
Curtis
Dominick
Goldwater
Griffin
Hansen
Hatfield
Kennedy
McGee
McGovern
McIntyre
Miller
Mondale
Mundt
Muskie
Pell
Sparkman
Tower

So the conference report was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

The PRESIDING OFFICER (Mr. Cranston). Without objection, the Chair lays before the Senate the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

The bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreation facilities, in connection with the 1976 Winter Olympic Games.

Mr. HARRIS. Mr. President, I send to the desk a motion and ask that it be stated.

The PRESIDING OFFICER. The motion will be stated.

The assistant legislative clerk read as follows:

I move that S. 3531 be recommitted to the Committee on Interior and Insular Affairs for further study and hearings particularly in regard to the following:

1. Detailed and reliable cost estimates;
2. Detailed and reliable assessment of environmental impact;
3. Detailed auditing procedures;
4. Detailed and reliable assessments of after-use, if any;
5. Detailed and reliable estimates on additional Federal funds, other than authorized by this bill;
6. International Olympics management operations; and
7. Detailed and reliable studies of alternate U.S. cities which may be available at less cost and with less environmental damage.

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, I have already discussed two or three points that are involved in this motion.

First, the enormous costs involved include not only the $15.5 million provided in this bill, but also housing and urban development funds which will be spent for housing and facilities for the press in connection with the winter Olympic games, housing later to be converted into low-income housing. As I have pointed out to the Senate, there is considerable controversy about the way those funds are being handled, whether or not the communities involved are being best served by this expenditure of Federal housing and urban development funds.

Further, included in the costs of these Olympics, in addition to the sum involved in this bill, is an expenditure by the Department of Defense estimated at $4.6 million for the use of military personnel, and an additional expenditure by the Department of Defense for equipment.

As the GAO report has pointed out, we do not know what that latter amount will be, because no cost estimates are available.

Furthermore, it is estimated that the Department of Agriculture will have to spend $140,000 in connection with the issuance and administration of special use permits on public lands, for the skiing in connection with these games, and that the Department of Transportation will change its priorities on improvements in highways and airports in Colorado—in other words, making some communities wait longer for needed facilities in order to put these facilities at the head of the list.

Not only that, Mr. President, there is also the fact that in this bill, unlike the original estimate of $2 million for inflation in construction costs, an open-end authorization. The figure authorized is "plus or minus" what inflationary rates may be. And no cost estimates are available in regard to the costs of administration of this act by the Department of the Interior; that authorization for administrative costs is made open ended.

Worst of all in regard to these costs to the Federal taxpayer is the fact that the estimates in this bill are totally unreliable, everybody agrees. They are not based on any specific facts. As the GAO report says, part of them are based upon purely preliminary estimates and part of them are conceptual in nature.

The GAO suggested that the authorizations in the bill might be limited to the costs of architectural and engineering studies and environmental impact studies. Then, we would not be in the dark about what the eventual costs may be. That, it seems to me, is a very serious objection to this bill; because, as we have seen in regard to other Olympic events held around the world and in this country, initial cost estimates have grossly underestimated the actual costs.

Second, Mr. President, this bill ought to go back to committee for further study because, as has been admitted on the floor, when the Committee on Interior and Insular Affairs reported the bill, it did not at that time have the benefit of the detailed report by the General Accounting Office.

That, it seems to me, ought to be considered by the committee before we are asked to act upon its recommendations. This vote ought to be put off in the Senate and the bill ought to go back for study, pending the people of Colorado making up their own minds about whether they want to spend this money at all and whether they want to have these games there at all. I have cited evidence that a majority of the people of Colorado do not want to spend State funds for this purpose. There is some conflict about that.

It seems to me that the fair thing to do is not to hold out this carrot, as we have done in many other grant-in-aid programs, thereby tending to distort what might otherwise be done by local and State people with their money. Instead, we ought to wait until after the vote which is going to occur in Colorado in November and let the people of Colorado first decide whether they want these games at all.

In addition, as the motion to recommit suggests, several other very serious questions are not settled and are not capable of being settled at this time, until we have further study and consideration in some detail by the committee. I have alluded to the fact that the GAO report asked for a requirement in this bill that there be regularly conducted audits and examinations of the people who receive the grants under this bill, both by the Department of the Interior and the General Accounting Office. And the distinguished Senator from Colorado has agreed to that. It is now an obvious flaw in this bill, and the committee ought to have time to consider the matter; and that ought to be one of the serious questions it considers before this bill is brought back to the Senate, if it is brought back at all.

Moreover, I think most people would agree that very serious questions concerning the management and procedures of the International Olympics Committee have been raised in connection with the games just held in Munich.

Obviously, the committee did not have time to consider those matters, despite the fact that they are very closely intertwined with the whole question of whether or not Federal taxpayers should have to pay money into these winter games at all.

The games in Munich, of course, were held after the committee had reported concerning this bill, and that is a very serious change in circumstances which ought to be considered by the committee in some detail, it seems to me, before we are asked, as Federal taxpayers, to put up money for these winter games.

Next, Mr. President, there is a serious flaw in this bill in that it does not require environmental impact studies prior to the expenditure of these funds. Even the Department of the Interior, as the committee's report details, wrote to the committee and suggested that that was an addition which ought to be made to the bill. The Secretary of the Interior, through his Assistant Secretary Mr. John W. Larson wrote to the chairman of the committee on June 9, 1972, with respect to the bill and said:

> We therefore recommend that there be added at the end of section 3 as already amended "The design and construction of these facilities is to be undertaken in a way that insures appropriate consideration and protection of environmental values."

Mr. President, the committee rejected that request by the Secretary of the Interior. There is no such provision in the bill. As a matter of fact, that provision recommended by the Department of the Interior, is far too weak. What we should have, as the Senator from Wisconsin (Mr. NELSON) and other Senators propose, is a statement in the bill that strict compliance with environmental laws be required at all stages. Nothing in that respect is now provided.

Mr. President, Colorado is a neighboring State to mine. As have many Senators, I have spent considerable time in that great State, of great beauty and great natural resources. We are all citizens of the whole country; we are not just citizens of one State within the country. We are a highly mobile people. We travel all over the United States. Colorado is one of the States many of us enjoy visiting very much. But today, because of the kind of boosterism and chamber of commerce philosophy which has afflicted so many of our States like California, Oklahoma, Colorado, and many others, the kind of philosophy that says, "Watch Denver grow." Or "Let us build Tulsa" or "Watch Los Angeles grow," we have been brought in many of the States in this country to a day of serious environmental problems.

Denver, like many other cities, has a tremendous problem of air pollution. I was appalled lately, when I was there, to find that that was true. It has one of the worst cases of automobile exhaust pollution in any city in the country, out there where we think of it as the untouched, wide open West, open country. It is also true of my State.

When I first ran for the Senate eight years ago, one could fly around Oklahoma and most of the time the air was clear. Today, it is impossible anywhere in Oklahoma to see the horizon, primarily because of automobile exhausts in my State. There is no clearly defined horizon when one flies over it. That is true in Colorado as well as elsewhere.

Many people have awakened to the fact that in many States, Colorado being one, the old idea of trying to get as many people crowded into a State or a city as possible is not a very good idea. That philosophy has brought us, in many places, to the edge of disaster. Colorado's beautiful mountains are being ripped off by real estate developers at an incredible rate. Automobiles already are a tremendous problem there. The influx of people presents tremendous ecological and other kinds of problems for State and local governments. Yet, civic leaders in Denver got together with the idea of bringing in more automobiles, more airplanes, more people, ruining more land for parking lots, ruining more land for ski jumps, ruining more land for ice skating arenas and luge runs, building places where people can park to attend the ice skating arenas—bringing in more developers in a State which has already begun to realize that development is not an unmixed blessing.

Who will benefit, Mr. President?

There is no protection in the bill for taxpayers; not just the people in Colorado but people in Oklahoma and elsewhere in the country.

Who will benefit?

Who knows who owns Vail Associates? Who knows to what degree there is overlapping between the membership of the Denver Olympic Committee and others in the real estate and development business that might stand to gain personally by this Federal expenditure of taxpayers' money?

Those are serious questions, Mr. President, to which the Senate is entitled to have answers before it is asked to act on the bill.

There is no provision in the bill that the Davis-Bacon law will apply.

What sort of wages will be paid to those who construct the facilities?

What sort of wages will be paid to those temporary employees during the winter games that will be employed for a short time in connection with the games themselves?

There is no provision about that specifically in the bill.

There is no provision in the bill, either for requiring strict compliance with the civil rights laws in connection with the construction required by the bill or in connection with employment in regard to the games themselves.

Who will benefit?

The people who buy the land to speculate will benefit, because land prices will go up with the prospect of the games being held there.

How much is it, Mr. President?

We do not know.

How much has land in the area gone up in value already because of the hope that the Federal Government will spend all this money to build the facilities and bring in these new tourists?

We do not know.

How much of that gain, Mr. President, taxed at a much better rate than most working class people pay on incomes earned from working, rather than on incomes earned from investing—how much of that gain in real estate values goes to whom?

A few people, Mr. President, are involved in some of these real estate developments and in the tourism groups such as Vail Associates. A few people are involved.

What is their gain?

How much are they being subsidized by the Federal taxpayers?

Again, these are serious questions to which we do not know the answers.

What about the concessionnaires? Who will they be? How few will be involved?

What we are asked to do here is spend the Federal taxpayers' money, not for games that a great many people engage in, but for winter games that a very small percentage of Americans or the rest of the people in the world, for that matter, engage in, sports which, when not associated with Olympic games, require a considerable personal expenditure by those who can engage in them, skiing, for example. That is a costly individual sport and one, therefore, not available to the great mass of the American taxpayers who are going to be asked to pay for the games.

How many people will actually be able to see the games?

Well, a rather small percentage of people will be able to get in to see the games in person. There are too many people in any event that the roads and airport facilities and parking lots and other facilities for spectators will cause irreparable and enormous environmental damage, the extent of which, it is admitted, we do not yet even know.

In addition to that, we should ask: Who will be able to see the games on television?

My understanding is that those in the area of the games will not be able to see them on television.

Why, Mr. President?

Talking again about who benefits from the use of the taxpayers' money, we are asked in the bill to spend public money for lighting in one arena so that the games can be televised in color.

It is admitted that the games will be commercially televised for the profit of the networks or the television outlet involved; yet the taxpayers are asked to pay for the extra cost so that television can take place.

Who benefits?

A very few people will benefit. The great mass of the American people will pay for it.

What this amounts to, Mr. President, is the most gross example of taxing working class people to pay for rich men's games and profit. And it ought not to be done by the Senate of the United States, particularly in the dark or on the basis of the facts which we now know.

Next, Madam President, it is admitted that certainly most of the afteruse of these facilities will not be for many people. Not very many people are going to use, as we have heard, the huge course that is to be built under the bill.

There has been no detailed assessments and no attempt to find out what benefits will be available to the taxpayers after these games of short duration are over. That is a matter of record. It seems to me that the possible afteruse, if any, should be explained to the Senate in some detail. The committee cannot do that, as of now. It does not have the facts, nor does anyone else. Therefore, the bill should not be acted upon at this time.

Moreover, we ought to know, before we act upon this bill, about the alternate sites which are available. There is no record in the committee report about the consideration of alternate sites. If these winter games are to be held at all, and if they are to be held in the United States, it would seem logical that one would first look at the existing facilities where such games have been previously held. Those facilities might be recycled at less cost to the taxpayers and with less environmental damage.

We can take Lake Placid as an example. The committee said that for the four-man bobsled competition that was to be put on, the Lake Placid facility might be used. There are already facilities there for that event. As far as I know, and I am informed by people from Lake Placid, no contact was made with them as to whether other facilities there already in existence might be recycled.

If the United States is to sponsor the 1976 Winter Olympics, it might be held at Lake Placid. That would involve much less cost and damage. The same is true in regard to Squaw Valley in California. Similar events have been held there in the past. Why can they not be held there again?

If they were held at Squaw Valley or Lake Placid, there would be less cost to the taxpayers and less environmental damage, since such games have been held in the past at those sites.

These are serious questions involved in this bill, and they are unanswered questions.

Mr. WILLIAMS. Madam President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. WILLIAMS. Madam President, the Senator mentioned a bobsled run. Will there be any bobsled run event created by the Olympics Committee in 1976?

Mr. HARRIS. They were originally planned. However, I am informed by the Senator from Colorado that the International Olympics Committee agreed to drop, at least at this site, the four- and two-man bobsled events. But at a cost of $3 million to the American taxpayers we will have the 1-man sled event. That is called the luge. I am informed it is a 1-man sled event. Not very many people that I know of will engage in that. However, it would cost us $3 million under the bill.

Mr. WILLIAMS. Madam President, the bobsledding has not been eliminated from the competition, has it?

Mr. HARRIS. I do not know whether that is true. There is a question about those events. I would be glad to yield to the Senator from Colorado, who might respond to that.

Mr. ALLOTT. Madam President, I would be happy to answer the question if the question is addressed to me. I do not want this time charged to me under the bill. However, the bobsledding has been eliminated as a competitive event.

Mr. WILLIAMS. Madam President, might I ask one further question?

Mr. HARRIS. Madam President, I yield to the Senator from New Jersey.

Mr. WILLIAMS. Madam President, why has this decision been arrived at? Does the Senator know? Is it because of the lack of facilities we have?

Mr. ALLOTT. While those who engage in the bobsledding are as avid as any sportsmen I have seen, and I know because a lot of them have talked to me, it is not a sport which is engaged in widely. There is, as the Senator knows, only one bobsled run in the United States. That is at Lake Placid, N.Y. It is an expensive sport. And the cost of building a new bobsled run for each Olympics is prohibitive. I think that all of these things and probably other things about which I do not know figure in the IOC decision.

Mr. WILLIAMS. Madam President, I certainly appreciate that it is an expensive facility to build. We in this country only have one facility, and that is at Lake Placid. However, it is certainly there and is in existence. And it was in use until it was shut down for a period this past winter because the State of New York found that it did not want to maintain it. I believe that has been reversed and that facility is available. However, it has been eliminated as competition in the Winter Olympics?

Mr. ALLOTT. The Senator is correct.

Mr. WILLIAMS. Madam President, I thank both Senators.

Mr. HARRIS. Madam President, in regard to that question of who benefits; it has to do with after-use and it has to do with the cost of this whole proposal.

I refer, Madam President, to an issue of the Straight Creek Journal published August 24, 1972. It is the first information I have seen about who owns and who is involved in some of these facilities and who might stand to benefit by the use of the money of working-class people.

It is an article written by Ron Wolf, copyrighted in the Straight Creek Journal.

This article contains the kind of information that we in Congress ought to know. It contains the answers to questions which we do not have answers to from the record or the report of the committee. I think that the Senate is entitled to know.

The article says:

> A survey by Straight Creek Journal of the hierarchy of committees associated with the Olympics effort reveals that these groups are dominated by a business and financial elite which comprise a virtual Who's Who of wealth, power and influence in Colorado. The Olympics committee membership could just as easily be the guest list for a $1000-a-plate dinner.
>
> At least sixty of the Olympics bigshots are in the millionaire category. Sixty-nine of the 139 people included, or nearly one-half, are presidents or board chairmen of corporations. Of these 69, no less than 16 are bank presidents, the single most frequent occupational group.

Madam President, I would like to call attention to the information contained in the article concerning a conflict of interest. It is a matter of serious concern, it seems to me, for the Senate. It is a matter which ought to be seriously delved into by those concerned.

The article states:

> F. George Robinson, who sits on the DOC, is an investor in the Aspen Ski Corporation and a member of the Board of Directors for the company. Aspen Ski Corp. owns the Aspen Highlands, Buttermilk, Snowmass, and Breckenridge ski areas.
>
> Richard H. Olson, Chairman of the Colorado Olympic Commission, is also Chairman of the Board and a major investor in Outdoor Sports Industries, Inc.

The article states:

> The company manufactures sports equipment, including such items as the line of Gerry ski parkas. D. U. Chancellor Maurice Mitchell, a DOC member, is also on the Board of Outdoor Sports Industries.
>
> Thayer Tutt, a member of the COC and the Committee of 76, owns the Broadmoor Hotel in Colorado Springs, including the Broadmoor ski area.
>
> Edward Carlson, President of the United Air Lines, and Robert Six, President of Continental Airlines, both sit on the National Advisory Committee. The two companies are the largest carriers of air passengers into Denver and stand to benefit from any additional air traffic.

John D. Murchison is also among the members of the National Advisory Committee for Denver Olympics. His name appears on the list with the word "Dallas" and no other identification. As a matter of fact, he is one of the wealthiest people of the entire group. The article states:

> In fact, Murchison is one of the wealthiest people of the entire group and is the principal investor behind the development of Vail, Colorado. Murchison sits on the Board of Vail Associates, and has a major financial interest in the company.

The article points out that Vail is one of the sites for several events which the taxpayers of America are asked to invest in.

Continuing:

> Similarly Archie K. Davis is identified by the DOC as "Chairman of the board, Wachovia Bank and Trust Company." What they didn't say was that Archie Davis is a member of the Board of Directors of the giant American Telephone and Telegraph Company and half-a-dozen smaller corporations.

This list of rich people and big corporations whose officials and private stockholders are involved in trying to get the Federal Government to spend taxpayers' money to build and promote the Denver Olympics in 1976 is a long list.

Apparently from what we can tell from the committee report and its hearings, this was not a matter the committee looked into. I believe it should have done so.

Madam President, I ask unanimous consent that a copy of the article that I have referred to be printed in the Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

Who Owns the Olympics?: Colorado's Financial Elite Plan 1976 Snow Job for Public

(By Ron Wolf)

If you want a voice in the staging of the 1976 Winter Olympics, you had better be a millionaire and a corporation president, preferably the president of a bank. It also helps if you're not a Chicano, not Black, not a woman and not a member of a labor union.

A survey by Straight Creek Journal of the hierarchy of committees associated with the Olympics effort reveals that these groups are dominated by a business and financial elite which comprise a virtual Who's Who of wealth, power and influence in Colorado. The Olympics committee membership could just as easily be the guest list for a $1,000-a-plate dinner.

At least 60 of the Olympics bigshots are in the millionaire category. Sixty-nine of the 139 people included, or nearly one-half, are presidents or board chairmen of corporations. Of these 69, no less than 16 are bank presidents, the single most frequent occupational group.

The Committees investigated were the Denver Organizing Committee (DOC), the Colorado Olympic Commission (COC), the Committee of 76, and the National Advisory Committee.

Also uncovered in the investigation were numerous instances of substantial conflict-of-interest and possible conflict among the Olympics backers. In fact, most of the people associated with these groups stand to gain some financial benefit, either personally or for the companies they represent, by holding the games in Colorado.

One local politician looked at the list and said, "Just about everybody who profits from a crowd is on there."

CONFLICTS BY THE DOZEN

The conflicts of interest come in all varieties: large and small, direct and indirect, open and concealed.

One example of ethical insensitivity among the Olympics decision makers involves Clarence (Arch) Decker, former State Senate Minority Leader and current contender for the Democratic nomination for Congress. Decker is a member of the state-appointed Colorado Olympic Commission. At the same time, Arch is a major land holder and subdivider in the Steamboat Springs area, one of the primary locations for Olympics events.

Through the Decker-Bishop partnership, Arch has a half interest in the Bluetail Mountain Estates subdivision. The project involves several hundred acres of land in Routt County about 12 miles south of Steamboat Springs. Any major influx of people into the Steamboat area which drives up real-estate prices means a major influx of profits for Arch Decker.

Another land deal involves DOC-member Richard M. Davis. The DOC is negotiating for a ski-jump site with Genesee Associates, a land-development outfit holding about 2,000 acres in the Genesee area. Approximately one-third interest in Genesee Associates is owned by George B. Beardsley, who is married to Davis' daughter.

Beardsley has stated numerous times his personal opposition to holding the Olympics here, but that does not erase a possibly compromising situation for his father-in-law, Davis, on the DOC.

Many other conflicts of interest are much more obvious. F. George Robinson, who sits on the DOC, is an investor in the Aspen Ski Corporation and a member of the Board of Directors for the company. Aspen Ski Corp. owns the Aspen Highlands, Buttermilk, Snowmass, and Breckenridge ski areas.

Richard H. Olson, Chairman of the Colorado Olympic Commission, is also Chairman of the Board and a major investor in Outdoor Sports Industries, Inc. The company manufactures sports equipment including such items as the line of Gerry ski parkas. D.U. Chancellor Maurice Mitchell, a DOC member, is also on the Board of Outdoor Sports Industries.

Thayer Tutt, a member of the COC and the Committee of 76, owns the Broadmoor Hotel in Colorado Springs, including the Broadmoor ski area.

Edward Carlson, President of United Air Lines, and Robert Six, President of Continental Airlines, both sit on the National Advisory Committee. The two companies are the largest carriers of air passengers into Denver and stand to benefit from any additional air traffic.

GROSSLY UNREPRESENTATIVE OF TAXPAYERS

The elitist nature of the Olympics personnel is illustrated by the drastic under-representation of non-WASP elements in their ranks. Of the 139 people on these committees only nine are women (about 6½ percent).

There are only three Blacks on the various groups which represents about two percent of the total. Also there are only six Chicanos included representing 4½ percent of the total.

Even these figures are deceptively high because among the minority members chosen for Olympics participation, some are considered "safe" for the establishment, not truly representative of minority community interests.

For example, State Senator Roger Cisneros lists assets in excess of $2 million and is president of a land company, credentials which are hardly a reflection of the plight of the average Chicano in Colorado. Two others, Dr. Daniel Valdez and attorney Donald Cordova, usually refuse to consider themselves "Chicanos," but stress instead their "Hispano" backgrounds.

DOC-member Paco Sanchez, another one of the six, is the token Chicano of the Colorado G.O.P. Sanchez made a seconding speech for Gordon Allott at the state Republican convention, has a wide reputation in the barrios as a "tio Taco" the Chicano equivalent of an Uncle Tom.

One Chicano community leader, an elected official not connected with the Olympics, said, "With the exception of Father Torres, the Chicanos aren't represented on there."

Fr. Torres got on the DOC as a result of community pressure last year. When local Chicanos and Blacks publicly objected to the composition of the DOC, Mayor McNichols agreed to additional minority representation. Applications were submitted to the mayor by a number of people in the Chicano community but Fr. Torres was the only one appointed.

Also conspicuously missing from the Olympics list are working people who belong to labor unions. Among the entire 139, Straight Creek could not find one person with a proven union membership.

WHAT BILL DIDN'T TELL

Another disturbing aspect of the investigation is that many of the most important and questionable affiliations were not included in press releases from the Olympics organization identifying the various committee members.

For example, the DOC announcement of the National Advisory Committee lists John D. Murchison among the original 18 members, and the only identification to appear after his name is "Dallas." In fact, Murchison is one of the wealthiest people of the entire group and is the principal investor behind the development of Vail, Colorado. Murchison sits on the Board of Vail Associates and has a major financial interest in the company. Vail, of course, is one of the sites for several events.

Similarly Archie K. Davis is identified by the DOC as "Chairman of the board, Wachovia Bank and Trust Company." What they didn't say was that Archie Davis is a member of the Board of Directors of the giant American Telephone and Telegraph Company and half-a-dozen smaller corporations.

Probably the most flagrant case of omitted information concerns Gustave L. Levy, identified by the DOC as "general partner, Goldman Sachs & Co." What they didn't say was that Levy sits on the boards of 20 corporations including some of the largest in the country.

In addition, Levy is an old crony of multimillionaire Murchison. Back in 1961 and 62 Murchison was waging a proxy battle, eventually successful, for control of Alleghany Corporation, an outfit worth about $122 million at the time. The guy in charge of discreetly buying up Alleghany stock for Murchison was Gus Levy.

After winning the battle and installing himself as President of Alleghany, Murchison boasted to a Fortune reporter, "With the organization we had, we could have taken over Cuba."

Another member of the Murchison organization now circulating in Olympic circles is Bud Wilkinson, Chairman of the National Advisory Committee. Wilkinson is a Vice President of Silco, Inc., a Dallas holding company headed by Murchison.

BUSINESS INTERESTS FOREMOST

One of the best indications of the extent of business domination of Olympic affairs is the fact that 16 people among the Olympic hierarchy hold positions on the Board of Directors of the Colorado Association of Commerce and Industry (CACI). The Association is the principal business lobbyist in the state. Formed through a merger of the State Chamber of Commerce and the State Chapter of the National Association of Manufacturers, CACI represents more than a thousand corporations doing business in Colorado.

The organization maintains a full-time staff of legislative lobbyists to watch out for business interests. Carl DeTemple, President and General Secretary of the DOC, worked for a while as one of CACI's "legislative representatives," before joining the DOC.

Another organization heavily into the Olympics hierarchy is the Denver Chamber of Commerce. Four people who have served as president of the business group and four more from the Board of Directors are now involved in Olympics affairs.

Still another major connection for the Olympics group is the overlap of personnel with the United Bank of Denver. There are six people sitting on the board of United Bank who also hold positions on the various Olympics committees.

In addition to the 16 bank presidents who hold Olympics positions, there are 30 other people who hold bank directorships around the state. In fact, 39 banks and four bank holding companies are represented among the committee members. These banks account for more than half the bank deposits in the state, something in excess of two-and-a-half billion dollars.

PRIVATE FUNDING POSSIBLE

The incredible wealth of many of the committee members raises the possibility that private funding of the Olympics would be possible. Mayor McNichols has been claiming publicly that Colorado voters won't cut off his funds. He has been saying privately that if they do, the games can be staged with money from ohter sources.

John Paar, Co-ordinator of Citizens for Colorado's Future, asked why McNichols was turning to the taxpayers for money if the Mayor feels that private sources can be tapped. Said Paar, "He's playing into our hands. By his own admission it isn't necessary for the taxpayers to pick up the tab."

The specter of a privately-funded Olympics raises additional questions about the whole project. Pat Schroeder, candidate for the Democratic nomination for Congress, points out that as long as the '76 games are staged by the government there is the potential for adequate environmental controls. She says that if the games are produced privately the little governmental control that there is would be lost.

The possibility of private funding also creates worries about use of the facilities after the games. Says Schroeder, "It's a question of whether we get another Winter Park or another Vail."

Mr. HARRIS. Madam President, I call the attention of Senators to the remarks by Colorado State Representative Charles Lindley, who appeared before the Committee on Interior and Insular Affairs. He stated that the Denver Olympics Committee has had from the first an unrealistic and extravagant approach; that their cost estimates have proved almost totally unreliable. That is the effect of his statement. He pointed out that the committee originally said it would spend around $2.2 or $2.5 million on speed skating, for example. Now they have increased it 300 percent, so that their present estimate is $6.7 million. The same thing happened with respect to other original estimates. Ski jumping facilities were originally estimated last year, in 1971, to cost $400,000 to $600,000, but by 1972, 1 year later, that estimate had gone up to $2.4 million, an increase of 400 percent over last year's estimate. The same thing happened with most of the other estimates.

For this ski jump there is not sufficient snow. So, the committee budgeted $200,000 for snowmaking at Vail, Colo., and that is very much involved with the whole question here, if we are going to have Americans pay this bill. Afterwards, it is said, others will go there and ski on those slopes. Will we have to continue to pay, as I guess, for snowmaking?

DOC is estimating they will spend $500,000, as a minimum, for parking at Vail, Colo., according to Mr. Lindley. After spending $1,249,208 the Olympic Committee has only conceptual plans on which it can base budget estimates, and nothing concrete, he says.

We are talking about a State with only 2 million people, a small tax base. It is not an industrial State, as Representative Lindley pointed out to the Committee on Interior and Insular Affairs. And, yet, we are asked to spend all this money, and they are asked to spend their money, to bring in a tremendous influx of visitors, when they already have tremendous problems in taking care of the visitors who now go to Colorado.

State Representative Lamm, who is assistant minority leader in the House, also testified before the Committee on Interior and Insular Affairs of the Senate against this proposal. He pointed out that organized labor in Colorado at their last convention in September came out against local and State spending for this purpose and that the State Democratic Party has gone on record against the expenditure of any public funds for this project.

I call attention, as I have earlier, to the vote which the citizens of Colorado have scheduled in November this year to decide whether they want to spend any money for this particular project.

This is an ill-considered project by the admission of, I think, everybody concerned, so far as their ability to detail what the cost will be and to detail what the environmental impact will be.

If this bill is to be taken up at this time and considered by the Senate, I and others will offer several amendments. I think the bill ought to go back to the committee, in view of the facts which are not now available. I hope that is what the Senate will decide to do. As I just said, if the Senate decides it wants to go ahead with the consideration of this bill at this time, it seems to me there are a number of amendments that should be offered—the first of which will be an amendment by the distinguished Senator from Wisconsin, and of which I am cosponsor, that would make present environmental requirements a specific part of the bill.

There will be others as well, in regard to auditing, and in regard to other safeguards that ought to be in this bill, if the bill is to be passed at all. I think that if the bill is passed this year, funds ought to be limited to architectural and engineering studies and environmental studies, in accordance with one of the suggestions of the General Accounting Office.

I hope Senators will recognize the fact that this is not the time to bring the bill up. It is premature. We are not prepared to vote on it, because we do not have sufficient facts to do so.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma.

Mr. BIBLE. Madam President, I would like to address myself to the distinguished Senator's motion to recommit the Winter Olympics bill to the Committee on Interior and Insular Affairs for further study.

I have before me the grounds which he has given, eight in number, directed to his reasons for recommitting it to the committee.

I was privileged to chair these hearings on June 9 of this year. I was of the impression that we went rather thoroughly into this problem. It was long and involved. I think it was a full day's hearing, from something like 10 in the morning until whatever time we adjourned, and it was in the range of 6 o'clock. The hearing record would speak on that point.

I believe, and have been so advised, that the distinguished senior Senator from Colorado has directed his attention, in an earlier colloquy between Senator HARRIS and himself, to many of the points that were raised in the reasons for the recommittal.

The Senator from Oklahoma, if my memory serves me correctly, was listed as one of our witnesses. I do not believe he actually appeared before the committee——

Mr. HARRIS. Madam President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. HARRIS. I was ill that morning and, therefore, had to be excused, but I did file a statement.

Mr. BIBLE. I knew a statement was filed.

Mr. HARRIS. Several times I wrote to each member of the committee.

Mr. BIBLE. Oh, yes. I have a rather voluminous file from the Senator from Oklahoma on this subject. I knew he had filed a statement, but I had no distinct recollection of seeing his handsome face in front of us on the witness stand testifying on this particular bill. I thought my memory was correct, but, you know, the aging process takes place here and there, and you forget. I knew he had filed a statement on it.

In any event, I thought we had a fair hearing. I think we heard those that were for it and those that were against it. I know that my own personal mail is voluminous on this subject, and it continues to come in, on both sides, both the pros and the cons.

I think we have well considered the case. As the Senator knows, there is a condition in that bill that if the people of Colorado do vote in the State election—and I have been advised the question is slated to go on the ballot under a referendum or initiative which operates in Colorado to get it on the ballot—that the State cannot participate in this, then there will be no Federal participation. It seems to me that is an adequate escape clause in that particular respect.

I thought we did as good a job as was possible in determining the construction costs. We could not reduce them to an exact determination. In any event, whatever the costs, the ultimate participation of the Federal Government is $15.5 million. That is the real issue, as I see it, in this particular legislation.

If this bill were to go back to the committee, no useful purpose would be served that I see. The question is, do you favor the winter Olympics in Denver, Colo., and if you do favor them, do you favor a Federal participation to the extent of $15.5 million? It seems to me those are the questions that must be resolved.

I think the suggestion of an audit being required that came from the GAO, frankly, is a good one, and if this bill should move forward, I would assume the main sponsor of the legislation, the senior Senator from Colorado (Mr. ALLOTT), would have no objection to an amendment requiring an audit by the GAO. That question was not before us at the time. We may have made an error in not providing for an audit in there, and if so, it is the committee's fault, and perhaps my fault. I think it is one that is easily remedied by an amendment while we are considering the present legislation.

The next point is one of environmental impact, and I think the testimony was very clear that every environmental impact requirement in the laws of the land will be met.

The question of after use I think has been adequately covered by the distinguished senior Senator from Colorado. There will be after use of these facilities.

I know nothing whatsoever about the sixth point, that we look into the question raised by the management of the Munich games. I regret that I did not hear the Senator's statements on that point. I have been in and out of the Chamber. At the time I was in the Chamber he was not talking to that particular point.

That the taxpayers' benefits are minimal is an arguable question. The last winter Olympics held in this country took place at Squaw Valley. Squaw Valley is actually physically located in the State of California. It is just a few miles from Lake Tahoe, which is two-thirds in California and one-third in my State. They are arguing even now whether it was a plus or a minus. Personally I think it was a plus. It focused attention not only on the winter Olympics but on what we consider one of the greatest outdoor skiing areas in the world, at least equal to those in Colorado, Utah, upper New York, and other places in the continental United States, but of equal quality.

The last question of ultimate sites I think was explored thoroughly when we considered the bill. Frankly, there are many areas in this country, and many wonderful areas, that would be adaptable to the winter Olympics. I do not think they would be any better. I do not remember the exact statistics—I do not remember whether the record reflected that—but, of our own knowledge, we know of the great attractions they have in Colorado in winter sports. Utah has them. My own State of Nevada has them. California, on the Sierra side, has them. New York State has them. There are many, many other areas that could be mentioned on that one point, and the staff has called my attention to the fact that I should mention that the International Olympics Committee has already selected Denver, and I am sure they are not about to change that designation.

It is for these reasons, Madam President, that, in my considered judgment, there is nothing in the world to be gained by recommitting the bill, and particularly at this late day in the session, when our leadership assures us that, come Saturday night, September 30, we are going to be homeward bound to our respective cities and States. I hope they are right in that prediction. We have a great leadership, and if we are to do that we must move forward.

I see one of the distinguished leaders (Mr. RORERT C. BYRD) standing right here before me, and this gives me the opportunity to say, before God and everybody, and before the whole country, how proud we are of the work he does and how he moves legislation. All he can do now is tell me to sit down so we can vote.

But I do want to pay him a tribute, because I need him. With that, I rest my case, and hope that the motion to recommit the Olympic bill will be defeated.

Madam President, I yield the floor.

Mr. ALLOTT. Madam President, first of all, I want to thank the distinguished chairman of the subcommittee, the acting chairman of the full committee at the time when we had hearings on the Denver Olympics, for his statement and also for his very great support of this measure. As he has stated, and I think it is important to emphasize that we had a full day of hearings. If any criticism could be directed toward the hearings, perhaps it would be that they went into too much detail, rather than not going into enough.

I would like to touch on just three or four questions.

A question has been raised here about estimates. Madam President, we cannot get detailed planning estimates until we get Federal money to get this started. There is no point in spending the money for detailed estimates on it until we know whether it is going to go or not.

There have been, and I would not deny it, certain people in Colorado who are opposed to this project. But I want to say that the best proof of the pudding is what the city of Denver did on Tuesday of this week when they passed a $10 million bond authorization for the sports arena, which is one of the integral parts of the 1976 Olympics. This we ought to keep in mind.

We have been chastised a little bit because we did not provide for the GAO audit of these funds. Actually, that is not the primary function of the GAO except upon request by Congress, because GAO is the arm of Congress and not the arm of the executive.

Second, that GAO report, as has been stated over and over here, was not available until after the bill was reported. Personally, I have no objection to having the GAO audit this matter. The last thing I want to be connected with is anything which is a financial disaster, and particularly anything where proper accounting procedures would not be taken into total consideration. But we have taken the precaution, months ago, to discuss with the Office of Management and Budget and with the Department of the Interior, what department of Government should be considered to handle this matter and supervise it, so we had gone to that extent, and we know that if the Interior Department handles it, the funds will, of course, have to be audited; they will have to be strictly accounted for, and I want it that way. I do not want it any other way.

So if the mover of this motion feels that he wants that amendment in the bill, I personally have no objection to it, although I do think we are probably adequately covered the way we are.

With respect to the support of this project, I would like to say this: The State has already put in approximately $1.5 million. The legislature this year appropriated over $800,000 for the Olympics for advance funding; the city has advanced, I believe, $500,000 so far to support the DOC; and certainly there is no question about the position of the Governor. The Governor is entirely in support of it. The mayor of the city of Denver is in support of it, and every city councilman is in support of it.

So it is difficult to understand why or how the opposition reaches such proportions, but we have to recognize the facts for what they are.

The positions of the official leaders of Colorado, as evidenced by the appropriation by the State legislature and as evidenced by the official positions on file here from the city council of Denver and the mayor of the city of Denver, I think, are pretty adequate as to what the actual situation is.

The Senator from Oklahoma raised the question about TV, and said that it would not be available in that area. I do not know what the source of that statement is, because the DOC has stated over and over again, and made its position perfectly clear, that TV for covering the Olympics will be available in the local area as well in other areas. In other words, there will not be a blackout of TV in Colorado when it occurs.

A question has been raised as to other cities holding the games. On page 167 of the hearings, we were having as a witness Mr. Buck, who is president of the U.S. Olympic Committee. In response to a question from me about the possibility of the games going anywhere else if this legislation did not become effective, he stated as follows:

> The answer to such a question, Senator, of course would lie with the U.S. Olympic Committee Board of Directors. Obviously, it would be presumptuous for me to make an unequivocable statement as to what decision the board would make on such a question.
>
> However, it is my considered opinion that, based on the knowledge of the board members' views, that the USOC will not approve any U.S. city other than Denver to stage the 1976 winter games.

So the question we have before us, Madam President, is simply this: Are we going to have them, or not? Is the United States going to have the 1976 winter Olympics as the first big event in its bicentennial, or is it not? The question is very simple: Do we want to support it to the extent of $15.5 million, or such part of that as the Appropriations Committee finds appropriate, or do we not? It is not a complicated question at all.

I would just like to say in response to the rather emotional appeal made about this being a rich mans game that if anyone ever lived in Colorado and saw the young people of our State and of Oklahoma, Missouri, Kansas, Texas, and the surrounding States traipsing in there in jalopies on Friday afternoon and going back home late Sunday afternoon by the thousands, he would hardly consider it a rich mans game. So many people participate in skiing and winter sports in Colorado, and in particularly skiing, that I do not think the thought that it is a rich persons game would occur to anyone. But there is a young man on the Denver City Council who certainly does not represent anybody but the average person—a young black by the name of William Roberts, who constitutes one of the unanimous votes on the City Council of the City of Denver in their support of the Olympics.

I ask unanimous consent that his statement, which appears in the hearing report starting on page 180 and continues to page 181, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. I shall read some excerpts from this statement, because it is by a young man, a black man, who would be considered, I suppose, one of the minority people, the people who have not had every opportunity in this world.

He said:

> I would like to make four points. The first one is that the United States spends several billion dollars annually to promote American goodwill overseas. While the list of federally funded organizations and programs in charge of our public relations abroad in inexhaustible, I'd like to quote the budgets of three of our most influential programs.

He refers to the USIA, a cultural exchange, people to people. Then he says this:

> We cannot imagine a more worthwhile campaign than the winter games playing host to the world. We believe the games, for what they can offer in generating goodwill, is deserving of Federal support.
>
> We cannot emphasize enough the cultural, philosophical, and educational advantages that an international sports event like the winter Olympics offers to our Nation's young people.
>
> Miraculously, young people are beginning to abandon the parochial identity which plagues our older citizens and are beginning to think of themselves as citizens of the world.

I do not know how anyone could express the whole thought and concept behind the Olympics better than those words.

Then he says:

> The last thing I would like to say for the record is that it is very easy to tell a government or to tell an effort what is wrong with it. It is much harder to get in there and make it a great event.
>
> There are those of us who do not worry about the task of making it a great event. We are going to do that. We would encourage those who take the easy route and who criticize to join with us.

Madam President, I hope the motion is rejected.

EXHIBIT 1

STATEMENT OF HON. WILLIAM ROBERTS, DENVER CITY COUNCIL, DENVER, COLO.

Mr. ROBERTS. Thank you. I am glad to have the opportunity to speak to the committee. As you probably know, being a representative from Denver, it is very difficult many times to pass things in the Colorado Legislature and consequently there is quite a bit of frustration.

I am glad to see two members representing Denver here today joining in something even if I think it is the wrong cause.

The other observation I would like to make is that this team of L and L as I call them, there is another team called LAM that is not supposed to melt in your hand but I think this team will melt as we move towards holding the Olympics.

I would like to make four points. The first one is that the United States spends several billion dollars annually to promote American goodwill overseas. While the list of federally funded organizations and programs in charge of our public relations abroad is inexhaustible, I'd like to quote the budgets of three of our most influential programs.

The U.S. Information Agency spends more than $20 million annually to promote American goodwill.

The representational allowance, travel, and subsistence funds for congressional ambassadors of goodwill averages about $1 million per year.

The educational exchange program, a student exchange program, had a 1971 budget of $37 million. In 1972, the program expects to spend $42 million; $52 million in 1973.

The Olympics, while classified technically as international athletic competition is, in a larger sense, a goodwill campaign, one which will receive worldwide attention.

We cannot imagine a more worthwhile campaign than the winter games playing host to the world. We believe the games, for what they can offer in generating goodwill, is deserving of Federal support.

We cannot emphasize enough the cultural, philosophical, and educational advantages that an international sports event like the winter Olympics offers to our Nation's young people.

Miraculously, young people are beginning to abandon the parochial identity which plagues our older citizens and are beginning to think of themselves as citizens of the world.

Because they are extremely eager to meet, compare, and share ideas with their peers overseas, we feel it is crucially important to provide young people with opportunities for increased international fellowship, and we are convinced that the atmosphere generated by worldwide athletic competition is certainly one of the best opportunities we can offer.

What our young people can accomplish in cementing friendships between people of different nations, languages, religions, races, and political philosophies must surely be the foundation for tomorrow's approach to human relations, foreign or domestic.

Colorado's terrain and climate make our State the skiing capital of the world. The 1976 Denver Olympics promises to be the truest test of winter Olympic competition ever held.

We suggest, however, that the United States, not Denver, is hosting the 1976 winter games and that this Nation simply designated Colorado as the ground on which the most challenging competition in the history of the games would be held.

We are convinced that the pride we feel in being awarded an event of such international magnitude is shared by the rest of the Nation, and we hope that you, as representatives of a national constituency, will permit all Americans to contribute to the success of the games.

I have had the distinct pleasure to work with the Olympics for some time. I have discovered that there are many advantages that the winter Olympics will offer to the minority community in Denver.

Among these are development, operation, and maintenance of transportation. Development and operation of restaurants and catering services. Development and operation of novelty shops, fashion boutiques, arts and crafts centers, beauty salons, child care facilities. Construction of housing, resort, sport and spectator facilities. Translation and interpreting services, and entertainment.

In line with the Federal Government's stated policy to encourage minority entrepreneurs, we ask that Federal funds be allocated to assist minority contractors in meeting the bond ceiling on the various construction projects; to finance the minority-conceived business ventures; to subsidize the creation of management advisory groups to counsel minority businessmen in administrative procedures.

I would also like to add that it has been my observation that the DOC has encouraged any persons who want to speak before the DOC to come. The meetings are open. They are open now and to my knowledge no one has been denied the opportunity to come and address the board.

Personally, groups in the community where I live have asked if they could come and address the board. I have conveyed that message and they have been allowed to do so. I think the record should show that the observation and experience that I have had as a DOC member is that all persons are encouraged to come to the DOC if they have something they would like to contribute.

The last thing I would like to say for the record is that it is very easy to tell a government or to tell an effort what is wrong with it. It is much harder to get in there and make it a great event.

There are those of us who do not worry about the task of making it a great event. We are going to do that. We would encourage those who take the easy route and who criticize to join with us.

Mr. HARRIS. Madam President, I want to take 2 or 3 minutes to reiterate one or two key points.

First, the question is not whether we are going to hold these games in 1976 in Denver. The question is whether or not the Senate is going to vote in the dark. Everybody admits we do not know what this project is going to cost. As I said earlier, it is foolish in the extreme to ask the Senate to start voting money for this purpose, in addition to the other enormous sums that will be necessary for it, without knowing what the total costs are. That is the main question, insofar as procedure is concerned.

Second—this, it seems to me, is the main question philosophically—if a lot of people are going to get rich out of this, why should they not bear the cost? Why should working class people put up the money for these events of very short duration and of very short employment for a lot of people to get rich? I charge that that is exactly what will result if this bill is passed. I say that this is a very serious matter of government philosophy and policy that ought to be considered and reported on by the Committee on Interior and Insular Affairs.

I am not persuaded by the fact that the American Revolution Bicentennial Commission likes this event. Their record is not very good. Some of their top management is in virtual disgrace. Their practices have proved to be highly questionable, at the very least, and they have been shown to be a Commission—not the Commission itself, because it has not really been involved, but the Commission as an entity—dominated by the philosophy that they will spend the taxpayers' money and celebrate the bicentennial of America's Revolution by making a few big corporations bigger and richer.

That is exactly what is involved with this proposed Federal expenditure as well. If people like John D. Murchison are going to get richer in Vail Associates, if the value of their real estate is going to go up, if the money they make increases because of this bill—and I charge that that is what will happen—then let men like John D. Murchison put up the money. Do not ask the working class people of Oklahoma to do so. That is the main question involved here.

This bill ought to be sent back to the committee. There are a hundred unanswered questions. The Senate of the United States ought not be asked, and the taxpayers of the United States ought not be asked, to pay for these rich men's games—and I mean rich men such as John D. Murchison and others, the real estate, and the rich banking interests of Denver and elsewhere.

Madam President, if the Senate decides it wants to go ahead with this bill now, there are very serious environmental and other matters which have to be considered. Why are we afraid to let the people of Denver and the people of Colorado vote first? They are going to vote in November. We ought to send this bill back and let the committee hold it until the people of Colorado decide whether they are going to be run over by this continuing boosterism, chamber of commerce, "let's help a few bankers and real estate people at the expense of the rest of us" philosophy. I think it is time to stop that, and this bill is a good place.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma to recommit S. 3531 with instructions. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Colorado (Mr. Dominick). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. Cannon), the Senator from Florida (Mr. Chiles), the Senator from North Carolina (Mr. Ervin), the Senator from Alaska (Mr. Gravel), the Senator from Massachusetts (Mr. Kennedy), the Senator from South Dakota (Mr. McGovern), the Senator from New Hampshire (Mr. McIntyre), the Senator from Minnesota (Mr. Mondale), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), the Senator from Alabama (Mr. Sparkman), and the Senator from Louisiana (Mr. Long) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGee) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. Cannon) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. Dominick), the Senators from Tennessee (Mr. Baker and Mr. Brock), the Senator from Oklahoma (Mr. Bellmon), the Senator from Delaware (Mr. Boggs), the Senator from New Hampshire (Mr. Cotton), the Senator from Nebraska (Mr. Curtis), the Senator from Arizona (Mr. Goldwater), the Senator from Michigan (Mr. Griffin), the Senator from Wyoming (Mr. Hansen), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Connecticut (Mr. Weicker) is detained on official business.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller), and the Senator from Texas (Mr. Tower) would each vote "nay."

The pair of the Senator from Colorado (Mr. Dominick) has been previously announced.

The result was announced—yeas 7, nays 64, as follows:

[No. 434 Leg.]

YEAS—7

Fulbright
Harris
Hart
Hughes
Nelson
Ribicoff
Tunney

NAYS—64

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Brooke
Buckley
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Eastland
Edwards
Fannin
Fong
Gambrell
Gurney
Hartke
Hollings
Hruska
Humphrey
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mathias
McClellan
Metcalf
Montoya
Moss
Packwood
Pastore
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Spong
Stafford
Stennis
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Williams
Young

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—28

Baker
Bellmon
Boggs
Brock
Cannon
Chiles
Cotton
Curtis
Dominick
Ervin
Goldwater
Gravel
Griffin
Hansen
Hatfield
Kennedy
Long
McGee
McGovern
McIntyre
Miller
Mondale
Mundt
Muskie
Pell
Sparkman
Tower
Weicker

So Mr. Harris' motion to recommit was rejected.

Mr. ALLOTT. Madam President, I move to reconsider the vote by which the motion was rejected.

Mr. BIBLE. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TIME LIMITATION ON REMAINING VOTES ON PENDING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, would it be agreeable to the distinguished Senator from Oklahoma (Mr. Harris) and the distinguished Senator from Wisconsin (Mr. Nelson) if further rollcall votes this afternoon be of 10-minute duration?

Mr. HARRIS. I have no objection.

Mr. NELSON. I have no objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remaining votes this afternoon be of 10-minute duration.

The PRESIDING OFFICER (Mr. Roth). Without objection, it is so ordered.

RESCISSION OF ORDER FOR SENATE TO MEET TOMORROW, SATURDAY

Mr. MANSFIELD. Mr. President, I rise in some embarrassment—and a good deal more than some. Since Tuesday, last, the Senate has been on notice that there would be a Saturday session this week, at which time we would take up four or five crime bills on which there would be rollcall votes. I know that some Members of the Senate, both Republican and Democrat, have canceled engagements in order to be here tomorrow. It is because of that that I am most embarrassed and personally embarrassed. However, in order to get out of the situation which is somewhat sticky, I ask unanimous consent that the order calling the Senate into session tomorrow at 9 o'clock be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, SEPTEMBER 18, 1972, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it meet on Monday morning next at the hour of 9 o'clock, and that immediately after the special orders are disposed of the Senate move to the consideration of the four crime bills on the calendar which were to be considered on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, if any Senator is embarrassed, I want to apologize to him. However, these things happen. I want to express my deep appreciation to the distinguished chairman of the subcommittee handling these bills, the Senator from Arkansas (Mr. McClellan), and to the distinguished Senator from Nebraska (Mr. Hruska), both of whom have shown the utmost cooperation in helping out the leadership in a situation about which it knew nothing until about 45 minutes ago.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, the embarrassment here is certainly mutual because we have been saying on both sides of the aisle that we hoped to dispose of these matters on Saturday. And we have been discussing it since Tuesday. The majority leader made it clear that on subsequent Saturdays there will be sessions and it is expected that there will be votes and that it is important that we be here. There are many situations which require Senators to be away, some on official business and some necessarily absent, this Saturday. The number of such absentees creates a situation which would, it seems, make it more advisable to dispose of these matters on Monday, particularly since some of the matters may well be controversial.

I wish that it had been possible to learn and also to advise the distinguished majority leader exactly what the situation was.

I think there are absentees on both sides of the aisle. I have to admit that we have a number on this side.

It is important that we get on with the legislation. I am glad we will be able to do it on Monday.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I would like to ask the distinguished majority leader if he could give us the program for the balance of the day.

Mr. MANSFIELD. Mr. President, it would be the intention of the leadership to approach the distinguished Senator from Oklahoma later in the afternoon to see if it is possible to reach a time limitation. I will not do that now, but will do so later.

The Senate will stay on this bill until it is disposed of today or this evening.

On Monday there will be five rollcall votes, because we will take up the treaty at that time as well which was reported out of the Foreign Relations Committee by the chairman of the committee, the distinguished Senator from Arkansas (Mr. Fulbright) which is now in its final reading.

That is about all I can say at this time.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader and the distinguished assistant majority leader for their cooperation in a very difficult situation in which the necessity for obtaining the largest possible attendance of Senators was to a degree thwarted as it will be on Saturday.

I also thank the distinguished chairman of the subcommittee and the distinguished ranking member of the subcommittee for their cooperation in this matter. It is appreciated.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my appreciation and understanding of the situation that has confronted the distinguished minority leader this afternoon, the information having come to him only a little while ago, which necessitates canceling of the work tomorrow, and in turn, the information having come to the attention of the majority leader and myself in only the last 30 minutes.

I want to express apologies to all Members on this side of the aisle for any inconveniences that may have been caused them, because day after day after day I have assured Members on this side of the aisle that we were going to have a session on Saturday, because if we really mean what we say when we say we are going to get out by September 30 or thereabouts, we are going to have to do this work sometime and we may have to fall back on some Saturday sessions. No complaints were heard; Senators canceled some of their meetings on Saturdays, and others made other arrangements.

So I apologize to them for the inconvenience that has been caused them. I sometimes do not blame them for saying that the leadership just says "wolf, wolf," and nothing ever happens. The leadership says we are going to come in on Saturday and we do not come in, and then when something really necessitates our coming in on Saturdays, they do not believe the leadership. I do not want to inconvenience our Members. At the same time, I recognize exigencies occur which cannot be foreseen and in this instance, at least, as far as the distinguished Republican leader and the distinguished majority leader and I are concerned, the exigency has arisen and it was unforeseen.

We have a good many very troublesome bills left to confront us. If we do not have a session tomorrow I hope that all Senators will subordinate their own personal problems, and if they cannot be here on votes, that is their choice, and if they cannot be here to offer amendments, let someone else offer the amendments, and let the Senate work its will, and they can do whatever they wish about their own arrangements out of town.

I send out a whip notice several times each week. I like that whip notice to have integrity, and if it loses its integrity I might as well stop sending it. When it indicates a Saturday session, Members should be able to place confidence in it.

I hope all Members on both sides of the aisle from here on out will make their plans in conformity with the very real possibility that the Senate will have sessions on Saturday, and I hope that if we do have to schedule sessions on Saturdays we will be here to do business and that some Senator will not come in and put in live quorum just because a number of their colleagues are going to be away for some reason, as has been threatened in this instance.

Mr. President, I close by expressing appreciation to Senators on both sides of the aisle who, for the most part, cooperate daily, and I want to express appreciation to the distinguished Republican leader for the understanding we customarily get from him. But let me not close without saying this final word.

The leadership does not schedule bills and votes for Saturday just to go through the motions, and make a show of working Saturdays. The bills scheduled for this Saturday, at least one or two of them, are somewhat controversial. There is going to be opposition to them, and we had hoped to get other work done in addition to those measures. But last of all would the leadership knowingly schedule its program in such a way as to deliberately inconvenience the Members on either side of the aisle, just to have votes on minor bills and nothing more.

I thank the majority leader.

Mr. MOSS. Mr. President, I wanted to ask the majority leader if the order for rollcall votes on all of these four crime bills has been vacated. I want to explain that it does not appear to me that some of them are controversial. If they are and rollcalls are asked for at the time they come up, at least there would have to be a rollcall vote.

My personal situation is that I changed my Saturday plans to be here and I cannot be here on Monday. With four rollcall votes then it puts me in a bad situation. It seems to me that at least two or three or maybe even four of those bills could go through without a rollcall vote.

Mr. MANSFIELD. As part of the leadership on this side of the aisle the Senator is well aware of the difficulties that confront the leadership. I want to express to the Senator my personal apologies for the inconvenience caused him, and others will be in the same boat. But I hope he and others, and the Senate as a whole understand the situation, and let the order stand as is.

Mr. MOSS. Why do we have to order the yeas and nays now, this far in advance, when it is not apparent whether they will be requested?

Mr. MANSFIELD. There will be requests because people are interested in those bills, just as the Senator from Utah indicated he is. He is going to be called upon to make a sacrifice, which is uncalled for, but which is the result of trying to bring about an accommodation which would be beneficial to the greatest number in the Senate. I understand at least two of those bills will be controversial. Even if the order were vacated it is my strong feeling that another Senator or other Senators might take it upon themselves to ask for a rollcall vote.

Mr. MOSS. Indeed, they might, and that is their privilege when the matter comes on but if they do not, at least we have not already foreclosed the other possibility.

Mr. MANSFIELD. If the Senator will yield, I will be glad to give him a live pair on every one of those bills on Monday next, and I will do so willingly.

Mr. MOSS. I thank the leadership for that. I understand the situation which changed this all around, but up until 1 hour ago we were going to be in on Saturday and that is the reason for all the change.

Mr. MANSFIELD. The Senator is correct. It is only in the past hour that the situation came to the attention of the majority leader.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield further?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I do not want him to bear a burden that is not his. I would prefer not to say this, but it is only candid to say I am the one who did bring up the problem with the distinguished majority leader. In complete fairness, it is likely we have a number of Senators who cannot be present on both sides of the aisle, but I assume responsibility for having brought up the matter. I know the absence of a number of Senators is for a good cause, but I am responsible for bringing it up.

Mr. MANSFIELD. I thank the Senator.

The unanimous-consent requests follow:

S. 750, Victims of Crime Compensation Bill

Ordered, That during the consideration of S. 750, the Victims of Crime Compensation Bill, debate on any amendment in the first degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, Mr. McClellan, and that time on any amendment to an amendment or in the second degree, debatable motion, or appeal be limited to 20 minutes, to be equally divided and controlled by the mover of any such amendment and the mover of the amendment in the first degree, in the case of amendments in the second degree; and that in the case of any debatable motion or appeal, the time in opposition thereto be under the control of the manager of the bill, Mr. McClellan: *Provided,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1½ hours, to be equally divided and controlled, respectively, by the manager of the bill, Mr. McClellan, and the Senator from Nebraska, Mr. Hruska: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

H.R. 8389, Amendment of Omnibus Crime Control Act

Ordered, That during the consideration of H.R. 8389, an act to amend the Omnibus Crime Control and Safe Streets Act of 1968, debate on any amendment in the first degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, Mr. McClellan, and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, Mr. McClellan: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Majority Leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received, except a multiple parts amendment dealing with crime and crime victims which may be offered by the Senator from Montana, Mr. Mansfield, and the Senator from Arkansas, Mr. McClellan.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill, Mr. McClellan, and the Senator from Nebraska, Mr. Hruska: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

S. 33, Group Life Insurance Program for Law Enforcement Officers

Ordered, That during the consideration of S. 33, a bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers, debate on any amendment in the first degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, Mr. McClellan, and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, Mr. McClellan: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Majority Leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill, Mr. McClellan, and the Senator from Nebraska, Mr. Hruska: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

H.R. 15883, Protection of Foreign Officials

Ordered, That during the consideration of H.R. 15883, an act to amend title 18, United States Code, to provide for expanded protection of foreign officials, debate on any amendment in the first degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, Mr. McClellan, and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, Mr. McClellan: *Provided,* That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Majority Leader or his designee: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill, Mr. McClellan, and the Senator from Nebraska, Mr. Hruska: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

STATEMENT OF SUPPORT FOR LEGISLATION PENDING BEFORE THE SENATE

Mr. HUMPHREY. Mr. President, I want to announce my strong support for a series of law enforcement bills which the Senate will consider.

Senate bill 33 authorizes the Attorney General to purchase group life insurance contracts for law enforcement officers. I have long support the idea of providing life insurance for police and firemen. I have introduced legislation that embodies this very idea. I am convinced that there is a definite need for this legislation, and I am proud to support it.

Senate bill 750 establishes a program of compensation for the victims of violent crime. This legislation also is long overdue. I have been a strong proponent and sponsor of aid to the victims of violent crime. Several of our States such as Maryland have programs of this nature. Establishing a Federal program with Federal funding is to my mind a reasonable way to help, in a small manner, to relieve part of the suffering these innocent victims of crime endure.

I also support two other bills—H.R. 15883, to provide protection of foreign officials in Washington and H.R. 8389 which make certain adjustments in the treatment program for addicts.

Finally, Mr. President, I wish to add my support for H.R. 13025 which would transfer certain property for wildlife protection. I was an original sponsor of wildlife protection legislation, and I plan to continue my interest in and dedication to the conservation of nature and animals.

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

The Senate continued with the consideration of the bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreation facilities, in connection with the 1976 Winter Olympic Games.

Mr. NELSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The committee amendments have not been disposed of and the Senator's amendment would only be in order by unanimous consent at this time.

Mr. NELSON. Mr. President, I have a minor amendment which I think will probably be acceptable to the distinguished Senator from Colorado, and it only provides that prior to the expenditure of any funds the 102 section under the environmental impact statement be filed.

A preliminary statement has already been filed, and I assume it would be pro forma.

If there is no objection——

Mr. ALLOTT. Mr. President, will the Senator yield to me?

Mr. NELSON. I yield.

Mr. ALLOTT. I do not think the Senator was on the floor this morning when I discussed this particular amendment. The Senator's amendment does what the present law provides. The number of the law, as signed by the President is Public Law 91-190, and the bill which was cosponsored by the Senator from Washington (Mr. JACKSON) and myself; section 102(2)(c) of the act has to be complied with.

I made a statement this morning that the assistant regional administrator of EPA stated that environmental statements would have to be filed. I personally can see no objection to this amendment.

I believe it would be better to adopt the committee amendments first, unless the Senator wants to ask unanimous consent to waive that. I would like to get the committee amendments adopted first, if we could provide that the bill would be treated as original text for the purpose of amendments.

Mr. NELSON. Mr. President, I may say to the Senator that I have a couple of other commitments.

Mr. ALLOTT. If the Senator wishes to do it by unanimous-consent request, I shall not object.

Mr. NELSON. Mr. President, I ask unanimous consent that it be in order to call up the amendment I have sent to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 3, line 8, strike out the period and insert the following: "and an environmental impact statement pursuant to Section 102 of the National Environmental Policy Act of 1969 is filed with respect to the actions authorized in this Act. The provisions of this Section shall not apply to the expenditure of funds for environmental studies."

Mr. NELSON. Mr. President, as a matter of policy, I have, over the past few years or so, offered amendments to authorizing legislation attempting to make certain that section 102 of the National Environmental Policy Act is complied with. We have had a number of instances where it has not been complied with, and it seems to me that when Congress does authorize a piece of legislation, we have to be certain that the act is not being circumvented.

The Interior Department has already filed the preliminary environmental impact statement. I assume it is now available to the various other agencies for their comment. I assume the final impact statement will be filed in due course. So this amendment may very well not have any impact.

If it is acceptable to the distinguished Senator from Colorado, I have no interest in a rollcall vote on the amendment.

Mr. ALLOTT. Mr. President, has the Senator concluded?

Mr. NELSON. Yes.

Mr. ALLOTT. I would like to enter into a small colloquy with him, then, just so we are certain about this. I have no quarrel with the purpose of the amendment. However, I would like to make this legislative history.

It is my understanding that the environmental impact statements would not apply to moneys expended for engineering and planning. In other words, we would have to complete the engineering and planning before we would really know what we are doing, and, therefore, I would like to have the clear understanding that this amendment does not have in its purview limitations of such funds.

Mr. NELSON. I agree with the Senator that that is not intended, and if he desires to add, after the words "for environmental studies," the words "engineering and planning," to the amendment, that would be acceptable to me.

Mr. ALLOTT. Will the Senator offer that language?

Mr. NELSON. Mr. President, I modify my amendment to that effect, after the word "studies" on the last line, add a comma and the words "engineering and planning."

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. HARRIS. Mr. President, I am pleased to be joined as a sponsor of this amendment. I believe it is a necessary one. I commend the distinguished Senator from Wisconsin for offering it.

There is a serious fault in this bill, now, in regard to environmental impact. The Department of the Interior recommended to the committee that the bill have a provision in it in regard to the environment. I support this amendment, but, may I say, Senators should be on notice that it will not necessarily cure—and probably will not cure—environmental issues here, and that serious and irreparable damage will be done. I think this is an important improvement if the bill is to be passed.

Mr. NELSON. Mr. President, I ask unanimous consent that the distinguished Senator from Oklahoma be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. ALLOTT. Mr. President, I ask unanimous consent at this time that the committee amendments be considered and adopted en bloc.

The PRESIDING OFFICER. Without objection——

Mr. HARRIS. Just a moment, Mr. President. I want to object.

The PRESIDING OFFICER. Is there objection?

Mr. HARRIS. There is.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. The bill would not be subject to amendment, then, except by unanimous consent, until the committee amendments have been disposed of. Is that correct?

The PRESIDING OFFICER. Floor amendments are not in order until the committee amendments are accepted, except to the extent that floor amendments are offered as amendments to a committee amendment.

Mr. ALLOTT. Mr. President, I renew my request.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be considered as original text?

Mr. ALLOTT. And that the bill, according to my understanding, be subject to amendment as original text.

The PRESIDING OFFICER. That is correct.

Mr. HARRIS. Mr. President, as I said earlier today, I have no objection, so long as the bill, as amended, is considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the committee amendments are considered and agreed to en bloc, and the bill will be considered as original text, subject to amendment.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add a new Section 5 to read as follows:

SEC. 5. Each recipient of assistance under this Act shall keep such records as the Secretary (of the Interior) shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

The Secretary (of the Interior) and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

Mr. HARRIS. Mr. President, this amendment is the exact language which the General Accounting Office recommended be included in this bill. At the present time, the Denver Olympics Committee is not responsible to the people, other than to those in Denver, yet we are asked, here, to spend Federal taxpayers' money in considerable amounts.

The Denver Olympics Committee has already spent $126,000 on advertising, public relations, and promotion. For example, they sent 54 people from Colorado to the Saporo games in Japan, compared to fewer than 10 by both Munich and Montreal, which were also interested in sponsoring future games. So, at the very least, it seems to me that, if this bill is to be passed, the General Accounting Office and the Department of the Interior ought to have the power to regularly audit the expenditure of these public funds. I hope that the distinguished Senator from Colorado, in line with our earlier colloquy, may be able to accept this amendment.

Mr. ALLOTT. Mr. President, I address this question to the Senator: I do not have a copy of the amendment but, as I understand it, this is the same language as is contained on pages 37 and 38 of the GAO report, is that correct?

Mr. HARRIS. Yes, the Senator is correct. In order to be careful that the language was identical to that recommended by the General Accounting Office, I simply tore that sheet out and set it down as the language of the amendment.

Mr. ALLOTT. Mr. President, I shall speak very briefly. I am not in opposition to this proposal. I have no objection to the amendment.

As I pointed out this morning, the GAO is the arm of Congress, and at the request of Congress investigates such various matters as Congress calls to its attention. I would just like to say for the record that this does impose another layer of audit, even though the GAO recommended it. I have no objection to it, but I think the record should be clear that the books and records and the other items mentioned in the amendment are already subject to scrutiny, inspection, and audit by the city and county of Denver, by the Colorado State Legislature, and by the Department of the Interior. But, as I say, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. HARRIS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 3, between lines 8 and 9, insert the following new section:

SEC. 4. The provisions of title VII of the Civil Rights Act of 1964 shall apply with respect to the employment of individuals in any construction project assisted pursuant to this Act and to the employment of individuals in connection with the XII International Winter Olympic Games.

On page 3, line 9, strike out "SEC. 4" and insert in lieu thereof "SEC. 5".

Mr. HARRIS. Mr. President, this amendment would require that there be strict enforcement of the civil rights laws with regard to employment, both in regard to the construction of the facilities that taxpayers' money would go into, and also in actual employment in the games and events and in related jobs in connection with the winter games themselves.

Mr. President, I daresay that no black person or no Chicano person will be among the contestants in these games. Among other things, the economic threshold for entry into these winter game sports is a tremendous barrier, and I think there may have been, in the past, other kinds of barriers against members of minority groups being involved.

At any rate, whether or not any minority people will be contestants is not a thing over which we have any control. We do, Mr. President, have some control over the question of whether or not the jobs that are to be created because of the expenditure of public funds will be freely available to members of minority groups.

There is a very large Chicano population in Colorado and in the city of Denver. There is also a large number of black people and American Indians there. With all three minority groups, a considerable percentage of the members of those communities are experiencing very high rates of unemployment, and consequently very low amounts of family income.

At the very least, it seem to me that if we are going take from all the taxpayers of this country amounts of money and spend them on these games, it ought not to be just the hotel people or the real estate owners and speculators or those who own outfits like Vail Associates who will benefit from these taxpayer funds, but that a lot of minority people who are unemployed should have the full opportunity to be employed in connection with the construction and the games themselves; and therefore my amendment, which I hope may be acceptable to the manager of the bill, would require strict enforcement of the civil rights laws in regard to such employment.

Mr. ALLOTT. Mr. President, it has been called to my attention that if this amendment is agreed to, there would be two sections 5 in the bill. So I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 3531.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I have just examined this amendment, and it is in the same category as the amendment offered by the Senator from Wisconsin (Mr. NELSON).

Frankly, I do not know how the DOOC of the city of Denver and the State of Colorado could avoid, even if they wished, and they have no desire to do so, the provisions of title VII of the Civil Rights Act of 1964.

I want to say this, Mr. President, for the benefit of the Senator from Oklahoma: I think I have sponsored or cosponsored as much civil rights legislation as any man in the Senate, barring, perhaps, the senior Senator from New York (Mr. JAVITS).

I think I should say, also, that Colorado has had a civil rights statute on its books since 1895 which provided not only civil relief to people who were deprived of equal accommodations but also provided a criminal penalty. There were two separate statutes on it.

I think I should make it clear for the RECORD, in the event someone might misinterpret this, that as a district attorney in Colorado between the years 1946, when

I returned from the South Pacific and up through 1948, when I did not run again, I, so far as I know, am the only district attorney I have ever heard of who enforced those sections on civil rights in the State of Colorado.

The people of my own State know my record in this respect, but I think it might be well to state it here in the event that some innuendo might occur with respect to this matter.

As for the amendment, I am wholeheartedly in accord with the spirit and intent of the amendment. I would not think of doing anything that would avoid in any way the right of people under the Civil Rights Act of 1964, so I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HARRIS. Mr. President, I send an amendment to the desk and ask that it be stated.

The legislative clerk read as follows:

On page 3, between lines 8 and 9, insert the following new section:

SEC. 4. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

On page 3, line 9, strike out "Sec. 4" and insert in lieu thereof "Sec. 5".

Mr. HARRIS. Mr. President, this amendment is very simple. It makes the Davis-Bacon Act applicable to the construction jobs that are involved here. We are going to be spending, if this bill passes, a large amount of Federal money for construction; and it seems to me only right that we ought to be sure that the jobs that will be created by these expenditures should be jobs that pay the prevailing rate, in accordance with the Davis-Bacon Act.

I hope the amendment is acceptable to the manager of the bill.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROTH). Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, with respect to the pending amendment which has to do with the application of the Davis-Bacon Act and the prevailing wages on similar construction in the localities determined by the Secretary of Labor, I wanted to be sure that I understood what the situation was on this. I was certain in my mind that the Davis-Bacon Act applies to this anyway. However, I have checked this through two sources, the legislative counsel and counsel to the Labor Committee in the House, and I am assured that the Davis-Bacon Act does apply in any instance.

Thus, it seems to me this is a sort of moot question. I cannot see any objection to taking in the amendment, although, like the environmental amendment, it is not necessary, but I have no objection to putting it in.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

S. 3531 be amended to add a new section at the end thereof, numbered appropriately, to read as follows:

SEC. —. All jobs connected with the events staged in or on facilities for which funds under this act have been expended shall be subject to the provisions of all Federal laws pertaining to minimum wages and hours of work.

Mr. HARRIS. Mr. President, the amendment which we have just agreed to had to do with Federal laws pertaining to the construction jobs. The pending amendment has to do with jobs in connection with the games themselves, with respect to the events and the games which would be held in or on facilities that would be built with funds authorized to be appropriated by this act so that those people who might get jobs at these places, if they were built, would be fully protected by the minimum wage laws and by the hours-of-work provisions of the Federal statutes, I think it is only right, if we are going to spend public funds for these purposes—and these jobs will be of awfully short duration in any event—that we should require the minimum wage standards and that the hours of work be governed by Federal laws. That is the effect of the amendment.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, while I have no quarrel with the basic philosophy of this amendment, I would like to address 2 or 3 questions to the author of the amendment in order to be certain that I know what he has in mind. Naturally in an undertaking to do this, whether it be in the United States or elsewhere, it is anticipated that a lot of jobs will be required in the actual operation of the Olympics. I refer to such jobs as translators. Many of those will be volunteer workers.

I would like to ask the Senator first whether he believes or whether it is his intention that this would apply to volunteer workers?

Mr. HARRIS. Mr. President, it would be my impression that any people who work in or around these facilities and buildings on which a portion of these funds are to be spent—such as ushers, ticket takers, guards, parking lot attendants, concession workers, groundkeepers, sanitation workers and those who were involved in that kind of work, and other kinds as well, if they were paid anything at all, would have to be paid for their hours of work according to the Federal minimum wage laws and hours of work laws.

Mr. ALLOTT. Mr. President, I would like to ask the Senator a further question. Let us assume a situation of a student or a person in Colorado or elsewhere, for that matter, who wishes to offer his services as a translator or as a courier or for any one of the thousand different jobs that go along with any event of this sort. If the Olympic Committee offered to take care of their board and lodging while they were doing this work, would those people fall under the restrictions of the Senator's amendment?

Mr. HARRIS. Yes, I think the couriers and translators who are paid anything should be paid the minimum wage.

What we had in mind is that these jobs will be created with Federal funds, and they ought to be jobs that pay a decent amount of money on which to live. If anything at all is paid, the Federal law ought to apply. Payment in kind, in my view, would be payment that would be subject to Federal law. If there is no payment of any kind, then the law should not apply.

Mr. ALLOTT. Mr. President, if the Senator would modify his amendment to not include those people I have mentioned, I would have no quarrel with it. As to the people actually working and engaged in housekeeping activities in a hotel or motel for the Olympic staff, people engaged in that manner of work, I would take it for granted that the Federal minimum wage laws would apply. But according to the Senator's interpretation, no person who had even a portion of his expenses taken care of and who wanted to volunteer his services would be exempt from this provision. Thousands of college students will want to volunteer their services. If any of their expenses are reimbursed, they would have to be paid under the minimum wage law.

I see the chairman of the Committee on Labor and Public Welfare on the floor, the Senator from New Jersey. I would like to ask him if he has had a chance to examine the amendment.

Mr. WILLIAMS. The answer briefly is no. I was in a policy committee meeting. I am not familiar with the amendment.

Mr. ALLOTT. I would appreciate it if the Senator would examine the amendment. The Senator from Oklahoma has offered an amendment. His interpretation of the amendment is that any volunteer who is paid a part of his expenses—which would even include transportation to the site—would have to be paid under the provisions of the minimum wage law.

The only practical effect of this would be to double or perhaps triple the actual operating costs of the Olympics.

While I am all for paying a minimum wage for anything that is a steady job, I cannot understand how we can operate the Olympics or anything else of this kind if anyone who receives any food, board, lodging or transportation would have to be subject to the minimum wage law.

A lot of people are anxious and willing to help in every affair of this kind. A lot of the services are gratuitous. The services are offered by the people out of a spirit of community action.

Now that the Senator from New Jersey has had the opportunity to look at the amendment, I would like to have the opinion of the Senator on this amendment. I would have to resist the amendment as it is now proposed.

Mr. AIKEN. Mr. President, may I ask the Senator a question?

Mr. ALLOTT. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, assuming that a group of people, say 100 people, contribute their services to make the winter Olympics a success, and assuming further that their services would normally be valued at $30 a day, we will say, would they then be authorized, assuming they pay income taxes, to deduct the value of their services in the amount which they would have cost had they been paid for?

If they work 14 hours a day, as many of them do, could they then deduct the overtime value for the excess time put in, assuming that the value would be the same as if it had been paid in wages or salaries? I realize that is a rather complicated question, but we ought to have an answer to it. Does not the Senator from Colorado think so?

Mr. ALLOTT. I would like to have the answer.

Mr. HARRIS. I do not know the answer to that question, but if the Senate will put off consideration of this bill until November 10, I will promise to get a response from the Internal Revenue Service.

Mr. ALLOTT. That is very generous.

Mr. AIKEN. Apparently I will not get an answer today.

Mr. ALLOTT. I do not know whether the Senator from New Jersey has had an opportunity to examine this or whether he has any comment on it at this time or not, or whether it is in his area of expertise.

Mr. WILLIAMS. I have not heard all the debate involving the amendment. I understand it would provide the Federal minimum wage where people were employed in Olympics activities, and the activity was an activity where Federal money was the source of their compensation. As I understand it, it does not deal with a volunteer. I do understand it would cover areas where compensation might not be money, but money in kind, perhaps free skiing, perhaps board and lodging.

Right off the top, at this point I could see an exception for compensation which is not to be earned income but would cover the fringes such as board and lodging and a free ride on the ski slopes.

But if they are being paid money I would not like to see this area as an area of substandard wages, where the money paid is to be a living wage.

Mr. ALLOTT. I agree with the Senator in that respect, if we could eliminate the reimbursement in kind, describing the minimum wages for these people then we would be in a different boat entirely. But if the interpretation of the Senator from Oklahoma is applied to the amendment, that a person is provided transportation, for example, to the area of events, or room and board, or if he is provided transportation or room and board, but where they are donating their services, I do not see why the minimum wage should apply to those people. They may be working 14 or 15 hours a day and sometimes longer, and it would be quickly computed at time and a half and may be double time, and you are doubling or tripling the operating expenses of the Olympics and would increase the burden on the taxpayer. Then, the women, for example, who contribute their services to serving church or school lunches; this would put them under this proscription.

Mr. MANSFIELD. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is an amendment pending.

Mr. HARRIS. I do expect a rollcall vote on the amendment.

Mr. ALLOTT. We might as well have the rollcall vote now, if the Senator will yield to me to request the yeas and nays.

Mr. MANSFIELD. We do not have a sufficient number of Senators in the Chamber at this time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, this amendment provides that all jobs that are compensated for in money or in kind and are connected with the events at the winter Olympics, in or on facilities for which taxpayer funds have been disbursed, must be subject to the minimum wage laws and the rest of the laws under the Federal statutes. That means it would apply to translators, couriers, groundkeepers, ushers, ticket takers, guards, parking lot attendants, maids, janitors, cooks, waiters, waitresses. The idea is to respond to what the Winter Olympics Committee has been saying, that there will be a lot of jobs for local people there. Now, from the debate there seems to be some doubt about whether the people in Colorado, will actually get these jobs, or whether they will bring in students and give them the right to ski for nothing, the right to lodge for nothing, and so forth, and that they will take those jobs.

There are unemployed people in Colorado; there are some chicanos, some blacks; some American Indians, some working class people of this community, some working class white people who need jobs. If we are going to take taxpayer money for these winter games, then let us be sure there are some jobs available, and that not just a few real estate operators and others will make money, the concessionaires and hotel people. Let us make jobs. Jobs are in as short supply there as anywhere else. Let us give the local people a chance at the jobs and let us see to it that the jobs pay a decent wage. That is what this amendment would do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALLOTT. Mr. President, I wish to say a word or two about the amendment. If the amendment were limited to what the Senator just said, I would be wholeheartedly in favor of it. But the amendment, as he interprets it himself, would require that anyone who offered or donated services for the operation of the Olympics—I am talking about people who hold the crowds back, the guides, the officials of the Olympics and the advisory board members the Senator mentioned earlier themselves—if they receive any kind of reimbursement in kind, whether it is rooms, a bed, transportation, then the minimum wage law would have to apply to every one of them.

I must very seriously resist this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. McGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mrs. EDWARDS) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr.

Miller), and the Senator from Texas (Mr. Tower) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. Boggs), the Senator from Nebraska (Mr. Curtis), the Senator from Colorado (Mr. Dominick), the Senator from Oregon (Mr. Hatfield), the Senator from Iowa (Mr. Miller) and the Senator from Texas (Mr. Tower) would vote "nay."

The result was announced—yeas 14, nays 55, as follows:

[No. 435 Leg.]

YEAS—14

Bayh
Brooke
Case
Church
Harris
Hartke
Hughes
Mansfield
Metcalf
Nelson
Pastore
Ribicoff
Schweiker
Williams

NAYS—55

Aiken
Allen
Allott
Anderson
Beall
Bennett
Bentsen
Bible
Buckley
Burdick
Byrd,
  Harry F., Jr.
Byrd, Robert C.
Chiles
Cook
Cooper
Cranston
Dole
Eastland
Ervin
Fannin
Fong
Gambrell
Gurney
Hollings
Hruska
Humphrey
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
Montoya
Moss
Packwood
Pearson
Percy
Proxmire
Randolph
Roth
Saxbe
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Taft
Talmadge
Thurmond
Tunney
Weicker
Young

NOT VOTING—31

Baker
Bellmon
Boggs
Brock
Cannon
Cotton
Curtis
Dominick
Eagleton
Edwards
Fulbright
Goldwater
Gravel
Griffin
Hansen
Hart
Hatfield
Javits
Kennedy
McGee
McGovern
McIntyre
Miller
Mondale
Mundt
Muskie
Pell
Sparkman
Spong
Stennis
Tower

So Mr. Harris' amendment was rejected.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COOK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

LEGISLATIVE PROGRAM—JOINT MEMORANDUM OF UNDERSTANDING BETWEEN SENATOR MANSFIELD AND SENATOR SCOTT

Mr. MANSFIELD. Mr. President, relative to H.R. 13915, the so-called antibusing bill, the distinguished Republican leader and I have conducted discussions to see if something in the way of an agreement or an accommodation could be reached. Finally, we took the bit in our own teeth and prepared a joint memorandum of understanding between the two leaders. This afternoon I met with the Democratic Policy Committee, read the memorandum of understanding to them, and secured their approval; and on that basis, and in conjunction with the distinguished Republican leader, I shall announce to the Senate what that memorandum contains.

JOINT MEMORANDUM OF UNDERSTANDING BETWEEN SENATOR MANSFIELD AND SENATOR SCOTT

The schedule of business for the remainder of this Congress will require the full cooperation of the entire Senate. It has been agreed that only measures ordered reported from standing committees by September 15, 1972—and that would include this weekend as well—except measures of an extraordinary nature that must pass this session—will be considered for scheduling on the floor. Any measure reported thereafter will be considered on Consent Calendar basis only.

H.R. 13915, the so-called antibusing bill—and I am delighted to see that the distinguished Senator from Alabama (Mr. Allen) is in the room—was not permitted to be referred to a standing committee. This bill is, however, on the Senate Calendar and is eligible for floor consideration. There are many Senators who wish the Senate to consider this bill. There are many Senators who insist that this measure should not be considered since the Senate has previously worked its will on this issue earlier in this session. The joint leadership intends to permit the full Senate to work its will on this measure by scheduling this measure prior to the adjournment of this session.

In view of the agreement of the joint leadership to assure that the dispute surrounding H.R. 13915 will be brought before the full Senate prior to adjournment, it will intend to protect the orderly consideration of business in the Senate by making a joint motion to table any motions to consider measures on the Senate Calendar if made to bypass the intended schedule of business agreed upon by the joint leadership and in the order determined by the joint leadership.

When H.R. 13915 is scheduled by the leadership, and it will be scheduled this session, the leadership anticipates and in fact has been promised that the measure will be subjected to extended debate. At the very least the leadership intends to keep all its options open in an effort to bring this matter to a resolution.

The question of timing was also considered in the policy committee, and the policy committee unanimously agreed to allow the Senator from Montana, in his capacity as majority leader, to make that determination on the basis of the facts which exist at the time.

Mr. SCOTT. Mr. President, I agree that this is a statement of the joint leadership. It is a declaration of policy by the majority policy committee, and it is the only resolution available to us, it seems to me, in view of the fact that we have tried, in numerous meetings, with a number of Senators of varying views, to arrive at a satisfactory solution other than this one. But if we are going to get the business of the Senate and the business of the Nation concluded, we must do it in an orderly fashion and we must do it in such fashion as to be entirely fair to those Senators who wish to see favorable action on this bill and those Senators who prefer no action on the bill as it will presently come before the Senate. So that we believe that we have acted fairly and prudently here, and we have not prejudiced the merits of the bill in coming to certain procedural decisions. I am in agreement that this is the best way to handle the matter.

I congratulate the distinguished majority leader for his patience and fairness, as always, in working out this matter.

Mr. ALLEN. Mr. President, will the Senator yield, in order that I might get him to clarify—if clarification is needed—the joint memorandum?

Mr. MANSFIELD. I yield.

Mr. ALLEN. It would seem to the junior Senator from Alabama that, under the joint memorandum, if this bill were scheduled for consideration by the Senate on the very day that the leadership determines would be the day of sine die adjournment, that would comply with the memorandum issued by the joint leadership.

Mr. MANSFIELD. There was no such intention in the minds of the joint leadership. It would be our intention to give the Senate at least 24 hours' notice, and the Senator may rest assured that there is no hanky-panky connected with this.

Mr. ALLEN. The Senator from Alabama certainly is not suggesting that. He is just trying to explore——

Mr. MANSFIELD. It would be hanky-panky if we attempted to do that on the last day of the session, with no other business behind it.

Mr. ALLEN. Would the Senator be willing to disclose at what stage of the proceedings, when what bills are passed, he would bring up this matter?

Mr. MANSFIELD. No. I would prefer to remain flexible. The question of timing was raised in the policy committee, and various suggestions were made. But, in the end, the policy committee unanimously gave me the authority to use my own judgment, such as it is, and to remain flexible.

I assure the distinguished Senator that if anything does happen, he will be one of the first, if not the first, to be informed.

Mr. ALLEN. I am sure that that is the case. I am not charging that the leadership would do anything other than keep the Senator from Alabama advised.

The distinguished majority leader knows full well that, in all likelihood, there will have to be a conference committee to resolve possible differences between the two Houses with respect to this legislation, and the bill should be brought up several weeks before the anticipated sine die adjournment. So the Senator from Alabama would submit that this memorandum—submitted, of course, in good faith by the leadership—still does not disclose a great deal about the leadership's plans for bringing up the measure in order that the Senate will have an opportunity to work its will on the bill, and then for an opportunity to resolve differences between the Senate version and the House version—realizing full well that the conference committee report, when it is finally agreed upon, would also be debatable. If it got back here the last day of the session, there would be no chance of it passing.

Mr. MANSFIELD. The Senator from Montana would ask the Senator from Alabama to allow him some flexibility to use his own judgment, as the policy committee has unanimously agreed to in this matter. This is a delicate matter. This is a situation in which the feelings run high on both sides; and I would expect, without question, that the Senator from Alabama would be in accord with what the policy committee has done.

Mr. ALLEN. Does the Senator think that the action of the policy committee would be pleasing to the Senator from Alabama?

Mr. MANSFIELD. Yes.

Mr. ALLEN. That sounds very interesting, and I think it well that we close this colloquy, so far as the Senator from Alabama is concerned, on that note.

Mr. SCOTT. I want to thank the distinguished majority leader, because I think what we are saying here is that we are allowing reasonable time for the Senate either to work its will or to work its "won't" in this matter.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, may I be recognized on my own time for 5 minutes?

The PRESIDING OFFICER. The Senator is recognized.

A REPORTED STATEMENT DEALING WITH A LIMITATION ON WAGES

Mr. SCOTT. Mr. President, the candidate or protege of the distinguished senior Senator from Massachusetts—and I believe the candidate of some other people as well—is reported on the news in the last 5 minutes as having made a prodigiously absurd and unwarranted statement to the effect that the President intends next year—I am glad he recognizes that President Nixon will be President next year—to impose a 3.5-percent lid on increases in the wages of the working man.

There is not a word of truth in any suggestion that this is the intention of the President or of this administration. Such a suggestion is woven out of the whole cloth. It is born of desperation. The suggestion is no better than some of the remarks we hear on redistribution of wealth—the kind of crackpottery that is being broken faster than Aristotle Onassis can break dishes. And that redistribution of wealth crackpottery has been condemned even by some of the candidate's own supporters, but not, I believe, by his primary sponsor or by the brother-in-law of the primary sponsor.

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

The Senate continued with the consideration of the bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreation facilities, in connection with the 1976 Winter Olympic games.

Mr. MANSFIELD. Mr. President, I ask unanimous consent—this, I think, has been cleared all around—that there be a time limitation of 30 minutes on the remaining amendments—there will be two, possibly three—and that there be a time limitation of 30 minutes on the bill, with the time to be equally divided between the sponsors of the amendment and the distinguished Senator from Colorado (Mr. Allott), the manager of the bill.

The PRESIDING OFFICER (Mr. Roth). Is that 30 minutes on all amendments or on each amendment?

Mr. MANSFIELD. Thirty minutes on each amendment and 30 minutes on the bill, with the time to be equally divided, and with time on the bill itself to be under the control of the Senator from Colorado (Mr. Allott), and the Senator from Oklahoma (Mr. Harris).

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object, I use this method of making one further inquiry, if the distinguished majority leader will indulge me on the memorandum, when he says that the measure will be brought up prior to adjournment this session, would that cover a situation where there is a recess of the Senate? Would that mean that the measure would come up prior to the recess, if there is a recess for some weeks?

Mr. MANSFIELD. A recess did not even enter into our minds, so it is in line with adjournment sine die.

Mr. ALLEN. In other words, if there is a recess, there is no promise that it would come up before the recess, then, the promise is prior to adjournment?

Mr. MANSFIELD. Prior to adjournment. We expect, anticipate and hope—and I emphasize the word hope—that adjournment will come well before Election Day.

Mr. ALLEN. I thank the distinguished majority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. HARRIS. Mr. President, would it be in order to ask for the yeas and nays on final passage on the bill at this time?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. It would be in order.

Mr. HARRIS. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, if the Senator will yield, does he anticipate that there will be yea and nay votes on his amendments to be offered?

Mr. HARRIS. I do.

The PRESIDING OFFICER. Time is now under control. Who yields time?

Mr. TUNNEY. Mr. President, I seek recognition. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

On page 3, following line 12, add the following title:

TITLE II—NATIONAL COMMISSION ON THE OLYMPIC GAMES

FINDINGS

Sec. 201. The Congress hereby finds and declares—

(1) the United States Olympic Committee was created as a Federal corporation by Act of Congress which gives that Committee responsibility for the participation by the United States in the Olympic games and which requires the Committee to submit annual reports to Congress;

(2) the Federal charter granted by Congress to the United States Olympic Committee grants to that Committee exclusive jurisdiction over all matters pertaining to the participation of the United States in the Olympic games;

(3) serious problems have arisen in the conduct of Olympic games, both summer and winter, which have led to widespread criticism of certain aspects of the games and of the manner in which the United States administers its preparation for and participation in the games;

(4) an evaluation is required of the form of organization and the means by which the United States can participate most effectively in the Olympic Games and provide leadership in accomplishing appropriate action which will assure that future Games will be organized and conducted in a manner which will contribute to the high ideals of the Games; and

(5) a National Commission on the Olympic Games would provide a means of determining constructive action toward accomplishing these goals and preparing specific legislative proposals which would command broad public support.

ESTABLISHMENT

Sec. 202. There is hereby established a National Commission on the Olympic Games (hereinafter referred to as the "Commission").

MEMBERSHIP

Sec. 203. The Commission shall be composed of seven public members who shall be appointed by the President. Such members shall be selected with the purpose of assuring objective consideration of all viewpoints and no member shall be an officer or director, past or present, of the United States Olympic Committee or any national athletic association or federation.

ADMINISTRATIVE

Sec. 204. The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

DUTIES

Sec. 205. (a) The Commission shall review the participation by the United States in the Olympic Games and, if it recommends that such participation should be continued, shall also recommend the form of organization by means of which the United States should participate in the Olympic movement and shall present specific proposals for the legislative action required to carry out that recommendation.

(b) In formulating its specific legislative proposals the Commission shall take into account:

(1) the objectives of the modern Olympic movement and the extent to which those objectives are being met;

(2) the manner in which Olympic Games are administered, with particular attention to the views of those who participate in those games as athletes, coaches, officials, or otherwise or who have attended such Games in any other capacity;

(3) the role which the United States Olympic Games Committee has played in international sports and the manner in which United States participation in the Olympic Games has been organized and administered by the Committee;

(4) the policies which would assure the selection on a fair and equitable basis of the best qualified athletes, coaches, managers,

trainers and other officials and which would provide the maximum opportunity for persons to develop their athletic skills and participate in international athletic competition; and

(5) the arrangements which will best protect the interests of the individual athletes during the period of their training, travel, and participation in the Games.

(c) The Commission shall submit to the President and to the Congress an interim report with respect to its findings and recommendations not later than February 1, 1973. A final report of its findings and recommendations shall be submitted to the President and the Congress not later than July 31, 1973.

POWERS

SEC. 206 (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

(3) hold such hearings, sit and act at such times and places, and administer such oaths, as the Commission or any subcommittee or member thereof may deem advisable.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Commission is further authorized to request from any public or private organization or agency and to obtain from the United States Olympic Committee any information deemed necessary to carry out its functions.

(c) Four members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

COMPENSATION

SEC. 207. Members of the Commission shall receive $125 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

TERMINATION

SEC. 209. The Commission shall cease to exist 30 days after the submission of its final report.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the names of the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Kentucky (Mr. COOK) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the distinguished Senator from Oklahoma (Mr. HARRIS) definitely wants yea-and-nay votes on his two remaining amendments. I ask unanimous consent, therefore, that it be in order to order the yeas and nays on both of the amendments by Mr. HARRIS with one show of seconds at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, this amendment would add a new title II to the bill to create a National Commission on the Olympic Games.

The XX Olympic games in Munich, Germany, have ended, leaving behind an atmosphere of bitterness, frustration, and despair. The finest amateur athletes of the world came together to test themselves in friendly competition, yet found their efforts hindered and overshadowed by petty bickerings, partisan judging, outrageous blunders and, finally, unparalleled barbarism.

Californian Rick Demont, a 16-year-old swimmer, set a world record in winning the 400-meter free style only to be disqualified and stripped of his medal, because team physicians failed to realize that a drug which Rick had used routinely for treatment of an asthmatic condition was on the list of medications proscribed by the IOC.

Two of America's finest sprinters, Eddie Hart and Reynaldo Brown, were deprived of the chance to compete in their specialty, the 100-meter dash, by the failure of their coach to inform them of the proper starting time for their qualifying heats.

The U.S. basketball team, apparently having won its final game against the Soviet Union in a thrilling 50 to 49 finish, found itself suddenly defeated when a Bulgarian official gave the Russians a second chance by ordering the clock set back after the final horn had sounded. Reggie Jones, a member of the U.S. boxing team, was eliminated from the boxing competition by a decision so outrageous that at least one of the officials rendering it was subsequently dropped from the list of judges; numerous other boxers, wrestlers, and divers, some American and some not, were victimized by similarly unconscionable partisan judging.

But the most telling image of all lies in the juxtaposition of the two most memorable events of the games. On Monday, September 4, Swimmer Mark Spitz stood in triumph, having firmly established his place in Olympic history with an astounding seven gold medals and seven world records; within less than 24 hours came an attack on the Israeli Olympic quarters by Arab terrorists which resulted in the death of 11 Israel team members and left a shocked world wondering whether the Olympic ideal had been irreparably damaged. What might easily have been the supreme moment of the games was dwarfed by bloody tragedy.

It is clear that substantial changes must be made by the IOC if the 1976 games are to have any hope of realizing the atmosphere of peace and brotherhood which they are intended to promote. Meanwhile, there is much that must be done to revitalize the American Olympic program.

Reform in the United States must begin with a reevaluation of the role of the U.S. Olympic Committee, which, since 1950, has been entrusted by Congress with exclusive jurisdiction over the selection and organization of our Olympic teams. The committee can properly fulfill its role as coordinator of the U.S. Olympic effort only if its membership is representative of the total spectrum of those Americans who are deeply engaged at all levels in the quest for athletic excellence.

A second area of investigation must be the selection process through which the members of the U.S. Olympic team are chosen. All too often the selection of athletes has been overshadowed by organizational infighting, with various independent federations and associations engaging in a competition for institutional prestige and influence which takes place at the expense of the individual athletes. For similar reasons, the selection of coaches, officials, and other personnel has too frequently become a matter of political or personal patronage. We must take steps to insure that the best possible athletes are chosen to represent the United States, and we must then insure that these athletes are supported by the best possible group of coaches, officials, physicians, and other support personnel.

A third area of inquiry should be the manner in which the resources available to the U.S. Olympic Committee are allocated to programs for the development and training of U.S. athletes. We must be certain that opportunities for athletic participation and instruction are made available to as much of our population as possible; we must also be certain that once our athletes have reached the peak of their development and have been selected to the Olympic team, they will have the benefit of the most effective training programs and the most careful management which we can possibly provide.

With these goals in mind, I place before the Senate a proposal to establish a National Commission on the Olympic games. This commission will be charged with a thorough reassessment of the American Olympic effort. It will begin with an evaluation of the goals and administration of the Olympic games themselves. Within this framework, it will proceed to investigate the role of the USOC, with particular attention to the procedures used in selection of team members, the management of their training and preparation for actual Olympic competition, and the programs used for development of amateur athletes at all levels. Based on these findings, the commission will submit a body of recommendations setting forth the manner in which the American Olympic effort may be continued most effectively.

The members of the commission shall be free of ties to any of the organizations whose policies and practices may come under review; thus the hearings should be free from the overtones of organizational rivalry which have characterized past disputes in this area.

The commission shall make every effort to insure that witnesses will represent a wide range of viewpoints and expertise. In particular, it will be expected to draw on the experiences of those who have participated in past Olympic games as other capacity.

An interim report on the findings and recommendations of the commission will be made by February 1, 1973, prior to the next scheduled meeting of the International Olympic Committee; a final report will be due by July 31, 1973, in order that our action on these recommendations may still leave the revised U.S. Olympic effort with adequate time to prepare for 1976.

Mr. President, we are faced with serious questions about the future of the Olympic games. The high hopes and ideals which have always accompanied the games have been bruised and battered by recent events. I, for one, am not yet ready to abandon the idea that understanding and good will may be promoted through athletic competition; but if this goal is to be realized in the context of the 1970's, we must take a long, hard look at the Olympic ideals and the manner in which we are attempting to follow them, on both a national and an international level.

A National Commission on the Olympic Games would be particularly appropriate mechanism and I urge the Senate to adopt it.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, the hour is late. I want to say as a cosponsor of the amendment offered by the junior Senator from California that I agree wholeheartedly with him. I think it represents a very excellent amendment. Unless someone wants to speak in opposition to the amendment, I am prepared to yield back my time.

Mr. TUNNEY. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. (Putting the question.)

The amendment was agreed to.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> On page 2, line 11, strike the figure $15,500,000 and substitute in its place $1,500,000.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. HARRIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. HARRIS. Mr. President, the purpose of this amendment is to conform the bill to one of the suggestions made by the General Accounting Office in its consideration of this matter. It would limit the amount of funds that will be authorized under the bill to the architectural and engineering services that need to be performed if we are to have any kind of reliable estimates of the ultimate costs and to the total studies which are needed if we are to know, as we do not now know, the environmental impact of these facilities.

The General Accounting Office made this suggestion as one of its suggestions. And earlier today in a colloquy with the distinguished Senator from Colorado, I elicited the information that the environmental studies which are proposed at the present time and the architectural and engineering services which are proposed to be contracted for, together, add up in the various amounts to a total of $1.1 million. So, Mr. President, to be on the safe side and to be sure that we can provide for those services and studies, I have raised that amount of $1.1 to $1.5 million in this amendment.

I call the attention of the Senate again to the fact that we do not have the slightest idea what the ultimate cost of these facilities will be. We are therefore authorizing or are being asked to authorize funds in the blind.

As the General Accounting Office pointed out, the cost estimates for the construction of the proposed facilities which were included in the request of the Denver Olympic Committee for direct Federal funds are far from firm or determinable. The Denver Olympic Committee itself has called some of its own estimates preliminary. And, as a matter of fact, it has called others of those estimates conceptual.

The Denver Olympics Committee itself has stated that better cost estimates will not be available and cannot be available, because of the lack of architectural and engineering services which have to come first in regard to the design. We do not even know the design of many of these facilities.

Mr. President, therefore, it seems to me that we ought not to authorize, now, the full presently estimated costs of these facilities involved. We ought to wait until the money can be spent that would be provided under my amendment to learn more about what the costs will actually be.

The same is true in regard to the environment. The Department of Interior's Bureau of Outdoor Recreation back in June prepared a draft statement in regard to the environmental impact. Basically, what it said was that there would be environmental impact as a result of building these facilities and holding these games that would be much broader in scope and importance than the relatively small acreage on which the events themselves would be held. However, until more detailed studies have been made, according to the General Accounting Office, the specific environmental impact of these facilities proposed for Federal funding will not be known.

Again, as to the final costs, I say in regard to the environmental impact that we ought to limit what is authorized to be appropriated under this act to those architectural and engineering studies and environmental studies alone.

My amendment would be very generous in that regard. Once we know more about the environmental impact and actual costs, the Senate could at that time consider what funds it wanted to authorize, if any.

That is the sense of my amendment and a statement of its purpose.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I am very strongly disappointed in the amendment. The whole concept gives no opportunity for future planning whatever.

It leaves the matter entirely in limbo and does not permit the State of Colorado or the city of Denver or even the Federal Government to plan intelligently on the future. The point has been raised that there are no definite cost figures. That is true, although I must say that these figures have been gone over by one of the most prominent engineering firms in the United States, Stearns-Roger of Denver, and they think those are reasonably accurate.

The committee discussed this matter and went into it thoroughly. The committee was satisfied that the figure should be $15.5 million and not $1.5 million.

The third point I make and I make it very strongly is that the Office of Management and Budget, as well as the Committee on Interior and Insular Affairs, feels that the matter should be handled in full at this time, and that the full authorization be made. We are trying to comply with the department of Government, no one of which will have to administer all these funds.

We have already provided for their supervision and audit. That is taken care of.

Last, I would like to say that we are following the precedent entirely in doing this. Since 1960 all of these matters have been funded or authorized in full in one authorization. It was true in connection with Squaw Valley. The Century-21 Exhibition in Seattle, the West Virginia Centennial, the New York World's Fair, the Alaska Purchase Centennial, the Montreal Expo, HemisFair 1968 in San Antonio, and the Miami Interama.

Therefore, I think there is ample precedent; there is good precedent.

Mr. President, I would like to say that the Nelson amendment, which I have accepted on behalf of the committee, provides no money can be spent until these environmental studies are made, so I think the amendment should be rejected.

I am ready to yield back the remainder of my time.

Mr. HARRIS. I yield back my time.

Mr. ALLOTT. I yield back my time.

The PRESIDING OFFICER. All time

is yielded back. The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mrs. EDWARDS) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Also, the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Ohio (Mr. TAFT), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 4, nays 61, as follows:

[No. 436 Leg.]

YEAS—4

Fulbright
Harris
Proxmire
Ribicoff

NAYS—61

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Eastland
Ervin
Fong
Gambrell
Gurney
Hart
Hartke
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mansfield
Mathias
McClellan
Metcalf
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Percy
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Williams

NOT VOTING—35

Baker
Bellmon
Boggs
Brock
Buckley
Cannon
Cotton
Curtis
Dominick
Eagleton
Edwards
Fannin
Goldwater
Gravel
Griffin
Hansen
Hatfield
Humphrey
Javits
Kennedy
McGee
McGovern
McIntyre
Miller
Mondale
Mundt
Muskie
Pell
Sparkman
Spong
Stennis
Taft
Tower
Weicker
Young

So Mr. HARRIS' amendment was rejected.

Mr. ROBERT C. BYRD. Mr. President, I would hope that the hot lines in the respective cloakrooms will put out the word that the yea and nay votes for the remainder of the day will continue to take 10 minutes. On this last one, one of the hot lines was not working, and that is the reason why we went beyond the time a little.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the last amendment was rejected.

Mr. BIBLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

> At the end of the bill add a new section numbered appropriately, to read as follows:
>
> "Section —: The funds authorized by this Act shall constitute the entire federal contribution to the 1976 Winter Olympic Games, except as may be expressly authorized hereafter by the Congress."

Mr. HARRIS. Mr. President, the distinguished Senator from Colorado several times, in argument on this bill, has said this is the full authorization of funds for the winter Olympics of 1976. I refer to the Federal funds of $15.5 million contained in the bill. This amendment would hold us to that. No other funds could be used as a contribution of the Federal Government to the winter Olympics of 1976 except the $15.5 million actually authorized in this bill or as might be hereafter expressly authorized by the Congress.

That is the plain statement and intent of the amendment. I hope it may be adopted.

Mr. ALLOTT. Mr. President, the yeas and nays have been ordered on this amendment.

I yield myself such time as I may need.

I deeply feel this amendment is not necessary at all, Mr. President. It just adds words to the bill, because what this amendment does, as several other amendments have done, is state what the law is. This Congress cannot bind the next one.

I oppose it, as a matter of principle, on the ground that it garbles the legislation. That is all it does. I would suggest that we reject the amendment.

Mr. HARRIS. Mr. President, I yield myself such time as I may need.

With reference to what the Senator from Colorado has said about this amendment, it is not intended to bind the next Congress. The intent is to bind this Congress and this administration so that it cannot take money out of the housing budget, it cannot take money out of the transportation budget, it cannot take money out of the Department of Defense budget, it cannot take money out of the agricultural budget, except as would be spent anyway in connection with these games, and spend it as an additional Federal contribution to these games over and above what is expressly authorized in this act.

That is what the intent of this amendment is. I want to put a lid on Federal expenditures by providing that there is no intention to make a contribution to these games, over and above what would otherwise be spent, from the existing budgets in the other agencies.

Mr. ALLOTT. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROTH). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma (Mr. HARRIS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting the Senator from Louisiana (Mrs. EDWARDS) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Also, the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 11, nays 52, as follows:

[No. 437 Leg.]

YEAS—11

Bayh
Byrd,
  Harry F., Jr.
Church
Cook
Harris
Hart
Hughes
Mansfield
Nelson
Proxmire
Ribicoff

NAYS—52

Aiken
Allen
Allott
Anderson
Beall
Bennett
Bentsen
Bible
Brooke
Burdick
Byrd, Robert C.
Case
Chiles
Cooper
Cranston
Dole
Eastland
Ervin
Fong
Gambrell
Gurney
Hartke
Hollings
Hruska
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
Metcalf
Montoya
Moss
Packwood
Pastore
Pearson
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Williams

NOT VOTING—37

Baker
Bellmon
Boggs
Brock
Buckley
Cannon
Cotton
Curtis
Dominick
Eagleton
Edwards
Fannin
Fulbright
Goldwater
Gravel
Griffin
Hansen
Hatfield
Humphrey
Javits
Kennedy
McGee
McGovern
McIntyre
Miller
Mondale
Mundt
Muskie
Pell
Percy
Sparkman
Spong
Stennis
Taft
Tower
Weicker
Young

So Mr. HARRIS' amendment was rejected.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BIBLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I have two unanimous-consent requests. I ask unanimous consent to have printed in the RECORD a letter from Bickert, Browne, Coddington & Associates, Inc.

There being no objection, the letter was ordered to be printed in the RECORD: as follows:

BICKERT, BROWNE, CODDINGTON
& ASSOCIATES, INC.,
Denver, Colo., May 22, 1972.

Mr. CARL DETEMPLE,
President, Denver Olympic Committee,
Denver, Colo.

DEAR CARL: Within the past 15 months there have been numerous efforts directed at gauging public opinion regarding the 1976 Winter Olympic Games. Some of those efforts were valid surveys of opinion; some were not. Some were conducted statewide; others were limited in geographical scope.

Unfortunately, there exists no current, valid measure of reactions to the Games. However, this letter will attempt to review and synthesize the existing data and make an informed estimate of current opinion. The various studies are reviewed in chronological order of data collection and not in order of perceived validity.

COLORADO STATE REPUBLICAN CENTRAL COMMITTEE—JUNE 1971

This survey covered 807 registered voters in Colorado aged 18 and older. Two questions pertaining to the Olympics were asked:

1. "Do you agree that the 1976 Winter Olympics are basically good for Colorado and should be held here?"
2. "Do you agree or disagree that the state should provide some of the necessary funds?"

The first question is heavily biased in the direction of a favorable reply, leading one to anticipate a more favorable response than was actually obtained. On that question 66 percent agreed, 27 percent disagreed, and eight percent had no opinion. Generally, Republicans (74 percent) were more supportive of the Games than were Democrats (64 percent). Independents were least supportive of the Games (52 percent). Support was strongest on Colorado's Western Slope and weakest in the Denver suburbs. Individuals aged 60 and older were more negative toward the Games than any other age group.

The overall response to the second question is more difficult to determine, since the results were reported only for those individuals who supported the Olympics. Of that 66 percent, 84 percent favored spending some state money to prepare for the Games.

WHEAT RIDGE HIGH SCHOOL OLYMPIC SURVEY—JANUARY 1972

The Distributive Education Club of Wheat Ridge High School distributed 1,300 questionnaires in 17 Colorado communities. The study, although an excellent high school demonstration project, had serious methodological flaws when judged by professional standards for public opinion research. Those drawbacks ranged from a favorably biased wording of the main question (i.e., "Are you in favor of having the '76 Olympics in Colorado?") to a non-scientific procedure for selecting respondents (e.g., students were permitted to choose their own "random" respondents from a quota which called for at least 25 of every 100 interviews in an area to be conducted with high school seniors in that area, and the remainder of the 100 to be equally divided between businesses and homeowners).

Of the 921 persons who answered the above question, 64 percent favored the 1976 Winter Games and 36 percent opposed them. As was found in the earlier noted survey, Republicans were more supportive than either Democrats or Independents. The majority of the under-21 age group (39 percent of the sample) opposed the Games, principally for ecological reasons. Pro-Olympic attitudes were most heavily concentrated in the over-45 group, roughly 20 percent of the sample).

Eight other questions related to the Olympics were also asked. Generally, the responses were favorable to the Olympic effort by a margin of six to four.

ROCKY MOUNTAIN NEWS OLYMPIC BALLOTT—FEBRUARY 1972

The Sunday, February 27 edition of the *Rocky Mountain News* contained a ten question ballot to determine the attitudes of its readership regarding the 1976 Winter Olympics. Although the ballot was not advertised prior to its publication, the *News* recognized that the procedure was not a valid indicator of public opinion due to the tendency for individuals with strongly held opinions to respond to such a ballot. For that reason the telephone survey described below was conducted concurrently. However, the format of the questions in the ballot was unbiased (e.g., "How do you personally feel about the following aspects of the 1976 Winter Olympic Games: Holding the 1976 Winter Olympics in Colorado? — Favor — Oppose").

The results were nearly opposite those found in the two earlier studies reported: 62 percent opposed the Games, while 37 percent favored them. Economics rather than environmental issues appeared to account for the negative response. Opposition was greatest in the lowest income bracket and decreased among the upper income categories. Negative reactions to the Games were strongest among registered voters in the 18–20 and over-50 age groups.

TELEPHONE SURVEY CONDUCTED BY BICKERT, BROWNE, CODDINGTON & ASSOCIATES (BBC)—MARCH 1972

Due to the recognition of the potential bias in the ballot by the Rocky Mountain News, that organization commissioned BBC to conduct a telephone survey of registered voters in the five county metropolitan area. Three of the unbiased ballot questions were used. However, the survey was limited in scope to the Denver Metropolitan Area.

Of the 393 individuals interviewed, 57 percent favored the Winter Games, 32 percent opposed them, and 11 percent had no opinion. The disparity between the two sets of results can be accounted for by the fact that opponents of the Games seem to react to the issues more intensely than do proponents. Therefore, they tend to be more vocal and better organized. However, the telephone survery confirmed the News finding that a majority of registered voters supported a statewide referendum on the 1976 Winter Olympic Games.

SUMMARY

The following conclusions regarding the current state of opinion appear to be warranted:

1. Proponents of Games are in the majority in Colorado, probably by a margin of 60–40,
2. Opposition to the Games is greatest among Democrats and thus tends to be high in Denver County, where registered Democrats have a large plurality.
3. Support of the Games is highest in the 30–49 age group. Opposition in the lower age categories centers around environmental reasons, whereas the elderly are more likely to oppose the Games for economic reasons.
4. There has been a public attrition of support for the Games in the past year. However, opposition may have peaked several months ago.
5. There is general support for a statewide referendum on the issue. However, with the information at hand there is no reliable way of predicting the outcome of a referendum which has as its focus the continued spending of state funds.

I hope that the preceding analysis is of assistance.

Sincerely,

CARL VON E. BICKERT,
Senior Vice President.

Mr. ALLOTT. Mr. President, I ask unanimous consent that a statement by my colleague from Colorado (Mr. DOMINICK), be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR DOMINICK

As a co-sponsor of S. 3531 with my colleague from Colorado, Senator Gordon Allott, I urge favorable action regarding this bill.

The purpose of the bill is to authorize federal funds not to exceed $15½ million for the construction of necessary facilities to be used in connection with the 12th International Winter Olympic Games, which are scheduled to be held in Colorado in 1976. The 1976 Winter Olympic Games have been designated as an official bicentennial event by the American Revolution Bicentennial Commission and are scheduled to be held in February 1976. The games will provide one of the early events in our nation's 200th birthday celebration and the bill authorizes the appropriation of funds to plan, design and construct facilities and sites for Winter Olympic events such as speed skating, figure skating, hockey, ski jumping, cross country skiing and luge.

Mr. President, one proviso of the bill deserves particular mention. At the time of the general election on November 7, 1972, there will be on the ballot in Colorado an initiated amendment to the Constitution of the State of Colorado which if adopted would prohibit appropriation or loaning of state funds for the purpose of aiding or furthering the 1976 Winter Olympics.

S. 3531 provides that none of the federal monies appropriated shall be expended if the initiated amendment is adopted by the electorate in Colorado on November 7, 1972. Adoption of this bill will allow the Denver Olympic Organizing Committee and International Olympic Committee to continue their plans for a successful 1976 Winter Olympic Games. With the spotlight on our nation and my State of Colorado every effort should be made to bring together in 1976 the olympic athletes of the world in a peaceful setting in furtherance of the goals and ideals under which the Olympics should continue. Testimony at the hearings before the Senate Interior and Insular Affairs Committee indicated a need of up to 19.9 million dollars in federal funds. This amount was reduced by the Interior Committee for $15½ million on the basis of information to the effect that the Bobsled event will be held at Lake Placid, New York, thus eliminating the need for the construction of the bobsled run.

Mr. President, I urge the adoption of S. 3531.

Mr. HARRIS. I yield myself 3 minutes.

Mr. President, I intend to vote against this wasteful and ill-considered bill—first of all, because the people of Colorado, in a statewide referendum in November, are going to decide whether they want to put any money in it, whether they want it in their State at all, and there are indications that the majority do not. We ought to wait.

Second, the real costs have not been determined. We are voting on estimates which the sponsors agree are purely preliminary and in some cases conceptual, not based on design or anything except conjecture in many instances.

Third, there has been no real assessment and report concerning any afteruse of these facilities. They are mostly going to be a one-time thing for a very few people, causing enormous environmental damage, spending the taxpayers' money, and of not much benefit thereafter for anybody else.

Fourth, I believe that, as the distinguished Senator from California (Mr. TUNNEY) said, that the games in Munich raised very grave and serious questions about the management of the International Olympics Committee; and I believe the Senate ought to know more about that before we proceed to put Federal money into other Olympics games.

Fifth, the taxpayers' benefit will be very minimal. We are being asked to tax working-class people, who are already taxed far too much in this country, while a lot of rich people are not paying their fair share, for rich men's games, so that people like John D. Murchison of Vail Associates can become richer, so that the land speculators in Colorado can do better. Working-class people are asked to foot the bill. I think that an unjustified expenditure of their funds.

Last, Mr. President, we do not know about alternative sites that could be used for these games, if they are to be held at all. Sites such as Lake Placid and Squaw Valley are already in existence and could be recycled, with little environmental damage and at much less cost to the taxpayers, in the view of many people.

I intend to vote against this wasteful bill.

Mr. BIBLE. Mr. President, I think that all the points just made by the Senator from Oklahoma have been made during the debate today. I have nothing further to add. All those points have been completely laid at rest. The bill was reported unanimously by the Committee on Interior and Insular Affairs. I highly recommend that it pass.

I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. On this vote I have a pair with the Senator from Colorado (Mr. DOMINICK). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Minnesota (Mr. HUMPHREY) would vote yea."

On this vote, the Senator from Louisiana (Mrs. EDWARDS) is paired with the Senator from Nevada (Mr. CANNON).

If present and voting, the Senator from Lousiana would vote "yea" and the Senator from Nevada would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator in Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Also, the Senator from New York (Mr. (BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from Colorado (Mr. DOMINICK) has been previously announced.

The result was announced—yeas 60, nays 3, as follows:

[No. 438 Leg.]

YEAS—60

Aiken
Allen
Allott
Anderson
Bayh
Beall
Bennett
Bentsen
Bible
Brooke
Burdick
Byrd, Harry F., Jr.
Byrd, Robert C.
Case
Chiles
Church
Cook
Cooper
Cranston
Dole
Eastland
Ervin
Fong
Gambrell
Gurney
Hart
Hartke
Hollings
Hruska
Hughes
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
Long
Magnuson
Mathias
McClellan
Metcalf
Montoya
Moss
Nelson
Packwood
Pastore
Pearson
Proxmire
Randolph
Roth
Saxbe
Schweiker
Scott
Smith
Stafford
Stevens
Stevenson
Symington
Talmadge
Thurmond
Tunney
Williams

NAYS—3

Fulbright
Harris
Ribicoff

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against

NOT VOTING—36

Baker
Bellmon
Boggs
Brock
Buckley
Cannon
Cotton
Curtis
Dominick
Eagleton
Edwards
Fannin
Goldwater
Gravel
Griffin
Hansen
Hatfield
Humphrey
Javits
Kennedy
McGee
McGovern
McIntyre
Miller
Mondale
Mundt
Muskie
Pell
Percy
Sparkman
Spong
Stennis
Taft
Tower
Weicker
Young

So the bill (S. 3531) was passed, as follows:

S. 3531

An act to authorize the Secretary of the Interior to disburse funds appropriated by Congress for the planning, design, and construction of recreational facilities in connection with the 1976 Winter Olympic Games

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress has declared it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources; and declares that the XII International Winter Olympic Games which are to be held in the United States in 1976, as a part of the American Revolution Bicentennial Celebration, are in furtherance of stimulating an awareness of outdoor recreation activities.

SEC. 2. There is authorized to be appropriated to the Secretary of the Interior a sum not to exceed $15,500,000 (December 1971 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to advance and pay as he deems appropriate, to cities or counties, or both, in the State of Colorado to be used to plan, design, and construct necessary facilities in connection with XII Winter Olympic Games, such funds to remain available until expended: *Provided, however,* That none of the funds appropriated pursuant to this section shall be expended upon the adoption of an initiated amendment to the constitution of the State of Colorado at the November 7, 1972, election, the purpose of which is to prohibit appropriating or loaning State funds for the purpose of aiding or furthering the 1976 Winter Olympic Games.

SEC. 3. Prior to paying any funds authorized under section 2 of this Act, the Secretary of the Interior shall be satisfied that the facilities will be designed and constructed in a manner which will assure maximum continued public use and benefit consistent with the primary purpose of the bill which is to secure the construction at reasonable cost of necessary facilities for the XII International Winter Olympic Games and an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 is filed with respect to the actions authorized in this Act. The provisions of this section shall not apply to the expenditure of funds for environmental studies, engineering and planning.

SEC. 4. The provisions of title VII of the Civil Rights Act of 1964 shall apply with respect to the employment of individuals in any construction project assisted pursuant to this Act and to the employment of individuals in connection with the XII International Winter Olympic Games.

SEC. 5. (a) Each recipient of assistance under this Act shall keep such records as the Secretary of the Interior shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary of the Interior and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

SEC. 6. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

SEC. 7. There is also authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for administration of this Act, such funds to remain available until expended.

TITLE II—NATIONAL COMMISSION ON THE OLYMPIC GAMES

FINDINGS

SEC. 201. The Congress hereby finds and declares—

(a) the United States Olympic Committee was created as a Federal corporation by Act of Congress which gives that Committee responsibility for the participation by the United States in the Olympic Games and which requires the Committee to submit annual reports to Congress;

(b) the Federal charter granted by Congress to the United States Olympic Committee grants to that Committee exclusive jurisdiction over all matters pertaining to the participation of the United States in the Olympic Games;

(c) serious problems have arisen in the conduct of Olympic Games, both Summer and Winter, which have led to widespread criticism of certain aspects of the Games and of the manner in which the United States administers its preparation for and participation in the Games;

(d) an evaluation is required of the form of organization and the means by which the United States can participate most effectively in the Olympic Games and provide leadership in accomplishing appropriate action which will assure that future Games will be organized and conducted in a manner which will contribute to the high ideals of the Games; and

(e) a National Commission on the Olympic Games would provide a means of determining constructive action toward accomplishing these goals and preparing specific legislative proposals which would command broad public powers.

ESTABLISHMENT

SEC. 202. There is hereby established a National Commission on the Olympic Games (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 203. The Commission shall be composed of seven public members who shall be appointed by the President. Such members shall be selected with the purpose of assuring objective consideration of all viewpoints and no member shall be an officer or director, past or present, of the United States Olympic Committee or any national athletic association or federation.

ADMINISTRATIVE

SEC. 204. The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 205. (a) The Commission shall review the participation by the United States in the Olympic Games and, if it recommends that such participation should be continued, shall also recommend the form of organization by means of which the United States should participate in the Olympic movement and shall present specific proposals for the legislative action required to carry out that recommendation.

(b) In formulating its specific legislative proposals the Commission shall take into account:

(1) the objectives of the modern Olympic movement and the extent to which those objectives are being met;

(2) the manner in which Olympic Games are administered, with particular attention to the views of those who participate in those games as athletes, coaches, officials, or otherwise or who have attended such Games in any other capacity;

(3) the role which the United States Olympic Games Committee has played in international sports and the manner in which United States participation in the Olympic Games has been organized and administered by the Committee;

(4) the policies which would assure the selection on a fair and equitable basis of the best qualified athletes, coaches, managers, trainers and other officials and which would provide the maximum opportunity for persons to develop their athletic skills and participate in international athletic competition; and

(5) the arrangements which will best protect the interests of the individual athletes during the period of their training, travel, and participation in the Games.

(c) The Commission shall submit to the President and to the Congress an interim report with respect to its findings and recommendations not later than February 1, 1973. A final report of its findings and recommendations shall be submitted to the President and the Congress not later than July 31, 1973.

POWERS

SEC. 206. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals; and

(3) hold such hearings, sit and act at such times and places, and administer such oaths, as the Commission or any subcommittee or member thereof may deem advisable.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Commission is further authorized to request from any public or private organization or agency and to obtain from the United States Olympic Committee any information deemed necessary to carry out its functions.

(c) Four members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

COMPENSATION

SEC. 207. Members of the Commission shall receive $125 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

TERMINATION

SEC. 209. The Commission shall cease to exist thirty days after the submission of its final report.

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to disburse funds appropriated by Congress for the planning, design, and construction of recreational facilities in connection with the 1976 Winter Olympic Games."

Mr. ALLOTT. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title will be appropriately amended.

WINTER OLYMPICS

Mr. MANSFIELD. Mr. President, I simply wish to commend the distinguished Senator from Oklahoma (Mr. HARRIS) for undertaking the task he felt compelled to perform in opposition to this Winter Olympics proposal. With the memory of Munich still fresh in our minds, it is easy to understand his deep concern for such a proposal. May I say that however unsuccessful it may have been in convincing Members of the merit of his position, the advocacy and deep feeling he brought to the debate could not have been more forceful or sincere. He is to be commended.

Deserving similar commendation is the distinguished Senator from Colorado (Mr. ALLOTT) who, as the ranking minority committee member, managed the proposal. It was done so with characteristic skill and ability. Its wide acceptance by the Senate speaks abundantly for his effectiveness.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON FINAL DETERMINATION OF CLAIM OF CERTAIN INDIANS

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination in respect to Docket No. 22–D, the San Carlos Apache Tribe of Arizona; the White Mountain Apache Tribe of the Fort Apache Indian Reservation; the White Mountain Apache Tribe or Group, the San Carlos Apache Tribe or Group, the Cibecue Apache Tribe or Group, the Northern Tonto Apache Tribe or Group, the Southern Tonto Apache Tribe or Group, and the several bands of each of them, plaintiffs, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

STATISTICAL SUPPLEMENT, STOCKPILE REPORT

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a statistical supplement, stockpile report, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on Air Force military construction contracts awarded without formal advertisement, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the General Assembly of the State of Maryland; to the Committee on Veterans' Affairs:

"SENATE JOINT RESOLUTION NO. 64

"Senate Joint Resolution requesting the Department of Defense to acquire additional land within the State for use as a National Cemetery.

"Whereas, Many citizens of Maryland are veterans or relatives of veterans and hereby entitled to burial in a National cemetery; and

"Whereas, National cemeteries are rapidly becoming overcrowded, thereby necessitating a curtailment of the honor of being laid to rest on government property; and

"Whereas, It is unfortunate that many qualified persons within this state will be denied their privilege to be buried in a National cemetery by reason of a shortage of available space set aside for use as a National cemetery; and

"Whereas, There are several veterans' organizations which would probably be willing to donate land for this use if requested; now, therefore, be it

"Resolved by the General Assembly of Maryland, That the Department of Defense be requested to acquire additional land in Maryland for use as a National cemetery; and be it further

"Resolved, That the Secretary of State send copies of this Resolution to the United States Department of Defense, President Richard M. Nixon, Vice-President Spiro T. Agnew, the Maryland Congressional Delegation and the Maryland Veterans Commission."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes (Rept. No. 92–1128).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 2185. An act to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians (Rept. No. 92–1129).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 10436. An act to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes (Rept. No. 92–1130).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 3256. A bill to designate the Aldo Leopold Wilderness, Gila National Forest, N. Mex. (Rept. No. 92–1132).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

H.R. 15376. An act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes (Rept. No. 92–1131).

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with an amendment:

S. 555. A bill to authorize the establishment of an older worker community service program (Rept. No. 92–1133), together with supplemental views.

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with amendments:

S. 887. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology (Rept. No. 92–1134).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

S. 3987. A bill to replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational and comprehensive rehabilitation services, to authorize supplementary funds for vocational and comprehensive rehabilitation services to severely handicapped individuals, to expand special Federal responsibilities and research and training with respect to handicapped individuals, to establish an Office for the Handicapped within the Department of Health, Education, and Welfare, and for other purposes (Rept. No. 92–1135).

By Mr. SPONG, from the Committee on Commerce, with an amendment:

S. 3818. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes (Rept. No. 92–1136).

By Mr. LONG, from the Committee on Commerce, with amendments:

H.R. 9756. An act to amend the Merchant Marine Act, 1936, as amended (Rept. No. 92–1137).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 2589. An act to amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form (Rept. No. 92–1144).

By Mr. HRUSKA, from the Committee on the Judiciary, without amendment:

H.R. 14974. An act to amend certain provisions of law relating to the compensation of the Federal representative on the Southern and Western Interstate Nuclear Boards (Rept. No. 92–1146).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

S. 3483. A bill for the relief of Cass County, N. Dak. (Rept. No. 92–1143).

By Mr. ERVIN, from the Committee on the Judiciary, with amendments:

S. 2373. A bill to authorize the merger of two or more professional basketball leagues, and for other purposes (Rept. No. 92–1151).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, without amendment:

S. 2762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah (Rept. No. 92–1138).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1144. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture (Rept. No. 92–1139).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 2901. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Colorado River in the State of Utah as a component of the national wild and scenic rivers system (Rept. No. 92–1140); and

S. 3466. A bill to establish the Lone Peak Wilderness Area in the State of Utah (Rept. No. 92–1142).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 3113. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif. (Rept. No. 92–1141).

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 3943. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes (Rept. No. 92–1145).

By Mr. ROBERT C. BYRD (for Mr. MCCLELLAN) from the Committee on the Judiciary, with an amendment:

S. 3452. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees (Rept. No. 92–1149).

By Mr. ROBERT C. BYRD (for Mr. MCCLELLAN) from the Committee on the Judiciary, without amendment:

H.R. 6204. An act for the relief of John S. Attinello (Rept. No. 92–1148); and

S. 2501. A bill for the relief of Daniel H. Robbins (Rept. No. 92–1147).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with an amendment:

S. 3598. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans (Rept. No. 92–1150).

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON) from the Committee on Commerce, with an amendment:

S. 1911. A bill to amend the Interstate Commerce Act to expedite the making of amendments to the uniform standards for evidencing the lawfulness of interstate operations of motor carriers (Rept. No. 92–1152).

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON) from the Committee on Commerce, with amendments:

S. 2952. A bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road (Rept. No. 92–1153);

S. 3843. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972 (Rept. No. 92–1154).

By Mr. HARTKE, from the Committee on Commerce, with amendments:

S. 2362. A bill to restore and maintain a healthy transportation system, to provide financial assistance to encourage investment, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes (Rept. No. 92–1155, together with additional views).

By Mr. SPONG, from the Committee on Commerce, without amendment:

S. 3994. An original bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes (Rept. No. 92–1156, together with supplemental views); and

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft (Rept. No. 92–1157).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3995. An original bill to provide Federal loan guarantee assistance for certain common carriers (Rept. No. 92–1158, together with minority views).

By Mr. ROBERT C. BYRD (for Mr. SPONG) from the Committee on Commerce, with amendments:

H.R. 12186. An act to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes (Rept. No. 92–1159).

AUTHORITY FOR THE COMMITTEE ON PUBLIC WORKS TO FILE ITS REPORT ON S. 3342 BY MIDNIGHT TUESDAY, SEPTEMBER 19, 1972.

Mr. RANDOLPH. Mr. President, on Thursday, September 14, the Committee on Public Works ordered reported S. 3342, the Environmental Noise Control Act of 1972. This is a major piece of environmental legislation which promises to substantially reduce the growing problem of noise. This bill is the product of hearings, in Washington and in the field, and extensive discussion in executive sessions of the Committee on Public Works and its Subcommittee on Air and Water Pollution.

Mr. President, members of the committee have given notice of their intention to file individual views on this bill and have asked for 3 legislative days in which to do so. In view of this, I ask unanimous consent that the Committee on Public Works be allowed to file its report on S. 3342, together with individual views, by midnight, Tuesday, September 19, 1972.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, reserving the right to object—and I shall not object—the original House bill was subject to referral to the Committee on Commerce for its consideration. The bill reported yesterday by the Committee on Public Works technically would not be referred to the Committee on Commerce; but I am sure that if we found out that we needed to have just one meeting or a brief period, the Senator from West Virginia and the committee would agree to it.

Pursuant to that, after the Committee on Public Works files its final report, we are going to have a meeting on Wednesday morning in which we will discuss this matter as it affects the aviation part of the bill; and it may be that after that discussion the committee may not want to have a referral, or they may.

I just wanted to announce this to the Senate, that that is part of the procedure under the bill.

Mr. RANDOLPH. Mr. President, the able chairman of the Committee on Commerce, of course, speaks of the interests of his fellow members in the measure. That is why the unanimous-consent request was made for filing the report by midnight Tuesday, knowing that such a meeting was to be held on Wednesday. We did order the bill reported yesterday.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE A REPORT ON H.R. 15376 BY MIDNIGHT TONIGHT

Mr. WILLIAMS. Mr. President, the Committee on Labor and Public Welfare has ordered reported H.R. 15376, the Service Contract Act Amendments of 1972.

I therefore report the bill (H.R. 15376) ask unanimous consent to file the report by midnight tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME TO FILE BASKETBALL MERGER BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight to file the so-called basketball merger bill, the report thereon to be filed not later than Monday night.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO FILE REPORT ON S. 3598 BY MIDNIGHT MONDAY, SEPTEMBER 18, 1972

Mr. WILLIAMS. Mr. President, the Committee on Labor and Public Welfare has ordered reported S. 3598, the Retirement Income Security for Employees Act. I ask unanimous consent to report the bill, S. 3598, and ask permission to file the report by midnight, Monday, September 18, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT COMMITTEE REPORT ON SENATE RESOLUTION 296 NOT APPEAR ON THE CALENDAR UNTIL TUESDAY, SEPTEMBER 19, 1972

Mr. ROBERT C. BYRD. Mr. President, on yesterday the Committee on Rules and Administration ordered reported Senate Resolution 296. I ask unanimous consent that that committee report not appear on the calendar until Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO FILE REPORT ON S. 3818 BY THURSDAY, SEPTEMBER 21, 1972

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Virginia (Mr. Spong), I ask unanimous consent that the Committee on Commerce have until midnight to file the bill S. 3818 with accompanying report, to be filed no later than Thursday, September 21, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO FILE REPORTS ON S. 2952 AND S. 1911 BY MIDNIGHT TONIGHT AND TO FILE REPORTS BY SEPTEMBER 21, 1972

Mr. ROBERT C. BYRD. Mr. President, on behalf of the senior Senator from Washington (Mr. Magnuson), I ask unanimous consent to file S. 2952, planning of transit line to Dulles Airport, and S. 1911, to amend the Interstate Commerce Act to expedite the making of amendments to the uniform standards for evidencing the lawfulness of interstate operations of motor carriers, by midnight tonight and to file the report by September 21, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE A REPORT ON S. 3987 BY MIDNIGHT WEDNESDAY, SEPTEMBER 20, 1972

Mr. CRANSTON. Mr. President, the Committee on Labor and Public Welfare has ordered reported S. 3987, the Rehabilitation Act of 1972.

Mr. President, I ask unanimous consent to report the bill, S. 3987, and also ask unanimous consent to file the report by midnight Wednesday, September 20, 1972.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MAGNUSON (by request):

S. 3989. A bill to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials;

S. 3990. A bill to amend the Fish and Wildlife Act of 1956, and for other purposes;

S. 3991. A bill to authorize the Secretary of Commerce to permit not more than thirty persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy; and

S. 3992. A bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures. Referred to the Committee on Commerce.

By Mr. BURDICK:

S. 3993. A bill to establish the Parole Commission, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. SPONG, from the Committee on Commerce:

S. 3994. An original bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes. Ordered to be placed on the calendar.

By Mr. MAGNUSON, from the Committee on Commerce:

S. 3995. A bill to provide Federal loan guarantee assistance for certain common carriers. Ordered to be placed on the calendar.

By Mr. ROBERT C. BYRD (for Mr. McClellan):

S.J. Res. 268. A joint resolution authorizing the President to designate the first week in May of each year as "One Nation Under God Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (by request):

S. 3989. A bill to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials, and ask unanimous consent that the letter of transmittal be printed in the Record with the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the Record, as follows:

Secretary of Transportation,
Washington, D.C., August 25, 1972.

Hon. Spiro T. Agnew,
President of the Senate,
Washington, D.C.

Dear Mr. President: There is transmitted herewith a draft of a proposed bill,

"To deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials."

The proposed bill would amend section 77 of Title 46, United States Code, to permit the deduction from gross tonnage of a vessel, in determining net tonnage, of certain spaces used for carriage of slop oil mixture or other waste materials, including sewage, and machinery used exclusively to separate, clarify or purify slop oil mixture or sewage.

In May and June of 1967, certain amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, came into effect. These amendments greatly increased the number of areas and zones in which the discharge of oil and oily mixture is prohibited. Thus, shipowners now find it necessary to retain slop oil on board vessels in spaces which would otherwise be available for the carriage of cargo. In similar vein, recent and anticipated anti-pollution statutes and regulations indicate a growing trend for vessel holding tanks for the retention of sewage and other liquid wastes. The provisions of the proposed bill would afford an additional incentive for, and encourage cooperative efforts on the part of, shipowners and operators in behalf of the program for prevention of pollution of the seas by omitting from the taxable net tonnage spaces which would not be revenue producing because they would be reserved for the carriage of slop oil and other wastes.

A similar bill, H.R. 11533, but not including the sewage aspect, was introduced in the 89th Congress, First Session. It was subsequently decided, however, that since the entire problem of tonnage measurement was under consideration by the Intergovernmental Maritime Consultative Organization (IMCO) on an international basis, the proposal in H.R. 11533 should not be dealt with on a unilateral basis by the United States but should be referred to IMCO for consideration and action.

The United States presented a proposal containing the provisions of H.R. 11533 to IMCO in September 1966. This proposal was approved by the IMCO Subcommittees on Tonnage Measurement and Oil Pollution and Maritime Safety Committee and finally by the IMCO Assembly at its Fifth Session in October 1967. Accordingly, it was determined appropriate to proceed with domestic legislation and this Department proposed it in the 91st Congress. H.R. 6970 and S. 1239 were introduced but were not subject to Congressional action. The current proposal has been changed to include sewage or other waste materials spaces as within the admeasurement deduction, to provide for consultation with the Administrator of the Environmental Protection Agency in the issuance of regulations, and to clarify the regulatory authority.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

John A. Volpe.

S. 3989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4153 of the Revised Statutes (46 U.S.C. 77) is amended by inserting following subsection (d) the following new paragraph:

"(e) Space occupied by machinery used exclusively to separate, clarify, or purify a ship's own slop oil mixture or tank-cleaning residue or other waste materials, including sewage, and space occupied by any tank or tanks used exclusively for the carriage of such slop oil mixture, tank-cleaning residue or other waste materials, but not to exceed a maximum space deduction established by regulation hereunder. The Secretary of the Department in which the Coast Guard is operating, in consultation with the Administrator of the Environmental Protection Agency, shall issue regulations to define the slop oil mixtures, cleaning residue, and waste materials, establish the maximum deductions which may be made, define the manner in which the spaces shall be used and marked, and as necessary otherwise to carry out the provisions of this subsection."

Sec. 2. Section 4153 of the Revised Statutes (46 U.S.C. 77) is further amended by redesignating existing subsections (e) through (i) as (f) through (j).

By Mr. MAGNUSON (by request):

S. 3990. A bill to amend the Fish and Wildlife Act of 1956, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, at the request of the administration, an administrative housecleaning measure to simplify the organization of the fisheries and wildlife section of the Interior Department. I ask unanimous consent that the bill and an explanatory statement from the Department be included in the RECORD at this point.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 3990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Fish and Wildlife Act of 1956 (70 Stat. 1120), as amended (16 U.S.C. 742b), is further amended by striking all after the second sentence of subsection (a) thereof, and by substituting therefor the following:

"(b) There is established within the Department of the Interior a United States Fish and Wildlife Service. The Commissioner of Fish and Wildlife shall be appointed by the President by and with the advice and consent of the Senate.

"(c) Except as prescribed by Reorganization Plan No. 4 of 1970, the United States Fish and Wildlife Service shall succeed to and replace the United States Fish and Wildlife Service as constituted on the date of enactment and the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, and except as affected by said Reorganization Plan, all laws and regulations now in effect relating to matters heretofore administered by the Department of the Interior through the United States Fish and Wildlife Service as constituted on the date of enactment and the Bureau of Sport Fisheries and Wildlife shall remain in effect. The functions of the United States Fish and Wildlife Service hereby established shall be administered under the supervision of the Commissioner, who shall be subject to the supervision of an Assistant Secretary.

"(d) All functions and responsibilities placed in the Department of the Interior or any official thereof by this Act shall be included among the functions and responsibilities of the Secretary of the Interior, as the head of the Department, and shall be carried out under his direction pursuant to such procedures or delegations of authority as he may deem advisable and in the public interest."

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 11, 1972.

HON. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To amend the Fish and Wildlife Act of 1956, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration, and that it be enacted.

Section 3 of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16 U.S.C. 742b) provides an administrative framework for the exercise of Departmental responsibility in the area of fish and wildlife resources. There was established by that Act the position of an additional Assistant Secretary, to be known as the Assistant Secretary for Fish and Wildlife, and a United States Fish and Wildlife Service, comprised of a Bureau of Sport Fisheries and Wildlife and a Bureau of Commercial Fisheries. The functions of these separate bureaus, each administered by a Director, were to be supervised by the Commissioner of Fish and Wildlife who was, in turn, subject to supervision by the Assistant Secretary for Fish and Wildlife. The Directors were to be appointed by the Secretary and paid a salary equivalent to the grade of GS–17, while the Commissioner held office as a Presidential appointee, subject to confirmation by the Senate, at a salary level of GS–18. Except that salary levels were later increased to GS–18 and level V of the Executive Schedule for both Directors and the Commissioner, respectively, this plan remained effective until the adoption of Reorganization Plan No. 4 of 1970.

Reorganization Plan No. 4 of 1970 provided for transfer to the Secretary of Commerce of "all functions vested by laws in the Bureau of Commercial Fisheries . . . together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau . . ." and the marine sport fish program of the Bureau of Sport Fisheries and Wildlife. Section 6 of the Reorganization Plan abolished the Bureau of Commercial Fisheries and the office of its Director. Thus, the United States Fish and Wildlife Service now consists only of the Bureau of Sport Fisheries and Wildlife. Though technically unaffected by the Reorganization Plan, the position of Commissioner of Fish and Wildlife now entails the exercise of no responsibility not also assigned to the Director, Buerau of Sport Fisheries and Wildlife. The office of Commissioner has remained vacant since the resignation of the incumbent, shortly after implementation of the Reorganization Plan.

Our proposed amendment to section 3 of the Fish and Wildlife Act of 1956 would conform that Act to the realignment of responsibilities effected by Reorganization Plan No. 4 of 1970, while placing increased emphasis on the protection, preservation and enhancement of the Nation's sport fish and wildlife resources. We propose that (1) the Bureau of Sport Fisheries and Wildlife and the Office of its Director be abolished, (2) responsibilities for sport fish and wildlife resources vested by law, including the Fish and Wildlife Act of 1956, in the Secretary of the Interior be exercised through a newly constituted United States Fish and Wildlife Service, and (3) the responsibilities now assigned to the Director, Bureau of Sport Fisheries and Wildlife, be exercised by the Commisisoner of Fish and Wildlife. The position of Assistant Secretary for Fish and Wildlife would be unaffected by our amendment.

We believe that the realignment of programs resulting from Reorganization Plan No. 4 provides a timely opportunity to modify our internal organization for fish and wildlife programs as herein proposed. By providing for Presidential appointment of the Commissioner, and by providing that the Commissioner succeed to the direct program responsibilities now exercised by the Director, Bureau of Sport Fisheries and Wildlife, the Congress would lend added stature to this important position, and place the appointee at a level now occupied by most other heads of bureaus within the Department. It is appropriate that the person who occupies this position, and who administers programs which relate directly to our quest for environmental quality, be nominated by the President and confirmed by the Senate. A newly established United States Fish and Wildlife Service, which would succeed to the responsibilities and authorities of the United States Fish and Wildlife Service as now constituted and the Bureau of Sport Fisheries and Wildlife except as prescribed by Reorganization Plan No. 4 of 1970, could address with new spirit the tasks assigned to its predecessor agencies. It is anticipated that enactment of this draft legislation would result in no additional expenditure of Federal funds. Paragraph (42), section 5316, title 5, United States Code would continue to provide for compensation to the Commissioner of Fish and Wildlife at the rate of Level V, Executive Schedule.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RICHARD S. BODMAN,
Assistant Secretary of the Interior.

By Mr. MAGNUSON (by request):

S. 3991. A bill to authorize the Secretary of Commerce to permit not more than 30 persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to authorize the Secretary of Commerce to permit not more than 30 persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy, and ask unanimous consent that the letter of transmittal, and statement of purpose and need be printed in the RECORD with the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF COMMERCE,
Washington, D.C., Sept 5, 1972.

HON. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate.
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill—"To authorize the Secretary of Commerce to permit not more than thirty persons at a time from foreign countries to receive instructions at the United States Merchant Marine Academy," together with a statement of purpose and need in support thereof.

The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

PETER G. PETERSON,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

The draft bill would authorize the Secretary of Commerce to permit not more than thirty persons at a time from foreign countries to receive instruction at the United States Merchant Marine Academy at Kings Point. Such students would be sponsored by other United States Government Agencies which would pay the costs of such instruction. Upon the successful completion of the four year course of instruction such student would receive a Bachelor of Science degree.

In the past Kings Point has included special programs for small numbers of foreign students. These have been under the sponsorship of other Government agencies and at their expense. These programs have lasted for not more than 3 years and have not led to the Bachelor of Science degree.

The purpose of the draft bill is to admit foreign students to the full 4 year program at Kings Point and to grant such students the Bachelor of Science degree if they qualify for it. This program will fit the general operation of the Academy. It will provide these students with a better merchant marine education than would be available under special programs. Since the sponsoring agencies will pay the cost, the draft bill will not reduce the enrollment of United States citizens at Kings Point.

S. 3991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized to permit, upon designation by sponsoring United States Government Agencies, not more than thirty persons at a time from foreign countries, to receive instruction at the United States Merchant Marine Academy at Kings Point, New York. Funds for such instruction shall be provided by or through the sponsoring United States Government Agencies. The persons receiving instruction under the authority of this Act shall receive the same pay, allowances and emoluments and, subject to such exceptions as the Secretary of Commerce determines, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal and graduation as midshipmen at the Merchant Marine Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the Armed Forces of the United States or in the United States Merchant Marine by reason of their graduation from the Merchant Marine Academy.

By Mr. MAGNUSON (by request):

S. 3992. A bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

There being no objection, the letter and bill were ordered to be printed in the RECORD, as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The Commission has adopted as part of its legislative program a proposal to amend the Communications Act of 1934, as amended, with respect to forfeitures.

The proposal, which bears the reference FCC 72-519, would unify and simplify the forfeiture provisions as well as enlarge their scope to cover persons subject to the Act, but not subject to forfeitures, such as community antenna (CATV) systems.

The proposal would also provide for more effective enforcement of the forfeiture provisions. The limitation period for issuance of a notice of apparent liability would be extended from ninety days to three years for non-broadcast licensees and from one year for broadcast stations licensees to one year or the remainder of the current license term, whichever is greater. All other persons would be subject to a three year statute of limitations. The maximum amount of forfeiture that could be imposed for a single offense would be $2,000, and the maximum for multiple offenses would be $20,000 for broadcast licensees, permittees and common carriers, and, CATV systems. The maximum forfeiture for all other persons would be $5,000.

The Commission's draft bill to accomplish these revisions and the explanation of the draft bill have been submitted to the Office of Management and Budget for their consideration. We have now been advised that from the standpoint of the Administration's program, there is no objection to our submitting the draft bill to Congress for its consideration.

The Commission would appreciate consideration of the proposed amendments to the Communications Act of 1934 by the Senate. If the Senate or the Committee to which this bill may be referred would like any further information on it, the Commission will be glad to provide it upon request.

Sincerely,

DEAN BURCH, *Chairman.*

EXPLANATION OF PROPOSED AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934 TO UNIFY AND STRENGTHEN CERTAIN PROVISIONS FOR THE USE OF FORFEITURES AND PENALTIES

The Federal Communications Commission recommends the amendment of the Communications Act of 1934, as amended, to unify, simplify and make more effective the forfeiture provisions of sections 503(b) and 510. Section 503 provides for forfeitures where a broadcast licensee or permittee violates the terms of his license, the Communications Act, a Commission regulation, a cease and desist order issued by the Commission, or specified provisions of title 18 of the United States Code. Section 510 provides separately for forfeitures applicable to non-broadcast radio stations where any one of twelve specified offenses occurs. It also provides for the imposition of a forfeiture upon the operator of the station in particular cases. It is proposed to amend section 503(b) and repeal section 510 to place all of these classes of forfeiture under section 503(b), which would be expanded to apply to all persons (other than where ship or common carrier forfeitures are otherwise provided for) who violate the Communications Act, a Commission rule or order prescribed under the Communications Act or a treaty, the terms of a license permit, certificate, or other instrument of authorization, or the obscenity, lottery, or fraud provisions of title 18 of the United States Code.

The principal objective of the proposed legislation is to unify and simplify the forfeiture provisions; to enlarge their scope to cover persons subject to the Act but not now under the forfeiture provisions—such as cable systems (CATV), users of Part 15 or Part 18 devices, communications equipment manufacturers, and others also subject to Commission regulations who do not hold licenses issued by the Commission; and to provide for more effective enforcement.

Prior to 1960 the Commission was empowered to revoke station licenses or station construction permits and to issue cease and desist orders to any person violating the Communications Act or a Commission rule (see section 312 of the Act) and to suspend operator licenses (see section 303(m) of the Act). There was no provision for a penalty of lesser magnitude than revocation or denial of renewal of station licenses. Because a penalty affecting the license was not warranted for all violations, the Commission needed an alternative for dealing with those who should continue to hold licenses.

Therefore, in 1960 section 503(b), 74 Stat. 889, was enacted to give the Commission the enforcement alternative of imposing forfeitures in the case of broadcast licensees or permittees; and in 1962, section 510, 76 Stat. 68, was added to permit the Commission to impose forfeitures on non-broadcast radio licensees for twelve specific kinds of misconduct. These forfeitures have proved to be useful enforcement tools.

However, after nine years of experience and reevaluation under this enforcement scheme, the Commission has concluded that common procedures with uniform sanctions for common carriers, broadcast entities, and other electronic communications businesses subject to our jurisdiction are required to deal effectively with the many forms of misconduct that impede the policy and purposes of the Communications Act. Moreover, there is a need in addition to make forfeitures applicable to the many forms of non-broadcast radio licensee misconduct that are not now covered by the twelve categories in section 510. In light of these problems, the Commission recommends that non-broadcast radio licensees no longer be governed by section 510, which should be repealed, and that they be governed instead according to the provisions of section 503(b), which should be expanded. This comprehensive and uniform treatment would mean that the misconduct which is now subject to forfeiture under section 510 would become subject to forfeiture under the proposed section 503(b).

The proposed amendments would make three additional material alterations in the Communications Act's existing forfeiture provisions. First, the forfeiture sanction would be made available against all persons who have engaged in proscribed conduct. Therefore, the amended section 503(b) would reach not only the broadcast station licensees and permittees now covered by section 503(b) and the other station licensees and operators now covered by section 510, but also any person subject to any provisions of the Communications Act[1] or the Commission's rules as well as those persons operating without a valid station or operator's license, those operators not required to have a license, and those licensed radio operators who are now subject only to suspension under section 303(m).

Second, the limitations period for the issuance of notices of apparent liability would be extended for broadcast station licensees from the present one year to one year or the current license term, whichever is greater, and for non-broadcast radio station licensees subject to forfeiture under the proposal, the limitations period would be three years.

Third, the maximum amount of forfeiture that could be imposed for the acts or omissions set forth in any single notice of apparent liability would be modified as follows: (1) the maximum forfeiture that could be imposed for a single offense would be $2,000; and (2) the maximum forfeiture that could be imposed for multiple offenses would be (a) $20,000 in the case of a common carrier a broadcast station licensee or permittee, or a person engaged in distributing to the public broadcast signals by wire or engaged in distributing to the public other program services by wire if such activity is the subject of Commission regulation, and (b) $5,000 in the case of all other persons. Existing section 503(b) provides for a maximum of only $1,000 for single offenses by a broadcast station and $10,000 for multiple offenses. Those persons subject to existing section 510(a) are liable only for $100 for single offenses and a maximum of $500 for multiple offenses.

The proposed amendments to broaden the Commission's forfeiture authority would alleviate the difficulties caused by the lack of forfeiture authority against CATV systems (or other communications businesses that may become subject to our jurisdiction), users of incidental and restricted radiation devices, users of devices which contain radio frequency oscillators,[2] communications equipment manufacturers, persons operating without holding a required license, and others subject to Commission regulations. Except for the Commission's cease and desist authority, which is not an effective deterrent to misconduct, enforcement of the Act or Commission rules or orders against such persons now must be by judicial action under section 401 or criminal prosecution under sections 501 and 502.

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[1] A person subject to a forfeiture under title II or parts II or III of title III or section 507 of the Act would not, however, be subject to a forfeiture under the proposed section 503(b) for the same violation. This provision in the proposal is similar to a provision now in section 510.

[2] Part 15 of the Commission's rules governs the use of devices which only incidentally emit radio frequency energy and restricted radio devices such as radio receivers. Part 18 of the Commission's rules governs the use of industrial, scientific and medical equipment, such as industrial heating equipment, all of which incorporate radio frequency oscillators. Such devices are permitted to operate without issuance of an individual

In extending the forfeiture procedures to licensed operators, the proposed amendment would provide an administrative alternative to the sometimes unduly harsh penalty of license suspension now authorized in section 303(m). License suspension may be unduly harsh if it denies the offender his customary means of livelihood for the suspension period. License suspension may also cost the offender permanent loss of his job, or of his customers if he operates a mobile radio service maintenance business. The proposed extension of the section 503(b) forfeiture provisions to licensed operators would afford the Commission an effective medium for obtaining compliance by operators, but would not cause the secondary detriments which often stem from license suspension. The administrative penalty of forfeiture would also provide a more feasible alternative to cease and desist orders or judicial enforcement under sections 401, 501 or 502, against operators who are not required to hold a license and against whom, therefore, a license suspension is not an available penalty.

Under the proposal, forfeiture liability would arise only after (1) a person has been served personally with or been sent by certified or registered mail to his last known address a notice of apparent liability; (2) he has been given an opportunity to show in writing why he should not be held liable; and (3) if he has submitted a written response, the Commission has considered his response and issued an order of forfeiture liability.

In addition to these procedural protections applicable to all persons subject to our jurisdiction, we have provided special procedural protection for a limited group of individual members of the public at large who may be presumed to be unaware of the Commission's regulation of equipment they may be operating. For example, there may be concern that an individual would be subject to foreiture for willful maloperation of an electronic device such as a garage door opener, an electronic water heater, or electronic oven, when he may be unaware of the applicability of the Communications Act or the Commission's rules and regulations.[3]

For this limited group, no forfeiture could attach unless prior to the notice of apparent liability the Commission has sent him a notice of the violation and has provided him an opportunity for a personal interview and the individual has thereafter engaged in the conduct for which notice of the violation was sent. The Commission's obligation would be limited first of all to a sole natural person, that is an "individual" as distinct from the more general term "person" as used in section 3(i) of the Communications Act. Moreover, that individual would not be within the special protection provisions if he was engaged in an activity that required the holding of a license, permit, certificate, or other authorization from the Commission or was providing any service by wire subject to the Commission's jurisdiction.

It should be noted that this special procedure would not have to be accorded a second time to an individual who subsequently engaged in the same conduct; and the individual may be liable to a forfeiture not only for the conduct occurring subsequently but also for the conduct for which notice of a violation was sent and opportunity for a personal interview given.

Under existing provisions of the statute, which would not be changed, any person against whom a forfeiture order runs may challenge the order by refusing to pay. If the United States institutes a collection action, the issue of forfeiture liability would be reheard in a trial *de novo* in a U.S. District Court.

The second major modification in the Commission's proposal, the extension of the present time limitations for the issuance of notices of apparent liability is necessary if the Commission's forfeiture authority is to be an effective sanction. Because of increasing workloads and personnel shortages the ninety-day limitation in the non-broadcast services and the one-year limitation in the broadcast services are often substantial impediments to the use of the forfeiture sanction in appropriate cases. The Commission proposes that the statute of limitations for all persons holding broadcast radio station licenses under title III be extended to one year or the current license term, whichever is greater; for all other persons, the statute of limitations would be three years.

With over 25,000 authorizations in the broadcast services, more than 15,000 authorizations in the common carrier services, and almost 2,000,000 authorizations in the safety and special services, it is impossible for Commission field office personnel to make regular inspections in all these services. Violations of the Communications Act or of the Commission's rules in the non-broadcast services are sometimes detected by station inspection but more generally through our field office monitoring. Monitoring usually requires transcription of tapes which in itself is a time-consuming process. Thereafter, as a matter of practice, the field office issues a notice of violation to the licensee and offers an opportunity to him to comment on or explain the alleged misconduct. In the overwhelming majority of cases, the nature and extent of the violation or the licensee's explanation thereof are such as to require no further action and the matter is closed. However, these notices of violation are also checked through the Commission's office in Washington and against licensee records, and in those instances where the licensee has a history of repeated misconduct or where the instant misconduct is willful and sufficiently serious, it may be determined that the imposition of a forefeiture is called for as an appropriate deterrent against future violations.

Our experience since the enactment of the Commission's forfeiture authority in the non-broadcast services demonstrates that with the imbalance between the number of violation cases and the number of staff personnel to review them, it is often impossible to issue the notice of apparent liability for forfeitures within the ninety-day period provided in the present statute. Considering the very great number of authorizations in the non-broadcast services, plus the great number of persons who are permitted to operate radio frequency equipment in accordance with our regulations but without holding an instrument of authorization, we believe a three-year statute of limitations for notices of apparent liability is entirely reasonable and necessary to enable the Commission to invoke more frequently the forfeiture provisions Congress has provided and thus to secure greater compliance with the Act.

Similarly, a longer statute of limitations is necessary in the broadcast field in order to enable the Commission to reach violations of the Act. The existing one-year limitations period is usually sufficient in cases arising from regular station inspection by field office personnel. However, personnel shortages do not permit more than one inspection during a three-year license term. Although violations may be disclosed and considered by the Commission during its review of license renewal applications, the comparatively minor character of such violations does not warrant denial of renewal and often the one-year period has elapsed before a notice of apparent liability can be issued. Further, in many instances, misconduct by broadcast licensees is not uncovered in regular station inspections by field office personnel, but comes to light as the result of complaints and other information received by the Commission staff in Washington. These complaints and other information may require detailed and time-consuming investigation of station operations before a determination can be made that there may have been misconduct. Subsequent to the investigation the licensee has an opportunity to comment on or explain the alleged misconduct. Thus, it is often impossible for the Commission to consider questions as to apparent culpability and appropriateness of a forfeiture sanction and then to issue the required notice of apparent liability within the one-year limitation period now provided in section 503(b). Here again the legislative objective in vesting forfeiture authority in the Commission is often frustrated by the present time limitations.

Further, the one-year limitation for the issuance of notices of apparent liability in the broadcast field sometimes produces results which are self-defeating. Thus, in one instance the Commission received information that a radio station broadcast an allegedly rigged contest. Field investigation of the station initiating the program was begun as promptly as possible. The intricacies of the alleged misconduct require a time-consuming inquiry. During the course of the inquiry Commission investigators unearthed information revealing an earlier broadcast of another rigged contest concerning which there was extensive and conclusive evidence. However, upon completion of the field investigation, the Commission was able to impose a forfeiture for only the most recent misconduct because the earlier violation had occurred more than one year before. In such a case it is still possible of course to designate the license renewal application for hearing. We stress, nevertheless, that because refusal to renew the license was the only sanction available because of the short statute of limitations, the legislative purpose of section 503(b) of the Act could not be fully implemented. The Commission needs to be able to exercise its forfeiture authority during the entire span of a broadcast license term for minor violations occurring during that license term.

The Commission is therefore proposing for broadcast licensees a statute of limitations of one year or its current license term, whichever is greater. The proposal would permit the Commission to issue notices of apparent liability to broadcast station licensees (1) for any misconduct which occurs during a current license term and (2) for any misconduct which occurs during the last part of the prior license term if the notice of apparent liability is issued within a year of the time of the alleged misconduct.

The third major amendment the Commission is proposing is an increase in the maximum forfeitures. The currently available forfeitures are unrealistic and inadequate. In many situations the maximums are too low to permit the Commission to fashion an effective deterrent against large communications businesses. For example, the current maximum forfeiture available against a multimillion dollar broadcast licensee is $1,000 for a single violation up to a maximum of $10,000 for multiple violations. The proposal would provide more realistic forfeiture

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license provided that they are operated in accordance with the provisions in the rules designed to minimize interference to regular radio communications services.

[3] Should the maloperation of any such device create hazards to life or property, the Commission would still have authority under section 312 to issue a cease and desist order.

maximums for large broadcast interests, large common carriers, and other large communications businesses. Other persons would be subject to lower maximums. With the proposed maximums, the Commission would still retain the discretion to impose smaller forfeitures for offenses of lesser gravity. The Commission fully recognizes the necessity of tailoring forfeitures to the nature of the offense and the offender and has done so within the present statutory authority. Furthermore, the Commission would still have the authority to mitigate or remit forfeitures after considering a request for such relief.

One relatively minor amendment is also being proposed. By deleting section 510 as proposed, the Commission would be relieved of the obligation to provide a personal interview at the request of a non-broadcast station licensee or operator who receives a notice of apparent liability. Proposed section 503(b)(2), which incorporates much of the substance of section 510, does not include the interview provision. The Commission's experience is that only ten to fifteen percent of the persons to whom a notice of apparent liability has been issued avail themselves of the interview opportunity. Furthermore, seldom does an interview elicit any data which the licensee has not already furnished to the Commission, either in response to the notice of a violation or to the notice of apparent liability.

On the other hand, interviews in only ten to fifteen percent of these instances impose substantial burdens upon field offices. Critical engineering personnel must be diverted from regular pressing duties to interview the suspected violator and must then submit detailed reports to the Commission's main office in Washington, D.C. Commission personnel at the Washington, D.C. office then must coordinate all of the documents relevant to a given notice of apparent liability that may have been accumulated in several field offices and transmit the documents to the field office where the interview is scheduled. On balance, the Commission believes that the public, and the non-broadcast licensees and operators themselves, would best be served by the deletion of the field office interview provision from the forfeiture section.

Furthermore, it would be impossible for the Commission to continue interviews with non-broadcast licensees and at the same time provide personal interviews to members of that group of individuals who would now be subject to forfeitures for the first time and for whom special procedural protections are being proposed in section 503(b)(3). As between the two groups the Commission believes the public interest would be better served by the interviews that would be required under proposed section 503(b)(3).

Lastly, the Commission is seeking authority to mitigate or remit forfeitures imposed under title II of the Communications Act concerning common carriers. The Commission now has no express authority to remit, mitigate, or otherwise reduce a forfeiture imposed under these common carrier provisions, although section 504(b) provides express authority to mitigate or remit forfeitures under parts II and III of title III, and sections 504(b), 507 and 510. Since the Commission has this authority with respect to all other forfeitures which it can summarily impose, there is no reason not to include within this authority the common carrier forfeitures in title II. Moreover, it is reasonable to permit the Commission to exercise its authority to mitigate or remit on its own motion rather than awaiting an application for action. The Commission should be able to exercise its judgment before imposing a fine if the circumstances warrant a reduction or cancellation of a forfeiture.

In conclusion, the more uniform, comprehensive, and higher forfeiture provisions and the related modifications which the Commission now seeks should contribute substantially to greater compliance with the law and better administrative enforcement of the law.

Adopted: June 14, 1972.

Commissioners Bartley and Johnson concurring in the result; Commissioner H. Rex Lee absent; Commissioner Wiley not participating.

S. 3992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That

SECTION 1. Section 503(b) of the Communications Act of 1934 as amended (47 U.S.C. § 503(b)), is amended to read as follows:

"(b)(1) Any person who—

"(A) willfully or repeatedly fails to operate a radio station substantially as set forth in a license, permit or other instrument or authorization;

"(B) willfully or repeatedly fails to observe any of the provisions of this Act or of any certificate, rule, regulation, or order of the Commission prescribed under authority of this Act or under authority of any agreement, treaty or convention binding on the United States;

"(C) violates section 317(c) or section 509 (a)(4) of this Act; or

"(D) violates sections 1304, 1343, or 1464 of title 18 of the United States Code;

shall forfeit to the United States a sum not to exceed $2,000. Each act or omission constituting a violation shall be a separate offense for each day during which such act or omission occurs. Such forfeiture shall be in addition to any other penalty provided by this Act: *Provided, however,* That such forfeiture shall not apply to conduct which is subject to forfeiture under title II of this Act: *and provided further,* That such forfeiture shall not apply to conduct which is subject to forfeiture under part II or part III of title III or section 507 of this Act.

"(2) No forfeiture liability under paragraph (1) of this subsection (b) shall attach to any person unless a written notice of apparent liability shall have been issued by the Commission, and such notice has been received by such person or the Commission shall have sent such notice by registered or certified mail to the last known address of such person. A notice issued under this paragraph shall not be valid unless it sets forth the date, facts and nature of the act or omission with which the person is charged, and specifically identifies the particular provision or provisions of the law, rule, regulation, agreement, treaty, convention, license, permit, certificate, other authorization, or order involved. Any person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by rule or regulation prescribe, why he should not be held liable.

"(3) No forfeiture liability under paragraph (1) of this subsection (b) shall attach to any individual who does not hold a license, permit, certificate, or other authorization from the Commission unless prior to the written notice of apparent liability required by paragraph (2) above, the individual has been sent a notice of the violation, has been given reasonable opportunity for a personal interview with an official of the Commission at the field office of the Commission nearest to the individual's place of residence and thereafter has engaged in the conduct for which notice of the violation was sent; *Provided, however,* That the requirement of this subsection for a notice of the violation and opportunity for a personal interview shall not apply if the individual is engaging in activities for which a license, permit, certificate, or other authorization is required or is providing any service by wire subject to the Commission's jurisdiction; *and provided further,* That any individual who has been sent a notice of the violation, has been given a reasonable opportunity for a personal interview and thereafter engages in the conduct for which the notice was sent shall not be entitled to a further notice for the same conduct and may be subject to forfeiture for the initial and all subsequent violations.

"(4) No forfeiture liability under paragraph (1) of this subsection (b) shall attach for any violation—

"(A) by any person holding a broadcast station license under title III of this Act if the violation occurred (i) more than one year prior to the date of the issuance of the notice of apparent liability or (ii) prior to the date beginning the current license term, whichever date is earlier, or

"(B) by any other person if the violation occurred more than three years prior to the date of issuance of the notice of apparent liability.

"(5) In no event shall the total forfeiture imposed for the acts or omissions set forth in any notice of apparent liability issued hereunder exceed—

"(A) in the case of (i) a common carrier subject to this Act, (ii) a broadcast station licensee or permittee, or (iii) a person engaged in distributing to the public broadcast signals by wire or engaged in distributing to the public other program services by wire if such activity is the subject of Commission regulation, $20,000;

"(B) in the case of any other person, $5,000."

SEC. 2. Section 510 of the Communications Act of 1934, as amended (17 USC § 510), is hereby repealed.

SEC. 3. Section 504(b) of the Communications Act of 1934, as amended (47 USC § 504 (b)), is amended by deleting the words "parts II and III of title III and section 503 (b), section 507, and section 510" and substituting the words "title II and parts II and I of title II and sections 503(b) and 507", and by deleting the phrase ", upon application therefor,".

SEC. 4. Any act or omission which occurs prior to the effective date of this Act and which incurs liability under the provisions of sections 503(b) or 510 as then in effect will continue to be subject to forfeiture under the provisions of sections 503(b) and 510 as then in effect.

SEC. 5. The amendments made by this Act shall take effect on the thirtieth day after the date of its enactment.

By Mr. BURDICK:

S. 3993. A bill to establish the Parole Commission, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I introduce today legislation which would, when enacted, replace the present U.S. Board of Parole with a Parole Commission equipped to meet the needs of the Federal criminal justice system for the 1970's, and for the foreseeable future decades.

The drafting of this legislation has been a difficult task, because it is an attempt to reduce to statutory language some concepts of the correction of criminal offenders which are themselves very complex.

The concept of parole is, in a very real sense, an extension of the process of sentencing. The practitioners of parole speak of the need to be sure that each offender appearing before them has properly accounted to society for his offense. In other words, "Has he done enough time?"

Because there is no provision for appellate review of sentences imposed in the Federal system, the balancing of sentencing inequities has become an acknowledged function of parole.

Accountability and balancing of inequities are legal questions, however, and parole should not be a completely legalistic system. The basic reason why we should have parole has to do with the treatment and correction of offenders, and the whole process is different. The decision as to whether or not to grant parole to any inmate becomes a prediction as to what his future behavior may be.

The vast majority of criminal offenses are not offenses against the person, but against property. The majority of offenders will some day be returned to society, but the question is, "When?" This is a difficult and complex question.

From the standpoint of society, the correctional process should operate so as to assure that only those who will never again offend the law are the only ones released. As a practical matter, we do not have, and will not in the foreseeable future have, the tools to accomplish this.

We are stuck with a system that must improve the chances that sentenced offenders will commit no new offenses. It is our job to provide the system that will be wrong the smallest possible part of the time. That is what this bill is about—providing some things which I believe will sharpen the tools needed to do a better job.

This legislation makes four major changes in the Federal parole system:

First. The Federal parole system would be divided into geographic regions, so that the parole decisionmakers can better know what rehabilitative resources are available in the institutions and the communities of the area they serve, and so that they can better understand the records of the offenders who come before them seeking parole.

Second. Sentenced offenders will be better able to make responsible plans for their own future, and make them realistically, by knowing where they stand in the parole system, and by knowing how others evaluate what they need to achieve to live in a lawful manner.

Third. The parole decisionmakers would be better able to evaluate an offender's chances for success by seeing their family, friends, or future employers in the role of advocate.

Fourth. A modest increase in the number of people responsible for the overwhelming caseload would permit decisionmakers to be better informed, and increase the chance of making a good decison.

I must again repeat the warning I have given this body before—there is no legislative act which will be a panacea for the correction of criminal offenders. But I think there is legislation which will permit us to do a better job.

Rehabilitation is not the only purpose of the correctional system. It provides for punishment and deterrence, as well as the protection of society.

This legislation is a request to improve the methods for separating violent, dangerous, and recidivistic offenders for the protection of society; and also improving the system we have for selecting offenders who can safely be returned to society. This will also contribute to the protection of society.

I ask that the bill and analysis be included at this point in the RECORD.

There being no objection, the bill and analysis were ordered to be printed in the RECORD, as follows:

S. 3993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Parole Commission Act of 1972".

(b) Section 4201 of title 18, United States Code, is amended to read as follows:

"§ 4201. Parole Commission

"(a) There is hereby created as an agency of the Department of Justice a United States Parole Commission (hereinafter referred to in this chapter as the 'Commission'), the members of which shall be appointed by the President, by and with the advice and consent of the Senate, and which shall exercise the powers granted in the manner prescribed by this chapter. The term of office of a member (hereinafter referred to in this chapter as 'Commissioner') shall be six years, except that the term of a person appointed as a Commissioner to fill a vacancy shall expire six years from the date upon which such person was appointed and qualified. Upon the expiration of a term of office of any member, such member shall continue to act until a successor has been appointed and qualified. The President shall from time to time designate from among the Commissioners one to serve as Chairman, five to serve as National Parole Commissioners, and such others as may be necessary to serve as Regional Parole Commissioners.

"(b) The Chairman shall—

"(1) preside at meetings of the National Parole Commissioners;

"(2) in the absence of any Commissioner from any meeting, any vacancy on the Commision, or in the event of a tie vote, vote on any matter pending;

"(3) at least twice annually convene and preside at a meeting of the Commissioners, for the purpose of considering, promulgating, and overseeing a national parole policy; and

"(4) perform such administrative and other duties and responsibilities as are necessary to carry out the provisions of this chapter.

"(c) The National Parole Commissioners, by majority vote, shall—

"(1) promulgate such regulations, adopted in accordance with the provisions of section 553 of title 5, United States Code, as are necessary to carry out the provisions of this chapter;

"(2) have authority to accept, reject, or modify any decision of any Regional Parole Commissioner upon motion of any National Parole Commissioner;

"(3) give reasons in detail for their decisions in any appropriate case, including the review of any decision of any region;

"(4) transfer to themselves the authority to grant, modify, or revoke an order paroling any eligible person when the national well-being so requires;

"(5) create such regions as are necessary to carry out the provisions of this chapter, but in no event less than five;

"(6) provide that there be reasonable balance in the workload of each region;

"(7) appoint, fix the compensation of, and assign, parole examiners, who are empowered to conduct appearances, make recommendations, act upon parole applications as provided in subsection (d) of this section, and perform such other duties as will aid the Commission in carrying out the provisions of this chapter;

"(8) provide for research which shall include:

"(A) the systematic collection of the data obtained from studies, research, and the empirical experience of public and private agencies concerning the parole process and parolees;

"(B) the dissemination of pertinent data and studies to individuals, agencies, and organizations concerned with the parole process and parolees;

"(C) the publishing of data concerning parole process and parolees; and

"(9) appoint and fix the compensation of such other employees, obtain materials and services, and exercise such other powers, as are necessary to carry out the provisions of this chapter.

"(d) A Regional Parole Commissioner, with the concurrence of two examiners assigned to such region and subject to subsection (c) of this section, shall be authorized to—

"(1) grant or deny any application or recommendation to parole or reparole any eligible person;

"(2) specify reasonable conditions of any order granting parole;

"(3) modify or revoke any order paroling any eligible person;

"(4) establish the maximum length of time which any person whose parole has been revoked shall be required to serve, but in no case shall such time, together with such time as he previously served in connection with the offense for which he was paroled, be longer than the maximum term for which he was sentenced in connection with such offense;

"(5) re-parole any person whose parole has been revoked and who is not otherwise ineligible for parole;

("6) discharge any parolee from supervision or release him from one or more of the conditions of parole at any time after the expiration of one year after release on parole, if warranted by the conduct of the parolee and the ends of justice; except, in those cases in which the time remaining to be served is less than one year, in which case, such actions may be taken at any-time;

"(7) apply, to the court which imposed sentence on a person who is not, at the time of application, eligible for parole, for a modification of such sentence in order to make him so eligible, when it appears that there is a reasonable probability that such person will live and remain at liberty without violating any criminal law, and that release would not be incompatible with the welfare of society; and

"(8) exercise such other powers as are necessary to carry out the provisions of this chapter.

"(e) The Commission shall have the power to issue subpoenas to require the attendance and testimony of witnesses and the production of any evidence that relates to any matter with respect to which the Commision is empowered to make a determination under this chapter. Witnesses summoned before the Commision shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Such attendance of witnesses, and the production of evidence, may be required from any place in the United States, at any designated place of parole appearance.

In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such parole proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of evidence. Such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce evidence, if so ordered, or to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant, or wherever he may be found or may be doing business.

The subpoena of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(f) Upon the effective date of this subsection, each person holding office as a member of the Board of Parole on the date immediately preceding such effective date shall be deemed to be a Commissioner and shall be entitled to serve as such for the remainder of the term for which such person was appointed as a member of such Board of Parole. All powers, duties, and functions of the aforementioned Board of Parole shall, on such effective date, be deemed to be vested in the Commission, and shall, on and after such date, be carried out by the Commission in accordance with the provisions of this chapter.".

SEC. 2. Section 4202 of title 18, United States Code, is amended to read as follows:

§ 4202. Persons eligible

"(a) A person committed pursuant to this title, other than a juvenile delinquent or a committed youth offender, wherever confined and serving a definite term or terms of over one hundred and eighty days, may be released on parole after serving one-third of such term or terms or after serving fifteen years of a life sentence or of a sentence of over more than forty-five years, except to the extent otherwise provided in Section 4208 of this title. Once a person becomes eligible for parole he must be given a parole appearance and such additional parole appearances as are deemed necessary, but in no case shall there be less than one additional parole appearance every two years.

"(b) If it appears from a report and recommendation by the proper institutional officers and upon application by a person eligible for release on parole, that such person has observed the rules of the institution to which he is confined, that there is a reasonable probability that such person will live and remain at liberty without violating the law, and if in the opinion of the Commission such release is not incompatible with the welfare of society, the Commission may authorize release of such person on parole.

"Such person shall remain, while on parole, in the legal custody and under the control of the Attorney General, until the expiration of the maximum term or terms for which he was sentenced.

"(c) In imposing conditions of parole, the Commission shall consider the following—

"(1) there should be a reasonable relationship between the condition imposed and the person's conduct and present situation;

"(2) the conditions should provide for only such deprivations of liberty as are necessary for the protection of the public welfare; and

"(3) the conditions should be sufficiently specific to serve as a guide to supervision and conduct.

Upon release on parole, a person shall be given a certificate setting forth the conditions of such parole.

"(d) An order of parole or release may require a parolee or a person released pursuant to section 4164 of this title as conditions of parole or release to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of such parole or release: *Provided*, That the Attorney General certifies that adequate treatment facilities, personnel, and programs are available. If the Attorney General determines that the person's residence in the center or participation in its program, or both, should be terminated, because the person can derive no further significant benefits from such residence or participation, or both, or because such residence or participation adversely affects the rehabilitation of other residents or participants, the Attorney General shall so notify the Regional Parole Commissioner who shall thereupon make such other provision with respect to the person as deemed appropriate.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

SEC. 3. Section 4203 of title 18, United States Code, is amended to read as follows:

"§ 4203. Parole appearance procedures

"(a) Any appearance by an eligible person before an appropriate Commissioner or an examiner in connection with the consideration of an application of parole shall be conducted in accordance with the following procedures—

"(1) an eligible person shall be given written notice of the time and place of such appearance; and

"(2) an eligible person shall be allowed to select an advocate to aid him in such appearance. The advocate may be a member of the institutional staff, or any other person who qualifies under the rules promulgated by the Commission pursuant to subsection 4201 (c) of this chapter.

"(b) Following notification that a parole appearance is pending, an eligible person and his advocate shall have reasonable access to progress reports and such other materials as are prepared by the prison administration for the use of any Commissioner or examiner in making any determination, except that the following materials may be excluded from inspection—

"(1) diagnostic opinions which, if made known to the eligible person, would, in the opinion of the prison administration, lead to a serious disruption of an institutional program of rehabilitation;

"(2) any document which contains information which was obtained by a pledge of confidentiality; or

"(3) any part of any presentence report, except upon agreement of the court having jurisdiction to impose sentence.

If any document is deemed by the prison administration to fall within the exclusionary provisions of this section, then it shall become the duty of the prison administration to summarize the basic contents of the material withheld bearing in mind the need for confidentiality or the impact on the inmate or both, and furnish such summary to the inmate and his advocate, in no case less than four days prior to the parole appearance.

"(c) Any Commissioner or examiner conducting an appearance shall prepare a summary of such appearance.

"(d) An eligible person denied parole shall be given a written list of the reasons for such; and, if possible, a personal conference shall be held between the eligible person and the Commissioner or examiner conducting the appearance. In the case of a grant of parole on other than general conditions (as promulgated pursuant to subsection 4201 (c) of this chapter), the eligible person shall be given a statement of reasons for each such additional condition.

"(e) A decision by the Commission to grant or deny parole must be decided and the eligible person notified of the result within 15 days of the appearance."

SEC. 4. Section 4204 of title 18, United States Code, is amended to read as follows:

§ 4204. Aliens

"When an alien prisoner subject to deportation becomes eligible for parole, the Parole Commission may authorize the release of such person on condition that such person be deported and remain outside the United States.

"Such person when his parole becomes effective, shall be delivered to the duly authorized immigration official for deportation."

SEC. 5. Section 4205 of title 18, United States Code, is amended to read as follows:

"§ 4205. Retaking parole violator under warrant

"A warrant for the retaking of any person who is alleged to have violated his parole may be issued by any Commissioner within the maximum term or terms for which such prisoner was sentenced."

SEC. 6. Section 4206 of title 18, United States Code, is amended to read as follows:

§ 4206. Officer executing warrant to retake parole violator

"Any officer of any Federal penal or correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant for the retaking of a parole violator is delivered, shall execute such warrant by taking such parolee and returning him to the custody of the Attorney General.

SEC. 7. Section 4207 of title 18, United States Code, is amended to read as follows:

§ 4207. Parole modification and revocation

"(a) A person retaken upon a warrant issued by any Commissioner shall be given a hearing before a United States magistrate as soon as possible subsequent to his being retaken pursuant to such a warrant. At the hearing before the magistrate, the alleged violator may be represented by retained counsel; if he is unable to retain counsel, counsel may be provided pursuant to section 3006A of title 18, United States Code. The alleged violator shall be allowed to present witnesses on his behalf and cross-examine adverse witnesses. At the conclusion of the hearing, the magistrate shall prepare a summary and make a recommendation to the Commission based on the facts presented at the hearing.

"(b) The United States magistrate may release a parolee retaken pursuant to a warrant issued for an alleged violation to bail or other recognizance pursuant to section 3146 of title 15, United States Code. Such bail may be continued until a determination has been reached by the Commission. If the magistrate makes a recommendation which is adverse to the alleged violator, such magistrate may terminate bail at such time if in his opinion continued release will not reasonably assure the appearance of such person in the event an order of parole is revoked by the Commission.

"(c) Within 30 days following the hearing before the magistrate a determination shall be made with respect to each alleged violation in the manner prescribed by Section 4201 (d) of this chapter. Such determination may include—

"(1) dismissal of revocation proceedings;

"(2) a reprimand;

"(3) an alteration of parole conditions;

"(4) referral to a residential community treatment center for all or part of the remainder of the original sentence;

"(5) formal revocation proceedings pursuant to section 4201 (d) of this chapter; or

"(6) any other action deemed necessary for successful rehabilitation of the violator, and which promotes ends of justice.

SEC. 8. Section 4208 of title 18, United States Code, is amended to read as follows:

"§ 4208. Fixing eligibility for parole at time of sentencing

"(a) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice and best interests of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may (1) designate in the sentence of imprisonment imposed a minimum term at the expiration of which the person shall become eligible for parole, which term may be less than but shall not be more than one-third of the maximum sentence imposed by the court, or (2) the court may fix the maximum sentence of imprisonment to be served in which event the court may specify that the person may become eligible for parole at such time as the Commission may determine.

"(b) If the court desires more detailed information as a basis for determining the sentence to be imposed, the court may commit the defendant to the custody of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law for a study as described in subsection (c) hereof. The results of such study, together with any recommendations which the Director of the Bureau of Prisons believes would be helpful in determining the disposition of the case, shall be furnished to the court within three months unless the court grants time, not to exceed an additional three months, for further study. After receiving such reports and recommendations, the court may in its discretion—

"(1) place the person on probation as authorized by section 3651 of this title, or

"(2) affirm the sentence of imprisonment originally imposed, or reduce the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from date of original commitment under this section.

"(c) Upon commitment of any person sentenced to imprisonment under any law of the United States for a definite term or terms of over one hundred and eighty days, the Director of the Bureau of Prisons, under such regulations as the Attorney General may prescribe, shall cause a complete study to be made of the person and shall furnish to the Commission a summary report, together with any recommendations which in the Director's opinion would be helpful in determining the suitability of the prisoner for parole. Such report may include, but shall not be limited to, data regarding the prisoner's previous delinquency or criminal experience, pertinent circumstances of his social background, his capabilities, his mental and physical health, and such other factors as may be considered pertinent. The Commission may make such other investigation as it may deem necessary. In any case involving a person with respect to whom the court has designated a minimum term in accordance with subsection (a) of this section, such report and recommendations shall be made not less than ninety days prior to the expiration of such minimum term.

"It shall be the duty of the various probation officers and government bureaus and agencies to furnish the Commission information concerning the person, and, whenever not incompatible with the public interest, their views and recommendations with respect to the parole disposition of his case.

SEC. 9. Section 5002 of title 18, United States Code, is amended to read as follows:

"§ 5002. Advisory Corrections Council

"(a) There is hereby created an Advisory Corrections Council composed of two United States judges designated by the Chief Justice of the United States and ex officio, the Chairman of the Parole Commission, the Director of the Bureau of Prisons, the Chief of Probation of the Administrative Office of the United States Courts, the Administrator of Law Enforcement Assistance Administration or his designee at a policy level, the Secretary of Health, Education, and Welfare or his designee at a policy level, the Secretary of Labor or his designee at a policy level, the Commissioner of the Civil Service Commission or his designee at a policy level, the Secretary of Housing and Urban Development or his designee at a policy level, the Director of the Office of Economic Opportunity or his designee at a policy level, and the Secretary of Defense or his designee at a policy level. The judges first appointed to the Council shall continue in office for terms of three years from the date of appointment. Their successors shall likewise be appointed for a term of three years, except that any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. The Chairman shall be designated annually by the Attorney General.

"(b) The Council shall meet quarterly and special sessions may be held from time to time upon the call of the Chairman.

"(c) The Council shall consider problems of treatment and correction of all offenders against the United States and shall make such recommendations to the Congress, the President, the Judicial Conference of the United States, and other appropriate officials as may improve the administration of criminal justice and assure the coordination and integration of policies of the Federal agencies, private industry, labor, and local jurisdictions respecting the disposition, treatment, and correction of all persons convicted of crime. It shall also consider measures to promote the prevention of crime and delinquency and suggest appropriate studies in this connection to be undertaken by agencies both public and private. The members of the Council shall serve with compensation but necessary travel and subsistence expenses as authorized by law shall be paid from available appropriations of the Department of Justice.

"(d)(1) The Council shall appoint an Executive Secretary or an Administrative Assistant and such other personnel as may be necessary to carry out its functions. The Executive Secretary or Administrative Assistant shall supervise the activities of persons employed by the Council and shall perform such other duties as the Council may direct.

"(2) The Council may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per day.

"(e) The Council is authorized to request from any department, agency, or independent instrumentality of the Government any information or records it deems necessary to carry out its functions, and each such department, agency, and instrumentality is authorized to cooperate with the Council and, to the extent permitted by law, to furnish such information and records to the Council, upon request made by the Chairman or by any member when acting as Chairman.

"(f) The first meeting of the Council shall occur not later than thirty days after the enactment of this legislation.

SEC. 10. Section 5005 of title 18, United States Code, is amended to read as follows:

"§ 5005. Youth correction decisions

"The Commission may, in accordance with the provisions of chapter 311 of this title, grant or deny any application or recommendation for parole, modify, or revoke any order of parole, of any person sentenced pursuant to this chapter, and perform such other duties and responsibilities as may be required by law. The Attorney General shall from time to time designate one Commissioner to serve as Youth Corrections Commissioner. It shall be the responsibility of the Youth Corrections Commissioner to oversee the policies pertaining to offenders sentenced under this chapter, and to serve as vice chairman of the Commission."

SEC. 11. Section 5006 of title 18, United States Code, is amended to read as follows:

"§ 5006. Definitions

"As used in this chapter—

"(a) 'Bureau' means the Bureau of Prisons;

"(b) 'Director' means the Director of the Bureau;

"(c) 'Youth offender' means a person under the age of twenty-two years at the time of conviction;

"(d) 'Committed youth offender' is one committed for treatment hereunder to the custody of the Attorney General pursuant to section 5010(b) and 5010(c) of this chapter.

"(e) 'Treatment' means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youth offenders;

"(f) 'Conviction' means the judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere."

SEC. 12. Section 5010 of title 18, United States Code, is amended to read as follows:

"§ 5010. Sentence

"(a) If the court is of the opinion that the opinion that the youth offender does not need commitment, it may suspend the imposition or execution of sentence and place the youth offender on probation.

"(b) If the court shall find that a convicted person is a youth offender, and the offense is punishable by imprisonment under applicable provisions of law other than this subsection, the court may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter until discharged by the Commission as provided in section 5017(c) of this chapter.

"(c) If the court shall find that the youth offender may not be able to derive maximum benefit from treatment prior to the expiration of six years from the date of conviction it may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter for any further period that may be authorized by law for the offense or offenses of which he stands convicted or until discharged by the Commission as provided in section 5017(d) of this chapter.

"(d) If the court shall find that the youth offender will not derive benefit from treatment under subsection (b) or (c), then the court may sentence the youth offender under any other applicable penalty provision.

"(e) If the court desires additional information as to whether a youth offender will derive benefit from treatment under subsection (b) or (c) it may order that he be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Commission shall report to the court its findings."

SEC. 13. Section 5014 of title 18, United States Code, is amended to read as follows:

"§ 5014. Classification studies and reports

"The Director shall provide classification centers and agencies. Every committed youth offender shall first be sent to a classification center or agency. The classification center or agency shall make a complete study of each committed youth offender, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his school, family life, any previous delinquency or criminal experience, and any mental or physical defect or other factor contributing to his delinquency. In the absence of exceptional circumstances, such study shall be completed within a period of thirty days. The agency shall promptly forward to the Director and to the Commission a report of its findings with respect to the youth offender and its recommendations as to his treatment. At least one Commissioner or examiner shall, as soon as practicable after commitment, interview the youth offender, review all reports concerning him, and make such recommendations to the Director and to the Commission as may be indicated."

SEC. 14. Section 5015 of title 18, United States Code, is amended to read as follows:

"§ 5015. Powers of Director as to placement of youth offenders

"(a) On receipt of the report and recommendations from the classification agency the Director may—

"(1) recommend to the Comimssion that the committed youth offender be released conditionally under supervision;

"(2) allocate and direct the transfer of the committed youth offender to an agency or institution for treatment; or

"(3) order the committed youth offender confined and afforded treatment under such conditions as he believes best designed for the protection of the public.

"(b) The Director may transfer at any time a committed youth offender from one agency or institution to any other agency or institution."

SEC. 15. Section 5016 of title 18, United States Code, is amended to read as follows:

"§ 5016. Reports concerning offenders

"The Director shall cause periodic examinations and reexaminations to be made of all committed youth offenders and shall report to the Commission as to each such offender as the Commission may require. United States probation officers and supervisory agents shall likewise report to the Commission respecting youth offenders under their supervision as the Parole Commission may direct."

SEC. 16. Section 5017 of title 18, United States Code, is amended to read as follows:

"§ 5017. Release of youth offenders

"(a) The Commission may at any time after reasonable notice to the Director release conditionally under supervision a committed youth offender. When, in the judgment of the Director, a committed youth offender should be released conditionally under supervision, he shall so report and recommend to the Commission.

"(b) The Commission may discharge a committed youth offender unconditionally at the expiration of one year from the date of conditional release.

"(c) A youth offender committed under section 5010(b) of this chapter shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction and shall be discharged unconditionally on or before six years from the date of his conviction.

"(d) A youth offender committed under section 5010(c) of this chapter shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court. He may be discharged unconditionally at the expiration of not less than one year from the date of his conditional release. He shall be discharged unconditionally on or before the expiration of the maximum sentence imposed, computed uninterruptedly from the date of conviction.

"(e) Commutation of sentence authorized by any Act of Congress shall not be granted at a matter of right to commmitted youth offenders but only in accordance with rules prescribed by the Director with the approval of the Commission."

SEC. 17. Section 5018 of title 18, United State Code, is amended to read as follows:

"§ 5018. Revocation of Parole Commission orders

"The Commission may revote or modify any of its previous orders respecting a committed youth offender except an order of unconditional discharge."

SEC. 18. Section 5019 of title 18, United States Code, is amended to read as follows:

"§ 5019. Supervision of released youth offenders

"Committed youth offenders permitted to remain at liberty under supervision or conditionally released shall be under the supervision of United States probation officers, supervisory agents appointed by the Attorney General, and voluntary supervisory agents approved by the Commission. The Commission is authorized to encourage the formation of voluntary organizations composed of members who will serve without compensation as voluntary supervisory agents and sponsors."

SEC. 19. Section 5020 of title 18, United States Code, is amended to read as follows:

"§ 5020. Apprehension of released offenders

"If, at any time before the unconditional discharge of a committed youth offender, the Commission is of the opinion that such youth offender will be benefited by further treatment in an institution or other facility, any member of the Commission may direct his return to custody or if necessary may issue a warrant for the apprehension and return to custody of such youth offender and cause such warrant to be executed by a United States probation officer, an appointed supervisory agent, a United States marshal, or any officer of a Federal penal or correctional institution. The Commission may revoke parole, dismiss or otherwise modify such warrant as provided in section 4207 of this title."

SEC. 20. Section 5021 of title 18, United States Code, is amended to read as follows:

"§ 5021. Certificate setting aside conviction

"(a) Upon the unconditional discharge by the Commission of a committed youth offender before the expiration of the maximum sentence imposed upon him, the conviction shall be automatically set aside and the Commission shall issue to the youth offender a certificate to that effect.

"(b) Where a youth offender has been placed on probation by the court, the court may thereafter, in its discretion, unconditionally discharge such youth offender from probation prior to the expiration of the maximum period of probation theretofore fixed by the court, which discharge shall automatically set aside the conviction, and the court shall issue to the youth offender a certificate to that effect."

SEC. 21. Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Parole

"A juvenile delinquent who has been committed and who, by his conduct, has given sufficient evidence that he has reformed, may be released on parole at any time under such conditions and regulations as the Commission deems proper if it shall appear to the satisfaction of such Commission that there is reasonable probability that the juvenile will remain at liberty without violating the law."

SEC. 22. (a) The amendments made by this Act shall not be construed as affecting or otherwise altering the provisions of sections 401 and 405 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 relating to special parole terms.

(b) The amendment made by section 2 of this Act shall not apply to any offense for which there is provided a mandatory penalty.

(c) The parole of any person sentenced before June 29, 1932, shall be for the remainder of the term or terms specified in his sentence, less good time allowances provided by law.

SEC. 23. Sections 5007, 5008, and 5009 of title 18, United States Code, are repealed.

SEC. 24. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of these amendments.

SEC. 25. The foregoing amendments made by this Act shall take effect upon the expiration of the ninety-day period following the date of the enactment of this Act.

SEC. 26. The table of sections for chapter 311 of title 18, United States Code, is amended to read as follows:

"Sec.
"4201. Parole Commission.
"4202. Persons eligible.
"4203. Parole appearance procedures.
"4204. Aliens.
"4205. Retaking parole violator under warrant.
"4206. Officer executing warrant to retake parole violator.
"4207. Parole modification and revocation.
"4208. Fixing eligibility for parole at time of sentencing.
"4209. Young adult offenders.
"4210. Warrants to retake Canal Zone parole violators."

SEC. 27. The table of sections for chapter 402 of title 18, United States Code, is amended to read as follows:

"Sec.
"5005. Youth correction decisions.
"5006. Definitions.
"5010. Sentence.
"5011. Treatment.
"5012. Certificate as to availability of facilities.
"5013. Provision of facilities.
"5014. Classification studies and reports.
"5015. Powers of Director as to placement of youth offenders.
"5016. Reports concerning offenders.
"5017. Release of youth offenders.
"5018. Revocation of Commission orders.
"5019. Supervision of released youth offenders.
"5020. Apprehension of released offenders.
"5021. Certificate setting aside conviction.
"5022. Applicable date.
"5023. Relationship to Probation and Juvenile Delinquency Acts.
"5024. Where applicable.
"5025. Applicability to the District of Columbia.
"5026. Parole of other offenders not affected."

SECTION BY SECTION OF THE PAROLE COMMISSION ACT OF 1972

Sec. 1. (a) This section replaces the present eight-member Board of Parole with a paroling agency consisting of a chairman who is the administrative head of the agency, regional parole commissioners who would have original jurisdiction over the grant, denial or revocation of parole of any Federal prisoner in a particular region of the country, and a five-member national parole commission which would hear appeals from regional parole decisions and make nationwide policy for Federal parole.

All parole commissioners would serve six-year terms, with the present board members to serve out the remainder of their terms as commissioners.

(b) The duties of the chairman are to preside at meetings of the national parole commissioners; to perform the administrative duties and responsibilities; to convene meetings of all national and regional parole commissioners at least twice yearly to promulgate and oversee a national parole policy, and to vote in case of absences or tie votes.

(c) The five national parole commissioners, who operate on the basis of a majority vote, will hear appeals of inmates asking for review of decisions made in the regions. A screening procedure is provided to make sure that every appeal can be evaluated; and the national board can transfer to itself original jurisdiction to consider parole of any inmate when there are special circumstances which warrant it.

This five-man national commission will also: promulgate necessary regulations, draw regional boundaries, establish a parole research arm, and appoint various employees and regulate their compensation.

(d) Regional parole commissioners and examiners assigned to the regions will hear the applications of inmates for parole, and a decision to grant or deny parole will be based upon the concurrence of two examiners in any region with a commissioner from that region.

The regional commission has the authority to modify or revoke any order of parole, determine the length of time to be served by a person whose parole has been revoked, and reparole any eligible person who has been reimprisoned while on parole.

Reasonable conditions may be attached to any order of parole and the regional commission retains the authority to either suspend any parole conditions or supervision over a parolee who has been rehabilitated.

(e) The commission controls the issue of subpoenas for witnesses and evidence.

(f) The current Parole Board members are transferred to the new position of Parole Commissioners.

Sec. 2. Section 2 leaves unchanged the present law as to persons being eligible for parole, which comes when a third of regular adult sentence has been served, or at an earlier point in time if the court so determines. Each individual would receive an appearance before an examiner or panel of examiners and commissioners when he becomes eligible for parole, and at least once every two years after that. In each case, the Bureau of Prisons would make a recommendation to the parole commissioners as to how the institutional staff feels the individual should be treated. The conditions of parole which could be imposed are limited to the following: (1) things that are reasonably related to the individual's past conduct, (2) the minimum deprivation of liberty necessary to protect the public welfare, (3) that the conditions be specific, and (4) that one of the conditions can be residence in a community treatment center.

Sec. 3. The procedures for an appearance of a person before the Parole authority are changed to provide for: (1) written notice of the time and place of the hearing; (2) that anyone deemed eligible by the commission may be selected by the prisoner as an advocate to appear with him; (3) that the inmate and his advocate have access to certain information from his file that is being made available to the parole commission, at least four days before the hearing, except that certain sensitive papers can be withheld if a summary is provided; (4) that the presiding parole official prepares a summary of each appearance; and (5) the individual is given reasons in writing and also a personal conference be held if possible, for any decision to deny parole or to grant parole with other than normal conditions, and this shall happen no later than 15 days after the session.

Sec. 4. Section 4204 is amended and reenacted to reflect a change in language.

Sec. 5. Section 4205 is amended and reenacted to make it conform with other sections.

Sec. 6. Section 4206 is amended and reenacted to reflect a change in language.

Sec. 7. Section 4207 provides that whenever possible the hearing on a warrant to revoke an order of parole shall be held near the place where the parolee is arrested, and that the hearing will be conducted by the U.S. magistrate. A parolee may be released on bail until the time a determination has been made as to whether or not his parole will be revoked.

The parolee may be represented by retained counsel or if he is indigent, counsel may be appointed. The alleged violater can cross-examine adverse witnesses and call witnesses in his own behalf. The magistrate prepares a summary of the hearing and makes a recommendation to the commission. The recommendation of the magistrate, which is based upon the facts presented at the hearing, goes to the regional commission, where the decision will be made. This decision can result in any of the following actions: revocation, dismissal, reprimand, a change in parole conditions, referral to a residential community treatment center, or any other action needed to successfully rehabilitate the violator.

Sec. 8. Section 4208 is amended and reenacted to conform with the other sections.

Sec. 9. Section 5002 of the Youth Corrections Act is amended to make the membership of the Advisory Correction Council more nearly parallel to the present membership of the Inter-Agency Council on Corrections, and to specifically provide that the Council may have staff and may conduct studies in order to carry out its duties.

Secs. 10 thru 21. Amend and re-enact all applicable sections of the Youth Corrections Act to make the language conform, and to provide that all of the procedures provided to adult prisoners are available to persons committed under the Youth Corrections Act.

Sec. 22. This section protects the present special parole language in the drug and other statutes.

Sec. 23. This section repeals three sections of the Youth Corrections Act which would be duplicative.

Sec. 24. Provides authorization for appropriation of funds.

Sec. 25. Provides an effective date 90 days following enactment.

Secs. 26 and 27. Amend the tables of sections to conform.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2977

At the request of Mr. **Brooke**, the Senator from Arizona (Mr. **Goldwater**) was added as a cosponsor of S. 2977, a bill to establish the Springfield Armory National Historic Site.

S. 3410

At the request of Mr. **Allott**, the Senator from South Carolina (Mr. **Thurmond**) was added as a cosponsor of S. 3410, a bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes.

SENATE RESOLUTION 364. SUBMISSION OF A RESOLUTION CALLING FOR THE IMMEDIATE SUSPENSION OF AMERICAN ASSISTANCE TO UGANDA

(Referred to the Committee on Foreign Relations.)

Mr. STEVENSON. Mr. President, I was shocked by the outrageous statement attributed to Gen. Idi Amin, President of Uganda, in news dispatches quoting his assertion that he understands why Hitler killed 6,000,000 Jews.

General Amin, who recently expelled Israeli diplomats and military advisers from Uganda, has now suggested that all Israelis be expelled from the Middle East.

At the same time, General Amin is proceeding with the expulsion of more than 50,000 Asians residing in Uganda. He has announced that Asians remaining in Uganda at the expiration of his 90-day expulsion deadline on November 8 will be rounded up by his security forces and interned in detention camps.

Mr. President, Uganda in the past 15 years has received almost $36 million from the United States in technical assistance, education loans, and other forms of aid. We cannot permit ourselves to be alined with General Amin. We cannot condone or ignore his disdain for human liberty and human life.

I had hoped that our Government would publicly disassociate itself from the deeds and words of General Amin. But an administration which encourages the Portuguese in Africa, continues to support President Thieu's repressive regime in South Vietnam, and abets the genocide of Yahya Khan in East Pakistan, may no longer be capable of exercising the role which the United States once played as a moral force in the world.

Mr. President, I am introducing a resolution calling for the immediate suspension of American assistance to Uganda. I commend the State Department for taking the initiative in suspending a $3 million loan to the Amin regime. But planned aid to Uganda also includes another $5 million in loans and $3.2 million in other forms of assistance. As long as there is any American aid to General Amin, we will be unable to avoid the appearance of support for his policies.

The resolution states:

S. Res. 364

Whereas, the United States supports the inalienable right of people everywhere to be free and to govern their own affairs; and

Whereas, the foreign aid programs of the United States are intended by the Congress to work in support of self-determination; and

Whereas, the Government of Uganda has stated its intent to expel at least fifty thousand of its Asian residents, threatening these innocent humans with arrest, detention and the expropriation of their possessions; and

Whereas, in defense of these actions the government of Uganda has asserted that genocide is justified when a minority group does not serve the self-declared needs of a state, citing with approbation the atrocities committed by the National Socialist government of Germany against the Jewish people of Europe: Now, therefore, be it

Resolved, That the Senate condemns the repressive actions of the Government of Uganda and its stated approval of the horrors inflicted upon the Jewish people by the Government of Adolph Hitler.

Sec. 2. The Senate urges that all foreign aid programs carried on by the United States Government in Uganda should be suspended by the President immediately and until such time as he determines that such statements and actions have ceased to be the policy of the Government of Uganda, and that resumption of foreign aid will not support, nor create an appearance of United States support, for such an abhorrent policy.

LAND AND RESOURCES PLANNING ACT OF 1972—AMENDMENT

AMENDMENT NO. 1544

(Ordered to be printed and to lie on the table.)

Mr. BAYH. Mr. President, the purpose of this amendment is very simple: It is intended to assure that the members of the public have an opportunity to express their views on issues arising out of a conflict between uses of Federal and related non-Federal land. Resolution of such issues is a matter of vital public concern. S. 632 recognizes this by providing for the establishment of Ad Hoc Federal-State Joint Committees to review and make recommendations concerning general and specific problems relating to jurisdictional conflicts and inconsistencies resulting from the various policies and legal requirements governing the planning and management of Federal lands and of adjacent non-Federal lands. But the bill presently does not guarantee that interested, concerned, affected members of the public will have an opportunity to make their views known to the joint committee at an open hearing. For under section 405, the joint committee must hold a hearing only when it determines—apparently in its own discretion—that the public interest warrants one. My amendment would require the joint committee to hold a hearing or provide an opportunity for such a hearing before making its recommendations in any situation.

There are several reasons why this amendment will improve the bill, while being wholly consistent with its purpose. First, joint committees will come into existence, according to the report which accompanies the pending bill, only in unusually difficult or important situations. Let me quote the report:

> It is expected that most conflicts over the uses of Federal lands and adjacent non-federal lands are not of sufficient magnitude or difficulty to warrant the establishment of these committees and the undertaking of procedures (established for them).

It is precisely in these difficult and important cases that public participation is most important. Second, experience shows that concerned citizens and citizens groups often can make meaningful contributions to resolving environmental disputes and assuring compliance with environmental protection laws. Their expertise should be presented to the joint committees. Third, experience also shows that public participation, or at least the opportunity for public participation, increases public confidence in the governmental decisionmaking process, with little or no additional burden on those charged with the responsibility to make the decisions.

This is why so many of our environmental protection laws—and the very bill before us in other sections—see for example, page 88, 1.2; page 92, 1. 8—require an opportunity for public hearings in similar situations. Indeed, the report accompanying this bill states that one of the committee's findings was that—

> all those effected by land use decisions should be afforded an opportunity to participate in the decision-making.

Finally, I fear that the present section 405 would lead to unnecessary and time-consuming litigation over the question whether the joint committee's decision not to hold a hearing was arbitrary and capricious or not. Surely no purpose would be served by such litigation—and the easiest way to avoid it is to require the joint committee to provide an opportunity for a public hearing.

I ask unanimous consent that the amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1544

On page 97, line 12, strike, "when the public interest warrants,"

On page 97, line 13, after "hearing" add the following: "or provide an opportunity for such a hearing;"

On page 97, line 16, strike the word "warranted" and insert in lieu thereof the word "held."

CONSUMER PROTECTION ORGANIZATION ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1540 THROUGH 1543

(Ordered to be printed and to lie on the table.)

Mr. ERVIN submitted four amendments intended to be proposed by him to the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

AIRCRAFT PIRACY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1545

(Ordered to be printed and referred to the Committee on Commerce.)

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (S. 2567) to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes.

FREE ENTRY OF A CARILLON FOR MARQUETTE UNIVERSITY—AMENDMENT

AMENDMENT NO. 1546

(Ordered to be printed and to lie on the table.)

Mr. ALLOTT submitted an amendment intended to be proposed by him to the bill (H.R. 3786) to provide for the free entry of a four-octave carillon for the use of Marquette University, Milwaukee, Wis.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. COOK. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary.

Thomas R. Holsclaw, of Kentucky, to be a member of the Board of Parole for the term expiring September 30, 1978, vice William F. Howland, retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, September 22, 1972, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. WILLIAMS. Mr. President, I wish to announce that on Wednesday, September 20, 1972, the Committee on Labor and Public Welfare will hear testimony on the nominations of Mr. Kay McMurray, of Illinois, to be a member of the National Mediation Board; Mr. Christopher M. Mould, of the District of Columbia, to be an associate director of ACTION; Mr. Colston A. Lewis, of Virginia, to be a member of the Equal Employment Opportunity Commission; and Mr. Sidney P. Marland, Jr., of New York, to be Assistant Secretary for Education, Department of Health, Education, and Welfare. The committee's hearings will be held in room 4232, New Senate Office Building, and will begin at 10 a.m.

ADDITIONAL STATEMENTS

NEED FOR ADDITIONAL PROBATION OFFICERS

Mr. SCOTT. Mr. President, when the Senate considered the judiciary branch appropriations last June, I called attention to the pressing need for additional probation officers. The House had agreed to 100 new positions while the Senate approved 236 officers. This matter is still being resolved in conference with the House. The judiciary requested 348 new probation officers and the need for them is very great if we are to make any headway at all in correctional reform.

The American Bar Association, at its annual meeting in San Francisco last month, formally adopted a resolution in support of additional probation personnel. I ask unanimous consent to place this resolution in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

ASSEMBLY RESOLUTION XIV OF THE AMERICAN BAR ASSOCIATION

Whereas, There is now pending before the Congress of the United States H. R. 14989 making appropriations for State, Justice, Commerce, Judiciary and related agencies, of which p. 42ff., "Salaries of Supporting Personnel," deals with appropriations for probation personnel; and

Whereas, The Judicial Conference of the U. S. has requested Congress to authorize an additional 348 probation officers; and

Whereas, The House-passed version provided for 100 additional and the Senate-passed version provided for 236 additional probation officers; and

Whereas, The Chief Justice of the United States affirmed in his Annual State of the Judiciary message on August 14, 1972, that at least 348 and, in fact, 650 such additional probation officer positions are urgently needed; and

Whereas, The Chief Justice urged the Association to give a high priority to persuading Congress to provide adequate probation and parole personnel; and

Whereas, The ABA-approved Standards Relating to Probation recommend that legislatures should appropriate sufficient funds for adequate numbers of probation personnel;

Now, Therefore, Be It Resolved, That the American Bar Association supports passage of that Section of H. R. 14989 (Salaries of Supporting Personnel), authorizing an additional 236 probation officers or any similar legislation which would authorize at least 236, or more, probation officers.

Adopted by the Assembly on August 16, 1972.

Adopted by the House of Delegates on August 17, 1972.

EMIGRATION OF JEWS FROM SOVIET UNION

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Minnesota (Mr. Mondale), I ask unanimous consent to have printed in the Record a statement by him relative to a mass meeting to protest Soviet policy on the emigration of Jews from the Soviet Union.

There being no objection, the statement was ordered to be printed in the Record, as follows:

Emigration of Jews From Soviet Union

(Statement of Senator Mondale)

On August 14 the free world was shocked and dismayed to learn of the Soviet Union's intention to require huge and unrealistic sums of money to be paid for educated Jews to receive permission to emigrate.

On Tuesday the distinguished senior Senator from Connecticut (Mr. Ribicoff) urged us to condemn this form of extortion and make clear the link between removal of this ransom decree and future trade ties with the Soviet Union. Other Senators have since voiced their agreement.

This coming Sunday morning, September 17, at 11 o'clock there will be a mass meeting protesting this Soviet blackmail, held on the Ellipse in Washington. Mr. Sargent Shriver, United States Ambassador to the United Nations, George Bush, and other speakers will address the meeting. I take this opportunity to encourage Senators to be present at the gathering on Sunday to show their opposition to this reprehensible practice or to speak out on this issue that is of concern to so many Americans.

RICHMOND COUNTY SCHOOL BUSING CONTROVERSY

Mr. TALMADGE. Mr. President, the Sunday, September 10, combined issue of the Savannah Morning News and the Savannah Evening Press contains an editorial entitled, "That Double Standard." The editorial relates to the decision recently handed down by Mr. Justice Lewis Powell in the Richmond County school-busing controversy. I have already voiced my criticism of that decision in a letter to Attorney General Richard G. Kleindienst.

The double standard to which this editorial refers has been around for quite some time, and those Americans who happen to live in the southern part of the United States have become bitterly familiar with it. It is the same double standard which allows the academic community at Harvard, which is supposed to be the beacon that guides the liberal world, to forget momentarily about academic freedom when Dr. David Armor publishes a study showing that forced school busing is not helping the people it is supposed to help.

The editorial comes to the conclusion that the only way for the South to get fair and equal treatment is through the enactment of a constitutional amendment. I completely agree, and I recently wrote a letter to President Nixon to that effect.

Nothing could prove this point more clearly than the recent decision by Mr. Justice Powell. We can be indebted to this strange and remarkable decision, however, in one respect. It has cleared up some confusion in the area of determining exactly what legal definition the Supreme Court applies to the term "de jure" segregation. Apparently, in the Court's eye, de jure segregation encompasses all segregation which can be found south of the Mason-Dixon Line.

I ask unanimous consent that the editorial be printed in the Record, and I commend it to the attention of the Senate.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

That Double Standard

Justice Lewis Powell's action in the Richmond County schools case is being cited nationwide as a clue to the attitude the Supreme Court may take toward anti-busing legislation.

The Richmond County case draws this attention because it produced an interpretation of the so-called Broomfield Amendment which would delay all busing orders to achieve racial balance until appeal routes are exhausted.

Hearing the Fifth Circuit case alone because the Supreme Court is in recess, Justice Powell turned down a plea for a delay in a federal busing order. He said the order was not designed to create racial balance but to end segregation.

Justice Powell said the Broomfield Amendment "requires that the effectiveness of a district court order be postponed pending appeal only if the order requires the transfer or transportation for achieving a balance among students with respect to race . . . not all desegregation orders."

If this statement reflects the views of most of the members of the Supreme Court, the Broomfield Amendment means little or nothing at all as far as the youth is concerned.

Justice Powell's opinion appears to revive the old double standard in regard to school attendance patterns in the North as opposed to the South.

It appears to be based on the assumption that school systems in the South which have within them a segregated school, or a school with only a few members of one race enrolled, are practicing de jure segregation.

But the fact is the de jure segregation—segregation by law—has been ended in most states of the South. It has been ended in Georgia. State laws requiring segregation have been abolished.

It would appear from this interpretation that Detroit and other Northern schools could get stays like the one denied Richmond County, the argument being that in the North segregation is de facto and busing orders are for the purpose of attaining racial balance.

De facto segregation, of course, is supposed to result from residential patterns, not from legal structures against desegregation.

Totally ignored has been the fact that in the South, just as well as in the North, a school predominantly attended by students of one race can also be the result of residential patterns.

And since in the South, segregation laws have been abolished and most school systems, if not some individual schools, have been integrated, where segregation exists it has to be considered de facto.

Except, apparently, by the federal courts.

Justice Powell's ruling indicates that our part of the nation is still suffering judicial treatment different from that of other regions because of laws enacted by earlier generations but no longer in existence.

Besides that, it might be pointed out that at the time the laws did exist, they were completely legal and had in fact been called constitutional by the Supreme Court.

The Richmond County ruling calls for a constitutional amendment on busing so the South Can Get a Square Deal.

INCREASED TRADE WITH SOVIET UNION SHOULD WAIT UNTIL SOVIET AUTHORITIES REVOKE EXORBITANT EXIT TAXES ON JEWS EMIGRATING TO ISRAEL

Mr. SCHWEIKER. Mr. President, we stand on the threshold of a promising new era in Soviet-American relations. The initiatives undertaken by the Nixon administration have led to new cooperative relationships between the United States and the Soviet Union in military, diplomatic, and economic realms. The President's historic visit to Moscow in May illustrated a growing spirit of good will between our two nations, one that is being implemented and documented with the recently approved SALT treaty and the interim agreement now before the Senate.

It is with considerable regret, therefore, that I must now address an issue that threatens to mar this new spirit of cooperation and lessened tension between our Government and the Government of the Soviet Union. This is the issue of emigration by Soviet Jews to Israel, and especially the recently announced Soviet policy to impose an exorbitant tax of from $5,000 to $25,000 on each educated Soviet Jew desiring to leave for Israel.

Mr. President, on August 25, I wrote a letter to the Secretary of State, protesting the cynical move by the Soviet Government. I ask unanimous consent that the text of my letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, D.C., August 25, 1972.

Hon. William P. Rogers,
Secretary of State,
Department of State,
Washington, D.C.

Dear Mr. Secretary: I am shocked and angered to learn that the Soviet Union has begun imposing an exorbitant tax on educated Jews who wish to emigrate to Israel. This tax is said to be from $5,000 to $37,000, depending on the person's level of education. Supposedly, this is to reimburse the Soviet Government for the cost of their education.

This cynical "tax" is in fact a ransom. The comparison that comes to mind most readily is with the Nazi proposal during World War II to spare Jewish victims in return for trucks. I have long protested the Soviets' refusal to permit more than a limited number of Jews to emigrate to Israel. But with this latest "tax", the Soviet Government is willing to make an absolute mockery of one of the fundamental human rights, the right of a citizen of a country to emigrate in peace. This is all that the Soviet Jews ask.

I know you already are engaged in addressing yourself to this issue of international human rights. I will stand firmly behind all efforts by our Government to protest this tyrannical law and to urge the Soviet Union to rescind it immediately.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

Mr. SCHWEIKER. Mr. President, this shocking restraint on the right of educated Soviet Jews to emigrate is a policy of the same Government with which we now plan to make agreements for broadened trade between our two countries.

Mr. President, I am one Senator who plans to oppose any legislation or Executive action to increase trade between the United States and the Soviet Union as long as this despicable exit tax remains in effect.

I do not see how we can divorce our plans for increased trade with the Soviet Union from the cynical "trade" the Soviet Union now proposes to the world—"Give us your hard currency, and the Soviet Jews with educations will go free."

When our country, after a long period of strict limitations on trade with the Soviet Union, lifts those limitations, it is not purely for economic reasons. We want to trade with the Soviet Union so as to foster a better overall series of relationships with that country and its people.

How then can we consider expanding these trade relationships at a time when the Soviet Union is, before our very eyes, holding thousands of Jews in bondage when all they want to do is emigrate in peace?

Mr. President, we must make it abundantly clear to the Soviet Union that we condemn what it is doing to its Jewish citizens and that we are prepared to back up our words by holding back on trade concessions to the Soviet Union until this policy is revoked.

NIXONOMICS: THE ROAD TO DISASTER

Mr. HUMPHREY. Mr. President, on Tuesday, September 12, 1972, the Wall Street Journal published a lengthly analysis of the Nixon economic policy. The article was written by Dr. Walter Heller, former chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson.

Dr. Heller hits at what I think is the most important single distinction between the Nixon economic record and the perspective put forth by the Democratic Party—what is and what is not an acceptable level of unemployment.

Dr. Heller clearly shows that if 5 percent unemployment becomes the acceptable figure, as Republicans would want this Nation to accept, then our Nation will sacrifice about $35 billion of gross national product, $10 billion of profits, and $10 billion of Federal tax revenues. Furthermore, if the 5 percent rather than the 4 percent becomes the level of acceptability, jobs will be denied to 1 million persons.

That, Mr. President, is the difference between Democrats and Republicans—it is the difference between having a job and looking for a job, between having the Federal revenues to pay for programs and huge deficits, between a growing gross national product and a sluggish economy.

Mr. President, I ask unanimous consent that Dr. Heller's article entitled "The Price Tag for Nixonomics," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Sept. 12, 1972]

THE PRICE TAG FOR NIXONOMICS

(By Walter W. Heller)

Is the cup of recovery half full and filling rapidly? Or is it two-thirds empty and in no early danger of running over?

One school of thought sees the economy reaching its capacity, its limits of inflationary tolerance, at a fairly early date, perhaps mid-1973. Another believes that the ample slack in today's economy won't be taken up until some time in 1974.

The issue is far from academic. The economic recovery is at a stage that raises this question: Is it time to reach for the fiscal and monetary brakes? And the political campaign is at a stage that pits the two schools of thought against each other.

The Nixon White House and the Federal Reserve apparently associate the U.S. economy's potential with an unemployment rate of 5% or a bit below. And they assure us that in a booming economy 5% is just around the bend. So they are raising the spectre of an early renewal of excess-demand inflation and calling for budget belt-tightening and monetary snugging to ward it off.

Sen. McGovern and his economic advisers, true to the Kennedy-Johnson tradition, associate potential with an unemployment rate of 4% or a bit below. And unemployment, as they see it, won't reach even 5% for many months. By their lights, the economy has a long way to go before it bumps against its ceiling and overheats. So, they argue, don't choke off recovery by tromping on the monetary and fiscal brakes prematurely.

This critical question of reasonable full employment targets, of realistic limits to expansion, has been overshadowed by the more emotional (and to the financial community, more personal) issue of fair-shares tax reform and redistributive welfare plans. But for the rational reader of these lines "How high is up?" is an even more critical issue than "How much will I have to give up? Why? First, because the *perceived* limits to expansion will determine the course of near-term action on interest rates, money supply and the budget, while the *actual* limits will determine the levels of prosperity, profits and taxes in the longer run. Second, because the Federal Reserve and the White House have the monetary powers and much of the budget power they need to accomplish their chosen full-employment goals, in sharp contrast with structural tax and welfare reforms, where a balky Congress is not highly disposed to do what the President proposes.

What's at stake in this contest between competing concepts of the power and flexibility of the U.S. economy? Simply this: if the country lowers its sights from a target of 4% unemployment to one of 5%, it will sacrifice each year about $35 billion of GNP, 10 billion of profits and $10 billion of federal tax revenue. Settling for 5% instead of 4% would mean denying jobs to one million people and denying the country—and especially the poor and non-white who are at the end of the job line—the benefits of the better living standards and the social advances we can buy with that $35 billion of added output and $10 billion of added tax revenues.

NO SCIENTIFIC ANSWER

Who's right and who's wrong? Alas, as in the case of so many questions of political economy, there's no wholly scientific answer. Where we set our full-employment targets is in considerable part in the realm of values and policy. It depends on one's relative tolerance for inflation and unemployment—i.e., how much inflation one is willing to trade off for lower unemployment—and how vigorous a policy of wage-price restraint, public service jobs and labor market reform one is willing to pursue.

So there are no absolutes. But there are some important facts to start with. First, we know roughly how fast the U.S. economy has to grow just to stand still. Just to absorb the 4.4% annual growth in labor force and productivity and to allow for about 3% inflation, requires a 7½% annual rise in money GNP. At current GNP levels, that requires an $85-billion-a-year advance merely to hold our own.

Second, we "know" that GNP will rise by $100 billion to $105 billion this year. And the early entrants in the 1973 forecasting derby cluster around a $105 billion to $110 billion advance for 1973. Given the characteristic lags in economic actions and reactions, it's safe to say that this outlook—unlike that for later years—will be little affected by the outcome of the election. By the end of 1973, then, GNP will be running at an annual rate of about $1,300 billion, some $220 billion above its rate at the end of 1971. Some $50 billion of the slack in the U.S. economy will have been taken up. How much will be left?

The answer starts, but hardly stops, with a third set of facts, namely, how much more GNP our economy delivers at 4% unemployment than at 5% or 6%. The 4% benchmark is the basis for the official Commerce Department estimate of the GNP gap, the difference between the existing and the potential level of output. By the 4% standard, the economy was running about $75 billion below its potential at the end of 1971.

But if you're not a 4-percenter—if in your heart of hearts you're willing to trade more unemployment for less inflation and government intervention (even though in your head of heads you still use 4% in calculating full-employment tax revenues)—the $75 billion overstates the gap. Lowering one's target to, say, 4¾% is the same thing as lowering the GNP goal and the gap by $25 billion.

So, how much slack will be left? McGovernomics, faithful to a target of 4% or better, says in effect, "Recovery is closing about one-third of the GNP gap this year and another third next year. That will still leave us $25 billion short of a full-employment, full-production, full-profit economy by the end of 1973. Don't abort recovery short of full-term."

Nixonomics, in effect, says, "We can't get there from here without excessive inflation and controls. So let's settle for something close to 5% as our full-employment goal. By that standard, the GNP gap was more like $50 billion at the end of 1971. We're taking up half of that slack this year and the other half next year. Reach for the brakes."

SOME SPECIFICS

Since there is so much at stake, let me be more specific about how the two schools of thought differ in assessing the amount of slack in the U.S. economy. What we might call the "uptight school" stresses:

That today's unemployment rate of 5.6% (a) includes much low-grade labor, (b) conceals the fact that less than 3% of adult married males are unemployed, (c) ignores the fact that it's as hard as ever to find good maids, gardeners and handymen;

That the rising proportion of teenagers and women among the unemployed translates into tighter labor markets, a worse Phillips curve, more inflation than we used to have at 4% unemployment;

That with business and labor more sensitized to the signs and significance of inflation, it's easier to get caught in a price-wage or wage-wage spiral than it used to be;

That current data slowing 78% operating rates in manufacturing are based on slippery capacity numbers and include much obsolete plant and equipment.

In contrast, the "lots-of-headroom school" stresses:

That today's unemployment rate fails to count millions of (a) hidden unemployed, the discouraged dropouts from the labor force and the non-entrants who will seek jobs as the economy strengthens; (b) part-time workers who want full-time work, and (c) skilled laborers and professionals forced to accept jobs well below their capacities;

That the trend toward more youth and women among the unemployed should be dealt with, not by retreating on job goals, but by more strenuous efforts to strengthen manpower, mobility and public service job programs;

That the dangers of cost-push inflation should be dealt with not by measures to cut back aggregate demand and thereby deny jobs and incomes to the economic "underclass," but by wage-price restraints focussed on the business and labor leaders who sit in the seats of market power;

That even if nearly half of idle manufacturing capacity (say, 10% of total capacity) is classed as obsolete or inefficient, that still leaves 12 percentage points of slack to take up.

I need hardly add that I find the defense of the 4% unemployment target persuasive in both economic and human terms. Given a responsible fiscal-monetary policy and some ingenuity and courage in wage-price restraint, there's no reason to deny ourselves the million jobs and the $10 billion each in profits and tax revenues that lie hidden in the gap between 5% and 4% unemployment.

What, in sum, is the prudent policy path to this goal?

First, don't prematurely cut off the monetary and fiscal lifeblood of this expansion.

Second, recognizing the lags in response to monetary and budget changes, start throttling down by mid-1973.

Third, recognizing the $17 billion full-employment deficit for fiscal 1975 implicit in Mr. Nixon's present programs and proposals, plus the several billions that Congress will tack on, put a sizeable net tax increase on the books to take effect in 1974.

Fourth, since cost-push won't wait for full employment but looms up next year when the pace of big labor negotiations steps up and the productivity surge slows down, get ready to put a streamlined Phase III in place.

BOARD OF CONTRIBUTORS

The Wall Street Journal is pleased to announce a new feature, the Board of Contributors, intended to present a broad range of viewpoints on current topics. Four distinguished university professors have been invited to contribute regular monthly articles, and each has agreed to write eight to twelve times over the next year. The contributors are:

Walter W. Heller, Regents' Professor of Economics at the University of Minnesota and former chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson.

Irving Kristol, Henry Luce Professor of Urban Values at New York University and co-editor of the quarterly, The Public Interest.

Paul W. McCracken, Edmund Ezra Day University Professor of Business Administration at the University of Michigan and former chairman of the Council of Economic Advisers under President Nixon.

Arthur Schlesinger Jr., Albert Schweitzer Professor of the Humanities at the City University of New York and winner of Pulitzer Prizes in history and biography.

Dr. Heller's article is the first in the series. Initial articles by the other contributors will appear this week and next.

MEXICO'S INDEPENDENCE DAY

Mr. MANSFIELD. Mr. President, on tomorrow, 162 years ago, Fr. Miguel Hidalgo y Costilla, a parish priest, rallied the citizens of the little town of Dolores in Mexico to begin the Mexican struggle for independence.

September 16, 1810. It is a date comparable in history to that of July 4, 1776. The people of our own Nation share a great deal with the people who reside on the other side of our southern most border, and, in turn, the people of Mexico enjoy close ties with their northern neighbors, not only through deep and abiding friendships, but through a common heritage growing out of a similar love for freedom and honor and through a host of mutual interests in such diverse areas as security and social improvement.

I, therefore, today pay tribute to Mexico, to her people, and especially to those great Mexican patriots who sacrificed their lives in behalf of Mexican freedom and independence in the first half of the last century.

The United States Senate—all of us, Republicans and Democrats—join in saluting a good friend, a good neighbor at this particular time in this particular year—the Year of Juarez—the bravest of the brave.

CONSERVATION/ENVIRONMENTAL LEGISLATION

Mr. PACKWOOD. Mr. President, earlier this week I called upon Congress to put aside its petty differences and political rhetoric and start moving some of the most needed conservation/environmental legislation now pending before it.

I am extremely gratified to learn that the land use bill, S. 632, and the Water Pollution Control Act amendments are now on the front burner. Both of these bills are essential if we are to make any real progress toward conservation of our natural resources, and restoration of our environment.

The fact that conferees have upheld the principle of environmental restoration could never be better illustrated than through the hard-earned agreement they have presented us with. I wish to commend those members of the conference committee and express my appreciation for their hours of labor on this vital piece of environmental legislation.

CIGARETTE SMOKING

Mr. MOSS. Mr. President, a new study published in the September issue of the Journal of the American Dental Association reveals that smokers have a six times greater risk of developing cancer of the mouth than nonsmokers, and the risk for women specifically is nine times as great. When we consider that the incidence of smoking among women has increased greatly in the last 20 years, we can well understand the alarm expressed by the researchers and the concurrent increase in mouth cancer among women.

According to the researchers 80 percent of the cancer patients in the study were habitual cigarette smokers. Fortunately, among those who quit smoking only 7 percent developed a second oral cancer, but among those who continued to smoke, 36 percent developed additional cancers.

Mr. President, time and again we have discussed the health hazards of cigarettes. And the hazard appears to be as prevalent as ever. Through continued education and persuasion, we will eventually succeed in reducing the incidence of smoking and the mortality which can be attributed to smoking. Mr. President, I ask unanimous consent that an article from the Salt Lake Tribune concerning the JADA article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CANCER OF MOUTH RISING IN WOMEN

(By C. G. McDaniel)

CHICAGO.—Women are smoking more and getting more cancer of the mouth as a result, two California dental researchers say.

This is one of the findings of Drs. Sol. Silverman Jr. and Michael Griffith of the University of California School of Dentistry, San Francisco.

Smokers have a six times greater risk of developing cancer of the mouth than nonsmokers, and the risk for women is nine times as great, they wrote in the September issue of the Journal of the American Dental Assn.

"ALARMING INCREASE"

"The cigarette habits displayed by the women in this study may account for the sudden and alarming increase of mouth cancer among women," they said.

Women also had recurrence of cancer of the mouth more frequently than men, probably reflecting, they said, "the greater reluctance on the part of women to reduce or stop smoking."

Silverman and Griffith studied 104 men and 70 women with oral cancer, except for cancer of the lip. They followed these patients over a period of time to evaluate their smoking habits and the occurrence of second primary cancers.

Eighty percent of the cancer patients habitually smoked cigarettes at the time their cancers were diagnosed. Of the 116 who were followed for a year or more, 61 percent continued to smoke.

SECOND CANCERS

Of those who quit smoking, seven percent developed second oral cancers.

Of those who continued to smoke but at a reduced rate, 18 percent had second oral cancers, and 36 percent of those who did not change smoking habits had additional cancers.

"A reduction of smoking from any previous level reduced by half the risk for development of a second primary oral cancer," the researchers pointed out.

Two of nine cigar smokers and two of nine pipe smokers, all of whom continued their smoking habits, developed second primary cancers. Two of 15 nonsmokers also developed second oral cancers.

ROBERT C. BAKER

Mr. MATHIAS. Mr. President, Downtown Progress is one of the positive, creative institutions in the National Capital. In the 13 years of its existence it has grappled with the problems of the modern center city and with all of the additional difficulties arising from Washington's role as a unique national and international power center.

One estimate of the success of the leadership of Downtown Progress is expressed in a letter from President Nixon to Robert C. Baker, chairman of the board, at the time of the annual meeting earlier this year. I ask unanimous consent that the letter, which speaks for itself, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, D.C., February 16, 1972.

Mr. Robert C. Baker,
Chairman of the Board, Downtown Progress, National Capital Downtown Committee, Inc., Washington, D.C.

Dear Bob: The contribution made over the last twelve years by the members of Downtown Progress has been invaluable.

By seeking to preserve Washington's downtown as a source of greater strength both economically and socially, Downtown Progress has done much to revitalize and improve the quality of life in our Nation's Capital. The support it has given to Mayor Washington in his effort to deal with citywide problems is particularly to be commended.

There is no doubt that if we are to deal effectively with the problems of urbanization, it is imperative that an informed and enlightened private enterprise sector participate fully in meeting the challenges we face. Downtown Progress is a model of such participation.

My best wishes to all who attend your 1972 meeting. May it be productive and rewarding for each of you personally and for the City you continue to serve so well.

Sincerely,

Richard Nixon.

Mr. MATHIAS. Mr. President, today a number of Members of Congress, city officials, and community leaders met in the Capitol to salute Bob Baker upon his retirement as chairman of the Board of Downtown Progress. As the ranking minority member of the Committee on the District of Columbia, I was privileged to be present and to join in the tribute paid to Mr. Baker.

Robert C. Baker is chairman of the board of American Security & Trust Co. and is president and director of its affiliate, American Security Corp. He is also a director of a number of corporations including Peoples Drug Stores and Peoples Life Insurance Co.

His trusteeships include the George Washington University and Juniata College and he is a trustee emeritus of the National Trust for Historic Preservation. Mr. Baker served as treasurer of the John F. Kennedy Center for the Performing Arts until this month. He has also served as a trustee of the Federal City Council.

This is not an inclusive list, but it gives the flavor of his business, educational, and community service activities.

The principal purpose in joining together today, is to recognize him primarily for his leadership of downtown progress since its creation 13 years ago. This private, non-profit corporation, chartered on the recommendation of the Federal City Council and the National Capital Planning Commission, has worked to plan the revitalization of downtown Washington between the White House and the Capitol and to work to make sure that the plans become a reality. In spite of tremendous obstacles, the job is well begun.

Downtown progress has been the creator, initiator, or played a significant role in many actions, including:

Action plan for downtown.
Minibus.
Downtown central library.
METRO subway.
National visitor center.
Tourmobile.
Ford's Theatre restoration.
Lincoln place.
F Street Plaza.
Midi-bus.
Private redevelopment.
Air-rights development.
Downtown urban renewal plan.
Special business relocation assistance proposal.

Bob Baker would be the first, I am sure, to say that much of the credit for these accomplishments goes to all of the members of the downtown progress and to many others in the community. I am sure, however, that each of them will agree with me that his leadership has provided a key element in the successes to date. For that reason, we honor him today and wish him well upon his retirement as chairman of the board of downtown progress.

REPRESENTATIVE RODINO SPEAKS ON EPILEPSY

Mr. WILLIAMS. Mr. President, there is a growing awareness in our country that we have failed by a large margin to respond adequately to the needs of handicapped Americans. Many Members of Congress are actively supporting efforts to remedy that situation, and as chairman of the Committee on Labor and Public Welfare, I can see hopeful signs that we will remedy it in the near future. One of those who are intensely concerned with the problems of handicapped Americans is Representative Peter W. Rodino, from my own State of New Jersey. Recently, Representative Rodino delivered a fine address in which he discussed the problems and needs of epileptics. I ask unanimous consent that his speech be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Congressman Peter W. Rodino, Jr. to the New Jersey Chapter, Epilepsy Foundation of America, August 6, 1972

Mr. President, members of the board of trustees of the New Jersey Chapter, Epilepsy Foundation of America, distinguished guests, ladies and gentlemen.

I am delighted that you have invited me to join you on this day that will mark the dedication of the first "Epilepsy Service Facility" in the State of New Jersey. It is with a feeling of pride in our state and her people that I cut this ribbon across these doors to open them wide to all those individuals who are afflicted or affected by Epilepsy in our state.

Perhaps it is more than symbolic that the simple procedure of cutting a ribbon represents a step that has taken us four hundred years to accomplish. That of providing direct health services to the more than seventy thousand people in our state afflicted with Epilepsy.

I have followed the path of the New Jersey Chapter since its inception in January of 1970. A group of dedicated volunteers who felt the need for services to the population in New Jersey afflicted with Epilepsy demanded a positive approach, organized the New Jersey Chapter of the Epilepsy Foundation of America.

This handful of individuals with the help of dedicated public officials, two of whom deserve special mention, U.S. Senator Harrison A. Williams and Gov. William T. Cahill, established the first voluntary Epilepsy Service Facility in New Jersey. Their programs of "Satewide Comprehensive Epilepsy Services" sheds a great deal of light on the magnitude of their undertaking as well as their stead-fast determination to bring Epilepsy out of the dark ages in New Jersey.

The chapter selected Mr. James F. White of Union, as their executive director. Mr. White served on a voluntary basis for two years and is currently the president of the chapter. Mr. White's extensive background in professional health agency experience added a new dimension to the fledgling group. A former official in the Veterans Administration, Mr. White provided professional services in addition to furnishing office space. He also assumed most of the expenses during the first two years of the Epilepsy Service Facility's operation because the chapter had few financial resources.

In little more than two years from that modest beginning the Epilepsy Service Facility is providing services to the entire population of the State of New Jersey. Today, ladies and gentlemen, another step has been taken in the continuing fight to overcome Epilepsy and its problems.

What, many ask, are the problems of epileptics? Why do we need a facility such as the one we dedicate this day? To those who are afflicted or affected by Epilepsy, the answers are all too obvious. To the uninformed, and, more importantly, the mis-informed, the answers are cloaked in a veil of suspicion and fear.

The basic goal of the Epilepsy movement here in New Jersey, and for that matter, throughout the nation, is to free persons with Epilepsy from the ravages of uncontrolled convulsions. To free persons from the necessity of hiding their Epilepsy and living in secrecy and fear. To eliminate the harsh stigma of "second-class citizenship" when a person's Epilepsy is known. To eliminate exclusion from school programs and often school itself. To eliminate exclusion from vital activities of daily living such as social, sports, group pursuits, camps, driving and a host of other activities which are denied to those people who have Epilepsy now simply because of fear and prejudicial attitudes. These are but a few of the problems, and, I am certain, many of you here today, could add to this list from your own personal experiences.

However, knowing the problem is only half of the solution. What has the New Jersey Chapter accomplished in their short span of existence? A great deal I am pleased to report.

To begin with, the New Jersey Chapter, Epilepsy Foundation of America, under Mr. White's leadership, availed itself of Public Law 91–517, more commonly known as the "Developmental Disabilities Services and Facilities Construction Act of 1970." This act defined Epilepsy for the first time and made Epilepsy eligible for funding under this federal program here in New Jersey. The New Jersey Chapter obtained a $15,000 grant for their "Epilepsy Service Facility." The facility is part of the "Statewide Comprehensive Epilepsy Service Program." This funding enabled the chapter to acquire paid professional services in addition to the facility we are dedicating today. From the Epilepsy Service Facility, resource and referral, information, counseling regarding the numerous questions concerning Epilepsy are provided.

Not satisfied with their tremendous accomplishments in such a short period of time, the New Jersey Chapter played the key role of supportive services in the passage of the "Anti-discrimination of the Physically Handicapped Act" signed by Governor Cahill earlier this month. I was delighted to aid and assist members of the New Jersey Chapter in their pursuit of this legislation.

It pleases me to say that New Jersey is the first State in our nation to pass legislation that will halt discrimination against the physically handicapped. I am confident all progressive states will pass similar legislation. And, I hope that our Congress will do likewise.

Legislation that prohibits discrimination against the physically handicapped is a giant step toward rehabilitation of such persons. It will help them to attain the dignity of birthright and become contributors to our society rather than recipients.

This legislation includes "Epilepsy" as a substantial handicap and to my knowledge, New Jersey is the first to do so in the nation. What the passage of this act will mean to those afflicted with Epilepsy can, at this juncture, be only speculative. Nevertheless, I feel that this type of legislation will resolve many of the problems many epileptics have encountered over the years in terms of public accommodation, employment and other areas defined by this act.

Members of the New Jersey Chapter, what we see today represents a small but significant step in the cause of Epilepsy in the State of New Jersey. When I say small, I do not mean to diminish your accomplishments thus far, but project to you a view of what is yet to be done. Four hundred years of neglect cannot be rectified in a short time. Four hundred years of ignorance cannot be instantaneously reversed. Our stride here today is the beginning of the end of darkness for those afflicted with Epilepsy in New Jersey.

I am proud to have been a part of your success. I am proud to be a part of your past and present. And through the grace of God and the courage of your membership and associates, I will be a part of your bright new future.

Thank you.

SOVIET RANSOM AND TRADE

Mr. RIBICOFF. Mr. President, a month ago the American people first learned of the Soviet Union's intention to require huge and unrealistic sums of money to be paid in order for educated Jews to receive permission to emigrate. This decree has now been made public to the Soviet Union—the same day that negotiations on a trade deal were being carried out in Moscow by Henry Kissinger.

This past Tuesday in condemning this Soviet extortion I made clear the link that must be made between removal of this ransom decree and future trade ties with the Soviet Union. Other Senators, on both sides of the aisle, have since voiced their agreement with my position. Yesterday, more than 60 Members of the other body including a number who serve on the Ways and Means Committee, expressed their views on this subject.

This coming Sunday morning, September 17, at 11 o'clock, there will be a mass meeting protesting this Soviet blackmail, held on the Ellipse here in Washington. Mr. Sargent Shriver and others will speak in the program. I encourage Senators who will be in Washington on Sunday to be present at this gathering Sunday to show their opposition to this reprehensible practice. Because Congress has such a vital role to play in implementing any trade agreement, I urge those who have not yet spoken out on this issue to do so.

MEXICAN INDEPENDENCE DAY

Mr. FANNIN. Mr. President, September 16 is a date of great importance in Mexico and in the Western Hemisphere. It is the anniversary of the events which launched the fight for Mexican national independence some 162 years ago.

The people of Arizona, especially those of Mexican descent, celebrate this occasion each year with our good neighbors south of the border. I know that all Americans recognize the important contributions that Mexico and the Mexican people have made to our own Nation and to civilization in general.

The history of Mexico's struggle for independence is not dissimilar in spirit from our own American revolution.

The Mexican revolutionary movement may be said to have begun when Father Miguel Hidalgo y Costilla proclaimed absolute independence in the town of Dolores, Guanajuato, on September 16, 1810. The Napoleonic invasions of Spain, resulting in the imprisonment of the Spanish King Charles IV and his son, Ferdinand VII, had given rise to the Mexican movement for independence led by Father Hidalgo.

Although the initial effort of Hidalgo resulted in failure, the torch of liberty would not be extinguished. Independence came in 1821.

Over the years the two neighboring nations—Mexico and the United States—have benefited from an interchange of spirit, ideals, and culture.

The cultural tradition of Mexico is a unique fusion of Spanish, Catholic, and Indian influences.

The art and architecture of Mexico have become natural components of contemporary America, especially in the Southwest. Perhaps Mexico's contribution to world art to achieve greatest prominence is mural painting. The work of three great masters of the mural movement—Rivera, Orozco, and Siqueiros—appears in numerous public buildings, including some in the United States.

Mexican music, such as the works of Carlos Chavez, has been consistently performed in the United States.

The first book to be printed in the Western Hemisphere was published in Mexico City in 1539, and reminds us in America today of our continuing devotion to learning and knowledge—a devotion which had its origin in Mexico nearly a century before Jamestown.

Most important is the common devotion to democracy and universal freedom which characterizes both the Mexican and the American traditions.

It is therefore my great honor and privilege to commemorate the Day of Mexican Independence—September 16—as an anniversary which not only recalls the glory of the past, but also suggests the promise of the future—a future rich in hope for realization of the ancient ideals of liberty and happiness which have inspired mankind since the beginning of time. The people of Arizona are especially conscious on this day of the contributions made by Mexico to the history of the United States. On September 16, therefore, the people of the United States pay tribute to their neighbor to the south and wish for her continuing greatness and prosperity in the years to come.

NOISE POLLUTION CONTROL

Mr. TUNNEY. Mr. President, on September 5, I placed the first article of a two-part series on noise pollution into the Record. After 6 months of careful consideration, the Public Works Committee has reported the Noise Pollution Control Act of 1972, S. 3342. In view of the committee's action I feel these articles to be especially timely and important. I ask unanimous consent to have printed in the Record the second part of the series by Gladwin Hill as well as the second article on the subject to appear in the Los Angeles Times this week.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Riverside (Calif.) Press, Sept. 4, 1972]

The Nation Fights Back To Control Noise Pollution's Rise

(By Gladwin Hill)

Washington.—Public apathy has contributed to noise increase. A recent visitor to Stockholm, Sweden, a city with heavy traffic, heard an automobile horn only three times in three weeks. Yet of all the cities in the United States only Memphis has achieved a comparable reputation.

Memphis in 1938 simply banned unnecessary horn blowing and began issuing tickets for it. This reduced offenses to a current rate of only about 150 a year. This has won Memphis numerous "quietest city" awards although some Memphis residents say that in other respects it is not notably quieter than other cities.

Until recently the most explicit effort to abate din was the action of a number of states in limiting vehicle noise on highways to around 85 decibels. But here also enforcement has been sketchy.

Federal officials say California has the most comprehensive vehicle noise law. Its state highway patrolmen handed out 18,000 tickets last year for noisy cars. But with only six two-man teams to cover 162,000 miles of highways, the level of enforcement is admittedly low.

The first comprehensive state noise legislation was enacted by New Jersey last January. The law made excessive noise a state offense with fines up to $3,000, and directed the state's Department of Environmental Protection to draw up antinoise regulations.

The agency is now in the process of implementing that legislation. A 13-member citizen council provided for in the law to review regulations is just being appointed.

Illinois, Colorado, and some other states are in similar preliminary stages of noise regulation.

In July, 1971, Chicago put into effect the most comprehensive program to curb noise of any American city.

Its 3,000-word ordinance sets noise limits for a dozen categories of sources, from bulldozers to garden tools. The limits range from 94 decibels for heavy machinery down to 55 decibels as the maximum that may emanate from a residence. Progressive reductions bring the limits on vehicles and machinery down as low as 65 decibels by 1980. The law carries a penalty of up to a $500 fine and a six-month jail term. The law is administered by the city's Department of Environmental Control, under a novel technique designed to overcome the classic obstacle in noise law enforcement: the fact that police officers do not have the time or technical knowledge to issue citations, while technical people generally do not have police power.

In Chicago three man teams comprising two noise inspectors and a police officer cruise the city. When violations are spotted, citations can be issued on the spot.

Under this system, 1,649 cases were brought to court in the year ending last June. Of about 1,000 cases completed to date convictions were obtained in 809 and compliance was obtained in most of the others.

Since Chicago instituted its program another group of cities has adopted or moved toward similar legislation. The group includes New York, Washington, Baltimore, Kansas City, Dallas, St. Paul, Minneapolis and Grand Rapids, Mich.

The most acute single source of noise is airplanes. About one out of every 10 persons in the country lives close enough to airports to be bothered by plane noise and the number of airports and the amount of air traffic are expected to multiply in the years ahead.

Abatement of airplane noise is a legal puzzle that has lawyers and public officials, as airport area residents, in a quandary.

The Federal Aviation Administration has jurisdiction over all civilian air traffic and over many aspects of airport design and operation. In 1968 Congress also gave the agency the authority to set noise limits on planes from a design standpoint.

In November 1968 the FAA promulgated limits of 102 to 108 decibels as "perceived" from nearby points for the new "generation" of jumbo passenger planes—the 747's, DC-10's and L-1011's.

The older passenger jets produce from 110 to 120 decibels. Argument has been raging for two years about quieting aircraft engines, with the air transport industry saying "retrofitting" is impractical because it would cost a billion dollars. The FAA is expected to issue some modification requirements within the next few months.

Meanwhile, the FAA design limits on plane noise do not necessarily match the amount of racket a plane may make flying over a community, and the FAA does not profess to monitor or police individual flights' noisemaking.

This appeared to leave a jurisdictional gap in which communities could set noise limits for airplane operations. A number of communities have tried this. But the federal courts have repeatedly invalidated such ordinances as an intrusion on a federal regulatory area.

A Burbank "curfew" banning jet traffic between 1 p.m. and 7. a.m. is before the U.S. Supreme Court and a contested Inglewood regulatory ordinance is headed there.

The jurisdictional gap has left airport operators in the middle. California courts have awarded several million dollars in property devaluation damages to residents around the Los Angeles International Airport and the City of Los Angeles is faced with nearly $5 billion in additional suits. Hundreds of similar suits have been filed in other parts of the country.

The jurisdictional bind was made particularly acute in May when a California court ruled in a case involving the City of Santa Monica that an airport was liable not only for property devaluation but also for compensation for personal annoyance.

This ruling moved Los Angeles officials to exclaim that on that basis they might have to close down the Los Angeles airport, second busiest in the country, lest they incur astronomical damage claims. The problem remains unsolved.

Meanwhile the State of California, which contends it can legally promulgate aviation regulations as long as they do not conflict with existing federal enactments, is preparing to put into effect in December flight restrictions aimed at reducing noise. The state fully expects its regulations will be challenged by the federal government and the airlines.

The mounting concern about airplane noise convinced Congress it should do something about noise generally.

In December, 1970, it created an Office of Noise Abatement and Control in the Environmental Protection Agency, and directed it to study the problem.

The agency turned in a massive report last January. The House of Representatives in February passed a noise control bill (HR 11021) drafted by Rep. Paul G. Rogers, D-Fla.

It directs the environmental agency to establish national noise emission limits for four kinds of machinery: transportation equipment, construction equipment, motors and engines, and electrical equipment. It authorizes the agency to assess civil fines up to $25,000 for violation of these standards by manufacturers and distributors.

In regard to airplanes the measure gives the environmental agency only an advisory role, leaving authority with the FAA.

The Senate has been considering a more stringent bill (S. 3342) sponsored by Sens. Edmund S. Muskie of Maine and John V. Tunney of California, both Democrats.

The chief difference in the Senate bill is that it would give the Environmental Protection Agency comprehensive jurisdiction over aircraft noise—even though the agency has demurred at accepting this responsibility on the ground it lacks technical expertise.

The Senate has completed committee hearings and the next step will be to reconcile House and Senate versions of the legislation.

Both bills give the states leeway to formulate their own noise control regulations as long as they do not conflict with federal standards. The laws would also provide states with technical assistance from the environmental protection agency in setting up organizations to administer noise-control regulations.

Industry began sensing the public unhappiness about noise several years back, and doing something about it.

The auto makers have been trying to make cars quieter.

Inspired by European progress American manufacturers have been designing quieter air compressors, a major racket-maker on construction projects.

Research is under way to tone down the noise of diesel trucks, whose snorting often reaches the noise level of jet planes.

The "leisure time equipment" industry involving everything from snowmobiles to hedgeclippers, through the national Industrial Pollution Control Council, advanced last year a noise-reduction program for machines. Under it, equipment noise now as high as 92 decibels at a distance of 50 feet would be reduced over the next decade to a maximum of 77 decibels.

The least-used tactic to date to lessen noise has been land use planning, because most of the nation's communities are locked in, at least for the time being, to archaic layouts in which noise problems were not considered.

Congress has before it several proposals for federal-state collaboration in more rational land use, in which noise would be a factor. But the measures have been bogged down in debate, and there is no telling when, if ever, legislation will emerge.

[From the Los Angeles Times, Sept. 13, 1972]

NEW SCHOOL YEAR OPENS TO WHINE OF JETS—AGAIN

(By Jack Jones)

The third giant jetliner in six minutes drowns the shouts of a schoolyard dodgeball game with a whistling roar as it angles toward touchdown at Los Angeles International Airport.

"It's getting worse every year," says Mary Lipsman, Jefferson Elementary School kindergarten teacher, as soon as she can make herself heard. "Who knows what the children miss in class? It's incalculable."

At Felton Junior High School, so close to the airport that landing jets sound as though they are coming through the roof, students conditioned by years of living in the neighborhood do not even look up.

But social studies teacher Nora Brennan is forced to suspend talking until the roar subsides. Then she gets in a few more words before the next thunderous arrival.

"For the first two or three years, it didn't bother me too much," she says. "But it's starting to get to me now. What is it doing to the children? If they grow up in an atmosphere of total noise pollution they find quiet hard to take."

With the fall semester just under way Tuesday not a teacher interviewed at four schools in the Lennox and Inglewood school districts disagreed with a recent UCLA study concluding that jet noise is hindering education and may be causing permanent hearing damage at 15 schools near the airport.

And several teachers admitted to personal hearing loss.

"What did you say?" answered John Wilson, an English teacher with more than 16 years at Morningside High in Inglewood, during a faculty room discussion of the subject.

He said he was not kidding. He had not heard the question.

Although the UCLA report said testing by school nurses at Felton Junior High had revealed hearing loss in virtually all the children, Felton Principal Edward Walsh said:

"I question that. Because of all the noise last year, we were unable to complete the hearing tests."

Mrs. Trudy Underman, formerly the nurse for Jefferson and Felton, agreed that by last year "it just got impossible to test."

She pointed out that it is difficult to prove that the incoming jets are costing the children their hearing without some long-term study.

"But my personal belief is that they are," she added.

As for traumatic responses and a higher incidence of schoolyard fighting, which the UCLA study laid to the jet noise, no one seemed certain.

"We can't really compare our kids to those in other districts," said Dr. H. W. Colby, Lennox School District superintendent whose own office is right under the east-to-west landing path.

He said Felton Principal Walsh had some "rather startling" figures on the number of fights last year, "but we'd be hard-pressed to prove they were due to the noise."

Walsh himself said, "We don't know if it's the planes. But we do have a great deal of physical confrontation. It's tough to verbalize with all that noise. If somebody pushes you, you're more apt to push back than wait until the roar is gone to talk about it."

Superintendent Colby said "Our classes are not bedlam, but they are not the quiet setting the teachers need to do a better job than they are already doing. One of the biggest problems is that the noise is a tiring thing for the teacher."

After a day full of pauses between roars, a teacher can feel rather frazzled.

With the help of matching funds from the Airport Authority, schools in both districts have a few sound-proofed rooms.

(Jefferson has eight of its 24 classrooms sound-proofed and air-conditioned while Felton, closer to the Airport, has only one).

Inside a protected room the jet roar is audible, but not disruptive.

The cost of soundproofing all the rooms in affected schools without outside funds is prohibitive, say school authorities.

Nora Brennan's room at Felton is not soundproofed.

"I tell my pupils not to get accustomed to it—not to accept noise pollution," she said, indicating her fear that they will become acquiescent automatons.

In her classroom, while the jets screamed down overhead, a half dozen or so students said the noise does not bother them. They have lived in the neighborhood for years. It is nothing new.

Others said they were irritated, and one girl who said she has lived under the flight path for 13 years told of having frequent earaches and headaches.

"Why can't something be done about it?" one student asked.

Two years ago, the Inglewood Unified School District filed a $35,955,000 claim with the city of Los Angeles over airport noise pollution and, says a school district spokesman, got no response.

It may now file again, depending on the outcome of other complaints filed by Lennox, El Segundo and other school districts.

"We can't really comment medically on hearing damage, and it's hard to say whether schoolyard friction is caused by jet noise," said that Inglewood schools official, "but the teachers have a very difficult time."

He said the problem increases at the high school level because the racial transition in Inglewood has produced problems being compounded by the constant irritant from the sky.

At Morningside High, a group of teachers agreed that the situation is worsening.

"The kids are so used to it, they don't notice it as much as we do," said Carmen Nieto, a Spanish teacher who five years ago gave up trying to give dictation in Spanish.

Bob Doyle, who has taught public speaking for 17 years at the high school, said, "I instinctively raise my voice until it becomes impossible. If a kid is speaking, he has to wait until the noise passes. You lose them."

Doyle added, "It's not the volume of the jet noise. It's that whistle. It can just cut through you."

SOCIAL SERVICES: TESTIMONY OF MR. HERSCHEL SAUCIER OF THE GEORGIA DEPARTMENT OF HUMAN RESOURCES

Mr. HUMPHREY. Mr. President, on September 13, 1972, Mr. Herschel Saucier, director of the Division of Family and Children Services of the Georgia Department of Human Resources presented a statement on social services to the Fiscal Policy Subcommittee of the Joint Economic Committee.

The program Mr. Saucier administers, services more than 600,000 individuals and expends more than $226 million of Federal funds. Like most social service administrators, Mr. Saucier is concerned about the $1.6 billion limitation on social services contained in the Senate-passed revenue-sharing bill.

That concern, I believe, is more than justified.

I was pleased by the preliminary report in the press this morning that the conference committee considering this legislation reached a compromise on the social service question, moving from the Senate-passed position to a reinstatement of the program as it existed—a continuation of the 75 to 25 matching requirement with a $2.5 billion ceiling. It is my hope, Mr. President that in the future the House Ways and Means Committee and the Senate Committee on Finance will examine the social service program to see that funds are being expended in a responsible manner and that the services to individuals actually get to the individuals.

Mr. President, I invite the attention of the Senate to Mr. Saucier's testimony, because I believe it provides an explanation of how one State spends social service funds in a responsible manner. Mr. Saucier is deeply concerned about sound fiscal policy in social service funding. He agrees that money expended should be justified—and the services provided should be effective in reducing welfare dependency and helping adults and children who are unable to help themselves.

I ask unanimous consent that Mr. Saucier's testimony before the Fiscal Policy Subcommittee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT PREPARED FOR THE SUBCOMMITTEE ON FISCAL POLICY OF THE JOINT ECONOMIC COMMITTEE OF THE CONGRESS OF THE UNITED STATES, WEDNESDAY, SEPTEMBER 13, 1972

(By Herschel Saucier)

I greatly appreciate the opportunity to testify before this Committee on the plan for funding social services through the revenue sharing bill as introduced by the Senate Finance Committee in which one billion dollars has been added for social services (in lieu of funding social services under Titles IV–A and XVI of the Social Security Act).

The Senate Finance Committee's revenue sharing bill only provides the State of Georgia with 5.2 million dollars to support our many preventive and rehabilitative services for poor and disabled Georgians. This drastic reduction in social service funds from those provided under Titles IV–A and XVI of the Social Security Act will wipe out Georgia's very progressive and dynamic program designed to prevent permanent destitution and misery on the part of thousands of Georgia citizens. I recognize that the rapidly expanding cost of social service programs to the Federal Treasury must and should be controlled. We have, however, carefully planned and implemented a comprehensive social service program for Georgia people. Passage of the Senate version of revenue sharing will destroy these programs and plans. This statement will clearly present our position in regard to the social service issue and provide alternatives to those made in the Senate Finance Committee's version of the revenue sharing bill.

On June 30, 1972, the Georgia Department of Human Resources had operating programs and specific program plans designed to serve 586,346 poor Georgians at a cost of $220,325,051 in Federal social service funds. On August 31, 1972, our program commitments had expanded to a total of $226,522,205 Federal dollars serving 622,291 individuals. These social service programs which I will describe later in some detail, are designed to prevent economic dependency upon the government and to assist them in achieving a greater degree of self support and self care. Programs are designed to:

1. Remove persons from the welfare rolls or reduce welfare grants through training and job placement.
2. Help other low-income persons with problems that may, without services, result in their becoming welfare recipients.
3. Provide protective services to children and adults who are abused, exploited or neglected.
4. Provide community services and placement alternatives to institutionalization.

I need not remind you that the factors that contribute to poverty and economic dependency are many. If we are to make progress in combating poverty we must provide those services which will not only prevent to the maximum degree possible the conditions that lead to poverty, but also to provide those rehabilitative services that will help poor people move toward self support and self care.

Georgia's programs are designed to help parents who are neglectful in their role as parents to give more adequate care to their children so that they may develop into adults who are more self sufficient; to assist those youth and adults with adjustment problems that may result in their needing institutionalization in mental institutions or state and federal penal institutions; to provide community-based social services that will enable families to continue partial responsibility for dependent children and adults while our service programs work toward helping them to be more independent of state welfare assistance; and to enable the handicapped and elderly adults remain in their homes as long as possible and avoid placing them in expensive nursing homes and twenty-four hour institutions.

I would like to describe some of the services that are funded through Titles IV–A and XVI of the Social Security Act through staff of the Department of Human Resources and, when more feasible, through purchase of service from local public and voluntary providers.

SOCIAL SERVICE PROGRAMS FOR CHILDREN AND FAMILIES

1. Day Care for Economically and Socially Deprived Children:

At the end of August, Georgia was providing quality day care services to 16,070 children. Day care is provided for children of mothers in training and working mothers who do not earn enough to provide adequate child care for their children. We are serving thousands of poor and socially deprived preschool children in an effort to provide them with a better chance of succeeding in public school when they enter the first grade. Many of these children, without these pre-school services, are school drop-outs before they enter school.

2. Extended Day Care Before and After School:

We are providing day care and other services such as counseling tutoring, family life education and job information and referral to more than 200,000 children and youth of working mothers. In addition to providing a constructive experience for these children who are vulnerable, we are preventing delinquency and improving the chances of these children and youth making it through the public school system.

3. Community Child Care and Training Centers for Retarded Children and Youth:

We are serving over 2,500 retarded children and youth in community-based facilities whose training programs are designed to help them to be less dependent upon public care.

By providing community programs of care and training during the daytime hours, parents are willing and able to continue primary responsibility for their care at home and, in many instances, prevent the placement of these severely retarded individuals in expensive institutions. In addition to providing a valuable service to the retarded individual, we provide a valuable service to the family.

4. Counseling Services for Children and Youth with Severe Adjustment Problems and Crisis Intervention to Deal With Emergencies:

We are providing emergency services to more than 2,000 individuals each month.

5. Voluntary Family Planning to Prevent Unwanted Pregnancies:

Comprehensive family planning services are being made available to all welfare recipients and potential recipients throughout the State of Georgia. We are finding welfare clients interested in participating in family planning services made available.

6. Planning, Evaluation, Information and Referral Services:

We are using service funds to develop, on a regional basis, a planned, rational and scientific approach to social service planning. Regional planning commissions are now providing planning services in 73 counties and by the end of FY–1973, will be serving all 159 counties.

7. Legal Services to Welfare Recipients:

Georgia has a statewide plan for making available to welfare applicants and recipients legal services that are designed to help them manage their own affairs more adequately. Legal services are available to assist with consumer problems, housing problems and domestic problems, as well as in areas relating to welfare eligibility.

8. Services to Youth with Adjustment Problems Who, Without Appropriate Services, Might Become Dependent:

Social service funds are being used to provide local community-based counseling and treatment programs for youth with adjustment problems designed to prevent their placement in institutions and to help them make a better adjustment to the community in which they live. Over 265 youth committed to the State for institutional placement have been served in community-based programs through intensive counseling, day programs of counseling and training and group homes which, in addition to saving many dollars, have done a more effective job of helping these youth live in the community without offending further.

9. Consumer Services:

We are providing a statewide consumer service program designed to protect the low-income consumer and to provide counseling services on consumer problems that will assists them in getting the most from their limited welfare dollar. We have trained 9,197 consumer counselors to provide consumer counseling at the community level. They have provided counseling services to 222,727 people. Poor people are alerted to schemes designed to exploit the poor.

10. Counseling Services to Children and Families In Every County Within the State:

Social services through local Departments include information referral services, protective services to parents who are neglecting, abusing or exploiting their children who, without service, will result in more severe dependency; employment services for youth and parents, assistance in money management, and counseling in family living.

11. Diagnostic Evaluation and Treatment Services for Children and Youth with Adjustment Problems:

Service funds are being used to develop and expand community programs accessible to children and families, to assist them in dealing with complex adjustment problems that may result in institutional placement or hospitalization.

SERVICES TO THE BLIND, ELDERLY AND DISABLED

1. Vocational Evaluation and Training of Retarded and Handicapped Individuals Designed to Help Them to be More Self Supporting:

2. Services to Enable Elderly and Disabled Persons Remain in Their Own Homes:

We are providing home-delivered meals, homemaker service and chore services to those elderly and disabled in their own homes that make it possible for them to remain at home when otherwise they may require nursing home care or placement in some other kind of facility. Day programs are provided for the elderly, where they receive health education, employment counseling, consumer education, credit counseling and other constructive activities that help them to be more active and responsible for their own care and well being.

3. Drug and Alcohol Treatment Programs:

We are providing individual and group therapy, training for employment, job placement and referral, for alcoholics and drug addicts. Our methadone maintenance program has dramatically reduced the crime rate in Metro Atlanta. Over 24,000 individuals are receiving drug and alcohol treatment services.

4. Alternatives to Institutional Care:

Service funds are being used to develop family homes and group home resources for retarded and emotionally disturbed individuals who may be able to leave institutions with some community resource available to them. The average cost for community care plans for these individuals is about $7.00 per day as compared to an average cost of $25.00 per day in hospitals and nursing homes. Since the cost of nursing home care for welfare recipients under Medicaid is one of the most costly programs available to the poor, it is vital that we find alternatives to nursing home care.

5. Community-Based Services to the Aged, Blind and Disabled:

We are serving over 58,000 welfare recipients and potential recipients through 159 County Departments of Family and Children Services and community-based mental health facilities. The whole range of services, ranging from protective services to placement services are being made available through local welfare agencies.

The above is not a complete list of social services being provided under Titles IV–A and XIV, but should serve to point out the nature and importance of these services.

FUNDING OF SOCIAL SERVICES THROUGH REVENUE SHARING WILL CONTRIBUTE TO FRAGMENTATION OF SERVICES AND UNEQUAL SERVICES THROUGHOUT THE STATE

Federal funding of social services through revenue sharing rather than under provisions of the Social Security Act will allocate two-thirds of these funds to county and city governments and only one-third to the State. This will greatly limit comprehensive State planning and service delivery to provide human services. A history of local funding of social service programs has resulted in a wide disparity in services available throughout the State. Statewide leadership and direction is vital to assuring that comparable services are made available to all persons in need throughout the State.

Georgia is making progress toward providing services to every citizen in need, regardless of where he may live. Social service money made available to county government, rather than to State, will undermine State leadership and equal delivery of social services. Social service money made available to cities will not be spent for these purposes as cities within Georgia are not in the business of providing social services.

RURAL TO URBAN MIGRATION

I am well aware of the many complex problems of our cities, many of which are complicated by the migration of unskilled persons from rural to urban areas. In my judgment, we must deal with economic and social problems in rural areas more effectively if we are to reverse the migration of the rural population to urban centers. To effectively deal with the statewide economic and social problems, a great deal of direction and leadership must come from State government. Methods of funding through revenue sharing do not strengthen the State's role in this kind of statewide planning and service delivery.

THE ECONOMY OF PREVENTIVE SERVICES

For many years we have given lip service to the "ounce of prevention" theory, but only recently, since January 1971, have we been able to develop sound programs to prevent increased economic dependency. We are convinced that our social service programs are sound and productive even though, as yet, we have not developed an adequate system of evaluating effectiveness of service history. Just as we are well underway toward providing sound preventive services, the foundation of our plan for funding—federal funding under the Social Security Act—is about to be withdrawn.

EVALUATION OF GOAL ACHIEVEMENT IN SOCIAL SERVICES

We are well on our way toward developing a rather sophisticated system of service reporting and evaluation of service delivery based on achievement of established goals for individuals who are being served. We are now in the process of field testing preliminary instruments for an automated service reporting and evaluation system. Initial findings in the field test are encouraging and we are hopeful of having a good system of service evaluation in place by January 1, 1973. Only recently has HEW given any assistance to states in designing a service reporting and evaluation system. Most of what we have done thus far has been done with awareness of HEW but without very much assistance from them.

LEADERSHIP AND DIRECTION FROM HEW ON SOCIAL SERVICE DELIVERY

The Social Service Amendments to the Social Security Act were passed in 1967, but the Department of Health, Education, and Welfare has not yet published policies and guidelines for the purchase of social services. All states have as directives the general policy statements released describing broad areas of social services that may be provided by states. Recently HEW leadership has strongly criticized the states for rapidly expanding their social service programs, accusing us of robbing the Federal Treasury, calling social services "revenue sharing through the back door." Even though some states have exploited the open-ended funding of social services to refinance state government, most states have acted quite responsibly, using federal social service funds to improve and expand social service programs.

SOUND FISCAL POLICY IN SOCIAL SERVICE FUNDING

Congress has cause for concern about the increasing cost of social service programs. Georgia believes that the open-ended funding should be closed with a specific dollar ceiling that is adequate to continue funding proven social service programs. The lack of direction on the part of the Department of Health, Education, and Welfare has resulted in inequitable use of social service funds on the part of the several states. We have had appropriate assistance from Region IV of HEW in developing service delivery plans, but they have often moved without direction from the national office. Other regional offices have given varied interpretations of what is possible under present law and policy resulting in some states not making use of social service funds. The maldistribution of social service funds has resulted in the creation of three classes of states with respect to the use of these funds:

(1) States who were able to plan and implement social service programs fully.

(2) States who have recently begun to make use of the social service funds but do not have fully operational programs.

(3) States who have not completed plans for an adequate social service program for their citizens.

Georgia falls into the second category of having planned and contracted for programs which are not fully operational. Our expenditures for FY–1972 do not reflect programs that were operational during the last quarter of FY–1972 and the first quarter of FY–1973.

For the past two years we have asked for and received the support of our Congressional delegation for an open-ended funding plan on social services in order to plan and implement a comprehensive social service system. This system is now being vigorously implemented. We feel that it is now time to set a reasonable and realistic ceiling on social service expenditures and develop a plan for fair allocation of these funds to the several states.

Even though we do not have a going system for getting information and evaluating service delivery on all services rendered, we have established an effective and efficient monitoring system where agency staff make on-site visits of providers of services and make sure that contracts are being implemented appropriately. We have recently had an audit by the Federal auditors of portions of our social service-purchase of service programs and preliminary reports of the auditors give us a "clean bill." Admittedly, the auditors did have some difficulty understanding what was proper and what was improper since HEW has yet to publish guidelines for purchase of services.

The State of Georgia agrees with the Senate Finance Committee's position that fiscal restraint and accountability are imperative and stands ready to cooperate with Congress to establish these requirements. We do not agree, however, that this objective can be best achieved by imposing an arbitrary level on spending without regard for needs or commitments. In an attempt to only curb the rapid growth and expenditure of these funds, the Senate Finance Committee has closed off the open-ended social service program at a one billion dollar level, an amount completely inadequate to continue good programs in operation.

It is quite clear that the Senate Finance Committee's one billion dollars in revenue sharing (in lieu of the Senate Appropriations Committee's 2.5 billion) will even more drastically affect existing Georgia programs and plans which our Congressional delegation helped us to achieve.

ALTERNATIVE TO $1 BILLION FOR SOCIAL SERVICES AS A PART OF REVENUE SHARING

During recent weeks, I have worked closely with a Governor's Committee appointed by the Governors' Conference to study the social service issue and with the Executive Committee of the Association of State Welfare Administrators. Both groups, after very critical study of the matter of funding social services, have reached agreement on what they believe is the soundest approach to funding social services. I embrace their proposal and recommend it to the Congress.

The one billion dollar supplemental provision in Title III of the revenue sharing bill should be deleted. In the event that some limitation in federal funding for social services expenditures is to be included in this legislation, it is recommended that the present authorization in the Social Security Act be retained with an authorization of three billion to be allocated among the states on the basis of population, with additional amounts estimated at 600 million dollars be utilized to permit a state to receive no more than 1.85 times the amount allocated under such formula as required for approvable state plans submitted prior to July 1, 1972, or Fiscal Year 1972 expenditures, whichever is greater.

This plan will challenge states who have not developed social service plans designed to prevent economic dependency to do so and will recognize the efforts and sound programs already underway in states that have taken initiative and provided leadership necessary to get sound programs to people in need.

In conclusion, I would like to express my strong conviction that states are in the best position to administer social service programs. There should be a shared responsibility for funding such programs between the Federal and State governments with the Federal Government setting broad goals and policies for the provision of social services and challenging states to develop the leadership and administrative ability to deliver quality social services to their citizens.

INTERPRETATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on May 23, 1950, the subcommittee of the Senate Foreign Relations Committee reported the Genocide Convention to the full committee and recommended that four specific interpretations and one declaration be included in the resolution consenting to ratification if the full Foreign Relations Committee decided to recommend approval of the treaty.

Those interpretations should allay the fears of many opponents of the Convention. The understandings were as follows:

First, that article IX shall be understood in the traditional sense of responsibility to another state for injuries sustained by nations of the complaining state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable for damages for injuries inflicted by it on its own nationals.

Second, that the U.S. Government understands and construes the crime of genocide, which it undertakes to punish in accordance with this Convention, to mean the commission of any of the acts enumerated in article II of the Convention, with the intent to destroy an entire national, ethnical, racial, or religious group within the territory of the United States, in such manner as to affect a substantial portion of the group concerned.

Third, that the U.S. Government understands and construes the words "mental harm" appearing in article II of this Convention to mean permanent physical injury to mental faculties.

Fourth, that the U.S. Government understands and construes the words "complicity in genocide" appearing in article II of this Convention to mean participation before and after the fact and aiding and abetting in the commission of the crime of genocide.

The declaration read:

> In giving its advice and consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the Senate of the United States of America does so considering this to be an exercise of the authority of the Federal Government to define and punish offenses against the law of nations, expressly conferred by Article I, section 8, clause 10 of the United States Constitution, and consequently, the traditional jurisdiction of the several States of the Union with regard to crime is in no way abridged.

Mr. President, I think that many of the objections to the Genocide Convention are answered by these "understandings". I urge swift ratification of the Genocide Treaty before the end of this session of the 92d Congress.

U.S. AIR BUILDUP IN THAILAND

Mr. METCALF. Mr. President, the September issue of Engage, a monthly published by the Board of Christian Social Concerns of the United Methodist Church, contains an article by Michael Morrow, entitled 'What Kind of I O U Goes With Thai Air Buildup?"

The article begins:

> A cardinal rule of international relations is that old *quid pro quo* idea that you don't give or get for nothing.

Mr. Morrow goes on to ask what sort of commitment the Thai leaders have exacted from the United States in return for turning their nation "into the focal point of American military power in Southeast Asia."

The questions raised in this article should be answered. Affirmations of continuing U.S. "commitments" by President Nixon and the statement of the Thais following a meeting with Vice President AGNEW should be explored by Congress and explaned by the administration. Talk of an open-ended commitment not openly arrived at, following years of another "commitment" that has cost us nearly 50,000 American lives, is dangerous and alarming.

I ask unanimous consent that Mr. Morrow's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHAT KIND OF IOU GOES WITH THAI AIR BUILDUP?

(By Michael Morrow)

A cardinal rule of international relations is that old *quid pro quo* idea that you don't give or get for nothing. No one knows this better than the shrewd leaders of the government of Thailand. Since 1950, when they agreed to become part of the "Free World," they have done very well for themselves. With the American air force now turning Thailand into the focal point of American military power in Southeast Asia it is time someone started asking about the *quo* that always goes with the *quid*.

About 48,000 American troops are now in Thailand, approximately the same as in Vietnam. While troop strength in Vietnam is going down, in Thailand it is going up. More American troops could conceivably soon be based in Thailand than in Vietnam, more than have ever been stationed here in the past.

However, American troops in Thailand are not armed with M–16 rifles but with squadron after squadron of some of the most sophisticated jet attack aircraft the world has ever known, capable of dropping thousands of tons of bombs on Thailand's neighbors each day. Without talking about future build-up, one can still say that Thailand is now the principal base for what has become the most extensive bombing campaign in history.

Unlike the United States, Thailand cannot pull out of Southeast Asia. Thai leaders have committed their country on the American side in a war which, regardless of who wins, means devastation in neighboring countries. It is unlikely that they have done this without extracting promises of long-term American commitments to their defense. What are these commitments?

THE 1950 MILITARY ASSISTANCE AGREEMENT

US government commitments to Thailand date to 1950 when a military assistance agreement was provided to new right-wing militarist regime willing to take the first steps toward making Thailand a pillar in the American policy of global containment of communism. Thailand, under the umbrella of the American-arranged SEATO defense pact of 1954, was the first country to send troops to Korea, after the United States.

The SEATO treaty did not, however, commit the US to Thailand's defense, but only to consultations with other SEATO members on counter measures in the event Thailand were attacked. From the Thai government's point of view this was inadequate.

As American involvement in Indochina grew, Thailand became more and more its rear base. Following the arrival of the first American jet aircraft in Thailand in 1961, then-Secretary of State Dean Rusk visited Bangkok to consult with Thai leaders, including then-Thai Foreign Minister Thanat Khoman. The result was the Thanat-Rusk communique, putting the SEATO agreement on a bilateral basis and committing the US to Thailand's defense against "communist armed attack" and "indirect aggression."

With the major build-up of American air power in Thailand in 1964, more precise assurances were given the Thai government. When U-tapao air base was constructed in 1966 the Thai and American governments engaged in a "joint use and defense agreement," the precise nature of which has not been revealed.

Testimony given by the US Ambassador to Thailand, Leonard Unger, at Senate hearings in 1969, however, did reveal that the US government agreed to Thailand's air defense "as long as there is a serious problem." Unger also revealed that this was only one of several understandings reached between the Thai and American governments in connection with the air force build-up during this period.

A close look at the record shows that the Nixon administration has never attempted to disengage itself from obligations undertaken by previous administrations. However, with the exception of the vaguely worded SEATO collective security treaty, none of these have been ratified by the Senate.

"THE UNITED STATES WILL STAND PROUDLY WITH THAILAND"

In Bangkok July 28–29, 1969, President Nixon said, "we have been together in the past, we are together at the present, and the United States will stand proudly with Thailand against those who might threaten it from abroad, or from within. . . . We will honor those commitments—not only because we consider them solemn obligations, but equally importantly because we fully recognize that we and the nations of Southeast Asia share a vital stake in the future peace and prosperity of this region."

An official Thai government statement on Vice-President Agnew's meeting with Thailand's National Executive Council on May 17 of this year reads:

"The U.S. side reaffirmed its willingness to honor its commitments to Thailand under the South-East Asia Collective Defense Treaty, the Communique issued by the Minister of Foreign Affairs of Thailand and the US Secretary of State on March 6, 1962, as well as the assurances given by President Nixon to the Prime Minister of Thailand during his visit to Bangkok on July 29, 1969 . . . ."

It was now becoming clear why the Nixon administration has given no indication that it would prefer to reduce American involvement in Thailand's destiny. American bases in Thailand are fundamental to providing the air power component of the administration's "Vietnamization" project. Locking the Thais into the Indochina war is elementary to fulfilling the Asians-to-fight-Asians tenet of the Nixon Doctrine.

From 1969 until this Spring, it was generally believed among Americans that the United Stated was disengaging from Thailand. The number of troops had been cut from 48,000 to 32,000. Now, however, the troop withdrawal has ceased and more troop deployments are expected here in the near future. This is happening as American power in Vietnam becomes weaker, as the situation in Laos and Cambodia turns more favorable to pro-communist forces, and as American officials become non-commital about how long American air bases will remain in Thailand. By "Thai-izing" the Indochina War, the United States is using the Thai government. But Thai leaders are obviously too cunning not to be also using the Americans.

PROTECTION FOR REDWOOD NATIONAL PARK, CALIF.

Mr. TUNNEY. Mr. President, on October 2, 1968, Congress enacted legislation creating the magnificent Redwood National Park in California.

In order to protect the park, Congress authorized the Secretary of the Interior to acquire interests in land outside the boundary of the park as a buffer zone to protect the park.

Mr. President, for 4 years we have watched the park logged right up to its outer boundaries. The Department of the Interior has reacted by saying that it is a very complex matter in need of study. This do-nothing position has been reiterated earlier this week by the Secretary of the Interior.

It seems to me that the time for study has passed, not once but many times. The time for action has arrived.

It seems to me that far from being complex, the matter is very simple: Should continued logging activities be allowed to destroy the redwoods?

The answer is clearly no.

I urge the Department of the Interior to release immediately all of its studies on the Redwood Park and allow Congress and interested citizens' groups to assist in arriving at a prompt solution.

If the Department of the Interior continues to procrastinate, a decision will be made for them by accelerated logging activities.

In fact, I certainly hope that the Department has not decided to delay action until lumber firms finish their work.

SISTER KENNY INSTITUTE

Mr. HUMPHREY. Mr. President, September 20 is an important date in the history of mankind's efforts to help the chronically ill and severely disabled, for it commemorates the birth of Sister Elizabeth Kenny in 1886, who subsequently achieved world reknown for her treatment of paralyzed patients.

This is a particularly important occasion for the city of Minneapolis, the home of the Sister Kenny Institute, and the place where this remarkable nurse from Australia first encountered professional interest and ready assistance in America for demonstrating her theories and treatment in fighting polio in the early 1940's. To help combat what was then a dread disease reaching epidemic proportions, the city of Minneapolis provided Sister Kenny a ward in General Hospital. And it was from this beginning that the Kenny Institute was established in 1942.

It was my great privilege, as mayor of Minneapolis, to know and work closely with Sister Kenny. She was a lady of great and inspiring character, deeply committed to her patients. Subsequently honored by Congress and made the heroine of a Hollywood film, she nevertheless continued to live simply on a modest income in Minneapolis.

With strong public support, the Sister Kenny Institute has carried on the work of this wonderful woman, as a major center for the rehabilitation of badly disabled and chronically ill patients. In 1971, the institute treated some 500 hospitalized and 600 out patients, conducted 4,500 speech and hearing sessions for patients, and provided services to 14,475 residents of the Upper Midwest. A significant number of its patients had had strokes. Others were treated for rheumatoid arthritis, spinal cord injuries, cerebral palsy, Parkinson's disease, and birth defects. In addition to its own intensive research program, the Institute has been the advocate for children in need of realistic programs to help solve their learning or behavioral problems. And rural communities have come to depend upon the continued expansion of the institute's outreach program of consultative services on specialized rehabilitation.

Indicative of the innovative directions taken by the institute is the fact that its budget allocations place training and education second only to patient care. Some 8,000 health workers came last year from various parts of the country to 46 educational course offerings at the institute. And its nurse-educators went out to community hospitals and nursing homes in a five-State area, training more than 12,000 employees on improved nursing services. Utilizing the printed word where such direct contact is not possible, the institute has become the world's largest producer of rehabilitation publications.

Of particular significance is the institute's comprehensive program of treatment, therapy, and further services to restore a patient's maximum potential and return him to his community in the shortest possible time. At the institute itself, this team approach to patient-care has cut the average hospitalization stay by more than one-half over the past decade.

Mr. President, I welcome this opportunity to pay a sincere and personal tribute to the memory of Sister Elizabeth Kenny and to commend to the attention of the Senate the advanced and vitally important work of the institute which bears her name and continues her commitment to people in need.

DISABLED VETERANS AT POVERTY LEVELS

Mr. METCALF. Mr. President, I am one of the fortunate ones who receive a check for a 10-percent wartime service-connected disability—fortunate not because of the amount of the payment, but because the disability is no worse. Therefore, along with every other disabled veteran in the United States. I recently received notice that my disability payment has been increased from $25 per month to $28 per month. I examined the schedule of payments and two things occurred to me.

First, a person who is 100-percent disabled receives the princely sum of $495 per month. Here is a man who has contributed all his health, his earning capacity, and much of his physical capability to the service of his country and is compensated at barely poverty level. A totally disabled veteran is required to incur many additional expenses because of his disabilities. These are expenses that need not be incurred by the average citizen who earns the same amount or many times more. This is the thanks given the totally disabled veterans by a grateful nation honoring its war heroes.

In the Senate we pay our pages $7,660 per year. I am not saying it is too much. I merely equate it with the $5,940 per year given a totally disabled veteran. It would seem that on any fair basis, totally disabled veterans should be compensated at a minimum rate of at least $10,000 per year.

Second, a person rated at 90 percent or less disability does not receive that percentage of the total disability, but less than half the disability percentage. A disabled veteran rated at 90 percent disability is entitled to $275 a month under the new law. Ten percent disability is not 10 percent of the total disability rate, but is 10 percent of the 90 percent rate.

By administrative decision and legislative manipulation the rate has been converted to a range of 5 to 50 percent disability between the 10 to 90 percent level. The rating and compensation for service-connected disability and wartime rates under the new law is as follows:

Rated at 10 percent, $28.
Rated at 20 percent, $51.
Rated at 30 percent, $77.
Rated at 40 percent, $106.
Rated at 50 percent, $149.
Rated at 60 percent, $179.
Rated at 70 percent, $212.
Rated at 80 percent, $245.
Rated at 90 percent, $275.
Rated at 100 percent, $495.

We talk a great deal these days about alleviating poverty in the United States to insure that citizens of America have at least a minimum level of income with which to maintain themselves. We should also talk about the man 90 percent disabled in his country's service who receives a below poverty level of income. Congress should immediate remedy this inequity.

Mr. President, I have prepared two schedules for disability compensation rate increases. The first would double the present rate, the second is a rate schedule proposed by the Disabled American Veterans organization. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Disability	Rate	Number of veterans	Cost per year	Double rate	Cost per year
10 percent	$28	846, 834	$284, 536, 224	$56	$569, 072, 448
20 percent	51	332, 651	203, 582, 412	102	407, 164, 824
30 percent	77	307, 508	284, 137, 392	154	568, 274, 784
40 percent	106	173, 405	220, 571, 160	212	441, 142, 320
50 percent	149	110, 399	197, 393, 292	298	394, 786, 584
60 percent	179	107, 507	203, 925, 036	358	461, 850, 072
70 percent	212	65, 512	$166, 662, 528	$424	$333, 325, 056
80 percent	245	34, 001	99, 962, 940	490	199, 925, 880
90 percent	275	11, 634	39, 592, 200	550	79, 184, 400
100 percent	495	127, 783	759, 031, 020	990	1, 518, 062, 040
Total			2, 449, 394, 194		4, 898, 788, 388

DAV PROPOSAL

Disability	Rate	Cost per year
10 percent	$85	$863, 770, 680
20 percent	170	678, 608, 040
30 percent	255	940, 974, 480
40 percent	340	707, 492, 400
50 percent	425	563, 034, 900
60 percent	510	657, 942, 840
70 percent	595	467, 755, 680
80 percent	680	277, 448, 160
90 percent	765	106, 800, 120
100 percent	850	1, 304, 586, 600
Total		6, 568, 414, 900

Note: If rate is doubled, increased cost is $2,449,394,194; DAV proposal, increased cost is $4,119,020,706.

Mr. METCALF. Mr. President, if the rate is doubled, the increased cost to the program would be approximately $2.4 billion and the DAV proposal would increase cost by approximately $4.9 billion.

Mr. President, I do not think either increase is unreasonable in view of the great sacrifices these disabled veterans have made in order to defend our Nation.

In view of the fact that the proposed Trident submarine would cost approximately $1 billion, a CVN-70 aircraft carrier $951 million, and many other defense items more than $100 million each, I believe the time is long overdue for veterans to have priority over weapons.

ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. WILLIAMS. Mr. President, when the Labor-HEW appropriation bill for fiscal year 1973 was before the Senate on June 27, an amendment was adopted on the floor, by a vote of 45 to 41, to preclude the expenditure of any funds by the Department of Labor to inspect firms of 15 or fewer employees for compliance with the Occupational Safety and Health Act of 1970. Due to the President's subsequent veto of this bill, the matter of appropriations for fiscal year 1973 for the Departments of Labor and Health, Education, and Welfare will again be before the Senate shortly, and I assume that the question of exemption of small employers from inspections under the Occupational Safety and Health Act will again be raised. I would hope that this time any such proposal will be defeated.

The effect of the exemption amendment previously adopted by the Senate would have been to remove 15 million employees from the protection of the act's enforcement process—no matter how blatantly their employer might be violating the act or how hazardous the working conditions that might exist.

Not only do employees of small establishments have as much right to be protected from safety and health risks as do employees of larger firms, but the fact is that there are many types of high-hazard activities which are very commonly performed by small firms. Mention may be made of lumbering and sawmill operations, farming, and construction activity—all of which have accident-frequency rates well above the average.

In addition, a variety of occupational health hazards are regularly found in such typically small establishments as electroplating shops, welding shops, stonecutting operations, automotive repair shops, foundries, machine shops, and print shops. Indeed, a recent occupational health survey conducted by HEW in the Chicago area disclosed that firms employing 8 to 19 workers had the highest percentage of employees exposed to one or more potential occupational hazards, and that such firms had the fewest safeguards and the least awareness on the part of management of the dangers existing in the workplace.

It should also be pointed out that by the end of this year, most State occupational safety and health regulations will be preempted by the Federal law with respect to any hazards covered by Federal standards. Accordingly, most employers exempted from inspection by an amendment to the appropriation bill will be free of any meaningful legal restraints regarding the safety of their workers.

This consideration, in itself, militates most strongly against the adoption of any exemption amendment.

I am, of course, aware that during the 16 months that have elapsed since the effective date of the Occupational Safety and Health Act of 1970, its implementation has provided a constant source of complaints from those affected by the act. Employers have objected to what they consider to be unreasonable standards, the unavailability of adequate information, and overzealous enforcement of requirements that have little relationship to health or safety. On the part of many employees and their representatives, there has been great concern that the Occupational Safety and Health Administration—OSHA—has been giving undue emphasis to relatively trivial violations, while failing to mount a truly effective effort against toxic substances and other serious hazards to health and safety which exist in many workplaces.

In order to assess these charges and complaints, the Subcommittee on Labor has begun a series of oversight hearings to inquire into the administration of this act. These hearings, which are being presided over by the distinguished Senator from Iowa (Mr. HUGHES), began by focusing on the problems which small businessmen have encountered under the act.

It is interesting to note that there has been very little support expressed for a small business exemption during our hearings. Most of the organizations appearing, including those whose memberships encompass many in the small business category, recognized that employees of businesses of every size are subject to on-the-job hazards and all are equally entitled to protection. It was also recognized that in some work situations such as construction, the presence of exempt and non-exempt employers would present a chaotic situation. As was emphasized by the Associated General Contractors, an organization having many members with less than 15 employees as well as many with more than 15:

> To exempt some firms without exempting others can create a confused and unsafe condition on every construction project. * * * Job experiences indicate that the small firm should not be considered a "second-class citizen" by way of the inspection exemption; such firms are in need of safety assistance—frequently more so than large firms.

Many of our witnesses, however, did strongly urge that various changes be made in the way the law is being administered. It is clear from our hearings thus far that the great majority of complaints asserted by business—particularly small business—relate to three or four major areas of concern.

A very basic problem is that the standards issued by the Secretary of Labor have been published in such fashion as to provide very little indication to an employer concerning just which requirements may be applicable to his own particular type of activity. This factor, together with the failure of OSHA's informational programs to reach many employers, has left a great number of businessmen in a state of confusion in which they quite naturally tend to fear the worst. As the National Small Business Association pointed out to us:

> The business community has fallen victim to a great many rumors and scare-stories which appear to have little foundation in fact. A businessman is probably unduly terrorized by the prospect of an OSHA inspection because he does not understand the OSHA laws.

OSHA has now advised us that it is preparing guides to the standards which will make it easier for a businessman to find the standards applicable to his workplace, as well as detailed subject indices to each of the areas covered by the standards. We will be looking very closely at this effort to make sure that it is fully responsive to the legitimate needs of those who are subject to the act's requirements. I think it quite clear that failure to provide, from the outset, adequate guidance to the standards and their application has been one of the chief shortcomings in OSHA's administration of this act, and is responsible for much of the adverse reaction that employers have had to it.

A related matter is that a number of the standards issued by OSHA have been widely regarded as having no real relationship to advancing the cause of safety or health, thereby putting employers to needless expense. We are inquiring into all such standards which have been called to our attention. I might point out that OSHA has now announced that it is revoking or modifying a number of these. These include—to cite a few instances which have been particular targets of criticism—the standard prohibiting ice in drinking water, as well as the standards relating to toilet facilities; the standards relating to the use of boom-angle indicators, load indicators, and weight-moment devices on cranes and derricks; and the inconsistent provisions relating to scaffolding which are now found in different sections of the standards.

In the area of enforcement, a great deal of resentment has stemmed from the fact that employers have received citations and penalties for violations that may not have been committed knowingly, and which in some cases may seem relatively inconsequential in terms of the real safety and health problems which exist in our Nation's workplaces. This has led many—in Congress and elsewhere—to suggest that the act be amended to provide that no employer be penalized on the first inspection. I frankly do not believe that this would be an appropriate course. As the National Safety Council has pointed out during our hearings, in expressing its support for retaining the provision for the so-called "first-instance" sanctions:

> The rationale behind this judgment is that such a provision will encourage compliance with the OSHA standards at a date sooner than would be the case if there were no "first-instance" sanction. The mere fact that there is such a provision encourages and motivates employers to allocate resources soon for whatever changes are deemed necessary for compliance before any OSHA inspection. To eliminate the "first-instance" provision may encourage some employers to procrastinate since no civil penalty would be applicable unless the employer failed to abate an alleged violation found in the course of an OSHA inspection.

In emphasizing that the elimination of all first-instance citations will encourage some employers to procrastinate in complying with applicable safety and health requirements, the National Safety Council has pointed to one of the basic reasons why so many State job safety programs have proven ineffective in the past, and why Congress concluded that it was necessary to adopt Federal legislation on this subject.

This, of course, does not mean that first-instance penalties should be imposed in every case, nor does the act require that penalties be assessed—at any time—for nonserious violations.

In this connection, I think if of great interest to note that in two recent decisions, the Occupational Safety and Health Review Commission—the agency provided by the act to hear appeals from OSHA citations and to make final decisions with respect to the assessment of penalties—has made it clear that in the case of nonserious violations it will not approve the type of small monetary penalties which many employers have come to regard as harassment and which the commission has concluded do not really serve to encourage compliance (*Secretary of Labor* v. *General Meat Co., Inc.*, docket No. 250; and *Secretary of Labor* v. *J. E. Chilton Millwork and Lumber Co., Inc.*, docket No. 123).

A further matter to which a great deal of comment was directed during our hearings was whether OSHA should make available a form of "consultative inspection," whereby employers could be given on-site advice regarding compliance without running the risk of citations and penalties for any violations discovered in the course of such visit by OSHA personnel. While such a program obviously has great appeal, it presents considerable practical problems. Bearing in mind that an estimated five million establishments are covered by the act, compliance would be severely jeopardized if every employer were able to feel immune from enforcement activity until after he had been given a consultative visit. However, we will be exploring with OSHA possible ways in which such a program could feasibly be conducted. I would point out that any efforts by OSHA, by other means, to make the standards more comprehensible to those employers who do not have expert assistance available should serve many of the same purposes as would be accomplished through on-site consultative inspections.

The foregoing items summarize the major concerns that small businessmen in particular have raised with us regarding the implementation of this act. There are, of course, other objections which have also been expressed to us, and the Labor Subcommittee is looking into all of them most carefully. I would add that recent decisions of the Review Commission, in addition to those already mentioned, appear to meet some of the other criticisms we have heard. Of particular interest, because they bear directly upon a problem raised with us by many employers, are two rulings that an employer is not subject to citation because an employee, unknown to the employer, violates a safety requirement which the employer has made every effort to enforce (*Secertary of Labor* v. *Standard Glass Co.*, docket No. 259, and *Secretary of Labor* v. *Clements Paper Co.*, docket No. 419). A further ruling of particular interest to those in the construction industry is a recent holding of the Review Commission that a prime contractor on a construction project is not liable for a violation created by a subcontractor, when the prime contractor has not exposed his own employees to the violation (*Hodgson* v. *C. N. Harrison Construction Co.*, docket No. 413).

I would add that the Review Commission, which itself has been the subject of some criticism because of the complexities of certain of its procedural requirements, has just announced its intent to considerably simplify those procedures, which should result in making an appeal a less difficult matter than it may sometimes have seemed in the past.

While recognizing that some very real problems have been encountered with the manner in which this act has been administered, it should also be recognized that there have been a great many complaints and "horror stories" which have little or no basis in fact. I have previously cited the statement of the National Small Business Association, which pointed out that its study had shown:

> That the business community has fallen victim to a great many rumors and scare-stories which appear to have little foundation in fact.

That association also told us that:

> We could not find any substantiation for any of the many stories circulating about firms being forced out of business as a result of OSHA inspections.

In addition, the experience of many employers under the act flatly contradicts some of the more embellished criticisms that other employers have advanced. Particularly interesting in this regard is the statement of the American Pulpwood Association. This organization represents employers in an industry that is overwhelmingly composed of very small firms and which, as a "target industry," has received particular enforcement attention from OSHA. Its experience and attitude is most instructive, and I would like to quote at length from its statement:

> During our 300 meetings with 8,000 loggers, there were virtually no complaints about the economic impact of the safety standards. In fact, time and again we heard comments to the effect that "these safety standards are just telling us to do what we should have already been doing."
>
> We get reports about the conduct of OSHA compliance officers—and, with one exception, they have been reasonable and fair—even friendly. One employer said that, although he had to pay a penalty, he'd learned a lot of other things that needed doing—and he felt that the penalty had been cheap in comparison with the safety consulting service he'd received. I could give you several other stories like this.
>
> How expensive has it been for small logging operators to get their logging operation into compliance? I can't give you exact figures. I do know that we haven't received any complaints about the cost of hard hats, guards, or other safety equipment and we certainly haven't heard of anyone going out of business because of the high cost of OSHA.
>
> We haven't heard any adverse comments about the level of OSHA penalties assessed our members either. One logging operator who received a relatively high penalty ($600.00) in circumstances surrounding a fatality on his job said that the penalty was minor in comparison with the terrible cost of losing a valued employee.
>
> The humane motivation for accident prevention is the major concern for all of us, but we also must assess the economic demands required to achieve humane goals. A major economic concern for small pulpwood logging operations is the high cost of Workmen's Compensation Insurance, currently in some states more than $20.00 per hundred dollars a payroll. If the leverage provided by the Occupational Safety and Health Act can improve the injury experience on these logging operations, the cost savings potential from reduction of Workmen's Compensation Insurance rates is far more important than the cost of compliance with OSHA.
>
> In addition to the potential for reducing direct costs of injuries such as Workmen's Compensation and medical costs, there is a greater potential for savings through reduction of the indirect costs of injuries such as lost production, work interruption and damage to equipment which are always associated with high injury rates. These indirect costs can be four times higher than the direct costs. Accident control measures taken to reduce direct cost of injuries automatically reduce indirect costs.
>
> The administration of this very important legislation is in its infancy. Yet already we are certain that it has had a constructive impact on this small business segment of our industry. More logging workers are wearing personal protective equipment than ever before, more safety practices are being followed, many of the more hazardous aspects of logging equipment manufacturers are improving the safety and health aspects of their machinery.
>
> We agree that the economic impact of OSHA must be watched, analyzed, an reviewed to be certain that firms and small businesses are not injured. On the other hand, we are surprised to see so many bills proposed to exempt certain categories of small businesses from the Occupational Safety and Health Act. If this were to happen a real opportunity to improve logging safety will be lost. In the long run, these employers are certain to accrue material benefits from compliance with the Act as their cost from injuries decline.

This reflects a most constructive attitude on the part of small employers regarding the act and its impact, and I believe it should be given serious attention by all who are advocating exemption of small businesses.

I want to assure the Senate that while administrative action is being taken to meet many of the complaints advanced by businessmen, our committee will be continuing its inquiry into the extent to which the administrators of the act may still be imposing unnecessary burdens on employers and, in particular, will be making every effort to assure that adequate informational programs are carried out so that we may put an end to much of the confusion that has existed on the part of those subject to the act's requirements. At the same time, we will also be looking most carefully into just how effectively the research, standards-setting, and enforcement provisions of the act are being implemented in terms of meeting the very real and very urgent health and safety problems which Congress recognized to exist when it adopted this legislation.

TRADE AND EMPLOYMENT IN CALIFORNIA

Mr. CRANSTON. Mr. President, one frequently hears that America's unemployment problems are caused by cheap imports produced by low-paid laborers abroad. It is also said that U.S.-based multinational corporations compound the problem by investing abroad and then importing their products to supply domestic needs.

For some time I have been looking into these matters with an eye to the unemployment problem in both California and the Nation as a whole. A major piece of pending legislation, the Hartke-Burke bill, is now bringing these issues to the fore.

California has been particularly hard hit by job cutbacks. At the same time, the State is highly dependent on foreign trade. For example, California accounts for 9.3 percent of all U.S. manufacturing exports. Approximately 168,750 California jobs are directly or indirectly related to these exports. A further 89,437 jobs are similarly related to agricultural exports. Together the two categories total 12.79 percent of all jobs in the State which are related to agriculture and manufacturing.

There are no reliable estimates on corresponding import-related jobs. Employment in this area affects longshoremen, transportation workers, and employees of insurance companies, banks, retail an wholesale trade companies, and other service industries.

Given this setting, do the protectionist and restrictive provisions of the Hartke-Burke bill really ease California's employment problem?

To answer this question fully, I commissioned a professional study on the subject of trade and unemployment in California. Other studies of these subjects on the national level have also been brought to my attention. They all suggest that exports provide more jobs than imports remove.

Specifically, a 50-percent decrease in California exports, caused by foreign retaliation against new protectionist measures, would probably cut the number of export-related jobs in half, reducing employment in the State by apoximately 129,093 jobs. The associated reduction in imports would probably increase employment by only 107,800 jobs—but only at further cost to the American consumer. The net difference is a loss of 21,293 jobs. This figure certainly does not justify support for restrictive legislation which would be likely to knock holes in California's $6 billion trade business, and wipe out the jobs which depend on it.

On the national level, current unemployment problems have created the danger of a search-for-the-devil approach which seeks to blame unemployment on the wrong causes. The real enemies are not cheap imports and multinational corporation, but inflation and reduced U.S. competitiveness.

The Hartke-Burke bill hits hard at multinational corporations investing overseas. Proponents of the bill say that these companies hurt domestic employment by relying on cheap labor abroad and then importing their products into the United States.

Actually, low-wage rates, are not significant factors in the majority of foreign investment decisions, nor is the desire to lead cutthroat forays into the American market. More decisive by far is the need to protect a company's position in a foreign market.

Foreign investment brings its own return. According to a study by the Emergency Committee for American Trade, foreign direct investment in the United States between 1965 and 1970 increased at approximately the same rate as U.S. investment abroad. In other words, the two-way flow of capital and technology benefits both sides. In fact, during the last decade the domestic operations of American companies investing abroad have grown at a faster rate than the domestic economy as a whole. To punish these companies would amount to convicting the wrong suspects. It goes without saying, of course, that the international community should take steps to insure that direct foreign investment neither diminishes competition nor creates private obstacles to trade.

In my opinion, the Hartke-Burke bill would freeze present economic distortions into long-range reality. It would do so largely at the expense of the American consumers.

Consumers are already paying artifically high prices for foreign-made goods. Existing industrial tariffs average 7 to 8 percent. Oil quotas alone raise prices by 60 percent. Such items as textiles and watches already cost the buyer extra money. According to the economist C. Fred Bergsten, existing quotas and so-called voluntary restraints make up 15 to 20 percent of the entire Consumer Price Index.

The average American family already pays between $200 and $300 a year as a hidden subsidy for trade restrictions. These barriers—quotas, tariffs, "voluntary" restraints, and discriminatory customs and entry procedures—take money from the consumer's pocket but fail to solve our unemployment problem.

It goes without saying that those hit hardest by these restrictions are low-income families. They are both most sensitive to small price hikes and most likely to buy the low-priced items against which the proposed trade restrictions focus their attack.

Although I oppose across-the-board restrictions, I am deeply interested in easing the severe plight of specific industries which are particularly hard hit by import competition. One important step has already been taken. The recent devaluation of the dollar makes our exports cheaper and our imports more expensive. Although the effect of this measure will take some time to work itself out through the whole economy, it should eventually add over half a million jobs.

If protectionist legislation is not the answer, we must find another way to ease the troubles of specific industries and workers hurt by import competition. Under the Trade Expansion Act of 1962, some provision was made for adjustment assistance, but present qualifications are too stringent.

In March of this year I introduced S. 3311, the Public Service Employment Act of 1972. This bill would provide public service employment opportunities and assist State and local communities in providing needed public services. It would authorize funds for more than 1.15 million jobs. Actually, the total number of future jobs would greatly exceed this figure. Because of the so-called multiplier effect, 1.15 million new jobs would breed many more new jobs, and initial expansion would lead to further growth.

In areas of especially high unemployment, S. 3311 would make funds available for a new special employment and economic development program aimed at promoting economic self-sufficiency. Special preference would be given to Vietnam veterans. In addition, the bill requires that unemployed aerospace workers, welfare recipients, older persons, migrants, and those of limited English-speaking ability be given a fair share of vailable jobs.

A bill introduced this June by Senator ABRAHAM RIBICOFF of Connecticut is both a natural companion to S. 3311 and an excellent alternative to the Hartke-Burke bill. I strongly support the basic thrust of Senator RIBICOFF's bill.

The Ribicoff bill, S. 3739, would offer incentives to industries about to relocate to stay where they are. It would create an Economic Adjustment Administration within the Commerce Department which would liberalize, expand, and coordinate existing adjustment programs. It provides for an early warning system in the form of an Economic Priorities Advisory Council to identify problems before they reach crisis proportions. It would help to ease the conversion from a wartime to a post-Vietnam economy.

Unlike the Hartke-Burke bill, S. 3739 does not modify existing import laws. It does not set restrictive import quotas and so avoids the possibility of foreign retaliation. It would not raise the prices of imports for consumers. Nor would it punish American companies doing business abroad; it would, however, seek to prevent American companies from relocating abroad by making them pay one-half of the costs of various forms of assistance for their displaced workers.

The Ribicoff bill would also help companies remain competitive by lending technical aid, research and development funds, and low-cost loans in order to help them remain competitive. It would simplify and liberalize the injury test for adjustment assistance and take account of changes in Government procurement patterns, such as in the aerospace and defense industries. Needless to say, the provisions of this bill would be enormously helpful in California.

Early passage of both S. 3311 and S. 3739 would be of vast benefit. I see absolutely no reason why we should accept a national unemployment figure of 6 percent, or 5 percent, or even 4 percent. Comparable figures for France and West Germany in 1970, for example, were 2.2 and 0.6 percent respectively. Why should we tolerate a situation in which literally millions of people are unable to find work?

I advocate planned and gradual steps toward expanding our trade flow. But in a worldwide and long-range sense, the task of promoting trade while cushioning disruptions is too great for one nation alone. Maximizing the benefits of trade depends on sustained international coordination. Responsibility for swelling the trade flow must be redistributed to match the postwar diffusion of economic power. Because of the global nature of our trading network, I believe that we must pay less attention to bilateral imbalances and more to forging multilateral remedies for adjustment problems.

Mr. President, tables have been prepared which document the importance of exports to California. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I.—CALIFORNIA MANUFACTURING EXPORTS

[Dollars in millions]

Year	Value of exports of manufacturing industries [1]	Percent change (annual rate)	Percent of U.S. total manufacturing exports
1960	$1,386.2		9.5
1963	1,555.2	3.9	9.4
1966	1,785.8	4.7	8.4
1969	2,720.6	15.1	9.3

[1] Excludes services, transportations, agriculture, and mining.

Source: U.S. Department of Commerce, Bureau of the Census, Survey of the Origin of Exports by Manufacturing Establishments, 1969

TABLE II.—CALIFORNIA MANUFACTURING EXPORTS, BY SELECTED INDUSTRIES

[In millions of dollars]

Industry	1960	1963	1966
Food and kindred products	164.8	206.2	223.7
Textile mill products	2.6	2.6	4.2
Apparel and related products	5.3	5.9	9.2
Lumber and wood products	15.2	16.3	22.2
Furniture and fixtures	2.4	2.1	2.9
Paper and allied products	5.5	6.3	10.9
Printing and publishing	5.0	6.3	8.4
Chemicals and allied products	75.2	68.7	95.2
Petroleum and coal products	82.6	75.0	63.8
Rubber and plastic products	10.0	12.3	24.0
Leather and leather products	1.0	1.1	0.8
Stone, clay, and glass products	8.5	9.3	9.3
Primary metal industries	43.4	29.8	43.4
Fabricated metal products	28.9	37.5	71.7
Machinery, except electrical	101.4	113.0	226.7
Electrical machinery	59.3	113.9	190.2
Instruments and related products	42.5	64.0	52.1
Transportation equipment	518.8	536.6	475.5
Other	161.5	187.3	251.2

Source: U.S. Department of Commerce, Bureau of the Census, Survey of the Origin of Exports by Manufacturing Establishments, 1969.

TABLE III.—CALIFORNIA AGRICULTURAL EXPORTS

[In millions of dollars]

Year	Exports of agricultural commodities	Percent of U.S. agricultural exports	Selected commodities				
			Fruits	Vegetables	Nuts	Cotton	Rice
1960	392.1	8.7					
1966	415.2	6.2					
1968	413.3	6.5					
1970	555.6	8.4	194.8	58.5	53.2	46.1	75.4

Source: U.S. Department of Agriculture, Foreign Agricultural Trade of the United States.

TABLE IV.—CALIFORNIA JOBS RELATED TO EXPORTS

Year 1969	Total jobs	Jobs directly related to exports	Jobs indirectly related to exports [1]	Total export related jobs	Percent of export related jobs
Manufacturing	1,700,000	75,000	93,750	168,750	9.92
Agriculture	318,000	[2] 39,750	49,687	89,437	28.12
Total	2,018,000	114,750	143,437	258,187	12.79

[1] Based on Department of Labor estimates of 1¼ jobs in indirectly related industries per every directly related job.

[2] Based on value of California exports.

Source: U.S. Department of Commerce, Bureau of the Census, Survey of the Origin of Exports by Manufacturing Establishments, 1969. U.S. Department of Agriculture, Foreign Agricultural Trade of the United States.

TABLE V.—*California employment directing related to manufacturing exports, by selected industries, 1969*

	Number of jobs
Food and kindred products	3,900
Textile mill products	100–249
Apparel and related products	250–500
Lumber and wood products	1,000–2,500
Furniture and fixtures	100–249
Paper and allied products	250–500
Printing and publishing	250–500
Chemicals and allied products	2,400
Petroleum and coal products	600
Rubber and plastic products	800
Leather and leather products	25–50
Stone, clay, and glass products	400
Primary metal industries	2,100
Fabricated metal products	2,300
Machinery, except electrical	12,000
Electrical machinery	13,500
Instruments and related products	3,000
Transportation equipment	1,250–1,500
Other	2.500–5,000

Source: U.S. Department of Commerce, Bureau of the Census, *Survey of the Origin of Exports by Manufacturing Establishments, 1969.*

MARTIN AGRONSKY

Mr. RIBICOFF. Mr. President, Martin Agronsky is one of the Nation's best television newsmen and commentators. I have known Mr. Agronsky for many years as a friend and have admired and respected him for his work. Today in the Washington Star-News Gwen Dobson writes an article based on an interview with Mr. Agronsky. The article is most interesting.

I ask unanimous consent that the interview be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

[From the Washington Star-News,
Sept. 15, 1972]

LUNCHEON WITH MARTIN AGRONSKY

(By Gwen Dobson)

Mention his name and you get an immediate response.

It will be negative or positive. There is nothing gray about Martin Agronsky except a little hair and a lot of matter.

He keeps some of the best company in town, at least some of the most stimulating and their Saturday evening "bull session" on television is adrenalin to any debate-loving Washingtonian.

And breathes there a Washingtonian who doesn't stand at some given point from which to debate.

There sits Martin Agronsky right smack in the middle of four top-flight reporters taking swipes from the left and the right. And it's quite believable if you notice the chin, that Martin will handle it all. He won't even let them get dull or bogged down into any one line. Deftly or sharply he'll bring them up to scratch.

And once again the viewer will wish he could dive through the tube and join them.

It's an "atta boy, go-get-em" kind of show and there's somebody for everybody . . . Peter Lisagor, James Jackson Kilpatrick, Carl Rowan and Hugh Sidey, plus occasional fill-ins.

Martin Agronsky isn't going to enjoy the emphasis on "Agronsky and Company" because he's most earnest about his real work-a-day job, his five-nights-a-week show, "Evening Edition," which appears at 10 o'clock on WETA-Channel 26.

That's his baby and he's proud of it and prouder still of the guests he's been able to snag for the 30-minute show, but we'll get back to that.

Agronsky doesn't think of himself as a television personality or even as a radio man, which he was for some years. He thinks of himself first and foremost as a journalist. That is the profession he respects and it is journalism's principles that he adheres to in all of his work.

Looking at him and listening to him, it's hard to believe he was born in Atlantic City, N.J. In fact, he thinks he might be "the only living American born in Atlantic City."

He remembers watching the Mafia move into the resort city; he especially remembers watching "Carnation Charlie" drive into town in his big shiny Pierce Arrow and he recollects what a beautiful car it was.

"I went to school with a girl who was the sister of Charlie's mistress. Of course, I also went to school with the police chief's son.

"And I remember when the law started cracking down on the Mafia by going after them for tax evasion. There was a guy in Atlantic City who owned a whorehouse. They started checking his laundry and counting the number of towels and sure enough they caught him." Agronsky's father, who was a furrier in Atlantic City, came from Russia in 1902. He had been a social democrat and at the time of his departure he had several choices . . . the Army, Siberia or emigration.

"My father was one of five brothers. The youngest one, the one who was my romantic hero, I guess, was a writer. He was also a dedicated Zionist. He founded a Jewish legion in World War I and joined the British Army to fight against the Turks for the conquest of Jerusalem.

"He wrote for the London Times and the Manchester Guardian and when Jerusalem was freed, he organized the first English paper there, The Jerusalem Post (now Palestine Post) which is still very successful."

Meanwhile, Martin was growing up, going to school, working as a busboy in Ventnor, N.J. and finally going to Rutgers where he studied political science and journalism.

During college he worked as a waiter and dishwasher in his fraternity house.

"Kids today wouldn't believe how tough it was . . . but we were different. Those were hard years and a kid had to learn how to make a buck."

When college ended, his uncle took him on the paper for training. "He gave me my first job in journalism . . . and he gave me hell and he gave me all the work there was to do.

"But it was a wonderful opportunity. My uncle was in a very strategic position and through his house passed all the important writers of the day. John Gunther, Vince Sheehan, Arthur Kessler, Bob Considine . . . I met them all.

"At the end of a year, my uncle said, 'There is nowhere here for you to go . . . you have learned your trade . . . now go make a living'."

He went to Paris; he free-lanced; he did research. He got a job with the International News Service (INS) writing leads on wire stories and doing the night's digest because "my French was good."

It was 1937 and Agronsky wanted to go to Spain, but INS said no, so he went anyhow. The London Times used some of his stuff, particularly on the concentration camps for Spanish refugees. That encouraged him to go to London.

"I was in London when the war broke out, writing on space rate for the New York Times and I stood in pretty good with the bureau chief so I thought this might be my break. Well, he had a family and he wanted out, so he went back to New York.

"A new guy came in who, incidently, had gone to Rutgers, too. The first words he said to me were, 'Don't give me any of that schoolboy stuff.

" 'There's no job for you here. We're bringing people over.' It was the most dreadful experience of my life.

"I had heard that there was a new Paris chief and so I gambled and went to Geneva.

I was there during the last days of the League of Nations and then in January of 1940 an NBC chief called and asked me to do some broadcasts for them. I had never done any radio before, but they paid me $50 a broadcast. I couldn't believe it.

"Then in April of that year, a call came from Paris that the New York Times would take me as its Geneva man. Mean while, NBC called and wanted me to go to the Balkans. I was at a real crossroad. What really clinched my going with NBC was the traveling."

Agronsky admits times were tough and there were setbacks, "but I was never scared. One way or another, I knew I'd make it . . . that's the wonderful arrogance of youth."

From the Balkans, Agronsky eventually worked his way to the Pacific as a war correspondent for NBC. And that's where he met his wife. "She was a nurse, one of the first to leave the United States. When I met her at a press conference, she didn't even have her uniform yet."

She died of cancer four years ago, and it is very obviously a painful recollection for Martin Agronsky.

There are four children from that marriage. They are Marcia, 27, who was recently married and lives in San Antonio; Jonathan, 25, who went to St. Alban's and Dartmouth and "is interested in film-making;" David, 24, who works on Capitol Hill and Julie, 22, a registered nurse.

Several years ago, Martin Agronsky went out to Chicago for one of his numerous lectures and met his current wife, Sharon. "I don't know how or why, but there was that gorgeous girl at the lecture.

"We were introduced; we had a drink together, and I liked her. Can you imagine, she from Muscateen, Iowa and not only did I get a bride but the world's greatest Japanese gardener. You should see what she's done at our house." They live in the Tilden Street house Agronsky built 21 years ago.

Currently, most of Martin's work week is spent preparing for his nightly show, which is timed to the current issue or news story of the day. He also does some documentary work.

"I am very proud of our show, 'Evening Edition.' I am proud of our list of guests. I'd put them up against the 'Today Show.'

"Mechanically, though, it's a very difficult show to do and there's no dough for publicity.

"But we have a first-class staff and we do a responsible and useful job. I am a great afficionado of the Supreme Court and I think one of the proudest moments of my career was the interview with Justice Hugo Black.

"It took three or four years of persuasion but he finally agreed. I consider it my greatest coup and I think it will matter 100 years from now."

Now, about the other show, "Agronsky and Company." The moderator says, "There is an honesty to the program. People know we're not pulling any punches. It's a bull session on the air and you know you can't organize a bull session. It's fun. It's free-wheeling and everybody gets their cracks in at one another.

"I understand it is the highest rated public affairs show in Washington. Last month it was eighth in the ratings, I hear that's great. They are trying to syndicate it now.

"That show is a funny thing. It had no promotion, no advertising. It was a sleeper. It sneaked along and all of a sudden it took off.

"Usually on Monday or Tuesday I get together with the producer and we decide on the topic. Then I call the fellows and tell them to be ready to talk on such and such. That's the beauty of the show. We let it go. We let it happen."

Of his personal and professional philosophies, Martin Agronsky is just as candid.

"Fair, is what you try to be. But you do have a job to do . . . you have to ask the tough question. You have to ask yourself, if it hurts and cuts, is it going anywhere? Sometimes it's distasteful, but a responsible journalist has a reason for doing it."

On the other hand, he feels columnist Jack Anderson performed a journalistic service by printing the Pentagon Papers, "but I feel he debased the currency of the Pulitzer Prize with that Eagleton stuff. It was irresponsible and ugly. I would have checked it first. Until you can prove it, you can't touch it."

Agronsky believes that the best part of the American tradition is muck-raking. "It is important that we know, but before you do it, you have to decide how much good will come from it and how much bad."

On a personal plane, Martin says he was a "premature anti-Vietnam War type. I think the whole thing was an initial misjudgment that has been compounded by President after President, beginning with Kennedy.

"The one big mistake people make is equating criticism of the war with lack of patriotism. It has put our system in jeopardy."

Martin Agronsky enjoys golf and small dinner parties, "where all too often we have guests with the same vice . . . we all talk politics. Washington journalists are too inbred: we talk to much shop. You can tell how we stick together by how fast stories get around. It is almost incestuous.

"We keep saying Washington isn't the United States . . . we say it but we don't really think it's so. People on the outside resent this. They say 'you may be on the inside, but you don't really know what's going on.'

"The other great threat to a Washington journalist is that you do mix with the establishment. You become absorbed into it. You have access to the power . . . and you must fight to obtain your objectivity."

CONNECTICUT HISTORIC RIVERWAY

Mr. RIBICOFF. Mr. President, for decades, the National Geographic magazine has been a window on the world for millions of Americans. The September issue examines a subject of particular interest to me—the past and future of the Connecticut River Valley.

Ever since I came to the Senate, one of my prime concerns has been the preservation of this beautiful valley. Thanks to the efforts of the distinguished Senator from Nevada (Mr. BIBLE), the Senate has twice approved my proposal to create a Connecticut Historic Riverway in the southernmost stretches of the river. Unfortunately, the House has yet to approve this important legislation. I am hopeful that with articles such as this, public and congressional support for preserving the river valley will continue to grow and the historic riverway will become a reality.

I ask unanimous consent that Charles McCarry's article entitled "Yesterday Lingers Along the Connecticut" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

YESTERDAY LINGERS ALONG THE CONNECTICUT

(By Charles McCarry)

Deep in time, dinosaurs browsed where the river now flows, leaving tracks preserved in rock like hands on the clock of life. Hands that sweep forward through eons to Indian, explorer, and our own history. Scholars and witches, tycoons and evangelists, gunmakers and gentle poets have abounded in its valley—and, except for the witches, abound there still.

I speak of the Connecticut, "the long tidal river" that flows 410 miles from the Canadian border to Long Island Sound, forming the boundary between New Hampshire and Vermont, then winding across Massachusetts and Connecticut (map, page 338). In canoe and car and on foot, in every season, I have followed this river. I have traced it from above the lonely Connecticut Lakes of New Hampshire, where it trickles into the swampy Fourth Lake in a rivulet no larger than a child's wrist, to its majestic estuary, where salty Atlantic tides pulse out of the Sound against the flow of the stream.

The North American Continent offers no lovelier journey—and none that more vividly express the grim conflict between God's work and man's.

THE WAY THE WORLD SHOULD BE

In its northernmost reaches, the Connecticut flows through forest and meadows, filling lake after upland lake with sweet water. Shielded by steep wooded banks from mill and highway and hamburger stand, the modern voyager retains the illusion that he has stepped back into the wilderness. Like my 8-year-old son John, he can trail a hand over the side of a canoe, look upward at a cloud of migrating birds, and cry, "I wish the whole world was just like this."

On an evening in September, sitting on the shores of the Third Connecticut Lake with John and his brother Caleb, age 10, I could look back on a happy day.

A little after noon, as we trudged through woods that trembled on the verge of autumn, we had come upon a tall man dressed in the loose bib overalls and toil-stained fedora of the Yankee farmer. To a question from one of the boys he replied, "I'm trying to figure where the deer will be when the season opens." He poked a blunt finger into a cloven footprint, showing his spellbound young listeners how to tell it was a buck's track by the trailing mark made by the tip of the hoof.

"Venison's still the best eating there is," he'd said with a grin. "You come back when it's legal and I'll give you some—bet you'll think it tastes better than the beef your momma cooks. Why? Because it tastes natural . . . not much of anything does anymore."

Earlier, the children had seen their first eagle, coasting downward in its hunt, and Caleb glimpsed a beaver that was too quick for my middle-aged eyes. Now, on the wind that blew down from Canada, we could smell the North—that hint of snow and tundra and wild flowers that stirs the blood of blond, blue-eyed types like us.

The pristine quality of the river's northern reaches does not last long. In its middle stretches, great mills suck up the water and give it back dyed green or copper—the color of money. Famous colleges shelter the restless young—Dartmouth in New Hampshire; Smith, Mount Holyoke, Amherst, and the University of Massachusetts (rising from the river plain like some Yankee Brasília) in Massachusetts; Trinity and Wesleyan in Connecticut.

The lower reaches of the river are nearly as wild as the upper. Here its marshlands and salt flats hold the soup of life, where unnumbered species spawn and feed. Here, even at the height of day, when the 20th-century American elsewhere hears the clangor of his changing country, there is no louder sound than birdsong or the wind. These were the harmonies heard by the first humans to know the Connecticut, and the Indians matched the poetry of nature when they called the river "the smile of God."

LADDER OF DAMS, DUMPINGS OF MAN

Along much of the river today the racket of human industry threatens to drown the music of nature. Only miles from its source, the Connecticut is captured by the first of 17 dams; the dynamos within many of these structures make the electricity that helps to light New England. Soon afterward the farms, factories, and towns begin. Countless pipes and ditches discharge human ordure and the acrid wastes of industry into the water.

Sidney DuPont, a master at Becket Academy in Connecticut, who has led expeditions of his boys from the river's source to its mouth, put it well when he told me, "You drink the water from cupped hands—and then, a few miles downstream, curse the fool in your canoe who splashes you with his paddle."

DuPont has his own rule of thumb for travel on the river: Where there are trout, you can drink; where there are smallmouth bass, you can swim; where there are carp, you can canoe. Where there are no fish, portage.

All the fish DuPont mentions live happily in the Connecticut, along with some forty other species. But the sturgeon has been gone since the late 18th century, and the salmon (so plentiful in colonial times that laws prohibited it being fed too often to indentured servants) no longer runs up the river. Its path to cold-water spawning grounds was blocked by dams as early as the 1790's, and with its homing instinct frustrated, the old salmon population soon died out.

Against the day when dams along the lower half of the river will provide swimways for migrating fish, many thousands of young salmon are introduced into its waters each year by the fish and game departments of its various states. Atlantic salmon go to sea and return to breed only at three to five years of age. If their brief experience in the Connecticut proves enough to trigger the mysterious memory process that causes them to return to their home stream to spawn, these noble fish may come back. Provided, of course, that they escape the commercial trawlers at sea.

POWER PLANT CHANGES FISH HABITS

Besides the dams, man-made changes in water temperature are affecting riverine life. Heated water from the steam generators of the Connecticut Yankee nuclear-power station at Haddam Neck has been discharged into the river for five years, raising surface temperatures by ten degrees or more. The Essex Marine Laboratory is now completing a 1.5-million-dollar research project to determine the effects of this water on fish.

Barton C. Marcy, Jr., a fisheries biologist at the marine lab, is cautiously optimistic about scientific findings to date. "There's been no major disaster for the fish," he told me, "but we've noted some subtle long-term effects."

Thousands of white catfish and brown bullheads no longer winter in the bottom mud, as they have always done, but instead "lie like cordwood" in the unnaturally warm water. The fish feed more than they normally do, but show signs of emaciation; the effect on their spawning habits is still not known.

The most famous of the Connecticut fish, the American shad, still frequents the river. In colonial times it was salted and shipped in hogsheads to Europe as one of the Connecticut's major products. Commercial shad fishermen continue to operate in the estuary, and sport fishermen often pull five- and six-pounders out of the river.

Like salmon, shad live in the Atlantic but spawn in fresh water. Each spring hundreds of thousands enter the Connecticut. They start spawning about 30 miles upstream, but many swim onward, ascending the Enfield Dam by means of its sluiceway, and being lifted over Holyoke Dam by an elevator.

The thermal barrier at Haddam Neck, extending almost across the river, is a potential hazard for young shad headed downstream in late summer; the fish cannot survive temperatures above 90° F., now often exceeded.

"But all of them," Bart Marcy told me, with a hint of pride in the creatures he is studying, "find a cool corridor under or around the effluent." The immature shad by the thousands also pass right through the power turbines at Holyoke Dam on their way to the sea.

RIVER GAINS SOME NEW ALLIES

Despite the dams and the pollution, the river is so hospitable to life, and so strong in its power to cleanse itself, that scores of species—fish and invertebrates and microorganisms—flourish in its depths. No complete inventory of riverine life has even been made, so recent is man's interest in the life systems of his planet. But according to Bart Marcy, the lower reaches of the river sometimes are so glutted with alewife, blueback herring, and young menhaden that "a strong man can't lift a seine out of the water."

The river, long regarded primarily as a source of waterpower and a handy place to dump the wastes of progress, has lately won some human allies. In the early 1950's a group of Connecticut Valley businessmen and conservationists formed the Connecticut River Watershed Council. Their idea was to clean up the river, preserve its forests and wetlands, restore its wildlife. With a good deal of help—the federal and state governments together pay 80 percent or more of the cost of local sewage-treatment improvements—these men have seen the beginning of a new attitude toward the Connecticut.

Christopher Percy, the council's executive director, told me, "Between 1955 and 1965, more than 75 sewage-treatment plants were built in the valley. Some towns and mills still dump raw wastes into the Connecticut, but, what with new laws and new public concern, industry has made significant strides. The river is 30 percent cleaner in Connecticut today than it was six years ago."

By 1974, if all projects for the control of pollution are successful, much of the river from the northern border of Massachusetts to the Sound will be clean enough for swimming—not only for people, but for all kinds of fish. In Vermont and New Hampshire, the target date is 1976.

In a sense, the pollution of the Connecticut has saved it from an even worse fate than the one it has suffered. Because the river is noisome in places (and because much of it has until recently been all but inaccessible by highway), its banks have kept much of their natural beauty. Little of the honky-tonk has marred their appearance.

Nature itself guaranteed the scenic future of the river. A great sandbar lying across its mouth prevented deep-draft ships from entering, and any large port city from growing up. On the peaceful banks of its lower reaches saltwater villages—Essex, Haddam, Old Lyme, Old Saybrook—recall in their graceful streets and boatyards the seafaring past of the region. Around them lie salt marshes and other wetlands, hatcheries of fish and refuges of birds and aquatic animals.

Connecticut's Senator Abraham Ribicoff, former Secretary of Health, Education, and Welfare, has introduced legislation to preserve the valley. His bill to create the first part of a projected three-unit Connecticut Historic Riverway has twice passed the Senate, but has not been acted on in the House of Representatives. This initial legislation would halt further development of 23,500 acres of land on both banks of the river between Old Saybrook and East Haddam, Connecticut. The other units would be in the Mount Holyoke region of Massachusetts and in northern Vermont and New Hampshire, not far from the river's source.

"I want to clean up this great river and preserve its valley for the enjoyment of future generations," Senator Ribicoff told me. "I love the Connecticut, not only for what it is, but for what we learn about America from it. We must save what is beautiful while there is still time."

PIONEERS BOTH FRUGAL AND HARDY

Christopher Percy estimates that the cleanup of the Connecticut will cost as much as 300 million dollars more. Many think the result will be worth every penny.

This freehanded mood in the valley might puzzle the ghosts of the first settlers, who put down roots along the river almost 350 years ago. For one thing, those pioneer Puritans were a parsimonious lot; in Northampton, Massachusetts, they still like to tell of the 18th-century farmer who stopped his clock when he went into the fields, "so it would last longer." For another, the story of the early settlements is one of almost unrelieved struggle to subdue nature.

"Nature's pretty noticeable around here," said a Massachusetts farmer I chatted with one day. "It's Africa in the summer and the North Pole in the winter—and you've always got one eye on the river in springtime for fear it might wash you down to Long Island. But as long as things grow, we'll be here."

From the beginning, the settlers attacked nature with ingenuity and pious certitude. "God sifted a whole nation that He might send choice grain into the wilderness," thundered an early preacher in Hadley, Massachusetts. Considerable sifting had been accomplished long before the human race made its appearance.

Volcano and ice, rushing water, and the brilliant sun changed the landscape and the climate many times over the eons. The valley has been a field of ice, a chain of lakes, and even earlier a hospitalable swamp where dinosaurs grazed on water plants, leaving their huge three-toed tracks in wet muck that has since hardened into the stony shoulders of the river near Holyoke, Massachusetts.

Finally, it became what it was when Europeans first saw it in the 1600's, and what it remains—one of the most productive farm valleys east of Iowa, and one of the likeliest places in the world to build a mill. From its source to its mouth, the Connecticut drops 2,650 feet, providing abundant waterpower.

The early settlers made their way from the coast through a dense forest that one young emigrant, fearful of Indians and wild beasts, called "a boundless contiguity of shade." They were dazzled by the broad meadows that lay along the river, waiting for the plow. The early comers dotted the land with houses and barns; their descendants have spread acres of suburbs around factory towns that make prodigal use of the river's waters.

Still, the land is kind. Its fertility is renewed now and again by the river's flooding. But a farmer has no guarantee that the land he tills will be planted by his grandson; where the river turns sharply in its great meanders, it transfers soil steadily from one bank to another, so that a cornfield that was in Hadley a hundred years ago may well be across the river in Northampton today.

MACHINES RAISE OUTPUT OF VALLEY FARMS

Despite another, more serious loss of land—to developers—the valley produces almost as much as it did in the heyday of agriculture. Walter Melnick, agricultural agent for Hampshire County in Massachusetts, told me: "The valley grows about 200 million pounds of potatoes annually. Thirty years ago, on nearly four times as much acreage, it produced 300 million pounds. The story is the same for all the other crops that earn millions of dollars each year for the valley's farmers—sweet corn and tomatoes, lettuce and onions, hay and asparagus."

One or two men with modern machinery can raise as much today as a battalion of brothers and cousins could coax from the soil in former times. The land and the machine, long twin features and often opposing forces in the valley, have happily married.

The crop that still depends almost wholly on the human hand is tobacco—the most important one in the valley and, ironically, the one that supports many a factory. The heart of New England seems an odd place for this southern plant to flourish, but many of America's famous cigars are wrapped in prime shade-grown Connecticut Valley tobacco leaf.

Tobacco has been grown in the valley since Indian days. Today it's the premier cash crop, producing $24,000,000 a year in Connecticut alone. It earns more money per acre than any other crop grown in the U.S.

From mid-Connecticut to northern Massachusetts, huge fields of tobacco grow under gauzy tents that shield the delicate leaves from the sun (page 353). In the late 19th century the Dutch all but drove American wrapper leaf off the market with imports from Sumatra, where the hot sun, filtered through a constantly cloudy sky, produced a stretchy, aromatic leaf of exceptional quality. Ingenious Yankees reasoned that tobacco grown under tents to shield it from the valley's fierce summer sun might be just as good as that grown in the Dutch East Indies. The experiment was first tried in 1900. After several years of false starts, it succeeded with Cuban seed. The valley has been marketing quality cigar wrappers ever since.

Tobacco is a romantic crop, but a difficult one. Lorenzo D. Lambson, whose family has been growing it near Sodom Mountain in Southwick, Massachusetts, for more than a hundred years, told me the secret of the valley's fine tobacco: "Our soil is pure—eight to ten inches of loam on top of a thin layer of subsoil, and below that sand and gravel. A lot of places have tried to grow shade tobacco, but most can't do it—we've got the soil."

On Lambson's 33 acres in tobacco, every plant is set in the ground, hoed, tied, twisted, and finally picked by human hands—up to a hundred pairs at harvesttime.

Lambson showed me a well-cured hand of tobacco—a bunch of uniform-size leaves tied together. He stretched a leaf, setting off its fine vein structure and flawless brown skin.

"That's what a leaf should be," he said. "You can only get that kind of leaf by using your hands—all the way."

I had to confess (though I am allergic to tobacco and immediately had a paroxysm of sneezing) that I had never seen, or smelled, a more beautiful product of the soil.

Lambson's handiwork pays off. He produces 1,600 pounds of tobacco per acre, and he sells it for 50 cents to $7.50 a pound.

Lorenzo Lambson is one of the few independent tobacco farmers in the valley; much of the growing has been taken over by the big tobacco companies. About 80 percent of Connecticut leaf goes for sorting and grading to Puerto Rico and the Dominican Republic, where labor costs are much lower. Cigar makers also draw wrappers from other, cheaper sources. This and other factors have reduced tobacco acreage in the valley from 28,000 in the late 1940's to 6,300 today.

"Tobacco will survive in the valley, but not at anything like historic levels," Dr. Gordon S. Taylor told me. He heads the Connecticut Agricultural Experiment Station at Windsor, and is widely regarded as knowing more about valley tobacco than anyone else.

All their research, he confesses, has not disclosed why dead cigars and old cigar smoke smell so bad. "I sort of hoped at one point that we could please the ladies by eliminating smelly draperies and stinking ashtrays," he smiled. "But we never did find out why a cigar, which is so satisfying to a man, has to be so annoying to his wife."

DUTCH TELL ENGLISH OF CONNECTICUT

Long before Connecticut matched the Dutch in growing tobacco, the first explorer arrived in the person of Dutch mariner Adriaen Block (Rhode Island's Block Island is named for him). In 1614 he sailed his 50-foot ship *Onrust* (in English, *Unrest* or *Restless*) over the great sandbar and upriver to the Enfield Rapids, about 60 miles from the Sound. He traded with the Sequin and Nawaa Indians, and then hoisted sail for home to give news of his discovery to the Amsterdam Trading Company.

What the Dutch thereafter called New Netherlands was already on English maps as New England. Capt. John Smith, at about the same time, had sailed along Cape Cod, and in the name of James I laid claim to what he guessed must lie beyond it.

The Dutch were mainly interested in trade, the English in colonialization. With commendable generosity, the Dutch told the English at Plymouth Colony of the fertile lands to the west. The Puritan fathers dourly responded that Dutchmen had better trespass with caution, if at all, on lands that belonged to the English Crown.

The Indians, long established on the Connecticut, not unnaturally regarded the valley as their own. There were many tribes along the river, living uneasily with one another. Among them were some very naive diplomatists. In the early 1630's, several bands of valley Indians—Podunks and perhaps Mahicans, whom James Fenimore Cooper apostrophized as the noblest of red men, the Mohicans—visited the Massachusetts colonies and invited the land-hungry settlers to help them expel the ferocious Pequots.

At first the English declined these offers of alliance, but their curiosity about the Connecticut lands was further stirred. On September 26, 1633, a small ship carrying a band of settlers from the Massachusetts colonies sailed upriver past a sign claiming the Connecticut for the Netherlands, as well as a Dutch fort that hailed the intruding ship but failed to fire its two cannon. The colonists went ashore at a spot that is now Windsor, Connecticut, where they built a palisade.

The English, of course, outlasted everyone. They soon founded two more colonies, at Hartford and Wethersfield. After the harsh climate and the rocky soil of the Massachusetts coast, they rightly believed that they had come to a comparative paradise. To their Puritanical souls, paradise was obviously a theocracy, and this they established, under the leadership of the Reverend Thomas Hooker, in 1639. They described their purpose as "to maintain and preserve the liberty and purity of the Gospel . . . and also of the churches."

Valley theocrats later promulgated laws specifying the death penalty for 15 separate offenses. One provided for execution of disobedient sons who were "stubborn and rebellious and will not obey their [parents'] voice and chastisement."

In the 1680's the witch-hunting divine, Cotton Mather, accused Mary Webster of Hadley of murder by sorcery. Witch Webster was hanged unsuccessfully by "brisk lads" of the town, then left in the snow to freeze. She nevertheless survived 11 years to a natural death. Her "victim," a farmer named Philip Smith, had died from what Mather described as being made "very valetudinarious."

INDIANS MASSACRED VALLEY NEWCOMERS

The cross and the rifle played equal parts in the settlement of the valley. The Massachusetts farms and towns, particularly, were subject to sudden and violent Indian attacks for more than a century. Not only resentful local tribes contested the settlers, but also hostile bands from upriver and Canada. In the three bloody years of King Philip's War (1675–78), 230 persons were killed and nearly 200 houses and barns burned.

Gunpowder was often stored in the garrets of fortified meetinghouses, which also did duty as churches. This foiled the Indians but sent the faithful scampering when a thunderstorm broke out during services.

On February 29, 1704, Deerfield suffered one of the most celebrated Indian attacks in New England's history. A French officer, Hertel de Rouville, with a force of 340 Indians and French soldiers from Canada, attacked before daybreak, put the snow-covered town to the torch, killed 49 men, women, and children, and carried off 109 captives.*

Just before sunup on February 29, 1972, I parked my car outside Deerfield. It was a windless day, and the town dogs did not catch my scent any more than their ancestors had smelled de Rouville's irregulars.

Deerfield has been preserved by its wise town fathers pretty much as it was in the 17th and 18th centuries. The graceful old houses, looming in winter mist, looked enough like the ones de Rouville burned to suit my purpose. It was my idea to walk along the river as the captives had done—many of them still in their nightclothes, their feet bare or bound hastily in rags.

I floundered through the snow, and not even woolen socks inside stout boots or the goosedown jacket my wife had given me for Christmas could keep the cold from my bones. Longing for warmth, I rounded a bend in the river and saw a small fire blinking. Crouched beside it, over a hole in the ice, was a fisherman in red plaid.

He introduced himself as Roger Coe, "from right around here," and brought out a Thermos. He handed me a cup of coffee laced with something more warming. I told him what I was about, and asked if he could believe that the captives of Deerfield could have survived their savage ordeal on a morning worse than this.

Roger Coe looked at the rising sun, then at me. "*They* had to," he said. "But why anyone else would go for a walk on the ice at 6:30 on a February morning unless he was tied up by an Indian, I can't answer you!"

FLOODS MAY BE VITAL TO THE RIVER

The Connecticut no longer figures greatly in the conscious daily life of valley people. As a New Hampshireman remarked to me, "There's not much reason to pay it any mind, like there used to be when it ran the mills or carried the barn away."

The river has often been a cruel companion. Close to twenty major floods have been recorded since the settlers came, and some have been truly devastating. With the Connecticut now controlled by dams and dikes, there's little likelihood that a flood like the big one in 1936, which did some 65 million dollars in damage, will come again.

Professor Lincoln Brower, a biologist at Amherst College who has a special feeling for rivers, thinks this may not be altogether a good thing. "The only reason flooding is mad," he told me, "is that man has been foolish enough to build on the floodplain. I see flooding as God's gift. Refertilization of land is responsible for civilization in the first place—ancient Egypt being a prime example."

An ecological activist, Professor Brower is opposed to dams. In his view, they return a great deal less than they take. According to a preliminary study at Amherst College, the action of the dam at Turners Fall, Massachusetts, reduces by tenfold the number of invertebrates, such as insect larvae and snails, for several miles downstream.

This plunder of life, which takes place when the dam stops the flow and dries out parts of the stream bed, probably also affects the river's capacity to cleanse itself. It is the life in the river, much of it microscopic, that breaks down sewage and waste, purifying the water. "If man were enlightened," Professor Brower declares, "he would deindustrialize many areas of the Connecticut Valley."

To industrialists, such ideas seem extreme. "Man deserves as much consideration as the shad or the aquatic snail," says John Hickey of the Holyoke Water Power Company in Massachusetts. "The new pumped-storage facility we're building here at Northfield Mountain will help prevent brownouts by delivering power when the demand is greatest. And it will be practically invisible."

Built inside the mountain, the facility will pump 2½ billion gallons of river water up to a reservoir in an 8-hour period, using "borrowed" power when overall demand is low. Then, at peak demand, the water will flow back down, turning generators to supply a million kilowatts.

In Professor Brower's view, this facility will hardly be "invisible." Part of the flow of the river will actually be reversed for two miles in July and August while the pumps lift water at the awesome rate of 5.4 million gallons a minute.

It's impossible to judge for certain whether men like Brower or men like Hickey are the realists with regard to proper use of the river. One thing is certain: They will hear from each other for years to come, for the construction of 200 new dams on the Connecticut's tributaries has been projected for the next 50 years.

Those who tinker with the flow of the river would delight their predecessors in the valley. As much as any place on earth, it has been the home of mechanical genius. I called on one such genius in Springfield, Massachusetts. He is John C. Garand, who invented the M-1 rifle (page 363). As Garand explained, and as every GI of World War II and Korea was told, this rifle is "a gas-operated, clip-fed, semiautomatic infantry weapon—the best in the world."

INVENTOR GOT AN EARLY START

Garand emigrated from Canada as a child. By the age of 12 he was a millworker, and the inventor of a device to paint bobbins in the cotton mill where he was employed. In 1933, as an obscure worker in the Springfield Armory, he developed the prototype of the M-1, then called, as many think it should always have been, "the Garand rifle." Garand made the drawings, designed machines to make complicated parts, worked up formulas for the manufacture of special kinds of steel.

How, I asked, did a man with so little formal education know how to do such things?

"Oh, I just *knew*," Garand responded.

His rifle was carried into battle by millions of Americans—not a few of whom wrote to him to thank him for saving their lives. For his labors, Garand received a pension and the one-millionth M-1 manufactured at the Springfield Armory. Altogether, more than six million were produced.

He bears no bitterness that he never shared in the huge profits earned by his invention. And, on occasion, he has had some reward. Not long ago Garand and his wife were invited to the White House for a Sunday service. "As we went through the reception line, I saw that President Nixon was very tired," Garand recalls. "A man told him my name, but it didn't mean a thing to him. Then I said, 'I'm the M-1 rifle.' He woke right up, smiled, and gave me a real handshake."

Americans won the West, and all their past wars, with the help of firearms manufactured in the Connecticut Valley. Samuel Colt's factory in Hartford still turns out all sorts of six-shooters, and provides most of the M-16 rifles used in Viet Nam. Upriver, in Springfield, Smith & Wesson continues to make handguns.

The Springfield rifle, in its various forms, may well have been the most famous of all American arms. As early as 1777, the Springfield Armory—on a hilltop site above the river—made ammunition, and from 1795 to 1968 it turned out millions of muskets, carbines, and rifles. Its products spoke on battlefields from Saratoga to Bull Run to the Little Big Horn to Normandy to Viet Nam.

No longer does the armory produce these instruments of valor and suffering. Except for a museum, its regimental square of brick buildings has been turned over to a community college. I reflected, as I watched boys of military age and girls old enough to be widows sauntering across the handsome broad quadrangle, that many would think they had found a better use for the armory than their forebears had done.

FULTON NO HERO IN NEW HAMPSHIRE

Valley people have, of course, been as ingenious in the mechanics of peace as in those of war. In 1793 Samuel Morey, a farsighted tinkerer of Orford, New Hampshire, launched a skiff in the Connecticut. The small boat carried Sam and an invention he had worked up that winter in the Orford blacksmith shop—a steam engine that drove a paddle wheel and moved the skiff upriver at a steady five miles an hour.

A few years later, in another, larger boat, Sam Morey steamed from Hartford to Manhattan. Robert Fulton visited Orford, talked to Sam Morey, and used some of Sam's devices in his own more famous steamboat. In New Hampshire at least, Robert Fulton still wears a villain's black moustache—for no one there believes that anyone except Sam Morey invented the steamboat, whatever the history books may say.

The steamboat had a brief but glorious day on the Connecticut. In 1826 thet *Barnet* negotiated the Enfield Rapids, helped by a crew of polemen, and docked in Springfield. Later, when a canal had been dug around the rapids, steamer service between New York and Springfield became commonplace.

A visitor named Charles Dickens was less impressed by these rivercraft than the locals were. Of a ride between Springfield and Hartford on a February day in 1842, he wrote: "Mr. Paap, the celebrated dwarf, might have lived and died happily in the cabin. . . . I think [the engine] might have been half a pony power."

By the time of the Civil War, the railroad had whistled the death knell of these picturesque craft. The last vestiges of commercial traffic on the river are barges that carry several million tons of cargo, mostly oil and gasoline, to Hartford each year. Coast Guard icebreakers keep the channel open most of the winter. North of Hartford a pleasure boat is a rare sight, but off the Haddams and Old Saybrook, Connecticut, on any summer day the river is filled with sails.

CONNECTICUT PIONEERED THE ASSEMBLY LINE

If Sam Morey's steamboat ceased to be useful in the valley, other inventions born there have literally changed the world. It was the armories along the Connecticut that developed the system of interchangeable parts which gave birth to the machine tool—and so to the techniques of mass production that turned America into the complex and staggeringly rich society it is today.

As early as 1799 Eli Whitney proposed setting up a plant near New Haven "to make the same parts of different guns . . . as much like each other as the successive impressions of copper plate engraving." Forty-nine years later Samuel Colt's factory at Hartford was mass-producing guns. From then onward men, but not the things they manufactured, could properly be called "one of a kind."

The valley has had its share of the men and women who were one of a kind. Jonathan Edwards, only boy in a family of 11 (all his sisters were six feet tall or more, so that his father joked he had sired "sixty feet of daughters"), preached in Northampton for 21 years, beginning in 1727. He made that town the center of an evangelical movement called the "Great Awakening."

Noah Webster compiled part of his dictionary while living in the valley, and helped found Amherst College. That fey spinster, Emily Dickinson, wrote some of the finest poetry in English in Amherst. Augustus Saint-Gaudens sculptured his standing Lincoln and much else at Cornish, New Hampshire; his home is preserved as a national historic site. Rudyard Kipling married a girl from Brattleboro, Vermont, built a house shaped like a ship in nearby Dummerston, and there, gazing upon snowy Monadnock across the river, wrote *The Jungle Books*.

In the 20 years he lived at Hartford, Samuel Langhorne Clemens wrote those classics—*Life on the Mississippi, Tom Sawyer, Huckleberry Finn*—that made the Mississippi the very symbol of American life. Mark Twain's house, its kitchen in front "so the servants can see the circus go by," is open to a public still enthralled by his works.

HARD QUESTION FOR A GHOSTLY COMPANION

Mark Twain is my favorite human being of all time. When I set out upon the Connecticut, knowing that he had spent much of his life on its banks (dreaming of another river), I should have liked to invite him along.

I should have liked to stand with him on Mount Sugarloaf above Hadley early in the day, watching the sun burn away the ground mist, hearing the tractors in the fields beneath the mist even before it lifted. Of float down the estuary with him in a boat. Or show him what has become of the river near the factory towns, where it is browner than his muddy Mississippi ever was.

My journey up and down the valley—through the clash of natural beauty and arrogant despoliation, through the history of a righteous people who furnished the world with guns and tobacco—filled my mind with questions. They are an American's questions, and what better ghost to put them to than that of Mark Twain, the quintessential American?

On all the little questions I would have held my tongue. Why should a room full of old guns in Springfield stir in me the truest love of my country? How can men live in one of the most perfect landscapes on the planet, and seem not to notice it? How can the river have been forgotten by the people and the towns to whom it has given wealth and pleasure for fifteen generations?

Instead of all these small questions, I would have asked the big one: "Mr. Twain, why is it that man spoils whatever he touches, and endears himself to me for having done it?"

Mark Twain, I suspect, would have answered me as he did annother inquisitor in *Life on the Mississippi*. "I was gratified to be able to answer promptly, and I did," Twain wrote. "I said I didn't know."

SOCIAL SERVICES

Mr. PERCY. Mr. President, during the recent Subcommittee on Fiscal Policy hearings on social services, I was deeply impressed by the excellent testimony of the director of Illinois' Department of Public Aid, Edward Weaver. Recently, the social services program has received a great deal of criticism, too much of it deserved. There is little question that some States have used the social services subsidy as a "raid on the U.S. Treasury." However, there is also little question that some States have developed legitimate programs that provide vital and essential services to their citizens. I believe the testimonies before the Fiscal Policy Subcommittee have shown that to be true. At a time when Senate and House conferees are deliberating the fate of the social services program, I would like to share this excellent testimony from the State of Illinois with the Senate. The social services program deserves a fair hearing. Properly conceived and executed it is the best type of welfare reform.

I ask unanimous consent that the testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATE OF ILLINOIS SOCIAL SERVICES PROGRAM

SEPTEMBER 11, 1972

State governments have come under increasing criticism for alleged irresponsible behavior with regard to acquisition of federal funds provided to support social services for current, former and potential welfare recipients. This federal program, authorized in the 1967 Social Security amendments, has led to dramatically escalating federal expenditures for grants to the states, growing from $750 million in FY 1971 to $1.5 billion in 1972 and to estimated claims by the states of more than $4.5 billion in 1973.

Examination of the claims being made by the states in some instances may support the allegation of irresponsible behavior. However, this is not uniformly true, and in particular, the record of the State of Illinois on this issue is a responsible one. I would like to review that record.

In order to understand the impact of social services funding in Illinois, it is necessary that one review the record of the Ogilvie Administration which has been one of the most progressive, forward looking and responsible State administrations in this Nation.

In 1969, Illinois had a system of taxes and a record of public support for important programs that was little cause for pride. State and local taxes in Illinois were the *most* regressive of any State in the union. At the same time, the level of public support for education, mental health, corrections, family services and supportive welfare services was very low.

Change was necessary and Governor Ogilvie, upon assuming office bit the bullet of responsible action. Among his first actions in office were (1) proposing and gaining passage of a state income tax in Illinois that now is producing more than $1 billion annually in State funds, (2) making major commitments of these resources to education and human services programs, and (3) bringing in an aggressive young management team to establish order and priorities in the use of State resources.

The current Administration in Illinois started off to deal with two immense and costly social problems: 1) the welfare rolls were burgeoning at an uncontrolled pace, and 2) there were far too many people in the State's various institutions. Although the causes for this unprecedented growth in social and physical dependency are many, it was obvious that a number of those people institutionalized were victims of a system that offered the aged and neglected or abused children no other alternatives. But in addition to the dehumanizing effects of the situation, the State's entire financial structure was being threatened by the potential fiscal crises created by the magnitude of the dependency problems.

Consider the Public Welfare Program, a program the national government has refused to reform. The magnitude of the welfare problem has been almost overwhelming. In 1969 alone, the State of Illinois spent $538 million on welfare of which $290 million represented net state dollars not reimbursed under the Public Administration titles. In 1973 the budget for welfare in Illinois is $1.5 billion of which, exclusive of social services funds, $690 million will be federally reimbursed leaving $810 million as the net state dollar cost. This increase in annual expenditures of state dollars for welfare of $520 million is one half of the total current yield of the Illinois State income tax. Let me emphasize that point: one half of the revenues derived by Illinois from its major tax program is necessary just to support a program that ought to be national and for which this federal government has refused to take responsibility.

It is within this context that the Ogilvie Administration carried out important program developments long overdue in Illinois. Aware that stopgap measures would not be sufficient for the task at hand, the Governor and his staff set about to construct social services programs that attacked the causes rather than the symptoms; programs with a central strategy that would direct resources towards prevention of dependency.

The major thrust of this strategy has been the development of an extensive community-based delivery system of services and facilities. This system not only includes our welfare agency but also a number of its allied agencies: Mental Health, Corrections, and Children and Family Services.

With the emphasis on community-based services, we expected to:

First—Reduce the then current institutionalized population by decreasing the number of children in foster care institutions, the number of patients in long-term care mental institutions and the number of inmates in our correctional institutions. These effects should have been and were immediately noticeable.

Secondly—But probably more important, we expected to be able to set up an admission blocking system that would limit further institutionalization and welfare dependency by correcting social and physical deficiencies at an early stage of their development. These rehabilitation efforts would largely be accomplished by the services delivered through the allied agencies. The impact of this preventive approach in long term and measurable results probably will not be apparent for some time to come.

The importance of this approach, however, cannot be overemphasized. There is no doubt that institutional care is our most costly and personally debilitating social service. Further, there is much evidence indicating that the longer a person is institutionalized the less likely he will be able to return to a productive life. Clearly, the long range solution to our dependency problems lies in our ability to establish safeguards to prevent the problems from assuming significant proportions.

In the second quarter of fiscal year 1971, Illinois began its effort to obtain federal support of its social service program. At that time, when Governor Ogilvie and his staff conducted their preview of state budget needs for 1972, the picture appeared as follows:

The major initiatives begun with the resources provided by the income tax in fiscal 1970 had grown substantially in fiscal 1971. In Children and Family Services, additional staff and other resources to cover growing caseloads and grants for care of children had forced the budget from $46 million to $62 million, new counseling and training programs in Corrections brought that budget up from $51 million to $61 million, and the thrust toward improved mental health and the development of preventive local services had produced an increase from $232 million to $259 million, a combined increase in the three agencies of $53 million. At that time, the projection for these programs in fiscal 1972 pointed to another increase of more than $65 million. The State of Illinois had committed itself to developing and funding these programs. The downturn in the economy and the welfare crisis were making that impossible.

In the weakened economic situation, state revenue growth projected for fiscal year 1972 was small, estimated to be $148 million over 1971. At the same time, the most conservative estimates on welfare cost increases indicated new demands on unreimbursed state dollars of $124 million or 84% of the new revenues from the state's own sources. This left $24 million in state funds to cover the increasing program expenditures cited above and to provide for all other state programs.

There clearly was no way to do all of these things and to balance the budget. The options were:

1. Cut back general state programs below the 1971 level including elementary and secondary education and higher education. This clearly was neither feasible nor desirable in terms of priority needs.

2. Increase general state taxes. A request for new taxes less than two years following the enactment of the largest revenue program in the history of Illinois was not a realistic or viable option.

3. Cut welfare grant allowances. This was a course of action adopted by a number of states during the crisis period. Governor Ogilvie chose not to do so. While stringent circumstances forced a delay in cost of living increase for welfare recipients, the Governor refused to penalize children, the aged, disabled and blind by cutting their already meager allowances.

4. Make better use of existing federal programs. At that time, the State of Illinois became fully aware of the commitment of the Congress in the 1967 Social Security amendments to support the development of comprehensive social services programs. Accordingly, it was decided to build the fiscal 1972 budget on the assumption that proper federal funding would be forthcoming for the remainder of fiscal 1971 and fiscal 1972 for programs in Children and Family Services, Corrections, and Mental Health which are clearly within the statutory authorization of the 1967 Social Security Amendments. It was also recognized that if federal funding did not materialize, then those programs would have to bear the brunt of cutbacks.

Thus in fiscal 1972, $75 million in not yet realized federal social services funds were budgeted to support the Illinois programs in the face of the economic recession and the welfare caseload crisis. These monies were necessary to carry out program development that was within the intent of the Federal social services legislation. The State of Illinois was similarly committed to the expansion of comprehensive social services as defined in this legislation.

Was this an attempt of Illinois merely to substitute federal dollars in order to decrease state dollar outlays? The answer is no. The State of Illinois had begun an aggressive program whose momentum was clearly endangered by the current fiscal crisis. The federal social services funds have permitted that momentum to continue. From the time that state plan amendments for services delivered in allied agencies were introduced (in the first quarter of fiscal 1971 for Corrections and Mental Health) through fiscal 1973, the increase in annual expenditures for those agencies supporting the social service programs outside of the Department of Public Aid itself is estimated as follows:

[In millions]

Children and Family Services	$60
Corrections	15
Mental Health	52
Total	127

Under the Ogilvie Administration, the total annual spending for these agencies has increased from 1969 to 1973 by $175 million. In comparison, the estimated federal social services funds to be received as reimbursement for those programs in 1972 is $112 million, an amount that is less than the total growth in annual spending since the plan changes were made.

Of considerable importance is that these federal funds have been used to expand the total social service program in the State. The human services program in Illinois is broader than the limited definition of former and potential welfare recipients, and priority has been attached to developing a comprehensive state-wide program. This means that many social services are provided at 100% state funds for persons not eligible under criteria approved by HEW in the Illinois State Social Services Plan.

The ongoing services supported by this $112 million in 1973 include:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Foster Care Services to Dependent and Neglected Children: DCFS delineates foster care into three categories: adoption—providing children with a permanent home under new legal parentage, with the same mutual rights and responsibilities as exist in natural parent-child relationships; group home/foster home—providing an alternative living arrangement for a child, or group of children, faced with an unstable home environment; residential treatment facility—providing intensive treatment to individuals who are suffering from some emotional disturbance, are unable to live in their own homes, and need a controlled group living situation.

Protective Services for Abused Children: Protective services include services provided in the home to protect children from further abuse, neglect or exploitation; removal of the child to a temporary alternate living situation in times of emergency; assisting families with planning for handicapped children to remain in their own homes.

Family Counseling Services: Family counseling is a joint attempt by the family and the counselor to identify and alleviate problems which may have a detrimental effect on the maintenance of the family unit.

Services for the Visually Handicapped: Services to visually handicapped persons are designed to alleviate the handicapping effects of blindness through such things as mobility training, counseling for caretakers of blind children and help in securing talking book machines. The Department of Children and Family Services provides these services both in centers such as the Illinois Visually Handicapped Institute, and in the community.

Day Care for Low Income Families: Day Care service involves the provision of substitute personal care for children during some portion of a 24 hour a day to allow the child's parent(s) to work. Included in the services are activities designed toward development of the child's skills.

Homemaker Services: Homemaker services entail the use of a trained and supervised homemaker to help individuals in their own homes to overcome specific barriers to maintaining, strengthening and safeguarding their personal functioning.

DEPARTMENT OF MENTAL HEALTH

Day Treatment for Mentally Retarded Children and Adults, and Emotionally Disturbed Children: This program was designed to provide community experiences which prevent the necessity of future institutionalization, family separation or dependency. Individuals are given intensive, individualized attention on an ongoing basis without separation from their families. Day care centers for the mentally retarded and emotionally disturbed child up to twenty years of age, and sheltered workshops for the mentally retarded adult aged twenty-one and over, are the operational core of these services.

Comprehensive Drug Abuse Services: The goal of this program is the treatment and social rehabilitation of drug abusers. It stresses social adjustment through: counseling, legal, vocational and recreational services; and various work activities. These services are intended to help all compulsive narcotics users become law-abiding, productive, drug-free and emotionally mature members of society.

Included in the program are such services to the general public as drug-oriented information and education, emergency services and referral activities.

Comprehensive Alcoholism Services: The services of this program are largely directed to the treatment and social rehabilitation of alcoholics. Social adjustment is encouraged through counseling and various ancillary services including work activities. The objective of these services is to help all alcoholics become productive, alcohol-free and emotionally mature members of society.

Included in this program are such services to the general public as drug-oriented information and education, emergency services and referral activities.

Community Mental Health Services for the Emotionally Disturbed and Mentally Retarded: The Department of Mental Health delineates this service into three categories: services to the general public—information, general mental health education, community development and improvement, emergency services, diagnostic and evaluative services, and referral activities; outpatient services—delivery of psycho-social counseling and related services to clients and collaterals for the purpose of restoration or enhancement of social and vocational functioning and avoidance of the need for residentially-based services; intervention care—intensive but short term therapeutic and rehabilitative services to individuals in a community-based residential care facility. These services are provided on a 24 hour, highly structured basis, designed to return the individual to the community in less than two years.

DEPARTMENT OF CORRECTIONS

Vocational, Technical and Adult Basic Education for Inmates of Correctional Facilities: The Department of Corrections provides both basic education classes and vocational and technical training, in order to equip adult inmates with the academic background and the job skills necessary to enable him to become an independent and productive member of society.

Delinquency Prevention Services in High Risk Communities: This program is comprised of organized efforts designed to detect, control and prevent delinquent and/or criminal behavior. Information and education services to the community at-large are major components of this program.

Transitional Services for Individuals in the Correctional System Designed to Successfully Integrate the Individual Back Into the Community: This program has several components. Among them are: pre-release activities—the use of community resources to provide potential parolees with information relative to employment, financial and medical assistance, legal aid and other available resources within the community; work release—a work oriented program at the pre-parole level assisting in the reintegration of the client into the community setting, with the emphasis on professional and supportive services; community centers—community facilities fostering return of former inmates to employment possibilities, and re-establishment of relationships with their families and other elements of society.

The increase in volume of services since the Illinois plan changes is shown by the following data. In 1972 in the Department of Mental Health, 13,879 persons were treated in the comprehensive alcoholism program, a 25 percent increase over 1971; 5,737 persons were treated in the drug abuse program, about 50 percent greater than the number in 1971; day treatment was provided to 14,654 persons, a 49 percent increase over 1971, and 189,643 persons received care in community mental health centers, an 18 percent increase over 1971. In the Department of Children and Family Services, certain types of day care (grant-in-aid facilities; contractual facilities, centers operated through local community effort) were expanded in the period June 30, 1971 to June 30, 1972, from 1,910 children to 6,102 children, more than a threefold increase; foster care services were provided to 2,257 more children in 1972 than in 1971; the number of families receiving homemaker services has increased by 63 percent between 1971 and 1972.

The ongoing service programs performed directly by the Department of Public Aid are estimated to be reimbursed at a level of $58 million. These include day care and family planning, services to the aged, blind, and disabled, services to members of families with children including employment services. Finally, continuing adult training programs funded through the Illinois Department of Labor are estimated to be reimbursed at a level of $10 million.

In addition, Illinois has submitted a plan modification to HEW for development in Fiscal Year 1973 special programs complementary to elementary and secondary education programs for current, former and potential welfare recipients. These program components would include for example, pre-employment counseling workshops, community liaison services to identify and promote resources for extended education, and special supportive services for educating socially handicapped children, and would raise Illinois' social services reimbursement estimate in 1973 by $25 million above the estimate for ongoing programs. Finally, a second new initiative planned for fiscal 1973 is a project undertaken with the Chicago Model Cities agency for additional welfare recipient training programs that will lead to a claim for federal reimbursement of $6 million, bringing the total estimate of federal funds for Illinois social services to $211 million in 1973.

It is not the intention of the State of Illinois to pour easy money into a bottomless well. Illinois has undertaken an intensive effort to establish program accountability. A total of $850,000 has been allocated in fiscal 1973 to the four major state agencies—Public Aid, Children and Family Services, Corrections and Mental Health—to set up effective cost accounting systems and to establish program effectiveness measures. To facilitate the State's and the Department of Public Aid's control over the operation and direction of the program, an Office of Social Service Planning has been established. Although this office is directed and is the responsibility of Public Aid as the single state agency, multiagency participation has been built into the organization to assure unified planning and control. As a first order of business, the State's Bureau of the Budget is working with the Office of Social Services Planning to establish a program budget for all social services.

To date, a comprehensive documentation system has been implemented in each of the allied agencies which is not only providing the information necessary to insure compliance with Federal regulations but also a much needed base for planning and evaluation. Already, much of this information has been formatted into a program structure that is consistent with the accountability needs of HEW. Examples of the scope and nature of our documentation have been attached.

Social Services funds have been a critical element in enabling the State of Illinois to carry out important initiatives in combatting its dependency problem. Severe cut backs in these funds in the coming year will have very serious consequences. Mothers unable to obtain day care services will have to remain on welfare. Children not able to be accommodated in state programs will be left in destructive home situations. Inability of the State to carry out its rehabilitation programs in Corrections will only lead to repeated offenders. An absence of effective screening in mental institutions will merely add to the wasted lives and costs tied to long term commitments to state hospitals.

The State of Illinois believes that prevention of dependency is a legitimate objective not only of State governments but also of the Federal government. You have heard us talk about the Illinois Plan for Social Services, what it has accomplished and what its long range expectations are. Interestingly, this plan implements the concepts of the recently introduced allied services act; that is, the provision of comprehensive services in a coordinated and rational manner. Federal funding remains an essential element in the provision of comprehensive services.

With regards to future federal funding, the present HEW reimbursement mechanism is a sound one if the proper administrative controls are instituted. It is a mechanism which has been designed to have neither the looseness of the Grant System nor the constriction of the Categorical Reimbursement System. It is a system that could, with some tailoring, come as close as any Federal program to establishing a cost effectiveness approach to funding, which from Congress' point of view is most desirous.

In contrast, if funding is to be incorporated into revenue sharing only, Illinois as well as other states that have extensive social service programs will have three options available for future program operations.

Use revenue sharing dollars to compensate for current federal social services funds and maintain services at their current level.

Use state dollars to compensate for current federal social service funds and maintain services at their level.

Decrease services to the degree dictated by the lack of state funds and non-availability of revenue sharing dollars for this purpose.

None of these options is very satisfactory and all place the state in the difficult position of attempting to maintain current *operational* programs with less support. The first option and probably the only viable one would mean that the so-called "non-specified" revenue sharing dollars would in fact not be much more than the current social service dollars. The second option would place additional strain on an already overburdened state budget and the third option would predicate budget cuts in Mental Health, Public Aid, Children and Family, and Correctional services.

Assuming, however, that specific funds for social service programs were appropriated under the revenue sharing bill, the use of the revenue sharing funding mechanism (that is, where one-third of the amounts appropriated would go to the state government and two-thirds of the funds to local governmental units) would create immeasurable operating difficulties for our state. This formula does not take into consideration the current operating mode of the various states, and in fact, is feasible only for those states that have decentralized the administration of their social service programs, i.e., California with its county-based delivery system. For Illinois and those states that largely utilize a central or state-wide program structure, the direct pass-on of two-thirds of the Federal Revenue Sharing to local units of government would mean that new administrative and delivery systems would have to be designed and implemented. Such a task would not only be time-consuming and costly but also has questionable merit.

If, on the other hand, the appropriation for social services is maintained in HEW, any cutback of funds would be a real blow to the progressive programs initiated by the current administration in Illinois. And they would be the crowning final step of federal irresponsibility on welfare reform. There is much rhetoric on the importance of welfare reform in this city, but little action. The Congress enacted the 1967 Social Security amendments, and their intent was clear. Now this Congress stands ready to renege on that commitment and in particular to penalize those states that have taken initiative. This is indeed a far cry from LaFollette's laboratory of the states.

APPENDIX

This appendix contains an itemization of costs which the State of Illinois incurred in providing Social Services to its citizens during the inclusive years 1971–1973. Additionally, it indicates the number of recipients to whom these services were provided. The population which received these services is divided into three broad age categories. "Children," "Adults and Families," and "Aged."

The Department of Health, Education, and Welfare has established a goal structure containing four general programmatic goals. These goals indicate approximate levels of individual dependency. The State of Illinois program for delivering of Social Services to its citiezns has been integrated into this HEW goal structure. The goals are listed here in order of increasing recipient dependence.

HEW GOAL STRUCTURE

Self-Support—Achieving this goal will allow an individual to reach and maintain a self-sustaining level of employment and economic self-sufficiency.

Self-Care—Achieving this goal will allow an individual to achieve and maintain maximum personal independence, self-care determination, and security while remaining in his home. For youths this would include achieving their maximum potential for eventual independent living.

Community-Based Care—Achievement of this goal level will allow an individual to secure and maintain community-based care which approximates a home environment when living at home is not feasible. This goal level includes those individuals who need not be placed in an institution but who require more care than is available at their home.

Institutional Care—This goal level is intended for those individuals who require the level of complete care which can only be provided in an institution.

Table 1 indicates the costs of social service delivery itemized by HEW established goal.

Table 2 indicates the size of the population receiving the social services itemized by goal.

Table 3 indicates the costs of social service delivery itemized by State of Illinois strategy.

Table 4 indicates the size of the population itemized by strategy.

TABLE 1.—STATE OF ILLINOIS, COMPARATIVE SOCIAL SERVICES DELIVERED BY ALLIED AGENCIES, GENERAL REVENUE COSTS ITEMIZED BY GOAL

[Dollars in thousands]

Goal	Children			Adults and families			Aged			Total		
	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973
Institutional care	19,719	20,831	21,166	123,191	147,291	143,673	20,814	32,937	43,064	163,721	201,057	207,903
Self-support	8,051	12,119	34,448	970	1,064	1,152				9,021	13,183	35,600
Community-based care	74,019	79,906	88,847	78,553	82,897	98,542				152,571	162,803	187,388
Self-care	20,092	22,894	24,991	33,290	42,259	50,346	709	1,675	1,416	54,091	66,828	76,762
Total	121,875	135,750	169,452	236,004	273,511	293,712	21,523	34,611	44,480	379,405	443,872	507,644

TABLE 2.—STATE OF ILLINOIS, COMPARATIVE SOCIAL SERVICES DELIVERED BY ALLIED AGENCIES, POPULATIONS SERVED ITEMIZED BY GOAL

Goal	Children			Adults and families			Aged			Total		
	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973
Institutional care	2,463	2,522	2,537	41,515	41,854	38,406	6,193	9,332	9,980	50,171	53,708	50,923
Community-based care	40,821	42,531	40,708	39,170	45,695	49,671	4,568	5,007	7,448	84,559	93,233	97,827
Self-care	32,949	43,041	68,650	89,216	127,688	156,234	3,305	6,395	8,272	134,470	177,124	233,156
Self-support	5,430	9,906	18,016	3,296	3,562	3,594				8,726	13,468	21,610
Total	81,663	98,000	129,911	182,197	218,799	247,905	14,066	20,734	25,700	277,926	337,533	403,516

TA BLE 3.—STATE OF ILLINOIS, COMPARATIVE SOCIAL SERVICES DELIVERED BY ALLIED AGENCIES, GENERAL REVENUE COSTS ITEMIZED BY STRATEGY

[Dollars in thousands]

Strategy	Children			Adults and families			Aged			Total		
	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973
Provision of services to the general public				11, 754	13, 735	15, 019				11, 754	13, 735	15, 019
Provision of services which strengthen the family unit	1, 782	5, 338	27, 035	4, 893	6, 284	6, 555				6, 675	11, 621	33, 590
Provision of an alternate home or living arrangement	21, 747	23, 459	27, 517	3, 604	3, 776	4, 538				25, 352	27, 235	32, 055
Prevention of mental illness	548	711	813	53, 674	71, 614	65, 037	20, 814	32, 936	43, 064	75, 035	105, 261	108, 914
Rehabilitation of the mentally ill [1]	18, 248	21, 016	22, 172	68, 207	72, 224	77, 270	708	1, 675	1, 416	87, 165	94, 915	100, 858
Rehabilitation of the mentally retarded	29, 339	31, 262	31, 287	46, 015	50, 268	51, 067				75, 354	81, 530	82, 354
Rehabilitation of the drug abuser	173	120	143	2, 518	6, 415	9, 507				2, 691	6, 534	9, 650
Prevention of alcoholism				201	203	231				201	203	231
Rehabilitation of the alcoholic				9, 539	8, 819	19, 326				9, 539	8, 819	19, 326
Prevention of crime and delinquency	1, 618	1, 496	1, 608							1, 618	1, 496	1, 608
Rehabilitation of offenders	26, 275	28, 219	27, 765	34, 152	38, 642	42, 396				60, 427	66, 861	70, 161
Correction of social dysfunction through special education services	22, 148	24, 130	31, 112	1, 447	1, 531	2, 766				23, 595	25, 660	33, 878
Totals	121, 878	135, 750	169, 452	236, 004	273, 511	293, 712	21, 523	34, 611	44, 480	379, 405	443, 872	507, 644

[1] Rehabilitation of the mentally ill. Costs for "Adults and Families" and "Aged" for 1971 does not include $19,644,916 (purchase of care by DPA). The figures for 1972 and 1973, however, include this line item.

. TABLE 4.—STATE OF ILLINOIS, COMPARATIVE SOCIAL SERVICES DELIVERED BY ALLIED AGENCIES, POPULATIONS SERVED ITEMIZED BY STRATEGY

Strategy	Children			Adults and families			Aged			Total		
	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973
Provision of services to the general public												
Provision of services which strengthen the family unit [1]	3, 243	7, 240	15, 822	11, 025	15, 756	18, 770				14, 268	22, 996	34, 592
Provision of an alternate home or living arrangement	24, 272	24, 786	22, 475	1, 012	975	964				25, 284	25, 761	28, 439
Prevention of mental illness												
Rehabilitation of the mentally ill [2]	26, 690	33, 802	44, 749	106, 613	135, 107	152, 102	14, 066	20, 734	25, 700	147, 369	189, 643	222, 551
Rehabilitation of the mentally retarded	12, 198	15, 611	29, 663	11, 934	13, 537	15, 555				24, 132	29, 148	45, 218
Rehabilitation of the drug abuser	100	105	135	3, 941	5, 737	7, 563				4, 041	5, 842	7, 698
Prevention of alcoholism												
Rehabilitation of the alcoholic				10, 442	13, 879	19, 592				10, 442	13, 879	19, 592
Prevention of crime and delinquency												
Rehabilitation of offenders	8, 285	7, 793	8, 308	31, 684	27, 820	27, 318				39, 969	35, 613	35, 626
Correction of social dysfunction through special education services	6, 875	8, 663	8, 759	5, 546	5, 988	6, 041				12, 421	14, 651	14, 800
Total	81, 663	98, 000	129, 911	182, 197	218, 799	247, 905	14, 066	20, 734	25, 700	277, 926	337, 533	403, 516

[1] Provision of services which strengthen the family unit. Populations for "Children" for 1971, 1972, and 1973 include day care spaces developed and maintained. Homemaker services were annualized by multiplying the average number of clients served monthly by 12.

[2] Rehabilitation of the mentally ill. Populations for "Adults and Families" and "Aged" for 1971 does not include 9,545 clients (purchase of care by DPA). The figures for 1972 and 1973, however, nclude this line item.

Note: Individuals who are involved in more than 1 program during a given year would be counted more than once in these summary statistics.

THIRTY-TWO STATES TO RECEIVE LOWER ALLOTMENTS FOR OLDER AMERICANS ADMINISTRATION UNDER HOUSE-PASSED FORMULA THAN UNDER ADMINISTRATION FORMULA

Mr. FONG. Mr. President, as the ranking minority member of the Special Committee on Aging, I am very much concerned about the distribution formula in the House-passed bill (H.R. 15657) extending the Older Americans Act.

I asked the Library of Congress to compare the allotments for each of our 50 States under the House formula with the allotments that would go to these States under the formula in the administration bill (S. 3391), which would continue the formula that has been in effect up to now.

These figures reveal that 32 States would receive higher allotments under the administration formula than they would receive under the House formula. In addition, the District of Columbia, American Samoa, Guam, Puerto Rico, Trust Territory, and the Virgin Islands would also receive higher allotments under the administration formula.

In the case of my own State of Hawaii, we would stand to lose approximately $851,200 if the House-passed formula is used instead of the administration's formula used in S. 3391. Under the House-passed formula (H.R. 15657), we would be entitled only to $250,000, whereas under the administration's formula (S. 3391) we would be entitled to $1,101,200.

The administration's formula guarantees each State an initial 1 percent of the total amount authorized and appropriated, plus a percentage of the remainder of the funds, based upon the ratio of older Americans—over 65—in each State compared to the total number of Americans over 65 in the United States—20 million. Each State would be guaranteed a minimum allotment of $1,000,000, based on the same $100 million authorization that is provided in the House-passed bill.

The formula in the House-passed bill (H.R. 15657) is based on the ratio of Americans over 60 years in each State compared to the total number of Americans over 60 in the United States—29 million. Each State would be guaranteed a minimum of $250,000.

In comparing the impact of the two formulas, a total authorization of $100 million for the entire United States and its territories was used.

It is clear that the distribution formula employed in the House-passed bill favors 18 States at the expense of the 32 other States.

These 32 States, including my own State, would fare far better under the administration formula than under the House-passed formula.

Mr. President, as H.R. 15657 and S. 3391 are currently pending before the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare, I ask unanimous consent that two tables prepared for me by Congressional Research Service at the Library of Congress be printed in the RECORD.

There being no objection, the tables

were ordered to be printed in the RECORD, as follows:

TABLE I

The following is a list of the 32 States, the District of Columbia and Territories which will lose funds under the House-passed H.R. 15657 formula, compared with their allotments under the Administration formula in S. 3391, using the same total authorization of $100 million.

Amount lost under H.R. 15657 formula passed by House

Alabama	$110,880
Alaska	763,800
Arizona	563,277
Arkansas	385,476
Colorado	513,576
Connecticut	226,826
Delaware	$1,076,200
District of Columbia	803,257
Hawaii	851,200
Idaho	818,531
Iowa	156,143
Kansas	345,161
Kentucky	128,543
Louisiana	158,916
Maine	715,648
Maryland	160,390
Mississippi	402,958
Montana	818,531
Nebraska	554,054
Nevada	819,000
New Hampshire	801,782
New Mexico	803,257
North Dakota	$833,806
Oklahoma	229,952
Oregon	412,158
Rhode Island	727,797
South Carolina	448,606
South Dakota	806,382
Utah	787,245
Vermont	860,400
Washington	151,366
West Virginia	487,618
Wyoming	819,000
American Samoa	450,000
Guam	450,000
Puerto Rico	465,179
Trust Territory	450,000
Virgin Islands	450,000

TABLE II.—THE FOLLOWING IS A LIST OF THE 50 STATES, THE DISTRICT OF COLUMBIA, AND TERRITORIES WHICH SHOWS THE ALLOTMENTS RECEIVED UNDER EACH OF THE FORMULA ASSUMING THE SAME AUTHORIZATION OF $100,000,000

States, District of Columbia, and territories	Allotment under House-passed H.R. 15657	Allotment using administration formula (S. 3391)	Loss or gain under House-passed bill H.R. 15657
Alabama	$1,629,720	$1,740,600	−$110,880
Alaska	250,000	1,013,800	−763,800
Arizona	804,923	1,368,200	−563,277
Arkansas	1,152,724	1,538,200	−385,476
California	8,834,277	4,098,600	4,753,677
Colorado	914,233	1,427,800	−513,567
Connecticut	1,430,974	1,657,800	−226,826
Delaware	250,000	1,101,200	−1,076,200
District of Columbia	357,743	1,161,000	−803,257
Florida	4,620,853	3,244,800	1,376,053
Georgia	1,868,216	1,837,200	31,016
Hawaii	250,000	1,101,200	−851,200
Idaho	337,869	1,156,400	−818,531
Illinois	5,395,964	3,488,600	1,907,364
Indiana	2,404,831	2,122,400	282,431
Iowa	1,639,657	1,795,800	−156,143
Kansas	1,262,039	1,607,200	−345,161
Kentucky	1,639,657	1,768,200	−128,543
Louisiana	1,540,284	1,699,200	−158,916
Maine	546,552	1,262,200	−715,648
Maryland	1,520,410	1,680,800	−160,390
Massachusetts	3,050,757	2,449,000	601,757
Michigan	3,736,432	2,715,800	1,020,632
Minnesota	1,937,777	1,929,200	8,577
Mississippi	1,103,042	1,506,000	−402,958
Missouri	2,693,013	2,274,200	481,813
Montana	337,869	1,256,400	−818,531
Nebraska	864,546	1,418,600	−554,054
Nevada	$250,000	$1,069,000	−$819,002
New Hampshire	377,618	1,179,400	−801,784
New Jersey	3,468,124	2,587,000	881,127
New Mexico	357,743	1,161,000	−803,255
New York	9,659,075	5,448,200	4,201,861
North Carolina	2,106,711	1,943,000	163,716
North Dakota	317,994	1,151,800	−833,808
Ohio	4,899,098	3,272,400	1,626,692
Oklahoma	1,450,848	1,680,800	−229,958
Oregon	1,103,042	1,515,200	−412,153
Pennsylvania	6,290,323	3,893,400	2,396,927
Rhode Island	506,803	1,234,600	−727,796
South Carolina	983,794	1,432,400	−448,602
South Dakota	377,618	1,184,000	−806,385
Tennessee	1,907,965	1,869,400	38,568
Texas	4,938,848	3,254,000	1,684,845
Utah	387,555	1,174,800	−787,240
Vermont	250,000	1,110,400	−860,401
Virginia	1,848,341	1,832,600	15,746
Washington	1,580,034	1,731,400	−151,368
West Virginia	953,982	1,441,600	−487,616
Wisconsin	2,275,646	2,076,400	199,240
Wyoming	250,000	1,069,000	−819,000
American Samoa	50,000	500,000	−450,000
Guam	50,000	500,000	−450,009
Puerto Rico	884,421	1,349,600	−465,170
Trust Territory	50,000	500,000	−450,00S
Virgin Islands	50,000	500,000	−450,000

TRIBUTE TO SENATOR FULBRIGHT AND OTHER SENATORS ON INTERIM AGREEMENT

Mr. MANSFIELD. Mr. President, I simply wish to extend the gratitude of the entire Senate to the distinguished Senator from Arkansas (Mr. FULBRIGHT), the able chairman of the Committee on Foreign Relations. His leadership on the so-called interim agreement measure was exemplary. Indeed, BILL FULBRIGHT is unexcelled in his efforts to obtain mutual relaxation of world tensions and to bridge the East-West gap—the cold war.

The arms limitation agreement, its interim effect, and the prospects for long-term permanence followed even by arms reductions are all matters of the most vital concern to the Senator from Arkansas.

The achievement yesterday represents another small step away from confrontation. It was largely the work of BILL FULBRIGHT that made it possible.

I wish, too, to single out the distinguished Senator from Washington (Mr. JACKSON) for praise. His concern for the security posture of this Nation is widely known and recognized. I especially wish to commend his efforts in seeing that the proposal was disposed of as efficiently as possible under the circumstances.

Other Senators deserve similar praise. Senator AIKEN is again to be thanked for his strong assistance as the ranking minority member of the committee. There were many other Senators as well, and may I say, finally, that the Senate may take pride in this measure. Its passage, together with the treaty ratification, will signal an end to the spiraling and wasteful arms race.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND SENATOR CRANSTON ON MONDAY, SEPTEMBER 18

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, following the remarks of the two leaders under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be recognized for 15 minutes, and that he be followed by the Senator from California (Mr. CRANSTON) for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF TREATY ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, upon disposition of the four bills on Monday next, S. 750, S. 33, H.R. 15883, and H.R. 8389, that the Senate go into executive session, to vote on Executive J (92d Congress, second session), the Protocol Amending the Single Convention on Narcotic Drugs, 1961.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELFARE REFORM

Mr. CRANSTON. Mr. President, statements have been recently made to the effect that welfare reform is dead for the foreseeable future. It is my firm conviction that welfare reform is far too important for the Congress to abandon. We must not give up. I do not think we will.

I have been assured by Senator LONG, the distinguished senior Senator from Louisiana, that a welfare reform bill will be reported out of committee this session. I will work as hard as I possibly can for approval of welfare reform. I know that is the will and desire of the Democratic leadership in the Senate.

No one, Mr. President, is happy with the present welfare program—not the taxpayers who pay for it, nor the people who administer it, nor the unfortunate Americans who receive it.

The United States is in the midst of the worst welfare crisis in its history. Nixonomics have placed another 6 million Americans on welfare during the past 3½ years.

We now have a total of nearly 14 million Americans receiving welfare checks. In California alone, one out of every 12 persons you pass on the street is on welfare.

In 1968 when Nixon was telling the American taxpayer that he had a solution for the welfare quagmire, 8.2 million Americans were receiving an average of $55 a month in welfare assistance. This program was costing the taxpayers $9.4 billion per year.

Today, 3½ years later, we have the result of Nixon's promise to stop welfare from bleeding the taxpayers dry. Instead of 8.2 million Americans on welfare, we have nearly 14 million Americans receiving welfare assistance.

Cost of the program since 1968 has jumped from $9.4 billion per year to $20.9 billion. Yet the individual welfare check is only averaging $9 per month more than in 1968.

Mr. President, who are these 14 million Americans who have been forced to accept welfare?

They include:

The sum of 4.7 million elderly Americans who live alone or in institutions. People who have contributed their working lives to the economy of this Nation and now must exist on a medium income of $37 per week.

The sum of 750,000 Vietnam-era veterans who came back from the most disgraceful war ever waged by America and find that there are no jobs available for riflemen and cannon-cockers.

The sum of 518,000 aero-space workers, some 100,000 in California alone: 621,000 disabled Americans, many of whom are anxious to make a contribution to society.

The sum of 788,000 discouraged workers, men and women who have been unemployed so long that they have given up hope of finding a job.

These are some of the people the Nixon administration in its attacks on welfare recipients calls "lazy and unmotivated." The unfortunates who do not fit into Richard Nixon's plans for America.

President Nixon is to be given credit for submitting his own plan for welfare reform. However, the administration has put priority on getting other legislation through Congress ahead of welfare reform and has not made the necessary compromises that would insure passage of his legislation by the Congress.

During the Nixon years this country has more than doubled its yearly expenditure on welfare, or an additional $10 billion per year.

Instead of simply spending more money to give the unemployed subsistence income—and a meager income, at that—the $10 billion should be used to generate jobs.

PROCLAMATION OF WOMEN'S RIGHTS DAY

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3490.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate the amendments of the House of Representatives to the bill (S. 3490) to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day," which were on page 1, line 6, strike out "annually."

On page 1, line 7, strike out "each year" and insert "1972".

And amend the title so as to read: "An Act to authorize and request the President to issue annually a proclamation designating August 26, 1972, as 'Women's Rights Day'."

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that the date of August 26 has already passed, and it being my understanding that the objectives of the measure have been accomplished by the executive department in the meantime, I move that S. 3490 be indefinitely postponed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia (putting the question).

The motion was agreed to.

TIME LIMITATION ON AMENDMENT TO FEDERAL AVIATION ACT OF 1958, AS AMENDED (S. 2280)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to S. 2280, concerning which a time agreement has already been entered into, there be a time limitation on an amendment to be proposed by the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER) of 1 hour, to be equally divided between the able mover of the amendment, the Senator from Pennsylvania (Mr. SCHWEIKER), and the able manager of the bill, the distinguished senior Senator from Washington (Mr. MAGNUSON).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY, SEPTEMBER 18, 1972, AT 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Monday morning next.

The PRESIDING OFFICER (Mr. TUNNEY). Without objection, it is so ordered.

ORDER TO CONSIDER MULTIPART McCLELLAN-MANSFIELD AMENDMENT TO H.R. 8389 EN BLOC

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a multipart McClellan-Mansfield amendment to H.R. 8389, when considered, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR S. 632 TO BE LAID BEFORE THE SENATE NOT LATER THAN 3:30 P.M. MONDAY, SEPTEMBER 18, 1972

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Mr. President, has the order been entered providing for the Chair to lay before the Senate at circa 3:30 p.m. Monday, S. 632?

The PRESIDING OFFICER. No, it has not.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent at this time that at no later than 3:30 p.m. on Monday next the Senate proceed to the consideration of S. 632.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday next is as follows:

The Senate will convene at 9 a.m. After the two leaders have been recognized under the standing order, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 15 minutes; after which the distinguished senior Senator from California (Mr. CRANSTON) will be recognized for not to exceed 15 minutes; at the conclusion of which the Chair, at about 9:30 a.m., will lay before the Senate S. 750. There will be no morning business.

On the disposition of S. 750, a bill providing compensation for certain victims of criminal acts, the Senate will proceed to the consideration of S. 33, a bill to authorize the Attorney General to provide a group life insurance program for certain law enforcement officers.

On the disposition of S. 33, the Chair will lay before the Senate H.R. 15883, a bill to provide for extended protection of Federal officials; on the disposition of which the Chair will lay before the Senate H.R. 8389, to provide Federal assistance for treatment programs for certain drug abusers.

There is a time limitation on each of these measures, there being a 1½ hour limitation on S. 750; an hour limitation on S. 33; a limitation of 1 hour on H.R. 15883, and a 1-hour limitation on H.R. 8389.

There is a time limitation of 30 minutes on amendments in the first degree in the case of each of these bills. The yeas and nays, moreover, have been ordered on each of the four bills. At least one of the enumerated measures is somewhat controversial.

On the disposition of the four bills just stated, the Senate will proceed to the consideration of a protocol amending the single Convention on Narcotic Drugs, 1961, Executive J, 92d Congress, second session. This will be a yea-and-nay vote.

At no later than 3:30 p.m. on Monday, the Senate will proceed to the consideration of the land use bill, S. 632, with a time limitation thereon of 1 hour on the bill and 30 minutes on any amendment in the first degree. Yea-and-nay votes will occur.

On Tuesday the Senate will complete its consideration of the highway bill, and there will be yea-and-nay votes thereon. There is a time agreement on the bill and on amendments thereto.

EXPRESSION OF APPRECIATION

Mr. President, I do not believe I have forgotten anything. A whip notice will be gotten to Members on my side of the aisle forthwith.

I express appreciation to the pages, to the aides of the Senate, all the people at the desk, to my colleagues and our friends of the fourth estate for their patience.

ADJOURNMENT UNTIL 9 A.M., MONDAY, SEPTEMBER 18, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 9 a.m. on Monday next.

The motion was agreed to; and at 5:25 p.m. the Senate adjourned until Monday, September 18, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15 (legislative day of September 12) 1972:

U.S. POSTAL SERVICE

Frederick Russell Kappel, of New York, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1974, vice Theodore W. Braun, resigned.

Robert Earl Holding, of Wyoming, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1973, vice Frederick Russell Kappel.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15 (legislative day of September 12) 1972:

UNITED NATIONS REPRESENTATIVES

The following-named persons to be Representatives of the United States of America to the 27th session of the General Assembly of the United Nations:

George Bush, of Texas.
Christopher H. Phillips, of New York.
Jewel Lafontant, of Illinois.

The following-named persons to be Alternate Representatives of the United States of America to the 27th Session of the General Assembly of the United Nations:

W. Tapley Bennett, Jr., of Georgia.
Julia Rivera de Vincenti, of Puerto Rico.
Gordon H. Scherer, of Ohio.
Bernard Zagorin, of Virginia.
Robert Carroll Tyson, of New York.

EXTENSIONS OF REMARKS

THE CASE FOR TAX REFORM

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ABOUREZK. Mr. Speaker, the topic of tax reform has generated a great deal of discussion. I have recently come across an item which makes a very interesting case for reform and I would like to share it with you:

THE CASE FOR TAX REFORM

It has been widely assumed that the extensive and highly complex Tax Reform Act of 1969 accomplished the fundamental reform which our federal tax system has for many years been recognized to require. Analysis of post-1969 data discloses, however, that the 1969 Act proceeded only a very small way down the road to reform; that serious inequities continue to pervade our federal income, estate, and gift tax laws; and that the case for reform remains very strong.

A. WEALTHY INDIVIDUALS WHO PAY NO TAX

Perhaps the single most important event leading to the broad scale public demand for tax reform in 1969—and thereby to the enactment of the 1969 Tax Reform Act—was the disclosure, by then Secretary of the Treasury Joseph Barr, that in 1967 155 Americans realized adjusted gross incomes of over $200,000 without paying federal income tax, and that 21 of these individuals had incomes exceeding $1 million and still paid no federal income tax.

Data for the first year of operation of the 1969 Tax Reform Act indicates the same phenomenon persists despite the 1969 reforms. In response to a Congressional inquiry, the Treasury Department recently stated that, according to its preliminary figures, in 1970 112 individuals had adjusted gross incomes exceeding $200,000 and paid no Federal income tax. Of these persons—"taxpayers" is hardly an appropriate label—3 filed returns showing adjusted gross incomes in excess of $1 million but no liability for tax.

While these statistics provide a dramatic illustration of the departure of the income tax structure from its essential objective—the raising of revenue in accordance with the ability of taxpayers to pay—they represent only the tip of a very large iceberg. In the first place, they include only individuals who file federal income tax returns showing adjusted gross incomes in excess of the $200,000 and $1 million levels. Important tax preferences in the present Internal Revenue Code exclude certain classes of income from the definition of "gross income" altogether. An example is the tax exemption for interest on state and municipal bonds. Because of the exemption, income from this source does not appear in the figures on "adjusted gross income." Indeed, taxpayers whose income stems entirely from this source need not even file federal income tax returns; and they do not appear in the statistics noted above. A well-known case is the Michigan widow whose entire fortune was invested in municipal bonds and who for a number of years realized annual income in excess of $5 million without incurring any federal income tax liability.

More important than the tax preferences excluding income items from "gross income" are those which result in reduction of a taxpayer's "adjusted gross income" by means of special deductions. Intangible drilling and development costs of oil and gas exploration are in this category. So are the deductions permitted by the percentage depletion allowance. Here also are found the deductions for real estate depreciation, which provide a major tax shelter. Because deductions of these kinds reduce taxpayers' adjusted gross income—the figure upon which the Treasury's statistics are based—they can prevent the statistics from including many individuals who in fact have large real incomes but pay no tax.

As a result of these deficiencies, the Treasury statistics for 1970 undoubtedly considerably understate the total number of such individuals. More important, because the statistics reflect only the number of individuals who pay no federal income tax whatever, they provide no measure of a much more serious and widespread problem—the payment, by high income individuals, of amounts of federal income tax which constitute a very small proportion of their incomes. For an understanding of the character and extent of this latter problem, we must look to a different class of data.

B. EFFECTIVE RATES OF INDIVIDUAL INCOME TAX

One gains a more accurate and comprehensive understanding of the impact of the various tax preferences now incorporated in the individual income tax from an examination of the actual effective rates of tax paid by various classes of taxpayers.

The statutory rate schedule for the individual income tax has a sharply progressive structure. The tax rates rise from 14 percent to 70 percent. For married taxpayers filing joint returns, the 14 percent bracket applies only to the first $1,000 of taxable income; the 70 percent bracket applies to all taxable income in excess of $200,000.

Data on the rates of tax which taxpayers really pay manifests a marked departure from the statutory rates. Statistics published by the Treasury Department in 1969 indicate that, at 1969 income levels, 28.2 percent of the tax returns showing "amended taxable income" between $500,000 and $1 million paid tax at effective rates of no more than 25 percent.[1] 58.2 percent of the taxpayers in this income range paid tax at effective rates of no more than 30 percent.

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[1] Tax Reform Studies and Proposals, U.S. Treasury Department, Joint Publication of the Committee on Ways and Means of the U.S. House of Representatives and Committee on Finance of the U.S. Senate, February 5, 1969 (Part 1), page 80. "Amended taxable income: is taxable income revised (a) by certain deduction changes and (b) to include excluded capital gains, tax-exempt interest, and the excess of percentage depletion over cost depletion.

Comparable data is not yet available for the first year after the Tax Reform Act of 1969 became effective. However, analysis of the data in light of the specific reforms contained in the 1969 Act suggests that post-1969 statistics would not show substantial deviations from the figures set forth above.

A study recently completed by Joseph Pechman and Benjamin Okner of Brookings affords additional evidence for the conclusion that the upper ranges of the individual income tax system possess very little real progressivity.

Computing the federal income tax paid under existing law by all classes of individuals as a percentage of so-called "expanded adjusted gross income," the study finds effective tax rates rising from .5 percent (for the first $3,000 of income) to 29.5 percent (for expanded AGI from $100,000 to $500,000), 30.4 percent (for expanded AGI of $500,000 to $1 million), and 32.1 percent (for expanded AGI of $1 million and over).[2] This data is based upon projections of 1972 income levels and computations of tax under the law as amended both by the Tax Reform Act of 1969 and by the Revenue Act of 1971. Here again, then, one finds clear evidence that the 1969 Act did little to improve the progressivity of the upper ranges of the individual income tax. To put the matter somewhat differently, the fundamental goal of the income tax system—to correlate taxes paid with ability to pay—remains unrealized despite the 1969 Act.

C. IMPACT OF 1969 ACT ON ILLUSTRATIVE CASES

The Treasury Tax Reform Studies and Proposals, published in early 1969 and providing much of the background material for the 1969 Tax Reform Act, described 11 specific cases of high income individual taxpayers who were making use of the preferential provisions of the Internal Revenue Code to pay little or no federal income tax. The minor effect of the 1969 Act can be seen by comparing the results of the post-1969 law in these cases with that of the pre-1969 law.[3]

One of the Treasury cases concerned a taxpayer with income of $935,781, consisting largely of capital gains, dividends, and interest. Under the pre-1969 law this individual paid tax at an effective rate of 14.7 percent. Under the post-1969 law he would pay tax at 17.5 percent—bringing him to an effective tax rate of 0.5 percent less than the rate applicable to persons with income of from $20,000–$50,000 in 1966.

A second Treasury case concerned an individual with income of $1,284,718, composed almost entirely of capital gains. Under the pre-1969 law, his effective rate of tax was 0.03 percent. Under the law applicable to 1971, his effective tax rate would be 8.5 percent—hardly a dramatic increase if one bears in mind that persons having income of less than $5,000 in 1966 paid tax at an average effective rate of 7.4 percent.[4]

A third case described in the Treasury Studies concerned a taxpayer with $1,469,179 of income from oil and gas, $673,390 of long-term capital gains, and $118,393 of dividends, interest, and miscellaneous income. Under the pre-1969 law, he paid no federal income tax. Under the post-1969 law, his effective tax rate on his $2,260,962 total income would be 6.7 percent. That rate is less than half of the 14 percent rate which applies to the first $1,000 of the average working man's taxable income.

One should note that, if anything, these illustrations understate the tax avoidance possibilities which remain in the post-1969 income tax law. The computations here assume continuation of the same investment patterns which the taxpayers had chosen under pre-1969 law. The 1969 Act made some of the tax preferences outlined here less advantageous, but it left a number of other tax preferences untouched; it opened several new loopholes; and the Revenue Act of 1971 opened still others. Presumably, sophisticated upper-bracket investors will shift their investment patterns to take advantage of these new possibilities—and thereby avoid or reduce the effect which the computations above suggest for the 1969 Act.

Two hypothetical examples are useful to make clear the tax avoidance possibilities which remain in the law after the 1969 Act.

X has $1 million of tax-exempt interest, $200,000 of dividend income, $100,000 of deductible charitable contributions (including $60,000 of appreciation in donated property), and other personal deductions, including interest, of $100,000. Under the present Internal Revenue Code—including the 1969 amendments—X will pay no federal income tax or minimum tax on his total income of $1,260,000.[5]

Y is a married taxpayer with $300,000 of long-term capital gains, $100,000 of dividends, $50,000 of salary, $50,000 of tax-exempt interest, $200,000 of income from oil and gas production, $100,000 of percentage depletion in excess of cost, $250,000 of intangible drilling and development costs, $100,000 of real estate losses attributable to accelerated depreciation, $25,000 of deductible charitable contributions (including $10,000 of untaxed appreciation), and $25,000 of other personal deductions. Under the present income law, Y will have no taxable income. He will pay a minimum tax of $32,000, making his effective federal income tax rate 4.5 percent on total real income of $710,000.

D. THE MARKET FOR TAX SHELTERS

A difference class of evidence further demonstrates the subsisting need for reform of the income tax system. An active and vigorous market in tax shelters—devices by which high income individuals shield their incomes from tax—continues despite the 1969 Act. Corporate executives, doctors, lawyers, other high income individuals, and their tax and financial advisers are bombarded by a steady stream of sales literature advertising tax shelter arrangements. The advertisements are attractively packaged, with colorful illustrations and glossy paper; and their tax advice is, unfortunately, largely sound.

One such brochure, addressed to "Mr. and Mrs. Fortunate Participant" and prefaced with the observation that its information will be of interest only to persons in the 50 percent or higher tax brackets, tells the reader that he may "convert a portion of [his] tax burden into an investment which will provide potential income and the creation of a capital asset." It proceeds to describe, in clinical detail, how high income individuals can utilize cattle feeding, oil and gas, cattle breeding, and real estate investments to avoid tax.

A second pamphlet urges investors to "Put tax dollars to work for *you*" by investing in an oil and gas drilling program.[6] It explains:

"Individuals in high tax brackets can utilize the Drilling Fund to shelter part of their income from taxes, starting in the year of investment and continuing as long as oil and gas income is received. Much of their investment in the program is made with dollars that would otherwise be paid in taxes to state and Federal governments. Higher income tax brackets enable Limited Partners to enjoy greater tax savings than would be possible in lower tax brackets. . . ."

An advertisement for a tape cassette entitled "The Big, New Tax Benefits of the Revenue Act of 1971" helpfully addresses itself to such topics as "The better-than-ever '7% investment credit' that actually lets you pay less than the price-tag on new and used equipment"; "The revolutionary, new 'Class Life' depreciation system that pumps extra-$$$ back into your business"; "How to cope with the new law crackdown on family income splitting strategies"; and "How to create a 'Domestic International Sales Corporation' (DISC) and cash in on this new tax-shelter for export profits."[7] A summary explains:

"With this quick-listening cassette you'll cut straight to the core of great new tax benefits. You'll see how you can profit from brand-new tax credits and shelters . . . get the most out of increased deductions and exemptions . . . make powerful, new tax moves to put yourself $$$ ahead in 1972."

An advertisement for a program on "Tax Sheltered Investments," to be held in New York, San Francisco, and Houston in March and April of this year, explains that the program's objective is "to explore and evaluate the numerous investment opportunities which offer the investor reduced or deferred tax liabilities under current Internal Revenue Service regulations." Noting that "Tax sheltered investments are by definition complicated," the brochure points out that a special "faculty of tax, legal, accounting, investing, and operating management experts will work with you to clarify the possibilities for profitable participation in this field."

The examples could be multiplied almost without limit. The lesson is clear: brokers and dealers in tax shelters are thoroughly aware of the tax avoidance devices which remain available after the 1969 Act, and they are doing all they can to bring that information to the attention of high income taxpayers.

E. THE CORPORATE INCOME TAX

The departure of our income tax system from the measurement of taxes according to ability to pay is not confined to the individual income tax. It extends also to the corporate income tax.

The 1969 Tax Reform Studies and Proposals contained statistics, based on 1965 data, comparing the effective tax rates of various industries.[8]

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[2] See "Why Are Income Tax Rates So High?" by Joseph A. Pechman and Benjamin A. Okner, Brookings Institution, Statement prepared for Hearings of Joint Economic Committee on the Economics of Federal Subsidy Programs, January 14, 1972, Table 1, page 13. "Expanded AGI" includes certain items of income (such as imputed rent on owner-occupied dwellings) which would not be included in income under the tax reform program outlined in Part III of the present paper. If these items were excluded from "expanded AGI," the effective tax rates for law and middle income individuals would be substantially increased, but the effective rates for high income individuals would remain at approximately the same levels.

[3] We have prepared a memorandum explaining the details of the application of the post-1969 law to these cases. Because of the length of the present paper, we have not appended it. However, it is available for use if and when necessary.

[4] For 1972 and subsequent years, this taxpayer's effective rate would be elevated slightly, to 12.6 percent.

[5] This example and the following one include untaxed appreciation on property donated to charity as an item of income.

[6] Emphasis is that of the original.

[7] Emphasis is that of original.

[8] For purposes of this computation, corporate net income was determined after disallowance of excess percentage depletion, the tax-exemption for state and municipal bond interest, excess bad debt deductions, excess depreciation on buildings, excess exploration and development costs, intangible drilling and development costs, the Western Hemisphere Trade Corporation deduction, and the special treatment of capital gains.

In comparison with the average effective tax rate of 43.3 percent paid by manufacturing industries generally, the petroleum industry paid 21.1 percent, other extractive mineral industries paid 24.3 percent, the lumber industry paid 29.5 percent, commercial banks paid 24.4 percent, mutual savings banks paid 5.3 percent, and savings and loan associations paid 14.4 percent.

Although the Tax Reform Act lowered the percentage depletion deduction from 27.5 percent to 22 percent and restricted certain other corporate tax preferences, it did nothing to the exploration and development deduction, the deduction for intangible drilling and development expenditures, tax-exempt interest, capital gains treatment for timber, and the Western Hemisphere Trade Corporation deduction. Furthermore, the investment credit was re-enacted in 1971; the 1969 Act reforms for accelerated depreciation on residential rental property were quite minor; and the phase-out of excess bad debt deductions for banks does not really begin until 1976 and lasts until 1988. Accordingly, while the industry effective rate percentages described above may have increased slightly for the petroleum industry, the effective rates for 1972 should reflect approximately the same industry-to-industry variances which were present before the 1969 Act.

ESTATE AND GIFT TAXES

Like the income tax, the federal estate and gift tax system badly needs reform. The Tax Reform Act of 1969 did not deal with the estate and gift tax laws. Indeed, those laws have not been comprehensively reviewed for 30 years. They include broad avenues for the avoidance of tax in the transfer of wealth. By reason of such devices, estates of many millions of dollars can in some cases be conveyed from one generation to the next entirely without the payment of estate or gift tax. In other cases, very large aggregations of wealth are transferred at effective tax rates which are a fraction of those applicable to much smaller estates.

SUBSIDY IS NOT A FOUR-LETTER WORD

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ALEXANDER. Mr. Speaker, subsidies are a part of our everyday life, so much so that we often do not realize they exist. College educations, the Postal Service—which allows us to receive our periodicals and newspapers at lower costs—and certain aspects of the transportation industry are just a few of the Government subsidized activities which we encounter daily. We take these services for granted and seldom criticize them, at least for their subsidizing. Yet if anyone mentions the word subsidy in connection with "farm," the connotation immediately changes and in the minds of too many people, this seven-letter word becomes a four-letter one.

In response to a recent editorial in the Washington Post, one of my constituents and friends, Chauncey Denton, chairman of the National Cotton Council's Producer Steering Committee wrote this letter to the editor which I want to share with you here:

AUGUST 18, 1972.

The EDITOR,
The Washington Post,
Washington, D.C.

DEAR SIR: With reference to your editorial of August 11, "Farm Subsidies: Another Harvest for the Rich", I am reminded that with variations of facial expressions and the tone of one's voice, a spoken word can convey many different meanings. In a like manner your editorial writer has used the written word to cast a shadow on the integrity or any larger farmer who was forced because of economic reasons to decrease the size of his farming operation after the application of a limitation of price support payments in the Agricultural Act of 1970.

A predominantly urban Congress still recognizes the need for farm product price support to the American farmer, who has to buy in a "protected" market inside these United States and yet must sell at world market prices. And for political and emotional reasons a payment limitation was added to "get at" the larger farms. Since the proceeds of cotton from the open market are less than the American cost of production, what choice did the larger operator have but to lease out that portion of his farm on which he could not produce for a profit? We have on hand this day the smallest supply of cotton that we have had in two decades! The U.S. consumer should be glad that the larger farms did lease out many cotton acres; otherwise cotton might have entered the luxury class in availability.

Your writer proposes a further reduction in the payment ceiling. The taxpayer will save tax money only at the expense of reduced production and reduced supplies. The death of a cotton industry could be the result. Is this what your writer really wants?

I continue to be perplexed by the focus of the press on farm subsidies while accepting without prejudice a gamut of other subsidies in our society. We have had tariffs almost since our founding to protect industry; and subsidy-like programs have helped develop U.S. banks, housing groups, colleges, airlines, merchant fleets, etc. Our written news media participate in a postal subsidy in the distribution of their newspapers and magazines through the mail. And yet no one proposes to limit you to a certain amount of mailed newspapers or magazines, and no one proposes (for instance) to limit General Motors or Ford to the number of vehicles on which they will get tariff protection.

I am not trying to be critical of tariffs and other subsidies, as they have helped the development of many of our industries. And trade unions have helped the lot of the working man. But the farmer—of all major—economic groups—is without a broadly effective means of advancing his objectives in the arena of supply and demand. The farmer has no means of organizing effectively to regulate prices and production, as industries, labor, and the professions do. So he has to depend on government sponsored farm programs, the two basic goals of which are fair income for farmers and a balanced abundance for consumers. There is no contradiction between the two; both goals must be simultaneously achieved. A farm policy which sought one and not the other would be unrealistic. A farm policy which achieved one and not the other would be a failure. And I believe it can be demonstrated to you that you cannot successfully maintain a farm program if you deny admittance of your larger farms by an arbitrary payment limitation.

The complexity of this farm problem defies adequate treatment in a letter. There is an old expression that "Depressions are farm bred and farm fed". We need to meet this problem with wisdom and understanding.

Very truly yours,

C. L. DENTON, Jr.

A 13-YEAR-OLD EXPERIENCES AGNES FLOOD DISASTER

HON. GOODLOE E. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. BYRON. Mr. Speaker, last June, the east coast suffered one of its worst flood disasters in history. Among the many areas experiencing severe damage in the Sixth Congressional District of Maryland was the town of Keymar in Carroll County. I thought you might be interested in reading a personal account of the experiences of 13-year-old Henry Deturler of Carbondale, Ill., who was visiting with relatives in Keymar at the time:

THE FLOOD

I was visiting with my grandparents at Keymar, Maryland from the 15th to the 30th of June.

On June 21, 1972, we couldn't play outside because it was pouring rain. Before we went to bed, Jamie placed an orange garden cart on the sidewalk in front of the cellar. He did this so we could see how much rain had fallen the next day.

A few minutes after 4:00 a.m. I was awakened by voices downstairs. I laid around for awhile wondering whether the creek had flooded. I was becoming so curious that when the doorbell rang a few minutes later I lost no time rushing downstairs and answering it. It was Mr. Deal who had come to tell Granddad that his car had to be moved.

As soon as he left, I turned on the porch light and I saw that the creek had risen to not less than two feet under the porch floor boards. The water was rushing at a tremendous speed through the meadow in front of the house.

When Jamie and I were both dressed we went out on the brick porch and looked down the stairs into the cellar. The electricity was still working although we expected it to fail any moment. Grandma's kiln was floating as were a number of other things.

It was still dark and raining when a neighbor in a yellow raincoat came and offered to take us in. Grandma declined so we went back to our watching. We were not allowed to go back on the porch though, because of the danger that it might be washed away. Grandma cooked up some oatmeal and all of us listened to the 6:00 a.m. news on the radio.

The water was slowly rising. We could see it on the steps beside the porch and on the wooden ones in the cellar. Beside the porch it was lapping the last step and in the cellar it had four more to go.

It was getting light and we could see the trees and logs floating past the porch. One could see the garage roof and a bit of the poles jutting out of the water. Logs and firewood and pieces of shed were piling up against its wooden poles.

Grandma was worried about whether to leave or not, so when our neighbors offered again to take us in, she accepted.

In the morning it was still raining, but nearly as hard. After eating breakfast we went out and looked around. We looked first at the garage. It had about a foot or two of rock washed out of it and deposited against the cement barrier. One of the poles that support the roof was laying in the middle of the garage. Several others were leaning precariously to the left. The rushing water had piled about a ton of wood against three or four of the poles at one corner of the garage.

Next we looked at the old bridge. The flood waters had washed away most of the weeds that covered the asphalt. They had also carved out a section of the bridge and where our garden tool shed once stood were three layers of asphalt. One of the many tool sheds that went astray was smashed against some of the trees on the bridge. When it was pulled down Mr. Wolfe the owner of it found a lot of his tools in between its boards.

There used to be a tool shed beside the garden. It was painted red and had windows and a floor. In it were two sets of snow tires, a gasoline tiller, two bicycles and a lot of garden tools. The flood washed the whole thing away down the creek. I can also say that I will probably never again lay my eyes on the orange garden cart that Jamie put out to see how much rain would fall that night.

CONGRESSMAN MINSHALL TO TAKE "TRAVELING OFFICE" TO 23D DISTRICT

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. MINSHALL. Mr. Speaker, it is my privilege and honor to represent the citizens of the 23d Congressional District of Ohio in the U.S. House of Representatives.

As the Representative of this outstanding district, I make every effort not only to keep well informed on the thinking of the people through personal contact, but also attempt to be of the greatest possible service to those who have problems involving Federal agencies. To help accomplish this, I maintain a year-round congressional office at 2951 New Federal Office Building in downtown Cleveland.

Throughout my nine terms in Congress I have made every effort to keep the people informed about the national scene. My newsletter, Washington Report, periodically summarizes major legislative activities of Congress and other issues facing the Nation. I also gain great insight into the viewpoints of those I serve through the Minshall opinion poll which, like the newsletter, is sent to every household in the district.

During my service in Washington, I have considered it of primary importance to be present at the Capitol whenever the Congress is in session in order to fulfill my heavy committee workload and to vote on important legislation. Because of intensive daily schedules on Capitol Hill and, with Congress in almost continuous session, I have not been able to return to Cleveland as often as I would like.

My Appropriations Committee assignments are particularly time-consuming. In addition to holding the demanding responsibility of top-ranking member of the Defense Subcommittee, I also serve on the important Transportation Subcommittee. These two assignments require many hours of work on an almost year-round basis as the national problems involved become increasingly complex.

Because so much of my time must be spent in Washington, I began the practice when I first came to Congress of setting aside a period during the year when I could tour the various communities in the district with a traveling office. This proved tremendously effective in getting together with those I represent. Unfortunately, congressional adjournment periods have been so brief in recent years that it has not always been possible to schedule these meetings at a mutually convenient time.

This year, however, I plan to take the traveling office to the district on October 19, 20, and 23, to meet personally throughout the area with everyone who wants to talk with me about issues of national concern, problems involving the Federal Government, or to meet those who would just like to get better acquainted.

I would like to emphasize that these are not group meetings—no speeches, no politics. These are individual conferences for constituents who want to privately discuss their views and problems with me.

No appointments are necessary and I not only welcome but urge citizens to meet with me on the date and at the scheduled location most convenient to them. All residents of the 23d District are cordially invited to attend.

I am very grateful for the fine cooperation of the city officials who are making meeting places available as an aid in rendering this public service.

Following is the traveling office schedule, listing times, and locations of the meetings:

COMMUNITIES, LOCATION, DATE, AND TIME (P.M.)

Parma, Parma Heights, Parma Memorial Hall, 6617 Ridge Road. Thursday, Oct. 19th. 2 to 4:30.

Westlake, Fairview Park, Olmstead Township, North Olmstead, Bay Village, Westlake City Hall, Dover Center Road and Hilliard Blvd. Thursday, Oct. 19th. 6:30 to 9.

Lakewood, Rocky River, all of Cleveland Ward 1; Precincts A, D, E, G, H, P, Q, S, T, W in Ward 4; Precincts A, B, F, G, L, M, N, O, W, X, Y, in Ward 7. Lakewood City Hall, 12650 Detroit Avenue. Friday, Oct. 20th. 2 to 4:30.

Strongsville, Middleburgh Heights, North Royalton, Berea, Olmstead Falls. Strongsville City Hall, 18688 Royalton. Friday, Oct. 20th. 6:30 to 9.

Brecksville, Broadview Heights, Brooklyn Heights, Independence, Seven Mills, Brecksville City Hall, 9069 Brecksville. Monday, Oct. 23rd. 2 to 4:30.

Bedford, Walton Hills, Valley View. Bedford City Hall, 65 Columbus St. Monday, Oct. 23rd. 6:30 to 9.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,757 American prisoners of war and their families.

How long?

TAX REFORM PROPOSALS

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ABOUREZK. Mr. Speaker, previously I inserted an article entitled, "The Case for Tax Reform." Today I would like to look at a continuation of the article which makes some specific suggestions for reform.

The article follows:

II. REFORM PROPOSALS

The following proposals to plug tax loopholes have been made by Senators Church, Eagleton, Harris, Hart, Hughes, Humphrey, Kennedy, McGovern, Metcalf, Mondale, Muskie, Nelson and Tunney. They are included in the Nelson Tax Reform Bill which was introduced March 21, 1972.

1. INTEREST ON STATE AND MUNICIPAL BONDS

a. *Issue*—Unlike any other form of interest—including interest on obligations of the federal government—interest on state and municipal bonds is exempt from all federal income tax. The exemption is defended as a means of helping state and local governments raise revenue at low cost because the exemption of the interest on such bonds results in their being marketable at substantially lower interest rates than comparable grades of taxable federal and corporate bonds.

However, the saving in interest costs to state and local governments is only about 70% of the revenue loss to the federal government, with 30% of the funds going to high income individuals who invest in tax exempt bonds. Because the tax advantage of the exemption is greatest for those with the highest incomes—and because low and moderate income taxpayers do not have the funds available for investment in such bonds—the exemption benefits upper-income taxpayers almost exclusively.

b. *Proposal*. States and municipalities would be given the option of issuing taxable bonds. To those that do, the federal government would pay a subsidy equal to 50% of the interest rate of the taxable bonds. With the interest subsidy fixed at 50%, states and municipalities would likely move entirely to the issuance of taxable bonds.

c. *Revenue*. The proposal would have little overall revenue effect for the federal government, the subsidy to state and local governments being perhaps somewhat in excess of the revenue realized by taxing the bond interest; but the proposal would generate an additional $690 million for state and local governments annually.

2. INTANGIBLE DRILLING AND DEVELOPMENT COSTS

a. *Issue*—Most of the costs incurred in drilling oil and gas may be deducted in full in the year incurred. In contrast, the cost of constructing buildings and other capital assets must be capitalized and can be recovered only through depreciation over what may be extended periods of years.

Using the combination of percentage depletion and intangible drilling and development deductions, an investor in oil and gas can avoid federal income tax indefinitely. The investor first spends enough on drilling and development to offset his current income. When the wells reach production, the income from them is partially offset by percentage depletion, and the remaining portion can be offset by additional expenditures for intangibles.

b. *Proposal*—Require the capitalization of intangible drilling and development costs, and adopt a recapture provision, similar to that now provided for machinery, operative when oil properties are sold.

c. *Revenue*—$325 million.

3. ASSET DEPRECIATION RANGE SYSTEM

a. *Issue*—The ADR system which the Revenue Act of 1971 adopted for business plant and equipment permits businesses to compute their depreciation allowances by reference to general industry averages—entirely without regard to the actual useful lives of their own assets.

Second, ADR allows businesses to enlarge their depreciation deductions further by employing depreciation periods 20% shorter than the industry averages which, under prior law, were used as guidelines—and the prior guidelines were themselves quite liberal.

Third, ADR increases depreciation deductions still further by requiring future guideline lives to be determined by calculating overall industry replacement experience and then utilizing the figure representing the experience of businesses at the 30th—not the 50th—percentile.

The overall effect of ADR is to grant a major tax windfall to businesses which utilize depreciable assets with no significant benefit to the general economy.

b. *Proposal*—Repeal of the ADR system.

c. *Revenue*—$2.4 billion.

4. TAX TREATMENT OF REAL ESTATE

a. *Issue*—The present highly favorable tax rules for investors in real estate (such as apartment buildings) have made investments in such property one of the most broadly used tax shelter devices. Although depreciation in general is a means of recovering the capital costs of an asset as it is consumed in use, accelerated depreciation on real estate results in most of the property's cost being recovered in the early years of its life, while it is still in productive use and, in many instances, while it is increasing in value.

Furthermore, depreciation is computed on the full cost of the property, not the owner's equity interest. The result is that, with a large mortgage loan, accelerated depreciation permits the owner to recover not only his own cost but also the lender's—and to do so much faster than he is obligated to repay the lender.

In addition to the depreciation advantage, investment in real estate allows the deduction of interest and taxes incurred during the construction of a building. These provisions allow the current deduction of items that are essentially capital in nature as a tax shelter for income from other sources during a period when no income is being produced from the building.

b. *Proposal*—(1) Depreciation on all buildings should be limited to the straight line method; (2) Interest and taxes incurred during the construction phase of a building should be required to be capitalized; (3) The useful lives for buildings should be shortened.

As a corollary, a full recapture provision should be applied to the sale of buildings.

The federal government should accompany these tax reforms with direct assistance to stimulate the necessary investment in residential property.

c. *Revenue.*—The revenue yield of the tax reforms would be balanced by the cost of the direct programs proposed.

5. DOMESTIC INTERNATIONAL SALES CORPORATION

a. *Issue*—The DISC provision enacted last year permits the indefinite deferral of taxation of 50 percent of the income of a corporation engaged in selling goods for export, regardless of whether the export sales represents an increase over prior years' sales. In fact, the tax deferral is the rough equivalent of a tax exemption because tax is not payable as long as the DISC complies with certain requirements and the untaxed profits can be used in the business of the parent-supplier by means of loans from the DISC. The stated purpose of the provision is to encourage expansion of U.S. exports; but there is no factual evidence that the provision will expand exports, and the view of most economists is that it will not.

b. *Proposal*—Repeal of the DISC provisions.

c. *Revenue*—$170 million

6. INCOME OF CONTROLLED FOREIGN CORPORATIONS

a. *Issue*—By operating abroad through subsidiaries, U.S. corporations are able to obtain deferral of U.S. taxation of income which is retained in low-tax countries. In certain situations, Subpart F of the Internal Revenue Code taxes the undistributed profits of the foreign subsidiary to the U.S. shareholders; but this tax can be avoided by having the foreign subsidiary making certain minimum distributions to its U.S. shareholders. Consequently under present law U.S. businesses operating abroad through controlled foreign subsidiaries enjoy a major tax advantage which is unavailable to businesses operating only within the United States.

b. *Proposal*—Eliminate the tax deferral available to United States shareholders of controlled foreign corporations by extending the present provisions which tax U.S. shareholders on thier pro-rata share of certain classes of earnings of such corporations to encompass the full yearly profits of those entities.

c. *Revenue.*—$615 million.

7. DEDUCTION FOR STATE GASOLINE TAXES

a. *Issue*—Although the federal gasoline tax has not been deductible in computing federal income tax liability for many years, the comparable state gasoline taxes are deductible. Yet, like the federal tax, the state gasoline taxes are essentially user charges to finance streets and highways. Their deductibility for federal income tax purposes has the effect of shifting part of highway costs from the highway user to the general taxpayer. Elimination of the deduction would place that cost upon the persons who ought to bear it.

b. *Proposal*—Repeal of the present deduction for state gasoline taxes.

c. *Revenue*—$700 million

8. INTEGRATION OF ESTATE AND GIFT TAXES

a. *Issue*—Under present law, estates and gifts are taxed separately so that an individual may transfer portions of his wealth by gift during his lifetime, pay whatever gift taxes are due, and then have his remaining estate taxed without regard to the fact that a portion of his wealth has been transferred. The effect is to divide the individual's wealth and tax each part on a separate rate schedule with separate exemptions. Moreover, gift tax rates are lower than estate tax rates, and the gift tax itself is excluded from the estate. These features create substantial tax savings, particularly to the very wealthy, and the potential for savings through lifetime giving increases as the donor's wealth increases.

b. Proposal—The establishment of a unified gift and estate tax, making lifetime gifts and transfers at death subject to tax under one rate schedule with one exemption, which could be utilized during life or at death.

9. GENERATION-SKIPPING

a. Issue—The very wealthy are in a position to give property either outright or in trusts to distant heirs—grandchildren and beyond—so that the family's wealth is taxed only once every several generations, rather than once each generation as is more commonly the case for less affluent descendents. These arrangements substantially lessen the impact of estate taxes on the very wealthy and take a good deal of progressivity out of the system.

b. *Proposal*—A special tax imposed on generation-skipping transfers. In general terms, the tax would be levied in situations where property is transferred so as to avoid tax in one or more generations.

The following additional proposals were made by Senator Muskie in January, 1972, but were not included in the Nelson bill. Several received considerable attention during the primary campaign in the speeches of Governor Wallace and Senator McGovern.

10. INVESTMENT TAX CREDIT

a. *Issue*—Reenacted last year, the investment tax credit gives corporations and individuals investing in machinery and equipment a credit against their federal income tax of 7% of the cost of the machinery or equipment. While the investment credit has proved under certain economic conditions to be an effective tool for stimulating investment and economic growth, current studies show that it has failed to help the 1972 economy.

The Vanik study shows that the top 100 U.S. corporations, which have benefited most from the tax credit, actually provided fewer jobs as they expanded. In 1969, the sales for the top 100 manufacturing firms was $28.4 billion; in 1971 sales amounted to $31.2 billion—an increase of 12.5% in sales. But in these three years employment in the top 100 corporations dropped by 5.2%, or 500,000 workers. The last 100 companies on the Fortune list of 500—that is, companies 401 through 500—increased sales by 16% but also increased employment by 1.4%. In other words, those who benefited most from the tax credit contributed least to the revitalization of the economy.

b. *Proposal*—Repeal of the investment tax credit.

c. *Revenue*—$3.6 billion.

11. CAPITAL GAINS

a. *Issue*—Under present law, individuals who realize long-term capital gains are allowed a deduction of 50 percent of the total gains. Except for the minimum tax—a special 10 percent tax applicable in certain circumstances—the other half is tax-exempt.

Furthermore, a special maximum limitation of 25 percent is placed upon the tax rate applicable to the first $50,000 of a taxpayer's capital gains. Because the alternative tax applies only where it produces a lower tax than the 50 percent capital gains deduction, the alternative tax is advantageous only for taxpayers whose tax bracket is above 50 percent—only, that is, taxpayers in the very highest brackets.

The capital gains preferences permit taxpayers who have sufficient wealth to invest in capital assets to bear far less tax, for a given amount of income, than individuals whose economic circumstances prevent the accumulation of wealth and compel the realization of income in the form of wages, salaries, and the like.

b. *Proposal*—(1) Repeal of the provision permitting the first $50,000 of capital gains to be taxed at no more than 25 percent. (2) Requirement that individuals include 55 percent of capital gains in income in the first year and 60 percent of capital gains in income thereafter, rather than 50 percent as permitted under present law.

12. PERCENTAGE DEPLETION FOR MINERAL RESOURCES

a. *Issue*—For a whole range of minerals, the producer may deduct a flat percentage of the gross income from the sale of the minerals. In the case of oil and gas, for example, the percentage depletion allowances is 22 percent. This deduction is unique in the tax law because it does not require the taxpayer to expand or invest any funds. Every other business deduction provided by the Internal Revenue Code is limited either by the amount a taxpayer spends currently—as in the case of the deduction for ordinary business expenses—or the amount which the taxpayer previously invested—as in the case of the depreciation allowance for investment in a building or machinery.

b. *Proposal*—Uniform reduction of existing percentage depletion rates by 20 percent.

c. *Revenue*—$200 million.

13. CAPITAL GAINS TREATMENT FOR TIMBER

a. *Issue*—Growers of timber receive capital gains treatment from the sale of timber provided they retain an "economic interest" in the timber (requiring, generally, an arrangement under which the purchaser is allowed to cut a specific amount of timber from the property). In addition, businesses which grow timber for use in the manufacture of products, such as paper or furniture, can treat the cutting of the timber as a sale to themselves at the fair market value of the timber, thereby obtaining a stepped-up basis in the ultimate finished product at the favorable capital gain rates. In contrast, persons engaged in most other businesses are taxed at ordinary income rates on the sale of their products regardless of whether they retain an economic interest in the property producing the product—and they are taxed at ordinary rates on the full amount by which the sales proceeds exceed the cost of the goods sold.

b. *Proposal*—Repeal of both of the above provisions extending capital gains treatment to timber.

c. *Revenue*—$130 million.

14. GAINS AT DEATH

a. *Issue*—The existing income tax structure fails to tax unrealized gains in assets held by a decedent at his death while at the same time allowing a step-up in basis so that on a subsequent sale this portion of the gain is not taxable. Very large amounts of capital gains thus escape federal income taxation altogether under present law. For 1966, the figure was approximately $11 billion.

b. *Proposal*—A tax should be imposed on the appreciation in assets transferred at death, or by gift, with certain exemptions and exclusions. The tax could be made effective only as to appreciation occurring after the date of enactment. Further, by permitting every taxpayer a minimum basis for all his assets, the effect of the tax could be limited to decedents with assets having substantial aggregate value. The proposal would close the massive loophole in present law by which large amounts of appreciation in the value of investments escape income tax entirely.